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Memorandum

To: Sabrina Cardoza, Rachel Reid, Tammy Taylor, Marin County CDA

From: Dan Sicular

Date: September 22, 2020

Subject: Responses to Issues Raised in the Appeal of the Planning Commission's Approval of the Dipsea Ranch Land Division Project

The following responses address comments received in the appeal to the Planning Commission's adoption of the Initial Study/Mitigated Negative Declaration (IS/MND) and approval of the Dipsea Ranch Land Division Project. The IS/MND was released for public comment on December 12, 2019, and the extended comment period closed on January 28, 2020.

"Comments" addressed in this memorandum include those questions and issues raised in the August 2, 2020 appeal letter and attachment; email correspondence between appellant Laura Chariton and California Department of Fish and Wildlife staff dated August 6, 2020, and an undated letter and attachment from Ms. Chariton to Supervisor Rodoni. We also reviewed and considered email correspondence received by CDA just prior to the Planning Commission hearing on July 27, 2020, and attached to Sabrina's memo to the Planning Commission of that date.

Responses provided here are limited to new issues raised addressing the environmental impact analysis contained in the Initial Study/Mitigated Negative Declaration, that were not previously addressed in the Response to Comments document.¹ Responses are provided for comments on the following topics:

Biological Resources

- Potential impacts to ringtail cat
- Potential impacts to marbled murrelet
- Potential impacts to coho salmon and steelhead, and consistency with the recovery plans for these species

¹ Dipsea Ranch Land Division Project Initial Study/Draft Mitigated Negative Declaration, Comments on the Initial Study and Responses to Comments. March 2020.

Transportation

- Potential impacts on roadway safety

Responses are also included for comments addressing the Project's consistency with the Redwood Creek Watershed: Vision for the Future, and with a memorandum of understanding to which the County is signatory regarding protection of sensitive biological resources in the Redwood Creek watershed. In addition, brief, summary responses to comments related to the Hydrology and Water Quality and Geology and Soils sections are provided.

In all instances, both those newly considered here and previously considered in the Initial Study and Response to Comments document, we confirm the conclusion that with implementation of specified mitigation measures, the Project would result in only less-than-significant impacts, therefore supporting a Mitigated Negative Declaration. The appellants have not provided any substantial evidence to support a fair argument of a significant impact. Pursuant to State CEQA Guidelines Section 15070(b), preparation of an environmental impact report (EIR) is not required.

Responses

Ringtail Cat

Comments on the Initial Study noted the presence of ringtail cat in the vicinity of the Project site. Based on the background document review and a lack of reported sightings (see below), ringtail was not specifically identified as a special-status species in Table 4-2 of the Initial Study, but was considered under review of general wildlife impacts under Mitigation Measure BIO-1: Special-status Wildlife and Habitat. In the Response to Comments document, Master Response 2: Potential Impacts on Redwood Creek Watershed Biological Resources, included additional clarification on the potential for the Project to impact ringtail cat. In the attachment to the appeal letter, the appellants state that there are "three documented sightings of ringtail cat and scat on the adjacent property." In response, additional life history information on ringtail cat and further analysis of the Project's potential to impact the species are provided. This analysis confirms the earlier finding in the Initial Study and the Response to Comments document that the Project would not have a significant impact on ringtail cat.

The ringtail cat (ringtail or ring-tailed cat, miner's cat, bassarisk; *Bassariscus astutus*) is a member of the raccoon family. The ringtail is smaller than a house cat. The body is buff to dark brown and they have a long ringed tail with alternating stripes of white and black; the tail is as long as the body. They are listed as a fully protected² species by the

² "The classification of "Fully Protected" was the State of California's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians and reptiles, birds and mammals. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for

California Department of Fish and Wildlife.

Local Occurrence. The ringtail cat is known to occur in Marin County, where they are an uncommon permanent resident. Sightings for this species are not tracked in California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB)³ despite its formal listing status. Observations for this species are limited to anecdotal sightings and local observations. This species is very elusive and seldom seen.

