

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

August 22, 2005

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

Dear Mr. Haddad:

Grassetti Environmental Consulting (GECO) was retained by the Environmental Action Committee of West Marin (EAC) to conduct a peer review of the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit Draft Environmental Impact Report (DEIR). These comments are based on my review of applicable documentation, past experience in the area, and over 20 years of professional experience preparing and reviewing CEQA documents.

This letter presents my comments with respect to the adequacy of the DEIR. In summary, my review indicates that there are substantial deficiencies in the document. I understand that additional detailed comments from experts on the site's biological resources and sewage disposal systems are being submitted separately on behalf of the EAC. Those comments (and any deficiencies indicated therein) are not incorporated into this letter. The major CEQA deficiencies identified in our review are outlined below. Additional detailed comments are provided in the attached table.

- 1. The Baseline Is Incorrect:** There is a strong argument to be made that the baseline should include only *existing permitted or legal non-conforming uses*. The County has chosen instead to adopt as the baseline "all uses on the project site with use levels at the time the Notice of Preparation (NOP) for the EIR was published (September 2002)" (p.3-10). However, the DEIR uses a baseline that is in conflict with even this, weaker, standard. The DEIR baseline was set at 1000 overnight and 200 day users. However the DEIR itself states that actual use is "a maximum of 1,000 vehicles per day for campers and day use (combined total), which has been the Owners' self-

imposed limit over the past few years". (Appendix D, p.1). One of the Owners confirmed this number in an email to EAC: "Day use is counted in with the 1000 total camp vehicles, not unlimited." (M. Lawson email, May 26, 2005). If actual peak use is 1000 combined campers and day users per day, then the baseline peak use should be set at that level and the additional impact of the 200 additional visitors per day proposed in the Project must be evaluated in the DEIR.

It should also be noted, however, that these numbers represent peak use, not average daily use. Average use is, of course, much lower. For example, although there are 233 travel trailers on the site, the actual number of occupied travel trailers is much lower (average weekend use of 10%: Master Plan, Nov. 1997, p. 37). And, while the Owners limit vehicles to 1000 per day, actual average use is lower. According to Nancy Vogler, one of the owners of Lawson's Landing, there were 172,000 overnight stays from August 1999 through August 2000 ("Dunes dispute swirls in Marin". Sacramento Bee, Sept. 12, 2000). Thus, the actual average camping use is around 450 RVs per day and 23 travel trailers, not 1000 and 233. The baseline should reflect actual use, rather than peak use or potential use and the DEIR should therefore evaluate the additional impact that could occur from the extra 210 travel trailers, 550 campers and 200 day users that the Project would allow. Among the parts of the Project that should be removed from the DEIR's baseline and considered as new uses are the expanded and relocated boathouse; two RV disposal stations (currently unused); boat washdown area, and boat rental and mooring (proposed uses that exceed current actual use). As the baseline is presently constituted, the impacts of the uses to be authorized under the Project will be significantly understated, in violation of CEQA, which requires all significant impacts of the Project to be identified.

- 2. The No Project Alternative is an Impermissible No Enforcement Alternative.** The DEIR's No Project Alternative states that if the Project is not approved, "existing unauthorized and non-conforming land uses would continue." (p.2-5, Section 2.4.1). The Modified No Project Alternative states that if the County does attempt enforcement, but the owners do not comply, "existing unauthorized and non-conforming land uses would continue without formal recognition by the County." (p.2-6) In other words, both No Project Alternatives assume that in the absence of Project approval, existing uses will continue, including those that are clearly illegal, such as unpermitted septic systems that do not meet County or State standards. This fails to meet CEQA requirements that one of the No Project Alternatives

reflect development of planned or approved land uses in the absence of the project.

The DEIR does not consider the CEQA-mandated No Project Alternative in which un-permitted development and activities are removed from the site because it would be "very difficult and labor-intensive to try to determine which uses are legal non-conforming and which uses are illegal" (p.3-9). Although that may be true, it does not release the County from the obligation to attempt to do so. And in fact, much of the information required to make such a determination is contained in a detailed chronology of activities at the site prepared by the County in 2000 (See Attachment B.). In 1977, an Environmental Impact Report for an earlier proposed Master Plan for Lawson's Landing identified uses, including 231 travel trailer sites, 46 campsites, a 2,500 square foot office and store, a boat launching facility, and a 1,200 foot long seawall on the site (Final Environmental Impact Report, Lawson's Landing, October, 1977). The Local Coastal Plan, adopted in 1981, also identifies 231 trailers and 46 campsites and RV spaces on the site (LCP Unit I, p.29). The 1989 Dillon Beach Community Plan also identifies 231 trailer sites and 46 informal campsites (p.6-11). Moreover, a map in the 1977 Final EIR (following page 14) shows that at that time, camping was limited to the triangle of roaded area near Sand Point, and did not extend north to the Entry Gate as it does today. These records can be used to establish a "ceiling" for legitimate grandfathered uses on site.

