



Making San Francisco Bay Better

April 4, 2007

California Department of Parks and Recreation  
Northern Service Center  
One Capital Mall, Suite 500  
Sacramento, California 95814

**ATTENTION:** Gail Sevrens

**SUBJECT:** Turtle Back Hill Trail Accessibility Improvements  
Amendment No. One to BCDC Permit No. M94-60

Ladies and Gentlemen:

Thank you for providing staff with the opportunity to comment on draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Turtle Back Hill Trail Accessibility Improvements project, located in China Camp State Park, in an unincorporated area of Marin County. The project would improve the Turtle Back Hill trails to comply with ADA requirements and includes: (1) rerouting approximately 3,220 linear feet of trail; (2) converting 230 linear feet of a dirt road to trail; (3) constructing a 110-foot-long, 4-foot-wide boardwalk; and (4) removing approximately 1,000 linear feet of road and 1,600 linear feet of existing trail and restoring with native vegetation.

The plans included in the IS/MND depict the Commission's 100-foot shoreline band jurisdiction; however, they do not depict the 5-foot contour line (5 feet above Mean Sea Level), which delineates the extent of the Commission's Bay jurisdiction. Based on these plans, it appears that portions of the proposed project would fall within the Commission's 100-foot shoreline band jurisdiction. It is unclear whether any portions of the project would fall within the Commission's Bay jurisdiction. It will be necessary for the Department of Parks and Recreation to provide Commission staff with a revised plan depicting both jurisdictional lines so that we may determine what portions of the project would need to be authorized.

The Commission staff has reviewed the IS/MND and is submitting its comments regarding the document. Although the Commission itself has not reviewed the environmental document, the staff comments are based on the *McAteer-Petris Act* and the Commission's *San Francisco Bay Plan* (Bay Plan).

#### **Fill**

Section 66605 of the *McAteer-Petris Act* states that fill in San Francisco Bay should only be authorized when: (1) the public benefits from the fill clearly exceed the public detriment from the loss of water area; (2) no upland alternative location is available for the project purpose; (3)

the fill is the minimum amount necessary to achieve the purpose of the fill; (4) the fill will minimize harmful effects to the Bay; and (5) that the fill should be constructed in accordance with sound safety standards. If the proposed project would involve fill in the Bay, the project proponent will need to show that fill associated with the project meets all of the above listed criteria. We ask that the final MND evaluate any proposed fill in light of these policies.

#### **Public Access**

The Bay Plan policies on public access state that “[p]ublic access to some natural areas should be provided to permit study and enjoyment of these areas. However, some wildlife are sensitive to human intrusion. For this reason, projects in such areas should be carefully evaluated in consultation with appropriate agencies to determine the appropriate location and type of access to be provided....” The policies go on to state, “[p]ublic access should be sited, designed and managed to prevent significant adverse effects on wildlife...[and]...[p]ublic access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of the Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public’s safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier free access for the physically handicapped, and should be identified with appropriate signs....” The final MND should analyze whether the proposed public access trails are designed and located to minimize adverse impacts from human disturbance on wildlife.

#### **Tidal Marshes and Tidal Flats**

The Bay Plan polices on tidal marshes and tidal flats state that, “[p]rojects should be sited and designed to avoid, or if avoidance is infeasible, minimize adverse impacts on any transition zone present between tidal and upland habitats.” The final MND should evaluate the potential impacts of the proposed improvements on tidal marsh, tidal flat and transitional habitat to ensure consistency with the Commission’s policies.

If you have any questions, please do not hesitate to contact me at (415) 352-3622.

Sincerely,



JENN FEINBERG  
Coastal Program Analyst

JF/mm