



September 14, 2023

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**Subject: Supplemental BSA Information the Tachera Ranch, 130 Mesa Road (APN 193-020-38) Study Area as requested by the County of Marin for the California Coastal Commission.**

The purpose of this letter is to address questions referenced in the email issued by the Marin County Planning Department (dated September 5, 2023; MCP) based on comments from the California Coastal Commission. The focus and scope of this memo is limited to an assessment of the subject project (Project) as it relates to biological impacts on Environmentally Sensitive Habitat Areas (ESHAs), California Coastal Commission (CCC) and U.S. Army Corps of Engineers (Corps) wetlands (that have been documented on the site), and associated setbacks. This memo evaluates impacts in the context of wetland set back reduction, local coastal program policies, ecological function, and stormwater treatment as specifically referenced by the MCP. These items are copied here in bold, and responses follow directly.

**1. Supplemental BSA to justify the reduction of the wetland buffer zone from 100 feet to 50 feet.**

As identified in the Marin County Local Coastal Plan four exemptions to the 100-foot setback are provided for the following circumstances.

***C-BIO-19 Wetland Buffer Adjustment and Exceptions.***

1. *A buffer adjustment to less than 100 feet may be considered only if it conforms with zoning and:*
  - a. *It is proposed on a legal lot of record located entirely within the buffer; or*
  - b. *It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or*
  - c. *It is demonstrated that the permitted development outside the buffer would have a greater impact on the wetland and the continuance of its habitat than development within the buffer; or*

- d. *The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands.*

The majority of the parcel, with the exception of the project area, meets the minimum criteria to be considered an ESHA using CCC definitions. An evaluation of the project area for wetland parameters indicates approximately 17.6 acres of the parcel satisfies the one parameter wetland criteria specified by the CCC and some portions satisfy the three Corps wetland parameters. A limited area, about 12 percent of the parcel within the northeastern corner, has upland attributes, i.e., lacks hydrophytic plants species, wetland soils, or primary/secondary hydrology indicators.

Approximately 2.5 acres of the approximately 20.1-acre parcel meets the definition of upland and is irregularly shaped. The upland area is constrained by wetlands on the west, south, and east. The siting of temporary housing and the associated septic system in the parcel could be achieved with use of the 50-foot setback from the upland area through the application of the Wetland and Buffer Adjustment and Exemption 1b. The setback is often greater than 100 feet surrounding the septic area and nears 50 feet in the temporary housing zone. No other configurations could accommodate the siting of septic and temporary housing within the parcel boundary as ESHA's severely limit development potential of the parcel. The current footprint has been developed with coordination and guidance from Marin County and the CCC.

The temporary housing location is within an upland area that has been used for chicken, pigs, and goat farming and currently hosts all of these animals. This livestock yard is a fenced rectangular area that has been used for farm animal operation for at least 30 years as observed in aerial photography. Land disturbance associated with animal management and animal activity has been ongoing in and adjacent to the proposed temporary housing footprint such that it would not result in additional impacts to the area as it is currently highly altered from a natural state. Very little vegetation grows within the livestock yard and annual non-native weed species are observed in scarcity.

Existing land use within the Parcel outside the livestock yard consists of cattle grazing which results in nearly year-round occupation of the land by livestock. Cattle were present through the rains of 2022-2023 when water was present in Corps wetland features along Mesa Road and the cows and calves represent a type of agricultural land disturbance that is ongoing within the parcel. During the rainy season cattle poke holes in the soil with their feet and in the summer, they create bare patches from congregating and making paths across the field. Prior to use as a cow pasture, the northern portion of the parcel was planted with artichokes by the father of the seller (pers. com. Mr. Tachera).

The installation of a septic leach field and temporary housing (RV camp) in the northern portion of the parcel would not be expected to negatively affect the CCC or Corps wetlands. The upland location passed percolation testing (Eckman Environmental, 2023) and liquids from the septic system are expected to leach through the soil layers below the surface. The CCC wetlands identified on site do not exhibit wetland hydrology indicators and if any additional water from the septic system seeps southerly in a subsurface manner into these areas it would potentially lead to a stronger wetland signature due to the additional hydrology. Wetlands could potentially be enhanced by the addition of subsurface hydrology to the area. With the 100-foot set back around the septic system, shown on the site plan, it is unlikely that subsurface hydrology would reach the wetland areas.

