

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400

W7

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

September Meeting of the California Coastal Commission

MEMORANDUM

Date: September 15, 2010

TO: Commissioners and Interested Parties
FROM: Charles Lester, North Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the September 15, 2010 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

IMMATERIAL AMENDMENTS

1. 1-97-058-A3 Seadrift Association, Attn: Kiren Niederberger (Stinson Beach, Marin County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-97-058-A3 Seadrift Association, Attn: Kiren Niederberger	Minor extension of a 1,620-ft existing bulkhead to proactively stabilize sediments from eroding at a location of oversteepened vertical bank. The existing permitted bulkhead would be extended less than 20 ft. landward. Work would install: eight interlocking steel, sheet piles to a depth of approximately 20 ft. (-9.5 ft. NAVD88); reinforced concrete bulkhead cap cast in-place along the top of the sheet piles; extension to match existing with a uniform top of wall elevation (10 ft. NAVD88). New section would be cantilevered (would not use a tie-back system). Construction: staging is in designated upland area; materials and equipment to be stored on pallets, under cover, and in secondary containment; equipment shall be checked daily for leaks; disturbed areas to be re-vegetated with California native grasses. Work shall be conducted during dry weather, and outside bird nesting and fledgling seasons.	351 Seadrift Road, Stinson Beach (Marin County)

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www.coastal.ca.gov

**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director *PS*
DATE: September 1, 2010
SUBJECT: **Permit No: 1-97-058-A3**
Granted to: Seadrift Association, Attn: Kiren Niederberger

Original Description:

for **Repair 675 lineal feet of timber and asbestos-sheet bulkhead by facing the bulkhead with epoxy-coated steel interlocking sheet pile armor and backfilling the space behind armor sheets with gravel.**
at **351 Seadrift Road, Stinson Beach (Marin County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Minor extension of a 1,620-ft existing bulkhead to proactively stabilize sediments from eroding at a location of oversteepened vertical bank. The existing permitted bulkhead would be extended less than 20 ft. landward. Work would install: eight interlocking steel, sheet piles to a depth of approximately 20 ft. (-9.5 ft. NAVD88); reinforced concrete bulkhead cap cast in-place along the top of the sheet piles; extension to match existing with a uniform top of wall elevation (10 ft. NAVD88). New section would be cantilevered (would not use a tie-back system). Construction: staging is in designated upland area; materials and equipment to be stored on pallets, under cover, and in secondary containment; equipment shall be checked daily for leaks; disturbed areas to be re-vegetated with California native grasses. Work shall be conducted during dry weather, and outside bird nesting and fledgling seasons.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

Requested amendment is not a material change to the permit.

If you have any questions about the proposal or wish to register an objection, please contact Renee T. Ananda at the North Central Coast District office.

cc: Local Planning Dept.

Noble Consultants, Inc., Attn: Ronald M. Noble

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
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**Memorandum****September 9, 2010**

To: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
North Central Coast District

Re: **Additional Information for Commission Meeting**
Wednesday, September 15, 2010

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W10a	A-2-MAR-10-022 (Magee & Dillon Vision LLC, Marshall)	Correspondence, Dominic Grossi Correspondence, Robert F. Epstein Correspondence, Linda Emme	1 2-11 12-15



MARIN COUNTY FARM BUREAU

520 MESA ROAD, POINT REYES, CA 94956 · PHONE (415) 663-1231 · FAX (415) 663-1141

W10a

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September 6, 2010
California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, Ca. 94105-2219

SEP 08 2010

CALIFORNIA
COASTAL COMMISSION

Re: Appeal No. A-2-MAR-10-22 (Magee & Dillon Vision LLC, Marshall)

Dear Coastal Commissioners:

This letter is to express the Marin County Farm Bureaus support for the approval of a coastal permit for the Dillon Vision LLC (Brader-Magee) project in Marshal.

Marin County Farm Bureau is a non-governmental, non-profit, voluntary membership corporation that's purpose is to protect and promote agricultural interests and to find solutions to the problems of the farm, the farm home and the rural community. For over 87 years Marin County Farm Bureau has helped to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of Marin County resources.

Agriculture has continued to evolve and ranchers have become much more diversified in their businesses to remain viable. The Brader-Magee project is an excellent example of small scale diversification in our County. Our County Wide Plan (adopted in 2007) has a policy (AG-2.3) supporting small scale diversification.

