



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

7/11/2017 Board Meeting

7-3

Subject

Adopt CEQA determination and appropriate \$1.85 million; authorize the General Manager to make offers of compensation and acquire permanent and temporary property rights on nine properties consisting of 16 Assessor's Parcels within the Orange County Operating Region (Orange County Assessor's Parcel Nos. 591-133-15, 591-133-19, 322-211-03, 105-015-21, 105-015-24, 525-171-12, 525-171-13, 525-171-14, 463-201-24, 463-201-28, 284-181-50, and 351-751-11; and Riverside County Assessor's Parcel Nos. 101-140-005, 101-140-006, 101-040-010, and 101-040-011); and authorize field investigations to address erosion-related issues across the distribution system (Appropriation No. 15474)

Executive Summary

Metropolitan's Right-of-Way and Infrastructure Protection Program (RWIPP) addresses erosion, right-of-way, security, and access issues throughout four operating regions within Metropolitan's distribution system. This action authorizes the General Manager to make offers and acquire real property interests within the Orange County Operating Region needed to address identified rehabilitation projects, along with updated field investigations to determine permanent repairs needed for facilities and access roads due to storm runoff from recent heavy winter rains.

Timing and Urgency

The RWIPP is a comprehensive effort to address surface-related issues throughout the distribution system. For example, timely erosion repairs will reduce the risk of progressive damage over multiple winter seasons that may expose or undermine pipelines, potentially leading to unplanned shutdowns or costly urgent repairs. Deteriorated patrol roads may also hinder the inspection of facilities and make access by maintenance crews and equipment difficult. Clear rights-of-way and easements are necessary to protect Metropolitan's access rights and to ensure that staff can reach Metropolitan property and facilities without restriction.

This action authorizes acquisition of permanent and temporary property rights in nine properties within the Orange County Operating Region to support upcoming construction. These acquisitions will improve access to repair locations, provide needed contractor laydown areas, and provide unobstructed access for future maintenance activities. In addition, this action authorizes detailed field investigations to determine impacts of storm runoff due to the recent heavy winter rains, which have created new erosion-related issues within the distribution system. These investigations will ensure that needed repairs are included within the programmatic environmental documentation that is being developed for each region.

This work has been reviewed with Metropolitan's Capital Investment Plan (CIP) prioritization criteria and is included in the Right-of-Way and Infrastructure Protection Program. Funds for this action are available within Metropolitan's capital expenditure plan for fiscal year 2016/17.

Details

Background

The RWIPP was created to identify long-term surface-related issues throughout Metropolitan's distribution system, and to carry out needed improvements. The distribution system includes 830 miles of pipelines and over 5,400 structures that require access for regular monitoring and maintenance. Over the past 50 years, development throughout Southern California has gradually surrounded much of Metropolitan's right-of-way, creating operating challenges. For example, open fields have been developed and converted to paved surfaces in many areas, increasing storm runoff and undermining Metropolitan facilities such as blow-off structures, pump wells, and patrol roads. Development has also restricted some portions of Metropolitan's right-of-way, limiting access needed for patrol activities, maintenance, and staging of repairs. Further, trespassing and vandalism have increased as more housing has been constructed adjacent to Metropolitan facilities. These issues have increased the levels of maintenance and repair required for Metropolitan structures, pipelines, and patrol roads. Additionally, as a result of more stringent environmental regulations, the number and complexity of environmental documents and permits required to perform needed maintenance have increased significantly over time.

The objectives of the RWIPP are to:

1. identify and address surface erosion, right-of-way, security, and access issues;
2. prepare environmental documentation and acquire regional programmatic environmental permits to enable needed repairs and maintenance activities to proceed without delay;
3. obtain right-of-way for access and repairs, if required; and
4. execute the needed improvements.

Major repairs and acquisition of right-of-way under the RWIPP will move forward as capital projects within Metropolitan's CIP, while minor repairs will be handled as operations and maintenance activities.

Four of Metropolitan's five operating regions are being addressed in the RWIPP: Orange County, Western San Bernardino County, Los Angeles County, and Riverside/San Diego County. The Colorado River Aqueduct operating region will be addressed separately in the future. The boundaries of the operating regions may not be located at the political borders of each county. The boundaries are actually based on operational considerations for control and maintenance of the various feeders. As an example, the Orange County Operation Region includes portions of the Lower Feeder that are physically located within Riverside County.

