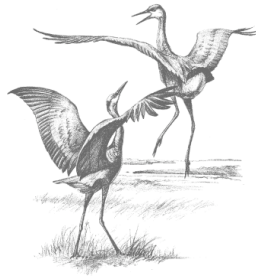


CALIFORNIA ENVIRONMENTAL LAW PROJECT
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October 23, 2000

Alex Hinds, Director
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
Fax: (415) 499-7880

Re: Lawson's Landing Master Plan, Coastal Permit,
And Tidelands Permit Initial Study

Dear Mr. Hinds:

The attached comments are being submitted on behalf of the Environmental Action Committee of West Marin, the Tomales Bay Association, the Sierra Club (Marin Chapter), Marin Conservation League, California Native Plant Society, Marin Audubon Society, and the Planning and Conservation League. They address issues relating to the Initial Study for the proposed Master Plan, Coastal Permit, and Tidelands Permit ("the Project") for Lawson's Landing.

On behalf of these groups, I wish to point out that there is a fundamental flaw in the Initial Study insofar as it fails to analyze the impacts associated with the County's proposed sanctioning of 233 recreational vehicle (RV) lots and 1,000 camp sites on Lawson's Landing, the construction and placement of which have not been studied as part of the Initial Study.

The County attempts to justify its decision not to evaluate the impacts associated with these recreational facilities on the basis that a Permit to Operate a mobile home park with 233 RV lots and 1,000 campsites that was approved by the California Department of Housing and Community Development in 1992. Specifically, the Initial Study states:

“Current authorized uses on the subject property are assumed to be part of the existing setting and are not considered in evaluating the potential environmental effects of the proposed Master Plan. Facilities, uses, and activities assumed in the existing setting include...some existing recreational facilities at the Landing including the uses authorized in the Landing’s current Permit to Operate from the California Department of Housing and Community Development. The current Permit to Operate, first issued in 1992, authorizes 233 recreational vehicle lots and 1,000 campsites at the Landing.”

Initial Study, p.1, (emphasis added). As will be discussed below, the fact that the Project Sponsor has a Permit to Operate does not vitiate the County’s requirement to perform an analysis of environmental impacts associated with the approval of a Master Plan which will legalize existing non-permitted uses at Lawson’s Landing. The Permit to Operate, given the circumstances under which it was approved, neither constitutes a land use authorization nor can it be construed to give rise to any claim of a “vested right” by the applicant.

Prior to the approval by the State Department of Housing and Community Development of a Permit to Operate, the Project Sponsor was required to submit evidence of compliance with all “local planning, health, utility and fire requirements.” Health & Safety Code §18501(e); Marin County Code §7.44.010, et seq. In order to meet this requirement, under Marin County’s local zoning regulations the Project Sponsor was required to seek approval of a Master Plan and Coastal Permit for the Project. *See* Initial Study, p. 4, para. (f). Approval of a Master Plan and Coastal Permit for the mobile home park at Lawson’s Landing requires the County’s consideration of environmental impacts associated with the Project. Pub. Res. Code §21000, et seq.; Pub. Res. Code §30000, et seq.

However, rather than first requiring the Project Sponsor to obtain approval of a Master Plan, Coastal Permit, and/or conditional use permit for the construction and authorization of a mobile home park at Lawson’s Landing, the County informed the Department of Housing and Community Development that it had “no objection” to the issuance of a Permit to Operate while applications for those approvals were still pending before the County. Specifically, in a letter dated December 7, 1992, to the Department of Housing and Community Development, the County stated:

“This letter is to advise you that the Marin County Planning Department has no objection at this time with [sic] the State Department of Housing and Community Development issuing a Permit to Operate for Lawson’s Landing prior to the resolution of all local land use issues and approval of all local permits. The application for the state Permit to Operate submitted by Carl Wm. Vogler et al.

concurs with the local Master Plan and Coastal Permit applications filed with the County of Marin for a travel trailer/mobile home park and campground requesting a maximum of 233 travel trailers, 1,000 overnight camping vehicles, and 1,000 day use vehicles.”

Whether or not it was appropriate for the Department of Housing and Community Development to issue the Permit to Operate in the absence of the required County approvals, it is clear that the state Permit to Operate does not constitute a land use authorization approving 233 travel trailers, 1000 overnight camping vehicles, and 1000 day use vehicles. The County has always retained and still has land use regulatory authority with regard to these uses, which, to date, have never been authorized by previous Master Plan or conditional use permit approval. The County cannot now rely upon the Department’s issuance of an operating permit as justification for it not having to perform the required environmental analysis of impacts associated with the Project.

The impacts of these additional campsites and RV lots must be considered in a public environmental document. The fact that the Department of Housing and Community Development has authorized the operation of a mobile home park with 1,000 campsites and 233 RV lots is irrelevant, as the impact of constructing and operating those campsites and RV lots have never been assessed by the County, nor have they been approved. Such impacts should therefore be evaluated in the Initial Study for the Master Plan and Coastal Development Permit for Lawson’s Landing.

On the basis of the foregoing, and on behalf of the foregoing organizations, I urge the County to prepare legally adequate environmental review under the California Environmental Quality Act by analyzing in an EIR or revised Initial Study the impacts associated with the construction and operation of the Project, including the environmental impacts of the recreational vehicles sites as well as the camping activities.

The Initial Study inadequately addresses the direct ecological threats of this development and institution of its proposed Master Plan, including effects of leachfields, appurtenant structures, roads and sand-mining on sand dunes, rare endangered species and wetland and marine habitat, as well as the other points and discrepancies outlined above. The organizations I represent believe it imperative to revisit the Initial Assessment and conduct a full environmental impact review.

Sincerely,

CALIFORNIA ENVIRONMENTAL LAW PROJECT

Laurens H. Silver

Comments of Environmental Action Committee of West Marin, the Tomales Bay Association, the Sierra Club (Marin Chapter), Marin Conservation League, California Native Plant Society, Marin Audubon Society, and the Planning and Conservation League

I. Introduction – Implementation of the Master Plan Will Threaten Marin’s Ecological Treasure

The Master Plan for Lawson’s Landing will have an immense impact on the future of one of Marin County’s greatest--and perhaps its least-known--ecological treasure, Tomales Dunes. This is the only dune system in the state that is wholly in private ownership. Most of this ecologically rich site is within the 980-acre property known as Lawson’s Landing, which has been in the Lawson family since the 1920s. Located at the mouth of Tomales Bay, this is the largest unprotected dune system in central California. Tomales Dunes is a complex of several distinct habitats: mature mobile dunes, central dune scrub, dune prairie, and dune wetlands. It is surrounded by and connected to a rich coastal environment that includes coastal prairie, coastal scrub, salt marsh, tidal flats, bay, and ocean. This extraordinary site, which includes a 230-foot high dune known as Little Sugarloaf, supports at least 17 rare, threatened, or endangered species.

Tomales Dunes is responsible for much of the unique character of Tomales Bay and the surrounding area. It provides a buffer to the prevailing westerly winds and modifies the tides, creating a relatively protected bay, one that is more complex, hospitable, and biologically diverse than a simple marine inlet. In addition, its rich variety of dune and coastal environments adds to the diversity of habitats in the Bay, making it a year-round home and an important migratory stopover for a variety of bird species. A variety of species of waders and waterfowl, for example, find their winter roosting and feeding grounds at wetlands in Tomales Dunes. It is, for example, one of only eight sites in North America where Pacific golden plovers (*Pluvialis fulva*) overwinter.

