



NOTICE OF THE BOARD OF DIRECTORS' REGULAR BI-MONTHLY MEETING

Tuesday, September 03, 2024 at 6:30 PM

AGENDA

LOCATIONS:

Open Session to start at or after 6:30 p.m.

Marin Water Board Room – 220 Nellen Avenue, Corte Madera, CA 94925

Outside location for Director Jed Smith - The Hotel Diplomat, Business Center, Strandvagen 7c, Stockholm, 114 56 Sweden

Outside location for Director Larry Russell - Red Hawk Resort, Business Center, 1 Red Hawk Parkway, Placerville, CA 95667

Public Participation:

The public may attend this meeting in-person or remotely using one of the following methods:

On a computer or smart device, go to: <https://marinwater.zoom.us/j/88134852296>

By phone, dial: **1-669-444-9171** and use Webinar ID: **881 3485 2296**

HOW TO PROVIDE PUBLIC COMMENT:

During the Meeting: Typically, you will have 3 minutes to make your public comment, however, the board president may shorten the amount of time for public comment due to a large number of attendees. Furthermore, pursuant to Government Code, section 54954.2 (the Brown Act), the Board may not take action or discuss any item that does not appear on the agenda.

-- **In-Person Attendee:** Fill out a speaker card and provide to the board secretary. List the number/letter (ex: 6a) of the agenda item(s), for which you would like to provide a comment. Once you're called, proceed to the lectern to make your comment.

-- **Remote Attendee:** Use the "raise hand" button on the bottom of the Zoom screen. If you are joining by phone and would like to comment, press *9. The board secretary will use the last four digits of your phone number to call on you (dial *6 to mute/unmute).

In Advance of the Meeting: Submit your comments by email in advance of the meeting to boardcomment@marinwater.org. To ensure that your comment is provided to the Board of Directors prior to the meeting, please email your comment 24 hours in advance of the meeting start time. Comments received after this cut off time will be sent to the Board after the meeting. Please do not

include personal information in your comment such as phone numbers and home addresses.

AGENDA ITEMS:

- 1. Call to Order and Roll Call**
- 2. Adoption of Agenda**
- 3. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s) - None.**
- 4. Reconvene to Open Session; Closed Session Report Out - Not applicable.**
- 5. Public Comment on Non-Agenda Matters**

This is the time when any person may address the Board of Directors on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Board.

- 6. Directors' and General Manager's Announcements (6:40 p.m. – Time Approximate)**
- 7. Board Committee Reports**

Each Committee Chair or Vice Chair will provide a report on recent committee meetings. Directors may ask questions or provide brief comments or requests for additional information on an item.

- 8. Consent Items (6:55 p.m. – Time Approximate)**

All Consent Items will be enacted by a single action of the Board, unless specific items are pulled from Consent by the Board during adoption of the agenda for separate discussion and action.

- a.** Minutes of the Board of Directors' Regular Bi-Monthly Meeting on August 6, 2024

RECOMMENDATION: Approve the minutes

- b.** General Manager's Report July 2024

RECOMMENDATION: Approve Report

- c.** Award of Contract No. 2010 - Fire Flow Improvement Program - Rock Ridge Pipeline Replacement Project (F22001)

RECOMMENDATION: Approve a resolution authorizing award of Contract No. 2010 Fire Flow Improvement Program Rock Ridge Pipeline Replacement Project, to W.R. Forde Associates in the amount of \$2,843,105

- d.** Watershed Roads and Trails Contract No. 1981 Amendment No. 1

RECOMMENDATION: Approve Amendment No. 1 to Watershed Roads and Trails Contract No. 1981 with Piazza Construction

- e.** Approve Amended Conflict of Interest Code

RECOMMENDATION: Adopt a resolution amending the Conflict of Interest Code of the Marin Municipal Water District

- f.** Award of Two Professional Services Agreements for Geotechnical Engineering and Field and Laboratory Materials Testing Services

RECOMMENDATION: Authorize the General Manager to execute two professional services agreements with Miller Pacific Engineering Group and RGH Consultants for on-call "as-needed" geotechnical engineering and field and laboratory materials testing services, with each contract in an amount not to exceed \$500,000

9. Regular Items (6:55 p.m. – Time Approximate)

a. Hind Tanks Replacement Project Land Exchange and Project Approval

RECOMMENDATION: 1) Authorize the Board President to execute an amendment to the Land Exchange Agreement for the Hind Tanks Replacement Project and authorize the General Manger to proceed with the land exchange of new tank site barring any legal challenge to the project under the California Environmental Quality Act, 2) Approve the Hind Tanks Replacement Project, and 3) Direct staff to file Notice of Exemption

b. Watershed Trail Sharing Pilot Program & E-Bike Class I Trial

RECOMMENDATION: Adopt, pursuant to exemptions from the California Environmental Quality Act, Ordinance No. 465 Updating the District Code to Allow for Trial/Pilot Programs to be adopted by the Board of Directors by resolution; and, Approve resolutions for an E-Bike Class I Trial and Watershed Trail Sharing Pilot Program

10. Future Board and Committee Meetings and Upcoming Agenda Items

This schedule lists upcoming board and committee meetings as well as upcoming agenda items for the next month, which may include Board interest in adding future meeting items. The schedule is tentative and subject to change pending final publication and posting of the meeting agendas.

a. Upcoming Meetings

11. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s) - None.

12. Reconvene to Open Session; Closed Session Report Out - Not applicable.

13. Adjournment (9:00 p.m. – Time Approximate)

ADA NOTICE AND HEARING-IMPAIRED PROVISIONS

In accordance with the Americans with Disabilities Act (ADA) and California Law, it is Marin Water’s policy to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are an individual with a disability and require a copy of a public hearing notice, an agenda, and/or agenda packet in an appropriate alternative format, or if you require other accommodations, please contact the Board Secretary/ADA Coordinator at 415.945.1448, at least two business days in advance of the meeting. Advance notification will enable Marin Water to make reasonable arrangements to ensure accessibility.

Information agendas are available for review at the Civic Center Library, Corte Madera Library, Fairfax Library, Mill Valley Library, Marin Water Administration Building, and marinwater.org.

Posted: 08-30-2024



STAFF REPORT

Meeting Type: Board of Directors

Title: Minutes of the Board of Directors’ Regular Bi-Monthly Meeting on August 6, 2024

From: Terrie Gillen, Board Secretary

Through: Ben Horenstein, General Manager

Meeting Date: September 3, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve the minutes

SUMMARY: The Board of Directors held their regular meeting on August 6, 2024. The minutes of that meeting are attached.

DISCUSSION: None.

ENVIRONMENTAL REVIEW: Not applicable.

FISCAL IMPACT: None.

ATTACHMENT(S):

- Draft August 6, 2024 Meeting Minutes

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Communications & Public Affairs Department	 Terrie Gillen Board Secretary	 Ben Horenstein General Manager



NOTICE OF THE BOARD OF DIRECTORS' REGULAR BI-MONTHLY MEETING

Tuesday, August 06, 2024 at 6:30 PM

MINUTES

LOCATIONS:

Open Session to start at or after 6:30 p.m.

Marin Water Board Room – 220 Nellen Avenue, Corte Madera, CA 94925

Outside location for Director Matt Samson – 68-1376 Paula Road, Waimea, HI 96743 and Director Monty Schmitt - 5932 Miners Creek Road, Etna, CA 96027

Closed Session to immediately follow

Marin Water Mt. Tam Conference Room, 220 Nellen Avenue, Corte Madera, CA 94925

Public Participation:

The public attended this meeting in-person or remotely using one of the following methods: on a computer or smart device, <https://marinwater.zoom.us/j/88134852296>, or by phone, 1-669-444-9171, using Webinar ID #: 881 3485 2296.

AGENDA ITEMS:

1. Call to Order and Roll Call

President Khush called the meeting to order at 6:31 p.m.

DIRECTORS PRESENT

Larry Russell

Monty Schmitt (*arrived at 6:33 p.m.*)

Jed Smith

Matt Samson

Ranjiv Khush

2. Adoption of Agenda

A motion was made by Director Smith and seconded by Director Russell to adopt the agenda.

There were no public comments.

Voting Yea: Directors Russell, Smith, Samson, and Khush

Absent: Director Schmitt

3. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s) - None.

4. Reconvene to Open Session; Closed Session Report Out - Not applicable.

5. Public Comment on Non-Agenda Matters

There were three (3) public comments.

6. Directors' and General Manager's Announcements

- Vice President Samson reported that he attended the Tomales Bay Foundation Meeting on July 25.
- Director Russell reported that he attended the Sonoma Water Advisory Committee (WAC)/Technical Advisory Committee (TAC) meeting on August 5.
- Director Smith mentioned that he attended the Marin Conservation League Lunch on July 20, Sonoma WAC/TAC meeting on August 5, and met with some members of the Service Employees International Union (SEIU) Local 1021.

7. Board Committee Reports

President Khush reported on agenda items discussed at the Operations Committee Meeting/Special Meeting of the Board of Directors on July 19.

8. Consent Items

- a. Minutes of the Board of Directors' Regular Bi-Monthly Meeting on July 16, 2024

RECOMMENDATION: Approve the meeting minutes

A motion made was by Director Smith and seconded by Director Russell to approve the Consent Calendar.

There were no public comments.

Voting Yea: Directors Russell, Schmitt, Smith, Samson, and Khush

9. Regular Items

- a. New Development Turf Limits

RECOMMENDATION: Receive staff presentation on limiting turf for newly constructed single family homes

Water Resources Director Paul Sellier introduced Water Efficiency Manager Carrie Pollaro, who provided a presentation on turf limits.

The Board provided feedback to staff.

There were four (4) public comments.

This was an information item. The Board did not take any formal action.

b. Grant Program Update

RECOMMENDATION: Receive a staff update on the District’s recent grant activities

Watershed Resources Director Shaun Horne introduced Grants Program Coordinator Jaime Hailer, who provided an overview of the grants that the District applied for and their results.

Discussion followed.

There were no public comments.

This was also an information item. The Board did not take any formal action.

10. Future Board and Committee Meetings and Upcoming Agenda Items

a. Upcoming Meetings

The Board Secretary announced internal meetings scheduled for the month of August.

The Board did not have any proposed agenda items for future meetings.

There were no public comments.

11. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s)

President Khush announced that the Board would go to Closed Session.

There were no public comments.

The Board convened to Closed Session at 7:48 p.m and went to the Mt. Tam Conference Room.

a. Conference with Legal Counsel - Anticipated Litigation

(Significant Exposure to Litigation pursuant to §54956.9(b))

Number of Cases: Unknown

12. Reconvene to Open Session; Closed Session Report Out

The Open Session began at 9:21 p.m. President Khush reported that the Closed Session adjourned at approximately 9:15 p.m. with no reportable actions taken.

13. Adjournment

There being no further business, the Board of Directors' Regular Bi-Monthly Meeting adjourned on August 6, 2024, at 9:21 p.m.

Board Secretary



STAFF REPORT

Meeting Type: Board of Directors
Title: General Manager’s Report July 2024
From: Ben Horenstein, General Manager
Meeting Date: September 3, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve Report

SUMMARY:

A. HIGHLIGHTS:

- The daily average net production for the month of July 2024 was 26.8 MGD compared to 25.2 MGD for the month of July 2023. Typical usage for July is 32.4 MGD.
- The daily average flow from Sonoma County Water Agency for the month of July 2024 was 9.1 MGD compared to 11.9 MGD for the month of July 2023.
- Staff awarded contract for the Spillway Modifications Project and held kick off meeting in July. This project will be evaluating spillway modification options for additional storage at Nicasio, Soulajule, Kent and Alpine dams, focusing on Nicasio first. The Nicasio Spillway modification project looks to gain an additional 3,000 acre-feet of storage to our system.
- Staff advertised the Fire Flow Improvement Program Rock Ridge Pipeline Replacement Project. This project will install approximately 7,560 linear feet of new welded steel pipe and PVC pipe in Unincorporated Marin County and within the Town of Fairfax to replaced leak prone fire flow deficient cast iron pipe installed as early as 1934. This project will increase resiliency, reliability and fire flow capacity within these areas as part of the Fire Flow Improvement Program.
- The District awarded the 2024 Francisco Boulevard Anode Well Replacement Project. This project will replace an existing 40 foot deep cathodic protection well installed in 1965 that has been depleted with a new anode well. The new anode well will ensure the continued cathodic protection of the Districts welded steel water mains, ensuring system reliability and extending the life of the infrastructure while helping reduce cost in premature replacement.
- During routine preventative maintenance on a pressure regulator, the Mechanical and Electrical Department identified a discharge gate valve as broken in the off position. This broken valve inhibited a secondary redundant water supply to the neighborhood. In coordination with the Systems Maintenance Department, the valve was replaced. In addition to placing the supply

back into service, the work allowed the Department to improve the facility by raising the regulator to an elevation that will improve safety and ergonomics during future maintenance.

- After a construction accident, Fairfax Manor First lift pump was unavailable. Staff constructed a temporary pump station, that now includes an enclosed container security fencing, and electrical power that eliminates the diesel operation and associated concerns about the noise and diesel fumes.
- The District initiated implementation of Year 6 of the Biodiversity Fire, & Fuels Integrated Plan in July 2024. Veg work in July was limited to Yellow Starthistle removal at multiple sites across the watershed. Project prep and coordination for Roadside Mowing near 5 Corners, Grazing along Sky Oaks Rd, and Forest Fuel Reduction near Lake Lagunitas took place in July, but ultimately implementation will proceed in August after bird nesting season ends. Veg work in July is typically minimal due to wildfire ignition risks, timing of vegetation contracts, and bird nest compliance constraints.
- Watershed Maintenance working in collaboration with the Santa Cruz Trail Stewardship implemented 15 days to trail work on the Azalea Hill Trail Restoration Project with California Conservation North Bay and California Conservation Corps crews.
- Initiated Lagunitas Creek Restoration Project and begin pre-project biological monitoring surveys to support construction activities.

MARIN WATER GRANT STATUS

PROJECT DETAILS						REQUIREMENTS	BUDGET		
OPPORTUNITY	FUNDER	FUNDER PRIORITIES	APPLICATION DATE	MATCHING PROJECT	DESCRIPTION	STATUS	PREREQUISITE	FUNDS REQUESTED	MATCH REQUIREMENT %
CURRENT APPLICATIONS								\$23,173,326	
Desal Feasibility Study	USBR	Desalination	2/28/2023	Desalination	Exploring new brackish desal in Petaluma	Open	None	\$200,000	50
Prop.1, Round 2 IRWM Disadvantaged Community	DWR	Water Infrastructure	12/1/2022	Marin City/San Rafael Infrastructure	Replacing aging transmission lines and laterals in Marin City and San Rafael's Canal District	Funded	IRWM CC Approval	\$6,500,000	0
Forestry Corps	CCNB	Vegetation Management	1/1/2023	Ongoing Forestry work	Workforce development; state funding directly to CCNB to fund crews working on the watershed	Funded	Corps Partnership	\$500,000	0
Fisheries Restoration Grant Program	CDPW	Fisheries	4/20/2023	Lagunitas Creek Restoration	Funding for Phase II site design and CEQA	Funded	30% designs	\$723,000	5
Lagunitas Creek Salmonid Spawning Gravel Improvement Project	DWR Riverine	Fisheries	11/1/2022	Lagunitas Creek Restoration	Gravel augmentation for Lagunitas Creek	Funded	None	\$590,000	0
Prop 1, Fisheries Restoration	CDPW	Fisheries	7/1/2023	Lagunitas Creek Restoration	Lagunitas Creek Restoration Sites 1-6	Funded	60% designs	\$4,422,898	0
CA Division of Boating & Waterways	NRA	Water Quality	7/1/2023	Reservoir Water Quality	Monitor and prevent infestation of quagga and zebra mussels	Funded	NA	\$86,800	0
One Tam Forest Health Strategy	CA WCB	Forestry Restoration	11/21/2023	BFFIP Implementation	BFFIP Implementation for 2-3 years	Funded	CEQA	\$6,000,000	0
WaterSMART Applied Science	USBR	Fisheries	10/15/2023	Advanced Weather Modeling	Funding for weather modeling to inform water resources management	Funded	TBD	\$150,628.00	50%
Hazard Mitigation Program	FEMA	Natural Hazards	1/1/2023	Treatment Plant Clarifiers	Funds to address seismic hazards in water treatment facilities	Not Funded	NOI APPROVAL	\$0.00	25%
WaterSmart Energy Efficiency	USBR	Conservation	2/22/2024	AMI	Funding to expand AMI	Open	Environmental Compliance	\$1,000,000	50%
One Tam Forest Health Phase II	Cal Fire	Forestry Restoration	1/15/2024	BFFIP Implementation	BFFIP Implementation for 2-3 years	Notice of Award	CEQA	\$3,000,000	TBD
WaterSMART Planning & Design	USBR	Water Supply	5/20/2024	Water Supply Planning	Funding for advancing implementation of Strategic Water Supply Projects	Open	TBD	\$400,000.00	50%
Environmental Resources Grant	USBR	Forest Health	6/24/2024	BFFIP Implementation	BFFIP Implementation for 2-3 years	Open	TBD	TBD	50%
UPCOMING OPPORTUNITIES								\$0	
Hazard Mitigation Program	FEMA	Natural Hazards	10/1/2024	Treatment Plant Clarifiers	Funds to address seismic hazards in water treatment facilities	TBD	NOI APPROVAL	TBD	25%
Environmental Enhancement Fund (EEF)	CDPW	Fisheries	9/1/2024	Lagunitas Creek Phase II	Funds to implement phase II of Lagunitas Creek Restoration project.	Open	TBD	TBD	TBD
Drought Resiliency Program	USBR	Water Supply	10/1/2024	TBD	Funding for advancing implementation of Strategic Water Supply Projects	TBD	TBD	TBD	TBD
LONG TERM OPPORTUNITIES (ongoing development)									
2024 Water Bond	State of CA	Water supply projects	Fall 2024	SWSA Water Supply Projects	Currently in Legislature	In legislature	Voter approval; District participation	TBD	
Water Resources Development Act	Army Corps of Engineers	Water supply projects	FY 2024	SWSA Water Supply Projects	Pursuing for No Regrets and regional projects	Not in USACE work plan	Define incremental discrete project elements	\$28,000,000.00	
Small Storage Program	USBR	Water Supply	12/1/2025	Phoenix Lake	Funding for new water supply projects	TBD	Approved Feasibility Study	TBD	

DISCUSSION:

B. SUMMARY:

- AF = Acre Feet
- Mg/L = milligrams per liter
- MPN = most probable number
- MPY = mils per year
- MG = million gallons
- NTU = nephelometric turbidity units

1. Water Production:

	FY 2024/25		FY 2023/24	
	(million gallons)	(acre-feet)	(million gallons)	(acre-foot)
Potable				
Total production this FY	801	2,458	780	2,394
Monthly production, July	801	2,458	780	2,394
Daily average, July	25.83	79.28	25.17	77.23
Recycled				
Total production this FY	38.23	117.31	36.28	111.34
Monthly production, July	38.23	117.31	36.28	111.34
Daily average, July	1.23	3.78	1.17	3.59
Raw Water				
Total production this FY	10.81	33.17	10.90	33.45
Monthly production, July	10.81	33.17	10.90	33.45
Daily average, July	0.35	1.07	0.35	1.08
Imported Water				
Total imported this FY	272	835	368	1,131
Monthly imported, July	272	835	368	1,131
Reservoir Storage				
Total storage	23,151	71,049	23,663	72,619
Storage change during July	-1,075	-3,299	-1,260	-3,866
Stream Releases				
Total releases this FY	221	678	221	677
Monthly releases, July	221	678	221	677

2. Precipitation:

	<u>FY 2024/25 (in.)</u>	<u>FY 2023/24 (in.)</u>
Alpine	0.00	0.00
Bon Tempe	0.00	0.00
Kent	0.00	0.00
Lagunitas *	0.00	0.00
Nicasio	0.00	0.00
Phoenix	0.00	0.00
Soulajule	0.00	0.00

* Average to date = 0.00 inches

3. Water Quality:

<u>Laboratory:</u>	<u>FY 2024/25</u>	<u>FY 2023/24</u>
Water Quality Complaints:		
Month of Record	19	10
Fiscal Year to Date	19	10
Water Quality Information Phone Calls		
Month of Record	15	1
Fiscal Year to Date	15	1

The WQ lab ensured that the water supplied met or surpassed water quality regulations by collecting and analyzing 2,450 analyses on treatment plants and distribution system samples.

Mild steel corrosion rates averaged 2.06 (0.43 – 3.61) MPY. The AWWA has recommended an operating level of <5 MPY with a goal of <1 MPY.

Complaint Flushing: One flushing event was performed at San Rafael High for this month on record.

Disinfection Program: 1,985’ of new pipelines were disinfected during the month of July. Performed chlorination on 32 water storage tanks to ensure compliance with bacteriological water quality regulations.

Tank Water Quality Monitoring Program: Performed 110 water quality-monitoring events on storage tanks for various water quality parameters this month to help ensure compliance with bacteriological water quality regulations.

Summary:

The lab analyzed 2,450 treatment and distribution water samples, and the water quality department treated 32 storage tanks for low chlorine and checked 110 storage tanks for low chlorine residual in July 2024.

4. Water Treatment:

<u>Treatment Results</u>	<u>San Geronimo</u>		<u>Bon Tempe</u>		<u>Ignacio</u>	
	Average	Monthly	Average	Monthly	Average	Monthly
		Goal		Goal		Goal
Turbidity (NTU)	0.05	≤ 0.10	0.04	≤ 0.10	0.04	≤ 0.10
Chlorine residual (mg/L)	2.76	2.75 *	2.67	2.75 *	2.82	2.75 *
Color (units)	0.5	≤ 15	0.5	≤ 15	0.2	≤ 15
pH (units)	7.8	7.8*	7.8	7.8*	8.0	8.1**

- * Set monthly by Water Quality Lab
- ** pH to Ignacio is controlled by SCWA

5. Capital Improvement:

- a. Pine Mountain Tank Phase 1 – Rough Grading Project (D21043): The Pine Mountain Tunnel Tanks Replacement Project is a multi-year two-phased project that will replace the existing Pine Mountain Tunnel. This project (Phase 1) will excavate approximately 45,000 cubic yards of hillside and will install a soil nail retaining wall in preparation for a future project that will install two 2-million gallon pre-stressed concrete storage tanks (Phase 2). This Phase 1 project will also perform site grading and drainage improvements.
 - Project Budget: \$7,734,575
 - Monthly Activities: The Contractor mobilized to the project site on August 1 and began preparing the site for the second season of retaining wall and rough grading work. Concrete Pipe Road between Taylor Trail and Fairfax-Bolinas Road remains closed Monday through Friday 8:00 AM to 5:00 PM throughout the duration of the project. The Phase I rough grading and retaining wall project is anticipated to be complete January 31, 2025.
- b. Redwood Drive Pipeline Replacement Project (CN1989): This project is a component of the District’s Fire Flow Improvement Program and will install approximately 4,400 linear feet of 6-inch welded steel pipe to replace old, leak-prone, and fire flow deficient piping installed as early as 1913 in the unincorporated community of Woodacre.

