

Analysis to Policy-Related Comments

As described in the Response to Comments in the Final Tiered Program Environmental Impact Report (TPEIR) for the Road and Trail Management Plan (RTMP), many of the comments received on the TPEIR were on the policies, best management practices (BMPs), evaluation tool, and other merit considerations of the RTMP. In a Final EIR, the California Environmental Quality Act (CEQA) requires the lead agency to respond only to comments on the environmental issues. However, in consideration of issues raised in these merit comments, the MCOSD staff prepared this evaluation for consideration by the Parks and Open Space Commission (Commission) and the Marin County Open Space District (MCOSD) Board of Directors (Board) when reviewing the plan. This analysis is not intended to be a response to comments, but rather a summary of the issues raised by the comments. The discussion below provides a short description of the policy issue and an evaluation of how the RTMP addresses the issue.

I. ISSUES WITH EXISTING POLICIES AND PRACTICES

A. Existing restrictions on mountain bike use have resulted in conflicts and illegal trail construction

Mountain bike use has increased significantly in the past several years, which has led to an increase in the number of social and illegally constructed trails, and conflicts among users. The MCOSD allows bicycle use on all of its unpaved roads and on several multiple use trails (including the Porcupine, White Hill, Big Rock, 680, Wagon Wheel, Top Flight, and Bahia Trails). There are approximately 116 miles of existing roads and trails open to bicycle use. One of the goals of the RTMP is to improve the visitor experience. The plan creates a process for the designation of a road and trail system and for the implementation of road and trail projects. Through this process and consistent with proposed revisions to Trail Policy T1.d, the MCOSD may designate some of these trails for shared use.

B. Perception of conflicts among users are the basis for existing policies that restrict mountain bike use

Some users are concerned that perceptions of conflicts (rather than actual problems) are used as a basis to restrict mountain biking to unpaved roads and designated multiuse trails. Some have argued that the information on conflicts is based on opinion and not data, and actual incidents are relatively rare. However, 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.

Alongside the goals of sustainability and environmental remediation, one of the goals of the RTMP is to improve visitor experience and safety. The plan would potentially allow, on the basis of a case by case assessment, for improvements to these trails to address

safety issues and open them to shared use. The RTMP revises the existing trail policy, T1.d, specifically to allow the MCOSD to consider multiple-use designations on new and existing trails. Even though conflict is not the basis for current restrictions on mountain biking, the RTMP contains several policies that are intended to reduce conflict including SW.12, SW.13, SW.14, SW.15, SW.16, SW.17, SW.19, T.1, and T.3.

C. Mountain bikers do not have equitable access to trails within the open space preserves

As stated above, mountain bikers have access to all fire roads and designated shared use trails, approximately 116 miles of the 249 total miles of roads and trails within the open space preserve system. Of the approximately 249 mile total network, only approximately 155 miles are currently signed and maintained for visitor use. Cyclists therefore have access to around 75 percent of the currently signed and maintained road and trail facilities. As described above, the relatively few signed and maintained trails not open to bikes are closed because they are not suitable for such use. Some of the commenters argued that since studies cited in the TPEIR indicate that mountain biking does not have a significantly different environmental impact from other trail use; there is no basis for inequitable restriction on biking. However, this argument ignores other management concerns, such as user safety, conflicts, and use displacement, or physical obstacles, that make these trails inappropriate for mountain biking. As described above, the RTMP creates a process for the MCOSD to consider implementing projects that would physically modify and designate additional trails for shared uses.

D. Existing policies and practices have led to a loss of biodiversity within the open space preserves

Much of the biological impacts to the open space preserves are a result of past land use activities, such as grazing, timber harvesting, fire-fuel management, and urban and suburban development. In addition, most of the roads and trails within the preserves were constructed by previous landowners without consideration of their biological and hydrological impacts. One of the primary purposes of the RTMP is to remediate past damage to the biological resources of the open space preserves. This plan provides the MCOSD with a set of guiding policies, best management practices, and design standards to reduce the biological impacts from the road and trail network.

II. SUGGESTED MODIFICATIONS TO REGIONS AND VISITOR USE AREAS

A. Designate Gary Giacomini Preserve as a Legacy Protection Zone

The RTMP would divide the preserve system into three visitor management areas (Sensitive Resource, Conservation, and Impacted Areas) based on various factors, including size, biological resources, amount and type of use, proximity to developed areas, and proximity to other protected areas. The plan would designate most of the Gary Giacomini Preserve as a Sensitive Resource Area, with the remainder receiving a Conservation Area designation. Concurrent with the RTMP, the MCOSD is preparing its associated Vegetation and Biodiversity Management Plan (VBMP). That plan would designate a large portion of this preserve as Legacy Zone, which is the most protected

area under the VBMP. These two plans would emphasize the protection and restoration of this area.

B. Divide Region 2 into two Regions based on Watersheds

The development of the regions is only partly based on watershed boundaries; other considerations include vegetation and wildlife habitat, use patterns, and administrative issues. The division of this region into two regions would not add any value to the implementation of the RTMP and may delay the designation of the road and trail system by adding a new region.

C. Designate Roy's Redwoods and other preserves as a Sensitive Resource Area

The purpose of the visitor management areas is to provide the MCOSD with a vision of desired future conditions. There were several characteristics that the MCOSD considered in creating the visitor use management areas, including habitat type, proximity to other protected areas, amount and type of use, the size of the habitat areas, and the distance from developed areas. Because of its popularity, its isolation from other preserved areas, and other factors, the RTMP proposes to designate the Roy's Redwoods preserve as a Conservation Area.

III. SUGGESTED MODIFICATIONS TO POLICIES

A. Modify Policy SW.2 to prevent illegally constructed trails from being incorporated into the road and trail system

In providing for the designation of the road and trail system, the RTMP sets up a process that would allow the MCOSD to consider any road or trail evaluated in the Road and Trail Assessment (November 2011) to be incorporated into the system. This report is the first comprehensive evaluation of the MCOSD's road and trail network. There is no previous data that would provide the MCOSD with an appropriate baseline. This report considered trails that were constructed by users without permission from the MCOSD, and provides an opportunity to designate the best performing facilities as part of the future road and trail system. In addition, Policy SW.18 of the RTMP takes a strong no-tolerance position for any additional illegal trail construction occurring after the completion of the Road and Trail Assessment, and Policy SW.3 allows the MCOSD to decommission some social trails.

