



Midpeninsula Regional  
Open Space District

## **MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

### **PLANNING AND NATURAL RESOURCES COMMITTEE**

*The Committee conducted this meeting in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33. All Committee members and staff participated via teleconference.*

**Tuesday, March 8, 2022**

### **DRAFT MINUTES**

#### **CALL TO ORDER**

Director Riffle called the meeting of the Planning and Natural Resources Committee to order at 1:30 p.m.

#### **ROLL CALL**

Members present: Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members absent: None

Staff present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth, Chief Ranger Matt Anderson, Foothills Area Superintendent Brad Pennington, Natural Resources Manager Kirk Lenington, Senior Resource Management Specialist Julie Andersen,

District Clerk Jennifer Woodworth announced this meeting is being held in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33 allowing Committee members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website. Ms. Woodworth described the process and protocols for the meeting.

#### **ADOPTION OF AGENDA**

**Motion:** Director Kishimoto moved, and Director Siemens seconded the motion to adopt the agenda.

**ROLL CALL VOTE: 2-0-0** (Director Kishimoto absent)

**ORAL COMMUNICATIONS**

Ms. Woodworth reported no comments were submitted.

**COMMITTEE BUSINESS**

**1. Approve the March 1, 2022 Planning and Natural Resources Committee Meeting Minutes.**

**Motion:** Director Siemens moved, and Director Kishimoto seconded the motion to approve the March 1, 2022 Planning and Natural Resources Committee meeting minutes.

Public comment opened at 1:33 p.m.

No public comments were submitted for this item.

Public comment closed at 1:33 p.m.

**ROLL CALL VOTE: 3-0-0**

**2. Electric Bicycle Policy Evaluation (R-22-31)**

General Manager Ana Ruiz provided opening comments describing the role of the District to preserve and protect nature and wildlife. Ms. Ruiz stated the potential impact of e-bikes on wildlife and their habitats must be weighed with the ability of the public to enjoy the District's preserves.

Assistant General Manager Brian Malone explained staff's recommendations for the Committee to review and stated the Committee may make one or more recommendations to the full Board of Directors to consider at a future Board meeting.

Foothills Area Superintendent Brad Pennington provided the staff presentation describing background of the project to evaluate allowing e-bikes on District trails, including past Board direction. Mr. Pennington presented the results of the pilot e-bike program for improved and paved trails at Ravenswood and Rancho San Antonio and intercept surveys conducted at the locations. Mr. Pennington reviewed the results of the intercept surveys, including survey demographics, percentage opposing/supporting allowing class 1 and class 2 e-bikes, reasons for opposing/supporting allowing e-bikes, etc.

Director Riffle suggested numbering the report pages to make it easier for everyone to follow along and to provide a map showing the paved and improved trails.

Mr. Pennington reviewed the results of the unpaved intercept surveys that were gathered at Santa Clara County Parks which has allows e-bikes since 2017.

Director Kishimoto requested additional information regarding the user types and trails at the Santa Clara County parks studied.

Mr. Pennington described the Rancho San Vicente Park setting, parking areas, trail conditions, etc. and reported County staff reported the area naturally attracted more cyclists than hikers.

Director Kishimoto suggested providing the Board with photos of the trails and parks studied as part of the intercept surveys.

Director Kishimoto commented on the high percentage of male responses and stated it likely correlated to the higher percentage of male cyclists.

Director Riffle suggested highlight the demographic information when the item is presented to the Board of Directors.

Mr. Pennington reported on the District's outreach to equestrian users by contacting various equestrian groups. Mr. Pennington reported on the results of the outreach to equestrian groups stating most respondents opposed bikes on trails and did not limit their responses to e-bikes.

Director Kishimoto suggested referring to past user surveys to help add context to the results of the equestrian outreach.

Director Siemens inquired if a permit system has been considered for e-bikes.

Mr. Pennington stated a permit system has not yet been studied.

Director Siemens stated the survey results tend to show that those opposed to e-bikes tend to be opposed to bikes in general.

Mr. Malone provided information on the three types of e-bikes that are available and how they are classified by the California Vehicle Code as e-bikes and not motorized bicycles.

Mr. Pennington described the public input received regarding e-bikes.

Mr. Pennington reviewed the results of the noise study that determined the impact of the noise emitted by traditional and e-bikes on wildlife. As a result of the study, staff recommends buffer distances to protect various bat species, but currently no known bat roosting sites are within the recommended buffer distances for existing District trails.

Director Riffle requested additional information regarding the potential impact of e-bikes as more users travel further into the preserves.

Dave Johnston, with HT Harvey that completed the noise study, stated that some roosting areas are harder to locate, so the impact may be unknown if a roosting site has not been identified.

