



CITY OF REDDING

OFFICE OF THE CITY COUNCIL

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Francie Sullivan, Mayor
Missy McArthur, Vice Mayor
Brent Weaver, Mayor Pro Tempore
Gary Cadd, Council Member
Kristen Schreder, Council Member

October 26, 2015

BDCP/California WaterFix Comments
P.O. BOX 1919
Sacramento, CA 95812

SUBJECT: Partially Recirculated Draft Environmental Impact Report and Supplemental Draft Environmental Impact Statement for the Bay Delta Conservation Plan and the California WaterFix

To Whom It May Concern:

The City of Redding (Redding) appreciates the opportunity to provide comments on the Partially Recirculated Draft Environmental Impact Report (RDEIR) and Supplemental Draft Environmental Impact Statement (SDEIS) for the Bay Delta Conservation Plan's (BDCP) California WaterFix. Redding provided comments on the BDCP Draft Environmental Impact Report and Draft Environmental Impact Statement. These comments were not adequately, if at all, addressed in the RDEIR/SDEIS. Consequently, our primary concerns must be reiterated herein.

Redding is located at the northern end of the Sacramento Valley, just below Shasta Dam, and enjoys many benefits from the Sacramento River. As a Settlement Contractor, nearly half of Redding's domestic water supply comes from the Sacramento River through its municipally-owned water utility. Additionally, Redding's municipally-owned electric utility receives nearly 8 percent of the hydroelectric output from the Central Valley Project (CVP) which equals on average approximately 30 percent of Redding's annual power supply. Federal hydropower from the CVP is the most cost-effective, renewable, and carbon-free resource currently in Redding's power supply portfolio. Any efforts that may affect Redding's water supply reliability or hydroelectric supply are of significant concern to Redding and its residents.

Redding's primary concerns with the RDEIR/SDEIS are related to the water and power supply impacts and overall cost of the project. Specifically:

1. Direct and indirect impacts to upstream water rights have not been evaluated;
2. The costs and cost allocations to CVP contractors have not been adequately addressed;
3. The cumulative impacts of the BDCP and other proposed projects (such as the raising of Shasta Dam or the State Water Resources Control Board's proposed Flow Criteria) have not been contemplated; and
4. Other alternatives, such as smaller conveyance systems and additional storage, are not fully considered.



BDCP/California WaterFix Comments

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Redding supports further exploration of these issues in the development of a Final BDCP and associated Final Environmental Impact Report and Environmental Impact Statement, and requests that other conveyance alternatives and additional storage be given significant consideration.

Redding supports efforts to stabilize the ecological habitat in the Delta, secure water rights, and improve water supply reliability throughout the State. Redding is appreciative of the opportunity to be involved in this process given the significant impact the BDCP could have on our community.

Sincerely,

A handwritten signature in dark ink that reads "Francie Sullivan". The signature is written in a cursive style with a large, stylized "F" and "S".

Francie Sullivan
Mayor

c: Public Works Director
 Assistant Public Works Director McLain

From: McCollum, Stephanie <smccollum@ci.redding.ca.us>
Sent: Tuesday, October 27, 2015 9:31 AM
To: BDCPcomments
Subject: Comments for the Bay Delta Conservation Plan/California WaterFix Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement
Attachments: 102715L-BDCP-CA_WaterFix_Comments.pdf

Please accept the attached letter regarding the comments on the Partially Recirculated Draft Environmental Impact Report and Supplemental Draft Environmental Impact Statement for the Bay Delta Conservation Plan's California WaterFix.

Stephanie McCollum
Executive Assistant
City of Redding Public Works – Engineering
777 Cypress Avenue
Redding, CA 96001
(530) 225-4511

From: tony ruggirello <tony6004@hotmail.com>
Sent: Tuesday, October 27, 2015 12:06 PM
To: BDCPcomments
Subject: Delta Tunnels

I would like to state my opposition to the proposed tunnels project. I have lived in the central valley for over 50 years. We are the bread basket of the nation and are growing at a rate unequaled in the rest of the state. There has to be a better way to do this. Perhaps bring water down from the pacific northwest which receives much rain and snow yearly or from the Rockies. Don't rob us of water we need.

Tony Ruggirello
Kristi Reiman

From: Douglas E Williams <doug@weldengineers.com>
Sent: Tuesday, October 27, 2015 10:16 AM
To: BDCPcomments
Subject: BDCP/WaterFix Comments / RDEIR/SDEIS

The new alternatives described in the revised documents do not address the underlying purpose and intent of the California water law. The intent is to correct conditions for endangered and threatened aquatic species and to improve water supply reliability. Although the revised document may "improve" these conditions, the comparison is against the untenable existing condition and the extremely expensive new tunnels and conveyance system delineated in the earlier draft.

1. No money should be spent 'improving' the North-to-South water conveyance system until water resources in the south are more fully utilized. For example, water effluent from sewage treatment plants should be reused directly, not dumped into the ocean. This technology is already in use elsewhere and would drastically reduce the need for water conveyed from the north.
2. The costs of water from the North-to-South aqueducts should reflect the need to implement facilities that will make Southern California more water independent. The current price to end users does not fully embody the value of the resource, nor does it encourage alternatives such as desalination plants and water recycling.
3. If California can afford the cost of alternatives such as 4A, then it can afford the cost of implementing all available technology to maximize the use of supplied water, including water recycling and desalination plants.
4. Implementing the conveyance systems delineated in the *RDEIR/SDEIS* should be delayed until a significant improvement in the water use rate has occurred. The recycling of effluent from water treatment plants is far more cost-effective and efficient than new tunnels, etc.
5. If the southern part of the state becomes more water independent, e.g., by reusing treated water, installing desalination plants, etc., the need for expensive new tunnels and water conveyance facilities will be less, as will the stress on endangered and threatened aquatic species.

This effort should be made to correct the real problem, not to try to fix a broken system.

Douglas & Louise Williams
721 Ocean Ave.
Richmond, CA 94801
510.235.9353
Fax: 510.232.9546
doug@weldengineers.com

From: Pat Borison <pborison@yahoo.com>
Sent: Tuesday, October 27, 2015 12:05 PM
To: BDCPcomments
Subject: Delta Tunnels/California WaterFix

Re: Delta Tunnels/California WaterFix (Alternative 4A)

I grew up in Southern California, have been boating on San Francisco Bay and the Delta for 49 years and have lived on the Delta for 15 years. I believe I can understand water issues from several perspectives and empathize with many throughout the state.

I oppose the proposed tunnel project and the undemocratic way the process is being carried out. This project will destroy the Delta and produce NO new water.

A project this big and expensive deserves a public vote and better public input.

- Comments made by the public are not posted for the public to see.
- Hearings have been one way, with no public input, just sit and listen, yet the public is ultimately on the hook for the cost of the project.
- Better alternatives are available.

Cost effectiveness

- The EIR has failed to adequately analyze cost effectiveness for a project estimated to cost \$15 to \$50 billion.
- It does not accurately describe the amount of water available and the cost of that water.
- The amount of water the Delta needs to be viable must first be determined before the project can be considered.
- Water will be expensive. What happens if private water contractors, who have promised to pay for the project, fail to pay, as history shows they may. If they default, what recourse do ratepayers and taxpayer have?
- The project described in the EIR is not financially feasible and does not make financial sense to those paying for the tunnels. Continuing to focus on Alternative 4A simply diverts resources from consideration of better solutions.

Scare tactics/ earthquake impact

- Scare tactics are being used to raise unwarranted concerns about earthquake threats.
- If needed, levees could be reinforced for a fraction of the tunnel cost.
- What impact will 10-14 years of pile driving have on levees if they are so fragile?

Boating and recreation

- The physical and economic impact on boating and recreation has not been carefully considered, particularly the impact on boating, fishing, waterskiing, etc. during the 10-14-year construction phase.

Water quality and quantity

- Changes in water quality, quantity and levels caused by the tunnels have not been adequately explored.
- Two forty-foot wide tunnels have the capacity to divert up to half the flow of the Sacramento River.
- Toxic algae bloom is already a threat on the Sacramento River and near Big Break in Oakley. Any reduction in water flow could raise additional threats.

- The tunnels will not solve California's water problems. They will produce no new water.
- If water now flowing through the Delta is reduced, reduction of water flow threatens to increase salinity, resulting contamination to crops.

Economic impact

- The economic impact on taxpayers and on ratepayers , who ultimately will pay for the limited but expensive water carried by the tunnels, has not been adequately analyzed.
- The economic impact on Delta farmers and businesses has not been adequately studied. Plans have already been announced to acquire as many as 300 farms in the Delta. What will happen when farmland is contaminated by increased salinity?
- The tunnel plan will decimate the Delta's \$5.2 billion annual agricultural economy and destroy family farms dating back to the 1850s.
- When salinity ruins Delta farmland, who will be standing by to convert that land into more housing?

There are better alternative solutions

- Alternative solutions have not been seriously considered. Focus should be on boosting regional self-sufficiency across the state.
- Los Angeles, for example, should first repair its aging water main system to prevent more major leaks and wasted water.
- California WaterFix ignores technology that could solve our water shortages in a way beneficial to all, including desalination, reuse, recycling and better storage during wet years.
- The future is not as predictable as some think: El Nino may bring more water to So Cal than North, making tunnels an even less viable solution to drought

Water "Fix"

- The process as presented under WaterFix is compromised at the outset. For years this was always to be a dual plan, with twin goals of water sustainability and environmental protections. Suddenly, the environmental part has been dropped. Were we misled to all along? Why are we to trust promises now?
- What safe guards are there to prevent maximum use of the tunnels' capacity and diverting up to half of the river flow?
- This plan benefits a few corporate growers who wish to farm marginal land in the western San Joaquin Valley at the expense of multi-generation Delta farmers.
- The EIR comment period is not yet ended, yet permits are being taken and plans made, as if it is a done deal.... (the "Fix")

To quote our Congressman: "The tunnels are a repackaging of old ideas that waste billions of dollars and threaten the way of life for an entire region without creating a single new drop of water.

"We should be using our resources to fund innovative, forward-thinking solutions that create new water and take pressure off the Delta by boosting regional self-sufficiency across the state."

From: Jeff Cuzzi <jcuzzi@sbcglobal.net>
Sent: Tuesday, October 27, 2015 10:30 AM
To: BDCPcomments
Subject: No Delta Tunnels

This is not the solution to California's water problems. We were just in Southern CA for a week, Pasadena and Santa Barbara mostly. Not a dead lawn did we see. People down there just do not get it. Dead lawns are everywhere in the Bay Area. We CARE about water and we care about the delta. Same with big agriculture. Hype about almonds aside, most of the Ag water goes to beef, most of that for "forage". There is about ten times the protein mass per pound of water in nuts as there is in beef. I do eat beef, but we can all eat less AND it can be grown elsewhere than in a drought state. If we must worry about jobs, worry about fishermen and tourism too. Let's get smart with new thinking (groundwater replenishment and storage; incentives to restructure Ag in CA) rather than more of the same old "ship the water to the southland" nonsense. That time has come and gone. The southland has to learn to live the way everyone else does, with respect for their limits.

Jeff Cuzzi
1906 Farndon Avenue
Los Altos
CA 94024

From: Lee Mitchell <lee_e_mitchell@yahoo.com>
Sent: Tuesday, October 27, 2015 10:14 AM
To: BDCPcomments; senator@feinstein.senate.gov; senator@boxer.senate.gov;
Sam@friendsoffarr.org; info@kamalaharris.org
Subject: Oppose the Delta Tunnels/California Water Fix (Alternative 4A)

I oppose the Delta Tunnel plan. This plan will impact California in three vital areas. Due to this, the state should find alternative means to address the water needs of Southern California.

Environmentally, the current project has not addressed the impact on wildlife and the surrounding landscape. Removing fresh water from the delta will influence migratory fish species and the current mammal and bird population that currently use the environs. The lack of freshwater means greater saltwater intrusion and its terrible consequences.

Public health could be impacted with further depletions of fresh water from the delta as the freshwater table is reduced by pumping the water south. Saltwater intrusion means less potable water for domestic and commercial use. Agriculturally, Delta farmers may not have the water resources they need for farming. The economic cost of the tunnels has not been adequately reviewed. There are other viable alternatives to improve water availability via recycling and groundwater recharging projects. They will be cheaper than the current proposal and help Southern California become more self-sustaining water wise. Retiring farmland in the San Joaquin Valley will reduce the need for water especially for agricultural products being grown for export. Also, the dike system in the delta is in need of repair and with the tunnel potentially taking money away from this need we delay vital earthquake preparedness.

The EIR/EIS have not adequately addressed these concerns and why oppose the tunnels.

Respectfully submitted

Lee Mitchell

Seaside, CA.

From: Catherine Fox <cevensfox@msn.com>
Sent: Tuesday, October 27, 2015 10:24 AM
To: BDCPcomments
Cc: Catherine Fox
Subject: Proposed Tunnels

As a resident of Berkeley CA, and someone who values the environmental health of San Francisco Bay and Estuary, I oppose the construction of the proposed Twin Tunnels. I prefer sustainable alternatives that will cost much less, have proven success (groundwater recharge, enhanced water conservation measures, recycling) and will not further harm the Delta's environment.

Please do not issue permits for the Twin Tunnels.

Catherine Fox
cevensfox@msn.com

From: Cathy&Jack <jacekyak@pacbell.net>
Sent: Tuesday, October 27, 2015 10:49 AM
To: BDCPcomments
Subject: proposed CA water tunnels - abandon the plan

Dear Sir or Madame:

I am writing this email to strongly urge you to abandon the plan to construct water tunnels to move fresh water from the Sacramento River out of its normal watercourse – reject all 4 alternatives of the RDEIR/SDEIS. I believe that the San Francisco Bay and associated Delta need the freshwater flows to maintain a healthy ecosystem, and prevent saltwater from creeping east into the estuary. I think that the proposed \$10+ billion expense of constructing the tunnels would be better spent by investing in programs that promote conservation:

1. groundwater recharge and storm water capture
2. urban conservation projects (low flow devices and grey water use)
3. agricultural improvements (use of drip irrigation, growing more annual type crops - NOT almonds)
4. updating and revising water allocation laws/rights.

This would also be a more natural solution California's water issues. As the past has proven, Nature always wins in the end.

Please reconsider the decision to spend this tremendous amount of money on a single construction project. The voters rejected the Peripheral Canal proposal in 1982 – this plan is merely a rehash of that failed solution. Let the rivers flow naturally.

Jacek Kasprzycki
1725 Versailles Ave.
Alameda, CA 94501

From: Martin Heatlie <martin.heatlie@gmail.com>
Sent: Tuesday, October 27, 2015 10:03 AM
To: BDCPcomments
Subject: Tunnels

27 October 2015

To: BDCP Comments
P.O. Box 1919
Sacramento, CA 95812

From: Martin C. Heatlie
P.O. Box 278
Wheatland, CA 95692
(530) 633-9334

- 1) I believe there is agreement that Southern California (SoCal) needs more freshwater.
- 2) I think there is agreement that taking freshwater from the Delta, no matter how it is taken, is bad for the Delta.

The sane solution for both problems would be to build desalination plants in SoCal.

The \$25 B planned for the tunnels would build a lot of desalination plants.

Leave the Delta alone!

The EIR is flawed because the map of the "Legal Delta" does not include the Suisun Marsh.

The term "Legal Delta" is both absurd and arrogant.

Every marsh east of the Golden Gate will be affected by removing fresh water from the Delta.

The animation for the tunnel project intakes shows settling basins for silt. What is the plan for disposing of the silt? If the silt can be removed from freshwater, surely salt can be removed from seawater.

The plan is a huge boondoggle. It will benefit special interests at planet Earth's expense.

Spend the \$25B on desalination plants. There is an inexhaustible supply of seawater.

Sincerely,

Martin Heatlie

From: jrosasj@yahoo.com
Sent: Tuesday, October 27, 2015 11:25 AM
To: BDCPcomments
Subject: This project is just another water

grab of Northern California water by Southern California interests .They don't like the quality of the delta water they get presently so they want to bypass the delta and take it directly from the Sacramento River. Projects like these claim to be saving the delta but do just the opposite.this project will encourage more farmers in the south valley to plant orchards where they have no business doing so. I am totally against this project.

John F Rosasco

Sent from my iPhone

From: Dorothea Nolan <dornolan@gmail.com>
Sent: Tuesday, October 27, 2015 11:57 AM
To: BDCPcomments
Subject: Save the Delta, Stop the Tunnels

Do not build the Tunnels taking water from the Sacramento River.

Stop waiving clean water standards.

Protect native fish, preserve the estuaries.

Invest in projects that promote groundwater recharge, storm water capture, water recycling and urban conservation.

Thank you,
Dorothea CopeckNolan
2905 Sunset Terrace
San Mateo, CA 94403

650 868-7257

Martha Totaro Against Delta Tunnels

October 27, 2015

As a 43-year Rocklin resident and California voter with four grandchildren growing up in the Sacramento area, I strongly oppose building the Delta Tunnels "WaterFix" project. The more I have learned about it over the past few years, the more I am convinced it is A FRIGHTFULLY EXPENSIVE ATTEMPT TO SOLVE ONE PROBLEM BY CREATING COUNTLESS OTHER PROBLEMS. And I fear those other problems will be unfixable at any price, leading to severe environmental and economic decline in the Sacramento Delta and the San Francisco Bay regions if even more river water is diverted away from their already fragile ecosystems. Further, this project would trample the rights of many Delta property owners, could negatively impact future funding for other important projects in our state, and would purposely circumvent state and federal environmental protection requirements.

As a voter, I also feel disenfranchised in a way that smacks of subterfuge by the agencies promoting this project and by our Governor, whose environmental policies I generally support and applaud.

Our complex water needs in California have become even more complicated in these long years of drought and with predictions that Northern California may never again have the rainfalls and Sierra snow packs that we took for "normal" in the past.

Being a science major long ago in college and a life-long conservationist, I understand the valid concerns about rising ocean levels and increasing salt water incursions into the Delta and San Francisco Bay. All the more reason to allow rivers to flow unimpeded into those regions. I also understand the need to supply California farms with adequate fresh irrigation. But one can still witness wasteful practices in fields, with jets of water shooting over crops at mid-day. Tunnel funding could be better used to subsidize more efficient agricultural methods statewide and new water storage facilities in Southern California, among other things.

"The Times They Are A-Changin'" sang Dylan - and so are our weather patterns – and so must our water policies. We need to meet our state's newest water challenges in the spirit of "a Work in Progress," and never expect that any single project will solve them as a "Fait Accompli." I believe this "WaterFix" project is too simplistic to address the complex and changing realities we face here. We need much smarter, multi-faceted, long-term remedies for water storage and management and conservation.

The majority of Californians have shown they are willing and able to use water more efficiently in their homes and gardens, once they get clear direction. Please bring us all on board as part of the solution. Please at least postpone the tunnel project and explore the alternative solutions proposed by other water management and environmental experts.

I write in generalities for the sake of brevity, believing that common sense outweighs 48,000 pages of contradictory EIR data and a million hours of self-serving study and rhetoric. Finally, I write to you for the sake of my own grandchildren and for all who will make California their home after I am gone.

Martha Locke Totaro

From: m/mtotaro <mjtotaro@earthlink.net>
Sent: Tuesday, October 27, 2015 11:45 AM
To: BDCPcomments
Subject: M. Totaro Opposes Delta Tunnels
Attachments: Martha Totaro Against Delta Tunnels.docx

Please include the attached letter in the record of public comments regarding the Delta Tunnels "WaterFix" Project.

Thank you,

Martha Locke Totaro

(916) 624-2797

5503 Butano Way

Rocklin, CA 95677

From: Michael Seaman <michaeljseaman@gmail.com>
Sent: Tuesday, October 27, 2015 11:35 AM
To: BDCPcomments
Subject: Comments on revised EIR/EIS for Delta Tunnels/California Water Fix
Attachments: Seaman_DeltaTunnelsComments10272015.docx

Our comments on the subject EIR/EIS are attached. The Delta Tunnels project is terribly flawed. The EIR/EIS needs significant revision.

There are cost-effective, less environmentally-destructive alternatives to the preconceived Tunnels/California Water Fix project that should be considered.

Michael and Suzanne Seaman

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Michael Seaman
Arden Arcade CA 95825
Energy efficiency 1st in the loading order.
Take a ski or snowboard lesson from a Pro.

Michael and Suzanne Seaman
 2837 Merrywood Drive
 Arden Arcade, CA 95825

October 27, 2015

RE: Delta Tunnels/California Water Fix (Alternative A) plan and its revised Environmental Impact Report/Environmental Impact Statement

This letter is submitted to express our strenuous opposition to the Delta Tunnels/California Water Fix (Alternative A) plan and the deficiencies of the plan's revised Environmental Impact Report/Environmental Impact Statement.

When the California State Legislature passed the Delta Reform Act of 2009, it committed the state to equal goals of 1) protecting and restoring the cultural, recreational, natural resource, and agricultural values of the Delta and 2) providing a more reliable water supply for California. The Delta Tunnels project conflicts with the goals of that Act.

The so-called California Water Fix is actually a plan to export more water out of the San Francisco Bay-Delta estuary, in conflict with does not meet the restoration goals of the Delta Reform Act. Further, the Delta Tunnels will fail to improve water delivery because, in normal water years, the upstream watershed is already oversubscribed by five times.

We object to the Delta Tunnels/California Water Fix because the project does not address the environmental, public health or economic impacts of the proposed tunnels scheme. There are legitimate alternatives, ignored by the planned tunnels, which can be implemented at great savings for our state's taxpayers and ratepayers. Those alternatives also will invest in the jobs and local water sources that contribute to the sustainability our state so critically needs. Specific problems with the Delta Tunnels/CA Water fix include:

- The impact on protected flora and fauna in the Delta that depend on freshwater. Beyond just the Delta Smelt, other protected species are already at risk and face a questionable future because of habitat and food-web destruction that will be caused by the construction and operation of the tunnels. They include the chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*), tricolored blackbird (*Agelaius tricolor*) and San Joaquin kit fox (*Vulpes macrotis mutica*).
- The plan seems oblivious to Section 7 of the Endangered Species Act, which prohibits federal agency actions likely to jeopardize the continued existence of any endangered species or that "result in the destruction or adverse modification of [critical] habitat of [listed] species." For example, transient killer whales (*Orcinus orca*), listed on the Endangered Species Act, depend on anadromous Delta species. Those Orca will be harmed by because reduced water flows through the Delta will reduce their food supplies in the ocean.
- The Delta tunnels will result in greater contamination of municipal water and wells for the millions of rural and urban residents of the 5 counties of the Delta.
- The plan does not model for potential increases of carcinogens and other potential byproducts that can cause cancer and other serious health effects.

- People who depend on subsistence fishing, will also face food and health insecurities as a result of increased contaminants, such as mercury, in fish and wildlife populations.
- For large metropolitan cities that depend on exported water, like San Jose and Los Angeles, water rates and/or property taxes will go up, but the plan does not provide additional water.
- Industries that depend on Delta fresh water flows--such as commercial salmon and crab fisheries, wildlife sighting, recreational boating, and even restaurants--are worth billions annually to the California economy. Yet no analysis has been done on how the lack of fresh water flows will impact San Francisco Bay tourism and recreation.
- Salinity intrusion already impacts western Delta farms. Removing Sacramento River freshwater inflows from the system will make matters worse. Delta farmers cannot irrigate crops with salt water and they certainly cannot plant crops in contaminated soils. The agricultural economy of the Delta, which involves generations of family farms and farm workers, generates \$5.2 billion a year for the California economy. For example, the Delta is California's best place to grow the Chenin Blanc wine varietal – even Napa Valley wineries source their Chenin from the Delta. The plan fails to address such issues.
- California coastal fishing communities depend on thriving wildlife. The commercial and sport-fishing industries are worth billions annually to the California economy (the salmon industry alone is worth \$1.5 billion a year). Thousands of jobs and livelihoods are connected to these industries; they have not been factored into the plan's analysis.
- Recreation and tourism in the Delta generate \$750 million a year for the economy, a benefit overlooked by the plan. Operation and construction of the tunnels portends disruption and even elimination, of navigable waterways now used for boating, marinas and other types of leisure activities. The tunnels will also lead to conditions of low water flow that favor invasive aquatic species such as water hyacinth. Degraded water quality also creates unsafe recreation.

There are much better ways to "fix" California's water supply. The plan largely ignores the significantly less expensive and less environmentally destructive alternatives to the Delta Tunnels. The plan does not seriously consider any alternatives other than the proposed new conveyance system for upstream water. The decision-making process has always favored increasing water exports from the Delta. Taxpayer and ratepayer dollars would be much better invested in:

- A much more aggressive water efficiency program statewide, one that would apply to urban agricultural users as well as urban users.
- Water recycling and groundwater recharging projects that will improve infrastructure throughout the state. Such projects can stimulate local economies statewide and do not carry the astronomical price tags of this plan's veiled resuscitation of the Peripheral Canal or environmental and operations burdens of new surface storage dams. Instead, such local projects assist communities towards water sustainability.
- Retiring thousands of acres of impaired and pollution generating farmlands in the southern San Joaquin Valley. The state needs to revisit the hard economic lessons of the habitat change associated with the Kesterson selenium problem. Farmlands likely to cause water quality and habitat damage should be shifted to more sustainable and profitable uses like solar energy

generation.

- Improvement of Delta levees in order to address potential earthquake, flooding, and future sea level rise concerns. Levee strengthening will cost between \$2 to \$4 billion and is far less expensive than the tunnels and new upstream dams.
- Increasing freshwater flows through the Delta to reduce pollutants so ecosystems and wildlife can be restored.
- Installing modern fish screening devices at the south Delta pumps to reduce the current harm to marine life caused by antiquated pumping equipment and techniques.

In conclusion, while there are Delta issues that need to be addressed, the Delta Tunnels envisioned by the California Water Fix won't solve them. The plan will not make more water, create reliable supplies, or improved environmental conditions in the Delta.

The revised Environmental Impact Report/Environmental Impact Statement (EIR/EIS) has not adequately addressed the setting or its alteration. Instead, the EIR/EIS is merely a public relations ploy and cheerleading effort for the pre-conceived notion of a massive engineering project to divert water around the Delta, with significant detrimental effects and for little benefit. We thus oppose the Delta Tunnels/California Water Fix (Alternative 4A).

The Bureau of Reclamation and the California Department of Water Resources should prepare and circulate a new Draft EIR/EIS that will include alternatives that reduce water exports and increase Delta flows for consideration by the public and decision-makers. Such alternatives have a far better chance of complying with the Delta Reform Act and the federal Endangered Species and Clean Water Acts.

Sincerely,

Michael Seaman and Suzanne Seaman

From: Jan Klevan <jklevan@sanjoaquinusa.org>
Sent: Tuesday, October 27, 2015 9:51 AM
To: BDCPcomments
Subject: Governor's Delta plan
Attachments: Jan Klevan.vcf

The plan is flawed. It is financially and environmentally irresponsible and is only his golden idol legacy. It must be stopped! It will ruin the delta!



San Joaquin County, the logical logistical service hub for NorCal's Mega Region and Stockton Port access to the world. Free confidential site locational services for expanding businesses considering San Joaquin County, CA and partner cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy.

Like us on Facebook! <http://www.facebook.com/pages/San-Joaquin-Partnership-San-Joaquin-County-CA/245337862148112>

From: Janet <mymsladybug@msn.com>
Sent: Tuesday, October 27, 2015 10:12 AM
To: BDCPcomments
Subject: Against the Tunnels

Please record my opinion - I do not approve of the Delta Tunnels. It will negatively impact the San Joaquin Delta with its fragile eco-system. Farmers especially will be negatively impacted. Please do not approve this legislation. Thank you.

Janet Baiocchi

Manteca Ca

Ms. Ladybug

From: Barry Ulrich <bwulrich@icloud.com>
Sent: Tuesday, October 27, 2015 9:17 AM
To: BDCPcomments
Subject: Delta tunnels

I am opposed to the tunnel plan to remove water from the delta. That water is needed for the balance of San Francisco Bay. The health of the bay is already challenged and must be protected.

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~~~~~  
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Barry Ulrich

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**From:** Karen Miller <karenmillercrs@gmail.com>  
**Sent:** Tuesday, October 27, 2015 10:03 AM  
**To:** BDCPcomments  
**Subject:** Delta tunnels  
  
**Importance:** High

I strongly oppose the Delta tunnels that are being proposed as I did the Peripheral Canal back in 1982. Fresh water needs to be delivered to the Bay to keep it healthy. Please do not let this degradation of our precious resource occur.

Regards,

KAREN MILLER  
karenmillercrs@gmail.com  
www.karenmillercrs.com

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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

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**From:** Jean Godwin <larry\_godwin@icloud.com>  
**Sent:** Tuesday, October 27, 2015 10:04 AM  
**To:** BDCPcomments  
**Subject:** Delta tunnels

To Whom It May Concern,

I agree with Mr. Gary Bobker, Program Director For The Bay Institute. Two 40' tunnels dug under the delta would be devastating to the health of the many species of fish and other wild life. I can't imagine the destruction this would cause during construction, and then later during operation! This is another Peripheral Canal that would take more water from the Delta while damaging the fragile ecosystem. I feel farmers should have a reliable source of water for their crops and livestock, but not at the price of our delta.

Larry Godwin

Sent from my iPad

**From:** kkmiller75@comcast.net  
**Sent:** Tuesday, October 27, 2015 10:05 AM  
**To:** BDCPcomments  
**Subject:** Delta Tunnels

I strongly oppose the Delta tunnels being proposed. We have other better ways to conserve water to supply the farmers and others which we have proved during this drought. Please do not let this happen as it will end up destroying the Bay.

Thank you.

Keith Miller

---

**From:** Clive Endress <endress.clive@gmail.com>  
**Sent:** Tuesday, October 27, 2015 10:21 AM  
**To:** BDCPcomments  
**Subject:** Delta Tunnels

Please protect our Bay Delta Estuary; do not ship more water away from it. Do not build the proposed tunnels.

The Environmental document for this project needs to be revised to adequately address biological, and social impacts to the entire bay area and delta ecosystem, and to preserve this incredibly scenic and sensitive area for generations to come.

Thank you for your attention to this.

Clive and Ada Endress  
9 Gilbert St.  
San Rafael, Ca.  
94901



---

**From:** Robert Penzenstadler <penzy94566@gmail.com>  
**Sent:** Tuesday, October 27, 2015 12:03 PM  
**To:** BDCPcomments  
**Subject:** Delta Tunnels

The Delta Tunnels must be opposed as a water grab by Southern CA that will do irreparable harm to the Delta and the four million residence. The lack of sufficient water flowing through the Delta will harm the wildlife and the Eco system, if the tunnels are dug.

Spending \$15 million, which will grow to \$25 million before completion, and not give the state additional water resources is a poor way to spend our, the tax payers, money. History shows what S. CA has done to other areas supplying water to them, by ruining their Eco systems, and sucking the regions dry. So to believe them when they state the amount of water taken by the tunnels won't be more than presently taken is a joke. They will have the capability to take up to 50% more water and will do so if needed.

STOP THE TUNNELS NOW! Don't let Moonbeam and his cronies steal our water.

R Penzenstadler  
2476 Belle Glade Ln.  
Manteca, CA 95336  
209-624-3702

## CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201  
Phone (209) 465-5883 • Fax (209) 465-3956

### DIRECTORS

*George Biagi, Jr.  
Rudy Mussi  
Edward Zuckerman*

### COUNSEL

*Dante John Nomellini  
Dante John Nomellini, Jr.*

October 26, 2015

[BDCPComments@icfi.com](mailto:BDCPComments@icfi.com)

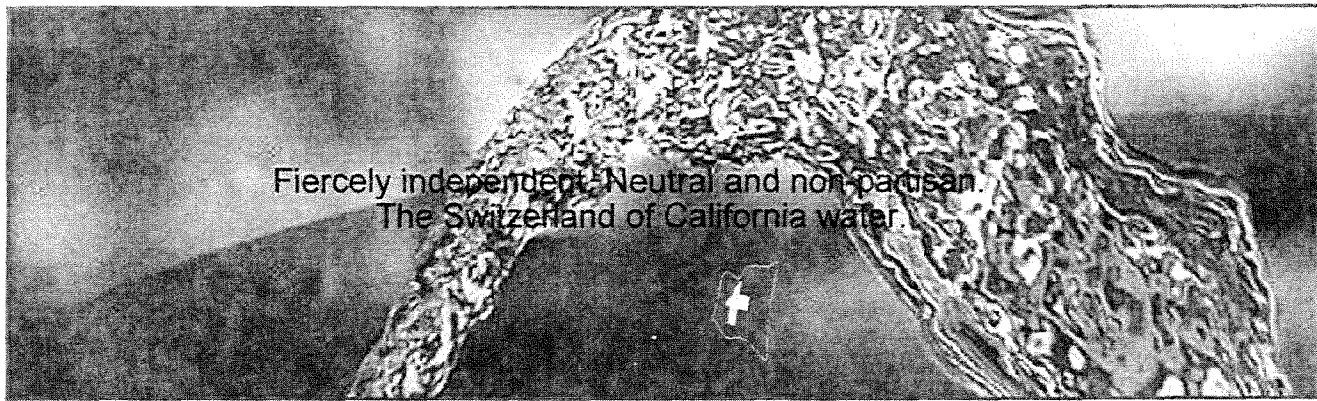
Re: BDCP/California Water Fix  
RDEIR/SDEIS  
DJN Sr. Part One – Exhibits 9-1 and 10-1

Attached are Exhibits 9-1 and 10-1 to Part One of our comments. Exhibits previously submitted are referenced and incorporated but not resubmitted.

Very truly yours,



Dante John Nomellini, Sr.  
Manager and Co-Counsel



## MAVEN'S NOTEBOOK

*A water, science and policy blog*

# Notes from Metropolitan's Special Committee on the Bay-Delta: An update on the status of the Implementation Agreement, plus Metropolitan prepares to comment on the BDCP's EIR and a briefing on the Design and Construction Enterprise

Categories: Maven's Minutes

by Maven

May 29, 2014

**"We are tantalizing close to a draft Implementing Agreement at this point in time," Director Cowin told Committee members.**

At the May 27th meeting of Metropolitan Water District's Special Committee on the Bay-Delta, Metropolitan staff briefed the comments that Metropolitan will be submitting on the Bay Delta Conservation Plan as well as the BDCP's Design and Construction Enterprise. At the end of the meeting, DWR Director Mark Cowin gave a brief update on a number of issues, including the long-awaited Implementation Agreement.

