

ORANGE WATER AND SEWER AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

AUGUST 25, 2016

The Board of Directors of the Orange Water and Sewer Authority (OWASA) held a regular business meeting on Thursday, August 25, 2016, at 7:00 P.M. in the Council Chamber, Chapel Hill Town Hall, 405 Martin Luther King Jr. Boulevard in Chapel Hill, NC.

Board Members present: John A. Young (Chair), Jeff Danner (Vice Chair), Barbara M. Foushee (Secretary), Yinka Ayankoya, Terri Buckner, David (Dave) Moreau, Robert Morgan, Heather Payne and Ruchir Vora.

OWASA staff present: Ed Kerwin, Mary Darr, Greg Feller, Vishnu Gangadharan, Stephanie Glasgow, Alicia Grey, Kenneth Loflin, Andrea Orbich, Johnny Riley, Ruth Rouse, Johnny Riley, Mary Tiger, Todd Taylor, Stephen Winters, Robert Epting and Robin Jacobs.

Public present: Joanie Alexander; Dede Banks; Beverly Bell; Karen Bley; Bruce Boehm; Al Briggaman; Betsy Brown, and Kate Dixon, Friends of the Mountains-to-Sea Trail; Joel Bulkley; Bruce Carney; Ruth Carney; Ann Charles; William Charles; Ray Dickie; Virginia Dickie;; Rick Fahrer, Town of Chapel Hill; Herman M. Foushee, Hank Anderson Breakfast Club; Cynthia Franklin; Laurie Fuchs; Allan Green; Carol Green; Derek Green; Jane Green; Glen Greenstreet; Tammy Grubb, Chapel Hill News; Kenneth A. Hardy; Lynette Hartsell; Bonnie Hauser; Elizabeth Hilborn; Harold Hill; Margaret Holton, Water, Sewer and Stormwater Coordinator, University of North Carolina at Chapel Hill; Judith Howard; Joe Jacob; Bob Johnson; Ed Johnson; John Kenan; Lucretia Kinney; Clay Koontz; Ken Larsen; Luther Livermon; Edward Mann III; Mark Marcoplos, Orange County Commissioner-Elect; Judy Martell; Brenda McCall; Carol Ann McCormick; Sandra McKee; Colin Mellor; Ursula Nebiker; Jim O'Connor; Marlene O'Connor; Alan Parry; Lucy Piner; Jack Pless; Renee Price, Orange County Commissioner; Carl Shy; Christine Silva; John Silva; Greg Smith; Linda Schoonover Smith; Todd Stabley; Mary Stewart; Wanda Sundermann; Tim Toben; Stephanie Trueblood, Town of Hillsborough; David Walser; Anne Young; Scott Zimmerman.

There being a quorum present, Chair John Young called the meeting to order.

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MOTIONS ACTED UPON

1. Robert Morgan made a motion to approve the Minutes of the July 14, 2016, Work Session of the Board of Directors, second by Jeff Danner and unanimously approved.
2. Heather Payne made a motion that the Board direct staff to reschedule the remaining agenda items (Preliminary Twelve Month Financial Report for the Period Ended June 30, 2016, Capital Improvements Program Semiannual Status Report and a Closed Session for the Purpose of

Discussing a Personnel Matter) to future Board meetings; second by Barbara Foushee and the motion passed with a vote of eight to one with Jeff Danner opposed.

3. Dave Moreau made a motion to add a sentence to end of General Condition 9 that, “No construction on OWASA land shall be initiated until connection to at least one existing MST segment has been established through plans and secured easements.” Second by Robert Morgan and the motion passed with a vote of seven to two with Ruchir Vora and Yinka Ayankoya opposed.

4. Jeff Danner made a motion to continue the Board meeting past 10:00 P.M.; second by Terri Buckner and the motion passed with a vote seven to two with Robert Morgan and Barbara Foushee opposed.

