

September 22, 2014

Mr. James Raives  
Senior Open Space Planner  
Marin County Parks  
3501 Civic Center Drive, Suite 260  
San Rafael, CA 94903



Re: Recirculated Draft of the Tiered Programmatic Environmental Impact Report (RD TPEIR) for the Road and Trail Management Plan (RTMP)

Dear Mr. Raives,

The following comments are submitted on behalf of the Invasive Plants Subcommittee of Marin Conservation League's Parks and Open Space Committee. By focusing on the impacts of the RTMP on the spread of invasive plants in Marin, this letter supplements MCL's more comprehensive letter sent under separate cover.

The RD TPEIR lists Significance Criteria for Biological Resources in Section 6.2.1 (Page 6-50). The list does not include a significance criterion in regard to impacts that would cause or contribute to invasive plant infestations. We propose that the Final TPEIR add the following:

"A project impact would exceed an impact threshold if it would create a substantial likelihood that a plant species listed by the California Department of Food and Agriculture as a noxious weed, or listed by the California Invasive Plant Council as an invasive wildland plant species, would be introduced to an area where it did not previously exist, or would have its range or numbers significantly increased as a result of the project."

As we have stated previously, the RD TPEIR does not list or map the most invasive species present on the preserves today. Without a description of the environmental baseline condition for invasive plant infestations, impacts cannot be assessed. Having a clear baseline is a core legal and analytical requirement of CEQA.

It is obvious throughout the RD TPEIR that disturbance of the land will occur during trail construction, reconstruction, rerouting, active and passive conversion and decommissioning of trails, including access/egress roads and staging areas. The Best Management Practices (BMPs) outlined in the RD TPEIR, as well as future environmental review of individual projects, will mitigate the disruption of the environmental communities, but many potential problems still remain.

We find that the RD TPEIR inadequately addresses the following issues:

### **Erosion Control and Revegetation**

The RD TPEIR (Table 5-4, Air Quality-3: Enhanced Dust Control during Construction) states:

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*Hydroseed or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).*

Comment: Hydroseeding is an effective method to control erosion and is mostly done with fast-growing, non-native grasses. Unfortunately, these grasses can establish themselves in an area and completely exclude desirable native grasses and forbs at a later time. The RD TPEIR fails to clarify who will prescribe the hydroseed mix, who will ensure that the prescribed seed mix is used, and who will be held responsible if “weed free” seed mixes are found to contain seeds of invasive plants.

As an example, a native seed mix was *prescribed* in and adjacent to a sensitive serpentine plant community at the County’s Lucas Valley Road Tunnel project about 15 years ago, but instead seed of an unusually robust Italian wildrye variety was used, and this non-native, invasive grass still persists today. It is presumed that the contractor hydroseeded the area without reference to project seed specifications and without supervision from MCOSD staff.

Guidelines for language to be included in contracts and staff informational materials need to be included in the BMPs.

The RD TPEIR (Table 6-6, Special-Status Plant-7: Revegetation with Native, Geographically Appropriate Plant Species) states: *Revegetate with annual grasses and forbs. Use of annual grasses and forbs can provide rapid vegetative cover and initial soil stabilization, and erosion control, promote habitat for native species, and provide a more desirable visual cover. Prepare a project-specific revegetation plan. MCOSD natural resource staff will develop a revegetation plan for projects as needed.*

Comment: Although it is not specifically described as hydroseeding, “revegetating with annual grasses and forbs” which “can provide rapid vegetative cover and soil stabilization” suggests that non-native, fast-establishing species will be used, and, depending on the size of the disturbance, probably applied by hydroseeding. As mentioned above, once such species become established, they may be impossible to eradicate/control, and native species will likely not outcompete them later. Thus, they do not “promote habitat for native species.” It is not clear whether native or non-native species will be used in the desired “rapid vegetative cover.” Will a general “construction standard” apply, or will a BMP geared toward reducing the establishment of non-native species be carried out, in order to favor the establishment of native vegetation? Unless no fast-growing, non-native plants are allowed to be used, the desired effect of the BMP, the outcome (which reads: “Ensures that disturbance of native and natural communities would be minimized to the fullest extent possible) is highly unlikely to hold true. Natural-fiber erosion-control mats should be the preferred method.

