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MARIN COUNTY
COMMUNITY DEVELOPMENT
AGENCY

March 12, 2007

VIA U.S. MAIL

Wade Holland, Chairperson,
and Members of the
Marin County Planning Commission
3501 Civic Center Drive Room #308
San Rafael, CA 94903

**Re: Lands of San Rafael Airport, draft Marin County General Plan, and draft EIR for
draft General Plan**

Dear Chairperson Holland and Members of the Marin County Planning Commission:

The draft Marin County General Plan shows the lands of the San Rafael Airport comprised within a proposed "Baylands Corridor." I represent the owner of the Airport and write to ask you to exclude those lands from the Baylands Corridor. Please treat this letter as part of the administrative record for your consideration both of the draft General Plan, and of the draft environmental-impact report for that draft general plan.

1. Virtually all of the San Rafael Airport lands are located within the boundaries of the City of San Rafael, and it is not within the competence of the County to purport to "general plan" lands that are within incorporated territory.
2. The draft General Plan text states that the "mapped Baylands Corridor does not extend over developed lands on privately-owned parcels." That is said for Baylands Corridor Options 1, 2, & 3. But the San Rafael Airport is in fact a privately owned parcel developed as a general aviation airport and business park, and so its inclusion would appear to be a mapping error. The Airport contains 240,000 square feet of commercial buildings and more than 1.2 million square feet of improved roadways, construction yards, runways, taxiways, and FAA-mandated runway and taxiway clear zones.
3. If the Airport were included within the Baylands Corridor, your draft Goals, Policies, & Programs (Bio 5, Bio 5.4, Bio 5.e) calling for enhancement of wetlands and wildlife habitat within or near the Airport would conflict with federal guidelines on aircraft safety. FAA Advisory Circular 150/5200-33 admonishes against land-use practices that

attract or sustain populations of hazardous wildlife within 5000-10,000 feet of airport runways and taxiways. Bird and animal strikes on aircraft kill people and damage property.

4. All airport operators, including San Rafael Airport LLC and the County of Marin (which owns and operates Gross Field), have a legal responsibility to maintain their lands free of vegetation and water features that attract or sustain wildlife. These responsibilities are comprehensively outlined by the FAA in its 132-page manual entitled, *Wildlife Hazard Management at Airports*. Your draft general plan, by including the Airport within The Baylands Corridor, flouts those responsibilities, and directly contradicts the expert testimony contained in the aforementioned FAA publications.
5. The draft EIR contains no analysis of the hazardous wildlife safety impacts of creating a Baylands Corridor within 5000-10,000 feet of runways and taxiways at San Rafael Airport (and Gross Field), and so appears to be deficient under CEQA.

For the same safety considerations, the U.S. Fish and Wildlife Service several years ago excluded San Rafael Airport from all Planning Alternatives for its proposed Marin Baylands National Wildlife Refuge (see attached letter from U.S. Fish and Wildlife Service dated May 22, 2001, Exhibit A). That Refuge was intended to serve a very similar purpose to the County's proposed Baylands Corridor (in fact, and unsurprisingly, the original Refuge Study Area is nearly identical to Baylands Option 2 contained in the draft County General Plan).

Airport representatives recently met with planning staff. Your staff was generally agreeable to excluding from the Baylands Corridor those San Rafael Airport lands lying within the boundaries of the City of San Rafael. There is no sense, however, in including the roughly ten percent of the airport property that lies within unincorporated County. These lands are all located within 1200 feet of the airport runways and taxiways, and actually include portions of the taxiways, roadways, runway clear zones, and even some buildings. These lands of course, are as subject to FAA regulations and guidelines as the lands within the City's jurisdiction.

Much of the Airport lands located within County jurisdiction are underwater in Gallinas Creek, lying outbound of the levee system that protects the airport and over 400 homes in Contempo Marin Mobile Home Park. We understand that the County is exploring a creek restoration project for Gallinas Creek, and we applaud those efforts. However, it will be the County's responsibility to conduct expert safety analyses to ensure the project does not promote

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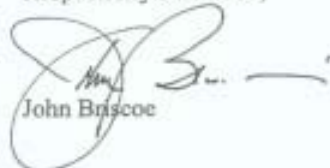
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hazardous wildlife incursions across aircraft movement areas. Fish and Wildlife Service ultimately chose to exclude Gallinas Creek from all four of its Refuge Planning Alternatives published on February 14, 2002. In that way the proposed refuge complied with FAA safety guidelines. The County should do the same with its proposed Baylands Corridor.

If the County wishes to include Gallinas Creek in the Baylands Corridor, it should prepare an aviation safety study for the General Plan EIR. The entirety of the North and South Forks of Gallinas Creek (and all of McInnis Park for that matter) lie within 5000 feet of the San Rafael Airport runway, and are therefore subject to FAA guidelines regarding aircraft safety. Failure to study the issue may jeopardize lives. At the very least, failure to study the issue will violate CEQA. In all respects it should be preferable, of course, to follow Fish and Wildlife Service's policy and exclude Gallinas Creek from the Baylands Corridor, and not risk the attendant liability. Federal and State law, with their ample wetland protections, not to mention the County's own creek and wetland protection ordinances, already provide strong environmental protection for the creek and its adjacent wetlands.

Respectfully submitted,



John Briscoe

JB/ajw

cc: San Rafael Airport LLC
Kristen Drumm, Community Development Department
Patrick Faulkner, Counsel, County of Marin