

**Trails on Valley Water Lands  
Proposed Policy Criteria and Guidance  
Comment and Response Form**

Reviewer's Name and Organization	Comments/Questions Please reference document section (e.g., paragraph, page #, etc.)	Valley Water's Response to Comments/Questions
	General Comment - This work is related to the effort undertaken by the Santa Cruz Mountains Stewardship Network (SCMSN) and VW might consider including them in the review and or as part of the outreach to collaborate on regional trails and related recreation efforts.	Noted. Will add the SCMSN to the distribution list.
	General Comment - Overall, need for more regional review of trails and recreation as well as impacts from human use on habitats.	The Trail Policies and Guidance are intended to assist Partner Agencies in navigating the JUA process. Environmental review of trail projects rests with the Partner Agencies. However, see revised text in Habitat Protection and Regulatory sections of the Guidance.
	General Comment - If VW can facilitate the planning process for sub-regional areas, and particularly with regulatory permitting agencies, it would go a long way to streamline the many agency staff, money and efforts to work on such projects. Developing a regional or sub-regional approach may yield better results than going project by project.	VW would be open to simultaneously reviewing a collection of trail projects from a Partner Agency.
	TAC Comment - Seek someone with habitat expertise, wildlife connectivity and related biological resources knowledge related to trails planning and design. I have provided some comments related to this, but a biologist's expertise is also important.	Noted. VW biologists have reviewed the Trail Policies and Guidance documents. A Biological Resources Assessment is required with the Trail Screening Application: see Habitat Projection Section.
	TAC Comment - Similarly, a cultural resource specialist should be consulted to ensure that the planning and design process incorporates this expertise early; this will help with NEPA/CEQA compliance as well as result in better designed or eliminated features, based on resources.	Cultural Resource issues should be addressed by Partner Agencies through environmental clearance documents.

Donna Plunkett, SCVOSA

<p>Existing Policy - SCVOSA wants to learn more about lands acquired for Upper and Lower Llagas Creek Watershed Projects as it may relate to our preserves and an opportunity to partner or work with VW on better solutions for trails within this watershed. This comment is global as it relates to overlapping efforts by the Authority.</p>	<p>See added text</p>
<p>Proposed Criteria 5. Habitat Protection - Consider adding wildlife connectivity value as a criteria of habitat protection criteria. Also, look within region or smaller sub-regional areas to assess such values, not just site specific.</p>	<p>Wildlife corridors have been added to the criteria. See 4.0 Habitat Protection Criteria</p>
<p>Consider adding cultural resources (all) as criteria for evaluation of trails projects.</p>	<p>Cultural Resource issues should be addressed by Partner Agencies through environmental clearance documents.</p>
<p>Proposed Criteria 9. Regulatory Compliance - Add NEPA in the event that federal funding is involved.</p>	<p>As a California agency VW will only require environmental clearance through the California Environmental Quality Act (CEQA). National Environmental Protection Agency (NEPA) clearance which is needed for federal funding, regulatory permits and resource agency consultations (USACE, USFWS and NOAA Fisheries) is the responsibility of the federal agency providing the funding or undertaking the discretionary permitting and the Partner Agency.</p>
<p>4.0 Guidance - Who qualifies as "partner agency" and what is the criteria for being able to make such application?</p>	<p>See added text</p>
<p>How does VW define "thorough planning process?"</p>	<p>See revised text</p>
<p>How do you define "complete public outreach?"</p>	<p>See revised text</p>
<p>It may be onerous/expensive to have the partner agency complete all their work before they can get final approval from VW. Could there be earlier concurrence?</p>	<p>See revised text and Figure 1. The iterative process was described more clearly in the Introduction and Process sections</p>
<p>Flood Protection - Possibly provide an example or spell out more clearly for folks that may not be familiar with same. Could VW assist with this effort or could it be part of their channel inventory study and analysis.</p>	<p>See added text referring readers to Valley Water's Water Resources Protection Manual.</p>
<p>Habitat Impacts from Trail Use - Incorporate new information related to human impacts to riparian corridors and wildlife from trails. Consider talking about carrying capacity and numbers of visitors that trails can support and associated mitigation measures such as reservation-based access, adaptive management, monitoring and related protocols to reduce and minimize impacts.</p>	<p>Human disturbance impacts associated with trail use must be addressed in the Biological Resources Assessment. See revised text in Habitat Protection section.</p>

