

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO.

**RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT
AUTHORIZING REVISED E-BIKE CLASS I PILOT PROGRAM AND FINDING THE
PROGRAM EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15301 (EXISTING FACILITIES)**

WHEREAS, the Mt. Tamalpais Watershed lands owned and managed by the Marin Municipal Water District (“Watershed”) are comprised of 18,570 acres of land and receives approximately 2 million visitors annually, including anglers, hikers, equestrians, nature viewers, runners, walkers, youth camps, and cyclists. Marin Municipal Water District (“District”) Board Policy 7, entitled “Mount Tamalpais Watershed Management Policy” calls for the District to manage the Watershed for “water supply, natural wildland, scenic open space and limited passive recreational purposes.” As such, the District permits non-motorized and non-electric bicycles, otherwise known as conventional bicycles (“Bicycles”), as well as motorized vehicles, including cars, trucks, emergency service vehicles, equipment, and all-terrain-vehicles on approximately 91 miles all paved and fire roads on Watershed lands (“Roads”); and

WHEREAS, in 2018, the District initiated a community advisory committee process to better understand Class 1 electric bicycles, as defined by California Vehicle Code Section 312.5(a)(1), (“E-Bikes”), and their potential impact on areas already open to Bicycles, a key outcome of which was the recommendation that the District undertake a planning process to review watershed visitation holistically and consider updates to the District’s Watershed Road and Trail Management Plan adopted by the District in 2005, which, in turn, led to the initiation of the Watershed Recreation Management Planning Feasibility Study; and

WHEREAS, on April 16, 2024, following multiple community workshops, two community site visits and an updated watershed census survey to solicit input relating watershed operations and visitor management, the District Board of Directors (“Board”) adopted a Watershed Recreation Management Planning Feasibility Study (“Feasibility Study”), which reviewed existing watershed recreational facilities, visitor use data, biological resources, stewardship and volunteer programs, and visitor management strategies in alignment with the District’s adaptive watershed management strategy; and

WHEREAS, the Feasibility Study helped to inform 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 which presents a series of Strategic Opportunities organized around stewardship initiatives, visitor services, watershed facilities, and adaptive management operations; and

WHEREAS, one of the Strategic Opportunities identified in the Feasibility Study was a pilot program for E-bikes, which would evaluate changes in usage and how the inclusion of E-Bikes Class I influences visitors’ experience and bicycle usage on the Watershed; and

WHEREAS, the Feasibility Study identified the need to authorize an amendment to policy to allow the use of Class I E-Bikes on Roads on Watershed lands authorized for use by Bicycles in alignment with the District's goals of enhancing visitor experiences while protecting environmental resources; and,

WHEREAS, based on the Feasibility Study, the District designed the E-Bike Class I pilot program, which would permit the use of Class 1 E-bikes on Watershed Roads (“E-Bike Pilot Program”); and

WHEREAS, on September 3, 2024, the District adopted Ordinance No 465 amending the Marin Municipal Water District Code to add Section 9.04.006 which provides that the District may “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,” approved Resolution No. 8791 adopting the E-Bike Pilot Program and, as a separate project, approved Resolution No. 8790 adopting the Trail Share Pilot Program (“Trail Share Pilot Program”); and

WHEREAS, on May 6, 2025, the District rescinded Resolution No. 8790 adopting the Trail Share Pilot Program and does not currently propose authorizing the use of E-Bikes on any trails on Watershed lands open to use by visitors (“Trails”); and

WHEREAS, on May 6, 2025, the District rescinded Resolution No. 8791, and as the District now desires to implement a “Revised E-Bike Pilot Program” to serve as a pilot program to evaluate the feasibility of permanently allowing Class I E-Bikes on Watershed Roads, in line with the strategic goals identified in the Feasibility Study, with the inclusion of additional design features consistent with its Settlement Agreement with California Native Plant Society Marin Audubon Society and Marin Conservation League in *California Native Plant Society et al. v. Marin Municipal Water District*, Marin County Superior Court Case No. CV0004078, and to ensure the Project addresses public concerns; and

WHEREAS, the Board is the Lead Agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.); and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to District Code section 9.04.006, the Board hereby adopts the Revised E-Bike Pilot Program on the Mt. Tamalpais Watershed. The Revised E-Bike Pilot Program, under which Class I E-Bikes will be allowed on all Watershed Roads will commence on July 1, 2025 and will

continue for a period of up to two (2), subject to the following provisions which will occur during, and as part of, the Revised E-Bike Pilot Program.