The applicants have gone to extraordinary lengths to protect environmentally sensitive areas. They not only met all of the Counties conditions for approval, but went above and beyond by voluntarily making additional changes at the request of the Environmental Action Committee of West Marin.

We believe the Dillon Vision LLC (Brader-Magee) project is consistent with the County Wide Plan, Local Coastal Program Unit II and the California Coastal Act. We urge the Commission th deny the appeal filed by Scott Kivel and Lia Lund.

Sincerely,
Signature on file

Dominic Grossi,
President,
Marin County Farm Bureau



W10a

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ATTORNEYS AT LAW
874 FOURTH STREET, SUITE D, SAN RAFAEL, CA 94901-3246
TELEPHONE 415.453.9433 FACSIMILE 415.453.8269
WWW.RFLAWLLP.COM

SEP 09 2010

CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

September 8, 2010

Via Email and U.S. Mail

Chairperson Bonnie Neely and Commissioners
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

**Re: Appeal No. A-2-MAR-10-022
Appeal of Resolution of the Marin County Board of Supervisors
Resolution No. 2010-36 Approving With Conditions The Dillon
Vision (Brader-Magee) Coastal Permit, Design Review, And Use
Permit
17990 State Route 1, Marshall (Assessor's Parcel 106-220-20)**

Dear Chairperson Neely and Commissioners:

In support of our appeal of the above-referenced Resolution, we hereby provide our response to the staff report dated September 2, 2010. We respectfully submit that your staff has presented you with an incomplete and faulty analysis of the issues presented by our appeal. A fair reading of this matter can result in only one reasonable conclusion: that the appeal presents at least one, if not several, substantial issues that warrant the setting of a de novo hearing.

Your staff, in making its recommendation, has accepted unverified assertions made by the project applicant for which there is no support in the administrative record. In addition, your staff has suggested that no significant precedent would be set by a "no substantial issue" finding. To the contrary, if the Coastal Commission were to accept staff's recommendation, it would be providing a green light to similar applications for commercial development on the pristine shores of Tomales Bay and indeed statewide.

RODRIGO D. DIAS	DAVID F. FEINGOLD	
RILEY F. HURD III	ROBERT F. EPSTEIN	
SARAH N. LÉGER	PATRICK M. MACIAS	OF COUNSEL:
ERIC STERNBERGER	HERBERT M. ROWLAND	JOHN RALPH THOMAS, JR.
RICHARD T. FRANCESCHINI	GARY T. RAGGHIANI, INC.	DAVID P. FREITAS (RET.)



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Chairperson Bonnie Neely and Commissioners

September 8, 2010

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We have alleged from the outset that the subject property is an environmentally sensitive habitat. **Indeed, this Commission should be wrestling with the following key question: Should the subject property be designated an "ESHA" within the meaning of Public Resources Code Section 30107.5?** There simply is insufficient evidence in the record from which the Commission can answer this question at this juncture. The evidence that does exist suggests that an ESHA designation should be made. To ignore the matter entirely -- and provide a free pass to a commercial brandy distillery sited less than 100 feet from Tomales Bay -- would work a grave disservice to the coastal community.

The integrity of the Marin County Local Coastal Plan is at stake, as is the process that this Commission decides to apply to a commercial development application. Many key questions remain unanswered, as set forth below. The only remaining means to answer these questions is for the Commission to schedule a de novo hearing.

- 1. How Can A Brandy Distilling And Bottling Facility Possibly Be Deemed A "Minor And Incidental" Project And Thereby Avoid The LCP Master Plan Requirements?**

Appeal Point: The County wrongly exempted this project from environmental review and granted a master plan waiver, which provided further "justification" for the absence of environmental review.

Staff Response: "The Commission acknowledges that the County's interpretation of LCP master plan requirements and waiver provisions is one permissible interpretation of its LCP, given that the approved development can be considered minor and incidental to the extent it is accessory to the primary agricultural land use and because other provisions of the certified LUP [sic] and zoning independently require the substantive analysis relevant to the appellants [sic] contentions."



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Reply: Just as the County did, your staff has engaged in tautological reasoning to support its conclusion. Any interpretation that the County lends to any aspect of its LCP is "*permissible*" if the Coastal Commission is willing to permit it! **The proper question is whether the County's interpretation is reasonable or whether, to the contrary, it presents a substantial issue that the Commission should review.**

It is unreasonable to conclude that the project is "minor and incidental" in nature. **How can a brandy distillery possibly be "accessory" to an agricultural land use?** There are several new land uses being proposed: (1) new residential structure; (2) vineyard; and (3) commercial brandy distillery located in two different buildings. None of these uses are accessory to the livestock grazing use that also is proposed. A brandy distillation and bottling facility, designed for public tours throughout the year, is not "minor and incidental."