	<p>CEQA - How are considering cumulative impacts of these projects across the region? This could put VW in a difficult CEQA position if not clarified at the outset. See comments above about controlling numbers, amount of trails across the region. Needs a comprehensive look and not just project by project.</p>	<p>Added clarifying text about Valley Water's role as Responsible Agency for CEQA in Regulatory section; revised text in Habitat Projection Section, and revised Introduction clarifying Valley Water's land ownership and jurisdictional authority.</p>
	<p>Other topics to consider adding: Trail Design/Visitor experience (materials, signage, what does it look like and how does it affect visitor experience. Interpretive Materials (Are they required? Should they be? How can we ensure unique and new information and not a repeat of what we already have?). Educational Opportunities - How can we connect more people to nature? Consider getting feedback from education and interp staff within agencies.</p>	<p>While these are important aspects of trail design, they are outside the purview of this Policy and Guidance and are the responsibility of the Partner Agency.</p>
<p>Liz Sewell, City of San Jose</p>	<p>5. Habitat Protection - Considering adding the following text - " When the Partner Agency cannot identify viable mitigation area surrounding a project site, Valley Water land may be used, be open to beneficial partnerships that may include district lands for mitigation."</p>	<p>Comment noted. In nearly all cases, Valley Water must retain creekside lands for mitigating its own projects.</p>
	<p>Guidance - Creek Crossings - Who should we have review these technical components to make sure they are feasible?</p>	<p>Partner Agencies should retain the services of consultants specializing in the required technical areas. VW staff will review the work products prepared by consultants to ensure the proposed trail project meets or exceeds criteria established in the Trail Policies, Criteria and Guidance.</p>
	<p>Water Quality - CSJ has a contrary opinion on the C3 agreement. This is a substantive issue that we can discuss during our follow up meeting with Valley Water.</p>	<p>See revised text in Water Quality section requiring Trail Projects to conform to MRP provision C.3</p>
	<p>Sensitive Trail Siting - CSJ agrees in most cases trails shall only be located on one side of the creek, but would like to include language regarding urban areas. Downtown SJ typically allows option for dual alignments. CSJ finds that people will access both sides regardless. We are open discussing circumstances in which dual alignments would be permissible.</p>	<p>Noted. Added clarifying language.</p>

Jane Mark, MROSD	1. Planning and Public Outreach - Given that a partner agency trail project would be located on Valley Water lands, specify level of involvement that Valley Water expects with being included in or apprised of the community planning and public outreach process. In addition, clarify the Community Projects Review process for partner agency trail project (e.g. when would be the appropriate phase to initiate that consultation, how far along the trail plans/designs should be for Valley Water's review, etc.)	Added Process section and revised Figure 1 for clarity.
	4. Channel Stability - There may be opportunities for trail projects to include corrective measures to address existing erosion problems.	See Habitat Protection section for beneficial actions
	Guidance - Planning and Public Outreach - Clarify if products include environmental review documents for trail project. Does this include stakeholder meetings which may be held in addition to public meetings.	
	Guidance - Planning and Public Outreach - Often presentation materials are still being revised 10 days prior to the public meeting. Would it be possible to consider 5 days prior?	Yes. Public materials should be provide to VW as soon as they are available, but no later than required under the Brown Act.
	Other Pollution Prevention Measures - Midpen's Basic Policy does not support the provision of trash receptacles in open space preserves. However, Midpen is piloting a dog waste receptacle program at four Open Space Preserves, where one preserve is in Santa Clara County (Fremont Older Open Space Preserve).	Noted.
	Habitat Impacts from Trail Use - Should there be guidelines regarding the use of wildlife-friendly fencing?	See Valley Water Access section. Fencing is strongly discouraged due to need to maintain clear access.
	Trail Undercrossings - Should there be guidance on culverts?	The Policy and Guidance does not address trails through culverts, as culverts are not permitted due to flow conveyance considerations.
	Maintenance - Can Valley Water provide advanced notification to a partner agency before maintenance closure (e.g. minimum of 48-hours) so that agencies can post trail closure to inform the public?	See revised text.
	CEQA - Clarify Valley Water's role in partner agencies' CEQA process where Valley Water may need to be identified as a CEQA responsible agency.	See revised text in Regulatory Compliance section.

