



# Friends of Corte Madera Creek Watershed

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

Dear Mr. Haddad,

Thank you for the opportunity to comment on the Draft Negative Declaration and Initial Study, the California Environmental Quality Act (CEQA) documents for the 680 Trail Project. Our comments are divided into three sections. The first section includes general comments about the CEQA documents; the second presents specific comments on items in the Initial Study. The third section summarizes actions we feel the County should take if it is to pursue reinstating a link between the two preserves.

## 1. General Comments

### 1.1 Conflict of Interest

The CEQA document appears designed to facilitate approval of the trail project and to represent the interests of the project sponsor, rather than serving the public interest by providing a thorough analysis of the proposed action, alternatives, and impacts on the environment. This conflicts with the legislative intent in the Statute:

#### § 21000. LEGISLATIVE INTENT

The Legislature finds and declares as follows:

- (a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.
- (b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.
- (c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.
- (d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.
- (e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.
- (f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.
- (g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

These CEQA documents are particularly disappointing because, to quote the Parks and Open Space FY 2010-11 Performance Plan: "MCOSD manages over 15,000 acres of land contained within 34 Open Space preserves. Open Space preserves differ from county parks in that they are managed primarily for resource protection. District lands represent outstanding examples of Northern California environments including oak-bay woodland, oak savannah, fresh water wetlands, salt marsh, and grasslands." The LSA report on the 680 Trail states in section 3.5.1: "The 680 Trail alignment is among the more nearly natural areas within the District's open space lands." Surely the district should make a major effort to protect these resources from surface disturbance and the introduction of invasive species caused by new trail building.

## 1.2 Alternatives

Only one alternative is analyzed in the CEQA document; the absence of an alternatives analysis in the CEQA document compromises its validity.

Page 5 of the Negative Declaration states: "The District explored approximately 18 different proposed trail segments in the course of selecting the trail alignment." It is not clear if the 18 segments included parts of existing fire roads and trails that are not included in the proposed trail or if the 18 segments are all locations where new trails would have been required. Indeed, the reports that accompany the Initial Study and Negative Declaration describe four alternatives with up to 100 segments. Clearly the selection of the proposed project was not a simple process. Without an adequate alternatives analysis in the CEQA document, it appears that the criteria used in the process were weighted toward recreational values (width and slope of trail), in contrast to maximizing the use of existing trails and roads and reducing geologic, hydrologic, and biological impacts.

As a specific example of the need for an alternatives analysis, Stetson (Technical Memo 012010.1, page 2) states: "Utilization of the existing infrastructure—San Domenico Fire Road, and the Loma Alta Fire Road—could avoid the need to construct 1.1 miles of new trail in the central portion of the corridor, thus reducing costs related to trail construction and long term maintenance." Interested members of the public suggested a similar approach early in the process. Although the proposed alignment includes a segment of the Loma Alta Fire Road, there is no explanation of why all portions of the San Domenico Fire Road are left out of the proposed project. Stetson also recommended investigating the use of an abandoned road bench above the San Domenico Fire Road; the abandoned road joins the fire road above its problematic steep section (Technical Memo 0129110.2).

Note that the route shown on Figure 2 in the Initial Study has a loop to the south near the 1100-ft contour line that is not shown on other figures in the Initial Study nor on maps in Stetson's Technical Memo 012910.4. Does this loop represent the proposed route?

## 1.3 Open Space District Resources

The Open Space District is losing staff and resources, in a time when the district is challenged to maintain the preserves it currently manages. It is difficult to see how the district will provide the level of monitoring and maintenance that the 680 Trail will require. We know from personal experience that dogs commonly run off-leash in open space preserves. It is unlikely that the district will have the staff to carry out environmental compliance monitoring, including winter trail closures, or adequate maintenance in the long term. This undermines the entire mitigation and monitoring plan.

## 2. Comments on the Initial Study

This section of our comment letter addresses specific sections in Part IV ISSUES of the Initial Study (IS), in the order they occur in the IS, and Part V MANDATORY FINDINGS OF SIGNIFICANCE.

### IV ISSUES

#### 1. LAND USE AND PLANNING, *Would the proposal:*

##### b) Conflict with applicable environmental plans or policies adopted by Marin County?

The Marin County-wide Plan (MCP), <http://www.co.marin.ca.us/depts/cd/main/fm/index.cfm>, states on page 2-185: "Trails that are redundant or have major impacts on water quality within individual watersheds should be evaluated to determine if they should be decommissioned and those alignments restored to a natural condition." The MCP states on page 2-188: "Goal TRL-2 Appropriate Trail Design, Location, Management, and Maintenance. Design, build, manage, and maintain trails, as appropriate,

in a manner compatible with natural resource protection. Ensure safe trails. Ensure that trails are managed and maintained in a sustainable manner.”

