

October 27, 2011

Brad Michalk
California Department of Parks and Recreation
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, CA 95814



Re: Recirculated Draft EIR - Trail Change in Use and Improvement Project, Samuel P. Taylor State Park

Dear Mr. Michalk:

Marin Conservation League appreciates the opportunity to comment on the Recirculated Draft EIR (RDEIR). The RDEIR corrects or replaces information in the DEIR; it also supplements information or fills in missing analyses; and it identifies circumstances that have changed since the Notice of Preparation (SCH#2011032070) was filed March 30, 2011. Our comments focus on four sections of the DEIR in which significant new information has been provided (Aesthetics/Visual Resources, Biological Resources, Hydrology and Water Quality, and Transportation, Circulation, and Traffic) However, new information also has been added to the background of the project, which bears on the assumptions underlying findings of significance; therefore, our comments also deal with the background provided in Chapter 2.0 titled "Project Description."

1. Circumstances have changed since issuance of the DEIR. We recognize that Department of Parks and Recreation (DPR) would like to complete the CEQA process for this project, and we regret that it comes at a time when our focus should be on support for keeping state parks open. However, only with the cooperation of the national parks will it be possible to keep Samuel P. Taylor State Park open even with basic (essential) maintenance. Under this management regime, whose time frame is unknown, only minor "maintenance" on Bills' Trail and Gravesite Fire Road would qualify as essential.

The State Trails Handbook distinguishes between essential and nonessential maintenance activities. *Under current use*, essential maintenance on Bills' Trail to "ensure visitor safety and to protect the resource and trail investment" would be minimal, since the safety of current users is not in jeopardy. Rehabilitation of limited sections of Gravesite Fire Road to "protect the resource" might fall in the "essential" category. The reconstruction, rehabilitation, and restoration required to carry out the change in use described in Section 2.9 (Detailed Project Description) of the RDEIR should be considered nonessential at this time.

2. Description of the Project Setting has changed. The history of Bills' Trail has changed

PHONE: 415.485.6257
FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
URL: www.marinconservationleague.org

ADDRESS: 1623-A Fifth Avenue
San Rafael, CA 94901



considerably in the RDEIR (Page 14). (Note: We recognize that the Trail is named for two Bills, not one.) Although people with long familiarity with this trail do not recall the Trail's original construction as a multiuse trail open to mountain bikers as well as hikers and equestrians, the account of C. Hanson (interview, August 27, 2011) corrects the history in the DEIR, noting that mountain bikes were subsequently excluded from Bills' Trail by the Superintendent after reports of conflicts with equestrians. The RDEIR does not say when bikes were excluded, but it is not accurate in stating that the trail has been used exclusively by hikers and equestrians since that time (Page 14). Based on consistent anecdotal accounts from trail users and the physical evidence of skid marks on the trail, bike use has continued illegally to the present time.

What the revised background does reveal is a past history of unsafe encounters ("conflicts") between equestrians and mountain bikes on this trail. This is due in part to equestrian activity in this area of the Park. Although equestrians legally have access to many single-track trails in Marin, their relatively small numbers (compared to hikers and bikers) and concentration of activity in certain areas present a different picture. Devil's Gulch is one such center of equestrian activity; the presence of a long-standing horse camp that predates the Trail guarantees that the potential for conflict with mountain bikes is particularly high in this location. Whether unsafe encounters can be resolved by widening the effective tread of the trail and installing pinch points is discussed below.

3. An important objective of the project has been eliminated in the RDEIR. Related to continued use of the trail illegally, one of the objectives listed in DEIR (Page 21) has been dropped from RDEIR: *"Provide additional opportunities for bikers and reduce the threat of illegal trail use and the potential for illegal trail development in other parts of the park."* This deliberate omission from the RDEIR list of objectives does not erase from the record the Park's inability to enforce its own regulations, in large part due to lack of staff resources. This problem, exacerbated by current budget cuts, casts further doubt on the ability of the Park to implement the project, much less carry out mitigation measures, discussed below.
4. *The DPR cannot ensure what style of mountain biker will use the reconfigured Bills' Trail.* The RDEIR, on Page 19, summarizes different bike riding styles in a table. Riding styles that focus on challenges of speed or Technical Trail Features (TTFs) are "inconsistent with DPR DOM Section 03317.1.2 as these are essentially attractions in themselves." "The proposed project has been designed to reduce speed and eliminate *as much as possible* potential technical challenges that the aggressive mountain biker seeks (emphasis added). . . The mode of transport is secondary and incidental to enjoyment of the natural, scenic, cultural and ecological values found within the Park."

