

## Visitor Working Group on Responsible Watershed Management

Dear Marin Water Board of Directors,

We, the undersigned, are writing to express our thoughts on Marin Water's (MW, or District) Watershed Recreation Management Planning (WRMP) process, and to present our recommendations. We represent the Marin Horse Council, the Foot People, WaterMarin, xxxxx, xxxxx, Marin Conservation League<sup>1</sup>, and various individuals. Our working group has met over the last few months with members of like-minded organizations who share a long history of exploring Mt. Tam on foot or horseback. We are concerned about the future of the mountain and its watershed to continue serving its primary purposes: to provide clean water and protect biological diversity in the face of increased recreational pressures. We have actively participated in all WRMP community meetings, but feel that opportunities for full expression of our concerns have been limited. *Our voices represent the majority of visitors and advocates for protection of the watershed, even as a small minority of organized bike groups and the bicycle industry attempt to overwhelm and distort MW's policies and goals for the watershed. This letter is intended to send a strong message to the MW Board that the majority of visitors (and rate payers in most cases) support MW's primary mission to protect water quality and wild nature first, and that any recreational uses must be subservient to that mission.*

- **We are united in our belief that the first priority of Marin Water is to protect its waters and natural resources and that all recreational visitors can have an impact on these resources.** To that end, the vast majority of the watershed should remain free of roads and any new trails in order to preserve its wild nature.
- **Second, we are united in our desire for all visitors, regardless of mode of recreation, to be able to enjoy a safe, stress-free, and mutually compatible experience on the watershed.** To enable this, the staff should formulate a Visitor Code of Ethical Conduct, and mount a comprehensive educational effort, supported by strict enforcement, in order to promote a culture of compliance by all visitors.
- **Third, we are united in our desire to be part of the solution,** such as participation in volunteer patrols or by volunteering in habitat maintenance and restoration activities.
- **Fourth, we are united in our demand that the MW conduct an EIR to consider the inevitable and significant environmental and social effects from a WRMP that will likely be in place for many years and, unless mitigated, will determine what and where visitors can and cannot do in the watershed.** The EIR must address questions regarding bikes on trails, night visitation, habitat fragmentation and visitor impacts on wildlife, including animals that may be basking in the sun, or resting, traveling, foraging, and mating near roads and trails. (Many of us have witnessed too many newts, snakes, and other small creatures killed by visitors on roads and trails.) In addition to the environmental impacts, social impacts from increased visitation, motorized and mechanical vehicles impacts on other users, and the capacity of MW staff to sustain the protection of the watershed's resources (ranger staff, maintenance staff, budget funding, etc.) must be considered in the EIR.

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<sup>1</sup> This is one of two letters from MCL, one of them focusing on road and trail visitor behaviors, and the other focusing effects of recreation on natural resources and water quality.

Specifically, we recommend the following:

**1. MW Staff needs to create a Visitor Code of Ethical Conduct that emphasizes not only respect for nature and the Mt. Tam watershed, but also guides legal, respectful behavior toward other visitors and importantly, wildlife, who call the watershed home.** This Code, which could be readily downloaded from any device, should comport with Policy 7, be reinforced by education, enabled by clear signage on the watershed, and supported by a strategic enforcement program – all together, promoting a culture of respect for other visitors and compliance with rules. Pressure by all visitor groups on their peers to adhere to the Code would be a welcome, if voluntary, addition. Although serious injury accidents on the watershed are rare, the “startle effect” caused by a speeding bike on slow-moving visitors, especially at blind corners and on narrow restricted trails, is a daily occurrence on watershed roads and trails. Even conventional mountain bikers can be startled by an ebike speeding past on an uphill climb. These diminished recreational experiences are not acceptable.

**2. We are aware that MW is facing a budget deficit, and the ranger staff has been trimmed in recent years from 13 rangers to 6, often with only one ranger on duty (plus Deputy Sheriff).** *This underfunding of the ranger staff and lack of enforcement has allowed an “anything goes” zeitgeist amongst the mountain bike community. There is now a large cadre of illegal ebike use, and illegal trail bike riding is ubiquitous.* We support a budget structure that restores and sustains ranger staff to a level that meets and can properly manage recent and continuing growth in numbers of visitors.