- Project Budget: \$2,204,075.20
 - Monthly Activities: All contract work is complete with the exception of final paving and miscellaneous punchlist items. Final paving is underway and the project is anticipated to be complete in August.
- c. Wolfback Ridge Tanks Rehabilitation Project (CN2016): This project will replace the roof and recoat both the interior and exterior of each tank at Wolfback Ridge in Sausalito.
- Project Budget: \$950,000
 - Monthly Activities: District staff and the Contractor are completing shop drawing preparation and review for the tank roof systems. Field work is expected to begin October and the contract completion is estimated March 2025.
- d. Sir Francis Drake Pipeline Replacement Project (CN1996): This project will install approximately 4,540 linear feet of welded steel pipe to replaced aged, leak-prone cast iron pipe installed as early as 1924 on Sir Francis Drake Boulevard between San Francisco Boulevard and Butterfield Road. Water pipelines will also be replaced on Broadmoor Avenue and Saunders Avenue, each for approximately 250 feet from Sir Francis Drake.
- Project Budget: \$3,799,400
 - Monthly Activities: The Contractor is has completed water mainline installation on Sir Francis Drake, and is currently completing mainline installation on Cordone Drive and El Cerrito Avenue. Remaining contract work includes transferring services from the main pipeline to homes and businesses, as well as final asphalt roadway paving. The District is working closely with Marin Transit and the Town of San Anselmo to mitigate traffic impacts from construction work on Sir Francis Drake Boulevard. The project is anticipated to be complete in November.
- e. Granada Drive Pipeline Replacement Project (CN2007): This project will install approximately 10,230 linear feet of welded steel pipe to replace old, leak-prone, and seismic-deficient piping in the Town of Corte Madera. The District coordinated with the Town to incorporate the Town’s road reconstruction work into the District’s project to minimize construction impacts to the community.
- Project Budget: \$5,564,384
 - Monthly Activities: The Contractor has installed more than 3,000 feet of water mainline and transferred more than 60 water services along El Camino Drive, Estrada lane, Paloma Drive, and the lower section of Granada Drive. The Contractor is currently performing final connection work for these sections and will perform final roadway paving for these sections later in August. The Contractor is beginning construction activity on Prince Royal Drive and Endeavor Drive.
- f. Lagunitas Creek Coho Habitat Enhancement Project – Phase 1A (CN2022): Phase 1A of the Lagunitas Creek Coho Habitat Enhancement Project will implement an extensive set of habitat enhancement structures in Lagunitas Creek within Samuel P. Taylor State Park. The work includes the installation of large woody debris, rock, and gravel structures in Lagunitas Creek in support of endangered Coho Salmon, threatened steelhead populations, and freshwater shrimp.
- Project Budget: \$3,958,000

- Monthly Activities: The project is underway and the Contractor has mobilized to the project site. The Contractor is currently performing clearing and grubbing, and temporary access work necessary for the subsequent creek restoration work. The Cross Marin Trail will remain open to recreation during construction and traffic control measures will be implemented to protect the public. Project completion is anticipated in late November.
- g. Tiburon Pipeline Replacement Project (CN2014): The 2024 Tiburon Pipeline Replacement Project is a component of the District’s Capital Improvement Program and Fireflow Improvement Program. The project includes the installation of approximately 3,490 linear feet of 8-inch, 6-inch, and 4-inch welded steel potable water pipe with valves, fittings, laterals, and appurtenances in the Town of Tiburon. This project replaces 102 year old, leak-prone, cast iron pipe with new reliable, seismically resilient welded steel pipe.
- Project Budget: \$3,112,285
 - Monthly Activities: The preconstruction meeting was held on August 1 and work is expected to begin the week of August 12. The project is expected to be completed in the winter.
- h. 2024 Anode Replacement Project (CN2032): The 2024 Anode Replacement Contract is a component of the District’s Capital Improvement Program. The District has approximately 6,930 corrosion test stations throughout the distribution system, most of which utilize magnesium anodes to prevent corrosion damage to the pipelines. These magnesium anodes extend the useful life of the pipelines by preventing leaks and costly damage caused by corrosion. These anodes are sacrificial by nature and deplete over time, requiring replacement. This project is part of the District’s annual or bi-annual effort to routinely replace sacrificial magnesium anodes throughout the District’s service area.
- Project Budget: \$115,250
 - Monthly Activities: The Contractor has completed anode installations at more than 20 locations and have approximately 30 sites remaining on the contract. The project is anticipated to be complete by the end of August.
- i. 2024 Anode Well Replacement Project (CN2033): The 2024 Anode Well Replacement Project will rehabilitate an existing cathodic protection well in the City of San Rafael, which was installed in 1965 and is due for replacement. The aged well will be replaced insitu with an 11-inch diameter, 41-foot deep anode well in accordance with Marin County regulations. Magnesium anodes installed in the well are used to protect the District’s infrastructure by preventing corrosion, particularly sodium-rich San Francisco Bay mud where corrosion is accelerated.
- Project Budget: \$197,500
 - Monthly Activities: The construction contract was awarded at the July 16 Board of Directors Meeting and contract execution is underway. The project is anticipated to begin in August and be complete in October.

6. Other:

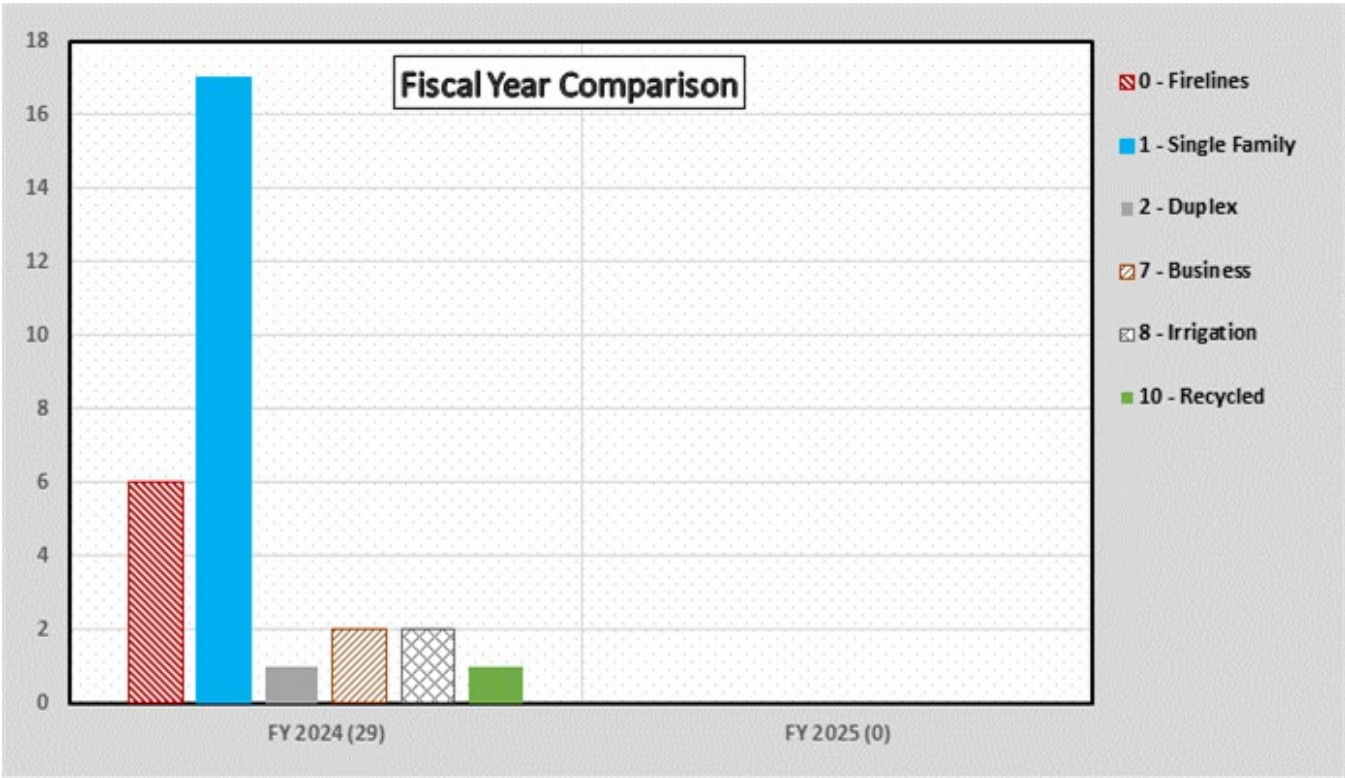
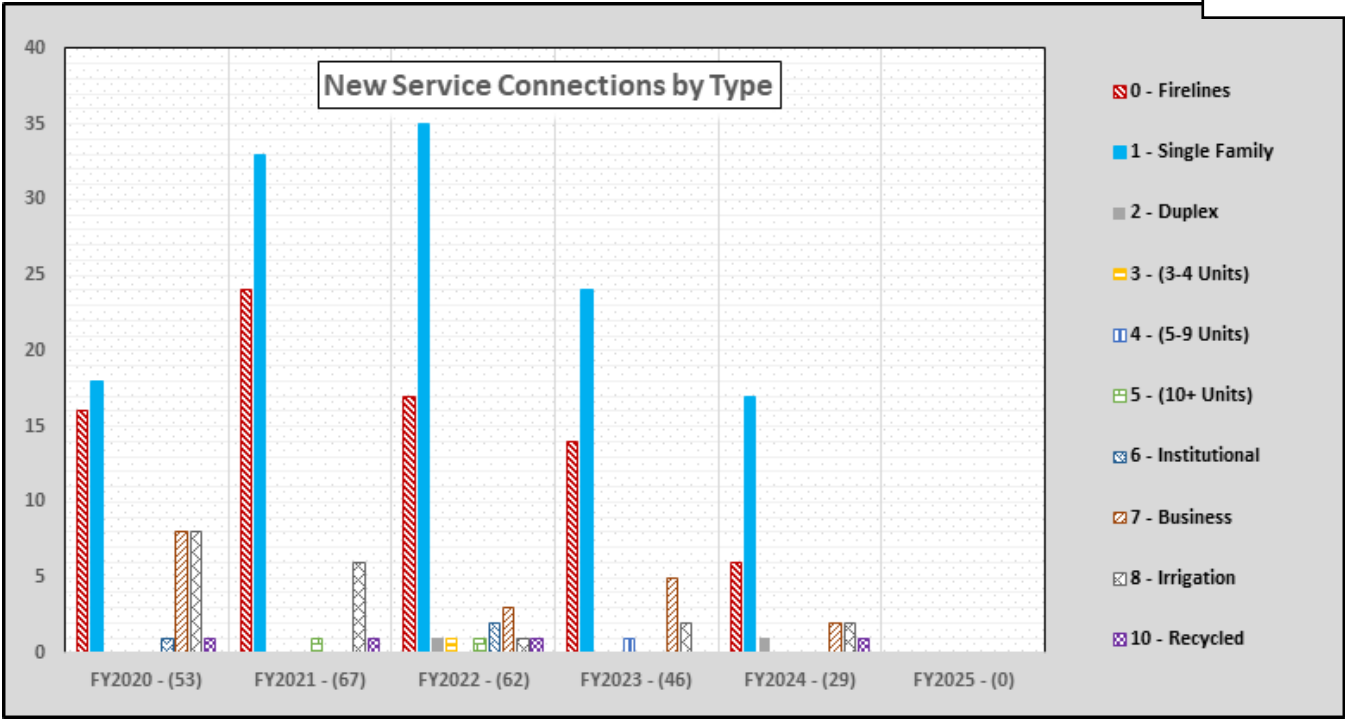
<u>Pipeline Installation</u>	<u>FY2024/25</u>	<u>FY2023/24</u>
Pipe installed during July (feet)	4,413	213
Total pipe installed this fiscal year (feet)	4,413	213
Total miles of pipeline within the District	908*	908*

** Reflects adjustment for abandoned pipelines*

<u>Pipe Locates (1,097 Responses)</u>	<u>FY2024/25</u>	<u>FY2023/24</u>
Month of July (feet)	40,289	25,751
Total this fiscal year (feet)	40,289	25,751

<u>Main Line Leaks Repaired:</u>	<u>FY2024/25</u>	<u>FY2023/24</u>
Month of July	13	12
Total this fiscal year (7/1/24-5/31/25)	13	12

<u>Services:</u>	<u>FY2024/25</u>	<u>FY2023/24</u>
Service upgrades during July	18	13
Total service upgrades this FY	18	13
Service connections installed during July	0	4
Total active services as of August 1st, 2024	60,579	60,449
(Total Including firelines)	61,965	61,828



7. Recruitments and Hires

The District is currently recruiting for the following positions:

- Engineering Technician-Development Services Supervisor
- Supervising Land Surveyor

Through competitive recruitments, employees promoted to the following positions:

- Controls Technician
- Utility Crew Leader

The District recently hired new employees for the following positions:

- Watershed Aide - Fisheries (2 Positions)

8. Demand Management:

	Jul-24	FY 24/25 TOTAL	FY 23/24 TOTAL	FY 22/23 TOTAL
WATER-EFFICIENCY PROGRAMS				
Water-Use Site Surveys				
Conservation Assistance Program (CAP) Consultations				
Residential properties resi 1-2 (single-family)	50	50	402	291
Residential properties resi 3-5 (multi-family units)	0	0	6	3
Non-residential properties resi 6-7 (commercial)	0	0	0	3
Dedicated irrigation accounts resi 8-10 (large landscape)	1	1	0	0
Marin Master Gardeners' Marin-Friendly Garden Walks				
Residential garden walks	12	12	160	72
Public Outreach and Education, Customer Service				
Public outreach events (number of people attending)	500	500	1924	17775
Public education events (number of participants)	0	0	5475	328
Department customer calls/emails	756	756	4485	4150
Outreach to new Marin Water customers (letters sent)	119	119	1908	0
School Education				
School assemblies				
Number of activities	0	0	20	0
Number of students reached	0	0	21850	0
Field trips				
Number of activities	0	0	15	15
Number of students reached	0	0	322	307
Classroom presentations				
Number of activities	0	0	14	17
Number of students reached	0	0	457	531
Other (e.g. Earth Day booth events, school gardens)				
Number of activities	0	0	3	1
Number of students reached	0	0	400	480
Incentives				
Number of HECWs approved	2	2	97	103
Number of Rain Barrel/Cisterns approved	0	0	9	15
"Cash for Grass" Turf Replacements approved	4	4	57	116
Number of Laundry-to-Landscape Systems (kits) approved	0	0	0	7
Hot water recirculating system rebates	0	0	8	30
Pool Cover rebates	3	3	35	27
HET rebates	3	3	17	22
Number of Smart Home Water Monitor "Flume Direct Distribution" redeemed	24	24	527	271
Number of Smart Controllers rebates approved	3	3	52	35
Number of Smart Controllers "RainBird compatible w/Flume" approved	21	21	131	0
Number of Smart Controllers "Rachio Direct Distribution" approved	56	56	222	77
Rain Barrel Give-a-way (Gallons)	5720	5720		0
Advanced Metering Infrastructure (AMI)				
AMI leak letters sent to customers (>200 GPD)	172	172	1330	1168
ORDINANCES				
Water Waste Prevention				
Water Waste Reports Received	25	25	221	392
Water Waste Notifications Sent	3	3	52	81
Landscape Plan Review				
Plans submitted	10	10	117	88
Plans exempt	2	2	23	5
Plans completed	0	0	30	20
Plans in workflow (pass & fail)	11	11	160	145
Tier 4 Exemption				
Inspections that resulted in a pass	0	0	2	1
Graywater Compliance Form				
Applications Received (as of Dec 2019)	10	10	157	123
Systems installed	7	7	35	23

9. Watershed Protection:

Trail Focus: Cataract Trail

Cataract Trail, with its many waterfalls is one of the most popular trails on Mount Tam attraction visitor from across the Bay Area, the state and from across the country. The trail is heavily impacted from visitor use and social media attention. So far this year it has accounted for 25% of the medical aid calls that the Rangers have responded to. This month the Rangers have seen a dramatic increase of littering, which even included dirty diapers thrown into the creek. In July the Rangers completed 24 miles of foot patrol on the trail, saw over 1000 visitors, made 60 law enforcement contacts and provided nearly 80 visitor assists



The bag of litter collected on Cataract Trail on July 27, 2024

Concrete Pipe Construction Starts Up Again

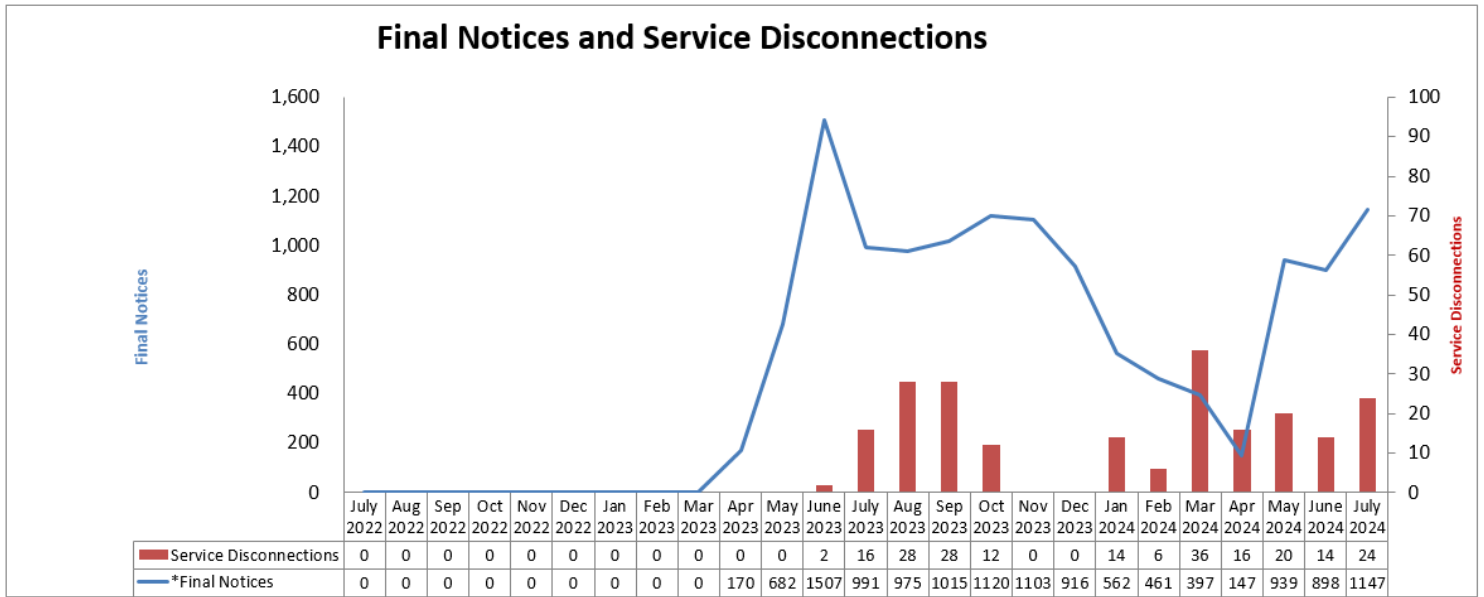
The construction of the two 2-million gallons water storage tanks on Concrete Pipe Road below Sky Oaks will resume August 1st. Rangers were kept busy last construction period with visitors disregarding the barricades and closures, hiking, biking and jogging through the closed area. The site is unsafe for visitors and we will be on alert again as the construction resumes.

Incidents and Events	795
Visitor Assists	248
Warnings	225
Dam Check	75
Assist Watershed Maintenance	56
Citations	43
Fish and Game Contact	46
Misc Law Enforcement Calls	26
Citizen Complaint: Illegal Bike Use	2
Vandalism	14
Citizen Complaint: Off Leash Dogs	2
Medical Aid	6
Illegal Trail Work	9
Search and Rescue	4
Preventative Search and Rescue	4
Illegal Fire	1
Illegal Encampment	1
Humane/Animal Related	1
Court Appearance (Guilty)	2
Ranger Callout	1
Red Flag Warning	1
Citizen Complaint: Bike speed	1
Citizen Complaint: Bike Speed	1
Suspicious Fire	1
Preventative Search and Rescue	4
Suspicious Circumstance	3
Illegal Trail Work	9
Outreach Event	1
Humane/Animal Related Call	1
Assist Other MMWD Work Group	1
Citations	48
Non-Payment of Parking Fees	46
Boating	1
Dog off Leash	1



10. Shutoff Notices and Disconnections:

*Final Notices
Service Disconnections
* Includes 10 day and final notices



FISCAL IMPACT: None.

ATTACHMENT(S): None.

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Office of the General Manager	<hr style="width: 100%;"/> <p>Ben Horenstein General Manager</p>	<hr style="width: 100%;"/> <p>Ben Horenstein General Manager</p>



STAFF REPORT

Meeting Type: Board of Directors
Title: Award of Contract No. 2010 - Fire Flow Improvement Program - Rock Ridge Pipeline Replacement Project (F22001)
From: Alex Anaya, Director of Engineering
Through: Ben Horenstein, General Manager
Meeting Date: September 3, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve a resolution authorizing award of Contract No. 2010 Fire Flow Improvement Program Rock Ridge Pipeline Replacement Project, to W.R. Forde Associates in the amount of \$2,843,105

SUMMARY: This item was reviewed by the District Operations Committee on July 19, 2024, and referred to the Board for contract award. The Fire Flow Improvement Program - Rock Ridge Pipeline Replacement Project will install approximately 7,590 feet on new pipe to replace old, leak prone, fire flow deficient piping in the Town of Fairfax and Unincorporated Marin County.

DISCUSSION: The Rock Ridge Pipeline Replacement Project (Project) is a component of the Fire Flow Improvement Program. This Project will install approximately 7,590 feet of new 8" and 6" welded steel and polyvinyl chlorine (PVC) pipe to replace the old, leak prone fire flow deficient piping installed as early as 1934.

See Table 1 below for existing pipeline replacement locations and shown on the map provided in Attachment 2.

**Table 1.
Pipeline Replacement Locations**

Street	Length	Installation Date	Existing Size & Type
Oak Manor Drive	900 ft	1954	4" CIP*, 8" CIP
Von Court	565 ft	1956	4" CIP
Steven Court	580 ft	1954	4" CIP
Gregory Drive	775 ft	1951	4" CIP
Cynthia Court	280 ft	1952	4" CIP
Scenic Rd	1200 ft	1978	2" GTP**, 6" WSP
Rockridge Road	1305 ft	1934	4" CIP

Muriel Place	555 ft	1959	4" CIP
San Miguel Court	525 ft	1952	4" CIP
Arcangel Court	700 ft	1952	4" CIP
Hillside Drive	175 ft	1958	6" WSP

*CIP= Cast Iron Pipe, **GIP = Galvanized Threaded Pipe

These street segments were evaluated for the installation of recycled water piping. The nearest existing recycled water pipeline is approximately 6.3 miles away located on intersection of San Pedro Road and Sequoia Road in the community of Los Ranchitos. The closest wastewater treatment plant, Central Marin Sanitary Treatment Plant, is located approximately 6.8 miles away in San Rafael. However, their facilities are not equipped to provide tertiary recycled water.

