

November 23, 2009

Hal Brown, Jr., President
Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903



Subject: Marin County Open Space District Trail Issues

Dear Supervisors:

I am sending this letter on behalf of Marin Conservation League. We are aware that, while a BOS sub-committee is currently working with Marin County Open Space District staff to develop approaches to reducing or resolving user conflicts on MCOSD roads and trails, the Board is being deluged with pro-mountain bike e-messages. Hikers are not similarly organized – i.e., walking and hiking groups and individuals who use the County's open space preserves are high in numbers but also highly dispersed. Because we speak for many of these constituents, it is important for the Board, through the Board President, to realize that MCL and other conservation organizations are following actions closely and expect an environmentally responsible planning process. We do not expect decisions to be driven by popularity or politics, or other short-term opportunism.

Let me remind the Board that Marin Conservation League recently challenged the State Department of Parks and Recreation ("State Parks") for violating CEQA when they approved a project to convert the single-track Bill's Trail in Samuel P. Taylor State Park to multi-use (including mountain bikes) and filed a Notice of Exemption with the State Clearinghouse. MCL retained the law firm of Shute, Mihaly, and Weinberger in our challenge, and were supported by Tamalpais Conservation Club, Sierra Club Marin Group, the Trail Preservation Council, SPAWN, Marin Audubon Society, and the Marin Horse Council. A Petition for Writ of Mandate was ready to be delivered but was not because State Parks rescinded both project approval and NOE two days before the end of the 35-day statute of limitations.

In filing the Notice of Exemption, State Parks complied with a minimum CEQA requirement only: it acknowledged that the conversion to multi-use was a "project" as defined by CEQA, even though in their view it qualified for a categorical exclusion. After submitting several requests for information under the Public Records Act, MCL learned that State Parks had documented their analytic process by filling out a quasi-environmental checklist ("Trail Use Change Survey") and preparing a "Project Evaluation Form" based on Best Management Practices. We argued that this was not sufficient environmental evidence and therefore further CEQA evaluation was required, including opportunity for public comment. We also claimed that "change of use" is a "project", not just the physical process of retrofitting the trail for mountain bike use.

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

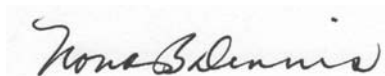


This is not the first time that State Parks has been successfully challenged in Marin for proposing to transform a hiker/equestrian trail into a multi-use trail without adequate CEQA compliance. So how do these examples apply to the process that MCOSD is going through? They are analogous. That is, we expect MCOSD to acknowledge that converting a single track trail to multiuse is a "project" and requires a thorough analytic and environmental review process – documentation of existing conditions, specifications of what would be needed to convert the trail or trails to multiuse, what would be the impacts, including cumulative, of erosion, sedimentation of streams, damage to vegetation and wildlife, safety, user displacement, conformance with the Countywide Plan and MCOSD Strategic Plan policies, etc. Adopting any policy of expanded use could have the equivalent effect and, in our view, constitute a "project" as defined by CEQA.

The MCOSD staff and Parks and Recreation Commission certainly recognize that the 12 - 18 month Road and Trail Management Plan process will include full CEQA compliance and public outreach. There is no responsible way to circumvent this by bending to political pressure. If the BOS sub-committee were to begin identifying candidate areas or specific trails for expanding or converting to mountain bike use before further documentation were available, we would view this as a gross violation of CEQA's basic requirements as well as MCOSD policy.

We urge you to proceed with a thorough and objective Road and Trail Management Plan process under the direction of the Strategic Plan and driven by respect for the District's core policy: ". . .MCOSD shall steward its land in a sustainable manner, and primarily for resource protection."

Sincerely,



Nona B. Dennis
President

cc:

Ron Miska, Assistant Director, MCOSD
Tamalpais Conservation Club, c/o Larry Minikes
Sierra Club Marin Group, c/I Elena Belsky
Trails Preservation Council, c/o Steven Schoonover
Marin Audubon Society, c/o Barbara Salzman
Marin Horse Council, c/o Delos Putz
Pacific Sun, c/o Peter Seidman
SPAWN, c/o Todd Steiner
Marin IJ, c/o Mark Prado
MCL Board of Directors