In order to comply with CEQA, the No Project Alternative should assume all un-permitted development and activities being removed from the site. This includes uses lacking County, State or Federal (RWQCB, ESA, CWA) permits. For example, it would be reasonable to assume closure of all camping facilities that rely on the current un-permitted sewage disposal facilities, since it is clear that the County or the Regional Board could shut down those facilities at any time.

- 3. The Project Description Is Too Vague For Impacts To Be Considered:** CEQA requires that the Project description be accurate and consistent throughout an EIR and courts have repeatedly stated that: "An accurate, stable, and finite Project description is the *sine qua non* of an informative and legally sufficient EIR." (County of Inyo v. City of Los Angeles (3d Dist 1977) 71 Cal.App.3d 185, 193 [139 Cal.Rptr.396]. The Project Description fails to include specific sites and land use parameters (i.e. acreages or plans) for each use. Without that information, it is not possible to accurately evaluate Project impacts. For example, there are a wide variety of sensitive resources on the Project site that could be affected by campers.

Yet an evaluation of those impacts is not possible because the Project Description does not include fixed locations for the campers and does not delineate the wetlands that could be affected by campers. This is acknowledged in the DEIR's Biology section, Impact 4.13-1 (p. 4.13-15), "*It is difficult to accurately assess the degree to which impacts to sensitive habitats can be avoided, however, because a specific footprint for each of the proposed facilities has not yet been determined, and wetlands, as defined by the Coastal Act, have not yet been determined*".

In April 1968, the Marin County Planning Department informed the Lawsons that a Master Plan must include "precise delineation of the tent camping and parking area" (Final EIR, Lawson's Landing, October, 1977, p.13). This information is absent from the Project Description and the DEIR. The Project Description should be revised to show specifically where each use is proposed. An excellent example of how this can be done is provided by the County's recent EIR on the Olema Ranch Campground, where specific campsites and use areas are clearly indicated. In addition, current and future anticipated user-days for each land use should be clearly described in the Project Description. Only with this level of detail can an adequate CEQA analysis be prepared for the Project

This level of detail is not only required under CEQA, but is also required under the Dillon Beach Community Plan, which specifies: (pg 6-31 Policy CD-14.1):

When potentially large development Projects...are proposed, a baseline study of current resident and visitor occupancy patterns throughout the community should be conducted. Population estimates should be based on the following factors...

- g. number of trailers at Lawson's Landing*
- h. number of trailers occupied full time and number of occupants*
- i. frequency and duration with which other trailers are occupied and number of occupants*
- j. frequency and duration with which campgrounds at Lawson's Landing are used and number of occupants.*
- l. number of day visitors and cars at Lawson's Landing.*

This study has not been done or included in the Master Plan or the DEIR.

This failure to provide definitive records of visitor levels affects the rest of the DEIR. For example, with respect to the wastewater system design, the designers of the system state that "The wastewater system design is based on the assumption of a maximum of 1,000 vehicles per day for campers and day use (combined total), which has been the Owners' self-imposed limit over the past few years". (Appendix D, p.1). But the Project allows for

1200 combined campers and day users per day, meaning that the proposed wastewater system design may be inadequate to serve the Project

In addition to its failure to show specific locations for camping and parking, the Project Description does not provide specifics on the proposed (or alternate) sewage treatment/disposal systems, and does not provide Project-level details critical to understanding Project impacts on biological resources. For all of these reasons, the Project Description is inadequate and fails to meet CEQA requirements. As described below, this failure to accurately conceptualize and describe the Project ripples through the entire environmental impact report.

4. Mitigations for Cumulative Impact are Deficient: The DEIR states that mitigation of cumulative impacts stemming from existing uses is not possible because existing uses “are part of the baseline condition against which Project impacts are measured.”(p. 4.6-35). However, this reasoning fails to take into account the fact that in this case the existing uses that are contributing to cumulative impacts are not, as is usual, outside the Project area on property belonging to someone else. Not only are these uses on the Project site, they themselves are part of the Project (Master Plan), which would take these existing un-permitted uses and make them legal. Because these uses are part of the Project, the EIR is required by CEQA to identify mitigations for these “cumulative” impacts¹. The continuation of existing uses is accentuating adverse impacts on wetlands and preventing restoration of coastal wetlands. These impacts together with the existing adverse baseline conditions identified attributable to existing uses whose continuation will be authorized by the project may be cumulatively significant. As such they must be fully considered and mitigated to the extent feasible in this EIR.

5. Alternatives Fail To Mitigate Impacts: Many of the alternative selected for review do not seem aimed at reducing Project impacts, which is CEQA's primary reason for requiring evaluation of alternatives in an EIR. For example:

- a. The Mixed Use Project Alternative has been configured to increase impacts compared with the Project (by adding a 100-room hotel), which makes it an impermissible “straw man” alternative under CEQA (See Sierra Club v. Contra Costa County).

¹ It is unclear whether the overall impacts of the Master Plan (Project) subject to environmental review are cumulative impacts or Project impacts. In either case, the EIR is required to identify feasible mitigation for those impacts.