There are five stages of work planned under the RWIPP. Following is a summary of the activities completed and authorized for each region.

Stage	Activity	Status
1	Initial Assessment and Field Investigations	Complete for all four regions. This Action – Authorize follow-up detailed investigations to assess erosion damage that occurred during the 2016/17 storm season.
2	Preliminary Design	Complete for all four regions.
3	Final Design of Improvements and Preparation of Environmental Documentation	A programmatic environmental impact report (EIR) has been certified for the Orange County Operating Region, and final design is nearing completion. Work is underway for the other three regions.

Stage	Activity	Status
4	Acquisition of Permits, Mitigation, and Right-of-Way	<p>This Action – Authorize acquisition of permanent and temporary property rights in nine properties within the Orange County Operating Region</p> <p>Future actions are planned for the Western San Bernardino County, Los Angeles County, and Riverside/San Diego County Operating Regions.</p>
5	Execution of Repairs	Future

Final design of improvements within the Orange County Region is nearing completion. The work will be divided into two construction contracts, which will be recommended for award in late 2017 and mid-2018. In addition, staff will return to the Board in early 2018 to certify the programmatic EIR for the Western San Bernardino County Region. The EIRs for the Los Angeles County and Riverside/San Diego County Regions are planned to be completed in 2019 and 2020, respectively.

Project No. 1 - Right-of-Way Acquisition for the Orange County Operating Region (\$1,350,000)

The planned improvements within the Orange County Operating Region include repairs at 52 sites. The improvements will include the addition of low water crossings and retaining walls, raising of structures, installation of improved security fencing and gates, and grading of access roads. While most of this work will be performed within Metropolitan's existing right-of-way, acquisition of property rights is necessary to support the improvements.

The recommended easements include:

- Seven permanent easements over existing roads to improve access to repair locations and for future maintenance activities for the Allen-McColloch Pipeline, East Orange County Feeder No. 2, Orange County Feeder, Santiago Lateral, and Lower Feeder. Development of adjacent parcels over time has limited Metropolitan's access, and has landlocked portions of these pipelines.
- One temporary easement to provide a construction laydown area adjacent to the Allen-McColloch Pipeline.
- One permanent easement at a location where Metropolitan lacks property rights for a portion of the East Orange County Feeder No. 2.

Staff has obtained fair market value estimates from independent external and staff appraisers, and will prepare appraisals for these easements pursuant to Government Code § 7267.2, before making offers.

Planned activities include preparation of appraisals, right-of-way maps, legal descriptions, and record survey exhibits; obtaining and reviewing related right-of-way documents; making offers; and completing the transactions. All activities will be performed by Metropolitan staff.

This action appropriates \$1.35 million to acquire permanent and temporary property rights in nine properties within the Orange County Operating Region. The requested funds include \$700,000 for the acquisition of permanent and temporary property rights in the nine properties; \$49,000 for title, escrow, and transactional costs; \$293,000 for the staff activities described above; and \$308,000 for remaining budget.

See [Attachment 3](#) for the Table of Property Rights to be Acquired, and [Attachment 4](#) for the Locations of Property Rights to be Acquired.

Project No. 2 – Updated Field Investigations Within the Distribution System (\$500,000)

Metropolitan's Board previously authorized detailed field investigations of four operating regions within the distribution system. Due to the recent heavy winter rains, the resulting runoff has caused additional erosion-related damage to access roads and facilities. In order to capture as many of the needed improvements as possible under the programmatic environmental documentation currently being prepared, follow-up investigations are

recommended within the Western San Bernardino, Los Angeles, and Riverside/San Diego County Operating Regions.

Multi-discipline teams will investigate and evaluate any erosion damage caused by the recent storm runoff. The recommended repair options will be included within the programmatic environmental documentation and construction packages currently being prepared for the three operating regions. Specific activities will include field surveys, analyses of drainage patterns, conceptual design of improvements, and development of cost estimates. All activities will be performed by Metropolitan staff.

This action appropriates \$500,000 and authorizes updated field investigations to determine permanent repairs needed caused by recent storm runoff on distribution system facilities. The requested funds include \$228,000 for inspection activities and conceptual design; \$55,000 for surveying and mapping; \$117,000 for permitting, environmental assessments, and project management; and \$100,000 for remaining budget.

