

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO. 8791

RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT AUTHORIZING WATERSHED E-BIKE CLASS I TRIAL PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, 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” pursuant to which E-bikes are considered motorized vehicles by the District and prohibited per District Code 9.04.001; and

WHEREAS, in 2018 the District initiated a community advisory committee process to better understand E-bikes, and their potential impact on areas already open to conventional 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 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 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 District has actively engaged with community stakeholders through workshops, site visits, and surveys to ensure that the E-Bike Class I Trial is informed by diverse perspectives and aligns with the values of environmental stewardship and sustainable recreation; and

WHEREAS, the trial will include ongoing monitoring and community feedback mechanisms to ensure that any potential negative impacts are identified and addressed promptly; 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 was an E-bike Class I Trial on existing District fire roads and trails that allow use of conventional bicycles, 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 all roads and trails where conventional bicycle usage is permitted, for the duration of the E-Bike Class I Trial Program, subject to the findings and conditions outlined in this resolution and the accompanying staff report, which aligns with the District's goals of enhancing visitor experiences while protecting environmental resources; and,

WHEREAS, this trial will serve as a pilot program to evaluate the feasibility of permanently allowing Class I E-Bikes on certain District lands, in line with the strategic goals identified in the Feasibility Study; and,

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

WHEREAS, there is substantial evidence demonstrating that the E-Bike Class I Trial design incorporates inherent features specifically intended to minimize environmental impacts, including, but not limited to, the limitation of the trial to existing roads and trails where conventional bicycles are permitted, the maintenance of these trails to accommodate the additional use without expansion, and the implementation of visitor education programs to ensure responsible use of E-bikes within the watershed; and

WHEREAS, these design features are integrated into the project's framework to proactively manage and reduce any potential environmental impacts, ensuring that the trial operates within the environmental capacity of the watershed's ecosystems; and

WHEREAS, these inherent features function as part of the project's baseline operations and are not considered mitigation measures under CEQA (Pub. Resources Code, § 21000 et seq.), as they are designed to maintain the ecological integrity of the watershed without necessitating additional mitigation measures; and

WHEREAS, the project's approach aligns with best management practices and environmental stewardship principles outlined in the Watershed Road and Trail Management Plan, thereby supporting the sustainability of the watershed's natural resources throughout the duration of the trial.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to District Code section 9.04.006, the Board hereby adopts an E-Bike Class I Trial on the Mt. Tamalpais

Watershed, permitting the use of Class I E-Bikes on all roads and trails where conventional bicycles are allowed on watershed lands (“trial period”). This trial period will commence on October 3, 2024, and will continue for a period of up to two (2) years, during which time the District will collect data on usage patterns, visitor experiences, and potential environmental impacts.

BE IT FURTHER RESOLVED, that upon conclusion of the trial period, 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, that the Board has reviewed the E-Bike Class I Trial Program, the staff report, and the Draft Notice of Exemption prepared by staff, and based on the foregoing, determines that there is substantial evidence to support the finding that the project design includes inherent features intended to minimize environmental impacts, such as the limitation of E-Bike use to existing roads and trails, ongoing trail maintenance protocols, and visitor education programs, which are integral to the project and do not constitute mitigation measures as defined under CEQA (Pub. Resources Code, § 21000 et seq.).

BE IT FURTHER RESOLVED, the E-Bike Class I Trial Program is categorically exempt from further CEQA review under Article 19, Categorical Exemptions, of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), pursuant to the following CEQA exemptions:

1. Section 15301 – Existing Facilities (Cal. Code Regs., tit. 14, § 15301):

The Board finds that the project involves the continued operation and use of existing roads, which have been used for conventional biking, and trails within the Marin Municipal Water District’s watershed, which have historically been used for recreational activities; and further finds that these roads and trails have been maintained to support multiple types of use without expanding beyond their current capacities; and determines that the project does not propose any expansion of these roads and trails but continues their existing use under controlled conditions, all because the ongoing management practices ensure that the roads and trails are maintained within their existing capacities without alteration or expansion, and because such continued use is consistent with the exemption set forth in section 15301 of the CEQA Guidelines.

