

Notice of Exemption

Attachment 3

Filing Requested By and When Filed Return To:

Marin Municipal Water District
220 Nellen Ave
Corte Madera, CA 94925
Attn: Shaun Horne, Director of Watershed Resources

Project Title: Mt. Tamalpais Watershed Revised E-Bike Class I Pilot

Project Location: 49 Sky Oaks Road, Fairfax

Project Location – County: Marin

Public Agency Approving Project: Marin Municipal Water District

Name of Person or Agency Carrying Out Project: Marin Municipal Water District

Project Description: The Marin Municipal Water District (District) proposes to implement a Revised E-Bike Class I Pilot for a period of up to two years on existing fire roads within the Mt. Tamalpais Watershed where conventional bicycles are permitted. This Pilot aims to evaluate the impacts of Class I E-Bike use on visitor experience, providing data to inform future decisions regarding E-Bike access on watershed lands.

CEQA Exemption Status : The District thoroughly reviewed the proposed Revised E-Bike Class I Pilot (Project) and determined that it 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 section 15301 exempts projects that “consist of the operation [] permitting, [] of existing public [] structures, [] or topographical features, involving negligible or no expansion of existing or former use” including “[e]xisting [] bicycle and pedestrian trails, and similar facilities...” The Revised E-Bike Pilot fits within this exemption as it only allows the continued operation and use of existing roads by Class I E-Bikes, which are already used for conventional biking and motor vehicle activity, as well as by individuals currently operating E-bikes pursuant to the Americans with Disabilities Act. 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 Revised E-Bike Class I 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, 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, 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 roads is not expected to disturb any known or potential historical resources. Therefore, the exception under Section 15300.2(f) is not applicable

Project Approval: The Marin Municipal Water District Board of Directors approved the Mt. Tamalpais Watershed Revised E-Bike Class I Pilot, at its regularly scheduled meeting on August 20, 2024.

Lead Agency Contact Person: Shaun Horne, Marin Municipal Water District **Telephone:** (415) 945-1190

Shaun Horne, Director of Watershed Resources

Date