

December 4, 2012

Brad Michalk
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Sacramento, CA 95814



Dear Mr. Michalk,

Marin Conservation League appreciates the opportunity to submit the following comments on the Draft Program Environmental Impact Report (DPEIR) on California State Parks Road and Trail Change-in-Use Evaluation Process. We acknowledge the value of having a comprehensive review of California State Parks' (CSP) Evaluation Process for changes in road and trail projects. It will serve as a resource for future decisions concerning any of the possible actions covered under the DPEIR, at any of the CSP's units throughout the State, and it will serve as a foundation for subsequent CEQA compliance for those actions. We appreciate the thoroughness with which the DPEIR has identified the broad array of physical impacts and social issues associated with change-in-use, and provided project requirements and mitigations to address those impacts and issues.

Our comments address four aspects of the DPEIR: First, the Evaluation Process as presented primarily in Chapter 3, Sections 3.6 and 3.7, and Exhibit 3-2; Second, selected topics for impact analysis; Third, the Adaptive Use Management program, since it serves a key role in addressing long-term impacts; and Fourth, safety and "social" issues involving Recreation and Trail Use conflicts and how these might be integrated into the Evaluation Process.

1. *Evaluation Process*

The flow chart in Exhibit 3-2 depicts how the proposed CSP Road and Trail Change-in-Use Evaluation Process would proceed (also outlined in Section 3.6.2). We note that the first opportunity for input from local trail user groups does not occur until after a request (for a change-in-use project) has been initiated, evaluated by staff in a Road and Trail Log, further evaluated in a Road and Trail Use Change Survey, and has received a recommendation by the Evaluation Team and District Superintendent for further action. Only then is there indication of public input. At this point, however, the project essentially has been committed (or denied), lacking only a Construction Work Log to identify needed physical modifications and a Project Evaluation Form (PEF) and CEQA compliance, which, under this scenario, becomes little more than a legal exercise.

As outlined, the process excludes the user groups and public from meaningful input at earlier points in the evaluation of a change-in-use project. If CEQA compliance requires preparing a Mitigated Negative Declaration, the public would have the required 20 to 30 days opportunity to comment, but too late to be useful. CEQA encourages early consultation (Sec. 21003.1 (a)). In the discussion of Trail Use Conflicts (Appendix C), **the importance of consultation and outreach to stakeholders is emphasized. The Evaluation Process as depicted does not provide for this.**

Closely coupled with public input is the problem of notification that a change-in-use is actually under study. In the Marin District, for example, there appears to be no consistent process of public notifica-

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tion of stakeholder groups. As a courtesy, organized groups have been apprised of certain actions in the past, but this is not a reliable or predictable process. **Nor is there any predictable notification process at the State level except through web postings. As a consequence, a local public must be vigilant! This is the opposite of outreach, whose importance is emphasized in Appendix C.**

The DPEIR should amend the Evaluation Process flow chart and outline to show earlier public input to a change-in-use project, and it should describe how noticing will be implemented. Public notice should go beyond announcements posted on the State Parks Website and include other public noticing mechanisms. **Interested organizations and individuals should be able to register with State Parks for electronic notification of pending road or trail change-in-use projects in their area.**

2. *Topic-specific Impacts*

The most comprehensive sections of the DPEIR are those that deal with construction-related impacts, which we will call “short term.” Through the application of Standard Project Requirements (SPRs) and Project-Specific Requirements (PSRs), plus impact-specific mitigation measures, the vast majority of these short term impacts can be resolved to levels of insignificance.

Therefore, our focus is on use-related impacts that may occur after the change-in-use is implemented. (See further discussion of Adaptive Use Management Strategy and long term impacts, below). They vary with the users, all of whom can have significant impacts to biological and other resources that include:

- trampling or other degradation to plants;
- increased disturbance to sensitive habitats (e.g., wetlands) adjacent to trails and roads;
- increased disturbance to special-status plant or wildlife species and their habitats;
- increased direct wildlife mortality;
- new or expanded populations of invasive plants;
- increased soil erosion and related impacts such as on water quality.