On August 8, 2024, the District opened four (4) bids, as shown in Table 2, for the Rock Ridge Pipeline Replacement Project, which involves the installation of 7,590 feet of pipe in support on the District’s Fire Flow Improvement Program, in the Town of Fairfax as well as Unincorporated Marin County. W.R. Forde Associates submitted the lowest responsive and responsible bid in the amount of \$2,843,105. Therefore, staff recommends that the Board of Directors approve a resolution awarding Contract No. 2010 to W.R. Forde Associates in the amount of \$2,843,105 and authorize the General Manager to execute any necessary amendments to Contract No. 2010, which do not exceed \$ 285,000.

**Table 2
Bid Results
Rock Ridge Pipeline Replacement Project**

Bid Rank	Contractor Name	Bid Amount
1.	W R Forde	\$ 2,843,105
2.	D&D Pipelines Inc.	\$ 3,189,696
3.	Maggiora & Ghilotti Inc.	\$ 3,287,700
4.	Argonaut Constructors	\$ 3,426,290

Engineer’s Estimate: \$3,000,000

Summaries of the estimated project costs and schedule are provided below.

Budget:

Contract Award:	\$ 2,843,105
Contingency (10%):	\$ 285,000
Material Fees:	\$ 500,000
District Labor/ Inspection:	\$ 300,000
Total Budget:	\$ 3,928,105
Budget Category:	A2A

Project Implementation:

Project Advertisement:	July 23, 2024
Bid Opening:	August 8, 2024
Project Award:	August 20, 2024
Estimated Completion Date	May 4, 2025
Duration:	257 days

ENVIRONMENTAL REVIEW: The Director of Engineering has found that the Project is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15302(c), Replacement or Reconstruction. The Project qualifies for exemption pursuant to Section 15302(c) inasmuch as it is the replacement of existing water pipeline involving negligible or no expansion of capacity.

FISCAL IMPACT: The total cost to complete the Fire Flow Improvement Program - Rock Ridge Pipeline Replacement Project is estimated at \$3,928,105, inclusive of District Labor, materials and contingencies. Funding for this project is included in the Adopted 2 Year Capital improvement Budget (FY 2024-25) and will be funded by the Fire Flow Program.

ATTACHMENT(S):

- 1. Proposed Resolution
- 2. Site Map
- 3. Draft Notice of Exemption

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Alex Anaya Engineering Director	 Ben Horenstein General Manager

Attachment: 01

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT APPROVING AWARD OF CONSTRUCTION CONTRACT NO. 2010 TO W.R. FORDE ASSOCIATES. FOR THE FIRE FLOW IMPROVEMENT PROGRAM ROCK RIDGE PIPELINE REPLACEMENT PROJECT

WHEREAS, on July 23, 2024, the District advertised Contract No. 2010, Fire Flow Improvement Program Rock Ridge Pipeline Replacement Project (F22001), which will replace approximately 7,590 feet of piping; and

WHEREAS, the District received and publicly opened four (4) bids on August 8, 2024, of which W.R. Forde Associates bid of \$2,843,105 was the lowest responsive and responsible bid.

NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES that:

1. The bid of \$2,843,105 submitted by the W.R. Forde Associates for the Fire Flow Improvement Program Rock Ridge Pipeline Replacement Project under Contract No. 2010 ("Contract") was the lowest responsive and responsible bid submitted therefor, and said bid is hereby accepted.
2. A Contract for this project be awarded to said low bidder, and the General Manager is authorized and directed to execute said Contract on behalf of the District upon receipt of a performance bond, payment bond, proof of insurance, and the executed contract for the work from said bidder.
3. The General Manager is authorized to execute any and all future amendments to the Contract, which he deems necessary, without further Board approval, so long as those amendments to the Contract do not exceed \$285,000.
4. Upon complete execution of said Contract, the bonds and/or checks of the other bidders are to be returned to said other bidders, and all bids other than that of the W.R. Forde Associates are to be rejected.
5. The project is Categorically Exempt from review under Section 15302(c) of the CEQA Guidelines inasmuch as it is the replacement of existing water pipeline involving negligible or no expansion of capacity.

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

AYES:

NOES:

ABSENT:

Ranjiv Khush
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

MMWD FIRE FLOW IMPROVEMENT PROGRAM
ROCKRIDGE PIPELINE REPLACEMENT PROJECT
MARIN COUNTY
AUTUMN 2024



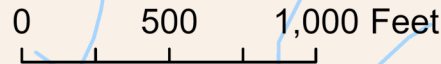
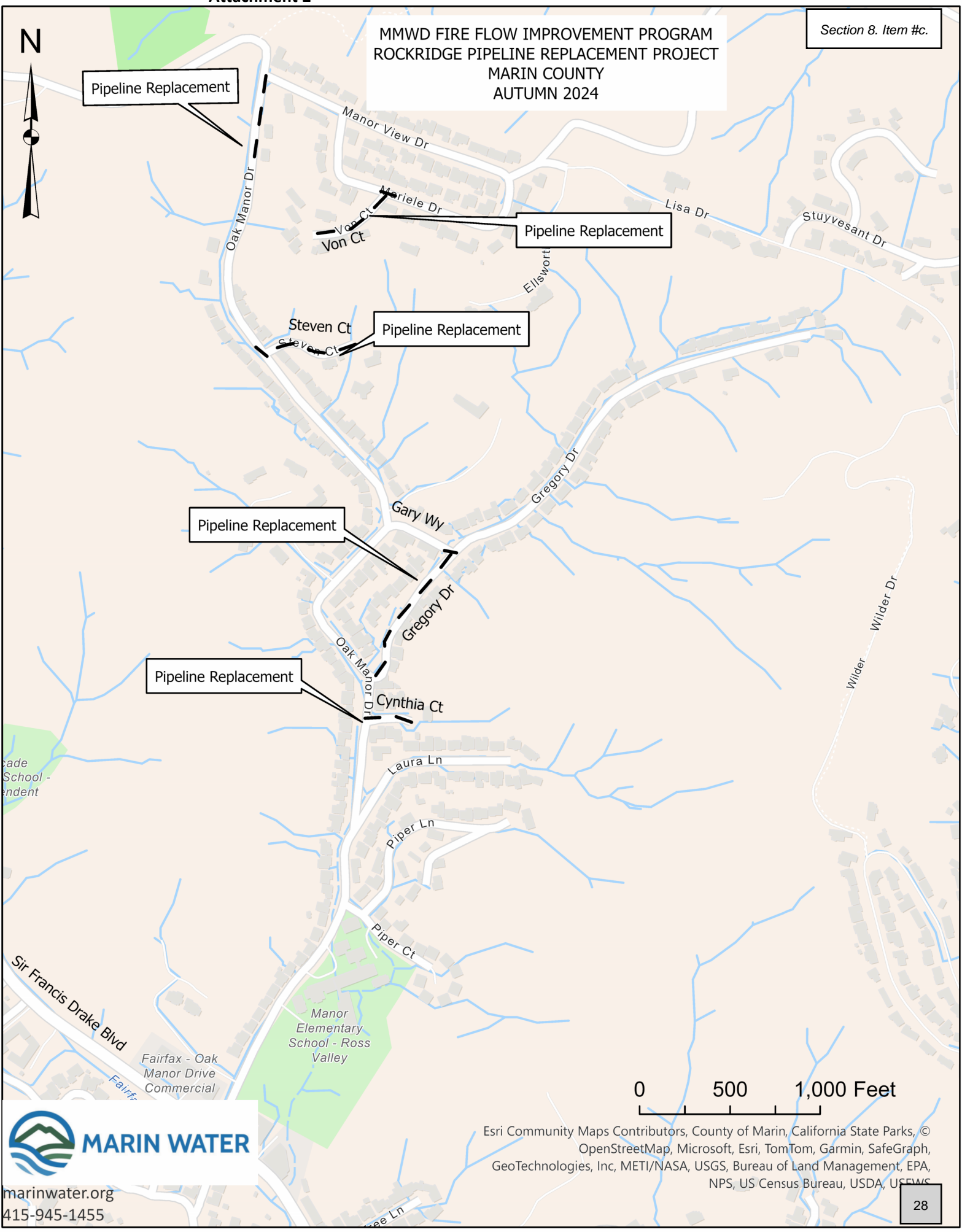
Pipeline Replacement

Pipeline Replacement

Pipeline Replacement

Pipeline Replacement

Pipeline Replacement

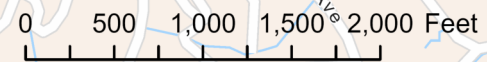
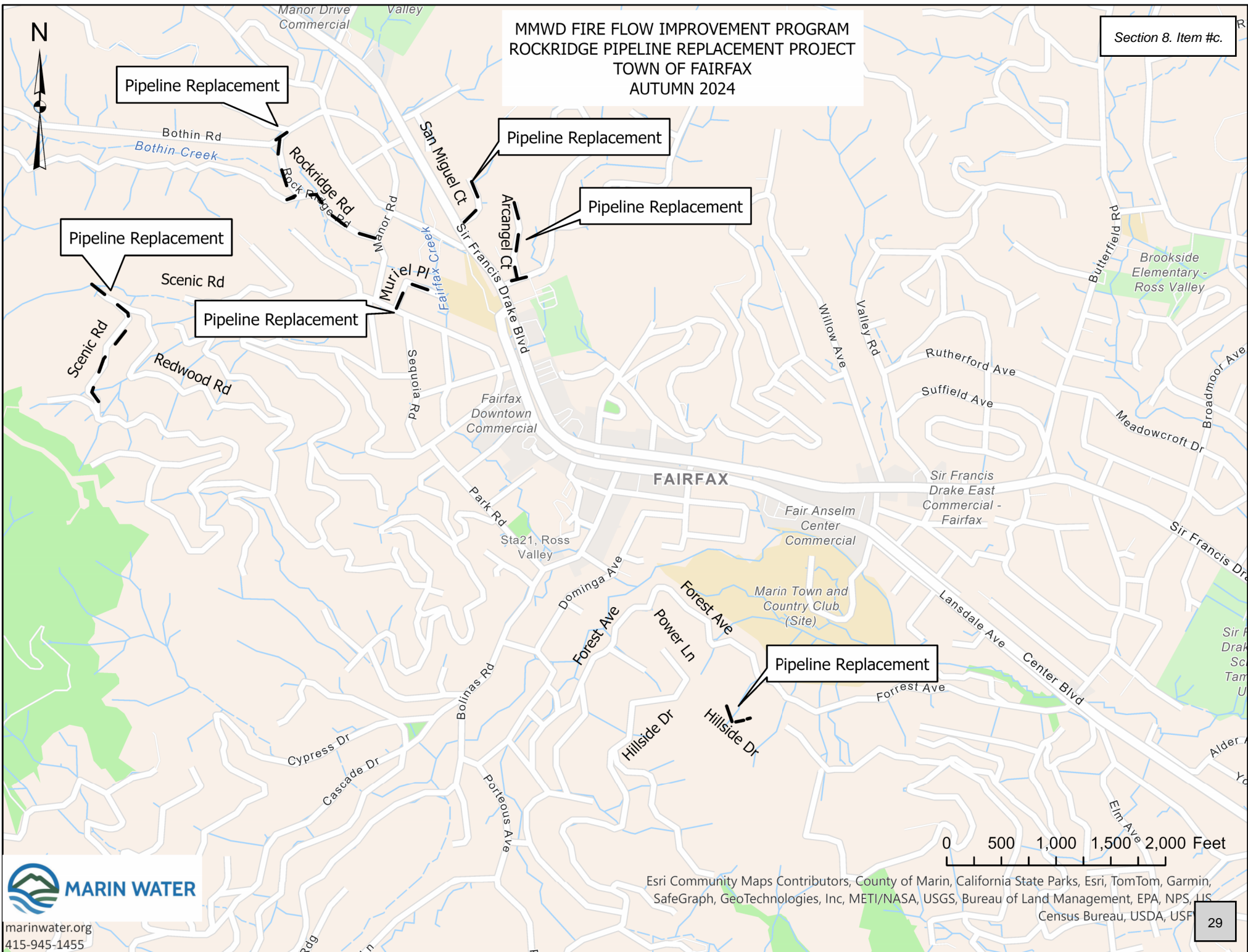


marinwater.org
415-945-1455

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NPS, US Census Bureau, USDA, USEWS

MMWD FIRE FLOW IMPROVEMENT PROGRAM
ROCKRIDGE PIPELINE REPLACEMENT PROJECT
TOWN OF FAIRFAX
AUTUMN 2024

Section 8. Item #c.



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: Alex Anaya, Director of Engineering

Project Title: Fire Flow Improvement Program- Rock Ridge Pipeline Replacement Project (F22001)

Project Location: Town of Fairfax, Unincorporated Main County

Project Location – County: Marin

Project Description: This Project will install approximately 7,590 feet of new 8-inch and 6-inch welded steel and polyvinyl chloride (PVC) pipe to replace old, leak-prone cast iron piping as part of the District’s Fire Flow Improvement Program.

The roads involved are shown in Figure 1 and described in the table below:

Street	Length (ft)	Installation Date	Existing Size & Type
Oak Manor Drive	900 ft	1954	4” CIP, 8” CIP
Von Court	565 ft	1956	4” CIP
Steven Court	580 ft	1954	4” CIP
Gregory Drive	775 ft	1951	4” CIP
Cynthia Court	280 ft	1952	4” CIP
Scenic Rd	1200 ft	1978	2” GTP, 6” WSP
Rockridge Road	1300 ft	1934	4” CIP
Muriel Place	555 ft	1959	4” CIP
San Miguel Court	525 ft	1952	4” CIP
Arcangel Court	700 ft	1952	4” CIP
Hillside Drive	175 ft	1958	6” WSP

Public Agency Approving Project: Marin Municipal Water District

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

CEQA Exemption Status: Categorical Exemption Section 15302(c), Replacement or Reconstruction.

Reason for Exemption: This project qualifies for exemption pursuant to Section 15302(c) of the CEQA Guidelines inasmuch as it is the replacement of existing water pipelines involving negligible or no expansion of capacity.

Project Approval: The Marin Municipal Water District Board of Directors approved the award of a contract for project construction, which represents project approval as defined by Section 15352 of the Guidelines for Implementation of the California Environmental Quality Act, at their regularly scheduled meeting on September 3, 2024.

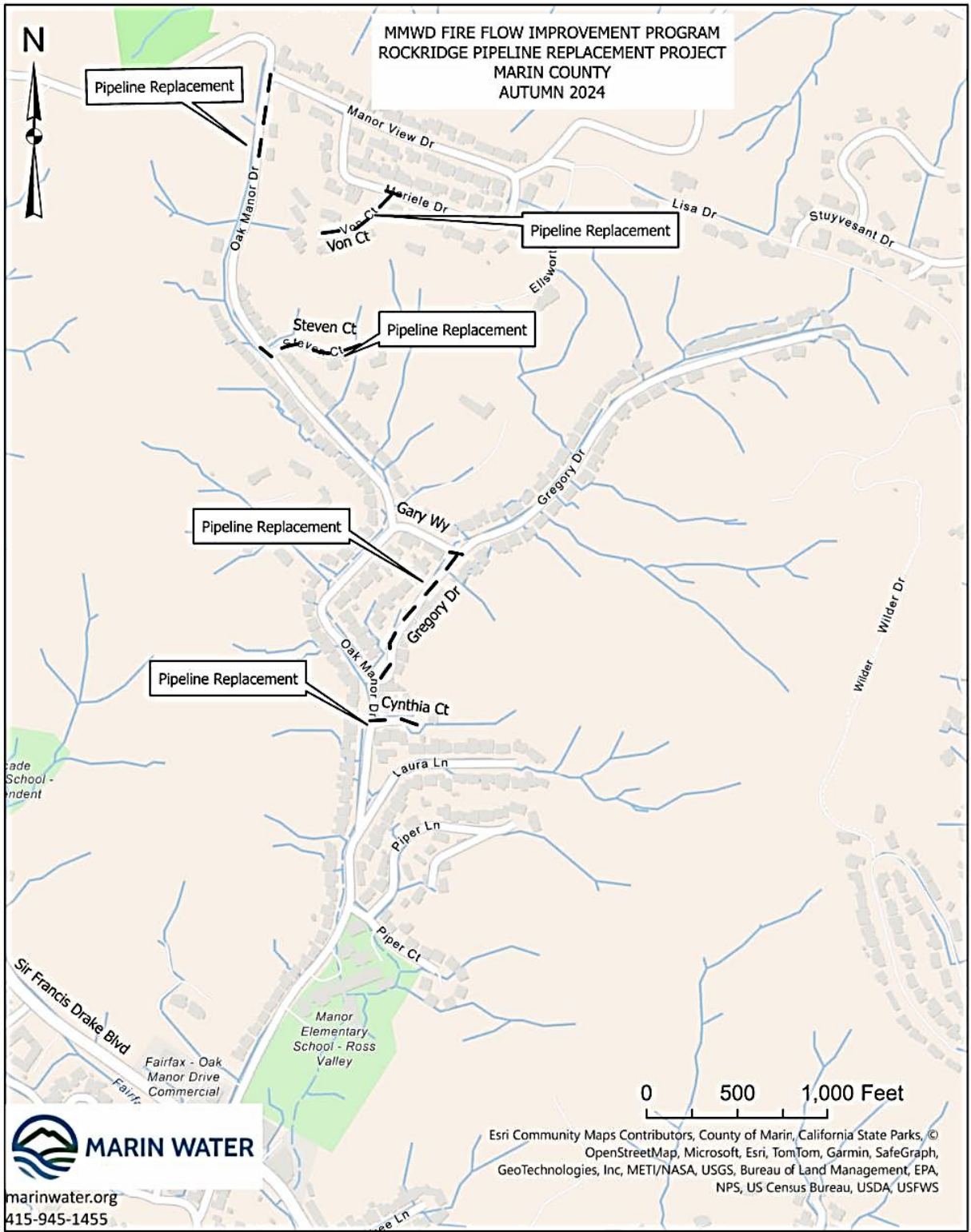
Lead Agency Contact Person: Alex Anaya, Marin Municipal Water District

Telephone: (415) 945-1588

Alex Anaya, Director of Engineering

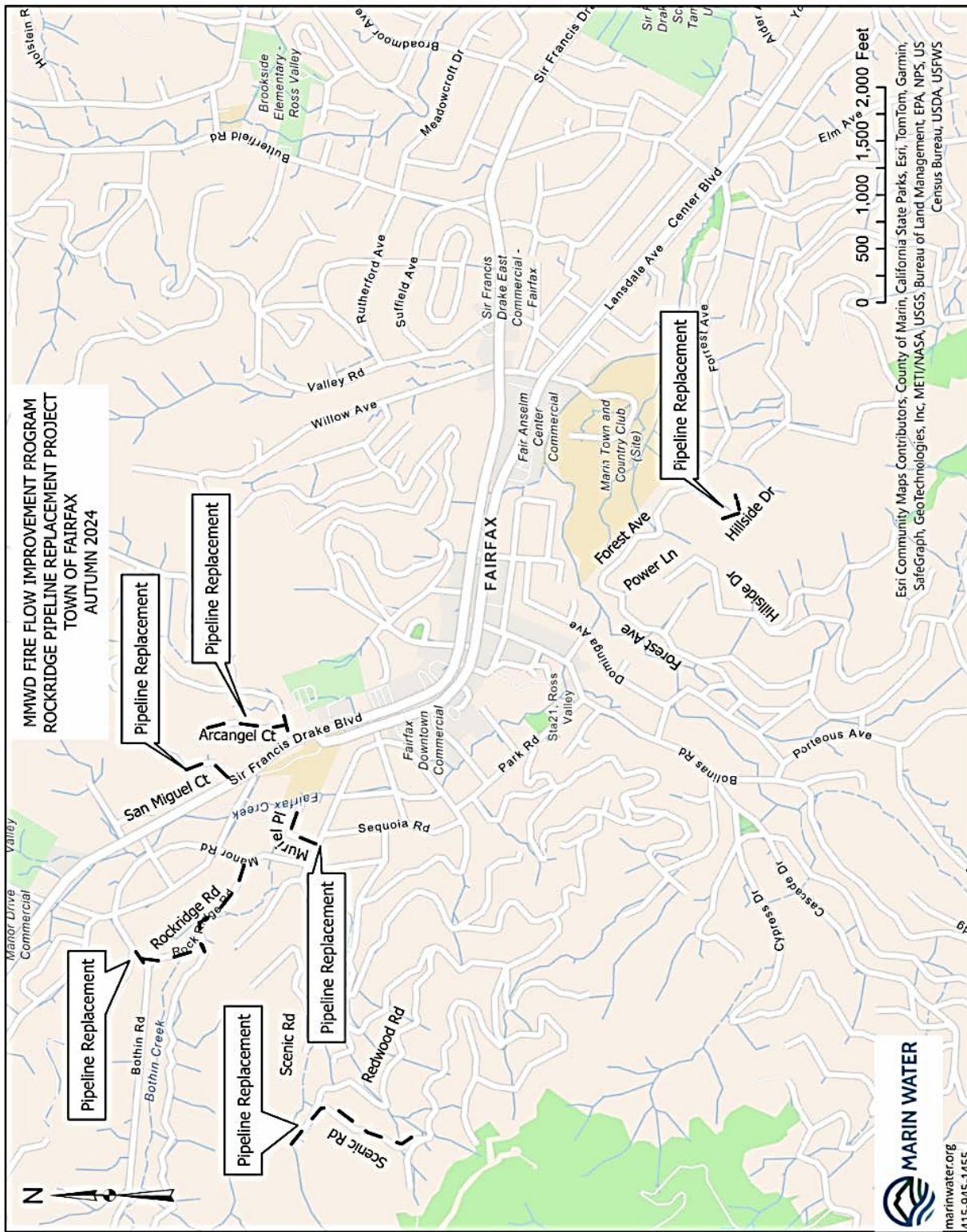
Date

Figure 1: Rock Ridge- Pipeline Replacement Project



SOURCE: MMWD 2024

Figure 1: Rock Ridge-Pipeline Replacement Project



SOURCE: MMWD 2024



STAFF REPORT

Meeting Type: Board of Directors
Title: Watershed Roads and Trails Contract No. 1981 Amendment No. 1
From: Shaun Horne, Director of Watershed Resources
Through: Ben Horenstein, General Manager
Meeting Date: September 3, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve Amendment No. 1 to Watershed Roads and Trails Contract No. 1981 with Piazza Construction

SUMMARY: The District advertised Contract No. 1981 for Watershed Roads and Trail Maintenance on April 9, 2022 and awarded the Contract to Piazza construction on May 17, 2022. The bid submitted by Piazza Construction in the amount of \$533,448 for the two-year contract period was determined to be the lowest qualified and responsive bid. The contract completion date was set at June 30, 2024. Contract No. 1981 gives the District an option to extend the contract in one (1) year increments for up to an additional two years with an escalation in the unit prices based on the San Francisco-Oakland-Hayward Consumer Price Index (CPI).