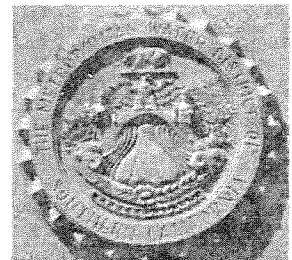


EXHIBIT 9-1

## Metropolitan comments on the Bay Delta Conservation Plan's environmental documents

Steve Arakawa, Manager of Bay-Delta Initiatives, began by reminding that back in 2007, the Board adopted the Delta Action Plan Framework and Delta conveyance criteria that established the direction that staff has been following. In 2008, the Board adopted Delta governance principles, and in 2009, as the Delta Reform Act was taking shape, the board weighed in on that as well, he said. The board has also been involved in funding and cost sharing agreements, beginning in 2006 through 2011.

Robert Horton from the legal department then briefly reviewed the basics of the environmental documents, explaining that the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) were designed to be full-disclosure statutes. *"Both state and federal law require that the action agencies and the responsible agencies such as Metropolitan disclose all the potentially significant impacts of a project, look at a range of alternatives and mitigation for any significant impacts, and then give the public and other responsible agencies an opportunity to comment on the document,"* he said. *"Then the agencies that are adopting the document or certifying it will have to then respond to those comments."* He noted that the draft document went out in December of 2013, and the public comment period will be closing on June 13.

Under the state law, CEQA, if there is feasible mitigation, you're required to adopt it, he said. *"The agency that approves the project will have to adopt it, and any agency responsible for implementing it would be required to implement it,"* he said. *"On the federal side, although federal agencies aren't by statute required to adopt feasible mitigation, the co-federal lead agencies in this case have adopted regulations that pretty much require that if they don't adopt feasible mitigation, they would have to explain why."*

The BDCP is notoriously long and the environmental documents notoriously even longer, in part because the impacts of 15 different project alternatives were analyzed, he said. The document also contains two baselines: A CEQA existing conditions baseline, which is set at 2009 when the Notice of Preparation was issued, and a NEPA future conditions baseline, which looks at the impacts of the project plus climate change and sea level rise in 2060, he explained. *"So you not only have 15 project alternatives and a no-action alternative, but you have two baselines that you're comparing,"* he said. *"This has to be one of the most studied projects in history."*

*"Metropolitan's role is going to be as an applicant for the Endangered Species Act and Natural Community Conservation Planning Act permits, and the SWP is part of our critical water supply," said Mr. Horton. "Metropolitan has adopted policies to achieve a comprehensive fix for the Delta that gives long term, 50 year regulatory stability, and so in light of those objectives, and Metropolitan's role in the process and because it will have to rely on this document as well, it's crafting comments to ensure that the project is implementable, supportable, and that the the CEQA/NEPA document is defensible in the face of litigation, and that it will meet the needs for Metropolitan and it's member agencies in terms of both supply and cost. ... We want to make sure that that accurately represents the best science and policy available."*

Steve Arakawa then described the areas of comment that will be included in the comment letter from Metropolitan. He also noted they are working jointly with other state and federal water contractors in coordinating the review and comments and so to the degree appropriate, Metropolitan will be providing support to the letters of other contracting entities in those specific detailed comments.

The comments will address the importance of a reliable supply to Metropolitan's service area, the role that the State Water Project serves, and the investments that have been made, not only in the State Water Project system, but in our own distribution system and our local resources that count on SWP supplies, he said. The comment letter will also say that alternative four provides the best balance between water supply reliability and environmental protection, and that this option best contributes to the state's coequal goals of water supply reliability and ecosystem restoration, he said.

*"Other areas of comment include the fact that in many ways, there was a conservative approach used in identifying impacts, or so-called worst case impacts, and so when looking at all of the analysis, it provided that kind of disclosure which we believe helps support the decision making capability of the document," Mr. Arakawa said.*

The comments will also address the fact that a reliable water supply contributes to sound economic situation in the state of California, not only in the areas of water supply, but for the state overall, he said. *"The state's analysis indicates that the project provides for the protection of about a million jobs over the next several years while the permit is in place, so protection of jobs, but also provides a contribution to jobs through development of the project itself," he said. "When looking at the overall costs and benefits of the project, the project has a significant net benefit of up to about 5 billion, when looking at both the costs and benefits derived from the project."*

*"It's important for Metropolitan to contribute to the record that's being established through this EIR process to make sure that Metropolitan's needs and objectives are being met, and expressed in the comment letters, and also to make sure that adequate information is provided to the administrative record in all of these various areas to support the decision making that will occur out into the future," said Mr. Arakawa.*

So in terms of the next steps, there is the Implementing Agreement and the Cost Allocations which are still pending, he said.

*"We expect to see a draft of the Implementation Agreement out for public comment relatively shortly, probably within a week or so," said General Manager Jeff Kightlinger, noting that they will be reviewing it at the next Committee meeting. "The cost allocation will come further down the road, probably in the fall timeframe, and all of those would be before you have the Record of Decision and the Notice of Determination, which would probably be in the spring of 2015."*

## **BDCP Design and Construction Enterprise**

Program Manager Randall Neudeck then discussed the BDCP's Design and Construction Enterprise. The intent of the DWR staff memo was to try to set out some initial efforts for effective implementation of the BDCP, he said. It includes two offices: the first is really an interim office outlined in the BDCP Chapter 7 that will deal with conservation measures 2 through 22, including habitat restoration, other stressors, adaptive management, monitoring, research and other elements, and the other office is the Design and Construction Enterprise for Conservation Measure 1, or the conveyance improvement activities, he said. He noted that the Design & Construction Enterprise office has a defined termination date, terminating after the construction of the conveyance facilities is completed.

The intent of the Design and Construction Enterprise is not only to implement the design and construction, but really to be a separate organization within DWR, he said. He then presented a slide of an organizational chart, and described the chain of command. The program director is responsible for the design and construction elements and for staffing decisions. The Program Advisory Group is a set of technical experts who can make recommendations to the program director related to engineering, construction methods, and other issues. The program director and his office reports to a project management board, which will include a DWR representative and public water agency representatives from the CVP and the SWP. They will make

recommendations up to the DWR Director, which will have final decision on the design and construction activities.

Mr. Neudeck said that the public water agencies are looking at forming themselves under a JPA, with the goal to make recommendations to DWR director who will have final authority, and to be a part of the program management board.

*"What we saw as the intent of the memo were the initial efforts to help organize this into an effective organization – two different organizations under DWR,"* said Mr. Neudeck.

### **Director Mark Cowin addresses the Committee**

*"This has been a challenging year as you all know for California water,"* began DWR Director Mark Cowin. *"One of the secondary effects of this drought emergency has been that the state and federal agencies that are working on the BDCP have had to divert a lot of attention to managing the drought emergency, and so frankly we have not had the capacity to make the kind of progress we would have like to have made otherwise in advancing the BDCP. Nonetheless, I do think we have made significant progress in a number of different areas that we know is going to be essential before we can get to essentially a go or no-go decision on this project."*

*"We talked a little bit about the Implementing Agreement and that's an area that I'm extremely pleased in the progress that we've made in the last month or two in closing out some of the lingering issues on how the program would be implemented and defining the contributions and limits of obligations of the different parties that will partner in implementing the project, so I think we've had some good meeting of the minds between the state and federal agencies and state and federal water contractors,"* he said. *"We are tantalizing close to a draft implementing agreement at this point in time, and assuming we can close out just a couple of lingering issues, I do expect that we will be able to post a draft Implementing Agreement within the week, so that's good progress."*

*"Another issue that we know we have to make progress on, BDCP or no, is the extension of the State Water Project water supply contracts, and again I think we've made good progress this year on that front,"* he said. *"We now have an agreement on terms that will be used to develop the draft amendment itself, and also be used for the CEQA compliance that we'll have to go through before we can get to signing those contract extensions, but I think that's an important element in all of this and we've made good progress on that front."*

*"A third leg of the stool is this Design and Construction Enterprise," he said. "I have personally heard for a long period of time from both state and federal contractors about the importance of defining a governance structure for implementing, not only BDCP itself, but specifically Delta conveyance improvements in a way that provides for accountability and transparency, and involves the state and federal water contracting agencies in appropriate way and in partnership with the state. We've knocked our heads against this for quite awhile, at least 18 months or longer, we worked on developing the principles that you see before us today."*

*"To my mind, it's a good balance towards two goals of providing for accountability to ratepayers as represented by state and federal water contracting agencies, and also to provide for transparency and accountability to the public in general, and in particular, the public that would be most directly affected by implementation of these conveyance facilities," Director Cowin said.*

*"So just on the ratepayers side, I think the proposed organization provides for a significant role for the state and federal water contracting agencies, it provides for efficient management, a structure with clear lines of authority and accountability, we have always jointly held that as a number one principle in this," he said. "We want decision makers that are able to move quickly and keep this project on track, given its financial implications for all of us. Then finally, the structure does provide for opportunities for participation by experts from both state and federal water contracting agencies, DWR and the private sector in a way that will allow us to bring the best talent to the project and provide for a very efficient process."*

*"On the public side of the equation, I think this organization importantly maintains DWR's ultimate authority as defined by statute to construct and operate the SWP while still providing for an appropriate role from state and federal water contracting agencies to advise and consent on important decisions," he said. "Importantly, this structure provides for using the DWR's contracting authority and also our land acquisition processes which are extremely important to the members of the public that will be affected by Delta conveyance in particular."*

*"So I want to underscore something that Randall said up front," he said. "This DCE is temporary in nature and limited in scope. It is intentionally designed to provide for design and construction of the facilities associated with the BDCP. After construction is complete, this organization will go away. The broader Bay Delta Conservation Plan management will be done through the Bay Delta Conservation Plan implementation*



*office that is defined with dozens of those 42,000 pages within the BDCP document itself, in great detail."*

*"I think this approach can serve as a model for how we interact between DWR and SWP contractors and federal contractors in the future on other projects. We've gone to great length to look at how other big infrastructure projects have been managed when there are numbers of different partners involved and hopefully we've captured some of the lessons learned in some of these principles we've put forward," he said. "So to my mind, it's innovation on governance that's equal to the innovation on BDCP will provide for State Water Project operations moving forward in equal measure."*

*"So that's what I wanted to say about the DCE," he said. "The memo that I put out to all staff as Randall indicated, really is just our first steps as an organization to prepare ourselves for implementation of this project so we're taking our existing resources and starting to move them into an organization that can engage both with the DCE and ultimately with the implementation office for BDCP as well."*

## **Discussion highlights**

Director Steiner asks if the federal contractors were working on their portion and playing nice with each other and us ... ?

Cowin: *Yes, everybody's been playing nice, so maybe a little bit of stress brings people together. The USBR has not been a participant in this particular effort. They see their role somewhat differently, so this is primarily a partnership between DWR representing the state of CA plus the federal water contractors on one side and the state water project contractors on the other.*

Director Lewinger: Can you give us a little bit of insight as to why the BOR views their role differently than DWR and why they are not part of this governance structure?

Cowin: *Probably not ... it might be best to ask the BOR to give their answer to that question. I think the primary reason is that we have envisioned this facility as being state-owned; so Reclamation of course will need to have agreements with us to utilize the facility, but because they are not going to own it, that puts them in a different standing in terms of its design and construction.*

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3. **Maven's Minutes: Covered Actions process begins, Delta Plan Implementation Committee update, and other notes from the Delta Stewardship Council's October meeting**

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**From:** Aconex Notification (Delta Habitat) <noreply@aconex.com>  
**Sent:** Thursday, April 23, 2015 5:05 PM  
**To:** Valles, Sergio E  
**Subject:** HGCPM-TRN-000114: DCE Decisions and Actions 4-21-15 / Materials for 4-28-15

Dear Sergio,

You have received a new Transmittal: HGCPM-TRN-000114

**Project:** Delta Habitat

**Type:** Transmittal

**Mail Number:** HGCPM-TRN-000114

**To:** Gordon Enas, Department of Water Resources  
 Dawn Bertolani, Hallmark Group  
 Chuck Gardner, Hallmark Group  
 Ms Julie Spezia, JA Spezia Consulting  
 John Bednarski, Metropolitan Water District  
**Sergio Valles, Metropolitan Water District**  
 Richard Welsh, United States Bureau of Reclamation  
 Jim Watson, WWD

**From:** J Alwan, Hallmark Group

**Sent:** 4/23/15 5:04:54 PM PDT (GMT -07:00)

**Reason:** Issued for Information

**Status:** N/A

**Subject:** DCE Decisions and Actions 4-21-15 / Materials for 4-28-15

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| Document No. | Revision | Title           | Status           |
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**From:** Dawn Bertolani <dbertolani@hgcpm.com>  
**Sent:** Friday, May 15, 2015 11:58 AM  
**To:** 'Cowin, Mark@DWR' (Mark.Cowin@water.ca.gov); 'Laura.K.Moon@water.ca.gov'; Beau Goldie (bgoldie@valleywater.org); dan.nelson@sldmwa.org; Kightlinger,Jeffrey; Jill Duerig; Jim Beck (jbeck@kcwa.com); Birmingham, Thomas  
**Cc:** jfiedler@valleywater.org; Patterson,Roger K; (bwalthall@kcwa.com); Jim Watson (jwatson@westlandswater.org)  
**Subject:** Exhibits Have Been Sent

Hello,

Per our discussion at this morning's Leadership Group Meeting, three of the Draft DCE Agreement Exhibits have been sent via Aconex. You should have received an email from Aconex with the link to the documents.

Please let me know if you have any issues.

Thanks,  
Dawn

Dawn Bertolani  
(916) 708-0639

[To send me a file click here.](#)

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## DCE CM1 Property Acquisition Management Plan

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### 1.0 PROJECT OVERVIEW

This Acquisition Management Plan (Plan) was developed as a consultation document for the proposed Design and Construction Enterprise (DCE) which will oversee all aspects of the design and construction of the new Conservation Measure 1 (CM1) water facilities of the pending Bay Delta Conservation Plan (BDCP). DCE will also administer and implement the property acquisition program. The Plan is limited in scope and focuses on the "CEQA Preferred Alternative: Alternative 4-Dual Conveyance with Modified Pipeline/Tunnel and Intakes 2, 3, and 5" (Alternative 4). Under Alternative 4, water would primarily be conveyed from the north Delta to the south Delta through pipelines/tunnels. This plan also encompasses the electrical (utility) alignment that will power the Intake Pumping plants, tunnel boring machine and other key facilities along the conveyance alignment. See Figure 1.1 showing Alternative 4.

#### 1.1 Purpose

The primary objective of this Plan is to establish a framework for acquiring all real property rights needed to construct and maintain the CM1 project. It also gives a general overview of the Acquisition Management Team structure and specific property acquisition processes. It outlines what needs to be done and how to accomplish it. However, a detailed schedule, budget, policies-and-procedures manual, and staffing plan will be developed in the future as the project moves forward.

#### 1.2 Scope

If the BDCP is approved, CM1 will span 30 miles and traverse four counties: Sacramento, San Joaquin, Contra Costa, and Alameda. The CM1 project will impact hundreds of public and privately owned properties along the alignment. The types of right of way to be acquired from each property will depend on the size and shape of the property and the type of proposed facility. All of some properties and portions of others will be needed for the project. There will be fee acquisitions and permanent easements obtained for long-term operational facilities. Temporary easements, permits, and licenses will be obtained for construction related property uses. To minimize long-term surface impacts to properties, permanent subsurface easements will be acquired for stretches of deep tunnels.

For acquisition planning purposes, the conveyance and utility alignments will be divided into northern, central, and southern regions. The regions will be further segmented into seven (7) manageable acquisition focus areas to be worked by 7 corresponding multidiscipline focus area teams, see Section 5 Work Plan for a more detailed explanation. These divisions will make the acquisitions, personnel, and activities easier to track and control. All property transactions and

## DCE CM1 Property Acquisition Management Plan

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their status or stage of acquisition will be tracked via Geographic Information System (GIS) and project management software.

### 1.3 Acquisition Methodology and Approach (Process)

All acquisitions will be carried out in accordance with state and federal laws and the policies and procedures adopted by DCE under the auspices of the California Department of Water Resources (DWR). The primary steps of the acquisition process are: 1) Project Requirements; 2) Rights of Entry; 3) Environmental Site Assessment; 4) Appraisals; 5) Offers to Purchase; 6) Relocation Advisory and Assistance; 7) Eminent Domain; and 8) Right of Way Project Certification. The details of which are outlined in Section 4 of this Plan. The steps of the process will be applied to each property either during acquisition project development or after the start of discussions with each property owner. The objective shall be to work with property owners to acquire the necessary rights through negotiated settlement agreements. Where no agreement can be reached, acquisition will be achieved through the eminent domain process as prescribed by law.

Every effort shall be given to reasonable negotiations and to provide any relocation assistance to property owners and/or their tenants as they may be eligible to receive. To minimize the number of interactions and disruptions to property owners, project teams should clearly identify and communicate all rights needed for investigations, construction, and monitoring of the project. The goal is to approach each property owner once for all necessary rights where practical. All subsequent meetings with the property owner would be to negotiate terms and answer any questions. Therefore, each focus area will have a designated focus area team and each property therein will be assigned one acquisition agent as the primary point of contact. Other members of the team may contact the property owner but not without first coordinating with the team lead and regional field coordinator.

The Plan is based on a four-year acquisition process from planning (pre-acquisition) to implementation (acquisition and possession). The acquisition timeline is often tied to the design schedule and typically completed prior to the commencement of each construction phase. To assure success for on-time possession of properties necessary to construct the project, it is critical to start planning and geodetic activities as soon as possible during the study and preliminary design phases. To maintain the planned critical path of the project, some activities may be "fast tracked" or performed early or in parallel with other activities. A detailed acquisition timeline with milestones is provided in Section 5 of the Plan and will be further developed based on the actual design and construction schedules as they are established.

### 1.4 Project Requirements

Prior to the start of acquisitions, DWR/DCE must:

## DCE CM1 Property Acquisition Management Plan

- Establish regional staff offices or public information centers to handle the number of persons, farms, and businesses that will be impacted or displaced by the project. Every effort should be made to establish effective communication and smooth transition between staff and impacted residents. It is recommended that at least one public information center be established in each of the northern, central, and southern project areas. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.
- Develop acquisition work teams consisting of a team lead and key personnel with expertise in the core areas of Appraisals, Negotiations, Relocations, and Title. These teams should be ready to proceed upon receipt of maps and legal descriptions from R/W Engineering. There will be one work team assigned to each focus area. They will obtain all rights needed for the conveyance and utilities within that focus area.
- Obtain title reports; surface and subsurface, oil, gas, and mineral rights research; and control surveys. This will aid in the identification of surface and subsurface ownerships and the acquisition areas.
- Terminate Williamson Act Contracts: DCE as part of DWR, is exempt from certain alignment location requirements under the Williamson Act, however, it must still notify the California Department of Conservation and the local public agency its intended acquisition of properties currently under Agricultural Preserve (Ag Preserve) contracts. This is a coordinated effort between the seller, DCE, Department of Conservation, and the local municipality to terminate the contracts prior to construction. All fee acquisitions and permanent easements with surface facilities will permanently impact agricultural production. Therefore contracts on those specific properties will need to be terminated.
- Establish signatory authority and manner in which title will be held.
- Prepare and approve Relocation Plan.
- Develop standard forms that establish consistent internal and external lines of communication, document approval paths, clear roles and responsibilities, schedule and achievable milestones.
- Establish adequate budget. Prepare a cost study to establish ranges of land values and anticipated transaction costs.
- Establish policy and procedures, and, as appropriate, localized delegation of authority to the Property Acquisition Manager up to a certain limit as determined by the DCE Program Manager and the governance body.

### **1.5 References for Acquisition and Eminent Domain Authority**

The following statutes were referenced in the development of this plan:

- Government Code § 7260-7277
- Code of Civil Procedure § 1230.010-1273.050

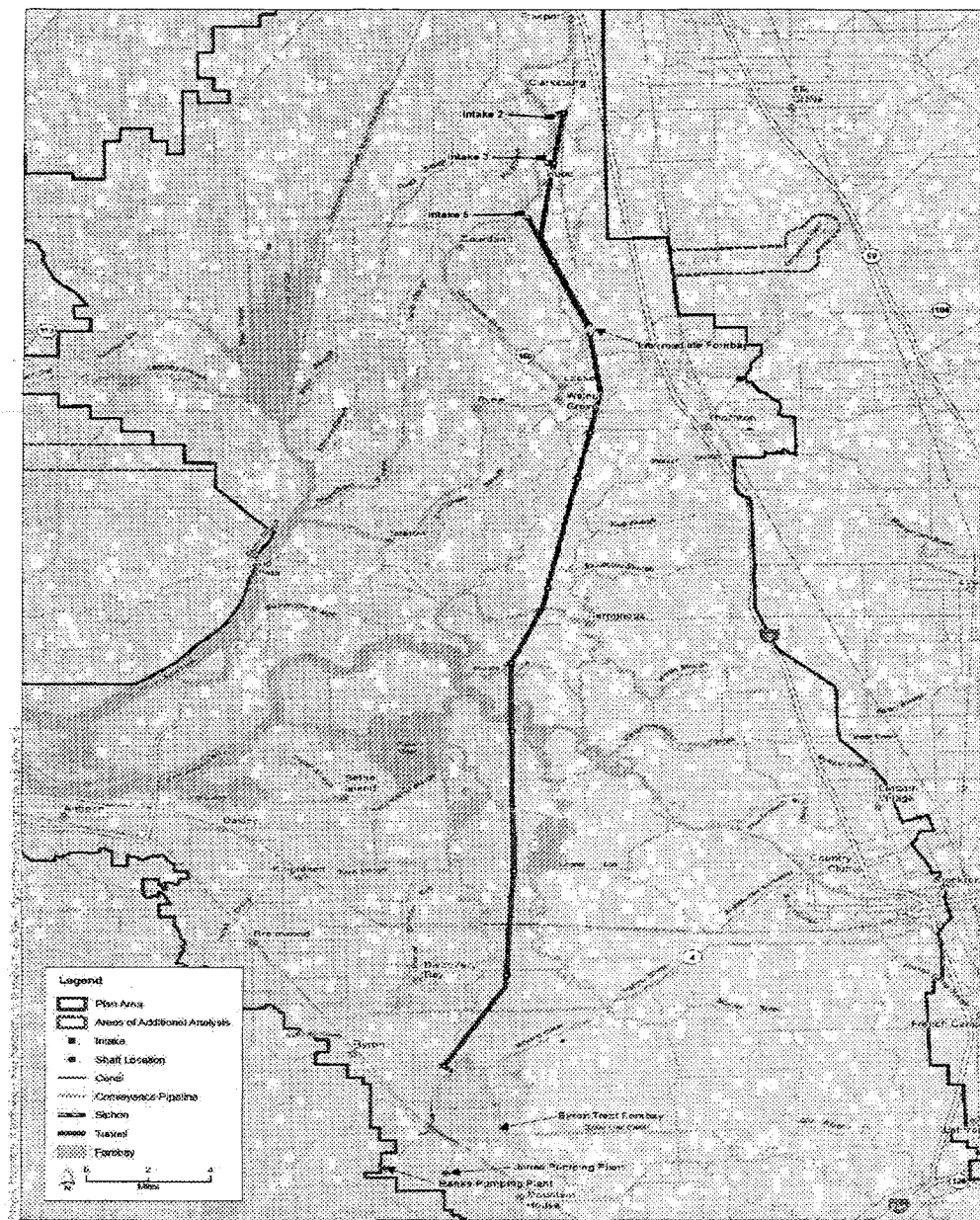
## DCE CM1 Property Acquisition Management Plan

- Water Code § 250 – 260 (DWR authority)
- Government Code § 51291(b), 51293 and 51295
- California Uniform Relocation Assistance and Real Property Acquisition Guidelines

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## DCE CM1 Property Acquisition Management Plan

Figure 1.1 Modified Pipeline/Tunnel Alignment Overview

Figure 3-9  
Modified Pipeline/Tunnel Alignment Overview (Alternative 4)

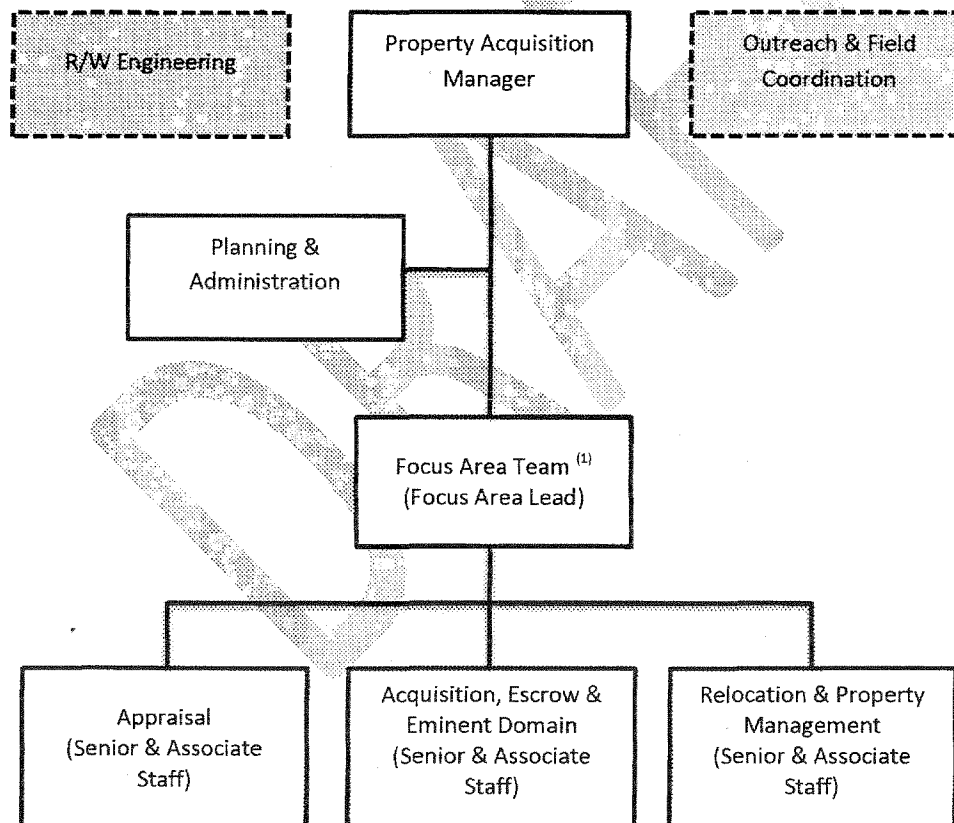
## DCE CM1 Property Acquisition Management Plan

### 2.0 PROJECT ORGANIZATION AND STAFFING

#### 2.1 Organizational Structure

The chart below (Figure 2.1) shows key personnel within the Property Acquisition work unit. The unit has an organizational structure with a manager, focus area leads, and specialist staff and consultants. All personnel and consultants will work together and understand that their deliverable is part of a whole and that others depend on them to deliver high quality information and work products that will ensure project success. All personnel must be sufficiently mobilized to focus on completing their specialized part of the acquisition process.

**Figure 2.1 Organization Chart**



<sup>(1)</sup> The Focus Area Team will be repeated for each Focus Area.



## DCE CM1 Property Acquisition Management Plan

### **2.2 Functional Descriptions (External)**

The work of each focus area team will depend on various deliverables and input from outside organizations that provide direct support to the acquisition function. Although these outside organizations have other duties within DCE, below are descriptions of their input to the acquisition process.

#### **2.2.1 Outreach and Field Coordination**

Provide CM1 project information to property owners and stakeholders. They will also share relevant property owner information to acquisition staff to bridge understanding and keep communication open throughout the entire process. Field coordinators will help schedule and coordinate consultant visits to the field and act as liaison between DCE and the public. There should be one field coordinator per alignment region.

#### **2.2.2 R/W Engineering**

Manages and performs all land surveying, title, and GIS/LIS activities in support of the overall project goals under the direction of a California licensed land surveyor. Paramount to this is support of the planning, legal, engineering, environmental, geotechnical, archeological, biological, acquisition, appraisal, and construction phases of the project. Additionally, staff will be called upon to establish and manage consultant contracts as well as establish and review critical survey specifications related to a variety of issues. R/W engineering will provide maps and legal descriptions central to all real estate transactions.

### **2.3 Functional Descriptions (Internal)**

Below are descriptions of the functions and staff that are directly under Property Acquisition Management as shown on the organizational chart in Figure 2.1.

#### **2.3.1 Property Acquisition Manager**

Manage workflow, set objectives, and monitor progress to acquire all land and rights necessary to construct the conveyance and associated facilities.

- **Focus Area Leads** – Manage all property related matters within the assigned focus area. Work with senior staff to set goals to meet overall property acquisition objectives, budget, resources, and schedule. Focus Area Leads report directly to the Property Acquisition Manager.
- **Senior Staff** – Help manage the day-to-day activities of associate staff and consultants within their functional specialty to provide quality deliverables as scheduled. Senior staff report directly to Focus Area Lead.
- **Associate Staff** - Provide technical reviews of consultant deliverables; and perform special assignments related to their functional specialty. Associate staff will report to Focus Area Lead and work closely with senior staff and consultants.

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## DCE CM1 Property Acquisition Management Plan

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### 2.3.2 Project Planning and Administration

Staff will report to a lead principal and the lead principal will report directly to the Property Acquisition Manager. Project planning members will prepare acquisition strategy and project plans, maintain acquisition schedules, and perform contract administration. Administration staff will track financials, documents, correspondence and property information. They will also help track property acquisition status; run parcel acquisition reports; update databases; prepare correspondence; track and report real estate related expenditures to DCE's financial controls team.

Staff:

- Principal (Lead)
- Contract Administrator
- Budget Coordinator
- Database/GIS Specialist
- Administrative Support

### 2.3.3 Appraisals

Staff will exercise reasonable diligence in obtaining cost-effective appraisals from specialty consultants. They will prepare alignment cost studies. Ensure all appraisals contain minimum standards for public acquisition. Ensure all appraisals are completed in accordance with state law and the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition, if applicable. Staff will primarily act as review appraisers and administer appraisal contracts. Refer to section 5 for a list of specialties that will be used for this project.

Staff:

- Senior Appraisers
- Associate Appraisers

### 2.3.4 Acquisition, Escrow and Eminent Domain Coordination

**Environmental Site Assessments:** For purposes of this plan, Environmental Site Assessments will be coordinated under Property Acquisition function. All environmental site assessments will be conducted by environmental professionals as defined by 40 CFR 312 § 312.10. The consultant must have specific qualifications based on education, training, and experience to assess properties of the nature, history, and setting of each site. Staff will coordinate with environmental consultant for site specific environmental site assessments (ESA). ESA reports will be given to appraiser and acquisition agent for their use.

- **Fee Acquisitions** - ESA's are ordered on each property considered for fee acquisition as part of due diligence. They involve evaluating or investigating the property prior to signing the purchase agreement or closing the escrow.

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- **Easements, Leases and Licenses** – ESA's are ordered for all permanent easements. It is rare to order ESA's for temporary construction and lay down areas; only an inspection and photos of the property will be taken prior to the property's use to establish the condition to which the property must be returned when construction is complete.

**Acquisition:** Staff and consultants will interface with property owners. Make first written offer to acquire the property as soon as practicable after receipt of approved appraisal. Such offer shall be based on just compensation in accordance with Government Code § 7267.2 (b) for the full amount so established. Meet with each owner to inform him/her of the proposed construction project and make reasonable efforts to discuss with them the offer to purchase the property based on the appraisal.

- Notify Property Acquisition Manager immediately of facts discovered during property owner interviews. Property Acquisition Manager will evaluate and give full consideration to those items prior to continuing negotiations.
- Acquire additional Entry Permits to facilitate activities such as engineering investigations, surveys, and appraisals.
- Work with GIS to track the status of acquisition of fee, easements, and entry permits.

**Escrow Coordination:** Reputable, local title companies will be used for both title research and escrows. Title research and escrow for each transaction will be performed by a single title company. The escrow coordinator will examine the executed Agreement of Purchase and Sale and Joint Escrow Instructions to determine if special instructions have been added by the Legal Department and to determine the deadlines imposed by the Agreement. The escrow coordinator will verify that all parties have signed the Agreement. Additionally, all associated documentation required to consummate the transaction must be reviewed for accuracy and completeness. The complete Agreement of Purchase and Sale and Joint Escrow Instructions, together with all other related documents such as grant deeds, lease agreements, etc. must be delivered to the escrow either by messenger, overnight, express service, or certified mail.

Correspondence with the escrow will be added to the acquisition parcel file as it is generated. The escrow coordinator will obtain a schedule of costs for escrow services for management review and approval prior to processing of necessary funds to close the escrow.

**Eminent Domain Support:** Upon initiation of eminent domain proceedings, the laws governing such proceedings shall control all further actions. Eminent Domain Support staff will assist the legal department in gathering all pertinent appraisal and acquisition records for their use. Acquisition and appraisal staff may be called upon to provide expert witness testimony in any court or administrative proceedings.

Staff:

- Senior Acquisition Agents

## DCE CM1 Property Acquisition Management Plan

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- Associate Acquisition Agents

### 2.3.5 Relocation and Property Management

**Relocation Assistance and Advisory:** Provide relocation assistance and advisory services where necessary. Develop and implement the plan pursuant to state and federal law to establish relocation assistance and benefits which the property owner and/or tenants may be entitled to receive. Perform all relocation assistance services required under the Uniform Relocation and Real Property Acquisition Policies Act; the California Relocation assistance and Real Property Acquisition Guidelines; and the DWR policies and procedures, to be provided.

**Property Management:** Upon date of possession, including Order of Possession, DCE may be liable for any prorated taxes, penalties, and costs upon property. If DCE is exempt or properties are purchased in the name of the state of California, then a statement of the exemption must be sent to the county in which the property is located. DCE is not responsible for taxes on properties in which it only has an easement. DCE is responsible for coordinating and implementing moves according to the relocation assistance plan. It is also responsible for coordinating the removal of unnecessary improvements, upkeep, and security of the property until the start of construction. After completion of construction, property management will coordinate or manage the final disposition of all operational and excess property.

Staff:

- Senior Relocation/Property Management Specialist
- Associate Relocation/Property Management Specialists

### 2.3.6 Consultants

**Consultants:** Augment staff and perform specific activities related to their functional specialty.

There will be a significant Request for Qualifications process to find qualified firms with specialized knowledge in the various real estate disciplines required on this program.

