September 22, 2014

Marin County Parks and Open Space District
3501 Civic Center Drive, Room 260
San Rafael, CA 94903

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Attention: James Raives, Senior Open Space Planner

SUBJECT: Road and Trail Management Plan – Recirculated Draft Tiered Program Environmental Impact Report (RD TPEIR)

Dear Mr. Raives:

Marin Conservation League appreciates the opportunity to submit comments on the Recirculated Draft TPEIR for the Road and Trail Management Plan (RTMP). We submitted extensive comments on the earlier Draft TPEIR in December 2013 and acknowledge that the Recirculated Draft has attempted to address many of the submitted comments. There continue to be important gaps in the analysis. As before, in order to critique the RD TPEIR, it is necessary to critique the revised RTMP itself, since it constitutes the "project" whose impacts are analyzed in the RD TPEIR.

Our comments are presented in three parts: general or systemic issues with the revised RTMP and RD TPEIR; specific impact analyses that are either missing or incomplete and should be corrected in the Final TPEIR; and miscellaneous comments on the RTMP and TPEIR.

I. General Issues

1. Explanation of "Self-mitigating" approach of EIR. We previously noted that the Draft TPEIR identified no potentially significant impacts and therefore provided no mitigation measures. The RD TPEIR follows the same approach. By setting the baseline for analysis of impacts as January 31, 2011 (date of Notice of Preparation), the existing condition on the preserves includes many roads and trails in disrepair. As a consequence, any project carried out in accordance with the system-wide and special use policies, design standards, and Best Management Practices (BMPs), outlined in Chapters 4 and 6 of the revised RTMP, ideally should result in a net improvement to the environment: ergo, no significant impacts, and no required mitigation measures. As we requested earlier, the RD TPEIR should explain this approach clearly at the outset. Section 4.6, Presentation of Mitigation, states that mitigation measures are identified in the report, even though, in fact, *no mitigation measures are required in the document!* Section 4.7 includes "Significant Impact" as a frequently-used term, and states that "Mitigation measures are proposed, when feasible, to reduce the magnitude of significant impacts." These are "boilerplate" responses, as the RD TPEIR requires *no mitigation measures!*

   In the absence of mitigation measures, there is no obvious requirement for mitigation monitoring and reporting, as a CEQA document typically provides. Although language

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throughout the RTMP, echoed in the RD TPEIR, states that the Marin Parks Staff "will implement" standards, policies, BMPs, etc., there needs to be a transparent mechanism for documenting conditions placed on individual projects, with assurances that these quasi-mitigations will be implemented and monitored, other than stating that activities will "be regularly inspected." As the two documents (RTMP and RD TPEIR) now stand, one must refer back and forth, to find a comprehensive sense of how resources and conditions will be monitored.

—The Final TPEIR should use Section 4.6 or other appropriate location within Chapter 4 to explain the logic of the RTMP – that it is based on the concept of "net environmental improvement" and therefore the policies, standards, and BMPs listed in the RD TPEIR under each environmental topic serve, in effect, as quasi "mitigation measures."

—The Final TPEIR should clarify how the policies, standards and BMPs will be applied to future projects as specific conditions and how their implementation will be monitored, as one would find in a "Mitigation Monitoring and Reporting Program." For example, monitoring for invasive plants will follow construction activity for a period of three years (RTMP Table 6.5 (7)). Table 6.6 in the RD TPEIR should include a BMP for post-construction monitoring.

2. <u>"Evaluation Tool" as a means of reducing impacts.</u> The approach to evaluating projects, as outlined as the "Evaluation Tool" in Chapter 5 of the RTMP, is central to establishing the environmental baseline "system" of roads and trails, and will be key to evaluating the environmental impacts of project proposals on an annual basis. The RTMP uses twenty-five scored environmental and physical criteria, plus seven social criteria, to build aggregate scores for existing and/or new alignments. The end result is intended to eliminate or reduce impacts of new, altered, or reassigned trails or roads by reducing other environmental impacts, such as through decommissioning or redesigning trails to eliminate sources of impact. The environmental result over time may involve shifts in use from one preserve to another or one trail to another, but according to the RD TPEIR will be a net reduction in impacts across the preserves.

   MCL is concerned that the simple-to-apply trail mileage proxy for evaluating impact and initial screening of projects has been dropped and replaced by a mathematical "Tool" that relies on a highly contrived scoring system (See Revised RTMP, Appendix) that gives the illusion of precision. In fact, the scaling mixes a variety of metrics (admitted on Page 3-49 of the RD PTEIR), including linear, area, percent slope, distance from sensitive resource, etc., with qualitative assessments.

