RESPONSE TO COMMENTS
DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
IGNACIO VALLEY OPEN SPACE PRESERVE
BUCK GULCH FALLS CREEK RESTORATION AND TRAIL IMPROVEMENT PROJECT

September 28, 2026

INTRODUCTION

The draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project (proposed project) at Ignacio Valley Open Space Preserve was available for a 31-day public review and comment period from June 23 through July 24, 2026. The Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was posted at the Marin County Clerk's Office and published on the Office of Land Use and Climate Innovation State Clearinghouse CEQAnet on June 23, 2026[1] and the NOI for the proposed project was emailed and/or mailed via USPS to 502 agencies, organizations, and individuals who previously expressed interest in receiving such notification, including 380 neighborhood residents near the project area. The NOI was published in the legal section of the Marin Independent Journal on June 23, 2026. The NOI was posted at the affected trailheads in the project area and was posted on the Marin County Open Space District's (MCOSD) website. An announcement was shared about the NOI on the MCOSD's Road and Trail Management Plan MailChimp subscription, as well. Public comments were received through an online comment submission format and email.

MCOSD received comments from 68 individuals during the public review and comment period, of which 32 were in support of the proposed project. Many comments expressed support or opposition to the project for a variety of reasons. The remaining comments were either in opposition to the proposed project and/or asked questions about the environmental analysis in the Initial Study, associated with plant and wildlife resources, parking and traffic safety, fire risk, and public and agency outreach efforts, to name a few. The comments were reviewed by MCOSD and grouped into categories that pertain to the same or similar issues for response. The following fourteen Master Response categories are:

- MR-1……..Support
- MR-2……..Process
- MR-3……..Project Need, Purpose, and Objectives
- MR-4……..Project Development, Alternatives, and Project Description
- MR-5……..Aesthetics
- MR-6……..Biological Resources
- MR-7……..Cultural and Tribal Resources and Tribal Consultation
- MR-8……..Geology and Soils
- MR-9……..Hydrology and Water Quality
- MR-10……..Land Use
- MR-11……..Noise
- MR-12……..Recreation – Visitation
- MR-13……..Transportation – Traffic, Parking, VMT, and Emergency Evacuation
- MR-14……..Wildfire

[1] State Clearinghouse (SCH) Number 2026061011

MCOSD ran the contents of several comment letters through AI-detection software and concluded that the contents were generated using AI. Regardless, the District prepared responses to all comment letters that were received during the public review period. In addition, late comment letters are included in the attachments for transparency, and the commentators have been added to the project contact list. Though they are not bracketed for responses, many of the late comment letters contain similar comments received during the public review period and are addressed in the Master Responses.

This Response to Comments document includes comment summaries and responses in each of the Master Response categories, a matrix that includes each of the comments received and which Master Response(s) respond to the comments, all comments received bracketed to show which Master Response(s) respond to the comments, changes to the draft IS/MND resulting from comments and responses to comments, and supplemental information prepared to respond to comments.

ATTACHMENTS

1……..Comments Received on the Draft IS/MND

2……..Changes to the Draft IS/MND

Master Response 1: Project Support

Master Response Summary: *The MCOSD received comments supporting the proposed project.*

Comments:

A total of 68 commenters provided comments on the IS/MND during the 30-day public comment period, and of those, 32 commenters supported the proposed project. Reasons for supporting the project included the following:

- Reducing erosion of the creek and trail alignment;
- Improving water quality and in-stream, riparian, and upland habitat;
- Increased safety for creek crossings;
- Preserving the trail as a community resource; and
- Accessible trail and waterfall access for groups experiencing mobility limitations.

Responses:

The MCOSD appreciates the support of the proposed project from neighbors, residents, and visitors. The proposed project would provide the public with a safe and inclusive trail system to enhance the visitor experience, reduce environmental impacts on sensitive resources by reducing sedimentation and erosion, and establish a sustainable system of trails that meet design and management standards for safe year-round access. Implementing policies from the Road and Trail Management Plan (RTMP) and Inclusive Access Plan (IAP) would reduce the potential environmental effects and enhance accessibility to provide access to individuals currently unable to experience Buck Gulch Falls due to mobility limitations.

The Buck Gulch Falls Trail is an approximately 2,480-foot-long-trail, extending from its intersection with the Spyglass Trail to its terminus at Buck Gulch Falls. It is located along Arroyo de San Jose Creek in the Ignacio Valley Open Space Preserve, which is owned and managed by the MCOSD, and provides public outdoor recreation in Novato. The trail has grown in popularity in recent years, partly due to social media and the growing popularity of outdoor recreation that has steadily increased since COVID. Increased intensity of use has caused erosion concerns regarding visitor safety and environmental damage, including new or widened trails, dangerous creek crossings, and vegetation impacts. Creek restoration would be achieved through trail improvements and habitat restoration, which would improve water quality and improve in-stream, riparian, and upland habitat, as well as provide improved inclusive access and make the trail safe for young children, older adults, individuals recovering from injuries, and individuals using mobility devices or otherwise experiencing mobility limitations. The waterfall and trail are community resources that should not be limited to those who are able to hike on rugged terrain. Spending time outdoors has physical, emotional, and social benefits that should be accessible to all members of the community, regardless of age or physical ability.

Project implementation would achieve the following project objectives[2]:

- Restore Arroyo de San Jose Creek and associated ephemeral streams by eliminating the need to cross them using the existing unimproved rock ford crossings and implementing streambank stabilization;
- Improve in-stream, riparian, and upland habitats along Arroyo de San Jose Creek through the project area by reducing erosion and sedimentation, and by restoring a degraded and actively eroding reach of the creek;

[2] IS/MND pages 2-3

- Enhance habitat protection and ecological conditions for listed species;
- Provide safe and sustainable year-round all-abilities access along Spyglass Trail and Buck Gulch Falls Trail, leading to Buck Gulch waterfall, consistent with the MCOSD's Inclusive Access Plan; and
- Improve trail safety and visitor experience consistent with the MCOSD's Road and Trail Management Plan.

Master Response 2: Process

Master Response Summary*: The MCOSD should have extended the IS/MND public review period by 30-60 days to provide a 60-to-90-day review period; public engagement and noticing was inadequate; the MCOSD should prepare an Environmental Impact Report (EIR); and mitigation measures are inadequate, deferred, and unenforceable.*

Comments:

IS/MND Public Review Period

The IS/MND public review period should be extended by 30-60 days to provide a 60-90-day review period because the public review period occurred during the summer when some interested parties are on vacation and because the document is over 200 pages, warranting additional time for interested parties to review and prepare comments.

Public Engagement and Noticing

The IS/MND should document the State Clearinghouse number and provide documentation that the draft document was sent to the State Clearinghouse for state agency review.

MCOSD was requested to provide the distribution of the Notice of Intent to Adopt a Mitigated Negative Declaration that notified the public of the IS/MND and the public comment period to ensure adequate notice was provided to all residential stakeholders, specifically households in the Marin Golf and Country Club subdivision, Fairway Drive from Ignacio Boulevard to the trailhead, and homeowners on the streets intersecting Fairway Drive.

The MCOSD failed to provide the Notice of Intent to Adopt a Mitigated Negative Declaration to the Novato City Council and the entire neighborhood along Fairway Drive and nearby streets of the proposed project, notices were not posted on-site, and copies of the document should have been made immediately available for pick-up.

MCOSD is requested to provide all future public notices issued in connection with the proposed project and a copy of the Notice of Determination upon filing should the MCOSD Board of Directors adopt the MND and approve the proposed project to the offices of Remy, Moose, Manley.

The MCOSD did not conduct a public meeting in the project area to seek input on the proposed project including its goals which violated the intent of CEQA.

Local politicians failed to listen to constituents and consider project alternatives. The Fairway Drive neighborhood meeting did not meet the Brown Act's advertising and posting requirements and was not conducted as a Brown Act meeting. Neither County Supervisor Eric Lucan nor Novato Councilmember Pat Eklund attended.

CEQA Baseline and IS/MND versus EIR

The IS/MND fails to adequately describe the environmental setting and to quantify reasonably foreseeable impacts that could result from the proposed project.

The MCOSD should prepare an EIR for the proposed project to address potentially significant impacts and provide substantial evidence for the analysis of the indirect impacts from increased visitation, cumulative impacts to water quality, riparian vegetation, wildlife movement, and special-status species including Northern spotted owl, wildfire risk, and the combination of impacts with other reasonably foreseeable projects in the Preserve and surrounding

watershed.

An EIR is required even if substantial evidence in the record supports a conclusion that significant impacts will not occur if a "fair argument" supports the opposite conclusion. Substantial evidence in the record supports a "fair argument" of potentially significant impacts of the proposed project, including from traffic safety, wildfire risks, and tribal consultation. Therefore, the MCOSD cannot make the required findings to approve the proposed project under CEQA and the IS/MND should not be adopted until all studies have been completed to address the deficiencies identified, and adequate mitigation measures have been implemented to ensure all impacts are mitigated to the greatest extent feasible.

The MCOSD should prepare an EIR for the proposed project because it identified potentially significant environmental impacts in the area of Biological Resources, even if it also identified mitigation measures and "substantial evidence" that would reduce the potentially significant impacts to less than significant levels. Case law has interpreted the "fair argument" threshold such that any potentially significant environmental effect triggers preparation of an EIR even if the proposed project provides an overall positive benefit for the environment. Relevant observations of residents on non-technical subjects may qualify as "substantial evidence," and based on observations of the neighbors of the project area parking issues as significant impacts that could result from implementation of the proposed project.

Mitigation Measures

The IS/MND relies on deferred and unenforceable Mitigation Measures including biological surveys and construction-phase determinations. The IS/MND should include a Mitigation Monitoring and Reporting Program to demonstrate how each mitigation measure meets the standard of being specific, enforceable, and supported by substantial evidence that they will be effective.

Miscellaneous Process Comments

The IS/MND should include information regarding the number of days street parking on Fairway will be prohibited for construction equipment and bridge components delivery, the number of truck trips, the total elapsed calendar days from mobilization to final revegetation, and a defined notification protocol for Fairway and Saint Andrews.

The IS/MND should include the project cost and impact on property values.

Responses:

IS/MND Public Review Period

The public review period for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study and Mitigated Negative Declaration was established in accordance with the Section 15072 of the California Environmental Quality Act (CEQA) Guidelines and the applicable requirements governing public review of a proposed Mitigated Negative Declaration. In summary, the review period is a minimum of 30 days when the MND and Initial Study have been submitted to the State Clearinghouse for review by relevant stage agencies, which is the case for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project. Otherwise, the review period is a minimum of 20 days. While the public review period can be extended, lead agencies are not required to do so.

When an extension of the minimum review period occurs, it is generally because there is new information that

needs to be evaluated or when there are changes in the project description after publication. While extensions can occur under specific circumstances such as these, an extension to 90 days, especially for an Initial Study, are not common within the CEQA framework. These conditions do not exist for the proposed project or its CEQA document.

While the MCOSD understands the review period for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project coincides with summer vacations for some individuals who may be interested in reviewing the Initial Study and because the document was considered lengthy by some, the review period was not extended to ensure a fair, predictable, and consistent environmental review process for all MCOSD projects. Absent a legal or procedural basis for doing so, the MCOSD does not extend comment periods on a project-specific basis.

The MCOSD is committed to providing meaningful opportunities for public participation. All comments received during the review period have been carefully considered and addressed as appropriate in accordance with CEQA in this Responses to Comments document and will be provided to the MCOSD Board of Directors before any decision is made on the IS/MND and the proposed project. The MCOSD has published the Responses to Comments document, including all comments received during the public review period, on the project webpage and provided notice of such publication to all those who commented on the IS/MND by email or USPS mail, along with notice of the MCOSD Board of Directors meeting during which the IS/MND and the proposed project will be considered. The MCOSD Board of Directors meetings are public meetings with an opportunity for public comment.

Public Engagement and Noticing

The Notice of Intent to Adopt a Mitigated Negative Declaration and the IS/MND were submitted to the State Clearinghouse, which posted the documents on June 23, 2026. The State Clearinghouse number is SCH# 2026061011.

The MCOSD provided a graphic to the commenter that showed the distribution of the Notice of Intent to Adopt a Mitigated Negative Declaration. The commenter replied that they were “happy to learn that the notice was sent to all Fairway Drive residences and to those homeowners on the streets that intersect Fairway.” While the USPS mailing did not include Country Club Drive or side streets leading into it, the mailing exceeded the notification requirement required by State CEQA Guidelines Section 15072(b)(3), which pertains to the Notice of Intent to Adopt a Mitigated Negative Declaration, and requires that notice be provided by direct mailing to the owners and occupants of property contiguous to the project using the latest equalized assessment roll.

The Notice of Intent to Adopt a Mitigated Negative Declaration IS/MND included information about how to access the IS/MND and the comment form on the project webpage. The Notice of Intent to Adopt a Mitigated Negative Declaration was provided to 502 agencies, organizations, and individuals by email or USPS mail, including 380 in the neighborhood near the project area and the City of Novato Planning Department and Fire Department. The MCOSD published the Notice of Intent to Adopt a Mitigated Negative Declaration as a legal notice in the Marin IJ; shared an announcement about the Notice of Intent to Adopt a Mitigated Negative Declaration on the MCOSD’s Road and Trail Management Plan MailChimp subscription, and posted the Notice of Intent to Adopt a Mitigated Negative Declaration at the affected trailheads. A few individuals requested printed copies of the document, which were provided in a timely manner.

Should the MCOSD Board of Directors adopt the IS/MND and approve the proposed project, the MCOSD will file a Notice of Determination with the Marin County Clerk and the State Clearinghouse. A copy of the conformed

Notice of Determination will be provided to the commenter as requested.

Since 2022, MCOSD staff have participated in outreach to the surrounding neighborhood to discuss the proposed project via email and on-site visits. On August 29, 2023, staff met with neighbors near the project site to discuss concerns regarding traffic, parking, trail surfacing, and the length of the bridge. From conversations and public feedback, MCOSD staff developed conceptual plans and presented them on May 08, 2025, at a Fairway Drive neighborhood meeting at the Marin County Club, where over 100 neighbors attended. Those concepts, with neighborhood feedback on trail serenity, parking, traffic, fire risk, and emergency evacuation, were again presented at the Parks and Open Space Commission meeting on July 17, 2025, for additional feedback.

The Brown Act governs open meetings for legislative bodies. The neighborhood meetings held on August 29, 2023 and May 08, 2025 were not subject to the Brown Act because the neighborhood is not a public commission, board, council, or other legislative body of a local government agency; a governing body including city councils, boards of supervisors, and district boards; subsidiary body including a board, commission, or standing committee of a local government agency; or a private or nonprofit corporation or entity that has delegated functions or funding from a legislative body with one of its members to serve as a voting member of entity's board of directors. The Brown Act requires noticing of meetings at which a quorum of the members of a legislative body would attend, such as a quorum of the MCOSD's Board of Directors or the Novato City Council. Since a quorum of the MCOSD's Board of Directors or the Novato City Council did not attend the neighborhood meetings, Brown Act noticing was not required. The Parks and Open Space Commission is subject to the Brown Act and properly noticed its July 17, 2025, meeting during which discussion of the proposed project was agendized. Public comment was accepted at this meeting.

CEQA Baseline and IS/MND versus EIR

The CEQA baseline for an IS/MND is typically defined as the existing environmental conditions at the time that environmental impact analysis begins. The CEQA baseline serves as a reference point for assessing potential environmental impacts by allowing for a comparison between the current environmental conditions and the anticipated changes that could result from the proposed project. When potentially significant environmental impacts are identified, mitigation measures can then be proposed to reduce the significance of potentially significant environmental impacts. The IS/MND for the proposed project identified the CEQA baseline in the Existing Setting beginning on page 3 and in the introductory section of each of the Checklist topic areas. These setting sections describe the existing environmental conditions at the time that environmental impact analysis began, and served as the reference point for the analysis of reasonably foreseeable environmental impact that could result from the proposed project, including implementation, operation, and maintenance.

To assist in describing the CEQA baseline for the setting sections and with the analysis of potentially significant environmental impacts that could result from implementation of the proposed project, the following technical studies were completed, which were described and referenced in the IS/MND. With the exception of the cultural resource studies, they were posted on the project webpage.

- PCI Ecological. *Buck Gulch Falls Creek Restoration and Trail Improvement Project Biological Resources Evaluation.* February 2026.
- Tom Origer and Associates. *Cultural Resources Study for the Buck Gulch Falls Trails Project*. April 2021.
- Far Western Anthropological. *Supplemental Cultural Resources.* May 2026.

- Far Western Anthropological. *Archaeological Testing.* June 2026.
- Timothy C. Best and Associates. *Geological Hazard Assessment and Feasibility Study*. August 2021.
- Miller Pacific Engineering Group (MPEG). *Geotechnical Investigation.* January 2025.
- PCI Ecological. *Hydrologic and Hydraulic Analysis Report.* March 2025.
- PCI Ecological. *Accessible Trail Feasibility Study.* December 2024.
- PCI Ecological. *Supplemental Feasibility Study.* March 2025.
- W-Trans *Buck Gulch Falls Trail Improvement Project: Transportation Checklist Memo.* January 2026.

"Substantial evidence" is the standard used to decide whether a Lead Agency's factual findings, including determinations regarding potentially significant environmental impacts that are supported by evidence in the administrative record. These determinations are supported by "substantial evidence" if relevant credible and reasonable evidence supports the conclusions evaluated on the basis of the whole administrative record, such as the technical studies completed for the proposed project to inform the IS/MND. "Substantial evidence" is not merely speculation or conclusory statements. A "fair argument" in terms of CEQA generally means there is substantial evidence in the whole of the administrative record that could reasonably support the conclusion that the proposed project may have significant environmental effects, such that the Lead Agency must consider and analyze that issue. The "fair argument" standard is often described as a low threshold of review however, it is not opinions, claims, speculation, arguments, or rumor that are not supported by "substantial evidence" or rely on facts not included in the administrative record. While a "fair argument" doesn't require proof that a potentially significant environmental impact definitely would occur, it still needs to be supported by "substantial evidence." A "fair argument" with "substantial evidence" would be a claim supported by record-based factual materials that the Lead Agency could reasonably rely on to conclude that a potentially significant impact or mitigation measure requires evaluation.

Several commenters referenced the baseline traffic and parking conditions in the neighborhoods in the vicinity of the project area are currently impacted and contend that an EIR should be prepared for the proposed project to analyze potentially significant impacts on traffic and parking. Master Response 13: Transportation – Traffic, Parking, VMT, and Emergency Evacuation addresses these comments. While the comments that observed parking congestion in the neighborhood may be true, substantial evidence was not present to make a fair argument that the proposed project would worsen this existing condition or result in significant environmental impacts. Furthermore, the traffic analysis completed by W-Trans, a subject matter expert, does not support comments alleging that the proposed project would result in significant impacts to traffic. Comments contending that an EIR should be prepared for the proposed project to analyze potentially significant impacts on tribal consultation and wildfire risk are addressed in Master Response 7: Cultural and Tribal Resources and Tribal Consultation, and Master Response 14: Wildfire, respectively. Comments contending that an EIR should be prepared for the proposed project to analyze potentially significant indirect impacts on biological resources, increased visitation, and water quality are addressed in Master Response 6: Biological Resources, Master Response 12: Recreation – Visitation, and Master Response 9: Hydrology and Water Quality, respectively.

An EIR is generally required when potentially significant environmental impacts cannot be mitigated to a less than significant level. Based on the conclusions of these technical studies, the IS/MND identified potentially significant environmental impacts and proposed corresponding mitigation measures in the area of Biological Resources that, when implemented, would reduce the potential impacts to a less than significant level. Based on the substantial

evidence provided by the technical studies prepared by topic-area experts, the IS/MND concluded that no potentially significant environmental impacts would result from implementation, operation, or maintenance of the proposed project in the other topic areas of the IS/MND. Comments alleging that an EIR should be prepared for the proposed project to analyze potentially significant direct and indirect impacts do not meet the "fair argument" standard because the comments are not supported by "substantial evidence," and instead consist of opinions, claims, speculation, arguments, or rumor.

Mitigation Measures

Mitigation measures are actions to avoid or reduce the significance of potentially significant environmental impacts of a proposed project, required by CEQA Guidelines section 15126.4(a). They must be practical, achievable, and enforceable.

The IS/MND identified potentially significant environmental impacts in the area of Biological Resources and proposed mitigation measures to reduce those impacts to a less than significant level. Mitigation Measure BIO-1 and Mitigation Measure BIO-2 require preconstruction surveys for special-status plants and for nesting birds. Both mitigation measures include provisions in the case that target resources are identified. Pre-construction surveys, particularly in the area of biological resources, are a standard practice to bridge the gap of time between the technical studies that inform the environmental setting and environmental impact analysis in the CEQA document and project implementation in case there are changes. The pre-construction surveys proposed in the IS/MND for the proposed project are not deferred or unenforceable because they include provisions in the case that target resources are identified. These provisions, including additional protection measures, work stoppage, consultation with qualified biologists and/or consultation with the California Department of Fish and Wildlife and the United States Fish and Wildlife Service, provide the "substantial evidence" that the proposed mitigation measures will be effective.

A Mitigation Monitoring and Reporting Program (MMRP) will be prepared and included with the final IS/MND that will be provided to the MCOSD Board of Directors when they consider adoption of the IS/MND and approval of the proposed project, as required by Public Resources Code, Section 21081.6(a). For each mitigation measure, the MMRP will include information regarding monitoring responsibility, implementation timing, and verification to ensure enforceability.

Miscellaneous Process Comments

Construction vehicles and equipment would access the project site from Fairway Drive. The IS/MND states that during project implementation, the affected trails would be closed to public access.

The IS/MND on page 11 under the Construction subheading states: "During these brief periods of time, traffic **may** be slowed and isolated areas along Fairway Drive **may** be posted to prohibit street parking on days that construction equipment and the bridge sections would be delivered to the project area, and for equipment to exit the project area (emphasis added)."

This is a potential temporary condition and the exact number of days that traffic slowing and parking prohibitions **might be** necessary is unknown. Except for the larger excavators at Bridge 1, construction vehicles and equipment would remain on-site during each phase of project implementation within Ignacio Valley Open Space Preserve, as shown on Figure 5: Location of the Proposed Project Elements in Aerial View, in the IS/MND. The larger excavators

for Bridge 1 implementation are only needed to place the bridge girders.

For the trail improvements, equipment would include three mini-excavators, four rubber track carriers, and one each SWECO[3], remote compactor, water tender, and loader. On a daily basis, the crew would arrive and leave the project area, consisting of two trucks. Twice a week, the water tender would refill and the nearest hydrant. Once a week, the service/fuels truck would be serviced, and rock delivery would occur. The frequency of truck trips per week and the number of delivery weeks are dependent on both the staging area size and the speed of rock placement. In total, there would be approximately 38 transfer loads for rock. Bridge 1 equipment would include two medium excavators, one concrete truck, and a concrete pump for up to two days. Bridge 2 equipment would include two mini excavators and one portable concrete mixer. Up to two days would be required for delivery of bridge materials, including steel and lumber. On a daily basis, the crew would arrive and leave the project area, consisting of two work trucks. Each phase of project implementation would be 90 days.

To clarify notification of the surrounding neighborhood, the North Marin Water District, and the City of Novato the following clarifying language has been added to the Construction section of the IS/MND on page 11, shown in blue double-underlined font:

> Traffic may be slowed and isolated areas along Fairway Drive may be posted to prohibit street parking on days that construction equipment and the bridge sections would be delivered to the project area, and for equipment to exit the project area. If this temporary condition is required, notification would be provided to the neighborhood in the vicinity of the project area regarding days that construction equipment and bridge materials would be accessing the project area and if on-street parking prohibitions would be required. Notification would be provided by email when possible and by USPS mail if email addresses are not available. Signage would be posted in advance, and information would be posted on the project webpage. MCOSD would also coordinate with the North Marin Water District prior to project implementation regarding their water distribution facilities within the project vicinity and with the City of Novato, including the Novato Fire Protection District and Police Department. Any additional requirements from the City of Novato in connection with the required encroachment permit would also be implemented.

CEQA does not require analysis of the project cost or the potential impact of the proposed project on property values. However, the MCOSD is providing the estimated cost of project implementation here to address those comments. The estimated cost of project implementation is between $783.000 and $980,000. The restoration cost estimate is between $433,000 and $530,000 and the trail improvements cost estimate, including the creek crossings, is between $350,000 and $450,000. The MCOSD cannot predict how implementation of the proposed project would affect property values and CEQA does not require the IS/MND to provide this analysis.

[3] SWECO refers to a SWECO 480 trail bulldozer used for clearing and cutting trail benches.

Master Response 3: Project Need, Purpose, and Objectives

Master Response Summary: *The proposed project's stated need and purpose are not adequately supported by evidence, particularly with regard to restoration requirements, site conditions, cost-benefit considerations, the limited seasonal nature of the waterfall, and the balance between access and habitat objectives.*

Comments:

The proposed project location has disproportionate cost relative to the site's public value and visitor capacity compared to other park improvement needs in the Novato area. The neighborhood would be disrupted by constructing a formal park for a waterfall that only flows for two months of the year. The area already has a formal park at Josef Hoog Park, which has existing parking, turf, baseball courts, play structure, and barbeques.

The IS/MND relies on evidence from the City of Novato recommendations from 2000 which identify the need for treatment to reduce stream erosion. These recommendations are out of date and do not establish a threshold indication when corrective intervention is necessary. Additionally, the IS/MND does not provide adequate evidence that erosion is driven by social media surge in use such as some CEQA checklist topics assume.

The trail is already accessible for typical users, including small children. Wheelchair access is not practical due to slopes and would damage the trail.

The project objectives would be better applied at Ken Harth Waterfall, which already has established parking, is already graded, has an existing bridge in place, and is not bound to be kept in a natural state.

The purpose of the proposed project emphasizes public access and recreation more than habitat restoration, although restoration is presented as a prominent objective. The purpose of the proposed project should explicitly reflect habitat improvements if those are core drivers for project development.

Responses:

The IS/MND presents a series of objectives that include restoring riparian habitat, stabilizing streambanks, reducing sediment delivery, and improving habitat conditions for listed species. Public access improvements are also included but the restoration components are central to the proposed project. The purpose statement for the IS/MND reflects both aspects because the proposed project is designed to ensure safe public access while implementing the restoration actions necessary to protect Arroyo de San Jose Creek. The ordering of objectives does not diminish the importance of restoration; instead, it reflects the fact that the proposed project must balance resource protection with safe visitor access on an established trail corridor. The project purpose reflects these restoration needs while acknowledging the importance of maintaining safe public access. The IS/MND provides substantial evidence that restoration and stabilization are necessary for long-term ecological health of the creek corridor, and the selected objectives directly reflect these environmental conditions.

The IS/MND describes the proposed project need and objectives by examining existing conditions along Buck Gulch Falls Trail and the nearby reach of Arroyo de San Jose Creek. The technical studies prepared for the proposed project show that portions of the streambank adjacent to the trail are actively eroding and that two unimproved rock fords require visitors to walk through the active channel. When the creek carries flow, these fords contribute to bank disturbance, localized widening of the trail tread, and visible trampling of riparian vegetation. Even during dry months, soil compaction and disturbance of sensitive vegetation continue to occur simply because the current

alignment directs visitors along the edge of the creek. The biological resources section identifies riparian vegetation dominated by oak, bay, maple, and willow, which are communities considered to be sensitive. These conditions are present regardless of the waterfall's seasonal flow and form the basis of the project's need.

The proposed project does not rely on the waterfall as the primary driver for improvement. The purpose of the proposed project is grounded in restoring degraded riparian habitat, stabilizing visibly eroding streambanks, and providing safe and sustainable year-round all-abilities access along Spyglass Trail and Buck Gulch Falls Trail. The IS/MND on page 157 acknowledges that the waterfall flows seasonally, and the Recreation section of the IS/MND Checklist describes how visitors experience this seasonal change. Restoration of the creek corridor is needed whether the falls are dry or flowing. This need is described in the Hydrology and Water Quality section of the IS/MND Checklist beginning on page 133, where the analysis notes chronic erosion linked to existing trail location and visitor movement adjacent to the creek.

Some comments state that only minor improvements are needed and that the trail is already accessible to most visitors. The IS/MND acknowledges that visitors currently reach the falls, but the technical studies also document that the trail alignment contributes to degraded habitat and site conditions. The hydrology evaluation describes how compacted soils along the creek and degraded trail tread during the wet season prompt visitors to widen the trail to reach drier ground or walk directly in and through the creek. These actions contribute to trail braiding and widening and an accelerated rate of erosion. The repeated trampling of riparian vegetation and compaction of the soil through the area has also contributed to damaged understory plants and reduced natural recruitment. While the trail is passable today, its current alignment and degraded conditions continue to create environmental impacts that the proposed project is intended to correct.

Questions were raised regarding whether erosion is driven by a recent increase in visitation tied to social media. The IS/MND does not rely exclusively on visitor trend data or social media activity to justify the need for restoration. The hydrologic evaluation draws on direct field observations and the technical study performed by PCI, which studied the channel conditions. Evidence of erosion, bank instability, and vegetation disturbance exists independent of visitor numbers, and the IS/MND uses these observations to support the project need.

Earlier recommendations from outside agencies, including the 2000 City of Novato assessment, are referenced only as background context. The current IS/MND updates these findings with current data that show similar conditions exist today. The need for restoration is therefore based on current physical conditions rather than a specific recent pattern of visitation.

Several comments raise questions about whether the level of investment proposed is justified, given the limited scale of the trail and the quiet nature of the surrounding neighborhood. The IS/MND clarifies that the proposed project does not create a formal park or expand visitor capacity; the proposed project would be located in an existing preserve. The proposed improvements are designed to reduce environmental impacts, restore degraded habitat, and provide sustainable access conditions that reduce maintenance needs in the long term. The proposed improvements are confined to the existing trail corridor within Ignacio Valley Open Space Preserve and do not involve new recreational structures, parking lots, or expanded facilities. Because the open space preserve is already an established public access area, the proposed project does not alter the land use or introduce new recreational users; it restores areas that have been degraded by existing use.

Some comments suggest that the project objectives related to accessibility would be better applied at Ken Harth

Falls, which is located at Indian Valley Open Space Preserve and already includes graded paths, established parking, and an existing bridge. The central need for the proposed project is the degraded condition of the Buck Gulch Falls corridor itself. The accessibility features included in the proposed project are not the primary driver for the project need; instead, they were incorporated because the 2016 Board-approved Inclusive Access Plan requires staff to evaluate every trail improvement project through the IAP lens. In this case, the relatively gentle grades along portions of Buck Gulch Falls Trail allowed MCOSD to meet most of the IAP guidelines while addressing the restoration needs that prompted the proposed project. Trail improvement projects routinely include accessibility considerations when feasible, but the core justification for the proposed Buck Gulch Falls project remains the restoration of degraded habitat and trail improvements. Because the conditions that prompted the proposed project are specific to Buck Gulch Falls, relocating the project to Ken Harth Falls would not address the underlying restoration needs described in the IS/MND. The proposed project is driven by restoration needs unique to this site, and the proposed improvements represent the minimum actions necessary to stabilize the creek corridor, reduce existing impacts, and maintain sustainable public access within an existing open space preserve.

Master Response 4: Project Description, Development, and Alternative

Master Response Summary: *The IS/MND does not fully explain how project was developed, how the alternatives analysis satisfies CEQA requirements, or how the project description identifies the improvements required to achieve the project's restoration and safety objectives.*

Comments:

Clarification is needed on what "brushing" the trail entails, since brushing has sometimes resulted in excessive vegetation removal elsewhere, including impacts to locally rare native plants, and vegetation clearing at Buck Gulch Falls Trail should be minimized and conducted carefully.

Relocating the trail to the opposite side of the creek would require removal of existing habitat, increase grading, and contradict RTMP policies intended to protect high-value vegetation and minimize intrusions into intact habitat areas.

The proposed bridges appear unnecessarily wide, increasing disturbance to streambanks and altering the natural character of the area, and should be redesigned to reduce impacts.

The IS/MND does not address whether the Fairway Drive gate will remain in place or be removed, nor does it clarify whether vehicles, including accessible parking, will be permitted on the narrow roadway or how vehicles would maneuver if parking were allowed.

Access improvements at Ken Harth Falls would be less costly, make use of existing infrastructure, and avoid impacts to the small residential neighborhood surrounding Buck Gulch Falls.

The City of Novato may bear financial responsibility for long-term maintenance, roadway wear, fire response, policing, and nighttime access issues related to County project improvements constructed on City property.

A more comprehensive analysis of neighborhood impacts is needed, including traffic and parking behavior, law enforcement considerations, and long-term maintenance and enforcement commitments, or the project scope should be reconsidered to better protect the surrounding residential community.

The alternatives analysis was too narrow because all three action alternatives share the same alignment and were designed around accessibility objectives from the outset, leaving out restoration-only, seasonal closure, and reduced-footprint alternatives that could meet restoration goals with a smaller project footprint.

The IS/MND does not document the analysis regarding the environmental comparison of the Alternatives included in the December 2024 Accessible Trail Feasibility Study and the March 2025 Supplemental Study. Document the evaluation criteria and analytical process used to conclude that the proposed project is environmentally superior to the alternative alignments.

If full accessibility to the falls is not feasible, the analysis should have considered alternatives that provide partial accessibility without the larger structural footprint and environmental impacts associated with the proposed build-out.

The IS/MND should address alternative alignments or phased approaches that reduce impacts to the creek and riparian corridor.

The IS/MND should evaluate a reasonable range of alternatives as required by CEQA Guidelines section 15126.6,

including alternative alignments, retrofitting the Ken Harth Falls trail, and options that reduce impacts to sensitive lands, improve access points, and reduce neighborhood and resource impacts.

The IS/MND should identify any project elements that were changed in response to neighborhood input regarding parking, traffic, fire risk, and evacuation.

Access improvements at Ken Harth Falls would be less costly, make use of existing infrastructure, and avoid impacts to the small residential neighborhood surrounding Buck Gulch Falls.

Water district facilities, located near the trailhead, will need to be protected during construction, and coordination should occur during pre-construction to avoid impacts to idle but important water infrastructure.

The IS/MND does not adequately analyze the potential environmental effects of Mayacama Red aggregate surfacing, including stability on steep slopes, potential leaching, and the need for routine maintenance of the new accessible trail, bridges, and associated improvements.

Any accessibility-related improvements should include long-term planning and clear rules to preserve the character of the trail and ensure accessibility is sustained over time.

Clarification is needed regarding whether the trail will be "totally flat," since portions of the alignment appear to include slopes that would limit accessibility.

A sign should be placed at the end of Spyglass Trail indicating that the trail is closed ahead because the most walkable portion is before the first creek crossing.

Responses:

Project Description

The IS/MND describes the proposed project features based on the physical and environmental conditions documented in the technical studies conducted for the proposed project. Existing conditions within the project area include streambank segments that are eroding, unimproved rock ford crossings that require visitors to enter Arroyo de San Jose Creek, sensitive riparian vegetation along banks, and unstable upland slopes. These findings of the existing conditions shaped the design and placement of project elements.

The IS/MND explains that full accessibility can be achieved from the Fairway Drive trailhead to Bridge 2. Beyond Bridge 2, steep slopes and sensitive vegetation prevent full compliance with IAP standards. The segment between Bridge 2 and the waterfall will meet the Improved Trail guidelines, which allow steeper grades and reflect the physical realities of the site. These conditions were disclosed in the project description and serve as the basis for design choices regarding slopes and the use of structural elements.

The proposed project includes two pedestrian bridges that would fully span the creek in accordance with hydrologic and biological requirements. The bridges would be six feet wide, constructed with weathering steel trusses and wood decking. Their width is based on design standards for pedestrian bridges within MCOSD preserves and reflects the need to maintain stability, accommodate safe passage, and avoid disturbance of jurisdictional waters. The proposed project was designed to avoid impacts on riparian habitat and sensitive natural communities to the extent feasible, and where these impacts cannot be completely avoided, the proposed project has been designed to minimize the impacts and improve conditions where riparian habitat is currently degraded. Trail realignment would relocate approximately 850 feet of trail away from the streambank and the two pedestrian

bridges and boardwalks would replace existing stream fords, eliminating direct crossings and associated trampling. Stream restoration along approximately 175 feet of creek would repair eroding banks using a combination of rock stabilization and revegetation efforts. Vegetation removal would be limited to approximately 25,450 square feet of understory (primarily shrubs and grasses) within the new trail, bridge, and restoration footprints, plus seven small trees (≤8 inches DBH) in California bay and bigleaf maple forests; no large oaks or heritage trees would be removed, and canopy cover would be retained. Some tree trimming may be necessary to avoid limb breakage and damage during delivery of the bridges. Temporarily disturbed riparian areas (approximately 18,800 square feet) would be restored with native shrubs, forbs, grasses, and riparian species matching surrounding communities.

This minimal vegetation removal and targeted restoration is not expected to result in substantial adverse effects on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations. The project would improve riparian conditions by reducing erosion, consolidating human use onto sustainable alignments, and restoring compacted/denuded areas, yielding a net habitat gain of approximately 7,146 square feet. MCOSD would implement applicable RTMP measures to minimize potential impacts on riparian habitat and sensitive natural communities, including General 1 (limit work area footprints), General 2 (modify vegetation management near wetlands/riparian), General 3 (minimize erosion), and Sensitive Natural Resources 1 (modify practices near sensitive resources). The resulting conditions would improve site conditions and would not result in substantial adverse effects on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Retaining structures are included where geotechnical conditions require slope stabilization. The geotechnical investigation documents unstable colluvial soils and steep slopes where stable tread cannot be constructed without structural support. The proposed retaining structures are minimized in length and height to reduce grading and vegetation removal to the extent possible, and their placement reflects the need to meet restoration and stabilization objectives rather than expand recreational facilities.

Concerns were raised regarding the use of Mayacama Red aggregate and whether it may affect water quality in the project area. The IS/MND explains that surfacing materials will only be applied in upland areas and not within jurisdictional waters. The practice of surfacing stabilizes upland tread, reduces erosion, and supports long-term sustainability and maintenance. Comments about maintenance needs are noted, and the IS/MND clarifies that MCOSD will continue to maintain the trail and associated structures in accordance with standard practices.

The project description explains that native soil tread will be used wherever feasible, with boardwalks and bridges included only where resource protection or safety require them. The proposed project is not intended to change the natural character of the trail corridor but to restore sensitive resources and correct eroding conditions.

The IS/MND on page 9 acknowledges that signage and trail information will be included during project implementation. MCOSD will assess whether signage is appropriate along adjacent trails, including Spyglass Trail, to improve visitor wayfinding and align with overall project objectives. The MCOSD acknowledges that water district facilities exist near the trailhead. Pre-construction coordination with North Marin Water District will occur to protect these facilities.

Project Development

The development of the proposed project began with a detailed review of existing site conditions along Buck

Gulch Falls Trail and the portion of Arroyo de San Jose Creek that runs through the project corridor. The hydrologic and hydraulic analysis, geotechnical investigation, and biological resources assessment all identify that portions of the streambank adjacent to the existing trail are unstable and actively eroding. These technical studies describe how the two rock ford crossings lead visitors through the active channel during periods of rain and high-flow conditions, and contribute to bank disturbance, localized widening of the trail, trampling of riparian vegetation, and episodic mud avoidance patterns. The biological resources inventory documents that riparian vegetation dominated by oak, bay, maple, and willow occur throughout the corridor, and sensitive habitats are present along the banks where the existing trail touches the creek edge. These observations, which establish that the restoration needs of the proposed project, are central to the proposed project's design, not visitor volume or seasonal water flow.

The existing trail alignment intersects sensitive vegetation and riparian habitat directly, making it difficult to meet RTMP Trail Standards without relocating portions of the trail to upland terrain. The project development phase therefore focused on relocating the trail away from the streambank to reduce erosion, protect riparian vegetation, and create opportunities to stabilize streambanks. The proposed trail relocation would also contribute to improved water quality in Arroyo de San Jose Creek.

The IS/MND describes on page 84 that Fairway Drive access will remain as it exists under existing conditions, that the gate at the end of Fairway Drive is not proposed for removal, and that no new parking facilities are included in the project. Emergency access would remain unchanged. The proposed project does not expand visitor facilities or create additional recreational features beyond those necessary for stabilization and access along an existing public trail corridor.

Annual maintenance activities would include trail maintenance, which includes clearing overgrown plants and trimming tree branches to keep an open corridor along trails. Vegetation would be pruned for roughly a minimum of 18 inches from the trail boundary on each side of the trail. No mature trees or native ground cover would be disturbed or removed. Annual brushing is typically done with hand clippers, pruners, and pole saws, with chainsaw use as needed. String trimmers are utilized in grassy areas. Broom pullers may be used to remove broom from the corridor. Once the pruning boundaries are established, grubbing outside of the trail tread is typically not necessary. The vegetation present along Buck Gulch Falls Trail does not exhibit the same rapid growth patterns documented at other preserves, and the improved trail alignment was selected partly because it reduces the need for brushing in areas where native vegetation is sensitive. These considerations influenced where the trail could be routed and how improvements were designed.

Comments regarding trail surfacing materials ask about the use of Mayacama Red aggregate and whether it may affect water quality or become dislodged on steeper slopes. Surfacing materials will be applied only in upland areas and never within jurisdictional waters. This is consistent with RTMP Best Management Practice (BMP) General 5, which restricts the use of imported soils or aggregates that are not compatible with natural resource protection. The surfacing is intended to stabilize tread in upland areas, reduce erosion risk, and improve long-term sustainability. The project development phase incorporated hydrologic and geotechnical findings to determine where surfacing would occur and to ensure that water quality protection and erosion-control requirements are met.

One comment suggests placing a sign on Spyglass Trail indicating that the trail is closed ahead. The IS/MND recognizes that visitor wayfinding and safety elements will be incorporated into project implementation, and

MCOSD will evaluate where new trail signage is appropriate, including along adjacent connector trails.

Project Alternatives

CEQA does not require an IS/MND to evaluate a range of project alternatives. The purpose of an IS/MND is to identify the potentially significant environmental impacts that could result from implementation of a proposed project and demonstrate that those impacts could be reduced to a less than significant level through Best management Practices (BMPs) and mitigation measures. A Lead Agency must prepare an Environmental Impact Report (EIR) if the Initial Study determines that significant and unavoidable adverse impacts would result from implementation of a proposed project, even after BMPs and mitigation measures are applied. Amongst other requirements, an EIR requires preparation of an alternatives analysis to identify, evaluate, and compare reasonable project options that could avoid or substantially lessen the significant environmental effects of a proposed project while still achieving its objectives. The IS/MND for the proposed project did not identify any significant, unavoidable adverse impacts that would result with BMPs and mitigation measures, and therefore, an EIR was not required for CEQA compliance.

Although the CEQA Guidelines does not require discussion of alternatives in an IS/MND, the IS/MND does include a discussion of the two trail feasibility studies completed to help MCOSD develop the proposed project.[4] The Buck Gulch Falls Accessible Trail Feasibility Study completed by PCI in December 2024 and the Supplemental Feasibility Study completed by PCI in March 2025 considered alternative trail designs that would achieve the objectives of the proposed project, would provide a trail alignment fully compliant with the MCOSD's IAP, and would be environmentally sustainable. MCOSD used the information from the PCI feasibility studies to develop the proposed project. The 2024 feasibility study concluded that full accessibility consistent with the MCOSD's IAP would be attainable for both trail segments however, existing topography and site constraints result in challenges for constructability and construction and maintenance costs. The 2024 feasibility study also concluded that the trail could be accessible under different accessibility standards to the waterfall, which would vary by trail segment. The March 2025 supplemental feasibility study focused on an alternative trail alignment for the segment between the proposed bridge to the waterfall viewing area.

The evaluation criteria and analytical process used to select the proposed project design included the following factors: how well the design met the project objectives, potential environmental impact, constructability, and cost. An IS/MND is not required to conduct an alternatives analysis or identify an environmentally superior alternative. Per CEQA Guidelines Section 15126.6, the identification of an environmentally superior alternative is a requirement of an Environmental Impact Report.

Comments recommend evaluating restoration-only alternatives that eliminate the trail realignment and accessibility features. The IS/MND describes that restoration-only would not resolve the underlying source of ongoing degradation, which is the presence of unstable tread along the streambank and unimproved ford crossings. Although restoration along the streambank could improve habitat conditions locally, visitors would continue to use the eroding segment along the streambank and cross the creek. The hydrologic analysis concluded that these crossings are a source of sediment delivery and bank disturbance, so retaining them would not meet the project's restoration objectives. For these reasons, restoration-only did not satisfy most of the basic project objectives and was not carried forward for detailed CEQA evaluation.

[4] IS/MND page 26

The IS/MND page 2 acknowledges seasonal variation in water flow and describes how wet-season conditions contribute to trail braiding and a loss of understory vegetation as visitors avoid muddy and slippery areas. However, seasonal closure would not eliminate ford crossings that contribute to sedimentation into the creek, nor would it correct eroding tread. The RTMP emphasizes permanent reduction of erosion and trail impacts in sensitive riparian areas, particularly through Policy SW.4 and General BMP 3. Seasonal closure does not achieve this because it simply postpones visitor use while leaving eroding conditions in place, so the underlying erosion and habitat disturbance remain unresolved.

Suggestions were made to evaluate reduced-footprint alternatives that offer partial accessibility without the structural improvements included in the proposed project. The IS/MND explains that the geotechnical investigation identified areas of unstable colluvial soil and steep terrain where structural stabilization is required to achieve a sustainable tread. Reduced-footprint realignment would not meet the project's erosion-control objectives and would not reduce sediment delivery from unstable slopes. In addition, reduced-footprint alternatives would likely remain closer to riparian vegetation, which conflicts with RTMP Policies and BMPs requiring avoidance of high-value vegetation types.

Some comments suggest that the project objectives related to accessibility would be better applied at Ken Harth Falls, which is located at Indian Valley Open Space Preserve and already includes graded paths, established parking, and an existing bridge. The central need for the proposed project is the degraded condition of the Buck Gulch Falls corridor itself. The accessibility features included in the proposed project are not the primary driver for the project need; instead, they were incorporated because the 2016 Board-approved Inclusive Access Plan requires staff to evaluate every trail improvement project through the IAP lens. In this case, the relatively gentle grades along portions of Buck Gulch Falls Trail allowed MCOSD to meet most of the IAP guidelines while addressing the restoration needs that prompted the proposed project. Trail improvement projects routinely include accessibility considerations when feasible, but the core justification for the proposed Buck Gulch Falls project remains the restoration of degraded habitat and trail improvements. Because the conditions that prompted the proposed project are specific to Buck Gulch Falls, relocating the project to Ken Harth Falls would not address the underlying restoration needs described in the IS/MND. The proposed project is driven by restoration needs unique to this site, and the proposed improvements represent the minimum actions necessary to stabilize the creek corridor, reduce existing impacts, and maintain sustainable public access within an existing open space preserve. Because the environmental issues prompting this project occur only at Buck Gulch, improvements at Ken Harth Falls would not address the objectives identified in the IS/MND.

The IS/MND defines the proposed project as remaining within the existing trail corridor and does not expand facilities such as parking and amenities, that would induce additional visitation. The MCOSD understands the neighborhood concerns however, new alternative alignments could not be developed based on neighborhood input because the project purpose and objectives require relocation of the trail away from sensitive habitat.

Master Response 5: Aesthetics

Master Response Summary: *The analysis regarding scenic vistas lacks presentation of a visual assessment and visual documentation, and the evaluation of impacts to scenic resources and user experience is inadequate to support the "No Impact" determination.*

Comments:

The evaluation in the IS/MND needs to include a visual impact assessment that provides an objective analysis of how the removal of vegetation and introduction of trail elements alter existing views and character of the riparian corridor.

The evaluation in the IS/MND needs to disclose how the scale, materials, and form of improvements, especially the impact of steel bridges, walls, and the viewing platform were evaluated for visual contrast against the surrounding natural landforms and native vegetation.

The assessment in the IS/MND needs to provide visual simulations, renderings, or similar visual documentation to allow the public and decision-makers to evaluate the project's effect on the site's visual character.

The assessment in the IS/MND does not include an evaluation of the cumulative visual effects of bridges, railing, signage, viewing platforms, and hardened trail surfaces on the character of the Buck Gulch corridor.

Responses:

MCOSD noted in the IS/MND that significant impacts associated with aesthetics can be subjective in nature because the response to aesthetics varies from person to person. In terms of methodology, potentially significant environmental impacts on aesthetics were determined by identifying whether proposed project elements would result in the loss or degradation of a scenic attribute or a demonstrable negative effect on overall visual quality.[5] The IS/MND defines a scenic vista as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public, and it defines scenic resources as those landscape patterns and features that are visually or aesthetically pleasing. The document also defines visual character as the perceived contrast between the existing visual elements of an area and how the area would look after the project is implemented, including accessible vantage points from existing trails. These resources were evaluated to determine if the proposed project would obstruct or degrade recognized or valued public scenic views and whether the project would result in a detrimental contrast with the surrounding landscape. Subjective means using practicality and reasonableness to evaluate potential changes based on scale, massing, and local context. The analyses took into account the use of MCOSD's design standards for road and trail infrastructure.

MCOSD created simulated views of the two bridges and the viewing platform and compared the simulations to the existing conditions to evaluate potential impacts on the visual resources in the area. The visual simulations and existing conditions photos are presented at the end of this Master Response, and the analyses of impacts remain the same as those presented in the IS/MND. The first simulation, Photo 1, illustrates the vision of Bridge 1 looking downstream towards Fairway Drive. As shown in the next simulation, Photo 2, the bridge includes a wooden railing designed to blend with and complement the surrounding landscape while providing visitors a safe means to cross Arroyo de San Jose Creek when flows are present or absent. Note: Photo 3 illustrates the existing

[5] IS/MND pages 71-72

conditions at the proposed Bridge 2 crossing location, looking upstream. The simulation of Bridge 2, Photo 4, also illustrates the bridge in the surrounding landscape and the rustic aesthetic of the improvements, consisting of natural wood, weathered steel materials, and earth tones that conform to the semi-natural setting. Photos 5 and 6 illustrate the existing condition at the waterfall and the proposed rock placement at the waterfall viewing area, designed to keep visitors out of the Arroyo de San Jose Creek. Figures 7 and 8 show a comparison of an existing unsurfaced trail segment of Buck Gulch Falls trail and an example of a trail surfaced with Mayacama Red aggregate, the proposed surface treatment.

The visual simulations compared to the existing conditions and the minimal tree and vegetation removal required to implement the proposed project were used to evaluate the potential to degrade the existing visual character or the quality of public views of the site and the surrounding area. The IS/MND on page 73 presents MCOSD's evaluation of the less than significant impact regarding the potential to degrade the existing visual character or quality of public views of the site and the surrounding landscape. As stated in the IS/MND, the proposed project would not visually change the landscape in a significant way based on the project design to minimize vegetation removal and the restoration plantings to reestablish native shrubs and trees.

The commenter asserts that a cumulative impact analysis must be expanded or performed for aesthetics. Section 15355 of the CEQA Guidelines defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Under the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines (14 CCR § 15000 et seq.), a cumulative impact discussion is required only when a project's incremental effect is 'cumulatively considerable' in conjunction with past, present, and probable future projects.

As established in the Aesthetics Section of the IS/MND, starting on page 71, MCOSD found the proposed project would result in no impact on a scenic vista or scenic resources within a scenic highway and less than significant impact on the visual character or the quality of public views of the site or surrounding landscape based on the type of change resulting from the proposed improved trail infrastructure. Under CEQA Guidelines Section 15130, if a project does not cause a significant direct or indirect change to a scenic resource, it does not contribute generally to a significant cumulative impact.

Although MCOSD found no significant visual resource impacts in the IS/MND, the following cumulative impacts evaluation is provided. Section 15130(b) notes that the evaluation of cumulative impacts be "guided by standards of practicality and reasonableness", and the discussion should also focus on significant effects resulting from the project's incremental effects and the effects of other projects as stated in Section 15131(a). MCOSD determined there are no past or proposed future projects in the Arroyo de San Jose Creek's riparian corridor that could have a significant impact. Using the standards of practicality and reasonableness, MCOSD finds there would be no cumulatively considerable contributions to impacts on scenic resources or scenic visits in the proposed project area or the areas surrounding the Arroyo de San Jose Creek's riparian corridor.



Photo 1 illustrates the existing condition near the proposed Bridge 1 crossing, looking downstream.



Photo 2 is a visual simulation of the proposed Bridge 1 looking downstream along the proposed alignment, looking downstream.



Photo 3 illustrates the existing conditions at the proposed Bridge 2 crossing location, looking upstream.



Photo 4 illustrates the simulated view of Bridge 2 crossing, looking upstream.



Photo 5 illustrates the existing condition at the waterfall.



Photo 6 illustrates a simulated view of the proposed waterfall viewing area.



Photo 7 illustrates the conditions of a segment of unsurfaced trail in the proposed project area.



Photo 8 illustrates a segment of trail surfaced with Mayacama Red aggregate from an unrelated MCOSD project.

Master Response 6: Biological Resources

Master Response Summary: *The analysis regarding biological resources indicates there is insufficient evidence that mitigation measures would reduce potentially significant impacts on biological resources to less than significant levels. Comments indicate a lack of baseline determinations, and the evaluations presented lack information about the methodology.*

Comments:

The evaluation in the IS/MND relies only on reconnaissance-level surveys and does not document limitations of survey windows, and preconstruction surveys should include jewel-flower (*Streptahthus glandulosus* ssp. *pulchellus*).

The IS/MND only provides a qualitative analysis of disturbance in the biological resource areas. The document lacks specific information about the size of the staging areas and the impact area for temporary access, and the commenter feels this is necessary to support conclusions.

The evaluation does not provide an analytical basis for concluding that suitable habitat is unoccupied. All mitigation measures need performance standards and enforceable mitigation standards that will be required if pre-construction surveys reveal the presence of special-status species previously assumed absent.

Concern regarding the proximity of northern spotted owl habitat and the project area. Commenter notes the species move within activity centers and that they do not use the same nest trees.

The Project has the potential to impact northern spotted owl (*Strix occidentalis caurina,* NSO), a CESA listed as threatened species, and an Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" under the California Endangered Species Act (CESA). The CEQA document must specify impacts, mitigation measures, and a mitigation and monitoring program.

CDFW states the MND does not adequately evaluate and mitigate potential impacts on NSO. The MND describes that Point Blue conducted a survey for NSO in 2023 and 2024 and documented an activity center 0.12-mile south of the Project area and the survey states "Noise created during construction from the use of construction equipment could impact northern spotted owls within the habitat near the proposed project site near the trailhead at Fairway Drive" (pages 90 and 101). The MND includes Mitigation Measure BIO-2 and Table BIO-2 requiring nesting bird surveys to be conducted within seven days of the start of Project activities and implementing a buffer of 0.25-mile for NSO if a nest is detected, however the measure does not require protocol level NSO surveys which were developed to promote consistent and scientifically rigorous procedures to survey for NSO. Protocol level surveys include but are not limited to six visits covering all spotted owl habitat within 0.25 mile from the Project area, complete visits spaced at least seven calendar days apart, at least three of the complete visits conducted before June 30, therefore the survey methodology in MM BIO-2 may not detect nesting NSO and does not adequately mitigate potential impacts to the species.

CDFW commented that Mitigation Measure BIO-1 be revised to require a qualified biologist provide an assessment of potential NSO nesting habitat within the project area and within a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Or ensure no project activities within 0.25 miles of potential NSO nesting habitat occur between February 1 and July 31 unless a qualified biologist conducts NSO surveys following

USFWS' protocol[6] unless otherwise approved in writing by CDFW. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for *Disturbance-Only Projects*. If breeding NSO are detected, then CDFW must be notified and a 0.25-mile no-disturbance buffer established around the nest until the end of the breading season or when a qualified biologist determines the nest is no longer active. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the *USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020.* Alternative buffers must be approved in writing by CDFW.

The IS/MND discusses construction noise but not the permanent change to year-use during the February to July breeding season, noting the presence of a northern spotted owl activity center documented within 0.12 miles of the project area. The trail would be open 24 hours. Recommendation for a new operational measure: a seasonal use restriction during the breeding window for northern spotted owls, dawn to dusk hours in place of 24-hour access, or a group size cap. Dawn-to-dusk closure is within the District's authority and would cost nothing. Noted common at comparable preserves.

Release the Point Blue monitoring data for the activity center from 2023 through 2026 including reproductive outcome by year. Want data to support the District's conclusion of less than significant impacts from operation of the proposed project.

Recommendation for MCOSD to consider ways to improve northern spotted owl habitat as part of project to provide adequate cover within the activity center and beyond to improve condition for prey. No work should take place during the breeding season unless surveys assure that no nesting is taking place.

Legacy vegetation and photographs of the work area would be helpful. Do not restore the area immediately upstream of the ford because of high wildflower diversity. Is the grassland native grassland, for access to the creek restoration? If yes, drive on mats and do not blade the access road. How will the grassland be restored? How will the Arroyo willow be restored?

What does brushing mean for maintenance along trails?

How can roots be avoided on the coast live oak near Bridge 1? How close is the oak tree to Bridge 1? Reorient the bridge to avoid.

The IS/MND references the 2009/2013 CDFW Stream Inventory Report regarding erosion, but does not address the report's broader management recommendations regarding salmonids. The stream management goals are inconsistent with the placement of large amounts of fill in the streambed. The commenter wants to know if CDFW was consulted on the restoration design.

Potential salmon in Arroyo de San Jose Creek. Request the IS/MND be amended to include salmonids because the 2005 report documents historical distribution (Leidy et al, page 171) showed multiple age classes of steelhead trout. Also noted that the CDFW 2009 Arroyo de San Jose Creek Stream Habitat Assessment Report documented habitat conditions and enhancement options for chinook, steelhead, and coho. Add to the IS/MND and incorporate measures recommended by CDFW.

The impacts from placement of Mayacama Aggregate as a trail surface was not properly evaluated for potential

[6] USFWS. 2012. USFWS' Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9.

for runoff, leaching, or fine sediment generation and impacts on water quality and aquatic habitat.

The project will not protect wildlife and will harm them from noise.

Surveying for birds seven days prior to construction still leaves time for birds to nest in the project area.

The project poses risks to the stream and wildlife. Grading, bridge construction, and a sharp increase in visitor traffic all threaten the creek and the amphibians and other animals that rely on the habitat.

Recommendation to replace California ash (*Fraxinus dipetala*) with Oregon ash (*Fraxinus latifolia*) because the species is common in riparian areas in Marin County, and it is present in the Ignacio Valley Preserve.

CDFW commented that the project would impact Arroyo de San Jose and unamend tributaries and that the agency appreciates acknowledgement in the IS/MND pages 18 and 107.

Responses:

MCOSD contracted with PCI Ecological to prepare the *Buck Gulch Falls Creek Restoration and Trail Improvement Project Biological Resources Evaluation* (2026 PCI Biology Report) to assess biological resources within the project area. The 2026 PCI Biology Report augmented the background study completed by PCI Ecological in 2021. The 2021 PCI Biological Report presented findings from site surveys completed in the spring and summer of 2021. Botanical surveys were conducted to characterize plant communities, compile an inventory of species observed, and to evaluate the potential for presence of special-status plant species. Surveys of the site were conducted on April 5 and July 5, 2021.

The 2026 PCI Biology Report included recommended mitigation measures to reduce the effect of potential impacts to less than significant levels. Additionally, the proposed project implements the MCOSD's Road and Trail Management Plan (RTMP), which includes Best Management Practices (BMPs) to address both construction-related and long-term impacts on biological resources.[7] The proposed project was designed to enhance degraded riparian habitat through stream restoration, bridge installation, and trail relocation and stabilization efforts.

Special-Status Plant Species

Special-status plants include those species that are state or federally-listed as Rare, Threatened or Endangered; federal candidates for listing; proposed for state or federal listing; or identified by the CNPS Inventory of Rare and Endangered Plants of California (CNPS Inventory) as Rank 1, 2, 3, or 4 species. Special-status plant surveys were conducted to characterize plant communities, compile an inventory of species observed, and to evaluate the potential for presence of special-status plant species. Surveys of the site were conducted on April 5, July 5, 2021, and October 22, 2025. Both the 2021 and 2026 reports identify the vegetation types within the proposed project area, and both present information and conclusions about the special-status plants evaluated for the project. No federally or state listed threatened or endangered species were documented in the project area during the protocol surveys. Two special-status species (*Elymus californicus and Micropus amphibolus*) were determined to have a moderate potential to occur. A commenter identified a third species, Tamalpais bristly jewel-flower (*Streptahthus glandulosus* ssp. *pulchellus*) (CRPR 1B.2), that may be present on the site; however, the commenter noted they have not observed the plant for at least five years. Special-status plant surveys in 2021 found no Tamalpais bristly jewel-flower or jewel-flower habitat within 25 feet of the proposed project area.

[7] IS/MND pages 91-92

Preconstruction botanical surveys of the project area would be conducted during the typical blooming period of these species *(i.e., in April and June)* in the habitat types these species occupy before construction timed to correspond with the bloom period for the plants, as discussed in the IS/MND and as specifically required as part of Mitigation Measure BIO-1: Preconstruction Special-Status Plant Survey and in the RTMP Measure Special-Status Plants-2. If any special-status plant species are found in the project area during the preconstruction surveys, MCOSD would ensure the protection measures listed in Special-Status Plants-2 are implemented. Special-Status Plants-2 provides a list of actions necessary to reduce impacts on special-status plants including establishment of buffers, restrictions on vehicle access, worker training program, and erosion and sedimentation controls. If impacts cannot be avoided, the appropriate regulatory agency, either CDFW or USFWS depending on the species, would be contacted to identify an appropriate course of action, such as salvage and transplanting to an appropriate nearby location; seed collection, propagation, and planting; and monitoring for success under the direction of a qualified biologist, as approved by the appropriate regulatory agencies. In response to comments, MCOSD would add Tamalpais bristly jewel-flower (*Streptahthus glandulosus* ssp. *pulchellus*) to the pre-construction survey along with *Elymus californicus* and *Micropus amphibolus,* and Mitigation Measure BIO-1 has been revised as follows with proposed additions shown in blue double-underline font and deletions shown in ~~red strike-out~~ font.

> **Mitigation Measure BIO-1: Preconstruction Special-Status Plant Survey.** A Qualified MCOSD staff or consultant shall conduct a preconstruction botanical survey in April and June before construction for *Elymus californicus,* ~~and~~ *Micropus amphibolus,* *and* jewel-flower (*Streptahthus glandulosus* ssp. *pulchellus)* within the proposed project footprint. If special-status plants are found, MCOSD shall implement protection measures to avoid impacts on any special-status plants, which could include placement of rocks or logs to protect the plant while allowing trail use, and appropriate actions specified in RTMP Measure Special-Status Plants-2.

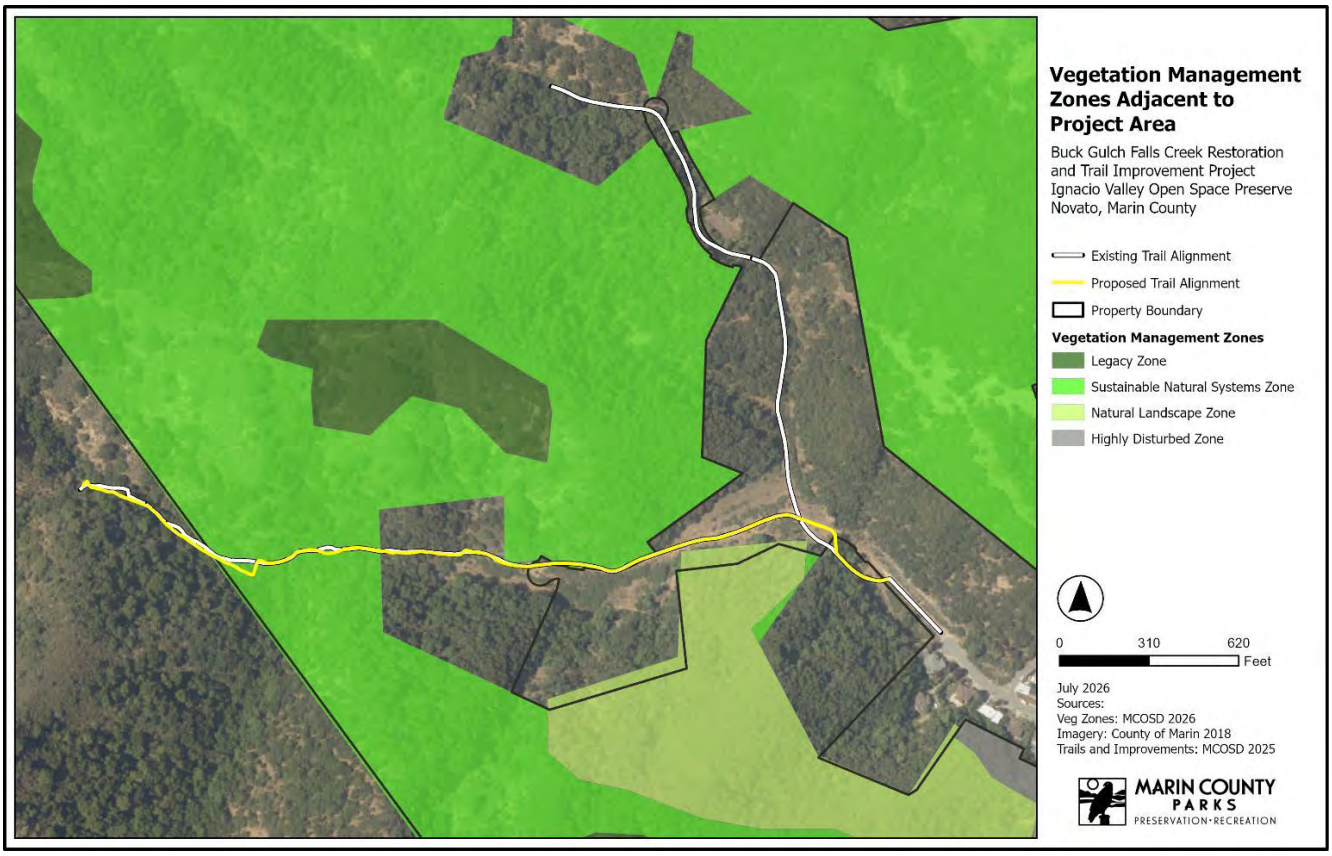
Based on habitat evaluation and database review, two species with limited distribution in California were identified as having moderate potential to occur in suitable microhabitats within or adjacent to the project area: *Elymus californicus* (California bottlebrush grass, CRPR 4.3), which favors moist shaded riparian forest understories, and *Micropus amphibolus* (Mount Diablo cottonweed, CRPR 3.2), which favors rocky chaparral and open slopes. Based on comments received, *Streptahthus glandulosus* ssp. *pulchellus* (Tamalpais bristly jewel-flower CRPR, 1B.2), which generally occurs in serpentine chaparral/grassland, will be added to the preconstruction survey. Based on the combination of protocol-level surveys, regional database review, and habitat conditions, no special-status plant species are expected to occur within the disturbance footprint.

Annual and Perennial Grasslands and Legacy Vegetation

The 2026 PCI Biology Report included an evaluation of botanical resources and vegetation types present in the project area. The project area primarily supports annual and perennial grasslands, shrublands, riparian scrub and forest, and woodlands. The annual and perennial grasslands on the site are dominated by non-native annual and perennial grasses, with occasional native and non-native forbs. The grasslands were not identified as native grassland and are not mapped as sensitive by CDFW.

Figure 29 in the IS/MND shows the VBMP Classifications. A revised version of Figure 29 is added to the IS/MND to illustrate the location of the trail. The area is not mapped in any of the vegetation management zones. It is located adjacent to the Sustainable Natural Systems Zone and Natural Landscape Zone.

Figure 29: Vegetation Management Zones Adjacent to Project Area



Project Sizing and Biological Resources

The IS/MND quantifies the disturbance area and impacts within the vegetation types across the project area, including temporary disturbance resulting from access, staging, trail work, planting, and streambank restoration. The impact areas were used to evaluate the project's potential impacts on biological resources. This information is presented in the IS/MND started on page 86 under Biological Resource section. The proposed project includes revegetation efforts for all areas disturbed during project implementation. MCOSD used the disturbance areas and restoration areas presented in the IS/MND to make the less than significant impact findings as they relate to habitats and species.

Implementation of the proposed project would remove and temporarily disturb a limited amount of vegetation within the existing trail corridor, and activities would occur in areas that support habitat for special-status species as discussed in the IS/MND project description and as presented below. The majority of proposed project work will occur within the footprint of existing trails, limiting impacts on plant communities; however, disturbance would occur in a small area of perennial rye grass, wild oats, and annual grassland; coyote brush and poison oak shrubland; coast live oak; California bay forest; bigleaf maple forest; and arroyo willow thickets. Although most of the proposed access and construction would occur along existing trail segments, approximately 0.22 acres of grassland would be temporarily disturbed for access, staging, and stream restoration work, including grading during implementation of restoration activities. The streambank restoration area would be revegetated with native woody and perennial species plantings. Approximately 0.12 acres of coyote bush scrub would be disturbed

for access, staging, and stream restoration work, including trimming and removal of coyote brush plants and grading for stream restoration work, while 0.2 acres of coyote bush scrub would be restored as part of the proposed project. No tree removal would be required to construct Bridge 1; although limbs from two existing oak trees may be pruned to avoid damage during bridge installation. Approximately 0.02 acres of poison oak scrub would be temporarily disturbed for access and restored as part of the proposed project.

Implementation of the proposed project would occur within coast live oak and California bay forests. Implementation would temporarily disturb 0.22 acres of native understory within the coast live oak forest to accommodate construction access and during implementation of the streambank restoration work. Installation of the boardwalk would occur within the coast live oak forest. No tree removal would be required, but some tree limb trimming may be necessary. A segment of decommissioned trail through coast live oak forest would restore approximately 640 square feet of coast live oak forest, including revegetation with native woody and perennial species, including coast live oak. Approximately 781 square feet (0.02 acres) of temporary disturbance would occur from access to work areas, including herbaceous understory damage from vehicle access through California bay forest. The realigned trail and installation of Bridge 2 would result in the conversion of 935 square feet (0.02 acres) of bay forest understory to access trail. Five small native trees, less than 6 inches DBH, would be removed to accommodate construction, including two buckeyes and three bay trees. A decommissioned segment of trail through the bay forest would result in 0.13 acres of restored forest understory. Construction for staging areas, except for staging associated with the streambank restoration project element, would be restricted to existing MCOSD roads and trails, or at other areas that would avoid impacts on sensitive resources.[8]

The proposed project was designed to avoid impacts on riparian habitat and sensitive natural communities to the extent feasible, and where these impacts cannot be completely avoided, the proposed project has been designed to minimize the impacts and improve conditions where riparian habitat is currently degraded. Trail realignment would relocate approximately 850 feet of trail away from the streambank and two pedestrian bridges and boardwalks would replace existing stream ford crossings, eliminating in-channel crossings and associated trampling. Stream restoration along approximately 175 feet of creek would repair eroding banks using a combination of rock stabilization and revegetation efforts. Vegetation removal would be limited to approximately 25,450 square feet of understory (primarily shrubs and grasses) within the new trail, bridge, and restoration footprints, plus seven small trees (≤8 inches DBH) in California bay and bigleaf maple forests; no large oaks or heritage trees would be removed, and canopy cover would be retained. Some tree trimming may be necessary to avoid limb breakage and damage during delivery of the bridges. Temporarily disturbed riparian areas (approximately 18,800 square feet) would be restored with native shrubs, forbs, grasses, and riparian species matching surrounding communities.

This vegetation removal and targeted restoration is not expected to result in substantial adverse effects on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations. The proposed project would improve riparian conditions by reducing erosion, consolidating human use onto sustainable alignments, and restoring compacted/denuded areas, yielding a net habitat gain of approximately 7,146 square feet. MCOSD would implement applicable RTMP measures to minimize potential impacts on riparian habitat and sensitive natural communities, including General 1 (limit work area footprints), General 2 (modify vegetation management near wetlands/riparian), General 3 (minimize erosion), and Sensitive Natural Resources

[8] IS/MND page 11

1 (modify practices near sensitive resources). The resulting conditions would improve site conditions and would not result in substantial adverse effects on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Figures and photographs are presented in the IS/MND (starting on page 24) to illustrate the proposed project and the existing conditions of the project site. The following figures and photographs that respond to comments received.

- Figure 5: Location of Proposed Project Elements in Aerial View, on page 28, shows the location of the proposed project elements.
- Figure 7: Location of Bridge 1 Placement Site Plan, on page 30, illustrates the location of the bridge, proposed grading, and the location of existing trees.
- Figure 8: Location of Bridge 2 Placement Site Plan, on page 31, illustrates the location of the bridge, proposed grading, and the location of existing trees.
- Figures 9 and 10: Proposed Streambank Stabilization Grading Plan and Revegetation Plans, on page 32 and 33.
- Figure 11: Proposed Revegetation Map along Trail Alignment, on page 34, illustrates the locations where revegetation would occur.
- Figure 12: Proposed Construction Access Area – Streambank Stabilization, on page 35.
- Photos 1 through 15 included in the IS/MND provide information about the existing conditions within the project area.[9]

Annual maintenance activities would include trail maintenance, which includes clearing overgrown plants and trimming tree branches to keep an open corridor along trails. Vegetation would be pruned for roughly a minimum of 18 inches from the trail boundary on each side of the trail. No mature trees or native ground cover would be disturbed or removed. Annual brushing is typically done with hand clippers, pruners, and pole saws, with chainsaw use as needed. String trimmers are utilized in grassy areas. Broom pullers may be used to remove broom from the corridor. Once the pruning boundaries are established, grubbing outside of the trail tread is typically not necessary.

