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Protecting Marin Since 1934

Shaun Horne, Manager Natural Resources
Marin Municipal Water District
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Corte Madera, CA 94925-1169
By Email: bffipeir@marinwater.org

Re: Comments on the Biodiversity, Fire and Fuels Integrated Plan and Draft Environmental Impact Report

Dear Mr. Horne:

The purpose of this letter is to provide Marin Conservation League's comments on Marin Municipal Water District's (District) proposed Biodiversity, Fire and Fuels Integrated Plan (BFFIP, or Plan) and Draft Environmental Impact Report (DEIR). We appreciate the considerable work done by District staff and consultants over the past several years to reach this point. While the DEIR is a thorough document, we believe that several points require clarification and further analysis in order to fulfill the intent to use this as a Program EIR to mitigate to less than significant levels the impacts of subsequent activities.

The primary object of MCL comments is the DEIR. However, since the BFFIP itself contributes to the "Environmental Setting" for the DEIR and also constitutes the "Project Description" that is analyzed in the DEIR, we include several comments on that document as well. **Comments on both the BFFIP and DEIR that warrant a response in the Final EIR are presented in boldface type.**

1. Environmental Setting

BFFIP Chapter 3: Recreational use as a "threat and trend."

In describing environmental conditions on the Mount Tamalpais Watershed, the BFFIP, Chapter 3, identifies four conditions – fire and fire suppression, invasive species, forest disease, and climate change – as posing a combined threat to the health of the local ecosystem. "The combined effects of the interacting threats pose the risk of a cascade of changes that affects the entirety of the ecosystem." (DEIR, 2.4.1 Plan Need, page 2-15)

MCL believes that a fifth "threat" should be added to these four – that is, recreational uses on the watershed. Recreational visitors have grown exponentially over recent decades, from several hundred thousand annual visitors 40 years ago, to between one and three million in 2014 (DEIR Page 3.10-2). Since its founding, the District has generously provided for recreation as a social benefit, as long as the production of high quality water is not compromised. Humans also can have damaging effects on the watershed environment. The District's Road and Trail Management Plan (DEIR Page 2.6) summarizes the impacts of recreational use as follows:

*"Roads and trails can have many undesirable effects on the environment. They can increase the number of visitors and intensify human use in seldom-visited areas. They can provide migration routes for non-native invasive plants into previously un-infested areas and facilitate the spread of Sudden Oak Death syndrome. They can fragment habitats by creating migration or foraging barriers to some wildlife. They can physically remove habitat or a portion of it. . . .Furthermore, *an increase in the density and amount of human presence in previously untrammled or seldom visited areas leads to an increase in the severity of effects and a proliferation of additional effects.*" (Emphasis added)*

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The DEIR examines the impacts of Management Actions 20 – 27 on the recreational experience (DEIR 3.9, Noise, and 3.10, Recreation) but does not account for the contribution of recreation itself as an interacting threat in the “cascade of changes” resulting from other existing trends that are addressed in the BFFIP. This is an inadequacy of the DEIR in that it doesn’t fulfill its obligation to provide a good faith effort at “full disclosure” of potential impacts as described in CEQA Guidelines Sections 15003(i) and 15151. This can be achieved in the Final EIR by doing the following:

Describe historic and ongoing impacts of recreational use on watershed resources and identify what measures will be taken in implementing the BFFIP to manage invasive plants, restore ecosystems, and minimize sedimentation along roads and trails that are exacerbated by recreation of all forms. Describe how the BFFIP Management Actions will be coordinated with the District’s Road and Trail Management Plan and “Project Restore.”

2. Project Description

Designating a “deferred action zone” is a *de facto* “Management Action.”

MCL agrees that the appropriate “Project” for impact analyses are the Management Actions: MA-20 through MA-27. These all involve direct physical manipulation of vegetation and/or action that could result in a physical impact on plants or wildlife. MCL believes that an additional “action” that could have indirect environmental impacts should be added to the project and analyzed in the DEIR. The DEIR maps the extent of invasive infestations in Figures 2.3-1 – 5, showing notable concentrations around Phoenix Lake and Deer Park-Bald Hill area. Further, the DEIR presents a stunning recital of the damaging effects of broom infestations on ecosystems if left unmanaged (DEIR Page 3.3-62 ff.). The District’s decision to defer active management of these large swaths of broom is due, in large part, to the handicap placed on budget resources by eliminating chemical treatment as an effective Integrated Pest Management (IPM) tool when all other management tools prove ineffective. (See further discussion under Alternatives, below). The Final EIR should address this by doing the following:

Explain in the Final EIR why deferring action is not listed as a Management Action under the Project Description. Please identify the decision by the District to defer management of this threat to the ecological health and high quality water production of the watershed as a significant indirect impact. Further, what mitigation measures could be employed to reduce the impact to less than significant?

