

From: [John Boeschen](#)
To: [Board Comment](#)
Subject: Allow ebikes on water district lands & open Northside single track to bikes
Date: Monday, June 17, 2024 9:12:12 AM

Dear MMWD Board,

I'm submitting this email for the 20 June Board meeting.

I'm writing about ebike access in water district lands. I believe that allowing ebikes to go where other bicyclists are allowed would be beneficial for the community.

As you know, hikers already have 60 miles of exclusive trails to enjoy, while bicyclists are limited to shared fire roads. However, these fire roads are not typically crowded, and there is no reason to ban ebikes from them. Furthermore, the GGNRA allows ebikes, making it inconsistent to have different rules in different jurisdictions on the same mountain.

Riding a pedal-assist bicycle on Mt. Tam is an important aspect of my recreation and physical fitness. As a polite and courteous ebike rider, I respect other visitors and the environment, and I support avoiding impacts to the most sensitive habitats on the watershed, provided it is supported by science. In these areas, there may be additional conditions to minimize impacts, such as seasonal closures or monitoring, but this should not prevent ebike riders from enjoying the trails in general.

Also, please consider allowing all bikes on Northside single track. For rides to and from Bolinas Ridge, Northside offers a safe alternative to Ridgecrest Road.

Thank you for your time and consideration.

Sincerely,
John Boeschen
San Rafael

From: [Bridget Clark](#)
To: [Board Comment](#)
Subject: Consideration for upcoming meeting
Date: Tuesday, June 18, 2024 7:38:40 PM

Dear Marin Water Board of Directors,

I wanted to share my appreciation for your development of the pilot programs. As a native of Marin I've enjoyed hiking and biking in the watershed with my family and friends my entire life. It would be such a delight to have access to the Northside trail as a cyclist and would love to see this be part of your pilot program. I would also like to give a plug for a trial for an e-bike pilot program even though I am not using one on the trails, but I may one day when I need some help on the hills. When I bike I often run into e-bikers who tell me they couldn't manage the mountain without one. I believe with care and consideration, plus help from the community, we can make these pilot programs successful.

As an outdoor enthusiast, I really hope you will adopt both of these pilot programs.

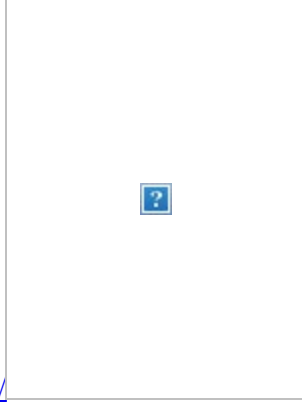
With gratitude,

Bridget Clark

From: [Bob Mittelstaedt](#)
To: [Board Comment](#)
Subject: June 20 meeting, Agenda Item 4 c
Date: Tuesday, June 18, 2024 8:05:53 AM
Attachments: [MMWD comments June 20.pdf](#)

Attached is our comment. Thank you.

<https://link.edgepilot.com/s/8aecc4c1/D4fGnw1ZMEafFmQKiJ2E9g?>



[u=https://www.ebikeaccess.org/](https://www.ebikeaccess.org/)



To: Marin Water Board of Directors
Cc: Ben Horenstein, Shaun Horne
Date: June 18, 2024
Re: June 20, 2024 Meeting Agenda Item 4 c

Our non-profit organization, E-bike Access, represents Marin’s pedal-assist mountain bikers. We are long-time Marin residents and Marin Water ratepayers who ride responsibly and are stewards of the environment. Three of our founders were members of the MMWD Citizen’s Advisory Committee on E-bikes. We have continued to participate in the district’s consideration of e-bikes and recreation management planning.

We congratulate Marin Water for its unanimous decision to allow pilot programs for class 1 e-mountain bicycles and single-track trails. Our continuing objective is to support a sensible recreation plan that welcomes those who want to enjoy Mt. Tam including responsible riders of pedal-assist bicycles. From the very start, we have sought dialogue with those of different views — and we will continue to do so in the true inclusive spirit of Marin County.

Unfortunately, some groups continue to press their position that only their favored forms of recreation should be permitted. They offer several arguments, but no supporting data or evidence. Overall, their depiction of the Mt. Tam watershed is at odds with what those of us who frequent the watershed actually see.

Let’s start with what should be common ground.

- Water quality is and should be the first priority. Fortunately, thanks to Marin Water’s diligent efforts, our water meets or exceeds all state and

federal standards. Experience and data demonstrate that water quality and recreational use of the watershed are compatible.