The MCP includes the following implementing actions relating to Goal TRL-2:

...TRL-2.b Design, Build, and Manage Trails in a Sustainable Manner. Incorporate design measures that protect vegetation, protect habitats, and minimize erosion. Suggested measures include the following:

- Limit grading and vegetation removal.
- Discourage people and pets from entering sensitive habitats or disturbing wildlife through education, signage, enforcement, and, as a last resort, fencing.
- Provide vegetative buffers between trails and wetlands or other sensitive habitats.
- Consider using existing roads or trails rather than building new ones when possible.
- Temporarily close trails when necessary to minimize erosion or resource impacts, or to prevent threats of disease to livestock.

TRL-2.c Eliminate Trail Redundancy. Identify, abandon, and restore redundant or otherwise unnecessary trails or trail segments.

Instead of examining compliance with all implementing actions of TRL-2, the Initial Study mentions only the general policies for Goal TRL-2, without acknowledging important details relevant to the 680 Trail, specifically Implementing Measure:

- Implementing Measure TRL-2.b, bullet 1 (Limit grading and vegetation removal) and bullet 4 (Consider using existing trails rather than building new ones...) and
- Implementing Measure TRL-2.c, Eliminate Trail Redundancy.

Similarly, the statements about erosion control and hydrology do not acknowledge the high risk of erosion and landslides in the area, nor the need to address erosion from fire roads that will go untreated if the new trail is built. A long section of the San Domenico Fire Road could be used and improved, without building a redundant trail.

**3. GEOPHYSICAL. *Would the project result in or expose people to potential impacts involving:***  
**b) Substantial erosion of soils due to wind or water forces and attendant siltation from excavation, grading, or fill?**

A study of the geomorphology of the Corte Madera Creek (Stetson 2000) determined that approximately 90% of the sediment reaching the Ross Gage comes from grasslands, rather than from eroding creekbanks. Furthermore, the Sleepy Hollow Creek subwatershed, which comprises 18 percent of the Corte Madera Creek watershed upstream of the Ross Gage, contributes about 26 percent of the total bedload sediment inflow at Ross, largely because of soil and vegetation types in the subwatershed. Rolling-to-hummocky grassland and grass-oak woodland-covered Franciscan melange slopes can produce about 30 times more sediment per square mile than steep, forested sandstone and shale slopes, and the Sleepy Hollow Creek subwatershed has a greater percentage of grassland, grass-oak woodland, and chaparral-covered melange slopes than the forested sandstone slopes that occur primarily in the Larkspur Creek, Tamalpais Creek, and Ross Creek subwatersheds. The long-term impact of erosion is not limited to the project location, but extends into the entire downstream system, where it increases the risk of flooding residential and business districts and impacts habitat for listed species.

The mitigation measures focus on construction impacts, while the project relies on trail design and monitoring alone to deal with long-term impacts on Corte Madera Creek from the 680 Trail. Although the Initial Study states that a 350-ft section of the Luiz Ranch Fire Road would be upgraded to prevent damage to the new trail, this action is not described in the project description in the Negative Declaration (starting on page 5). The project description states that some sections of the Meditation Trail would be decommissioned, but it appears that the unused portions of other roads and trails made redundant by the 680 Trail would not be decommissioned.

As stated by Stetson in Technical Memo 012910.4: "The entire length of the proposed 680 Trail corridor occurs on soils the NRCS has deemed as being susceptible to severe and very severe erosion (2008). These soils are limited for hiking, equestrian, and motorcycle trail development because of dust generation due to the ease of soil pulverization, and slope. For unsurfaced roads, these soils are listed as poorly suited due to their low soil strength and slope (NRCS, 2008)."

The increase in trails would also increase long-term sediment sources. We contend that this is an unmitigated, significant impact.

**4. WATER. *Would the project result in:***

**a) Substantial changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?**

The statement in the discussion of Mitigation Measure HYDRO-1 that fill in the 14 watercourses under CDFG jurisdiction is "self-mitigating" is peculiar. That statement suggests that the fill would be beneficial in some way. Should this be restated to say that impacts would be minor, and therefore no compensation would be required?