BE IT FURTHER RESOLVED that, over the duration of the Revised E-Bike Pilot Program, the District shall continue monitoring of all Roads, and Trails including eight pedestrian and bicycle counting devices produced by Eco Counter (“Multi-Modal Trail Counters”), with Bicycles and E-Bikes as one mode at the following locations:

1. Sky Oaks Meadow
2. Deer Park
3. Natalie Coffin/Phoenix Lake
4. Pine Mountain Road at Bolinas Fairfax Road
5. Old Railroad Grade
6. Eldridge Grade
7. Pine Mountain
8. Concrete Pipeline Fire Road (recognizing limited public use due to ongoing District Work)

BE IT FURTHER RESOLVED that, over the duration of the Revised E-Bike Pilot Program, the District will take further steps to advance monitoring of bat species as outlined in **Exhibit “A”** (“Bat Study”) of this Resolution.

BE IT FURTHER RESOLVED that, over the duration of the Revised E-Bike Pilot Program, the District will monitor any Northern Spotted Owl (“NSO”) nests along Concrete Pipeline Fire Road during 2025 and 2026 consistent with the District’s ongoing NSO survey and monitoring work.

BE IT FURTHER RESOLVED that, over the duration of the Revised E-Bike Pilot Program, the District will conduct visitor surveys regarding the use of E-Bikes on Watershed Roads, including interactions with other users as well as the condition of Roads on the Watershed.

BE IT FURTHER RESOLVED that the District will continue its current practice of monitoring and documenting the current occurrence and spread of District-identified priority invasive plant species along Roads over the duration of the Revised E-Bike Pilot Program pursuant to the MMWD Biodiversity Fire and Fuels Integrated Plan.

BE IT FURTHER RESOLVED that the District will continue its current practices of monitoring the creation of new non-system trails on the Watershed, which are not maintained or actively managed by the District (“Social Trails”) and use of Social Trails on the Watershed with an intent for the District to prioritize the future decommissioning of specific Social Trails based on the District's assessment of potential impacts to sensitive plant and wildlife species, among other factors.

BE IT FURTHER RESOLVED that the District will establish an improved method of incident reporting, e.g., improved existing trailhead kiosk at primary entrances to include ways to report incidents.

BE IT FURTHER RESOLVED, that upon conclusion of the Revised E-Bike Pilot Program, the Board will review the collected data and make a determination regarding the permanent status of Class I E-Bikes on the Watershed, including any necessary amendments to District policies and regulations.

BE IT FURTHER RESOLVED, the Board has determined that the Revised E-Bike Pilot Program is categorically exempt from further CEQA review under Article 19, Categorical Exemptions, of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), pursuant to CEQA Guidelines Section 15301 – Existing Facilities. CEQA Guidelines 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 Board finds that 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 Pilot would be negligible.

BE IT FURTHER RESOLVED that the Board has determined that none of the exceptions under CEQA Guidelines section 15300.2 apply, as follows:

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)): The Board finds there are no successive projects of the same type as the Pilot Program currently located or proposed within the Watershed. Therefore, the Board finds CEQA Guidelines section 15300.2, subdivision (b) is inapplicable.

