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The BOSFOUR <bosfour@edcgov.us>

FW: El Dorado County BOS Meeting Agendas & Minutes Update

1 message

Howard Penn <hpenn@lbcomm.com>

Fri, Nov 9, 2012 at 5:35 PM

To: Ron Briggs <bosfour@edcgov.us>

Cc: Bill Center <bclotus@innercite.com>, Hilde Schweitzer <hilde@amriver.us>, Theresa Simsiman <jerica@earthlink.net>, Dave Martinez <mtz@directcon.net>, Nate Rangel <nate@raftcalifornia.com>

Ron,

The wording and the attached documents for the consent item on Tuesday the 13th – File: 12-1398, are very disturbing. I hope to hear back from you today or over this weekend regarding this item so we know what to do before the meeting on Tuesday. The agenda item is recommending spending all the future monies from the UARP agreement on roads and law enforcement in the Rubicon Trail area. I know the monies from UARP have not been received yet by the county as the license hasn't been approved yet and that Supervisor Sweeney is setting this up for future allocations.

I, and a consortium of stakeholders and community leaders in the Coloma-Lotus area, would most likely be amenable to the funds being placed in the established special fund with no attachments to where they are spent. Allowing this wording to be attached to the decision is in essence starting the allocation discussion pre-maturely. We would like to be able to make our case as to where those funds should be spent in the future and don't feel that it is the appropriate time to do that now.

Furthermore, there are additional funds set aside in the UARP agreement for the Iowa Hill area if they go through with building the dam there. Those funds are above and beyond the stated funds below. Regarding the Rubicon Trail recreation area, the environmental studies done by SMUD determined that it was not related to the UARP project. See Environmental Assessment – Section 5.3.8 – July 2006. There are a number of other points that substantiate the allocation of funds to the SFAR (South Fork American River) section below Chilli Bar (e.g. mitigation issues, FERC license precedence, impact areas, economic development, etc.).

I would appreciate being able to speak with you before Tuesday and this matter passing by consent. I will await your response and relay the info to the group appropriately. Thank you in advance for helping us with this matter and we look forward to a new outcome for the UARP expenditures in the future.

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BOARD OF SUPERVISORS
EL DORADO COUNTY

File: 12-1398 for Tuesday November 13th, 2012 BOS Meeting:

Supervisor Sweeney recommending the Board continue placing the revenues from the Sacramento Municipal Utility District (SMUD) settlement agreement in the established special fund and that such revenues be used for road maintenance and law enforcement within the area of the Upper American River Project.

Body

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BACKGROUND

In the late 1950's the County, the United States Forest Service (USFS), Michigan California Lumber Company (now Sierra Pacific Industries), and the Sacramento Municipal Utility District (SMUD) reached agreements as to the construction and maintenance of the roads within the Upper American River Project (UARP). There was no money provided for such maintenance and no impact money to the County for the implementation of the UARP. It was thought that the tourism dollars derived from UARP users would offset County costs; that obviously did not happen.

During the recent re-licensing of the UARP by SMUD through the Federal Energy Regulatory Commission the County concluded a settlement agreement with SMUD. The electronic version of that agreement is on the County Water Agency Website and is cited as the "El Dorado-SMUD Cooperation Agreement".

Attached is Article IV of that agreement. We have received approximately \$2.9 million per section 4.1 and are eagerly awaiting annual payments under section 4.2. The annual payments will begin after SMUD receives its new license. Per section 4.4 payments are to be used for "activities related to the UARP".

Over the years our maintenance group at the Department of Transportation (DOT) has succeeded in obtaining grants through the Federal Forest Highway Fund to make improvements and provide maintenance on the primary roads within the UARP; however, these grants have and will require local matching funds. This would be a good use of the SMUD settlement funds.

On April 23, 2009 the Sacramento Valley Regional Water Quality Control Board issued a cleanup and abatement order (CAO) regarding the Rubicon Trail. This order led to the County obtaining an easement from the USFS this year. Between the CAO and the easement the County needs to provide continuing maintenance and law enforcement on the Rubicon Trail; this would also qualify for use of the SMUD settlement funds.

Besides keeping the funds in a special account, I propose the following as guidelines for future expenditures:

1 Per section 6.3 of the El Dorado Intra-County Coordination Agreement the Georgetown Divide Public Utility District would be paid 9/59 (\$90,000) of the payment from SMUD derived from section 4.2 but not including the monies derived from section 4.3; and

2 for Rubicon Trail Maintenance 20/59 (\$200,000); and

3 for Law enforcement 15/29 (\$150,000); and

4 for future matching funds for mainline roads in the UARP 15/29 (\$150,000) .

These amounts would be accelerated per section 4.5. By example the total payment at August 2012 would have been \$679,175 yielding 1) \$103,603; 2) \$241,740; 3) \$172,672; 4) \$172,672