

**CALIFORNIA COASTAL COMMISSION**

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

**W8**

# **NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the*

## *July Meeting of the California Coastal Commission*

MEMORANDUM

Date: July 13, 2011

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 July 13, 2011 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.

***EXTENSION - IMMATERIAL***

1. A-2-SMC-07-026-E1 Debra Sue Christoffers; Jon Jang; (Pescadero, San Mateo County)

***TOTAL OF 1 ITEM***

## ***DETAIL OF ATTACHED MATERIALS***

### ***REPORT OF EXTENSION - IMMATERIAL***

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>A-2-SMC-07-026-E1</b> Debra Sue Christoffers Jon Jang	Demolition of single family home and construction of a 5,936 square foot single-family home with attached 2-car garage, a new 960 square foot stable, and removal of six (6) living and two (2) dead trees.	10721 Cabrillo Highway, Pescadero (San Mateo County)

---

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400  
[www.coastal.ca.gov](http://www.coastal.ca.gov)



June 29, 2011

## NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **Debra Sue Christoffers; Jon Jang;**  
has applied for a one year extension of Permit No: **A-2-SMC-07-026-E1**  
granted by the California Coastal Commission on: June 10, 2009

for **Demolition of single family home and construction of a 5,936 square foot single-family home with attached 2-car garage, a new 960 square foot stable, and removal of six (6) living and two (2) dead trees.**

at **10721 Cabrillo Highway, Pescadero (San Mateo County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

By: NICK DREHER  
Coastal Program Analyst

cc: Local Planning Dept.

Ellman Burke Hoffman & Johnson, Attn: Chris Griffith

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT ST, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE (415) 904-5260  
 FAX (415) 904-5400  
 TDD (415) 597-5885

**Memorandum****July 12, 2011**

To: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director  
 North Central Coast District

Re: *Additional Information for Commission Meeting  
 Wednesday, July 13, 2011*

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
<b>W12a</b>	2-06-018 / A-2-MAR-08-028 Lawson's Landing, Inc., Marin Co.	Correspondence, Marilyn J. Young	1
		Correspondence, Walter Driggs	2
		Correspondence, Ted Labrenz	3
		Correspondence, Laurel Sherrie	4
		Correspondence, Karen D. Benson	5
		Correspondence, John P Kelly / J. Scott Feierabend	6-8
		Correspondence, Bonnie Smetts	9-12
		Correspondence, Greg Suba	13-18
		Correspondence, Gordon Hensley	19
		Correspondence, Daniel Taylor	20
		Correspondence, Barbara Salzman / Phil Peterson	21-24
		Correspondence, Cela O'Connor	25
		Correspondence, Diane Hichwa	26-27
		Correspondence, Kate Wilson	28
		Correspondence, Melody DeMeritt	29-30
		Correspondence, Amy Trainer / Catherine Caufield	31-43
		Correspondence, Ralph Faust	44-70
Correspondence, Bonnie Smetts	71-77		
Correspondence, Carl Vogler	78-96		
Correspondence, Peter Baye	97-102		
Correspondence, Cicely A. Muldoon	103-104		

	Correspondence, Susan Stompe / Nona Dennis	105-108
	Correspondence, James L. Pastore	109
	Correspondence, Todd Steiner	110
<b>W12b (2-10-033 City &amp; County of San Francisco</b>	Correspondence, Katie Westfall	111-116
	Email from Steve Ortega	117-118
	Correspondence, Form Letter examples	119-120
	Received - 189	

W/2a

RECEIVED

JUL 08 2011

CALIFORNIA  
COASTAL COMMISSION

Marilyn J. Young  
3106 Terra Granada Dr. #1  
Walnut Creek, CA 94595  
June 26, 2011

PERMIT NUMBER: 2-06-018 / A-2-MAR-08-028

California Coastal Commission  
N. Central Coast Dist. Office  
45 Fremont St. Suite 2000  
San Francisco, CA 94105-2219

Dear Commissioners:

In response to a letter I have received from you in regards to a hearing concerning Larson's Landing, Inc. I have a few thoughts I hope you will please consider.

Of all the economic concerns both business's and citizens are trying to deal with right now it seems that a "government" commission, committee, official, representative, or any other person working for the state would RUN not walk to avoid creating more angst for the citizens they are now subjecting to a "hearing."

Larson's Landing offers low cost and public access to citizens who might not be able to travel very far away from their Bay Area homes. My family and I have enjoyed numerous outings throughout the years with activities for all ages at Larson's Landing at the sea shore .

Whatever the problem is you are concerned about should not cost Larson's Landing more money just to get a permit so they can fix whatever it is you want them to change.

Respectfully yours,



JUL 07 2011

RECEIVED

June 30<sup>th</sup>, 2011

W/2a

Dear Commissioners,

My wife and I have a travel trailer space at Lawson's Landing. The space was originally my wife's parents and then was passed down to her and we will pass the space on to our children.

We are a retired couple with a modest income and have found that there are very few places on the coast where we can visit and stay that are within our budget. We would like to continue using our trailer at Lawson's Landing.

Our children, grand children and great grand children have all enjoyed the facilities at Lawson's Landing. It is one of the cleanest and most family orientated beach camp grounds we have visited. The camp ground is always free from motorcycles, dune buggies and all the other vehicles that destroy the land.

Lawson's Landing has their own security personnel which maintain order and make sure the land and all wildlife are not harmed. The rules of the camp ground are enforced and it is a very safe place to bring your family and stay.

Our son has a pig roast every year at Lawson's (this year will be the 25<sup>th</sup>). There are friends and family that attend from all over the Western United States. Everyone enjoys this event and look forward to the annual pig roast. Lawson's landing is the only camp ground that can accommodate the large gathering. There is usually over 250 people who attend every year.

All participants at the gathering understand the strict rules that Lawson's Landing enforce and anyone abusing the land, animals or people will be asked to leave the camp grounds.

Please allow us and our future generations to continue enjoying Lawson's landing.

P.S. both ES

Sincerely,  
Walter Driggs

*Walter Driggs*



July 3, 2011  
The Commissioners  
California Coastal Commission  
45 Fremont Street Suite 2000  
San Francisco, CA 94105

RECEIVED

W/2a

JUL 07 2011

COASTAL COMMISSION  
NORTH CENTRAL COAST

Dear Commissioners:

In arguing against racism, Mark Twain once declared that a man's race was unimportant, for he was a human being, and no one could be anything worse.

These words came to mind when I read about the situation regarding Tomales Dunes, where our own selfish appetites and sense of entitlement have continued over the years to degrade an area that is so important to so many other species, including some that are rare, threatened, or endangered.

Though I now live in Morro Bay, I was born in Santa Rosa, and my father used to take me fishing on Tomales Bay. That was long ago, but the bay and its dunes is an area I still cherish and have continued to visit.

Please, at your meeting in Santa Rosa on July thirteenth, resolve the long-standing problems at Tomales Dunes by developing a plan for restoring and managing them, but please also keep in mind that the needs of the area's natural inhabitants, from birds to grasses and all the other flora and fauna, must come first. Though they don't vote, these are your first and most important constituents.

Among other considerations, Lawson's Landing RV campground should be made to conform to the Commission's regulations, especially regarding such issues as unpermitted cess pits, long-term leases, and over-crowding. There is certainly a place for campers at the Dunes, but they must be made to understand, through the actions of the Commission, that it is they who must conform to the needs of the plants and animals in this sensitive area, not the other way around.

Sincerely,



Ted Labrenz  
2671 Maple Ave.  
Morro Bay, CA 93442

W12a

RECEIVED

July 5, 2011

The Commissioners  
California Coastal Commission  
45 Fremont St, Suite 2000  
San Francisco, CA 94105-5260

JUL 09 2011

COASTAL COMMISSION  
NORTH CENTRAL COAST

Re: Lawson's Landing, Dillon Beach, Marin County, CA

Dear Commissioners:

Tomales Dunes is the largest unprotected dune system on the central coast. Years of unpermitted development have resulted in serious damage to the wetlands and mobile dunes that make it unique on the central coast. I was dismayed to learn that the wetlands have been drained and trampled by RVs, cars and livestock, and the mobile dunes have shrunk from 390 acres in 1954 to fewer than 170 acres today.

Nonetheless Lawson's Landing could be a wonderful place for Californians and visitors to enjoy our beautiful coast. Recreation and natural resource protection can co-exist at Lawson's Landing, only if you ensure that:

- all wetlands and sensitive habitats are identified, protected, and given appropriate buffers;
- a restoration, monitoring and management plan that will restore the natural hydrology of the wetlands, reverse the loss of mobile dunes, and identify and protect listed and special-status species, including the Western Snowy Plover, is implemented;
- all camping spaces are open to the public, not reserved for the lucky few who hold private long-term leases over prime camping areas;
- unpermitted uses do not continue once a coastal permit is issued.

I understand the owners of Lawson's Landing are willing to make some changes, but after years of enjoying unfettered use of the property, they argue that they need special treatment to ensure their desired rate of return. Lawson's Landing should be held to the same standards as other businesses and households in California. The Coastal Act should not be selectively enforced.

After nearly half a century of unpermitted uses, we now have the opportunity to restore and protect this extraordinary site for future generations of all species to enjoy. Please protect Tomales Dunes, coastal access, and the Coastal Act.

Thank you  
Sincerely,



Laurel Sherrie  
310 Corralitos Road  
Arroyo Grande, CA 93420

July 5, 2011

The Commissioners  
California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, Ca 94105-5260

RECEIVED

JUL 06 2011

COASTAL COMMISSION  
NORTH CENTRAL COAST

W/2a

Re: Lawson's Landing, Dillon Beach, Marin County, CA

Dear Commissioners,

Tomales Dunes is the largest unprotected dune system on the central coast. Years of unpermitted development have resulted in serious damage to the wetlands and mobile dunes that make it unique on the central coast. The wetlands have been drained and trampled by RVs, cars and livestock. Over the years, the dunes have shrunk.

In order to protect Lawson's Landing as a place for Californians and visitors to enjoy our beautiful coast, you must take action to ensure that:

- all wetlands and sensitive habitats are identified, protected, and given appropriate buffers;
- a restoration, monitoring and management plan that will restore the natural hydrology of the wetlands, reverse the loss of mobile dunes, and identify and protect listed and special-status species, including the Western Snowy Plover, is implemented;
- all camping spaces are open to the public, not reserved for the lucky few who hold private long-term leases over prime camping areas;
- unpermitted uses do not continue once a coastal permit is issued.

Lawson's Landing should be held to the same standards as other businesses and households in California. The Coastal Act should not be selectively enforced.

After nearly half a century of unpermitted uses, we now have the opportunity to restore and protect this extraordinary site for future generations of all species to enjoy. Please protect Tomales Dunes, coastal access, and the Coastal Act.

Thank you.

Sincerely,



Karen D. Benson  
1816 Devonshire Rd  
Sacramento, CA 95864

W/2a



**AUDUBON CANYON RANCH**  
**CYPRESS GROVE RESEARCH CENTER**

July 6, 2011

The Commissioners  
California Coastal Commission  
45 Fremont Street, #2000  
San Francisco, CA 94105-2219

**Re: Lawson's Landing Coastal Permit Application Nos. 2-06-018 and A-2-MAR-08-028**

Dear Commissioners:

Audubon Canyon Ranch (ACR), whose mission is to protect nature through environmental education, conservation science, and ecosystem restoration, owns and manages a system of wildlife sanctuaries in Sonoma and Marin counties, including approximately 450 acres of shoreline properties on Tomales Bay. Our Tomales Bay properties include coastal dunes and shoreline at Toms Point and Brazil Beach, at the southern end of the coastal dune/wetland system where the Lawson's Landing camping and recreation facility has been proposed. Since the early 1990s, ACR has demonstrated a continuing interest in an appropriate land use management plan for Lawson's Landing, submitting numerous concerns to the County and other agencies to ensure the long-term protection and stewardship of the natural resources of Tomales Bay.

Audubon Canyon Ranch is pleased with the recent progress that has been made in developing an ecologically balanced Master Plan for Lawson's Landing. Having reviewed the Plan, we believe that the proposed project, as revised in the Coastal Commission Staff Report, successfully addresses several crucial elements needed to protect the ecological values of this area. We feel strongly that the revised plan will provide the basis for a viable master plan if it incorporates the following conditions that are needed to strengthen the protection and restoration of Environmentally Sensitive Habitat Areas (ESHAs).

**Protection of the large contiguous wetland system east of the main road should include associated habitat areas east of the road in Area 4, which are needed to restore the system's ecological value and prominence in the surrounding landscape.** The portion of Area 4 east of the road retains persistent wetland values and hydrology associated with the extensive wetland slack system that dominates the area (Exhibit 6, Memo from J. Dixon, California Coastal Commission; P. Baye, June 17, 2010 memo to J. Dixon). As a functional part of this central wetland, this area is worthy of protection.

(continued)

P. O. Box 808 • Marshall • CA 94940 • 415 - 663-8203 • Fax 415 - 663-1112  
Email: [cgrc@egret.org](mailto:cgrc@egret.org) • Website: [www.egret.org](http://www.egret.org)

As such, a qualified hydrologist should prepare a plan to restore the natural drainage and remove auxiliary roads in Area 4 east of the main road. With this condition, the central wetlands complex would be appropriately protected as contiguous habitat in all areas east of the main entry road and east of the auxiliary road along the east edge of Area 3.

**The restoration of the southern dune slack wetlands should block any potential for artificial drainage of the area, by including measures to plug the outlet of the drainage-ditch system where it drains into Tomales Bay and to fully restore the natural topography and hydrology of the surrounding system.** Such measures should be prepared by a qualified wetland hydrologist and incorporated as a condition of the final Protection Restoration and Enhancement Plan (PREP). This condition is necessary to ensure that surface flows do not artificially drain the wetland, or parts of the wetland, and to restore natural groundwater fluctuations needed for seasonal soil saturation, natural ponding, and the growth of native wetland vegetation.

**A qualified dune restoration ecologist should be retained to consider the technical feasibility and appropriateness of restoring natural sand movement through the southern part of Area 4, where camping does not occur.** Although limited in extent, such a zone might improve the project by allowing for dynamic transitions that would occur in a fully-functioning, dynamic dune-wetland system, among foredunes, dune scrub areas, unvegetated mobile dunes, deflation planes and dune slack wetlands. In addition, a zone for restoring natural sand movement would provide opportunities not otherwise available in the project area, including educational opportunities, enhancement of suitable habitat for Snowy Plovers, and monitoring of ecological conditions related to processes considered fundamental to the system. To achieve this goal, a Dunes Assessment and Management Plan would be needed to identify appropriate measures, such as the removal of non-native dunegrass (*Ammophila arenaria*) and revegetation of foredunes with native species, to restore dynamic interactions among habitat areas.

**The design and management of wetland ditches within camping areas should not affect the natural hydrology of those areas.** Specifically, the natural subsurface hydrology should be protected and surface flows should not be allowed to exceed levels needed to avoid ponding of camping sites. A qualified wetland hydrologist should be retained to delineate measures needed to ensure such protections.

**The vegetated berms proposed as wildlife buffers should not affect the natural hydrology and should incorporate elements as needed to provide for hydrologic connectivity between habitat areas.** As noted above, a qualified wetlands hydrologist should be retained to delineate measures needed to ensure such protections.

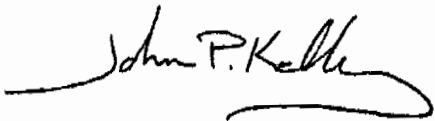
(continued)

**Measures to protect Snowy Plovers identified in the Cooperative agreement between the U.S. Fish and Wildlife Service and Lawson's Landing (Exhibit 20) should be explicitly incorporated as a condition of the final PREP (Protection Restoration and Enhancement Plan).**

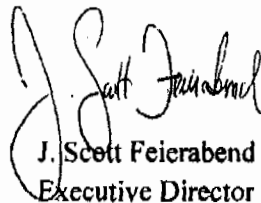
**The Invasive Species Removal Plan should not require the use of managed grazing and, given the stated goal of developing a "self-sustaining natural habitat system," the Grazing Management Plan should not include grazing for "maintenance" of habitat restoration areas. Grazing should be identified as only one of several potential tools for habitat restoration, and its use should be limited to allow for the full development of native vegetation. Fully developed native wetland vegetation is likely to suppress most invasive nonnative plants, and grazing is unlikely to be needed for the maintenance of restored wetlands. Finally, the elimination of grazing or human disturbance may lead to natural revegetation by existing native plants. Therefore the planting of native species should not be required in the PREP unless demonstrated as necessary to meet the Plan's objectives.**

We urge the Commission to approve the proposed project with the conditions described above. Thank you for this opportunity to comment.

Sincerely,



John P. Kelly, PhD  
Director of Conservation Science



J. Scott Feierabend  
Executive Director

W12a

RECEIVED

JUL 07 2011

CALIFORNIA  
COASTAL COMMISSION



## Concerned Citizens of Dillon Beach

P.O. Box 26 Dillon Beach, CA 94929 futureofdb@yahoo.com

July 6, 2011

Ms. Ruby Pap  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-5260

Re: Lawson's Landing CDP Application (Nos 2-06-018/A-2-MAR-08-028)

Dear Ms. Pap,

Attached is my letter to be distributed to the commissioners for the upcoming meeting regarding the Lawson's Landing CDP application.

I just want to thank you for all your work on this enormous and staggeringly complex project. From the confusion, you produced a staff report that is well organized and well written. Kudos to you and your staff.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Smetts".

Bonnie Smetts



## Concerned Citizens of Dillon Beach

P.O. Box 26 Dillon Beach, CA 94929 futureofdb@yahoo.com

RECEIVED

JUL 07 2011

CALIFORNIA  
COASTAL COMMISSION

July 6, 2011

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-5260

Re: Lawson's Landing CDP Application (Nos 2-06-018/A-2-MAR-08-028)

Dear Commissioners,

Concerned Citizens of Dillon Beach is an unincorporated association of Dillon Beach residents who share an interest in improving traffic flow, pedestrian safety and emergency evacuation in our community.

We are pleased with staff's recommendations regarding the reduction to 417 vehicles in 417 campsites (using the historical counting method). The community appreciates the awareness of our long-standing traffic issues and applaud the changes that will mitigate them.

### **Travel Trailers Become a Hotel**

However the plan introduces changes that would potentially increase traffic and offset the reduction. Special Condition 5 mandates the conversion of 200+ travel trailers, now mostly used as seasonal vacation homes, into full-time vacation rentals. This transformation creates what could be called a 200-room hotel.

For a perspective on the difference between historical occupancy of the trailers and new year-round vacation rentals, the Applicant's submittal to the CCC dated 9/21/10 talking about septic usage gives some background: "It should be noted that the vast majority of the trailers and their septic systems are only used occasionally (see EIR for frequency of use). Many trailers are only used a few weeks during the summer months. Hence, many of the systems pose little potential for environmental and water quality impacts."

The certified EIR (Appendix D) provides specific numbers. In the report, Questa Engineering evaluated the current septic system and used a Trailer Occupancy Assumption of 25-38% for non-holiday summer weekends, 50% for holiday weekends, and 25% for all other weekends. Other data collected by Questa Engineering (page 66 of the Staff Report) supports these EIR findings.



Using the existing occupancy rate and the trips-per-day number (4.81 trips per day per mobile home) from the certified EIR (Appendix I, Table 2: Trip Generation Summary), it is possible to estimate the increase in traffic.

Percentage occupancy x number of trailers x daily trips = total daily trips

Current use of the travel trailers on a non-holiday summer weekend ( $38\% \times 233 \times 4.81 = 425$ ) compares to a theoretical new use ( $85\% \times 233 \times 4.81 = 952$ ). The result shows a significant increase in traffic. The example assumes "one lot = one vehicle" as stipulated in the rest of the park.

The traffic generated by converting the 233 travel trailers from seasonal vacation homes to full-time visitor-serving rental units was not studied in the EIR and would need to be evaluated as a new use. As stated on page 131 of the Staff Report, "...the Commission must examine the impacts of all newly proposed development that has never before been permitted by the Commission, since such development exists without the benefit of the necessary CDP."

Whether the travel trailers in Areas 1 and 2 become 233 vacation rental units or their lots become short-term RV camping (as in the rest of the park), no vehicle count has been included in the staff report for these lots.

Approving the project without setting an actual number of vehicles is like approving a baseball stadium without defining how many fans are allowed in—or more importantly, how the unregulated number would evacuate in an emergency.

### **Sand Haul Road**

Sand Haul Road has been designated the evacuation route for the project. Study of Sand Haul Road as a primary or secondary access has been put off to a possible Phase Two development of Lawson's Center in Area 6. However John Dixon's comments (memo to R. Pap re Lawson's Landing dated June 23, 2011) about the environmental sensitivity of Area 6 brings up questions about whether any development would ever be approved there. This means Sand Haul Road may never be studied.

For decades, the Dillon Beach community has been promised that the traffic issues created by Lawson's Landing would be addressed during their Master Plan process. The solution was written into the Dillon Beach Community Plan in 1988 and we have patiently waited for its implementation. Policy T-5.5 states that a new, second road connecting Dillon Beach Road and Lawson's Landing would mitigate congestion along Dillon Beach Road.... Should traffic levels increase substantially at Lawson's Landing, a new road may be required to mitigate traffic impacts. Policy T-5.5 further suggests that Sand Haul Road could serve as the basic alignment for the second road.

When the community plan was written, Lawson's Landing campground had 46 informal campsites and 231 travel trailers.

Traffic created by Lawson's Landing has never been properly studied (as evidenced by comments in the staff report). Once the Commission approves this coastal development permit, it will not expire. We want study of Sand Haul Road added to *this* permit, scheduled as a part of the project.

The Concerned Citizens of Dillon Beach has always supported Lawson's Landing and we recognize the great effort they are making to update their popular campground. The new reservation system has indeed been a huge success. Now we look forward to a comprehensive traffic plan that will function into the future and serve the residents and businesses at Dillon Beach, as well as the visitors who come to enjoy this unique spot on the coast.

Thank you for your work on this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Smetts". The signature is written in a cursive, flowing style.

Bonnie Smetts

W/2a



CALIFORNIA  
NATIVE PLANT SOCIETY

July 7, 2011

California Coastal Commission  
45 Fremont Street Suite 2000  
San Francisco, CA 94105

Re: Lawson's Landing Master Plan Coastal Development Permit

Dear Commissioners:

Please find and fully consider the additional comments from the California Native Plant Society (CNPS) regarding the Lawson's Landing Master Plan Coastal Development Permit that we provide herein. We support and incorporate by reference those comments provided by the CNPS Marin Chapter in their letter to you dated June 28, 2011 (attached for reference).

We agree that strong protective measures are necessary to conserve and manage the project site's important natural resources. According to the report, *Biogeographic Assessment of Tomales Dunes, Marin County, California: Vegetation, Flora, and Invertebrates* (Baye 2004), the project site supports rare plant species as well as rare plant communities. We provide below a list of native plant communities, along with their global and state rarity rankings, that we have identified as occurring in and around the project site based on the plant assemblages and the relative dominance of assemblage components described by Baye (see especially, Baye 2004 Chapter 4.2 "Plant communities and vegetation of Tomales Dunes" pp. 16-18).

We have converted Baye's descriptions into the nomenclature used by the authors of *A Manual of California Vegetation, 2nd Ed.* (Sawyer et al., 2009), in order to provide the Coastal Commission with a standardized reference to Tomales Dunes vegetation types using names and ranks developed in part by the California Department of Fish and Game.

I would be glad to answer any questions you might have regarding our comments. Thank you for the opportunity to provide this additional information.

Sincerely,

Greg Suba

Greg Suba  
Conservation Program Director  
California Native Plant Society  
(916) 447-2677 x-206

cc: Carolyn Longstreth, CNPS Marin Chapter

Attachment 1: List of Tomales Dunes Plant Communities with rarity rankings  
Attachment 2: CNPS Marin Chapter letter to CCC

*Protecting California's native flora since 1965*

2707 K Street, Suite 1 Sacramento, CA 95816-5113 • Tel: (916) 447-2677 • www.cnps.org

**Attachment 1: List of Tomales Dunes Plant Communities with rarity rankings**  
CNPS  
July 7, 2011

**Tomales Dunes / Lawson's Landing Vegetation Classification**  
Based on types described in the *Manual of California Vegetation* (Sawyer, Keeler-Wolf and Evens 2009), and the *Biogeographic Assessment of Tomales Dunes, Marin County, California* (Baye and Wright 2004)

The California Department of Fish and Game maintains the California Natural Diversity Database (CNDDDB). The CNDDDB program uses NaturServe's Heritage Program methodology defined for Natural Community Conservation Ranks to confer rarity rankings<sup>1</sup> for vegetation alliances (see [www.natureserve.org](http://www.natureserve.org)).

Alliances marked with a G1 through G3 are rare and threatened throughout their range. Alliances marked with a G5 and an S1 through S3 are secure through their range *outside* the state but are rare and threatened in California. A G4 / S4 alliance may or may not be endemic to California and is secure statewide.

Based on vegetation types described in Baye and Wright 2004, rare and unusual vegetation types of the Tomales Dunes area include (but are not limited to) the following:

**Dune communities (CNDDDB rarity rankings (G = global / S = State))**

- Dune Mat (*Abronia latifolia*-*Ambrosia chamissonis*) Alliance (G3 / S3)
  - Including associations with beach-bur (*Ambrosia chamissonis*), yellow sand-verbena (*Abronia latifolia*), pink sand-verbena (*Abronia umbellata*), sea rocket (*Cakile*) lizard-tail (*Eriophyllum staechadifolium*), yellow bush lupine (*Lupinus arboreus*), and dune tansy (*Tanacetum camphoratum*)
- Sea Lyme Grass (*Leymus mollis*) Alliance (G4 / S2)
  - Including association with sea lyme grass (*Leymus mollis*), Vancouver wildrye (*Leymus x vancouveriensis*), and Pacific wildrye (*L. pacificus*)
- Silver Dune Lupine-Mock Heather Scrub (*Lupinus chamissonis*-*Ericameria ericoides*) Alliance (G3 / S3)
  - Including associations with mock heather (*Ericameria ericoides*), yellow bush lupine (*Lupinus arboreus*), and many other perennial and annual herbs

**Dune slack, coastal wetland and marsh communities:**

- Sitka Willow (*Salix sitchensis*) (G4 / S3?) Provisional Alliance, and Arroyo Willow (*Salix lasiolepis*) Alliance (G4 / S4)
  - Including associations with arroyo and Sitka willows
- Salt Rush (*Juncus lescunii*) Herbaceous Alliance (G3 / S2?)
  - Including association with Brewer's rush (*Juncus breweri*)
- Pale Spikerush (*Eleocharis macrostachya*) Alliance (G4 / S4)
  - Including associations with pale spikerush (*Eleocharis macrostachya*), Western lilaeopsis (*Lilaeopsis occidentalis*), and common threesquare (*Schoenoplectus pungens*)
- Pacific silverweed (*Argentina egedii*) Alliance (G4 / S2)
  - Including associations with Pacific silverweed (*Potentilla anserina* ssp. *pacifica* = *Argentina egedii*), pale spikerush (*Eleocharis macrostachya*), and California saltbush (*Atriplex californica*)
- Saltgrass (*Distichlis spicata*) Alliance (G5 / S4)
  - Including associations with saltgrass (*Distichlis spicata*), pickleweed (*Sarcocornia pacifica*), marsh jaumea (*Jaumea carnosa*), seaside arrow-grass (*Triglochin striata*), and other plants
- Pickleweed (*Sarcocornia pacifica*) Alliance (G4 / S3)
  - Including associations with pickleweed and saltgrass (*Distichlis spicata*)
- Ditch-grass and Widgeon-grass (*Ruppia (cirrhosa, maritima)*) Alliance (G4? / S2)

**Attachment 1: List of Tomales Dunes Plant Communities with rarity rankings**

CNPS

July 7, 2011

- Including association with widgeon-grass (*Ruppia maritima*)
- Pondweeds (*Stuckenia (pectinata)*–*Potamogeton spp.*) Alliance (G3G5 / S3?)
  - Including associations with leafy and broadleaf pondweeds (*Potamogeton foliosus* and *P. nodosus*)

---

<sup>1</sup> The G indicates the alliance's rarity and threat globally, and the S indicates the alliance's rarity and threat in California.

**Global and State Ranks**

**G1 S1:** Fewer than 6 viable occurrences worldwide / statewide, and/or up to 518 hectares

**G2 S2:** 6-20 viable occurrences worldwide / statewide, and/or more than 518-2,590 hectares

**G3 S3:** 21-100 viable occurrences worldwide / statewide, and/or more than 2,590-12,950 hectares

**G4 S4:** Greater than 100 viable occurrences worldwide / statewide, and/or more than 12,950 hectares

**G5 S5:** Demonstrably secure because of its worldwide / statewide abundance



**California Native Plant Society**  
**Marin Chapter**

June 28, 2011

California Coastal Commission  
45 Fremont Street Suite 2000  
San Francisco, CA 94105

Re: Lawson's Landing Master Plan Coastal Development Permit

Dear Commissioners:

The Marin Chapter of the California Native Plant Society is pleased that the Coastal Commission is reviewing the Lawson Landing Master Plan, which was approved by the Marin County Board of Supervisors in 2008. We considered Marin County's review of and action upon the proposal to be deficient as regards both the process and the final outcome.

The County used a baseline environmental assessment that included a wide range of unpermitted and unlawful activity resulting in a report that seriously understated the environmental impacts of the campground and associated infrastructure. Further, the County failed to require a systematic biological survey and mapping of the unusual plant species and communities for which the site is known. The project was thus designed without adequate regard for the protection of these important resources. We hope that the Commission's decision will rectify these shortcomings.

