

DISCUSSION: 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. With the onset of the COVID-19 Pandemic and associated Shelter in Place Orders, the number of watershed visitors drastically increased, overwhelming many of the District's facilities (restrooms, parking lots, trash receptacles and popular trails). This dramatic increase in users demonstrates the significant value of natural areas and open space lands to the community and the community's deep connection to these areas. However, this increase in visitors also accentuated long-standing watershed issues relating to existing facilities and between different visitor groups.

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, electric bikes are considered motorized vehicles by the District and prohibited per District Code 9.04.01.

With the emergence of electric bicycles (E-Bikes), the District initiated a community advisory committee (CAC) process to better understand and evaluate the prevalence of E-Bikes and their potential impact on areas already open to conventional bicycles. The E-Bike CAC processes started in 2018 and included seven meetings organized around major topics that were approved in advance by the CAC. When possible, topical experts were brought in to provide presentations to inform the E-Bike CAC members understanding of the topic areas. 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.

Watershed Recreation Management Planning Feasibility Study

The planning process for the Feasibility Study was designed to facilitate a conversation with the community regarding existing visitation in an effort to help address long-standing issues around various modes of recreation on Mt. Tamalpais. The Feasibility Study reviewed existing watershed recreational facilities, visitor use data, biological resources, stewardship and volunteer programs, and visitor management strategies. The planning process aligned with the District's adaptive watershed management strategy and informs multi-benefit outcomes that can be advanced to help protect the unique goals of different watershed visitors and the biodiversity of the District's watershed lands. The final section of the Feasibility Study presents a series of Strategic Opportunities organized around stewardship initiatives, visitor services, watershed facilities, and adaptive management operations.

As part of the Watershed Feasibility Study, two pilot programs were identified as key Strategic Opportunities or next steps. One pilot program to evaluate trail sharing methods to assess bike access on a select number of single-track trails. The second program is allowance of Class I E-Bikes for a trial period to evaluate E-Bike access on the watershed in the same manner as regular bicycles, including any trails where bike access would be permitted under the proposed Trail Sharing Pilot Program. To inform the Trail Sharing Pilot Program, 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 Trail Sharing Pilot Program and E-Bike Class I Trial include data collection and monitoring activities, consistent with CEQA Guidelines Section 15306, as further explained below. These activities have been carefully designed to avoid causing significant disturbances to environmental resources and are intended to inform future management decisions without requiring extensive physical alterations to the land.

Ordinance No. 465

In order to allow the proposed pilot and trial programs to proceed consistent with District Code, staff proposes that the Board of Directors adopt Ordinance No. 465, which would authorize the implementation of these programs notwithstanding current prohibitions in District regulations. This code revision would specifically authorize the District Board of Directors to adopt bicycle pilot/trial programs by resolution to preserve the flexibility to adaptively manage these programs without the need for further code revisions.

E-Bike Class I Trial

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 inclusion of Class I E-Bikes on existing roads and trails within the watershed, where conventional bicycles are permitted—including any new trails under the Trail Sharing Pilot Program—will provide critical data to inform the District's future watershed management and policy decisions. The trial is designed to assess potential impacts while ensuring that the inherent features of the project minimize environmental impacts, if any, consistent with CEQA Guidelines. Attachment 5 is a proposed resolution that authorizes E-Bike Class I's on watershed roads and trails that are open to bicycles.

Data collection process for the E-Bike Class I trial will include:

- A. Trail counters: Install trail counters at key entrances to collect data to understand the approximate number of bikes on the watershed.
- B. Visitor experience: Conduct two rounds visitor surveys to understand perceptions, experiences and conflicts over Trial period.

Trail Sharing Pilot Program

The objective of this Trail Sharing Pilot Program is to examine new approaches to safely share trails and improve the trail experience for all visitors. On select existing watershed trails, the District will collect data relating to visitor patterns, environmental conditions, and compliance with District regulations to evaluate various trail sharing strategies. 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.

Trail Sharing Strategies:

1. Trail types by user group:
 - Hiker & biker trail
 - Hiker, biker, and equestrian trail

2. Sharing strategies:
 - Directional trail for bike access
 - Days of the week portioning for user groups
 - Road to trail conversions
3. Bike trail experience:
 - Strategic connections
 - Loops
 - Range of technical difficulty

Not all watershed trails will be open to bikes as part of the Trail Sharing Pilot. To inform the selection of trails, the District conducted trail assessments on select watershed trails. Trail assessments included a review of biological resources, current visitor patterns, safety considerations, abiotic conditions, regulatory conditions and trail stewardship needs. Trail sharing strategies will be adaptively managed over the duration of the Pilot period and regulations signs installed at trailheads to inform visitors of bike access regulations and sharing strategies being evaluated. Attachment 1 includes the Trail Assessment matrix that summarizes the information collected for each proposed trail. Attachment 2 includes a series of maps for each trail segment that considers sensitive resources, water quality, trail conditions, and trail assessment points. The Trail Sharing Pilot Program will continue for a two-year period to allow the District to gather information on trail sharing strategies, visitor experience, trail conditions, and stewardship. Attachment 4 is a proposed resolution that authorizes the use of a subset of watershed trails for a Trail Sharing Pilot Program to evaluate multi-use access on single-track trails on the Mt. Tamalpais Watershed.