- b. The Off-Site Project Alternative somehow misses the most logical relocation site for the Project, on less hazardous, less ecologically sensitive, agricultural parts of the site to the east of the Project site.
- c. The Reduced Project Alternative should be further configured to assure avoidance of all sensitive habitats on the site.
- d. The Mitigated Project Alternative also is deficient because, as described above, the secondary impacts of mitigation measures have not been fully evaluated, and there is substantial evidence that certain major mitigation measures (i.e. the relocated sewage treatment plant) would have significant unavoidable impacts of their own.

Given this highly flawed range of alternatives, it is unclear if the DEIR actually includes the reasonable range of alternatives required under CEQA section 15126.6, which specifies that alternatives should "avoid or substantially lessen any of the significant effects of the Project", or is rather a collection of "straw-men" alternatives designed to make the Project (or reduced Project) look better.

6. Mitigation Measures are Inadequate: As detailed in the table of specific comments below, many of the DEIR's mitigation measures are couched in terms such as "to the extent feasible" or rely on future studies or plans. Those measures are too vague, will be very difficult to enforce, and most importantly, do not assure mitigation. Instead they take a "trust us" approach and assume all will be well, rather than the CEQA-required "show us" approach. Simply stated, the success of these mitigations cannot be assured, and therefore, they do not actually mitigate anything. As identified in the table below, many of these measure need to be re-written or the conclusions of significance need to be revised. Additionally, some additional studies should be performed as part of the EIR to avoid improper deferral of analysis to mitigation.

7. Studies and Analyses Necessary to Identify Project Impacts are Inappropriately Omitted or Deferred: Deferral of critical studies to mitigation without attendant Project-specific performance standards is inappropriate and not permitted under CEQA (see *Sundstrom v. Mendocino* [202 Cal. App. 3d 296] and *Sacramento Old City Association v. City Council of Sacramento* [229 Cal. App. 3d 1011]). Deferred and omitted studies include:

- a. The Coastal Act Wetlands determination, critical to the evaluation of the Project's impacts on wetlands. The previous wetlands delineation by USACE is expired and quite incomplete (visibly so on the overlay on aerial photo), and it is inconsistent with the geomorphic maps.
- b. Environmental analyses for the relocated wastewater treatment sites.
- c. Detailed cultural resource evaluations. Such evaluations are critical to identifying impacts of locating Project facilities.

Conclusions

Our review indicates that this document fails substantially to fulfill its required purpose of identifying potentially significant environmental impacts and mitigating them. Because of the vague project description, defective baseline, and missing or incomplete technical studies, it fails to disclose to the public and decision-makers the true environmental implications of this Project and alternatives. In short, as detailed in our specific comments below, the document fails to meet CEQA requirements. The problems with the Project Description (Master Plan) should first be remedied, and then the DEIR be revised and re-circulated with the major flaws identified herein corrected.

Additional detailed comments are provided on the attached table. Please feel free to call me at (510) 849-2354 if you have any questions regarding this letter.

Sincerely,

Richard Grasseti
Principal
cc: California Coastal Commission, Regional Water Quality Control Board

Attachment A: Detailed Comments
Attachment B: Marin County, Lawson's Landing Chronology
Attachment C: Baye, Biogeographic Assessment of Lawson's Landing

ATTACHMENT A: SPECIFIC COMMENTS

COMMENT	PAGE #
<p>Will the EIR be used by the RWQCB for consideration of the Project's sewage treatment plant? If so, additional detail must be added to the Project description regarding the location and physical, and operational characteristics of that plant.</p>	<p>p. 2-4.</p>
<p>The No Project alternative means no Master Plan or permits. It also means no sewage treatment plant. If this were the case, many of the operations at the site would be required to close. Please revise this alternative to reflect the true No Project conditions, and not illegal lack of enforcement of un-permitted development and operations on the part of public agencies. The No Project Alternative should assume enforcement of all County, state, and federal regulations , and show the comparative impacts of that alternative with those of the proposed Project.</p>	<p>p. 2-5, section 2.4.1. No Project Alternative</p>
<p>The DEIR acknowledges that "some existing land uses are currently unauthorized (e.g., travel trailers), and could be considered inconsistent with relevant policies of the DBCP, the Marin Countywide Plan, and the LCP-II (e.g., camping in wetlands)." However, the DEIR also manages to find that the Project is consistent with the DBCP (p.4.2-40), the Marin Countywide Plan (p.4.2-14) and the LCP (p.4.2-27) by ignoring the consistency of current uses. The fact that the DIER takes current uses as the baseline for evaluating environmental impacts does not justify ignoring conflicts with existing regulations and policies.</p>	<p>p.2-6</p>
<p>How was the one-third reduction in camping in this alternative arrived at? Please provide a map showing how/where these uses would be located on the site. Would this alternative avoid placing campers on wetland areas?</p>	<p>p. 2-7, Section 2.4.3, Reduced Project Alternative.</p>