John Bourgeois, ESA Associates	5. Habitat Protection - Wildlife conflicts?? USFWS is often more concerned with wildlife disturbance to sensitive species on trails adjacent to sensitive habitats. So, a trail could avoid all direct impacts, but still provide a consistent source of disturbance. Should we capture that somehow?	See revised text in Habitat Protection section requiring analysis of use-related impacts.
	Guidance - Planning and Public Outreach - Do we need to define stakeholders? For example, are regulators included here? Is this different from the 'community of stakeholders' mentioned above?	see revised text
	Vegetation Planting /Landscaping - Specify native riparian veg only? This is discussed in Landscaping section below, but I think should be here as well.	See revised text
	Channel Stability - Do people know what "must not adversely affect channel stability" means? Maybe we need to define this a bit more?	See revised text
	Maintenance - Will inspections include erosion/channel stability and others items from the Criteria?	See revised text
	CEQA - Do we want to say anything about the CEQA lead agency? Does Valley Water want to have the Partner Agency do this? Maybe that should be explicit.	See revised text
	We look forward to further opportunity to discuss the policies related to trails, especially how they could differ in creekside vs hillside scenarios. A lot of these requirements seem more suitable for urban trails rather than single-track, backcountry trails.	Noted.
	While a hydraulic analysis may be appropriate for a creekside trail, this is not practical for trails in more rural hillside areas. Suggest a separate process for urban creekside vs hillside projects.	Noted. The hydraulic analysis requirement may be waived, see revised text.
	A 14-foot bridge clearance is often not possible for smaller creeks. Consider a sliding scale based on hydrology, channel depth, etc.	This requirement may be waived if equipment access is not an issue. See revised text.
	Culverts are frequently employed in small creeks and seasonal drainages. A prohibition of culverts again points to the need for a rural vs urban trail policy framework. For example, 24 in-stream crossings on seasonal creeks, some on Valley Water property, for the Oak Cove Trail were allowed but would have been infeasible if this standard were required.	Noted. In rare cases of in upperwatershed or small creeks, culverted crossings, if permitted by the regulatory agencies, may be permitted. See revised text.
	How does maintaining Valley Water access apply to single-track trails?	The Access criteria is intended to maintain existing Valley Water access.
	1-foot topographic data isn't available for the entire county. Suggest a 5-foot standard for rural hillside areas otherwise topographic survey will be required at much expense.	See revised text removing requirement for 1-ft contours at the conceptual design/Trail Screening stage.