Data Collection Process for the Trail Sharing Pilot Program will include:

- A. Trail counters: Conduct trail counts along pilot trail route to collect data relating to visitor patterns.
- B. Invasive plants: conduct surveys as part of Early Detection Rapid Response EDRR with mapping of any new invasive plants occurring along pilot trail routes to understand vegetation impacts from change of use.
- C. Trail conditions: establish monitoring transects to evaluate changes in trail width, tread condition, drainage and erosion to help inform stewardship activities and trail designs standards.
- D. Photo monitoring: establish points used to document trail conditions before, during and after pilot period.
- E. Compliance: Increase patrols along pilot trails and adjacent trails to gather data on enforcement activities and efficacy of trail sharing method.
- F. Visitor experience: Conduct two rounds of visitor surveys to understand perceptions, experiences and conflicts along pilot trails.
- G. Evaluate the frequency and efficacy of enhanced community trail stewardship activities.

The District has developed a webpage to keep the community updated on the pilot process, which can be viewed: (<https://www.marinwater.org/WatershedRecPlan>).

ENVIRONMENTAL REVIEW: The proposed projects involve implementing a two-year Trail Sharing Pilot Program on selected trails within the watershed and E-Bike Class I Trail. These projects aim to evaluate the feasibility and impacts of shared trail use among hikers, bikers, and horseback riders, as well as the introduction of Class I E-Bikes on existing roads and trails where conventional bicycles are permitted.

The District has conducted extensive community outreach to ensure the proposed projects align with the District's goals of providing for high quality recreational opportunities and environmental protection of watershed resources. The District thoroughly reviewed the proposed Trail Sharing Pilot Program and E-Bike Class I Trial and determined that each project is categorically exempt from CEQA under Article 19, Categorical Exemptions, of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

CEQA Compliance

The projects include minor trail maintenance, visitor education, and comprehensive data collection activities, all designed to minimize environmental impacts while informing future management decisions. The proposed projects qualify, in the alternative, for categorical exemptions under CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and 15306 (Information Collection), as further described below, as they involve continued use and minor alterations of existing facilities without significant environmental effects.

Trail Sharing Pilot Program:

- **Section 15301 (Existing Facilities):** The program involves the continued operation and use of existing single-track trails within the Marin Municipal Water District's watershed without any expansion of the existing facilities. These trails have historically supported similar recreational activities, including hiking and horseback riding.
- **Section 15302 (Replacement or Reconstruction):** Any necessary maintenance or repairs during the pilot program will be confined to the existing footprint of the trails, involving the replacement or reconstruction of facilities without increasing capacity.
- **Section 15304 (Minor Alterations to Land):** The project includes minor public or private alterations such as grading and adjustments needed to maintain trail usability. These actions are minor and do not involve significant environmental impacts, consistent with the CEQA exemption.
- **Section 15306 (Information Collection):** The program includes comprehensive data collection and monitoring activities designed to evaluate visitor patterns, trail conditions, and environmental impacts. These activities are conducted in a manner that avoids significant disturbances to environmental resources and are essential for informing future management decisions [*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 703 (“upholding the application of a categorical exemption where cumulative impacts were found to be ‘not significant’”).].

E-Bike Class I Trial:

- **Section 15301 (Existing Facilities):** This trial is limited to existing roads and trails where conventional bicycles are permitted. The project does not involve any expansion of these facilities and continues their existing use under controlled conditions.
- **Section 15304 (Minor Alterations to Land):** Similar to the Trail Sharing Pilot Program, the E-Bike Class I Trial includes minor land alterations necessary to accommodate E-Bike usage, ensuring that these alterations are minimal and do not result in significant environmental effects.
- **Section 15306 (Information Collection)** – The proposed project will include basic data collection, which will gather information relating E-Bike Class I compliance and bike usage on the watersheds fire roads

and multi-use trails. The trial will gather data on E-Bike usage, visitor compliance, and environmental impacts to inform future management decisions.

Exceptions to CEQA Exemptions (Section 15300.2)

The District has also determined that none of the exceptions under CEQA Guidelines Section 15300.2 apply to either the Trail Sharing Pilot Program or the E-Bike Class I Trial. Specifically:

1. Location in Sensitive Environments

The District has carefully assessed the locations involved in both the Trail Sharing Pilot Program and the E-Bike Class I Trial and determined that neither project is located within an environmentally sensitive area as defined under CEQA Guidelines section 15300.2, subd. (a). The selected trails and roads have been evaluated for the presence of sensitive habitats, rare species, wetlands, and other resources of critical concern, and it has been confirmed that these areas are free from such environmental sensitivities. Furthermore, the projects are designed to operate within the existing footprint of these trails and roads, ensuring that no new disturbances or encroachments into environmentally sensitive areas will occur. Ongoing monitoring and data collection will further ensure that any unforeseen environmental impacts are quickly identified and mitigated. This assessment aligns with legal precedents where categorical exemptions were upheld for projects located outside sensitive environmental areas, thereby reinforcing the District's determination that the projects qualify for exemption.

