

DATE: December 15, 2014
TO: Marin County Open Space District, Board of Directors
FROM: Ronald Miska, Assistant Director, Marin County Parks
SUBJECT: Comment Letters on the Final Tiered Program Environmental Impact Report

As you know, the Marin County Open Space District (MCOSD) Board of Directors will be considering certification of the Final Tiered Program Environmental Impact Report (TPEIR) for the MCOSD Road and Trail Management Plan (RTMP) and subsequent approval of the RTMP. The MCOSD released the Final TPEIR to the public on November 17, 2014, and allowed 23 days for public comment, the Marin County Environmental Impact Review Guidelines requires a minimum ten-day public review period “to exclusively focus on the adequacy of the response to comments on the Draft EIR.”

The MCOSD received 16 comment letters, most of which address the merits of the RTMP and raise issues that were addressed in the Final TPEIR response to comments, the staff prepared *Analysis of Policy Related Comments*, and during the Parks and Open Space Commission’s consideration of the Final TPEIR and RTMP at its November 20, 2014, regular meeting. These comments are appended to the end of this memo for your reference. Only two of these letters specifically address the adequacy of the MCOSD’s response to comments and warrant further response from the MCOSD.

Letter From Nancy Nakai, Dated December 1, 2014

In her comment letter on the Final TPEIR, Ms. Nakai states that the response to comments contained in the final TPEIR does not adequately respond to her comment letter dated September 9, 2014. The Final TPEIR provides six responses to the Ms. Nakai’s comments that indicate that the issues raised in this letter do not identify significant environmental impacts, recommend additional mitigation measures, or propose a less damaging alternative. The commenter focuses primarily on concerns about adverse effect of public use of King Mountain Open Space Preserve on adjacent private residents and fire fuel management issues. As described in the Final TPEIR, these issues are not environmental concerns and CEQA does not require the MCOSD to address these issues. Although the MCOSD recognizes that, in some instance, individuals using open space are not considerate of their impact on the neighbors, the RTMP is not designed or intended to address this issue. Similarly, the RTMP does not include any policies, recommendations, goals, or other measures that address fire fuel management. This is an issue that the MCOSD’s Vegetation and Biodiversity Management Plan will address.

Letter From Michael W. Graf, Dated December 10, 2014

This commenter states that the Final TPEIR does not adequately address the comments to the Recirculated Draft TPEIR. In his letter, Mr. Graf makes the following comments.

The Final TPEIR relies on the scoring system included in the evaluation tool make findings that the RTMP will not have significant impacts on wildlife and sensitive natural resources

The Recirculated Draft and Final TPEIR do not rely exclusively on the evaluation tool to conclude that the RTMP will not have significant effect on biological or other natural resources. The TPEIR relies on an assessment of biological resources within the open space preserves to evaluate the existing

biological conditions and to assess the impacts from the RTMP (Recirculated Draft TPEIR Chapter 6, pp 6-1 to 6-109 and Final TPEIR Chapter 4, pp 4-6 to 4-18). The TPEIR also relies on the policies, best management practices, design standards, and decision make process, which includes the evaluation tool, to conclude that the RTMP will not have significant impacts on the wildlife and sensitive natural resources.

The MCOSD will rely on the TPEIR to streamline review of subsequent trail projects without CEQA review or public input

While it is true that the MCOSD will rely on the TPEIR to streamline review of subsequent road and trail projects, it is not correct to state that this will occur without CEQA review or public input. As stated in the Final TPEIR, the MCOSD will rely on the streamlining provision of Section 15168 of the State CEQA Guidelines that establish a process and standards for future environmental review. The MCOSD will prepare an initial study for all projects that are not exempt from CEQA that will reach one of the following conclusions: (1) the project is within the scope of the TPEIR and does not raise any new or more significant impacts on the environment; (2) the project results in significant impacts on the environment beyond those addressed in the TPEIR, but those impacts can be mitigated to level that is less than significant, resulting in a mitigated negative declaration; (3) the project results in significant impacts on the environment beyond those addressed in the TPEIR and the project requires a new environmental impact report.

It is also not true that the MCOSD will proceed with subsequent trail projects without public input. The decision making process described in Chapter 5 of the RTMP clearly provides for several opportunities for public input, including the following steps of the decision making process: (1) Step 1, *Solicit Road and Trail Project Proposals* includes public participation in the annual process to identify projects; (2) Step 3, *Screen project Proposals Using the Evaluation Tool, and Reprioritize All Projects*, includes notification to the public of the outcome of the process; (3) Step 5, *Public Review of Proposed Annual Budgets, including Road and Trail Projects Recommended for Funding* provides the public with an opportunity to participate in the process to fund the planning, design, and implementation of a project. Finally, If the MCOSD prepares an initial study for the project (which applies to all project not exempt from CEQA), the document will be available to the public. Additionally, if a mitigated negative declaration or environmental impact report is required, there will be a process for public comments.

The TPEIR reliance on the evaluation tool cannot substitute for a CEQA review of a future proposed trail project

As described above, the MCOSD will rely on Section 15168 of the State CEQA Guidelines to streamline the CEQA process for future projects, which will require an initial study for all projects not exempt from CEQA. The MCOSD will not rely on the evaluation tool as a substitute for CEQA review.

The Dawn Falls trail project is an example of how the MCOSD could approve projects without CEQA review or public input

In 2014 the MCOSD proceeded with a project to perform deferred maintenance on the Dawn Falls Trail, in Blithedale Summit, King Mountain, and Baltimore Canyon Open Space Preserves, Larkspur. The trail project included nine stream crossings, including rock ford crossings, rock reinforcements to treat head cuts and gulling, two new bridges to move the trail out of the 100-year water surface elevation, new and replacement puncheons, and removal of fill and failed culverts. The MCOSD determined that the project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines, because the project consisted of the repair and maintenance of an existing trail and did not result in any expansion of existing use. The MCOSD also concluded that this project with consistent with the categorical exemption requirements under the State CEQA Guidelines Section 15300.2, Exceptions, because the project did not result in cumulative effects; the project will not have a significant effect on the environment due to unusual circumstances; the project would not damage

scenic resources within a state designated scenic highway; the project is not located on a hazardous waste site; and the project will not affect historic resources. The MCOSD assessed this project using the evaluation tool to provide the public with an example of how the evaluation tool would, but the MCOSD did not rely on the evaluation tool to comply with CEQA.

New Comments

Mr. Graf's letter includes several new comments on the Final TPEIR that were not included in his original letter. The purpose of a final EIR is not to provide the public with an opportunity to make new comments on the environment impacts of the project. Rather, as described the Marin County Environmental Impact Review Guidelines, the "review of a Final EIR shall **exclusively focus** on the adequacy of the response to comments on the Draft EIR" (Marin County Environmental Impact Review Guidelines, p. 19, emphasis added). However, in the interest in addressing all potential concerns that the Board of Directors may have in considering this project, the MCOSD staff provides the following short response to Mr. Graf's new comments.

The FEIR still purports to make a cumulative impact determination for trail designations, which is not warranted by the scorecard system

The TPEIR does not rely on the evaluation tool to make a cumulative impact determination. As described in the Recirculated Draft TPEIR (pp. 16-1 to 16-15) and Final TPEIR (pp. 4-21 to 4-26), the MCOSD relied on the 2007 Countywide Plan EIR, with supplemented information to assess the biological and hydrological cumulative impacts to San Geronimo Valley and the Lagunitas Creek watershed, to evaluate the RTMP's cumulative impacts.

The CEQA review of a decision to locate a trail in an area may rely on the evaluation tool as a basis for finding that the future location of individual trails will not have a significant impact

Any CEQA review of future trail projects will rely on the best available data on potential resource impacts, including, but not limited to, individual biological, geological, and cultural resource assessments by qualified professionals if necessary to evaluate the specific project's impact. The MCOSD will use the evaluation tool to assist in providing it with information to determine the project's priority for funding under the MCOSD's budget and as a method to track the goal of reducing the net environmental effect of the road and trail network.

The MCOSD's ability to tier off the Final TPEIR could limit the scope of future environmental review

This is correct. The purpose of preparing a program EIR is to take advantage of the streamlining provisions contained within Section 15168 of the State CEQA Guidelines. This section allows the MCOSD to examine future projects in the light of the TPEIR to determine if it is necessary to prepare an EIR or mitigated negative declaration. As described above, the MCOSD will prepare an initial study any project not otherwise exempt from CEQA to determine if the project is consistent with the scope of the TPEIR or requires additional environmental documents.

The MCOSD will rely on the TPEIR is for the designation of the MCOSD road and trail system

As described in the RTMP and the Final TPEIR, the open space preserves include 249 miles of existing roads and trails. If the RTMP is approved, the MCOSD will initiate a multi-year process to evaluate these existing features for inclusion in the designated road and trail system. As described in the RTMP, only roads and trails that existed prior to November 2011 and were evaluated in the Road and Trail Assessment can be considered for designation as part of the system. While it is true that the MCOSD intends to rely on the TPEIR in its designation of the road and trail system, such an action would be

subject to CEQA and the MCOSD would have to evaluate whether it is consistent with the scope of the certified TPEIR or whether additional environmental review is necessary.

The Final TPEIR contains no analysis explaining how individual 'bio-physical' impacts would be measured in the CEQA context, or how the summation of scores affecting different resources would translate to either a significant or insignificant effect relating to trail designation

As described above, the evaluation tool will be used to assist the MCOSD in identifying road and trail priorities and as a metric to assess its compliance with the goal to achieve a net reduction in environmental impacts of the road and trail system. The MCOSD will not use the evaluation tool or scores derived from the evaluation tool as a proxy to comply with CEQA; however, much of the the data referred to by the evaluation tool is also relevant as input to typical CEQA assessments and may be used for this purpose. Where this data is insufficient, the MCOSD will conduct additional resource assessments to comply with the requirements of CEQA.

