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W17a

LCP-2-MAR-15-0029-1

Environmental Action Committee of West Marin

Support Agenda Item W17A

May 31, 2018

California Coastal Commissioners
Jack Ainsworth, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: NorthCentralCoast@coastal.ca.gov

Re: Comments re: Marin County Local Coastal Program Amendment
Number LCP-2-MAR-15-0029-1, Support Agenda Item W17a

Dear Mr. Ainsworth and Commissioners:

The Environmental Action Committee of West Marin (“EAC”) respectfully submits the following comments on Marin County Local Coastal Program (“LCP”) Amendment Number LCP-2-MAR-15-0029-1, Agenda Item W17a, requesting concurrence by the California Coastal Commission (“Commission”) with the Executive Director’s determination that Marin County (“County”)’s action is legally adequate. EAC supports the Commission staff’s recommendation regarding Agenda Item W17a, as we are in favor of moving the LCP update forward as soon as possible so that the County can benefit from an LCP that addresses environmental hazards including sea level rise.

Since 2008, EAC has been actively involved in the County’s LCP amendment process, participating in both County and Commission public hearings and submitting many comment letters. On more than one occasion, EAC has raised procedural issues with the 10-year long process.

In May of 2017, EAC raised questions regarding the legal adequacy of the

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May 16, 2017 County Board of Supervisors resolution. On behalf of the Commission, Nancy Cave addressed these concerns regarding the May 2017 resolution's legal adequacy in her December 15, 2017 letter to Brian Crawford, Director of the Marin County Community Development Agency. Ms. Cave's letter stated that "The Board needs to accept the Commission's modifications as is, without express caveats, to be considered legally adequate." EAC is supportive of the Commission's efforts to ensure a legally sound resolution and agrees that the April 24, 2018 County resolution, adopted without caveats or interpretations, is legally adequate for County-identified amendments 1, 2, and 6.

EAC looks forward to continuing to work with the County and the Commission staff in a collaborative public process on the remaining amendments. It is our expectation that resolving any remaining differences between the County and the Commission will take place as part of a process that includes adequate opportunity for public review, comment, and testimony.

We are disappointed that the Commission and its staff have at times, throughout this LCP update process, been inaccurately portrayed as over-stepping their authority. In our experience and view, the Commission staff has worked diligently in the spirit of partnership with the various stakeholders and the County to come to a mutually agreed upon LCP update. EAC appreciates the professionalism and detailed command of issues the Commission staff has brought to this complex and lengthy update process. Commission staff members have been very sensitive to Marin-specific concerns and have been persistent in pursuing workable compromises with the County and its stakeholders where possible, while also fulfilling their responsibility to assure that the amendments are Coastal Act compliant.

Lastly, we request one point of clarification. Because the seven LCP amendments have been submitted as a complete package that will completely replace the certified LCP, no amendment can go into effect until all seven amendments are certified and accepted by the County. It would be in the public interest for any concurrence adopted by the Commission to clarify that no amendment will be considered "final" for the purposes of Public Resources Code section 30801 until all seven amendments have been certified, accepted by the County, reported to the Commission, and only then reported to the Secretary of the Natural Resources Agency.

Thank you for your dedication to coastal protection and your consideration of our comments.

Respectfully,


Morgan Patton
Executive Director


Ashley Eagle-Gibbs
Conservation Director

cc:

Jeannine Manna, California Coastal Commission
Dan Carl, California Coastal Commission