The Principal-in-Charge and other key staff of consultant firms specifically selected to work on this assignment must have specific qualifications in their real estate services discipline and must show experience on comparable projects of this size. The firm must have local project managers who maintain appropriate state licenses where appropriate.

The following identifies consultants required for the project:

#### Geodetic Services

- Primary and Secondary Control Networks
- Boundary Surveys/Record of Surveys

## DCE CM1 Property Acquisition Management Plan

- Title review and encumbrance mapping
- QA/OC Surveys

### **Environmental Site Assessment Firm**

- Phase I Site Assessment (inspection)
- Phase II Site Assessment (testing)
- Phase III Site Assessment (remediation)

### **Appraisal Specialists**

- Agriculture
- Tunnel Valuation
- Business
- Fixtures and Equipment

### **Real Estate Services**

- Land Strategy based on need and land use/types
- Acquisition Transaction details
- Relocation Assistance
- Property Management

### **Escrow/Title Company**

- Chain of Title
- Research surface access and other rights
- Process escrows procedures

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## DCE CM1 Property Acquisition Management Plan

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### **3.0 RIGHT OF WAY ENGINEERING AND MAPPING**

The right of way engineering efforts starts with the identification and analysis of properties potentially impacted and continues through the preparation of appraisal maps, legal descriptions and plats, and entry permit maps.

#### **3.1 Property Identification**

The following will be conducted along all potential or proposed alignments.

##### **3.1.1 Set Up the Geographic Information System (GIS)**

Design, implement and maintain a project Geographic Information System/Land Information System (GIS/LIS) based on ESRI's Arc platform that will eventually contain all the data generated by the land surveying, property acquisition, geotechnical, biological, hazmat, environmental, and other activities. Additionally will contain data not generated by project directly but collected from reliable and verifiable sources.

##### **3.1.2 Download County Assessor Parcel Layers**

Download county assessor parcel layers either through cooperative data sharing agreements or outright purchase from the respective counties such as assessor parcel polygons, ownership, planning and zoning, general development plans, and other associated data.

##### **3.1.3 Overlay Proposed Project Routes with Buffer**

All alignment options will be available in the GIS to overlay and analyze against any/all data layers.

##### **3.1.4 Identify Potentially Impacted Assessor Parcel Numbers**

Identify all parcels impacted by any of the proposed facilities and to what complexity.

##### **3.1.5 Identify Potential Problem Areas**

Experience has shown that railroads, reclamation districts, jurisdictional waterways, restricted airspace, and roadways, among other real property interests, are often areas where the project impacts should be identified as early as possible to aid in the acquisition process.

##### **3.1.6 Assign Right of Way Parcel Number Based on Ownership**

Contiguous ownership parcel(s) are identified and right of way parcel numbers are assigned in lieu of using assessor parcel numbers which are subject to change. Parcel numbers are assigned in increments of ten in order to facilitate any possible changes or parcel splits prior to acquisition of the parcel. Example BD1-10-100

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## DCE CM1 Property Acquisition Management Plan

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### **3.2 Property Analysis**

#### **3.2.1 Order and Review Preliminary Title Report (PTR)**

Use established methods of acquiring PTRs using a purchase card process, it is anticipated the DCE will have the ability to order and receive a minimum of 20 PTRs per month. Once PTRs are received from title companies, an expert title staff will conduct a detailed review for completeness and accuracy.

#### **3.2.2 Collect Copies of All Record Maps Along Route**

Counties, cities, local survey offices and historical archives will be searched for copies of all recorded maps and documents related to all potentially impacted parcels from all proposed alignments.

### **3.3 Mapping and Survey**

#### **3.3.1 Prepare Entry Permit Maps**

Using GIS data, prepare maps for invasive (geotechnical) and noninvasive (land survey) entry to critical parcels first and noncritical parcels second.

#### **3.3.2 Prepare Encumbrance Maps Based on PTRs**

Prepare encumbrance maps based on PTRs to identify any encumbrances that may adversely affect the alignment or construction of the project in the area of acquisition.

#### **3.3.3 Review Encumbrance Maps Prepared by Others**

Independent review of the Encumbrance maps and PTRs prepared by others to verify all have been plotted within the area of acquisition.

#### **3.3.4 Identify Required Boundary Surveys**

Identify boundary surveys based on the areas of fee and permanent easement acquisition.

#### **3.3.5 Prepare Monument Search Map**

Prepare monument search maps for each survey based on previous research of record maps and documents.

#### **3.3.6 Prepare and Review Record of Surveys**

Records of surveys are to be prepared for areas of fee and permanent easement acquisition. Additionally, there will be independent review of the record of survey prior to submittal to the respective county.

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**DCE CM1 Property Acquisition Management Plan**

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**3.3.7 Prepare and Review American Land Title Association (ALTA) Surveys**

Unless the entire fee is to be retained in perpetuity an ALTA survey should be performed to facilitate later disposition of the property in whole or in part. Additionally, perform independent review as required prior to submittal to the Title insurer.

**3.3.8 Prepare Deed Exhibit Map for Each Acquisition and Remainder Area**

Prepare Deed exhibit map for each acquisition to support land descriptions and any legal action including eminent domain. A Deed exhibit map for each remainder area will also need to be prepared to support a remainder land description to facilitate the owner of the remainder parcel to apply for a Certificate of Compliance.

**3.3.9 Prepare Court Exhibit Maps**

Court exhibit maps are required by attorneys to support legal action related not only to land acquisition but also other project related activities. They may be prepared using many different types of software such as CAD, GIS, and Adobe Photoshop etc.

**3.4 Land Description****3.4.1 Prepare Closed Polygon of Each Acquisition Area**

Prepare closed polygons of each acquisition area based on the boundary survey for use in the GIS.

**3.4.2 Prepare Calculations of Each Acquisition and Remainder Area**

Prepare calculations of each acquisition and remainder area to support any legal action including Eminent Domain.

**3.4.3 Prepare Land Description for Each Acquisition and Remainder Area**

Prepare land description for each acquisition and remainder area as required by law under (Statute of Frauds) and to support any legal action including eminent domain.

**3.5 Geographic Information System****3.5.1 Combine Existing Geographic Information Systems**

There currently exist several unconnected databases related to the Bay Delta (Delta). Under DWR contract the engineering firm of Black & Veatch has been collecting data and supporting the



## DCE CM1 Property Acquisition Management Plan

CM1 EIR/EIS effort for approximately six years. DWR has its own GIS team which has been collecting data for since 1996 being used to support a wide variety of efforts that are Delta related particularly involving science related analysis. The State Water Contractors have been collecting data and providing analysis for approximately four years on all alignments and restoration efforts related to the BDCP.

A concerted effort must be made to analyze all of the data from all the sources and determine which data should be used, combined or removed from use so that everyone using or accessing the data will be using the same source. **Failure to take this step may result in adverse actions related to the acquisition of property.** Below is the information that will be incorporated into the GIS for tracking the acquisition effort related to CM1.

### **3.5.2 Track and Link All Tax Information Data**

Track and link all tax information data related to potentially impacted properties. This will include tax assessor data, zoning, land use, ownership, parcel shapes, etc.

### **3.5.3 Track and Link All Land Surveys Performed**

There is a symbiotic relationship between GIS and land surveys in that they are both based on geospatial information. Surveys are performed in three dimensions to locate object(s) relative to one another while the GIS provide a tool for analyzing and displaying those relations.

Types of surveys that will be available for analysis include boundary, environmental, hazmat, as-built, oil, gas, and mineral rights, and water rights, as they relate to surface and subsurface.

### **3.5.4 Track and Link All Acquisition Related Documents**

These include but are not limited to preliminary title report, encumbrance maps, land descriptions and deed exhibit maps, environmental site assessment data, appraisals, etc.

### **3.5.5 Track and Link All Environmental/Regulatory Related Documents**

These include but are not limited to environmental site assessment data (one source of data but returned based on search keyword or filter), sensitive resources, permits, etc.

### **3.5.6 Track and Link All Legal Related Documents**

These include but are not limited to any document requiring confidentiality such as eminent domain actions, appraisals, environmental documents, sensitive resources, etc.

### **3.5.7 Track and Link All Science Related Documents**

These include wide variety of documents too numerous to list.

## DCE CM1 Property Acquisition Management Plan

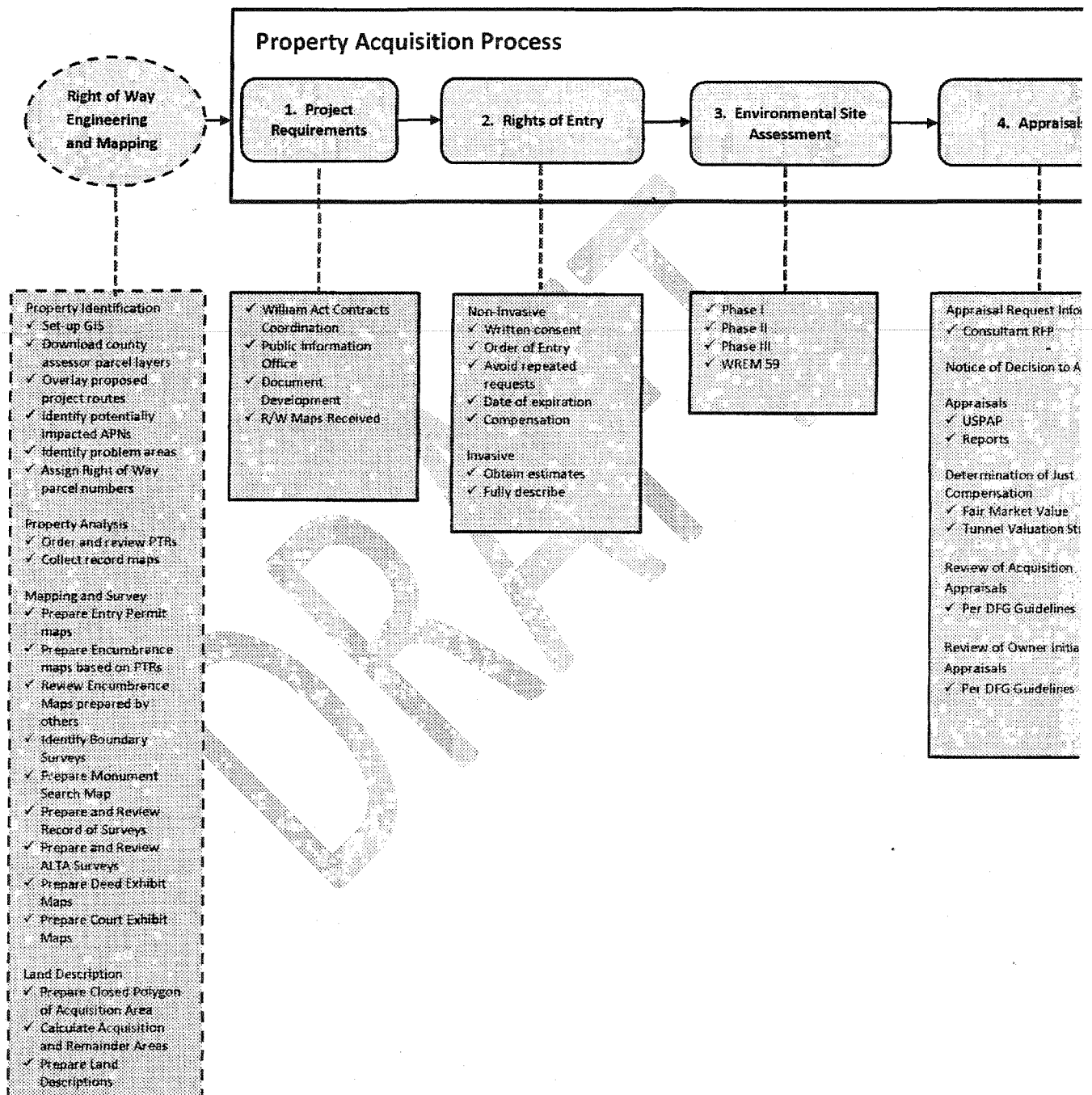
### **4.0 PROPERTY ACQUISITION PROCESS**

The acquisition process and corresponding actions as described below are industry standards derived from relevant California acquisition and eminent domain laws --Government Code § 7260-7277 and Code of Civil Procedure § 1230.010-1273.050. In this Plan, the process is organized into 8 clearly defined steps to assure necessary actions are carried out for the successful acquisition of the project. The steps are: 1) Right of Way Project Requirements; 2) Rights of Entry; 3) Environmental Site Assessment; 4) Appraisals; 5) Offers to Purchase; 6) Relocation Advisory and Assistance; 7) Eminent Domain; and 8) Right of Way Project Certification.

The Right of Way Engineering and Mapping process described in Section 3 is integral to the acquisition process. The activities listed in Section 3 will be performed prior to the steps noted in Section 4. Figure 4.1 illustrates the connection between Right of Way Engineering and Mapping and the Acquisition Team during the acquisition process in chronological order. The yellow boxes show the functional step or process to be performed by specialists and the grey boxes list specific actions and deliverables.

## DCE CM1 Property Acquisition Management Plan

Figure 4.1 – Steps of Property Acquisition Process



## DCE CM1 Property Acquisition Management Plan

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### 4.1 Step 1: Project Requirements

Below are actions needed to proactively commence the right of way acquisition project. All, except the public information center, meet statutory requirements and conditions precedent to starting the acquisition of property. The public information center will help foster better community relations.

#### 4.1.1 Project Requirements

- **Public Information Center:** When a substantial number of persons will be displaced or impacted by the project; and the acquisition and relocation staff offices are not easily accessible to those persons, DCE is encouraged to establish at least one site office which is accessible to residents who may be displaced or impacted. The offices should be staffed with trained or experienced acquisition and relocation personnel. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.
- **Condition Precedent: Williamson Act Contracts (Ag Preserve)** DCE or DWR will need to coordinate cancellation, termination, or non-renewal of agricultural preserve contracts prior to or as part of the acquisition process. The CA Department of Conservation gives the following instruction,

“An agricultural preserve contract placed on land restricts the use of the land to agriculture or open space uses only. When there is a need for a public agency or other eligible entity to acquire land enrolled in a Williamson Act contract, or located in an agricultural preserve, the California Department of Conservation must be notified apart from the CEQA process as set forth in Government Code §51291(b). The conveyance as a state water facility may be exempt from location requirement under the provisions of §51293. However, the notification requirements still apply and [DCE] will need to coordinate with the Department of Conservation. The contracts will not necessarily terminate when the property is acquired. The contracts will be terminated or voided when the property is acquired by eminent domain or “in lieu of eminent domain” (Government Code §51295). If these requirements are not met, the contract will remain in force and continue to restrict use of the land.”

**“In lieu of eminent domain” defined:** For purposes of the California Department of Conservation, an acquisition “in lieu” of eminent domain must follow eminent domain law. The steps of the acquisition process described herein would meet this definition in substantial part since they are practical applications developed directly from eminent

## DCE CM1 Property Acquisition Management Plan

domain law, in particular Government Codes § 7260-7277 and Code of Civil Procedures § 1230.010-1273.050.

### **4.1.2 Document Development**

The following documents will need to be in place prior to the commencement of acquisitions.

- **Relocation Plan** developed during the acquisition planning phase for implementation parallel to making offers to purchase. The Relocation Plan must be approved by the governing board prior to the start of acquisition.
- **Project Fact Sheet** to be given to residents and businesses along the alignment as part of outreach to provide project information in non-technical and clear terms. Additional fact sheets should be readily available in the public information center.
- **Land Acquisition Procedures Pamphlet** detailing land acquisition and relocation procedures and options available to the property owners and tenants. Additional pamphlets should be readily available in the public information center.
- **Transaction documents** such as purchase and sale agreements, escrow instructions, deeds, Right of Entry forms, statutory notices, and letters will be developed and standardized where practical.

### **4.1.3 Right of Way Mapping**

Once the required property and right of way (i.e. fee, easement, temporary, etc.) are determined per the explanations in Section 3 above, the Geodetics team will deliver to Property Acquisition Manager. The Property Acquisition Manager and Acquisition Agent will review right of way mapping, title reports, preliminary design plans, and other pertinent information to develop a plan for acquiring private property as free and clear of encumbrances and legal constraint as practical. The types of right of way mapping needed are:

- **Legal Description and Map Exhibits** to be attached to the deed.
- **Appraisal Maps** showing the locations of encumbrances found in Schedule B of the preliminary title report shall be prepared for each fee property and permanent easement. These maps aid the appraiser's understanding and valuation of the property.
- **Entry Permit Maps** will be prepared by Geodetics team as exhibit to entry permit

## **4.2 Step 2: Rights of Entry**

Provides the right for DCE to enter upon property to make photographs, studies, surveys, examinations, tests, soundings, borings, samplings, appraisals, or to engage in similar activities reasonably related to acquisition or use of the property for that use (CCP § 1245.010).

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Note: Land surveyors have a statutory "right of entry upon or to real property to investigate and utilize boundary evidence, and to perform surveys...not contingent upon the provision of prior notice to the owner or tenant." (California Business and Professions Code § 8774, California Civil Code § 846.5) Additionally, California Penal Code § 608.2 provides for an exemption of trespass for land surveyors.

### **4.2.1 Rights of Entry (Non-Invasive)**

Before entering property owned by others, DCE will obtain:

- **Written consent** of the owner and his/her tenant to enter upon the property; or
- **Order of Entry** from the superior court in accordance with CCP Section 1245.030.

In addition:

- **Avoid repeated requests** of the property owner. To save time and minimize inconveniences to property owner, the entry permit form should include the nature and scope of all anticipated pre-acquisition and pre-design investigations reasonably necessary to be conducted on that property.
- **Date of expiration** should be indicated that allows for a reasonable window of opportunity for DCE and their agents to perform the activity.
- **Compensation** or permit fees will be paid to property owner for the temporary use of the property. No appraisal is required; fees are based on reasonable assessment of cost for type of activity performed. For court ordered entry, the court may determine the amount of compensation to be paid to the property owner.

### **4.2.2 Rights of Entry (Invasive)**

Invasive work involving digging, removal of soils, or the installation of temporary equipment, such as groundwater monitoring equipment, will require compensation. DCE will prepare a formal estimate and present the offer upon request to enter the property.

## **4.3 Step 3: Environmental Site Assessment (ESA)**

As part of due diligence, ESAs are ordered on each property considered for fee acquisition as part of the initial contamination study to determine the environmental condition of the property (CCP § 1245.020). In all cases, the minimum ESA conducted will be Phase I and may advance to Phase II and III. Properties found to contain hazardous materials during the ESA will be reported to the DCE Program Manager to facilitate further investigations. Refer to the established policy for pre-acquisition inspection of proposed real property and improvements for ascertaining the existence of hazardous substances.

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### **4.3.1 Phase I**

A walk-through of each property and review of the public record to determine if there are hazardous materials on the property is required for all fee acquisitions. Properties found to contain hazardous materials during the Environmental Site Assessment will be reported to the DCE Program Manager to facilitate further investigations.

### **4.3.2 Phase II**

DCE may conduct a more detailed investigation of potential hazards identified in the Phase I report. This will involve the taking and testing of samples, and performing chemical analysis for hazardous substances and/or petroleum hydrocarbons. Based on the findings, the need for a Phase III may be needed and is reported to DCE Program Manager.

### **4.3.3 Phase III**

A thorough investigation will be conducted to determine the steps needed for cleanup or remediation. Phase III is coordinated with engineering, the property owner, and the DCE Program Manager.

## **4.4 Step 4: Appraisals**

A qualified, licensed real estate appraiser will complete a narrative appraisal of the property, including the subject larger parcel, the parts of the larger parcel to be acquired, and the potential severance damages to the remainder of the larger parcel as well as potential benefits to this remainder.

Appraisals will be conducted to determine the subject property's fair market value.

### **4.4.1 Appraisal Request Information**

Staff appraiser must provide the following information to the independent appraiser:

- Project Description
- Title Report
- Deed with Legal Description/Map Exhibits
- Phase I Site Assessment Report
- Tunnel Valuation Study
- Vicinity Map
- Statement of the rights to be acquired (fee, easement, etc.)
- Property Profile (contact information, assessor information, etc.)

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### **4.4.2 Notice of Decision to Appraise**

DCE is responsible for providing the owner with written notice of its decision to appraise the real property (Government Code § 7267.1(b)).

- DCE can opt to have appraiser give the notice. However, to ensure this statutory step is completed, DCE should issue the written notice.
- Provide the property owners or their representative the opportunity to accompany the appraiser during the site inspection.
- Copy of the Land Acquisition Procedures must be in notice package (CA HCD § 6188).

### **4.4.3 Appraisal Reports**

All appraisals shall be prepared by appraisers licensed with the state of California and in accordance with state, DWR, and Department of General Services (DGS) guidelines. Reports shall be prepared according to the following Uniform Standards of Professional Appraisal Practice (USPAP) standard:

- The appraisal report shall be prepared in accordance with the latest version of USPAP. USPAP is revised every two years.
- The report contains the concluded value of the subject property and is disseminated to appropriate agencies and clients.
- All documentation for the appraisal must be maintained in a supporting file and retained for a period of five years, unless the appraisal is brought into court; then it must be retained for two years after the trial on the appraisal is completed.
- **Reports:** The appraisal report will include:
  - Letter of transmittal addressed to General Counsel
  - Date of report
  - Date of value
  - Statement of purpose and function of the report
  - Description of the proposed project
  - Description of the property involved
  - Property location map
  - Property ownership history
  - Details, salient details such as the following:
    - Regional and neighborhood demographics and economics
    - Local area characteristics
    - Property description including onsite improvements, topography and street or road frontage
    - Photographs of the subject property
    - Definition of relevant terms (i.e., fair market value, fee simple, leased fee)



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- Analysis of the highest and best use of the subject property
  - Physically possible
  - Legally permissible
  - Economically feasible
  - Maximally productive
- Discussion of proposed valuation techniques and approaches
  - Cost approach
  - Sales comparison approach
  - Income approach
- Presentation, analysis, and reconciliation of market data, include the following:
  - Market data detail sheets
  - Market data grid
  - Market data location map
- The Valuation Analysis
- The Value Conclusion
  - Pertinent Report Addenda
  - Limiting Conditions
  - Appropriate Extraordinary Assumptions and Hypothetical Conditions
  - Appraiser's Certification
- **Supporting File:** For each written and submitted appraisal the file will include:
  - A true copy of the appraisal
    - Photocopied
    - Signed
  - Record of all correspondence pertaining to the appraisal itself, such as, where applicable:
    - Letter of engagement
    - Copy of contract
    - Copy of task order
    - Summary statement (for property purchase purposes)
  - Zoning and general plan information for the subject property from subject property's jurisdiction
  - Brochures on the subject property
  - Sales comparables used
  - Broker opinions and conversations with brokers, buyers, sellers, and other market players on the subject property and its comparables
  - Broker phone numbers
  - Seller phone numbers
  - Buyer phone numbers

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- Interview sheets
- Calculations
- Brochures

### 4.4.4 Determination of Just Compensation

Appraisals serve as the basis for the price offered for needed property or rights. It is the appraiser's opinion of the property's value on a given date. In compliance with applicable statutes and regulations, the Real Estate negotiators will rely on it as a basis of "just compensation" for acquiring the property for the project.

#### 4.4.4.1 Fair Market Value

**Definition of Fair Market Value:** Appraiser shall use the definition of Fair Market Value per California Code of Civil Procedure, Section 1263.320:

- (a) The fair market value of Property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell, but under no particular or urgent necessity for so doing, not obliged to sell, and a buyer, being ready, willing, and able to buy, but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which Property is reasonably adaptable and available.
- (b) The fair market value of Property taken for which there is no relevant market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

#### 4.4.4.2 Tunnel Valuation Study

The proposed conveyance tunnels will pass under a series of Assessor's Parcels. Easements are typically valued based on the level of impact to the property owner's right to use his/her property, and any impacts to improvements. The tunnels will be constructed horizontally using a tunnel boring machine approximately 150 feet underground. Except for parcels with surface access through shafts, the tunnels will result in subsurface easements not typically impactful to improvements above ground. A tunnel valuation impact study will be commissioned to determine any impacts to property values as a result of the tunnel easement.

### 4.4.5 Review of Acquisition Appraisals

All appraisals must be reviewed and have written approval by a staff Appraiser prior to transmittal to an Acquisition Agent. DGS must review and approve appraisals with fair market value greater than \$150,000. DWR and DGS standards and guidelines will be used in the development and review of all appraisals.

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### **4.4.6 Owner Initiated Appraisals**

Appraiser may be asked to review appraisals commissioned by property owner during negotiating process. California Code of Civil Procedures § 1263.025 reads, in pertinent part:

“A public entity shall offer to pay the reasonable costs, not to exceed five thousand dollars (\$5,000), of an independent appraisal ordered by the owner of a property that the public entity offers to purchase under a threat of eminent domain, at the time the public entity makes the offer to purchase the property.”

Since the code is silent regarding whether the owner must deliver their appraisal report to the agency for review, the appraiser may be asked to accompany the Acquisition Agent to a meeting with the property owner where the report can be reviewed.

Specific procedures and standard forms will be developed separately for the review of all appraisals.

### **4.5 Step 5: Offers to Purchase**

Every effort shall be made to foster reasonable negotiations and to provide any relocation assistance to property owners and/or their tenants, as they may be eligible to receive. The objective shall be to work with property owners to acquire the necessary rights through negotiated agreements. Where no agreement can be reached, settlement proceedings will be initiated through the eminent domain process prescribed by law.

#### **4.5.1 Written Offers**

Pursuant to Government Code § 7267.2, government agencies shall make an offer to the owner of real property to be acquired before the agency may commence court proceedings.

- **Amount:** The offer must be in an amount no less than the concluded value within the approved appraisal.
- **In Writing:** The offer must be in writing and mailed to the owner of record.
- **Summary of Just Compensation:** The offer package must contain a written statement and summary of the basis for the amount established as just compensation. The written statement and summary shall contain detail sufficient to indicate clearly the basis for the offer.
- **Appraisal Reimbursement:** At the time DCE makes the offer to purchase the property, it must offer to reimburse the property owner up to \$5,000 to obtain an independent appraisal (CCP § 1263.025).

#### **4.5.2 Negotiations**

The Acquisition Agent will answer questions and explain the basis of the offer related to the project. The law requires that a property owner be given time to consider the offer and that

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there is a reasonable time to negotiate (CA HCD § 6182(i)(1), the duration of which shall be established by DCE management. The duration of which shall be thirty (30) days; negotiations to continue in parallel with eminent domain proceedings.

### **4.5.3 Negotiated Settlement Agreements**

The DGS or their designate must review and approve negotiated settlement agreements greater than \$150,000.

- **Counter Offers:** Property owners may submit counter offers and owner initiated appraisal for review and acceptance. The Acquisition Agent must present the counter and any supporting documentation to the Property Acquisition Manager for review and approval prior to final agreement with property owner.
- **Purchase Agreement:** Successful negotiations will result in mutual understanding and written Purchase and Sale Agreement and Joint Escrow Instructions (Purchase Agreement) with a contingency period that allows for due diligence to be performed to investigate the property's title and environmental condition. The Purchase Agreement typically includes a property access clause for investigations.
- **Certificate of Acceptance form:** Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant. A political corporation or governmental agency, by a general resolution, may authorize one or more officers or agents to accept and consent to such deeds or grants. (CC § 27281).
- **Memorandum of Settlement Package (MOS):** Transactions must be reviewed and approved prior to close of escrow. Settlement in excess of \$150,000 must be reviewed by DGS. The Package should contain:
  - Settlement Explanation
  - Environmental documentation (authority to acquire)
  - Two Copies of Purchase Agreement/Escrow Instructions (original signed R/W contract)
  - Deed (signed and notarized)
  - Certificate of Acceptance
  - Warrant Request (request for funds)
  - Offer Letter
  - Exhibit Maps
  - Memorandum of Settlement Escrow and Closing Instruction Worksheet
  - Parcel Diary

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### 4.5.4 Escrow and Title

The executed Agreement of Purchase and Sale and Joint Escrow Instructions, together with all other related documents such as grant deeds and lease agreements, must be delivered to an independent escrow for opening individual escrows.

- **Escrow Period:** The escrow may be for a period not to exceed 60 days. This period gives time to clear contingencies and make all deposits of documents (deeds) and payments into the escrow. The close of escrow shall result in recordation of the deed.
- **Title Clearance:** Before title to a property is accepted, any errors, omissions, irregularities, or other defects that the title search may have uncovered will be cured. The title should be made as "clear" as possible to withstand legal challenges to construction and use of the property. The Memorandum of Settlement, Escrow and Closing Instructions Worksheet will give instructions for clearing title at close of escrow.
- **Policy of Title Insurance:** DCE obtains policy of title insurance equal to the purchase price for all fee and permanent easement acquisitions.
- **Incidental Costs:** DCE may elect to pay all or a portion of incidental closing costs of the transaction.
- **Schedule of Costs:** A schedule of costs for escrow services must be reviewed by DCE prior to processing of monetary deposits to close the escrow. DCE must authorize payments to escrow.

### 4.6 Step 6: Relocation Assistance/Advisory

DCE acknowledges relocations are a possibility with any public project and will adopt rules and regulations to implement payments and administer relocation assistance in accordance with the California Relocation Assistance and Real Property Acquisition Guidelines pursuant to Government Code § 7267.8(a); Uniform Relocation and Real Property Acquisition Policies Act; and the DWR policies and procedures.

- **Advisory Specialist:** Relocation assistance and advisory services should be handled by a relocation specialist other than the Acquisition Agent.
- **No Global Settlements:** Benefits and payments to persons eligible for relocation are in addition to and separate from the cost of the purchase of the property.

#### 4.6.1 Initiation of Property Owner Interviews

As soon as practicable following the decision to appraise a parcel of real property, DCE relocation specialist/advisor shall interview each eligible person occupying such property to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs. The interview shall be by direct, personal contact, except when repeated

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efforts indicate that such contact is not possible. DCE shall carefully explain and discuss fully with each person interviewed the purpose of the interview and the nature and extent of relocation assistance that will be made available. Persons eligible for relocation assistance are known as displacees.

- **Displacees Defined:** Displacees are property owners and/or their tenants that must move or cease business operations as a result of the public project. Displacees may be entitled to receive relocation benefits in cases where they are displaced as a result of an owner participation agreement in connection with a public project.

### **4.6.2 Relocation Plan**

DCE must prepare and approve a written Relocation Plan that addresses the needs of owners/tenants potentially displaced by project activities. Preparation of a Relocation Plan shall be in accordance with Section 6038, Title 25 of the California Administrative Code and Government Code § 7261.6.

- The Relocation Plan will include the elements required by the Relocation Assistance Rules and Regulations adopted by DWR.
  - **15 or more:** Written Relocation Plan required where there are 15 or more potential residential relocations along the alignment. **Important:** Failure to have the Relocation Plan in place and to offer relocation assistance could jeopardize funding. It could also give rise to a "right to take" challenge in condemnation proceedings.
  - **Less than 15:** No written Relocation Plan is required if there are fewer than 15 residential displacees, or a small amount of Business or farm relocations.
- **Memorandum:** DCE will prepare a memorandum of its determination that no Relocation Plan is required for this project. The memorandum will provide documentation of DCE efforts to determine if relocation assistance was required for the project.
- **Condition Precedent:** Title 25 of the California Code of Regulations § 6002 (c) stipulates that "A public entity shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings will be available within a reasonable period of time prior to displacement." DCE will prepare and approve a relocation plan where there are more than 15 permanent residential relocations.

### **4.6.3 Residential Displacees**

DCE shall provide displaced persons who move to temporary replacement housing with relocation assistance, services and benefits designed to achieve permanent relocation of such residents into comparable replacement dwellings. Guidelines and practices for such are

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complicated and require specialized knowledge and experience. Refer to DWR's Relocation Rules and Regulations; and corresponding policy and procedures for specific guidance.

- **Comparable Dwelling:** DCE will make every effort to find comparable replacement dwellings for displaced owner/tenant occupants. Refer to DWR's detail procedures for identifying comparable replacement dwellings.
- **Compensation Calculations:** The specialist will also prepare compensation estimates (FCODE § 7260).

### **4.6.4 Business Displacees**

Businesses displaced by the project may be eligible for temporary and permanent relocation assistance. Compensation is typically expressed in terms of Loss of Goodwill, actual moving expenses, actual loss of property, and search expenses.

- **Loss of Goodwill:** consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality and any other circumstances resulting in probable retention of old, or acquisition of new patronage.
  - **Notice Re: Loss of Goodwill:** As soon as practicable after the initiation of negotiations, DCE shall provide written notification to the owner of a business conducted on the real property to be acquired or on the remainder concerning his or her possible right to compensation for loss of goodwill. DCE shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure Sections 1263.510-1263.530 and the DWR Rules and Regulations.
  - **Notice of Intent to Claim Loss of Goodwill.** Prior to a business completing its relocation from property acquired by DCE, or prior to the date such business discontinues, the owner of such business shall notify DCE that he/she intends to file a claim for goodwill. The business must also prove eligibility and meet certain other conditions as detailed in DWR's Rules and Regulations.
  - **Compensation for Loss of Goodwill:** The procedure for determining and offering compensation for loss of goodwill in connection with DCE's acquisition of any property shall be governed by DWR's adopted Relocation rules and regulations. Prior to compensation a condition precedent must exist with respect to the owner of a business conducted on property acquired by DCE, or on the remainder if such property is part of a larger parcel. The amount of just compensation to be paid by DCE may include consideration of loss of goodwill to the extent required by law. DCE shall calculate the amount it believes to be the net amount of just compensation for loss of goodwill to which the business is entitled.
  - **Notice to Owner; Written Offer.** As soon as practicable after the net amount of just compensation (if any) for loss of goodwill has been calculated, DCE shall make

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its written offer to the business owner/claimant to compensate the claimant in such amount.

