



October 2, 2012

Marin County Board of Supervisors  
Via email: BOS@marincounty.org

Dear Supervisors:

The Environmental Action Committee of West Marin (EAC) has been intimately involved in the Marin Local Coastal Program amendment process since it began in late 2008. EAC has attended every workshop, public meeting, and all public hearings at the Planning Commission in 2011 and 2012. We are invested and committed to ensuring that a strong, balanced, and fair Amendment results from this multi-year process.

EAC would like to thank the County staff for their tireless work. In the past 15 months, they have produced over 4,000 pages of planning and code documentation, amendments, errata and other explanatory documents. We greatly appreciate their dedication and very hard work!

EAC strongly believes that the proposed LCP amendments must be measured against the existing Certified LCP, not the Countywide Plan or any other document except the Coastal Act. The Marin Planning Commission's approved draft would, in some cases, weaken coastal resources protections. Even with staff proposed amendments, changes are still needed.

EAC has approached the following comments in a spirit of compromise. We have provided text additions to the main issues raised by staff and offer language that we think would be acceptable to the Coastal Commission. Our goal is to allow family farmers to continue to thrive while providing the maximum protections for our sensitive environmental resources. To that end, EAC supports provisions that allow traditional agricultural families to continue operations while balancing requirements that discourage subdivision, impacts to environmentally sensitive habitat areas (ESHAs), and scattered development patterns.

Thank you for your consideration of our concerns.

Amy Trainer  
Executive Director

Bridger Mitchell  
President, EAC Board of Directors

Topic: **Grading permit requirements**

Staff Item: Attach. #2, I, pages 2-3

Concern: Threshold for when a grading permit is required [150 cubic yards] is too high [equivalent to approximately 15 dump truck loads].

Discussion: Recent certified LCPs have included Coastal Development Permit (CDP) requirement for 20 cubic yard or more of earthen material. Unless some kind of county permit is required, 15 dump truck loads can be excavated, filled, or moved without requirement of mitigation measures for water quality.

**Recommendation:** Add language to the LCPA that creates an expedited CDP process for grading that involves 20 cubic yards or greater of earthen material:

“Grading” within the coastal zone means any excavation, stripping, cutting, filling, stock-piling, or any combination thereof **which alters twenty (20) cubic yards or more** of land or vegetation. **Where such grading is not part of a CDP involving other development, a CDP shall be required. This CDP will require that the permit recipient implement and carry out best management practices to protect stream, creek, and bay water quality.**

Topic: **PPU (Principal Permitted Use)**

Staff Item: Attach #1 (p. 3), #2 (p. 9) - Issue II

Concern: Coastal Commission requires that residential use on agricultural parcel be appealable

Discussion:

1. LCPA identifies intergenerational houses as PPU, and consequently not subject to appeal to the Coastal Commission.
2. Coastal Commission has consistently held that the Coastal Act requires that residential uses on agricultural parcels are appealable:
  - In two appeals of Marin County coastal permits the staff found that residential development is not a principal permitted use in the agricultural production zone.<sup>1</sup>
  - For Mendocino County's LCP amendments the Commission found that only forest production uses are the principally permitted use in the timberland production district and rejected that county's inclusion of residential uses for purposes of appeal.<sup>2</sup>

Recommendation: **Revise the draft LCP Amendments to designate agricultural production as the one Principal Permitted Use on C-APZ parcels.**

**C-AG-2**

**... the principal permitted use shall be ...**

**6. accessory structures or uses ... ~~one intergenerational home,~~ ...**

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<sup>1</sup> Hansen-Brubaker (2/14/03), Brader-Magee (9/2/10).

<sup>2</sup> Mendocino County LCP Amendment No. MEN-MAJ-1-08 (4/28/11).

Requirement of a Single PPU  
Three Excerpts from Coastal Commission documents

**Coastal Commission appeals** under the Marin LCP where Coastal Commission staff report said residence is not the PPU in C-APZ.

**1. Coastal Commission staff report<sup>3</sup> on Hansen-Brubaker appeal (2/14/03):**

4.0 Appeal Process

4.3 Appeals under the Coastal Act

...