B. Modify Policy SW.2 to require the MCOSD to improve, maintain, convert, and reroute system roads and trails to implement the RTMP.

This policy requires the MCOSD to designate a road and trail system, and directs the MCOSD, using the word "may", to manage and improve the system to implement the RTMP. The use of the word "may" is not intended to reduce the MCOSD's commitment to implement the plan. Rather it is to reflect social, economic, policy, and environmental realities that affect its implementation.

C. Modify Policy SW.3 to remove the language that would allow the MCOSD to decommission social trails if they are used by bicyclists or equestrians

This policy recognizes the existence of unconstructed social trails, many but not all of which originated as game trails, and clarifies that such trails are not managed under the RTMP unless there are safety, environmental, resources, or use concerns. The policy language is necessary to allow these unmanaged, unconstructed trails to continue to exist without burdening the plants, wildlife, water quality, or other users, or creating other land management concerns. There is nothing in the RTMP that would prevent users from recommending the adoption and modification of social trails to make them part of the MCOSD's system of roads and trails and thus available to other users.

D. Modify Policy SW.3 to prohibit creation of social trails, discourage their use, and require the decommissioning of all social trails

Policy SW.3 provides a limited definition of social trails as “narrow pedestrian footpaths that a) were not constructed; and b) have not been improved, managed, or maintained.” This policy recognizes that, for all practical purposes, social trails will continue to exist and the impracticality of preventing and decommissioning all of them. The purpose of this policy is to provide the MCOSD with clear direction on when to decommission social trails.

E. Modify Policy SW.4 to clarify how the MCOSD will implement and keep track of its reduction of overall resource impacts

This policy states that the designated road and trail system will have less overall reduction in resource impacts when compared to the network of roads and trails documented in the November 2011 assessment. The policy also gives specific examples of how the MCOSD will implement the policy, including decommissioning, conversion, rerouting, and other improvements. In describing the decision-making process, Chapter 5 of the RTMP states that the MCOSD will first designate the road and trail system consistent with RTMP policy guidelines, and informed by input received during public outreach conducted within each region. Subsequently budgeted and implemented projects will modify this designated system and decommission non-designated road and trail facilities in pursuit of the RTMP's goals. It is through results of the evaluation tool that the MCOSD will track the overall reduction in resource impacts. As MCOSD implements projects within a region, it will re-calculate its baseline coefficient incorporating the impacts and benefits from each new project. The decision making process defined in Chapter 5 of the RTMP requires that budgeted road and trail projects in each region must show a projected reduction in the respective region's baseline coefficient relative to the previous year's calculated baseline coefficient for that region. This approach is more effective than the previously proposed approach using the area of trail impact (see previous draft of the plan) as a metric to measure resource impacts. Both the designation of the road and trail system and evaluation of trail projects will be public processes with interested parties having access to the data, including the results of the evaluation tool.

F. Modify Policy SW.5 to *require* pedestrians to stay on trails

This policy **encourages** pedestrians to stay on trails. The previous draft of the RTMP included a prohibition on off-trail use by pedestrians. The MCOSD received a considerable amount of criticisms about this restriction, with some arguing that it would be nearly impossible for the MCOSD to implement this policy. Therefore, in response to these concerns and the real challenges in implementing this policy, the MCOSD proposed the revised policy language that “encourages” hikers to stay on trails. This policy language is similar to existing policy and regulations. However, the RTMP Policy SW.16 allows the MCOSD to restrict uses, including off trail activities, in some areas to protect public safety and sensitive natural resources. Additionally, the Marin County Code, Appendix A Section 02.01.040 provides the MCOSD with the authority to close district lands or to restrict uses during an emergency or for health, safety, maintenance, or open space management.

G. Modify Policy SW.6, to permit equestrian resting or watering only in designated areas to protect sensitive habitats and plant communities

This policy clarifies that while horses are not allowed off trail, equestrians can leave the trail for the purposes of allowing the animals to drink water and to rest. Other policies in the RTMP allow the MOCSD to protect sensitive resources and manage and prohibit uses. If the MCOSD determines certain areas should be off limits to equestrians, the current policies provide the authority to make such restrictions.

H. Modify Policy SW.11 to allow the MCOSD to prohibit all dog use on some preserves to protect wildlife habitat

This policy establishes leash requirements for dogs on all trails and in Sensitive Resource Areas, and also establishes leash only preserves. Neither the RTMP nor current policies and practices would restrict the MCOSD from prohibiting all dog use on a preserve. Currently, the MCOSD prohibits all dogs on the Santa Margarita Island Open Space Preserve. Additionally, RTMP Policy SW.16 allows the MCOSD to restrict uses (including dog walking) to protect natural resources.

I. Modify Policy SW.12 to eliminate references to “time separation”

This purpose of this policy is to encourage road and trail connectivity and to provide the MCOSD with an expanded range of possible options to implement this policy in light of other constraints. Time separation is just one of the tools for the MCOSD to consider in its effort to manage users and conflicts. Additionally, the policy gives the option for the MCOSD to consider various techniques to manage conflicts, but does not require their use.

J. Modify Policy SW.13 to remove references to dangerous mountain biking

This policy prohibits dangerous mountain biking activities. Its purpose is **not** to define all mountain biking as dangerous, rather, it is to recognize that there are different types of mountain biking activities, such as racing, off-trail riding, or use of natural features for jumps, that are inappropriate within the preserves. This policy is intended to encourage mountain biking on designated roads and trails within the established speed limit.

Currently, the MCOSD Open Space Code restricts all vehicle use to 15 miles per hour unless otherwise posted, and requires bicycles to slow to five miles per hour when passing other users or approaching blind turns (Marin County Code Section 02.04.040). While it is true that this policy focuses on mountain biking rather than other uses, there are other policies within the RTMP that address safety issues for other users, including SW.5, SW.6, SW.7, SW.8, SW.14, SW.15, SW.16, SW.25, SW.26, and T.3.