Also, stating that revegetation plans will be created “as needed” does not provide clear guidance to staff, or a clear understanding to the public, as to when such plans will be prepared. “As needed” should be changed to: “for projects involving over \_\_\_ square feet of soil disturbance, or over \_\_\_ square feet of soil disturbance in sensitive habitats.”

The expression “a more desirable visual cover” is not appropriate in the context of establishing native plants in a natural habitat! “Pretty flowers” may or may not belong in the habitat being restored.

The RD TPEIR (Table 6-6, Special Status Plant Protection-5; Table 6-10, Water Quality-3, et al.) states: *Immediately rehabilitate areas where project actions have disturbed soil. Require areas disturbed by equipment or vehicles to be rehabilitated as quickly as possible to prevent erosion, discourage the colonization of invasive plants, and address soil compaction. Techniques include decompacting and aerating soils, recontouring soils to natural topography, stabilizing soils via erosion-control materials, revegetating areas with native plants, and removing and monitoring invasive plants.*

Comment: In reference to revegetation after soil disturbance, the terms “immediately” and “as quickly as possible” are used in consecutive sentences. These terms need to be qualified as it is not clear what “as quickly as possible” means. Could it mean months or years? With regard to establishing native vegetation, it makes a great difference when revegetation takes place after substrate disturbance. Revegetation “immediately” after soil disturbance is, of course, preferable. Table 5-4 (see above) further states that “*previously graded areas inactive for ten days or more*” can be hydroseeded. As discussed above, unless the hydroseeding mix contains native species, this method, common on construction sites, is very detrimental to native vegetation.

The above statement does not include the phrase “Use of annual grasses and forbs can provide rapid vegetative cover and initial soil stabilization” as used in Table 6-6, Special-status Plant Protection-7. It is not clear whether “stabilizing soils via erosion-control materials” includes seeds of non-native plants that provide a rapid cover. As commented above, non-native cover-crop plants should not be used where native plants are expected to become established later.

### **Minimize soil disturbance**

The RD TPEIR (Table 6-5; Table 11-10, General-1: Limit Work Area Footprints in Sensitive Resource Areas; et al.) states: *Minimize soil disturbance to the greatest extent possible to reduce the potential for introducing or spreading invasive plants, to protect topsoil resources and to reduce available habitat for the establishment of new invasive plants. In particular, access roads, staging areas, and areas of temporary disturbance will be minimized in size.*

Comment: It is not clear how this will be achieved. Will this requirement be incorporated in project design specifications? Will there be a MCOSD monitor present at the locations where ground disturbance will take place? It is our experience that contractors will not necessarily heed the recommendation of minimizing soil disturbance if it hinders the efficiency of work on a project.

### **Construction time constraint**

The RD TPEIR (Table 6-5, General-7: Include Standard Procedures in Construction Contracts) states: *Restrict work to periods when invasive plants are not in fruit or flower.*

Comment: Perhaps “work” needs to be more precisely defined as “soil disturbance.” Some invasive plants (notably broom) may be more susceptible to herbicides when in flower because that is when the plants are most actively metabolizing nutrients, so that aspect of the work should take place when broom is in flower. And in general, it is not clear why work should not occur when invasive plants are in flower or in fruit. Considering French broom (*Genista monspessulana*), for example, such a restriction would reduce by many months the period when construction can take place at a specific site. Construction activities occurring *before* invasive species release their seeds are obviously to be preferred. We suggest rephrasing this to read: “Work should be timed so as to reduce to the maximum extent possible the likelihood of causing or contributing to the spread of invasive plant species.”

### **Equestrian use**

The RD TPEIR (Table 3-3, Policy SW.3, Prohibition on Off-road or Off-trail Equestrian Use) states: *Horses and pack animals must stay on system roads and trails, except when watering or resting the animal. Off-trail riding is prohibited. Riding on nonsystem roads and trails is prohibited.*

Comment: There is no discussion about the destruction of the vegetative cover of an area by horse trampling. We agree with forbidding horses and pack animals (what are they?) on certain trails, but not with the exception of letting these animals be watered and rested wherever and whenever it is convenient. Horses are large animals with metal-shod hooves that can impact habitats and their vegetation. Unless signs describing the occurrence of special-status species, sensitive communities, or other native vegetation are placed throughout the preserves near potential watering places (and these signs are heeded!), there should be designated areas where horses can be rested and watered without damage. Please change this to read: “. . . watering or resting the animal at locations designated for that purpose.”

