



SIERRA CLUB MARIN GROUP

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Chief, Pacific Land Resources Program Center
Pacific West Region, National Park Service
111 Jackson Street, Suite 700, Oakland, CA 94607

Re Notice of Realty Action: Proposed exchange between GGNRA and Giacomini Trust

Dear Mr. Gress:

On behalf of our 7,000 Marin County members, we wish to support this exchange in concept provided that it is modified to accommodate our concerns below.

1) We request an extension of the comment period to April 27, 2006.

The three "wetland parcels" being acquired (2.90-acre parcel APN 119-040-12, the 6.4-acre parcel APN 114-213-03 and the .31-acre portion of APN 119-240-65) are all low-lying wetland parcels with endangered species or the potential for endangered species. We understand that to retain these parcels outside the Giacomini Wetland Restoration Project would require an expensive levee/tidegate system in order to keep out the restored tides yet release on-site freshwater flows. However, given that only about 2/3rds of the Restoration funding has been raised 6 years after the acquisition, and the Giacominis retain a reservation of use to March 2007, we believe there is still time to explore whether private or institutional funding is available to purchase these parcels. We also believe the public deserves additional time to thoroughly digest the implications of this exchange.

Although the Park has mentioned in several public venues subsequent to its 2000 purchase of the Giacomini Ranch that further parcel adjustments/exchanges were under discussion and has met informally with several potentially impacted members of the public, the precise details of the proposed exchange are by law confidential between the park and the property owner. Thus the Park was legally constrained in its ability to release details of the exchange to the statutory 45-day notice period, although that period may be extended.

For both of these above reasons, we request that the 45 day comment period beginning January 12 and ending February 28, be extended another 60 days and instead end April 27.

2) We request an easement prohibiting continued agricultural use.

If the above non-park acquisition of these wetland parcels cannot be accomplished within the 60 day extension requested above, then we request an easement prohibiting continued agricultural use be applied to the portions of APN 119-240-66, APN 119-040-26 and APN 119-240-75 west of the town of Point Reyes Station ("PRS parcels") prior to the proposed exchange to the Giacominis. Approximately 3 acres of APN 110-240-66 are zoned for agriculture, with the remainder of the parcels

zoned for residential, but with grandfathered agricultural use. Many town residents, as well as the Sierra Club, supported the Park's 2000 purchase of the Giacomini Ranch in part because of our understanding that agricultural use of these PRS parcels would cease when the entire Ranch completed its reservation of use in 2007. We understand that the Park did not have the resources needed to purchase the entire Giacomini Ranch. However, the 2000 inclusion of these PRS parcels from the Giacominis and their 2006 proposed exchange back to them creates the unfortunate appearance of a "bait-and-switch" tactic to first gain support for the purchase, but subsequently remove one of the rationales for that support.

These PRS parcels are perched at the top of a bluff overlooking the marsh restoration, as well as being immediately adjacent to town residences subject to agricultural odors and traffic. Current Marin County policies/codes provide for inadequate (no) buffers between agricultural operations and sensitive wetlands. These agricultural operations have a history of environmental violations, thus there is a real possibility of their continued operation posing a threat to the marsh restoration. The town as well as the Sierra Club supported (although for different reasons) the 2000 acquisition of these PRS parcels by the Park, but we are similarly concerned about their reversion to the Giacominis.

Luckily, we believe there is a solution to this problem. We believe these parcels were appraised as residential, regardless of their underlying zoning or current use. We also believe that it is the intention of the property owner to convert these parcels to residential use, therefore it should make no difference to the appraisal or to the property owner if these parcels are subject to an easement that prohibits their use for agricultural purposes. Furthermore, such an easement would facilitate the exchange by eliminate the need for additional environmental review triggered by the possibility that agricultural use could be on going. Current Marin County polices/codes mandate buffers between residential development and wetlands, so the Sierra Club is considerably more comfortable with residential use of these PRS parcels. Consequently, if the non-park acquisition of these wetland parcels cannot be accomplished within the 60 day extension requested above in order to make the exchange moot, then we request an easement prohibiting continued agricultural use be applied to the "PRS parcels" prior to the proposed exchange to the Giacominis.

3) We request an easement insuring subdivision per current regulations

The State Subdivision Map Act has regulated Land subdivision in California since 1893. The current subdivision process, as specified in Marin's Countywide Plan and Zoning, as well as the State's Local Coastal Plan requires environmental reviews, public hearings, conditions of approval to protect sensitive resources, etc. However, parcels created prior to the Map Act bypass the subdivision process entirely and can result in development completely incompatible with the neighboring community.

The Sierra Club does not know whether any "historic" lots underlie the parcels proposed for exchange to the Giacominis, but if they do, then this could result in much greater impact to the wetland restoration than subdivision and development under current regulations and thus trigger additional environmental review that could delay the exchange. Although we believe the existence of these "historic" lots is unlikely, we want to remove this potential threat regardless of its likelihood.

Since the appraisal of these parcels was likely done without regard to the possibility of these "historic parcels, then an easement prohibiting their use should make no difference to the approved values, as well as removing any delay that might be caused by additional environmental review. Consequently, if the non-park acquisition of these wetland parcels cannot be accomplished within the 60 day extension requested above to make the need for an exchange moot, then we request an easement requiring subdivision to be in accord with then-current regulations be applied of the portions of APN 119-240-66, APN 119-040-26 and APN 119-240-75, as well as parcel 114-262-04 prior to the proposed exchange to the Giacominis.

4) We conditionally request a new appraisal and additional environmental review

If the non-park acquisition of these wetland parcels cannot be accomplished within the 60 day extension requested above to make the need for an exchange moot or if the two easements requested above are not able to be applied to the exchange, then we request a completely new appraisal and environmental review of the proposed exchange. The Sierra Club has had extensive experience reviewing development proposed for wetland parcels. While in many cases, property owners may develop these parcels, the setbacks required from wetlands, streams, and groundwater severely restrict the size of structures and septic fields and occasionally render the property undevelopable. We are very familiar with the three wetland parcels proposed for trade and do not believe they have the value equivalent to the upland parcels unless these upland parcels are encumbered with the two requested easements.

Thank you for the opportunity to comment and we hope our comments facilitate the exchange, as amended by our suggestions, of these parcels.

Gordon Bennett, Chair
Sierra Club Marin Group