K. Policy SW.13 is inconsistent with existing regulations

As described above, this policy prohibits dangerous mountain biking activities. The purpose of the RTMP safety policies is to establish the overall district policy on user safety and not to create enforceable code. The MCOSD's Open Space Code provides the regulations that implement the policy established in the RTMP, and enforcement will be based on the code and not the policy language. It does not appear that there are any conflicts between the policy and the code; however, if there are any issues, the MCOSD Board of Directors would have the option to adopt amendments to the code to resolve any issues.

L. Modify Policy SW.16 to remove equestrian biases

Policy SW16 provides the MCOSD with the authority to prohibit trail uses or increase trail restrictions in order to enhance safety, minimize conflicts, or protect natural resources. This policy does not make any distinction among the types of uses affected, or direct protections or restrictions to any one user group. The only reference to equestrian uses is in a non-exhaustive list of examples illustrating possible applications of the policy.

M. Revise Policy SW.19 to prioritize removal of redundant roads for the protection of natural resources

This policy directs the MCOSD to reduce the number of redundant roads and trails when it designates the system. The designation of this system will begin shortly after MCOSD adopts the RTMP and will proceed over a multi-year process to consider the road and trail designations for each region. During this process, the MCOSD will consider redundant roads and trails and, per the direction in the policy, will consider environmental impacts and maintenance costs in selecting the appropriate route.

N. Delete Policy SW.20 because it would allow the conversion of fire roads to trails.

This policy provides the MCOSD with an option to consider road-to-trail conversions, but precludes conversion of roads encumbered with a license, lease, or easement, or that are necessary for emergency use. Policies SW.19 and SW.28 require the MCOSD to consult with local fire agencies before taking any action to modify an existing fire road.

O. Modify Policy SW.22 to include wildlife habitat

This policy provides direction to the MCOSD to protect high value vegetation. This category can include vegetation that is necessary to support wildlife. For wildlife habitat

that is not associated with high value vegetation, there are other policies within the RTMP that provide for the protection of wildlife habitat, including SW.4, SW.16, SW.23, and SW.24.

P. Modify Policy SW.23 to add the phrase “and scientific data” to the end of the last sentence

This policy provides that the MCOSD identify high-value biological resources and requires it to use the best available data. The proposed modification would change the last sentence of the policy to state “System designations, project design, and project implementation are subject to amendment on the basis of new information *and scientific data*.” This requested change is unnecessary because the phrase “new information” includes scientific data.

Q. Modify Policy SW.23 to include the requirement to protect high value biological resources

This policy provides the MCOSD with direction to use the best available wildlife and vegetation data in its designation of the road and trail system and evaluation of road and trail projects. As described above, there are several other policies that direct the MCOSD to protect biological resources.

R. Modify Policy SW.24 to include the requirement for the MCOSD to avoid wildlife habitats

This policy directs the MCOSD to minimize intrusions into larger contiguous habitat and wildlife corridors, but does not identify general wildlife habitat as a protected area. Additionally, this policy does not require the MCOSD to avoid all intrusions into the protected areas. Since most, if not all, of MCOSD lands provide habitat for wildlife, it would be impossible to avoid all intrusions. Additionally, the existing road and trail network has resulted in significant impacts to wildlife habitat and corridors. One of the goals of this plan is to designate a road system that has less impact on wildlife than the current network.

S. Modify Policy T.1 to remove references to “long distance trail connections” to avoid adverse habitat effects

This policy allows the MCOSD to consider opportunities for long-distance travel in its designation of the road and trails system. The establishment of the system does not involve the construction of new roads and trails, but only considers roads and trails constructed before November 2011. The designation of existing road and trails as part of the system will not result in any new habitat effects. Additionally, policies SW.4, SW.22, SW.23, and SW.24 will require the MCOSD to consider habitat impacts in its designation of the road and trail system, and will require the MCOSD to reduce the overall biological effects of the road and trail system in each region, as measured by the evaluation tool. For future road and trail projects, the existing and proposed policies provide for the protection of wildlife habitat.

T. RTMP Special Use policies SP-1 and SP-2 are biased against mountain bikers

Special Use Policy, SP-1 applies to use of MCOSD land by other agencies, utilities, and other commercial entities, such as a cellular phone company, and does not include any new restrictions or requirements on mountain biking activities.

Special Use Policy, SP-2 applies to any organization proposing recreational related events on any open space preserve. This policy requires permits for any organized event and does not make any distinctions between equestrians, bicyclists, or hikers.

U. Special Use Policy SP-3 is unconstitutional

This policy prohibits any unofficial or non-sponsored events involving more than 15 people. The purpose of this policy is not to prohibit groups larger than 15 people, but to require the individual proposing the event to take responsibility and formalize the event with a permit from the MCOSD pursuant to SP2. This policy will allow the MCOSD to manage the event to protect resources and other users, and to address other issues, such as liability.

IV. PROPOSALS FOR NEW POLICIES TO BE ADDED TO THE RTMP

A. Revise the RTMP to include policies to protect popular areas from destructive uses

As described in the section above, the RTMP includes several policies to protect natural resources and other policies that allow the MCOSD to manage visitor impacts on natural resources, including:

Policy SW.3 allows the decommissioning of social trails if they are damaging natural resources

Policy SW.4 requires the designated road and trail system to have less overall impact than the roads and trails that the MCOSD evaluated in its November 2011 assessment

Policies SW.5 through 8 discourage and restrict off trail use

Policy SW 16 allows the implementation of additional use restrictions to protect natural resources

B. Revise the RTMP to include policies that prohibit races, technical competitions, and training for these events

Policy SW.13 prohibits dangerous mountain bicycling activities. Policy SW.16 permits the MCOSD to prohibit or restrict uses the compromise safety. Special Use policies SP-1 and SP-3 require that all organized events obtain a permit from the MCOSD prior to the event, and prohibit unofficial, non-sponsored group activities involving more than 15

participants. Additionally, the Marin County Code prohibits bike racing on open preserves (Marin County Code, Appendix A, Section 02.02.080).