<p>This alternative assumes that the reduced number of campers could be located outside of the wetlands area. Have any calculations or mapping been done to indicate that the proposed number of campsites would fit in non-wetland areas? Please provide a map showing the locations of these camp-sites and how they avoid sensitive areas. If those areas cannot be avoided by this alternative, please revise the number or location of campers permitted to avoid sensitive wetland and dune habitat.</p> <p>Please include an additional reconfigured uses alternative that relocates the camping uses to the agricultural areas away from sensitive wetlands and dunes, and coastal and seismic hazard zones.</p>	<p>p. 2-7, Section 2.4.4, Reconfigured Uses Alternative.</p>
<p>This analysis claims that all non-cumulative Project impacts can be mitigated by this alternative. How can this be determined if the location of Project camping is not defined, and necessary studies (e.g. Coastal Act Wetlands delineation, endangered species surveys for relocated sewage treatment facility, cultural resources surveys) have not been completed. In addition, many mitigation measures in this EIR are couched in vague, permissive language (e.g. "to the extent feasible") that does not assure mitigation. Further, what measures will be incorporated to assure that the County enforces any of the mitigation measures in light of its statement in the No Project Alternative that it cannot be assumed that the County will enforce existing permit requirements and regulations.</p> <p>See other comments regarding deficiencies in impact assessment and mitigation, below.</p>	<p>p. 2-8, Section 2.4.5, Mitigated Project Alternative.</p>
<p>This alternative states that "Most of the significant environmental effects of the Project [other than archaeological resources] would be expected to occur regardless of the Project's location." This statement is entirely unsupported by evidence and, in fact, is repeatedly contradicted by the EIR itself. For example, the EIR identifies unique dune formations on the Project location that do not occur on other parts of the property. The Project location includes numerous rare and endangered species that don't occur elsewhere on the property. The Project location is vulnerable to fault rupture and tsunami hazards to which many other parts of the property are not liable. Therefore, relocating this facility to another part of the property could have substantial benefits (or</p>	<p>p. 2-9, Section 2.4.7, Offsite Project Alternative.</p>

<p>reduced impacts compared to the Project. At the very least, the EIR should evaluate relocating most of the Project uses to portions of the Lawson's Landing parcel inland, away from the sensitive dune and wetland habitats, and out of the tsunami and seismic hazard areas.</p>	
<p>Many of the analyses of plan and policy compliance assume implementation of mitigation measures. Please redo these analyses showing both pre- and post-mitigation compliance, since such mitigation is not assured at this time.</p>	<p>p. 2-11, 2.5.1 Plan and Policy Compliance.</p>
<p>Statements that because certain activities and facilities are part of the baseline, their cumulative impacts cannot be mitigated are false, and mitigation should be applied to cumulative impacts. The Project is a Master Plan for the entire property, and, as such, can be configured or revised to mitigate even those portions of cumulative impacts resulting from existing facilities. Unlike other Projects where cumulative impacts are outside of the Project's scope, in this case, they are entirely within the scope of the Master Plan. Further, the Master Plan is intended to bring the entire Project into compliance with County regulations and policies. Therefore it is the explicit purpose of the Master Plan to address cumulative impacts of the Project, including existing unpermitted activities and facilities. Please add mitigations for cumulative impacts on geological resources (e.g. relocation of facilities), dunes (relocation or recreational facilities), and sensitive habitats (relocation/reduction of facilities away from these habitats).</p>	<p>p. 2-11, 2.6.1 Cumulative Impacts.</p>
<p>On what basis does the EIR conclude that the water treatment system would reduce impacts of wastewater to less than significant levels (no mitigation necessary) in light of the fact the EIR also states that "the success of implementing a leachfield in an active dune system, [as proposed by the Master Plan] is unproven and best described as uncertain at this time" (DEIR p. 4.6-23, Impact 4.6-11)?</p>	<p>p. 2-24, Impact 4.5-6.</p>
<p>The EIR concludes that because the Project would not increase risk of liquefaction, it would have no impact. This is an erroneous analysis; the Project would increase the exposure of people to liquefaction, which would be a potentially significant impact.</p>	<p>p. 2-32, Impact 4.6-5.</p>