These long term user-related impacts may be addressed in the AUM strategy as discussed below. With regard to user-related impacts on soils, notably erosion, the discussion in Appendix C notes that impacts to soils and erosion can be attributed to all user groups, but that scientific literature identifies mountain biking as the group in which (individual) behaviors are most likely to influence erosion impact,” in contrast to the activities of hikers and horse riders. Impacts will increase when users employ skidding, sharp cornering at speed, and travelling on steep slopes and wet soils. Different riding styles (including cross country, downhill, free style and dirt jumping) are likely to impart different levels of impact to the trail surface and nearby off-trail areas.”

The DPEIR responds to this observation from Appendix C by affirming CSP policy, which states that trails open to mountain bikes are intended to provide access for the user to visit, observe, appreciate, and learn about park resources. It is not CSP policy to provide trails for fast, highly technical, or adventure-oriented rides for mountain bicyclists within the State Park System.

Notwithstanding this well-intended policy, individual behaviors such as those described above, will happen! We would like to see more explicit “mitigation measures” in the DPEIR to address the long term physical impacts on trails that may be frequented by individual mountain bikers who ignore

the policy in their desire for challenging, adventurous, and/or technical-skill oriented trail experiences, including narrow single track, and attain high rates of speed, particularly on wide trails with good sight lines, and flat or downhill grades. Good design for safety will not fully resolve the wear and tear that these behaviors cause. This potential for violation of policy also applies to the discussion of Trail Safety and Use Conflict, below.

Other user-related impacts that have a high potential to occur with change-in-use must be addressed and their prohibition enforced:

- Creation of volunteer trails and resulting erosion. This has been a constant threat in existing CSP units at China Camp and Annadel SPs from mountain bikers, but can also result from hiker and equestrian use;
- Light and glare from illegal night-riding, a common practice of bikers on all public lands in Marin County, with impacts on nocturnal wildlife.

3. Long-term (Post Construction) Impacts and the Adaptive Use Management Strategy

The DPEIR claims that any increase in use would typically be temporary due to additional users attracted to a new and novel trail. As the novelty diminishes, the attraction of additional trail users would be expected to normalize and the potential for displacement would diminish. Over the long term, the patterns of existing trail use would typically return to an equilibrium that would not be substantially different than prior to the change-in-use decision.

At the same time, CSP acknowledges that “. . . there is no reliable data to suggest that the number of trail users would increase, decrease or otherwise substantially change in timing or use pattern. . .” Even though “. . .the effects of implementing the proposed Process on (biological) resources are expected to be beneficial or neutral (for reasons noted in the DPEIR). . .,” future user-related impacts on biological, soils, and other resources cannot be predicted. To address this uncertainty, the Evaluation Process relies heavily on an Adaptive Use Management (AUM) strategy, described in Section 3.6.4 and referenced elsewhere in the DPEIR, as the all-purpose “mitigation” for any significant post-construction impacts that might remain after applying all Project Requirements and listed Mitigation Measures.

Adaptive management is a well-established concept used in projects affecting natural resources and natural systems, where conditions and effects can change over time. The purpose is to avoid long term significant impacts to biological and other resources. MCL agrees with the basic process described in the DPEIR: establish baseline conditions, set performance standards tailored to specific conditions or resources, monitor conditions at useful intervals, correct within a set time, and if necessary repeat this process. We agree with the standards listed in Section 3.6.4., but we have several concerns with this approach:

The timeframe and reporting requirements for follow-up inspection are not consistently stated in the DPEIR. We find the following:

“Qualified CSP staff would inspect the route and associated use areas that are affected by a change-in-use proposal at least semi-annually during the first three years following implementation of the change in use and would prepare an Adaptive Management Report (AMR) at the end

of each year regarding achievement of the performance standards established for the project . . .”

“Between three and five years after implementation of a change-in-use proposal, qualified CSP staff would inspect the route and associated use areas that are affected by the proposal at least annually and would prepare an AMR at the end of each year regarding achievement of the performance standards established for the project. . .”

“CSP staff will monitor the trail and affected areas over a period of three years for effects associated with elevated use, change-in-user types, trail design performance, and any lasting effects from trail design and construction activities.”

“ As a result of the AUM process, the prospect of significant adverse effects from increases in use or changes in use timing or pattern would be precluded during the three years following implementation.”

“ CSP staff will monitor the trail and affected areas over a period of three years for effects associated with elevated use, change-in-user types, trail design performance, and any lasting effects (on soils and geology) from trail design and construction activities.”