- **Eminent Domain.** Notwithstanding any other provision of these Rules and Regulations to the contrary, in the event an eminent domain proceeding is brought by DCE to acquire any property, the owner of any business thereon may seek compensation for loss of goodwill in connection with such proceeding, and the failure to do so shall constitute a waiver of compensation for loss of goodwill.
- **Compensation for Actual Moving Expenses:** A displaced business shall be compensated by DCE for the actual reasonable and necessary moving and related expenses as determined by DCE incurred for moving the business, including moving personal property. In all cases, the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.
- **Notice Re: Moving Expenses.** Whenever the acquisition of real property used for a business causes the business to move from other real property upon which the same business is conducted, or to move its personal property therefrom, such business shall receive payments for moving and related expenses in connection with its move from such other real property.
- **Actual Direct Losses of Tangible Personal Property.** A displaced business shall be compensated for the actual direct losses of tangible personal property of the displaced business attributable to moving or discontinuing such business. The total amount of the payment by DCE for such losses shall not exceed the lesser of the amount equal to the estimated reasonable cost of moving the personal property, as determined by DCE, or the in-use value (fair market value of the personal property for continued use at its location prior to displacement), minus any proceeds from a sale or trade-in of the property.
- **Actual Reasonable Expenses in Searching for a Replacement Business.** An eligible displaced business shall be compensated in an amount for actual reasonable expenses incurred in searching for a location for a replacement business. DCE may apply a reasonable "not to exceed" limitation on the amount.
- **Actual Reasonable Expenses to Reestablish a Displaced Business.** Reestablishment Expenses. In addition to moving expense payments, a farm, nonprofit organization or small business of not more than 500 employees, shall be entitled to actual and reasonable reestablishment expenses, not to exceed \$10,000.00. Reestablishment expenses shall be only those expenses that are reasonable and necessary.
- **In Lieu of Payment:** A displaced business or farm operation which moves or discontinues and which meets eligibility requirements in Sections 12301, 12405 or 12406 may elect to receive and shall be paid, in lieu of the payments for which it is otherwise entitled, a fixed relocation payment equal to the average annual net earnings of the business, except that



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such payment shall not be less than \$1,000 nor more than \$20,000. This dollar limitation shall apply to a single business regardless of whether it is carried on under one or more legal entities. For purposes of this paragraph, the term "average annual net earnings" means one-half of any net earnings of the business before federal, state and local income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property being acquired, or during any other period as DCE determines to be more equitable for establishing earnings.

- A person whose sole business, at a displaced site, is the rental of the property to others shall not qualify for this alternative payment.

### **4.6.5 Farm Operations Displacees**

DCE shall provide relocation advisory assistance and make relocation payments to a displaced farm operation in accordance with the provisions of these Rules and Regulations pertaining to displaced businesses.

- **Williamson Act Agricultural Preserve Contracts:** Requirements of local public agency and California Department of Conservation must be consulted prior to the relocation of farm operations under a contract.
- **Eligibility for In Lieu of Payment.** No alternate payment shall be made to a displaced farm operation unless DCE determines that the farm met the definition of a farm operation prior to its acquisition. If the displacement is limited to only part of the farm operation, the operators will be considered to have been displaced from a farm operation if:
  - The part taken met the definition of a farm operation prior to the taking; and
  - The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

### **4.6.6 Outdoor Advertising Business**

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or services by the erection and maintenance of outdoor advertising displays is entitled to payment for their reasonable costs in moving such displays or to replace that display, whichever is less.

### **4.6.7 Relocation Moves**

Property owners and tenants shall not be advised to move prior to close of escrow or Order of Possession. Property owners will self-move all personal belongings and affects not purchased by DWR and seek reimbursement of actual costs. The demolition and removal of structures and

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improvements purchased by DWR will be coordinated with engineering/construction teams. All moves shall be coordinated through the Relocation Specialist and Property Acquisition Manager.

### **4.6.8 Claims**

DCE must set up a claims and appeals board. All claims for relocation assistance and payments filed with DCE shall be submitted within eighteen (18) months of the date on which the claimant receives final payment for the property or the date on which the claimant moves, whichever is later. DCE may extend this period upon a proper showing of good cause. A claimant must spend to get monetary benefits.

### **4.7 Step 7: Eminent Domain**

DWR is authorized to exercise the power of eminent domain for purposes of constructing, maintaining and operating both water facilities generally and the State Water Project ("SWP"), in particular. By state statute, its governing body for purposes of condemnation is the California Water Commission.

#### **4.7.1 Letters to Governing Board and Condemnation Authority**

- **DWR Authorization:** DWR has both general and State Water Project (SWP)-specific authorizations to condemn real property interests. (Water Code §§ 250-260, 11580-11588).
  - **DWR:** By statute, DWR is generally authorized to acquire by eminent domain "any property necessary for state water and dam purposes," so long as the project for which the real property interest is being condemned has been authorized and funded.
  - Under this general authorization, DWR may acquire in fee or lesser estates, in connection with its state water and dam project efforts, real property desired for things such as: (a) rights of way; (b) real property exchanges; (c) rock quarries, gravel pits, or sand or earth borrow pits; (d) offices, shops, or storage yards; (e) parks adjoining or near any state dam or water facility; (f) the culture and support of trees which benefit any state dam or water facility by aiding in the maintenance and preservation of the facility; and (g) drainage in connection with any state dam or water facility. (Water Code § 253).
  - However, under general authorizations, when DWR condemns property owned by a railroad, public utility, or another state agency, it is subject to certain substitution obligations and other limitations. (Water Code § 259 referring to Water Code Section 11590 et seq. language requiring the provision of substitute facilities in the case of condemnations involving common carrier railroads, utilities or state agencies).

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- **SWP:** DWR also has SWP-specific authorizations and powers to acquire and condemn land. In connection with the SWP, DWR has wide-ranging property acquisition powers. DWR may condemn property only after negotiations for a voluntary acquisition have failed and the SWP project work for which the land is needed has been authorized and funded. (Water Code § 11580).
- **Legal Counsel:** DWR may elect to use its staff attorneys, the Office of the Attorney General (AG), or outside counsel. The AG must approve outside counsel.

**California Water Commission Rules for the Adoption of a Resolution of Necessity:** DWR must follow the condemnation rules and procedures set forth in Title 7 of the Code of Civil Procedure (CCP § 1230.020). This includes in part the requirement for the “governing body” of the condemning entity to adopt a resolution of necessity. It is acknowledged that the California Water Commission (Commission) is the governing body for the DCE. The Commission has discretion whether or not to adopt a Resolution of Necessity. If the Commission declines to adopt a Resolution, DWR must negotiate an acquisition with the proper owner; resolve the Commission’s concerns about adopting a Resolution of Necessity and bring the matter back to the Commission for a second consideration of adopting a Resolution of Necessity; or modify the project to avoid the property.

**Procedural Rules:** The Commission, in turn, adopted its own local procedural rules to implement its statutory authority to adopt resolutions of necessity at a commission meeting held on August 17, 2011. It later amended and restated those rules at its February 20, 2013 meeting. (See Appendix B)

### **4.7.2 Resolutions of Necessity**

**Resolution of Necessity:** The Commission adopted a two-meeting process for the adoption of resolutions of necessity with optional site visits or inspections in between, if desired, by the Commission.

**Notification to Commission:** It intends to request a resolution of necessity. DCE must prepare a commission report.

- **Commission Report:** DCE must prepare a staff report for Commission meeting that includes detail of acquisition parcel file:
  - CEQA documents
  - Correspondence and reports
  - Purchase documents
  - Maps/legal descriptions
  - Litigation guarantees
  - Property photographs (aerial)

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- **Notice of Public Hearing:** DCE must give property owner reasonable prior notice of hearing, contents:
  - Notify at least 21 calendar days prior to hearing
  - Statement of public use
  - Description of location of property
  - Findings: prerequisites met
- **Hearing:** Commission will hear action on the proposed resolution of necessity.
  - Public comment period during meeting.
  - DCE staff will provide answers to questions and explain the staff report.
  - DCE will present evidence that the subject properties are needed for the project and that there are no other viable alternatives.
  - Adoption of the Resolution of Necessity requires a 2/3 vote.

### **4.7.3 Order of Possession**

**Order of Possession:** The Order of Possession is the court ruling granting the condemning agency the same rights as if the property was acquired through negotiations. Service of the complaint in court and the subsequent hearing process can take approximately nine (9) months to complete. The amount of expected compensation must be deposited with the state controller. Upon issuance of the Order of Possession, the DWR through DCE could start interim property management or start the construction process.

- Satisfies definition of property acquired.
- Apply for possession any time after the complaint is filed.

### **4.7.4 Final Orders of Condemnation**

**Final Order of Condemnation (FOC):** The last step in the eminent domain process is the Final Order of Condemnation. The FOC will require time and may be granted during or after construction.

### **4.7.5 Report of Properties in Possession**

Possession signifies the end of the acquisition process for construction purposes. DCE must have recorded deeds or Orders of Possession of all properties identified for acquisition prior to advertisement of any associated construction contracts.

- **Interim Property Management:** DCE to initiate interim property management until the start of construction.
- **Surplus:** Surplus property procedures are one method of handling property that becomes excess after construction and to operational needs of the facility. Criteria for identifying surplus property and procedures for its disposal will be established by DCE Management as construction nears completion. These procedures must conform to the provisions of

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Government Code Sections 54220 through 54224. DCE will transfer all real property responsibilities related to operating and maintaining the constructed facilities to the then responsible entity. That entity will make all decisions regarding the final disposition of any excess property. All temporary easements or licenses will either terminate based on the terms of the agreement or be quitclaimed to the underlying fee owner.

### **4.7.6 Right of Way Certification Form**

**Physical Relocations/Moves (if required):** The Property Acquisition Management Team manager may be required to sign-off on final design plans, or develop a right of way certification report to certify that all necessary properties and rights have been acquired.

## **4.8 Step 8: Right of Way Project Certification**

### **4.8.1 Right of Way Certification**

The Property Acquisition Management Team manager may be required to sign-off on final design plans, or develop a right of way certification report to certify that all necessary properties and rights have been acquired

### **4.8.2 Final Accounting Package**

At conclusion of property acquisition project, a final accounting package must be prepared and presented for DCE and DWR management review. The package will include sufficient detail as to allow tracking and proper accounting of all parcels and associated costs. The final land acquisition accounting package shall include a certification by the Property Acquisition Manager that all costs and records are true and correct. Provide a binder that includes:

- Spreadsheet or database report listing all properties and partial interests acquired. Column headings: Parcel No., Property Owner Name, APN, Acreage, Purchase Price, Associated Costs
- Parcel File for each property or partial interest acquired. Included are: Acquisition breakdown of capital outlay costs (purchase price and associated costs); Offer letter, approved Memorandum of Settlement package; purchase agreement; escrow and closing settlement statement; funding request; recorded deeds; if applicable, Order of Possession and Final Order of Condemnation.

### **4.8.3 Disposition of Properties in Possession**

Possession signifies the end of the acquisition process for construction purposes. DCE must have recorded deeds or Orders of Possession of all properties identified for acquisition prior to advertisement of any associated construction contracts.

## DCE CM1 Property Acquisition Management Plan

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### 5.0 WORK PLAN

The work plan outlines real property related activities to acquire all fee property, easements, and rights necessary to construct, operate, and maintain the CM1 conveyance. Analysis was based on the Modified Pipeline/Tunnel Option of the BDCP EIS/EIR and public maps and records.

The plan is based on a four-year acquisition process from planning (pre-acquisition) to implementation (acquisition and possession). Focus areas and corresponding focus area teams will be created to make the acquisition project more manageable. A general description of the activities, timeline and milestones has been included for reference. The actual timeline for completing all actions in each focus area is to be determined when the actual design and construction schedules are finalized.

#### 5.1 Summary of Acquisition Process for CM1

The acquisition process as described in Section 5 will be universally applied to each fee or easement purchase throughout the entire CM1 alignment. The steps of the process will be applied to each property either during acquisition project development or after the start of discussions with each property owner. Due to the complexity of the tasks required, special attention should be given to coordination of the process. Therefore, each focus area will have a designated focus area team and each property therein will be assigned one acquisition agent. Only the Acquisition Agent and Relocation Specialist will have direct contact with the property owner during negotiation. All others will coordinate and schedule field visits through a Regional Field Coordinator and team lead. To maintain the planned critical path of the project, some activities may be fast-tracked or performed in parallel with other activities. The following critical path actions should be started as soon as possible since they are foundational to other actions:

- Setup GIS tracking system and electronic parcel files
- Identify holders of all property interests for each property – surface, subsurface, oil, gas, and mineral rights; and track them in GIS
- Order title reports – surface, subsurface, oil, gas, and mineral rights
- Conduct Control Surveys along the alignment
- Identify preliminary acquisition areas and type (i.e., fee, permanent easement, temporary easement)
- Prepare forms and maps for invasive and non-invasive entry permits
- Prepare cost study and evaluation of ranges of property values
- Identify potential residential and business relocations
- Identify Williamson Act contracts that need to be terminated
- Develop Field Visit Notification Forms

## DCE CM1 Property Acquisition Management Plan

### **5.2 Strategy for Phasing Work to Acquire Properties**

This section is based on the conveyance and utility alignments. These alignments were provided for study purposes. Upon completion of the CEQA process and Record of Decision/Notice of Decision (ROD/NOD), the alignments will be finalized and, at that time, these plans will be updated accordingly.

#### **5.2.1 Description of Focus Areas**

For acquisition planning purposes, the conveyance and utility alignments will be converged where there is a common property owner. They will also be segmented into seven (7) manageable focus areas, numbered 1 through 7, covering distinct geographic areas within the Delta. These focus areas will make the acquisitions easier to track and control.

All transactions and their status will be tracked via a GIS and other project management software. There are hundreds of county assessor's parcels (APNs) with varying ownerships and land uses. The APNs have been organized into groups known as Larger Parcels. Larger Parcels are defined as a property that has unity of ownership, contiguity, and unity of use. In some cases, contiguity is sometimes subordinated to unity of use. There are approximately 30 to 35 larger parcels per focus area or approximately 120 to 155 larger parcels along the entire alignment.

#### **Focus Areas**

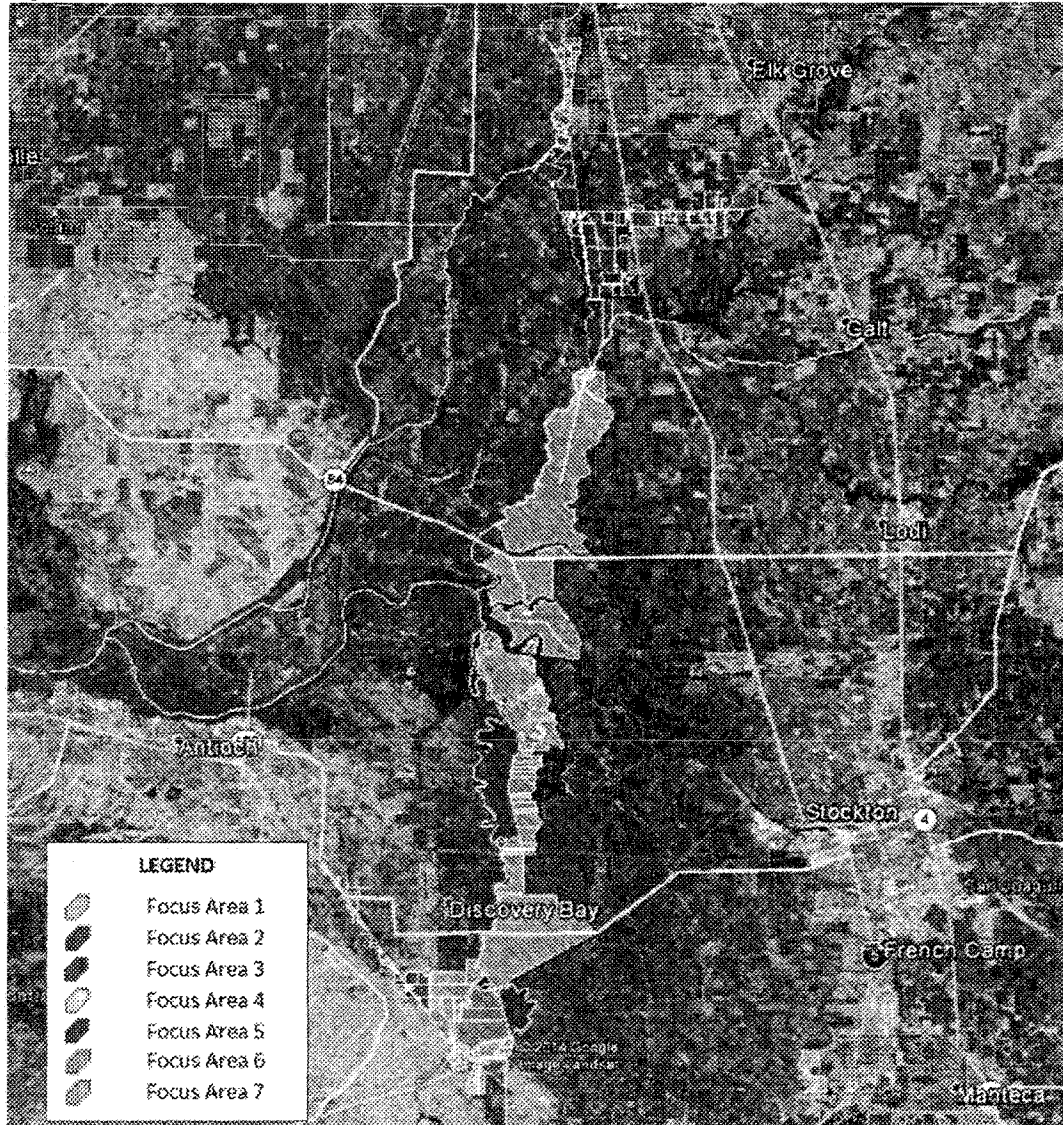
The seven focus areas are described as follows:

- **Focus Area 1:** Runs along the east side of the Sacramento River, extending up to approximately a mile inland, from near the southwestern Sacramento City Limits to the village of Hood, not inclusive of the Village of Hood.
- **Focus Area 2:** Runs along the east side of the Sacramento River, extending up to approximately a mile inland, including the Village of Hood, south to Assessor's Parcel Number (APN) 132-0210-057, where Focus Area 3 intersects Focus Area 2, in the vicinity of the village of Courtland. It contains the North Forebay.
- **Focus Area 3:** Extends south of APN 132-0210-057, along the Lambert Road corridor, inland to Interstate 5, and includes the majority of the territory between the Sacramento River and Interstate 5, extending south to the Sacramento-San Joaquin County Line.
- **Focus Area 4:** Runs along the east side of the Sacramento River, extending up to approximately a mile and a half inland, from the Sacramento-San Joaquin County Line to the San Joaquin County/Contra Costa County Line and extends into five APNs in Alameda County south of Clifton Court (South) Forebay.
- **Focus Area 5:** Extends westerly from Focus Area 4, along Byron Highway, to the City of Byron in Contra Costa County.
- **Focus Area 6:** Continues northwest from Byron City, along Byron Highway, to Sellers Ave just before Brentwood City in Contra Costa County.

## DCE CM1 Property Acquisition Management Plan

- **Focus Area 7:** Extends along the Lambert Road corridor from Interstate 5, inclusive of Interstate 5, to a point just west of California State Route 99, about seven miles east of the Sacramento River.

Figure 5.1 Overview of CM1 Focus Areas





## DCE CM1 Property Acquisition Management Plan

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### 5.2.2 Deployment of Staff

#### 5.2.2.1 Focus Area Teams

Staff and consultants will be organized into focus area teams and assigned to Focus Areas along the alignments to concentrate their efforts. Teams will be known as Focus Area Team 1 through Focus Area Team 7. Each team will be grouped by specialty or function to perform their specialized activities associated with the acquisition of that group of parcels within the given focus area. There will be a team lead and at least one staff specialist to coordinate the work of each corresponding consultant. For maximum efficiency, DCE staff shall have a coordination and review role. While consultants perform specific tasks such as ESAs, appraisals, and relocations, staff will administer their contracts, review their deliverables, and track progress. For example, the appraisal lead will manage appraisal contracts and track appraisal milestones. Staff appraisers will coordinate review and approval of appraisal reports. The scope of work and deliverables for each consultant will be written in contract agreements and task orders. When tasks are completed, team members may assist other focus area teams.

#### 5.2.2.2 Fully Integrated Structure/Co-Located Staff

A fully integrated structure will be implemented where all transactions are conducted, reviewed, and approved internally by DCE staff and managers to maintain control and avoid unnecessary delays to schedule. DCE shall seek to minimize external review and approval requirements.

All staff will be stationed in regional office facilities near the project site. Ideally, offices will be established in three geographic locations in the north, central and south regions of the project area. Outreach staff will also be established at these offices to interface with local residents, property owners, and other stakeholders. A Regional Field Coordinator will also be assigned to each region to act as a liaison and schedule field visit.

### 5.2.3 Overall Timeline

#### 5.2.3.1 Project Schedule and Deliverables

The sequence of all acquisitions and anticipated completion dates for possession of all properties is tied directly to the design and construction schedules. The target or milestone dates for beginning appraisals is at around 30% design plans. At this point, decisions regarding the alignment and any right of way requirements should be final. Also, Right of Way Engineering should be able to provide legal descriptions and maps to ESA and Tunnel Valuation consultants. Acquisition project completion will synch to 100% design plans to allow the Property Acquisition Manager to sign-off on the plans and certify that all rights of way for that component of CM1 has been acquired. It is assumed the design of all project components will begin at the same time and have the same time table and phasing. If the Program Manager elects to tie the acquisition schedule to the construction of each component, negotiations with all relevant property owners must begin at least 2-years prior to the award of the construction contract. This will allow reasonable time for obtaining any necessary Orders of Possession.

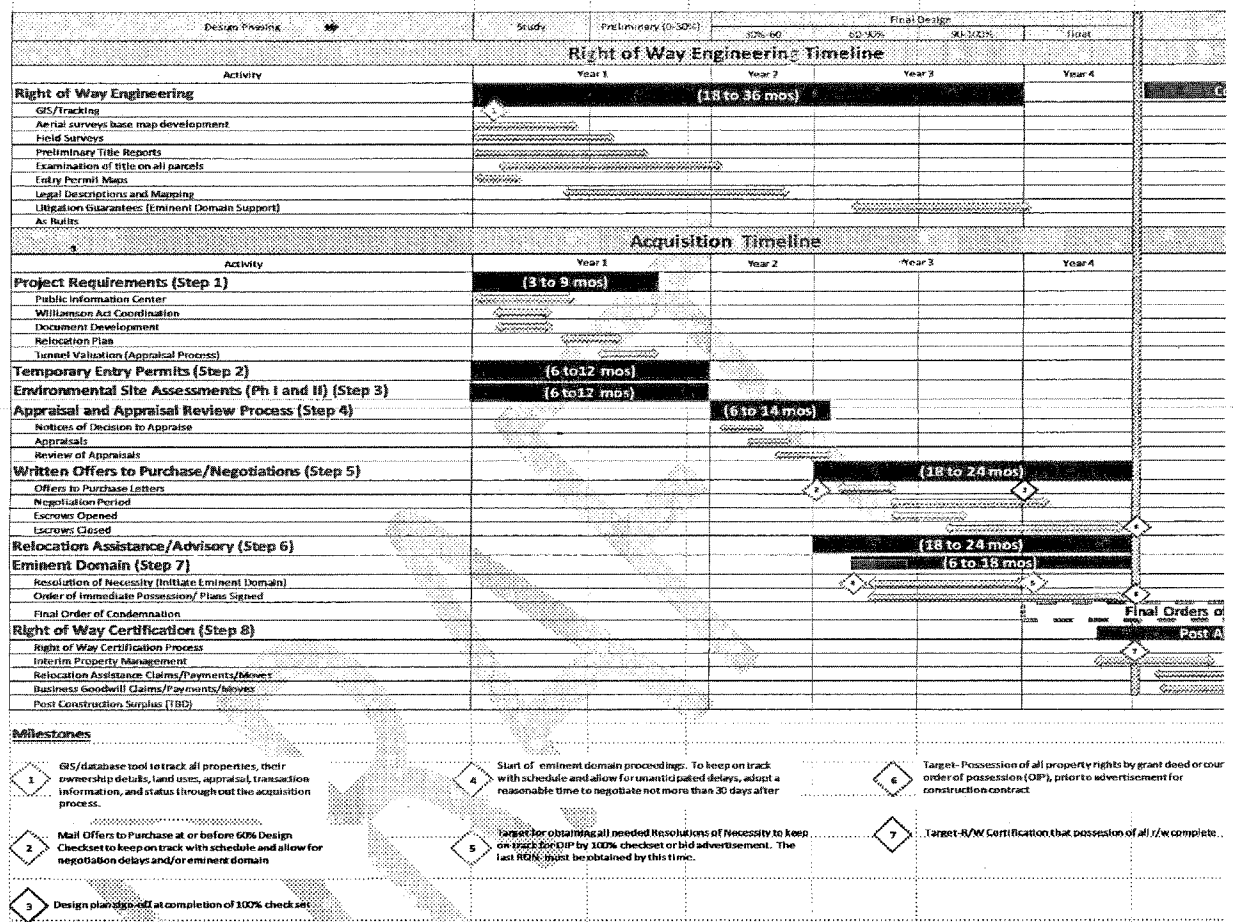
## DCE CM1 Property Acquisition Management Plan

Figure 5.2 is a sample timeline of the entire acquisition process. A detailed schedule will be developed when the actual CM1 schedule is developed by project management. For purposes of this plan, the timeline shows the typical tasks and approximate timeframes for completion in approximately four years. Major tasks (functional steps) are bolded and corresponding timelines are shown in the bars. Important milestones are included throughout and explained in the footnotes.

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## DCE CM1 Property Acquisition Management Plan

Figure 5.2 Right of Way Process Timeline

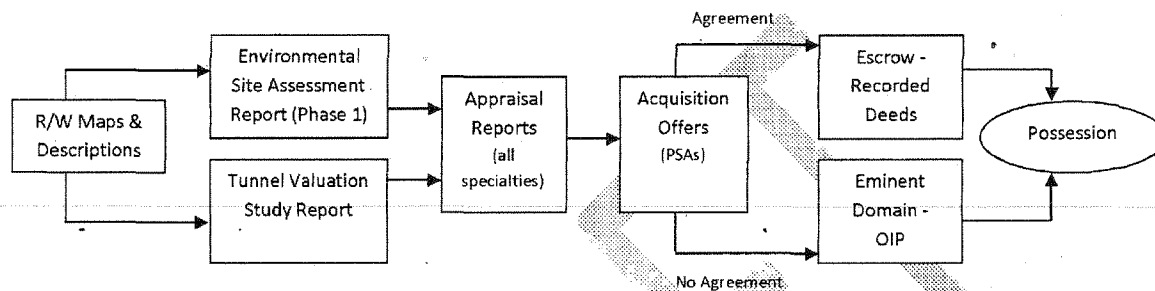


## DCE CM1 Property Acquisition Management Plan

### 5.2.3.2 Interdependency of Deliverables

For all focus areas, interdependencies exist between most of the consultants. Figure 5.3 shows the interdependencies of major deliverables and how the deliverable, a report for instance, flows from one group of consultants to another (i.e., appraisers wait for study reports to use in their analysis and acquisition negotiators wait for appraisals to use in making offers, and so on).

Figure 5.3 Flow of Deliverables (Steps 1 through 6)



### Focus Area Assignments and Milestone Dates

| Process       | Deliverable                                                       | Responsible Party                     |
|---------------|-------------------------------------------------------------------|---------------------------------------|
| <b>Step 1</b> | <b>Project Requirement</b>                                        |                                       |
|               | Provide encumbrance maps, legal descriptions, title reports, etc. | R/W Engineering                       |
|               | Williamson Act Contracts Termination Letters (as appropriate)     | DCE Management/ Staff Lead            |
|               | Approved Relocation Plan                                          | DCE Management/ Staff Lead            |
| <b>Step 2</b> | <b>Rights of Entry</b>                                            | <b>Responsible Party</b>              |
|               | Maps for Invasive and Non-Invasive Permits                        | R/W Engineering                       |
|               | Right of Entry Permit Forms/Package                               | Acquisition Staff                     |
|               | Amount of compensation                                            | DCE Management                        |
|               | Request letters for property owners                               | Acquisition Staff                     |
|               | All voluntary Right of Entry Permits in file                      | Acquisition Manager                   |
|               | All Orders of Entry (Courts)                                      | Legal                                 |
| <b>Step 3</b> | <b>Environmental Site Assessments</b>                             | <b>Responsible Party</b>              |
|               | Phase I – Review of Records, Inspection                           | DCE Staff Lead/Consultant             |
|               | Phase II – Investigation/Testing (where necessary)                | DCE Staff Lead/Management/Consultants |
|               | Phase III- Remediation (where necessary)                          | DCE Management/Engineering            |

## DCE CM1 Property Acquisition Management Plan

| Process       | Deliverable                                                           | Responsible Party          |
|---------------|-----------------------------------------------------------------------|----------------------------|
| <b>Step 4</b> | <b>Appraisal (Property Valuation) Tasks</b>                           | <b>Responsible Party</b>   |
|               | Appraisal Maps, Legal Descriptions and Plats                          | DCE Geodetic Staff         |
|               | Notices of Decision to Appraise                                       | DCE Appraisal Staff        |
|               | Parcel Appraisals                                                     | Appraisal Consultants      |
|               | • Tunnel Valuation                                                    | General Appraiser          |
|               | • Agriculture                                                         | Farm Appraiser             |
|               | • Business                                                            | Business Appraiser         |
|               | • Residential                                                         | General Appraiser          |
|               | Appraisal Review Forms                                                | DCE Review Staff           |
|               | Final Appraisal Reports for distribution to Acquisition staff         | DCE Staff Lead/Consultants |
| <b>Step 5</b> | <b>Property Acquisition/Relocation Tasks</b>                          | <b>Responsible Party</b>   |
|               | All acquisition forms, deeds, purchase agreements, contracts, etc.    | DCE Legal Counsel          |
|               | Statutory Offer Letters                                               | DCE Acquisition Staff      |
|               | Schedule of Appointment w/Property Owners                             | Acquisition Consultant     |
|               | Relocation Consultant Property owner Interview Notes                  | Relocation Consultant      |
|               | Report and documentation of Property Owner/DCE agreements to purchase | Acquisition Consultant     |
|               | Relocation Assistance estimates                                       | Relocation Consultant      |
|               | Memorandum of Settlement Packages                                     | Acquisition Agent          |
|               | Approved Purchase Contract/Relocation Estimates                       | DCE Management             |
|               | Written Escrows Instructions and title review/clearance forms         | DCE Acquisition Staff      |
| <b>Step 6</b> | <b>Relocation Plan Development Tasks</b>                              | <b>Responsible Party</b>   |
|               | Written analysis of effected parcels                                  | DCE Relocation Staff       |
|               | Resource list and new location sites                                  | DCE Management             |
|               | 1st Draft of Relocation Plan                                          | DCE Staff Lead             |
|               | Review of Draft Relocation Plan                                       | DCE Management             |
|               | Revise Draft Relocation Plan, as necessary                            | Relocation Consultant      |
|               | Final Relocation Plan Package for Board Agenda                        | DCE Relocation Staff       |
|               | Board Adoption of Relocation Plan                                     | DCE Governing Board        |
|               | Final Relocation Plan for distribution                                | Relocation Consultant      |
| <b>Step 7</b> | <b>Eminent Domain</b>                                                 | <b>Responsible Party</b>   |
|               | Resolutions of Necessity Packages                                     | Legal/CWC                  |
|               | Court filings                                                         | Legal                      |

DCE CM1 Property Acquisition Management Plan

| Process       | Deliverable                                            | Responsible Party            |
|---------------|--------------------------------------------------------|------------------------------|
| <b>Step 8</b> | <b><u>R/W Certification/Property Management</u></b>    |                              |
|               | Property Certification Forms                           | Acquisition Management/Staff |
|               | Property Management forms and transfer deeds and files | DCE Management/Staff         |

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## DCE CM1 Property Acquisition Management Plan

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### 5.3 Focus Area 1

**Focus Area 1:** Runs along the east side of the Sacramento River, extending up to approximately a mile inland, from near the southwestern Sacramento City Limits to the village of Hood, not inclusive of the Village of Hood. It consists of 29 larger parcels. The primary land uses are single-family residential and family farms.

According to the California Department of Conservation, several properties within Focus Area 1 are subject to Williamson Act contracts.

Figure 5.4 Detail of Focus Area 1



## DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 1 are to (Anticipated Completion and Milestone dates shown as TBD will be updated once the Construction Schedule is finalized):

| <b>Focus Area 1 - Acquisition Objectives</b>                                                                                                       | <b>Anticipated Completion<sup>(1)</sup></b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Terminate all Williamson Act contracts                                                                                                             | TBD                                         |
| Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals | TBD                                         |
| Acquire all fee property for Intakes                                                                                                               | TBD                                         |
| Acquire all fee property for Intake Pump Plant                                                                                                     | TBD                                         |
| Acquire all fee property for Intermediate Forebay and Outlet Structure                                                                             | TBD                                         |
| Acquire all permanent subsurface easements for North Tunnel                                                                                        | TBD                                         |
| Acquire all fee property for Tunnel Shafts and Power Substations                                                                                   | TBD                                         |
| Acquire all access easements along private roads for haul routes and access                                                                        | TBD                                         |
| Acquire all temporary construction easements for Construction Lay down (work areas)                                                                | TBD                                         |
| Acquire all temporary Power and Utility easements                                                                                                  | TBD                                         |
| Acquire all fee property for Tunnel Shafts and Power Substations                                                                                   | TBD                                         |

<sup>(1)</sup> Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

### **Focus Area Team 1**

Staff and consultants needed for Focus Area 1 are:

- Agricultural Appraiser (for agricultural properties with no structures)
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Relocation Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 1 within 3-4 years' timeline.

Go to Appendix A: **Focus Area 1 Properties Table** to view properties by Assessor Parcel Numbers (APNs)



## DCE CM1 Property Acquisition Management Plan

### Acquisition Milestones/Critical Path

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 1 timeline is to be determined (TBD).

