

Council Meeting Staff Report

November 29, 2022

Agenda No.:	D.
Indexes (Council Goals):	DPU FY26 - 6.0 Develop and Strengthen Partnerships
Presenters:	Philo Shelton
Legislative File:	AGR0899-22

Title

Approval of Agreement No. AGR23-911, Collection Agreement Between the Incorporated County of Los Alamos and the U.S. Department of Agriculture, U.S. Forest Service Santa Fe National Forest.

Recommended Action

I move that Council approve Agreement No. AGR23-911, Collection Agreement Between the Incorporated County of Los Alamos and the U.S. Department of Agriculture, U.S. Forest Service Santa Fe National Forest in an amount not to exceed \$208,111.43, plus Applicable Gross Receipts Tax, the costs to be shared equally between the Department of Public Utilities and the General County, for the purpose of clearance surveys and land appraisals prior to conveyance of lands to Los Alamos County.

Utilities Manager's Recommendation

The Utilities Manager recommends that Council approve AGR23-911 as presented.

Board, Commission or Committee Recommendation

The Board of Public Utilities approved (4 to 1 vote) this Collection Agreement at their regular meeting of November 16, 2022 and recommends that Council approve AGR23-911 as presented.

Body

As part of the San Ildefonso Native Claims Settlement Act of 2005, Los Alamos County is authorized to purchase six parcels of land adjacent to the townsite for fair market value. While the transfer of these parcels is already authorized by this congressional act, certain NEPA and other clearance work must be performed by the Forest Service before the lands can leave federal jurisdiction and pass to the County. A majority of these activities must be performed by the Forest Service, and the County is obligated to reimburse the government for the cost of this work. Los Alamos County has been encouraging the Forest Service to proceed with this work since the Act's passage in 2006, but were informed that they would not begin our work until transfer of lands to San Ildefonso Pueblo was completed. The San Ildefonso Pueblo land transfer was completed in 2011. To date the Forest Service has completed much of the work in a prior collection's agreement at approximately \$247,620.

This Agreement lists the individual tasks to be completed by the Forest Service as well as other tasks to be completed by the County with USFS oversight. Included in the County's obligations are hiring an archaeologist to complete cultural surveys of the parcels, boundary surveys, and real estate documentation. The USFS will complete the NEPA clearances and perform appraisals on all the parcels. This work is expected to take approximately three to four years to complete for all the parcels.

Money for completion of the preparatory work under this Agreement will be shared with the economic development fund in a 50/50 split, DPU's portion of which is included in the Water Production budget for FY23. Money for actual purchase of the parcels has not been budgeted by Utilities. Once land appraisals are completed then a budget can be established for the land purchases out of the Economic Development fund.

Alternatives

As a federal agency, the USFS requires environmental and lands survey work be performed to their standards. The split of work between County and USFS that appears in the Agreement was negotiated in an effort to keep costs down. There is no alternative to the USFS performing the work included in the Agreement if the County still wants to acquire the land parcels.

Fiscal and Staff Impact

DPU and General County will split these costs. There is some staff impact for managing the County's portion of the required work. FY23 Water Production budget has a budget of \$150,000 for this land acquisition costs and the Forest Service Contract is anticipated to use \$104,056 of this budget. If approved, staff will prepare a budget office revision for the General County portion of their portion of these costs to be paid out of the existing land purchases budget in the Economic Development Fund.

Attachments

A - AGR23-911_Collection Agreement Between LAC_USDA_USFS

B - USFS_Tracts_Contour