   Social criteria are particularly problematic, in that they are based on assumptions of desirability, justified by numeric measures. The scoring is in reverse order, with higher rather than lower numbers (e.g., distance between trail intersections) apparently assumed to be superior, in contrast to scoring of environmental and physical criteria. Scoring of "terrain quality" employs a contrived calculation, when in fact desired terrain will vary with

user group preferences. In this regard, the criteria also show an obvious bias toward biking experience, where greater distances, connectivity, loops, varied terrain quality are sought, in contrast to walking, hiking or running experience, where shorter distances are the norm. Safety, as a central factor in user experience (a social criterion), is mentioned only briefly in connection with line-of-sight. These are a few of our concerns.

—To determine its utility in configuring a road and trail system that fulfills the intent of reducing impacts in the varied conditions of the preserves, the tool will have to be tested rigorously, beyond the brief demonstration exercises to date in which scores have been pre-calculated and provided to participants as "givens."

3. Impacts of intensity of recreational uses. The Evaluation Tool is designed to evaluate *coverage* impacts. For *intensity of use* impacts (e.g. increases in volume of users), the RD TPEIR states that because of the lack of historical trend data on public use of the preserve system " . . .it is impossible to determine if and to what degree the RTMP would increase use of preserves. . . the MCOSD did not design the RTMP to increase use of the preserves. ."

   This assumption fails to acknowledge that improvements to roads and trails, in particular opening new or redesignating trails for bikers *will*, in fact, increase the volume and frequency of mountain bikers. In 2002, then-Chief Counsel of California Department of Parks and Recreation, Tim LaFranchi, opined that ". . .lifting a ban on mountain bikes (on previously closed trails) without addressing the potential impacts may be wrong. Ten or 16 years ago there may have been the 'threat' of one or two mountain bikes. Today the reality is that mountain bikes can quickly become the majority or at least a very high minority of trail use, suddenly adding 20% to 100% increase in a specific trail's traffic and related impacts." La Franchi admitted that this prediction was speculative, based on anecdotal observations, but cautiously assumed an increase of 20 to 30%.

   This prediction was made 12 years ago. There has been no decline in bike demand for trail access since that time! Further, these is abundant evidence that news of a trail to be opened to bikes is broadcast widely (e.g., Coast Trail; Bill's Trail) on the Internet. Thus it is not mere speculation to say that access to more "single-track" trails, new connectors, and more shared-use trails will induce greater use by mountain bikers and will likely displace some users to other preserves or trails. Displacement to other facilities is discussed only as a physical impact and not as an impact on the recreational experience and sense of safety of non-bikers (as in the "China Camp" syndrome).

   —The Final TPEIR should analyze at least qualitatively the impacts of *increased intensity* of recreational use on the trails and roads, even though the overall environmental *footprint* of roads and trails is intended to be reduced. The impacts of *increased intensity* should be considered under every resource topic in the Final TPEIR, including the addition of a safety impact analysis suggested below, and provision for monitoring use must be included as a policy or BMP (i.e., "mitigation") so that trends can be supported by data and future plans adapted accordingly.

II. Specific Impact Analyses Missing or Inadequate in the RD TPEIR

1. Safety. MCL and others noted that while the RTMP and Draft TPEIR list numerous system-wide policies that refer to visitor safety and issues concerning safety of sharing use of roads and trails with mountain bikes, none of these policies is supported in the RTMP by design standards or BMPs. As a consequence, the impacts of trail design to ensure safety of various user groups on shared use facilities, such as design features to limit the speed of mountain bikers, or optimum tread widths and line-of-sight to ensure safe passing, are not addressed. For example, the RTMP and RD TPEIR claim that narrowing non-essential dirt roads will yield an environmental benefit by reducing sediment production, and yet these roads currently are the only truly safe routes for shared use due to their width and typically long line-of-sight.

   The response to this comment in Appendix D (RD TPEIR) explains that social impact analysis is not required by CEQA and refers the reader to possible discussion under the topic heading of *Noise*. *This response is ludicrous*, not only because it avoids any responsibility for specifically considering user safety in either the RTMP or the EIR, but refers to a topic (Noise) which has nothing to do with safety! (Are we talking about bicycle bells here?)

   It is well known that CEQA Guidelines do not require analysis of "social impacts" unless one can show a consequent physical effect on the environment. This does not prevent the County from including a topic like safety as an "optional" discussion in an EIR. The RTMP *must* provide typical safety standards for design of roads and trails intended for single or shared use by mountain bikes, equestrians, and walkers. These need not be exhaustive. The RTMP cites the County of Los Angeles Trail Manual among other sources that can provide more detailed standards. We recognize that many variables enter into design for safety, and that design must be adapted to site conditions. For example, typical new trail cuts of 4 feet (by machine) will not yield a safe shared use trail under many conditions. To NOT address trail safety in either the RTMP or the impacts of design and user behavior on safety in the Final EIR is to ignore a central area of conflict and potential hazard – an issue "to be resolved." (Page 2-3, Recirculated Draft TPEIR).

