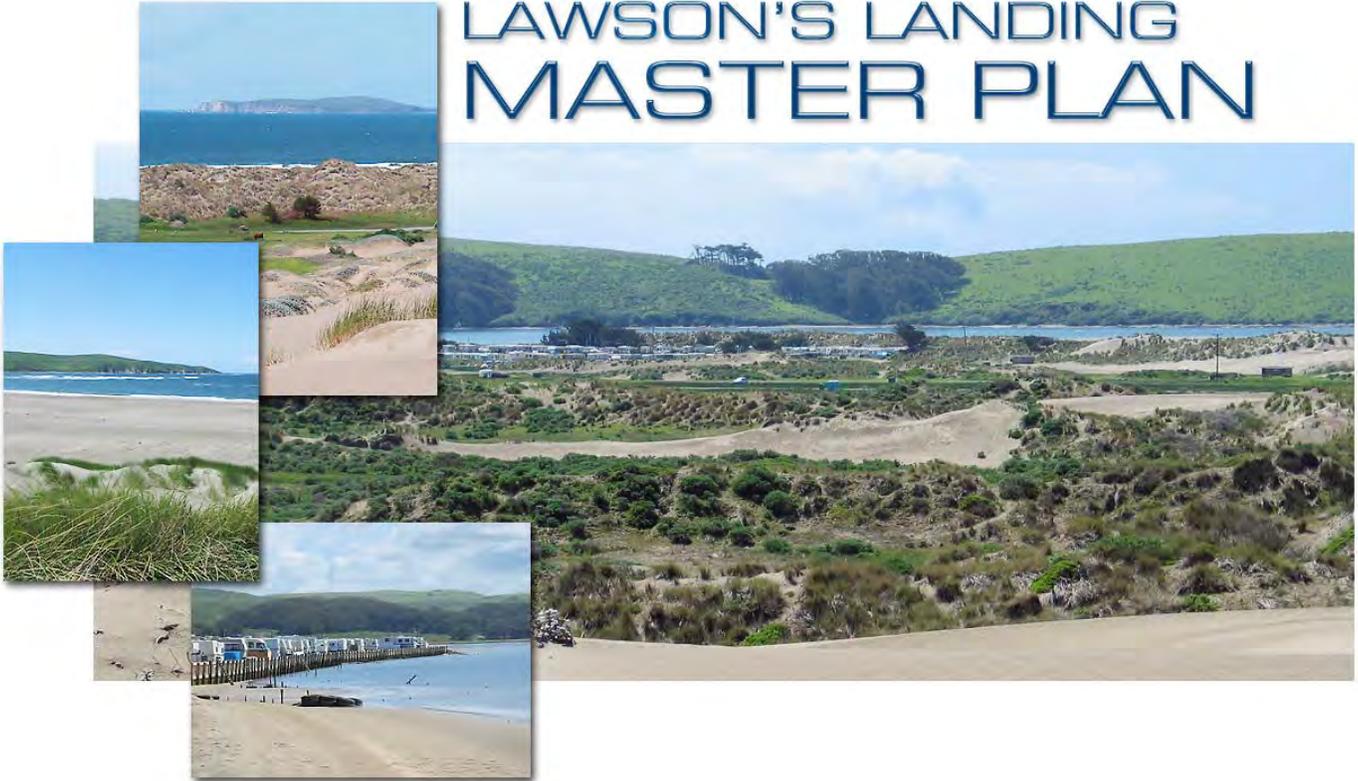


AMENDMENT TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LAWSON'S LANDING MASTER PLAN



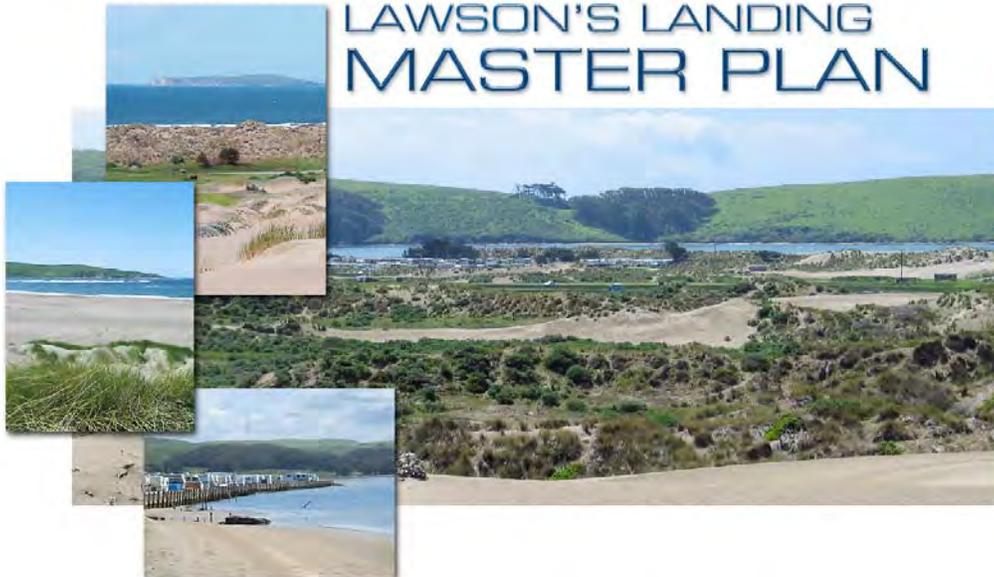
SCH# 2000092067

AMENDMENT TO THE
FINAL EIR

January 2, 2008

EDAW

AMENDMENT TO THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE
LAWSON'S LANDING
MASTER PLAN



Amendment to the
Final EIR

SCH# 2000092067

Prepared for:

Marin County Community Development Agency
3501 Civic Center Drive, RM 308
San Rafael, California 94903-4157

Attention:

Tim Haddad
Environmental Planning Coordinator

Prepared by:

EDAW, Inc.
2022 J Street
Sacramento, California 95814

Contact:

Amanda Olekszulín
Project Manager
916/414-5800

Curtis Alling
Vice President
916/414-5800

January 2, 2008

EDAW

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Appendix

A	Consistency with Policies of the 2007 Marin Countywide Plan	
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ACRONYMS AND ABBREVIATIONS

AASHTO	American Association of State Highway Transportation Officials
ACR	Audubon Canyon Ranch
CCC	California Coastal Commission
CEQA	California Environmental Quality Act
County	County of Marin
DPW	Department of Public Works
EIR	Environmental Impact Report
NMWD	North Marin Water District
project	Lawson's Landing Master Plan project
RWQCB	Regional Water Quality Control Board

COMMENTS AND RESPONSES TO COMMENTS ON THE FINAL EIR

1 INTRODUCTION

This document has been prepared as an amendment to the Final Environmental Impact Report (EIR) that was prepared for the Lawson's Landing Master Plan project (project) and circulated to public agencies and the public for a two-week period starting on September 28, 2007. At the close of the Final EIR review period, several comments were received on the EIR. The purpose of this document is to respond to significant environmental points raised in the additional comments received on the Final EIR consistent with the requirements of the California Environmental Quality Act (CEQA). This document will be included as an amendment to the Final EIR and will be considered together with the Final EIR at the time Marin County considers the EIR for certification and the project for approval. The following provides a summary of the events that have taken place up to the time the Final EIR was circulated for public review.

1.1 SUMMARY OF EIR PROCESS AND EVENTS

On July 15, 2005, the County of Marin (County) distributed to public agencies and the general public a Draft EIR for the Lawson's Landing Master Plan project. The project involves continuation of existing recreation, agriculture, and residential uses at the project site. The project sponsor also proposes construction to upgrade recreation facilities; the continuation of existing recreational uses; and the introduction of new, environmental monitoring programs; the merger of numerous parcels in the meadow area of the project site; and the implementation of passive and active education programs designed to inform the public of the unique environmental qualities of the project site.

The Draft EIR evaluates how environmental conditions would be expected to change as a result of implementation of the Lawson's Landing Master Plan. The EIR addresses both the impacts resulting from construction of facilities and a cumulative evaluation of the project's contribution to the environmental impacts from other projects within the region. The State CEQA Guidelines Section 15025(d) requires a 45-day review period for the Draft EIR. An extended 57-day review period for the project began on July 15, 2005 and ended on September 16, 2005. Public, state, and local agencies commented on issues evaluated in the Draft EIR during the review period and written comments were received from 113 commenters. In addition, two public hearings were held at the Marin County Civic Center on September 12, 2005 and October 10, 2005 during which oral comments were received on the Draft EIR.

During the first public hearing, a number of comments were received on the development of the environmental baseline for the Draft EIR including comments from Commissioners. After the hearing and in considering the comments received, the Planning Commission decided to continue the public hearing on the Draft EIR to a future meeting. This hearing was subsequently scheduled for October 10, 2005, extending the Draft EIR comment period and additional 24 days, from September 16, 2005 to October 10, 2005. On October 10, 2005 the Planning Commission held the continued meeting of the Draft EIR for the Lawson's Landing Master Plan. One of the primary topics under consideration by the Planning Commission at this meeting was whether to recommend that the Draft EIR should be revised to incorporate an alternate environmental baseline based on previous comments received and discussed during the September 12, 2005 meeting. After considering the staff report and testimony provided by Marin County Community Development staff regarding the analysis and data used in developing the current environmental baseline, written comments received up to the date of the hearing and public testimony presented at the hearing, the Planning Commissioners decided that the environmental baseline presented in the Draft EIR did not need to change; therefore, recirculation of the Draft EIR was not be required.

Subsequent to the close of the public hearings on the Draft EIR, the County initiated preparation of the Final EIR for the project including preparation of responses to comments addressing the environmental analysis presented in

the Draft EIR. While in the process of preparing the Final EIR, the California Coastal Commission (CCC) notified the County and project applicant in November 2005 of the CCC's intent to proceed with a Coastal Act violation regarding the existing (baseline) on the property. The CCC subsequently issued a letter dated February 21, 2006 alleging that the project applicants had a Coastal Act violation regarding alleged existing unpermitted development at the project site and that enforcement actions were being sought against the project applicant. In response to this letter, Marin County suspended preparation of the Final EIR to consult further with the CCC. A meeting was held on March 2, 2006 between County and CCC staff to discuss potential resolution to the issues raised in the letter. At that meeting it was agreed that issues regarding alleged unpermitted development at the site were primarily related to the merits of the existing uses of the project site. However, to inform this merits discussion, as well as provide additional information regarding facilities proposed to support existing uses, additional biological studies, including a Coastal Act wetland delineation and more precise identification of environmentally sensitive habitat areas, would be required for the CCC to consider its action on the project. It was agreed by CCC that they would formally suspend their enforcement actions against the project applicants pending the timely completion of the additional environmental studies and completion of Marin County's environmental review and local permitting process. A letter stating these intentions was issued by CCC on April 12, 2006.

On June 29, 2006, Marin County staff, the EIR consultants, the project applicants and their consultants, and CCC staff met at Lawson's Landing to discuss the protocol and requirements for conducting the additional biological studies that would inform the decision of which uses at Lawson's Landing are proposed or existing in coastal wetlands, based on Coastal Act requirements. It was agreed at that meeting that the project applicants would submit a formal Coastal Development Permit application to the CCC for review and consideration and this application would include the additional requested biological studies. A preliminary timetable for completion of the project application and additional studies was established and all information was anticipated to be submitted by September 2006. However, completion of the CCC project application and additional studies was delayed prompting the CCC to issue a Notification of Intent to Commence Cease and Desist Order on October 13, 2006. In response to this notification, the project applicant submitted a project application and entered into a Consent Cease and Desist Order (No CCC-06-CD-15), which reflects the project applicant's agreement to work with CCC to address existing development on the property through the Marin County and CCC permitting processes. The CCC approved the Consent Order on December 14, 2006.

On February 9, 2007, Marin County and the CCC received copies of the additional biological studies (see Master Response 3). On February 27, 2007, Marin County authorized its environmental consultants to peer-review the additional studies by the project applicant and resume preparation of the Final EIR for the Lawson's Landing Master Plan. Since April 2007, Marin County and its environmental consultants have been preparing the Final EIR and responses to Draft EIR comments incorporated herein.

Marin County staff has had subsequent discussions with the project applicants to review comments made by the Planning Commissioners and understand the applicants intended plans for development at the project site based on the results presented in the Draft EIR. The applicants have indicated that subsequent to certification of the EIR they would work with Marin County staff to refine the proposed master plan to comply with the mitigation requirements identified in the Draft EIR and develop a revised plan that is more in line with the elements of the Mitigated and Reduced Alternatives evaluated in the Draft EIR. No specific details of these refinements are available at this time; however, the applicants have indicated they intend to focus on revisions to the existing camping and recreational uses. Further, this information is not necessary for the certification of the EIR. When and if alterations to the Master Plan are submitted to Marin County by the project applicant, the County will review those changes in light of the analysis included in the Draft EIR to determine if additional environmental review is necessary.

1.2 COMMENTS THAT DO NOT RAISE ENVIRONMENTAL ISSUES

As specified in Section 15088(b) of the State CEQA Guidelines, the focus of the responses to comments received on the Final EIR shall be on the disposition of significant environmental issues. Responses are not required on

comments regarding the merits of the project. Comments on the merits of the project will be forwarded to the Marin County decision makers for consideration prior to approving or denying the project. Where comments on the merits of the project are raised, the phrase “the comment is acknowledged” is used when the EIR authors wish to acknowledge a comment that does not directly pertain to the environmental issues analyzed in the EIR; does not ask a question about the EIR; or does not challenge an element or conclusion of the EIR. The intent is simply to recognize the comment. Many of the comments express opinions about aspects of the project and thus are included in the Final EIR for consideration by Marin County decision makers.

2 UPDATES SINCE PUBLICATION OF THE FINAL EIR

Marin County recently adopted a new Countywide Plan (November 2007). As part of the new Countywide Plan, policies have been revised, removed, or added from the previous 1994 Countywide Plan. A summary of the new Countywide Plan policies that are relevant to the proposed project is provided below along with analysis of the project’s consistency with each policy (see Appendix A to this document). None of the Countywide Plan policy changes provide substantial new information that would alter the environmental conclusions in the Final EIR.

In general, many of the policies identified in the new Countywide Plan that are relevant to the project are similar to previously adopted policies. As identified in the policy summary (Appendix A), the project is consistent with all new policies and no changes to the EIR are required as a result of the new policies.

3 LIST OF COMMENTERS

A total of 23 comment letters were received on the Final EIR during the public comment period. A list of commenters on the Final EIR, along with the subject of each comment, is found in Table 3-1. Each letter and comment has a number/number designation assigned for cross-referencing purposes. This list represents all written comments received during the comment period. The comment letters and responses to environmental comments raised in those letters are presented in this Chapter. In some cases the responses to comments received on the Final EIR resulted in changes to the text of the Final EIR. Where changes are made to the Final EIR, they are noted in the specific response to comment. Changes to the Final EIR are captured in Section 4, “Corrections and Revisions to the EIR,” of this document with additions to the Final EIR shown in underline (underline) and deletions shown by ~~strikeout~~.

Letter	Commenter	Date	Comment Number	Comment Topic(s)
1	California Coastal Commission, Michael Endicott, District Manager	10/24/07	1-1	Permitting
2	California Regional Water Quality Control Board, Susan Gladstone, Section Leader	10/18/07	2-1	Stormwater
3	Governor’s Office of Planning and Research, State Clearinghouse, Terry Roberts, Director of State Clearinghouse	10/22/07	3-1	No comment
4	Governor’s Office of Planning and Research, State Clearinghouse, Terry Roberts, Director of State Clearinghouse. California Coastal Commission letter attached	10/26/07	4-1	Permitting
5	North Marin Water District, Chris DeGabriele, General Manager	10/17/07	5-1	General Revisions

**Table 3-1
List of Commenters and Comments**

Letter	Commenter	Date	Comment Number	Comment Topic(s)
6	Audubon Canyon Ranch, Maurice Schwartz and John Kelly	10/01/07	6-1	Alternatives
			6-2	Project details
			6-3	Project details
			6-4	Visitor use
			6-5	Wetlands
			6-6	Wetlands
			6-7	Dunes
			6-8	Western snowy plover
			6-9	Surrounding impacts
			6-10	Alternatives
7	Audubon Canyon Ranch, Maurice Schwartz and John Kelly	10/19/07	7-1	General comments
			7-2	Baseline
			7-3	General comments
8	California Native Plant Society, Kristin Jakob	10/18/07	8-1	Native plants
9	Grassetti Environmental Consulting, Mike Healey, CALFED Lead Scientist	10/18/07	9-1	Project details
			9-2	Project details
			9-3	General comments
			9-4	Baseline
			9-5	Alternatives
			9-6	General comments
			9-7	General comments
			9-8	Merits
			9-9	Alternatives
			9-10	Information sources
			9-11	Wetlands
			9-12	Sea level rise
			9-13	Snowy plovers
			9-14	General comments
10	Marin Audubon Society, Barbara Salzman, Conservation Committee	10/19/07	10-1	General comments
			10-2	Programmatic document
			10-3	Existing uses
			10-4	General comments
			10-5	Existing conditions
			10-6	Groundwater
			10-7	Use levels
			10-8	Groundwater
			10-9	Sensitive habitats
			10-10	Pathways
			10-11	Wetlands
			10-12	Mitigation
			10-13	Pathways
			10-14	Alternatives

**Table 3-1
List of Commenters and Comments**

Letter	Commenter	Date	Comment Number	Comment Topic(s)
			10-15 10-16 10-17 10-18 10-19 10-20 10-21 10-22	Traffic Pathways Project details Information sources Sand Haul Road Dunes General comments Dunes
11	Marin Conservation League, Roger Roberts, President	10/19/07	11-1 11-2 11-3 11-4	EIR type Project details Alternatives General comments
12	Meyer's Nave Riback Silver & Wilson, Leah Goldberg, Attorney	10/19/07	12-1 12-2 12-3 12-4 12-5 12-6 12-7 12-8 12-9 12-10 12-11 12-12 12-13 12-14 12-15 12-16	Recirculation Recirculation Wastewater treatment EIR type Sand quarry Red-legged frog Invertebrate species Globose dune beetle Special status plants Wetlands General comments General comments General comments General comments General comments General comments General comments
13	The Oceana Marin Association, Richard Kapash, President	10/17/07	13-1	Traffic
14	Sierra Club, Gordon Bennett, Conservation Chair	10/17/07	14-1 14-2 14-3 11-4 11-5 11-6	EIR type Regulatory agencies Baseline Wastewater treatment Information sources EIR type
15	Tomales Bay Association, Kenneth Fox, President	10/18/07	15-1 15-2 15-3 15-4 15-5 15-6	Project details Information sources Areas of controversy Areas of controversy Views Baseline

Table 3-1 List of Commenters and Comments				
Letter	Commenter	Date	Comment Number	Comment Topic(s)
16	Marcie Baker	10/03/07	16-1	General comments
17	Rick Johnson	10/19/07	17-1 17-2 17-3 17-4	Baseline Foredunes Snowy plover General comments
18	Scott Miller	10/19/07	18-1 18-2 18-3 18-4 18-5	Appendices Traffic Traffic study Safety Traffic
19	Greg Mobley	10/04/07	19-1	Stormwater
20	Kenneth Roe	10/04/07	20-1	General comments
21	Bonnie Smetts	10/18/07	21-1 21-2 21-3 21-4 21-5 21-6 21-7	Traffic Traffic Traffic study Police Agricultural operations Noise Baseline
22	Robert Soost	10/19/07	22-1	Project description and baseline
23	Jeff Stafford	10/19/07	23-1 23-2 23-3 23-4 23-5	Sand Haul Road Reference error Safety Safety Traffic

3.1 COMMENTS AND RESPONSES TO COMMENTS ON THE FINAL EIR

The written comments received on the Final EIR and the responses to those comments are provided in this section. Each comment letter and a summary of comments is reproduced in its entirety and is followed by responses to comments raised in each letter.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5200
 FAX (415) 904-5400
 TDD (415) 597-5885



October 24, 2007

RECEIVED

OCT 24 2007

County of Marin Community Development
 Planning Division

Tim Haddad
 Environmental Coordinator
 Marin County Community Development Agency
 3501 Civic Center Drive, Rm 308
 San Rafael, CA 94903-4157

Re: Final Environmental Impact Report for Lawson's Landing Master Plan (SCH #2000092067)

Dear Mr. Haddad,

Thank you for the opportunity to comment on the County's proposed Final Environmental Impact Report ("FEIR") for the Lawson's Landing Master Plan, prepared pursuant to the California Environmental Quality Act (CEQA). The Commission is responsible for implementing the Coastal Act, and ensuring that development permitted within the Coastal Zone is consistent with the requirements of the Coastal Act and, when reviewing appeals of local coastal development permits (CDPs) approved within Marin County, Marin County's certified Local Coastal Program (LCP). In implementing these responsibilities, the Commission routinely uses information prepared for CEQA purposes. Accordingly, in September of 2005, Commission staff submitted comments on the Draft Environmental Impact Report (DEIR) for Lawson's Landing meant to assist the County in producing an EIR that would take into account the conformity of any related CDP permit application with the Coastal Act and/or LCP.

Since the submittal of DEIR comments, the Commission staff has coordinated closely with the County and the applicant with respect to coastal development permitting requirements and information needs, including adopting a consent enforcement order addressing the need for the applicant to secure coastal development permits from both the County and the Commission. It is within this context that we recognize that the information and CDP filing requirements of the Coastal Act and the LCP may differ from those of CEQA with respect to Lawson's Landing. The proposed FEIR acknowledges as much in its response to our DEIR comment letter, particularly in statements that consideration of such issues as unpermitted uses and Coastal Act wetland delineation may be further refined through the County's coastal permit merits review process or Coastal Commission permit review (Responses 6-1, 6-3, 6-5). Ultimately the County and the Commission must ensure that any development at the site meets the requirements of the Coastal Act and the LCP. We look forward to continuing to work closely with the County and the applicant in the coastal development permitting review processes of the County and the Commission, including addressing all of the information that the County or the Commission may need for its review of the consistency of the coastal development permit application with the Coastal Act and the County's certified LCP. If you have any questions regarding these comments, please contact me at (415) 904-5260.

1-1

Sincerely,

Michael B. Endicott, District Manager

Tim Haddad
October 24, 2007
Page 2 of 2

North Central Coast District
California Coastal Commission

cc: State Clearinghouse
Leah Goldberg, Meyers Nave Riback Silver & Wilson
Jared Ficker, California Strategies
Scott Hochstrasser, IPA Inc.
Gary Giacomini, Hanson Bridgett Marcus, Vlahos & Rudy, LLP
Ben Berto, Marin County Community Development Agency
Tim Haddad, Marin County Community Development Agency
Tom Lai, Marin County Community Development Agency
Christine Chestnut, California Coastal Commission

LETTER 1

**California Coastal Commission,
Michael Endicott, District Manager
October 24, 2007**

1-1 The California Coastal Commission (CCC) acknowledges and encourages continued collaboration with Marin County including information needs and permits (e.g., development, coastal). This letter does not provide any direct comments on the environmental analysis provided in the EIR. No further response is necessary because no issues related to the adequacy of environmental impact analysis provided in the EIR were raised.



California Regional Water Quality Control Board San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

RECEIVED

2007 OCT 19 P 3: 29

MARIN COUNTY
COMMUNITY DEVELOPMENT

Date: October 18, 2007
File No. 2158.02(RAD)

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Raphael, CA 94903-4157

Subject: Final Draft Environmental Impact Report for Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit, 137 Marine View Dr. Dillon Beach, State Clearinghouse Number 2000092067

Dear Mr. Haddad:

We have received the above referenced Final Draft Environmental Impact Report (FEIR). The following are comments on the FEIR responses to our previous letter, dated January 16, 2005:

Stormwater Management Plan (Comment 5-4)

As stated in our previous letter, this project would increase the amount of impervious surfaces and as a result increase the amount of stormwater runoff from the site. We have recommended developing and implementing a long term Storm Water Management Plan (SWMP) to protect water quality after construction.

2-1

While FEIR states that "project improvements are not expected to substantially increase the rate of volume of runoff from the site (Impact 4.5-5, page 4.5-13)"; increased stormwater flow should still be considered, especially along newly paved roadways and parking areas, and their drainage locations. Post-construction stormwater concerns may include changes in the hydrograph of the receiving waters caused by increased stormwater runoff, and operations and management must address any requirements in the County's municipal stormwater NPDES permit

Acceptability of Alternate Location for Wastewater System (Comment 5-19)

The FEIR, at Impact 4.4-2 (page 4.4-6) states that the "design of the proposed system and the placement of the sand dunes would meet the sizing and design criteria of the RWQCB," and that "staff of the RWQCB have indicated that the proposed location and design of the system would be acceptable (Allen, pers. comm., 2005)."

2-2

Again we would like to reiterate that while the location and design may be acceptable conceptually, it is not a tacit approval. RWQCB staff will only approve a system after the necessary technical information has been provided for review.

If you have any questions, please contact Rico Duazo at (510) 622-2340 or email at rduazo@waterboards.ca.gov.

Sincerely,



Susan Gladstone
Section Leader
North Bay Watershed Management Division

LETTER 2

**California Regional Water Quality Control Board,
Susan Gladstone, Section Leader
October 18, 2007**

- 2-1 The commenter states the project would increase the amount of stormwater runoff on the project site and recommends a long-term stormwater management plan be prepared for the project. This comment was raised previously on comments submitted on the Draft EIR. Please refer response to comment 5-4 of the Final EIR. The County will consider the commenter's request for the preparation of a stormwater management plan during its review of the project's merits.
- 2-2 The commenter reiterates the design and location of the proposed wastewater treatment facility may be acceptable by Regional Water Quality Control Board (RWQCB) and states approval of the facility will only occur after submittal of technical information for review. This comment is acknowledged. This comment was raised previously on comments submitted on the Draft EIR. Please refer response to comment 5-19 of the Final EIR.



STATE OF CALIFORNIA
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
 GOVERNOR

CYNTHIA BRYANT
 DIRECTOR

October 22, 2007

Tim Haddad
 Marin County Community Development Agency
 3501 Civic Center Drive, Room 308
 San Rafael, CA 94903

Subject: Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit
 SCH#: 2000092067

MARIN COUNTY
 COMMUNITY DEVELOPMENT
 AGENCY
 2007 OCT 25 PM 2:22
 RECEIVED

Dear Tim Haddad:

The State Clearinghouse submitted the above named Final Document to selected state agencies for review. The review period closed on October 19, 2007, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

3-1

Sincerely,

Terry Roberts
 Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2000092067
Project Title Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit
Lead Agency Marin County

Type FIN Final Document
Description Land use and development plan for 850+ acre property (primary use is recreational, on 180 acres), modifications to existing 233-space RV park, 1,000 vehicle campground and associated services and facilities, existing agricultural use on most of property and sand quarry. Changes are proposed to water storage/distribution, sewage, remodeling, replacing and limited new structures, circulation and recreation.

Lead Agency Contact

Name Tim Haddad
Agency Marin County Community Development Agency
Phone (415) 499-6274 **Fax**
email
Address 3501 Civic Center Drive, Room 308
City San Rafael **State** CA **Zip** 94903

Project Location

County Marin
City
Region
Cross Streets Marine View Drive
Parcel No. 100-100-48, et al.
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways
Waterways Tomales Bay, Pacific Ocean
Schools
Land Use Recreational, agricultural, quarrying, residential / C-RCR and C-APZ-60 Coastal Resort / Commercial Rec=Planned; Coast Ag 1du/60=Countywide Plan

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Landuse; Minerals; Noise; Public Services; Recreation/Parks; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Office of Historic Preservation; Department of Fish and Game, Marine Region; Department of Fish and Game, Region 3; Department of Conservation; California Coastal Commission; California Highway Patrol; Caltrans, District 4; Department of Boating and Waterways; Department of Toxic Substances Control; State Water Resources Control Board, Clean Water Program; State Lands Commission

Date Received 09/28/2007 **Start of Review** 09/28/2007 **End of Review** 10/19/2007

LETTER 3

**Governor's Office of Planning and Research, State Clearinghouse,
Terry Roberts, Director of State Clearinghouse
October 24, 2007**

3-1 The State Clearinghouse acknowledges receipt of the Lawson's Landing Final EIR.
No further response is necessary because no issues related to the adequacy of environmental
impact analysis conducted in the Final EIR were raised.



STATE OF CALIFORNIA
 GOVERNOR'S OFFICE of PLANNING AND RESEARCH
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
 GOVERNOR

CYNTHIA BRYANT
 DIRECTOR

October 26, 2007

Tim Haddad
 Marin County Community Development Agency
 3501 Civic Center Drive, Room 308
 San Rafael, CA 94903

Subject: Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit
 SCH#: 2000092067

RECEIVED
 2007 NOV -1 A 8:54
 MARIN COUNTY
 COMMUNITY DEVELOPMENT

Dear Tim Haddad:

The enclosed comment (s) on your Final Document was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 19, 2007. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

4-1

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2000092067) when contacting this office.

Sincerely,

Terry Roberts
 Senior Planner, State Clearinghouse

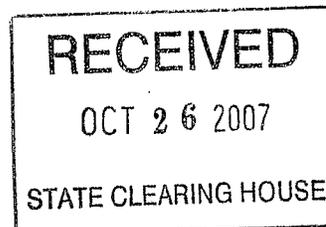
Enclosures
 cc: Resources Agency

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



October 25, 2007



Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Rm 308
San Rafael, CA 94903-4157

Re: Final Environmental Impact Report for Lawson's Landing Master Plan (SCH #2000092067)

Dear Mr. Haddad,

Thank you for the opportunity to comment on the County's proposed Final Environmental Impact Report ("FEIR") for the Lawson's Landing Master Plan, prepared pursuant to the California Environmental Quality Act (CEQA). The Commission is responsible for implementing the Coastal Act, and ensuring that development permitted within the Coastal Zone is consistent with the requirements of the Coastal Act and, when reviewing appeals of local coastal development permits (CDPs) approved within Marin County, Marin County's certified Local Coastal Program (LCP). In implementing these responsibilities, the Commission routinely uses information prepared for CEQA purposes. Accordingly, in September of 2005, Commission staff submitted comments on the Draft Environmental Impact Report (DEIR) for Lawson's Landing meant to assist the County in producing an EIR that would take into account the conformity of any related CDP permit application with the Coastal Act and/or LCP.

Since the submittal of DEIR comments, the Commission staff has coordinated closely with the County and the applicant with respect to coastal development permitting requirements and information needs, including adopting a consent enforcement order addressing the need for the applicant to secure coastal development permits from both the County and the Commission. It is within this context that we recognize that the information and CDP filing requirements of the Coastal Act and the LCP may differ from those of CEQA with respect to Lawson's Landing. The proposed FEIR acknowledges as much in its response to our DEIR comment letter, particularly in statements that consideration of such issues as unpermitted uses and Coastal Act wetland delineation may be further refined through the County's coastal permit merits review process or Coastal Commission permit review (Responses 6-1, 6-3, 6-5). Ultimately the County and the Commission must ensure that any development at the site meets the requirements of the Coastal Act and the LCP.

4-1
Cont'd

We look forward to continuing to work closely with the County and the applicant in the coastal development permitting review processes of the County and the Commission, including addressing all of the information that the County or the Commission may need for its review of the consistency of the coastal development permit application with the Coastal Act and the County's certified LCP. If you have any questions regarding these comments, please contact me at (415) 904-5260.

4-1
Cont'd

Sincerely,



Michael B. Endicott
District Manager
North Central Coast District
California Coastal Commission

cc: State Clearinghouse
Leah Goldberg, Meyers Nave Riback Silver & Wilson
Jared Ficker, California Strategies
Scott Hochstrasser, IPA Inc.
Gary Giacomini, Hanson Bridgett Marcus, Vlahos & Rudy, LLP
Ben Berto, Marin County Community Development Agency
Tom Lai, Marin County Community Development Agency
Christine Chestnut, California Coastal Commission

LETTER 4

**Governor's Office of Planning and Research, State Clearinghouse,
Terry Roberts, Director of State Clearinghouse
October 24, 2007**

4-1 The State Clearinghouse provided a copy of a comment letter submitted by the California Coastal Commission. This comment letter is included as comment letter 1 of this document. Please refer to response to comment 1-1 of this amendment.



NORTH MARIN WATER DISTRICT

999 RUSH CREEK PLACE • POST OFFICE BOX 146 • NOVATO, CALIFORNIA 94948 • (415) 897-4133 • FAX (415) 892-8043

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2007 OCT 19 P 3:30

MARIN COUNTY
COMMUNITY DEVELOPMENT

October 17, 2007

Mr. Tim Haddad, Environmental Coordinator
Community Development Agency
County of Marin
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

Re: Notice of Availability -- Final Environmental impact Report for the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit
137 Marin View Drive, Dillon Beach
APN 100-100-48 et al.

Dear Mr. Haddad:

The North Marin Water District (NMWD) has reviewed the subject Final Environmental Impact Report (FEIR) for the above referenced project and has the following comments.

1. Chapter 1, Table 2-1, Page 2-20

4.3-3: Cumulative Water Supply Impacts. As stated in our response to the DEIR, NMWD does not provide water supply services in this area. Please correct Paragraph 4.3-3.

2. Chapter 3, Page 3-36

3.8.2 State Responsible and Trustee Agencies. Under the heading "North Marin Water District", please change Marin Municipal Water District to North Marin Water District and clarify in this paragraph that NMWD's service territory does not encompass Lawson's Landing and, therefore, has no discretionary authority or responsibility for provision of potable water service.

5-1

3. Chapter 4, Page 4.3-1

4.3.1 Existing Conditions, Regional Setting. Please correct the third sentence of this paragraph to clarify that the project site is not located in the North Marin Water District's service territory.

4. Chapter 4, Page 4.3-2

Project Impacts, Impact 4.3-1. Please correct the second paragraph in this section to clarify that NMWD does not provide water service nor have any water supplies in this geographical area.

5. Chapter 4, Page 4.3-2

Cumulative Impacts, 4.3-3. Please correct this paragraph based on the preceding response (# 4).

6. Chapter 8, Page 8-121

Response Letter No. 10 -- Comments to NMWD General Manager's Letter Dated August 5, 2005.

6.1 Response 10-1 states that NMWD states that the project site is located within NMWD's boundaries. This statement is incorrect. NMWD's service territory in the Dillon Beach area solely encompasses the Oceana Marin subdivision and a few parcels from the old Dillon Beach area.

6.2 Response 10-4 (last sentence, first paragraph) states that the project applicant does not intend to provide land for a community wastewater system. NMWD reiterates its September 8, 2005 position wherein the applicant should agree to make available the necessary property for a community-wide disposal system when said service is expanded. NMWD's position is consistent with the August 1989 Dillon Beach Community Plan Policy CF 6.2.

5-1
Cont'd

7. Chapter 10, Page 10-8

Please correct the spelling of NMWD engineering staff member Mr. Joe Kauwe. His last name is incorrectly spelled.

Thank you for the opportunity to comment.

Sincerely,


Chris DeGabriele
General Manager

LETTER 5

**North Marin Water District,
Chris DeGabriele, General Manager
October 17, 2007**

5-1 This commenter requests specific changes to the text of the Draft EIR. The commenter's requested changes to the Draft EIR have been made and are shown in Chapter 4.0, "Corrections and Revisions to the EIR," of this document.

The commenter also reiterates North Marin Water District's (NMWD's) position to provide a community-wide wastewater disposal system. This comment was raised previously on comments submitted on the Draft EIR. Please refer to response to comment 10-2 of the Final EIR.



AUDUBON CANYON RANCH

Cypress Grove Research Center, P. O. Box 808, Marshall, CA 94940
Tel 415-663-8203 • E-mail CGP@svn.net • Fax 415-663-1112

Tim Haddad, Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, # 308
San Rafael, California 94903-4157

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OCT 19 2007

County of Marin Community Development
Planning Division

September 1, 2005

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR LAWSON'S LANDING
MASTER PLAN, COASTAL PERMIT, AND TIDELANDS PERMIT.

Dear Mr. Haddad:

Audubon Canyon Ranch (ACR) owns coastal dunes and shoreline property at the southern end of the coastal dune system evaluated in the Lawson's Landing DEIR. The ACR property is at Toms Point and Brazil Beach and is part of ACR's system of wildlife sanctuaries that includes approximately 450 acres of shoreline properties on Tomales Bay. Our conservation research programs in Tomales Bay include field investigations and biological monitoring at Lawson's Landing. ACR has been concerned about the future of Lawson's Landing for many years and we have articulated these concerns to the County in response to previous efforts to develop a master plan for the site (letters of March 28, 1995 and May 30, 1995), as well as in response to the Initial Study and scoping process for the EIR (letters of October 19, 2000 and October 26, 2002).