5. Terri Buckner made a motion to delete “or foul language” from Condition 16 of Minimize Risk from Trail Use; second by Ruchir Vora and unanimously approved.

6. Terri Buckner made a motion to delete Condition 14 (Trailheads and parking areas shall not be located on OWASA property.) from Minimize Risk from Trail Use; second by Robert Morgan and the motion failed with a vote of two to seven with Yinka Ayankoya, Jeff Danner, Barbara Foushee, Dave Moreau, Heather Payne, Ruchir Vora and John Young opposed.

7. BE IT RESOLVED THAT the Orange Water and Sewer Authority adopt the Resolution Approving Conditions for Use of OWASA Land for the Mountains-to-Sea Trail, with the addition to number 2 on page 2 of the Resolution, of the following language: “and as amended hereafter under OWASA standard Board operating practices”. (Motion by Dave Moreau, second by Barbara Foushee, and approved with a vote of eight to one with Ruchir Vora opposed.)

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ANNOUNCEMENTS

Conflict Of Interest

John Young said any Board Member who knows of a conflict of interest or potential conflict of interest with respect to any item on the agenda tonight is asked to disclose the same at this time. None were disclosed.

Committee Meetings

John Young said that the Executive Committee will meet on Tuesday, September 13, 2016, at 5:30 P.M. in the OWASA Boardroom to discuss two items: taking the next step in defining Board development and team building activity; and having an unstructured discussion about how the Executive Committee might support the Board.

Mr. Young said that the Chapel Hill Town Council's OWASA Committee and Chapel Hill Appointees to the OWASA Board will meet on Thursday, September 15, 2016, at 8:00 A.M. in the OWASA Boardroom to discuss items of mutual interest.

Heather Payne said that the Natural Resources and Technical Services (NRTS) Committee met on August 24, 2016, to discuss OWASA's Energy Management Program which will be discussed on September 8, 2016. That discussion will include a summary of staff's proposed Energy Management Program and a proposed set of criteria along with a method of applying that criteria to qualitatively evaluate, screen, and document clean energy opportunities. The NRTS Committee recommended that staff also incorporate a social cost of carbon into evaluation, separately identifying it in the benefits.

Robert Morgan said that the Human Resources Committee will meet on Wednesday, August 31, 2016, Human Resources Committee Meeting at 5:30 PM in the OWASA Boardroom to discuss employee compensation alternatives.

Lead and Copper

Todd Taylor, General Manager of Operations, reported that lead and copper testing had been performed at the 10 Chapel Hill-Carrboro City Schools' buildings built before 1986, when lead solder was banned. A total of 163 samples from sinks and all water fountains in 10 facilities were analyzed by a certified laboratory. Mr. Taylor said that lead was not detected in any of the samples. Copper was detected in 37 samples. However, all copper levels were below the U.S. Environmental Protection Agency's action level and maximum contaminant level goal of 1.3 parts per million. There was no charge for this testing because OWASA continues to offer free testing of our drinking water to all of our customers.

Annual Report for July 2015 through June 2016 on Collection, Treatment and Recycling of Wastewater and Biosolids

Mr. Taylor said that staff distributed an annual report to accountholders on the operation of the wastewater collection and treatment systems and on the treatment and recycling of biosolids. This report was also distributed to local officials and media, and posted on OWASA's website. The key takeaway from the report was that OWASA continued to surpass the treated wastewater quality standards for our Mason Farm Wastewater Treatment Plant (WWTP). Mr. Taylor expressed appreciation to staff for their hard work to exceed goals at the WWTP.

OWASA Recognized as a Water Resources Utility of the Future

Mary Tiger, Sustainability Manager, reported that OWASA was recently recognized as a "Utility of the Future Today" by a partnership of leading water sector organizations including the National Association of Clean Water Agencies, Water Environment Federation, Water Environment & Reuse Foundation, WaterReuse Association and US Environmental Protection Agency. The Water Resources Utility of the Future initiative is designed to highlight and promote innovative approaches and technologies related to energy production, water reuse, green infrastructure, non-traditional partnerships and more, to improve environmental performance

while lowering costs, increasing revenue and helping boost the local economy. OWASA was one of 61 utilities nationwide to be recognized.

