

CALIFORNIA NATIVE PLANT SOCIETY MARIN CHAPTER



November 2024 Newsletter

Report to CNPS Membership on CNPS et al. v. MMWD

David Long, Co-President CNPS Marin Chapter

The California Native Plant Society (CNPS), Marin Audubon Society, and Marin Conservation League (MCL) have challenged the approval by the Board of Marin Municipal Water District (MMWD, aka Marin Water) for e-bikes to ride nearly 100 miles of fire roads systemwide and regular bikes and e-bikes to ride on nine singletrack trails without prior environmental review. This report provides some background for this case and brings you up-to-date on its status.

Marin Water styled these recreational expansions as “pilot projects” and claimed they were exempt from CEQA review based on categorical exemptions. CNPS, Marin Audubon, and MCL claim that these pilot projects are not exempt from CEQA and that Marin Water should perform an appropriate CEQA review before authorizing these expanded recreational activities.



Concrete Pipeline Trail trench forming by David Long

Continued on page 8

Marin Chapter Meeting

"How the California Current Dominates Marin County Weather"

Guest Speaker: **Darren Peck, Meteorologist, KPIX-TV**
(CBS in San Francisco, CA)

Monday, **November 11 at 7:30 pm**



For seven months of the year, weather in Marin County is dominated by the marine layer, but how well do we really understand it? For one thing, the term itself may not mean what many people think it does. I will take a deeper dive into what we mean when we say marine layer, why Marin County is one of few places on the globe fortunate enough to experience it, and how it is responsible for creating such extreme differences in weather from one location to another.

Before joining KPIX 5, Darren forecast weather at KING 5 in Seattle. He spent seven years prior to that as weekday meteorologist in Sacramento forecasting for FOX40 News. His more than 20 years in the business also includes stops at KVVU FOX 5 in Las Vegas, Orange County NewsChannel and his very first job at KNAZ-TV in Flagstaff, Arizona. In addition to being honored with two Emmy awards for on-air performance, Darren is a Certified Broadcast Meteorologist (CBM) by the American Meteorologist Society (AMS). Among television meteorologists, the CBM designation is sought as a mark of professional distinction and recognition.

"Having grown up in LA, Northern California stole my heart early. After my first visit to Yosemite when I was 19, I was determined to never leave and spent the next two summers living and working in the park," he says. "Those early summers changed the course of my life. I was so inspired to better understand the beauty of the natural world that I returned home to California State University, Northridge to earn my degree in Physical Geography with a focus in Climatology and Geomorphology."

"Even if I didn't have this job," he says, "I'd still study the weather in the morning and talk to anybody who'd listen to me about it for the rest of the day."

Join us! [Register for this Zoom meeting here.](#)



Marin Chapter Field Trips

- Sign up for most field trips using [Meetup.com](https://www.meetup.com) or the [Meetup app](#).
- Electronically sign the CNPS waiver (once per year). [2024 Marin CNPS Waiver Sign Link](#).
- Contact the leader(s) with any questions.

Oaks of Rush Creek Open Space Preserve

Saturday, **November 15, 2024, 1:30 to 4 pm**

Leaders: **Ann & Woody Elliott**

Rush Creek Open Space Preserve is an oak-studded ridge adjacent to the Petaluma River Marsh Wildlife Area. We will explore the eastern portion which abuts a salt marsh owned by Marin Audubon where thousands of shorebirds and waterfowl congregate each fall and winter. In the uplands we will find a wide variety of oaks that cover the hills: blue oak (*Quercus douglasii*), coast live oak (*Q. agrifolia*), California black oak (*Q. kelloggii*), valley oak, (*Q. lobata*), Oregon oak (*Q. garryana*), and a hybrid of blue oak and Oregon oak Epling's oak (*Q. x eplingii*). Some other trees and shrubs include California bay trees (*Umbellularia californica*), Pacific Madrones (*Arbutus menziesii*), and some magnificent manzanitas (*Arctostaphylos manzanita*).



