



Agenda Date: 3/18/2008
Agenda Placement: 10C

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Michael Stoltz for Robert Peterson - Director
Public Works

REPORT BY: Richard Thomasser, Watershed and Flood Control Operations Manager - (707)259-8657

SUBJECT: Napa River Rutherford Reach Restoration Project - Landowner Agreements to Complete CEQA and Right of Entry for Final Design

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign the following agreements for the term beginning March 18, 2008 and ending at varying dates no later than December 31, 2017 (based upon requirements for entering into temporary construction easements with the County for project construction) at no cost, for participating landowners to provide approval for conducting environmental review and Right of Entry for final design of the Napa River Rutherford Reach Restoration Project (aka Rutherford Dust Society Restoration Project):

1. Agreement with Angaston LLC
2. Agreement with Cakebread Properties
3. Agreement with Carpy-Conolly LLC
4. Agreement with CJW Estate Vineyards LLC
5. Agreement with Clarevale LLC
6. Agreement with David J. Guggenhime
7. Agreement with El Encino LLC
8. Agreement with Emmolo Vineyards
9. Agreement with Frogs Leap Winery
10. Agreement with Robert L. Glos
11. Agreement with Honig Vineyard and Winery Company
12. Agreement with Erika M. Mee
13. Agreement with Allan F. and Nancy L. Mueller
14. Agreement with Nickel and Nickel LLC
15. Agreement with Opus One Winery
16. Agreement with Round Pond
17. Agreement with Rutherford Wine Studios LLC
18. Agreement with J. Charles Sawyer
19. Agreement with Skalli Corporation
20. Agreement with Star Vineyards

21. Agreement with Clarke W. Swanson, Jr.

EXECUTIVE SUMMARY

The Board is being asked to approve twenty-one (21) agreements with landowners participating in the Napa River - Rutherford Reach Restoration Project, more commonly referred to as the "Rutherford Dust Project" based upon the Rutherford Dust Society's role as the original project sponsor. These agreements provide landowner's approval for the preliminary design of improvements on their individual properties and approval for the County to conduct the formal environmental review of the project as required by California Environmental Quality Act (CEQA). These agreements also provide for Right of Entry for the County to conduct engineering as needed to complete the final design and construction drawings. Following CEQA determination, the participating landowners will enter into a temporary construction easement agreement with the County to authorize the construction of improvements on their respective properties. Landowners also are agreeing to fund maintenance of the Project via a property tax assessment program administered by the Flood Control District.

The funds to conduct final design and construction of the first reach of the project have previously been budgeted through the award of a grant from the State Water Resources Control Board (SWRCB) and matching funds from Measure "A". Completion of the entire Project will depend on additional grants to be acquired by the Rutherford Dust Society, with anticipated requests for additional local match funds from Measure "A" at the discretion of and approval by future Board action.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable to this action. The environmental review of this project as required by CEQA will occur and be the subject of a formal determination on a subsequent agenda.

BACKGROUND AND DISCUSSION

The Rutherford Dust Society (RDS), the County of Napa, the Flood District, and Napa County Resource Conservation District (RCD) entered into a Memorandum of Understanding (MOU) in March 2005 defining roles and responsibilities to accomplish a plan for restoration and management of a 4.5 mile stretch of the Napa River in the Rutherford Appellation. The preliminary design of the Rutherford Dust Restoration Project (the Project), funded partly by County Measure A funds and partly by a grant from the Coastal Conservancy, is nearing completion.

The MOU established that the RDS, with assistance from RCD, would seek grant funds for the next phase of work, which is the Final Design Phase, and that the County would provide matching funds via grants from Measure "A" receipts. A Grant Application for funds from the State Water Resources Control Board (SWRCB) 2005-2006 Consolidated Grants Program was prepared by RDS and the County was awarded a \$1,000,000 grant for the

Restoration Project. Local matching funds of \$700,000 from the County's share of Measure "A" tax revenues were included in the FY 2007 General Fund Capital Improvement Budget, and have been carried forward into FY 2008.

The Project final design and construction will be performed in phases as funds are identified by the RDS. The currently budgeted combined funds of \$1,700,000 will be used by the County to oversee final design and construction activities for a portion of the Project, referred to as Reaches 1 and 2, which is approximately 1.2 miles of the 4.5 mile project. The actual cost of construction will be determined following completion of final design and a formal bidding process for this portion of the Project. Completion of the entire 4.5 mile span will depend on additional grants to be acquired by the Rutherford Dust Society with anticipated requests for additional local match funds from Measure "A" at the discretion of and approval by future Board action.

The Board is being asked to approve twenty-one (21) agreements with landowners participating in the Project. These agreements provide landowner's approval for the preliminary design of improvements on their individual properties and approval for the County to conduct the formal environmental review of the project as required by California Environmental Quality Act (CEQA). These agreements also provide for Right of Entry for the County to conduct engineering as needed to complete the final design and construction drawings. Following CEQA determination, the participating landowners will enter into a temporary construction easement agreement with the County to authorize the construction of improvements on their respective properties. Landowners also are agreeing to fund maintenance of the Project via a property tax assessment program administered by the Flood Control District.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi