

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

DEPT: Environmental Resources

BOARD AGENDA # *B-3

Urgent Routine

AGENDA DATE March 4, 2014

CEO Concur with Recommendation YES NO
(Information Attached)

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 and the Grazing Lease and I5 Ranch Properties Adjacent to the Fink Road Landfill

STAFF RECOMMENDATIONS:

Authorize the Director of Environmental Resources, or designee, to sign 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 and the Grazing Lease and I5 Ranch properties adjacent to the Fink Road Landfill.

FISCAL IMPACT:

In connection with the requested Right-of-Entry Agreement, \$1,500 compensation is being provided. The Department proposes to split this amount equally in thirds as follows: 1/3 to be retained by the County for access to the Fink Road Landfill property, and 1/3 each to the current lease holders of the Grazing Lease and I5 Ranch.

BOARD ACTION AS FOLLOWS:

No. 2014-100

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

Ayes: Supervisors: O'Brien, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: Chiesa

Abstaining: Supervisor: None

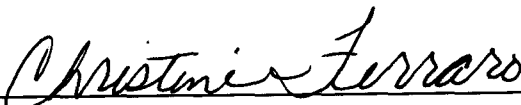
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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 and the Grazing Lease and I5 Ranch Properties Adjacent to the Fink Road Landfill

DISCUSSION:

The Stanislaus County Department of Environmental Resources was recently contacted by the United States Department of Energy, Western Area Power Administration, Sierra Nevada Region (Western Area Power), to request a Right-of-Entry (ROE) Agreement to properties owned by the County. Specifically, access is being 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 latter two of which are immediately adjacent to the Fink Road Landfill (Landfill).

Western Area Power is proposing to construct and operate a new 62 mile overhead electric transmission line between its Tracy substation and the San Luis substation near Santa Nella, California, and a new five mile overhead electric transmission line between the San Luis and O'Neill substations, both near Santa Nella. In order to analyze this proposed project, Western Area Power intends to jointly prepare a National Environmental Policy Act (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, is necessary in order to perform these NEPA and CEQA studies. For this project, both a proposed and an alternate corridor will be studied and generally these corridors are adjacent to the existing transmission line corridor as shown on Attachment A.

The ROE Agreement (Attachment B) would grant to 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, for the following purposes: surveys, appraisals, making test borings, and environmentally-related studies. On February 16, 2010, the Board of Supervisors approved a 15-year Agricultural Lease for the property adjacent to the Landfill which is referred to as the Grazing Lease, to Clarot Farms, Inc. On December 11, 2012, the Board approved a three-year Agricultural Lease for the I5 Ranch property, also adjacent to the Landfill, with JKB Development, Inc., that includes two possible one-year extensions. Department staff has contacted both lease holders and both have consented to allowing access and to the proposed revenue sharing split.

In January 2014, Department staff attended a Public Scoping Meeting for this proposed project and offered the following comments on behalf of the County:

1. The proposed project will traverse property the County owns and currently leases out. We would want to avoid if possible, and minimize if it is not, any negative impact to our lease holders or proposed uses for these properties.
2. If new easements will be required, the County would need to be compensated and this would likely require Board authorization.
3. The County would like to be contacted in advance to discuss these comments, access, and possible impacts.
4. Property access for the project may also require Board approval.
5. If new power lines are to be installed, impact could be minimized if the new lines parallel existing lines.

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 and the Grazing Lease and I5 Ranch Properties Adjacent to the Fink Road Landfill

Staff will continue to track this proposed project and keep the Board and its lease holders apprised of any and all important updates.