Contrary to your staff's assertion, the County's waiver of its master plan requirement led to a corresponding waiver of any "substantive analysis," particularly a focused analysis of the significant adverse impacts to the environment that will be caused by the project. By calling the project "minor and incidental" the County bootstrapped its application of a CEQA exemption and avoided any consideration whether the subject property should be designated as an ESHA. Throughout the process, the applicant has made various assertions regarding the degree of environmental "protection" that he will provide. These assertions have continued through his *ex parte* communication to your staff dated July 29, 2010, in which the applicant makes various untested claims concerning the noise, odors, chemicals, and fire hazards related to his proposed brandy production.¹

¹ It should be noted that while we have copied the applicant's representative on all of our communications, the same courtesy was not extended in response. Accordingly, we did not see the applicant's *ex parte* communications until we received the staff report last week. Also, we requested an opportunity on numerous occasions to meet with the staff to answer questions and to discuss our appeal. Your staff repeatedly denied our request. For this reason, we were dismayed to learn from Mr. Simon that he and Ruby Pap engaged in a site tour with the applicant and that Mr. Simon also fielded additional telephone contacts from the applicant during which specific facts undoubtedly were discussed. (In particular, Mr. Simon acknowledged that the applicant orally discussed the well drilling/sitting issue with him.)



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How can the Commission evaluate the accuracy of applicant's unverified contentions concerning the environmental impacts of his brandy distillery operation with no master plan review and no meaningful environmental review?

- 2. How Will The Applicant Distill Brandy On An Environmentally Sensitive Coastal Parcel Without Causing Noise, Odor, And Chemical Disposal Impacts As Well As A Substantial Fire Risk?**

Appeal Point: In our July 23, 2010 letter supplementing our appeal, we pointed out that the brandy distillery process had been ignored by the County in its project review. We described how alcohol distillation creates chemical waste and presents fire hazards.

Staff Response: "[T]he County has a high degree of legal and factual support for its approval, because the approved structures, development, and agricultural operations would be located outside of all stream, wetland, and riparian protection areas on the property."

Reply: The brandy distillery is sited *immediately* adjacent to the stream conservation area ("SCA"). Staff concludes that there cannot possibly, therefore, be any impact. **Is it not reasonable, however, to conclude that a 100 foot SCA is insufficient for the unusual operations -- commercial brandy distillation and bottling -- proposed at this site?**

Significantly, the County of Marin currently is engaged in updating its LCP.² In analyzing the adequacy of its current SCA requirements, the County has noted the Coastal Commission's 1981 report entitled "Statewide Interpretive Guidelines for Wetlands and other Wet, Environmentally Sensitive Habitats."

Because staff is now proposing that the appellants be denied a de novo hearing, the process that the staff employed -- in which the applicant has access to the staff, but the appellants do not -- seems inconsistent with principles of due process and fundamental fairness.

² The County has acknowledged that its LCP is out of date and sorely in need of revision. See http://www.co.marin.ca.us/EFiles/docs/CD/CoastalProgram/09_0622_IT_090605102622.pdf.



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Those Guidelines stated:

The width of a buffer area will vary depending upon the analysis. The buffer area should be a minimum of 100 feet for small projects on existing lots (such as one single family home or one commercial building) unless the applicant can demonstrate that 100 feet is unnecessary to protect the resources of the habitat area. **If the project involves substantial improvements or increased human impacts, such as a subdivision, a much wider buffer area should be required.** For this reason, the guideline does not recommend a uniform width. *The appropriate width will vary with the analysis based upon the standards.*

(Emphasis added.)

In this case, a commercial brandy distillery is proposed exactly 100 feet from the blue line stream that runs across the subject property. The administrative record contains no analysis whether this distance is appropriate under the circumstances. The applicant has offered assertions and unsupported conclusions -- both in the record and in his post-appeal *ex parte* communications -- concerning how the distillery would handle chemicals, waste products, and fire hazards. None of these assertions were tested by any County review process. Instead, everything the applicant has said simply has been accepted. Your staff proposes that the Coastal Commission adopt a similar "analysis." To provide a meaningful quantum of protection to the pristine coastal area in question, these issues deserve de novo review.