Quercus X eplingii - Epling's Oak oak hybrid
at Rush Creek OSP Photo by Ann Elliott

Our walk will follow the fairly level Bahia Trail with waterfowl birding opportunities for about a half mile. To see the wide range of oaks, we will ascend the ridge on the Blue Oak Trail to the Bahia Ridge Fire Road, climbing about 250 feet in another half mile. Once on the ridge we will see the full range of oaks and then descend back along the Acorn Trail to our start. Total about 2 miles.

Resources: Oaks of Marin by Doreen and Vernon Smith, iNaturalist field guide for Rush Creek, Map of Rush Creek Open Space Preserve, Quercus search on Calflora for area

Directions: Meet at the end of Bahia Dr. near the intersection with Topaz Dr. Park along the road. No restrooms.

Bring: Water, a snack, and rain gear Optional: hiking poles, binoculars **Heavy rain cancels**

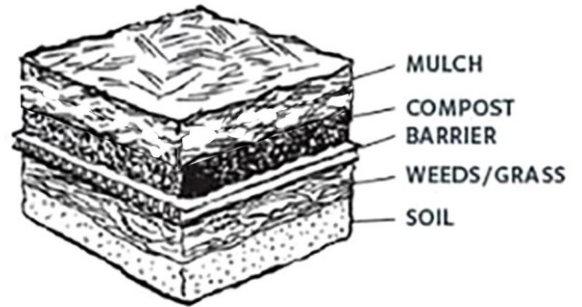
Email [Ann](#) with any questions. Text for day-of-trip questions or issues: 530-521-4402

[Meetup Registration Link](#)

California Native Plant Yard Party

Monday, **November 18, 2024, 10 to 11:30 am**

Join Jackie Garcia and Stacey Pogorzelski at Jackie's one-year-old sheet-mulched native garden in Santa Venetia. Jackie will talk about her experience transitioning her 1000 sq ft tract-home garden into a California native plant extravaganza via [Marin Water's Cash for Grass program](#).



If there's interest, Stacey will share some takeaways from the [Bringing Back the Natives 20th Anniversary Conference](#) featuring Doug Tallamy. There will also be time for exchanging ideas and having native plant conversations. Shine, we'll meet outside, rain we'll meet inside. Tea, coffee and some small bites will be served. Come and hang out with some other native plant enthusiasts!

CNPS Members-only event. Limit is 15 attendees.

Location to be shared after signup.

Email Stacey with questions or to signup. Stacey4plants@gmail.com

We are looking for more field trip leaders.

Do you have natives you admire in your neighborhood? You too can lead a fun, low-key plant walk near where you live! Contact Field Trip Committee member [Ann Elliott](#) to find out how.

Some ideas: Trees of Gerstle Park, Mill Valley Redwood Valleys, Panoramic Wonders near Mt. Tam, Sleepy Hollow Ridge Rambles, Fairfax Forays, Marinwood's Secret Trails, Bird Habitat of Santa Venetia Marsh/McInnis Park. Short walks are very popular with our members.



Oct. Field Trip: Oaks, Wetlands, and Views at Hamilton's Reservoir Hill by Stacey Pogorzelski

Apply for a Micro Grant for 2025

CNPS Marin Micro Grants fund small projects and funding gaps for projects that benefit Marin's native plants. Submissions due December 15, 2024.

[Information and application process here.](#)



Glandularia lilacina 'De la Mina' Verbena and Monarch in Refugia Marin Photo by Ann Elliott

Thank You!

Our fall Plant Sale was a big success. Thanks to all those who lent a hand to pull and pack orders and all who bought plants. The proceeds support our programs.

See you in April for the spring sale!



Plant sale orders ready for pickup by Ann Elliott

Fall Garden Care of Native Plants

By Laura Lovett, Gardening with Natives Committee Chair

Cooler temperatures are a cue to native gardeners to undertake fall garden projects. With modest effort now, we can keep plants healthy and attractive for the coming year. We may think of spring and summer as the growing season. However, in California, the arrival of consistent rain starts the growth cycle for many plants. Rather than being a dormant time, these native plants are putting on growth over the winter. Other plants take a needed rest until spring warmth returns. Gardeners can take advantage of these habits to tackle some essential fall chores.