Habitat and Life History. Ringtails occur from Oregon south to Mexico and east to Oklahoma in a range of habitats from sea level to 9,000 feet. They occur in a variety of habitats from riparian forests, semi-arid country dominated by oak, pinyon pine, or juniper woodlands, montane conifer forests, chaparral, and desert. Dens are located in rock crevices, tree hollows, under roots, abandoned burrows, or woodrat nests (Zeiner et al 1990).⁴ Ringtails are rarely active in the daytime and studies have shown they have an aversion to daylight (The American Society of Mammologists 1988).⁵ They are mostly active after dusk. Ringtails are well-adapted for nocturnal foraging and possess large eyes and ears and a keen sense of smell. Sharp, short, semi-retractable claws make them well-suited for climbing. They are omnivorous and will consume a variety of food resources including small mammals, birds, eggs, insects, and fruit. Their primary predator is the great horned owl, but they will also be taken by coyote, bobcat, and raccoon (The American Society of Mammologists 1988).

The breeding season extends from February into May with peak breeding occurring in March and April. Young are born in May or June and litter size ranges from 1 to 4. Newborns are altricial – born in an undeveloped state requiring care and feeding by adults. Young are weaned at 10 weeks, reach full size at about 30 weeks, and are capable of hunting for themselves after 4 months. They are non-migratory and mostly solitary. As their common name, “miner’s cat,” suggests, ringtails were once kept as pets by settlers and miners; they were domesticated to keep cabins free of pests.

Project Site Conditions and Potential for Ringtail Cat. As described in the Existing Conditions discussion in Initial Study Section IV.4, Biological Resources, the Project’s proposed building envelopes are located on the northern portion of the Project site on the ridgetop where the existing single-family residence, garage, and outbuilding, surrounded by ornamental landscaping and decking, are located. There is a large, flat, undeveloped, ruderal terrace where development would occur. This upper terrace supports non-native annual grassland. Beyond the building envelopes and septic disposal

necessary scientific research and relocation of the bird species for the protection of livestock.”

https://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html

³ The California Natural Diversity Data Base (CNDDDB) is a repository of information on sightings and collections of rare, threatened, or endangered plant and animal species within California. It is maintained by CDFW.

⁴ Zeiner, D.C., et al. 1990. California’s Wildlife, Volume III Mammals. State of California, The Resources Agency, Department of Fish and Game, Sacramento, CA.

⁵ The American Society of Mammologists. 1988. Mammalian Species – *Bassariscus astutus*. Published 27 December 1988.

areas to the west, south, and southeast, the Project site supports scattered native Douglas fir and coast redwood and non-native Monterey cypress and Monterey pine. Understory composition varies across the Project site. Non-native plants are pervasive, especially within the lower elevations. In the more densely wooded areas, along the drainages, native understory shrubs include coyote brush, California blackberry, and poison oak with the occasional wild cucumber and sword fern.