Expected outcomes

The BFFIP provides a list of anticipated outcomes after five years of implementing the Plan (BFFIP Page 7-7). A somewhat comparable table in the DEIR lists the units (acres or patches) of work effort that are planned on an annual basis (BFFIP Table 2.7-1 Vegetation Management Actions). Also embedded in the text are units of planned work, such as 117 acres of “formal fuelbreak expansion,” with a target to complete 50 percent, or 59 acres within five years. It is difficult to find any one table in the DEIR that provides the anticipated outcomes as shown in the BFFIP on Page 7-7. Since the BFFIP was completed almost three years ago, are these outcomes still current or should they be updated?

The Final EIR must provide a current table of anticipated outcomes listing annual targets and anticipated achievements for each of the five years under the Plan, which can be monitored and reported to the public. This table will also provide a basis for evaluating the sufficiency of future annual work plans and budgets.

The Final EIR should also explain how the District will monitor and report annually on the extent of invasive plant removal achieved, in terms of both absolute acreage and a percentage change in overall acreage of each infested community, and how much identified acreage remains.

3. Significant Impacts

Maps of existing and proposed fuelbreak system do not show impacts to special status plant species.

Since 1995, the District has completed about 900 acres of fuel load reduction – around structures and utilities, along strategic service roads, along ridgelines, and half of it within habitat. The BFFIP gives a detailed description of fuelbreak standards and maps the existing system in the BFFIP, Figures 3-11 – 13, at a smaller scale in the DEIR Figure 2.3-1, and again in DEIR Figure 2.6-1 – 4. Then, at an impossible-to-interpret scale, DEIR Figure 2.7-1 shows where new and widened fuelbreaks will be implemented under the BFFIP. At the same small scale, DEIR Figure 3.3-21 overlays planned new and existing fuelbreaks on a map of Special-status Plant species, including serpentine areas. The result is a confusing, unclear, and virtually impossible to understand jumble of information. More useful detail is shown in Figure 2.7-2, but this is only a limited example of fuelbreak expansion. This is a deficiency of the DEIR in that it is extremely difficult for the public to discern exactly what is proposed and where, and how the fuelbreaks may directly and indirectly impact special status plants. The following should be done to correct this:

Provide readable maps at a scale that shows fuelbreak construction, including both widening of existing fuelbreaks and new extensions, in relation to (overlaid on) the distribution of special status plant populations, in order to allow the public to clearly identify potential significant impacts to special status plants.

The DEIR does not identify or mitigate potentially significant impacts on common wildlife species.

The District lands are known to host at least 400 vertebrate wildlife species and to support “high levels of biodiversity.” (DEIR Page 3-3-15) With the exception of the special status animals discussed in detail throughout the Biological Resources section and land birds, which have been monitored since 1996, the DEIR is woefully inadequate in its discussion of the common vertebrate species that make up the bulk of wildlife on District lands. The impact analysis presents only one impact category that offers the opportunity to identify impacts on these “other” wildlife, namely, Impact Biology-4: “The proposed plan could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.”

The DEIR refers the reader to Impact Biology-1 and -2 for greater detail in analysis of impacts on wildlife, such as impacts due to tree removal, invasive species control, and use of heavy equipment and other tools to reduce fuel load. The analysis focuses exclusively on the construction and active management phase of vegetation removal work, however, and concludes that longer-term habitat alteration is largely beneficial, i.e., the resulting condition after removing vegetation will deter the future spread of wildfire. The analysis fails to identify that MA-20 and 21 (maintenance of existing and construction of new or expanded fuelbreaks) could result in long-term impacts on movement of wildlife that depend on sheltered habitat, such as chaparral. For slow moving reptiles and small mammals, for example, fuel breaks create both a barrier and an exposure hazard to movement within their accustomed habitat. In both cases, animals become easy prey for predator species or victims of human traffic. Other impacts could include the potential for permanent loss of nesting and rearing (“nursery”) habitat for ground-dwelling birds. This inadequacy of the DEIR should be addressed by doing the following in the Final EIR:

Describe the significant impact of long-term habitat alteration due to the cyclical maintenance and construction of new fuelbreaks on movement corridors, and the potential loss of nesting and rearing habitat of common vertebrate species in altered habitats. Provide mitigation measures to reduce the impact to less than significant.

