

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made by and between the California Department of Parks & Recreation ("DPR") and the Tamalpais Conservation Club ("TCC") (collectively, the "Parties").

RECITALS

A. The Tamalpais Conservation Club filed a lawsuit against DPR on May 12, 2003, in Marin County Superior Court No. CV 032205, challenging the Negative Declaration under the California Environmental Quality Act for the project of repairing and realigning trails in the Marin Headlands in Mt. Tamalpais State Park.

B. The Parties seek to avoid unnecessary litigation and judicial determinations as to the propriety and legality of the California Environmental Quality Act findings of DPR regarding the trail projects. Instead, the Parties have agreed to work cooperatively to resolve the actual alignment of the trails.

C. There are two fire roads and one trail which are of concern to the TCC in the Mt. Tamalpais State Park project. On the Coastal Fire Road, the parties have met and agreed to a repair and realignment of this fire road to be constructed shortly. As to the Lone Tree Fire Road, the parties agree below to a process to negotiate its alignment for the project.

D. Therefore, without admitting anything, the Parties enter into this Agreement to resolve the pending permitting issues and to avoid the expense and uncertainty of litigation.

AGREEMENT

The Parties agree as follows:

1. The Coastal Fire Road will be aligned and repaired consistent with the agreement made by the Parties at the meeting at the Road on March 23, 2004.

2. The alignment and repair of the Lone Tree Fire Road will be done consistent with one of these two options:

Option 1: Lone Tree Fire Road will be re-contoured to completely avoid crossing the Dipsea Trail at any point. The area shall be returned, as close as practicable, to its natural state. The status of the Dipsea Trail will be for foot traffic only and made unavailable for bicycle or other mechanical uses. This option may be precluded by the cultural impacts of removing a historical road.

Option 2: A portion of the Dipsea Trail will continue to parallel the Lone Tree Fire Road and in some sections the trail and road will continue to share the same alignment. The user status of Lone Tree Fire Road shall not change. Separation of user groups will be maintained with cyclists allowed on the Lone Tree Fire Road, and only allowed on the sections where the trail and road share the same alignment. The Lone Tree Fire Road will be improved, including the trail/road common sections to prevent soil erosion, and this may include realignment to correct over steep and/or cut through sections.

Before any work is begun on the Lone Tree Fire Road project, the Parties will meet and agree on one of the options above. DPR agrees to allow signs at the entrances to the new Coastal multi-use trail which provides for public comments to the TCC regarding the trail.

3. TCC will dismiss the pending lawsuit with prejudice filed in Marin County Superior Court, No. CV 03225.

4. TCC agrees to put together a citizens' group to advise DPR before any major improvements in Mt. Tamalpais are set for public hearing. DPR agrees to contact TCC before any major improvements are finally approved to arrange for such a citizen meeting.

5. TCC agrees not to assert any claim pursuant to the California Environmental Quality Act for the improvement of the Coastal Fire Road and the Lone Tree Fire Road.

6. This Agreement may be signed in counterparts. Signatures transmitted by facsimile shall be deemed to have the same force and effect as original signatures. Photocopies and facsimiles of counterparts shall be binding and admissible as originals.

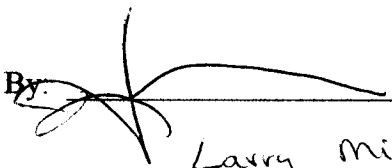
7. This Agreement contains the entire understanding of the Parties concerning the matters contained herein and constitutes an integrated agreement.

8. DPR agrees to pay TCC \$5000.00 in full settlement of any claims of costs and attorney's fees.

IT IS SO AGREED.

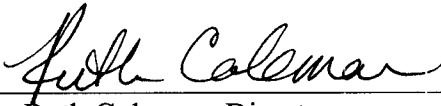
Dated: July 20, 2004

TAMALPAIS CONSERVATION CLUB

By:  _____
Larry Minikes

Dated: JUL 29 2004

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

By: 
Ruth Coleman, Director

APPROVED AS TO FORM:


Dated:

Dotty LeMieux, Attorney at Law

Dotty LeMieux,
Attorney at Law
Attorney for Tamalpais Conservation Club

Dated: 30 July 2004

BILL LOCKYER, Attorney General of the State of California


Anna E. Ruud
Deputy Attorney General
Attorney for California Department of Parks & Recreation

Dated:

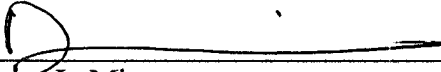
**CALIFORNIA DEPARTMENT OF PARKS AND
RECREATION**

By: _____
Ruth Coleman, Director

APPROVED AS TO FORM:

Dated: 7/20/04

Dotty LeMieux, Attorney at Law



Dotty LeMieux,
Attorney at Law
Attorney for Tamalpais Conservation Club

Dated:

**BILL LOCKYER, Attorney General of the State of
California**

Anita E. Ruud
Deputy Attorney General
Attorney for California Department of Parks &
Recreation