<p>The EIR concludes that tsunami warnings would allow evacuation from the area. How will these warnings be relayed to Lawson's Landing staff and campers/residents? How long will it take for over 1,000 campers and residents to evacuate the site?</p>	<p>p. 2-33, Impact 4.6-10.</p>
<p>See cumulative impacts comment, above. Please add mitigations for cumulative impacts on dunes.</p>	<p>p. 2-33, Impact 4.6-12.</p>
<p>Cumulative visual impacts are clearly significant, because the Project plus existing visual impacts have substantially adversely altered views of the site from sensitive viewpoints including Pt., Reyes National Seashore</p>	<p>p. 2-35, Impact 4.7-5.</p>
<p>The existing and proposed facilities appear to be in violation of the Project's Williamson Act contracts. Please provide a map in the EIR of which Project parcels are under Williamson Act contracts. Please describe the existing and proposed Master Plan land uses on each of those parcels.</p>	<p>p. 2-43, Impact 4.11-2.</p>
<p>Future studies and consultation do not assure mitigation of impacts on sensitive plant species. Please provide adequate surveys and specific mitigation measures for these plants. Without these, in combination with the vague description of the location of Project activities, the impacts must be deemed significant.</p>	<p>p. 2-47, Impact 4.13-2.</p>
<p>The CCA wetlands delineation must be done as part of the EIR; failure to do so is an inappropriate deferral of analysis to mitigation, particularly since that information could result in a revised Project plan. Absent this study in the EIR, this impact cannot be considered to be mitigated, because the impact itself is not known, much less the appropriate mitigation.</p>	<p>p. 2-48, Impact 4.13-3.</p>
<p>Focused studies for special status invertebrates should be included in the EIR. The mitigation's deferral of such studies is impermissible under CEQA. Further, measures such as "shall attempt to minimize disturbance...to the maximum extent feasible" and "consultations" do not assure mitigation. These are the exact measures identified as not assuring mitigation in The CEQA Deskbook, Bass & Herson, 1999, p. 113).</p>	<p>p. 2-50, Impact 4.13-4.</p>
<p>See above – neither Project nor cumulative impacts are mitigated by deferred studies and vague, unenforceable language.</p>	<p>p. 2-51, Impact 4.13-6</p>

<p>Please note that a complete CEQA review of the relocated wastewater treatment plant sites and/or alternative treatment measures is required as part of this EIR. Failure to perform these reviews would result in an impermissible piecemealing of the Project, where the required sewage treatment plant's impacts are evaluated separately from those of the rest of the Master Plan.</p>	<p>p. 2-56, Mitigation Measure 4.6-1.</p>
<p>This mitigation states that seismic design measures will reduce Project seismic hazards to a less than significant level. The Master Plan includes continued placement of over 200 permanent trailers and hundreds of campers on the main trace of the San Andreas Fault, in a liquefaction zone, and in an area subject to tsunami run-up. Please explain how seismic design measures for structures will in any way reduce the hazards to these people and to property such as RV's, which are not considered structures.</p> <p>This comment also applies to Project compliance with Policies EQ-37, EH-3.1 and all other policies promoting avoiding seismic hazards,</p>	<p>p. 2-60, Mitigation 4.6-3.</p>
<p>Mitigation Measure 4.5-2 does not address tsunamis., which is the focus of CWP policy EH-8.2.</p>	<p>p. 2-68, Mitigation Measure 4.5-2</p>
<p>Mitigation Measure 4.13-3 does not address dunes which are a major focus of LCP policy 5a.</p>	<p>p. 2-68, Mitigation Measure 4.13-3</p>
<p>Mitigation Measure 4.13-3 does not address Agriculture Policy 4d, which is the focus of LCP policy 4d.</p>	<p>p. 2-69, Mitigation Measure 4.13-3</p>
<p>Mitigation Measure 4.5-2 does not t address tsunamis, which is the focus of DBCP policy 1.4.</p>	<p>p. 2-73, Mitigation Measure 4.5-2</p>
<p>Determining which uses are legal non-conforming and which are illegal is at the crux of the baseline, and such a determination must be made in this EIR. The County has developed a chronology, and has other documentation, that allows such a determination to be made. Without this determination, the baseline and No Project alternatives are likely to be inaccurate. Failure to provide this determination in the EIR impermissibly skews the DEIR's impact analyses towards failing to address the full impacts of the Project compared to the No Project alternative.</p>	<p>p. 3-9, first full para.</p>

<p>This figure should be revised to show where the 1000 campsites and day use parking would be located and the limits of camping areas in the Main Meadow. This information is essential to accurately identifying Project impacts to the meadow.</p>	<p>Exhibit 3-9</p>
<p>The EIR contradicts itself regarding sand transport/dune replenishment and consequently misses a major cumulative, interactive impact. This section states that sand is transported from the shoreline to the quarry sites to replenish it. This contradicts the Geology and Soils section (pp. 4.6-7, 4.6-23) and the PWA technical report. Regarding impacts, the EIR fails to identify the interactive cumulative impact of sand depletion (and fails to mention that the quarry is already played out to limits of the permit), stabilization from wastewater treatment, and progressive encroachment by <i>Ammophila</i>. Note also that these would interact with the "emergency access road" that has been shifted from a "Project" proposal (with assessed impacts; see Initial Study) to a "mitigation". Sand Haul Road is routinely buried by sand, which is removed by quarrying. When quarrying ends the road edge dunes would have to be stabilized upwind. These combined impacts would rapidly stabilize the remaining naturally mobile dunes, which the PWA report accurately identifies as adverse.</p>	<p>p. 3-18, and pp. 4.6-7, 4.6-23</p>
<p>1-5 years is allotted for implementation of the proposed sewage treatment facilities. This is too long; these facilities should be completed by the Use Permit goes into effect and only legal uses allowed in the meanwhile.</p>	<p>p.3-26</p>
<p>The Resource Management Plan should be summarized in the EIR and:</p> <ol style="list-style-type: none"> 1) the proposed plan's compliance with it assessed, and 2) its effectiveness in protecting important resources assessed. <p>Currently the RMP has no provision for removal of invasive European beachgrass from the dunes. This should be remedied. The Agricultural Management Plan also should be included in the plan.</p>	<p>p. 3-30</p>
<p>Add the Regional Water Quality Control Board as a Responsible Agency. They would be responsible for permitting the sewage treatment plant which is an integral part of the Master Plan.</p>	<p>p. 3-35 Section 3.8-2</p>

