



**NAPA-VALLEJO WASTE
MANAGEMENT AUTHORITY**

Agenda Date: 5/1/2008

Agenda Placement: 7A

Napa-Vallejo Waste Management Authority Board Agenda Letter

TO: Board of Directors
FROM: Trent Cave - Manager
Napa-Vallejo Waste Management Authority
REPORT BY: Trent Cave, Manager - 7072534274
SUBJECT: ACSL Public Access

RECOMMENDATION

ACSL PUBLIC ACCESS

DISCUSSION AND POSSIBLE ACTION ITEM: Staff to update the Board of Directors on activities related to granting of public access through ACSL to reach public lands and a new request from the City of American Canyon to extend the easement around the entire landfill, and cooperate in an upcoming City-sponsored master planning effort for the wet lands area.

EXECUTIVE SUMMARY

At their December 2007 meeting the Board of Directors Napa-Vallejo Waste Management Authority expressed its willingness to enter into an agreement with the Napa County Regional Park and Open Space District granting to the District a right of public access to the Napa River utilizing the same 25 foot-wide right of way as was provided to the State of California pursuant to an Agreement dated October 7, 1980 and a Settlement Agreement dated December 28, 1982. Since that time the Authority staff has been working with the County and City of American Canyon staff to open the existing State of California easement to the public. During these meetings the City has alleged that certain Authority structures are on City property and is requesting that the Authority grant an easement circling the landfill in exchange for resolution of the Authority building assets on City property.

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 State's 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 met 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

- A . American Canyon Letter 04/02/2008
- B . American Canyon Bay Trail Map
- C . American Canyon Letter 04/22/2008

Manager: Approve

Reviewed By: Sandra Linehan