2. Cumulative Impact

The District has carefully considered the potential cumulative impacts of the Trail Sharing Pilot Program and E-Bike Class I Trial, particularly in the context of other ongoing or foreseeable activities within the watershed. After thorough analysis, it has been determined that the cumulative impact of these projects is not significant.

These projects are inherently designed to be temporary, allowing for close monitoring and evaluation throughout their duration. The data collection and monitoring processes will provide real-time feedback, enabling the District to make necessary adjustments to mitigate any emerging environmental concerns promptly. This adaptive management approach ensures that even in conjunction with other activities within the watershed, the projects will not contribute to any significant cumulative environmental impacts.

Moreover, the projects are limited in scope and are confined to existing trails and roads, which have been used historically for similar recreational purposes without causing significant environmental harm. The introduction of Class I E-Bikes, which have a negligible additional impact, if any, compared to conventional bicycles, further reduces the likelihood of significant cumulative effects.

Legal precedents reinforce this conclusion, indicating that a project may qualify for a categorical exemption even when considered alongside other activities, provided that it does not contribute to significant cumulative environmental impacts. In *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 703, the court upheld the use of a categorical exemption where the cumulative impacts of the project were found to be “not significant.” Additionally, in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120, the court emphasized that cumulative impacts must be analyzed in light of the project's actual contribution to those impacts, rather than in the abstract.

3. Unusual Circumstances

The District has conducted a thorough evaluation and determined that the use of the trails and roads for multiple recreational activities, including the introduction of Class I E-Bikes, does not present any unusual circumstances that could lead to significant environmental effects. The selected trails and roads have historically supported a variety of recreational uses, including hiking and horseback riding, without incident or adverse environmental impacts. This historical use demonstrates the compatibility of the proposed activities with the existing environmental conditions.

Moreover, the introduction of Class I E-Bikes does not introduce any new or unique factors that would differentiate the project from past uses. Class I E-Bikes are pedal-assisted and limited in speed, making their impact comparable to that of conventional bicycles, which have been successfully integrated onto watershed roads for many years. The project design also includes ongoing maintenance and monitoring measures that are specifically intended to prevent any potential environmental impacts, further minimizing the likelihood of any significant effects.

Legal precedents support this conclusion, as courts have consistently held that for a project to lose its categorical exemption under the “unusual circumstances” exception, there must be substantial evidence showing a reasonable possibility of significant environmental impact due to the unusual circumstances. In this case, no such evidence exists [*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (“unusual circumstances must present a significant environmental impact to negate a categorical exemption”)], [see also *Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 820 (affirming that mere changes in use that do not introduce new significant environmental effects do not constitute unusual circumstances)].

4. Scenic Highways

The project areas do not include any state-designated scenic highways, and the projects will not involve the removal or alteration of any significant visual resources that contribute to scenic vistas.

5. Historical Resources:

The roads and trails involved in the proposed projects are not listed as historical resources, and the projects do not propose any activities that could adversely affect historical resources [*North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94, 110 (“confirming that a project is exempt from CEQA where it ‘does not affect historical resources’”)].

CONCLUSION

The District has thoroughly reviewed the proposed Trail Sharing Pilot Program and E-Bike Class I Trial and determined that both projects are categorically exempt from CEQA under multiple sections of the CEQA Guidelines. The data collection and monitoring activities inherent in these projects are meticulously designed to avoid significant disturbances to environmental resources and are intended to inform future management decisions.

The Trail Sharing Pilot Program, which will include the use of Class I E-Bikes along with bicycles, qualifies for categorical exemptions under Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and 15306 (Information Collection), as it involves the continued use and minor alterations of existing trails without any significant expansion or

environmental impact. Similarly, the E-Bike Class I Trial qualifies for categorical exemptions under Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land) and 15306 (Information Collection), as it involves the introduction of Class I E-Bikes on existing roads where conventional bicycles are permitted, with only minor adjustments necessary to accommodate this use. To the extent that Class I E-Bikes will be part of the Trail Sharing Pilot Program, the District finds that the exemptions cited for the Trail Sharing Pilot Program are inclusive of this use.



Additionally, the District has determined that none of the exceptions outlined in CEQA Guidelines Section 15300.2 apply to either project.

Given these findings, the Trail Sharing Pilot Program and E-Bike Class I Trial are both proper under the applicable categorical exemptions invoked, and the projects may proceed without further environmental review under CEQA.

FISCAL IMPACT: None.

ATTACHMENT(S):

1. Watershed Trail Sharing Pilot Screening Matrix
2. Watershed Trail Sharing Pilot Assessment Figures
3. Proposed Ordinance No. 465
4. Proposed Resolution for Trail Sharing Pilot
5. Proposed Resolution for E-Bike Class I Trial
6. Trail Sharing Pilot CEQA NOE
7. E-Bike Class I Trial CEQA NOE

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
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