

August 16, 2010

Tim Haddad, Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903



Re: Initial Study/Draft Negative Declaration – 680 Trail Project

Dear Mr. Haddad:

Marin Conservation League appreciates the opportunity to submit comments on the subject Initial Study and Negative Declaration (IS/Neg Dec.). We first present our general concerns with the adequacy of the document to fulfill the requirements of the California Environmental Quality Act (CEQA) for this project. General comments are followed by specific comments on the impact analysis and mitigations proposed for topics listed under the IS.

General Comments

The Marin County Open Space District (MCOSD) and the County Environmental Coordinator have chosen the expedient format of a Mitigated Negative Declaration, as opposed to a Focused Environmental Impact Report (EIR), to satisfy the requirements of CEQA for the "680 Trail." This process has several limitations that make it unsatisfactory in view of the number of potentially significant impacts that are explicitly identified in the IS and technical reports. It is unsatisfactory in that many mitigation measures are unable to avoid or minimize significant impacts, the highest priority for mitigation. Alternatives that could reduce significant impacts are not analyzed in the IS.

1. **The IS framework limits the scope of analysis.** The IS form used by the County (adapted from the CEQA Guidelines Appendix G) is formulaic – that is, it asks standard questions that may omit issues of concern to the public that a less restricted EIR could address (for example, see comment on Safety under Specific Comments, below). In addition, some of the questions have more than one part. In certain instances not all relevant parts of the question have been addressed. Some potentially indirect and long-term significant impacts are not addressed or mitigated adequately in the Initial Study.

2. **The Mitigation Neg. Dec. relies too often on low priority of mitigation measures, as defined in the Guidelines at Section 15369.5.** In order of preference:

- (a) Avoiding impacts and (b) Minimizing impacts by limiting the degree or magnitude of the action clearly come first. Avoidance of sensitive resources is only possible where the alignment makes use of existing fire roads requiring minimal repair. We are aware that the alignment was shifted in one location to avoid impacts to a sensitive native grassland community. Other such instances where the alignment may have been shifted to avoid sensitive resources are not discussed. (See Alternatives, below)
- Because of unavoidable problems posed by the site conditions, the most common type of

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mitigation employed in the IS/Neg. Dec. is lower in priority: (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment – e.g., design features such as bridges, turnpikes, retaining walls, etc. are necessary to accommodate the numerous stream crossings, and overcome problems of unsuitable saturated, weak, unstable, and erosive soils and excessively steep slopes documented in the Stetson memoranda.

- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action is exemplified in GEO-1.1, BIO-8.4 -- "allow natural revegetation." The success of this mitigation measure is dependent on the availability of limited MCOSED staff resources to monitor over a period of five years and therefore is speculative. Missing from this category of mitigation is a specific measure that calls for decommissioning social trails – mentioned as a possibility in the Project Description but otherwise not included as a mitigation measure in the IS.
- (e) Compensating for the impact by replacing or providing substitute resources off-site is the lowest priority of mitigation, exemplified in the IS by HYDRO-2 – create new wetlands, and BIO-6 and BIO-7 – which propose several options for compensating for removal of "ordinance" trees and loss of sensitive plant communities. In all cases, off-site compensation is a "book-keeping exercise" with uncertain results. It may be legally compliant but does not reduce on-site significant impacts identified by the consultants to less-than-significant levels – i.e., significant impacts remain unavoidable.

3. **A Neg. Dec. does not require analysis of alternatives.** We appreciate that the District examined a variety of alternative alignments and segments before selecting a route for the project, but none of this analysis is provided in the IS, except for the statement that the 4th alignment was adjusted to avoid a sensitive native grass community. Selection criteria other than optimum trail gradient for maintenance purposes are not given, nor are alternative routes compared. Alternative segments could make fuller use of existing fire roads such as San Domenico and Loma Alta with appropriate repair, as suggested by Stetson Technical Memorandum 012010.1, page 4. This would reduce the length of new trail construction by about 1.1 mile. In the absence of such analysis, an environmentally superior alternative cannot be identified.

