

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924 415 868 1224



VIA EMAIL

Jeremy Tejirian, Deputy Director
Kristin Drumm, Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, California 94903-4157

December 31, 2024

Re: BCPUD's Comments on Proposed Amendments to Local Coastal Program to address Environmental Hazards

Dear Mr. Tejirian and Ms. Drumm:

Thank you for reaching out to the Bolinas Community Public Utility District (BCPUD) and the community of Bolinas regarding the proposed amendments to the Local Coastal Program (LCP) to address Environmental Hazards (EH). We appreciate the efforts made by the Community Development Agency (CDA) to inform the various communities along the coast regarding the proposed revisions to the LCP and to seek our feedback.

The BCPUD notes that we are also a signatory on the letter from the Alliance of Coastal Marin Villages (ACMV), dated December 30, 2024, regarding the EH amendments to the LCP. The BCPUD agrees with the entirety of the concerns raised by the ACMV. However, the additional comments we include in this letter are of particular concern to the BCPUD and the community of Bolinas.

The BCPUD Staff and Directors have reviewed the proposed amendments to the LCP to address environmental hazards and have the following comments **(I-VI)**:

I. Regarding the following section:

C-EH-2 Identify Areas Subject to Hazards. Areas subject to environmental hazards shall be identified using the best available science and information from the authoritative local, state or federal agency, including, but not limited to, LCP Maps 9 through 15 adopted and kept on record by Marin County, FEMA Flood Insurance Rate Maps (FIRMs), the Alquist-Priolo Zone maps, and fire hazard maps.

Please confirm that "LCP Maps 9 through 15" are accurate and up to date. For example, the County of Marin's Office of Emergency Management (OEM) Fire Hazard map currently posted on their website (<https://gisopendata.marincounty.gov/datasets/marincounty::fire-hazard-severity-zones/explore?location=37.932892%2C-122.700367%2C13.31>) outlines fire hazard severity zones that differ from the maps provided with the CDA's LCP materials (map #14).

Given that these maps are going to be central to applying and interpreting the amended LCP, it is important that these maps are up to date and accurate during the amendment period.

II. Regarding the following section:

F. Coastal Hazards Requirements.

2. No Future Armoring. No new shoreline armoring (including but not limited to seawalls, revetments, retaining walls, gabion baskets, tie backs, piers, groins, caissons/grade beam systems, etc.) shall be constructed to protect the development approved pursuant to the Coastal Development Permit in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235, the Marin County LCP, or any other applicable law, shall be waived, and no portion of the approved development is an "existing structure" for purposes of Coastal Act Section 30235.

BCPUD is concerned as to how this language will impact the County's ability to pursue its two planned projects to repair its own "shoreline armors" in Bolinas, namely: (1) the cliff wall at Surfer's Overlook on Terrace Road and (2) the seawalls in the Bolinas Lagoon along Wharf Road. Is a seawall in and of itself considered a "development" in this language, and if so, what does it mean to prohibit armoring of an armament-development? Of course, both structures are preexisting, so this language may not apply as they would be characterized as "existing" developments. However, our concern here is that the project to repair the seawall along Wharf Road (which was originally planned for the Summer/Fall of 2024 and then was ultimately "postponed" for the foreseeable future) involved a total redesign and rebuild of a portion of the seawall at Wharf Road; as such, by existing LCP policy, this extensive rebuild project may not have qualified as "repair and maintenance of an existing development", and would instead have been characterized as a "new development".

It is important to understand that while Wharf Road may appear to be a small "inconsequential" road, it provides vital coastal access to the Bolinas lagoon and the Bolinas Bay. Its terminus represents the single accessible public boat launch for fishermen and seagoers in Bolinas. It is 1 of only 2 ways that the vast majority of local residents, visitors and surfers access the Bolinas beach. Due to the cordoning-off of major sink holes, where the seawall is failing, large portions of the road are down to a single lane. This has caused major traffic jams as visitors are unable to access the beach.