The master planning process for Lawson's Landing provides an excellent opportunity to balance the spectacular recreational opportunities of the area with the protection of a rare and beautiful coastal landscape. In fact, the long-term sustainability of both the natural values of the site and the quality of recreational experience depends on establishing such a balance. However, in our view, the Draft Environmental Impact Report (DEIR) for the Lawson's Landing Master Plan does not provide an appropriate alternative for the continuing management of recreational use nor does it provide appropriate protection for natural resources of the area.

The DEIR does not provide a realistic alternative that addresses fundamental natural resource issues raised in the scoping of the project. Such an alternative would provide a design for recreational use that protects and restores wetlands and dunes, protects rare species, and significantly reduces visitor impacts, by harmonizing rather than competing with the natural processes that sustain the landscape. In this regard, the following elements of the DEIR, each associated with critical points raised in our previous letters, are needed to achieve a realistic alternative that would protect and preserve both recreational and natural values of the area.

1. The DEIR fails to consider the cumulative adverse impacts of continuing intensive use. The "baseline" use of the area has never been subject to environmental review, and the likelihood of significant environmental degradation caused by the cumulative effects of existing uses over time should be carefully evaluated. The DEIR does not

6-1

6-2

<p>provide adequate detail to evaluate such impacts and none of the alternatives provide assurances that such impacts can be avoided.</p>	<p>6-2 Cont'd</p>
<p>2. Many of the proposed measures to mitigate the effects of significant impacts lack sufficient detail to evaluate the likelihood of success and lack mechanisms to ensure those impacts will be minimized.</p>	<p>6-3</p>
<p>3. The DEIR does not adequately delineate limits on visitor use. Maximum-use limitations of 1000 vehicles per day far exceed current normal use. The appropriate metric for managing the cumulative effects of visitors in natural areas is annual user-days—not peak daily use. Under the proposed limits, planned improvements, and increases in the use of coastal areas in general, would likely increase both the extent of daily use and the number of days that maximum daily limits are reached. Under such conditions, significant environmental impacts are likely.</p>	<p>6-4</p>
<p>4. The DEIR does not adequately protect wetlands. Specifically it does not address (i) the cumulative environmental impacts of continued camping in wetlands, (ii) significant wetland impacts associated with increases in the number of annual visitor-days, or <u>average</u> daily use, for camping, or (iii) opportunities for wetland restoration. In addition, an adequate wetland delineation of the property is still needed to allow for a reasonable assessment of wetland impacts. The reported boundaries do not include a delineation of wetlands recognized by the California Coastal Act and does not accurately reflect the normal configuration, extent, or annual fluctuation of jurisdictional wetlands in this dynamic system. In addition to relocating new structures and trails away from jurisdictional wetlands (DEIR 14.13-3), camping should be prohibited within 100 feet of all wetlands. To address these issues, a wetland protection alternative, substantiated by a thorough assessment of wetland boundaries, analysis of appropriate wetland use, and recognition of opportunities for restoration should be included in the DEIR.</p>	<p>6-5</p>
<p>5. Because the protection of sensitive dune-slack wetlands is one of the most critical environmental concerns for this area, the DEIR should consider the opportunity to restore the severely degraded, lower-wetland meadow where much of the current camping occurs. This is the largest wetland area on the property. The potential viability and need for protecting and restoring this area is indicated clearly by (i) substantial bird use we have observed on days when the area is not used for camping, (ii) it's location at the lower (southern) end of the drainage, and (iii) the existing ditch system that continues to drain the meadow. The restoration and protection of this resource should be incorporated into a wetland protection alternative.</p>	<p>6-6</p>
<p>6. The natural processes that sustain the mobile dunes should be restored and protected. The dynamic nature of the dunes and dune wetlands would be best protected by removing the European beachgrass (<i>Ammophila arenaria</i>), which inhibits the natural movement of sand. However, each of the alternatives in the DEIR would result in a continuing conflict between recreational use and the environmental processes that sustain the dunes. None of the alternatives allow for the restoration of coastal dunes. This is probably because the area currently used for camping depends, not only on the inappropriate use of jurisdictional wetlands, but also on the stabilization of the coastal dunes by invasive, nonnative beachgrass, which severely degrades the associated ecological values. A wetland protection</p>	<p>6-7</p>

alternative would refocus intensive uses away from sensitive areas and allow for the restoration of the coastal dunes.

6-7
Cont'd

7. The DEIR ignores potentially significant new impacts on Federally threatened Western Snowy Plover (*Charadrius alexandrinus nivosus*). Under the proposed alternatives, unregulated increases in *average* daily (rather than peak daily) recreational use would be allowed. This would further degrade Critical Habitat and potential nesting areas for Snowy Plovers, and no associated mitigation measures are proposed. In addition, the proposed new trail system through the foredunes would also impact Critical Habitat for Snowy Plovers, but no associated mitigation measures are proposed. The lack of any current efforts at Lawson's Landing to protect this species from recreational use—the primary cause of the loss of suitable habitat and population decline—indicates a critical need to include mechanisms for protective management in the DEIR.

6-8

8. The DEIR should include a complete analysis of potential environmental impacts on adjacent and surrounding lands and waters. The interconnectedness of sensitive natural areas in the vicinity of the proposed project, and the role of Lawson's Landing as a major support facility promoting recreational use in the Tomales Bay area, indicate that potential impacts may extend substantially into the surrounding area.

6-9

The points discussed above were included or referenced in our comments submitted during the scoping process for the EIR (letters of October 19, 2000 and October 26, 2002). Together, they provide a set of serious environmental concerns that are not adequately addressed by the alternatives presented in the DEIR. These concerns focus on the need for wetland and dune protection. A wetland-protection alternative should have been considered. Such an alternative would consider the enhancement of both the environmental and recreational values of the property. This dual enhancement might be achieved, for example, by relocating intensive camping and associated new structures to a more stable, less-sensitive area adjacent to the dynamic dune-wetland landscape (such as dune-scrub or non-native grassland areas). Stable, upland conditions in such areas would allow individual camp sites and parking to be designated and maintained, which would establish inherent limits on the number of visitors and vehicles. Campers would benefit from a lower-impact experience and would use appropriate trails to access the beach, dunes, and wetland areas, thereby minimizing adverse effects on sensitive habitats.

6-10

ACR cannot support any of the alternatives proposed in the DEIR because none provide reasonable protection against significant ecological impacts. We urge the County to require a revision of the DEIR that evaluates alternatives to protect the ecological values of the dunes and wetlands. Thank you for this opportunity to comment.

Sincerely,

Maurice A. "Skip" Schwartz
Executive Director

John Kelly, PhD
Director, Research and Resource Management

LETTER 6

**Audubon Canyon Ranch,
Maurice Schwartz and John Kelly
October 1, 2007**

- 6-1 The commenter states a natural resources alternative is not evaluated. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2 and response to comment 22-2 of the Final EIR.
- 6-2 The commenter restates the opinion that the Draft EIR should consider cumulative adverse impacts of continuing intensive land uses. The commenter states the baseline uses have never been subject to environmental review and the Draft EIR should evaluate the cumulative effects of existing uses over time. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2 and response to comment 11-3 of the Final EIR.
- 6-3 The commenter states mitigation measures lack sufficient detail to evaluate the likelihood of success and lack mechanisms to ensure impacts will be minimized. The commenter offers no specifics on how the mitigation measures are inadequate; therefore, no further response can be provided.
- 6-4 The commenter states the maximum use limitations of 1,000 vehicles per day far exceed current normal use. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comments 22-6 and 22-7 in the Final EIR.
- 6-5 The commenter states the Draft EIR does not address cumulative impacts of continued camping in wetlands, states that an accurate wetland delineation is needed to assess impact to coastal act wetlands, and states the Draft EIR does not address impacts to wetlands associated with increased visitors or average daily use for camping. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comments 22-8 through 22-13 in the Final EIR.
- 6-6 The commenter states the Draft EIR does not address opportunities for wetland restoration. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comments 22-8 through 22-13 in the Final EIR.
- 6-7 The commenter states a wetland protection alternative should be included in the Draft EIR; states the Draft EIR should consider restoration of severely degraded, lower-wetland meadow where current camping occurs; and states the natural processes that sustain the mobile dunes should be restored and protected. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2, Master Response 3, and response to comments 22-8 through 22-13 in the Final EIR.

- 6-8 The commenter states the Draft EIR ignores impacts to western snowy plover and that increases in average daily recreational use would degrade critical habitat for this species, and states the proposed trail system in the foredunes would degrade critical habitat for snowy plovers. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comments 22-15 and 22-16 in the Final EIR.
- 6-9 The commenter states the Draft EIR should include analysis of impacts to adjacent and surrounding lands and waters (i.e., Tomales Bay area). This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comment 22-17 in the Final EIR.
- 6-10 The commenter restates previous comments made within the comment letter and states the Audubon Canyon Ranch does not support any of the alternatives provided in the Draft EIR. These comments do not raise any new issues related to the adequacy of environmental analysis provided in the Draft EIR. These issues were adequately addressed and responded to in the Final EIR. Please refer to responses to comment letter 22 in the Final EIR.



AUDUBON CANYON RANCH

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2007 OCT 22 P 3: 23

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

Tim Haddad, Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, # 308
San Rafael, California 94903-4157

October 19, 2007

RE: FINAL ENVIRONMENTAL IMPACT REPORT FOR LAWSON'S LANDING MASTER PLAN,
COASTAL PERMIT, AND TIDELANDS PERMIT

Dear Mr. Haddad:

Audubon Canyon Ranch (ACR) owns coastal dunes and shoreline property at the southern end of the coastal dune system evaluated in the Lawson's Landing FEIR. The closest ACR property is at Toms Point and Brazil Beach and is part of ACR's system of wildlife sanctuaries that includes approximately 450 acres of shoreline properties on Tomales Bay. Our conservation science programs include field investigations and biological monitoring at Lawson's Landing. ACR has submitted concerns to the County about the future of Lawson's Landing on numerous occasions, including responses to previous efforts to develop a master plan for the site (letters of March 28, 1995 and May 30, 1995), responses to the Initial Study and scoping process for the EIR (letters of October 19, 2000 and October 26, 2002), and comments on the Draft EIR (letter of September 1, 2005).

In spite of our continuing comments, the Lawson's Landing EIR process has failed to respond adequately to our concerns. This failure has resulted in an FEIR that lacks reasonable project alternatives, thorough environmental assessments, and effective mitigation measures to protect against environmental threats associated with existing use as well as with the proposed project.

7-1

Our most serious concern is that FEIR does not adequately address natural resource issues raised since the scoping of the project. The apparent level of disregard of ACR's science based comments and concerns (as well as comments and concerns of agencies, environmental organizations and the public) indicated by the FEIR response, exceeds any we have seen in our history with Marin County environmental planning. With regard to the Lawson's Landing Master Plan, ACR is deeply concerned that the planning process is in danger of losing a critical opportunity to balance spectacular recreational opportunities with the protection of this rare and beautiful coastal landscape.

We believe that the majority of responses in the FEIR to comments submitted by ACR during the scoping period and in response to the Draft EIR did not reflect the good faith of our efforts to bring forward important environmental concerns regarding the proposed project. Consequently, the FEIR fails to address the plan's environmental impacts and the plausible alternatives that could truly mitigate numerous important environmental issues.

ACR is especially concerned and unsatisfied by the frequent use of "Master Response 2" - Environmental Baseline." We realize the County's exercise of this flawed baseline doctrine turns on a rather narrow legal opinion, but the effect is environmentally unjustified and dangerous. The current negative effect of permitting thousands of campers in the seasonal wetland meadow is cumulative and injurious to that habitat. But you will "grandfather" that use (the "disease" if you will) as "existing baseline" without examination. Meanwhile, please note the ironic drama

7-2

attending the mitigation proposed to ameliorate the negative effects of a few restrooms (4.13.3) a mere symptom of the camping, a non-conforming use that has been placed off limits as baseline.

This approach of defining an environmental baseline according to existing levels of maximum use is statistically specious. For example, the response (22-6) to our comments indicates that the maximum level of 1,000 vehicles per day has been reached on a "regular" basis. However, such use occurs only during peak holiday periods and normal, everyday use is far less. An environmental baseline of 1,000 vehicles per day would allow for dramatic increases in daily use and substantially increase the likelihood of significant environmental impacts to wetlands and dune systems. It is likely that such impacts would substantially exceed those seen with current levels of use.

7-2
Cont'd

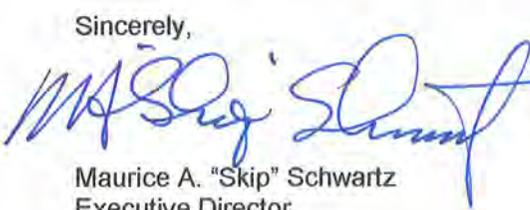
The failure of the FEIR to evaluate and address the environmental concerns we have raised to date indicate a substantial risk to the natural values of the wetlands and dunes. As we have indicated in previous comments, a wetland-protection alternative should be included for consideration. Such an alternative should consider the relocation of intensive camping as well as associated new structures to more stable, less-sensitive habitat areas. In addition, the EIR should provide environmentally responsible alternatives that would operate within a baseline of visitor use related not only to maximum daily use but also to limits on annual use that can account for changing patterns of normal daily use.

7-3

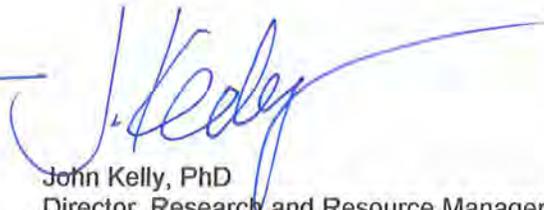
ACR feels that the FEIR fails to provide reasonable protection against significant ecological impacts. We urge the County to require a substantial revision that provides alternatives for long term protection of the ecological values of native animals, plants, dune systems and wetlands. Although we feel we have had little time to digest the voluminous Lawson's Landing FEIR and related documentation, we would be pleased to testify or comment or consult further on the issues ACR has raised in this matter over so many years. We also lend our support to much of the comment and concern raised by many environmental agencies and our sister environmental organizations regarding this important matter.

Thank you for this opportunity to comment.

Sincerely,



Maurice A. "Skip" Schwartz
Executive Director



John Kelly, PhD
Director, Research and Resource Management

LETTER 7

**Audubon Canyon Ranch,
Maurice Schwartz and John Kelly
October 19, 2007**

- 7-1 This commenter introduces Audubon Canyon Ranch (ACR) and expresses the opinion that the responses to comments provided in the Final EIR are inadequate; however, no specifics are provided on how the analysis or responses are inadequate. Therefore, no further response can be provided. Regarding comments on alternatives and mitigation measures, please refer to responses to comment letter 22 in the Final EIR.
- 7-2 The commenter restates previous comments regarding the establishment of an inadequate baseline for the project. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2 for a detailed discussion of the County's opinion on the establishment of an appropriate environmental baseline responses to comment letter 22.
- 7-3 The commenter reiterates previous comments regarding the development of a wetland protection alternative. Please refer to response to comment 6-7 of this amendment.

California Native Plant Society

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Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

2007 OCT 22 P 3:23

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

October 18, 2007

SUBJECT: COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT FOR LAWSON'S LANDING MASTER PLAN, COASTAL PERMIT, AND TIDELANDS PERMIT

Dear Mr. Haddad:

Marin Chapter, California Native Plant Society (CNPS) has had a long time interest in the unique Tomales Bay dune system in which Lawson's Landing is located. We are very concerned about the adverse impacts the operation of Lawson's Landings has had and continues to have on California Native plant habitats in this dune system. We submitted comments on the Draft Environmental Impact Report on September 2, 2005. The Final Impact Report (FEIR) fails to respond to our comments or to those of other commentators in any meaningful way. It still is impossible to determine either the number of travel trailer and recreational vehicle spaces or the number of campground vehicles that will be permitted nor their proposed locations. Even the alternate location of the septic system is in doubt. Without this information being included in the FEIR it is not possible for us to determine the effects of the continued operation of recreational activities will have on California native plant communities. We believe that the county has not followed the intent or requirements of CEQA in the preparation of the FEIR and the responses to our comments and others do not meet CEQA requirements for such responses. We believe that it is essential that the FEIR be in full compliance with CEQA.

8-1

Sincerely, *Kristin Jakob*

Kristin Jakob
(For the) Board of Directors, CNPS Marin
289 Tamalpais Ave.
Mill Valley, CA 94941
Tel(415)388-1844
kristinjakob@pacbell.net

LETTER 8

**California Native Plant Society,
Kristin Jakob
October 18, 2007**

8-1 This commenter expresses the opinion that the Final EIR did not adequately respond to comments received. No specifics are provided on how the analysis or responses to comments are inadequate; therefore, no further response can be provided.

**Grassetti
Environmental
Consulting**

7008 Bristol Drive
Berkeley, CA 94705
(510) 849-2354

Date: 10/18/07

To: Tim Haddad

At: Marin County Planning

Fax number:

From: Richard Grassetti

Our phone/fax: (510) 849-2354

of pages including cover page: 13

**Fax
Transmission**

- Please call to confirm receipt
- Please respond by return fax
- Call only if transmission is incomplete

Comment letter on Lawson's Landing FEIR -

RL

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 18, 2007

**SUBJECT: COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT FOR
LAWSON'S LANDING MASTER PLAN, COASTAL PERMIT, AND TIDELANDS
PERMIT**

Dear Mr. Haddad,

Grassetti Environmental Consulting (GECO) was retained by the Environmental Action Committee of West Marin (EAC) to conduct a peer review of the Final Environmental Impact Report (FEIR) on the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit. I submitted comments on the Draft EIR in August, 2005. The comments herein focus on the adequacy of the responses to our (and other) comments on the Draft EIR, and, by extension, on the adequacy of the FEIR. These comments are based on my review of applicable documentation, past experience in the area, and over 23 years of professional experience preparing and reviewing CEQA documents.

OVERVIEW

The Draft EIR was distributed to the public in the summer of 2005 and hundreds of comments were received questioning the adequacy of that document. The County has spent over two years preparing the Final EIR, which includes over 700 pages of comments and responses. However, it includes minimal revisions to the Draft EIR analysis. The primary revision is to re-label the document as a program EIR rather than a project-level EIR. In so doing, and as stated in numerous responses to comments, the County acknowledges the lack of specificity in the Plan and in the environmental review, but asserts that such a lack of specificity is acceptable for a program EIR on a Master Plan. The program/plan level of analysis is repeatedly used to rationalize lack of detailed studies, project description deficiencies, and failure to provide information requested in public and agency comments.

As described below, the level of detail in the plan and FEIR are inadequate to allow decision makers and the public to consider environmental impacts, mitigations, and alternatives associated with the requested approvals. Further, if the requested information is not provided at this time, and the County approves the requested Master Plan, the County will lose the CEQA authority to require the applicant conduct many of the more detailed reviews requested by many of the commenters because future County permits would be very limited in scope.

9-1

GENERAL CEQA SUBSTANTIVE MANDATE

As summarized in Remy, et al, 2007, "Unlike NEPA, CEQA has not been characterized as merely a "procedural" statute. Rather CEQA contains a "substantive mandate" that agencies refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects." As noted by the California Supreme Court, CEQA "protects not only the environment but also informed self government" (Citizens of Goleta Valley v. Board of Supervisors, 1990). CEQA's environmental protection role cannot be achieved if an EIR assumes "best case" impacts and outcomes of mitigation measures. Achieving CEQA's mandates requires a critical review supported by fact, and not conjecture.

CEQA REQUIREMENTS FOR RESPONSES TO COMMENTS

CEQA statutes note that "The evaluation and response to public comments is an essential part of the CEQA process. Failure to comply with the requirement can lead to disapproval of a project" (Discussion following CEQA Guidelines section 15088). As noted in the Guide to CEQA (Remy, Thomas, Moose, and Manly, 11th Edition, Feb 2007), CEQA Guidelines require that written responses must describe the disposition of "significant environmental issues" raised in the comments (e.g. suggestions for revisions to the proposed project to mitigate anticipated impacts, such as those made in Comments 30-14 and 30-15) as well as specifically explain its reasons for rejecting suggestions received in comments. Per CEQA Guidelines Section 15088 (c), "There must be good faith, reasoned analysis in response. Conclusatory statements unsupported by factual information will not suffice."

With respect to comments suggesting specific additional mitigation measures or alternatives to be analyzed in the EIR, the courts have found the arbitrary rejection of such measures by a lead agency inadequate where the measures are feasible and would reduce environmental impacts. As noted in the Los Angeles Unified School District v. City of Los Angeles (1997) decision, "An EIR need not analyze every *imaginable* alternative or mitigation measure; its concern is with *feasible* means of reducing effects. In keeping with the statutes and guidelines, an adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible. While the response need not be exhaustive, it should evidence good faith and a reasoned analysis.

CEQA REQUIREMENTS FOR MITIGATIONS AND ALTERNATIVES

CEQA requires that EIR's include mitigation measures that avoid, minimize, rectify, or reduce (in that order of preference) potentially significant environmental impacts of a project. EIRs are required to discuss the potential impacts of mitigation measures. In addition, mitigation measures must be fully enforceable through legally binding instruments (e.g. conditions of approval and/or mitigation monitoring program.)

With respect to alternatives, "...the requirement to set forth project alternatives within the document is also crucial to CEQA's substantive mandate that avoidable significant environmental damage be substantially lessened or avoided where feasible." (Remy, Thomas, Moose & Manly, 2007). In addition, the No Project Alternative must consider

9-1
Cont'd

"...what would be reasonably expected to occur in the future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (CEQA Guidelines, Section 15126.e.2).

9-1
Cont'd

FEIR DEFICIENCIES

Overview

A review of the FEIR and its Responses to Comments indicates that it fails to achieve any of the above-referenced CEQA requirements. Many, if not most, of the responses to comments effectively dismiss without real analysis comments requesting additional information on the Master Plan, baseline conditions, detailed analyses, mitigation measures, and reasonable alternatives that effectively mitigate project impacts.

Improperly Deferred Analysis

The EIR (Master Response #1), states that the master plan needs only to "lay out the general parameters of a proposed development and its resource protection features, and rely on a subsequent precise development plan or other improvement plans to define the precise details of location, design, and engineering related to construction of the development and its supporting facilities..." (p. 8-33). There is no indication in the EIR of what aspects of the master plan, if any, require precise development plans; there is no commitment to conduct precise development plans for any aspect of the master plan; and there is no indication of what level of CEQA review, if any, would be triggered by precise development plan. The only required subsequent project permits are site-specific permits for the construction of the sewage system, new restrooms, water tank, boathouse, lighting, employee mobile home, owner's residence, and gatehouse. None of these permits would permit a reevaluation of the overall effects of permitting the camping uses on the site, the appropriate number of campsites, the appropriate locations of campsites, or alternatives to the overall project layout, density or locations. Moreover, it is unclear which of these permits, if any would trigger subsequent CEQA review. Therefore all responses that refer the commenter to future studies with respect to all aspects of the project other than those that would be covered by specific permits listed above result in an inappropriate deferral of analysis or, more likely, no future analysis at all.

9-2

Master Responses

The EIR relies on a number of Master Responses to comments repeatedly made by public agencies (including agencies with expertise and jurisdiction over affected resources), elected officials (including County Supervisors), citizens groups, technical experts, and the general public. These master responses generally support the proposition that the DEIR was adequate, and that the additional information requested by commenters are not necessary to serve CEQA's mandated purposes. As described below for critical responses, this is incorrect.

9-3

Master Response #1: Adequate Level of Detail

Master Response #1 basically sets forth the proposition that a Program EIR need not include the level of detail requested by commenters. Commenters ranging from the National Park Service, California Water Resources Control Board, California Regional Water Quality Control Board, California Coastal Commission (see, for example,

comment 6-8), California Department of Fish and Game, North Marin Water District, and several Marin County Planning Commissioners all commented that the project description and environmental impact analysis did not provide adequate information for them to exercise their statutory mandates to protect the environment and make informed decision making. The responses to their comments were, essentially argumentative, stating that the commenters were in error and that the EIR authors believe that it does include enough information. This is inadequate to serve CEQA's purposes. Simply put, if the document does not provide information deemed essential by responsible and permitting/decision-making agencies, especially those charged with protecting the environmental resources, it fails to comply with CEQA's mandate. The absurdity of the EIR telling agencies with acknowledged expertise and regulatory authority that they are wrong and it is right in determining what information they need cannot be overstated. Master Response #1 does exactly that, and, in so doing is inadequate on its face.

9-3
Cont'd

Master Response #2: Environmental Baseline

In this response, the FEIR contends that use of a "maximum past use" baseline is adequate to serve CEQA's purpose. Again, many agencies and experts commented that such a baseline results in an artificially minimized impact significance (because the change from the baseline to the project is minimized) that does not reflect the likely impacts of the project. The EIR authors turn this fact on its head by claiming that "Any reduction in use levels at the project site would only serve to reduce existing adverse environmental impacts compared to those documented [sic] in the EIR." The FEIR assumes existing use levels that "corresponded to limiting occupancy of the site to 233 travel trailers, 1,000 vehicles for campers, and 200 vehicles for day users at the project site (p. 8-38). These limitations are for peak use and, as acknowledged in the FEIR (p. 8-380) infrequently occur at the facility. This acknowledgment is consistent with evidence presented in my 2005 comment letter that average use levels are far lower than those assumed by the EIR. The analyses in the EIR do not reflect actual, on the ground uses, but a mostly hypothetical set of circumstances that happens at best, a few times per year, and could not possibly happen at the time of the FEIR because of limits on use established by the applicant. This results in the EIR failing to report the real impacts of the project (see, for example, responses 11-29 (the use levels assumed in response to comment 11-29 are arbitrary, based on self-imposed limits that can be readily altered), 13-1, and 22-6).

9-4

Master Response #3: Wastewater Treatment

Technical experts and responsible agencies all commented that the level of analysis of the wastewater treatment alternatives is inadequate. In fact, the project applicant's engineers stated that the location of the alternative sites "poses potentially serious water source protection problems which are not disclosed in the EIR." (see comments 25-3 and 25-4). Responsible agencies complained that could not assess this impact because the EIR failed to include adequate information for such an assessment. In addition, the technical studies done for the treatment plant used best-case assumptions (such as the rain gauge with the lowest rainfall of any of the 5 gauges in the region) in their assessments (see responses to comments 26-17 and 26-18). For all of these reasons, this response fails to meet even minimal CEQA disclosure requirements.

9-5

Master Response #4: Disagreement Regarding Conclusions

The Response characterizes many of the comments as CEQA-permissible disagreements among experts, thereby avoiding developing responses and additional information in response to the experts' comments. In many cases, the comments are not disagreeing with the conclusions, but are setting forth information that shows the information in the EIR to be false, or raises serious environmental concerns. Instead of addressing the concerns and facts provided in the comments, the EIR dismisses them as "disagreement among experts" and provides no substantive analysis, to the extent of ignoring factual evidence provided in the comments.

9-6

Other Impermissible Responses

The FEIR uses a number of other strategies to avoid addressing substantive environmental comments, as summarized below.

Failure to Respond to the Actual Comment

A large number of responses refer the commenter to master responses that do not respond to the comment at hand. Other responses miss the gist of the comment, and thereby fail to respond to it. Examples of this include, but are not limited to: Comments 3-4, 3-9, 5-9, 5-11, 5-17, 9-2, 30-17, 30-18, 30-19, 30-26, 30-31, 30-34, and 30-42.

9-7

Deferral to Merits Hearing

A number of important comments on substantive environmental issues are not responded to because the FEIR falsely claims that they are "Merits Issues". Examples of this include, but are not limited to: Comments, 11-36, 12-20, 12-27, 30-36, 30-54, 30-60, 30-83, and 30-84.

9-8

Claims that Responses Require Undue Speculation

Many responses avoid substantially addressing the issue raised because the EIR feels that the response would be "speculative". Chief among these is the failure to include an adequate no-project alternative that assumes elimination of all unpermitted uses on the site. Despite numerous requests for such an alternative, including several from state and federal regulatory agencies and County Planning Commissioners, and despite evidence developed by the County as to which uses were permitted and not, the EIR steadfastly holds on to the claims that it can neither determine the permitted uses nor assure enforcement of the permitted uses even if they were to be determined (see, for example, responses 24-5 and 30-4). Taking this argument to its logical end, why should the EIR assume compliance with the Proposed Master Plan, if cannot enforce its existing plans and permits? Further, an alternative where the county actually enforces its land use regulations is certainly less speculative than one proposing a large hotel on the site, when none has been proposed by the applicant. It should be noted that all alternatives are inherently speculative. The "speculative" argument used to avoid full assessment of alternatives, in addition to being specious, undercuts CEQA's disclosure and environmental protection mandates.

9-9

Failure to Respond in Good Faith

As noted above, CEQA requires good faith efforts at responding to comments. In several cases, the EIR does not do this. An example of this is response to comment # 3-

9-10

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13, where the US National Park Service refers the EIR to important data sources regarding biological resources, and the EIR, instead of seeking out those sources, fails to review them because the commenter does not include the referenced data within the comment. Other examples include responses to comments 18-40, 30-11, 30-40, and 30-63.

9-10
Cont'd

Failure to Defer to Responsible Agencies with Greater Expertise

In a number of cases, the EIR responds that an agency with expertise and authority over a given environmental resources is incorrect in its comments on that resource. For example, in response 6-6, the EIR, with no factual basis, disagrees with the Coastal Commission's interpretation of its own regulations. CEQA case law clearly indicates that, absent facts to the contrary, deference shall be given to responsible agencies with expertise on their resource area.

9-11

Failure to Support Responses with Fact or Evidence

A number of the EIR's responses are inadequate because they are not supported by fact or evidence. See, for example, responses 11-39 (EIR uses outdated sea level rise information: see attached memo from CALFED indicating sea level rise may occur much more rapidly than assumed in this EIR), 11-53, 12-17 (no evidence that building code even applies to leach fields), 27-5, 30-25 (EIR contains no evidence that sufficient space exists for planned use levels while avoiding sensitive habitats), and 30-27.

9-12

Response Refers Reader to EIR Section That Comment Stated Was Inadequate

In several responses, the EIR directs the commenter to the very same section of the DEIR that the commenter found inadequate. This does not provide a substantive response to the comment. See, for example, response 18-45, which does not address the request for more information about potential impacts on the Western Snowy Plover of a trail system, and of campground food and garbage.

9-13

CONCLUSIONS

As summarized above, the FEIR fails to adequately respond to the numerous agency and public comments on the DEIR. This has resulted in a document that fails to meet CEQA's twin mandates to support informed decision-making and reduce impacts to the public. Note that because of the massive size of the document and short review period, it was not possible for me to list all of the deficiencies in the document. Suffice it to say that the responses to comments does not meet CEQA requirements for such responses. Please feel free to call me at 510 849-2354 to discuss any of the items in this letter.

9-14

Sincerely



Richard Grassetto
Principal
Grassetto Environmental Consulting

ATTACHMENT A: CALFED SEA LEVEL RISE MEMO

September 5, 2007

Memo to: John Kirlin, Executive Director, Delta Blue Ribbon Task Force

From: Mike Healey, CALFED Lead Scientist

Subject: Projections of sea level rise for the Delta

Recognizing that sea level rise would likely be an uncertain but contentious issue for the Vision Task Force to address, the Science Program requested that the Independent Science Board examine the current literature and offer comments and, if possible, recommendations on sea level rise to aid the Task Force. The response of the ISB is attached to this memo. In my opinion, the ISB has provided a very helpful summary of the extensive and confusing science around climate related sea level rise. They also make specific recommendations concerning which of the many projections of sea level rise should guide the Task Force in developing its vision.

Key points made in the ISB memo are first, that current projections of sea level rise by the IPCC are likely very conservative as the models used to develop these projections under-estimate recent measured sea level rise. Second, extrapolation from empirical models of sea level rise yields significantly higher estimates of sea level over the next few decades than the IPCC projections. The ISB suggests that the empirical projections are probably a better basis for short to mid term planning. And, third, that neither approach to estimating future sea levels takes account of melting of ice in Greenland and Antarctica, which recent studies suggest is accelerating.

Based on their analysis, the ISB suggests that a mid range rise in sea level this century is likely to be at least 70-100 cm, significantly greater (~200 cm) if ice cap melting accelerates. While the absolute rise is alarming enough, even more alarming is the fact that only a few cm of sea level rise will greatly increase the frequency, intensity and duration of extreme water levels. It is these events that pose the greatest risk to Delta levees, infrastructure and private property.

The ISB assessment of rates and magnitude of sea level rise greatly increases one of the key risk factors in decisions about land use, levee integrity, water conveyance, public safety and other important considerations in the Delta Vision. In my view, it is essential that all the current planning processes take the likelihood of greater sea level rise into account. This is particularly

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true for the DRMS study, which did not factor any sea level rise into its assessment of levee needs in its draft phase 2 report.

I trust that you will convey the ISB memo to the Task Force. I will copy it to DRMS, BDCP, ERP and other interested parties. Please let me know if you or the Task Force have any questions.

Sincerely,



Mike Healey

CALFED Lead Scientist

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September 4, 2007

TO: Michael Healey, Lead Scientist
CALFED Bay-Delta Program

FROM: Jeffrey Mount, Chair 
CALFED Independent Science Board

RE: Sea Level Rise and Delta planning

In July of this year, you asked that the Independent Science Board (ISB) examine the array of sea level rise projections available in published reports and, based on current scientific understanding, advise the Science Program about which projections are most appropriate for incorporating into on-going planning for the Delta. The ISB discussed this issue at their August, 2007 meeting and have developed recommendations detailed in this memo. It is important to note that this is not an assessment of the state of sea level rise science, but is intended to highlight the large uncertainty in sea level rise projections and recommend ways to incorporate this uncertainty into planning.

Background

Sea level plays a dominant role in the San Francisco Bay-Delta. Water surface elevations and associated fluctuations due to tides, meteorological conditions and freshwater inflows drive Bay-Delta hydrodynamics. Hydrodynamics, in turn, dictate the location and nature of physical habitat, the quantity and quality of water available for export, and the design of the flood control/water supply infrastructure. Change in sea level has the potential to substantially alter Bay-Delta conditions and to constrain future management options.

Global sea level rise is a well-documented phenomenon, both in the paleoclimatic record as well as the historical record. Tidal gage records indicate that sea level during the 20th century has risen an average of 2mm/yr (.08 in) during a period of 0.7°C warming. Recent studies suggest that since 1990 global sea level has been rising at a rate of approximately 3.5 mm/yr (.14 in/yr)¹. The cause of sea level rise stems from two processes: 1) thermal expansion of sea water as the surface

¹ Church, J.A. and N.J. White 2006 *A 20th Century Acceleration in Global Sea-Level Rise* Geophysical Research Letters, v. 33, article no. L01602

layer warms, and 2) increase in mass of sea water associated with melting of land-based glaciers, snowfields and ice sheets.

Recent research supported by the California Energy Commission² (CEC) and continued under the CALFED-sponsored CaSCADE program, shows that sea level rise will impact the Delta principally by increasing the frequency, duration and magnitude of water level extremes. These extreme events occur at various periodicities and are associated with high astronomical tides and Pacific climate disturbances, such as El Niño. The CEC study showed that under moderate climate warming and a sea level rise of 3 mm/year (12 in./century), extreme high water events in the Delta--those that exceed 99.99% of historical high water levels and severely impact levees--increases from exceptionally rare today to an average of around 600 hours/year by 2100. This work also showed that roughly 100 of these hours would coincide with very high runoff conditions, further amplifying the impacts of sea level rise. In sum, even under modest sea level rise and climate warming projections, extreme high water levels that are considered rare today will likely be very common by the end of this century.

Sea Level Rise Projections

Early in 2007, the Intergovernmental Panel on Climate Change (IPCC) released its latest assessment of the scientific basis for projections of future climate conditions, including global average sea level rise³. As noted in the press, in comparison with the IPCC's 2001 assessment, the latest sea level rise projections appear to have narrowed the range of potential sea level rise and lowered the magnitude of projected sea level rise. This was viewed by some outside of the IPCC as indication that: 1) uncertainty regarding sea level rise had decreased and 2) the problem of sea level rise itself appeared to be less than originally stated. However, both the methods used to derive the IPCC 2007 sea level projections, along with extensive new published research in 2007 suggest that this more optimistic view of future sea level rise may be unwarranted.