Subsequent road and trail projects may have adverse impacts to wildlife, yet the TPEIR provides no criteria for when such adverse impacts will be tolerated or accepted

Existing and proposed county and MCOSD policies described in the RTMP provide clear criteria for avoiding impacts to biological resources. Additionally, the best management practices (BMP) described in the RTMP provide additional measures to avoid impacts to natural resources. Finally, the MCOSD will rely on tiered CEQA reviews to determine if an individual project that is consistent with the RTMP policies and BMPs has additional significant impacts. The commenter uses the Dawn Falls Trail upgrade project as an alleged example of a project with significant impacts on wildlife (northern spotted owls) that were overridden by the erosion and drainage benefits of the project. The Dawn Falls Trail is located within northern spotted owl habitat. Any impacts from the use of the trail on this species exist whether or not the MCOSD constructs the improvements. The MCOSD avoided any potential impacts to this species from the construction of the project by avoiding the nesting season, as specified by guidance from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The evaluation tool determined that the project would have a net reduction in biophysical impacts because of the erosion and drainage improvements and because the **no net change** in the in the recreational use of the existing trail's impact on northern spotted owl.

The MCOSD should take necessary action as part of its approval of the RTMP to ensure that future trail and road projects not evade full CEQA review

As described above, state law requires future road and trail projects to comply with CEQA. The MCOSD will prepare an initial study for all projects not otherwise exempt from CEQA and will determine if the subsequent project is within the scope of the TPEIR, or if it requires additional CEQA compliance, such as a mitigated negative declaration or an EIR.

The Final TPEIR does not include a mitigation monitoring and reporting program as required by section 15097 of the State CEQA Guidelines

Section 15097 of the State CEQA Guidelines states that:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

Since the TPEIR did not require mitigation measures or project revisions, the MCOSD is not required to prepare a mitigation monitoring and reporting program. In lieu of this requirement, the Final TPEIR includes a requirement to monitor compliance with requirements of the RTMP, including new and

existing policies, BMPs, design requirements, and decision making process. An example of what this monitoring form may look like is included in Appendix A of the Final TPEIR.

Raives, James

From: Devin Wilson <atomicthumbs@gmail.com>
Sent: Monday, November 17, 2014 5:07 PM
To: Raives, James
Subject: Re: A couple of questions about the final TPEIR

Thank you very much!

Do you know if there's a response to my comment that I sent in around this time last year? I looked through the Final TPEIR and August draft RTMP, and I'm not seeing it or any mentions of it.

I can understand not including it in these as it was quite long; do you know if there's an official response anywhere? I turned in a printed copy right before the deadline, and I'm pretty sure I also submitted an electronic copy.

[Here's a link to the PDF, if it rings any bells. I'd attach it, but it's 33 MB.](#)

Thanks very much for your time, and thank you (and the rest of the Open Space District) for your work on the RTMP and TPEIR! I realize I may have caused some trouble (and, unfortunately, inspired one Agenda 21 weirdo) in my efforts last year, but your implementation of Policy SW.3 is, in my eyes, perfect and basically addresses my concerns (even if there's no official response to my comment). I ought to bake y'all some cookies someday for all this.

- Devin Wilson

On Mon, Nov 17, 2014 at 4:30 PM, Raives, James <JRaives@marincounty.org> wrote:

Here are the staff report and policy analysis.



James Raives

SENIOR OPEN SPACE PLANNER

Marin County Parks

3501 Civic Center Drive, Suite 260

San Rafael, CA 94903

[415 473 3745](tel:4154733745) T

[415 473 3795](tel:4154733795) F

JRaives@marincounty.org

www.marincountyparks.org

Follow us on [Facebook](#) and [Twitter](#)

From: Devin Wilson [mailto:atomicthumbs@gmail.com]

Sent: Monday, November 17, 2014 12:22 PM

To: Raives, James

Subject: A couple of questions about the final TPEIR

Howdy - I'm reading the final TPEIR, and I was wondering if *Analysis of Policy-Related Comments* has been finalized, and if it will be publicly available.

I was also wondering if the deadline for making a comment on the final TPEIR and/or August recirculated RTMP has passed. I'd just like to express my wholehearted support for this version of it. (Especially the policies allowing for very low-impact use of informal and social trails.)

Thanks very much,

- Devin Wilson

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My website: <http://pinopsida.com>

Email Disclaimer: <http://www.marincounty.org/main/disclaimers>

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My website: <http://pinopsida.com>

Raives, James

From: Doug Karpa <dkarpa@tirn.net>
Sent: Wednesday, November 19, 2014 11:00 AM
To: Raives, James
Subject: Re: Final TPEIR, Marin County Open Space District Draft Road and Management Plan

James,

Thanks for the notice. If I understand correctly, the most constructive thing we can be doing moving forward would be to participate in the annual process for identifying key projects? I know that our watershed biologist Preston Brown is working with people at MCOSD on various projects, and we are more than eager to help secure grants for restoration and maintenance work, if that would be helpful. I do appreciate the work MCOSD is doing, so if I can be of help, do let me know.

Many thanks,

Doug

On 11/18/14 10:24 AM, Raives, James wrote:

Please see the attached notice.



James Raives
SENIOR OPEN SPACE PLANNER

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415 473 3745 T
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JRaives@marincounty.org
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Follow us on [Facebook](#) and [Twitter](#)

Email Disclaimer: <http://www.marincounty.org/main/disclaimers>

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Doug Karpa, J.D., Ph.D.
Legal Program Director
Turtle Island Restoration Network
Office: (415) 663-8590 ext 102

Cell: (415) 967-1279

Fax: (415) 664-9534

Email: dkarpa@seaturtles.org

Fighting for a Blue-Green Planet!

Visit our NEW website SeaTurtles.Org

Raives, James

From: Lindsay Chirdon <lchirdon@gmail.com>
Sent: Wednesday, November 19, 2014 3:54 PM
To: Raives, James
Subject: RTMP Final TPEIR

Attention: Jaimes Raives, Senior Open Space Planner

Dear Mr. Raives,

Thank you for the opportunity to comment on the FEIR for the Roads and Trails Management Plan. I would like to visit Marin more often to mountain bike, however the lack of singletrack is a deterrent for me as a skilled mountain biker. I would like to note that increasing the appeal for mountain bikers in Marin for would benefit local businesses, hotels, resaturants & the like. Take for instance a mountain biking destination like Squamish, BC which estimates \$8M in direct revenue due to mountain biking. With the beautiful scenery and great mountain biking history, I believe Marin would be a highly coveted mountain bike destination.

I am submitting the following comments:

Concerns about trail user safety are legitimate concerns and should be addressed in a universal manner. Imperatives to all user safety include quality signage and sound construction and design. However, much of the rhetoric is derived from a perception of conflict and unsubstantiated qualitative stories. The language in FEIR supports these unfounded claims concerning the alleged danger of biking on public trails. An EIR document should be based upon reasoned scientific analysis, not on speculation. Marin County Open Space District has access to accident and incident records and if there is a pattern of one activity causing harm to another user group, then those data should be included in support of a policy recommendation. The FEIR fails to provide any quantifiable analysis of incident statistics between any combination of hikers, mountain bikers, equestrians, and dog walkers on Marin County Open Space. I would like to site the CSP Trail Use Conflict Study, significant finding #3, actual incidents including those involving accidents between trail users are relatively rare. Even on narrow trails, mountain bikers are not malicious and are not trying to speed over other users, we have the right to access all types of trails. I would like to encourage you to please consider the fact that although mountain bikers have access to a lot of wide dirt roads, we do not have access to singletrack in Marin County. I urge you to reconsider completely banning mountain bikers from narrow trails, look at your neighbors in the bay area there are many successful examples of narrow multi-use trails.

Thank you again for the opportunity to comment.

Sincerely,
Lindsay Chirdon

Raives, James

From: Jon Lamb <jlamb4483@gmail.com>
Sent: Wednesday, November 19, 2014 3:55 PM
To: Raives, James
Subject: RTMP Final TPEIR

Dear Mr. Raives,

Thank you for the opportunity to comment on the FEIR for the Roads and Trails Management Plan. I would like to visit Marin more often to mountain bike, however the lack of singletrack is a deterrent for me as a skilled mountain biker. I would like to note that increasing the appeal for mountain bikers in Marin would benefit local businesses, bike shops, hotels, resaturants & the like. Take for instance a mountain biking destination like Squamish, BC which estimates \$8M in direct revenue due to mountain biking.

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Thank you again for the opportunity to comment.

Sincerely,

Jonathan Lamb
4529 Wessex Dr
San Jose, CA 95136

(Former Santa Rosa Resident)

Raives, James

From: Brook Burley <brookburley@gmail.com>
Sent: Wednesday, November 19, 2014 6:31 PM
To: Raives, James
Subject: RTMP Final TPEIR

Dear Mr. Raives,

Thank you for the opportunity to comment on the FEIR for the Roads and Trails Management Plan. I would like to visit Marin more often to mountain bike, however the lack of singletrack is a deterrent for me as a skilled mountain biker. I would like to note that increasing the appeal for mountain bikers in Marin would benefit local businesses, bike shops, hotels, resaturants & the like. Take for instance a mountain biking destination like Squamish, BC which estimates \$8M in direct revenue due to mountain biking.

I am submitting the following comments:

Concerns about trail user safety are legitimate concerns and should be addressed in a universal manner. Imperatives to all user safety include quality signage and sound construction and design. However, much of the rhetoric is derived from a perception of conflict and unsubstantiated qualitative stories. The language in FEIR supports these unfounded claims concerning the alleged danger of biking on public trails. An EIR document should be based upon reasoned scientific analysis, not on speculation. Marin County Open Space District has access to accident and incident records and if there is a pattern of one activity causing harm to another user group, then those data should be included in support of a policy recommendation. The FEIR fails to provide any quantifiable analysis of incident statistics between any combination of hikers, mountain bikers, equestrians, and dog walkers on Marin County Open Space. I would like to site the CSP Trail Use Conflict Study, significant finding #3, actual incidents including those involving accidents between trail users are relatively rare. Even on narrow trails, mountain bikers are not malicious and are not trying to speed over other users, we have the right to access all types of trails. I would like to encourage you to please consider the fact that although mountain bikers have access to a lot of wide dirt roads, we do not have access to singletrack in Marin County. I urge you to reconsider completely banning mountain bikers from narrow trails, look at your neighbors in the bay area there are many successful examples of narrow multi-use trails.