Under Coastal Act Section 30603 only one use can be the designated “principally permitted use” for purposes of appeal. Since Zoning Code Section 22.57.032 allows for the designation of more than one principally permitted use, the approved residential development cannot be considered as the principally permitted use of the agriculturally zoned site. Moreover, even if residential development may be considered a principally permitted use if it is the subject of an approved master plan, no master plan was prepared for the approved development. Thus, the approved residential development cannot here be considered a principally permitted use. Therefore, the approved development is appealable under Section 30603(a)(4) of the Coastal Act.

**2. Coastal Commission staff report<sup>4</sup> on Brader-Magee appeal (9/2/10):**

“Pursuant to Coastal Act Section 30603(a)(4), this approval is appealable to the Commission because the approved project involves development approved by a coastal county (i.e., the proposed single family residence) that is not designated as the principal permitted use in the Coastal, Agricultural Production Zone (C-APZ-60) in the certified zoning ordinance.”

The Commission did not adopt its staff’s recommendation that the appeal itself did not present a substantial issue. Rather, nine commissioners voted to find substantial issue; the substantive appeal hearing has not been scheduled.

**3. Certified Mendocino County LCP Amendment**

Coastal Commission staff report<sup>5</sup> (4/28/11)

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<sup>3</sup> Hansen-Brubaker, Th-9a, Appeal No. A-2-MAR-02-024, page 6.

<sup>4</sup> Brader-Magee, W10a, 9/2/10, Appeal No. A-2-MAR-10-022, page 2.

<sup>5</sup> Mendocino County LCP Amendment No. MEN-MAJ-1-08  
Th6a, 4/28/11

“ ...

The Commission found that the zoning district standards of the County’s IP do not clearly establish which of the identified uses allowed in the zoning districts would or would not be appealable to the Commission consistent with Section 30603(a) of the Coastal Act. Section 30603(a) directs, in applicable part, that “*After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments: ... (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map...*” (emphasis added). However, rather than designate one principally permitted use for purposes of appeal, the recognized permissible land uses within the zoning district standards of the County’s IP list numerous types of development and activities for the TP zoning district which are not functionally related to one another so as to be viewed as multiple examples of effectively one use type or group, such as a main use together with customarily accompanying accessory and ancillary uses (e.g., single family residence, attached or detached garage, fences, and storage sheds). Thus, to more clearly establish which of the identified uses would or would not be appealable to the Commission for the subject property, the Commission adopted Suggested Modification No. 1 as follows (text deletions and additions suggested by the Commission are formatted in ~~strikethrough~~ and bold double-underlined text ...

Sec. 20.364.010 Principal Permitted Uses for TP Districts.

The following use types are permitted in the Timberland Production District:

- (A) Coastal Residential Use Types.
  - Family Residential: Single-family;
  - Vacation Home Rental.
- (B) Coastal Agricultural Use Types.
  - Forest Production and Processing: Limited;
  - Tree Crops
- (C) Coastal Open Space Use Types.
  - Passive Recreation.

**For purposes of appeals to the California Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) for APNs 126-180-10 & 126-180-11 is “Coastal Agricultural Use Types: Forest Production and Processing: Limited.” Although this PPU is not appealable to the Coastal Commission pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code or Section 30603(a)(4) of the Coastal Act, development on APNs 126-180-10 & 126-180-11 may be appealed to the California Coastal Commission pursuant to other applicable provisions of Section 20.544 of the Coastal Zoning Code and Section 30603 of the Coastal Act. All development other than this PPU is appealable to the California Coastal Commission pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Code and Coastal Act 30603(a)(4), as well as any other applicable provisions of Section 20.544 of the Coastal Zoning Code and Section 30603 of the Coastal Act.**

”

Mendocino County adopted the modified LCP Amendment by ordinance March 22, 2011. The Coastal Commission then certified the LCP amendment 5/12/11.

Topic: **Intergenerational Housing – C-AG-5**

Staff Item: Attach. # 2, III, pages 11-15

Concern: This is a new use and opens up the potential construction of new residential homes in the agricultural protection zone.

Discussion: EAC supports intergenerational housing that will allow family farms to continue in West Marin. EAC supports this new residential use on C-APZ lands without a requirement to subdivide or dedicate a conservation easement.