PETITIONS AND REQUESTS

John Young asked for petitions and requests from the public, Board and staff; none were received.

ITEM ONE: EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION REPORT FOR FISCAL YEAR 2016

Herman Foushee noted that according to this report, African American individuals have applied for professional and paraprofessional positions at OWASA and only two were selected. Mr. Foushee offered his assistance to bring solutions to increase African American diversity on the OWASA staff.

ITEM TWO: ANNUAL REPORT ON DISPOSAL OF SURPLUS PROPERTY

The Board received this as an information item.

ITEM THREE: MINUTES

Robert Morgan made a motion to approve the Minutes of the July 14, 2016, Work Session of the Board of Directors; second by Jeff Danner and unanimously approved. Please see Motion No. 1 above.

ITEM FOUR: DETERMINE WHETHER THE MOUNTAINS-TO-SEA TRAIL MAY BE LOCATED ON OWASA PROPERTY AND IF SO, WHAT CONDITIONS MUST BE MET

John Young said that 28 individuals have signed up to speak on the Mountains-to-Sea Trail (MST) item and suggested that the remaining agenda items, except Item Four, be rescheduled.

Heather Payne made a motion that the Board direct staff to reschedule the remaining agenda items (Preliminary Twelve Month Financial Report for the Period Ended June 30, 2016, Capital Improvements Program Semiannual Status Report and a Closed Session for the Purpose of Discussing a Personnel Matter) to future Board meetings; second by Barbara Foushee and the motion passed with a vote of eight to one with Jeff Danner opposed. Please see Motion No. 2 above.

Mr. Young expressed appreciation to the public for their feedback and detailed input on this issue; he said that more than 60 written comments were submitted.

Ruth Rouse, OWASA's Planning and Development Manager, presented new and updated information on conditions since the Board's June 23, 2016, meeting. Ms. Rouse said that there are a total of 46 proposed conditions that the County must meet for the MST to be acceptable on

OWASA land. The proposed conditions are related to meeting OWASA's core mission of watershed protection, minimizing risks from trail use and no use of OWASA funds for the trail.

Dave Stancil, Director of Orange County's Department of Environment, Agriculture, Parks and Recreation, said that the County is hosting an MST Community Meeting tentatively scheduled for Monday, September 19, 2016 at 7:00 P.M., at Maple View Agricultural Education Center off Dairyland Road in Hillsborough. This meeting date will be confirmed and the public would be notified. Mr. Stancil presented information the County has gathered pertaining to crime, insurance rates, and fire risks. He reiterated that the information presented tonight will be expanded upon at the County's Community Meeting in September.

Mr. Young requested that once Orange County has confirmed the Community Meeting that an invitation be sent to OWASA's distribution list of stakeholders.

Ken Larsen, a member of the Lady Godiva Track Club and resident of Chapel Hill, said he is a strong proponent of trails like this. He said rejecting the proposed trail would set a bad precedent.

Bob Johnson said he and his father are very much in favor OWASA hosting the MST on his property. He said the 50 foot trail setback should be increased to 100 feet and OWASA should have a process for exceptions to its conditions.

Jane Green, a resident of Durham, said the MST is a most exciting development and she supports its expansion in Orange County.

Harold Hill, a resident of Orange Grove Road and president of a running group, supported the Swedish principle that land should be open and shared.

Christine Silva, a resident of Thunder Mountain, said OWASA should continue to support the high quality of water in the Cane Creek Reservoir and to protect its watershed. She opposed having the MST in the watershed.

John Silva said a majority of residents who would be most affected by the trail have opposed it for over three years, and that conditions for the trail cannot be enforced.