#### Focus Area Team 1 Assignments and Milestone Dates

| <u>Process</u> | <u>Action</u>                                                                               | <u>Responsible Party</u>              | <u>Milestone Date</u> |
|----------------|---------------------------------------------------------------------------------------------|---------------------------------------|-----------------------|
| <b>Step 1</b>  | <b>Project Requirement</b>                                                                  |                                       |                       |
|                | Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc. | R/W Engineering                       | TBD                   |
|                | Coordinate termination of Williamson Act Contracts (as appropriate)                         | DCE Management/ Staff Lead            | TBD                   |
|                | Approval of Relocation Plan                                                                 | DCE Management/ Staff Lead            | TBD                   |
| <b>Step 2</b>  | <b>Rights of Entry</b>                                                                      | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Obtain maps for Invasive and Non-Invasive Permits                                           | Acquisition Lead/Consultant           | TBD                   |
|                | Prepare Right of Entry Permit Forms/Package                                                 | Acquisition Staff                     | TBD                   |
|                | Determine amount of compensation                                                            | DCE Management                        | TBD                   |
|                | Send Request letters to property owners/follow-up                                           | Acquisition Staff                     | TBD                   |
|                | All voluntary Right of Entry Permits in file                                                | Acquisition Manager                   | TBD                   |
|                | All Orders of Entry (Courts)                                                                | Legal                                 | TBD                   |
| <b>Step 3</b>  | <b>Environmental Site Assessments</b>                                                       | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Phase I – Review of Records, Inspection                                                     | DCE Staff Lead/Consultant             | TBD                   |
|                | Phase II – Investigation/Testing (where necessary)                                          | DCE Staff Lead/Management/Consultants | TBD                   |
|                | Phase III- Remediation (where necessary)                                                    | DCE Management/Engineerin             | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| Step 4 | Appraisal (Property Valuation) Tasks                                                                 | Responsible Party             | Milestone Date |
|--------|------------------------------------------------------------------------------------------------------|-------------------------------|----------------|
|        | Prepare Appraisal Maps, Legal Descriptions and Plats                                                 | DCE Geodetic Staff            | TBD            |
|        | Prepare and Send Notice of Decision to Appraise to Property Owner                                    | DCE Appraisal Staff           | TBD            |
|        | Prepare Parcel Appraisals.                                                                           | Appraisal Consultants         | TBD            |
|        | • Tunnel Valuation                                                                                   | General Appraiser             | TBD            |
|        | • Agriculture                                                                                        | Farm Appraiser                | TBD            |
|        | • Business                                                                                           | Business Appraiser            | TBD            |
|        | • Residential                                                                                        | General Appraiser             | TBD            |
|        | Review and Comment on Appraisal                                                                      | DCE Review Staff              | TBD            |
|        | Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff | DCE Staff<br>Lead/Consultants | TBD            |
| Step 5 | Property Acquisition/Relocation Tasks                                                                | Responsible Party             | Milestone Date |
|        | Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.                           | DCE Legal Counsel             | TBD            |
|        | Prepare and mail statutory Offer letter to Property Owner based appraisal                            | DCE Acquisition Staff         | TBD            |
|        | Schedules Appointment and Presents Offer to Owner                                                    | Acquisition Consultant        | TBD            |
|        | Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner | Relocation Consultant         | TBD            |
|        | Report and documentation of Property Owner/DCE agreements to purchase                                | Acquisition Consultant        | TBD            |
|        | Relocation Assistance and Advice (new location searches/estimates)                                   | Relocation Consultant         | TBD            |
|        | Prepare Memorandum of Settlement Package                                                             | Acquisition Agent             | TBD            |
|        | Approval Purchase Contract/Relocation Estimates                                                      | DCE Management                | TBD            |

### DCE CM1 Property Acquisition Management Plan

|               |                                                                                                                                                    |                              |                       |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------|
|               | Open and Close Escrows and title review/clearance                                                                                                  | DCE Acquisition Staff        | TBD                   |
| <b>Step 6</b> | <b>Relocation Plan Development Tasks</b>                                                                                                           | <b>Responsible Party</b>     | <b>Milestone Date</b> |
|               | Obtain Alignment design plans / analyze effect on parcels                                                                                          | DCE Relocation Staff         | TBD                   |
|               | Identify Resources                                                                                                                                 | DCE Management               | TBD                   |
|               | Prepare 1st Draft of Relocation Plan                                                                                                               | DCE Staff Lead               | TBD                   |
|               | Review of Draft Relocation Plan                                                                                                                    | DCE Management               | TBD                   |
|               | Consultant Revise Draft Relocation Plan, as necessary                                                                                              | Relocation Consultant        | TBD                   |
|               | Prepare Relocation Plan Package for Board Agenda                                                                                                   | DCE Relocation Staff         | TBD                   |
|               | Board Adoption of Relocation Plan                                                                                                                  | DCE Governing Board          | TBD                   |
|               | Relocation Plan presented to affected Displacees during interviews                                                                                 | Relocation Consultant        | TBD                   |
| <b>Step 7</b> | <b>Eminent Domain</b>                                                                                                                              | <b>Responsible Party</b>     | <b>Milestone Date</b> |
|               | Preparation of Resolutions of Necessity                                                                                                            | Legal/CWC                    | TBD                   |
|               | Initiate and complete court proceedings                                                                                                            | Legal                        | TBD                   |
| <b>Step 8</b> | <b>R/W Certification/Property Management</b>                                                                                                       |                              |                       |
|               | Sign off on design plans/certify that all right of way obtained for that component of project or focus area                                        | Acquisition Management/Staff | TBD                   |
|               | Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project | DCE Management/Staff         | TBD                   |

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## DCE CM1 Property Acquisition Management Plan

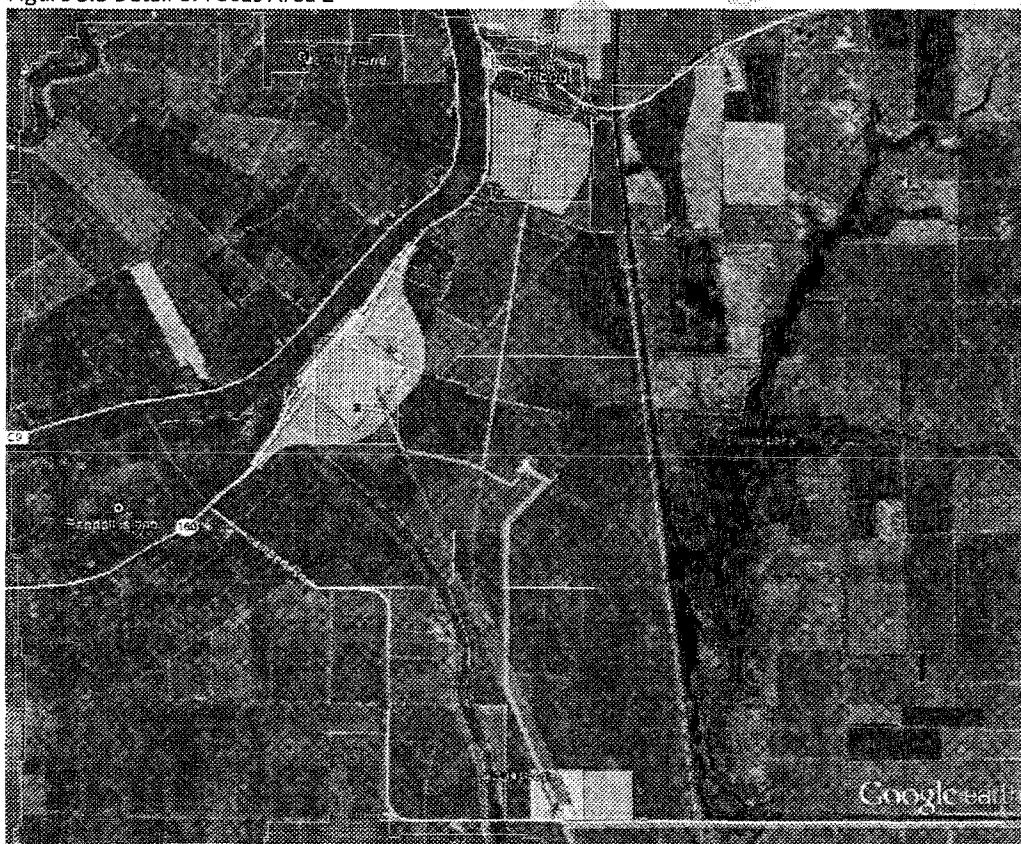
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### 5.4 Focus Area 2

**Focus Area 2:** Runs along the east side of the Sacramento River, extending up to approximately a mile inland, including the Village of Hood, south to Assessor's Parcel Number (APN) 132-0210-057, where **Focus Area 3** intersects Focus Area 2, in the vicinity of the village of Courtland. Contains the North Forebay. It consists of 31 larger parcels. The primary land uses are different from Focus Area 1, because Focus Area 2 contains a town, the Village of Hood. Because of the latter, there is a trailer park and a commercial use, as well as single-family residences located on small, non-rural lots. Elsewhere in Focus Area 2, there is an agribusiness. The rest of the properties are similar to Focus Area 1, with single-family residences and family farms.

According to the California Department of Conservation, several properties within Focus Area 2 are subject to Williamson Act contracts.

Figure 5.5 Detail of Focus Area 2



## DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 2 are to:

| Focus Area 2 - Acquisition Objectives                                                                                                              | Anticipated Completion <sup>(1)</sup> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Coordinate all Williamson Act contracts                                                                                                            | TBD                                   |
| Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals | TBD                                   |
| Acquire all temporary easements for Fuel Station and Concrete Batch Station                                                                        | TBD                                   |
| Acquire all permanent subsurface easements for North Tunnel                                                                                        | TBD                                   |
| Acquire all permanent easements property for Tunnel Shafts and Substations                                                                         | TBD                                   |
| Acquire all access easements along private roads for haul routes                                                                                   | TBD                                   |
| Acquire all fee property for Intake                                                                                                                | TBD                                   |
| Acquire all temporary construction easements for Construction Lay down (work areas)                                                                | TBD                                   |
| Acquire all temporary Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all permanent Power and Utility easements (Transmission Line)                                                                              | TBD                                   |

<sup>(1)</sup> Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

### **Focus Area Team 2**

Staff and consultants needed for Focus Area 2 are:

- Business Appraiser
- Agricultural Appraiser
- Commercial/Industrial Appraiser (Non-farm)
- Residential Appraiser (Non-farm)
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Relocation Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 2 within 3-4 years' timeline.

Go to Appendix A: **Focus Area 2 Properties Table** to view properties by Assessor Parcel Numbers (APNs)

## DCE CM1 Property Acquisition Management Plan

### Acquisition Milestones/Critical Path

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 2 timeline is to be determined (TBD).

### Focus Area Team 2 Assignments and Milestone Dates

| Process       | Action                                                                                      | Responsible Party                     | Milestone Date               |
|---------------|---------------------------------------------------------------------------------------------|---------------------------------------|------------------------------|
| <b>Step 1</b> | <b><u>Project Requirement</u></b>                                                           |                                       |                              |
|               | Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc. | R/W Engineering                       | TBD                          |
|               | Coordinate termination of Williamson Act Contracts (as appropriate)                         | DCE Management/ Staff Lead            | TBD                          |
|               | Approval of Relocation Plan                                                                 | DCE Management/ Staff Lead            | TBD                          |
| <b>Step 2</b> | <b><u>Rights of Entry</u></b>                                                               | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|               | Obtain maps for Invasive and Non-Invasive Permits                                           | Acquisition Lead/Consultant           | TBD                          |
|               | Prepare Right of Entry Permit Forms/Package                                                 | Acquisition Staff                     | TBD                          |
|               | Determine amount of compensation                                                            | DCE Management                        | TBD                          |
|               | Send Request letters to property owners/follow-up                                           | Acquisition Staff                     | TBD                          |
|               | All voluntary Right of Entry Permits in file                                                | Acquisition Manager                   | TBD                          |
|               | All Orders of Entry (Courts)                                                                | Legal                                 | TBD                          |
| <b>Step 3</b> | <b><u>Environmental Site Assessments</u></b>                                                | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|               | Phase I – Review of Records, Inspection                                                     | DCE Staff Lead/Consultant             | TBD                          |
|               | Phase II – Investigation/Testing (where necessary)                                          | DCE Staff Lead/Management/Consultants | TBD                          |
|               | Phase III- Remediation (where necessary)                                                    | DCE Management/Engineering            | TBD                          |
| <b>Step 4</b> | <b><u>Appraisal (Property Valuation) Tasks</u></b>                                          | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|               | Prepare Appraisal Maps, Legal Descriptions and Plats                                        | DCE Geodetic Staff                    | TBD                          |

## DCE CM1 Property Acquisition Management Plan

| Process       | Action                                                                                               | Responsible Party          | Milestone Date        |
|---------------|------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|
|               | Prepare and Send Notice of Decision to Appraise to Property Owner                                    | DCE Appraisal Staff        | TBD                   |
|               | Prepare Parcel Appraisals                                                                            | Appraisal Consultants      | TBD                   |
|               | • Tunnel Valuation                                                                                   | General Appraiser          | TBD                   |
|               | • Agriculture                                                                                        | Farm Appraiser             | TBD                   |
|               | • Business                                                                                           | Business Appraiser         | TBD                   |
|               | • Residential                                                                                        | General Appraiser          | TBD                   |
|               | Review and Comment on Appraisal                                                                      | DCE Review Staff           | TBD                   |
|               | Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff | DCE Staff Lead/Consultants | TBD                   |
| <b>Step 5</b> | <b>Property Acquisition/Relocation Tasks</b>                                                         | <b>Responsible Party</b>   | <b>Milestone Date</b> |
|               | Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.                           | DCE Legal Counsel          | TBD                   |
|               | Prepare and mail statutory Offer letter to Property Owner based appraisal                            | DCE Acquisition Staff      | TBD                   |
|               | Schedules Appointment and Presents Offer to Owner                                                    | Acquisition Consultant     | TBD                   |
|               | Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner | Relocation Consultant      | TBD                   |
|               | Report and documentation of Property Owner/DCE agreements to purchase                                | Acquisition Consultant     | TBD                   |
|               | Relocation Assistance and Advice (new location searches/estimates)                                   | Relocation Consultant      | TBD                   |
|               | Prepare Memorandum of Settlement Package                                                             | Acquisition Agent          | TBD                   |
|               | Approval Purchase Contract/Relocation Estimates                                                      | DCE Management             | TBD                   |
|               | Open and Close Escrows and title review/clearance                                                    | DCE Acquisition Staff      | TBD                   |
| <b>Step 6</b> | <b>Relocation Plan Development Tasks</b>                                                             | <b>Responsible Party</b>   | <b>Milestone Date</b> |
|               | Obtain Alignment design plans / analyze effect on parcels                                            | DCE Relocation Staff       | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| Process       | Action                                                                                                                                             | Responsible Party               | Milestone Date               |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------|
|               | Identify Resources                                                                                                                                 | DCE Management                  | TBD                          |
|               | Prepare 1st Draft of Relocation Plan                                                                                                               | DCE Staff Lead                  | TBD                          |
|               | Review of Draft Relocation Plan                                                                                                                    | DCE Management                  | TBD                          |
|               | Consultant Revise Draft Relocation Plan, as necessary                                                                                              | Relocation Consultant           | TBD                          |
|               | Prepare Relocation Plan Package for Board Agenda                                                                                                   | DCE Relocation Staff            | TBD                          |
|               | Board Adoption of Relocation Plan                                                                                                                  | DCE Governing Board             | TBD                          |
|               | Relocation Plan presented to affected Displacees during interviews                                                                                 | Relocation Consultant           | TBD                          |
| <b>Step 7</b> | <b><u>Eminent Domain</u></b>                                                                                                                       | <b><u>Responsible Party</u></b> | <b><u>Milestone Date</u></b> |
|               | Preparation of Resolutions of Necessity                                                                                                            | Legal/CWC                       | TBD                          |
|               | Initiate and complete court proceedings                                                                                                            | Legal                           | TBD                          |
| <b>Step 8</b> | <b><u>R/W Certification/Property Management</u></b>                                                                                                |                                 |                              |
|               | Sign off on design plans/certify that all right of way obtained for that component of project or focus area                                        | Acquisition Management/Staff    | TBD                          |
|               | Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project | DCE Management/Staff            | TBD                          |



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DCE CM1 Property Acquisition Management Plan

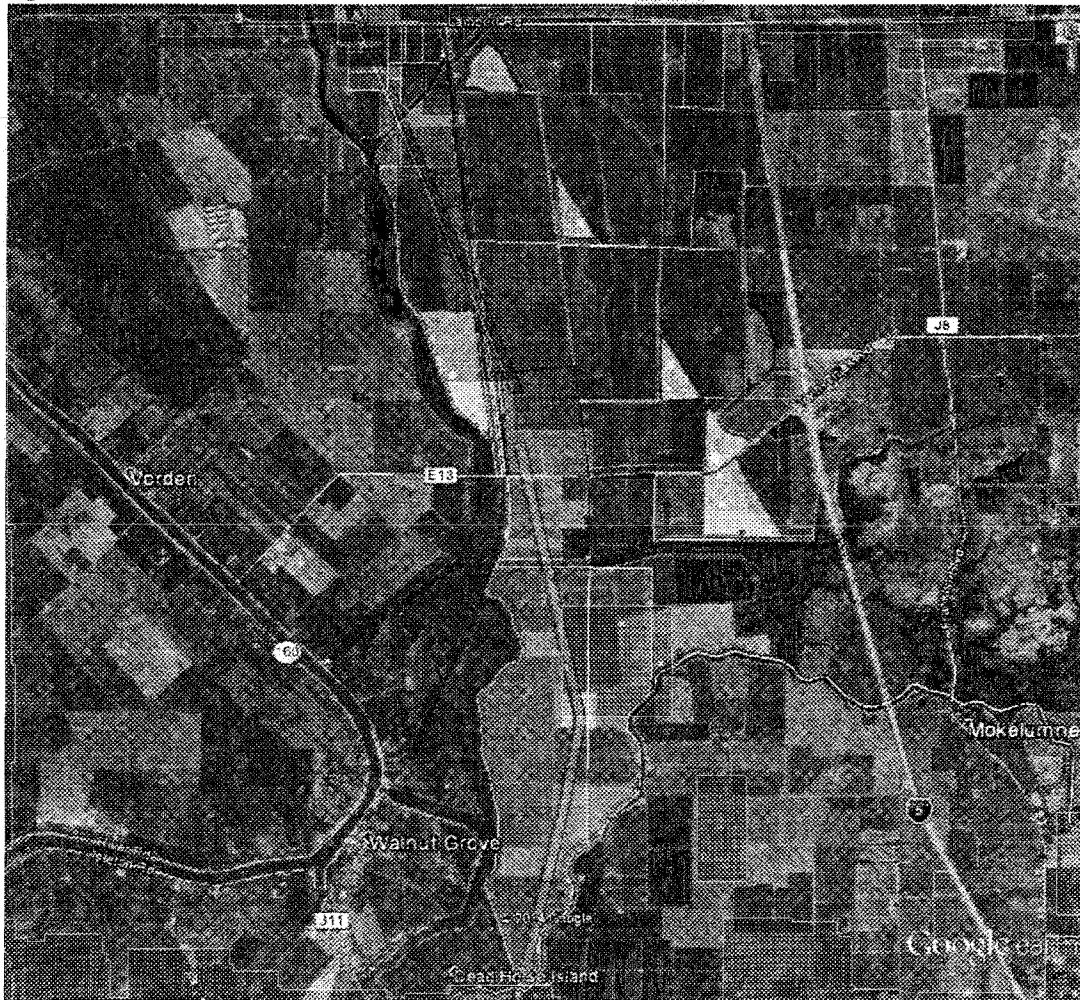
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### 5.5 Focus Area 3

**Focus Area 3:** Extends from just east of APN 132-0210-057, along the Lambert Road corridor, inland to Interstate 5, and includes the majority of the territory between the Sacramento River and Interstate 5, extending south to the Sacramento-San Joaquin County Line. It consists of 32 larger parcels. The primary land uses are single-family residential, family farms, and agribusinesses.

According to the California Department of Conservation, several properties within Focus Area 3 are subject to Williamson Act contracts.

Figure 5.6 Detail of Focus Area 3



## DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 3 are to:

| Focus Area 3 - Acquisition Objectives                                                                                                              | Anticipated Completion <sup>(1)</sup> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Coordinate all Williamson Act contracts                                                                                                            | TBD                                   |
| Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals | TBD                                   |
| Acquire all permanent subsurface easements for North Tunnel                                                                                        | TBD                                   |
| Acquire all permanent subsurface easements for Tunnel                                                                                              | TBD                                   |
| Acquire all fee property for Tunnel Shafts                                                                                                         | TBD                                   |
| Acquire all fee property for Forebay and Spillway                                                                                                  | TBD                                   |
| Acquire all temporary construction easements for Construction Lay down (work areas)                                                                | TBD                                   |
| Acquire all temporary Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all permanent Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all temporary easements for Reusable Tunnel Material Areas                                                                                 | TBD                                   |
| Acquire all temporary easement Tunnel Muck Conveyor Facility                                                                                       | TBD                                   |
| Acquire all temporary easement for Fuel Station                                                                                                    | TBD                                   |
| Acquire all temporary easement for Barge Unloading Facility                                                                                        | TBD                                   |

<sup>(1)</sup> Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

### Focus Area Team 3

Staff and consultants needed for Focus Area 3 are:

- Business Appraiser
- Agricultural Appraiser
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 3 within 3-4 years' timeline.

Go to Appendix A: Focus Area 3 Properties Table to view properties by Assessor Parcel Numbers (APNs)

### Acquisition Milestones/Critical Path

Confidential Draft -- Prepared for internal discussion purposes only and not intended for public distribution

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### DCE CM1 Property Acquisition Management Plan

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 3 timeline is to be determined (TBD).

#### Focus Area Team 3 Assignments and Milestone Dates

| <u>Process</u>       | <u>Action</u>                                                                               | <u>Responsible Party</u>              | <u>Milestone Date</u>        |
|----------------------|---------------------------------------------------------------------------------------------|---------------------------------------|------------------------------|
| <b><u>Step 1</u></b> | <b><u>Project Requirement</u></b>                                                           |                                       |                              |
|                      | Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc. | R/W Engineering                       | TBD                          |
|                      | Coordinate termination of Williamson Act Contracts (as appropriate)                         | DCE Management/ Staff Lead            | TBD                          |
|                      | Approval of Relocation Plan                                                                 | DCE Management/ Staff Lead            | TBD                          |
| <b><u>Step 2</u></b> | <b><u>Rights of Entry</u></b>                                                               | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|                      | Obtain maps for Invasive and Non-Invasive Permits                                           | Acquisition Lead/Consultant           | TBD                          |
|                      | Prepare Right of Entry Permit Forms/Package                                                 | Acquisition Staff                     | TBD                          |
|                      | Determine amount of compensation                                                            | DCE Management                        | TBD                          |
|                      | Send Request letters to property owners/follow-up                                           | Acquisition Staff                     | TBD                          |
|                      | All voluntary Right of Entry Permits in file                                                | Acquisition Manager                   | TBD                          |
|                      | All Orders of Entry (Courts)                                                                | Legal                                 | TBD                          |
| <b><u>Step 3</u></b> | <b><u>Environmental Site Assessments</u></b>                                                | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|                      | Phase I – Review of Records, Inspection                                                     | DCE Staff Lead/Consultant             | TBD                          |
|                      | Phase II – Investigation/Testing (where necessary)                                          | DCE Staff Lead/Management/Consultants | TBD                          |
|                      | Phase III- Remediation (where necessary)                                                    | DCE Management/Engineering            | TBD                          |
| <b><u>Step 4</u></b> | <b><u>Appraisal (Property Valuation) Tasks</u></b>                                          | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |

## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                        | <u>Responsible Party</u>   | <u>Milestone Date</u> |
|----------------|------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|
|                | Prepare Appraisal Maps, Legal Descriptions and Plats                                                 | DCE Geodetic Staff         | TBD                   |
|                | Prepare and Send Notice of Decision to Appraise to Property Owner                                    | DCE Appraisal Staff        | TBD                   |
|                | Prepare Parcel Appraisals                                                                            | Appraisal Consultants      | TBD                   |
|                | • Tunnel Valuation                                                                                   | General Appraiser          | TBD                   |
|                | • Agriculture                                                                                        | Farm Appraiser             | TBD                   |
|                | • Business                                                                                           | Business Appraiser         | TBD                   |
|                | • Residential                                                                                        | General Appraiser          | TBD                   |
|                | Review and Comment on Appraisal                                                                      | DCE Review Staff           | TBD                   |
|                | Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff | DCE Staff Lead/Consultants | TBD                   |
| <b>Step 5</b>  | <b>Property Acquisition/Relocation Tasks</b>                                                         | <b>Responsible Party</b>   | <b>Milestone Date</b> |
|                | Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.                           | DCE Legal Counsel          | TBD                   |
|                | Prepare and mail statutory Offer letter to Property Owner based appraisal                            | DCE Acquisition Staff      | TBD                   |
|                | Schedules Appointment and Presents Offer to Owner                                                    | Acquisition Consultant     | TBD                   |
|                | Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner | Relocation Consultant      | TBD                   |
|                | Report and documentation of Property Owner/DCE agreements to purchase                                | Acquisition Consultant     | TBD                   |
|                | Relocation Assistance and Advice (new location searches/estimates)                                   | Relocation Consultant      | TBD                   |
|                | Prepare Memorandum of Settlement Package                                                             | Acquisition Agent          | TBD                   |
|                | Approval Purchase Contract/Relocation Estimates                                                      | DCE Management             | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                                                                      | <u>Responsible Party</u>     | <u>Milestone Date</u> |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------|
|                | Open and Close Escrows and title review/clearance                                                                                                  | DCE Acquisition Staff        | TBD                   |
| <b>Step 6</b>  | <b>Relocation Plan Development Tasks</b>                                                                                                           | <b>Responsible Party</b>     | <b>Milestone Date</b> |
|                | Obtain Alignment design plans / analyze effect on parcels                                                                                          | DCE Relocation Staff         | TBD                   |
|                | Identify Resources                                                                                                                                 | DCE Management               | TBD                   |
|                | Prepare 1st Draft of Relocation Plan                                                                                                               | DCE Staff Lead               | TBD                   |
|                | Review of Draft Relocation Plan                                                                                                                    | DCE Management               | TBD                   |
|                | Consultant Revise Draft Relocation Plan, as necessary                                                                                              | Relocation Consultant        | TBD                   |
|                | Prepare Relocation Plan Package for Board Agenda                                                                                                   | DCE Relocation Staff         | TBD                   |
|                | Board Adoption of Relocation Plan                                                                                                                  | DCE Governing Board          | TBD                   |
|                | Relocation Plan presented to affected Displacees during interviews                                                                                 | Relocation Consultant        | TBD                   |
| <b>Step 7</b>  | <b>Eminent Domain</b>                                                                                                                              | <b>Responsible Party</b>     | <b>Milestone Date</b> |
|                | Preparation of Resolutions of Necessity                                                                                                            | Legal/CWC                    | TBD                   |
|                | Initiate and complete court proceedings                                                                                                            | Legal                        | TBD                   |
| <b>Step 8</b>  | <b>R/W Certification/Property Management</b>                                                                                                       |                              |                       |
|                | Sign off on design plans/certify that all right of way obtained for that component of project or focus area                                        | Acquisition Management/Staff | TBD                   |
|                | Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project | DCE Management/Staff         | TBD                   |

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DCE CM1 Property Acquisition Management Plan

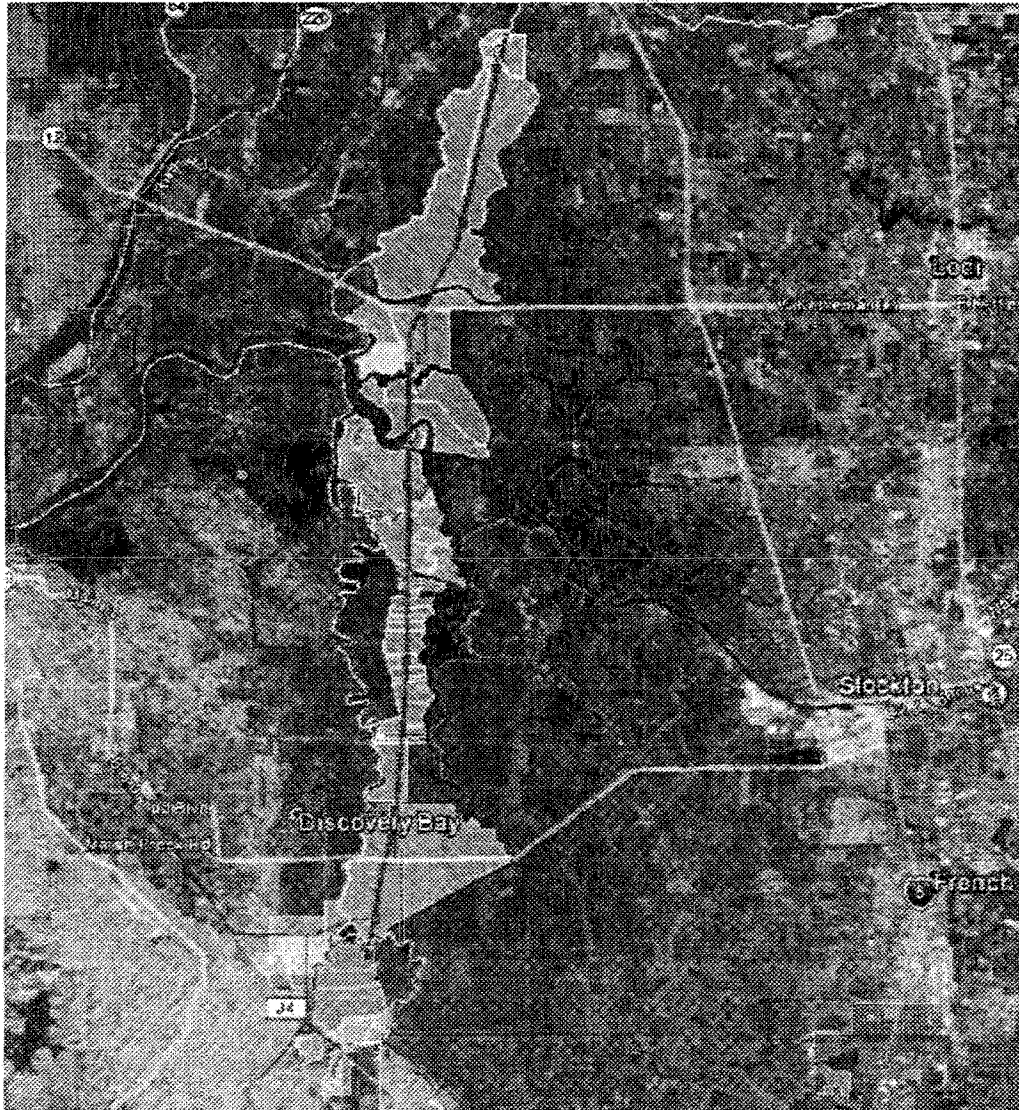
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### 5.6 Focus Area 4

**Focus Area 4:** Runs along the east side of the Sacramento River, extending up to approximately a mile and a half inland, from the Sacramento-San Joaquin County Line to the San Joaquin County/Contra Costa County Line and extends into five APNs in Alameda County south of Clifton Court (South) Forebay. It consists of 43 larger parcels. The primary land uses are residential, family farms, and agribusiness. There are also a couple of small marinas and boat docks.

According to the California Department of Conservation, several properties within Focus Area 4 are subject to Williamson Act contracts.

Figure 5.7 Detail of Focus Area 4



## DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 4 are to:

| Focus Area 4 - Acquisition Objectives                                                                                                              | Anticipated Completion <sup>(1)</sup> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Coordinate all Williamson Act contracts                                                                                                            | TBD                                   |
| Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals | TBD                                   |
| Acquire all permanent subsurface easements for all Tunnels                                                                                         | TBD                                   |
| Acquire all fee property for Tunnel Shafts                                                                                                         | TBD                                   |
| Acquire all access easements along private roads for haul routes (Road Interchange)                                                                | TBD                                   |
| Acquire all temporary construction easements for Construction Lay down (work areas)                                                                | TBD                                   |
| Acquire all temporary Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all permanent Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all permanent easements for Substations and Shaft Locations                                                                                | TBD                                   |
| Acquire all temporary easements for Reusable Tunnel Material Areas                                                                                 | TBD                                   |
| Acquire all temporary easements for Barge Unloading Facilities                                                                                     | TBD                                   |
| Acquire all permanent easements Operable Barriers                                                                                                  | TBD                                   |
| Acquire all fee property for Clifton Court Forebay, Forebay Embankment areas, Forebay Dredging Areas, Siphons, and Forebay Overflow Structures     | TBD                                   |
| Acquire all fee property for Canals                                                                                                                | TBD                                   |

<sup>(1)</sup> Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

### **Focus Area Team 4**

Staff and consultants needed for Focus Area 4 are:

- Business Appraiser
- Agricultural Appraiser
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Relocation Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 4 within a 3-4 year timeline.



## DCE CM1 Property Acquisition Management Plan

Go to Appendix A: **Focus Area 4 Properties Table** to view properties by Assessor Parcel Numbers (APNs)

### Acquisition Milestones/Critical Path

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 4 timeline is to be determined (TBD).