Streambank Stabilization Component

A 6,200 square foot area along the south side of the Arroyo de San Jose Creek would be stabilized and restored to improve conditions within and along the channel reach. Large equipment, including an excavator, trucks, and compactor, would work above the banks of Arroyo de San Jose Creek to complete the grading and rock placement needed to implement the restoration efforts. Access to the restoration site would occur primarily through arroyo willow thickets and perennial non-native grassland. The restoration work would entail laying back the eroding streambank to conform with the surrounding landscape to support revegetation site recovery efforts. A 4-inch-thick layer of rock would be placed in the channel to create a level bench, and half-ton rock, 3- to 6-inch cobble, and alluvial gravel mix would then be placed within the crevasses to stabilize the bed and the streambank. Live willow brush layers placed within 2 inches of the base rock layer along the slope of the streambank, with 2 inches of topsoil and a minimum 6 inches of fabric reinforced earth fill (FREF)[10] placed on top to provide more planting

[9] IS/MND pages 56-63

[10] A fabric reinforced earth fill (FREF) entails an erosion control blanket, over 1-inch compost, over select fill.

spaces to allow vegetation to provide additional bank stability.[11] The restoration effort at this location would result in the placement of 70 cubic yards of rock and soil fill placed within the channel across an approximate area of 1,130 square feet to accomplish the restoration goals. Erosion and sediment controls, including straw wattles, silt fences, and stabilized construction entrances, would be installed prior to ground disturbance to prevent runoff from entering jurisdictional features, per RTMP Measure General 3: Minimize Potential for Pollution (minimize erosion) and Measure General 6: Prevent or Reduce Potential for Pollution. Implementation of stream restoration would result in the permanent placement of rock and soil; the fill is necessary to restore and stabilize the degrading site conditions along Arroyo de San Jose Creek, and the project includes an aggressive revegetation effort to facilitate site recovery.[12]

Native plantings would be placed in the graded area per the restoration plans, and native grass seeding would occur throughout the temporary staging and access roads to the project area, as well as within the upland zone, in addition to straw wattles situated every five feet along the slope to further stabilize the repair. A live willow brush layer would be placed along the created streambank to provide stability and to aid with willow revegetation efforts.[13]

Revegetation of the access route and areas disturbed during implementation of the proposed streambank stabilization component is illustrated in Figure 10 in the IS/MND.[14] The revegetation effort would include maple, ash, coast live oak, coyote brush, coffeeberry, elderberry, and toyon. All trees and shrubs would be planted from Deepot[15] tree pots or 1-gallon containers. Creeping wildrye and grey rush would be plug-planted within the FREF. The design specifies plant procurement only from nurseries with Best Management Practices in place to exclude *Phytophthora* or other plant pathogens at least equivalent to those identified by the California Oak Mortality Task Force, and from nurseries that test annually. MCOSD would inspect all purchased plant material and only accept plants that appear healthy. Planting would occur after the first rains of the season in the fall and weed mats and browse protection would be installed. Watering would be completed by hand. Maintenance activities, including weeding, would be completed for a 3-year establishment period to ensure successful survival.

The use of California ash (*Fraxinus dipetala*) in the planting plan for the streambank stabilization work was incorrectly applied. The planting plan shown on the IS/MND page 10 and on sheet 5 of the PCI Ecological *Buck Gulch Falls Trail Arroyo de San Jose Streambank Stabilization Plan Set* will be changed to Oregon ash *(Fraxinus latifolia*) because it is more suitable for the site given it is found in Marin County and the species provides more pest and disease susceptibility.

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11 IS/MND page 10

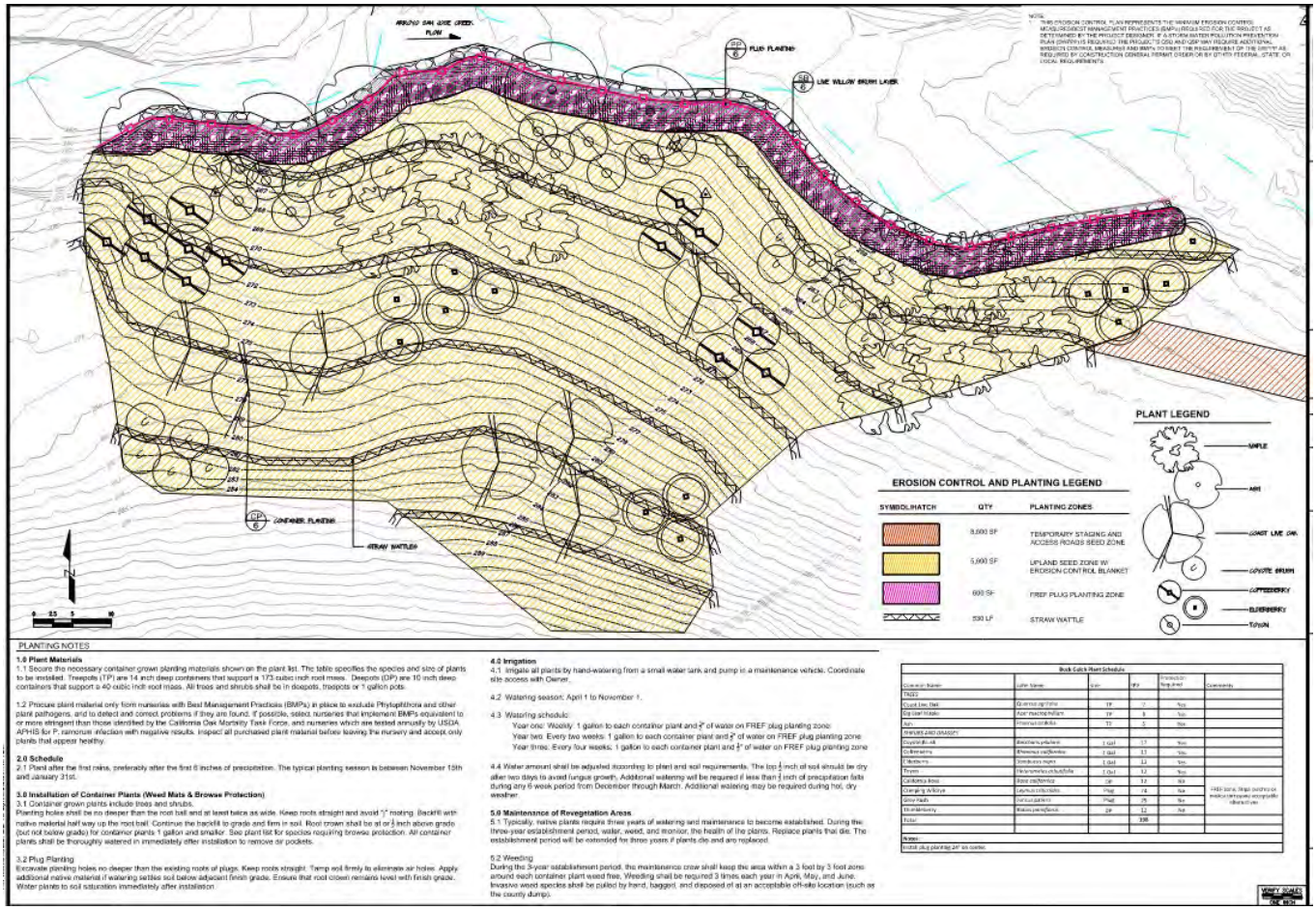
12 IS/MND page 11

13 IS/MND page 10

14 IS/MND page 33

15 A Deepot is a specialized, deep, narrow planting container designed to accommodate the development of long root systems in tree and shrub seedlings.

Figure 10: Proposed Streambank Stabilization Revegetation Plan



Stream Management for Anadromous Fish

MCOSD is managing the Arroyo de San Jose Creek consistent with the findings presented in the CDFW Arroyo San Jose Creek Survey Report.[16] The proposed project is designed to improve aquatic and water quality conditions by providing visitors with access across the creek without wading through the water. The proposed project would also decommission and relocate trail segments that are steep and compacted and directly impacting the banks of the Arroyo de San Jose Creek. The proposed project also includes restoration of a currently degraded reach of the creek to stabilize over steepened banks, to create a floodplain terrace, and to provide extensive areas for revegetation to occur.

Steelhead occur year-round in select Marin County streams. In 2005, Leidy et al reports that the Arroyo de San Jose Creek watershed "has been found to support multiple age classes in the past".[17] Recent observations of successful spawning and rearing have not been documented. Leidy et. al (2005) recommends further investigation

16 California Department of Fish and Wildlife. 2009. East Marin County San Pablo Bay Watershed Stream Habitat Assessment Reports, Arroyo San Jose Creek, Surveyed in 2009 and Report Completed 2013.

17 Leidy, R.A., G.S. Becker, B.N. Harvey. 2005. Historical distribution and current status of steelhead/rainbow trout (Oncorhynchus mykiss) in streams of the San Francisco Estuary, California. Center for Ecosystem Management and Restoration, Oakland, CA.

to inform management of the watershed for steelhead. CDFW completed a stream inventory of the Arroyo de San Jose Creek watershed in 2009 with reporting in 2013.[18] The CDFW study provides stream inventory results from a July 2009 survey that began at the confluence with Novato Creek and extended upstream 3.9 miles. The objective of the habitat inventory was to document the habitat available to anadromous salmonids in Arroyo de San Jose Creek. Possible steelhead were observed in the lower watershed (lower 3,000 feet), but no fish were observed upstream or through the proposed project area. CDFW also notes the presence of several potential fish barriers in the channel below the proposed project area. CDFW notes the watershed should be managed as an anadromous, natural production stream, and the report provides recommendations on management of the stream for anadromous fish. The recommendations include increasing woody cover and adding high-quality cover complexity, increasing the number of stable pools where banks are stable or in conjunction with streambank armor to prevent erosion, stabilizing banks, prioritizing them according to present and potential sediment yield, using bio-technical vegetative techniques to reestablish floodplain benches, and increasing canopy for the portion of channel upstream of the Marin County Club Golf Course.

The streambank restoration, included as part of the proposed project, would implement many recommendations in the CDFW survey report. It would include laying back of the banks to re-create a floodplain bench and would use a live willow brush layer (a bio-technical approach) to provide stability and vegetation cover along the banks. The revegetation plan includes a variety of tree, shrub, and forb species to create diverse and complex stream cover. MCOSD finds the proposed streambank stabilization work, including the addition of rock to create a stable stream channel through a degraded reach of channel that has and continues to have high sediment yields to the lower reaches of the Arroyo de San Jose Creek, would improve habitat conditions through the area. In addition, MCOSD will be applying for and securing permits from CDFW, the Regional Water Board, and the Army Corps of Engineers prior to project implementation as presented on page 12 of the IS/MND.

No changes to the discussion in the IS/MND for fish and no mitigation measures are included based on the results of the Leidy or CDFW reports and from channel surveys completed as part of the 2021 PCI Biology Report. PCI determined that suitable habitat for steelhead is not present in the proposed project area. The stream length where fish were observed by CDFW in 2009 is over three miles downstream of the project area and the presence of total fish barriers in the reaches below the proposed project were used to determine fish are not present in the project area. However, all aquatic habitats with potential to support fish would be protected in accordance with the RTMP BMPs to protect special-status wildlife species. The comments did not provide substantial evidence that the proposed project would not implement the recommendations from the CDFW report and that the proposed project would result in adverse impacts on salmonids in the proposed project area or in the lower reaches of Arroyo de San Jose Creek. No changes to the proposed project or analysis of impacts are necessary.

Special-Status Species Evaluation Methods and Mitigation Performance Standards

The IS/MND describes results from the 2021 and 2026 Biological Resources Evaluation Report (BREs) produced by PCI Ecological. The IS/MND describes the evaluation methods used to determine whether a plant or wildlife species is present in the project area or has the potential to be present based on habitat availability for the species. The presence of special-status plant and wildlife species on MCOSD lands is well documented through focused

[18] California Department of Fish and Wildlife. 2009. East Marin County San Pablo Bay Watershed Stream Habitat Assessment Reports, Arroyo San Jose Creek, Surveyed in 2009 and Report Completed 2013.

surveys and incidental observations by staff and the public. The BREs evaluated data collected and maintained by MCOSD, reviewed the CNDDB and other database sources, and conducted site surveys. The BREs include a thorough list of species seen during site visits and a complete list of species that could be present in or near the project site. The database searches and field surveys were used to evaluate impacts presented in the IS/MND in the Biological Resources Section. Page 89 of the IS/MND includes a list of wildlife species with moderate potential to occur within the project area. A list of wildlife species PCI evaluated for presence is also included. The BREs include a complete list of the plant species evaluated. The IS/MND evaluates the potential impacts on species with moderate potential to be present starting on page 88 including the following: California giant salamander, northern spotted owl, Cooper's hawk, pallid bat, nesting birds, *Elymus californicus,* and *Micropus amphibolus.*

The proposed project includes implementation of applicable RTMP measures and the evaluation of potential impacts, including identification of the applicable RTMP Best Management Practices (BMPs) and additional mitigation measures to reduce impacts to less than significant levels, including impacts for species that are identified during preconstruction surveys that may not have been identified during development of the BREs and in the IS/MND. The RTMP measures that require preconstruction surveys and actions required if species are identified during preconstruction surveys, including those species previously thought to not inhabit the site. Special-status Plants and Special-Status RTMP measures are included and identified in the IS/MND along with other measures listed on pages 95 and 96. The IS/MND identifies several mitigation measures that add requirements or provides specificity beyond the RTMP measures: Mitigation Measure BIO-1: Preconstruction Special-Status Plant Survey (as amended to address comments), Mitigation Measure BIO-2: Special-status and Nesting Birds, Mitigation Measure BIO-3: Bat Protection, Mitigation Measure BIO-4: Tree Protection and Replacement, and Mitigation Measure BIO-5: Monitor Tree Health.

CEQA requires performance standards that include measurable ecological criteria. Field surveys conducted by qualified personnel to set baseline conditions, preconstruction surveys and a list of requirements should surveys identify species presence, exclusion and buffers, prohibition of activities that could cause harm, project timing to avoid impacts, worker training, monitoring, replacement ratios, and coordination with regulatory agencies are all examples of measurable ecological criteria. These criteria and others are included in both the mitigation measures and the RTMP BMPs identified for the proposed project in the IS/MND. No changes to either RTMP measures or mitigation measures are proposed, except for the revisions to Mitigation Measure BIO-1 discussed above and Mitigation Measure BIO-2 discussed below.

Native Tree Protection and Tree Health Monitoring

MCOSD designed the project to avoid impacts on native trees to the maximum extent feasible, including the oak tree near Bridge 1. MCOSD determined the proposed bridge alignments, and the bridge footings were appropriate for the proposed project site. The proposed bridge orientation would provide a buffer to protect the streambank and the roots of the oak tree located near the bridge footing. The trail approach would also be relocated to allow for additional distance for tree protection. The IS/MND addresses the potential for root damage to native trees starting on page 99. While tree pruning and removal required to implement the proposed project would be minimal and would not result in a potentially significant environmental impact, the abutments for both Bridge 1 and Bridge 2 would be placed within the root zone of some native trees, and the compaction around the root zones could impact the health and vigor of the trees and trees may show signs of decline. Installation of bridge footings and placement of the trail realignment could impact tree roots of nearby native trees including a 36-inch

live oak near Bridge 1 and smaller native trees near both bridges. Minimal excavation would be employed to avoid any unnecessary impacts to tree roots during implementation. While excavation work is not expected to result in potentially significant environmental impacts, MCOSD would implement measures to monitor trees whose roots are cut, damaged, or removed during implementation of the proposed project.as described in Mitigation Measure BIO-4, Tree Protection and Replacement[19] and replace those trees removed during implementation of the proposed project, or to replace trees showing impacts from root damage resulting in tree health issues based on monitoring required in Mitigation Measure BIO-5: Monitor Tree Health.[20] These measures limit tree removal and pruning, require protection of tree roots through exclusion fencing or other means, avoiding adverse drainage changes or soil compaction around existing trees, and specifying replacement ratios should the loss of a tree occur. Monitoring is required as specified in Mitigation Measure BIO-5, which includes monitoring trees nearby the work area on an annual basis to determine ongoing conditions with required replacement if the tree is damaged or is in a state of decline. The comments did not provide substantial evidence that the mitigation measures included in the IS/MND would not reduce the impacts on native trees to less than significant levels; therefore, no changes to the proposed project or the mitigation measures are necessary.

Northern Spotted Owl

The IS/MND presented information and based conclusions on information included in the PCI Biology Resources Assessment Report (2021) regarding NSO existing habitat and long-term monitoring data on pages 95 and 97. As discussed in the IS/MND, Point Blue Conservation Science works with Marin County Parks to monitor the nesting of northern spotted owl within their Marin County parks and preserves. A northern spotted owl activity center was documented approximately 0.12 miles south of the project area, with confirmed breeding activity in 2023, 2024, and 2025 and additional recent positive observations in the vicinity.[21] Surveys in 2023 indicated nesting success with three fledglings. Surveys in 2024 noted nest failure, and also in 2025. The most recent data indicates the pair was non-nesting in 2026.

Northern spotted owl activity centers are central core locations within a territory, and the activity center is typically identified by a nest tree, repeated daytime roost sites, or concentrated nighttime detections during the breeding season. Dense forest canopies are often reported in scientific literature as an important habitat attribute for northern spotted owls.[22] The project area does not contain suitable nesting or roosting habitat for the northern spotted owl due to the lack of large diameter trees and absence of a dense, multi-layered canopy; however, there is suitable nesting, roosting, and foraging habitat within the forests within 0.25 miles of the project site. While portions of the project area provide limited foraging habitat, higher-quality nesting, roosting, and foraging habitat are only present in areas adjacent to, but outside of, the project area. Point Blue monitoring has not shown breeding taking place in the proposed project area.

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19 IS/MND pages 100-101

20 IS/MND page 101

21 J. Hoorn, pers. comm., Jan. 26, 2026, and California Department of Fish and Wildlife (CDFW). 2026a. California Natural Diversity Database, RareFind Version 5.0, Spotted Owl Viewer, and BIOS. California Department of Fish and Game. Sacramento, CA. http://www.dfg.ca.gov/biogeodata/cnddb.

22 Sovern, Stan G.; Lesmeister, Damon B.; Dugger, Katie M.; Pruett, M. Shane; Davis, Raymond J.; Jenkins, Julianna M. 2019. Activity center selection by northern spotted owls. The Journal of Wildlife Management. 83(3): 714-727. https://doi.org/10.1002/jwmg.21632.

Both the 2026 PCI Biology Report and the IS/MND addresses the CDFW comments about an assessment of existing NSO habitat in and near the project area. The NSO habitat assessment was completed as part of project development. The results are discussed on page 95 of the IS/MND, and the impacts evaluations are based on the survey findings and the Point Blue Conservation Science protocol surveys for NSO conducted in 2023-2026. The findings presented in the IS/MND include the following: the portion of the project within 0.4 miles of the trailhead at Fairway Drive is within the activity center, while the westernmost 0.3 miles of the proposed project area is located outside the known northern spotted owl activity center buffer. Noise created during construction from the use of construction equipment could impact northern spotted owls within the habitat near the proposed project site, near the trailhead at Fairway Drive.

The IS/MND describes how Point Blue Conservation Science (Point Blue) supports MCOSD to conduct protocol-surveys for northern spotted owl on preserves managed by MCOSD and how the organization provides high-quality, up-to-date data for NSO.[23] Point Blue's survey protocols follow the requirements listed in the CDFW comment letter. MCOSD uses the Point Blue protocol-survey results to determine when maintenance and construction work can occur on preserves that support NSO breeding habitat or where breeding habitat is present within 0.25 miles of a preserve. MCOSD and Point Blue collaborate on use of the protocol survey data, determination when the nest is vacated, and when work can begin at a particular location to avoid impacts on breeding NSO. This approach is standard for all MCOSD projects located in or near NSO habitat. The approach is articulated in the IS/MND and in the application of RTMP Policies and BMPs, which were designed to minimize or avoid potential environmental impacts to special-status species, including northern spotted owl.

The IS/MND identified Best Management Practices Special-Status Wildlife-2: Preconstruction Surveys, Special-Status-3: Seasonal Restrictions During Bird Nesting Season, and Special-Status Wildlife-4: Avoidance and Protection of Northern Spotted Owl as necessary to reduce potential impacts on northern spotted owl to less than significant levels. Mitigation Measure BIO-3: Special-status and Nesting Birds clarifies how RTMP BMP Special-Status Wildlife-3 would be implemented and supersedes the buffers included in the RTMP BMPs.

The IS/MND included Mitigation Measure BIO-2: Special-status and Nesting Birds[24], which identifies the nesting season and buffer areas for NSO nests in Table BIO-MM2. The restricted work period identified in the IS/MND Table BIO-MM2 is February 1 through July 31, during which time no ground-disturbing activities would occur without a pre-construction survey seven days prior to the beginning of work. If an active nest is identified, no work shall occur within 1,320 feet or 0.25 miles. The Point Blue avian ecologist's annual monitoring results from within the Preserve will be used along with consultation with MCOSD biologists to determine if construction can begin before July 31 as specified in the RTMP Special-Status Wildlife-3: Seasonal Restrictions During Nesting Season and Special-Status Wildlife-4: Avoidance and Protection of Northern Spotted Owl. The approach of protecting areas near a northern spotted owl activity center applies regardless of the individual tree or precise location within the activity center used for nesting.

To address the CDFW comment regarding having NSO surveys follow the USFWS's protocol and for reporting findings to CDFW, the following additions are made to Mitigation Measure BIO-2: Special-status and Nesting Birds to specifically state that protocol-survey timing and methodology for NSO surveys and to include the requested

[23] IS/MND page 90

[24] IS/MND pages 95-97

notifications (pages 66 and 95). Although the RTMP BMPs Special-Status Wildlife-2: Preconstruction Surveys, Special-Status Wildlife-3: Seasonal Restrictions During Bird Nesting Season, Special-Status Wildlife-4: Avoidance and Protection of Northern Spotted Owl, and Mitigation Measure BIO-2: Special-status and Nesting Birds are all included in the IS/MND for the protection of NSO, the following language, shown in blue double-underlined font, has been added to clarify that the MCOSD would implement CDFW's requested approach specifically for following USFWS' survey protocols for NSO. The language will also be added to the proposed project Mitigation and Monitoring Reporting Plan.

Mitigation Measure BIO-2: Special-status and Nesting Birds

MCOSD shall implement the following seasonal restrictions to protect nesting birds. If work occurs outside the nesting bird window of January 1 to July 31, surveys and avoidance measures will not be necessary for special-status and nesting birds. The broadest nesting bird window based on Table 3 would be January 1 – October 31. The project area does not include habitat for double-crested cormorant, herons, egrets, bitterns, or California black or Ridgway's rail and these species would not be affected by implementation of the proposed project; therefore, the nesting bird window of January 1 – July 31 is appropriate for the proposed project.

- Surveys shall be conducted within seven days of the start of active ground-disturbing activities within the general buffers identified in Table BIO-2: Guideline Buffers by Species or Guild. If the work area is left unattended for more than seven days following the initial surveys, additional surveys shall be completed. This timing is standard protocol based on common knowledge of avian biology. Ongoing construction monitoring of active nests shall occur to ensure no nesting activity is disturbed.
- Surveys for NSO shall be conducted following USFWS protocol. No Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the *USFWS' Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012*, unless otherwise approved in writing by CDFW. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for *Disturbance-Only Projects*. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.
- If the biologist finds no active nesting or breeding activity, work can proceed without restrictions.

Currently, trails exist in the preserve where visitation occurs year-round and nesting occurs in the nearby activity center. The proposed project consists of trail decommissioning, bridge installations, revegetation efforts, and

visitor use remaining limited by available parking; the operational impacts and the associated visitor and northern spotted owl ongoing monitoring would not require the addition of a dawn-to-dusk or seasonal closure of the trail network during the northern spotted owl breeding and nesting period. Implementation of the proposed project would improve the condition of the understory vegetation by focusing visitors onto surfaced trails, reducing the width of over-widened trails, and by removing trail segments directly adjacent to the creek. Improved understory conditions would provide higher-quality foraging habitat for the owl prey species.

Mayacama Red Aggregate Use

As presented in the IS/MND, the purpose of the proposed project is to complete watershed restoration and to implement MCOSD's Road and Trail Management Plan (RTMP) to provide the public with a safe trail system to enhance the visitor experience, reduce the environmental impacts on sensitive resources by reducing sedimentation and erosion to the riparian corridor and Arroyo de San Jose Creek, and establish a sustainable system of roads and trails that meet design and management standards and would provide safe year-round access along the trail alignment. The proposed project would include trail surface and drainage improvements to reduce erosion and sedimentation. The trail surfaces would be graded to create a 5-foot-wide surface that drains properly, then surfaced with Mayacama Red aggregate to provide a durable and stable surface that resists erosion. The proposed project would reduce the width of the trail to 5 feet along portions of the existing trail that are over-widened. Reducing the trail width to five feet for over 2,240 feet of existing trail would result in 15,450 square feet of trail surface, resulting in an overall reduction of 13,060 square feet of trail surface in the proposed project area.

The trail surfacing treatments would be applied following MCOSD standards for trail construction and the 5-foot-wide trails. MCOSD trail design and treatment standards would prevent erosion through structured trail layering, as discussed in the IS/MND, controlled outsloping, and through mechanical compaction along with maintaining slope around 2 percent. The treatment is designed to shed water without erosion of the trail's surface and without concentrating runoff in areas below the trail. The trail treatments are also designed to resist foot traffic, even during the winter months, without erosion issues, and are used to protect water quality and aquatic habitat. The trail surfaces would meet firmness and stability requirements for accessibility, while some water percolates through and evaporates off to minimize seasonal resource impacts. The use of binders is not part of the proposed project, and they would not be used on any trails in the proposed project area.

Mayacama Red aggregate is a trademarked aggregate product produced exclusively by BoDean Company at its Mark West Quarry.[25] The quarry is located at the base of the Mayacamas Mountains range, in Sonoma County, northwestern California. BoDean creates a clean, hard, and durable basaltic screened rock. The product is often used by vineyards and wineries as a walking path, driveway, or parking area material. This same product is often used by the state park system for the same purposes because of the red color and durability. BoDean's aggregates are in full compliance with all local, state, and federal standards and regulations as stated on their website. MCOSD uses Mayacama Red aggregate on surfaced trails throughout their parks and preserve system. The comments did not provide substantial evidence that the use of Mayacama Red aggregate on the trails within the proposed project area would result in new significant water quality or biological resource impacts. No changes in the impacts evaluation or proposed project are necessary.

[25] https://bodeancompany.com/product/mayacama-red/

Master Response 7: Cultural and Tribal Resources and Tribal Consultation

Master Response Summary: *The MCOSD did not complete an adequate tribal consultation process, did not provide adequate documentation of the subsurface archaeological baseline, and improperly relies on deferred mitigation through inadvertent discovery protocols.*

Comments:

The MCOSD's tribal consultation process was incomplete and inadequate because the MCOSD has not property concluded tribal consultation under CEQA and the IS/MND includes statements that MCOSD is continuing ongoing tribal consultation efforts.

The MCOSD's tribal consultation process was incomplete and inadequate because the MCOSD did not consult with the Federated Indians of Graton Rancheria (FIGR) regarding project alternatives or potentially significant environmental impacts to cultural resources, tribal cultural resources, or sacred sites.

The IS/MND does not include FIGR's preferred mitigation measure for preservation in place.

The IS/MND should include a fully documented analytical methodology in the administrative record regarding the June 2026 Far Western memo including the scientific or professional methodology to support the conclusion that the sampling density is sufficient to adequately characterize the project area and support the Less than Significant Impact determination.

The IS/MND relies on deferred mitigation through inadvertent discover protocols through RTMP Cultural Resources BMPs 6 and 7 and should include analysis that these protocols would sufficiently mitigate impacts before construction rather than documenting discoveries after impacts occur.

The IS/MND should clarify the spatial and physical relationship between the identified high-sensitivity archaeological zones and the specific proposed construction activities including the bridge footings and abutments.

Responses:

Tribal Consultation

The IS/MND on page 14 describes the tribal consultation process with the Federated Indians of Graton Rancheria (FIGR) and the Guidiville Rancheria of California (GRC). The tribal consultation process with the FIGR is on-going and will continue through project implementation should the MCOSD's Board of Directors adopt the MND and approve the proposed project. The MCOSD did not receive a response from the GRC regarding the invitation to consult under Assembly Bill 52.

The MCOSD initiated tribal consultation with the FIGR and the GRC on July 16, 2025. FIGR responded August 15, 2025, with a formal request for tribal consultation under CEQA with their standard form letter response. Under the heading "The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a)):" this form letter included a check next to the line item "Significance or tribal cultural resources, including any regulations, policies, or standards used by your agency to determine significance of tribal cultural resources" and "Significance of the project's impacts on tribal cultural resources," amongst other checked line items. The form letter did not disclose whether the FIGR indicated that tribal cultural resources or sacred sites exist within the Project Area that could be disturbed by the proposed project during implementation or operation, only that the FIGR wished to consult on these topics.

The MCOSD followed up with the FIGR on three occasions to schedule the first tribal consultation meeting, on August 18, 2025, October 13, 2025, and February 4, 2026. MCOSD and FIGR met on April 16, 2026. MCOSD provided FIGR with the Tom Origer & Associates *Cultural Resources Study*[26] and the results from the Native American Heritage Commission's Sacred Lands File records search[27] before the scheduled meeting. During the tribal consultation meeting, FIGR requested that MCOSD provide a plant list for the proposed restoration element of the project, which was provided on April 20, 2026. FIGR also requested that MCOSD update the previously completed *Cultural Resources Study* prepared by Tom Origer & Associates to reflect the change in project scope, such as the addition of the streambank stabilization work proposed along the southside of Arroyo de San Jose Creek, and address compliance with Section 106 of the National Historic Preservation Act, as the proposed project would likely require a Section 404 Permit from the United States Army Corps of Engineers.

The MCOSD commissioned an updated cultural resources study from Far Western Anthropological Research Group, Inc., (Far Western).[28] The supplemental study included an additional record search at the Northwest Information Center (NWIC), an NAHC Sacred Lands Search, and a pedestrian survey. No archaeological or tribal cultural resources have been identified within the study area. The supplemental study recommended on-site archaeological testing to address the potential for subsurface archaeological deposits. Far Western prepared a draft Testing Plan, which was provided to FIGR for approval. FIGR was notified of the scheduled testing for the proposed project so that a tribal cultural monitor could attend if desired and available. FIGR responded on May 27, 2026, that a tribal cultural monitor was not available to participate in the fieldwork but noted that they would like to receive a copy of the testing results report. A follow up email was sent to FIGR informing them of the completed fieldwork and a copy of the testing report[29] was provided to FIGR for review and input. FIGR has not provided comments on Far Western's supplemental study or on-site archaeological testing results; however, FIGR confirmed receipt of the negative testing findings.

FIGR was included in the distribution of the Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed project. MCOSD has not received comments from FIGR regarding the proposed project, the IS/MND's analysis of Cultural Resources or Tribal Cultural Resources, or proposed mitigation measures. FIGR is not required to provide comments on these topics, whether they concur with the findings of the IS/MND or whether they disagree, and MCOSD cannot compel FIGR to do so. Furthermore, the fact that FIGR has not provided comments on the IS/MND does not constitute inadequate or incomplete tribal consultation. Additionally, the fact that MCOSD and FIGR conducted tribal consultation meetings and that MCOSD conducted a supplemental cultural resources study and on-site archaeological testing based on FIGR's request to do so and that the results of those efforts were shared with FIGR demonstrates that MCOSD conducted a meaningful tribal consultation process with

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[26] Tom Origer & Associates. *Cultural Resources Study for the Buck Gulch Falls Trails Project Ignacio Valley Open Space Preserve near Novato, Marin County, California.* April 22, 2021.

[27] Native American Heritage Commission. Letter in response to MCOSD's request for Sacred Lands File records search. July 01, 2025.

[28] Far Western Anthropological Research Group, Inc. *Supplemental Cultural Resources Study for the Buck Gulch Falls Creek Restoration and Trail Improvement Project, Ignacio Valley Open Space Preserve, Novato, Marin County, California*. May 2026.

[29] Far Western Anthropological Research Group, Inc*. Completion of Archaeological Testing for the Buck Gulch Falls Creek Restoration and Trail Improvement Project, Ignacio Valley Open Space Preserve, Novato, Marin County, California*. June 2026.

FIGR to date which would continue through project implementation should the MCOSD's Board of Directors adopt the MND and approve the proposed project. FIGR's on-going consultation would include provisions for a tribal cultural monitor and professional archaeologist presence during ground-disturbing activities to provide preferences for the treatment of inadvertent discoveries during project implementation, which MCOSD would implement.

FIGR's August 15, 2025 formal request for tribal consultation under CEQA included a citation to CEQA Guidelines Section 15126.4, subdivision (b)(3) which states that preservation in place is the preferred manner of mitigating impacts to archaeological sites, which has been interpreted by the California Court of Appeal to mean that "*feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts*" with reference to Madera Oversight Coalition v. County of Madera (2011) 199 Cal.App.4th 48, disapproved on other grounds, Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal.4th 439. None of the studies identified cultural resources artifacts, indications of anthropogenic soils that would require mitigation. For this reason, mitigation measures were not identified. The IS/MND states that the MCOSD's RTMP BMPs Cultural Resources 5, 6, and 7 would be implemented during project implementation. The RTMP BMPs were adopted as part of the RTMP Tiered Program Environmental Impact Report (TPEIR).[30] The RTMP and its TEIR included a programmatic set of BMPs, which are not CEQA mitigation measures, for all road and trail management activities, and the TPEIR found that all potential significant environmental impacts would be less than significant with implementation of policies, procedures, standards, and BMPS set forth in the RTMP.

> **Cultural Resources-5: Permanent Protection.** Where road and trail activities cannot avoid sensitive cultural resources, require modifications to the actions to incorporate the resource and include a resource protection plan for its maintenance and future protection.
>
> **Cultural Resources-6: Construction Discovery Protocol.** If cultural resources are discovered on a site during construction activities, halt all earthmoving activity in the area of impact until a qualified archeological consultant examines the findings, assesses their significance, and develops proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those resources.
>
> **Cultural Resources-7: Human Remains.** In the event that human skeletal remains are discovered, discontinue work in the area of the discovery and contact the County Coroner. If skeletal remains are found to be prehistoric Native American remains, the coroner will call the Native American Heritage Commission within 24 hours. The Commission will identify the person(s) it believes to be the most likely descendant of the deceased Native American. The most likely descendant will be responsible for recommending the disposition and treatment of the remains. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation/grading work for means of treating or disposing of the human remains and any associated grave goods as provided in section 5097.98 of the California Public Resources Code.

The IS/MND also includes the following: "Additionally, MCOSD would directly notify the Federated Indians of Graton Rancheria of any inadvertent discovery of cultural or historical resources, human remains, and/or tribal

[30] MCOSD Road and Trail Management Plan Tiered Environmental Impact Report. SCH #2011012080. Notice of Determination filed December 17, 2014.

cultural resources." (pages 170-171). The following language, shown in blue double-underlined font, has been added to clarify that the MCOSD would implement FIGR's preferences for treatment of inadvertent discoveries:

> Additionally, MCOSD would directly notify the Federated Indians of Graton Rancheria of any inadvertent discovery of cultural or historical resources, human remains, and/or tribal cultural resources and implement the tribe's preferences for treatment of any such discoveries, which may include preservation in place.

Far Western Anthropological Research Group, Inc. Archaeological Testing

Far Western Anthropological Research Group, Inc. (Far Western) is a leading cultural resources management firm that has provided trusted cultural resource expertise since 1979. Their areas of expertise and services include cultural resource management, archaeology, geoarchaeology, paleontology, and underwater archaeology; Geographic Information System (GIS) evaluation, testing, and mapping; site inventory, sensitivity and constraints analysis, environmental planning support, mitigation, and monitoring; outreach and interpretation; and tribal coordination.

Far Western developed the archaeological testing plan for the proposed project based on their professional expertise and comprehensive understanding of the proposed project and the environmental setting of the project area. The six auger test locations were focused on the areas of the proposed bridge abutment installation where potential ground disturbance would be a minimum of 4 feet below the ground surface and were areas of high to highest sensitivity for buried archaeological resources. The archaeological testing included presence/absence testing involving the use of hand augers for hand excavation of test pits and on-site soil screening. Sediments recovered from each level were placed on a tarp in stratigraphic order, characterized, photographed, and screened, before being backfilled. Auger contents were screened to identify cultural materials, using 1/4-inch and 1/8-inch hardware mesh. Auger locations 1 to 3 were excavated at proposed Bridge 1 and auger locations 4 to 6 were excavated at proposed Bridge 2. No cultural resources, artifacts, midden soils or other precontact deposits were observed at any of the auger locations. No further identification efforts were recommended. The archaeological testing was conducted in collaboration with FIGR regarding field methods. The opportunity for a tribal cultural monitor to participate in the testing was provided to FIGR; however, FIGR responded that they did not have a tribal cultural monitor available to participate in the fieldwork and requested a copy of the testing report. Far Western provided FIGR with a copy of the testing report on June 17, 2026. FIGR did not provide comments on the testing report.

Far Western determined archaeological testing was not necessary along the areas of proposed trail improvements because the previous cultural resource studies completed by Tom Origer & Associates and by Far Western concluded no archaeological or tribal cultural resources were found within the respective study areas. In addition, FIGR did not request testing along the trails during tribal consultation with MCOSD.

Given that the archaeological testing plan was prepared and implemented by qualified and experienced archaeologists in collaboration with FIGR, the scientific methodology used to design the testing plan was adequate and the results adequately characterize the archaeological conditions within the project area. No archaeological or tribal cultural resources have been identified within the study area. The Origer and Associates identified potentially high sensitivity areas that were reviewed in the Far Western studies. Far Western did not find that the proposed project would result in potentially significant environmental impacts in areas of cultural high sensitivity.

Inadvertent Discovery Protocols

By definition, inadvertent discoveries of cultural resources, tribal cultural resources, or buried human remains cannot be known prior to project implementation. Cultural resource studies completed by Tom Origer & Associates and by Far Western and the archaeological testing completed by Far Western concluded that no cultural resources, artifacts, midden soils, other precontact deposits, or human remains were observed within the project area. These studies were completed by licensed professionals further concluded that no further study or testing is required to characterize the project area regarding cultural resources, tribal cultural resources, or buried human remains. FIGR has not provided information to MCOSD through tribal consultation to indicate a different conclusion, nor has the Tribe verbally stated the conclusion is incorrect.

The IS/MND states that the MCOSD's RTMP BMPs Cultural Resources 5, 6, and 7 would be implemented during project implementation. The RTMP BMPs were adopted as part of the RTMP Tiered Environmental Impact Report (TEIR).[31] The RTMP and its TEIR included a programmatic set of BMPs, which are not CEQA mitigation measures, for all road and trail management activities, and the TPEIR found that all potential significant environmental impacts would be less than significant with implementation of policies, procedures, standards, and BMPS set forth in the RTMP.

> **Cultural Resources-5: Permanent Protection.** Where road and trail activities cannot avoid sensitive cultural resources, require modifications to the actions to incorporate the resource and include a resource protection plan for its maintenance and future protection.
>
> **Cultural Resources-6: Construction Discovery Protocol.** If cultural resources are discovered on a site during construction activities, halt all earthmoving activity in the area of impact until a qualified archeological consultant examines the findings, assesses their significance, and develops proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those resources.
>
> **Cultural Resources-7: Human Remains.** In the event that human skeletal remains are discovered, discontinue work in the area of the discovery and contact the County Coroner. If skeletal remains are found to be prehistoric Native American remains, the coroner will call the Native American Heritage Commission within 24 hours. The Commission will identify the person(s) it believes to be the most likely descendant of the deceased Native American. The most likely descendant will be responsible for recommending the disposition and treatment of the remains. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation/grading work for means of treating or disposing of the human remains and any associated grave goods as provided in section 5097.98 of the California Public Resources Code.

The IS/MND on pages 170-171 also includes the following: "Additionally, MCOSD would directly notify the Federated Indians of Graton Rancheria of any inadvertent discovery of cultural or historical resources, human remains, and/or tribal cultural resources." The following language, shown in blue double-underlined font, has been added to clarify that the MCOSD would implement FIGR's preferences for treatment of inadvertent discoveries:

> Additionally, MCOSD would directly notify the Federated Indians of Graton Rancheria of any inadvertent

[31] MCOSD Road and Trail Management Plan Tiered Environmental Impact Report. SCH #2011012080. Notice of Determination filed December 17, 2014.

discovery of cultural or historical resources, human remains, and/or tribal cultural resources and implement the tribe's preferences for treatment of any such discoveries, which may include preservation in place.

Since the RTMP BMPs are not CEQA mitigation measures, the IS/MNDs reliance on them during project implementation do not constitute deferred mitigation. CEQA mitigation measures were not required in the IS/MND for cultural or tribal cultural resources because no potentially significant environmental impacts were identified in these topic areas based on the conclusions of the cultural resource studies completed by Tom Origer & Associates and by Far Western and the archaeological testing completed by Far Western and because FIGR has not provided information to MCOSD through tribal consultation to support a different conclusion.

Master Response 8: Geology and Soils

Master Response Summary: *The IS/MND does not adequately document the analytical methodology and technical evidence supporting the conclusions of "Less Than Significant" and "No Impact" regarding geologic hazards, slope stability, erosion, and long-term site stability.*

Comments:

The IS/MND relies upon the 2021 Geologic Hazard Assessment and the January 2025 Miller Pacific Geotechnical Investigation. Both studies focus primarily on the original lower bridge crossing. The current Project, however, includes a second bridge, an upstream trail extension, retaining walls, and a viewing area. The IS/MND does not document whether comparable geotechnical evaluations were completed for these additional project features, leaving the analytical basis for their stability unverified.

The IS/MND identifies that the site is inherently prone to debris flows, particularly during intense rainfall (page 121), yet concludes the geomorphology is consistent with "infrequent" events. This contradiction is not explained.

The IS/MND relies on a "low-density public use" justification to find impacts "less than significant." This reasoning fails to account for the fact that trail usage – specifically to view a waterfall – peaks during the very storm events that elevate debris flow risk. The IS/MND does not document an analytical basis for dismissing this public safety risk.

The IS/MND relies on the Best (2021) assessment, which functions primarily as a qualitative screening tool, to conclude that long-term seismic and foundation impacts are less than significant. However, the Best assessment explicitly recommends that project-specific geotechnical investigations be completed for final design. The administrative record does not document design-level geotechnical investigations for the upstream bridge, retaining walls, or trail alignment introduced in the 2025 Supplemental Feasibility Study.

The March 2025 Supplemental Feasibility Study introduces a 320-foot upstream trail extension and 110 feet of retaining walls within steep canyon terrain. The study notes that construction feasibility is contingent on the presence of bedrock to ensure stability. Despite this acknowledgment, the IS/MND does not provide the engineering evaluations or slope stability analyses required to conclude that these features will maintain long-term stability without inducing slope failure. Reconcile the conclusions presented in the IS/MND with the findings of the Best (2021) Geologic Hazard Assessment and all subsequent geotechnical reports.

The project includes engineered slopes and streambank reconstruction within high-erosion soils (Tocaloma–McMullin Complex). The IS/MND concludes that slope stability impacts are less than significant but does not document the quantitative analyses supporting these structures. It lacks disclosure of the required Factors of Safety or the engineering assumptions utilized to ensure that the retaining walls and engineered slopes will perform as intended under saturated soil conditions.

The IS/MND relies on temporary construction Best Management Practices (BMPs) to mitigate erosion. However, it does not document the methodology used to evaluate long-term post-construction erosion, permanent cut-slope-sediment production, or drainage performance. Given the high-erosion potential of the site soils, the IS/MND provides insufficient evidence that the project will achieve long-term site stability.

Document whether site-specific geologic hazard evaluations were completed for all project components (bridges, retaining walls, viewing platform) and how those results informed the final design.

Explain how identified geologic hazards (seismic shaking, liquefaction, historic debris flows) were quantitatively incorporated into engineering design.

Clarify the basis for using the January 2025 Miller Pacific investigation to cover project features outside the original bridge site.

Provide the slope stability analyses, including Factors of Safety and engineering assumptions, for all proposed retaining walls and engineered slopes.

Disclose the methodology used to evaluate long-term post-construction erosion and drainage performance, including long-term maintenance assumptions.

Is there a section in the report regarding soil and hill stability? A landslide killed a surveyor in 1957. I'm not sure if you are aware that back in 1957, when the trails were being traced, a hill gave in and came down and buried a surveyor alive. Following the incident, the area was not open to the public.

Responses:

The IS/MND provides a thorough background setting section that provides information about the site and the geologic hazards. The impacts analyses use the information from site reconnaissance, subsurface exploration, and literature review. Miller Pacific Engineering found the main geologic hazards for the project area are strong ground shaking, liquefaction and related hazards such as lateral spreading and ground cracking, slope/bank instability, debris flow landslides, flooding, settlement, and erosion/scour.[32] It also provides information from the two geotechnical engineering reports from Timothy Best *Engineering Geology and Hydrology Buck Gulch Falls Trail Bridge Geologic Hazard Assessment and Feasibility Study* published August 30, 2021. (Best 2021) and Miller Pacific Engineering Group *Geotechnical Investigation for the Buck Gulch Pedestrian Bridge Abutment* published January 2025. (Miller Pacific Engineering 2025) to evaluate the feasibility of the proposed bridge crossing and develop design recommendations.[33]

The purpose of the Best 2021 study was to assess geologic hazards at the existing wet ford crossing on Arroyo de San Jose Creek and evaluate the feasibility of installing a recreational trail bridge. The report included a review of available geologic literature, LiDAR bare-earth imagery analysis, geologic and geomorphic field mapping, a preliminary hydrologic and hydraulic analysis using USGS StreamStats and FlowMaster software, and conceptual design recommendations for bridge siting, abutment placement, and flood clearance. Recommendations from this report included the 55- to-60-foot minimum bridge span for Bridge 1, and the study identified the need for additional geotechnical evaluation of Bridge 1 site.

Miller Pacific Engineering Group (MPEG) prepared a Geotechnical Investigation for the Buck Gulch Pedestrian Bridge Abutment in January 2025. This geotechnical investigation included a review of available geotechnical and geologic reference materials, subsurface exploration with two soil borings drilled to depths of approximately 19 to 28.5 feet, laboratory testing of recovered samples (moisture content, dry density, unconfined compressive strength, gradation), and engineering analysis and recommendations for foundation design and construction. The geotechnical investigation evaluated commonly considered geologic hazards, including seismic ground shaking,

[32] Miller Pacific Engineering Group (MPEG). 2025. Geotechnical Investigation for the Buck Gulch Pedestrian Bridge Abutment. January 2025.

[33] Best. 2021. Buck Gulch Falls Trail Bridge Geologic Hazard Assessment and Feasibility Study. August 2021.

liquefaction and related hazards, slope and bank instability, flooding, settlement, and erosion/scour. Recommendations from this report, including the recommended pile/pier type, wing wall installation, riprap erosion protection, seismic design criteria per the 2022 California Building Code, and post-construction revegetation, have been incorporated into the project design and are reflected in the Project Description.

Geotechnical Studies and Project Design

The IS/MND does not solely rely on the Best 2021 or the Miller Pacific 2025 studies for the evaluation of Bridge 2 or the trail extension and other trail features. MCOSD contracted with DFL Engineering to develop general engineering notes, specifications, design and installation criteria, and structural testing and inspection schedules for pedestrian trail bridges for bridges spanning 26 feet, 34 feet, 40 feet, 46 feet, 50 feet, 56 feet, and 60 feet.[34] The design criteria include vertical loads, seismic design parameters, steel framing specification, and abutments. These designs and specifications were used in conjunction with a review and incorporation of applicable information from Best 2021 and the Miller Pacific 2025 studies about the general geologic conditions for Bridge 2.

The March 2025 Supplemental Feasibility Study introduced a 320-foot upstream trail extension and 110 feet of retaining walls within steep canyon terrain. Neither the trail alignment nor the associated retaining walls identified in the 2025 Supplemental Feasibility Study are included in the proposed project. The alignment and retaining walls were eliminated from consideration and not included in the proposed project; therefore, no geotechnical studies were completed for this segment of trail and the associated retaining walls. The proposed project does not include the installation of engineered cut and fill slopes along any trail segment. Development of Factors of Safety or engineering assumptions where required for switchback trail segments or retaining walls was not necessary since these were not included in the proposed project. In addition, slope stability analyses for the switchback trail and associated retaining walls were unnecessary.

MCOSD trail design staff used the geologic hazards materials in the two geologic reports, along with geologic data collected from the various sources documented in the IS/MND to design and evaluate the geologic and soil hazards present within the project area. MCOSD also used information from the PCI 2024 *Buck Gulch Falls Accessible Trail Feasibility Study*[35] and the PCI 2025 *Buck Gulch Falls Accessible Trail Feasibility Study: Supplemental Study*[36] that included information on topography and soils present in the area. These studies informed MCOSD about potential stability issues associated with the potential trail alignments that would require steep cut slopes to create accessible trails.

MCOSD also relied on the hydrology and hydraulics analyses presented in the PCI 2025 *Buck Gulch Trail Pedestrian Bridges Hydrologic and Hydraulic Analysis Report* (H&H Report)[37] to evaluate the minimum soffit elevations of the two proposed pedestrian bridges. The analysis used the USGS StreamStats Tool to calculate the 100-year peak flow levels and determined peak flow rates to be 365 cubic feet per second at Bridge 1 and 146 cubic feet per second at Bridge 2. Hydraulics were assessed using Hydraulics Toolbox.[38] The minimum soffit elevation for Bridge

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34 DFL. 2025. MCOSD Pedestrian Trail Bridge Drawings. December 2025.

35 PCI Ecological. 2024. Buck Gulch Falls Accessible Trail Feasibility Study. December 2024.

36 PCI Ecological. 2025. Buck Gulch Falls Accessible Trail Feasibility Study: Supplemental Study. March 2025.

37 PCI Ecological. Buck Gulch Trail Pedestrian Bridges Hydrologic and Hydraulic Analysis Report. March 2025.

38 FHWA. 2014. FHWA Hydraulic Toolbox. https://www.fhwa.dot.gov/engineering/hydraulics/software/toolbox404.cfm.

1 was determined to be 202.5 feet and 319.7 feet for Bridge 2. These minimum elevations would adhere to Marin County Municipal Code section 24.04.520 (d), requiring two feet of clearance between the bridge soffit and 100-year storm elevation, and the recommendations were incorporated into the project design. The H&H report concluded that minor grading would be required to achieve the minimum elevation requirement for Bridge 1, and that Bridge 2 would be installed above the minimum elevation to better connect trail improvements, allowing more clearance than is required.

Together, these resources, site reconnaissance, and professional designers informed the proposed project design, including the bridges, trails, walls, and viewing areas. The design considers the area geology and soils, faulting and seismicity, hydrology, and landslide hazards to develop a proposed project that reflects the existing site conditions. The proposed project also includes design and implementation of a full suite of RTMP Policies and BMPs for projects in areas with potential erosion, protection of water quality, and for construction in areas that have the potential for landslides and debris flows, areas of erodible and expansive soil, and areas prone to collapsible soils. The IS/MND found the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.[39] The proposed project includes design implementation measures during bridge footing installation to reduce the impact of potential adverse effects from seismic-related ground failure, including liquefaction to less than significant levels.[40]

Study and site reconnaissance results of the project area indicate that the project area is mapped as having a mix of areas with few landslides and moderate landslides. Recent LiDAR imagery review and field reconnaissance did not identify recent or historic landslides, particularly at the bridge locations. However, the steep terrain characterizing the upland areas of the Arroyo de San Jose Creek is inherently prone to debris flow landslide processes. A documented debris flow originating in an unnamed tributary is believed to have buried the confluence of Arroyo de San Jose Creek and an unnamed tributary near the location of the proposed Bridge 1 site around 2006, depositing sediment in the valley bottom downstream of the ford. The Best 2021 study recommended that greater bridge elevation would reduce debris flow risk exposure, and the recommendation was incorporated into the Bridge 1 design to reduce the risk of impact from landslides. The H&H report identified the elevation of the bridges to adequately convey the anticipated 100-year flows to meet the Marin County Municipal Code section 24.04.520 (d), and these recommendations were incorporated into the design and described in the Project Description in the IS/MND.

While the project area may be vulnerable to landslides, mudslides, and slope instability due to the relatively steep hillsides, implementation of the proposed project would not result in a risk to property or public safety because of the lack of habitable structures and the low density of public use. Many of the slopes in the project area are subject to debris flows, and some are mapped as “mostly landslides.” Bridge 1 design accounts for the location of the existing rock ford and the new bridge location being located in an area that experienced the effects of an older landslide. Bridge 2 would be located in a relatively flat area of the canyon floor in an area mapped few landslides. The proposed trail connections and re-routed trails would be constructed to ensure that water flows over the improved trails without causing rills, gullies, or erosion that could lead to instability, debris flows, or landslides.

Accessed April 2026.

39 IS/MND page 120

40 IS/MND page 120

The proposed project would not expose recreational users to new landslide potential, and implementation of the proposed project would result in a less than significant impact associated with risk of loss, injury, or death involving landslides.[41]

Soils in the proposed project area are predominantly loamy soils derived from Franciscan mélange, with some thin alluvial deposits along the creek and valleys. Erosion and runoff occur particularly where slope gradients are steep and where vegetation is removed, or trail surfaces are compacted and unnaturally concentrated by runoff. The project area is situated within a gently alluvial/colluvial-filled valley bounded by steep side slopes. Field observations indicate that the existing trail shows moderate erosion (rilling, gullies), delivering sediment to Arroyo de San Jose Creek.[42]

The purpose of the proposed project is to implement the MCOSD's RTMP to provide the public with a safe trail system to enhance the visitor experience, reduce the environmental impacts on sensitive resources by reducing sedimentation and erosion, and establish a sustainable trail that meets design and management standards and provide safe year-round access along the trail alignment. An additional purpose of the proposed project is to implement the Marin County Parks Inclusive Access Plan (IAP) to the greatest extent feasible, given the existing topography of the project area. The proposed project has been designed to stabilize a known streambank erosional site along the Arroyo de San Jose Creek, documented by the technical studies described in this Master Response. Implementation of the proposed project would substantially reduce the potential for accelerated erosion and sedimentation into the Arroyo de San Jose Creek by installing bridges to replace visitors crossing through the creek, relocating trails from the banks of the creek to more stable locations, decommissioning unstable and eroding existing trails, and stabilizing an eroding reach of Arroyo de San Jose Creek. The IS/MND concludes that the proposed decommissioning and restoration of closed trails would also reduce existing soil erosion, and implementation of the applicable Policies and Best Management Practices included in the RTMP, all of which would minimize potential for substantial soil erosion and the loss of topsoil.

Streambank stabilization activities, as described in the Project Description of the IS/MND, reflect design elements necessary to ensure the result is a stable and well-vegetated streambank repair.[43] Rock sizing is based on anticipated flows determined by hydrology and hydraulics evaluation. It includes extensive revegetation and erosion control measures to stabilize the site and to prevent soil erosion.

With implementation of the recommendations included in the geotechnical reports, the H&H Report, and the structural designs and bridge calculations by DFL Engineering, implementation of the project elements as described in the Project Description, along with implementation of the RTMP Policies and BMPs, the potential for streambank erosion would be low. MCOSD would monitor the proposed project, including the proposed bridge abutments and streambank stabilization efforts for erosion as part of routine trail maintenance protocol. Should creek bank erosion occur, MCOSD would develop and implement corrective actions as part of normal routine maintenance. The IS/MND concluded that implementation of the proposed project would result in a less than significant impact associated with substantial soil erosion and the loss of topsoil.[44]

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41 IS/MND page 121

42 IS/MND page 122

43 IS/MND page 9-10

44 IS/MND page 122

The project area is located in an area that could experience earthquakes and very strong ground shaking as a result of a large magnitude earthquake on these nearby faults; however, the proposed project does not include the construction of any structures that could pose a safety hazard to trail users in the event of an earthquake. The geotechnical engineers found no evidence of recent shallow or deep-seated landsliding observed during either the Best 2021 feasibility study or the Miller Pacific 2025 geotechnical investigation; however, there is evidence of a debris flow landslide at the confluence of Arroyo de San Jose Creek and an unnamed tributary around 2006. Damage to the proposed bridges could occur in the event of extreme seismic shaking and or runoff events, and subsequent repairs would then be necessary. Incorporation of the MPEG (2025) recommendations and the structural designs and bridge calculations by DFL Engineering, into the design and the Project Description, to reduce potential impacts from landslides to less than significant levels. The IS/MND concluded that implementation of the proposed project would result in a less than significant impact associated with on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.[45]

Debris Flows

The IS/MND identifies that the Arroyo de San Jose Creek is prone to debris flows, noting that the geotechnical engineers found no evidence of recent shallow or deep-seated landsliding observed during either the Best 2021 feasibility study or the Miller Pacific 2024 geotechnical investigation; however, the reports identified evidence of a debris flow landslide at the confluence of Arroyo de San Jose Creek and an unnamed tributary around 2006. The IS/MND also states that while the steep slopes within the project area are susceptible to landslides and debris flows, particularly during intense rainfall events that quickly saturate the soil, the geomorphology of these areas is consistent with infrequent debris flow and debris slide landslide processes. The Arroyo de San Jose Creek is geomorphically influenced by infrequent debris flows and debris slide landslide processes. Larger debris flow events that create geomorphic change happen infrequently, typically occurring on a time scale of decades to centuries or longer.[46] Not all rain events, even large ones, result in debris flows, and the debris flows that result in the geomorphology of the Arroyo de Santa Rosa Creek happen infrequently. Therefore, there are no contradictions presented in the IS/MND between the statements made under the landslide evaluation presented on page 121 of the document.

Geologic Hazards and Public Safety

The IS/MND concluded that the risk to public health and safety regarding geologic hazards is less than significant based on the analyses and determinations presented in the Geology and Soils section in the IS/MND. This conclusion is not based solely on the low-density public use. The public safety associated with geologic hazards is not dismissed but is clearly articulated in the analyses presented in the IS/MND. The infrequent nature of debris flows during exceptionally large and extreme rain events, coupled with the small number of visitors expected in the preserve during the same potential debris flow event, provides the basis for the finding of less than significant impact as it relates to public health and safety.

Monitoring

The IS/MND identifies a full suite of construction-period Best Management Practices from the Policies and Best Management Practices, included in the Marin County Open Space District Road and Trail Management Plan

[45] IS/MND page 123

[46] Geology. 2015. Infrequent, large-magnitude debris flows are important agents for landscape change.

(RTMP), included as Appendix A of the IS/MND and those that apply to geologic resources in the IS/MND on page 119. In addition, the Project Description on pages 11 and 12 provides details about the monitoring MCOSD perform on all preserves, including at Buck Gulch Falls. MCOSD will monitor the project area to visually assess site conditions including trail use, trail decommissioning success, site erosion, and revegetation success. Visual assessments will include use of a visitor-use camera and regular trail inspections discussed on page 12 of the IS/MND.

The new trail configuration would continue to be maintained by MCOSD staff, as stated in the IS/MND on page 11. As the trails are designed to improve existing trail sustainability, this level of maintenance is expected to be low and similar to existing trail maintenance. Regular maintenance of the trail surface and drainage includes brushing the trail corridor and clearing trail obstructions, such as fallen trees and tree branches, as needed. As part of the project, the decommissioned trail segments would be monitored to ensure revegetation is successful and to prevent continued use of the decommissioned trails. Minor maintenance work may occur as needed to prevent access to the decommissioned trails.

A visitor-use camera would be installed on Buck Gulch Falls Trail at its intersection with the Spyglass Trail just past the proposed location for Bridge 1 for a four-week period in years 1, 2, and 5 after project implementation to capture visitor use trends, as stated in the IS/MND on page 12. This, combined with regular trail inspections as part of the existing MCOSD trail maintenance program, would provide early detection of, and rapid response to, any trail issues, including trail widening due to visitors utilizing areas adjacent to formal system trails, impacts to vegetation adjacent to trails from visitor use, and visitors accessing decommissioned trails. If monitoring indicates an issue, MCOSD would identify and implement remediation actions. Remediation actions could include signage about staying on the defined trail, not accessing decommissioned trails, and respecting neighbors. Physical obstacles, including logs, brush, and additional revegetation, could be placed in problem areas as a deterrent to going off-trail or accessing decommissioned trails. Increased ranger presence could also be utilized, though neither an increase in population nor employment would be anticipated within the region as a result of project implementation.

Master Response 9: Hydrology and Water Quality

Master Response Summary: *This Master Response addresses comments related to the IS/MND not adequately documenting the analytical methodology and technical evidence supporting the conclusions regarding hydrology and water quality. The identified analytical inadequacies, internal contradictions regarding the environmental baseline, modeling, regulatory policy conflicts, and a failure to disclose the evidentiary basis for the document's determinations. By relying on erroneous physical assumptions, ignoring its own project descriptions, and omitting essential quantitative analysis, the IS/MND fails to meet CEQA standards for disclosure and environmental impact evaluation.*

Comments:

The IS/MND concludes that the proposed project will have a "Less Than Significant Impact" on runoff patterns that may degrade surface water quality and on- or off-site erosion and concludes "No Impact" on the rate of surface runoff which could result in on- or off-site flooding; in creating runoff that could exceed the capacity of existing or planned stormwater drainage systems, or on the potential to impede or redirect flood flows. However, the document fails to provide any underlying methodology, quantitative modeling, or empirical data to support these assertions. The omission of runoff comparisons or upstream/downstream hydrological modeling deprives the public of a meaningful opportunity to evaluate the project's physical impacts on the watershed.

The document does not analyze how the physical process of stabilizing and hardening the trail alignment changes local permeability and hydrographs. The IS/MND fails to mention the federal performance metrics used by the

U.S. Access Board and California State Parks to define "firmness" and "stability" via the Rotational Penetrometer. Achieving these standards requires rigorous mechanical compaction of aggregate materials containing a full spectrum of sieve sizes, including fine rock to lock the aggregate into a stable matrix. The IS/MND does not disclose how trail compaction, accessibility requirements, or resulting surface characteristics were incorporated into the hydrologic analysis and how these issues could impact the project site, the Arroyo de San Jose Creek, and downstream drainage.

The impact analysis relies on an incorrect description of the project's physical attributes. Items (b), (c), and (e) of the Hydrology section states that the "trail tread improvements would retain native soil surfacing..." This assertion directly contradicts the core engineering parameters of the project, which require grading, mechanical compaction, and the importation of stabilized aggregate material (Mayacama Red) to achieve firmness and stability for wheelchair and adaptive accessibility. By evaluating a baseline of uncompacted "native soil" rather than the engineered, hardened surface actually being proposed, the hydrological analysis is fundamentally invalid. The IS/MND does not explain how the engineered trail surface was represented within the hydrologic analysis.

The Hydrology section incorrectly asserts that the proposed project would not place fill within the creek channel bed. This assertion directly contradicts the core engineering parameters detailed in other portions of the document. The Project Description also explicitly references placing material in the channel. It is not clear in the IS/MND what baseline was used to analyze channel flow: the existing channel flow or the post-project flow after it is modified. If the IS/MND evaluates a baseline of "no fill placed in the creek bed" rather than the engineered recommendations for adding fill to the creek channel, the hydrological analysis is inconsistent with the description of the proposed project.

The IS/MND fails to track the cumulative downstream effects of accelerated peak flows entering the broader

Arroyo de San Jose network. Runoff generated by the project discharges into existing municipal stormwater infrastructure that traverses an established residential area downstream (including the Fairway Drive neighborhood and the Marin Country Club property). The document contains no analysis or evidence demonstrating that the added peak stormwater volumes from the hardened trail alignment will not exceed the design capacity of downstream facilities. The IS/MND does not identify the analysis demonstrating that downstream facilities possess adequate capacity.

The project corridor and its immediate downstream receiving waters are designated as flood hazard areas by the Federal Emergency Management Agency (FEMA). By introducing a compacted surface into a watershed characterized by steep topography and existing flooding constraints, the project risks accelerating peak storm runoff. The IS/MND does not adequately explain why the project would not affect downstream flood conditions given the identified flood hazard areas. Lacking this discussion, the IS/MND leaves a critical public safety hazard unanalyzed.

Because Buck Gulch Creek and the Arroyo de San Jose Creek flow directly into a residential subdivision along Fairway Drive that is a designated FEMA 100- and 500-year Flood Hazard Zone, RTMP Policy SW.31 is directly triggered. Policy SW.31 states that where a flood risk is identified, proposed facilities "shall either be relocated outside of the flood prone area or designed and constructed in a manner to protect public safety and not increase base flood elevations." The IS/MND concentrates its flooding narrative almost exclusively on the structural placement of the two large pedestrian bridges. It does not analyze how the remainder of the project – the half-mile of linear grading, the individual creek bank rock fill placements, the puncheons and boardwalk, the cut-and-fill balances, and the concentrated runoff from the compacted trail surface – will collectively impact downstream peak flows. If the project increases peak runoff volumes or restricts active floodway capacity through bank fill and grading within the riparian corridor, it risks increasing the base flood elevation for the Fairway Drive subdivision, placing the project in direct violation of Policy SW.31.

The IS/MND remains vague about the aggregate specifications, which directly triggers a conflict with Marin County Open Space District (MCOSD) Road and Trail Management Plan (RTMP) Policy SW.30, which mandates that for "any new parking areas and other large areas of potentially impermeable surfaces, use permeable paving or an equivalent for all paved areas to provide for the infiltration of rainfall." Compacting Mayacama Red aggregate, on over a half-mile of trail surface, at a standard accessible width, to the “stable and firm” density required for wheelchair use, causes it to function as a hard surface. The IS/MND fails to evaluate the trail’s compacted aggregate surface against Policy SW.30. By not specifying the characteristics of the trail surfacing material, or whether it will be compacted to a standard Caltrans Section 26 Class II Aggregate Base (highly impermeable under compaction) or a Caltrans Section 68 Class II Permeable Material (which allows infiltration but generally fails ADA stability metrics), the IS/MND does not demonstrate compliance with SW.30 given the engineered trail surface.

The 100-year flood elevation freeboard requirement for bridges set in Marin County Code section 24.04.520(d) is two (2) feet. Ensure the proposed bridges adhere to County Code.

When describing flows in the hydraulic analysis, please provide cubic feet per second.

The report is unclear whether the post-construction hydraulic analysis has been performed.

Responses:

The hydrology and water quality conditions within the project area were characterized in detail in the draft IS/MND, in the two geotechnical reports by Best from 2021[47] and Miller Pacific 2025[48], and the PCI H&H report[49]. Site reconnaissance and supporting studies served as the basis for the analysis of potential hydrology and water quality impacts.

The proposed project area is located in a small, forested canyon at the western edge of Novato within Ignacio Valley Open Space Preserve, part of the larger Novato Creek watershed in eastern Marin County. Novato Creek drains a 48-square-mile basin that flows through the City of Novato and adjacent unincorporated areas before entering tidal wetlands and ultimately San Pablo Bay. Arroyo de San Jose Creek is a steep tributary drainage that originates on the north side of Big Rock Ridge and flows east through the preserve and across private H Ranch lands and on to Novato Creek. Novato Creek flows into San Pablo Bay. Arroyo de San Jose Creek is a second-order stream and has approximately 6.1 miles of blue line stream according to the USGS National Hydrology Dataset (NHD). Arroyo de San Jose Creek drains a watershed of approximately 7.4 square miles. Elevations range from about 0 feet at the mouth of the creek to 1,886 feet in the headwater areas *(i.e., average elevation of headwaters, not highest point)*. Evergreen forest dominates the watershed.

Arroyo de San Jose Creek supports intermittent flow. Buck Gulch Falls is a small waterfall, also known as Fairway Falls, which flows most during the rainy season and tapers to low or no flow in summer, reflecting the flashy, rainfall-driven hydrology characteristic of small Coast Range watersheds. The Buck Gulch Falls trail to the falls follows the canyon floor, crossing the creek at two locations via fords under forest canopy, with adjacent riparian vegetation and moist soils that are sensitive to trampling and sediment input. Flooding is limited to localized overbank flow within the narrow canyon during large storms.

The Best 2021 feasibility study reviewed available geologic literature and regional geologic mapping; LiDAR bare-earth imagery analysis; geologic and geomorphic field mapping; a preliminary hydrologic analysis using USGS StreamStats Version 3 to determine peak-flow discharges for the 398-acre Arroyo de San Jose watershed above the crossing; and a 100-year flood elevation analysis using FlowMaster software based on Manning's equation. Results confirmed the flashy, rainfall-driven nature of the watershed, leading to design recommendations to develop structurally sound bridges that can pass anticipated flows without overtopping the bridge and scouring the abutments. Consistent with the analysis findings, the proposed bridges were designed to maintain flow conveyance during storm events, limit encroachment into the active channel, and reduce the risk of bank scour or structural damage during high flows. The bridge heights would be elevated to a minimum of 1 foot above the calculated 100-year flood elevation. The Miller Pacific geotechnical evaluation provided design elements for the bridges, including deep foundations to provide adequate vertical support to accommodate the anticipated seismic and flood events, and other design recommendations that were incorporated into the project design.

PCI Ecological completed a Hydrologic and Hydraulic Analysis Report (H&H Report) to evaluate the minimum soffit elevations of the two proposed pedestrian bridges required to meet Marin County regulations that require two

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47 Best. 2021. Buck Gulch Falls Trail Bridge Geologic Hazard Assessment and Feasibility Study. August 2021.

48 Miller Pacific Engineering Group (MPEG). 2025. Geotechnical Investigation for the Buck Gulch Pedestrian Bridge Abutment. January 2025.

49 PCI Ecological. 2025. Buck Gulch Trail Pedestrian Bridges Hydrologic and Hydraulic Analysis Report. March 2025.

feet of clearance between the elevations of the bridge soffit and the peak flow of the 100-year storm. The information was used to inform the bridge design. The analysis used the USGS StreamStats Tool to calculate the 100-year peak flow levels and determined peak flow rates to be 365 cubic feet per second at Bridge 1 and 146 cubic feet per second at Bridge 2. Hydraulics were assessed using Hydraulics Toolbox[50]. The minimum soffit elevation for Bridge 1 was determined to be 202.5 feet and 319.7 feet for Bridge 2. These minimum elevations adhere to Marin County Municipal Code section 24.04.520 (d), requiring two feet of clearance between the bridge soffit and 100-year storm elevation, and the recommendations were incorporated into the project design. The H&H report concluded that minor grading would be required to achieve the minimum elevation requirement for Bridge 1, and that Bridge 2 would be installed above the minimum elevation to better connect trail improvements, allowing more clearance than is required.

The existing Buck Gulch Falls trail currently crosses Arroyo de San Jose Creek twice via unimproved rock fords along the route to the falls, and approximately 1,500 feet of trail is located streamside along its banks. Recreational access along the streambanks and through the crossings has led to these areas experiencing elevated rates of erosion through trampling, soil compaction, and bank failure from visitor use. The existing trails are heavily compacted native soil surface. The existing trails have also experienced elevated rates of soil compaction, surface runoff, and erosion with deposition into Arroyo de San Jose Creek. Muddy trail conditions during wet weather have also led to trail braiding and a loss of understory riparian vegetation as visitors try to avoid mud and slippery areas. These trail conditions potentially diminish safety during high creek flows in the rainy season, winter through spring.

The proposed project includes the installation of two bridges at locations where visitors pass through the stream channel to follow the trail and the installation of boardwalks to allow visitor access through three unimproved crossings on ephemeral channels. The proposed project would also decommission and relocate trail segments, reduce the width of existing trails where they have become over-widened from visitor use, and surfacing the remaining narrowed trails and the relocated trails with aggregate to provide an all-weather surface. The existing compacted native soil trails cover approximately 28,510 square feet of area. By reducing the width of the existing over-widened trails to a width of 5 feet and relocating trail segments also 5 feet wide, the total square feet of aggregate surfaced trail would be approximately 15,450 square feet or a reduction of 13,050 square feet of trail when compared with the existing condition through the proposed project area. Aggressive revegetation efforts are proposed for decommissioned trails and along the narrowed trails.

Much of the descriptive and analytic information contained in the Hydrology and Water Quality section of this CEQA checklist is drawn from these three reports, site reconnaissance, and the results from implementation of the proposed project. The recommendations made in the reports have been incorporated into the project design and are reflected in the Project Description.

Hydrological Modeling and Rate of Surface Runoff

The proposed project would result in improved site conditions along trails through the project area; it does not include engineered cut trails. Engineered cut trails were evaluated in the feasibility studies though MCOSD did not include engineered cut trails in the proposed project. The existing trails are heavily compacted and prone to erosion and sedimentation to Arroyo de San Jose Creek and to natural areas surrounding the trails. These

[50] FHWA. 2014. FHWA Hydraulic Toolbox. https://www.fhwa.dot.gov/engineering/hydraulics/software/toolbox404.cfm.

conditions are well documented and addressed in the IS/MND and in studies developed to inform project design. The existing ford crossings on Arroyo de San Jose Creek direct trail users through the active channel, often creating unsafe conditions for visitors and contributing to chronic bank disturbance and sediment mobilization in Arroyo de San Jose Creek. By replacing the fords with channel-spanning pedestrian bridges, rerouting the trail onto stable upland alignments, stabilizing eroding creek banks, and restoring disturbed riparian areas, the proposed project would reduce direct disturbance to Arroyo de San Jose Creek, decrease sediment inputs to the creek corridor, and improve long-term water quality and habitat conditions within the watershed. Improvements associated with the streambank stabilization component of the project would also improve long-term water quality and habitat conditions.