Mulch. Mulch helps hold moisture in the soil, decomposes into useful nutrients and provides a home for insects that overwinter. Leave the accumulated leaf litter in place unless it is quite deep but keep it away from the base of tree trunks and crowns of plants. Shredded leaves, wood chips, bark products, and other organic mulches such as mushroom compost and grape seed mulch add nutrients and improve the soil structure as they decompose. If using purchased mulch, be sure it does not include invasive weeds and seeds. Avoid mulch from eucalyptus, bay and walnut as these plants are allelopathic—they produce chemicals that inhibit the germination of other species under their canopy.

Cut Back Grasses. Most grasses can be categorized as either cool-season or warm-season grasses. Cool-season grasses thrive in the cooler temperatures of spring and fall and begin growing in late winter to early spring. They will then flower and set seed in the spring to early summer, going dormant in summer. If you did not trim them down when they went dormant for fire safety reasons, now is the time to trim, rake or cut back grasses like California fescue, tufted hairgrass (*Deschampsia* sp.), melica and stipa sp., and deergrass. Deergrass can be cut back now, or as late as January just before it puts out new growth. Fall is ideal for dividing or planting cool season grasses either from seed or plugs.



Mulching the garden at the Central Marin Police Station in Larkspur
Photo by Laura Lovett



Fall cleanup at the Bay Model Garden
Photo by Laura Lovett

Divide Plants. Dig up and divide iris and heucheras. Iris are ready for division when little pink or white roots appear at the edge of the fan of leaves. Soak the soil well before digging up and prepare to replant right away. It is important to keep the tubers and roots from drying out. Divide blue-eyed grass, hummingbird sage, Romneya, bleeding heart, wild ginger, sedges and rushes now also. Hold off dividing stream orchids (*Epipactis* sp.) until late December when they have died back to the ground and are clearly entering their winter dormancy.

Cut Down Milkweed. *Asclepias* or milkweed is the host plant for Monarch butterfly caterpillars. The caterpillars eat the milkweed after they hatch, ingesting the sticky sap that provides protection from prey. By fall, the adult Monarchs should be making their way to the coast to overwinter. If they find healthy milkweed plants in gardens, they may be tempted to lay eggs which will not survive, nor will the female make it through the winter. In order to encourage them to go into hibernation, all species of milkweed should be cut to the ground by early November.

Plant Cool Season Grasses and Wildflowers. If you are planning to fill in a patch of your garden with a wildflower seed mix, or a cool-season grass and flower mix, start the prep for it now. Once the area you want to plant is clear, soak it well and leave the weed seeds to germinate. Hoe these up and do a second round of soaking and hoeing if possible—the more the better.

The most common mistake people make when preparing to start from seed is that the soil they are sowing into is too loose and fluffy and the seeds drift down too far to grow to the surface. When preparing a seed bed, the soil medium needs to be densely packed so that the seeds, especially tiny ones, stay close to the surface. Mix the seeds with river sand (not playbox or beach sand, which contain salts) before spreading it. This allows you to see where you have sown the seed. Once sown, walk all over the space to make sure there is good seed-to-soil contact, then water in your seeds with a fine spray.

Hungry birds will be happy to help themselves to the food feast you have just spread. One option for protecting the seeds and new seedlings is to lay some light branches over the whole area. Alternatively, cover it with very light row-cover fabric pinned down with staples. Place some stakes or branches underneath to make sure the cover is up off the ground, so seedlings have room to sprout beneath it.

More tips: if using multiple single species and not a mix, spread each one in a drift rather than scattering them widely, and mark the drift with labeled irrigation flags. This will create clusters of color and make bees very happy to have so much nectar in one spot. Fill small 4" pots with starting mix, add a single species seed to the pot, label and water it. When these sprout, you will have a sample of what the early shoots and leaves look like for each species to guide you as you pull out the weeds that will also sprout. Keep the seeded area damp but not soggy.

Annuals were designed by nature to sprout and start growing quickly, so they will appear soon after planting. Perennials can be much trickier. Some wait years to germinate or need special conditions like charcoal, scaring of the seed coat, or long soaking to sprout. The best candidates to grow from seed are those that reseed once established, such as Blue Flax, Woolly Sunflower, Pearly Everlasting and Yarrow. For perennials that are trickier about conditions, starting them in small pots is probably the best way to control conditions and see what you have growing—or not.