CNPS understands that the Commission will give de novo review to this matter and that the applicant's proposal has changed since 2008. We therefore emphasize the following few points here:

- As described by coastal plant ecologist Peter Baye in a 2004 survey, the Lawson's Landing site supports (or did support) a striking array of rare or unusual plants:
  - Dune tansy, southern form (*Tanacetum camphoratum*)[only Marin County population]
  - Sonoma spineflower (*Chorizanthe cuspidata* var *cuspidata*)[northern edge of range]
  - Tidestrom's lupine (*Lupinus tidestromii*)[federally endangered; last seen on site in mid-1990's]

- Striate arrow-grass (*Triglochin striata*)[only Marin county population]
- Unnamed hybrid of *Leymus pacificus* [anomalous endemic population]
- Undetermined horsetail (*Equisetum*)[ unknown hybrid or subspecies; dwarf in stature]
- Unidentified species of *Chara* [genus not usually found in coastal habitats or dune ponds]
- Western *Lilaeopsis* (*Lilaeopsis occidentalis*)[at edge of range; population unusually large]
- Pondweed (*Potamogeton foliosus*, *P. nodosus*) [uncommon in California]

The last six of these taxa occur in the site's wetlands. None is mentioned in the Revised Project Description, dated June 6, 2011, nor do their precise locations in relation to the proposed development appear in the record, to the best of our knowledge.

Our chapter believes that the presence of no fewer than three taxa of taxonomic uncertainty together with 5 others with biogeographic significance warrants the adoption of strong protective measures. Being rare or thriving outside the heart of these species' range, these plants can be considered ecological or genetic outliers-- that is, they could be slightly differently adapted to their environment or resistant to disease, pathologies or environmental changes that could wipe out the core populations. Only if adequately protected can these unusual plants serve as refugia or a colony of survivors in the event of a population collapse brought about, for example, by climate change.

The Marin Local Coastal Program [LCP] embraces the concept of conserving such unusual populations in its definition of "sensitive habitat areas," stating "such habitat may... be *unique, rare or fragile*, provide habitat for rare or endangered species of wildlife and thus *be vital to species' survival or be of particular scientific or educational interest.*" LCP Unit II at 70 [emphasis added]. Certainly these taxa would be of scientific interest and the presence of several such plants within the same vicinity suggests that the site's wetlands (or some of them) may be ecologically unique.

- Any approval of a coastal development permit should require the applicants to preserve and/or restore the hydrology supporting the unusual plants discussed above. For example, the existing drainage ditches should be removed so that the unusual dune slack wetlands and other mesic habitat areas may function naturally. Wetland buffer zones of sufficient width should also be established and planted with natives and natural succession. LCP Unit II Sec. 4d, p. 74.
- Livestock grazing should not be permitted in wetlands or buffer zones. Grazing in soft, low-nutrient wetlands is harmful to their ecological functioning. The feet of heavy cattle disturb the soft substrate and roots of rhizomatous vegetation; urine and feces increase the nutrient level. Both of these factors encourage invasions of exotic plants, such as velvet grass and Kikuyu grass. Removing cattle will aid in the protection of the unusual wetland species discussed above.
- Rarity aside, all development, including RV and automobile parking, should be sited so as to avoid "sensitive habitat areas" which are protected under both the

California Native Plant Society- Marin Chapter  
 1 Harrison Avenue, Sausalito, CA 94965  
[www.marinnativeplants.org](http://www.marinnativeplants.org)

California Coastal Act and Marin's Local Coastal Program. Elaborating on the definition of these areas, the Marin LCP states: "such habitats may serve as prime examples of particular *natural communities*,... ." LCP, Unit II, p. 70 [emphasis added].

The campground site consists almost entirely of "sensitive habitat areas," several of which exemplify recognized plant communities or vegetation types: coastal dune scrub, mobile dunes, wetlands, and dune slacks. Any approved plan should protect these areas to the maximum extent possible.

- The conditions of any coastal permit approval should specify resource management objectives and measures for achieving them. The permit conditions should address threats to sensitive resources in and near the quarry area, mobile dunes, wetlands and buffers, and all populations of rare and unusual species. In addition to the requirements discussed above, such conditions should include:
  - invasive plant removal to the extent feasible
  - reversal of the loss of mobile dunes to the extent feasible
  - prevention of trampling, parking or driving on sensitive plant communities by the campers and other visitors

While the execution of an adequate conservation easement would, in theory, address our concerns, there is much uncertainty about the availability of public or private funds to bring this about and, most importantly, *it is unknown whether the wetlands and dune habitats that support the site's unusual plants are within the proposed easement area.* CNPS recognizes the value of maintaining public access to the Tomales Dunes and the special difficulty of balancing this interest with resource protection in this matter. Still, the fact that the campground has existed illegally for decades should not absolve the applicants of the responsibility to protect and manage the site's unique natural resources. CNPS is counting on the Commission to enforce the provisions of the Local Coastal Program by assuring that the project is designed and constructed so as to adequately protect these areas.

Carolyn Longstreth  
Conservation Committee  
California Native Plant Society, Marin Chapter

Reference: Peter Baye, Biogeographic Assessment of Tomales Dunes, California: Vegetation, Flora and Invertebrates (August 2004)

California Native Plant Society- Marin Chapter  
1 Harrison Avenue, Sausalito, CA 94965  
[www.marinnativeplants.org](http://www.marinnativeplants.org)



W12a



RECEIVED

JUL 08 2011

COMMISSION REGION  
NORTH CENTRAL COAST

EPI-Center, 1013 Monterey Street, Suite 202 San Luis Obispo, CA 93401  
Phone: 805-781-9932 • Fax: 805-781-9384

## San Luis Obispo COASTKEEPER®

Mary Shallenberger, Chair  
California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, Ca 94105-5260

July 7, 2011

SUBJECT: July Commission Meeting Agenda Item W-10a: Lawson's Landing

Dear Chair Shallenberger and Honorable Commissioners,

On Wednesday July 13 your Commission will hear Application No. 2-06-18/A-2-MAR-08-028 for Lawson's Landing in Marin County. I will be unable to attend the hearing but I am writing to urge support of Staff's recommendation as conditioned.

Tomales Dunes is the largest unprotected dune system on the central coast. Years of unpermitted development have resulted in serious damage to the wetlands and mobile dunes that make it unique on the central coast. The wetlands have been drained and trampled by RVs, cars and livestock, and the mobile dunes have shrunk from 390 acres in 1954 to fewer than 170 acres today.

Nonetheless Lawson's Landing could be a wonderful place for Californians and visitors to enjoy our beautiful coast. I believe recreation and natural resource protection can co-exist at Lawson's Landing if, as the Special Conditions of the permit intend, that your commission ensures that:

- all wetlands and sensitive habitats are identified, protected, and given appropriate buffers;
- a restoration, monitoring and management plan that will restore the natural hydrology of the wetlands, reverse the loss of mobile dunes, and identify and protect listed and special-status species, including the Western Snowy Plover, is implemented;
- all camping spaces are open to the public, not reserved for the lucky few who hold private long-term leases over prime camping areas;
- unpermitted uses do not continue once a coastal permit is issued.

After nearly half a century of unpermitted uses, this Commission has an opportunity to restore and protect this extraordinary site for future generations of all species to enjoy. Please protect Tomales Dunes, coastal access, and the Coastal Act.

Respectfully Submitted,

Gordon Hensley, San Luis Obispo COASTKEEPER®



W/2a



765 University Avenue  
Sacramento, California 95825  
Tel: (916) 649-7600  
Fax: (916) 649-7667  
www.ca.audubon.org

July 7, 2011

Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Street #2000  
San Francisco, CA 94105-2219

Delivered by Fax to: (415) 904-5400

Re: Lawson's Landing Coastal Permit, 137 Marine View Drive, Dillon Beach, Marin County, CA

Dear Mr. Douglas,

On behalf of our more than 150,000 member and supporters in California we write to speak in favor of protecting and restoring the habitat values at Lawson's Landing and to urge the California Coastal Commission to ensure that all developments at this site be fully consistent with the California Coastal Act.

Tomales Dunes is a complex of several distinct habitats that comprise the largest unprotected dune system on the central California coast: mature mobile dunes, central dune scrub, dune prairie, and dune wetlands. This extraordinary site supports at least nine listed and special-status species, as well as other rare and unusual species of Marin County. It provides crucial roosting and foraging habitat for the dozens of species of shorebirds and other wetland birds that depend on Tomales Bay during winter and migration. It is one only a few sites in North America where Pacific Golden-Plovers have been known to overwinter. Though the introduced European beachgrass is encroaching, Tomales Dunes is one of the few dune systems in California that still has a vital population of native dune grasses.

Lawson's Landing is an excellent location for camping and day-use, which should be open to the public. Recreation and sensitive coastal resources can co-exist at Tomales Dunes as long as the protections mandated by the Coastal Act are enforced. All wetlands and other environmentally sensitive habitat areas must be identified and protected with appropriate buffers. In addition, the damage caused by past decades of unpermitted use must be repaired by implementation of a long-term management plan that will restore and protect the site's sensitive coastal resources, including mobile dunes, dune wetlands, and coastal dune scrub, and deal with the problem of invasive species.

We understand that the owners of Lawson's Landing are willing to make some changes, but after years of enjoying essentially unfettered use of the property, they argue for special treatment to ensure their desired rate of return. Lawson's Landing should be held to the same standards as other businesses in California. The Coastal Act should not be selectively enforced.

Thank you for your consideration of our views.

Daniel Taylor  
Director of Public Policy

W12a



# Marin Audubon Soci

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

Post-It® Fax Note	7671	Date	7/8/11	# of pages	4
To	Commissioners	From	Marin Audubon S.		
Phone	927-3533	Phone #	924-6057		
Fax #	Lawson's L.	Fax #			

July 8, 2011

VIA FACSIMILE

Mary Shallenberger, Chair  
California Coastal Commission  
45 Fremont Street, Suite 200  
San Francisco, CA 94105

RECEIVED

JUL 08 2011

RE: LAWSON'S LANDING COASTAL DEVELOPMENT PERMIT,

ATT: RUBY PAP

Dear Chairwoman Shallenberger and Commissioners:

The Marin Audubon Society appreciates the opportunity to comment on the coastal development permit for the proposed development at Lawson's Landing, Dillon Beach, and Marin County. The Marin Audubon Society has been participating in the Marin County permitting process for this project for many years. We appreciate the extensive staff time and analysis as well as the detailed staff report and conditions that have been prepared. The protection and restoration of the site's natural resources was the basis of our appeal, of our repeated comments to the County and Commission, and is the focus of our current analysis and recommendations.

The staff report acknowledges that the proposed camping areas are "located in environmentally sensitive habitat areas that include both terrestrial dune habitats and wetlands." The staff report presents conditions that will benefit the site's rare natural resources, including requirements for engineering and ecological studies and plans. We agree that further study is needed to ensure the valuable resources on the site are protected for future generations. Additional conditions are also needed to assure the long-term survival and viability of the Tomales dune system and wetlands.

### Sensitive Resource Protection, Restoration and Enhancement Plan (PREP)

The PREP is the heart of the protection of the site's natural resources. We agree that the goal for the PREP (page 16), should be "to enhance and restore the Tomales wetland/Dune complex to a self-sustaining natural habitat." To that end, we urge that conditions be included that require further technical study and establishment of a scientific committee composed of coastal dune experts and wetland hydrologists. The committee should be responsible to prepare a plan that will ensure a comprehensive long-term protection and restoration of the dune/wetland system, and should address the following:

#### - Dune System Protection and Enhancement

It is unlikely that the dune system can be remediated and restored with camping located along the entire length of the dune system. We are concerned that camping strung out between the foredunes and back dunes would be a major impediment to sustaining the dune system. There needs to be sufficient movement of sand to allow the signature active dune sheets to persist. Is an

open area or pathway needed to ensure sand gets to the interior dunes or would sufficient sand just blow over the campsites?

The scientific committee should consider mobilization of the foredunes, sand movement and other factors critical to restoring and sustaining the natural dune system. The committee should develop a plan that recognizes the dynamic nature of the dune system and that will sustain it over the long term.

#### *- Wetlands*

Wetland protection is addressed by limiting camping and by conditions that call for buffers, berms and hedgerows. The staff report acknowledges that the camping is in historic wetlands but allows for continuation of camping in these areas by locating it in the most "degraded" wetlands. In our experience, this approach has significant risks, particularly in the broader picture, in that it supports and encourages applicants by rewarding them for allowing wetlands to be degraded. This may not have been the case here, but the clear message is conveyed to others.

There does not seem to have been an analysis of the impact of the drainage ditches on the wetlands, i.e. that these ditches are draining the wetlands. We are particularly concerned that the current recommendation, to maintain the ditches by removing sediment, would speed the drainage of the wetlands.

The scientific committee should address the impact of the ditches on subsurface drainage of the wetlands. In order to assure the long-term restoration and enhancement of the wetlands and restore the natural drainage pattern and retention of water in the wetland areas, it is likely that filling the ditches and/or plugging the ditches will be necessary. A hydrologic assessment and engineering plans for a natural wetland system, including groundwater fluctuations that result in surface wetlands and ponding, should be prepared. The committee should consider an alternative drainage system for camping areas that remain.

We note that the drainage ditches are referred to as bioswales. There should be a discussion of the nature and type of pollutants that need to be intercepted and eliminated, to demonstrate the need for bioswales. There is no discussion of the substrate of the campsites. Unless paved or covered with other impervious surface, the natural sand/soil should filter pollutants from the campsites.

#### **Other Issues:**

##### **Dune Trail Formalization**

The purpose of a dune trail plan, discussed on the staff report page 30, is to consolidate the numerous informal pathways. It is not clear that formal trails are necessarily environmentally beneficial in this location. While we do not object to consolidating trails to limited areas, we stress that the dune trails and signage should in no way inhibit movement of sand. Fencing should be minimal and able to be easily moved to accommodate sand movement.

##### **Buffers**

It is Marin Audubon policy to advocate for 100-foot wide buffers to be provided around wetlands, as is the policy of the Coastal Commission. The staff report justifies less wide buffers in some locations based on berms and vegetation that would buffer noise and visual impacts of

camping uses, including night lighting and reducing potential impacts of pollutants. Buffers indeed provide these functions.

Buffer areas, which are sometimes also referred to as transition or ecotones, serve habitat functions as well. They provide nesting, foraging and resting habitat and movement corridors for many species of wildlife. It does not appear that these functions were considered in the analysis. More narrow buffers provide reduced habitat functions and protections.

As an alternative to provide various functions on a significantly reduced buffer of 25-feet, "a sandy earthen berm to prevent runoff from entering the wetland, and native plantings to provide a visual screen to protect the wetland from adjacent camping activity" is proposed. It has been our experience, during the 25-years we have been doing marsh restoration that berms cannot be relied upon to protect wetland resources.

Other measures may be needed to ensure the low berm with vegetation provides a vegetated screen to buffer the wetlands from noise and visual impacts from adjacent uses. On one of our early restoration projects, people were actually attracted to walk on the constructed berm to see what was on the other side. Furthermore, it takes years for vegetation to grow to a sufficient height to provide a screen. Measures may be needed to ensure the vegetation is not trampled by people walking on it before it grows to sufficient height to block views.

#### **Fencing/Berm**

We support fencing, to protect the wetlands from intrusion by people and pets into habitat areas, however, the requirement is for fencing that physically excludes people or for symbolic fencing with informational signs. These are not really comparable. Symbolic fencing would not prevent people from accessing the wetlands and, therefore, would not ensure protection of the habitat. If symbolic fencing and signs are used, monitoring should be required to track compliance. If people are not complying and/or pets are getting into the habitat, then permanent fencing should be required.

#### **Conservation Easement**

The staff report has inconsistent and confusing information about the proposed open space and conservation easement. The discussion on page 14 states that the easement would be "irrevocable for a period of 21 years" and would be to the people of the state of California. The discussion on page 50 states that NRCS would manage the 465-acre conservation easement in perpetuity, and that this easement would cover the coastal dune wetland complex and CRLF habitat. Are there two easements?

Concerning the discussion on page 109, in our experience, (NRCS holds an easement on two Marin Audubon properties) NRCS does not manage the properties; the property owners manage the property. NRCS oversees management, and provides funds and oversight for restoration/enhancement.

Any easements and restorations/enhancements paid for with state and federal funds should be in perpetuity.

#### **Western Snowy Plover**

A condition should be added requiring that the program to protect the Snowy Plover on the beach. Funded by Partners for Wildlife Program, continue.

**Alternative Location for Camping**

We are concerned that the analysis of alternatives that could result in less environmental damage to wetlands and the dune complex has been minimal. Locating camping in uplands was apparently rejected on the basis that it would not be near the coast, would impact agriculture and that it could impact some sensitive resource areas in the agricultural zone.

The Coastal Act does not seem to mandate that camping and overnight accommodations are right on the ocean front, and impacts to agriculture and natural resources in the agricultural zone may not be as significant in as they are along the coast. Locating all or at least some of the camping on upland areas, perhaps nearer the new septic system and service center, away from wetlands and dunes and from areas subject to sea level rise and tsunamis, should not be off the table. Such an alternative could provide visitor serving and recreational benefits with substantially less negative environmental effects.

Analyses by the scientific committee concerning measures to ensure long-term protection of the coastal dune/wetland complex should inform future decisions on the location of camping facilities.

**Ongoing Public Review**

Finally, we are concerned that the interested public has the opportunity to review the scientific assessments and plans that are prepared for the dune/wetlands system. Conditions should include provision for public to review and comment on these important subsequent information documents.

Thank you for considering our comments. The Marin Audubon Society has been actively protecting habitat for more than 55-years and restoring wetlands for more than 25 years. We have approximately 2,200 members largely in Marin County.

Sincerely,

  
Barbara Salzman, Co-chair  
Conservation Committee

  
Phil Peterson, Co-chair  
Conservation Committee

W129

July 8, 2011

TO: The Commissioners  
California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, Ca 94105-5260

Post-it® Fax Note	7671	Date	7/8/11	# of pages	1
To:	California Coastal Commission	From:	Cela O'Connor		
Co./Dept	Commissioners	Co.			
Phone #	904-5200	Phone #	916-2496		
Fax #	904-5400	Fax #	Sent 7/8/11		

Re: July 13, 2011 CCC Public Meeting, Marin County;  
Item 10-a No 2-06-18/A-2-MAR-08-028 (Lawson's Landing Inc., Marin County)

Dear Commissioners,

The concentrated unpermitted development of Tomales Dunes must not be allowed to continue. It remains the largest unprotected dune system on the central coast. I am a native 80 year old Marinite and I have continually been appalled that our Marin County officials have not corrected this runaway development. Those of us that are familiar with the Marin coast were encouraged at the time of the Local Coastal Program's beginnings that our coastal wetlands and precious dune system at the mouth of Tomales Bay would receive the regulation that was necessary to implement the Coastal Act and work towards a balanced approach to a reasoned use and development of this area. Years of unpermitted development have resulted in serious damage to the wetlands and mobile dunes. The wetlands have been drained and trampled by RVs, cars, and livestock, and the mobile dunes have shrunk from 390 acres in 1954 to fewer than 170 acres today.

As coastal commissioners you have the opportunity to undo some of the damage. Restoration can occur. I thoroughly support the positions taken by the Environmental Action Committee of West Marin and the additional efforts of Catherine Caulfield. Lawson's Landing could be a wonderful place for Californians and visitors to enjoy our beautiful coast. Recreation and natural resource protection can co-exist at Lawson's Landing, only if you ensure that:

- all wetlands and sensitive habitats are identified, protected, and given appropriate buffers;
- a restoration, monitoring and management plan that will restore the natural hydrology of the wetlands, reverse the loss of mobile dunes, and identify and protect listed and special-status species, including the Western Snowy Plover, is implemented;
- all camping spaces are open to the public, not reserved for the lucky few who hold private long-term leases over prime camping areas;
- unpermitted uses do not continue once a coastal permit is issued.

The owners of Lawson's Landing are willing to make some changes, but after years of enjoying unfettered use of the property, they argue that they need special treatment to ensure their desired rate of return. Lawson's Landing should be held to the same standards as other businesses and households in California. The Coastal Act should not be selectively enforced.

After nearly half a century of unpermitted uses, we now have the opportunity to restore and protect this extraordinary site for future generations of all species to enjoy. Please protect Tomales Dunes, coastal access, and the Coastal Act. Thank you.

Sincerely,

Cela O'Connor, P.O. Box 116, Bolinas, CA 94924

REC-111

JUL 07 2011 Page 25

SEARCHED

RECEIVED

W129

JUL 08 2011

CALIFORNIA  
COASTAL COMMISSION

**Subject: Lawson's Landing Comment**  
**Application No. 2-06-18/A-2-MAR-08-028**

**The Commissioners California Coastal Commission 45 Fremont  
Street Suite 2000 San Francisco, CA 94105 Fax: (415) 904-5400**

**I am writing on behalf of the 1900 members of Sonoma County's  
Madrone Audubon Society as their Conservation Chair.**

**Tomales Dunes has the richest collection of seasonal dunes --or  
"dune slacks"--wetlands in central California and supports at least  
9 rare, threatened or endangered species. Tomales Dunes is a  
complex of several distinct habitats, including: mature mobile  
dunes, central dune scrub, dune prairie, and dune wetlands, ranging  
from freshwater ponds, to marshes, to wet meadows. This system  
has come under increasing pressure from ranching, quarrying, and  
recreational vehicles. The dunes are also connected to a rich  
coastal environment that includes coastal prairie, coastal scrub, salt  
marsh, tidal flats, bay and ocean. The dunes provide a buffer to the  
prevailing westerly winds and modify the tides, making Tomales  
Bay more complex, hospitable, and biologically diverse than a  
simple marine inlet. The area is well known for drawing in  
thousands of birds; more than 40 species of waders and waterfowl  
find their winter roosting and feeding grounds here. It is one of  
only eight sites in North America where Pacific golden plovers  
have been known to overwinter. Since 1954, more than half of  
these rare mobile dunes have been lost, as invasive European  
beach grass and iceplant moved in.**

**At the nexus of this unusual and sensitive system is a continuing  
threat from the largest RV campground on California's Coast  
operating without land use permits or an approved, permitted**



septic system for decades. This has caused significant degradation of wetlands and other environmentally sensitive habitat areas. Recreation and natural resource protection can co-exist at Lawson's Landing, but only if the Coastal Commission ensures that unpermitted uses do not continue once a coastal permit is issued, and that:

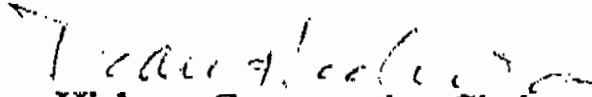
**\*\*A science-based approach be taken to oversee restoration and implementation of a plan.**

**\*\*All wetlands and sensitive habitats are identified, protected, and given appropriate buffers. Staff recommendations of 100-ft to 300-ft buffers should be on these ESHAs.**

**\*\*A restoration, monitoring and management plan is put in place that will restore the natural hydrology of the wetlands, reverse the loss of mobile dunes, and identify and protect listed and special-status species.**

**\*\*All camping spaces be open to the public. These spaces should be concentrated in the degraded areas that are most difficult to restore.**

**\*\*Unpermitted uses should not continue. Lawson's Landing should be held to the same standards as other businesses and households in California. The Coastal Act should not be selectively enforced. After nearly half a century of unpermitted uses, we now must take the opportunity to restore and protect this extraordinary site for future generations of all species to enjoy.**

  
Diane Hichwa, Conservation Chair  
Madrone Audubon Society  
PO Box 1911  
Santa Rosa, CA 95402

W/2a

**Board of Directors**

Doug Lipton, PhD  
*President*

Virginia Strom-Martin  
*Vice President*

Charles Rullman  
*Treasurer*

Jib Ellison

Kathy Tierney

**Staff**

Don McEnhill Jr.  
Riverkeeper

Angela Nardo-Morgan  
Director of Development

Kate Wilson  
Program Assistant

Victoria Wikle  
Park Project Director

Russian Riverkeeper  
PO Box 1335  
Healdsburg, CA 95448  
707.433.1958  
Fx 433.1989  
[www.russianriverkeeper.org](http://www.russianriverkeeper.org)  
[info@russianriverkeeper.org](mailto:info@russianriverkeeper.org)



Riverkeeper, Coastkeeper and Creekkeeper are registered trademarks and service marks of Waterkeeper Alliance, Inc.

The Commissioners  
California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, Ca 94105-5260

July 8, 2011

Re: Application No. 2-06-18/A-2-MAR-08-028

Thank you for the opportunity to comment on Lawson's Landing. Our suggestions are as follows:

1. **Concentrate camping in the most degraded, most difficult-to-restore areas.**  
The Tomales Dunes-wetlands complex has been degraded by unpermitted RV and auto camping over the past four decades. Some parts of this environmentally sensitive habitat area have been so degraded that they are beyond restoration, such as Areas 1 and 2. The Coastal Commission should concentrate camping on shoreline side of the road for Areas 1-4, and should restore the wetland-dunes habitat to east of the road. The Coastal Act calls for "maximum public access..." which can be achieved without any additional coastal recreational development.
2. **Protect, restore and enhance those areas that can be restored.**  
Restoring the natural hydrology and dynamic process of the dunes-wetlands complex is essential to any restoration plan. We urge you to follow staff's recommendation to impose 100-foot to 300-foot buffers on these ESHAs and to establish a science-based technical advisory committee to oversee the restoration plan implementation.
3. **Make camping on the property truly visitor-serving and low-cost.**  
The only way to make Area 2 truly visitor serving and low cost is to require removal of the trailers within the next 9-12 months and open up those spaces for RV camping on a first-come, first-served basis. By opening up Area 2 for RVs, more visitors will be able to enjoy Lawson's Landing.

Sincerely,

Kate Wilson  
Russian Riverkeeper

**From:** Santa Lucia Chapter of the Sierra Club [mailto:sierraclub8@gmail.com]  
**Sent:** Friday, July 08, 2011 4:12 PM  
**To:** Ruby Pap  
**Subject:** re Lawson's Landing - 7/13 meeting, item 10A

W/2 a

Santa Lucia Chapter  
P.O. Box 15755  
San Luis Obispo, CA 93406  
(805) 543-8717  
[www.santalucia.sierraclub.org](http://www.santalucia.sierraclub.org)

July 8, 2011

California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, Ca 94105-5260

**RE: Lawson's Landing, 2-06-18/A-2-MAR-08-028**

Dear Commissioners,

On behalf of the 2,000 members of Santa Lucia Chapter of the Sierra Club, we commend you and your staff for taking action to protect the Tomales Dunes and their vitally important seasonal dunes wetlands and listed species and bring Lawson's Landing into compliance with the California Coastal Act.

The main principle we would urge you to uphold in this matter is the fact that ESHA is not be sacrificed in the name of recreation. Please follow your staff's recommendation to impose 100 to 300-foot buffers to protect ESHA in camping Areas 3 and 4. Concentrate camping on the shoreline side of the road, and oversee the creation of a plan for restoration, monitoring and management of wetlands/dunes habitat to the east.

In order to assure low-cost, visitor-serving coastal access, we recommend the simplest and most direct approach: require the removal of the semi-residential travel trailers in Area 2 within twelve months and open those spaces to first-come, first-served RV camping. Staff's plan for conversion of the existing trailers is unlikely to succeed, and likely to extend indefinitely the current regime of a few long-term leaseholders occupying prime camping areas. Removing the trailers will assure that the largest number of people will finally be able to enjoy coastal access at Lawson's Landing.

For the coast,

Melody DeMeritt  
Chapter Chair

July 8, 2011

Mary Shallenberger, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Subject: Lawson's Landing – Application No. 2-06-18/A-2-MAR-08-028

Dear Ms. Shallenberger,

For more than 35 years, Environmental Action Committee of West Marin has been advocating that the Tomales Dunes-wetlands complex be protected and Lawson's Landing be brought into compliance with the Coastal Act. We acknowledge the Lawson family's desire to bring Lawson's Landing into harmony with the surrounding environment and to protect the place they grew up in. We have supported their successful efforts to obtain significant funds through the sale of conservation easements that will help them pay for the required improvements and restoration efforts, and we look forward, with other public and private conservation agencies, to assisting in the ongoing restoration efforts on this rare and beautiful site.

We are pleased that the Commission is finally in a position to take action on this issue. Unfortunately, the project as proposed is not consistent with the Coastal Act. However, we believe that the proposed project can easily be amended so that it protects natural resources, water quality, scenic resources, and provides lower-cost visitor access in compliance with the Coastal Act. To this end we are asking you to approve a modified project rather than approving the project as proposed by Commission staff or denying it outright.

The key to a project that can be approved is to:

- concentrate camping in the most degraded, most difficult-to-restore areas and in the areas closest to the shore;
- protect, restore and enhance those areas that can be restored;
- make camping on the property truly visitor-serving and lower cost.

**THE PROJECT SHOULD CONCENTRATE CAMPING WHERE IT WILL DO THE LEAST DAMAGE**

We agree with staff's recommendations for camping in Areas 1, 2, and 3. We discuss below why travel trailers should be removed within the next year, rather than over a period of six or more years, from Area 2.

In Area 4 camping should be allowed only on the west side of the main road. As Dr. Dixon's memo explains, Area 4 is wetland that has been damaged by recreational uses and drainage and in recent years has been invaded by the invasive alien Kikuyu grass *Pennisetum clandestinum* (Exhibit 6, p.8-11). Restricting camping to the west side of the road (and running septic and utilities along that side of the road) would allow restoration of the east side of Area 4 and its reconnection to the large inland wetland which it adjoins. Re-establishing the natural hydrology

of the east side of Area 4 would cause the Kikuyu grass to die off naturally. Any roads in Area 4 that do not run through camping areas should be abandoned and restored to wetland. With this change, the central wetlands complex would be appropriately protected as contiguous habitat in all areas east of the main entry road and of the auxiliary road along the east side of Area 3.

This arrangement concentrates camping along the shoreline, in areas closest to the coast on the west side of the road (including the road that encompasses Area 3) and creates a coherent restoration zone east of the road.

There may be other areas on the property suitable for camping, but there was no comprehensive review of the entire property in the staff report. The staff report mentions 1.5 acres in Area 6 as suitable for camping, but does not pursue the idea. We believe that this small portion of Area 6 should be considered for low-intensity tent camping so long as this camping is considerate of California Red-legged frog habitat.

