



# MARIN COUNTY

## COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

### STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR AUDUBON CANYON RANCH COASTAL PERMIT

Item No:	C1	Application No:	CP 10-14
Applicant:	Daniel Glusenkamp	Owner:	Audubon Canyon Ranch
Property Address:	Toms Point, Dillon Beach	Assessor's Parcel:	104-040-31
Hearing Date:	February 11, 2010	Planner:	Veronica Corella- Pearson
<b>RECOMMENDATION:</b>		<b>Approved with Conditions</b>	
<b>APPEAL PERIOD:</b>		<b>5 working days to the Planning Commission</b>	
<b>LAST DATE FOR ACTION:</b>		<b>February 11, 2010</b>	

#### PROJECT DESCRIPTION:

The applicant, Audubon Canyon Ranch, has requested Coastal Permit approval to legalize the mechanical removal of non-native invasive plant species, and for approval of an ongoing Site Restoration Program at Toms Point in Dillon Beach. The main goal of the program is to remove and contain non-native species, and to restore the site to natural dune habitat. The main non-native invasive species being removed are European beachgrass (*Arundo arenaria*), and highway iceplant (*Carpobrotus edulis*). The total amount of land disturbed is approximately 2.5 acres. The three methods for removal include: 1) mechanical (tractor, excavator, approximately 0.75 acres); 2) manual (shovels, approximately 0.50 acres); and 3) hand pulling (1.24 acres). Removal is scheduled to occur outside of the bird breeding and nesting season.

#### *Removal Methods*

The applicant has proposed three methods for removal of beachgrass, which include mechanical, manual, and hand pulling means. ACR has removed majority of the beachgrass where it occurred in large monocultures (0.3 hectares), using mechanical means (tractors and excavators) with care taken to not disturb the native vegetation. Field work was done during the mid to late summer during the dormant season for native dune plant populations and outside of the nesting bird season. The work that remains is to remove invasive plants in the southern portion of Toms Point using manual and hand pulling methods. Young beachgrass sprouts that have reestablished in the mechanically treated area would also be removed and or treated. Where the beachgrass is dense, but small in size (approximately 0.2 hectares) it would be manually removed using shovels. Where beachgrass is sparsely abundant, it would be removed by hand pulling (0.5 hectares). Resprouting in the area would be treated with 4% glyphosate solution and the three restoration areas would be replanted where needed.

### *Revegetation Plan*

In 2007, 2008, and 2009, ACR collected seeds onsite from local native dune plants. The seeds have been stored and propagated at their Ecological Restoration Center. In the winter of 2010/2011, the native plants would be installed using a mixed pattern of individual plants at 1 meter centers and clustered plantings on 1.2 meter centers. Seeds have been collected from the following plant species for project purposes:

- Yellow sand-verbena (*Abronia latifolia*)
- Yarrow (*Achillea millefolium*)
- Coyote Brush (*Baccharis pilularis*)
- California brome (*Bromus carinatus var. maritimus*)
- Primrose (*Camissonia contorta* and *Camissonia micrantha*)
- Sand mat (*Cardionema ramosissimum*)
- Mock heather (*Ericameria erichoides*)
- Seaside daisy (*Erigeron glaucus*)
- Beach strawberry (*Fragaria chiloensis*)
- Cow parsnip (*Heracleum lanatum*)
- Gold fields (*Lasthenia minor*)

No irrigation would be necessary due to the time of planting, and the adaptability of the native plant species. ACR has also provided a list of 18 plants and 17 birds that are expected to benefit from the project due to the improved habitat.

### *Monitoring and Maintenance*

Ongoing monitoring and maintenance is a major component of the proposed project. Monitoring would be conducted using the existing transects that were established in 2004, which consists of 7 parallel transects, running from the beach to the road at 30 meter intervals. Along each transect plant species are inventoried at regular quadrants and assessed using the following parameters:

- Percent cover by soil
- Dead thatch
- Target invasive plants

In the event that monitoring indicates that 5% criterion has not been met, then removal treatments would be resumed and monitoring repeated. The restored sites would be surveyed every three years, and removal would use one of the above mentioned techniques.

