



# STAFF REPORT

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**Meeting Type:** Board of Directors

**Title:** Rescind Watershed Trail Sharing Pilot Program & E-Bike Class I Trial and Adopt a Revised E-Bike Class I Pilot

**From:** Shaun Horne, Director of Watershed Resources

**Through:** Ben Horenstein, General Manager

**Meeting Date:** May 6, 2025

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**TYPE OF ITEM:**        X        Action                    Information

**RECOMMENDATION:** Rescind Resolutions No. 8790 and 8791, and approve by resolution a revised E-Bike Class I Pilot for a two-year period

**SUMMARY:** The Board adopted the Watershed Recreation Management Planning Feasibility Study (Feasibility Study) at the April 16, 2024 Board of Directors Meeting. A priority Strategic Opportunity Identified in the Feasibility Study was the establishment of a Trail Sharing Pilot and E-Bike Class I Trial. Staff reviewed the framework for these efforts at the June 20, 2024 Board of Directors Meeting and heard community input. At the September 3, 2024 Board of Directors meeting the Board approved the Trail Sharing Pilot Program and E-Bike Class I Trial. On October 1, 2024, the California Native Plant Society, the Marin Audubon Society and the Marin Conservation League filed a lawsuit against the District alleging that it failed to comply with the California Environmental Quality Act (CEQA) in its adoption of these programs and sought a temporary restraining order to stop the District's implementation of the Trail Sharing Pilot and E-Bike Class I Trial. Through extensive negotiation, the District has reached a settlement agreement with the petitioners, which anticipates a dismissal of the lawsuit with the rescission of Resolutions No. 8790 and 8791, but allows for the adoption of a revised E-Bike Class I Pilot on the watershed with certain parameters. Staff recommends that the Board of Directors approve a resolution to rescind Resolutions No. 8790 and 8791 effectively canceling both projects. Staff also recommends the Board review and approve by resolution a revised E-Bike Class I Trial for a two-year period.

**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. 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 (E-Bikes) are considered motorized vehicles by the District and prohibited per District Code 9.04.01.

To facilitate community input relating to E-bike access on the Mt. Tamalpais Watershed Lands the District held a public workshop in December of 2018 to better understand the public perspectives on E-bike access on the watershed. Based on the input received at the 2018 workshop the District Board of Directors decided to convene an E-Bike Community Advisory Committee (CAC) to review the benefits and concerns raised by the community. The E-Bike CAC held seven public meeting to explore E-Bike related topics from September 2019-April 2020. 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.

The District partnered with the Golden Gate National Parks Conservancy (GGNPC) to engage District Board members, executive leadership, stakeholders, and constituents in the development of a Watershed Recreation Management Planning Feasibility Study. Since June 2022, the District hosted six (6) community workshops, two (2) site visits, and completed an updated watershed census survey to solicit input relating to watershed operations and visitor management. A priority Strategic Opportunity identified in the Feasibility Study was the establishment of a Trail Sharing Pilot and E-Bike Class I Trial.

At the September 3, 2024 Board of Directors meeting, the Board approved a Trail Sharing Pilot Program and E-Bike Class I Trial. On October 1, 2024, the California Native Plant Society, the Marin Audubon Society and the Marin Conservation League filed a lawsuit against the District alleging that it failed to comply with the California Environmental Quality Act (CEQA) in its adoption of these programs and sought, and was granted, a preliminary injunction to stop the District's implementation of the Trail Sharing Pilot and E-Bike Class I Trial. Through extensive negotiations, the District has reached a settlement with the petitioners, which anticipates dismissal of the lawsuit against the District with the rescission of Resolutions No. 8790 and 8791, but provides for the District's adoption of a revised E-Bike Class I Pilot on the watershed. Staff recommends that the Board of Directors approve a resolution to rescind the Resolutions No. 8790 and 8791 that were approved at the September 3, 2024 Board of Directors meeting. Staff also recommends that the Board review and approve by resolution a revised E-Bike Class I Trial for a two-year period.

### **E-Bike Class I Pilot**

The objective of the E-Bike Class I Trial is to evaluate changes in E-Bike Class I usage and how the inclusion of Class I E-Bikes influences visitors' watershed experience. Evaluating the inclusion of Class I E-Bikes on existing fire roads within the watershed will provide critical data to inform the District's future watershed management and policy decisions. The pilot is designed to assess potential effects of Class I E-Bike Use on watershed roads while ensuring that the inherent features of the project avoid any potential environmental impacts, consistent with CEQA Guidelines section 15301 – Existing Facilities. Attachment 1 is a proposed resolution that authorizes E-Bike Class I's on watershed roads that are now open to conventional 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. Incident Reporting: Add additional signage at main kiosks with information about how to report illegal activities.

