

March 3, 2011

Elise Holland, Planning and Resources Chief  
Marin County Parks and Open Space Department  
3501 Civic Center Drive, Room 260  
San Rafael, CA 94903



Subject:

Roads and Trails Management Plan: Scope of Draft Program Environmental Impact Report

Dear Ms. Holland,

In conjunction with preparing a new Road and Trail Management Plan (RTMP) to guide future management of the roads and trails located on Marin County Open Space District's Open Space Preserves, the District is preparing a Draft Program Environmental Impact Report (PEIR). Marin Conservation League appreciates the opportunity to provide input on the scope of the document.

The procedure of preparing the RTMP and PEIR in tandem is somewhat unusual. Typically, as a resource management plan is being drafted, broad policy alternatives are sketched out and compared. A "preferred alternative" then becomes the detailed subject of an EIR, and its impacts are compared to those of the other alternatives, including the "no action," or "no project" alternative, i.e., status quo. As the "Project Description" in the February 1, 2011, Notice of Preparation (NOP) states, this PEIR will have two broad purposes: First, to address the impacts of the overall program of road and trail management to be included in the RTMP. Second, as individual decisions are made by the District to implement the RTMP, they can be evaluated in light of the PEIR, and rely on the PEIR to provide CEQA coverage.

At this stage, we are not aware that the District will present broad RTMP policy alternatives for comparison in the PEIR, although we expect that policies will be proposed that will require thorough impact analysis. As for using the Program EIR for later decisions and activities, the advantages are clearly laid out in Section 15168 (a), (b), and (c) of the CEQA Guidelines. It is a logical approach for the District to evaluate the environmental effects of a series of actions that are related, in this case, by "the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program" (15168(a)(3)). MCL is interested in how the PEIR will be applied to best serve the District in carrying out its many responsibilities; the public, in whose trust the open space preserves are held; and the long-term health of Marin County's special lands.

### Policy Framework and the PEIR

PHONE: 415.485.6257  
FAX: 415.485.6259

EMAIL: [mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org)  
URL: [www.marinconservationleague.org](http://www.marinconservationleague.org)

ADDRESS: 1623-A Fifth Avenue  
San Rafael, CA 94901



The PEIR should describe in some detail the policy framework on which the RTMP is based and which will guide later decisions. Natural resource protection should be the overriding goal of the RTMP. This is supported by the Core Land Management Policy adopted in May 2005 in the District's Policy Review Initiative:

“MCOSD holds lands in trust and in perpetuity for the benefit and enjoyment of the people of Marin County. MCOSD shall steward its lands in a sustainable manner, and primarily for resource protection (emphasis added). MCOSD lands shall be available to the public for nature-based, trail-based, and educational uses. MCOSD shall steward its lands so they remain positive assets to the communities they serve.

The primacy of resource protection is further emphasized in the Introduction to the MCOSD Resource Management Plan Framework, August 12, 2008: “. . . *the mosaic of public lands owned and managed by the District comprise many of the County's 'last places,' and their ecological value cannot be understated (sic), which is why there are limitations placed on the use of the lands.*” The Framework goes on to emphasize the importance of ecological health of open space, safe public use and access, restoring native habitat, reducing wildfire threat, protecting health of streams and creeks, protecting habitats of endangered species, and ameliorating the effects of climate change.

This recurring theme of resource protection is also captured in one of the goals of the Strategic Plan that is most relevant to the Resource Management Plan (of which the RTMP is an element): *Protect, restore, and preserve the natural systems of the lands held in trust for current and future generations. A corollary goal is to improve the long-term management and stewardship of Open Space Lands.*

The Notice of Preparation for the PEIR also lists overarching goals of the RTMP. We recognize that the District has the responsibility to encourage appropriate public use of the open space preserves, but the goals as stated in the NOP appear to shift overarching goals away from resource protection and nature appreciation to recreation, i.e., to the range of visitor experiences, opportunities, and conflict issues. Certainly the goal “. . . to reduce the impact of the road and trail network on riparian areas, wetlands, environmentally sensitive habitats, . . .” is vital to addressing environmental problem areas on the OSPs such as fragmented habitats and invasive species. In other respects, however, the goals and objectives in the NOP are practical – but they miss the overriding importance of long-term preservation of valuable ecosystems and cultural legacy!

The Countywide Plan (2007) also lays out policies to guide trail development and management, but its scope is broad and encompasses the trail systems of other jurisdictions in addition to those of the MCOSD. Although not specific to management of MCOSD preserves, the policies and implementation actions do speak to the importance

of user safety, historic use, sustainable maintenance, eliminating trail redundancy, promoting harmony among trail users, cooperation among agencies (i.e., other jurisdictions that manage road and trail systems), and education and code enforcement.