### **THE PROJECT SHOULD PROTECT, RESTORE AND ENHANCE NATURAL RESOURCES**

The camping arrangement proposed above concentrates the restoration area and separates it from roads and recreation. A Sensitive Resource Protection, Restoration and Enhancement Plan (PREP) has been proposed. We agree with it, with certain changes and additions.

1. The PREP should apply to the entire undeveloped area of the property, and should include all three of the CRLF corridors identified in Exhibit 6, Figure 5 that link the three CRLF breeding ponds as well as the area east of the main road in Area 4. All three of these corridors should be protected from development.
2. A TECHNICAL ADVISORY COMMITTEE made up of regional experts, including academics and consulting practitioners, in relevant fields including geomorphology and dune-wetland hydrology, should be convened to assess the plan and make technical recommendations prior to Commission approval of the PREP.
3. A DUNES COMPLEX ASSESSMENT that is part of the PREP should be prepared by a dunes ecologist with experience in dune restoration and invasive species removal, to identify measures to restore dynamic interactions between all elements of the dunes-wetland ecosystem. The plan should also identify the best locations for trails and advise on the use of fences and/or standard dune crosswalk structures as used for active mobile dunes by the U.S. National Park Service.
4. The HYDROLOGICAL ASSESSMENT that is part of PREP should identify measures to fully restore the natural subsurface hydrology of the dunes-wetland complex and provide hydrologic separation between restored wetlands and authorized campgrounds that may be subject to flood protection measures.
5. The INVASIVE SPECIES REMOVAL PLAN that is part of PREP should stipulate that full expression of natural dune wetland hydrology should be the primary means of invasive plant species management in dune wetlands, not grazing.
6. The PREP should be approved in its final form by the Commission and should require that the applicant undertake conservation and restoration activities to fulfill the plan.

### **THE PROJECT SHOULD CREATE VISITOR-SERVING ACCESS**

We agree with staff that the space now occupied by 213 quasi-residential, privately-owned travel trailers should be opened up to public use. The spaces could be used for RV camping, tent camping or trailer/cabins, such as the 20 that the Lawsons propose to install for rent to the public. But instead of requiring an immediate conversion of these quasi-residential uses to visitor-serving uses, the staff has proposed a cumbersome, time-consuming and expensive approach to conversion, one that is ripe for abuse.

Among the problems with staff's approach:

1. **Needless delay:** The current proposal delays for at least six years the achievement of a truly visitor-serving camping area.
2. **Financial and regulatory burdens:** The current proposal requires a cumbersome series of conditions that takes nine pages to explain. It imposes a financial burden on the applicants and the travel trailer owners by setting up a complex and costly system of monitoring, auditing, reporting, and analysis that could result in travel trailer owners passing the cost on to the renters, making such rentals no longer lower cost. And it will add considerably to the enforcement and oversight work of the already overburdened Coastal Commission staff.
3. **Risk of reversion to quasi-residential:** The staff report is not clear on exactly how travel trailers will be identified as having successfully converted to visitor-serving uses, but it appears that after six years some will be allowed to stay under a Coastal amendment and others will have to go. This raises questions as to whether the travel trailer, the space it occupies, or the owner is "certified" as having met the visitor-serving standard. In any case, there is no guarantee that, once certified, the travel trailers will continue to be made available for rent or that such rentals will be lower cost. When Marin County imposed similar conditions on the travel trailers owners in approving the Master Plan, they sued the County. Though the lawsuit failed, it demonstrated that the travel trailer owners are not willing landlords. In order to avoid this unworkable situation, the Commission may be forced to take on the burden of permanent oversight.
4. **Water quality issues:** Since the travel trailers are dependent on the use of 167 "non-conventional septic systems" (cesspits), removing them in favor of "no-septic" overnight camping would eliminate potential threats to water quality during the six-year interim period. To the extent that occupancy rates of the travel trailers increase during that six-year period, so will the loading on those fragile cesspits, which could trigger a requirement that they be abandoned (Special Condition 10.A) and could disrupt the use of Area 2 for a significant length of time.

It should be noted that although the colorful assortment of vintage trailers/beach homes that has grown up over time in Area 2 has many admirers, its character will change whether or not the travel trailers are allowed to remain. The proposed project requires all trailers to be removed from Area 2 while the new septic is installed and allows only trailers made after 1998 to return, without the porches, decks and other structures that contribute to the impression of a beach community.

#### **THE PROJECT SHOULD CREATE LOWER COST ACCESS**

The travel trailers do not provide lower cost access for their owners, given the cost of owning and maintaining a travel trailer and paying ground rent of \$4800 a year. Owners who use all their allocated 90 days will be paying more than 50/night just for ground rent. Owners who use only about 30 nights a year as is currently typical, will be paying more than \$150/night.

The travel trailers may not, provide lower cost access to renters, either, since the Commission cannot set rental prices. There is every likelihood that travel trailer owners will want to recoup not only their own rental expenses, but also the potentially costly "reasonable fees" they will be charged to meet the Commission's audit requirements, by renting their trailers at rates that would not meet the Commission's definition of lower cost. All of these problems are alleviated by requiring removal of the travel trailers and using those spaces exclusively for transient visitor overnight accommodations.

### **THE PROJECT SHOULD CONSIDER THE ENTIRE PROPERTY**

The Commission should consider all of the unpermitted development on the entire property, and any development that is not specifically approved, should be specifically denied. The Commission should place a deed restriction prohibiting all future development on all portions of the property on which development is not being specifically approved. If the applicant has future plans to develop in these areas, then the Commission must consider this development at this time as part of its overall consideration of the development proposals on the property.

Certainly, conflict resolution is not justified if part of the property is withheld from consideration. The staff report (p.135) identifies Area 6 as the location "of a future development phase to be handled by a separate appealable coastal development permit with Marin County....the new "Lawson's Landing Center located in Area 6 (exhibit 3)." As part of the Master Plan requirement for this type of development in Marin County, the Lawsons must provide, and the staff should have required, detailed information about the proposed Lawson's Landing Center. As a result, the Commission must require a deed restriction as part of this permit approval so that the extent of the approved development for the entire property is clear.

### **THE PROJECT SHOULD NOT ATTEMPT TO PROVIDE A SET LEVEL OF CAMPING**

Use levels should be resource-based and not pre-determined. Recreational uses and facilities at Lawson's Landing can be approved only if based on the ability of the resource to support those uses. There is no requirement either implicit or express in §30221, or any other Coastal Act provision, that ESHA should be sacrificed at Lawson's Landing to meet staff's estimate of the existing or potential level of future peak demand for coastal recreation in the Marin Sonoma area. It is more than likely that the project, assuming that ESHA and wetlands are protected as we propose, will still be the largest RV campground on the coast of California. (The next largest, Newport Dunes Resort in Orange County, has 406 campsites.)

It has been suggested that the underlying reason for attempting to fit more campsites on the property than constraints allow is to ensure that Lawson's Landing can continue as a viable business. If it is indeed a concern that Lawson's Landing cannot survive the loss of campsites entailed in being reduced from the largest RV campground in the state of California to the largest RV campground on the coast of California, then the Commission should be presented with facts to back up that position. An independent analysis of Lawson's Landing financial data concluded that "even with a less-imposing footprint, this is an investment project that will likely generate a high return on invested capital and build significant wealth for the applicant." (see attached Benometrics letter to Coastal Commission, June 8, 2011)

**THE PROJECT SHOULD RECOGNIZE EXISTING CAPACITY IN THE VICINITY** There is significant visitor-serving capacity in the vicinity of Lawson's Landing. More than ten other public and private campgrounds in Marin and Sonoma provide 918 coastal RV and tent camping sites. Three private coastal campgrounds in Marin and Sonoma provide 305 sites. Eight public coastal campgrounds in Sonoma provide another 426 sites. In addition, the Olema Ranch Campground, on Olema Creek and adjacent to Point Reyes National Seashore, provides 187 sites, for a total of 918 campsites available in coastal Marin and Sonoma. Although the staff report lists a number state park sites that have closed, all are day use areas; all the overnight campgrounds near Lawson's Landing are open for the summer.

- These campgrounds are all easily accessible from the Sacramento area, where 70% of Lawson's Landing visitors live. Lawson's Landing is 111 miles from Sacramento. All except one of these parks are less than 135 miles from Sacramento.



- All these campgrounds offer lower cost visitor-serving camping, the average price for the public parks is ranges from \$28 to \$45 and the private parks from \$20 to \$58. Lawson's average price of \$27 is at the low end of the range.
- These campgrounds have excess capacity on all but the most popular weekends. Sonoma County coastal state parks are only 50% occupied from Memorial Day to Labor Day. Occupancy jumps to 92% on the July 4th weekend, but is only 72% on Labor Day weekend. (For details on Marin Sonoma campgrounds, see attachment "Campgrounds").

#### **THE PROJECT SHOULD NOT BE FOCUSED ON MEETING PEAK DEMAND**

The staff report (p. 66) asserts that "at least 700 camping vehicles can reasonably be expected to occupy Lawson's Landing on peak weekends." Lawson's Landing attendance records for the year 2008 indicate that there were only 13 nights when that peak of 700 vehicles was reached or exceeded. There were only 16 nights with 600 or more vehicles and only 28 nights with 500 or more vehicles. There is no justification for damaging ESHA or wetlands to meet a peak demand that occurs so few nights a year. It would be better to encourage off-peak visitation through pricing mechanisms, for example by giving discounts for non-peak visitation, and/or by charging more on peak weekends.

#### **OTHER ISSUES THAT MUST BE ADDRESSED TO CREATE A PROJECT CONSISTENT WITH THE COASTAL ACT**

1. Traffic: The Traffic Management Plan should set standards by which success can be measured. The evaluation of Sand Haul Road as an alternative access way should not be dependent upon the owners moving forward with a second round of development in Area 6. The likelihood of that happening must now be slight given the fact that most of Area 6 is in a CRLF pond buffer area and corridor and that the Biological Memo (p.14) warns that activities in Area 6 or 8 "that would increase vehicular use would put the frog at some additional risk."
2. Deadline for abandoning unpermitted cesspits: Tomales Bay has been listed under the Clean Water Act section 303(d) as being impaired due to pathogens, nutrient levels, mercury contamination and sedimentation. The staff report (p.126) acknowledges that "Under the current conditions it is possible that nutrient rich groundwater is discharging to Tomales Bay even though it would be difficult to measure that discharge or its adverse aquatic impacts. In addition, the possibility exists that the system could exhibit additional failures due to the aging infrastructure, changes in loading or changes in groundwater conditions." Therefore, the existing unpermitted septic system should be abandoned within five years, if not sooner, whether or not the new septic system is yet in place.
3. Deadline for ending unpermitted camping: Camping in Areas 3 & 4 is to cease by Jan 15, 2012 if the Executive Director has not approved the camping management plan by then. There should also be a requirement that Camping in Areas 3 & 4 will cease by May 30, 2012 if the camping management plan is not implemented by that time.

Thank you for considering our comments on this important project.

Sincerely,



Amy Trainer  
Executive Director



Catherine Caufield  
Dunes Campaign Director

June 8, 2011

The Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attn: Ruby Pap

Re: Lawson's Landing Economic Feasibility Analysis

Dear Commissioners,

As a financial professional with extensive experience in financial planning and investment analysis, I have reviewed the subject analysis prepared by Economic and Planning Systems, Inc. ("EPS"), and find that it in no credible way demonstrates that the Lawson's Landing business cannot succeed without the high number of campsites that they have requested. EPS's inappropriate analytical methodology, while seeming to suggest that a smaller project is not viable, hides the fact that even with a less-imposing footprint, this is an investment project that will likely generate a high return on invested capital and build significant wealth for the applicant.

The analysis prepared by EPS uses a completely unconventional and meaningless approach to investment analysis. Their review is based on evaluating the first year "return on cost" for different proposed scenarios, assuming that said cost is comprised of the initial annual operating expenses for the project plus an amount representing payment of debt service on money needed to make the required capital improvements. Further, the analysis seems to presume that the owner requires a 10% return on this "cost" in order to consider the investment to be acceptable.

No trained business person would make an investment based on such a primitive analysis. This approach simply looks at the cash flow in the first year of operations, and does not consider growth in subsequent cash flows over time or the ultimate future value of the project at the end of the analysis period. Furthermore, it does not take into account the various ways that the investment might be structured, and the corresponding blended cost of capital of different funding alternatives. "Return on cost" as presented in this analysis is meaningless—there is no magic rule that says that for every dollar that an entity pays out in a given year, it needs to generate \$1.10 in cash revenue that year. Determination of an acceptable level of business return is always based on achieving a minimum

acceptable rate of return on invested capital over time, not on generating cash inflows that are a specific amount greater than cash outflows during one given year.

The appropriate analysis for this and any other business investment decision is to consider the net present value of the project over its financial life. In such an analysis, cash flows for the project are projected well into the future, and a "terminal value" of the project is assumed at the end of the analysis period. These cash flows and the terminal value are then discounted at an appropriate cost of capital, and if the present value of these future inflows exceeds the initial capital investment outflow, the project is considered to be an acceptable use of funds.

There are many ways that failure to look at the present value of the project's future cash flows understates the wealth creation that will occur with this development. First, usage fees can be expected to increase over time, as well as opportunities to improve other revenue flows such as item sales, boat repairs, and other services to campers. Revenues can be expected to increase at a faster rate than expenses, as many significant costs are fixed or will increase at rates less than revenues. Furthermore, whereas revenues and profitability of the project will increase over time due both to inflation and to new sales opportunities, the initial investment is a fixed cost that is made once and is not subject to future inflation. Most importantly, at the end of the analysis horizon, the owner will have full ownership of the improved facility and all the future revenues that it will generate. No one would argue that this would not continue to be a source of very significant wealth for the owner.

A second key flaw in the analysis is that it considers the previous amounts that were spent on attempting to entitle the project as being investments that need to be recovered in the future in order to make the project acceptable. From a business analysis perspective, such costs (in this case going back eight years) are considered "sunk costs", and are treated as irrelevant to the analysis. The reason for this is that at this stage, the owner will only have one choice: either put more money in and move forward with the project, or do not. In neither case will the owner have the option of getting back the money that they previously spent on professional fees, so the fact that they made that expenditure in the past does not change the economics of the choice that they will have going forward. Previously sunk costs are never included as a component of the net present value calculation when evaluating whether or not to move forward with a project at a subsequent decision point. The fact that the owner spent money on professional fees in the past provides no justification to increase the amount of earnings they need to generate in the future.

Other flaws abound throughout the analysis. Miscellaneous Visitor-Serving Revenue has been projected based on a percentage of camping revenue. This makes little sense; it should be based on numbers of projected visitor-days instead, and should take into account per-visitor revenue growth over time that reflects both inflation and creation of new sales opportunities. In this regard, the large amount of money being spent on a new store and on the boat repair shop suggests that the owner plans to build a large commissary that will be able to stock many more items for sale than they currently carry, and that they will have the capability to do more sophisticated boat repairs that will presumably attract more customers from farther away.

In the subject analysis, a very substantial percentage of the operating costs of the project are deemed to be fixed costs. While they may be fixed for the current size of the operation, in most cases a smaller operation would have lower fixed costs. Therefore, the scenarios that result in a smaller campground should have lower costs, which to some extent will offset their lower revenue generating potential. Another problem is that the analysis assumes that the cost of merchandise for resale should be calculated as a percentage of camping revenue, whereas it should more appropriately be calculated as a percentage of Visitor-Serving Revenue instead.

The subject analysis is done completely on a pre-tax basis, and thereby does not take into account the tax benefit of accelerated depreciation and various other investment write-offs and credits. To be done correctly, the analysis needs to take into account the timing of the cash impact of all tax payments, tax benefits, and credits, and then the net after-tax cash flows from the project need to be discounted using an appropriate after-tax discount rate.

Finally, a review of the historic weekly visitor totals clearly shows that the current high level of capacity is only needed for a relatively small number of weeks during the year. The analysis chooses to view the result of having less capacity during those weeks as being "lost revenue". It ignores the obvious response of creating a pricing structure that charges more during peak periods and on weekends than during non- peak periods and on weekdays. With a pricing structure that more closely reflects demand, much of the "lost revenue" need not be lost at all. It seems wasteful to create and maintain an excessively large facility merely to serve a relatively small number of additional users on a handful of weekends.

When evaluated appropriately, most of the scenarios proposed in the analysis will generate a very acceptable return on investment and build wealth for the owner. This analysis needs to be re-done correctly before being accepted as being relevant to the owners' claim that they need a larger facility in order for their business to succeed.

Sincerely,

Steven H. Tulsy, MBA  
Principal  
The Benometrics Consulting Group

Coastal campgrounds in Marin and Sonoma

Three private coastal campgrounds in Marin and Sonoma provide 305 sites. Eight public coastal campgrounds in Sonoma provide another 426 sites. In addition, the Olema Ranch Campground, on Olema Creek and adjacent to Point Reyes National Seashore, provides 187 sites, for a total of 918 campsites available in coastal Marin and Sonoma. All the state park campgrounds remain open for the summer. The staff report (p.65) lists a number of closed State Parks, but all are Day Use areas. All listed State Park campgrounds will be open July, August and September.

Private: 492 sites (✓ = not mentioned in staff report)

Bodega Bay RV Park: 72 sites

✓ Porto Bodega Marina & RV Park: 58 sites

✓ Ocean Cove: 175 sites

Olema Campground: 187 sites on Olema Creek, next to Pt Reyes National Seashore

Public: 426 sites (leaving out National Parks)

Sonoma County Parks:

Westside Park: 47 sites

Doron Beach Park: 127 sites

✓ Gualala Point Park: 24 sites

✓ Stillwater Cove Park: 23 sites

Sonoma Coast State Park:

Bodega Dunes & Wright's Beach campgrounds: 125 sites

Salt Point State Park:

✓ Gerstle Cove & Woodside campgrounds: 80 sites

Total public & private: 918 sites

Distance from Lawson's Landing/ Sacramento:

Doron Beach Park	15/ 105
Bodega Bay RV Park	16.9 miles/ 107 miles
Porto Bodega Marina & RV Park	17.1/ 107
Westside Park	18.6/ 109
Olema Camground	23.5/ 104
Sonoma Coast State Park	27.5/ 117
Stillwater Cove Park	42.2/ 132
Ocean Cove	43.2/ 133
Salt Point State Park	44.6/ 135
Gualala Point Park	83.8/ 154

Costs:

	<u>Dry</u>	<u>Hook-up</u>
Doron Beach Park	\$28	
Bodega Bay RV Park	\$28	\$41
Porto Bodega Marina & RV Park	\$28	\$40-43
Westside Park	\$28	
Olema Camground	\$44	\$58
Bodega Dunes	\$35	
Wright's Beach	\$35-45	
Stillwater Cove Park	\$28	
Ocean Cove	\$20	
Salt Point State Park	\$35	
Gualala Point Park	\$28	
Lawson's Landing	\$26-31	

CALIFORNIA LEGISLATURE

STATE CAPITOL  
Room 3120  
SACRAMENTO, CA 95814  
(916) 319-2006



**Jared Huffman**  
ASSEMBLYMEMBER, 6<sup>TH</sup> DISTRICT



**Mark Leno**  
SENATOR, 3<sup>RD</sup> DISTRICT

STATE CAPITOL  
Room 4061  
SACRAMENTO, CA 95814  
(916) 651-4003

DISTRICT OFFICE  
3501 Civic Center Drive  
Suite 425  
San Rafael, CA 94903  
(415) 479-6612

May 19, 2010

Mr. Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Street #2000  
San Francisco, CA 94105-2219

Re: Lawson's Landing Coastal Permit

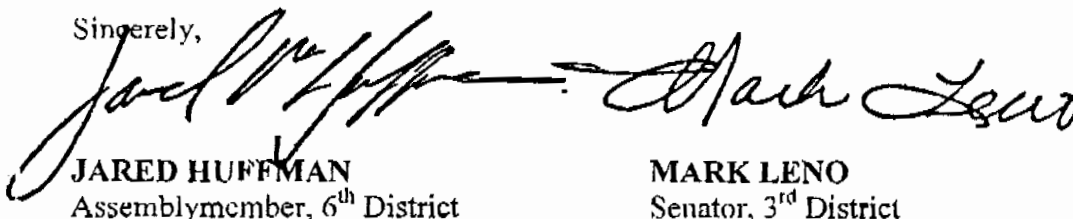
Dear Mr. Douglas:

We are writing to emphasize the importance of ensuring that Lawson's Landing, located at Tomales Dunes in Dillon Beach, is brought into compliance with the California Coastal Act. The Coastal Act has twin goals: to protect our precious coastal natural resource, and to ensure that the public has access to the coast for recreation. We support these goals and wanted to present to you the attached letter signed by thirty-four environmental organizations urging you to keep Lawson's Landing open to the public and to protect the wetlands, dunes and sensitive species of Tomales Dunes.

Tomales Dunes is recognized as one of California's and the nation's most important and valuable natural sites by the U.S. Fish and Wildlife Service, the California Coastal Conservancy, and the Association of Bay Area Governments. Provided the protections mandated by the Coastal Act are enforced, recreation and sensitive coastal resources can co-exist at Tomales Dunes, including at Lawson's Landing. Such recreational use should be compatible with a healthy ecosystem and all wetlands and other environmentally-sensitive habitat areas should also be identified and protected with appropriate buffers. In addition, the damage caused by past decades of unpermitted use need to be repaired by implementation of a long-term management plan that will restore and protect the site's sensitive coastal resources, including mobile dunes, dune wetlands, and coastal dune scrub, and address the problem of invasive species.

Thank you for your consideration of this important matter.

Sincerely,

  
**JARED HUFFMAN**  
Assemblymember, 6<sup>th</sup> District

**MARK LENO**  
Senator, 3<sup>rd</sup> District



---

Environmental Action Committee—protecting West Marin since 1971

Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Street #2000  
San Francisco, CA 94105-2219

April 13, 2010

Re: Lawson's Landing Coastal Permit, 137 Marine View Drive, Dillon Beach, Marin County, CA

Dear Mr. Douglas,

The undersigned local, state, and national organizations would like to remind you of the biological importance of Tomales Dunes, and urge you to ensure that all developments at Lawson's Landing are consistent with the California Coastal Act.

Tomales Dunes is a complex of several distinct habitats that comprise the largest unprotected dune system on the central California coast: mature mobile dunes, central dune scrub, dune prairie, and dune wetlands. It has the richest collection of seasonal dune wetlands on the central coast, ranging from freshwater ponds, to marshes, to wet meadows--known collectively as "dune slacks." The recent commitment by USFWS and the State Coastal Conservancy of \$1.5 million to protect these wetlands is an indication of their national significance.

A rain-fed underground spring has created a dynamic and unique "Grand Canyon of the Sands" which is recut and reshaped in wet winters, the only such dune canyon in central California. Tomales Dunes is also one of only four sites in the entire country with *gegenwalle*, residual sand ridges that show the progression of dune-wetland margins, as mobile dunes migrate downwind and new dunes slacks are formed.

This extraordinary site supports at least nine listed and special-status species, as well as other rare and unusual species of Marin County. It provides crucial roosting and foraging habitat for the dozens of species of shorebirds and other wetland birds that depend on Tomales Bay during winter and migration. And it is one of only eight sites in North America where Pacific Golden-Plovers (*Pluvialis fulva*) have been known to overwinter. Though the aggressive alien, European beachgrass (*Ammophila arenaria*) is encroaching, Tomales Dunes is one of the few dune systems in California that still has a vital population of native dune grasses, including a recently discovered and still-undescribed native grass.

Lawson's Landing is also a great location for public camping and day-use, which should be open to the public, not reserved for a few fortunate leaseholders. Recreation and sensitive coastal resources can co-exist at Tomales Dunes as long as the protections mandated by the Coastal Act are enforced. Recreational use must be at a level that is compatible with a healthy ecosystem. All wetlands and other environmentally sensitive habitat areas must be identified and protected with appropriate buffers. In addition, the damage caused by past decades of unpermitted use must be repaired by implementation of a long-term management plan that will restore and protect the site's sensitive coastal resources, including mobile dunes, dune wetlands, and coastal dune scrub, and deal with the problem of invasive species.

Tomales Dunes is one of California's coastal treasures. Please protect it!

Sincerely,



Catherine Caufield  
Environmental Action Committee of West Marin  
Point Reyes Station, CA

Barbara Salzman, President  
Marin Audubon Society  
Mill Valley, CA

Mark Welther, Executive Director  
Golden Gate Audubon Society  
Berkeley, CA

Eva Buxton, Conservation Chair  
CNPS, Marin Chapter  
Mill Valley, CA

Kate Kelley, Chair  
Sierra Club, SF Bay Chapter  
Berkeley, CA

Nona Dennis, President  
Marin Conservation League  
San Rafael, CA

Robert Speckels, Vice-President  
Madrone Audubon Society  
Santa Rosa, CA

Todd Steiner, Executive Director  
Salmon Protection & Watershed Network  
Forest Knolls, CA

Lynn Houser, President  
CNPS Milo Baker Chapter  
Santa Rosa, CA

Gordon Bennett, Coastal Chair  
Sierra Club, Marin Group  
Inverness, CA

Don McEnhill, Executive Director  
Russian Riverkeeper  
Healdsburg, CA

Jake Sigg, Conservation Chair  
CNPS Yerba Buena Chapter  
San Francisco, CA

Mike Frey, Chair  
SurfRider, Sonoma Chapter  
Rohnert Park, CA

Sam Hartman, Program Coordinator  
Ecology Center of San Francisco  
San Francisco, CA

Dan Taylor  
Audubon California  
Sacramento, CA

Danielle Fugere, West Coast  
Regional Program Director  
Friends of the Earth, San Francisco, CA

Tara Hansen, Executive Director  
California Native Plant Society  
Sacramento, CA



Keith Wagner, President  
Sacramento Audubon Society  
Sacramento, CA

Jennifer Stock, President  
CNPS Sacramento Valley Chapter  
Sacramento, CA

Alex Kelter, President  
Environment Council of Sacramento  
Sacramento, CA

Sean Wirth, Chair  
Habitat 2020  
Sacramento, CA

Evon Chambers, Water Policy Analyst  
Planning and Conservation League  
Sacramento, CA

Terry Davis, Conservation Coordinator  
Sierra Club, Mother Lode Chapter  
Sacramento, CA

Walter McInnis, President  
San Joaquin Audubon Society  
Stockton, CA

Carol Ralph, President  
CNPS, North Coast Chapter  
Arcata, CA

Bill Thorington, President  
Humboldt Watershed Council  
Eureka, CA

Lori Hubbard, Conservation Chair  
CNPS, Dorothy King Chapter  
Gualala, CA

Kaitilin Gaffney, Director  
Pacific Ecosystems Protection  
Ocean Conservancy, Santa Cruz, CA

Laura Kasa, Executive Director  
Save Our Shores  
Santa Cruz, CA

Morgan Rafferty, Executive Director  
Environmental Center of San Luis Obispo  
San Luis Obispo, CA

Gordon Hensley, Executive Director  
Environment in the Public Interest  
San Luis Obispo, CA

Melody DeMeritt, Chair  
Sierra Club, Santa Lucia Chapter,  
San Luis Obispo, CA

Mike Lunsford, President  
Gaviota Coast Conservancy  
Goleta, CA

Joey Racano, Director  
Ocean Outfall Group  
Los Osos, CA

Mel Nutter, Chair  
League for Coastal Protection  
Long Beach, CA

W12a

Ralph Faust  
Consulting Attorney  
P. O. Box 135  
Bayside, CA 95524  
707-825-9347  
ralph.faust@gmail.com

Mary Shallenberger, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Dear Chairwoman Shallenberger:

Re: Lawson's Landing Permit Hearing  
(Appeal No. A-2-MAR-08-028; Application No. 2-06-018)

I write to you on behalf of the Environmental Action Center of West Marin (EAC) regarding the above matter. As the former Chief Counsel for the Coastal Commission, I am quite familiar with the Coastal Act and the Commission's past interpretations of it. I have reviewed the staff report and recommendation for approval with conditions for this project, and I think that it does not meet the standards either of the Coastal Act or of the California Environmental Quality Act (CEQA). In short, the staff recommendation unduly advances recreational interests at the expense of habitat protection interests. Thus, the project cannot and should not be approved as proposed by staff. We urge the Commission to amend the proposal so that it can be legally approved pursuant to the Coastal Act and CEQA by adopting the proposed list of changes and conditions that are being sent separately.

**Summary**

In its present form the staff recommendation contains multiple legal inaccuracies, including that it:

- 1) improperly balances the competing interests of lower cost visitor-serving and recreational development on the one hand, and of the mandatory protection of ESHA and wetlands habitat on the site on the other, and improperly applies conflict resolution to address this issue;

- 2) does not consider, and if appropriate, resolve the conflict that also exists with the coastal hazards policy of Public Resources Code (PRC) section 30253 (1), with which the project as proposed and as to be conditioned is not consistent;
- 3) improperly delegates future discretionary decision-making authority to staff and improperly analyzes the feasible project alternatives, both in violation of CEQA;
- 4) does not legally account for all unpermitted development on the site because it does not specifically deny all existing illegal development on the site which it does not specifically approve;
- 5) does not analyze all parts of the property and leaves the analysis of some portions of the property and some anticipated future development to a future time; and finally,
- 6) neither provides for restoration of those portions of the site on which illegal development which is not specifically approved in this recommendation has occurred, nor requires mitigation of the impacts of the illegal development that is approved on environmentally sensitive habitat area (ESHA) and wetlands that have been impacted.

Therefore, the EAC requests that the Commission modify the staff recommendation and proposed findings consistent with the arguments presented below and with the changes that EAC proposes. EAC is not asking for a denial of the permit, despite the significant problems that exist with the proposal. Nor has EAC ever asked that the applicant be fined or otherwise punished for the extensive violations that have existed and multiplied over decades. EAC is simply asking that the Commission follow past precedent and honor the resource protection policies of the Coastal Act.