Tim Heffington, John Falkowski and  
 Jeremy Farr, County of Santa Clara,  
 Parks and Recreation Department

<p>The Countywide Trails Master Plan proposed trails within Valley Water easements. Would these guidelines apply to VW fee title lands as well as easements? Or would a trail within a VW easement be subject to the landowner's guidelines? Or both?</p>	<p>The Trail Policies, Criteria and Guidelines will apply to VW fee title lands and do not apply to easements held over private property. For Valley Water easements over land owned by another public agencies, both agency's guidelines would apply.</p>
<p>Are these guidelines intended to apply to properties covered under the terms of the Master Partnership Agreement between Valley Water and County Parks? Some of Valley Water's Board Resolutions noted in the admin draft text run counter to the terms of the Master Agreement.</p>	<p>The Resolutions noted were adopted in 1972, 1974, and 1982 and thus precede the Master Agreement.</p>
<p>When was Resolution 82-30 enacted? The policy established by this resolution precludes use of its lands in the Upper and Lower Llagas Creek watershed for public access within designated Resource Conservation Areas. This resolution is in direct conflict with the Countywide Trails Master Plan which was adopted in 1995.</p>	<p>Resolution 82-30 was adopted by the VW Board on May 25, 1982. See revised text regarding waivers to this resolution.</p>
<p>Does this mean the Board of Director's consideration or staff consideration? If it's staff consideration then that's a problem. This seems like a chicken and egg problem. If we go through the extensive process only to have VW staff deny the project then we've wasted time and money and none of us look good in the public eye. I'd recommend a preliminary review by VW and if a preliminary green light is given, then the public process can begin.</p>	<p>Process section was added that clarifies that this is the intent of the Policy and Guidance.</p>
<p>What defines a planned capital project? Does Valley Water need to have designs, identified in a plan, etc.? Are they able to reject because they could have a future use but is not budgeted or designed?</p>	
<p>Valley Water lands are required to construct and maintain flood protection and water supply infrastructure. The Legislative Act is broader and includes providing recreation. How does the Legislative act apply to these guidelines?</p>	<p>See response below</p>

<p><b>POLICY ELEMENTS</b> - Parks requests the opportunity to work with Valley Water to jointly draft a robust discussion of the Legislative Act and other policy level documents. Parks has already developed some policy document references related to the Countywide Trails Master Plan. However, please work with Parks to more fully discuss the following:</p>	<p>Section 1.0 Introduction was revised to clarify the intent of the Policy and Guidance to enable Valley Water to continue to support appropriately sited and designed trails that protect the County's water resources and avoid conflict with Valley Water's water supply, flood protection, and environmental stewardship functions. Section 2.0 was revised to more fully reflect Valley Water's enabling legislation, including text regarding support of County Parks, and adopted resolutions related to the joint use of Valley Water lands for recreation.</p>
<p>Legislative Act (District Act):</p>	
<p>1. The Legislative Act contains elements in which the State Legislature describes support of county parks as one founding purpose of the Santa Clara Valley Water District. Parks pursuit of regional trails is a primary focus of the Department.</p>	
<p>2. The Legislative Act contains elements that empower Valley Water to construct and operate recreational improvements in association with its public works.</p>	
<p>3. The Legislative Act provides Valley Water with the ability to exercise its various powers (including but not limited to real property acquisition, construction and operation of recreational improvements, and other powers defined in the Act) to implement its purposes (including support of county parks and open space, and thus construction and operation of trails).</p>	
<p>4. The Legislative Act provides a basis for enhanced integration of trail planning into Valley Water capital projects during the planning phase.</p>	
<p>5. Parks would like the opportunity to work with Valley Water to incorporate these Legislative and other policy elements into trail planning, design, and construction.</p>	
<p><b>Other Policy Areas</b> - Parks would like the opportunity to work with Valley Water to jointly draft language in the policy discussion that fully captures the intent of the four policy level documents jointly executed by The Santa Clara Valley Water District Board of Directors and the County of Santa Clara Board of Supervisors on August 14, 2018. These include:</p>	<p>This analysis will be added following discussion with County Parks. Update 12/21: Valley Water and County Parks have established through discussions that the Shared Principles, Master License Agreement, Master Partnership Agreement, and Memorandum of Agreement, which apply to upper watershed lands surrounding Valley Water reservoirs which are operated by County Parks for recreation purposes, supercede any conflicting provisions included in the Criterion and Guidance, specifically but not exclusively the following topic areas: notice of trail restrictions and modifications, timeline for approval of trail projects, flexible interpretation of the criteria and guidance for trail projects in areas subject to the Master Partnership Agreement (where certain requirements such as engineered drawings may not apply), and maintenance, repair, and replacement of trails.</p>
<p>1. Shared Principles (Full title: Joint Resolution of the Board of Supervisors of the County of Santa Clara and the Board of Directors of the Santa Clara Valley Water District Approving Shared Principles as a Framework for the Land Use Relationship Between the Parties).</p>	
<p>2. Master License Agreement</p>	
<p>3. Master Partnership Agreement</p>	
<p>4. Memorandum of Agreement</p>	
<p>The outreach process conducted by partner agencies is not always sufficient to inform or solicit input from the community. More specificity is needed to define stakeholder outreach to ensure that project planning by partner agency is transparent.</p>	<p>The text has been revised to provide more specificity as to required outreach.</p>