Mary Stewart said hiking the MST is a wonderful opportunity and heart health starts with walking.

Marleen O'Connor said she and her neighbors on Apple Mill Road oppose continuing the trail through their community and that safety and security cannot be guaranteed.

Jim O'Connor said a major fire is likely if there is a small fire and the Apple Mill community should not be disrupted. He asked which officials will be responsible if there are negative consequences from the trail.

Stephanie Trueblood, the construction manager for Riverwalk in Hillsborough, said the project has many users and the payoff for Hillsborough has been fabulous. She said there will issues but they can be addressed.

Karen Bley, a resident of and owner of land at Apple Mill Road, said she completely supports the trail and would consider hosting part of it on her property.

Luther Livermon, a resident and owner of land at Apple Mill Road, said the trail on OWASA land should be done with care to protect nearby residents but the trail would be a great thing.

Todd Stabley, a Hillsborough resident and member of the Town's Parks and Recreation Board, said the Mountains-to-Sea Trail is a visionary project. He asked the Board to approve the connection through OWASA land.

Beverly Bell, a resident of Eno Township in Orange County, said she wholeheartedly supports completion of the MST in Orange County. She said the agenda materials for this item are spot-on.

Tim Toben, a landowner in Western Orange County, said that people using trails on land which he and others put in conservation easements near Dairyland Road have not caused problems of crime and fire. He urged the Board to approve the trail on OWASA land.

Colin Mellor said it looks like a decision has already been made. He said OWASA should not allow trailheads and parking areas on OWASA property.

Ed Johnson, an owner of land along Cane Creek, said he would love to have part of the trail cross his land. He said OWASA should defer to the future a decision on whether to allow a bridge over the reservoir.

Allan Green, a resident of the Cane Creek area, said he is concerned with water quality in the reservoir. He said residents along OWASA land should be able to access the trail directly without being considered trespassers, and there should be further investigation before deciding whether to allow a bridge over the reservoir.

William Charles said OWASA must protect water quality, has done a good job so far and should think carefully about whether to allow the trail. He said the proposal to prohibit smoking on the trail is unenforceable and OWASA should not approve a stand-alone trail.

Brenda McCall, a resident of Mount Mitchell Road and neighbor of OWASA land, said trailheads should be on OWASA land instead of neighbors' land, the trail on OWASA should not be isolated, and alternative trail locations should be considered.

Bonnie Hauser, representing Orange County Voice, invited OWASA to join in asking the County to consider additional alternative routes including greenways for walking and biking, and to seek a win-win solution.

Joe Jacob, president of the Haw River Kayak Co., said natural areas add to property value and trails are the number one thing requested for parks and recreation. He asked the Board to approve the trail.

Glen Greenstreet, a Chapel Hill resident, said the trail project is very compatible with OWASA's way of doing business and an excellent complement to OWASA's mission.

Bruce Boehm, an Orange County resident, encouraged the Board to approve the trail and said OWASA has the expertise to maintain water quality.

Edward Mann, III, a lifelong resident of Stanford Road, presented a map showing OWASA properties and land of more than 40 people who do not support the trail and would not allow it on their land.

Carl Shy urged the Board to approve the trail. He said it would really be a benefit to Orange County.

Greg Smith, a resident of the Thunder Mountain area and neighbor of OWASA land, said that with the proposed conditions, the trail will not increase risks of fire, crime or other adverse impacts to neighbors.

Linda Schoonover Smith said the MST is the crown jewel of North Carolina, that the proposed trail is congruent with OWASA's mission, values and goals; and the trail involves negligible or low risks.

Clay Koontz said the proposed trail will be a great thing for North Carolina.

Carol Ann McCormick, a resident of property near the Haw River and Cane Creek, said she would be happy for the MST to cross her land.

Lynette Hartsell, a co-owner of land near Apple Mill Road, said fire is a concern and the Board should consider the concerns of people who bought land for privacy, seclusion and quiet solitude. She said she supports the MST concept and the concerns of neighbors and is concerned about liability if there are injuries on the trail.