In this regard, the EAC wishes to re-emphasize one of the predicates of the staff recommendation; that the Commission must consider the proposed project as if no development existed on the site, except for the 66 camping sites at the southern tip of the property which the Commission previously allowed. The EAC also wishes to re-emphasize that the entire site, as stated by the Commission's staff ecologist, is, or was prior to the applicant's stewardship, a large, pristine dune-wetland complex that is both extraordinarily rare and of great habitat value. To work from any other premises would be to give to the applicant the benefit of the habitat degradation that has resulted from its unpermitted, illegal activity. Unfortunately, the staff recommendation does this.

The Commission will search in vain for any example in its history, when any prior Commission, under any theory of the Coastal Act, allowed the scale of development to affect the extent of pristine ESHA and wetlands that staff recommends here. EAC's proposed changes, and the legal arguments presented below, articulate a basis for the Commission to reach the long-held

goal of striking a fair balance that will allow Lawson's Landing to remain a viable family-owned coastal recreation business, while also upholding the stringent resource protection policies of the Act by charting a course to protect and restore the largest and richest dune-wetland system in Central California.

**1. The Staff Report Improperly Balances the Low-Cost Visitor-Serving Recreation Policies with the Mandatory ESHA and Wetland Protection Policies and thus Erroneously Applies Conflict Resolution.**

The applicant's presentations and the staff recommendation are based on the incorrect premises first, that the property's habitat is degraded and second, that because much of the remaining ESHA will be protected by a conservation easement that is to be purchased from the applicant by the Natural Resources Conservation Service (NRCS), the ESHA that is not protected in perpetuity can be sacrificed, and is thus suitable for the extensive development schemes that they respectively propose and recommend. But as the Commission considers this extraordinarily complex proposal it should continue to keep in mind that from a legal viewpoint it is considering placing a significant portion of this development onto a previously pristine dune-wetland ESHA. The Commission could, in actions completely consistent with the Coastal Act, CEQA and the Fifth and Fourteenth amendments to the United States Constitution, deny the proposed development and order that the property be restored to its pristine condition. The EAC is not requesting this, nor is it suggesting that there is no basis for an approval of any development on this site. Rather, EAC believes that because staff did not begin its analysis from the legally correct starting point, its analysis, invocation and application of conflict resolution, and recommendations for approving extensive development in ESHA and wetlands are legally flawed and cannot stand.

Staff proposes to approve the project through conflict resolution, but it misinterprets the access and recreational policies of the Coastal Act in a way that skews their importance and thus does not properly protect the habitat resources on the site. Simply put, the staff does not properly balance the competing Coastal Act policies. Staff variously relies upon PRC sections 30213, 30220, 30221, 30222, 30224, 30234 and 30234.5 to support their interpretation of the access and recreation policies that they balance against the habitat protection policies of PRC sections 30233 and 30240. But they incorrectly exaggerate the scope of those access and recreation policies. The result is that staff substantially discounts legitimate habitat protection concerns, even those that could be addressed consistent with significant recreational

development, in their rush to recommend approval of the recreational development that the applicant seeks.

The Commission needs to compare the thrust of the language in each of the cited access and recreation sections of the Act against the baseline of already approved development on the site. We emphasize that this baseline is not the actual development, mostly illegal, which the Lawson's have placed upon the site, but rather the actual development which the Commission (in the staff report) assumes to be legally permitted at this time. As staff makes clear on p. 86 of its report, this development, approved by a court settlement, includes, in addition to grading and fill work, RV sites 31-81, in Area 1, and sites 1-16 in Area 2, a total of 66 sites for overnight accommodation for recreational vehicles and camping as well as for related access and recreation. With that in mind, let us look at the language of each of these sections, while trying to observe the first rule of statutory construction: look at the actual words of the statute being interpreted.

PRC section 30213 provides that: "Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred". (Emphasis added). This is the section from which staff derives its emphasis upon low cost visitor serving development. But assuming, as staff does, that all of the 66 sites that are already approved are "lower cost", the provision of those 66 sites is fully consistent with this policy. Nothing in the language of section 30213 requires more, nothing in the Commission's historic interpretation of that section requires or even suggests more, and certainly nothing in the precise language of that section, including the feasibility language, requires more at the expense of the rare and pristine dune wetland habitat that Dr. Dixon finds the Tomales Dunes to be.

PRC section 30220 provides that: "Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses". By its terms, this section is intended to secure areas suited for water-oriented recreational activities. While it may be entirely appropriate to use this section as a means to protect the beach or the shoreline, or to secure a dock or pier or other boating facility at the expense of lower priority development such as a restaurant, nothing in the language of this section applies to the specific development of RV, camping and trailer spaces that is at issue here. Further, even if this policy were not irrelevant to that proposed development, its specific terms would be completely satisfied by the already approved development of the 66 sites.

PRC section 30222 provides that the “use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry”. Under any circumstances or any level of approval of development, the terms of this section are met by the Commission action. No specific level of recreational facilities is required, so the requirement is met by the baseline development of 66 RV/campsites. Interestingly, this section is more pertinent for what staff didn’t take from it: that the preference for visitor-serving over residential development, particularly in the context of conflict resolution, requires removal of the privately owned trailers so that the area they utilize can be used for visitor-serving recreational facilities. To do otherwise is to give preference to a quasi-residential use over the habitat protection required by sections 30240 and 30233.

PRC section 30224 requires that “increased recreational boating use of coastal water shall be encouraged” through various means, none of which are at issue in this permit matter. Boating, mooring and launching facilities are not related to protection of the dune-wetland habitat. To the extent that this section might be construed to require anything relevant to the project, that requirement can clearly be met with the baseline development of 66 RV/campsites, in addition to the boating related facilities that are not incorporated into the staff’s proposed use of conflict resolution.

PRC section 30234 provides that “facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded”, with some specifics regarding commercial fishing and recreational boating and harbor space. This section is completely irrelevant to the proposed use of conflict resolution in this permit, and staff makes no argument to the contrary. It merely cites the provision.

PRC section 30234.5 provides that “the economic, commercial, and recreational importance of fishing activities shall be recognized and protected”. Once again, this section is completely irrelevant to the proposed use of conflict resolution in this permit, and staff merely cites the provision without discussion.

Thus, despite staff’s effort to comb the Coastal Act for any reference to water and recreation, its long string of citations to various sections of the Act adds little to the analysis. The only section of the Act which is cited by staff that stands to provide any possible counter-weight to the strict habitat protection policies of sections 30233 and 30240 in this rare and pristine dune-

wetlands system is section 30221. These three are the Coastal Act sections that are really being balanced.

PRC section 30221 provides that “oceanfront land suitable for recreational use shall be protected for recreational use and development”, unless a demand test can be met. This is perhaps the key policy upon which staff relies for its conflict resolution, because its statements regarding current and future demand form the only ground upon which its recommendation can stand to reach the conflict resolution which it proposes. The difficulty with staff’s analysis is that the land is now and would continue to be protected for recreational use and development even if the Commission only allowed the 66 RV/camping sites already approved pursuant to the settlement. The beach, the dunes and the water are all available for recreational use and 66 RV/camping sites are a substantial investment in development supporting this recreational use.

Staff attempts to overcome this difficulty by asserting (at p. 63) that “(T)he Coastal Act calls for the provision of maximum public access and recreation, consistent with the protection of natural resource areas from overuse, and protects and prioritizes oceanfront land for recreational, visitor serving, and water-oriented recreational uses”. In fact, the Coastal Act uses the word “maximum” when it calls for “maximum public access...” (PRC section 30210) which can be achieved, and is perhaps best achieved, without any development whatsoever. The Act does not in any of its provisions call for “maximum recreational development”, and even its “maximum” access provisions are intended to be applied, as staff correctly notes, “consistent with the protection of natural resource areas from overuse”. This phrase certainly does not suggest extensive sacrifice of pristine ESHA and wetlands for RVs and camping.

Although the language of section 30221 provides some support for staff’s position that the Commission can approve some RV and campsite use at the expense of habitat, its application in the context of the facts of this matter is neither legally valid nor particularly useful. To go beyond the 66 RV/camping spaces already approved for this property, staff conducted a demand analysis which concludes that the Lawson’s historic demand at its peak use is the measure of the unmet demand on the Marin/Sonoma coast. Staff concludes that at least 700 camping vehicles can reasonably be expected to occupy Lawson’s Landing on peak weekends.

Staff then “reduces” the number of sites recommended for approval for this project to approximately 650<sup>1</sup>. But the applicant’s own attendance records for 2008 show that there were only 16 nights all that year (less than 5%) in which more than even 600 vehicles were admitted to the facility. In other words, staff proposes to permanently sacrifice ESHA and wetlands to the extent necessary to allow the applicant to develop for its peak demand. Further, approval of the 650 sites that staff recommends would make this the largest RV campground on the coast of California, by a factor of more than 50% over the next largest (406 spaces at the Newport Dunes Resort in Orange County). Surely we shouldn’t have to reach >150% of the size of any other RV campground on the coast of California before we start to think about overuse of the natural resources, particularly when those natural resources are required to be considered as pristine ESHA and wetlands. Nothing in section 30221 requires this conclusion. Staff treats this matter as if it were all or nothing: it must resolve a conflict between the applicant’s dream of highest use, and protection of the environment that would be sacrificed to that dream. But staff never seriously considers alternatives that would allow for substantial achievement of that dream consistent with better protection of the natural resources.

As is discussed below and in a separate letter from EAC, we are proposing changes to the staff recommendation to achieve a more appropriate balance between recreation and habitat protection at this site and we urge the Commission to adopt these changes.

**2. The Staff Report Does Not Properly Find Consistency with or Resolve Conflicts to Avoid the Inconsistency with the Coastal Hazards Policy.**

The Commission cannot find, based upon the recommendation before it, that the project as recommended by staff is consistent with PRC section 30253 (1). That policy requires the Commission, when approving new development, to “minimize risks to life and property in areas of high geologic, flood, and fire hazard”. As the staff report notes, the project is directly bisected by the San Andreas Fault (see staff Exhibits 31 and 33). This means, as does the presence of the Alquist-Priolo zone that runs through the property, this is an area in which direct dislocation of land along the fault line has in the past and can in the future be expected

---

<sup>1</sup> Note the change of criteria. Staff went from an analysis of vehicle usage (700) to an allowance of spaces (650), which historically have, and presumably will continue to have, on average more than one vehicle each. It can be argued that staff is proposing to allow more than peak historic usage.



to occur. Further, all of the areas proposed for development on the site are subject to moderate to very high liquefaction in the event of an earthquake. Based upon this evidence staff correctly concludes that when an earthquake occurs, no one will be driving away from the site, because the roads are not likely to be usable. Further, the entire portion of the site upon which development is proposed to be approved, and a substantial distance inland from that, is located in a maximum tsunami inundation area (see exhibit 34).

Staff proposes to deal with these issues with two conditions, Number 17, which requires preparation of a Hazard Response Plan, and Number 19, which requires an Assumption of Risk and Indemnification by the Applicant. The problem is not with the Assumption of Risk condition, which is a sensible precaution against State liability, but with the assumption that the condition requiring a Hazard Response Plan “minimizes risks to life and property” in these areas. There is no evidence in the record to suggest that such a plan is even feasible.<sup>2</sup> More important, the staff report suggests that the only way to protect the lives of those who happen to be on site when the tsunami occurs is to have them walk out. Again, nowhere is there any discussion of whether this is feasible.<sup>3</sup> Perhaps it is feasible that these hazards can be minimized, but doing so requires additional information, expert consultation and discretionary decision-making that the Commission cannot legally delegate to its staff. The Commission could require that this entire hazard issue come back to the Commission itself for an appropriate decision. In the alternative, if the Commission does not want this issue to come back, it may instead want to consider whether it has sufficient information to resolve the conflict between this inconsistency and the fulfillment of the coastal recreation policies pursuant to PRC section 30007.5, as staff is proposing that it do with the habitat protection policies, reconsidering the placement and location of development with hazard minimization in mind. In either event, staff’s recommended hazard response plan condition is inadequate to the task and cannot be approved as proposed consistent with PRC 30253 (1) or with CEQA. This critical issue requires a Commission decision.

---

<sup>2</sup> Video of the great tsunami following the March 2011 Tohoku earthquake near Fukushima in Japan show entire houses as well as cars and other smaller debris sloshing around in the tsunami waves like toys in a bathtub. Even in the harbor in Crescent City, thousands of miles from the quake, boats tore away from tie downs and destroyed one another, suggesting that tie downs are unlikely either to protect property or prevent the property from becoming projectiles propelled by the immense force of the water.

<sup>3</sup> The Commission might conduct a thought experiment of a major earthquake and impending tsunami at 1:00 a.m. in this naturally dark place with no electricity to provide guiding light, and try to envision more than 1000 campers “running for the hills”.

### 3. The Staff Report Fails to Comply with CEQA.

The Staff Report fails to apply the proper CEQA standard in two other separate respects. First, the staff's proposed Condition Number 4, regarding the Sensitive Resource Protection Restoration and Enhancement Plan (PREP), improperly delegates discretionary decision-making to staff, contrary to the requirements of CEQA. This opaque condition calls for a plan based upon another sketch of a plan supposedly contained in staff's Exhibit 3. Exhibit 3 has no text, so in what sense it is a plan remains unclear. Instead it appears to be a set of 18 pages of aerial photos and graphics prepared or submitted by a consultant to the applicant. Most of the 18 pages contain graphics showing jurisdictional boundaries, campgrounds or such things as "drainage swale maintenance" and at the scale provided do not appear to show anything accurate to within hundreds of feet. One of these, p. 16 of 18, shows a "proposed conservation easement area", but its exact boundaries are not clear even with a magnifying glass. Staff attempts, in sections A. 2-7 of Condition 4, to add some meat to the skeletal fragment of the applicant's consultant's plan, but the extent of the restoration, if any, beyond that which is proposed by the applicant in Areas A, B and C remains unclear. What does seem clear is that the staff recommendation does not consider the full extent of the property, the full extent of the existing illegal development or the full extent of the possible restoration of the portions of the property on which development is not specifically being approved. The approval of this important PREP, which must cover all of these issues, must come back to the Commission for final review and approval.

Second, although the staff report recites the standard CEQA finding language that "there are no other feasible alternatives which would substantially lessen any significant adverse impacts which the activity may have on the environment" in fact it does not properly consider feasible alternatives to the proposal that it has recommended to the Commission for approval. As will be discussed below, staff could have and should have considered elimination of the travel trailers, which serve a quasi-residential rather than a recreational use, as well as further rearrangement of the camping sites in Area 4 in order to maximize the preservation and restoration of contiguous dune-wetland habitat. Staff also should have considered and recommended preservation of the "triangle" of red-legged frog habitat and corridors identified by Dr. Dixon.

In addition, the Commission cannot be sure that it has evaluated all alternatives or considered the entirety of possible significant impacts, as required by CEQA, unless it has the entire array of proposed development and the entire property in front of it. This is particularly problematic where the development is being approved pursuant to conflict resolution. In this situation,

critical coastal resources are being sacrificed so that others can be furthered. But without a complete evaluation of the entire property, the Commission cannot know the extent to which development alternatives might exist, or whether additional resources can be preserved to mitigate the impact to resources lost through the conflict resolution process. Here development is proposed in Areas 1, 2, 3 and 4, but not in Areas 5, 6, 7 and 8. Further, although development is proposed to be constrained in the NRCS easement area, other portions of the property remain open to future development, and the applicant and the County clearly have anticipated the possibility of future development. This is unacceptable.

The EAC is not opposed to low-cost visitor-serving and recreational development on the site. Throughout EAC's long struggle to ensure proper protection of the extraordinary Tomales dune-wetland system it has consistently recognized and supported the value of Lawson's Landing as a family-run business providing coastal access and recreation. It believes that a substantial number of RV/camping sites can be accommodated on site, but that it is possible to do so without sacrificing critical habitat to the extent that the applicant and staff propose. There are two simple modifications that the Commission can make to the staff recommendation that would protect and restore additional habitat on the property while still allowing substantial low cost visitor serving recreational use and development.

First, all currently existing travel trailers in Area 2, except those to be used for worker housing must be eliminated as soon as possible and the approximately 213 spaces then converted to RV and camping use for full-time visitors, rather than for part-time residents. There is no public purpose served by keeping these trailers in Area 2 for at least six more years of private, residential use as opposed to using these spaces for RVs and camping. Historic usage of these trailers has rarely exceeded 10% per year. Private residential use is contrary to the entire theory of approval that staff has adopted, and is also specifically contrary to PRC section 30222 which gives visitor-serving recreational facilities priority over private residential use.

The trailer owners are not visitors in the same sense as RV or tent campers; even under the staff recommendation they are given a specific preference for their choice of 90 days of use per year, regardless of specific demand from the public. This time-share-like preference, although it may be permissible elsewhere along the coast or in other circumstances, has no place in a development where available space is so limited that staff feels compelled to use conflict resolution in order to justify the destruction of ESHA and wetlands. Opening these spaces for available public RV and camping use will take some of the pressure off the habitat in other areas that are closer to or within the dune-wetland system. This outcome would also work very well with staff's proposed Condition 3 (Camping Management and Operations Plan) which is

intended to keep overnight accommodations away from the more sensitive habitat areas in the dune-wetland complex except on the infrequent occasions when all of the other spaces in the less sensitive habitat areas are occupied. Since the land in Area 2 now occupied by the travel trailers is completely degraded, according to Dr. Dixon, use of this land by actual campers rather than by empty structures should be maximized, so that pressure on higher quality habitat can be minimized.

Second, the Commission should modify the camping proposal that staff has recommended in order to maximize the amount and quality of habitat that can be preserved and restored. Areas 1 and 2 (except for the elimination of trailers) can be left as staff recommends, and open for RV and camping use. The areas now occupied by the trailers have little or no habitat value and so long as the buffers are in place and secure to protect the remaining habitat in the dune-wetland system to the north and east, a high level of use for RVs and camping can be maintained. It is with respect to Areas 3 and 4 that valuable modifications that preserve and restore habitat can be made. Staff has recognized the valuable habitat that exists to the east of Areas 3 and 4, and recommended preserving and restoring areas in the eastern portion of Area 3. Parking would be limited to the western main access road and only walk-in camping is authorized.

Unfortunately, staff did not take a similar habitat protection approach in Area 4. In this area the Commission should limit all camping to the area west of the main road. The main road itself will serve as a buffer and the impacts of camping on the dune-wetland system, well documented by Dr. Dixon, can be confined to the area west of the road. At the same time, the area east of the main road, contiguous with the main habitat area of dunes and wetlands already being preserved, can be restored and allowed to function as habitat. In addition, both the unused roads in Area 4 west of the main road and the natural hydrological system of this area should be restored.

These proposed feasible alternatives take into account, as the Commission's staff ecologist observes in his report, that some portions of the property have become so degraded that it is difficult to imagine restoring them to quality habitat. However, other portions of the site that are proposed for use in the staff recommendation are capable of substantial restoration, either through restoration of the natural hydrological regime, which must occur, or through non-use and active restoration. What the staff report lacks is a more critical analysis of the proper balance between recreation and habitat protection. If the Commission accepts the alternatives outlined above, as well as the changes proposed by EAC, it will have properly complied with the CEQA requirement for considering other less environmentally damaging alternatives, and it will

have reached a more proper balance between critical habitat protection and visitor-serving recreational development.

**4. The Staff Report Does Not Account For the Entire Property or for All Potential Development on the Property.**

The staff did not account for the entire property of the applicant as well as the complete development proposal that can be reasonably anticipated by the applicant. It is a normal practice in the land use regulation of a large development proposal, to use a device such as a Master Plan to ensure that development is not proposed and reviewed in a piecemeal fashion. The Commission, although it does not use Master Plans, routinely reviews major projects in a similar fashion. This practice is doubly important in the present situation, where the staff's chosen means of approval of the proposed development is through conflict resolution. For the same reasons stated above regarding alternatives, the Commission cannot leave itself in the position of saying on the one hand that it is required to approve development despite clear inconsistencies with Coastal Act policies, and on the other hand that it hasn't yet looked at the entire site or at specifically contemplated or reasonably foreseeable future development.

To address this concern, the Commission should place a deed restriction prohibiting all future development on all portions of the property on which development is not being specifically approved. If the applicant has future plans to develop in these areas, then the Commission must consider this development at this time as part of its overall consideration of the development proposals on the property. To do otherwise is to piecemeal the review of the project and to subvert the process of approval through conflict resolution.

**5. All Unpermitted Development That is Not Specifically Approved Should be Specifically Denied**

The Commission should consider all of the unpermitted development on the entire property. If it is not specifically approved, it should be specifically denied. The Cease and Desist order that led to this proposal did not confine itself to Areas 1 through 4, but instead recognized that illegal development was scattered throughout the property. Neither should the Commission's findings confine themselves to these limited areas. If the applicant does not want to place that development before the Commission, then the Commission should ensure that it is removed, through a specific denial and then a subsequent restoration order.

**6. The Commission Must Require Complete and Comprehensive Restoration of the Property and Mitigation for the Development It Is Approving in Sensitive Habitat.**

The scope of the Restoration and Enhancement Plan (PREP) required by Condition 4 should include the entire Tomales dune-wetland system, not simply those areas that the applicant chose to include. Complete restoration of the entire portion of the property on which development is not permitted is essential to the continued functioning of the dune-wetland habitat and to any genuine "balancing" of the recreational and the habitat interests invoked by the policies on the site. Further, the fact that the staff has chosen to invoke conflict resolution in order to recommend approval of the project does not alleviate the Commission's obligation to mitigate the significant and extensive impacts of the development that is being approved within ESHA and wetlands. Many acres of habitat have been permanently destroyed by the Applicant's illegal development that is now to be approved after the fact by the Commission. The dynamic coastal process of the dunes and wetlands, which has been so terribly damaged by the applicant's illegal development, must be appropriately protected and restored. The Commission should require mitigation in its usual manner and to its usual extent in order to mitigate those significant impacts of the development that is being approved contrary to sections 30240 and 30233.

**Conclusion**

Only by making the appropriate legal analysis and correcting the errors in the staff report with the outlined Modifications and the proposed conditions can the Commission properly approve development on this site in a manner that recognizes both the habitat interests and the recreational interests and balances these interests in a manner that maximizes the advancement of both. As was stated earlier, the Commission must consider the property involved in this matter as it once was: a pristine dune-wetland complex that is both quite rare and of extraordinary habitat value. To do otherwise would be to reward the applicant for the illegal activities that occurred under its stewardship.

The Commission should restore the balance by limiting the development such that quasi-residential uses are eliminated, by further limiting RV use and camping to protect and restore contiguous habitat, and by requiring the Applicant to protect and restore all of the habitat that is not being specifically permitted to be developed. The recommendations of the EAC will

achieve these ends, and we urge their adoption by the Commission.

Sincerely,

(original signed by)

Ralph Faust  
Attorney for EAC

Cc: Coastal Commissioners  
Peter Douglas, Executive Director  
Charles Lester, Deputy Director  
Ruby Pap, Staff Analyst

## EAC SUGGESTED CHANGES TO SPECIAL CONDITIONS

1. ADD A SPECIAL CONDITION IN THE COMMISSION STANDARD FORM TO PROVIDE THAT NO FUTURE DEVELOPMENT SHALL OCCUR ON ANY PORTION OF THE PROPERTY WHERE DEVELOPMENT IS NOT EXPRESSELY PERMITTED.
2. AMEND SPECIAL CONDITION #2 AS FOLLOWS:

### 2. AUTHORIZED DEVELOPMENT AND FINAL REVISED PLANS

A. **WITHIN SIX MONTHS OF COMMISSION APPROVAL OF THIS PERMIT**, or within such additional time as the Executive Director may grant for good cause, the permittee shall submit, for the review and approval of the Executive Director, revised final plans substantially in conformance with the plans dated June 2011 (for Areas 1,2, and 4) and October 2010 (for Area 3), indicating the final layout of all authorized development including but not limited to RV, tent, and visitor-serving trailer lots, roads, parking, utilities and other infrastructure. The plans shall be prepared by a certified engineer and shall be prepared using a formal metes and bounds legal description and corresponding graphic depiction of all property subject to this permit, as well as all buffer, development, restoration, enhancement and non-developable areas of the property subject to this condition. The plans shall be modified as necessary to conform with the special conditions of this permit, including as described in this condition. The plans shall include and use the identification and depiction of wetlands and other environmentally sensitive habitat areas contained within the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report), to determine the location of required development buffers.

B. The following development and areas are authorized by this permit:

#### 1. Area 1

Camp lots, access roads, and restrooms in Area 1, as generally shown on Adobe Associates Sheet 17 dated June 2011 (Exhibit 3 of this Staff Report), consistent with the following wetland and ESHA protection conditions:

- a. No development shall occur either: within 100 feet of wetlands as identified and depicted in the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report), and Adobe Associates Inc. Sheet 17 dated June 11 (exhibit 3); or alternatively, within 25 feet of the wetlands if the 25 foot wetland buffer includes within it construction of a sandy earthen berm planted with native central dune scrub vegetation that is at least six feet high as measured from the level of the graded camping area;
- b. Native riparian plants shall be planted along and immediately adjacent to the edge of the wetland to provide additional visual screen;
- c. No development shall occur within 50 feet of the central dune scrub ESHA as shown on Exhibit 6 of this staff report, Figure 4; and Adobe Associates Inc. Sheet 17 dated June 2011 (exhibit 3).
- d. Fencing that physically excludes people and pets or symbolic fencing, and informational signs shall be constructed around all wetlands and ESHA to prevent intrusion of people and domestic animals into the habitat areas. To ensure that the fencing is visually compatible with the area, a fencing materials and a monitoring



plan shall be submitted, for review and approval by the executive director, concurrent with the Final Revised Plans in Section 2(A) of this condition. The plan shall include proposed fencing materials and signage that are made of natural materials and colors that blend with the environment. The monitoring plan shall include weekly monitoring and performance criteria to determine if the fencing is effective at keeping visitors and pets out of the wetland and ESHA areas, and provide a mechanism to install alternative fencing if the initial fencing is ineffective.

e. Water quality infiltration basin located between camp lots 13 and 14, and other basins within camping area, as necessary pursuant to the Drainage Plan required by Special Condition 28 or the Stormwater Management Plan required by Special Condition 29.

f. Restoration of eastern 'tail' graded area, including the area currently proposed as a 'water quality infiltration basin' and access road, as generally depicted on Adobe Associates Sheet 17, dated June 2011, to dune habitat, pursuant to Special Condition 4.

## 2. Area 2

~~213 existing travel trailers (subject to Special Condition 5).~~ 20 new visitor-serving travel trailers owned by the Applicants, camping lots, restrooms, parking areas, boat storage/staging, boat house, and employee units (subject to Special Condition 9), and access roads as generally shown on Adobe Associates Sheet 18, dated June 2011 (Exhibit 3 of the Staff Report), consistent with the following wetland and ESHA protection conditions:

a-1. All travel trailers that are not authorized for residential use by Lawson's Landing employees shall be removed, along with all accessory structures (i.e. permanent buildings, garages, cabanas, or storage buildings).

a. No development shall occur either within 100 feet of the wetlands to the east as identified and depicted in the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report); or alternatively, within 25 feet of the wetlands, as proposed by the Applicant, if the 25 foot wetland buffer includes plantings of native riparian species, as generally depicted on Exhibit 6 (memo from John Dixon, Staff Ecologist), Figure 25 to screen the wetlands from activities within the developed area. A sandy berm shall not be constructed in Area 2.

b. There shall be a 35-foot buffer between development and the wetland to the north of currently existing Trailer Rows J, K, and L, as proposed by the Applicant, and as shown on Adobe Associates Sheet 18, dated June 2011 (Exhibit 3 of this Staff Report). ~~As proposed by the Applicant, all travel trailers within the wetland or the 35-foot buffer shall be removed.~~

c. Fencing that physically excludes people and pets or symbolic fencing, and informational signs shall be constructed around all wetlands and ESHA to prevent intrusion of people and domestic animals into the habitat areas. To ensure that the fencing is visually compatible with the area, a fencing materials and a monitoring plan shall be submitted, for review and approval by the executive director, concurrent with the Final Revised Plans in Section 2(A) of this condition. The plan shall include proposed fencing materials and signage that are made of natural materials and colors that blend with the environment. The monitoring plan shall include weekly monitoring and performance criteria to determine if the fencing is effective at keeping visitors and pets out of the wetland and ESHA areas, and provide a mechanism to install alternative fencing if the initial fencing is ineffective.

d. The ditch located adjacent to trailer spaces 70 – 85, as shown on Exhibit 6, Figure 4, and its extension to the east shall only drain the existing developed area and shall receive no water from nearby wetlands.

e. Water quality infiltration basin within camping as necessary pursuant to the Drainage Plan required by Special Condition 28 or the Stormwater Management Plan required by Special Condition 29.

### 3. Area 3

Camp lots, roads, restrooms, and parking areas in Area 3 as generally shown on Adobe Associates Sheet 19, dated October 2010 (exhibit 18 to this Staff Report), consistent with the following wetland and ESHA protection conditions:

a. As shown on Adobe Associates Sheet 19, dated October 2010, walk-in tent camping only is authorized between the dune scrub vegetation that comprises the relict patch of foredune as identified and depicted in the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report); and labeled Ammophila Dominated Area on Adobe Associates Sheet 19, dated October 2010) (exhibit 18).

b. Parking shall be restricted to along the western main access road.

c. No development or other uses, including camping, parking, recreational activities, etc. shall occur within 100-feet of wetlands, as identified and depicted in the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report). These wetlands are also depicted in detail on Adobe Associates Sheet 19, dated October 2010.

d. Fencing that physically excludes people and pets or symbolic fencing, and informational signs shall be constructed around all wetlands and ESHA to prevent intrusion of people and domestic animals into the habitat areas. To ensure that the fencing is visually compatible with the area, a fencing materials and a monitoring plan shall be submitted, for review and approval by the executive director, concurrent with the Final Revised Plans in Section 2(A) of this condition. The plan shall include proposed fencing materials and signage that are made of natural materials and colors that blend with the environment. The monitoring plan shall include weekly monitoring and performance criteria to determine if the fencing is effective at keeping visitors and pets out of the wetland and ESHA areas, and provide a mechanism to install alternative fencing if the initial fencing is ineffective.

e. The perimeter road shall be abandoned, except for the southern connector to the Area 2 trailers, as shown on Figure 25 of the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report).

f. Restoration of abandoned perimeter road, as shown on Figure 25 of the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report) pursuant to Special Condition 4.

g. No grading is permitted, unless required pursuant to subsection 'e' above.