<p>Onsite Cumulative Conditions. This section is correct in noting that the Project would allow a continuation of existing adverse conditions. The EIR baseline conditions should acknowledge that many of these conditions would not be allowed to continue absent the Master Plan, and therefore, over the long run, the MP would have significant adverse impacts compared to existing approved conditions.</p>	<p>p. 4-3</p>
<p>No parcel numbers are provided. No acreage is give for parcels. One parcel (shown in purple, probably APN -100-48) is shown as having two zonings: C-RCR and C-APZ-60. Please provide complete information on zoning by parcel and parcel size.</p>	<p>p.4.2-5 Exhibit 4.2-2</p>
<p>How can it be that the Project “will not substantially increase water demands,” when it will result in additional sinks, flush toilets, laundry facilities, water storage, and increase use from 1000 to 1200 overnight and day visitors?</p>	<p>p.4.2-10</p>
<p>Policy analyses inappropriately assume implementation of mitigation measures. Because mitigations are not proposed as part of the Project but may or may not be adopted at the discretion of the Board of Supervisors, these analyses should be done both with and without the mitigations. The Project itself does not comply with most of these policies.</p>	<p>p. 4.2-12-58 Policies EQ-2.6.3; EQ-2.88, EQ-3.4; EQ-3.5, EQ-3.7, EQ-6.4, EQ-7.1, EH-1.10, CD-1.6, etc. Marin LCP Policies re natural resources, etc... Dillon Beach Community Plan</p>
<p>This analysis states that there are no unique geologic features on the site – this is incorrect, the dunes on the site are geologically unique.</p>	<p>p.4.2-14, Policy EQ-3.5</p>
<p>This analysis should be expanded to consider impacts of liquefaction and seismic shaking to the 233 mobile homes located on the site.</p>	<p>p.4.2-15, Policy EQ-3.7</p>
<p>Protection of wetlands “to the maximum extent feasible” does not guarantee mitigation. Similarly, avoiding wetlands and other environmental resources “where feasible.”</p>	<p>p.4.2-17, Policy EQ-3.27 Coastal LUP Watershed and Water Quality</p>

<p>There are numerous other examples of these unenforceable and vague mitigation measures in the EIR.</p>	<p>Protection/Grading Policy 6 (p. 4.2-36)</p>
<p>The mitigation referred to in these policies applies only to "structures" and does not protect the hundreds of mobile homes and campers that would be located in the hazard area. Therefore, the Project does not comply with these policies, even with mitigation.</p>	<p>p.4.2-15 Policy EQ-3.7 pp.4.2-19-20 Policies CD-2.7; EH-3.1; EH-4.2</p>
<p>This discussion fails to address the acknowledged cumulatively significant changes to biological resources.</p>	<p>p. 4.2-14, Policy EQ-3.4</p>
<p>The Dillon Beach Community Plan allows laying pipes in wetlands "for public services purposes." The Lawson's Landing septic system is a private, commercial system; it does not serve the community of Dillon Beach, which was the intention of this provision of the Community Plan.</p>	<p>p.4.2-26</p>
<p>Development in C-APZ lands "shall be accessory, incidental or in support of agricultural land uses." How does relocation of the proposed wastewater treatment facility onto C-APZ land meet this standard?</p>	<p>p.4.2-29</p>
<p>The Marin Countywide Plan states that "permanent conservation easements over that portion of the [APZ] property not used for physical development or services shall be required." The DEIR's consistency determination merely states that "The feasibility of requiring a permanent conservation easement will be considered by the County." Such easements are required in the CWP, have been required for other APZ parcels in Marin, and should be required as a condition of approval of the Project.</p>	<p>p.4.2-31</p>
<p>There is insufficient information to state that the residential developments on C-APZ-60 parcels meet the required development standards regarding clustering, location re roads, ridgelines, views, etc. Information is also needed regarding legal density allowed on specific parcels.</p>	<p>p.4.2-53</p>
<p>The Initial Study (p.19) discussed the Floor Area Ratios allowed under C-RCR zoning. No information is included on this topic in the DEIR. Please provide information about the consistency of the</p>	<p>p.4.2-54</p>

