

Board of Directors

September 10, 2021

Bridger Mitchell, Ph.D.
President

Jack Liebster, Planning Manager
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903
Via Electronic Mail

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Vice-President

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Cynthia Lloyd, Ph.D.
Secretary

Re. Marin County Local Coastal Program

Sarah Killingsworth, Esq.
Director

Dear Mr. Liebster,

Jerry Meral, Ph.D.
Director

We submit these comments on Marin County's draft environmental hazards policies, dated 8/19/21, which we received as participants in the Coastal Communities Working Group (CCWG). Thank you for your flexibility in accepting our comments after the Board sub-committee meeting on the 7th. The tight deadline was challenging for us due to staff illness and power outages. We have included our comments below as general comments, questions or inconsistencies identified, and specific comments by policy number. We continue to review the draft policies in light of the California Coastal Commission (Coastal Commission)'s 2016 modifications, and we plan to submit additional comments in the future.

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Regarding the CCWG comments on the 8/19/21 draft policies (circulated prior to the CCWG 8/26/21 meeting), it is our understanding that the CCWG comments to date will be compiled into non-final version that will be reviewed by Coastal Commission staff and the general public. We understand the draft language will likely need to go through multiple additional revisions to ensure California Coastal Act (Coastal Act) compliance and coordination with the Coastal Commission staff.

As we have stated before, to ensure a successful outcome, it is of the utmost importance that the County staff continues to closely coordinate with the Coastal Commission staff, so that the draft submitted to the Coastal Commission is well coordinated, compliant with the Coastal Act, and can be approved as submitted to the Coastal Commission. We want to avoid history repeating itself with any County withdrawals at the Coastal Commission level.

As an additional general comment related to the public process, we have heard from other CCWG members that the policy language remains hard to understand, indicating that it will be even more difficult for the public to grasp. For that reason, we reiterate the importance of visuals and easy-to-understand explanations for the upcoming October public workshop, so that the public can fully grasp the importance and potential impacts of the Local Coastal Program (LCP) hazards language.

General Comments

- Please ensure that the policies proposed are at least as protective as the Coastal Commission-certified policies including the 1981 Certified LCP and the 2014 certified policies.¹ However, as the climate change science has rapidly progressed and both of those sets of certified policies pre-date the 2015 Coastal Commission Sea Level Rise Guidance and the 2018 science update², the proposed policies should include updated science projections based on the best available science, such as the 2018 Ocean Protection Council Guidance³ and the 2020 Sea Level Rise Principles for Aligned State Action, adopted by multiple state agencies⁴, as well as the recent Intergovernmental Panel on Climate Change report⁵.
- Any map references should be current and incorporate the best available science.
- The policies should be consistent with the Coastal Act and the aforementioned Coastal Commission Guidance documents.
- Based on the science on armoring and its contribution to significant beach loss, we should be avoiding any additional armoring of our beaches, which in many cases results in more harm than benefits.⁶
- The policies should be protective of continued broad public access to our beaches consistent with the Coastal Act.
- In light of the recent climate science, we should be planning for a worst case scenario of sea level rise and groundwater inundation, especially related to critical infrastructure.

Questions/Inconsistencies Identified

- What is the meaning, purpose, and applicability of Draft Policy C-EH-15.2 prohibiting shoreline protective devices for single residential structures? How is this policy consistent with the Coastal Development Permit process, which typically involves a single applicant proposing a project limited to a single property? Under this policy, would all existing shoreline protective devices become legal non-conforming uses?
- What observable metric of “market value of the structure” would be used to determine whether repair, reconstruction, or improvement of a structure constitutes a "Substantial Improvement"? Would market value be established by professional appraisal, assessed value, or some other measure? How would costs of previous improvements be measured and accumulated?
- When will the Stinson Beach Dunes Feasibility study be released to the public, as this can help guide our development of LCP policies?
- Why are the Dillon Beach Community Plan environmental hazards policies not included? They are a component of the certified LCP.

¹ See 2016 Coastal Commission Staff report table, pp. 50-81, *available at*: <https://documents.coastal.ca.gov/reports/2016/11/w10a-11-2016-a1.pdf>.

² Coastal Commission, Climate Change, Sea Level Rise, *available at*: <https://www.coastal.ca.gov/climate/slr/>.

³ Ocean Protection Council, https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf.

⁴ Making California’s Coast Resilient to Sea Level Rise: Principles for Aligned State Action, 2020, *available at*: https://www.opc.ca.gov/webmaster/_media_library/2021/01/State-SLR-Principles-Doc_Oct2020.pdf.

⁵ Intergovernmental Panel on Climate Change, Sixth Assessment Report, 2021, *available at*: <https://www.ipcc.ch/report/ar6/wg1/>.

⁶ See Michelle Hummel et al., Economic Evaluation of Sea-level Rise Adaptation Strongly Influenced by Hydrodynamic Feedbacks, 118 Proceedings of the National Academy of Sciences 1 (July 12, 2021), *available at*: <https://doi.org/10.1073/pnas.2025961118>.

Specific Comments by Policy

- Maximum height standard. Re. C-EH-14, raising the maximum height limit to provide for 3 feet of sea level rise would establish a limit of 28 feet (=25' + 3'), not 30 feet. To be consistent with the certified LCP, any increased height must not adversely affect significant public views (protected under the Coastal Act) or community character.
- Re. C-EH-15 [Shoreline Protective Devices] Armoring Duration. This should not be authorized for a structure subject to substantial improvement.
- While we understand that the East Shore of Tomales Bay is a unique community with specific geographic features and some of the structures help support Highway 1, regarding East Shore protective armoring (C-EH-15(3)), these projects should not be exempt from reevaluation of mitigation requirements, as this sets a bad precedent for the state. Also, if public infrastructure is relocated/abandoned, it may make sense to remove armoring.

Thank you for your review of our comments. We hope that County and Coastal Commission staff will be able to come to an agreement, so that the environmental hazards update can be approved as submitted (after extensive and broad public input and transparency this fall). It is critical that these policies are finalized as soon as possible, as our climate situation only becomes more severe.

Sincerely,



Morgan Patton, Executive Director



Bridger Mitchell, Board President

cc: Tom Lai, Director, Marin County Community Development Agency
Leslie Lacko, Senior Planner, Marin County
Supervisor Dennis Rodoni, Marin County
Rhonda Kutter, aide to Supervisor Dennis Rodoni, Marin County
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