C. Revise the RTMP to include policies that allocate trail use proportional to the number users

The RTMP does not include any measures or policies that allocate the type or percentage of use. It would be difficult to establish such a policy because many of the narrow trails are not suitable for bicycle use (see descriptions above) and the proportion of each user group is likely to change over time. As an alternative, the RTMP creates a system for evaluation of new trail projects and establishes a policy that allows the MCOSD to consider multiple uses on new and existing trails.

D. Revise the RTMP to include policies that restrict riding mountain bikes at night

The RTMP contains policy SW.16 that allows the MCOSD to prohibit trail uses and add additional restrictions. Through these measures, the RTMP gives the MCOSD the authority to restrict night use of the preserves by all user groups should it be necessary to enhance safety, minimize conflict, or protect natural resources. Night time closures targeted to any one user group would be particularly difficult to enforce and difficult to justify from a resource management perspective.

E. Revise the RTMP to include a policy that allows night riding within the preserves

The MCOSD existing open space code allows for night riding provided that the user carries a lamp with light visible from three hundred feet (Marin County Code Appendix A, Section 02.04.020). Although the RTMP does not place any specific limits or restrictions on night riding, night time riders are required to follow all of the same regulations that apply during daylight hours, and the proposed policy SW.16 allows the MCOSD to prohibit certain trail uses to enhance safety, reduce conflicts, or protect natural resources.

F. Revise the RTMP to add a new policy that allows the MCOSD to prohibit adverse impacts to wildlife

The RTMP includes several policies that protect wildlife and other sensitive resources. These policies include SW.2, SW.3, SW.4, SW.5, SW.6, SW.7, SW.8, SW.9, SW.22, SW.23, and SW.24. In addition, SW.16 allows the MCOSD to prohibit or restrict uses in order to protect natural resources.

V. SUGGESTED MODIFICATIONS OF THE EVALUATION TOOL

A. The evaluation tool should prioritize the restoration of natural drainage channels

The purpose of the evaluation tool is to aid the MCOSD in its decision making by providing a mechanism to evaluate and compare the existing conditions of roads and trails and their effect on resources within the preserves. It provides the MCOSD with

information to establish priorities based on a suite of biological and physical categories. Many of the criteria include characteristics that allow the MCOSD to consider watershed health, including stream conservation areas, stream crossings, adjacency to fish bearing streams, hydrological slope, drainage conditions, and erosion impact.

B. The evaluation tool should not include “road and trail length” and “distance from development” as social criteria because they encourage resource impacts

The evaluation tool includes several “social criteria” that allow the MCOSD to assess the social and recreational benefits and impacts of the roads and trails. These criteria will provide the MCOSD with a tool to consider the non-biophysical characteristics of the roads and trails. Unlike the numerically scored biophysical criteria, which are designed to assess the resource impacts of trail facilities and proposed projects, these social criteria are informational and non-numeric. In other words, the values for these criteria are neutral descriptive labels (e.g. “steep,” “rolling,” “flat”) that do not proceed from lower (good) to higher (bad) the way the numeric scores do for the biophysical criteria, and thus they cannot be construed to encourage or discourage any particular form of trail development. The social criteria are just as likely to be used to screen for short and flat “easy” trail experiences close to existing services (for instance to serve families or those with physical impairments) as they will be used to screen for longer or more challenging remote trail experiences. Additionally, the RTMP policies provide the MCOSD with clear direction on the protection of natural resources.

C. Explain how the evaluation tool will result in an overall reduction in road and trail impacts

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. These coefficients will be added together to estimate a “baseline” of total biophysical impacts for all roads and trails. This baseline index is to be updated annually as new road and trail projects are budgeted and implemented. The RTMP requires that the road and trail system and budgeted road and trail projects result in a net reduction of the total biophysical impacts relative to the previous year’s estimated baseline. The RTMP also directs staff to “maximize the reduction” of biophysical impacts in Sensitive Resource Areas. This means that, over time, the total measure of road and trail impacts will be significantly reduced below the original baseline level, with even greater reductions in Sensitive Resource Areas.

D. Modify the evaluation tool to include factors that assess safety and displacement of users

The purpose of the evaluation tool is to assess the biophysical impacts of a trail facility or proposed project using a variety of factors. The categories of safety and displacement of users are better addressed through policies and design standards. As described elsewhere in this document, there are several policies that address user safety. In addition, the RTMP includes Policy SW.17, which directs the MCOSD to prevent displacement of users. Finally, the 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.

E. Modify the evaluation tool criteria to include the relationship of proposed trails to fire hazard severity zones

The purpose of the evaluation tool to provide a mechanism to assess the biological and physical impacts of the existing road and trail network, to provide a basis for the MCOSD to designate a road and trail system that has less overall resource impacts than the current network, and to provide a metric that the MCOSD can use assess the impacts of individual road and trail projects. A metric that assesses the relationship of a road or trail to a fire hazard severity zone does not provide information that would allow the MCOSD to assess the impacts of the existing network, proposed system, or new projects. Rather, the RTMP relies on policy measures and BMPs to address issues related fire hazard risk.

F. Modify the evaluation tool criteria to include critical wildlife linkages and connectivity areas that are weighted in view of their regional significance

The RTMP includes several criteria that provide mechanisms for the MCOSD to consider impacts to biological resources, including intersects with vegetation management zones, stream conservation areas, stream crossings, adjacency to fish bearing streams, northern spotted owl habitat, rare plant areas, rare wildlife areas, serpentine soils, wetlands, noxious weeds, and trail density. Together these criteria provide a proxy for addressing impacts to critical habitat linkages and connectivity. Additionally, the RTMP includes Policy SW.24 to protect critical linkages and connectivity areas. This policy directs the MCOSD to minimize intrusions into large contiguous habitat areas and wildlife corridors. The MCOSD will consider a project's consistency with this policy before applying the evaluation tool, and if a project is inconsistent with the policy, the MCOSD would not consider it further.

