

- **Board of Directors**
Engineering and Operations Committee

August 15, 2006 Board Meeting

8-4

Subject

Authorize entering into a Memorandum of Understanding with California Department of Parks and Recreation for Phase II of the Diemer North Access Road Improvements

Description

The Robert B. Diemer Water Treatment Plant was placed into service in 1963 and since that time has relied on a single entrance gate for primary access to the plant. This main entrance gate, located on Valley View Circle in the city of Yorba Linda, is situated in a residential neighborhood. A second unimproved plant entrance is located on Carbon Canyon Road providing limited access via an easement through Chino Hills State Park. Securing an adequate secondary access road to the Diemer plant is a long-term objective to provide emergency access to the plant and provide an overall higher degree of operational flexibility and safety. As a short-term objective, a secondary access road would have the potential to support Diemer plant construction activities.

In December 2005, Metropolitan's Board authorized Phase I of the Diemer North Access Road project. Phase I involved funding, in the amount of \$700,000, for improvements to Carbon Canyon Road at its intersection with Metropolitan's secondary access road. The Carbon Canyon Road improvements will include an acceleration/deceleration lane, which will benefit both Metropolitan and Chino Hills State Park. The cost of these improvements will be shared by Metropolitan and the California Department of Parks and Recreation (State Parks). Environmental studies for the Phase I road improvements were completed by State Parks and were approved by Metropolitan's Board in December 2005.

Both State Parks and Metropolitan are considering the feasibility for Metropolitan to move its access road westerly onto a new alignment. While this new alignment would still cross State Parks' property, it would separate Metropolitan's use from that of the park's. This new access road would connect Carbon Canyon Road to the northwest corner of Metropolitan's fee property near the solids lagoons. Realignment of the access road would be completed under Phase II of the Diemer North Access Road project. It is recommended that Metropolitan enter into a Memorandum of Understanding (MOU) with State Parks in order to facilitate necessary environmental studies for the North Access Road and to document the obligations of each party if Phase II is subsequently approved. Funding and construction of a new access road on State Parks' property are conditioned on completion of the necessary environmental studies, regulatory approvals, and the Board's future environmental and project approvals for the North Access Road.

A planned Phase III of the Diemer North Access Road project would relocate the existing secondary access road's route up to the main Diemer plant level from its existing narrow, steep alignment near the solids lagoons, to a new more serviceable location. Implementation of Phase III would be independent of the exchange of easements proposed under Phase II. That is, if the exchange of easements under Phase II is not realized, Metropolitan would still plan to implement the Phase III North Access Road improvements, utilizing the existing shared-use access easement with State Parks.

See [Attachment 2](#) for a map of the easements and the three phases of work.

Background

The Diemer plant currently relies on a single access gate on Valley View Circle for the entrance and exit of most plant, construction, staff, and chemical delivery traffic. The plant's second entrance, referred to as the North Access Road, is used mainly by trucks for haul-off of dry residual solids from the plant's lagoons and from

temporary leased dewatering equipment. This second entrance is located on Carbon Canyon Road, which is a state highway under the jurisdiction of the California Department of Transportation (Caltrans). The North Access Road begins with a steeply angled intersection with Carbon Canyon Road and then transitions into "Telegraph Canyon Trail", a narrow unpaved trail that serves as the main public access for vehicles, equestrian activity, pedestrians, and cyclists into Chino Hills State Park. Metropolitan holds an easement for use of the trail corridor that it shares with State Parks, which owns the underlying fee property. This shared use limits Metropolitan's operations and makes entry for certain operational vehicles difficult. The existing easement permits access to the northern boundary of the Diemer plant near the solids processing lagoons. South of the lagoons, the existing North Access Road climbs steeply up the plant's north-facing slope to the main plant level. This unpaved route, leading from the lagoons to the plant, is rarely used because it is too steep for most vehicles to safely access the plant and is unsuitable for regular pedestrian traffic.

State Parks recently proposed to construct a visitor center for Chino Hills State Park with an entrance from Carbon Canyon Road located west of Metropolitan's current entrance. Construction is slated to commence in late 2006. The visitor center project will require modifications to Carbon Canyon Road and will likely increase pedestrian and other recreational use of the current North Access Road, further restricting Metropolitan's safe operational use of this road. In an effort to preserve existing access rights, Metropolitan requested that State Parks and Caltrans make additional modifications to Carbon Canyon Road to facilitate Metropolitan's use of the existing North Access Road. These modifications to Carbon Canyon Road, which include the addition of an acceleration/deceleration lane to improve turning conditions for Metropolitan vehicles, represent the North Access Road's Phase I improvements. State Parks conducted a thorough environmental review of the Phase I improvements and Metropolitan's Board authorized the improvements in December 2005. These modifications will be constructed by State Parks and/or Caltrans along with work required for the visitor center's new entrance. The modifications to Carbon Canyon Road are expected to be completed by State Parks by mid-2008.

Improvements to Metropolitan's North Access Road are planned to be implemented in three phases. As noted previously, Metropolitan's Board authorized the Phase I improvements in December 2005. Within that December 2005 board action, staff identified that the Phase II improvements would involve site grading along the current alignment and construction of retaining walls to enhance safe entry onto Metropolitan property, or alternatively, the exchange of property and relocation of Metropolitan's easement to another location on state property. The Phase II improvements are currently defined to be the realignment of Metropolitan's North Access Road within State Parks' property and relocation of Metropolitan's entrance from Carbon Canyon Road. Since the December 2005 board action, staff has continued negotiations with State Parks and has tentatively agreed to relocate Metropolitan's access easement and relinquish use of the existing easement. The planned Phase III improvements would relocate the existing secondary access road's route up to the main Diemer plant level from its existing narrow, steep alignment to a new more functional location. The Phase III improvements are independent of the Phase II improvements, as Metropolitan would utilize its existing shared-use access easement with State Parks if the exchange of easements under Phase II is not realized.