The aggressive alien, European beachgrass (*Ammophila arenaria*), which dominates nearly all other California dune systems has not yet overtaken Tomales Dunes, though it is threatening to do so. So far, however, this still is one of the few dune systems in California that has a vital population of native dunegrasses, including a recently discovered and still-undescribed species. In addition, there are mobile dunes here, the kind we think of when we call to mind the classic dune—completely unvegetated and constantly shifting. As winds push these mobile dunes slowly inland, an ever-changing series of new habitats is created.

Winds also carve depressions in the exposed sands of the bare dunes. Where these depressions are fed by groundwater, rain, or intermittent surface streams, they develop into rich and unique seasonal wetlands, ranging from freshwater ponds and marshes, to wet “meadows”. Tomales Dunes is a wetland paradise, with the richest collection of these seasonal wetlands--known collectively as “dune slacks”--in central California. The same subterranean waters that feed the slacks have also created an amazing “Grand Canyon of the Sands”, which is recut and reshaped in wet winters by a rain-fed underground spring, the only such dune canyon in central California.

Tomales Dunes is an ancient system, but one that is perpetually forming itself anew. Some of its dunes are very young, having developed in historic times; most are older, created after the last ice age; and some may have originated even earlier, perhaps more than 10,000 years ago. In the last few decades, this ancient system has come under increasing pressure from ranching, quarrying, and recreation. Its future depends to a large extent on how the Lawson’s Landing property is managed.

II. The Initial Study Fails to Take Into Account Significant Impacts on Legally Protected Species

The “Draft Environmental Assessment” by Western Ecological Service Company (WESCO) was completed in 1991 and updated in 1994 and 1997. The cursory nature of these studies and subsequent changes in status of several species, particularly the Red-legged Frog and Western Snowy Plover, make these inventories and assessments on which the proposed

Negative Declaration is based, inadequate. See Exhibit "C", attached (Tomales Dunes List of Species Not Adequately Surveyed).

Red-legged Frog

The red-legged frog (*Rana aurora draytoni*) was listed as Federally threatened in May 31 1996 (Federal Register 25813); neither the Draft Environmental Assessment nor the draft Negative Declaration of Environmental Impact reflect this fact. The 'Proposed Designation of Critical Habitat for the Threatened Red-legged Frog' (Federal Register Vol 65, No. 176, Sept 11, 2000) includes the Tomales Dunes (and surrounding publicly owned lands) in Unit 12 of Critical Habitat. (FR 54919). The text of the proposed rule specifically identifies 'dune ponds,' as 'primary constituent elements' of the critical habitat (FR. 54898).

Additionally, the Biological Assessment states that 'seven surveys were conducted during the period of May through August when the above [special status species] are most readily observed.' The Assessment fails to mention that 1990-1991 was a drought year, one of the driest on record in western Marin County (*vide*, Bill Shook, National Park Service, Pt. Reyes National Seashore); drought conditions substantially decrease the likelihood of detection of amphibians. Absence during summer, especially in a drought year, does not mean that this is not critical habitat. (Although this time span may fall within the period of larval metamorphosis, and adults may oversummer in dune ponds (when hydrated); adult breeding takes place in March/April). If bullfrogs or other predators are present neither larvae or adults may survive into summer months. Additionally, red-legged frogs have been observed at the site (1999, *vide* Peter Baye & Jules Evens), in the dune ponds since the "update" of the WESCO "Draft Environmental Assessment."

Western Snowy Plover

Western Snowy Plover (*Charadrius alexandrinus nivosus*) is a Federally Threatened species (listed April 4, 1993). The Draft Negative Declaration (p. 58) states erroneously that the snowy plover is "proposed for Federal Listing." The Biological Assessment 'observed no snowy plovers during breeding season surveys,' but acknowledged "Nesting in subsequent years remains a possibility." (WESCO 1991) Winter use of the area by Snowy Plovers is well-documented: "from 1979 to 1984 an average of 38 snowy Plovers wintered at Dillon Beach" (Shuford et al. 1989. Seasonal abundance of waterbirds at Point Reyes: A Coastal California Perspective. Western Birds 20:196). The mitigation measures in the Draft Negative Declaration include monitoring of nesting habitat on the property, and recommend taking action "to protect the nesting area in the event that nesting plovers are found." As Page and Stenzel (1981) point out in "The breeding status of the Snowy Plover in California" (Western Birds 12:1-20), recreational use of beaches and planting for dune stabilization have lowered the size of the coastal breeding population. These activities, which constitute current or proposed use of the dunes under the Master Plan, are responsible for excluding nesting by plovers. Therefore Measure (G.1.e) is inadequate to mitigate potential impacts. Additionally, Measure G.1.a (4), which calls for stabilizing active coastal dunes, may work at cross-purposes with future use of the site by snowy plovers.

Given the presence and potential future presence of red-legged frog and snowy plover at the site, and the potential for the proposed project to eliminate critical habitat for those species, we believe there is not sufficient basis for determining in the initial study that the approval of the project, with proposed mitigation, will not result in the reduction in the number of protected species, or substantial alteration of their habitats.

Special-Status Flora

As indicated in the Initial Study, the known locations of *Lipinus tidestromii* and *Cordylanthus maritimus ssp. palustris* have had attempts at protection by fencing. *Lipinus tidestromii* is no

longer extant within (or outside) the fenced area (1994 report by Sarah Lynch, biologist). As of 1998, *Cordylanthus* was no longer present within the fenced area, or outside it in the vicinity of the fenced enclosure (Sarah Lynch, phone contact, Sept. 29, 2000). *Cordylanthus* is present nearby in an area that is closer to tidal action. Contrary to assertions in the Initial Study, these populations have never been monitored by the California Native Plant Society (CNPS) and are not being monitored by CNPS, nor is there provision for CNPS to do so. In some years Sarah Lynch monitored, on a voluntary basis, the two fenced locations because of her personal interest. There is no provision for routine monitoring of *L. tidentromii* if it reoccurs within or outside the fenced areas.

Grazing and dune stability, in some cases, remain as threats to the special status species listed in the report. Any of the five species could well have had greater distribution in the past and may increase if grazing is restricted and European beach grass removed. The Initial Study states "Cattle and sheep grazing is conducted on approximately 98% of the Landing property..." "Livestock tend to congregate in the south corner of the South Ranch which is a large wetland/meadow area." There must be specific conditions on Master Plan approval restricting grazing in relation to wetlands and protection of special status plants (p. 10). However, the Initial Study states. "There are no changes proposed to the current ranching operation."