G. The evaluation tool is pre-calculated to result in "enhanced access," and does not include criteria for safety or displacement of other users

As described above, the 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.

H. The evaluation tool favors sustainability and environmental protection rather than increasing public access

As described above, the purpose of the evaluation tool is to assist the MCOSD in its designation of the road and trail system and evaluation of road and trail projects. The decision making process allows for members of the public to suggest trail projects and requires them to propose projects that will result in a net reduction of environmental effects. The RTMP specifically states that proposals to develop a new trail or to modify an existing facility in such a way that would increase its biophysical impact may be combined with other related activities, such as trail decommissioning, so that the entire proposal results in a net reduction in environmental impacts. The decision making process's goal of reducing physical and environmental impacts is based on policy direction provided in the Marin Countywide Plan, Marin County Parks Strategic Plan, and the MCOSD's adopted policies.

I. The evaluation tool is inadequate to evaluate the actual biological and physical impacts of a project

The purpose of the tool is to assist the MCOSD in its project selection process and to provide a mechanism to evaluate and track the net reduction of biological and physical impacts from the designation of the road and trail system and the implementation of future road and trail projects. The tool is not intended to evaluate the environmental impacts of specific road and trail projects for CEQA compliance purposes. Nor is the tool intended to include all possible biological and physical factors, but rather an assessment of critical factors used to evaluate the conditions of the preserves and the regions. Relevant to CEQA, the MCOSD will conduct additional biological, geological, hydrological, and cultural studies appropriate for each specific project, depending on the nature of the project and the area affected, to fulfill any additional environmental review requirements. The data from these studies and any other appropriate information (Policy SW.23 directs the MCOSD to use the best available data) will be incorporated on an ongoing basis into the data layers relied on by the evaluation tool, thereby improving over time the quality of its output.

J. Using the evaluation tool, the MCOSD intends to streamline the environmental review for future road and trail projects without public review

The purpose of developing a program EIR is to provide the MCOSD with an opportunity to evaluate future projects against the program evaluated in the EIR. In this case, the MCOSD 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 MCOSD 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. As described above, the purpose of the evaluation tool is to provide the MCOSD 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.

VI. SUGGESTED MODIFICATIONS TO BEST MANAGEMENT PRACTICES

A. Modify the best management practices (BMPs) and design standards in the RTMP to remove the use of water bars as a tool to divert water off roads and trails

The RTMP identifies a preference for the use of rolling dips and grade reversals as the preferred tool to divert water off roads and trails. However, it allows for the continued use of water bars because: (1) many of the existing roads and trails within the preserves already use water bars, and it will take many years to replace these features with the preferred treatment methods; (2) water bars are also the best option for many trails that are too steep for rolling dips.

B. Modify the BMPs to require use of native plants when conducting revegetation and hydroseeding

There are specific BMPs that address the use of native plants including:

- **General-5, Modify Construction Methods Relating to Soil Disturbance, Restrict use of Offsite Soil, Aggregate, or Other Construction Materials**, which, among other provisions, requires the development of “native seed mix for erosion control.”
- **Special-Status Plants-6, Introduction of Invasive and Nonnative Plants and Plant Material**, which includes a list of measures to prevent the introduction of invasive plant species into habitats that support special status plants.
- **Special-Status Plants-7, Revegetation with Native, Geographically Appropriate Plant Species**, which requires revegetation “that promotes species composition and vegetative structures that integrate with the surrounding natural community.”
- **Special-Status Plants-11, Reuse and Replantings of Native Trees and Shrubs**, which requires reuse of native trees and shrubs when removed during construction projects.
- **Invasive Plants-6, Reducing Potential for Establishment of Invasive Plants on Disturbed Soil Surfaces**, which requires that erosion control “materials must be certified weed-free”
- **Construction Contracts-1, Standard Procedures in Construction Contracts**, which includes restrictions on the importation of non-native soils or fill material and requires that erosion control measures be certified weed free.

C. Modify BMP Special Status Plant Protection-5 to define the terms “immediately” and “as quickly as possible”

This BMP addresses issues of erosion near special status plant species by requiring the MCOSD to “immediately” or “as quickly as possible” rehabilitate the disturbed area. The BMP uses terms that are not well defined to recognize that there may be factors such as weather, equipment, or staffing that may affect the timing for implementation of this BMP.

D. Modify BMP General-1 to specify how the MCOSD will implement the requirement to minimize soil disturbance

The BMP requires the MCOSD to minimize soil disturbance. The BMP does describe how the MCOSD will implement this practice because there are site and project specific issues that must be considered in the implementation of this BMP, and additional specificity may restrict or prevent the use of the most appropriate measures for the situation.

E. Modify BMP General-5 to allow for native plant colonization of disturbed areas to prevent genetic contamination from propagules that are not from local stock

This BMP applies to projects that require revegetation with the use of seeds as a required erosion control measure. In such situations, the MCOSD has already determined that natural native plant recolonization is not adequate for erosion control.

F. Modify BMP General-7 to replace the word “work” with “ground disturbance” when describing the need to avoid periods when invasive plants are not in fruit or flower

This BMP identifies general terms for contracted projects to protect special status species and avoid the spread of invasive plants. The BMP provides a list of provisions that “**may**” be included in the contract. If the provision is not appropriate to the proposed work, protect type, or season, it would not be included in the project.

G. Modify BMP Invasive Plant Management-7 to require five years of monitoring for invasive plants

This BMP requires the MCOSD to monitor road and trail projects for a minimum of three years following project completion for the presence of invasive plants. After this intensive monitoring is completed, the area would be incorporated into the monitoring priorities and direction of the VBMP, which is currently undergoing environmental review for CEQA compliance.

H. Modify the RTMP to include BMPs identified by the International Mountain Biking Association (IMBA)

The RTMP identifies 75 BMPs and four sets of design standards for its road and trails. Many of these BMPs and design standards incorporate the recommendations of the IMBA. The BMPs recommended in the RTMP provide measures that protect biological

resources, water quality, air quality, geologic hazards, cultural resources, and noise. In addition, the design standards provide guidance on road and trail construction, including width, visibility, running slope, side slope, and many other factors.