The IPCC projections are based on physical models that attempt to account for thermal expansion of the oceans and storage changes in land-based glaciers and ice fields. These models, by necessity, simplify the complex processes of ocean circulation and ice melting. The IPCC midrange projection for sea level rise this century is 20-43 cm (8-17 inches), with a full range of variability of 18-59 cm (7-23 inches). The range of variability reflects model differences and uncertainties as well as differences in greenhouse gas emission scenarios. The IPCC model effort is consensus-based, reflecting the agreement of numerous international scientists.

² Cayan, D. *et al.* 2006 *Projecting Future Sea Level* California Climate change Center White Paper CEC-500-2005-202-SF Accessed at <http://www.climatechange.ca.gov/research/climate/projecting.html>

³ IPCC 2007 *Climate Change 2007: The Physical Basis—Summary for Policymakers* Accessed at <http://www.ipcc.ch/SPM2feb07.pdf>

During the past year, there have been major advances in the science of sea level rise. Paradoxically, these advances have increased the uncertainty of projections in sea level rise, at least temporarily. These advances have also led to strong criticism of the approach that the IPCC used in establishing its projections⁴. One criticism is that the models used to project sea level rise tend to under-predict historical sea level rises, most notably failing to capture recent increases. Indeed, models that use empirical historical relationships between global temperatures and sea level rise perform better than the IPCC 2007 models⁵. When applied to the range of emission scenarios used by IPCC 2007, empirical models project a mid-range rise this century of 70-100 cm (28-39 in.) with a full range of variability of 50-140 cm (20-55 in.), substantially higher than IPCC 2007 projections. However, foremost among the criticisms is the failure of the IPCC to include dynamical instability of ice sheets on Greenland and Antarctica in their projections for sea level rise.

Melting of the ice sheets of Greenland and Antarctica has the potential to raise sea level 70 m. For most of the 20th century, the ice sheets have remained relatively stable, with melting contributing a minor fraction to sea level rise. However, during the past year numerous studies have demonstrated that the mass balance (input from snowfall versus losses due to melting or detachment) of these ice sheets is shifting toward more rapid loss, most likely in response to warming of the atmosphere and oceans⁶. The recent rate of mass loss in these ice sheets exceeds current physical model predictions. As many authors have pointed out, increased rates of ice sheet flow, involving meltwater lubrication of the ice sheet bed or the removal of buttressing ice shelves, may be accelerating the rate of ice loss on Antarctica and Greenland. The IPCC 2007 report explicitly chose not to incorporate the uncertainty associated with this process into their sea level projections. Recent publications that have examined this issue suggest that, under business as usual emissions scenarios, dynamical instability of ice sheets may add as much as 1 m (39.4 in) to sea level rise by 2100⁷.

Recommendations

The ability of current physical models to project sea level rise are limited. This stems in part from our poor understanding of and current inability to model the response of Greenland and Antarctic ice sheets to atmospheric and oceanic warming. Given the costs associated with levee

⁴ summary in Kerr 2007 *Science NOW* Accessed at <http://Sciencenow.sciencemag.org/cgi/content/full/2007/215/2>

⁵ Rahmstorf, S 2007 *A Semi-Empirical Approach to Projecting Sea-Level Rise* *Science* v. 315, pp. 368-370.

⁶ Shepherd, A. and D. Wingham 2007 *Recent Sea-Level Contributions of the Antarctic and Greenland Ice Sheets* *Science*, v. 315, pp. 1529-1532.

⁷ Hansen J et al 2007 *Dangerous human-made interference with climate: a GISS modelE study* *Atmospheric Chemistry and Physics*, v. 7, pp.2287-2312.

failure in the Delta, the ISB feels it would be a mistake for the various planning processes now underway (BDCP, Delta Vision, DRMS) to base their planning on the conservative 2007 IPCC estimates of sea level rise. Although there is some disagreement about mechanisms of ice sheet disintegration, current advances in understanding coupled with new physical measurements all point toward the same conclusion: dynamical instability of ice sheets will likely contribute significantly to future sea level rise, with the potential for very rapid increases of up to a meter (39.4 in.) by 2100 from ice sheets alone. For this reason, the range of sea level projections based on greenhouse gas emission scenarios contained in the IPCC 2007 report should be viewed, at best, as minima for planning purposes.

The board recommends that planning efforts use three approaches to incorporate sea level rise uncertainty. First, given the inability of current physical models to accurately simulate historic and future sea level rise, until future model refinements are available, it is prudent to use existing empirically-based models for short to medium term planning purposes. The most recent empirical models project a mid-range rise this century of 70-100 cm (28-39 in.) with a full range of variability of 50-140 cm (20-55 in.). It is important to acknowledge that these empirical models also do not include dynamical instability of ice sheets and likely underestimate long term sea level rise. Second, we recommend adopting a concept that the scientific and engineering community has been advocating for flood management for some time. This involves developing a system that can not only withstand a design sea level rise, but also minimizes damages and loss of life for low-probability events or unforeseen circumstances that exceed design standards. Finally, the board recommends the specific incorporation of the potential for higher-than-expected sea level rise rates into long term infrastructure planning and design. In this way, options that can be efficiently adapted to the potential for significantly higher sea level rise over the next century will be favored over those that use "fixed" targets for design. After all, the current debates over uncertainty in sea level rise are less about how much rise is going to occur and more about when it is going to occur.

LETTER 9

**Grassetti Environmental Consulting,
Mike Healey, CALFED Lead Scientist
October 18, 2007**

- 9-1 The commenter summarizes specific comments provided later in the letter. Please refer to response to comments 9-2 through 9-14 below.
- 9-2 The commenter questions the requirement for preparing precise development plans and the level of CEQA review that would occur with the approval of precise development plans and/or permits. The Draft EIR prepared for the Lawson's Landing Master Plan is a program-level environmental document prepared consistently with the requirements of State CEQA Guidelines Section 15168. Marin County's standard entitlement review process requires that the next step in the process, if the proposed Master Plan is approved, is to prepare a Precise Development Plan that identifies the specific facility designs and precise locations proposed for construction. The County will review the Precise Development Plan for the project to determine what subsequent permits and entitlements would be required and whether any additional environmental review would be necessary in light of the analysis contained in the program-level EIR prepared for the Master Plan. The County may find that the Precise Development Plan is within the scope of the Master Plan and its program EIR and use the program EIR to approve the Precise Development Plan, or the County may determine that additional environmental review and documentation is required prior to approval.

Once the Precise Development Plan is approved and all necessary environmental review is determined to be completed, then the County can proceed with issuing other entitlements, such as grading and building permits and other administrative permits, that would allow construction to proceed.

All environmental impacts associated with the Master Plan approval have been appropriately identified in the Draft EIR and the plan for subsequent entitlement actions has been described. The County acknowledges that additional environmental review may be required at the Precise Development Plan stage depending on the specific facility designs and precise locations proposed by the applicant. At this time, it is premature to identify what that subsequent environmental review may involve, because the specific facility designs and precise locations of new facilities have not been submitted. Nonetheless, the environmental analysis prepared in the Draft EIR adequately addresses the project's impacts at a program-level of detail based on general understanding of proposed facilities and expected locations, to the degree that proposed facility information is known at this time. This is consistent with CEQA's concept to conduct environmental review early in the decision-making process and with the requirements of program EIRs identified in State CEQA Guidelines Section 15168. It also reflects Marin County's standard entitlement review procedures.

If additional environmental review is determined to be necessary at the Precise Development Plan Stage, State CEQA Guidelines Section 15612 through 15164 provide for the preparation of subsequent, supplemental, or addenda documentation of the additional environmental analysis. Marin County will determine whether any subsequent environmental documentation will be required in accordance with these provisions of the State CEQA Guidelines.

- 9-3 The commenter argues that master responses are inadequate and that the Final EIR should provide information requested by commenters. It appears the commenter disagrees with the level of detail required for programmatic environmental documents. This disagreement is acknowledged; however, the County has prepared a Final EIR that complies with the requirements of the State CEQA Guidelines (Section 15168) regarding the preparation of a program EIR. Further, the County has identified through Section 3.7, “Administrative Actions and Next Steps in the Project Review Process,” of the Final EIR, Master Response of the Final EIR, and response to comment 6-2 above all of the subsequent entitlement actions that the project would undergo and where the County would conduct additional environmental review if it is deemed necessary. The commenter offers no other evidence that the process the County has and will continue to follow is inappropriate; therefore, no further response can be provided.
- 9-4 The commenter states the master response related to the environmental baseline used in the Draft EIR does not reflect actual usage levels at the project site and, therefore, does not report the real impacts of the project. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. No further response can be provided to this issue.
- The commenter also appears to be concerned that the baseline established for the project (233 trailers, 1,000 campsites, and 200 vehicles for day users) would be subject to change in the future at the applicant’s discretion. A change in the baseline would not occur during the proposed project’s environmental review. The environmental baseline is established by the facts at hand, which have been explained in Section 3.3 of the Draft EIR, and is not a matter of the applicant’s discretion. In reviewing the application for the Master Plan, the County will determine the appropriate use levels for the project site and will issue a permit for implementation of the Master Plan based on the approved use levels. The use levels approved could be equal to or less than the environmental baseline evaluated in the Draft EIR, which equals the proposed use levels for the Master Plan. If the applicant sought to increase use levels on the site above the environmental baseline, then the applicant would need to seek a subsequent approval from the County and the County would need to review this change in light of the analysis provided in the Draft EIR to determine whether additional supplemental environmental analysis is required. However, at this time, neither the County nor the applicant intends to request or set use levels at the project site that are higher than the proposed use levels evaluated in the Draft EIR. Please also refer to responses to comment letter 30 of the Final EIR.
- 9-5 The commenter restates the opinion that the Final EIR does not provide sufficient analysis of wastewater treatment alternatives and states technical studies. The commenter refers to previous responses provided on this issue, but offers no further clarification of what analysis is missing from the Draft EIR nor does the commenter present any analysis that contradicts what is presented in the Draft EIR.
- The analysis provided in the Final EIR documents the substantial evidence that was used to determine impacts conclusions regarding the project’s wastewater treatment impacts. This substantial evidence forms the basis for the EIR’s environmental conclusions, consistent with the requirements of CEQA. Marin County as the lead agency has prepared an adequate CEQA document and no other substantial evidence has been presented to the contrary in the comment. Therefore, no further response can be provided. Please also refer to previous responses provided for comment letters 25, 26, and 30 in the Final EIR.

- 9-6 The commenter makes the general statement that the Final EIR ignores and dismisses factual evidence presented by other commenters on the Draft EIR. The commenter does not provide any specifics of where the Final EIR has ignored evidence submitted by commenters. Therefore, no specific response to this issue can be provided. Regardless, a lead agency is required to prepare an EIR based on substantial evidence in the whole of the administrative record. The County has prepared the Final EIR based on a substantial body of evidence contained in the Draft and Final EIR. While alternate arguments or evidence may be presented by commenters on a project, CEQA does not require lead agencies to resolve all disputes about different viewpoints regarding environmental conclusions. Instead, CEQA requires lead agencies to base their decisions on substantial evidence recognizing that disagreements may arise. This is the case for the Lawson's Landing project. The County will consider all of the information in the record including the analysis included in the Final EIR, comments received on the EIR, and responses to those comments.
- 9-7 The commenter states the Final EIR does not correctly respond to comments and identifies specific comments. It is unclear how responses provided in the Final EIR do not adequately respond to the issues raised by commenters. The commenter does not specifically identify how the analysis is inadequate or which information was misunderstood; therefore, no further response can be provided.
- 9-8 The commenter states the Final EIR falsely claims environmental issues as merits issues and identifies specific comments. Each of the comments and responses to comments identified by the commenter were reviewed. The comments cited by the commenter address disagreement regarding the conclusions of the EIR related to geological sites, Williamson Act compliance, evaluation of the existing sea wall, tsunami warning systems, removal of existing European Beachgrass, and time for vehicle evacuation.
- Based on a re-review of these comments, the County confirms its previous responses. The commenter is raising some topics addressing issues that would not be changed with implementation of the proposed Master Plan (e.g., Williamson Act contracts, the existing seawall, or the existing European beachgrass problems) and, therefore, no impacts would occur. Consequently, these are not environmental impact issues of the proposed Master Plan. The commenter raises other details that would not be environmental issues required to be evaluated under CEQA (e.g., specific type of tsunami warning system and the length of time for vehicle evacuation); however, they can be important from the perspective of the merits of the proposed Master Plan. The project's physical environmental effects associated with a tsunami and vehicle emergency access were appropriately evaluated in the Draft EIR. The County will render its decision on the details related to warning systems and evacuation approaches when it considers the merits of the project.
- 9-9 The commenter restates the comment that a no project alternative that assumes elimination of all un-permitted uses on the project site should be evaluated in the EIR. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2 and response to comments 24-5 and 30-4 of the Final EIR.
- 9-10 The commenter states the Final EIR does not present a good faith effort at responding to comments and alleges that the County did not seek out specific information that was cited by a commenter. The EIR has endeavored to provide factual, informative responses, wherever feasible. Some of the commenter's concerns relate to a level of detail that is beyond what is available at the master plan stage. Other comments relate to disagreements with the EIR's conclusions. In these cases, the response provides descriptions of relevant information

presented in the EIR and makes note of the commenter's points, so the Board of Supervisors can render an informed decision.

To clarify, CEQA and relevant case law has provided guidance on how lead agencies should focus their level of review for an environmental document. State CEQA Guidelines Section 15024 does not require lead agencies to undertake every suggestion given to them, provided that the lead agency does respond to significant environmental issues and makes a "good-faith" effort at disclosing those impacts. The County has made a good-faith effort at disclosing the project significant environmental effects as they relate to the existing environmental baseline established for the project. Further, the County reviewed and considered the letter and the information contained therein submitted by the National Park Service. While the commenter states that certain species-specific information may be available for review, the information is not specifically relevant to the analysis provided in the Draft EIR as it does not address species that are considered sensitive species as identified in CEQA and are not considered significant impacts. The County acknowledges that additional data may be available regarding various species that are known to occur in the project area; however, the County has based its impact conclusions presented in the Draft EIR based on the thresholds identified by CEQA and the State CEQA Guidelines and the substantial body of evidence compiled for the Draft EIR. Therefore, the County has complied with CEQA.

9-11 The commenter states the Final EIR incorrectly responds to comments from a regulatory agency with expertise and authority of an environmental resource (i.e., wetlands). The commenter sites specifically to a California Coastal Commission Response. This comment is acknowledged. The County and CCC have been working cooperatively to address their respective entitlement actions associated with the project. With regard to interpretation of consistency with policies included in the Local Coastal Plan, the County is the lead agency with jurisdiction and responsibility for this analysis. The CCC will also review the project for consistency with its development entitlement process and has indicated that it intends to work cooperatively with the County to that end (see Letter 1, last paragraph, contained in this amendment).

9-12 The commenter states Final EIR responses are inadequate because they are not supported by fact or evidence and identifies specific comments. Related to response to comment 11-39, although there are numerous scientific studies and hypotheses concerning potential future sea level rise, the Final EIR uses information that is directly attributable to the project site (i.e., San Francisco Bay Area). Although such uses are part of the project baseline and considered in the merits actions, the EIR sensitivity map identifies numerous areas that can accommodate recreational uses.

While sea level rise is a significant, known climate change consequence that would affect the project site, the magnitude and timing are subject to continuing uncertainty. If a projection of higher sea level rise were used, it would mean that the impacts identified in the EIR would occur sooner and to a higher level of inundation, but would not introduce new environmental impacts that are not already known and disclosed. Sea level rise is an important consideration for the proposed project, given its low-lying topography. The EIR helps the County make an informed environmental decision, recognizing the implications of climate change driven, sea level rise.

The commenter asks for evidence that the California Building Code applies to the design and construction of leach fields. Leach fields are considered part of the plumbing system which is regulated under the California Building Code.

The commenter questions whether there is adequate space on the project site to accommodate recreational uses in areas outside of sensitive habitat areas. The project site consists of 960 acres total of which current recreational uses occupy approximately 180 acres. Because recreational uses account for less than a fifth of the project site, it can be reasonably assumed that adequate space could be found on the project site outside of sensitive habitat areas. Although such uses are part of the project baseline and considered in the merits actions, the EIR sensitivity map identifies numerous areas that can accommodate recreational uses.

Related to response to comments 11-53 and 27-5, it is unclear what fact or evidence the Final EIR should have used; therefore, no further response can be provided.

9-13

The commenter states the Final EIR does not provide substantive response to comments and identifies a specific comment related to western snowy plovers. The comment (on the Draft EIR) states the Draft EIR “made no effort to present or analyze available data on the snowy plover ...” The response provided in the Final EIR identifies where the Draft EIR evaluates the project’s impacts snowy plover habitat and refers the reader to other responses that identify why the project would not result in impacts to snowy plover habitat (i.e., no increase in access to beach or number trails with implementation of the project). As identified in the Final EIR, review of additional information related to snowy plover habitat is not necessary because the project as proposed would not have an adverse impact on snowy plover habitat. This issue was adequately addressed and responded to in the Final EIR.

9-14

The commenter reiterates previous comments submitted in the letter. Please refer to response to comments 9-1 through 9-13.



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 |

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MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

October 19, 2007

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive # 308
San Rafael, CA 94903

Subject: Final Environmental Impact Report for the Lawson's Landing Master Plan, SCH
#20000926067

Dear Mr. Haddad:

The Marin Audubon Society appreciates the opportunity to comment on the Final EIR for the Lawson's Landing Master Plan. We are disappointed by the quality of the EIR responses and the inadequacy of the information provided. Questions are twisted, misinterpreted, and the repeated reference to "lack of evidence" provided by commentors as reason to not provide an informational response, is particularly annoying and troubling. This mantra is used even when the commentor is a scientist commenting on areas in which he is expert (see comment 31-). This EIR fails to fulfill the purpose of a CEQA document which is to provide information for the public and decision makers to evaluate the project and make informed decisions. Because of its many deficiencies, the FEIR should be withdrawn and revised so that questions and concerns are responded to in a straightforward manner that informs the public and contributes to informed decision-making.

10-1

Further, the EIR clarifies that it is intended to be a Programmatic EIR. That being now established, we request that the DEIR provide a complete listing of project components that are anticipated to need further environmental review.

10-2

We have many problems and issues, too many to address in the insufficient time allowed for review. Therefore, our comments below are examplesP:

Response 18-6 Our comment requesting a plan showing the boundaries of the existing uses is twisted into an interpretation that we are "questioning the level of detail," and we are referred to "the best available maps of the proposed project." We are not questioning the level of detail, we honestly wanted a plan showing the EXISTING uses in order to enable us to evaluate the project and its potential impacts and possible mitigations. We did not ask for or want maps of the proposed project.

10-3

We note that many commentors have asked for information on current conditions. We could not find that such information was ever supplied.

10-4

18-8 To enable the reader to evaluate the potential impacts of the proposed project, the “new or enhanced” facilities should be identified. The FEIR simply states that several facilities will be upgraded and other new facilities would be constructed.

18-10 The response to this comment reenforces our original comment. The response states that we provide no evidence that the environmental conditions are based on legal arguments. We are referred to master Response 2 which describes the legal basis for considering the current conditions the baseline, thereby supporting our comments.

10-5

What we are asking for here and above, is a description of the on-the-ground conditions at the project site. This is a question. What other information is needed to ask a question?

18-19 This response acknowledges that additional groundwater would be pumped, but dismisses this as unimportant by stating that the groundwater level would only be lowered by one foot and that this is within the normal range of groundwater fluctuation. An additional one foot lowering could indeed have an impact on wetlands, at minimum shortening their duration or size, and this should be discussed.

10-6

18-21 This response to our question about growth inducing impacts is dismissed on the basis that the project “would not increase use levels.” While increased use levels may not be proposed now, increase capacity for water, sewage etc would certainly leave the door open for requests to increase uses in the future.

10-7

18-25 This response to our comment that investigating groundwater conditions in October is the “worse time,” simply states that we offered no evidence to support this statement, therefore no further response can be provided. We assumed the consultants developing these response would know that this is a Mediterranean climate in which it rains in winter, and there is no rain all summer. If we have to explain that, this means that by October the groundwater levels is at its lowest. This response should be revised in view of this new “evidence.”

10-8

18-26 Our interest in asking this question about the location of sediment basins was to determine whether the basins would or could be placed in areas of sensitive habitat, such as wetlands, dunes etc. We still want to know what assurances are there that these basins would be kept out of these sensitive areas?

10-9

18-30 through 18-33 deal with our concerns about impacts of the proposed pathway through the dunes. The responses do not address the concern about such impacts and do not answer the question why a path is recommended. The response states that the proposed mitigation would reduce the potential for blow outs. If movable pathways are not suitable, the basic question

10-10

remains, why is a formal path necessary? It would still have adverse impacts related to possible blowout and perhaps others. What are its benefits?	10-10 Cont'd
18-38 With regard to wetlands delineation, the wetlands should be delineated according to the Coastal Commission's definition, not the Corps'.	10-11
18-40 This response is inadequate because it ignores the obvious concern about inadequate mitigation measures because they rely on future plans and programs. The reader cannot evaluate the adequacy of mitigations measures when the mitigations recommended are future plans we do not know what they will include.	10-12
18-45 This response doe not address the question we asked about the impacts of the proposed trail system which has associated impacts on unleashed dogs trash, on Snowy Plover, and mitigations for these impacts.	10-13
18-51 Our request for an alternative that relocates camping to upland areas is dismissed on the basis that wit would likely "result in many of the same environmental impacts as the project including impacts to wetlands, sensitive habitats species, etc....and further "would likely result in the loss of additional important farmland..." The intent of our request was to investigate possible places the campground could be located out of wetlands, and other sensitive habitats so that there would not be the same environmental impacts. The loss of a limited amount of farmland is not a significant as the impacts to wetlands. Is the EIR consultant equating the loss of some farmland with the loss of wetlands? Because the EIR does not provide essential information about the current site condition, we are unable to evaluate whether other less environmentally damaging areas where the campground could be relocated out of wetlands, dunes and farmlands.	10-14
In addition to the above inadequate responses to Marin Audubon's comments, we note a few of the many similar inadequacies in responses to comments by others:	
20-1 While the EIR repeatedly states that there would not be increased uses, this response top MCL points out that 19 additional car trips would be generated by the project. What components of the project would generate this increased trips?	10-15
22- 15, 16 Response 22-16 to a question asked by Audubon Canyon Ranch contains information that appears to conflict with other comments. It states that "No increase in the number of trails through the dunes or the amount of access to the beach is proposed." It is our understanding that there are currently no actual trails through the dunes. The EIR fails to recognize that the impact of people use of formal trails is much greater because people are encouraged to use the trails by their very presence.	10-16
24-2, 6 Here is another example of a clear request for a comprehensive description of existing site conditions. It is dismissed on the grounds that "the comment does not provide any	10-17

specifics.” We emphasize that the ability of the public to evaluate the project, impacts and alternatives, and point out that Jules Evens of Avocet Research Associates is a professional ornithologist with years of experience with Snowy Plover and other birds.

10-17
Cont'd

31-26 This is perhaps the most outrageous response. It is to Dr. Peter Bay saying that he presented “no evidence supporting the statement that this is the largest dune complex north of San Luis Obispo.” As noted on page one of his letter, Dr. Baye is Ph.D. plant ecologist with nearly 20 years experience studying dunes along the California Coast, at Dillon Beach in particular. He is clearly an expert. If the EIR consultants felt they needed further “evidence” from Dr. Baye, it is in the interest of the resources and the public for them to have called him up and asked.

10-18

31-31 Just because an activity is suggested as a mitigation does not mean that it would not have adverse impacts and/or that these need not be identified or evaluated. The impacts of improving the sand haul road as an alternative access road should be identified and evaluated.

10-19

31-33 This response to questions about the through-the-dune trail proposal adds more information - that the intent is to provide easier access through the dunes while minimizing impacts. It has not been demonstrated that this approach would minimize impacts. It would cause impacts. The EIR does not describe what the impacts of access through the dunes are now. In our analysis with the current information, an informal trail, would be less environmentally damaging than placing a formal trail which would have potential blow out and increased use impacts.

10-20

31-56 Species that are rare or uncommon in Marin County are addressed by policies in the Countywide plan calling for protection of species and habitat diversity particularly EQ 2-87.

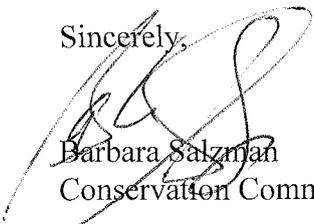
10-21

31-74 What evidence does the DEIR want for the expert opinion provided by Dr. Baye that the dune discussion in the EIR is inaccurate. impacts would result from facilities in the dune system? It is our observation that the comment from Dr. Baye is detailed and clear.

10-22

As noted above, we would have many other comments if we had a longer review time. Thank you for considering those above.

Sincerely,



Barbara Salzman
Conservation Committee

LETTER 10

**Marin Audubon Society,
Barbara Salzman, Conservation Committee
October 19, 2007**

- 10-1 The commenter provides an overview of comments on the Final EIR states the opinion that EIR does not fulfill the purposes of CEQA. This comment is acknowledged; however, it does not raise any new issues related to the environmental analysis conducted in the Draft EIR. No further response can be provided.
- 10-2 The commenter requests a listing of the project components needing additional environmental reviews. Please refer to response to comment 9-2.
- 10-3 The commenter requests a plan of the site's existing uses. The exhibits presented in the Draft EIR are the best exhibits available to depict existing facilities and uses at the project site (see Exhibits 3-2, 4.6-10, and 4.7-1 through 4.7-11 as examples). As part of the subsequent merits review and Precise Development Plan, more refined existing and proposed facility exhibits would be available and provided to the County for review. Please refer to the aerial photographs presented in Exhibits 4.6-10 and 4.7-9 for a visual depiction of the existing facilities on the project site.
- The existing uses on the project site have been included in the environmental baseline established for the project (please refer to Master Response 2 of the Final EIR). Therefore, CEQA does not require that the lead agencies catalogue existing uses on a site nor is it appropriate to do so. Instead, the EIR evaluates the project's change from the existing uses to determine whether a significant environmental effect would occur consistent with the requirements of CEQA.
- 10-4 The commenter restates a previous request to identify proposed facilities. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2 and response to comment 18-8 of the Final EIR.
- 10-5 The commenter requests additional information of existing on-the-ground conditions at the project site. Please refer to response to comment 10-3 of this amendment.
- 10-6 The commenter argues that a 1 foot lowering of groundwater could have impacts on wetlands. The commenter offers no evidence to support this statement. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 4 and response to comment 18-19 of the Final EIR.
- 10-7 The commenter states the project would allow for increased use levels at the project site as a result of increased capacity for water and sewer treatment. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comment 18-21 of the Final EIR.

- 10-8 The commenter states that groundwater measurements were taken at the worst time. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to responses to comments 26-12, 26-15, 26-16, 26-17, 26-18, and 26-19 of the Final EIR.
- 10-9 The commenter asks for assurance that sediment basins would be located outside of sensitive habitats. The location of the proposed sediment basins would be determined at the Precise Development Plan stage (see response to comment 9-2 in this amendment). If proposed sediment basins would be located in areas of sensitive habitat, then the County will review this information in light of the information contained in the Final EIR to determine whether additional environmental review would be necessary.
- 10-10 The commenter questions why formal paths in the foredunes are necessary and that these paths could result in their own environmental impacts.
- The formal pathways through the foredunes are proposed to reduce the potential for dune blowouts, which create unsafe or hazardous conditions on the project site and to reduce the impacts pedestrian traffic may have on sensitive habitats on or adjacent to the foredunes (e.g., wetlands). These pathways are proposed to be adaptively managed (i.e., moved as necessary) to minimize the exposure of bare sands to potential blowouts. Without the formal paths, existing users would continue to create uncontrolled, volunteer paths that could be in adverse locations. Managed, formal path locations allow the selection of the least environmentally damaging alignments.
- While dune blowouts are a natural process to assist in the replenishment of the interior sand dunes, the long-time stabilization of the foredunes with European Beachgrass has resulted in the substantial reduction of dune blowouts. On a yearly basis only 1-3 dune blowouts currently occur. The number and frequency of existing dune blowouts is substantially small such that they are not a major contributor to the replenishment of the interior sand dunes. Therefore, prevention of the exiting dune blowouts that occur on the project site would not have significant effects on the replenishment of the interior sand dunes (Leroy, pers. comm., 2007).
- 10-11 The commenter states a wetland delineation based on CCC definition is required. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 3 and response to comment 18-38.
- 10-12 The commenter restates previous arguments regarding deferral of mitigation. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 1 and response to comment 18-40 of the Final EIR.
- 10-13 The commenter restates previous argument that the Draft EIR does not evaluate impacts of the trail system on unleashed dogs and snowy plover habitat and lacks mitigation measures for impacts. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comment 3-12, 11-65, 22-15, and 22-16.
- 10-14 The commenter repeats the request for an upland alternative. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comment 18-51 of the

Final EIR.

The commenter seems to argue that the loss of farmland is less important than impacts to sensitive habitats. This comment is acknowledged. However, CEQA does not distinguish between the types of environmental effects or require weighting which are more or less important. This is a merits issue that will need to be considered by the County. CEQA requires lead agencies to provide a good-faith disclosure of information about the potential environmental effects of a project. As it relates to alternatives, CEQA requires lead agencies to consider alternatives that would reduce or avoid the significant effects of the project. The response offered to the commenter disclosed that an upland alternative would result in greater environmental impacts related to impacts to farmland resources; therefore, consideration of such an alternative is not required under CEQA. The County will consider the commenter's opinions during its review of the project's merits.

- 10-15 The commenter requests clarification on what land uses would generate 19 trips. As identified in the Draft EIR, the 19 trips would be generated by two new residences constructed in the project site. Please refer to Table 4.8-3 in Section 4.8.2, "Transportation and Circulation" of the Draft EIR.
- 10-16 The commenter argues that formal trails would encourage greater use compared to the informal trail system currently on the project site. The commenter offers no evidence to support this statement. The purpose of developing a formal trail system is to direct people away from sensitive habitat areas and potential blow-out locations, but continue to provide access to the beach. Without the more formal trails, existing users would continue to create uncontrolled volunteer trail alignments without respect for environmental conditions. Because existing use levels would remain with implementation of the project, no substantial increase in the use of formal trails versus informal trails is anticipated.
- 10-17 The commenter requests a comprehensive description of the proposed project. Please refer to response to comment 9-2 of this amendment.
- 10-18 The commenter argues that we should have sought out additional information from Peter Baye. Please refer to response to comment 9-10 of this amendment.
- 10-19 The commenter states the impacts of improving sand haul road should be evaluated. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comments 12-7 and 23-1 of the Final EIR.
- 10-20 The commenter that the Draft EIR does not provide specifics of how the formal trail system would be more environmentally damaging compared to the existing informal trail system. Please refer to response to comment 10-10 above.
- 10-21 The commenter refers to policies of the Marin Countywide Plan but does not indicate how this is relevant to the analysis in the Final EIR. Therefore, no further response can be provided.
- 10-22 The commenter questions responses in the Final EIR related to potential impacts to dunes. Please refer to response to comments 9-10 and 10-10 of this amendment.

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OCT 19 2007

County of Marin Community Development Planning Division



MARIN CONSERVATION LEAGUE

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October 19, 2007

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Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903-4157

Subject: Final Environmental Impact Report: Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

Dear Mr. Haddad:

Marin Conservation League appreciates the opportunity to submit the following comments on the adequacy of the FEIR for the subject project. Our comments concern both the substance of the FEIR and the process that the County is following that, in effect, disconnects certification of the EIR from subsequent review and approvals of the Master Plan and related permits. Our comments also concern the frequently unsatisfactory responses of the FEIR consultants to comments on the DEIR

Along with many other agencies, organizations, and individuals, MCL submitted comments in fall of 2005 noting serious deficiencies in the DEIR. Along with others, MCL expected the County's environmental consultants to provide substantive responses to the overwhelming number of requests for detailed studies and specific information necessary before the applicant's Master Plan could be revised and approved. Two years have elapsed since the County closed hearings on the DEIR. We recognize that during this period several detailed studies of biological and wetland resources took place. Nonetheless, we are now provided a four-volume document labeled "FEIR" that contains only minor revisions and now calls itself a "program EIR" (rather than a "project EIR"), thereby obviating the need to conduct the detailed studies and other analyses widely requested in agency and public comments (Master Response 1). The County is now contemplating certifying an environmental document based on deferred analyses and vague promises of further environmental review. The most revealing paragraph is found in the FEIR Volume 1b, Section 8.2, Page 8-32:

11-1

"The applicants have indicated that *subsequent* (emphasis added) to certification of the EIR, they would work with Marin County staff to refine the proposed master plan to comply with the mitigation elements of the Mitigated and Reduced Alternatives evaluated in the DEIR. No specific details of these refinements are available at this time; however, the applicants have indicated that they intend to focus on revisions to the existing camping and recreational uses. Further, this information is not necessary for the certification of the EIR. When *and if* (emphasis added) alterations to the Master Plan are submitted to Marin County by the project applicant, the County will review those changes in light of the analysis included in the DEIR to determine if additional environmental review is necessary."

This paragraph taken from the FEIR captures several issues that the FEIR has failed to resolve:

1. The FEIR does not specify the circumstances under which additional, public, environmental review might occur before a revised Master Plan could be approved, except to suggest that appropriate consultations with resource agencies would take place before construction activities could begin. Certainly it will be critical to have a final determination of the presence of Coastal Act wetlands on the site before the applicant can make any revisions to the Master Plan. The FEIR does not identify possible actions under the Master Plan that would require precise development plans and thus prompt more comprehensive

11-2

environmental review. Because site-specific permits for individual facilities would be administrative, it is unlikely that further review would be required. Therefore, once the EIR is certified, further opportunities to reevaluate overall environmental effects of a revised Master Plan appear at best uncertain, or at worst nonexistent.

- 2. The uncertain nature of a Master Plan containing unspecified alterations by the applicant that might be submitted at some future time underscores the widely-held concern among agencies and individuals commenting on the DEIR that the project description is vague and lacking in the detail necessary for critical review.

11-2
Cont'd

- 3. The apparent intent of the applicants to “focus on revisions to the existing camping and recreational uses” certainly points to a topic of concern, which is intensity and location of these uses. However, the FEIR response is less than satisfactory. In response to MCL’s comment on the DEIR (Comment 19-6) that asked for specific locations and footprints for the campsite area, which by tradition allows uncontrolled camping on the site, the FEIR consultant stated that campers are allowed to select their space anywhere within the designated camping areas. . .that camping is considered part of the baseline and not proposed to change in the Master Plan. This response fails to acknowledge that any alternative involving more structured use of the camping area might be considered. Further, in response to MCL’s request for a review of RV campsite standards based on comparable operations (e.g., state or private RV parks) applicable to this site as a basis for arriving at the two environmentally preferable Alternatives – the Reduced Project, and the Mitigated Project (Comment 19-10), the FEIR consultant responded that it was “unclear what the commenter is requesting; therefore, no further response can be provided.”

11-3

We could cite numerous other instances in which the FEIR fails to provide substantive answers to myriad comments submitted on the DEIR. We concur with the comments on the FEIR submitted by Richard Grasseti in behalf of Environmental Action Committee of West Marin (EAC), dated October 16, 2007 and refer you to that letter for further discussion. In conclusion, we find that the FEIR fails to provide the detailed information necessary for either the public or decision makers to take informed action on the Master Plan and related permits.

11-4

Sincerely,



Roger Roberts, President

cc: Planning Commission
California Coastal Commission

LETTER 11

**Marin Conservation League,
Roger Roberts, President
October 19, 2007**

- 11-1 The commenter that the type of EIR was changed from project to program EIR. The commenter is incorrect. The County has prepared a program-level EIR consistent with CEQA Guidelines Section 15168. Please refer to response to comment 9-2 of this amendment.
- 11-2 The commenter requests a listing of the project components needing additional environmental reviews. Please refer to response to comment 9-2 of this amendment.
- 11-3 The commenter suggests that an alternative considering more structured use of the camping area be considered.
- This alternative would result in a reduced use of the main meadow area, which would be substantially similar to the conditions considered under the Reduced Project Alternative and the Mitigated Project Alternative. Therefore, the EIR has considered an alternative that would reduce impacts to the main meadow area. Further, the applicants have indicated their intent to work with the County to refine the master plan to address mitigation requirements which could involve more structure uses of existing camping areas.
- 11-4 The commenter provides general opinions of how the Final EIR does not provide substantive answers to comments on the Draft EIR; however no specific inadequacies are identified in the comment. Therefore, no further response can be provided.