- Most of the watershed should continue to be free of roads and trails, with "wild nature" being protected. Again, with 21,000 acres of watershed, this goal is a reality. It should not preclude properly engineered new trails particularly when coupled with closing and restoring environmentally unsound "social" trails.
- Recreation is compatible with these principles, and has been an important part of the watershed from the outset. Bicycles first summited Mt. Tam in 1894, just after Eldridge Grade was completed. In 1911, when William Kent donated land for the water district, his "vision" was for the "preservation and development of the whole Mt. Tamalpais area as a **recreation** area and water district." (Auwaerter and Sears, "Historic Resource Study for Muir Woods National Monument" (2006), p. 320). Observing that new water projects elsewhere "created park-like spaces for recreational use that did not interfere with the water supply," Kent noted that "trails on Mt. Tamalpais could be designed so as to do no injury to the purity of water."

Although John Muir had the "religious" vision that "wilderness should be preserved as sacred space to serve the spiritual needs of humanity," Kent believed that "parks should serve the needs of a democratic people . . . removing privileges reserved for only a few." (p. 328). Kent's view prevailed, to the benefit of generations of Marinites and others who have enjoyed the beauty and recreation offered by Mt. Tam. Today, a sign at Phoenix Lake announces that Marin Water wants to provide "**inclusive** access to recreational opportunities for diverse users."

- Hikers have 60 miles of trails set aside for their exclusive use. Hikers and cyclists share another 90 miles of fire roads. Once away from Phoenix Lake and Lake Lagunitas, most of the roads and trails are little used.
- The Slow and Say Hello program (a collaboration of hiking, equestrian and cycling organizations) promotes courteous sharing of the road, with

respect for other visitors, wildlife and the environment. As earlier explained MCL spokesperson (but omitted from their opposition letter):

“Most hikers have come to accommodate the culture differences between their mode of travel and that of mountain bikers, and the majority of bikers, in turn, have learned to acknowledge the different experiences sought and accommodate their behavior.”

There is, of course, always room for improvement. As MCL added:

“Consistent signage and a concerted and strategic attempt across jurisdictions to instill speed limits into visiting bikers would go a long way to solve the major source of user conflict.”

We agree. Education and outreach are more desirable than outright bans on one group or another.

Turning to e-bikes, Class 1 e-bikes are “pedal assist.” That means they require pedaling, unlike Class 2 e-bikes which have a throttle and do not require pedaling. It is easy to tell the difference. On Mt. Tam, the typical e-cyclist is a senior citizen whose legs or lungs are no longer strong enough to take them to the top but who want to “stay young,” prolong their lives and continue to enjoy Mt. Tam. We are courteous riders who try to set a good example for all bicyclists and who help create peer pressure in the right direction. We are part of the solution, not the problem.

In December 2020, the Marin Water staff recommended a three year trial program for treating class 1 pedal-assist e-bikes the same as other bicycles consistent with California law. It was the culmination of two years of study and was consistent with the majority view of the E-bike CAC and the public workshops held by Marin Water. It is also consistent with the recent Marin Water survey in which a clear majority of the participants (most of whom were hikers) favored e-bike access. And it is consistent with the scientific studies showing that e-bikes have no greater impact on the environment than regular bikes.

The reality is that e-bikes account for a significant percentage of bikes on Mt. Tam now, and the Golden Gate National Recreation Area

allows them almost everywhere other bicycles are allowed. GGNRA officials advise that class 1 e-bikes have caused no problems which is why they continue to approve e-bike access in their annual review process.

In short, contrary to the predictions of naysayers, the sky has not fallen, and the environment and water quality have not been impaired. It is past time for all visitor groups to come together and celebrate our common bond on the majestic slopes of Mt. Tam.

Various groups have submitted comments to Marin Water over the last several months. Below is a brief response to the principal comments.

Marin Conservation League

MCL complains about the “ability of all bikes to cover great distances and invade even the most remote and pristine MW areas.” But riding a bicycle on a fire road isn’t an “invasion,” and areas with fire roads aren’t exactly “remote” or “pristine.” We continue to invite MCL to identify any specific areas and their scientific basis for putting them off-limits, understanding that if certain areas are too fragile they should be closed to all visitors, not just to one or the other group.

MCL has no real answer to the fact that hikers have 60 miles of trails dedicated exclusively for their use, and bicycles have none. Instead, they assert that this is equitable because bicycles can ride elsewhere. But hikers have countless trails available to them elsewhere, and no one thinks that is any basis to discriminate against them here.

MCL proposes that no new “trail opportunities” be provided until “the bike community as a whole demonstrates adherence to rules.” But 100% compliance is too high a standard for anything. No visitor group can meet that standard. Indeed, MCL recognizes that unleashed dogs “spook” horses and horse “scare” other visitors. We favor steps to minimize the “startle” factor, no matter how infrequently it occurs, by compliance with the Slow and Say Hello protocols and further education and monitoring.

