



Legislation Details (With Board Report)

File #: WRAG 19-093 **Name:** Lease Agreement PPOLAC-Town Creek
Type: WR General Agenda **Status:** Agenda Ready
File created: 7/1/2019 **In control:** Water Resources Agency Board of Directors
On agenda: 7/12/2019 **Final action:**

Title: Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
a. Approve a short-term, two-year lease agreement with the Private Property Owners Lake Access Association for access to three acres of waterfront property at Nacimiento Reservoir;
b. Approve an Amendment No. 1 to Nacimiento Grazing Lease 3B with Lime Mountain Livestock, LLC to remove the waterfront three acres from the existing grazing lease; and
c. Authorize the General Manager to execute both the Agreement and Amendment No. 1.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Vicinity Map, 3. Town Creek Assc PPOLAA request, 4. Letter re Encroachment, 5. Preliminary Draft General Rec Lease Agreement, 6. Preliminary Draft Amendment, 7. Board Order

Date	Ver.	Action By	Action	Result
7/12/2019	1	Water Resources Agency Board of Directors		

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:
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RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors recommend that the Monterey County Water Resources Agency Board of Supervisors:

a. Approve a short-term, two-year lease agreement with the Private Property Owners Lake Access Association for access to three acres of waterfront property at Nacimiento Reservoir;
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c. Authorize the General Manager to execute both the Agreement and Amendment No. 1.

SUMMARY/DISCUSSION:

The proposed three-acre lease property is located on the Monterey County Water Resources Agency’s (“MCWRA”) land on the south side of Nacimiento Reservoir on the grazing lease currently known as “Lease 3B”. The only way to access this portion of the leased area is by water or going through Town Creek Lane to the MCWRA property. The residents in vicinity of Town Creek Lane have a legal easement to utilize an area next to the MCWRA property for reservoir access. However, historically as the recreation season progresses and reservoir elevations decline, the residents have used the adjacent MCWRA property rather than the other property, for docks, beach use, and boat launching. These uses are claimed by the Town Creek Lane residents

to have been permitted by a previous MCWRA General Manager years ago. Over the years, the Town Creek Lane residents have used the MCWRA lands on grazing Lease 3B without incident or accident, but the use has become an increasing concern due to safety and liability. The concerns expressed are by both the MCWRA and the grazing lease 3B lessee, Lime Mountain Livestock, LLC (“Lime Mountain”). As a result, MCWRA staff has engaged the residents using the land in discussions and the immediate need to formalize an amendment to be signed between all parties for the authorized recreational use of MCWRA property and lands of Lease 3B.

The residents along Town Creek Lane have formed a non-profit, which is called the Private Property Owners Lake Access Association (“PPOLAA”). PPOLAA has made requests to MCWRA in the past to formalize the use and execute an agreement or amendment. Due to limited MCWRA staff resources, the PPOLAA requests were left unprocessed but now the interest is to complete these requests as resources allow. Staff was in the beginning stages of processing the request, when without MCWRA’s authorization a temporary boat launch ramp (“launch ramp”) was placed on the waterfront property in question. According to the PPOLAA, the launch ramp was temporarily installed to improve safety and prevent shore launching and any resulting erosion to the MCWRA’s shoreline. On June 4, 2019, MCWRA sent a letter to the PPOLAA notifying the association of the encroachment and trespass violation and stated the launch ramp needed to be immediately removed. The PPOLAA responded on Friday, June 7, 2019 with a request for consideration of a short-term lease to allow for the authorized use of the three acres including the provision to allow for a portable launch ramp, which will be removed by June 30th. PPOLAA has offered to pay the MCWRA \$4,500 annually for the recreational use and has agreed to provide a \$2,000,000 liability insurance for the said uses. The PPOLAA has also agreed to secure any necessary local or state approvals required for the portable launch ramp. Additionally, PPOLAA has provided MCWRA with an administrative \$2,500 deposit to process the materials necessary for consideration of the matter by the MCWRA Personnel and Administration Committee, MCWRA Board of Directors, and MCWRA Board of Supervisors. The deposit will be used towards the staff time necessary to process a short-term lease, and an Amendment No. 1 to Lime Mountain’s Lease 3B. The two-year lease and Amendment No. 1 will temporarily address the situation until MCWRA’s Access Ordinance is adopted to address such requests.

OTHER AGENCY/COMMITTEE INVOLVEMENT:

This item went before the Personnel/Administration Committee on July 5, 2019 and the committee recommended staff ensure legal property access to the property and that all local and state authorizations are secured for the portable launch ramp prior to consideration by the MCWRA Board of Supervisors (“BOS”). MCWRA staff has received verbal input from County Counsel. The attachments of the general/recreational lease agreement and the proposed Amendment No. 1 are preliminary drafts and will receive final legal and procedural edits before going to the MCWRA BOS on Tuesday, August 27, 2019.

FINANCING:

None

Prepared by: Jennifer Bodensteiner, Associate Hydrologist, (831) 755-4970

Approved by: Brent Buche, Deputy General Manager, (831) 755-4860

Attachment:

1. Vicinity Maps
2. Request letter from PPOLAA to MCWRA for three-acre lands agreement dated 6/25/2019

3. Encroachment letter from MCWRA to PPOLAA re. launch ramp dated 6/04/2019
4. Preliminary Draft General/Recreational two-year lease agreement
5. Preliminary Draft Amendment No 1 Lease 3B
6. Board Order