Shrubs that produce berries often germinate best when the berries are very ripe. Soak the berries in water for about a week until they rot; then clean and plant. Coffeeberry and toyon both germinate successfully from seed.



Douglas iris newly divided and replanted
Photo by Laura Lovett

Plant Bulbs. Fall is the perfect time to add native bulbs to your garden beds. Bulbs come up with the winter rains, flower in spring, then disappear in summer. They need this period of summer dryness and dormancy in order to complete their growth cycle. If watered during the summer, the combination of heat and water will kill many of them, so be sure to plant them with other species that get no summer water.

Plant in late fall, right after the first rain, placing each bulb 3-6" deep, root end pointing down. Shallow plantings often do not survive. Locate them in full or part sun. Do not amend the soil or locate them in extensively cultivated beds; they need to be undisturbed. You may need to label their location, so you don't inadvertently plant something else in that spot. If gophers are a problem, protect the bulbs by planting them in cages; also guard against snails and slugs. New bulbs will have a hard time competing with well-established grasses. Grow them in containers for a year or two, following the same watering schedule as in-ground, until they are bigger and more established and can be planted out.

Prune. Sharpen your shears! For this major fall task, see handout on [Pruning Tips for the Fall Garden](#).

Marin Chapter Gardening Group

Gardening Group members have been volunteering at the Marin County Native Plant Nursery and may have an upcoming work day at SPAWN's nursery.

A Seed Swap is planned for early November. Join the group to get the details and pickup and or share some native plant seeds.

Interested to join future work parties, seed swaps, and connecting with other native plant gardeners? [Join the Marin Gardening Group here.](#)



Garden Group seed swap Photo by Rob Badger

CNPS Marin Board Looking for Active Members

Our December membership meetings are also official annual meetings during which our members vote on a slate of officers for the Marin Chapter Board of Directors. We have space on the board for more members.

If you are interested in serving, please contact Kristin at 650-608-1274 or [email](#) asap. The tentative proposed slate for 2025 is as follows:

Co-President: David Long

Co-President: Kristin Jakob

Treasurer: Bonnie Gosliner

Recording Secretary: Woody Elliott

Directors:

Eva Buxton

Paul da Silva

Ann Elliott

Carolyn Longstreth

Laura Lovett

Stacey Pogorzelski

Eddie Robertson

Kate Wing



Kristin Jakob arranging native flower centerpieces for 50th Anniversary Gala

The Board usually meets the first Monday of each month via Zoom. All members are welcome. Contact [David Long](#) to attend.

Bringing Back the Natives Garden Tour - 20th Anniversary Conferences

These conferences celebrate the 20th anniversary of the [Bringing Back the Natives Garden Tour](#), and the great strides we have all made in the San Francisco Bay Area to promote habitat expansion in our gardens, public spaces, municipalities, and corporate landscapes. The keynote speaker on both days will be NY Times bestselling author of [Nature's Best Hope](#), [Doug Tallamy](#), a leader in the habitat restoration movement. In addition to Dr. Tallamy, there will be speakers who are changemakers throughout our region to inspire action.

[Nature's Best Hope - Full Day Conference](#)

Saturday, **November 16** - 10:00 am - 5:00 pm **Sold out!**
at the Oakland Museum of California's James Moore Theater

[Nature's Best Hope - Half Day Conference](#)

Sunday, **November 17** - 1:00 pm - 5:00 pm
at Santa Clara University's Mayer Theater



artwork by Stephanie McKenna
Bowerbird Atelier

Broom Service

Broom Service volunteers meet Thursday mornings to pull invasive broom (mostly French broom) from natural areas in San Geronimo Valley and surrounding hills. Broom can develop dense stands, crowding out western azalea, grassy meadows, and mixed evergreen forests in the area. Those dense patches are also highly flammable.

