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**From:** MCL  
**Sent:** Tuesday, May 18, 2010 9:58 AM  
**To:** 'bos@co.marin.ca.us'  
**Cc:** 'ldahl@co.marin.ca.us'; 'RMiska@co.marin.ca.us'; 'marincwby@comcast.net'; 'ajaxlaw@comcast.net'; 'bsalzman@att.net'; bsalzman@worldnet.att.net; 'kbechler-lafleche@co.marin.ca.us'  
**Subject:** MCOSD New Policies to Address User Conflicts: The Role of Enforcement



May 18, 2010

Board of Directors  
Marin County Open Space District  
3501 Civic Center Drive  
San Rafael, CA 94903

Re: MCOSD New Policies to Address User Conflicts: The Role of Enforcement

Dear MCOSD Board of Directors (Marin County Board of Supervisors):

Late last year (November 3, 2009) the Board and staff of the MCOSD convened a meeting to initiate a dialogue concerning the problem of growing conflicts among user groups on the District's open space preserves. A subcommittee consisting of Supervisor Steve Kinsey and Susan Adams was appointed to develop recommendations. These were presented at a follow-up Trails meeting February 1, 2010 at which four approaches were outlined for the District to pursue: 1) Initiate Phase 1 of the Road and Trail Management Plan; 2) Explore appropriate uses of new policy tools intended to address and reduce user conflicts; 3) Build the 680 Trail; and 4) Complete planning and pursue funding for a possible Stafford Lake (Bicycle) Park.

As you are aware, Marin Conservation League has been closely monitoring progress on the 680 Trail and we will continue to do so. The purpose of this letter is to raise questions about the second approach: Explore appropriate uses of new policy tools. The time frame for this task was given as February to May 2010. We anticipate a report in the near future, but would like to offer the following comments and concerns relative to this topic.

The Marin Conservation League strongly supports trail policies that are consistent with the primary MCOSD goals of protecting natural resources and ensuring visitor safety. We agree with Supervisor Kinsey's observation **that MCOSD must regain control of its roads and trails**. To that end, we believe that enforcement plays an essential role in insuring the goals of resource protection and visitor safety. We are concerned that passive measures, such as better signage, education, and policies to separate user groups will not in themselves change "scofflaw" behavior without meaningful enforcement. In particular, the many visitors who come from out-of-county will not benefit from education efforts within the county.

We – and the public in general – have very little understanding, however, of how enforcement is actually carried out by MCOSD. Before the District considers adopting new policies, such as separating user groups in time or space, or improving signage, or enhancing educational tools, we believe that all user groups need to become better informed

about the process and procedures through which MCOSD Rules and Regulations, and local and State laws where applicable, are enforced on MCOSD lands. Questions that need to be addressed include the following:

1. What authority do Open Space Rangers have to enforce MCOSD Rules and Regulations and what is (are) the source(s) of that authority? Do other local and State laws apply on District preserves, and, if so, do Open Space Rangers have authority over such violations committed on Open Space District lands? What about violations on private lands crossed by District-maintained trails (e.g., the planned 680 Trail)? What is the source of that authority?
2. What specific enforcement actions are Rangers authorized to take and what limits are there on their enforcement authority? For example, are they authorized to stop a violator and require identification? Can they issue citations and, if so, at what level—civil infraction, misdemeanor, or both? Can they arrest and detain a violator?
3. We have been given limited statistics on the number and types of “enforcement actions” taken by Rangers over the past several years. Does this represent a comprehensive assessment? Are all violations actually reported, and are enforcement actions fully recorded?
4. We understand that only one Sheriff’s Deputy is currently detailed to MCOSD for enforcement purposes, with a second position recently eliminated for budgetary reasons. How does the authority of the Sheriff differ from that of the Rangers? Is there a record of enforcement actions taken by the assigned Sheriffs over the past several years, by type of offense?
5. Do Open Space Rangers have authority to defend themselves? Do they have authority to defend members of the public? We know that they are unarmed, but are they authorized to use things like mace or pepper spray to defend themselves and/or members of the public?

The foregoing list is suggestive, not exhaustive. It does, however, indicate the public’s need to be informed and need to gain a greater sense of security that rules and regulations are indeed going to be enforced before any new trails or user policies are introduced. If MCOSD has manuals that describe enforcement policies and procedures, it would be helpful for the public to see them. Further, Marin Conservation League and other community representatives would be glad to meet with staff to discuss these and related questions in advance of any public meeting on proposed new policies.

Thank you for your attention,

Nona Dennis

President

Marin Conservation League

1623A Fifth Avenue, San Rafael CA 94901

tel( 415)485-6257 fax (415)485-6259

cc. Linda Dahl, Director and General Manager, Marin County Parks and Open Space  
Ron Miska, Assistant General Manager, MCOSD  
Marin County Parks and Open Space Commission, Attention Al Baumann, Chair  
Marin Horse Council, Attention Delos Putz  
Tamalpais Conservation Club, Attention Steven Schoonover, President  
Marin Audubon Society, Attention Barbara Salzman, President