

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Environmental Resources

BOARD AGENDA #: *B-8

AGENDA DATE: April 25, 2017

SUBJECT:

Approval of a Right-of-Entry Agreement with the United States Department of Energy, Western Area Power Administration, Sierra Nevada Region, to Allow Access to the Fink Road Landfill's Grazing Lease and I5 Ranch Properties Adjacent to the Fink Road Landfill

BOARD ACTION AS FOLLOWS:

No. 2017-207

On motion of Supervisor Withrow, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-8

AGENDA DATE: April 25, 2017

CEO CONCURRENCE: *Phot*

4/5 Vote Required: Yes No

SUBJECT:

Approval of a Right-of-Entry Agreement with the United States Department of Energy, Western Area Power Administration, Sierra Nevada Region, to Allow Access to the Fink Road Landfill's Grazing Lease and I5 Ranch Properties Adjacent to the Fink Road Landfill

STAFF RECOMMENDATIONS:

1. Approve the Right-of-Entry Agreement with the United States Department of Energy, Western Area Power Administration, Sierra Nevada Region, to allow access to the Fink Road Landfill's grazing lease and I5 Ranch properties adjacent to the Fink Road Landfill, Assessor's Parcel Numbers: 025-012-015, 025-017-013, 025-017-020, 025-012-016, 025-012-013, and 025-012-033.
2. Authorize the Director of Environmental Resources, or designee, to sign the Right-of-Entry Agreement with the United States Department of Energy, Western Area Power Administration, Sierra Nevada Region, to allow access to the Fink Road Landfill's Grazing Lease and I5 Ranch properties adjacent to the Fink Road Landfill for a three year period.
3. Authorize the Director of Environmental Resources, or designee, to sign amendments or extensions to the Agreement, not to exceed a three-year period from April 2020 to April 2023.

DISCUSSION:

In 2014, the Stanislaus County Department of Environmental Resources was contacted by the United States Department of Energy, Western Area Power Administration, Sierra Nevada Region (Western Area Power), requesting a Right-of-Entry (ROE) Agreement to properties owned by the County. Specifically, access was requested to the following Assessor's Parcel Numbers: 027-017-040 (the Fink Road Landfill), 025-017-013 and 025-017-020 (the Grazing Lease), and 025-012-031, 025-012-033, and 025-017-015 (the I5 Ranch); the two Leases of which are immediately adjacent to the Fink Road Landfill (Landfill).

On March 4, 2014, the Board of Supervisors authorized the Department to enter into a ROE Agreement with Western Area Power to allow access to the aforementioned properties in order to complete surveys, appraisals, test borings, and environmentally-related studies regarding the proposed construction of a new 62 mile overhead electric transmission line. This line would run between Western Area Power's Tracy substation and the San Luis substation near Santa Nella, California, and add a new five mile overhead electric transmission line between the San Luis and O'Neill substations, also near Santa Nella. In order to analyze this proposed project, Western Area Power jointly prepared a National Environmental Policy Act

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(NEPA) Environmental Impact Statement and a California Environmental Quality Act (CEQA) Environmental Impact Report. The ROE, or permission to enter onto properties within these corridors, was necessary in order to perform these NEPA and CEQA studies. For this project, both a proposed and an alternate corridor were to be studied and generally these corridors are adjacent to the existing transmission line corridor as shown on Attachment A.

The ROE Agreement granted Western Area Power or its agents, the right to enter the above referenced parcels for a period of up to three (3) years, or March 2017. When the original ROE Agreement was requested, it was envisioned that three years would be sufficient therefore, staff did not request authorization to sign amendments or extensions to the Agreement. Western Area Power recently contacted Department staff and requested to extend the ROE Agreement for an additional three (3) years, however, the Agreement had already expired. The project is currently in the preliminary design stage and the need to access the property continues so a new Agreement is necessary.

The original ROE Agreement specified the six parcels which are identified in paragraph one of this Discussion. Western Area Power's current request also identifies six parcels but modifies them slightly: the Landfill parcel has been deleted, one Grazing Lease parcel was added, and one I5 Ranch parcel was substituted as follows: 025-012-015, 025-017-013 and 025-017-020 (Grazing Lease), and 025-012-016, 025-012-031, and 025-012-033 (the I5 Ranch). For the original ROE Agreement, Western Area Power provided \$1,500 for this access privilege which was split equally three ways between the Fink Road Landfill and the two lease holders. Western Area Power is again offering \$1,500 for this access privilege which is proposed to be split equally between the two lease holders since access through the Fink Road Landfill parcel is no longer necessary. Both lease holders have consented to this as well as the time extension.

For reference, on February 16, 2010, the Board approved a 15-year Agricultural Grazing Lease (to 2025) with Clarot Farms, Inc., and on March 25, 2016, an amendment to extend the length of the Agricultural I5 Ranch Lease (to December 31, 2017) with JKB Development, Inc., was approved by the Board. Staff will continue to track this proposed project and keep the Board and its lease holders updated on any and all important updates.

POLICY ISSUE:

Board of Supervisors' approval is required for the granting of Right of Entry Agreements.

FISCAL IMPACT:

In connection with the amended Right-of-Entry Agreement, \$1,500 compensation is being provided by Western Area Power. The Department will receive the monies and proposes to split it equally between the current holders of the Grazing and I5 Ranch Leases.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of A Healthy Community, A Well Planned Infrastructure System, and Efficient Delivery of Public Services. Authorizing access and use of property supports the Department's mission to promote a safe and healthy

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environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

STAFFING IMPACT:

Existing staff will continue to oversee the work associated with this item.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources

Telephone: 209-525-6770

ATTACHMENT(S):

- A. Right of Entry Agreement
- B. Map of the parcels included in the Right of Entry Agreement

WESTERN AREA POWER ADMINISTRATION
Agreement for Right-of-Entry
(For Surveys/Geological/Environmental and Other Studies)
San Luis Transmission Project

Stanislaus County

County of Stanislaus
Ms. Jami Aggers
3800 Cornucopia Way, Suite C
Modesto, CA 95358

Lessee/Tenant

Environmental Resources
Parks and Recreation
(209) 525-6768 direct
(209) 525-6770 main
(209) 450-5110 cell

Address (Lessee/Tenant)

Telephone (Lessee/Tenant)

Present Land Use

Lessee/Tenant Term of Lease

Assessor's Parcel Number(s):

025-012-031

025-012-033

025-017-013

025-017-020

025-012-016

025-012-015

Comments/Restrictions

The undersigned, for and in consideration of \$1500.00 payable to _____ hereby grants to Western Area Power Administration (WAPA), United States Department of Energy, or its agents, the right to enter the property described above at any time for a period of THREE YEARS from the date this instrument is signed on behalf of the landowner, to survey, appraise, make test borings, and conduct environmental and other studies as may be necessary to complete the investigation being made of said lands by WAPA.

WAPA agrees to be responsible for damages arising from the exercise of the rights granted in this right-of-entry, either by repairing such damages or at the option of WAPA by making an appropriate settlement with the undersigned in lieu thereof.

Western Area Power Administration

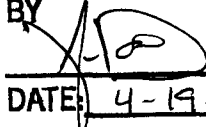
Landowner/Lessee/Tenant Date

Date

Landowner/Lessee/Tenant Date

Landowner/Lessee/Tenant Date

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL

BY 
DATE: 4-19-17