- C. Visitor experience: Conduct two rounds of visitor surveys to understand perceptions, experiences and conflicts over the E-Bike Pilot period.
- D. Social Trails: Continue monitoring use of social trails.
- E. Early Detection Rapid Response: Continue EDRR monitoring along Fire Roads.
- F. Bat Study: Conduct a bat study during E-Bike Pilot period.
- G. Northern Spotted Owl (NSO): The District will continue annual NSO monitoring on the Watershed.

**ENVIRONMENTAL REVIEW:** The proposed project involves implementing a two-year E-Bike Class I Pilot on the District's watershed lands. This project aims to evaluate the feasibility of allowing Class I E-Bikes on existing watershed roads. Over the past several years, 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 Revised E-Bike Class I Pilot and determined that the project is categorically exempt from CEQA under Article 19, Categorical Exemptions, of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), specifically pursuant to CEQA Guidelines Section 15301 (Existing Facilities) in that the proposed project is limited to existing roads where conventional bicycles and vehicles, as well as E-bikes used pursuant to the Americans with Disabilities Act, are already permitted. The operation and use of the roads will not be expanded beyond the roads' current capacities, which are maintained to support multiple types of uses and thus any use of the roads by Class I E-Bikes during the Pilot period would be negligible.

#### **Exceptions to CEQA Exemptions (Section 15300.2)**

The District has also determined that none of the exceptions under CEQA Guidelines Section 15300.2, subdivision (c), apply to the E-Bike Class I Trial. Specifically:

**1. Location in Sensitive Environments (CEQA Guidelines § 15300.2, subd. (a)):** This exception is limited to Classes 3, 4, 5, 6, and 11 CEQA categorical exemptions, none of which are being utilized for the Revised E-Bike Pilot Program. Therefore, the Board finds CEQA Guidelines section 15300.2, subdivision (a) is inapplicable.

**2. Cumulative Impact (CEQA Guidelines § 15300.2, subd. (b)):** There are no successive projects of the same type as the project currently located or proposed within the Watershed. Therefore, CEQA Guidelines section 15300.2, subdivision (b) is inapplicable.

**3. Unusual Circumstances (CEQA Guidelines § 15300.2, subd. (c)):** The Revised E-Bike Pilot will not result in unusual circumstances given its comparable size and location as regards other projects the District has found to be exempt under CEQA Guidelines section 15301. Therefore, the Board finds CEQA Guidelines section 15300.2, subdivision (c) is inapplicable.

**4. Scenic Highways (CEQA Guidelines § 15300.2, subd. (d)):** The exception specifies that a categorical exemption shall not be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State scenic highway. Here, there are no State-designated scenic highways adjacent to or in close proximity to the Revised E-Bike Pilot Roads. Therefore, the exception under Section 15300.2(d) is not applicable to the project.

**5. Hazardous Waste Sites. (CEQA Guidelines Section subd. 15300.2(e)):** The exception specifies that a categorical exemption shall not be used for a project located on a site that is included on a list compiled pursuant to Section 65962.5 of the Government Code ("Cortese List"). There are no such sites on the Watershed Roads. Therefore, the exception under Section 15300.2(e) is not applicable.

**6. Historical Resources (CEQA Guideline § 15300.2, subd. (f)):** The exception specifies that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. Here, the Revised E-Bike Pilot's authorization of E-Bikes on existing and Roads are not expected to disturb any known or potential historical resources. Therefore, the exception under Section 15300.2(f) is not applicable

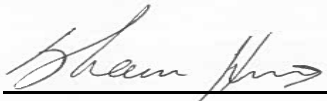

### Conclusion

The District has thoroughly reviewed the proposed the Revised E-Bike Class I Pilot and determined that the project is categorically exempt from CEQA under section 15301 of the CEQA Guidelines. This project has been meticulously designed to avoid significant disturbances to environmental resources and is intended to inform future management decisions.

**FISCAL IMPACT:** Not Applicable.

### ATTACHMENT(S):

1. Resolution Rescinding E-Bike Class I and Trail Sharing Pilot
2. Proposed Revised E-Bike Class I Pilot Resolution
3. E-Bike Class I Pilot CEQA NOE

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
<u>Watershed</u>	 <b>Shaun Horne</b> Watershed Resources Director	 <b>Ben Horenstein</b> General Manager