### **GENERAL INFORMATION:**

Countywide Plan: C-AG1 (Coastal, Agricultural, 1 unit per 31 to 60 acres)  
Zoning: C-APZ-60 (Coastal, Agricultural, Production Zone, 1 unit per 60 acres)  
Lot size: 71.7 acres  
Adjacent Land Uses: Agriculture  
Vegetation: Annual Grasses and Herbs  
Topography and Slope: Level to moderately sloping

Environmental Hazards: None identified

**ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15333, Class 33 of the CEQA Guidelines because it entails restoration activities that do not exceed 5 acres in size and would not result in adverse impacts to existing plant and animal species, and would restore site conditions and improve habitat for native species.

**PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. As of the date of this report, no correspondence has been received in response to the public notice.

**PLAN CONSISTENCY:**

The proposed project is consistent with the goals and policies of the Marin Countywide Plan. Please refer to the plan consistency findings contained in the attached resolution.

**BACKGROUND:**

*Audubon Canyon Ranch*

Toms Point is located east of Tomales, south of Dillon Beach, and near the mouth of Tomales Bay on the western shore, between Walker Creek Delta and Lawson's Landing. Most of Toms Point is within the 71 acres owned and managed by ACR. ACR is a non-profit organization whose primary mission is to "preserve, protect and manage ACR properties as sanctuaries for native plants and animals." ACR has many programs and activities geared towards educating the public on the ecological importance of these lands and programs aimed at protecting natural resources on these properties. The restoration plan that was developed for Toms Point was guided by three overarching principles, which are as follows: 1) maintain taxonomic, functional, and interaction diversity on ACR's Toms Point property; 2) preserve the long-term health of Toms Point sanctuary by protecting the integrity of adjacent ecosystems; and 3) protecting and preserving the wildland natural character of the area by minimizing disturbance associated with human use and invasive species. ACR is known for providing educational programs for children and adults and promoting ecological literacy, and for conducting research and restoration that advances conservation science. ACR began work on the proposed Site Restoration Program during the summer of 2003. Since this time ACR has been actively surveying the biological resources on the subject property, collecting native seed for propagation, and designing the restoration plan. ACR also began mechanical removal of beachgrass, which was completed in 2009.

*Existing Conditions and Future Goals*

European beachgrass and iceplant are ranked "high" on the California Invasive Plant Council's inventory of invasive plants. European beachgrass was most likely planted at Toms Point in the early 1900s to stabilize the dunes. The invasive grass has succeeded in stabilizing the dunes, at the expense of native plants and animals and has expanded to form large monocultures of beachgrass. Though the area is dominated by beachgrass and sporadic infestations of iceplant, the site has great ecological diversity, which includes coastal salt marsh, coastal prairie, and coastal dunes, along with more than 270 native plant species. The chosen restoration sites are

currently in a degraded state due to the abundance of invasive plants, but these sites still contain native plant communities that are relatively intact. Therefore the goal of the project is to remove and reduce the abundance of invasive species so that the native plant communities can expand and undergo natural recruitment that would ultimately result in a natural ecosystem that is self-structured in the absence of invasive species.

### *Special Status Species and Habitat*

On the subject property, there are two ponds, labeled on the plans “wetland=small cattle pond” and “wetland=smallpond”. One of the ponds is over 460 feet from the southern project site, and the second pond is 32 feet from the southern project site. The property also contains Northern Coastal Salt Marsh and Coastal Terrace Prairie. The restoration sites are not located within either of these habitat areas, with exception to the “wetland-smallpond.” The southernmost restoration site is located within the buffer area of this wetland.

The following special status plant species were listed in the California Natural Diversity Database (CNDDDB) as having potential to occur in the project area; 1) Blue coast gilia (*Gilia capitata ssp. chamissonis*); 2) Point Reyes bird’s beak (*Cordylanthus maritimus ssp. palustris*); 3) Humboldt Bay owl’s clover (*Casilleja ambigua ssp. humboldtiensis*); and 4) Franciscan thistle (*Cirsium andrewsii*). ACR has done floristic surveys of the entire property, and did not find any of the afore mentioned species in the project areas. Blue coast gilia is located in dunes nearby and with implementation of the proposed project, it could someday occur within project site and Humboldt Bay Owl’s Clover is located within the Northern Coastal Salt Marsh habitat, which would not be disturbed. The goal of the site restoration program is to restore the site to its natural dune habitat and increase the abundance of native vegetation, which would be accomplished by not only planting the area with native plants to the area, but by also removing the non-native invasivespecies that are an impediment to their survival and success.