Summary

This action appropriates \$1.85 million; authorizes the General Manager to acquire permanent and temporary property rights in nine properties within the Orange County Operating Region, and authorizes updated field investigations to address erosion-related issues across the distribution system.

This work is included within capital Appropriation No. 15474, the Right-of-Way and Infrastructure Protection Program, which was initiated in fiscal year 2011/12. With the present action, the total funding for Appropriation No. 15474 will increase from \$21.98 million to \$23.83 million. See [Attachment 1](#) for the Financial Statement, [Attachment 2](#) for the Location Map, [Attachment 3](#) for the Table of Property Rights to be Acquired, and [Attachment 4](#) for the Locations of Property Rights to be Acquired.

The total estimated cost to complete the RWIPP within the four operating regions of the distribution system, including the amount appropriated to date, current funds requested, and future construction and right-of-way costs, is anticipated to range from \$90 million to \$100 million.

This work has been evaluated and recommended by Metropolitan's CIP Evaluation Team, and funds are available within the fiscal year 2017/18 capital expenditure plan.

Project Milestones

October 2017 – Completion of updated field investigations

June 2018 – Completion of right-of-way acquisition of nine properties in the Orange County Operating Region

Policy

Metropolitan Water District Administrative Code Section 8201: Authorization to General Manager

Metropolitan Water District Administrative Code Section 8221: Authority to Acquire Real Property; Appraisal

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

California Environmental Quality Act (CEQA)

Project No. 1 – Right-of-Way Acquisition for the Orange County Operating Region

CEQA determination for Option #1:

The environmental effects from implementation of the RWIPP within the Orange County Operating Region were evaluated in the Final Program Environmental Impact Report for the Orange County Distribution System Infrastructure Protection Program, SCH #2013121060, which was certified by the Board on April 12, 2016. The Board also approved the Findings of Fact (Findings), the Mitigation Monitoring and Reporting Program (MMRP), and the program itself. This action is based on the acquisition of permanent and temporary property rights in support of planned construction within the Orange County Operating Region and not on any changes to the approved program itself. Hence, the previous environmental documentation acted on by the Board in conjunction

with the proposed action fully complies with CEQA and the State CEQA Guidelines. Accordingly, no further CEQA documentation is necessary for the Board to act on the proposed action.

The CEQA determination is: Determine that the proposed action has been previously addressed in the certified 2016 Final Program EIR, Findings, and MMRP, and that no further environmental analysis or documentation is required.

CEQA determination for Option #2:

None required

Project No. 2 - Updated Field Investigations Within the Distribution System

CEQA determination for Option #1:

The proposed action is categorically exempt under the provisions of CEQA and the State CEQA Guidelines. The proposed action consists of basic data collection and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. This may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. Accordingly, the proposed action qualifies as a Class 6 Categorical Exemption (Section 15306 of the State CEQA Guidelines).

The CEQA determination is: Determine that pursuant to CEQA, the proposed action qualifies under a Categorical Exemption (Class 6, Section 15306 of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination that the first proposed action has been previously addressed in the certified 2016 Final Program EIR, Findings, and MMRP, and that the second proposed action is categorically exempt (Class 6, Section 15306 of the State CEQA Guidelines), and

- a. Appropriate \$1.85 million;
- b. Authorize the General Manager to make offers and acquire permanent and temporary property rights in nine properties for planned construction within the Orange County Operating Region, and to approve and obtain all acquisition-related documentation; and
- c. Authorize field investigations to address erosion-related issues throughout the distribution system.

Fiscal Impact: \$1.85 million of capital funds under Appropriation No. 15474

Business Analysis: This option will provide real property rights for access, maintenance, and repair of facilities within the Orange County Operating Region. This option will also address recent erosion-related issues and reduce the risk of costly emergency repairs.

Option #2

Do not proceed with the right-of-way acquisitions or additional investigations at this time.

Fiscal Impact: None

Business Analysis: This option would forego an opportunity to enhance reliability of the distribution system and reduce the risk of costly emergency repairs.