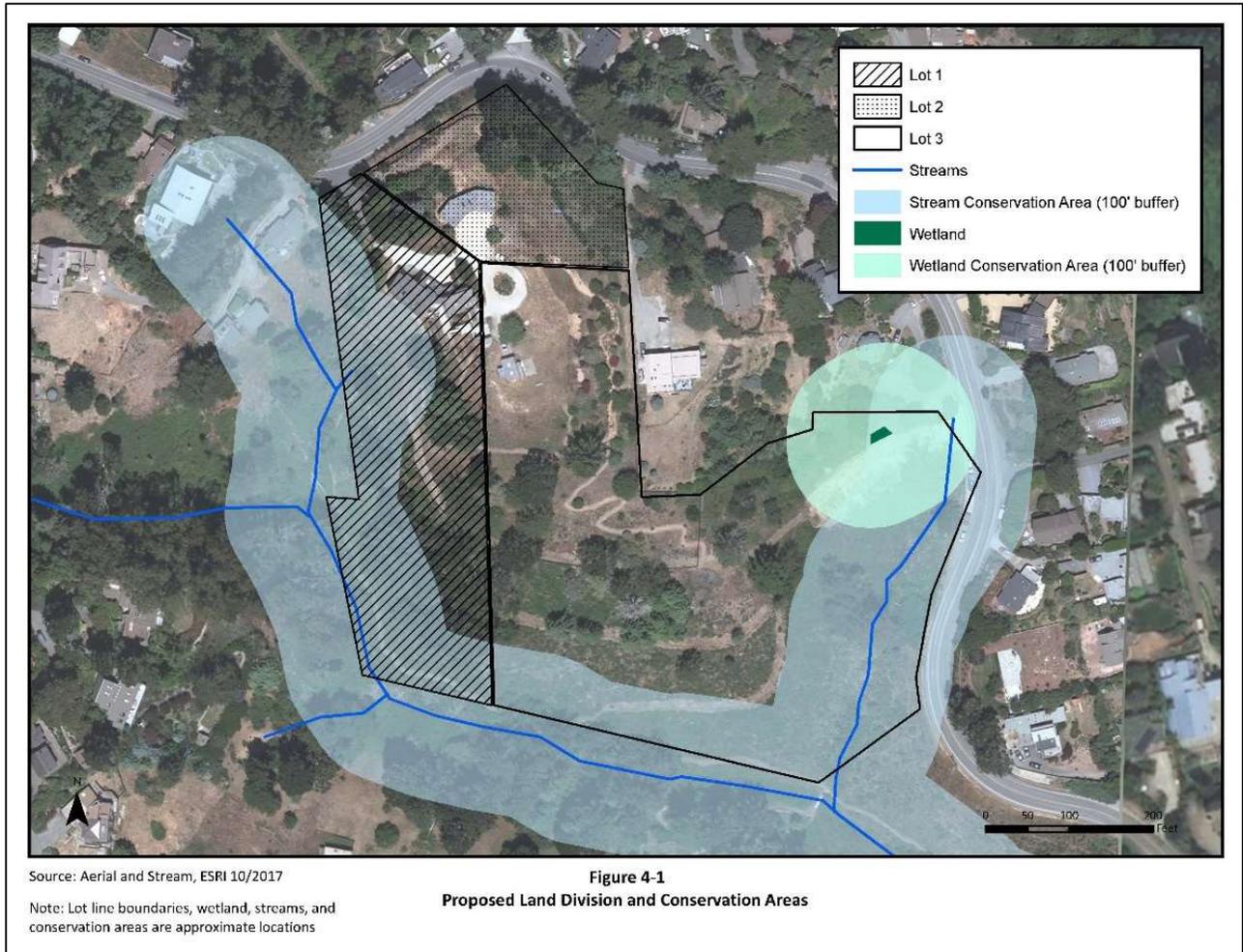
Ringtail cat may use the wooded areas and drainages within the Project site. These areas support a canopy of tall trees (especially the western drainage) and well-developed understory, despite the predominance of the non-native plants. Wooded areas and drainages may provide protective vegetative cover for ringtail. Seasonal water may provide a drinking source. Wildlife prey and other vegetative food sources are most likely abundant and provide suitable forage for ringtail. If downed trees or crevices are present, ringtail may den within the Project site. They may also use these drainages as a migration corridor moving through the site.

Potential for Project Impacts on Ringtail Cat. The Project would protect core habitat areas on the site through the establishment of the Stream and Wetland Conservation Areas (SCAs and WCAs), as proposed as part of the Project and required by Countywide Plan policies BIO-3.1 and BIO-4.1. The western, southern, and eastern edges of the Project site fall within these conservation areas. The conservation areas provide protection of aquatic resources and special-status species habitat by establishing a 100-foot buffer from the creek and wetlands. No development is proposed in areas supporting naturally occurring native vegetation along the drainages. Wildlife, such as ringtail, migrating through the site along the drainages and residing in these locations would be protected from construction impacts through the SCA buffer areas and the distance of the building envelopes from occupied habitat; see Initial Study Figure 4-1, Proposed Land Division and Conservation Areas, which is also included below. Future development of the Project site would not impede use of the site drainages by ringtail or other wildlife species, because development would be prohibited within the buffer. Construction will also be limited to daylight hours and so would avoid interference with the foraging activities of ringtails and other nocturnal wildlife. In summary, as previously concluded in Master Response 2: Potential Impacts on Redwood Creek Watershed Biological Resources in the Response to Comments document, the Project would not have a significant impact on ringtail cat.

Marbled Murrelet

The appellants, in the attachment to the appeal letter, page 7, express concern about the potential for the Project to impact marbled murrelet. They state that impacts to marbled murrelet must be assessed due to nearby federally designated Critical Habitat. Initial Study Section IV.4, Biological Resources, Table 4-2, included an evaluation of the Project's potential impacts on special-status marbled murrelet. Suitable habitat was determined not to be present within the Project site, and the Initial Study therefore concluded that the Project would not impact marbled murrelet. The following discussion provides

additional life history information and further examines the potential for the Project to impact marbled murrelet and their habitat.