Regarding special status wildlife, CNDDDB has listed great blue heron (*Ardea herodias*) and great egret (*Ardea alba*) as having the potential for occurrence near the project site. ACR has surveyed the site and has record of both these species being sited near the ponds and on the adjacent property. There have been no nesting colonies on the property, and the proposed project occurs outside of the nesting bird season.

### *Non-native Invasive Species*

On the subject property, the three chosen restoration sites where selected for their large populations of the invasive species European beachgrass and highway iceplant. European beachgrass is a perennial rhizomatous grass that is native to the coast of Europe and North Africa. Beachgrass is capable of rapid lateral spread and responds to sand accumulation with increased growth. Through its process of invasion, beachgrass is successful in re-engineering the structure of the dune system, and outcompeting native plants. Beachgrass is most successful along the dunes and beach near the northern portion of the subject property and eastward. It is also abundant along the western tip of Toms Point, where it mixes with native vegetation and infestation of the invasive non-native iceplant. Highway iceplant blocks light, and can out compete native plant species for soil space, and can out compete native plants since it reproduces through fruit and segmentation. It can spread several feet in a year and decomposes slowly, leaving biomass in place for several years.

## **PROJECT ANALYSIS:**

After visiting the project site, reviewing the proposed restoration program, and reviewing available information on the existing environmental conditions, staff has found that the proposed program would not result in adverse impacts to the environment, and would benefit the local plant and wildlife community. Staff has found that the area where mechanical removal has been used, there are no special status species or protected habitat, and that the work did not significantly impact the existing native vegetation. Staff has also found that the proposed areas for manual and hand pulling removal methods are located near one wetland buffer area near the southernmost project sites. The LCP allows for work in a wetland buffer if it is for restoration purposes. The project will not enter the wetland and will not significantly disrupt wildlife or flora. The project will also not enter any areas where special status species are located, and all restoration sites would only be entered on foot, and only for restoration, research and educational purposes. Staff further finds that with the proposed planting program, and monitoring, the area would be returned to a more natural state by providing new habitat for plant and animal species. In addition, any areas that are not responding to treatment methods can be re-evaluated, and improvements can be made.

## **CONCLUSION:**

Staff finds that the proposed project for the implementation of a restoration program for lands owned and managed by the Audubon Canyon Ranch at Toms Point has been carefully planned and implemented to preserve, protect, and enhance the native environment. Staff finds that the project complies with all policies of the Marin Countywide Plan and Local Coastal Program, Unit II.

## **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Audubon Canyon Ranch Coastal Permit (CP 10-14).

### Attachments:

1. Proposed Resolution recommending approval of the Audubon Canyon Ranch Coastal Permit (CP 10-14)
2. CEQA Exemption
3. Assessor's Parcel Map
4. Map of Areas of Vegetation Removal
5. Project Area Overview
6. Toms Point Site Restoration Program for Audubon Canyon Ranch's Tom Point Property
7. Audubon Canyon Ranch Development Application Submittal Guide
8. Audubon Canyon Ranch Environmental Review Submission
9. Environmental Health Services – Sewage, transmittal dated 11/3/09
10. Environmental Health Services – Water, transmittal dated 10/22/09
11. Department of Public Works, Land Development, transmittal dated 11/2/09
12. National Park Service, Point Reyes National Seashore, letter dated 11/6/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION APPROVING THE AUDUBON CANYON RANCH COASTAL PERMIT (CP 10-14)  
TOMS POINT, DILLON BEACH  
ASSESSOR'S PARCEL 104-040-31

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**SECTION I: FINDINGS**

I. WHEREAS the applicant, Audubon Canyon Ranch, has requested Coastal Permit approval to legalize the mechanical removal of non-native invasive plant species, and for approval of an ongoing Site Restoration Program at Toms Point in Dillon Beach. The main goal of the program is to remove and contain non-native species, and to restore the site to natural dune habitat. The main non-native invasive species being removed are European beachgrass (*Arundo arenaria*), and highway iceplant (*Carpobrotus edulis*). The total amount of land disturbed is approximately 2.5 acres. The three methods for removal include: 1) mechanical (tractor, excavator, approximately 0.75 acres); 2) manual (shovels, approximately 0.50 acres); and 3) hand pulling (1.24 acres). The Site Restoration Program includes a vegetation removal plan, revegetation plan, and monitoring and maintenance plan described as follows.