The Initial Study states, "Although grazing has potential negative impacts on soil erosion, it also has beneficial effects on native plant growth and special plant species proliferation" (p. 37). In general, one cannot claim that grazing has beneficial effects on native plant growth and special species proliferation. In some cases, particularly in the face of severe competition from non-native species, selective grazing may indeed be a positive factor. However, to state that as a general fact or as applicable to the present condition at Lawson's Landing is unwarranted. In fact, the Initial Study itself refers to adverse effects of grazing on the vegetation at Lawson's Landing. It states that "existing infrastructure, recreation activities, and livestock grazing have had detrimental effects on some of the natural resources found at Lawson's Landing" (p. 22). "Existing activities are already impacting wetland resources because they are located in wetland areas" (p. 24). Also the Initial Study states that Davy's semaphore grass (*Pleuropogon davyi*) is affected by grazing and heavy foot traffic (p. 58). Nonetheless the Initial Study declines to study in detail the impacts of recreation activities since these are the subject of the "permit to operate" granted by the State Department of Housing.

In response to the question (p.62 of the Initial Study) "Is Substantial change in the diversity, number, or habitat of any species of plants or animals currently present likely to occur at any time throughout the year?," the document indicates "Less Than Significant Impact." As indicated above, however, existing operations at Lawson's Landing already have had significant adverse impact on diversity, number and habitat of plant species. While the proposed new development may not cause "substantial" change, the aggregate effect of activities authorize by Master Plan Approval is "Potentially Significant." Several plant species of concern that may have been at Lawson's Landing and could reoccur given suitable habitat are *Layia carnosa* (federally listed), *Monardella undulata*, *Gilia capitata*, ssp. *chamissonis*, *Astragalus pycnostachyus* var. *pycnostachyus*, *Chorizanthe valida* (federally listed) and *Trifolium amoenum* (federally listed). There needs to be further investigation of the cumulative effects of recreational activities, grazing and other uses to be authorized under the Master Plan on the flora of the dune system.

Special-Status Plants Not Discussed in Initial Study

1. The rarest plant is the still-unnamed presumed hybrid which was probably first described by J.T. Howell in 1949 from Point Reyes and Dillon Beach in his Marin Flora. It is very likely a hybrid between two native creeping wildrye grasses native to coastal dunes, *Leymus pacificus* x *Leymus mollis*. Howell classified the plant under the former name of

- the plant now known as *Leymus pacificus*, then called *Agropyron arenicola*. Two colonies of this clonal plant occur within the boundaries of the authorized quarry area, one near the haul road.
2. Dune Tansy, *Tanacetum camphoratum*. This is the only natural population of the southern form of dune tansy outside of San Francisco, where small remnant populations occur. It was formerly distinguished as a species from the northern form which has ray florets and lacks gray-woolly hairs. The nearest population is in Mendocino County, and it does not resemble the southern form. The Dillon Beach population is intermediate between the robust SF form and the northern form. It occurs in the mobile dunes and near the pump house at the edge of wetlands, and at the edge of dunes and wetlands in the campgrounds.
 3. Other rare species which have highly suitable habitat present at Lawson's Landing, and are within its range, include:
 - Marin horkelia, *Horkelia marinensis*
 - Marin knotweed, *Polygonum marinense*
 - Humboldt Bay owl's-clover, *Castilleja ambigua ssp. humboldtiensis* (present at adjacent Tom's Point)
 4. Coast marsh milkvetch, *Astragalus pycnostachyus ssp. pycnostachyus*, is not yet "pending listing" as endangered, but is subject to review for listing as endangered. It is currently a species of concern, equivalent to the former "candidate" category. Given its rarity and threats, California Native Plant Society is likely to petition the US Fish & Wildlife Service to list it.

Impact of "Management Plans" on Sensitive Species Not Sufficiently Addressed

1. The Master Plan proposes implementation of an agricultural management program on the property that would recommend that the owners "minimize pesticides, herbicides, and fertilizers." Will this program have any legal force or is its continuance at the whim of the property owners? Will there be public oversight of the management plan and sanctions for failure to adhere to it?
2. The same question applies to other proposed management plans, such as education for tourists, protection of Tidestrom's lupin and Point Reyes bird's beak from grazing and recreation, protection of Woolly spineflower and sand scarab beetle from quarrying. The "plans" put forward lack detail and have no enforcement provisions. Similarly, the Initial Study states that the owner has imposed a 200-vehicle day-use limit (p.4). This should be a permanent, legal limit, as a condition of approval of the Master Plan.

III. The Initial Study Fails Adequately to Address Impacts of Master Plan Approval on Biological and Geophysical Resources at the Site

A. Wetlands Impacts

Need for wetland survey: There is a discrepancy between the area considered for wetland delineation in the WESCO study and the area now under consideration for development in the Master Plan. The total area previously surveyed is only a fraction of area covered by the Master Plan. A more complete delineation must be undertaken. It is important to note that a US Army Corps of Engineers wetland delineation is not an assessment of the extent of biological wetland resources in a given area. It is merely an assessment of the extent of federal jurisdiction over wetlands in that area. The last Corps survey was conducted during a period of drought ten years ago. There is reason to believe that under normal circumstances there may be substantially more wetlands than were delineated--even in the restricted area that was surveyed. There should be a new survey to determine the true extent of wetland resources under contemporary circumstances and over the entire property. Wetlands impacts cannot be identified until wetlands are identified appropriately. It is clear that there are more wetlands in the Master Plan area than the Initial Study identifies.

Limits of development associated with the proposed Master Plan: Page 59 of the Initial Study states that "the improvements and activities associated with the proposed Master Plan are located outside the mapped jurisdictional wetlands." However, the sewage treatment area and some of the wells appear to be within wetlands. As stated above, a more complete wetlands survey must be performed prior to determination that no further environmental documentation is necessary.

Need for mitigation plans: The Initial Study calls for mitigation for lost wetlands only after there is a loss of wetlands. (p.61). There should be a clear understanding before the Master Plan is approved what the resultant loss of wetlands will be and a plan for mitigation and monitoring should be in place "before" any wetland is destroyed. The lack of certainty about wetland impacts resulting from Master Plan approval is another indication of the importance of a complete survey before approval of the Master Plan.

Failure to establish wetland buffers:

1. The new restrooms are located within the 100-foot wetland buffer zone. The rationale given for this violation of the wetland buffer is simply the convenience of campers because the existing camping is also in the wetland area. Both the camping and the restrooms should be relocated outside wetlands and wetland buffer zones. Since camping uses have never been formally approved, and have not been determined to be grandfathered or non-conforming uses, the County can and should require, as a condition of approval of the Master Plan, that campers be prohibited from camping in wetlands.
2. Parking in wetlands should be prohibited (not "discouraged" p. 61 Initial Study).

Grazing and wetlands: "An earlier study found that grazing was impacting Special Status Species. The environmental study suggested fencing to protect these species from grazing." (p.10) The Initial Study states that only the area populated by the Point Reyes bird's beak is fenced. Why is the entire area recommended by the earlier study not recommended to be fenced by the Initial Study? Why are livestock only to be "enticed" (p. 10) to congregate away from the wetland/meadow area of the South Ranch (where they tend to congregate, p. 8)? Why are livestock not fenced out of the wetland/meadow area? Why are cattle not excluded from all environmentally sensitive areas unless/until it is determined that grazing would be beneficial? Since it appears that the most environmentally sensitive areas, dunes and wetland/meadow, are relatively unproductive agriculturally, it would clearly be appropriate to condition Master Plan approval on specific limitations and restrictions on grazing and/or the construction of fencing.