DISCUSSION: On April of 2005, the District adopted the Mt. Tamalpais Watershed Road and Trail Management Plan (RTMP), which describes the best management practices and environmental protection measures the District will implement to maintain watershed roads and trails. Under the RTMP the District conducts proactive maintenance of service roads to support emergency access and water infrastructure servicing. Similarly, the District conducts trails repairs to support public access and avoid deterioration of watershed lands. The District utilizes a combination of staff, and contractors to carry out annual roads and trails maintenance activities. Currently, the District is working to repair approximately 100 watershed culverts, construct the Azalea Hill Trail Project, and conduct annual road and trail maintenance. These projects require heavy equipment operations, which exceed the capabilities of other contractors such as the California Conservation Corps and California Conservation Corps North Bay who the District has historically used to support annual road and trail maintenance activities.

The District has used similar contractors over the years to support construction of retaining walls, culverts, pipeline replacements, fuelbreak maintenance, and forestry restoration work. The Watershed Roads and Trail Maintenance contract extension will give the District contractor capacity to carry out

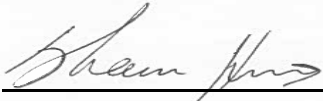

proactive roads and trail maintenance, and will help the District respond to seasonal roads impacts that require repairs. In accordance with Section 1000, Paragraph 1.22 of the contract in each additional fiscal year in which the District exercises the option to extend the term, the unit prices may be escalated based on the increase in the San Francisco-Oakland-Hayward Consumer Price Index.

ENVIRONMENTAL REVIEW: Not Applicable.

FISCAL IMPACT: Funds are budgeted in the Capital Budget A1E05 for watershed culvert repairs and service road maintenance. Additionally, for FY 2024/2025 the District has grant funds remaining for the Azalea Hill Trail Restoration Project.

ATTACHMENT(S):

- 1. Amendment No. 1 Contract No. 1981

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Watershed	 Shaun Horne Watershed Resources Director	 Ben Horenstein General Manager

**AMENDMENT NO. 1 TO ROADS AND TRAILS
CONTRACT BETWEEN MARIN MUNICIPAL WATER
DISTRICT and PIAZZA CONSTRUCTION
(CONTRACT NO. 1981)**

This Contract Amendment ("Amendment No. 1") is entered into by and between Marin Municipal Water District ("District") and Piazza Construction ("Contractor"). For good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals:

- A. On May 17, 2022 the District and the Contractor entered into Contract No. 1981 for Watershed Roads and Trails ("Contract") for a period of two years with contract completion date to June 30, 2024.
- B. The Contract contains an option for the District to extend the term in one year increments for up to an additional two years with escalations to the unit prices based on the San Francisco-Oakland-Hayward Consumer Price Index (CPI) in each additional fiscal year.
- D. At this time, the Parties desire to execute an amendment ("Amendment No.1") to the Contract to extend the services of Contractor for one additional year term until June 30, 2025 with an increase in unit prices based on CPI.

Section 2. Terms:

- A. Amendment to Contract: This Amendment No. 1 modifies the Contract. Except for the modifications contained herein, all the terms of the Contract shall apply.
- B. Terms:
 - 1. Special Provisions Part 1-General- Paragraph 1.5 entitled "CONTRACT COMPLETION DATE" is amended to read as follows:

This contract shall terminate on June 30, 2025 unless otherwise terminated pursuant to Article 46 of the standard specifications.

The District has the option to extend the contract in one (1) year increments for an additional year.
 - 2. Pursuant to Special Provisions Part 1 – General – Paragraph 1.22 entitled "ESCALATION OF UNIT PRICE", the unit prices will be adjusted effective July 1, 2024 by 2.4% as reflected on Attachment A to this Amendment No. 1, which is incorporated herein and made part of the Contract.

Continued on next page

Executed by the parties as follows:

Dated: _____

Piazza Construction

By: _____

James A. Piazza, Owner

Marin Municipal Water District

Dated: _____

By: _____

Bennett Horenstein, General Manager

**ATTACHMENT A
CN 1981 Amendment No.1 Budget**

<u>BID ITEM</u>	<u>DESCRIPTION</u>	<u>HRS/WK</u>	<u>QUANTITY (HRS)</u>	<u>UNIT /HR FY2023/24</u>	<u>UNIT /HR FY2024/25</u>	<u>AMOUNT</u>
2	Roads Contract: FY23 - July 1 , 2024 - June 30, 2025 (~10 crew* work weeks)					
a.	Crew Supervisor	40	400	\$ 149.00	\$ 152.58	\$ 61,030.40
b.	Heavy Equipment Operators (2)	40	400	\$ 119.00	\$ 121.86	\$ 48,742.40
c.	Concrete finisher	40	400	\$ 115.00	\$ 117.76	\$ 47,104.00
d.	Laborer	40	400	\$ 113.00	\$ 115.71	\$ 46,284.80
e.	Excavator (min. 10 ton) w/ thumb, grading bucket, run time	24	240	\$ 75.00	\$ 76.80	\$ 18,432.00
f.	Dozer (min. 6 ton) w/6-way blade, run time	24	240	\$ 63.00	\$ 64.51	\$ 15,482.88
g.	Compactor	24	240	\$ 64.00	\$ 65.54	\$ 15,728.64
h.	Water Truck (2,00 gallon)	24	240	\$ 57.00	\$ 58.37	\$ 14,008.32
i.	Dump Truck (5 CY)	24	240	\$ 83.00	\$ 84.99	\$ 20,398.08
j.	Trail Equipment Mobilization/Demobilization		Lump Sum			\$ 6,000.00
k.	Fire Road Equipment Mobilization/Demobilization		Lump Sum			\$ 6,000.00
l.	Culvert Equipment Mobilization/Demobilization		Lump Sum			\$ 6,000.00
Total						\$ 305,211.52



STAFF REPORT

Meeting Type: Board of Directors
Title: Approve Amended Conflict of Interest Code
From: Vikkie Garay, Human Resources Manager
Through: Ben Horenstein, General Manager
Meeting Date: September 3, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Adopt a resolution amending the Conflict of Interest Code of the Marin Municipal Water District

SUMMARY: California Government Code section 87300 et seq. requires that each local agency with decision-making authority adopt a Conflict of Interest Code (Code), and review and, if necessary, update that Code every two years. The Marin County Board of Supervisors, as the Code reviewing body for Marin Municipal Water District pursuant to Government Code section 82011, has requested all changes be submitted by October 1, 2024.

DISCUSSION: The attached proposed resolution, if adopted by the Board, will amend the District’s Conflict of Interest Code to add new positions as appropriate and to update retitled positions. These changes are highlighted in the proposed amended Conflict of Interest Code, attached as Exhibit A to the proposed resolution for adoption.

ENVIRONMENTAL REVIEW: Not applicable.

FISCAL IMPACT: There is no fiscal impact for updating the Marin Municipal Water District Conflict of Interest Code.

ATTACHMENT(S):

- 1. Proposed Resolution with Exhibit A - Marin Municipal Water District Conflict Of Interest Code August 20, 2024 (amended)

DEPARTMENT OR DIVISION	DEPARTMENT MANAGER	APPROVED
------------------------	--------------------	----------

Human Resources
Department



Vikkie Garay
Human Resources Manager



Ben Horenstein
General Manager

**MARIN MUNICIPAL WATER DISTRICT
RESOLUTION NO.**

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE MARIN MUNICIPAL WATER DISTRICT ADOPTING AN AMENDED CONFLICT OF
INTEREST CODE**

WHEREAS, California Government Code section 87300 requires all local agencies with decision making authority review their Conflict of Interest Code on a biennial basis; and

WHEREAS, the designation list for financial disclosure has been reviewed and updated to incorporate changes to address new and retitled positions within the Marin Municipal Water District (District); and

WHEREAS, the District will be the filing officer for designated positions that are not on the District’s Board of Directors; and

WHEREAS, the severability provisions of section 1.10.110 of the Marin Municipal Water District code are applicable to this Resolution and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the appendix to the District’s Conflict of Interest Code is hereby modified to read as specified in Exhibit A attached which is incorporated herein by this reference as the District’s Conflict of Interest Code (as amended).

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

AYES:

NOES:

ABSENT:

Ranjiv Khush
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

EXHIBIT A

MARIN MUNICIPAL WATER DISTRICT
CONFLICT OF INTEREST CODE

Effective Date: September 3, 2024

DESIGNATED POSITIONS

DISCLOSURE
CATEGORIES

Director	All categories
Candidate for Director	
Member of Board Committee	
General Manager	
District General Counsel	
Staff Attorney	
Board Secretary	
Executive Assistant to the General Manager	
Administrative/Legal Support Specialist	
Director of Engineering	
Director or Watershed Resources (new)	
Finance Director/ Treasurer	
Finance Manager	
Financial Management Analyst	
Grant Program Coordinator	
Operations Director	
Water Resources Director	
Superintendent of System Maintenance and Support Services	1, 2, 3, 4, 6, 7
Human Resources Manager	5, 6, 7
Watershed Resources Manager	4, 6, 7
Assistant Superintendent of Operations	6, 7
Assistant Superintendent of Water Treatment	
Buyer/Sr. Buyer	

Information Systems Analyst Supervisor
 Information Technology Manager
 Natural Resources Program Manager
 Program Manager (AMI) – (New)
 Safety and Emergency Response Manager
 Superintendent of Operations
 Superintendent of Water Treatment
 Supervisor Facilities Maintenance and Special Projects
 System Maintenance Superintendent
 Water Quality Laboratory Manager
 Water Quality Manager
 Watershed Maintenance Supervisor
 Watershed Protection Manager – Chief Ranger

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

Associate Engineer
 Associate Water Resources Specialist (title correction)
 Senior Human Resources Analyst
 Senior Water Resources Specialist
 Backflow and Reclamation Supervisor
 Communications and Public Affairs Manager
 Engineering Support Services Manager
 Engineering Technician Supervisor
 Land Surveyor / Assistant Land Surveyor
 Management Analyst
 Engineer Manager I
 Engineer Manager II
 Real Property Agent
 Principal Human Resources Analyst
 Water Conservation Manager
 Water Conservation Supervisor

 Consultant¹

1, 2, 3, 4

1 Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest code.

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property that the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in, and sources of income from, all business entities that do business or own real property in the District, plan to do business or own real property in the District within the next year or have done business or owned real property in the District within the past two years.

Category 2: All interest in real property that is located in the District.

Category 3: All investments and business positions in, and sources of income from, business entities subject to the regulatory or permit authority of the Designated Employee’s division, will be subject to such authority with the next year or have been subject to such authority within the past two years.

Category 4: All investments in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property in the District, plan to engage in such activities in the District within the next year or have engaged in such activities in the District within the past two years.

Category 5: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan or other financial institutions.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery or equipment of a type purchased or leased by the District.

Category 7: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery or equipment of a type used or administered by the Designated Employee’s division.



STAFF REPORT

Meeting Type: Board of Directors

Title: Award of Two Professional Services Agreements for Geotechnical Engineering and Field and Laboratory Materials Testing Services

From: Alex Anaya, Director of Engineering

Through: Ben Horenstein, General Manager

Meeting Date: September 3, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Authorize the General Manager to execute two professional services agreements with Miller Pacific Engineering Group and RGH Consultants for on-call “as-needed” geotechnical engineering and field and laboratory materials testing services, with each contract in an amount not to exceed \$500,000

SUMMARY: The District periodically solicits competitive proposals for as-needed geotechnical engineering services and field and laboratory materials testing services related to soil, aggregate and asphalt density, composition testing, and concrete compression testing, in support of the District’s capital improvement program and water main repairs. Materials testing is conducted on all capital improvement pipeline replacement projects and District operational leak repair projects to ensure that the compaction of trench backfill materials meets District and local jurisdiction standards and specifications and to ensure that trench failures do not occur within the trench restoration area. Concrete testing is required on a variety of projects to ensure the concrete meets the District’s specifications for design strength. Additionally, these works sometimes require the services of a professional geotechnical engineer to evaluate field conditions and make recommendations. As the District’s CIP grows, staff identified an opportunity to ensure third-party availability for geotechnical and materials testing support services by pursuing two separate on-call or “as-needed” professional services agreements. Staff recommend that the Board authorize the General Manager to execute two professional services agreements, one with Miller Pacific Engineering Group and one with RGH Consultants, for on-call “as-needed” geotechnical engineering and field and laboratory materials testing services, with each contract in an amount not to exceed \$500,000.

DISCUSSION: On August 1, 2024, the District conducted a public competitive solicitation for proposals for as-needed geotechnical engineering, and soil, aggregate, asphalt and concrete materials testing services from Kleinfelder, Miller Pacific Engineering Group, and RGH Consultants. The District received two proposals from Miller Pacific Engineering Group and RGH Consultants. A summary of key services included in the solicitation with proposed consultant fees are identified in Table 1, below.

Table 1: Summary of key as-needed geotechnical and materials testing services for District projects with proposed consultant fees

Service	Units	Miller Pacific Engineering Group	RGH Consultants
Professional Geotechnical Engineer	Per Hour	\$200 - \$290*	\$205 - \$250*
Field Technician for soil, aggregate and asphalt	Per Hour	\$130	\$140
Field Technician (Prevailing Wage)	Per Hour	\$170	\$180
Compaction Testing ASTM D1557 4-inch mold (soil/aggregate)	Per Curve	\$350	\$305
Compaction Testing ASTM D1557 6-inch mold (soil/aggregate)	Per Curve	\$400	\$360
California Impact 216 (soil/aggregate)	Per Curve	\$350	\$410
Marshall Testing ASTM D1559 (asphalt)	Each	\$750	\$420
Extraction ASTM D2172 Method B (asphalt)	Each	\$200	\$250
California Test Method 309 (asphalt)	Each	\$180	\$170
Concrete Compression Testing	Per Test	\$42	\$50
Dispatch Location		Novato, CA	Santa Rosa, CA

*rate ranges from Associate to Principal.

As the District’s Capital Improvement Program grows, so too has the District’s needs for third-party support services such as geotechnical engineering and materials testing, as well as the rate at which the District expends funds under these contracts. As such, staff propose to enter into two separate professional services agreements, each with their own contract not-to-exceed limit of \$500,000. Services are performed under a time and expense basis, as needed, for various capital and operational projects. The majority of the work performed under the two proposed contracts consists of soil, aggregate, and asphalt compaction and density testing. Other materials testing services include concrete compressive strength testing and various materials property testing such as sieve analyses and Atterberg limit tests. Geotechnical Services performed under the proposed contracts primarily include geotechnical engineering support and materials testing services, but may also include design support, and site assessment and geotechnical report services.

Each proposed contract will include a baseline contract period of approximately 2 years, ending on June 30, 2026, unless otherwise extended by contract amendment. Each contract will also include a not-to-exceed fee of \$500,000, for a total proposed Board approval amount of \$1,000,000. Direct

funding encumbrances are not required for either contract, as work performed will be funded by specific project or operational fund centers previously included in the District’s adopted budget. Contract budget and implementation is summarized below.

Budget:

Contract No. 1 Amount: \$500,000
Contract No. 2 Amount: \$500,000
Total Budget: \$1,000,000
Budget Category: Project-specific from Capital and Operational budgets

Contract Implementation:

Request for Proposals: August 1, 2024
Proposals Received: August 9, 2024
Est. Contract Award: August 20, 2024
Baseline Contract Duration: thru June 30, 2026

Miller Pacific Engineering Group has successfully worked with the District on multiple projects in recent years, providing project specific geotechnical testing and engineering support services. RGH Consultants demonstrated technical competency, experience, and availability in their proposal. Both Miller Pacific Engineering Group and RGH Consultants regularly perform these services throughout Marin County.

Staff recommends that the Board authorize the General Manager to execute two professional services agreements with Miller Pacific Engineering Group and RGH Consultants for on-call “as-needed” geotechnical engineering and field and laboratory materials testing services, with each contract in an amount not to exceed \$500,000.

ENVIRONMENTAL REVIEW: Not applicable.

FISCAL IMPACT: The total maximum expenditures under the two proposed contracts will not exceed \$1,000,000. Blanket Purchase Orders will be opened for the two contracts and funding will be provided as needed from current Capital and Operations budgets.

ATTACHMENT(S): None.

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Alex Anaya Engineering Director	 Ben Horenstein General Manager

exchange would swap the current tank lot for a new site located further up the hill and further away from existing residential structures. The exchange would include a new water line and access easement for the District and facilitate better access to the new tank lot. In exchange, the District would relinquish its existing tank lot following completion of construction of the new tanks.

The Land Exchange Agreement was executed on March 29, 2024 and provided the District six months to perform a due diligence review of the proposed new tank lot prior to proceeding with the land exchange. Within that timeframe, staff performed environmental, geotechnical, and land surveying due diligence to help determine the appropriateness of the proposed new tank lot. Environmental assessment conducted by Environmental Science Associates (ESA) included a Phase I Environmental Site Assessment as well as Biological Site and Cultural Resources Assessments. None of these assessments identified Recognized Environmental Conditions that could affect the subject property, nor were any sensitive biological communities or cultural resources identified within the proposed tank site.

A geotechnical review evaluated previous detailed field investigations including geotechnical reports, soil borings and seismic design parameters along with a desktop assessment of the site to determine the landslide potential and variability of depth to bedrock across the proposed site. Results concluded that the site is suitable for the construction of the two proposed tanks, especially in areas with shallower bedrock; however, a robust retaining wall will be needed due to the grade across the new site. Finally, land surveying efforts determined the need for minor corrections to the legal descriptions, which are included in the proposed amendment to the Land Exchange Agreement.

Overall, the proposed site appears constructible for the two proposed tanks, but staff has requested, and the property owner has agreed, to extend the due diligence period until October 9, 2024 to allow the District to assess any comments to the proposed project received by the District. Staff recommends that the Board authorize the Board President to execute an amendment to the Land Exchange Agreement to correct the property/easement legal description and extend the due diligence period. Staff is also recommending that the Board authorize the District General Manager to complete the due diligence review and proceed with the proposed land exchange, barring any legal challenge to the project under the California Environmental Quality Act (CEQA).

Staff further recommends that the Board approve of the Hind Tanks Replacement project and direct staff to file the Notice of Exemption with the Marin County Recorder's Office.

ENVIRONMENTAL REVIEW: The Director of Engineering has found that the Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15031, Existing Facilities, 15302, Replacement or reconstruction, 15303 New Construction or Conversion of Small Structures, and 15304 Minor Alternations to Land. The Project qualifies for each of these exemptions, in the alternate, inasmuch as the proposed project involves the replacement of existing water storage tanks with negligible or no expansion of capacity, but only enhancements to achieve adequate fire flow for the surrounding area. Further, the project will involve some grading to prepare the new site and construct two new water storage tanks in place of the existing redwood tanks, as well as the subsequent demolition and removal of the two existing water tanks, which will allow the District to continue ongoing water service to the surrounding area.

Exceptions to CEQA Exemptions (Section 15300.2)

The District has also determined that none of the exceptions under CEQA Guidelines Section 15300.2 apply to the proposed project. Specifically:

1. Location in Sensitive Environments

The District has carefully assessed the location of the relocation site and determined that the new tank site is not located within an environmentally sensitive area as defined under CEQA Guidelines section 15300.2, subd. (a). The site has been evaluated for the presence of sensitive habitats, rare species, wetlands, and other resources of critical concern, and it has been confirmed that these areas are free from such environmental sensitivities. This assessment aligns with legal precedents where categorical exemptions were upheld for projects located outside sensitive environmental areas, thereby reinforcing the District's determination that the project qualifies for exemption.

2. Cumulative Impact

The District has considered the potential cumulative impacts of the proposed project and it has been determined that the cumulative impact of the project is not significant as the capacity of the new tanks is enhanced only to achieve fire flow for the surrounding area and as such will not contribute to any significant cumulative environmental impacts.

3. Unusual Circumstances

The District has considered and determined that the project does not present any unusual circumstances that could lead to significant environmental effects in that the project will allow continued water service and enhanced fire flow to the surrounding area consistent with historical use of the facilities and the mission of the District.

4. Scenic Highways

The project area does not include any state-designated scenic highways, and the project will not involve the removal or alteration of any significant visual resources that contribute to scenic vistas.

5. Historical Resources:

The project is not listed as an historical resource, and the project does not propose any activities that could adversely affect historical resources [*North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94, 110 (“confirming that a project is exempt from CEQA where it ‘does not affect historical resources’”).].

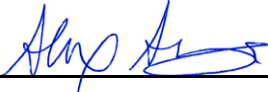

CONCLUSION

The District has thoroughly reviewed the proposed project and determined that it is categorically exempt from CEQA under multiple sections of the CEQA Guidelines as explained above. Additionally, the District has determined that none of the exceptions outlined in CEQA Guidelines Section 15300.2 apply to the proposed project. Given these findings, the proposed project is proper under the applicable categorical exemptions invoked, and the project may proceed without further environmental review under CEQA.

FISCAL IMPACT: The Hind Tanks Replacement Project is identified in the adopted budget for Fiscal Year 2024 and 2025 under the A1A11 Replacement of Storage Tanks fund center.

ATTACHMENT(S):

- 1. Draft Notice of Exemption
- 2. Site Map

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Alex Anaya Engineering Director	 Ben Horenstein General Manager

Notice of Exemption

Attachment 1



Filing Requested By and When Filed Return To:

Marin Municipal Water District
220 Nellen Ave
Corte Madera, CA 94925
Attn: Alex Anaya, Director of Engineering

Project Title: Hind Tanks Replacement Project

Project Location: City of San Rafael

Project Location – County: Marin

Project Description: This Project will replace two existing redwood tanks with two new 200,000-gallon tanks made of welded steel. The existing tanks located on assessor parcel number 186-520-10 will be demolished and the new tanks and retaining wall will be constructed within the project site on assessor parcel numbers 186-520-06, 186-520-11, and 186-520-09. Construction is anticipated to take approximately nine months between 2024 and 2026.

Public Agency Approving Project: Marin Municipal Water District

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

CEQA Exemption Status: Categorical Exemption Section 15301, Existing Facilities, Categorical Exemption Section 15302, Replacement or Reconstruction, Categorical Exemption Section 15303, New Construction or Conversion of Small Structures, and Categorical Exemption Section 15304, Minor Alternations to Land.

Reason for Exemption: This project qualifies for exemption pursuant to Section 15301(b) of the CEQA Guidelines inasmuch as it is an existing public-owned facility used to provide public utility services involving negligible or no expansion of capacity and is necessary to continue water service to the surrounding area. This project also qualifies for exemption pursuant to Section 15302(c) of the CEQA Guidelines inasmuch as it is the replacement of existing water storage tank involving negligible or no expansion of capacity, but merely enhances capacity solely for needed firefighting capability and has a negligible expansion of overall District storage. This project also qualifies for exemption pursuant to Section 15303 of the CEQA Guidelines inasmuch as it is construction of limited numbers of new, small facilities or structures. This project also qualifies for exemption pursuant to Section 15304 of the CEQA Guidelines in that it will involve minor grading for purposes of citing the new tanks and clearing the old tank site.

The District has also determined that none of the exceptions under CEQA Guidelines Section 15300.2 apply to the proposed project. Specifically:

- **Location in Sensitive Environments.** The project does not impact any environmentally sensitive areas as defined under CEQA. The selected trails are outside areas of critical concern, ensuring compliance with CEQA Guidelines § 15300.2(a).
- **Cumulative Impact.** The cumulative impact of the project is not significant as the capacity of the new tanks is enhanced only to achieve fire flow for the surrounding area and as such will not

contribute to any significant cumulative environmental impacts, consistent with CEQA Guidelines § 15300.2(b).