Thank you again for the opportunity to comment.

Sincerely,
J. Brook Burley
435 Chagall street
mountain view ca 94041

Raives, James

From: Deb Z <girl_from_pitt@yahoo.com>
Sent: Saturday, November 22, 2014 12:20 PM
To: Raives, James
Subject: Marin trail access for MTBs

Hi

I just wanted to make sure this incident was known. A few years I was on a my ride in Marin & stopped for a runner to let him pass - he body checked me as he passed. I thought what an asshole. The killer in this is that I had a friend behind me & when she stopped for him he punched her. Not cool - it was her birthday and she didn't need the red eye. So the bikers are not the problem. I'm sure that guy is one of the guys leading the anti bike charge - he is a self serving jerk and not the slightest bit concerned for what is good for the community & etc.

Trails should be for use by everyone.

My 2 cents
Deb Z

Sent from my iPhone

Raives, James

From: nancy nakai <nynakai@hotmail.com>
Sent: Monday, December 01, 2014 10:31 AM
To: Raives, James
Cc: BOS
Subject: FW: RD TPEIR Comments

Dear Mr. Raives and Marin County Board of Supervisors,

I read with interest the draft final version of the Tiered Program Environmental Impact Report. I must say that I am disappointed that none of my concerns, as contained in the September e-mail below, have been addressed. As you know, Environmental Impact Reports must anticipate unintended consequences of any proposed action. Unfortunately, the draft TPEIR does not contain policies that provide a way to measure impact during and/or after the roads improvement projects are begun/completed.

It is erroneous to make the assumption that any new unintended problems will somehow correct themselves. Wishful thinking, pretending not to know and vague language do not solve issues. Explicit goals with comprehensive strategies are the means by which problems are solved, fueled by clearly, simply stated goals that the local population can understand. For example, King Mountain Open Space users leave their cars on nearby small residential streets, filling parking spots which are normally used by neighborhood residents for guest parking, deliveries, etc. With any new improvements to the KMOS, proposals to address possible increased traffic/parking problems with "encourage use of carpools" or "promote use of public transportation" is both time-worn and proven ineffective, especially in densely populated but largely remote residential areas. In fact there is NO street parking anywhere for additional vehicles of any sort on the KMOS-adjacent, tiny streets; and, there are few public transportation options available near the KMOS.

NOW WHAT?

The four points listed in my September 8th e-mail also still remain unanswered by the draft final TPEIR. The Final TPER report must address unintended consequences and - just as important - meet the responsibilities to disclose and then mitigate impacts on the public. In other words, the EIR must fulfill its legal role.

Sincerely,
Nancy A. Nakai

From: nynakai@hotmail.com
To: jraives@marincounty.org
Subject: RD TPEIR Comments
Date: Mon, 8 Sep 2014 17:29:31 +0000

Dear MCOSD,

I have read with interest the Draft Tiered Program Environmental Impact Report, the Road and Management Plan. I went to the Larkspur Library and perused a hard copy of the document. Page by page I read with interest about Region 1, where I reside.

I live adjacent to the King Mountain Open Space and have dealt for over twenty years with the good and bad news of living as KMOS' neighbor. With this RD TPEIR, some of my concerns remain unanswered as the EIR is so very vague in nature.

Specifically:

1. Section, "Guiding Principles", pages 4-6. "Management actions will encourage respect for private property and adjacent property owners and land use." How? Specifically, what will encouraged respect look like? Not starting construction at 7am? Limiting the number of diesel trucks on site at any given time? How?

2. Of King Mountain's 107.5 acres - most of it steep terrain - 66.5% of its land is adjacent to residences. As an urban interface zone, the easier-to-reach areas of the KMOS are often used well before dawn and well after, often well into the night. There is no consistent monitoring of the KMOS, nor is there a means to close it down after dark, or in case of red flag alerts. People simply walk through the opening. Will this get better or worse during and after the Road Plan?

As part of Region 1, it also experiences the highest use of any region for pedestrian hikers as well as dogs. There is a stated problem of dog waste and off-leash dogs, not to mention loud, inconsiderate individuals who disregard any reasonable behavior as they set off their car alarms at 5am, scream at their dogs, or speak at full-volume pitch to friends parking far away down the street. They can occasionally awaken the entire Sycamore Canyon neighborhood that abuts the KMOS. As roads and trails are improved, the good news is that fire fighters and/or police could access more remote areas in case of emergency. However, the bad news is that increased access to more remote areas can only exacerbate the problem of "illegal" use of the KMOS. How will the MCOSD specifically ensure that the open spaces will not become areas for early am or late pm hikers, party camp fires, motorized dirt bikes, etc.? Create a locked access? Signs encouraging quiet? Picking up after dogs? Keeping dogs on leash? More disposal cans for dog waste? The EIR is vague.

3. Within the last year, major improvements have been made to eliminating high grasses and some of the Acacia trees and Scotch broom on the KMOS. When construction begins, will there be fire-fighting measures available on-hand during the process? Also, once construction ends, is there a plan in place to continue the high grass/broom/acacia removal along the new roads and trails on an annual basis? THE EIR states no plan.

4. Finally, with the improvement of the condition of the urban interface areas on the KMOS, has there been a policy made to also maintain the KMOS-boundary-to-city street setback? It is my understanding that property owners in Larkspur must maintain the condition along any of its borders that are adjacent to city streets. Right now, along Willow Avenue in Larkspur, the KMOS property setback-from-street is just one lit, discarded cigarette away from a big problem. There is nothing in the EIR about the KMOS' responsibility to maintain a safe corridor along its residential boundaries now, or once access is improved due to better roads.

I look forward to seeing my questions answered in the EIR. My concerns are not mine alone. The problem of growing KMOS use has been experienced by neighbors in the form of hikers' cars blocking driveways or blocking the fire road, piles of smelly dog waste laying every five feet along the access roads, dogs pooping on private property before they even arrive at the actual open space, not to mention the teen smoking/drinking parties or the pre-dawn or post-dusk active use of the KMOS. What solutions have you to assist us that see, hear and smell the problems every day?

Sincerely,
Nancy Nakai

December 3, 2014

Mr. James Raives
Senior Planner
Marin County Open Space District
RE: Road and Trails Management Plan and EIR
Via email

Thank you for the opportunity to comment. I have attended almost all of the public meetings regarding these two documents and have appreciated the process of extensive public input and investment of staff time and effort that has yielded this plan and EIR. Now, as we approach the final acceptance of the RTMP and the EIR, I am hopeful that staff will consider a few additional changes to the RTMP and EIR that will address a significant gap: that of ongoing monitoring of trail usage.

There is an opportunity to include a formal monitoring system of trail usage that will provide an important feedback loop to the on-going changes made by the RTMP. In the *Analysis of Policy-Related Comments* (Item VII.E.1) it states that “. . . the primary purpose of the RTMP is to assess the existing physical aspects of road and trails managed by the MCOSD and to provide guidance and standards for the future management of the road and trail system.” Not only is the assessment of physical aspects needed, but the actual usage needs to be assessed. Without monitoring how projects are experienced by multiple trail users over a period of time, the planned changes might be seen as being based on well intended BMPs and an evaluation tool, but not grounded in real time use. We need actual data to measure how successful each project really is, and to determine whether the RTMP’s overall goals of reducing conflicts, improving safety, and improving visitor experience are being met. I add that improving visitor experience is far more than creating additional access and connections – I believe the majority of Marin County citizens want to improve their trail experience by reducing conflicts and unsafe conditions, actual or perceived.

In addition, Policy SW15 calling for active participation of trail users, needs to be clarified with data and facts and then fed back into Project Development Planning. SW15 needs to have real consequences on trail user groups as well as informing future trail design. It is a key leverage policy that should not be underutilized.

The data gathered can include positive and negative outcomes. It must measure safety incidents, near misses, the reduction or increases in conflict, and changes in uses, i.e., more of one user group than another. Data can be interpreted and designed to determine whether or not the visitor experience has been improved. This could also address any changes in usage and determine if displacement has occurred due to changes in trail status.

Sources for this information could be drawn from citizen reports on the web and to the Ranger Station, rangers’ and sheriff’s citations, arrests, and warnings, and official volunteer reports. The trends noted from this reporting system should be utilized to guide forthcoming RTMP projects as Policy SW 15 seems to intend. This data can also inform staff, the Board, and the Commission as to what activities on the Preserves works well, and which are “dangerous” to the trail user and the resources.

The results from RTMP monitoring should be comprehensive and transparent and reported on a monthly basis to the Parks and Open Space Commission. Let’s face it: not measuring is, in fact, not

managing. The RTMP needs a mechanism to measure the results of its actions and all trail usage in the preserves and respond appropriately.

Thank you for your consideration.

Linda J. Novy (electronic signature)

Linda J. Novy

December 3, 2014

Revised: December 5, 2014

Mr. James Raives
Senior Planner
Marin County Open Space District
RE: Road and Trails Management Plan and EIR
Via email

Thank you for the opportunity to comment. I have attended almost all of the public meetings regarding these two documents and have appreciated the process of extensive public input and investment of staff time and effort that has yielded this plan and EIR. Now, as we approach the final acceptance of the RTMP and the EIR, I am hopeful that staff will consider a few additional changes to the RTMP and EIR that will address a significant gap: that of ongoing monitoring of trail usage.