In reviewing MW Citation and Citizen Observation Report data from 2018 to present, we have drawn several conclusions:

Citations:

- Parking citation categories are the bulk of enforcement (Of the 31 Citations possible, 14, or 45% have to do with parking, vehicle speeding, registration, etc.). From 2018 to current, (excluding non-payment of parking fees totaling 4350), there were a total of 1103 citations, and 604 (54%) were for parking and related issues.
- Contrast that to the *extremely low number* of citations issued for “Unsafe biking” (speeding?) of 1, or .0009%, and bikes on trails over the same period: 123 citations or 11%.
- Dogs off leash citations were 107 or 9%.
- There were no citations for equestrians.

Citizen observation reports, the data (total of 441 reports) shows complaints around:

- 37% of reports cite concern re: illegal bike use
- 15% dogs off leash
- 12% bike speeding
- 8% recreational impacts
- 4% ebike use
- 0% equestrian

Recommendations:

- We suggest that parking patrol be contracted out so that rangers are freed up for their essential duties, which include education and enforcement of visitor rules, among many others.
- Citation categories need clarity, e.g., what is “Unsafe biking”?
- Citizen observation categories need clarity, e.g., what are “Recreational impacts?”
- Speeding bikes, bikes on trails, unsafe biking, and dogs off leash being the top recreational issue categories for citizen complaints, it appears that Rangers need more time in the watershed and the direction of the board to craft methods to enforce the code. Anyone who visits the watershed can observe dogs off leash, bikes speeding, bikes on trails, dog waste left by the road or trail, in far greater numbers than the Ranger’s citations reflect.
- Improved signage program throughout the watershed should be developed to better orient visitors about their location, post basic regulations and clearly identify acceptable and unacceptable activities, interpret the importance of natural resources, and identify consequences of law violation.
- Signage with a QR code, and in large letters, the phone number/email and text to file a Citizen Observation Report. Visitors should be encouraged to utilize the reporting function to assist Rangers with days, times, and type of issues.
- Create a volunteer patrol sourced from all visitor groups, to monitor visitor activities, educate about the Code of Conduct as well as basic regulations, such as dogs on leash, and educate about the sensitivity of natural resources all around them.

**3. We recommend as a high priority that trails intersecting with other land agencies be reviewed and collaboratively evaluated for either joint maintenance and/or enforcement using additional tools, or jointly decommissioned and monitored using additional tools (a draft list is attached).** This could lead to safer and more consistent experiences for visitors on contiguous public lands. Many of these intersecting trails, primarily the non-authorized, are heavily eroded in portions, such as the Happersberger Trail which presents a “gaping wound” in the watershed. MW, in its RTMP, has identified the need to decommission non-authorized trails. Use of these non-system trails continues to fragment habitat for wildlife and cause soil erosion that impacts water quality.

**4. We are aware that mtn. bikers and ebikers do not constitute a single “biking community”; they represent different styles and behaviors.** They range from slower moving family and individual bike riders, in contrast to “sport, competitive” bike riders trying to set and hold Starva King of the Mountain (KOM) speed records on fire roads and trails, or seeking “technical” rides on steep, eroded, rocky, Rooty (illegal) trails. Many cyclists visit the watershed in a legal and respectful manner, but based on empirical information and Strava data, a growing and large cadre of cyclists ride on trails closed to bikes. As a consequence, these trails are now heavily damaged in significant portions, and, in some cases, unsafe for foot-traffic. Many cyclists ride habitually at night using automobile-equivalent light technology when the whole watershed is legally closed to public use. These riders also cross boundaries into other land agencies onto non-bike trails, increasing the negative impacts. And, finally, riding ebikes continues throughout the watershed despite their illegal status except under ADA exception.

Even with this level of non-compliance, most cyclists as a group believe they should have “more access” to narrow trails on the watershed, even claiming inequity. Given that all visitors, including cyclists, can opt to visit the watershed on foot, this claim is untrue. It is the mode of recreation one chooses that must be managed. Tamarancho, Stafford Bike Park, China Camp State Park, Rush Creek and Ponte Ridge Open Space Preserves, and numerous other open spaces and parks in Marin can offer many miles of trail experiences for mountain bikes. We believe that until the bike community as a whole demonstrates adherence to rules, it is not appropriate, if ever, to offer up any new trail opportunities on the watershed.