Impacts of Master Plan on wetlands and groundwater: The analysis of impacts on wetlands and groundwater is internally inconsistent and based on erroneous assumptions. The result is that the cursory analysis grossly underestimates direct, indirect, and cumulative impacts to wetlands and groundwater resources.

First, the initial study describes "a central feature of the Landing is the large subirrigated meadow between the foredunes to the west and the interior dunes to the east...the water table is within a foot of the surface here". This "meadow", defined by ranching land use, is in fact an extensive freshwater wetland which has been ditched and incompletely drained. The information stated regarding the relative elevation of the water table meets legal wetland criteria pursuant to the 1987 Corps of Engineers Wetland Delineation Manual. The initial study states that "Questa Engineering concluded that the overall stormwater facilities at Lawson's Landing are designed to regulate and dewater high groundwater levels in the meadow area. Comparison with the map of the 1992 Corps delineation of Section 404 jurisdiction in the Master Plan clearly indicates that this "meadow" being drained is a wetland." In fact, it includes both perennial and seasonal dune wetlands (slacks) and supports dominant obligate wetland plants, California red-legged frogs, as well as tree frogs and western toads. The Master Plan acknowledges that the wetland "meadow" is being drained, and that the 6 wells collectively extract up to 30 gallons per minute, and can depress groundwater elevations 500 feet away. These impacts on the meadow wetland must be considered and identified, along with impacts attributable to heavy recreational use, cattle grazing and camping.

Second, The proposed wastewater discharges into leach fields are proposed to occur directly adjacent to the "subirrigated meadow" wetland. This would load nutrients (nitrates) and water adjacent to the wetland. The impacts of wetland eutrophication are not addressed at all in the initial study. The specific eutrophication impacts of increased dominance of non-native invasive vegetation, reduction of native plant species diversity, vegetation conversion, and human health hazards of surface-emergent groundwater with elevated bacterial and viral loads, are not addressed. This omission is difficult to comprehend considering that the meadow is also open to grazing dairy cattle and human recreation, as well as "existing camping areas that are within the jurisdictional wetlands" (p. 59).

Third, the related assessment of wetland impacts on page 59 is likewise deficient because it fails to identify or address any indirect impacts to wetland habitat quality, such as those of eutrophication and bacterial contamination

Fourth, the Initial Study makes no inference about the feasibility of the leach field location adjacent to the dune wetland "meadow", even though the "meadow" is described to include "large ponded areas" where "during a good portion of the year the groundwater rises to the surface" (page 41, bottom), which indicated above-surface groundwater elevations. Discharging sewage water in permeable sand adjacent to an open freshwater pond has potentially negative impacts. Page 25 of the Initial Study states that the Dillon Beach Community Plan "requires conclusive evidence that a dune disposal system will not threaten to contaminate groundwater, surface water, or nearby beaches." Further studies on this issue are needed to obtain this conclusive evidence that such impacts will not exist.

B. Marine Resources Impacts

Lack of information: There is no information in the Master Plan on the impact of Lawson's Landing on marine resources, such as harbor seals, clams, abalone, and fish. More information is needed on the impact of Lawson's Landing, especially as a boat launch site, on marine resources.

Clam Clipper: According to the Initial Study (p.8), the owners stopped Clam Clipper in 1999 and "do not anticipate its operation in the future". The permanent discontinuance of the Clam Clipper should be a condition of approval of the Master Plan.

C. Sand Dunes and Associated Wetlands Impacts

Dune Stabilization and Revegetation: Stabilization of naturally mobile dunes is reclamation, not restoration. The series of transverse dunes southeast of the (artificially) stabilized foredune ridge are naturally mobile and unvegetated, and have small remnants of older, stabilized vegetated dunes (natural old dune scrub along the northern and eastern end of the Dillon Beach dune complex; see W.S. Cooper, 1967, Coastal Dunes of California, p. 38). The dunes are not unvegetated as a result of past human degradation, as in parts of Europe and eastern North America. The Dillon Beach dunes system is one of two dune systems north of San Luis Obispo that retain their original, natural mobile form and character (the other is Tenmile Dunes, MacKerricher State Park, Mendocino County); the rest have been overtaken by invasive non-native vegetation such as European beach grass. This contextual information is essential to understanding that the dune stabilization and revegetation proposed as part of the leach field of the sewage treatment plan does not constitute "restoration."

The "planting program"(p. 59) is proposed to "re-introduce coastal dune scrub grass [sic] into a totally denuded area and is intended *to improve the habitat value* of the disturbed dunes"(emphasis added). One cannot "re-introduce" species at a location where it was not present historically or pre-historically. The dunes were not "denuded", but are naturally mobile and bare of vegetation. Dune sand subirrigated by nutrient-enriched sewage effluent, even treated, would not support a xeric (dry soil affinity) dune scrub community, but would support dominant, invasive, non-native species.

The proposed planting program is a fundamentally misguided mitigation measure, and itself qualifies as a significant adverse impact. It will also result in significant *cumulative* loss of natural mobile dune in the context of the quarried dunes which is no longer replenished by sand from the shoreline.

This Master Plan is in part based on a flawed understanding of a dune system in relation to the native flora that inhabit such systems. Functioning dune systems are inherently unstable and the flora that inhabits them has adapted to this instability. Previous establishment of European beach grass (*Ammophila arenaria*) to stabilize the dunes has altered the long-term functioning of this dune system. The proposed installation of the new septic system further threatens the dune system. First it concentrates sewage effluent in one area and putting this discharge into the dunes. This nitrogen-laden discharge can change the balance of vegetation in the dunes to one that further stabilizes the dunes. Second, the mitigation proposed for the disturbance caused by the installation of the system is to plant "coastal dune scrub grass" on the disturbed area and "Coastal Dune Scrub" on other bare dune areas (p. 22, paragraph 2, item 3; p. 25, paragraph 2; p.30, first paragraph, item 5, "expand the population of coastal dune scrub by providing new plantings in some of the existing unvegetated dunes"; p.41 paragraph 5, "Restoration is designed to protect the existing dunes from disturbance and to reduce the shifting sand from prevailing winds"; and p. 59, G.1.a, #4). The Initial Study stated that "All plantings.... are intended to prevent erosion, and are intended to maintain dune stability" (p. 27). Stabilizing the dunes will create a negative environmental impact. In the long-term, the stabilization interferes with the functioning of the dune system and its flora.

Additional questions:

1. "Some [dune] slopes have been stabilized by the planting of drought tolerant grasses and shrubs." (p. 36 of Initial Study). What has been planted, where, and when?
2. "All disturbed slopes must be protected by jute netting and landscaping (with topsoil, if needed)." (p. 37 of Initial Study). Where will this topsoil come from?

More importantly, stabilizing the toe of the moving dune would arrest development of dune wetlands (slacks) which are excavated naturally by wind as the dune migrates downdrift. Since new, young wetlands are exposed at the wind-eroded base of the migrating dune as it moves downwind, stabilizing the toe must necessarily cause arrest of wetland growth and development at the leach field. This is the way dune-slack systems evolve. Yet the artificially arrested development of dune slack wetlands is omitted from assessment of impacts to wetlands. This is more remarkable in view of the explicit acknowledgement, (p. 59) that "activities that could potentially harm wetland habitat [other than filling] are considered significant impacts under CEQA guidelines."