### 4. Area 4

Camping, roads, restrooms, and parking in Area 4, as generally shown on Adobe Associates Sheet 20 dated June 2011 (exhibit 3 of this Staff Report), consistent with the following ESHA protection conditions:

a. Except for the main access road and CRLF habitat enhancement measures proposed and authorized pursuant to Special Condition 4, a 300-foot buffer shall be provided between all development and other land uses and the California Red Legged Frog breeding pond to the north as depicted in Figure 5 of the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report).

b. No development or other uses of any kind, including camping, parking, or recreational activities, shall occur on the east side of the main road. This area shall be restored to wetland, connected hydrologically with the large wetland immediately to the east and separated from any drainage affecting the west side of the main road; a buffer/ "wetland transition area" of up to 100 feet will be established between the main road and the wetland complex to the east. A 100-foot buffer between development and wetlands as identified and depicted in the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report); These wetlands are also depicted in detail on Adobe Associates Sheet 20, dated June 2011.

c. On the west side of the main road, no development shall occur within 25 feet of the ditches as identified and depicted in the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report) except that development may occur within 10 feet of the ditches between Memorial Day weekend and Labor Day weekend if preceded by at least a two week period of minimal rainfall.

d. A 50-foot buffer between development and dune scrub ESHA, as identified and depicted in the June 23, 2011 memo from John Dixon, Staff Ecologist to Ruby Pap, Coastal Commission staff, regarding Lawson's Landing (exhibit 6 of this Staff Report) and Adobe Associates Sheet 20, dated June 2011, shall be provided.

e. Fencing that physically excludes people and pets or symbolic fencing, and informational signs shall be constructed around all wetlands and ESHA to prevent intrusion of people and domestic animals into the habitat areas. To ensure that the fencing is visually compatible with the area, a fencing materials and a monitoring plan shall be submitted, for review and approval by the executive director, concurrent with the Final Revised Plans in Section 2(A) of this condition. The plan shall include proposed fencing materials and signage that are made of natural materials and colors that blend with the environment. The monitoring plan shall include weekly monitoring and performance criteria to determine if the fencing is effective at keeping visitors and pets out of the wetland and ESHA areas, and provide a mechanism to install alternative fencing if the initial fencing is ineffective.

f. No grading is permitted.

g. All roads auxiliary to the main road that do not run through camping areas shall be abandoned and restored.

h. Septic pipeline and utilities shall run along the west side of the main road.

**3. AMEND SPECIAL CONDITION #3 AS FOLLOWS:**

**3. CAMPING MANAGEMENT AND OPERATIONS PLAN**

**A. WITHIN SIX MONTHS OF COMMISSION APPROVAL OF THIS PERMIT**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit a Camping Management and Operations Plan, for review and approval by the Executive Director that includes the measures below. After January 15, 2012, no camping shall occur outside Areas 1 and 2 until the Camping Management Plan is approved by the Executive Director. After May 30, 2012, no camping shall occur outside Areas 1 and 2 until the Camping Management Plan is implemented.

**4. AMEND SPECIAL CONDITION #4 AS FOLLOWS:**

**4. SENSITIVE RESOURCE PROTECTION, RESTORATION, AND ENHANCEMENT**

**A. WITHIN 6 MONTHS OF COMMISSION APPROVAL OF THIS PERMIT**, or within such additional time as the Executive Director may grant for good cause, the Permittees shall submit to the Executive Director of the Commission for review and submission to the Commission for approval a final Tomales Wetlands-Dune Complex Protection, Restoration, and Enhancement Plan (PREP). The PREP shall apply to all wetlands and ESHA on the property, substantially in conformance with the Monk and Associates, Inc. Exhibit C. Resource Protection, Restoration and Enhancement Plan dated June 3, 2011 (exhibit 3 of this Staff Report), except that it shall be modified and provide for, at a minimum, the following:

1. Consistent with the applicant's proposed project, as modified by the conditions of this permit, permanent protection through legal instruments reviewed and approved by the Executive Director of the approximate 465-acre wetland-dune system at Lawson's Landing as shown generally on Monk and Associates, Inc. Exhibit C. Resource Protection, Restoration and Enhancement Plan dated June 3, 2011 as the "proposed conservation easement area" (exhibit 3 of this Staff Report). The recorded documents shall irrevocably offer to dedicate to a public agency or private association approved by the Executive Director an open space and conservation easement for the purpose of resource protection and habitat conservation. Such easement shall be located in the "proposed conservation easement area" generally depicted on the Monk and Associates Inc. Exhibit C. Resource Protection, Restoration and Enhancement Plan dated June 3, 2011 (exhibit 3 of this Staff Report). The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. A licensed surveyor shall map the area subject to this condition using a formal metes and bounds legal description and corresponding graphic depiction. The recorded document shall also reflect that development in the easement area is restricted as proposed and as further set forth in this permit condition. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

2. New development as defined in PRC 30106 will be prohibited in the easement area as shown on the Monk and Associates, Inc. Resource Protection, Restoration and Enhancement Plan dated June 3, 2011 (exhibit 3 of this Staff Report) except for the following:

a. Restoration and Enhancement activities proposed in the PREP submitted to and approved by the Executive Director as authorized by this condition and consistent with the other terms and conditions of this permit.

b. Resource-dependent development or development allowed pursuant to PRC 30233 if approved through an amendment to this coastal development permit.

c. Grazing authorized pursuant to the grazing management plan for the purposes of habitat restoration.

3. Removal of the following development and restoration of the previously developed areas to functioning wetland/upland/dune habitat as relevant, consistent with the approved PREP:

a. Connecting roads inland of Areas 1-3 as shown on Monk and Associates, Inc. Resource Protection, Restoration and Enhancement Plan dated June 3, 2011, "Restoration Area B" (exhibit 3 of this Staff Report) and all roads auxiliary to the main road in Area 4 that do not serve designated camping areas. All fill and surfacing materials, and any culverts or materials bridging existing ditches shall be removed. This area shall be restored to wetland functions and values compatible with the surrounding wetland environment, pursuant to Section 4 below.

b. Graded area of Area 1 as shown on Monk and Associates, Inc. Resource Protection, Restoration and Enhancement Plan dated June 3, 2011, "Restoration Area A" and Adobe Associates Sheet 17, dated June 2011 (exhibit 3 of this Staff Report). The entire graded land area underneath proposed Restoration Area A, the proposed water quality infiltration basin, and the proposed access road and parking area just above RV sites 25 – 30, as shown on Sheet 17, shall be restored to dune habitat vegetated with central dune scrub species.

c. Development located in the CRLF corridor connecting the breeding pond next to Area 5 and the entrance, with the breeding pond inland of Area 4, as shown in Exhibit 6, Figure 5 and Monk and Associates, Inc. Resource Protection, Restoration and Enhancement Plan dated June 3, 2011 "Restoration Area C," and Adobe Associates Sheet 21, dated June 2011, except for the existing main access road, the well and water tank access road in Area 5, and other necessary utilities and development located in the two Corridors connecting the breeding pond in Area 8 with the pond inland of Area 4 and the pond next to the entrance.

d. Any development in areas previously used for camping but not authorized by the Coastal Commission, including Area 5 and all other areas within the 'existing (prior) limits of camping line on Monk and Associates Sheet 2, dated October 15, 2010, and restricted buffers pursuant to Special Condition 2.

4. Wetlands/Dunes restoration and enhancement plan prepared by a restoration ecologist experienced with these habitat types that includes, at a minimum, the following:

a. Engineered Plans for "Restoration Area A" consistent with Section 3(b) of this condition; Restoration A shall be modified to include the entire area above RV lots 25 – 30.

b. Engineered Plans for "Restoration Area B" consistent with Section 3(a) of this condition; Restoration Area B shall be modified, such that the area is restored to wetland habitat, not riparian habitat.

c. Engineered Plans for "Restoration Area C" consistent with Section 3(c) of this condition; Restoration Area C shall be modified such that the planting palette shall include native central dune scrub vegetation.

d. Hydrological Assessment, prepared by a qualified wetland hydrologist with experience in wetland restoration, in consultation with a wetlands restoration ecologist, that identifies measures to increase inundation and soil saturation within the Tomales wetlands/dune complex, including removal of existing drainage ditches and prevention of drainage of wetland areas to the ocean; fully restore the natural subsurface hydrology of the dunes-wetland complex, to cease artificial surface water outflows to Tomales Bay, to allow seasonal groundwater fluctuation to re-establish seasonal ponding in the dune slacks with seepage discharge to Tomales Bay, and to establish hydrologic separation between hydrologically restored wetlands and authorized campgrounds

e. Dune Complex Assessment, prepared by a dunes ecologist and geomorphologist with experience in dune restoration and invasive species removal, that identifies measures to restore and increase dynamic interactions between all elements of the dunes-wetland ecosystem. The Plan shall determine how much sand is moving into camping areas and roads from foredune blowouts and how far the leading edge of blowout heads migrate with each major wind-transport event, and make recommendations. The plan should also recommend the placement and design of dune trails, as set forth in Special Condition 13 (DUNE TRAIL PLAN).

fe. Invasive Species Removal Plan that includes an initial assessment of the type, extent and general location of invasive species within the proposed conservation easement area, measures to prevent the spread of invasive species, including treatment and removal and managed grazing as appropriate, and a monitoring program consistent with section 6 below, to measure Plan success. Full expression of natural dune wetland hydrology should be the primary means of invasive plant species management in dune wetlands, not grazing.

gf. Planting of native species of local stock appropriate to the restoration area to enhance habitat values, such as butterfly habitat. Non-native and/or invasive plant species shall be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist in the restoration and enhancement area.

hg. Removal of the perimeter road around Area 3 and restoration of the habitat to its pre-disturbed condition, as generally shown on Exhibit 6, Figure 25.

ih. Other measures, as appropriate, to enhance habitat for CRLF and snowy plover. If major alterations to habitat are included, such as the proposed open-water riparian corridor in the southern dune slack wetland, a scientific review panel made of up regional experts, including academics and consulting practitioners, shall be convened to assess the plan and make technical recommendations. Those recommendations shall be included in the Restoration and Enhancement Plan.

ij. The plans shall be prepared by a certified engineer and shall be prepared using a formal metes and bounds legal description and corresponding graphic depiction of all property subject to this permit, as well as all buffer, development, restoration, enhancement and non-developable areas of the property subject to this condition.

5. Grazing Management Plan that identifies areas within the restoration area where grazing will be prohibited and where grazing may be allowed for purposes of habitat restoration.

~~maintenance, and enhancement.~~ The plan shall be prepared by or in consultation with a restoration ecologist familiar with wetlands and native grasses.

6. The goal of the PREP shall be to enhance and restore the Tomales Wetlands/Dune complex to a self-sustaining natural habitat state adequately buffered from adjacent development. The PREP shall be prepared by a restoration ecologist, and will take into account the specific conditions of the site (including soil, exposure, water flows, temperature, moisture, wind, etc.), as well as restoration and enhancement goals. At a minimum, the plan will provide for the following:

- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area.
- b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and that this condition be maintained in perpetuity to the maximum extent feasible.
- c. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved.
- d. Provision for submission of bi-annual reports of monitoring results to the Executive Director, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report will document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations, if any, on changes necessary to achieve success.

7. Adherence to anythe protection measures for snowy plovers identified by the USFWS at any time during the life of the development.

B. A TECHNICAL ADVISORY COMMITTEE (TAC) made of up regional experts, including academics and consulting practitioners, in relevant fields including geomorphology and dune-wetland hydrology, shall be convened to assess the plan and make technical recommendations to the Commission prior to its approval of the PREP. The TAC should recommend permit modification milestones and thresholds for review and assessment of the PREP.

C.B. The Permittee shall undertake development in accordance with the approved PREP. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## 5. DELETE SPECIAL CONDITION #5

~~5. TRAVEL TRAILER VISITOR SERVING USE REQUIRED:~~

~~A. PRIOR TO JANUARY 1, 2012, the Permittee shall submit, for the review and approval by the Executive Director, a Visitor-serving Travel Trailer Management Plan (VTTMP) for all travel trailers in Areas 1 and 2 that provides for the following requirements and governs the use of the travel trailers through April 30, 2017. The plan shall require the permittee, prior to January 1, 2017, to submit an amendment to this permit to govern the use of the travel trailers after April 30, 2017. The Plan shall address: (1) all travel trailers that exist in Areas 1 and 2 on the date of this approval; (2) all travel trailers that will be located in Areas 1 and 2 after the date of this approval; (3) the 20 newly proposed 400' x 16' visitor-serving travel trailers that will be made available for short-term rental 365 days a year and (4) the 16 trailers and 4 mobile homes that are proposed for year-round residential use, unless those trailers or mobile homes will be used solely for employee housing in accordance with special condition 8. The plan shall ensure that all leases for travel trailer use at Lawson's Landing are revised.~~

consistent with all requirements of this condition, and recorded against all of the property that is subject to this condition, as further specified below.

B. Use of the travel trailers is only authorized through April 30, 2017 and is restricted as follows:

## 6. DELETE SPECIAL CONDITION #6

### ~~6. TRAVEL TRAILER COMPLIANCE WITH HCD STANDARDS~~

~~PRIOR TO JANUARY 1, 2012, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit evidence, for the review and approval of the Executive Director, that all necessary structures (i.e. permanent buildings, garages, cabanas, or storage buildings) have been removed from all of the trailer lots in Area 2 and that all trailers meet California HCD Special Occupancy Park standards, including that the trailers are mobile (i.e. have wheels, vehicle axles, and their assemblies, and tow hitch) and have a vehicle license. Evidence shall include photographs and copies of each vehicle license. The Commission reserves the right to enter the property to inspect and ensure compliance with this condition.~~

## 7. AMEND SPECIAL CONDITIONS #7 AS FOLLOWS:

### 5.7. CAMPING STAY LIMITATIONS

Overnight accommodations per individual party in the RV and tent sites shall be limited to a maximum of 10 consecutive nights. Any repeat stays by the same party must not occur within a minimum of two days of the previous stay. Overnight accommodations per individual party shall not exceed 30 days per calendar year.

Except for the on-site campground host or campground facilities manager and approved employee housing pursuant to Special Condition 8, and the recreational vehicles with drains subject to the provisions of Special Condition 5 and 6, all overnight accommodations at Lawson's Landing shall be exclusively available to the general public for transient occupancy. The establishment or conversion of overnight accommodations to a private or member's only use, or the implementation of any program to allow extended and exclusive use or occupancy of the facilities by an individual or limited group or segment of the public is prohibited.

## 8. AMEND SPECIAL CONDITION 9 AS FOLLOWS:

### 7.9. WASTEWATER TREATMENT AND DISPOSAL SYSTEM

A. The Permittee shall construct the new wastewater treatment and disposal system, as generally depicted on Adobe Associates Sheets 2, 3 and 8, dated October 2010 (exhibit 3 of this Staff Report) and Questa Figure 1 "Test Location Map Lawson's Landing" (exhibit 42 of this Staff Report), and Questa Sheet 1 of 1 "Sand Point Proposed STEP Sewer Schematic Plan", dated 4/4/2008, and Questa Figure 1 "Typical STEP Unit Non Traffic Area" (exhibit 23 of this Staff Report) **within three years of permit approval (by July 13, 2014)**. The Executive Director may extend this deadline to July 13, 2016 for good cause.

B. **BY JULY 13, 2012**, or within such additional time the Executive Director may grant for good cause, the permittee shall submit a Coastal Development Permit Amendment Application for the new wastewater treatment and disposal system and abandonment of the 167 individual septic systems. The Application shall include the final plans for the wastewater treatment and disposal system as approved by the Regional Water Quality Control Board and the Marin County Environmental Health Services. Consistent with the provisions of Special Condition 2, the wastewater treatment and



disposal system shall be located outside a 100-foot buffer area from all wetlands, outside a 50-foot buffer area for all central dune scrub ESHA, and 300-feet from 2-06-018/A-2-MAR-08-028 (LAWSON'S LANDING) PAGE 27 OF 156

California Red Legged Frog breeding ponds. The wastewater treatment and disposal system may not block public access to the coast nor significantly obstruct public views to the coast from significant public vantage points, and shall be of adequate capacity to process and dispose of all wastewater generated by the development.

C. The 167 individual septic systems in Area 2 shall be abandoned within 60 days of construction of the new wastewater treatment and disposal system. Upon conclusion of the abandonment/removal process, the Permittee shall submit evidence from Marin County Environmental Health Services or the Regional Water Quality Control Board, that such removal/abandonment has been completed in accordance with current regulations.

D. If the wastewater treatment and disposal system has not been constructed within three years, or within additional time the Executive Director may grant for good cause, the Applicant shall cease all uses, including the travel trailers of any kind that depend on the 167 septic systems, until such time that the Applicant has applied, and the Commission has approved, an amendment to this Coastal Development Permit to construct an alternative wastewater disposal system to support such uses.

#### 9. AMEND SPECIAL CONDITION 11 AS FOLLOWS:

##### 149. UTILITIES AND FACILITIES PLAN

A. **PRIOR TO CONSTRUCTION AND NO LATER THAN JULY 13, 2012**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit, for review and approval of the Executive Director, a final detailed graphic facilities plan, prepared by a certified engineer, for the restrooms, showers, dump stations, water tanks, and utility lines. Such plan shall be in substantial conformance with the Project Plans attached to this staff report as Exhibit 3, and shall provide for the following:

1. All facilities shall be located outside the wetlands, ESHA and buffers
2. All facilities shall be clustered next to camp lots and travel trailers;
3. All facilities shall be colored in earthtones and designed to blend with the surrounding landscape
4. All utilities shall be placed underground, under existing roads, to the maximum extent feasible, except when to do so would impact any wetlands or ESHA identified in Special Condition 2.

B. The Permittee shall undertake all development in accordance with the approved final plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required. The future septic system lines and any other utilities shall run along the west side of the main road.

#### 10. AMEND SPECIAL CONDITION 14 AS FOLLOWS:

##### 1412. TRAFFIC MANAGEMENT PLAN

A. **WITHIN 60 DAYS OF COMMISSION APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT**, or within such additional time as the Executive Director may grant for good cause, the permittee shall submit a Traffic Management Plan to the Executive Director for

review and approval. The Traffic Management Plan shall establish standards to ensure safety and good traffic flow on Dillon Beach roads including measures to ensure that:

1. The use of on-site facilities by visitors to avoid off-site trips is encouraged, through educational programs to encourage walking and biking on/off site among other means;
2. Maximum vehicle levels for campsites are managed to avoid congestion and park entry delays;
3. The maximum allowable number of total daily camping-related vehicles shall be limited to the number of campground lots filled for the day (i.e. one vehicle per lot) pursuant to Special Condition no. 2. An RV towing a maximum of one passenger car or small truck shall count as a single vehicle.
4. The maximum number of day use visitor vehicles shall not exceed 100, excluding the public parking spaces required by Special Condition 24.
5. The Permittee shall erect signage at Tomales/Highway 1 indicating when the campground is full.

**11. AMEND SPECIAL CONDITON # 15 AS FOLLOWS:**

**1513. DUNE TRAIL PLAN**

**A. WITHIN 60 DAYS OF COMMISSION APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit a dune trail plan for review and approval by the Executive Director, to consolidate the numerous informal foredune pathways from the camping area to the beach into a maximum of four ~~formalized trails~~. The dune trail plan shall be developed by a dunes ecologist and geomorphologist to minimize blow-outs that would affect camping areas who shall determine the locations of the trails, their orientation, the appropriate use of fencing and/or standard dune crosswalk structures, as used for active mobile dunes by the U.S. National Park Service. Consistent with EIR mitigation 4.6-2, the Plan shall provide for the following:

- a. Federal and State rare and endangered plant species shall be avoided
- b. ~~Each pathway shall be located in naturally low elevation "passes" through the ridge, or other locations where erosion potential is lowest.~~
- c. ~~Paths shall be oriented in a south westerly direction, so that strong winds do not create blowouts on the dune face~~
- d. ~~Paths shall be planned to follow topographically low routes, minimize sharp turns and avoid steep pitches~~
- dh. All other informal trails shall be closed and restored**
- e. ~~Designated pathways shall be fenced with minimal symbolic fencing to prevent off-trail pedestrian activities and bovine traffic. Fencing shall also be used to cordon off foredunes in high use areas where recreational activities are not permitted.~~
- fg. All fenced off areas shall be appropriately signed explaining dune protection**
- gd. All formalized trails shall be appropriately signed to direct people to the correct pathway**

**B.** The Permittee shall undertake all development in accordance with the approved final plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**12. AMEND SPECIAL CONDITION 17 AS FOLLOWS:**

**17. HAZARD RESPONSE PLAN**

**A. WITHIN 90 DAYS OF COMMISSION APPROVAL OF THIS COASTAL**

**DEVELOPMENT PERMIT**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit a hazard response plan for review and approval by the ~~Executive Director~~ Commission, for earthquake, flood and tsunami hazards. The Plan shall include:

1. Measures to eliminate or minimize floating debris, including trailers and vehicles, due to flooding or a tsunami including, but not limited to:
  - a. Relocation of trailers and vehicles when there is sufficient advance warning time of a flood event to safely evacuate the site (a minimum of 8 hours of daylight shall be assumed necessary for safe evacuation unless the applicant can demonstrate that evacuation can occur more rapidly),
  - b. Tie-downs for all trailers and recreational vehicles to prevent vehicles from becoming floating debris for events when there is not sufficient warning time to safely evacuate the site,
  - c. Removal of all travel trailer appurtenances,
  - d. Securing or removal of any movable equipment and appurtenances (e.g. chairs, benches, picnic tables, trash receptacles, maintenance equipment) that could become entrained in surging storm water; and
  - e. Removal of all other appurtenances that cannot be secured with tie-downs
2. Measures to eliminate or minimize the introduction of hazardous materials, toxic chemicals and floating debris into the groundwater and nearby surface waters;
3. Measures to shut down and pump out the sewer line(s) along the portion of the utility that could be subject to wave hazards and erosion to prevent the discharge of waste in the event of utility leakage or breakage;
4. Measures to shut down any other utilities that could become a hazard if such utility becomes damaged or breaks;
5. Tsunami evacuation plans, coordinated with the Marin County OES that include, a tsunami siren warning system; mapped emergency evacuation routes for all areas of the campground; identification of pedestrian accessible tsunami shelter areas or locations of high elevation, emergency evacuation informational signs for visitors (in the major languages used by the visitors); and identification of a contact person with responsibility for keeping the elements of the tsunami preparedness plan up-to-date.
6. Regular training and safety drills practicing the elements of the hazard preparedness plan on at least an annual basis.

B. The Executive Director shall convene a Geological Hazards Panel consisting of recognized geological and hazard experts from San Francisco Bay Area universities who shall work with staff to review the proposed hazard response plan and prepare a recommendation to the Commission.

BC. The permittees shall undertake development in accordance with the approved hazards plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**13. AMEND SPECIAL CONDITION 28 AS FOLLOWS:**

**28. DRAINAGE PLAN**

**A. WITHIN SIX MONTHS OF COMMISSION APPROVAL OF THIS PERMIT**, or within such additional time as the Executive Director may grant for good cause, the permittee shall submit, for the review and approval of the Executive Director, a Drainage Plan signed by licensed engineer that, at a minimum, meets the following conditions:

1. Existing and proposed drainage for Areas 1, 2, 3 and 4, shall be drawn at the same scale as the site plan and detail plans, and show structures, drainage ditches, bioswales, water quality basins and other improvements that affect drainage.
2. The plan must indicate the direction, path, and method of water dispersal for existing and proposed drainage channels or facilities.
3. The drainage plan must indicate existing and proposed areas of impervious surfaces.
4. Flow line elevations where on-site drainage meets water quality management practices (e.g., water quality basins).
5. Water quality basin high water limits.
6. Overland escape location and elevation from water quality basin.
7. Total proposed water quality basin volume.
8. The Drainage plan shall ensure that modifications of the site drainage are limited to the minimum changes that are needed, to drain trailer pads and tent sites so that runoff flows to existing drainage ditches without ponding and so that the drainage ditches flow: (a) in Areas 1 and 2, either to Tomales Bay or to water quality management practices described in the Storm Water Management Plan; or (b) in Areas 3 and 4, to the water quality management practices described in the Storm Water Management Plan, with final discharge to the interior wetlands. Changes to the drainage system must have no adverse impacts on coastal resources. Pursuant to Special Condition 32, no grading is authorized in Areas 3, 4, 6, and 8.

B. The Drainage Plan shall be reviewed and approved by the PREP TAC, or a hydrological subcommittee of the TAC.

BC. The permittees shall undertake development in accordance with the approved drainage plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.



## Concerned Citizens of Dillon Beach

P.O. Box 26 Dillon Beach, CA 94929 futureofdb@yahoo.com

W/2a

July 9, 2011

*(This is a revised version of what was sent to Commissioners on July 6, 2011)*

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-5260

Re: Lawson's Landing CDP Application (Nos 2-06-018/A-2-MAR-08-028)

Dear Commissioners,

Concerned Citizens of Dillon Beach is an unincorporated association of Dillon Beach residents who share an interest in improving traffic flow, pedestrian safety and emergency evacuation in our community.

We are pleased with staff's recommendations regarding the reduction to 417 vehicles in 417 campsites (using the historical counting method). The community appreciates the awareness of our long-standing traffic issues and applaud the changes that will mitigate them.

### **Travel Trailers Become a Hotel**

However the plan introduces changes that would potentially increase traffic and offset the reduction, bringing the traffic near historical highs. Special Condition 5 mandates the conversion of 200+ travel trailers, now mostly used as seasonal vacation homes, into full-time vacation rentals. This transformation creates what could be called a 200-room hotel.

The traffic generated by this new use was not studied in the EIR and needs to be evaluated as such. As stated on page 131 of the Staff Report, "...the Commission must examine the impacts of all newly proposed development that has never before been permitted by the Commission, since such development exists without the benefit of the necessary CDP."

Whether the travel trailers in Areas 1 and 2 become 233 vacation rental units or their lots become short-term RV camping (as in the rest of the park), *no vehicle count has been included in the staff report for these lots.*

Approving the project without setting an actual number of vehicles is like approving a baseball stadium without defining how many fans are allowed in—or more importantly, how they would evacuate in an emergency.

Current traffic created by the travel trailers is minimal. For perspective on what the change in use means, the applicant's submittal to the CCC dated 9/21/10 gives a description on historical use when talking about the septic system: "It should be noted that the vast majority of the trailers and their septic systems are only used occasionally (see EIR for frequency of use). Many trailers are only used a few weeks during the summer months."

Using Fehr and Peers', *Lawson's Landing Trip Generation Summary*, 2/17/09, along with occupancy rates from the EIR, it is possible to estimate the increase in traffic (See Appendix A).

Percentage occupancy x number of trailers x daily trips = total daily trips

Historical use on a non-holiday summer weekend:  $10\% \times 233 \times 3.55 = 83$

Theoretical new use:  $85\% \times 233 \times 3.55 = 703$

The result shows a significant increase in traffic.

### **Sand Haul Road**

For decades, the Dillon Beach community has been promised that the long-standing traffic issues created by Lawson's Landing would be addressed during their Master Plan process. A solution was written into the Dillon Beach Community Plan in 1988 and we have patiently waited since then for its implementation. Policy T-5.5 states "a new, second road connecting Dillon Beach Road and Lawson's Landing would mitigate congestion along Dillon Beach Road.... Should traffic levels increase substantially at Lawson's Landing, a new road may be required to mitigate traffic impacts." The Policy further suggests that Sand Haul Road could serve as the basic alignment for the second road.

When the community plan was written, Lawson's Landing campground had 46 informal campsites and 231 travel trailers.

Traffic created by the campground has never been properly studied (as evidenced by comments in the staff report). Once the Commission approves this coastal development permit, it will not expire. We want study of Sand Haul Road added to *this* permit, scheduled as a part of the project.

Study of Sand Haul Road as a primary or secondary access has been put off to a possible Phase Two development of Lawson's Center in Area 6. However John Dixon's comments (memo to R. Pap re Lawson's Landing dated June 23, 2011) about the environmental sensitivity of Area 6 brings up questions about whether any development would ever be approved there.

This means Sand Haul Road may never be studied and the identified long-standing traffic problems will never be mitigated.

**Sand Haul Road should be:**

- 1) Designated as ingress/egress for RVs in order to separate large vehicles from pedestrians allowing for safer coastal access. (See Appendix B for pictures)
- 2) Designated as the evacuation route for RVs and travel trailers.

**Add to 14. TRAFFIC MANAGEMENT PLAN**

**Add to A:**

- 1) Study the viability of using Sand Haul Road for use as the primary (two-way road) or secondary (one-way in/out road) access to the campground in Phase One of the project.
- 2) If the projects' total number of allowed vehicles exceeds 600 (including camping, day use and other visitors), construction and utilization of Sand Haul Road is required.

**Add to B:**

Lawson's Landing does not have a general store and visitors must travel offsite for supplies. In order to lessen in-and-out traffic through the community:

- 1) Offer a shuttle and rental/loaner bikes for trips to offsite local store.
- 2) Charge tolls for off-site trips that exceed one in/out per day per campsite.

**Support for our request:**

- 1) A new project would not be approved in a location with a single road for entry and exit. The entrance to a new RV park would not be approved if it passed through substandard roadbeds between 18 and 20 feet wide with no shoulders and few sidewalks that are the only route for pedestrians to access the coast.
- 2) From the staff report: "Because most of the existing development on the site has been determined to be unpermitted, the Commission must consider the application as though the development had not occurred and must regard the coastal resources, including any habitat on the site, as though it had not previously been disturbed by this development occurring without the benefit of a coastal development permit."