It puts the cart before the horse to suggest that more enforcement is the answer. The first step is to figure out reasonable rules and regulations

rather than enforcing outdated ones. This approach will achieve a more equitable and longer lasting resolution. The best way to stop poaching on hiking trails is to shut social trails (many of which were built and continue to be used by hikers) to all visitors in exchange for some properly designed biking trails as Marin Water plans to do. This is an area to congratulate the Board, not criticize it.

No one should want to return to the situation in 1911 when water companies “maintained armed guards to keep hikers, hunters, and fishermen off their lands, and they were strongly resented.” (<https://marinhistory.org/resources/Documents/Bulletins/Fall%202021%20Bulletin.pdf>.) MCL’s call for “strict enforcement” of outdated rules is not the answer today either.

If MCL had been willing to engage with the cycling community on a recreation plan instead of taking a “no compromise” confrontational attitude, there is much that might have been agreed — a code of conduct, educational and peer pressure approaches, volunteer patrols, more slow zones, etc. Litigation only raising the costs to ratepayers and will not change the outcome, as MCL’s unsuccessful efforts to shut down e-bikes in the GGNRA has demonstrated.

CNPS

Marin Chapter California Native Plant Society asserts that the Feasibility Study “virtually ignores” illegal trail building, illegal trail use and night riding. No it doesn’t. Indeed, the multi-use pilot is designed to provide a legal alternative to illegal trail use and thereby discourage poaching.

CNPS complains that the Study should start with “baseline data.” It does. The 13th-hour call for an environment study of illegal trails before allowing a pilot multi-use trail makes no sense. We won’t know if the pilot reduces poaching until the trial occurs. And that might not be material under CEQA in any event.

CNPS is uninformed when it comes to e-bikes. The three classes of e-bikes are easy to distinguish, as evident from the websites they cite.

Class 1 look like mountain bikes. Class 2 look like mopeds. Class 3 are the familiar cargo bikes.



Contrary to their further argument, e-bikes do “announce” their class; they are required to do so by Vehicle Code 312.5(c): “manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.” Without the specified class label, it is not a legal e-bike.



E-bikes are not “being made to go over 50 mph.” Those are motorcycles, and easily distinguished.

E-bike Access has led the fight to remove these throttle devices from Marin’s streets and schools, and will help ensure that they do not end up on Mt. Tam. We would welcome CNPS and others joining in their effort.

MCCNPS’s other major flaw is to assume its conclusion: that class 1 e-mountain bikes “damage the environment” and do so more than other bicycles and hikers. They present no data or evidence to that effect. And they ignore all the evidence presented by the NPS in the lawsuit brought by MCL and others with respect to the GGNRA allowing e-bikes.

If there were any measurable environment impact from e-bikes, it would already be evident given that e-bikes have been prevalent on Mt. Tam for years—a fact ignored by CNPS. And the debate over whether hikers or bikers are more responsible for social trails is off-point when it comes to e-bikes. No one claims that e-bikes are the issue. On the topic of social trails, CNPS calls for a “narrative” but ignores Project Restore. And no evidence is presented that e-bikes riding on fire roads contributes in the slightest to the invasive plant problem.

CNPS conjures problems if humans go into “untrammeled or seldom visited areas.” Whatever problems are caused by hikers going cross-country and off-trails, e-bikes typically stick to well-established fire roads. The fact that some portions of fire roads can be considered “seldom visited” belies the contradictory claim that the watershed is reaching capacity. The related fear that e-bikes will venture too far from civilization suggests a lack of familiarity with the watershed. We challenge the critics to identify a fire road that fits that description.

CNPS calls for an update to the 2005 Road and Trail Management Plan, noting that the useful life of such plans is usually 20 years. But it ignores that the Study already calls for the same thing.

Eventually, CNPS recognizes that the proper sequencing is for the pilot programs to identify and address any significant environmental impacts. But its call to establish “metrics of behavior change” in advance is unrealistic and unnecessary. Of course, the data to be collected in the pilots should be determined in advance, as if there is any other logical sequence, subject to modification as the pilots proceed.

In asking about “enforcement,” CNPS incorrectly assumes that widespread violations will occur. Marin Water has made clear its expectation that poaching, to the extent it occurs, will be reduced as part of the multi-use pilot. Typically this is not an e-bike issue.

If these pilots become “political footballs,” it will be the result of critics like CNPS that spend more time threatening lawsuits than making constructive suggestions or acknowledging the rights of others.

