

Attachment 3

MARIN MUNICIPAL WATER DISTRICT  
ORDINANCE NO. 465

AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.04 ENTITLED “VEHICLE AND TRAFFIC REGULATIONS” OF THE MARIN MUNICIPAL WATER DISTRICT CODE ADDING A NEW SECTION 9.04.006 TO ALLOW PILOT/TRIAL PROGRAMS PURSUANT TO AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT AS FOLLOWS:

**SECTION 1. Purpose:** The purpose of this Ordinance is to allow the Marin Municipal Water District (District) Board of Directors to adopt pilot/trial programs for bicycle use and use of electric Class I bicycles, on specified watershed lands, notwithstanding existing provisions in the District Code. This ordinance is intended to allow for the temporary and controlled introduction of these programs through the addition of a new section to Chapter 9.04, Title 9 of the District Code. The ordinance permits the Board of Directors to adopt and modify these pilot/trial programs by resolution, thereby providing the necessary flexibility to assess and adjust the programs as needed without the requirement for permanent amendments to the District Code during the trial periods.

**SECTION 2. New Section 9.04.006.** A new Section 9.04.006 is hereby added to Chapter 9.04, Title 9 of the Marin Municipal Water District Code to read as follows:

**Section 9.04.006 Pilot/Trial Programs for Bicycle Use:** Notwithstanding any other provision in this Chapter 9.04, the District may, by resolution of the Board of Directors, establish and implement one or more pilot or trial programs that allow the use of Class I electric bicycles on watershed lands where conventional bicycles are permitted, and that allow bicycles, including Class I electric bicycles, to be used on certain designated trails on a temporary basis, subject to the terms and conditions set forth by the Board.

**SECTION 3. Findings.** After considering all of the information, documents and testimony at a public meeting the Board of Directors finds as follows:

- a. Mt. Tamalpais and its adjacent watersheds support a rich array of plants and animals, panoramic vistas, and recreational opportunities that are treasured by residents and visitors alike. Since before the turn of the last century, Mt. Tamalpais has been a magnet for recreationists. The Marin Municipal Water District’s Mt. Tamalpais watershed lands receive approximately 2 million visitors annually and are part of the Golden Gate Biosphere Reserve (UNESCO 2002). Watershed users include anglers, hikers, equestrians, nature viewers, runners, walkers, youth camps, cyclists and many more.
- b. Recreational uses on public lands managed by the Marin Municipal Water District (District) are governed by the Mt. Tamalpais Watershed Management Board Policy 7, Part 5 and District Code Title 9 “Regulations for Use of Marin Municipal Water District

Lands”. The District has allowed conventional mountain bikes on natural surface fire roads (but not on narrow, single track trails) for many years as part of a road and trail system that also includes hiking, horseback riding, and other uses. Currently, E-bikes are considered motorized vehicles by the District and prohibited per District Code 9.04.001.

- c. With the emergence of electric bicycles (E-Bikes), the District initiated a community advisory committee process to better understand and evaluate the prevalence of E-bikes, and their potential impact on areas already open to conventional bicycles. A key outcome of the E-Bike CAC was a recommendation that the District review watershed visitation holistically which led to the initiation of the Watershed Recreation Management Planning Feasibility Study.
- d. The Board adopted the Watershed Recreation Management Planning Feasibility Study (Feasibility Study) at the April 16, 2024 Board of Directors Meeting. The Feasibility Study reviewed existing watershed recreational facilities, visitor use data, biological resources, stewardship and volunteer programs, and visitor management strategies.
- e. As part of the Watershed Feasibility Study, two pilot programs were identified as key Strategic Opportunities or next steps to collect data to help inform potential updates to visitor management policies and roads and trails management documents. One pilot program would evaluate trail sharing methods to assess bike access on a select number of single-track trails and another program would evaluate E-Bike access on the watershed in the same manner as regular bicycles.
- f. To inform the Trail Sharing Pilot, the District conducted trail assessments on a select number of trails which has included, conducting trail counts, evaluating trail conditions, assessing biological resources, hosting stakeholder meetings and reviewing visitor management strategies. The objective of the Trail Sharing Pilot Program is to examine new approaches to safely share trails and improve the trail experience for all visitors. The pilot project will test new methods to safely share a select number of trails and improve the trail experience for all users while protecting habitat, wildlife, and water quality.
- g. The objective of the E-Bike Class I Trial is to evaluate changes in E-Bike Class I usage and how the inclusion of E-Bikes Class I influences visitors’ watershed experience. Evaluating the allowance of Class I E-Bikes on the watershed in all locations where bicycles are allowed, including new trails under the trail sharing pilot program, will help inform the District’s watershed policy decisions.
- h. Changes to the District’s Code, Title 9, Chapter 9.04, are needed to allow these two pilot programs to proceed in compliance with the District Code.