Specific Comments

1. **Project Description (P. 5 ff.):** The proposed project description is cast in general terms only. The trail alignment is shown in the appended maps, but segments are not identified. Segments should be mapped and labeled to enable locating drainage crossings (including temporary crossings), pullouts, retaining walls, turnpikes, fencing, and other special design features. Without this information on a segment-by-segment basis, it is difficult for the public to determine areas of greatest sensitivity, e.g., areas with potential for slope failure, or areas most susceptible to erosion.

2. **Project Description (p. P.5)** It is not entirely clear from the text that the entire length of Meditation Trail, from Smith Ridge Fire Road to the Loma Alta saddle, will be reconstructed, with small portions of existing trail decommissioned. This should be explicit, since it involves a wide new corridor replacing an almost invisible narrow path across visually exposed grasslands.

3. **Project Description – Turnpikes (Figure 7)** The turnpikes provided as examples in Figure 7 are misleading in that they appear to be no more than about three feet wide; no visual reference for scale

is given. The two turnpikes described for this project would be five feet wide, for a combined length of 250 feet – i.e., they would be broad compacted surfaces overlying weak and saturated soils. What is the hydrologic function of these areas? Do they serve as water sources for wildlife at any time of the year? As near-surface base flow for the watershed, do they feed springs down slope? Will the turnpikes impede such functions in any way?

4. Issues 1. Would the proposal b) Conflict with applicable environmental plans or policies adopted by Marin county?

a. CWP BIO-2.2 Limit Development Impacts. This policy states that "...development projects preferably should be modified to avoid impacts or sensitive resources, or to adequately mitigate impacts by providing on-site or (as a lowest priority) off-site replacement at a higher ratio. The project relies on three "lowest priority" mitigation measures (HYDRO-2, BIO-6 and BIO-7) to mitigate impacts. This is narrowly consistent with the policy.

b. CWP TRL-2.1 Preserve the Environment. This policy states that "...in locating and designing trails, protect sensitive habitat and natural resources by avoiding those areas." The project alignment has been shifted to avoid one area of native red fescue grassland. Otherwise, in an area of identified "high biological value," it is impossible to avoid sensitive plant communities. The project is only partially consistent with this policy.

c. CWP BIO-2.6 Identify Opportunities for Safe Wildlife Movement. The analysis states that the "single trail corridor within an open space ...would not substantially interfere with wildlife movement." This ignores the reality of exposing small and/or slow-moving wildlife (e.g., snakes) to a corridor cleared of vegetation for a width of at least ten feet (Project Design, page 6). Photographic records of "road-kill" by fast-moving mountain bikes are available. A ten-foot corridor is as much a movement barrier to a small rodent as a new freeway might be to a deer! The project is not consistent with this policy.

d. CWP BIO-4.7 Protect Riparian Vegetation. It is unfortunate that the CWP defines Stream Conservation Areas narrowly, thus eliminating from SCA protections the many upper watercourses that do not meet the CWP definition of "riparian vegetation." In fact, the ephemeral and intermittent watercourses that make up the upper sub-watersheds that the 680 Trail traverses are bordered by plant species, both woody and herbaceous, that serve the equivalent functions – "stabilize streambanks, moderate water temperatures, trap and filter sediments and other water pollutants, provide wildlife habitat." For these reasons and for the health of the watershed, any existing streamside vegetation should receive equivalent protection in implementing the 680 Trail project.

