



GREEN FOOTNOTES

COMMITTEE FOR GREEN FOOTHILLS www.GreenFoothills.org

FALL 2004

Open Space District expands to the Coast!

BY KATHY SWITKY

One of CGF's highest priorities over the last few years just became reality! In September, the Midpeninsula Regional Open Space District (MROSD) expanded its boundaries to include some 140,000 acres west of Skyline Boulevard on the San Mateo County Coast.

The MROSD expansion caps more than seven years of work by Committee for Green Foothills and many other activists to protect our fragile coastal resources and working farms. This is a major win for agricultural lands and coastal open space.

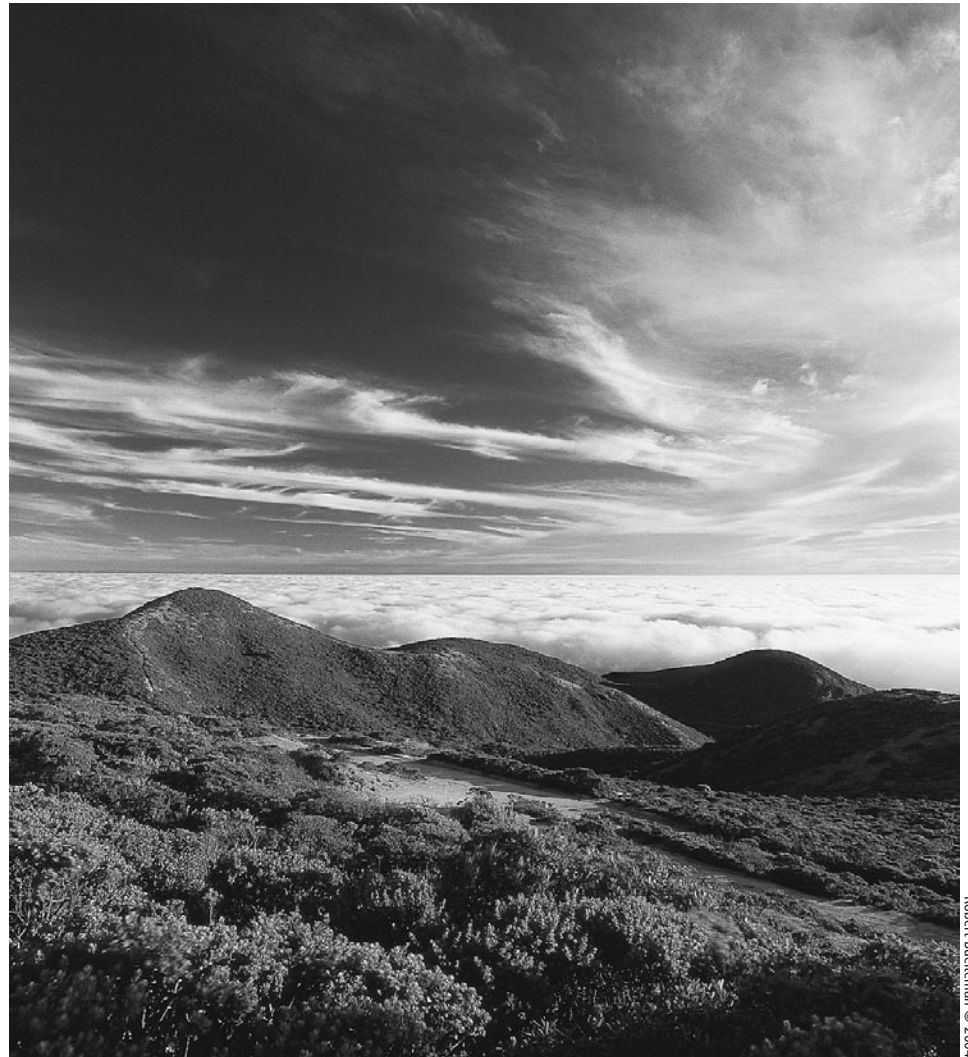
We owe a huge debt of gratitude to the many citizen activists who have spoken up at hearings, written letters, sent postcards and been involved in this process for many years. Thanks to the continued leadership of CGF Legislative Advocates April Vargas and Lennie Roberts, COSA spokesperson Zoe Kersteen-Tucker and many other volunteers throughout the community, we have set the stage for coastal open space protection for future generations.

District expansion means MROSD can purchase land

San Mateo County's Local Agency Formation Commission (LAFCO), which oversees all changes in boundaries for all special districts, filed a Certificate of Completion on the annexation in September to complete the deal. Now the District can begin to purchase lands from willing sellers and create public open space preserves on the Coast.

Protest attempt failed

Although the LAFCO board gave final approval to the boundary expansion in April, a small but vociferous group of opponents protested the decision and attempted to bring the expansion to the ballot once



Robert Buileman © 2004

The 32-year old Midpeninsula Regional Open Space District can now purchase land on the San Mateo County Coast and establish open space preserves for public enjoyment.

again by collecting voter signatures on protest forms. When the County Elections Division found that the number of valid signatures fell short of the number needed to force an election, opponents requested a restraining order on the process. In fact, the submitted signatures included numerous forms that were invalidated: duplicates, signatures from non-registered voters and

forms submitted by those residing outside the area.

Once San Mateo County Superior Court Judge Carl Holm lifted the temporary restraining order on the expansion, the process moved forward, as supported by a majority of coastal residents. Open

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COMMITTEE FOR GREEN FOOTHILLS

Committee for Green Foothills is a grassroots 501(c)(3) nonprofit organization working to establish and maintain land use policies that protect the environment throughout San Mateo and Santa Clara Counties.

Founded in 1962, Committee for Green Foothills is leading the continuing effort to protect open space and the natural environment of the Peninsula and Coast. Through grassroots education, planning and legislative advocacy, CGF works to protect and preserve our local natural resources, views and open space.

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BY TOM CRONIN

One of the things that continues to amaze me about Committee for Green Foothills is the strength of our community.

Two hallmarks of the CGF community are continuity and persistence. Since our organization has been around for some 42 years now, we are all accustomed to enjoying the results of our predecessors' hard work. We have them to thank for our beautiful foothill vistas and stunning coastsides landscapes — and good zoning regulations and open space districts that will help protect them.

Land use advocacy is by nature an exercise in long-term planning. We're fortunate to have a community of dedicated activists who work tirelessly for the duration. Recently we've seen two particularly long-term projects come to conclusion, something we find particularly satisfying.

Our long-running battle to support an environmentally sound solution at Devil's Slide is reaching a conclusion; the California Coastal Commission resolved two outstanding appeals on that project recently. In the words of our San Mateo County Advocate, Lennie Roberts, 'Yippee!' Lennie and CGF have worked on this project for more than three decades now, and we eagerly await the tunnel groundbreaking next spring.

Another big, historic win came in September when the San Mateo County Local Agency Formation Commission issued a Certificate of Completion for the annexation of the coastal area into the Midpeninsula Regional Open Space District (MROSD). CGF was instrumental in helping to found MROSD in 1972, and we are thrilled that the district now has the opportunity to purchase and protect lands on the Coast for the public to enjoy.