Concerned Citizens of Dillon Beach has always supported Lawson's Landing and we recognize the important access it offers and the great effort the owners are making to update their popular campground. The new reservation system has indeed been a huge success. Now we look forward to a comprehensive traffic plan that will function into the future and serve the residents and businesses at Dillon Beach, as well as the visitors who come to enjoy this unique spot on the coast. Thank you for your work on this important project.

Sincerely,



Bonnie Smetts

## APPENDIX A

### Explanation of Methods for Determining Trip Generation and Occupancy Rates

#### Trip Generation Rates for Lawson's Landing: Comparison of various by traffic studies.

---

##### Certified EIR (W-Trans)

Appendix I, Page 4, Table 2.

##### Trip Generation Summary

Residences (LU #210)	9.57
Mobile Homes (LU #240)	4.81
Campsites (955/200)	4.78
Day users (400/200)	2

(LU= Land Use, Institute of Transportation Engineers, 1997)

##### Fehr and Peers

Page 4, Table 2

"Nightly Camping" and "2<sup>nd</sup> Car, nightly", listed separately, indicate that "Camping" is one vehicle.

Page 4, Table 3

##### Daily Trip Generation Rate by Use

	Arrive/depart	Weekend	Off Peak
Day Use	2	2	2
Camping (vehicle?)	1.15	0.70	1.55
Permanent Trailer Sites	0.20	0.20	0.20

##### Comparison of Daily Trip Generation:

W-Trans Campsites =	4.78	4.78	4.78
F+P Camping Vehicle =	1.15	0.70	1.55
Two Camping Vehicles =	2.3	1.4	3.1
Three Camping Vehicles =	3.45	2.1	4.65

##### Fair value combining both studies:

Two vehicles on Arrival/Departure Day = 2.3

Mobile home or Campsite = 4.8

Average = 3.55 (used in our estimate)

---

Current use: 233 trailers x 0.20 = 47 trips

Visitor-serving use:

Maximum occupancy: 233 trailers x 3.55 = 827 trips

85% occupancy: 198 trailers x 3.55 = 703 trips

50% occupancy: 116 trailers x 3.55 = 412 trips

30% occupancy: 70 trailers x 3.55 = 248 trips

---

##### Estimated Occupancy Rate of Travel Trailers on 8/30/2008

Fehr and Peers, *Lawson's Landing Trip Generation Summary*, Table 2

Fehr and Peers set the trip generation rate for *all* trailers, not occupied trailers. The occupancy rate can be estimated by dividing the number of trips by the trip generation rate for occupied sites.

48 trips / 4.8 trips per unit (LUP #240) = 10 units = 4.3% occupancy

48 trips / 2.3 trips per unit (2 vehicle campsite) = 21 units = 9% occupancy

48 trips / 3.55 trips per unit (average) = 14 units = 6% occupancy





Roadway between the General Store and Post Office where Dillon Beach Road turns into Beach Avenue.





Pedestrians share Cliff Street with cars and RVs.





**From:** wvogler [mailto:wvogler@gmail.com]  
**Sent:** Saturday, July 09, 2011 4:04 PM  
**To:** Ruby Pap  
**Subject:** Lawson's Landing updated info

Dear Ruby,

Attached are the figures Adobe and Monk and Associates developed to determine loss of RV and tent sites with 100 ft. wetland buffer and 300 ft. CRLF buffer. Below is Aaron Smith's tally sent to team previously. In a follow up team phone call we determined we needed to eliminate an additional 3 campsites at the north end of Area 4 because the 300 ft CRLF buffer would encompass the restroom facilities—then the restroom would have to be moved south, which would take up the space of 3 additional campsites.

Geoff and Tom,

Attached are the pdf's in the areas of 1, 3 and 4.

Area 1- We had already designed to the limit line as shown on the pdf sent to us earlier today so there was no net loss of anything. The line I refer to is highlighted in green. (Note: On latest maps 3 additional RV spaces were lost in Area 1 because they had to be replaced by 12 parking spaces that are essential at the end of Area 1—this will be sent to you)

Area 3- You will see the 100' buffer around the wetlands which is black dashed line. With this buffer you will lose approximately 17 RV sites and 5 tent sites. The existing facilities are close to the line.

Area 4- there is a 300' buffer around the frog pond, a 100' wetland buffer (black dashed line) and a 50' dune scrub buffer (blue continuous line). With these setbacks combined, you will have a net loss of 33 RV's, 6 tent sites and 2 facilities. Note: With the loss of 2 restroom facilities, the restrooms would have to be moved and would thereby eliminate at least 5 additional campsites.

Following our team call about the above tally, we had a total loss of 58 RV and 11 tents for a total of 69 campsites lost with the 100 and 300 ft. buffers.

The latest July reconfiguration of layouts for Areas 1, 2 and 3 which was completed by Adobe today is also attached. .

In general, we are proposing at least 50 ft. of wetland buffer (shown with green shading) plus at least 25 ft. of low impact tent sites, which will only be used 40 nights of the year—most likely only during the dry months. In most perimeter area we have at least 75 ft. of buffer plus the low impact tent sites which are at least 25 ft wide. Where we have roads crossing these buffers in Areas 3 and 4 we also have water quality basins and sand filtration to intercept runoff and treat it before it goes to the wetlands. Plus we're proposing native vegetation buffer which can be distributed "patchily" to provide the "transitional" habitat buffer between developed areas and wetlands that are called for in the CCC staff report. This vegetation also provides additional

water quality and habitat buffer.

Together all these resource protection measures should provide what is intended by a standard 100 ft. buffer—especially when one considers hydrological details discussed in the project description: Questa has found through extensive field work that natural surface water and ground water flow is primarily to the west and south toward the ocean and bay and not toward the wetlands. These reflects the geomorphic conditions where quite typically a watershed flows toward the ocean. Piezometer work on groundwater levels by Monk and Associates supports these findings. Hence, given direction of surface and groundwater flow, the 100 ft. buffer standard--- to filter flow when it is headed toward the wetlands---is not needed at LL. However, consistent with CCC staff calls for increasing flow to wetlands and more wetland innundation, we will be improving the drainage with bioswales, water quality basins, and sand filtration so that the short term surface flow from the developed area is treated and directed to the wetlands as called for in the staff report.

The attached updated maps of Areas 1,3, and 4, and the attached letter from Aaron Smith all clearly indicate that there has been a tremendous effort by a team of civil engineers, surveyors, biologists, hydrologists, land use planners etc. to shoe-horn-in the 650 sites, with a mix of RV and tents that reflects weather conditions, traditional use, and economic reality, as well as is feasible. We are at 319 RVs and 98 tents for a total of 417 campsites. Since as above, we have tent sites ringing the perimeter of our layout, imposing a 100 ft. buffer, will only be eliminating low cost, low impact tent sites, which would clearly be eliminating opportunity for low and moderate income Californians to have overnight recreation in a coastal environment.

Thank you for your dedicated work on this matter.

Sincerely,

Mike Lawson, Willy Vogler

Lawson's Landing Inc.  
137 Marine View Dr.  
Dillon Beach, Ca 94929  
(707)878-2443

July 9, 2011

Ms. Ruby Pap  
North Central Coastal District Supervisor  
California Coastal Commission  
44 Fremont St. Suite 2000  
San Francisco, CA 94105-2219

Re: Comments on the Consolidated Coastal Development Permit Staff Report for CDP Application Nos. 2-06-018 and A-2-MAR-08-028

Dear Ms. Pap:

We appreciate all of the hard work and clear direction that you and your colleagues have given over the last four years to 1) protect and restore the unique and important coastal resources, 2) concentrate camping in the least sensitive and most appropriate areas, and 3) protect the important lower-cost visitor serving coastal access and recreational opportunities provided by Lawsons Landing. The process has been driven by Coastal Act priorities to maximize protection of coastal natural resources and preserve affordable coastal access, recreation, and overnight stays for all Californians. The revised project description, submitted in June 2011, incorporates Coastal input, direction, and recommendations, and we are proud that our collaborative effort has produced the least environmentally damaging feasible alternative.

The revised project description offers:

- Permanent protection of 465 acres of the Tomales Wetland Dune complex, which is the vast majority of our South Ranch. A conservation easement will be managed in perpetuity for the benefit of wildlife and wildlife habitat by the Natural Resources Conservation Service
- Removal of all camping from Area 5, which is near the California red-legged frog (CRLF) breeding pond.
- Creation of a native vegetation screen and buffer between camping areas and wetlands and environmentally sensitive areas for the benefits of wildlife and water quality.
- Restoration of important areas, including a dune scrub area in Area 1 and planting with native vegetation.
- Installation of water quality retention basins and environmentally improving ditches so they serve as Best Management Practices (BMP) to provide sand and vegetative filtration, water quality treatment and enhancement and directing flow of runoff to wetlands and away from the ocean and Tomales Bay
- Removal of key culverts from man-made drainage ditches to a) enhance a CRLF migration route and b) increase retain more high quality, treated water for longer periods in wetlands for the benefit of wildlife, and c) restore a more natural water regime, which is an important enhancement to help native vegetation compete with invasive non-native plants.

The final project description proposes:

- A reduction of 58.3% number of campsites, a total of 417 RV and tent sites down from the 1000 RV/tent sites permitted by California Department of Housing and Community Development (HCD).
- A reduction of over 42% acreage of camping area; the proposed 42.95 acres is reduced from the original 75.3 acres, which clusters and concentrates camping into the least amount of area feasible.
- Limiting peak usage of the 417 campsites to only 40 nights a year.

*Comments on the Consolidated Coastal Development Permit Staff Report for CDP Application Nos. 2-06-018 and A-2-MAR-08-028:*

Thank you for the opportunity to provide comments on the staff report for item W10a. We appreciate that the staff report recognizes of the importance of providing, maintaining, and protecting the lower-cost access and recreational facilities mandated by the Coastal Act, including coastal-dependent boating and fishing. We also fully appreciate the need to minimize impacts to sensitive habitat areas, and we have agreed to greatly reduce and closely cluster these extremely important uses in order to protect the unique coastal resources of the Tomales Dune Wetland complex.

1. Lawsons Landing is a complex and dynamic environment, with near constant wind and very seasonal recreational demand that is dependent on fishing and boating conditions and good weather. Considering the wind, blowing sand, and often chilling cold, shelter from the elements is essential for coastal visitors to stay and enjoy the California coast at Lawsons Landing. RV camping, with more protection from the elements than tent camping, comprises the majority of lower-cost visitor serving overnight accommodations use and demand at Lawsons Landing. With the reduction from 1000 RV and tent sites to 417 total RV and tent sites, it is essential that 76% (319 sites) or more of the remaining sites allow RV or tents, which hopefully will allow the flexibility for enough use for Lawsons Landing operation to be economically viable.
2. It is not feasible to arrive at the needed 417 RV and tent campsites (with 319 that can accommodate RVs) or an adequate number of parking spaces for day use public access if a 100 ft. wetland buffer and 300 ft. CRLF buffer is applied for Areas 3 and 4. We propose a 50 ft. wetland buffer and a slightly reduced CRLF buffer for a few specific segments in Areas 3, 4 and 6 with more active protections of the wetlands and CRLF integrated into these protective buffer areas. The adjustment of the buffer sizes will allow low-impact, low-use tent-only sites 50 ft. from wetlands and will not preclude future development of the Landing Center in Area 6.
3. We would like consult with CCC staff to arrive at a suitable layout of 417 campsites including an appropriate RV/tent mix (given severe cold and windy conditions most of the year at LL) and an adequate number of parking

spaces. We believe this can be accomplished with reasonable adjustment in wetland buffers and other water quality modifications. This would be consistent with the principle on Page 108 of the staff report that CCC has sought a 100 ft. buffer where possible except where to maintain it would result in the loss of protection of lower cost visitor serving facilities. Also page 104, “adequacy of buffer must be determined based on the facts of each case...”

4. Given the shortage of space left for camping and day use parking, some of the campsites need to be allowed to have two cars per campsite. Without this many families who have a child who is grown or a spouse who needs to come out first followed later by a spouse when she or he gets off work, would need two campsites or would end up taking all of the day use access parking spaces, which would limit coastal access and contribute to parking problems and congestion on the streets of the Dillon Beach neighborhoods. We propose allowing ~35% or 150 larger campsites to have a second car, for which there would be a small additional fee. This would help make the limited space at LL go further while still providing a reduction in peak traffic (assuming 100 day use parking spaces). Generally the largest sites (up to 35%) would be designated as two car sites.
5. For the relatively moderate-income camper at Lawsons Landing, two weeks may be all that they get a year to spend with their family on vacation—so please consider letting them stay 14 days, rather than the 10 days proposed in the staff report.
6. No grading in Areas 3 and 4 is proposed in the staff report. In order to provide drainage that directs flow to wetlands and increases inundation of wetlands (recommended elsewhere by staff) and to provide an effective Storm Water Management Plan with Best Management Practices, some grading may be needed in these areas.
7. Area by Area: Area 1 Berm height—is it 6 feet overall with vegetation? A berm six feet high or earth only with a 2 to 1 slope would be 25 feet wide and take up much of Area 1, eliminate many campsites, constitute a huge volume of sand (available where without contamination of invasive seed?) It would be much more feasible to have a 2 feet berm with 4 feet of vegetation on top. However, note that the wetland side of the Water Quality Retention Basin will essentially be a sandy berm and Area 1 will be graded so runoff will be directed to the WQR Basin and then to the sand. Is a sandy berm then necessary all along the edge of Area 1? Perhaps with the WQR Basin and sand filtration, the sandy berm will not be needed.
8. Area 2: Is berm prohibited in this Area?
9. Area 3: Staff report recommends low impact tents sites only between the dune scrub/*Ammophila* dominated area. But then it broadly applies this to



- all of Area 3 and calls for tent only camping in all of Area 3---when in fact much of Area 3 is outside dune scrub area and is very suitable for RV camping and providing the 417 agreed upon affordable campsites (consistent with high wind, foggy weather, Dillon Beach conditions).
10. Area 3: On west side of the road, sand blowouts have encroached on road and have required removal. Removed sand has been moved to the dunes to replenish them. As recommended by Peter Baye, sand should be also periodically be removed from the blowouts into Area 3 to accommodate some campsites which traditionally have been there. This relates to protecting infrastructure such as main road (page 111).
  11. Area 3: Can abrasive vegetation be used instead of fencing, such as native California wild rose or salmonberry, already present at Lawsons Landing? This would also provide habitat value and the “transitional buffer” between native habitat and authorized development called for in staff report. This vegetative filter can be planted (as indicated in staff report) “patchily” with plants offset so they are not in a “strip”. NRCS staff, who have pointed out many benefits to hedgerows, can be brought in to help resolve this.
  12. Temporal management---Clarify that with our new proposed layout this would be: Tier 1, more than 100 ft from wetlands and 50 ft. or more from dune scrub, Tier 2, campsites more than 10 ft. from drainage ditches/bioswales and Tier 3 tent sites 50 ft or more from wetlands (the perimeter sites).
  13. Other Agency approvals page 28: 60 days Regional Water Quality Control Board—note that 6 to 9 months is the normal time frame for permit for a major wastewater system such as that proposed at LL. Also on the subject of septic/wastewater—the amount of wastewater dispersal area discussed on Page 117 will probably be reduced by the water recycling/reclamation system now being proposed as part of green measures at LL (see attached). This relates especially to Section H page 119 Adequacy of Services, prevention of depletion of groundwater supplies and use of water reclamation.
  14. Corrections regarding septic systems, especially incorrect references to cesspits page 120 and 126: See attached letter from Norm Hantzsche.
  15. Information submitted on green design with new Boat House and LL trailer/cottages should be incorporated in Addendum and made available to Commissioners (see attached).
  16. Seawall—page 33. Can we confirm that seawall can be repaired, and clarify any associated conditions?
  17. To avoid wrong impression/bad PR for LL—staff report incorrectly indicates (apparent misunderstanding) that LL has proposed 268 day use visitors. 268 is the number of parking spaces proposed not the number of day use proposed. Also LL did not propose 1-3 vehicles per campsite. 1-3 vehicles or more is allowed under HCD regulations. Together these misunderstandings result in CCC staff conclusion that LL is proposing only a 10% reduction in vehicles to LL. LL is proposing 1 vehicle per campsite plus a second vehicle

for one third of the campsites, which yields more than a 34% reduction in vehicles at LL assuming that the prior max was 1,000 campsite vehicles.  
18. Direct loss of approximately 30 acres of wetland/dune ESHA page 109—is this overstated, considering that the recreational area is upland?

If there is any need for clarification of the above matters, we will glad to discuss and have clarifications to you by Monday, July 11.

Thank you very much for all your diligent and thorough work on this. We are look forward to the Commission meeting on Wednesday and are glad to answer any questions.

Sincerely,

, , Tad Vogler

## **Green or environmentally conscious design**

The project goal is to create a Boat House that borrows from its past and revisions itself as a model for improvements to come at Lawson's Landing.

A similar approach will be used with the park model trailers that Lawsons Landing will acquire for short term rentals. Environmentally conscious (green) design, materials, and systems, will be combined with a visually pleasing traditional seaside cottage look. These seaside cottage look units will be located along the shorefront of Tomales Bay.

Lawsons Landing will seek to acquire Park Model trailers with good energy efficiency and insulation, double pane windows, water efficient fixtures, and other environmentally sound features.

Likewise the Park Model trailers can be plumbed so that bathroom sink and shower water (grey water) is diverted for either; a) suitable filtration for reuse as irrigation for vegetation screens or b) tertiary treatment, for flushing toilets, especially in the Main and common- area restrooms. The balance of waste water (black water) would be treated with the proposed Septic/Wastewater Septic Tank Effluent Pump (STEP) system. However, the reuse/recycled water system will be plumbed so that waste water can be diverted to the main proposed wastewater system if necessary. Reusing and recycling greywater, will reduce the amount of water that has to be pumped from the ground and pumped uphill to the proposed wastewater dispersal area approximately a mile away. This will reduce the energy required for pumping and the carbon footprint of the wastewater system. An approved Graywater system could also reduce the amount of uphill dispersal area required.

The State of California adopted new emergency Graywater Regulations in 2007 to encourage the reuse of graywater and the most up to date regulatory requirements would be incorporated into this system.

# Layout Narrative-Draft

July 7, 2011

Att: Mike Lawson and Willy Vogler

Re: Lawson's Landing RV and Campsite Layout Narrative

Mike and Willy,

This narrative is provided to you and the team working on the project so everyone can better understand how we approached the layout of the RV and Tent Campsites. The following considerations of the existing site were taken into account while preparing these layouts. These were important in order to preserve the existing use and enjoyment that has been in place and utilized by the general public on the property for years.

## 1) Terrain

- a. Some of these sites on the property do not allow for a "cookie cutter" layout because of the undulations, drainage, slopes, setbacks and other environmental considerations. The necessity for your campers to utilize flatter areas to set up camp is critical.

## 2) Circulation of Traffic

- a. We had to utilize a wide enough access for two-way traffic in many of the areas. This includes providing pickup trucks, which are pulling towable (5<sup>th</sup> wheel) RVs, the ability to pass side by side, along with pedestrian access on these roads, while not creating a danger to visitors. Some of the critical elements involved in this circulation are accommodation for wide vehicle RVs to back into the campsites and make wide turns, while affording pedestrian travel on these same roads.

## 3) Comfortable Camping Spots

- a. The proposed use of the property seeks to avoid radical departure from providing RV's and Tent sites with adequate area for enjoyment. Such basic enjoyments include tossing the ball with the family, placing the family dog on a leash in your campsite, sitting around a campfire, providing for a family needing more than one tent ...etc.
- b. We have not found a set of guidelines that have been universally adopted for camping layouts. However, there are a few handbooks that were put together by recognized industry leaders, which strongly support large RV camp sites as market necessity. Some of the RV sites we have proposed are much smaller than recommended in the handbook, and a others are in the higher range of those recommended, in trying to address customer demand. We have

attempted to stay generally in the range of recommended layout sizes for the RV's, considering irregular terrain and circulation realities.

- c. This is equally the case with tent sites. We find that many tent campers like to park their vehicle within their spot, as well as having a separate screen tent for family gatherings for cards, meals or just hanging out. At the same time, many of the tent sites proposed are walk-in tent sites, which do not provide for a car. Generally tent sites would need a minimum of 500-550 square feet. The sites we have laid out try to accommodate tent campsite size needs. Some are smaller, most are in this range of 500-650 square feet, and some are larger. Again, it is vital to the general public that has utilized these camp grounds to maintain as much as possible, a comfortable, open-surroundings feeling.
- d. These sites cannot, nor should they be compared with other camping facilities due to the irregular terrain, natural features and needs of your customer base. These factors make it infeasible to employ the layout concepts of say a KOA campground, with a flat open area near a freeway,,having extremely minimal camping space.
- e. The realities of weather at Lawsons Landing, including cold, wind, and fog even during the summer months, often requires an RV for adequate shelter from the elements. Hence we tried to provide a sufficient percentage of RV sites ,which reflects traditional customer use at your recreational facility.
- f. Finally, we utilized practical camping experiences. We have taken a pragmatic approach in laying out an RV site that is functional, while also being enjoyable. We have sought input from a wide range of campers with experience and asked what is necessary in a campsite to assist us in our layout for the project. We then have verified these layouts with on the ground detailed survey work.

These exhaustive steps have led to the current design layout that is before you. It has been increasingly difficult to accommodate the needs of all the parties involved. The delicate balance of 1) fitting within all the guidelines and constraints (especially environmental setbacks), 2) providing sufficient economic viability, which is a direct function of what your customers want and need from their experience, and 3) integrating this with weather, terrain, and circulation has been very challenging.

Questions have been raised about optimizing the development area, and I can tell you that there have been hundreds of hours spent by our office researching design and layout concepts, placing and positioning these sites, studying circulation on the property, and brainstorming a sensible, functioning, economically viable layout. There have been several concessions in order to accommodate this layout such as providing plenty of, accessible restroom facilities, Coastal Access for the general public, a comfortable

camping experience, sufficient circulation and environmental protection and enhancement.

In order to readjust the project to overcome the loss of roughly 65 sites (both RV and Tent sites) that would result in conforming to the 100 foot buffer setbacks, we would have to spend a tremendous amount of time reevaluating all of the items discussed in this narrative. This would not assure us that we could even find those additional sites without significant sacrifice to many of the coastal access and environmental elements we have tried to incorporate into the layout here.

My personal view as an RV camper who has camped with my family at many sites, is that Lawson's Landing provides a unique, fun, exhilarating, and affordable experience, while maintaining essential Coastal Access to the public. This needs to be a paramount focus for the commission as they make decisions on behalf of the public.

If you or any other member of the team have any questions, please feel free to call me and we can discuss. I hope this serves your needs.

Sincerely,

Aaron R. Smith, PLS  
Principal for Adobe Associates, Inc.

July 7, 2011

Mike Lawson  
Lawson's Landing, Inc.  
P.O. Box 47  
Dillon Beach, CA 94929

Subject: Lawson's Landing – Septic System Inspection Summary and Comments

Dear Mike:

This letter has been prepared to briefly summarize the inspection and evaluation of existing septic systems at Lawson's Landing conducted by Questa Engineering. Although the complete results have previously been documented in a report submitted to and accepted by Marin County in 2009, this summary is intended to restate the key information for the benefit of those that may not have read or may not fully recall the results contained in Questa's report. Also included are a few comments in response information in the Coastal Commission Staff Report, dated July 1, 2011.

**Scope of Work.** From May 2008 through May 2009 Questa conducted inspections of all 167 existing septic systems at Lawson's Landing that serve 212 trailer units, 5 restrooms, 3 houses, the store/office, and the employee laundry. The objective was to determine the functioning of all existing septic systems and, where warranted, to direct appropriate maintenance or corrective work to address problems revealed during inspections.

**Methods.** The inspections were conducted in accordance with customary methods followed in Marin County; and in some cases Marin County Environmental Health Services staff was present to observe the work. The work involved physical inspection of septic tanks, surcharging each system with 150 gallons of water over a 30 to 45-minute period ("hydraulic load test") along with introduction of non-toxic tracer dye, and observing and documenting the response of the system. Where accessible, the condition of the septic system components, including the lid, tank walls, baffles, and piping, were observed and any deficiencies were noted. During and for a period of approximately one hour after the hydraulic load and dye test, the leachfield and nearby areas were observed for any evidence of surfacing effluent, wet soils, or appearance of tracer dye. Also, follow-up inspections for evidence of seepage or dye in drainages and wet areas were made repeatedly on all visits to the site; and no dye ever appeared anywhere.

**Septic System Conditions.** Our inspections revealed the septic tanks serving the trailers commonly consist of 3 to 4-foot diameter concrete cylinders with a poured concrete base. The septic tanks drain by gravity to a gravel-filled leaching trench, typically 24-inches wide, 30 to 36-inches deep, and 30 to 40-feet long. The exceptions we found to this design include two standard rectangular concrete tanks, four redwood tanks, four fiberglass tanks and one plastic tank.

We feel it is important to point out and correct one significant misconception about the septic systems that we have heard and seen in some written materials, including the Coastal Commission Staff Report. On page 120, the Staff Report describes the septic systems as "...consisting of open bottom circular septic tanks with leachfields/seepage pits...", and goes on to explain how this non-conventional design results in direct

discharge of effluent into shallow groundwater beneath the septic tanks. We have seen other comment letters refer to the septic systems as "cesspits", also implying direct discharge of sewage into the underlying groundwater. We are not sure the source of this information, but it is not consistent with our findings. To reiterate, although we did not have access to physically open and probe all tanks, every system we inspected was found to be constructed with a concrete bottom – not an open bottom. The discharge from each tank is directed, through an outlet baffle, to a short section of shallow leachline for dispersal, filtering and biological breakdown of wastewater constituents in the sandy soils (see attached **Figure 1**). Lawson's Landing septic systems are of a smaller than normal size and irregular in shape (circular tanks); but in principal they operate in a manner similar to other older-style gravity systems found in much of West Marin.

**Functioning Status.** In the course of inspecting and testing all 167 existing septic systems, we found none of the systems to be in a state of failure, or having any other evidence of surfacing sewage or illicit discharges to Tomales Bay or the internal drainage system in the Sand Point area of Lawson's Landing. We induced a failure condition in eight of the 167 systems through the hydraulic loading tests. These eight systems were subsequently investigated, the problems diagnosed, and corrective actions taken. Four of the eight systems were abandoned, and were either replaced with a holding tank or the units connected to other functional systems. The other four systems had repairs made (with County approval) and remain in service. On page 127, the Staff Report discusses Special Condition 10 that calls for additional hydraulic testing of these eight systems judged to be marginal from our testing. Since four of these marginal systems were taken out of service, it would probably be more accurate and appropriate for Special Condition 10 to require additional hydraulic testing only for those of the eight marginal systems that still remain in service.

**Interim Corrective Measures.** The interim corrective measures implemented as a result of our inspection and evaluation work included: (a) pumping of several septic tanks; (b) abandonment of five septic tanks and re-plumbing to a functioning system; (c) installation of two new 1,500-gallon septic tanks for use as a holding tank; (d) a variety of plumbing repairs; and (e) disconnection of all graywater systems and re-plumbing of lines to functional septic systems.

Based on the results our 2008/2009 inspections and the implementation of various corrective measures in 2009/2010, it is our opinion that the septic systems at Lawson's Landing presently pose minimal threat to public health or water quality in the area.

Please call if there are any questions or if we can be of further assistance at this time.

Sincerely,



Norman N. Hantzsche, PE  
Principal/Managing Engineer

Ref.: 270246\_septic\_system\_summary



**From:** wvogler [mailto:wvogler@gmail.com]  
**Sent:** Saturday, July 09, 2011 4:05 PM  
**To:** Ruby Pap  
**Subject:** Lawson's Landing, Area 1

W12a

Hi Ruby,

Here's a revised Area 1 exhibit, attached.

--  
Carl "Willy" Vogler  
Lawson's Landing Inc.  
137 Marine View Dr.  
Dillon Beach, Ca 94929  
(707)878-2443

# Lawson's Landing Campsite Area 1

Note: This exhibit is a tentative layout and is intended to show the viability of the number and type of campsites within the limits of the proposed camping areas. Overall layout of campsites and ratio of RV sites to Tent sites may vary from that shown.

25 foot buffers from wetlands and 50 foot buffers from central dune scrub are implemented with exceptions as noted, based on site-specific conditions.