5. Issues 3. GEOPHYSICAL Would the proposal result in or expose people to potential impacts in a) location in an area of geologic hazards, including 2) landslides or mudslides; 3) slope instability or ground failure? It is difficult to understand how the IS could characterize these hazards as "less than significant," given slopes ranging from 30 to 75 percent, the presence of two large slides and a number of smaller slides, and the extent of engineering required to overcome conditions of "excessive slopes, poor soils, and unstable geology." Stetson states (Technical Memorandum 012910.4): "It is difficult to predict such large-scale movement which may only occur every few decades and only then during extreme soil saturation or combined conditions of soil saturation and ground shaking." Why then do we take such extreme caution in designing for earthquakes that have a predicted fre-

quency of many decades? Is this impact "less-than-significant" simply because it is distant from urban structures and concentrations of people? In our view, the engineering required to construct a "safe" trail under these conditions constitutes mitigation for "potentially-significant-impacts-unless-mitigated." The "x" is in the wrong box!

6. **Issues 3. GEOPHYSICAL Would the proposal result in or expose people to potential impacts in b) substantial erosion or soils due to wind or water forces and attendant siltation from excavation, grading, or fill?**

The IS gives an honest appraisal of the susceptibility of on-site soils to "severe" and "very severe" erosion, their poor suitability due to low strength and slope, and the likelihood of severe post-construction erosion. These impacts are addressed by mitigation measures GEO-1.1, 1.2. The Best Management Practices (BMPs) required to fully mitigate these risks provide only a few examples, however. Design standards and methods necessary to fulfill the BMPs for landslide, erosion, and sediment control should be spelled out in the same detail as mitigation measure HAZ-1 spells out methods to mitigate increased fire hazard. What standards are applicable to trail design, such as a 100 year storm event, to minimize or eliminate risks of trail failure, and downslope erosion and sedimentation? The Stetson Technical Memorandum 012910.4 on Page 10 states that in areas characterized by soils classified as having "limitations" (for horse and hiking trails), moderate to high maintenance costs and fair to poor performance can be expected. As with most other mitigation measures listed in this document, effectiveness will depend on monitoring by limited staff resources, in this case, throughout the life of the project. This is an unrealistic expectation.

7. **Issues 3. GEOPHYSICAL Would the proposal result in or expose people to potential impacts in c) substantial changes in topography from excavation, grading or fill, including . . . 1) ground surface relief features; 2) . . .unstable soil conditions?**

Here again, this impact is checked as "less than significant." The analysis states that the trail would be located on hilly terrain and would generally follow the contours of the landscape. . .the trail gradient would be approximately 5 to 7 percent, with no grade exceeding 15 percent, on fire roads that already possess grades of up to 25 percent. This description leaves out the critical information that some slopes that will be excavated for the 5 to 8 foot trail bench range from 30 percent to 75 percent. The Stetson Report characterizes these slopes as "excessive" and will ". . .require wall construction for retaining outer fill material to achieve a 5 foot wide bench and overcome slope limitations." This impact should be checked as Potentially Significant Unless Mitigated, and mitigation measures should be specified, as suggested by the Stetson Report.

8. **Issues 4. WATER. Would the proposal result in a) substantial changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?**

The project description lists various drainage features to facilitate natural water runoff from the trail. One such feature is the Rolling Dip illustrated in Figure 11. According to one source, new trail construction should be based on Grade Reversals to minimize erosion by draining water off the trail before it can gain volume and speed. Grade Reversals must be incorporated into new trails at the design and layout stage. According to the source, the vast majority of maintenance efforts by volunteers over 20 years have been focused on Rolling Drain Dips, which are added to existing trails as a stop-gap measure to drain water off the trail in order to minimize erosion. (<http://www.cccmb.org/education/grade-reversal-versus-rolling-drain-dip>). There appears to be some difference in current opinion over the effectiveness of Rolling Dip features as a water draining configuration. The 680 Trail design should reflect current thinking in drainage and

erosion design on new trails and long-term management.