Neither of these results would have happened without the unrelenting work of CGF's staff, board and supporters to protect and preserve open space in our region.

Our community is also known for being collaborative. We work closely with other like-minded environmental groups to ensure that we have all the bases covered—and that we col-

laborate when it's helpful.

For example, Committee for Green Foothills has worked closely with the Sierra Club, Audubon Society and Greenbelt Alliance to develop a joint position on the housing/jobs imbalance and a plan to preserve working farms in Coyote Valley. Together, we wrote to the City of San Jose and the Coyote Valley Task Force to express our shared concerns.

By collaborating, we can amplify our voice so that it can reach and influence decision-makers in San Mateo and Santa Clara Counties.

Speaking of voices, we've just developed a new way to communicate: a weblog (blog) on our website. We hope to start a dialogue with you and other area residents and activists on a variety of open space topics. Check out our blog at www.GreenFoothills.org/blog, and share your thoughts with us.

As much as we like technology, there is just no substitute for community live and in person. More than 300 of you joined us in October to celebrate the arts at our *Nature's Inspirations* event—a truly inspiring exhibition by twelve talented painters.

An event of this magnitude is possible only with a strong community. Thanks to our board, sponsors, event committee, staff, volunteers, artists and attendees who made the event successful.

And, of course, the CGF community is also incredibly supportive. As we approach the end of 2004, our annual year-end campaign is in full swing. This is the time of year when we ask everyone in our community to support the Committee for Green Foothills. Because CGF is now a 501(c)(3) nonprofit, all of your donations are tax-deductible.

CGF is proud of its 42-year history of regional grassroots environmental activism supported by a strong base of donors. Individuals like you provide well over 85% of our operating funds, for which we are deeply grateful.

Together, we have many more opportunities to protect and preserve open space and natural areas on the Peninsula, Coast, and South Bay. We are excited about our recent successes, and look forward to many more with your continued support of the Committee. **CGF**



Craig Breon

The owner of Sargent Ranch (above) has made a deal with a local Native American group to sell the tribe 3,500 acres, then lease back most of it in an effort to skirt Santa Clara County's land use regulations.

Native American rights and environmental responsibilities

BY BRIAN SCHMIDT

In southern Santa Clara County, two Native American groups, split with internal dissension, are involved in murky relationships with developers that could result in loopholes for development that bypasses local land use protections. Although this is a local problem, it reflects a broader statewide issue.

Key to all of this is that land owned by federally recognized Native American tribes is subject to federal control and is exempt from city and county land use regulations. In California, this is significant, for much of our environmental protection occurs at city and county levels.

Developers are seizing this opportunity to bypass environmental protection. For CGF, managing this situation involves

understanding both Native American rights and our environmental responsibilities.

The casino: location, location, location

A federally recognized tribe of Miwoks is proposing to build a casino in rural San Benito County, just across the county line from Santa Clara County. As an environmental organization, Committee for Green Foothills takes no position on the value of casino gambling. We do, however, generally oppose giant facilities that attract large numbers of people and lots of traffic, located on the rural outskirts of a highly populated region.

An analogy could be made to big-box retail development in Gilroy, which is destroying the last agricultural stronghold in Santa Clara County and increasing pres-

sure to widen highways. Even worse, rural casinos tend to attract resort development, with golf courses and expensive second homes that do nothing to reduce housing shortages and housing prices.

The tribe under discussion, the California Valley Miwoks, formerly known as the Sheep Ranch Rancheria of Mi-Wuk, has only five members, one of whom opposes the casino and claims to be the authentic chairman. Their historic connection to the local area is tenuous at best; they last owned land in the Sierras. And their plan is opposed by the local Native American people who actually live in the area, the Amah-Mutsun.

There are clearly many reasons to oppose this particular casino in this particular place. The possibility that the California Valley Miwoks are not actually controlling the whole process is particularly jarring. A recent press conference to announce the casino location was attended by local developers and a Maryland-based lawyer, but no Miwoks. It is not even clear whether any of

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Power lines undergrounded throughout majority of new route

Edgewood, watershed and San Bruno Mountain spared

BY KATHY SWITKY

Over the past year or so, the California Public Utilities Commission (PUC) has been studying various routes for the proposed new PG&E Jefferson-Martin Transmission Line to meet increased demand and avoid outages on the Peninsula.

Well into the process, the Committee and others were successful in getting the project revised so that the southern 10 miles of the project brought the new 230-kilovolt power lines underground, protecting sensitive habitat and viewsheds in Edgewood County Park and Natural Preserve and the Peninsula Watershed.

Along the northern segment of the route, however, plans for larger transmission towers threatened San Bruno Mountain State Park.

This August, we met with success. The PUC's final decision adopted the position advocated by Committee for Green Foothills and others. Throughout the new route, lines will be undergrounded under existing roads, except for a three-mile section north of Trousdale Drive in Burlingame and west of 280, where the lines will follow the existing route.



San Bruno Mountain

Photo courtesy San Bruno Mountain March

In areas where the new lines are near residences, the PUC directed that they be buried 11' underground (rather than the standard 7') to reduce exposure to electromagnetic fields.

CGF activists, along with the National Park Service, Fish and Wildlife Service,

Friends of Edgewood Park, People for a Golden Gate National Recreational Area, and a number of other environmental organizations all helped the PUC and PG&E make an environmentally-sound decision.

Thanks to all who spoke up! **CGF**

MROSD, from page 1

space opponents have indicated that they will continue to pursue a lawsuit opposing the now-completed expansion, but we expect that their efforts will continue to fall short.

Next steps for District will continue to involve the public

MROSD is now in the process of soliciting public input to determine how to realign the boundaries of the district's seven wards so that Coastside constituents are represented on its elected Board of Directors. The Open Space District also committed to

update its Good Neighbor Policy and appoint an Ombudsperson to help maintain positive relations with constituents and neighbors.

CGF will remain abreast of this work to ensure that the process involves local citizens during the implementation of the District's Coastal Protection Program.

CGF integral in formation of district as well as expansion

This is the second major boundary expansion for the District, which was formed in northern Santa Clara County in 1972, thanks to the vision of a group of CGF members and other Peninsula resi-

dents. The Midpeninsula Regional Open Space District was created as an independent special district operating exclusively in Santa Clara County.

Four years later, MROSD's boundaries were expanded to include southern San Mateo County. Today MROSD manages nearly 50,000 acres in 26 public open space preserves. The addition of the San Mateo County Coast to the district will allow MROSD to purchase, permanently protect, and restore open space and agricultural lands on the Coast.

We look forward to the time, we hope very soon, when all of us will be able to enjoy new public preserves on the Coast. **CGF**

State high-speed rail system held up by flawed environmental report

Revised report to study impacts of all potential routes

BY KATHY SWITKY

As the French and Japanese bullet trains have shown, high-speed rail can provide an attractive alternative to expanded airports and polluting aircraft.

Like these trains, California's proposed 700-mile high-speed rail system (to be built over the next 11 years) would allow commuters to travel between San Francisco and Los Angeles at speeds of up to 220 miles per hour.

While the proposed rail system may offer clean transportation, it will create new envi-

ronmental impacts. CGF is asking for a complete and fair study of these impacts before a decision is made about whether and where to build the rail. We are working to ensure that studies of the potential routes for the high-speed rail provide a thorough analysis that allows for an environmentally sound decision.