John Kenan, a resident of Mount Mitchell Road, said the prospect of the trail coming close to his property is exciting, that crime and hunting already occur and the Cane Creek area is particularly beautiful.

The Board expressed appreciation to the public for their comments and then began deliberations on the proposed resolution and conditions for this item.

Dave Moreau made a motion to add a sentence to end of General Condition 9 that, "No construction on OWASA land shall be initiated until connection to at least one existing MST segment has been established through plans and secured easements." Second by Robert Morgan and the motion passed with a vote of seven to two with Ruchir Vora and Yinka Ayankoya opposed. Please see Motion No. 3 above.

Terri Buckner said she objected to Watershed Protection Condition 4, "No pets allowed."

Jeff Danner made a motion to continue the meeting past 10:00 P.M.; second by Terri Buckner and the motion passed with a vote seven to two with Robert Morgan and Barbara Foushee opposed. Please see Motion No. 4 above.

Terri Buckner made a motion to delete “or foul language” from Condition 16 of Minimize Risk from Trail Use; second by Ruchir Vora and unanimously approved. Please see Motion 5 above.

Terri Buckner said she objected to no parking on OWASA land. Ruchir Vora said he agreed and that is why he believes trail heads are important to establish on OWASA property. Jeff Danner said he does not agree with parking on OWASA property. Robert Morgan said this issue should be left to Orange County.

Terri Buckner made a motion to delete Condition 14 (Trailheads and parking areas shall not be located on OWASA property.) from Minimize Risk from Trail Use; second by Robert Morgan and the motion failed with a vote of two to seven with Yinka Ayankoya, Jeff Danner, Barbara Foushee, Dave Moreau, Heather Payne, Ruchir Vora and John Young opposed. Please see Motion No. 6 above.

Dave Moreau made a motion to adopt the Resolution Approving Conditions for Use of OWASA Land for the Mountains-to-Sea Trail with an addition to number 2 on page 2 of the Resolution, of the following language: “and as amended hereafter under OWASA standard Board operating practices;” second by Barbara Foushee and the resolution passed with a vote of eight to one with Ruchir Vora opposed. Please see Motion No. 7 above.

Heather Payne expressed appreciation to Johnny Riley, OWASA’s Lake Warden, for all his work at Cane Creek Reservoir.

John Young said he respected all the input on this item.

ITEM FIVE: PRELIMINARY TWELVE MONTH FINANCIAL REPORT FOR THE PERIOD ENDED JUNE 30, 2016

This item was rescheduled to the Boards’ September 8, 2016 work session.

ITEM SIX: CAPITAL IMPROVEMENTS PROGRAM SEMIANNUAL STATUS REPORT

This item was rescheduled to the Boards’ September 22, 2016 meeting.

ITEM SEVEN: EXECUTIVE DIRECTOR WILL SUMMARIZE THE KEY ACTION ITEMS FROM THE BOARD MEETING AND NOTE SIGNIFICANT ITEMS FOR DISCUSSION AND/OR ACTION EXPECTED AT THE NEXT BOARD MEETING

The Board agreed that the staff action items would be distributed the following day.

Orange Water and Sewer Authority

August 25, 2016

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ITEM EIGHT: CLOSED SESSION

This item was rescheduled to the Board's September 8, 2016 work session.

The meeting was adjourned at 11:30 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Andrea Orbich". The signature is written in a cursive style with a large initial 'A'.