### **Focus Area Team 4 Assignments and Milestone Dates**

| <b><u>Process</u></b> | <b><u>Action</u></b>                                                                        | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|-----------------------|---------------------------------------------------------------------------------------------|---------------------------------------|------------------------------|
| <b><u>Step 1</u></b>  | <b><u>Project Requirement</u></b>                                                           |                                       |                              |
|                       | Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc. | R/W Engineering                       | TBD                          |
|                       | Coordinate termination of Williamson Act Contracts (as appropriate)                         | DCE Management/ Staff Lead            | TBD                          |
|                       | Approval of Relocation Plan                                                                 | DCE Management/ Staff Lead            | TBD                          |
| <b><u>Step 2</u></b>  | <b><u>Rights of Entry</u></b>                                                               | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|                       | Obtain maps for Invasive and Non-Invasive Permits                                           | Acquisition Lead/Consultant           | TBD                          |
|                       | Prepare Right of Entry Permit Forms/Package                                                 | Acquisition Staff                     | TBD                          |
|                       | Determine amount of compensation                                                            | DCE Management                        | TBD                          |
|                       | Send Request letters to property owners/follow-up                                           | Acquisition Staff                     | TBD                          |
|                       | All voluntary Right of Entry Permits in file                                                | Acquisition Manager                   | TBD                          |
|                       | All Orders of Entry (Courts)                                                                | Legal                                 | TBD                          |
| <b><u>Step 3</u></b>  | <b><u>Environmental Site Assessments</u></b>                                                | <b><u>Responsible Party</u></b>       | <b><u>Milestone Date</u></b> |
|                       | Phase I – Review of Records, Inspection                                                     | DCE Staff Lead/Consultant             | TBD                          |
|                       | Phase II – Investigation/Testing (where necessary)                                          | DCE Staff Lead/Management/Consultants | TBD                          |



## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                        | <u>Responsible Party</u>   | <u>Milestone Date</u> |
|----------------|------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|
|                | Phase III- Remediation (where necessary)                                                             | DCE Management/Engineering | TBD                   |
| <u>Step 4</u>  | <u>Appraisal (Property Valuation) Tasks</u>                                                          | <u>Responsible Party</u>   | <u>Milestone Date</u> |
|                | Prepare Appraisal Maps, Legal Descriptions and Plats                                                 | DCE Geodetic Staff         | TBD                   |
|                | Prepare and Send Notice of Decision to Appraise to Property Owner                                    | DCE Appraisal Staff        | TBD                   |
|                | Prepare Parcel Appraisals.                                                                           | Appraisal Consultants      | TBD                   |
|                | • Tunnel Valuation                                                                                   | General Appraiser          | TBD                   |
|                | • Agriculture                                                                                        | Farm Appraiser             | TBD                   |
|                | • Business                                                                                           | Business Appraiser         | TBD                   |
|                | • Residential                                                                                        | General Appraiser          | TBD                   |
|                | Review and Comment on Appraisal                                                                      | DCE Review Staff           | TBD                   |
|                | Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff | DCE Staff Lead/Consultants | TBD                   |
| <u>Step 5</u>  | <u>Property Acquisition/Relocation Tasks</u>                                                         | <u>Responsible Party</u>   | <u>Milestone Date</u> |
|                | Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.                           | DCE Legal Counsel          | TBD                   |
|                | Prepare and mail statutory Offer letter to Property Owner based appraisal                            | DCE Acquisition Staff      | TBD                   |
|                | Schedules Appointment and Presents Offer to Owner                                                    | Acquisition Consultant     | TBD                   |
|                | Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner | Relocation Consultant      | TBD                   |
|                | Report and documentation of Property Owner/DCE agreements to purchase                                | Acquisition Consultant     | TBD                   |
|                | Relocation Assistance and Advice (new location searches/estimates)                                   | Relocation Consultant      | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                                                                      | <u>Responsible Party</u>     | <u>Milestone Date</u> |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------|
|                | Prepare Memorandum of Settlement Package                                                                                                           | Acquisition Agent            | TBD                   |
|                | Approval Purchase Contract/Relocation Estimates                                                                                                    | DCE Management               | TBD                   |
|                | Open and Close Escrows and title review/clearance                                                                                                  | DCE Acquisition Staff        | TBD                   |
| <b>Step 6</b>  | <b>Relocation Plan Development Tasks</b>                                                                                                           | <b>Responsible Party</b>     | <b>Milestone Date</b> |
|                | Obtain Alignment design plans / analyze effect on parcels                                                                                          | DCE Relocation Staff         | TBD                   |
|                | Identify Resources                                                                                                                                 | DCE Management               | TBD                   |
|                | Prepare 1st Draft of Relocation Plan                                                                                                               | DCE Staff Lead               | TBD                   |
|                | Review of Draft Relocation Plan                                                                                                                    | DCE Management               | TBD                   |
|                | Consultant Revise Draft Relocation Plan, as necessary                                                                                              | Relocation Consultant        | TBD                   |
|                | Prepare Relocation Plan Package for Board Agenda                                                                                                   | DCE Relocation Staff         | TBD                   |
|                | Board Adoption of Relocation Plan                                                                                                                  | DCE Governing Board          | TBD                   |
|                | Relocation Plan presented to affected Displacees during interviews                                                                                 | Relocation Consultant        | TBD                   |
| <b>Step 7</b>  | <b>Eminent Domain</b>                                                                                                                              | <b>Responsible Party</b>     | <b>Milestone Date</b> |
|                | Preparation of Resolutions of Necessity                                                                                                            | Legal/CWC                    | TBD                   |
|                | Initiate and complete court proceedings                                                                                                            | Legal                        | TBD                   |
| <b>Step 8</b>  | <b>R/W Certification/Property Management</b>                                                                                                       |                              |                       |
|                | Sign off on design plans/certify that all right of way obtained for that component of project or focus area                                        | Acquisition Management/Staff | TBD                   |
|                | Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project | DCE Management/Staff         | TBD                   |

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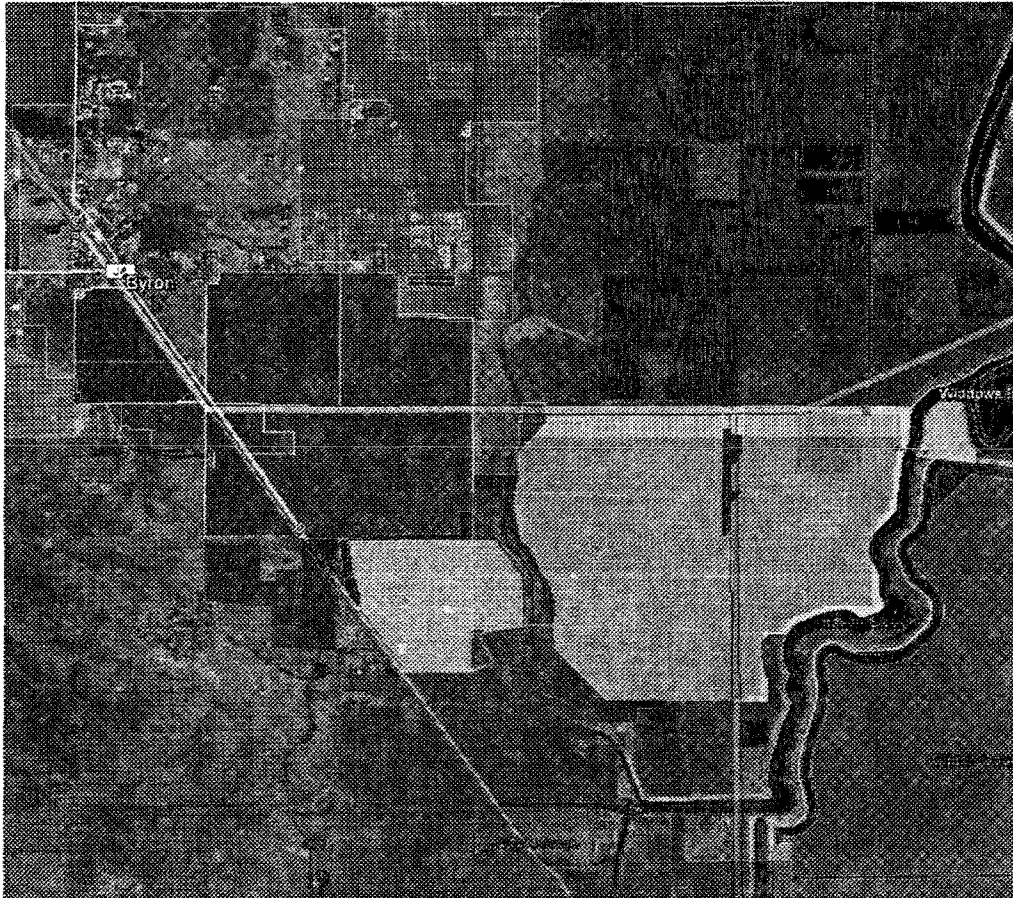
## DCE CM1 Property Acquisition Management Plan

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### 5.7 Focus Area 5

**Focus Area 5:** Extends westerly from Focus Area 4, along Byron Highway, to the City of Byron in Contra Costa County. It consists of 24 larger parcels. The primary land uses are different from all of the Focus Areas except Focus Area 2, because alone of all of the focus areas other than Focus Area 2, Focus Area 5 contains part of a town, the Village of Byron. Because of the latter, there are several commercial and industrial uses, along with vacant commercial or industrial land, as well as single-family residences located on small, non-rural lots. Elsewhere in Focus Area 5, there are agribusinesses. The rest of the properties are similar to Focus Area 1, with single-family residences and family farms. There are also special uses including train tracks and telephone pole lines.

Figure 5.8 Detail of Focus Area 5



## DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 5 are to:

| Focus Area 5 - Acquisition Objectives                                                                                                              | Anticipated Completion <sup>(1)</sup> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals | TBD                                   |
| Acquire all temporary easements for Reusable Tunnel Material Areas                                                                                 | TBD                                   |
| Acquire all temporary construction easements for Construction Lay down (work areas)                                                                | TBD                                   |
| Acquire all temporary Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all permanent Power and Utility easements (Transmission Line)                                                                              | TBD                                   |

<sup>(1)</sup> Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

### **Focus Area Team 5**

Staff and consultants needed for Focus Area 5 are:

- Business Appraiser
- Agricultural Appraiser
- Commercial/Industrial Appraiser (Non-farm)
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 5 within 3-4 years' timeline.

Go to Appendix A: **Focus Area 5 Properties Table** to view properties by Assessor Parcel Numbers (APNs)

### **Acquisition Milestones/Critical Path**

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 5 timeline is to be determined (TBD).

## DCE CM1 Property Acquisition Management Plan

**Focus Area Team 5 Assignments and Milestone Dates**

| <b>Process</b> | <b>Action</b>                                                                               | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|----------------|---------------------------------------------------------------------------------------------|---------------------------------------|-----------------------|
| <b>Step 1</b>  | <b>Project Requirement</b>                                                                  |                                       |                       |
|                | Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc. | R/W Engineering                       | TBD                   |
|                | Coordinate termination of Williamson Act Contracts (as appropriate)                         | DCE Management/ Staff Lead            | TBD                   |
|                | Approval of Relocation Plan                                                                 | DCE Management/ Staff Lead            | TBD                   |
| <b>Step 2</b>  | <b>Rights of Entry</b>                                                                      | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Obtain maps for Invasive and Non-Invasive Permits                                           | Acquisition Lead/Consultant           | TBD                   |
|                | Prepare Right of Entry Permit Forms/Package                                                 | Acquisition Staff                     | TBD                   |
|                | Determine amount of compensation                                                            | DCE Management                        | TBD                   |
|                | Send Request letters to property owners/follow-up                                           | Acquisition Staff                     | TBD                   |
|                | All voluntary Right of Entry Permits in file                                                | Acquisition Manager                   | TBD                   |
|                | All Orders of Entry (Courts)                                                                | Legal                                 | TBD                   |
| <b>Step 3</b>  | <b>Environmental Site Assessments</b>                                                       | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Phase I – Review of Records, Inspection                                                     | DCE Staff Lead/Consultant             | TBD                   |
|                | Phase II – Investigation/Testing (where necessary)                                          | DCE Staff Lead/Management/Consultants | TBD                   |
|                | Phase III- Remediation (where necessary)                                                    | DCE Management/Engineering            | TBD                   |
| <b>Step 4</b>  | <b>Appraisal (Property Valuation) Tasks</b>                                                 | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Prepare Appraisal Maps, Legal Descriptions and Plats                                        | DCE Geodetic Staff                    | TBD                   |
|                | Prepare and Send Notice of Decision to Appraise to Property Owner                           | DCE Appraisal Staff                   | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                        | <u>Responsible Party</u>   | <u>Milestone Date</u> |
|----------------|------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|
|                | Prepare Parcel Appraisals                                                                            | Appraisal Consultants      | TBD                   |
|                | • Tunnel Valuation                                                                                   | General Appraiser          | TBD                   |
|                | • Agriculture                                                                                        | Farm Appraiser             | TBD                   |
|                | • Business                                                                                           | Business Appraiser         | TBD                   |
|                | • Residential                                                                                        | General Appraiser          | TBD                   |
|                | Review and Comment on Appraisal                                                                      | DCE Review Staff           | TBD                   |
|                | Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff | DCE Staff Lead/Consultants | TBD                   |
| <b>Step 5</b>  | <b>Property Acquisition/Relocation Tasks</b>                                                         | <b>Responsible Party</b>   | <b>Milestone Date</b> |
|                | Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.                           | DCE Legal Counsel          | TBD                   |
|                | Prepare and mail statutory Offer letter to Property Owner based appraisal                            | DCE Acquisition Staff      | TBD                   |
|                | Schedules Appointment and Presents Offer to Owner                                                    | Acquisition Consultant     | TBD                   |
|                | Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner | Relocation Consultant      | TBD                   |
|                | Report and documentation of Property Owner/DCE agreements to purchase                                | Acquisition Consultant     | TBD                   |
|                | Relocation Assistance and Advice (new location searches/estimates)                                   | Relocation Consultant      | TBD                   |
|                | Prepare Memorandum of Settlement Package                                                             | Acquisition Agent          | TBD                   |
|                | Approval Purchase Contract/Relocation Estimates                                                      | DCE Management             | TBD                   |
|                | Open and Close Escrows and title review/clearance                                                    | DCE Acquisition Staff      | TBD                   |
| <b>Step 6</b>  | <b>Relocation Plan Development Tasks</b>                                                             | <b>Responsible Party</b>   | <b>Milestone Date</b> |
|                | Obtain Alignment design plans / analyze effect                                                       | DCE Relocation Staff       | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                                                                      | <u>Responsible Party</u>        | <u>Milestone Date</u>        |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------|
|                | on parcels                                                                                                                                         |                                 |                              |
|                | Identify Resources                                                                                                                                 | DCE Management                  | TBD                          |
|                | Prepare 1st Draft of Relocation Plan                                                                                                               | DCE Staff Lead                  | TBD                          |
|                | Review of Draft Relocation Plan                                                                                                                    | DCE Management                  | TBD                          |
|                | Consultant Revise Draft Relocation Plan, as necessary                                                                                              | Relocation Consultant           | TBD                          |
|                | Prepare Relocation Plan Package for Board Agenda                                                                                                   | DCE Relocation Staff            | TBD                          |
|                | Board Adoption of Relocation Plan                                                                                                                  | DCE Governing Board             | TBD                          |
|                | Relocation Plan presented to affected Displacees during interviews                                                                                 | Relocation Consultant           | TBD                          |
| <b>Step 7</b>  | <b><u>Eminent Domain</u></b>                                                                                                                       | <b><u>Responsible Party</u></b> | <b><u>Milestone Date</u></b> |
|                | Preparation of Resolutions of Necessity                                                                                                            | Legal/CWC                       | TBD                          |
|                | Initiate and complete court proceedings                                                                                                            | Legal                           | TBD                          |
| <b>Step 8</b>  | <b><u>R/W Certification/Property Management</u></b>                                                                                                |                                 |                              |
|                | Sign off on design plans/certify that all right of way obtained for that component of project or focus area                                        | Acquisition Management/Staff    | TBD                          |
|                | Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project | DCE Management/Staff            | TBD                          |

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## DCE CM1 Property Acquisition Management Plan

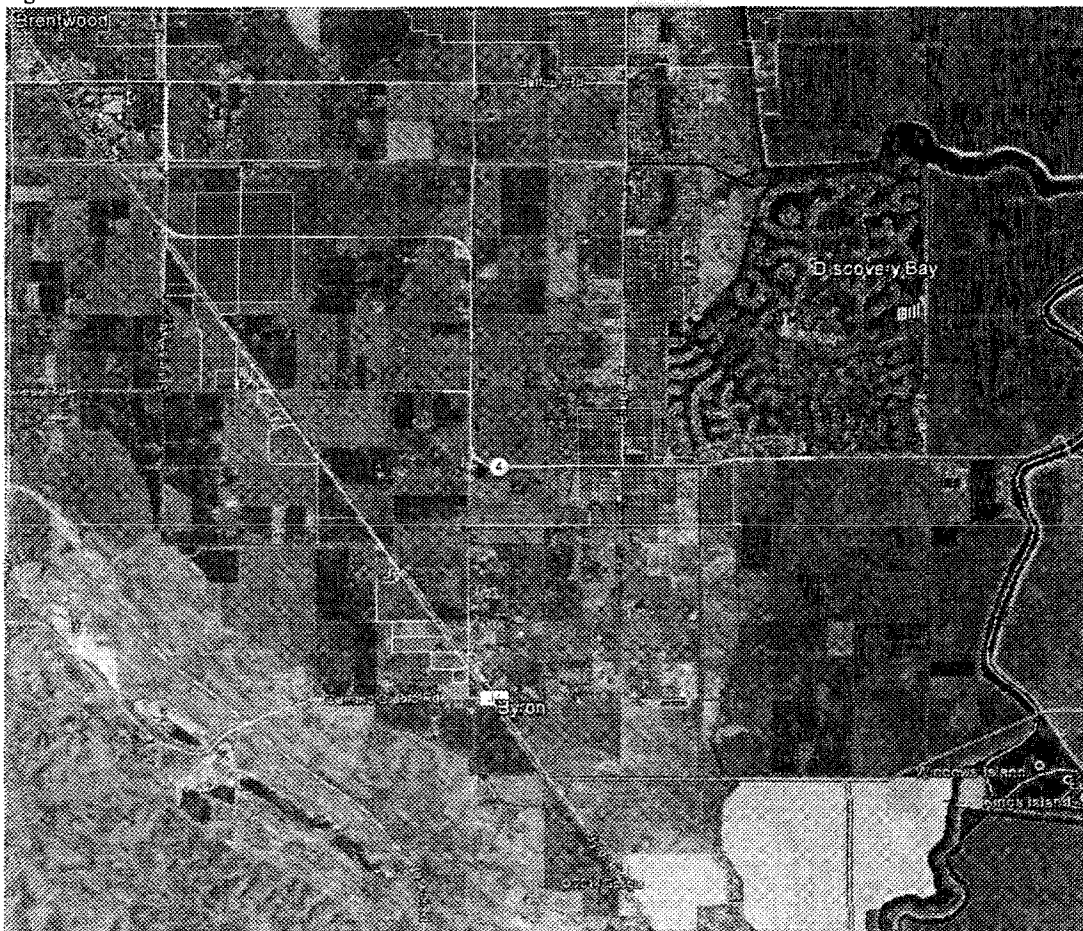
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### 5.8 Focus Area 6

**Focus Area 6:** Continues northwest from Byron City, along Byron Highway, to Sellers Ave just before Brentwood City in Contra Costa County. It consists of 31 larger parcels. Focus Area consists mainly of agricultural uses, single-family residences, and agricultural businesses. There is one special use---Interstate 5, which Focus Area 6's Utility Alignment crosses. There is also a special use---land containing communications equipment.

According to the California Department of Conservation, several properties within Focus Area 6 are subject to Williamson Act contracts.

Figure 5.9 Detail of Focus Area 6





## DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 6 are to:

| Focus Area 6 - Acquisition Objectives                                                                                                              | Anticipated Completion <sup>(1)</sup> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Coordinate all Williamson Act contracts                                                                                                            | TBD                                   |
| Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals | TBD                                   |
| Acquire all temporary Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all permanent Power and Utility easements (Transmission Line)                                                                              | TBD                                   |

<sup>(1)</sup> Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

### **Focus Area Team 6**

Staff and consultants needed for Focus Area 4 are:

- Business Appraiser
- Agricultural Appraiser
- Commercial/Industrial Appraiser (Non-farm)
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 6 within 3-4 years' timeline.

Go to Appendix A: **Focus Area 6 Properties Table** to view properties by Assessor Parcel Numbers (APNs)

### **Acquisition Milestones/Critical Path**

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 6 timeline is to be determined (TBD).

## DCE CM1 Property Acquisition Management Plan

**Focus Area Team 6 Assignments and Milestone Dates**

| <b>Process</b> | <b>Action</b>                                                                               | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|----------------|---------------------------------------------------------------------------------------------|---------------------------------------|-----------------------|
| <b>Step 1</b>  | <b>Project Requirement</b>                                                                  |                                       |                       |
|                | Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc. | R/W Engineering                       | TBD                   |
|                | Coordinate termination of Williamson Act Contracts (as appropriate)                         | DCE Management/ Staff Lead            | TBD                   |
|                | Approval of Relocation Plan                                                                 | DCE Management/ Staff Lead            | TBD                   |
| <b>Step 2</b>  | <b>Rights of Entry</b>                                                                      | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Obtain maps for Invasive and Non-Invasive Permits                                           | Acquisition Lead/Consultant           | TBD                   |
|                | Prepare Right of Entry Permit Forms/Package                                                 | Acquisition Staff                     | TBD                   |
|                | Determine amount of compensation                                                            | DCE Management                        | TBD                   |
|                | Send Request letters to property owners/follow-up                                           | Acquisition Staff                     | TBD                   |
|                | All voluntary Right of Entry Permits in file                                                | Acquisition Manager                   | TBD                   |
|                | All Orders of Entry (Courts)                                                                | Legal                                 | TBD                   |
| <b>Step 3</b>  | <b>Environmental Site Assessments</b>                                                       | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Phase I – Review of Records, Inspection                                                     | DCE Staff Lead/Consultant             | TBD                   |
|                | Phase II – Investigation/Testing (where necessary)                                          | DCE Staff Lead/Management/Consultants | TBD                   |
|                | Phase III- Remediation (where necessary)                                                    | DCE Management/Engineering            | TBD                   |
| <b>Step 4</b>  | <b>Appraisal (Property Valuation) Tasks</b>                                                 | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Prepare Appraisal Maps, Legal Descriptions and Plats                                        | DCE Geodetic Staff                    | TBD                   |
|                | Prepare and Send Notice of Decision to Appraise to Property Owner                           | DCE Appraisal Staff                   | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                        | <u>Responsible Party</u>   | <u>Milestone Date</u> |
|----------------|------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|
|                | Prepare Parcel Appraisals                                                                            | Appraisal Consultants      | TBD                   |
|                | • Tunnel Valuation                                                                                   | General Appraiser          | TBD                   |
|                | • Agriculture                                                                                        | Farm Appraiser             | TBD                   |
|                | • Business                                                                                           | Business Appraiser         | TBD                   |
|                | • Residential                                                                                        | General Appraiser          | TBD                   |
|                | Review and Comment on Appraisal                                                                      | DCE Review Staff           | TBD                   |
|                | Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff | DCE Staff Lead/Consultants | TBD                   |
| <b>Step 5</b>  | <b>Property Acquisition/Relocation Tasks</b>                                                         | <b>Responsible Party</b>   | <b>Milestone Date</b> |
|                | Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.                           | DCE Legal Counsel          | TBD                   |
|                | Prepare and mail statutory Offer letter to Property Owner based appraisal                            | DCE Acquisition Staff      | TBD                   |
|                | Schedules Appointment and Presents Offer to Owner                                                    | Acquisition Consultant     | TBD                   |
|                | Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner | Relocation Consultant      | TBD                   |
|                | Report and documentation of Property Owner/DCE agreements to purchase                                | Acquisition Consultant     | TBD                   |
|                | Relocation Assistance and Advice (new location searches/estimates)                                   | Relocation Consultant      | TBD                   |
|                | Prepare Memorandum of Settlement Package                                                             | Acquisition Agent          | TBD                   |
|                | Approval Purchase Contract/Relocation Estimates                                                      | DCE Management             | TBD                   |
|                | Open and Close Escrows and title review/clearance                                                    | DCE Acquisition Staff      | TBD                   |
| <b>Step 6</b>  | <b>Relocation Plan Development Tasks</b>                                                             | <b>Responsible Party</b>   | <b>Milestone Date</b> |
|                | Obtain Alignment design plans / analyze effect                                                       | DCE Relocation Staff       | TBD                   |

### DCE CM1 Property Acquisition Management Plan

| <u>Process</u>       | <u>Action</u>                                                                                                                                      | <u>Responsible Party</u>        | <u>Milestone Date</u>        |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------|
|                      | on parcels                                                                                                                                         |                                 |                              |
|                      | Identify Resources                                                                                                                                 | DCE Management                  | TBD                          |
|                      | Prepare 1st Draft of Relocation Plan                                                                                                               | DCE Staff Lead                  | TBD                          |
|                      | Review of Draft Relocation Plan                                                                                                                    | DCE Management                  | TBD                          |
|                      | Consultant Revise Draft Relocation Plan, as necessary                                                                                              | Relocation Consultant           | TBD                          |
|                      | Prepare Relocation Plan Package for Board Agenda                                                                                                   | DCE Relocation Staff            | TBD                          |
|                      | Board Adoption of Relocation Plan                                                                                                                  | DCE Governing Board             | TBD                          |
|                      | Relocation Plan presented to affected Displacees during interviews                                                                                 | Relocation Consultant           | TBD                          |
| <b><u>Step 7</u></b> | <b><u>Eminent Domain</u></b>                                                                                                                       | <b><u>Responsible Party</u></b> | <b><u>Milestone Date</u></b> |
|                      | Preparation of Resolutions of Necessity                                                                                                            | Legal/CWC                       | TBD                          |
|                      | Initiate and complete court proceedings                                                                                                            | Legal                           | TBD                          |
| <b><u>Step 8</u></b> | <b><u>R/W Certification/Property Management</u></b>                                                                                                |                                 |                              |
|                      | Sign off on design plans/certify that all right of way obtained for that component of project or focus area                                        | Acquisition Management/Staff    | TBD                          |
|                      | Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project | DCE Management/Staff            | TBD                          |

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## DCE CM1 Property Acquisition Management Plan

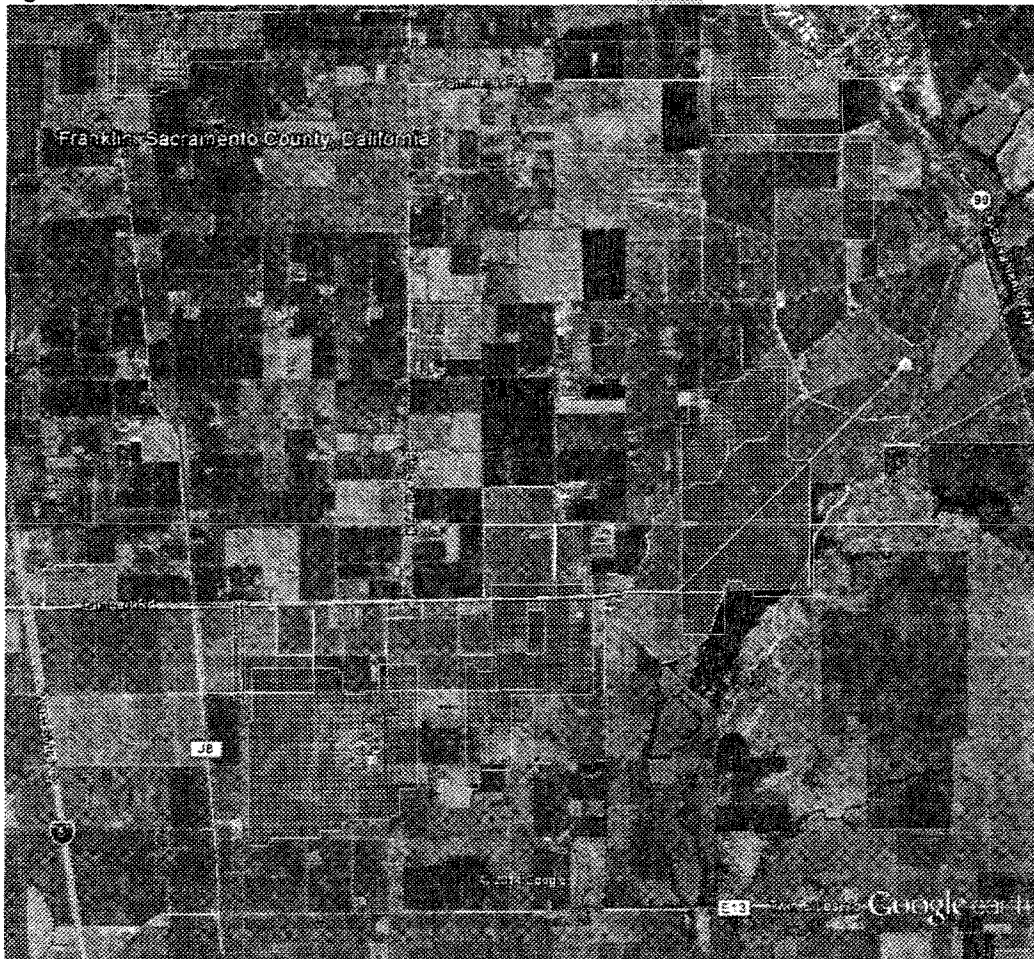
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### 5.9 Focus Area 7

**Focus Area 7:** Extends along the Lambert Road corridor from Interstate 5, inclusive of Interstate 5, to a point just west of California State Route 99, about seven miles east of the Sacramento River. It consists of 22 larger parcels. Focus Area consists mainly of agricultural uses, single-family residences, and agricultural businesses. There is one special use---Interstate 5, which Focus Area 6's Utility Alignment crosses. There is also a special use---land containing communications equipment.

According to the California Department of Conservation, several properties within Focus Area 7 are subject to Williamson Act contracts.

Figure 5.10 Detail of Focus Area 7



## DCE CM1 Property Acquisition Management Plan

The primary objectives of Focus Area 7 are to:

| Focus Area 7 - Acquisition Objectives                                                                                                              | Anticipated Completion <sup>(1)</sup> |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Coordinate all Williamson Act contracts                                                                                                            | TBD                                   |
| Acquire all temporary entry permits for geotechnical, archeological, engineering, land survey, environmental site assessments, and land appraisals | TBD                                   |
| Acquire all temporary Power and Utility easements (Transmission Line)                                                                              | TBD                                   |
| Acquire all permanent Power and Utility easements (Transmission Line)                                                                              | TBD                                   |

<sup>(1)</sup> Based on draft DWR DHCCP Construction Schedule dated 20XX. Completion dates based on 20XX start and will change as the master schedule is developed.

### Focus Area Team 7

Staff and consultants needed for Focus Area 7 are:

- Business Appraiser
- Agricultural Appraiser
- Special Use Property Appraiser
- Environmental Site Assessment Specialist
- Real Property Acquisition Specialist
- Oil, Gas, and Mineral Rights Specialist
- Tunnel Valuation Specialist
- Miscellaneous Review Appraiser

The consultants working on this Focus Area would work simultaneously, on properties affected by both utility and conveyance alignments, and would be grouped together as a team of staff and consultants whose sole purpose is acquisition goals and objectives for Focus Area 7 within 3-4 years' timeline.

Go to Appendix A: Focus Area 7 Properties Table to view properties by Assessor Parcel Numbers (APNs)

### Acquisition Milestones/Critical Path

Milestones are expressed in time periods and responsible party. Exact dates will be inserted as the DWR master schedule is developed. The milestones and critical path activities will be repeated in succession for each focus area from north to south until the whole alignment and ancillary properties needed for the project are acquired. Focus Area 7 timeline is to be determined (TBD).

## DCE CM1 Property Acquisition Management Plan

**Focus Area Team 7 Assignments and Milestone Dates**

| <b>Process</b> | <b>Action</b>                                                                               | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|----------------|---------------------------------------------------------------------------------------------|---------------------------------------|-----------------------|
| <b>Step 1</b>  | <b>Project Requirement</b>                                                                  |                                       |                       |
|                | Provide encumbrance maps, legal descriptions, engineering design plans, title reports, etc. | R/W Engineering                       | TBD                   |
|                | Coordinate termination of Williamson Act Contracts (as appropriate)                         | DCE Management/ Staff Lead            | TBD                   |
|                | Approval of Relocation Plan                                                                 | DCE Management/ Staff Lead            | TBD                   |
| <b>Step 2</b>  | <b>Rights of Entry</b>                                                                      | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Obtain maps for Invasive and Non-Invasive Permits                                           | Acquisition Lead/Consultant           | TBD                   |
|                | Prepare Right of Entry Permit Forms/Package                                                 | Acquisition Staff                     | TBD                   |
|                | Determine amount of compensation                                                            | DCE Management                        | TBD                   |
|                | Send Request letters to property owners/follow-up                                           | Acquisition Staff                     | TBD                   |
|                | All voluntary Right of Entry Permits in file                                                | Acquisition Manager                   | TBD                   |
|                | All Orders of Entry (Courts)                                                                | Legal                                 | TBD                   |
| <b>Step 3</b>  | <b>Environmental Site Assessments</b>                                                       | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Phase I – Review of Records, Inspection                                                     | DCE Staff Lead/Consultant             | TBD                   |
|                | Phase II – Investigation/Testing (where necessary)                                          | DCE Staff Lead/Management/Consultants | TBD                   |
|                | Phase III- Remediation (where necessary)                                                    | DCE Management/Engineering            | TBD                   |
| <b>Step 4</b>  | <b>Appraisal (Property Valuation) Tasks</b>                                                 | <b>Responsible Party</b>              | <b>Milestone Date</b> |
|                | Prepare Appraisal Maps, Legal Descriptions and Plats                                        | DCE Geodetic Staff                    | TBD                   |
|                | Prepare and Send Notice of Decision to Appraise to Property Owner                           | DCE Appraisal Staff                   | TBD                   |

## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                        | <u>Responsible Party</u>      | <u>Milestone Date</u> |
|----------------|------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------|
|                | Prepare Parcel Appraisals                                                                            | Appraisal Consultants         | TBD                   |
|                | • Tunnel Valuation                                                                                   | General Appraiser             | TBD                   |
|                | • Agriculture                                                                                        | Farm Appraiser                | TBD                   |
|                | • Business                                                                                           | Business Appraiser            | TBD                   |
|                | • Residential                                                                                        | General Appraiser             | TBD                   |
|                | Review and Comment on Appraisal                                                                      | DCE Review Staff              | TBD                   |
|                | Final Appraisal Reports Submitted to DCE Appraisal Coordinator for distribution to Acquisition staff | DCE Staff<br>Lead/Consultants | TBD                   |
| <b>Step 5</b>  | <b>Property Acquisition/Relocation Tasks</b>                                                         | <b>Responsible Party</b>      | <b>Milestone Date</b> |
|                | Prepare all acquisition forms, deeds, purchase agreements, contracts, etc.                           | DCE Legal Counsel             | TBD                   |
|                | Prepare and mail statutory Offer letter to Property Owner based appraisal                            | DCE Acquisition Staff         | TBD                   |
|                | Schedules Appointment and Presents Offer to Owner                                                    | Acquisition Consultant        | TBD                   |
|                | Relocation Consultant accompanies Property Acquisition Representative to meeting with property owner | Relocation Consultant         | TBD                   |
|                | Report and documentation of Property Owner/DCE agreements to purchase                                | Acquisition Consultant        | TBD                   |
|                | Relocation Assistance and Advice (new location searches/estimates)                                   | Relocation Consultant         | TBD                   |
|                | Prepare Memorandum of Settlement Package                                                             | Acquisition Agent             | TBD                   |
|                | Approval Purchase Contract/Relocation Estimates                                                      | DCE Management                | TBD                   |
|                | Open and Close Escrows and title review/clearance                                                    | DCE Acquisition Staff         | TBD                   |
| <b>Step 6</b>  | <b>Relocation Plan Development Tasks</b>                                                             | <b>Responsible Party</b>      | <b>Milestone Date</b> |
|                | Obtain Alignment design plans / analyze effect                                                       | DCE Relocation Staff          | TBD                   |



## DCE CM1 Property Acquisition Management Plan

| <u>Process</u> | <u>Action</u>                                                                                                                                      | <u>Responsible Party</u>     | <u>Milestone Date</u> |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------|
|                | on parcels                                                                                                                                         |                              |                       |
|                | Identify Resources                                                                                                                                 | DCE Management               | TBD                   |
|                | Prepare 1st Draft of Relocation Plan                                                                                                               | DCE Staff Lead               | TBD                   |
|                | Review of Draft Relocation Plan                                                                                                                    | DCE Management               | TBD                   |
|                | Consultant Revise Draft Relocation Plan, as necessary                                                                                              | Relocation Consultant        | TBD                   |
|                | Prepare Relocation Plan Package for Board Agenda                                                                                                   | DCE Relocation Staff         | TBD                   |
|                | Board Adoption of Relocation Plan                                                                                                                  | DCE Governing Board          | TBD                   |
|                | Relocation Plan presented to affected Displacees during interviews                                                                                 | Relocation Consultant        | TBD                   |
| <b>Step 7</b>  | <b>Eminent Domain</b>                                                                                                                              | <b>Responsible Party</b>     | <b>Milestone Date</b> |
|                | Preparation of Resolutions of Necessity                                                                                                            | Legal/CWC                    | TBD                   |
|                | Initiate and complete court proceedings                                                                                                            | Legal                        | TBD                   |
| <b>Step 8</b>  | <b>R/W Certification/Property Management</b>                                                                                                       |                              |                       |
|                | Sign off on design plans/certify that all right of way obtained for that component of project or focus area                                        | Acquisition Management/Staff | TBD                   |
|                | Manage all property in possession prior to construction and transfer deeds and files to responsible entity after construction and close of project | DCE Management/Staff         | TBD                   |

### 5.10 Overlap

It is important to reiterate that there will be overlap in work on the conveyance and utility alignments. All Focus Areas except Focus Area 7 have many instances of overlap between the conveyance and utility alignments. For those areas, property owners will be approached only once for all the necessary rights we need from that parcel. The property owner contact in these instances is to be determined.