The marbled murrelet (*Brachyramphus marmoratus*) is a Pacific seabird belonging to the family Alcidae. They are a small seabird (9.75 inches in length) with a slender black bill. The plumage varies by season – during the breeding season they are entirely brownish and during the non-breeding season the plumage is black and white with an obvious white color. They are listed as federally threatened by U.S. Fish and Wildlife Service under the Federal Endangered Species Act and listed as endangered by the California Department of Fish and Wildlife under the California Endangered Species Act.

Local Occurrence. The marbled murrelet is an uncommon, permanent resident of the west coast from California to Alaska. This species is a permanent resident along the Marin Coast, but sightings are uncommon during the breeding season. There are no historical records for marbled murrelet at inland locations in Marin County (Paton and Ralph 1990;

Habitat and Life History. Marbled murrelets spend the majority of their lives on the ocean. They forage for small fish and plankton in offshore areas and along the rocky coastline. Courtship, preening, foraging, and molting occur in near-shore waters, but it has an unusual nesting behavior. Unlike most alcids, it does not nest in burrows or cliff colonies, but uses old-growth forests dominated by conifers, including redwoods. The nesting behavior of this species was essentially unknown until 1974 when a tree climber discovered a chick; it was one of the last North American birds to have its nest described. A single egg is laid on a platform of lichen and moss on large tree limbs. Nesting occurs from late March to late September. In California, nests are typically found in old-growth or mature coastal redwood and Douglas fir forest, in trees with large branches or deformities for nest platforms. The egg is incubated for 30 days and chicks fledge after 28 days. Both male and female birds incubate the eggs in alternating shifts lasting 24 hours. Chicks are fed up to 8 times a day – a diet of one fish at a time. Adult movements to and from the nest occur at any time of the day but most often at dusk and dawn. Young typically fly directly to the ocean at fledging. Breeding success is very low. There is reportedly only one nesting attempt per year. The principle factor in the decline of this species has been attributed to the loss of old-growth forests (USFWS 1997).⁸

Project Site Conditions and Potential for Marbled Murrelet. As described above and in the Existing Conditions discussion in Initial Study Section IV.4, Biological Resources, the proposed building envelopes are located on the northern portion of the Project site on the ridgetop where the existing single-family residence, garage, and outbuilding, surrounded by ornamental landscaping and decking, are located. There is a large, flat, undeveloped, ruderal terrace where development would occur. This upper terrace supports non-native annual grassland. Beyond the building envelopes and septic disposal areas to the west, south, and southeast, the Project site supports scattered native Douglas fir and coast redwood and non-native Monterey cypress and Monterey pine. The Douglas fir and coast redwood are not old-growth trees nor are they part of an intact, contiguous forest.

Suitable nesting habitat for marbled murrelet is not present within the Project site, as the forested areas on the Project site lack the required old-growth characteristics. The trees are discontinuous with other larger, intact suitable habitat, such as forests in Muir Woods National Monument. The Project site is also bordered by development along Ridge Road and open grassland and scrub habitat to the south. There is a fragmented woodland located to the south of the Project site, but this wooded area is isolated from surrounding intact habitats that could potentially support marbled murrelet. Overall, habitat conditions both within the Project site and on adjacent privately held lands are not suitable for nesting marbled murrelet.

⁸ U.S. Fish and Wildlife Service (USFWS). 1997. Recovery Plan for the Marbled Murrelet (Washington, Oregon, and California Populations). Region 1, USFWS, Portland, OR.

Project Impacts on Marbled Murrelet. Because there is no record of use of the Project site or surrounding areas for marbled murrelet nesting, and no nesting habitat is present, the Project would not have a significant impact on marbled murrelet.

Coho Salmon and Steelhead

In the attachment to the appeal letter, page 5, the appellants allege that the IS/MND did not adequately address impacts to salmon and steelhead in the Redwood Creek watershed, or consistency with recovery plans for coho salmon and steelhead:

“NOAA and CDFW Coho Salmon and Steelhead recovery plans include the subject property. The MND fails to adequately address impacts to salmonids, including requirements of the multi-million-dollar recovery plans for ESU coho salmon by NOAA (2012) and the California Dept. of Fish and Wildlife (2004) on the Redwood Creek Fishery of Coho and Steelhead; the subject property being within the Redwood Creek watershed.”