POLICY ISSUE:

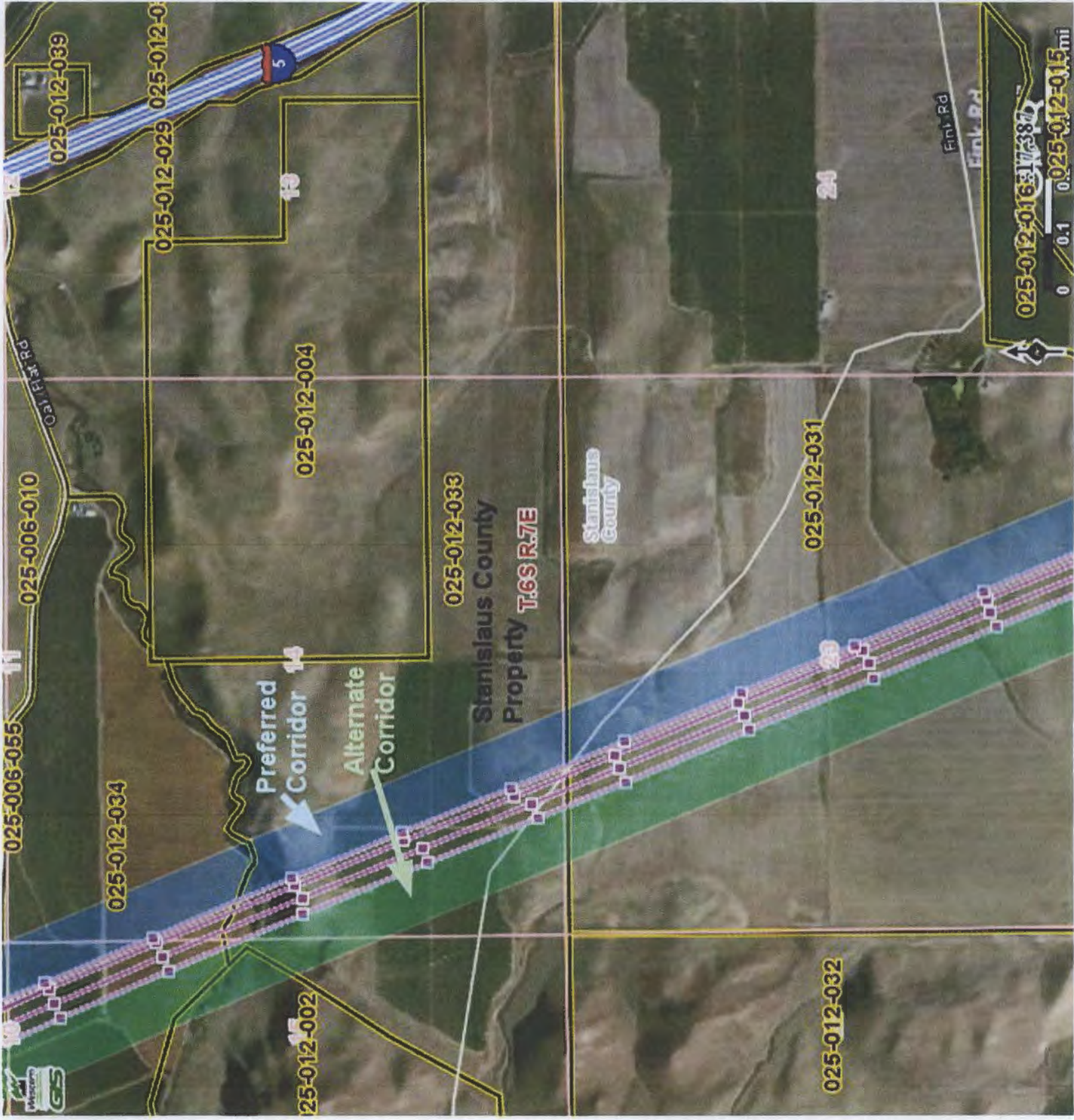
This action supports the Board's priorities of A Healthy Community, A Well Planned Infrastructure System, and Efficient Delivery of Public Services. Authorizing access and use of property supports the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships and environmental regulation.