There is an opportunity to include a formal monitoring system of trail usage that will provide an important feedback loop to the on-going changes made by the RTMP. In the *Analysis of Policy-Related Comments* (Item VII.E.1) it states that “. . . the primary purpose of the RTMP is to assess the existing physical aspects of road and trails managed by the MCOSD and to provide guidance and standards for the future management of the road and trail system.” Not only is the assessment of physical aspects needed, but the actual usage needs to be assessed. Without monitoring how projects are experienced by multiple trail users over a period of time, the planned changes might be seen as being based on well intended BMPs and an evaluation tool, but not grounded in real time use.

The fundamental need is for actual data to measure how successful each project really is, and to determine whether the RTMP's overall goals of reducing conflicts, improving safety, and improving visitor experience are being met. I add that improving visitor experience is far more than creating additional access and connections – I believe the majority of Marin County citizens want to improve their trail experience by reducing conflicts and unsafe conditions, actual or perceived.

This information should be added to the Project Development worksheet (or whatever name it is called) which was added in lieu of DEQA-required Mitigation Monitoring and Reporting Plan. I believe this was added in response to comments, and have included a draft worksheet list at the very end of the Final TPEIR. The issue is that this worksheet doesn't have a column for monitoring after a project is completed. Nor does it have any line item for measuring usage of trails. Both are needed. My understanding is that you have a mechanism for tracking new projects but not for monitoring performance over time.

In addition, Policy SW15 calling for active participation of trail users, needs to be clarified as to how it will be implemented and supported with data and facts and then fed back into Project Development planning. SW15 needs to have real consequences on trail user groups as well as informing future trail design. It is a key leverage policy that should not be underutilized.

The data gathered can include positive and negative outcomes. It must measure safety incidents, near misses, the reduction or increases in conflict, and changes in uses, i.e., more of one user group than another. Data can be interpreted and designed to determine whether or not the visitor experience has been improved. This could also address any changes in usage and determine if displacement has occurred due to changes in trail status.

Sources for this information could be drawn from citizen reports on the web and to the Ranger Station, rangers' and sheriff's citations, arrests, and warnings, and official volunteer reports. The trends noted from this reporting system should be utilized to guide forthcoming RTMP projects as Policy SW 15 seems to intend. This data can also inform staff, the Board, and the Commission as to what activities on the Preserves works well, and which are "dangerous" to the trail user and the resources.

The results from RTMP monitoring should be comprehensive and transparent and reported on a monthly basis to the Parks and Open Space Commission. Let's face it: not measuring is, in fact, not managing. The RTMP needs a mechanism to measure the results of its actions and all trail usage in the preserves and respond appropriately.

Thank you for your consideration.

Linda J. Novy (electronic signature)

Linda J. Novy

December 5, 2014

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



Protecting Marin Since 1934

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

SUBJECT: Draft Road and Trail Management Plan, Final Tiered Program Environmental Impact Report (Final TPEIR), and Analysis of Policy-Related Comments

Dear Mr. Raives:

As the Road and Trail Management Plan approaches the final stage of review and adoption by the Open Space District Board of Directors, Marin Conservation League wishes to thank Marin County Parks Department for the opportunity to participate in the almost four-year process of preparing the Plan. The RTMP charts new territory in describing the rich and diverse natural resources and the recreational conditions in the County's 34 open space preserves, and by attempting to set broad policy and guidance for their management in coming years.

MCL has submitted numerous comments and recommendations during the planning process. Most have been addressed in the environmental documents and the Draft RTMP itself. As we have stated previously, however, critiquing the Final TPEIR (the purpose of the current comment period), has required critiquing the Draft RTMP itself, since it constitutes the "project description" analyzed in the TPEIR (CEQA Guidelines 15124(c). As the "project," the Draft RTMP is deficient in a key respect: viz., the absence of clearly stated design standards for safe sharing of multi-use trails by different user groups.

Our comments below consider: 1) the rationale underlying the need in the RTMP for design standards for safe multi-use facilities; 2) how the Draft RTMP does and does not address safety for multi-use facilities; and 3) how design standards can be included in the Draft Plan. Note that while we can point to other deficiencies in the Final TPEIR, our goal is not to gain a "better" EIR – the Final TPEIR is probably legally "adequate" as it stands – but rather to focus on a serious deficiency in the RTMP and ensure that it is corrected before the plan is adopted.

1. Why design standards are needed in the RTMP for safe multi-use trails

Safety is more than a perception, or a "state of mind." Among the myriad concerns of public land managers, dealing with "conflict" among different user groups generally ranks highest, whether it involves walkers, runners, dog-walkers, bicyclists, or horses. The literature on "conflict" among different user groups on trails in natural areas is lengthy and complicated, but is notably lacking in hard data. Although the terms conflict and safety are often used interchangeably, safety is only one facet of conflict, but it is critical to the security and peace of mind of all visitors to the county's open spaces. Because reported injury accidents between users are relatively rare, it is generally assumed that safety is not "real" – that it is a matter of perception or a state of mind rather than physical reality. For this reason, the TPEIR identifies "safety" as a social phenomenon and refuses to consider possible environmental impacts.

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In the design or designation of narrow trails – or the narrowing of existing ranch roads – for multi-use by hikers, equestrians, and bicyclists, however, safety is more than a perception; it is represented by real conditions and real hazard. For a hiker on a narrow trail on a steep slope with drop-off, the sudden encounter with a mountain bicycle is a *physical* circumstance – often a “near miss” that may never be reported. For an equestrian the result could be a spooked horse and frightened rider, again going unreported. Or it could be life-threatening, as it was in Indian Tree Open Space Preserve a year ago when two mountain bikers appeared suddenly speeding down an illegal narrow trail, causing serious injury to an equestrian and her mount.

The *Analysis of Policy-Related Comments* that accompanies the Final TPEIR appears to confirm the view that safety concerns can stem from real conditions, even though actual incidents are relatively rare. Under Item I.B, it states: “. . . *the primary reason that mountain bikers are prevented from using most narrow trails within the open space preserves is that these trails are not constructed for safe multiple uses. Many of these trails can be narrow and overly steep, may not include appropriate turnouts and safe lines-of-sight, and may include features such as stairs that make these areas unsafe for bicycles*” (added: as well as for other users).

The RTMP will likely expand current bike usage of Marin County’s narrow trails, requiring heightened safety measures. Throughout the RTMP public process, the dominant requests for trail improvements in the RTMP have come from the mountain biking community arguing that mountain bikers have been unfairly deprived of past access to “single-track” (aka, narrow natural-surface trails, or foot paths); that in view of the growing popularity of the sport, they should be granted increased access in the future. Objectives incorporated into the RTMP make it clear this is likely to happen on the county’s open space preserves. For example, *Analysis of Policy-Related Comments*, Item I.C, states: “*The RTMP creates a process for the MCOSD to consider implementing projects that would physically modify and designate additional trails for shared uses.*” This phenomenon is not limited to Marin, where bicyclists already have access to several hundred miles of former ranch roads and fire roads as well as selected multi-use trails throughout the county. There is a growing recognition by managers of public lands that bicyclists are seeking increased access to *narrow* trails, and in an attempt to satisfy this demand, managers are responding by testing various approaches. They fall into three general categories, all of which are important¹:

- *Management of the road and trail system to minimize unsafe encounters on multi-use facilities.* Numerous management strategies can minimize but not eliminate safety conflicts among different users, beginning with classifying trails (appropriate for different user groups), setting rules and regulations such as speed limits, restricting use of selected trails, clear signage, separating users in space or time, employing one-way traffic, and similar tactics. To be effective, all of these actions require consistent and meaningful enforcement.
- *Education and outreach programs to engage visitors in cooperative use of open space.* The preferred strategy for most land managers is to encourage good etiquette (i.e., responsible, safe behavior) on trails through education and voluntary measures rather than relying heavily on rules, regulations, and enforcement – by reaching out to user groups to acquaint them with the needs of other users and their differing expectations for recreation, including safety; and by engaging volunteers in mixed groups to work together.

¹Trail Use and Conflict Study - California State Parks Road and Trail Change-in-Use Programmatic EIR, 2012

- Design new trails, or redesign (convert) existing roads or trails, for safe shared use. Research has demonstrated over and over the potential for conflicts between hikers (and equestrians) and bicyclists, particularly at higher levels of use. Differences in rates of speed and lack of room to pass are the two most often cited factors related to user safety in mixing bike use with foot or equestrian traffic. Therefore, if the intention of the RTMP is to design or redesign trails for safe multi-use, first consideration must be given to the physical conditions under which people traveling on foot or on horseback will encounter bikers, and vice-versa. Trail treads must be sufficiently wide, with turnouts or shoulders, to allow for safe passage of one traveler by another and insure adequate visibility (line of sight) to avoid near misses or collisions due to blind corners. Trail design for safety also needs to manage speed by maintaining moderate gradients (important also in design for sustainability) and, where necessary, incorporating design features to control bike speed, such as through sinuous trail layout or introducing pinch or choke points.

2. How the Draft RTMP does and does not address safety for multi-use trails.

The Draft RTMP does acknowledge the existence and need for management of conflict among recreational users, including safety concerns, in the Statement of Purpose and Goals and in Guiding Principles for Managing Roads and Trails in the MCOSD Preserves, and in numerous policies drawn from the 2007 Countywide Plan and policies developed specifically for the RTMP. The RTMP does not adequately address designing trails for safety except as noted below.