### Alternatives and the PEIR.

The MCOSD has identified examples of road and trail management activities whose environmental effects will be covered by the PEIR. These include, among others, watershed protection and erosion control improvements; clearing of trailside/roadside vegetation for access and safety (and fuel reduction); maintenance of trailheads and signage; decommissioning of unsanctioned trails; managing trails for specific uses; and others. The RTMP may also propose new trails or change in use of existing roads or trails. Many of District management activities are environmentally beneficial, with the intent of reducing existing problems such as erosion. Other proposed activities, such as new trails, change in use, decommissioning, or change in *policies* concerning use could have significant environmental impacts for which less damaging alternatives should be examined.

We expect the PEIR to provide a programmatic evaluation of the kinds of impacts that new trail construction or changes in use for existing roads or trails could cause (See examples of types of user impacts, below), and criteria for evaluating alternatives. As an example, the impact analysis (Negative Declaration) for the 680 Trail was deficient because it did not document a full range of alternatives (although alternative routes had been explored) or the bases for selecting or rejecting alternatives. We expect the PEIR, together with the RTMP, to correct these deficiencies for future proposals. PEIR should provide environmental criteria for identifying and comparing alternatives, including the required “no project alternative.”

### Cumulative Impacts and the PEIR.

Although each preserve is distinctive in many ways – size, access, habitats, creeks and other water features, user history, neighborhoods, condition of roads and trails, etc. – certain activities such as erosion control, brushing, invasive species removal, and other road and trail management activities repeated in different preserves will employ strategies, tools, and techniques in common. It will be important for the PEIR to describe the nature of problems and maintenance activities and the cumulative environmental effects of these activities. The PEIR will “Allow the District to consider program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (CEQA Guidelines 15168 (b)(4)).

The PEIR also should examine the cumulative impacts that could be caused by expanding recreational use of existing single-track trails (“foot paths”) on the open space preserves, such as opening trails to full or even part-time mountain bike use. Observations from

State Parks that have opened trails, such as on China Camp, Annadel, and Wilder Ranch State Parks, give ample evidence of several types of cumulative impacts: erosion of trails, displacement of hikers or equestrians from trails that are opened to mountain bikes for reasons of safety, and increased illegal trail building. These will be persistent themes of concern if expanded use is proposed and should be addressed in both the RTMP and the PEIR.

#### Procedures for Use of PEIR for Later Activities

MCOSD has existing procedures for evaluating activities to determine what level of CEQA review is required: for example, do activities rise to the level of a “project”? Do they fit under any categorical exemption? Should an Initial Study be prepared? The PEIR will facilitate this process by providing CEQA compliance on the premise that many District activities will be minor, or because best management practices will be incorporated into design, thus obviating the need for further CEQA review.

For more substantive “projects,” the PEIR will serve as a “first-tier document.” As an example, if the opening of a single-track trail to shared use were proposed, the District would examine the proposal in the context of the PEIR to determine whether additional environmental review were warranted. At that time, what procedures would the District follow to serve as “a written checklist or similar device to evaluate the activity to determine whether the environmental effects of the operation were covered in the program EIR” (CEQA Guidelines 15168(c)(4))? An Initial Study checklist would be the most comprehensive guide, but we cannot assume that will be done. We also wonder what noticing mechanism will be used to provide opportunity for public comment, an essential feature of the CEQA process. How will the public be apprised that a “project” is pending? Will it appear as a line-item in the District’s annual budget? Or noticed in some other way? The PEIR needs to make very clear how this procedure will work.

#### Topics to be Included in the Scope of the PEIR

Project Description. This section of the PEIR should provide a comprehensive summary of the elements of the RTMP, for example, the kinds of trails or roads that might need maintenance or be proposed for modification – their standard dimensions, surface treatments, grades, and other specifications for designated user groups. Most of these will be contained in the RTMP to which the PEIR will be a companion document. Converting a trail or road to another use by either widening or narrowing (e.g., a fire-road), or even decommissioning a trail, might involve some grading, structural repairs, waterway crossings, mechanical reconstruction, tree or brush removal or “brushing,” revegetation, creating safety devices, and the use of various construction and maintenance techniques using both hand tools and mechanized equipment. Each of these carries potential impacts that should be characterized in the PEIR so that it becomes a useful reference for subsequent activities.