Andrea Orbich

Executive Assistant/Clerk to the Board

Attachments

**RESOLUTION APPROVING CONDITIONS FOR USE OF OWASA LAND FOR THE
MOUNTAINS-TO-SEA TRAIL**

WHEREAS, the Orange Water and Sewer Authority (OWASA) is a public, non-profit utility whose mission is to provide high quality and reliable water, wastewater, and reclaimed water services through responsible and creative stewardship of the resources we manage; and

WHEREAS, OWASA's primary mission is to protect its water supply reservoirs, Cane Creek Reservoir and University Lake; and

WHEREAS, OWASA land and conservation easements on private land in the Cane Creek watershed were acquired for watershed protection purposes to ensure a safe and high-quality supply of water in the Cane Creek Reservoir; and

WHEREAS, Rules governing the protection of public water supplies at 15A NCAC 18C allow the use of trails around public water supplies; and

WHEREAS, the Mountains-to-Sea Trail (MST) is a trail that will extend over 1000 miles from the Great Smoky Mountains to Jockey's Ridge State Park on the Outer Banks and is part of the State Parks System; and

WHEREAS, various portions of the MST are managed by different groups or local governments, and Orange County is the lead group planning the MST in Orange County; and

WHEREAS, in December 2009 the OWASA Board of Directors sent a letter to the Orange County Board of Commissioners which stated that OWASA would allow the use of its property in the vicinity of Cane Creek Reservoir as long as three conditions were met: (1) there is no compromise of water quality in Cane Creek Reservoir, and (2) there is no expenditure of OWASA funds, and (3) arrangements would be made to minimize any additional security risks associated with hikers using the property around the reservoir; and

WHEREAS, in April 2010, the Orange County Board of Commissioners (BOCC) approved a trail planning corridor proposed by North Carolina State Parks after working through the multi-jurisdictional Intergovernmental Parks Work Group, and a portion of the planning corridor is located on OWASA land; and

WHEREAS, the OWASA Board of Directors invited, received, and carefully considered public comment on the use of OWASA land for the MST on June 23, 2016 and August 25, 2016; and

WHEREAS, the *Conditions for Mountains-to-Sea Trail on OWASA Land* meet the conditions for siting the MST on OWASA land provided by the OWASA Board of Directors in December 2009; and

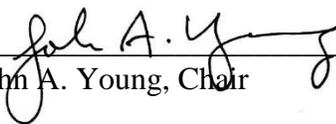
WHEREAS, the Board of Directors has determined that the *Conditions for Mountains-to-Sea Trail on OWASA Land* will sufficiently protect the Cane Creek Reservoir water supply and OWASA's property.

NOW, THEREFORE, BE IT RESOLVED BY THE OWASA BOARD OF DIRECTORS THAT:

1. OWASA will allow the MST on its land provided that the defined trail meets the conditions outlined in *Conditions for Mountains-to-Sea Trail on OWASA Land Near Cane Creek Reservoir*, attached hereto; and

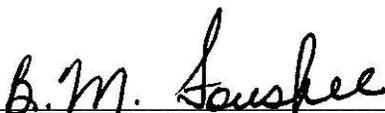
2. The final trail alignment on OWASA land is subject to approval by the OWASA Board of Directors to ensure it meets the *Conditions for Mountains-to-Sea Trail on OWASA Land Near Cane Creek Reservoir*, attached hereto, and as amended hereafter under OWASA standard Board operating practices.

Adopted this 25th day of August, 2016.



John A. Young, Chair

ATTEST:



Barbara M. Foushee, Secretary



ORANGE WATER AND SEWER AUTHORITY

*A public, non-profit agency providing water, sewer and reclaimed water services
to the Carrboro-Chapel Hill community.*

Conditions for Mountains-to-Sea Trail on OWASA Land August 25, 2016

Overview

OWASA land and conservation easements on private land in the Cane Creek watershed were acquired for watershed protection purposes to ensure a safe and high-quality supply of water in the Cane Creek Reservoir, the primary source of drinking water for the Carrboro-Chapel Hill community. Any use of OWASA-owned land must be done in such a way as to not negatively impact OWASA's core mission of watershed protection and be fully consistent with all applicable policies and requirements regarding use of OWASA's assets and resources.