recreation uses with the FAR standards.	
If there is to be a Dune Restoration and Monitoring Plan, it should be developed before the Project is approved, not after.	p.4.2-62
This section fails to describe the results of existing groundwater investigations with respect to impacts to groundwater and surface water quality from the current sewage disposal system. Instead it refers readers to the Hydrology and Water Quality section, which also fails to describe these existing conditions.	p.4.4-1, Section 4.4.1
This discussion erroneously states that the wastewater system would meet all requirements of the RWQCB and therefore the impact is less than significant. The DEIR clearly states that the system as proposed would not meet RWQCB standards, therefore this impact is significant. It may be able to be mitigated to less than significant, but no detailed studies indicating that to be the case are included in the EIR.	p.4.4-6, Impact 4.4-2
High groundwater levels were searched for in October 2003, after a prolonged dry period. A suggestion: It might be easier to find high groundwater levels in the rainy season, when the groundwater levels are at (or above) the surface of much of the meadow.	p. 4.5-3
The EIR should include a description of existing groundwater quality conditions. Absent this information, it is not possible to determine Project impacts or benefits to groundwater quality.	p. 4.5-4, top
This analysis focuses on nitrate loadings to Tomales Bay. However, there is no analysis of nitrate loadings to local groundwater, and no consideration of whether or not the Project sewage disposal system will result in unacceptable nitrate loadings to groundwater. Also, the impact assessment does not identify regulatory or health standards for nitrate loading, so it is not possible to tell from the EIR what, or how significant, the Project's impacts actually are in terms of health or the environment.	p.4.5-14, Impact 4.5-7
These discussions fail to account for tsunami hazards.	p.4.5-5, p.4.5-6, Impacts 4.5-2, 4.5-10;

<p>The area of active sand dunes has been reduced by more than half in the past fifty years. This raises two important issues: the need to ensure that sand is no longer removed from the site by quarrying, and the need to restore the active dunes as much as possible by removing invasive European beach grass.</p>	<p>p.4.6-9</p>
<p>There appears to be no consideration of future sea level rise in the discussion of hazards. Even the Dillon Beach Community Plan recognizes that sea level rise would have "a substantial effect" on Lawson's Landing. "Higher sea level would also alter the tsunami run-up zones." (p.5-13).</p>	<p>p.4.6-17</p>
<p>The bulk of the permanent trailers both existing and proposed by the Master Plan are within the preferred main fault zone. This is an area where 6-foot deep craters formed in the 1906 earthquake and eight feet of lateral displacement could occur. The threshold of significance include exposure of people or structures to the risk of loss, injury, or death from earthquakes. Yet somehow the EIR determines that impacts of fault rupture, groundshaking, and seismic-related ground failure are all less than significant. This is partially the result of the erroneous consideration of baseline conditions – the Project would permit the existing travel trailers to remain on the site for ever, while, under the existing regulatory conditions, some or all of the trailers and campsites would need to be relocated/removed from the site. It is also partly because of an erroneous view of Project impacts – in the discussions of Impact 4.6-5 and 4.6-10, the EIR concludes that the impact would not be significant because the Project isn't causing the ground failure. The EIR entirely misses the point, that the Project is continuing to expose campers and trailers to these hazards which they would not be exposed to in the long-term without the Project (i.e. enforcement of current land use regulations – either by the County or by Court order).</p>	<p>p.4.6-24, p.4.6-26, Impacts 4.6-3, 4.6-4, 4.6-5, and 4.6-10</p>
<p>This discussion should be updated with post-Indonesian earthquake/tsunami revised estimates of tsunami run-up.</p>	<p>Tsunami and seiche discussion, p. 5.6-17</p>
<p>Please describe the mechanism by which a tsunami warning would be transmitted from the Alaska Warning Center to Lawson's landing, and from Lawson's Landing to all of the onsite campers</p>	<p>p.4.6-26, Impact 4.6-10</p>

<p>and residents. Please provide a traffic study indicating how long it would take for 1000+ vehicles to complete the assumed evacuation of the site. Please consider the possibility that the single access roadway could be damaged or destroyed in an earthquake. The EIR presents what appears to be a best-case analysis unsupported by analysis. Absent information to the contrary, this impacts appears to be significant and unavoidable.</p>	
<p>An assessment of the environmental impacts of this mitigation should be conducted.</p>	<p>p.4.6-28, Mitigation 4.6-1.</p>
<p>This measure states that is impossible to mitigate cumulative sand dune impacts to a less than significant level. Were the cumulative impacts the results of off-site activities not under the purview of the Master Plan, this might be true. However, all cumulative impacts are the result of activities occurring on the site and within the purview of the Master Plan, which covers the entire Lawson's Landing property and all of the applicant's activities within the property. Therefore it is clear that the Master Plan could and should include mitigations for all of these cumulative impacts to the dunes. Please revise this cumulative impact assessment (and all others that follow the same flawed logic) accordingly, and add mitigation measures for all of the Project's cumulative impacts to dunes.</p>	<p>p.4.6-35, Mitigation 4.6-12</p>
<p>The Project site is cluttered and has a "shantytown" appearance clearly visible in views from high value recreation sites at the Pt. Reyes National Seashore. Yet the EIR uses its faulty baseline conditions and analytical purview (see previous comment on cumulative dune impacts) failure to address and mitigate cumulative visual impacts. Please revise and provide mitigation (i.e. relocation of trailers, clean-up of site, landscaping, setbacks, etc.) for cumulative visual impacts.</p>	<p>p.4.7-21, Impact/Mitigation 4.7-5</p>
<p>Emergency vehicle access: The EIR focuses on the entrance area as a significant problem for emergency access. It also should be noted that any other problems on Cliff Street also could block</p>	<p>Pp.4.8-13, 15 & Pp.4.8-16,17, Impacts and</p>