2. Section 15304 – Minor Alterations to Land (Cal. Code Regs., tit. 14, § 15304): The Board finds that the project includes minor public or private alterations, such as grading or minor adjustments necessary to maintain the roads and trails in a condition suitable for the inclusion of Class I E-Bikes; and further finds that these activities will not involve significant alterations to the landscape, all because these minor alterations are intended to maintain the usability of the roads and trails without significant environmental impact, and because such actions fall within the

scope of the exemption under section 15304 of the CEQA Guidelines.

3. Section 15306 – Information Collection (Cal. Code Regs., tit. 14, § 15306): The Board finds that a critical component of the E-Bike Class I Trial is the collection of data to evaluate the impact of E-Bikes use on the watershed; and further determines that this data collection will be conducted in a manner that avoids significant disturbances to environmental resources, all because the information gathered is necessary to inform future management decisions and adaptive strategies, and because the collection of such data is consistent with the exemption under section 15306 of the CEQA Guidelines.

BE IT FURTHER RESOLVED that the Board has determined that none of the exceptions under CEQA Guidelines section 15300.2 (Cal. Code Regs., tit. 14, § 15300.2) apply, as follows:

1. Location in Sensitive Environments (Cal. Code Regs., tit. 14, § 15300.2, subd. (a)): The Board finds that the project area is not located within environmentally sensitive zones and does not impact any resources of critical concern, all because the selected roads and trails have been assessed and determined to be non-sensitive, and because no critical environmental resources are present that would trigger the exception under section 15300.2, subdivision (a) of the CEQA Guidelines.

2. Cumulative Impact (Cal. Code Regs., tit. 14, § 15300.2, subd. (b)): The Board determines that the cumulative impact of this project, when considered in conjunction with other ongoing or foreseeable activities within the watershed, is not significant; and further finds that the trial program is designed to be temporary and is subject to close monitoring, with necessary adjustments made to prevent any contribution to significant cumulative impacts, all because the project is limited in scope and duration, is closely monitored, and because this ensures that no significant cumulative impact will result, consistent with section 15300.2, subdivision (b) of the CEQA Guidelines.

3. Unusual Circumstances (Cal. Code Regs., tit. 14, § 15300.2, subd. (c)): The Board finds that the use of the roads and trails for multiple recreational activities, including the introduction of Class I E-Bikes, does not present any unusual circumstances that could result in significant environmental effects, all because these roads and trails have historically supported similar uses without incident, and because the trial does not introduce any new or unique factors that would invoke the exception under section 15300.2, subdivision (c) of the CEQA Guidelines.

4. Scenic Highways (Cal. Code Regs., tit. 14, § 15300.2, subd. (d)): The Board finds that the project area does not include any state-designated scenic highways; and further finds that the project will not involve the removal or alteration of any significant visual resources that contribute to scenic vistas, all because the

roads and trails are not located near any scenic highways, and because the project does not alter the visual landscape in a manner that would trigger the exception under section 15300.2, subdivision (d) of the CEQA Guidelines.

5. Historical Resources (Cal. Code Regs., tit. 14, § 15300.2, subd. (f)): The Board determines that the roads and trails involved in the project are not listed as historical resources; and further finds that the project does not propose any activities that could adversely affect historical resources, all because the roads and trails are not designated as historical, and because the project's activities do not impact any resources that would invoke the exception under section 15300.2, subdivision (f) of the CEQA Guidelines.

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

AYES: Directors Larry Russell, Monty Schmitt, Jed Smith, Matt Samson, and Ranjiv Khush

NOES: None.

ABSENT: None.



Ranjiv Khush
President, Board of Directors

ATTEST:



Terrie Gillen
Board Secretary