3. Unusual Circumstances (CEQA Guidelines § 15300.2, subd. (c)): The Board finds that the Revised E-Bike Pilot Program 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 Program's 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 Program's authorization of E-Bikes on existing and paved Roads are not expected to disturb any known or potential historical resources. Therefore, the exception under Section 15300.2(f) is not applicable

BE IT FURTHER RESOLVED, based on its review of the Revised E-Bike Pilot Program, the staff report, and other relevant documents comprising the administrative record, and based on the foregoing, the Board directs staff to file and post a Notice of Exemption with regard to its determination that there is substantial evidence to support the finding that the Revised E-Bike Pilot Program is exempt from further CEQA review under CEQA Guidelines Section 15301.

PASSED AND ADOPTED this 6th day of May, 2025, by the following vote of the Board of Directors.

AYES:

NOES:

ABSENT:

Matt Samson
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

EXHIBIT A

BAT STUDY

Introduction

The Mt. Tamalpais Watershed provides habitat for a diverse assemblage of bat species. This study utilizes the North American Bat Monitoring Program (NABat) acoustic monitoring protocols and aligns with the broader One Tam Bat monitoring efforts but with a focus on periodic monitoring and data collection pre-project and during the term of the e-bike pilot, in selected bat habitats on the Mt. Tamalpais Watershed.

Methodology - Acoustic Monitoring

Conduct NABat grid-based (10Km x 10Km) acoustic monitoring protocol on the Mt. Tamalpais watershed with four sub grid (5km x 5km) monitoring sites. Two acoustic monitoring stations will be established within each sub grid in areas with bat habitat (habitat favorable for bat foraging or roosting), totaling eight detectors. The monitors will be evenly distributed adjacent to: (1) busy fire roads, (2) lower use fire roads and (3) two sites at least 100 meters from a fire road. Additional selection criteria are habitats that best support bat species, including species known to be most sensitive to high frequency noise. One busy fire road site and one remote site shall be in habitat favorable for bat roosting. All sites adjacent to fire roads shall include fire roads where it would be expected that e-bikes users would engage their electric motors. Monitoring stations adjacent to fire roads shall be placed within two meters of a fire road. Sites that meet the above criteria will be identified by a bat biologist.

Each site will be equipped with full-spectrum acoustic detectors (e.g., Titley Electronics Ranger or Pettersson D500X, Wildlife Acoustics Song Meter SM4BAT) deployed for a minimum of four nights per habitat site, in each season (July, fall, winter and spring) but will also complete one monitoring session prior to commencement of the E-Bikes Pilot and will be carried out over the two consecutive years during the E-Bike Pilot (the "Monitoring Period").

- Each monitoring period shall include at least two week days and two weekend days or national holidays.
- The preferred protocol is contemporaneous monitoring of the eight sites. If, in any quarter, sites are monitored sequentially, the order in which sites will be monitored shall be randomized.
- Monitoring stations shall be operational on a 24 hour basis on nights that are monitored. A bat biologist will consider weather conditions, including inclement weather, strong winds, rain or temperatures below 40 degrees in determining the appropriate time for monitoring during each season.

- Data will be processed using Sonobat and Kaleidoscope software to classify species presence and activity levels.

Data Analysis and Report

Acoustic data will be analyzed to determine species diversity (number of different species detected), distribution, activity levels (based on bat call recordings by species), seasonal trends, and habitat use (“Habitat” as defined in the Wildlife Habitats – California Wildlife Habitat Relationships System: <https://wildlife.ca.gov/Data/CWHR/Wildlife-Habitats>).

- Following the data collection, the bat specialist will analyze the data to document each species of bat present in each habitat area and relative abundance of each species.
- Analysis will compare diversity and abundance of species over the Monitoring Period (including by site and between sites).
- Findings of the monitoring will be summarized in a report made available to the public along with an appendix including all raw digital acoustic files, including full-spectrum bat and noise data. This approach will enhance the District’s understanding of bat species presence, distribution, habitat, and activity within the Mt. Tamalpais Watershed and will contribute to the broader One Tam Monitoring efforts while aligning with NABat methodologies that feed into a national database and monitoring program.