Staff Recommendation

Option #1


Gordon Johnson
Manager/Chief Engineer,
Engineering Services

6/26/2017
Date


Jeffrey Kightlinger
General Manager

6/27/2017
Date

Attachment 1 – Financial Statement

Attachment 2 – Location Map

Attachment 3 – Table of Property Rights to be Acquired

Attachment 4 – Locations of Property Rights to be Acquired

Ref# es12651519

Financial Statement for Right-of-Way and Infrastructure Protection Appropriation

A breakdown of Board Action No. 6 for Appropriation No. 15474 for right of way acquisition and reliability investigations¹ is as follows:

	Previous Total Appropriated Amount (Apr. 2016)	Current Board Action No. 6 (July 2017)	New Total Appropriated Amount
Labor			
Studies & Investigations	\$ 1,339,000	\$ 283,000	\$ 1,622,000
Final Design	-	-	-
Owner Costs (Program mgmt., permitting, envir. doc.)	3,802,000	117,000	3,919,000
Right-of-Way Activities	3,708,000	293,000	4,001,000
Incidental Expenses	1,810,000	49,000	1,859,000
Materials & Supplies	5,000	-	5,000
Professional/Technical Services	9,005,000	-	9,005,000
Equipment Use	-	-	-
Contracts	-	-	-
Real Property	-	700,000	700,000
Remaining Budget	2,311,000	408,000	2,719,000
Total	\$ 21,980,000	\$ 1,850,000	\$ 23,830,000

Funding Request

Appropriation Name:	Right-of-Way and Infrastructure Protection		
Source of Funds:	Revenue Bonds, Replacement and Refurbishment or General Funds		
Appropriation No.:	15474	Board Action No.:	6
Requested Amount:	\$ 1,850,000	Budget Page No.:	252
Total Appropriated Amount:	\$ 23,830,000	Total Appropriation Estimate:	\$ 71,200,000

¹The total amount expended to date on this project is approximately \$19.6 million. The total estimated cost to complete the work within the four operating regions of the distribution system (excluding the Colorado River Aqueduct), including the amount appropriated to date, current funds requested, and future construction and right-of-way costs, is anticipated to range from \$90 million to \$100 million.