Grading, Excavating, and Compacted Fill in Dunes: The new sewage treatment plant will require grading and excavation (p. 27 of Initial Study). The Initial Study recommends excavating sand deposits in areas to be developed and replacing the sand with compacted fill more able to withstand seismic activity. What would be the environmental and hydrological impact of these actions?

Mitigation plan for spread of European beach grass: The Initial Study does not address the issue of the spread of European beach grass, a spread apparently exacerbated by quarrying. More information is needed on this matter, and a mitigation plan should be developed before approval of the Master Plan.

Impact of walkways, fences, and roads: Page 28 of the Initial Study states that "a series of walkways may be necessary to protect the dunes from further erosion." The foredunes do not require protection against erosion. Rather they require removal of the invasive European beach grass (*Ammophila arenaris*). Details of materials and methods of construction for the proposed walkways should be given. What evidence is there that the proposed walkways will not be counter-productive by leading visitors deeper into the dunes and concentrating activity and visitation in a narrow area where the impact will be greater? It is important that these questions be answered before the Master Plan is approved, since apparently no new permits would be needed to build the walkways. (p. 15). The Initial Study also suggests a barrier fence along foredunes to protect sand scarab beetle (p. 10). How will such fencing affect sand migration?

D. Sand Quarry

Failure of operators to meet conditions of use permit: "The conditions of approval of the quarry use permit require the operator to....control the spread of invasive, non-native European beach grass." The operator has failed to do this. No reclamation work has been done at the abandoned quarry, which is now more than half covered with European beach grass and ice plant. Consultants hired by the quarry owners state that "any attempts now to rid the quarry of this species (European beach grass) would probably be futile." European beach grass has overrun more than one-quarter of the second site and, according to the consultants, "is slowly encroaching upon the open sand and native vegetation." ("Annual Monitoring of Lawson's Landing Sand Quarries. May 28, 1999. Monk & Associates, pp. 4-5)

Lack of scientific basis for use permit: The Master Plan adopts, and the Use Permit for sand quarrying is based on, erroneous assumptions regarding dune sand transport. The Initial Study states that "sand is naturally transported from the shoreline via the prevailing northwesterly winds" to the quarry, where it replenishes sand removed by quarrying. The

Initial Study also states (p.8) that "The approved reclamation plan....includes alternate quarrying at the two approved sites to allow blow sand to replenish both sites." In the long-term with the stabilization of the dunes, the replenishment of the sand will not occur. This statement, repeated uncritically from permit documents, is plainly incorrect. The large, vegetated foredune ridge along the back of the beach, with a dense and continuous cover of European beach grass, has for many decades intercepted onshore-transported sand. This was documented in W.S. Cooper's 1967 monograph of the coastal dunes of California (Geol. Soc. Mem. Bull. 104, pp. 37-38, and accompanying map), and is plainly evident from the view from "Little Sugarloaf". The moving dune is a relict deposit, mobile but removed from updrift resupply of sand. It simply cannibalizes its own sand deposits as it migrates, and is not "replenished" naturally to compensate for quarrying losses. The statements in the Initial Study concerning replenishment are unsupported by any quantitative estimates of sediment budgets by professional geomorphologists. This failure of dune replenishment is relevant to the analysis of cumulative impacts to the naturally mobile dune system resulting from proposed reclamation and stabilization actions for the leach field. It is important because the cumulative impacts of the Master Plan on the dune system may be significant, and are not adequately addressed by proposed mitigation measures.

Lack of information regarding quarrying's impact on biological resources: Page 13 of the Initial Study states that no biological resources are located in the quarries. But the Master Plan states that the quarry areas are sand scarab beetle habitat. In addition, a possibly new species of native dunegrass has recently been discovered in the area where sand is being quarried (See *supra*, discussion of special status plants). New surveys of these areas should be done.

E. Water

1. Groundwater quality On p. 30 the Initial Study claims that the Master Plan will improve groundwater quality. The initial Study does not establish any environmental baseline from which to measure change in water quality.
2. Effluent quality "There will be a drop off in effluent quality during high flow periods because recirculation rate will be reduced from 5:1 to 2:1." (p. 70 Initial Study). How will this impact groundwater quality, wetlands, and Tomales Bay? And could the drop be even greater if the usage is greater? The reduction of the recirculation rate from 5:1 to 2:1 for short periods of time could not only reduce the effluent quality but could eventually clog the filter with carry over of particulates.
3. Groundwater recharge Page 23 of the Initial Study states that the project "will not deter groundwater recharge." What is the evidence for that statement?
4. Inadequate data The groundwater analysis by Questa Engineering, on which the Initial Study relies for evaluation of environmental impact significance, is predicated on critical estimates of engineering variables which are either wholly assumed, or indirectly estimated, but not actually measured. Given that the highly transmissive, excessively permeable sand substrate and lack of fine sediment is a critical issue for assessment of groundwater impacts of the sewage system, why is "an assumed porosity of 0.35" an acceptable assumption? The conclusion that groundwater travel time from the central dune slack to the bay would take "a little over one year...to a little over two years" demands empirical measurement. A simple tracer study, even a short-term one, could and should be used to verify the estimated rates of groundwater movement. Simple observations of rates of groundwater flow intertidal rills at low tide along the bay shore of Dillon Beach, where fresh-brackish water (less than 4 parts per thousand in summer)

- rapidly seeps and flows from the base of the dunes even in summer, casts doubt on the accuracy of the 1 to 2 year travel time estimate for groundwater discharge to reach the bay.
5. Questionable assumptions regarding waste water treatment demand:
Section 3 and Appendix A of the 1997 Wastewater Facilities Master Plan for Lawson's Landing contain unsubstantiated and contradictory material. For example, the average non-holiday weekend use of trailers, mobile homes and houses is said to be 122 people (p.3-1). But Appendix A shows data collected for three non-holiday weekends during which the actual count ranged from 134 to 166. Why was 122 chosen as the average? Another example: the wastewater use for campers was 25 gpd/person (p.3-2). This is said to be based on USEPA's "Design Manual for On-site Wastewater Treatment and Disposal Systems." However, Table 4-8 of the Manual, reproduced in Appendix A list 31.7 as the typical use for campers. Moreover, the Visitors Survey on which the wastewater demand calculations are based is not reproduced in full and no explanation is given for the assumption that average occupancy is 2.1 persons per vehicle.
 6. Measured percolation rates on the site area are about 0.6 minutes per inch, which provide little chance for purification action of soil bacteria. Both the Marin County and Regional Water Quality Control Board regulations prohibit drainfields where the soil percolation rates are less than one minute per inch.
 7. According to Questa, the rate of vertical flow through unsaturated sands would be 0.2 to 4.3 feet/day and horizontal saturated flow would be 0.8 to 3.6 feet/day. These very slow groundwater flow rates seem counter intuitive considering the fact that the measured percolation rates are 0.6 minutes per inch (200 feet per day). Also, the large stream of water which comes out of the sand dunes appears to be travelling significantly faster than 3.6 feet/day.
 8. The calculations in the Questa report assume perfect mixing of the effluent with rainfall contributed groundwater over a 175-acre dune catchment area. The groundwater catchment area through the dunes is probably much larger than 175 acres. However, the area of influence from the disposal of effluent would be localized and the nitrate level in this groundwater would be higher than that calculated by Questa.
 9. The studies performed by Questa show that groundwater moves towards the existing sea wall along Sand Point at the mouth of Tomales Bay. The beach in this area is intensively used by the public and there is shellfish digging in the offshore islands. Preferably, the effluent should be disposed of where groundwater movement is to the west toward the ocean. There, there would be good mixing in the surf zone before effluent could find its way into Tomales Bay.
 10. High volume streams of groundwater emanate from below the sand dunes and flow toward Tomales Bay. This means that wastewater could resurface if applied to the land uphill, i.e. north of these groundwater streams. This will be an important consideration if a community sewer system is ever considered for Dillon Beach.
 11. Who will issue the permit for the proposed wastewater treatment system? The agency with jurisdiction and the status of the application for a sewage disposal permit should be disclosed.

