

January 21, 2014

James Raives, Senior Open Space Planner
Marin County Parks and Open Space District
3501 Civic Center Drive, Room 260
San Rafael, CA 94903:



Subject: Vegetation and Biodiversity Management Plan: Scope of Draft Program Environmental Impact Report

Dear Mr. Raives:

In conjunction with preparing the recently-released Draft Vegetation and Biodiversity Management Plan (VBMP, or Plan), the Marin County Parks Department is initiating a Draft Tiered Program Environmental Impact Report (TPEIR, or Program EIR) by soliciting comments for the scope of the report. Marin Conservation League appreciates the opportunity to follow up our oral testimony at the Scoping Meeting of December 3, 2013 with the following written comments.

We have reviewed the Initial Study for the VBMP and believe that the scope of the TPEIR will be comprehensive as outlined in the Initial Study. Our comments pertain particularly to Section IX: Focused Content of the TPEIR, and Section X: Evaluation of Impacts. We find that some topics which could be the subject of "potentially significant impacts" are dismissed, and other subtopics should receive greater emphasis in the TPEIR.

General Comment: As a general critique of the VBMP itself, which in other respects represents an outstanding inventory of conditions on the 34 preserves and research into best practices for their future management, we find two gaps which are relevant to our comments on the scope of the Draft TPEIR:

1. The VBMP and its Program EIR should connect with and more strongly reinforce the Draft RTMP. The delineation of four Vegetation Management Zones based on ecological sensitivity provides essential groundwork for delineation of Visitor Use Management "Areas" in the Draft RTMP (recently revised from four visitor use "Zones" to three "Areas"). Beyond that the connection is not explicit. The VBMP Chapter 3 assessment of best practices used by Bay Area public land managers to protect natural resources (and natural ecological resilience to climate change) affirms that the removal of roads and trails from sensitive natural areas is an important tool to reduce habitat fragmentation, limit the spread of invasive plants, and reduce inadvertent impacts on sensitive resources caused by visitors. Yet the VBMP makes only a few references to the effects of recreational infrastructure on habitat and vegetation, and no references as to how the VBMP should respond to such stresses, such as in restoration projects. One has to turn to the RTMP for means to protect natural resources in management of roads and trails, and infer the connection. The VBMP Program EIR should note that, while impacts of recreational uses are not the subject of this EIR, they will be a critical part in implementing VBMP individual projects, and they are part of the cumulative context of the VBMP (See Topics below).

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2. Aside from the comprehensive and useful inventory of vegetative conditions on the preserves and special status plant and animal species, the VBMP provides no information on the diverse forms of wildlife that inhabit the preserves. Merely listing numbers of wildlife species in MMWD's assessment of its own watershed lands does not begin to represent the true biological diversity of the County's open space preserves. As a consequence it is almost impossible to assess impacts such as barriers to wildlife movement and corridors, fragmentation of habitat, or even nurseries of native species that do not (yet) qualify as threatened or endangered (See Topics, below).

Topics in the Initial Study Checklist: Section IX – Focused Content of the EIR, and Section X – Evaluation of Impacts, both dismiss two topics that we believe have the potential for significant impact due to actions under the VBMP and, therefore, should be included in the Draft TPEIR. Several other subtopics warrant attention.