The existing trail is an over-widened, heavily compacted native surface trail; the existing trails are not uncompacted native soil as stated by a commenter. As noted above, implementation of the proposed project would reduce the amount of compacted surfaces within the project area by approximately 13,050 square feet. The newly improved trails would be constructed following the techniques from the standards and techniques presented in the California Trails Handbook under Accessible Trails.[51] No hardening of the aggregate surface would be necessary to produce a firm and stable trail surface that closely matches the color and texture of native soils. The 5-foot-wide trail would allow some water to percolate through and evaporate off to avoid resource impacts. Based on the trail condition improvement and the reduced amount of compacted surfaces throughout the proposed project area, MCOSD determined no hydraulic modeling was necessary to illustrate implementation of the proposed project would not adversely alter runoff patterns that may degrade surface water quality or result in on- or off-site erosion. MCOSD also concluded the project would have "No Impact" on the rate of surface runoff, which could result in on- or off-site flooding; in creating runoff that could exceed the capacity of existing or planned stormwater drainage systems, or on the potential to impede or redirect flood flows. The proposed project, with implementation of RTMP BMPs during construction and monitoring post construction to protect the site during and after construction, would have a beneficial effect on water quality, as discussed in the IS/MND Hydrology and Water Quality Section.

The proposed trail improvements and spanning bridges would not alter flood conveyance in the Arroyo de San Jose Creek channel or the downstream drainage system. Implementation of the proposed project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would substantially increase the rate or amount of surface runoff resulting in flooding on- or off-site.[52] Installation of the new bridges would not impede or redirect flood flows, given the bridge heights and footing placement, and with the implementation of the recommended erosion and scour protection identified by Miller Pacific.[53] The improved site conditions, reduced amount of impervious surfaces associated with the proposed trail decommissioning and decreased trail widths, integration of the geotechnical findings and requirements into the bridge design to allow conveyance of the 100-year storm flows and to meet regulatory requirements, stabilization of degraded and eroding streambanks, and revegetation of existing denuded areas provides a reasonable factual basis for analysis without additional

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51 California State Parks. 2019. https://www.parks.ca.gov/pages/1324/files/Chapter%208%20-%20Accessible%20Trail%20Design.FINAL.04.04.19.pdf. Accessed on July 29, 2026.

52 IS/MND page 138

53 IS/MND page 139

hydrologic modeling. The comments do not provide substantial evidence that peak flows would increase with implementation of the proposed project and that any increase in peak flows would result in new significant physical environmental impacts.

The IS/MND incorrectly identified that the trails would retain native soil surfacing in the Hydrology and Water Quality Section under Items (b), (c), and (e) of the Hydrology and Water Quality Section. Although the statement was incorrect, the evaluations presented under Items (b), (c), and (e) were based on the existing compacted trails being either decommissioned or receiving aggregate surface and improved drainage. The following language, shown in blue double-underline font, has been added to clarify the conditions of the existing trails, with deletions shown in ~~red strike-out~~ font. The following corrections are made to Item (b) on page 137:

b) Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact

The proposed project area lies within the Novato Valley Groundwater Subbasin (Basin 2-30). Regional groundwater use in the subbasin is limited due to low yields and quality constraints, and local public water supply in Novato relies primarily on imported surface water rather than groundwater extraction. Groundwater conditions at the project site were evaluated as part of the geotechnical investigations. During subsurface exploration in October 2024, groundwater was encountered over 28 feet below ground surface, and no groundwater was encountered at other bore location. Seasonal groundwater levels are expected to rise and generally correspond to water levels in the Arroyo San Jose channel during the wet season. The geotechnical report concluded that the elevation of groundwater in the project area is variable, rising and falling with seasonal precipitation and creek stage.

The proposed project would not involve installation of wells, groundwater extraction, or any facilities requiring significant water consumption beyond minor dust control or revegetation watering during construction. The proposed bridge structures would span the active channel without placing fill in the channel bed, and all trail tread improvements would ~~retain native soil surfacing~~ include aggregate surfacing with improved drainage features. Implementation would not use groundwater during construction or operation, and no new impervious surfaces other than the bridge deck and boardwalk structures are proposed. No new paved parking areas or buildings would be constructed. These features would result in no change to infiltration rates or groundwater recharge patterns at the site or subbasin scale. All proposed trail improvements would retain natural tread surfacing, resulting in no change to groundwater recharge. For these reasons, implementation of the proposed project would not Substantially decrease groundwater supplies or interfere substantially with groundwater recharge, such that the project may impede sustainable groundwater management of the Novato Valley Groundwater Subbasin. Implementation of the proposed project would result in no impact associated with groundwater supply or recharge.

The following corrections are made to the (c) (ii) on page 138:

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact

The proposed project would not include any impervious surfaces except for the bridge deck and abutment footings associated with the proposed pedestrian bridge. All trail tread improvements would ~~retain native soil~~ include aggregate surfacing with improved drainage features, including rolling dips, outsloped tread, and cross-drains designed to intercept concentrated runoff and disperse it to the adjacent landscape rather than routing flows along the trail corridor. These improvements would decrease peak flow velocities on the trail and reduce the potential for localized flooding compared to existing conditions.

The following corrections are made to Item (e) on page 140:

e) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact

The proposed project area is within the boundaries of the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) administered by the San Francisco Bay Regional Water Quality Control Board, and within the Novato Sanitary District and ~~Marin Municipal~~ North Marin Water District (~~MM~~NMWD) service areas.

The Basin Plan is the San Francisco Bay Regional Water Quality Control Board's master water quality control planning document. It designates beneficial uses and water quality objectives for Waters of the State, including surface waters and groundwater, and establishes programs of implementation to achieve those objectives. The proposed project would be subject to Clean Water Act Section 401 Water Quality Certification and/or a Report of Waste Discharge from the San Francisco Bay Regional Water Quality Control Board. The proposed project would implement applicable RTMP Policies and BMPs in addition to any special conditions included in the Section 401 permit and therefore would not conflict with or obstruct implementation of the Basin Plan.

Regarding groundwater, the ~~2020 Updated MMWD~~ NMWD's 2025 Urban Water Management Plan (UWMP) states that water supply within ~~MMWD's service area is derived primarily from local precipitation contributing to surface runoff and from the~~ MNWD's service area come primarily from purchased water from the Russian River Project via import agreement with Sonoma Water. This water supply is supplemented by local surface water from Stafford Lake and recycled water from Novato Sanitary District (NSD) and Las Gallinas Valley Sanitary District (LGVSD). ~~The UWMP concluded that the potential for municipal groundwater use within MMWD's service area is very limited due to limited production capabilities, water quality constraints, and potential water rights issues, and that groundwater is not currently used or planned to be used as a municipal water supply source.~~ The proposed project would not utilize groundwater during construction or operation, would not install wells or groundwater extraction facilities, and none of the proposed improvements would impede groundwater recharge. Trail tread would ~~remain native soil~~ include aggregate surfacing with improved drainage, resulting in no substantive change to infiltration patterns at the site or subbasin scale.

Compliance of the Project with RTMP Policies

A commenter notes the Arroyo de San Jose Creek flows directly into a residential subdivision along Fairway Drive and that is a designated FEMA 100- and 500-year Flood Hazard Zone noting then that the RTMP Policy SW.31 is directly triggered. Policy SW.31 specifies MCOSD must review current Federal Emergency Management Agency Flood Insurance Rate Maps and other current flood maps to assess potential flood impacts to any new or improved road, trail, or associated facility in the lower elevation bayland or coastal areas. The policy goes on to state in cases

where a flood risk is identified, proposed facilities shall either be relocated outside of the flood-prone area or designed and constructed in a manner to protect public safety and not increase base flood elevations.

MCOSD believes the proposed project is in full compliance RTMP Policy SW.31 as it would raise the trail across the Arroyo de San Jose Creek to above the 100-year flood elevation as required in the policy. The proposed trail alignments and surfacing would protect public safety and not increase base flood elevations.

The lower limits of the Buck Gulch Fall Trail and the residences on Fairway Drive are all located in FEMA Special Flood Hazard Area (Zone AE) on FIRM Panel 06041C0279D. The existing trail from the proposed Bridge 1 site to the trailhead and continuing downstream through a portion of the residential area located immediately adjacent to the creek, is within a regulatory floodway. Special flood hazard areas, including zone AE, have a 1 percent chance of flooding in an event like a 100-year flood. Floodways are central channel of a river or creek, and the adjacent restricted floodplain area are generally mapped as regulatory floodways, such as is the case along the Arroyo de San Jose Creek. Buildings in these zones are heavily restricted. Other residential properties along Fairway Drive are located in Zone AE but outside the floodway.

The proposed project is designed to remove compacted trails from sensitive areas and narrow other existing trails where they have become over-widened and have expanded the compacted trail surface. The decommissioned and narrowed over-widened trail segments would be decompacted, restored, and planted with native vegetation to allow infiltration of water and reduce runoff and erosion. The new trails would be surfaced with rock aggregate to create a stable trail network that properly drains, reducing erosion and runoff. The proposed bridge design accounts for the locations along Arroyo de San Jose Creek with designs based on geotechnical studies and using the H&H report[54] to ensure the height of each bridge would allow passage of the 100-year flood elevations. The reduced amount of compacted areas across the project area would not increase peak flows; therefore, would not increase peak flows along the Arroyo de San Jose Creek through the residential area along Fairway Drive.

A commenter stated the IS/MND remains vague about the aggregate specifications that directly triggers a conflict with RTMP Policy SW.30, which mandates that for "any new parking areas and other large areas of potentially impermeable surfaces, use permeable paving or an equivalent for all paved areas to provide for the infiltration of rainfall." Compacting Mayacama Red aggregate, on over a half-mile of trail surface, at a standard accessible width, to the “stable and firm” density required for wheelchair use, causes it to function as a hard surface. MCOSD believes the proposed project is in full compliance with RTMP Policy SW.30, as decommissioning trails located in sensitive areas, narrowing the width of over-widened trails using decompaction and revegetation efforts, and surfacing the remaining trail network with rock aggregate would not be considered a new parking area or other large areas of potentially impermeable surfaces. In addition, the proposed project would reduce the overall compacted surfaces within the proposed project area.

The project would also decommission and relocate trail segments, reduce the width of existing trails where they have become over-widened from visitor use, and surfacing the remaining narrowed trails and the relocated trails with aggregate to provide an all-weather surface. The existing compacted native soil trails cover approximately 28,510 square feet of area. By reducing the width of the existing over-widened trails to a width of 5 feet and relocating trail segments constructed to be 5 feet wide, the total square feet of aggregate surfaced trail would be approximately 15,450 square feet or a reduction of 13,050 square feet of trail when compared with the existing

[54] PCI Ecological. 2025. Buck Gulch Trail Pedestrian Bridges Hydrologic and Hydraulic Analysis Report. March 2025.

condition. Aggressive revegetation efforts are proposed for decommissioned trails and along the narrowed trails. The newly improved trails and the relocated trails would be constructed following the techniques from the standards and techniques presented in the California Trails Handbook under Accessible Trails.[55] No additional hardening of the aggregate surface would be necessary to produce a firm and stable trail surface that closely matches the color and texture of native soils. The 5-foot-wide trail would allow some water to percolate through and evaporate off to avoid resource impacts.

Fill in Arroyo de San Jose Creek

The reference to the Hydrology and Water Quality of the IS/MND stating that no fill would be placed in the Arroyo de San Jose Creek referenced in a comment refers to fill associated with the placement of the two bridges and can be found on page 137 under evaluation (b) and on page 138 under (c)(ii). The footings for the two bridges would be placed outside the stream channel and the top of the streambank and no fill in the channel would occur at either bridge location. Placement of fill material needed for the streambank stabilization element of the proposed is discussed in the IS/MND pages 9-10 and the Hydrology and Water Quality Section evaluates the placement of fill associated with the streambank stabilization element of the proposed project.

Downstream Cumulative Impacts

The commenter asserts that the IS/MND fails to track cumulative downstream effects of accelerated peak flows entering Arroyo de San Jose Creek and that the cumulative impact analysis must be expanded or performed with results presented in the Hydrology and Water Quality Section. Under the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines (14 CCR § 15000 et seq.), a cumulative impact discussion is required only when a project's incremental effect is 'cumulatively considerable' in conjunction with past, present, and probable future projects.

As established in IS/MND and discussed above, the proposed project would result in a decrease in existing compacted trail area within the project area along Arroyo de Santa Jose Creek. Surface runoff would be reduced through the addition of new trail drainage features and trail outsloping to disperse flows onto the adjacent landscape rather than routing the flows down the trail and trail corridor.[56] The bridges are designed to allow high flows to pass and would meet Marin County design requirements and implementation requirements as the bridges would have a minimum of 2 feet above the calculated 100-year flood elevation.[57] Because the project would not cause any direct or indirect impact on increasing peak flows, it logically cannot make an incremental or 'cumulatively considerable' contribution to any potential areawide or regional cumulative impacts. The overall condition of the trail network would be improved and beneficial as a result of the proposed project, and the comments did not provide substantial evidence that the proposed project would result in adverse cumulative impacts that would accelerate peak flows resulting in new significant physical environmental impacts. Therefore, no further cumulative analysis or expansion of the environmental review is required for this topic.

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55 California State Parks. https://www.parks.ca.gov/pages/1324/files/Chapter%208%20-%20Accessible%20Trail%20Design.FINAL.04.04.19.pdf. Accessed on July 29, 2026.

56 IS/MND page 138

57 IS/MND page 138

Master Response 10: Land Use

Master Response Summary: *The IS/MND incorrectly characterized existing allowable uses on Buck Gulch Trail; The IS/MND should address how the proposed project and the studies conducted to inform it are compliant with the MCOSD's Road and Trail Management Plan (RTMP) and Inclusive Access Plan (IAP); How the proposed project is the Environmentally Superior Alternative relative to the alternatives considered; how the proposed project would affect neighborhood character; How the various permits and approvals relate to the determination that the proposed project would have "No Impact" on Land Use; and the MCOSD's outreach with the Hill Ranch landowners.*

Comments:

Existing Conditions

The IS/MND page 98, Mitigation Measure Bio-3: Bat Protection includes the following: "The proposed change in use on Buck Gulch Falls trail would eliminate bicycle and equestrian use and limit use to pedestrians only." This is factually incorrect because bicycle use is currently not allowed on this trail.

RTMP and IAP Consistency Determinations

The IS/MND does not document how the proposed project is consistent with the MCOSD's IAP because it does not identify which specific IAP provisions were incorporated into the final project design, which were determined infeasible, whether any Conditions for Exception were applied, or how those determinations support consistency with the IAP. The IS/MND mentions the accessibility evaluations completed in the December 2024 Accessible Trail Feasibility Study and the March 2025 Supplemental Study but does not document the analytical basis to support consistency with IAP.

Identify the specific IAP provisions and Improved Access Trail standards applied to the proposed project, any Conditions for Exemption that were applied, how accessible arrival at the trailhead was evaluated, and how these determinations support the conclusion of IAP consistency.

The IS/MND does not address how visitors with mobility impairments would access the trailhead without dedicated accessible parking or whether the accessibility objectives of the MCOSD's Inclusive Access Plan (IAP) including access to the trail head were evaluated.

The IS/MND does document the evaluation process to support its conclusion that the proposed project is consistent with the MCOSD's Road and Trail Management Plan (RTMP) because the studies for engineering, accessibility, environmental constraints, constructability, grading, vegetation removal, and other design considerations are summarized but the RTMP policies, standards, and decision criteria associated with the studies are not identified.

Neighborhood Character

The proposed project would change the character of neighborhood by changing the seasonal neighborhood trail into a year-round regional destination.

The IS/MND should analyze how permanent reliance on residential streets for visitor parking is compatible with surrounding residential land uses, consistent with local land use objectives related to neighborhood safety, emergency access, residential access, and street capacity.

The land is county promised to keep in its “natural” state when it was transferred from the previous owner to the county. How are bridges and trails graded with non-native materials, materials toxic to most animals, a “natural” condition?

Permits and Approvals

The IS/MND should explain how the “No Impact” determination under Land Use and Planning was determined. The initial portion of the proposed project is within the jurisdiction of the City of Novato and the IS/MND identifies that a discretionary City of Novato Encroachment Permit would be required. The IS/MND does not explain the legal or jurisdictional basis for limiting the City of Novato’s role to the encroachment permit; whether the proposed project is exempt from additional municipal land use approvals; whether the MCOSD would exercise independent statutory authority over construction activities; or how construction oversight, inspection, and enforcement activities would be administered for project work occurring within the City of Novato.

The IS/MND identifies regulatory permitting approvals that would be required from federal, state, county, and the City of Novato but does not explain document how these support the “No Impact” determination in consideration of jurisdictional responsibilities, future permitting processes, or associated design constraints. Explain how the identified permitting framework, multiple jurisdictions, and future agency approvals were considered in reaching the determination that the proposed project would not conflict with applicable land use plans, policies, or regulations.

Hill Ranch Easement

The IS/MND on page 4 discloses that the waterfalls are on private property and that the last 517 feet crosses Hill Ranch under a separate easement, and that the MCOSD holds a public use easement at the trail entrance from Hill Ranch and Marin County Club Estates. LLC. The proposed project would build a permanent, improved, all-weather destination platform at a location where trespass occurs and a 40-foot split-rail fencing at the viewing area is proposed to prevent visitors from trespassing on private property. Additional visitors would increase pressure on the adjacent landowners. Have those landowners reviewed and consented to these improvements on and adjacent to their property and was an analysis of trespass or nuisance effects on adjacent parcels done?

Responses:

Existing Conditions

Under existing conditions, bicycle use is currently not a permitted use on Buck Gulch Falls Trail. It currently is a hiker and equestrian use trail. The following clarifying language has been added to page 98 of the IS/MND with deletions shown in ~~red strike-out~~ font:

> The proposed change in use on Buck Gulch Falls Trail would eliminate ~~bicycle and~~ equestrian use and limit use to pedestrians only. The change in use coupled with the newly located trail segments with new trail surfacing would be beneficial for special-status and common wildlife using habitat in the area.

This clarification is consistent with the description of the Buck Gulch Trail Change in Use on page 9 of the IS/MND, which states: “The project proposes the change the use designation of Buck Gulch Falls Trail from hiker/equestrian only to hiker only use, which would reduce future erosion on the trail.”

RTMP and IAP Consistency Determinations

The proposed project is consistent with both the MCOSD Road and Trails Management Plan (RTMP) and the MCOSD Inclusive Access Plan (IAP). While CEQA does not require the IS/MND to evaluate how the proposed project and its associated studies comply with these documents, the following is provided to address these comments.

The purposes of the MCOSD's Road and Trail Management Plan (RTMP) are as follows:

1. Establish and maintain a sustainable system of roads and trails that meet design and management standards;
2. Reduce the environmental impact of roads and trails on sensitive resources, habitats, riparian areas, native and special-status plant and animal species; and
3. Improve the visitor experience and visitor safety for all users, including hikers, mountain bikers, and equestrians.

The RTMP includes Road and Trail Standards and Best Management Practices (BMPs). The Road and Trail Standards define how MCOSD roads and trails will be constructed and maintained to meet the specified design and engineering standards to ensure they are sustainable with routine maintenance and to minimize resource impacts associated with the erosion of sediments into wetlands and water bodies. The proposed project was designed in accordance with MCOSD's RTMP Trail Standards. Implementation of the proposed project, including operation and maintenance, would occur in compliance with MCOSD's RTMP BMPs. The IS/MND for the proposed project evaluated potentially significant environmental impacts that could result from implementation of the proposed project in the Checklist section of the document, and the impact determinations were based on implementation of MCOSD's RTMP BMP in compliance with the requirements of the RTMP. The MCOSD's RTMP Policies and BMPs are included as Attachment A to the IS/MND. The BMPs applicable to the proposed project are listed in each of the IS Checklist topic areas.

MCOSD's IAP is a supplement to the RTMP to guide the accessibility component of future trail-planning efforts. All public agencies are required by the Americans with Disabilities Act to provide access to their programs, services, and activities. The IAP process requires that MCOSD consider accessibility when other trail improvements are considered. As such, the proposed creek restoration at Buck Gulch Falls triggered IAP evaluation and the appropriate technical standards to provide equal access to the trail system for people with disabilities. MCOSD currently provides program accessibility for the trail system that is representative of the different destinations and environmental experiences found throughout its open space preserves, and to a standard consistent with the requirements of the ADA. The proposed project complies with the requirements in the IAP by providing access as part of the trail improvement effort to support restoration of Arroyo de San Jose Creek.

The Buck Gulch Falls Accessible Trail Feasibility Study completed by PCI in December 2024 and the Supplemental Feasibility Study completed by PCI in March 2025 evaluated the feasibility of converting a portion of the existing trail into a fully accessible route in accordance with the IAP. The evaluations completed in the Feasibility Study complied with the evaluation requirements in the IAP, and the proposed project reflects a combination of the trail design alternatives presented in the study and the supplemental study memo. The proposed project would meet the Improved Access Trail guidelines, which is described in the IAP as trails that are substantially accessible, but

do not meet all of the established accessibility standards for recreational trails and could not be feasibly improved without severe impact to sensitive natural resources or issues of constructability. The design standards include trail surface, clearance width, slopes, and trail amenities in compliance with the IAP.

As referenced in the IS/MND on page 98, the proposed project is consistent with IAP, which relies on public right-of-way to provide parking to serve open space visitors arriving by motorized vehicles. The IAP also states that "In cases for which adequate on-street accessible parking cannot be provided with the public right-of-way, MCOSD evaluates the appropriateness of parking improvements with open space preserve properties."

Adequate parking on the public right-of-way is available to serve open space visitors for the proposed project. The W-Trans traffic analysis identified that the project area is accessed by Fairway Drive, which is classified as a local street connecting adjacent residential neighborhoods to Ignacio Boulevard and serving as a collector street for local trips. It is generally 40 feet wide, though the width reduces to 32 feet west of Saint Andrews Drive near the trailhead. Saint Andrews Drive is 30 feet wide. Fairway Drive has sidewalk on the south side and there is no sidewalk on Saint Andrews Drive. Visitors to the project area park on Fairway Drive and Saint Andrews Drive. Within a walking distance of less than 1,000 feet from the trailhead, there is curb space for approximately 25 vehicles to park in legal spaces on the undeveloped side of the streets. Because of limited sidewalk, visitors to the project area must either cross over the roadway to the sidewalk on the south side of Fairway Drive or walk in the road or on the shoulder to access the trailhead from the on-street parking. The roadway has open sight-lines, so oncoming vehicles are visible from far enough east for pedestrians to move out of the travel lane, if necessary. The proposed project is consistent with the IAP regarding parking.

W-Trans reviewed the collision history for the study area to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. During the five-year period of January 1, 2020, through December 31, 2024, there were no collisions reported between the trailhead and 250 feet east of Saint Andrews Drive. W-Trans concluded the traffic volumes on Fairway Drive and Saint Andrews Drive are very low and no collisions have been reported during a five-year study period. The open sight lines, the lack of sidewalk does not present a safety concern.

As described on page 16 of the IS/MND, the feasibility studies concluded that the proposed project would meet most of the IAP standards because it would upgrade trails to meet the clear width, tread compactions, and cross-slope parameters as described in the IAP, would remove existing access barriers with the proposed creek crossings, and would incorporate additional elements from the Improved Access Trail guidelines. The feasibility studies identified the primary constraints to achieving fully accessible trails in accordance with the IAP include achievable trail widths, trail gradients, proximity to Arroyo San Jose Creek, and construction access.

Neighborhood Character

Ignacio Valley Open Space Preserve, including the project area, is a county outdoor recreational area owned and maintained by the MCOSD for the general public. The project area is not exclusively a neighborhood trail. The Ignacio Valley Open Space Preserve, including the project area, is open year-round under current conditions and would continue as such should the MCOSD's Board of Directors adopt the IS/MND, approve the proposed project, and the proposed project is implemented. Implementation of the proposed project is not expected to result in potentially significant environmental impacts to the character of the adjacent neighborhood because no part of

the project is proposed within the neighborhood. The IS/MND did not identify any conflicts with surrounding residential land uses, local land use objectives related to neighborhood safety, emergency access, residential access, or street capacity that would result from implementation of the proposed project. The W-Trans traffic analysis concluded that the access to the project area is safe because of low traffic volumes, no collision history, and open sight lines for visitors who need to utilize roadway shoulders where sidewalks are not available. Novato Fire District conducted a roadway test for passage of a fire engine and a second vehicle. They conducted the test with two full-sized trucks parked along both sides of the Fairway Drive. The Fire District provided written documentation and photos of the roadway test, which are included in Master Response 14: Wildfire. They found that fire access is safe, with enough room for Engine 65 and other cars to pass easily with cars and trucks parked along both sides of the road.[58]

The Buck Gulch Falls trail exists along a trail easement that coincides with a paper street that is a remanent of the Marin Country Club Estates (MCCE) subdivision. The MCCE company granted the trail easement, a conservation easement, and various fee title parcels as part of a settlement agreement between MCCE and the City of Novato from 2002.[59] The settlement agreement was the result of litigation brought against the developer by the City for violations of city ordinance it committed and for unpaid property taxes.

Should the MCOSD's Board of Directors adopt the IS/MND, approve the proposed project, and the proposed project is implemented, the project area would remain in a "natural" state after implementation. Master Response 5: Aesthetics addresses comments regarding how the proposed project would appear in its surroundings. The bridges would be rustic in appearance to blend in with the surrounding environment. Trail improvements, including the use of Mayacama Red trail surfacing, would likewise blend in with the surrounding environment. Mayacama Red is a processed rock surfacing aggregate quarried at the Mark West Quarry at the base of the Mayacamas Mountains in California. The Mayacamas Mountain range is in northwestern California and is part of the Northern Inner Coast Ranges and the California Coast Ranges System. This 52-mile mountain range spans Mendocino and Lake Counties and extends south into Napa and Sonoma Counties. Mayacama Red is a clean, hard and durable basaltic screened rock that has a natural reddish-brown color because basaltic rocks are relatively rich in silica used for pathways, trails, driveways and parking areas and is not a native soil for growing plants. It is used by the California State Park system for its durability and aesthetic appeal, and the Golden Gate Bridge also features pathways made of Mayacama Red. Given that Mayacama Red is processed from California-native rock, it is not toxic to wildlife.[60]

Permits and Approvals

The IS/MND explains how the "No Impact" determinations under the Land Use and Planning IS Checklist topic area beginning on page 142. The Ignacio Valley Open Space Preserve, including most of the project area, was acquired by the MCOSD in 1975. A portion of the project area, Buck Gulch Falls, is located on private property at the end of the trail. The MCOSD holds a public use easement with the Hill Ranch and Marin County Club Estates, LLC along the trail entrance for access to Ignacio Valley Open Space Preserve and with the City of Novato. Figure LUP-1 on page 53 of the IS/MND shows the land use and zoning designations and easement locations within the

58 Novato Fire District. July 28, 2026.

59 Irrevocable Trust Agreement between MCCE and MCOSD. March 26, 2002.

60 https://bodeancompany.com/product/mayacama-red/

project area.

The City of Novato General Plan and the County of Marin Countywide Plan were reviewed during preparation of the IS/MND to analyze potentially significant environmental impacts and conflicts with applicable land use plans, policies, or regulations. The parcels located within the City of Novato's jurisdiction are designated as either Open Space Low-Density Residential and are zoned as Planned District. The parcel located within the County of Marin's jurisdiction is designated Planned Residential and zoned Residential Multiple Planned District. The Open Space land use designation applies to a majority of the project area located within the City of Novato and County of Marin, and is intended to support preservation of natural resources, agriculture, and outdoor recreation. The Low-Density/Planned Residential land use designation applies to the parcels providing access to the Preserve, located adjacent to an existing residential neighborhood. This area was previously intended for the development of single-family homes and related accessory residential uses, prior to MCOSD ownership. The Planned District zoning designation applies to parcels located both within the City of Novato and County of Marin and is intended to allow for more flexible development at a particular site, encouraging developments that are sensitive to natural resources and the surrounding community, subject to Council adoption of a Master Plan. Planned District zoned properties, which do not have an approved Master Plan or Precise Development Plan, can be utilized for agricultural activities, including nature preserves, outdoor recreation facilities, and hiking trails. The Open Space and Low-Density/Planned Residential land use designations, and Planned District zoning designation for the parcels located within the project area are intended to support preservation of natural resources and outdoor recreation. The proposed project supports and continues these uses. Implementation of the proposed project would not change or otherwise affect land use designations, zoning, or existing use of the project area. The proposed project is consistent with the Open Space and Low-Density/Planned Residential designations included in the City of Novato General Plan, as well as the Planned District designations in the County of Marin General Plan. Preservation of natural resources and outdoor recreation would continue under the proposed project, which is consistent with the applicable land use and zoning designations. The City of Novato does not currently have a habitat conservation or natural community conservation plan. For these reasons, implementation of the proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The IS/MND identified that an Encroachment Permit from the City of Novato would be required prior to project implementation, should the MCOSD's Board of Directors adopt the IS/MND and approve the proposed project. The MCOSD would implement conditions placed on the Encroachment Permit applied by the City of Novato upon its issuance. The MCOSD did not limit the City of Novato's role to the encroachment permit. This simply is the only City of Novato permit required to implement the proposed project. Similarly, no other municipal land use approvals would be required.

The IS/MND identified that the following additional regulatory permit authorizations would be required prior to project implementation, should the MCOSD's Board of Directors adopt the IS/MND and approve the proposed project.

- U.S. Army Corps of Engineers, Section 404 of the Clean Water Act
- San Francisco Bay Regional Water Quality Control Board, Section 401 of the Clean Water Act and the State of California's Porter-Cologne Water Quality Control Act
- California Department of Fish and Wildlife, California Fish and Game Code Sections 1062 – 1603: Lake or

Streambed Alteration Agreement

MCOSD would implement conditions placed on these regulatory permit authorizations applied by the respective regulatory agencies upon their issuance. These regulatory permit authorizations do not pertain to land use plans, policies, or regulations and therefore, their issuance would not result in conflict with plans, policies, or regulations.

MCOSD would be responsible for project implementation should the MCOSD's Board of Directors adopt the IS/MND and approve the proposed project. This would include construction oversight, inspection, and enforcement activities. The City of Novato would have construction oversight for project activities within its right-of-way.

Hill Ranch Easement

The MCOSD met with the Hill Ranch representative on at least two occasions, including February 19, 2023, and April 14, 2025. The proposed project was reviewed with the Hill Ranch representative and received general support. The Hill Ranch representative was sent the Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the proposed project on June 25, 2026, and the MCOSD received confirmation that the NOI was received. The Hill Ranch, including its representative, did not submit comments on the IS/MND.

Master Response 11: Noise

Master Response Summary: *This Master Response addresses comments related to the noise analysis in the IS/MND not adequately documenting the analytical methodology and technical evidence supporting the conclusions regarding temporary and construction noise, as well as long-term operational noise. This Master Response addresses questions regarding baseline conditions, construction noise modeling, construction-related noise, and the lack of a methodology that can be independently verified.*

Comments:

The document does not disclose which equipment combinations were analyzed whether multiple pieces of equipment were assumed to operate simultaneously, or whether the selected scenario represents the loudest reasonably foreseeable construction condition.

The analysis does not distinguish between continuous equipment operation and intermittent maximum-noise events associated with foreseeable construction activities, including material handling, bridge installation, equipment loading and unloading, jackhammers, power saws, backup alarms, and similar intermittent construction activities. The document does not explain why the evaluation of a single equipment source adequately characterizes the full range of temporary construction noise generated by the project.

The Noise section evaluates only construction occurring along the trail alignment and does not evaluate noise associated with haul truck operations, equipment staging, bridge deliveries, material unloading, idling equipment, or backup alarms occurring within staging areas or along residential access routes. These activities are foreseeable components of project construction and, in some cases, may occur substantially closer to residential receptors than portions of the trail work itself. Because these temporary construction noise sources are not evaluated, the analysis does not fully characterize the project's construction-related noise impacts, and the basis for the less-than-significant determination is not supported by substantial evidence.

The Noise section identifies the nearest residential receptor and presents a calculated construction noise level based upon distance attenuation. However, the document does not identify the specific residence used as the representative receptor, provide a map identifying receptor locations relative to the various construction areas, or disclose sufficient information to independently verify the calculations. In addition, other sections of the IS/MND describe different distances between construction activities and nearby residences, creating uncertainty regarding the assumptions used in the noise analysis.

Explain why simplified attenuation methods are appropriate for the project setting. The basis for the predicted construction noise levels cannot be independently evaluated and is not supported by substantial evidence.

The IS/MND concludes that operation of the completed project would not result in a measurable increase in ambient noise because no new parking areas or recreational facilities are proposed. However, the project is specifically intended to improve year-round accessibility, visitor experience, and trail usability through the construction of bridges, trail improvements, reduced grades, and upgraded viewing areas. The document does not explain the basis for concluding that these improvements would not influence visitation patterns or recreational activity, nor does it provide evidence supporting the conclusion that operational noise would remain unchanged. Because the analysis does not explain the relationship between the project's stated objectives and its operational noise conclusions, the basis for the less than significant determination is not supported by substantial evidence.

Please confirm that the construction timings align with the City of Novato's Noise Ordinance.

Responses:

The existing and anticipated noise conditions within and adjacent to the project area were characterized in detail in the Noise Section of the IS/MND. The analyses presented were informed by a noise modeling study and through site reconnaissance. The IS/MND starting on page 147 provides a description of the setting in and around the project area, including a commonly used outdoor and indoor noise level table that provides a sound level from familiar sources. The setting provides information about the City of Novato Municipal Code Zoning Ordinance, including allowable noise levels for construction activities that occur between 7:00 a.m. and 6:00 p.m. on weekdays and between 10:00 a.m. and 5:00 p.m. on Saturdays. The setting notes that the project area is surrounded by open space with residential development near the Preserve entrance on Fairway Drive. The area is typically quiet with noise levels in the 35 to 55 dBA range during the daytime. The nearest residential receptor on Fairway Drive is a single-family residence, located approximately 275 feet from where the trail improvement work would begin.[61]

The project description in the IS/MND[62] presents the construction work hours, the construction work periods, the construction equipment needed, and material delivery access and staging. Equipment would include an excavator, loader, compactor, cement truck, cement mixers, roller compactor, rubber track carrier, generators, dump truck, ATVs, jackhammers, power saws, and other hand tools, as applicable across the construction area. Construction work would start from Buck Gulch waterfall and work towards the trailhead at the end of Fairway Drive. Season 1 would entail all work proposed on the trail at the waterfall leading to Bridge 2, as well as the streambank stabilization work at Arroyo de San Jose Creek. Season 2 would include all work proposed at Bridge 2 leading to the trailhead, including installation of Bridge 1. The construction work period for the portions of Phase 2 that would occur within 1,000 feet of the nearest residences would last for less than two months.

MCOSD contracted with Illingworth & Rodkin, Inc.[63] to evaluate the proposed project using the Roadway Construction Noise Model (RCNM) Version 1.1.[64] This model is a screening tool used to predict equipment and operational noise levels. It estimates the maximum sound levels and hourly equivalent sound levels based on equipment distance and run time. It provides information on noise distance drop rates and attenuating effects. The model uses project-specific equipment. The model results are specific to the closest residential property line, which is approximately 275 feet from the closest work area of the proposed project. The model used the baseline noise of 50 dBA[65] during the daytime, 45 dBA for the evening, and 40 dBA for nighttime. The loudest pieces of equipment in terms of noise production are the jackhammer and the concrete saw. Both of these tools may be required to remove the concrete curb cut at the end of the existing pavement, which is approximately 275 feet from the property line.

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61 IS/MND pages 147-149

62 IS/MND page 11

63 Illingworth & Rodkin, Inc. is an engineering consulting firm with experience in acoustical engineering and air quality management, located in Sonoma County.

64 FHWA. 2006. Roadway Construction Noise Model Version 1.1

65 dBA is an adjusted unit for measuring sound pressure levels that matches the human ear's sensitivities to different frequencies. It is the primary scale used for noise ordinances, occupational safety limits (OSHA), and assessing hearing damage risk.



Photo 1 illustrates the distance between the nearest residential receptor to where the trail improvement work would begin.

The maximum weighted noise produced (L_{max}) modeled to occur at the property line is 74.8 dBA with an hourly equivalent sound level from operations of 70.5 dBA (L_{eq}).[66] All other equipment has maximum noise produced ranging between 61.6 dBA L_{max} for a dump truck to 74.8 dBA L_{max} at 275 feet away from the source of construction operations.

Deliveries of equipment and materials and daily worker access to the project area during construction would occur from the end of Fairway Drive. Deliveries are estimated to require 100 total haul trips over the six-month, two-season construction period to deliver soil, rock, aggregate, and the delivery of the bridges.[67] Equipment deliveries would be periodic during the construction period and would roughly include the following for trail improvements: move-in mini excavators, a SWECO trail dozer, a compactor, a rubber-tracked buggy, and a water tender. All but the water tender would be moved in one time and moved out one time. The trail crew would arrive at the jobsite daily in two trucks. On a twice-weekly basis, the water tender would refill the tank at the nearest hydrant. On a weekly basis, a service/fuel truck would come onsite to maintain and refuel the equipment. Rock delivery would occur potentially on a weekly basis, and the total number of loads is estimated at 38. For bridge construction, medium-sized excavators would be moved in to construct Bridge 1, and Bridge 2 would use two mini excavators already on site for trail improvement work. Concrete delivery for the bridges would be required, along with a concrete pump truck for Bridge 1. The amount of concrete needed would require two deliveries. A portable mixer

[66] The hourly equivalent sound level is a single decibel value representing the total sound energy distributed over a one-hour period. It converts fluctuating noise, such as machinery, into a steady, continuous level.

[67] IS/MND page 82

and sack of redi-mix would be used for the Bridge 2 abutments. Construction for each bridge would require one or two steel deliveries and one or two lumber deliveries. Two worker trucks would arrive daily during the duration of bridge construction activities. Construction of the streambank stabilization work would require truck trips for equipment and rock delivery. Approximately 12 truck trips would be required to deliver rock, and an additional 25 truck trips for off-haul of excess soil material from the site. Delivery of rock and soil off-haul would require the use of a super dump. Other material delivery would require two more truck trips. Construction staging would occur along the existing trail, primarily as shown on Figure 12 in the IS/MND.[68] The closest staging would be located approximately 680 feet from the trailhead and the nearest residential property line. All stored materials and parking of construction equipment would occur at staging areas only. Equipment would not be staged at the trailhead or on Fairway Drive, except for potential short-term parking of low-boy trailers when construction equipment is delivered.

The noise criteria used to evaluate whether construction or operation of the project would exceed noise standards is presented in the IS/MND Noise Section (a), page 150 of the IS/MND. The evaluation uses noise level assessments based on construction equipment and proximity to residential property lines. The noise created would not exceed applicable standards established by the City of Novato; therefore, MCOSD found the impact less than significant. The City of Novato Municipal Code Zoning Ordinance establishes specific measures for allowable exterior noise levels, and uses, activities, and processes are not to generate noise in excess of these established standards. The allowable noise standards for non-construction activity in the Novato Municipal Code for residential areas are a maximum noise level of 45 dBA between 10:00 p.m. and 6:00 a.m. and 60 dBA between 6:00 a.m. and 10:00 p.m. However, Section 19.22.070(7) exempts authorized construction activities from the allowable noise level requirements for construction occurring between 7:00 a.m. and 6:00 p.m. on weekdays and between 10:00 a.m. and 5:00 p.m. on Saturdays.[69] Routine maintenance activities are also exempt under the city's ordinance, nonetheless, the noise levels associated with maintenance activities would not exceed the daytime limits set in the ordinance. Consistent with MCOSD's RTMP BMP Noise-1, construction activities associated with the implementation of the proposed project would comply with these ordinances.

The baseline for operational noise is based on the existing conditions within the Preserve and along Fairway Drive. The preserve has existing trails from the trailhead to Buck Gulch Falls. Visitor use following construction of the proposed project is expected to follow similar use patterns as exist today because there is no dedicated parking for the preserve and visitation at any one time is limited by available street parking on Fairway Drive and St. Andrews Drive. The Recreation Section of the IS/MND includes results of a visitor use survey from 2023, parking availability, and the studies used by MCOSD used to evaluate the potential increase in visitor use,[70] and the *Recreation Master Response* provides additional visitor use information. Because the Buck Gulch Falls Trail would continue to rely on the existing limited on-street parking supply, the project would not alter the primary access constraint that regulates visitor volume. Therefore, substantial increases in overall visitation are not expected as discussed for project operation on page 151 of the IS/MND and in the Traffic and Recreation master responses. MCOSD determined that the existing noise levels in the residential neighborhood on Fairway Drive would not increase beyond the noise levels associated with the visitors that use the existing trails through the project area

[68] IS/MND page 35

[69] IS/MND page 150

[70] IS/MND page 159

currently.

Master Response 12: Recreation – Visitation

Master Response Summary: *The IS/MND does not adequately evaluate baseline recreation data and how increased access and publicity could affect projected visitor use, seasonal demand, trail capacity, and associated public safety, maintenance, enforcement, and accessibility following project implementation.*

Comments:

The IS/MND concludes that the wet-season use will hold steady even though the project would eliminate the conditions that suppress wet-season use, providing year-round access. Safer and more walkable trails will attract more total visitation, although the peak daily use may not exceed the current level due to limitations on existing parking spaces.

The IS/MND should reconcile its explanation of visitor demand. It attributes existing trail damage to the growing popularity of outdoor recreation, with the help of social media, and states that future visitation would be driven by regional population growth.

This project will be the only local waterfall trail designed with Inclusive Access, attracting visitors with limited mobility from counties, Bay Area-wide.

Concerns regarding the project affecting the neighborhood character by increasing the popularity and accessibility of the area. That this open space will be another formal park or hiking area.

The evaluation in the IS/MND does not include a baseline count, including summer numbers, as the Ignacio Valley is warmer than other areas in Novato during the summer months.

Recommendation for MCOSD to install a camera the year before certification, put counters out now for a full wet and dry season, and disclose the starting point. Commenter notes the proposed visitor use camera discussed in the IS/MND indicates the District does not currently have visitation data for the trail.

The IS/MND does not distinguish between visitors who visit the trail and falls during “peak” (winter) months and “off-peak” (non-winter) months (i.e., *when the falls are and are not at maximum flow)*.

The document's reliance on the average number of visitors does not reflect how busy the trail and falls actually get at any given time.

The project will bring additional people during the heavily used winter months, where there currently is no provisions for this use. The logistics of improved ADA access should to be considered and safety should to be addressed.

The project would increase existing conditions at the site, including garbage overflowing from trash cans as there is a lack of sanitary facilities to support the proposed project, as well as available cell phone reception, drinking fountains, a police station nearby, and security cameras.

Recommendation for MCOSD to consider animal-resistant trash receptacles at the trail entrance, with a defined collection schedule, to prevent solid waste disposal impacts in the neighborhood.

Concern regarding off-leash dogs and overnight encampments with increased publicity for this trail.

The project would bring public safety concerns, including after-hours use, an increase in off-trail explorations, noise, littering, vandalism, and illegal activities, such alcohol and drug use.

The IS/MND does not explain enforcement and maintenance of the project site and how increased visitor numbers will be managed or how existing rules regarding parking, hours of operation, alcohol, drug use, and littering will be enforced.

The IS/MND should indicate what motorized vehicles will be permitted and which will be prohibited on the trail. Examples include Terrain Hoppers, ATV-type vehicles, and golf carts.

Response:

Visitor Demand, Potential Increase in Visitation, and Neighborhood Character

As indicated in the Recreation section of the IS/MND, the purpose of the project is to implement the MCOSD's Road and Trail Management Plan (RTMP) and Inclusive Access Plan (IAP) to provide the public with a safe trail system to enhance the visitor experience, reduce the environmental impacts on sensitive resources by reducing sedimentation and erosion, and improve the trail network to meet design and management standards and to provide safe year-round access along the trail alignment.[71] As stated, given the physical constraints on parking and lack of amenities, the proposed project may result in a small increase in visitation after project implementation, as a result of improved wet-season conditions and accessibility due to seasonal redistribution of visitation to days that would currently be too dangerous for visitors to cross the creek or when muddy conditions would be a deterrent. However, as discussed in the IS/MND, the trails are already being used most frequently in the winter and spring for waterfall viewing. Wet-season visitation is an existing condition, not a new use that would be created by implementation of the proposed project. It should be noted that CEQA asks what physical environmental consequences would follow from a project – not whether a different or larger group of people may choose to visit the site and affect the 'neighborhood character'. CEQA Guidelines Section 15382 defines a significant environmental effect in terms of substantial adverse changes to physical conditions and states that a social or economic change alone is not a significant environmental effect. Neighborhood popularity is not a CEQA threshold.

The proposed project would not create a new park, extend the existing trail alignment, or add visitor-serving facilities, such as parking or restrooms, which are considered amenities that normally could expand recreational capacity. Implementation of the proposed project instead would improve the conditions of an existing public trail and restore existing damage to Arroyo de San Jose Creek within the Ignacio Valley Open Space Preserve, which has been in public use since 1975, and is already frequently used during the winter and spring waterfall viewing season. As stated in the IS/MND, the proposed project would restore ecological function along Arroyo de San Jose Creek and create a trail system that reduces visitor impacts on sensitive resources, meets design and management standards, and improves visitor safety, resulting in a net improvement on the sustainability and durability of the existing trail system.[72]

To further clarify that the proposed project would not substantially increase the use of the project area, the following correction would be made under Item (a) on page 158 of the IS/MND with additions shown in blue double-underline font and deletions shown in ~~red strike-out~~ font:

> Implementation of the proposed project would support existing uses at the Ignacio Valley Open Space

[71] IS/MND page 157

[72] IS/MND page 157

Preserve. The proposed project includes decommissioning and restoring eroding and streamside social trails, realigning existing trail segments away from unstable streambanks, and constructing two pedestrian bridges to eliminate potentially hazardous unimproved creek crossings. Implementation of the proposed project would restore ecological function along Arroyo de San Jose Creek and create a sustainable trail system that reduces visitor impacts on sensitive resources, meets design and management standards, and improves visitor safety, resulting in a net improvement on the sustainability and durability of the existing trail system, and would not impact other regional or local parks. Ignacio Valley Open Space Preserve is used for outdoor recreation, and implementation of the proposed project would improve wet-season conditions and accessibility at the project area. Although the proposed improvements may result in some increase or seasonal redistribution of visitation, it would not ~~change the existing use patterns.~~ introduce a new recreational use or substantially expand the recreational capacity of the project area.

Visitor-use Baseline, Peak Season Use, and Accessibility

The IS/MND provides sufficient information to characterize existing recreational use and support the environmental analysis pertaining to Recreation. As stated in the document, MCOSD completed a visitor use survey from January to March 2023, during winter use when Buck Gulch Falls is most popular. The visitor use surveys were conducted to establish a baseline of use on the trail. The data captured included the date, time of day, and the type of user (pedestrian, pedestrian with dog, equestrian and cyclist). The survey found that over 83 percent of users were pedestrians without dogs, and an additional 16 percent were pedestrians with dogs. No equestrian use was recorded, and less than 1 percent of visitors were on bicycles. The average weekday use was 33 visits, and the average weekend use was 99 visits.

MCOSD conducted a second visitor use survey during the summer 2025 between July and August. The 2025 survey data also found that over 83 percent of users were pedestrians, and an additional 16 percent were pedestrians with dogs. No equestrian use was recorded, and less than 1 percent of visitors were on bicycles. The average weekday use was 32 visits and the average weekend use was 76 visits.

The visitor use type stayed consistent between the winter and summer surveys, with the majority of use being pedestrians, followed by pedestrians with dogs. Weekday use also remained nearly constant, with 33 users per weekday during winter survey and 32 users per weekday during the summer survey. Weekend use saw an increase of 23 users per day in the winter, with 99 visitors per weekend day compared to 76 visitors per weekend day during the summer surveys.

MCOSD expects similar visitation patterns following project implementation because parking availability would not change with implementation of the proposed project. Visitors would continue to use available public street parking.[73] While the survey does not capture year-round visitation or identify absolute peak-day use, CEQA does not require exhaustive data collection where the existing information is adequate to understand environmental conditions and evaluate potential impacts. The baseline – quantitative data collected during the existing high-use waterfall viewing season – combined with information on seasonal use patterns, trail conditions, and limited on-street parking, provides a reasonable factual basis for analysis.

[73] IS/MND page 159

As previously stated, although the project may result in some increase or seasonal redistribution of visitation due to improved accessibility, it would not expand parking facilities or otherwise increase the site's physical capacity to accommodate visitors. As stated in the IS/MND page 165, published recreation-use studies consistently identify parking availability and parking capacity as primary determinants of visitor volume. Weitowitz et al.[74] found that visitor numbers increase with parking capacity and concluded that "one of the main determinants of both overall visitor numbers and their distribution within sites is therefore likely to be the availability of on-site parking." Larson et al.[75] similarly identified parking lots as a key predictor of visitation rates. Newton et.al.[76] found that parking availability was the most important transportation-related factor influencing visitor decisions and that managers can use parking capacity to regulate visitor access. Because the Buck Gulch Falls Trail would continue to rely on the existing limited on-street parking supply, the project would not alter the primary access constraint that regulates visitor volume. Therefore, substantial increases in overall visitation are not expected.[77]

To further clarify that the user group would not expand but rather the proposed project would improve accessibility for existing user groups, the following correction would be made under Item (a) on page 159 of the IS/MND with additions shown in blue double-underline font and deletions shown in ~~red strike-out~~ font:

> Although the proposed project would improve accessibility for visitors, ~~user group would expand~~ the number of visitors at any one time would still be limited by the available on-street parking. No new parking is proposed. The proposed project does not include designated or additional parking or other amenities, which would typically induce increased visitation.

The proposed visitor use camera would be installed on Buck Gulch Falls Trail at its intersection with Spyglass Trail just past the proposed location for Bridge 1 for a four-week period in years 1, 2, and 5 after project implementation to capture visitor use trends, as stated in the IS/MND on page 12. This, combined with regular trail inspections as part of the existing MCOSD trail maintenance program, would provide early detection of, and rapid response to, any trail issues, including trail widening due to visitors utilizing areas adjacent to formal system trails, impacts to vegetation adjacent to trails from visitor use, and visitors accessing decommissioned trails.[78] Thus, the proposed visitor use cameras are intended solely for operational monitoring and adaptive management, not to establish baseline conditions. The proposed project itself is designed to improve safety, accessibility, and reduce environmental impacts on sensitive resources while accommodating existing recreational use at the project area, and the IS/MND evaluates potential effects across the relevant resource areas. The comments do not provide substantial evidence that the absence of year-round visitor counts, or the potential for increased accessibility during the winter waterfall viewing season, would result in new significant physical environmental impacts.

Visitor-serving Facilities and Waste Management

As described in the IS/MND, the proposed project would improve an existing trail within an existing open space preserve, not the development of a new park or visitor center, nor the introduction of new recreational uses. It

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74 Weitowitz, et.al. 2019. Parking provision at nature conservation sites and its implications for visitor use. June.

75 Larson, et.al. 2018. Accessibility drives species exposure to recreation in a fragmented urban reserve network. March.

76 Newton et. al. 2021. If I can find a parking spot: A stated choice approach to Grand Teton National Park visitors' transportation preferences.

77 IS/MND page 159

78 IS/MND page 12

does not include the construction of restrooms, drinking fountains, utility infrastructure, or other similar visitor-serving facilities. These amenities are not necessary to achieve the project's objectives of restoring degraded habitat and improving the safety and sustainability of the existing trail system within the project area.

Though some changes in visitation, as previously discussed, are reasonably foreseeable, the proposed project would not create demand for new visitor-serving facilities or produce a significant solid-waste impact. Expressed concerns regarding existing litter and proposed maintenance of the project site, as well as routine refuse management, can be addressed through MCOSD's ongoing operations and have been noted. They do not constitute a significant environmental impact under CEQA. The recommendation for animal-resistant trash receptacles at the trail entrance, with a defined collection schedule, was acknowledged by MCOSD and may be considered as part of ongoing operations and visitor management at the Preserve.

Site Management, Enforcement, and Public Safety

Ignacio Valley Open Space Preserve is already subject to MCOSD's existing rules and regulations, which regulate visitor behavior, including requirements for dogs, trail-use restrictions, and prohibited activities such as littering, smoking, and fires.[79] These rules and regulations would remain in effect following project implementation, should the MCOSD's Board of Directors adopt the IS/MND and approve the proposed project, and Park rangers would continue to enforce them through warnings and citations. The project itself would not change these regulations nor authorize any of the behaviors described in the comments received.

As indicated in the IS/MND and discussed previously in this Master Response, a visitor-use camera would be installed on Buck Gulch Falls Trail after project implementation. This, combined with regular trail inspections as part of the existing MCOSD trail maintenance program, would provide early detection of and rapid response to any trail issues.[80] If monitoring indicates an issue, MCOSD would identify and implement remediation actions, such as additional signage about staying on the defined trail, not accessing decommissioned trails, and respecting neighbors.[81] Physical obstacles, including logs, brush, and additional vegetation, could be placed in project areas as a deterrent to going off-trail or accessing decommissioned trails. Increased ranger presence could also be utilized.[82]

The proposed *Buck Gulch Falls Creek Restoration and Trail Improvement Project* does not authorize or inherently encourage unlawful behavior, and there is no substantial evidence that improving an existing trail system within an existing open space preserve would cause such behavior to increase to a level producing a significant physical environmental effect or requiring new public-safety facilities. MCOSD currently maintains data on ranger-reported incidents, including citations and other infractions. This information is available on the County's *Open Marin County* website, under *Public Safety – Park and Preserve Incidents, Reported by Rangers*.[83]

Motorized Vehicle Use

The proposed project would not change MCOSD's regulations governing motorized vehicle use within the

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79 https://parks.marincounty.gov/parkspreserves/rules-and-regulations

80 IS/MND page 12

81 IS/MND page 12

82 IS/MND page 12

83 https://data.marincounty.gov/Public-Safety/Park-and-Preserve-Incidents-Reported-by-Rangers/63v5-xmvb/data_preview

Preserve. Recreational motorized vehicles are currently prohibited on MCOSD roads and trails. Accordingly, the proposed project would not authorize recreational use of ATVs, golf carts, or other similar motorized vehicles on the Buck Gulch Falls Trail system. Consistent with the Americans with Disabilities Act (ADA) and MCOSD's IAP, individuals with qualified disabilities may use battery-powered wheelchairs and certain Other Power-Driven Mobility Device (OPDMD), where permitted. Determinations regarding whether a specific device, such as a TerrainHopper or similar mobility device, is allowed are made in accordance with applicable ADA requirements and MCOSD policies, rather than based solely on the device's name or classification. For instance, restrictions may be based on the device's size, weight, speed, the trail's design characteristics, pedestrian traffic, and whether its operation would create substantial safety or environmental risks.

Marin County Parks acquired two TerrainHopper mobility devices to help adult visitors with disabilities enjoy outdoor recreation. As stated on their webpage, *Terrain Together*, Marin County Parks staff would accompany all TerrainHopper outings and provide education about using the device. See the County's webpage for additional MCOSD rules and regulations around their use at designated parks and preserves.[84] TerrainHopper's are also further discussed in Master Response 14: Wildfire.

As indicated in the IS/MND, the proposed trail improvements project would not only enhance trail access for public use, but it would also improve access for park rangers and emergency responders on foot or using small all-terrain vehicles (ATV).[85] ATVs would be utilized during construction as well as by Marin County Parks Rangers and emergency responders[86] for park maintenance and management and for emergency response, as necessary. ATVs would be prohibited for general recreational visitor use.

[84] https://parks.marincounty.gov/discoverlearn/terrainhopper

[85] IS/MND pages 11 and 164-165

[86] See MR-13 Transportation.

Master Response 13: Transportation – Traffic, Parking, VMT, and Emergency Evacuation

Master Response Summary: *The transportation analysis in the IS/MND did not adequately analyzing transportation-related impacts from the project, including increased visitation, traffic volumes, parking demand and overflow, ADA access, pedestrian/vehicle safety, construction traffic, and emergency access/evacuation.*

Comments:

The IS/MND does not provide an adequate description of existing traffic conditions or sufficient information to support its traffic assumptions and less-than-significant impact determination. The document should characterize baseline conditions in the immediate vicinity of the trailhead and compare those existing conditions with the conditions expected to occur after project implementation.

The IS/MND fails to include a complete description of the existing condition for parking, vehicle miles traveled (VMT), and safety. The document notes curbside parking for about 25 vehicles and also notes existing no-parking signs.

Request for the W-Trans full memo and methodology, including whether field counts were taken or screened out of quantitative analysis.

Request for peak-day on-street occupancy figures for Fairway and Saint Andrews measured during the wet season. The traffic study relies on a data sample taken during an off-peak month *(i.e., November and on at least one off-peak day, Friday)* and does not account for an uptick of vehicles in the winter and rainy season months.

The IS/MND and traffic study fails to quantify or calculate the potential number of additional trips vehicles will make with accessibility improvements. The document should quantify estimates of post-project parking demand, accounting for projected visitation, peak season use, curbside capacity, and any anticipated overflow to adjacent streets.

The document underestimates the traffic volumes that the project is expected to generate due to an increased number of visitors. Social media has increased interest, and the project would add accessibility features that will result in increased vehicular traffic and parking congestion on residential streets.

The document does not account for increased visitor use and lacks an analytical basis to conclude the permanent reliance on limited street parking will not conflict with surrounding traffic circulation and neighborhood parking capacity.

The IS/MND fails to evaluate how an increased number of “all-abilities” users will interact with vehicular traffic and it ignores the safety conflict between the trailhead terminus and the existing residential circulation.

Concerns that parking along the roadway increases foot traffic on a quiet street, and contributes to on-going safety and quality of life concerns that were not accounted for in the document.

Concern that the project would result in more cars driving too fast on Fairway Drive, increasing safety issues and making it a dangerous situation. The document does not sufficiently analyze how the project would substantially increase hazards through a geometric design feature or incompatible use. More street parking will narrow the roadway blocking sight lines at driveways and intersections on a roadway with no sidewalks.

Residents claim parked cars block their driveway, preventing homeowners from accessing or leaving their houses,

and that the parking situation is worse during the winter months.

Recommendation for MCOSD to consider adopting measures to ensure an increased number of visitors does not have a significant impact. Through coordination with the City of Novato, measures could include limitations on hours during which non-residents can park on the street and require permitted parking only after hours.

Recommendation for MCOSD to consider adopting management standards that would include not opening the gates beyond the entrance, as it would likely cause unmanageable circumstances.

What does MCOSD believe happens when parking demand exceeds on-street capacity, and where it goes?

The IS/MND does not explain how no dedicated parking will meet the project's stated goal of providing ADA access and does not include measures to address parking near the trailhead.

Recommendation that the project provide a safe drop-off and disabled parking location similar to what's provided at the City of Novato's Hamilton Community Pool.

The IS/MND does not document how visitors with mobility impairments are expected to safely travel between available parking and the trailhead, and whether IAP Conditions for Exception were applied.

The IS/MND lacks a Construction Traffic Control Plan and Parking Management Plan, and it does not quantify the number of peak truck trips or analyze the potential for pavement degradation on the residential network.

Note that work, staging, or hauling within the Fairway Drive right-of-way will require a City of Novato Encroachment Permit, and the City will use the permit to enforce the elements of the Construction Traffic Control Plan and Parking Management Plan.

Concerns regarding the use of heavy equipment and what it will look like during construction. What is the plan for safety before and after the project in terms of safety?

The IS/MND limits the emergency access review to internal trail widths, ignoring the Fairway Drive corridor. It fails to evaluate whether visitor parking spillover constricts the effective width of the road, potentially delaying emergency response and evacuation routes when the trail is operational.

The IS/MND does not provide a parking analysis that illustrates whether a fire apparatus can make it through the project vicinity, or if evacuation capacity is reduced.

Confirm whether the Novato Fire Protection District was formally consulted with the correspondence in the record.

Request that MCOSD coordinate with and obtain written concurrence from the Novato Fire Protection District on construction-period emergency access.

Request that a traffic and parking study be conducted.

Request that a parking management plan be developed.

Request an EIR be prepared to address traffic.

Responses:

Baseline Conditions and Traffic Analysis Adequacy

The IS/MND adequately describes existing transportation conditions in the project area, including roadway width variations along Fairway Drive, access from Ignacio Boulevard, and the approximately 25 curbside parking spaces within 1,000 feet of the trailhead – recognizing that the proposed project does not include the provision of parking facilities.[87] W-Trans prepared a *Transportation Checklist Memo* (2025)[88], reviewing the existing circulation system and vehicle trip generation data, and assessed existing traffic volumes along Fairway Drive east of Saint Andrews Drive on Friday, November 14, and Saturday, November 15, 2025, resulting in about 230 vehicles per day.[89] The November counts are one quantitative measure of existing roadway traffic, and the transportation conclusion does not depend solely on those counts. They are a snapshot of existing conditions, and while they do not distinguish between residential and project area-related trips, they are supplemented by the proposed project elements, which do not include new parking or improvements to public roadways.[90]

The absence of additional wet-season parking counts does not invalidate the analysis presented in the IS/MND. The document's conclusions are based not only on observed traffic volumes via W-Trans Traffic Memo, but also on the proposed project elements, which as stated previously, do not include new parking or improvements to public roadways. The W-Trans Traffic Memo concluded that implementation of the proposed project would not meaningfully change trip generation or vehicle access patterns. As stated in the IS/MND, overall increased use is expected to be minimal and largely result from the local communities, proportional with regional population growth[91], and limited by available parking.

Under CEQA Guidelines Section 15064.3, subdivision (b), describes the criteria for analyzing transportation impacts associated with the proposed project's projected increase in vehicle miles traveled (VMT). Under Guidance provided by the California Governor's Office of Planning and Research (OPR), several criteria are identified that may be used by jurisdictions to identify certain types of projects that are unlikely to have a VMT impact and can be "screened" from further VMT analysis.[92] One of these screening criteria pertains to small projects, which OPR identifies as projects generating fewer than 110 vehicle trips per day. The anticipated vehicle trip generation for a project is generally estimated using standard rates published the by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual.[93] This source provides a means of estimating the anticipated change in the number of trips associated with land uses of various types. There are no land uses that are applicable to an open space recreational area, and independent variables used to estimate additional trips are either via the acreage of the park or the number of trail miles. Under existing conditions, there is no dedicated

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87 IS/MND page 161

88 Available for review on the project's webpage at https://parks.marincounty.gov/projectsplans/buck-gulch-trail-improvements?tabnum=4.

89 IS/MND pages 161-162

90 IS/MND page 164

91 IS/MND page 163

92 Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory. California Governor's Office of Planning and Research. 2018.

93 Trip Generation Manual, 12th Edition. Institute of Transportation Engineers. 2025.

parking for Ignacio Valley Open Space Preserve, and the proposed project would not develop parking facilities.[94]

As the proposed project would not develop parking facilities, and neither the acreage of the Preserve nor the number of trail miles would change under the project, the proposed improvements to decommission and restore eroding and streamside social trails, realign existing trail segments away from unstable streambanks, construct two pedestrian bridges to eliminate hazardous unimproved creek crossings, and restore sections of eroding streambank and riparian area along Arroyo de San Jose Creek could reasonably be expected to result in a negligible change to the site's vehicle trip generation. As stated in the IS/MND, for these reasons, implementation of the proposed project is not expected to result in an increase to vehicle miles traveled, public transit[95], or non-motorized travel, and implementation of the proposed project would result in no impact associated with a conflict or inconsistency with CEQA Guidelines Section 15064.3, subdivision (b).[96]

Increased Visitation, Trip Generation, and Neighborhood Circulation

Under applicable CEQA criteria, the IS/MND evaluated the project's transportation effects based on existing roadway conditions and available on-street parking. As previously stated the Master Responses, the proposed project would improve an existing trail system within Ignacio Valley Open Space Preserve. It would not add parking, improve the public roadways, or increase trail mileage. The proposed project would not increase the capacity of the project area to accommodate automobile access. Existing access is via on-street parking on Fairway Drive and Saint Andrews Drive, and W-Trans traffic counts, as noted, reflect a mix of vehicles accessing local residences and visitors accessing the project area. The W-Trans traffic study did not differentiate between vehicle trips to residences or visitors to the project area.[97]

While the proposed project could change the amount of vehicles or timing of vehicle trips without necessarily increasing roadway capacity or total parking supply, parking availability is a physical constraint on automobile access. As stated in the IS/MND, parking availability is an important determinant of visitation, and the proposed project would continue to utilize existing on-street parking.[98] Visitors accessing the project area by vehicle would continue to utilize on-street parking on Fairway Drive and Saint Andrews Drive, which are local, public streets, or walk or bike to the project area from nearby neighborhoods following implementation of the proposed project.[99] Parking currently is and will continue to be the limiting factor guiding the number of visitors at any given time, with or without implementation of the proposed project. Additionally, it should be noted that CEQA does not require an analysis of parking adequacy or parking shortage, as they are not environmental impacts in and of themselves under CEQA.[100] Comments received regarding parking are speculative and not based on substantial evidence.

The proposed project may result in a small increase in visitation after project implementation, but the IS/MND

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94 IS/MND page 163

95 As stated in the IS/MND page 161, there is no direct public transportation to the Preserve. The closest bus stop is located at Ignacio Boulevard and Country Club Drive, approximately 1.7 miles east of the trailhead.

96 IS/MND page 163

97 IS/MND pages 161-162

98 IS/MND page 162

99 IS/MND page 162

100 *See Save Our Access – San Gabriel Mountains v. Watershed Conservation Authority,* 68 Cal. App. 5th 8 (2021)

provides a reasonable basis for concluding that the increase in vehicle trips would not be substantial, and the existing roadway and parking configuration would not be altered by the proposed project. The commenter has not provided substantial evidence to the contrary. As indicated in the IS/MND, visitation is, and would continue to be, limited by the availability of on-street parking, and no new parking or expansion of parking is proposed.[101]

The IS/MND also evaluated potential effects on neighborhood circulation, roadway safety, and pedestrian conditions. Fairway Drive and Saint Andrews Drive would remain unchanged, and no sidewalk improvements are proposed under the project. Existing conditions such as limited sidewalks[102], on-street parking, and pedestrian activity reflect the current residential roadway environments rather than changes post-project implementation. Since the proposed project would not modify roadway geometry or add parking, it would not alter circulation patterns or create a new transportation hazard.[103] No additional information is provided.

Parking Capacity, Overflow, and Parking Management

As described in the IS/MND, there is no dedicated parking for Ignacio Valley Open Space Preserve. Visitors rely on existing on-street parking along Fairway Drive and Saint Andrews Drive, where there are approximately 25 curbside parking spaces within roughly 1,000 feet of the trailhead. The proposed project does not include new parking facilities, additional on-street parking, or any modification to existing parking regulations within the immediate neighborhood or at any other location. MCOSD acknowledges that existing parking demand can result in localized conflicts with residential driveways, particularly during peak seasonal use. However, these conditions currently exist and are not created by the proposed trail improvements. Visitors are required to comply with all applicable parking restrictions and may not park in prohibited areas or block driveways. When these unlawful parking conditions occur, residents are encouraged to contact the City of Novato for parking enforcement, as the public streets are not within MCOSD's jurisdiction. When lawful parking near the trailhead is occupied, visitors would need to find alternative legal parking elsewhere, access the project area by other means, such as from the adjoining open spaces preserves, and other public lands[104] or visit at another time. Comments that recommended additional parking management measures, including permit parking, restricted hours, a formal parking management plan, and limiting access beyond the trail entrance gates. However, any changes to the City of Novato's parking regulations would require a separate City action and are not part of the proposed project. As previously stated, under CEQA, parking availability alone is not a significant environmental impact unless it results in a reasonably foreseeable physical environment effect. Therefore, parking management measures or a parking management plan are not required as CEQA mitigation, though they may be implemented by MCOSD if required by the City of Novato through the Encroachment Permit required prior to project implementation.

ADA Access, Disabled Parking, and Safe Drop-off

A purpose of the proposed project is to restore Arroyo de San Jose Creek and to implement the MCOSD Inclusive Access Plan (IAP) to the greatest extent feasible, given the existing topography and environmental constraints of the project area, with a project objective to provide safe and sustainable year-round all-abilities access along

101 IS/MND page 163

102 IS/MND page 162

103 IS/MND page 164

104 IS/MND page 161

Spyglass Trail and Buck Gulch Falls Trail, leading to Buck Gulch waterfall, consistent with the IAP.[105] As indicated in the IS/MND, the project proposes accessible trails, not a dedicated accessible parking and/or drop-off location to the waterfall, nor a new parking facility or modifications to the existing public roadway or on-street parking. Providing such facilities would require improvements outside the project's defined trail corridor, within the City of Novato's public right-of-way, and therefore are not elements of the proposed project. IAP Conditions for Exception apply where full compliance is not practicable due to terrain and environmental constraints, such as where steep slopes exist within the project area, along the Arroyo de San Jose Creek corridor. One of the project's purposes is to improve accessibility along the trail system to the greatest extent feasible within these constraints, not to provide a fully accessible route from vehicle parking to the Buck Gulch waterfall. The absence of dedicated accessible parking or a drop-off area is a concern related to facility design rather than a physical environmental impact of the proposed project under CEQA.

Construction Traffic, Staging, Hauling, and Permits

As described in the IS/MND, construction activities would include trail grading, installation of bridges and boardwalks, streambank stabilization work, vegetation management, and the transport of materials and equipment to and from the project site. Construction staging areas would be restricted to existing MCOSD roads and trails, or other areas that would avoid any significant impacts on sensitive natural resources. Construction staging area locations analyzed in the IS/MND would be shown on the construction plans, and construction activities would be limited to the areas identified on the plans. Figure 12: *Proposed Construction Access Area – Streambank Stabilization* depicts the proposed staging area, as well as another potential staging area, and two potential site access points, along Buck Gulch Falls Trail.[106] It is anticipated that up to five MCOSD staff members or their contractors would drive to and from the project site each day during construction to monitor activity and ensure that all RTMP BMPs and mitigation measures are implemented. Access to the project site for construction vehicles and equipment would be from Fairway Drive. As stated on page 11 of the IS/MND, traffic may be slowed, and isolated areas along Fairway Drive may be posted to prohibit street parking on days that construction equipment and the bridge sections would be delivered to the project area, and for equipment to exit the site. If this temporary condition is required, notification would be provided to the neighborhood in the vicinity of the project area regarding days that construction equipment and bridge materials would be accessing the project area and if on-street parking prohibitions would be required. Notification would be provided by email when possible and by USPS mail if email addresses are not available. Signage would be posted in advance, and information would be posted on the project webpage. MCOSD would also coordinate with the North Marin Water District prior to project implementation regarding their water distribution facilities within the project vicinity and with the City of Novato. Any additional requirements from the City of Novato in connection with the required encroachment permit would also be implemented.

To clarify notification of the surrounding neighborhood, the North Marin Water District, and the City of Novato the following clarifying language has been added to the Construction section of the IS/MND on page 11, shown in blue, double-underlined font:

> Traffic may be slowed and isolated areas along Fairway Drive may be posted to prohibit street parking on

[105] IS/MND pages 2-3

[106] IS/MND page 35

days that construction equipment and the bridge sections would be delivered to the project area, and for equipment to exit the project area. If this temporary condition is required, notification would be provided to the neighborhood in the vicinity of the project area regarding days that construction equipment and bridge materials would be accessing the project area and if on-street parking prohibitions would be required. Notification would be provided by email when possible and by USPS mail if email addresses are not available. Signage would be posted in advance, and information would be posted on the project webpage. MCOSD would also coordinate with the North Marin Water District prior to project implementation regarding their water distribution facilities within the project vicinity and with the City of Novato, including the Novato Fire Protection District and Police Department. Any additional requirements from the City of Novato in connection with the required encroachment permit would also be implemented.

During construction, trails within the project area would be closed for recreation for safety purposes. Emergency access would be maintained during construction. Please refer to Master Response 10: Land Use for clarification regarding construction-related notification.

As indicated in the IS/MND, equipment used would include an excavator, loader, compactor, cement truck, cement mixers, roller compactor, rubber track carrier, generators, dump truck, ATVs, jackhammers, power saws, and other hand tools, as applicable.[107] While heavy equipment and construction vehicles would be required, their use would be confined to approved access routes, staging areas, and work zones, and would be subject to standard construction safety practices. For the trail improvements, equipment would include three mini-excavators, four rubber track carriers, and one each SWECO, remote compactor, water tender, and loader. This equipment would be delivered and remain on-site until it is no longer needed; equipment would not be brought in and out for daily use. Construction crew members would arrive and leave the project area in two work trucks. Twice a week, the water tender would refill and the nearest hydrant. Once a week, the service/fuels truck would be serviced, and rock delivery would occur. The frequency of truck trips per week and the number of delivery weeks are dependent on both the staging area size and the speed of rock placement. In total, there would be approximately 38 transfer loads. Bridge 1 equipment would include two medium excavators, one concrete truck, and concrete pump for up to two days. Bridge 2 equipment would include two mini excavators and one portable concrete mixer. Up to two days would be required for delivery of bridge materials including steel and lumber. On a daily basis, the crew would arrive and leave the project area, consisting of two trucks. During construction, a total of 38 rock trucks, 4 concrete trucks and 12 transports are anticipated for trail implementation work, while 12 rock trucks, 25 soil off hauls/spoils placement trucks, and 2 compost trucks are anticipated for stream stabilization work. A commenter's concern regarding potential roadway wear was noted; however, temporary use of public roadways by construction vehicles does not, by itself, constitute a significant environmental impact under CEQA, and any damage to public infrastructure would be addressed through applicable permit conditions.