- Although not organized in this order, numerous policies among the 80-some policies listed in Chapter 4 in the RTMP address *management of safety* in the road and trail system through various prohibitions and restrictions (such as off-trail bicycle use), speed regulations, designation of trails for specified user groups, optional tools for separating user groups in time or space, signage, enforcement of rules, etc. And the RTMP contains policies that address *education and outreach* as a means to gain safe trail behavior and trail “etiquette” through voluntary cooperation.
- Numerous other policies in the RTMP are directed toward protecting sensitive resources and maintaining sustainable trails, such as through seasonal restrictions. These policies are supported and reinforced in Chapter 6 by design standards for sustainable roads and trails, and by detailed best management practices (BMPs) for both sustainability and protection of sensitive habitats.
- What the Draft RTMP does not adequately address is the importance of *design for a safe multi-use trail system*. With the exception of two policies drawn from the 2007 Countywide Plan – [TRL-2.3 **Ensure User Safety**. *Plan and maintain trails to protect the safety of trail users*; and TRL-2.e **Design Safe Trails**. *Design trails so that their surfaces, grades, cross gradients, sight distances, width, curve radii, vegetation clearance, and other specifications are consistent with anticipated uses*] – the RTMP contains no further reference to safety features such as these. Yet the *Analysis of Policy-Related Comments* (Item I.B, above) seems to affirm the need for safe design: mountain bikes are not currently permitted on most existing narrow trails because the conditions are unsafe. A core problem is that if some of these trails are “improved” (i.e., redesigned) for access to responsible bikers they also become available to irresponsible bikers, and this must be factored into both design and management of trails. Education and outreach

strategies are unlikely to change behaviors among this fraction of mountain bikers.

- Chapter 6 of the Draft RTMP (Standards and BMPs) does not include any standards for design for safe multi-use trails, nor does it include BMPs for that purpose. Four trail manuals are cited at the beginning of the chapter as references for detailed design and engineering specifications. County Park staff continue to claim that these manuals will provide the necessary standards for safety and therefore there is no need to include explicit multi-use design criteria in the RTMP. On examination, one finds that three of these manuals are silent on the subject of designing for multi-use. Only one (County of Los Angeles Trails Manual) considers design for multi-use (in fact, assumes multi-use of most of the county's trails): *"A goal of trail planning is to design trails for use by hikers, equestrians, and mountain bikers . . . proper trail design should take into account the needs of expected user types, as well as the conditions of the proposed trail alignment."* Although the 188-page Manual contains many engineering specifications for sustainable (and, indirectly, safe) trails, only two paragraphs provide guidelines specific to safety in design of multi-use trails: optimum width and/or turnouts, and minimum line-of-sight as a function of grade. Reference to two paragraphs in a Manual that must be located on-line and searched by the reader is not a sufficient or acceptable substitute for including key design parameters in the RTMP.
- The "Evaluation Tool", Chapter 5 of the RTMP, will be central to establishing the open space preserves' environmental baseline "system" of roads and trails, and in evaluating the environmental impacts of proposed projects on an annual basis. Twenty-five environmental and physical criteria, plus seven social criteria, are listed, but trail design for multi-use safety is suggested only once indirectly in connection with line-of-sight. Security and peace-of-mind as "social" aspects of safe recreational experience are not included in the list of social criteria.

In response to commenters' requests in the Final TPEIR that criteria (or standards) for safety and displacement of users be included in the Evaluation Tool, the *Analysis of Policy-Related Comments* claims that *"design standards incorporated into the RTMP contain several safety standards that address such factors as trail width, running slope, line of sight, speed control, and pull outs"* (Item V.D). This statement is patently false, although that claim is repeated under Items V.G, VII.A.3, and VII.A.8. In fact, the only such standards are those incorporated by reference in the Los Angeles Trails Manual.

- Finally, the *Analysis of Policy-Related Comments* (Item VII.E.1) states that *"...the primary purpose of the RTMP is to assess the existing physical aspects of road and trails managed by the MCOSD and to provide guidance and standards for the future management of the road and trail system."* This appears to ignore two of the three central goals of the Plan stated in Chapter 1 in the RTMP, viz., *"Reduce the environmental impact of roads and trails on sensitive resources . . ."* and *"Improve the visitor experience and visitor safety."*

3. How the Draft RTMP can include safety design standards or criteria.

MCL recognizes that many variables enter into design for multi-use trail safety, and design must be adapted to site conditions. For example, tread width for safe passing will depend on slope and line of sight and many other factors; the term "narrow" can be measured in different ways, depending

on context. The need for techniques to slow bike speed will depend on terrain. And so on. In relying solely on two policies from the Countywide Plan and NOT including safe design in Chapter 6 (Standards, BMPs) or in the Evaluation Tool (criteria), however, the RTMP dismisses the basic parameters of safe design and in so doing fails to adequately address a central source of conflict, especially if usage of narrow trails expands to include bikes as appears likely.

Adding these components to the Draft RTMP should not be controversial. They are consistent with and intended to implement Countywide Plan policy to design safe trails. They also reflect safety recommendations listed in a comment letter in the Final TPEIR from Marin County Bicycle Coalition. Although these recommendations were taken from the California State Parks' Programmatic EIR on Roads and Trails Change-in-Use, similar approaches to designing for multi-use safety are being tested by other public land managers, with qualified success.

Opportunity exists to include recommended design standards and BMPs in the August 1, 2014 *Draft* RTMP Chapter 6 on standards and BMPs, and in the Evaluation Tool (which we have been told is a "work in progress"). The opportunity also exists to monitor the effectiveness of safe design in addressing user conflicts in the Final TPEIR's proposed "Project Development Worksheet" by adding key design standards, BMPs, and/or criteria. If the Project Development Worksheet is to function in lieu of a CEQA Mitigation Monitoring and Reporting Program, however, a column for post-implementation status must be added, indicating appropriate time periods for ongoing monitoring. The effectiveness of ALL approaches to safe multi-use should be monitored and adjusted as necessary over time.

In conclusion, MCL sees the RTMP as the "living document" that County Parks Department claims it to be – not perfect, but an extraordinary piece of work that needs to be tested. Assuming that the additions recommended above are incorporated into the Draft, we look forward to playing an active role in implementing the RTMP.

Sincerely yours,


Jon Elam, President


Nona Dennis, Chair, Parks and Open Space Committee

cc: Supervisor Susan Adams
Supervisor Judy Arnold
Supervisor Steve Kinsey
Supervisor Katie Rice
Supervisor Kate Sears
Marin County Parks and Open Space Commission
Monte Kruger, Marin Horse Council
Tom Boss, Marin County Bicycle Coalition

Tamalpais Trail Riders Inc.
PO Box 1469
Novato, CA 94948

December 5, 2014

Mr. James Raives
Senior Planner
Marin County Open Space District
RE: Road and Trails Management Plan and EIR
Via email: jraives@marincounty.org

Dear Mr. Raives:

Tamalpais Trail Riders Inc. is a non-profit organization that was founded in 1939 by Marin horse enthusiasts and Mr. Jim Peters, MMWD General Manager, to promote recreational horseback riding on Marin public lands for Marin County residents. Our group rides are always a small number of riders (10 or less), and are "walk only." We practice respect for natural resources, and other trail users. In addition to organized horseback trail rides on Marin Open Space, the TTR has hosted, for 74 years, an annual Trail Test each Fall Season for local equestrians to measure their trail riding skills and also to become educated in safer trail riding techniques.

Not only do we appreciate the Marin County Open Space District's long period of study, but also public input, and staff devotion to the Road and Trails Management Plan and Environmental Impact Report. We also appreciate the opportunity to comment on these two studies. First, we are grateful that horses may continue to be allowed to step off trail to rest and water. We are also appreciative to see: considerations for improving safe conditions on the trail; reducing displacement of slower moving trail visitors; and enhancing visitor experience such as safety and that a peaceful experience is being considered for all users.

Our organization supports safety as an underlying concern in the documents that your organization produces. Please consider safety and the threat of unsafe conditions in the evaluation tools. We also encourage staff and the Board of Directors of Open Space to monitor trail usage and implement on-going modifications to usage if behavior by certain user groups is not legal and safe for everyone. We believe, and practice, trail use that considers the safety of all users, and would like to see education toward that land use and enforcement if necessary.

Tamalpais Trail Riders is interested in participating in County meetings to represent the interests of equestrians who have a long history of safely riding on our public lands.

Sincerely,

Tamalpais Trail Riders Board of Directors

December 8, 2014

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

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

Re: Draft Road and Trail Management Plan, Final Tiered Program
Environmental Impact Report (Final TPEIR)

Dear Mr. Raives,

As you are aware, since June 2009 I have been documenting trail deaths of small creatures after being run over by mountain bicycles and previously submitted geo-tagged and dated photographs in response to the Draft TPEIR on December 2, 2013. Since that date I have continued to document these incidents.

Attached are an additional 26 individual photographs of trail deaths caused by the mountain biking sport for the period December 3, 2013 through December 7, 2014.

Previously I estimated trail deaths per mile by dividing my total miles traveled. However, a more accurate method is as follows:

The photographs are always taken during the uphill portion of my ride. I usually ride the same circuit. With minimal exceptions, the area of study is approximately 2.2 miles in length. During this period I made 262 trips for a total of 576 miles traveled on this particular section. Based on this calculation, I am encountering one dead creature for about every 22 miles of travel.

In regard to the current wildlife study, I would like to thank the district for conducting the wildlife survey as this is a first step in the right direction.

The concern continues to be straightforward:

Are these deaths having a significant impact upon these creatures when taken in the cumulative over time and area? We simply do not know.

I believe there is a common understanding that we as a community do not want to create a situation through our own negligence that results endangering these populations over the long term. I encourage the district to continue to study these human impact issues and to develop reference baselines.

As I have suggested, the district should also takes steps to develop mitigations through education and signage sand couple that with seasonal closures to mountain biking, where appropriate or necessary in particularly sensitive habitats to lessen the impact the mountain biking sport is causing to these populations.