3. Where Is The Evidence In The Record Supporting Staff's "No Adverse Impact" Conclusion Concerning The Proposed Livestock Fencing Located In A Wetland Adjacent To A Blue Line Creek?

Appeal Point: The property is a habitat for the California red-legged frog, foothill yellow-legged frog and western pond turtle, and there is even potential for freshwater shrimp, Coho salmon, and steelhead at the site. There is no information in the record concerning how the fencing proposed for the stream



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conservation area would not obstruct deer, rabbits, and other wildlife from accessing the stream and wetlands.

Staff Response: "Although the approved project includes installation of permanent and seasonal livestock fencing to keep sheep out of stream conservation areas and wetland buffer areas, this fencing would be installed outside of these environmentally sensitive areas and is designed to allow wildlife to cross over and/or through the fencing to reach the water sources on the property."

Reply: There is absolutely no evidence in the administrative record to support staff's statements regarding the location and type of fencing. Staff's conclusions appear to be based on the applicant's post-appeal *ex parte* letter that contains various assertions regarding the fencing. These assertions cannot possibly have been tested, because the issue simply was not evaluated by the County. **How will the fencing keep sheep away from the stream, yet somehow simultaneously allow deer and other wildlife to access the stream?** Vague assertions are offered concerning the location and type of fencing. There is no fence site map and no fence detail whatsoever. In short, staff's conclusion is based on no meaningful evidence at all. The Commission should require a full hearing on this issue, since the County failed to do so.

4. Does This Project Involve Just One Well Or An Existing Well Plus Another As-Yet-Undrilled Well?

Appeal Point: The County approved the project with a single existing well, yet conversely suggested that a second well will be necessary to drill.

Staff Response: "The Commission acknowledges the County's determination that the existing well can provide adequate supplies of water to support the approved agricultural operation and to meet fire and safety requirements on the property. The Commission also finds that the applicant's proposal to construct a second well on the northwestern side of the property to supply the brandy barn, equipment barn, and residence will eliminate the need to install a water line from the existing well across the blue-line stream and through the riparian forest that borders the stream corridor."



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Chairperson Bonnie Neely and Commissioners

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Reply: There are several problems with your staff's reasoning on this point. First, **where is the County's requirement that the applicant drill a second well?** There is no such requirement. Instead, the County concluded that a single well would be sufficient. Drilling costs and associated difficulties easily could dissuade the applicant from proceeding with a non-required well.

If the applicant chooses -- as he has been permitted -- not to drill a second well, then how will he obtain water at his residence without installing "a water line across the blue line stream?"

In addition, your staff earlier notes (in its report at page 4) that prior to issuance of building permits, "all County Fire Department requirements for access, defensible space, and *fire protection water supply* will be met." (Emphasis added.) Yet, the Fire Department has had no opportunity to determine what requirements it should impose for a brandy distillery, the design and operation of which it has not reviewed or analyzed. Thus, currently, there are no specific fire protection water supply requirements designated for the property. Your appeal file contains a well-reasoned letter from Ms. Linda Emme that discusses the fire protection implications of a brandy distillery operation. She describes the low flash point and extreme heat of the type of ethanol fire likely to be sparked at the distillery. The only means to fight such a fire is with copious amounts of water, or with special foam that is not available at the nearest fire stations. Each of the nearest fire stations -- Tomales and Point Reyes -- is 20 minutes from the subject property. It is reasonable to conclude that the Fire Department's requirements ultimately will be substantial.

How, at this juncture, can the Commission determine whether the existing well, or even an additional as-yet-undrilled well, will satisfy fire safety requirements that have not yet been defined by the Fire Department? There simply is no basis for the County, or this Commission, to answer this question without further study.



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5. Does This Commission Want To Set A Precedent Of Adopting A Local Agency's Subjective -- And Highly Questionable -- Conclusions Regarding Visual Impacts And Road Impacts Without A De Novo Hearing?

Appeal Point: The proposed new driveway will be visible from many locations around Tomales Bay, creating a substantial adverse visual impact. The applicant's assertions concerning the alleged problems with improving the existing hidden farm road have no support in the record, because this alternative was not meaningfully evaluated by the County. Traffic to the project caused by public visits and grape trucks will create a substantial hazard.

Staff Response: Your staff essentially concluded that the County's subjective analysis of visual impacts was correct and that there will be "minimal visitation" to the brandy distillery, thus raising no substantial issue regarding traffic.