Text Mel Wright to find out how to join their efforts: 415-999-4736



Phil Sotter of Broom Service with a weed wrench

Report to CNPS Membership on CNPS et al. v. MMWD, continued

David Long, Co-President CNPS Marin Chapter

Marin Water Watershed: A Biodiversity Hotspot Under Stress from Recreational Activities

Marin Water lands are a biodiversity hotspot containing a wealth of sensitive natural resources acknowledged by inclusion of this watershed in the United Nations recognized Golden Gate Biosphere Reserve. The slopes of Mt. Tamalpais, where proposed Pilot Project trails are located, are particularly rich in rare plants.

Recreational activities have caused serious environmental damage to the watershed. For example, the 60 miles of illegally-created trails on the watershed is nearly equal to the miles of official system trails. Recreation is also a vector for spreading invasive plants and plant pathogens. Marin Water staff and volunteers are in a continual battle with over a thousand acres of broom and other invasive plants. And the watershed has been hard-hit by plant pathogens such as sudden oak death. However, Marin Water has never conducted a comprehensive environmental review of its recreational activities.

Marin Water's Recreation Planning Process

Three years ago, when Marin Water began its recreation planning process, we wanted to be optimistic that it would finally conduct a comprehensive analysis of the environmental impact of recreation before authorizing an expansion of recreational activities. During the course of the recreation management planning process, CNPS Marin representatives participated in public workshops on recreational activities and advocated for that environmental review.

In April 2023, CNPS comments submitted with Marin Audubon Society identified the environmental review required for watershed recreation management plan projects.

In April 2024, we submitted comments on Marin Water's Watershed Recreation Management Planning Feasibility Study, which proposed these pilot projects. Our comments identified why projects that allowed bicycles on additional trails and authorize e-bikes on the watershed are not exempt from environmental review and argued for a comprehensive analysis of environmental impacts prior to authorizing pilot projects.



Figure 6. Concrete Pipeline Trail showing trench
Photo by David Long

The Bike and E-bike Pilot Projects Marin Water Approved

On Friday, August 30, 2024 (a single business day before the board meeting that followed a long weekend), Marin Water made public the staff report recommending the creation of two pilot projects: the Watershed Trail Sharing Pilot Program and the E-bike Class 1 Trial – and identified for the first time the nine single-track trails chosen for the Trail Sharing Pilot Program.

The “Trail Sharing Pilot Program,” authorizes nonmotorized bicycles on nine singletrack trails for two years; the “E-Bike Class 1 Trial” authorizes Class 1 e-bikes to ride on all fire roads systemwide and all trails open to nonmotorized bicycles: the single-track trails in the “Trail Sharing Pilot Program.”

Marin Water has nearly 100 miles of fire roads. E-bikes are not now permitted on any of Marin Water's fire roads. The E-bike Class 1 Trial authorizes e-bikes to ride all of them systemwide. Fire roads traverse areas with special status plants, plant alliances, and wildlife as well as areas that are designated Ecosystem Preservation Areas (Marin Water's most pristine native vegetation zone with significant numbers of rare plants).

The primary purpose of both pilot projects is stated to be the evaluation of various trail sharing strategies. The intent is to put these new users on existing roads and trails that would receive “minor trail maintenance.” The duration of the pilot projects is listed as two years.

Marin Water expects to collect some data on visitor patterns, environmental conditions, and compliance with its regulations. However, no data specific to e-bikes will be collected, including the impact of authorizing such bikes system-wide to use unpaved fire roads through environmentally sensitive areas.

With respect to CEQA compliance, the staff report described the projects as including “minor trail maintenance, visitor education, and comprehensive data collection activities, all designed to minimize environmental impacts while informing future management decisions.” Marin Water claims that proposed programs are categorically exempt under CEQA Guidelines sections 15301 (existing facilities), 15302 (replacement or reconstruction), 15304 (minor alterations to land), and 15306 (information collection). Marin Water further determined that the exceptions to these categorical exemptions under section

15300.2 are not applicable because proposed activities will not result in “cumulative impacts, unusual circumstances, or other factors that would invalidate these exemptions.”