The IS/MND notes under *Permits and Approvals* on page 12 that a City of Novato Encroachment Permit would be obtained prior to construction. Not specifically describing why the encroachment permit is needed prior to project implementation is not a CEQA deficiency. MCOSD acknowledges that through this process, the City would review and require appropriate traffic control measures to ensure safe conditions during project implementation for workers, residents, and general roadway users, as well as require roadway repair if damage occurs due to

[107] IS/MND page 11

construction activities. MCOSD would implement conditions included in the City of Novato Encroachment Permit.

Emergency Access and Evacuation

As stated in the IS/MND, emergency access to the project area is via Fairway Drive.[108] The roadway is generally 40 feet wide, though it reduces to 32 feet west of Saint Andrews Drive near the trailhead.[109] In response to concerns that on-street parking could restrict emergency access, the Novato Fire Protection District conducted a field test on Fairway Drive on Tuesday, July 28, 2026. The test confirmed that emergency access is safe and that sufficient roadway width is available for Engine 65 and other vehicles to pass when full-sized vehicles are parked on both sides of the roadway. Test details, including action taken, results, and traffic flow are shown below. As previously discussed, no proposed project elements would result in reducing the roadway width available for emergency access.

The City of Novato Fire Protection District also provided additional information regarding emergency response within the Preserve. The Fire District has purchased two ATVs for rescue, each weighing approximately 3,000 lbs. The Fire Protection District noted that having the ability to drive them over a bridge would enhance response time and improve access for the protection of riparian wildfire and surrounding vegetation, such as during a wildfire or other emergency. Thus, the proposed improvements would not impede emergency access and could improve the Fire Protection District's ability to respond within the project area.



Photo 1 illustrates two large fire pick-up trucks parked on both sides of the street, with Engine 65 driving through without any problems.

[108] IS/MND page 164

[109] IS/MND page 161



Photo 2 illustrates extra space remaining for cars to drive past in the opposite direction.

As stated in the IS/MND on page #, emergency access to the project area and the wider Ignacio Valley Open Space Preserve would be maintained during construction and operation.[110] To further clarify emergency access routes in relation to construction staging areas under the proposed project, the following language has been added to the Construction section of the IS/MND on page 11, shown in blue, double-underlined font:

> Construction staging areas would be restricted to existing MCOSD roads and trails, or other areas that would avoid any significant impacts on sensitive natural resources. Construction staging areas locations analyzed in this Initial Study would be shown on the construction plans, and construction activities would be limited to the areas identified on the plans. Construction staging areas, equipment, and materials would be managed so as not to obstruct required emergency access routes. MCOSD would continue to coordinate with the City of Novato, including the Novato Fire Protection District and Police Department regarding construction-period access as the project's schedule is being finalized.

Requests for Further Review or Mitigation

MCOSD acknowledges the requests for the preparation of an additional traffic and parking study, a parking management plan, and an EIR to address transportation concerns. As described in the IS/MND and response to comments above, the transportation section evaluates existing traffic and parking conditions, project-related vehicle trips, neighborhood circulation, construction traffic/hazards, and emergency access. The project would not add parking or improve the public roadways, and available on-street parking would continue to limit visitation. In addition, the July 28, 2026, field test conducted by the Novato Fire Protection District confirmed that Fairway Drive provides sufficient width for Engine 65 and other vehicles to pass under existing conditions. No additional analyses nor completion of an EIR is warranted.

As discussed previously, existing on-street parking regulations on public streets would remain in effect and the proposed project would not add parking or modify the existing public roadway or parking configuration. The

[110] IS/MND page 165

comments received on the IS/MND regarding parking do not provide substantial evidence demonstrating that project-related parking would result in a significant physical environmental effect, requiring mitigation under CEQA.

Lastly, under CEQA, the preparation of an EIR is required when substantial evidence in the record supports a fair argument that a project may have a significant environmental effect. The IS/MND, W-Trans Transportation Checklist Memo, and additional information provided in response to comments support the IS/MND's conclusion that the proposed project would not result in a significant impact to transportation. The comments received do not provide substantial evidence supporting a fair argument to the contrary. Therefore, the IS/MND has concluded that the preparation of additional studies and plans, transportation mitigation measures, or an EIR is not warranted.

Master Response 14: Wildfire

Master Response Summary: *The IS/MND is lacking in evidence-based wildfire analysis, clear emergency access and evacuation discussion for the existing wildfire-prone wildland urban interface (WUI) environment, and project-specific prevention and mitigation measures to support the conclusion regarding the project's potential impact as it pertains to wildfire hazards.*

Comments:

Concern that the area at the end of Fairway Drive and the trail to the falls is all very flammable brush and will create a huge fire danger.

The IS/MND does not adequately document existing wildfire conditions within the project area. The Ignacio Valley Open Space Preserve is located within a wildfire-prone WUI environment characterized by steep terrain, dense vegetation, seasonal drought conditions, and direct adjacency to residential neighborhoods. The IS/MND should establish an existing wildfire hazard baseline within the Preserve to provide sufficient information to evaluate whether the proposed improvements could increase wildfire risk within this vulnerable setting.

Recommendation that a wildfire analysis be prepared.

Concern that multiple years of heavy excavating equipment, tens of thousands of materials from dump trucks, both removing and adding rock and other supplies to the project site, will compromise the safety of the neighborhood in the event of a wildfire or some other natural disaster that nobody can anticipate.

The IS/MND does not adequately evaluate construction-related wildfire risks associated with grading, equipment use, and vegetation disturbance. Although the document references compliance with applicable construction practices, it does not identify project-specific fire prevention measures or provide sufficient detail regarding construction fire prevention protocols. Given the project’s location within a wildlife-prone WUI environment, the IS/MND should provide an analytical basis for its conclusion that temporary construction activities would not create a significant wildfire hazard.

Concern that creating a park at the end of Fairway Drive that will draw potential fire hazards, smokers and partiers, and adding battery-operated vehicles to a forested area close to a residential neighborhood is unconscionable. The county is exposing itself to real legal and financial risk. A serious fire danger in a residential area could lead to home insurers canceling homeowner coverage, which would be a significant blow to property values and to many families' retirement savings, whether through the loss in home value or the added cost of having to self-insure.

The IS/MND does not adequately evaluate the potential for increased visitor use resulting from improved trail conditions, year-round access, and enhanced recreational opportunities to increase human-caused wildfire risk. The document relies on the same visitation assumption that may not account for increased use, including during periods of elevated wildfire danger and reduced vegetation moisture. The IS/MND should provide an evidence-based visitation forecast and evaluate human activity as a potential ignition source, including the circumstances that could increase wildfire risk.

The IS/MND does not provide an analytical basis for concluding that increased recreational access would not substantially increase wildfire risk or identify appropriate mitigation measures to address the risk. The document should evaluate whether additional mitigation measures or operational controls are necessary to reduce the

potential for increased visitor use to result in a wildfire igniting.

The IS/MND does not account for MCOSD's proposed use of Terrain Hopper mobility devices on the trail once the project is complete, which features a highly combustible lithium-ion battery – a new source of wildfire generation.

Concerns regarding emergency access and wildfire evacuation, given that the project is accessible only from a local roadway that passes through an existing residential area and is subject to an existing easement with Marin Country Club Estates, LLC. Increased public use could place additional demands on these limited access routes during a wildfire or other emergency. The Final IS/MND should describe emergency access and wildfire evacuation routes that will be maintained when the trail is operational.

Confirm formal consultation with Novato Fire.

The IS/MND references applicable wildfire prevention practices but does not provide sufficient analysis regarding the project's consistency with wildfire prevention policies and fuel management planning efforts. The IS/MND should also explain how project design and operations would support firefighter access, avoid conflicts with vegetation management objectives, remain compatible with future fuel reduction activities, and incorporate wildfire resilience principles.

The IS/MND does not provide sufficient discussion of how increased public access, permanent trail improvements, and ongoing regional development patterns interact with existing wildfire vulnerability. The document lacks the basis for concluding that cumulative wildfire impacts within the broader Novato WUI environment would be less than significant.

Correct Figure HH-1: Fire Safe Evacuation Route. The Marin Country Club is incorrectly labeled as "Hamilton School" in the graphic on page 52.

Response:

Existing Wildfire Conditions and Adequacy of Analysis

The IS/MND presents existing conditions of the project area as they relate to wildfire hazard. As described in the Wildfire Section of the IS/MND, the proposed project area is mapped as a High Fire Hazard Zone,[111] and the neighborhood adjacent to the project area is designated as a wildland urban interface (WUI)[112] area, which has a greater risk of wildland fires due to its proximity to wildland vegetation and local conditions.[113] The IS/MND further identifies the area's fire history, noting that much of the Preserve has not burned since the Ignacio fire in 1923, and that the natural fire return interval for the project area and surrounding region is roughly 34-56 years.[114] Additionally, the trailhead and a portion of the existing trail are located within the Greater Novato Shaded Fuel Break Project (GNSFB)[115] area, where invasive fire hazardous vegetation and decades of dead vegetation

[111] CA State Geoportal Fire Hazard Severity Zone Viewer. https://gis.data.cnra.ca.gov/apps/CALFIRE-Forestry::fire-hazard-severity-zone-viewer/explore.

[112] Urban Wildland Interface & Evacuation Routes. March 2026. https://marincounty.maps.arcgis.com/apps/webappviewer/index.html?id=688f506cfb144067826bb35a062b0f0a.

[113] IS/MND page 176

[114] IS/MND page 176

[115] IS/MND page 176

accumulation are being actively managed to reduce wildfire risk adjacent to WUI development.[116] These conditions establish the existing wildfire hazard baseline of the proposed project.

CEQA Guidelines requires the environmental setting to be described sufficiently to evaluate the project's potential environmental effects. It does not require a thorough list of every existing environmental condition where the information provided is adequate to evaluate whether the proposed project would cause or exacerbate a significant environmental impact. Consistent with CEQA Guidelines, the IS/MND evaluates whether the proposed project, considering factors such as slope, prevailing winds, and other factors, would exacerbate wildfire risk or expose people to the uncontrolled spread of wildfire. The analysis of potential increase wildfire risk used the existing site conditions and the evaluation of wildfire risk, recent fuels management treatments completed in and near the proposed project area, the current fire risk including the presence of visitors to the existing Buck Gulch Falls Trail, the MCOSD's vegetation and trails management program, and MCOSD's policies and practices across parks and preserves.

Although existing wildfire hazards within and surrounding Ignacio Valley Open Space Preserve are recognized, the purpose of CEQA is to evaluate whether the proposed project would cause a new significant environmental effect or substantially worsen an existing environmental condition. The IS/MND provides sufficient information regarding the existing wildfire setting and evaluates the proposed project's potential to exacerbate wildfire hazards. The analysis concludes that this impact would be less than significant. The proposed project consists of improvements to an existing public trail system, currently utilized for outdoor recreation, including stream crossings, and associated streambank stabilization/habitat restoration efforts. The proposed project would not introduce residential or other habitable development, expand development into wildland areas, or introduce new permanent ignition sources. The comments received do not identify substantial evidence demonstrating that implementation of the proposed project would result in a significant wildfire impact that would change the analysis presented in the IS/MND and require mitigation to reduce an impact to less than significant levels. The preparation of additional wildfire analysis is not necessary in order to support the conclusions made in the IS/MND.

Construction-Related Wildfire Risk

The project area is mapped as a High Fire Hazard Zone and the adjacent residential neighborhood is located within the WUI; therefore, wildfire is an existing hazard in the project area, and this is acknowledged and accounted for in the IS/MND wildfire impact analysis. Construction activities would be temporary and occur within and immediately adjacent to the existing trail and along Arroyo de San Jose Creek corridor and designated access and staging areas, shown on the project's construction plans. Although construction would require the use of heavy equipment and delivery of materials, the proposed project does not involve continuous construction throughout the entire project area for multiple years and would not require tens of thousands of dump trucks as stated in the comments. The estimated number of truck trips are included in the IS/MND on page 82. As noted in the IS/MND, construction would occur in phases, and equipment and material deliveries would be limited to what is necessary to complete each phase of the project.

Construction activities would be conducted in accordance with applicable federal, state, and local fire-prevention

[116] Marin Wildfire Prevention Authority. 2026. Greater Novato Shaded Fuel Break Project. https://www.marinwildfire.org/project/greater-novato-fuel-break-plan.

requirements and MCOSD RTMP Policies and BMPs as discussed in the IS/MND on page 178. These requirements would minimize the potential for equipment or construction activities to ignite surrounding vegetation and would include appropriate controls on equipment use and maintenance, vegetation disturbance, smoking and other potential ignition sources, and the availability of fire suppression equipment on-site during construction. In addition, construction would be subject to applicable restrictions due to elevated or extreme fire danger such as red flag days. MCOSD's applicable RTMP Policies and BMPs require construction activities to remain within designated work areas and minimize unnecessary vegetation and soil disturbance. While the use of construction and maintenance equipment could generate spark and could temporarily increase fire risk,[117] implementation of applicable fire-prevention requirements as discussed above would minimize the potential for construction activities to start a wildfire. The temporary nature and scope of the proposed phased construction would not substantially exacerbate the existing wildfire hazard identified in the IS/MND.

Construction-related truck and equipment/materials trips would be temporary and would not prevent emergency access to the project area or evacuation from the surrounding neighborhood. Construction access would occur from Fairway Drive, and construction activities would be managed so that access for emergency response vehicles is maintained. As discussed in the Master Response 13: Transportation – Traffic, Parking, VMT, and Emergency Evacuation, and below, the Novato Fire District conducted an access test on Fairway Drive and determined that sufficient roadway width is available for a fire engine and other vehicles to pass. Construction activities would not modify Fairway Drive or the surrounding roadway network, and emergency response would take priority over construction activities in the event of a wildfire or other emergency. The IS/MND provides an adequate basis for concluding that construction of the proposed project would not substantially exacerbate wildfire risk or expose people or structures to a significant wildfire hazard. The IS/MND also concludes that emergency evacuation would not be impaired during construction should an emergency occur and the test conducted by the Novato Fire District confirmed evacuation and safely occur simultaneously with emergency vehicle response access as discuss on page 178 in the IS/MND and as discussed above.

Operational Wildfire Risk and Increased Visitation

The proposed project would not create a new park or establish a new recreational destination at the end of Fairway Drive. The Preserve, including the project area, is an existing public recreational facility, and the trails within the project area currently provide year-round public access to Buck Gulch waterfall. As previously discussed, the proposed project would improve existing trail conditions, accessibility, stream crossings, and habitat conditions but would not provide new parking or expand vehicle access to the project area. Per the IS/MND page 161 and discussed under Master Response 13: Transportation – Traffic, Parking, VMT, and Emergency Evacuation, approximately 25 on-street parking spaces are available along Fairway Drive and Saint Andrews Drive within 1,000 feet of the trailhead, and available parking would continue to limit visitation. Overall, an increase in visitation at the project area would be minor and associated with regional population growth and ultimately on-street parking availability would limit increased use as also discussed in the IS/MND pages 158 through 159.

Ignacio Valley Open Space Preserve, including the project area, is already subject to MCOSD's existing rules and regulations, which regulate visitor behavior, including requirements around smoking, and fires.[118] Smoking is

[117] IS/MND page 178

[118] https://parks.marincounty.gov/parkspreserves/rules-and-regulations

prohibited on MCOSD lands, as are open or outdoor fires, including barbecues, camp stoves, gas lanterns, candles, and similar ignition sources. The RTMP Policy SW.26 that control or restricts access when red-flag fire conditions are present requiring appropriate actions be taken to minimize the risk of wildfire ignition when red-flag conditions exist. These actions may include prohibiting vehicle access, closing trails to visitor use, or closing entire areas to all human activities until red-flag conditions expire. The public will be informed of the reasons why such actions are being taken, and areas will be patrolled to ensure compliance. These rules and regulations would remain in effect following project implementation, and Park rangers would continue to enforce them through warnings and citations for violations. Although human activity can present a potential source of wildfire ignition in wildland areas, the possibility of a visitor violating existing MCOSD regulations does not, by itself, demonstrate that the proposed project would cause or substantially exacerbate wildfire risk. Visitors already access the project area currently and visitation would continue following implementation of the proposed project.

The IS/MND evaluates wildfire risk based on what is proposed under the project and the existing environmental setting in and around the proposed project area. The proposed project would not introduce residential or habitable development, utilities, new parking facilities, or other intensive development within the WUI, nor introduce permanent activities involving open flames or combustion. The proposed project would not interfere with existing vegetation and fuel-management activities MCOSD currently conducts. MCOSD actively conducts vegetation management on its open space preserves to reduce fire fuel hazards, maintain emergency access, and provide safe recreational opportunities for visitors. No substantial evidence was provided that visitor use, the streambank restoration, and improved trails proposed for the project would exacerbate existing wildfire hazards or require MCOSD to manage the trail through the project area and the greater Preserve differently than currently occurs.

As discussed under Master Response 12: Recreation, in accordance with applicable ADA and MCOSD's IAP, individuals with qualified disabilities may use battery-powered wheelchairs and certain Other Power-Driven Mobility Devices (OPDMD), where permitted. MCOSD acquired two TerrainHopper mobility devices to help adult visitors with disabilities enjoy outdoor recreation. TerrainHopper use is not equivalent to unrestricted operation of motorized recreational vehicles within the project area, as the use is limited to roads, trails, and paths designated by MCOSD. They also have a maximum speed of approximately 4 mph. MCOSD staff accompany all TerrainHopper outings, providing education about using the device, and maintaining a fire extinguisher in the TerrainHopper and on MCOSD vehicles. Comments regarding *'highly combustible lithium-ion battery'* used by a TerrainHopper, and how it is a *'new source of wildfire generation'* do not provide substantial evidence. The presence of a battery-powered mobility device does not, without substantial evidence regarding the probability or consequences of battery failure under the device's conditions of use, establish that the proposed project would create a significant impact. As discussed, any TerrainHopper use would be intermittent, staff-supervised, and subject to MCOSD rules and regulations. Use of a TerrainHopper would not be permissible during red-flag conditions. See the MCOSD webpage for additional rules and regulations around their use at designated parks and preserves.[119] As proposed, the project would create an accessible trail but does not itself authorize or commit MCOSD to TerrainHopper use at this time. Regardless, potential future use of TerrainHopper mobility devices does not alter the conclusion in the IS/MND that implementation of the project would not substantially exacerbate wildfire risk.

[119] https://parks.marincounty.gov/discoverlearn/terrainhopper

Comments regarding potential effects on homeowners' insurance premiums, insurability, property values, or personal financial assets do not identify a physical environmental effect of the proposed project that requires CEQA analysis. Under CEQA Guidelines Section 15131, economic or social effects themselves are not treated as significant environmental effects, unless they result in reasonably foreseeable physical changes to the environment. The IS/MND does not identify a significant physical wildfire impact resulting from operation of the proposed project.

Emergency Access, Evacuation, and Fire Agency Coordination

As described in the IS/MND, emergency access to the project area is provided from the trailhead at the end of Fairway Drive, with additional access for the entire Preserve via existing fire roads and trail connections on surrounding MCOSD lands accessible from Fairway Drive and the Ignacio Valley/Loma Verde Preserve trail network.[120] The IS/MND also identifies the Novato Fire District as the primary fire protection provider for the project area, with Marin County Fire Department serving the upper portions of the Preserve located outside of the project area. As noted on page 178 of the IS/MND, the project area is located within an adopted emergency response plan area and has an emergency evacuation plan through Fire Safe Marin. Under the proposed project, there would be no modifications to Fairway Drive, or alterations to existing roadway networks or designated emergency access or evacuation routes. The proposed project does not include new parking or other improvements that would substantially increase vehicle access to the trailhead. As stated in the IS/MND, implementation of the proposed project would not impair an adopted emergency response or evacuation plans or substantially interfere with emergency access.[121] Implementation of the proposed project would improve access for rangers and emergency responders on foot or using small all-terrain vehicles[122] and is supported in comments provided by the Novato Fire Protection District.

As stated in Master Response 13: Transportation, the Novato Fire Protection District conducted a field test on Fairway Drive on Tuesday, July 28, 2026. The test confirmed that emergency access is safe and that sufficient roadway width is available for Engine 65 and other vehicles to pass even when full-sized vehicles are parked on both sides of Fairway Drive. Test details, including action taken, results, and traffic flow, are shown below. The Novato Fire Protection District also provided additional information regarding emergency response within the Preserve. The Novato Fire Protection District has purchased two ATVs for rescue, each weighing approximately 3,000 pounds, and noted that having the ability to drive them over a bridge would enhance response time and improve access for the protection of riparian wildfire and surrounding vegetation, such as during a wildfire or other emergency. The proposed bridges would have a 10,000-pound capacity. Thus, the proposed improvements would not impede emergency access and could improve Novato Fire Protection District's ability to respond within the Preserve.

The results of this coordination between MCOSD and the Novato Fire Protection District further support the IS/MND's conclusion that the proposed project would not substantially impair emergency access or evacuation.

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120 IS/MND page 17 and 155

121 IS/MND pages 132, 156, 164, and 178

122 IS/MND page 178



Photo 1 illustrates two large fire pick-up trucks parked on both sides of the street, with Engine 65 driving through without any problems.



Photo 2 illustrates extra space remaining for cars to drive past in the opposite direction.

It should be noted that an existing easement across privately owned property does not change this conclusion. As described in the IS/MND on page 4, public access from Fairway Drive occurs along trails located within existing public trail easements, and the proposed project would improve existing public trails rather than establish a new access point through the residential neighborhood. The proposed project would not modify the existing roadway network, or prevent residents, visitors, or emergency responders from using existing access routes during an emergency. Based on the emergency access evaluated in the IS/MND and follow-up coordination with the Novato Fire Protection District, no new significant impact related to emergency access or wildfire evacuation has been identified, nor is mitigation required.

Wildfire Prevention, Fuel Management, and Cumulative Risk

As previously discussed, the project area is mapped as a High Fire Hazard Zone, and the adjacent residential neighborhood is located within the WUI. The trailhead and a portion of the existing trail are located within the Fuel Break Zone of the Greater Novato Shaded Fuel Break (GNSFB) Project[123], a fuel reduction and forest health zone adjacent to the wildland-urban interface structures managed by the Marin Wildland Prevention Authority.[124] The GNSFB is an ongoing program intended to reduce hazardous vegetation and improve wildfire resilience adjacent to WUI development. It includes a fuel reduction and forest health zone extending approximately 200 to 300 feet from the edge of structures adjacent to the WUI. Vegetation management activities under the program have occurred at and near the end of Fairway Drive at the Buck Gulch Falls trailhead, and implementation of the proposed project would not affect vegetation management work in the future.

The proposed project would not conflict with implementation or maintenance of the GNSFB or other vegetation and fuel management activities within the Preserve including the project area, because work under the program can continue following proposed project implementation. The proposed project consists of improvements to an existing trail system, currently utilized for outdoor recreation, including stream crossings, and associated streambank stabilization and habitat restoration efforts. The introduction of residential or habitable development, utilities, or other impermanent ignition sources within the WUI are not proposed, nor are a new roadway, parking facilities, or other infrastructure that would constrain future vegetation management. Revegetation efforts under the proposed project would utilize native vegetation and restore areas of the site currently disturbed due to informal trail alignments, trampled and compacted grounds at the waterfall viewing area, and ongoing erosion activities along the streambanks. Existing and future fuel reduction activities could continue independently of the proposed trail improvements under the project. Additionally, as discussed above, coordination between MCOSD and the Novato Fire Protection District confirmed that emergency vehicles can access the project area via Fairway Drive, and through implementation of the proposed project, emergency responders' access beyond the existing stream crossing would be improved. The proposed project would not conflict with wildfire prevention or fuel management objectives nor impede firefighter access or future wildfire resilience activities.

The IS/MND did not identify a potentially significant impact on wildfire risk. CEQA requires consideration of whether a project's incremental contribution to a significant cumulative environmental effect would be cumulatively considerable. Therefore, there is no potentially significant impact with which to conduct a cumulative impact analysis. In addition, CEQA requires the evaluation of cumulative impacts in an EIR and the analysis is not required in an IS/MND. The IS/MND recognized the existing wildfire vulnerability of the broader Novato WUI, including hazardous vegetation, topography, historic fire conditions, and proximity of development to wildlands, which represents an existing regional condition. Regional wildfire risk is being addressed through ongoing programs, including the GNSFB, among other vegetation management and evacuation projects. The GNSFB itself is a multi-year fuel reduction program encompassing approximately 2,120 acres and approximately 60 miles around the Novato WUI, specifically intended to reduce wildfire hazards and improve conditions for wildfire suppression to surrounding communities.[125] The proposed project would not increase development intensity

[123] IS/MND page 176

[124] Marin Wildfire Prevention Authority. 2026. Greater Novato Shaded Fuel Break Project. https://www.marinwildfire.org/project/greater-novato-fuel-break-plan.

[125] https://cdnverify.bof.fire.ca.gov/media/edaag4me/gnsfb_psa_and_attachments_revised.pdf

within the WUI, introduce new residences or structures requiring fire protection, create new permanent ignition sources, or interfere with existing or planned fuel reduction activities. As previously discussed, the project would improve accessibility and safety along the existing trail system, and visitation would continue to be limited by existing access and parking conditions; therefore, any increase in visitation would be minor. When considered together with existing and reasonably foreseeable development and wildfire management activities in the surrounding area, the project's incremental contribution to wildfire risk would not be cumulatively considerable.

Figure HH-1 Correction

Figure HH-1: Fire Safe Evacuation Route, provided in the IS/MND, originated from the City of Novato's website. The labeling correction will need to be made by the City of Novato. This correction is editorial in nature and does not change the analysis or conclusions of the IS/MND regarding emergency access, evacuation, or wildfire impacts.

ATTACHMENT 1

Comments Received on the Draft IS/MND

Table MR-A1-1: Master Response Key

Commentor	MR-1	MR-2	MR-3	MR-4	MR-5	MR-6	MR-7	MR-8	MR-9	MR-10	MR-11	MR-12	MR-13	MR-14	Late
Adriana Pena	X														
Alicia Ncho-Oguie	X														
Amanda Buhrer	X														
Annie Aguilar	X														
Ariela Guerrero	X														
Barbara Brown	X														
Bill Long	X											X	X		
Briana Cervantes	X														
Cole Von Buchau	X														
David France	X														
Donald Johnson	X														
Grace Chow	X														
Honora Russel	X			X											
Jeanne Thacher	X														
Joanne Greene	X														
Judith Smith	X														
Lowell Hall	X														
Lyle McKeany	X														
Michael McIntyre	X		X			X		X							
Patti Breitman	X		X												
Paul de Silva	X														
Rachel Howard-Hines	X														
Sarah Thacher	X														
Saskia Kramer	X														
Seang Saephan	X														
Sybil Boutilier	X		X												
Ted Jackson	X														
Teresa Chavez	X														
Tish Brown	X														
Todd Berringer	X		X												
Zetana Demmerle	X														
Marin Conservation League, Rae Perez/Rebecca Schwartz Lesberg	X					X			X	X					
California Department of Fish and Wildlife, Erin Chappell		X				X									

Commentor	MR-1	MR-2	MR-3	MR-4	MR-5	MR-6	MR-7	MR-8	MR-9	MR-10	MR-11	MR-12	MR-13	MR-14	Late
City of Novato, Christopher Benigni		X													
City of Novato, Rachel Farac/Amy Cunningham		X													
Marin Audubon Society, Barbara Salzman			X	X		X									
Marin Country Club Neighborhood Association, Mark Scardina		X			X	X	X	X	X	X	X		X	X	
North Marin Water District, Eric Miller				X											
North Marin Water District, Tony Williams				X											
Remy Moose Manley LLP, Christina L. Berglund										X			X	X	
Anne Rettenberg		X	X	X		X									
Barbara Smilie		X				X									
Bonnie Lewkowicz															
Brad Paterson		X	X	X		X				X	X	X	X	X	
Candice Promes												X	X		
Carl Walsh				X											
Clinton Kellner				X		X									
Dianna Bartram		X	X	X				X					X	X	
Gabrielle Campbell		X													
Gael Perrin		X													
Gary Jones		X											X		
Holly Stewart		X				X									
Jenn Caldwell				X								X	X		
Judy Pelto													X		
Remy Moose Manley LLP, Christina L. Berglund/Kathryn Martinez		X		X			X					X	X	X	
Kevin Hogan		X	X	X		X				X			X	X	

Commentor	MR-1	MR-2	MR-3	MR-4	MR-5	MR-6	MR-7	MR-8	MR-9	MR-10	MR-11	MR-12	MR-13	MR-14	Late
Leonard Shaw		X		X								X		X	
Lisa Sebastian		X		X									X		
Lloyd Stacey Morrissey			X									X	X		
Pamela Howe			X									X	X		
Patricia Eklund		X		X								X	X		
Paul Gallagher												X	X	X	
Richard Barfus			X										X		
Richard W. Roman															
Robert Bunnel			X										X	X	
Ron Roth		X													
Susan V. Siefkas			X	X								X	X		
Victor Aguilar		X						X	X	X		X	X	X	
Anne Rettenberg															X
City of Novato, Kevin Jacobs/ Christopher Benigni															X
Emily Larsen															X
Lina Godfrey															X
Remy Moose Manley LLP, Rys Ramirez															X

Note: Bracketed comments may not be readable by assistance software. Contact Marin County Parks and Open Space District to request assistance.

Comments in Support of the Proposed Project

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Joanne Greene
Date: Friday, June 26, 2026 10:00:24 AM

CEQA Comments Buck Gulch Falls

Name	Joanne Greene
Email	[redacted]
Zipcode	[redacted]
Comments	As a regular user of the Buck Gulch Trail, I support these efforts to make improvements whole heartedly!

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Michael McIntyre
Date: Friday, June 26, 2026 7:05:39 AM

CEQA Comments Buck Gulch Falls

Name	Michael McIntyre
Email	[redacted]
Zipcode	[redacted]
Comments	To Whom It May Concern:

I am fully in support of this project. My only concern would have been paving as part of the trail improvements but it appears that compact fill has been selected instead. I have lived on Fairway Drive for nearly 24 years and my family has enjoyed the waterfall access during that time, particularly when my children were younger. Based on personal photographs of the area I can attest that the ongoing use of the trail and waterfall area has had significant negative impact to the vegetation and hillsides in those highly trafficked sections. In addition we noticed fewer newts during their annual spawning over the years when we would go to look for them with our children.

MR-1

MR-6, MR-8

I attended the May 2025 neighborhood meeting at Marin Country Club. What I observed there was a refusal to acknowledge the damage already done to the creek and waterfall resulting from unmanaged trail access. Many of the attendees further refused to recognize that worries they had about increased traffic resulting from higher post improvement trail use were already a reality. In the conspiracy tainted reality we're in today some of my neighbors appear to have created their own conspiracy narrative with respect to these improvements. While the overall process for stakeholder review may appear transparent to the people working them that is not the case for most citizens and this appears to have contributed to the very negative sentiment I witnessed at that meeting.

MR-1, MR-3

Regardless of that sentiment the fact is that the

trail and waterfall have been negatively impacted over time by the current access path and lack of consideration for erosion and vegetation management. To better preserve the natural elements of this open space I fully support this project.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Sybil Boutilier
Date: Sunday, June 28, 2026 10:04:58 AM

CEQA Comments Buck Gulch Falls

Name	Sybil Boutilier
Email	[redacted]
Zipcode	[redacted]
Comments	We at Age Friendly Sausalito are so excited to see the final plans for restoring this delightful trail and making it accessible . I personally visited the area with younger members of my family and described its beauty to the senior groups that Age Friendly Sausalito escorts into nature throughout Marin, but the muddy trails and specifically the creek crossings have made it unavailable to them to experience in person —- not only are the step-stones not navigable for many folks with balance or mobility issues, but the plank crossing too doesn't accommodate a walker or even a cane for folks who otherwise could manage the trail but cannot reach the reward at the end of the walk —-the jewel of a waterfall is out of reach for them to enjoy. We are all grateful to Marin Parks and Open Space for maintaining their focus on this valuable project and we wholeheartedly support its successful completion in the very near future.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Todd Berringer
Date: Monday, June 29, 2026 2:51:35 PM

CEQA Comments Buck Gulch Falls

Name	Todd Berringer
Email	[redacted]
Zipcode	[redacted]
Comments	Good evening. I would like to express my strong support for this project at Ignacio Valley Open Space Preserve. These trails are an incredible community resource that leads to the beautiful open space and remarkable waterfall. I've enjoyed hiking the trails with my family for many years but the creek crossings can be a little treacherous. I hope that investing in habitat restoration today will reduce future maintenance costs, improve water quality, and preserve this special place for both people and wildlife. Thank you for looking to improve these trails for everyone. - Todd

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Patti Breitman
Date: Tuesday, June 30, 2026 4:20:07 PM

CEQA Comments Buck Gulch Falls

Name	Patti Breitman
Email	[redacted]
Zipcode	[redacted]
Comments	As a long time, Marin County resident and someone with multiple sclerosis, I strongly support making this trail, safe for and accessible to people who use Mobility devices.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Adriana Pena
Date: Tuesday, July 14, 2026 11:56:28 PM

CEQA Comments Buck Gulch Falls

Name	Adriana Pena
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors No matter their capabilities. Having an inclusive trail will not only be a way to protect the nature around the trails , but it will allow families with kids/ people with disabilities on wheelchairs, (or mobility help) to be part of the community. It will allow access to something many able bodies take granted for.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Annie Aguilar
Date: Tuesday, July 14, 2026 10:02:53 PM

CEQA Comments Buck Gulch Falls

Name	Annie Aguilar
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Bonnie Lewkowicz
Date: Wednesday, July 15, 2026 7:58:41 AM

CEQA Comments Buck Gulch Falls

Name	Bonnie Lewkowicz
Email	[redacted]
Zipcode	[redacted]
Comments	I urge Marin County Parks to make sure that the Buck Gulch Falls are accessible to all users. It's absurd that even 36 years after the passage of the ADA that this is even a topic for debate. The word Public lmeans everyone.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Barbara Brown
Date: Wednesday, July 15, 2026 2:53:45 PM

CEQA Comments Buck Gulch Falls

Name	Barbara Brown
Email	[redacted]
Zipcode	[redacted]
Comments	As the Executive Director of LITA (Love Is The Answer), a nonprofit organization that supports older adults in Marin County, I strongly support public trails that provide inclusive access for all visitors. Access to nature should not be limited to those who are able to hike on rugged terrain. Older adults, people who use wheelchairs or other mobility devices, individuals recovering from injuries, and families with young children all benefit from trails that are designed to be safe and accessible. Spending time outdoors has well-documented physical, emotional, and social benefits. Expanding access to beautiful natural spaces like Buck Gulch Falls helps ensure that more members of our community can experience those benefits, regardless of age or physical ability. Through my work at LITA, I see how much older adults benefit from opportunities to spend time outdoors and connect with nature. I encourage Marin County Parks to move forward with this project and continue its commitment to making our public lands welcoming and accessible to everyone.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Zetana Demmerle
Date: Wednesday, July 15, 2026 9:24:32 AM

CEQA Comments Buck Gulch Falls

Name	Zetana Demmerle
Email	[redacted]
Zipcode	[redacted]
Comments	I support trails with public and inclusive access in order to support all visitors. Additionally, College of Marin has several clubs that function based on volunteer hours. Firstly, the Environmental Action Club (eaccom.marin@gmail.com) partners with local organizations to host at least one volunteer event a month. Secondly, the Honor Society at College of Marin (agscollegeofmarin@gmail.com) requires members to get 8 volunteer hours per semester. Both clubs would be honored to partner with Marin Parks to help restore Buck Gulch Falls Creek Trail in the coming academic year, as it is critical that everyone can experience and enjoy nature. Best!

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Paul da Silva
Date: Thursday, July 16, 2026 7:13:53 PM

CEQA Comments Buck Gulch Falls

Name	Paul da Silva
Email	[redacted]
Zipcode	[redacted]
Comments	I offer my sincere thanks to all who have participated in the planning process for this new project. It will both enhance the opportunities for a nature experience for visitors and protect our environment. I look forward to visiting the completed project! All the best, Paul

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Ted Jackson
Date: Thursday, July 16, 2026 6:20:15 PM

CEQA Comments Buck Gulch Falls

Name	Ted Jackson
Email	[redacted]
Zipcode	[redacted]
Comments	As the CEO for the Marin Center for Independent Living, a community-based disability rights and services organization that promotes individuals of all ages with all types of disabilities to achieve their maximum level of sustainable independence, I strongly support public trails that provide inclusive access for all visitors. Access to nature should not be limited to those who are able to hike on rugged terrain. Older adults, people who use wheelchairs or other mobility devices, individuals recovering from injuries, and families with young children all benefit from trails that are designed to be safe and accessible. Spending time outdoors has well-documented physical, emotional, and social benefits. Expanding access to beautiful natural spaces like Buck Gulch Falls helps ensure that more members of our community can experience those benefits, regardless of age or physical ability. Through my work at MarinCil, I see how much benefit all people experience from opportunities to spend time outdoors and connect with nature. I encourage Marin County Parks to move forward with this project and continue its commitment to making our public lands welcoming and accessible to everyone. Sincerely, Ted Jackson CEO Marin Center for Independent Living

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Amanda Buhrer
Date: Monday, July 20, 2026 1:30:52 PM

CEQA Comments Buck Gulch Falls

Name	Amanda Buhrer
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors. Amanda Buhrer

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Ariela Guerrero
Date: Monday, July 20, 2026 8:25:35 PM

CEQA Comments Buck Gulch Falls

Name	Ariela Guerrero
Email	[redacted]
Zipcode	[redacted]
Comments	My family and I love being in the great outdoors with our disabled son, Leon. That being said, it can be hard to find trailheads that are accessible enough for all of us to participate in, as he is a permanent wheelchair-user and he is too big to carry. More often than not when we go out together- beaches don't have boardwalks, trailheads aren't wide enough/graded/safe enough to navigate with mobility devices, and playgrounds aren't accessible. Nature belongs to everyone- and anyone can become disabled at any time. Should something that you can't change keep you from enjoying natural spaces like everybody else? You can do better Marin!
Attachment (Optional)	IMG_6215.jpeg

MR-1

You can edit this submission and view all your submissions easily.



From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Briana Cervantes
Date: Monday, July 20, 2026 1:43:32 PM

CEQA Comments Buck Gulch Falls

Name	Briana Cervantes
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors. MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Seang Saephan
Date: Monday, July 20, 2026 3:01:30 PM

CEQA Comments Buck Gulch Falls

Name	Seang Saephan
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Lowell Hall
Date: Monday, July 20, 2026 7:52:50 PM

CEQA Comments Buck Gulch Falls

Name	Lowell Hall
Email	[redacted]
Zipcode	[redacted]
Comments	As a person who grew up in Marin and still works there, I fully support making trails wheelchair accessible. My 5 year old goes to Boost school in Marin, he and his classmates would benefit tremendously from having an accessible trail to enjoy. My boy is non verbal, but I can say without a doubt that he loves being in nature, it would be wonderful to be able to take him on a hike.
Attachment (Optional)	IMG_6452.jpeg

MR-1

You can edit this submission and view all your submissions easily.



From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Lyle McKeany
Date: Monday, July 20, 2026 7:26:23 PM

CEQA Comments Buck Gulch Falls

Name	Lyle McKeany
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Saskia Kramer
Date: Monday, July 20, 2026 1:12:04 PM

CEQA Comments Buck Gulch Falls

Name	Saskia Kramer
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Seang Saephan
Date: Monday, July 20, 2026 3:01:30 PM

CEQA Comments Buck Gulch Falls

Name	Seang Saephan
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Honora Russell, MS, OTL at Boost School
Date: Tuesday, July 21, 2026 6:01:39 PM

CEQA Comments Buck Gulch Falls

Name	Honora Russell, MS, OTL at Boost School
Email	[redacted]
Zipcode	[redacted]
Comments	An accessible trail has so many benefits, and can look vastly different in different settings. A trail that is accessible to a wheelchair user is also accessible to a parent, grandparent, or caregiver who is pushing a child in a stroller. A parent or grandparent who uses a wheelchair can more easily be active with their children/grandchildren and teach them about nature when trails nearby are accessible. When allowed, an accessible trail is a place for toddlers to scoot on balance bikes, and people who use handcycles and adapted trikes to ride closer to home. An accessible trail is one that will allow us all to age with dignity, continuing to access the healing benefits of nature as our mobility and senses change. A person who has balance challenges or who walks with a cane or walker can be safer and more independent on an accessible trail. Hand rails enable us all to access steps more safely. Most folks know at least one stubborn person who insists on traversing a beloved trail even if their decreased mobility or judgement is likely to lead to falls and injury. Creating beloved accessible trails is an investment in our future that will prevent pain, injury and potentially death caused by falls or other mishaps due to inaccessible conditions. Fewer injuries on trails will decrease money spent on airlifts or other backcountry rescue methods. Please make more accessible trails for us all. No one wants environmental degradation due to trail construction or design. No one wants overcrowded trail systems. Along with implementation of any access feature there need to be rules and a long term plan to ensure that the character of the trail remains (or can be restored within 5 years), and that the trail is

MR-1

accessible to everyone in perpetuity.
If you have not heard of them, check out Beneficial Designs. They have been doing work related to trail and outdoor access for over 40 years.
https://www.beneficialdesigns.com/about-bd/

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Judith Smith
Date: Tuesday, July 21, 2026 11:19:51 AM

CEQA Comments Buck Gulch Falls

Name	Judith Smith
Email	[redacted]
Zipcode	[redacted]
Comments	I am writing to support this project. I'm in Oakland resident who hikes regularly in Marin County. I use a wheelchair and would love to see this project completed because I value accessibility for those of us who have disabilities and use mobility equipment. I am also really impressed with this project because I can see that the project goals to Restore Arroyo de San Jose Creek and associated ephemeral streams will improve in-stream, riparian, and upland habitats along Arroyo de San Jose Creek . This will enhance habitat protection and ecological conditions for listed species, especially aquatic ones. Thank you for your consideration of this project. Judith Smith

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Sarah Thacher
Date: Tuesday, July 21, 2026 8:33:44 PM

CEQA Comments Buck Gulch Falls

Name	Sarah Thacher
Email	[redacted]
Zipcode	[redacted]
Comments	To whom it may concern:

I am writing in support of the Buck Gulch Falls Creek Restoration and Trail Improvement Project, as a Marin resident who grew up in the Ignacio/Loma Verde neighborhood. I spent a lot of time exploring the Ignacio Valley and Loma Verde preserves when I was younger and feel a deep sense of place in these natural spaces, and so I am excited to see the proposed creek restoration, enhanced habitat protection, and sustainable trail improvements in this project. I have hiked the existing Buck Gulch trail system in all seasons over the past 15+ years and have seen increased habitat and trail degradation in recent years, with more side trails developed around muddy and rocky sections, dangerous improvised bridges at the stream crossing, trampling of native plants, and lower quality stream conditions. The proposed project addresses these concerns with well-concerned restoration and sustainable trail design.
I am also highly supportive of the proposed trail improvements aligned with the Marin County Parks Inclusive Access Plan. The needed restoration improvements provide a perfect opportunity to incorporate Inclusive Access Plan standards where feasible. My family still lives in this neighborhood, including aging parents and a sibling living with disability, and the proposed design elements such as resting intervals and passing spaces, seating, and accommodating slopes would allow them to better access Marin's incredible natural preserves. There are hundreds of miles of trails in the County but a lack of diversity in safe, accessible routes. The

MR-1

MR-1

majority of trails in the area and Marin in general are steep, hilly, loose, or otherwise challenging for those with limited mobility, so I feel it is critical that efforts are made to meet the Inclusive Access Plan when possible, especially with existing trails with gentle gradients.
Fittingly, this comment period ends during Disability Pride month, only days before the anniversary of the passage of ADA. The Buck Gulch Falls proposed project shows thoughtful strides towards a more inclusive, accessible Marin for all, while considering topographical constraints and minimizing environmental impacts. I firmly believe that inclusive, equitable design is good design for all, and I appreciate Marin County Parks and Open Space's leadership in this work.

Thank you for the opportunity to provide comments on the Buck Gulch Falls Creek Restoration and Trail Improvement Project. Please feel free to contact me with any questions.

Sincerely,
Sarah Thacher
[redacted]

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Teresa Chavez
Date: Tuesday, July 21, 2026 1:22:27 PM

CEQA Comments Buck Gulch Falls

Name	Teresa Chavez
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provides inclusive access for visitors.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Bill Long
Date: Wednesday, July 22, 2026 4:11:07 PM

CEQA Comments Buck Gulch Falls

Name	Bill Long
Email	[redacted]
Zipcode	[redacted]
Comments	The proposed project will definitely remedy substantial concerns over public safety and creekside erosion on this popular trail. The draft report is comprehensive and does not identify any significant negative impacts although it proposes no measures to reduce the neighborhood discontent with the the current parking activity near the trailhead.

MR-1

MR-13

The report assumes that total visitation will not increase after the project is complete. In my opinion, a safer and more walkable trail will attract more total visitation although the peak daily use may not exceed the current level due limitation on existing parking spaces.

MR-12

If the project is intended to facilitate access by handicaped individuals, provision ought to be provided for safe dropoff and disabled parking similar to the arrangement at the City of Novato's Hamilton Community Pool.

MR-13

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - David France
Date: Wednesday, July 22, 2026 4:02:58 PM

CEQA Comments Buck Gulch Falls

Name	David France
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Rachel Howard-Hines
Date: Wednesday, July 22, 2026 3:43:14 PM

CEQA Comments Buck Gulch Falls

Name	Rachel Howard-Hines
Email	[redacted]
Zipcode	[redacted]
Comments	I support safe, inclusive trails that everyone can enjoy, regardless of mobility. Making Buck Gulch Falls accessible is a worthwhile undertaking and will mean that more members of our community and the public can experience the beauty of this special place. I hope this project moves forward.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Alicia Ncho-Oguie
Date: Thursday, July 23, 2026 11:47:59 PM

CEQA Comments Buck Gulch Falls

Name	Alicia Ncho-Oguie
Email	[redacted]
Zipcode	[redacted]
Comments	I'm the parent of three young hikers, one of whom has a disability and I support public trails that provide inclusive access for all visitors.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Cole Von Buchau
Date: Thursday, July 23, 2026 6:38:45 AM
Attachments: lagoon.png

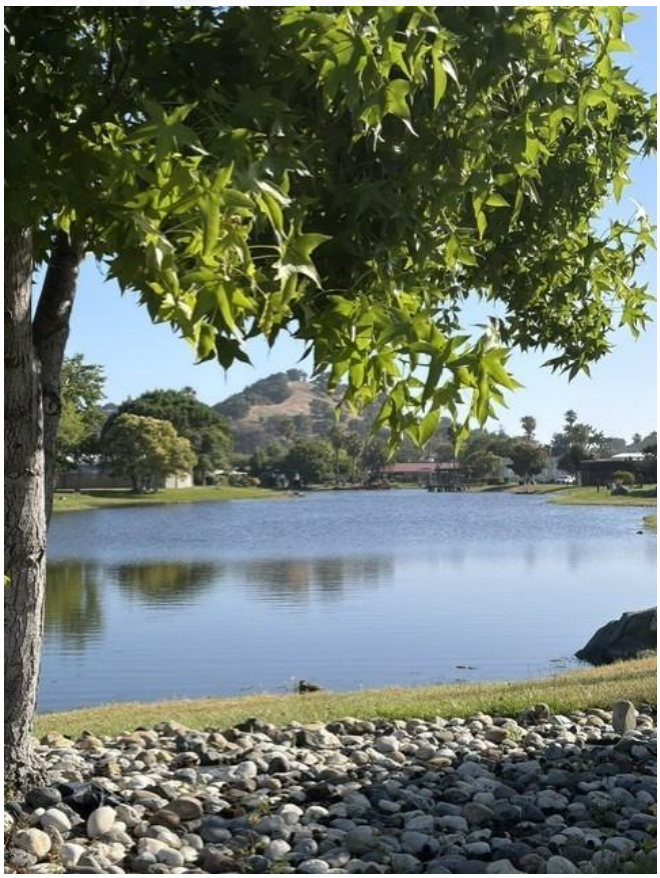
CEQA Comments Buck Gulch Falls

Name	Cole Von Buchau
Email	[redacted]
Zipcode	[redacted]
Comments	Marin FOLKS, All our outdoor trails are open to everyone. I hike with my day program and with my family in San Rafael and in NOVATO. Please do not shut us out! Outdoor recreating and tree bathing are proven to make people happy and connected to nature and to other people. COLE VON BUCHAU San RAFAEL
Attachment (Optional)	nativity.jpg lagoon.png

MR-1

You can edit this submission and view all your submissions easily.





From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Grace Chow
Date: Thursday, July 23, 2026 10:33:22 AM

CEQA Comments Buck Gulch Falls

Name	Grace Chow
Email	[redacted]
Zipcode	[redacted]
Comments	I support public trails that provide inclusive access for all visitors. Improving access and safety for people with disabilities improves access and safety for everyone.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Tish Brown
Date: Thursday, July 23, 2026 6:16:59 PM

CEQA Comments Buck Gulch Falls

Name	Tish Brown
Email	[redacted]
Zipcode	[redacted]
Comments	Each element of the proposed project, Buck Gulch Creek…, sounds very valuable. Thank you for the undertaking.

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Donald Johnson
Date: Friday, July 24, 2026 10:14:34 AM

CEQA Comments Buck Gulch Falls

Name	Donald Johnson
Email	[redacted]
Zipcode	[redacted]
Comments	I strongly support this project I last visited in November and I agree this is much needed! I just learned of Neighborhood opposition about overcrowding it seems to me social media has already made the falls popular and has made the improvements absolutely necessary I would not give extra time for the comment period so you can get on with this work ASAP Thank you Donald Johnson [redacted]

MR-1

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Jeanne Thacher
Date: Friday, July 24, 2026 8:26:09 AM

CEQA Comments Buck Gulch Falls

Name	Jeanne Thacher
Email	[redacted]
Zipcode	[redacted]
Comments	We live in the Loma Verde neighborhood and strongly support the Buck Gulch Falls Creek Restoration and Trail Improvement Project. It will result in increased inclusivity for all abilities, including use for people in wheelchairs, seniors, families with strollers, and children with mobility devices. It will protect the environment by creating well-maintained trails and stable paths to stop visitors from trampling fragile plants or creating erosion-causing shortcut paths. Finally, it will improve our community's mental and physical health by encouraging regular exercise with a safe route that will give local residents an easy way to reduce stress and connect with nature.

MR-1

You can edit this submission and view all your submissions easily.

Agencies and Organizations

Docusign Envelope ID: 31EF77A2-4E69-8EB1-801F-16AEDAF0E7CA

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
wildlife.ca.gov

July 20, 2026

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Jason.Hoorn@marincounty.gov

Subject: Buck Gulch Falls Creek Restoration and Trail Improvement Project, Mitigated Negative Declaration, SCH No. 2026061011, Marin County

Dear Jason Hoorn:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the Marin County Open Space District (District) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

CDFW is submitting comments on the MND to inform the District, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the Project, and recommended mitigation measures, as further described below and in **Attachment 1.** CDFW appreciates the District's efforts to improve stream habitat as part of the Project. MR-2

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a permit pursuant to the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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PROJECT DESCRIPTION SUMMARY

Proponent: Marin County Open Space District

Objective: The Project involves improvements to the existing trails and restoring stream habitat by decommissioning, restoring, converting, and improving trail segments throughout the Project area. The Project purpose is to implement the District's Road and Trail Management Plan to provide the public with safe multi-use trail systems, reduce environmental impacts, and provide safe year-round systems of trails and roads. The Project would install two clear span bridges, install one puncheon trail and one boardwalk, improve conditions along nearly 2,240 feet of existing trail, realign 850 feet of trail segments away from eroding streambanks, change use of the Buck Gulch Falls Trail from hiker/equestrian only to hiker only use, install four fill slope walls to retain the trail alignment near the waterfall viewing area, install new fencing and signage at the waterfall viewing area, decommission and restore 850 feet of trails, and restore 19,500 square feet of eroding streambanks and riparian areas along Arroyo de San Jose Creek. The Project would improve hydrologic function along trails and reduce erosion issues into streams.

Location: The Project is located in an unincorporated area of Novato, Marin County, State of California, with an approximate centroid of 38.062162° Latitude, -122.587209° Longitude.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed or candidate species under CESA, either during construction or over the life of the Project.[2] **The Project has the potential to impact Northern spotted owl (*Strix occidentalis caurina*, NSO), a CESA listed as threatened species, as further described below.** Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP. MR-2

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead

[2] "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish & G. Code, § 86).

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Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA. MR-2

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The Project would impact Arroyo de San Jose and unamend tributaries, thank you for stating in the MND that the Project will obtain an LSA Agreement from CDFW prior to Project construction (MND pages 18 and 107).** CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act. MR-6

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in **Attachment 1**, CDFW concludes that a MND is appropriate for the Project.

I. Mitigation Measure and Environmental Setting Related Impact Shortcomings

Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

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COMMENT 1: Northern Spotten Owl, MND pages 24, 72, 73, 90, 96, 10, 103, and 209

MR-6

Issue, specific impacts, why they may occur and be potentially significant: The MND does not adequately evaluate and mitigate potential impacts to NSO. The Project is within the yearlong range of the species, the MND identifies that there is suitable habitat for nesting NSO adjacent to the Project area and within 0.25-mile (MND pg. 90), and there is one California Natural Diversity Database (CNDDB)/CDFW Spotted Owl Observations Database (https://wildlife.ca.gov/Data/CNDDB/Spotted-Owl-Info) documented occurrences of NSO within 200 feet of the Project area. The MND describes that Point Blue conducted a survey for NSO in 2023 and 2024 and documented an activity center 0.12-mile south of the Project area and the survey states "Noise created during construction from the use of construction equipment could impact northern spotted owls within the habitat near the proposed project site near the trailhead at Fairway Drive" (MND pg. 90, 101). The MND includes Mitigation Measure BIO-2 and Table BIO-2 requiring nesting bird surveys to be conducted within seven days of the start of Project activities and implementing a buffer of 0.25-mile for NSO if a nest is detected, however the measure does not require protocol level NSO surveys which were developed to promote consistent and scientifically rigorous procedures to survey for NSO. Protocol level surveys include but are not limited to six visits covering all spotted owl habitat within 0.25 mile from the Project area, complete visits spaced at least seven calendar days apart, at least three of the complete visits conducted before June 30, therefore the survey methodology in MM BIO-2 may not detect nesting NSO and does not adequately mitigate potential impacts to the species.

If NSO nesting within 0.25-mile of the Project go undetected due to inadequate surveys, NSO could be impacted by Project activities resulting in nest abandonment and loss of eggs, or reduced health and vigor and loss of young. NSO is CESA listed as a threatened species and is also listed under the federal Endangered Species Act (ESA), and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active NSO nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: CDFW recommends that the MND include the mitigation measure below to reduce potential impacts to NSO to less-than-significant and comply with CESA and Fish and Game Code section 3500 et seq.

Mitigation Measure BIO-1 *(Northern Spotted Owl Habitat Assessment and Surveys):* A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO

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nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS' *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012, unless otherwise approved in writing by CDFW. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal ESA.

MR-6

Please be advised that an LSA Agreement for the Project, if issued, will likely include the above recommended mitigation measure as applicable and additional measures to protect fish and wildlife resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

MR-6

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

MR-2

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CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jordan Beaton, Environmental Scientist, at Jordan.Beaton@wildlife.ca.gov or (707) 980-5172; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2026061011)

Docusign Envelope ID: 31EF77A2-4E69-8EB1-801F-16AEDAF0E7CA

ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

MR-6

Biological Resources (BIO)			
Mitigation Measure (MM)	**Description**	**Timing**	**Responsible Party**
BIO-1	<u>*Northern Spotted Owl Habitat Assessment and Surveys*</u>: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS' *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012, unless otherwise approved in writing by CDFW. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year.	Prior to Ground Disturbance and for the Duration of Project Construction	Project Applicant

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	Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal ESA.			MR-6

From: Chris Benigni
Sent: Tuesday, July 21, 2026 11:04 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Buck Gulch Falls Creek Restoration & Trail Improvement Draft IS/MND - Request for a 90-Day Extension of the Public Comment Period

Please see the attached letter from the City of Novato requesting a 90-day extension of the public comment period for your Buck Gulch Falls Creek project. MR-2

Please feel free to reach out with any questions or concerns.

Sincerely,
Chris

Christopher Benigni, ALM
Public Works Director | City of Novato

922 Machin Avenue | Novato, CA 94945
(415) 899-8953 | [redacted]

CITY OF NOVATO
CALIFORNIA

CITY OF NOVATO
CALIFORNIA

July 20, 2026

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Via email: Jason.Hoorn@MarinCounty.gov

Re: Request for a 90-Day Extension of the Public Comment Period — Draft Initial Study/Mitigated Negative Declaration, Buck Gulch Falls Creek Restoration and Trail Improvement Project

Dear Mr. Hoorn:

The City of Novato is currently reviewing the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project, which was circulated for public review from June 23, 2026, through July 24, 2026. The City is an affected jurisdiction and responsible agency under CEQA, with jurisdiction over Fairway Drive, the sole construction access route, as well as portions of the project area.

We are hereby requesting a time extension to complete our review and comments on the proposed project.

MR-2

At its regularly scheduled meeting on July 14, 2026, the City of Novato Council discussed this project as a Proposed Agenda Item. During this meeting, the Council heard substantial public testimony from residents of the Fairway Drive neighborhood. In response to these concerns and to ensure a thorough, collaborative public process, the Council voted unanimously to submit this formal request for a 90-day extension of the public comment period.

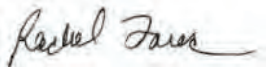
The City Council is scheduled to consider our substantive and technical comments on the Draft IS/MND at a regularly scheduled meeting on either July 28, 2026, or August 25, 2026. The current comment period closes on July 24, 2026; this schedule does not allow the City to submit comments that reflect vital input of affected residents.

CEQA guidelines contemplate robust consultation and coordination between the lead agency and responsible public entities. While the standard review period for a mitigated negative declaration is 30 days, this is a statutory minimum; the District may extend the comment period. As the agency with jurisdiction over Fairway Drive, the City should hear from the affected neighbors before completing its review. A reasonable extension would allow the City to hear from the Fairway Drive residents and provide a thorough response to the District.

Accordingly, the City of Novato respectfully requests a 90-day extension of the public comment period, to on or about October 22, 2026. This extension will allow the City to deliver unified comments.

We appreciate the District's consideration of this request and its continued partnership. City staff stands ready to coordinate with you to establish a mutually workable review schedule. Please feel free to contact City staff directly if you have any questions. MR-2

Sincerely,



Rachel Farac
Mayor, City of Novato

cc:
Amy Cunningham, City Manager
Gary Bell, City Attorney
Chris Benigni, Public Works Director

COUNTY OF MARIN

MARIN COUNTY PARKS
Preservation • Recreation

MARIN COUNTY PARKS
PRESERVATION·RECREATION

Chris Chamberlain
DIRECTOR AND
GENERAL MANAGER

1600 Los Gamos Drive
Suite 275
San Rafael, CA 94903
415 473 6387 T
parks.marincounty.gov

July 22, 2026

Amy Cunningham
City Manager
City of Novato
922 Machin Avenue
Novato, CA 94945

Re: Request for Extension of the Public Comment Period – Buck Gulch Falls Creek Restoration and Trail Improvement Project

Dear Ms. Cunningham:

Thank you for the City of Novato's July 20, 2026, letter requesting an extension of the public review period for the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project. We appreciate the City's thoughtful review of the project and our longstanding partnership in advancing projects that benefit the Novato community.

The Marin County Open Space District gave the City's request careful consideration, including the reasons outlined in your letter, the applicable requirements of the California Environmental Quality Act (CEQA), the complexity of the project, and the multiple interests involved in administering a fair and consistent public review process. Based on this review and legal analysis, the District has determined that it will not extend the public comment period beyond the established closing date of July 24, 2026.

While CEQA establishes a minimum review period for a Mitigated Negative Declaration, the District carefully evaluated whether an extension was warranted under the circumstances. We concluded that the established review period provides a meaningful opportunity for agencies and the public to review and comment on the environmental analysis while maintaining a consistent and predictable environmental review process for all District projects. The public review period established for the Buck Gulch Falls Project is consistent with the review periods provided for other Marin County Open Space District projects. The District believes that consistency in administering the CEQA process is important to ensuring fairness, procedural integrity, and predictability for agencies, stakeholders, and the public.

The District recognizes that interest in the project has increased following publication of the Draft IS/MND. At the same time, the environmental review process represents one component of a much broader planning effort that has included years of technical

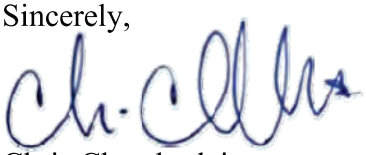
study, agency coordination, and community engagement. Since project development began, the District has provided numerous opportunities for public participation, including community meetings, stakeholder discussions, field visits, agency coordination meetings, and ongoing opportunities for public input that have informed project development and refinement. The Draft IS/MND reflects this extensive planning and outreach, and the District believes that the established review period, together with this broader engagement process, provides a meaningful opportunity for agencies and the public to comment on the environmental analysis. Please visit the project page on our website that describes this project here: https://parks.marincounty.gov/projectsplans/buck-gulch-trail-improvements

The District also values its collaboration with the City of Novato throughout project development. Since 2023, District staff have met with City of Novato Public Works staff multiple times to discuss project design, construction access, traffic management, and on-street parking considerations. We appreciate the City's partnership throughout the planning process and its continued engagement as the project moves through environmental review.

The District recognizes the City's role as a responsible agency under CEQA and welcomes the City's substantive comments on the Draft IS/MND. Any comments submitted by the close of the public review period will be carefully reviewed and considered, and responses to substantive environmental comments will be prepared in accordance with CEQA before the project is considered by the Marin County Open Space District Board of Directors.

Thank you again for your letter and for the City's continued collaboration. We look forward to continuing to work with you and your staff as this important restoration and trail improvement project advances.

Sincerely,



Chris Chamberlain
General Manager
Marin County Open Space District

cc: Derek Johnson, County Executive
Jason Hoorn, Project Manager

From: MCL <mcl@marinconservationleague.org>
Sent: Thursday, July 23, 2026 5:23 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: MCL <mcl@marinconservationleague.org>; Rebecca Schwartz Lesberg [redacted]; Caroline Christman [redacted]; Carolyn Shoulders [redacted]; [redacted]
Subject: MCL: Buck Gulch Falls Creek Restoration and Trail Improvement Project Comment Letter

You don't often get email from mcl@marinconservationleague.org. Learn why this is important

Good evening, Jason—

Attached you will find a comment letter regarding the Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study and Mitigated Negative Declaration on behalf of Marin Conservation League.

We appreciate your time and consideration.

Kind regards,

Rae Peres (she/ they)

Operations Manager

Marin Conservation League

175 N. Redwood Dr. Suite 135
San Rafael, CA 94903
415-485-6257

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

July 23, 2026

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive Suite 275,
San Rafael, CA 94903
Jason.Hoorn@marincounty.gov
Email: Jason.Hoorn@marincounty.gov

Subject: Comments on Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study and Mitigated Negative Declaration

Dear Mr. Hoorn,

Marin Conservation League (MCL) appreciates the opportunity to comment on the Draft Initial Study (IS) and Proposed Mitigated Negative Declaration (MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project (Project). Marin County Open Space District (MCOSD) staff have actively engaged the community, including MCL, in developing this project, and have provided multiple presentations and site visits to garner input. We appreciate the opportunities for public participation and MCOSD efforts to incorporate feedback into project designs.

MR-1

We think the proposed project as described in the IS/MND is a good example of balancing habitat enhancement and trail improvements to protect natural resources. The current alignment of Buck Gulch Falls Trail directs visitors to cross through the creek channel at two locations, and the undefined nature of the trail has led to streambank trampling, loss of vegetation, and ongoing erosion. The proposed project creates a trail system which allows visitors to experience the riparian corridor while reducing direct impacts to the stream. The project moves the trail away from the stream channel allowing for native revegetation and protection of the riparian corridor, which is essential habitat for many wildlife species. The proposed project also includes a streambank stabilization component along a deeply eroded creek section which features large rock for toe protection and willow, big-leaf maple, and coast live oak plantings to increase shade and cover in this sunny, exposed area of the creek. We expect that the proposed changes will reduce erosion, improve riparian habitat, and protect the stream channel.

The purpose of the proposed project is to provide the public with a safe multi-use trail system to enhance visitor experience, reduce environmental impacts on sensitive resources by reducing sedimentation and erosion, and establish a sustainable trail system that provides safe year-round access. Objectives of the proposed project include restoring Arroyo de San Jose Creek and improving in-stream, riparian, and upland habitat by implementing streambank stabilization, providing bridges for crossing the creek channel, and reducing erosion and sedimentation. Enhancing habitat protection and ecological conditions for listed species is also included as a project objective. We have reviewed the document with those objectives in mind, and have the following comments:

Wildlife

We have reviewed the wildlife sections of the IS/MND and relevant supporting documents, and find that the descriptions of existing conditions, potential impacts, and mitigation measures for wildlife resources are thorough and adequate, with one exception, that being the inclusion of salmonids in the special-status wildlife section as described in comment #1 below. We note, in particular, that the proposed elimination of equestrian use on Buck Gulch Falls Trail; realignment/relocation, narrowing, stabilization, resurfacing, and improved stream crossings (bridges); along with the proposed decommissioning and restoration of streamside social trails, would provide substantial beneficial impacts to aquatic and terrestrial wildlife habitats and species in the project area on a long-term basis.

MR-6

1. Potential for Salmonid Species in Arroyo de San Jose Creek

The IS/NMD does not include salmonids in the Special Status Wildlife section; in our view this is a mistake. The IS/NMD should be amended to include salmonids in this section for the following reasons. Several reports referenced in the IS/MND describe Arroyo de San Jose Creek as providing habitat or potential habitat for listed salmonid species, especially steelhead trout (*Oncorhynchus mykiss*). The 2026 PCI Ecological Buck Gulch Falls Creek Restoration and Trail Improvement Project Biological Resources Evaluation references the 2005 report Historical distribution and current status of steelhead/rainbow trout (*Oncorhynchus mykiss*) in streams of the San Francisco Estuary, California" (Leidy et al.). This document reviews Arroyo San Jose and finds, "This relatively small watershed has been found to support multiple age classes of O. mykiss in the past and recent observations of adult spawners suggest current use, although successful hatching and rearing of juveniles has not been verified" (p.171). Also referenced is the 2009 California Department of Fish and Wildlife (CDFW) *Arroyo San Jose Creek Stream Habitat Assessment Report*, the objective of which is to "document the current habitat conditions and recommend options for the potential enhancement of habitat for Chinook salmon, Coho salmon, and Steelhead trout "(p.2). The report states "Arroyo San Jose should be managed as an anadromous, natural production stream" (p.9), and goes on to make recommendations such as increasing woody cover, adding structures to increase the number of pools, and assessing roads and trails for fish passage access. Given the past occurrence of salmonids in Arroyo de San Jose Creek, the IS/MND should include these species in the Special-Status Wildlife section and consider incorporating measures recommended by CDFW.

2. California ash (*Fraxinus dipetala*) in Streambank Stabilization Revegetation Plan

California ash (*Fraxinus dipetala*) is included in the planting plan for streambank stabilization (Figure 10 in the IS/MND and Sheet 5 of the PCI Ecological *Buck Gulch Falls Trail Arroyo San Jose Streambank Stabilization* plan set). This tree species is not found in Marin County, but is found in Napa and Sonoma counties, according to Calflora and Calscape websites and Marin Flora (Howell et al., 2007). Oregon ash (*Fraxinus latifolia*) is common in riparian areas in Marin, including in Ignacio Valley Preserve, and may be a better choice unless there are other considerations, such as disease or pest susceptibility, to consider. Given that the California ash is not found in Marin, please provide an explanation of why California ash rather than Oregon ash is included in the revegetation plan.

3. Correction of Factual Error: Change in Trail Use

On page 98 of the IS/MND, the first sentence of the second full paragraph following the bulleted items under Mitigation Measure Bio-3: Bat Protection reads as follows: "The proposed change in use on Buck Gulch Falls trail would eliminate bicycle and equestrian use and limit use to pedestrians only." (Underlining added for emphasis) This is factually incorrect as stated and is misleading to readers of the IS/MND who may not be familiar with Buck Gulch Falls Trail, because bicycles are currently not allowed on this trail.

MR-10

PHONE: 415.485.6257
FAX: 415.485.6259
EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org
ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

4. Hydrology: Stream Channel Incision

The 2026 PCI Ecological *Buck Gulch Falls Creek Restoration and Trail Improvement Project Biological Resources Evaluation* notes that "areas of deep incision and bank erosion are evident throughout the project area reach, especially at the downstream limits" (p.15). The proposed project includes stream bank stabilization at the area of most extreme erosion, and revegetation of the stream banks, both of which will reduce erosion and slow incision. However, these approaches may not be sufficient to address incision. We recommend that measures to address incision be considered to protect riparian habitat. Where project elements are installed in the stream channel there may be relatively easy opportunities to add grade control features to address incision.

MR-9

Thank you again for the opportunity to comment on this IS/MND. We appreciate the effort MCOSD staff have made to focus on natural resource protection and habitat enhancement along Arroyo de San Jose Creek and the Buck Gulch Falls Trail. We think the proposed project is an opportunity to repair damage to a well-loved site while allowing for continued recreation. We are happy to be available for consultation as MCOSD staff continue to work on the proposed project.

Sincerely,

Rebecca Schwartz Lesberg
Executive Director

Principle authors and co-signers:

Caroline Christman, MCL Parks & Open Space Committee Chair

Carolyn Shoulders

Carolyn Shoulders, MCL Board Member, Restoration Ecologist

Greg Zitney

Greg R. Zitney, MCL Board Member, Certified Wildlife Biologist®

PHONE: 415.485.6257
FAX: 415.485.6259
EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org
ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

References:
California Native Plant Society. Calscape. (2026). Retrieved July 23, 2026 from https://calscape.org/Fraxinus-dipetala-(California-Ash)
Howell, J.T., Almeda, F., Follete, W. & Best, C. (2007). Marin Flora. California Academy of Sciences and California Native Plant Society (Marin Chapter).

The Calflora Database, a non-profit organization. (2026). Calflora - Taxon Report. Retrieved July 23, 2026 from https://www.calflora.org/app/taxon?crn=3614.

PHONE: 415.485.6257
FAX: 415.485.6259
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WEB: marinconservationleague.org
ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

Marin Audubon Society

P.O. Box 599 | Mill Valley, CA 94942-0599 | marinaudubon.org

July 23,2026

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Jason.Hoorn@marincounty.gov

RE: Comments on Buck Gulch Falls Draft IS/MND for

Dear Mr. Hoorn,

The Marin Audubon Society appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration for the Buck Gulch Falls Project. We strongly support the effort to restore the riparian ecosystem that has been destroyed by public uses. It is important habitat for us for the reasons discussed in this letter and also because we own a portion of the creek, downstream near the Humane Society. The stated IS/MND Project purposes are public access/recreation. It was our understanding, from the presentation at the Environmental Roundtable, that the purpose of the project was to restore degraded riparian habitat, particularly near the falls, that had been trampled. We have the following questions and concerns. MR-3

The Project purposes are only public access and recreation related. Environmental enhancements show up as the fifth and sixth objectives:

- restore Arroyo de San Jose Creek and associated ephemeral streams creek ...implementing streambank stabilization
- Improve in-stream riparian and upland habitats along Arroyo San Jose Creek
- Enhance habitat protection and ecological conditions for listed species

In our experience, objectives flow from the purposes of a project. There should be some refence to habitat improvement in the Project purpose.

The IS/MND describes the project as the environmentally superior alternative. Our questions are focused on ways the potential project impacts that should be eliminated for the Project to be defined as environmentally superior.

1. Relocating the trail – Moving the trail to the other side of the creek will require destruction of habitat. Why can't the trail remain in its current location and improved in that location? That would also avoid the need for the bridges. Not moving the trail would also eliminate extensive grading, reduced potential for sediments to be generated that could damage downstream habitats, and protect the unencumbered habitat to the creek on the far side.

   In addition, moving the trail to the other side of the trail seems contrary to Policy SW 22: Protect High Value Vegetation Types and Policy SW.24: Minimize intrusions into Larger Contiguous Habitat Areas and Wildlife Corrido. MR-4

2. A Northern Spotted Owl (NSO) activity center is 0.12 mile south of the project site. NSO may move nest sites, usually to another nearby tree, and measurements are not always exact, It could be immediately adjacent to, or perhaps within, the activity center. In any case, the project lands could be foraging habitat for NSO. The IS/MND acknowledges "While portions of the project area provide limited foraging habitat higher-quality nesting, roosting and foraging habitat is only present in areas adjacent to, but outside of the project area."