Evaluation must include all routes and all impacts

The High-Speed Rail Authority, the state agency charged with oversight, must weigh the logistical and political practicalities of each particular route, along with the environmental impacts, before the project moves forward.

The Authority earlier this year released a 2,300 page Draft Environmental Impact Report (DEIR). By law, the DEIR is required to analyze all feasible route alternatives, and

consider all permanent negative environmental impacts.

Draft EIR omits one potential route

The DEIR for the high-speed rail project is seriously flawed and stands on weak legal ground. It studied only two Bay Area routes, omitting a third alternative.

One of the routes studied generally follows Highway 152, and the second runs south of Mount Hamilton through Henry Coe State Park.

The third route crosses Altamont Pass, and is favored by some environmentalists. Because the Altamont route would access San Jose on a spur line, rather than a main route, it is opposed by San Jose politicians and business people — which appears to be the reason it was excluded from the report.

Incomplete report fails to address all impacts

Not only did the DEIR exclude the Altamont route from consideration, it also failed to address the significant and permanent negative environmental consequences of the routes that were analyzed. The resulting incomplete and misleading analysis means that the DEIR as a legal document does not do its job — and makes it difficult for citizens to analyze and compare the consequences of the various proposed routes.

CGF asks for revision and complete environmental analysis

While a number of environmental, citizen and business groups have already spoken up in opposition to various proposed routes, CGF has not yet endorsed any of the potential routes for the rail line. Before we do so, we want a complete DEIR that will allow us to consider and compare the environmental costs of each of the proposed routes.

The public, as well as the High-Speed Rail Authority, requires accurate, detailed and complete information to determine whether the benefit is worth the cost.



Carl Humik

One of the routes proposed for the high-speed rail would run south of Mount Hamilton and through Henry Coe State Park (above).

See *RAIL SYSTEM*, page 13

VOLUNTEER SPOTLIGHT: CAIT HUTNIK

In early 2002, Cait Hutnik came to CGF and asked if she could take pictures of our hike up to Coyote Ridge. Of course we said "yes," but little did we know what a gift this would be. Over the last two and a half years, Cait has photographed almost every one of Committee for Green Foothills' hikes, scanned the photos and posted them on her website, www.lightofmorn.com. Her work is beautiful and inspiring.

Cait recently spoke with CGF's Velma Gentzsch about her volunteer work and photography.

Velma: Cait, you've documented nearly all of our hikes in the last few years. Why?

Cait: I find it interesting. I enjoy seeing and meeting new people. I like to watch people, see how they're experiencing the event and include them in the pictures I take. I feel it's important to show people enjoying open space — especially people of different ages and ethnicities — because it allows people who see the picture to connect and say, "These are people just like me." They can imagine themselves taking part.

I recently posted photos of CGF's Palo Alto Baylands hike on my website. More than 1700 visitors saw the photos. This happens every time I post photos from a CGF hike. Visitors want to see where we went and what took place.

Most of all, photographing the hikes is an enriching experience. I always learn a great deal from the experts that lead the



Diane Dullmage

hikes. The pictures I take for CGF are a way for me to give back.

Velma: You do a lot of work with other groups. Which ones?

Cait: Yes, I've taken lots of photos for the Open Space Authority of Santa Clara County. I've also taken series for the Sulphur Creek Nature Center in Alameda County, the Wildlife Center of Silicon Valley, the Guadalupe Chapter of the Sierra Club and the Fungus Federation of Santa Cruz.

Velma: That should keep you busy. You've taken some great photos of amphibians and reptiles, one rattlesnake in particu-

lar. Anything exciting recently with your photos?

Cait: I was asked recently to provide creek habitat photos for a book in development by the Santa Clara Valley Water District on the history of water in Santa Clara Valley. My series on the breeding habits of the California newt and one of my rattlesnake photos have been published in a children's book series entitled *Come Learn with Me*, to show inner city youth how an amphibian grows from an egg to a land walking creature and how the rattlesnake uses its tongue as a sensor.

Velma: There are a million ways to use your photography. Why environmental groups?

Cait: I spend too much time inside surrounded by artificial shapes and colors. Getting outside gives me a sense of my place in the natural world. Taking photos enables me to document the beauty of our natural world before it's gone forever.

Velma: Your photos are gorgeous. I especially like your recent October series. It's accompanied by excerpts from a great poem, as many of your photos are.

Cait: That's from "Song for October" by Dylan Thomas.

Velma: Thank you, Cait, for all you contribute to our community.

Cait's latest contribution was as official photographer of our fall event, *Nature's Inspirations*. To see Cait's work, please visit her website: www.lightofmorn.com. **CGF**

Hanson Quarry update

Committee for Green Foothills continues to monitor the environmental problems at Hanson Quarry in Cupertino (for background, see the Summer issue of *Green Footnotes*).

The scarring that Hanson creates by depositing waste rock on the most visible section of their property continues to worsen. Hanson tells us that they are considering CGF's suggestion to speed up the

process of eliminating the visible scar through revegetation. We will continue to push for the end of the scarring, and completion of revegetation, as soon as possible.

Meanwhile, we are concerned that Hanson may be planning to add more waste rock, doubling the height of visible scars above the quarry. In addition, we have received complaints from nearby res-

idents about increased night-time noise and lighting from after-hours operation. We will be investigating these problems as well. **CGF**

If you are a neighbor of the Hanson Quarry or are concerned about their operations, please contact CGF's Legislative Advocate Brian Schmidt with observations or questions: (650) 968-7243 or Brian@GreenFoothills.org.

“Elsewhere”

BY LENNIE ROBERTS

Every now and then, the question, “where should we put our garbage?” rears its ugly head.

Landfills are near the top of everyone’s list of NIMBY LULU’s (Not in My Back Yard / Locally Unwanted Land Uses) that we all would rather have located “Elsewhere”—out of sight and out of mind. When these kinds of land uses are debated, fierce battles often arise that bring out strong feelings about plots of land to which people have become attached.

Over the years I’ve seen several of these battles fought over dumps that would have trashed valleys up and down the Coast.

100 years of garbage

Back in 1993, CGF and other environmental groups successfully fought off a gargantuan landfill proposed in pristine Apanolio Canyon near Half Moon Bay. BFI, the world’s second largest garbage company, owned the entire headwaters of this canyon, and was eagerly anticipating creating a mega-site that could accommodate 100 years of garbage.