Watershed Protection

The conditions included in this section are intended to protect the water quality in Cane Creek Reservoir. The rationale behind some of these conditions is provided:

- A protected 50 foot riparian buffer around streams and lakes is common. Cane Creek Reservoir is located within the Jordan Lake watershed, and rules to protect Jordan Lake include riparian buffer rules (15A NCAC 02B .0267). These rules do allow trails within 50 feet of a water body covered by the rule as long as there is no practicable alternative.
- Rules governing the protection of public water supplies (15A NCAC 18C .1201) do not allow recreational activities on the water of certain reservoirs without the permission of the Commission for Public Health or the Department of Environmental Quality. Under the agreement between OWASA and the Commission for Public Health, OWASA may allow boating and fishing (with specific restrictions) on Cane Creek Reservoir, but swimming and wading are explicitly excluded.
- One of the main causes of impairment of water quality nationally is from erosion and sedimentation. Allowing only a natural trail for hiking only;

keeping the trail 50 feet from the lake; designing the trail to avoid streams, wetlands, and steep slopes when practicable; stabilizing slopes; constructing the trail during dry periods; and following best practices to design, construct and maintain the trail will minimize the potential for sediment impacts to the reservoir.

The following conditions will help protect Cane Creek Reservoir.

1. The trail shall be a natural trail for hiking only.
2. Hikers must stay on the trail. Leaving the trail is considered trespassing.
3. No swimming or wading permitted.
4. No pets allowed. Service animals to assist those with disabilities are permitted on a leash.
5. There shall be signs on the trail where hikers enter OWASA land informing them of the trail use requirements.
6. The trail shall be no more than 3 feet wide and constructed of natural material (no impervious surfaces).
7. Trail planning, design, and construction should avoid removing large trees or rocks. Trees should be protected during construction.
8. The trail shall be at least fifty (50) feet from reservoir at normal pool elevation (500 feet).
9. There shall be no large motorized equipment used for trail construction.
10. The trail shall avoid wetlands and streams and where practicable, the trail shall be located fifty (50) feet from streams. When wetlands and streams cannot be avoided, cross them in narrower places and bridge the wetland/stream. Materials for bridges shall not contain materials that could leach and impact water quality. Bridge design shall not cause any upstream drainage issues.
11. There shall be no bridge crossings over portions of the Cane Creek Reservoir (lake conditions at normal pool elevation of 500 feet).
12. The trail shall avoid steep slopes; where this is not feasible, the trail shall be constructed and maintained in a manner to prevent erosion.
13. Trail construction will not cause sediment runoff to Cane Creek Reservoir or tributaries.
14. Construction near streams and wetlands shall be completed during dry periods.

15. Slopes shall be stabilized as soon as reasonably possible.
16. Best management practices regarding watershed protection and fire prevention shall be followed for trail planning, design, construction, operation and maintenance.
17. Any trash and food scraps must be packed out. No littering.

Minimize Risks from Trail Use

The conditions included in this section are intended to minimize additional risks from having hikers on OWASA property. The Agreement OWASA has with the Commission for Public Health (see more details in Watershed Protection section above) also has clauses which pertain to fishing, boating, and hunting as summarized below:

- Boating access is restricted to areas designated by OWASA, and thus the reservoir should not be accessed from areas other than from our public access location. This enables OWASA to inspect boats used on the reservoir to ensure they do not carry aquatic weeds, are clean and free of trash, meet US Coast Guard standards, and are in good physical condition for water worthiness and safety equipment. Only electric trolling motors are allowed, and must be secured to the boat in an approved manner with the battery secured in a battery box.
- Fishing is restricted to boats launched at OWASA's public access point when it is open, designated areas on OWASA docks, and designated bank areas at OWASA's public access point.
- No hunting or trapping is allowed on OWASA's land at the reservoir.

While the agreement is focused on the use of the reservoir, the agreement specifies boats cannot be within 150 feet of the water supply intake structure. This condition minimizes risk to the water supply and potential safety issues. Similarly, not allowing the trail near the dam, spillway, and other structures minimizes risk to the structures and potential safety issues for the public.