STAFFING IMPACT:

There are no staffing impacts associated with this item at this time.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources Telephone: 209-525-6770





025-012-016

025-017-002

025-017-015

027-017-040

027-017-076

025-017-013

025-017-016

025-017-017

027-017-082

T.6S R.8E

025-017-020

025-017-014

027-017-077

025-017-019





28

025-012-032

025-012-016

025-012-031

Finley Rd

025-012-017

025-012-015

24

025-017-002

025-017-015

T.6S R.7E

25

Stanislaus County

025-017-013

025-017-016

025-017-020

025-017-014

025-017-019

35

027-033-003
027-033-005
027-033-012
027-033-011
027-033-006
027-033-008
027-033-009

027-017-0

027-017-040

T.6S R.8E

027-017-076

38

027-017-4

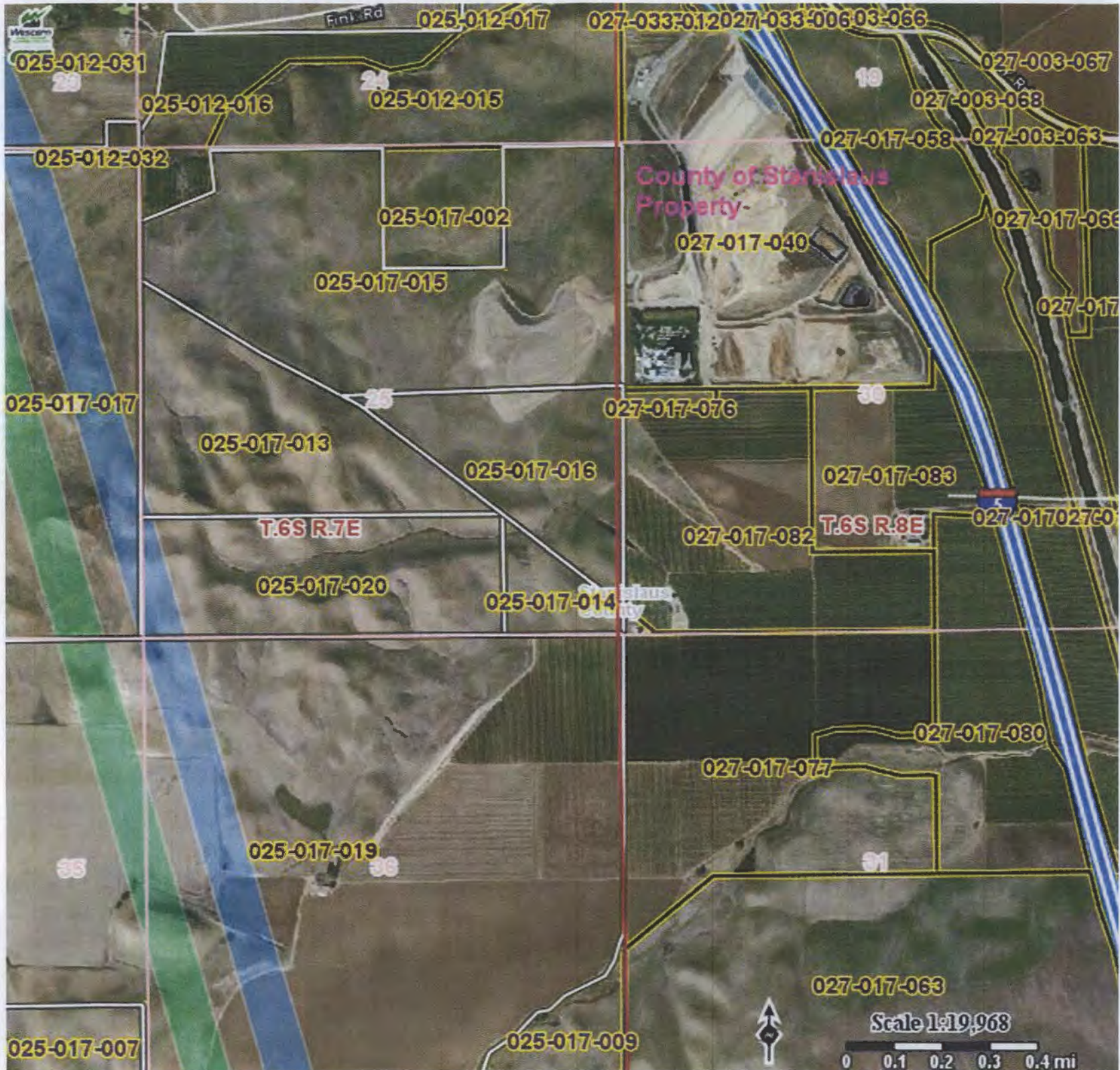
027-017-082

027-017-077

Scale 1:14,914



0 0.1 0.2 0.3 027-017-4



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
Jami Aggers
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9494