DISTRIBUTION SYSTEM

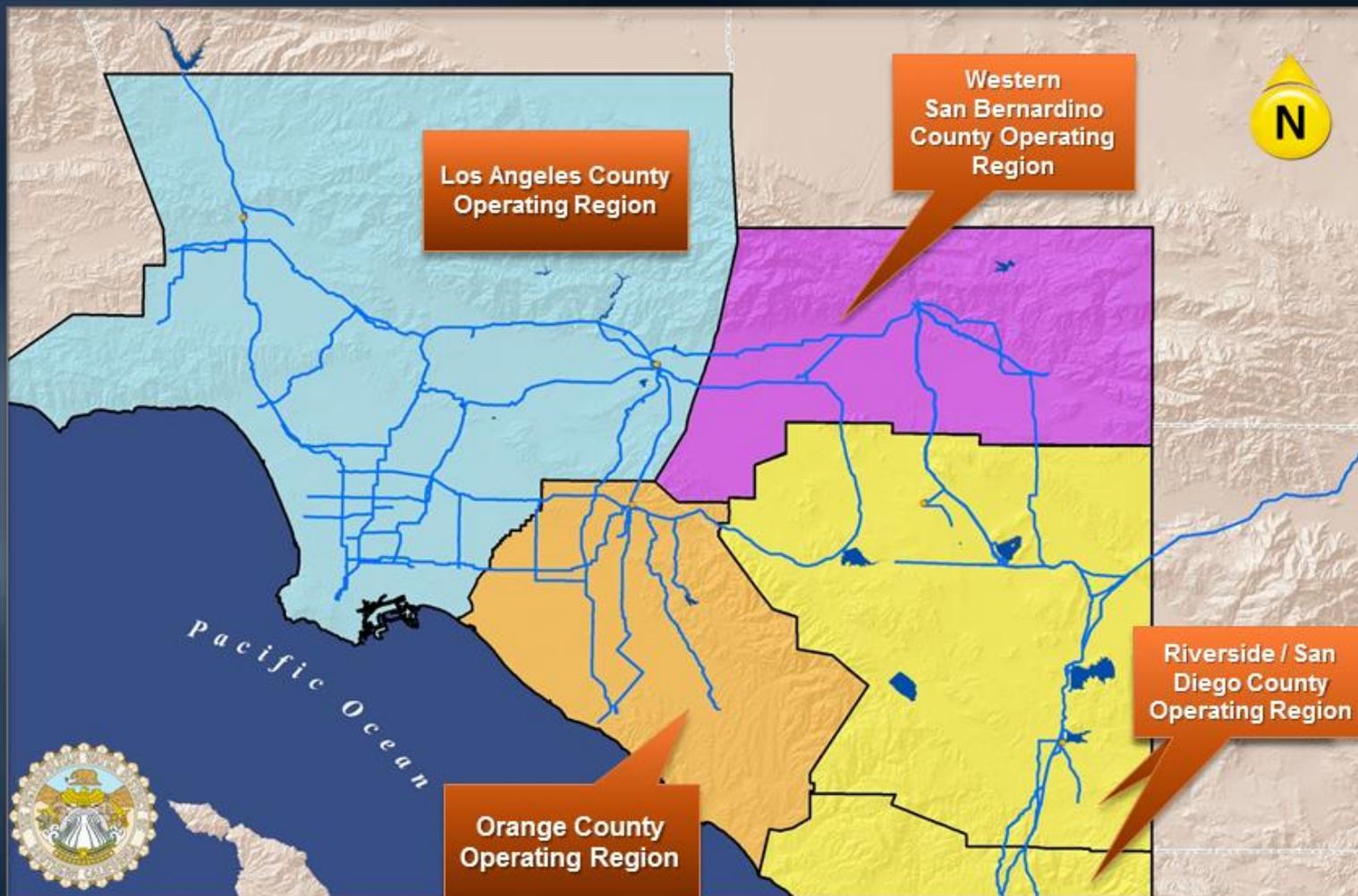


Table of Property Rights to be Acquired

Orange County Region property rights to be acquired are as follows:

Item No.	MWD Facility	Assessor's Parcel Numbers Impacted	Property Rights Required	Approximate Location of Property	Purpose for Acquiring Property Rights
1	Allen-McColloch Pipeline	591-133-15 591-133-19	25,417 sf Permanent License ¹ Agreement	Former EL Toro Marine Base north of intersection of Irvine Blvd. & Valley Alton Pkwy.	Improve access to site and support construction
2	East Orange County Feeder No.1	322-211-03	55,757 sf Permanent Easement	Northeast of the intersection of Valley View Dr. and Brooklyn Ave.	Gap in pipeline easement
3	Allen-McColloch Pipeline	105-015-21 105-015-24	53,884 sf Permanent Easement	Peters Canyon and Jamboree Blvd.	Improve access to site and support construction
4	Allen-McColloch Pipeline	525-171-12 525-171-13	15,938 sf Permanent Easement	Northwest of Jamboree Blvd. & Pioneer Dr. in Tustin	Roadway used to access easement outside of right-of-way
5	Allen-McColloch Pipeline	525-171-14	7,022 sf Temporary Construction Easement	Northwest of Jamboree & Pioneer Dr. in Tustin	Temporary construction easement for construction access to right-of-way, & permanent easement required to extend right-of-way for construction
6	East Orange County Feeder No. 2	463-201-24 463-201-28	12,633 sf Permanent Easement	University Dr. southwest of 405 Frwy in Irvine	Roadway used to access easement outside of right-of-way
7	Orange County Feeder	284-181-50	11,762 sf Permanent Easement	State College Blvd. south of Imperial Highway	Roadway used to access easement outside of right-of-way
8	Santiago Lateral	351-751-11	17,970 sf Permanent Easement	Southwest of Chino Hills State Park at the end of Green Crest Dr.	Roadway used to access easement outside of right-of-way
9	Lower Feeder	101-140-005 101-140-006 101-040-010 101-040-011	25' Wide Permanent Access Road License ¹ (55,321 sf)	Northwest of the intersection of the of 71 Frwy & 91 Frwy	25-year license with U.S. Army Corps of Engineers - Access road outside of right-of-way

¹. Federal government grants licenses, not temporary or permanent easements.