However, EAC believes that because this is housing in the most productive and protected agricultural lands, it should be subject to full environmental review and appeal. In addition,

- the first IG house should be a permitted use, *not a PPU*.
- how will the county monitor/enforce a covenant that immediate family live in these houses when “immediate family” isn’t defined? |
- A restrictive covenant is needed to prevent IG housing from being subdivided from the farmhouse.

**Recommendation:** Include and add the following underlined language in the adopted LCPA:

**Section 22.32.024 – Agricultural Intergenerational Homes (Coastal)**

...

**A. Permitted use, zoning districts.** Up to two intergenerational homes in addition to the Farmhouse may be permitted in the C-APZ for members of the farm operator’s or owner’s immediate family. An equivalent density of 60 acres per unit shall be required for each home, including any existing homes (i.e., a minimum of 120 acres for a Farmhouse plus one intergenerational unit and a minimum of 180 acres for a Farmhouse plus two intergenerational homes). Intergenerational family farm homes shall not be subdivided from the primary agricultural legal lot.

...

**D. One Intergenerational Home:** One intergenerational home on a qualifying lot is a ~~principal~~-permitted use in the C-APZ.

**E. Second Intergenerational Home:** A second intergenerational home occupying a lot is a conditional use, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits). Intergenerational homes shall not be subject to the requirements for a Master Plan, Agricultural Production and Stewardship Plan, or permanent agricultural conservation easement.

### **Section 22.1302.030 – Definitions**

**F. Restrictive Covenant.** Intergenerational housing requires the preparation and dedication of a restrictive covenant running with the land for the benefit of the County ensuring that intergenerational housing will continuously be occupied by the owner or operator's immediate family. The covenant must include, at a minimum, the following:

1. A detailed description of the intergenerational home or homes.
2. Assurance that any change in use will be in conformance with applicable agricultural protection zoning, building and other ordinances and noting that all appropriate permits must be issued and completed prior to any change in use.
3. Assurance that the intergenerational housing will not be subdivided from the primary agricultural lot and farmhouse.

Topic: **Conservation Easements C-AG-7**

Staff item: Attach. # 2, IV, pages 16-20

Concern: Support retaining the dedication/sale of a conservation easement when property is subdivided.

Discussion: EAC supports the staff recommendation that no conservation easement should be required for up to two inter-generational houses, a farmhouse, or agricultural worker housing *provided that* the County makes it clear that residential development within the C-APZ zoning district is subject to appeal to the Coastal Commission.

Recommendation: Adopt staff's recommendation with respect to conservation easements if and only if a sentence is added to the Principal Permitted Use definition of "agriculture" that residential development [farmworker housing, 1<sup>st</sup> inter-generational housing, farmhouse] is subject to appeal.

Topic: **Development Proposal Requirements in ESHAs – C-BIO-2**

Staff Item: Attach. # 2, VI, pages 26-33

Concern: ESHA impacts are allowed if avoidance is not “feasible.”

Discussion: The language in C-BIO-2 raises many questions. ESHA impacts are allowed if elimination is not “feasible.” Mitigation measures must eliminate adverse impacts “when possible.” C-BIO-2.1 requires us to “protect ESHA against disruption of habitat values”, but in C-BIO-2.4 this is watered down to a statement that disruption of habitat values should be “avoided.”

Among the issues raised by this vague and contradictory language are:

- Is an alternative that is less environmentally damaging infeasible if it requires a smaller footprint or costs more than another project?
- If an effort is made not to disrupt habitat values, but disruption nonetheless occurs, has it been avoided?
- On what basis will it be determined that mitigation measures which would eliminate adverse environmental effects are not possible?

Recommendation:

BIO-2.4

- There is no ~~feasible~~ less environmentally damaging alternative
- Mitigation measures are provided that will eliminate adverse environmental effects ~~when possible or when elimination is not possible, will minimize and reduce adverse environmental effects to less than significant levels.~~
- There is no disruption of the habitat values. ~~is avoided.~~

Topic: **Terrestrial ESHA Buffers – C-BIO-3**

Staff Item: Attach. # 2, VII, pages 34-36

Concern: Need to establish minimum 50-foot buffer; current language is fuzzy

Discussion: The staff report states under C-BIO-3 that, “Generally, buffers for terrestrial ESHA shall be 50 feet” but that the buffer “may be adjusted by the County.”