erra Club Loma Prieta Chapter, Comr

how does Valley Water ensure "good behavior" such as litter pickup is occurring by the cities? There needs to be a mechanism for Valley Water to communicate back if the jurisdiction is not addressing impacts as agreed in the Joint Use Agreement	Noted. Valley Water has a number of litter reduction programs to ensure compliance with the Municipal Regional Stormwater Permit, which requires 100% trash reduction from storm drains (including
Trash pickup requirements should be clearly specified in the JUA	Trails Project partner agencies are required to submit a maintenance plan detailing the schedule of maintenance actions including trash pickup, to demonstrate the capacity and commitment of the agency to address trash associated with the trail.
trails on both sides of the creek are especially bad, and this also includes development on both sides of creek. Having a trail on one side and development on the other should not be permitted.	The Habitat Protection criteria generally requires trails to be on one side of waterways only. Please note that this requirement will not be imposed retroactively on projects that have already been approved by Valley Water.
Valley Water should require that the CEQA document includes adequate analysis of the trail use impacts on wildlife. Mitigated Negative Declarations are not the appropriate document for trails given the impacts. EIR's should be required.	GEQA Guidelines Section 15096(b)(1) provide information on the role of CEQA Responsible Agency. As Responsible Agency, Valley Water has the opportunity to request (but not the authority to require) that Trails Project partner agencies develop Environmental Impact Assessments during early screening, if impacts to riparian habitat and other biological resources are not adequately minimized or avoided through the project design. However, the partner agency, as Lead Agency, must determine the appropriate CEQA document. The Trails Criteria and Guidance clarify that Valley Water will consider the approval of a Trails Project based on the requirements described therein, not on the basis of the CEQA determination by the Lead Agency.
Valley Water's Trails and Open Space Grant criteria should refer to or include these policy criteria to ensure that they apply to all trails within Valley Water's discretionary authority.	Text added to clarify that the policy and guidance applies to the Safe Clean Water and Natural Flood Protection Program Grants.
The Guidance should not offer jurisdictions the opportunity to mitigate for habitat impacts through replanting riparian vegetation, because this type of mitigation does not compensate for impacts from the trail.	Revegetation has been removed from the list of examples of ways to offset habitat impacts. However, replanting may be a component of larger enhancement actions such as channel restoration or bank repair.
Remove "as feasible" from the section prohibiting new trails within riparian habitat	See revised text.
The trail should also maximize the distance from the creek and riparian habitat (include buffer requirement)	See revised text.
Not only native trees are important. Non-native trees also provide habitat. The guidance should also require that non-native trees are preserved.	See revised text regarding preservation of a contiguous canopy and preservation of mature trees.
Trail design should include features that allow small wildlife to safely cross.	Text added to <i>Protective Design Features</i> section
Add reference to wetlands, not just riparian habitat. Bayshore habitats are particularly sensitive to trail use impacts.	See revised text
Add specificity to the Biological Resource Assessment description to make sure it adequately analyzes use impacts, including cumulative use impacts. Some consulting firms will give a realistic impact assessment, but others will give an entirely different assessment that overlooks impacts from use of the trail.	The need for Biological Resources Assessments to analyze trail use impacts has been emphasized in the Guidance. Please note that Valley Water environmental planners and biologists will review submitted Biological Resources Assessments to advise CPRU staff on the adequacy of this impact analysis.