Location of Property Rights to be Acquired



Existing Property Rights



Property Rights to be Acquired

Orange County APN No.: 591-133-15; 591-133-19

Total square footage: 25,417

Location of Property Rights to be Acquired



Existing Property Rights

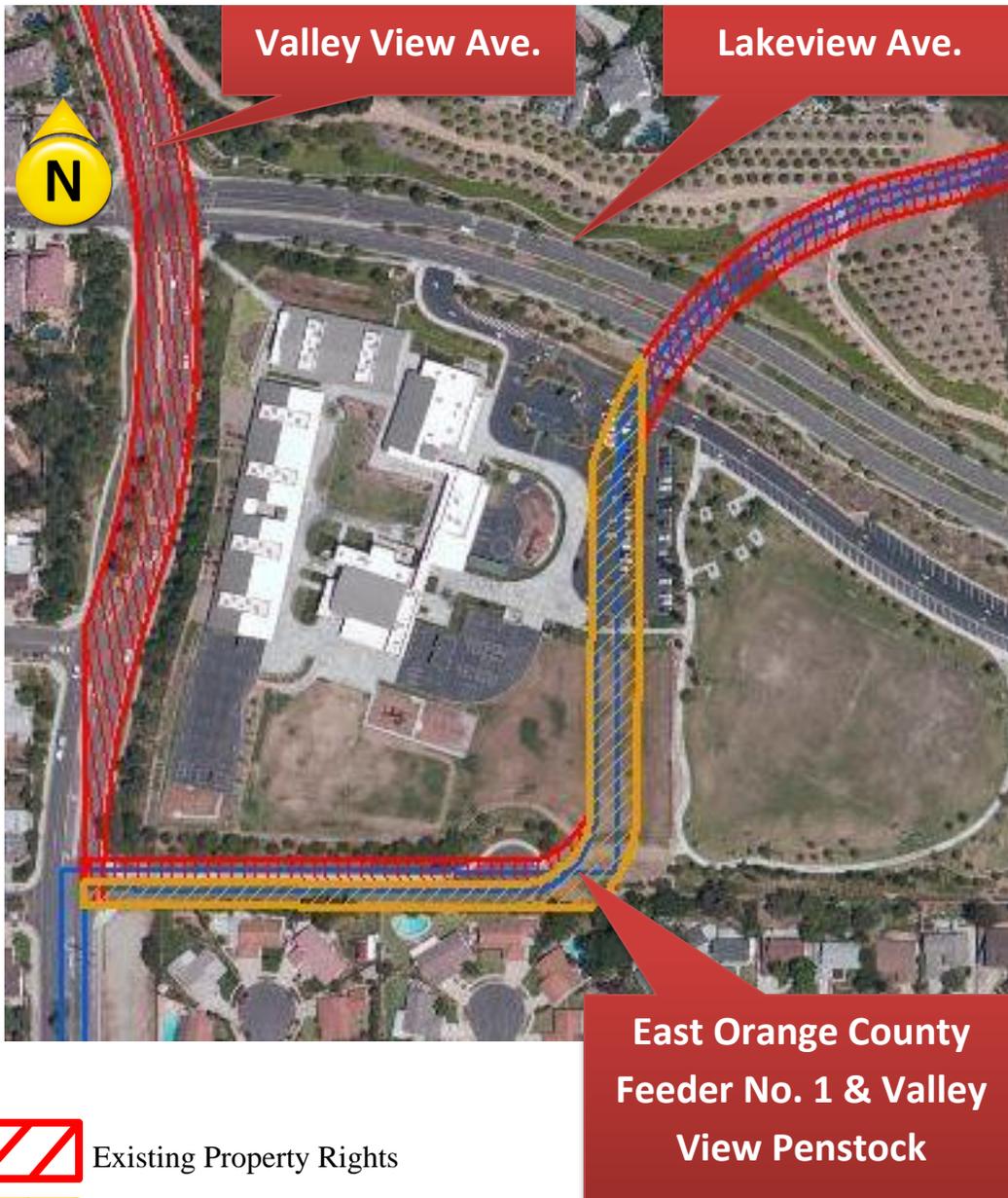


Property Rights to be Acquired

Orange County APN No.: 591-133-15; 591-133-19

