



Environmental Action Committee - keeping West Marin wild since 1971.

July 5, 2011

Ruth Coleman, Director
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Via email: rcoleman@parks.ca.gov

Donita Rodriguez, District Superintendent
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RE: Concerns regarding proposed use agreement between Tomales Bay Oyster Company and the Millerton Point unit of Tomales Bay State Park

Dear Director Coleman,

It has come to the attention of the Environmental Action Committee of West Marin's (EAC) that our local district of the State Parks may be actively considering a formal agreement with the Tomales Bay Oyster Company (TBOC) that would allow the TBOC to create and manage an overflow picnic area at Millerton Point to augment its very successful business operated on the parcel adjacent to Millerton Point. While EAC understands the dire need to keep all State Parks open for public use, especially all units of Tomales Bay State Park, we respectfully request that a) you do not enter into a use or operating agreement with TBOC at this time, and b) establish a process that allows participation of the public and non-profit entities whose mission statements are compatible with that of the Tomales Bay State Park .

As you might recall, the EAC was quite involved the public drafting and review process to complete the 2004 Tomales Bay State Park General Plan as well as the subsequent re-evaluation and removal of plans for a vehicular camping facility at Heart's Desire. A number of EAC members have come forward recently, expressing surprise and concern over the current proposal by the TBOC. Our members have raised a variety of issues that we would ask to be considered and/or addressed prior to State Parks entering into any agreement with TBOC or any other commercial, for-profit entity.

The owners and operators of TBOC are good neighbors and good business people. They are thoroughly engaged in the community and are very endearing both as individuals and as a local enterprise. The successes of TBOC are a phenomenon and should be lauded. Our concern is not with their business, but rather with the proposed partnership being proposed between this for-profit entity and a beloved unit of Tomales Bay State Park. Our members are concerned that the sale of oysters and the values of Tomales Bay State Park may not be complimentary enough to warrant proceeding with a use agreement.

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The 2004 General Plan is quite explicit in its goals of preserving and protecting the unique “spirit of place” aesthetic of Tomales Bay State Park. The Plan recognizes and elevates both the environmental values of native species and habitats as well as the benefits of the area’s natural beauty and tranquility as keys to the visitor experience. According to the Park’s mission statement:

Tomales Bay State Park is a unique refuge for nature, culture, and people focused on preserving, enjoying, and interpreting the special values of the Tomales Bay region. Native plants, wildlife, and marine life are protected and visitors find relaxation, rejuvenation, recreation, and inspiration in the park’s natural environment..... The park is managed to preserve and enhance its natural vistas and beaches, its refuges of silence and dark night skies, its clean waters and air, its intact soils, its natural terrestrial estuarine, intertidal, and marine processes and ecosystems, its native plant species and associations, its native animal species and populations, and its cultural, recreational, and educational values.

The General Plan recognizes the sensitivity of Tomales Bay State Park and directs management and development decisions to be undertaken with a decidedly “light touch.” The Millerton Area Management Vision states: “The Millerton Area...will be managed primarily for the natural values of watershed, wildlife habitat, view-shed and for low-impact day-use recreation...” Specific recommendations for development of recreational facilities for the units on the east shore of the bay direct additional infrastructure to be concentrated on the Marconi Cove site when it is restored/developed in the future.

One of the noted charms of Tomales Bay State Park is its minimalist approach to infrastructure and “improvements.” For most visitors, simple access - trails, adequate parking and minimal restroom facilities - and one’s own senses are all that is really needed or sought after for a genuinely positive visitor experience.

EAC has not had the benefit of seeing the draft proposal between TBOC and State Parks, so much of our information at this point in time has been informally pieced together and may not be entirely current or accurate. Much of what we know of the proposal comes to us second-hand from a presentation that was made to the East Shore Planning Group and emails from residents in attendance at that meeting.

From what we understand, the present TBOC proposal requests placement of 15 picnic tables in the Millerton Point parking area. Given the typical density of the existing TBOC picnic area (easily eight people per picnic table), one could safely expect in excess of 120 picnickers on any given weekend day under the proposed agreement. The General Plan specifically calls for sufficient space between park visitors (eg: picnic tables) so that crowding and noise do not negatively affect the spirit of place. The current single pit toilet would probably be inadequate to handle such a volume and additional facilities would be needed. Porta-potties should not be considered as a solution as 1) they are often subject to vandalism and the potential for polluting the bay (the site is more or less right on top of the stream-course), and 2) they are the aesthetic antithesis to this park.