4. Alternatives

The “Limited Use of Herbicides” Alternative

As requested by MCL and others in commenting on the scope of the EIR, the Draft EIR presents a well-described alternative based on the addition of limited use of herbicides to the Project as proposed, where essential to achieve management objectives. Limited herbicide use would be consistent with the principles of Integrated Pest Management (IPM) and its applications highly restricted.

The environmental analysis concludes that this alternative may result in a more effective program, as herbicide use would allow more areas to be treated since it requires less equipment and workers, and less repeated work to remove weeds (DEIR Page 4-30). Although the alternative would introduce several potential effects that would not occur under the proposed Plan, none of these effects would be significant as mitigated, according to the DEIR. This alternative is supported by MMWD Policy 2.2-G in the Mount Tamalpais Watershed Management Policy (DEIR, Page 3.3-70), which states that the District will give high priority to management of exotic species, in keeping with the principles of IPM. “Methods include mechanical removal, *chemical treatment* (emphasis added), and others. . .”

Among the management actions discussed in the DEIR, MA-27 offers the opportunity to “update the Plan’s vegetation management tool box and the District’s IPM program as additional effective, environmentally safe, and efficient methods are identified.” Under this management action, the District could reconsider chemical treatment at a future time. Such a reevaluation would also be consistent with the Plan’s third goal – “Adaptive Framework for periodic review and revision of BFFIP implementation decisions in response to changing conditions and improved knowledge.” For example, the recent discovery of populations of Japanese Knotweed in San Geronimo and Lagunitas Creeks since publication of the BFFIP should prompt critical reexamination of the District’s current IPM toolbox. Considered the world’s most invasive weed, Japanese Knotweed’s spread can only be stopped with herbicides.

MA-13, although not part of the Project, calls for reviewing and updating the District’s Vegetation Management toolbox to ensure that “lessons learned” are incorporated into implementation of the Plan. New techniques for managing invasive plants are constantly being developed. It is possible that new herbicides might pose less risk of exposure, or existing herbicides might prove effective at greatly reduced concentrations, particularly when used in conjunction with other, developing techniques.

The comparison of impacts of the “limited herbicides” Alternative with impacts of other alternatives and the project as Proposed, presented in DEIR Table 4.7-1, should foster informed decision making and support the opportunity for future improvements to the Biodiversity, Fire, and Fuels Integrated Plan. In order to provide a greater “full disclosure” analysis of this issue, the following should be done in the Final EIR:

Provide greater elaboration on how reconsideration of the “Limited Use of Herbicides” Alternative would fulfill the intent of:

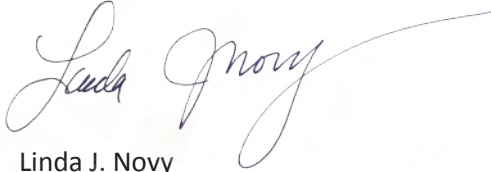
- **MMWD Policy 2.2-G in the Mount Tamalpais Watershed Management Policy;**
- **The Plan’s third Goal – “Adaptive Framework for periodic review and revision of BFFIP implementation decisions in response to changing conditions and improved knowledge”;**
- **The intent of MA-27, and**
- **The intent of MA-13.**

The Final EIR should include a table similar to 2.12-1 (DEIR Page 2-57) that compares the labor require-

ments for each management action for each Alternative, compared with the Project as proposed.

Finally, MCL appreciates the work of staff and consultants on this Draft EIR, and we thank you for your attention to these comments.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Novy". The signature is written in black ink and is positioned above the printed name and title.

Linda J. Novy
President

A handwritten signature in cursive script that reads "Nona Dennis". The signature is written in black ink and is positioned above the printed name and title.

Nona Dennis
Chair, Parks & Open Space Committee