The discussion of Mitigation Measure HYDRO-2 raises the possibility that the US Army Corps of Engineers (USACE) could consider some of the wetlands jurisdictional. If the USACE requires creation of wetlands to compensate for impacts to wetlands, the new wetlands should be created at a ratio of 3:1—not 2:1 as stated in the IS—and be located in the subwatershed where the impacts occur. Monitoring should be for five years; it may take longer than two years for the new wetland area to stabilize.

**b) Exposure of people or property to water related hazards, including, but not necessarily limited to: 1) flooding; 2) debris deposition; or 3) similar hazards?**

We disagree that this is a "less than significant impact." Increased sediment likely to be produced in the Sleepy Hollow subwatershed, with its redundant trail network, will have a negative impact on flooding in downstream areas. The Ross Valley Watershed Program is being launched to reduce the impacts of flooding. Surely the Open Space District should work toward reducing sediment input, not increasing it by developing redundant trails. There should be no increase in trails, and if new trails are constructed, the redundant trails and fire roads should be decommissioned.

To quote Technical Memo 012910.4 (Stetson 2010), which analyzes the proposed project, identified as Alignment Alternative 4: "Taking the whole trail into consideration, the assessment identified that the geologic formations underlying much of proposed trail corridor are susceptible to shallow landsliding and have the potential of significant failure under the appropriate conditions. ...Alignment Alternative 4 crosses into the headwall swale of the large eastward trending slide. Slope, soil type, hummocky ground, near surface flow, and saturated conditions documented during field visits to this location suggest that trail structures, such as turnpikes, and tread surfacing may be needed to overcome soil strength and drainage limitations."

**c) Discharge of pollutants into surface or ground waters or other alteration of surface or ground water quality (e.g. temperature, dissolved oxygen or turbidity)?**

We consider this to be a potentially significant impact. Sediment is considered a pollutant, and unless the redundant trails and fire roads are decommissioned, the project will increase sediment delivered to the Corte Madera Creek system, notwithstanding Mitigation Measure HYDRO-3, which deals only with spills during construction.

**7. BIOLOGICAL RESOURCES. *Would the project result in:***

- a) Reduction in the number of endangered, threatened or rare species, or substantial alteration of their habitats including, but not necessarily limited to: 1) plants; 2) fish; 3) insects; 4) animals; and 5) birds listed as special-status species by State or Federal Resource Agencies? and**  
**b) Substantial change in the diversity, number, or habitat of any species of plants or animals currently present or likely to occur at any time throughout the year?**

Steelhead trout, both federally and state-listed as threatened, occupy areas downstream of the project area; its habitat is directly impacted by sediment entering the Corte Madera Creek system from the headwaters of Sleepy Hollow Creek. We feel this is a significant impact that can only be mitigated in the long term by a reduction in sediment supply. Constructing new trails will add to, not reduce, the supply of sediment.

Although the 1.14 miles of the trail would go through woodlands considered sensitive by CDFG, there is remarkably limited information on specific impacts to trees. For example, how many native trees, particularly oaks and madrones, would be removed to construct the proposed trail through woodlands? This information should be presented so that the impacts can be adequately assessed.

Monitoring measures BIO-1, BIO-3, BIO-4, BIO-5, and BIO-6 call for district employees to monitor compliance with mitigation measures. We suggest that during construction, the district hire third-party environmental compliance monitors dedicated to this project. The district is laying off employees; even now, the district does not have adequate staff to maintain and patrol open space. It seems likely that district employees will not have the time to adequately monitor the 680 Trail and that an emergency elsewhere on district property could shortchange environmental compliance monitoring during construction.

Section b) also includes Mitigation Measure 7, which requires compensation for loss of sensitive habitats, specifically Madrone-California Bay-Tan Oak Forest, California Bay Pure Stands, California Bay-Coast Live Oak, and Purple Needlegrass Grassland. The measure should specify that all compensation be in one of the three subwatersheds (Sleepy Hollow, Fairfax, or Van Winkle creeks) where the impacts would occur and that compensation should occur *before* the trail is constructed.

**c) Introduction of new species of plants or animals into an area, or improvements or alterations that would result in a barrier to the migration, dispersal or movement of animals?**

Dealing with invasive non-natives is one of the most challenging issues for land managers in Marin County. We support the recommended mitigation measures. However, the IS does not recognize that minimizing the building of new trails and abandoning redundant trails is one of the more effective long-term ways to reduce the spread of non-natives and SOD into un-infested areas.

In describing this impact, it is hard to improve upon the statement in the LSA report in section 6.1.1: "Weeds may colonize the trail edge as an initial entry area and then subsequently penetrate further into open space land. From the trail edge, these invasive species can colonize relatively undisturbed vegetation communities. Over time these weedy species can colonize relatively pristine areas, converting the vegetation community from that which was dominated by native species to dominance by non-native plant species."