   As a public agency with management responsibility for special status species habitat, MCOSD should recommend the maximum measures to benefit NSO, even if the habitat is high quality – it is habitat. We agree with including seasonal restrictions etc., We suggest the MCOSD consider ways to improve the habitat for NSO. Ensuring that there is adequate cover within the activity area and beyond so that potential prey species can have cover and allowing sticks to remain to provide building materials for woodrats, are possible enhancement measures. Regarding the recommended mitigation, we agree that no work should be conducted during NSO breeding season unless surveys assure that no nesting is taking place. MR-6

3. Bridges - Why do the bridges, assuming they are built, need to be 12 feet wide? The wider the bridge, the more streambank and stream habitat is covered or lost. A wider bridge requires more excavation which increases the potential for sediment to be generated, transported downstream, potentially impacting habitats even with the inclusion of construction BMP's. Wide bridges change the feeling of the area from a natural to a more developed one. Wide bridges become a dominant unnatural structure in what otherwise is a natural system. MR-4

4. Mitigation Measure BIO-2 - Conducting surveys for nests within 7 days of the start of active ground disturbance activities leaves plenty of time for birds to set up a nest before the construction begins. MR-6

Thank you for considering our comments. Again, while we support restoring habitat at the falls viewing area and the improvements to restrict access to protect the habitat, we urge the

MCOSD to revise the Project to be more environmentally sound by including the measure we discussed above. As proposed, the Project is currently overweighted with recreational structures that diminish the value of the habitat. MR-4

Sincerely,

Barbara Salzman, Chair
Conservation Committee

From:	Jason Hoorn
To:	Michelle Julene; Jon Campo
Subject:	Fw: Buck Gulch Falls Creek Restoration and Trail Improvement Project | NMWD Comments on IS/MND
Date:	Thursday, July 23, 2026 4:21:44 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png 2026.07.23 Buck Gulch Falls Trail_MND_NMWD comment ltr FINAL.pdf

---

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From: Eric Miller [redacted]
Sent: Thursday, 23 July 2026 16:19:51
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Buck Gulch Falls Creek Restoration and Trail Improvement Project | NMWD Comments on IS/MND

Good Afternoon Jason,

Thank you for the opportunity to comment on the subject project. North Marin Water District has reviewed the draft IS/MND and is providing comments in the attached letter.

If you have any questions please contact me at [redacted] or [redacted]

Thanks again,

NORTH MARIN WATER DISTRICT

Eric Miller, PE
AGM | Director of Engineering

P: 415.761.8947 | **M:** 415.985.5804
E: [redacted] | www.nmwd.com
999 Rush Creek Place | Novato, CA 94945

NORTH MARIN WATER DISTRICT

999 Rush Creek Place
P.O. Box 146
Novato, CA 94948-0146

PHONE 415-897-4133

EMAIL info@nmwd.com

WEB www.nmwd.com

July 23, 2026

Marin County Open Space District
Attn: Jason Hoorn, Senior Natural Resources Planner
1600 Los Gamos Drive, Suite 275
San Rafael, Ca 94903
submitted via email: Jason.Hoorn@marincounty.gov

Re: Marin County Open Space District
Buck Gulch Falls Creek Restoration and Trail Improvements

Dear Mr. Hoorn:

Thank you for the opportunity to comment on the subject California Environmental Quality Act Draft Initial Study/Mitigated Negative Declaration (IS/NMD), dated "Public Comment Period: June 23 – July 24, 2026". The North Marin Water District (District) has reviewed the draft IS/MND and has the following comments;

1. The District owns and operates water distribution facilities in the project vicinity, generally within the paved extension of Fairway Drive and immediately beyond the end of paved area. The District's facilities include a 12-inch main, valves, two fire hydrants, blow-off, and an air relief system.

2. The District's facilities in this area were installed circa 2000 in anticipation of the future development of the hillside. Given the lack of development in the area, the facilities in question generally sit idle.

3. The District requests coordination and consideration to ensure potential impacts to the water distribution facilities are avoided during construction of the project. In addition to contacting local Underground Service Alert (USA) prior to any excavation in the area, the District would appreciate inclusion in the pre-construction process to minimize impact on these facilities.

MR-4

If you have any questions, please contact me at (415) 761-8947 or emiller@nmwd.com.

Sincerely,

Eric Miller, PE
Director of Engineering | AGM
North Marin Water District

R:\Agencies\Marin County\County Parks\Buck Gulch Falls ISMND\2026.07.23 Buck Gulch Falls Trail_MND_NMWD comment ltr FINAL.docx

DIRECTORS: JACK BAKER · KEN EICHSTAEDT · RICK FRAITES · MICHAEL JOLY · STEPHEN PETTERLE
OFFICERS: ANTHONY WILLIAMS, General Manager · EILEEN MULLINER, Executive Assistant / District Secretary ·
JULIE BLUE, Director of Administrative Services · ERIC MILLER, Assistant General Manager / Director of Engineering

From: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Sent: Friday, 24 July 2026 14:40:23
To: twilliams[redacted]
Cc: emiller[redacted]
Subject: Re: Buck Gulch Trail - IVOSP

Understood. And I'll make sure to reach out to you folks prior on any future projects that we may have in your realm. Thanks again!

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From: Tony Williams[redacted]
Sent: Friday, 24 July 2026 14:33:58
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: emiller[redacted]
Subject: RE: Buck Gulch Trail - IVOSP

Perfect, sorry to bring this up. He's off today and normally I would run something like this by him. I'm working on a NEPA deadline for a regional water project so my is a little rattled.

Tony Williams
North Marin Water District

From: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Sent: Friday, July 24, 2026 2:26 PM
To: Tony Williams[redacted]
Cc: Eric Miller[redacted]
Subject: Re: Buck Gulch Trail - IVOSP

Hi Tony,
Eric and I spoke yesterday and we reviewed the project boundaries and NMWD infrastructure, and Eric was able to submit a comment.
Thanks, and have a great weekend.

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From: Tony Williams[redacted]
Sent: Friday, 24 July 2026 12:54:14
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: emiller[redacted]
Subject: Buck Gulch Trail - IVOSP

Hi Jason,
The Buck Gulch Falls Creek Restoration and Trail Improvement project was not on our radar, but I see there is a CEQA comment period that closes today. I don't have time to understand the full scope of the project but wanted to let you know that NMWD has water infrastructure* from the end of Fairway Drive (cul-de-sac) extending several hundred into the preserve property from a defunct subdivision development that started in the 1990s (Marin Country Club Estates Unit 3). In my former role as head of our Engineering, I remember speaking to someone at Parks (probably Craig R) about those facilities and the water entitlement that goes with the property.

*underground pipeline, fire hydrants, service laterals (no meters) and a pressure reduction station

MR-4



If this project or a future project involves those facilities feel free to contact Eric Miller or our Engineering Services desk engineeringservices@nmwd.com.

Tony Williams, PE
General Manager
North Marin Water District
[redacted]

NORTH MARIN WATER DISTRICT

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Public Comments

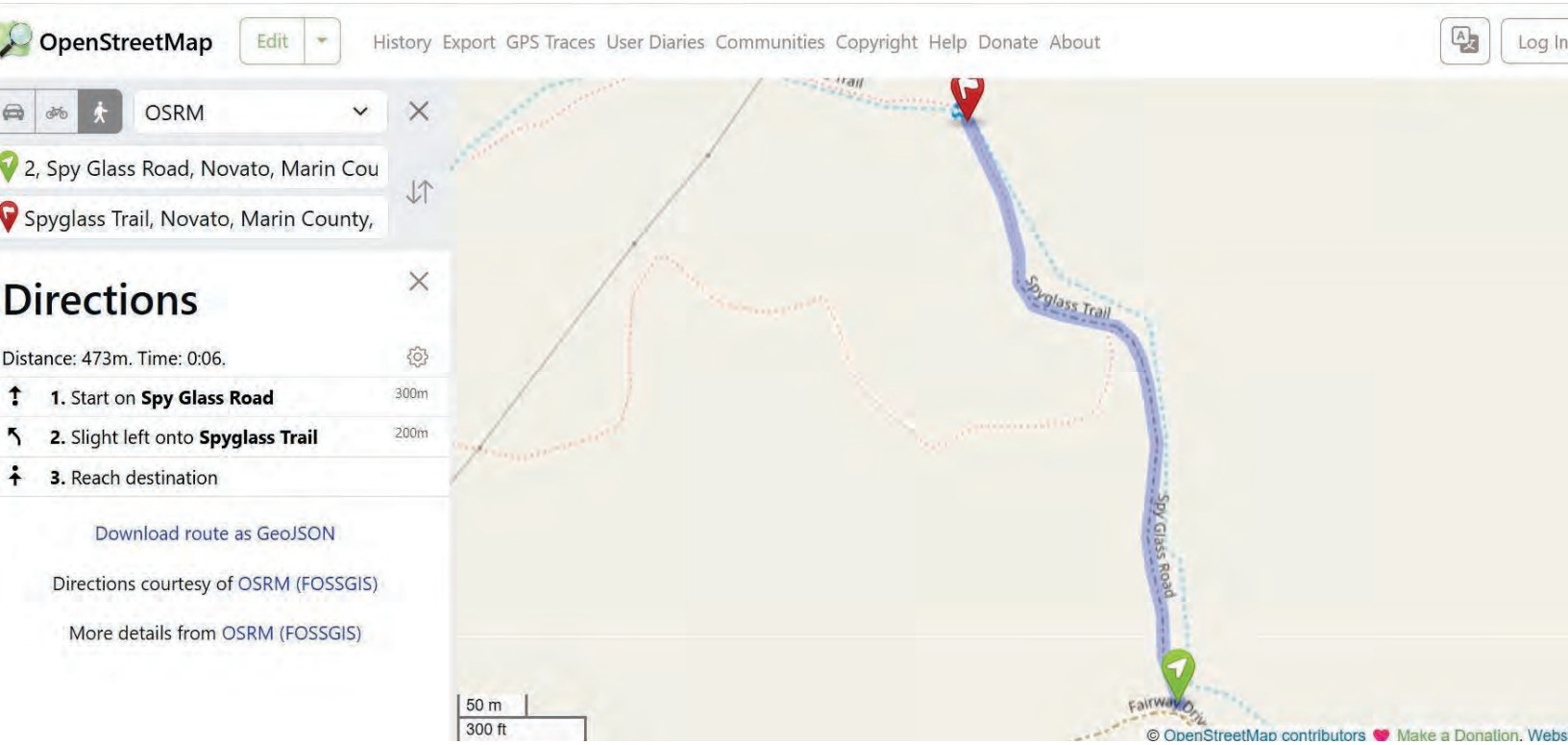
From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Carl Walsh
Date: Wednesday, June 24, 2026 4:26:11 PM

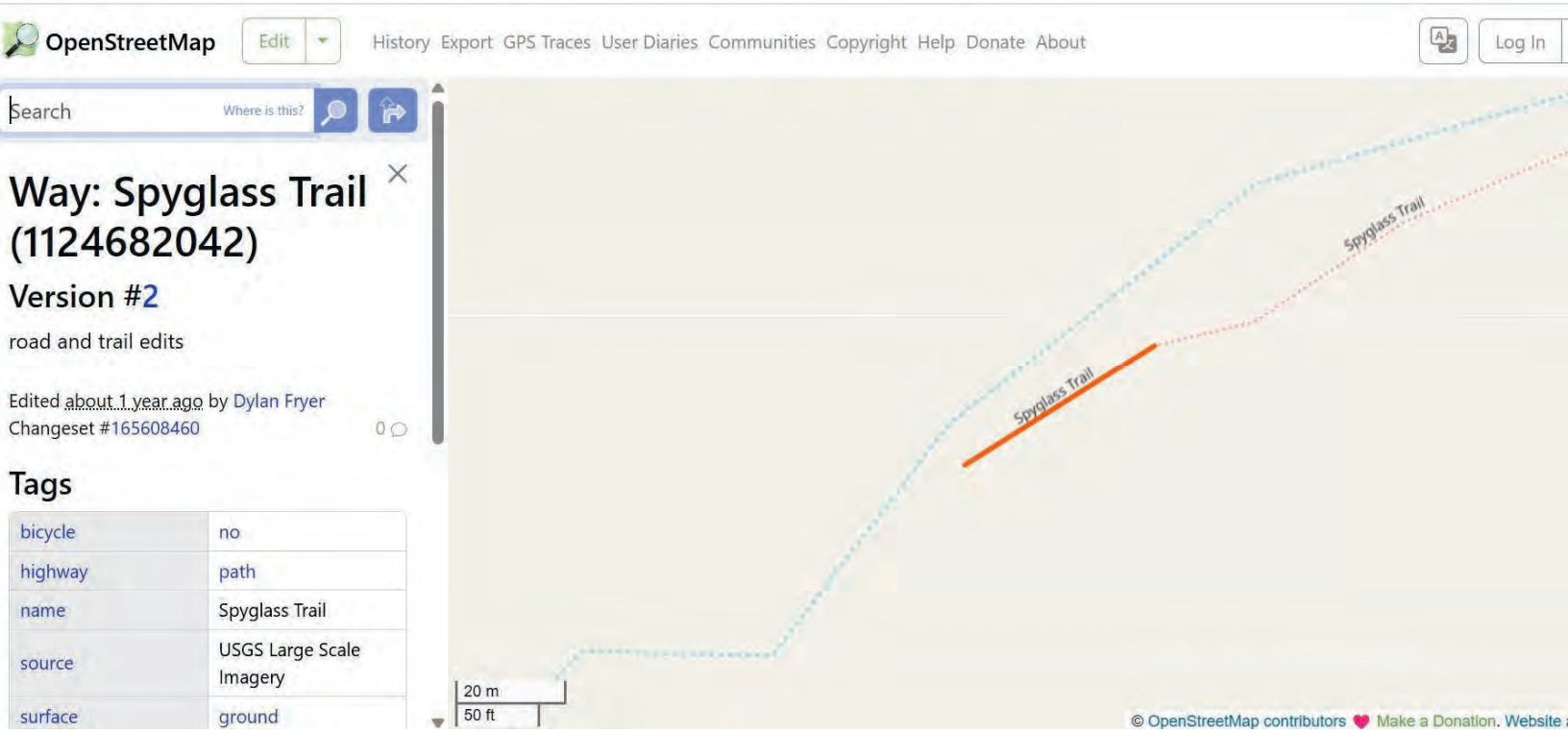
CEQA Comments Buck Gulch Falls

Name	Carl Walsh
Email	[redacted]
Zipcode	[redacted]
Comments	The end of Spyglass Trail could have a sign saying the trail is Closed ahead? The most walkable part of the trail seemed to be before the first stream crossing: this part https://www.openstreetmap.org/directions?engine=fossgis_osrm_foot&route=38.062812%2C-122.582349%3B38.066469%2C-122.584033 This segment felt unsafe: https://www.openstreetmap.org/way/1124682042 where the trail transitions from a walking path to scrambling.

MR-4

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OSRM
2, Spy Glass Road, Novato, Marin Cou
Spyglass Trail, Novato, Marin County,
Directions
Distance: 473m. Time: 0:06.
1. Start on Spy Glass Road 300m
2. Slight left onto Spyglass Trail 200m
3. Reach destination
Download route as GeoJSON
Directions courtesy of OSRM (FOSSGIS)
More details from OSRM (FOSSGIS)
Spyglass Trail
Spy Glass Road
Fairway Dr
50 m
300 ft
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Way: Spyglass Trail (1124682042)
Version #2
road and trail edits
Edited about 1 year ago by Dylan Fryer
Changeset #165608460
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bicycle no
highway path
name Spyglass Trail
source USGS Large Scale Imagery
surface ground
Spyglass Trail
Spyglass Trail
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50 ft
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From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Richard Barfus
Date: Thursday, June 25, 2026 5:51:32 PM

CEQA Comments Buck Gulch Falls

Name	Richard Barfus
Email	[redacted]
Zipcode	[redacted]
Comments	I think this project is ill-advised. There is no parking in the area. People already ignore the no parking signs and the problem will be exacerbated with increased traffic. That is where emergency vehicles entering the country club area need to turn around. That will be jeopardized with the increased traffic.
	The falls flow at best 3 months of the year. I don't think the investment really worth it to provide additional access for a limited attraction. The people living at the end of Fairway will be severely inconvenienced.

MR-13

MR-3

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From: Jason Hoorn
To: [redacted]
Cc:
Subject: RE: Bridges Buck Gulch/platform
Date: Friday, June 26, 2026 10:10:43 AM
Attachments: MCOSD Buck Gulch Falls Draft ISMND.pdf

Hi Lisa,
I sent you the links to the document when I responded to your previous email this morning. You should be able to open the IS/MND from that link. I also provided you links to the background documents you asked for. I have attached a pdf of the Draft IS/MND to this email.
Thank you,

Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903
415 320 4610 Cell
Jason.Hoorn@marincounty.gov
www.marincountyparks.org

From: Lisa Sebastian [redacted]
Sent: Friday, June 26, 2026 10:01 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: Marc Sebastian [redacted]
Subject: Re: Bridges Buck Gulch/platform

Please email the IS/MND in entirety. I'm unable to find this and where would someone find this? Please supply in entirety what you're describing here. MR-2

> On Jun 26, 2026, at 9:48 AM, Jason Hoorn <Jason.Hoorn@marincounty.gov> wrote:
>
> Hi Lisa,
> Regarding parking, The Transportation section of the IS/MND begins on page 161. From this section:

Under existing conditions, there are no dedicated parking facilities, and no new parking facility is included in the proposed project. Visitors accessing the project area by vehicle would continue to utilize on-street parking on Fairway Drive and Saint Andrews, which are local, public streets, or walk or bike to the site from nearby neighborhoods following implementation of the proposed project.

Bridge descriptions begin on page 6 of the IS/MND under New Trail Bridges. Bridge 1 is proposed at 55' and Bridge 2 is proposed at 36'.

Trail improvements including walls/platform are described beginning on page 7 of the IS/MND. A drawing of a typical trail profile wall is shown in Figure 13 on page 36.

Thank you,

Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903
415 320 4610 Cell
Jason.Hoorn@marincounty.gov
www.marincountyparks.org

-----Original Message-----
From: Lisa Sebastian [redacted]
Sent: Thursday, June 25, 2026 8:58 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: Marc Sebastian [redacted]
Subject: Bridges Buck Gulch/platform

Hi Jason,

Could you please supply the information I wasn't able to find from the letter that was mailed or at the trail. What is your plan about parking? Are the bridges 55' or what is your plan for both bridges precisely? What exactly does your walls/platform look like? You've asked for input for CEQA but there's a lot of information that's been omitted. Please help us understand exactly what's been proposed for the full scope. MR-2, MR-4, MR-13, MR-2

Thank you,
Lisa

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From: No-Reply <No-Reply@MarinCounty.gov>
Sent: Friday, June 26, 2026 11:24 AM
To: Chris Chamberlain <Chris.Chamberlain@MarinCounty.gov>
Subject: Re: Buck Gulch Falls IS review Period extension Request [SENT FROM A PUBLIC FORM]

Contact Us

Email To:	Chris.Chamberlain@marincounty.gov
Hosted Page:	https://www.parks.marincounty.gov/about-us/contact-us
To:	Chris Chamberlain
From:	Gael Perrin
Sender's Email Address:	[redacted]
Subject:	Buck Gulch Falls IS review Period extension Request
Message:	FYI

Jason Hoorn
Country of Marin Open Space
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903

RE: Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study Review Period

Dear Mr. Hoorn,

I received the Notice of Intent to Adopt a Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration Project yesterday.

MR-2

MR-2

The comment period began on Tuesday, June 23, 2026, and ends on July 24, 2026. I respectfully request a 60-day extension, resulting in a 90-day review period, for the following reasons:

- The Initial Study exceeds 200 pages and requires significant time for thorough review and comment.
- Additionally, the next 60 days coincide with peak summer travel, and many individuals most affected by this project will be unavailable.

Thank you,
Gael Perrin

2026-06-26 11:21AM -0700
IP: 2a09:bac2:6378:1250::1d3:81

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June 26, 2026

Jason Hoorn
Country of Marin Open Space
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903

RE: Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study Review Period

Dear Mr. Hoorn,

I received the Notice of Intent to Adopt a Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration Project yesterday.

MR-2

The comment period began on Tuesday, June 23, 2026, and ends on July 24, 2026. I respectfully request a 60-day extension, resulting in a 90-day review period, for the following reasons:

- The Initial Study exceeds 200 pages and requires significant time for thorough review and comment.
- Additionally, the next 60 days coincide with peak summer travel, and many individuals most affected by this project will be unavailable.

Thank you,

Gael Perrin

[redacted]

cc

- California Department of Fish and Wildlife-
- City Council Member Pat Ecklund
- City of Novato Community Development Department-Director Clare Hartman
- City of Novato, City Manager Amy Cunningham
- City of Novato, Mayor Rachel Farac
- County Supervisor Representing District 5 Magali Limeta
- San Francisco Bay Regional Water Quality Control Board
- U.S. Army Corps of Engineers

From: Jason Hoorn
Sent: Friday, July 10, 2026 6:26 PM
To: 'Gael Perrin' <[redacted]>
Subject: RE: Buck Gulch Falls Initial Study Request for Review Period Extension

Dear Gael Perrin,
The public review period for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study and Mitigated Negative Declaration was established in accordance with the California Environmental Quality Act (CEQA) and the applicable requirements governing public review of a proposed Mitigated Negative Declaration, which is 30 days. While the public review period can be extended, lead agencies are not required to do so upon request.

When an extension of the minimum review period occurs, it is generally because there is new information that needs to be evaluated or when there are changes in the project description after publication. While extensions can occur under specific circumstances such as these, an extension to 90 days, especially for an Initial Study, are not common within the CEQA framework. These circumstances do not exist for the proposed project or its CEQA document.

While the Marin County Open Space District (MCOSD) understands the review period for the proposed project and its CEQA document coincides with summer vacations for some individuals who may be interested in reviewing the document, the review period on the Initial Study for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project will remain the standard 30-days. Maintaining a consistent public review process in accordance with CEQA is important to ensure a fair, predictable, and consistent environmental review process for all County projects.

Comments on the draft Initial Study and proposed MND are due by July 24, 2026 at 5pm. All comments received during the review period will be carefully considered and addressed as appropriate in accordance with CEQA before any decision is made on the proposed project by the Marin County Open Space District Board of Directors.

Thank you again for your interest in the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project.

Jason Hoorn

From: Gael Perrin <[redacted]>

Sent: Thursday, July 2, 2026 11:20 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Re: Buck Gulch Falls Initial Study Request for Review Period Extension

You don't often get email from [redacted] Learn why this is important

Dear Mr. Horne,

I do not believe there is any language in CEQA that prevents an agency from extending a review period.

MR-2

Please let me know on what basis you declined extending the review period for this project.

Gael Perrin

On Jul 2, 2026, at 8:29 AM, Jason Hoorn <Jason.Hoorn@marincounty.gov> wrote:

Dear Gael Perrin,

Thank you for your email and pdf regarding the Buck Gulch Falls Creek Restoration and Trail Improvement Project and for your interest in participating in the environmental review process.

We appreciate your request to extend the public comment period by an additional 60 days and understand your concerns regarding the length of the Initial Study and the timing of the review period during the summer months.

After careful consideration, the County is not able to extend the public review period beyond the schedule established in the Notice of Intent. The review period was established in accordance with the California Environmental Quality Act (CEQA) and the applicable requirements governing public review of a proposed Mitigated Negative Declaration. Maintaining the established review schedule is important to ensuring a fair, predictable, and consistent environmental review process for all County projects. Absent a legal or procedural basis for doing so, the County does not extend comment periods on a project-specific basis.

The County is committed to providing meaningful opportunities for public

participation, and we encourage you to submit any comments you may have by the close of the comment period on July 24, 2026. All comments received during the review period will be carefully considered and addressed as appropriate in accordance with CEQA before any decision is made on the proposed project.

Thank you again for your interest and participation in this process.

Sincerely,

Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

Marin County Parks
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
415 320 4610 Cell
Jason.Hoorn@marincounty.gov
www.marincountyparks.org

From: Jason Hoorn
To: [redacted]
Subject: RE: PCI Ecological. 2026. Buck Gulch Falls Creek Restoration and Trail Improvement Project Biological Resource Assessment. February 2026.
Date: Thursday, July 16, 2026 4:24:32 PM

Dear Gael Perrin,
Here is a link to the report:
https://www.parks.marincounty.gov/sites/parks/files/2026-06/BucksGulch_PCI_Bioassessment_021326.pdf

It is located under the Background tab on the Buck Gulch Falls Creek Restoration and Trail Improvements website:
https://www.parks.marincounty.gov/projectsplans/buck-gulch-trail-improvements
Best regards,



Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

From: Gael Perrin [redacted]
Sent: Thursday, July 16, 2026 3:16 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: PCI Ecological. 2026. Buck Gulch Falls Creek Restoration and Trail Improvement Project Biological Resource Assessment. February 2026.

You don't often get email from [redacted] Learn why this is important

Dear Mr Hoorn,

I have been unable to find a copy of this report on line It is cited in the Buck PCI Ecological. 2026. *Buck Gulch Falls Creek Restoration and Trail Improvement Project Biological Resource Assessment*. February 2026.

It is cited in the Buck Gukcgh Falls IN/MND.

Would you please provide me a the link to this report as soon as possible.

Thank You,

Gael Perrin
Novato

From: Gael Perrin [redacted]
Sent: Thursday, July 23, 2026 11:44 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Public Comment on Buck Gulch Falls Creek Restoration and Trail Project

July 22, 2026

Mr. Jason Hoorn
Senior Planner MCOSD
1600 Los Gamos Drive, Suite 275
San Rafael. CA 94903

Sent by email to: Jason.Hoorn@marincounty.gov

Re: Public Comments on the Buck Gulch Falls Creek Restoration and Trail Project – Draft Initial Study/Mitigated Negative Declaration

Dear Mr Hoorn,

Thank you for the opportunity to comment on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Project.

Over the past month I have devoted a significant amount of time to reviewing not only the IS/MND itself but also the numerous technical reports upon which it relies. What initially appeared to be a straightforward environmental review evolved into the examination of hundreds of additional pages of supporting documents, including feasibility studies, geologic investigations, hydrologic analyses, biological reports, and engineering studies.

I appreciate the effort that has gone into developing this project. I also recognize the Marin County Open Space District's longstanding commitment to expanding public access while protecting natural resources. My comments are therefore not intended to oppose those goals. Rather, they reflect my concern that the environmental documentation, as currently presented, does not always provide the analytical basis necessary for the public to understand how several important conclusions were reached.

I have a background in Earth and Environmental Science. Earlier in my career I worked as an environmental planner and later as a consultant writing CEQA documents. That experience has shaped the way I approached this review. Rather than asking whether I personally favored or opposed the project, I asked a simpler question: Does the administrative record adequately document the evidence supporting the conclusions presented in the IS/MND? In several subject areas, I believe additional explanation would strengthen both the environmental document and the public's confidence in the decision-making process. MR-2

My greatest concern, about this Initial Study and the planning process it represents, is public safety. Fairway Drive serves as the sole access route for more than 300 homes while also functioning as an emergency evacuation corridor during wildfire events. The project proposes no dedicated visitor parking and instead relies on neighborhood streets—never designed to function as trailhead parking—to serve an anticipated increase in visitor use. MR-13

Although the IS/MND concludes that this arrangement will not result in significant impacts, I was unable to find sufficient analysis documenting how increased visitor traffic, on-street parking, pedestrian circulation, emergency vehicle access, and wildfire evacuation were considered together regarding the project's location in a Very High Fire Hazard zone. Viewed together, these issues raise broader public safety concerns that the IS/MND appears not to evaluate in an integrated and cumulative manner. MR-14

I am also concerned that several technical sections in the report, rely upon conclusions that are not fully explained within the administrative record. In reviewing the geology and soils documentation, for example, I found that geotechnical investigations were completed for the original lower bridge location, but I did not find comparable investigations for portions of the revised upstream alignment, retaining walls, and viewing area incorporated during later project development. Similarly, the Feasibility Study itself acknowledges that additional geotechnical evaluation would be necessary to fully assess portions of the revised design. The IS/MND does not clearly explain how these recommendations were incorporated into its conclusion that long-term geology and soils impacts, particularly with respect to slope instability, landslides, and debris flows, would remain less than significant. MR-8

The hydrology analysis raises similar questions. The project introduces hardened trail surfaces, retaining structures, drainage improvements, and other engineered features within a steep watershed. Yet portions of the hydrologic analysis appear to rely on assumptions that the trail remains native soil. Additional documentation describing the methodology used to evaluate long-term runoff, erosion, and sediment transport would strengthen the evidentiary basis for those conclusions. MR-9

My review of the biological resources section, likewise, found that much of the analysis depends upon future mitigation measures and permit conditions. While those measures may ultimately prove effective, I believe the IS/MND would benefit from more clearly documenting how the available biological information supports its conclusion that potentially significant impacts can be reduced to less-than-significant levels. MR-6

Most unexpectantly, I found the Aesthetics analysis difficult to reconcile with the scope of the proposed improvements. The Buck Gulch Falls corridor is valued precisely because of its natural character. The proposed project introduces substantial permanent engineered features, including pedestrian bridges, retaining walls, hardened trail surfaces, railings, and a viewing platform. Yet the IS/MND concludes there will be "No Impact" to scenic resources and visual character without providing visual simulations or explaining the methodology used to evaluate those conclusions. Additional visual documentation would greatly assist both the public and decision-makers. MR-5

These comments should not be interpreted as opposition to improving public access or accessibility. They reflect my belief that projects of this complexity deserve environmental documentation that clearly demonstrates how technical analyses support the conclusions reached under CEQA. Thorough documentation benefits everyone—the public, decision-makers, the District, and ultimately the project itself—by producing a more transparent and defensible environmental review.

I appreciate the work that District staff and consultants have invested in this project. Although, I am vexed by the lack of neighborhood outreach during the five or six-year planning period leading to the IS/MND. I only learned of the intended major changes for Buck Gulch Falls last summer when I attended a neighborhood organized meeting. Prior to that, no County mailers, no emails, no invitations to neighborhood meetings sponsored by the MCOSD. MR-2

I hope my comments, together with those submitted by other members of the public, will be received in the constructive spirit in which they are offered. My objective is to encourage an environmental review that fully documents the basis for its conclusions and thoughtfully addresses the long-term implications for both the Buck Gulch Falls landscape and the surrounding neighborhood.

On a personal note, I have walked the trails of Buck Gulch falls for over 30 years in different seasons and weather. For many of us who live nearby, it has become something of a pilgrimage path. It's one of those rare places where geology, a hidden seasonal waterfall, an oak woodland, a winter creek, and the surrounding neighborhood come together in a sense of discovery. It's clear that the increase in visitors from outside the neighborhood, since the pandemic, has impacted the site (as well as neighborhood safety) and yes, some creek and trail restoration is warranted. Yet I am concerned that the scale of the proposed improvements, for a waterfall that flows maybe three months of the year, would fundamentally alter the quiet, undeveloped character that gives this place its enduring magic. MR-3

Respectfully,

Gael Perrin
[redacted]

Cc
Pat Eklund
Chris Benigni
Leonard Shaw
Eric Lucan
Magali Limeta

From: No-Reply
To: Michelle Julene
Subject: Re: Copy of Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study [SENT FROM A PUBLIC FORM]
Date: Monday, June 29, 2026 1:48:44 PM

Contact Us

Email To:	Michelle.Julene@marincounty.gov
Hosted Page:	https://parks.marincounty.gov/node/2451
To:	Michelle Julene
From:	Pat Eklund
Sender's Email Address:	[redacted]
Subject:	Copy of Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study
Message:	Please send me a copy to: [redacted] thanks Pat EKlund
	2026-06-29 01:45PM -0700 IP: 24.130.223.55

MR-2

From: [redacted]
To: Michelle Julene
Subject: Re: Buck Gulch Falls Creek Restoration & Trail Improvement Project: CEQA Document
Date: Tuesday, June 30, 2026 10:30:43 AM

---

thanks. I would expect additional requests and make some extra copies so it does not take as long for us to get them. just a suggestion.
Pat

On 06/30/2026 9:56 AM PDT Michelle Julene <michelle.julene@marincounty.gov> wrote:

Thank you for letting me know. A hard copy will be printed & mailed to your home this week.

~ Michelle

From: PATRICIA EKLUND [redacted]
Sent: Tuesday, June 30, 2026 9:44 AM
To: Michelle Julene <Michelle.Julene@MarinCounty.gov>
Subject: Re: Buck Gulch Falls Creek Restoration & Trail Improvement Project: CEQA Document

Yes, I looked at it on line, but want a hard copy. Please send it to my home at: [redacted]

thanks.

Pat Eklund

On 06/30/2026 8:49 AM PDT Michelle Julene <michelle.julene@marincounty.gov> wrote:

Hi Pat,

Just letting you know I received your email. The CEQA document is available online at https://parks.marincounty.gov/projectsplans/buck-gulch-trail-improvements and is attached for easy access.

Please let us know if you still need a hard copy of the document. If so, one will be printed and mailed to you.

Thank you ~ Michelle

Michelle Julene

Senior Regulatory Open Space Planner

415 444 6740 Office Cell

Michelle.Julene@MarinCounty.gov

Marin County Parks & Open Space District

1600 Los Gamos Drive, Suite 275

San Rafael, CA 94903

www.marincountyparks.org

Follow us on Facebook, Twitter, and Instagram

Email Disclaimer: https://www.marincounty.gov/privacy-policy Email Disclaimer:

https://www.marincounty.gov/privacy-policy

From: Michelle Julene
To: [redacted]
Cc: Jason Hoorn; Jon Campo
Subject: Buck Gulch Falls Creek Restoration & Trail Improvement Project: CEQA Document
Date: Tuesday, June 30, 2026 9:56:00 AM

Thank you for letting me know. A hard copy will be printed & mailed to your home this week.

~ Michelle

From: PATRICIA EKLUND [redacted]
Sent: Tuesday, June 30, 2026 9:44 AM
To: Michelle Julene <Michelle.Julene@MarinCounty.gov>
Subject: Re: Buck Gulch Falls Creek Restoration & Trail Improvement Project: CEQA Document

Yes, I looked at it on line, but want a hard copy. Please send it to my home at: [redacted]

thanks.

Pat Eklund

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>
> Please let us know if you still need a hard copy of the document. If so, one will be printed and mailed to you.
>
> Thank you ~ Michelle
>
> **Michelle Julene**
> Senior Regulatory Open Space Planner
> 415 444 6740 Office Cell
> Michelle.Julene@MarinCounty.gov
>
> **Marin County Parks & Open Space District**
> 1600 Los Gamos Drive, Suite 275
> San Rafael, CA 94903
> www.marincountyparks.org
>
> Follow us on Facebook, Twitter, and Instagram
>
> Email Disclaimer: https://www.marincounty.gov/privacy-policy

From: Jason Hoorn
Sent: Thursday, July 2, 2026 8:30 AM
To: pat eklund [redacted]
Cc: Chris Chamberlain <Chris.Chamberlain@MarinCounty.gov>
Subject: Re: Copy of Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study

Dear Mrs. Eklund,

Thank you for your email regarding the Buck Gulch Falls Creek Restoration and Trail Improvement Project and for your interest in participating in the environmental review process.

We appreciate your request to extend the public comment period by an additional 60 days and understand your concerns regarding the length of the Initial Study and the timing of the review period during the summer months.

After careful consideration, the County is not able to extend the public review period beyond the schedule established in the Notice of Intent. The review period was established in accordance with the California Environmental Quality Act (CEQA) and the applicable requirements governing public review of a proposed Mitigated Negative Declaration. Maintaining the established review schedule is important to ensuring a fair, predictable, and consistent environmental review process for all County projects. Absent a legal or procedural basis for doing so, the County does not extend comment periods on a project-specific basis.

The County is committed to providing meaningful opportunities for public participation, and we encourage you to submit any comments you may have by the close of the comment period on July 24, 2026. All comments received during the review period will be carefully considered and addressed as appropriate in accordance with CEQA before any decision is made on the proposed project.

Thank you again for your interest and participation in this process.

Sincerely,

MARIN COUNTY PARKS
PRESERVATION RECREATION

Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

Marin County Parks
1600 Los Gamos Drive, Suite275
San Rafael, CA 94903
415 320 4610 Cell
Jason.Hoorn@marincounty.gov

www.marincountyparks.org

From: PATRICIA EKLUND [redacted]

Sent: Friday, 24 July 2026 16:34:52
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: PATRICIA EKLUND
Subject: Comments on Buck Gulch Falls Mitigated Neg Declaration

Attached are my individual comments on the Buck Gulch Falls Mitigated Negative Declaration. If you have questions, please call me on my cell:

Pat Eklund
[redacted]

July 24, 2026

Marin County Board of Supervisors and the Marin County
Open Space District
3501 Civic Center Drive, Suite 280
San Rafael, CA 94903

SUBJECT: COMMENTS ON DRAFT STUDY/MITIGATED NEGATIVE DECLARATION for the BUCK GULCH FALLS CREEK RESTORATION AND TRAIL IMPROVEMENT PROJECT AT IGNACIO VALLEY OPEN SPACE PRESERVE

I have lived in Novato for decades and live in Ignacio Valley about 2.5 miles from the falls. I appreciate the County/Open Space District taking a look at the Buck Gulch Falls Creek, but **believe that the proposed project, environmental analysis and process is flawed.**

It is unfortunate that the County/Open Space District did not reach out to the neighbors who will be directly affected by this project and especially those who live in the Ignacio Valley **prior** to spending a lot of county funds on the development of a project and mitigated negative declaration. Prior to the issuance of this mitigated negative declaration, a public meeting was not held in the project area to seek input on the proposed project and the goals of the County/Open Space District. This violates the intent of CEQA and my belief on how we should involve the public in public projects.

I was disappointed that the County/Open Space District denied numerous requests from neighbors along with the Novato City Council for an extension to the 30-day comment period especially given that the 200-page document references numerous other documents which are critical to this project. Copies of the mitigated negative declaration were not readily available nor was a notice sent to the Novato City Council, the entire neighborhood especially all of the homes along Fairway Drive and the numerous streets nearby. And, there was no notice posted at the site! Copies should have been made available even for pick up without delay.

MR-2

As I understand the proposed project, it includes making this trail 'accessible'. Unfortunately, the project does not provide parking NOR any accessible parking spaces. As the County/Open Space District knows there is no parking in the cul-de-sac at the end of Fairway. There is one fire hydrant in the middle of the cul-de-sac which needs to be accessible by the Novato Fire District to put out any fires in the adjacent homes and/or the open space area. Thus, the no parking zone. Unfortunately, I have seen on numerous occasions when Fairway Drive – a 2-mile-long city street -- is completely parked including in the cul-de-sac due to the popularity of the trail. Also, there is no handicapped parking on Fairway Drive so how can those who may be in a wheelchair get access to the entry of the trail?

MR-13

The environmental analysis was incomplete. First, the proposal is to use compacted aggregate material (Mayacama Red) for the 5-foot-wide 2,240-foot trail. Unfortunately, there was

inadequate analysis on what impacts that material may have during the rains and especially in the steeper parts of the trail. And, will the chemicals in that aggregate material leach out and adversely affect the water quality downstream. MR-4

As I understand, the County/Open Space District does not intend to maintain this new project including the trail, bridges and other improvements. This project needs to be maintained by the County/Open Space District. Funds should be set aside every year, to make sure this project is safe for the users and the environment. It is my understanding that some or all of the aggregate material may be dislodged and/or moved over time especially in the steeper parts of the trail. I recognize that the County/Open Space District may have a policy of maintenance upon request, but since this is an 'accessible' project, the County/Open Space District should routinely maintain this accessible trail.

Lastly, the entire neighborhood not only on Fairway, but also the side streets have endured heavy parking due to the growing popularity of the Buck Gulch Falls Trail. The County/Open Space District should have conducted and published an impact analysis to the neighborhood. Even though the Mitigated Negative Declaration states that an increase of use is not anticipated, there has been an increase since COVID. One knows, by just looking at the number of cars parked on Fairway that the use has increased and with these improvements, more will come. MR-13

In summary, there are a lot more issues and aspects of this project that should have undergone studies and evaluations prior to formulating a project and preparing a 'mitigated negative declaration'. Public engagement especially with the neighborhood, the City Council and the users of this trail were missing. The community does want the County/Open Space District to 'clean the creek' and fix the trail, but in a way that does not change the feel of walking in nature. MR-2

Unfortunately, I believe that the County/Open Space District really needs to evaluate their current procedures and processes to ensure that the neighborhoods and/or the jurisdiction, really want the project BEFORE the environmental document is prepared. Public dollars are limited and we need to use them wisely.

Sincerely,

Pat Eklund

Pat Eklund, resident
[redacted] Novato

Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903
415 320 4610 Cell
Jason.Hoorn@marincounty.gov
https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.marincountyparks.org%2F&data=05%7C02%7CMichelle.Julene%40MarinCounty.gov%7C35d5001228ce49632b6108ded77c5d0e%7Cd272712e54ee458485b3934c194eeb6d%7C0%7C0%7C639185126287521302%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=8BUE9OfvFyu7mxGTp2NmiHnhZU9ehlHvQZRMSZC4l3Q%3D&reserved=0

-----Original Message-----
From: gary jones <[redacted]>
Sent: Tuesday, June 30, 2026 6:54 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Buck Gulch Falls

[You don't often get email from [redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Dear Mr Hoorn. I am writing to request a 60 day extension on the request for negative declaration on The Falls project. Personally I have significant issues on aspects of the project, particularly with traffic and parking which I feel need to be addressed with specific data which need time to be assembled. MR-2 MR-13

Gary T Jones
[redacted]

Holly Stewart
[redacted]

June 30, 2026

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Sent via email to Jason.Hoorn@marincounty.gov

RE: Comment Opposing Adoption of the Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration and Trail Improvement Project (Ignacio Valley Open Space Preserve) – Request for Preparation of an Environmental Impact Report

Dear Mr. Hoorn:

I am writing to formally object to the Marin County Open Space District's (MCOSD) Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project at Ignacio Valley Open Space Preserve, and to request that the district instead prepare a full Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA). MR-2

1. The Project's Own Findings Trigger the Fair Argument Standard

The district's own Notice concedes that the Initial Study/Proposed Mitigated Declaration (IS/MND) "identified potentially significant environmental impacts in the area of Biological Resources." Under CEQA Guidelines Section 15064(f)(1) and the well-established "fair argument" standard (see No Oil, Inc. v. City of Los Angeles), if substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment, the lead agency must prepare an EIR — even if other substantial evidence supports a contrary conclusion, and even if the agency believes proposed mitigation will reduce the impact. A Negative Declaration, mitigated or otherwise, is legally insufficient once such an admission has already been made in the environmental document itself.

2. The Scope of Work Is Not Minor and Warrants Full Environmental Review

The project description outlined in the Notice includes substantial ground-disturbing and in-stream construction activity, including:

- Construction of two new trail bridges directly over Arroyo de San Jose Creek;
- Realignment of nearly 850 feet of trail away from — but still near — eroding streambanks;
- Installation of a puncheon and boardwalk over unnamed ephemeral streams;
- Installation of four fill slope retaining walls near the waterfall viewing area;
- Restoration of nearly 19,500 square feet of eroding streambank and riparian area; and
- Decommissioning and restoration of approximately 850 feet of existing trail.

Taken together, this is a multi-year program of creek-adjacent construction, streambank regrading, vegetation removal, and heavy equipment access within a riparian corridor that supports sensitive habitat. Impacts of this scale — particularly cumulative and construction-period impacts to water quality, riparian vegetation, wildlife movement, and special-status species — are precisely the type of impacts an EIR is designed to disclose, analyze, and mitigate through a legally enforceable Mitigation Monitoring and Reporting Program, and to test against a reasonable range of project alternatives.

MR-2

3. The IS/MND Does Not Adequately Address Cumulative and Indirect Impacts

The Notice provides only a brief, high-level summary and does not demonstrate that the district has analyzed cumulative impacts in combination with other reasonably foreseeable projects in the Ignacio Valley Open Space Preserve and surrounding watershed, nor indirect impacts such as increased visitor traffic and use intensity resulting from the new all-abilities access improvements. An EIR would require the district to disclose and analyze these cumulative effects, along with a reasonable range of alternatives (including alternative alignments and phasing) that could reduce impacts to the creek and riparian corridor, as required under CEQA Guidelines Section 15126.6.

4. Mitigation Measures Must Not Be Deferred or Unenforceable

To the extent the IS/MND relies on mitigation measures to reduce biological resource impacts to a “less-than-significant” level, CEQA requires that such measures be specific, enforceable, and supported by substantial evidence that they will in fact be effective — not deferred to future biological surveys or construction-phase determinations. I request that the district provide the full IS/MND, including all technical biological resource studies and the proposed Mitigation Monitoring and Reporting Program, and demonstrate how each mitigation measure meets this standard.

MR-2

Request

For the reasons above, I respectfully request that MCOSD:

- Decline to adopt the Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration and Trail Improvement Project;
- Prepare a full Environmental Impact Report that discloses and analyzes direct, indirect, and cumulative impacts to biological and hydrological resources, together with a reasonable range of alternatives; and
- Extend the public comment period and hold a public hearing to allow for full community review prior to any final determination.

MR-2

Thank you for considering these comments. Please confirm receipt of this letter and include it in the administrative record for this project. I would appreciate written notice of any hearing, determination, or further environmental documentation related to this project.

Sincerely,

Holly Stewart
Concerned neighbors of Fairway Drive, Novato CA

From: Barbara Smilie [redacted]
Sent: Wednesday, July 1, 2026 7:12 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: NO to Buck Gulch Falls Creek Restoration REQUESTING AN EIR

You don't often get email from [redacted] Learn why this is important

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Sent via email to Jason.Hoorn@marincounty.gov

RE: Comment Opposing Adoption of the Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration and Trail Improvement Project (Ignacio Valley Open Space Preserve) – Request for Preparation of an Environmental Impact Report

Dear Mr. Hoorn:

I am writing to formally object to the Marin County Open Space District's (MCOSD) Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project at Ignacio Valley Open Space Preserve, and to request that the district instead prepare a full Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).

1. The Project's Own Findings Trigger the Fair Argument Standard

MR-2

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MR-2

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Taken together, this is a multi-year program of creek-adjacent construction, streambank regrading, vegetation removal, and heavy equipment access within a riparian corridor that supports sensitive habitat. Impacts of this scale — particularly cumulative and construction-period impacts to water quality, riparian vegetation, wildlife movement, and special-status species — are precisely the type of impacts an EIR is designed to disclose, analyze, and mitigate through a legally enforceable Mitigation Monitoring and Reporting Program, and to test against a reasonable range of project alternatives.

3. The IS/MND Does Not Adequately Address Cumulative and Indirect Impacts

The Notice provides only a brief, high-level summary and does not demonstrate that the district has analyzed cumulative impacts in combination with other reasonably foreseeable projects in the Ignacio Valley Open Space Preserve and surrounding watershed, nor indirect impacts such as increased visitor traffic and use intensity resulting from the new all-abilities access improvements. An EIR would require the district to disclose and analyze these cumulative effects, along with a reasonable range of alternatives (including alternative alignments and phasing) that could reduce impacts to the creek and riparian corridor, as required under CEQA Guidelines Section 15126.6.

4. Mitigation Measures Must Not Be Deferred or Unenforceable

MR-6

To the extent the IS/MND relies on mitigation measures to reduce biological resource impacts to a “less-than-significant” level, CEQA requires that such measures be specific, enforceable, and supported by substantial evidence that they will in fact be effective — not deferred to future biological surveys or construction-phase determinations. I request that the district provide the full IS/MND, including all technical biological resource studies and the proposed Mitigation Monitoring and Reporting Program, and demonstrate how each mitigation measure meets this standard.

Request

For the reasons above, I respectfully request that MCOSD:

- Decline to adopt the Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration and Trail Improvement Project;

- Prepare a full Environmental Impact Report that discloses and analyzes direct, indirect, and cumulative impacts to biological and hydrological resources, together with a reasonable range of alternatives; and

- Extend the public comment period and hold a public hearing to allow for full community review prior to any final determination.

MR-2

Thank you for considering these comments. Please confirm receipt of this letter and include it in the administrative record for this project. I would appreciate written notice of any hearing, determination, or further environmental documentation related to this project.

Sincerely,

Barbara Smilie
[redacted]

Sent from my iPad

From: Ron Roth [redacted]>
Sent: Wednesday, July 1, 2026 8:23 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: peckland@novato.gov; rfarac@novato.gov; chartman@novato.gov; citymanager@novato.org
Subject: Buck Gulch Waterfall Review Period

You don't often get email from [redacted]. Learn why this is important

July 1, 2026

Jason Hoorn
Country of Marin Open Space
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903

RE: Buck Gulch Falls Creek Restoration and Trail Improvement Project Initial Study Review Period

Dear Mr. Hoorn,

I received the Notice of Intent to Adopt a Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration Project yesterday.

The comment period began on Tuesday, June 23, 2026, and ends on July 24, 2026. I respectfully request a 60-day extension, resulting in a 90-day review period, for the following reasons:

- The Initial Study exceeds 200 pages and requires significant time for thorough review and comment.
- Additionally, the next 60 days coincide with peak summer travel, and many individuals most affected by this project will be unavailable.

Thank you,

MR-2

Ron Roth
[redacted]

cc

- City Council Member Pat Ecklund
- City of Novato Community Development Department-Director Clare Hartman
- City of Novato, City Manager Amy Cunningham
- City of Novato, Mayor Rachel Farac
- County Supervisor Representing District 5 Magali Limeta

From: Lloyd Stacey Morrissey [redacted]
Sent: Wednesday, July 1, 2026 5:45 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Buck Gulch Falls Creek Restoration Project

You don't often get email from [redacted]. Learn why this is important

Hello Mr. Hoorn,

I am writing in opposition to the Buck Gulch Falls restoration/improvement project. Though initially feeling positive about the plan, I now have had some time to digest it all and no longer am in favor of it.
The area already attracts too many cars to a residential neighborhood and garbage often overflows from the trash cans. These conditions will only get worse if the improvement project is completed. I know the town of Novato has a limited budget and it seems there are many more park improvement projects that could benefit the town and its people that are not in this private residential area with only a neighborhood drive for access and parking.

MR-13

MR-12

MR-13

Thank you,

Anastasia Pinoris
[redacted]
[redacted]

From: JUDY PELTO [redacted]
Sent: Saturday, July 4, 2026 4:33 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Fwd: Buck Gulch Falls Creek REJECTION LETTER

You don't often get email from [redacted] Learn why this is important

Mr. Hoorn,
RE: Buck Gulch Falls Creek Rejection Letter
Judy and Ralph Pelto 388 Fairway Drive, Novato, CA 94949

Regarding the letter from Ed and Holly Carey, please be advised that we agree l00% with what was stated in that letter.

As residents of Fairway Drive since October 1993, and life long residents of Marin County. (Born if SF and raised in San Anselmo, then San Rafael, then Novato in 1965, and Marin Country Club in 1993,) we love this serene valley where we chose to live.
I am constantly seeing children riding bikes, skateboards, scooters, neighbors walking dogs, and many, many adult walkers enjoying our Fairway Drive level street. Keep Fairway safe !! Do not allow more traffic in this residential neighborhood.

We neighbors are aware of the fact that the falls do not run full time year round and the proposal for your plans for the area are not conducive for this residential area,... and the greatly increased traffic that will be occurirng on this street if this proposal is accepted.

MR-13

We formally request an EIR of this project.

Respectfully,
Judy and Ralph Pelto

Holly Stewart
[redacted]

June 30, 2026

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Sent via email to Jason.Hoorn@marincounty.gov

RE: Comment Opposing Adoption of the Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration and Trail Improvement Project (Ignacio Valley Open Space Preserve) – Request for Preparation of an Environmental Impact Report

Dear Mr. Hoorn:

I am writing to formally object to the Marin County Open Space District's (MCOSD) Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project at Ignacio Valley Open Space Preserve, and to request that the district instead prepare a full Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).

MR-2

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- Installation of a puncheon and boardwalk over unnamed ephemeral streams;
- Installation of four fill slope retaining walls near the waterfall viewing area;
- Restoration of nearly 19,500 square feet of eroding streambank and riparian area; and
- Decommissioning and restoration of approximately 850 feet of existing trail.

Taken together, this is a multi-year program of creek-adjacent construction, streambank regrading, vegetation removal, and heavy equipment access within a riparian corridor that supports sensitive habitat. Impacts of this scale — particularly cumulative and construction-period impacts to water quality, riparian vegetation, wildlife movement, and special-status species — are precisely the type of impacts an EIR is designed to disclose, analyze, and mitigate through a legally enforceable Mitigation Monitoring and Reporting Program, and to test against a reasonable range of project alternatives.

MR-2

3. The IS/MND Does Not Adequately Address Cumulative and Indirect Impacts

The Notice provides only a brief, high-level summary and does not demonstrate that the district has analyzed cumulative impacts in combination with other reasonably foreseeable projects in the Ignacio Valley Open Space Preserve and surrounding watershed, nor indirect impacts such as increased visitor traffic and use intensity resulting from the new all-abilities access improvements. An EIR would require the district to disclose and analyze these cumulative effects, along with a reasonable range of alternatives (including alternative alignments and phasing) that could reduce impacts to the creek and riparian corridor, as required under CEQA Guidelines Section 15126.6.

4. Mitigation Measures Must Not Be Deferred or Unenforceable

To the extent the IS/MND relies on mitigation measures to reduce biological resource impacts to a “less-than-significant” level, CEQA requires that such measures be specific, enforceable, and supported by substantial evidence that they will in fact be effective — not deferred to future biological surveys or construction-phase determinations. I request that the district provide the full IS/MND, including all technical biological resource studies and the proposed Mitigation Monitoring and Reporting Program, and demonstrate how each mitigation measure meets this standard.

MR-2

Request

For the reasons above, I respectfully request that MCOSD:

- Decline to adopt the Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration and Trail Improvement Project;
- Prepare a full Environmental Impact Report that discloses and analyzes direct, indirect, and cumulative impacts to biological and hydrological resources, together with a reasonable range of alternatives; and
- Extend the public comment period and hold a public hearing to allow for full community review prior to any final determination.

MR-2

Thank you for considering these comments. Please confirm receipt of this letter and include it in the administrative record for this project. I would appreciate written notice of any hearing, determination, or further environmental documentation related to this project.

Sincerely,

Holly Stewart
Concerned neighbors of Fairway Drive, Novato CA

---------- Original Message ----------
From: holly stewart [redacted]>
To: Len and Judie Shaw <[redacted]>, Barbara Smilie
<[redacted]>, Tracy Curtis <[redacted]>, Nancy Kawata
<[redacted]>, Cara Brown
<[redacted]>, Boo Boero <[redacted]>, JUDY PELTO
<[redacted]>
Date: 06/30/2026 6:17 PM PDT
Subject: Buck Gulch Falls Creek REJECTION LETTER

Dear Neighbors,

I am writing to share an update regarding the Buck Gulch Falls Creek Restoration project. I recently received the attached letter from Jason Hoorn at Marin County, which indicates that the county intends to move forward with this project without conducting an Environmental Impact Report (EIR).

After speaking with Judie Shaw about how we can protect our open space, she suggested that we formally request an EIR. The proposed project is invasive and threatens to ruin the natural beauty of the area, increase traffic, and disturb the local canyon.

I have attached the letter from Jason Hoorn, Marin County as well as a copy of the formal letter I wrote requesting an EIR. I encourage you to review these documents and also write to Jason Hoornas requestion a EIR, we can work together to preserve our neighborhood.

Best regards,
Holly Stewart

Holly Stewart Carey
[redacted]

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
BUCK GULCH FALLS CREEK RESTORATION AND TRAIL IMPROVEMENT PROJECT

Ignacio Valley Open Space Preserve, Novato, California

June 23, 2026

The Marin County Open Space District (MCOSD) is proposing a project to restore Arroyo de San Jose Creek and associated ephemeral streams and to provide safe and sustainable year-round all-abilities access along Spyglass Trail and Buck Gulch Falls Trail leading to Buck Gulch waterfall at Ignacio Valley Open Space Preserve, and has prepared an Initial Study/Proposed Mitigated Declaration (IS/MND) to comply with the California Environmental Quality Act (CEQA).

PURPOSE OF THE NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION (NOI): The purpose of the NOI is to initiate the 30-day public review and comment period on the IS/MND. The document and the online comment form are available for review on the Marin County Parks website using the link provided below.

COMMENT PERIOD AND HOW TO SUBMIT COMMENTS: The comment period on the IS/MND is **June 23 – July 24, 2026 at 5:00pm.** Comments can be submitted online using the online comment form at https://parks.marincounty.gov/projectsplans/buck-gulch-trail-improvements, by email, or USPS as follows:

Jason Hoorn, Senior Natural Resources Planner Jason.Hoorn@marincounty.gov
Marin County Open Space District, 1600 Los Gamos Drive, Suite 275, San Rafael, CA 94903

PROJECT TITLE: Buck gulch Falls Creek Restoration and Trail Improvement Project

PROJECT LOCATION: Ignacio Valley Open Space Preserve, Novato, CA

SUMMARY OF THE PROPOSED PROJECT: The purpose of the proposed project is to implement MCOSD's Road and Trail Management Plan (RTMP) to provide the public with a safe multi-use trail system to enhance the visitor experience, reduce the environmental impacts on sensitive resources by reducing sedimentation and erosion, and establish a sustainable system of roads and trails that meet design and management standards and would provide safe year-round access along the trail alignment. An additional purpose of the proposed project is to implement the Marin County Parks Inclusive Access Plan (IAP) to the greatest extent feasible given the existing topography of the project area. The proposed project includes the following elements, which are summarized below and fully described in the Project Description section of the IS/MND.

New Trail Bridges

- Bridge 1 at downstream crossing over Arroyo de San Jose Creek along Spyglass Trail, near the existing access road
- Bridge 2 at upstream crossing over Arroyo de San Jose Creek along Buck Gulch Falls Trail

Trail Improvements

- Improve conditions along nearly 2,240 feet of existing trail
- Realign nearly 850 feet of trail segments away from eroding streambanks
- Install one puncheon and one boardwalk over unnamed ephemeral streams along the trail
- Change use of the Buck Gulch Falls Trail from hiker/equestrian only to hiker only use
- Install four fill slope walls to retain the trail alignment, near the waterfall viewing area
- Install new fencing and signage at the waterfall viewing area

Trail Decommissioning and Restoration

- Decommission and restore nearly 850 feet of trail
- Restore nearly 19,500 square feet of eroding streambank and riparian area along Arroyo de San Jose Creek

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION MEASURES: The IS/MND identified potentially significant environmental impacts in the area of Biological Resources. Mitigation measures to reduce the significance of these impacts to a less-than-significant level are included in the IS/MND. The IS/MND concludes that, with implementation of the mitigation measures, the proposed project would not result in significant environmental impacts.

CONTACT: Please contact Jason Hoorn at Jason.Hoorn@MarinCounty.gov for additional information.

From: Judith shaw [redacted]
Sent: Monday, July 6, 2026 5:03 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Fwd: Notice of Availability of Bucks Gulch Trail IS/ND

JASON, RESENDING. SHOULD I DELETE THE .ORG ADDRESS FROM MY SYSTEM?

Begin forwarded message:

From: Judith shaw [redacted]
Subject: Notice of Availability of Bucks Gulch Trail IS/ND Date: July 6, 2026 at 4:02:32 PM PDT
To: Hoorn Jason <jhoorn@marincounty.org>
Cc: Gael Perrin [redacted], eklund pat [redacted]

Hi Jason,

I know that many residents in our neighborhood have asked for a 60 day extension of the deadline for comments to the IS/ND, and I too make that request in the interest of basic fairness. I know that you have responded negatively to these requests, but I hope the County will reconsider. No one likes to have the feeling that matters of importance to them are being shoved down their throats.

Please advise me as soon as possible of at the precise distribution of the letter that was mailed out to notify the public of the availability of the Report and the deadline for public comment.

All of the homeowners who reside on Fairway Drive from Ignacio to the trailhead, as well as those homeowners who live on streets intersecting Fairway (their only ingress and egress from their residences) have an interest in the traffic issue. If mailed notice was not sent to all of these stakeholders, that would be even further reason to extend the deadline and allow time for them to receive notice from the County. I know that you have posted the notice on an A-Frame at the trailhead, but not everyone in the Country Club area is a user of the trail.

MR-2

Thank you for your continued courtesy in this matter.

Leonard

From: Judith shaw <[redacted]>
Sent: Friday, July 10, 2026 8:04 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Re: Distribution of Notice of Availability of IS/ND--Bucks Gulch Trail

Hi Jason,

Thank you very much for your response.

I am happy to learn that notice was sent to all Fairway Drive residences and to those homeowners on the streets that intersect Fairway.

Not to put too fine a point on it, but I think the map shows the 38 lots that were never built on because of the transfer of the property to the MCOSD.

I want to thank you again for bringing the hard copy of the report to my home. I really appreciate that you extended that courtesy.

Have a nice weekend.

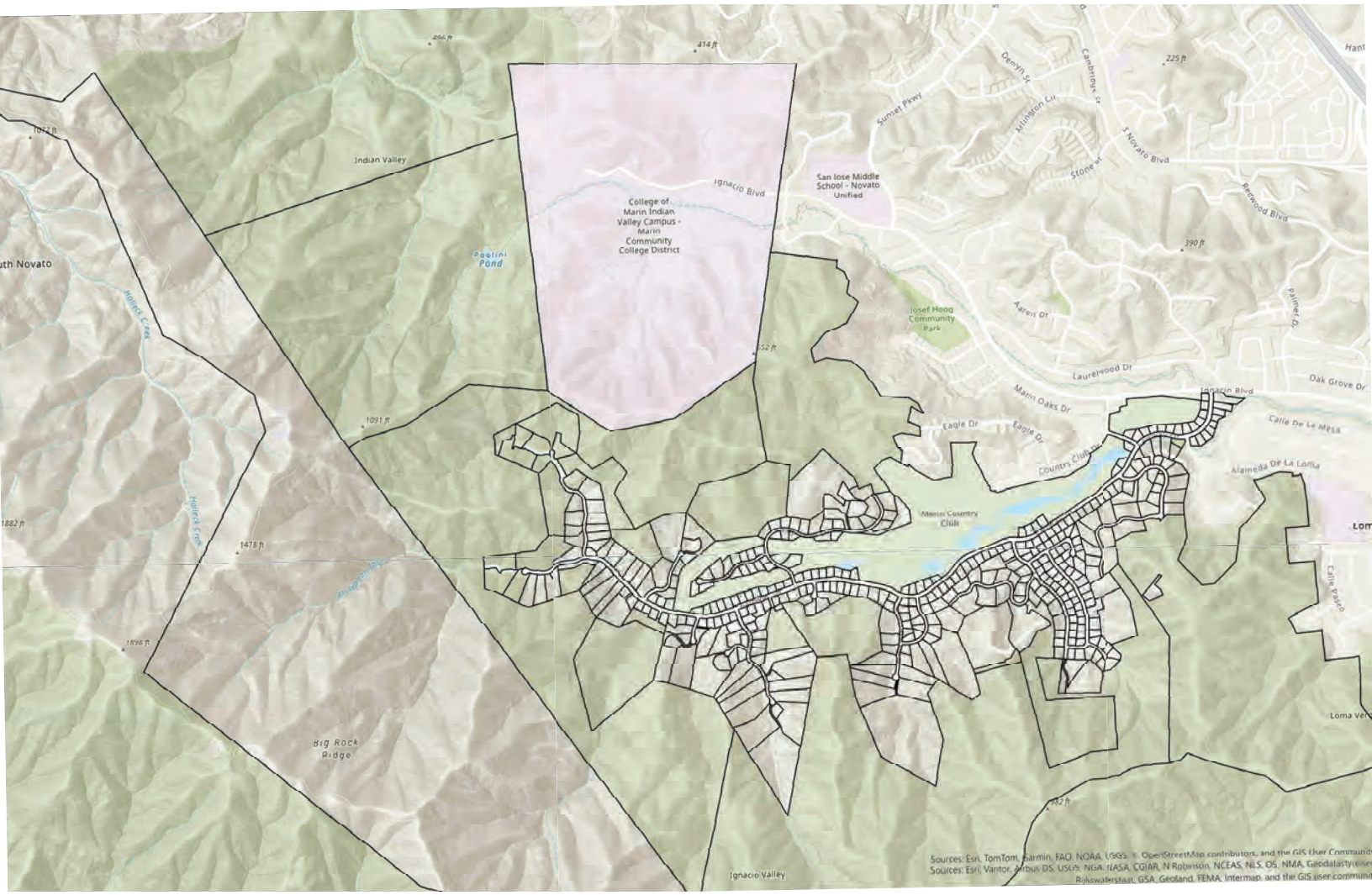
Leonard

> On Jul 10, 2026, at 6:17 PM, Jason Hoorn <Jason.Hoorn@marincounty.gov> wrote:

> Hi Leonard,

> Attached is a graphic that shows the distribution of the Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project, mailed through the USPS. All the highlighted parcels were included in the mailing. This includes Fairway Drive and side streets leading into Fairway Drive. It does not include Country Club Drive or side streets leading into it.
>
> In addition to the USPS mailing, the Marin County Open Space District provided the NOI to agencies and stakeholders; posted information about the NOI at the project area; provided project information including the Initial Study and comment form on the project webpage; published a legal notice in the Marin IJ; and shared an announcement about the NOI on the MCOSD's Road and Trail Management Plan MailChimp subscription.
>
> Thank you,

> Jason


Indian Valley
College of Marin Indian Valley Campus - Marin Community College District
San Jose Middle School - Novato Unified
Ignacio Blvd
Sunset Pkwy
Denyth Ct
Cambridge Cir
Arlington Cir
Stone Ct
S Novato Blvd
Redwood Blvd
Josef Hoog Community Park
Aaren Dr
Palmer Dr
Laurelwood Dr
Oak Grove Dr
Marin Oaks Dr
Eagle Dr
Country Club Dr
Calle De La Mesa
Alameda De La Loma
Marin Country Club
Calle Pasado
Loma Ver
Big Rock Ridge
Ignacio Valley
Hollick Creek
Pacheco Creek
Pacheco Pond
414 ft
225 ft
390 ft
1091 ft
1478 ft
1898 ft
1882 ft
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

> -----Original Message-----
> From: Judith shaw [redacted]>
> Sent: Friday, July 10, 2026 3:24 PM
> To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
> Subject: Distribution of Notice of Availability of IS/ND--Bucks Gulch Trail
>
> Hi Jason,
>
> I wrote to you several days ago, but I think I may have used an incorrect address. I didn't receive the usual error notification, so I thought it had gone through. So much for technology.
>
> In any event, I had requested that you advise me of the scope of the notices.
>
> To which households in the Marin Golf and Country Club subdivision were the notices mailed. Were all homeowners on Fairway Drive from Ignacio to the trailhead notified? Were homeowners on the streets intersecting Fairway Drive notified? Were any notices mailed to the Country Club Drive homeowners?
>
> Because of the tight time limits, I am hopefully that you will respond early next week.
>
> Regards,
>
> Leonard
> Email Disclaimer: https://www.marincounty.gov/privacy-policy

MR-2

From: Len-Judie Shaw [redacted]
Sent: Friday, 24 July 2026 09:40:04
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Fwd: Urgent Request/Buck's Gulch Trail Restoration Project

Begin forwarded message:

From: Judith shaw [redacted]
Subject: Urgent Request/Buck's Gulch Trail Restoration Project
Date: July 24, 2026 at 9:33:13 AM PDT
To: Hoorn Jason <jhoorn@marincounty.org>

Good Morning Jason,

Chris Chamberlain's letter to Amy Cunningham, dated July 22, 2026 states: "Since 2023, District Staff have met with City of Novato Public Works Staff multiple times to discuss project design, construction access, traffic management and on-street parking considerations." MR-2

I would like to come to your office this coming Monday, July 27, at 2 p.m. or 3 p.m., to review the materials the County possesses that relate to communications between the County and the City concerning the Proposed Revision of Bucks Gulch Trail, and any memoranda of meetings held by Staff Members.

Since the City Council is meeting on July 28, and will be taking some action concerning the IS/NMD, it is important that I have the opportunity to review these records before that meeting.

My home phone number is [redacted], and I would welcome your response either by telephone or, if you prefer, e-mail.

Thank you,

Leonard

From: Judith shaw [redacted]
Sent: Friday, 24 July 2026 11:01:08
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Comments on Deficiencies of the Bucks Gulch Trail IS/MND

The following are issues which I contend have been inadequately addressed in above referenced document:

Increased Fire Hazard: MR-14

The IS/MND does not take into account the following facts and circumstances which will markedly increase fire risk:

1. The Preserve will be available for use 24 hours a day.

2. The area from which the Falls can be viewed will be reconstructed in a way that will attract persons
who will choose to camp overnight.

3. Overnight users create a significant risk because of those who will choose to build fires for warmth, or cooking.

4. It will not be possible to adequately police the area, and signage alone is inadequate to prevent such conduct.

5. Wildfire in this Preserve would be catastrophic and imperil the lives and property of those whose homes abut the Preserve.

Inadequate Description of term "Hiking" Trail":

It is inadequate and misleading to describe the proposed revised Trail as an intended "Hiking Trail". In ordinary parlance this suggests use by pedestrians. It is obvious that the revised Trail is intended to accommodate motorized, wheeled vehicles, including wheel chairs. It must be made clear what motorized vehicles will be permitted and which will be prohibited. MR-12

The IS/MND must clarify whether Terrain Hoppers and the like—ATV type vehicles—will be permitted. This is especially important since the MCOSD possesses such vehicles and is testing them at other Preserves. It must clarify whether Golf Carts will be permitted. The Preserve is in a subdivision that has a golf course and thus many residents who possess golf carts. Some of these people have mobility issues that prevent them from walking a reconstructed Trail. Will Golf Carts be permitted?

Failure to address the intended use of the Fairway Drive Extension:

There is a gate at the Cul de Sac. Currently the gate is locked and prevents the use of the narrow extension of Fairway Drive that leads to the Trailhead. The IS/MND does not address whether it is intended that the gate remain in place or that MCOSD will seek to have it removed. Is it contemplated that vehicles park on that narrow roadway, or that only disabled parking be permitted, and if so, how vehicles would turn around to exit the area?

MR-4

Disabled Parking:

The IS/MND does not address whether the MCOSD intends to create any designated Disabled Parking spaces in the residential neighborhood that abuts the Trailhead, and if so, how many and where they would be located.

Submitted by,

Leonard Shaw
[redacted]

From: Jenn Caldwell [redacted]>
Sent: Friday, July 10, 2026 10:09 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: Jennifer Caldwell [redacted]>
Subject: Public Comment Opposing the Buck Gulch Falls Creek Restoration and Trail Improvement Project
Importance: High

> You don't often get email from [redacted]. Learn why this is important

Dear Mr. Hoorn,
I am writing to express my opposition to the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project at Ignacio Valley Open Space Preserve. I urge the district to give significant consideration to the concerns of the residents who live adjacent to this preserve and experience its impacts on a daily basis.

While I appreciate Marin County Open Space District's efforts to restore natural resources and improve trail access, I have significant concerns about the unintended impacts this project will have on our neighborhood.
My primary concerns include:

Increased traffic and parking congestion. Improving access and promoting the trail will likely attract substantially more visitors. Our neighborhood already experiences parking issues during peak times, and additional traffic will negatively affect residents' quality of life and emergency vehicle access.

MR-13

- **Public safety concerns.** Increased visitation often brings additional challenges, including after-hours use, noise, littering, vandalism, and illegal activities such as alcohol and drug use. These issues place an additional burden on nearby residents.

- **Neighborhood character.** The proposed improvements appear designed to increase the popularity and accessibility of the area, fundamentally changing the quiet residential nature of our neighborhood. Residents should not bear the disproportionate impacts of a regional recreation destination.

- **Enforcement and maintenance.** The proposal **does not** clearly explain how increased visitor numbers will be managed or how existing rules regarding parking, hours of operation, alcohol, drug use, and littering will be consistently enforced.

MR-12

Before moving forward, I respectfully request that the Marin County Open Space District conduct a more comprehensive analysis of neighborhood impacts, including:

- A traffic and parking study.
- A public safety and law enforcement assessment.
- A parking management plan.
- A plan for ongoing enforcement, maintenance, and funding to address increased visitation.

I request the District to reconsider the scope of this project or identify alternatives that protect the surrounding residential community while meeting environmental restoration goals.

MR-4

Regards,

Jennifer Caldwell
VP, Global People Empowerment
[redacted]
biocryst

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From: Anne Rettenberg <[redacted]>
Sent: Friday, July 10, 2026 4:22 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: opposed to Buck Gulch project

You don't often get email from [redacted]. Learn why this is important

Mr. Hoorn,

I want to register my opposition to the boondoggle proposed project at Buck Gulch Falls trailhead.