	<p>The trails project Biological Resource Assessment should include analysis of feasible alternatives that reduce impacts.</p> <p>Expand the Habitat Protection section of the Screening Application to include all impacts discussed in the Guidance.</p>	<p>An impact analysis section has been added to the sample Biological Resources Assessment contents. However, this analysis will only be necessary in the event that the Trails Project is determined by Valley Water to inadequately minimize or avoid impacts.</p>
<p>Stakeholder Group; discussion 3/2/21 (Keep Coyote Creek Beautiful, City of San Jose, Friends of Stevens Creek Trail, Three Creeks Trail, Silicon Valley Bicycle Coalition, Santa Theresa Hills Neighborhood</p>	<p>How was County Parks included in the process, since they are not in today's meeting?</p>	<p>During the development of the Policy and Guidance, a Technical Advisory Committee was formed to provide early input and review the drafts. Santa Clara County Parks, Midpen Open Space, SCV Open Space Authority, and a few common Valley Water trails partners including the Cities of San Jose and Cupertino, were members of the TAC so they were not included in this meeting.</p>
	<p>Given that the Criteria and Guidance prohibit new trails along waterways within riparian habitat, how does Valley Water define riparian habitat? Does this apply to all areas along the creek?</p>	<p>Not all areas adjacent to creeks are riparian habitat, which is a predominantly native plant community dominated by trees and shrubs that are dependent on the hydrology of the creek for survival. However, because boundaries of riparian habitat are often difficult to define (for example, some native trees occur both in riparian and non-riparian areas), the Habitat Protection guidance requires trails projects to be screened in the early planning phases for potential impacts to riparian habitat, and, in later phases, fully assessed by qualified biologists. This two-step process is described on p. 6 of the document, and the Habitat Guidance is detailed on p. 9.</p>
	<p>of environmental impact and loss of trees for example, given the multiple benefits of trails to people. If there is no stated flexibility, trail opponents will use the policy to stop good trails which have minor impacts.</p>	<p>While flexibility is implicit in the Habitat Protection guidance, we agree that more explicitly stating this would be helpful. See revised text on page 9.</p>
	<p>Prohibition on trails occurring on both sides of a creek is too rigid, and does not allow for situations where a short segment of trail on both sides would lessen damage to the environment in other areas.</p>	<p>See response to previous comment</p>
	<p>The Guadalupe Creek Trail has missing connections. How would this policy impact these future connections?</p>	<p>Valley Water has worked with the City of San Jose on many successful trail projects, and will continue to do so for segments that occur on Valley Water land. Please note that the Criteria and Guidance do not apply to private land or land owned by another public agency, as is the case along much of the planned segments of the Guadalupe Creek Trail.</p>
	<p>Has Valley Water discussed the policy with partner agencies? Some had expressed concern that the new policy would the need for expensive studies early in the planning process, before the project feasibility is determined.</p>	<p>Valley Water provided the draft Criteria and Guidance to public works and planning staff at all cities in Santa Clara County, and did receive a number of comments expressing this concern. In response, the process for Joint Use Agreements for Trails was re-defined in the Guidance as a multi-step process. The first step is a screening level analysis wherein the applicant provides basic information, requests data from Valley Water, and conducts a site visit with Valley Water staff, where preliminary feasibility can be determined. This process is detailed on page 5 as well as in the Attachment 1.</p>