This response addresses both the adequacy of the analysis of impacts to salmonids contained in the Initial Study, and the consistency of the Project with the cited recovery plans, and confirms the conclusion of less-than-significant impacts reached in the Initial Study.

The Initial Study discusses the presence of steelhead and coho salmon within the Redwood Creek watershed (Initial Study, page 52 and Table 4-2). These fish occur well downstream of the Project site; the Project site does not support perennial streams and no habitat for salmonids is present. As noted in the Initial Study and as discussed further in Master Response 2: Potential Impacts to Redwood Creek Watershed Biological Resources, the Project would protect downstream fisheries resources through the establishment of SCAs and WCAs, as proposed as part of the Project and required by Countywide Plan policies BIO-4.1 and BIO-3.1; through implementation of the proposed stormwater management system and septic systems; and through implementation of standard construction Best Management Practices (BMPs). Furthermore, as discussed in the Response to Comments Document, Master Response 4: Potential Impacts of Fire Road Grading on Hydrology and Water Quality, there is no evidence that grading of the fire road caused or continues to cause significant erosion or sedimentation or other pollution of Redwood Creek or other downgradient receiving surface waters.

The question of consistency of the Project with NOAA and CDFW recovery plans for coho salmon and steelhead⁹ was also raised in comments on the Initial Study, in Comments Q-

⁹ California Department of Fish and Game. 2004. Recovery Strategy for California Coho Salmon. Report to the California Fish and Game Commission. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=99401&inline>

National Marine Fisheries Service. 2012. Final Recovery Plan for Central California Coast Coho Salmon Evolutionarily Significant Unit. National Marine Fisheries Service, Southwest Region, Santa Rosa, California. <https://www.fisheries.noaa.gov/resource/document/recovery-plan-evolutionarily-significant-unit-central-california-coast-coho>

74 and W-135, among others. Contrary to the implication in the appellants' statement, the Project site is not specifically identified or targeted for restoration or recovery actions in these plans. Because the ephemeral and intermittent stream reaches on the Project site do not provide fish habitat, and there are no existing or planned stream diversions on the Project site, the applicable recovery actions contained in the plans are aimed at protecting water quality to benefit the fishery downstream. Again, establishment and maintenance of SCAs and implementation of the planned stormwater management system and septic systems would protect water quality, both during construction and during future occupancy of the Project. Therefore, as response to comment Q-74 in the Response to Comments document concludes, the proposed Project is consistent with the relevant recommendations for action items contained in the recovery plans.

The attachment to the appeal letter also states, on pages 5 and 6, that:

“The MND fails to address the projects potential on the tens of millions of tax payer dollars spent on restoration projects just downstream to recover crashing coho salmon populations and that could be impacted by the project of the fill dirt road, construction, and post construction.”

“Future potential runoff and sediment dispersion post occupancy were not considered fully regarding water quality in and the endangered coho salmon that inhabit Redwood Creek. A take permit under both the federal and State Endangered Species Acts must be obtained.”

As discussed above, the potential for the Project to result in sedimentation of Redwood Creek, both during and following construction, was examined in the Initial Study and found to be less than significant, as the Project would establish the required SCA and WCA buffers, no development would occur within these buffers, and the design of the stormwater management system and application of best management practices would prevent erosion and sedimentation. As concluded in the Initial Study, and as further discussed above, the Project would not result in impacts to coho salmon, steelhead, or other federally or State-listed threatened or endangered species. The Project does not have the potential to result in “take”¹⁰ of salmon or other listed species, and therefore, take authorization under either the State or federal Endangered Species Act is not

National Marine Fisheries Service. 2016. Final Coastal Multispecies Recovery Plan. Volume IV: Central California Coast Steelhead. National Marine Fisheries Service, West Coast Region, Santa Rosa, California.
<https://www.fisheries.noaa.gov/resource/document/final-coastal-multispecies-recovery-plan-california-coastal-chinook-salmon>

¹⁰ The federal ESA defines take as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. 16 U.S.C., §1532 (19). The California ESA defines takes as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Fish & G. Code, §86.
<https://wildlife.ca.gov/Conservation/CESA/FESA>

required. This conclusion that a take permit is not required was affirmed by CDFW staff in a video conference with CDA staff and consultants.¹¹ Because the Project would not adversely impact the stream, it would have no adverse effect on downstream restoration projects.