Natural Resources Manager Kirk Lenington stated additional users may be able to travel further into District preserves using e-bikes, but there is not currently a method to quantify that impact.

Mr. Pennington reviewed the results of the recent Scientific Advisory Panel's research and management recommendations.

Director Kishimoto requested staff include the management recommendations when the item is presented to the Board of Directors.

Director Riffle requested additional information regarding how agencies already allowing e-bikes effectively manage their use.

Mr. Malone stated many of the management techniques recommended by the Science Advisory Panel are already being used by the District to effectively manage traditional bike use at its preserves, such as speed education and enforcement, seasonal trail closures, illegal off-trail use, etc.

Chief Ranger Matt Anderson reported on the updated survey of e-bike policies of nearby public land management agencies and stated some agencies are currently studying whether to allow e-bikes. Several agencies are also waiting to see how the District decides to address e-bikes before setting their own policy.

Mr. Pennington shared information regarding District enforcement of e-bike violations and speeding citations and warnings. Additionally, Mr. Pennington provided data regarding the number of accidents involving e-bikes and traditional bikes on District and Santa Clara County Parks lands.

The Committee recessed at 3:35 p.m. and reconvened at 3:40 with all committee members present.

Public comment opened at 3:40 p.m.

Mike Ferreira speaking for the Sierra Club opposed allowing e-bikes on District lands. If e-bikes were to be allowed, the least impactful option should be selected. Mr. Ferreira spoke in support of creating a permit system stating it would be easier to implement than enforcing current regulations.

Shani Kleinhaus environmental advocate for the Santa Clara Audubon Society expressed concern regarding e-bikes due the noise impact on wildlife and the potential number of e-bikes impacting wildlife and users. Ms. Kleinhaus commented on the potential bias included in the surveys which demonstrates hikers may avoid trails that are frequented by cyclists.

Owen Byrd requested the Committee recommend the Board allow e-bikes on all trails that currently allow traditional bikes. Mr. Byrd referenced past conflicts that existed when mountain bikes were introduced to open space lands in the 1980s and stated adaptive management approaches can help avoid conflicts between user types.

Ms. Woodworth read the submitted comments into the record.

Annette Herz stated if e-bikes would interfere with any wildlife species then they should not be allowed on District lands.

Chris Golde stated the District's preserves are meant to preserve wild spaces for the health of the planet and future generations, and e-bikes would spoil the nature of the preserves.

Dirk Flote stated e-bikes should be allowed on District lands because prohibiting e-bikes is discriminating against older riders, e-bikes help reduce the number of cars being used, e-bikes are safer due to their reduced downhill speed, and e-bike manufacturing provides economic and job opportunities in California.

Edward Noskowski supported allowing class 1 e-bikes on all District trails that allow traditional bikes.

Jim Van Gogh supported allowing class 1 e-bikes on all trails that allow traditional bikes. Data suggests e-bikes

Ken Nitz stated e-bikes are motorized vehicles and should not be allowed on District preserves.

Karen Scussel objected to allowing e-bikes on District preserves stating mountain bikes disrupt the peaceful nature of the preserves.

Mike Castro stated noise created by other District visitors would also have a negative impact on wildlife, and the scientific results are biased against e-bikes. The District should align its policies with county parks and other Forest Service guidelines.

Matthew Heck stated e-bikes provide additional accessibility to trails and encourage the community to enjoy the trails and outdoors. When used responsibly, e-bikes are no more dangerous to hikers than a traditional bicycle or equestrian.

Mike Vandeman stated the presence of humans will always be harmful to wildlife and should be minimized. All vehicles should be banned from unpaved trails.

Marcia White objected to allowing e-bikes on District trails. Ms. White shared her concerns regarding being near speeding bicycles and stated e-bikes can already access California State parks and Santa Clara County parks.

Norman Fong supported allowing class 1 e-bikes on all District trails that allow traditional bikes.

Paul Charell supported allowing e-bikes at District preserves because they allow older riders to be able to access open space.

Vitaly Liss stated e-bikes should be allowed on District trails in order to allow riders to travel along regional trails where neighboring agencies allow e-bikes.

Peter Huston encouraged the committee to affirm the prohibition of e-bikes on District trails.

Lindsay Joye supported allowing a trail that allows e-bikes on trails that currently allow bikes and stated the trial should be at least year to allow enough time to evaluate the impacts to preserve users and the natural environment.

Rachel Goldeen supported the prohibition of e-bikes on District trails stating those with disabilities can still use e-bikes.

Tom Angsten supported allowing class 1 e-bikes at El Corte de Madera Creek Open Space Preserve stating there is wide support and minimal impact to wildlife. Mr. Angsten suggested providing cow bells at trail entrances to help cyclists alert other users and wildlife that they are approaching.