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2007 OCT 19 P 3:29

MARIN COUNTY
COMMUNITY DEVELOPMENT

Leah Goldberg
Edward Grutzmacher
Attorneys at Law
510.808.2000

October 19, 2007

Via Facsimile and Personal Delivery

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Re: Final Environmental Impact Report for the Lawson's Landing Master Plan (SCH # 2000092067)

Dear Mr. Haddad:

Meyers Nave represents the applicant, Lawson's Landing, in its application for a Master Plan, coastal development permit, and tidelands permit (collectively "Project") currently pending before the County of Marin ("County"). The applicant and the individual owners would like to express their gratitude to the County and the environmental consultants, EDAW, for completing the Final Environmental Impact Report ("FEIR"). After a thorough review of the FEIR, as the following analysis will show, it is our opinion that the FEIR is complete and that no recirculation of the document is required. Lawson's Landing encourages the Planning Commission to certify the FEIR and move onto consideration of the merits of the Project.

12-1

Nonetheless, Lawson's Landing would like to clarify some issues and correct some factual inaccuracies for the County and the public. None of these clarifications change the analysis or conclusions in the FEIR. Lawson's Landing believes however, that County should consider the FEIR with a full and accurate understanding of the current state of the Project and the facts described in the FEIR.

The FEIR Does Not Require Recirculation

A lead agency is required to recirculate an EIR prior to certification only under very specific, and limited, circumstances. The Guidelines implementing the California Environmental Quality Act ("CEQA") provide that recirculation is

12-2

required only where "significant new information" is added to the EIR after publication of the draft EIR. (Code of Regs., tit. 14, § 15088.5, subd. (a).)¹ The Guidelines further explain that new information is not "significant" unless it deprives the public of an opportunity to comment on either: 1) a substantial adverse environmental impact of the project; or 2) a feasible way to mitigate or avoid a substantial adverse environmental impact of the project that the applicant declines to implement. (*Id.*) The California Supreme Court has "explicitly rejected the proposition that *any* new information triggers recirculation." (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1128 (emphasis in the original).) Where the changes to a project represent an improvement in the environmental condition when compared with the original project, recirculation is not required. (*Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer* (2006) 144 Cal.App.4th 890, 904.)

Here, the most significant change between the Project as analyzed in the Draft EIR and the Project in the FEIR is that the applicants have modified the Project to locate the proposed wastewater treatment system in an alternative location outside of the sand dunes as fully described in the EIR. This change to the Project eliminates any of the previously disclosed potential for impacts to geology and soils and biological resources associated with the construction of the wastewater treatment system, thus improving the environmental condition as compared with the original Project. Moreover, as concluded by the FEIR, the construction of the wastewater treatment system in the alternative location would not result in any new significant impacts that were not previously identified in the Draft EIR. (See FEIR, p. 8-41.) With an elimination of previously disclosed impacts and with no new impacts arising, the relocation of the wastewater treatment system clearly does not constitute "substantial new information" under Guidelines, section 15088.5 and, thus, recirculation is not required.

12-2
Cont'd

Likewise, the other corrections and clarifications set forth in this letter do not represent either information regarding a new substantial impact of the Project or new information regarding a feasible mitigation measure that Lawson's Landing has declined to implement. As such, these corrections and clarifications also do not require recirculation of the FEIR.

Lawson's Landing Considers the Relocated Wastewater Treatment System to be a part of the Proposed Project

Following review of the Draft EIR, Lawson's Landing considered the potential for relocating the wastewater treatment system outside of the dunes and, as noted above, concluded that not only would the relocation be feasible, but would eliminate a number of the environmental impacts associated with placement of

12-3

¹ Code of Regulations, title 14, § 15000 *et seq.* is referred hereinafter as "Guidelines."

the system in the dunes. As such, Lawson's Landing decided to modify the Project to conform to the requirements of Mitigation Measure 4.6-1. While we applaud the County for changing some of the FEIR's text based on this relocation, we note that the changes have not been carried throughout the document. For example, in the Summary of Impacts and Mitigation Measures, Impact 4.13-1, p. 2-46, the FEIR correctly amends the text to reflect the fact that the applicant has moved the wastewater treatment system. However, a similar change has not been made to the text of the FEIR examining impact 4.13-1 on pages 4.13-16 – 4.13.18. Accordingly, Lawson's Landing would like to clarify what appears as a point of confusion in the FEIR. Lawson's Landing no longer has any intention of placing the proposed wastewater treatment system in the sand dunes. Thus, the Project as currently proposed will not have any of the potentially significant impacts to geologic stability and soils, or to the flora and fauna of the dune system that were described in the Draft EIR.

For similar locations in the text where the reader may become confused regarding the status of the wastewater treatment facility, please see:

- Page 4.13-17. Discussion of the LCP and the Dillon Beach Community Plan. Paragraphs 1, 2, 5, and 6. Text should have been struck from these paragraphs that discusses the "leachfield and associated sand dune stabilization." Each one of these paragraphs should also include a statement regarding the currently proposed upland wastewater treatment system location in the northern portion of the project site. A statement should also be made in this section that no facilities are proposed in the sand dunes; hence, the project would not have any impacts on dune vegetation or animals.
- Page 4.13-18. Impacts on Special-Status Plants. Paragraph 3 of this impact discusses the impact of the dune leachfield on native species and special-status plants. This text should have been struck from the document.
- Page 4.13-19. Impacts to Wetlands. The discussion of a leachfield in sand dunes and the access road through wetlands to reach this leachfield should have been struck from text because the dune leachfield is no longer considered as part of the current project.

12-3
Cont'd

The Proposed Project is a Master Plan; Specificity of Detail is Not Required

Lawson's Landing would also like to thank the County and EDAW for Master Response 1 to the numerous comments seeking intricate details of the future plans at Lawson's Landing. As explained in Master Response 1, the EIR is a Program EIR for a Master Plan and the requested level of Project detail at this stage is neither warranted nor desired. First, the County Code *requires* Lawson's

12-4

Landing to first obtain Master Plan approval before Lawson's Landing can submit any precise development plan. (See Marin County Code, Chapter 22.44.) Under CEQA, review of such closely linked, but separate approvals is appropriately considered under a Program EIR where, as here, a series of actions can be characterized as one large project. (Guidelines, § 15168, subd. (a).) The advantages of using a program EIR include:

- (1) Providing an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
- (2) Ensuring consideration of cumulative impacts that might be slighted in a case-by-case analysis;
- (3) Avoiding duplicative reconsideration of basic policy considerations;
- (4) Allowing the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
- (5) Allowing reduction in paperwork.

12-4
Cont'd

(Guidelines, § 15168, subd. (b).) When subsequent activities in the program are proposed, they must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. (*Id.* at subd. (c).) Thus, requiring the EIR to provide a level of specificity not envisioned by either the County Code or CEQA for this general Master Plan format would further and unnecessarily prolong a process that is preliminary by nature. Therefore, in the interest of accomplishing the objectives of bringing environmental and permitting conditions up to acceptable standards and improving the Lawson's Landing operation so that it provides more environmentally sound practices overall, it is prudent to accept the level of detail in the EIR as appropriate and allow the process to move forward to a consideration of the Project's merits rather than demanding details that, at this stage of review, simply are not appropriate.

Factual Corrections to the FEIR

There are factual inaccuracies in the FEIR that Lawson's Landing would like to clarify for the record.

First, sand quarrying activity on the property has ceased and is no longer a permitted activity. Though the County makes this clarification in some parts of the FEIR, other parts of the FEIR, including the project description, imply that sand quarrying is an ongoing use. (See FEIR, p. 3-11, ¶ 4; p. 3-18, p. 3-25, and

12-5

p. 3-30). Lawson's Landing believes that these inconsistencies have the potential to confuse the reader.

12-5
Cont'd

Next, with regard to special status species and their habitat, a number of sections need to be updated to reflect the current state of regulations and scientific research.

A. Red-Legged Frog

On page 4.13-10, the FEIR incorrectly states that Lawson's Landing lies within U.S. Fish and Wildlife Service (USFWS) designated Critical Habitat for the California red-legged frog. (See also FEIR, p. 4.13-20.) Lawson's Landing is actually located approximately 6 miles northwest of designated critical habitat. Critical habitat for the California red-legged frog was designated by USFWS on March 13, 2001 (Federal Register 66: 14625-14674). These 2001 Critical Habitat designations were the designations the EIR consultant used for the 2007 FEIR. On November 6, 2002 a court decision removed many of the critical habitat units that had been designated for the frog on March 13, 2001. On April 13, 2004 the USFWS re-proposed critical habitat for California red-legged frog. The USFWS Final Rule on designated Critical Habitat for the California red-legged frog was issued on April 13, 2006 (Federal Register 71:19243-19345). This rule became effective May 15, 2006. Lawson's Landing is clearly outside of currently mapped California red-legged frog critical habitat. In Monk & Associate's ("M & A") 2006 report on *Vegetation Communities and Update on Special-Status Species Issues, Lawson's Landing, Dillon Beach, Marin County, California*, which was peer reviewed by the EIR consultant, M & A provided the following information on the California red-legged frog and Critical Habitat:

12-6

On April 13, 2006, the USFWS finalized its critical habitat designations for the California red-legged frog (USFWS 2006). The two critical habitat units designated in Marin County are MRN-1, the Salmon Creek Watershed and MRN-2, the Point Reyes Peninsula. MRN-1 is located east of Highway 1 and north of Point Reyes Petaluma Road. This unit is located south and east of the study area. MRN-1 covers 22,559 acres. This critical habitat unit has connectivity with California red-legged frog populations in the north bay region. According to the Federal Register (USFWS 2006), MRN-1 represents the northern extent of the subspecies' (*R. a. draytonii*) coastal range. MRN-2 is located on the Point Reyes Peninsula, which is directly south of the study area. MRN-2 is entirely within Federal lands. Lawson's Landing is located north of the two Marin County critical habitat units; hence, the study area is not included within designated critical habitat.

The Project proposes to construct restrooms, install fire hydrants, and water tanks in portions of the camping/recreation area. Installation of some of these

facilities may impact areas of degraded wetland habitats that have been camped on for over 50 years. The California red-legged frog has not been observed in these wetland habitats within the main camping area. Even during the wettest winters when large areas of the dune slack wetlands were inundated, and the California red-legged frog was observed in many new locations, this frog was never observed within the "wet meadow" camping areas where these site improvements are proposed.² Therefore, it is unlikely that construction/installation of project facilities in the meadow would result in stranding or injuring the California red-legged frog. However, since the applicant is aware that the California red-legged frog resides in the permanent ponds on the project site, and during the winter months may disperse into other inundated areas near these ponds, Mitigation Measure 4.13-4, parts (a) and (b) and (c) will be followed.

12-6
Cont'd

B. Invertebrates Previously Listed as Federal "Species of Concern"

With regards to the FEIR's discussion of the Pacific sand bear scarab beetle, the Ricksecker's water scavenger beetle, the Globose dune beetle, the Sandy beach tiger beetle, the Marin elfin butterfly, and the Point Reyes blue butterfly, the status of these species has changed since the publication of the draft EIR. (See FEIR, pp. 4.13-11 and 12.) All of these invertebrates were at one time classified as federal "species of concern." Prior to 2006, the USFWS had a federal species of concern designation for those animal species in which the scientific data were insufficient at that time to support a federal listing proposal. Further research and data collection were necessary in order to classify those species as either candidates for federal listing or to remove them from consideration. The USFWS no longer maintains a species of concern list; therefore, this classification is no longer recognized as a valid special-status designation. The Sacramento Endangered Species Office of the USFWS corroborates this fact on their web site. (See http://www.fws.gov/sacramento/es/spp_concern.htm) The invertebrates listed above have no other valid special-status designation by USFWS, California Department of Fish and Game ("CDFG"), or any scientific organization. Since the above mentioned invertebrate species do not have any special federal status or state status, these species do not meet the definition of endangered, rare, or threatened under Guidelines, § 15380. Potential impacts to these species should not be regarded as potentially significant, and any requirements for surveys for these species are no longer warranted under CEQA. The FEIR should not list a potential impact to these species and a mitigation measure for these species should not be prescribed.³

12-7

² There is an unconfirmed sighting of a California red-legged frog in one of the inundated ditches that travel adjacent to the camping area, but not within the main camping "meadows" themselves.

³ See also p. 4.13-20. There the FEIR notes that "Although relatively little is known about the biology of these seven invertebrates or their status and distribution on the project site, modification of their habitats through implementation of the proposed project could have a substantial adverse effect on these *federally listed species*" (Emphasis added.) The six invertebrates described above are not and never were "federally listed species." A federally listed

C. Globose Dune Beetle

Regarding specifically the Globose dune beetle (*Coelus globosus*), page 4.13-12 of the FEIR incorrectly quotes M&A as stating that this species occurs in the sand quarry. M&A has never identified this beetle within the sand quarry area after conducting extensive focused surveys for this beetle onsite over the years. Similar beetle species collected by M&A onsite have been keyed under a high powered microscope and compared with preserved specimens housed at UC Berkeley's Entomology Department. At no time has M&A observed the globose dune beetle at the project site (only the common species, *Coelus ciliatus*, has been found). Additionally, in the northern portion of its range this species only occurs in a zone about 30 meters wide extending from the beach into the foredune habitat; hence, the sand dunes within the quarry area are too far from the beach and do not provide the typical habitat for this beetle. The 1999 M&A report that is cited for this reference is not listed in the literature cited section. However, the only report that M&A prepared for Lawson's Landing in 1999 is the annual quarry monitoring report. In this report M&A states (in regard to the globose dune beetle):

12-8

Several specimens of dune beetle were collected from each of the three quarry sites and keyed under a microscope in the lab. None of the specimens collected were of the species *Coelus globosus*; they were determined to be the more common species, *C. ciliatus*. Due to the quarry area's distance from the foredunes, it seems highly unlikely that members of *C. globosus*, which are restricted to foredune habitats, would occur within the quarry area. As such, no impacts are expected to occur to this species from quarrying activities.

D. Special Status Plants

Additionally, with regards to special status plants (see FEIR, pp. 4.13-18, 4.13-24) there should be no further requirement for Lawson's Landing to address the potential presence of 33 special-status plant species that "could colonize the project site" after these 33 special-status plant species were NOT observed on the project site during two years of intensive special-status plant surveys that covered all areas of the project site where site improvements/facilities are proposed and one year of appropriately timed special-status plant surveys

12-9

species is one that is listed and protected under the Federal Endangered Species Act. Only one of the seven invertebrates mentioned above is "federally listed" under the Federal Endangered Species Act: the Myrtle's silverspot butterfly. Now that the six other species have lost their designations as "species of concern" and, thus, their special-status species designation, this potentially significant impact should only apply to the Myrtle's silverspot butterfly. (See also FEIR, p. 4.13-23.)

conducted at the three alternative leachfield sites. (Please refer to WESCO's 1992 special-status plant survey report, M&A's 2002 Biological Constraints Analysis, and M&A's 2006 *Vegetation Communities and Update on Special-Status Species Issues* report, all on file at the Marin County offices, for plant lists and survey findings.)

The two years of intensive special-status plant surveys conducted on the project site and the one year of special-status plant surveys conducted within the alternative wastewater treatment system sites followed methodology prescribed by CDFG and California Native Plant Society ("CNPS") in their rare plant survey guidelines. Special-status plants that have been identified on the project site have been monitored on an almost annual basis since 1992. Subsequent monitoring has been conducted to track numbers and to determine existing impacts, if any, to the rare plant populations.

12-9
Cont'd

In addition to the intensive special-status plant surveys and subsequent monitoring, M&A has participated in CNPS hikes on the project site and regularly communicated with CNPS' Marin Chapter rare plant coordinator regarding the Project site and provided CNPS with its Project site plant list. Similarly, CNPS reciprocated, providing M&A with a list of plants that CNPS has observed over the years within the camping and recreation area. Despite all of this scientific investigation, none of these species has been found. Under the tenants for standards of care in CEQA, appropriate investigations for rare plants have been conducted and there should be no further requirement for subsequent surveys.

E. Wetlands

Page 4.13-12 of the FEIR states that "a wetland delineation, prepared by WESCO, was verified by the U.S. Army Corps of Engineers (USACE) in April 1993. USACE reverified the delineation on April 14, 1998 and March 5, 2003." This is not accurate. WESCO's 1993 map of USACE jurisdictional areas was reverified in 1998. However, in 2002, when M&A contacted the USACE and requested that this existing map be reverified, the USACE stated that new regulations under the Clean Water Act require a new map of USACE jurisdictional areas. Based on this guidance, in 2002 Lawson's Landing had a current aerial photograph of the site created, and M&A conducted a new wetland delineation using a Global Positioning System to improve mapping accuracy. M&A's wetland map was verified by the USACE on March 5, 2003. This information is provided in M&A's 2006 *Vegetation Communities and Update on Special-Status Species Issues* report which was peer reviewed by the EIR consultant.

12-10

Further, on page 4.13-25, Cumulative Impacts to Sensitive Habitats, Including Coastal Wetlands, because of the relocation of the wastewater treatment system,

the proposed project would not have any impact on the coastal salt marsh, the coastal dunes, or riparian habitat.

12-10
 Cont'd

F. Other Factual Corrections

Finally, there are a small number of purely factual corrections that should be noted:

- Page. 2-1 Sec. 2.3.1 Physical Characteristics, The actual numbers of existing uses currently at Lawson's Landing are 20 boat mooring poles, 2 sewage disposal stations and camping uses 42 portable toilets mid-May through November and 36 portable toilets December to mid-May (See also pp. 2-2, 3-11, 3-12, and 3-17.)

12-11
- Page 3-12, Day Use is currently \$7.00 per car per day, not \$5.00

12-12
- Page 4.13-1 and Page 8-40. In this section the FEIR states that the project applicants commissioned the preparation of additional biological studies to fulfill the requirements of mitigation recommended in the DEIR (page 4.13-1). Two studies are listed here. One study: *Investigation, Presence, and Geographic Extent of Wetlands as Defined by the California Coastal Act, Lawson's Landing, Marin County, California* was incorrectly attributed to M&A. This study was actually prepared by Huffman-Broadway Group, Inc. This report is also not listed in the references cited section (neither under M&A nor under Huffman-Broadway Group, Inc.).

12-13
- Page 4.13-8. Special-Status Plants. In this section it incorrectly states that Ms. Dianne Lake is an employee of M&A. Ms. Lake is actually an independent botanist who sub-consulted to M&A for work on Lawson's Landing. Ms. Lake has a notable reputation as a rare plant expert and M&A believed her skills would benefit formal rare plant survey efforts.

12-14
- Exhibit 4.13-1. Habitat Types. This map incorrectly identifies gravel driveways above the southern seawall as "beach." This exhibit also does not identify emergent marsh, an area of riparian woodland, and two spring fed drainages in the northern portion of the project site. These habitat types were shown on M&A's exhibit contained in our 2006 *Vegetation Communities and Update on Special-Status Species Issues* report which was peer reviewed by the EIR consultant.

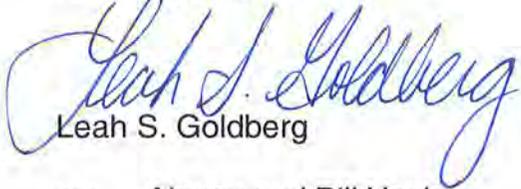
12-15

Conclusion

Again, Lawson's Landing does not believe that any of the above clarifications change the analysis or conclusions of the FEIR in a manner that requires recirculation. Nevertheless, Lawson's Landing desires that a complete and accurate description of the Project and its impacts should be presented to the County decision makers and the public. Thank you for your time and attention to these matters.

12-16

Sincerely yours,



Leah S. Goldberg

cc: Nancy and Bill Vogler
Michael Lawson

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LETTER 12

**Meyers Nave Riback Silver and Wilson,
Leah Goldberg, Attorney
October 19, 2007**

- 12-1 The commenter provides information that supports that the Draft EIR does not need to be recirculated. This comment is acknowledged. No further response is necessary as no issues related to the environmental analysis provided in the Draft EIR were raised.
- 12-2 The commenter restates the requirements for recirculation of an EIR and concludes recirculation is not required. This comment is acknowledged. No further response is necessary as no issues related to the environmental analysis provided in the Draft EIR were raised.
- 12-3 The commenter recommends revisions to the EIR related to the proposed wastewater treatment system. Requested revisions to the EIR text have been made and are identified in Section 4.0, "Corrections and Revisions to the EIR," of this document.
- 12-4 The commenter reiterates the definition of the EIR as a program EIR and identifies sections of CEQA that define a program EIR. This comment is acknowledged. No further response is necessary as no issues related to the environmental analysis provided in the Draft EIR were raised.
- 12-5 The commenter recommends revisions to the EIR related to sand quarry operations. Requested revisions to the EIR text have been made and are identified in Section 4.0, "Corrections and Revisions to the EIR," of this document.
- 12-6 The commenter recommends revisions to the EIR related to red-legged species designation and habitat.
- No changes to the text of the EIR have been made at this time. The biological resources analysis prepared in the EIR was prepared based on the current information available at the time the Notice of Preparation for the EIR was prepared (September 26, 2002). Impacts were determined based on this available information as is required under CEQA. The County acknowledges that the project site is now located outside California red-legged frog critical habitat designated areas. Although it is outside the designated area, the presence of the species at the project site and potential effects to the species from the proposed Master Plan are still legitimate conclusions of the EIR. The analysis provided in the EIR is valid and no changes to the text are required.
- 12-7 The commenter recommends revisions to the EIR related to invertebrate species.
- This comment is similar to the comment provided in 12-6. Please refer to response to comment 12-6. While the designation status of certain species has changed since preparation of the Draft EIR, the analysis provided in the Draft EIR adequately evaluate the project's potential impacts to these species and their habitat. While the commenter requests that the impact conclusions for these species be changed to a less-than-significant impact, the County believes that the current impact conclusions are appropriate and that mitigation recommended in the Draft EIR should be implemented. The presence of invertebrate species at the project

site and potential effects to invertebrate species from the proposed Master Plan are still legitimate conclusions of the EIR. No changes to the conclusions of the EIR have been made.

- 12-8 The commenter recommends revisions to the EIR related to Globose dune beetle. Recommended revisions to the EIR text have been made and are identified in Section 4.0, “Corrections and Revisions to the EIR,” of this document.
- 12-9 The commenter suggests that the applicant has complied with agency survey requirements for special-status plant species and that additional surveys should not be required.
- The County agrees that the applicant has conducted the necessary studies to identify whether special-status plant species have the potential to occur on the project site and whether any were observed on the project site. However, the specific timing of when construction activities would occur at the project site is unknown at this time but would occur over an extended period of many years. Therefore, because potential habitat was identified on the project site that could support special status plant species, the County believes it is appropriate for mitigation to be included in the EIR that recommends pre-construction surveys for these species prior to construction of facilities on the project site. No changes to the conclusions of the EIR have been made.
- 12-10 The commenter recommends revisions to the EIR related to the status of the wetland delineations prepared for the project site. The EIR identifies the wetland delineation was reverified by the US Army Corp of Engineers on March 5, 2003. Revisions to text of the EIR are not necessary.
- Related to cumulative impacts to wetlands, text of the EIR was previously revised in response to the applicants’ willingness to relocate the wastewater treatment facility. Therefore, further revisions to text of the EIR are not necessary.
- 12-11 The commenter recommends general revisions to the EIR. Requested revisions to the EIR text have been made and are identified in Section 4.0, “Corrections and Revisions to the EIR,” of this document.
- 12-12 The commenter recommends general revisions to the EIR. Requested revisions to the EIR text have been made and are identified in Section 4.0, “Corrections and Revisions to the EIR,” of this document.
- 12-13 The commenter recommends general revisions to the EIR. Requested revisions to the EIR text have been made and are identified in Section 4.0, “Corrections and Revisions to the EIR,” of this document.
- 12-14 The commenter recommends general revisions to the EIR. Requested revisions to the EIR text have been made and are identified in Section 4.0, “Corrections and Revisions to the EIR,” of this document.
- 12-15 The commenter recommends general revisions to the EIR. Exhibits provided in EIR correctly identify the habitat types on the project site as identified by Pacific Watershed Associates. Revisions to the EIR exhibit are not necessary.
- 12-16 The commenter concludes their comments. No further response is necessary.

October 17, 2007

Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, California 94903

Subject: Comments to Final Environmental Impact Report
Lawson's Landing Master Plan dated September 28, 2007

RECEIVED
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MARIN COUNTY
COMMUNITY DEVELOPMENT

To Whom It May Concern

The following are comments to the subject Final Environmental Impact Report (EIR) from the Oceana Marin Association (OMA), the homeowners association for the subdivision in Dillon Beach, Marin County, California.

OMA had provided written comments to the draft EIR on September 14, 2005. In the letter, OMA raised concerns about traffic, safety, and an evacuation plan in case of a disaster. In the Final EIR, the County states "no further response is necessary because no issues related to the adequacy of environmental impact analysis conducted in the DEIR were raised" to the majority of our comments. OMA feels that the County's response to our concerns is inadequate, particularly to the issue of traffic.

Much of the evaluation of the proposed project on traffic and transportation focuses on Cliff Street and other streets that provide the closest access to the project site. OMA understands and agrees that there are impacts to these streets. However, there is an inadequate discussion on the impacts of transportation on Dillon Beach Road, which is the road that vehicles need to travel on for about 4 miles before they reach Cliff Street and the other streets nearest Lawson's Landing. The Final EIR indicates that the proposed project would not result in any significant roadway impacts because the existing roadways are operating "acceptably." The cumulative impacts analysis did identify traffic congestion occurring along Cliff Street during peak recreation periods. As a mitigation measure for the congestion, the proposed project would widen Cliff Street. The County needs to be reminded that there are portions of Dillon Beach Road that are just as wide (or narrow) as Cliff Street and the congestion is not just on Cliff Street. This year alone, the traffic congestion backed at least twice up Dillon Beach Road BEFORE Oceana Drive, the road that leads to the OMA subdivision. Thus, a detailed evaluation, with mitigation measures, is still needed for Dillon Beach Road.

13-1

The OMA Board of Directors thanks you for the opportunity to provide comments to the Final EIR. Should you have any questions, please do not hesitate to contact me at (707) 878-2216.

Very truly yours,



Richard Kapash
President

cc: OMA Board of Directors

LETTER 13

**The Oceana Marin Association,
Richard Kapash, President
October 17, 2007**

13-1 The comment letter expresses disagreement with responses made their comments on the Draft EIR. The commenter states that an inadequate analysis of traffic impacts along Dillon Beach Road is provided.

The commenter offers no specifics on how the analysis provided in the Final EIR is inadequate. Detailed responses to issues raised regarding the traffic analysis can be found in response to comment letters 23, 36, and 57 in the Final EIR. The traffic analysis conducted for the proposed project identified existing, actual traffic volumes along Dillon Beach Road and Cliff Street during maximum-use weekends and trips generated by existing land uses (see Section 4.8.1, “Transportation and Circulation”) from three different surveys. In addition, the traffic analysis determined the project would result in generating 19 additional daily trips (see Section 4.8.2, “Transportation and Circulation”). Although few trips would be generated by the project, the EIR concluded cumulative impacts to local roadways would be significant and includes a mitigation measure to reduce the impact (see Impact 4.8-7, “Transportation and Circulation”).



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CLUB**
FOUNDED 1892

Gordon Bennett
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gbatmuirb@aol.com

October 17, 2007

Mr. Tim Haddad, Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308, San Rafael, CA 94903-4157

Re: Final Environmental Impact Report (EIR) for Lawson's Landing Master Plan,
Coastal Permit and Tidelands Permit.

Dear Mr. Haddad,

The Sierra Club is deeply disappointed to find that, rather than responding with additional specificity to criticism regarding the lack of such specificity in the Draft EIR, the Final EIR now claims that just by changing from a project-level to a programmatic EIR, that such a lack of specificity can be justified. It cannot. It appears that in the two years between the inadequate DEIR and the inadequate FEIR, a choice has been made to spend time and money that should have been spent addressing the inadequacies of the DEIR to instead constructing an assertive defense of the DEIR that nevertheless lacks substantive and legal basis.

14-1

In many cases, the FEIR claims to have addressed responses by simply re-directing the commenter to the same part of the DEIR that the commenter found inadequate. This is circular logic without real analysis and does not provide a CEQA-required substantive response. The resulting level of detail in the FEIR remains inadequate to allow the public as well as responsible agencies to consider environmental impacts and the adequacy of mitigation related to the proposed Master Plan approvals. A few examples:

14-2

Master Response #1 does not comply with CEQA in that it fails to provide essential information required by regulatory agencies and argues instead that the County has a right to determine what information they need to do their jobs.

Master Response #2 continues to attempt to grandfather 40 years of unpermitted use into a CEQA baseline by using a "maximum past use" CEQA baseline of 233 travel trailers, 1,000 vehicles for campers, and 200 vehicles for day users. This not only improperly minimizes project impacts, but it also improperly attempts to grandfather significant future impacts than would occur if the infrequent single days of peak use were to be spread over many more days.

14-3

Although the DEIR claimed that is it "difficult" to establish what was on site at the time permits were first required, the County's own records show:

In 1962, the State discovered the first 15 illegal house-trailers.

In 1967, the number of illegal house-trailers had grown from 15 to 156.

In 1970, the number of illegal house-trailers had grown from 156 to 231.

In 1970, the County discovered the first 75 un-permitted RV-sites.

In 1975, the number of un-permitted RV-sites had grown from 75 to 131.

In 1994, the number of un-permitted RV-sites had grown from 131 to 1000.

14-3
Cont'd

Master Response #3 fails to address complaints from wastewater regulatory agencies that could not assess impacts due to lack of information. Furthermore, similar to the choice as baseline of the highest visitor use day, the wastewater studies arbitrarily chose as a baseline the lowest rainfall recording.

14-4

Master Response #4 disregards factual evidence provided in the comments and mischaracterizes comments as disagreements among experts, thus attempting to improperly avoid CEQA-required responses.

14-5

In regard to the name change from project to programmatic, the FEIR appears to indicate that the only required subsequent project permits are a few site-specific projects such as the new sewage system, new restrooms, employee and owner's residence, etc. None of this would trigger an analysis of the overall environmental impact from the numbers and locations of campsites, which is the primary impacting use and the principle cause for commenters concerns.

Lastly, we note that if the County approves the proposed Master Plan and subsequent County permits prove to be limited in scope, then both the public and the regulatory agencies could lose the authority to require the applicant to conduct more detailed reviews of the over-all impact of the operation. Based on the history of this process, we believe this to be a legitimate concern.

14-6

As in our response to the DEIR, we again find this FEIR completely inadequate and request again the information that CEQA requires to be provide actually be provided for this project so that an equitable balance between coastal recreation and protection of coastal resources can be achieved.

Sincerely,

Gordon Bennett, Conservation Chair
Sierra Club – Marin Group

LETTER 14

**Sierra Club,
Gordon Bennett, Conservation Chair
October 17, 2007**

- 14-1 The commenter suggests that the County has changed the EIR from project to program EIR. The County has prepared a program-level EIR consistent with CEQA Guidelines Section 15168. Please refer to response to comment 9-2 of this amendment.
- 14-2 The commenter states that Master Response 1 is inadequate because it does not provide essential information required by regulatory agencies; however, the commenter does not specifically identify what information is missing. Therefore, no further response can be provided.
- 14-3 The commenter reiterates previous comments related to the baseline used in the Draft EIR.
- This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2 in the Final EIR. The commenter's disagreement with the County's position regarding baseline is noted for the record.
- 14-4 The commenter states Master Response 3 does not assess complaints from regulatory agencies.
- The purpose of Master Response 3 of the Final EIR was to provide an update on additional information regarding the relocation of the proposed wastewater treatment system. Individual responses comments submitted by regulatory agencies are provided in individual responses contained in the Final EIR. The commenter is not specific on what information requested by regulatory agencies was not provided; therefore, no further response can be provided.
- 14-5 The commenter provides the opinion that Master Response 4 disregards factual information and mischaracterizes comments. These comments do not raise any new issues related to the environmental analysis provided in the EIR; therefore, no further response can be provided.
- 14-6 The commenter restates previous comments provided in the letter. Please refer to response to comment 14-1 through 14-5 of this amendment.

Tomales Bay Association

RECEIVED

P.O. Box 369



Pt. Reyes Station, California 94956



2007 OCT 22 P 3 2

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

18 October 2007

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT FOR LAWSON'S LANDING MASTER PLAN, COASTAL PERMIT, AND TIDELANDS PERMIT

Dear Mr. Haddad,

We support the letter, and attachments regarding future sea level rise, submitted on behalf of the Environmental Action Committee by Richard Grasseti, of Grasseti Environmental Consulting (GECO).

The County asserts that the lack of specificity in the Plan and Final EIR is acceptable for a program EIR on a Master Plan. But it is evident that the level of detail in the plan and FEIR are inadequate to allow decision makers and the public to consider environmental impacts, mitigations, and alternatives associated with the requested approvals. The failure to provide information requested in public and agency comments is unacceptable.

15-1

MERITS

Our opinion is that the Reduced Project Alternative is the only acceptable alternative described, but it does not go far enough to limit the historic overuse of the property and impacts. The county must limit usage to that which occurred when the first Countywide Plan was adopted. Sand quarrying must also be eliminated unless and until the foredune system is restored to its pre-European conditions. Wetlands need to be avoided, no structures (including wastewater treatment facilities) should be constructed within 100 feet minimum of any wetland and stream conservation areas need to be enforced. Sand quarrying should cease unless or until it can be shown that sand recruitment is matching or exceeding withdrawals.

FEIR DEFICIENCIES

Many responses to comments dismiss without real analysis comments requesting additional information on the Master Plan, baseline conditions, detailed analyses, mitigation measures, and reasonable alternatives that effectively mitigate project impacts.

15-2

Section 2.7 acknowledges Areas of Controversy, but does not resolve them.

2.8 Major Conclusions and Issues to be Resolved:

2.8.1 Conclusion #3 acknowledges problem with wastewater facilities in dunes (unstable by definition) in other projects, but suggests wastewater systems in a non-sand dune area would reduce impacts to less-than-significant level, despite that a portion of the facility would still include construction within the dune area. Additionally, the alternative

15-3

wastewater treatment system locations appear to include Stream Conservation areas. Please include location of all streams and SCAs on this map.

Conclusion # 5: It is unclear how Mitigation recommended in Section 4.13 will mitigate impacts, especially cumulative impacts, to a less-than-significant level.

Conclusion #11: The FEIR presupposes that dunes must be stabilized and that "blowout" of dunes is to be avoided. The Manila dunes in Humboldt county are referenced, but no mention is made of the Christianson Dune on that peninsula, which has an ongoing effort to remove non-native European beach grass. Blowouts are a natural phenomenon in natural dunes, and the only way that back dunes can be effectively resupplied with sand.

15-3
Cont'd

Conclusion #s 12 and 13: It should be noted this cannot be effectively mitigated for, but only reduced in effect. There is no specificity in requirements

RE: SECTION 2.8.2 ISSUES TO BE RESOLVED: Question: How is a "Final EIR" final without resolving major potential impacts and leaving issues from the Draft EIR to be acted on by the Planning Commission and the Board of Supervisors?

15-4

RE: SECTION 2.9 EFFECTS FOUND NOT TO BE SIGNIFICANT

AESTHETICS AND VISUAL RESOURCES: Inasmuch as a portion of designated wilderness of the Point Reyes National Seashore is within earshot and the project is itself in the viewshed of that wilderness, it is inconceivable that there is not potential for negative impacts.

15-5

CONCLUSION

ENVIRONMENTAL BASELINE We agree that the maximum past use is an insufficient basis for baseline, and we contend that cumulative effects of allowing this level of use in an ongoing basis are not being considered. Reduction in use levels *could* decrease potential cumulative impacts, but this is uncertain. It is also unknown how self-imposed limits that can be readily altered will serve as mitigation. Also, current but unpermitted activities, while part of the baseline, need to be eliminated and/or mitigated as part of the EIR and cannot be used as being indicative of a no project alternative.

15-6

WASTEWATER TREATMENT We agree that the level of analysis of the wastewater treatment alternatives is inadequate. As stated above, some of the areas indicated on the map appear to include Streams and Stream Conservation areas.

DEFERRAL TO MERITS HEARING The County fails to include an adequate no-project alternative that assumes elimination of all unpermitted uses on the site. Numerous requests for such an alternative were received and put aside as speculative, yet the existing alternatives themselves are speculative.

We agree that the FEIR fails to adequately respond to comments on the DEIR. We also object to the short review period, especially considering the size of the documents. .