The agreement also states that the lake may only be open during daylight hours. Restricting use of the trail during daylight hours along with not allowing camping will minimize the risk from campfires. Prohibiting smoking minimizes the risk of a man-made forest fire as well.

In addition to the conditions in the agreement with the Commission for Public Health, there are other conditions staff believes are important for reducing risk. Establishing written procedures and training regarding rules, requirements and emergency management will enable OWASA and public safety officials and law enforcement to respond quickly and effectively in the event of an emergency.

The potential for issues will be greatest at trailheads and parking areas. Thus, OWASA will not permit a trailhead or parking area to be located on its property.

Other conditions listed below will help prevent erosion and minimize the noise impacts from the trail for our neighbors.

The following conditions apply to minimize risks from the Mountains-to-Sea Trail (MST) on OWASA land.

1. The trail hours will be from dawn to dusk.
2. No fires.
3. No camping.
4. No picnic areas.
5. No use of alcohol.
6. No smoking.
7. No fishing.
8. No hunting.
9. No horseback riding.
10. No use of drones except as may be permitted in accordance with the Federal Aviation Administration.
11. No boat launching.
12. No use of bicycles, motor bikes, ATVs or any other types of vehicles (barriers prohibiting such access may be required).
13. There shall be no access to the trail near the Cane Creek Reservoir Dam, spillway, or other OWASA facility/structure.
14. Trailheads and parking areas shall not be located on OWASA property.
15. Possession of weapons on these premises is prohibited, except by active law enforcement officers, or as may be allowed under a valid Concealed Carry Permit. The discharge of any firearm upon or into these premises is prohibited.
16. No threatening, assaultive, or abusive behavior.

17. Violation of any rule may result in legal action against the hiker(s).
18. Establish written procedures and training for enforcement of rules and requirements, emergency management including EMS, police, and fire for trail security and emergency response.

General

The general conditions also help protect Cane Creek Reservoir, minimize risks from hiking, minimize OWASA's costs, and reduce impacts to neighboring property owners.

1. The County or its designee shall obtain all necessary federal, state, and local permits.
2. Planning, design, construction, operation, maintenance and monitoring of the MST on OWASA land shall be the responsibility of the County or its designee and must be done in compliance with all federal, state, and local requirements. OWASA shall have the right to review design and construction plans prior to commencement of work on its land, and to stop work it deems not in compliance with its approvals.
3. The exact location of the trail on OWASA property will be approved by OWASA and it may be altered by OWASA if necessary either pre- or post-construction.
4. Existing restrictions on OWASA's lands may require approvals from agencies with interest in the property or co-owners to allow MST uses.
5. OWASA retains the right to manage its land.
6. OWASA retains the right to close the trail for safety and security reasons.
7. OWASA seeks a Memorandum of Agreement, Interlocal Agreement, and/or trail easement which outlines terms and conditions of the trail on our property. OWASA reserves the right to revoke the agreement.
8. OWASA prefers that the trail be a minimum of fifty (50) feet inside our property boundary to provide some screening to our neighbors. If this is not feasible, the County shall work with the neighboring property owner to develop terms and conditions on use of the trail that will minimize potential impacts to the property owner.
9. The County shall secure easements from private land owners adjacent to the trail endpoints on OWASA land prior to opening the trail on OWASA

land. No construction on OWASA land shall be initiated until connection to at least one existing MST segment has been established through plans and secured easements.

10. No unauthorized removal of natural or cultural resources.

No Expenditure of OWASA funds

This condition meets the third requirement of OWASA Board of Directors' December 2009 letter supporting the use of OWASA land for the MST.

1. Consistent with its obligations and requirements, OWASA will not spend any funds for trail planning, design, construction, operation and maintenance, including the monitoring and enforcement of applicable requirements and regulations.