

**RICHARD CHARTER
6947 CLIFF AVENUE
BODEGA BAY, CA 94923**

September 28, 2015

Permit & Resource Management Department
County of Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
Attention: Lisa Posternak

Submitted via email at:
PRMD-LCP-Update@sonoma-county.org

Re: Comments on the draft proposed Sonoma County Local Coastal Plan (LCP).

Dear Ms. Posternak:

Thank you for this opportunity to comment on the draft proposed Sonoma County Local Coastal Plan (LCP).

Our LCP must continue to provide the critical template for maintaining the compelling beauty and natural character of the Sonoma County coastal zone. Maintaining a robust LCP remains our best defense in the face of inappropriate development pressures in peaceful rural areas, ill-advised industrial projects in the wrong place, the threat to public safety posed by now-unregulated coastal vacation rental mismanagement, and poorly-designed highway infrastructure construction. The preliminary draft proposed Sonoma County Local Coastal Plan provides a good start at continuing our past careful stewardship of our coastal lands, but weakening amendments have crept in that need to be dropped and more protective measures should be included in the next iteration of the LCP to keep up with newly-emerging threats to our coast. There are plenty of inspiring precedents and success stories that justify applying the precautionary principle to continuing to protect our coastal assets here.

The condition of the Sonoma Coast today has been largely defined by the damaging projects that have not been built here. For more than a half-century, concerned local citizens have worked diligently with, and sometimes without, the help of local elected officials to prevent the destruction of our coast, including stopping the construction of a nuclear power plant on a major earthquake fault on Bodega Head and scrapping a proposed industrial gravel dredging project to remove Penny Island and excavate an artificial embayment to be surrounded by urban-density condominiums at Jenner. Similar citizen efforts prevented construction of a once-proposed four lane Jenner bridge connected to a continuous Highway One freeway from Petaluma combined with a large coastal water supply aqueduct to encourage oceanside subdivisions. Sonoma County residents also eventually stopped the

attempted lockout of the public from virtually every beach and cove at Sea Ranch, and permanently precluded offshore drilling rigs and associated high-risk petroleum infrastructure at Sea Ranch and Bodega Bay while finding constructive water recycling alternatives to proposed municipal wastewater disposal at the Estero Americano and an ocean outfall pipeline off of Salmon Creek Beach. All of these successes took place even while the public worked to achieve incremental improvements in disastrous logging activities that had long continued in Sonoma County as representative of some of the most ecologically damaging timber harvest practices in the nation. During the same period, the public pursued the successful adoption of the Coastal Act that enabled the California Coastal Commission while creating our hard-won system of state and county coastal parklands that now serves as an important driver of today's vibrant regional clean-coast economy. It is time for our Local Coastal Plan to build upon, and not erode as proposed in the current draft version, the past historic precedents that have thus far maintained our coast as the world-class wonder it remains today.

These comments focus on six primary sets of policy requirements confronting our coast at this time: (1) Supplement and update applicable sections of the draft proposed LCP relating to the remaining ongoing potential for onshore facilities that will be needed if offshore oil and gas activities eventually occur to our north; (2) Eliminate the proposed weakening amendments to the Agricultural Lands element that would inappropriately broaden permitted uses in the Coastal Zone to include industrial-scale recreational uses and large wineries and associated major event facilities; (3) Issues related to the anticipated weakening of the amended LCP to define the parameters of the proposed Caltrans Gleason Beach Highway One Realignment and Bridge Project; (4) The need to defend our coast's Environmentally Sensitive Habitat Areas (ESHA) threatened by habitat-disturbing activities such as destructive new timber harvest plans along the Gualala River floodplain and the unprecedented "perched lagoon" proposal for the Jenner Estuary; (5) Don't amend the LCP to accommodate the proposed "BB-COOL" marketing center as currently being planned for the village of Bodega Bay; and (6) Need to strengthen the Sonoma County Vacation Rentals Ordinance and apply it within the Coastal Zone to protect public safety.

Comments on each of these six key elements follow in the subject order outlined above:

(1) Supplement and update applicable sections of the draft proposed LCP relating to the remaining ongoing potential for onshore facilities that will be needed if offshore oil and gas activities eventually occur to our north:

A permanent prohibition on federal offshore oil and gas leasing and subsea mining along the entirety of the Sonoma Coast was put in place pursuant to the Federal Register-noticed rulemaking on March 12, 2015, 15-CFR Part 922, RIN 0648-BD18 at <http://sanctuaries.noaa.gov/management/fr/80fr13078.pdf>

This rulemaking was then coupled with the subsequent notice of name-change and accompanying formal Final Rulemaking on June 15, 2015, 15-CFR Part 922, RIN 0648-BE95 at

