



December 2, 2013

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

Attention: James Raives, Senior Open Space Planner  
*By e-mail*

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

Dear Mr. Raives:

Marin Conservation League appreciates the opportunity to comment on the adequacy of the Draft TPEIR for the Road and Trail Management Plan (RTMP). MCL's interest extends back more than 40 years to establishment of the Marin County Open Space District in 1972 as a means of gradually acquiring important natural resources to create a system of open space preserves for the enjoyment of present and future generations.<sup>1</sup>

Existing use and trends toward increased recreation on the preserves are negatively impacting the valuable resources on these public lands, whose highest priority for management is to preserve and protect the natural environment that prompted their acquisition. Marin County Parks Department has made great progress toward addressing these concerns through comprehensive planning over the past few years. MCL has some outstanding issues with the Draft Road and Trail Management Plan, however. In order to critique the Draft TPEIR, it is necessary to critique the RTMP itself, which constitutes the "project" whose impacts are analyzed in the Draft TPEIR.

Our comments are presented in two parts: general or systemic issues with the Draft TPEIR; and specific impact analyses that are either missing or incomplete and should be corrected in the Final TPEIR.

I. General Issues

1. The Draft TPEIR identifies no potentially significant impacts and therefore provides no mitigation measures. It does this, first, by setting the baseline for analysis of impacts as January 31, 2011 (date of Notice of Preparation) – essentially today's environmental conditions on the preserves, which include many roads and trails in disrepair as well as redundant social and illegal trails. The Draft TPEIR takes the position that any project pursuant to the RTMP – e.g., restoring a degraded trail,

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<sup>1</sup> Note that some of the points in this letter are also stated in the letter from *Community Marin*.

narrowing a road to trail-width, building a new connector trail, decommissioning a redundant trail, installing a bridge – if done according to system-wide and Visitor Use Management Zone (VUMZ, or Zone) policies, design standards, and Best Management Practices (BMPs), will result in a net improvement to the environment. Therefore, no potentially significant impacts will occur and no mitigation measures are provided. The absence of either impacts or mitigation measures in a programmatic EIR creates problems for environmental review of future individual projects.

**The Final TPEIR should explain to the reader that the policies, standards, and BMPs listed in the Draft TPEIR serve, in effect, as quasi “mitigation measures” – and therefore the RTMP is “self-mitigating.” The 80-some system-wide policies present a particular problem; some policies mandatory, but some are advisory only; some are duplicative with subtle differences. The Final TPEIR needs to explain how they will be applied, along with standards and BMPs, to ensure that impacts of future projects will indeed be mitigated. The appropriate locations in the Draft TPEIR could be either Section 3.9 (Intended Uses of This Draft TPEIR), or Section 4.6 (Presentation of Mitigation in this Draft TPEIR) which presents a standard definition of mitigation measures without explaining why none are listed throughout impact analysis.**

**The Final TPEIR should explain how the implementation of policies, standards, and BMPs for construction of any future project will be applied as conditions and monitored in the manner of a “Mitigation Monitoring and Reporting Program,” since, in the absence of mitigation measures, an MMRP will not be required when the Final TPEIR is certified. For example, if Policy SW.12 were applied as a quasi-mitigation measure (“Increased trail use opportunities must be coupled with the active cooperation of all trail users with MCOSD and other trail user to promote lawful trail use, etc.”) it could only be enforced through systematic monitoring. Monitoring of ongoing use of *future* facilities will be critical in determining what impacts are occurring and whether change in users or design for particular uses, such as establishing a trail for bikes only.**

**The TPEIR should also explain why November 2011 was selected as the “baseline”(cut-off date) for “unauthorized” roads or trails, rather than January 31, 2011, consistent with the NOP-determined baseline. This baseline appears to “authorize” the large number of social and illegal trails on the preserves that predate November 2011. Which of these will be considered “system” trails for purposes of impact analysis?**

2. The Draft TPEIR also eliminates potentially significant impacts and mitigation measures by assuming that any new trail mileage or foot-print will be off-set by decommissioning an equivalent or greater mileage of redundant trails. The result over time may involve a shift in use patterns from one preserve to another, but according to the Draft TPEIR, the overall effect will be no net increase and possibly a net reduction in total trail miles. In light of public comments, the Final TPEIR either will have affirm that this “self-mitigating” approach will be followed, or revise the impact analysis accordingly.