Craig Thomas stated e-bikes travel at similar speeds to traditional bikes and noise emitted is minimal and can be compared to sounds from hikers talking or playing music. Additionally, the impact on trails by e-bikes is similar to traditional bikes and prohibiting e-bikes excludes those who need assistance to access the trails.

Scott MacDonald supported the immediate approval of class 1 e-bikes on all District trails where traditional bikes are allowed.

Deborah Goldeen asked the District to extend the study on e-bikes because the data so far is insubstantial.

Randall White stated e-bikes should not be allowed on trails and suggested allowing bikes on specific days of the week.

Alan Muschott supported allowing class 1 e-bikes on District preserves where other bicycles are allowed. E-bikes are similar to traditional bikes and allow older riders to continue to enjoy the preserves.

Wayne Clingsmith stated the type of trail needs to be considered when determining if bikes should be allowed on the trail because some trails are better suited to hiking or biking.

Phil Smith supported allowing class 1 e-bikes on District preserves where other bicycles are allowed. Many concerns raised for e-bikes are also concerns regarding traditional bikes, and most negative impacts are due to people behaving disrespectfully and not the type of bike they are riding.

Public comment closed at 4:18 p.m.

Mr. Malone commented on the ability of the District to implement and enforce a permit system, which would be complicated by most District preserves having multiple entrances and require extensive and potentially repeated ranger contacts with preserve visitors.

Director Kishimoto spoke in support of allowing class 1 and 2 e-bikes at Ravenswood and Rancho San Antonio Open Space Preserves to support commute routes and multi-modal access. Director Kishimoto stated she does not support allowing class 1 e-bikes on all District trails where bikes are allowed because not enough research has been done. Director Kishimoto spoke in support of implementing an unpaved e-bike pilot program for select trails where any negative environmental impact can be minimal. Director Kishimoto spoke in support of presenting all of the recommendations to the Board to allow them to weigh in on them. Director Kishimoto stated a permit system could be part of educating the public because the rules and regulations would be explained as part of securing a permit.

Director Siemens spoke in favor of forwarding all of the recommendations to the full Board for review and discussion. Director Siemens spoke in support of allowing class 1 and class 2 e-bikes

at Ravenswood and Rancho San Antonio preserves. Director Siemens spoke in support of allowing class 1 e-bikes on all District trails that allow bikes because it is difficult to differentiate between class 1 e-bikes and traditional bikes. If that is not approved, then a pilot program for specific unpaved District trails should be implemented. Director Siemens provided comments and suggestions in support of an e-bike permit system.

Director Riffle requested additional information regarding the staff impact of continuing the current study or conducting an additional pilot program and study.

Mr. Pennington stated additional staff would be needed to implement another e-bike study and would likely not be conducted for another year.

Ms. Ruiz suggested hiring a consultant to conduct another study.

Director Riffle suggested providing this information and context when the item is presented to the Board.

Director Siemens commented on the District's policy that 40% of its trails do not need to be open to bikes.

Mr. Anderson expressed concern that if only a small number of trails were used evaluate e-bikes on unpaved trails, then it may not be a representative sampling of the impact of e-bikes on trails or the potential number of e-bikes that would be visiting unpaved trails.

Director Riffle supported forwarding all of the recommendations to the Board of Directors for consideration. Director Riffle was hesitant to allow class 2 e-bikes at any of the District's preserves, including at Rancho San Antonio. Director Riffle stated the District's preserves are primarily to protect natural resources rather than provide parklike access and spoke in support of prohibiting e-bikes on District trails except for specifically designated trails.

Director Siemens agreed the suggestion to split the recommendation for allowing class 1 and 2 e-bikes at Ravenswood and Rancho San Antonio Open Space Preserves into each preserve.

**Motion:** Director Siemens moved, and Director Riffle seconded the motion to divide the recommendation regarding allowing Class 1 and 2 e-bike access on limited improved trails at Ravenswood and Rancho San Antonio Open Space Preserves into a separate recommendation for each preserve.

### **ROLL CALL VOTE: 3-0-0**

**Motion:** Director Kishimoto moved, and Director Siemens seconded the motion to forward the following recommendations to the full Board of Directors:

1. Based on studies and findings to date, recommend one or more of the following:
  - Approve Class 1 e-bikes access on all District trails where bicycles are allowed.
  - Affirm the prohibition of e-bikes on District trails except for specifically designated trails in recommendation 1.
  - Direct staff to implement an Unpaved E-Bike Pilot Program on select District Preserves to evaluate effects on District lands.

**ROLL CALL VOTE: 3-0-0**

**ADJOURNMENT**

Director Riffle adjourned the meeting of the Planning and Natural Resources Committee at 5:20 p.m.

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Jennifer Woodworth, MMC  
District Clerk