In response, prior to Marin Water’s Board of Directors meeting on September 3, on behalf of CNPS Marin, I submitted comments that described observations from walking and photo monitoring most of the proposed pilot project trails including detailed descriptions of serious environmental and safety impacts that cyclists and trail sharing would create. Photo evidence showed that pilot project trails were not designed for trail sharing with bicycles and are in bad shape even for hikers with conditions that make trail sharing unsafe and environmentally damaging. These include narrow deep trenches and gullies caused by erosion and stairs that cyclists will avoid by trail detours and widening. Andrea Williams, former Marin Water botanist, submitted comments detailing the locations of special status plants and alliances that likely would be adversely affected by bikes and e-bikes on pilot project trails and locations and where rare bats would likely be affected by high pitched sounds emitted by e-bikes. Marin Audubon Society submitted comments on the likely adverse impact the pilot projects would have on Northern Spotted Owls and rare bats. Marin Conservation League submitted comments expressing concern about Marin Water’s use of categorical exemptions to avoid CEQA review.



At the September 3, 2024 hearing before the Marin Water Board of Directors meeting, numerous members of the public voiced concern about potential conflicts with cyclists, including collisions with hikers and equestrians and damage to natural resources. Individual cyclists and cyclist groups supported the project. The Board then unanimously approved the two pilot projects.

Environmental Groups Challenge Approval of “Pilot Projects” by Marin Water

On Monday, September 30, 2024, CNPS, Marin Audubon Society, and Marin Conservation League filed suit in Marin Superior Court challenging Marin Water’s approval of these pilot projects without prior CEQA review. The suit was based on the comments previously submitted to Marin Water demonstrating likely environmental impacts to rare plants and communities, wildlife, and public safety, as described above.

Basis for the Challenge in CEQA Guidelines

The suit claims that Marin Water’s reliance on CEQA categorical exemptions is misplaced.

Three categorical exemptions relied on by Marin Water to exempt pilot projects from CEQA review, sections 15301 (existing facilities), 15302 (replacement or reconstruction), 15304 (minor alterations to land) are inapplicable because none involve the addition of fast-moving bikes to steep trails in an environmentally sensitive area. The exemptions claimed might be appropriate to “minor trail maintenance” that Marin Water claims will accompany the pilot projects, but the project description fails to account for the addition of bikes to the trails and the surrounding physical environment.

The Section 15301 (existing facilities) exemption “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” The pilot project authorization for e-bikes to use watershed roads and fire roads systemwide and all bikes to ride nine single-track trails involves an “expansion of existing or former use” far greater

than “negligible or no expansion.” The Section 15302 (replacement or reconstruction) exemption “consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.” This has no applicability to a project that significantly expands bicycle use and authorizes an extensive new use by motorized bicycles. No structures would be involved.

The Section 15304 (minor alterations to land) exemption “consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.” This also has no applicability to an expansion of bicycle use and the authorization of a new recreational use – motorized bicycles.

Section 15306 (information collection) also cannot be used to justify the pilot projects because qualifying projects under this section may “not result in a serious or major disturbance to an environmental resource.” Comments by CNPS Marin, Marin Audubon Society, Andrea Williams (former Marin Water biologist), and others evidence that pilot projects are likely to cause serious or major disturbance to environmental resources, with impacts to native plants, wildlife, and human safety. This is true both for the “Trail Sharing Pilot Project,” which would likely impact environmentally sensitive resources and human safety along pilot project trails, and for the “E-bike Class 1 Trial,” which would authorize motorized bikes to ride systemwide on Marin Water’s nearly 100 miles of fire roads for the first time.

The impact of e-bikes would be exacerbated because Class 1 e-bikes authorized by the e-bike pilot project are difficult or impossible to tell apart from Class 2 and Class 3 e-bikes, which are not authorized. A Class 1 e-bike motor provides a pedal assist; a Class 2 e-bike uses a throttle to control speed — in effect an electric motorcycle. A Class 2 e-bike looks like a Class 1 e-bike when a cyclist is turning the pedals. Extensive illegal use of roads, fire roads, and trails by Class 2 e-bikes, and even higher-powered Class 3 e-bikes, is a reasonably foreseeable consequence of the e-bike pilot project.

The CEQA Guidelines also provide for ‘exceptions’ that limit the use of categorical exemptions, of which three appear applicable to this project.

