



Board Report

File #: WRAG 17-279, **Version:** 1

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors adopt a resolution authorizing and directing the General Manager to determine the probable compensation due to any private property owner for actual damage to property, and for substantial interference with its possession and use, as a result of Agency access to conduct soil and water testing, boring and related Geotechnical Studies.

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 authorize and direct the General Manager to determine the probable compensation due to any private property owner for actual damage to property, and for substantial interference with its possession and use, as a result of Agency access to conduct soil and water testing, boring and related Geotechnical Studies.

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency (Agency) is actively pursuing the design and construction of the Interlake Tunnel and Spillway Modification Project (Project). This Project consists of an underground tunnel, connecting Lake Nacimiento and Lake San Antonio, and a modification to the spillway at Lake San Antonio.

Since the commencement of the Project, the Agency has been receiving concerns from landowners that overlie the proposed tunnel alignment. There are concerns that the Project would have impact on their wells during any construction or operation activities.

To address these concerns, on June 27, 2016, the Monterey County Water Resources Agency Board of Directors adopted Resolution No. 16-R03, *Resolution of the Monterey County Water resources Agency Identifying Preliminary Mitigation Measures for possible impacts to Private Wells caused by Construction of the Interlake Tunnel and Spillway Modification Project*.

More recently, some concern has been expressed over possible damage to private wells due to investigative, testing, and boring activities (Geotechnical Studies). Some private property owners that might potentially be impacted by the Geotechnical Studies do not believe that Resolution No. 16-R03 provides them adequate coverage for those Geotechnical Studies. Agency management took into consideration the input of private owners, their representatives, project engineers, and county counsel to develop the attached resolution. We believe that the attached resolution adequately covers the damage or compensation that the Agency is responsible to make available to property owners resulting from the Geotechnical Studies.

The attached resolution addresses the present concerns regarding compensation due any private property owner for actual damage to property, and for substantial interference with its possession and use, as a result of Agency access to conduct soil and water testing, boring and related Geotechnical Studies. The resolution does not address the effects of construction or operation of the tunnel. Nor does it address the costs or effects of acquiring any subsurface easements. The Agency has not yet approved the tunnel project. The Geotechnical Studies have not been completed or evaluated. The environmental analysis is ongoing. Therefore, it is

premature to address project impacts at this time.

OTHER AGENCY INVOLVEMENT:

The County Counsel's Office prepared the resolution based upon input from Tunnel Project team members and Agency management.

FINANCING:

The Agency established Fund 426, Interlake Tunnel and Spillway Modification Project, for the costs of preliminary and preparatory work on the Project. Additionally, the Agency participates in the County self-insurance pool. All contractors performing any Geotechnical Studies will be required to procure insurance, including coverage for general liability and professional liability (where applicable) in amounts that, in the aggregate, should be more than sufficient to cover any damages that might result from the Geotechnical Studies.

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Approved by: _____
David E. Chardavoyne, General Manager, (831) 755-4860

Attachments:

1. Resolution No. 16-R03
2. Resolution