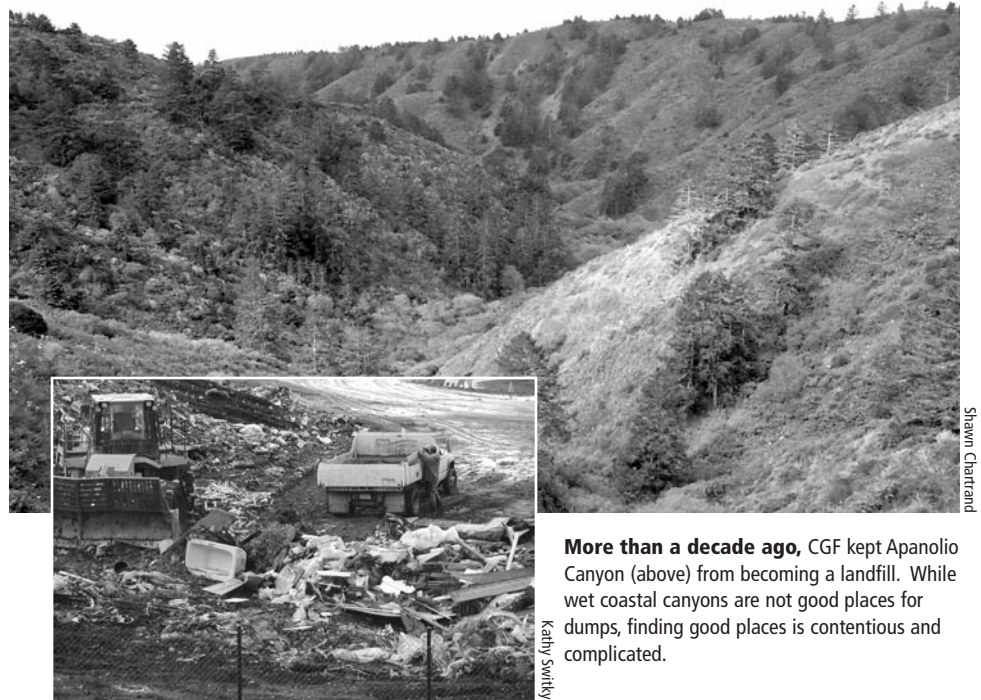
Having been in the works for many years, the new landfill was going through the final round of approvals as the clock ticked towards a planned phase-out of the existing dump within three years.

But San Mateo County and the cities involved were stunned when the Regional Water Quality Control Board and the Army Corps of Engineers balked at their long-standing plans.

Citing the fact that the existing canyon, Corinda los Trancos, had some 30 years capacity left rather than only the three years claimed by BFI, the Corps refused to grant permits to fill more than two miles of high quality steelhead spawning stream, and to bury Apanolio Creek under 1200 feet of garbage.

The Corps determined that there was a less environmentally destructive solution — to continue filling the existing, already “trashed” canyon.

During this pitched battle, there were headlines about “garbage piling up in the streets” if the resource agencies did not



More than a decade ago, CGF kept Apanolio Canyon (above) from becoming a landfill. While wet coastal canyons are not good places for dumps, finding good places is contentious and complicated.

Kathy Swifty

Shawn Chantred

yield. Of course, these threats were unwarranted. Once the decision was made to expand the landfill site in Corinda los Trancos, the relevant agencies helped expedite the permits, and today, 11 years later, thanks to increased recycling success, there is at least another 23 years capacity left in San Mateo County’s landfill.

Dump in coastal watersheds all wet

However, this is not a perfect outcome. Generally speaking, it is unwise to locate garbage dumps in areas of high rainfall. The reason is that if rainwater or groundwater gets into the dump, it creates a polluted effluent called “leachate.” Despite the installation under the landfill of thick clay liners designed to keep water from seeping out, these liners will eventually crack.

Our coastal watersheds receive the greatest amount of rainfall locally, and for this reason alone it is preferable to find landfill sites inland, in the “rain shadow” of the mountains. Of course, it’s also not that simple: what is environmentally preferable from the standpoint of coastal resources has economic, energy and air quality costs in terms of trucking trash to more distant landfill locations.

So the debate over the location of

garbage dumps becomes a matter of public policy, in addition to being a LULU.

Disposal site near parks trashed

Having fended off BFI’s Apanolio landfill proposal in San Mateo County, environmentalists were shocked to learn this summer that Santa Cruz County was eyeing two sites near Año Nuevo that would be accessed through highly sensitive park and open space lands. Both sites are heavily forested with redwood and Douglas fir, and zoned for timber production. Both sites would require widening of steep, narrow, unpaved roads, and include sensitive habitats that support several federal and state protected species.

Thanks to our action alert, CGF members wrote letters and emails protesting that these two sites are wholly inappropriate for garbage disposal. In late August, there was a hearing in Watsonville to hear public comment on 30 proposed landfill sites, including the two that we were so concerned about.

On behalf of CGF, I attended this meeting. The room was packed with people carrying signs and wearing badges

See “ELSEWHERE”, page 15

BOARD NOTES

The Committee would like to welcome the most recent additions to the Board of Directors, Dave Pine and Joan Sherlock.

Dave Pine brings with him an extensive background in law, business and community service. He is an attorney in private practice and previously served as Vice President & General Counsel for three Silicon Valley technology companies.

Dave currently serves as a Burlingame School Board member, is Vice President of the San Mateo County School Board Association and is a member of the San Mateo County Transportation Authority Citizens Advisory Committee. He is also co-chair of the Burlingame education parcel tax campaign and an active fundraiser and volunteer for John Kerry for President.

He holds a BA from Dartmouth and a JD from the University of Michigan. Dave and his wife Jane live in Burlingame with their two young sons, Kevin and Jack.

Joan Sherlock is currently Executive Producer of Sun Microsystems' corporate web events, and has 20 years of marketing and communications experience from a variety of high-tech companies. In addition, she has extensive community service experience, including a recent stint as a director of the Silicon Valley Juvenile Diabetes Research Foundation. Several years ago, Joan managed a successful campaign to elect conservationist candidates to the Los Altos Hills City Council.

A lifelong resident of Los Altos Hills, she is an active hiker and avid outdoor enthusiast who is committed to protecting and preserving our local open space for future generations.

She holds a BA from UC Berkeley, and shares five children with her husband Breene.

Welcome aboard, Dave and Joan!

CPR for state could choke environmental protections

BY APRIL VARGAS

Committee for Green Foothills has been monitoring a process that could dramatically change the entire structure of California government, including state provisions for the implementation and enforcement of vital environmental protections.

Stating his goal to make state government more efficient, Governor Schwarzenegger created the California Performance Review (CPR) in February 2004 to formulate and recommend practical changes to governmental agencies, programs and operations.

The Governor appointed a 21-member commission to conduct a series of hearings throughout the state, gather public input and issue a series of recommendations. Assemblymember Leland Yee, whose 12th District includes a small part of northern San Mateo County, is one of four members of the Legislature chosen to serve on this commission.

I met with Assemblymember Yee recently to learn more about the proposal and understand how it might affect local environmental efforts if it is adopted.

Restructure would eliminate boards and commissions

In August, the CPR released its 2500-page restructure proposal, available online at: <http://www.cpr.ca.gov>.

The proposal calls for the elimination of 118 boards and commissions as well as the consolidation of existing agencies into 11 integrated "super" departments. Environmental agencies would be greatly impacted by this proposed reorganization.

Individual agencies like the California Air Resources Board, the state and regional water quality control boards, the Board of Forestry, the State Lands Commission and the California Energy Commission would be eliminated. Many of these bodies have established and defended tough environmental standards that have gone on to become national

laws. While the California Coastal Commission would remain intact, it would lose its authority to oversee some of its current programs.