The proposed North Access Road entrance to Carbon Canyon Road is located within the city of Brea. Metropolitan staff has met with officials from both Brea and Yorba Linda to discuss the Phase II improvements, and Metropolitan has complied with Brea's request to provide time for Brea staff to become familiar with the proposed project. In mid-July, Brea officials notified Metropolitan that they are not opposed to the present board action.

Memorandum of Understanding

In order to proceed with Phase II, staff recommends that Metropolitan enter into an MOU with State Parks to conduct preliminary studies and environmental review of the feasibility of a new road. If all required regulatory approvals are obtained, including CEQA approvals, and the Board agrees to proceed with the project thereafter, the MOU sets the terms upon which the parties will proceed, including Metropolitan's agreement to fund the exchange of access easements on state property and to assist State Parks in funding construction of portions of its visitor center affected by relocation of the North Access Road into its new easement. The total estimated payment by Metropolitan to State Parks under the MOU, if and when the project is ultimately approved, would be \$1,735,000. This funding is contingent on completion of the necessary environmental studies, regulatory

approvals, and the Board's future environmental and project approvals. Following are principal terms of the MOU, setting forth the framework for how Phase II will proceed if and when the Board approves the project and all regulatory approvals are obtained:

- If environmental, regulatory, and project approvals are obtained, Metropolitan will provide \$1.29 million to State Parks to fund staffing, educational exhibits, and visitor center capital improvements, offered as mutually agreed offsets for impacting portions of the State Parks Visitor Center due to the relocation and construction of a new and more beneficial access road easement for Metropolitan. The new access easement would allow Metropolitan to construct an improved, paved secondary access road through the park, and to extend it up to the plant, that would be used primarily by operational vehicles, plant staff, and by emergency personnel vehicles (i.e., fire and police) when warranted.
- If environmental, regulatory, and project approvals are obtained, Metropolitan will provide additional monies to State Parks in the amount of \$445,000 for additional visitor center capital improvements, in exchange for State Parks' agreement to allow temporary increased construction traffic along the new access road to accommodate planned Diemer construction projects. Increased construction traffic would be for a period of up to three years upon completion of the North Access Road.

The MOU will be structured so that Metropolitan's Phase II funding would be paid to State Parks only upon approval of all environmental documents, regulatory permits, and other project approvals required for the North Access Road improvements, and only if the Board authorizes moving forward with the project once CEQA is completed. Metropolitan staff will return to the Board for all necessary environmental and project approvals. Staff's goal is to complete the new North Access Road by early 2008.

This action delegates authority to the General Manager to enter into an MOU with State Parks for Phase II of the Diemer North Access Road and also authorizes the preparation of environmental documentation for the Diemer North Access Road.

See [Attachment 1](#) for the Location Map and [Attachment 2](#) for the Chino Hills State Parks Easement Map.

Project Milestones

August/September 2006 – Enter into MOU with State Parks for the Diemer North Access Road access easement

March 2007 – Completion of environmental documentation for the Diemer North Access Road Improvements

Policy

Metropolitan Water District Administrative Code Section 5108: Appropriation

Metropolitan Water District Administrative Code Section 8121: General Authority of the General Manager to Enter Contracts

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action of entering into the MOU with State Parks is not defined as a project under Section 15378 of the State CEQA Guidelines and therefore the proposed action is not subject to CEQA. The environmental effects of construction and operation of the Diemer North Access Road will be evaluated in future environmental documentation that the Board will review and consider prior to project approval.

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Section 15378 of the State CEQA Guidelines.

CEQA determination for Options #2 and #3:

None required

Board Options

Option #1

Adopt the CEQA determination and delegate authority to the General Manager to enter into an MOU with State Parks to support the Diemer North Access Road Improvements project, conditioned on future environmental, regulatory, and project approvals.

Fiscal Impact: None

Business Analysis: This option would allow Metropolitan to move forward with Phase II of the North Access Road for the Diemer plant.

Option #2

Adopt the CEQA determination and renegotiate with State Parks for alternative terms and conditions as identified by the Board.

Fiscal Impact: None

Business Analysis: This option could impact the implementation schedule and cost of the North Access Road, and is dependent on successfully renegotiating the terms and conditions of the MOU with State Parks.

Option #3

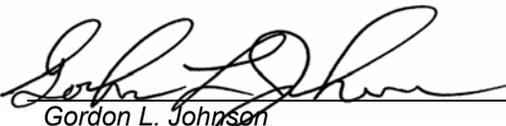
Do not proceed with Phase II of the Diemer North Access Road Improvements.

Fiscal Impact: None

Business Analysis: This option would not proceed with implementation of the North Access Road and hence would not meet emergency response objectives.

Staff Recommendation

Option #1


Gordon L. Johnson
for Roy L. Wolfe
Manager, Corporate Resources

7/21/2006
Date


Jeffrey Kightlinger
General Manager

7/24/2006
Date

Attachment 1 – Location Map

Attachment 2 – Chino Hills State Park Easement Map