The proposed allowance of 20 parking spaces for a commercial business with so many customers seems inadequate for this number of people. Millerton Point could quickly have the same parking overflow problem that TBOC is currently finding on its own property. Additional “event” parking conditions on Highway 1 are a bad idea, particularly given the location of Millerton Point access on a more or less blind curve (proceeding from the north). don’t follow what “event parking conditions” means.

Some of the questions raised by EAC members and staff include:

1. How does the infrastructure proposal by TBOC begin to fit in with the clear directives of the 2004 General Plan and the correlating EIR?
2. If TBOC is granted operating rights at Millerton Point, how would the issue of liability be addressed? This is of particular concern given the potential for an inadequate parking arrangement.
3. What would be the duration of the proposed use/operating agreement and would there be durable escape clauses for both parties if the arrangement failed to work to everyone’s, including the public’s, benefit?
4. What would be the standard for deciding whether the agreement was failing or not? It would seem that if TBOC makes “improvements” to the parking area (picnic tables, barbecues, parking infrastructure, restroom etc.), that a feeling of property rights may be established, perhaps creating an unwillingness to relinquish their claim to this site.
5. Would Tomales Bay State Park provide running water for drinking and cleanup? Currently there is no running water at this access area. There is a well that provides raw (untreated) water to the adjacent park caretaker housing unit. It is unknown how much water or of what quality is available from the well. The Park Staff has informed us that prior efforts to link this supply to the restroom area have been unsuccessful.
6. If drinking quality water is to be provided for this site, can it be adequately secured and how will it be funded? The east shore of Tomales Bay is notoriously limited in natural water sources, and with no municipal water supplier, this issue is critical.
7. In this instance, would the concession for the parking/picnic area extend to a managerial role over the entire unit? How and where would lines be drawn between a concessionaire’s authority and managerial boundaries and Park responsibilities to preserve and protect natural resource and aesthetic values?
8. How would fire management be addressed for the possibility of TBOC patrons increasing the use of grills, and thus increasing the potential for accidental ground fires?

We have particular concern with a comment that was made at the ESPG meeting regarding acacia trees that are now blocking passage at the beach at high tide. While acacias are

somewhat offensive non-natives, these trees around the bay often provide significant roosts for black-crowned night herons and others. This casual exchange illustrates the potentially major problem of delegating park management issues to another non-resource oriented entity. Decisions to trim or remove trees need far greater managerial focus and oversight than a simple request by a visitor and an understandably accommodating concessionaire.

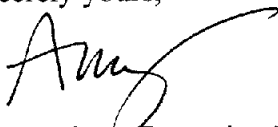
Another of our concerns with the proposal is that, other than discussions with the ESPG, there appears to have been no public involvement and no transparency in the formulation of this or any other potential management deal. We recognize the stringent fiscal limitations facing the state and realize that there is significant pressure on State Parks to come up with alternative sources of operational resources for a number of State Park units. However, despite this urgency, EAC feels strongly that there needs to be a completely open and inclusive process in evaluating the possible options for each unit, starting with consideration of the most obvious alternatives - in this case the funding, or management or acquisition by the GGNRA/Point Reyes National Seashore - as well as an open call for proposals from non-profit partners (whose mission statements include natural resources protection) that are interested in supporting or adopting a specific park unit.

An extremely useful tool for this process would be for Parks to generate a rough estimate of a particular park unit's marginal operating cost, that is an estimate of the actual costs of keeping it "open" beyond the costs involved in mothballing the same unit. This estimate could be presented as a range, from current down to a bare minimum (minus all discretionary programs) operating levels.

California's deep fiscal crisis is of grave concern, but it is probably not permanent, and should not be the catalyst for long-term or semi-permanent policy decisions that do not support and enhance the purpose of our Parks. We urge State Parks to take a precautionary approach to seeking creative funding and operational support for all of the Parks proposed for closure. We love our parks and want to help preserve and protect them as best we can.

We look forward to developing working solutions that help keep open Tomales Bay and Samuel P. Taylor State Parks while honoring the values that caused them to be designated as parks in the first place. Thank you for your consideration of our concerns.

Sincerely yours,



Amy Trainer, Executive Director

Cc: Cicely Muldoon, Superintendent, Point Reyes National Seashore
Frank Dean, Superintendent, Golden Gate National Recreation Area
George Turnbull, Deputy Regional Director, National Park Service
California State Parks Foundation
Congresswoman Lynn Woolsey

6th District Assemblyman Jared Huffman
State Senator Mark Leno
Point Reyes National Seashore Association
National Parks Conservation Association
Marin Conservation League
Marin Audubon Society