VII. OTHER SUGGESTED MODIFICATIONS TO THE RTMP

A. Proposals to modify the RTMP's management of uses

1. Modify the RTMP to provide additional protections from illegal, unsafe, and dangerous uses

The RTMP includes several policies aimed at addressing these issues, including: 1) SW.5 encouraging pedestrians to stay on trails; 2) SW.6, .7, and .8 prohibiting off-trail use by equestrians, bicyclists, and pedestrians with dogs; 3) SW.9 prohibiting dogs within sensitive water areas; 4) SW.13 prohibiting the types of mountain biking activities that are dangerous; 5) SW.14 and .15 encouraging the practice of good trail etiquette and cooperation among users; 6) SW.18 prohibiting unauthorized trail construction; 7) SW.25 requiring compliance with California helmet laws; and 8) T.3 encouraging users to conduct themselves safely. These policies recognize that inappropriate activities should be addressed through a combination of enforcement, education, and cooperation among users.

2. Incorporate the use of trail management techniques, such as an alternating use day system, and bike only trails to allow for more equitable access to single-track trails

The RTMP allows the MCOSD to consider trail management techniques to allow safe bicycle access to narrow trails. Specifically, Policy SW.12 states that the "MCOSD may consider one-way, uphill-only, time separation, and single-use or priority-use trails to achieve these ends."

3. Modify the RTMP to prohibit bicycle use on narrow trails

The RTMP maintains current policies that allow bicyclists to use unpaved roads and trails designated for bicycle use. The only change to this existing policy is to provide the MCOSD with the opportunity to consider designation of existing trails for multiple uses (the modified Policy T1.d). Additionally, the RTMP allows the MCOSD to consider single-use trails in an effort to improve road and trail connectivity (Policy SW.12). Any project involving the modification of a trail for multiple uses will be implemented following BMPs and meet design standards so that it can be safely used by the various groups. Additionally, policy SW.17 directs the MCOSD to prevent displacement of trail users.

4. Modify the RTMP to provide additional recreational opportunities, such as camping and backpacking

The RTMP does not contain any policies, BMPs, or design standards that affect camping and backpacking opportunities within the preserves. This issue is beyond the scope of the RTMP, which is focused on managing the road and trail system. With that said, existing MCOSD policies and regulations allow camping by permit only within

some open space preserves. MCOSD permits only low-impact primitive camping within the preserves, without any open flames (camp fires or stoves). Since most of the MCOSD preserves are located in the urban eastern corridor of Marin County, it would not be appropriate to expand camping beyond the current use.

5. Modify the RTMP to include a policy that encourages the MCOSD to provide trails for commuting purposes

The Countywide Plan includes a goal of facilitating trail connections “that can be used for safe routes to school and work” (Countywide Plan Goal TRL-1). Through the process to designate roads and trails and the consideration of road and trail projects, trail users will have an opportunity to recommend commute routes.

6. Revise the RTMP to allow for a net increase in environmental impacts in order to accommodate more recreational opportunities

The goals of the RTMP are to identify a sustainable road and trail system, reduce the environmental impacts of the system, and improve visitor experience and safety. The MCOSD developed these goals based on policies contained in the Marin Countywide Plan, Marin County Parks Strategic Plan, and existing MCOSD policy. All of these policy documents provide an emphasis on resource protection and include the goal of enhancing recreation opportunities. For example, the MCOSD’s core land management policy states that:

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

This policy is consistent with the Countywide Plan policies directing the county to protect environmental and natural resources, while expanding “the public trail network for all user groups, **where appropriate**” (emphasis added, Countywide Plan Goal TRL-1). Therefore, the RTMP emphasizes the designation of a sustainable road and trail system and the implementation of road and trail projects that will result in a net reduction of environmental impacts as measured by the evaluation tool. This strategy promotes the protection of natural resources and the environment, while allowing the MCOSD to improve trail conditions, public access, and safety.

7. Modify the RTMP to address the need for increased enforcement

The RTMP provides for the evaluation of the existing conditions of the road and trail network, identifies policies, BMPs, and design standards, and creates a decision making process for the designation of the road and trail system and evaluation of road and trail projects. The RTMP is not an appropriate document to address enforcement issues, because such staffing and budgeting issues are decided at the Board’s discretion.

8. Modify the RTMP to include safety improvements, such as quality signage and sound construction and design.

The RTMP includes several design standards to address safety issues. In addition, existing Countywide Plan and MCOSD policies provide direction to the MCOSD to install appropriate signage.

B. Proposals to modify the RTMP's management of natural resources

1. Modify the RTMP to provide additional resource protections from equestrian use of the preserves

The primary concerns are that horses spread invasive plants through their manure and that equestrian use of roads and trails causes excessive erosion. Concerns about the spread of invasive species and erosion are inherent to most of the MCOSD's roads and trails. The RTMP addresses these issues through the use of policies, BMPs, and design standards intended to reduce erosion from roads and trails and prevent the spread of invasive plants.

2. The RTMP should include policies for user education in protecting sensitive biological resources within open space preserves

The RTMP includes several policies (SW.22-24) that provide for the protection of natural resources. Additionally, one of the primary goals of the plan is to reduce the impact from the MCOSD's roads and trails on sensitive natural resources. Although the RTMP does not include any specific policies about educating users about natural resources, its existing education and communication program includes naturalist and ranger walks to educate users about sensitive resources and interpretive signs to provide additional information on resource issues.

3. Revise the RTMP to restore its previous version's requirements for no net gain of road and trail areas and a net reduction of road and trail area in Sensitive Resource Areas

The previous version of the RTMP proposed to use trail area as a method to quantify impact and mitigation; specifically requiring a 1:1 ratio for the restoration of existing trail area for every square foot of new trail impact in all visitor management zones except the former "Immersed in Nature Zone" (now called Sensitive Resource Area), which required a 2:1 ratio of decommissioned to newly disturbed area. The revised RTMP eliminated the offset ratios because they addressed only one area of impact and did not consider other issues such as erosion potential, habitat, stream crossings, or vegetation type. The proposed "net reduction" strategy is preferred because it allows for the consideration of a robust list of site-specific environmental characteristics, instead of one single characteristic, disturbance area. The "net reduction" strategy is also preferable because it will result in significant, cumulative reductions in impacts across the preserve system, whereas the original proposed ratio-based method would have allowed for a no-net-change approach in the 85 percent of the preserve system located outside the former "Immersed in Nature Zone."

