



Protecting Marin Since 1934

November 8, 2018

Marin Municipal Water District
220 Nellen Avenue
Corte Madera, CA 94925

Attention: Aaron Fulton

Subject: Proposed Mitigated Negative Declaration for Amendment of the Mt. Tamalpais Watershed Road and Trail Management Plan for the Restoration of Azalea Hill

Dear Mr. Fulton:

Marin Conservation League appreciates the opportunity to offers the following comments on the subject IS/MND. We understand that the 2005 "Mt. Tamalpais Watershed Road and Trail Management Plan" (RTMP) lays out the District's entire road and trail system and details many erosion control projects. Although the RTMP did mention improving the hiker-horse trail on Azalea Hill, it did not anticipate that the long-abandoned Liberty Gulch Road might be adopted and improved as a multi-use route. Nor did it anticipate the extensive decommissioning of social trails that cross the hill. Therefore it is necessary to amend that plan and prepare an Initial Study and Mitigated Negative Declaration.

Adequacy of IS/MND

As a general commentary, MCL believes that the Marin Municipal Water District ("district") has fulfilled the legal requirements of CEQA by recirculating the IS/MND in response to criticisms and comments received on the 2017 draft. The recirculated document provides new information (plant surveys) that was not available in October 2017. It augments the 2017 draft by identifying the potential long-term impacts of visitor use of the proposed project, a topic that was wholly missing from the earlier document. And it presents more fully described measures that are intended to mitigate significant impacts.

Notwithstanding the general adequacy of the CEQA document, MCL believes that the proposed mitigation measures, as written, will not mitigate significant impacts to a less than significant level without further clarification and strengthening. Our recommendations are explained below. We request that conditions placed on the project reflect these recommendations.

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Basis for MCL's concerns

The project proposes several actions that, taken together, attempt to trade-off benefits of (1) removing existing impacts (erosion, sedimentation) and restoring habitat (decommissioning and revegetating non-system social trails), and the significant impacts of (2) improving and opening up the long-abandoned Liberty Gulch route to intensified recreational use in areas of known populations of rare and sensitive plants.

This latter component of the project contradicts the District's own Road and Trail Management Plan, which states the following:

"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 (in some cases environmentally sensitive habitats) by creating migration or foraging barriers to some wildlife. They can physically remove habitat or a portion of it. Moreover, construction of roads and trails can disturb or destroy, directly or indirectly, plants or animals that are legally protected. Wetland areas, riparian areas, serpentine soils (which are fragile, erodible soils that can contain a host of endemic, rare and endangered species of plants), and active nesting or roosting areas, are all sensitive habitats that require protection in one form or another. Furthermore, *an increase in the density and amount of human presence in previously untrammelled or seldom visited areas leads to an increase in the severity of effects and a proliferation of additional effects.*" (Emphasis added)

Another section of the RTMP states that

". . . if (a) route went through serpentine areas that may support rare and endangered plants, or went too close to a known sensitive breeding or roosting area, the District would not adopt it."

Clarification and strengthening of mitigation measures

To justify the tradeoff and minimize significant impacts raised particularly by the Liberty Gulch component of the project, effective mitigation measures are key! The recirculated MND lists mitigation measures which, if clarified, strengthened, properly implemented, and monitored over time, could avoid, or at least reduce impacts to a less than significant level, to populations of rare and sensitive plant populations. MCL comments also address several Recreation impacts.

The following mitigation measures need to be modified as shown:

- **Mitigation Measure BIO-1.** We appreciate that all Marin western flax will be avoided, but question the basis for ranking as "low sensitivity" some special status species considered (by whom?) to be more common in the project vicinity and/or resilient to disturbance (e.g., serpentine reed grass, Mt. Tamalpais manzanita, Mt. Tamalpais lessingia, Tiburon buckwheat, Oakland star tulip). We disagree that these species are of "low sensi-

tivity” such that they would receive a lesser degree of protection. See the next bullet.

- **Supplement to Mitigation Measure 3.2-B.2** in the RTMP FEIR states that If avoidance is not practicable, and *if the plant(s) do not have a low sensitivity rating and are not common in the project vicinity and/or resilient to disturbance (as determined by a district botanist)* (emphasis added), then a rare plant mitigation and monitoring plan shall be designed and implemented.” This appears to avoid granting long term protection and monitoring of serpentine reed grass, Mt. Tamalpais manzanita, Mt. Tamalpais lessingia, Tiburon buckwheat, Oakland star tulip by not including them in the “rare plant mitigation and monitoring plan.” These species should be included in the plan, subject to performance standards detailed in item e., in the mitigation measure.

As a further commentary on this mitigation measure, we question the efficacy of the proposed “rare plant plan” that attempts to re-establish populations of rare plants in other locations. We accept the standard of 2-year success, provided the 5-year monitoring protocol promised in BIO-11 is followed and a finding of non-success (of the new population) within three-year time frame will result in applying contingency measures and monitoring continues for *whatever* time period it takes to reach the 2-year success standard.