There is some minor work that needs to be done, namely, clearing the excessive brush from the Spyglass trail and perhaps building a small permanent walking bridge over the stream. This project sounds much more complicated. I don't believe the issue is protecting wildlife as it will have the opposite effect. It will disturb the lizard hatching areas, birds' nests, and the natural vegetation. Wildlife will be driven away by the noise and commotion. MR-3 MR-6

The trail is perfectly accessible as is. It is used by small children on a regular basis. If you want to make it accessible to wheelchairs, it will destroy the path as a hiking trail. It is not suited for wheelchair access in any event because there are slopes. Surely you are not thinking of grading the entire area to make it flat???? MR-3

How much money are you planning on wasting on this project that has widespread neighborhood opposition? MR-2

Sincerely,
Anne Rettenberg (taxpayer and registered voter; homeowner)
[redacted]
[redacted]

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Paul Gallagher
Date: Monday, July 13, 2026 11:25:19 AM

CEQA Comments Buck Gulch Falls

Name	Paul Gallagher
Email	[redacted]
Zipcode	[redacted]
Comments	I have been hiking the trails at the end of Fairway for over 45 years, and with the recent popularity of the trail, I am very concerned about the lack of public parking and also sanitary facilities. The area is heavily used in the Winter months and there are no provisions for this type of use. I proposed improvements will only bring additional people, and parking and safety needs to be addressed. I am in favor of improved ADA Access, but let's not forget about the logistics. I am also concerned the increase use of the area must address Fire and Safety? Please advise. Regards Paul Gallagher [redacted]

MR-13

MR-12

MR-14

You can edit this submission and view all your submissions easily.

From: [redacted]
Sent: Tuesday, July 14, 2026 1:39 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Buck Gulch Falls Development Project

You don't often get email from [redacted]. Learn why this is important

Good afternoon,

I have attached a request to postpone the approval process of the Buck Gulch Falls Development Project, in order to allow for additional review of the CEQA analysis and meaningful collaboration with the neighborhood, responsible agencies and community stakeholders.

MR-2

Thank you,

Dianna Bartram

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Jason.Hoorn@marincounty.gov

Re: Opposition to the Buck Gulch Falls Development Project – Request to Preserve the Natural Character of Buck Gulch Falls

Dear Mr. Hoorn,

I respectfully request that the Marin County Open Space District (MCOSD) delay the Buck Gulch Falls Trail Project to allow for additional review of the CEQA analysis and meaningful collaboration with the neighborhood, responsible agencies, and community stakeholders. MR-2

I write as a longtime resident with a deep personal connection to Buck Gulch Falls and the surrounding landscape. I grew up exploring these hills, walking the trails, and experiencing the wildlife that makes this area unique—deer and fawns, bobcats, coyotes, turkeys, turtles, and countless other species that depend on this natural environment. I worked hard to return to this same area so my own children could experience the same connection to nature that shaped my childhood.

Buck Gulch Falls is not simply a recreational destination. It is a rare natural refuge that has provided generations of residents with a place for quiet reflection, discovery, and connection with the land. After reviewing the proposed project, I respectfully disagree that extensive infrastructure—including constructed pathways, switchbacks, an elevated platform, and two large bridges—is consistent with preservation of this resource. While I support thoughtful improvements that protect access and safety, I do not support transforming this intimate natural setting into a highly engineered visitor destination. MR-4

The character of Buck Gulch Falls comes from its undeveloped nature. The quiet, solitude, natural sounds, and opportunity to experience wildlife are the qualities residents value most. Introducing significant structures into this small canyon will permanently alter the landscape and the experience of those who visit.

I am also deeply concerned that the project does not adequately address wildfire risk and emergency access limitations. Buck Gulch Falls is located in a high fire hazard area with steep terrain, dense vegetation, and limited access. Increased visitation through a formalized trail system raises important concerns regarding evacuation, emergency response, and wildfire safety. The area already experiences parking congestion, including vehicles regularly parked in locations intended for emergency access. Adding infrastructure that encourages greater public use without first resolving these existing constraints creates an unacceptable safety concern. MR-13, MR-14

The steep canyon environment also presents long-term geological and maintenance concerns. This area has a history of erosion, unstable slopes, and landslide potential. The combination of wildfire, vegetation loss, and winter storms can significantly increase erosion and slope MR-8

instability. Constructing bridges, retaining structures, and extensive trail improvements in this sensitive environment introduces additional long-term risks that must be carefully evaluated. MR-8

Not every natural area needs to be redesigned or made more accessible through significant construction. Sometimes the most responsible form of stewardship is allowing a place to remain natural. MR-3

Marin County Open Space District, The City of Novato, and all agencies involved in reviewing this project have a responsibility not only to provide recreational opportunities but also to protect ecological integrity, cultural resources, public safety, and the natural character of the lands entrusted to them. Agencies including the U.S. Army Corps of Engineers, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, Novato Fire Protection District, Marin County Fire Department, Novato Police Department, and Federated Indians of Graton Rancheria each have an important role in ensuring that the full environmental, cultural, and safety implications are considered.

I respectfully ask the MCOSD to postpone approval of the project until sufficient time has been provided for a comprehensive review and consider the scale of this project and support a smaller-footprint approach that prioritizes preservation over construction. Buck Gulch Falls is valuable because of what it is—not because of what can be built there. Future generations deserve the opportunity to experience this place as a natural landscape, not another developed recreational facility. MR-2

Thank you for your consideration and for your responsibility to protect the natural resources entrusted to you.

Sincerely,

Dianna Bartram

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Candice Promes
Date: Wednesday, July 15, 2026 3:25:52 PM

CEQA Comments Buck Gulch Falls

Name	Candice Promes
Email	[redacted]
Zipcode	[redacted]
Comments	Previously there was an estimated $3 million price tag on this project which seems to be a lot of money for visiting a waterfall three months of the year. Throughout the summer months, the Ignacio Valley is close to 10 degrees hotter than the other areas in Novato, and not much of a reward at the end of the Buck Gulch Falls Trail during the dry months. Have summer visitor numbers been looked at?

MR-12

Has parking for this been included for this project? And has handicapped parking been included since the money is being spent to make this all-abilities accessible? What good will that do if there is no all-abilities accessible parking.

MR-13

You can edit this submission and view all your submissions easily.

July 8, 2026

Mr. Jason Hoorn (District 5)
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Mr. Hoorn:

The purpose of this letter is to request an extension regarding the initial Study/Mitigated Negative Declaration concerning the Buck Gulch Falls Creek Restoration and Trail Improvement Project, which is located at the end of Fairway Drive, in Novato. MR-2

It is my understanding that the CEQA Guidelines (Section 15073), public review period for a Mitigated Negative Declaration (MND), must be at least 20/30 days for state agency review. The need for predictability and administrative consistency is imperative across County projects. I would like to respectfully note that because CEQA establishes a statutory *minimum* (20/30 days) rather than a maximum, the County possesses the legal and discretionary authority to grant an extension.

I realize that CEQA explicitly establishes a minimum window to protect the public's right to participate and does not prohibit a lead agency (the County) from granting an extension. Public agencies across California routinely extend comment periods for complex or highly contested projects. Doing so is entirely within Marin County's legal discretion.

It is my understanding that the Marin County Parks Department Staff are unwilling to extend the comment period timeline. I agree that *"Maintaining the established review schedule is important to ensuring a fair, predictable, and consistent environmental review process for all County projects."* The IS/MND is a technical document of almost 300 pages, and it has arrived at a time when many people are on summer vacation. I am simply asking that the length of time be extended.

Sincerely,

Gabrielle Campbell

[redacted]

c: Chris Chamberlain (Chris.Chamberlain@MarinCounty.gov)
c: Perrin ([redacted]
c. Leonard Shaw ([redacted]

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - ROBERT BUNNELL
Date: Tuesday, July 21, 2026 9:35:03 PM

CEQA Comments Buck Gulch Falls

Name	ROBERT BUNNELL
Email	[redacted]
Zipcode	[redacted]
Comments	The proposed enhancements to the nice, pristine trail from the end of Fairway Drive to Bulk Gulch falls is a horrible idea for many reasons. If you do this I will never vote for a provision like Measure A again.

To get to the start one must drive the length of Fairway Drive, 1.7 miles, through a residential area of Novato. This 1.7 miles is a virtual straight line and cars drive much too fast, which will be very dangerous with many more cars zooming up and down this very straight road. There are young children, dogs, cats and many older people who walk Fairway Drive. The additional traffic will make for many very dangerous situations. MR-13

The waterfall at the end of Fairway Drive is only flowing about 2 months of the year. There will be many disappointed people who arrive with no or very little water flowing. This not an impressive waterfall even during the middle of the rainy season. MR-3

Additionally, the area at the end of Fairway Drive and the trail to the falls is all very flammable brush and will create a huge fire danger. MR-14

This is one of the worst ways to spend Measure A money. There are many other much better ways to spend this money. Please do not do this.

You can edit this submission and view all your submissions easily.

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Brad Paterson
Date: Wednesday, July 22, 2026 9:25:21 PM
Attachments: Buck Gulch Falls Comment.pdf

CEQA Comments Buck Gulch Falls

Name	Brad Paterson
Email	[redacted]
Zipcode	[redacted]
Comments	Attached is a letter with comment outlining significant concern and request for response on numerous items. My contact details are in the letter. Thank you.
Attachment (Optional)	Buck Gulch Falls Comment.pdf

You can edit this submission and view all your submissions easily.

From: Brad Paterson [redacted]
Sent: Wednesday, July 22, 2026 9:37 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: Eric Lucan <Eric.Lucan@MarinCounty.gov>; Dennis Rodoni <Dennis.Rodoni@MarinCounty.gov>; Sackett, Mary <Mary.Sackett@MarinCounty.gov>; Brian Colbert <Brian.Colbert@MarinCounty.gov>; Stephanie.Moulton-Peters@marincounty.gov; Chris Chamberlain <Chris.Chamberlain@MarinCounty.gov>; Mischon Martin <Mischon.Martin@MarinCounty.gov>; Carl Somers <Carl.Somers@MarinCounty.gov>; Tanya Albert <Tanya.Albert@MarinCounty.gov>; Leslie Weber <Leslie.Weber@MarinCounty.gov>
Subject: Public Comment on Draft IS/MND, Buck Gulch Falls Creek Restoration and Trail Improvement Project

You don't often get email from [redacted]. Learn why this is important

Dear Mr. Hoorn,

Attached are my comments on the Draft Initial Study / Mitigated Negative Declaration for the Buck Gulch Falls project, circulated June 23. I have also submitted them through the CEQA comment portal. I live adjacent to the project area.

In summary, the document's conclusion of no significant effect assumes visitation will stay limited by on-street parking and grow only in line with regional population. Nothing in the record supports that the current erosion is driven by a social-media-driven surge in use that occurred while the same parking constraint was in place. The Recreation, Transportation, Noise, Wildfire and operational biological findings all follow from that assumption. MR-3

The related concern is the Northern Spotted Owl activity center documented 0.12 mile from the project area with confirmed activity in 2023, 2024 and 2025. That is roughly 600 feet, which is less than the 1,320-foot buffer specified in the District's own mitigation table. The analysis addresses construction noise but not the permanent change to year-round use during the February to July breeding season. MR-6

The letter sets out these points in detail along with requests regarding the alternatives analysis, the W-Trans memorandum, emergency access, and the State Clearinghouse submittal. I am asking the District to prepare an Environmental Impact Report rather than adopt the Mitigated Negative Declaration, and to extend the comment period by at least 30 days while also receiving input from Novato Fire. MR-2

I am copying the Board and Parks leadership for their awareness.

Regards,
Brad Paterson

To: Jason Hoorn, Senior Natural Resources Planner Marin County Open Space District
Jason.Hoorn@marincounty.gov

Cc: MCOSD Board of Directors; Marin County Board of Supervisors; Parks and Open Space Commission

Re: Comments on the Draft IS/MND, Buck Gulch Falls Creek Restoration and Trail Improvement Project

July 22, 2026

Dear Mr. Hoorn,

I live adjacent to the project area and I have read the Draft Initial Study circulated on June 23. Thank you for putting a document of that depth into the public record. These comments are offered in that spirit.

My first question is about need. The Initial Study rests its case on a CDFW recommendation from 2009 that sources of streambank erosion be identified and prioritized for treatment. That recommendation is now seventeen years old, and nothing in the document quantifies the sediment yield from this reach, establishes a threshold at which intervention becomes necessary, or explains why the seventeen years of inaction were acceptable if the condition is serious. Based on my research, Arroyo de San Jose is an intermittent stream that carries water seasonally, and the document does not identify any listed aquatic species dependent on it. A localized bank failure of roughly 150 linear feet is described, but a described condition is not the same as a demonstrated need for a project of this scale. MR-3

Beyond that, the evidence the District has relied on to conclude that this project has no significant environmental effect does not hold up. That conclusion rests on a single assumption the document does not support and at times contradicts. I am asking the District to prepare an Environmental Impact Report instead of adopting the Mitigated Negative Declaration. MR-2

The visitation assumption on page 11

Under Operation and Maintenance, the Initial Study says visitation will stay limited by available on-street parking, that the project adds no parking or other amenities improving vehicle access, and that any increase in trail use should be minor and roughly proportional to regional population growth. MR-12

Almost everything else in the document leans on that paragraph. The conclusions in Recreation, Transportation, Noise, Public Services, Wildfire, and the operational half of Biological Resources all follow from it. If it does not hold, neither do they.

I do not think it holds, for the following reasons:

The document says something different on page 13. There, in Project Development, the District explains how the current damage came about: recreation has grown in popularity, social media helped, the trail became a very popular destination, and that intense use caused the erosion the project now proposes to repair. That is a description of demand driven by attention rather than population, and it

happened while the parking constraint was already in place. The District cannot attribute today's erosion to a social-media-driven surge and then forecast tomorrow's visitation off regional population growth. Both statements cannot be right, and the document does not reconcile them.

MR-12

There is no baseline count. Page 11 proposes a visitor use camera at the Spyglass intersection for four weeks in years 1, 2 and 5 after the project is built. That is a reasonable monitoring program, and it also confirms the District does not currently have visitation data for this trail. I do not see how an increase can be characterized as minor when the starting point has not been measured. If the camera is worth installing in year one, it was worth installing in the year before certification. I would ask the District to put counters out now, across a full wet season and a dry season, and disclose what they show before any decision is made.

Parking scarcity spreads demand, it does not cap it. The Initial Study treats the absence of a parking lot as a ceiling on use. If demand rises and formal capacity does not, the overflow does not disappear. It goes onto Fairway Drive, Saint Andrews Drive and the surrounding streets, which page 4 identifies as the parking supply. So the mechanism the District is counting on to limit visitation is the same mechanism that pushes the consequences into the neighborhood. I would genuinely like to know what the District believes happens to demand above on-street capacity, and where it goes.

MR-13

Removing the seasonal barrier is the point of the project. The document is candid that mud, ponding, soft tread and impassable fords currently deter people. Bridges above the 100-year flood elevation, a puncheon, a boardwalk, hardened Mayacama Red surfacing to a firm and stable standard, and grade reduction are all designed to remove those deterrents. The stated objective is year-round access. A project built to eliminate the conditions that suppress wet-season use should not conclude that wet-season use will hold steady. That is a foreseeable indirect effect and CEQA asks for it to be analyzed.

MR-12

The spotted owl

Page 18 discloses a Northern spotted owl activity center roughly 0.12 mile south of the project area, with confirmed activity in 2023, 2024 and 2025. That is about 630 feet.

MR-6

Mitigation Measure BIO-2, Table BIO-MM2, sets the guideline buffer for Northern spotted owl at 402 meters, or 1,320 feet, across a breeding season running February 1 to July 31. So by the District's own standard, a confirmed activity center with three consecutive years of activity sits at less than half the buffer distance.

Everything the Initial Study does about this is construction-phase: seasonal restrictions, preconstruction surveys, worker training, monitoring. Those are sensible measures for construction. They do not touch the permanent change the project creates.

The operational picture, as I read it, is this. The trail is currently suppressed in wet weather by mud and impassable fords. The wet season is when the waterfall runs and, per the document, when the trail is most popular. The owl's breeding season runs February through July, which overlaps that period almost entirely. The project is designed to make the trail usable in exactly those months. And page 4 notes the trail is open 24 hours.

That adds up to a permanent increase in year-round, potentially round-the-clock human presence 630 feet from an active territory during breeding season, with no operational analysis and no operational mitigation. The only thing standing between the document and that question is the visitation assumption on page 11.

I would ask the District to release the Point Blue monitoring data for that activity center from 2023 through 2026, including reproductive outcome by year, and to analyze operational disturbance within the 1,320-foot buffer. If the District's position is that operational disturbance is less than significant, I would like to understand the evidence behind it.

There are feasible operational measures available here that the project description does not mention: a seasonal use restriction during the breeding window, dawn-to-dusk hours in place of 24-hour access, or a group size cap. Dawn-to-dusk in particular is within the District's authority, costs nothing, is common at comparable preserves, and would address a good portion of the neighborhood's concerns at the same time. Its absence stands out.

MR-6

The alternatives that were not considered

Pages 19 and 20 evaluate Alternatives A, B and C alongside No Project. All three action alternatives are variations of the same alignment, and by the document's own description, all three were designed to be accessible for all users while meeting IAP standards, a 48-inch minimum width and AGODA slope requirements.

Every alternative was therefore built to deliver the accessibility objective before the screen began. It is not surprising that the accessibility objective survived it.

What is missing is any alternative that meets the District's stated restoration objectives without the access build-out:

- **Restoration only.** Stabilize the 6,200 square feet of eroding bank, decommission and revegetate the 850 feet of streamside and social trail, restore the 19,500 square feet of trampled riparian area, and handle the fords through seasonal closure or simple hardening rather than permanent bridges. That delivers objectives one, two and three in full, at a much smaller footprint, without inducing more visitation. It does not appear anywhere in the document.
- **Seasonal closure.** The Initial Study identifies wet weather as the driver of braiding, mud avoidance, vegetation loss and safety risk at the crossings. Closing the trail in high flow addresses the erosion mechanism at its source. It is the most obvious alternative available and it is not evaluated.
- **Reduced scope.** Restoration plus realignment away from the bank, without the waterfall platform, the four fill slope walls, or full hardened surfacing.

The document concludes that No Project could leave the landscape irreparably damaged. That is a choice between the proposed project and doing nothing, and the two alternatives above are neither. The fact that the analysis offers only those poles suggests the range considered was narrower than CEQA contemplates.

MR-4

Page 20 also says the proposed project was shaped by a significant amount of community input. I would ask the District to identify which specific project elements changed in response to the neighborhood concerns recorded on page 14 about parking, traffic, fire risk and evacuation. Reading the project description, I cannot find any. If I have that wrong, I would like the record to say so.

MR-4

The accessibility case does not hold together

Page 16 reports that PCI Ecological found full accessibility could be achieved along the entire trail, then says in the same passage that steep slopes, geologic and hydrologic constraints and sensitive habitat limit compliant gradients, and that the project meets most rather than all IAP standards.

Page 22 gets specific. Part of the trail would meet Access and Discovery guidelines, but the segment from Bridge 2 to the waterfall would only meet the lesser Improved Trail guidelines. Page 8 discloses a reroute at up to 12 percent slope.

So the project carries the full environmental cost of the accessibility objective, four fill slope walls, a constructed landing platform, hardened surfacing throughout, while acknowledging that the final approach to the actual destination will not meet the higher standard. If full accessibility to the falls is not achievable, then a reduced-scope alternative delivering comparable partial accessibility with a smaller footprint should have been on the table.

To be clear, I am not arguing against accessible trails. Opening this place up to people with mobility limitations is a worthwhile thing to do. My point is narrower: the document has not shown that this footprint is the least damaging way to deliver the accessibility that can actually be delivered here.

Traffic, emergency access and fire

MR-13

Page 16 describes the transportation work as a Transportation Checklist Memo from W-Trans. A checklist memo is a screening tool rather than a study.

I understand that after SB 743, parking supply and congestion are no longer environmental impacts on their own, and I am not making a parking-supply argument. Two Appendix G questions do remain, and I do not think the record supports either conclusion.

The first is whether the project substantially increases hazards through a geometric design feature or incompatible use. Fairway Drive dead-ends at the trailhead. More on-street parking on a dead-end residential street narrows the travel way, blocks sight lines at driveways and intersections, and puts people, including kids, in the roadway where there are no sidewalks. The question is not whether parking is sufficient but whether the resulting street condition is unsafe, and I do not see that analyzed.

The second is emergency access. The document includes Figure HH-1, the Fire Safe Marin evacuation route, so the District clearly recognizes the constraint. I cannot find any analysis of whether peak-day on-street parking allows fire apparatus through, or what it does to evacuation capacity for Fairway Drive and Saint Andrews Drive in a wildfire.

Related, the wildfire conclusion depends on the same visitation assumption as everything else. More year-round visitors means more person-days in a mapped hazard zone during fire season, and human activity is the dominant ignition source in California open space. I would ask that the wildfire analysis be revisited against an evidence-based visitation forecast. MR-14

Specifically, I am asking for the full W-Trans memo and its methodology, including whether any field counts were taken or whether the project was screened out of quantitative analysis; confirmation of whether the Novato Fire Protection District was formally consulted, with the correspondence in the record; and peak-day on-street occupancy figures for Fairway and Saint Andrews measured during the wet season. MR-13

The neighborhood raised parking, traffic, fire and evacuation at the August 2023 meeting and again at the May 2025 meeting attended by more than 100 residents. Three years on, it would be reasonable for the environmental document to answer those concerns with numbers.

Construction

Page 11 sets out weekday construction from 7:00 a.m. to 6:00 p.m., roughly six months across two seasons, with excavators, loaders, compactors, cement trucks, roller compactors, dump trucks, ATVs, jackhammers and power saws, all coming in via Fairway Drive. I appreciate that being disclosed plainly.

Three things I would like added. First, modeled construction noise at the nearest residential property lines against County and Novato standards for the loudest activities. The document says work within 1,000 feet of homes lasts under two months but does not say how loud it gets. MR-11 Second, the number of days street parking on Fairway will be prohibited for equipment and bridge delivery, and the associated truck trip count. Third, the total elapsed calendar time from mobilization to final revegetation, plus a defined notification protocol for Fairway and Saint Andrews residents rather than the general commitment currently in the text. MR-2

The private property at the end of the trail

Page 4 discloses that the falls themselves sit on private land, that the last 517 feet crosses Hill Ranch under a separate easement, and that the District holds a public use easement at the trail entrance from Hill Ranch and Marin County Club Estates, LLC. Page 9 proposes 40 feet of split-rail fencing at the viewing area specifically to keep visitors from climbing a slope that is on private property. MR-10

So the project builds a permanent, improved, all-weather destination platform at a terminus where trespass is already common enough to warrant a fence, and more visitors to that terminus means more pressure on the adjacent landowners. I would ask whether those landowners have reviewed and consented to what is proposed on and next to their property, and whether any analysis of trespass or nuisance effects on adjacent parcels was done.

The cover page shows the State Clearinghouse number as an unfilled placeholder. Since the project needs a Streambed Alteration Agreement from CDFW and Section 401 certification from the Regional Water Board, both state agencies, I would like written confirmation that the Draft IS/MND went to the State Clearinghouse for state agency review and that the review period has run. If it has not, the notice period should restart before the Board acts. MR-2

I recognize property values are not a CEQA issue and I am not raising them as one. For the Board's policy consideration I would only say that turning an adjacent seasonal neighborhood trail into a year-round regional destination changes the character of the neighborhood and that the people on those streets have been saying the same things without, as far as I can tell from the record, any resulting change to the design. MR-10

In summary:

1. Prepare an EIR rather than adopting the Mitigated Negative Declaration. The absence of any evidentiary basis for the page 11 visitation assumption, and the resulting failure to analyze operational disturbance to an owl activity center 630 feet away, together amount to substantial evidence that the project may have a significant effect. MR-3
2. Collect and disclose baseline visitation data before certification rather than in years 1, 2 and 5 afterward. MR-12
3. Analyze a restoration-only alternative and a seasonal closure alternative. MR-4
4. Analyze operational-phase impacts on Northern spotted owl and evaluate seasonal and dawn-to-dusk restrictions as mitigation. MR-6
5. Release the full W-Trans memo and confirm formal consultation with Novato Fire. MR-13, MR-14
6. Confirm State Clearinghouse submittal.
7. Extend the comment period by 30 days. A window running June 23 to July 24 sits entirely inside the summer and limits participation from the residents most affected. MR-2
8. Provide written responses to these comments before the Board takes up the project.

Thank you for the work behind this document and for the chance to comment. I would be glad to walk the site with District staff and talk any of this through.

Warm Regards,

Brad & Katy Paterson,

[redacted]
Email: [redacted]
Phone: [redacted]

From: No-Reply <No-Reply@MarinCounty.gov>
Sent: Wednesday, July 22, 2026 9:39 PM
To: Chris Chamberlain <Chris.Chamberlain@MarinCounty.gov>
Subject: Re: Buck Gulch Falls [SENT FROM A PUBLIC FORM]

Contact Us

Email To:	chris.chamberlain@marincounty.gov
Hosted Page:	https://www.marincounty.gov/news-releases/county-parks-interim-director-has-interim-taken-title
To:	Chris Chamberlain
From:	Kevin Hogan
Sender's Email Address:	[redacted]
Subject:	Buck Gulch Falls
Message:	please see attached comments and concerns regarding Buck Gulch Falls. Kevin Hogan
Optionally Add an Attachment:	Buck Gulch Falls - kjh.docx
	2026-07-22 09:37PM -0700 IP:

You can edit this submission and view all your submissions easily.

From: No-Reply No-Reply@MarinCounty.gov>
Sent: Wednesday, July 22, 2026 10:02:24 PM (UTC-08:00) Pacific Time (US & Canada)
To: BOS <BOS@MarinCounty.gov>
Subject: Board of Supervisors Contact Form - District 5 - Eric Lucan

Board of Supervisors Contact Form	
Hosting Page:	https://www.marincounty.gov/departments/board
Your Name:	Kevin Hogan
Your Email Address:	[redacted]
Subject:	Buck Gulch Falls
Is this a public comment?	Yes
Select a Routing Method:	District
What District Do You Live In?	District 5 - Eric Lucan
Message:	See attached document with comments regarding Buck Gulch Falls. Kevin
Attachment:	Buck Gulch Falls - kjh.docx

From: No-Reply <No-Reply@MarinCounty.gov>
Sent: Wednesday, July 22, 2026 10:09 PM
To: CDABuilding <CDABuilding@MarinCounty.gov>
Subject: Re: Buck Gulch Falls [SENT FROM A PUBLIC FORM]

Contact Us

Email To:	cdabuilding@marincounty.gov
Hosted Page:	https://www.marincounty.gov/departments/cda
To:	Community Development Agency
From:	Kevin Hogan
Sender's Email Address:	[redacted]
Subject:	Buck Gulch Falls
Message:	please see attached comments regarding Buck Gulch Falls. Kevin
Optionally Add an Attachment:	Buck Gulch Falls - kjh.docx
	2026-07-22 09:09PM -0700 IP:

You can edit this submission and view all your submissions easily.

From: Kevin Hogan <[redacted]>
Sent: Wednesday, July 22, 2026 10:17 PM
To: novatocouncil@novato.gov
Cc: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Fwd: Buck Gulch WaterFalls Trail

You don't often get email from [redacted]. Learn why this is important

Please excuse me if this is a duplicate email. My server has been giving me some trouble this evening, and I've received several bounce-back messages related to this topic. I'm sending this again to ensure my comments are received before the submission deadline.

Kevin Hogan

Begin forwarded message:

From: Kevin Hogan <[redacted]>
Subject: Buck Gulch WaterFalls Trail
Date: July 22, 2026 at 9:41:42 PM PDT
To: jason.hoorn@marincounty.gov
Cc: rfarac@novato.gov, kjacobs@novato.gov, peklund@novato.gov, skarkal@novato.gov, toconnor@novato.gov, planning@novato.gov, permitinfo@novato.gov, jchayka@marincounty.org, Eric Lucan <Eric.Lucan@marincounty.gov>

Please see attached document regarding comments on Buck Gulch Falls.

Kevin

From: Kevin Hogan [redacted]
Sent: Wednesday, July 22, 2026 9:42 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: rfarac@novato.gov; kjacobs@novato.gov; peklund@novato.gov; skarkal@novato.gov; toconnor@novato.gov; planning@novato.gov; permitinfo@novato.gov; jchayka@marincounty.org; Eric Lucan <Eric.Lucan@MarinCounty.gov>
Subject: Buck Gulch WaterFalls Trail

[You don't often get email from [redacted] Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Please see attached document regarding comments on Buck Gulch Falls.

Kevin

We hope local politicians and county employees remember that their position, salary, and benefits come from their constituents. Once in office, their job is to serve the people who elected them, not to pursue personal agendas. Two local politicians who have failed to listen to constituents or seriously consider alternatives to this project are Eric Lucan and Pat Ecklund. Over the years they've pushed this project that will cost the county millions of dollars, failed to gain input from the people it actually impacts, and had only two community meetings that met Brown Act requirements, the presentation to the Board of Supervisors for review and approval, and the Novato City Council meeting just this month. The Fairway Drive neighborhood held one neighborhood meeting on this subject and invited Marin Parks Dept and District 5 City and County Representative's but neither Eric Lucan or Pat Ecklund attended. That meeting did not meet the Brown Act's advertising and posting requirements and was not conducted as a Brown Act meeting. MR-2

The project would spend millions of dollars building large bridges and grading the remaining trails to Buck Gulch Falls. From my understanding, this is land the county legally promised to keep in its "natural" state when it was transferred from the previous owner to the county. How are bridges and trails graded with non-native materials, materials toxic to most animals, a "natural condition"? MR-10

Beyond the construction materials themselves, this project poses real risks to the stream and the wildlife that depend on this canyon. Grading, bridge construction, and a sharp increase in visitor traffic all threaten to disturb the creek along with amphibians, and other animals that rely on it for habitat. A project with this scope and these kinds of environmental impacts plainly calls for a full CEQA environmental impact report before any further steps are taken, and to date the county has not committed to one. MR-6

On top of that, the trail begins at the end of a dead-end street with only a couple of parking spaces. The rest of the area is designated "No Parking" for emergency vehicle turnaround, and the county has promised no parking lot will be built. The result: cars lining up in front of houses and driveways, turning the neighborhood into something resembling Super Bowl Sunday every weekend for roughly three months, a serious and unnecessary burden on residents. Beyond the parking itself, the added foot and bicycle traffic through a quiet, dead-end residential street was never adequately accounted for, creating ongoing safety and quality-of-life concerns for a neighborhood that was never designed to handle this volume of visitors. MR-13

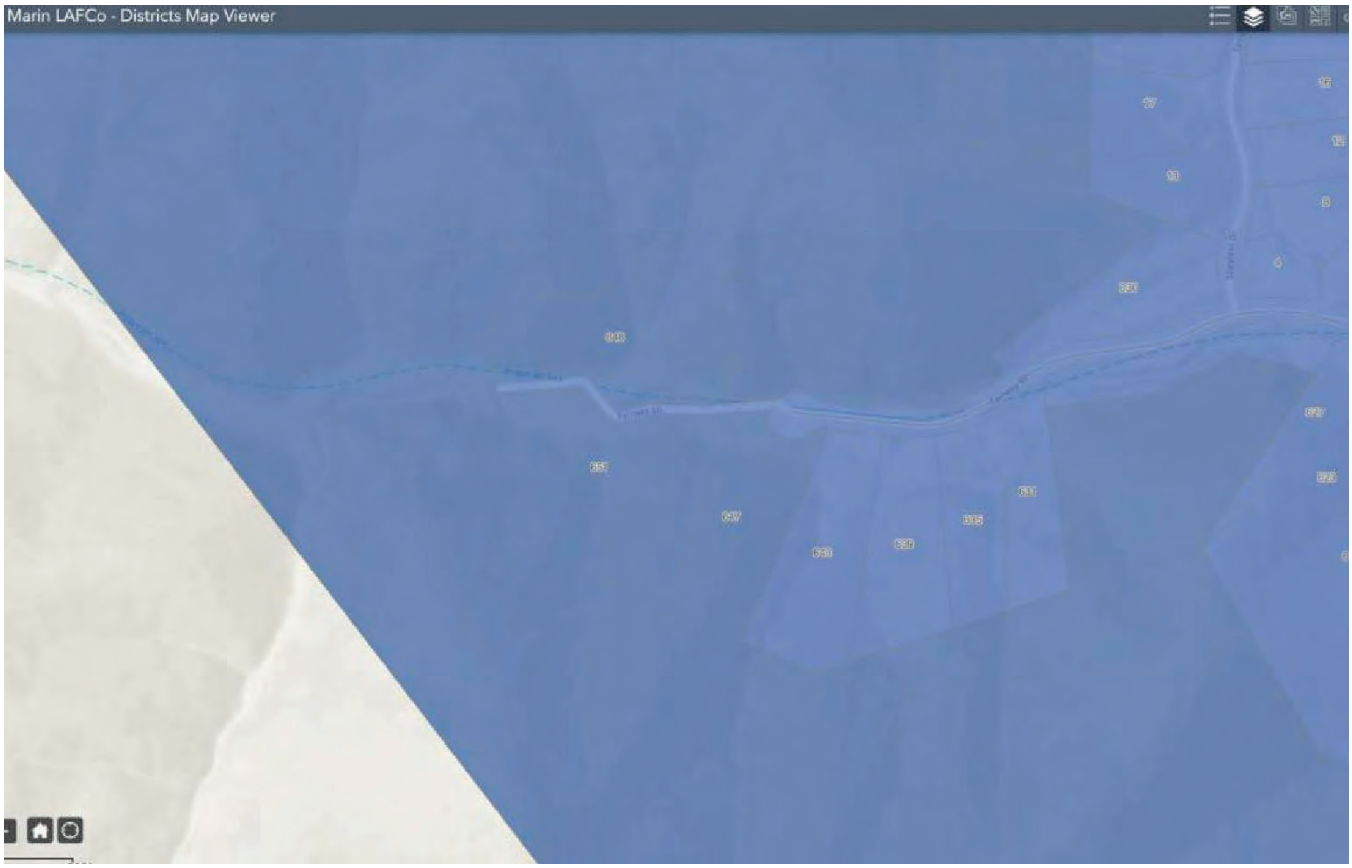
If the county feels it must spend millions on a trail to a waterfall that only runs for roughly three months a year, it needs to consider other options, starting with Ken Harth Waterfall. This waterfall is at the end of Ignacio Blvd., adjacent to the College of Marin campus. That location already has over 100 parking spaces, including several ADA-accessible spots, a beautiful park for family outings, a thriving organic garden that sells produce throughout the year, and a trail to the waterfall nearly identical in length to Buck Gulch, one that's already mostly graded and has a single, sturdy bridge already in place. It also offers better access for a larger population from Marin and surrounding counties, since bus service runs directly to the campus with drop-offs within walking distance of the waterfall trail. And unlike Buck Gulch, this land isn't bound by a "natural state" preservation requirement and has a security feature not available on Fairway Drive, a gate that is closed at nights that is a good distance from the trailhead, thus discouraging walkers when the gates are not open and buses running. MR-3

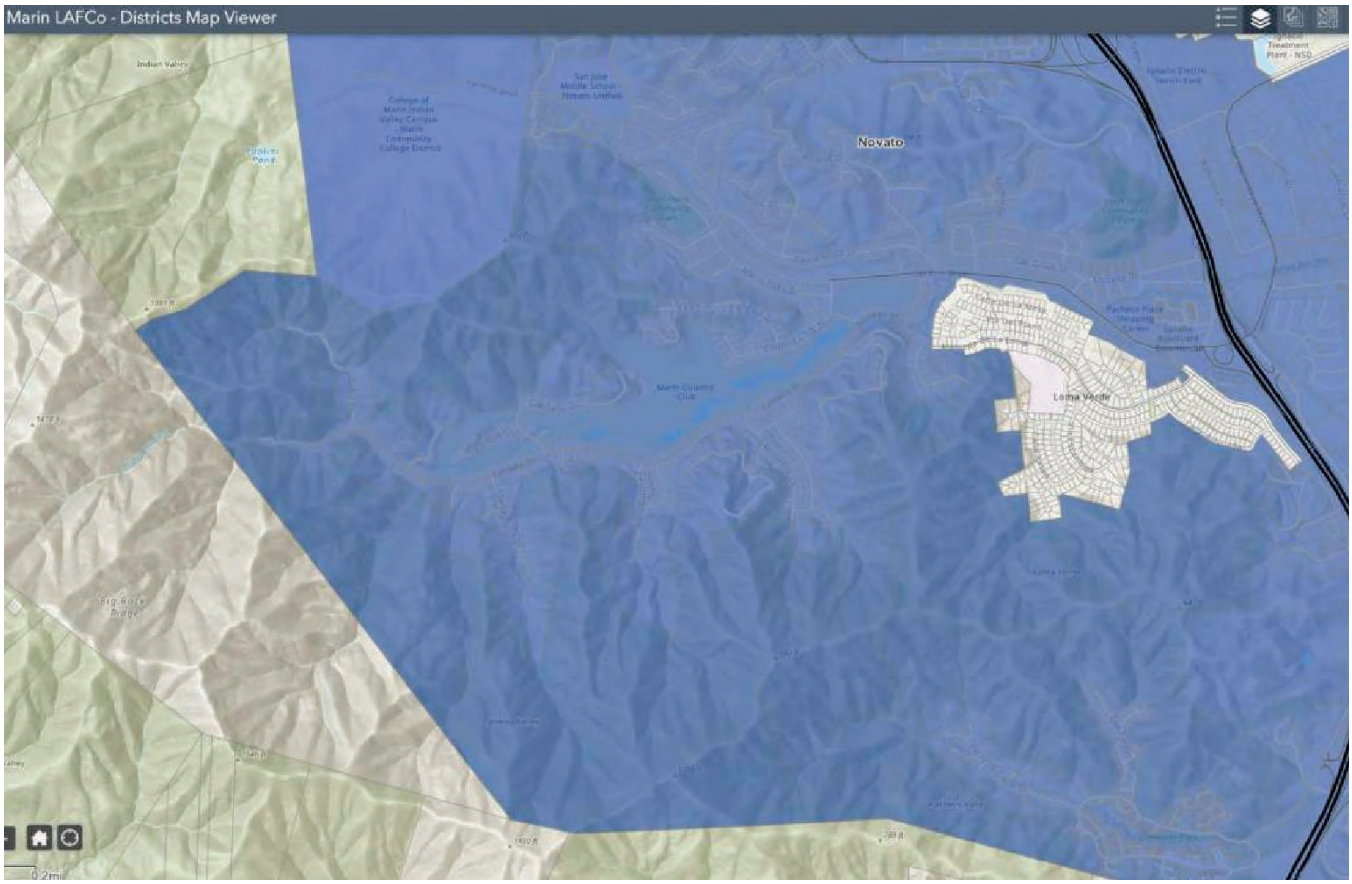
Improving access to Ken Harth Waterfall would cost less, make use of infrastructure that already exists, avoid disrupting a small residential neighborhood, and avoid violating the terms under which the Buck Gulch land was transferred to the county. MR-4

In my opinion, creating a park at the end of Fairway Drive that will draw potential fire hazards, smokers and partiers, and adding battery-operated vehicles to a forested area close to a residential neighborhood is unconscionable. I believe the county is exposing itself to real legal and financial risk. A serious fire danger in a residential area could lead to home insurers canceling homeowner coverage, which would be a significant blow to property values and to many families' retirement savings, whether through the loss in home value or the added cost of having to self-insure. MR-14

In addition to the information provided above, the City of Novato must consider the financial impact this project will have on the City due to the County's untethered actions beyond the first several hundred yards of land owned by Novato (see attached maps). I must assume that Novato will be liable for maintaining the infrastructure the County constructs on City property, plus the ongoing increased costs for street repair, fire services, and policing of parking, speeding, use of area during 'closed' hours, and likely higher crime in the neighborhood. MR-4

Over the last decade there has been little to no official communication from our local politicians about these plans, no genuine conversation or willingness to listen to the concerns of those most impacted by the project, and only two Brown Act meetings held to promote this plan; in my opinion these are all hallmarks of backroom dealings. MR-2


Marin LAFCo - Districts Map Viewer


Marin LAFCo - Districts Map Viewer
Novato
Loma Verde
0.2mi

From: Leslie Weber <Leslie.Weber@MarinCounty.gov>
Sent: Thursday, July 23, 2026 7:46 AM
To: [redacted] Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: FW: Board of Supervisors Contact Form - District 5 - Eric Lucan / Draft IS/MND, Buck Gulch Falls Creek Restoration and Trail Improvement Project

Hi Kevin,

Thank you for your comments. I will share them with Supervisor Lucan and am forwarding them to Jason Hoorn, from our Parks department, who is collecting comments on the Draft IS/MND, Buck Gulch Falls Creek Restoration and Trail Improvement Project.

Leslie

COUNTY OF MARIN

Leslie Weber
District Aide, Supervisor Eric Lucan

County of Marin
Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903
(415) 473-7395
CA Relay 711
New Email: Leslie.Weber@MarinCounty.gov

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From: Mark Scardina [redacted]
Sent: Wednesday, 22 July 2026 15:45:21
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: Sackett, Mary <Mary.Sackett@MarinCounty.gov>; Brian Colbert <Brian.Colbert@MarinCounty.gov>; Stephanie MoultonPeters <Stephanie.MoultonPeters@MarinCounty.gov>; Dennis Rodoni <Dennis.Rodoni@MarinCounty.gov>; Eric Lucan <Eric.Lucan@MarinCounty.gov>
Subject: Buck Gulch Falls Creek Restoration and Trail Improvement Project (Draft IS/MND) – Technical Review Findings

You don't often get email from [redacted] Learn why this is important

Dear Mr. Hoorn:

The Marin Country Club Neighborhood Association (MCCNA) respectfully submits the enclosed technical review of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project. The report was prepared by a volunteer team of subject matter experts with professional experience in engineering, environmental science, planning, and related technical disciplines. It represents an independent technical review of the adequacy of the Draft IS/MND's environmental analysis and supporting documentation under CEQA.

The enclosed report is intended to assist the District by identifying opportunities to clarify the basis for significance determinations, document supporting analyses, and strengthen the administrative record before completion of the Final IS/MND. The report identifies areas where, in our opinion, additional analysis, clarification, or supporting documentation would strengthen the environmental record supporting the Final IS/MND.

We appreciate your consideration of these comments and your continued work on this project. If additional information or clarification would be helpful, we would be pleased to provide it.

Sincerely,

Mark Scardina

Secretary
Marin Country Club Neighborhood Association (MCCNA)
[redacted]

Mark Scardina
Secretary, MCCNA
[redacted]

Marin Country Club Neighborhood Association

Public Comment on the CEQA

Draft Initial Study/Mitigated Negative Declaration

for the proposed

Buck Gulch Falls Creek Restoration and Trail Improvement Project

at

Ignacio Valley Open Space Preserve

State Clearinghouse (SCH) Number: 2026######

July 22, 2026

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Executive Summary

The Marin Country Club Neighborhood Association (MCCNA) conducted an independent technical review of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project. The review evaluates whether the Draft IS/MND adequately documents the analytical basis and supporting evidence for its significance determinations under the California Environmental Quality Act (CEQA) Appendix G Environmental Checklist.

This review does not advocate for or against the proposed project. Nor does it independently determine whether the project will result in significant environmental impacts. Rather, it evaluates whether the administrative record, as presented in the Draft IS/MND and supporting technical documents, provides sufficient information for decision-makers and the public to understand how the stated environmental conclusions were reached.

A consistent review methodology was applied throughout each submitted environmental topic. For each Appendix G significance determination evaluated, the review considered two fundamental questions:

- Does the IS/MND identify the analytical criteria, methodology, assumptions, and decision framework used to reach its significance determination?
- Does the IS/MND identify the technical studies, factual evidence, engineering analyses, regulatory findings, or other substantial evidence supporting that determination?
- Across multiple environmental topics, the review identified recurring deficiencies in the documentation supporting the Draft IS/MND's conclusions. While the nature of the findings varies by environmental resource, several common themes appear repeatedly throughout the document.
- These recurring issues include:
- Analytical methodologies and decision criteria are frequently not disclosed.
- Existing environmental baseline conditions are not consistently documented or are internally inconsistent with other portions of the administrative record.
- Conclusions are often presented without identifying the supporting technical analyses or substantial evidence relied upon.
- The relationship between project objectives, engineering design decisions, and environmental conclusions is not consistently explained.
- References to future permitting, mitigation measures, or subsequent design activities are frequently presented without explaining how they support the current Appendix G significance determinations.
- Several issues also extend across multiple environmental disciplines, including emergency access and evacuation, neighborhood transportation and parking, accessibility implementation, jurisdictional responsibilities, and the relationship between project design assumptions and the environmental analyses supporting the Draft IS/MND.

The Review Findings contained in this report identify areas where additional analysis, clarification, or supporting documentation would improve the transparency of the environmental review process and strengthen the administrative record supporting the Final IS/MND. The accompanying summaries identify the principal issues that should be addressed to enable the public, reviewing agencies, and decision-makers to understand the analytical basis for the IS/MND's Appendix G significance determinations.

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Aesthetics

Introduction

The following Review Findings do not challenge the desirability of the Buck Gulch Falls Trail Improvement Project or its stated recreational and accessibility objectives. Rather, they evaluate whether the Initial Study/Mitigated Negative Declaration (IS/MND) adequately documents the analytical basis supporting its determinations of "No Impact" and "Less Than Significant Impact" regarding Aesthetics under **CEQA Guidelines Appendix G**. The conclusion that this proposed project—which introduces large-scale infrastructure into a natural riparian corridor—results in "No Impact" requires a transparent, evidence-based methodology. This IS/MND does not document that methodology.

Review Findings

Review Finding 1: Lack of Analytical Basis for “No Impact” Determination on Scenic Vistas

MR-5

The proposed project includes two large steel pedestrian bridges, retaining structures, approximately ½ mile of hardened trail, metal railings, and a viewing platform within a predominantly natural riparian corridor. While the IS/MND describes these physical elements, it does not document the methodology or criteria supporting its conclusion that these permanent, human-made features result in “no impact” to the site's visual character.

Absence of Visual Impact Assessment: The IS/MND contains no objective analysis of how removal of vegetation and the introduction of steel structures, retaining walls, a viewing platform, and a five-foot-wide hardened trail system alters the existing visual and sensory character of the riparian corridor.

Lack of Analysis of Visual Contrast: The IS/MND does not disclose how the scale, materials, and form of the proposed structures—specifically steel, concrete, and aggregate—were evaluated for visual contrast against the surrounding natural landforms and native vegetation.

Absence of Visual Documentation: The IS/MND does not provide visual simulations, renderings, photo montages, or similar visual documentation. that would allow the public or decision-makers to evaluate the project's effect on the site's existing visual character.

Review Finding 2: Inadequate Evaluation of Impacts to Scenic Resources and User Experience

The IS/MND for the proposed project describes the construction of a pedestrian viewing platform, extensive hardened pathways, and two large bridges in a predominantly undeveloped natural setting. It does not document whether representative public viewpoints were evaluated or explain how the permanent structures were assessed with respect to scenic resources or public views. The

IS/MND does not evaluate whether the proposed viewing structures themselves become dominant visual elements within the landscape or alter the character of views experienced by visitors.

MR-5

- **Deficient Analysis of View Experience by Trail Users:** The IS/MND does not document how the proposed permanent structures were evaluated with respect to the visual experience of existing trail users, nor does it evaluate the cumulative visual effects of bridges, railings, signage, viewing platforms, and hardened trail surfaces on the character of the Buck Gulch corridor.
- **Omission:** The IS/MND does not identify the criteria used to evaluate whether the proposed engineered features would dominate the landscape or alter the existing visual character or scenic quality of the Buck Gulch trail currently experienced by visitors.

Review Finding 5: Mitigation Measures Rely on Future Surveys Without Clearly Defined Performance Standards

The IS/MND relies upon pre-construction biological surveys to determine whether additional protective measures will be required. However, it does not consistently identify the objective criteria that would govern those future determinations or explain how those measures would ensure impacts remain less than significant. Without clearly defined performance standards, the effectiveness and enforceability of the mitigation program cannot be independently evaluated.

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration's analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

- **Document** the methodology used to evaluate potential visual impacts associated with the proposed project.
- **Provide** representative visual simulations, renderings, photomontages, or other visual documentation depicting existing and proposed conditions from key viewpoints both within the site and as visitors approach the site.
- **Analyze** the cumulative visual effects of the proposed bridges, railings, signage, viewing platforms, and hardened trail surfaces on the natural character of the Buck Gulch corridor.
- **Explain** the criteria used to evaluate landscape compatibility, specifically regarding how the scale, materials, and form of the engineered features were evaluated for compatibility with the surrounding riparian environment.
- **Reconcile** the Appendix G "No Impact" determination with any technical studies, design documents, or visual analyses that informed the project's final configuration.

Biological Resources

Introduction

The following Review Findings evaluate whether the Initial Study/Mitigated Negative Declaration (IS/MND) provides sufficient substantial evidence to support its determination that impacts to Biological Resources would be "Less Than Significant with Mitigation Incorporated."

Under CEQA, a Mitigated Negative Declaration is appropriate only when the administrative record contains substantial evidence demonstrating that potentially significant impacts can be reduced to less-than-significant levels through feasible, enforceable mitigation. The following Review Findings identify omissions or analytical gaps that limit the substantial evidence supporting the IS/MND's conclusions.

Review Findings

Review Finding 1: Inadequate Documentation of Baseline and Special-Status Species Determinations

MR-6

The IS/MND concludes that impacts to special-status plants, amphibians, and wildlife would be mitigated to less-than-significant levels. However, it does not explain how the relied-upon surveys establish an adequate environmental baseline.

Survey Limitations: The PCI (2026) assessment relies on reconnaissance-level surveys conducted on three dates: April and July, 2021 and October, 2025. The IS/MND states that no special-status species were observed during these surveys but identifies that two species had a moderate potential to occur: *Elymus californicus* (California bottlebrush) or *Micropus amphibolus* (Mount Diablo cottonseed).

Unsubstantiated "Absence": The IS/MND does not provide an analytical basis for concluding that suitable habitat is unoccupied. It relies on future pre-construction surveys to resolve uncertainty rather than providing the necessary baseline data required by CEQA Guidelines §15125.

Omission Relevance: Without documenting the methodology or limitations of its survey windows, the IS/MND does not provide the substantial evidence required to support a "Less Than Significant" determination for special-status species.

Review Finding 2: Lack of Quantitative Analysis for Temporary Construction Impacts

The Project involves extensive heavy-duty construction within a sensitive riparian corridor, yet the IS/MND provides only qualitive descriptions of these activities.

Lacking Quantifiable Disturbance Metrics: The IS/MND does not clearly quantify the temporary construction footprint, total area of riparian vegetation disturbance, or the volume of cut-and-fill required within biological resource areas.

Analytical Assumptions: The document lacks the technical data—such as the size of the three equipment staging areas and the access route widths—necessary to support the conclusion that temporary impacts to the riparian corridor will be less than significant.

MR-6

Omission Relevance: Without quantified baseline conditions, the public and reviewing agencies cannot independently verify whether the proposed mitigation measures are sufficient to protect the corridor during construction.

Review Finding 3: Incomplete Integration of CDFW (2009/2013) Recommendations

The IS/MND references the 2009/2013 CDFW Stream Inventory Report regarding erosion but does not address the report's broader management recommendations for the Arroyo San Jose Creek anadromous production stream.

Inconsistency with Stream Management Goals: The IS/MND does not explain how the placement of significant volumes of fill in the streambed considered or reconciled the CDFW recommendations to increase pool habitat, utilize biotechnical vegetative techniques to re-establish floodplain benches, or manage the creek for anadromous production.

Unresolved Fish Passage Concerns: The CDFW report explicitly recommends assessing road crossings and dams for fish passage. The IS/MND does not document whether these specific upstream passage issues—or the use of "biotechnical vegetative techniques"—were discussed or vetted with CDFW during project design.

Omission Relevance: By not reconciling the Project design with the CDFW's specific habitat enhancement criteria, the IS/MND provides insufficient evidence that the Project is consistent with the biological management objectives identified in the CDFW Stream Inventory Report.

Review Finding 4: Inadequate Evaluation of Imported Trail Surfacing Materials

The IS/MND states that "Mayacama Aggregate" will be used for trail surfacing but does not evaluate or explain the potential environmental effects of this material on the riparian ecosystem.

Omission of Chemical and Physical Analysis: The document does not disclose the physical and chemical characteristics of the aggregate nor the potential for runoff, leaching, or fine sediment generation.

Omission Relevance: Given the proximity of the trail to Arroyo de San Jose Creek, the lack of an analysis concerning the compatibility of imported materials with adjacent aquatic habitat constitutes a significant analytical gap regarding the potential for water quality degradation or changes to aquatic habitat

Review Finding 5: Mitigation Measures Rely on Future Surveys Without Clearly Defined Performance Standards

MR-6

The IS/MND relies upon pre-construction biological surveys to determine whether additional protective measures will be required. However, it does not consistently identify the objective criteria that would govern those future determinations or explain how those measures would ensure impacts remain less than significant. Without clearly defined performance standards, the effectiveness and enforceability of the mitigation program cannot be independently evaluated.

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration's analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

Document the methodology and limitations of the biological surveys relied upon, including a reconciliation of survey dates against peak blooming/breeding periods for identified special-status species.

Quantify the temporary and permanent construction footprints, including total vegetation removal and cut-and-fill volumes within riparian habitats.

Disclose the status of coordination with CDFW and the Regional Water Quality Control Board regarding the Project's design consistency with the 2009/2013 CDFW Stream Inventory Report recommendations (e.g., fish passage, biotechnical vegetative techniques, and anadromous habitat management).

Provide a technical evaluation of the imported *Mayacama* Aggregate, disclosing its source, composition, and potential for adverse effects on water quality, aquatic habitat, or native plant communities.

Describe the objective performance standards and enforceable mitigation standards that will be required if pre-construction surveys reveal the presence of special-status species previously assumed absent.

Cultural Resources

Introduction

This submission provides technical comments regarding the Buck Gulch Falls Creek Restoration and Trail Improvement Project Draft Initial Study/Mitigated Negative Declaration (IS/MND). The review evaluates whether the administrative record documents substantial evidence supporting the cultural resources impact conclusions (CEQA Checklist Table 7), consistent with the committee's review methodology.

Review Findings

Review Finding 1: Inadequate Documentation of the Subsurface Archaeological Baseline

The IS/MND's determination regarding sub-surface archaeological resources under CEQA Guidelines § 15064.5 currently lacks a fully documented analytical methodology in the administrative record. The IS/MND applies a buried sites model explicitly indicates a 'low to high potential for buried resources throughout the study area,' with high-sensitivity zones concentrated within the Holocene soils surrounding the creek banks. The project proposes heavy, intrusive ground disturbance in these exact high-sensitivity zones, including vertical excavations reaching four feet below the surface for concrete spread footings and bridge abutments.

MR-7

To support its conclusion that no precontact deposits or midden soils will be impacted, MCOSD relies on a June 2026 Far Western memo detailing that only six hand augers were excavated across a project area spanning 4,235 linear feet. However, the environmental document does not clearly document the scientific or professional methodology supporting the conclusion that this sampling density is sufficient to adequately characterize nearly a mile of high-sensitivity riparian terrain. Without this documentation, it remains unclear whether the subsurface baseline is sufficiently robust to support a definitive 'Less than Significant Impact' determination.

Technical Question 1: What scientific or professional methodology supports the conclusion that six hand augers adequately characterize subsurface archaeological conditions across approximately 4,235 linear feet of high-sensitivity Holocene riparian terrain?

Review Finding 2: Reliance on Deferred Mitigation through Inadvertent Discovery Protocols

The environmental analysis appears to rely primarily on deferred mitigation through standard post-review inadvertent discovery protocols on standard, post-review inadvertent discovery protocols to manage known, localized 'high potential' zones of resource sensitivity. Rather than executing full-scale pre-construction trenching or defining explicit resource avoidance / data recovery maps

within high-risk sectors, MCOSD defers its mitigation strategy to standard Regional Trail Master Plan Best Management Practices (RTMP BMPs Cultural Resources-6 and 7).

MR-7

While inadvertent discovery protocols are standard and appropriate administrative procedures after a discovery occurs, reliance on those procedures alone does not substitute for proactive environmental analysis. The central issue is whether post-discovery mechanisms provide substantial evidence supporting a less-than-significant impact determination in an area that the IS/MND itself identifies as having elevated archaeological sensitivity. Those mechanisms halt work only after an archaeological resource or human remains have already been encountered during construction.

Technical Question 2: What analyses support the conclusion that reliance upon RTMP Cultural Resources BMPs 6 and 7 sufficiently mitigates impacts before construction rather than documenting discoveries after impacts occur?

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration's analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

- Document the professional or scientific methodology supporting the adequacy of the subsurface sampling program.
- Identify and disclose the substantial evidence supporting the conclusion that the proposed sampling program adequately characterizes archaeological conditions within the project corridor.
- Explain the analytical basis for concluding that reliance on inadvertent discovery procedures (RTMP BMPs Cultural Resources-6 and 7) reduces impacts to a less-than-significant level in high-sensitivity zones.
- Clarify the spatial and physical relationship between the identified high-sensitivity archaeological zones and the specific proposed construction activities (e.g., footings and bridge abutments).

Geology and Soils

Introduction

The following Review Findings do not challenge the desirability of the Buck Gulch Falls Trail Improvement Project or its stated recreational and accessibility objectives. Rather, they evaluate whether the Initial Study/Mitigated Negative Declaration (IS/MND) adequately documents the analytical methodology and technical evidence supporting the IS/MND's conclusions of "Less Than Significant" and "No Impact" regarding geologic hazards, slope stability, erosion, and long-term site stability.

MR-8

Review Findings

Review Finding 1: Inadequate Basis for the Scope of Geologic Hazard Assessment

The IS/MND relies upon the 2021 Geologic Hazard Assessment and the January 2025 Miller Pacific Geotechnical Investigation. Both studies focus primarily on the original lower bridge crossing. The current Project, however, includes a second bridge, an upstream trail extension, retaining walls, and a viewing area. The IS/MND does not document whether comparable geotechnical evaluations were completed for these additional project features, leaving the analytical basis for their stability unverified.

Review Finding 2: Contradictory Conclusions Regarding Debris Flow Hazards

The IS/MND identifies that the site is inherently prone to debris flows, particularly during intense rainfall (page 121), yet concludes the geomorphology is consistent with "infrequent" events. This contradiction is not explained. Furthermore, the IS/MND relies on a "low-density public use" justification to find impacts "less than significant." This reasoning fails to account for the fact that trail usage—specifically to view a waterfall—peaks during the very storm events that elevate debris flow risk. The IS/MND does not document an analytical basis for dismissing this public safety risk.

Review Finding 3: Lack of Design-Level Geotechnical Investigation

The IS/MND relies on the Best (2021) assessment, which functions primarily as a qualitative screening tool, to conclude that long-term seismic and foundation impacts are less than significant. However, the Best report explicitly recommends that project-specific geotechnical investigations be completed for final design. The administrative record does not document design-level geotechnical investigations for the upstream bridge, retaining walls, or trail alignment introduced in the 2025 Supplemental Feasibility Study.

Review Finding 4: Undocumented Slope Stability for Upstream Improvements

The March 2025 Supplemental Feasibility Study introduces a 320-foot upstream trail extension and 110 feet of retaining walls within steep canyon terrain. The study notes that construction feasibility

is contingent on the presence of bedrock to ensure stability. Despite this acknowledgment, the IS/MND does not provide the engineering evaluations or slope stability analyses required to conclude that these features will maintain long-term stability without inducing slope failure.

MR-8

Review Finding 5: Omission of Quantitative Slope Stability Analyses

The project includes engineered slopes and streambank reconstruction within high-erosion soils (Tocaloma–McMullin Complex). The IS/MND concludes that slope stability impacts are less than significant but does not document the quantitative analyses supporting these structures. It lacks disclosure of the required Factors of Safety or the engineering assumptions utilized to ensure that the retaining walls and engineered slopes will perform as intended under saturated soil conditions.

Review Finding 6: Inadequate Documentation of Long-Term Erosion and Maintenance

The IS/MND relies on temporary construction Best Management Practices (BMPs) to mitigate erosion. However, it does not document the methodology used to evaluate long-term post-construction erosion, permanent cut-slope-sediment production, or drainage performance. Given the high-erosion potential of the site soils, the IS/MND provides insufficient evidence that the project will achieve long-term site stability.

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration's analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

Evidence of Scope: Document whether site-specific geologic hazard evaluations were completed for all project components (bridges, retaining walls, viewing platform) and how those results informed the final design.

Hazard Integration: Explain how identified geologic hazards (seismic shaking, liquefaction, historic debris flows) were quantitatively incorporated into engineering design.

Foundation Verification: Clarify the basis for using the January 2025 Miller Pacific investigation to cover project features outside the original bridge site.

Quantitative Stability: Provide the slope stability analyses, including Factors of Safety and engineering assumptions, for all proposed retaining walls and engineered slopes.

Long-Term Erosion: Disclose the methodology used to evaluate long-term post-construction erosion and drainage performance, including long-term maintenance assumptions.

Record Reconciliation: Reconcile the conclusions presented in the IS/MND with the findings of the Best (2021) Geologic Hazard Assessment and all subsequent geotechnical reports.

The foregoing Review Findings identify areas where the IS/MND does not adequately document the analytical basis supporting its "Less Than Significant with Mitigation Incorporated" determination under Geology and Soils.

Hydrology and Water Quality

Introduction

The following review findings evaluate whether the Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project provides a sufficient analytical framework and substantial evidence to support its determinations of “Less than Significant” and “No Impact” for Hydrology and Water Quality.

The review identifies critical analytical inadequacies, internal contradictions regarding the environmental baseline, regulatory policy conflicts, and a failure to disclose the evidentiary basis for the document's determinations. By relying on erroneous physical assumptions, ignoring its own project descriptions, and omitting essential quantitative analysis, the IS/MND fails to meet CEQA standards for disclosure and environmental impact evaluation.

Review Findings

Review Finding 1: Failure to Provide an Analytical Basis or Substantial Evidence for Impact Determinations

MR-9

The IS/MND concludes that the proposed project will have a "Less Than Significant Impact" on runoff patterns that may degrade surface water quality and on- or off-site erosion. It further concludes that the project will have "No Impact" on the rate of surface runoff which could result in on-or off-site flooding; in creating runoff that could exceed the capacity of existing or planned stormwater drainage systems, or on the potential to impede or redirect flood flows.

However, the document fails to provide any underlying methodology, quantitative modeling, or empirical data to support these assertions. Under CEQA Guidelines, an agency cannot merely declare that an impact is non-existent or negligible without documenting the factual baseline and engineering calculations used to arrive at that conclusion. The omission of runoff comparisons or upstream/downstream hydrological modeling deprives the public of a meaningful opportunity to evaluate the project's physical impacts on the watershed.

Review Finding 2: Utilization of an Erroneous Environmental Baseline Regarding Trail Surfacing

The impact analysis relies on an incorrect description of the project’s physical attributes. Items (b), (c) and (e) of the Hydrology section states that the *"trail tread improvements would retain native soil surfacing…"* This assertion directly contradicts the core engineering parameters of the project, which require grading, mechanical compaction, and the importation of stabilized aggregate material (Mayacama Red) to achieve firmness and stability for wheelchair and adaptive accessibility. By evaluating a baseline of uncompacted "native soil" rather than the engineered, hardened surface actually being proposed, the hydrological analysis is fundamentally invalid. The IS/MND does not explain how the engineered trail surface was represented within the hydrologic analysis.

Review Finding 3: Utilization of an Erroneous Environmental Baseline Regarding Creek Channel Fill

MR-9

The Hydrology section incorrectly asserts that the proposed project would not place fill within the creek channel bed. This assertion directly contradicts the core engineering parameters detailed in other portions of the document. Specifically, the Biological Resources section (Page 102) describes that rock fill *will* be used in the creek channel: *"A 4-inch-thick layer of rock would be placed in the channel to create a level bench, and half-ton rock and 3-6 inch-cobble and alluvial gravel mix would be placed in the crevasses to stabilize the streambank."* The Project Description also explicitly references placing material in the channel. It is not clear in the IS/MND what baseline was used to analyze channel flow: the existing channel flow or the post-project flow after it is modified. If the IS/MND evaluates a baseline of “no fill placed in the creek bed” rather than the engineered recommendations for adding fill to the creek channel, the hydrological analysis is inconsistent with the description of the proposed project.

Review Finding 4: Omission of Compaction and Surface Hardening Impacts on Runoff Generation

The document does not analyze how the physical process of stabilizing and hardening the trail alignment changes local permeability and hydrographs. The IS/MND fails to mention the federal performance metrics used by the U.S. Access Board and California State Parks to define "firmness" and "stability" via the Rotational Penetrometer. Achieving these standards requires rigorous mechanical compaction of aggregate materials containing a full spectrum of sieve sizes, including fine rock to lock the aggregate into a stable matrix.

The IS/MND does not disclose how trail compaction, accessibility requirements or resulting surface characteristics were incorporated into the hydrologic analysis and how these issues could impact the project site, the Arroyo de San Jose Creek, and downstream drainage.

Review Finding 5: Inadequate Identification and Documentation of Downstream Capacity Constraints within the Residential Neighborhood

The IS/MND fails to track the cumulative downstream effects of accelerated peak flows entering the broader Arroyo De San Jose network. Runoff generated by the project discharges into existing municipal stormwater infrastructure that traverses an established residential area downstream (including the Fairway Drive neighborhood and the Marin Country Club property). The document contains no analysis or evidence demonstrating that the added peak stormwater volumes from the hardened trail alignment will not exceed the design capacity of downstream facilities. The IS/MND does not identify the analysis demonstrating that downstream facilities possess adequate capacity

Review Finding 6: Inadequate Evaluation of Increased Flooding Risks within Designated Flood Hazard Zones

MR-5

The project corridor and its immediate downstream receiving waters are designated as flood hazard areas by the Federal Emergency Management Agency (FEMA). By introducing a compacted surface into a watershed characterized by steep topography and existing flooding constraints, the project risks accelerating peak storm runoff. The IS/MND does not adequately explain why the project would not affect downstream flood conditions given the identified flood hazard areas. Lacking this discussion, the IS/MND leaves a critical public safety hazard unanalyzed.

Review Finding 7: Regulatory Conflict with MCOSD RTMP Policy SW.30 (Permeable Paving)

The IS/MND remains vague about the aggregate specifications, which directly triggers a conflict with Marin County Open Space District (MCOSD) Road and Trail Management Plan (RTMP) Policy SW.30, which mandates that for *"any new parking areas and other large areas of potentially impermeable surfaces, use permeable paving or an equivalent for all paved areas to provide for the infiltration of rainfall."*

Compacting Mayacama Red aggregate, on over a half-mile of trail surface, at a standard accessible width, to the “stable and firm” density required for wheelchair use, causes it to function as a hard surface.

The IS/MND fails to evaluate the trail’s compacted aggregate surface against Policy SW.30. By not specifying the characteristics of the trail surfacing material, or whether it will be compacted to, a standard Caltrans Section 26 Class II Aggregate Base (highly impermeable under compaction) or a Caltrans Section 68 Class II Permeable Material (which allows infiltration but generally fails ADA stability metrics), the IS/MND does not demonstrate compliance with SW.30 given the engineered trail surface.

Review Finding 8: Regulatory Conflict with MCOSD RTMP Policy SW.31 (Floodplain Policy)

Because Buck Gulch Creek and the Arroyo De San Jose flow directly into a residential subdivision along Fairway Drive that is a designated FEMA 100 and 500-year Flood Hazard Zone (Miller Pacific, 2025), RTMP Policy SW.31 is directly triggered.

Policy SW.31 states that where a flood risk is identified, proposed facilities "shall either be relocated outside of the flood prone area or designed and constructed in a manner to protect public safety and not increase base flood elevations."

The IS/MND concentrates its flooding narrative almost exclusively on the structural placement of the two large pedestrian bridges. It does not analyze how the *remainder* of the project—the half-mile of linear grading, the individual creek bank rock fill placements, the puncheons and boardwalk, the cut-and-fill balances, and the concentrated runoff from the compacted trail surface—will collectively impact downstream peak flows.

If the project increases peak runoff volumes or restricts active floodway capacity through bank fill and grading within the riparian corridor, it risks increasing the base flood elevation for the Fairway Drive subdivision, placing the project in direct violation of Policy SW.31. MR-9

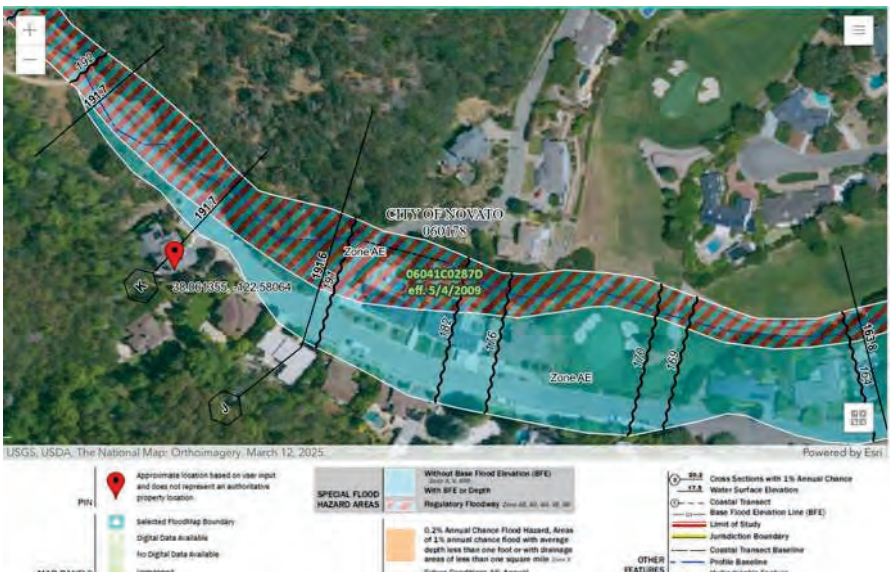
Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration's analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

- **Reconcile Inconsistent Project Descriptions:** Correct the Hydrology and Water Quality section to accurately reflect that the trail will be graded, mechanically compacted, and surfaced with imported aggregate material rather than remaining "native soil."
- **Reconcile Creek Fill Inconsistencies:** Correct the Hydrology text to reflect placement of rock benches, half-ton rock, cobble, and alluvial gravel mix within the creek channel, and address how this loss of channel volume impacts local hydraulic carrying capacity.
- **Incorporate Accessibility Compaction Realities:** Address the mechanical compaction and sieve/fine requirements necessary to meet federal Rotational Penetrometer metrics for firmness and stability.
- **Provide supporting Hydrologic and Hydraulic Analysis where relied upon:** Disclose the specific runoff coefficients, peak flow calculations, and hydrological models used to evaluate stormwater generation under both pre-project and post-project conditions considering all proposed creek fill material and proposed compacted surfaces.
- **Demonstrate Consistency with Applicable RTMP Policies:** Provide an explicit analysis proving how the engineered trail surface complies with MCOSD RTMP Policies SW.30 and SW.31. Disclose the exact engineering specifications (including Caltrans material classifications) of the aggregate and any binding agents to be used.
- **Identify Any Mitigation Measures Necessary to Support the significance determinations:** Detail the precise engineering specifications, dimensions, locations, and long-term maintenance schedules for all proposed drainage features required to safely manage, slow, and disperse concentrated linear flows, and to demonstrate that the proposed project will not increase base flood elevations on site and downstream.

FEMA Flood Hazard Map of a portion of the Project Site and the Adjacent Neighborhood

Note: Red Arrow indicates 611 Fairway Drive which is the last house on Fairway Drive. The Project Site is located directly north and west of the arrow.



Introduction

The following Review Findings do not challenge the desirability of the Buck Gulch Falls Trail Improvement Project or its stated objectives. Rather, they evaluate whether the Initial Study/Mitigated Negative Declaration (IS/MND) adequately documents the analytical basis supporting its determination of "No Impact" under the Land Use and Planning section of Appendix G.

The review focuses on whether the IS/MND adequately documents the analytical basis for its conclusions. It does not attempt to substitute alternative conclusions or evaluate the ultimate merits of the project.

Review Findings

Review Finding 1: The Project's Reliance on Off-Site Neighborhood Parking Is Not Adequately Evaluated

MR-10

The IS/MND acknowledges that no dedicated visitor parking is provided for the Buck Gulch Falls Trail and that available parking is limited to approximately twenty-five curb spaces located on Fairway Drive and Saint Andrews Drive within an established residential neighborhood. It further recognizes that available parking limits visitation.

The IS/MND also does not address how visitors with mobility impairments are expected to access the trailhead. Although implementation of the Inclusive Access Plan (IAP) is identified as a principal project objective, the IS/MND identifies no dedicated accessible parking and does not document how visitors with mobility impairments are expected to reach the trailhead from available parking. Nor does it explain whether the accessibility objectives of the IAP, including accessible arrival at the trailhead, were evaluated in concluding that reliance on neighborhood streets provides reasonable access to the improved trail.

As illustrated in Figure 1, the project begins immediately adjacent to an established residential neighborhood within the City of Novato, where visitor access is dependent upon neighborhood streets serving both residents and project users.

Despite these objectives, the Land Use analysis does not document the basis for concluding that permanent reliance on residential streets for visitor parking is compatible with surrounding residential land uses. It also does not explain how that reliance is consistent with local land use objectives related to neighborhood safety, emergency access, residential access, and street capacity.