1. Aesthetics. Contrary to the evaluation of impacts in Section X of the Initial Study, a number of the actions that will occur under the VBMP could “substantially degrade existing visual character or quality of the site and surroundings.” The evaluation discusses only immediate short-term impacts of construction and dismisses these as temporary and therefore less than significant. This does not take into account what might be called “intermediate” aesthetic impacts. Invasive species removal projects and restoration projects undertaken by the Department often involve major disruptions to the landscape in order to achieve desired long-term objectives after several years of follow-on actions and/or “recovery.” The visual quality of the site during this period following project implementation is highly disrupted in the short term, which may last for several years! Even though these sites will eventually “recover” the natural quality that pre-existed the project, the interim condition may be visually impaired. This should be acknowledged in environmental review, with the understanding that mitigation measures (frequently BMPs) will be applied and monitored to ensure recovery of both ecological function and aesthetic quality.
2. Biological Resources. The Initial Study Evaluation of Impacts acknowledges that “substantial interference with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impeding the use of native nursery sites” could have potentially significant effects and therefore will be discussed in the TPEIR. This particular subtopic in Biological Resources sections of EIRs is typically given short shrift, however, because native wildlife have no special legal standing – for example amphibians are mentioned in MMWD's list (Page 3-23, Draft VBMP), but most forms of “common” wildlife important to ecosystems are ignored – e.g., reptiles and other ground-dwelling species. These species will be particularly impacted by both major fuel modification treatments and cumulative local defensible space treatments such as thinning, limbing-up, and/or clearing of ground and shrub vegetation layers. Because knowledge of native wildlife use of the preserves is limited and, therefore, the Draft TPEIR analysis of impacts on them is likely to be superficial, it will be essential to evaluate such impacts in more detail on an individual project-level basis.
3. Hydrology and Water Quality. We disagree with the Initial Study's conclusion that projects (involving fire road modification and fuel break construction) could not “substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site,”

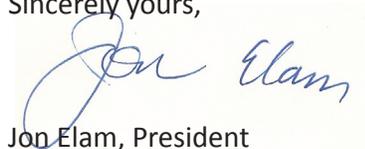
such that the impact would be less than significant. The evaluation dismisses this possibility by stating that such modifications would involve less than five percent of a given watershed. This is a premature conclusion, in that we have no prior knowledge of the size or characteristics of that watershed, the amount of preexisting hardscape, the extent of local defensible spaces, and other hydrologically-relevant information. In other words, we do not know the cumulative context, and therefore this impact should be treated as a potentially significant cumulative impact; any subsequent project should be evaluated for its incremental contribution to this context.

4. Recreation. As discussed above, the Draft VBMP makes only limited reference to its relationship to the Draft RTMP. Although the purpose of this TPEIR is not to evaluate impacts of recreational infrastructure and use, a multitude of impacts associated with recreational uses need to be acknowledged in the *cumulative context*. These include vegetation trampling and compaction of leaf litter and soil; loss of both herbaceous and brittle woody plant species near trails; habitat disturbance due to wandering off trail or cutting corners; habitat fragmentation due to widening a trail that will impede movement and dispersal of animals across exposed openings; introduction of exotic and weedy species from foot and bicycle traffic; and nutrient enrichment along horse trails. How will recreational uses and impacts be considered in designing projects to abate invasive species or to modify fuel, for example?

Procedures for Use of the VBMP Program EIR. The Parks Department has existing procedures to determine what level of CEQA review is required for an action: for example, is the action a “project” as defined by CEQA? Does it fit under any categorical exemption? Should an Initial Study be prepared? For any “project” not subject to exemption, this TPEIR will serve as a “second-tier document,” as explained in Section 1.2 of the Draft TPEIR on the Road and Trail Management Plan. Section 3.9 of that document further explains the procedure for how the TPEIR will be used in review of subsequent projects, but it is not clear on what circumstances will prompt or require public review (except “. . . when a law other than CEQA requires public notice. . .”), or what mechanisms the Department will use to solicit public comment? How will the public be informed that a “project” is pending? Will the project appear as a line-item in the Department’s annual budget or noticed more broadly when a project is about to be initiated? The Draft TPEIR for the RTMP explains much of this process in Section 3.9 – Intended Uses of the Draft TPEIR. We believe this discussion can be improved in the VBMP Program EIR by explaining more clearly how the public will be noticed of proposed or pending future projects and be engaged in their review and implementation.

We appreciate the opportunity to provide these scoping comments for the TPEIR on the Vegetation and Biodiversity Management Plan and look forward to participating in the public review of the Draft TPEIR.

Sincerely yours,



Jon Elam, President



Nona Dennis, Chair, Parks and Open Space Committee