12. If inadequately treated sewage effluent is allowed to surface or pond, it could allow the breeding of mosquitoes which are vectors for diseases. Certain mosquitoes are attracted to water containing nutrients.

Additional analysis of groundwater impacts and effects on water quality is found in the report of Kamman Hydrology and Engineering (October 6, 2000), prepared at the request of EAC. See Appendix I, and is incorporated herein by reference.

IV. The Initial Study Fails to Consider Adequately the Geophysical Features of the Site

1. Out-of-date geophysical report: The Kleinfelder report was conducted in 1978. A more up-to-date report utilizing recent knowledge and more sophisticated equipment for detection of faults is necessary.
2. No geologic study: On p. 35, the Initial Study calls for "a geologic report addressing the issue of potential ground rupture" to be submitted prior to the issuance of grading or building permits. This study should be conducted before the approval of the Master Plan.
3. Underestimation of cumulative geophysical hazards (tsunami, seismic liquefaction): The discussion of geophysical hazards gravely underestimates cumulative hazards of tidal waves and earthquakes related to the growth-inducing effects of the Master Plan. There are no other year-round communities in northern coastal California built entirely on dune slacks (sand flats saturated within a foot below the surface most of the year); even urbanized San Francisco dunes lie largely over bedrock, and the sandpit communities on Samoa and Manila in Humboldt County are behind high, wide dune fields. The Marina District of San Francisco, which suffered the most severe damage in the 1989 earthquake, is, like Lawson's Landing facilities, constructed over saturated sand flats. The initial study obscures the relative exposure of Lawson's Landing to seismic/tsunami hazards compared with the rest of the coast in the region. There are arguably no other vacation home communities in the region which are prone to catastrophic damage by earthquake or tsunami, yet the initial study dismisses this because "...these existing authorized facilities and activities are assumed to be part of the existing setting and are not considered in evaluating the potential environmental effects of the proposed master plan" (p. 43). This argument is not only unreasonable, it is a violation of CEQA (see comments on scope of analysis, above). The infrastructure improvements proposed in the Master Plan plainly upgrade the capacity of Lawson's Landing and provide a physical foundation for increased occupancy. This is by definition "growth-inducing" in an area of extreme seismic hazard.

The mitigation measures proposed to address seismic hazards are unreasonable and inconsistent. Measure C.1.c. states that "the proposed boathouse, seven new restrooms, renovated gatehouse, fuel tanks and RV disposal facilities shall incorporate flood protection design measures", but "the new mobile home and garage proposed within the tsunami run-up zone shall be located outside the zone". What flood protection design measures could provide feasible, realistic protection for fuel tanks, a boathouse, restrooms, and disposal facilities from a tsunami? Why would mobile homes be required to be located outside the tsunami run-up zone, but fuel tanks with unspecified flood protection be authorized within the zone? Equally implausible is the measure C.1.e., which requires that "where sand dune deposits are thick, buildings should be supported over a zone of compacted, engineered fill or recompacted natural soils....". The lack of realism in this mitigation measure is profound: there are no areas in the Dillon Beach dunes where sand deposits are not thick (underlying bedrock is at the elevation of the San Andreas fault floor of the bay), and it is not physically possible to "recompact natural soils" made of dune and beach sand. The mitigation measure is a generic paper exercise, not a valid engineering measure.

V. Failure to Analyze Impact of Certain Uses Not Previously Expressly Authorized

The Initial Study fails to analyze the impacts associated with the Master Plan Approval, which includes proposed 233 recreational vehicle (RV) lots and 1,000 camp sites on Lawson's Landing, the construction and placement of which has never been the subject of final approval.

The County attempts to justify its decision not to evaluate the impacts associated with these recreational facilities on the basis that the operation of a mobile home park with 233 RV lots and 1,000 campsites was approved by the California Department of Housing and Community Development in 1992. Specifically, the Initial Study states:

"Current authorized uses on the subject property are assumed to be part of the existing setting and are not considered in evaluating the potential environmental effects of the proposed Master Plan. Facilities, uses, and activities assumed in the existing setting include...some existing recreational facilities at the Landing including the uses authorized in the Landing's current Permit to Operate from the California Department of Housing and Community Development. The current Permit to Operate, first issued in 1992, authorizes 233 recreational vehicle lots and 1,000 campsites at the Landing." Initial Study, p.1, (emphasis added.)

As has been pointed out in the letter prepared by California Environmental Law Project that introduces these comments, the fact that the Project Sponsor has a Permit to Operate does not vitiate the County's requirement to perform an analysis of environmental impacts associated with the approval of a Master Plan which will legalize existing non-permitted uses at Lawson's Landing.

Prior to the approval by the Department of Housing and Community Development of a Permit to Operate, the Project Sponsor was required to submit evidence of compliance with all "local planning, health, utility and fire requirements." Health & Safety Code §18501(e); Marin County Code §7.44.010, et seq. In order to meet this requirement, under Marin County's local zoning regulations the Project Sponsor was required to seek approval of a Master Plan and Coastal Permit for the Project. See Initial Study, p. 4, para. (f). Approval of a Master Plan and Coastal Permit for the mobile home park at Lawson's Landing requires the County's consideration of environmental impacts associated with the Project. Pub. Res. Code §21000, et seq.; Pub. Res. Code §30000, et seq.

However, rather than first requiring the Project Sponsor to obtain approval of a Master Plan, Coastal Permit and operation permit for the construction and authorization of a mobile home park at Lawson's Landing (see Health & Safety Code §18500, et seq., and Marin County Code §7.44.010, et seq.), the County authorized the Department of Housing and Community Development to issue the Permit to Operate while applications for those approvals were still pending before the County. Specifically, in a letter dated December 7, 1992, to the Department of Housing and Community Development, the County stated:

"This letter is to advise you that the Marin County Planning Department has no objection at this time with the State Department of Housing and Community Development issuing a Permit to Operate for Lawson's Landing prior to the resolution of all local land use issues and approval of all local permits. The application for the state Permit to Operate submitted by Carl Wm. Vogler et al. Concurs with the local Master Plan and Coastal Permit applications filed with the

County of Marin for a travel trailer/mobile home park and campground requesting a maximum of 233 travel trailers, 1,000 overnight camping vehicles, and 1,000 day use vehicles.” See Exhibit A for a true and correct copy of the County’s December 7, 1992 letter to the Department of Housing and Community Development, (emphasis added.)

