

DATE: September 14, 2015
TO: Ronald Miska, Interim General Manager
FROM: James Raives
SUBJECT: Old Railroad Grade Trail Improvement Project, Loma Alta Open Space Preserve, Fairfax

The purpose of this memo is to provide a record of the administrative decision to proceed with the above referenced project. This memo will document the process that staff relied on to base its recommendation.

Background

As you know, Marin County Parks (Parks) staff has prepared plans, geotechnical and biological analyses, and a California Environmental Quality Act (CEQA) assessment for improvements to the Old Railroad Grade Trail. The approved 2014-15 Measure A budget includes funding for planning, design, and construction of the proposed project, which is to construct 1,100 feet of new trail to bypass an extremely steep section of the existing trail. The goals of the project are to create a gentler running slope, to improve the recreational experience, reduce erosion and sedimentation, and mitigate existing impacts to intermittent creek channels. The project also includes the recontouring of the abandoned portion of the old trail segment, and the management of invasive weeds that may infest the disturbed areas. Finally, the project requires the construction of one 30-foot long bridge and the installation of a 20-foot long, 30-inch diameter, culvert. The trail is currently open to bicyclists, equestrians, and hikers, and the proposed project will not change these existing uses.

To support the construction of these improvements, Parks staff consulted with Tim Best, Certified Engineering Geologist to assess the geotechnical conditions of the site and to recommend trail alignment and design features. The project plans were also informed by biological and wetland assessments prepared by Jane Valerius and Wildlife Research Associates. Finally, staff designed the proposed project to be consistent with the policies, best management practices (BMPs), and other requirements of the Road and Trail Management Plan (RTMP) and its certified Environmental Impact Report (Exhibit 1).

CEQA Review

On July 23, 2015, the Marin County Open Space District released an Initial Study and draft mitigated negative declaration (Exhibit 2) prepared consistent with CEQA and the state and county guidelines. The initial study was available to the public for review and comment for 47 days (complying with the CEQA requirements for 45-day, public review period). Staff notified the public of the availability of the initial study and draft negative declaration through direct mail of notices to neighboring property owners and other interested parties, a notice printed in the Marin Independent Journal, and through posting of notices on the Marin County Parks website. In addition, staff sent a notice of completion to the State Clearinghouse. Staff made digital copies of the initial study available on the Parks' website and on flash drives, and printed copies available at the Marin County Civic Center and Fairfax libraries and at the department's administrative and field offices.

In response to these notices, staff received one email supporting the project, a phone call asking about the project and generally supporting it, a confirmation letter from the State Clearinghouse, and a substantive comment letter from Marin Audubon Society (Exhibit 3).

Comments and Responses

Marin Audubon Society's letter raises several concerns with the impacts and conclusions discussed in the initial study. These comments are summarized below:

1. Project Description

- a. Comment: Explain why the project includes the use of a culvert
- b. Response: Staff carefully assesses the recommendation to use a culvert during the design and permit phases. The topography of the site is such that a second bridge, instead of a culvert, would significantly change the scope of the project and could cause additional adverse impacts to the hillslope and vegetation. Staff discussed this issue with the California Department of Fish and Wildlife and the Regional Water Quality Control Board. Given that the channel, in which the culvert is placed, carries much less water than the main channel (where the bridge is located) and could potentially result in more significant impacts to the hillslope and vegetation, these regulatory agencies agreed that the use of the culvert is preferable. The Audubon comment letter did not identify any potentially significant impacts from the proposed culvert.

2. Impacts to Native Trees

- a. Comment: The initial study should include mitigation for the loss of native trees.
- b. Response: The county's Native Tree Protection and Preservation ordinance exempts public agencies from its permit requirements for "the routine management and maintenance of public land" (Marin County Code Section 22.62.040 (I)). A small re-route of a section of trail is a routine activity that the staff regularly conducts, and therefore, is a routine management activity exempted from the tree ordinance. In addition, the district's biological consultants (as stated in the initial study) concluded that the loss of trees would not significantly affect the forest canopy. None of the affected native trees is of a size to qualify as a "heritage" under the ordinance and only nine of the trees qualify as "protected" under the ordinance. Finally, staff proposes to manage vegetation along the recontoured segment of existing trail, which will provide opportunities for natural recruitment of new trees. The amount of habitat for new trees far exceeds the impact from the trail project. Based on these considerations, and despite the loss of nine protected trees, staff has concluded that the project will not result in significant impacts to native trees as a whole, and no additional mitigation is necessary.

3. Impacts to Native Grasses

- a. Comment: The initial study should include mitigation for impacts to native purple needle grass.
- b. Response: The project will potentially result in impacts to a small area of purple needle grass associated with its staging and construction, but will not result in permanent loss of this resource. In addition, the project includes measures to minimize these temporary impacts, including the use of mats or plywood to cover the native grass and to remove coyote bush in the vicinity to enhance the habitat. With these measures, the project will not result in a permanent loss of native grass and will improve the area for natural expansion of the resource. Therefore, the proposed project will not result in a significant impact to native grasses and no additional mitigation is necessary.

4. Treatment of Invasive Vegetation

- a. Comment: Mitigation Measure BIO-1, which requires the development of a site-specific invasive weed treatment program, is not adequate to address the impacts from non-native vegetation. The initial study should: (1) include a complete description of the weed treatment program; (2) require active revegetation of the abandoned trail segment; and (3) extend the weed treatment program for longer than five years.

- b. Response: The project description provides an adequate characterization of the proposed invasive plant monitoring and treatment. The mitigation measure requires additional weed treatment program necessary for identifying appropriate site-specific methods. The purpose of this program is to focus the treatment methods and BMPs to specific portions of the project area, and it will not identify new treatment methods or BMPs. This program would not include any additional assessments that could result in new mitigation. Therefore, the initial study does not require additional information to assess the weed management component of the project.

In addition, the proposed project includes managing of vegetation along the re-contoured existing trail alignment, as required by BMP Special Status Plants-7 in the adopted RTMP. Finally, five years of monitoring identified in the proposed project exceeds the BMP requirements for invasive plant monitoring in the RTMP. Specifically, BMP Invasive Plant Management-7 requires three years of monitoring and post project treatment. After the completion of the intensive post-project monitoring, staff will include the project site in its ongoing weed monitoring and management programs. Therefore, staff concludes that the initial study adequately evaluates this issue and does not require additional information or mitigation.

5. Impacts from Increased Public Use

- a. Comment: The initial study should evaluate and discuss changes in use resulting from the project, including the potential for increases in use and night bicycle riding.
- b. Response: The proposed project is a short reroute of an existing trail within a larger trail system. There is no evidence to support the conclusion that a minor alteration to this trail will have any effect on the amount of recreational use. The existing trail is within the system of trails that the Operations Division monitors, manages, and maintains. Additionally, maps on the Marin County Parks website include this trail. This trail is already heavily used by a variety of users, and the district currently allows night use, including bicycle riding, on this preserve. The proposed project will not change this existing condition and any impacts from recreational use of the preserve are not a result of this project. Therefore, no additional recreational use evaluation or mitigation is necessary.

Project Approval

Based on the information included in the project design, geotechnical analysis, biological evaluation, initial study, and this memo, staff recommends that the district proceed with the proposed project. Specifically, staff is requesting that you approve the attached negative declaration and authorize staff to proceed with the proposed project. Your signature on the negative declaration will function as both the approval of the negative declaration and the proposed project.

If you need any additional information or have any additional questions or concerns, staff can meet with you to consider any other issues.

- cc. Carl Somers
Mischon Martin
Matt Sagues
Rachel Reed
Amy Skewes-Cox