Contrary to CNPS' suggestion, the e-bike pilot is in keeping with the visitor survey results. More than 80% of the visitors who stopped to take the in-person survey were on foot. Nonetheless, only 25% favored "restricting" access for e-mountain bikes. (Note that "restrict" was not defined, and does not necessarily mean "prohibit.").

And 63% of the largely hiker group affirmatively favored allowing e-mountain bikes including some who favored paid or unpaid permits. The permit issue does not go to environmental or safety issues, and certainly does not suggest opposition to a pilot program. CNPS's description of the pilot as "a free-for-all of anonymous difficult-to-identify e-bikes" is uninformed hyperbole.

CNPS raises the issue of "capacity limits" as if the watershed were in danger of approaching those limits. This betrays its lack of familiarity with the 21,000 acre watershed and its 90 miles of fire roads and 60 miles of official hiking trails. No one who spends time on the watershed could seriously worry about reaching capacity limits. Nor would they compare the watershed to Yosemite or Muir Woods in this respect. CNPS's call to "reduce overall recreational activities and visitor access to the watershed as a whole" lays bare its real purpose—which is contrary to Marin Water's founding principles. John Muir had his adherents but William Kent's vision prevailed.

In one of its more interesting dodges, CNPS speculates that when only 1% of survey respondents reported feeling unsafe on the watershed, they meant unsafe from COVID. But there is no need to speculate. The survey results spell out why the 1% felt unsafe: coyotes, dirty port-a-potties, dogs off leash, discourteous visitors whether on foot or bicycles, etc. It's a real stretch to claim that everyone who reported feeling safe simply meant safe from COVID.

CNPS saves its most unrealistic, uninformed criticism for last. In suggesting that "recreational zoning" should apply to all existing roads and trails, it ignores the maxim "If it ain't broke, don't fix it."

Marin Horse Council

Although they put a different spin on it, MHC recognizes that we have already had a multi-year “de facto pilot study” on e-bikes. The result is that the survey consisting of 80% hikers reported that only 1% feel unsafe and a significant majority favor access for class 1 e-mountain bikes — as has been the case for every public expression of sentiment, from the initial 2018 workshop to the February 29, 2024 hearing.

Although irrelevant to the ultimate point, we note that — properly understood — e-bike access has been lawful since 2015 when the California legislature began treating three classes of e-bikes as bicycles rather than “motorized bicycles” and other motor vehicles, absent a local ordinance to the contrary. Marin Water did not pass an ordinance banning e-bikes. Its pre-existing ordinance against “motorized bicycles” does not cover e-bikes as a matter of California law.

To protect equestrians, MHC favors e-bikes only for people over 65 or with disabilities, and only on “assigned specific fire roads.” In our experience, e-bikes do not pose a risk to horses. The last thing any of us wants to do is a collision with a horse. But if the very few equestrians on the watershed do not want to co-exist with bicycles, the other, more equitable option of course be to limit those few horses to “assigned specific” roads and trails.

That said, we appreciate the Horse Council’s participation in the Slow and Say Hello safety campaign and urge that continued education and outreach programs are the best approach.

Sincerely,

E-bike Access.Org, by its founders and members

Bill Abright	Al Bauman
Kristi Denton Cohen	Dan Cressman
Lucy Dilworth	Jonathan Frieman
Andrew Levine	Bob Mittelstaedt

From: [Eli Bingham](#)
To: [Board Comment](#)
Subject: Mt Tam singletrack and bike pilot
Date: Tuesday, June 18, 2024 11:30:01 AM

To whom it may concern,

I wanted to write to the water board in support of the pilot effort to expand bicycle access and class I ebike access on the mountain. I am including here the text of a letter to the editor that I wrote that was recently published by the Marin IJ. I stand by these words. I also wanted to advocate for the inclusion of North Side Trail in either the current or a future pilot. North Side is a roughly flat traverse across the mountain that provides a critical connecting element of any *safe* loops that might be designed for cyclists on the mountain.

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To the Editors:

In light of the forthcoming recreation study from the water board, I am writing in support of expanding trail access to all users in the watershed.

My father was a salmon fisherman and environmentalist who worked tirelessly for 30 years in support of sustainable salmon habitat and creek restoration on the North Coast of California, and to combat the massive historical impact of water diversion and logging on salmonid species. I was raised in a household where water and waterways were the subject of every conversation and every activity. My father believed that the only way to address the root causes of these issues was to bring everyone together at the same table - fisherman, loggers, tribal councils, water contractors, farmers, environmentalists, and ordinary citizens. He believed that though these groups were locked in seemingly irreconcilable conflicts, at root they wanted the same thing, and could ultimately set aside their differences to find common ground and a way forward. The renewal of the Klamath River that began in 2023 is the ultimate example of what can be accomplished when we set our minds to it.