Whether or not it was appropriate for the Department of Housing and Community Development to issue the Permit to Operate in the absence of the required County permits and approvals, the County cannot now rely upon the Department’s issuance of an operating permit as justification for it not having to perform the required environmental analysis of impacts associated with the construction of the Project. The impacts of these campsites and RV lots must be considered in a public environmental document. The fact that the Department of Housing and Community Development has authorized the operation of a mobile home park with 1,000 campsites and 233 RV lots is irrelevant, as the impact of constructing and operating those campsites and RV lots have never been assessed by the County, nor have they been approved. Such impacts should therefore be evaluated in the Initial Study for the Master Plan and Coastal Development Permit for Lawson’s Landing. See the accompanying cover letter to the County from Laurens Silver, Esq., California Environmental Law Project.

Failure to Consider Cumulative Impacts

The scope of analysis used in the initial study so narrowly defines the impacts of the Master Plan that it precludes meaningful analysis of cumulative impacts of the underlying activity, as required by CEQA at 15378(c). This approach treats impacts of the underlying activity (implementation of the Master Plan) as part of the environmental baseline, rather than the essential cumulative product of the activities proposed under the Master Plan. It essentially “piecemeals” the impacts relevant to the Master Plan, and thus defeats the purpose of “big picture” (CEQA 15165) environmental analysis of cumulative impacts (CEQA). CEQA regulations prohibit this trivializing approach even for staged EIRs and program EIRs (CEQA 15167, 15168). The initial study must include a comprehensive analysis of all individual and cumulative impacts of the subject action of the initial study. This is particularly important evaluation of potential growth-inducing impacts, which are consistently underestimated by the biased approach adopted by the initial study.

Cumulative and growth-inducing impacts of the Master Plan. The list of Infrastructure expansion projects (page 10), including 6 new restrooms, additional restroom with shower, water outlets, new sewage treatment system, expanded boathouse, new roads, additional 200,000 gallon water storage capacity, and expansion to 3 incoming lanes in the main access road, plainly portray a cumulative “big picture” of expanded capacity for occupancy and day use, even if none is currently proposed. It is particularly significant because the Master Plan (p. 37) states that “there is currently no limit on day use”. These physical, infrastructure improvements must be evaluated for their cumulative and growth-inducing impacts within the meaning of CEQA guidelines. Any reasonable assessment of these infrastructure improvements must consider them not merely in view of the current proposed master plan or proposed use, but their potential future use. Incremental expansion of infrastructure is the most efficient way to piecemeal development while circumventing the full, rigorous review of an EIR by avoiding appearances of “significance.” Among the many important questions not addressed by the Initial Study are the following:

1. What would be the environmental impact of growth in use up to the presently permitted maximum, realizing that at present there is no limit on day use and none is proposed in the Master Plan?

2. "Present recreation and grazing activities at the project site have had an adverse impact on the central dune scrub. The increase in recreational activitywill further impact" (p. 58) coastal dune scrub." What is the increase expected to be?
3. Is expansion of electricity to RVs possible at a later date? What would be the impact of such an expansion?
4. The extension and upgrading of the sand haul road is a physical improvement of roadways which is not identified as potentially growth-inducing. Although the current proposed use of the road is "alternative emergency access", the expansion of road infrastructure must be evaluated for growth-inducing impacts, and particularly for its incompatibility with moving sand. Will the expanded, improved road demand further dune stabilization, which will adversely affect the dune system?
5. What will be the cumulative impacts of impermeable surface on run-off?
6. What will be the environmental impact of all activities associated with the septic upgrade for the trailer park including digging up and replacing septic systems and pipelines?
7. Page 34 of Initial Study states that existing recreational facilities are "located in an area which is susceptible to severe ground shaking, surface rupture, liquefaction and tsunami runup. However, these existing authorized facilities and activities are.....not considered in evaluating the potential environmental effects of the Master Plan." What are the potential public safety and environmental impacts of these uses?

Failure to establish a base line of existing uses: The Initial Study says it takes into account the environmental impacts of unpermitted uses (Day Use), but it fails to attribute to Day Use any increase in septic use. Among the information needed is:

1. What is the impact of existing permitted uses? (i.e. overnight camping)
2. The maximum permitted number of overnight campers.
3. The demand on septic capacity made by existing permitted uses..
4. The demand on septic capacity made by the allowable maximum usage.
5. The demand on septic capacity that day use accounts for.
6. The environmental impact of the existing sewage disposal system.
7. The average length of stay of the permanent travel trailers.

VI. The Initial Study Fails to Consider Impacts Attributable to Inconsistency of the Master Plan With Pertinent Planning Documents, Statutes, and Ordinances

A. Marin Countywide Plan

Over-intensive use for recreation. On p. 19 of the Initial Study, FAR standards for different zones (C-RC & AG1) are lumped together. Similarly, the amount of building floor space for recreational and agricultural uses is lumped together. Moreover, no account is taken of campground space. FAR calculations should be done separately for:

1. Recreational land and recreational uses, including overnight camping, and
2. Agricultural land and agricultural uses.

By comparison, the Point Reyes National Seashore, which is 71,000 acres has actual average use of fewer than 70 campers per night (25,000 camper use-nights/ year) and a

limit of 625 campers on any given day. That is a maximum of 1 camper per 114 acres. Lawson's Landing could have 4932 campers or more per night on a 180-acre site, or 27 campers per acre. There is no information on actual intensity of use at Lawson's Landing.

California Coastal Act of 1976:

Inappropriate uses allowed on wetlands: Article 5, 30240 (a) (p. A-6): "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and uses dependent on such resources shall be allowed within such areas." Grazing and camping are not dependent upon wetland resources and should not be allowed in wetland areas.

Marin County Local Coastal Program—Unit 2:

Over-expansion of recreational use: Page 21 of the Initial Study states that "the LCP-2 recommends an expansion of campsites, RV spaces and trailers at Lawson's Landing." In fact, the LCP-2 (p. 52) says that "Lawson's Landing is an appropriate area for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints." In 1980 when the LCP-2 was adopted by the Marin County Board of Supervisors, the number of campsites at Lawson's Landing was 46 and there were 165 places for travel trailers (Lawson's Landing Chronology, County of Marin Planning Staff, 12/19/77). See also Exhibit "B" attached). The expansion from 46 camping sites to 1000 camping sites is inconsistent with Marin LCP-2.

Quarrying causing a deterioration of dunes Coastal Dunes and Other Sensitive Land Habitats (p.70): Conditions for the 1977 Sand Quarry Use Permit included "allowing the County to limit or reduce the extent or rate of excavation if it exceeds the natural rate of replenishment. The project should be reviewed prior to any extension of the permit to ensure that sand quarrying is not causing a deterioration of dunes or vegetation." There is no data to show that quarry sand is being replenished. (See comments below in Biological Resources) In addition, quarrying is causing a deterioration of the dunes by causing mobile dunes to be invaded by extensive stands of non-native vegetation. (See comments below in Biological Resources)

Failure to protect wetlands and to conduct adequate wetlands survey. (p. 74):

4.b. "Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, natural study, bird-watching, and boating." Camping, grazing, and parking are not Coastal resource dependent activities, yet are allowed under the Master Plan.

4.c. "No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities." Grazing is permitted in wetlands under the proposed Master Plan.

4.d. "A buffer strip 100 feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands." No such buffer has been established.