The section 15300.2 (a) exception for sensitive location may apply. This exception applies where the project is to be located “in a particularly sensitive environment” such that it “may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” In this case, there is a possibility that the project area overlaps with Northern Spotted Owl critical habitat or activity center mapping designated by the US Fish and Wildlife Service or state Department of Fish and Wildlife. (This information has been requested from Marin Water.) This exception also appears to apply because the e-bike pilot project authorizes motorized bicycles to ride through Marin Water’s officially adopted and mapped Ecological Preservation Zone, designated for special protection as Marin Water’s most pristine native habitat.

The section 15300.2 (b) exception for cumulative impact also applies here. The e-bike pilot project in opening up the watershed’s roads and unpaved fire roads systemwide to motorized bicycles would have a significant environmental impact that is cumulative to that of allowing bicycles and motorized bicycles on pilot project trails. These impacts include increased erosion, sedimentation, trail widening, crushing of vegetation as well as human safety impacts.



**Figure 10. Social Trail forming adjacent to Pumpkin Ridge Trail
Photo by David Long**

Cumulative impact analysis is also called for because Marin Water is treating the two pilot projects as one project for data collection and analysis, in which no distinction will be made between regular bikes and motorized bikes. Consequently, the impacts of the two pilot projects should be analyzed together.

Indeed, there is evidence that two pilot projects were proposed here — one for bikes, the other for e-bikes — rather than one to avoid environmental review. Although two pilot projects are proposed, Marin Water does not distinguish between them in the collection and analysis of data. No data will be separately collected on e-bikes; all bicycles will be considered the same. It will be impossible to determine the specific impact of motorized bicycles, either systemwide on the nearly 100 miles of fire roads or on the pilot project trails. Different classes of e-bikes are difficult or impossible to tell apart without close inspection of small print on the bicycle frame, and the pilot projects will collect no data to determine the incidence of illegal Class 2 and Class 3 e-bikes that will ride the watershed as a result of opening up all roads and fire roads to e-bikes.

The section 15300.2 (c) exception also applies here. This section prohibits the use of categorical exemptions where there “is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” Unusual circumstances would occur in this situation given that none of the exemptions claimed envision the addition of bikes on steep trails in sensitive habitats that are currently limited to hikers and horse riders. Those facts would be ‘unusual’ vis a vis the exemptions claimed (i.e., minor alteration of land etc.)

In addition, Marin Water has a long history of illegal bicycle activity, including illegal trail building, cyclists riding illegally on trails where bicycles are prohibited, riding off-trail, and night riding when the watershed is closed. It is reasonably foreseeable that the pilot projects’ encouragement for cyclists to ride pilot project singletrack trails and motorized cyclists to ride on fire roads systemwide will encourage further illegal activity, causing serious environmental damage as has accompanied past influxes of cyclists.

Temporary Restraining Order

On September 2, 2024, environmental organization petitioners filed a petition for Temporary Restraining Order (TRO). A TRO maintains the status quo to give the court an opportunity to consider the case on the merits.

Following approval of the pilot projects, Marin Water did some “minor maintenance” of pilot project trails. Additional photo monitoring of pilot project trails for the TRO hearing showed that they are still woefully inadequate for trail sharing. No actual trail sharing can occur on most proposed pilot project trails; they are too narrow, eroded, and degraded for more than one user to be on the trail at a time (Figure 6). Virtually all sharing must take place with at least one participant, perhaps both, leaving the trail to trample the surrounding vegetation.

On one proposed pilot project trail, the Pumpkin Ridge Trail, a series of steps takes the trail up a steep slope (Figure 9). Bicycles cannot go up them and should not go down them. Marin Water’s proposed solution to this incompatibility is to ask cyclists to carry their bicycles or motorized bicycles up the stairs. E-bikes are heavier than regular bikes making them difficult to carry up the steps even if cyclists were willing. Surrounding the stairs are woods and meadows with rare plants. Cyclists have already started to create self-help trails through those woods and meadows containing rare plants to get up and down this slope to avoid the stairs (Figure 10).