9. **Issues 4. WATER, continued.** The trail will require installation of eight bridges and nine in-stream crossings of ephemeral creeks. Figure 6 illustrates the latter as Rock Dams. The middle image is labeled "Profile – Rock Dam" and the bottom image is labeled "Cross Section." These labels should be reversed. Beyond the mis-labeling in Figure 6, the fill material to be used is described on Page 6 as consisting of a few rocks. Page 43 elaborates: "(the fill) is composed mostly of rock, (but) it also contains substantial portions of gravel, sand, and some fine sediments. This would constitute permanent fill in a jurisdictional area and would be a regulated activity." Mitigation Measure HYDRO-1 describes this as "self-mitigating." We regard this not as mitigation but as an impact in that materials in the fill (gravel, sand, sediment) could become motile and move down slope in an intense storm event. The description on Page 6 is incomplete, and the hydrologic impact is not "self-mitigating." Furthermore, mitigation measure HYDRO-1 is limited to the construction period only. It does not address longer term changes to stream profiles or possible transport of sediment to Sleepy Hollow Creek.

10. **Issues 4. WATER.** Under the same topic as above, the filling of 0.04 acre of wetlands, possibly jurisdictional, should be mitigated by creating in-kind wetlands at a ratio of 3:1 rather than 2:1 (HYDRO-2). This mitigation measure may not be possible to implement successfully in the vicinity – natural conditions already support spring-like wetlands that reach the surface in areas of perched shallow groundwater, a condition that would be difficult to reproduce. We question the absence of more detailed hydrological information about the "weak and saturated soils" that will be bridged by turnpikes. Are these areas actually springs (i.e., "wetlands")? Please explain.

11. **Issues 4. WATER – Would the proposal result in c) Discharge of pollutants into surface or ground waters.** . . It should be noted that sediment is a pollutant. The discussion refers to drainage improvements to prevent or control erosion, standard District practices, requirements of a Stormwater Permit, and implementing mitigation measure GEO-1.1. The Neg. Dec. should add a mitigation calling for decommissioning of redundant trails or fire roads, so as not to increase sediment delivered to the Corte Madera Creek system. Mitigation measure HYDRO-3 only deals with spills from equipment during construction.

12. **Issues 7. BIOLOGICAL RESOURCES Would the proposal result in a) reduction in the number of endangered, threatened or rare (or other special-status) species or substantial alteration of their habitats? In b) substantial change in the diversity, number, or habitat of any species of plants or animals currently or likely to occur at any time throughout the year?** The project environment is described as having high biological value. Several high-quality native plant communities tracked by California Department of Fish and Game (CDFG) as special-status sensitive natural vegetation communities are present. The area is notable for the relative absence of invasive non-native plants. Three California animal species of concern could occur on the site, including American badger. "The 680 Trail alignment is among the more nearly natural areas within the District's open space lands" (LSA Biological Report, July 22, 2010). These general observations were made by biological consultants on the basis of field surveys on April 8, 23, and 26; May 5 and 14; and June 25, 2010. These observations point to the critical need to protect the lands and habitats crossed by new trail construction.

For this reason, we are concerned that the limited spring field season for identifying special-status plants and the lack of species-specific special-status animal surveys do not provide comprehensive information on how the study area is inhabited "*at any time throughout the year,*" as required by the question in the

IS. Furthermore, current information does not include species such as the threatened steelhead trout in the Corte Madera Creek system that could be indirectly impacted by increased sediment discharge into headwaters of Sleepy Hollow Creek. It is not possible to predict either direct or indirect impacts on biological resources from this limited information, let alone effectively mitigate impacts to less than significant levels. The IS states: "installation of the proposed trail would have the effect of increasing the presence of humans and their pets in formerly less used areas. The effects of this intrusion are greater than the actual footprint of the trail. . ." With the exception of mitigation measures BIO-2 (dog leash restriction) and BIO-3 (appropriate signage), mitigation measures BIO-1, BIO-4-and 5, and BIO-7 focus on the construction phase of the project and ignore the long-term impact of increased human use of the trail vicinity.