4.e "As part of the application for a coastal development permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands pursuant to the Coastal Commission's guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of

the existing wetlands.” (See comments, *supra*, regarding the need for further wetlands survey work).

Failure to protect coastal dunes:

Coastal Dunes and other sensitive Land Habitats (p.74):

5.a. “No development shall be permitted in coastal dunes in order to preserve dune formations, vegetation and wildlife habitats.” The proposed leachfield, walkways, and other developments are inconsistent with this part of the Marin LCP-2.

Failure to require permanent conservation easement on agricultural land Agriculture: “As part of the approval of a Master Plan, the following conditions shall be required: Permanent conservation easements over that portion of the property not used for physical development or services shall be required to promote the long-term preservation of these lands” (p.99). No such conservation easements are being required as part of the Master Plan approval.

Title 22—Marin Zoning Ordinance

Size of property unclear: There is a 132 acre discrepancy between size of the subject property according to the Master Plan and Marin County tax records, which the Initial Study suggests, on p. 3, could be a result of “sand accretion.” A survey should be conducted to determine the actual size of the property.

Zoning is unclear: On p. 4, the Initial Study states that the recreation area comprising 180 acres is zoned C-RCR. The Lawson’s Landing Chronology prepared by the County states that on 04/13/82 “The Board of Supervisors adopted Ordinance 2704, which rezoned properties within the Coastal Zone in accordance with recommendations of the Local Coastal Program. The subject property was rezoned from A-2 and A-60 to C-RCR (Coastal, Resort and Commercial Recreation District) and C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acres maximum density). Approximately 180 acres of Sand Point, including the entire area of operation for Lawson’s Landing, was zoned C-RCR, while all remaining acreage was zoned C-APZ-60. This is the current zoning for the subject property. “ However, page 18 of the Initial Study gives the size of the area zoned C-RCR as “approximately 276 acres.” This is the acreage on which the Initial Study bases its FAR calculations (p. 19). Table 1, p. 3, shows two zonings for APN 100-100-48. What part of this 209-acre parcel is zoned C-RCR and what part C-APZ-60? What is the total acreage zoned C-APZ-60 and subject to the Williamson Act contract? What is the total acreage zoned C-RCR? What is the total acreage used for recreation? Considering the zoning discrepancies described above, we cannot condone this application as complete, and the potential environmental impacts of such a Master Plan cannot be considered insignificant. In order to complete the Master Plan, an up-to-date survey by a licensed surveyor needs to be submitted, and the discrepancies resolved to be logical and consistent.

Inconsistency with Williamson Act:

Most of the property, as much as 782.47 acres, 92%, (the exact figure is unclear due to uncertainties regarding property size and zoning in APN 100-100-48—see above) is zoned C APZ-60 and is subject to a Williamson Act contract (the “agricultural portion”). Is any of the commercial/recreational use or development (either existing or proposed) taking place on the agricultural portion? The C-APZ zoning district does not allow non-agricultural public recreational uses without a use permit (Sec 22.57.033). A zoning map of the property should be provided to enable an evaluation of the relationship between the agricultural portion and the non-agricultural uses and development. If any of the new recreational development or uses are to be located on portions of the property zoned C-APZ, they are also subject to the

required finding of Sec. 22.57.036. Does the Williamson Act permit non-agricultural public recreational uses? How was/is this justified? How is the proposed new residence related to the agricultural use of the property? Apparently there is already (at least) a residence and a mobile home on the agricultural portion. How does the agricultural operation justify a new owner's residence? How will the existing dwellings be used with regard to the agricultural operation?

Dillon Beach Community Plan:

Policy EQ-6.2: "Activities in wetlands. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, natural study, bird-watching, and boating." Overnight camping, parking, and grazing are not included in the list of allowable activities.

Policy EQ-6.4: "Wetland buffers. A minimum buffer strip of 100 feet shall be established along the periphery of all wetlands." The proposed Master Plan has no provision for a buffer strip.

Policy EQ-7.1: "Coastal Dunes. Development in the foredunes and rear dunes located south of the Dillon Beach community expansion boundary shall be prohibited in order to preserve dune formations, vegetation, and wildlife habitats. The County may consider, however, a plan for treated sewage disposal in the dunes if the operating entity is a public agency." There is no provision for operation of the proposed sewage treatment system by a public agency.

Policy EQ-7.2: "Coastal Dunes. Future development or improvements proposed for Lawson's Landing shall to the greatest extent possible be sited out of the coastal sand dune area and designed to minimize impact on adjacent dune vegetation and habitat." The proposed dune walkways do not conform to this policy.

Policy EQ-9.3: "Tomales Bay resources. Tomales Bay's fishing grounds, clam beds, and abalone stands shall be protected from over-harvesting." What is being done to protect against over-harvesting in view of the statement on the Lawson's Landing web site (<http://lawsonslanding.com/clamming.htm>) that "We have also noted an alarming incidence in people digging more clams than is allowed by law."

P. 25 of the Initial Study states that the Dillon Beach Community Plan "requires conclusive evidence that a dune disposal system will not threaten to contaminate groundwater, surface water, or nearby beaches." No such "conclusive evidence" is provided in the Initial Study. See discussion of Water Quality Impact, *supra*.

The DBCP also requires that the CA Dept of Fish and Game "review any proposed dune disposal system for potential impacts to biological resources." There is no evidence that DFG has performed this study.

VII. Aesthetics/Visual Resources

1. On p. 27 of the Initial Study, it is stated that the grading required for the new sewage treatment system "will not alter the visual character of the site." Regarding the two new water tanks, it is asserted that they will blend into the landscape. Information should be provided on the bulk, size, height, and appearance of these additions, as well as the restrooms, showers, and other new structures.

2. Visual simulations should be prepared to analyze the impact of the Master Plan on the viewshed of the National Seashore and Gulf of Farallones NMS. This should include the

impact of additional lighting for RV's and restrooms, the new water tanks, the sewage treatment plant, and all other new developments such as restrooms and showers.

VIII. Cultural Resources

1. The plans in the Master Plan to protect cultural resources are inadequate. See Memo from James P. Tryner, Chief, Resource Preservation and Interpretation Division, Office of Historic Preservation, State Department of Parks and Recreation, (Oct. 8, 1976) stating: "It is highly probable that additional sites will be exposed and others buried by the shifting sands which dominate the area....A rather complex program of continuous monitoring might be implemented, yet ultimately the integrity of the archeological resources in the area could not be assured."
2. There is no mention of the midden adjacent to the leachfield. A new comprehensive archaeological survey should be conducted.
3. 50% of sites at Lawson's Landing damaged by humans are near recreational areas (p. 74 Initial Study). The mitigation proposed is to have an archeologist look at areas to be graded and if an archeological site is found, recommend mitigation measures. But, what if no mitigation measures are possible? And what is the legal force of a mitigation plan adopted in some future time, after Master Plan approval, with respect to activities and construction that require no additional discretionary approval by the County.

Conclusion:

The Initial Study inadequately addresses the direct ecological threats of this development and institution of its proposed Master Plan, including effects of leachfields, appurtenant structures, roads and sand-mining on sand dunes, rare endangered species and wetland and marine habitat, as well as the other points and discrepancies outlined above.