Sincerely yours,

Larry Minikes
230 Coleman Dr.
San Rafael 94901

Attachments

cc: Marin Conservation League, Parks and Open Space Committee
Marin County Parks and Open Space Chair, Greg Zitney



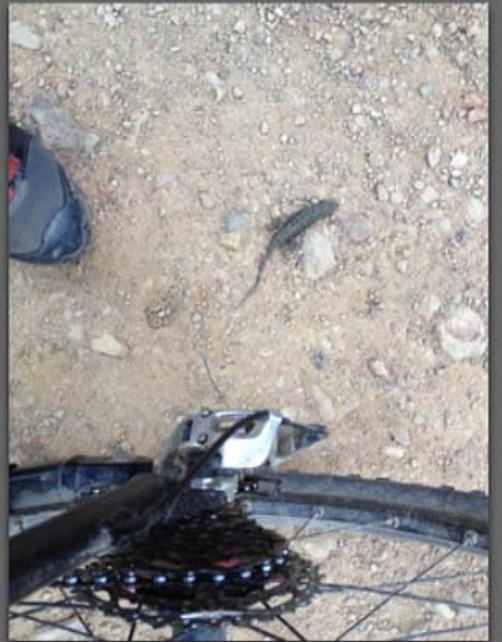
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Mr. James Raives
Senior Planner
Marin County Open Space District
RE: Road and Trails Management Plan and EIR

Via email

December 9, 2014

The Marin Horse Council would like to thank the staff for the good work done on the proposed RTMP and TEIR. We also are appreciative of the opportunity to add further comment on the RTMP as it heads to the BOD. The MHC has been following and reporting on the progress MCOSD has made over the last four years in crafting and honing the RTMP which has been a publically inclusive and transparent process. The MHC has felt that the comments we have made so far have been heard and considered.

The Marin Horse Council's membership is comprised of horse owners, enthusiasts, ranch and stable owners and managers who share many concerns about horses in Marin County. One ever present topic of concern, is of course our role in the preservation of trails and their use in public lands. The MHC applauds the District for creating this living document in order to manage our trail system keeping in mind the health and welfare of our unique environment, the diversity of users and the delicacy with which to handle user conflict and safety. We thank the MCOSD for valuing our user group and the consideration shown in the RTMP for the welfare of an equestrian presence on our trails.

Among the positive policies governing the RTMP, the MHC thanks the MCOSD for including the ability for equestrians to rest and water horses off trail where it is appropriate. In working with the MHC and MCBC, MCOSD staff has witnessed the educational component "Tails and Tires" of the Trail Partners collaborative and we hope you will continue to support this and other programs and events that educate users about insuring safe trail encounters and resource protection.

There are several points that the MHC would like to see addressed before the final draft of the RTMP is implemented.

How will improving safety, improving visitor experience and displacement be measured? Citizen reporting? It's important, as trail use changes, for users to be able to report incidents or trail safety and maintenance issues in an easy and efficient way. Technology exists today that allows for real time reporting of these issues on mobile devices (phones) in a way that allows that date to be stored and cataloged. An internet reporting system is also available, however that requires that one be near a computer and often the opportunity is lost when too much time passes between incident and the ability to report. Cataloged data, publically available, could be cited in a public forum, for example, at Commission and BOS meetings. Management of the trail system is not complete without follow up from users as to how the system is working. Connecting this data with SW 15 – "expectation of active cooperation" along with improved signage, education and publicity will hopefully reduce violations and

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improve the ability of staff to follow up on areas with repeated incidents. Follow up from public reporting and ranger citing will be critical to management as preserves are being assessed and trails redesigned. Any decision regarding change of trail use should consider this data.

Trail width is included under physical criteria, but not defined in terms of any trail standard when it has a major influence on safety and social (conflict). Just as grade and sight lines are significant criteria for safe use, so is trail (not just tread) width. Special attention needs to be paid to physical criteria whenever a trail is evaluated for a safe visitor experience.

What is "Enhanced Access"? If it is, in fact, a move toward more multi use trails, then say so. The majority of users are hikers, and they along with equestrians are not benefited by conversion of a trail to multi use. We understand the benefit of connector trails between fire roads and existing multi use trails, but expansion of multi-use to previously hiker or hiker/horse only trails will result in displacement, safety issues, or both.

Include safety criteria as a BMP, even if not required by CEQA. Safety refers not just to protection from injury, but also to the very real fear for one's safety. Trail accidents often unreported but are very real. Close calls are frequent, just ask most hikers. Fear for one's safety leads to displacement and diminishment of a relaxing and restorative trail experience.

In reviewing preserves, SW 16 speaks to prohibiting certain trail use to prevent displacement. When considering the designation of existing trails as they relate to priority use, the MHC hopes that will include those trails in close proximity to stables and will retain them with their current legal designation. Examples include Roy's Redwoods and Indian Trees Open Space as they are in close proximity to equestrian facilities. Furthermore, due to trail widths, slope and sight lines that exist in these preserves they should retain their current designations.

The MHC appreciates this opportunity for comment and looks forward to working with the MCOSD as we move to create a sustainable public trail system in Marin.

Kind regards,

Monte Kruger
President; Marin Horse Council

Raives, James

From: Vernon Huffman <marinmtbr@gmail.com>
Sent: Wednesday, December 10, 2014 10:41 AM
To: Raives, James
Subject: DRAFT RTMP/Final TPEIR and analysis of policy-related comments

December 9, 2014

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

Attention: James Raives, Senior Open Space Planner
(via email)

Subject: DRAFT RTMP/Final TPEIR and analysis of policy-related comments

Dear Mr. Raives:

As the Road and Trail Management Plan approaches the final stage of review and adoption by the Open Space District Board of Directors, Access4Bikes (A4B) wishes to thank Marin County Parks Department for the opportunity to participate in the process of preparing the Plan. The RTMP charts new territory in detailing the rich and diverse natural resources and the recreational conditions in the County's 34 open space preserves, and by attempting to set broad policy and guidance for their management in coming years.

A4B has submitted numerous comments and recommendations during the planning process. Most have been addressed in the environmental documents and the Draft RTMP itself. As we have stated previously, however, critiquing the Final TPEIR (the purpose of the current comment period), has required critiquing the Draft RTMP itself, since it constitutes the "project description" analyzed in the TPEIR (CEQA Guidelines 15124(c)).

Our comments below consider: 1) the lack of reference to important studies/documents that shed light on important social issues in the RTMP; 2) how the language restricts the district in reducing overall impacts by binding it in a yearly reduction mandate.

1. Decision making process in RTMP chapter 5-10

Reducing environmental impact is one of the goals of the plan, but the way the RTMP proposes the indexing of impacts may become problematic in the future.

"The list of prioritized road and trail projects submitted in each year's draft budget will yield a net reduction in the combined index of environmental and physical impacts compared to the previous year's index, as measured at the planning unit level." (RTMP page 5-10)

Initially, we concur that this approach will work as the "list" of projects will be inclusive of everything that people are considering today. However, ten years from now, when projects become fewer and further apart, we see situations where this approach would preclude a project because it was not on an initial list. Situations and circumstances change and the 'previous year's index' could easily preclude projects that are good for the trail network and would provide a net benefit to the open space system.

We propose that these impacts must be considered over a more realistic multi-year timeline. Each region should

be considered as a whole and its impact score recorded and reduced over time, without the limitations of a single budget year.

2. Missing Reference Materials - CA Department of Parks and Recreation's Trail Use Conflict Study

Throughout the TPEIR/RTMP the issue of safety is mentioned often. A4B also believes that safety should be a paramount factor when developing policies and decisions for trail usage.

A4B is also aware and involved with these decisions in another agency, the California State Parks. When attempting and eventually succeeding in opening Bill's Trail to mountain biking (change in use), CSP had to study empirical data to determine the wisdom of this decision. That study and the resulting information was published in the Trail Use Conflict Study.

A4B has asked for this document to be referenced in earlier responses to the TPEIR/RTMP. The latest reasoning from MCOSD was:

"...This study was not referenced in the RTMP in part because the State Parks released the study after the MCOSD completed its initial draft of the RTMP."

A4B does not agree with this reasoning. The Trail Use Conflict Study was first published in June of 2012 and certified in April of 2013. As of this writing the TPEIR/RTMP is not a certified document. The referenced document should have been placed, and could still be placed in the plan at this time.

A4B feels that the the inclusion of this plan as a reference tool can provide significant information on the conflict issues that are brought up often by the various user groups. It would seem advantageous to MCOSD to have another reference document to refer to that sheds light with actual 'on the ground' imperial empirical data. Again, it was developed for a trail change in use project right here in Marin County within the last 2 years. The relevance this document has to the TPEIR/RTMP is direct and the lack of inclusion is a serious omission.

In conclusion, A4B is once again grateful to work with MCOSD to create a plan that will better serve the needs of its users. A4B is satisfied that this plan protects the environment while allowing the enjoyment of that environment by people for decades to come. With a few minor changes, we believe this tool will serve both Marin's citizens and the mountain bike community well and will work to resolve 30 years of exclusion to narrow public trails.

Vernon Huffman, President, Access4Bikes

Raives, James

From: constance berto <cberto3@sonic.net>
Sent: Wednesday, December 10, 2014 3:03 PM
To: Adams, Susan; Arnold, Judy; Connolly, Damon; Kinsey, Steven; Rice, Katie; Sears, Kathrin
Cc: connie berto; Raives, James; Dahl, Linda
Subject: Roads and Trails Management Plan

10 December 2014

Dear Supervisors/Directors of the Open Space District:

The Roads and Trails Management Plan (RTMP) is a notable achievement and Marin County can feel very pleased with it. I have some concerns about some details:

1. The Plan talks about safety and the goal of a safe outdoor experience, yet it does not specify any basic standards for the achievement of a safe and pleasant outing. How, then, can a determination be made in the future as to whether "safety" on trails is a fact? Case law exists whereby judges have ruled that valid statistics on "safety" are just as important coming from trail users' points of view as they would be coming from a ranger's notebook. If a hiker or horseman writes that s/he no longer feels safe on a trail because of speeding mt.bikers, that is a valid statistic and should be treated as such.

Trails should be classified by width and potential safety hazards. I strongly feel that for reasons of safety hazards to others and environmental damage (ruts), mountain bicycles do not belong on narrow footpaths. Shared use trails should be at least vehicular width.