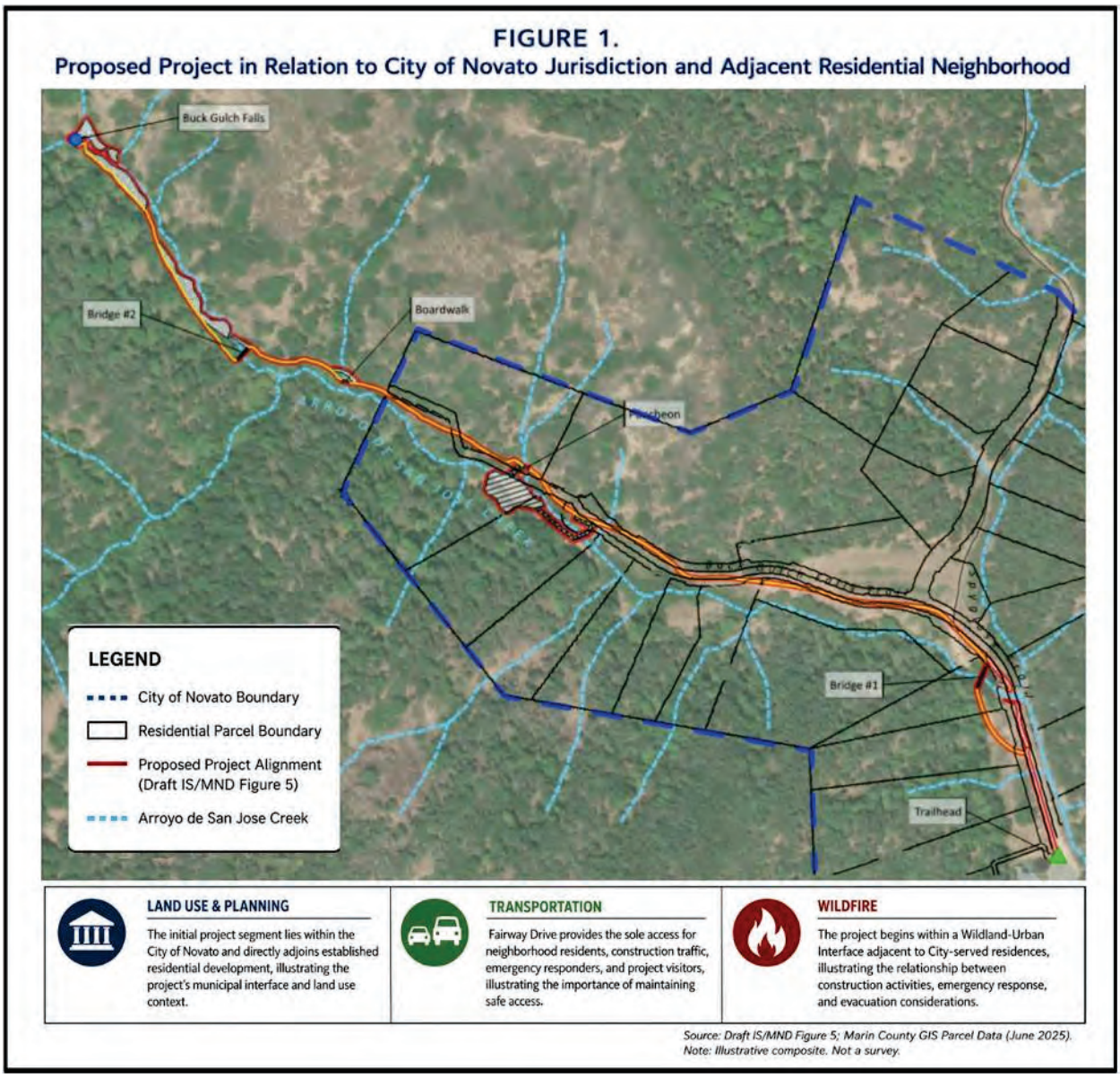


Figure 1. Proposed Project in Relation to City of Novato Jurisdiction and Adjacent Residential Neighborhood. The figure illustrates the relationship between the proposed project, the City of Novato jurisdiction, adjacent residential neighborhoods, and the transition to Marin County Open Space. It provides geographic context for the Land Use and Planning, Transportation, and Wildfire review findings.

MR-10

Review Finding 2: The IS/MND Does Not Adequately Explain the Jurisdictional Basis for Limiting the City's Role to an Encroachment Permit

As shown in Figure 1, the initial portion of the proposed project lies within the City of Novato before entering County open space. The IS/MND identifies a City of Novato Encroachment Permit as the only required City discretionary approval while describing a project consisting of two

pedestrian bridges, four retaining walls, extensive grading, hardened trail construction, boardwalks, streambank restoration, and other permanent engineered improvements.

MR-10

The IS/MND does not explain the legal or jurisdictional basis for limiting the City's role to an encroachment permit. It does not identify whether the project is exempt from additional municipal land use approvals, whether Marin County Open Space District is exercising independent statutory authority over construction activities, or how construction oversight, inspection, and enforcement responsibilities will be administered for project work occurring within the City of Novato.

Accordingly, while the IS/MND identifies a City Encroachment Permit, it does not adequately disclose the jurisdictional framework supporting that conclusion or explain how that framework supports its determination of "No Impact" under Land Use and Planning.

Review Finding 3: The IS/MND Does Not Adequately Document the Basis for Its Conclusion of RTMP Consistency

The IS/MND concludes that the proposed project is consistent with the Marin County Road and Trail Management Plan (RTMP) and states that applicable RTMP policies, Best Management Practices, and trail standards have been incorporated into the project.

The December 2024 Accessible Trail Feasibility Study documents engineering evaluations addressing accessibility, environmental constraints, constructability, grading, vegetation removal, and other project design considerations. The IS/MND summarizes portions of those evaluations but does not identify which RTMP policies, standards, or decision criteria governed selection of the final project configuration or explain how those evaluations support the Appendix G determination.

Accordingly, while the IS/MND concludes that the project is consistent with the RTMP, it does not adequately document the evaluation process supporting that conclusion for purposes of the Appendix G Land Use and Planning determination.

Review Finding 4: The IS/MND Does Not Adequately Document the Basis for Its Conclusion of Inclusive Access Plan Consistency

The IS/MND concludes that the proposed project meets most Inclusive Access Plan (IAP) standards and summarizes the December 2024 Accessible Trail Feasibility Study.

The Feasibility Study evaluates applicable accessibility standards, trail widths, cross slopes, passing spaces, resting intervals, and Conditions for Exception. The March 2025 Supplemental Study introduces an alternative 320-foot upstream segment designed to meet Marin County Improved Access Trails Standards and AGODA slope standards via a series of switchbacks (6% to 8% inclines), handrails, and approximately 110 feet of retaining walls. While the IS/MND summarizes portions of these technical evaluations, it does not document how those evaluations support its conclusion that the proposed project satisfies the Inclusive Access Plan.

The Inclusive Access Plan establishes accessibility objectives extending beyond individual trail design features, including accessible arrival, parking, and application of Conditions for Exception where compliance is not feasible. While the IS/MND summarizes portions of the Accessible Trail

Feasibility Study and Supplemental Study, it does not identify which specific IAP provisions were incorporated into the final project design, which accessibility provisions were determined infeasible, whether any Conditions for Exception were applied, or how those determinations support the conclusion that the project is consistent with the Inclusive Access Plan.

MR-10

Accordingly, the IS/MND documents the existence of accessibility evaluations but does not adequately document the analytical basis supporting its conclusion that the proposed project satisfies the Inclusive Access Plan for purposes of the Appendix G Land Use and Planning determination.

Review Finding 5: The IS/MND Does Not Adequately Document the Basis for Its Comparative Environmental Conclusion

The IS/MND describes Alternatives A, B, and C that were developed during project planning and concludes that the Proposed Project is environmentally superior because it utilizes the majority of the existing trail alignment while limiting grading and vegetation removal.

The December 2024 Accessible Trail Feasibility Study and the March 2025 Supplemental Study evaluate multiple conceptual configurations. Each alternative involves distinct engineering and environmental trade-offs among accessibility standards, creek zone protection, earthwork volumes (such as cut and fill requirements), handrail and guardrail infrastructure, structural footprint, and long-term maintenance constraints.

While the IS/MND summarizes these studies, it does not identify the specific evaluation criteria, weighting, or analytical basis supporting its conclusion.

Accordingly, the IS/MND states a comparative environmental conclusion but does not adequately document the analysis supporting that conclusion for purposes of the Appendix G Land Use and Planning determination.

Review Finding 6: The IS/MND Does Not Adequately Document the Basis for Its Land Use Determination Considering Multiple Jurisdictions and Future Permitting

The IS/MND identifies multiple jurisdictions, easements, and permits applicable to the proposed project, including approvals from federal, state, County, and City agencies.

Figure 1 illustrates the relationship between the City of Novato jurisdiction, adjacent residential properties, and the transition to County open space. That jurisdictional setting provides important context for understanding the multiple permitting authorities identified by the IS/MND.

The review does not question the authority of those agencies or the outcome of future permitting processes. Rather, it evaluates whether the IS/MND explains how the identified permitting framework and jurisdictional considerations were considered in reaching its present determination that the project would not conflict with applicable land use plans, policies, or regulations.

While the IS/MND identifies the anticipated permits and regulatory jurisdictions, it does not explain how those jurisdictional responsibilities, future permitting processes, or any associated design

constraints support its present conclusion of “No Impact” under the Land Use and Planning checklist.

MR-10

Accordingly, the IS/MND identifies the permitting framework but does not adequately document the analytical basis connecting that framework to its Appendix G Land Use determination.

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration’s analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

- Document the basis for concluding that reliance on neighborhood street parking, including parking for visitors with mobility impairments, is compatible with surrounding residential land uses and supports the project’s stated accessibility objectives.
- Explain the legal and jurisdictional basis for limiting the City’s role to a City of Novato Encroachment Permit, including any statutory exemptions relied upon and the agency responsible for construction oversight, inspection, and enforcement for project activities occurring within the City of Novato.
- Document how the RTMP decision-making framework was applied in evaluating the proposed project and explain how that evaluation supports the conclusion of RTMP consistency.
- Identify the specific Inclusive Access Plan (IAP) provisions and Improved Access Trail standards applied to the project, identify any Conditions for Exception relied upon, document how accessible arrival at the trailhead was evaluated, and explain how those determinations support the conclusion of IAP consistency.
- Document the evaluation criteria and analytical process used to conclude that the Proposed Project is environmentally superior to the alternative alignments and structural configurations evaluated during project development.
- Explain how the identified permitting framework, multiple jurisdictions, and future agency approvals were considered in reaching the present determination that the project would not conflict with applicable land use plans, policies, or regulations.

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Noise

Introduction

This review evaluates whether the Draft Initial Study/Mitigated Negative Declaration (IS/MND) provides sufficient analysis and substantial evidence to support its determination that the proposed project would result in less-than-significant noise impacts under the CEQA Appendix G Noise checklist. The review focuses on both temporary construction noise and long-term operational noise, including the adequacy of the documented baseline conditions, significance criteria, analytical methodology, and supporting assumptions used to reach the IS/MND's conclusions. The review does not independently evaluate whether the project will result in significant noise impacts. Rather, it assesses whether the IS/MND adequately documents the basis for its significance determinations and provides sufficient information to permit independent evaluation of those conclusions.

Review Findings

Review Finding 1: Construction Noise Analysis Does Not Establish the Basis for the Significance Determination

MR-11

The IS/MND concludes that temporary construction noise impacts would be less than significant. However, it does not establish the existing ambient noise environment at the nearest residential receptors or identify the threshold used to determine when a temporary increase in construction noise becomes substantial. Although the document provides general descriptions of typical community noise levels, it does not identify the ambient noise level assumed for adjacent residences, nor does it disclose the criterion used to conclude that the predicted construction noise would not constitute a substantial temporary increase.

Without identifying the baseline conditions and the significance criterion applied, the basis for the less-than-significant determination cannot be independently evaluated and is not supported by substantial evidence.

Review Finding 2: Construction Noise Modeling Does Not Represent Foreseeable Construction Activities

The IS/MND estimates construction noise using a single excavator operating at full power and predicts a construction noise level of approximately 64 dBA at the nearest residence. However, the project description identifies numerous additional construction activities and equipment, including loaders, compactors, generators, concrete trucks, dump trucks, bridge deliveries, power equipment, and other heavy machinery. The document does not disclose which equipment combinations were analyzed, whether multiple pieces of equipment were assumed to operate simultaneously, or whether the selected scenario represents the loudest reasonably foreseeable construction condition.

In addition, the analysis does not distinguish between continuous equipment operation and intermittent maximum-noise events associated with foreseeable construction activities, including material handling, bridge installation, equipment loading and unloading, jackhammers, power saws, backup alarms, and similar intermittent construction activities. The document does not explain why evaluation of a single equipment source adequately characterizes the full range of temporary construction noise generated by the project.

Because the analysis evaluates only a single equipment source and does not characterize the range of foreseeable construction noise, the basis for the less-than-significant determination is not supported by substantial evidence.

Review Finding 3: Construction-Related Transportation and Staging Noise Are Not Evaluated

The project description identifies approximately 100 haul and concrete truck trips, bridge deliveries, equipment staging areas, and construction access routes. However, the Noise section evaluates only construction occurring along the trail alignment and does not evaluate noise associated with haul truck operations, equipment staging, bridge deliveries, material unloading, idling equipment, or backup alarms occurring within staging areas or along residential access routes. These activities are foreseeable components of project construction and in some cases may occur substantially closer to residential receptors than portions of the trail work itself.

MR-11

Because these temporary construction noise sources are not evaluated, the analysis does not fully characterize the project's construction-related noise impacts, and the basis for the less-than-significant determination is not supported by substantial evidence.

Review Finding 4: Construction Noise Methodology Cannot Be Independently Verified

The Noise section identifies the nearest residential receptor and presents a calculated construction noise level based upon distance attenuation. However, the document does not identify the specific residence used as the representative receptor, provide a map identifying receptor locations relative to the various construction areas, or disclose sufficient information to independently verify the calculations. In addition, other sections of the IS/MND describe different distances between construction activities and nearby residences, creating uncertainty regarding the assumptions used in the noise analysis.

Because the methodology, receptor selection, and calculation inputs are not fully documented and appear internally inconsistent, the basis for the predicted construction noise levels is not supported by substantial evidence.

Review Finding 5: Site-Specific Noise Propagation Assumptions Are Not Explained

The project is located within a confined creek corridor characterized by steep terrain, varying elevations, and dense vegetation. The IS/MND applies a standard distance-attenuation calculation

to estimate construction noise but does not explain whether terrain, elevation differences, vegetation, line-of-sight conditions, or other site-specific propagation characteristics were considered in developing the predicted receptor noise levels.
Without identifying the propagation assumptions used or explaining why simplified attenuation methods are appropriate for the project setting, the basis for the predicted construction noise levels cannot be independently evaluated and is not supported by substantial evidence.

MR-11

Review Finding 6: Long-Term Operational Noise Conclusions Are Not Supported

The IS/MND concludes that operation of the completed project would not result in a measurable increase in ambient noise because no new parking areas or recreational facilities are proposed. However, the project is specifically intended to improve year-round accessibility, visitor experience, and trail usability through construction of bridges, trail improvements, reduced grades, and upgraded viewing areas. The document does not explain the basis for concluding that these improvements would not influence visitation patterns or recreational activity, nor does it provide evidence supporting the conclusion that operational noise would remain unchanged.
Because the analysis does not explain the relationship between the project's stated objectives and its operational noise conclusions, the basis for the less-than-significant determination is not supported by substantial evidence.

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration’s analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

- Identify the ambient noise baseline and the significance criterion used to evaluate temporary construction noise.
- Document that the construction noise model represents the loudest reasonably foreseeable construction activities, including concurrent equipment operation where applicable.
- Evaluate construction-related transportation, staging, material delivery, equipment access, and other temporary noise sources associated with project implementation.
- Document the representative residential receptors, distances, assumptions, and calculation methodology used in the construction noise analysis so that the results can be independently verified.
- Explain and support the sound propagation assumptions used for the project site, including any terrain-related considerations incorporated into the analysis.
- Provide substantial evidence supporting the conclusion that operation of the completed project would not measurably increase ambient noise levels.

Transportation and Traffic

Introduction

The following Review Findings evaluate whether the Initial Study/Mitigated Negative Declaration (IS/MND) provides substantial evidence to support its determination of “Less Than Significant Impact” under the Transportation section. CEQA requires a lead agency to analyze whether a project will conflict with transportation programs, plans, or policies, increase vehicle miles traveled, introduce incompatible uses, or result in inadequate emergency access. The following findings identify critical omissions where the IS/MND fails to connect the project’s increased site accessibility with its reliance on off-site residential infrastructure. Figure 1 illustrates the relationship between the project, the Fairway Drive access corridor, and the adjacent residential neighborhood that provides the project’s sole public access.

Review Findings

Review Finding 1: Unsupported Determination Regarding Circulation and Neighborhood Parking Capacity

MR-13

The IS/MND concludes there is "No Impact" regarding conflicts with the circulation system. This conclusion relies on circular logic: it assumes that since the number of trail miles remains static and no dedicated parking is proposed, visitor demand will not increase. It does not consider the potential gain in visitor count because the trail will become accessible to all. Because the IS/MND presumes visitor demand will remain the same, it fails to address the potential secondary effects of increased parking demand, including narrowed lanes, impaired emergency access, pedestrian-vehicle conflicts, and neighborhood quality of life. By failing to consider an increase in visitor parking demand, the IS/MND lacks an analytical basis to conclude that permanent reliance on limited street parking will not conflict with surrounding traffic circulation and neighborhood parking capacity.

The project also identifies year-round “all-abilities” access as a primary objective. Because the project provides no dedicated visitor parking, the IS/MND does not explain how neighborhood parking was evaluated to support that accessibility objective or whether the accessibility provisions of the Inclusive Access Plan (IAP) influenced the conclusion that existing on-street parking is adequate.

Review Finding 2: Failure to Analyze Induced Vehicle Miles Traveled (VMT)

The IS/MND claims the project will not increase VMT because "no dedicated parking" is being developed. This conclusion is inconsistent with the project’s stated goal of providing ADA access and improving recreational opportunities for all. By increasing accessibility and providing a "year-round amenity," the project inherently induces demand. The IS/MND provides no analytical support for the claim that expanding year-round recreational use will not increase visitation, vehicle trips, or VMT.

Review Finding 3: Lack of Analysis for Construction-Related Impacts on Residential Roadways

The project requires significant heavy haul trips (prefabricated bridges, boardwalks, aggregate) along approximately 2 miles of Fairway Drive, a winding residential street. The IS/MND lacks a formal Construction Traffic Management Plan (TMP). It does not quantify the number of peak truck trips or analyze the potential for pavement degradation on the residential network. The IS/MND does not address or determine if construction work will impede traffic or degrade local infrastructure.

Review Finding 4: Failure to Evaluate Pedestrian-Vehicle Conflicts

The project introduces high-volume pedestrian access to a site with limited sidewalks, where parking often narrows the effected roadways. The Fairway Drive access road terminates at a cul-de-sac designated for emergency turnarounds. Pedestrians, including mobility-impaired visitors and families, are forced to navigate active travel lanes and the cul-de-sac. The IS/MND fails to evaluate how the influx of "all-abilities" users will interact with vehicular traffic on this approach, effectively ignoring the safety conflict between the trailhead terminus and existing residential circulation. (See photo.)

MR-13

The IS/MND further states that the project will provide year-round “all-abilities” access consistent with IAP. However, the Transportation analysis does not document how visitors with mobility impairments are expected to safely travel between available parking and the trailhead, how the accessibility objectives of the IAP were considered in evaluating the access corridor, or whether any IAP Conditions for Exception were applied. Because accessible arrival is integral to the project’s stated objectives, the Transportation section should document how these accessibility considerations support its significance determination.

Review Finding 5: Inadequate Evaluation of Emergency Access and Evacuation Routes

As illustrated in Figure 1, the project site is located at the end of a 2-mile, single-access road that serves as the sole route for residents, emergency responders, and visitors. The IS/MND limits its emergency access review to internal trail widths, ignoring the Fairway Drive corridor. It fails to evaluate whether visitor parking spillover constricts the effective width of the road, potentially delaying emergency response or blocking evacuation. There is no documented consultation with the Novato Fire Protection District or City Police regarding the adequacy of turnaround capacities at the terminus.

Review Finding 6: Inadequate Evaluation of Project Related Transportation Impacts Along the Fairway Drive Corridor

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration's analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall document how the following deficiencies have been addressed.

- **Parking Demand:** Document the analytical basis and trip-generation criteria used to conclude that induced visitor demand from new ADA-accessible features will not exceed the capacity of neighborhood street parking.
- **VMT Projection:** Revise the VMT analysis to acknowledge the project's goal of increased accessibility and provide a realistic visitor-use projection accounting for increased vehicle trips.
- **Construction TMP:** Integrate an enforceable Construction Traffic Management Plan (TMP) as a formal mitigation measure, governing haul routes, restricting staging hours, and mandating a post-construction road pavement restoration program.
- **Pedestrian Safety:** Evaluate baseline pedestrian safety conditions along the upper segments of Fairway Drive and identify necessary enhancements to prevent vehicle-pedestrian conflicts at the trailhead.
- **Accessible Arrival:** Document how visitors with mobility impairments are expected to access the trailhead from available street parking. Also identify the accessibility criteria from the Inclusive Access Plan (IAP) that were applied to the project, and explain whether any Conditions for Exception were relied upon in the determination of "Less Than Significant Impact" under the Transportation section of Appendix G.
- **Emergency/Evacuation:** Incorporate a formal emergency access and evacuation analysis, vetted and approved by the Novato Fire Protection District, ensuring that emergency vehicle clearance and turnaround capacities are maintained during peak trail use.
- **Public Concerns:** Explicitly Address neighbor concerns regarding public safety, emergency access and evacuation route impacts.

Wildfire

Introduction

The following Review Findings do not challenge the objectives of the Buck Gulch Falls Trail Improvement Project, including trail sustainability, erosion control, habitat protection, or improved public access. Rather, they evaluate whether the Initial Study/Mitigated Negative Declaration (IS/MND) adequately documents the analytical basis supporting its conclusions regarding wildfire hazards, emergency access, fire prevention, and consistency with applicable wildfire planning policies.

The review focuses on whether the IS/MND sufficiently evaluates existing wildfire conditions within the Ignacio Valley Open Space Preserve. Figure 1 illustrates the project's location within a high-risk wildland-urban interface (WUI), providing context for the potential for human-caused ignition sources, construction-related fire hazards, emergency response limitations, and the relationship between increased recreational access and community wildfire exposure.

The review does not attempt to substitute alternative conclusions or evaluate the ultimate merits of the project. Rather, it identifies areas where additional wildfire analysis and documentation necessary to demonstrate that the project's determination of less-than-significant wildfire impacts is adequately supported.

Review Findings

Review Finding 1: The IS/MND Does Not Adequately Document Existing Wildfire Conditions Within the Project Area

MR-14

The Ignacio Valley Open Space Preserve is located within a wildfire-prone WUI environment characterized by steep terrain, dense vegetation, seasonal drought conditions, and direct adjacency to residential neighborhoods.

- The IS/MND does not document or evaluate:
- Existing vegetation fuel conditions within and surrounding the project area;
- Presence of continuous vegetation corridors capable of supporting wildfire spread;
- Topographic conditions that may increase fire intensity, including steep slopes and limited firefighter access;
- Historical wildfire occurrence within the greater Novato area;
- Current wildfire hazard classifications applicable to the preserve and surrounding neighborhoods;
- Existing limitations associated with emergency vehicle access, evacuation routes, and responder mobility.

Without a documented baseline wildfire assessment, the IS/MND does not provide sufficient evidence demonstrating how the project's proposed improvements would avoid increasing wildfire risk within an already vulnerable WUI setting.

MR-14

Accordingly, the IS/MND does not adequately document the analytical basis supporting its conclusion that wildfire impacts would be less than significant.

Review Finding 2: The IS/MND Does Not Adequately Evaluate Construction-Related Ignition Risks

The proposed project includes substantial physical improvements, including trail reconstruction, engineered crossings, retaining structures, grading, vegetation disturbance, and construction activity within a heavily vegetated open space preserve.

- Potential ignition sources include:
- Operation of heavy mechanical equipment;
- Hot exhaust components contacting dry vegetation;
- Vehicle access and staging within vegetated areas;
- Welding, cutting, or other spark-producing activities;
- Accumulation of combustible construction materials.
- The IS/MND references compliance with applicable construction practices; however, it does not identify project-specific wildfire prevention measures, such as:
- Required daily equipment inspections;
- Minimum fire suppression equipment requirements;
- Construction-season restrictions during extreme fire weather;
- Designated equipment staging locations;
- Vegetation clearance requirements around active work areas;
- Procedures for immediate response to accidental ignition.

Because the project occurs within a WUI environment where small ignitions may rapidly escalate under extreme weather conditions, the IS/MND should provide greater detail regarding construction fire prevention protocols.

Accordingly, the IS/MND does not adequately document the basis for concluding that temporary construction activities would not create a significant wildfire hazard.

Review Finding 3: The IS/MND Does Not Adequately Evaluate Increased Visitor Use as a Potential Ignition Source

The project proposes improvements intended to increase trail sustainability, improve access, and enhance visitor experience. However, improved trail conditions may increase visitation, including during periods when vegetation moisture is reduced and wildfire conditions are elevated.

- Ignition risks associated with:
- Increased pedestrian use within wildfire-prone vegetation;
- Improper disposal of smoking materials;
- Unauthorized fires or recreational ignition sources;
- Increased vehicle activity near residential streets and trail access points;
- Visitor presence during extreme fire weather conditions.

The analysis should identify whether anticipated increases in visitation were incorporated into wildfire risk modeling or whether additional operational controls are necessary.

While seasonal visitation patterns may reduce some wildfire exposure because peak waterfall use occurs during wetter months, the project would create a permanent improvement to public access within a fire-prone landscape.

Accordingly, the IS/MND does not adequately document the analytical basis supporting its conclusion that increased recreational access would not substantially increase wildfire risk.

Review Finding 4: The IS/MND Does Not Adequately Analyze Emergency Access, Evacuation, and Firefighter Response Considerations

As illustrated in Figure 1, the project begins adjacent to residential neighborhoods and is accessed through the Fairway Drive cul-de-sac, where emergency access, evacuation capacity, and responder safety are critical wildfire planning considerations.

The IS/MND does not appear to adequately evaluate whether project-related changes could affect:

- Whether emergency vehicle access near the trailhead has been evaluated;
- Whether existing parking conditions could interfere with emergency access;
- Whether visitor evacuation procedures have been evaluated;
- Whether increased visitation could affect emergency response;
- Whether coordination with the Novato Fire Protection District occurred.

The project relies on existing neighborhood streets and trail access points. However, increased public use combined with wildfire evacuation conditions may create additional demands on limited access routes.

A wildfire analysis should evaluate whether proposed improvements:

- Maintain adequate emergency access;
- Existing parking utilization patterns during peak visitation periods;
- Frequency and duration of parking within designated or functional emergency access areas;
- Whether emergency vehicle access has been evaluated under current visitor parking conditions;
- Whether increased visitation projections account for additional parking demand;
- Whether operational measures, parking management strategies, enforcement mechanisms, or visitor controls are necessary to contain emergency access.
- Avoid creating obstacles for fire suppression activities;
- Provide adequate visitor notification and closure procedures;
- Coordinate with local fire agencies.

Accordingly, the IS/MND does not adequately document the basis for concluding that the project would not interfere with emergency response or evacuation activities.

Review Finding 5: The IS/MND Does Not Adequately Document Consistency with Regional Wildfire Prevention Planning

Figure 1 illustrates the project's immediate interface with adjacent residential development and provides context for the area's ongoing wildfire mitigation efforts, including regional fuel management programs intended to reduce community wildfire exposure.

The IS/MND references wildfire prevention practices but does not adequately explain how the project relates to broader wildfire planning efforts, including:

- Marin County wildfire resilience strategies;
- Marin Wildfire Prevention Authority (MWPA) initiatives;
- Greater Novato Shaded Fuel Break planning;
- Local fire protection district priorities;
- Vegetation management objectives surrounding residential communities.
- The IS/MND does not explain whether project design decisions:
- Support firefighter access;
- Avoid conflicting vegetation management objectives;
- Maintain compatibility with future fuel reduction activities;
- Incorporate wildfire resilience principles into trail design and operations.

Accordingly, the IS/MND does not adequately document the analytical basis supporting its conclusion that the project is consistent with applicable wildfire prevention policies and planning efforts.

Review Finding 6: The IS/MND Does Not Adequately Evaluate Cumulative Wildfire Effects

Cumulative wildfire considerations include:

- Increased recreation use across regional open space preserves;
- Continued residential development within WUI areas;
- Existing vegetation fuel accumulation;
- Climate-driven increases in extreme fire weather conditions;
- Regional wildfire mitigation projects occurring simultaneously.

Although individual project impacts may appear limited, CEQA requires evaluation of whether the project contributes incrementally to existing wildfire hazards.

The IS/MND does not provide sufficient discussion of how increased public access, permanent trail improvements, and ongoing regional development patterns interact with existing wildfire vulnerability.

Accordingly, the IS/MND does not adequately document the basis for concluding that cumulative wildfire impacts would be less than significant.

Summary: Issues Requiring Additional Analysis or Documentation

The Review Findings identify deficiencies in the Draft Mitigated Negative Declaration's analysis and supporting documentation that do not adequately support the Appendix G significance determinations. The Final IS/MND shall address the following issues:

- Establish the existing wildfire hazard baseline within the Ignacio Valley Open Space Preserve;
- Evaluate construction-related ignition risks associated with grading, equipment use, and vegetation disturbance;
- Analyze increased visitor use as a potential human-caused ignition factor;
- Evaluate emergency access, evacuation considerations, and firefighter response limitations;
- Demonstrate consistency with regional wildfire prevention and fuel management planning;
- Analyze cumulative wildfire impacts within the broader Novato WUI environment.

Additional wildfire-specific analysis, including baseline hazard documentation, construction fire prevention requirements, emergency response coordination, visitor management strategies, and cumulative wildfire evaluation, would assist the public, reviewing agencies, and decision-makers in determining whether the IS/MND's wildfire conclusions are adequately supported under CEQA.

Conclusion

MCCNA appreciates the opportunity to provide these technical comments during the public review period. The association respectfully requests that the identified issues be considered during preparation of the Final IS/MND so that the environmental record fully documents the analytical basis supporting the Appendix G significance determinations.

From: Mark Scardina [redacted]
Sent: Friday, 24 July 2026 11:12:08
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: Sackett, Mary <Mary.Sackett@MarinCounty.gov>; Brian Colbert <Brian.Colbert@MarinCounty.gov>; Stephanie MoultonPeters <Stephanie.MoultonPeters@MarinCounty.gov>; Dennis Rodoni <Dennis.Rodoni@MarinCounty.gov>; Eric Lucan <Eric.Lucan@MarinCounty.gov>
Subject: Re: Buck Gulch Falls Creek Restoration and Trail Improvement Project (Draft IS/MND) – Technical Review Findings

You don't often get email from [redacted] Learn why this is important

Dear Mr. Horn:

Please see the attached letter that addresses a procedural deficiency in the circulatiion of the Draft IS/MND whith regards to the Cultural Resources impact evaluation,

Respectfully,

Mark Scardina
Secretary, MCCNA
[redacted]

On Jul 22, 2026, at 3:45 PM, Mark Scardina [redacted] wrote:

Dear Mr. Hoorn:

The Marin Country Club Neighborhood Association (MCCNA) respectfully submits the enclosed technical review of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project. The report was prepared by a volunteer team of subject matter experts with professional experience in engineering, environmental science, planning, and related technical disciplines. It represents an independent technical review of the adequacy of the Draft IS/MND's environmental analysis and supporting documentation under CEQA.

The enclosed report is intended to assist the District by identifying opportunities to clarify the basis for significance determinations, document supporting analyses, and strengthen the administrative record before completion of the Final IS/MND. The report identifies areas where, in our opinion, additional analysis, clarification, or supporting documentation would strengthen the environmental record supporting the Final IS/MND.

We appreciate your consideration of these comments and your continued work on this project. If additional information or clarification would be helpful, we would be pleased to provide it.

Sincerely,

Mark Scardina
Secretary
Marin Country Club Neighborhood Association (MCCNA)
[redacted]
<MCCNA_CEQA_Technical_Review_Buck_Gulch_Falls_Creek_IS-MND.pdf>

Mark Scardina
Secretary, MCCNA
[redacted]

MARIN COUNTRY CLUB NEIGHBORHOOD ASSOCIATION

To:	Marin County Open Space District (MCOSD)
Date:	July 17, 2026
Subject:	Buck Gulch Falls Creek Restoration and Trail Improvement Project Draft IS/MND
Focus Area:	Analytical Deficiencies in Archaeological & Cultural Resources Impact Evaluation

I. Formal Request for Extension

This submission provides formal technical comments regarding the Buck Gulch Falls Creek Restoration and Trail Improvement Project Draft Initial Study/Mitigated Negative Declaration (IS/MND). Community stakeholders and resource protection advocates formally petition the Marin County Open Space District (MCOSD) to extend the public comment period beyond July 24, 2026. This extension is essential to address significant questions regarding the adequacy of the environmental analysis and to ensure that the administrative record demonstrates substantial evidence supporting the environmental conclusions within the Cultural Resources impact assessment (CEQA Checklist Table 7).

II. Review Findings

Review Finding 1: Inadequate Documentation of the Subsurface Archaeological Baseline

The IS/MND's determination regarding sub-surface archaeological resources under CEQA Guidelines § 15064.5 currently lacks a fully documented analytical methodology in the administrative record. The application of a buried sites model explicitly indicates a 'low to high potential for buried resources throughout the study area,' with high-sensitivity zones heavily concentrated directly within the Holocene soils surrounding the creek banks. The project proposes heavy, intrusive ground disturbance in these exact high-sensitivity zones, including vertical excavations reaching four feet below the surface for concrete spread footings and bridge abutments.

To support its conclusion that no precontact deposits or midden soils will be impacted, MCOSD relies on a June 2026 Far Western memo detailing that only six hand augers were excavated across a project area spanning 4,235 linear feet. However, the environmental document does not clearly document the scientific or professional methodology supporting the conclusion that this specific sampling density is sufficient to adequately characterize nearly a mile of high-sensitivity riparian terrain. Without this documentation, it remains unclear whether the subsurface baseline is sufficiently robust to support a definitive 'Less than Significant Impact' determination.

Technical Question 1: What scientific or professional methodology supports the conclusion that six hand augers adequately characterize subsurface archaeological conditions across approximately 4,235 linear feet of high-sensitivity Holocene riparian terrain?

Review Finding 2: Reliance on Deferred Mitigation through Inadvertent Discovery Protocols

The environmental analysis appears to depend primarily on deferred mitigation by relying on standard, post-review inadvertent discovery protocols to manage known, localized 'high potential' zones of resource sensitivity. Rather than executing full-scale pre-construction trenching or defining explicit resource avoidance/data recovery maps within high-risk sectors, MCOSD defers its mitigation strategy to standard Regional Trail Master Plan Best Management Practices (RTMP BMPs Cultural Resources-6 and 7).

While inadvertent discovery protocols are standard and appropriate administrative procedures after a discovery occurs, reliance upon those procedures alone does not substitute for proactive environmental analysis. The central issue is whether depending on post-discovery mechanisms—which halt work after an ancient resource or human remains have already been physically encountered by heavy equipment—demonstrates substantial evidence supporting a less-than-significant impact determination in an area that the IS/MND itself explicitly identifies as having elevated archaeological sensitivity.

> **Technical Question 2:** What analyses support the conclusion that reliance upon RTMP Cultural Resources BMPs 6 and 7 sufficiently mitigates impacts before construction rather than documenting discoveries after impacts occur?

III. Requested Revisions

To ensure full compliance with CEQA's evidentiary requirements and to provide a legally defensible impact analysis, the committee requests the following revisions to the final environmental document:

Document the professional or scientific methodology supporting the adequacy of the subsurface sampling program.

Identify and disclose the substantial evidence supporting the conclusion that the proposed sampling density adequately characterizes archaeological conditions within the project corridor.

Explain the analytical basis for concluding that reliance on inadvertent discovery procedures (RTMP BMPs Cultural Resources-6 and 7) reduces impacts to a less-than-significant level in high-sensitivity zones.

Clarify the spatial and physical relationship between the identified high-sensitivity archaeological zones and the specific proposed construction activities (e.g., footings and bridge abutments).

Respectfully submitted,

Marin Country Club Neighborhood Association

Cross-Element Coordination Note: This review addresses the adequacy of the archaeological baseline and mitigation strategy under CEQA Section: Cultural Resources. It maintains a distinct analytical focus from the companion Tribal Cultural Resources review, which evaluates consultation under AB 52.

From: Jason Hoorn
To: [redacted]
Cc: Michelle Julene
Subject: RE: Request for Extension of Comment Period on Buck Gulch Falls Creek Restoration and Trail Improvement Project – Initial Study/Mitigated Negative Declaration
Date: Wednesday, July 22, 2026 12:52:06 PM

Christina L. Berglund
Remy Moose Manley LLP
555 Capitol Mall, Suite 800
Sacramento, CA 95814

Dear Ms. Berglund:

Thank you for your July 16, 2026, letter requesting that the Marin County Open Space District extend the public review period for the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Buck Gulch Falls Creek Restoration and Trail Improvement Project. We appreciate your interest in the project and your clients' participation in the environmental review process.

The District gave your request careful consideration, including the reasons outlined in your letter, the applicable requirements of the California Environmental Quality Act (CEQA), consultation with legal counsel, the complexity of the project, and the multiple interests involved in administering a fair and consistent public review process. After this review, the District has determined that it will not extend the public comment period beyond the established closing date of July 24, 2026.

While CEQA establishes a minimum review period for a Mitigated Negative Declaration, the District carefully evaluated whether an extension was warranted under the circumstances. We concluded that the established review period provides a meaningful opportunity for agencies and the public to review and comment on the environmental analysis while maintaining a consistent and predictable environmental review process for all District projects. The public review period established for the Buck Gulch Falls Project is consistent with the review periods provided for other Marin County Open Space District projects. The District believes that consistency in administering the CEQA process is important to ensuring fairness, procedural integrity, and predictability for agencies, stakeholders, and the public.

The District also recognizes that the environmental review process represents one component of a broader planning effort that has included years of technical study, agency coordination, and community engagement. Throughout project development, the District has provided numerous opportunities for public participation, including

community meetings, stakeholder discussions, field visits, agency coordination meetings, and ongoing opportunities for public input that have informed project development and refinement. The Draft IS/MND reflects this extensive planning and outreach, and the District believes that the established review period, together with this broader engagement process, provides a meaningful opportunity for agencies and the public to comment on the environmental analysis.

The District welcomes your clients' comments on the Draft IS/MND. Any comments submitted by the close of the public review period will be carefully reviewed and considered, and responses to substantive environmental comments will be prepared in accordance with CEQA before the project is considered by the Marin County Open Space District Board of Directors.

Thank you again for your letter and your participation in the environmental review process.

Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

Marin County Parks
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Jason.Hoorn@marincounty.gov
www.marincountyparks.org

From: Kathryn A. Ramirez [redacted]
Sent: Thursday, July 16, 2026 12:10 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Cc: Christina Berglund [redacted]
Subject: Request for Extension of Comment Period on Buck Gulch Falls Creek Restoration and Trail Improvement Project – Initial Study/Mitigated Negative Declaration

You don't often get email from [redacted]. Learn why this is important

Good Afternoon,

Attached, please find correspondence, from Ms. Berglund.

Kind regards,

Ryn Ramirez

RMM

REMY | MOOSE | MANLEY LLP

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[redacted]

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REMY | MOOSE | MANLEY LLP

Christina L. Berglund
[redacted]

July 16, 2026

VIA Email Only

Jason Hoorn
Senior Natural Resources Planner
Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903
jason.hoorn@marincounty.gov

Re: Request for Extension of Comment Period on Buck Gulch Falls Creek Restoration and Trail Improvement Project – Initial Study/Mitigated Negative Declaration

Dear Mr. Hoorn:

On behalf of our clients, we respectfully request that the lead agency, Marin County Open Space District ("District"), extend the comment period for the Initial Study/Mitigated Negative Declaration ("IS/MND") for the Buck Gulch Falls Creek Restoration and Trail Improvement Project ("Project"). On June 23, 2026, the District issued a Notice of Intent to adopt the IS/MND for the Project. The notice provides a 30-day public comment period, which currently closes on July 24, 2026. By this letter, we respectfully request a 30-day extension of the comment period until August 24, 2026. MR-2

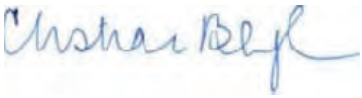
A number of concerns have been raised regarding wildfire risk, emergency evacuation, and parking, yet the IS/MND identifies no mitigation measures to address these potentially significant impacts. The Project is unique in that it is accessible only from a local roadway running through an existing residential area and is subject to an existing easement with Marin Country Club Estates, LLC. We further understand that the City of Novato, from which the District needs an encroachment permit for the Project, also intends to request an extension of the comment period. MR-13, MR-14 MR-10

The requested extension would allow our clients additional time to review the IS/MND and to identify potential revisions to the Project—including features to address impacts to residents in close proximity—while still meeting the objective of providing safe, sustainable, year-round, all-abilities access consistent with the MR-2

District's Inclusive Access Plan. We encourage the District to take the same opportunity. MR-10

Thank you for your consideration of this request.

Very truly yours,



Christina L. Berglund

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Kathryn Ramirez
Date: Friday, July 24, 2026 3:55:21 PM
Attachments: Comments on IS_MND_906.pdf

CEQA Comments Buck Gulch Falls

Name	Kathryn Ramirez
Email	[redacted]
Zipcode	[redacted]
Comments	Please find our comments, on behalf of our clients the Sebastians, in the attached letter.
Attachment (Optional)	Comments on IS_MND_906.pdf

You can edit this submission and view all your submissions easily.

REMY | MOOSE | MANLEY

Christina L. Berglund
[redacted]

July 24, 2026

Via Marin County Parks Public Comment Portal

Jason Hoorn
Senior Natural Resources Planner
Marin County Parks
3501 Civic Center Drive, Suite 260
San Rafael, CA 94903
jason.hoorn@marincounty.gov

Re: Comments on the Initial Study/Mitigated Negative Declaration for the Buck Gulch Falls Creek Restoration and Trail Improvement Project

Dear Mr. Hoorn:

We submit these comments on behalf of our clients regarding the Initial Study/Mitigated Negative Declaration ("IS/MND") for the Buck Gulch Falls Creek Restoration and Trail Improvement Project ("Project") circulated on June 23, 2026 by the Marin County Open Space District ("District" or "MCOSD"). Our clients reside in the Marin Country Club Estates Neighborhood, which lies at the Trailheads' *only* entrance and will be directly affected by the Project's proposed construction and operational activities.

Specifically, our clients have substantial concerns relating to the Project's potentially significant adverse impacts on the environment, particularly those related to traffic and parking safety, wildfire risk and evacuation, and tribal cultural resources. As discussed in more detail below, the Project's potential adverse environmental impacts have not been adequately considered, evaluated, or mitigated in the IS/MND in accordance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15000 et seq. ["CEQA Guidelines"]). Critically, the IS/MND fails to satisfy CEQA as an informational document by inadequately describing the environmental setting and neglecting to quantify reasonably foreseeable impacts that could result from the Project. This, in turn, makes it impossible for decisionmakers and the public to sufficiently evaluate the true scope and extent of these impacts. Because substantial evidence supports a "fair argument" that the Project may have

MR-2

significant adverse environmental impacts, the District cannot make the required findings to certify the IS/MND under CEQA.

I. Comments on the IS/MND

A. Standard of Review Under CEQA

MR-2

Lead agencies, like the District, must interpret CEQA "in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259.) So, if an agency's initial study for a non-exempt project produces substantial evidence supporting a "fair argument" that the project *may* have a significant adverse effect on the physical environment, the agency *must* prepare an environmental impact report ("EIR"), even if there is other substantial evidence that the project will not have a significant effect. (Pub. Resources Code, § 21151, subd. (a); CEQA Guidelines, § 15064, subd. (f)(1); *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 171–172.) If, on the other hand, "[t]here is no substantial evidence, in light of the whole record…that the project may have a significant effect on the environment," the agency may adopt a negative declaration. (Pub. Resources Code, § 21080, subd. (c)(1); see also *id.*, § 21082.2, subd. (a); CEQA Guidelines, § 15064, subd. (f)(3); *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319 ("*CBE v. SCAQMD*").)

In either circumstance, the term "may" means a reasonable possibility. (Pub. Resources Code, §§ 21082.2, subd. (a), 21100, 21151, subd. (a); *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–905.) Because a negative declaration ends the environmental review process, the "fair argument" test provides a low threshold for requiring an EIR. (*Citizen Action To Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754.) As such, the "fair argument" test requires the preparation of an EIR whenever "there is substantial evidence that any aspect of the project*, either individually or cumulatively*, may cause a significant effect on the environment, *regardless of whether the overall effect of the project is adverse or beneficial*...." (CEQA Guidelines, § 15063(b)(1), italics added; see also *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1197 ["[a]ny potential significant environmental effect triggers the EIR requirement…, even if the [project] provide[s] a 'net' or overall positive for the environment"].) A project need not have an "important or

momentous effect of semi-permanent duration" to require an EIR. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 87 ("*No Oil*").) Rather, an agency must prepare an EIR "whenever it perceives some substantial evidence that a project may have a significant effect environmentally." (*Id.* at p. 85.) So, an EIR is required even if substantial evidence in the record supports a conclusion that significant impacts will not occur, if a "fair argument" supports the opposite conclusion. (*Id.* at p. 75.) MR-2

At the environmental review stage, "[r]elevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence." (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 730.) "Because substantial evidence includes 'reasonable assumptions predicated upon facts' and 'reasonable inferences' from the facts, factual testimony about existing environmental conditions can form the basis for substantial evidence." (*Ibid.*) So, when experts and relevant members of the public present conflicting evidence on the extent of a project's environmental effects, the lead agency must consider the effects to be significant and prepare an EIR. (*Ibid.*; *Pocket Protectors v. Sacramento* (2004) 124 Cal.App.4th 903, 935; *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1037 ("*Taxpayers*"); CEQA Guidelines, § 15064, subd. (f)(5).) "It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project." (*Pocket Protectors*, *supra*, 124 Cal.App.4th at p. 935.) In the context of reviewing a negative declaration, "neither the lead agency nor a court may 'weigh' conflicting substantial evidence to determine whether an EIR must be prepared in the first instance." (*Ibid.*) Where such substantial evidence is presented, "evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be 'fairly argued' that the project might have a significant environmental impact." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 310.)

Moreover, "[w]hile a fair argument of environmental impact must be based on substantial evidence, mechanical application of this rule would defeat the purpose of CEQA where the local agency has failed to undertake an adequate initial study. The agency should not be allowed to hide behind its own failure to gather relevant data." (*Sundstrom*, *supra*, 202 Cal.App.3d at p. 311.) "CEQA places the burden of environmental investigation on government rather than the public. If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record

may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." (*Ibid.*) MR-2

B. Inadequate Analysis of and Mitigation for Significant Traffic and Parking Impacts

MR-13

The IS/MND underestimates the traffic volumes that the Project is reasonably expected to generate due to the increased number of patrons and users who currently and will wish to access the Buck Gulch Trail for recreational purposes. The District and County recognize how the Buck Gulch Trail and Falls have become "social media" sensations that have garnered significant attention and, consequently, more visitors.[1] Local residents know this all too well, as they have dealt with the onslaught of increased pedestrian and vehicular traffic on their small neighboring streets. (See **Attachment A** [resident photos of routine parking impacts to Fairway Drive and surrounding streets].)

Now, however, the Project proposes to add accessibility features to the Trail and convert its use to "hikers only." (IS/MND, pp. 163–164.) As a result, patrons who previously have been unable to access the Trail and Falls will now be able to visit them without issue. Because most patrons access the Trailhead via their personal vehicles, the Project's increased accessibility will undoubtedly result in more vehicular traffic and parking congestion on neighboring residential streets in and around the Trailhead.

Because the IS/MND omits information relevant to traffic assumptions, it inadequately considers—and thus fails to mitigate for—the potential significant adverse impacts of the Project on traffic on neighboring residential streets. As such, if the District adopts the IS/MND without revision, it will abuse its discretion as a decisionmaker under CEQA. (See *Taxpayers*, *supra*, 215 Cal.App.4th at pp. 1054–1055 [citing Pub. Resources Code, § 21168.5].)

i. Inadequate Baseline and Analysis of Parking Impacts

The IS/MND relies on an inaccurate baseline to conclude the Project will not have significant traffic impacts. Before a project's impacts can be assessed and

[1] See, e.g., Sept. 16, 2025, Marin County Parks, Staff Report, p. 1 (available online at: https://marin.granicus.com/MetaViewer.php?view_id=53&event_id=4063&meta_id=1398616) ["Over time, as outdoor recreation continues to grow in popularity, and with the help of social media, this trail has become a very popular destination"].

MR-13

mitigation measures considered, an initial study must describe the existing environment. (CEQA Guidelines, § 15063, subd. (d)(2).) Only against this baseline can any significant environmental effects be determined. (CEQA Guidelines, §§ 15125, 15126.2, subd. (a); see also *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.) An MND "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." (CEQA Guidelines, § 15125, subd. (a); *CBE v. SCAQMD*, *supra*, 48 Cal.4th at p. 319.) The document must compare the "existing physical conditions without the [project] and the conditions expected to be produced by the project." (*Id.* at p. 328.) "Without such a comparison, the [MND] will not inform decisionmakers and the public of the Project's significant environmental impacts, as CEQA mandates." (*Ibid.*)

The IS/MND fails to include a complete description of the existing physical environment from which the Project's potentially significant adverse impacts to parking, vehicle miles traveled ("VMT"), and safety must be measured. (CEQA Guidelines, §§ 15125, subd. (a), 15063, subd. (d).) As the IS/MND recognizes, the Project's Trailhead and Falls can only be accessed from Fairway Drive—a small, residential cul-de-sac in the City of Novato. (IS/MND, p. 161.) The Ignacio Valley Open Space Preserve, where the Trail lies, "does not have dedicated parking areas." (*Ibid.*) As such, "[v]isitors typically utilize on-street parking along Fairway Drive and Saint Andrews Drive, which also is a local, public street, or they walk from surrounding residential areas to access the Project area." (*Ibid.*) While the IS/MND contends that these streets provide "curbside parking for approximately 25 vehicles within 1,000 feet of the trailhead[,]" it also puzzlingly notes "the existing no-parking street signs…located along Fairway Drive…" (IS/MND, p. 164; see also W-Trans Transportation Checklist, p. 1; cf. Attachment A.)

Despite recognizing these severe parking limitations, the IS/MND nevertheless summarily concludes that parking impacts will be less than significant because "[v]isitation is, and would continue to be, limited by the availability of on-street parking, and no new parking or expansion of existing parking is proposed." (IS/MND, p. 163.) This conclusion, however, lacks substantial evidence and fails to acknowledge existing baseline conditions within the immediate vicinity of the Trailhead. For instance, neighboring residents have observed the overwhelming barrage of vehicles that routinely park on both sides of Fairway Drive, despite the "no parking" signs barring them from doing so. (See Attachment A.) The volume of

vehicles has become so pervasive that visitors will even park in front of residential driveways, thus blocking residents vehicles and preventing them from accessing or leaving their homes. (*Ibid.*) MR-13

This issue becomes even worse during the winter months when the Falls are at peak flow, as the uptick in visitors results in a drastic and tangible increase in the average number of vehicles that park on Fairway Drive (and then subsequently spillover onto St. Andrews Drive). (*Ibid.*) Yet, neither the IS/MND nor the W-Trans traffic recognized these seasonal fluctuations and how they affect the parking baseline and ensuing traffic analysis. (See IS/MND, pp. 163–164.) In fact, W-Trans conducted its analysis on a Friday and Saturday in the middle of November—i.e., on only one weekend day before the height of winter's peak waterfall season. (Transportation Checklist, p. 1.) This incredibly abbreviated sample does not reflect the true scope of parking conditions and ensuing impacts that occur when throngs of visitors try to access the Trailhead and Falls after the region's rainy season. (Cf. Attachment A.) Given this, the IS/MND relies on a flawed baseline of existing conditions, thus tainting its traffic analysis and raising a fair argument that the Project will produce potentially significant parking impacts.

Courts have consistently found these types of relevant personal observations constitute substantial evidence in support of a fair argument. For example, in *Keep Our Mountains Quiet*, *supra*, the court found that lay testimony citing facts relating to road conditions (such as blind curves and presence of bicyclists) based upon personal knowledge was substantial evidence to support a fair argument that a project may have a significant impact on the environment—even where the Department of Transportation had not expressed concerns about traffic safety. (236 Cal.App.4th at pp. 730–731, 735.)

The decision in *Taxpayers*, *supra*, is particularly applicable here. There, the court found that residents' testimony regarding traffic congestion and accidents associated with football games at a neighboring school stadium constituted substantial evidence supporting a fair argument that the contested project's plan to allow night games (which would draw larger crowds) may have significant traffic impacts. (215 Cal.App.4th at pp. 1054–1055.) During the administrative process, neighbors submitted "extensive oral, written, and physical evidence (e.g., photographs)…regarding the environmental effects of the Project, including its anticipated impact on traffic and parking in the area." (*Id.*, p. 1046.) The court reasoned that this testimony rose to the level of "substantial evidence" because "any

MR-13

traffic problems experienced in the past logically will only be exacerbated if the Project is completed and evening games are held." (*Id.*, p. 1055.) As the *Keep Our Mountains Quiet* court later clarified: "In other words, one can reasonably infer a project will have a significant impact on traffic from factual testimony regarding past traffic congestion caused by similar projects." (*Keep Our Mountains Quiet*, *supra*, 236 Cal.App.4th at p. 731.)

Because the IS/MND lacks an adequate baseline and comparison of existing and anticipated parking impacts, the IS/MND does not inform decisionmakers and the public of the Project's significant impacts thereto, as CEQA mandates. (See *Taxpayers*, *supra*, 215 Cal.App.4th at p. 1047.) For these reasons, there is substantial evidence of a fair argument that the Project will have significant parking impacts, thus requiring the District to prepare an EIR and adopt corresponding mitigation measures. (*Ibid.*)

ii. Potentially Significant VMT Impacts

The traffic study and IS/MND fail to quantify or calculate the potential number of additional trips vehicles will make now that the Project has become accessible to more patrons. (See IS/MND, p. 163.) The IS/MND contends that "independent variables used to estimate additional trips are either via the acreage of the park or the number of trail miles," but then provides no further numbers or estimates—instead, it summarily concludes, without further explanation, that the Project's improvements "could reasonably be expected to result in a negligible change to the site's vehicle trip generation." (*Ibid.*) Neither the IS/MND nor the accompanying traffic study explain how they arrived at this counterintuitive assumption. In other words, if the Project's proposed improvements will make the Buck Gulch Trail and Falls more physically accessible to a larger group of users, common sense dictates that there would be more patrons traveling to the site. (See *Plastic Bag*, *supra*, 52 Cal.4th at p. 175 [common sense "is an important consideration at all levels of CEQA review"]; IS/MND, p. 164 [Project will change the Trail's use designation to "hiker only" and implement measures so the Trail "meet[s] the highest accessibility standards in the IAP"]; see also *id.* at p. 159 [the Project's improvements mean its "user group would expand"]; cf. *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342 [finding a fair argument that increased traffic from a subdivision project on a rural road often used by horses would be a significant impact].) The IS/MND's conclusion to the contrary is unsupported by substantial evidence. Further, the IS/MND's failure to disclose "the 'analytic route

the… [District] traveled from evidence to action'" precludes informed decisionmaking. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 ("*Laurel Heights*").)

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Finally, as noted above, the W-Trans Traffic Checklist relies on a data sample taken during an off-peak month (November) and on at least one off-peak day (Friday). The Checklist (and, in turn, the IS/MND) thus does not account for the significant uptick in visitor vehicles that do and will descend upon the neighborhood during the winter and rainy season months to view the Falls when they are at maximum flow. (Cf. Attachment A.) Because the Project will make the Falls more accessible, parking will not be able to support the increased number of new visitors travelling into the neighborhood. The Checklist, however, does not account for this or the potential increase in new visitor VMT.

In light of the substantial evidence described and presented above, the District must revise and recirculate the IS/MND to adequately address the increased demand for access to such a highly coveted natural resource and the resultant environmental effects. (See *Taxpayers*, *supra*, 215 Cal.App.4th at pp. 1050–1055.)

iii. Inadequate Mitigation for Parking and Traffic Safety Impacts

The IS/MND's faulty analysis of the Project's impacts to parking and VMT results in a dearth of mitigation measures that would otherwise help mitigate the inevitable uptick in passenger vehicles driving to and parking along the neighboring residential streets. To help ensure that traffic and parking do not worsen existing conditions, the District should consider adopting measures to ensure the increased number of visitors does not have a significant impact. For instance, the District should coordinate with the City of Novato to impose limitations on the hours during which non-residents can park on the street to access the Trail. After hours, the City and District could require permitted street parking. The District should also adopt management standards that will commit it to not opening the gates beyond the entrance, as that will likely create more unmanageable circumstances.

C. Inadequate Analysis of Significant Wildfire Impacts

MR-14

The IS/MND paints an incomplete picture of the Project's potential impacts to and capacity for exacerbating wildfire risks. As the District is likely aware, "[t]he

MR-14

need for the [MND's] disclosure of the potentially substantial adverse risk of human-caused wildfire is uncontroversial given the context." (*People ex rel. Bonta v. County of Lake* (2024) 105 Cal.App.5th 1222, 1231–1232 ("*Lake County*").) Given this, CEQA demands that the District "reasonably describe the additional wildfire risk factors as compared to existing conditions that the Project would introduce to the area." (*Id.*, p. 1233.) The IS/MND, however, misses the mark.

Despite prior public comments alerting the District to the Project's potential wildfire issues—including new sources generated by the Project—the IS/MND summarily ignores them.[2] For instance, the IS/MND fails to account for the District's proposed use of a Terrain Hopper[3] mobility devices—which will feature a highly combustible lithium-ion battery—on the Trail once the Project is complete. Moreover, by virtue of its faulty parking assumptions, the IS/MND similarly fails to account for impacts to emergency response times and evacuation access. Because these effects are left unanalyzed, neither the District nor the public has enough information to determine the true scope of the Project's wildfire impacts and whether mitigation measures can be adopted to reduce them to less-than-significant levels.

i. Inadequate Analysis of New Potential Sources of Wildfires that Exacerbate Fire Risk

The IS/MND fails to account for new potential sources of wildfire that the Project will generate. CEQA requires an analysis of "any significant environmental effects the project might cause or risk exacerbating *by bringing* development and *people* into the area affected," including in wildfire-prone areas. (CEQA Guidelines, § 15126.2, subd. (a), italics added; *Lake County*, *supra*, 105 Cal.App.5th at pp. 1231–1232.)

Here, the IS/MND states, without any further explanation, that the Project "would not increase emergency response demands. Existing emergency access would be maintained during implementation and operation of the proposed project." (IS/MND, p. 156.) But the IS/MND later admits that improving the Trail to meet the Inclusivity Access Plan's accessibility standards "may result in an increase in

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[2] See Marin County Open Space Dist., Parks and Open Space Comm., Public Comments Submitted on Agenda Item No. 8, Jul. 17, 2025 (available online at: https://marin.granicus.com/MetaViewer.php?view_id=49&event_id=3897&meta_id=1391163).

[3] Marin County Parks has acquired two TerrainHopper mobility devices to help adult visitors with disabilities enjoy outdoor recreation. (https://parks.marincounty.gov/discoverlearn/terrainhopper.)

visitation after Project implementation", so much so that "average weekday visitation could increase to that of average weekend visitation." (IS/MND, pp. 158–159.) The IS/MND estimates that the Trail currently experiences 33 daily visitors on weekdays and 99 visitors on weekends. (*Id.*, p. 159.) So, by the IS/MND's own estimates, weekdays would experience an increase from 33 daily visitors to 99 daily visitors. (*Ibid.*) In other words, the number of weekly visitors would nearly *double* from 363 to 693. (*Ibid.*) And these numbers only reflect an *average*. As noted above, the IS/MND fails to distinguish between patrons who visit the Trail and Falls during "off-peak" (non-winter) and "peak" (winter) months—i.e., when the Falls are and are not at maximum flow. Resident testimony supported by photographic evidence establishes that the neighborhood and Trail experience a significant uptick in the number of visitors who visit during winter months, likely far outweighing the "average" number of daily visitors the District estimates. By virtue of this, the IS/MND's reliance on the average number of visitors paints an incomplete picture of how busy the Trail and Falls *actually* get at any given time. (See Attachment A.)

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Per guidance published by the California Attorney General's Office (**Attachment B**[4]), "introducing *more people*…into a flammable landscape *increases* the likelihood of…a wildfire igniting *due to the increased presence of people*." (Attachment B, p. 4, italics added.) In turn, these wildfires "may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires." (*Ibid.*) Because the IS/MND admits that the Project will bring *more* people to the Trail and Falls—even *tripling* the number of daily visitors five days per week—it can be fairly argued that the Project will increase the likelihood of a wildfire igniting in the Project Area's flammable landscape. (*Ibid.*) As such, and in light of this substantial evidence, the District must adopt appropriate mitigation measures to ensure these risks remain less-than-significant.

MR-14

The IS/MND also fails to consider another new source of wildfire generation that the Project will help facilitate: District's proposed use of a motorized "Terrain Hopper" within the Project Area.[5] Once the Project's accessibility features are in

[4] Cal. Atty. Gen., Dept. of Justice, *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*, Oct. 2022, p. 4 (also available online at: https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf).
[5] See: https://marin.granicus.com/MetaViewer.php?view_id=33&clip_id=12449&meta_id=1357290.

MR-14

place, the District will deploy this power-driven mobility device on the Trail.[6] Critically, these types of vehicles rely on electrical power provided by a lithium-ion battery.[7] There have been numerous incidents of lithium-ion batteries combusting and starting fires[8], so much so that the U.S. Fire Administration regards them as "one of the most challenging and perplexing incidents for the fire service in recent years."[9] As a result, the Administration has proposed numerous ways agencies should integrate mitigation and response strategies to ensure these batteries do not become dangerous sources of fire.[10]

Despite the District's declared plans to utilize a lithium-ion-battery-powered Terrain Hopper within the Project Area, the IS/MND makes no mention of the vehicle's future deployment, much less any discussion on the vehicle battery's capacity for being a new potential source of fire ignition in an extremely flammable environment. Without this information, the District has not "use[d] its best efforts to find out and disclose all that it reasonably can" about the Project's impacts on these risk factors, thus giving rise to a fair argument of a potentially significant wildfire impact. (*Lake County*, *supra*, 105 Cal.App.5th at p. 1233; CEQA Guidelines, § 15144.)

ii. Inadequate Analysis of Impacts to Emergency Evacuation Access During Wildfires

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The IS/MND is informationally inadequate as an environmental document because it fails to present substantial evidence to support its assertion that the Project will not significantly impact emergency evacuation access during construction and operation. (IS/MND, pp. 176–179.) When considering "whether a project may interfere with implementation of an emergency response and evacuation plan, [CEQA is] primarily concerned that the public and decision makers understand the impact the project will have on … residents' ability to evacuate and on emergency personnel's ability to protect and service the residents and their property consistent with the adopted plan." (*League to Save Lake Tahoe Mountain*

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[6] See: https://marin.granicus.com/MetaViewer.php?view_id=33&clip_id=12449&meta_id=1357292.
[7] See: https://marin.granicus.com/MetaViewer.php?view_id=33&clip_id=12449&meta_id=1357291; https://legacy-cdn.abilities.com/pdfs/terrain.pdf.
[8] See: https://www.nbcnews.com/nightly-news/video/lithium-ion-battery-fires-becoming-increasingly-common-162841669983.
[9] See: https://www.usfa.fema.gov/a-z/lithium-ion-batteries/.
[10] See: https://www.usfa.fema.gov/a-z/lithium-ion-batteries/risks-and-response-strategies/.

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etc. v. County of Placer (2022) 75 Cal.App.5th 63, 136 ("*League to Save Lake Tahoe*").)

Where, as here, a project is located in a high wildfire risk area that presents an increased risk of ignition and evacuation impacts, the lead agency should develop evacuation modeling and planning at the time of project review and approval "when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations…rather than deferred to a later stage of the development process." (Attachment B, p. 10.) By having this information on hand prior to project approval, agencies "will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation. … The ultimate objective is to allow for informed decisionmaking that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas." (*Ibid.*) This modeling and analysis should: evaluate the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access; assess the timing for evacuation; identify alternative plans for evacuating; evaluate the project's impacts on existing evacuation plans; consider the adequacy of emergency access based on the project's proximity to existing fire services; and conduct traffic modeling to quantify travel times under various likely scenarios. (*Ibid.*)

While agencies may also rely on more generalized resources, such as existing community evacuation plans, they should ensure that the assumptions and conclusions regarding evacuation risk "are substantiated with sound facts," particularly given the unpredictable nature of wildfire and human behavior. (Attachment B, p. 11.) For similar reasons, while agencies may rely on an MND's accompanying analysis of traffic/transportation impacts, "they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times." (*Ibid.*)

The IS/MND makes no effort to conduct any of this analysis, despite disclosing that the Project's proposed construction and operational activities will occur in a high wildfire risk area. (See IS/MND, pp. 176–179.) The IS/MND is particularly bereft of information about the Project's construction activities and their potential to exacerbate or impair emergency evacuation access. (*Id.*, p. 178.) The IS/MND admits that construction will occur "over approximately six months and two construction seasons," while simultaneously concluding that "MCOSD

would maintain emergency access to the proposed Project area during construction activities to facilitate emergency evacuation Project implementation, if needed." (*Id.*, p. 178.) But the IS/MND does not explain *how* it will maintain such access, particularly given the existing limited parking conditions described above. (*Ibid.*) Nor does the IS/MND explain with any specificity where construction staging will occur and how that staging area may also implicate emergency access. (*Ibid.*) Instead, it generally states that "construction staging areas would be restricted to exiting MCOSD roads and trails, or other areas…" (IS/MND, p. 182.) MR-13

Accordingly, the IS/MND does not commit MCOSD to any mitigation measures or BMPs to ensure evacuation routes remain free from obstacles presented by construction activities that would impede emergency vehicles or evacuation activities. For instance, the IS/MND should include a measure that requires MCOSD to work with the City to impose "[p]arking limitations to ensure access roads are not clogged with parked vehicles." (Attachment B, p. 13.) Alternatively, the IS/MND could identify or create other means for ingress/egress during a wildfire in the event Fairway Drive becomes congested during evacuation. (See *League to Save Lake Tahoe*, *supra*, 75 Cal.App.5th at p. 137.) But, without this information, the public cannot confidently trust the IS/MND's conclusory statement that Project construction will have "no impact" on the impaired execution of an emergency evacuation plan. (IS/MND, p. 178; *Lake County*, *supra*, 105 Cal.App.5th at pp. 1233–1234.)

For these reasons, in the absence of the above modeling or analysis, there is substantial evidence of a fair argument that the Project will adversely impair emergency evacuation efforts during a wildfire event, thus precluding the District from adopting the IS/MND.

D. Inadequate and Incomplete Tribal Consultation

The IS/MND reveals the District did not lawfully conduct or meaningfully engage in CEQA's tribal consultation requirement. This failure is particularly troublesome given that the Federated Indians of Graton Rancheria ("FIGR") has indicated tribal cultural resources exist within the Project Area and could be disturbed by the Project's proposed construction and operational activities. (IS/MND, p. 169.) MR-7

CEQA requires agencies to avoid damaging tribal cultural resources. (Pub. Resources Code, § 21084.3.) As such, before releasing an MND or EIR, agencies

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"shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project[.]" (Pub. Resources Code, § 21080.3.1, subd. (b).) As part of this consultation, "the parties may propose mitigation measures … capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource." (Pub. Resources Code, § 21080.3.2, subd. (a).)

The tribe may also request consultation "regarding alternatives to the project, recommended mitigation measures, or significant effects." (*Ibid.*) If requested, then consultation should include a "discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the lead agency." (*Ibid.*) Critically, "consultation means the '*meaningful* and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement.'" (*Koi Nation of Northern Cal. v. City of Clearlake* (2025) 109 Cal.App.5th 815, 840 ("*Koi Nation*"), quoting Gov. Code, § 65352.4, original italics.) This ""[m]eaningful' discussion is the hallmark of CEQA's tribal consultation requirement." (*Ibid.*)

An agency may adopt an MND with potentially significant impacts to tribal cultural resources "*only if*…[t]he consultation process between the California Native American tribe and the lead agency has occurred…and concluded." (Pub. Resources Code, § 21082.3, subd. (d)(1), italics added.) Consultation can only be deemed "concluded" if one of two circumstances occurs: (1) the parties agree to measures to mitigate or avoid significant impacts to tribal cultural resources; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code, § 21080.3.2, subd. (b).) If consultation produced mitigation measures that are not included in the MND, then the lead agency *must* consider and incorporate feasible measures set forth by statute. (Pub. Resources Code, §§ 21082.3, subd. (e), 21084.3.)

Based on the legal framework outlined above, the District cannot adopt the IS/MND because it has failed to satisfactorily complete the tribal consultation process under CEQA. Given that "there are sacred sites within the vicinity of the

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study area," FIGR formally requested to consult on Project alternatives, the Project's significant effects, avoidance and mitigation measures, the significance of tribal cultural resources within established FIGR ancestral lands, and the significance of the Project's impacts thereto. (IS/MND, pp. 168–169.) As part of its request, FIGR "expressed concerns pertaining to the level of analysis provided in the 2021 *Cultural Resources Study* prepared by Tom Origer & Associates," and thus asked that the District update the study to account for notable changes to the Project—including the addition of streambank stabilization work along the southside of Arroyo de San Jose Creek—as they may implicate sensitive cultural resources. (IS/MND, pp. 171, 168–169.)

The IS/MND contends that the District updated the 2021 study by retaining Far Western to prepare a *Supplemental Cultural Resources Study*, which it "shared with FIGR for review and input." (IS/MND, p. 168; see *id.*, p. 170 ["FIGR received a copy of the supplemental study"].) FIGR, however, has not opined on or recommended mitigation measures based on the findings therein. (IS/MND, pp. 168, 170.) Instead, the IS/MND admits that "MCOSD ***continues ongoing consultation***, and MCOSD will include FIGR in the public notice for public review of [the IS/MND]." (IS/MND, p. 168, emphasis added; see *id.*, p. 169, emphasis added ["As part of ***continued tribal consultation efforts***…"]; *id.*, p. 170 ["MCOSD ***is currently consulting with*** FIGR…"]; *id.*, pp. 171–172 ["MCOSD and FIGR ***may continue additional tribal consultation meetings*** through implementation and operation of the proposed project"].)

The language emphasized above unquestionably reveals that the District has *not* properly concluded tribal consultation under CEQA—therefore, the District *cannot* adopt the IS/MND until such consultation has formally concluded. (Pub. Resources Code, § 21082.3, subd. (d)(1).) To formally "conclude" consultation, the District *and* FIGR must "agree to measures to mitigate or avoid significant impacts to tribal cultural resources." (Pub. Resources Code, § 21080.3.2, subd. (b)(1).) But FIGR has not had the opportunity to provide any input on the supplemental study it received less than two months ago. (IS/MND, pp. 168–171.) That "MCOSD assured FIGR the [supplemental] Cultural Resources Study would be updated to reflect [the tribe's] requests prior to the public review period" is insufficient. (IS/MND, p. 171.) Without FIGR's input, the IS/MND "does not inform decisionmakers or the public that mitigation measures were requested, or what those measures were, or whether the [District] decided to implement them." (*Koi*

Nation, *supra*, 109 Cal.App.5th at p. 839.) Thus, because "the MND itself says nothing about the [District's] basis for determining that consultation had concluded or when the [District] made that determination," the District cannot adopt the IS/MND until the process has formally concluded. (*Ibid.*)

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The absence of FIGR's input on the supplemental study is compounded by the IS/MND's failure to incorporate FIGR's previously requested mitigation measure. (See IS/MND, p. 168.) As part of its consultation request, FIGR explained that "the preferred manner of mitigating impacts to archaeological sites is preservation in place." (IS/MND, p. 168.) Under CEQA, "[p]reservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site." (CEQA Guidelines, § 15126.4, subd. (b)(3)(A).) A "preservation in place" mitigation measure thus typically includes "[a]voidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria." (Pub. Resources Code, § 21084.3, subd. (b)(1); CEQA Guidelines, § 15126.4, subd. (b)(3)(B).)

The IS/MND does not include any "preservation in place" measures. Instead, it lists various policies and best management practices ("BMPs") that "MCOSD *would* incorporate" into the Project (IS/MND, p. 169, italics added.) Compliance with BMPs, however, can only satisfy the District's obligation to mitigate significant impacts if they are "fully enforceable through permit conditions, agreements, or other legally binding instruments." (CEQA Guidelines, § 15126.4, subd. (a)(2).) Nebulous, conditional language that the District "*would*" incorporate BMPs does not rise to this level of enforceability, and thus, cannot be treated as an adequate, enforceable mitigation measure capable of reducing potentially significant impacts to "previously undiscovered resources or human remains [that] *could be discovered during project implementation*. (IS/MND, p. 170, italics added; see *Natural Resources Defense Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, 1207–1213 [due to lack of enforceability, substantial evidence did not support agency's conclusion that compliance with voluntary "lease measures" would adequately mitigate significant air quality impacts]; *Save Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 686–690 [MND's mitigation

measures lacked enforceable performance criteria and were thus inadequate to avoid or mitigate impacts to tribal cultural resources].)