User Impacts. Much has been said about the impacts of various user groups on fire roads and trails, some of it based on research, and some of it on personal observation and anecdotal evidence. All user groups – walkers, joggers, equestrians, and mountain bikes – cause impacts such as the following, in varying degree:

- vegetation trampling and compaction of leaf litter and soil;
- oil loss through rutting and erosion, leaving uneven surfaces and/or with consequent sedimentation of waterways;
- loss of both herbaceous and brittle woody plant species near trails;
- habitat disturbance and trail “widening” due to wandering off trail or cutting corners;
- habitat fragmentation (widening a trail impedes movement and dispersal of animals that are reluctant to cross exposed openings);
- habitat disturbance from noise and the presence and motion of users (e.g., decreased nesting near trails, altered bird species composition near trails, and increased predation of nests by animals using the trail as corridor);
- introduction of exotic and weedy species from foot traffic, bicycle tires, and horse manure (trails are natural conduits for movement of exotic species);
- nutrient enrichment from horse manure and urine that could favor invasion of weedy species along horse trails; and
- direct loss of small or slow-moving wildlife such as small rodents and reptiles by rapid moving bicycles (“road kill”).

Impacts such as these should be comprehensively described in the PEIR and mitigation measures identified.

Mitigation measures. The District staff are very experienced in applying best management practices to guide trail design and maintenance. These have been tested over time under many different conditions, but their focus is on the physical sustainability of trails, with secondary attention to protection of habitats or aesthetics. We request that the PEIR either append a list of BMPs to the main document or otherwise incorporate them as a list of “mitigation measures.” Specific measures should be included in subsequent project reviews where necessary to mitigate impacts such as those listed above. The PEIR is not just a form of legal CEQA compliance; it should provide the reader with as complete a picture as possible of the general implications of road or trail design and the approaches used by the District to minimize impacts and preserve the quality of the trail experience for all users. The PEIR should also evaluate both the *long-term* efficacy and limitations of mitigation measures. Too often, project-specific environmental documents, whether Negative Declarations or EIRs, focus on mitigating construction impacts, or at best extend to a five-year timeframe. Although not required by CEQA, evaluation of long-term success

of mitigation measures, such as habitat restoration, off-site tree replacement, or invasive species removal, should be attempted.

Determining Significance Thresholds. Since the significance of impacts will vary from project to project depending upon their location, the existence of sensitive habitats and species, the degree of modification necessary to accommodate a new or changed use, and other factors, a single standard for significance for all projects is inappropriate. Nonetheless, thresholds of significance should be determined where possible. The PEIR should contain a list of thresholds and indicate their source and identify other sources of thresholds, such as Appendix G of the CEQA Guidelines.

User Experience: Aesthetics and User Safety. Two issues that deal with the user experience should receive particular attention in the PEIR: the aesthetic experience (quiet, tranquility, nature appreciation, or, in sharp contrast, excitement for some); and the need for safety. Any expanded recreational use of a trail will alter (even destroy!) the aesthetic experience of other user groups, and this should be discussed in the PEIR. The desired trail experience differs greatly among hikers, equestrians, and mountain bikers, and thus impacts will be viewed differently. Aesthetic impacts also will vary with the specific conditions of the preserve and trail or road route. The PEIR should discuss the desired aesthetic experience of different user groups and the potential impacts from any change from existing and historic use.

Many readers of the PEIR will be particularly concerned over how potential safety conflicts between various user groups will be addressed and applied to subsequent specific projects. This impact is of particular concern for multi-use trails, especially those that were originally intended for hikers and equestrians. Road and trail management on the open space preserves must ensure that potential user conflicts are minimized and that no road or trail is allowed to function unsafely. One approach is to design safe trails. The PEIR should spell out the road and trail performance standards that are necessary to achieve this objective, and specific projects should be designed to meet those standards. The PEIR should establish criteria for when a trail is inappropriate for conversion to multi-use –e.g., is too steep or narrow and winding – to be considered for shared use. The PEIR should provide guidance to District staff on how to assess the potential for conflict and design for safety on specific project proposals. Other approaches besides “safe” physical design should be evaluated in the PEIR, such as trail management to separate user groups, appropriate signage and educational programs and materials, and strict enforcement of trail rules and regulations.

Connecting with Other Jurisdictions. Marin County is extremely fortunate to have such extensive parks and open space (watershed) lands that are open to the public. For residents, it means abundant opportunities to “escape” into nearby wilderness as well as to enjoy hiking, walking dogs, riding horses or bikes. These lands are also a magnet for visitors

from outside the county. Several jurisdictions maintain systems of roads and trails, many of which connect at jurisdictional boundaries. It will be important for the RTMP and the PEIR to provide a broad picture of these interconnections and a description of similar and differing management policies and practices. Given the reality of differing missions, the MCOSD should foster all possible ways to coordinate with the federal, State, water district, and local parks and open space programs in the County and find appropriate ways to manage visitors of all ages, as well as their horses, bikes, and dogs, without compromising natural and cultural resource values!

We appreciate the opportunity to provide these scoping comments for the PEIR and look forward to participating in the public review of the draft PEIR.

A handwritten signature in cursive script, appearing to read "Nona Dennis".

Nona Dennis, President