2. I have heard protests from the mt.bike community that horses damage trails much more than bicycles. This is not true. Over 2,000 years ago, the Roman historian Pliny observed that nothing is more conducive to erosion than a line drawn on the ground. This is exactly what bicycle wheels do--dig lines in the ground, down which rainwater runs. Furthermore, however much air is pumped into bike tires, that is the psi pressing against the terrain. The footprint may be a larger oval or a smaller oval, but every square inch of that footprint exerts pressure. Many tires are pumped at 80 psi; others, far more. Every uphill slope along fire roads in Marin have "eyebrows" carved exclusively by bicycle tires. They can not be erased.

3. The average saddle horse weighs 1,000 pounds (Arabs, less than 900).
Divide that by four legs (250 lb.). Take into account that the entire bottom of a horse's hoof presses against the ground and not just the shoe. Depending on the size of the hoof, that can be as much as 18-20 sq.in. of bearing surface. A standing horse will exert about 25 psi against the dirt. Since force equals mass times acceleration, clearly when a horse moves the psi goes up. Hoof prints put intermittent pressure against the ground. A walking horse has either two or three feet on the ground at any one time. Trotters and pacers have two plus a suspension phase. Cantering is irrelevant here as trail riders rarely go faster than a trot on Marin's footpaths.

4. Lastly: the RTMP is deficient in not setting precise standards of trail width vs. safety of hikers and horses. More than three-quarters of Marin's trail users are foot people and that includes horses' feet. There have been serious injury accidents to riders and to walkers caused by speeding mt.bikes in the last two years in Marin. In San Francisco, pedestrians have been hit and killed by speeding bicycles. In Central Park, New York City, in two separate incidents, walkers were struck and killed by speeding bikes -- just within the last few months.

While I believe in shared use on Marin's hundreds of miles of wide dirt vehicular fire roads, I am opposed to allowing mt.bikes on narrower trails. I am, therefore, opposed to the narrowing of fire roads. As well as being ideal for shared use, fire roads are the FIRST means of emergency access, whether it be accidents, injuries, or fires. We MUST keep and maintain our fire road network.

I respectfully ask that the Directors consider my points and amend the RTMP accordingly.

Thank you. Sincerely, Connie Berto, 70 Crane Drive, San Anselmo CA
94960. Phone 415-454-2923.

--
constance berto

Raives, James

From: Tom Boss <tom@marinbike.org>
Sent: Wednesday, December 10, 2014 6:09 PM
To: Raives, James
Subject: Final TPEIR

Hello James,

MCBC will not be commenting on the Final TPEIR beyond the letter we submitted back in September, 2014. We are content with that document at this point.

We will be suggesting a few minor text revisions to the RTMP at the meeting on December 16th, and I thought I'd bring them to your attention now.

1. On page 1-3 under the three primary goals for the plan, we are going to suggest naming the primary activities that will be improved by the plan, so that the third bullet point reads "Improve the visitor experience and visitor safety *for mountain biking, hiking, walking and horseback riding*" or some variant.

2. In Chapter 5 there are inconsistencies in the language regarding the region index threshold for projects proposed in a given draft budget. In at least two places, Chapter 5 states that projects will yield a net reduction, or no net increase, but in a third instance it states that projects will only move forward as long as there is a "net reduction". It's likely that there may be years when there is only no net increase (instead of a net reduction) and we'd like that supported throughout the chapter.

3. In the fourth paragraph on page 5-11 we'd like a greater emphasis on the District's desire to try, evaluate and modify new trail management tools over the life of the plan. Additionally we may suggest language that would support the District's ability to reach beyond the design and management standards referenced in the four documents listed on page 6-1 of the plan as long as there is consensus among most stakeholders to try them out.

Thanks, and see you on December 16th.

Tom

--

Tom Boss
Off-Road and Events Director
Marin County Bicycle Coalition
www.marinbike.org
415-272-2756

**Michael W. Graf
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December 10, 2014

Via Email & Regular Mail

James Raives
Marin County Open Space District
3501 Civic Center Drive, Room 260
San Rafael, CA 94903-4157
jraives@marincounty.org

Re: Comments on Road and Trail Management Plan Final Tiered Program EIR

To Whom it May Concern:

I am writing on behalf of the local chapter of the Sierra Club and concerned local citizens regarding the Final Tiered Program Environmental Impact Report (“FEIR”) for the Road and Trail Management Plan (“Plan” or “Project”) proposed by the Marin County Open Space District (“District.”) We previously submitted comments on this Plan on September 22, 2014, which are included and responded to in the FEIR as Letter No. 104. *See* FEIR, pp. 3-118 - 3-127.

As discussed in our prior comment letter, our greatest concern remains the FEIR’s purported analysis of a scoring ‘evaluation tool’ that the District plans to use to determine how new trails and roads will be designated by the District. The EIR relies in part on this scoring system to make findings that the Project will not have significant impacts on wildlife and sensitive natural resources that occur in Marin County. Our concern remains that such a finding is unsupported, yet could conceivably still be utilized in the future by the District to streamline the review of subsequent trail projects without CEQA review or public input, as occurred with the Dawn Falls project.

The FEIR is a programmatic document and the District envisions that future trail projects will tier to the FEIR to streamline the CEQA review process. Under CEQA, the District may simply approve future trail projects without CEQA review with a CEQA ‘Addendum’ so long as the District determines that the subsequent project is “within the scope” of the FEIR’s analysis. *See* 14 Cal. Code Regs. § 15168(c)(2). The problem with this result is that the FEIR’s analysis of the scoring system cannot substitute for a full CEQA review of a future proposed trail project, including the considering of the no-project alternative not to designate the trail in the first place.

Despite the statements made in the FEIR, we continue to consider the Dawn Falls project as a cautionary example of how future projects may evade adequate review. The FEIR and Plan

trumpet Dawn Falls as a success story based on the same ‘scorecard’ system, but the project also serves as an example of how the District could approve projects in the future, with no public review or public input, despite the fact a project raised significant issues relating to environmental impacts. Here, as stated in our prior comments, the fact that a project may be rated high on the scorecard ‘evaluation tool’ does not mean it does not still have the potential for significant impacts to the environment.

The District’s approach as illustrated by Dawn Falls has the potential to prevent the public from providing input on individual projects that need public oversight and protections. We remained concerned that Dawn Falls demonstrates precisely the potential negative consequences of avoiding CEQA review for actual projects that affect the physical environment and the wildlife that occur there in Marin County. We urge the District to adopt measures that would ensure that future projects receive such review. In the absence of such review, the FEIR’s findings that the Plan will not have any significant impacts on the environment cannot be supported.

In addition to the points already raised in our prior comments, we provide the following additional comments on the FEIR.

1. The FEIR Still Purports to Make a Cumulative Impact Determination for Trail Designations, which is Not Warranted by the Scorecard System.

Our prior comments (pp. 3-6) pointed out that the EIR had no basis to find that the cumulative impacts of the Plan – including increased trail use – would be insignificant to the extent it was relying on the agency’s scorecard approach in making that finding.

Here, the “RTMP sets forth policies, standards, and BMPs, and a *method for establishing system roads and trails* ...to ensure a reduction in overall environmental effects.” See DEIR, Appendix D-7 (emphasis added.) The EIR suggests that the CEQA review of any decision about where or whether to locate a particular trail in an area may rely on the FEIR’s ‘method’ for establishing trails, a la the scorecard approach, as a basis for finding that the future location of individual trails will not have a significant impact due to their location:

As required by Section 15168(d) of the State CEQA Guidelines, when a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that: •This activity is *within the scope of the program approved earlier*, and • The program EIR adequately describes the activity for the purposes of CEQA. For all future subsequent road and trail projects and activities under the RTMP that are subject to CEQA, *the MCOSD anticipates the use of the CEQA streamlining provisions provided by Section 15168* of the State CEQA Guidelines as set forth above.

DEIR, p. 3-62. (emphases added.)

The FEIR responds to this point by noting that the District will not evade its responsibilities under CEQA Guidelines Section 15168 “that establish a process and standards for future environmental review of projects.” See FEIR, p. 3-122-123. This is non-responsive, given the District has stated its intent to utilize the FEIR to streamline future project review under that section.

For more clarification, the FEIR’s Analysis to Policy-Related Comments (“Analysis”) states:

The purpose of developing a program EIR is to provide the MCOSED with an opportunity to evaluate future projects against the program evaluated in the EIR. In this case, the MCOSED will assess all road and trail projects for consistency with the policies, best management practices, and design standards of the RTMP. For all projects that are not emergencies, routine maintenance, or are otherwise exempt from CEQA, the MCOSED will prepare an initial study that identifies the existing conditions of the project site (e.g., geology, hydrology, biology, cultural, and other relevant resource categories as identified in CEQA, the CEQA Guidelines, and Marin County Environmental Impact Review Guidelines) and evaluates the project’s environmental effects and consistency with the TPEIR. *If the initial study identifies new or more significant impacts beyond those considered in the TPEIR, the initial study would consider the significance of the impact and whether the project requires a negative declaration, mitigated negative declaration, or environmental impact report. If a project is consistent with the RTMP and does not result in new or more significant impacts, the final TPEIR for the RTMP would be adequate for compliance with CEQA.*

Analysis, pp. 12-13 (emphasis added.) Despite these statements, the Analysis further states that the scorecard approach will not affect the level of future CEQA review for individual trail projects:

As described above, the purpose of the evaluation tool is to provide the MCOSED with metrics to evaluate the road and trail system and trail projects, and will not be used to determine the level of CEQA review or whether the project results in new or more significant impacts than those considered in the TPEIR.

Analysis, p. 13.

Notwithstanding this assurance, we remain concerned that in actual practice the District’s ability to tier off the FEIR could limit the scope of future environmental review. Indeed, CEQA Guideline Section 15168, which the County asserts it will implement faithfully, is designed precisely to *limit the scope of future environmental review*.^{1/} Under Section § 15168(c)(2), so long as the

^{1/}Section 15168 implements CEQA’s policies for evaluating components of an ongoing program pursuant to a programmatic EIR. See 14 Cal. Code Regs. § 15168(a)(3) (programmatic EIRs are typically “prepared on a series of actions that can be characterized as one large project and are related...in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program.”) Section 15168 implements the tiering allowed under CEQA for subsequent project environmental review. See *Stanislaus Natural Heritage Project v.*

District determines that the subsequent trail project is “within the scope” of the FEIR’s analysis, it need not conduct further analysis. *See* 14 Cal. Code Regs. § 15168(c)(2).