“The strategy involves monitoring of the affected trail and associated use areas by qualified CSP staff annually for the first five years after the change in use is implemented. An Adaptive Management Report would be prepared at the end of each year regarding achievement of the performance standards established for the project.”

The period of monitoring should be firmly established as five years. The frequency of inspection should be semi-annual for physical impacts of changed use, such as on soils, geology, and hydrology. Changes to plants, such as the introduction or expansion of invasive species also could be semi-annual. Damage to wild-life, especially slow-moving creatures, cannot be observed adequately at six-month intervals, however. More frequent or strategically-timed seasonal observations, such as during amphibian breeding and migration periods, may produce more accurate data on habitat and wildlife disturbance due to user type and intensity of use.

The AUM strategy outlines a systematic program for follow-up inspection and remedial action for any degradation that exceeds a performance standard; if remedy is ineffective, an order to reduce user type, seasonally or permanently close the route, rescind the change in use temporarily or permanently, and/or any other action deemed necessary to protect the affected resource or use condition and maintain any adverse effect at a less-than-significant level. As a result, “. . .the prospect of significant adverse effects from increases in use or changes in use timing or pattern would be precluded for a sufficient time (emphasis added) to allow incorporation of the road or trail with its changed use into the routine, long-term resources management activities of the park.”

What is meant by “a sufficient time” for precluding significant adverse effects? This does not reassure us that the long-term (that is, longer than five years) adverse effects will be addressed. Again, we cite the evidence at China Camp and Annadel SPs, where long term erosion from intensive bike use has not been remedied, due largely to lack of staff resources. Similarly, barriers to close off informal trails are consistently removed so that passive decommissioning and restoration are inef-

fective.

The DEIR should anticipate the more distant future user intensity that is encouraged by change in use and recommend long term measures to ensure that significant adverse impacts to natural resources will not occur after a five-year period of systematic monitoring.

4. **Trail Safety and Trail Use Conflicts**

Trail safety is treated in the DPEIR primarily as a design consideration. The proposed Evaluation Process includes requirements for use-appropriate design that should provide and maintain safe trail conditions. In contrast, Trail Use Conflicts, discussed in Chapter 8 and Appendix C, are considered social issues (attitudes, perceptions, expectations, etc.), under CEQA and therefore not treated as significant effects. We appreciate that the DPEIR has included a comprehensive review of literature and survey of land managers' experience in Appendix C that support the evidence **that trail use conflict is an important social issue, and that perceptions, attitudes, and behavior of users are major factors in generating concern and complaints about trail incidents.**

Public safety is a part of CSP's guiding policies and a critically important priority for visitors to CSP units and users of CSP. The potential for trail use conflict is higher for multi-use trails compared to single-use trails. The behaviors of individual mountain bikers, described above, alone, point out that putting bikes and horses on the same trail (for example) will invite conflicts that need to be addressed.

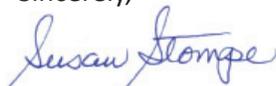
The DPEIR attempts to resolve safety impacts through design and the Evaluation Process. However, recognizing that trail use conflicts also will arise, CSP states that it will proceed with a three-pronged approach consisting of existing CSP policy, user-appropriate and low-conflict, multi-use trail design, and public outreach, education, and management actions aimed at reducing conflict. We believe that a fourth "prong" should be added – that is, establishment and enforcement of rules.

These elements are reassuring on paper but may not be realistic in practice, given the lack of CSP District staff resources. Nonetheless, we would like to see the recommendations contained in Appendix A of Appendix C (Trail Use Conflict Study) fully incorporated into the existing Evaluation Process depicted in Exhibit 3.2. Other management actions listed in Table A-2 (Appendix C) should also be considered (e.g., adopting and posting rules and regulations; enforcement and compliance; organized volunteer patrols; collecting and tracking data to inform decision-makers and the public; and taking specific actions to improve user group relations).

Unfortunately, while these are excellent ideas for addressing both conflict and safety issues, it is doubtful that they can be implemented with existing CSP resources. The DPEIR should include in its Introduction (Chapter 2: Executive Summary) a realistic assessment of the funding limitations that make CSP staff efforts at outreach, education, monitoring, and enforcement almost impossible.

Thank you for this opportunity to comment.

Sincerely,



Susan Stompe, President



Nona Dennis, Chair, Parks and Open Space Committee