Total square footage: 25,417

Location of Property Rights to be Acquired



-  Existing Property Rights
-  Property Rights to be Acquired

Orange County APN No.: 322-211-03

Total square footage: 55,757

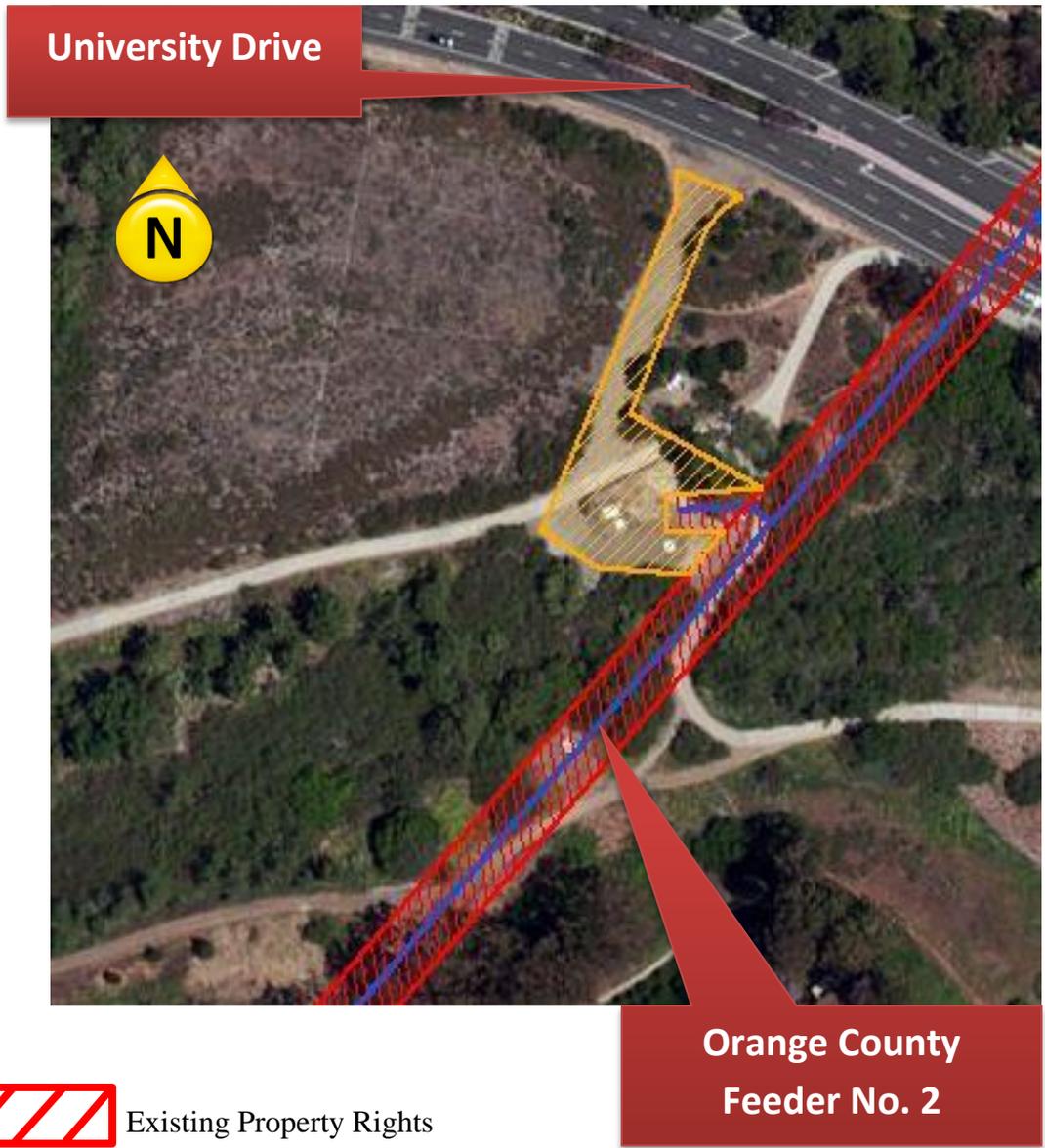
Location of Property Rights to be Acquired



Orange County APN No.: 105-015-21; 105-015-24; 525-171-12; 525-171-13; 525-171-14