The CCC “one parameter” wetland definition leads to the identification of weak wetlands for which the one parameter can easily change on an annual basis, especially in consideration of the extreme weather events California has been experiencing. In some very wet years, it is possible that a hydrology parameter is present while hydrophytic soils and vegetation are not identified. If the following year has less than average rainfall, the hydrology indicators would be eliminated, and the one parameter CCC wetland would not be observed. Depending on weather conditions, it is possible that a vegetative community exhibits greater than 50 percent annual hydrophytes (greater than 50 percent of facultative plant species), while the soils are not hydrophytic and wetland hydrology indicators are absent; and with successive drier years, the annual plant community shifts back to a dominance of upland species and the CCC one parameter wetland disappears. The one parameter wetland definition allows for the identification of conditions that are often not consistent between years, while the Corps three parameter wetland criteria identify wetlands that are consistently present regardless of the weather pattern of the previous year. Wetlands that meet CCC one parameter definition are easily influenced by seasonal rainfall fluctuations such that they are frequently ephemeral in nature and inconsistent in their presentation.

The septic system proposed to support the temporary housing within the Project would not negatively affect the CCC wetland and could potentially, but unlikely, enhance the hydrology within the feature. Of note, cattle waste has been broadcast across the surface of the parcel and chicken and pig waste has been accumulating on the temporary housing site for the past 50 years.

It does not appear that the application of a 50-foot setback would result in damages to CCC wetlands, or Corps wetlands further south, due to the potential increase in subsurface moisture from the leach field or general ground disturbance. The temporary housing location has been a disturbed environment for 30 years. The upland areas in which the proposed project would occur do not support habitat for special status plants or animals. The project will not result in any potentially significant adverse biological impacts to the environment.

This project appears to meet the exceptions to the 100-foot setback based on interpretation of C-BIO-19 1b since it *cannot be feasibly accommodated entirely outside the required buffer*.

**2. Also, discuss how fences and other methods will be used to minimize impacts to the wetland buffer zone during construction and post-construction/operation of the RV camp.**

Wetland buffer zones will be protected through implementation of Best Management Practice (BMP’s) to be employed during construction of the septic system and the RV camp. This will include the installation of a silt fence to be staked along the edge of the setback from the CCC wetland. Straw wattles are to be placed at the toe of the silt fencing such that potential sediments contained within runoff is captured in several phases of filtering through the sedimentation control materials. Sediments would be first captured in the straw wattles and secondarily trapped by silt fencing. Details of the BMP’s are provided in the Grading and Drainage Plan for Bolinas RV.

After the construction of the septic system is complete and the area has had one growing season in which annual plants have revegetated the area, the silt fencing would be removed as the potential for sediments moving through annual surface runoff would be no greater than what occurs under normal conditions with cattle disturbance to the ground surfaces.

Low height fencing (three feet or lower) is to be installed around the perimeter of the temporary housing area such that errant debris would not be able to move into the surrounding pastures. When temporary housing is no longer present in the Project area and all clean up associated with the removal of the temporary housing is completed, then the fencing could be removed. Alternatively, if this area will continue to be used for chicken and small animal farming in the future, then the fencing could be left in place to facilitate the continued agricultural use of the area. If this area is to be used for agricultural purposes after the removal of temporary housing, then the fencing could be specified for livestock containment prior to installation such that it could have a dual use and conserve resources.

## Summary

The project involves a small-sized upland area in comparison to the size of the parcel and the project was designed to fit within the limited useable area within the site. The allowance of the 50-foot set back exemption and the use of standard erosion control measures for the proposed project would not result in adverse effects to significant riparian lands, wetlands, marshes, and other significant wildlife habitats. A focused evaluation of the Marin County BSA Criteria for Significance was conducted and the use of the "chicken yard" and associated uplands to the northeast would not substantially reduce the number or restrict the range of a rare, endangered or threatened plant or animal species. The temporary housing project would not cause a fish or wildlife population to drop below self-sustaining levels. The lands where the septic system is to be installed would return to its former use as grazing lands at the completion of installation. The existing seed bank will provide a source of natural herbaceous plant regeneration around septic leach field area. Additionally, the area where the temporary housing is sited could be returned to the livestock yard land use when the permanent housing project is completed.

Based on the review of the proposed temporary housing project and its septic system in relationship to the existing habitat including nearby wetlands, the project will not result in potentially significant adverse biological impacts to the environment.

If you have any questions regarding the findings presented in this letter report, please contact me at (408) 591-6465.

Sincerely,



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## **References**

Eckman Environmental, Nov. 10, 2022. On-Site Wastewater Design Report for Tachera Ranch APN 193-020-38, Prepared for Gwen Baert, REHS Marin County Environmental Health Services.

Marin County Local Coastal Program, Land Use Plan. Adopted April 24 and December 11, 2018, and Certified by the California Coastal Commission February 6, 2019.

Personal Communication with Mr. Tachera on May 19, 2023.