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June 29, 2021

Mark Brown, Executive Officer  
Marin Wildfire Prevention Authority  
P.O. Box 4248  
San Rafael, CA 94913  
*Via Electronic Mail*

Re. Marin County Local Coastal Program Amendment implementation

Dear Mr. Brown,

Based in Point Reyes Station, the Environmental Action Committee of West Marin (EAC)'s mission is to protect and sustain the unique lands, waters, and biodiversity of West Marin. We are acutely aware of the dangers presented by climate change and our unique vulnerabilities related to wildfires in Marin County. We supported Measure C, and we have also been active participants in Marin County's fire planning process including as part of the Ecologically Sound Practices group.

Today, we are reaching out to the Marin Wildfire Prevention Authority/Joint Powers Authority (JPA) related to the Marin County Local Coastal Program amendments. Since 2008, EAC has been actively involved in Marin County's Local Coastal Plan amendment process, participating in both County and California Coastal Commission public hearings.

At its July 13, 2021 Board of Supervisors (Board) meeting, the Community Development Agency will ask the Board to implement certain amendments to Marin County's Local Coastal Program.<sup>1</sup> The amendments include significant changes to land use policies in Marin County's Coastal Zone, but the proposed amendments do not address environmental hazards, including wildfires. We believe that implementing these amendments without the accompanying updated environmental hazards policies may have adverse consequences for the work of the JPA and homeowners in creating defensible space in residential areas.

The amended policies include the designation of a new type of Environmentally Sensitive Habitat Area (ESHA), called Terrestrial ESHA. Terrestrial ESHA is defined as:

...habitats of plant and animal species listed under the Federal or California Endangered Species Act and existing populations of the plants listed as 1b or

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<sup>1</sup> <https://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program>

2 by the California Native Plant Society; coastal dunes; groves of trees that provide colonial nesting and roosting habitat for butterflies or other wildlife; and riparian vegetation that is not associated with watercourse.<sup>2</sup>

The policies also establish a protective buffer of 50 feet around any Terrestrial ESHA.

Identification of Terrestrial ESHA will require site surveys by qualified biologists. Removal of vegetation from a Terrestrial ESHA or its buffer area is generally prohibited. As a consequence, the creation of defensible space will become more complicated including permit requirements, and, in some instances, may be entirely unlawful.

EAC strongly supports the designation of Terrestrial ESHA for the protection of our unique coastal resources. We are just as strongly committed to the creation of policies that mitigate environmental hazards, such as wildfires, to protect those resources in balance with the health and safety of our communities.

The update of the 1981 Local Coastal Program was intended to be comprehensive and to include all the chapters at the same time. Unfortunately, the environmental hazards chapter has been omitted and essential guidance for mitigation of wildfire hazards is missing.

Implementing the Local Coastal Program amendments without also updating environmental hazards policies will likely have adverse consequences for the JPA's work to provide vegetation management guidance to residents.

We urge the JPA to contact Supervisor Dennis Rodoni and Community Development Agency Director Tom Lai to ask them to consult with you on the potential impacts. We have requested that the Community Development Agency not advance a partial Local Coastal Program amendment package but rather first finish the work on the environmental hazards chapter and then present the complete package, allowing for one public information and education campaign. Otherwise, we are concerned there will be confusion and non-compliance with the new policies by the general public and other public agencies.

Sincerely,



Morgan Patton, Executive Director



Bridger Mitchell, Board President

cc: Jason Weber, Fire Chief, Marin County  
Jim Chayka, President, FIRESafe MARIN  
Rich Shortall, Executive Coordinator, FIRESafe MARIN  
Anne Crealock, Marin Wildfire Prevention Authority  
Supervisor Dennis Rodoni, Marin County  
Rhonda Kutter, aide to Supervisor Dennis Rodoni, Marin County  
Lorenzo Cordova, aide to Supervisor Dennis Rodoni, Marin County  
Tom Lai, Director, Marin County Community Development Agency

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<sup>2</sup> LCP Implementation Plan, Section 22.130.30, [Page 156], available at: <https://www.marincounty.org/-/media/files/departments/cd/planning/local-coastal/2021/marin-county-2019-certified-implementing-program-except-envhazards.pdf?la=en>.