Because of this design, the RDEIR predicts that *most riders* will be "Cross-Country (XC) Riders "oriented towards long distances, multiple loops and natural obsta-

cles” (emphasis added). Table 1 (Page 20) also lists: “Free Ride Riders, looking for technical challenges through features like rocks, bridges, jumps, logs, and drop-offs *can be found on all trails from cross country to dedicated experience zones*” (emphasis added). DPR cannot guarantee that free riders seeking technical trail features will not be attracted to “obstacles” like the rocks and logs to be installed as pinch points, even if they are in the minority of mountain bike users.

5. Bills’ Trail could become an “attraction in itself.” Section 2.6 of the RDEIR provides information on DPR policy and distinguishes improvements to State Park units that enhance resource values from those that are “attractions in themselves.” The latter can have a number of impacts, among them: Displace park users, reduce the unit’s sense of place, consume staff time in “overseeing improvements,” and others. It is MCL’s contention that conversion of Bills’ Trail to accommodate mountain bikes could easily become an “attraction in itself” as suggested above, with the following impacts: it will displace other users who are concerned about safety (more on this below), it will reduce the sense of place (more below), and it will consume valuable staff time in both implementation and ongoing monitoring for which DPR has no current funds.
6. The RDEIR relies on policy intent and largely voluntary measures to ensure safety. In Section 2.14 (Trail Safety and User Conflict/Rule Enforcement), the RDEIR states: “DPR trails are not intended as active recreation facilities where nature appreciation may be secondary to athletic or skill challenge . . . (they are) designed to accommodate passive, nature-oriented type of shared trail use by combining the design requirements for each individual use into a trail where they can comfortably mix.” The crux of this discussion is user safety. The RDEIR describes a voluntary approach to safety that relies on compliance (maintaining reasonable speed, yielding, warning when passing, etc.) and education (posting information on appropriate trail use, monitoring trail use, encouraging compliance, and *where necessary responding to situations of non-compliance* (emphasis added)).

The term “enforcement” is used only once in this document, without any elaboration, and yet this has continued for decades to be a fundamental need for predictably safe and compatible multiuse of trails on public lands. For example, in a 1989 Memorandum to the Board of Directors of Marin Municipal Water District, whose extensive watershed lands are open to mountain biking under explicit regulations, a manager stated that while “the majority of bicyclists respect regulations, . . . some action must be taken to control excessive speeds and irresponsible use. . . any steps taken must be supported by appropriate enforcement.” Design with pinch points, plus advisory postings, cannot guarantee safety of all users (see also below).

7. Mitigation Measure AES 1 does not mitigate to a less than significant level the impact of intensification of use on visitor experience as a component of aesthetics. This mitigation measure, which calls for an annual inspection of the trail, is intended to mitigate the impact of “operational activities that could degrade the existing visual char-

acter or quality of the site” (sense of place). Neither the impact nor the mitigation measure addresses an important element of “sense of place” as defined in 0312.1: that is, “how inhabitants or visitors interact with and how the landscape and built environment are occupied or used (activity levels and use intensities).”

The discussion under Impact Statement AES 3 states that the trail’s design will not attract “rogue riders” or challenge their physical or mental skills. Therefore, typical mountain bikers (using the trail) will be those that simply seek to enjoy the natural, scenic, and ecological values, *at speeds similar to those of hikers and equestrians*” (emphasis added). We find this similarity of speed between hikers, equestrians, and bikers impossible to believe, unless it refers only to uphill travel!

The RDEIR then acknowledges (Page 46) that “nevertheless, effects to the visual quality of the landscape and its sense of place could be readily apparent with the change in use project . . . *Changes in visitor use and/or experience could also be readily apparent and long-term with the project.* The following mitigation measure, however, would reduce the potential impact to a less than significant level on aesthetics and visual resources.”