Traffic Safety

In the attachment to the appeal letter, pages 7 and 8, the appellants raise the issue of traffic safety at the intersection of the Project site driveway and Panoramic Highway. The appellants state that a new traffic report should be prepared, because, they state, there have been traffic accidents in the vicinity of the driveway, and there has been an increase in traffic volume during the pandemic. On page 8 of the attachment, the appellants also state that the Initial Study did not assess the potential for increased road hazards to egress and ingress of neighboring properties along Panoramic Highway. The issues of traffic safety and increased traffic volume are also brought up in appellant Laura Chariton's letter to Supervisor Rodoni (last page, item 7), and in an email sent to the Planning Commission and CDA staff by Ms. Chariton just prior to the Planning Commission Hearing on July 27, 2020. The email states that Ms. Chariton knows of three accidents that have taken place in the vicinity of the intersection, and further states that there is limited visibility along this stretch of road, and that both bicycles and cars have driven recklessly, frequently crossing the center line. She also states that there are no sidewalks and that the road is hazardous to pedestrians.

In these comments, the Appellant is describing existing conditions, not the potential impacts of the Project. The Project would not construct a new driveway, but would improve the existing driveway and its intersection with Panoramic Highway. The proposal includes installation of a stop sign and right turn only sign at the driveway intersection for vehicles leaving the Project site. The Initial Study, pages 146-147, considers whether the Project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). This includes a review of the recent accident history in the vicinity of the driveway intersection, to establish the baseline for roadway safety conditions. As stated in the Initial Study, U.C. Berkeley's Transportation Injury Mapping System (TIMS) on-line database identified three accidents along the stretch of Panoramic Highway between Brighton Blvd. and Sunrise Lane, from 2006 through 2018. A new search conducted for this response returned no additional accident records during 2019. 2020 records are not yet available. Of the reported accidents, two were injury accidents involving bicycles. One was a fatal accident caused by a sideswipe collision. None of these accidents were within 200 feet of the driveway intersection with Panoramic Highway.

The Initial Study analysis finds that implementation of the proposed driveway improvements would improve visibility for vehicles exiting the driveway and turning

¹¹ The video conference took place on September 8, 2020. Participants included Rachel Reid, Tammy Taylor, and Sabrina Cardoza, CDA; Dan Sicular, Sicular Environmental Consulting; Jennifer Michaud and Carrie Lukacic, Prunuske-Chatham, Inc., and Amanda Culpepper, CDFW.

onto Panoramic Highway. It would also improve the ability for motorists and bicycles travelling on Panoramic Highway to see cars exiting the driveway onto Panoramic. The site line for vehicles exiting the improved driveway (that is, the distance to the first visual obstruction) would meet Caltrans Highway Design Manual standards for both right and left turns. The County Department of Public Works may, however, at its discretion impose the more stringent site line standard for left turns contained in the AASHTO Greenbook guidelines. The Initial Study analysis, page 147, states that:

Because the site distances do not achieve the recommendations contained in the AASHTO Greenbook, the County DPW may require the Applicant to submit an exception request, pursuant to Marin County Code §24.15, including findings pursuant to §24.15.020 demonstrating that the granting of an exception will not create a safety hazard.

The Initial Study analysis goes on to state that the driveway improvements will improve safety at the intersection, even with the incremental increase in traffic leaving the site, and that the impact on roadway hazards is therefore less than significant. The new comments submitted by the appellants regarding recently observed increases in automobile and bicycle traffic are anecdotal and unsubstantiated. These conditions are likely within the range of normal summer recreational traffic. In summary, the appellants have not provided evidence that the Project would adversely affect roadway safety, and the conclusion of a less-than-significant impact reached in the Initial Study is confirmed.