*Removal Methods*

The applicant has proposed three methods for removal of beachgrass, which include mechanical, manual, and hand pulling means. ACR has removed majority of the beachgrass where it occurred in large monocultures (0.3 hectares), using mechanical means (tractors and excavators) with care taken to not disturb the native vegetation. Field work was done during the mid to late summer during the dormant season for native dune plant populations and outside of the nesting bird season. The work that remains is to remove invasive plants in the southern portion of Toms Point using manual and hand pulling methods. Young beachgrass sprouts that have reestablished in the mechanically treated area would also be removed and or treated. Where the beachgrass is dense, but small in size (approximately 0.2 hectares) it would be manually removed using shovels. Where beachgrass is sparsely abundant, it would be removed by hand pulling (0.5 hectares). Resprouting in the area would be treated with 4% glyphosate solution and the three restoration areas would be replanted where needed.

*Revegetation Plan*

In 2007, 2008, and 2009, ACR collected seeds onsite from local native dune plants. The seed have been stored and propagated at their Ecological Restoration Center. In the winter of 2010/2011, the native plants would be installed using a mixed pattern of individual plants at 1 meter centers and clustered plantings on 1.2 meter centers. Seeds have been collected from the following plant species for project purposes:

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No irrigation would be necessary due to the time of planting, and the adaptability of the native plant species. ACR has also provided a list of 18 plants and 17 birds that are expected to benefit from the project due to the improved habitat.

#### *Monitoring and Maintenance*

Ongoing monitoring and maintenance is a major component of the proposed project. Monitoring would be conducted using the existing transects that were established in 2004, which consists of 7 parallel transects, running from the beach to the road at 30 meter intervals. Along each transect plant species are inventoried at regular quadrants and assessed using the following parameters:

- Percent cover by soil
- Dead thatch
- Target invasive plants

In the event that monitoring indicates that 5% criterion has not been met, then removal treatments would be resumed and monitoring repeated. The restored sites would be surveyed every three years, and removal would use one of the above-mentioned techniques. Removal is scheduled to occur outside of the bird breeding and nesting season. The subject property is located at Toms Point, Dillon Beach, and is further identified as Assessor's Parcel 104-040-31.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 11, 2010 to consider the merits of the project, and hear testimony in favor of, and in opposition to the project.
  
- III. WHEREAS the Marin County Deputy Zoning Administrator finds per Section 15333, Class 3 of the CEQA Guidelines, the project is Categorically Exempt from the requirements of the California Environmental Quality Act because the project entails restoration activities that do not exceed 5 acres in size and will not result in adverse impacts to existing plant and animal species, and the projects main purpose is to restore the site to its previous natural conditions and improve habitat for native species.
  
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the **Coastal Permit** (Section 22.56.130I of the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit II as specified below:
  - A. Water Supply
 

The project does not propose new development and the project does not propose activities that will need water service.

#### B. Septic System Standards

The Marin County Department of Environmental Health Services has reviewed the application and has found the project will have no impacts on septic disposal systems.

#### C. Grading and Excavation

The proposed project involves no grading and only minor excavation for the removal of plants and their root bases. The proposed project includes native plant revegetation for areas of the project and will therefore not result in adverse impacts due to excavation of non-native species.

#### D. Archaeological Resources

The proposed project is located over a half a mile from any known archeological or historical sites. The proposed project includes a condition that requires all construction to cease if any archeological resources are discovered. Due to this condition of approval and since there is a minimal amount of excavation proposed, it is highly unlikely that the project will result in any adverse impacts to archaeological resources.

#### E. Coastal Access

The proposed project does not propose any new public access. ACR provides educational trips for children and adults, and the public can register for these guided outings. Due to the site containing many sensitive habitat areas, and documented research that shows that exclusion of the public from dune habitat restoration areas can result in a dramatic increase in the reproductive success in population counts of native plant and animal species, it is found that it is preferable to allow ACR to continue with guided educational outings. In addition, public access is provided at Lawson's Landing, north of the project site, and the only way to access the subject property from Dillon Beach Road, is through an easement shared with four neighboring properties.