In the coming year(s) cyclists will have the new multi-use Azalea Hill/Liberty Gulch trail to connect to the Pine Hill area. We recommend that this new multi-use route be closely monitored for appropriate/legal behavior, and the new hiker-equestrian trail over Azalea Hill be monitored as well to ensure that bikes are not riding on that trail. Until MW can demonstrate that bikes can share fire roads and this new “trail” without alarming hikers, runners, and equestrians concerned with safety and tranquility on the trails and roads, we will oppose opening any existing trails to accommodate bikes. We also dismiss the idea of one-way or alternate days of use for bikes on trails as unenforceable. The District, bike organizations, and the bike industry, need to **ensure** that bicyclists adhere to the rules and a code of ethical conduct.

**Because bike riders’ and their bikes are not identified, they are not easily held to account. Based on the impacts of bikes (speed and riding on trails, etc.), we strongly recommend that all bike riders/bikes be registered and display a permit number below their saddle to enable more peer pressure and citizen reporting.**

**5. MW needs to immediately send an important message to the public and to bike owners, bike retail outlets, etc. that illegal and risky behavior will not be tolerated on MW.** The Board and staff need to demonstrate the political will and provide a special enforcement team and tools to back it up. One only need to review the marketing blitz by mtn. bike and ebikes retail players and the corporate industries that support them. For example, in a recent IJ ‘Outdoors’ Magazine, inserted within the Sunday IJ, there is an article on e-bikes which sounds an invitation to ride on the watershed, calling it the “Crown Jewel” of Mt. Biking in Marin. The article refers to MW considering a 3 year trial of allowing e-bikes access to roads.

We are extremely concerned that this kind of promotion is going on and call for MW to counter this statement in writing to all those who may have read this article. Outreach should extend to bike shops throughout the bay area. Frankly, this kind of promotion of ebike riding, essentially motorized bike riding, will likely diminish the experience for the vast majority of other visitors to Mt. Tam as slower visitors lose the precious ability to experience tranquility and security on the watershed, and are displaced from their favorite trails..

**6. To the Points 2 and 3 above, the following hiker/hiker-equestrian trails need immediate enforcement attention:**

- Happersberger Trail
- Y2K Trail (aka, the Carey Camp Trail)
- Benstein, Rock Springs
- Portrero Meadows

- Matt Davis
- Little Carson Falls (aka, the Nail Trail)
- Split Rock system
- New Paradigm Trail
- Northside Trail

**6. We make the following recommendations:**

- Ensure that an EIR is conducted for the MW Recreation Management Plan. Tiering off an old Road and Trails Management Plan is not acceptable because this plan did not analyze the environmental impacts of recreation uses and many of the current recreation uses and the scale of users was never contemplated. A full CEQA analysis in an EIR is necessary for any proposed changes to trail uses, and due to the significant increases in visitation by users to the watershed.
- Conduct a site specific study of Impacts from all types of visitors including, for example, the capacities of ebikes to ride uphill on narrow trails and go off trail as two-wheeled all-terrain-vehicles and the ability of all bikes to cover great distances and invade even the most remote and pristine MW areas.
- Prioritize and provide the necessary funding for the restoration of the 70 miles of undesignated trails whose use is causing much resource damage.
- Add more “Slow Zones” in most popular areas on the watershed, and indicate speed regulations of 10 mph maximum with 5 mph when approaching blind turns and others. (15 MPH is standard.) Create bike lanes on popular roads so that people walking on foot or horse, can feel safe in “their lane”.
- Make Eco-counters permanent and expand their use to provide needed information on visitor patterns. This information is needed for any adaptive management relating to recreational uses.
- Utilize cameras in trouble zones and on decommissioned trails to inform ranger staff and improve enforcement. Coordinate enforcement with other land agency staff.
- Create traffic calming measures on downhill fire roads and require all bike riders to use bells.
- Create a visitor pass program (free?) that must be carried while on the watershed. Make the proposed Code of Conduct free and down-loadable to all.
- Encourage all visitors to report behavior and property damage issues. Report monthly to the Watershed Committee.

In conclusion, we recognize that it is challenging for the District to manage the watershed for a variety of passive recreation modes. MW’s Mission is to provide clean water and protect its other natural resources. **A whole new reset is needed, with a reordering of priorities and shifts in the discussion: Marin Water watershed is not a “park”; it is a “watershed” meant to protect the biodiversity and natural resources for existing and future generations.**

With sincere appreciation,

(List).