



NOTICE OF DETERMINATION

FILED

FROM: Marin County Parks and Open Space District
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08/29/2022

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MARIN COUNTY CLERK
By J. Gilardi, Deputy
21-2022-185

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Marin County Clerk
3501 Civic Center Drive, Suite 234
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Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

State Clearinghouse Number: 2011012080
Date: August 26, 2022
Project Title: **Road and Trail Management Plan: Bob Middagh Trail Change in Use**
CEQA Lead Agency: Marin County Parks and Open Space District
Project Applicant: Marin County Parks and Open Space District
Project Location (include county):Alto Bowl Open Space Preserve, Mill Valley, Marin County

Project Description: The current action would re-implement the change in use of the Bob Middagh Trail, from a hiker and equestrian only trail to a multi-use trail, which would allow bicycle use. This change in use was included in the Marin County Open Space District’s (MCOSD) Bob Middagh and Gas Line Trails Improvement Project Consistency Assessment (Consistency Assessment), 2017 which was upheld by the Court of Appeal as proper pursuant to CEQA law and guidelines. The MCOSD filed a Notice of Determination on the Consistency Assessment on July 14, 2017. The Consistency Assessment found that the Bob Middagh and Gas Line Trails Improvement Project was consistent with the MCOSD’s Road and Trail Management Plan (RTMP), for which an Environmental Impact was prepared, and a Notice of Determination was filed on December 17, 2014.

The physical improvements to the Bob Middagh Trail were implemented in 2017 through 2018. The change in use was initially implemented between June 2021 and April 2022. In late April 2022, however, the change in use was set aside while the District completed steps required by the Marin County Superior Court. Now that those steps have been completed, the MCOSD will complete the project by re-implementing the change in use. There are no physical changes to the environment required to re-implement the change in use on the Bob Middagh Trail.

The MCOSD evaluated whether re-implementing the change in use on the Bob Middagh Trail would require additional analysis pursuant to the California Environmental Quality Act (CEQA) utilizing State CEQA Guidelines Sections 15162 and 15164. These provisions outline the criteria under which an Addendum, Supplemental, or Subsequent document can be prepared for an already adopted CEQA document to consider the effects of minor technical changes or modifications to the proposed project, changed circumstances, or new information relative to the existing CEQA document. The CEQA provisions state that an Addendum is the appropriate document when no new significant environmental impacts, or no substantial increase in the severity of previously identified significant impacts, result from the technical changes or project modifications. If new significant environmental impacts or a substantial increase in the severity of previously identified significant environmental impacts do result from technical changes or project modifications would result, then a Subsequent or Supplemental document would need to be prepared instead of an Addendum. MCOSD staff carefully considered change in use on the Bob Middagh Trail to multi-use in light of the project description included in the Consistency Assessment and determined the following relative to State CEQA Guidelines Section 15162:

- The physical improvements were implemented in 2017 - 2018. Re-opening the Bob Middagh Trail for use by cyclists does not constitute a change to the project because the project contemplated use by cyclists in the Consistency Assessment and therefore completion of the project through finalizing the change in use would not result in changes that would require major revisions of the RTMP or the Consistency Assessment.
- The Consistency Assessment did not identify potentially significant environmental impacts that would result from the proposed use of the Bob Middagh Trail by cyclists. Under the current review, the MCOSD has not identified any potentially significant environmental impacts that would result from re-implementing the proposed use of the Bob Middagh Trail by cyclists. For these reasons, re-opening the Bob Middagh Trail for use by cyclists would not result in a change to the circumstances under which the Project is undertaken that result in major revisions of the Consistency Assessment to analyze new significant environmental impacts or a substantial increase in the severity of previously identified significant effects.
- The Consistency Assessment did not identify potentially significant environmental impacts that would result from re-implementing the proposed use of the Bob Middagh Trail by cyclists, and therefore did not identify any mitigation measures or alternatives to reduce the severity of identified potentially significant environmental impacts. There has

been no new information since the time that the Consistency Assessment was prepared that would affect the analysis of potentially significant environmental impacts, the need for mitigation measures, or alternatives. This includes review of the time period during which the Bob Middagh Trail was open to cyclists, June 2021 through April 2022. MCOSD assessed trail conditions following that time period, and have confirmed that there are no new potentially significant environmental impacts to the Bob Middagh Trail, and instead that the trail has remained in substantially the same condition since completion of physical improvements to the trail. Furthermore, the MCOSD has not identified any potentially significant environmental impacts that would result from re-implementing the proposed use of the Bob Middagh Trail by cyclists and therefore has not identified any mitigation measures or alternatives to reduce the severity of identified potentially significant environmental impacts. For these reasons, there is no new information that was not known when the Consistency Assessment was prepared that would result in new significant environmental impacts that were not discussed in the Consistency Assessment, increased severity of already identified and analyzed environmental impacts, feasibility of mitigation measures or project alternatives to reduce significant environmental impacts, or mitigation measures or alternatives which are considerably different from those analyzed in the Consistency Assessment that would reduce significant effects on the environment.

In conclusion, the MCOSD found that:

1. The change in use to permit cyclist use of the Bob Middagh Trail does not result in a change to the project, as the change in use was described in the Consistency Assessment.
2. There are no changes to the circumstances under which the project was undertaken that would result in major revisions of the Consistency Assessment to analyze new significant environmental impacts or a substantial increase in the severity of previously identified significant effects, including use of the Bob Middagh Trail by cyclists.
3. There is no new information that was not known when the Consistency Assessment was prepared that would result in new significant environmental impacts that were not discussed in the Consistency Assessment, increased severity of already identified and analyzed environmental impacts, feasibility of mitigation measures or project alternatives to reduce significant environmental impacts, or mitigation measures or alternatives which are considerably different from those analyzed in the Consistency Assessment that would reduce significant effects on the environment, including use of the Bob Middagh Trail by cyclists.

This is to advise that the Marin County Open Space District has re-approved the above-described change-in-use portion of the Bob Middagh and Gas Line Trails Improvement Project on August 26, 2022, and determined that no additional environmental review is required as the current action to re-implement the change-in-use is part of the Bob Middagh and Gas Line Trails Improvement Project, which was approved by the Marin County Open Space District on July 12, 2017 as part of the Road and Trail Management Plan, approved on December 16, 2014. The following determinations were previously made regarding the previously approved project, and were used as the basis for project approval:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Consistency Assessment was prepared for this project pursuant to the provisions of CEQA.
3. Mitigations measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project
5. A Statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the Final EIR with comments and responses and record of project approval, the consistency assessment, and the change-in-use re-approval evaluation memorandum, are available to the General Public at the Marin County Parks and Open Space District administrative office located at 3501 Civic Center Drive, Suite 260, San Rafael, CA 94903.

The filing of this Notice of Determination starts a 30-day statute of limitations on court challenges to the approval under CEQA.

Signature:



Max Korten, Director and General Manager

Date: **August 26, 2022**

Date Received for Filing at OPR

Contact: Michelle Julene, Regulatory Open Space Planner at mjulene@marincounty.org or 415.444.6740 (office cell)