#### F. Housing

No housing demolition or new housing is proposed as part of this project, therefore the project will not negatively impact the amount of affordable housing available in Dillon Beach.

#### G. Wetland and Stream Conservation Protection

The proposed project is not located within a stream protection area. On the subject property, there are two ponds, labeled on the plans "wetland=small cattle pond" and "wetland=smallpond". One of the ponds is over 460 feet from the southern project site, and the second pond is 32 feet from the southern project site. The LCP allows for work in a wetland buffer if it is for restoration purposes. The project will not enter the wetland and will not significantly disrupt wildlife or flora. The project will also not enter any areas where special status species are located, and any work within the wetland buffer area will be only for restoration, research and educational purposes. The restoration methods used in the buffer area will only be handpulling and manual removal of non-native invasive plants, and replanting with native local plants.

#### H. Dune Protection

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program, yet it has been identified by ACR as being a natural dune habitat area, which has been degraded by beachgrass. The proposed project will improve the natural habitat so that it can be returned to a condition that will be similar to its unaltered state. The project does not involve grading or excavation that will significantly alter the natural formation of the dunes, in contrast the



project will remove non-native invasive species that prevent the site from having a dynamic state, which is characteristic of natural dune habitat areas.

I. Wildlife Habitat

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the property is not located in an area potentially containing listed wildlife species. A search of the California Natural Diversity Data Base, prepared by the State Department of Fish was conducted and it was found that great blue heron (*Ardea herodias*) and great egret (*Ardea alba*) have potential for occurrence near the project site. ACR has surveyed the site and has record of both these species being sited near the ponds on the subject and on the adjacent property. There have been no nesting colonies on the property, and the proposed project occurs outside of their habitat area, and the removal of non-native invasive species will occur outside of the nesting bird season.

J. Protection of Native Plant Communities:

European beachgrass is a perennial rhizomatous grass that is native to the coast of Europe and North Africa. Beachgrass is capable of rapid lateral spread and responds to sand accumulation with increased growth. Through its process of invasion, beachgrass is successful in re-engineering the structure of the dune system, and out competing native plants. Beachgrass is most successful along the dunes and beach near the northern portion of the subject property and eastward. It is also abundant along the western tip of Toms Point, where it mixes with native vegetation and infestation of the invasive non-native iceplant. Highway iceplant blocks light, and can out compete native species for soil space, and can out compete native plants since it can reproduce through fruit and segmentation. It can spread several feet in a year and decomposes slowly, leaving biomass in place for several years. European beachgrass and iceplant are ranked "high" on the California Invasive Plant Council's inventory of invasive plants. European beachgrass was most likely planted at Toms Point in the early 1900s to stabilize the dunes. The invasive grass has succeeded in stabilizing the dunes, at the expense of native plants and animals and has expanded to form large monocultures of beachgrass. Though the area is dominated by beachgrass and sporadic infestations of iceplant, the site has great ecological diversity, which includes coastal salt marsh, coastal prairie, and coastal dunes, along with more than 270 native plant species. The chosen restoration sites are currently in a degraded state due to the abundance of invasive plants, but these sites still contain native plant communities that are relatively intact. Therefore the goal of the project is to remove and reduce the abundance of invasive species so that the native plant communities can expand and undergo natural recruitment that would ultimately result in a natural ecosystem that is self-structured in the absence of invasive species. On the subject property, the three chosen restoration sites were selected for their large populations of the invasive species European beachgrass and highway iceplant.

On the subject property, there are two ponds, labeled on the plans "wetland=small cattle pond" and "wetland=smallpond". One of the ponds is over 460 feet from the southern project site, and the second pond is 32 feet from the southern project site. The property also contains Northern Coastal Salt Marsh and Coastal Terrace Prairie. The restoration sites are not located within either of these habitat areas, with exception to the "wetland-smallpond" buffer area, and the proposed project would protect these areas from potential future invasion of beachgrass. The southernmost restoration site is located within the buffer area of one wetland.