The BCPUD has a particular interest in ensuring that Wharf Road is maintained, as vital portions of our sewer infrastructure are located there. In addition, as the County postpones repairs of Wharf Road, and the road is allowed to fall into disrepair, seawater intrusion is corroding our water infrastructure there, leading to costly, frequent and major water leaks, that even within the last 2 months, have threatened BCPUD's ability to provide safe clean drinking water to Bolinas.

Although BCPUD does not fully understand the way that the LCP impacts public works projects carried out by the Department of Public Works (DPW), we hope that during this amendment process, there is careful consideration as to how this language (in F.2) will impact DPW's ability to maintain and stabilize County roads along the coast, including, but not limited to, Olema-Bolinas Road, Wharf Road and Terrace Avenue.

III. Regarding the following section:

C-EH-5 Tomales Bay Adaptation. If there are no other feasible alternatives available for sea level rise adaptation, developed properties between the Tomales Bay shoreline and first public road may be allowed to replace existing bulkheads (piers, caissons, revetments, rip rap, and retaining walls) which support either the structure or Highway 1 provided the development: 1) shall be elevated the minimum amount necessary to provide elevated living space above the Sea Level Rise Elevation; 2) does not result in an enlargement or expansion of the structure it supports; 3) shall use the minimum number and size of piers/caissons possible; 4) shall be no higher than the maximum allowable height standard or 15 feet above the lowest horizontal portion of the elevated living space, whichever is lower; and 5) shall verify that it can be served by adequate public infrastructure and utility services for at least 20 years; and (5) shall not impact traffic and public safety on Highway 1.

We have noted and support the special provisions in C-EH-5 regarding Tomales Bay. We recognize the importance of preserving Hwy 1 for West Marin residents and visitors to the Coast. In Bolinas, we have a similar situation along Wharf Road that we believe would equally benefit from this special provision. The BCPUD wants to better understand why Tomales Bay has been singled out here and ascertain if this provision should apply to other shoreline developments within the coastal zone. We believe that existing bulkheads along Wharf Road in Bolinas, which abut the Bolinas Lagoon, should similarly be allowed to be replaced. If you do not agree, can you provide a rationale for why there is a special “carve-out” for these existing developments in Tomales Bay? If inclusion of this language will ultimately make it easier to repair existing bulkheads and minimize the permitting expenses, especially when those repairs will contribute to the preservation of roads that enable “coastal access” (such as Highway 1 and Wharf Road), then BCPUD strongly suggests that this section be “generalized” so that it references existing bulkheads in Marin County’s Coastal Zone, where bulkheads contribute to the preservation of public roads used to access the shoreline.

IV. Regarding the following section:

2. Coastal Hazard Response. The Permittees are required to remove and/or relocate all or a portion of the development authorized by the Coastal Development Permit, and to restore the affected portion of the site, if any of the following occur:

[...]

b. Lack of Services. Essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to coastal hazards, including due to the degradation and/or failure of Calle de Arroyo as a viable roadway, and/or degradation and/or failure of utilities serving the site. Marin County and any other providers shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances.

As the only public agency managing water and sanitary sewer facilities in Bolinas, BCPUD is the primary provider of “essential services” in Bolinas. It is unclear what impact this language will have on our ability to continue to serve our customers. We would appreciate guidance from the County regarding BCPUD’s responsibility as it relates to this policy: *should we be communicating to the County when we are no longer able to provide water or sewer services due to, for example, coastal erosion?*

Additionally, we would recommend an extensive rewrite of this section (as detailed in the letter of the ACMV) as it leaves the impression that the County is giving itself the go-ahead to effectively abandon its responsibility to maintain County roads in West Marin. Of course, this is of particular concern for Bolinas, where all ingress and egress roads to town are County Roads

(Olema-Bolinas Road, Mesa Road and Horseshoe Hill Road), with Olema-Bolinas near the Bolinas-Stinson school being of particular concern, as this stretch of road constitutes the sole access to and from town and lies within the Sea Level Rise (SLR) flood zone. Finally, we believe the singling out of Calle del Arroyo is unwarranted and awkward and we would strongly urge you to strike that reference.