In addition, the RD TPEIR fails to address the issue of horse manure, which should neither be allowed to enter waterways nor be left to spread invasive seeds or fertilize sensitive or less sensitive botanical resources. Manure dropping and fertilizing in the wildlands can lead to the invasion and persistence of non-native species. Picking up after ones horse should be required, as it is for dogwalkers.

### **Sudden Oak Death (SOD)**

In response to comments on the previous draft of the Draft TPEIR, the RD TPEIR deals with Sudden Oak Death (SOD) (Table 6-9, BMP General 11: Management of Sudden Oak Death) and

states: *Avoid transporting SOD on shoes, bicycles, and the feet of pet dogs and horses through the use of cleaners and disinfectants.*

Comment: The table lists practices that would reduce the risk of spreading this disease such as training park staff and educating visitors about preventing the spread of SOD. The RD TPEIR does not explain how it will be feasible to disinfect shoes, bicycle tires, and feet of dogs and horses. It seems that such measures are not “doable,” and infeasible mitigation measures should not be included in the Final TPEIR. *Conversely*, the “cleaning of equipment, boots, truck tires, and any other exposed material after working in forest and woodland habitats, with a 10% bleach solution or other disinfectant” should be mandatory for contractors and staff (Table 6-9).

### **Monitoring invasive plant populations**

The RD TPEIR (Table 6-5, General-10, Road and Trail inspections, states: *Regularly inspect road and trail features and associated infrastructure to ensure they are well maintained and posing no threat to surrounding sensitive and/or special-status natural resources. Staff will record information pertaining to the status of biophysical resources that could be affected by road or trail use, maintenance, or management activities. These inspections will monitor for the spread of invasive, exotic plants that could affect sensitive and/or special-status native plant or wildlife habitats and any other changes that could create negative impacts to known sensitive and/or special-status native plant or wildlife populations in the immediate vicinity. Staff will report any findings and make recommended corrective actions if appropriate.*

Comment: It is unclear why this monitoring and reporting is limited to invasive species infestations that *could affect sensitive and/or special status species*. All invasive plants are capable of destroying recreational, watershed, and habitat values throughout parks and open space and need to be controlled.

Also, a time period for ongoing monitoring of a project site for invasive plants following both new construction and decommissioning of roads and trails needs to be included in BMPs. The document states: *Monitor areas of decommissioned roads and trails for the presence of invasive plant species for two years following decommissioning to ensure no infestations develop. If invasive species are detected at this time, corrective actions will be taken as appropriate.*

We expect the RD TPEIR to include a rigorous monitoring protocol for invasive plant species, and it must be “demanding” enough to be effective. The RD TPEIR states that *“corrective actions will be taken as appropriate”* with respect to the removal of invasive species. This is vague. There is no mention of who will be responsible for removing the weeds. It is our experience that monitoring of sites is a common practice, but follow-up with actual removal of weeds is often lacking. The document should, at a minimum, discuss whether weed removal will be performed by MDOSD staff, paid “professional weeders,” or volunteers, as removal is a vital component of the process to reduce weed infestations. Based on the use of the term “as appropriate,” what is the threshold that initiates removal and what are the criteria for terminating removal?

We recommend that monitoring of a site for invasive plants after soil disturbance should occur, at a minimum, twice a year for three years and up to five years in sensitive habitats with rare species. Monitoring plant populations – and removal of weeds – are “labor-intensive” but necessary in view of the ubiquitous extent of non-native plants that are destroying the native landscape in Marin. With the disturbance likely to be caused by the implementing the RTMP, weed conditions on the open space preserves will get worse without comprehensive measures. In order to minimize the spread and detrimental effect of invasive plants on native resources, it is important that there be true resolve and available funding to eradicate/control these plants to the greatest extent feasible. In fact, funding for individual projects should not be considered sufficient unless it includes funds for the monitoring and removal of invasive plants for a sufficient time following completion of the project. The reason Mt. Tam is overrun by invasives, especially French broom, is closely related to the construction of trails and roads many decades ago.

Thank you for the opportunity to comment on the RD TPEIR for the Road and Trail Management Plan. If you have questions, please refer them to Eva Buxton, Botanist, or Paul Minault, Chair, Invasive Plants Subcommittee, [mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org).

Sincerely,



Jon Elam,  
President

Cc: Greg Zitney, Chair, Marin County Parks and Open Space Commission