The following special status plant species were listed in the California Natural Diversity Database (CNDDDB) as having potential to occur in the project area; 1) Blue coast gilia (*Gilia capitata ssp. chamissonis*); 2) Point Reyes bird's beak (*Cordylanthus maritimus ssp. palustris*); 3) Humboldt Bay owl's clover (*Casilleja ambigua ssp. humboldtiensis*);

and 4) Franciscan thistle (*Cirsium andrewsii*). ACR has done floristic surveys of the entire property, and did not find any of the afore mentioned species in the project areas. Blue coast gilia is located in dunes nearby and with implementation of the proposed project, it could someday occur within project site and Humboldt Bay Owl's Clover is located within the Northern Coastal Salt Marsh habitat, which would not be disturbed. The goal of the site restoration program is to restore the site to its natural dune habitat and increase the abundance of native vegetation, which would be accomplished by not only planting the area with native plants to the area, but by also removing the non-native invasive species that are an impediment to their survival and success.

K. Shoreline Protection

Bluffs are located on the subject property, yet the proposed project sites are located approximately 300 feet away from these areas and therefore there would be no negative impacts from bluff erosion.

L. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects

This finding is not applicable. The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The proposed project will not have a negative impact on visual resources since no development is proposed.

P. Recreation/Visitor Facilities

This finding is not applicable. The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Protection

The project site is located outside of the historic preservation boundaries identified in the Marin County Historic Study for the Local Coastal Program, Unit II, and does not entail impacts to any historic resources.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Audubon Canyon Ranch Coastal Permit (CP 10-14) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) the applicant, Audubon Canyon Ranch, is approved for the legalization of the mechanical removal of non-native invasive plant species, and is

approved for the Site Restoration Program at Toms Point in Dillon Beach. The main goal of the program is to remove and contain non-native invasive plant species, and to restore the site to natural dune habitat. The main non-native invasive species being removed are European beachgrass (*Arundo arenaria*), and highway iceplant (*Carpobrotus edulis*). The total amount of land disturbed is approximately 2.5 acres. The three methods for removal include: 1) mechanical (tractor, excavator, approximately 0.75 acres); 2) manual (shovels, approximately 0.50 acres); and 3) hand pulling (1.24 acres). The Site Restoration Program includes a vegetation removal plan, revegetation plan, and monitoring and maintenance plan described as follows.

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parallel transects, running from the beach to the road at 30 meter intervals. Along each transect plant species are inventoried at regular quadrants and assessed using the following parameters:

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In the event that monitoring indicates that 5% criterion has not been met, then removal treatments will be resumed and monitoring repeated. The restored sites will be surveyed every three years, and removal will use one of the above mentioned techniques. Removal is scheduled to occur outside of the bird breeding and nesting season. The subject property is located at Toms Point, Dillon Beach, and is further identified as Assessor's Parcel 104-040-31.

7. The site restoration program shall be implemented and enforced as approved, unless circumstances dictate that revisions to the site restoration program are necessary to meet its ecological objectives. Any revisions necessary may be considered to substantially conform to the conditions of the project approval as long as they provide an equal or greater degree of ecological restoration as the site restoration program.

8. All mechanical equipment activities shall comply with the following standards:

Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

9. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

10. If in the event that any human remains, artifacts, or other indicators of prehistoric or historic use of the parcel are encountered during site preparation or construction activities on any part of the project site, all work at the vicinity of the discovered site shall stop and the project sponsor shall contact the Marin County Environmental Coordinator immediately. If human remains are encountered, the County Coroner must also be contacted. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written evaluation to the Agency Director advancing appropriate conditions to protect the site and the resources discovered. State law designates procedures should human remains be encountered. If the remains are deemed to be Native American and prehistoric, the Coroner must contact the Native American Heritage Commission so that a "Most Likely Descendant" can be designated. No work at the site may recommence without approval of the Agency Director (2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact, Mitigation Measure 7b-2).

11. The owners hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Audubon Canyon Ranch Coastal Permit (CP 10-14) for which action is brought within the applicable statute of limitations.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

### **SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the Audubon Canyon Ranch Coastal Permit (CP 10-14) has been approved and all commenced work is hereby vested and approved to continue.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on February 18, 2010.**

### **SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of February, 2010.

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary