



Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 228
San Francisco, CA 94105

FRI 9a
A-2-MAR-08-028-A2
Approve the amendment
with conditions

August 5, 2020

Dear Chair Padilla and Commissioners,

The Environmental Action Committee of West Marin is hopeful that your Commission can at this hearing finally close the long saga of the legalization of the Lawson's Landing campground and the protection of the rare, rich, vulnerable and beautiful dune-wetland system that surrounds it. We support staff's recommendations, though we do suggest one small but important change.

Your Commission gave staff very clear directions when the previous Amendment was denied in November 2017. Directly after the vote, Executive Director Ainsworth said, "Staff would like some direction on where the Commission wants this going forward." Then-Chair Bochco replied, "We want to stay out of ESHA. I'm serious....I think the issue is stay out of ESHA. Period." This amendment, as conditioned by staff, does that. Thanks to the hard work of staff and the cooperation of the Applicant, all structures are to be built in legally developed areas, as required by the 2011 CDP. We agree with staff that the proposed EVA road through ESHA must be denied.

Here are our comments and suggestions.

The Emergency Vehicle Access (EVA) road should be denied.

You have a letter from our attorney, Ralph Faust, explaining the legal position in detail, but to summarize his points:

1. Putting an EVA through ESHA would violate the Coastal Act.
2. The Marin County Fire Department does not have the authority to require an EVA for this project.
3. There is no conflict between Coastal Act policies and therefore no ability to use the conflict resolution provision of the Coastal Act.
4. If there were a conflict between Coastal Act policies that allowed the use of conflict resolution, destruction of ESHA would still not be allowed unless a detailed alternatives analysis found that the alternative requiring destruction of ESHA was the only feasible alternative and the alternative most protective of Coastal Resources. No such analysis has been conducted and therefore no such finding has been made.

We urge you to add a hard deadline for construction of the new wastewater system.

The heart of the 2011 CDP--and the main impetus for the fifty-year effort to bring Lawson's Landing into compliance with State and County regulations--has been the desire to replace its 167 bayside cesspools with a proper wastewater system. The 2011 CDP did not actually solve the wastewater problem, however. It merely required the permittee to submit a Coastal Development Permit Amendment Application for the new wastewater treatment and disposal system "by July 13, 2012, or within such additional time the Executive Director may grant for good cause." In fact, it was 2015 before that amendment was filed. And, after it and its successor were both rejected for proposing development in ESHA, it is only now, eight years late, that your Commission has a wastewater amendment that can, we hope, be approved.

Nearly all of the Special Conditions in the 2011 CDP were delayed past the original deadline, some with and some without the ED's approval. The deadline for Special Conditions 2.C.1(a) and 2.C.2(a), however, was a firm deadline that required removal of the travel trailers which used the cesspools by July 13, 2016. There was no allowance for extension, and the deadline was met.

Unfortunately, Special Condition 7 of this permit requires the new wastewater collection, treatment and disposal system to be constructed by August 14, 2022, but allows the Executive Director to extend this deadline indefinitely "for good cause." Because delay has been a hallmark of this process, we believe that it is essential to set a hard deadline for completion of the new wastewater system.

We urge you to adopt the following alternate wording for Special Condition 7 (our additions are underlined):

Special Condition 7:

WASTEWATER TREATMENT AND DISPOSAL SYSTEM

A. The Permittee shall construct the new wastewater collection, treatment and disposal system substantially consistent with that depicted on CSW ST2 Lawson's Landing Composite Plan Design Development- Campground Area 6 Site Plans dated January 15, 2020 and Questa Engineering Corp. Revised Wastewater Facilities Plan for Lawson's Landing Dillon Beach, California, dated September 2018 Appendix E and Figure 7 (see Exhibit 3 for CDP Amendment Number A-2-MAR-08-028-A3) by August 14, 2022. The Executive Director may extend this deadline until August 14, 2024 for good cause."


C. If the new wastewater collection, treatment and disposal system has not been constructed by ~~August 14, 2022 or within additional time the Executive Director may grant for good cause~~ August 14, 2024, the Applicant shall cease all uses that depend on the new wastewater collection, treatment and disposal system.

Lastly, we have become aware that the Applicant's representative has been suggesting that the Environmental Action Committee of West Marin has agreed to some kind of deal that would allow the EVA to be approved. This is untrue. EAC has not offered, approved, or seen any "deal" that would allow the destruction of ESHA by the EVA. We have asked the Applicant's representative not to repeat this erroneous claim.

We urge you to approve this Amendment, as conditioned by staff and with the addition of a definite deadline for completion of the wastewater system.

As this decades-long effort comes to a conclusion, we want to acknowledge the efforts the applicants have made to adjust their desires to the requirements of the Coastal Act. We deeply appreciate the hard work staff has put into this permit application over the years, and we thank you, Commissioners, for your devotion to the Coastal Act and for your concern for the precious and dwindling natural resources of California's coast.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Caufield".

Catherine Caufield
cc: John Ainsworth, Executive Director