



County of Monterey

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRAG 23-164

December 05, 2023

Introduced: 11/22/2023

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

- a. Approve and authorize the Monterey County Water Resources Agency General Manager to execute a quitclaim deed to convey levee easements of the Pajaro River Federal Flood Control Project ("Project"), in the unincorporated area of Monterey County, "as is" to the Pajaro Regional Flood Management Agency in accordance with the 2023 Operations, Maintenance, Repair, Replacement, and Rehabilitation Assignment Agreement ("OMRR&R Agreement").
- b. Find that the transfer of the subject easements is categorically exempt pursuant to the California Environmental Quality Act Guidelines 15301(c).

RECOMMENDATION:

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

- a. Approve and authorize the Monterey County Water Resources Agency General Manager to execute a quitclaim deed to convey levee easements of the Pajaro River Federal Flood Control Project ("Project"), in the unincorporated area of Monterey County, "as is" to the Pajaro Regional Flood Management Agency in accordance with the 2023 Operations, Maintenance, Repair, Replacement, and Rehabilitation Assignment Agreement ("OMRR&R Agreement").
- b. Find that the transfer of the subject easements is categorically exempt pursuant to the California Environmental Quality Act Guidelines 15301(c).

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency ("MCWRA") and the Pajaro Regional Flood Management Agency ("PRFMA") are parties to an OMRR&R Agreement (Attachment 1) which became effective on July 1, 2023. One of the terms of the OMRR&R Agreement requires MCWRA to transfer all rights and ownership of lands it currently holds for the Project to PRFMA within 6 months. The MCWRA has acted with the assistance of the County of Monterey Offices of the County Surveyor; the Public Works, Facilities, and Parks Department; and, County Counsel, in the preparation of a Quitclaim deed (Attachment 2) to transfer thirty-five (35) easements known as "Pajaro Levee Parcels" (Attachment 3) in Monterey County. The existing permanent easements are for the specific purpose of the Project. This would fulfill the obligation of MCWRA to transfer all rights and ownership of lands it currently holds for the Project to PRFMA.

If MCWRA continues to proceed with the processing, the PRFMA can consider acceptance of the quitclaim through its own board action as early as December 13, 2023. The local sponsor authority to operate and maintain the existing levee and all other "non-federal sponsor" responsibilities including maintaining sufficient real estate interest to the support the Project would then be assigned to PRFMA.

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MCWRA staff finds the Quitclaim deed and transfer of easements for the Project affects existing facilities and results in no expansion of use to lands, which qualifies as Class 1 categorical exemption respectively pursuant to CEQA Guidelines Section 15301 (c) - existing facilities for the purpose of public safety - no expansion of use; and there are no exemptions pursuant to CEQA Guidelines CCR Section 15300.2

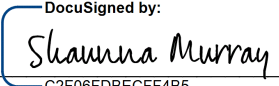
OTHER AGENCY INVOLVEMENT:

PRFMA, County of Monterey Office of the County Surveyor, County of Monterey Public Works, Facilities, and Parks Department, and County Counsel.

FINANCING:

FY 2023-24 Adopted Budget of Pajaro Levee (Fund 111-9300-WRA-Unit 8484) has sufficient appropriations to fund the preparation and execution of the Quitclaim Deed Agreement.

Prepared by: Jennifer Bodensteiner, Associate Water Resources Hydrologist (831) 755-4860

Approved by: 
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Shaunna Murray, Deputy General Manager, (831) 755-4860

Attachments:

1. OMRR&R Agreement with PRFMA
2. Quitclaim deed
3. Pajaro Levee Parcels