- **Unusual Circumstances.** The project does not present any unusual circumstances that could lead to significant environmental effects in that the project will allow continued water service and enhanced fire flow to the surrounding area consistent with historical use of the facilities consistent with CEQA Guidelines § 15300.2(c).
- **Scenic Highways.** The project area does not include any state-designated scenic highways, and the project will not involve the removal or alteration of any significant visual resources that contribute to scenic vistas, consistent with CEQA Guidelines § 15300.2(d).
- **Historical Resources.** The project is not listed as an historical resource, and the project does not propose any activities that could adversely affect historical resources consistent with CEQA Guidelines § 15300.2(f).

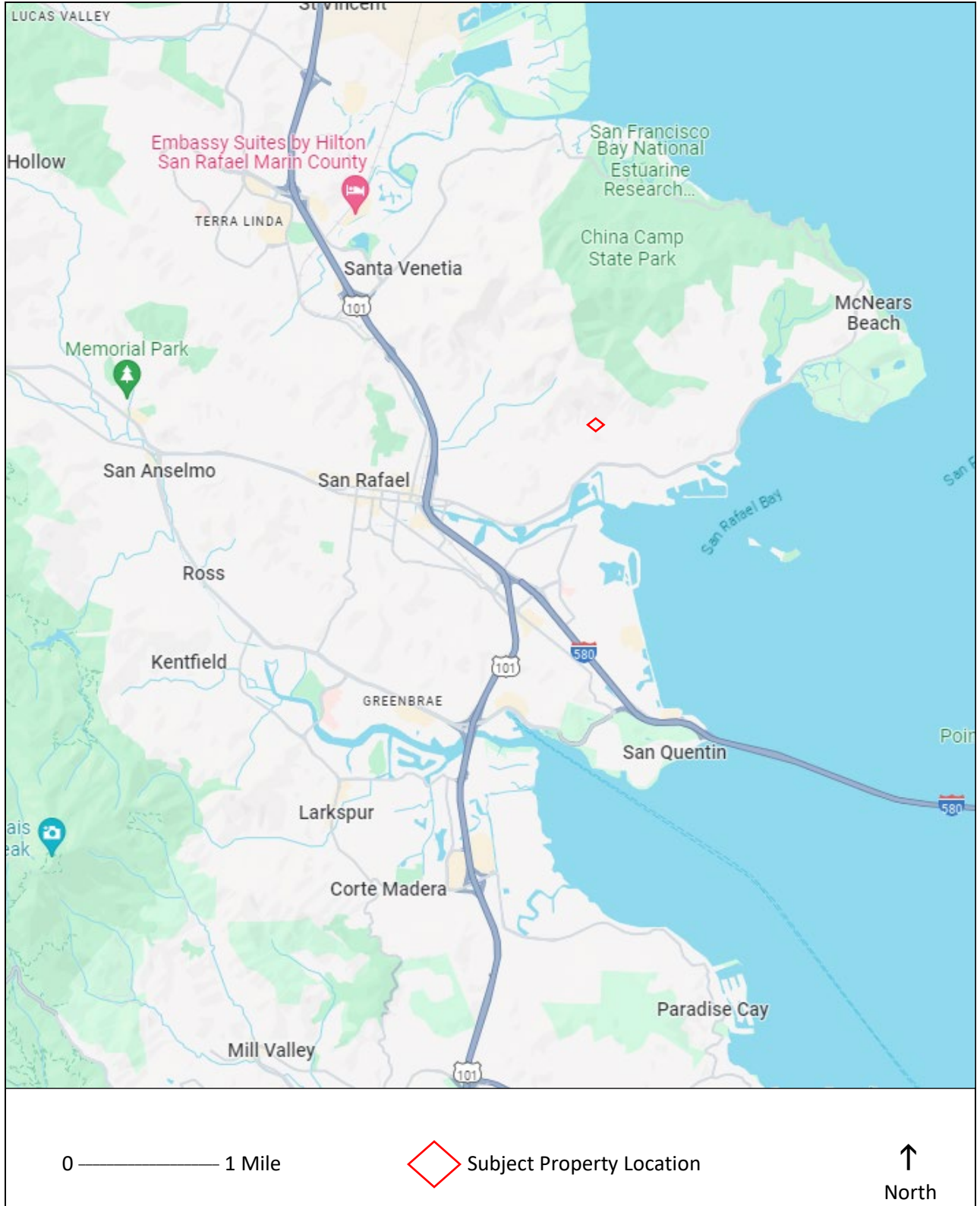
Project Approval: The Marin Municipal Water District Board of Directors approved the project at their regularly scheduled meeting on September 3, 2024.

Lead Agency Contact Person: Alex Anaya, Marin Municipal Water District

Telephone: (415) 945-1588

Alex Anaya, Director of Engineering

Date



SOURCE: Google Street Maps, 2024

Hind Tank Project 201900090.16

Figure 1
Regional Location

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. Since before the turn of the last century, Mt. Tamalpais has been a magnet for recreationists. The Marin Municipal Water District’s Mt. Tamalpais watershed lands receive approximately 2 million visitors annually and are part of the Golden Gate Biosphere Reserve (UNESCO 2002). Watershed users include anglers, hikers, equestrians, nature viewers, runners, walkers, youth camps, cyclists and many more. With the onset of the COVID-19 Pandemic and associated Shelter in Place Orders, the number of watershed visitors drastically increased, overwhelming many of the District’s facilities (restrooms, parking lots, trash receptacles and popular trails). This dramatic increase in users demonstrates the significant value of natural areas and open space lands to the community and the community’s deep connection to these areas. However, this increase in visitors also accentuated long-standing watershed issues relating to existing facilities and between different visitor groups.

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 are considered motorized vehicles by the District and prohibited per District Code 9.04.01.

With the emergence of electric bicycles (E-Bikes), the District initiated a community advisory committee (CAC) process to better understand and evaluate the prevalence of E-Bikes and their potential impact on areas already open to conventional bicycles. The E-Bike CAC processes started in 2018 and included seven meetings organized around major topics that were approved in advance by the CAC. When possible, topical experts were brought in to provide presentations to inform the E-Bike CAC members understanding of the topic areas. 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.

Watershed Recreation Management Planning Feasibility Study

The planning process for the Feasibility Study was designed to facilitate a conversation with the community regarding existing visitation in an effort to help address long-standing issues around various modes of recreation on Mt. Tamalpais. The Feasibility Study reviewed existing watershed recreational facilities, visitor use data, biological resources, stewardship and volunteer programs, and visitor management strategies. The planning process aligned with the District’s adaptive watershed management strategy and informs 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 the Feasibility Study presents a series of Strategic Opportunities organized around stewardship initiatives, visitor services, watershed facilities, and adaptive management operations.

As part of the Watershed Feasibility Study, two pilot programs were identified as key Strategic Opportunities or next steps. One pilot program to evaluate trail sharing methods to assess bike access on a select number of single-track trails. The second program is allowance of Class I E-Bikes for a trial period to evaluate E-Bike access on the watershed in the same manner as regular bicycles, including any trails where bike access would be permitted under the proposed Trail Sharing Pilot Program. To inform the Trail Sharing Pilot Program, the District conducted trail assessments on a select number of

trails which has included, conducting trail counts, evaluating trail conditions, assessing biological resources, hosting stakeholder meetings and reviewing visitor management strategies.

The Trail Sharing Pilot Program and E-Bike Class I Trial include data collection and monitoring activities, consistent with CEQA Guidelines Section 15306, as further explained below. These activities have been carefully designed to avoid causing significant disturbances to environmental resources and are intended to inform future management decisions without requiring extensive physical alterations to the land.

Ordinance No. 465

In order to allow the proposed pilot and trial programs to proceed consistent with District Code, staff proposes that the Board of Directors adopt Ordinance No. 465, which would authorize the implementation of these programs notwithstanding current prohibitions in District regulations. This code revision would specifically authorize the District Board of Directors to adopt bicycle pilot/trial programs by resolution to preserve the flexibility to adaptively manage these programs without the need for further code revisions.

E-Bike Class I Trial

The objective of the E-Bike Class I Trial is to evaluate changes in E-Bike Class I usage and how the inclusion of E-Bikes Class I influences visitors’ watershed experience. Evaluating the inclusion of Class I E-Bikes on existing roads and trails within the watershed, where conventional bicycles are permitted—including any new trails under the Trail Sharing Pilot Program—will provide critical data to inform the District’s future watershed management and policy decisions. The trial is designed to assess potential impacts while ensuring that the inherent features of the project minimize environmental impacts, if any, consistent with CEQA Guidelines. Attachment 5 is a proposed resolution that authorizes E-Bike Class I’s on watershed roads and trails that are open to 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. Visitor experience: Conduct two rounds visitor surveys to understand perceptions, experiences and conflicts over Trial period.

Trail Sharing Pilot Program

The objective of this Trail Sharing Pilot Program is to examine new approaches to safely share trails and improve the trail experience for all visitors. On select existing watershed trails, the District will collect data relating to visitor patterns, environmental conditions, and compliance with District regulations to evaluate various trail sharing strategies. The pilot project will test new methods to safely share a select number of trails and improve the trail experience for all users while protecting habitat, wildlife, and water quality.

Trail Sharing Strategies:

- 1. Trail types by user group:
 - Hiker & biker trail
 - Hiker, biker, and equestrian trail

- 2. Sharing strategies:
 - Directional trail for bike access
 - Days of the week portioning for user groups
 - Road to trail conversions
- 3. Bike trail experience:
 - Strategic connections
 - Loops
 - Range of technical difficulty

Not all watershed trails will be open to bikes as part of the Trail Sharing Pilot. To inform the selection of trails, the District conducted trail assessments on select watershed trails. Trail assessments included a review of biological resources, current visitor patterns, safety considerations, abiotic conditions, regulatory conditions and trail stewardship needs. Trail sharing strategies will be adaptively managed over the duration of the Pilot period and regulations signs installed at trailheads to inform visitors of bike access regulations and sharing strategies being evaluated. Attachment 1 includes the Trail Assessment matrix that summarizes the information collected for each proposed trail. Attachment 2 includes a series of maps for each trail segment that considers sensitive resources, water quality, trail conditions, and trail assessment points. The Trail Sharing Pilot Program will continue for a two-year period to allow the District to gather information on trail sharing strategies, visitor experience, trail conditions, and stewardship. Attachment 4 is a proposed resolution that authorizes the use of a subset of watershed trails for a Trail Sharing Pilot Program to evaluate multi-use access on single-track trails on the Mt. Tamalpais Watershed.

Data Collection Process for the Trail Sharing Pilot Program will include:

- A. Trail counters: Conduct trail counts along pilot trail route to collect data relating to visitor patterns.
- B. Invasive plants: conduct surveys as part of Early Detection Rapid Response EDRR with mapping of any new invasive plants occurring along pilot trail routes to understand vegetation impacts from change of use.
- C. Trail conditions: establish monitoring transects to evaluate changes in trail width, tread condition, drainage and erosion to help inform stewardship activities and trail designs standards.
- D. Photo monitoring: establish points used to document trail conditions before, during and after pilot period.
- E. Compliance: Increase patrols along pilot trails and adjacent trails to gather data on enforcement activities and efficacy of trail sharing method.
- F. Visitor experience: Conduct two rounds of visitor surveys to understand perceptions, experiences and conflicts along pilot trails.
- G. Evaluate the frequency and efficacy of enhanced community trail stewardship activities.

The District has developed a webpage to keep the community updated on the pilot process, which can be viewed: (<https://www.marinwater.org/WatershedRecPlan>).

ENVIRONMENTAL REVIEW: The proposed projects involve implementing a two-year Trail Sharing Pilot Program on selected trails within the watershed and E-Bike Class I Trail. These projects aim to evaluate the feasibility and impacts of shared trail use among hikers, bikers, and horseback riders, as well as the introduction of Class I E-Bikes on existing roads and trails where conventional bicycles are permitted.

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 Trail Sharing Pilot Program and E-Bike Class I Trial and determined that each project is categorically exempt from CEQA under Article 19, Categorical Exemptions, of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

CEQA Compliance

The projects include minor trail maintenance, visitor education, and comprehensive data collection activities, all designed to minimize environmental impacts while informing future management decisions. The proposed projects qualify, in the alternative, for categorical exemptions under CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and 15306 (Information Collection), as further described below, as they involve continued use and minor alterations of existing facilities without significant environmental effects.

Trail Sharing Pilot Program:

- **Section 15301 (Existing Facilities):** The program involves the continued operation and use of existing single-track trails within the Marin Municipal Water District’s watershed without any expansion of the existing facilities. These trails have historically supported similar recreational activities, including hiking and horseback riding.
- **Section 15302 (Replacement or Reconstruction):** Any necessary maintenance or repairs during the pilot program will be confined to the existing footprint of the trails, involving the replacement or reconstruction of facilities without increasing capacity.
- **Section 15304 (Minor Alterations to Land):** The project includes minor public or private alterations such as grading and adjustments needed to maintain trail usability. These actions are minor and do not involve significant environmental impacts, consistent with the CEQA exemption.
- **Section 15306 (Information Collection):** The program includes comprehensive data collection and monitoring activities designed to evaluate visitor patterns, trail conditions, and environmental impacts. These activities are conducted in a manner that avoids significant disturbances to environmental resources and are essential for informing future management decisions [*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 703 (“upholding the application of a categorical exemption where cumulative impacts were found to be ‘not significant’”).].

E-Bike Class I Trial:

- **Section 15301 (Existing Facilities):** This trial is limited to existing roads and trails where conventional bicycles are permitted. The project does not involve any expansion of these facilities and continues their existing use under controlled conditions.
- **Section 15304 (Minor Alterations to Land):** Similar to the Trail Sharing Pilot Program, the E-Bike Class I Trial includes minor land alterations necessary to accommodate E-Bike usage, ensuring that these alterations are minimal and do not result in significant environmental effects.
- **Section 15306 (Information Collection)** – The proposed project will include basic data collection, which will gather information relating E-Bike Class I compliance and bike usage on the watersheds fire roads

and multi-use trails. The trial will gather data on E-Bike usage, visitor compliance, and environmental impacts to inform future management decisions.

Exceptions to CEQA Exemptions (Section 15300.2)

The District has also determined that none of the exceptions under CEQA Guidelines Section 15300.2 apply to either the Trail Sharing Pilot Program or the E-Bike Class I Trial. Specifically:

1. Location in Sensitive Environments

The District has carefully assessed the locations involved in both the Trail Sharing Pilot Program and the E-Bike Class I Trial and determined that neither project is located within an environmentally sensitive area as defined under CEQA Guidelines section 15300.2, subd. (a). The selected trails and roads have been evaluated for the presence of sensitive habitats, rare species, wetlands, and other resources of critical concern, and it has been confirmed that these areas are free from such environmental sensitivities. Furthermore, the projects are designed to operate within the existing footprint of these trails and roads, ensuring that no new disturbances or encroachments into environmentally sensitive areas will occur. Ongoing monitoring and data collection will further ensure that any unforeseen environmental impacts are quickly identified and mitigated. This assessment aligns with legal precedents where categorical exemptions were upheld for projects located outside sensitive environmental areas, thereby reinforcing the District's determination that the projects qualify for exemption.

2. Cumulative Impact

The District has carefully considered the potential cumulative impacts of the Trail Sharing Pilot Program and E-Bike Class I Trial, particularly in the context of other ongoing or foreseeable activities within the watershed. After thorough analysis, it has been determined that the cumulative impact of these projects is not significant.

These projects are inherently designed to be temporary, allowing for close monitoring and evaluation throughout their duration. The data collection and monitoring processes will provide real-time feedback, enabling the District to make necessary adjustments to mitigate any emerging environmental concerns promptly. This adaptive management approach ensures that even in conjunction with other activities within the watershed, the projects will not contribute to any significant cumulative environmental impacts.

Moreover, the projects are limited in scope and are confined to existing trails and roads, which have been used historically for similar recreational purposes without causing significant environmental harm. The introduction of Class I E-Bikes, which have a negligible additional impact, if any, compared to conventional bicycles, further reduces the likelihood of significant cumulative effects.

Legal precedents reinforce this conclusion, indicating that a project may qualify for a categorical exemption even when considered alongside other activities, provided that it does not contribute to significant cumulative environmental impacts. In *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 703, the court upheld the use of a categorical exemption where the cumulative impacts of the project were found to be “not significant.” Additionally, in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120, the court emphasized that cumulative impacts must be analyzed in light of the project's actual contribution to those impacts, rather than in the abstract.

3. Unusual Circumstances

The District has conducted a thorough evaluation and determined that the use of the trails and roads for multiple recreational activities, including the introduction of Class I E-Bikes, does not present any unusual circumstances that could lead to significant environmental effects. The selected trails and roads have historically supported a variety of recreational uses, including hiking and horseback riding, without incident or adverse environmental impacts. This historical use demonstrates the compatibility of the proposed activities with the existing environmental conditions.

Moreover, the introduction of Class I E-Bikes does not introduce any new or unique factors that would differentiate the project from past uses. Class I E-Bikes are pedal-assisted and limited in speed, making their impact comparable to that of conventional bicycles, which have been successfully integrated onto watershed roads for many years. The project design also includes ongoing maintenance and monitoring measures that are specifically intended to prevent any potential environmental impacts, further minimizing the likelihood of any significant effects.

Legal precedents support this conclusion, as courts have consistently held that for a project to lose its categorical exemption under the “unusual circumstances” exception, there must be substantial evidence showing a reasonable possibility of significant environmental impact due to the unusual circumstances. In this case, no such evidence exists [*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (“unusual circumstances must present a significant environmental impact to negate a categorical exemption”)], [see also *Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 820 (affirming that mere changes in use that do not introduce new significant environmental effects do not constitute unusual circumstances)].

4. Scenic Highways

The project areas do not include any state-designated scenic highways, and the projects will not involve the removal or alteration of any significant visual resources that contribute to scenic vistas.

5. Historical Resources:

The roads and trails involved in the proposed projects are not listed as historical resources, and the projects do not propose any activities that could adversely affect historical resources [*North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94, 110 (“confirming that a project is exempt from CEQA where it ‘does not affect historical resources’”)].

CONCLUSION

The District has thoroughly reviewed the proposed Trail Sharing Pilot Program and E-Bike Class I Trial and determined that both projects are categorically exempt from CEQA under multiple sections of the CEQA Guidelines. The data collection and monitoring activities inherent in these projects are meticulously designed to avoid significant disturbances to environmental resources and are intended to inform future management decisions.

The Trail Sharing Pilot Program, which will include the use of Class I E-Bikes along with bicycles, qualifies for categorical exemptions under Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and 15306 (Information Collection), as it involves the continued use and minor alterations of existing trails without any significant expansion or

environmental impact. Similarly, the E-Bike Class I Trial qualifies for categorical exemptions under Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land) and 15306 (Information Collection), as it involves the introduction of Class I E-Bikes on existing roads where conventional bicycles are permitted, with only minor adjustments necessary to accommodate this use. To the extent that Class I E-Bikes will be part of the Trail Sharing Pilot Program, the District finds that the exemptions cited for the Trail Sharing Pilot Program are inclusive of this use.

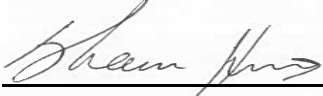

Additionally, the District has determined that none of the exceptions outlined in CEQA Guidelines Section 15300.2 apply to either project.

Given these findings, the Trail Sharing Pilot Program and E-Bike Class I Trial are both proper under the applicable categorical exemptions invoked, and the projects may proceed without further environmental review under CEQA.

FISCAL IMPACT: None.

ATTACHMENT(S):

- 1. Watershed Trail Sharing Pilot Screening Matrix
- 2. Watershed Trail Sharing Pilot Assessment Figures
- 3. Proposed Ordinance No. 465
- 4. Proposed Resolution for Trail Sharing Pilot
- 5. Proposed Resolution for E-Bike Class I Trial
- 6. Trail Sharing Pilot CEQA NOE
- 7. E-Bike Class I Trial CEQA NOE

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
<p style="text-align: center;">Watershed</p> <hr/>	 <hr/> <p style="text-align: center;">Shaun Horne Watershed Resources Director</p>	 <hr/> <p style="text-align: center;">Ben Horenstein General Manager</p>

Attachment 1

Trail Assessment Matrix

Trail assessments were carried out on a select number of watershed trails to inform the Trail Sharing Pilot Program (not all trails evaluated will be selected).