Centralized mega-departments would reduce local control

All environmental and natural resource functions would be consolidated within two mega-departments under the Governor, centralizing environmental decision-making in Sacramento and removing the regional accountability, accessibility, independence and effectiveness of local boards and commissions.

This consolidation would make these departments more vulnerable to partisan political pressure, decreasing stability during changes of state administration. Any group regulated by a state agency can appreciate the value of consistent and coherent policies, guidelines and mandated enforcement procedures that are not subject to dramatic shifts when a new Governor is elected.

Environmental groups voice concern

At the CPR hearing held in Fresno this September, numerous environmental groups addressed the commission with concerns about the proposed changes. Representatives from the Natural Resources Defense Council, Sierra Club, Nature Conservancy, Planning and Conservation League, The Wilderness Society, Trust for Public Land and others articulated concerns that adoption of the restructuring proposal would actually make it harder to achieve long-range goals for environmental protection and governmental efficiency.

If decision-makers are removed from the community, it would become more difficult to meet the needs of citizens, protect our local environment and address issues with the timely, focused attention and open discussion that occurs at the local level.

See CPR, page 11



"Stanford Storm Coming," our offer for Foothills Millennium Fund 2005 members.

JOIN THE 2005 FOOTHILLS MILLENNIUM FUND!

Members of the Foothills Millennium Fund (FMF), the Committee for Green Foothills' most generous supporters, provide critical support for the protection and preservation of our local natural treasures.

The FMF is for individuals whose annual gifts to CGF total \$1,000 or more. We invite you to consider joining our 2005 Foothills Millennium Fund. As a member, you will receive special briefings about our current work and an invitation to an exclusive hike at

Jasper Ridge next spring.

We are pleased to offer members of the 2005 FMF a special signed poster of "Stanford Storm Coming", a stunning painting by Jane Gallagher Award Winner Jim Caldwell.

For more information about the FMF or to view the poster in color, visit www.GreenFoothills.org/millennium or call Velma at (650) 968-7243.

RIGHTS, from page 3

the tribal members have even so much as visited the area.

Nevertheless, the California Valley Miwoks derive certain rights from their federal recognition. The local community also has rights, as well as a responsibility to protect the environment.

Although this is a local issue, resolving it has statewide implications, and while CGF recognizes the severity of the problem, finding a workable solution will be difficult.

The new "friend" of the Amah-Mutsun — a Sargent Ranch developer

The local Native American group that opposes the casino, the Amah-Mutsun Ohlone tribe, is caught up in a separate controversy involving the 6,500-acre Sargent Ranch, just south of Gilroy. The current owner, Wayne Pierce, has proposed numerous environmentally destructive proposals to develop the land with luxury

homes and golf courses, all of them unsuccessful (due in no small part to CGF's vigilance over the years).

Now a deal has come to light involving one of the two factions of the Amah-Mutsun.

The Amah-Mutsun tribe is not currently federally recognized; going through the recognition process can be long and expensive. Wayne Pierce is apparently paying for that process (in addition to looking for ways to use Congress to circumvent that process).

In return for his help, one faction of the tribe has a land deal with Pierce. The agreement apparently involves his selling 3,500 acres to the tribe, which would keep 500 acres and lease back the remaining 3,000 acres to Pierce. If the tribe reaches federal recognition, both the tribe and Pierce could develop the property without being subject to County land use regulations.

To complicate matters, the other tribal faction does not support this deal. At this

point, a Congressional end-run recognizing the Amah-Mutsun tribe is unlikely, and the administrative process for granting recognition (through the federal Bureau for Indian Affairs) takes years.

Ironically, that process may have become slower because in other contexts, recognition facilitates casino development. The schism in the tribe and questions about tribal governance may also slow recognition.

While this issue may take time to develop, it will not go away. What is new about the Sargent Ranch deal is that it does not involve a casino. The developer is using the deal to sell land to the tribe and lease it back to skirt local land use protection.

This is a frightening precedent not just for southern Santa Clara County, but elsewhere in California. Environmentalists here and elsewhere will have to determine how to respect Native American rights while protecting the environment for everyone. **CGF**

Stanford's mitigation efforts lag; County conducting illegal negotiations

BY BRIAN SCHMIDT

In 2001, after years of negotiation with Santa Clara County and the community, Stanford received a permit to develop an enormous area on campus, approximately five million square feet of total development. As part of that permit, the university committed to a number of actions, including recreational trail access for hikers, designed to reduce or mitigate the impact of that development on the environment and the community.

Stanford promised to produce two trail plans for dedication within the first year of the ten-year permit. The S1 trail would run near the southern edge of the Stanford foothills, and the C1 trail would run near the northern edge.

As an alternative to adding any new trails, Stanford now advocates widening existing trails and sidewalks, and claims that this constitutes fulfillment of its promise to provide new, alternative hiking routes on the northern C1 trail. County staff appears to be saying the same thing regarding the southern S1 trail.

To complicate matters about which CGF is already concerned, the county has conducted secret negotiations with Stanford, the permit-holder, without allowing others to review the same documents.

Public trails delayed and endangered

While the exact alignment of the S1 trail was not detailed in the permit, the approved Community Plan expressly stated that some flexibility would be needed in aligning the trail. No one (including Stanford) stated during the approval process that the trail would be restricted to the very edges of Stanford land.

Accordingly, CGF and others proposed trail alignments that were towards the southern edge of campus, but were also flexible enough to move away in some areas and provide real recreational opportunities for hikers. In response, Stanford threatened Santa Clara county with a possible lawsuit if it even studied these alternatives in the EIR, and the county gave in to Stanford's threats.



As recommended by Santa Clara County's flawed environmental report, the route for the S1 trail would follow existing trails and roads, including Old Page Mill Road (above) – and add no recreational value for the community.

Environmental report fails to analyze recreational value

The county just released its draft Environmental Impact Report (DEIR) on the S1 trail. Unfortunately, the report examined only the trails' negative impacts, while ignoring the trails' beneficial role in reducing the impacts from Stanford's development.

Given this perspective, it's not surprising that the DEIR concluded that the best trail is a glorified sidewalk known as the S1-A route — a modification of an existing trail rather than a new trail. It logically follows that a modified trail would have a smaller impact than a new trail.

"Overall [the S1-A route] would result in fewer mitigation measures, primarily because it is a short alignment that would extend for approximately 0.84 miles . . . and because it would be constructed in an existing paved area without steep slopes Therefore the S1-A alignment [when modified to never leave existing roads] is identified as the Environmentally Superior Alternative."

The S1-A alignment has little value as mitigation because it does not provide a connection to other trails or parks. The county

should not choose this alignment as the best option.

The report also failed to include alternative trails that would provide the best recreation and that would reduce Stanford's environmental impacts. After all, the whole point of the trail mitigation is to reduce impacts on existing trails from new development and the resulting population pressures from the people Stanford is bringing to the area.

Of course, based on the criteria established in the report, the county might have selected the "no-trail construction alternative" as environmentally superior, because it would be even shorter and require no mitigation.

CGF has asked the county to fix these significant flaws in the report and analyze trail alignments for their mitigation value. We hope that the county will avoid repeating this obvious mistake on the C1 Trail planned for the north side of the foothills.