Mitigation measure BIO-6 is intended to mitigate removal of ordinance-sized trees. The IS provides no information as to the number or location of trees to be removed. The mitigation proposed is designed to compensate off-site for their removal – a "book-keeping exercise" and lowest priority mitigation.

13. **Issues 7. BIOLOGICAL RESOURCES Would the proposal result in c) Introduction of new species of plants or animals into an area. . .** The IS admits that introduction of invasive non-native plants is of particular concern due to the long term effects. This will be one of the most challenging effects of this project. Avoiding the impact by limiting construction of new trails is the most obvious way to "mitigate" this impact, as discussed above under Alternatives. Mitigation measures BIO-8.1 – BIO-8.5 attempt to address the problem. We seriously question the practical ability to carry out BIO-8.1 – removing and bagging invasive weeds in the vicinity of the work site. Given the number of likely trailheads that provide access to trails that lead to either end of the 680 Trail and the prevalence of invasive non-natives along most of the feeder trails, it will only be a matter of time before noxious species move into the new trail alignment. Reconstruction of the existing Meditation Trail, in particular, will open new soil to invasion by thistles species that are common throughout the grassland, dispersed by wind. We recommend an additional off-site mitigation measure like BIO-6 (oak woodland management plan including removal of non-native plant species), or BIO-7 (enhance or restore native grassland).

14. **Issues 7. BIOLOGICAL RESOURCES Would the proposal result in c) a barrier to the migration, dispersal, or movement of animals?** This second part of (c) is not addressed in the IS. As explained above, this ignores the reality of exposing small and/or slow-moving wildlife (e.g., snakes) to a new corridor cleared of vegetation for a width of at least ten feet (Project Design, page 6). Photographic records of "road-kill" by fast-moving mountain bikes are available. A ten-foot corridor is as much a movement barrier to a small rodent as a new freeway might be to a larger mammal such as a deer! We are not aware that mitigation is possible for this significant and unavoidable impact.

15. **Issue not included in the IS – User Safety** (CWP TRL-2.3 Ensure User Safety (IS Page 33) The trail design includes multiple features related to user safety. In this regard, the project is consistent with Countywide Plan policy. Measures are proposed in general terms, e.g., appropriate trail width, pullouts, reverse slope grading, pinch points, etc., ostensibly to slow bike speed and thereby minimize conflicts between users. The County is in the midst of a Road and Trails Management Plan that has not been completed. We assume that it will address a range of means to avoid user conflict and provide for user safety on shared-use trails. The District separated the 680 Trail project from the more comprehensive planning process before consensus had been reached on how to address this issue – in general and in particular

cases. The IS for this project should discuss how the 680 Trail relates to the District-wide issue of user safety. Certainly enforcement should be a significant part of this discussion.

Recommendations

The IS/Neg. Dec. is deficient in failing to identify all significant impacts, and in proposing mitigation measures that do not reduce all impacts to less than significant levels. We suggest the following: (1) The deficiencies should be corrected, in particular by identifying and mitigating the long-term and indirect impacts that the IS overlooks. To avoid initiating a focused EIR, the IS/Neg. Dec. should be amended, including discussion of alternatives, and recirculated. (2) Alternatives that make greater use of existing fire roads, as discussed above, should be explained so that the environmentally superior alternative is evident. (3) Because so many mitigation measures depend on monitoring and follow-up actions, the District either should agree to contract with a third-party monitor or specify how existing staff resources will be allocated to carry out the extra level of surveillance that the trail will require. (4) The IS/Neg. Dec. should discuss the ability of the District to enforce those mitigation measures that call for adherence to rules, such as dogs on leash. Without enforcement, the mitigation promises are hollow.

Sincerely,



Nona Dennis
President

cc. via email:

Ron Miska, General Manager, MCOSD
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Katie Rice, Aide to Hal Brown
Maria Lafer, RWQCB
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