

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 21-

**AMENDING THE WATER RESOURCES PROTECTION MANUAL TO INCLUDE POLICY
CRITERIA AND GUIDANCE FOR PUBLIC TRAILS ON VALLEY WATER LANDS**

WHEREAS, on October 24, 2006, the Santa Clara Valley Water Board of Directors adopted the Water Resources Protection Manual by Resolution No. 06-75; and

WHEREAS, in accordance with Article 4.0 of the Water Resources Protection Ordinance of the Santa Clara Valley Water District (Valley Water), the Board of Directors (Board) desires to amend its Water Resources Protection Manual to include Policy Criteria and Guidance for Public Trails on Valley Water Lands; and

WHEREAS, at least ten days prior to the public hearing scheduled for October 12, 2021, a notice of said hearing was published in the *San Jose Mercury News*, a newspaper of general circulation printed and published within the County of Santa Clara on October 12, 2021; and

WHEREAS, a notice of the hearing was given to municipal corporations within the County of Santa Clara and to any parties who have requested such notice by first class mail and by posting the notice of the hearing at Valley Water headquarters building; and

WHEREAS, a public hearing was held on October 12, 2021, on the matter of whether the Valley Water Board should amend Valley Water's Water Resources Protection Manual to include Policy Criteria and Guidance for Public Trails on Valley Water Lands; and

WHEREAS, at said hearing, all persons present were given an opportunity to be heard by the Board; and

WHEREAS, the Board heard and considered public testimony, staff's presentation, and other evidence presented at said hearing; and

WHEREAS, Valley Water desires to implement standards to provide a reliable supply of healthy and clean water, reduce flood risk, protect, enhance, and restore natural resources of streams and watersheds, and provide trails and other compatible joint use of its lands; and

WHEREAS, the Water Resources Protection Manual contains streamside and facility protection requirements and recommendations, a design guide, and additional requirements for Valley Water encroachment permits; and

WHEREAS, the Policy Criteria and Guidance for Public Trails on Valley Water Lands will provide clear and objective standards to ensure trails projects are compatible with Valley Water's water supply, flood protection, and environmental stewardship objectives; and

WHEREAS, pursuant to Article 4.0 of the Water Resources Protection Ordinance, the Board may adopt or amend the Valley Water's Water Resources Protection Manual by resolution upon the conclusion of the public hearing.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District:

1. That the Water Resources Protection Manual is hereby amended to incorporate the Policy Criteria and Guidance for Public Trails on Valley Water Lands, attached hereto as Exhibit A, to be used in the evaluation of encroachment permit applications for trails projects, and establishment of permit conditions.
2. That Section XI. Trail Construction, Chapter 1 of the WRPM shall be amended to state as follows:

Public trail projects proposed on Valley Water Lands shall be evaluated based on the following Policy Criteria:

- A. **Planning and Public Outreach.** The Partner Agency with authority over the use, management, and policing of the Trail Project shall have completed a public planning and community outreach process prior to Valley Water's consideration of a Joint Use Agreement.
- B. **Flood Protection.** Trail Projects, at a minimum, must not reduce existing or design levels of flood protection provided by a Valley Water facility both from operation and maintenance perspectives, adversely affect existing FEMA flood mapping, increase the extent of flooding or increase the frequency of flooding. Trail Projects must be compatible with planned Valley Water capital projects.
- C. **Water Quality.** Trail Projects will be designed to minimize erosion and the flow of pollutants, including trash and litter, into aquatic environments. Pervious trail surfaces are preferred.
- D. **Channel Stability.** Trail Projects, including any in-channel project components, must not adversely affect channel stability or cause or exacerbate existing erosion problems.
- E. **Habitat Protection.** Construction and use of Trail Projects must not result in serious or major disturbance to biological resources, including aquatic, riparian, and wetland habitat, and the streamside ecosystem.
- F. **Maintenance and Security.** Maintenance, policing, and management of the Trail Project is at the sole cost and responsibility of the Partner Agency. Removal or alteration of trail infrastructure for any reason, shall be at the cost of the Partner Agency.
- G. **Valley Water Access.** The Trail Project must not limit or constrain Valley Water access to maintain and operate its facilities.
- H. **Regulatory Compliance.** The Partner Agency is responsible for completing environmental review pursuant to the California Environmental Quality Act and obtaining all necessary regulatory permits prior to trail construction and use.

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Recommendations:

1. Review Design Guide 16. Guidance for Trail Design, Chapter 3 of the WRPM to initially determine if trail proposals can meet the Trail Criteria and Guidance, and consult with Valley Water early in the planning process if a trail is pursued.
2. That Design Guide 16. Guidance for Trail Design, Chapter 3 be amended to replace the existing text in its entirety with contents of the Guidance for Public Trails on Valley Water Lands, attached hereto as Exhibit A, and that the remainder of the WRPM be repaginated and reformatted accordingly.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on October 12, 2021:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

TONY ESTREMER
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

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