County conducting illegal secret negotiations

An especially disturbing aspect of the environmental review process is that the county shared prior drafts of this environmental

report with Stanford, and apparently spent significant amounts of time negotiating with Stanford over the content. However, the county refused to show those drafts to anyone else. Our requests to evaluate the draft documents (even as university officials were reviewing them) were denied.

Besides the unsavory "feel" of this type of secret discussion, even the most ethical governmental officials (such as those at the county) will find their conclusions influenced by biased discussion.

Moreover, this behavior is illegal. The Public Records Act allows agencies to withhold drafts of documents from the public under restricted circumstances. The law does not allow the government to share drafts with favored members of the public while denying them to others. If the aim is to improve accuracy by giving applicants a chance to see working drafts, then accuracy could be improved still more by giving all parties the chance to review them.

County officials argue that they are just following standard practice. While this practice seems to be widespread, that does not make it legal. The City of Palo Alto does not follow the county's practice, so we know that, for some local governments, acting in a legal fashion is possible.

CGF committed to working for good trails and a good process

The Committee for Green Foothills and other environmental groups have plenty of work to do in the coming months. We will be reviewing environmental documents on both the S1 and C1 Trails, advocating for safe, recreational and scenic trail alignments that provide true mitigation for Stanford's development rights, and making sure that the community is adequately represented.

Unfortunately, three years later, we are still waiting for the required recreational trail access. However, we are committed to ensuring that Stanford fulfills its obligation to the community, and we will continue to insist that documents can be reviewed by everyone in an open, public and legal manner. **CGF**

CPR, from page 8

Importantly, this consolidation will also reduce the transparency and accessibility of our state government — both functions served largely by these local boards.

Process for adoption and implementation remains uncertain

While no specific process has been established for adoption of the committee's final recommendations, there are several options.

- Through the same powers he used to create the CPR, the Governor could issue an Executive Order to approve the restructuring plan;

- The Legislature could adopt or reject the plan; or

- The plan could be placed on a statewide ballot for the voters to decide.

Committee for Green Foothills will continue to follow this issue and will keep our members and action alert subscribers informed about any specific proposals that may impact our efforts to preserve local open space and natural resources. **CGF**

The Committee is watching...



Peter LaTourrette

... **the Santa Clara County League of Conservation Voters**, who this fall recognized **Hon. Anna Eshoo** as Legislator of the Year, Santa Clara Valley Audubon Executive Director **Craig Breon** as Environmentalist of the Year, and CGF co-founder **Lois Crozier-Hogle** with Lifetime Achievement Awards.

... **local marsh expert and champion Emily Renzel**, who led some 30 CGF members and friends on a hot August hike around the Palo Alto Baylands, giving us great perspective on the history of land use in the area and discussing proposals for the future of this wetlands area.

... **the proposed McKean Road sports complex** in San Jose's rural Almaden Valley, which would tear up existing farmland and replace it with sports fields that start to bring sprawl and eliminate working farms.

... **California Senator Byron Sher, Assemblymember Gene Mullen, and Speaker pro Tempore Leland Yee**, who coauthored SB 792 that secured the final approvals necessary to permit construction of the Devil's Slide Tunnel.

... **the California tiger salamander**, whose Central California population has just been listed as "threatened," making it illegal to harm the salamander and restricting development in its habitat, found in a few places locally.

... **for a Donor Services Volunteer** to help in the CGF office 4-8 hours a week; details are available from Andi at (650) 968-7243.

... **CGF board member Dorothy Bender**, who was honored in October by the President's Office and the Haas Center for Public Service at Stanford, in

recognition of her volunteer work and commitment to public service as a board member of Committee for Green Foothills.

... **the City of Morgan Hill**, which certified the post-facto Environmental Impact Report for the American Institute of Math golf course and rezoned the property on which the 18-hole golf course was illegally built without permits.

... **the Midcoast Local Coastal Program update**, which should reach the San Mateo County Board of Supervisors sometime in the next few months following a year of hearings before the Planning Commission.

... **Santa Clara County's** consideration of various ways to fund the regular updating and amending of the County's General Plan.

... **almost all local and county governments** (with the notable exception of Palo Alto) that share draft versions of environmental documents with applicants, giving them a chance to influence the documents while refusing to let the public, environmentalists and the press examine the documents or learn how the applicants influenced them.

... **the San Mateo County Planning Department**, to see how they will manage their already untenable workload with fewer planners than ever due to budget cuts.

... **the threatened California red-legged frog**, which was discovered in June at the site of Half Moon Bay's proposed Wavecrest Village project, and whose presence has triggered — at long last — an independent examination of the project's impacts on environmentally sensitive habitat areas.

CGF launches blog!

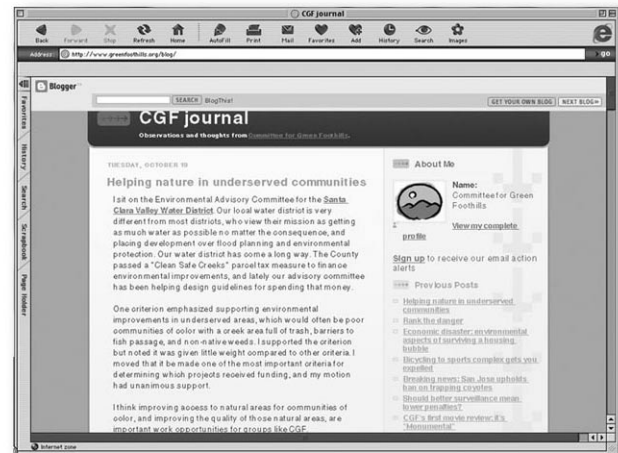
One of the first nonprofit online journals

This September, the Committee ventured into new territory by starting an interactive online journal on our website. This weblog, or blog, lets us share information and links with readers on a web page in the form of a running commentary. You can find our blog at: www.GreenFoothills.org/blog.

Blogs are becoming an increasingly popular way to communicate quickly and easily. While blogs are commonly used by individuals and political campaigns, their use has yet to catch on in the advocacy and nonprofit worlds. CGF is one of the first environmental organizations to adopt the technology.

Legislative Advocate Brian Schmidt, CGF's primary blogger, uses the blog to reach CGF members as well as local policy-makers, news junkies and others interested in land use issues.

CGF's blog includes a comments section that allows readers to post additional information, and praise or criticize earlier posts. "Our blog is an experiment in democracy, just like the Internet



itself," says Schmidt. "We hope that because we operate on a local level, where people often know each other, this experiment will have the value of a public forum while remaining civil and respectful."

CGF will continue to send regular email action alerts to subscribers. Our blog adds another way for individuals who want to protect open space to communicate.

To read the CGF weblog, visit www.GreenFoothills.org/blog. **CGF**

Morgan Hill considers 50-year Urban Line Limit

Committee for Green Foothills continues to weigh in on Morgan Hill's proposal to add a 50-year Urban Line Limit (ULL) somewhere beyond the city's current 20-year Urban Growth Boundary.

While the ULL may promote the speculative value of land that the city does not need to annex for decades, certain alignments of a ULL could minimize this and other potential harm from the establishment of such a line.