4. Revise the RTMP to state that decommissioning redundant roads and trails will be a higher priority than constructing new trails

The RTMP does not include any prioritization. Rather the MCOSD will rely on a project's consistency with the RTMP policies, the evaluation tool rankings, and other factors (such as availability of funding) to establish project priorities.

5. Modify the RTMP to protect high priority waterways

The RTMP contains several policies directed at protect streams and other waters. These policies seek to protect water quality and biological resources within all of Marin's watersheds. In addition, the establishment of the various Visitor Management Areas was based partially on the sensitivity of the watershed.

6. Modify the RTMP to include monitoring to assess the plan's environmental impact

The RTMP includes the evaluation tool that is designed to measure the biological and physical aspects of the existing road and trail system and new road and trail work. The data provided by the tool will enable the MCOSD to assess the effectiveness of the plan.

7. Modify the RTMP to include a rigorous monitoring program for invasive plant species

The RTMP includes BMPs to address impacts from road and trail projects on the spread of invasive species. These BMPs specifically require the MCOSD to monitor and control invasive plants in road and trail work areas. However, the RTMP is not the appropriate plan to address preserve-wide impacts from invasive species. The MCOSD is developing its VBMP, which will provide for the monitoring of the preserves for impacts associated with invasive species. The MCOSD will be releasing a draft environmental impact report for that plan next year.

8. Modify the RTMP to allow for seasonal and permanent closures and rerouting of trails to protect natural resources

The RTMP includes several policies that protect natural resources and provides authority to manage uses. Specifically, Policy SW.16 allows the MCOSD to prohibit use or apply increased restrictions in order to reduce impacts to natural resources. Additionally, Policies SW.22, SW.23, and SW.24 provide the MCOSD with direction to manage visitor impacts to areas of high-value vegetation, biological resources, larger contiguous habitat areas, and wildlife corridors. In combination, these policies provide authority for seasonal and permanent trail closures and to re-route trails away from natural resource areas.

In addition, Policy SW.2 provides the MCOSD with direction to designate a system of road and trails consistent with other RTMP policies; including Policy SW.4 requiring the reduction of the overall impacts from the system as compared to the existing road and trail network, as considered in the November 2011 Road and Trail Evaluation; Policy SW.19 requiring a reduction in the number of redundant roads and trails; and Policy

SW.24, requiring the MCOSD to minimize the system's effect on sensitive vegetation, habitat connectivity, and migratory corridors. Following system designation, the open space preserves will consist of a designated system roads and trails and other undesignated facilities not part of the system that are subject to decommissioning as time and budget permit.

C. Proposals to modify the RTMP's management of off leash dogs

1. Modify the RTMP to call for improving enforcement of the requirement for voice control over off-leash dogs

Current MCOSD policy and regulations allow users to have off-leash dogs on unpaved roads, unless otherwise designated. Specifically, Appendix A Section 02.05.010 of the Marin County Code allows dogs off-leash on roads, provided that the animal is under "direct and immediate control of a responsible person." This regulation provides the MCOSD with authority to enforce the requirement for voice control of off-leash dogs.

2. Modify the RTMP to allow dogs off leash in Cascade Canyon, on the Dawn Falls Trail, and in other areas

The MCOSD adopted the Cascade Canyon Land Management Plan in 2005, after fulfilling environmental review requirements for the plan. That plan established a policy requiring all dogs on leash, even on fire protection roads in the Cascade Canyon Open Space Preserve. The RTMP continues this policy because Cascade Canyon supports several special status species including steelhead trout and northern spotted owls. In addition, the preserve supports a variety of native wildlife and plants and is part of a large core wildlife area that includes the Marin Municipal Water District watershed lands, Mount Tamalpais State Park, and the Golden Gate National Recreation Area. The environmental impact report for the RTMP identifies several studies that document the impact that domestic dogs have on native wildlife. The purpose of the leash law is to minimize the impacts that dogs have on these resources, while still allowing the public to walk dogs within the preserve.

The Dawn Falls trail in Baltimore Canyon (also including portions of Blithedale Summit and King Mountain) is a narrow hiking trail, which is a very popular route. As with all trails, dogs are required to be on leash so that they do not interfere with other users or impact biological resources. However, there are several unpaved roads in the vicinity of the Dawn Falls Trail (Southern Marin Line, Blithedale Summit, and Corte Madera Ridge Fire Roads) where dogs can be off leash.

Finally, the MCOSD's existing policy is to allow dogs off leash and under voice control on unpaved roads, unless otherwise prohibited. The purpose of this policy is to protect wildlife and other natural resources and to reduce conflicts and incidents with other users. The RTMP continues this policy, with the additional restriction of requiring dogs on leash on unpaved roads within visitor management areas designated as Sensitive Resource Areas. The RTMP would designate portions of the Cascade Canyon and Gary Giacomini Preserves and all of Bolinas Lagoon as Sensitive Resources Areas. However, the impact on off leash dogs is relatively minor because Cascade Canyon is already designated as a leash-only preserve, and Bolinas Lagoon is mostly water and

does not have any unpaved roads within the preserve. Therefore, the only preserve with new leash-only restrictions is the Gary Giacomini Preserve. The Sensitive Resource Area designation covers about half of that preserve.

D. Proposals to modify the RTMP's impacts to adjacent properties

1. Revise the guiding principles of the RTMP to explain how the plan will encourage respect for private property

The RTMP includes six guiding principles that the MCOSD used as a framework for the development of the new and modified policies described in the plan. While most of the policies are directed toward the use and impacts of the road and trail system, many are also intended to encourage respect for open space neighbors. By reducing the resource impacts from the road and trail system and by encouraging cooperation among users, the RTMP will improve the conditions for people who live near open space. Additionally, the BMPs include measures to control noise, fire hazard risk, dust, and water pollution from road and trail construction projects, which will also reduce the impacts on the adjacent community.