## DCE CM1 Property Acquisition Management Plan

### **5.11 Staff and Consultants Needed for All Alignments**

It is estimated the Property Acquisition Management team will need approximately a total of 115 to 160 individual staff and consultants to complete all acquisitions on these alignments. From this total, approximately 44 to 60 are staff members and 71 to 100 are individual consultants. The staff and consultants will take 48 months to acquire all rights, easements, and fee properties needed to construct and subsequently operate the CM1 conveyance project. This is an aggressive timeline given the complexities of the acquisition process and the number of privately-owned properties involved.

As indicated previously, CM1 will be divided into acquisition focus areas. These focus areas will share a resource mix of full-time staff and consultants as shown on the table, Figure 5.11.

## DCE CM1 Property Acquisition Management Plan

**Figure 5.11 Staff and Consultants Table**

### Number and Types of Staff Needed by Focus Area

| STAFF <sup>(1)</sup>              | FOCUS AREA 1 | FOCUS AREA 2 | FOCUS AREA 3 | FOCUS AREA 4 | FOCUS AREA 5 | FOCUS AREA 6 | FOCUS AREA 7 | ALL FOCUS AREAS | TOTAL          |
|-----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------|----------------|
| Property Acquisition Manager      | —            | —            | —            | —            | —            | —            | —            | 1               | 1              |
| Principal Staff (Focus Area Lead) | 1            | 1            | 1            | 1            | 1            | 1            | 1            | —               | 7              |
| Senior Staff                      | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | —               | 14 - 21        |
| Associate Staff                   | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | 2 - 3        | —               | 14 - 21        |
| Planning/Administrative Staff     | —            | —            | —            | —            | —            | —            | —            | 8 - 10          | 8 - 10         |
| <b>TOTAL</b>                      | <b>5 - 7</b> | <b>5 - 7</b> | <b>5 - 7</b> | <b>5 - 7</b> | <b>5 - 7</b> | <b>5 - 7</b> | <b>5 - 7</b> | <b>9 - 11</b>   | <b>44 - 60</b> |

### Number and Types of Individual Consultants Needed for All Focus Areas

| CONSULTANT <sup>(2)</sup>                  | TOTAL INDIVIDUAL CONSULTANTS |
|--------------------------------------------|------------------------------|
| <b>APPRAISERS</b>                          |                              |
| Business Appraiser                         | 5 - 6                        |
| Agricultural Appraiser                     | 11 - 14                      |
| Commercial/Industrial Appraiser (Non-farm) | 2 - 3                        |
| Residential Appraiser (Non-farm)           | 1 - 2                        |
| Special Use Property Appraiser             | 6 - 7                        |
| Miscellaneous Review Appraiser             | 4 - 9                        |
| <b>SPECIALISTS</b>                         |                              |
| Environmental Site Assessment Specialist   | 18 - 26                      |
| Real Property Acquisition Specialist       | 20 - 28                      |
| Relocation Specialist                      | 2 - 3                        |
| Oil, Gas, and Mineral Rights Specialist    | 1                            |
| Tunnel Valuation Specialist                | 1                            |
| <b>TOTAL</b>                               | <b>71 - 100</b>              |
| <b>TOTAL STAFF AND CONSULTANTS</b>         | <b>115 - 160</b>             |

#### CRITERIA

The staff and consulting work for all Focus Areas will commence at the same time. The process to acquire all rights, easements, and fee properties needed to construct and subsequently operate the CM1 conveyance project will take 48 months.

<sup>(1)</sup> Full-time staff will consist of 44 to 60 individuals to oversee the right of way project. One Property Acquisition Manager will manage and monitor the workflow and progress for all alignments. The alignment has seven focus areas in which each will have a Principal staff to act as a Focus Area Lead. All alignments will have two to three Senior staff overseeing the following disciplines: Appraisal; Acquisition, Escrow & Eminent Domain; and Relocation & Property Management. Each focus area will also have between two to three Associate staff to support the consultants. The Planning and Administration staff will consist of 8 to 10 individuals to assist all focus areas.

<sup>(2)</sup> There will be 71 to 100 individual consultants needed for all focus areas.

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## DCE CM1 Property Acquisition Management Plan

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### 6.0 PROPERTY MANAGEMENT

#### 6.1 Inventory and Utilization Plan for Excess Real Property

- **Interim Property Management:** DWR will provide interim property management until the start of construction. DWR will also coordinate all physical relocation and clearing of properties with DCE.
- **During/After Construction:** DCE will control all properties during CM1 construction. DCE will transfer all real property responsibilities related to operating and maintaining the constructed facilities to the then responsible entity or DWR. All temporary easements or licenses will either terminate based on the terms of the agreement or be quitclaimed to the underlying fee owner.
- **Surplus:** DWR and DCE will make all decisions regarding the final disposition of any excess property. Criteria for identifying surplus property and its disposal will be established by - DWR and DCE Management as construction nears completion. The statutes and guidelines regarding surplus public property are Government Code Sections 54220 through 54224.

DCE CM1 Property Acquisition Management Plan

**7.0 DCE LEGAL REQUIREMENTS [To be Incorporated by Legal]**

**7.1 Public Law**

**7.2 Authorities**

**7.2.1 Authority to Establish Amount of Just Compensation**

**7.2.2 Authority to Approve Property Purchase Agreement**

**7.2.3 Authority to Authorize Condemnation**

**7.2.4 Authority to Approve Administrative Settlement**

DCE CM1 Property Acquisition Management Plan

**APPENDICES**

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## DCE CM1 Property Acquisition Management Plan

**APPENDIX A**

Properties Tables for Individual Focus Area

Sorted by Focus Area and Assessor Parcel Numbers (APNs)

**Focus Area 1 Properties by Assessor Parcel Number (APN)**[Back to Contents](#)

| FOCUS AREA 1 |                            |                               |                                                |
|--------------|----------------------------|-------------------------------|------------------------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                                   |
| 119 0230 018 | N/A                        | N/A                           | none                                           |
| 119 0230 042 | N/A                        | Tunnel work area              | SFR                                            |
| 119 0230 019 | N/A                        | Tunnel work area              | none                                           |
| 119 0230 021 | N/A                        | Tunnel work area              | none                                           |
| 119 0230 043 | N/A                        | Tunnel work area              | SFR                                            |
|              |                            | Intake Work Area              |                                                |
|              |                            | Intake                        |                                                |
| 119 0230 067 | N/A                        | Tunnel work area              | SFR                                            |
|              |                            | Reusable Tunnel Material      |                                                |
|              |                            | Intake Work Area              |                                                |
|              |                            | Feature Intake                |                                                |
| 119 0230 051 | N/A                        | Possible Tunnel Work Area     | SFR                                            |
| 119 0230 022 | N/A                        | Tunnel Work Area              | Farmstead                                      |
| 119 0230 044 | N/A                        | Intake Work Area              | Two, possibly a portion of a third, farmsteads |
|              |                            | Intake                        |                                                |
| 119 0230 025 | N/A                        | Intake Work Area              | SFR and Farmstead                              |
|              |                            | Tunnel Work Area              | Agribusiness                                   |
| 119 0230 066 | N/A                        | Reusable Tunnel Material      | None                                           |
| 132 0010 003 | N/A                        | Intake Work Area              | Appears to be an SFR and a small dock          |
|              |                            | Intake                        |                                                |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 1                                                   |                            |                               |                      |
|----------------------------------------------------------------|----------------------------|-------------------------------|----------------------|
| APN                                                            | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS         |
| 132 0010 002                                                   | Transmission Line          | Intake                        | Appears to be an SFR |
|                                                                | Point Substation           | Tunnel                        |                      |
|                                                                |                            | Intake Work Area              |                      |
|                                                                |                            |                               |                      |
| 132 0010 004                                                   | Transmission Line          | SHAFT LOCATION                | none                 |
|                                                                | Point Substation           | Tunnel Material               |                      |
|                                                                |                            | Intake                        |                      |
|                                                                |                            | INCEPTION OF NORTH TUNNEL     |                      |
|                                                                |                            |                               |                      |
| 119 0230 026                                                   | N/A                        | Reusable Tunnel Material      | none                 |
|                                                                |                            |                               |                      |
| 132 0010 005                                                   | Transmission Line          | Intake                        | none                 |
|                                                                |                            | Intake Work Area              |                      |
|                                                                |                            | Fuel Station                  |                      |
|                                                                |                            | Concrete Batch Plant          |                      |
|                                                                |                            | INCEPTION OF NORTH TUNNEL     |                      |
|                                                                |                            | Road Work Area                |                      |
|                                                                |                            |                               |                      |
| 132 0010 006                                                   | N/A                        | Intake                        | SFR                  |
|                                                                |                            | Intake Work Area              |                      |
|                                                                |                            |                               |                      |
| 132 0010 040                                                   | N/A                        | Road Work Area                | none                 |
|                                                                |                            |                               |                      |
| 132 0010 009                                                   | Transmission Line          | Intake                        | Small Farmstead      |
|                                                                |                            | Intake Work Area              |                      |
|                                                                |                            | Road Work Area                |                      |
|                                                                |                            |                               |                      |
| 132 0010 010                                                   | N/A                        | Road Work Area                | none                 |
|                                                                |                            |                               |                      |
| 132 0010 014                                                   | Transmission Line          | Road Work Area                | Farmstead            |
|                                                                |                            | North Tunnel                  |                      |
|                                                                |                            |                               |                      |
| 132 0010 013                                                   | Transmission Line          | Road Work Area                | none                 |
|                                                                |                            | North Tunnel                  |                      |
|                                                                |                            |                               |                      |
| PARCEL<br>BEHIND 132-<br>0010-013<br>ACCESSIBLE<br>BY DRIVEWAY | N/A                        | Access blocked by road work   | SFR                  |



## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 1 |                            |                               |                           |
|--------------|----------------------------|-------------------------------|---------------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS              |
|              |                            | Tunnel                        |                           |
| 132 0010 016 | Transmission Line          | Road Work Area                | SFR                       |
|              |                            | North Tunnel                  |                           |
| 132 0010 015 | Transmission Line          | Road Work Area                | none                      |
|              |                            | North Tunnel                  |                           |
| 132 0010 071 | Transmission Line          | Intake                        | Appears to be a Farmstead |
|              |                            | Intake Work Area              |                           |
|              |                            | Road Work Area                |                           |
|              |                            | North Tunnel                  |                           |
| 132 0010 043 | N/A                        | Intake                        | 2 SFRs                    |
|              |                            | Intake Work Area              |                           |
| 132 0010 021 | N/A                        | Intake Work Area              | SFR                       |
|              |                            | Intake                        |                           |
| 132 0010 042 | N/A                        | Road Work Area                | none                      |
| 132 0010 072 | Transmission Line          | Intake                        | none                      |
|              |                            | Intake Work Area              |                           |
|              |                            | Road Work Area                |                           |
|              |                            | North Tunnel/shaft            |                           |
| 132 0120 001 | Transmission Line          | Intake                        | none                      |
|              | Point Substation           | Intake Work Area              |                           |
|              |                            | North Tunnel                  |                           |
| 132 0120 002 | N/A                        | Intake                        | farmstead                 |
|              |                            | Intake Work Area              |                           |
| 132 0120 003 | N/A                        | Intake                        | none                      |
|              |                            | Intake Work Area              |                           |
|              |                            | North Tunnel                  |                           |
| 132 0120 004 | Transmission Line          | N/A                           | none                      |

## DCE CM1 Property Acquisition Management Plan

## Focus Area 2 Properties by Assessor Parcel Number (APN)

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| FOCUS AREA 2 |                            |                               |                     |
|--------------|----------------------------|-------------------------------|---------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS        |
| 132 0104 002 | N/A                        | North Tunnel                  | commercial building |
| 132 0104 003 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 018 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 019 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 020 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 008 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 009 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 010 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 013 | N/A                        | North Tunnel                  | sfr                 |
| 132 0104 014 | N/A                        | North Tunnel                  | sfr                 |
| 132 0111 020 | Transmission Line          | N/A                           | sfr                 |
| 132 0111 021 | Transmission Line          | N/A                           | sfr                 |
| 132 0112 004 | Transmission Line          | N/A                           | sfr                 |
| 132 0112 003 | Transmission Line          | N/A                           | none                |
| 132 0106 005 | Transmission Line          | North Tunnel                  | none                |
| 132 0120 008 | Transmission Line          | North Tunnel                  | none                |
| 132 0103 010 | N/A                        | North Tunnel                  | sfr                 |
| 132 0120 009 | Transmission Line          | North Tunnel                  | none                |
| 132 0120 093 | N/A                        | Intake Work Area              | none                |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 2 |                            |                               |                                 |
|--------------|----------------------------|-------------------------------|---------------------------------|
| APH          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                    |
| 132 0120 092 | Transmission Line          | North Tunnel                  | none                            |
|              |                            | Intake Work Area              |                                 |
| 132 0120 013 | Transmission Line          | N/A                           | none                            |
| 132 0120 012 | N/A                        | Intake Work Area              | sfr                             |
| 132 0120 021 | Transmission Line          | North Tunnel                  | at least 1 sfr                  |
| 132 0120 081 | Transmission Line          | North Tunnel                  | farmstead                       |
| 132 0120 059 | N/A                        | Intake                        | small farmstead                 |
| 132 0120 062 | N/A                        | Intake Work Area              |                                 |
|              |                            | Intake                        |                                 |
| 132 0210 001 | Transmission Line          | N/A                           | none                            |
| 132 0120 043 | Transmission Line          | North Tunnel                  | None                            |
| 132 0120 115 | N/A                        | Intake Work Area              | sfr                             |
|              |                            | Intake                        |                                 |
| 132 0120 095 | N/A                        | Intake Work Area              | None                            |
|              |                            | Intake                        |                                 |
|              |                            | Fuel Station                  |                                 |
|              |                            | Concrete Batch Plant          |                                 |
| 132 0120 096 | N/A                        | Intake Work Area              | sfr                             |
|              |                            | Intake                        |                                 |
| 132 0120 053 | N/A                        | Intake Work Area              | Shed/ Substation/Powerline/ Box |
|              |                            | Intake                        |                                 |
| 132 0120 086 | N/A                        | Intake Work Area              | none                            |
|              |                            | Intake                        |                                 |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 2 |                            |                                        |                            |
|--------------|----------------------------|----------------------------------------|----------------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance)          | IMPROVEMENTS               |
| 132 0120 085 | N/A                        | Intake Work Area                       | none                       |
|              |                            | Intake                                 |                            |
| 132 0120 087 | N/A                        | Intake Work Area                       | none                       |
|              |                            | Intake                                 |                            |
| 132 0120 057 | N/A                        | Intake                                 | sfr                        |
| 132 0120 055 | N/A                        | Intake Work Area                       | none                       |
|              |                            | Intake                                 |                            |
| 132 0210 032 | N/A                        | Intake Work Area                       | a couple outbuildings      |
|              |                            | Intake                                 |                            |
| 132 0210 054 | N/A                        | Intake Work Area                       | none                       |
|              |                            | Intake                                 |                            |
|              |                            | North Tunnel                           |                            |
|              |                            | Transmission Line                      |                            |
|              |                            | Point Substation                       |                            |
|              |                            | Substation/Point of<br>Interconnection |                            |
| 132 0210 040 | N/A                        | Intake Work Area                       | none                       |
|              |                            | Intake                                 |                            |
| 132 0210 036 | N/A                        | Intake Work Area                       | none                       |
|              |                            | Intake                                 |                            |
| 132 0210 044 | N/A                        | Intake Work Area                       | agricultural business      |
|              |                            | Intake                                 |                            |
| 132 0210 057 | Point Substation           | North Tunnel                           | Appears to be 2 farmsteads |
|              | Transmission Line          | (THE 2 NORTH TUNNELS COME<br>TOGETHER) |                            |
|              |                            | Shaft Location                         |                            |
|              |                            | Tunnel Work Area                       |                            |

## DCE CM1 Property Acquisition Management Plan

## Focus Area 3 Properties by Assessor Parcel Number (APN)

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| FOCUS AREA 3 |                                               |                               |                    |
|--------------|-----------------------------------------------|-------------------------------|--------------------|
| APN          | TAKE ACTIVITY<br>(Utility)                    | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS       |
| 146 0040 034 | N/A                                           | Transmission Line             | farmstead          |
| 146 0040 036 | N/A                                           | Transmission Line             | none               |
| 146 0040 026 | N/A                                           | Transmission Line             | farmstead          |
| 146 0040 035 | N/A                                           | Transmission Line             | none               |
| 146 0040 027 | N/A                                           | Transmission Line             | none               |
| 132 0331 024 | N/A                                           | Transmission Line             | none               |
| 132 0331 022 | N/A                                           | Transmission Line             | none               |
| 132 0331 023 | N/A                                           | Transmission Line             | none               |
| 146 0040 001 | N/A                                           | Transmission Line             | none               |
| 146 0030 032 | Proximity to Reusable Tunnel<br>Material Area | Transmission Line             | small agribusiness |
| 146 0030 006 | N/A                                           | Transmission Line             | none               |
| 146 0030 005 | N/A                                           | Transmission Line             | none               |
| 146 0030 034 | N/A                                           | Transmission Line             | none               |
| 146 0030 033 | N/A                                           | Transmission Line             | none               |
| 146 0380 008 | N/A                                           | Transmission Line             | none               |
| 146 0380 009 | N/A                                           | Transmission Line             | none               |
| 146 0380 010 | N/A                                           | Transmission Line             | none               |
| 146 0380 031 | N/A                                           | Transmission Line             | none               |
| 146 0380 011 | North Tunnel                                  | Transmission Line             | none               |
| 146 0380 012 | North Tunnel                                  | Transmission Line             | none               |
| 146 0380 013 | North Tunnel                                  | Transmission Line             | none               |
| 146 0380 014 | North Tunnel                                  | Transmission Line             | none               |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 3 |                                                           |                               |                                      |
|--------------|-----------------------------------------------------------|-------------------------------|--------------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility)                                | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                         |
| 146 0380 032 | North Tunnel                                              | N/A                           | none                                 |
| 146 0380 033 | North Tunnel                                              | N/A                           | none                                 |
| 146 0380 048 | North Tunnel                                              | Transmission Line             | none                                 |
| 146 0030 025 | N/A                                                       | Transmission Line             | none                                 |
| 146 0030 010 | North Tunnel                                              | Transmission Line             | none                                 |
| 146 0030 030 | Reusable Tunnel Material                                  | N/A                           | none                                 |
| 146 0030 031 | Reusable Tunnel Material                                  | N/A                           | small body of water, small buildings |
| 146 0030 009 | Proximity to Reusable Tunnel Material                     | N/A                           | none                                 |
| 146 0070 003 | North Tunnel                                              | Transmission Line             | none                                 |
| 146 0080 044 | Proximity to Reusable Tunnel Material                     | N/A                           | small farmstead                      |
| 146 0080 043 | Reusable Tunnel Material<br>Tunnel Muck Conveyor Facility | N/A                           | small farmstead                      |
| 146 0080 042 | Reusable Tunnel Material                                  | N/A                           | small body of water, buildings       |
| 146 0070 005 | Reusable Tunnel Material                                  | N/A                           | ag land                              |
| 146 0070 019 | Proximity to Reusable Tunnel Material                     | N/A                           | ag land                              |
| 146 0120 055 | Reusable Tunnel Material                                  | N/A                           | ag land                              |
| 146 0120 050 | Reusable Tunnel Material                                  | N/A                           | appears to be solar panels           |
| 146 0120 048 | Proximity to Reusable Tunnel Material                     | N/A                           | none                                 |
| 146 0120 049 | Reusable Tunnel Material                                  | N/A                           | small body of water, small building  |
| 146 0120 053 | Reusable Tunnel Material Area                             |                               | ag land                              |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 3 |                                           |                               |                              |
|--------------|-------------------------------------------|-------------------------------|------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility)                | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                 |
| 146 0120 036 | Reusable Tunnel Material,<br>Fuel Station | N/A                           | small body of water, ag land |
| 146 0120 047 | Proximity to Reusable Tunnel<br>Material  | N/A                           | ag land                      |
| 146 0070 018 | Reusable Tunnel Material                  | Transmission Line             | none                         |
|              | Tunnel Muck Conveyor<br>Facility          |                               |                              |
|              | Forebay & Spillway                        |                               |                              |
|              | North Tunnel                              |                               |                              |
|              | Tunnel                                    |                               |                              |
| 146 0070 017 | North Tunnel                              | Transmission Line             | none                         |
| 146 0070 016 | North Tunnel                              | Transmission Line             | none                         |
| 146 0070 002 | North Tunnel                              | Transmission Line             | none                         |
|              | Barge Unloading Facility                  |                               |                              |
|              | Reusable Tunnel Material                  |                               |                              |
| 146 0120 003 | Tunnel                                    | Transmission Line             | farmstead                    |
| 146 0120 008 | Proximity to Reusable Tunnel<br>Material  | N/A                           | none                         |
| 146 0120 018 | Tunnel                                    | Transmission Line             | waterway, boat dock          |
| 146 0110 020 | Tunnel                                    | Transmission Line             | farmstead                    |
|              | Safe Haven Work Area                      |                               |                              |
| 146 0110 019 | Tunnel                                    | Transmission Line             | none                         |
|              | Safe Haven Work Area                      |                               |                              |



## DCE CM1 Property Acquisition Management Plan

## Focus Area 4 Properties by Assessor Parcel Number (APN)

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| FOCUS AREA 4 |                                     |                               |                                              |
|--------------|-------------------------------------|-------------------------------|----------------------------------------------|
| PN           | TAKE ACTIVITY (Utility)             | TAKE ACTIVITY (Conveyance)    | IMPROVEMENTS                                 |
| 069 020 19   | 2 Substations,<br>transmission line | Tunnel                        | Several residences, more than one farmstead  |
|              |                                     | 2 tunnel work areas           |                                              |
|              |                                     | 2 shaft locations             |                                              |
| 001 050 10   | N/A                                 | tunnel                        | farmstead                                    |
| 069 030 40   | transmission line                   | road interchange              | more than one farmstead                      |
|              |                                     | tunnel                        |                                              |
| 069 030 39   | substation<br>transmission line     | Road interchange              | none                                         |
|              |                                     | Shaft Location                |                                              |
|              |                                     | Tunnel                        |                                              |
|              |                                     | Reusable Tunnel Material Area |                                              |
| 069 030 37   | N/A                                 | reusable tunnel material area | none                                         |
|              |                                     | shaft location                |                                              |
|              |                                     | tunnel                        |                                              |
| 069 030 22   | transmission line                   | tunnel                        | island occupied by very small marina         |
| 069 040 13   | transmission line                   | Tunnel                        | Island - none - no crops, water              |
| 069 040 06   | transmission line                   | tunnel                        | Appears to be a very small ag business       |
| 069 040 08   | transmission line                   | Tunnel                        | Small ag business, small marina              |
| 069 040 28   | transmission line                   | Tunnel                        | two small boat docks, no farms, no buildings |
| 129 040 38   | transmission line                   | Tunnel                        | small boat docks, ag, no buildings           |
| 129 040 39   | transmission line                   | tunnel                        | ag land, no buildings                        |
|              |                                     | shaft location                |                                              |
|              |                                     | barge unloading facility      |                                              |
| 129 040 43   | transmission line                   | Shaft location                | a couple scattered farmsteads                |
|              | substation                          | Tunnel Work Area              |                                              |
|              |                                     | Tunnel                        |                                              |
| 129 040 41   | N/A                                 | shaft location                | farmstead with large house                   |



## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 4 |                            |                               |                                          |
|--------------|----------------------------|-------------------------------|------------------------------------------|
| PN           | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                             |
| 129 040 42   | N/A                        | shaft location                | small farmstead                          |
| 129 040 26   | transmission line          | Tunnel                        | none - no ag - an island                 |
| 129 050 49   | transmission line          | Tunnel                        | none - no ag - an island                 |
| 129 050 01   | N/A                        | Shaft location                | none                                     |
|              |                            | safe haven                    |                                          |
|              |                            | work area                     |                                          |
| 129 050 03   | N/A                        | Safe Haven Work Area          | none                                     |
|              |                            | tunnel                        |                                          |
|              |                            | barge unloading facility      |                                          |
| 129 050 04   | transmission line          | Tunnel                        | none                                     |
| 129 050 05   | transmission line          | Tunnel                        | none                                     |
| 129 050 06   | transmission line          | Tunnel                        | small farmstead                          |
| 129 050 07   | transmission line          | Tunnel                        | part of very small farmstead             |
| 129 050 08   | transmission line          | Tunnel                        | part of very small farmstead             |
| 129 050 09   | transmission line          | Tunnel                        | very small farmstead                     |
| 129 050 28   | transmission line          | Tunnel                        | road                                     |
| 129 050 54   | transmission line          | Tunnel, shaft location        | very small farmstead                     |
| 129 050 55   | transmission line          | Tunnel                        | SFR in poor condition                    |
|              | substation                 | shaft location                |                                          |
|              |                            | tunnel work area              |                                          |
| 129 050 11   | transmission line          | Tunnel                        | small farmstead                          |
| 129 050 12   | transmission line          | Tunnel                        | none                                     |
| 129 050 13   | transmission line          | Tunnel                        | farmstead                                |
| 129 050 14   | transmission line          | Tunnel                        | large farmstead                          |
|              |                            | Safe Haven Work Area          |                                          |
| 129 050 15   | N/A                        | Tunnel, Safe Haven Work Area  | 2 or 3 v small outbuildings, maybe 1 SFR |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 4 |                               |                               |                                                            |
|--------------|-------------------------------|-------------------------------|------------------------------------------------------------|
| PN           | TAKE ACTIVITY<br>(Utility)    | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                                               |
| 129 050 16   | transmission line             | Tunnel, Safe Haven Work Area  | appears to be a few v small outbldgs                       |
| 129 050 53   | transmission line             | Tunnel                        | appears to be a small boatyard or marina                   |
| 129 180 35   | transmission line             | Tunnel                        | very small farmstead                                       |
| 129 180 17   | transmission line             | N/A                           | none, no ag, appears water                                 |
| 129 180 18   |                               | Tunnel                        | none, no ag, appears water                                 |
| 129 010 01   | transmission line             | Tunnel                        | looks like it takes in a canal, appears to be no ag        |
| 129 190 09   | transmission line             | N/A                           | none, no ag, appears water                                 |
| 129 190 10   | N/A                           | Tunnel                        | none, no ag, appears water                                 |
| 129 190 29   | transmission line             | Tunnel                        | appears agribusiness                                       |
|              | substation                    | Shaft Location                |                                                            |
|              |                               | Tunnel Work Area              |                                                            |
|              |                               | Tunnel                        |                                                            |
|              |                               | Barge Unloading Facility      |                                                            |
| 129 190 31   | transmission line             | Safe Haven Work Area          | appears at least one agribusiness                          |
|              | substation                    | Tunnel                        |                                                            |
| 191 180 82   | N/A                           | operable barrier              | part of a farmstead, appears to include a second farmstead |
| 213 310 06   | N/A                           | operable barrier              | ag land, road way                                          |
| 213 310 10   | nothing                       | operable barrier              | ag, no improvements                                        |
| 002250006    | N/A                           | Transmission Line             | ag, none                                                   |
| 002250003    | N/A                           | Transmission Line             | ag, none                                                   |
| 002250004    | Concrete Batch Plant          | Transmission Line             | Transmission towers corridor, slough, irrigation canal     |
|              | Fuel Station                  |                               |                                                            |
|              | Trenchless Crossing           |                               |                                                            |
|              | Reusable Tunnel Material      |                               |                                                            |
| 002210003    | Reusable Tunnel Material Area | N/A                           | Vacant, no apparent ag                                     |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 4 |                               |                                           |                                                                                            |
|--------------|-------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------|
| PN           | TAKE ACTIVITY<br>(Utility)    | TAKE ACTIVITY<br>(Conveyance)             | IMPROVEMENTS                                                                               |
| 002220001    | Reusable Tunnel Material Area | N/A                                       | Farmstead; access road                                                                     |
| 002230001    | Reusable Tunnel Material Area | Transmission Line                         | ag none; Transmission towers corridor; irrigation canal; slough                            |
| 002240001    | Reusable Tunnel Material Area | Transmission Line                         | ag none; slough                                                                            |
| 001031026    | Reusable Tunnel Material Area | N/A                                       | Train tracks; Telephone pole lines                                                         |
| 001081028    | Forebay Embankment Area       | Transmission Line                         | Clifton Court Forebay; water plant; transmission towers corridor; AG; slough; vacant lots; |
|              | Shiphon                       |                                           |                                                                                            |
|              | Forebay Dredging Area         |                                           |                                                                                            |
|              | New Forebay                   |                                           |                                                                                            |
|              | Canal                         |                                           |                                                                                            |
|              | Canal Work Area               |                                           |                                                                                            |
|              | Control Structure Work Area   |                                           |                                                                                            |
|              | Control Structure             |                                           |                                                                                            |
|              | Shaft Location                |                                           |                                                                                            |
| 001101007    | Tunnel                        | Transmission Line                         | Clifton Court Forebay                                                                      |
|              | Barge Unloading Facility      | Substation                                |                                                                                            |
|              | Shaft Location                |                                           |                                                                                            |
|              | Forebay Embankment Area       |                                           |                                                                                            |
|              | Forebay Dredging Area         |                                           |                                                                                            |
|              | Tunnel Muck Conveyor Facility |                                           |                                                                                            |
|              | Trenchless Crossing           |                                           |                                                                                            |
| 001091005    | Forebay Overflow Structure    | N/A                                       | Clifton Court Forebay                                                                      |
|              | Forebay Dredging Area         |                                           |                                                                                            |
|              | Forebay Embankment Area       |                                           |                                                                                            |
|              | Shaft Location                |                                           |                                                                                            |
| 001061007    | N/A                           | Transmission Line                         | ag, none                                                                                   |
| 001041040    | Forebay Dredging Area         | N/A                                       | Clifton Court Forebay                                                                      |
|              | New Forebay                   |                                           |                                                                                            |
| 001050XXX    | Siphon Work Area              | Transmission Line (a little encroachment) | Train tracks; Telephone pole lines; access road                                            |
| 001081013    | Canal Work Area               | N/A                                       | Telephone pole line; vacant                                                                |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 4 |                            |                               |                                                                               |
|--------------|----------------------------|-------------------------------|-------------------------------------------------------------------------------|
| PN           | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                                                                  |
| 001041024    | Canal Work Area            | Transmission Line             | Water plant                                                                   |
| 001041035    | Canal Work Area            | N/A                           | no apparent ag                                                                |
|              | Canal                      |                               |                                                                               |
| 001041034    | Canal Work Area            | N/A                           | Small agribusiness, transmission towers corridor                              |
|              | Canal                      |                               |                                                                               |
| 001041053    | Canal Work Area            | N/A                           | ag none; transmission towers corridor                                         |
|              | Canal Siphon Work Area     |                               |                                                                               |
|              | Siphon                     |                               |                                                                               |
| 001041051    | N/A                        | N/A                           | Small agribusiness, transmission towers corridor                              |
| 001041041    | Canal Work Area            | Transmission Line             | AG; transmission tower; irrigation canal                                      |
|              | Canal                      |                               |                                                                               |
|              | Forebay Embankment Area    |                               |                                                                               |
|              | New Forebay                |                               |                                                                               |
|              | Siphon Work Area           |                               |                                                                               |
|              | Siphon                     |                               |                                                                               |
| 001041007    | Canal Work Area            | Transmission Line             | AG                                                                            |
|              | Canal                      |                               |                                                                               |
| 001041045    | Canal Work Area            | Transmission Line             | Vacant; access road                                                           |
| 001041044    | Canal Work Area            | Transmission Line             | Vacant                                                                        |
| 001041039    | New Forebay                | N/A                           | Vacant; irrigation pipeline?                                                  |
| 001081020    | New Forebay                | N/A                           | AG; irrigation pipeline?                                                      |
|              | Forebay Embankment Area    |                               |                                                                               |
|              | Canal Work Area            |                               |                                                                               |
|              | Canal                      |                               |                                                                               |
| 001081011    | Forebay Embankment Area    | N/A                           | AG; access road                                                               |
| 001081024    | New Forebay                | N/A                           | AG; irrigation canals/ pipelines; telephone pole lines; access road           |
| 001081018    | New Forebay                | N/A                           | AG; access road; farm improvements; telephone pole lines; transmission towers |
|              | Forebay Embankment Area    |                               |                                                                               |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 4        |                            |                               |                             |
|---------------------|----------------------------|-------------------------------|-----------------------------|
| PN                  | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                |
| 001051006           | New Forebay                | Transmission Line             | Vacant                      |
|                     | Forebay Embankment Area    |                               |                             |
|                     | Canal Work Area            |                               |                             |
|                     | Canal                      |                               |                             |
| 001051004           | New Forebay                | Transmission Line             | Irrigation canal            |
|                     | Forebay Embankment Area    |                               |                             |
|                     | Canal Work Area            |                               |                             |
|                     | Canal                      |                               |                             |
| 001081XXX           | New Forebay                | N/A                           | AG                          |
|                     | Forebay Embankment Area    |                               |                             |
| 099B 7100 004<br>04 | Transmission Line          | None                          | Large Agricultural Business |
| 099B 7100 004<br>02 | Transmission Line          | None                          | none                        |
| 099B 7100 003<br>00 | Transmission Line          | None                          | Small Agricultural Business |
| 099B 7150 011<br>00 | Transmission Line          | None                          | none                        |
| 001041036           | N/A                        | Transmission Line             | Farm improvement; vacant AG |
| 001040XXX           | Canal Work Area            | Transmission Line             | Vacant; access road         |
| 099B 7150 016<br>00 | Transmission Line          | None                          | none                        |