Trail Name	Trail Length (miles)	Current Level of Use	Trail Difficulty Level	Connectivity to Non-System Trails	Existing Abiotic Trail Condition					Safety			Biological and Natural Resources			Stewardship Opportunities		Trail Management Strategies		
					Representative Trail Width	Representative Surface Material	Serpentine Soils	Avg. Grade, Max Grade	Trail Surface Condition	Line of Sight	Slow Zone Areas	Trail Hazards	Sensitive Habitat (Rare Plant/Wildlife Habitat)	Water Quality: Stream Crossings/	Mitigated Crossing	Trail Maintenance Actions	Invasive Management Priority	Visitor Type Recommendation	Directional Recommendation	Day or Seasonal Restriction Recommendation
		Low (0-5 users/day); Moderate (6-10); High (>10)	Easy, Moderate, Difficult	Low, Moderate, High			Yes, No		Good, Fair, Poor	Good, Average, Need Improvement	Yes, No	Many, Few, None	Low, Moderate, High	Yes, No		Many, Few	Low, High	H=Hiker B=Biker E=Equestrian		
Sunnyside Trail	0.62	Weekday: Mod Weekend: High	Moderate	High	51"	Compacted Native Soil	No	Avg: 2% Max: 9%	Good	Good	Yes	Few	Low	Yes	Bridged	Many	Low	H/B	Directional (East to West)	No Bikes on Weekends
Upper Dam Trail	0.10	Weekday: Low Weekend: High	Easy	Low	14"	Compacted Native Soil	No	Avg: 6% Max: 17%	Good	Need Improvement	Yes	Few	Low	No		Few	Low	H/E		No
Lower Dam Trail	0.23	Weekday: Low Weekend: Mod	Easy	Low	14"	Compacted Native Soil	No	Avg: 6% Max: 17%	Good	Good	No	None	Moderate	Yes	No	Few	High	H/E		No
Pumpkin Ridge Trail	0.70	Weekday: Low Weekend: High	Moderate	Moderate	118"	Compacted Native Soil	No	Avg: 4% Max: 16%	Good	Good	No	Few	Low	No		Many	Low	H/B/E	Bi-Directional	No
Pumpkin Ridge Trail Re-Route	0.23	Weekday: Low Weekend: High	Moderate	N/A	N/A	Compacted Native Soil	No	Avg: 3% Max: 14%	N/A	Good	No	None	Moderate	No		N/A	Low	H/B/E	Bi-Directional	No
Madrone Trail	0.91	Weekday: Low Weekend: Mod	Moderate	Low	35"	Compacted Native Soil	No	Avg: 3% Max: 19%	Good	Need Improvement	Yes	Many	Low	No		Many	Low	H/B/E	Directional (West to East)	No
Concrete Pipe Road	0.97	Weekday: Low Weekend: Mod	Easy	Low	180"	Compacted Native Soil	No	Avg: 4% Max: 23%	Good	Good	No	None	Low	No		Few	High	H/B/E	Bi-Directional	No
Concrete Pipe Trail	0.16	Weekday: Low Weekend: Mod	Difficult	Low	25"	Compacted Native Soil	No	Avg: 4% Max: 10%	Good	Average	No	Few	Low	No		Few	High	H/B/E	Directional (West to East)	No
Upper Fish Gulch Trail	0.31	Weekday: Low Weekend: Low	Difficult	Low	50"	Compacted Native Soil	No	Avg: 6% Max: 15%	Fair	Average	Yes	Many	Moderate	Yes	Rock Crossing	Few	High	H/B/E	Directional (West to East)	No
Lower Fish Gulch Trail	0.27	Weekday: Low Weekend: Low	Difficult	Low	36"	Compacted Native Soil	No	Avg: 6% Max: 17%	Fair	Average	Yes	Many	Moderate	Yes	Rock Crossing	Many	High	H/E		No
Grassyslope Road	0.86	Weekday: Low Weekend: Low	Moderate	Low	36"	Compacted Native Soil	No	Avg: 5% Max: 20%	Fair	Good	No	Few	Low	No		Few	High	H/B/E	Bi-Directional	No
Mountain Top Trail/Airforce Throughway	0.94	Weekday: Low Weekend: Mod	Moderate	Low	Variable 44" - 180"	Compacted Native Soil & Pavement	Yes	Avg: 3% Max: 16%	Good	Good	Yes	Few	High	Yes	Rock Crossing	Few	Low	H/B	Bi-Directional	No
Arturo Trail	0.52	Weekday: Low Weekend: Low	Difficult	Low	32"	Compacted Native Soil	No	Avg: 4% Max: 20%	Good	Average	Yes	Few	Low	Yes	Rock Crossing	Many	Low	H/B	Directional (Southeast to Northwest)	No
Lakeview Trail/Middle Peak Rd	0.66	Weekday: Low Weekend: Mod	Moderate	Moderate	Variable 39"-180"	Compacted Native Soil	No	Avg: 4% Max: 13%	Good	Need Improvement	Yes	Few	Low	No		Few	Low	H/B	Bi-Directional	No
Northside Trail	2.66	Weekday: Low Weekend: Mod	Moderate	High	33"	Rock/Compacted Native Soil	Yes	Avg: 5% Max: 29%	Good	Good	No	Few	High	Yes	Rock Crossing	Few	Low	H/E		No
Total Length of Trails Assessed:	10.14																			

Attachment 2 Trail Assessment Maps

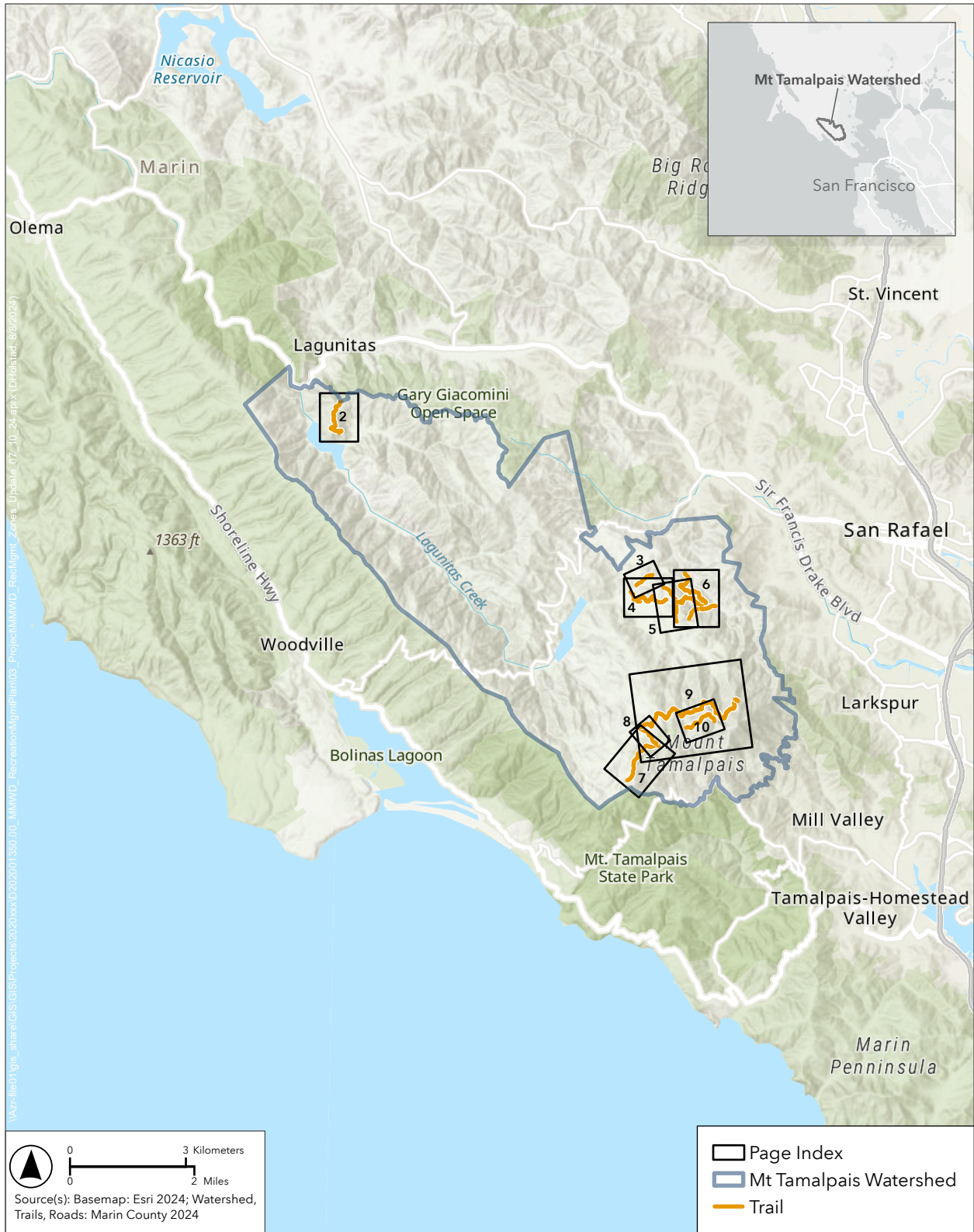


Figure 1A
Trails Overview
Marin Water Recreation Management Plan





Figure 1B
 Trails Legend
 Marin Water Recreation Management Plan



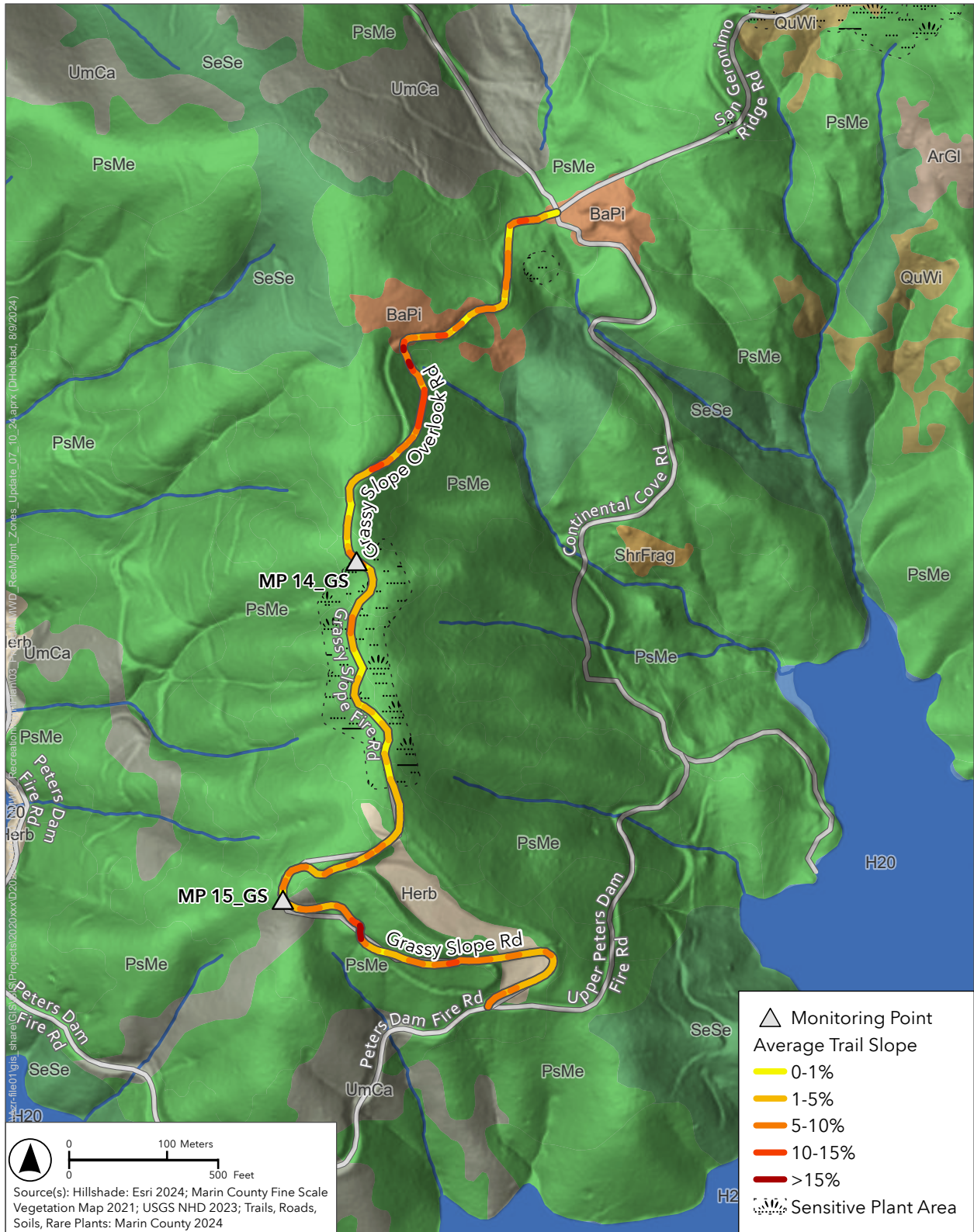


Figure 2
Grassy Slope Rd & Grassy Slope Overlook Rd
Marin Water Recreation Management Plan



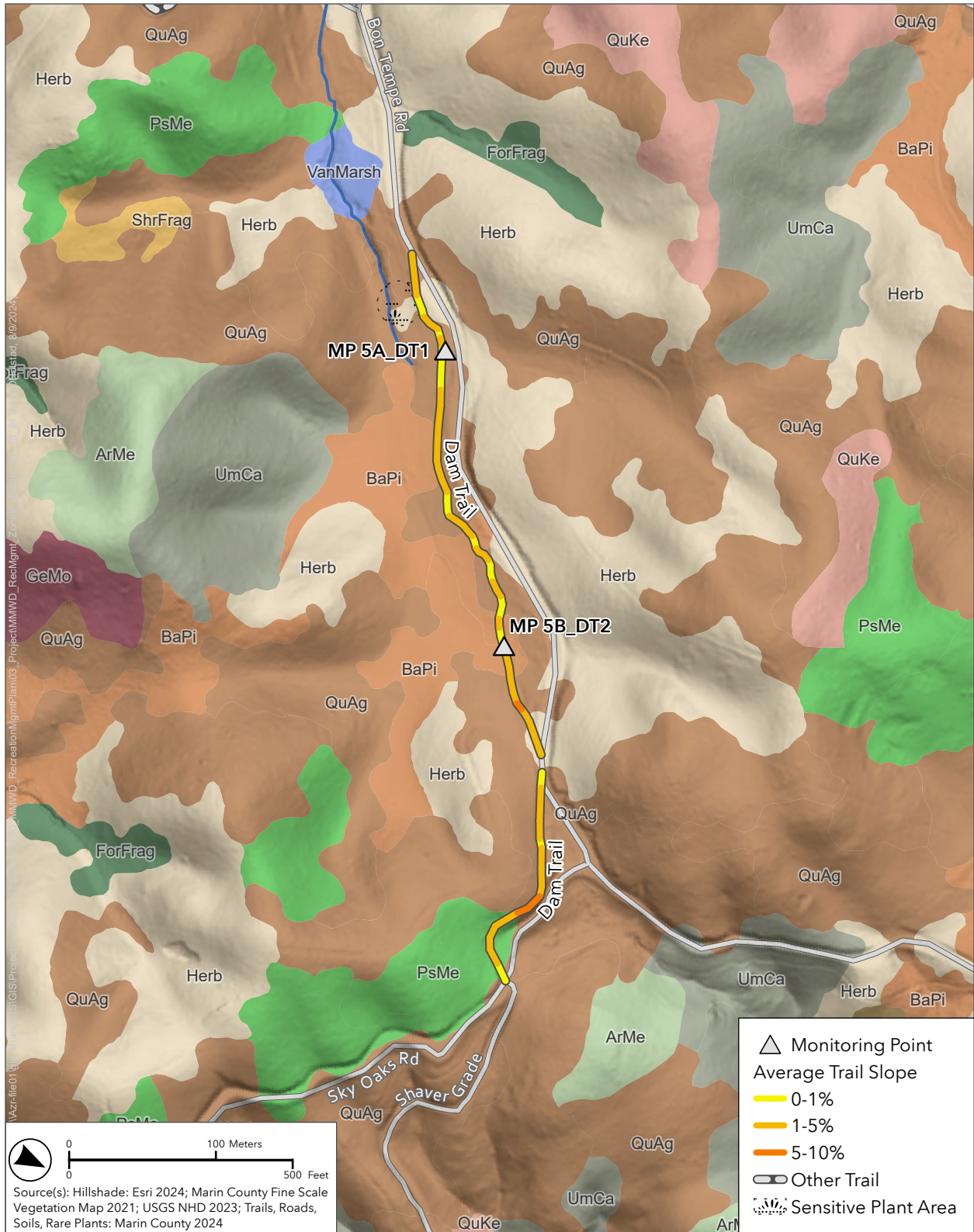


Figure 3
Dam Trail
Marin Water Recreation Management Plan



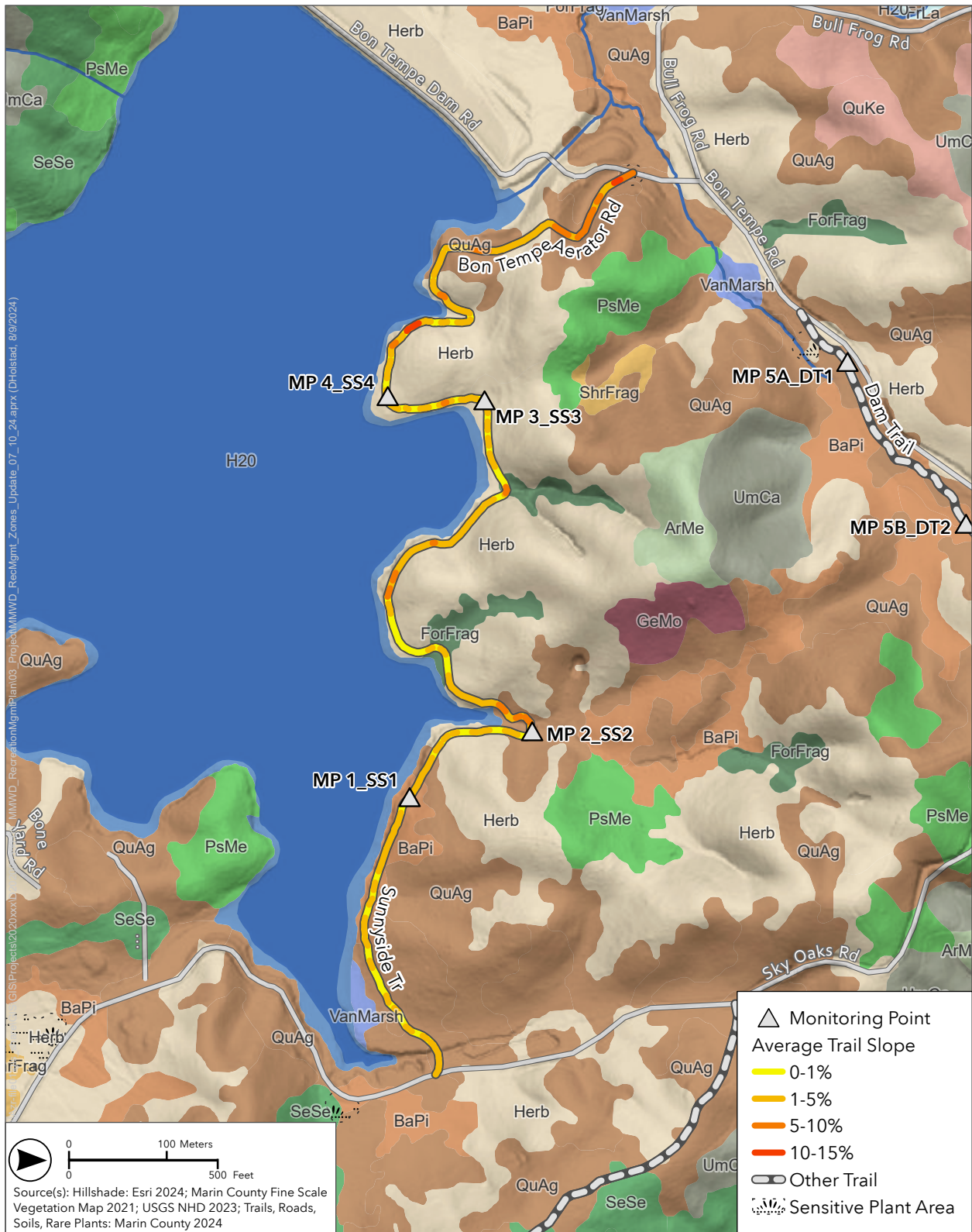


Figure 4
 Bon Tempe Aerator Rd, Bon Tempe Shoreline Tr & Sunnyside Tr
 Marin Water Recreation Management Plan



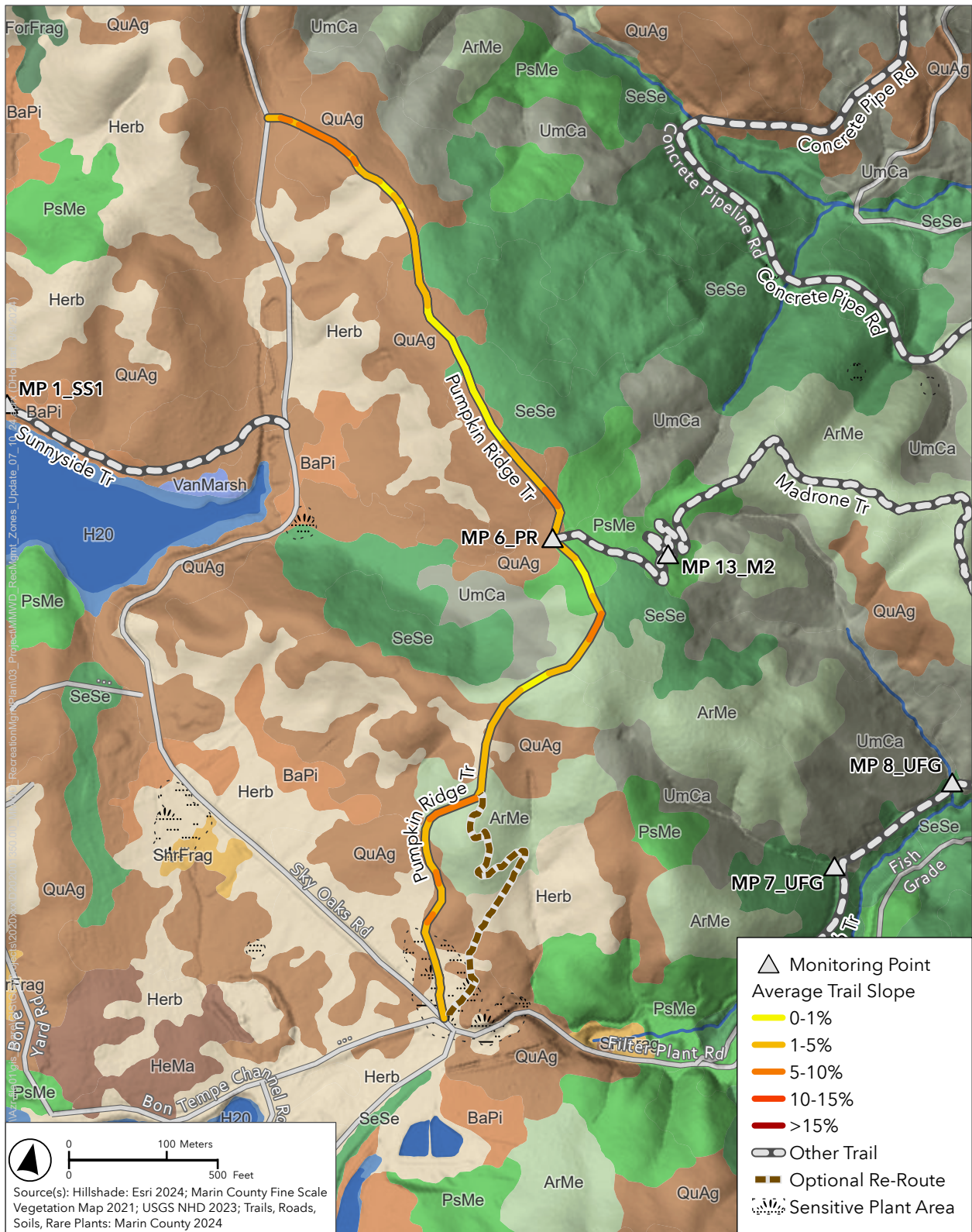


Figure 5
Pumpkin Ridge Tr, Old Pumpkin Ridge Tr & Sky Oaks Spur
Marin Water Recreation Management Plan



