



## SIERRA CLUB MARIN GROUP

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September 12, 2005

To: Marin County Planning Commission

Re: Lawson's Landing Draft Environmental Impact Report (dEIR), Master Plan, Coastal Permit, and Tidelands Permit

The Sierra Club, on behalf of its 7,000 Marin County members, appreciates the opportunity to comment on the Lawson's Landing Draft Environmental Impact Report (dEIR), Master Plan, Coastal Permit, and Tidelands Permit. We wish to incorporate into this letter by reference the August 29 letter sent by the Environmental Action Committee of West Marin. This letter and its associated reports (eg Grassetti, Fall Creek) was created with input from many organizations (a Dunes Coalition including the Sierra Club) and outlines many specific problems of the Maser Plan and dEIR. Consequently, we will not re-iterate these points but will rather address this application's broader context.

The Lawson dEIR and Mater Plan are scientifically and legally flawed, but more fundamentally, these documents purport to address 40 years of illegal "takings" by converting these "takings" into "givens." The basis of this conversion is the dEIR claim, repeated in the staff report, that is it "difficult" to establish what was on site at the time permits were first required. In a word, this is nonsense, and is clearly contradicted by the County's own Chronology which is attached as Appendix A to the staff report.

In brief, these County records show:

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

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

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

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

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

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

Now the dEIR's 1000 peak is spreading from occasional holiday weekends to many more summer days. Yet the Staff Report claims no increase is being asked for. Although this claim is false because it is based on an assumption that the public cannot distinguish between peak use and average use, it does have the virtue of consistency. Seemingly, the Lawsons have never asked to increase the size of their operations. Instead, for over 40 years, the Lawsons have taken it upon themselves to expand their operation without asking, without permits, and without consideration of impacts.

This 40-year illegal expansion at Lawson's flies in the face of their Dillon Beach neighbors and Community Plan, as well as their Williamson Act easement. As the number of vehicles has grown, so has the size of the vehicles. What was formerly a pickup truck and a tent has changed to \$300,000 40-foot diesel-fume spewing Class A rig towing a \$40,000 boat behind. These well-heeled recreationists are a majority of the "so-called poor" people for whom the Lawsons now claim to be protecting coastal RV-access. Many of the "poor" that the Lawson's claim to be protecting are the same ones put at risk by the myriad of building, electrical, fire and health code violations that the County found at Lawson's during a 1967 inspection but has done nothing to correct.

No business, no matter how well-connected, should get a 40-year exemption from fire codes, building codes, health codes, zoning regulations and traffic mitigations. This sweetheart deal should not be a "given" because it has been "taken" at the expense of the Lawsons' neighbors, their customers and the environment. Lawsons Landing is an embarrassment to Marin County that needs to be cleaned up, not covered up.

By claiming that well-researched criticisms of the current Lawson Master Plan and dEIR are based on "falsehoods and deceit," (Point Reyes Light 9/1/05) the Lawson Family is attacking the messenger and evading the real issue. The dEIR is an elaborate construct that reveals almost none of the information (eg proper wetland delineation; location of the RV sites) required to determine where and at what level sustainable use of the site could continue and simply assumes that if it were not approved, then all the building and zoning violations would continue.

The Sierra Club believes that Lawson's Landing is an important coastal recreational site that should be maintained, but due respect must be given to the Lawson's Dillon Beach neighbors and to the environment. We urge the Lawsons to offer and the Planning Commission to require that this defective dEIR be withdrawn and corrected. A new Master Plan and dEIR should be created that takes nothing for granted and re-designs Lawson's Landing from the ground up so that safe and sustainable recreational use of this environmentally sensitive area can continue.

At camping fees of up to \$22 per night, \$7 in day-use charges, plus the proceeds from launch fees, boat repair and rental and sales of gas and food, Lawson's Landing is likely grossing over \$5 million per year, much of it in cash. This significant cash flow with modest overhead is surely enough to provide continued discount entry to those truly in need and surely enough to do a decent and fair Environmental Impact Report. In the past, when the Lawsons have failed in promoting similarly defective and/or incomplete Master Plans and EIRs, they have taken every opportunity to further expand their operations, which has made resolution of this embarrassment more difficult. Until such a new Master Plan and EIR are created, we ask those who care about simple fairness to urge that the current operations of Lawson's Landing be brought into compliance and that no expansion in days-of-use should occur.

Sincerely,

Gordon Bennett, Marin Group Chair