Judge Andrew Sweet heard the TRO motion on October 3 in a hearing that began in the morning and was continued until late afternoon. At the end of the hearing, the court issued a Temporary Restraining Order to maintain the status quo preventing Marin Water from beginning the pilot projects until at least November 1, the date set for a hearing on our motion for Preliminary Injunction. Petitioners are seeking a Preliminary Injunction to continue the status quo until the case is heard on the merits.

Desired Outcome of this Challenge

The case seeks a ruling that the pilot projects are not exempt from CEQA, which would result in appropriate CEQA review by Marin Water.

In 2005, Marin Water prepared a Road and Trail Management Plan (RTMP) with an accompanying Environmental Impact Report; a Road and Trail Inventory was also prepared for that plan. However, the RTMP was not a Recreation Plan: its primary focus was erosion and sedimentation from roads and trails and it assumed no change in bicycle access to roads and trails. The 2005 RTMP and the accompanying Road and Trail Inventory need to be updated and expanded to encompass recreational activities, with appropriate environmental review.

When California State Parks and Marin County Parks and Open Space did recreation planning and CEQA review of recreational activities, they adopted trail standards to minimize and mitigate the environmental impacts of recreational activities and enhance user safety. Marin Water, with its many eroded and badly degraded trails, is seriously in need of trail standards.

Oral Arguments

Oral arguments on Petitioner's (CNPS, Marin Audubon Society and Marin Conservation League) motion for a preliminary injunction were heard 1:30 p.m. Friday, November 1, 2024.
Marin County Superior Court, Courtroom E

Upcoming Marin Chapter Events

- 11/4 7 pm Marin Chapter Board Meets, contact [David Long](#) to attend via Zoom
- 11/11 4 to 6 pm [Marin Garden Group Seed Swap](#)
- 11/11 7:30 pm Chapter Meeting: "[How the California Current Dominates Marin County Weather](#)" Speaker: Darren Peck, Meteorologist
- 11/16 9 am to 11 am Field Trip: [Oaks of Rush Creek](#)
- 11/18 10 to 11:30 am [CA Native Plant Yard Party](#)



volunteers organizing plant orders
Photo by Laura Lovett

Other Activities in Marin and Nearby

- 11/3 9 am to 1 pm [CNPS Ambassador Patricia Carpenter's Seasonal Fall Ramble](#) by RSVP
- 11/7 5:30 pm [CNPS Naturehood Webinar: Rooted in Health: The Dirt on Soil for California Native Plants](#)
- 11/9 12 - 4 pm [Solano Resource Conservation District Fall Native Plant Sale](#) in Winters, CA
- 11/11 7 pm [Reliable CA Native Plants for a Garden with NO Irrigation!](#) North San Joaquin Chapter Speaker Series (live captions in Spanish)
- 11/14 7 pm [Rare Plant Habitats and Ethnobotanical Traditions of the Motherlode](#), Speaker: John Kipping, Yerba Buena Chapter - this month in person
- 11/19 7:30 pm [Plants and Humans, Rooting for Healthy Habitats](#), Milo Baker Chapter



Fall Color near Obsidian Creek, Bridgeport Ann Elliott

Be sure to periodically check [CNPS.org/events](https://www.cnps.org/events) for interesting talks and field trips sponsored by CNPS Chapters and staff throughout the state.

Also check the [Events Calendar for Marin County Parks](#). They host a variety of local hikes, service projects, and presentations.

Action

For 50 years, CNPS Marin Chapter and its members have been appreciating, documenting, growing, and advocating for native plants. [Join us in taking action.](#)

I appreciate receiving notification of interesting upcoming events, conservation issues, and native plant topics to include in the next edition.

Others might enjoy your photos and reports of natural experiences and challenges.

Contact me: [Ann Elliott](#), Newsletter Editor



Join/Renew

Donate

Subscribe

Privacy



Marin Chapter
California Native Plant Society

[CNPS Marin Chapter Website](#)



CALIFORNIA
NATIVE PLANT SOCIETY

[CNPS Statewide Website](#)

2707 K Street, Suite 1, Sacramento, CA 95816-5130 | Tel: (916) 447-2677

California Native Plant Society ©2024 All rights reserved.