Because the RTMP does not identify specific future projects nor define specific areas within which they could occur, potential *coverage* impacts are evaluated only in qualitative terms (Draft TPEIR Page 4-4), and none of them reaches the threshold of a potentially significant impact, again based on the assumption of net improvement to the environment and no net increase in footprint or mileage. For *intensity of use* impacts (e.g. volume and frequency of users), the Draft TPEIR states that any increase in recreational use would be the result of population growth or changes in popularity of recreational activities, but not the result of the RTMP itself. “No policy of the RTMP

regarding visitor use encourages an increase in overall visitor use levels” (Page 4-11); rather policies would limit the amount or scale of roads and trails mileage. “Thus there would be no change in intensity between existing use conditions and conditions with implementation of the RTMP” (Draft TPEIR Page 4-11).

This assumption fails to acknowledge that improvements to roads and trails, for example converting a road to trail for bikers, are likely to attract more visitors, and that increased volume and frequency of visitors may result in significant impacts, even if facilities themselves are not expanded. A prime example of this phenomenon is the opening of all trails at China Camp State Park to mountain bike use several years ago without expansion of the trail and road system. The effect was to attract more bikers to that location, resulting in erosion of the existing road and trail system, construction of illegal trails, and displacement of equestrians and many walkers from that park. (Note that the discussion of Alternative 2, Required Roads Only, acknowledges that “user crowding on remaining roads and trails could result in additional needs for maintenance, and decreased user safety.” [Draft TPEIR Page 15-11]. This is a clear admission that increased intensity of use on a limited network of roads and trails could have impacts on their condition and on other users.)

**The Draft TPEIR limits its analysis of impacts of recreation on the preserves to the coverage of roads and trails total footprint, which it claims will more likely be reduce than increased over existing conditions, especially in VUMZs 1 and 2. The Final TPEIR should analyze the impacts of *increased intensity* of recreational uses such as on the trails themselves, and on streams and other water bodies, wildlife, and vegetation, even though the mileage and footprint of roads and trails might not be expanded. The impacts of increased *intensity* of recreational uses should be considered under every resource topic in the Final TPEIR.**

**“The *Road and Trail Assessment* did not attempt to characterize or differentiate the impacts of different types of trail uses” (RTMP Page 3-20). This is an unfortunate omission, in that the effects of increased intensity of uses depend on both use types and behaviors. All forms of recreation have some impact. The Final TPEIR should compare different impacts of recreational modes, including influence of behaviors and intensity of use (volume, frequency of users).**

**In VUMZ 1 roads and trails would “. . . support low to moderate levels of use” and VUMZ 2 would support “. . . moderate to high levels of use.” However, in these zones as in all zones, mountain bikers, equestrians, and pedestrians with dogs are permitted on designated roads and trails. The only substantive difference in visitor use of the most sensitive VUMZ 1, besides limiting the total footprint of roads and trails, is the requirement that dogs be on leash on roads. The Final TPEIR should explain how intensity of permitted visitor use in the most sensitive VUMZs 1 and 2 (which make up 50 percent of the OSPs) would differ from use in VUMZs 3 and 4 and how would impacts compare. The anticipated level of use in VUMZ 2 should be changed from “moderate to high” to “moderate” only.**

**The Final TPEIR needs to explain why improvements in the quality of road and trail facilities envisioned by the RTMP (e.g., to “improve the visitor experience”) will not in themselves induce greater use, even if the scale and amount of roads and trails are limited. If access to “single-track” trails, new connectors, and more shared-use trails is provided, why would introduction of these facilities not induce greater use by mountain bikers of both new and existing roads and trails?**

3. Given many competing needs and demands on the preserves, the statement of Purpose and Objectives (Page 3-15) states that the RTMP is intended to “. . . strike an appropriate balance between resource protection and public use, and provide guidance for sustainable maintenance of roads and trails.” In our view, balancing resource protection and public use implies giving equal weight and is therefore inconsistent with the RTMP (Page 1.5): “. . . the hierarchy of responsibilities approved by the voters (for Measure A) emphasizes resource protection first, followed by road and trail system maintenance and improvement, and the maintenance and enhancement of recreation uses on the MCOSD lands.”

**The Purpose and Objectives in the Final TPEIR should restate clearly that resource protection (i.e., avoiding or reducing impacts on sensitive resources) holds first place in the hierarchy of objectives for management of the OSPs, as reinforced by voter approval of Measure A.**

## II. Specific Impact Analyses Missing from the Draft TPEIR

1. The RTMP (repeated in the Draft TPEIR) includes numerous system-wide policies that refer generally to visitor safety and specifically to safety issues concerning mountain bike use on roads and trails in the OSPs: TRL-2.3 (Ensure User Safety); TRL-2.e (Design Safe Trails); T1d (. . .build and designate trails for shared use); SW.10 (Prohibition on Dangerous Mountain Bike Activities); SW.13 (Prohibition of Uses . . .to enhance safety. . .); SW.18 (Conversion of Roads to Trails . . .to enhance user safety. . .); T.3 (Signage on Blind Corners). None of these policies is supported in the RTMP by design standards or BMPs. As a consequence, the safety of trail design for various user groups, such as design to impede the speed of mountain bikers, or optimum tread widths and line-of-sight for shared use, is not addressed in any impact analysis in the Draft TPEIR. The RTMP contemplates narrowing roads that are not required for other utility or emergency use, and yet these are currently the only safe routes for shared use, given their width.