<p>emergency access. Further, the Plan does not improve emergency access for those needing to exit the facility (i.e. in case of the tsunami evacuation, identified in Impact 4.6-10).</p> <p>The only mitigation is the improvements to Sand Haul Road. Yet those improvements could interrupt the flow of sand to the dunes and thereby affect the morphology and habitat on the dunes. CEQA requires that the environmental impacts of mitigations be described and evaluated. Please address this impact of the proposed mitigation in a recirculated EIR.</p> <p>Note that since the Master Plan addresses all operation on the Lawson's Landing entire site and constitutes the County's permit for continuation of most of those activities, it should address all Project contributions to cumulative impacts, not just incremental contributions. Absent the Master Plan, the un-permitted activities would be illegal and would be required to cease.</p>	<p>Mitigations 4.8-4 and 4.8-7</p>
<p>Please identify which Project parcels are under Williamson Act contracts. Are the uses on those sites consistent with Williamson Act contracts? If not, the Project would be formally permitting such impermissible uses, which could be considered a significant impact. Please provide copy of Williamson Act contract for this property.</p>	<p>p. 4.11-4, LCA's; Impact 4.11-2</p>
<p>There is no evidence that a recent systematic evaluation of the site's cultural resources was conducted. Because the dunes shift and cover/uncover different cultural resources sites, such a study is important to understanding the site's prehistoric resources and the Master Plan's potential impacts to those resources. Please note that the Master Plan would result in the permitting of currently un-permitted uses which would otherwise be subject to possible removal in the long term.</p> <p>Also, the cultural resources evaluation should be expanded to address the possible mitigation leachfield sites (so that the impacts of those mitigations are addressed, per CEQA requirements).</p>	<p>p.4.12-1, Section 4.12, Cultural Resources</p>
<p>A copy of the 2004 Baye report (Biogeographic Assessment of Tomales Dunes) is not, in fact, included in Appendix J. A copy is attached here as Attachment C.</p>	<p>p.4.13-1</p>

<p>See previous comment (pp.6-7 of the EA C/Grassetti letter) regarding special status species/habitats in the areas proposed for the relocated leachfields.</p>	<p>p.4.13-1, Section 4.13, General</p>
<p>These measures inappropriately defer identification of impacts and mitigation to future studies of special status plants, coastal wetlands and special status wildlife.</p> <p>Moreover, due to their reliance on consultation and reduction of impacts "to the extent feasible," they do not assure mitigation (see 4.13-4 (c)).</p> <p>The recommended studies should be done as part of the DEIR, and the DEIR recirculated for public review of their findings.</p>	<p>p.4.13-23-24, Mitigations 4.13-2, 4.13-3, 4.13-4,</p>
<p>This mitigation measures states that is not feasible to mitigate cumulative impacts on wetlands and sensitive species to a less than significant level. Were the cumulative impacts the results of off-site activities not under the purview of the Master Plan, this might be true. However, all cumulative impacts are the result of activities occurring on the property and within the purview of the Master Plan, which covers the entire Lawson's Landing property, and all of the applicant's activities within the property. Therefore it is not infeasible that the Master Plan include mitigations for all cumulative impacts to the biologic resources. Please revise this cumulative impact assessment accordingly, and add mitigation.</p>	<p>p.4.13-24-25, Mitigation 4.13-5,</p>
<p>This impact assumes improvements to Sand Haul Road. Yet, as described in earlier comments, impacts of this mitigation on sand dunes could be significant, and have not been evaluated in the DEIR. Please describe the potential impacts of this mitigation measure, as required in CEQA Guidelines Section 15164.4(a) (1)(D).</p>	<p>p.4.15-4, Impact 4.15-3</p>
<p>EAC sent a letter requesting that the EIR "provide a true picture of current conditions at Lawson's Landing," specifically regarding the terms of occupancy of the 233 permanent RVs on site. This letter, which we include as Attachment D, was not included among the other scoping and comments letters.</p>	<p>Appendix B</p>
<p>If it is true, as stated in the traffic study, that it is "not practical to establish a limit on the exact number of campers or day use visitors, or to control the number of people per vehicle," how</p>	<p>Appendix D, p.1</p>

<p>does the County expect Owners to adhere to the proposed limits on camping and day use? Without control over use levels, how can the EIR accurately evaluate the impacts of the Project and what assurance is there that mitigations will be effective for whatever use level happens to occur?</p>	
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