



State of California - The Resource Agency

DEPARTMENT OF PARKS AND RECREATION

NORTHERN SERVICE CENTER
ONE CAPITAL MALL - SUITE 500
SACRAMENTO, CA 95814
(916) 445-8791

Gray Davis, Governor

Rusty Arellas, Director

December 20, 2002

Ms. Dotty E. LeMieux
Attorney at Law
173 E. Blithedale - Suite 3
Mill Valley, California 94941

RE: Extension of Public Comment Period
Mitigated Negative Declaration
Mt. Tamalpais State Park Coastal Trails Rehabilitation Project

Dear Ms. LeMieux:

Thank you for advising California State Parks (Parks or Department) that you have been retained by the Tamalpais Conservation Club (TCC) to review and comment on the Mt. Tamalpais State Park Coastal Trails Rehabilitation Mitigated Negative Declaration (MND). Per our telephone conversation of Thursday, December 19, 2002, and your letter (dated December 18, 2002), it is my understanding that you are requesting an extension of the 30-day public review and comment period for this document, based on the following assertions:

- Circulation of the environmental document indicated above was faulty; a copy of the document was not provided to TCC in a timely manner.
- Public notice was inadequate and confusing; perception on the part of TCC that the actual close of the public comment period was January 1, 2003.
- Document was not provided to the Marin County Library for public review as advertised.

The Department regrets any confusion or misunderstanding TCC has experienced regarding the publication and public availability of this document. We understand that the Club holds strong feelings regarding the implementation of this project, as written, and would, of course, want to review the details and environmental implications. However, there is nothing to indicate that public notice and availability of the MND for this project was inadequate or untimely. Additionally, extension of the public comment period, and subsequent project approval and filing of the Notice of Determination, would have the potential to jeopardize funding for the project. Therefore, as I indicated to you on the telephone, we will not be able to extend the public comment period beyond the original 30 days, which ends on December 24, 2002. All comments will need to be postmarked, or faxed, on or before that date, with proof of mailing or delivery. Written comments should be addressed or faxed to Ms. Patti Du Mont, Environmental Coordinator, at the address or fax number indicated below. Emails or comments by telephone conversation or in person will not be accepted.

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Ms. Patti Du Mont
Department of Parks and Recreation
Northern Service Center
One Capital Mall - Suite 500
Sacramento, CA 95814
FAX: (916) 445-9100

In accordance with Title 14, California Code of Regulations (CCR); Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) - Article 13, Section 15203, the Department of Parks and Recreation, as Lead Agency, observes a standard 30-day public review period for Negative Declarations as a matter of policy and procedure, beginning on the date the environmental document is filed with the Office of Planning and Research/State Clearinghouse (OPR/SCH). This time frame is consistent with applicable statutes, the State CEQA Guidelines, and the State Clearinghouse review periods. Public noticing of the public review period (i.e., Notice of Availability) identifies time limits, deadlines for receipt of comments, and location for submitting written comments.

The Department finds nothing to support the contention that public notice and availability of the MND for this project was inadequate, untimely, or presented conflicting or confusing information. As I'm sure you realize, CEQA only specifies the time frame for the public review period, not the amount of time each individual or agency must actually have to review the document. The Department makes every effort to advise both public agencies and private individuals of the availability of environmental documents in a complete and timely manner. In this particular instance, the following actions were taken:

- The MND and Notice of Completion were filed with OPR/SCH on November 25, 2002 (SCH#2002112106), in accordance with all CEQA requirements. Sufficient copies of the document were provided for distribution to interested State public agencies. The notice of this filing was posted on the OPR CEQAnet webpage on or about November 26, 2002.
- The Notice of Availability (NOA), which specified the deadline for public comments, was sent to Mr. Michael J. Smith, Marin County Clerk, on November 26, 2002, along with a letter requesting that the NOA be posted for public notification, in accordance with county requirements.
- A copy of the NOA, formatted for publication, was sent to the Marin Independent Journal, with a request for the NOA to run one time in the Classifieds, under Legal Notices at the earliest possible opportunity. The NOA was published on December 4, 2002.
- Copies of both the MND and NOA for the Mt. Tamalpais project were sent to the Marin County Library on November 25, 2002, requesting that the information and document be made available for review by patrons of that library throughout the public comment period. In addition, copies of the MND were also delivered to Marin City Branch and Civic Center Branch of the Marin County Library. As there is no

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- legal requirement for a library to display this information, there is no way to guarantee the documents sent to the libraries are actually made available.
- Copies of the MND are, and will continue to be, available at the California State Parks Marin District Headquarters in Novato, DPR Northern Service Center in Sacramento, and Mt. Tamalpais State Park Headquarters throughout the public review period. Electronic copies of the document are available for the visually impaired, on request.
 - Copies of the MND were mailed to local agencies and those who had specifically requested a copy of the document on or before November 26, 2002. Copies are sent in response to subsequent requests within one working day of receipt.
 - Notification of the availability of the MND was distributed on December 2, 2002, via mass mailing to all interested parties who attended the public meeting of November 4, 2002, or had expressed interest in the project, if addresses (postal or email) were provided.

In addition to the actions taken with respect to standard procedures for document filing and public notification, the following actions were taken with regard to TCC interests and concerns:

- Dave Boyd and Denali Beard, Marin District DPR staff, met with members of TCC at the project site on November 21, 2002, to discuss the planned project. Lynn Axelrod asked to be notified of the status of the environmental document and indicated she would pass the information on to other members. Later that afternoon, per her request, she was advised that the MND would be filed within a week.
- TCC was among those notified of the availability of the MND in the mass mailing of December 2, 2002.
- Dave Boyd and Denali Beard met with TCC and Marin Conservation League on December 5, 2002; attendees were advised of the availability of the MND at that time. No requests for copies of the document were received.
- On December 9, 2002, Denali Beard spoke with Larry Minikes of TCC, at which time she asked him if he would like a copy of the MND. A copy of the MND was mailed to him that day.
- There is no record of any letter or other document from Dave Boyd to TCC that specifies January 1, 2003 as the end of the public review period for this MND. All public notification has consistently indicated that the public review and comment period will end on December 24, 2002.

There is also reference in your correspondence regarding a single track trail policy on Mt. Tamalpais. While there are many single track trails in Mt. Tamalpais State Park, there is no park policy requiring trails to be single track; prohibiting change or expansion of use for existing trails, as appropriate; or prohibiting designation of new or converted access routes as multi-use trails.

Your interest and concerns regarding this project are noted and it is hoped that you will be able to complete your review of the MND in the time allowed. Although it may not be possible to respond fully to any comments received after the public review period

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deadline. as part of the final environmental document for this project, your response will certainly be given full consideration. If you have additional suggestions or concerns regarding the project objectives or implementation, we will also be happy to consider and discuss them as part of the ongoing project development process. Please contact Dave Boyd, Marin District DPR Associate Resource Ecologist, at (415) 893-1587, extension 21, to arrange any future discussion.

Please contact me at (916) 445-8791 or by email at sraab@parks.ca.gov if you have any further questions.

Sincerely,



Shaelyn Raab Strattan
Statewide Environmental Coordinator

cc Patti Du Mont, Environmental Coordinator
DPR Northern Service Center - Sacramento, California

Kenneth Leigh, District Superintendent
DPR Marin District

Dave Boyd, Associate Resource Ecologist
DPR Marin District

The Honorable Joe Nation
California State Assembly

Tamalpais Conservation Club
Mill Valley, California