



## Legislation Text

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**File #:** 21-131, **Version:** 1

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**TO:** Board of Supervisors

**FROM:** Steven Lederer, Director, Public Works

**REPORT BY:** Steven Lederer, Director, Public Works

**SUBJECT:** Right of Entry Agreement and Easement Agreement with CAL FIRE in Support of the Vine Trail

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### RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to:

1. Sign a joint Right of Entry Agreement with the State of California, acting by and through its Director of the Department of General Services (DGS), with the approval of the California Department of Forestry and Fire Protection (CAL FIRE) and Napa Valley Transportation Authority (NVTa), in order to facilitate construction of the Vine Trail segment from Calistoga to St. Helena; and,
2. Authorize the Chair to execute this agreement and the subsequent easement agreement and related documents on behalf of Napa County; and,
3. That the Board approve, and authorize the Chair to execute the permanent Public Trail Easement with the State of California (attached as Exhibit C to the Right of Entry Agreement), after the State's approval of the legal descriptions and maps of the easement across the State's parcels; and,
4. Find that the Board has met its obligation as a Responsible Agency under CEQA by considering the Initial Study and Mitigated Negative Declaration prepared by the NVTa for the Vine Trail section between Calistoga and St. Helena, reaching its own conclusions on whether and how to approve the project, and finding that none of the triggers for subsequent or supplemental CEQA review have occurred since NVTa's approval of the project and CEQA documents on August 19, 2020.

### EXECUTIVE SUMMARY

The Board of Supervisors previously approved a number of easements with private property owners to facilitate the construction of the Vine Trail from St. Helena to Calistoga. The one remaining easement needed to complete this section was with the State of California to pass through the CAL FIRE Headquarters parcels located at Big Tree Road and State Route (SR) 29. Today's action will approve a Right of Entry (ROE) agreement with the State, and NVTa, to allow NVTa entry onto the parcel for construction purposes, and then commits the County to (after the legal descriptions and maps are finalized and approved by the State), to enter into an easement agreement for the subject property, and to maintain the Trail once construction is complete.

### FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

Collaborative and Engaged Community, Action Item 2.B

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** For the Calistoga to St. Helena section, on August 19, 2020, the Napa Valley Transportation Authority (NVTa), as lead agency for the project, approved a Final Mitigated Negative Declaration (SCH 2020060572) and adopted a Mitigation Monitoring and Reporting Program for the Napa Valley Vine Trail Project: St. Helena to Calistoga Section, by Resolution 20-17. These environmental documents may be found at this link: [nvta.ca.gov/vinetrail](http://nvta.ca.gov/vinetrail). Through this action, the Board will meet its obligation as a Responsible Agency under CEQA by considering the Initial Study and Mitigated Negative Declaration, reaching its own conclusions on whether and how to approve the project, and determining whether any of the triggers for subsequent or supplemental CEQA review have occurred since NVTa's approval of the project and CEQA documents.

### **BACKGROUND AND DISCUSSION**

The Napa Valley Vine Trail (Vine Trail) is a proposed 47-mile multi-use trail that is intended to extend from the City of Calistoga to the Vallejo Ferry Terminal. Several segments of the Vine Trail have been completed, including the “Oak Knoll Segment” connecting the Town of Yountville and the City of Napa. The Oak Knoll and other existing sections in the unincorporated County were built primarily on land already controlled by a public agency and did not require easements from any private property owners.

The design of the next segment of the Vine Trail, from Calistoga to St. Helena, is complete. Construction is planned to start in 2021 and complete in 2022. Portions of this segment cross privately-owned vineyard properties. The Board has previously approved the easements for all of the private properties. The only remaining easement needed for crossing the State owned, CAL FIRE Headquarters properties at Big Tree Road and SR 29.

The attached Right of Entry (ROE) is a three party agreement that involves the County, NVTa, and the State. The agreement defines the location of the trail, provides NVTa and their contractors access (“Right of Entry”) to construct the Trail, and commits the County to execute an easement and take over maintenance of the Trail once it is complete. Although the easement area is defined in the document, this two-step process of an ROE and formal adoption of the permanent easement later, was chosen as the final easement exhibits (legal descriptions and maps) are not yet ready. The ROE facilitates “certification of Right of Way” from Caltrans, which is needed to obtain the grant funding for the project, and facilitate the start of construction this summer. The legal descriptions and maps of the permanent easement will be completed prior to completion of construction of the trail.

### **SUPPORTING DOCUMENTS**

See Below

CEO Recommendation: Approve