Recommendation: Modify the quoted language above in C-BIO-3 to read:

C-BIO-3

3. Establish buffers for terrestrial ESHA to provide separation from development impacts. Maintain such buffers in a natural condition, allowing only those uses that will not ~~significantly~~ disrupt the habitat. ~~Generally~~ Buffers for terrestrial ESHA shall be a minimum of 50 feet, a distance that may be increased by the County as appropriate to protect the habitat value of the resource.

Topic: **Wetlands** – C-BIO-20

Staff Item: Attach. # 2, VIII, pages 37-39; LCPA LUP page 27

Concern: Row crops and development should not encroach into wetlands and wetlands buffers. Ditches that drain wetlands should be regulated.

Discussion: EAC is willing to compromise that wetlands historically grazed prior to April, 1981 will continue to be allowed to be grazed. However, staff also proposes to allow exceptions for agriculture that exclude the “narrow drainage ditches” – presumably that are draining wetlands - from regulation. The county must first clarify that these ditches are not in fact draining wetlands that should and would otherwise be regulated by the Coastal Act.

We do not object to an adjustment of wetland buffers to a minimum of 50 feet in the case of certain artificial wetlands such as urban drains, detention ponds, flood control facilities, or for certain uses allowed by the Coastal Act.

Recommendation:

Do not consider “feasibility” relating to maintenance of 100-foot buffers.

Do maintain current 100-foot buffer standard, which could be greater based on a biological site assessment.

Topic: **Streams and Stream Buffer Exceptions – C-BIO-24 and 25**

Staff Item: Attach 2, IX, pages 40-41

Concern: Adjustments to the Stream Buffer should be allowed only in certain, clearly identified circumstances, not broadened out as is proposed. Language in the existing LCP has been weakened by relaxing the standards for exemptions to buffer standards and expanding causes for exceptions.

The new minimum buffer size is set at “50 feet from the top of the stream bank,” which allows incursion into riparian vegetation, which is ESHA.

Discussion:

We agree with the proposal to establish a minimum buffer size for certain clearly identified uses: for access and utility crossings, when a lot is located entirely within the stream buffer, and for necessary water supply and flood control projects.

In addition, C-BIO-25.2 provides a broad exception for any case in which development outside a stream buffer would be more environmentally damaging than development within the buffer.

**However C-BIO-25.1 goes too far in allowing adjustments** in any case where a consultant can argue that it is justified. *It is a catch-all clause that will encourage virtually every applicant to claim that a smaller buffer is appropriate.* This is a recipe for gridlock in the Planning Department as staffers try to sort through competing scientific claims. C-BIO-25.1 should be eliminated.

The proposed LCPA (BIO-25.4) would allow exemptions to stream buffer standards whenever a parcel “is located substantially within a stream buffer.” In the current LCP and Coastal Development Code, this exemption applies only “when a parcel is located entirely within a stream buffer area.”

The current LCP allows an exemption from stream buffer standards in cases where “development outside a stream buffer would be more environmentally damaging than development within the buffer.” But the proposed LCPA would also allow exemptions for cases in which development outside a stream buffer is “infeasible.”

The use of the word **infeasible concerns us because it is vague and undefined**. Does a higher cost to build outside the stream buffer make a project “infeasible”? Would a project be “infeasible” if building outside the stream buffers meant the footprint would have to be reduced? What evidence will be required to demonstrate infeasibility?

A buffer limit of 50-foot from the top of the stream bank fails to account for riparian vegetation. **The minimum buffer for streams should be 50 feet from all ESHA**, as it is for wetlands and terrestrial ESHA.