Total square footage: 76,844

Location of Property Rights to be Acquired



-  Existing Property Rights
-  Property Rights to be Acquired

Orange County APN No.: 463-201-24; 463-201-28
Total square footage: 12,633

Location of Property Rights to be Acquired



Existing Property Rights

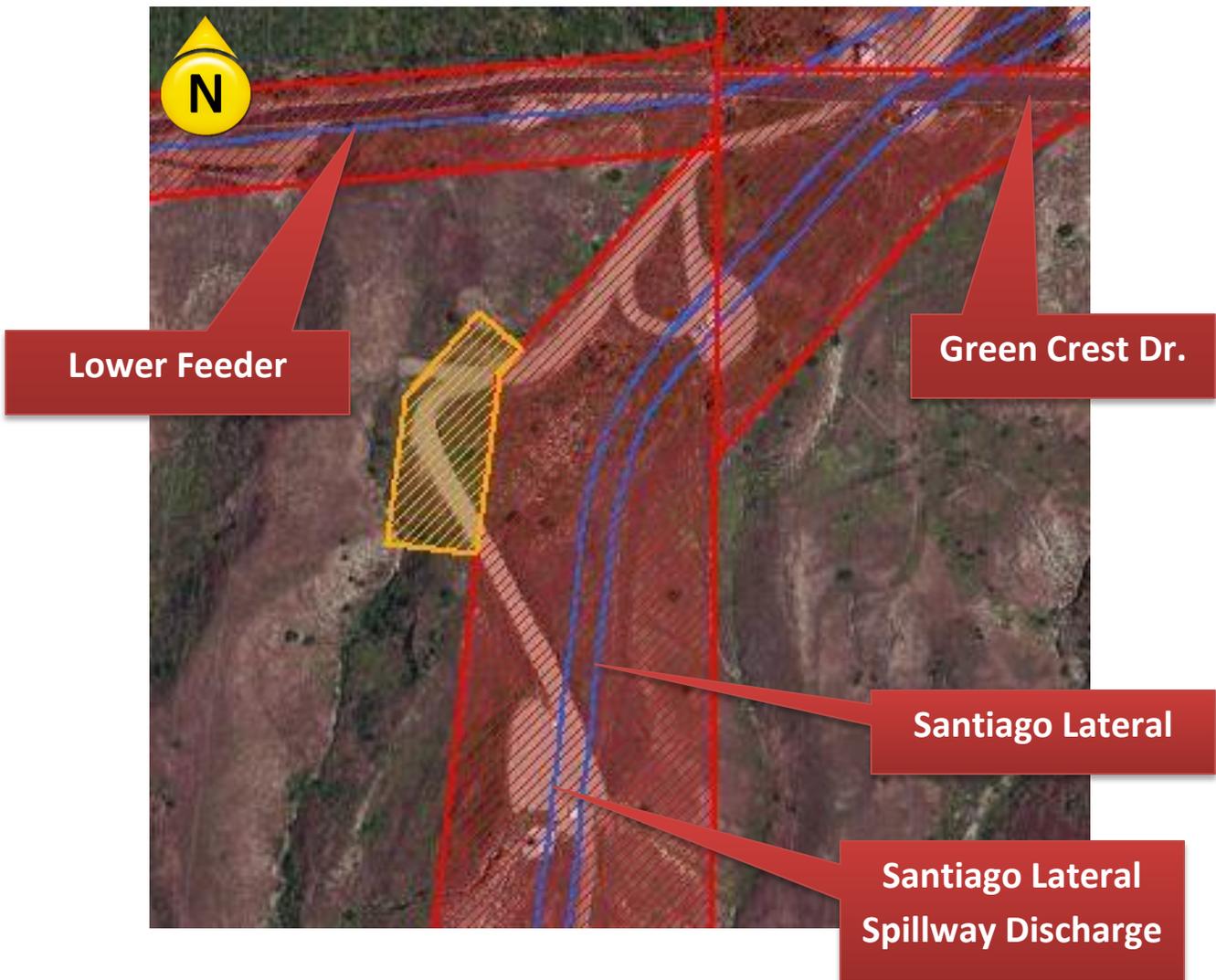


Property Rights to be Acquired

Orange County APN No.: 284-181-44; 284-181-50

Total square footage: 11,762

Location of Property Rights to be Acquired



Existing Property Rights



Property Rights to be Acquired

Orange County APN No.: 351-751-11

Total square footage: 17,970

Location of Property Rights to be Acquired



71 Freeway



Existing Property Rights



Property Rights to be Acquired

Riverside County APN No.: 101-140-005; 101-140-006; 101-040-010; 101-040-011

Total square footage: 55,321