Sincerely,



Kenneth J. Fox, President

LETTER 15

**Tomales Bay Association,
Kenneth Fox, President
October 18, 2007**

- 15-1 The commenter states the opinion that the level of detail in the Master Plan and EIR are inadequate. Please refer to response to comment 9-2 of this amendment.
- The commenter also states the opinion that the Reduced Project alternative is the only acceptable alternative subject to additional modifications. This opinion is noted for the Planning Commissions consideration. This comment does not raise any new issues related to the environmental analysis presented in the Draft EIR. No further response is necessary.
- 15-2 The commenter states many responses provided the Final EIR do not provide the additional information requested for the project, baseline, analyses, mitigation measures, and alternatives. The commenter describes specific deficiencies in subsequent comments. Please refer to responses to comments 15-3 through 15-6 below.
- 15-3 The commenter states the Final EIR does not resolve areas of controversy identified in the Draft EIR.
- The purpose of listing the areas of controversy is to inform decision-makers of the issues concern associated with the project and consistent with the requirements of CEQA. CEQA does not require a lead agency to resolve all areas of controversy. Rather, CEQA requires the lead agency to provide a good-faith effort at disclosing the significant environmental effects of the project. To the degree that the areas of controversy listed in the EIR would result in significant environmental impacts, these impacts have been evaluated throughout the resource sections of the EIR.
- Regarding the request to identify Stream Conservation Areas, the project would not locate any facilities within Stream Conservation Areas. Therefore, there is no need to identify Stream Conservation Areas.
- Regarding the natural occurrence of dune blowouts, please refer to response to comment 10-10 of this amendment.
- 15-4 The commenter asks how the Final EIR can be considered final without resolving issues and potential impacts of the project. Please refer to response to comment 15-3 of this amendment regarding resolution of areas of controversy.
- 15-5 The commenter disagrees that the project would not result in a negative impact to the viewshed from Point Reyes National Seashore. This disagreement is noted for the Planning Commission's consideration. This comment does not raise any new issues related to the environmental analysis provided in the EIR. Therefore, no further response is required.
- 15-6 The commenter states several positions of disagreement with the analysis provided in the Final EIR and that the EIR should include a no project alternative that eliminates all unpermitted uses on the project site.

These disagreements are noted for the Planning Commission's consideration. Regarding the no project alternative, this comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2 and response to comments 24-5 and 30-4 of the Final EIR.

Tim Haddad
Environmental Coordinator

October 3, 2007

RECEIVED

2007 OCT -8 A 9 11

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

Dear Mr. Haddad,

This letter is commenting on the F.E.I.R.
for Lawson's Landing Master Plan and Permits.

I own property at Dillon Beach at
17 Maui Lane, and pay over \$6,000 each year
in property tax to Marin County. Myself
and my entire family have been visiting that
area for over 45 years. All that time
has not been as property owners, but as
occasional renters and R.V. campers too.

Lawson's Landing has been a
wonderful place for families with small
children to experience the lovely Pacific
Ocean, at a reasonable price. It would
be such a shame, after all this time, to
modify, adapt, or close such a valued
access to the ocean experience. Now we
can afford a house on the hill, but for
many years we camped near the dunes,
in the fog, amongst the cows - and loved it!

Please don't change this for other
young families to come.

Marie Baker

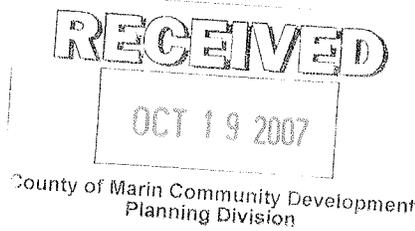
c.c. Nancy Vogler

16-1

LETTER 16

Marcie Baker
October 3, 2007

16-1 The commenter expresses support for the project. No further response is necessary because no issues related to the adequacy of environmental impact analysis provided in the Final EIR were raised.



Rick W. Johnson
P.O. Box 981
Inverness, CA 94937

October 19, 2007

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive
Room 308
San Rafael, CA 94903

Re: Final EIR for the Lawson's Landing Master Plan

Dear Mr. Haddad,

The environmental baseline and FEIR should evaluate average daily use and not just maximum limits.

The FEIR still does not set an appropriate baseline for environmental analysis. The document uses maximum limits: 1000 vehicles per day for camping and 200 vehicles per day of day users. (See page 3-12 and 8-38). Page 5-2 "Although the project would improve existing services and infrastructure at the project site, the proposed improvements would not change the land uses associated with the project site and would not increase intensity of use at the site." Given that the state population is growing and the "baby boomers" are starting to retire, it seems obvious that the improvements to existing services and infrastructure at the project site will increase average daily use and therefore intensity of use.

This fundamental flaw makes the FEIR fairly worthless for evaluating the Master Plan. See for example the response to comment 31-59: "Impacts to snowy plover would be similar to baseline because no increase in visitor use is anticipated."

A report by the California Budget Project (CBP) examined significant demographic shifts that will impact the state between 2000 and 2020. "Planning for California's Future: The State's Population is Growing, Aging, and Becoming More Diverse," states that:

- Between 2000 and 2020, the state is projected to add approximately 10 million people, roughly equivalent to the population of the state of Michigan.
- The number of Californians age 65 and above is expected to increase by 71.3 percent between 2000 and 2020.

17-1

The FEIR authors do not provide any reason for why they do not anticipate an increase in visitor use. Published reports such as the one cited above would indicate that the population of retirees will grow 71%. Because "the project would improve existing services and infrastructure at the project site" (Page 5-2), it seems inevitable that the intensity of use will increase. If the average daily use at the time of NOP was close to maximum use then the FEIR might be OK to use only maximum limits. But, since the FEIR makes clear that average daily use was much below maximum capacity through the year, the FEIR ought to use average daily use projections, too.

17-1
Cont'd

The project alternatives in the FEIR should include habitat restoration to reduce cumulative impacts.

Regarding the cumulative impacts on Page 5-1, the FEIR is incorrect in saying that the impacts are unavoidable.

Impact 4.6-12: Cumulative Dune Impacts. "This would be a cumulatively significant and unavoidable impact."

Impact 4.13-5: Cumulative Impacts to Sensitive Habitats, Including Coastal Wetlands. "This would be a cumulatively significant and unavoidable impact."

17-2

The scope of these impacts is not totally unavoidable. If the Mater Plan included native dune restoration and a plan to support breeding by Western Snowy Plovers some of the impacts could be reduced. The FEIR is inadequate for not detailing possible ways to reduce these significant negative impacts.

Inadequate response to my comments and others regarding Western Snowy Plovers and restoration of native foredune habitat in a portion of the project area. As part of reducing cumulative impacts, the Project should include a plan to restore native dunes and allow Western Snowy Plovers to breed.

In my comments of September 1, 2005 on the DEIR, I suggested an alternative that would provide for habitat restoration and plover protection near Sand Point, ideally relocating the trailer facility to higher ground.

The FEIR is inadequate in the response 22-16: "While the beaches along the shoreline of Lawson's Landing have been designated by USFWS as Critical Habitat for snowy plovers, the foredunes are not considered critical habitat." This is because the foredunes have the invasive beach grass. With a restored foredune, the habitat will be perfect for snowy plovers. "Western Snowy Plover adults and young forage on invertebrates along intertidal areas, along beaches in wet sand and surf cast kelp, in foredune areas of dry sand above the high tide, on salt pans, and along the edges of salt marshes and salt ponds. The snowy plover is primarily a run and glean type of forager." (<http://www.fws.gov/bolsachica/WSPacntBC.htm>) Native foredune restoration is a critically important part of part of the Point Reyes National Seashore program to protect and enhance breeding success of Western Snowy Plover.

17-3

Rick Johnson Comments on Lawson Landing FEIR

By ducking the issues and refusing to consider reasonable alternatives in the Master Plan and FEIR, the project sponsors will probably face tough sledding when it comes time to look at the merits of the project. As I suggested in my 2005 comment letter "ideally, there will be a working dialogue to establish a balanced plan for Lawson's Landing, one that includes **habitat restoration and wildlife recovery as well as recreation.**" The FEIR shows that dialogue and planning did not happen. It is a missed opportunity to create an acceptable plan.

17-4

Thank you for considering my comments.

Sincerely,

Rick W. Johnson

LETTER 17

Rick Johnson
October 19, 2007

- 17-1 The commenter repeats previous baseline arguments and argues that with increasing population there would be an increase in visitor use.
- Please refer to response to comment 9-4 of this amendment. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. No further response can be provided to this issue.
- 17-2 The commenter disagrees with responses with the impact conclusions provided in the EIR. This disagreement is noted for the Planning Commission's consideration. No further response is necessary because no issues related to the adequacy of environmental impact analysis provided in the Final EIR were raised.
- 17-3 The commenter restates previous comments related to snowy plover habitat and disagrees with the response provided in the Final EIR. In addition, the commenter recommends a project alternative that includes habitat restoration.
- This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to Master Response 2, Master Response 3, and response to comments 22-8 through 22-13 in the Final EIR.
- 17-4 The commenter restates previous comments provided in the letter. Please refer to responses 17-1 through 17-3 of this amendment.

RECEIVED

October 19, 2007

Tim Haddad
Marin County Community Development Agency
Civic Center, Room 308
3501 Civic Center Dr.
San Rafael, Ca. 94903

2007 OCT 19 P 1:51

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

RE: Final Environmental Impact Report for Lawson’s Landing Master Plan

Dear Mr. Haddad,

Thank you for responding to my comments and allowing this opportunity to take part in the planning process. I will refer to responses to my comments by number without repeating them to save time and space. I’m letter #55.

Comments to responses:

Response 55-1: The Master Plan and traffic reports were not made available to me on multiple visits to room 308 before I wrote my letter. They have now been included as appendix M. Thank you. I was under the impression that Appendices I and G were summaries of more detailed reports. Apparently this is not the case. I apologize for the misunderstanding. I now have all of the information I requested.

18-1

Response 55-3: I have attached a copy of Exhibit 4.8-3 with a number 4 and arrow to show the ‘S’ curve between the store and residence at 4 Beach St.

18-2

Response 55-4: I apologize for misunderstanding the way the traffic counts were conducted. One week is much better than one hour. However, I still consider the analysis inadequate because it only studies traffic on Friday afternoon and Sunday afternoon. I also do not understand why Table 2 states the occupancy was 400 campers and day-users (200 each), when the actual number of vehicles on site that day is known to be over 1,000 (as per gate receipts). How does this analysis account for the extra 600 vehicles on site? This inaccuracy greatly distorts the daily trip generation rates and calls into question any conclusions this analysis presents. In addition, page 1 of the traffic analysis states LOS C for Dillon Beach Road is **700-849 vehicles per DAY**. On page 3 it states the road will operate at LOS C or better with less than **700 vehicles per HOUR**. This represents a difference of 2,400% (since there are 24 hours in a day), and should probably be corrected.

18-3

Response 55-5: Impact 4.8-6 evaluates the impact of pedestrian and bicycle safety at the gatehouse, but not along Cliff St. The EIR acknowledges there is a safety issue along Bay Drive, but not along Cliff St. The EIR goes so far as to state that Bay Drive, “ Is relatively narrow and does not incorporate any shoulders or pedestrian pathways. A safety issue arises for pedestrians and bicyclists who are forced to walk/ride in or along the road with vehicular traffic.” Bay Drive is the same width or wider than Cliff Street. The EIR should explain why a pathway is needed along Bay Drive, but not along Cliff Street. Regarding vehicle speeding, Mitigation Measure 4.8-3 calls for widening and softening the turns on Cliff St. While I agree this measure would not increase the posted speed limit, it would increase the speed at which vehicles travel, as this is the intent of the mitigation measure (to improve traffic flow). It is my assertion that this improved traffic flow will have a negative impact on pedestrians and bicyclists using Cliff St.

18-4

In order to further explore Mitigation Measure 4.8-3 and its impacts, I have referred to an Engineering and Traffic Survey done by the Marin County Department of Public Works, for the sake of "Peer Review". This Traffic Study was completed and available on or prior to October 12, 2004, which means it was available to the consultant prior to the completion of the W-Trans analysis (October 27, 2004) and prior to the November 15, 2004 personal communication between EDAW and the DPW regarding available traffic data in the project area. I am attaching a copy of a letter sent to my neighbors regarding this study. On page 2, paragraph one states, "I have made a preliminary evaluation of the most critical curves and find that the standard semi-trailer vehicles, including 40-foot recreational vehicles towing a passenger car, can safely make all the necessary turns to access Lawson's Landing. Therefore, it is not appropriate to post any signs restricting vehicle length." For those keeping score, we have one traffic engineer saying the turn should be widened, and one traffic engineer saying the turn is just fine how it is. This discrepancy should be further explored.

18-5

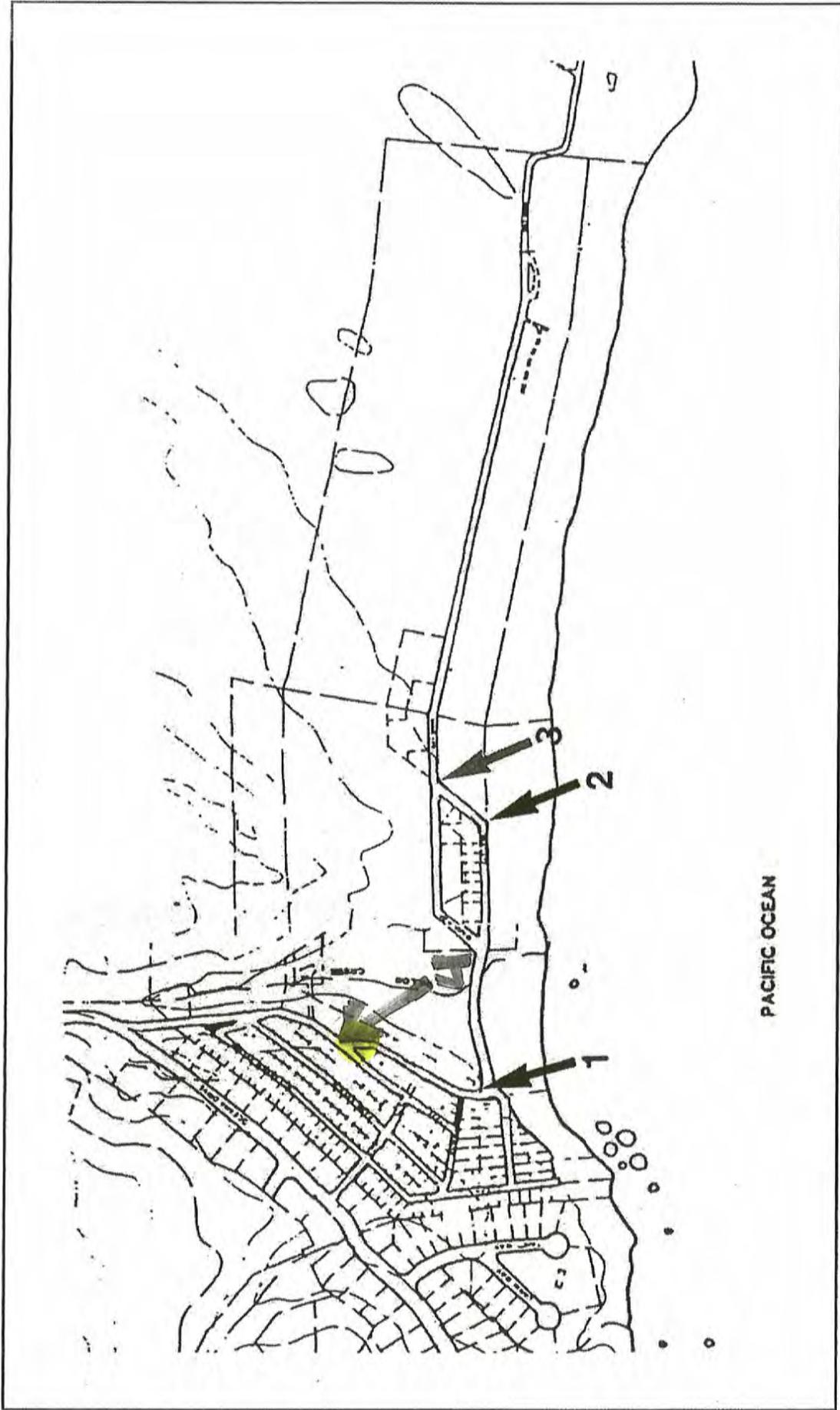
The DPW Traffic Survey also includes detailed information about traffic volumes and speeds for approximately 6 weeks (3 in summer and 3 in winter), but was never referenced in the analysis done by W-Trans and EDAW. I feel the omission of available pertinent data from this EIR makes it inadequate.

Thank you for this opportunity to address my concerns. It is not my intention to slow this process down, but I feel doing things well is more important than doing things fast.

Sincerely,



Scott Miller
P.O. Box 145
Dillon Beach, Ca. 94929



Source: Shannon & Associates; WESCO, 1998

Location of Existing Sharp Roadway Curves

Lawson's Landing Master Plan Draft EIR
 P 02110069.01 11/04

EXHIBIT 4.8-3

EDAW

DEPARTMENT OF PUBLIC WORKS

COUNTY OF MARIN
www.co.marin.ca.us/pw

P. O. Box 4186, San Rafael, CA 94913-4186 • 415/499-6528 • FAX 415/499-3799

Farhad Mansourian, RCE
Director

October 12, 2004

Bonnie Schmidt

Charles Miller
19 Cliff Street
Dillon Beach, CA 94929

Re: Speed Hump Request
Cliff Street Extension

Dear Mr. Miller:

At your neighborhood's request, we recently completed a second engineering and traffic survey evaluating speeding concerns on the Cliff Street Extension. As we discussed at our November 3, 2003 meeting, the criteria outlined in the County's policy must be met in order for speed humps to be considered as appropriate speed control devices for your road. Based on studies conducted between November 19 – December 11, 2003 and August 26 – September 15, 2004, our field evaluation and comparison to the policy criteria, we have concluded that the installation of speed humps on Cliff Street Extension is not warranted. The two warrants described in the policy relate to vehicular speeds and accident history. In both cases, the data collected did not meet the minimum criteria.

There were several other questions asked at that November meeting which I will attempt to provide you with a response. Several have been relayed to the Community Development Agency since they relate to planning and zoning issues.

In regard to when the "Cliff Street Extension" became a County maintained roadway. This road was incorporated into the County's Road maintenance list prior to our 1965, which is the earliest record found in our files. A portion of the road was dedicated to the County by the Lawsons in 1961 as found in Book 1495 pages 20-27 in the County Recorder's Office. I have copies of these offers of dedications for our records. Although the subdivision map titled "Subdivision No. 2 Dillon Beach" filed for record on July 11, 1911, specified that no roads were to be offered for dedication to or accepted by the County, our records indicate that the County has been maintaining the Cliff Street Extension since 1965 at the latest. Regardless of these facts, the Cliff Street Extension is now a County maintained roadway, whether through legal dedication and acceptance or through prescriptive rights.

ADMINISTRATION
415/499-6570

ACCOUNTING
415/499-7877

AIRPORT
451-A AIRPORT ROAD
NOVATO, CA 94945
415/897-1754
FAX 415/897-1264

BUILDING MAINTENANCE
415/499-6576
FAX 415/499-3250

CAPITAL PROJECTS
415/499-7877
FAX 415/499-3724

ENGINEERING & SURVEY
415/499-7877
FAX 415/499-3724

COUNTY GARAGE
415/499-7380
FAX 415/499-3738

LAND DEVELOPMENT &
FLOOD CONTROL DISTRICT
415/499-6549

PRINTING
415/499-6377
FAX 415/499-6617

COUNTY PURCHASING AGENT
415/499-6371

COMMUNICATION MAINTENANCE
415/499-7313
FAX 415/499-3738

REAL ESTATE
415/499-6578
FAX 415/446-7373

ROAD MAINTENANCE
415/499-7388
FAX 415/499-3656

TRAFFIC ENGINEERING
415/499-6528

TRANSIT DISTRICT
415/499-6099
FAX 415/499-6939

WASTE MANAGEMENT
415/499-6647
FAX 415/446-7373

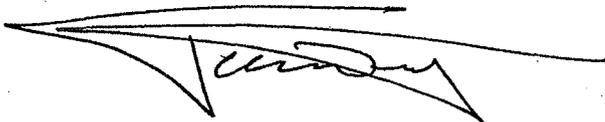
I have made a preliminary evaluation of the most critical curves and find that the standard semi-trailer vehicles, including 40-foot recreational vehicles towing a passenger car, can safely make all the necessary turns to access Lawsons Landing. Therefore, it is not appropriate to post any signs restricting vehicle length.

The California Vehicle does not have any provision for local jurisdictions to impose permanent weight restrictions unless one of the following is true: (CVC 35701) the roadway qualifies as a residence district per California Vehicle Code Sections 240 & 515, (CVC 35717) the roadway surface cannot support vehicle weights or (CVC 35750) there is a bridge or box culvert with a weight restriction. Based on my preliminary investigation, none of these apply.

I have reported these results to Supervisor Kinsey, and he suggests that the best opportunity for relief for Cliff Street residents will most likely come through the Lawson's Landing use permit process, which is expected to conclude next year.

If you have any additional questions or comments please feel free to contact me by email at jnutt@co.marin.ca.us or phone at 499-7137.

Very truly yours,



Jason L. Nutt
Traffic Operations Engineer

c: Supervisor Steve Kinsey
Farhad Mansourian
Bob Beaumont
Craig Tackabery
Liza Crosse

LETTER 18

Scott Miller
October 19, 2007

- 18-1 The commenter states they have received all their requested information. This comment is acknowledged. No further response is necessary.
- 18-2 The commenter identifies an attachment that shows the location of an additional S-curve in the community of Dillon Beach. This comment is acknowledged. No further response is necessary.
- 18-3 The commenter questions the numbers of visitors presented in Table 2 of the Traffic Study. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented. Please refer to response to comment 36-6 of the Final EIR.
- The commenter notes an error in the Traffic Study in reference to the use of terminology “vehicles per day” and “vehicles per hour.” The County acknowledges this error, but this error does not affect the analysis presented in EIR.
- 18-4 The commenter questions why a pathway is not required along Cliff Street when the project includes a pathway along Bay Drive.
- The EIR identifies that a pathway is included as part of the project along Bay Drive to address pedestrian access issues to Lawson’s Landing. This pathway is proposed by the project applicant. The commenter raises the issue of pedestrian safety along Cliff Street. The project would not affect pedestrian access along Cliff Street because the project would not increase visitor usage levels and does not propose any actions along Cliff Street. The commenter perceives that pedestrian access is inadequate; however, this would be an existing condition that would not be affected by the project; therefore, no changes to the EIR analysis are required.
- The commenter suggests implementation of mitigation measure 4.8-3 would increase vehicle speeds along Cliff Street, thereby increasing risks to pedestrians and bicyclists. As analyzed in the EIR, the American Association of State Highway Transportation Officials (AASHTO) guidelines suggest a minimum width for Cliff Street, based on existing daily volumes, to include 12-foot travel lanes and 8-foot shoulders. Implementation of Mitigation Measure 4.8-3 would incorporate the 8-foot shoulders as part of widening Cliff Street of which would substantially improve existing conditions and provide safe spacing between vehicles, pedestrians, and bicyclists. The commenter offers no evidence to support the assertion that vehicle speeds would increase; therefore, no further response can be provided.
- 18-5 The commenter refers to a previous Engineering and Traffic Survey conducted by Marin County Department of Public Works (DPW) that was completed prior to Traffic Study prepared for the proposed project. The commenter identifies a discrepancy between conclusions made by DPW and the Traffic Study prepared for the proposed project related to safety of vehicles traveling through curves along Cliff Street.

Although the Traffic Study prepared by W-trans for the EIR concluded Cliff Street should be

widened, this conclusion was a conservative assessment based on existing traffic volumes (i.e., 1,932 vehicles per day; see Table 4.8-2 of the EIR) and existing roadway width. In addition, W-trans relied on AASHTO guidelines to determine the appropriate design for a roadway with characteristics attributed to Cliff Street. The assessment prepared by DPW identifies the number of vehicles per day along Cliff Street at 985 and 542 vehicles on two separate days. Because the DPW identified a fewer number of vehicles traveling along Cliff Street, the conclusions made by DPW regarding the safety of Cliff Street are appropriate when compared to the numbers of vehicles used as the basis for W-trans' conclusions. Nonetheless, the analysis provided in the Draft EIR appropriately evaluates the traffic conditions present at the time the NOP for the project was prepared, consistent with the requirements of CEQA.

The County acknowledges additional data for roadways in the project area. The County has reviewed and considered this additional data and determined it would not alter or change the conclusions presented in the EIR. Therefore, no changes to the EIR are required.

Haddad, Timothy

From: Mobley, Greg
Sent: Thursday, October 04, 2007 11:32 AM
To: Haddad, Timothy
Subject: Lawson's Landing EIR

Mr. Haddad

Thank you for allowing me to comment on the recent submittal of the Final Env Impact Report for Lawson's Landing. The State Water Resource Control Board (SWRCB) didn't make any mention in App M or N as to the facility Spill Prevention Control Countermeasure Plan (SPCC) requirements? The SWRCB requested to the applicant in 2000 and 2001 that an SPCC Plan (the plan) be submitted from the owner and approved by the Board. The plan has not been approved, to my knowlede. This facility has one 4,000 gallon aboveground single wall petroleum tank next to the office (on the water edge) and two 4,000 gallon double wall aboveground petroleum tanks at the truck shed area. If these tanks don't compy with SPCC requirements (should they need to) and not monitored with leak detection, a potential impact to the environment may occur. Our staff is not qualified at this time to make recommendations regarding the structural integrity, construction requirements of existing or new aboveground storage tank and leak detection methods for marina facilities. The facility owner indicated to the Board that they intended on installing a "new" tank at the boat yard, which I would assume means removing the existing single wall steel tank next to the water edge. It is strongly recommended, that the SWRCB give comments regarding all aboveground fuel tanks at the facility and recommendations for adequate construction and monitoring including an approved SPCC Plan and that the Master Plan be revised to show the location of the new tank and it's product content. At this time the SWRCB has jurisdictional responsibilities for the SPCC plan relating to aboveground fuel tanks and the requirement thereof.

19-1

Sincereley,

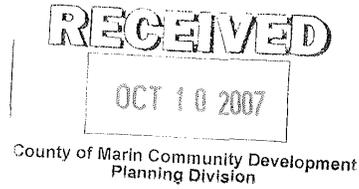
Greg Mobley
Hazardous Materials Inspector
Marin County

LETTER 19

Greg Mobley
Marin County
October 4, 2007

19-1 The commenter appears to request information regarding the on-site fuel storage tanks.

As described in Impact 4.5-8 of the Draft EIR, four above-ground storage tanks are located at the project site: 2 are located near the marina and 2 are located near the gatehouse. The storage tanks at the marina were recently replaced in 2003 at the request of the RWQCB. These tanks were designed to comply with the latest design-standards and spill containment facilities. Therefore, the existing fuel storage tanks comply with all relevant fuel storage requirements of the RWQCB.



October 4, 2007

The Marin County Community
Development Agency Planning Division
3501 Civic Center Drive #308
San Rafael, CA 94903-4157

RE: Lawson's Landing Master Plan

TO WHOM IT MAY CONCERN:

Briefly, as a background, my father's ancestors settled in the Bodega area in 1851, after a failed effort to hit gold in Jackson, California. They later established dairy and poultry ranches around Valley Ford, Bloomfield, and a number of off-spring attended Tomales High School. My mother's family arrived on transcontinental railroad in 1869 and commenced fruit ranching around Graton and Sebastopol. Family members built several homes at Dillon Beach in 1912; one, constructed by my grandparents is still in the family; and, my parents had a summer home there for 40 years. My wife and I, our children, and grandchildren, visit regularly and own property in Oceana Marin; so, the beach has had a long family tradition with us.

My family and I knew Jim Keegan, who established Dillon Beach, and our family preceded the Lawsons, whom we younger ones grew up with. As a child, I played in the Tomales dunes (contentious center of the master plan proposal). That magical land became my cowboy country with its buttes, meadows, and cattle. The wetlands attracted swarms of waterfowl, and the shifting sands never failed to fascinate - a constantly sculptured art that attracted countless visitors.

The original owners of the Landing, Nita and Wally Lawson, were good stewards, I believe. I have since been concerned about the inheritors. Bill and Nancy Vogler, may be well intentioned; but through the years they have constantly pushed for more development and exploitation. Tomales Bay, the most pristine inlet on the Pacific Coast, south of Alaska, is threatened with growing bacteria. Even, a number of decades ago, visitors and locals, commented, gossiped about, expecting an outbreak of Typhoid or worse from sewage and tainted water. On holidays, weekends, and during low tides, the fragile section is inundated by campers, RV's, and trailers, etc., becoming a sprawling city- an eyesore, with its consequent crime and disturbances (witness the weekly sheriff reports).

20-1

My and the concern of others, is how much can the land contain ecologically? How much is enough? How do we assure protection of these delicate dunes and last wetlands in a sensitive region of universal beauty? Where and when do we draw limits? Family members and I, as well as numerous associates believe that limit has been extended, and, should now be curtailed. I support the EIR recommendation to implement the feasible mitigation measures to either avoid or reduce to a level of insignificance the identified environmental impacts.

Sincerely,


Kenneth S. Roe
3325 Saint Moritz Court
Redding, CA 96002

LETTER 20

Kenneth Roe
October 4, 2007

20-1 The commenter expresses concern with implementing the project; however, no issues related to the adequacy of environmental impact analysis provided in the Final EIR were raised. No further response is necessary.

RECEIVED

2007 OCT 19 P 2:50

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, Ca 94903

October 18, 2007

SUBJECT: Comments on Final Environmental Impact Report for Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

Dear Mr. Haddad,

Dillon Beach residents along Cliff Street have sent letters to the County for more than ten years (the earliest letter is dated December 6, 1994) asking for relief from the increase in traffic resulting from growth at Lawson's Landing. We were always referred to the Sheriff to solve our problems.

In response to letters we'd sent in 2004, a Department of Public Works letter dated October 12, 2004 (attached) stated that Supervisor Kinsey had been notified of our issues and had responded that "...the best opportunity for Cliff Street residents will most likely come through the Lawson's Landing use permit process..."

We have participated in the public process and once again, our needs are being ignored even though the Coastal Act Section 30214, addresses neighborhood impacts when speaking about public access. In Section 30214(a)3, "...The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses." It continues in (a)4, "The need to provide for the management of access areas so as to protect the privacy of adjacent property owners...."

More than ten years have passed since we began writing letters and the amount of traffic has increased. Now we are told that this current level is "baseline."

Specific Responses

1)

Oral Testimony 121-1 (page 8-715).

Attached is a map indicating the curve between the Post Office and the general store. The roadway between the store and the residence across the street is approximately 17 feet (a single RV is nearly 9 feet wide). Reference photographs on page 8-563 in Response to the DEIR that illustrates an RV passing that roadway.

Page 4.8-13 of the FEIR cites:

21-1

“Information contained in A Policy on Geometric Design of Highways and Streets (4th Edition 2001) written by the American Association of State Highway Transportation Officials (AASHTO) indicated that a 25 mph roadway such as Cliff Street should have a minimum width of 30 feet, including 20 feet for the travelway and 5-foot shoulders, for a daily volume of up to 1,500 vehicles. This minimum suggested width would increase to 34 feet, including 6-foot shoulders, for roadway with 1,500 to 2,000 vehicles per day, and for a roadway with greater than 2,000 vehicles per day a minimum roadway width of **40 feet is recommended with 12-foot travel lanes and 8-foot shoulders.**”

21-2

If Cliff Street needs to be widened, why not the roadway noted on the map?

2)

Appendix I, Traffic Analysis, Page 4.

Table 2 omits an occupancy category that contributes to traffic volume. The “temporary” permanent trailers who stay on the site for six-month periods (or longer) are often occupied as full-time residences and should be included in the trips-per-day as such.

21-3

3)

Comment 51-1 regarding police protection.

The EIR incorrectly states that “Lawson’s Landing has a private contract with the Sheriff’s Department to provide a deputy and patrol car on the grounds on Friday and Saturday nights from 7 p.m. to 3 a.m. from April through September (Davis, pers. comm., 2003).” As a Cliff Street resident, I see the Sheriff’s deputies arrive and depart. The EIR overstates when and how often they are onsite.

While Dillon Beach, a community of less than 400 people (2000 census, 319), does not need a police department, we do need 24-hour protection when Lawson’s Landing’s population swells to 2,000-5,000 people. The Marin city of Ross (2000 census, 2,329) has a police department. While the “rented” deputies keep order within the campground, they do not patrol the town of Dillon Beach where campers have unlimited, 42-hour access.

21-4

The summer’s murder that occurred on the beach (by Landing visitors to a Landing visitor) is a tragic example of the danger that sits less than five minutes from the community. While this was the most violent event, drunken brawls occur regularly at the Landing—a quick scan of the Sheriff’s Calls will confirm this. The impact of the increased population is not addressed in the FEIR.

4)

Comment 11-67 regarding grazing.

Staff responded to Randy Greenberg’s question: “The owners and employees of

21-5

Lawson's Landing monitor the location of cattle to ensure that they are not trespassing onto neighboring properties or escaping onto beaches."

As a Cliff Street resident, I see the daily round up of cattle from my yard, the neighborhood and the beach during the fall/winter grazing season.

21-5
Cont'd

5)

FEIR, Section 4.1

Noise impacts for new on-site construction are detailed while no study of actual noise pollution along Cypress Avenue, Beach Avenue, and Cliff Street is included. RVs, many the size of city buses, pass within 10-20 feet of homes as they pass through the town of Dillon Beach.

21-6

6)

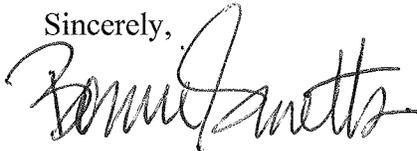
FEIR, Section 4.8 Transportation

While Section 4.8 make recommendations to improve vehicle access to the site, including rebuilding sections of county road's on approach to the town of Dillon Beach as well as within the town, no recommendation was made for pedestrian safety along those roads. If baseline conditions are acceptable for pedestrians, why aren't they acceptable for vehicles.

21-7

Thank you for the opportunity to comment on the FEIR. If you have any questions, you can contact me at (707) 878-2701.

Sincerely,



Bonnie Smetts
41 Cliff Street/P.O. Box 13
Dillon Beach, CA 94929

DEPARTMENT OF PUBLIC WORKS

P. O. Box 4186, San Rafael, CA 94913-4186 • 415/499-6528 • FAX 415/499-3799

COUNTY OF MARIN
www.co.marin.ca.us/pw

Farhad Mansourian, RCE
Director

October 12, 2004

Charles Miller
19 Cliff Street
Dillon Beach, CA 94929

Re: Speed Hump Request
Cliff Street Extension

Dear Mr. Miller:

At your neighborhood's request, we recently completed a second engineering and traffic survey evaluating speeding concerns on the Cliff Street Extension. As we discussed at our November 3, 2003 meeting, the criteria outlined in the County's policy must be met in order for speed humps to be considered as appropriate speed control devices for your road. Based on studies conducted between November 19 – December 11, 2003 and August 26 – September 15, 2004, our field evaluation and comparison to the policy criteria, we have concluded that the installation of speed humps on Cliff Street Extension is not warranted. The two warrants described in the policy relate to vehicular speeds and accident history. In both cases, the data collected did not meet the minimum criteria.

There were several other questions asked at that November meeting which I will attempt to provide you with a response. Several have been relayed to the Community Development Agency since they relate to planning and zoning issues.

In regard to when the "Cliff Street Extension" became a County maintained roadway. This road was incorporated into the County's Road maintenance list prior to our 1965, which is the earliest record found in our files. A portion of the road was dedicated to the County by the Lawsons in 1961 as found in Book 1495 pages 20-27 in the County Recorder's Office. I have copies of these offers of dedications for our records. Although the subdivision map titled "Subdivision No. 2 Dillon Beach" filed for record on July 11, 1911, specified that no roads were to be offered for dedication to or accepted by the County, our records indicate that the County has been maintaining the Cliff Street Extension since 1965 at the latest. Regardless of these facts, the Cliff Street Extension is now a County maintained roadway, whether through legal dedication and acceptance or through prescriptive rights.