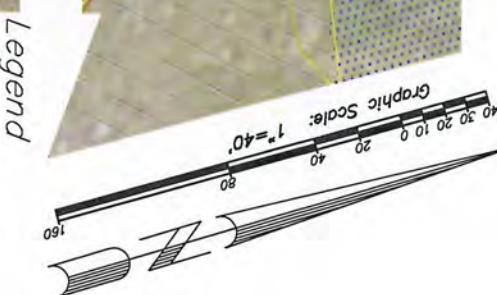
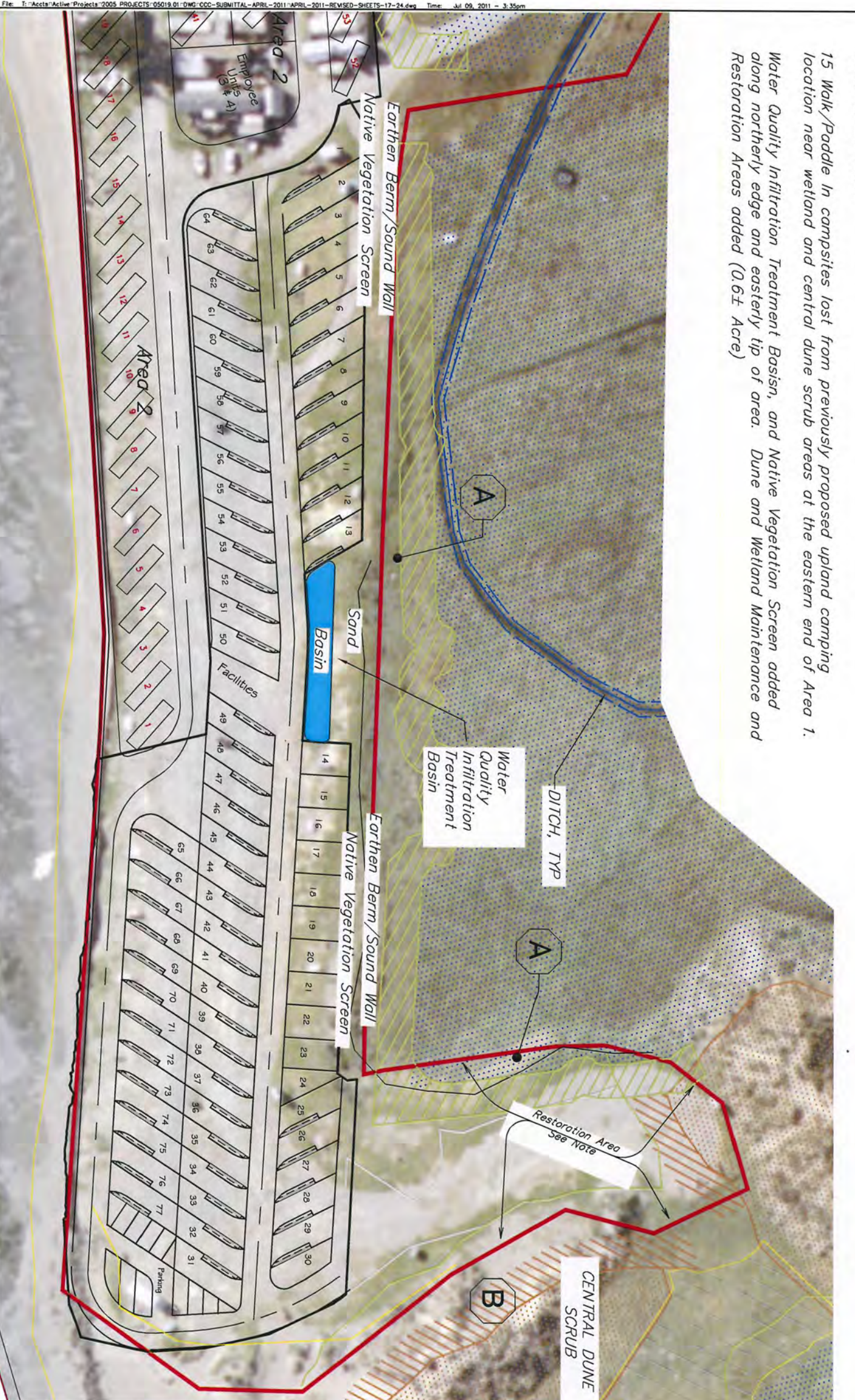
On the northern and western edges of Area 1, buffer width varies according to the shape of the existing sloped bank. Water quality bio-retention area to be installed along the northern edge of camping, adjacent to the widest section of the sloped bank, and along the western edge of the parking area. Runoff will be collected and treated in this bio-retention area and released to a sloped bank vegetative filter in such a manner as to minimize disturbance and maximize effective filtration.

15 Walk/Paddle In campsites lost from previously proposed upland camping location near wetland and central dune scrub areas at the eastern end of Area 1.

Water Quality Infiltration Treatment Basin, and Native Vegetation Screen added along northerly edge and easterly tip of area. Dune and Wetland Maintenance and Restoration Areas added (0.6± Acre)

Area 1:		Change In Layout
January 2010 Layout	July 2011 Layout	
Area 4.5± Acres	Area 2.9± Acres	-1.6± Acres
2 Facilities Areas	1 Facilities Areas	-1 Facilities
105 RV Campsites	77 RV Campsites	-28 RV Campsites
15 Walk/Paddle Tent Sites	0 Walk/Paddle Tent Sites	-15 Walk/Paddle Tent Sites
Total 120 Campsites	Total 77 Campsites	-43 Change Overall Campsites

**A** Note: For Resource Protection Measure Vertical Buffer see detail sheet 4



### Legend

- Proposed Limit-Camping
- Existing Limit-Camping
- Interim Fence (Existing Fence, Interim ESHA protection measure)
- Parking Area Specific to Adjoining Campsite
- Tent site
- Proposed Restroom and Water Faucet
- Wetland Buffer 25' Minimum Width Typical
- Wetlands
- Central Dune Scrub Buffer (50' Minimum Width Typical) (See Detail Sheet 4)
- Central Dune Scrub
- Restoration Note: Dune Area To Be Restored
- General Parking Area

Scale: 1" = 40'  
 Date: January 2010  
 Revised: June/Oct. 2010  
 Revised: June 2011  
 Drawn by: PCA3  
 Checked by: lhg/ars

**Lawson's Landing Property - Campsite Layout - Area 1**  
 Lawson's Landing  
 Dillion Beach, CA 94929.  
 Assessor's Parcel Number 100-100-12 & 48

**R** Associates, Inc.  
 1220 N. Dutton Ave  
 Santa Rosa, CA 95401  
 707 541 2300  
 Fax: 707 541 2301

of 33 sheets  
 Job No. 05019  
**17**  
 Sheet

**From:** wvogler [mailto:wvogler@gmail.com]  
**Sent:** Saturday, July 09, 2011 4:09 PM  
**To:** Ruby Pap  
**Subject:** Lawson's Landing, updated Area 3

W/2a

Hi Ruby,

Area 3 attached.

--

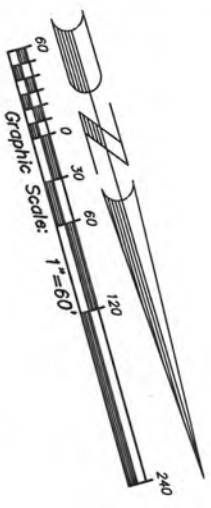
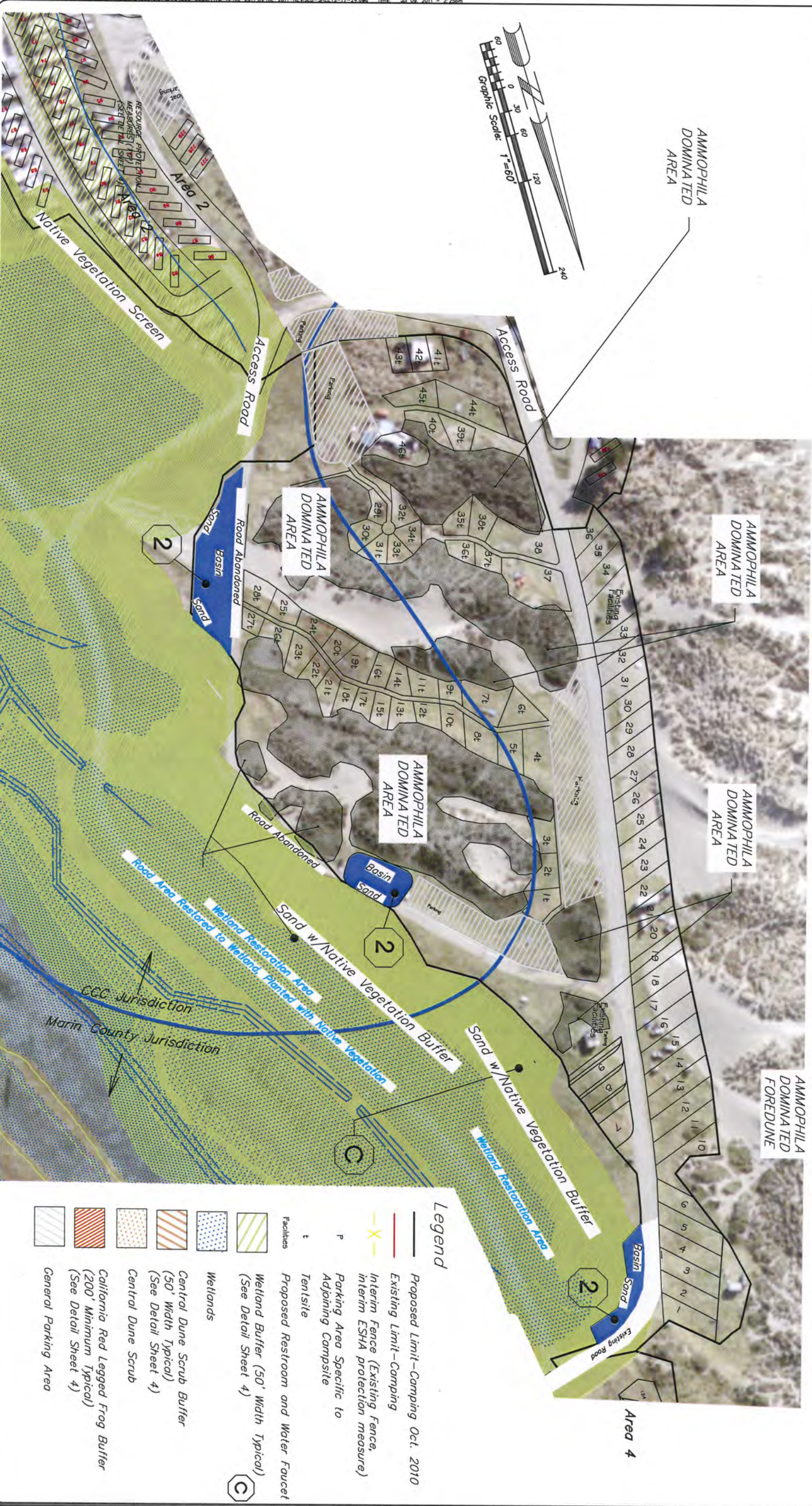
Carl "Willy" Vogler  
Lawson's Landing Inc.  
137 Marine View Dr.  
Dillon Beach, Ca 94929  
(707)878-2443

# Lawson's Landing Campsite Area 3

**2** Water Quality Basin, with sand filtration berm on wetland side

Area 3:		
January 2010 Layout	July 2011 Layout	Change
Area 9.6± Acres	6.9 Acres	-2.7 ± Acres
2 Facilities Areas	3 Facilities Areas (Existing)	Unchanged
20 RV Campsites	38 RV Campsites	+25 RV Campsites
120 Walk-In Tent Campsites	46 Walk-In Tent Campsites	-80 Tent Campsites
Total 140 Campsites	Total 84 Campsites	-55 Campsites

Note: This exhibit is a tentative layout and is intended to show the viability of the number and type of campsites within the limits of the proposed areas. Overall layout of campsites and ratio of RV sites to Tent sites may vary from that shown. 50 foot buffers from wetland and central dune scrub areas to be implemented with exceptions as noted based on site-specific conditions.



### Legend

- Proposed Limit—Camping Oct. 2010
- Existing Limit—Camping
- Interim Fence (Existing Fence, interim ESHA protection measure)
- Parking Area Specific to Adjoining Campsite
- Tent site
- Proposed Restroom and Water Faucet
- Wetland Buffer (50' Width Typical) (See Detail Sheet 4)
- Wetlands
- Central Dune Scrub Buffer (50' Width Typical) (See Detail Sheet 4)
- Central Dune Scrub
- California Red Legged Frog Buffer (200' Minimum Typical) (See Detail Sheet 4)
- General Parking Area

## Lawson's Landing Property – Campsite Layout – Area 3

Lawson's Landing  
Dillion Beach, CA 94929.  
Assessor's Parcel Number 100-100-12 & 48

Scale: 1" = 60'  
Date: January 2010  
Revised: March/Oct. 2010  
Revised: April 2011  
Revised: June 2011  
Drawn by: PCA3  
Checked by: ars/thg

Adobe Associates, Inc. 1220 N. Dutton Ave. Santa Rosa, CA 95401 707 541 2300 Fax: 707 541 2301

W12a

**From:** wvogler [mailto:wvogler@gmail.com]  
**Sent:** Saturday, July 09, 2011 4:11 PM  
**To:** Ruby Pap  
**Subject:** Lawson's Landing, revised Area 4

Hi Ruby,

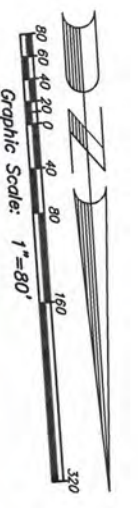
The revised Area 4 map should be attached. I have one further file that is larger than 5MB so I will try my luck with your ftp site.

--

Carl "Willy" Vogler  
Lawson's Landing Inc.  
137 Marine View Dr.  
Dillon Beach, Ca 94929  
(707)878-2443

# Lawson's Landing Campsite Area 4

Note: This exhibit is a tentative layout and is intended to show the viability of the number and type of campsites within the limits of the proposed camping areas. Overall layout of campsites and ratio of RV sites to Tent sites may vary from that shown.



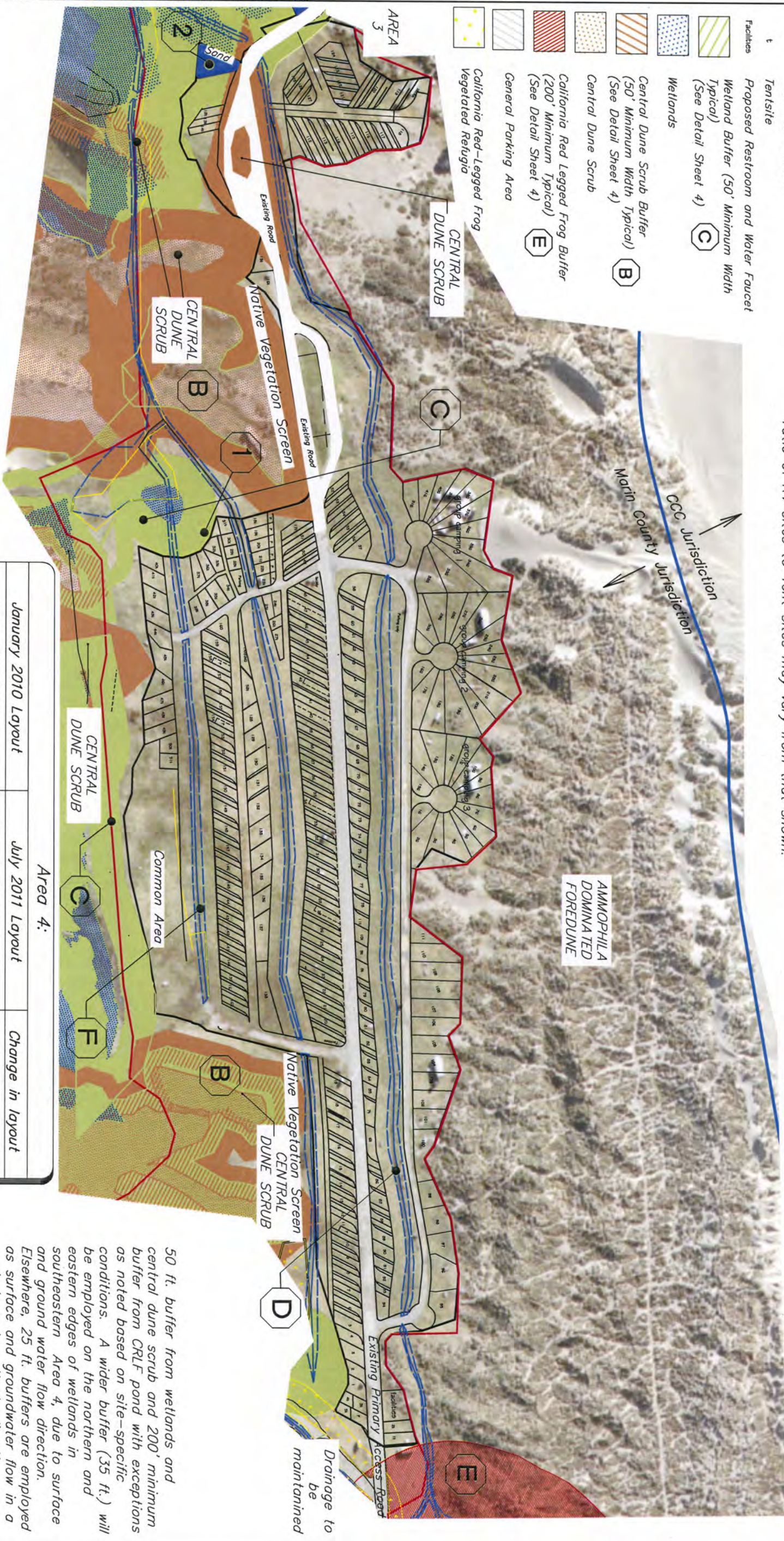
- 1 15' Wide Sand and Vegetation Buffer (Contained Within The 50' Buffer)
- 2 Water Quality Basin with sand filtration berm on wetland side

**Legend**

- Camping Removed April 2010
- Proposed Limit—Camping Oct. 2010
- Existing Limit—Camping
- X — Interim Fence (Existing Fence, Interim ESHA protection measure)
- P Parking Area Specific to Adjoining Campsite
- t Tent site
- Proposed Restroom and Water Faucet
- Wetland Buffer (50' Minimum Width Typical) (See Detail Sheet 4) (C)
- Wellands
- Central Dune Scrub Buffer (50' Minimum Width Typical) (See Detail Sheet 4) (B)
- Central Dune Scrub
- California Red Legged Frog Buffer (200' Minimum Typical) (See Detail Sheet 4) (E)
- General Parking Area
- California Red-Legged Frog Vegetated Refuge

**Facilities**

- Welland Buffer (50' Minimum Width Typical) (See Detail Sheet 4) (C)
- Wellands
- Central Dune Scrub Buffer (50' Minimum Width Typical) (See Detail Sheet 4) (B)
- California Red Legged Frog Buffer (200' Minimum Typical) (See Detail Sheet 4) (E)
- General Parking Area
- California Red-Legged Frog Vegetated Refuge



Note: Hatched area in red is 200 minimum buffer from California Red Legged Frog breeding pond. Out of necessity, existing primary access would be fenced between road and pond.

Note: Hatched area in mogenta is area impinged upon by piezometer placement 1) Area impinged upon is approximately 0.93 acre. 15 Proposed RV sites, and 7 Proposed Tent Sites are impinged upon by this buffer.

**Area 4:**

January 2010 Layout	July 2011 Layout	Change in layout
Area 19± Acres	Area 16.7± Acres	-2.3± Acres
2 Facilities Areas	Unchanged	Unchanged
225 RV Campsites*	203 RV Campsites*	-22 RV Campsites
120 Tent Campsites	52 Tent Campsites	-68 Tent Campsites
<b>Total 345 Campsites</b>	<b>Total 255 Campsites</b>	<b>-90 Campsites</b>

50 ft. buffer from wetlands and central dune scrub and 200' minimum buffer from GRLF pond with exceptions as noted based on site-specific conditions. A wider buffer (35 ft.) will be employed on the northern and eastern edges of wetlands in southeastern Area 4, due to surface and ground water flow direction. Elsewhere, 25 ft. buffers are employed as surface and groundwater flow in a westerly and southerly direction, away from wetlands.

- (D) Note: For Resource Protection Measure manmade drainage ditch buffer, See Detail Sheet 4.
- (F) Note: For Resource Protection Measure manmade drainage ditch, see detail sheet 4.

Scale: 1" = 80'

Date:	January 2010
Revised:	March 2010
Revised:	June/Oct. 2010
Revised:	June 2011
Drawn by:	PCA3
Checked by:	ars/thg

**Lawson's Landing Property – Campsite Layout – Area 4**

**Lawson's Landing**  
Dillon Beach, CA 94929.  
Assessor's Parcel Number 100-100-12 & 48

**Adobe Associates, Inc.**  
Civil Engineering & Land Surveying & Land Development Services  
1220 N. Dutton Ave  
Santa Rosa, CA 95401  
707 541 2300  
FAX: 707 541 2301



(415) 310-5109

**Peter R. Baye, Ph.D.**  
*Botanist, Coastal Ecologist*  
P.O. Box 65  
Annapolis, California 95412



[baye@earthlink.net](mailto:baye@earthlink.net)

Mary Shallenberger, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

June 11, 2011

**SUBJECT: Application 02-06-018 LAWSON'S LANDING INC.** (Tomales Bay Dunes Complex/Sand Point-Dillon Beach dunes, Marin County).

Dear Ms. Shallenberger:

I would like to submit the following comments on the Lawson's Landing Coastal Development permit application. I am a professional coastal ecologist (Ph.D. University of Western Ontario, Canada – dissertation research on European and American beachgrass [*Ammophila*] ecology) specializing in coastal dunes and wetlands. I have served on the technical advisory committee for the Bodega Dunes Restoration Project (U.C. Davis Bodega Marine Laboratory and California State Parks), and I serve as a technical consultant for dune management and restoration for the National Park Service Golden Gate National Recreation Area and Point Reyes National Seashore; I also have direct and detailed site-specific field knowledge of the vegetation, geomorphology, and hydrology of the direct knowledge of the Tomales dune complex (extending from Dillon Beach to north of Tom's Point). I was the lead author for sections of the U.S. Fish and Wildlife Endangered Species Recovery Plan for Seven Coastal Plants (1998), which included "Dillon Beach" dunes. I am also the co-author of a biogeographic study of the Tomales Dunes complex, prepared for Environmental Action Committee under a grant from the Switzer Foundation. I have previously submitted comments to Marin County on the Initial Study/Proposed Negative Declaration and Draft Environmental Impact Report for earlier versions of the proposed Lawson's Landing Master Plan.

I have read the salient sections of the staff report dated July 1, 2011, and supporting documents, in the very insufficient amount of time provided for public review. This complex project in an exceptionally extensive and sensitive coastal dune and wetland setting with highly significant impacts was the subject of an EIR which was itself grossly inadequate in its analysis of environmental impacts, mitigation, and alternatives. Release of the Staff Report on the Independence Day weekend for a comment period of less than two weeks during peak summer holiday travel season effectively precludes adequate, meaningful public comments commensurate with the complexity and importance of the coastal resource issues.

I would like to emphasize three important subjects in the Staff Report and its proposed special conditions that I believe are still not adequately mitigated by proposed special conditions, and are still not adequately described and interpreted for Commission review, in my professional opinion:

Peter R. Baye Ph.D.  
Botanist, Coastal Ecologist  
[baye@earthlink.net](mailto:baye@earthlink.net)  
(415) 310-5109

1

P.O. Box 65  
Annapolis, California  
95412

1. **Natural and artificial dune wetland hydrology.** The extensive dune slack wetlands and most of the adjacent campgrounds are **natural seasonal ponds and freshwater marshes** that have been **artificially drained for use as cattle pasture and campgrounds** by an artificial ditch system combined with an old **breach (artificial gap) in the back dunes bordering Brazil Beach** (Brazil Cove). The staff report continues the misleading tradition of describing these features only as a “low lying meadow area” (p. 39, Location and Description), without context of their nature and context. This is important because **natural seasonal (winter-spring) peak flooding in seasonal ponds is what supplies breeding habitat for California red-legged frogs, maintains native seasonal freshwater marsh (rush, sedge, bulrush and spikerush) marsh vegetation, and suppresses non-native invasive plants.** Artificially draining the seasonal marsh is primarily what fuels non-native vegetation spread, combined with cattle trampling disturbance. This fundamental wetland ecology and hydrology perspective is missing from the Staff Report, and is reflected only indirectly or implicitly in proposed special condition 4, and is inconsistent with ditch recommendations in special condition 2.



Only the edge of the southern dune slacks, next to the moving dune, is isolated from the effects of surface drainage by ditches, and sustains flooded habitats in spring and summer. The rest of the wetlands at the southern end of Lawsons Landing are drained by ditches to function as pasture.

2. Drainage and grading of wetlands for campgrounds. The **campground areas that are proposed for “enhancement” of drainage ditches and grading to increase drainage (p. 110) are themselves wetlands degraded by past ditching, excessive trampling, excessive grazing, and would be converted to uplands by the drainage and grading proposed.** Dunes that are “uplands” do not require drainage for camping, even in the rainy season. Dunes are extremely well-drained sand deposits that cannot maintain soil saturation. Only dune wetlands saturate at the surface in spring, summer, or fall, so any area proposed for ditch improvements are obvious indicators of wetland presence. *I confirmed this myself by direct inspection of the areas proposed for drainage, and reported my findings to Staff biologist John Dixon.* I demonstrated not only presence of long-term wetland hydrology within campgrounds, but basic misidentification of wetland



species in the wetland delineation report (due to failure to identify plants with diagnostic parts removed by grazing).

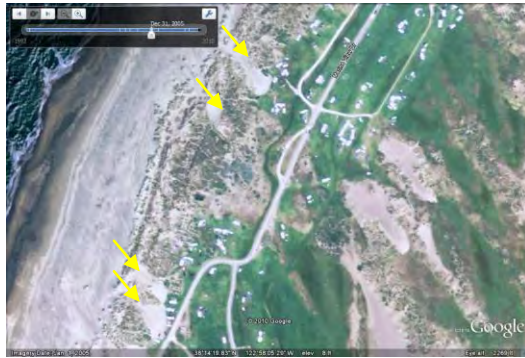
If an area in a sand dune system is actually “upland”, *by definition* it is saturated at the surface for less than 2 weeks in the entire year. The proposal to “improve” ditches is a **misleading proposal to restore artificial drainage to wetlands that have begun to regenerate from past degradation due to ditching and trampling**. This may be authorized by the Commission, but if so, it must be done with full disclosure and explicit exercise of discretion, and adequate mitigation consistent with Commission policies to protect wetlands.

3. The **foredunes that have been stabilized by European beachgrass for decades exhibit trends of long-term erosion, retreat, and mobilization since the 1990s**. The artificial beachgrass-stabilized foredunes are the only barrier that keeps the campgrounds from being overwhelmed by massive, mobile dunes migrating onshore from the beach. The Staff Report does not address the long-term conflict between sea level rise, dune retreat, dune remobilization, and the long-term location of the campgrounds. This is inconsistent with state policy for climate change adaptation, and in conflict with physical reality of unsustainable artificial foredune stabilization and long-term land uses landward of them that depend on their artificial stabilization. The **Staff report does not disclose adequately that blowouts are enlarging and have been encroaching into the campgrounds at multiple locations for years**, and that they are apparently managed by excavating trucking sand away from campgrounds. The Staff Report instead focuses (rather incredibly) on details of trail consolidation and orientation through the beachgrass-dominated foredunes, and does not require a long-term adaptive management plan for inevitable geomorphic changes in foredune stability due to sea level rise.

**The Commission should be aware that the long-term occupation of the campgrounds at their current location during accelerated sea level rise over decades, particularly at the south end of Lawson’s Landing, will require a long-term program of artificial foredune stabilization and repair that will be infeasible without either (a) excavation, removal and disposal of sand at increasing rates; or (b) stabilization plantings of European Beachgrass (*Ammophila arenaria*), a noxious invasive species that is the only plant capable of establishing extensive sand-stabilizing cover at rates of sand accretion over 2 ft per year.**



1993 (continuous vegetated foredune)



2005 (year of EIR) – foredune retreat, instability, multiple blowout enlargement



2009 continued foredune retreat, instability, multiple blowout enlargement, with piecemeal management apparently involving hauling and trucking of sand encroaching campgrounds.

**The Staff Report’s emphasis on buffers to wetlands, in my professional opinion, has misplaced emphasis on the margins of the wetlands rather than the core hydrology of wetlands.** Restoration of natural (interior dune slack) wetlands lacking surface connections to the bay would provide not only more complete and natural protection against human disturbance to wetland wildlife, but would also provide superior natural control of non-native species. Visitors to Dillon Beach seldom enter flooded or saturated marshes by foot. Bulrush vegetation in naturally flooded dune wetlands provides ample cover that shelters foraging waterfowl and wading birds against visual disturbance. Competition by native sod-forming marsh vegetation, under conditions of naturally prolonged winter flooding, suppresses or eliminates most non-native wetland weeds that currently thrive under artificial drainage and cattle trampling disturbances.

**I strongly recommend that the Commission reallocate permit condition efforts towards core wetland hydrology restoration by simply requiring closing the artificial**

**breach (dune gap around the culvert outlet) to Brazil Beach, not just “removing” the culvert**, which in itself would do almost nothing to restore wetland hydrology. The ditch outlets there should be plugged (filled to grade), and the dune gap should be closed by placing dune sand across the breach to an elevation of at least 2 meters above the elevation of the adjacent dune slack seasonal marsh. **I also strongly recommend the Commission to require a qualified technical advisory committee of experienced scientists with expertise in dune ecology, geomorphology, wetlands, and wildlife – similar to the Bodega Dunes Restoration technical advisory group – to advise the Commission staff on all subsequent dune and wetland restoration proposals for Lawsons Landing and guide their development.** An interdisciplinary expert team is necessary to ensure adequate complex dune ecology restoration planning and implementation at this site.

Proper hydrologic restoration of dune wetlands would very likely alter the proposed plans for wastewater irrigation, and would potentially raise groundwater elevations at least seasonally in areas that are currently marginal wetlands in campgrounds. This would require that the **proposed perimeter campground berm be adapted for flood control and probably also combined with an interior (true upland campground side) collection ditch and pump system to drain the campground side.** As long as the campgrounds depend on gravity drainage to the adjacent lower elevation wetland areas, there will be unsustainable pressure to drain the main wetlands artificially. The drainage of the campgrounds should not depend on artificial drainage of the adjacent wetlands. This will require more planning than the current special conditions stipulate. **The restored wetland hydrology must be integrated compatibly with campground drainage.** The campgrounds should not be drained through lowering water levels in adjacent wetlands, and campgrounds should not be established by “improved” ditching in existing wetlands, which is currently proposed in misleading language.

The Special Conditions focus on the use of “managed grazing” to control invasive non-native wetland plants is misplaced. This is the least appropriate method for managing vegetation in dune slacks that are naturally nutrient-poor and seasonally flooded. **The special conditions should emphasize the restoration of natural seasonal pond and marsh hydrology in dune slacks to control non-native plants, and favor competitive exclusion of weeds by native sod-forming sedges, rushes, and spikerush marsh in the absence of wet-season trampling.** Cattle trampling on wet, soft marsh soils causes root disturbance and reduction of cover that favors, not controls, wetland weeds in seasonally flooded dune slacks. The existing “pastures” or “meadows” are not naturally grasslands, but seasonal marshes; they have been artificially drained to convert them to pastures.