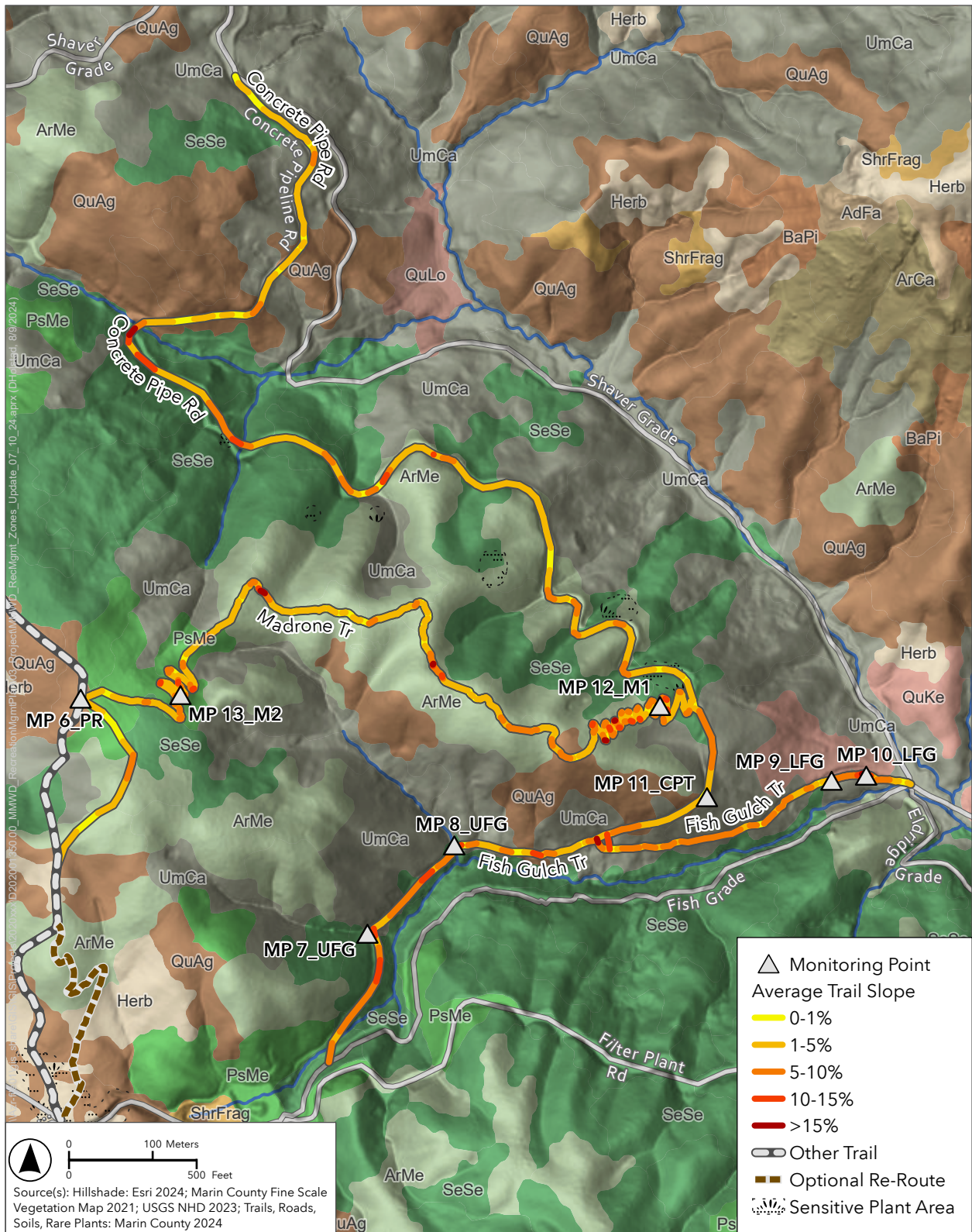


Figure 6
Madrone Tr, Concrete Pipe Tr, Concrete Pipe Rd, Upper Fish Gulch Tr & Lower Fish Gulch Tr
Marin Water Recreation Management Plan



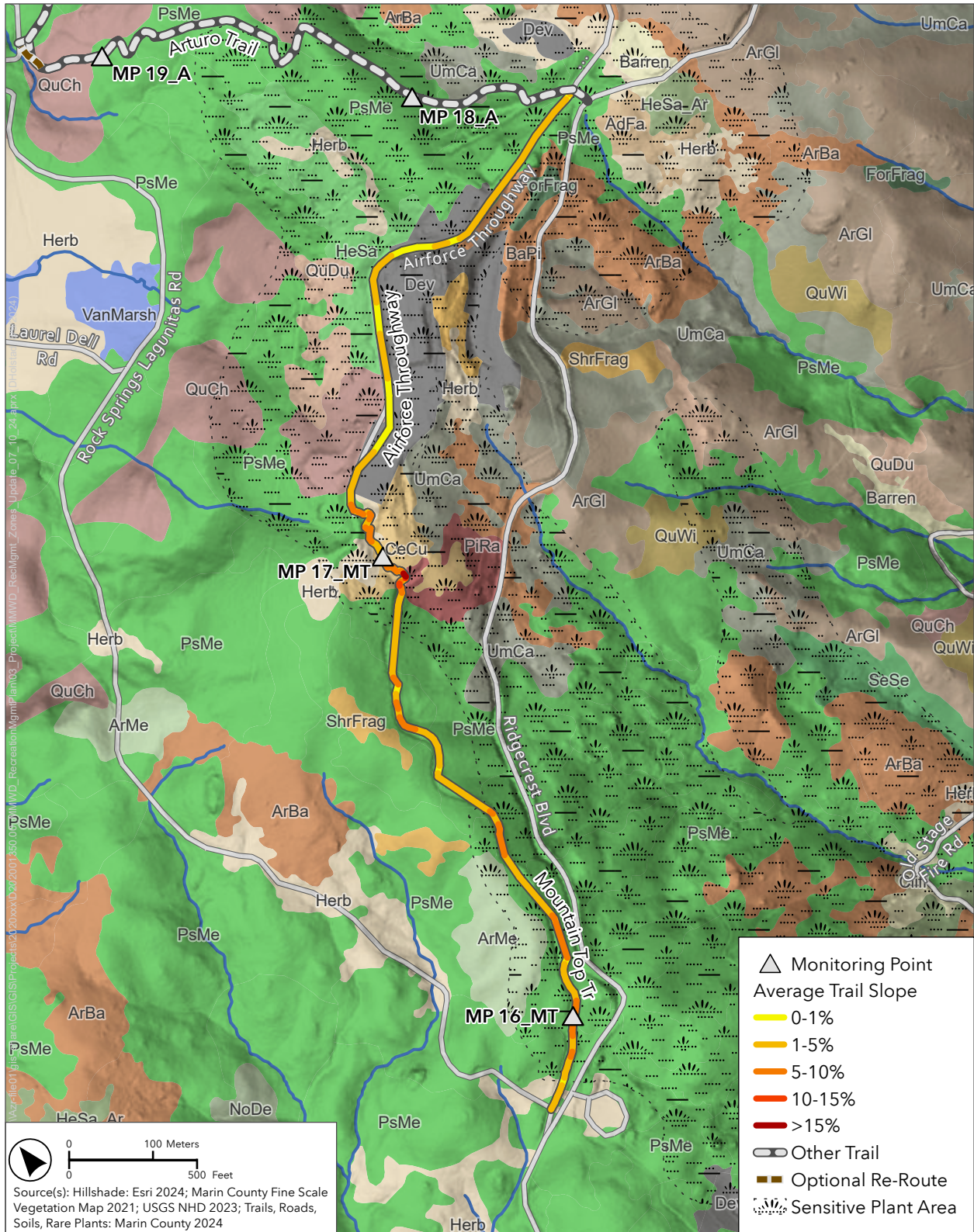


Figure 7
 Airforce Throughway & Mountain Top Tr
 Marin Water Recreation Management Plan



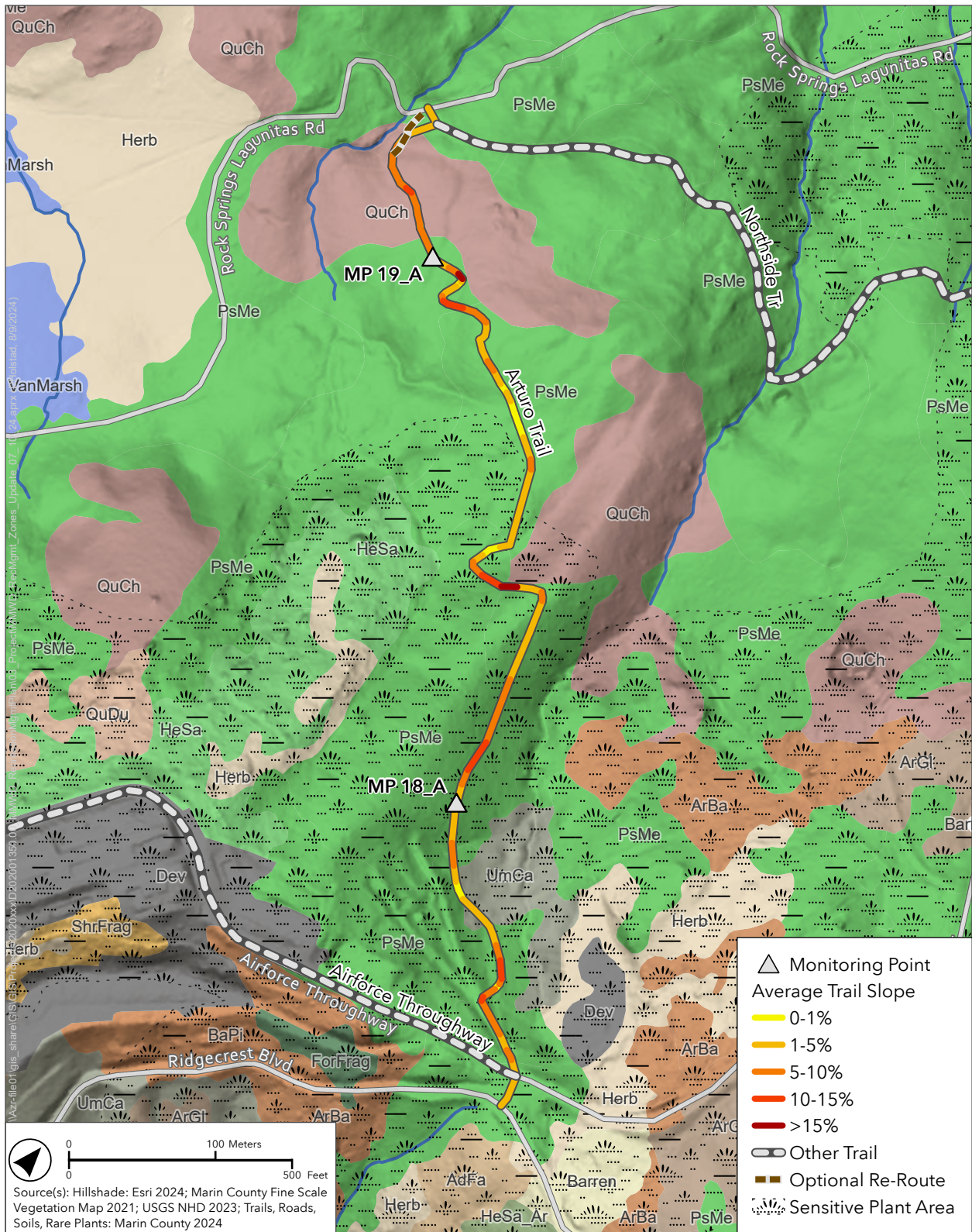


Figure 8
 Westpeak Turnoff, Airforce Throughway Extension, Azalea Meadow Tr & Arturo Tr
 Marin Water Recreation Management Plan



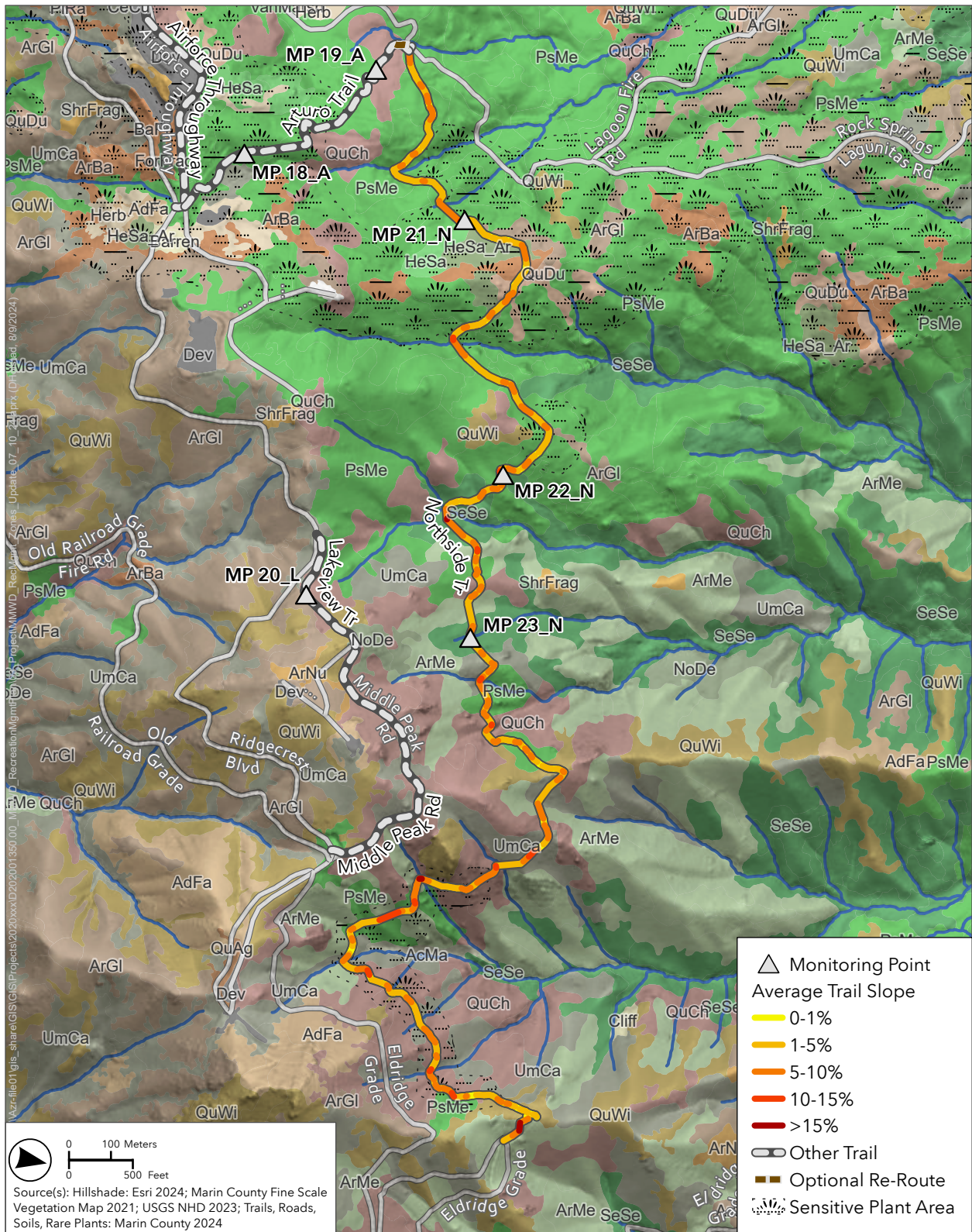


Figure 9
 Northside Tr & Northside-Eldridge Connector
 Marin Water Recreation Management Plan



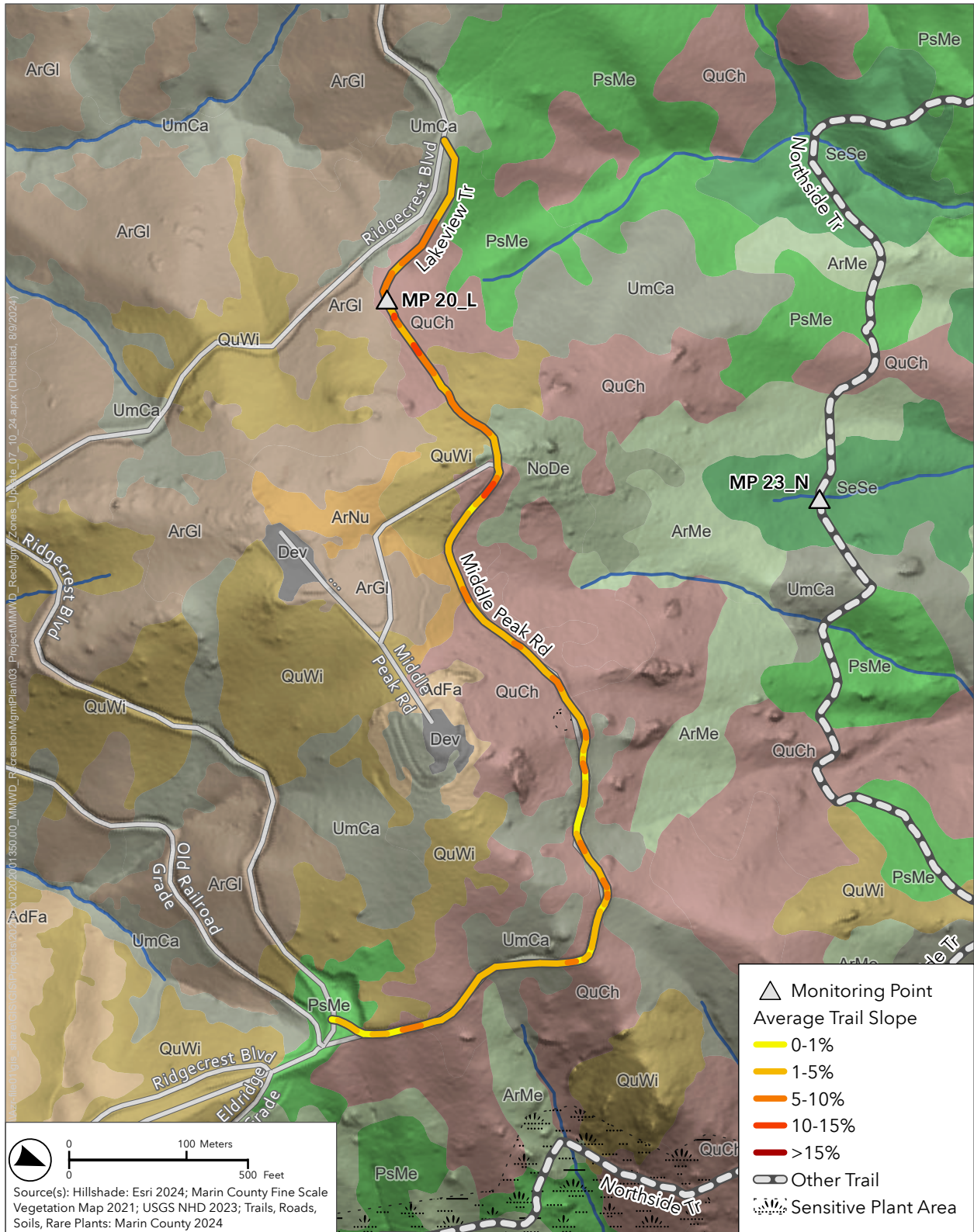


Figure 10
 Middle Peak Rd & Lakeview Tr
 Marin Water Recreation Management Plan





Trail Sharing Pilot Trails Native and Invasive Plant Assessment

Introduction

Summarized below is the information Marin Water has about the rare and invasive plants adjacent to trails under consideration for the Pilot. Rare plant records come from the Biodiversity Fire and Fuels Integrated Plan (2019), and surveys or observations by staff and consultants since 2019. There may be additional rare plants in these locations not captured in this data. Any vegetation modification in an area identified as sensitive should be preceded by a survey to ensure exact locations of rare plants are known.

Invasive plant data comes from One Tam early detection surveys which are conducted along all trails and roads, along with staff records.

Trail segments

Sunnyside Trail

Rare plants: No rare plants are documented adjacent to this trail

Invasive plants: Yellow starthistle, firethorn, cotoneaster and jubata grass actively managed in vicinity of this trail. Broom treated here every 2 years.

Pumpkin Ridge Trail

Rare plants: Gairdner's yampah is adjacent to trail; pink star-tulip, Santa Rosa horkelia are in the vicinity of this trail, but not immediately adjacent to trail.

Invasive plants: Yellow starthistle and stinkwort are actively management in the vicinity of this trail. Broom treated here every 2 years.

Madrone Trail

Rare plants: No rare plants are documented adjacent to this trail

Invasive plants: Broom treated here every 2 years.

Concrete Pipe Fire Road

Rare plants: Several patches of Napa false indigo near but not on trail

Invasive plants: Broom treated here every 2 years.

Upper Fish Gulch Trail

Rare plants: No rare plants are documented adjacent to this trail

Invasive plants: Broom treatment here begins in 2025.

Lower Fish Gulch Trail

Rare plants: No rare plants are documented adjacent to this trail

Invasive plants: Broom treatment here begins in 2025.

Arturo Trail

Rare plants: Trail passes through or near documented patches of Mt. Tam manzanita, Tiburon buckwheat, Oakland star tulip, Mt Tamalpais jewel flower
 Invasive plants: No priority weeds along this trail

Mountain Top Trail/Airforce throughway

Rare plants: Trail passes through or near patches of Mt Tam manzanita, Mt Tamalpais jewel flower & Tiburon buckwheat
 Invasive plants: Yellow starthistle, purple starthistle and cheat grass actively managed here

Lakeview Trail /Middle peak

Rare plants: Mt. tam manzanita nearby, Tamalpais jewel flower may be nearby
 Invasive plants: No priority weeds along this trail

Grassyslope Fire Road/Grassy slope overlook

Rare plants: California bottlebrush adjacent to trail
 Invasive plants: There is untreated French broom and upright veldt grass in this area

Northside trail

Rare plants: Napa false indigo has been documented along/adjacent to a stretch of this trail. Trail passes through a zone where the following species have been documented: Mt. Tam manzanita, Oakland startulip, Tiburon buckwheat, serpentine reed grass, Tamalpais jewel flower.
 Invasive plants: Scotch broom is managed at the east end of this trail. Otherwise, no priority weeds have been identified along this trail.

About the rare plants

None of these plants are state or federally listed.