V. Regarding the following section:

Water and Wastewater Treatment Facilities

C-EH-6 Water and Wastewater Treatment Subject to Environmental Hazards. Water and wastewater treatment facilities and improvements, including public and private wells as well as public sewer treatment plants and private septic systems, should be protected from the long term effects of sea level rise, bluff erosion, saltwater intrusion, and other hazards related to climate change to the degree feasible. Where existing water and wastewater treatment facilities and improvements are in vulnerable locations, communities should consider alternatives to develop public treatment facilities in safer locations.

As a utility provider that operates both water and wastewater facilities, the BCPUD is aware that capital improvements to our facilities will be necessary in the coming years to provide resiliency to climate change and the impacts of SLR. Such capital improvements will inevitably take considerable time and be costly. We sincerely hope that the County of Marin permitting process does not present an unnecessary barrier to these efforts, adding to their complexity and cost, which could ultimately delay or even quash climate resiliency projects.

At present, it is unclear what impact this proposed amendment (C-EH-6) will have on the district's capital improvement projects, as the language here feels more like "wishful thinking" rather than offering any directives. **What practical oversight will C-EH-6 give the County and/or California Coastal Commission (CCC) when BCPUD is pursuing a public project to contend with climate change within a designated coastal hazard zone?**

For example, our wastewater lift station is currently located at 51 Wharf Road, within the SLR inundation zone, as indicated on Map #15C (1 of 3); when we pursue a project, expressly designed to make the lift station more resilient to SLR, we want assurance that C-EH-6 will help these efforts, not hinder them. It is unclear how this language (or other proposed EH amendments) will help streamline public infrastructure projects aimed at augmenting climate resiliency. Our fear is that this type of language could give the County (and CCC) the authority to impede BCPUD's climate resiliency projects, thereby making them more time consuming, expensive, and difficult to implement.

As an example for how the LCP can impede public projects aimed at building community resiliency to climate change, consider the following: Recently the district pursued a project to add two groundwater wells to our drinking water system. The project was supported by a grant from California's Department of Water Resources (DWR) to augment the state's resiliency to drought. Approval for the project was scrutinized by the Department of Drinking Water (DDW)—the state regulatory body which oversees our drinking water system. This exhaustive application process ensured that BCPUD will use these water resources in a safe and sustainable manner for the foreseeable future. After DDW granted approval, BCPUD learned that we would also need to obtain two CDP's to pursue the project. Much of the CDP application process felt unnecessary and redundant with DDW's approval process. It was extremely onerous, costing the district over \$100,000 in consulting fees (representing nearly a third of the project's overall

budget!). This ultimately put our project well over budget and delayed it by nearly a year. Vital public improvement projects to improve climate resiliency across the state will be costly and complex; local government and the state (and the CCC) should not create red-tape barriers that impede such projects in a wasteful manner. Of course, we understand that this is not the intention of CDA (or LCP); and we understand and agree that a project's risk to environmental hazards, and its impact on the environmental resources and habitats must be taken into account; however, we ask that while C-EH-6 is revised, there is thoughtful and explicit consideration to include language in the LCP that will ultimately facilitate the permitting process for projects designed to make public infrastructure more resilient to SLR and other impacts of climate change.

VI. Regarding the following section, and a general comment on the value of uniform policy across West Marin:

D. Flood Hazard Zones.

Development located within the FEMA Special Flood Hazard Zone, Flood Insurance Rate Maps (FIRMs) and the area subject to 3.3 feet of sea level rise as shown on the Coastal Zone Inundation Map (Map series 15), shall meet the following requirements:

[...]

[2b]. Where development consists solely of raising the habitable area of an existing structure currently in place above the Sea Level Rise Elevation, raising legal or legal-non-conforming development may be approved without the need for a variance to setback or height requirements, as long as the extent of other nonconformities is not expanded.