Visitor use and/or experience, which are legitimate, if subjective, components of “sense of place,” are dynamic qualities that cannot be measured in static terms by inspecting the trail once a year to ensure that natural resources (including aesthetics) are not impacted. There are important differences between negative visitor experience and conflict. Although the conflict is not considered by the RDEIR to be a CEQA-related issue, visitor experience does clearly fall under the CEQA topic of Aesthetics, and therefore adverse changes in intensity of use could be significant. Measure AES 1 will not mitigate this impact to levels of insignificance.

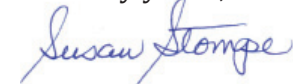
8. The RDEIR does not mitigate potentially significant operational impacts on special status species. We appreciate that the RDEIR has revisited this topic, but disagree with the finding that *operational* impacts are not potentially significant. Whereas potential *construction-related* impacts are “mitigated” in the DEIR by a series of Standard Project Requirements that include protocols to avoid impacts to breeding birds, etc., no such precautions are deemed necessary for ongoing use of the trail. Rather, it appears that species that reside in arboreal habitats can “utilize flight” to avoid harm from bicycle users; and that movement of California red-legged frogs during breeding would occur either during the wet season when the trail would be seasonally closed, or after nightfall when bicycle usage is non-existent (Note that illegal night-riding is practiced throughout Marin, but is not included in the RDEIR table of riding styles.). Therefore, the RDEIR finds there would be no significant impact and offers no mitigation. This is not an adequate response.
9. Revegetation Plan as mitigation for erosion and sediment control is referenced but missing from both DEIR and RDEIR. We appreciate that the RDEIR has made good use of the Clearwater Hydrology report (June 23, 2009) and incorporated numer-

ous suggested mitigation measures. However, both the DEIR and the RDEIR make reference to a "Revegetation Plan" that is missing from both documents. Referenced as BIO 10 in the DEIR (Page 21, Standard Project Requirement HYDRO 1 ("Long term revegetation BMPs will be guided by the Project Revegetation Plan (see Bio 10, Revegetation Plan)"), and as GEO 3 in the RDEIR (Page 52), this would be a key part of effective erosion and sediment control during and following construction. Both citations refer to a non-existent mitigation measure.

10. The Finding that Impact Statement CIRC 4 is less than significant before mitigation does not account for all factors that contribute to potential safety hazards. Due to constraints in the CEQA Guidelines and Check List, the issue of safety hazards as they apply to recreational users is forced under the impact topic of Transportation, Circulation, and Traffic. The impact CIRC- 4 refers to design features (e.g., sharp curves or a dangerous intersection) or incompatible uses (e.g. farm equipment) that would substantially increase hazards. This "force fit" should not constrain the analysis, however. Other features can contribute to safety hazard. Although 48 inches might be sufficient width for multiuse and safe passing in gentle terrain, the consistently steep slopes that the Bills' Trail traverses offer no escape from a potential collision. Trail design with pinch points alone cannot ensure moderate speed or the modest style of bike riding that might use the trail. Further, signs requesting users to have a safe and fun ride will not deter "rogue riders" unless there is enforcement to back up voluntary compliance. Finally, adhering to the traditional yield sign is the exception rather than the rule in common practice on multiuse trails and fire roads throughout Marin public lands. The RDEIR's finding that impacts would remain at less than significant level does not take into account all the variables that can contribute to safety hazards.

In conclusion, Marin Conservation League and numerous other stakeholders who have long familiarity with Bills' Trail and its unique qualities continue to find that the DEIR does not adequately identify the significant impacts of change in use, nor mitigate them to less than significant levels. We urge you to reconsider this proposal in light of these constraints and today's budget realities, and redirect whatever funds are available to keep Marin's State Parks open.

Sincerely yours,



Susan Stompe, President



Nona Dennis, Chair, Parks and Open Space

cc: Danita Rodriguez, Superintendent, Marin District
Cicely Muldoon, Superintendent, Pt. Reyes National Seashore
Linda Dahl, Director Marin County Parks
Tamalpais Conservation Club
Marin Audubon Society
Marin Horse Council