   —The Final TPEIR must include a section that directly addresses potential safety impacts where differing travel modes share facilities, including comparative speeds of user groups and the extent to which safety standards and BMPs in trail design would avoid or reduce these impacts. What impact will narrowing shared use roads to "single-track" trails have on user safety? How would the inclusion of "pinch points" in trail design, a recognized technique in design of new shared use trails in State Parks, reduce speed? Whether or not CEQA "requires" such an analysis begs the question: *a CEQA Lead Agency has the option to include topics that may go beyond the minimum requirements of the CEQA Guidelines where there is sufficient public interest.*
2. Impacts on wildlife. The Recirculated Draft TPEIR has expanded its discussion of issues raised in reader comments, including the impacts of both day and night-riding and lighting

on native wildlife species. The recirculated document admits that available data on local wildlife – species, movement corridors, or roosting, nesting and nursery sites – are limited. Research that compares the effects of different user groups on wildlife is inconclusive. There *is* general agreement, however, on the following: 1) any introduction of recreation (access) to lands previously closed to the public may negatively impact wildlife in a variety of ways; 2) restricting or prohibiting dogs in sensitive areas will aid in minimizing disturbance to wildlife; and 3) "night lighting may have a deleterious effect on wildlife in certain situations. . . and there is need for continued studies."

These are open ended conclusions, however. The RD TPEIR provides many BMPs in Tables 6-4 through 6-8 to address impacts on environmental resources *in general*. Discussion in the RD TPEIR on dog use of preserves lists current MCOSD policy designed to minimize impacts of dogs on wildlife. Only one (Table 6-11) makes specific reference to minimizing effects of the RTMP on habitat connectivity and migration corridors of native species of wildlife in designating the system of roads and trails, and designing new roads and trails. Neither the impact analysis nor Policy SW.24 in Table 6-11 addresses the impacts of *increased use* of roads and trails on wildlife. Therefore, MCL believes that the RD TPEIR's claim that no significant impacts to wildlife will occur as new trails and other projects are implemented and use increases is based on inconclusive evidence.

The RD TPEIR states, presumably as a form of "mitigation," that the RTMP provides for a multi-year wildlife monitoring program that will address gaps in wildlife data (RD TPEIR Impact BIO-4, Page 6-107 and 8).

—Because all users can have some impact on wildlife, the Final EIR should address not just the construction and maintenance of road and trail facilities but increased use by recreationists over time, and include in the proposed multi-year wildlife monitoring program the need for documentation of wildlife activity in the preserves and trends in both day and night use of the preserves that may impact wildlife movement. The Final TPEIR should state that, based on new information, the Parks Department will make adjustments in both policy and plans as warranted, including the possibility of closing preserves to night use.

3. Impacts of invasive plant species. The RTMP provides a comprehensive list of Best Management Practices in Table 6.5 to control the invasion of exotic species into newly disturbed areas of activity. The RD TPEIR includes most of these BMPs in Table 6-6. However, the RD TPEIR is deficient in other respects. The Biological Resources Environmental Setting identifies and maps sensitive resource in the preserves – special status species, wetlands and other sensitive habitats, etc. – but fails to describe the widespread invasive species that currently inhabit the preserves and form an important part of the baseline condition. The RD TPEIR also fails to identify the threat that these existing populations pose in any road and trail project activity, whether new construction or conversion of roads to trails, or even decommissioning.

—The most important invasive species and the location of their populations should be summarized and mapped in the RTMP and RD TPEIR. This information is contained in the Vegetation and Biodiversity Management Plan, but should also be acknowledged in the RTMP and RD TPEIR for purposes of impact analysis and to connect to relevant BMPs.

—The RD TPEIR should also describe impacts of invasive plant species in any road or trail construction or maintenance activity, and should include in Table 6-6 (6) the requirement to monitor post-activity presence of invasive species for a period of three years.

4. Fire Hazard. As indicated in Table 10-1, the majority of the preserves are located in Moderate and High Fire Hazard Severity Zones (FHSZs); a relatively small area of Very High FHSZ is located within the Baltimore Canyon, Cascade Canyon, and White Hill preserves. The MCOSD's administrative Region 3 has the highest acreage of moderate fire hazard and Region 2 has the greatest area of high fire hazard. Increased human presence and activities in wildlands will also increase the risk of fire ignition and should be evaluated as a potential impact of the RTMP.