The RTMP must provide standards for design of appropriate or safe (for other users) roads and trails intended for single or shared use by mountain bikes, equestrians, and walkers. Design and engineering standards for sustainable trails are provided but none for safety. The RTMP simply cites sources, such as the County of Los Angeles Trail Manual, among others (RTMP, Page 6-1). We recognize that many variables enter into design for safety, so design must be adapted to site conditions. However, to NOT address trail safety in either the RTMP or the Draft TPEIR is to ignore a central area of controversy and an issue that must be resolved (Page 2-2, Draft TPEIR).

**The Final TPEIR must include a section that directly addresses potential safety impacts of travel modes 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 roads to serve as shared use trails have on user safety? The only mention of safety (of trails) in the Draft TPEIR is in the context of physical conditions, such as landslides. Whether or not CEQA “requires” such an analysis for safety among user groups begs the question; a CEQA Lead Agency has the option to include important topics that may not fit into the minimum requirements of the CEQA Guidelines.**

2. The Draft TPEIR provides an extensive discussion under Biological Resources of impacts on *special status species*, *wetlands*, and *riparian ecosystems*. Many policies and BMPs that are intended to avoid or reduce impacts of road or trail construction and maintenance are listed to protect these resources, with the conclusion that no significant impacts will occur. As in other sections of the

Draft TPEIR, the analysis focuses on construction and maintenance of roads and trails, that is, their footprint, and fails to address ongoing or intensified *use* of road and trail facilities.

The Draft TPEIR does not adequately analyze “Impact BIO-4” – “substantial adverse effect on the movement of native resident or migratory fish or wildlife species, native resident or migratory wildlife corridors, or native wildlife nursery sites.” No information is provided for non-special-status wildlife species on the preserves, other than reference to wildlife on MMWD lands. If wildlife or migratory corridors do exist on the preserves, they are not identified, so it is impossible to consider impacts on them. (See extensive photo documentation of road-kills by bikes of slow-moving vertebrates, such as newts, lizards and snakes, and a few faster-moving species, attached to Tamalpais Conservation Club’s letter.) While many of the policies and BMPs that deal generally with resources may also avoid or reduce impacts on wildlife, only two policies address this impact directly: Policy SW.22 -- “Minimize intrusion into larger habitat areas and wildlife corridors”; and Policy SW.25 – “Decommission Nonessential Roads (to increase habitat connectivity).”

The Draft TPEIR also fails to address increasing incidence of individual and group night mountain bike riding on the preserves or the effects of this activity, with bright head or handle-bar lamps, on nocturnal wildlife foragers or their prey species.

**The Final TPEIR must provide a more complete analysis of impacts of recreation on native wildlife, their movements and corridors. All users can have some impact on wildlife; most egregious, perhaps, are dogs off leash and fast-moving mountain bikes. The analysis must address not just the construction and maintenance of road and trail facilities but increased intensity of use by recreationists over time.**

**The Final TPEIR must analyze the potential impacts of night-riding on nocturnal wildlife on all of the preserves. We are aware that this is a relatively recent area of research that is in need of new attention, as the activity has been observed to increase on many public lands.**

**Enforcement of regulations receives only brief mention; the essential role that enforcement plays in abating resource-destructive and unsafe behaviors should be stated as a specific policy, even though enforcement may involve other authorities than those of the Open Space District.**

3. Dogs in the open space preserves present a particular kind of impact on wildlife as well as on safety. Three system-wide policies concern the regulation of dog use of the preserves (SW.5, 6, and 8), and Zone-specific policies also address the requirement for dogs to be on leash at all times (Zone 1), and on trails (Zones 2, 3, and 4) The Draft TPEIR does not specifically address the impacts of dogs, on or off leash, on wildlife except in the discussion of Alternative 3, Pedestrians Only in VUMZs 1 and 2, which cites studies that relate decline in carnivore abundance and species richness to association of dogs with human visitation. A survey of users revealed that almost half of pedestrians on the preserves are accompanied by dogs. Anecdotal reports reveal that both equestrians and bikers are sometimes accompanied by dogs off leash. Bikers report that dogs can be dangerous to other users. None of this is acknowledged in the Draft TPEIR.