**13. AESTHETICS/VISUAL RESOURCES. *Would the proposal:***

**a) Substantially reduce, obstruct, or degrade a scenic vista open to the public or scenic highway, or conflict with adopted aesthetic or visual policies or standards?**

To quote the geotechnical report on the proposed project (Stetson Technical Memo 012910.4): "In total, the complete Alternative 4 alignment contains 14 stream crossings and 17 swales. Of the 14 stream crossings, 6 may be adequately crossed by rocked fords or armored fills, and 8 will require bridges. Springy areas and headwall swale crossings where near surface flow and wet soil conditions exist may require hardening of the trail tread, such as the addition of drain rock and base rock to improve trail tread strength and durability. A turnpike or similar structure may need to be constructed ... to overcome limitations of low soil strength and saturated conditions. Some of the areas limited by slope will likely require either fillslope or cutslope retaining wall structures to both gain needed trail width and to prevent future slope adjustments caused by construction of the trail."

Where these new structures are located on grassland hillsides—and especially in a series of switchbacks—they are likely to be visible from other sections of the trail and/or from San Domenico School. Retaining walls will be particularly visible. We do not think this is a "less than significant" impact. Furthermore, the impact could be reduced by more use of existing trails and fire roads.

**V MANDATORY FINDINGS OF SIGNIFICANCE**

**b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?**

We disagree with the "no" answer to this question in the IS. The lack of a meaningful alternatives analysis and the apparent focus on recreational design criteria for the trail to the exclusion of serious long-term consideration of erosion and its impacts on flood risk and habitat of listed steelhead argue that "yes" is the appropriate answer to this question.

**3. Actions the County Could Take**

**Addressing Deficiencies in the CEQA Document:** If a complete analysis of the impacts of the project is included, then there do appear to be significant long-term impacts from the proposed project. We suggest revising the IS so that it is accurate and takes into account long-term impacts, in addition to construction impacts that have been addressed. There should be an alternatives analysis; there is no shortage of alternatives that have been reviewed by the Open Space District or suggested by interested parties. An Environmental Impact Report is the appropriate form of CEQA review. Alternatively, the project could be revised to reduce impacts, and that might make a Negative Declaration appropriate.

**Suggestions for a Trail Project with Reduced Impacts:** We have the following specific suggestions:

- a. After the new trail leaves the Terra Linda/Sleepy Hollow Divide (TL/SHD) Open Space Preserve and enters San Domenico property, connect as soon as feasible to the San Domenico Fire Road. Continue on the San Domenico Fire Road to the Luiz Fire Road/Loma Alta Fire Road intersection. This route avoids building a long stretch of new trail, including a segment across the landslide mapped along the western edge of the TL/SHD Open Space Preserve (see Figure 3 in Stetson's

Technical Memo 012910.4). Although the southern-most section of new trail would be below the 680-ft contour, even more of the proposed new trail is located below the 680-ft contour (see Figure 1 in Stetson's Technical Memo 012910.4).

Alternatively, reduce the construction of new trails by using an abandoned road bench above the San Domenico Fire Road; the abandoned road joins the fire road above its problematic steep section (Technical Memo 0129110.2).

- b. In the western portion of the San Domenico property, the trail should follow the existing road to its end, near the abandoned pickup, then use a series of switchbacks to reach the border of the Loma Alta Open Space Preserve. The switchbacks should stay concealed within an approximately 300-ft wide wooded corridor shown on the proposed route, except for the excursion to the south into grasslands. That switchback should go to the north, not the south. In this way, disturbance would be restricted to a smaller area, and it would be less prominent visually.
- c. Reduce the width of new trails to 3 feet so that cut- and fill-slopes and retaining walls would be smaller.
- c. Improve the full length of San Domenico Fire Road to reduce sediment production. This could be a mitigation measure for increases in sediment from new trail construction.
- e. Decommission all social trails and redundant trails. For trails that remain, upgrade their stream crossings and ensure that their connections to the 680-Trail do not cross sensitive habitat.

In summary, the trail as proposed would result in significant impacts that could be avoided in some areas by using existing fire roads and trails and greatly reduced in others by constructing new trails that are no more than 3 feet wide, by improving the hydrologic function of existing fire roads, and by decommissioning redundant trails. We urge the Open Space District to redesign the project.

Sincerely,



Sandra Goldman, President

Copies via email:

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