	Within the flea market redevelopment area, there are planned trails next to the creek. How will this new policy affect those planned trails?	landowner/developer of the former flea market property to transfer land rights or secure easements so that the Upper Penitencia Ck Flood Protection Project can be constructed and that the open space, habitat enhancement, and trail elements of the planned development along both Upper Penitencia and Coyote Creeks can be realized. This effort includes trail connections as well as riparian restoration, which will be integrated to provide public access to the creek environment, regional trail connectivity, and enhanced
	What other areas of San Jose's planned trail network would be affected by the policy?	from very early in the trails planning and design phase to ensure that trails projects do not adversely affect Valley Water's operations and maintenance considerations, and that trail siting and design follow the CSJ's riparian setback policy. The Criteria and Guidance are aimed at primarily at other cities which don't have this history and knowledge of Valley Water requirements.
	How does the policy restricting trails next to creeks, affect the potential for more homeless encampments, since trails decrease use by the homeless?	trails/legitimate use of the creekside environment discourage illegal camping/illegitimate use, as well as witnessing firsthand the actual use of trailside lands for encampments. The Criteria and Guidance do not directly address this complex issue, beyond clarifying that trail security and maintenance, including trash cleanup, is the responsibility of the partner agency.
	Can Valley Water provide the Trail Mapper tool that was used in the meeting?	Similar mapping tools can be found on the County Parks website: <a href="http://sccparks.maps.arcgis.com/apps/PanelsLegend/index.html?appid=12160dc4b49348c395c46fa1ad20d795">http://sccparks.maps.arcgis.com/apps/PanelsLegend/index.html?appid=12160dc4b49348c395c46fa1ad20d795</a>
	planning design of its flood protection projects, and also coordinate with other agencies to ensure that public access is provided as part of projects	include public access easements or other agreements with municipalities or agencies to allow for the construction and or operation of trails.

	Valley Water supports trails in its policies and programs, but does not actively support planning new trails, such as the trail along Coyote Alamosos Canal.	Criteria and Guidance is to clarify that Valley Water's role in trails planning, is limited to ensuring that planned trails are protective of its environmental stewardship, flood protection, and stewardship missions. However, Valley Water does provide grants for new trails as part of the Safe Clean Water Program (Priority D3).
Santa Clara County Parks, add'l comments received 11/2021	Valley Water has a history of mutual collaboration and support for trails, and has incorporated recreational concepts and at times constructed recreational improvements including trails in specific locations (e.g., planned SF Bay Trail Reach 9 near Collishaw Creek). Suggest removing this language to address inaccuracy and better reflect collaborative nature.	operate, or maintain trails" was included in the introduction to the Criteria and Guidance because there is often confusion among the public, stakeholders, and even public agency staff, as to where responsibility for trails lies. However, to remove the suggestion of a lack of support for trails, this sentence was removed, and the word "leading" was added to a subsequent section describing partner agency responsibilities.
	Page 2 Paragraph 1	support partner agencies through the trail planning and implementation process and works with partner agencies to pursue collaborative opportunities where mutual goals can be met.
	Page 2 Paragraph 2 This is from the regional trail perspective - trails are being planned across multiple jurisdictions and it is important to meet regional trail goals and not create walls within the constrained regional landscape.	Text added: valley water supports the completion of a comprehensive regional trails network throughout Santa Clara County, as envisioned in Santa Clara County's Countywide Trails Master Plan, and trail project proposals will be carefully considered under the Trail Policy and Guidance in relation to regional goals. Regional trail development occurs within a constrained landscape (areas of dense development where minimal siting flexibility exists) and Valley Water strives to collaborate with partner agencies to resolve issues identified through the application process and find mutually agreeable project outcomes that meet regional trail goals to the greatest extent feasible. The application process will consider the likelihood of suitable safe alternatives that meet regional trail goals, while balancing overall ecological protection and functionality of water resources, and flexibility may be warranted on a case-by-case basis for certain requirements of the Trail Policy Criteria and