Environmental Resources
Parks & Recreation
(209) 525-6768 Direct
(209) 525-6768 Main
(209) 450-5110 Cell

Lessee/Tenant

Address (Lessee/Tenant)

Telephone (Lessee/Tenant)

Present Land Use

Lessee/Tenant Term of Lease

Assessor's Parcel Number(s):

025-012-033
025-017-013
025-017-020
025-012-031
025-017-015
027-017-040

Comments/Restrictions

The undersigned, for and in consideration of \$1,500.00 payable to _____ hereby grants to Western Area Power Administration (WESTERN), 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 WESTERN.

WESTERN 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 WESTERN by making an appropriate settlement with the undersigned in lieu thereof.

Western Area Power Administration

Landowner/Lessee/Tenant

Date

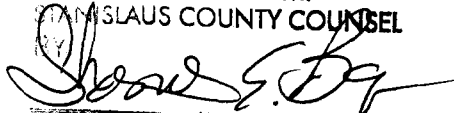
Date

Landowner/Lessee/Tenant

Date

ATTESTED AS TO FORM:

STANISLAUS COUNTY COUNSEL



DATE: 2/24/2014

ATTACHMENT

B

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
 Jami Aggers
 3800 Comucopia Way, Suite C
 Modesto, CA 95358

Environmental Resources
 Parks & Recreation
 (209) 626-8788 Direct
 (209) 626-8788 Main
 (209) 450-5110 Cell

See below under APNs
Present Land Use

Stanislaus County, Dept. of Environmental Resources
Lessee/Tenant

3800 Comucopia Way, Suite C
Address (Lessee/Tenant)

Modesto, CA 95358

(209) 626-8788
Telephone

See below under APNs
Lessee/Tenant Term of Lease

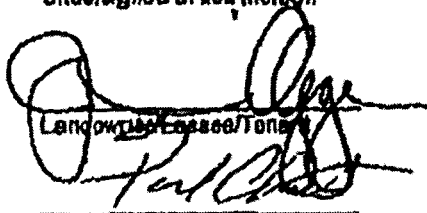
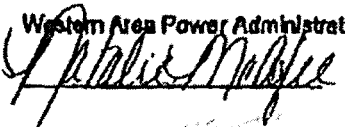


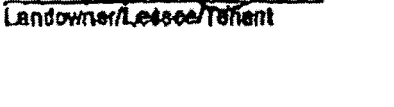
Assessor's Parcel Number(s):

025-017-013	Grazing Lease	2/22/2010 – 2/21/2025
025-017-020	Grazing Lease	2/22/2010 – 2/21/2025
025-017-016	Grazing Lease	2/22/2010 – 2/21/2025
025-012-033	IS Ranch	12/29/2012 – 12/28/2015
025-012-031	IS Ranch	12/29/2012 – 12/28/2015
027-017-040	Fink Rd Landfill	12/29/2012 – 12/28/2015

Comments/Restrictions

The undersigned, for and in consideration of \$1,500.00 payable to Stanislaus County hereby grants to Western Area Power Administration (WESTERN), 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 WESTERN.

WESTERN 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 WESTERN by making an appropriate settlement with the undersigned in lieu thereof.

	<u>3/14/14</u>	Western Area Power Administration 	<u>3/27/14</u>
Landowner/Lessee/Tenant	Date		Date
	<u>3-19-14</u>		
Landowner/Lessee/Tenant	Date		Date
	<u>3/27/14</u>		
Landowner/Lessee/Tenant	Date		Date