The Staff report also fails to consider or mitigate the impacts of **nutrient loading by wastewater disposal** (especially nitrogen) **on invasive species in seasonal wetlands supplied by shallow groundwater.** The special conditions should stipulate that subsequent plans for wastewater irrigation minimize or avoid nutrient loading of shallow groundwater in the root zone of dune slack wetlands.

I expect the Commission will authorize continued use of the existing campgrounds, with appropriate modifications (particularly to ensure compatibility with restored wetlands), for the near-term. I do not object to this. But I strongly recommend that the Commission require periodic re-assessment and modification of the conditions of this permit over decades to adapt to inevitable and foreseeable shoreline changes and foredune instability driven by accelerated sea level rise and extreme storm events. Long-term shoreline change adaptation should include re-assessment of the feasibility of alternative campground and recreational facility locations with comparable shoreline access to Lawson's Landing.

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Baye". The signature is written in a cursive, flowing style.

Peter Baye  
[baye@earthlink.net](mailto:baye@earthlink.net)



## United States Department of the Interior

NATIONAL PARK SERVICE  
Point Reyes National Seashore  
Point Reyes, California 94956

IN REPLY REFER TO:

L1425

**JUL 11 2011**

Ms. Ruby Pap  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

RE: COASTAL PERMIT APPLICATION 2-06-018 / A-2-MAR-08-028; LAWSON'S LANDING, INC.; AGENDA ITEM NO. W10a, JULY 13, 2011 HEARING, SAN RAFAEL, CA.

Dear Ms. Pap:

Thank you for the opportunity to comment on the application for a Coastal Development Permit by Lawson's Landing Inc. and the Commission staff report of July 1, 2011. The National Park Service (NPS) commends the Commission for a thorough and thoughtful analysis of the numerous resource protection issues which the application raises.

With the exception of impacts to visual resources, the NPS concurs with the staff evaluation approach and recommendations for mitigations to the proposed development activities in order to protect wetlands, dune systems, water quality, and rare and listed species. These recommendations go a long way towards mitigating the impacts to the native coastal ecosystem of the proposed recreational and agricultural use, 417 RV and tent spaces, 233 year-round travel trailer spaces, day use parking, boating facilities, boat mooring and launching, fuel service and storage, waste water/septic system and road improvements. The current analysis of visual impacts of the proposed project, however, is not adequate to analyze potential visual impacts of the current and proposed development to visitors of Point Reyes National Seashore.

Coastal Act Section 30251 requires that the scenic and visual qualities be considered and that new development be sited and designed to protect views, be visually compatible with the character of the surrounding area, and restore and enhance visual quality in visually degraded areas. Section 30251 further mandates protection of "views to scenic resources from public roads, beaches, trails, and vista points." Viewsheds, like ecosystems, do not conform to jurisdictional boundaries. More than 2.2 million people visited Point Reyes National Seashore last year (NPS 2010), with nearly 20% of those park visitors accessing Tomales Point. The park trails, vistas and resources at Tomales Point, within direct line of site to the project area include

Tomales Point Trail, Pierce Point Ranch, Philip Burton Wilderness, as well as the waters of Tomales Bay.

Section J of the staff report (Scenic Resources, pgs 147-149) contains limited discussion of the viewshed impacts to Point Reyes National Seashore, and lacks information necessary for the NPS to analyze potential impacts to visual resources. In order to reasonably assess the impacts to visual resources, the NPS requests that a viewshed analysis of the proposed project is completed to better understand how the existing and proposed travel trailers in Areas 1 and 2 may impact to Seashore visitors.

Special Condition 22 of the CCC permit requires the Applicant to “submit a landscaping plan designed to provide partial/mottled screening and soften the appearance of new development as seen from public vantage points to the maximum extent feasible” (p. 148), however, the height and density of the proposed vegetative screening is not specified in the report. Without an opportunity to review a landscaping plan prior to issuance of a permit, it is not clear that the potential impacts of the 233 travel trailers<sup>1</sup> proposed for Area 2 can be adequately mitigated. A viewshed analysis would inform planners and be important for development of a landscaping plan that could feasibly screen such a large number of structures from visitors at various elevations and distances across the bay. Should a viewshed analysis demonstrate that landscaping cannot adequately screen the trailers, consideration should be given to an alternative that includes a reduction in the permitted number of travel trailers in Areas 1 and 2.

Again, we commend the Commission staff on the depth of their analysis and hope that our comments prove helpful. We appreciate the opportunity to comment on this project. Should you have any questions, please feel free to contact Chief of Natural Resource Management Natalie Gates at 415-464-5189 or [Natalie\\_Gates@nps.gov](mailto:Natalie_Gates@nps.gov).

Sincerely,



Cicely A. Muldoon  
Superintendent

---

<sup>1</sup> The CCC recommends permitting 213 existing travel trailers and 20 new visitor-serving travel trailers owned by the Applicants (p.9).

W12a



Protecting Marin Since 1934

1623-A Fifth Avenue, San Rafael CA 94901  
(415) 485-6257 Fax (415) 485-6259  
mcl@marinconservationleague.org

**FAX COVER SHEET**  
Page 1 of 4

**RECEIVED**  
JUL 11 2011  
CALIFORNIA  
COASTAL COMMISSION

**Date: 7/11/2011**

**To: Ruby Pap**

**Organization: California Coastal Commission**

**Fax Number: (415) 904-5400**

**From: Nona Dennis**

**Marin Conservation League**

**Phone: 415-485-6257**

**Notes:**

**Reference Lawson's Landing**

July 8, 2011

Mary Shallenberger, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco CA 94105



Attention: Ruby Pap, by FAX 415-904-5400

Subject: Application 2-06-018/A-2-MAR-08-028 -- Lawson's Landing

Dear Ms. Shallenberger and Commissioners:

Marin Conservation League (MCL) has been dedicated to the mission of preserving, protecting and enhancing the natural assets of Marin County for more than 75 years. Consistent with that mission, the League has supported attempts for many years to bring the sensitive habitats of Tomales Dunes Complex at Lawson's Landing under long-term protection and restorative management, while still allowing the Lawson family's long tradition of stewarding the land and providing economically viable low-cost coastal access and recreation to continue. We appreciate the efforts made by the Lawson family and their consultants over the past several years, and the work of many others, including the County of Marin, to achieve a solution, which is finally within reach.

The Commission now has the opportunity to resolve the extraordinarily complex task of "balancing" two core mandates of the Coastal Act as they apply to the site: protecting and restoring the rich natural resources of the dunes complex, which qualifies as an Environmentally Sensitive Habitat Area in spite of decades of degrading use; and providing low-cost visitor access to the coast to meet present and future demand.

It is our opinion that the proposed plan and staff conditions will need several modifications to achieve a balance that is "the most protective of significant coastal resources." Three conditions are of particular concern to MCL:

1. **To fairly balance the conflicting coastal policies of Lawson's Landing, the number of approvable campsites should be based not on occasional peak recreational use but on appropriate, least damaging use of the site.**

The entire staff proposal presented to the Commission rests on the assumption that, in order for Lawson's Landing to continue to provide viable low-cost coastal recreation, it must also continue to be the largest coastal campground not only in the North Central Coast region but also on the entire California Coast! This results in a serious imbalance that weighs the significance of resources that are unique on the Central Coast and rare in California against the importance of a recreational site that is unique only in the sense that it has grown "big" through illegally expanding its facilities at the expense of altering and degrading the natural resources that it uses to its advantage. Basing numbers of allowable campsites on this pattern of expansion has the effect of rewarding years of illegal behavior and does not satisfy the long-term public legacy of protecting coastal resources for future generations.

As MCL and others suggest, areas that are most sensitive and/or most susceptible to restoration of natural dune dynamics and hydrologic regime should be avoided. The loss of camping in some areas



(Area 4, east of the road – see Item 2 below) could be offset by opening the already degraded Areas 1 and 2 to full visitor-serving use in the near term, rather than attempting to convert the residential travel trailers to visitor use over the next six years through a management-intensive rental arrangement as proposed in Condition 5.

2. **Camping should be restricted to areas where it will cause the least damage, and therefore should not be permitted in the portion of Area 4 east of the roadway that is most conducive to wetland restoration.**

Area 4 presents a significant opportunity for restoring native wetland habitat. This area is contiguous with a large inland wetland complex and is currently drained by narrow ditches. As a consequence, Dr. Dixon observes on Page 5 of his June 23, 2011, memo: "the grassland has become increasingly dominated by the invasive kikuyu grass, but still supports many native species of rushes, sedges, and other wetland plants." "The wetter the habitat, the greater the proportion of native species" (emphasis added). Reestablishing the natural hydrology would encourage the Kikuyu grass to be replaced by native species. Dr. Dixon again notes on Page 16: "The wetlands are now drained by an extensive system of ditches that ultimately discharge to the ocean. These should be filled or blocked so that water is retained in the wetlands. This would increase the extent and duration of inundation and saturation and benefit native species while inhibiting the spread of some invasive species."

A "wetland transition area/buffer" of up to 100 feet should be established between the main road and the wetland complex to the east. The plan for restoration of this area should be prepared by a qualified hydrologist as part of the Protection Restoration and Enhancement Plan (see Item 3).

3. **The Tomales Wetland-Dune Complex Resource Protection, Restoration and Enhancement Plan (PREP), outlined in Condition 4, should apply to the entire Conservation Easement area and be guided by a Technical Advisory Committee with relevant expertise.**

A long-term plan for protecting and restoring the Tomales Dune and Wetland Complex has been long sought and is key to allowing continued recreation to occur without further habitat degradation. Staff Report Condition 4 lays out the basic requirements for the PREP. In its present form, however, the Applicant's Plan consists only of a series of exhibits, designation of three Restoration Areas A, B, and C, but no text or further explanatory material. Because it is so critical, the final plan, to be submitted within six months, should be subject to Commission review.

It is also essential that a Plan of this importance should have peer review by a technical advisory committee made up of regional experts and/or academics in relevant fields of hydrology, wetland restoration, vegetation ecology, and dune geomorphology.

The hydrology component of the PREP should identify measures to fully restore the natural subsurface hydrology and include measures to separate the hydrology of camping areas that could be subject to flooding, from that of natural areas that will benefit from flooding.

The dune restoration and vegetation ecology component should identify measures to restore dynamic interactions between all elements of the dunes-wetland ecosystem, including foredunes, deflation plane, dune scrub, mobile dunes, and wetlands. The measures should consider restoring natural sand movement – a "sand pathway" – in the southern part of Area 4 where camping does not occur.

*Ammophila arenaria* should be removed from areas of foredunes and backdunes, accompanied by revegetating areas of foredunes with native dunemat/dunegrass plants.

If formal trails are proposed in dunes, standard dune crosswalk structures designed for active mobile dunes, including elevated boardwalks, mobile boardwalks, and sand ladders, should be used.

In conclusion, MCL concurs with the evaluation of Ralph Faust, on the last page of his detailed analysis in a letter in behalf of EAC to the Coastal Commission (paraphrased here): Many acres of rare habitat of extraordinary value have been damaged by illegal development at Lawson's Landing over decades – years in which unregulated recreational uses far outweighed resource protection. The commission can restore the balance now by limiting the development – e.g., eliminating quasi-residential uses (travel trailers in Area 1 and 2) and making that area available to visitors and further limiting camping in areas that can be restored, like Area 4 east of the roadway – and by requiring the Applicant to protect and restore all of the habitat that is not being specifically permitted to be developed.

Thank you for this opportunity to comment on this important matter before you.

Sincerely yours,



Susan Stompe  
President



Nona Dennis  
Vice President

W12a

Agenda Number: Lawson's Landing Inc  
Permit Number: 2-06-018/A-2-MAR-08-028  
James L. Pastore  
In favor of the project.

RECEIVED

JUL 11 2011

CALIFORNIA  
COASTAL COMMISSION

July 6, 2011

California Coastal Commission  
North Central Coast District Office  
45 Fremont St. Suite 2000  
San Francisco, CA 94105-2219

Re: Lawson's Landing, Inc Coastal Permit Application

My family and I have been Rving or tent camping at Lawson's Landing since 1982. The Lawson's family has continued throughout the many years to provide a safe, clean, well maintained and monitored area. It's a very unique experience to have full public access to the coast line and the Lawson's family continues to provide the opportunity. I have never seen trash in the camp area nor on the beaches. It appears that every camper helps to keep the area clean by not leaving behind trash and I have never witnessed sewage dumping. Lawson's Landing is well known for its family enjoyment area. My children are safe and free to play in the dunes and run down to the beach. It's a very healthy outdoor experience now shared with four generations.

As a Sierra Club member, I'm in favor of the continued public access of Lawson's Landing. The Lawson's family through private ownership has shared their unique land with many families and I plead with the Commission to vote in favor of allowing the Lawson's Landing, Inc. Coastal Permit.

Respectfully,

James L. Pastore

JAMES L. PASTORE  
P. O. Box 10  
Wallace, CA 95254



---

PO Box 370 • Forest Knolls, CA 94933

P: 415.663.8590 • F: 415.663.9534

[www.SeaTurtles.org](http://www.SeaTurtles.org) • [www.SpawnUSA.org](http://www.SpawnUSA.org) • [www.GotMercury.org](http://www.GotMercury.org)

10 July 2011

RE: ***Application No. 2-06-18/A-2-MAR-08-028***

Dear Commissioners:

We appreciate the opportunity to comment on this application on behalf of our thousands of members who live and visit the California coast.

We encourage you to take action that result in restoration of the biologically unique Tomales Dunes-wetlands complex, which has been degraded by unpermitted RV and auto camping for four decades. Camping should be concentrated to the most degraded and difficult-to-restore areas of the Tomales Dunes-Wetlands complex. In particular, the wetland-dunes habitat to east of the road needs strong protection and required restoration. Legalization of the current unpermitted development to allow some level of continued operations must include a detailed, science-based restoration plan.

We also support commission staff recommendations to impose a 100-300 foot buffers around the environmentally sensitive habitat areas in camping Areas 3 and 4.

We further recommend that the Commission support a plan for Area 2 Camping that opens opportunities to all California visitors on a first-come basis. The staff recommendations that require current "permanent" residents to lease their trailers part of the year to the public appears extremely difficult to monitor to ensure compliance, and thus we believe is unlikely to succeed, and meet the desired results.

Finally, we urge the Commission to establish a science-based technical advisory committee to oversee implementation of a restoration plan.

Sincerely yours,

A handwritten signature in black ink that reads "Todd Steiner".

Todd Steiner  
Executive Director



W126

July 11, 2011

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
Attention: Renee Ananda  
[rananda@coastal.ca.gov](mailto:rananda@coastal.ca.gov)

**RE: Application No. 2-10-33 (City & County of San Francisco) to Permit Coastal Armoring at Ocean Beach, San Francisco – Wed 10b**

*Via electronic mail to Renee Ananda*

Dear Chair Shallenberger and Commissioners,

Please accept these written comments on behalf of the San Francisco Chapter of Surfrider Foundation (“Surfrider”) and Save the Waves Coalition (“Save the Waves”) in regards to the application of the City & County of San Francisco (“Applicant”) to construct various armoring structures at Ocean Beach (Item Wed 10b). Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of our world’s oceans, waves and beaches, for all people. Save The Waves Coalition is a global nonprofit organization dedicated to protecting and preserving the coastal environment, with an emphasis on the surf zone, and educating the public about its value.

The Applicant seeks a permit (Application No. 2-10-33) to allow after-the-fact use of rock revetment, permit additional rock revetment, and to add additional armoring in the form of two tangent pile walls. Surfrider and Save the Waves respectfully urge the California Coastal Commission to **DENY Application No. 2-10-33 (City & County of San Francisco)**. At a very minimum, the California Coastal Commission should postpone making a decision upon the completion of the Master Plan for Ocean Beach.

Ocean Beach is a dynamic region that is home to world-class surfing and is a heavily used natural recreational resource for beach walkers, joggers, fishermen, and others. As the primary public beach serving the city, it is important to protect Ocean Beach for public use and enjoyment. The area also provides habitat for numerous wildlife species including the bluff-dwelling bank swallow, a state-listed threatened bird species, as well as the western snowy plover, a federally-listed threatened bird species. The project area, which is located on Ocean Beach along a particular area often referred to locally as Sloat, supports all of the aforementioned public uses. Additionally, the bluffs are potential habitat of the bank swallow<sup>1</sup>, and the beach stretching from north of the project area

<sup>1</sup> As cited in the Staff Report: “The area south of the project site, at Fort Funston is designated bank swallow habitat. The bank swallow is a California listed threatened species. Bank swallows use portions of coastal bluffs for nesting although the main colony is located at Fort Funston to the south of the project site there is a potential for nesting to occur within Reaches 1 and 2.” p. 27.



down to Sloat Blvd. at the north end of the project area is designated as Snowy Plover Management Area.<sup>2</sup>

Surfrider and Save the Waves acknowledge the complex nature of this issue and understand the need to ensure that public infrastructure is safeguarded. However, this permit should not be approved at present for a variety of reasons.

#### I. Failure of Applicant to Appropriately Respond to the Problem

In regards to the Applicant's track record of action responding to erosion at Sloat, the Applicant has demonstrated itself to be reactionary, not visionary, and has demonstrated its propensity to take action as it pleases. The erosion problem in this area is not new. Concerns of its potential to impact infrastructure arose with the El Niño events of the mid 1990s. The Applicant built the first unpermitted armoring structure in 1997. Thus, the Applicant has had over 14 years to consider and develop appropriate long-term solutions that could best comply with Coastal Act policies and serve the interests of the community. Not only has the Applicant failed to develop an adequate long-term plan over this time, but it has failed to even get the proper permit for the revetment that was built so long ago. The track record is poor. Allowing the Applicant to continue in this manner is unacceptable and approving a permit for this project would legitimize these piecemeal efforts and declare them to be consistent with the Coastal Act.

#### II. Inconsistency with Coastal Act Policies

Section 30200(b), requires the Commission to resolve policy conflicts via Section 30007.5. Section 30007.5 states the intent of the Legislature that policy conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. With this in mind, although Section 30235 allows the use of coastal armoring for the protection of an existing structure and the project seeks to maintain biological productivity through minimization of adverse effects such as wastewater discharges (as provided for in Section 30231), these policies must be balanced with policies to protect and maximize access (Sections 30210, 30211, and 30212(a)), to protect environmentally sensitive areas (Section 30240), and to protect visual resources (Section 30251).

The project as proposed may be consistent with Sections 30231 to the extent that it seeks to protect wastewater infrastructure and prevent a spill, but it is not consistent with any of the other aforementioned policies and, on balance, is not most protective of significant coastal resources.

---

<sup>2</sup> As cited in the Staff Report: "The National Park Service in the Draft Snowy Plover Management Plan of 1998 designated the area between Stairwell 21 (just north of Lincoln Ave) and Sloat Blvd as snowy plover management area." p. 27.



Section 32035: Section 30235 dictates that the Commission must approve shoreline protection devices, such as the proposed project’s rock revetments and tangent pile walls, only if (1) it is *required* to protect an existing structure in danger from erosion and (2) it is designed to *eliminate or mitigate adverse impacts on shoreline sand supply* (emphasis added). The Commission has interpreted the term “required” to mean that the structures shall be permitted if they are the only feasible alternative capable of protecting the structures in danger from erosion.<sup>3</sup> Per Staff’s own assessment, other alternatives that should be considered by the Applicant include abandonment of the threatened structures; relocation of the threatened structures (managed retreat); sand replenishment programs; drainage and vegetation measures on the bluff top itself; installation of vertical walls, and some combination of these alternatives.<sup>4</sup> Instead of interpreting Section 30235 as enumerated in Staff’s own report, Staff inappropriately interprets the policy a different way, stating that “the proposed project is the least environmentally damaging option for shoreline protection *that will provide the applicant time to develop and implement a long-term solution [...]*” (p. 20, emphasis added). Additionally, the proposed project’s impacts to sand supply during its life span are not considered, nor mitigated, as required by Section 30235.

Sections 30210, 30211, and 30212(a): These three sections provide for the maximization and protection, respectively, of coastal access. The proposed project is not consistent with these policies because it proposes to allow rock revetments along the beach, which require a very large footprint to maintain structural stability and effectiveness. This footprint displaces otherwise usable beach area and contributes to the loss of sandy beach seaward of the structures themselves. It is likely that **any other alternative** would be more protective of access than rock revetments, as they would not require this large footprint on the beach.

Section 30240: Section 30240 states, in part, that environmentally sensitive habitat area shall be protected against significant disruption of habitat values. “Environmentally Sensitive Area” is defined in the Coastal Act as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature [...] and which could be easily disturbed or degraded by human activities and developments” (Section 30107.5). Given that areas adjacent to the project location are known to provide habitat and nesting area to the state-listed bank swallow and the federally-listed snowy plover, and that the project area itself is identified as a potential site for both species of bird, the project area needs to be assessed to determine whether or not it is “environmentally sensitive area” and, if so determined, the project needs to be evaluated for its potential impacts to these sensitive areas. Without such analysis, it is infeasible to determine whether or not the project is consistent with this Coastal Act policy.

---

<sup>3</sup> Staff Report p. 19

<sup>4</sup> Staff Report p. 19



Section 30251: Section 30251 requires that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. Placing large expanses of rock in front of sandy bluffs on a sandy beach can hardly be described as being consistent with this policy. Similarly, tangent pile walls, which are the visual equivalent of walls comprised of concrete columns, or the additional rock that will need to be placed to protect them once they are exposed<sup>5</sup>, are certainly not visually compatible with the natural surroundings.

### III. Inadequate Consideration of Alternatives to the Project

The Applicant has not properly assessed the feasibility of long-term, less environmentally detrimental solutions including strategic relocation of infrastructure, abandonment of structures, drainage and vegetation measures on the bluff top itself, or some combination of alternatives. The only alternatives assessed were a series of armoring options and a “no action” alternative.

### IV. Structures Are Not Necessarily Temporary

Although Staff maintains that the temporary nature of these structures as provided for in Special Condition 1 minimizes the project’s impacts on access, loss of access has occurred while the revetments have been in place (including over the past 14 years that the 600 ft. revetment has been in place) and will continue to occur during the “temporary” timeframe of the permit. Furthermore, it is questionable whether these structures will indeed be temporary. Despite the provisions in Special Condition 1 that limit the permit of the rock revetments to five years, there are a number of loopholes that exist. Special Condition 1(B)(3) allows for the permit to be extended an additional five years “for good cause”. Special Condition 1(B)(2) allows for the Applicant to opt to submit a CDP application for a long-term solution and does not preclude the applicant from seeking to re-permit these temporary structures. There are **no provisions** for the removal of the tangent pile walls at any time. Given that the revetments will already be in place, it is highly likely they will be the lowest cost alternative, thus there will be a major incentive for the Applicant to continue to pursue a permit for their use.

### V. Undermines the Ocean Beach Master Plan Process

Additionally, this project would undermine the ongoing process to create a Master Plan for Ocean Beach, which will serve as guide for policy and planning over the long haul.

---

<sup>5</sup> Communication from San Francisco Department of Public Works to California Coastal Commission Staff.  
[http://www.sfdpw.org/Modules/ShowDocument.aspx?documentid=1090&rct=j&q=ocean\\_beach\\_moffatt\\_&\\_nichol\\_2010&ei=Mw0SToSvNILjiAKA0KDYBQ&usq=AFQjCNHSTTuhhiuTc295K-qT-V3-xDX-Mg&cad=rja](http://www.sfdpw.org/Modules/ShowDocument.aspx?documentid=1090&rct=j&q=ocean_beach_moffatt_&_nichol_2010&ei=Mw0SToSvNILjiAKA0KDYBQ&usq=AFQjCNHSTTuhhiuTc295K-qT-V3-xDX-Mg&cad=rja) Accessed July 4, 2011. pp. 6, 10, 14.





The non-governmental agency San Francisco Planning and Urban Research (SPUR) is leading this process to create the OB Master Plan to, amongst other things, identify erosion responses that best meet the diverse needs and desires of the community. In regard to timing, the Master Plan process is well underway and is set to identify solutions in late 2011/early 2012. Acting now, especially given that construction of permitted projects is not likely to start until winter<sup>6</sup>, would short-circuit the process and its recommended actions in a variety of ways, not the least of which is commitment of financial resources. The tangent pile wall project alone is projected to cost approximately \$5-6 million of new taxpayer money<sup>7</sup> on top of \$4+ million spent on the prior revetment projects.<sup>8</sup>

For these reasons, Surfrider and Save the Waves respectfully urge the Commission to **Deny Application No. 2-10-33** to stop the cycle of ineffective band aid projects to address Ocean Beach's coastal erosion issues. Instead, the course of action needs to be lead by an environmentally sustainable long-term plan that has properly assessed all feasible alternatives and incorporated public input. Only then will we find the best alternatives for protecting coastal resources and public access, while also ensuring the protection of infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Westfall".

Katie Westfall  
Environmental & Program Director  
Save The Waves Coalition

/S/

Bill McLaughlin  
Erosion Committee Project Manager  
Surfrider Foundation  
San Francisco Chapter

---

<sup>6</sup> Personal communication from Frank Filice, San Francisco Department of Public Works, to Bill McLaughlin, Surfrider Foundation San Francisco Chapter representative, on June 20, 2011. Also, as cited in the Staff Report: "The bank swallow nesting period is between mid-April and mid-August." p. 27.

<sup>7</sup> Personal communication from Frank Filice, San Francisco Department of Public Works, to Bill McLaughlin, Surfrider Foundation San Francisco Chapter representative, on June 20, 2011.

<sup>8</sup> Presentation by Frank Filice, San Francisco Department of Public Works, to SPUR Master Plan Public Advisory Committee, Surfrider Foundation San Francisco Chapter representative, on June 16, 2011.



CC:

Peter Douglas, Executive Director, California Coastal Commission

Charles Lester, Senior Deputy Director, California Coastal Commission

Ruby Pap, District Supervisor, California Coastal Commission

From: Steve\_Ortega@nps.gov [[mailto:Steve\\_Ortega@nps.gov](mailto:Steve_Ortega@nps.gov)]  
Sent: Monday, July 11, 2011 3:26 PM  
To: Renee Ananda  
Subject: Comments on Staff Report

Renee,

Please consider the following comments on your staff report. I think you did a good job overall on the report. There may be other comments that I send to you later, but I would understand if you cannot process them because of their late arrival.

SC.2: Most of the concrete rubble occurs between the two revetments. I would expand the language to include the entire project area (from Sloat to the end south end of the rock revetment). Most of the rubble is between the two rock revetments. Some of this rubble is dangerous (rebar, and hazardous - old asphalt).

SC.6.: The monitoring section requires an annual survey of the beach and bluff top areas between Sloat and Skyline blvds at a minimum, but the Reporting section (C.) requires information on topographic field surveys taken in the spring and fall of each year. These should be consistent, since they can't report on data they don't have.

SC. 6.A.2. I suggest adding an option for another Lidar Survey, for a total of 3. It would be good to see the third one occur in a year in which there were a lot of high energy wave events i.e. after an el nino winter. It is these events that we see considerable bluff erosion. Ground Based Lidar is really useful to look at impacts to the bluffs adjacent to the structures as well, please clarify the language so that the surrounding bluffs are part of the LIDAR survey, so they don't just survey the structures. Also, the reporting section doesn't mention that they should prepare a report looking at the LIDAR data collected at 1 and 5 years as a condition of the permit. There is a general item that they should prepare an analysis of erosion trends, annual retreat, or rate of retreat of the bluff. However, processing and visualization of Lidar data can be pretty technically intensive and so it might be good to actually have a reporting item that includes a comparison of those two (3) surveys to make sure they

don't intend to just send that data to CCC or NPS and expect us to do the analysis. We also suggest they utilize and contract with USGS because they have expressed interest in doing the work, and would add to their data set they are amassing for Ocean Beach.

SC.6.B.: We think the EQR revetment is causing accelerated erosion around the end of the revetment (just immediately north of the revetment). The accelerated bluff erosion is causing considerable maintenance of the bluff top parking area (cutting back asphalt so that it does not fall onto the beach, constant adjustment of k-rail to preven the public from dangerous areas, rearranging parking areas, signage and notification). We feel the DPW should assist NPS in this maintenance effort.

SC.11.: Add another condition that the Design Plans will be reviewed and approved by NPS prior to submittal to the Executive Director. We have some concerns regarding the rock stairway, so would like to have a chance to review/approve.

=====  
Steve Ortega  
Planning, Project Management, and Compliance  
Golden Gate National Recreation Area  
Office (415) 561-2841  
Cell (415) 269-9916  
=====

**2-10-033 (City & Co. of San Francisco)  
Correspondence from  
Form Letter example**

189 - received

**Maria Elena Marquez**

---

**From:** Renee Ananda  
**Sent:** Monday, July 11, 2011 10:54 AM  
**To:** Maria Elena Marquez  
**Subject:** FW: Deny Permit for Ocean Beach Armoring

W12b

THANK YOU!

-----Original Message-----

**From:** Fletcher Chouinard [mailto:fchouinard@aol.com]  
**Sent:** Monday, July 11, 2011 10:45 AM  
**To:** Renee Ananda  
**Subject:** Deny Permit for Ocean Beach Armoring

Dear Commissioners,

I do not support coastal armoring at Ocean Beach south of Sloat Blvd. The San Francisco Department of Public Works started placing unpermitted armoring here in 1997 and now is coming to you to permit this structure and allow them to expand armoring elsewhere. The residents of San Francisco and the beach-going public deserve better than giant piles of rocks on our beach.

Luckily there is a process afoot aiming to identify a better way. The Ocean Beach Master Plan process led by SPUR (San Francisco Planning and Urban Research) has been conducting a series of government/community stakeholder workshops aimed at finding a consensus long-term solution to the erosion problem in the area. The process is slated to have recommendations by late 2011/early 2012. Permitting an expansion of armoring at this juncture would undermine the integrity of the process and its outcomes.

Please deny the project, or at least postpone the decision so we can see the Master Plan process through.

Thank you for your consideration.

Fletcher Chouinard  
43 s olive st  
ventura, CA 93001