Fortunately, Morgan Hill is considering establishing a greenbelt, which might be a worthwhile balance for the economic windfall the ULL will give to potential developers.

CGF is particularly concerned with an area southeast of the main part of the city, which Morgan Hill is considering annexing. The so-called Southeast Quadrant, which is cur-

rently farmland, is already subdivided into 10-acre parcels, a size too small to be conducive to farming.

In addition, the city is suggesting a potential deal that would allow increased development in some areas of the Southeast Quadrant while promising an expanded open space area in return.

We will weigh this proposal carefully; the alternative is keeping the area outside city limits. CGF will continue to work to keep this land as working farmland, and will support a change in the land use only if it is in the best interest of the community as a whole. **CGF**

If you are interested in getting involved in our work to monitor and comment on the ULL process, please contact Legislative Advocate Brian Schmidt at 650-968-7243 or Brian@GreenFoothills.org.

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Cumulative impacts: when the whole is greater than the sum of its parts

CGF receives grant to study impervious surfaces

BY KATHY SWITKY

Some of the most challenging environmental problems are known as “cumulative impacts,” whose effects creep up on us through the accumulation of small, often relatively insignificant impacts. CGF has recently received funding to help manage some of these problems locally by tracking and managing the accumulated impacts of impervious surfaces in Santa Clara County.

Waterways particularly vulnerable to cumulative impacts

Cumulative impacts are among the most significant environmental problems for watersheds, which by definition collect water — as well as pollutants, erosion, physical barriers and other problems — from wide areas.

The accumulation of impervious surfaces is one of the cumulative impacts most threatening to watersheds. Pavement, buildings and other changes to the landscape that prevent water from entering the ground can lead to dramatic changes in water flow patterns both above and below ground. The challenge is that the effects of cumulative impacts are not immediately apparent to decision-makers reviewing individual proj-



Pavement and other impervious surfaces can mean altered water flow patterns and dramatic environmental change.

ects, each of which constitute only a small part of a larger problem.

For example, when a small house is replaced with a much larger home, its driveway is typically expanded to accommodate firefighter access. The permitting process might limit the increase in impervious surfaces only to keep that individual project from having a significant impact on its own, while ignoring the cumulative impacts created by the sum of many projects that add pavement to the watershed.

Paving paradise?

Scientific evidence indicates that high levels of impervious surfaces in a watershed can have serious consequences, including accelerated erosion, accentuated flooding

and damage to biological systems and physical habitat.

Given the pattern of increasing development in Santa Clara County, we can expect that most or all watersheds in the county are affected by increasing amounts of impervious surfaces.

But according to CGF's research, local governments do not currently track the net change in impervious surfaces caused by development, even though the data are readily available. Not a single jurisdiction tracks countywide changes in impervious surfaces to see if, when combined with changes from other projects, the cumulative impact of paving over county watersheds is significant.

CGF to develop methods for tracking cumulative impacts

In September, Committee for Green Foothills received funding from the Santa Clara Valley Water District under its Watershed Stewardship Grant Program, which awarded nearly \$400,000 in grant funds to 19 local organizations to improve ecosystem health, water supply and water quality.

The \$7,600 grant will allow CGF to study the usefulness of tracking cumulative changes in impervious surfaces and develop methods for managing them. With a policy report and follow-up workshops, we expect to help local agencies develop planning processes that account for and — when possible — mitigate the cumulative impacts from changes in impervious surfaces. **CGF**

RAIL SYSTEM, from page 5

Focusing on the need for a complete and balanced analysis of the environmental impacts, Committee for Green Foothills asked the High-Speed Rail Authority to circulate a revised DEIR that considers all of the potential routes and their impacts. Responding to our action alert, many CGF members joined us in asking the Authority to provide a full analysis of our options so

that we can make the best decision about which route to support.

Rail Authority backtracks, adds Altamont to analysis

In late September, the High-Speed Rail Authority acceded to our request and decided to expand the study to include the potential route crossing Altamont Pass. This analysis is expected to take another year.

It is unclear at this point whether other

deficiencies in the DEIR will be fixed. CGF views this as a necessary step in making an accurate determination of whether the project's benefit is worth its cost.

We will continue to ask the Rail Authority to make other amendments to the DEIR so that it complies with state regulations and provides the information necessary to make an environmentally sound decision on this project. **CGF**

Art auction and sale raise more than \$70,000

BY CINDY RUBIN

On the afternoon of October 30 under a canopy of majestic redwoods, art aficionados, environmental advocates and old and new friends of Committee for Green Foothills enjoyed delicious food and savored magnificent landscape art by some of the Bay Area's most accomplished artists.

By any measure, *Nature's Inspirations: Celebrating the Arts* was a highly successful event. More than 300 guests attended the event and helped raise some \$70,000 to support CGF's work.

Assemblyman Joe Simitian conducted a lively auction ensuring new homes for 12 outstanding works of art donated by the artists.

Our outstanding volunteer committee organized the event in memory of Jane Gallagher, a celebrated painter, passionate defender of Peninsula open space and dedicated Committee for Green Foothills board member. In her honor, CGF presented the Jane Gallagher award to Woodside painter Jim Caldwell, one of twelve Bay Area landscape artists selected to show at the art exhibition and sale.

Jim Caldwell says of his work, "With my painting I am trying to make the public more aware of the beauty of nature which surrounds us on the Peninsula, and the importance of its preservation." Caldwell has paintings in more than 250 collections worldwide from Paris to Japan. Born in New York

in 1932, he moved to the Bay Area in 1950. He divides his time between painting and a practice in residential architecture at his studio in Woodside.

The jury for the exhibition and award included CGF Board President (and bird photographer) Peter LaTourrette along with three prominent art professionals: Elaine French, Patricia Roman Hexter

and Peter Lipman. The quartet evaluated works from more than 40 artists before selecting Jim Caldwell as the award winner and Patricia Wallis of Novato as the runner-up.


Also selected for the exhibition were

JoAnne Horsfall Beasley, Kay Duffy, Timothy Horn, Kerri Lawnsby, Julia Munger Seelos, Carolyn Shaw, Sheila Sondik, Michelle Waters, Alex White and Thomas Wood. Works from all exhibition artists can be viewed on our website at www.GreenFoothills.org/Art.

Special thanks go to the scores of volunteers who helped with the display and sale of the art work, decorations, publicity and all the behind-the-scenes activities contributing to this very successful event.

And a round of applause to our lead sponsor, *The Mercury News* and our generous supporters, including Hewlett-Packard Company, Lockheed Martin, Tanya Slesnick and Ted Mitchell, and Lyn Wyman and Dennis Dow.

The participation of so many artists, guests, volunteers and sponsors reflects the commitment of Bay Area residents to environmental protection.

Thank you all! 



County Parks reopened!

BY KATHY SWITKY

While departments throughout San Mateo County have seen their budgets dwindle, this year the Parks and Recreation Department was particularly hard-hit. Earlier this year, budget cuts forced Edgewood, Junipero Serra, San Pedro Valley and San Bruno Mountain parks to close three days a week.


While Committee for Green Foothills and other parks activists have been working for some time to identify a dedicated source of funding for the parks, these recent park closures spurred immediate action to help solve this year's crisis.