**Recommendation:** Adopt more narrowly tailored language that includes an absolute minimum buffer standard:

**~~BIO-25.1 The County has determined that the applicant has demonstrated that a 100/50 foot stream buffer is unnecessary to protect the resource because any significant disruption of the habitat value of the resource is avoided by the project and specific proposed protective measures are incorporated into the project.~~**

**A stream buffer may be adjusted to a distance of not less than 50 feet from all ESHA ~~from the top of the stream bank~~ if such a reduction is supported by the findings of a site assessment which demonstrates that the adjusted buffer, in combination with incorporated siting and design measures will prevent impacts which would significantly degrade those areas, and will be compatible with the continuance of those habitat areas.”**

**BIO-25.2 “Where a finding based upon factual evidence is made that development outside a stream buffer area ~~either is infeasible or~~ would be more environmentally damaging...”**

**BIO-25.4--Return to existing language: “When a legal lot of record is located entirely ~~substantially~~ within a stream buffer area...”**

Topic: ESHA Buffer Adjustments – C-BIO-20

Staff Item: Attach. 2, X, pages 45-49

Concern: Language goes to far to reduce wetlands buffers.

Discussion: **C-BIO-20.1 is too broad and invites widespread exemptions to wetland buffers.** It should be eliminated as is and revised.

**Recommendation:**

**C-BIO-20.1**

~~The County determined that the applicant has demonstrated that a 100-foot buffer is unnecessary to protect the resource because any significant disruption of the habitat values of the resource is avoided by the project and specific proposed protective measures are incorporated into the project.~~

Where a finding based upon factual biological evidence is made the development outside a wetland buffer would be more environmentally damaging to the wetland resources than development within the wetland buffer, limited development of principal permitted uses may occur with such area subject to appropriate mitigation measures to protect water quality and habitat values. An adjustment to the wetland buffer may be granted only where A wetland buffer may be adjusted to a distance of not less than 50 feet if

a. There is no feasible less environmentally damaging alternative:

...

Topic: **Clustering** – C-AG-2

Staff Item: Attach. # 4, II, pages 5-9

Concern: - Requirement to cluster is loosened from current LCP.  
- Assessment of clustering should occur with first proposed development as proposed under Constraints Map and Ranch Plan For Development below.

Discussion: The existing LCP requires that “all development shall be clustered to retain the maximum amount of land in agricultural production or available for agricultural use. Development, including all land converted from agricultural use such as roads and residential support facilities, shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage to be left in agricultural production and/or open space.”

**The proposed LCPA loosens this requirement by allowing development on agricultural lands to be clustered “in one or more groups, to the extent feasible.” Unless this language is supported by a requirement for the applicant to submit a Constraints Map or a Ranch Plan For Development then it is an unguided and unacceptable standard.**

Recommendation:

See Master Plan topic discussion below with specific proposed new language.

Adopt:

1. The requirement for a Ranch Plan For Development for all new development proposed in C-APZ zone.
2. The requirement for a Constraints Map for all new development in other coastal zoning districts.

Topic: **Master Plan -> Coastal Development Permit C-AG-7**

Staff Item: Attach. #3 (p. 6), #4 (pp.14-17) - Issue IV

Concern: Coastal Permit should effectively replace Master Plan on agricultural parcels.

Discussion: A *master plan* encompasses the entire property, including multiple parcels, and makes conceptual plans for all significant future development. It identifies ESHAs and necessary buffers, establishes building envelopes, and provides conceptual direction for roads, utilities, and other development that will be further refined in individual permit applications.

A *coastal permit* generally address one building and its associated developments (road, utilities, landscaping, etc.). Under the LCPA, the first coastal permit on a C-APZ parcel might approve a farmhouse and ancillary structures; at a later date, the owner could apply for a second coastal permit for an intergenerational house.

The planning staff has recommended two important changes in the draft LCPA that ensure that (a) the area covered by a coastal permit includes contiguous properties under the same ownership, and (b) in instances when a master plan is issued it will be consistent with any coastal plan requirements.

**In order to include all of the current master plan standards and conditions *three additional changes are needed in the LCPA:***

- (1) Include corporate, as well as private, ownership in the standard for “same ownership” of agricultural parcels.
- (2) Require submission of Constraint Map/Ranch Plan for Development necessary to obtain a comprehensive view of the coastal resources in the entire C-APZ parcel or parcels under an owner’s control. (Submission of a Constraints Map is currently discretionary).
- (3) Require a finding that ensures that all C-APZ structures that could potentially be developed are included in the Constraints Map and are sited to protect coastal resources.

**EAC-RECOMMEND ALTERNATIVE LANGUAGE** (with staff-recommended changes shown in underlined text and EAC-recommended additional changes in double-underlined text):

**22.44.030 – Application Filing, Processing, and Review**

...