	<p>Alternative alignments that are on-street routes should be a last resort (as an example, Los Gatos Creek Trail from Meridian Ave to Lincoln Ave is proposed to leave riparian corridor and pass through neighborhood; in this situation a safe alternative is possible but not optimal; this level of investigation and thoroughness in exploring project modifications and alternatives should be a part of</p>	<p>Comment noted. The specific public planning process for each project would determine an optimal alignment. Valley Water should be involved early and throughout the planning process so we are able to support a project when it comes to us for approval. Historically I think, this has not always been the case. This is partially the impetus for the criteria and guidance.</p>
	<p>Pg 6 Paragraph 1: Default should be to provide affirmative statement for flexibility and case-by-case interpretation in these areas</p>	<p>The Guidance is intended to directly further the goal of implementing Trails Projects that support healthy communities, engage residents to promote water resources stewardship, and protect water resources and streamside ecosystems in Santa Clara County. The Guidance are primarily focused on Trails Projects located in the urban environment of the Santa Clara Valley floor, and implementation within upper watershed or hillside areas shall in general be guided by a common-sense standard (e.g., hydraulic analysis and bridge freeboard requirements will be considered as needed based on site-specific conditions for Trails Projects in upper</p>
	<p>Pg. 8 paragraph 2: 14' ft clearance for bridges can't be achieved in smaller drainages</p>	<p>Text added: In general, clearance under pedestrian/bicycle bridges must be a minimum of 14 feet from the bridge soffit to the channel invert in settings where equipment must have access to the creek bed, or alternative maintenance access shall be provided.</p>
	<p>along existing access roads or within other previously-disturbed areas <b>to the greatest extent feasible</b>; where infeasible, the alignment should support a sustainable trail that minimizes long-term impacts.</p>	<p>we concur with the addition of "to the greatest extent feasible". However the phrase "a sustainable trail that minimizes long-term impacts", can be broadly interpreted, we think undermining the clarity that this guidance seeks to provide</p>

		Text added: Trail Projects proposed within undisturbed habitat in upper watershed/hillside areas, including lands surrounding Valley Water reservoirs, the Biological Site Assessment shall inform the application of this guidance (e.g., avoidance of riparian, wetland, or rare plant populations). For Trail Projects located in urban creek-side locations that impact sensitive habitats, the Biological Site Assessment shall include consideration of safe alternatives balanced with broad ecological objectives, potentially including agreements with neighboring landowners that would avoid disturbance of such areas. Trails shall be generally limited to one side of the waterway unless, for example, short trail segments on both sides of the waterway are essential for meeting
	Pg 11; Habitat Protection	
	Pg 11: Habitat Protection: In relation to regional trail goals, in heavy use areas trails on both sides of waterway may be warranted with respect to volume of use, public safety, and connectivity. In experience of County Parks, activation of trail corridors can reduce negative impacts (e.g., related to safety, maintenance issues).	Note that the word "generally" is already included to provide flexibility in the situations you describe. The goal here is to avoid such trails being included in development plans where they are merely convenient for an ideal pedestrian circulation pattern (for example), not preclude construction of an important regional trail gap. We concur that trails can activate responsible use and discourage trespass/illegal use
	Pg 13 Section 4.6b	provide a minimum of one-week minimum advanced notice of routine or planned maintenance. Extant agreements with Partner Agencies, such as County of Santa Clara, shall be precedent in this regard..
	Pg 14 Section 4.7	Text added: , with appropriate notification and support for signage and information needs from Valley Water, as described further above.
	Pg 16, Item 2; Pg 17 Item 1	if the Trail Project or a portion of it is proposed adjacent to a creek channel or within its active floodplain.
	Pg 17	areas, plans should be at a level sufficient to understand the overall scope and impacts of the work being undertaken, which frequently does not require engineered drawings.