ADMINISTRATION
415/499-6570

ACCOUNTING
415/499-7877

AIRPORT
451-A AIRPORT ROAD
NOVATO, CA 94945
415/897-1754
FAX 415/897-1264

BUILDING MAINTENANCE
415/499-6576
FAX 415/499-3250

CAPITAL PROJECTS
415/499-7877
FAX 415/499-3724

ENGINEERING & SURVEY
415/499-7877
FAX 415/499-3724

COUNTY GARAGE
415/499-7380
FAX 415/499-3738

LAND DEVELOPMENT &
FLOOD CONTROL DISTRICT
415/499-6549

PRINTING
415/499-6377
FAX 415/499-6617

COUNTY PURCHASING AGENT
415/499-6371

COMMUNICATION MAINTENANCE
415/499-7313
FAX 415/499-3738

REAL ESTATE
415/499-6578
FAX 415/446-7373

ROAD MAINTENANCE
415/499-7388
FAX 415/499-3656

TRAFFIC ENGINEERING
415/499-6528

TRANSIT DISTRICT
415/499-6099
FAX 415/499-6939

WASTE MANAGEMENT
415/499-6647
FAX 415/446-7373

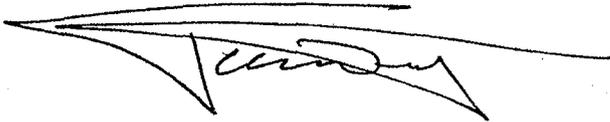
I have made a preliminary evaluation of the most critical curves and find that the standard semi-trailer vehicles, including 40-foot recreational vehicles towing a passenger car, can safely make all the necessary turns to access Lawsons Landing. Therefore, it is not appropriate to post any signs restricting vehicle length.

The California Vehicle does not have any provision for local jurisdictions to impose permanent weight restrictions unless one of the following is true: (CVC 35701) the roadway qualifies as a residence district per California Vehicle Code Sections 240 & 515, (CVC 35717) the roadway surface cannot support vehicle weights or (CVC 35750) there is a bridge or box culvert with a weight restriction. Based on my preliminary investigation, none of these apply.

I have reported these results to Supervisor Kinsey, and he suggests that the best opportunity for relief for Cliff Street residents will most likely come through the Lawson's Landing use permit process, which is expected to conclude next year.

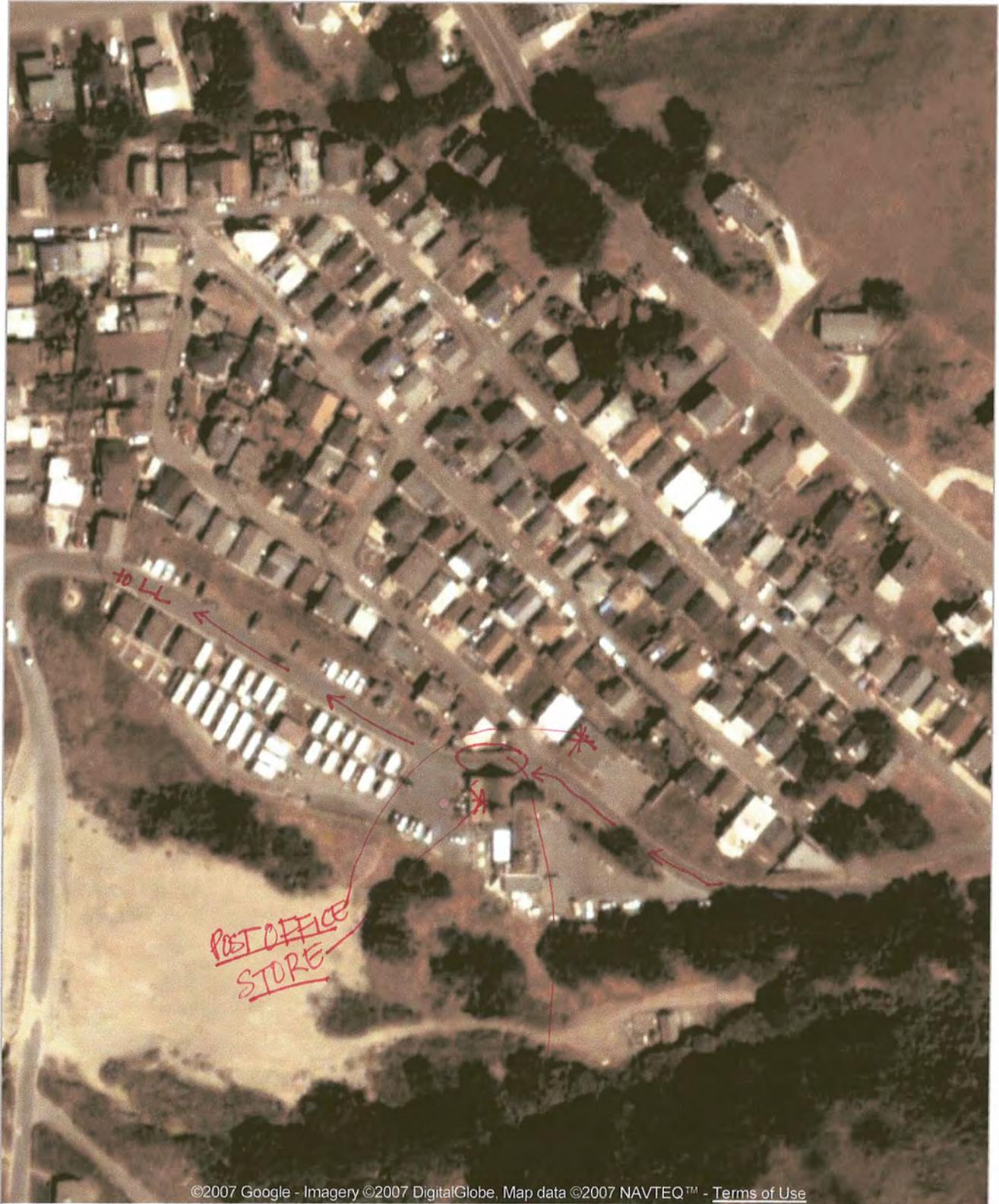
If you have any additional questions or comments please feel free to contact me by email at jnutt@co.marin.ca.us or phone at 499-7137.

Very truly yours,



Jason L. Nutt
Traffic Operations Engineer

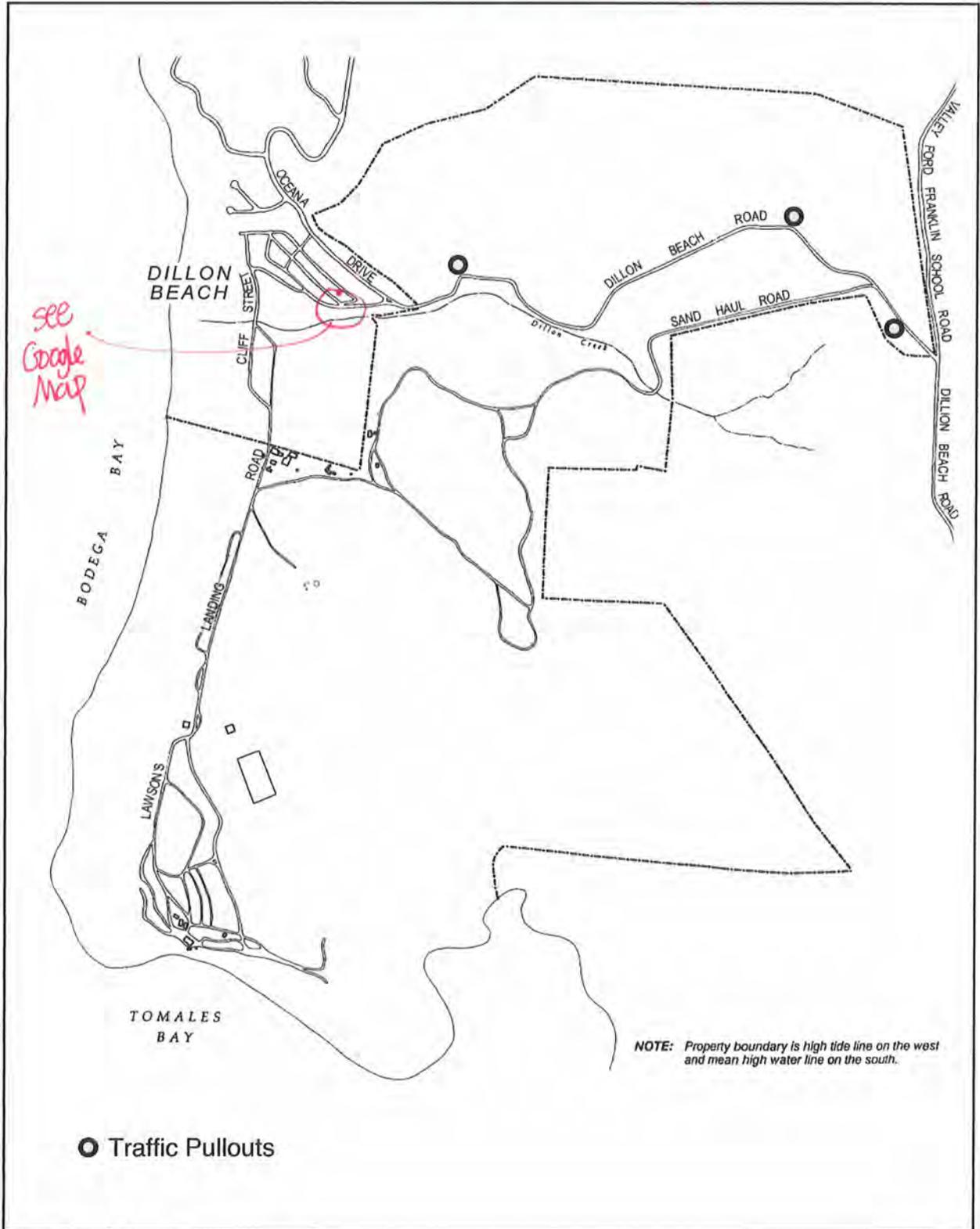
- c: Supervisor Steve Kinsey
- Farhad Mansourian
- Bob Beaumont
- Craig Tackabery
- Liza Crosse



width of roadway ??
between store & residence.



see attached map

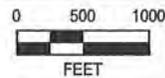


Source: Bollard & Brennan

Proposed Dillon Beach Road Pullout Locations

EXHIBIT 4.8-2

Lawson's Landing Master Plan Draft EIR
P 02110069.01 05/05



LETTER 21

Bonnie Smetts
October 18, 2007

- 21-1 The commenter expresses concern regarding traffic safety and police protection throughout the Dillon Beach areas. No specific comments on the analysis included in the EIR are presented. The commenter's concerns are noted for the Planning Commission's consideration during its review of the project's merits.
- The commenter identifies an attachment that shows the location of an additional S-curve in the community of Dillon Beach. The County appreciates the additional information. No further response is necessary.
- 21-2 The commenter asks why the roadway on the enclosed map would not need to be widened. The referenced roadway appears to be Beach Avenue.
- Cliff Street provides primary access to the project site. Impact 4.8-3 of the EIR indicates that the project would not significantly increase traffic volumes along Cliff Street and would not create the need for widening Cliff Street. However, because residents have expressed concern regarding the current roadway design of Cliff Street especially during peak recreation periods, the EIR concluded that the project's minor contribution to traffic along Cliff Street would result in a significant traffic hazard impact. Mitigation Measure 4.8-3 would require widening of Cliff Street at three sharp curves. Regarding Beach Avenue, the project would not significantly increase traffic volumes along this roadway and no significant traffic hazard impacts would occur with implementation of the project. Therefore, there is no nexus to require that this roadway be widened. However, the County will consider the commenter's concern during its review of the project's merits.
- 21-3 The commenter refers to Table 2 of the Traffic Study prepared by W-trans and states the "temporary" permanent trailers located on the project site contribute to traffic volumes in the project area.
- The "trailers" are identified as mobile homes in Table 2 of the Traffic Study and are considered an existing use on the project site that generates vehicle trips.
- 21-4 The commenter states the EIR overstates when and how often Sheriff's deputies are at the project site and references a homicide that occurred in the project area. The commenter's opinion is noted for the record.
- The commenter also states the EIR should address increased population created by on-site uses. As described in the EIR (see Impact 4.15-1, "Police, Fire, and Emergency Services"), the project would not increase the number of visitors to the project site because the amount of on-site recreational uses would remain the same. The EIR identifies a slight increase of residents on-site would result, but this increase alone would not be considered substantial.
- 21-5 The commenter provides eyewitness account of cattle being round-up from their property. This comment does not raise any new issues related to the environmental analysis provided in the Draft EIR. Therefore, no further response can be provided.

21-6 The commenter questions why a study of “actual noise pollution” was not conducted along roadways in Dillon Beach.

Existing noise in Dillon Beach created by RVs is considered part of the existing environmental baseline. The project would not result in an increase the number of RVs traveling to/from the project site because existing site use levels would not change. The existing ambient noise levels on the project site were measured and the results presented in Section 4.10, “Noise,” of the EIR. Further, the project would not result in long-term operational noise impacts because the project would not result in changes to the level or capacity of existing recreational activities offered at the site (see Impact 4.10-2). Therefore, the project would not result in any significant noise impacts.

21-7 The commenter questions if baseline conditions for pedestrians are acceptable, then why are they not acceptable for vehicles.

Regarding the traffic vehicle hazards associated with Cliff Street, please refer to response to comment 21-2 of this amendment. The EIR adequately evaluates the project’s vehicle and pedestrian circulation impacts. Improvements are proposed as an element of the project (i.e., construction of a pathway for bicyclists and pedestrian along Bay Drive) that would remove any pedestrian access impacts to the project site. Therefore, no mitigation would be required as this would be a less-than-significant impact.

The commenter’s points about baseline conditions for pedestrian and vehicle circulation are noted for the Planning Commission’s consideration during its review of the project’s merits.

Haddad, Timothy

From: Robert Soost [tsoost@svn.net]
Sent: Friday, October 19, 2007 11:08 AM
To: Haddad, Timothy
Subject: Lawson's Landing FEIR

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 19, 2007

SUBJECT: COMMENTS ON FINAL ENVIRONMENTAL IMPACT REPORT FOR LAWSON'S LANDING MASTER PLAN,
COASTAL PERMIT, AND TIDELANDS PERMIT

Dear Mr. Haddad:

I first commented on this project (Then under the name Dillon Beach Resort, Rezoning, Master Plan and Coastal Permit) by letter dated March 22, 1997 to Mr. Tom Lai. I also commented on the NOP for this project by letter dated October 24, 2002 to Mr. Tim Haddad. Most recently I commented on the DEIR as a member of the Board of Directors of Marin Chapter, CNPS by letter dated August 29, 2005. I'm very disappointed in the Final Environmental Impact Report (FEIR) that the county has prepared. This FEIR fails to respond to most critical questions that I and others have raised since the initiation of this project. It still is impossible to determine neither the number of travel trailer and recreational vehicle spaces and the number of campground vehicles that will be permitted nor their proposed locations. Without this information being included in the FEIR in it not possible for me to determine the effects of the continued operation of recreational activities will have on California native plant habitats. For example, Dune Slacks, Central Dune Scrub and Wetlands. This FEIR seems nothing more than a redo of the DEIR. I believe that the county has not followed the requirements of CEQA in the preparation of the FEIR and the responses to comments to the DEIR. It is essential that the FEIR be in full compliance with CEQA if others and I are to be able to determine the effects of the California native plant habitats that are present project on this fragile dune system.

22-1

Sincerely,
Robert Soost
P.O. BOX 589
Inverness, CA 94937

LETTER 22

Robert Soost
October 19, 2007

22-1 The commenter repeats previous comments regarding the specificity of the project description and baseline. Please refer to response to comments 9-4, 9-10, and 10-3 of this amendment.

RECEIVED

2007 OCT 19 P 2:54

MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

Mr. Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, Ca 94903

October 19, 2007

SUBJECT: Comments on Final Environmental Impact Report for Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

Dear Mr. Haddad,

I am one of the many Dillon Beach residents who presented both oral and written comments regarding the Lawson's Landing Master Plan EIR. I have reviewed the FEIR and found that some of our community's comments have not been adequately responded to. I have listed some specific issues below. I plan on reviewing the FEIR further and submitting additional oral comments at the meeting later this year.

Many of the community's concerns regarding the proposed changes have to do with traffic and safety. Generally I found Marin County's responses in the FEIR were focused on improving vehicle flow to and from the Lawson's property and safety within it. There seems to be no information regarding pedestrian/bicycle safety on Dillon Beach Road, Cypress Avenue, Beach Avenue, and Cliff Street. The FEIR includes a migration measure that would improve the Sand Haul road for emergency vehicles to and from the Lawson's property. It states that improvements to the road would be needed and in doing so there are no adverse environmental impacts. Why then limit the use to emergency access only?

23-1

In my oral testimony, I stated that the DEIR should address impacts created by conflicts between pedestrians, bicyclists, and vehicles. The FEIR refers to response 118-4 but as far as I can tell there is no response 118-4.

23-2

In my letter submitted in response to the DEIR, I stated the DEIR does not address the safety issues for pedestrians using Cliff Street (comment 57-7). The FEIR response was "The DEIR provides an evaluation of the project's pedestrian and bicycle circulation impacts (see Impact 4.8-6)." While impact 4.8.6 does describe the addition of a pedestrian walkway on Bay Street on the Lawson's property, it does not mention any pedestrian improvements to Cliff Street.

23-3

In the same letter, I stated the DEIR ignores the safety and circulation problem in the center of Dillon Beach (comment 57-8). I referred to the narrow roadway at the corner of Dillon Beach Road and Beach Street (on some maps the portion of Dillon Beach Road in the center of town is referred to as Cypress Avenue). The FEIR response was "Please

23-4

refer to response to comment 57-7.” Again this response refers to a location on the Lawson's property, not the town of Dillon Beach.

23-4
Cont'd

Charles Miller (Oral Testimony 121) stated the traffic analysis did not address the S-curve located between the general store and post office. This is the same portion of road near the corner of Dillon Beach Road and Beach Street that I had referred to in my letter (comment 57-7). The FEIR response was “It is unclear what S-curve the commenter is referring to because there are numerous curves along Dillon Beach Road and Cliff Street.” Traveling to or from Lawson's Landing, there is no more than a 100 ft distance between the general store and post office and it very obvious what turn he is referring to.

23-5

Scott Miller (comment 55-3) referred to the same S-curve near the general store. The FEIR response was “The commenter states Exhibit 4.8-3 should show the existing sharp curve located on Beach Street. It is unclear what curve the commenter is referring to; therefore, no further response can be provided.”

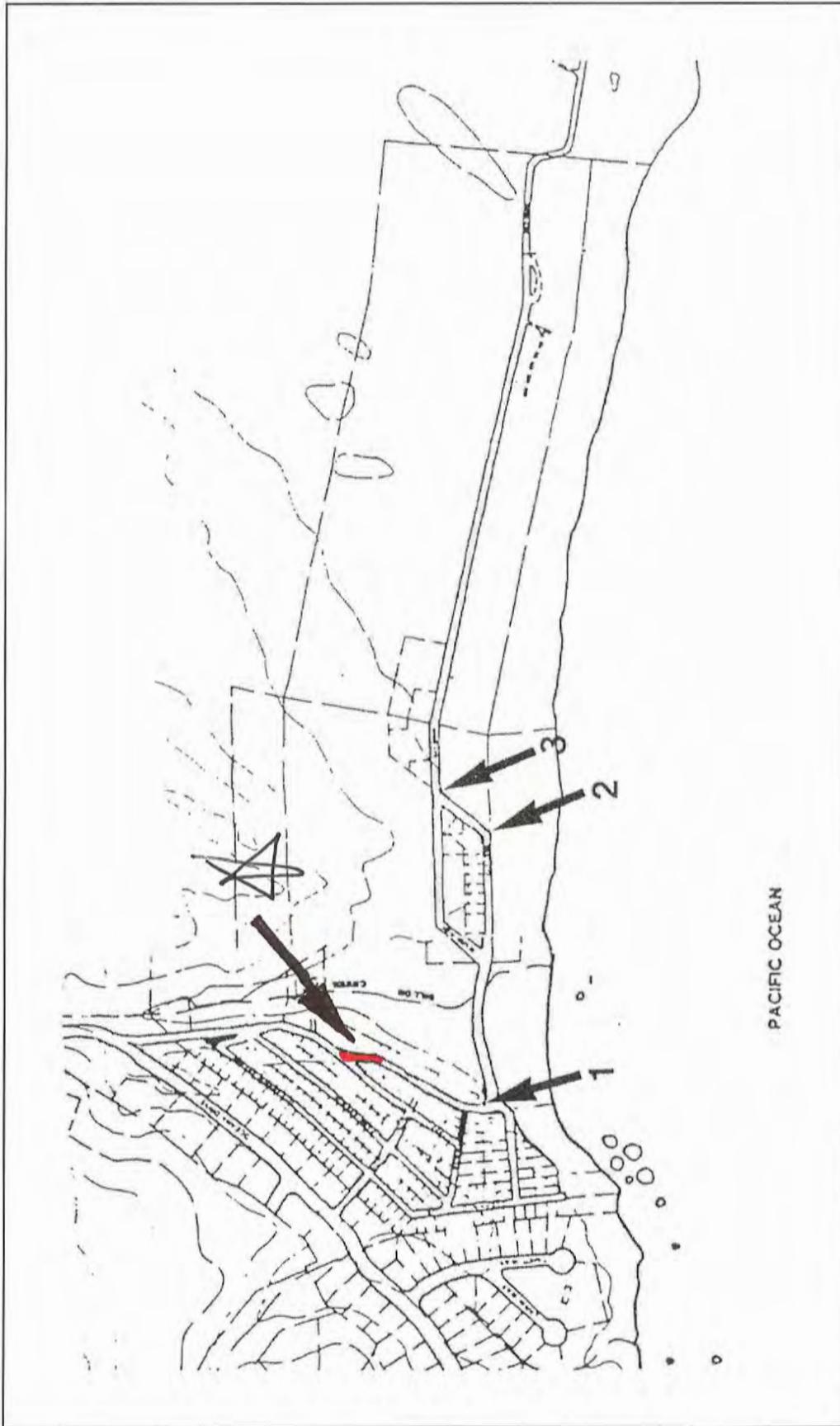
The above roadway appears to be the narrowest portion of the route through Dillon Beach to Lawson's Landing and thus, many residents noticed and noted its omission. Attached is a map of the above street and curve.

Thank you for the opportunity to comment on the FEIR.

Sincerely,



Jeff Stafford
41 Cliff Street/P.O. Box 13
Dillon Beach, CA 94929



Source: Shannon & Associates; WESCO, 1998

Location of Existing Sharp Roadway Curves

EXHIBIT **4.8-3**

Lawson's Landing Master Plan Draft EIR
P 02110069.01 11/04

EDAW

LETTER 23

Jeff Stafford
October 19, 2007

- 23-1 The commenter questions why Sand Haul Road would be limited to only emergency vehicle access after implementation of mitigation measures that require improvements.
- Sand Haul Road is not currently a primary access point for the project site, nor is it proposed by the project applicant. Further, the EIR determined that adequate site access would be provided by Cliff Street; therefore, there is no nexus to require Sand Haul Road to be used as a primary access point to the project site. The commenter's request that Sand Haul Road be a primary access point will be considered by the County during its review of the project's merits.
- 23-2 The commenter identifies an error in response to comment 123-3. The reference to response to comment 118-4 is incorrect and should refer the reader to response to comment 117-4 of the Final EIR.
- 23-3 The commenter states the EIR should address safety issues for pedestrians using Cliff Street. Please refer to response to comments 18-4 and 21-7 of this amendment.
- 23-4 The commenter states the EIR should address safety issues for pedestrians and bicyclists in the center of Dillon Beach. The commenter states the reference to response to comment 57-7 is incorrect. Please refer to response to comments 18-4 and 21-7 of this amendment. The response provided to comment 57-7 refers to Cliff Street which is located outside the project site and is relevant to the comment presented in 57-8 of the Final EIR.
- 23-5 The commenter provides information related to additional S-curves in the Dillon Beach area. This comment does not raise any new issues related to the environmental analysis provided in the EIR. No further response is necessary.

4 CORRECTIONS AND REVISIONS TO THE EIR

This section includes revisions to the text of the EIR subsequent to its publication and public review. Changes are presented in the order in which they appear in the EIR and are identified by page number. Revisions are shown as excerpts from the EIR text, with strikethrough (~~strikethrough~~) text for deletions and underlined (underlined) text for additions.

CHAPTER 2, SECTION 2.3.1, SUMMARY

Page 2-1, the bulleted list is hereby revised as follows:

- ▶ Recreational Use: 1,000 campsites, 233 trailers, 200 day use ~~vehicles~~, boathouse, ~~3520~~ anchored boat mooring buoys, ~~12~~ sewage disposal station, pier, and 20 full-time and 15 part-time staff
- ▶ Camping: Occurs in main meadow, 5 concrete block restrooms, ~~3842~~ portable toilets from mid-May through November and 36 portable toilets from December through mid-May

CHAPTER 3, SECTION 3.4.1, PROJECT DESCRIPTION

Page 3-11, the paragraph under Recreational Use is hereby revised as follows:

The recreation use area consists of approximately 180 acres in the southwestern portion of the project site, locally known as Sand Point (Exhibit 3-4). The recreation use area is occupied by informal campsites; 233-space trailer park; a boathouse with snack bar and shop; a boat mooring area with ~~3520~~ anchored buoys boat slips, and ~~a~~2 trailer sewage disposal stations; 10-stall restroom facility near the boathouse; boat yard with 18 boat slips; Laundromat facility; and a 221-foot long pier that extends from the shoreline in Sand Point into Tomales Bay. A total of 20 full-time and 15 part-time staff are employed to support recreational uses at the project site.

Page 3-12, the first paragraph under Camping subheading is hereby revised as follows:

Camping occurs along the main meadow area, which extends from the entry gate house along Lawson's Landing Road to the Sand Point area of the property. Lawson's Landing accepts reservations for camping, but limits camping onsite to 1,000 vehicles per day. Restroom facilities are provided in the main meadow area to accommodate campers and day-use visitors. A total of five concrete-block restrooms are located in the meadow and Sand Point area. Each restroom is connected to its own septic system. A total of ~~3842~~ portable toilets, available from mid-May through November and 36 portable toilets from December through mid-May, supplement stationary restroom facilities. The restroom facilities are typically concentrated in areas of high recreational use. Camping areas are highlighted in Exhibit 3-3.

Page 3-12, the first paragraph under Day Use subheading is hereby revised as follows:

The project sponsor currently limits the number of day-use vehicles on the project site to 200 vehicles per day. These vehicles are in addition to the 1,000 vehicles allowed onsite for overnight camping. The draft EIR assumes that 200 day users are part of baseline environmental conditions. The day-use vehicles typically park in the meadow area or in parking spaces in the Sand Point area. They typically carry passengers who would participate in recreational activities, such as beachcombing, clamming, boating, or hiking. The project sponsor charges \$~~57~~.00 per vehicle per day and collects this fee at the gate house on Lawson's Landing Road. The day-use visitors receive a parking pass, which is to be displayed in the vehicle windshield for the duration of their stay.

CHAPTER 4, SECTION 4.13.1, BIOLOGICAL RESOURCES

Page 4.13-1, the bulleted list is hereby revised as follows:

- ▶ *Vegetation Communities and Update on Special-Status Species Issues, Lawson's Landing Dillon Beach, Marin County, California* prepared by ~~Monk & Associates~~ Huffman-Broadway Group dated September 12, 2006 and amended October 30, 2006, and
- ▶ *Investigation, Presence, and Geographic Extent of Wetlands as Defined by the California Coastal Act, Lawson's Landing, Marin County, California* prepared by ~~Monk & Associates~~ Huffman-Broadway Group dated February 2007.

CHAPTER 4, SECTION 4.13.1, BIOLOGICAL RESOURCES

Page 4.13-8, the third paragraph under subheading **Special-Status Plant Species** is hereby revised as follows:

In July 1992, Monk & Associates biologists Dianne Lake (a sub-consultant to Monk & Associates) and Sarah Lynch identified a population of Point Reyes bird's beak in the coastal salt marsh habitat at the south end of the project site near Brazil Beach. Sixty-one plants were identified at that time. Because it was unknown at that time whether or not cattle grazing negatively affected the population, the applicants agreed to fence a portion of the 61 plants to see if removing grazing would result in a healthier population. In August 1992, 17 *Cordylanthus* plants located approximately 200 feet north of the shoreline were fenced in an approximately 10-foot by 10-foot enclosure. This population was monitored on a somewhat annual basis between 1992 and 2001. The results are summarized in Table 4.13-2.

Page 4.13-12, the first paragraph describing the **Globose dune beetle** is hereby revised as follows:

Globose dune beetle (*Coelus globosus*) is a federal Species of Concern. This species does not have any state status. It is restricted to coastal sand dunes, where it is usually found by digging in sand below plants. The globose dune beetle is a small, black, and flightless member of the darkling beetle family (Tenebrionidae). Monk & Associates (1999) reported that this species occurs in the Tomales dunes, including the sand quarry. ~~Dedicated surveys are needed to determine the abundance and extent of the species' population in the Tomales dunes. Several specimens of dune beetle were collected from each of the three quarry sites and keyed under a microscope in the lab. None of the specimens collected were of the species *Coelus globosus*; they were determined to be the more common species, *C. ciliatus*. Due to the quarry area's distance from the foredunes, it seems highly unlikely that members of *C. globosus*, which are restricted to foredune habitats, would occur within the quarry area. As such, no impacts are expected to occur to this species from quarrying activities.~~

CHAPTER 10, SECTION 10.1, REFERENCES

The following references are added under the **Printed Materials** subheading:

Countywide Plan. 2007 (November.) The Marin Countrywide Plan. Adopted by the Marin County Board of Supervisors November 6, 2007. San Rafael, CA.

Huffman-Broadway Group. 2006 (October). *Vegetation Communities and Update on Special-Status Species Issues, Lawson's Landing Dillon Beach, Marin County, California.*

Huffman-Broadway Group. 2007 (February). *Investigation, Presence, and Geographic Extent of Wetlands as Defined by the California Coastal Act, Lawson's Landing, Marin County, California.*

The following reference is added under the Personal Communication subheading:

Leroy, Tom. 2007. Personal communication between Amanda Olekszulín and Tom Leroy, Associate Geologist, at Pacific Watershed Associates regarding impacts of formal pedestrian paths and dune blowouts. November 12, 2007.

APPENDIX A

Consistency with Policies of the 2007 Marin Countywide Plan

LAWSON'S LANDING MASTER PLAN DRAFT EIR MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

4.2-1 LAND USE PLANS AND POLICY CONSISTENCY

4.2 LAND USE PLANS AND POLICY CONSISTENCY

This section evaluates the project's consistency with relevant regulatory and policy objectives of the following:

- ▶ Marin Countywide Plan,
- ▶ Dillon Beach Community Plan,
- ▶ Marin County Local Coastal Program Unit II, and
- ▶ Marin County Zoning Code.

Because this section examines many policies, its format varies from other sections of this chapter. Each impact statement is followed by a policy-by-policy analysis with individual conclusions about consistency.

The determinations of policy consistency as discussed in this Draft EIR section represent the authors' best judgment in consultation with County staff and based on their interpretation of policies. However, this Draft EIR does not determine policy consistency. The formal policy consistency determinations are made by the County decision-makers.

The consistency analysis is presented to assist decision-makers in their formal determinations of the project's consistency. When the possibility of inconsistency is identified in the Draft EIR, it is described as inconsistent to focus attention on that policy issue. It is the responsibility of the Marin County Planning Commission and Board of Supervisors to make the definitive decisions about policy consistency when the merits of the project are considered. The decision-makers retain the sole authority to determine whether and how relevant policies apply to a specific project and whether the project is or is not consistent with County policies.

Policy inconsistencies may not necessarily indicate significant environmental effects they could be related to design standards or other non-environmental elements of the project. Section 15358(b) of the CEQA Guidelines states that "effects analyzed under CEQA must be related to a physical change." Therefore, only those policy inconsistencies that would lead to a significant effect on the physical environment are considered significant impacts. Nonetheless, where relevant this Draft EIR identifies those policy inconsistencies that are not related to physical environmental changes. Determining the projects consistency with relevant policies often times requires balancing competing policies and objectives. As such, the project would be consistent with the overall plan if it meets the objectives of one or more policies and does not obstruct implementation of other policies.

New adopted policies of the Marin Countywide Plan have been inserted into this analysis and the proposed project is evaluated for consistency with these new policies. The proposed project is consistent with all new policies and no changes to the EIR are required as a result of the new policies.

Impact 4.2-2: Consistency with Policies of the Marin Countywide Plan. The project would be consistent with all relevant Countywide Plan policies. Therefore, this would be a *less-than significant* impact.

Policy EQ-1.3 Land Use of the Coastal Recreation Corridor. Open space, recreational, and agricultural land uses will be emphasized in the Coastal Recreation Corridor along with the preservation of existing coastal communities.

Consistent. The project would continue existing open space, recreational, and agricultural activities at the project site.

2007 CWP:

CD-1.1 Direct Land Uses to Appropriate Areas. Concentrate urban development in the City-Centered Corridor, where infrastructure and facilities can be made available most efficiently. Protect sensitive lands in the Baylands Corridor. Emphasize agricultural uses in the Inland Rural Corridor, along with preservation of resources, habitat, and existing communities. Focus on open space, recreational, and agricultural land uses, as well as preservation of existing communities, in the Coastal Corridor.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.1 Value of Riparian Systems. Riparian systems, streams and their riparian and woodland habitat are irreplaceable and should be officially recognized and protected as essential environmental resources, because of their values for erosion control, water quality, fish and wildlife, aesthetics, recreation, and the health of human communities.

Consistent. No portion of the project would be located within Dillon Creek. As discussed in Section 4.5, “Hydrology and Water Quality,” Mitigation Measures 4.5-2 and 4.5-4 would reduce all project related water quality impacts to a less-than-significant level.

2007 CWP:

GOAL BIO-4 Riparian Conservation. Protect and, where possible, restore the natural structure and function of riparian systems.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.2 Streams Defined as Blue Lines on USGS Quad Maps. All perennial and intermittent streams, which are defined as natural watercourses shown as solid or dashed blue lines on the most recent appropriate USGS quad sheet, should be subject to these stream and creekside protection policies. A perennial stream is further defined as:

a watercourse that flows throughout the year (except for infrequent or extended periods of drought), although surface water flow may be temporarily discontinuous in some reaches of the channel such as between pools.

Consistent. Dillon Creek, which crosses the northern portion of the project site, is a perennial stream and is subject to all stream and creekside protection policies. The project would not result in any adverse impacts to Dillon Creek and would be consistent with policy.

2007 CWP:

BIO-4.1 Restrict Land Use in Stream Conservation Areas. A *Stream Conservation Area* (SCA) is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development shall be set back to protect the stream and provide an upland buffer, which is important to protect significant resources that may be present and provides a transitional protection zone. Best management practices¹ shall be adhered to in all

¹Such as those outlined in *Start at the Source* and *Start at the Source Tools Handbook* (Bay Area Stormwater Managers Agencies Association).

designated SCAs. Best management practices are also strongly encouraged in ephemeral streams not defined as SCAs.

Exceptions to full compliance with all SCA criteria and standards may be allowed only if the following is true:

1. A parcel falls entirely within the SCA; or
2. Development on the parcel entirely outside the SCA either is infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints than development within the SCA.

SCAs are designated along perennial, intermittent, and ephemeral streams as defined in the Countywide Plan Glossary. Regardless of parcel size, a site assessment is required where incursion into an SCA is proposed or where full compliance with all SCA criteria would not be met. An ephemeral stream is subject to the SCA policies if it: (a) supports riparian vegetation for a length of 100 feet or more, and/or (b) supports special-status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream. For those ephemeral streams that do not meet these criteria, a minimum 20-foot development setback should be required.

SCAs consist of the watercourse itself between the tops of the banks and a strip of land extending laterally outward from the top of both banks to the widths defined below (see Figure 2-2). The SCA encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent uplands, and supersedes setback standards defined for WCAs. Human-made flood control channels under tidal influence are subject to the Bayland Conservation policies. The following criteria shall be used to evaluate proposed development projects that may impact riparian areas:

City-Centered Corridor:

- ◆ For parcels more than 2 acres in size, provide a minimum 100-foot development setback on each side of the top of bank.
- ◆ For parcels between 2 and 0.5 acres in size, provide a minimum 50-foot development setback on each side of the top of bank.
- ◆ For parcels less than 0.5 acres in size, provide a minimum 20-foot development setback. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.
- ◆ Regardless of parcel size, an additional buffer may be required based on the results of a site assessment. A site assessment may be required to confirm the avoidance of woody riparian vegetation and to consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback. Site assessments will be required and conducted pursuant to Program BIO-4.g, *Require Site Assessment*.