With Mt. Tamalpais, I believe that everyone who seeks to visit the mountain also believes that it is worth protecting and is invested in its future. For too long we have defined how we visit the mountain in an exclusionary way that prioritizes the interests of certain groups over others, based upon notions of conflict that are rooted in a failure to listen to each other. I believe that the forthcoming Recreation Study is a generational opportunity for us to come together at the same table, set aside our differences, and build the future of the mountain together.

I also believe that the future should include those who ride bicycles, who are currently at the bottom of the current hierarchy of users, for reasons that are not rooted in science or history. As someone who visits the mountain most often on a bicycle, I also want to surround myself in nature on narrow trails - instead, I am confined to dangerous fire roads that were designed for moving heavy equipment, not human beings.

Let's not lose this opportunity by falling back to old conflicts and old roles - let's move forward.

Yours,

Eli Bingham

556 Northern Ave
Mill Valley, CA 94941
650-575-9441

From: [Adriane Mertens](#)
To: [Terrie Gillen](#)
Subject: FW: E bikes are motor bikes
Date: Thursday, June 20, 2024 7:13:38 AM

Hi Terrie – will you please forward this on to the board? Thanks.

From: Melanie <mellie@earthlink.net>
Sent: Wednesday, June 19, 2024 6:52 PM
To: Adriane Mertens <amertens@marinwater.org>
Subject: E bikes are motor bikes

I will not be in Marin on Thursday, but on behalf of the hundreds of hikers who use water district open space I implore you not to approve ebikes and mountain bikes on single track. Ebikes are motor bikes, I've seen illegal ones above Kent lake at 25 mph. The trails are too narrow for anyone to move over, there is poison oak in many areas.

I can't get to the Board of Directors, but know, if I or anyone in Marin injured by these reckless use of ebikes the MMWD will be sued for millions, and will only have itself to blame. The erosion they cause will lead to more maintenance by MMWD, another cost you can't afford.

Equestrians will also be endangered. A tragedy is in the making.
The fire roads should be the only place a motorized vehicle is allowed.

Please forward to the Board. The consequences are serious.
Melanie Donaghy
MMWD customer and hiker.

Watershed Recreation Meeting Item 4 c

Larry Bragman <bragmanlaw@gmail.com>

Thu 6/20/2024 7:35 AM

To: Terrie Gillen <tgillen@marinwater.org>;

Cc: Larry Bragman <bragmanlaw@gmail.com>; Larry Russell <lrussell@marinwater.org>;

Dear Watershed Committee:

I am writing in support of the staff recommendation to evaluate trail sharing methods on select trails and E-bike Class 1 access.

In the last several years, the E-bike use in our streets and on our trails has vastly increased and the MMWD watershed has not been immune to this trend. I would estimate that E-bikes now constitute at least 1/3 of the bikes I've observed on the fire roads.

Hence, both the technological and demographic changes are exceeding enforcement capacity. Writing tickets and seizing violating equipment will not resolve the issue. On the other hand, managing access and coordinating access may succeed in reducing trail conflict and erosion concerns.

The board had a chance to begin these pilot programs a few years ago and perhaps wisely deferred the decision pending the current Recreation Planning process. The plan outlined in today's presentation encourages a collaborative approach in facing a future that is already upon us.

Now is the time to take the next incremental step forward to address the inexorable changes in recreational access that the district is facing.

Thanks,

Larry Bragman

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6/20/24, 7:41 AM

Mail - tgillen@marinwater.org

prohibited. If you have received this communication in error, please contact the sender immediately and destroy the original message.
Thank you.

From: [Keith Forsman](#)
To: [Board Comment](#)
Subject: Type 1 ebike access
Date: Thursday, June 20, 2024 8:58:58 AM

Dear BOD,

As a 65 year old who loves riding for exercise, I implore you to allow Type 1 pedal assist ebike access to MMWD fire roads and selected single tracks. Many of the districts steep fire roads cannot be climbed unless in a truck, ebike or on foot. I'd prefer the ebike.

I try to be cordial and grateful to all those sharing the outdoor experience on MMWD lands, saying Hello and Thank You to those I slowly pass by. Just yesterday, an equestrian couldn't have been nicer as we alerted her well in advance. She turned the horse to face us as we slowly pedaled by. A win win win for all involved. How nice it is to share such a beautiful natural space.

Sincerely and with gratitude for your work.

Keith Forsman
Mill Valley, CA
Sent from my iPhone