We are supportive of this language to allow the raising of existing structures above Sea Level Rise Elevation without a need for a variance. However, we would recommend that this language be further clarified and generalized. Is it the case that only homes living within the Coastal Zone Inundation Map would be subject to "2b", or will all homes within the Flood Hazard Zone and FIRMs be eligible to elevate their homes above the flood line without the need for a variance? The BCPUD is concerned about policy in the LCP which creates "carve-outs", inconsistencies, and a patchwork of rules across the Coastal Zone of Marin, especially when there is not a coherent reason behind those carve-outs. For example, the Olema campground lies within the "Area of 100 Year Flood" on the Flooding map (map #12), and every West Marin resident knows that this area floods routinely. In our opinion it would be nonsensical for the LCP to have language that indirectly calls out developments located within the Olema flood prone areas, but then not encourage proactive elevation of existing structures within this flood zone, because "2b" does not apply. Where flooding occurs, whether it be from inundation from SLR, raising of ground water levels, pooling of flood waters, and/or overflowing of creek beds—the LCP should have policy across the board that encourages community members and public agencies to proactively raise existing development to increase their resiliency to flooding.

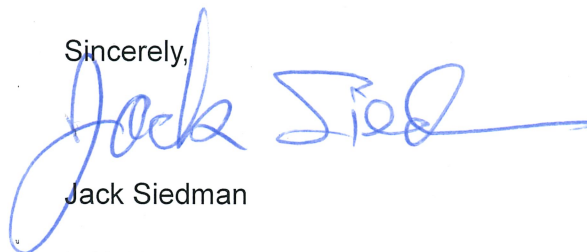
We appreciate the LCP's acknowledgement and application of the local "town-ordinances" delineated in the discrete village-plans across West Marin, which help to preserve historical character. We recognize that nuance and exceptions are necessary, especially when it comes to developing policy regarding environmental hazards where specific risks are not distributed evenly across all developments in Marin's Coastal Zone. However, we believe it should be the general aim of long-term planners to promote policy that is rational and consistent. Whenever possible, LCP policy should encourage risk preparedness and resiliency. We are not advocating

that the rules mandating mitigation of risk be applied in places where the risk is minimal, however, where there is a “carve-out” that will allow a public agency (or a resident) to make an existing public (or private) development more resilient to the dangers presented by environmental hazards, policy should be written with the intention of generally facilitating proactive protective measures, even in cases where the existing development is located within a “low-risk” area.

There is a cost benefit analysis as well that should heavily weigh the value of having consistent policy and devalue “carve-outs”. Where an “established variance” has been included in the proposed amendments to modify existing structures to mitigate a risk, be that from fire, flood, or SLR, there should be a general effort to have these “hazard mitigation variances” apply across the board. For example: *What is the utility in making it more difficult for folks to remove fire-fuel near their homes if they live in a “moderate” fire risk zone, when we know that no property is “immune” from fires, especially if your neighbor’s home resides within a “severe” fire risk zone? Why allow Tomales Bay residents to replace bulkheads to help preserve coastal access via Hwy 1, but not let bulkheads in the Bolinas Bay be replaced, where the general disrepair and accelerating erosion of the seawall along Wharf Road currently is impeding coastal access to this major surf destination in West Marin? Why allow a resident to raise their home along Easkoot Creek without seeking a variance, but impede a resident from doing so along Pine Gulch Creek? Does it make sense to make public agencies or residents waste a lot of money to prove that an existing structure resides within a flood prone area, so that they can raise their home to mitigate flood risk?*

In conclusion, we would like to thank the County of Marin, and the long-term planners at CDA for the many years of arduous work that you have spent on the amending the LCP, and particularly this decade long effort to address the EH amendments. Your commitment to the Bolinas community, as well the many other West Marin coastal communities, is recognized and appreciated. We thank you for this opportunity to relay our comments and our concerns in a candid manner. Please let me know if you have any questions or would like to discuss any aspect of this letter.

Sincerely,



Jack Siedman

BCPUD Board President

cc: (VIA EMAIL)

Sarah Jones, Director of CDA, sarah.jones@marincounty.gov
Supervisor Dennis Rodoni, dennis.rodoni@marincounty.gov