“The California Rare Plant Ranks are a ranking system originally developed by the California Native Plant Society (CNPS) to better define and categorize rarity in California's flora. These ranks were previously known as the CNPS lists but were renamed to the California Rare Plant Ranks to better reflect the joint effort among the CNPS, the CNDDDB [California Natural Diversity Database], and a wide range of botanical experts, who work together to assign a rarity ranking. All plants tracked by the CNDDDB are assigned to a California Rare Plant Rank category.” (California Department of Fish and Wildlife)

common name	Gairdner's yampah
scientific name	Perideridia gairdneri ssp. gairdneri
plant info	perennial herb, flowers late summer, there is a similar looking plant (P. kelloggii) growing nearby; the two species are most reliably distinguished when plant is fruiting, August-September.
California rare plant rank	4.2, Plants of limited distribution; fairly threatened in California

common name	pink star-tulip
scientific name	<i>Calochortus uniflorus</i>
plant info	bulb plant, flowers in spring, difficult to find outside of growing season
California rare plant rank	4.2, Plants of limited distribution; fairly threatened in California

common name	Santa Rosa horkelia
scientific name	<i>Horkelia tenuiloba</i>
plant info	perennial herb, very low growing
California rare plant rank	1B.2, Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California

common name	Napa false indigo
scientific name	<i>Amorpha californica</i> var. <i>napensis</i>
plant info	woody- forest understory shrub or small tree
California rare plant rank	1B.2, Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California

common name	Tiburon buckwheat
scientific name	<i>Eriogonum luteolum</i> var. <i>caninum</i>
plant info	low-growing annual herb typically found on serpentine-derived soils. Some patches will have 10,000 + plants; as with other annuals, expect abundance and exact footprint to vary from one year to the next
California rare plant rank	1B.2, Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California

common name	Mt Tam manzanita
scientific name	<i>Arctostaphylos montana</i> ssp. <i>montana</i>
plant info	woody – low shrub typically found on serpentine-derived soils, though occasionally found elsewhere. Limited to Mt. Tam, where it can be a community co-dominant over large areas
California rare plant rank	1B.3, Plants rare, threatened, or endangered in California and elsewhere; not very threatened in California

common name	Oakland star tulip
scientific name	<i>Calochortus umbellatus</i>
plant info	bulb plant, flowers in spring, difficult to find outside of growing season; typically found in serpentine-derived soils, but sometimes found elsewhere. Typically grows at sparse density, sometimes across large areas
California rare plant rank	4.2, Plants of limited distribution; fairly threatened in California

common name	Mt Tamalpais jewel flower
scientific name	<i>Streptanthus glandulosus</i> ssp. <i>pulchellus</i>
plant info	low growing annual herb typically found on serpentine-derived soils. Some patches will have 10,000 + plants; as with other annuals, expect abundance and exact footprint to vary from one year to the next. There is another subspecies of <i>S. glandulosus</i> found in the same habitat, the two subspecies can only be distinguished during flowering, in mid-summer.
California rare plant rank	1B.2, Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California

common name	Tamalpais jewel flower
scientific name	<i>Streptanthus batrachopus</i>
plant info	low growing annual herb limited to serpentine-derived soils. Some patches will have 10,000 + plants; as with other annuals, expect abundance and exact footprint to vary from one year to the next.
California rare plant rank	1B.3, Plants rare, threatened, or endangered in California and elsewhere; not very threatened in California

common name	California bottle brush grass
scientific name	<i>Elymus californicus</i>
plant info	tall, perennial grass, typically found in shade or part shade
California rare plant rank	4.3, Plants of limited distribution; not very threatened in California

common name	serpentine reed grass
scientific name	<i>Calamagrostis ophitidis</i>
plant info	tall, perennial grass; limited to serpentine- derived soils
California rare plant rank	4.3, Plants of limited distribution; not very threatened in California

**MARIN MUNICIPAL WATER DISTRICT
ORDINANCE NO. 465**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.04 ENTITLED “VEHICLE AND
TRAFFIC REGULATIONS” OF THE MARIN MUNICIPAL WATER DISTRICT CODE
ADDING A NEW SECTION 9.04.006 TO ALLOW PILOT/TRIAL PROGRAMS
PURSUANT TO AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL
WATER DISTRICT AS FOLLOWS:**

SECTION 1. Purpose: The purpose of this Ordinance is to allow the Marin Municipal Water District (District) Board of Directors to adopt pilot/trial programs for bicycle use and use of electric Class I bicycles, on specified watershed lands, notwithstanding existing provisions in the District Code. This ordinance is intended to allow for the temporary and controlled introduction of these programs through the addition of a new section to Chapter 9.04, Title 9 of the District Code. The ordinance permits the Board of Directors to adopt and modify these pilot/trial programs by resolution, thereby providing the necessary flexibility to assess and adjust the programs as needed without the requirement for permanent amendments to the District Code during the trial periods.

SECTION 2. New Section 9.04.006. A new Section 9.04.006 is hereby added to Chapter 9.04, Title 9 of the Marin Municipal Water District Code to read as follows:

Section 9.04.006 Pilot/Trial Programs for Bicycle Use: Notwithstanding any other provision in this Chapter 9.04, the District may, by resolution of the Board of Directors, 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, and that allow bicycles, including Class I electric bicycles, to be used on certain designated trails on a temporary basis, subject to the terms and conditions set forth by the Board.

SECTION 3. Findings. After considering all of the information, documents and testimony at a public meeting the Board of Directors finds as follows:

- a. 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. Since before the turn of the last century, Mt. Tamalpais has been a magnet for recreationists. The Marin Municipal Water District’s Mt. Tamalpais watershed lands receive approximately 2 million visitors annually and are part of the Golden Gate Biosphere Reserve (UNESCO 2002). Watershed users include anglers, hikers, equestrians, nature viewers, runners, walkers, youth camps, cyclists and many more.
- b. 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, E-bikes are considered motorized vehicles by the District and prohibited per District Code 9.04.001.

- c. With the emergence of electric bicycles (E-Bikes), the District initiated a community advisory committee process to better understand and evaluate the prevalence of E-bikes, and their potential impact on areas already open to conventional bicycles. 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.
- d. The Board adopted the Watershed Recreation Management Planning Feasibility Study (Feasibility Study) at the April 16, 2024 Board of Directors Meeting. The Feasibility Study reviewed existing watershed recreational facilities, visitor use data, biological resources, stewardship and volunteer programs, and visitor management strategies.
- e. As part of the Watershed Feasibility Study, two pilot programs were identified as key Strategic Opportunities or next steps to collect data to help inform potential updates to visitor management policies and roads and trails management documents. One pilot program would evaluate trail sharing methods to assess bike access on a select number of single-track trails and another program would evaluate E-Bike access on the watershed in the same manner as regular bicycles.
- f. To inform the Trail Sharing Pilot, the District conducted trail assessments on a select number of trails which has included, conducting trail counts, evaluating trail conditions, assessing biological resources, hosting stakeholder meetings and reviewing visitor management strategies. The objective of the Trail Sharing Pilot Program is to examine new approaches to safely share trails and improve the trail experience for all visitors. The pilot project will test new methods to safely share a select number of trails and improve the trail experience for all users while protecting habitat, wildlife, and water quality.
- g. The objective of the E-Bike Class I Trial is to evaluate changes in E-Bike Class I usage and how the inclusion of E-Bikes Class I influences visitors’ watershed experience. Evaluating the allowance of Class I E-Bikes on the watershed in all locations where bicycles are allowed, including new trails under the trail sharing pilot program, will help inform the District’s watershed policy decisions.
- h. Changes to the District’s Code, Title 9, Chapter 9.04, are needed to allow these two pilot programs to proceed in compliance with the District Code.

SECTION 3(A), Specific Trail Sharing Pilot Program Environmental Findings. Pursuant to the California Environmental Quality Act (CEQA), the Board of Directors of the Marin Municipal Water District, consistent with its powers as Lead Agency, finds and declares as follows:

- a. **Substantial Evidence.** There is substantial evidence to support that the Trail Sharing Pilot Program is a critical initiative intended to assess the feasibility of multi-use trail sharing among hikers, bikers, equestrians, and other recreational users on designated single-track trails within the watershed. The program is designed to enhance recreational access while ensuring the protection of the watershed’s environmental resources. Based

on the comprehensive analysis conducted in the staff report, this program is categorically exempt from the California Environmental Quality Act (CEQA) under the following sections of the CEQA Guidelines:

- (1) **Section 15301 (Existing Facilities).** The program involves the continued operation and minor alteration of existing trails that have historically supported similar recreational activities. There will be no expansion of the use of these trails, and any modifications made will be minor and necessary to ensure the safety and usability of the trails during the pilot period. The Board finds that these activities qualify for an exemption under CEQA Guidelines Section 15301, as they involve negligible or no expansion of existing use.
 - (2) **Section 15302 (Replacement or Reconstruction).** Any maintenance or repair activities undertaken during the Trail Sharing Pilot Program will be confined to the existing footprint of the trails. These activities are limited to the replacement or reconstruction of existing facilities without increasing capacity or altering the character of the trail network. The Board determines that these activities are consistent with the categorical exemption under Section 15302.
 - (3) **Section 15304 (Minor Alterations to Land).** The program includes minor alterations to land, such as grading, erosion control measures, and other adjustments necessary to maintain trail usability. These alterations are minor in scope and do not involve the removal of healthy, mature, or scenic trees, nor do they result in significant environmental impacts. The Board concludes that these activities qualify for an exemption under Section 15304.
 - (4) **Section 15306 (Information Collection).** The program is designed to gather data on visitor patterns, trail conditions, and environmental impacts through systematic monitoring and data collection. These activities are crucial for informing future management decisions and are conducted in a manner that avoids significant disturbances to environmental resources. The Board finds that the information collection activities are consistent with the exemption under Section 15306.
- b) **No Exceptions to Categorical Exemptions are Applicable to the Trail Sharing Pilot Program.** The Board further finds that none of the exceptions to the categorical exemptions under CEQA Guidelines Section 15300.2 apply to the Trail Sharing Pilot Program, specifically:
- (1) **Location in Sensitive Environments.** The program is confined to trails that have been thoroughly evaluated and determined to be outside of environmentally sensitive areas. The program's design ensures that no new disturbances or encroachments into sensitive environments occur.
 - (2) **Cumulative Impact.** The program is temporary, closely monitored, and limited in scope. The Board has determined that it does not contribute to significant cumulative environmental impacts, even when considered in conjunction with other ongoing or foreseeable activities within the watershed.
 - (3) **Unusual Circumstances.** The use of trails for multi-use recreational purposes, including the introduction of controlled bicycle access, does not present any unusual circumstances that could lead to significant environmental effects.

- (4) **Scenic Highways and Historical Resources.** The trails involved in the program do not intersect with state-designated scenic highways or impact historical resources. The Board finds that the program does not involve the removal or alteration of significant visual or historical resources.

SECTION 3(B), Specific E-Bike Class I Trial Program Environmental Findings. Pursuant to the California Environmental Quality Act, the Board of Directors of the Marin Municipal Water District finds and declares as follows:

- a. **Substantial Evidence.** There is substantial evidence to support that the E-Bike Class I Trial is a necessary and carefully controlled initiative aimed at evaluating the impacts of allowing Class I electric bicycles on existing fire roads and multi-use trails within the watershed. This trial is designed to inform the District’s future policies on E-bike use by providing information on Class I E-Bikes usage and visitor experiences. Based on the findings in the staff report, the Board determines that this trial is categorically exempt from CEQA under the following sections of the CEQA Guidelines:
 - (1) **Section 15301 (Existing Facilities).** The E-Bike Class I Trial involves the continued use of existing fire roads and trails where conventional bicycles are permitted. The introduction of Class I electric bicycles does not involve any significant change in the operation or capacity of these facilities. The Board finds that these activities are consistent with the exemption under Section 15301, as they do not expand the existing use of these roads and trails.
 - (2) **Section 15304 (Minor Alterations to Land).** The trial includes minor land alterations necessary to accommodate the safe use of Class I E-Bikes on existing trails and roads. These alterations are minor and do not involve significant environmental effects, such as the removal of healthy, mature, or scenic trees. The Board concludes that these activities qualify for an exemption under Section 15304.
 - (3) **Section 15306 (Information Collection).** The program is designed to gather data on Class I E-Bike Usage and visitor experiences to help inform future management decisions and are conducted in a manner that avoids significant disturbances to environmental resources. The Board finds that the information collection activities are consistent with the exemption under Section 15306.

- b. **No Exceptions to Categorical Exemptions are Applicable to the Specific E-Bike Class I Trial Program.** The roads and trails selected for the trial are not located within environmentally sensitive areas. The Board confirms that the trial will not involve any new disturbances or encroachments into such areas.
 - (1) **Cumulative Impact.** The trial is temporary and includes comprehensive monitoring to ensure that it does not contribute to significant cumulative environmental impacts. The Board has determined that the trial, when considered alongside other activities within the watershed, will not result in significant cumulative effects.

- (2) **Unusual Circumstances.** The introduction of Class I E-Bikes on existing roads and trails, where conventional bicycles are allowed, does not present any unusual circumstances that could lead to significant environmental effects.
- (3) **Scenic Highways and Historical Resources.** The trial does not impact state-designated scenic highways or historical resources. The Board finds that the trial does not involve the removal or alteration of any significant visual or historical resources.

SECTION 4. Severability: If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional and, to that end, declares the provisions of this ordinance severable from one another.

SECTION 5. Effective Date: This ordinance shall take effect 30 days following its adoption.

SECTION 6. Reservation of Powers: Nothing in this Ordinance shall prevent the District from exercising any of its powers under the California Water Code or other applicable law including but not limited to its power to adopt ordinances, resolutions, rules or regulations in response thereto.

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

AYES:

NOES:

ABSENT:

Ranjiv Khush
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

Attachment 4

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO.

**RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT
AUTHORIZING WATERSHED TRAIL SHARING PILOT 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 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

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 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 a multi-use Trail Sharing Pilot to evaluate trail-sharing strategies on a sub-set of watershed single track trails to help inform future updates to the District’s Watershed Road and Trail Management Plan adopted by the District in 2005, which established a trail classification system; and

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

WHEREAS, the Board finds that there is substantial evidence demonstrating that the project design incorporates inherent features specifically intended to minimize environmental impacts; these features include, but are not limited to, trail stewardship activities, ongoing maintenance protocols, and robust visitor education

programs, all of which are integral components of the project from its inception; and

WHEREAS, these design features are built into the project’s framework to proactively manage and reduce environmental impacts, ensuring that the project 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 the need for additional mitigation; 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 project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to District Code section 9.04.006, the Board hereby adopts a Trail Sharing Pilot Program to evaluate bike access on single track trails, which program will go into effect on October 3, 2024 and remain in effect for a period of two (2) years thereafter.

BE IT FURTHER RESOLVED, that the Trail Sharing Pilot Program will be limited to the following trails:

- Sunnyside Trail
- Pumpkin Ridge Trail
- Madrone Trail
- Concrete Pipe Fire Road
- Upper Fish Gulch Trail
- Arturo Trail
- Mountain Top Trail
- Lakeview Trail
- Grassyslope Fire Road

BE IT FURTHER RESOLVED, that the Board has reviewed the Trail Sharing Pilot 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 trail stewardship activities 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 Trail Sharing Pilot 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 Resolution

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 single-track trails within the Marin Municipal Water District’s watershed, which have historically supported hiking and horseback riding; and further finds that these 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 trails but continues their existing use under controlled conditions, all because the ongoing management practices ensure that the 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 15302 – Replacement or Reconstruction (Cal. Code Regs., tit. 14, § 15302): The Board finds that any necessary trail maintenance or repairs during the Trail Sharing Pilot Program will be limited to the existing footprint of the trails; and further determines that such activities will involve the replacement or reconstruction of existing facilities on the same site, with no increase in capacity or alteration of function, and these activities are consistent with the exemption provided under section 15302 of the CEQA Guidelines.

3. 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 trails in a condition suitable for shared use among hikers, bikers, and horseback riders; 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 trails without significant environmental impact, and because such actions fall within the scope of the exemption under section 15304 of the CEQA Guidelines.

4. Section 15306 – Information Collection (Cal. Code Regs., tit. 14, § 15306): The Board finds that a critical component of the Trail Sharing Pilot Program is the collection of data to evaluate the effectiveness of trail sharing and its impact on trail conditions and user experiences; 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 single-track 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 pilot 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 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 single-track trails for multiple recreational activities, including the introduction of shared use by hikers, bikers, and horseback riders, does not present any unusual circumstances that could result in significant environmental effects, all because these trails have historically supported similar uses without incident, and because the pilot 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 single-track 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 single-track 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 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:

NOES:

ABSENT:

Ranjiv Khush
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

Attachment 5

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO.

**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:

NOES:

ABSENT:

Ranjiv Khush
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

Notice of Exemption

Attachment 6



Section 9. Item #b.

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 Trail-Sharing Pilot Program

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 two-year Mt. Tamalpais Watershed Trail-Sharing Pilot Program. This program aims to evaluate the feasibility and impacts of shared trail use among hikers, bikers, and equestrians while advancing stewardship actions to protect habitat, wildlife, and water quality. The District will collect data on visitor patterns, environmental conditions, and compliance with District regulations to inform future trail management and recreation strategies. The District will implement minor alterations to Pilot Program trails to avoid sensitive areas and improve trail conditions to support multi-use access. The District will gather information on existing watershed trail facilities to guide decision-making processes regarding trail classification and recreation management strategies on the Mt. Tamalpais Watershed. Adaptive management may be applied to test various trail sharing strategies over the duration of the Pilot Program period and to support trail stewardship actions along trails to protect native plants and support visitor access.

The Project includes the following objectives:

1. Enhance Volunteer Based Trail Stewardship
Community volunteers play a critical role in the stewardship of Mt. Tamalpais. This project will seek to expand trails stewardship activities for community members to help improve trail conditions and to reduce visitor impacts on the watershed.
2. Improve Visitor Experience and Multi-use Trails
On a select number of existing watershed trails the District will evaluate various trail sharing strategies to improve visitor's access. Trail sharing strategies will be established along multi-use routes to sustain safe trail conditions and adaptively manage uses if needed.
3. Evaluate trail sharing strategies
 - Directional bike access
 - Days of the week portioning for user groups
 - Road to trail conversions
 - Combined Hiker & biker, or hiker, biker, equestrian Uses

4. Trail Data Collection

The District will gather information relating to trail conditions and visitor experience over the duration of the Pilot Program.

The Pilot Program will be limited to the following trails:

- Sunnyside Trail
- Pumpkin Ridge Trail
- Madrone Trail
- Concrete Pipe Fire Road
- Upper Fish Gulch Trail
- Arturo Trail
- Mountain Top Trail
- Lakeview Trail
- Grassy slope Fire Road

Reason for Exemption: The District has reviewed the proposed project and determined it to be exempt from the California Environmental Quality Act (CEQA) requirements under *Article 19, Categorical Exemptions*, of the State CEQA Guidelines in the California Administrative Code:

CEQA Exemption Status: The District has reviewed the proposed project and determined that following exemptions apply to the Mt. Tamalpais Watershed Trail-Sharing Pilot Program.

Section 15301 – Existing Facilities – Class 1 Categorical Exemption for repair and minor alteration of existing public or private structures or facilities or topographical features. The Project involves the continued operation and minor alteration of existing trails within the Mt. Tamalpais Watershed, which has historically supported similar recreational activities. The Project does not involve any expansion of these facilities but continues their existing use under controlled conditions, consistent with CEQA Guidelines Section 15301. In addition to the stewardship, maintenance and repair of the existing trails, the Project would also include the maintenance of existing landscapes and natural habitats. As part of the Project, trail stewardship activities will be carried out to help improve trail conditions, protect biodiversity and improve visitor experiences.

Section 15302 – Replacement or Reconstruction – Class 2 Categorical Exemption for replacement or reconstruction of existing structures and facilities. The Project includes minor trail maintenance or repair that involves the replacement or reconstruction of existing facilities on the same site, with no increase in capacity. These activities are necessary to maintain trail usability and safety, consistent with CEQA Guidelines Section 15302. As part of the Project, trail stewardship activities will be carried out to help improve trail conditions protect biodiversity and improve visitor experiences.

Section 15304 – Minor Alterations to Land – The proposed project meets the requirements of a Class 4 Categorical Exemption – Minor Alterations to Land which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Section 15304 specifically allows the creation of bicycle lanes on existing rights of way. The Project includes minor public or private alterations in the condition of land, water, and/or vegetation, including the creation of multi-use trails on existing watershed trails. These activities do not involve the removal of healthy, mature, scenic trees and are consistent with CEQA Guidelines Section 15304. The Project also includes trail stewardship, maintenance and repair of existing trails, which may involve minor alterations in the condition of land and vegetation within the Pilot Program area.

Section 15306 – Information Collection – The proposed project meets the requirements of a Class 6 Categorical Exemption – Information Collection. The Project involves data collection, research, and resource evaluation activities that will not result in a serious or major disturbance to environmental resources. These activities are designed to inform future management decisions without requiring extensive physical alterations to the land, consistent with CEQA Guidelines Section 15306. By allowing temporary use of multi-use trails the

Notice of Exemption

Attachment 7

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 E-Bike Class I Trial

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 an E-Bike Class I Trial for a period of up to two years on existing fire roads and trails within the Mt. Tamalpais Watershed where conventional bicycles are permitted. This trial 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.

Reason for Exemption: The District has reviewed the proposed project and determined it to be exempt from the California Environmental Quality Act (CEQA) requirements under *Article 19, Categorical Exemptions*, of the State CEQA Guidelines in the California Administrative Code:

CEQA Exemption Status: The District has reviewed the proposed project and determined that following exemptions apply to the Mt. Tamalpais Watershed E-bike Class I Trial.

Section 15301 – Existing Facilities – The Project meets the requirements of a Class 1 Categorical Exemption for Existing Facilities, which includes operation, permitting and minor alteration of existing public or private structures or facilities or topographical features involving negligible or no expansion of existing or former use. Implementing the E-Bike Trial would have a negligible impact on existing facilities, such as highways, streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. The use of Class I E-bikes on existing fire roads and multiuse trails where conventional bicycles are allowed represents a negligible expansion of use of existing trails.

Section 15304 – Minor Alterations to Land – The project qualifies for a Class 4 Categorical Exemption under CEQA Guidelines Section 15304, as it involves minor public or private alterations to the condition of land, water, and/or vegetation. The continued use of existing trails will not involve the removal of healthy, mature, scenic trees and will only include minimal signage or similar features.

Section 15306 – Information Collection – The proposed project meets the requirements of a Class 6 Categorical Exemption – Information Collection. The project consists of basic data collection, which do not result in a serious or major disturbance to an environment. By allowing Class I E-bikes for a trial period the District can gather information relating E-Bike Class I compliance and bike usage on the watersheds fire roads and multi-use trails. The trial will gather data on E-Bike usage to inform future management decisions.

No exceptions to the use of a Categorical Exemption apply to the Project. The District has thoroughly evaluated the project under CEQA Guidelines Section 15300.2 and determined that none of the exceptions to categorical exemptions apply. Specifically:

- **Location in Sensitive Environments** – The project does not impact any environmentally sensitive areas as defined under CEQA. The selected fire roads and trails are located outside areas of critical concern, ensuring compliance with CEQA Guidelines § 15300.2(a).
- **Cumulative Impact** – The project is temporary, adaptive, and closely monitored, ensuring that no significant cumulative impacts occur in conjunction with other ongoing or foreseeable activities within the watershed, consistent with CEQA Guidelines § 15300.2(b).
- **Significant Effect Due to Unusual Circumstances** – The project does not present any unusual circumstances that could result in significant environmental effects. The use of trails and roads for multiple recreational activities, including the introduction of Class I E-Bikes, is consistent with past uses, and the project does not introduce new or unique factors that would invoke this exception, consistent with CEQA Guidelines § 15300.2(c).
- **Scenic Highways** – The project does not involve the removal or alteration of any significant visual resources along a scenic highway, consistent with CEQA Guidelines § 15300.2(d).
- **Historical Resources** – The project does not impact any historical resources, as the roads and trails involved are not designated as historic, consistent with CEQA Guidelines § 15300.2(f).

Project Approval: The Marin Municipal Water District Board of Directors approved the Mt. Tamalpais Watershed E-Bike Class I Trial, at their regularly scheduled meeting on September 3, 2024.

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

Shaun Horne, Director of Watershed Resources

Date



UPCOMING MEETINGS

This schedule lists upcoming board and committee meetings as well as upcoming agenda items for the next month, which may include Board interest in adding future meeting items. The schedule is tentative and subject to change pending final publication and posting of each meeting agenda.

Internal Meetings		
Meeting Date	Meeting Type	Key Item(s)
Tuesday, Sep. 17, 2024 5:30 p.m.	Board of Directors' Regular Bi-Monthly Meeting	Water Supply Roadmap Update
Thursday, Sep. 19, 2024 9:30 a.m.	Watershed Committee Meeting/Special Meeting of the Board of Directors	Lagunitas Creek Restoration Project Update
Friday, Sep. 20, 2024 9:30 a.m.	Operations Committee Meeting/Special Meeting of the Board of Directors	AMI Program Update
Thursday, Sep. 26, 2024 9:30 a.m.	Finance & Administration Committee Meeting/Special Meeting of the Board of Directors	Board Handbook Review

External Meetings - None	
Meeting Date	Meeting Type