<http://sanctuaries.noaa.gov/management/fr/80fr34047.pdf>

This permanent and binding prohibition precluding federal offshore oil and gas leasing along the remaining previously-unprotected portions of the Sonoma Coast was put in place as a

result of three decades of supportive actions by the fishing industry, the Sonoma County Board of Supervisors, the California congressional delegation, and the general public, resulting in the boundaries of the Cordell Bank and Gulf of the Farallones National Marine Sanctuaries being expanded northward to Alder Creek in Mendocino County, see map at: http://farallones.noaa.gov/manage/pdf/expansion/maps/Expansion_150514_v17.pdf These new federal protections have resulted in a name change for the Gulf of the Farallones National Marine Sanctuary, now renamed the Greater Farallones National Marine Sanctuary. In State of California waters within three miles from shore, a State Tidelands Oil and Gas Sanctuary also remains in place, preventing state leasing of nearshore waters to oil and gas companies.

In spite of these permanent prohibitions on offshore oil and gas leasing that had long been proposed near the Sonoma Coast, there remains the eventual potential for the inner harbor at Bodega Bay to one day still be targeted for construction of an onshore support base or related oil terminal and transshipment facility to accompany federal offshore oil and gas leasing that might occur further north off of the Mendocino Coast in the future. Therefore, the rarity of the sheltered harbor at Bodega Bay, and the dearth of similar harbors nearby, dictate that the LCP's prior "Outer Continental Shelf Development Policy", including references to Coastal Act provision 30262 contained in the "Sonoma County Local Coastal Plan Update Preliminary Draft-June 2015" Land Use Element should remain in the LCP document going forward, including the protective OCS elements of the referenced "Bodega Bay Land Use Plan" as well as the prior LCP's reference to the voter-adopted "Ordinance 359 2R", including Goal-C-LU-1, Objective-C-LU-1.1, Objective-C-LU-1.2, and further including the cited reference: "The following policies shall be used to achieve these objectives: Policy C-LU-1a", inclusive, and also including (Existing LCP Revised) Policy C-LU-1b (with appropriate updating strikeouts remaining per those being proposed by staff in the "Sonoma County Local Coastal Plan Update Preliminary Draft-June 2015" as circulated by PRMD).

The findings of the "Offshore Oil Development-Onshore Facilities Feasibility Study" as previously referenced in the "Sonoma County Local Coastal Plan Update Preliminary Draft-June 2015" should also remain in the revised LCP as proposed in the draft by PRMD. Other offshore energy generation facilities, including but not limited to floating or fixed wind and wave arrays, are not necessarily prohibited outright by the 2015 expanded National Marine Sanctuary designations, nor by the pre-existing National Marine Sanctuaries, but such industrial installations could, like potential offshore oil and gas development north of Sonoma County, extend over large areas of the ocean and result in as-yet-poorly-understood adverse impacts within the Coastal Zone, including physical alteration of wave behavior along our coastline, and also hold the potential for substantial offshore space-use conflicts displacing the region's commercial fishing industry and recreational fishers from traditional fishing grounds and practices. No new permits or proposed projects of this type are currently pending, and the economics of such technologies compared with other energy sources are not presently competitive and it is unclear whether these installations would receive necessary approvals from agencies holding relevant jurisdiction offshore, although the LCP should be anticipatory and precautionary on this topic since onshore industrialization is likely to accompany these types of installations. Such non-oil-and-gas energy installations, were they to be ultimately permitted offshore, would be likely to result in related onshore permit applications for various types of terrestrial support facilities on

lands adjoining coastal harbors such as Bodega Bay, the various constraints for which could eventually be interpreted and transposed with appropriate technical guidance from Sonoma County's "Offshore Oil Development-Onshore Facilities Feasibility Study", once the actual physical infrastructure needs, public service requirements, and land-use footprint of such onshore support facilities have been fully disclosed on a case-by-case basis. No utility grid connectivity or substation of sufficient capacity presently exists in Bodega Bay, or anywhere near the Sonoma Coast, for a transmission cable landfall from such an installation offshore.

Maps showing adjacent offshore waters in the new LCP should also be updated to reflect the creation of new marine protected areas in state waters off of the Sonoma coast, reflected as follows:

http://farallones.noaa.gov/about/pdf/CA_MLPA.pdf

LCP maps should also be updated to depict the California Coast National Monument and Corridor, which includes offshore farallones and seastacks along the Sonoma Coast:

http://www.blm.gov/style/medialib/blm/ca/nlcs/California_Coastal_NM/maps.Par.65314.File.dat/CA_CaliforniaCoastal_NM.pdf

(2) Eliminate the proposed weakening amendments to the Agricultural Lands element that would inappropriately broaden permitted uses in the Coastal Zone to include industrial-scale recreational uses and large wineries and associated major public event facilities:

The Coastal Zone of Western Sonoma County has retained its unique rural character due in large part to the ongoing protections long provided in the LCP. In spite of a growing popularity with bicycle racers and an explosive increase in out-of-area visitor traffic drawn by breathtaking viewsheds from quiet lanes, the history of this region is literally written on the land by our LCP. The most recent iteration of the draft proposed Sonoma County Local Coastal Plan would arbitrarily transfer a less-protective set of planning principles from the "General Plan 2020" document and use it for future application to the Coastal Zone by amending the LCP and inappropriately seeking certification of such changes by the California Coastal Commission. This misguided attempt at the application of lax inland planning principles ignores the sensitive nature of our coastal lands, wildlife, and watersheds. Permanent conversion of forestlands to vineyards on often steep erosion-prone soils, installation of large bulk wine-processing and tasting-room facilities not dependent upon onsite agricultural products, and the approval of industrial-scale printshops, event centers, and other commercial facilities represents a tragic departure from the heritage of care and stewardship that has long characterized our coastal zone. This water-scarce region is obviously prone to disastrous fires, such as the Creighton Ridge Fire in 1978, see http://www.sonoma-county.org/prmd/docs/hmp_2011/figures/8_9.pdf Emergency response times are necessarily a function of distance for many sparsely-populated rural areas along our coast, and in spite of the best efforts of first responders, wildfires have sometimes gotten a dangerous head start before a full-scale response can arrive. It would be gravely irresponsible to expose these highly volatile lands to a much

greater risk of ignition sources from increased human activity when urban levels of emergency response capability are simply not going to be available.

Unique plant assemblages and wildlife are an important part of this region, see <http://oredazac.tripod.com/flora.html>

For these reasons, the arbitrary application of “General Plan 2020” land use principles to the Coastal Zone would be wholly inappropriate and pose a danger to residents, to highway safety, and to the unique character of the region.

(3) Issues related to the anticipated weakening of the LCP to define the parameters of the proposed Caltrans Gleason Beach Highway One Realignment and Bridge Project:

Predictably, bluff erosion from a perched water table in unstable soils threatens California State Highway One and is undermining a mistakenly-permitted subdivision atop crumbling cliffs near Gleason Beach on the Sonoma Coast. Caltrans is proposing a massive elevated concrete bridge overpass and associated appurtenances that, if constructed as now defined, would virtually obliterate a unique coastal Scenic Landscape Unit (SLU) at the mouth of Scotty Creek, result in the loss of valuable cultural resources, damage important ESHA wetlands, and impose an urban landscape on a historic ranch and associated agricultural buildings. Execution of the present grandiose version of Caltrans’ proposal needs to be scaled back to more appropriately resolve the need for a reasonable highway bypass without constructing an irrelevant project that would be entirely out of scale with its fragile natural setting on a unique part of the Sonoma Coast. Caltrans has, thus far, avoided holding on-the-record public hearings in compliance with CEQA for this proposed project. Mitigation measures being discussed for unavoidable irreversible impacts of the Caltrans project are thus far inadequate. The LCP should not be amended upon adoption to categorically approve the proposed Caltrans’ Gleason Beach Realignment Project until pressing issues of scale, future continuation of public beach access, an appropriate ratio of necessary mitigation measures, the unaddressed need for stream recovery and salmonid restoration, and the project’s irreversible destruction of wetlands and scenic values have been resolved to the satisfaction of the County of Sonoma and local residents and is found to be in full compliance with CEQA and this project is determined to be consistent with all relevant elements of the LCP, including avoidance of ESHA habitat designations.

(4) The need to defend our coast’s Environmentally Sensitive Habitat Areas (ESHA) threatened by habitat-disturbing activities such as destructive new timber harvest plans along the Gualala River floodplain and the “perched lagoon” proposal for the Jenner Estuary:

The now-pending “Dogwood” Timber Harvest Plan for 320-acres within the floodplain of the Gualala River and close to the edge of Sonoma County’s Gualala Point County Park lies

within the Sonoma County LCP on both the north and south sides of the river, see <http://gualalariver.org/forestry/massive-floodplain-logging-plan-for-lower-gualala-river-threatens-wetlands-rare-plants-endangered-wildlife/> This plan for floodplain logging threatens wetlands, rare plants, and endangered wildlife, and the newly-amended LCP should clearly protect ESHA values at this site. Maps for overlay with the ESHA designations in the LCP can be found at <http://gualalariver.org/slider-front-page/maps-of-logging-plans-on-the-lower-gualala-river/>

Similarly, at the mouth of the Russian River, in the sensitive estuary itself, a proposed plan for construction of an impounded “perched lagoon” would adversely impact long-designated ESHA habitat surrounding this very important estuarine mixing zone, contrary to the federal Clean Water Act. As wetlands surrounding the Russian River estuary are artificially flooded by this impoundment, sensitive estuarine habitats for threatened species would disappear underwater and alter a natural feature critical to migrating waterfowl and other important nursery and foodsource uses by a range of marine, avian, and estuarine species.

