



**NAPA-VALLEJO WASTE
MANAGEMENT AUTHORITY**

Agenda Date: 2/2/2006

Agenda Placement: 7B

Napa-Vallejo Waste Management Authority **Board Agenda Letter**

TO: Board of Directors
FROM: Jill Pahl for Trent Cave - Director
Napa-Vallejo Waste Management Authority
REPORT BY: Belinda Yamate, Secretary, 253-4471
SUBJECT: ACSL Public Access

RECOMMENDATION

ACSL PUBLIC ACCESS

DISCUSSION AND POSSIBLE ACTION ITEM: Staff to report on the granting of public access through ACSL to reach public lands around the landfill.

EXECUTIVE SUMMARY

Staff to report on the granting of public access through American Canyon Sanitary Landfill to reach public lands around the landfill.

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.

BACKGROUND AND DISCUSSION

In 1980 the American Canyon Sanitary Landfill Company (ACSLC) and the Resource Agency of California (AGENCY) entered into an agreement balancing the need to protect wetlands and other environmental values for future generations and the need to provide a means of solid waste disposal for the Napa-Vallejo area. A provision of the agreement transfers ownership of 170 acres of mitigation lands to the State for the States support of continued operations and allows a 53 acre expansion at American Canyon Sanitary Landfill (ACSL).

In regards to public access the agreement stated that ACSLC shall provide a nonexclusive route for public access to the river in the area of the disposal operation and to mitigation lands. Said access shall be along the shoreline of the 53 acres agreed to for future ACSL operations and the embayment adjacent to the existing ACSLC operations. In no case, shall the public be permitted to cross the site until the AGENCY and the ACSLC agree that this may be accomplished in a manner deemed safe and reasonable for both the public and ACSLC.

In 1982 a compromise settlement agreement entered into by the ACSLC and the State Lands Commission acting on behalf of the State of California further defined the 1980 agreement relating to public access to the river in the area of the disposal operation and to mitigation lands. The provisions of that agreement included:

- | A description and conveyance of a 25 foot non-motorized, nonexclusive public access easement to the State.
- | No public access shall be formally exercised by the State until the State and the ACSLC mutually agree that such access will not impose an unacceptable risk of harm to the members of the public or unduly interfere with ACSL lawful operations.
- | Nothing in the agreement can be construed to prohibit ACSLC from maintaining the levees around the ACSL operations.
- | The public access easement to the Napa River may be relocated by written agreement of the State and ACSLC to another site on the ACSL parcel.
- | ACSL operations shall be performed so as not to unduly interfere with, restrict or impede the public access easement.

Napa-Vallejo Waste Management Authority assumed the responsibilities for ACSLC in these agreements when the Authority acquired ACSL from ACSLC in 1993. Neither the Authority nor the previous owners of ACSL have ever meet with the State regarding mutually agreeing that such access will not impose an unacceptable risk of harm to the members of the public or unduly interfere with ACSL lawful operations.

SUPPORTING DOCUMENTS

None

Manager: Approve
Reviewed By: Jill Pahl