**The Final TPEIR should analyze the types of impacts that dogs can have on both biological resources and user safety in the preserves and list policies such as enforcement of leash regulations or outright prohibition on selected trails as means of “mitigating” impacts.**

4. The expectation of users of public lands for particular outdoor *experiences* is one of the most frequently voiced areas of conflict in surveys and public testimony. Pedestrians and equestrians fear that increased presence of mountain bikes will disturb the tranquility as well as the safety of walking in open space lands. Mountain bikers may be looking for a more exhilarating or exciting experience. The RTMP attempts to address these differing expectations by designating VUMZ policies to create opportunities for different experience conditions. For example, VUMZs 1 and 2 are more remote and theoretically would afford more solitude and “fewer encounters with other visitors.” However, since the RTMP would permit all forms of recreation in all management zones, limited only by the mileage of roads and trails, it is not apparent that user experiences will be markedly different in different zones, except that the total mileage of trails and roads might be reduced by decommissioning.

Although the RTMP does address visitor experiences and attempts to plan for them through the VUMZ concept and advisory policies, the Draft TPEIR mentions only briefly (Page 14-13) the varieties of recreational experience that are often in conflict and may result in displacement to other public lands. The Draft TPEIR considers displacement only in terms of physical effects (on other facilities on MCOSD or other public lands) but does not compare the impacts that differing modes of travel have on the experience objectives of various user groups. Whether or not this analysis is required by CEQA Guidelines is immaterial.

**The Final TPEIR should include discussion of the effects of displacement on users, rather than limiting the discussion to physical effects. To ignore that these differences have impacts on people’s well-being is to miss an issue that is central to both safety and conflict on the preserves.**

5. Three Alternatives, in addition to the required No Project (Alternative 1), are discussed in Chapter 15. The Tables 15-1, -2, and -3 that evaluate the three Alternatives are confusing, in that the third column in each Table appears to compare each Alternative with Alternative 1. Should this column be titled “Level of Impact Compared with Project”? It is also not clear whether “required roads only in VUMZs 1 and 2” would be open to all user groups, with dogs on leash on remaining roads in Zone 1. Although both Alternatives 2 and 3 indicate some reduction of impacts compared with the Project (Table 15-4), they would present serious restrictions to traditional access from adjoining communities and would be difficult to enforce.

One Alternative that was “eliminated from further consideration” in the Draft TPEIR is called “Enhanced Mountain Bicycle Facilities and Uses” (Page 15-3). This Alternative is now under consideration, per staff clarification. There is no impact analysis in the Draft TPEIR that compares it to the other Alternatives or to the “Project.” It was dismissed in the Draft TPEIR because presumably “it would be ineffective in reducing environmental effects” (Page 15-3). MCL’s concern is that it could, in fact, increase environmental impacts; for example, provision for expanded uses such as races and technical competitions within the open space preserves could result in new impacts on other users and increased impacts on facilities subjected to such uses.

**The Draft TPEIR should clarify the labeling of Tables 15-1, -2, and -3 so that the intent is clear. It should also clarify which user groups would use “required roads” in Zones 1 and 2 under Alternative 2.**

**The Draft TPEIR must include an evaluation of the Enhanced Mountain Bicycle Facilities and Uses “Alternative” that is equivalent to the evaluation of other Alternatives, and that compares impacts to those of the Project.**

In conclusion, we commend you for provisions in both RTMP and Final TPEIR that call for no net increase in authorized trail or road footprint and mileage. Marin County Open Space Preserves already show a density of roads and trails on a mile per acre basis and a per ranger basis that exceeds the densities in other open space lands throughout the Bay Area. Reducing mileage of roads and trails is also a basic requirement of the “self-mitigating” strategy employed by the Draft TPEIR and is cited repeatedly as a means of avoiding or reducing impacts. If, as a consequence of public response, these provisions are changed in the RTMP, potentially significant impacts of *not* reducing or limiting total footprint and mileage of roads and trails will have to be reexamined in the Final TPEIR as to their significance and possible need for mitigation measures.

MCL appreciates the enormous work that it has taken to reach this point in planning for the open space preserves. We look forward to playing an active role in implementation of the RTMP.

Sincerely yours,

A handwritten signature in blue ink that reads "Jon Elam". The signature is written in a cursive style with a large, looping initial "J".

Jon Elam, President

A handwritten signature in black ink that reads "Nona Dennis". The signature is written in a cursive style with a large, looping initial "N".

Nona Dennis, Chair, Parks and Open Space Committee