

**MARIN COUNTY OPEN SPACE DISTRICT
ENVIRONMENTAL COORDINATION AND REVIEW**

Date: May 11, 2017

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
County of Marin

From: Marin County Open Space District (MCOSD)

Subject: CEQA Determination Finding that Section 15162 of the State CEQA Guidelines applies to the Bob Middagh and Gasline Trails Improvement Project.

Project Title: Marin County Open Space District's Road and Trail Management Plan Tiered Program Environmental Impact Report Consistency Assessment Bob Middagh and Gas Line Trails Improvement Project

State Clearinghouse #: 2011012080

Contact Person: James Raives **Telephone Number:** (415) 473-3745

Assessor's Parcel Numbers: 033-102-33 & 47 and 033-200-01

Project Location: Alto Bowl Open Space Preserve, Mill Valley, Marin County, California

Project Description: MCOSD proposes to implement trail and drainage improvements to the Bob Middagh and Gas Line Trails in the Alto Bowl Open Space Preserve. The proposed realignments, drain dips, new culverts, change of use, and other actions to protect the environment and improve the user experience would increase the sustainability of the trail consistent with the Road and Trail Management Plan (RTMP) policies, best management practices (BMPs), and trail design standards. These measures would substantially reduce, over the existing trails, impacts from erosion and runoff into nearby drainages, thereby reducing sedimentation into the Richardson Bay watershed.

Modifications to the Bob Middagh Trail include realignment of 1,952 feet of new trail, decommissioning of 938 feet of existing trail, installation of four sloped climbing turns, installation of three rock retention walls, construction of one rock armor swale 20 feet wide by ten feet long, replacement of two failing culverts, and changing the use designation to allow bicycles. Improvements to the Gas Line Trail include constructing 1,610 feet of new contoured trail at an average seven percent grade, installing appropriate dewatering measures for a more sustainable design and reduce potential sediment loading to streams, realigning 480 feet of the existing Horse Hill Trail, decommissioning 1,554.2 feet of existing social trails, and incorporating other actions to protect the environment and improve the user experience. MCOSD would build the new trail using the RTMP's policies, design standards, and BMPs.

Background:

On December 16, 2014, the MCOSD Board of Directors approved the RTMP and certified its program environmental impact report (EIR) (State Clearinghouse Number 2011012080). The RTMP is a science-based comprehensive management plan to guide the MCOSD in the: 1) establishment and maintenance of a sustainable system of roads and trails; 2) reduction of environmental impact from roads and trails on natural resources; and 3) improvements to visitor experience and safety.

Changes in Impacts:

As determined by the consistency assessment prepared for the project (attached), the impacts associated with the project have not increased or changed since the time of the certification of the RTMP EIR. Policies and BMPs identified in the RTMP EIR would remain applicable and adequate to reduce the potential impacts to less than significant levels.

Finding:

CEQA Section 15162 provides that when a lead agency certifies an EIR or adopts a negative determination (ND) adopted for a project, no subsequent EIR or ND shall be prepared unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) The lead agency proposes substantial changes in the project that will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or ND due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the lead agency certified the previous EIR as complete or adopted the ND, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This notice is to advise interested parties that the MCOSD approved the project on May 11, 2017, and has made the following determination:

MCOSD prepared a consistency assessment for the proposed project that determined the following:

(1) there are no substantial changes to the project that would require major revisions to the EIR;

(2) there are no changes in the circumstances under which the project will be undertaken that will require major revisions of the RTMP EIR due to the

involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; and

- (3) there is no new information of substantial importance that would result in new significant impacts on the environment that the lead agency has not previously addressed in the 2014 RTMP TPEIR, no impacts that would be substantially more severe than those disclosed in the RTMP EIR, and no impacts that require new mitigation measures.

The project meets the conditions for the application of State CEQA Guidelines Section 15162 and therefore preparation of a new EIR, addendum, or negative declaration is not necessary.

I certify that a copy of the consistency assessment and record of project approval is on file and interested parties may examine these files at Offices of Marin County Parks:

Agency: Address: Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903

By:  _____

Date: 5/11/2017

The filing of this Notice of Determination starts a 30-day statute of limitations on court challenges to the approval under CEQA.