Project Consistency with Redwood Creek Watershed Vision Statement and Memorandum of Understanding

The appellants, in the attachment to the appeal letter, pages 4-5, imply that the Project would be inconsistent with the 2003 Redwood Creek Watershed: Vision for the Future (Vision Statement). The County is a signatory to the Vision Statement, along with California Department of Fish and Wildlife, California Department of Parks and Recreation, Marin Municipal Water District, Muir Beach Community Services District, and the National Park Service, Golden Gate Recreation Area. The appellants cite passages from the Vision Statement that emphasize the biological importance of the watershed, and quote one of the desired future conditions expressed in the Vision Statement that, “the watershed is managed as an intact, continuous, and linked system from the ridge tops to the ocean, with all parts contributing to the health of the whole.”

The Vision Statement is not a regulatory document and contains no enforceable standards. In the preface, it states that, “this vision does not alter or override existing policies of the participating agencies. Rather, it serves as a guideline to support future planning and projects in the watershed, ensuring that planning and projects within the scope of this vision strive to meet the common goals described herein.” While emphasizing the protection and enhancement of natural and cultural resources and visitors’ experience, the Vision Statement states that, “Three private communities also reside in the watershed — the communities of Muir Beach, Muir Woods Park [where the Project is located], and Green Gulch Farm (a part of the San Francisco Zen Center). These

communities contribute to the watershed and rely on it for clean water and the quality of life that it offers.”

The Vision Statement does not specifically identify the Project site, and does not call for any restrictions on future residential development within the watershed. While there is no mechanism for ascertaining consistency of any individual project with the Vision Statement, the Project does appear to be consistent with several of the applicable guiding principles and desired future conditions the Vision Statement contains. The Project, as mitigated, would protect sensitive biological resources both within the Project site and downstream by concentrating development within the least-sensitive, most developed portion of the property; by establishment of SCAs and WCAs and avoiding any development within them; and by implementation of the proposed stormwater management system and septic systems. The Project would also reduce fire risk through implementation of the required vegetation management plan and by improving access for emergency vehicles (through improvements to the existing driveway, which would include a fire department turn-around), and through application of the special provisions of the building code for structures within the Wildland-Urban Interface. Mitigation measures included in the Initial Study would require the applicant to manage invasive species throughout the property.

In summary, there is no apparent conflict or inconsistency of the Project with the Vision Statement, and the appellants have not substantiated their assertion of inconsistency. Consideration of the goals, objectives, and desired future conditions contained in the Vision Statement does not alter the Initial Study’s conclusion that the Project would have only less-than-significant impacts on the environment.

Memorandum of Understanding

On page 5 of the attachment to the appeal letter, the appellants state that, “The MND never addressed the Memorandum of Understanding (MOU) between Marin County, State Parks, Golden Gate National Recreation Area, National Park Service and Environmental Groups regarding protection of the natural resources, public lands and water and impacts to Coho Salmon in the Redwood Creek Watershed, Muir Woods National Monument.”

The appellants do not identify the date or title of this MOU, but it appears that they are referring to the June 30, 2015 agreement between National Park Service and the County of Marin. This MOU primarily addresses parking for visitors to Muir Woods National Monument. The issue of parking for Muir Woods only indirectly affects the Project, since Panoramic Highway is used for parking by visitors to Muir Woods, who then walk to the park on the Dipsea Trail or other trails. The Project, however, would not affect parking on Panoramic Highway, since there would be ample parking within each of the three proposed lots.

While focusing on parking, the MOU has as one of its goals, “to protect, preserve, and enhance the health of the Redwood Creek Watershed, including its salmonids.” It also has the objectives, “H. To work together to improve water quality and environmental

conditions for Redwood Creek and its fisheries;” “I. To communicate about individual environmental compliance requirements within their responsibility, where applicable, including the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA);” and “L. To communicate and collaborate with CDPR [California Department of Parks and Recreation] on matters related to this MOU.” The specific provisions of the MOU do not address these goals and objectives, but rather focus on parking.

While the MOU has no provisions regarding proposed developments or residential land use, the Project is generally consistent with the goals and objectives stated above: establishment of SCAs and WCAs; concentration of development in the already-developed portion of the property; and implementation of the proposed stormwater management system and septic system would all help protect water quality and the salmonid fishery. CDPR and NPS had the opportunity to review and comment on the Initial Study, but did not do so.

The appellants have not explained in what way the Project could be inconsistent with the MOU. Consideration of the MOU does not change the conclusion of the Initial Study that, with mitigation, the Project would have only less-than-significant impacts on the environment.