B. Project review procedure. Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter and with the Countywide Plan and Community or Specific Plans. Where a Coastal Permit is also issued for the project, the standards and conditions of the Master Plan shall be consistent with the requirements of the Coastal Permit in accordance with Section 22.60.020.

**22.60.020 – Applicability**

The requirements of this Article apply to all proposed development and new land uses within the Coastal Zone. These requirements apply in addition to all other applicable provisions of this Development Code. In the event of any perceived conflict between the requirements of this Article and any other provisions of this Development Code, this Article shall control.

**22.70.030 – Coastal Permit Filing, Initial Processing**

**A. Application and filing.**

...

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program. A comprehensive Constraints Map shall be required for any proposed development in any ESHA or ESHA buffer, in any area subject to or contributing to environmental hazards, or any development that would obstruct significant views. The Constraints Map shall identify locations that would avoid coastal resources, and would be consistent with the policies and standards of the LCP and §22.70.070. For all development proposals in the C-APZ district a Ranch Plan for Development shall be required, which includes components of the Constraints Map as well as the requirements of §22.70.070.N.

2. Documentation of the applicant's legal interest in all the property upon which work is proposed to be performed. The area of the subject Coastal Permit and Constraints Map shall include at least all contiguous properties held under common private and/or corporate ownership, and may at the Agency's direction include properties held under multiple ownerships.

...

**22.70.070 – Required Findings**

The applicable review authority shall approve a Coastal Permit only when it first makes the findings below in addition to any findings required by this Article. Findings of fact

establishing that the project conforms to the requirements and objectives of the Marin County Local Coastal Program shall be made as enumerated below. The findings shall reference applicable policies of the Marin County Local Coastal Program where necessary or appropriate.

....

N. In the C-APZ district all development proposals shall prepare a Ranch Plan For Development that identifies and includes the requirements of the Constraints Map of section 22.70.030 and identifies all significant structures that could eventually be permitted on the owner's parcels in the C-APZ. No building shall be constructed, maintained or used other than for the purpose specified on the Constraints Map and plans as approved. The County will pay for the cost to prepare the Ranch Plan For Development, which shall be kept on file to inform future development proposals for the property.

#### **22.130.030 Definitions.**

**Constraints Map.** A map or equivalent exhibit depicting ESHAs, ESHA buffers, building envelopes for structures, natural resources and views, and conceptual directions for roads, utilities and other development.

**Ranch Plan For Development.** A Constraints Map that is based on a biological site screening and potentially a site assessment on C-APZ zoned lands that is prepared for and included with the Coastal Development Permit application and filing. The Ranch Plan will depict all potential and anticipated development, including a farmhouse, inter-generational housing, farmworker housing, all necessary utilities, roads and other infrastructure for such residential development, and agricultural accessory structures. The County pays the expense of preparing the Ranch Plan.

Topic: **Grazing In wetlands – C-BIO-14**

Staff Item: Attach. # 4, VI, pages 20-22

Discussion: EAC supports the statement of Marin Audubon Society on September 27, 2012 with respect to the ongoing practice of grazing in wetlands where it has existed prior to April, 1981.

Topic: **Background text/materials**

Staff Item: Attach. # 5, page 11

Concern: Staff proposes to delete significant amounts of substantive information that has already been certified by the LCP.

Discussion: EAC has repeatedly requested that a substantial amount of background information in the existing LCP be retained. The proposed introductory language in the Amendment is very high-level generalities, does not include any fact-based, specific information, and does not provide the context for many of the policies that the Certified LCP language does.

We recognize that it would be a daunting task for staff to update all of this information. However, this information has already been certified by the Coastal Commission, who has made clear to the staff that they will have to submit it or justify why it is omitted and relegated to the non-certified, non-submitted appendix.

Recommendation: We have provided the staff with a list of the specific information and provisions that should be retained and reincorporated into the proposed Amendment. Some of this material includes:

- Mention of the dependence of the Black Brant and Pacific herring upon eelgrass for food in Tomales Bay,
- Discussion of the resources and threats to Estero Americano and Estero de San Antonio,
- Discussion of the ecological role of riparian habitats, and
- Discussion of the importance of freshwater flows into Tomales Bay.