Thanks to work behind-the-scenes by CGF's Legislative Advocate Lennie Roberts and other park supporters, more than 100 citizens asked the Supervisors to add funding to the Parks Department budget in order to keep all county parks open seven days a week.

At their final budget hearing at the end of September, the San Mateo County Supervisors — led by Supervisor Jerry Hill — unanimously approved a motion to add \$187,489 to the Parks Department, enough to keep all of the parks open through the end of this fiscal year in June 2005.

We'd like to thank Supervisor Hill for his leadership, and also thank all the CGF members who responded to our action alert on this issue. Our voices were heard!

In addition to keeping the parks open to the public, this additional funding will help the department protect and manage park resources, maintain volunteer programs, and allow student groups to use the parks. This decision shows that the Supervisors recognize the importance of maintaining public access to our county parks.

Of course, this is a temporary fix to this year's budget, and the county's Parks and Recreation budget (which has shrunk steadily over the last 15 years) remains woefully inadequate. Committee for Green Foothills will continue to be involved in the Parks for the Future task force to develop a dedicated source of funding for the parks. 

For more information about San Mateo County Parks, visit www.eparks.net.

The Big One

How land use planning can fit with earthquake readiness

BY BRIAN SCHMIDT

Bay Area residents know that they need to be ready for the Big One. And our government agencies also need solid plans for responding to a huge earthquake; those plans should include regulations that help minimize damage, injury and loss of life, as well as rapid emergency response to help people immediately afterwards.

When disaster strikes, the disaster itself — or the resulting clean-up — could permanently affect environmental policies. Environmental groups also need to prepare for disasters. While the purpose of individual and government preparation is to minimize short-term impacts and recover quickly, environmental groups need long-term plans that keep development out of harm's way and protect the environment after the event.

Preventing sprawl can minimize damage

A giant earthquake creates a disaster under any conditions, but limiting sprawl can minimize the effects of earthquakes and other natural disasters. Sprawl puts housing on hillsides prone to collapse, it strains emergency resources by requiring rescues of distant, isolated groups and it exposes more people to wildfire danger (imagine trying to fight a wildfire in the immediate aftermath of an earthquake). Every time we fight sprawl, we are helping reduce the impact of earthquakes.

Cleaning up environmental damage

In the aftermath of a giant quake, safety and environmental protection may conflict. For example, if a bulldozer has to push debris off a road and into a stream so fire trucks can reach a burning hillside subdivision, of course safety will have to come first. But environ-

mental groups must be ready to insist on environmental cleanup to repair the damage.

Rebuilding vs. expanding

After rescue operations cease, developers often use reconstruction as an excuse to pave the way for new development. "Since we have to rebuild this road," they may say, "now is the time to widen it and solve traffic problems". "The water line needs to be repaired and parcels outside the city limits might be annexed someday; now's the time to extend the water service, annex the property and rezone it for hillside subdivisions."

Environmentalists must fight short-sighted land use planning tooth and nail, even in the aftermath of an earthquake. We need to make a clear distinction between rebuilding infrastructure — roads, utilities and flood control — and expanding that infrastructure. Expansion is a recipe for sprawl, and no more justified after an earthquake than it was beforehand. CGF and other land use organizations will be ready to defend these attempts.

Enforcing current land use regulations

A gray area that is hard to address in advance involves deciding whether to allow reconstruction of older buildings that would not be allowed under current regulations. An example would be oversized homes on small lots in rural hillsides, possibly located at the end of driveways that are inaccessible to fire trucks. Such homes could not be built under present regulations.

On the one hand, it would be difficult to look a homeowner in the face and tell her that she will not be allowed to rebuild a home she has lived in for years. On the other hand, for years she has been allowed to do something that everyone else cannot, solely because her building preceded modern regulations. That privilege does not have to be permanent.

We can consider three principles as we develop policies on building reconstruction:

First, if a structure was destroyed because it was in an area that is not earthquake-safe, it would not be safe or smart to allow its reconstruction.

Second, reconstruction that would sacrifice safety should not be allowed — for example,

replacing older buildings on steep hillsides that do not allow access for modern fire trucks.

Third, any mitigation for impacts of reconstruction should meet modern land use standards. Also, if the building itself would not be allowed under modern regulations, any reconstruction should not allow for building expansion.

Following these principles may allow room for compromise on other issues. Determining what compromises are appropriate will require further research and advance preparation, preferably long before the earthquake strikes.

Committee for Green Foothills is re-examining our environmental policies that pertain to earthquakes so that, when the Big One comes, we will be ready. **CGF**

"ELSEWHERE", from page 7

protesting various sites. More than 80 people lined up to speak.

Where is Elsewhere?

As person after person passionately and eloquently spoke, the room erupted in cheers. But there was something unique about this hearing. Rather than simply opposing the dump in their neighborhood, the speakers all asked the Task Force to reject all 30 sites in Santa Cruz County.

"We can do better at recycling."

"You should consider new technologies."

"There is just no place in Santa Cruz County that is appropriate for a garbage dump."

And repeatedly, "PUT IT ELSEWHERE!" was the clarion cry.

After about two hours, the Task Force did just that. Acknowledging that they would never get to hear from everyone, they voted, after considerable debate, to table all further consideration of Santa Cruz County sites until the county fully evaluated all other options — including composting, recycling, waste to energy, and yes, trucking their garbage out of county.

I'm struck by the concept of Elsewhere. After all, everyone is downwind, downstream of everything else on our planet. And although we have come a long way in reducing our garbage, we still need to find the most effective and environmentally sound solutions to this ever-present challenge. **CGF**

UPCOMING EVENT

BIRD WATCHING AT WAVECREST: WINTERING RAPTORS

Sunday, January 23, 3 pm — sunset (around 5:30 pm)

Please join Committee for Green Foothills on a special wintertime bird watching trip at North Wavecrest — a coastal bluff in Half Moon Bay that supports greater diversity and numbers of individual raptors than any other site in San Mateo County.

Our trip will be led by wildlife ecologist and environmental consultant Gary Deghi, former Half Moon Bay City Councilman and member of the Board of Directors of Sequoia Audubon Society. Gary will be accompanied by CGF Legislative Advocate Lennie Roberts, who's worked for years to protect this and other coastal open space.

We will likely see red-tailed and red-shouldered hawks, northern harriers, white-tailed kites and American kestrels. At dusk, we'll make a special effort to see short-eared owls, a species of special concern, which winter here every year.

The Sequoia Audubon Society considers North Wavecrest to be the most important habitat for wintering raptors in San Mateo County.

CGF and others continue to defend this unique raptor habitat against development, most recently against the newly proposed Wavecrest Village.

Dress in layers, and bring water and binoculars. It will likely be wet — please wear waterproof shoes or boots.



Peter LaFourette

White-tailed kite

Space on the hike is limited and reservations are required. RSVP no later than Wednesday, January 19 with the CGF office at (650) 968-7243 or Hike@GreenFoothills.org.

Directions: From the intersection of Highways 92 and 1, head south on Hwy 1. In about 2 miles, turn right (west) on Wavecrest Road. We'll meet at the ball fields at the end of Wavecrest Road at 3pm.



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