Reply: Your staff incorrectly states that, "The Appellant also asserts that the proposed access road would . . . require a cut and fill operation discouraged by County policy." (Staff report, p. 5.) This was not an appeal contention. To the contrary, our appeal acknowledged the *applicant's* contention that the proposed new road would *not* require cutting and filling. Our concern is that an existing farm road, far lower in elevation on the subject property than the proposed new road, would be a preferable access because it would eliminate all visual impacts. The applicant contends that improvement of the existing road would require cutting and filling. **Where is the evidence in the administrative record to support this conclusion?** Indeed, the County Planning Commission questioned the applicant on this point, and he was forced to acknowledge that he had obtained no engineering calculations regarding what exactly it would take to improve the existing road.

How can this Commission conclude that the existing road is not the preferred alternative when there is no evidence supporting applicant's allegations regarding cutting and filling?



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Chairperson Bonnie Neely and Commissioners

September 8, 2010

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As for traffic impacts, the staff report ignores that there is no evidence that grapes can successfully grow in this foggy coastal zone and, if that is true, then the applicant will be required to truck grapes to the property in order to make use of his distillery. In his July 29th *ex parte* letter, the applicant's land use planner claims that "the applicant does not propose to truck in grapes if the planted grapes fail to produce suitable yields." Yet nothing in the County's approval prohibits the applicant from engaging in exactly such a traffic-producing activity. The applicant will make a substantial investment in his brandy distillery. **Should this Commission expect that if the applicant's grapes fail to grow, he will transport grapes to the property to recoup his investment?** There continues to be no analysis of the impacts that would be generated by this potential added traffic.

6. Conclusion.

There are too many questions that remain unanswered for this unique development to be allowed without a true Coastal Commission review. **What adverse environmental impacts would be disclosed if this project were subjected to appropriate LCP master plan and environmental review requirements? As for the brandy distillery and bottling facility located 100 feet from a blue line creek, what will be the noise and odors emanating from the operation? Where will livestock fencing be located and how will it impact wildlife in the area? Will there be two wells or one well plus a pipeline across the creek? What engineering would be required to improve and use the existing road?**

We respectfully request that you reject your staff's recommendation and, instead, determine that the appeal presents one or more substantial issues that require the setting of a *de novo* hearing. If the Commission elects not to conduct its own independent review of this matter, a terrible precedent will be set concerning the protection of the California coast.



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Chairperson Bonnie Neely and Commissioners
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Thank you for your careful attention to our appeal.

Very truly yours, 

Signature on file

Robert F. Epstein 

cc: Mr. Scott Kivel and Ms. Lia Lund
Clerk, Marin County Board of Supervisors
Mr. Larry Kennings

W10a

Item No. W10a
Appeal No. A-2-MAR-10-022
Linda Emme
No on Motion & Resolution

Linda Emme

lindaemme@dock.net
415 663-8633

RECEIVED

SEP 09 2010

CALIFORNIA
COASTAL COMMISSION

California Coastal Commissioners
45 Fremont St. Suite 2000
San Francisco, CA 94105

Re: Appeal No. A-2-MAR-10-022, Item No. W10a (Tony Magee and Dillon
Vision LLC, CP-09-39), 17990 Shoreline Highway, Marshall, Marin County

Local Standing: Linda Emme, No on Motion & Resolution

Dear California Coastal Commissioners,

The Magee distillery has been approved by the Marin County Planning Department as "brandy production" with the caveat that, according to Mr. Simon's staff report, "all County Fire Department requirements for access, defensible space, and fire protection water supply will be met". The County has approved the concept of a distillery in an isolated location with no consideration for fire safety, then Magee must meet Fire Standards. But, what are the Fire Standards for Marin's first distillery in an isolated, coastal location and are they sufficient? Certainly one standard would be that the Fire Department could reach the scene in a reasonable time and be prepared for what they would face. Will they be prepared to fight an ethanol fire? Will they have the specialized ATC Foam with which to fight it? Will they have to choose between saving a structure and lives or polluting the nearby stream and bay with the toxic foam? Is a twenty-minute response time to an ethanol fire a reasonable time in which the fire fighters could expect to be able to control the fire upon arrival? Is it wise to build a distillery producing and storing a Class 1B flammable liquid in this remote coastal location?

These questions have not been asked so far in this permit process and they need to be addressed in a fair and open de novo hearing by the Coastal Commission. The fire hazard presented by the Magee distillery in an isolated coastal location is a substantial issue.