(5) Need to avoid amending the LCP to accommodate the proposed “BB-COOL” marketing center as currently being planned for the village of Bodega Bay:

A well-intended proposal for a new commercially-oriented visitor center in Bodega Bay, to be constructed on the present site of the Mason’s Marina store, is being promoted under the name of “BB-COOL”. The resulting expanded tourist venue as currently proposed would include public kayak and standup-paddleboard rentals, service desks for selling tickets to promote various recreational attractions, and an interpretive public facility with a guide to local sites of interest, including promotion of a proposed water-taxi service to other commercial locations around the inner harbor at Bodega Bay. Lack of adequate onsite parking, the cumulative impacts of this project in conjunction with other nearby high-density recreational vehicle and camping concentrations, and the limited capacity of the already-stressed traffic and emergency services infrastructure in the town of Bodega Bay have caused this proposal to recently receive a less-than-enthusiastic reception from some of the recognized Bodega Bay municipal organizations to which project proposals have been made to date. Eighty percent of emergency responses by the Bodega Bay Fire Protection District are reportedly now serving visitors, and extensive holiday traffic backups are no longer unusual around the Bay Flat Road and Highway One intersections. Particular attention must be paid, in redesign of this project, to impacts of the project’s proliferation of watercraft on wildlife and the limited remnant ESHA habitat in Bodega Bay’s inner harbor, and on the collective implications of this and other related projects on nearby residents, on growing traffic gridlock, and on the Bay itself. It is recommended that the update of the LCP not include a pro-forma amendment to automatically permit the construction of “BB-COOL” as now proposed.

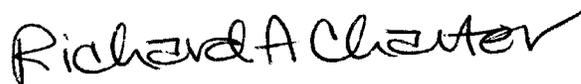
(6) Need to strengthen the Sonoma County Vacation Rentals Ordinance and apply it within the Coastal Zone:

Unauthorized vacation rentals are rapidly proliferating within the Coastal Zone, often offered online by inexperienced absentee managers soliciting unscreened short-term parties without the requisite collection of Transient Occupancy Tax (ToT). Without onsite managers or any nearby law enforcement oversight, associated unsupervised visitor activities are now raising compelling public safety issues that include dangerous housefires resulting from careless discard of hot fireplace ashes, fire lanes routinely blocked by illegal offsite parking of multiple vehicles, repeat noise ordinance violations, extreme public intoxication with the resulting antisocial and indecent behavior overflowing into quiet family neighborhoods from out-of-control all-night bachelor parties, nuisance animals barking while chained outdoors, and the full range of urban social problems. The draft LCP contains a number of references to prospective actions related to this topic that are being considered by the County, including “Policy C-LU-5aa: Consider regulating the use of existing residences on residential lands for vacation rentals. (New: HCD certified General Plan 2014 Housing Element Policy HE-1k)”, as well as “Policy C-LU-5j: Avoid the loss of residential land in urban land-use designations for vacation or time-share uses. (New: HCD certified General Plan 2014 Housing Element Policy HE-1j)”, and “Policy C-LU-5k: Consider regulating the use of existing residences on residential lands for vacation rentals. (New: HCD certified General Plan 2014 Housing Element Policy HE-1k)” and “Policy C-LU-5l. Prohibit the use of Second Dwelling Units for vacation rentals. (New: HCD certified General Plan 2014 Housing Element Policy HE-1l)”. The prevailing lawless unregulated web-based VRBO approach of “anything goes” in some of our coastal neighborhoods currently denies the County substantial ToT revenues that it is due, endangers visitors and residents alike, creates risky situations for first responders, and ultimately serves no one. The County clearly has a responsibility to permanent residents to restore and maintain the integrity and safety of existing neighborhoods by updating the LCP to apply effective relevant policies as outlined above, and at a minimum, to strengthen and apply the County’s vacation rental ordinance to all parts of the Coastal Zone.

To maintain the qualities of the fragile Sonoma Coast that we all value so much, we need the County to keep a strong LCP in place.

Thank you for this opportunity to provide these comments on the draft proposed Local Coastal Plan at this time.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Charter". The signature is written in a cursive, slightly slanted style.

Richard A. Charter
Senior Fellow
The Ocean Foundation
waterway@monitor.net