- **Mitigation Measure BIO-2.** The district or district’s contractor shall protect special status plant species from incidental harm due to construction equipment and spread of weeds by implementing the following. This appears to be the only mitigation measure that addresses the widely recognized impact of spread of weeds in new road and trail construction, and here, only to protect special status plant species. This mitigation measure should apply to all native habitats throughout the project area, not just those with special status species. Where any new or improved portion of road or trail that exposes disturbed or new soil to the treat of invasion by weed, this multi-faceted measure should apply.
- **Mitigation Measure BIO-10** “. . .active and adaptive management measures are needed to ensure the routes perform as designed and that they would not have a substantial adverse impact on biological resources.” The district has experienced several years of successful use of adaptive management techniques to control undesirable road and trail use through its “Project Restore” program. MCL is relying on the past success of the Project Restore program’s multi-disciplinary management approach, detailed under BIO-10, to serve in effectively decommissioning 4.4 miles of social trails and correcting numerous other sources of erosion and sedimentation along the Liberty Gulch route, as well as preventing incursion into sensitive plant populations as detailed in the IS/MND.
- **Mitigation Measure BIO-10**, one bullet point under this measure states the following: “At locations where the trail borders sensitive biological resources (e.g., rare plant populations, wetlands), design features (e.g., logs, rocks) will be used where appropriate to clearly demark the tread margins and discourage encroaching into adjacent vegetation.” The IS/MND gives more explicit examples:

- "... strategically placed rocks, small boulders, or logs and slash piles that also provide ancillary habitat or cover for small terrestrial species. Alternatively, more obvious barriers like a split-rail fencing with regulatory signage that facilitates issuing citations may also be installed. In areas prone to saturation during the winter, the surface tread would be rocked, or hardened, to protect the tread and prevent erosion. In a worst case scenario, such as a particularly wet weather period, the route could be subject to temporary closures."

These detailed measures should be incorporated into the mitigation and monitoring plan and applied throughout the length of roads and trails to demarcate trail margins so as to *prevent (not simply discourage) encroaching into adjacent vegetation. It is especially critical along both Liberty Gulch Road and Azalea Hill Trail wherever the routes traverse or are adjacent to rare plant populations.*

BIO-10 is also essential in mitigating significant impacts on biological resources by assuring increased patrols or other monitoring measures to ensure that routes perform as designed, and by assuring that adaptive management measures shall persist and remain in effect for as long as the routes are in use and shall be maintained at a level to protect biological resources, as necessary (emphasis added). Note that these provisions also apply to mitigating certain impacts in the Recreation section of the IS/MND, which notes that the Project could attract more visitors to the project area and therefore potentially degrade existing recreational facilities. "Mitigation measure BIO-10 will be implemented to track and control potential user impacts on district facilities through the implementation of edge-of-trail treatments, trail surface hardening, seasonal closures, monitoring, and enforcement."

- **Mitigation Measure BIO-11.** "Any trees larger than 8-inch DBH that are removed as part of the Proposed Project shall be replaced. The minimum ratio for tree replacement shall be 3:1 (three trees replaced for each tree removed) but shall be adjusted by the district botanist in concert with the regulatory agencies to re-establish the structure and function of existing landscapes). Areas disturbed by construction will be monitored and adaptively managed to ensure revegetation for a period of five years." We agree that judgment of the district biologist will be needed to determine replacement ratio, appropriate to species, with the objective of maintaining habitat structure and function.
- **Mitigation Measure BIO-12.** "All areas temporarily disturbed during project construction, including areas where tree replacement is conducted, will be restored and revegetated to their *pre-disturbance* condition." This mitigation measure sets the rather low bar (baseline) of 'pre-disturbance balance of native vs non-native vegetation' as the performance standard for revegetating areas disturbed by the project ("at a minimum, require that non-native species cover shall not exceed pre-disturbance non-native species cover and re-establishment of native cover to pre-disturbance levels"). We recommend raising the bar by making a determined effort to revegetate and monitor with the objective of improving native habitat!

The Recreation section of the IS/MND notes that significant impacts could result from increased use of recreational facilities, and from expansion and/or construction of new facilities. **Mitigation Measure REC-2, in conjunction with BIO-10, addresses these impacts.**

Without discussion of use of the proposed Liberty Gulch Road or the Azalea Hill Trail or identification of use as a source of potential impacts, the section includes two important mitigation measures that address operational impacts. They are quoted here to emphasize their importance:

- **Mitigation Measure REC-3.** On Liberty Gulch Road, speed calming features (e.g. signs, changes in elevation such as earthen speed bumps, lane narrowing, diagonal diverters using local logs or rocks, etc.) to reduce the downhill speed of bicyclists shall be constructed. To discourage cycling on the Azalea Hill Trail, bicycle deterrence elements (e.g. signs, abrupt changes in elevation that are difficult to roll over, horse friendly diverters or step-overs using local logs or rocks, etc.) shall be constructed. The effectiveness of these features shall be monitored to ensure they perform as designed in accordance with Mitigation Measures BIO-10 and REC-2.
- **Mitigation Measure REC-4.** The District shall conduct focused patrols at Azalea Hill, similar to those it conducts for Project Restore, and document its patrol and enforcement activity in the Azalea Hill area and prepare a report on its findings after five years. **(MCL requests that such findings be available to the public on an annual basis.)** The number of focused patrols shall be determined based on the illegal activity discovered or reported (the schedule of such patrols need to remain confidential). Findings of illegal activity, including failure to abide by permitted use on a route, failure to comply with speed limits, including when passing, and failure to keep out of closed areas, shall trigger corrective actions as described in Mitigation Measure BIO-10. These efforts shall continue until the desired outcome, compliance with District regulations preventing illegal activities, is achieved.”

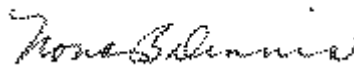
Finally, MCL is relying on the District’s past record in applying adaptive management approaches, coupled with focused patrol, monitoring, and enforcement. With diligent application of these mitigation approaches over the long term, the significant impacts of the project can be mitigated and the environmental goals of the Azalea Hill restoration project be realized.

Thank you for the opportunity to comment.

Sincerely,



Linda Novy
President



Nona Dennis
MCL Parks and Open Space Committee Chair