It may be that the appellants are referring to a different MOU, such as the March 21, 2014 MOU between Marin Municipal Water District, the National Park Service (NPS), California Department of Parks and Recreation, the Marin County Open Space District, Marin County Parks, and the Golden Gate National Parks Conservancy for the establishment of the Tamalpais Lands Collaborative. However, this MOU commits the parties to cooperative management of the park and open space lands on and around Mt. Tamalpais, and does not address residential development. It has no apparent bearing on the Project. CDA staff did not identify any other MOUs to which the County is signatory that address protection of the Redwood Creek watershed.

Hydrology and Water Quality

A variety of technical topics relating to the assessment of impacts on hydrology and water quality from implementation of the Project were raised in the appeal comments. None of the comments relating to water resources contain any substantial new evidence and the conclusions of only less-than-significant impacts reached in the Initial Study and affirmed in the Response to Comments document stand, as summarized below:

- Comments relating to the design of the stormwater system, site specific rainfall data, rainfall characteristics, and stormwater conveyance capacity have been previously addressed in Master Response 11: Rainfall Data and Stormwater System Design.
- Comments relating to surface water resources, the classification of surface water features, and the protection of aquatic habitat located on-site and off-site have

been previously addressed in Master Response 8: Stream Classification and Mater Response 2: Potential Impacts on Redwood Creek Watershed Biological Resources.

- Comments relating to construction activities associated with the Fire Road, the placement of fill in surface water features, including wetlands, the alteration of drainage patterns, erosion and sedimentation on- and off-site, and the restoration of the Fire Road to pre-2014 conditions have been previously addressed in Master Response 4: Potential Impacts of Fire Road Grading on Hydrology and Water Quality.
- Comments relating to existing drainage patterns at the Project site and adjacent lands have been previously addressed in the response to comment Q-7 in the Response to Comments document. Maintenance of roadside ditches along Panoramic Highway is not part of the Project.

The evidence in the record supports the findings presented in the Initial Study that implementation of the proposed Project would not result in significant impacts on- or off-site related to surface water resources (including streams, drainages, and wetlands), altered drainage patterns, hydromodification, erosion and sedimentation, water quality, or flooding. None of the comments contain any substantial evidence to support a fair argument that a significant impact would occur.

Geology and Soils

The appellants, in the attachment to the appeal letter, page 7, state that:

“Impacts to geological resources and downslope property caused by the Project have not been but must be assessed, including potential for and mitigation of landslides, slumps, and other earth movements.”

Initial Study Section 7, Geology and Soils adequately addresses underlying geology and existing slope stability on the Project site, and concludes that potential impacts from slope failure would be less than significant. These findings are based on published landslide mapping and site-specific geotechnical investigations. Certain steeper slopes on the Project site have experienced localized slope failures resulting in legacy landslide deposits and slumps. However, the area within the building envelopes is underlain by competent bedrock, has more gradual slopes and does not exhibit features indicative of slope failure. Given this inherent stability of the bedrock, development within the building envelopes would not destabilize existing areas with slope instability (i.e. slumps) located elsewhere on the property nor would it adversely affect stability of downslope, offsite properties. None of the comments relating to geologic resources and slope stability contain any substantial evidence supporting a fair argument that a significant impact would occur. The evidence in the record, including the previously published responses to public comments, support the findings presented in the Initial Study.

Septic System Assessment

In the attachment to the appeal letter, page 7, the appellants state that:

“All the cumulative impacts of six homes and septic systems including 3 7,000 sq. ft. homes have not been considered in the IS and MND.”

“Septic assessment for at least two of the systems and their cumulative impacts not considered in the IS and MND.”

IS/MND Section 7, Geology and Soils, and Master Response 7 provide a comprehensive analysis of the potential impacts from the two proposed alternative leachfield systems and present the results of the cumulative analysis of all existing and proposed septic systems. Based on the proposed septic system design and cumulative analysis, both of which were found adequate by the Initial Study preparers and Marin County Environmental Health Services, the assessment presented in the IS/MND concluded that the Project would not result in a significant impact from development and use of the proposed septic systems. None of the comments relating to the proposed septic systems contain any substantial evidence to support a fair argument that a significant impact would occur.