One of the critical questions in tiering environmental review under CEQA is which issues are “ripe for review” at each programmatic stage. Pub. Res. Code § 21093(a); 14 Cal. Code Reg. § 15152(b). If an issue that was ‘ripe for review’ is purported to be analyzed in a program EIR, that question would *not* have to be readdressed as part of the CEQA review for a subsequent project. We remain concerned that the FEIR is purporting to analyze, as an issue ‘ripe for review’ at the programmatic level, the appropriate location for future designated trails in the County. This concern is highlighted by the District’s acknowledgment that it *will* consider the scorecard approach as a method for designating trails in the first instance:

[T]he purpose of the evaluation tool is to provide the MCOSD with metrics that it can use to evaluate the existing road and trail network, the proposed road and trail system and proposed road and projects. *Any decision on whether to move forward with a trail project will be based on its consistency with polices described in the RTMP, funding sources, its ranking (using the evaluation tool), and other factors that the MCOSD may consider. These issues are addressed through policies, BMPs, and design standards contained in the RTMP.*

Analysis, pp. 11-12 (emphasis added.) Here, the question whether the initial designation of a trail is warranted *is* being analyzed in the FEIR, which is in part relying on the proposed scoring system. This approach has the potential to shut off any consideration in future project evaluations of alternative trail locations, including the ‘no project alternative’ normally required under CEQA, since the overall effects of such designation have purportedly already been addressed by the FEIR’s consideration of the scorecard approach.

A further problem still unanswered by the FEIR is *how* the scorecard ranking will be used to determine whether to “move forward” with a particular trail project. The Analysis describes the scorecard approach as follows:

The RTMP requires that the road and trail system and implemented trail projects result in a net reduction of biophysical impacts as measured by the Road and Trail Evaluation Tool, which is described in Chapter 5 of the RTMP. This tool requires each existing and proposed road and trail facility to be scored for 25 environmental and physical criteria. Each criterion corresponds to a significant factor of environmental impact (e.g. proximity of the facility to a known owl nesting site, intersection with invasive weeds) or physical performance (e.g. length, width, proximity to streams, erosion). *These scores are summed together for each existing or proposed road and trail facility to provide coefficients measuring the overall biophysical impacts of that facility.*

County of Stanislaus (1996) 48 Cal. App. 4th 182, 201; Pub. Res. Code §§ 21093, 21094; § 21068.5; 14 Cal. Code Regs. § 15152.

Analysis, p. 10 (emphasis added.) The FEIR still contains no analysis, however, that would explain how individual ‘bio-physical’ impacts would be measured in the CEQA context, or how the summation of scores impacting different resources areas would translate to either a significant or insignificant effect relating to trail designation.

Our concern is that the FEIR purports to make a finding that the impacts of locating future trails or roads based on the scorecard approach will be insignificant when, in fact, the FEIR does not provide adequate information to assure such a result. As discussed in our prior comments, new trails and roads have inevitable adverse impacts to wildlife yet the DEIR provides no criteria for when such adverse impacts will be tolerated or accepted. The DEIR provides no threshold scores that would prevent a future trail project from being approved, nor does the “score” for a project necessarily provide information about whether that project could have significant effects on a particular wildlife species or even wildlife in general. Indeed, to go back again to the Dawn Falls example, there the potentially significant impacts to the northern spotted owl as a result of the proximity of trail segments and bridges were *overridden* by erosion and drainage benefits in a number of overlapping categories that tended to inflate the importance of water quality at the apparent expense of owl habitat protection.^{2/} In the Dawn Falls project, the ‘net benefit’ of the project according to the weighted scorecard approach *did not mean that project would avoid significant impacts to other resources* such as the owl, yet the District appears to have made precisely that conclusion in approving the project without any CEQA review.

2. The District Should Clarify that the Decision About Where to Locate Future Trail Projects Will Not be Exempted From CEQA Review Based on a Finding that Such Analysis is ‘Within the Scope’ of the FEIR.

As discussed, if the District determines that the subsequent trail project is “within the scope” of the FEIR’s analysis, it need not conduct further analysis. *See* 14 Cal. Code Regs. § 15168(c)(2). As discussed, the FEIR Analysis states that if a future trail project were “consistent with the RTMP and [would] not result in new or more significant impacts, the *final TPEIR for the RTMP would be adequate for compliance with CEQA.*” Analysis, pp. 12-13 (emphasis).

The staff recommendation to the Board of Directors characterizes the Plan as including “a decision making process for *designation of the road and trail system and approval of road and trail projects.*” *See* Memo from Carl Somers, Chief of Planning and Acquisition to Parks and Open Space Commission dated November 20, 2014, p. 1 (emphasis added.) Given this description, it seems

^{2/} The FEIR also continues the District’s position that the environmental impacts of future trail location will be insignificant based on the District’s implementation of the Plan policies and Best Management Practices (“BMPs”). However, as discussed in our prior comments, decisions about where to locate a trail or series of trails may have impacts that cannot be mitigated on a site specific level. Here, there is not sufficient information in the DEIR to warrant this assertion, nor does the DEIR present coherent information that would inform how the future increase in trails and roads will avoid significant cumulative effects on wildlife.

likely that District staff in the future will treat the question of the impacts of locating a trail in a particular area to be ‘within the scope’ of the Plan’s environmental analysis under CEQA Guideline Section 15168(c)(2).

In response, the FEIR states that the District has no intention of using the ‘evaluation tool’ (scorecard approach) in lieu of CEQA compliance, nor does the District intend to evade the full requirements of CEQA Guideline Section 15168. *See* FEIR, p. 3-125. The FEIR goes on to state that “the District will fully comply with CEQA requirements” in evaluating the impacts of future project, including the consideration of alternatives. *Id.* These assertions beg the question of which CEQA requirements will apply given the FEIR’s purported findings that the designation of a trail as beneficial and warranted under the plan may be determined by the scorecard ‘evaluation tool,’ which will be assumed to have no significant environmental effects per the FEIR’s findings.

To assure members of the public, *the District should take necessary action* as part of its approval of the Plan to *ensure that future trail and road projects not evade full CEQA review*, including review at the initial level of whether a trail location or designation is warranted given the potential for significant effects. This could be in the form of Resolution language or CEQA findings clarifying that the FEIR is not intended to address the environmental impacts of such future planning decisions, irrespective of the scorecard tool reviewed and discussed in the Plan EIR.

3. The Failure to Include an Enforceable Monitoring Component as part of the Plan has the Potential for Significant Environmental Impacts.

In response to our comments about the need to include an enforceable monitoring program, the FEIR states the FEIR “does not identify any significant impacts from the proposed project, and consequently sets forth no mitigation measures....the [FEIR] ...does not require a mitigation and monitoring program” pursuant to CEQA Guidelines Section 15097(a). *See* FEIR, p. 3-126.

Instead, the FEIR offers a “project development worksheet” as a “component” of the Plan.^{3/}

The FEIR’s reference to a worksheet, undisclosed at this point in time, as a substitute for necessary and required monitoring does not meet CEQA requirements and has the potential for significant impacts. Indeed, the evidence presented on the Dawn Falls project shows that the lack of oversight and monitoring contributed to the potentially significant water quality effects of that project caused by the District’s failure to properly implement BMPs as promised in the project documents. Numerous other examples could be easily found showing how lack of monitoring may

^{3/}This approach constitutes a step backwards from the DEIR’s prior promise that the District would adopt and circulate a Mitigation Monitoring and Reporting Program (MMRP) that would ensure compliance with the adopted measures during project implementation (PRC Section 21081.6). *See* DEIR, p. 1-6. (“The MMRP for this project will be prepared and circulated under separate cover for consideration by the MCOSD in conjunction with certification of the Final TPEIR.”)

lead to significant effects due to 1) failure to implement required BMPs on individual trail projects according to required specifications; 2) impacts caused by types or intensity of trail uses that were not analyzed or adequately considered in the underlying project approval documents; and/or 3) lack of follow up evaluation on the *effectiveness of BMPs* to ensure that trail construction and use has avoided and will continue to avoid significant environmental impacts.

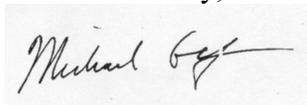
As noted in our prior comments, under the District’s approach, the public has no chance to review the proposed protocols to determine whether or how they might rectify some of the informational inadequacies in the DEIR, as described above. In addition, the information that is provided leaves unanswered questions as to how monitoring may avoid the potentially significant impacts to wildlife of increased trail and road building. Yet here, monitoring how and which projects are implemented is necessary to ensure that the District’s proposed adaptive management approach will avoid significant impacts to wildlife and other sensitive resources over the life of the Plan.

4. Conclusion

The District’s utilization of a programmatic EIR in this case raises significant and, in our view, unanalyzed issues about how future projects will 1) be reviewed under CEQA; 2) ensure public comment and participation; and 3) avoid impacts to wildlife and other sensitive environmental resources in the County. As discussed, we remain concerned that the FEIR will provide future cover for projects with potentially significant environmental effects to evade necessary CEQA review and critical public participation.

To rectify these inadequacies, we ask that the District include, as part of its project approval process: 1) CEQA findings that ensure that future environmental review of individual road and trail projects not be limited in scope in any way based on the Plan’s utilization of its ‘scorecard’ evaluation tool for designating new trails and roads; and 2) an enforceable and detailed monitoring plan to ensure that (a) the Plan’s BMPs will be adequately implemented and effective in the field at avoiding significant environmental impacts and that (b) actual – as opposed to theoretical - trail and road usage by all users is not causing significant effects not considered or analyzed in the FEIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Graf", is centered on a light gray rectangular background.

Michael W. Graf