2. Revise the RTMP to reduce impacts on the community adjacent to the King Mountain Open Space Preserve from use of the area

The RTMP is not designed to address issues with respect to specific preserves, roads, or trails. Rather the RTMP establishes a process for the designation road and trail system and evaluation of road and trail projects. The issues of impacts from public use can be addressed by participation in the process to designate a road and trail system and the identification of road and trail projects.

3. Revise the RTMP to include measures to improve fire fuel management along public right-of-ways

The RTMP provides measures to address the designation and management of the road and trail system. It is not intended to address fire fuel reduction. However, the proposed VBMP addresses vegetation management, including fuel reduction within the preserves.

E. Proposals to modify the RTMP to include more information

1. Incorporate the findings and conclusions from the California Department of Parks and Recreation's *Trail Use Conflict Study*

The California Department of Parks and Recreation (State Parks) included a *Trail Use Conflict Study* in its Statewide Program Environmental Impact Report (PEIR) for Roads and Trails Change-in-Use. This study is not referenced in the RTMP in part because the State Parks released its study after the MCOSD completed its initial draft of the RTMP. Additionally, 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. .

2. The RTMP should include a general map showing location of special status plants and wildlife species

The development of a public map that shows specific locations of sensitive resources may result in impacts to these areas by encouraging public use of these areas. However, pursuant to Policy SW.23, the MCOSD will use the best available data, including appropriate site-specific information, in the designation of its road and trail system and in consideration of future trail projects. The RTMP includes several maps showing habitat values, which can be used by the public.

3. The RTMP should include specific measures to implement its policies, including signs, education, management, and enforcement.

As described above, the RTMP includes an evaluation of the existing conditions of the preserve, policies, BMPs, design guidelines, and a decision making process. The RTMP does not include a specific chapter on measures to implement the policies. Rather, it relies on the MCOSD to modify its current procedures and practices to implement the RTMP. Currently, the MCOSD has programs for signage, education, operations and management, and enforcement. The purpose of the RTMP is to identify the policies and BMPs that will direct the modification of its current programs. Additionally, the MCOSD requires some flexibility in the implementation of the plan, in order to improve road and trail management.

VIII. SPECIFIC ROAD AND TRAIL PROJECTS

A. The Dawn Fall's Trail project has significant effects on the environment.

In the appendix to the RTMP, the MCOSD used two proposed trail projects as demonstrations of the evaluation tool: the Dawn Falls Trail Rehabilitation and the Cascade Fire Road Rehabilitation. The purpose of the Dawn Falls project is to reduce sediment into Larkspur Creek. The project includes several rock fords and three new bridges. The bridges are necessary to route the trail around eroding areas, to direct people out of the stream, and to improve user safety. One section of the trail is adjacent to the creek and has a severely eroding bank discharging sediment directly into the creek, and has narrowed to a point that it is potentially hazardous to trail users. The proposed project includes a bridge that reroutes users around this section of trail and restores the damaged section of trail back to natural conditions. The project is located in northern spotted owl nesting habitat, but followed protocols recommended by the U.S. Fish and Wildlife Service (including delaying project initiation until all nesting owls in the vicinity had fledged) to avoid impacts to this special status species. The California Department of Fish and Wildlife approved a stream alteration agreement for the project and reviewed the project during construction without requiring any modifications. The U.S. Army Corps of Engineers also authorized the project to proceed under a Section 404 Nationwide Permit and determined that it was not necessary to consult with either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service pursuant to Section 7 of the federal Endangered Species Act.

B. Revise the RTMP to allow for the public to review the merits of future individual projects

The road and trail decision making process (RTMP Chapter 5) includes a public outreach process for the designation of the road and trail system. In addition, the RTMP provides for a six-step process to develop an annual list of priority road and trail projects. This process includes public solicitation of projects, public information on the outcome of prioritization using the evaluation tool, and Board hearings related to adoption of the MCOSD and Measure A budgets. Finally, the MCOSD will prepare an initial study for all projects not otherwise exempt from CEQA and project development worksheets for most projects. These documents will also be available to the public.

C. Revise the RTMP to allow for the public to assess compliance with BMPs

As described in the Final TPEIR, the MCOSD will prepare a project development worksheet for most projects that will describe the project and will identify the applicability and implementation of the various policies, BMPs, and design standards. These worksheets will be available to the public, upon request.

D. Revise the RTMP to include specific descriptions of projects

As described in the RTMP, its purpose is not to identify specific projects. Rather it is to identify a process, policies, BMPs, and design standards for designation of the road and trail system, and for the construction, maintenance, and modifications to roads and trails. Subsequent to the approval of the RTMP, the MCOSD will initiate a process to designate a road and trail system. After the designation of the system, the MCOSD will identify appropriate projects consistent with the RTMP and will accept trail proposals from the public. All of these future proposals are subject to CEQA, which will tier off the program environmental impact report for the RTMP.

E. The RTMP should require individual projects to be subject to environmental regulations, including the state and federal Endangered Species Acts

All RTMP projects are subject to the appropriate local, state, and federal regulations. For example, any project that results in discharges of fill material into the waters of the United States will be subject to the federal Clean Water Act requirement for a Section 404 permit and a Section 401 certification. Additionally, road and trail projects may be subject to the permits implementing the Clean Water Act's National Pollutions Discharge Elimination System. Similarly, projects that result in impacts to bed and bank of any stream, lake, creek, river, or other similar water features are subject to the California Fish and Game Code requirement for a streambed alteration agreement. If a project results in a take of any species listed under the state or federal endangered species acts, a take permit would be required under those respective laws. Additionally, if there is a federal permit or funding associated with a project, it may also be subject to a consultation pursuant to Section 7 of the federal Endangered Species Act. Finally, any project within the jurisdiction of the Gulf of the Farallones National Marine Sanctuary, California Coastal Commission, or the San Francisco Bay Conservation and Development Commission would be subject to permits from those agencies.