Coastal, Inland Rural, and Baylands Corridors:

- ◆ For all parcels, provide a development setback on each side of the top of bank that is the greater of either (a) 50 feet landward from the outer edge of woody riparian vegetation associated with the stream or (b) 100 feet landward from the top of bank. An additional setback distance may be required based on the results of a site assessment. A site assessment may be required to confirm the avoidance of woody riparian vegetation and to consider site constraints, presence

of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback. Site assessments will be required and conducted pursuant to Program BIO-4.g, *Require Site Assessment*. SCAs shall be measured as shown in Figure 2-2.

Allowable uses in SCAs in any corridor consist of the following, provided they conform to zoning and all relevant criteria and standards for SCAs:

- ◆ Existing permitted or legal nonconforming structures or improvements, their repair, and their retrofit within the existing footprint;
- ◆ Projects to improve fish and wildlife habitat;
- ◆ Driveway, road and utility crossings, if no other location is feasible;
- ◆ Water-monitoring installations;
- ◆ Passive recreation that does not significantly disturb native species;
- ◆ Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- ◆ Agricultural uses that do not result in any of the following:
 - a. The removal of woody riparian vegetation;
 - b. The installation of fencing within the SCA that prevents wildlife access to the riparian habitat within the SCA;
 - c. Animal confinement within the SCA; and
 - d. A substantial increase in sedimentation.

BIO-4.c Prepare County Stream Map. Use the County GIS to map perennial, intermittent, and, where feasible, ephemeral streams subject to SCA policies. Use the resulting mapping in conjunction with USGS maps and the “ephemeral stream” definition to confirm SCAs on parcels proposed for development. Add to and update the map on an ongoing basis as additional streams are surveyed.

Glossary:

Stream, Ephemeral. A watercourse that carries only surface runoff and flows during and immediately after periods of precipitation.

Stream, Intermittent. A watercourse that is temporally intermittent or seasonal and that flows during the wet season, continues to flow after the period of precipitation, and ceases surface flow during at least part of the dry season. Intermittent streams are typically shown as a dashed blue line on USGS quadrangle maps.

Stream, Perennial. A watercourse that flows throughout the year (except for infrequent or extended periods of drought), although surface water flow may be temporarily discontinuous in some reaches of the channel, such as between pools, typically shown as a solid blue line on USGS quadrangle maps. (Perennial streams can be spatially intermittent but flow all year.)

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.12 Protection of Riparian Vegetation. At the time of a site specific development application, the County shall evaluate impacts on riparian vegetation, when the riparian vegetation extends beyond the Streamside Conservation Zone, and incorporate measures to protect the riparian vegetation into the project design.

Consistent. As discussed in Section 4.13, “Biological Resources,” the project would not adversely any riparian vegetation, including vegetation supported by Dillon Creek.

2007 CWP:

BIO-4.7 Protect Riparian Vegetation. Retain riparian vegetation for stabilization of streambanks and floodplains, moderating water temperatures, trapping and filtering sediments and other water pollutants, providing wildlife habitat, and aesthetic reasons.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.19 Surface Runoff. Surface runoff rates in excess of pre-development levels should not be allowed where a new problem will be created or where the runoff will exacerbate an existing problem.

Consistent. As discussed in Section 4.5, “Hydrology and Water Quality,” the project would not result in a substantial increase stormwater runoff rates above existing levels. Existing stormwater facilities at the project site would be able to adequately accommodate project-related stormwater volumes.

2007 CWP:

BIO-4.19 Maintain Channel Stability. Applicants for development projects may be required to prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. This assessment should be required where evidence that significant current or impending channel instability is present, such as documented channel bed incision, lateral erosion of banks (e.g., sloughing or landsliding), tree collapse due to streambank undermining and/or soil loss, or severe in-channel sedimentation, as determined by the County.

Characteristics pertinent to channel stability would include hillslope erosion, bank erosion, excessive bed scour or sediment deposition, bed slope adjustments, lateral channel migration or bifurcation, channel capacity, and the condition of riparian vegetation. The hydraulic and/or geomorphic assessment shall include on-site channel or drainageway segments over which the applicant has control or access. In the event that project development would result in or further exacerbate existing channel instabilities, the applicant could either propose his/her own channel stabilization program subject to County approval or defer to the mitigations generated during the required environmental review for the project, which could include maintenance of peak flows at pre- and post-project levels, or less. Proposed stabilization measures shall anticipate project-related changes to the drainageway flow regime.

All project improvements should be designed to minimize flood hydrograph peak flow or flood volume increases into drainage courses. To this end, design features such as porous pavement, pavers, maximizing overall permeability, drainage infiltration, disconnected impervious surfaces, swales, bioretention, green roofs, etc., should be integrated into projects as appropriate.

For projects subject to discretionary review, the applicant may be required, as appropriate, to submit a pre-and post-project hydrology and hydraulic report detailing the amount of new impervious surface area and accompanying surface runoff from all improvement areas, including driveways – with a goal of zero increase in runoff (no net increase in peak off-site runoff). The applicant may be required to participate in a peak stormwater runoff management program developed pursuant to new Program BIO-4.20.

BIO-4.20 Minimize Runoff. In order to decrease stormwater runoff, the feasibility of developing a peak stormwater management program shall be evaluated to provide mitigation opportunities such as removal of impervious surface or increased stormwater detention in the watershed.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.20 Retention of Sediment. Onsite facilities for the retention of sediments or contribution toward regional sediment control measures produced by development should be provided during construction and, if necessary, upon project completion. Continued maintenance of these facilities should be required.

Consistent. As discussed in Section 4.5, “Hydrology and Water Quality,” the project includes mitigation that would require the project sponsor to use best management practices to control sediment and erosion to protect on and offsite areas.

2007 CWP:

WR-2.3 Avoid Erosion and Sedimentation. Minimize soil erosion and discharge of sediments into surface runoff, drainage systems, and water bodies. Continue to require grading plans that address avoidance of soil erosion and on-site sediment retention. Require developments to include on-site facilities for the retention of sediments, and, if necessary, require continued monitoring and maintenance of these facilities upon project completion.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.23 Seasonal Development Factors. Development work adjacent to and affecting SCAs should be done during the dry season only, except for emergency repairs. Disturbed surfaces should be stabilized and replanted, and areas where woody vegetation has been removed should be replanted with suitable species before the beginning of the rainy season.

Consistent. Stream Conservation Areas (SCA’s) are generally defined as a 100-foot buffer on the upland side of each stream’s banks. Project facilities would not be located adjacent to an SCA, nor would it affect an SCA.

2007 CWP:

BIO 4.15 Reduce Wet Weather Impacts. Ensure that development work adjacent to and potentially affecting SCAs is not done during the wet weather or when water is flowing through streams, except for emergency repairs, and that disturbed soils are stabilized and replanted, and areas where woody vegetation has been removed are replanted with suitable species before the beginning of the rainy season.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.27 Water Resource Management. Water resources should be managed in a systematic manner that is sensitive to natural capacities, ecological impacts, and equitable consideration of the many water-related needs of the County.

Consistent. As discussed in Section 4.3, “Water Supply,” the project would be served by existing onsite water wells. The project would not substantially increase water demands at the project site. The project sponsor would be responsible for water resource management in the project vicinity.

2007 CWP:

2.3 Manage Water Resources Sustainably. Manage water resources to ensure equitable amounts of clean water for all users, to support wildlife habitat, and to preserve natural resources within the sustainable limits of water supplies. (See also the Natural Systems and Agriculture Element, Water Resources Section.)

PFS-2.s Require Sustainable Water Supply. No new construction or uses requiring an additional water meter or increased water supply as determined by the appropriate water district shall be approved

without a specific finding, supported by facts in the administrative record, that an adequate, long-term, and sustainable water supply is available to serve the project. These measures should be achieved in partnership with the applicable water district.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.28 Protection of Watersheds, Aquifer Recharge Areas, and Natural Drainage Systems. High priority should be given to the protection of watersheds, aquifer-recharge areas, and natural drainage systems in any consideration of land use.

Consistent. As discussed in Section 4.5, “Hydrology and Water Quality,” the project would have no significant impacts on any aquifer recharge areas or onsite water wells. Mitigation measures 4.5-2 and 4.5-4 would reduce all project-related water quality impacts to less-than-significant levels.

2007 CWP:

WR-1.1 Protect Watersheds and Aquifer Recharge. Give high priority to the protection of watersheds, aquifer-recharge areas, and natural drainage systems in any consideration of land use.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.29 Upstream Development Impacts. The effect of upstream development on downstream land uses should be examined during project review. The following issues should be considered:

- ▶ increase in surface runoff,
- ▶ potential for erosion,
- ▶ corresponding increase in downstream sedimentation, and
- ▶ decrease in water quality.

Consistent. As discussed in Section 4.5, “Hydrology and Water Quality,” the project would not result in a substantial increase in existing stormwater volumes on the project site. Existing storm drainage facilities would be able to adequately accommodate project-related stormwater volumes. Mitigation Measures 4.5-2 and 4.5-4 would reduce all project-related water quality impacts to less-than-significant levels.

2007 CWP:

EH-3.3 Monitor Environmental Change. Consider cumulative impacts to for a rise in sea level, when processing development applications in watersheds with flooding or inundation potential.

EH-3.p Assess the Cumulative Impacts of Development in Watersheds on Flood Prone Areas. Consider the effects of upstream development, including impervious surfaces, alteration of drainage patterns, reduction of vegetation, **increased** sedimentation, and others, on the potential for flooding in low-lying areas. Consider watershed studies to gather detailed information.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.41 Conservation of Coastal Resources. The conservation of coastal resources shall be maintained following detailed policies in the Local Coastal Plans I and II adopted by the County and the Coastal Commission.

Consistent. The project would be consistent with policies contained in the Local Coastal Plan II (Impact 4.2-3 of this section) as they relate to the conservation of coastal resources.

2007 CWP:

BIO-2.7 Protect Sensitive Coastal Habitat. Protect coastal dunes, streams, and wetlands, and sensitive wildlife habitat from development in accordance with coastal resource management standards in the development code.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.43 Development and Access Limitations in Bayfront Conservation Areas. (Applies to non Bayfront Conservation Zone wetlands per EQ-3.27). Development shall not encroach into sensitive wildlife habitats, limit normal range areas, create barriers which cut off access to food, water, or shelter, or cause damage to fisheries or fish habitats. Buffer zones between development and identified or potential wetland areas shall be provided. On residential and industrial parcels which are already filled and at least 50% developed, minor redevelopment involving less than 25% of the structure may be excluded from policies which apply to the Bayfront Conservation Zone. No additional fill will be allowed. Access to environmentally sensitive marshland and adjacent habitat shall be restricted, especially during spawning and nesting seasons.

Consistent. The project would not encroach into areas of the project site where sensitive wildlife habitats thrive. However, some project facilities (e.g., restroom, trail system) could result in the disturbance or fill of onsite wetlands and the proposed wastewater treatment facility would be located in an active portion of an onsite sand dune. Because some non-authorized (e.g., restrooms, water spigots) facilities are proposed to be constructed within coastal wetlands, Mitigation Measure 4.13-3 requires that these facilities be setback a minimum of 100 feet from onsite coastal wetlands. In addition, Mitigation Measure 4.6-1 requires that the wastewater treatment system be relocated outside of sand dunes in one of three alternate locations identified in Exhibit 4.10-6, which are generally located in the northern portion of the project site. Based on preliminary review of these locations, these areas could feasibly support a wastewater treatment system and would not result in any new significant environmental impacts. Implementation of the project with recommended mitigation would be consistent with this policy.

2007 CWP:

BIO-3.b Comply with Regulations to Protect Wetlands. Continue to require development applications to include the submittal of a wetland delineation for sites with jurisdictional wetlands and to demonstrate compliance with these wetlands policies, standards, and criteria, and with State and federal regulations.

BIO-3.c Require Site Assessment. Require development applications to include the submittal of a site assessment prepared by a qualified professional where incursions into the WCA are proposed, or adverse impacts to wetlands resources may otherwise occur. The assessment should be considered in determining whether any adverse direct or indirect impacts on wetlands would occur as a result of the proposed development, whether wetlands criteria and standards are being met, and to identify measures necessary to mitigate any significant impacts. The site assessment may also serve as a basis for the County to apply restrictions in addition to those required by State and federal regulations. The site assessment shall be paid for by the applicant. Unless waived, the qualified professional shall be hired directly by Marin County.

BIO-3.d Prioritize Wetland Avoidance. Amend the Development Code to require development to avoid wetlands and transition zones. Where avoidance of wetlands is not possible, require the provision of replacement habitat on-site through restoration and/or habitat creation, provided that no net loss of wetland area, wetland function, and habitat values occurs. On-site wetlands mitigation shall be provided at a minimum ratio of 2 acres for each acre lost (2:1 replacement ratio). Allow off-site wetland mitigation only when an applicant has demonstrated that no net loss of wetland area, wetland functions, and wetland values would occur, and that on-site mitigation is not possible. In

those rare instances when on-site wetlands loss is unavoidable and on-site replacement is infeasible, require that a minimum of 3 acres be provided through mitigation for each acre lost (3:1 replacement ratio), preferably of the same habitat type as the wetland area that would be lost. The mitigation site should be close to the site of loss so that the mitigation wetland would provide habitat for the species that use the existing wetlands.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.59 Natural Vegetation. Agricultural activities should minimize removal of natural vegetation and avoid the removal of wetland vegetation, where possible.

Consistent. Agricultural activities occurring on the project site would not change with implementation of the project. Consistent with the elements of the proposed master plan, proposed agricultural facility improvements (e.g., water troughs, CRYSTALYX barrels) would be sited to avoid onsite wetlands.

2007 CWP:

WR-1.4 Protect Upland Vegetation. Limit development and grazing on steep slopes and ridgelines in order to protect downslope areas from erosion and to ensure that runoff is dispersed adequately to allow for effective infiltration.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.63 Sites with Poor Soil Conditions or Seismically Active. Any development (within the watershed areas) proposed for sites that have poor soil conditions for construction or that are seismically active should be designed to minimize:

- ▶ earth disturbance
- ▶ erosion
- ▶ water pollution, and
- ▶ hazards to public safety.

Consistent. As described in Section 4.5, “Hydrology and Water Quality,” Mitigation Measures 4.5-2 and 4.5-4 would reduce the project’s water quality impacts to less-than-significant levels. As described in Section 4.6, “Geology and Soils,” Mitigation Measure 4.6-3 requires that the project be designed to withstand the effects of seismic-related hazards. This mitigation would reduce the project’s geology and soils impacts to less-than-significant levels.

2007 CWP:

EH-2.1 Avoid Hazard Areas. Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.66 Use of Shoreline Areas. Public use of the shoreline areas is desirable and should be encouraged consistent with ecological and safety considerations.

Consistent. The project would continue to allow public access to the shoreline areas of the project site.

2007 CWP:

BIO-3.f Establish Criteria for Setbacks. Establish criteria to be used in the review of individual development applications for determining an adequate setback distance in upland habitat to protect resource

values in the setback area and to serve as a buffer zone between development and wetland areas. Setbacks may contain significant resource values similar to those within wetlands. Setbacks should provide for minimum filtration functions to intercept sediments and prevent degradation of adjacent wetlands to be protected. The setbacks shall conform with distances specified in Policy BIO-3.1, with varied minimum setbacks in the City-Centered Corridor, and minimum 100-foot setback distances in the Coastal, Inland Rural, and Baylands corridors. Within the City-Centered Corridor, flexibility should be included in the criteria based on site constraints, opportunities to ensure the avoidance of sensitive wetlands and associated resources such as special-status species, and the feasibility of alternative mitigation options for already developed properties and exceptions for existing uses.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.70 Siting and Design of Public Access. Public access should be sited and designed to facilitate public use and enjoyment of the bayfront lands, along with protection of wildlife habitat. Where possible, buffers and upland habitat should remain, or be constructed, between wetland habitats and public use areas. Public areas should be clearly marked, and continuous ten-foot walkways from the nearest roads to the shoreline and along the shoreline should be provided. Public access areas should be designed to minimize possible conflicts between public and private uses on the properties. In general, walkways should be set back at least ten feet from any proposed structure. Public access shall designed to avoid disturbance of wetlands and sensitive wildlife habitat areas.

Consistent. The project would continue to provide public access to coastal areas of the project site. As described in Section 4.8, "Traffic and Circulation," a new pedestrian and bicycle pathway would be constructed at the existing gatehouse to separate pedestrian and bicycle traffic from vehicular traffic accessing the site. Further, a formal pedestrian trail system would be established in the foredunes. The trail system would rotated depending on site conditions to minimize adverse impacts to the foredunes and would be sited to avoid encroachment upon existing wetlands onsite.

See above.

Policy EQ-2.75 County Air Quality Standards. The County shall adhere to the Federal or State air quality standards, (Table EQ-5) whichever are more stringent, for management of locally generated pollutants.

Consistent. As discussed in Section 4.9, "Air Quality," the project would not generate any long-term, operational air emissions and would not cause air quality standards in the County to be exceeded. The project would cause short-term increases in construction related emissions. However, Mitigation Measure 4.9-1 requires implementation of Bay area Air Quality Management District (BAAQMD) emission control measures which would reduce construction-related impacts to less-than-significant levels. Because the project-generated, operational air emissions would not exceed State or Federal standards, the project would be consistent with this policy.

In addition to **AIR-1.2, Meet Air Quality Standards**, which is equivalent to EQ-2.75, there is an entire new section on Atmosphere and Climate in the 2007 CWP addressing minimizing impacts from uses that emit pollutants (**AIR-2.1**), reducing vehicle-generated pollutants (**AIR-3.1**), reducing greenhouse gas emissions (**AIR-4.1**), fostering the absorption of greenhouse gases (**AIR-4.2**), and adapting to climate change (**AIR-5.1 and 5.2**) and extensive implementing programs.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.78 Air Quality Impacts of Projects. As part of its Environmental Review Process, the County shall review projects for their potential impact on air quality conditions.

Consistent. Through the preparation of this Draft EIR, the County is reviewing the potential effects of the project on air quality. The inclusion of air quality factors in this Draft EIR (see Section 4.9, “Air Quality”) provides consistency with this policy.

2007 CWP:

AIR-1.3 Require Mitigation of Air Quality Impacts. Require projects that generate potentially significant levels of air pollutants, such as quarry, landfill operations, or large construction projects, to incorporate best available air quality mitigation in the project design.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.82 Buffer Between Potential Mineral Extraction Areas and Incompatible Land Uses. The County shall further protect designated mineral resource sites by creating a buffer of land uses between potential mineral extraction areas and areas with land uses incompatible with mining.

Consistent. The project would continue to quarry sand from the interior sand dunes, which is considered a mineral resource. Activities associated with quarrying operations are located in the central portion of the project site. Access to these portions of the project site is prohibited and is enforced through fencing and regular patrols. The project would not increase recreational use levels at the project site and would continue to prevent access to active mining areas of the project site. The project would be consistent with this policy.

2007 CWP:

AIR-2.1 Buffer Emission Sources and Sensitive Land Uses. Consider potential air pollution and odor impacts from land uses that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include freeways, manufacturing, extraction, hazardous materials storage, landfill, food processing, wastewater treatment, and other similar uses).

AIR-2.a Require Separation Between Air Pollution Sources and Other Land Uses. Only allow (a) emission sources or (b) other uses in the vicinity of air pollution or odor sources if the minimum screening distances between sources and receptors established in the BAAQMD CEQA Guidelines can be met, unless detailed project-specific studies demonstrate compatibility with adjacent uses despite separations that do not meet the screening distance requirements.

AIR-1.3 Require Mitigation of Air Quality Impacts. Require projects that generate potentially significant levels of air pollutants, such as quarry, landfill operations, or large construction projects, to incorporate best available air quality mitigation in the project design.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.87 Species Preservation in the Environmental Review Process. Environmental review of development applications shall consider the impact of the proposed development on species and habitat diversity. Environmental review documents should propose mitigation measures for ensuring the protection of the habitat and species therein.

Consistent. Section 4.13, “Biological Resources,” analyzes the potential effects of the project on existing sensitive species and habitats. The project would implement a proactive environmental education program for environmental resources onsite. Mitigation measures are also provided to protect sensitive wildlife species and their habitats to the greatest extent possible.

2007 CWP:

BIO-2.1 Include Resource Preservation in Environmental Review. Require environmental review pursuant to CEQA of development applications to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors. Require adequate mitigation measures for ensuring the protection of any sensitive resources and achieving “no net loss” of sensitive habitat acreage, values, and function.

BIO-2.2 Limit Development Impacts. Restrict or modify proposed development in areas that contain essential habitat for special-status species, sensitive natural communities, wetlands, baylands and coastal habitat, and riparian habitats, as necessary to ensure the continued health and survival of these species and sensitive areas. Development projects should preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site or (as a lowest priority) off-site replacement at a higher ratio.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-2.88 Protection of Special Status Species. Development shall be restricted or modified in areas which contain special status species and migratory species of the Pacific Flyway and/or significant natural areas, wetlands, riparian habitats, and freshwater habitats, to ensure the continued health and survival of these species and areas.

Consistent. As discussed in Section 4.13, “Biological Resources,” the project would have less-than-significant impacts on all special-status species and communities. The project, however, could result in the filling of wetlands on the project site. Mitigation Measure 4.13-3 requires all non-authorized (e.g., restrooms, water faucets) project facilities be constructed a minimum of 100 feet outside of coastal wetlands. The project would be consistent with this policy.

2007 CWP:

BIO-1.1 Protect Wetlands, Habitat for Special-Status Species, Sensitive Natural Communities, and Important Wildlife Nursery Areas and Movement Corridors. Protect sensitive biological resources, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through careful environmental review of proposed development applications, including consideration of cumulative impacts, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.2 Air, Water, and Noise Pollution. Air, water, and noise pollution shall be prevented or minimized.

Consistent. The project would contribute minimally to air, water, and noise pollution to the extent analyzed in this Draft EIR. No significant effects (with mitigation) related to air, water, or noise pollution are identified in this Draft EIR. Therefore, the project would be consistent with this policy.

2007 CWP:

See Goals in Atmosphere and Climate Section, Water Resources Section, and Noise section

Policy EQ-3.4 Changes to Hydrological and Biological Processes. No operation shall cause irreversible damage or more than minimum reversible change to natural hydrological and biological processes.

Consistent. As discussed in Section 4.5, “Hydrology and Water Quality,” the project would not result in any significant impacts to the natural hydrologic processes on the site. As discussed in Section 4.13, “Biological Resources,” Mitigation Measures 4.13-1, 4.13-2, 4.13-3, and 4.13-4 would reduce all project-related impacts to sensitive wildlife species and habitats to less-than-significant levels. As discussed in Section 4.6, “Geology and Soils,” Mitigation Measure 4.6-1 would eliminate the project’s impacts to the natural migration of the onsite sand system. No irreversible damage would occur to onsite sand dunes. Therefore, the project would be consistent with this policy.

2007 CWP:

EH-3.3 Monitor Environmental Change. Consider cumulative impacts to hydrological conditions, including alterations in drainage patterns and the potential for a rise in sea level, when processing development applications in watersheds with flooding or inundation potential.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.5 Protection of Unique Geologic, Ecologic, Archaeologic, and Historic Sites. Unique geological, ecological, archaeological, and historic sites shall be protected. Significant natural features shall be included for preservation in their natural state and in an appropriate setting in any design or plan.

Consistent. No unique geological, archaeological, or historic sites are located within the areas of proposed development. As discussed in Section 4.6, “Geology and Soils,” and Section 4.12, “Cultural Resources,” no such features would be affected by the project. As discussed in Section 4.13, “Biological Resources,” the project would construct a leachfield in the sensitive sand dune habitat present onsite. Mitigation has been incorporated into the project to minimize, to the greatest extent feasible, impacts to sand dune habitats and processes on-site and have been protected in the context of this policy.

Therefore, the project would be consistent with this policy.

2007 CWP:

HAR-1.1 Preserve Historical Resources. Identify archaeological and historical resource sites.

HAR-1.3 Avoid Impacts to Historical Resources. Ensure that human activity avoids damaging cultural resources.

DES-4.1 Preserve Visual Quality. Protect scenic quality and views of the natural environment – including ridgelines and upland greenbelts, hillsides, water, and trees – from adverse impacts related to development.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.6 Wildlife, Vegetation and Habitats. A diversity and abundance of wildlife and marine life shall be maintained. Vegetation and animal habitats shall be preserved wherever possible.

Consistent. As discussed in Section 4.13, “Biological Resources,” the project with mitigation measures would not result in significant impacts to fish, wildlife, vegetation, or animal habitats.

2007 CWP:

GOAL BIO-1 Enhanced Native Habitat and Biodiversity. Effectively manage and enhance native habitat, maintain viable native plant and animal populations, and provide for improved biodiversity throughout the County.

GOAL BIO-2 Protection of Sensitive Biological Resources. Require identification of sensitive biological resources and commitment to adequate protection and mitigation, and monitor development trends and resource preservation efforts.

BIO-2.4 Protect Wildlife Nursery Areas and Movement Corridors. Ensure that important corridors for wildlife movement and dispersal are protected as a condition of discretionary permits, including consideration of cumulative impacts. Features of particular importance to wildlife for movement may include riparian corridors, shorelines of the coast and bay, and ridgelines. Linkages and corridors shall be provided that connect sensitive habitat areas such as woodlands, forests, wetlands, and essential habitat for special-status species, including an assessment of cumulative impacts.

BIO-3.1 Protect Wetlands. Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone). Establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. Development shall be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setback standards may apply to wetlands supporting special-status species or associated with riparian systems and bylands under tidal influence, given the importance of protecting the larger ecosystems for these habitat types as called for under Stream Conservation and Baylands Conservation policies defined in Policy BIO-4.1 and BIO-5.1, respectively. Regardless of parcel size, a site assessment is required either where incursion into a WCA is proposed or where full compliance with all WCA criteria would not be met. Employ the following criteria when evaluating development projects that may impact wetland areas (see Figure 2-1):

Coastal, Inland Rural, and Baylands Corridors:

- ◆ For all parcels, provide a minimum 100-foot development setback from wetlands (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone). An additional buffer may be required, based on the results of a site assessment, if such an assessment is determined to be necessary. Site assessments will be required and conducted pursuant to Program BIO-3.c, Require Site Assessment.

Exceptions to full compliance with the WCA setback standards may apply only in the following cases:

1. Parcel is already developed with an existing use, provided no unauthorized fill or other modifications to wetlands have occurred as part of ongoing use of the property.
2. Parcel is undeveloped and falls entirely within the WCA.
3. Parcel is undeveloped and potential impacts on water quality, wildlife habitat, or other sensitive resources would be greater as a result of development outside the WCA than development within the WCA, as determined by a site assessment.
4. Wetlands are avoided and a site assessment demonstrates that minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.7 Avoidance of Hazards from Earthquake, Erosion, Landslide, Floods, and Fires. Construction and operations shall be located and designed to avoid or minimize the hazards from earthquake, erosion,

landslides, floods, fire, and accidents consistent with policies and programs in the Environmental Hazards Element.

Consistent. As discussed in Section 4.6, “Geology and Soils,” potential impacts associated with earthquakes, erosion, and/or landslides would be reduced to less-than-significant levels with implementation of Mitigation Measures 4.6-1, 4.6-3 and 4.6-5. As concluded in Section 4.5, “Hydrology and Water Quality,” Mitigation Measures 4.5-2 would reduce the project’s flood hazard impacts to less-than-significant levels. Section 4.15, “Police and Fire,” analyzes fire and other safety issues and concludes that less-than-significant impacts would result from the project. Based on conclusions in this Draft EIR concerning environmental hazards, the project would be consistent with this policy.

2007 CWP:

GOAL EH-2 Safety from Seismic and Geologic Hazards. Protect people and property from risks associated with seismic activity and geologic conditions.

EH-2.1 Avoid Hazard Areas. Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.

EH-3.2 Retain Natural Conditions. Ensure that flow capacity is maintained in stream channels and floodplains, and achieve flood control using biotechnical techniques instead of storm drains, culverts, riprap, and other forms of structural stabilization.

EH-3.3 Monitor Environmental Change. Consider cumulative impacts to hydrological conditions, including alterations in drainage patterns and the potential for a rise in sea level, when processing development applications in watersheds with flooding or inundation potential.

NEW EH-2.4 Protect Coastal Areas from Tsunamis. When inundation maps become available, address tsunami wave run-up and inundation when reviewing proposed development along coastal areas of Marin County.

GOAL EH-3 Safety from Flooding and Inundation. Protect people and property from risks with flooding and inundation. (Also see the Public Facilities and Water Resources sections.)

EH-3.a Regulate Development in Flood and Inundation Areas. Continue to require all improvements in Bayfront, Floodplain, Tidelands, and Coastal High Hazard Zones to be designed to be more resistant to damage from flooding, tsunamis, seiches, and related water-borne debris, and to be located so that buildings and features such as docks, decking, floats, and vessels would be more resistant to damage.

EH-3.k Anticipate Sea Level Rise. Work with the U.S. Geological Survey, the San Francisco Bay Conservation and Development Commission, and other monitoring agencies to track bay and ocean levels; utilize estimates for mean sea level rise to map potential areas subject to future inundation (including by updating information about watershed channel conditions and levee elevations); and amend the Development Code to incorporate construction standards consistent with the policies of BCDC’s Bay Plan for any areas subject to increased flooding from a rise in sea level.

GOAL EH-4 Safety from Fires. Protect people and property from hazards associated with wildland and structural fires.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.9 Adverse Impacts on Services, Circulation, Economic, and Social Environment. Projects shall not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities, or on the financial or social environment of the community.

Consistent. The analysis of public services and utilities in this Draft EIR concludes that the project would result in less-than-significant impacts with mitigation measures regarding Section 4.3, “Water Supply”; Section 4.15, “Police and Fire Protection”; Section 4.4, “Waste Disposal and Other Services”; Section 2.9, “Effects Found Not Significant”; Section 4.14, “Schools”; and Section 4.8, “Traffic.” The analysis of economic and social effects was not considered in this Draft EIR because these are not a required component of environmental analysis but are strictly a policy consideration. Social and economic effects of a project shall not be treated as significant effects on the environment (State CEQA Guidelines §151319[a]).

2007 CWP:

GOAL PFS-1 Adequate Public Facilities and Services. Provide basic public facilities to accommodate the level of development planned by cities and towns and the County.

PFS-1.1 Require Cost-Sharing. Require new development to pay for the infrastructure it requires and the public services it receives.

PFS-1.2 Plan Effectively to Minimize Costs. Plan public facilities in cooperation with service providers to minimize short- and long-term construction, operation, and maintenance costs.

PFS-1.4 Reduce Demand on Public Facilities. Reduce per capita and total demand for water and wastewater treatment, and enhance storm water management through integrated and cost-effective design, technology, and demand reduction standards for new development and redevelopment.

GOAL WR-2 Sustainable Water Resources. Assure a reliable, sustainable water supply for existing and future development while protecting the natural environment.

PFS-2.1 Conserve Water and Utilize Sustainable Sources. Promote conservation to increase the responsible use and reliability of water supplies. Reduce the waste of potable water through efficient technologies, design, and management practices, and through better matching of the source and quality of water to the user’s needs.

TR-1.1 Manage Travel Demand. Improve the operating efficiency of the transportation system by reducing vehicle travel demand and provide opportunities for other modes of travel. Before funding transportation improvements consider alternatives – such as Transportation Demand Management (TDM) – and prioritize projects that will reduce fossil fuel use and reduce single-occupancy vehicle trips.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.11 Visual Qualities and Views. Visual qualities and the view potential of the natural and built environment shall be considered in any project or operation review. Tree-cutting and damage shall be avoided wherever possible.

Consistent. The project would not change the existing visual qualities and view potential of the onsite natural environment or the surrounding environment including views of the ocean.

2007 CWP:

DES-4 Protection of Scenic Resources. Minimize visual impacts of development and preserve vistas of important natural features.

DES-4.1 Preserve Visual Quality. Protect scenic quality and views of the natural environment – including ridgelines and upland greenbelts, hillsides, water, and trees – from adverse impacts related to development.

DES-4.c Regulate Mass and Scale. Ensure that the mass and scale of new structures respect environmental site constraints and character of the surrounding neighborhood (see Program DES-3.b), are compatible with ridge protection policies (see Program DES-4.e), and avoid tree-cutting (especially on wooded hillsides) and grading wherever possible. Community plans should consider regulations concerning home size.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.12 Minimal Resource Use and Recycling. Resource use shall be the minimum necessary. Recyclable and biodegradable materials shall be utilized, and used materials shall be recycled or reused whenever possible. Use of reclaimed water should occur whenever possible.

Consistent. The project would use standard building materials, which are generally less expensive than alternative building materials. While it may be possible to use recycled building materials on-site, because this is programmatic master plan it is too speculative to determine at this time whether use of these material would be feasible. Therefore, the project would be consistent with this policy.

2007 CWP:

TR-4.2 Recycle and Conserve Energy. Include recycled and energy-conserving materials for road construction and repair, where feasible.

TR-4.b Use Recycled and Resource Efficient Materials. Use resource efficient materials, such as rubberized asphalt concrete and pervious pavement, in road repair and construction wherever cost effective and feasible

EN-3.1 Initiate Green Building Initiatives. Encourage and over time increasingly require sustainable resource use and construction with nontoxic materials

EN-3.c Divert Construction Waste. Continue to implement and improve the Construction and Demolition Waste Recovery Ordinance, requiring building projects to recycle or reuse a minimum of 50% of unused or leftover building materials.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.13 Aggressive Exotic Plants. The planting of aggressive exotic plants such as broom and pampas grass should be avoided in any development over which the County has review authority.

Consistent. As described in Section 4.13, “Biological Resources,” portions of the project site would be landscaped with native plant species. No aggressive non-native exotic species, such as broom and pampas grass, would be planted onsite. The project would be consistent with this policy.

2007 CWP:

BIO-1.5 Promote Use of Native Plant Species. Encourage use of a variety of native or compatible non-native, non-invasive plant species indigenous to the site vicinity as part of project landscaping to improve wildlife habitat values.

BIO-1.6 Control Spread of Invasive Exotic Plants. Prohibit use of invasive species in required landscaping as part of the discretionary review of proposed development. Work with landowners, landscapers, the

Marin County Open Space District, nurseries, and the multi-agency Weed Management Area to remove and prevent the spread of highly invasive and noxious weeds. Invasive plants are those plants listed in the State's Noxious Weed List, the California Invasive Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California," and other priority species identified by the agricultural commissioner and California Department of Agriculture. Species of particular concern include the following: barbed goatgrass (*Aegilops triuncialis*), giant reed (*Arundo donax*), Italian thistle (*Carduus pycnocephalus*), distaff thistle (*Carthamus lanatus*), purple starthistle (*Centaurea calcitrapa*), yellow starthistle (*Centaurea solstitialis*), pampas grass (*Cortaderia selloana*), Scotch broom (*Cytisus scoparius*), Cape ivy (*Delairea odorata*), oblong spurge (*Euphorbia oblongata*), fennel (*Foeniculum vulgare*), French broom (*Genista monspessulana*), salt-water cord grass (*Spartina alternifolia*), Spanish broom (*Spartium junceum*), medusahead (*Taeniatherum caput-medusae*), gorse (*Ulex europaeus*), and periwinkle (*Vinca major*), among others.

BIO-1.7 Remove Invasive Exotic Plants. Require the removal of invasive exotic species, to the extent feasible, when considering applicable measures in discretionary permit approvals for development projects unrelated to agriculture, and include monitoring to prevent re-establishment in managed areas.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy E-3.14 Protection of Trees. The County shall strive to protect large trees, trees with historical importance, and oak woodland habitat, and prevent the untimely removal of trees through implementation of a tree preservation ordinance.

Consistent. The project would not result in the removal of any onsite trees.

2007 CWP:

BIO-1.3 Protect Woodlands, Forests, and Tree Resources. Protect large native trees, trees with historical importance; oak woodlands; healthy and safe eucalyptus groves that support colonies of monarch butterflies, colonial nesting birds, or known raptor sites; and forest habitats. Prevent the untimely removal of trees through implementation of standards in the Development Code and the Native Tree Preservation and Protection Ordinance. Encourage other local agencies to adopt tree preservation ordinances to protect native trees and woodlands, regardless of whether they are located in urban or undeveloped areas. See also Policy SV-1.7.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.16 Minimize Excavating, Grading, and Filling. New development in the County shall adhere to the standards of the Department of Public Works to minimize excavating, grading, and filling, while allowing for adequate access.

Consistent. The project has been designed to minimize the amount of grading needed to construct the project. The project only includes limited grading for the wastewater treatment facility, boathouse, water storage facilities, and limited areas within the main meadow. All excavated material would be used onsite. Grading standards applied by the Department of Public Works would be required through review of grading and/or improvement plans. The project would be consistent with this policy.