Because the District has neither formally concluded tribal consultation nor incorporated the mitigation measures that FIGR expressly requested, the District cannot adopt the IS/MND because its conclusion that impacts to tribal cultural resources will be less than significant is not supported by substantial evidence. (*Koi Nation*, *supra*, 109 Cal.App.5th at pp. 839–840.) Rather, the IS/MND's acknowledgment of the presence of sacred FIGR sites within the Project Area amounts to substantial evidence of a fair argument that the Project would impact tribal cultural resources. (IS/MND, p. 170.) Accordingly, failure to mitigate these impacts, coupled with continued failure to abide by CEQA's procedural tribal consultation requirements, will amount to a failure to proceed in the manner prescribed by CEQA, which constitutes a presumptively prejudicial abuse of discretion. (Pub. Resources Code, § 21005, subd. (a); see *Martis Camp Community Assn. v. County of Placer* (2020) 53 Cal.App.5th 569, 607 ["A failure to comply with [CEQA's] mandatory procedures is presumptively prejudicial"].)

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II. Alternatives

CEQA requires a lead agency to consider a reasonable range of alternatives in an EIR "which would feasibly attain most of the basic objectives" to "foster informed decisionmaking and public participation." (CEQA Guidelines, § 15126.6, subd. (a).) "One of [an EIR's] major functions … is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." (*Laurel Heights*, *supra*, 47 Cal.3d at p. 400.) "Without meaningful analysis of alternatives…neither the courts nor the public can fulfill their proper roles in the CEQA process." (*Id.* at p. 404.)

The IS/MND does not evaluate any alternatives to the Project—instead, it assumes all of the Project's adverse environmental impacts can be mitigated to a less-than-significant level. As there is substantial evidence of a fair argument that the Project may result in one or more significant impacts on the environment as described above, at a minimum, the District must evaluate alternatives to the proposed Project.

The Regional Trail Management Plan directs MCOSD to "[d]esign trails with multiple access points to maximize accessibility and minimize concentrating access." (RTMP, p. 4-12 [TRL-2.6: Provide Multiple Access Points].) It also directs

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MCOSD to "[d]esign and locate trails to avoid trespassing and adverse impacts on adjacent private lands and sensitive land uses." (RTMP, p. 4-12 [TRL-2.d: Protect Private Property].) An alternative project that meets these policies includes retrofitting the Ken Harth Waterfall trail that can be accessed via the College of Marin's Indian Valley Campus at the end of Ignacio Boulevard. The campus space features over 100 parking spaces, including those that are accessible under the Americans With Disabilities Act. The campus's entrance also features a park, while the trail to the Waterfall is nearly identical in length to the Buck Gulch Trail. Moreover, the campus includes security features that are otherwise not available on Fairway Drive—including a gate that is closed at nights, and relatively far from the Trailhead, thus discouraging patrons from entering after hours. Thus, improving the Ken Harth Trail instead would achieve this Project's objectives while avoiding its potential traffic, wildfire, and tribal cultural resource impacts. MR-4

III. Request for Notices

In addition to providing these comments, we request that the District provide our office with copies of any and all future public notices issued in connection with the Project. If the District decides to approve the Project, please send us a copy of the Notice of Determination immediately upon filing. (Pub. Resources Code, §§ 21152, 21167, subd. (f).) MR-2

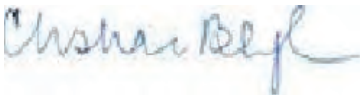
IV. Conclusion

On behalf of our clients, we appreciate the District's consideration of these comments and urge the District to seriously consider their concerns. The District cannot make the required findings to approve the Project under CEQA based on the substantial evidence demonstrating that the Project may have significant unmitigated environmental impacts. Because substantial evidence in the record supports a "fair argument" of potentially significant adverse impacts of the Project, including from traffic safety, wildfire risks, and tribal consultation, the IS/MND should not be adopted until all studies have been completed to address the deficiencies identified herein, and adequate mitigation measures have been implemented to ensure all impacts are mitigated to the greatest extent feasible.

* * *

Thank you for the opportunity to comment on the IS/MND and for your consideration of the matters set forth in this letter.

Very truly yours,



Christina L. Berglund

Attachments:

- **Attachment A:** Photographs taken by local residents depicting visitor parking and traffic safety conditions on Fairway Drive and the Buck Gulch Falls Trailhead. MR-13
- **Attachment B:** California Department of Justice, Office of the Attorney General, *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*, October 2022. MR-6

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- Chief Jim Naugal – police@novato.gov

Attachment A

The following photographs were taken at the Trailhead entrance to the Buck Gulch Trail and Falls, located at the end of the Fairway Drive cul-de-sac in the City of Novato. The photographs show how visitors park their vehicles in the Fire Lanes on either side of the street, despite posted "No Parking Signage." (Photos taken by residents Marc and Lisa Sebastian on February 20 and April 9, 2023)











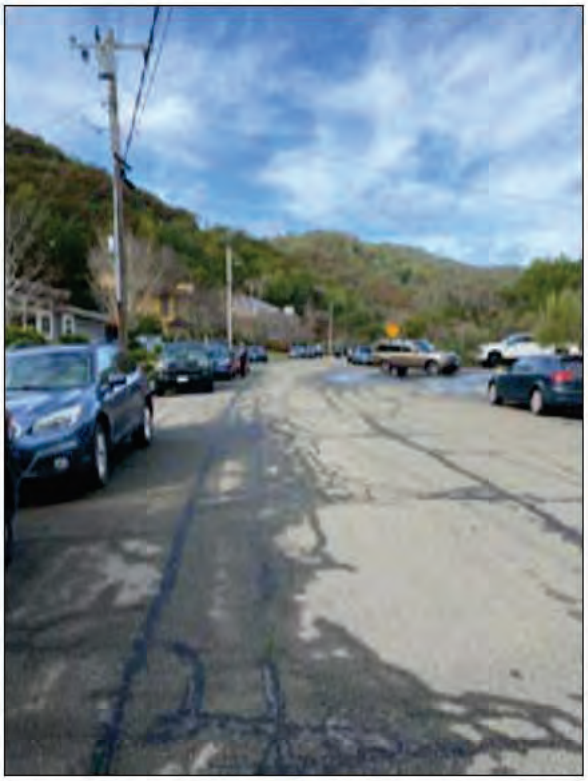
Photograph of Fairway Drive cul-de-sac depicting visitor vehicles parked in the Fire Lane, despite posted "No Parking Zone" signage, at the entrance of the Buck Gulch Trail and Falls. (Taken from driveway of resident Marc Sebastian.)



Photograph of Fairway Drive cul-de-sac depicting visitor vehicles parked in the Fire Lane, despite posted "No Parking Zone" signage, at the entrance of the Buck Gulch Trail and Falls. (Taken by resident Lisa Sebastian on April 9, 2023.)

The following photographs were taken throughout the length of Fairway Drive and St. Andrews Drive in the City of Novato. The photographs show how many and how far visitors park their vehicles (on both sides of the street) to access the Trailhead to the Buck Gulch Trail and Falls, which is located at the end of the Fairway Drive cul-de-sac. (Photos taken by residents Marc and Lisa Sebastian on January 8 and February 20, 2023)











Photograph of Fairway Drive (just past the intersection with St. Andrews Drive) depicting how many and how far away vehicles park from the Trailhead entrance to access the Buck Gulch Trail and Falls. (View from Shaw Residence, facing 598 Fairway Drive.)



Photograph of Fairway Drive cul-de-sac (view from residence), showing visitor vehicles parked on either side of the street and in front of residential driveways, thereby blocking residents' ingress/egress access. (Taken by resident Lisa Sebastian on March 1, 2025.)

Attachment B



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act

I. Introduction

Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new developments carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire impacts to the extent feasible.

This guidance is designed to help lead agencies[1] comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.[2] The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire risk, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.[3] Particularly in these high-risk areas, but also throughout the

[1] Lead agencies are any public agencies with "principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)

[2] CAL FIRE has published an instructive map on the wildland-urban interface in California: https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf. The wildland-urban interface is defined differently by different agencies for different purposes, but the most widely used definition for wildfire purposes include the intermix and interface areas mapped by Radeloff et al. 2005, 2018. See Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk.* PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018), available at https://www.pnas.org/doi/10.1073/pnas.1718850115.

[3] See https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Note that areas mapped by CAL FIRE as high or very high fire risk are not always coextensive with the wildland-urban interface. In addition, CAL FIRE's maps are currently in the process of being updated and lead agencies should consult with CAL

wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.

This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.[4] This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.[5] The extent to which it applies will inherently vary by project, based on project design and location. This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. This guidance is based on the Office of the Attorney General's experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas, and is intended to assist lead agencies with their planning and approval of future projects. The guidance reflects current requirements and conditions and may need to be updated as changes occur.

II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years[6] and eight of the State's ten largest fires since 1932 have occurred in the last decade.[7] While lightning is a common cause of some of the State's largest

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FIRE before relying on the classifications listed on this map. CAL FIRE's list of state responsibility areas (defined as areas where the State of California, as opposed to a local agency, is financially responsible for prevention and suppression of wildfires) can be found at: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1. Each county should have a map of the very high or high fire hazard severity zones in its jurisdiction, and they are also included on the CAL FIRE zone map: https://egis.fire.ca.gov/FHSZ/.

[4] Readers who want to determine their legal obligations under CEQA should consult their own attorney for legal advice.

[5] This guidance is not intended to apply to state and local agency fire management activities, such as prescribed burns, approval of vegetation management plans to reduce wildfire risk, and review of timber harvesting plans.

[6] CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf. See also Hugh D. Safford et al., *The 2020 California Fire Season: A Year Like No Other, a Return to the Past or a Harbinger of the Future?* (Apr. 17, 2022) GLOBAL ECOLOGY AND BIOGEOGRAPHY, available at https://onlinelibrary.wiley.com/doi/10.1111/geb.13498?af=R.

[7] Paul Rogers, *Map: 1 of Every 8 acres in California has Burned in the Last 10 Years. Here's Where the Biggest Fires Spread—and are Burning Now*, Mercury News (Sept. 29, 2021), available at https://www.mercurynews.com/2021/09/29/top-10-california-wildfires-megafires-map/. Notably, the large fires of late are not unprecedented in the State's history with similarly large fires occurring specifically during the 1920s. See Jon E. Keeley & Alexandra D. Syphard, *Large California Wildfires: 2020*

fires, in recent years, many of the State's most destructive fires have been caused by human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.[8]

Wildfires can have dramatic, adverse ecological impacts. Frequent wildfires can result in habitat loss and fragmentation, shifts in vegetative compositions, reductions in small mammal populations, and accelerated loss of predatory species.[9] Wildfire can also have adverse impacts on erosion and water quality. During active burning, ash and associated contaminants can enter water supplies. Later, after large burns, rainstorms can flush vast amounts of sediment from exposed soils into those same water supplies.[10]

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California[11] and, since 2005, wildfires have destroyed over 97,000 structures,[12] requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.[13] Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.[14] Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

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Fires in Historical Context (Aug. 25, 2021) FIRE ECOLOGY, available at https://fireecology.springeropen.com/articles/10.1186/s42408-021-00110-7.

[8] See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf; CalFire, Top 20 Most Destructive California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf.

[9] See Alexandra D. Syphard, et al., *Human Influence on California Fire Regimes.* ECOLOGICAL APPLICATION 17:1388-1402 (2007).

[10] United States Environmental Protection Agency, Wildfires: How do They Affect Our Water Supplies? (Aug. 13, 2019), available at https://www.epa.gov/sciencematters/wildfires-how-do-they-affect-our-water-supplies#:~:text=Vegetation%20that%20holds%20soil%20in,%2C%20rivers%2C%20and%20downstream%20reservoirs.

[11] CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf.

[12] Headwaters Economics, Wildfires Destroy thousands of structures each year (Nov. 2020, updated Aug. 2022), available at https://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/.

[13] See Kurtis Alexander, *California Ranks Worst in Nation for Air Pollution Because of Wildfire Smoke*, S.F. Chronicle (June 23, 2022), available at https://www.sfchronicle.com/bayarea/article/california-air-quality-17259687.php. See also Lora Kolodny, *The West Coast Is Suffering from Some of the Worst Air in the World — These Apps Show How Bad it Is*, CNBC (Sept. 13, 2020), available at https://www.cnbc.com/2020/09/12/air-quality-apps-purpleair-airnow-iqair-essential-in-western-us.html; and California Air Resources Board, *Protecting Yourself from Wildfire Smoke*, available at https://ww2.arb.ca.gov/protecting-yourself-wildfire-smoke.

[14] California Council on Science and Technology, The Costs of Wildfire in California (Oct. 2020), at p. 69, available at https://ccst.us/reports/the-costs-of-wildfire-in-california/.

2021, the State invested $1.5 billion in wildfire resiliency efforts, and the 2022-2023 budget includes an additional $1.2 billion to support wildfire and forest resilience.[15] The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California's future.[16]

As of 2010, about one-third of California's housing units were located within the wildland-urban interface.[17] Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons. First, introducing more people—via additional development—into a flammable landscape increases the likelihood of: (1) a wildfire igniting due to the increased presence of people; and (2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation.[18] Second, building housing units in the wildland-urban interface puts more people in harm's way.[19] Wildfires, particularly those that impact developments in relatively remote locations, may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires. Finally, fires in remote locations require significant fire-fighting resources and mobilization of fire-fighters from all over the State—putting a major strain on the State's fire-fighters and the State's budget. Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.[20]

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[15] Gavin Newsom, California State Budget (2022-2023), at p. 61, available at https://www.ebudget.ca.gov/FullBudgetSummary.pdf; California State Budget, Budget Addendum (2021-2022), at p. 3, available at https://www.ebudget.ca.gov/BudgetAddendum.pdf.

[16] See California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 17, available at https://ccst.us/reports/the-costs-of-wildfire-in-california/.

[17] Community Wildfire Planning Center, Land Use Planning Approaches in the Wildland-Urban Interface (Feb. 2021), at p. 7, available at https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC_Land-Use-WUI-Report_Final_2021.pdf; see also Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf. At the current rate of growth and under current growth patterns, it is anticipated that an additional 645,000 housing units will be developed in areas designated by CAL FIRE as very high fire hazard severity zones by 2050. Next 10, Rebuilding for a Resilient Recovery: Planning in California's Wildland Urban Interface (June 2021), at p. 9, available at https://www.next10.org/publications/rebuilding-resilient.

[18] See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) Fremontia, *47*(2), at p. 29; Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk.* PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

[19] See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) International Journal of Wildland Fire, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; Volker C. Radeloff, et al., *Rapid growth of the US wildland-Urban interface raises wildfire risk.* PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

[20] See Michael L. Mann, et al., *Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California* (Apr. 28, 2016) PLOS ONE

III. Wildfire and Land Use Planning

While this guidance is focused on best practices to disclose, analyze, and mitigate wildfire impacts in compliance with CEQA, it is important to note that general planning also provides a critical opportunity for local jurisdictions to think proactively about how to accommodate their housing and development needs while reducing the risks of wildfire.[21] In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.[22] The Governor's Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.[23] We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.[24]

11(4), available at https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0153589; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at pp. 28-35, available at https://pubs.er.usgs.gov/publication/70215982; Alexandra D. Syphard, et al., *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (2013) PLOS ONE, available at https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0071708&type=printable; see also Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines OAL Notice File No. Z-2018-0116-12 ("Statement of Reasons"), at p. 87, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.

[21] See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at p. 33, available at https://pubs.er.usgs.gov/publication/70215982 [concluding that "the most effective strategy at reducing future structure loss would focus on reducing the extent of low-density housing via careful land planning decisions"].

[22] See Sen Bill No. 1241 (2011-2012 Reg. Sess.), amending and/or adding Gov. Code, §§ 65302, subd. (g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Sen. Bill No. 99 (2019-2020 Reg. Sess.), amending Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; Assem. Bill No. 747 (2019-2020 Reg. Sess.), adding Gov. Code, § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios]; Assem. Bill No. 1409 (2020-2021 Reg. Sess.), amending Gov. Code, § 65302.15 [requiring that safety elements identify locations where people can evacuate to].

[23] Governor's Office of Planning and Research, Fire Hazard Planning Technical Advisory, 2022 Update (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf; and Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf.

[24] Local jurisdictions that have complied with their general planning obligations, including incorporating wildfire and evacuation planning considerations into their general plans, may benefit from streamlined CEQA requirements at the project approval level. If a development project is consistent with an updated general plan and an environmental impact report (EIR) was prepared for that plan, the CEQA review for the project may be limited to the parcel-specific impacts of the project or impacts that new information,

IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA

A. CEQA's requirements for analyzing wildfire risks

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration[25] if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.[26] Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines[27] require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.[28] This "baseline" of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR's discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project's impacts on wildfire risk.

The CEQA Guidelines require an analysis of "any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected," including by locating development in wildfire risk areas.[29] The "environmental checklist form" in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

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arising since adoption of the general plan, shows will be more significant than described in the prior EIR. (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15193).

[25] Where "EIR" is used in this guidance it should also be considered to refer to a mitigated negative declaration.

[26] Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

[27] The CEQA Guidelines are found at California Code of Regulations, title 14, section 15000, et seq.

[28] CEQA Guidelines, § 15125.

[29] CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,[30] would:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.[31]

In addition to the four questions above, Section IX(g) of the checklist broadly directs lead agencies to consider whether a project will "expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires."[32] In answering these questions, lead agencies must consider both on- and off-site impacts.[33]

B. Analyzing a project's impact on wildfire risks

Several variables should be considered in analyzing a project's impact on wildfire risk, including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments.[34] This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

[30] See footnote 1 for more information on state responsibility areas and very high fire hazard severity zones.

[31] CEQA Guidelines, Appendix G, XX.

[32] CEQA Guidelines, Appendix G, IX(g). This Guidance focuses on these key wildfire-related questions in Sections IX(g) and XX of the checklist, but in conducting environmental review, lead agencies must continue to thoroughly address the other questions identified in Section XX and the checklist more generally.

[33] CEQA Guidelines, § 15360 [defining the environment to be considered as "the area in which significant effects would occur either directly or indirectly as a result of the project"].

[34] Alexandra D. Syphard, *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (2019) GLOBAL ENVIRONMENTAL CHANGE; Alexandra D. Syphard, et al., *Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire* (Mar. 28, 2012) PLOS ONE, available at https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954.

(as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation.[35] "Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation."[36] Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.[37]

- **Project Location in the Landscape:** Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk.[38] For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition. Similarly, siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk. By contrast, if a project site includes landscape features that could prevent or slow the spread of fire, such as a lake or an irrigated golf course, the development may be strategically located so as to capitalize on that feature as a natural fuel break.[39]

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[35] See generally Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021) MDPI FIRE 2021.

[36] Max A. Moritz, et al., *Learning to Coexist with Wildfire* (2014) NATURE 515(7525), at p. 64; see also Alexandra D. Syphard, et. Al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (March 12, 2021) MDPI FIRE 2021.

[37] See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at p. 31.

[38] See generally Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, available at https://escholarship.org/uc/item/6n12m6pn; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at pp. 28-35, available at https://pubs.er.usgs.gov/publication/70215982.

[39] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 10, available at https://escholarship.org/uc/item/6n12m6pn; see also Conservation Biology Institute, *Paradise Nature-Based Fire Resilience Project Final Report* (June 2020), available at https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI_Paradise_Final_Report_for_Posting_Online.pdf [An examination of how siting and greenbelts may have protected homes during the Paradise fire]. Siting of a new fire-resistant development between wildlands and existing development may even serve as a protective barrier for the existing development. But there can still be some risk of ember spread if the new development succumbs to fire. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at pp. 28-35, available at https://pubs.er.usgs.gov/publication/70215982; California Council on Science and Technology, The Costs of Wildfire in California (Oct. 2020), at p. 67, available at https://ccst.us/reports/the-costs-of-wildfire-in-california/.

- **Water Supply and Infrastructure**: As part of evaluating a project's wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.[40] This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply[41] and the potential loss of power, which may eliminate the supply.[42]

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project's impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape.[43] Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

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[40] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 19 and Appendix B, available at https://escholarship.org/uc/item/6n12m6pn.

[41] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 19, University of California Agriculture and Natural Resources, Publication 8680, available at https://escholarship.org/uc/item/6n12m6pn.

[42] See Alexandra D. Syphard, *Nexus Between Wildfire, Climate Change and Population Growth in California* (2020) FREMONTIA, *47*(2), at p. 26.

[43] See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; see also Exhibit A to the Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, at p. 212, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_ExA_FSOR.pdf.

C. Analyzing the project's impact on evacuation and emergency access

The addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire. This can, in turn, impact the risk and extent of large-scale fire spread and community safety within and around the new development. The EIR should evaluate these impacts both during construction and over the life of the project. The required analysis is relative to a project's impacts and risks; e.g., a higher density infill project within an already developed area would likely not require the same level of analysis as a new low-density development within the wildland-urban interface and surrounded largely by open space.[44]

For projects located in high wildfire risk areas that present an increased risk of ignition and/or evacuation impacts, evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process. Lead agencies will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation with this information in hand prior to project approval. The ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.

Evacuation modeling and analysis should include the following:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.

[44] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), University of California Agriculture and Natural Resources, Publication 8680, at p. 5, available at https://escholarship.org/uc/item/6n12m6pn [describing the benefits of infill development].

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Utilize information from the EIR's analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.
- Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.[45]
- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage,[46] can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.[47]

Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as

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[45] See FEMA and U.S. Fire Administration, *Wildland Urban Interface: A Look at Issues and Resolutions* (June 2022), available at https://www.usfa.fema.gov/downloads/pdf/publications/wui-issues-resolutions-report.pdf.

[46] FEMA, *Planning Considerations: Evacuation and Shelter-in-Place* (July 2019), available at https://www.fema.gov/sites/default/files/2020-07/planning -considerations-evacuation-and-shelter-in-place.pdf. The distinction between temporary shelter-in-place locations and buildings designed or retrofitted for longer term shelter-in-place should also be considered. See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 17, available at https://escholarship.org/uc/item/6n12m6pn [discussing the difference between "safety zones"—areas with little flammable vegetations, such as golf courses—versus buildings that are designed to provide protection from heat and embers while the front of a fire passes, typically for a duration of at least 30-60 minutes].

[47] See Mejia, *Pepperdine University Defends 'Shelter in Place' Decision During Woolsey Fire*, Los Angeles Times (Nov. 13, 2018), available at https://www.latimes.com/local/lanow/la-me-ln-pepperdine-shelter-20181113-story.html; Chandler, *Am I Going to Stay in the Parking Lot . . . While the Fires Burn Around Me?*, Record Searchlight (Dec. 12, 2019), available at https://www.redding.com/in-depth/news/2019/04/25/california-wildfire-shelter-place-plans-questioned-evacuation-preparation/3427075002/.

informed expert analysis of safe and reasonable evacuation times given the existing and proposed development. Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. A conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards.

In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: (1) an adopted emergency operations or evacuation plan; (2) a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or (3) recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.

D. Mitigating wildfire risk, evacuation, and emergency access impacts

If a project presents significant increased wildfire risks and/or evacuation and access impacts, CEQA requires the lead agency to consider and adopt feasible alternatives and mitigation measures to avoid or reduce the project's impacts (or make a finding of overriding consideration).[48] Not all project design features or mitigation measures will achieve the same reduction in impacts for every project—the effects and effectiveness of measures will vary geographically and by project. An EIR that baldly concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project's impacts. Compressing the analysis of impacts and mitigation deprives decision makers of a full description of the project's adverse impacts and, therefore, fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives. To avoid this error and provide for better project design, the project EIR should first analyze the increased wildfire risks and evacuation impacts, and then consider feasible mitigation and alternatives to avoid or reduce those impacts.

Set forth below are some examples of potential mitigation measures and design alternatives that may reduce wildfire risk impacts. This list is not exclusive and a lead agency's adoption of some or all of these mitigation measures for a particular project may not be sufficient to comply with CEQA's requirement to adopt all feasible mitigation measures.

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible.
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).

[48] Pub. Resources Code, § 21081.

- Decreasing the extent and amount of "edge," or interface area, where development is adjacent to undeveloped wildlands.
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs.[49] It is also important that legal obligations are structured so that defensible space measures are retained over time.[50]
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread.
- Undergrounding power lines.
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access.
- Placement of projects close to adequate emergency services.
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times.
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure's resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development.
- Requiring fire-hardened communication to the project site including high-speed internet service.
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones.
- Parking limitations to ensure access roads are not clogged with parked vehicles.
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire.

In all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses. In some contexts, the mitigation measure itself may have an adverse impact that should be evaluated in an EIR. In addition,

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[49] Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at p. 32, available at https://pubs.er.usgs.gov/publication/70215982; Alexandra D. Syphard et al., *The Role of Defensible Space for Residential Structure Protection During Wildfires* (Oct. 14, 2014) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at http://dx.doi.org/10.1071/WF13158.

[50] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 12, University of California Agriculture and Natural Resources, Publication 8680, available at https://escholarship.org/uc/item/6n12m6pn.

mitigation measures may not provide the same level of protection or mitigation in all scenarios.[51] For example, home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update.[52] However, home hardening by itself may not be an adequate mitigation measure in all situations. During the Camp Fire, which swept through Paradise in 2018, homes built before and after the 2008 Building Code update were destroyed at roughly equal rates.[53] Home hardening in conformance with the 2008 Building Code alone did not meaningfully effect survivability; rather, proximity to other destroyed structures, the extent of vegetative overstory, and defensive space around homes was more relevant to whether or not a home survived.[54] While home hardening may be a worthy measure, this highlights the importance of combining measures, with an awareness to overall landscape conditions, to maximize public safety and minimize wildfire-related losses. It also demonstrates that defensive measures can improve but do not guarantee survivability, which highlights the continued importance of planning for evacuation and emergency access.

VII. Conclusion

As climate change and housing pressure continue to impact the State's landscape, wildfire risks, and development needs, local agencies need to thoroughly evaluate where and how new development is planned and constructed. With careful forethought during the various planning processes and thoughtful environmental review at the individual project development stage, new development can be designed and positioned to minimize future wildfire risks, enhance fire resiliency of our communities, and protect the health and safety of California's residents and natural resources. While the applicable rules, requirements, and analytical tools to reduce wildfire risk are evolving, this guidance is intended to provide suggestions for how best to comply with CEQA when analyzing and mitigating the wildfire risks of development projects in the wildland-urban interface and other fire prone areas.

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[51] See Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021), at p. 13, MDPI FIRE 2021 [noting that "the most effective fire risk reduction approach will account for multiple factors at multiple scales and will incorporate simultaneous strategies"].

[52] Patrick W Baylis, et al., *Mandated vs. Voluntary Adaptation to Natural Disasters: the Case of U.S. Wildfires* (Dec. 2021), National Bureau of Economic Research, available at https://www.nber.org/papers/w29621.

[53] Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf [37 percent of homes built between 1997 and 2008 survived, while 44 percent of homes built between 2008 and 2018 survived].

[54] Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf.

From: Roman, Richard W. [redacted]
Sent: Thursday, July 23, 2026 8:28 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Buck Gulch

You don't often get email from [redacted]. Learn why this is important

Jason,

I live at the endo the street and have at times had no place to park due to the already heavy amount of traffic on the weekends. I do appreciate seeing the young families walking their children up to the falls and stopping to play in the water. I enjoy seeing the people in the neighborhood that are in their 70's walk up to the falls on a daily basis with no issues.

I do have concerns over what this will all look like with heavy excavating equipment, tens of thousands materials from dump trucks both removing and adding rock and other supplies. MR-13
These will be a fixture for many years that will compromise the safety of neighborhood in the event of a wildfire or some other natural disaster that nobody can anticipate. Unfortunately after the construction the traffic will most likely get worse. What is the plan for ensuring safety before and after in regards to the traffic? MR-14 MR-13

Thank you,

Rick Jr.

RICHARD W. ROMAN CFP, CHFC, LUTCF

GOLDEN SUMMIT
WEALTH & INSURANCE SOLUTIONS
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[redacted]
[redacted]
(VOICE ONLY) [redacted]
(TEXT) [redacted]
(FAX) [redacted]
CA LICENSE # [redacted]
WEB PAGE: [redacted]

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From: Victor Aguilar [redacted]>
Sent: Thursday, July 23, 2026 10:50 AM
To: Gael Perrin [redacted]>; Jason Hoorn <Jason.Hoorn@MarinCounty.gov>; rfarac@novato.org; kjacobs@novato.org; peklund@novato.org; skarkal@novato.org; tconnor@novato.org
Subject: GULCH PROJECT EXTENTION DENIAL

You don't often get email from [redacted]. Learn why this is important

DEAR MR. HOORN,

It is unfortunate that a handful of supervisors can decide for all the residents of Marin County. NOT allowing extensions for reviewing delicate and very technical reports on issues that will IMPACT all residents and our environment--is unconstitutional. This issue should really be on the ballots. We will hire the necessary counsel to move into that direction. MR-2

I'm not sure if you are aware that back in 1957, when the trails were being traced a hill gave in and came down and buried a surveyor alive, he was pronounced dead several hours later when they got to him. Their final recommendation of the company was "not to build" on the entire hillside due to unstable soils. That was the main reason for not opening the area to the public.

Is there a section on the report regarding soil and hills stability? I dont think so. That study alone would take over two years to complete. IT TAKES JUST 10 MINUTES FOR ANYONE TO NOTICE THE CURRENT LANDSLIDES THAT AFFECT THE MOUNTAINS AND TRAILS IN THE AREA. MR-8

HERE ARE SOME REASONS TO OPPOSE THE GULCH PROJECT (WATERFALL) ON FAIRWAY DR.

1. INCREASED RISKS ON OFF TRAIL EXPLORATIONS MR-12
2. INCREASE IN TRAFFIC AND SPEEDING TRAFFIC MR-13
3. DRIVING UNDER THE INFLUENCE AND CRASHING INTO HOMES SUCH AS IN THE CASE OF 399 FAIRWAY AND WENTWORTH STREETS A FEW YEARS BACK. MR-12
4. INCREASE IN CRIME LIKE THE EXPERIENCED MURDER CASE A FEW YEARS BACK . MR-12
5. IMPACT ON WATER FLOWS MR-9
6. FIRE HAZARD RISKS MR-14
7. NO EASY OUTLET IN CASE OF EVACUATION MR-13
8. CHANGES IN CHARACTER OF NEIGHBORHOOD MR-10
9. COUNTY COSTS/BUDGET CONSTRAINTS MR-2
10. RISKS OF INJURIES MR-12
11. DAMAGE TO EXISTING HILLSIDES MR-8
12. NEGATIVE EFFECT ON PROPERTY VALUES MR-2

THE ABOVE NEGATIVE EFFECTS WOULD REQUIRE FURTHER EXPENSES INTO IMPLEMENTING FOR THE FOLLOWING:

13. NO AVAILABLE PARKING MR-12
14. NO AVAILABLE CEL PHONE RECEPTION
15. NO AVAILABLE DRINKING FOUNTAINS
16. NO AVAILABLE POLICE STATION NEAR BY
17. NO AVAILABLE BATHROOMS
18. NO AVAILABLE SECURITY CAMERAS

From: No-Reply
To: Michelle Julene; Jon Campo; Jason Hoorn
Subject: Re: CEQA Comments Buck Gulch Falls - Clinton Kellner
Date: Friday, July 24, 2026 4:30:59 PM
Attachments: Comments on Buck Gulch.docx

CEQA Comments Buck Gulch Falls

Name	Clinton Kellner
Email	[redacted]
Zipcode	[redacted]
Comments	Attached is my comment letter.
Attachment (Optional)	Comments on Buck Gulch.docx

You can edit this submission and view all your submissions easily.

July 24, 2026

Jason Hoorn
Senior Natural Resources Planner
Marin County Parks
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903

Subject: Comments on the Draft Initial Study/Mitigated Negative Declaration for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project

Dear Jason:

This letter presents my comments to Marin County Parks regarding the Draft Initial Study/Mitigated Negative Declaration for the proposed Buck Gulch Falls Creek Restoration and Trail Improvement Project. Some of my comments are arranged in order of the pages that they reference.

Figure 29 shows the VBMP Classifications but does not show the trail in relation to these classifications. It would be helpful to have the trail shown on this map. Does the Buck Gulch Falls Trail pass through any Legacy areas? MR-6

The photographs are helpful in showing the area where the work will be implemented. It would be helpful to have the location of the photographs on a map so the location of the work could be precisely shown. MR-4

It would also be helpful to locate the "walls," that are proposed, on a map.

Mitigation Measure Bio-1 requires pre-construction surveys for sensitive species. Tamalpais Bristly Jewelflower (*Streptahthus glandulosus* ssp. *pulchellus*) should be added to the species for the survey. I observed this species growing in two places on the bank of the trail. I have not seen it in at least 5 years, and I do not know the reason for its disappearance unless it is due to small population size and/or competition from non-native grass species. Nevertheless, it could reappear in subsequent years. MR-6

The Buck Gulch Falls Trail supports a high diversity of flowers. Areas dominated by native plants should be avoided to the extent possible when constructing the trail.

There is an area of a steep streambank that is immediately upstream of the ford that is upstream of the site of the proposed second bridge. This area above the ford supports a high diversity of wildflowers and should not be disturbed. This area with its over steepened bank should not be restored but left as is to maintain those species of flowers and the insect species, including pollinators, that they support.

Pg 101: The document mentions that Bridge 1 is near a 36" diameter Coast Live Oak (*Quercus agrifolia*) and the footings might affect the tree's roots. Can't the bridge be located either downstream where there is another creek crossing? How close is the oak to bridge 1? Alternatively, could the orientation of the bridge be altered to avoid the tree's roots? It seems that there is space to orient the bridge away from the tree's roots.

Pg 102: Restoration of Streambanks will require an access road through perennial grassland. Is this a native perennial grassland? If it is a native perennial grassland, the vehicles should drive on mats, or other means should be used to protect the grassland. If it is a native grassland, this access road should not be bladed by a bulldozer. How will this grassland be restored? The access road will also go through a stand of Arroyo Willow (*Salix lasiolepis*). How will this willow be restored? MR-6

Page 20: The project that is implemented should be the proposed trail project because it is the least environmentally damaging alternative. MR-4

Page 9: Maintaining the trail available to hikers only will reduce the erosion because of the trail's proximity to Arroyo de San Jose and hikers create less erosion than horses and mountain bikes.

The document states that brushing of the trail would be part of the maintenance of the trail. What does "brushing of the trail mean?" Earlier in the year and for the past 3 years, Madeline Kellner and I noticed that the maintenance of the Loop Trail at Deer Island Open Space Preserve entailed eradicating the plants for a 3-foot width along both sides of much of the trail. This has resulted in the reduction of native plants along portions of the trail's edge, one of which is characterized as a locally rare species, dense-flowered rein orchid (*Piperia elongata*). This type of maintenance should be done only where necessary to keep the trail open and surveys should occur such that native plants are avoided to the extent possible. If such trail work is necessary, it should be done in a manner that sustains native plants, such as avoiding the plants or conducting the maintenance periodically, not every year. The Buck Gulch Falls Trail may not need such maintenance because of the type of understory vegetation that occurs there does not tend to over grow the existing trail.

The vegetation map is difficult to review because of the similar colors used. USGS geological maps use colors in combination with letters that help distinguish the different geological units. This use of colors and letters would be of benefit for the vegetation map. MR-6

Please contact me if you have any questions.

Sincerely,

Clinton Victor Kellner, Ph.D.

cc Nona Dennis, Marin Conservation League
Barbara Salzman, Marin Audubon Society
Terri Thomas, Marin Audubon Society
Carolyn Longstreth, Marin Chapter of the California Native Plant Society
David Long, Marin Chapter of the California Native Plant Society

From: Pamela <[redacted]>
Sent: Friday, 24 July 2026 17:30:49
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>; jhoorn@marincounty.org <jhoorn@marincounty.org>
Cc: Len & Judie Shaw [redacted]>; Greg Moore [redacted]>
Subject: Fwd: Project Faces Pushback Over Fire, Parking Concerns In Marin County: Novato Patch

You don't often get email from [redacted] Learn why this is important

Dear Mr. Hoorn,

I sent the letter below to several editors at the Marin IJ, in response to today's Novato Patch story about the Fairway Drive waterfall trail project. And ask that you please read, as well.

Thank you.

Pamela Howe

Begin forwarded message:

From: Pamela [redacted]>
Subject: Fwd: Project Faces Pushback Over Fire, Parking Concerns In Marin County: Novato Patch
Date: July 24, 2026 at 2:26:45 PM PDT
To: localnews@marinij.com, jswartz@marinij.com, gklien@marinij.com, dallen@marinij.com, rhalstead@marinij.com, arodriguez@marinij.com, crhoades@marinij.com, opinion@marinij.com
Cc: Len & Judie Shaw <[redacted]>, Greg Moore [redacted]>

Dear Editors,

Fairway Drive (Novato) residents and the Marin Country Club Neighborhood Association would appreciate any coverage you can give on this topic; i.e., the Marin County Parks and Open Space plan to reconstruct the trail that begins at the end of our long street (Novato Patch story below and pdf attached).

The county is intent on pursuing this controversial project despite strong objections from residents over the past four years. Our homes exist within the boundaries of the City of Novato, on a street that provides the only ingress to and egress from the trail — facts the county has shown no interest in considering. Also of note, this will be the only local waterfall trail designed with what the county calls Inclusive Access, attracting visitors with limited mobility from counties Bay Area-wide. Traffic, speeding vehicles, parking in fire zones and in front of driveways, trash, off-leash dogs, risk of catastrophic fire, restriction of emergency access and evacuation, overnight encampments, flood risk, lack of restroom facilities, noise, long-term management, policing, and others have already become bigger and bigger concerns as the county has upped its publicity for this trail in recent years; completion of the reconstuction will worsen these and other problems exponentially and change our lives and property irretrievably.

MR-13

MR-12

We have never been clear about the budget for this two-year construction project, but we estimate it will use many hundreds of thousands to millions of Measure A dollars, all for a half-mile trail to a waterfall that runs two or three months a year. Who or what is behind this push is unknown, but we are certain that the cost-benefit analysis does not calculate out whatsoever. I can only conclude that it is an excessive vanity project designed to serve the ambitions of Open Space personnel, not an endeavor for the greater good.

MR-3

Thank you.

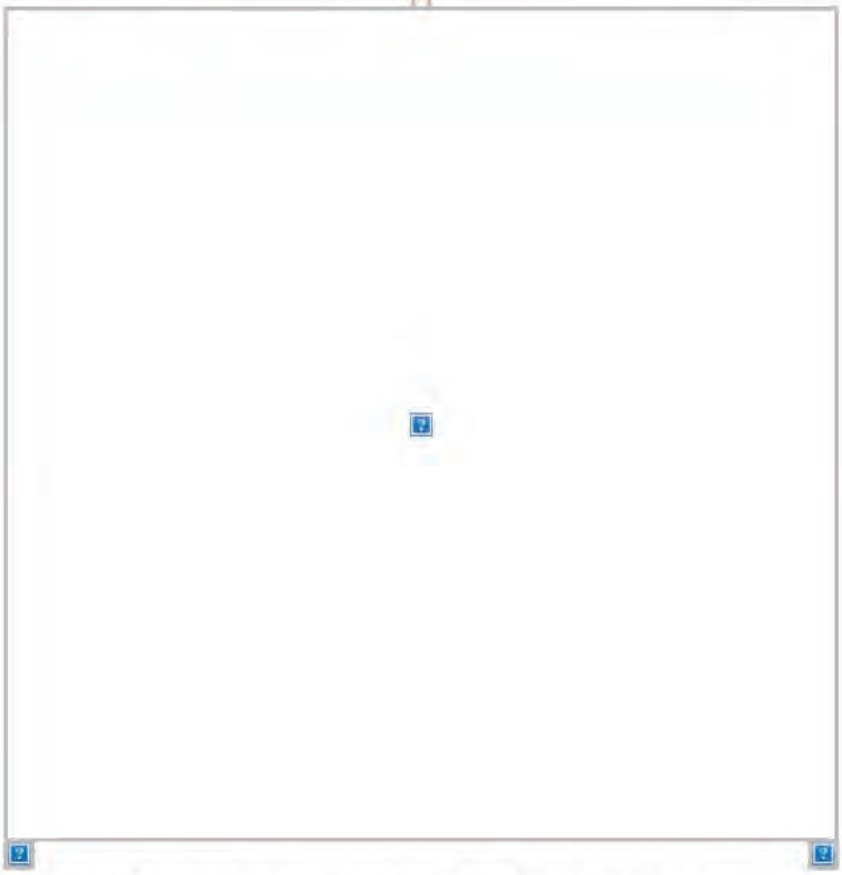
Pamela Howe, 34-year resident at

[redacted]

Begin forwarded message:

From: Novato Patch <noreply@patch.com>
Subject: Project Faces Pushback Over Fire, Parking Concerns In Marin County (Fri 9:21:01 AM)
Date: July 24, 2026 at 9:21:04 AM PDT
To: [redacted]

NEWS UPDATE Novato



Project Faces Pushback Over Fire, Parking Concerns In Marin County

From: [redacted]
Sent: Friday, 24 July 2026 12:36:46
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Questions and Comments Related to the Buck Gulch Falls Creek Restoration and Trail Improvement Project

You don't often get email from [redacted] Learn why this is important

Good day, Jason,

Thank you and the team at Marin County Open Space District (MCOSD) for protecting open space in our lovely county! As a homeowner who has lived in the neighborhood around Fairway Drive for 23 years, I am providing my comments on the proposed plan for the open space at the end of Fairway Drive.

I believe the County would be allocating too much funding and resources to the area at the end of Fairway Drive. This is an open space area which can only comfortably accommodate, for example, several families at a time. MR-3

This is a quiet neighborhood which could be seriously disrupted with a formal park. Additionally, Fairway Drive is the only police and fire emergency access and evacuation route for the many homes in the neighborhood valley. MR-13

I think the name for the area is a bit misleading since, based on my family's experience, it is not primarily a waterfalls nor creek area, rather simply a wooded area for most of the year. There is only seasonal run-off if we have a winter with lots of rain. It is important to maintain a natural dirt path and tree-covered area offering neighborhood families a physically active short hike as well as a place to play a bit in nature. For example, it is great for kids to learn to balance on a log when crossing a flow of water in the winter or climb up on some large rocks near the path. I don't see a need for bridges. I think there should also be some downhill biking paths separate from the MR-3

little hiking path. Not targeted as biking for adults, but for youth who want to practice the sport and have fun with their friends. MR-4

The open area at the end of Fairway Drive has been a place for active neighborhood children to explore and use up energy, especially benefitting those families who don't belong to the country club. The area is safe since it is not overly publicized and easily accessible by neighborhood kids walking or riding bikes. I don't think we need to have this open space be another formal park nor a formal hiking area. There is a formal park off Marin Oaks, Josef Hoog Park, which has parking, turf, basketball court, play structure and BBQ. We also have in the area the Marin Community College with hiking, a large walking area and ball fields; and San Jose Middle and Loma Verde schools with fields and paved play areas. MR-12 MR-3

I hope my comments are beneficial for the people at the County who are evaluating the proposed project. I hope the team will ultimately agree with me that the open space at the end of Fairway Drive is not suited for a more formal park. Please acknowledge receipt of my comments.

Thank you for your service to our community!

Regards,

Susan

Susan V. Siefkas
Tel. [redacted]

Comments Received After Close of Public Comment Period

From: Anne Rettenberg [redacted]>
Sent: Monday, July 27, 2026 8:27 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: question

You don't often get email from [redacted]. Learn why this is important

Hello Mr. Hoorn,

I see that you are claiming that the proposed Buck Gulch Waterfall Trail "Improvement" project will benefit 'kids in wheelchairs." Have any families with children in wheelchairs requested this project? Has any association for the disabled requested this project?

You are a public official and you are accountable to the public. I expect answers to my questions.

Anne Rettenberg
Novato

From: Lina Godfrey <[redacted]>
Sent: Monday, July 27, 2026 2:35 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>; Jon Campo <Jon.Campo@MarinCounty.gov>; Kevin Wright <Kevin.Wright@MarinCounty.gov>
Subject: Support for inclusive access — Buck Gulch Falls project

You don't often get email from [redacted] Learn why this is important

Dear Mr. Hoorn,

My name is Lina Godfrey. I was one of a couple of parents who spearheaded the Marin Inclusive Playground at McInnis Park (Marin County Parks project now in fundraising stage, under the guidance of Kevin Wright who has been a laudable advocate for inclusion) which we took from an idea/hope/dream (to be able to bring our kids to play together at a local playground) to a reality by lobbying the Marin County Board of Supervisors. I imagine you are familiar with the project.

I'm writing in support of the all-abilities access objective in the Buck Gulch Falls Creek Restoration and Trail Improvements project, and to ask how I can be useful to this work

going forward. Never underestimate the power of a mom with a mission; I will do whatever I can to help push this project forward.

Briefly, a bit more of my background: I'm a Tiburon parent (of four, including a child with physical access disabilities) and a disability advocate. I serve on the boards of Dedication to Special Education ("DSE" - MCOE's special education support organization) and Marin Center for Independent Living, which I see MCOSD has already engaged in its accessibility outreach. Jon Campo, whom I copied here, once attended our board meeting, speaking in support of expanding inclusive access to parks/open space/trails.

The project objective I want to speak to is this one, though I am in favor of all of the environmental and restoration efforts as well: "provide safe and sustainable year-round all-abilities access along Spyglass Trail and Buck Gulch Falls Trail, leading to Buck Gulch waterfall, consistent with the MCOSD's Inclusive Access Plan."

Here is what that means in my household.

My daughter uses a wheelchair with all-terrain capability that cost over $10,000. We bought it specifically so she could get outdoors more. In practice she cannot use most trails in Marin County, not because of any limit of the chair, but because of grade, exposed rock, super narrow trail width or vegetation intrusion, and root heave that no chair can clear.

The clearest example is in our own neighborhood. Spanish Trail, in Old St. Hilary's Open Space Preserve, begins a short walk from our front door. The first hundred feet or so after the Marin County Parks sign are impassable in a wheelchair. Big rocks in the trail dirt, super narrow passage, uneven ground with rock and root end the hike before it can even begin. My daughter can see where that trail begins. She has never been on it. Her siblings hike it often, it's our magical respite from busy life. My daughter has to wait at home for a neighborhood/surface street walk that is accessible to her, rather than go into the wooded wonderland that is Spanish Trail.

Yet another place, a public resource, where I cannot take my whole family due to accessibility (or lack thereof). That is the pattern countywide, and I think it's the most important thing I can tell you: she is not excluded from open space by distance or by cost. She is excluded by the first fifty to hundred feet of nearly every trail. Past that opening stretch, many alignments would be entirely manageable for her with her terrain capable chair.

Which is why a project that builds bridges, puncheon, and boardwalk over crossings that currently require fording a creek bed is not a marginal improvement. For a family like mine it is the difference between watching a video of a waterfall on someone else's phone and standing in front of one herself.

I'd also note that the beneficiaries here are much broader than wheelchair users or "kids in wheelchairs." Stable, year-round tread over stream crossings serves older adults, people using walkers or canes, parents pushing strollers, and anyone recovering from an injury, which is most of us, eventually. These are public lands, funded publicly, and access improvements expand who can actually use what we all pay for. That was one of the points that carried the inclusive playground argument as well -- multigenerational access to publicly funded places of recreation and respite.

My specific asks:

1. Who else should I be writing to in support of the all-abilities elements of this project (or this project as a whole in general)? Parks and Open Space Commissioners, Supervisors, other staff — I'm glad to write to any of them and to speak at a Commission meeting when this comes forward.

2. Where is the Inclusive Access Plan being applied next, and how do I get onto notice lists for those projects while comment periods are still open?

3. Is there a role for direct user and family testimony in your accessibility outreach? I'd be glad to help connect families with firsthand experience of trail barriers.

4. In Spanish Trail specifically: is there a process for flagging access barriers on existing MCOSD trails, separate from a capital project like Buck Gulch? The first hundred feet past the sign would not require a major realignment to fix. I'd welcome a site walk with staff and my daughter…watching a chair hit the stopping point is faster than any description I can write.

Thank you for the work you and your team have put into this project and improving accessibility and inclusivity of parks/trails/open space in Marin in general. I recognize it's been a long process with a lot of competing interests, and I wanted the access case made by someone who lives it.

With appreciation,

Lina Godfrey
[redacted]

From: Jason Hoorn
To: [redacted]
Subject: RE: Comments on Buck Gulch Falls Creek Restoration and Trail Improvement Project – IS/MND
Date: Monday, July 27, 2026 2:54:05 PM

Hello Ms. Ramirez,
MCOSD will prepare a Responses to Comments document that will include all public comments received which will be posted to the project webpage. All persons who submitted comments will receive an email when the RTC is posted, including RMM.
Best regards,

Jason Hoorn
SENIOR NATURAL RESOURCES PLANNER

Marin County Parks
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Jason.Hoorn@marincounty.gov
www.marincountyparks.org

From: Kathryn A. Ramirez [redacted]
Sent: Monday, July 27, 2026 8:48 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Comments on Buck Gulch Falls Creek Restoration and Trail Improvement Project – IS/MND

You don't often get email from [redacted] Learn why this is important

Good Morning Mr. Hoorn,

Will the County be uploading all public comments to the project's webpage or can you provide me a link to all public comments submitted for this project? Thank you for your assistance and happy Monday!

Kind regards,

Ryn Ramirez

REMY | MOOSE | MANLEY LLP
555 Capitol Mall, Suite 800 | Sacramento, CA 95814
P (916) 443-2745 x 221 | F (916) 443-9017
[redacted]
www.rmmenvirolaw.com

From: No-Reply <No-Reply@MarinCounty.gov>
Sent: Thursday, July 30, 2026 9:25 AM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: Re: Buck Gulch trail update [SENT FROM A PUBLIC FORM]

Contact Us

Email To:	Jason.Hoorn@marincounty.gov
Hosted Page:	https://www.parks.marincounty.gov/projectsplans/buck-gulch-trail-improvements
To:	Jason Hoorn
From:	Emily Larsen
Sender's Email Address:	[redacted]

Subject:	Buck Gulch trail update
Message:	Hello Jason, I am a resident of Novato and serve on the city's RCCS commission. I am really supportive of the upgrades to the Buck Gulch trail and want to know when the next meeting is regarding the trail. I am happy to send an email to the supervisors in support of it if you think that is sufficient, but also, I want to follow this process. Any help is appreciated for the timeline. thanks so much, Emily
	2026-07-30 09:20AM -0700 IP:

You can edit this submission and view all your submissions easily.

From:	Michelle Julene
To:	Michelle Julene
Subject:	Buck Gulch Falls - City of Novato Comment Letter
Date:	Friday, July 31, 2026 9:48:21 AM
Attachments:	image001.png City of Novato Buck Gulch Comment Letter_Signed.pdf

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From: Chris Benigni <[redacted]>
Sent: Thursday, July 30, 2026 3:21 PM
To: Jason Hoorn <Jason.Hoorn@MarinCounty.gov>
Subject: City of Novato Comment Letter re. Buck Gulch Falls Creek Project

> You don't often get email from [redacted] Learn why this is important

Hi Mr. Hoorn,

Please see the attached letter providing comments from the City of Novato on the Draft Initial Study/Mitigated Negative Declaration, Buck Gulch Falls Creek Restoration and Trail Improvement Project. We appreciate the willingness to accept these comments past the 7/24/26 deadline.

Please feel free to reach out with any questions.

Sincerely,
Chris

Christopher Benigni, ALM
Public Works Director | City of Novato
922 Machin Avenue | Novato, CA 94945
[redacted]
CITY OF NOVATO
CALIFORNIA

CITY OF NOVATO
CALIFORNIA

July 30, 2026

Jason Hoorn, Senior Natural Resources Planner
Marin County Open Space District
1600 Los Gamos Drive, Suite 275
San Rafael, CA 94903
Via email: Jason.Hoorn@MarinCounty.gov

Re: Comments on the Draft Initial Study/Mitigated Negative Declaration, Buck Gulch Falls Creek Restoration and Trail Improvement Project

Dear Mr. Hoorn:

Please review the comments from the City of Novato, below.

Comment 1. Construction Traffic and Parking Management on Fairway Drive

The Draft IS/MND confirms that all construction access will be from Fairway Drive via Ignacio Boulevard, that there is no on-site or trailhead parking and only approximately 25 curbside spaces nearby, and that construction will span roughly six months over two seasons using heavy equipment (excavator, loader, compactor, cement and dump trucks, rubber-track carrier), with off-haul of excavated material to Redwood Landfill, imported borrow fill, and delivery of prefabricated bridge sections. The mitigation described appears discretionary, stating that traffic "may be slowed" and that parking restrictions "may be" posted on certain days.

Because Fairway Drive is a City street serving an established residential neighborhood, the City requests the following:

- Include a Construction Traffic and Parking Management Plan as part of the project requirements, subject to City review and approval, addressing at a minimum:
  - a defined haul route;
  - delivery and haul windows;
  - flagging and temporary traffic control;
  - advance written notice to residents of Fairway Drive and Saint Andrews Drive;
  - temporary parking restrictions limited to delivery days;
  - construction materials and equipment staging area (off-street);
  - prohibition of staging or queuing of construction vehicles on residential blocks; and
  - maintenance of two-way and emergency-vehicle access at all times;

Mayor Rachel Farac | Mayor Pro Tem Kevin Jacobs | Councilmembers Pat Eklund ▪ Sandeep Karkal ▪ Tim O'Connor
City Manager Amy Cunningham

    - identification of off-street parking or alternative accommodations for trail users, if access is restricted during construction.
- The Plan should identify the anticipated maximum number of truck trips per day and the expected frequency of oversize deliveries so residents and the City can understand the anticipated level of construction activity.
- The plan should also address anticipated long-term visitation to the trail over a 15–20 year period and provide an estimate of parking demand based on projected use.

Please note that work, staging, or hauling within the Fairway Drive right-of-way will require a City of Novato encroachment permit, and the City will use that permit to ensure the above measures are implemented and enforceable.

Comment 2. Clarification of Trail Surfacing Material and Extent

- The Draft IS/MND states that trail tread improvements will retain native soil surfacing with improved drainage, with aggregate base rock used only at the bridge approaches and the three drainage crossings, and that no new paved surfaces other than the bridge decks and boardwalk/puncheon structures are proposed. However, references to "all-abilities access," "firm and stable" tread, and "hardening the trail surface," combined with the existing paved/concrete segment near the Fairway Drive trailhead, have led to community concern that the trail will be paved for an extended distance. To resolve this, the City recommends that the Final IS/MND state, in plain language, the surfacing material and approximate linear extent of each surfacing treatment, and expressly confirm that no asphalt or other extended hard-surface paving of the trail tread is proposed. A clear statement on this point would substantially address neighborhood concerns.
- Because this issue has generated significant neighborhood concern, the City asks that the Final IS/MND include a plan exhibit identifying the location and approximate length of each surfacing type (native soil, aggregate base, boardwalk/puncheon, and bridge deck) to eliminate ambiguity regarding the extent of trail improvements.

Comment 3. Emergency Access and Wildfire Evacuation During and After Construction

The Draft IS/MND states that emergency access will be maintained during construction, the City recommends that the Construction Traffic and Parking Management Plan demonstrate how emergency-vehicle access and neighborhood evacuation will be preserved at all times when equipment and deliveries are present on Fairway Drive, and that the District coordinate with and obtain written concurrence from the Novato Fire District on construction-period emergency access.

Similarly, the City recommends the Final IS/MND describe emergency access and wildfire evacuation routes that will be maintained when the trail is operational.

Comment 4. Public Outreach

The Draft IS/MND describes an extensive public outreach process beginning in 2022, including neighborhood meetings, accessibility stakeholder outreach, environmental organization meetings, and tribal consultation. The City appreciates these efforts. To improve transparency and assist the public in understanding the project evolution, the City recommends that the Final IS/MND include a concise summary describing:

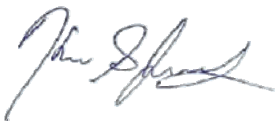
1. The principal issues raised by the Fairway Drive neighborhood;
2. Key comments received from accessibility stakeholders;
3. Significant environmental concerns raised during outreach;
4. Project modifications made in response to community input; and
5. Concerns which could not be accommodated and the basis for those decisions.

Comment 5. Additional Comments

1. Induced visitation and parking demand. The City requests that the Final IS/MND include quantitative estimates of post-project parking demand, accounting for projected visitation, peak season use, curbside capacity, and any anticipated overflow to adjacent streets
2. Consider requiring animal-resistant trash receptacles at the trail entrance, with a defined collection schedule, to prevent solid waste disposal impacts in the neighborhood.
3. Consider requiring advance notice and trailhead signage regarding equestrian use restrictions, including pre-construction public notification
4. Permanent trail signage should include wildfire hazard warnings, smoking prohibitions, hiker-only restrictions, and emergency contact information
5. The Final IS/MND should clearly clarify the duration of post-construction monitoring and maintenance responsibilities for restored creek banks, revegetation, erosion control measures, and replacement of failed plantings.
6. Construction timings: Please confirm that the construction timings align with City of Novato's Noise Ordinance.
7. Correct spelling inconsistencies between "Fairview Drive" and "Fairway Drive" throughout the document.
8. Correct Figure HH-1: Fire Safe Evacuation Route - the Marin Country Club is incorrectly labeled as "Hamilton School" in the graphic on page 52.
9. The 100-year flood elevation freeboard requirement for bridges set in Marin County Code section 24.04.520(d) is two (2) feet. Please ensure that the proposed bridges adhere to County Code.
10. When describing flows in the hydraulic analysis, please provide cubic feet per second.
11. The report is unclear whether the post construction hydraulic analysis has been performed.
12. Confirm whether Bridge 1 is proposed to be constructed completely on Marin County Open Space District property or if it encroaches on parcels owned by the City of Novato.

We appreciate the District's consideration of these comments and your continued partnership. Please feel free to contact City staff directly if you have any questions.

Sincerely,



Kevin Jacobs
Mayor Pro Tem, City of Novato

cc:
Rachel Farac, Mayor
Pat Eklund, Councilmember
Sandeep Karkal, Councilmember
Tim O'Connor, Councilmember
Amy Cunningham, City Manager
Gary Bell, City Attorney
Chris Benigni, Public Works Director

ATTACHMENT 2

Changes to the Draft IS/MND

Changes to the Draft IS/MND

The following minor changes have been made to the draft Initial Study. Deleted text is shown in ~~red, strike-out~~ font, and added text is shown in blue double-underlined font. This updated language and new Figures provide additional information to augment that included in the draft IS/MND and does not change the assessment of potentially significant environmental impacts, does not require additional mitigation measures, or require recirculation of the draft IS/MND.

PROJECT DESCRIPTION

Page 11: Construction

Construction staging areas would be restricted to existing MCOSD roads and trails, or other areas that would avoid any significant impacts on sensitive natural resources. Construction staging areas locations analyzed in this Initial Study would be shown on the construction plans, and construction activities would be limited to the areas identified on the plans. Construction staging areas, equipment, and materials would be managed so as not to obstruct required emergency access routes. MCOSD would continue to coordinate with the City of Novato, including the Novato Fire Protection District and Police Department regarding construction-period access as the project's schedule is being finalized. It's anticipated that up to five MCOSD staff members or their contractors would drive to and from the project site each day during construction to monitor activity and ensure that all RTMP BMPs and Mitigation measures are implemented. Access to the project site for construction vehicles and equipment would be from Fairway Drive. Traffic may be slowed and isolated areas along Fairway Drive may be posted to prohibit street parking on days that construction equipment and the bridge sections would be delivered to the project area, and for equipment to exit the project area.

If this temporary condition is required, notification would be provided to the neighborhood in the vicinity of the project area regarding days that construction equipment and bridge materials would be accessing the project area and if on-street parking prohibitions would be required. Notification would be provided by email when possible and by USPS mail if email addresses are not available. Signage would be posted in advance, and information would be posted on the project webpage. MCOSD would also coordinate with the North Marin Water District prior to project implementation regarding their water distribution facilities within the project vicinity and with the City of Novato, including the Novato Fire Protection District and Police Department. Any additional requirements from the City of Novato in connection with the required encroachment permit would also be implemented.

PROPOSED MITIGATION MEASURES

Page 68: Mitigation Measure BIO-1: Preconstruction Special-Status Plant Survey

A Qualified MCOSD staff or consultant shall conduct a preconstruction botanical survey in April and June before construction for *Elymus californicus,* ~~and~~ *Micropus amphibolus, and* jewel-flower (*Streptahthus glandulosus* ssp. *pulchellus)* within the proposed project footprint. If special-status plants are found, MCOSD shall implement protection measures to avoid impacts on any special-status plants, which could include placement of rocks or logs to protect the plant while allowing trail use, and appropriate actions specified in RTMP Measure Special-Status Plants-2.

Page 68: Mitigation Measure BIO-2: Special-status and Nesting Birds

MCOSD shall implement the following seasonal restrictions to protect nesting birds. If work occurs outside the nesting bird window of January 1 to July 31, surveys and avoidance measures will not be necessary for special-status and nesting birds. The broadest nesting bird window based on Table 3 would be January 1 – October 31. The project area does not include habitat for double-crested cormorant, herons, egrets, bitterns, or California black or Ridgway's rail and these species would not be affected by implementation of the proposed project; therefore, the nesting bird window of January 1 – July 31 is appropriate for the proposed project.

- Surveys shall be conducted within seven days of the start of active ground-disturbing activities within the general buffers identified in Table BIO-2: Guideline Buffers by Species or Guild. If the work area is left unattended for more than seven days following the initial surveys, additional surveys shall be completed. This timing is standard protocol based on common knowledge of avian biology. Ongoing construction monitoring of active nests shall occur to ensure no nesting activity is disturbed.
- Surveys for NSO shall be conducted following USFWS protocol. No Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the *USFWS' Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012*, unless otherwise approved in writing by CDFW. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for *Disturbance-Only Projects*. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.
- If the biologist finds no active nesting or breeding activity, work can proceed without restrictions.
- If active raptor or owl nests or active nests of other special-status birds are identified within the buffer area guidelines included in Table BIO-2, a qualified biologist shall determine whether construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance, which can vary among species; the level of noise or construction disturbance; and the line of sight between the nest and the disturbance. If the biologist determines activities would be detrimental to the species nest, the buffer area guidelines

identified in Table BIO-2: Guideline Buffers by Species or Guild would be established until the nest has been vacated, meaning that the chicks have fledged.

- If state and/or federally listed birds are found breeding within the construction area, activities shall be halted until the chicks have fledged. If construction activities must continue and would incur take of the listed species, MCOSD would consult with the CDFW and USFWS prior to the initiation of work that would result in take. If construction activities must continue and would not incur take of the listed species, MCOSD would establish the buffer area guidelines included in Table BIO-2: Guideline Buffers by Species or Guild, until the nest has been vacated, meaning that the chicks have fledged.

BIOLOGICAL RESOURCES

Page 96: Checklist Item a)

Mitigation Measure BIO-1: Preconstruction Special-Status Plant Survey

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Page 97: Checklist Item a)

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conducted in accordance with Section 9 of the survey protocol, Surveys for *Disturbance-Only Projects*. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

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Page 100: Checklist Item a)

The proposed change in use on Buck Gulch Falls Trail would eliminate ~~bicycle and~~ equestrian use and limit use to pedestrians only. The change in use coupled with the newly located trail segments with new trail surfacing would be beneficial for special-status and common wildlife using habitat in the area.

HYDROLOGY AND WATER QUALITY

Page 139: Checklist item b)

The proposed project area lies within the Novato Valley Groundwater Subbasin (Basin 2-30). Regional groundwater use in the subbasin is limited due to low yields and quality constraints, and local public water supply in Novato relies primarily on imported surface water rather than groundwater extraction.

Groundwater conditions at the project site were evaluated as part of the geotechnical investigations. During subsurface exploration in October 2024, groundwater was encountered over 28 feet below ground surface, and no groundwater was encountered at other bore location. Seasonal groundwater levels are expected to rise and generally correspond to water levels in the Arroyo San Jose channel during the wet season. The geotechnical report concluded that the elevation of groundwater in the project area is variable, rising and falling with seasonal precipitation and creek stage.

The proposed project would not involve installation of wells, groundwater extraction, or any facilities requiring significant water consumption beyond minor dust control or revegetation watering during construction. The proposed bridge structures would span the active channel without placing fill in the channel bed, and all trail tread improvements would ~~retain native soil surfacing~~ include aggregate surfacing with improved drainage features. Implementation would not use groundwater during construction or operation, and no new impervious surfaces other than the bridge deck and boardwalk structures are proposed. No new paved parking areas or buildings would be constructed. These features would result in no change to infiltration rates or groundwater recharge patterns at the site or subbasin scale. All proposed trail improvements would retain natural tread surfacing, resulting in no change to groundwater recharge. For these reasons, implementation of the proposed project would not Substantially decrease groundwater supplies or interfere substantially with groundwater recharge, such that the project may impede sustainable groundwater management of the Novato Valley Groundwater Subbasin. Implementation of the proposed project would result in no impact associated with groundwater supply or recharge.

Page 140: Checklist item c) ii)

The proposed project would not include any impervious surfaces except for the bridge deck and abutment footings associated with the proposed pedestrian bridge. All trail tread improvements would ~~retain native soil~~ include aggregate surfacing with improved drainage features, including rolling dips, outsloped tread, and cross-drains designed to intercept concentrated runoff and disperse it to the adjacent landscape rather than routing flows along the trail corridor. These improvements would decrease peak flow velocities on the trail and reduce the potential for localized flooding compared to existing conditions.

Page 142-143: Checklist item e)

The proposed project area is within the boundaries of the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) administered by the San Francisco Bay Regional Water Quality Control Board, and within the Novato Sanitary District and ~~Marin Municipal~~ North Marin Water District (~~MM~~NMWD) service areas.

The Basin Plan is the San Francisco Bay Regional Water Quality Control Board's master water quality control planning document. It designates beneficial uses and water quality objectives for Waters of the State, including surface waters and groundwater, and establishes programs of implementation to achieve those objectives. The proposed project would be subject to Clean Water Act Section 401 Water Quality Certification and/or a Report of Waste Discharge from the San Francisco Bay Regional Water Quality Control Board. The proposed project would implement applicable RTMP Policies and BMPs in addition to any special conditions included in the Section 401 permit and therefore would not conflict with or obstruct implementation of the Basin Plan.

Regarding groundwater, the ~~2020 Updated MMWD~~ NMWD's 2025 Urban Water Management Plan (UWMP) states that water supply within ~~MMWD's service area is derived primarily from local precipitation contributing to surface runoff and from the~~ MNWD's service area come primarily from purchased water from the Russian River Project via import agreement with Sonoma Water. This water supply is supplemented by local surface water from Stafford Lake and recycled water from Novato Sanitary District (NSD) and Las Gallinas Valley Sanitary District (LGVSD). ~~The UWMP concluded that the potential for municipal groundwater use within MMWD's service area is very limited due to limited production capabilities, water quality constraints, and potential water rights issues, and that groundwater is not currently used or planned to be used as a municipal water supply source.~~ The proposed project would not utilize groundwater during construction or operation, would not install wells or groundwater extraction facilities, and none of the proposed improvements would impede groundwater recharge. Trail tread would ~~remain native soil~~ include aggregate surfacing with improved drainage, resulting in no substantive change to infiltration patterns at the site or subbasin scale.

PUBLIC SERVICES

Page 157: Setting

Emergency access to the area is provided from the trailhead at the end of Fairway Drive, with additional access for the wider preserve via existing fire roads and trail connections on surrounding MCOSD lands accessible from Fairway Drive~~, Cascade Drive,~~ and the Ignacio Valley/Loma Verde Preserve trail network.

RECREATION

Page 160: Checklist item a)

Implementation of the proposed project would support existing uses at the Ignacio Valley Open Space Preserve. The proposed project includes decommissioning and restoring eroding and streamside social trails, realigning existing trail segments away from unstable streambanks, and constructing two pedestrian bridges to eliminate potentially hazardous unimproved creek crossings. Implementation of the proposed project would restore ecological function along Arroyo de San Jose Creek and create a sustainable trail system that reduces visitor impacts on sensitive resources, meets design and management standards, and improves visitor safety, resulting in a net improvement on the sustainability and durability of the existing trail system, and would not impact other regional or local parks. Ignacio Valley Open Space Preserve is used for outdoor recreation, and implementation of the proposed project would improve wet-season conditions and accessibility at the project area. Although the proposed improvements may result in some increase or seasonal redistribution of visitation, it would not ~~change the existing use patterns.~~ introduce a new recreational use or substantially expand the recreational capacity of the project area.

Page 161: Checklist item a)

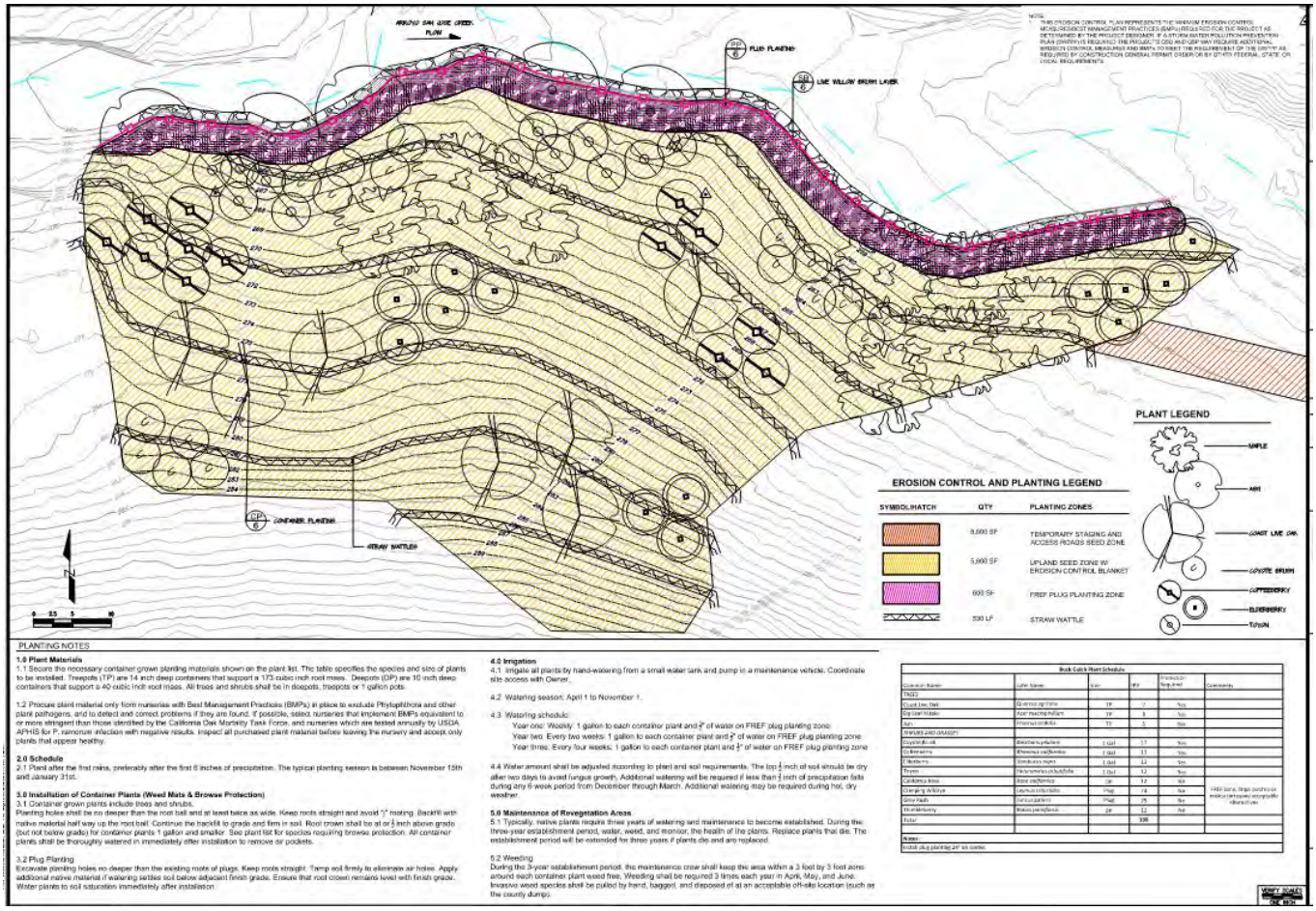
Although the proposed project would improve accessibility for visitors, ~~user group would expand~~ the number of visitors at any one time would still be limited by the available on-street parking. No new parking is proposed. The proposed project does not include designated or additional parking or other amenities, which would typically induce increased visitation.

TRIBAL CULTURAL RESOURCES

Pages 172: Checklist item a)

Additionally, MCOSD would directly notify the Federated Indians of Graton Rancheria of any inadvertent discovery of cultural or historical resources, human remains, and/or tribal cultural resources and implement the tribe's preferences for treatment of any such discoveries, which may include preservation in place.

Revised Figure 10: Proposed Streambank Stabilization Revegetation Plan



Revised Figure 29: Vegetation Management Zones Adjacent to Project Area