**SECTION 3(A), Specific Trail Sharing Pilot Program Environmental Findings.** Pursuant to the California Environmental Quality Act (CEQA), the Board of Directors of the Marin Municipal Water District, consistent with its powers as Lead Agency, finds and declares as follows:

- a. **Substantial Evidence.** There is substantial evidence to support that the Trail Sharing Pilot Program is a critical initiative intended to assess the feasibility of multi-use trail sharing among hikers, bikers, equestrians, and other recreational users on designated single-track trails within the watershed. The program is designed to enhance recreational access while ensuring the protection of the watershed’s environmental resources. Based

on the comprehensive analysis conducted in the staff report, this program is categorically exempt from the California Environmental Quality Act (CEQA) under the following sections of the CEQA Guidelines:

- (1) **Section 15301 (Existing Facilities).** The program involves the continued operation and minor alteration of existing trails that have historically supported similar recreational activities. There will be no expansion of the use of these trails, and any modifications made will be minor and necessary to ensure the safety and usability of the trails during the pilot period. The Board finds that these activities qualify for an exemption under CEQA Guidelines Section 15301, as they involve negligible or no expansion of existing use.
  - (2) **Section 15302 (Replacement or Reconstruction).** Any maintenance or repair activities undertaken during the Trail Sharing Pilot Program will be confined to the existing footprint of the trails. These activities are limited to the replacement or reconstruction of existing facilities without increasing capacity or altering the character of the trail network. The Board determines that these activities are consistent with the categorical exemption under Section 15302.
  - (3) **Section 15304 (Minor Alterations to Land).** The program includes minor alterations to land, such as grading, erosion control measures, and other adjustments necessary to maintain trail usability. These alterations are minor in scope and do not involve the removal of healthy, mature, or scenic trees, nor do they result in significant environmental impacts. The Board concludes that these activities qualify for an exemption under Section 15304.
  - (4) **Section 15306 (Information Collection).** The program is designed to gather data on visitor patterns, trail conditions, and environmental impacts through systematic monitoring and data collection. These activities are crucial for informing future management decisions and are conducted in a manner that avoids significant disturbances to environmental resources. The Board finds that the information collection activities are consistent with the exemption under Section 15306.
- b) **No Exceptions to Categorical Exemptions are Applicable to the Trail Sharing Pilot Program.** The Board further finds that none of the exceptions to the categorical exemptions under CEQA Guidelines Section 15300.2 apply to the Trail Sharing Pilot Program, specifically:
- (1) **Location in Sensitive Environments.** The program is confined to trails that have been thoroughly evaluated and determined to be outside of environmentally sensitive areas. The program's design ensures that no new disturbances or encroachments into sensitive environments occur.
  - (2) **Cumulative Impact.** The program is temporary, closely monitored, and limited in scope. The Board has determined that it does not contribute to significant cumulative environmental impacts, even when considered in conjunction with other ongoing or foreseeable activities within the watershed.
  - (3) **Unusual Circumstances.** The use of trails for multi-use recreational purposes, including the introduction of controlled bicycle access, does not present any unusual circumstances that could lead to significant environmental effects.

- (4) **Scenic Highways and Historical Resources.** The trails involved in the program do not intersect with state-designated scenic highways or impact historical resources. The Board finds that the program does not involve the removal or alteration of significant visual or historical resources.

**SECTION 3(B), Specific E-Bike Class I Trial Program Environmental Findings.** Pursuant to the California Environmental Quality Act, the Board of Directors of the Marin Municipal Water District finds and declares as follows:

- a. **Substantial Evidence.** There is substantial evidence to support that the E-Bike Class I Trial is a necessary and carefully controlled initiative aimed at evaluating the impacts of allowing Class I electric bicycles on existing fire roads and multi-use trails within the watershed. This trial is designed to inform the District's future policies on E-bike use by providing information on Class I E-Bikes usage and visitor experiences. Based on the findings in the staff report, the Board determines that this trial is categorically exempt from CEQA under the following sections of the CEQA Guidelines:
- (1) **Section 15301 (Existing Facilities).** The E-Bike Class I Trial involves the continued use of existing fire roads and trails where conventional bicycles are permitted. The introduction of Class I electric bicycles does not involve any significant change in the operation or capacity of these facilities. The Board finds that these activities are consistent with the exemption under Section 15301, as they do not expand the existing use of these roads and trails.
  - (2) **Section 15304 (Minor Alterations to Land).** The trial includes minor land alterations necessary to accommodate the safe use of Class I E-Bikes on existing trails and roads. These alterations are minor and do not involve significant environmental effects, such as the removal of healthy, mature, or scenic trees. The Board concludes that these activities qualify for an exemption under Section 15304.
  - (3) **Section 15306 (Information Collection).** The program is designed to gather data on Class I E-Bike Usage and visitor experiences to help inform future management decisions and are conducted in a manner that avoids significant disturbances to environmental resources. The Board finds that the information collection activities are consistent with the exemption under Section 15306.
- b. **No Exceptions to Categorical Exemptions are Applicable to the Specific E-Bike Class I Trial Program.** The roads and trails selected for the trial are not located within environmentally sensitive areas. The Board confirms that the trial will not involve any new disturbances or encroachments into such areas.
- (1) **Cumulative Impact.** The trial is temporary and includes comprehensive monitoring to ensure that it does not contribute to significant cumulative environmental impacts. The Board has determined that the trial, when considered alongside other activities within the watershed, will not result in significant cumulative effects.

- (2) **Unusual Circumstances.** The introduction of Class I E-Bikes on existing roads and trails, where conventional bicycles are allowed, does not present any unusual circumstances that could lead to significant environmental effects.
- (3) **Scenic Highways and Historical Resources.** The trial does not impact state-designated scenic highways or historical resources. The Board finds that the trial does not involve the removal or alteration of any significant visual or historical resources.

**SECTION 4. Severability:** If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional and, to that end, declares the provisions of this ordinance severable from one another.

**SECTION 5. Effective Date:** This ordinance shall take effect 30 days following its adoption.

**SECTION 6. Reservation of Powers:** Nothing in this Ordinance shall prevent the District from exercising any of its powers under the California Water Code or other applicable law including but not limited to its power to adopt ordinances, resolutions, rules or regulations in response thereto.

**PASSED AND ADOPTED** this 3rd day of September, 2024, by the following vote of the Board of Directors:

**AYES:**

**NOES:**

**ABSENT:**

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**Ranjiv Khush**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**