   —The RTMP and Final EIR should amend the Evaluation Tool criteria to include the relationship of proposed trails to fire hazard severity zones as a factor in evaluating projects. Increased human activity due to expanding trails or enhancing access should be analyzed as an impact on fire hazard and should include BMPs for minimizing the risk of fire during both construction activities and ongoing recreational use of the preserves.

III. Miscellaneous Comments/Questions

1. The map of Critical Linkages within Vicinity of Preserves (Fig. 6-14) depicts large, relatively natural habitat blocks that support native biodiversity called 'Natural Landscape Blocks' and areas essential for general, system-wide ecological connectivity between them called 'Essential Connectivity Areas' or 'sticks.' (Fig. 6-15)

   —How will these critical linkages and connectivity areas factor into evaluating projects? They should be included as criteria in the Evaluation Tool (RTMP Appendix Table A.1) and weighted in view of their regional significance.

2. Policy SW.19: Redundant Roads and Trails. Redundant roads and trails that are not designated as system roads and trails will be decommissioned as time and resources allow.

   —What priority will decommissioning redundant roads and trails take compared to new trail construction?

3. Close to 500 undesignated stream crossings occur within the MCOSD's preserves. Table 11-4 provides information on stream crossings specific to each preserve, and Figures 11-1a to 11-1f display the undesignated crossings and bridge, culvert, and ford crossings within each preserve. In the Baltimore Canyon Preserve, the Hoo Koo E Koo and Southern Marin Line

trails cross Larkspur Creek, and the Dawn Falls Trail runs immediately adjacent to Larkspur Creek, crossing some of its drainages. Roads and trails within the Gary Giacomini Preserve have numerous stream crossings, including several each on the Sylvestris Fire Road, Contour Trail, Candalero Canyon Trail, and Lagunitas Trail.

—To protect downstream waterways, the Final EIR should be note these (waterways listed above) as high priorities for protection.

4. Several concepts for managing recreational use of the preserves were presented as Alternatives in the 2013 Draft TPEIR. – e.g., Time Allocated Management of Recreation Uses, and Enhanced Mountain Bicycle Facilities and Uses, including bike-only trails, and facilities for races, technical competitions, or training. Some of these concepts have been incorporated into the revised RTMP under a broad Policy SW.12, Road and Trail Connectivity. (The RD TPEIR on P. 15-4 is not entirely clear, however, as to which of these concepts are or are not included in the SW.12. We must assume that facilities for races, and technical competitions, and training for such, are *not* included.) The RD TPEIR goes on to state that because these management concepts are now part of the RTMP (and no longer Alternatives), they would be subject to all other policies, BMPs, and standards of the RTMP, including the net environmental benefit strategy. Therefore, potential environmental effects have been (adequately) assessed in Chapters 5 through 14 of the RD TPEIR.

   —MCL has concerns about the open-ended nature and potential impacts of possible recreational activities encompassed by Policy SW.12. The RD TPEIR does not offer any evidence that regulating time (day) separation of mountain bike from other uses on single-track facilities is either feasible, safe, or without impacts. Developing trails for the exclusive use of mountain bikes will serve as an attraction that will intensify use of the preserves, an impact that the RD TPEIR should acknowledge. Holding races and technical competitions, and training for such events, have never been within the purpose of the MCOSD, and it should be made clear, possibly in Policy SW. 13 Prohibition on Dangerous Mountain Biking Activities, that *such events and activities are prohibited on all open space roads and trails.*

In conclusion, MCL appreciates the overriding goal of both RTMP and TPEIR to reduce the environmental "footprint" of the roads and trail system on the preserves, while offering appropriate opportunities for public enjoyment. Marin County Open Space Preserves already reveal a density of roads and trails on a mile per acre basis that exceeds the densities in other open space lands throughout the Bay Area. As we have shown above, however, there continue to be significant gaps in the RTMP approaches to achieving this goal and in the evaluation of impacts in the RD TPEIR.

MCL appreciates the work it has taken to reach this point in planning for the open space preserves system. Over the long term, however, the open space preserves will be sustained only if the many visitors to the preserves demonstrate respect for the resources, neighboring

residents, and each other's safety and well-being (Policy SW.15 Expectation of Active Cooperation of All Road and Trail Users). At the same time, County Parks must support its policies and programs with meaningful enforcement of the rules that are fundamental to successful sharing of the roads and trails.

We look forward to playing an active role in implementation of the RTMP.

Sincerely yours,

Jon Elam, President

Nona Dennis, Chair, Parks and Open Space Committee

cc: Greg Zitney, Chair, and members of Marin County Parks and Open Space Commission