The fire danger from an ethanol distillery include:

1. Brandy is 70-80% ethanol, a Class 1B flammable liquid.
2. The flash point (lowest temperature at which it will ignite) is 68-70 degrees. It can ignite or explode at room temperature.
3. Under certain conditions, ethanol can self-ignite.

4. Small amounts of water applied to an ethanol fire actually increase the intensity of the fire.
5. Fighting an ethanol fire with water is only possible when huge amounts of water are available, as in a municipal system, with a municipal sewer system to receive the polluted run-off.
6. ATC Foam (alcohol resistant foam) is the recommended method for fighting ethanol fires and is different from the standard AFFF foam. It also requires different equipment and training of fire fighters.
7. Neither the Point Reyes Station Fire Department nor the Tomales Volunteer Fire Department is equipped with ATC Foam, nor trained in its use.
8. ATC Foam is toxic to aquatic life and has a 50% kill rate to trout in a stream.
9. With a twenty-minute response time to the Marshall location, neither fire department could reach an ethanol fire in time to prevent it from reaching the flashover stage, where no one survives inside a building and the fire becomes a major hazard to the fire fighters themselves.
10. An ethanol distillery located in Marshall is a major fire hazard to the community, surrounding homeowners, and the park and ranch lands of West Marin.

All of the above information is documented in my two previous letters, with much of the information coming from the University of Illinois Fire Service Institute and Purdue University, which are faced with the challenge of ethanol fires in rural Mid-western locations as farmers make ethanol as agricultural production. There is no difference between ethanol as a gasoline additive and ethanol brandy.

Often, several small hazards can be present in a location and cause little harm, but when there is a confluence of hazards, a major disaster or accident occurs. Marconi Cove, where the Magee property is located, already has several small hazards that cause ongoing problems. There have been grass fires each summer for the past two years (six in the past 10 years) caused by tourists and people using the boat ramp in the cove. Last summer, a motorcycle rider lost control on Highway 1 and sparks from his bike started a large grass fire that roared across Magee's property with thirty foot high flames.

In addition, despite what Caltrans says, seated at their desks in their offices looking at the maps of Highway 1, the curve on Highway 1 that Magee, and his neighbors, including myself, must negotiate to get in and out of our properties, is dangerous because of overgrown trees and brush on state property that block the line of sight around the curve. It has been overgrown for years and, with the state's present budget crisis, there is little expectation that that will change. Add in a large number of motorcycles at excess speeds negotiating this curve, more car traffic coming in and out of our private road as a previously unoccupied home is now being remodeled to sleep eight, Magee's propane trucks and tour vans, and the result is a very dangerous intersection with Highway 1.

As we saw last summer, even a small accident can start a grass fire, which could ignite the Brandy Barn situated close to Highway 1. Magee's distillery and ethanol storage could be ignited from the outside as well as by a mishap within the distillery. Either way, even a small fire could become a major wildland fire since we are located twenty minutes, at the best, from either fire department.

The location of Marshall is a poor choice for a brandy distillery because fire fighting services are located twenty minutes away and there is insufficient water and sewer services for fighting an ethanol fire. A municipal area, where distilleries are usually located, would be a better choice.

I disagree with the staff report conclusion on page 10 that, "No significant coastal resources will be adversely affected by the approval, and no adverse precedent will be set for future interpretations of the LCP." As I have described in my previous letters, an ethanol fire, because it would go unchecked by virtue of Marshall's isolated location, could be the beginning of a wildland fire burning thousands of acres. In addition, an ethanol distillery, built as agricultural production, could be a precedent for gasoline additive ethanol distilleries, also proposed as agricultural production.

The fire hazard of ethanol distillation and storage has been glossed over by the Marin County Planning Department, by Magee and his planner, and in the Simon staff report. Please vote "No" on the motion and resolution and please do take up the fire hazard of ethanol production as a substantial issue.

Sincerely yours,

Signature on file

Linda Emme

Addendum

In response to Mr. Kenning's letter of July 29, 2010, page 12

Since Mr. Kenning has provided a partial biography for me, let me complete it. I was a professor at Art Center College of Design in Pasadena and have an Emmy award in computer graphics and a Peabody award – which are just as irrelevant as the fact that I am now a painter, photographer and administrative assistant living in Marshall. What is relevant is that I have thirty-eight years of experience as a gardener growing native plants and vegetables in Marshall. Included in that experience is twelve years growing native grape vines in Marshall. I can attest to the fact that these vines have never produced a single grape. But then, Mr. Magee's experts, who have never been to Marshall, probably know much more than I do.