2007 CWP:

DES-4.c Regulate Mass and Scale. Ensure that the mass and scale of new structures respect environmental site constraints and character of the surrounding neighborhood (see Program DES-3.b), are compatible with ridge protection policies (see Program DES-4.e), and avoid tree-cutting (especially

on wooded hillsides) and grading wherever possible. Community plans should consider regulations concerning home size.

BIO-4.4 Promote Natural Stream Channel Function. Retain and, where possible, restore the hydraulic capacity and natural functions of stream channels in SCAs. Discourage alteration of the bed or banks of the stream, including filling, grading, excavating, and installation of storm drains and culverts. When feasible, replace impervious surfaces with pervious surfaces. Protect and enhance fish habitat, including through retention of large woody debris, except in cases where removal is essential to protect against property damage or prevent safety hazards. In no case shall alterations that create barriers to fish migration be allowed on streams mapped as historically supporting salmonids. Alteration of natural channels within SCAs for flood control should be designed and constructed in a manner that retains and protects the riparian vegetation, allows for sufficient capacity and natural channel migration, and allows for reestablishment of woody trees and shrubs without compromising the flood flow capacity where avoidance of existing riparian vegetation is not possible.

WR-2.3 Avoid Erosion and Sedimentation. Minimize soil erosion and discharge of sediments into surface runoff, drainage systems, and water bodies. Continue to require grading plans that address avoidance of soil erosion and on-site sediment retention. Require developments to include on-site facilities for the retention of sediments, and, if necessary, require continued monitoring and maintenance of these facilities upon project completion.

EH-2.i Minimize Impacts of Site Alteration. Amend the Development Code to strictly limit the extent of any proposed fill, excavation, or other grading activities that could create or exacerbate risks in areas susceptible to geologic hazards. These are shown for illustrative purposes only, in Maps 2-9, 2-10, and 2-11.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.22 Mudflats and Tidal Areas. On low-lying mudflats or tidal fill areas, protection of plant and wildlife habitat is of primary importance. The provision of public access to creeks, streams, and the shoreline should also be encouraged (see Figure EQ-13).

Consistent. The project would not construct any new facilities on low-lying mudflats or tidal fill areas. Public access to coastal areas of the project site would continue to be provided with implementation of the project.

2007 CWP:

BIO-3.1 Protect Wetlands. Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone). Establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. Development shall be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setback standards may apply to wetlands supporting special-status species or associated with riparian systems and baylands under tidal influence, given the importance of protecting the larger ecosystems for these habitat types as called for under Stream Conservation and Baylands Conservation policies defined in Policy BIO-4.1 and BIO-5.1, respectively. Regardless of parcel size, a site assessment is required either where incursion into a WCA is proposed or where full compliance with all WCA criteria would not be met. Employ the following criteria when evaluating development projects that may impact wetland areas (see Figure 2-1):

City-Centered Corridor:

- ◆ For parcels more than 2 acres in size, a minimum 100-foot development setback from wetlands is required.
- ◆ For parcels between 2 and 0.5 acres in size, a minimum 50-foot development setback from wetlands is required.
- ◆ For parcels less than 0.5 acres in size, a minimum 20-foot development setback from wetlands is required. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.
- ◆ Regardless of parcel size, an additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary. Site assessments will be required and conducted pursuant to Program BIO-3.c, *Require Site Assessment*.

Coastal, Inland Rural, and Baylands Corridors:

- ◆ For all parcels, provide a minimum 100-foot development setback from wetlands (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone). An additional buffer may be required, based on the results of a site assessment, if such an assessment is determined to be necessary. Site assessments will be required and conducted pursuant to Program BIO-3.c, *Require Site Assessment*.

Exceptions to full compliance with the WCA setback standards may apply only in the following cases:

1. Parcel is already developed with an existing use, provided no unauthorized fill or other modifications to wetlands have occurred as part of ongoing use of the property.
2. Parcel is undeveloped and falls entirely within the WCA.
3. Parcel is undeveloped and potential impacts on water quality, wildlife habitat, or other sensitive resources would be greater as a result of development outside the WCA than development within the WCA, as determined by a site assessment.
4. Wetlands are avoided and a site assessment demonstrates that minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.25 Scale of Development. The development of residential structures should be in scale with environmental constraints such as steep slopes and the design character of the existing neighborhood.

Consistent. The project would construct a new residence in the northern portion of the site. This area incorporates existing structures that support existing agricultural and ranching activities. The new residence would be of comparable size and scale as existing onsite facilities and would be sited in an area suitable for residential development avoiding sensitive habitats. A new mobile home would be constructed at Sand Point adjacent to existing mobile homes and travel trailers. The mobile home would be of similar size, scale, and design as existing onsite structures in this area. No steep terrain or sensitive resources are located in this area. Therefore, the project would be consistent with this policy.

2007 CWP:

DES-1.1 Address Design at the Community Level. Use community plans to regulate building design and protect key resources. Encourage cities and towns to address design issues.

DES-4.1 Preserve Visual Quality. Protect scenic quality and views of the natural environment – including ridgelines and upland greenbelts, hillsides, water, and trees – from adverse impacts related to development.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.26 Rural Character and Lighting. Development in rural portions of the County (particularly in West Mann communities) should be consistent with the rural character of the area and should provide lighting which is subtle and harmonious with the rural environment.

Consistent. The project would implement facilities that would support and be consistent with existing recreational and agricultural activities present at the site. As discussed in Section 4.7 (Visual Resources), lighting associated with proposed facilities would be consistent with the existing rural character of the project site.

2007 CWP:

DES-1.2 Protect Rural Character. Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape.

DES-1.h Lighting Design Guidelines. Amend the Development Code to include lighting design guidelines to be applied through design review and other discretionary permits. Explore the feasibility of amending the Building Code to include lighting specifications. Require new development and major remodel projects that would make significant parking lot improvements or add new lighting to submit a lighting plan consistent with these guidelines for design review by County staff. Lighting design guidelines and/or specifications should address the following:

Efficiency. Cost-effective energy efficiency standards for outdoor lighting shall be developed to conserve energy, thereby reducing excessive lighting, light pollution, light trespass, and glare.

Reasonableness of Intensity. Acceptable standards shall be defined for various land uses and development types, specifying the maximum allowable total lumens.

Directional Control. Standards shall be developed to minimize the upward transmission and intensity of light at various distances from its source through the use of full-cutoff lighting, downward casting, shielding, visors, etc.

Signage. Standards for illuminated signs shall be developed that prohibit or limit the size, spacing, design, upward transmission of light, and hours of operation. In addition, signs should be white or light-colored lettering on dark backgrounds.

Night Lighting. Hours of operation for various uses shall be specified in order to prohibit all-night lighting except when warranted for public safety reasons. On-demand lighting shall be encouraged.

Education. A voluntary educational component of this program shall include the distribution of informational materials for use by county residents, developers, and lighting supply retailers. These materials shall provide specific methods and product information necessary for compliance with new development, as well as aiding the conversion of existing lighting sources.

Incentives. The County shall develop incentives for residents and businesses, encouraging the conversion of existing lighting sources to compliant ones.

Enforcement. These standards shall be incorporated into the County Development Code and design review process for new development.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.27 Identification of Wetlands Outside the BFC Zone. At the time of a site specific development application, the County shall require the applicant to identify seasonal and year-round wetlands which may be located outside the BFC zone. Development shall be situated so that wetlands are protected and preserved to the maximum extent feasible. Policy EQ-2.43 shall apply to wetlands outside the BFC zone.

Consistent. As discussed in Section 4.13, “Biological Resources,” Mitigation Measure 4.13-3 would require the project sponsor to restore and/or replace lost wetlands onsite. Implementation of this mitigation would reduce the project’s impacts to onsite wetlands to a less-than-significant level under CEQA. Therefore, the project would be consistent with this policy.

See BIO-3.1 above

Policy EQ-3.29 Review Sensitivity Maps. The Community Development Agency shall review the archeological sensitivity map for all development applications to determine potential impacts.

Consistent. Section 4.12, “Archaeological and Historic Resources,” is based on a cultural resources report prepared by a professional archaeologist. The methodology for this EIR included review of many available documents describing the archaeology and history of the site and site vicinity. In addition, a field survey of the project site was conducted to search for visible evidence of cultural resources. Consequently, consistency with this policy has been achieved.

2007 CWP:

HAR-1.a Map Resource Areas. Update the County sensitivity map (not site specific) that identifies potential locations of archaeological resources, and survey and evaluate existing archaeology resources every three years (while maintaining confidentiality regarding the location of archaeological sites). Consult with FIGR as appropriate in map updates.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.30 Evaluate Presence of Site. Development sites identified as having a potential for the presence of archeological resources (through review of the sensitivity map or other available sources) shall be evaluated to ascertain if an archeological site is actually present. This evaluation shall be the responsibility of the applicant and may be undertaken by conducting a record search at the Northwest Information Center of the California Archaeological Inventory to determine if the project area has been previously surveyed and if resources have been identified. If the record search reveals that no survey has been undertaken, the applicant may be required to undertake a survey of the site, depending upon the sensitivity of the site.

Consistent. Please refer to the Policy EQ-3.29 discussion regarding cultural resource in addition to the following text. In preparation of the archaeological investigation prepared for this Draft EIR, an extensive literature review, including review of available resources at the Northwest Information Center at Sonoma State University, to assess the potential for cultural resources to exist at the project site. A field survey was also conducted in areas of proposed construction to detect evidence of prehistoric and historic cultural resources. One previously unidentified archaeological site was discovered during the most recent survey. This resource is not located in an area proposed for construction. Further, based on visual observations, this resource does not appear to be unique and does not appear to contain sufficient information to qualify for listing to the California Register of Historical Resources. However, the possibility exists to uncover unknown subsurface archaeological resources. Mitigation is provided to protect any unknown archaeological resources that may be discovered during construction. With the extent of evaluation conducted for the Draft EIR, the project would be consistent with this policy.

2007 CWP:

HAR-1.1 Preserve Historical Resources. Identify archaeological and historical resource sites.

HAR-1.d *Require Archaeological Surveys for New Development.* Require archaeological surveys conducted on site by a State-qualified and FIGR recommended archaeologist for new development proposed in areas identified as potential resource locations on the County sensitivity map (see Program HAR-1.a).

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.31 Avoid Impact. When a site has been identified as an archeological resource, development shall be situated or designed to avoid impacts on the archeological resources. This may be accomplished through one or more of the following methods:

- ▶ siting buildings to completely avoid the archeological site;
- ▶ providing parks, or some type of open space to incorporated archeological sites;
- ▶ “capping” (covering the site with a layer of soil);
- ▶ deeding the site as a permanent conservation easement.

Consistent. As discussed in Policy EQ-3.29 and EQ-3.30, one previously unidentified archaeological site was discovered during the most recent survey. However, this resource does not appear to be unique and does not appear to contain sufficient information to qualify for listing to the California Register of Historical Resources. Mitigation provided in Section 4.12, “Cultural Resources,” would protect any unknown archaeological resources that may be discovered during construction. The methods identified in Policy EQ-3.31 for protection of archaeological resources are among the alternatives for mitigation in the event that resources are uncovered during construction. Consequently, the project would be consistent with this policy.

2007 CWP:

HAR-1.3 Avoid Impacts to Historical Resources. Ensure that human activity avoids damaging cultural resources.

HAR-1.e *Require Permanent Protection.* Require development at an archaeological site to, where feasible, avoid the resource and provide permanently deeded open space that incorporates the resource.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-3.32 Discovery of Resources. In the event archeological resources are uncovered during construction, all work must halt and an evaluation must be undertaken by a qualified archaeologist.

Consistent. As stated in the discussion for Policy 3.31, cessation of construction, in the event of uncovering unknown archaeological resource, is a requirement of mitigation recommended in Section 4.12, “Cultural Resources.” With this mitigation, the project would be consistent with this policy.

2007 CWP:

HAR-1.3 Avoid Impacts to Historical Resources. Ensure that human activity avoids damaging cultural resources.

HAR-1.f *Involve Appropriate Authorities.* Refer development proposals on or near cultural resource sites to the California Archaeological Inventory, the Northwest Regional Office of the California Historical Resources Information System, and/or Native American representatives, as appropriate.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EQ-4.1 Provision of Facilities. Adequate parks, recreation facilities, and open space shall be provided. Appropriate public access shall be established.

Consistent. The project site currently provides recreational and open space opportunities and the project would provide improved recreational facilities through construction of a new restroom facilities and boathouse. Existing open spaces and public access would be unchanged with implementation of the project. The project would be consistent with this policy.

2007 CWP:

GOAL PK-1 A High-Quality Parks and Recreation System. Provide park and recreation facilities and programs to meet the various needs of all county residents.

PK-1.1 Conduct and Coordinate Park Planning. Develop park and recreation facilities and programs to provide for active recreation, passive enjoyment, and protection of natural resources as a complement to local, state, and national parks and open space in Marin.

PK-1.2 Consider User Needs, Impacts, and Costs. Plan and develop any needed new park and recreation facilities and programs to meet the desires of the community and protect environmental resources.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy CD-1.3 Land Use in the Coastal Recreation Corridor. Open space, recreational, and agricultural land uses will be emphasized in the Coastal Recreation Corridor along with the preservation of existing coastal communities.

Consistent. The project site currently provides open space, recreational, and agricultural facilities and uses at the project site, and these uses would continue with implementation of the project. In addition, the project would improve the recreational facilities through construction of new restroom facilities and boathouse. Therefore, the project would be consistent with this policy.

2007 CWP:

CD-1.1 Direct Land Uses to Appropriate Areas. Concentrate urban development in the City-Centered Corridor, where infrastructure and facilities can be made available most efficiently. Protect sensitive lands in the Baylands Corridor. Emphasize agricultural uses in the Inland Rural Corridor, along with preservation of resources, habitat, and existing communities. Focus on open space, recreational, and agricultural land uses, as well as preservation of existing communities, in the Coastal Corridor.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy CD-2.2 Location of Housing and Jobs. To discourage long commutes and lessen traffic congestion, housing should be located near jobs, whenever feasible. Economic development which provides jobs for Marin County at all income levels should be encouraged, especially in areas of the county with the lowest ratio of jobs to housing, if feasible. Businesses and industries which provide benefits to the county as identified in Policy CD-3.2 should be encouraged to locate, relocate, or expand in these areas. Housing should be located near job centers with changes in local zoning and densities where appropriate.

Consistent. The project would construct two new residences onsite. One residence would be occupied by the property owner and the second residence would be occupied by employee(s). Therefore, the project would be consistent with this policy.

2007 CWP:

CD-2.5 Locate Housing Near Activity Centers. Provide housing near jobs, transit routes, schools, shopping areas, and recreation to discourage long commutes and lessen traffic congestion.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy CD-2.7 Discouraging Development in Natural Resource or Hazard Areas. Development should be discouraged in areas which have high natural resource value or which pose a significant hazard to life or property. Where development is permitted in such areas, the development density should be low and structures should be sited to minimize adverse impacts. This policy is consistent with the policies in the Environmental Quality and Environmental Hazards Elements. Transfer of development rights (TDR's) from high resource areas to appropriate receiver sites could be used to protect resource values.

Consistent. As discussed in Section 4.6, "Geology and Soils," all project facilities would be set back at least 50 feet from the active fault trace and would minimize site-specific hazards to life or property. Further, the project's seismic impacts would be mitigated through implementation of Mitigation Measure 4.6-3, which requires structures located in the secondary zone of deformation to incorporate site specific engineering and design measures. The project is not the development of a subdivision or changed land use plan, rather it is a program of facilities that would be implemented at the site to enhance and improve existing recreational facilities. The facilities proposed for the project are isolated and serve a defined purpose for existing land uses. In general, construction would be minimal and occur in discreet and isolated areas and through implementation of recommended mitigation measures (Mitigation Measure 4.6-1, 4.6-3, 4.13-1, 4.13-2, 4.13-3, and 4.13-4), impacts to sensitive environmental resources at the site (e.g., sand dunes, wetlands, sensitive species). Because the project mitigated impacts to environmental resources to a less-than-significant level, and it has minimized the level and density of development at the site, it would, therefore, be consistent with this policy.

2007 CWP:

EH-2.1 Avoid Hazard Areas. Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.

EH-4.1 Limit Risks to Structures. Ensure that adequate fire protection is provided in new development and when modifications are made to existing structures.

CD-1.3 Reduce Potential Impacts. Calculate potential residential densities and commercial floor area ratio (FAR) at the low end of the applicable range on sites with sensitive habitat or within the Ridge and Upland Greenbelt, or properties lacking public water or sewer systems except for multi-family parcels identified in certified Housing Elements.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy CD-4.6 Water Conservation. Water should be conserved, both to decrease use of a scarce resource and to reduce the consumption of energy for water distribution.

Consistent. The project would continue to employ existing water conservation practices at the site (e.g., limiting irrigation). Therefore, the project would be consistent with this policy.

2007 CWP:

WR-3.1 Conserve Water and Develop New Sustainable Sources. Reduce the waste of potable water through efficient technologies, conservation efforts, and design and management practices, and by better matching the source and quality of water to the user's needs.

WR-3.2 Mitigate Water Demand in New Development. Assess and mitigate the impacts of new development on potable water supplies and water available for wildlife.

WR-3.a Support Water Conservation Efforts. Support the efforts of a variety of interested individuals and groups countywide in improving water conservation techniques and applying them to existing and new development, household and commercial practices, and agricultural operations (see policies and programs under Goals AG-1 in the Agriculture and Food Section of this Element and PFS-2 in the Public Facilities and Services Section of the Built Environment Element).

PFS-2.1 Conserve Water and Utilize Sustainable Sources. Promote conservation to increase the responsible use and reliability of water supplies. Reduce the waste of potable water through efficient technologies, design, and management practices, and through better matching of the source and quality of water to the user's needs.

PFS-2.3 Manage Water Resources Sustainably. Manage water resources to ensure equitable amounts of clean water for all users, to support wildlife habitat, and to preserve natural resources within the sustainable limits of water supplies. (See also the Natural Systems and Agriculture Element, Water Resources Section.)

PFS-2.b Minimize the Demand for Water in New Development. Encourage everyone, such as service providers and service districts, to incorporate water, wastewater, and stormwater infrastructures on a least-cost basis, factoring in relevant environmental, economic, and social costs. Consider water-based services that reduce demand and draw on alternative supplies to be equivalent to new supplies. Water-based services include the application of state-of-the-art technology and practices; matching water quality to its end use; and financing local wastewater reuse in the same manner in which centralized water supply options are financed.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy T-1.3 Fair Share For Transportation System Improvements. New development should pay a fair share of the costs for providing local and regional transportation system improvements necessary to serve new development.

Consistent. The project includes improvements along Dillon Beach Road and Cliff Street. The costs associated with these improvements are the responsibility of the project sponsor. Therefore, the project would be consistent with this policy.

2007 CWP:

TR-1.4 Share the Costs for Improvements. Require new development to pay or otherwise improve its fair share of the transportation system impacts.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy N-1.1 Use Noise Level Guidelines-New Development. The County shall use noise level guidelines contained in this [Noise] element to direct the siting, design, and insulation of new commercial and residential development.

Consistent. Section 4.10, “Noise,” evaluates noise impacts of the project in accordance with the Marin Countywide Plan Noise Element guidelines. The noise analysis evaluates the effects of noise on the two new residences in relation to the 60 dba L_{dn} “normally acceptable” exterior noise standard for those uses. Therefore, the project would be consistent with this policy.

2007 CWP:

NO-1.1 Limit Noise from New Development. Direct the siting, design, and insulation of new development to ensure that acceptable noise levels are not exceeded.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy N-2.1 Use Noise Level Guidelines-Existing Development. The County shall use noise level guidelines contained in this (Noise) element to protect existing land uses from noise generated by new development.

Consistent. Section 4.10, “Noise,” evaluates noise impacts of the project in accordance with the Marin Countywide Plan Noise Element guidelines. The project would not result in a substantial increase in onsite noise levels such that it would adversely affect existing uses on the project site. The project would be consistent with this policy.

Policy N-2.4 Minimize Impacts From Excessive Noise Levels Because of Construction Activity. During all phases of construction, measures should be taken to minimize the exposure of neighboring properties to excessive noise levels from construction-related activity.

Consistent. Construction activities associated with the project would generate noise in excess of County exterior noise thresholds related to existing nearby residents. The project would limit construction to specific times of particular days, and to certain days, which are measures consistent with Marin Countywide Plan programs. While these mitigation measures cannot avoid or completely mitigate the noise levels to the 60 dBA L_{dn} exterior noise standard, the project does incorporate timing limitations to minimize the effects of construction noise to the extent feasible and would, therefore, be considered consistent with this policy.

2007 CWP:

NO-1.3 Regulate Noise Generating Activities. Require measures to minimize noise exposure to neighboring properties, open space, and wildlife habitat from construction-related activities, yard maintenance equipment, and other noise sources, such as amplified music.

NO-1.i Regulate Noise Sources. Sections 6.70.030(5) and 6.70.040 of the Marin County Code establish allowable hours of operation for construction-related activities. As a condition of permit approval for projects generating significant construction noise impacts during the construction phase, construction management for any project shall develop a construction noise reduction plan and designate a disturbance coordinator at the construction site to implement the provisions of the plan.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EH-3.1 Location of Future Development. New development shall be sited in a manner which avoids or minimizes the potential of hazards from earthquake, erosion, landslides, floods and fire. Development should be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.

Consistent. As discussed in Section 4.6, “Geology and Soils,” potential impacts associated with earthquakes, erosion, and/or landslides would be reduced to less-than significant levels with implementation of Mitigation Measures 4.6-1, 4.6-2, 4.6-3, 4.6-5, and 4.6-10. As concluded in Section 4.5, “Hydrology and Water Quality,” Mitigation Measure 4.5-2 would reduce flood hazard impacts to less-than-significant levels. Section 4.15, “Police

and Fire,” analyzes fire and other safety issues and concludes that less-than significant impacts would result from the project. Based on conclusions in this Draft EIR concerning environmental hazards, the project would be consistent with this policy.

2007 CWP:

See all references to Environmental Hazards Section, and

- EH-2.1 Avoid Hazard Areas.** Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.
- EH-4.1 Limit Risks to Structures.** Ensure that adequate fire protection is provided in new development and when modifications are made to existing structures.
- CD-1.3 Reduce Potential Impacts.** Calculate potential residential densities and commercial floor area ratio (FAR) at the low end of the applicable range on sites with sensitive habitat or within the Ridge and Upland Greenbelt, or properties lacking public water or sewer systems except for multi-family parcels identified in certified Housing Elements

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EH-3.2 New Development Approval. New development will be approved in identified geologic hazard areas only if the hazards can be reduced to acceptable levels through mitigation measures which are appropriate to the site, and consistent with other policies in the Countywide Plan.

Consistent. As discussed in Section 4.6, “Geology and Soils,” potential impacts associated with earthquakes, erosion, and/or landslides would be reduced to less-than significant levels with implementation of Mitigation Measures 4.6-1, 4.6-2, 4.6-3, 4.6-5, and 4.6-10. The project would be consistent with this policy.

See above

Policy EH-4.2 Location of Structures. No public or private structure built for human occupancy, or with the potential to imperil structures built for human occupancy, shall be permitted to be placed across the trace of a confined active fault. This policy shall not be interpreted as being more restrictive of single-family residential construction than the Alquist-Priolo Act. It is assumed that the area within fifty (50) feet of an active fault is underlain by active branches of that fault unless and until proven otherwise by an appropriate geologic investigation.

Consistent. As discussed in Section 4.6, “Geology and Soils,” the proposed boathouse would be relocated onsite and would setback at least 50 feet from the active San Andreas Fault trace. And at a minimum, would be designed and constructed to the seismic design requirements for ground shaking specified in the UBC for Seismic Zone 4 and the secondary deformation zone and as required through implementation of Mitigation Measure 4.6-3. The project would be consistent with this policy.

2007 CWP:

- EH-2.1 Avoid Hazard Areas.** Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.
- EH-2.2 Comply with the Alquist-Priolo Act.** Continue to implement and enforce the Alquist-Priolo Earthquake Fault Zoning Act.

EH-2.c *Prohibit Structures in Active Fault Traces.* Prohibit placement of specified types of structures intended for human occupancy within 50 feet of an active fault trace in compliance with the Alquist-Priolo Earthquake Fault Zoning Act.

EH-2.d *Limit Building Sites in Alquist-Priolo Zones.* Prohibit new building sites in any Alquist-Priolo Earthquake Fault Zone, unless a geotechnical report prepared by a professional geologist establishes that the development will comply with all applicable State and County earthquake standards and regulations.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EH-5.1 Mitigation of Risk. Construction of all new habitable structures, including those for residential, commercial, industrial use, shall employ engineering measures which mitigate against life safety risks from ground shaking. At minimum, new structures shall meet standards specified in Title 19, Marin County Code.

Consistent. Site-specific mitigation measures are provided in Section 4.6, “Geology and Soils,” to mitigate the effects of groundshaking. These measures include the use of seismic design criteria, construction techniques to resist lateral forces, and use of UBC and Marin County Procedures and engineering techniques. The project would be consistent with this policy.

2007 CWP:

EH-2.3 Ensure Seismic Safety of New Structures. Design and construct all new buildings to be earthquake resistant. The minimum level of design necessary would be in accordance with seismic provisions and criteria contained in the most recent version of the State and County Codes. Construction would require effective oversight and enforcement to ensure adherence to the earthquake design criteria.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EH-6.1 Evaluate Projects in Stability Zones 3 or 4. Before consideration of site design or use, the Department of Public Works shall evaluate projects proposed in zones 3 or 4 (see EH.II.B.1) in stability and landslide potential according to the California Division of Mines and Geology Classification 9. Project proposals shall be accompanied by a report prepared by a civil engineer with soils engineering expertise or a soils certified engineering geologist. The soils evaluation should address the structural foundation engineering of the actual site, the impact of the project on adjacent lands, and impacts of offsite conditions on the site. Project applicants may need to consult with a soils engineer to determine whether their parcel falls within Stability Zones 3 or 4.

Consistent. As discussed in Section 4.6, “Geology and Soils,” the potential for slope instability on the project site is very low and restricted to shallow failures of steep slopes of the sand dunes. The reconstructed boathouse, new owner’s residence, and new employee mobile home would not be subject to landslides. Minor slope failures could place strains on the proposed septic and leachfield system (wastewater treatment facility).

However, the system would be designed with flexible components and at sufficient depth to mitigate strain induced from these minor slope movements. The geotechnical report prepared for the project would be submitted to the County Department of Public Works for review and approval.

2007 CWP:

EH-2.f *Avoid Known Landslides Areas.* Continue to prohibit development in landslide areas and on landslide-prone deposits on steep slopes, except where the required geotechnical report indicates that appropriate mitigation measures can stabilize the site for construction.

EH-2.g *Identify Compressible Soil Potential.* Require that geotechnical reports for projects on land underlain by compressible materials (such as fill, bay mud, and marsh or slough areas) delineate locations where settlement will be greatest and subsidence may occur, and recommend site preparation and construction techniques necessary to reduce risk and public liability to an acceptable level.

EH-2.p *Implement Stability Report Ordinances.* Continue to implement ordinances requiring a Stability Report for new construction in areas specified on County slope stability maps, assessment of storm-related landslide damage, and limits to slope steepness. In addition, continue to implement ordinances requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic/Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with landsliding.

EH-2.q *Implement Subsidence Evaluation Guidelines.* Continue to implement ordinances that provide guidelines for subsidence evaluations of land that is or could be prone to subsidence. Require geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic/Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with subsidence and settlement.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy EH-8.2 Construction. Improvements should be designed to withstand impact from a tsunami and the debris it will carry. Structural features which could become dislodged or detached (docks, decking, floats, vessels) should be situated where they do not have the potential of becoming potential implements of destruction.

Consistent. As discussed in Section 4.5, “Hydrology and Water Quality,” Mitigation Measure 4.5-2 would require that all facilities constructed in areas subject to minimal flooding be designed and constructed to withstand the effects of floods. Therefore, the project would be consistent with this policy.

2007 CWP:

EH-2.4 Protect Coastal Areas from Tsunamis. When inundation maps become available, address tsunami wave run-up and inundation when reviewing proposed development along coastal areas of Marin County.

EH-2.k *Address Tsunami Potential.* Review tsunami wave run-up and inundation maps, when available, along with other applicable information to be considered in coastal planning and development.

EH-3.a *Regulate Development in Flood and Inundation Areas.* Continue to require all improvements in Bayfront, Floodplain, Tidelands, and Coastal High Hazard Zones to be designed to be more resistant to damage from flooding, tsunamis, seiches, and related water-borne debris, and to be located so that buildings and features such as docks, decking, floats, and vessels would be more resistant to damage.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy A-1.1 Preservation of Agricultural Lands. Agricultural lands shall be preserved by maintaining agricultural parcels in sizes large enough to sustain agricultural production, avoiding conversion of agricultural land to non-agricultural uses, discouraging uses which are not compatible with long term agricultural productivity, and encouraging programs that assist agricultural productivity of their land and marketing their products.

Consistent. The project would continue existing agricultural activities on the site including ranching and grazing. The project would also consolidate numerous parcels in the main meadow area of the project site into one parcel

to reduce the potential for these parcels being developed in the future. Therefore, the project would be consistent with this policy.

2007 CWP:

GOAL AG-1 Preservation of Agricultural Lands and Resources. Protect agricultural land by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy A-1.4 Development in Agricultural Areas. Any subdivision and/or nonagricultural development allowed on agricultural lands shall be consistent with objectives and criteria which promote the long term agricultural uses and productivity of the specific parcel being proposed for subdivision and/or development of agricultural lands occurs. If subdivision and/or development of agricultural lands occurs, the County shall require clustering or grouping together of allowable dwelling units on relatively small parcels comprising not more than 5% of the total area of the parcel(s) being subdivided. Conversely, 95% of the total area of the parcel(s) being subdivided shall be preserved for agriculture and open space. These clustering provisions may be modified if the County can make findings that the long term agricultural use and productivity of a specific parcel can be enhanced through an alternative form of subdivision or development.

Consistent. The project would construct a new residence that would be occupied by the property owner. The residence would be located near the existing agricultural compound in the northern portion of the project site and would serve existing agricultural activities.

Therefore, the project would be consistent with this policy.

2007 CWP:

AG-1.1 Limit Residential Use. Maintain agricultural production as the principal use on agricultural lands by limiting residential development to that which is reasonably related to agriculture.

AG-1.6 Limit Non-Agricultural Development. Limit non-agricultural development in the Agricultural Production Zone to allowed residential and accessory uses ancillary to and compatible with agricultural production. Require dwellings and other non-agricultural development to be limited in size and grouped together in building envelopes covering no more than 5% of the property or as determined through a site-specific analysis of agricultural and environmental constraints and resources, with the remainder preserved for agricultural production. Residential and non-agricultural development on very large parcels may be limited to less than 5% of the land area.

AG-1.a Residential Building Sizes in Agricultural Areas. The size of residential structures has been or will be dealt with in community plans or specific plans. Since most agricultural areas are located outside of community plan boundaries and no specific plans are anticipated in agricultural areas, standards concerning residential building sizes are covered in this program. The primary purpose of this program is to ensure that lands designated for agricultural use do not become de facto converted to residential use, thereby losing the long-term productivity of such lands. It is also a purpose of this program to enable the intergenerational transfer of agricultural lands within farm families so that the long-term productivity of such lands is maintained.

- a. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.

- b. Agricultural worker housing, up to 540 square of garage space for each dwelling unit, agricultural accessory structures and up to 500 square feet of office space used as a home occupation in connection with the agricultural operation on the property shall be excluded from this policy.
- c. Any proposed residential development above 4,000 square feet shall be subject to design review and must ensure that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies (see DES-4.e) and avoid tree-cutting and grading wherever possible.

Such proposed residential development is also subject to discretionary review. The County shall exercise its discretion in light of some or all of the following criteria and for the purpose of ensuring that the parcel does not de facto convert to residential use:

- 1. The applicant’s history of production agriculture.
 - 2. How the long term agricultural use of the property will be preserved – for example, whether there is an existing or proposed dedication or sale of permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone.
 - 3. Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established.
 - 4. Whether sound land stewardship practices, such as organic certification, riparian habitat restoration, water recharge projects, fish-friendly farming practices, or erosion control measures, have been or will be implemented.
 - 5. Whether the proposed residence will facilitate the ongoing viability of agriculture such as through the intergenerational transfer of existing agricultural operations.
- d. In no event shall a single-family residence subject to these provisions exceed 7,000 square feet in size.

The square footage limitations noted in the above criteria represent potential maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy A-1.10 Non-Agricultural Land Uses. Non-agricultural land uses on agricultural lands should be compatible with agricultural land uses and with the rural character of the Inland Rural and Coastal Recreation corridors and enhance the economic viability of agricultural operations.

Consistent. The project would construct a new residence to be occupied by the property owner. The residence would be located near the existing agricultural compound in the northern portion of the project site and would serve existing agricultural activities. Further, no changes to existing agricultural operations on the project site would occur. Therefore, the project would be consistent with this policy.

2007 CWP:

AG-1.3 Preserve Agricultural Zoning. Maintain very low density agricultural zoning in the Inland Rural and Coastal corridors to support land-extensive agricultural production and discourage conversion to non-agricultural uses.

AG-1.7 Limit Ancillary Non-Agricultural Land Uses. Require non-agricultural land uses on agricultural lands to be ancillary to and compatible with agricultural land uses, agricultural production, and the rural character of the area, and to enhance the economic viability of agricultural operations.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy CF-2.1 Rural Land. The County will maintain the rural character of lands located in the Coastal Recreation Corridor and the Inland Rural Corridor, consistent with the applicable objectives, policies, and programs in the Environmental Quality Element, the Community Development Element, and the Agricultural Element.

Consistent. The project would continue agricultural and recreational activities on the site and would not adversely affect the existing rural character of the project site.

2007 CWP:

DES-1.2 Protect Rural Character. Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape.

GOAL CD-1 Environmental Corridor Land Use Framework. Establish, maintain, and continue to improve a broad land use management framework using the County's environmental corridors as a basis for local policies and regulation, and to maintain the character of each of the corridors.

CD-1.1 Direct Land Uses to Appropriate Areas. Concentrate urban development in the City-Centered Corridor, where infrastructure and facilities can be made available most efficiently. Protect sensitive lands in the Baylands Corridor. Emphasize agricultural uses in the Inland Rural Corridor, along with preservation of resources, habitat, and existing communities. Focus on open space, recreational, and agricultural land uses, as well as preservation of existing communities, in the Coastal Corridor.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy CF-5.2 Cost of Facilities. New development shall pay the cost of the infrastructure it requires and the public services it receives.

Consistent. The project would not require expansion of existing public facilities, services, or infrastructure. As discussed in Section 4.8, "Transportation and Circulation," proposed roadway improvements would be financed by the project sponsor. Therefore, the project would be consistent with this policy.

2007 CWP:

PFS-1.1 Require Cost-Sharing. Require new development to pay for the infrastructure it requires and the public services it receives.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.

Policy TR-3.1 Trails Location. Locate trails away from sensitive habitat areas such as wetlands and areas where endangered species may be adversely affected.

Consistent. The project would formalize pedestrian pathways in the western foredunes. These pathways would be sited and staged to avoid sensitive environmental resources. Therefore, the project would be consistent with this policy.

2007 CWP:

TRL-2.1 Preserve the Environment. In locating and designing trails, protect sensitive habitat and natural resources by avoiding those areas.

TRL-2.a Locate Trails to Protect Habitat. Align or relocate trails to avoid impacting sensitive habitats such as wetlands and areas where endangered species are present. Avoid aligning trails along the boundaries of sensitive habitats.

TRL-2.b Design, Build, and Manage Trails in a Sustainable Manner. Incorporate design measures that protect vegetation, protect habitats, and minimize erosion. Suggested measures include the following:

- ◆ Limit grading and vegetation removal.
- ◆ Discourage people and pets from entering sensitive habitats or disturbing wildlife through education, signage, enforcement, and, as a last resort, fencing.
- ◆ Provide vegetative buffers between trails and wetlands or other sensitive habitats.
- ◆ Consider using existing roads or trails rather than building new ones when possible.

Temporarily close trails when necessary to minimize erosion or resource impacts, or to prevent threats of disease to livestock.

TRL-2.2 Respect the Rights of Private Landowners. Design and manage trails to avoid trespass and trail construction impacts on adjacent private land.

Consistent. No change in the previous conclusion made in the Draft EIR as indicated above.