## DCE CM1 Property Acquisition Management Plan

## Focus Area 5 Properties by Assessor Parcel Number (APN)

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| FOCUS AREA 5 |                            |                                              |                                                                 |
|--------------|----------------------------|----------------------------------------------|-----------------------------------------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance)                | IMPROVEMENTS                                                    |
| 002260003    | N/A                        | Transmission Line                            | Train track; telephone pole lines;<br>public access road        |
| 002090012    | N/A                        | Transmission Line                            | Two industrial buildings                                        |
| 002090014    | N/A                        | Transmission Line                            | Part of commercial and/or industrial<br>complex and parking lot |
| 002090013    | N/A                        | Transmission Line                            | Part of commercial and/or industrial<br>complex and parking lot |
| 002090017    | N/A                        | Transmission Line                            | Group of several industrial<br>buildings, landscaped yard       |
| 002090016    | N/A                        | Transmission Line                            | A commercial or industrial bldg and<br>1 small shed/bldg        |
| 002090004    | N/A                        | Transmission Line                            | Vacant commercial or industrial lot                             |
| 002102003    | N/A                        | Transmission Line                            | Commercial or industrial bldg                                   |
| 002102005    | N/A                        | Transmission Line                            | Vacant commercial or industrial lot                             |
| 002102004    | N/A                        | Transmission Line                            | Vacant commercial or industrial lot                             |
| 002102006    | N/A                        | Transmission Line                            | Commercial or industrial bldg                                   |
| 002102007    | N/A                        | Transmission Line                            | 2 industrial bldgs                                              |
| 002102016    | N/A                        | Transmission Line                            | Vacant industrial or commercial lot                             |
| 002102011    | N/A                        | Transmission Line                            | Industrial, building and storage yard                           |
| 002110014    | N/A                        | Transmission Line                            | industrial, storage yard                                        |
| 002130004    | N/A                        | Transmission Line                            | agribusiness, irrigation canal                                  |
| 002130005    | N/A                        | Transmission Line                            | appears to be a small agribusiness                              |
| 002130003    | N/A                        | Transmission Line                            | ag, none                                                        |
| 002130007    | N/A                        | Transmission Line                            | ag, none                                                        |
| 002190004    | N/A                        | Transmission Line                            | Irrigation Canal; SFR                                           |
| 002170003    | N/A                        | Transmission Line (a little<br>encroachment) | appears to be a small agribusiness                              |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 5 |                                             |                                              |                                    |
|--------------|---------------------------------------------|----------------------------------------------|------------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility)                  | TAKE ACTIVITY<br>(Conveyance)                | IMPROVEMENTS                       |
| 002190002    | N/A                                         | Transmission Line                            | small farmstead                    |
| 002180003    | N/A                                         | Transmission Line (a little<br>encroachment) | farmstead                          |
| 002190003    | N/A                                         | Transmission Line                            | Vacant                             |
| [no name]    | N/A                                         | Transmission Line                            | Train tracks; telephone pole lines |
| 002210025    | Reusable Tunnel Material<br>Area            | N/A                                          | farmstead                          |
| 002210018    | Reusable Tunnel Material<br>Area (encroach) | N/A                                          | Industrial; storage yard           |
| 002210012    | Reusable Tunnel Material<br>Area (encroach) | N/A                                          | Vacant, no apparent ag             |



## DCE CM1 Property Acquisition Management Plan

## Focus Area 6 Properties by Assessor Parcel Number (APN)

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| FOCUS AREA 6 |                            |                                             |                                        |
|--------------|----------------------------|---------------------------------------------|----------------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance)               | IMPROVEMENTS                           |
| 011010XXX    | N/A                        | Transmission Line; Point of Interconnection | irrigation canal; telephone pole lines |
| 011010008    | N/A                        | Transmission Line; Point of Interconnection | electrical substation                  |
| 011270001    | N/A                        | Transmission Line                           | irrigation canal; agribusiness         |
| 011020001    | N/A                        | Transmission Line                           | ag, none                               |
| 011020009    | N/A                        | Transmission Line                           | ag, none                               |
| 011020008    | N/A                        | Transmission Line                           | ag, none                               |
| 011030002    | N/A                        | Transmission Line                           | farmstead                              |
| 011041XXX    | N/A                        | Transmission Line                           | Train tracks; telephone pole lines     |
| 011030010    | N/A                        | Transmission Line                           | ag, none                               |
| 011030011    | N/A                        | Transmission Line                           | ag, none                               |
| 011041016    | N/A                        | Transmission Line                           | ag, none                               |
| 011041009    | N/A                        | Transmission Line                           | industrial                             |
| 011041022    | N/A                        | Transmission Line                           | industrial                             |
| 011041020    | N/A                        | Transmission Line                           | industrial                             |
| 011041021    | N/A                        | Transmission Line                           | commercial or industrial               |
| 011050034    | N/A                        | Transmission Line                           | industrial                             |
| 011050026    | N/A                        | Transmission Line                           | sfr                                    |
| 011050024    | N/A                        | Transmission Line                           | farmstead (sfr only)                   |
| 011050027    | N/A                        | Transmission Line                           | ag, none                               |
| 011070009    | N/A                        | Transmission Line                           | ag, none                               |
| 011070008    | N/A                        | Transmission Line                           | farmstead                              |



## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 6 |                            |                               |                                                |
|--------------|----------------------------|-------------------------------|------------------------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                                   |
| 003080020    | N/A                        | Transmission Line             | ag, none                                       |
| 003090009    | N/A                        | Transmission Line             | farmstead                                      |
| 003090008    | N/A                        | Transmission Line             | farmstead                                      |
| 003090002    | N/A                        | Transmission Line             | industrial, sfr                                |
| 003090006    | N/A                        | Transmission Line             | vacant, no ag                                  |
| 003090007    | N/A                        | Transmission Line             | vacant, no ag                                  |
| 00310RXXX    | N/A                        | Transmission Line             | Train tracks; telephone pole lines;<br>part AG |
| 003110001    | N/A                        | Transmission Line             | agribusiness                                   |
| 003110007    | N/A                        | Transmission Line             | agribusiness with large sfr                    |
| 003110010    | N/A                        | Transmission Line             | ag, none                                       |
| 003110015    | N/A                        | Transmission Line             | agribusiness                                   |
| 003120016    | N/A                        | Transmission Line             | farmstead                                      |

## DCE CM1 Property Acquisition Management Plan

## Focus Area 7 Properties by Assessor Parcel Number (APN)

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| FOCUS AREA 7 |                                        |                               |                                                 |
|--------------|----------------------------------------|-------------------------------|-------------------------------------------------|
| APN          | TAKE ACTIVITY<br>(Utility)             | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS                                    |
| 134 0270 016 | Substation/Point of<br>Interconnection | None                          | none                                            |
|              | Transmission Line                      |                               |                                                 |
| 134 0260 012 | Transmission Line                      | None                          | none                                            |
| 146 0050 080 | Transmission Line                      | None                          | Appears to be part of an ag-related<br>business |
| 146 0050 013 | Transmission Line                      | None                          | Part of what appears to be a small<br>ag        |
| 132-0240-050 | Transmission Line                      | None                          | Single-family residence                         |
| 132 0240 038 | Transmission Line                      | None                          | Appears to be an ag business                    |
| 146 0050 016 | Transmission Line                      | None                          | 2 sfrs + farmstead                              |
| 146 0050 010 | Transmission Line                      | None                          | 1 very small farmstead                          |
| 146 0050 050 | Transmission Line                      | None                          | 1 very small farmstead                          |
| 146 0050 009 | Transmission Line                      | None                          | 1 farmstead                                     |
| 132 0240 051 | Transmission Line                      | None                          | large agri-business and sfr                     |
| 146 0050 065 | Transmission Line                      | None                          | 2 large farmsteads, one sfr                     |
| 146 0050 004 | Transmission Line                      | None                          | small farmstead                                 |
| 146 0050 066 | Transmission Line                      | None                          | farmstead                                       |
| 146 0050 001 | Transmission Line                      | None                          | Appears to be an agricultural<br>business       |
| 146 0040 012 | Transmission Line                      | None                          | none                                            |
| 146 0040 042 | Transmission Line                      | None                          | single-family residence                         |
| 146 0040 041 | Transmission Line                      | None                          | large farmstead w/more than 1<br>residence      |
| 146 0040 010 | Transmission Line                      | None                          | small farmstead                                 |
| 146 0040 038 | Transmission Line                      | None                          | none                                            |

## DCE CM1 Property Acquisition Management Plan

| FOCUS AREA 7 |                            |                               |                          |
|--------------|----------------------------|-------------------------------|--------------------------|
| APN          | TAKE ACTIVITY<br>(Utility) | TAKE ACTIVITY<br>(Conveyance) | IMPROVEMENTS             |
| 146 0040 039 | Transmission Line          | None                          | none                     |
| 146 0040 009 | Transmission Line          | None                          | communications equipment |
| 132 0332 010 | Transmission Line          | None                          | farmstead                |
| 132 0331 024 | Transmission Line          | None                          | none                     |
| 146 0040 032 | Transmission Line          | None                          | highway                  |

DCE CM1 Property Acquisition Management Plan

**APPENDIX B**

DRAFT

**From:** Nomellini, Grilli & McDaniel PLCs <ngmplcs@pacbell.net>  
**Sent:** Monday, October 26, 2015 2:35 PM  
**To:** BDCPcomments  
**Cc:** ngmplcs@pacbell.net  
**Subject:** BDCP/California Water Fix RDEIR/SDEIS CDWA Part One Exhibits 9-1 and 10-1  
**Attachments:** CDWA BDCP-Water Fix tr Ex 9-1 10-1 10-26-15.pdf; CDWA BDCP-Water-Fix 10-26-15 Ex 10-1.pdf; CDWA BDCP-Water Fix 10-26-15 Ex 9-1.pdf

See attached. DJN Sr

Nomellini, Grilli & McDaniel  
Professional Law Corporations  
235 East Weber Avenue  
Stockton, CA 95202

*Mailing address:*

P.O. Box 1461  
Stockton, CA 95201-1461  
Telephone: (209) 465-5883

Facsimile: (209) 465-3956

Email: [ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net)

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## CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201  
Phone (209) 465-5883 • Fax (209) 465-3956

### DIRECTORS

*George Biagi, Jr.  
Rudy Mussi  
Edward Zuckerman*

### COUNSEL

*Dante John Nomellini  
Dante John Nomellini, Jr.*

October 26, 2015

BDCPComments@icfi.com

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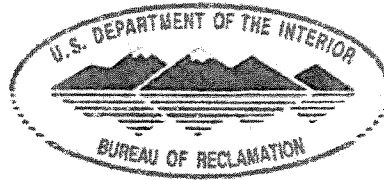
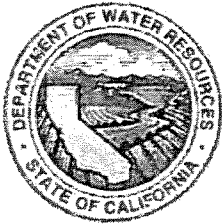
Re: BDCP/California Water Fix  
RDEIR/SDEIS  
DJN Sr. Part One – Exhibits 10-2, 10-3 and 10-4

Attached are Exhibits 10-2, 10-3 and 10-4 to Part One of our comments. Exhibits previously submitted are referenced and incorporated but not resubmitted.

Very truly yours,



Dante John Nomellini, Sr.  
Manager and Co-Counsel



August 25, 2015

Mr. Tom Howard  
 Executive Director  
 State Water Resources Control Board  
 1001 I Street  
 Sacramento, California 95814

Dear Mr. Howard:

The California Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation) jointly submit the attached petition for a change to the water rights necessary to allow for the implementation of key components of the State's "California WaterFix" program. Specifically, authorization to add three additional points of diversion to the water rights for both the State Water Project (SWP) and Central Valley Project (CVP) is necessary for the construction and operation of new water conveyance facilities that will be part of the SWP and operated in coordination with Reclamation and its operation of the CVP. The California WaterFix is a critical element of a broader State effort to meet the goals of providing for a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.

#### Background

The proposed project reflects the culmination of a multiyear planning process that began in 2006 between DWR, the California Natural Resources Agency, Reclamation, public water agencies, State and federal fish and wildlife agencies, non-governmental organizations, agricultural interests, and the public. The planning process, which was called the Bay Delta Conservation Plan (BDCP) program, was initiated in response to the increasingly significant and escalating conflict between the needs of a range of at-risk Delta species and natural communities adversely affected by a wide range of human activities and the need for more reliable water supplies in California for communities, agriculture, and industry.

Nearly ten years later, the ecological health of the Delta continues to be at risk, the conflicts between species protection and Delta water exports have become more pronounced, as evidenced by years of litigation regarding the intersection of endangered species laws and the operational criteria of the SWP/CVP. Other factors, such as the continuing subsidence of lands within the Delta, increasing seismic risks and levee vulnerabilities, and rising sea levels caused by climate change, have served to further exacerbate these conflicts. The actions proposed by DWR and Reclamation in this petition would facilitate fundamental, systemic change to the current system, putting the State on a course to “[a]chieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.” (California Public Resources Code Section 29702, subd. [a]).

#### Proposed Conveyance Facilities

The new SWP water conveyance facilities proposed under the California WaterFix and reflected in the attached petition would introduce new operational flexibility into the SWP and CVP, enabling SWP or CVP water to be diverted from the Sacramento River in the north Delta and conveyed to the south Delta or to be directly diverted in the south Delta at existing SWP and CVP facilities. Water would be diverted through one of three new fish-screened intakes located on the east bank of the Sacramento River between Clarksburg and Courtland. These intakes, each with a capacity of 3,000 cfs, would be situated on the river bank and would range from 1,259 to 1,667 feet in length. The intakes would consist of a reinforced concrete structure subdivided into individual bays that would be isolated from each other and operated independently. Two 30-mile-long, 40 foot diameter tunnels would be constructed from the intake facilities to the existing SWP and CVP south Delta facilities and water would travel through the tunnels by force of gravity to the south Delta where it would flow into the north cell of a redesigned Clifton Court Forebay. This redesign of the forebay would allow for water flowing from the north Delta facilities to be isolated from water entering Clifton Court Forebay from the south Delta.

#### Ecological and Water Supply Benefits

The California WaterFix would result in substantially improved conditions in the Delta for endangered and threatened species and afford greater water supply reliability for the State. With respect to at-risk species, the new conveyance facilities would provide the following benefits:

- Increased operational flexibility for the SWP/CVP through a “dual conveyance” system that allows water managers to shift between intakes to avoid entrainment of at-risk fish species
- Reduction in reverse Old and Middle River flows through adjustments to water operations to better reflect natural seasonal flow patterns



- Siting of new diversions in areas outside of the primary habitat for Delta Smelt and Longfin Smelt
- Integration of state-of-the-art fish screens at each intake to minimize entrainment


The California WaterFix would also advance the State's water supply goals by:

- Upgrading the SWP/CVP water conveyance system in a manner that improves the ability to capture water during wet years and store it for use during dry years
- Protecting against water supply disruptions associated with catastrophic system failures caused by earthquakes or failed levees
- Protecting against water supply disruptions associated with sea level rise caused by climate change

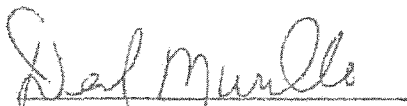
Based on the foregoing benefits, the implementation of the California WaterFix would represent an important step forward in efforts to resolve the longstanding conflicts within the Delta.

DWR and Reclamation look forward to providing additional documentation to support this petition through the subsequent hearing process. We appreciate the effort that the State Water Resources Control Board has invested in the Bay Delta Conservation Plan/California WaterFix programs and we look forward to successful completion of this critical endeavor.

Sincerely

  
 Mark W. Cowin  
 Director  
 Department of Water Resources

Date: 8/25/2015

  
 David Murillo  
 Regional Director  
 Bureau of Reclamation

Date: 8/25/2015

Please indicate County where  
your project is located here:

See Supplement

MAIL FORM AND ATTACHMENTS TO:  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
<http://www.waterboards.ca.gov/waterrights>

## PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- ☒ **Point of Diversion** Wat. Code, § 1701   
 ☒ **Point of Rediversion** Cal. Code Regs., tit. 23, § 791(e)   
 ☐ **Place of Use** Wat. Code, § 1701   
 ☐ **Purpose of Use** Wat. Code, § 1701  
☐ **Distribution of Storage** Cal. Code Regs., tit. 23, § 791(e)   
 ☐ **Temporary Urgency** Wat. Code, § 1435   
 ☐ **Instream Flow Dedication** Wat. Code, § 1707   
 ☐ **Waste Water** Wat. Code, § 1211  
☐ **Split** Cal. Code Regs., tit. 23, § 836   
 ☐ **Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e)   
 ☐ **Other**

Application

See Sup

Permit

See Sup

License

Statement

I (we) hereby petition for change(s) noted above and described as follows:

**Point of Diversion or Rediversion** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present: Existing SWP and CVP in-Delta diversion facilities as described in the permits listed in the supplement to this petition and Water Right Decision 1641.

Proposed: Three new points of diversion and rediversion within the Delta as described in the supplement and as shown on the maps attached to this petition

**Place of Use** – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present: SWP and CVP authorized places of use as shown on the maps on file with SWRCB

Proposed: No Change

**Purpose of Use**

Present: Municipal, Industrial, Domestic, Irrigation, Fish & Wildlife Enhancement, Recreation, Streamflow Enhancement, Salinity Control, Incidental Power

Proposed: No Change

**Split**

Provide the names, addresses, and phone numbers for all proposed water right holders.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

**Distribution of Storage**

Present:

Proposed:

**Temporary Urgency**This temporary urgency change will be effective from  to 

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** -- Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).Upstream Location: Downstream Location: List the quantities dedicated to instream flow in either: ☐ cubic feet per second or ☐ gallons per day:

| Jan                  | Feb                  | Mar                  | Apr                  | May                  | Jun                  | Jul                  | Aug                  | Sep                  | Oct                  | Nov                  | Dec                  |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Will the dedicated flow be diverted for consumptive use at a downstream location? ☐ Yes ☐ No

If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? ☐ Yes ☐ NoWill any legal user of the treated waste water discharged be affected? ☐ Yes ☐ No**General Information** -- For all Petitions, provide the following information, if applicable to your proposed change(s).Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? ☐ Yes ☒ No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:

☒ ownership ☐ lease ☐ verbal agreement ☐ written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

N/A

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated August 25, 2015 at Sacramento, California

  
 Right Holder or Authorized Agent Signature

  
 Right Holder or Authorized Agent Signature
**NOTE:** All petitions must be accompanied by:

- (1) the form **Environmental Information for Petitions**, including required attachments, available at:  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)
- (2) **Division of Water Rights fee**, per the **Water Rights Fee Schedule**, available at:  
[http://www.waterboards.ca.gov/water\\_rights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/water_rights/water_issues/programs/fees/)
- (3) **Department of Fish and Wildlife fee** of \$850 (Pub. Resources Code, § 10005)

State of California  
 State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
 P.O. Box 2000, Sacramento, CA 95812-2000  
 Tel: (916) 341-5300 Fax: (916) 341-5400  
<http://www.waterboards.ca.gov/waterrights>

## ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

### DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

The intent of the Petition for Change is to add points of diversion and redirection contained in water rights permits held by DWR and Reclamation to allow SWP and CVP water to move through the intakes identified by Alternative 4A (California WaterFix) of the Bay Delta Conservation Plan/California Water Fix Partially Recirculated Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement, if ultimately constructed.

Alternative 4A includes the construction of three fish-screened intakes on the east bank of the Sacramento River between Clarksburg and Courtland, each with a capacity of 3,000 cfs. Each intake would be from 1,259 to 1,667 feet in length along the river bank, depending on location, and would consist of a reinforced concrete structure subdivided into individual bays that can be isolated and managed separately.

Specific discussions of the components of Alternative 4A most relevant to the attached water rights change petition can be found within the Partially Recirculated Draft EIR / Supplemental Draft EIS at sections 1.1; 1.1.4; 4.1; 4.1.2.2; 4.1.2.3; 4.1.2.4; 4.3.7; 4.3.8; 11.1.5.2; Appendix A; Appendix 3B

See Partially Recirculated Draft EIR / Supplemental Draft EIS for additional information available at  
[http://baydeltaconservationplan.com/2015PublicReview/PublicReviewRDEIRSDEIS/PublicReviewRDEIRSDEIS\\_Links.aspx](http://baydeltaconservationplan.com/2015PublicReview/PublicReviewRDEIRSDEIS/PublicReviewRDEIRSDEIS_Links.aspx).

Links to sections:

[http://baydeltaconservationplan.com/RDEIRS/4\\_New\\_Alternatives.pdf](http://baydeltaconservationplan.com/RDEIRS/4_New_Alternatives.pdf) (Section 4);

[http://baydeltaconservationplan.com/RDEIRS/Appendix\\_A\\_Rev\\_DEIR-S/11\\_Fish.pdf](http://baydeltaconservationplan.com/RDEIRS/Appendix_A_Rev_DEIR-S/11_Fish.pdf) (Chapter 11 in Appendix A);

[http://baydeltaconservationplan.com/RDEIRS/1\\_Introduction.pdf](http://baydeltaconservationplan.com/RDEIRS/1_Introduction.pdf) (Section 1);

[http://baydeltaconservationplan.com/RDEIRS/Appendix\\_A\\_Rev\\_DEIR-S/App\\_3B\\_EnvCommit.pdf](http://baydeltaconservationplan.com/RDEIRS/Appendix_A_Rev_DEIR-S/App_3B_EnvCommit.pdf) (Appendix 3B in Appendix A)

Insert the attachment number here, if applicable:

**Coordination with Regional Water Quality Control Board**

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

☒ Yes ☐ No

Will a waste discharge permit be required for the project?

☐ Yes ☐ No

If necessary, provide additional information below:

See Draft REIR/EIS

Insert the attachment number here, if applicable:

**Local Permits**

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

☐ Yes ☐ No

☐ Grading Permit

☐ Use Permit

☐ Watercourse

☐ Obstruction Permit

☐ Change of Zoning

☐ General Plan Change

☐ Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.

☐ Yes ☐ No

If necessary, provide additional information below:

See Draft REIR/EIS

Insert the attachment number here, if applicable:



**Archeology**

Has an archeological report been prepared for this project? If yes, provide a copy. ☐ Yes ☐ No

Will another public agency be preparing an archeological report? ☐ Yes ☐ No

Do you know of any archeological or historic sites in the area? If yes, explain below. ☐ Yes ☐ No

If necessary, provide additional information below:

Draft REIR/EIS

Insert the attachment number here, if applicable:

**Photographs**

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- ☐ Along the stream channel immediately downstream from each point of diversion
- ☐ Along the stream channel immediately upstream from each point of diversion
- ☐ At the place where water subject to this water right will be used

**Maps**

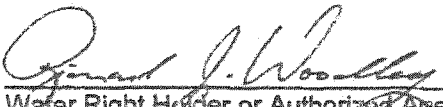
For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

**All Water Right Holders Must Sign This Form:**

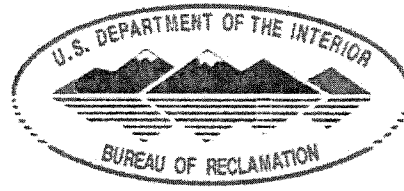
I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated August 25, 2015 at Sacramento, California.

  
Water Right Holder or Authorized Agent Signature

  
Water Right Holder or Authorized Agent Signature

**NOTE:**

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)



**SUPPLEMENTAL INFORMATION**  
**FOR**  
**PETITION FOR CHANGE IN POINT OF DIVERSION**

The California Department of Water Resources (DWR) and the United States Department of the Interior, Bureau of Reclamation (Reclamation) (jointly Petitioners) hereby petition the State Water Resources Control Board (State Water Board) to modify DWR permits 16478, 16479, 16481, 16482 for the State Water Project (SWP) and Reclamation permits 11315, 11316, 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973, and 12364 for the Central Valley Project (CVP) (jointly Projects), as described in this supplement and the required forms. This Petition is limited in scope. It proposes only to add points of diversion and redirection within the Sacramento/San Joaquin Delta Estuary (Delta) of the permits listed above. This Petition does not propose to change any other aspect of the existing SWP/CVP permits.

The intent of this Petition is to add points of diversion and redirection contained in water rights permits held by DWR and Reclamation to allow SWP and CVP water to move through the intakes identified by Alternative 4A (California WaterFix) of the Bay Delta Conservation Plan/California WaterFix Partially Recirculated Draft Environmental Impact Report / Supplemental Draft Environmental Impact Statement (Draft EIR/EIS)<sup>1</sup>, if ultimately approved and constructed. Petitioners will file a final Environmental Impact

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<sup>1</sup> References to the Draft EIR/EIS include to the extent applicable the 2013 Draft Bay Delta Conservation Plan Environmental Impact Report/Environmental Impact Statement.



Report/Environmental Impact Statement with the State Water Board during the course of the public hearing for this Petition. Subsequent filings and appearances before the State Water Board will fully support approval of the request contained in this Petition and demonstrate satisfaction of California Water Code section 85086.

The Petition is being submitted with the Draft EIR/EIS in order to allow the State Water Board and the public the time and information needed to fully consider the proposed changes. A final decision on this Petition is not requested until Petitioners provide final environmental documents. The Draft EIR/EIS provides information well beyond that which is sufficient to initiate consideration by the State Water Board and fully inform both the State Water Board and the public for the purposes of the limited scope of any public hearing associated with this Petition.

***The California WaterFix Implements Longstanding State Water Policy***

The key elements of the California WaterFix have long been an integral part of the state's comprehensive vision for the Delta, which strives to improve upon the unreliable manner in which water is conveyed through the Delta, reduce or eliminate costs to the environment and the economy that are a result of an aging water infrastructure, better prepare the state for the effects of climate change, and reduce impacts on aquatic species caused by the physical, chemical, and biological changes that have occurred within the Delta. The California WaterFix is consistent with the guidance stated in the Delta Protection Act of 1992, the Safe, Clean, Reliable Water Supply Act (1996), and Sacramento – San Joaquin Delta Reform Act of 2009.

The legislature further finds and declares that the basic goals of the state for the Delta are the following: (a) Achieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. – Delta Protection Act of 1992

The Legislature hereby finds and declares all of the following: (a) The state faces a water crisis that threatens our economy and environment. (b) The state's growing population has increasing

needs for safe water supplies which are essential to the public health, safety, and welfare. ... (d) The state should plan to meet the water supply needs of all beneficial uses of water, including urban, agricultural, and environmental, utilizing a wide range of strategies including... improvements in the state's water storage and delivery systems to meet the growing water needs of the state.  
 – Safe Clean Reliable Water Supply Act (1996)

It is the intent of the Legislature to provide for the sustainable management of the Sacramento-San Joaquin Delta ecosystem, to provide for a more reliable water supply for the state, to protect and enhance the quality of water supply from the Delta, and to establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan. – Sacramento – San Joaquin Delta Reform Act of 2009

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In 2006, the Governor's Executive Order S-17-06 initiated the Delta Vision process and established an independent Blue Ribbon Task Force to develop a plan for sustainable management of the Delta, which was developed with input from leaders from all levels of government, stakeholders, academia, and affected communities. The goal of Delta Vision was to identify actions to:

...manag[e] the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social wellbeing of the people of the state.

One of the twelve integrated and linked Delta Vision recommendations was new SWP-CVP conveyance. The Blue Ribbon Task Force Delta Vision report concluded that:

New facilities for conveyance and storage, and better linkage between the two, are needed to better manage California's water resources for both the estuary and exports.

The Delta Vision implementation plan also included the new conveyance as one of its "fundamental actions."

The State Water Board echoed this recommendation to pursue new SWP-CVP conveyance in 2006. In its Revised Bay-Delta Water Quality Control Plan the State Water Board supported further development of new conveyance recommending that:

...the DWR and USBR should continue their efforts to develop alternative water conveyance and storage facilities in the Delta, and should evaluate these alternatives and their feasibility and take action as necessary to minimize impacts to fish.

A new conveyance project is also contemplated in the 2009 Sacramento-San Joaquin Delta Reform Act and in the Governor's 2014 California Water Action Plan as part of the state's plan to achieve its co-equal goals of water supply reliability and Bay-Delta ecosystem restoration.

New conveyance is one of the fundamental actions proposed for restoring the Delta because it would minimize environmental impacts commonly associated with the SWP-CVP, primarily salvage and entrainment resulting from through-Delta water conveyance that can result in negative Old and Middle River flows. Negative Old and Middle River flows affects Delta hydrodynamics and salinity gradients as Sacramento River water is drawn into the south and central Delta. During development of the 2010 Flow Report, a UC Davis expert panel advised the State Water Board of its concerns associated with through Delta conveyance.

Past changes in the Delta may influence migratory cues for some fishes. These cues are further scrambled by a reverse salinity gradient in the south Delta. It is important to establish seaward gradients and create more slough networks and natural channel geometry. Achieving a variable more complex estuary requires establishing seasonal gradients in salinity and other water quality variables and diverse habitats throughout the estuary. These goals in turn encourage policies which establish internal Delta flows that create a tidally-mixed upstream-downstream gradient (without cross-Delta flows) in water quality. Continued through-Delta conveyance is likely to continue the need for in-Delta flow requirements and restrictions to protect fish within the Delta.

And further:

Restoring environmental variability in the Delta is fundamentally inconsistent with continuing to move large volumes of water through the Delta for export. The drinking and agricultural water quality requirements of through-Delta exports, and perhaps even some current in-Delta uses, are at odds with the water quality and variability needs of desirable Delta species.

The new conveyance project would reduce the need for through-Delta conveyance, likely improving hydrodynamics and water quality gradients for migrating fishes by reduce negative Old and Middle River flows.

The United States National Marine Fisheries Service (NMFS) has acknowledged the benefits that could be achieved with alternative conveyance, recommending as part of its 2009 biological opinion that the Petitioners pursue alternative conveyance. As a conservation measure, NMFS recommended that:

Reclamation and DWR should continue to work with the BDCP process to develop a scientifically-based, alternative conveyance program for the Delta that conserves all ESA-listed anadromous fish species in the Central Valley. This effort should evaluate a new point of diversion in the Sacramento River without adding new stressors to listed fish and their critical habitat.

The California WaterFix was developed in cooperation with the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS) and NMFS (jointly the Fishery Agencies). A goal was to avoid adding new stressors to listed fish and their critical habitat.

The Public Policy Institute of California Water Policy Center (PPIC) has produced analyses addressing challenges faced by the state in managing its water resources. The challenges discussed in recent reports highlight the need for alternative conveyance in the Delta. In 2015 alone, the PPIC published four reports of this nature.

Conveyance investments are most critical to maintain water supplies now drawn through the Delta, which could be disrupted by sea level

rise, seasonal flooding, and earthquakes. –California’s Water, April 2015

Bay Area and Southern California cities get more than half their water supplies from other regions. Some of this water – notably imports from the Delta – will require major new investments to remain reliable. –Water for Cities, April 2015

Striking a balance between improving ecosystem health while providing water supply, flood control, and hydropower – with a changing climate and a growing population – is one of California’s great challenges. –Water for the Environment, April 2015

These [local, state and federal water] agencies are considering the construction of two tunnels to tap some water upstream on the Sacramento River and move it underneath the Delta to the pumps. This change could be good for the environment: fewer native fish would be trapped in the pumps, and it would be easier to restore more natural flows within the Delta. The state’s economy could also benefit from improved water quality and water supply reliability. –California’s Future, February 2015

## **I. BACKGROUND**

The Delta is a vitally important ecosystem that is home to hundreds of aquatic and terrestrial species, many of which are endemic to the area and a number of which are threatened or endangered, as identified by CESA and ESA. The watersheds of the Sacramento and San Joaquin Rivers are at the core of California’s water system, which conveys water to millions of Californians throughout the San Francisco Bay Area, the Central Valley, and southern California. Water conveyed through the Delta supports farms and ranches from the north Delta to the Mexican border that are a source of financial stability for the state and that produce roughly half the nation’s domestically grown fresh produce. These watersheds provide water that is used in the Delta, the Sacramento River watershed, the San Joaquin watershed, the San Francisco Bay Area, the central coast region, and Southern California.

Many factors have affected the Delta, of which the SWP and CVP are just two. In a 2010 report to the State Water Board, titled “Changing ecosystems: a brief ecological

history of the Delta,” a number of experts explained the breath of physical modification to the Delta channels and biological/chemical alterations to the aquatic environment. The experts stated:

Habitats for Delta native fishes have changed immensely from pre-European settlement conditions because of extreme landscape changes... The estuary originally contained vast areas of seasonal and permanent wetlands. The elimination of these wetlands reflected massive human-caused changes to the landscape resulting from alterations of hydrologic patterns by dams and diversions, upstream land use changes, tidal marsh reclamation, and channelization of rivers and tidal channels. As a result, the San Francisco Estuary is one of the most highly modified and controlled estuaries in the world. The estuarine ecosystem has lost much of its former variability and complexity as indicated by major declines of many of its native fishes. Contributing to declines have been continual invasions of alien species and large changes in water quality from pollution and upstream diversions of fresh water.

The requested additional points of diversion/diversion are expected to provide several important environmental benefits without creating new, or exacerbating existing, environmental stressors. The requested additional points of diversion address one aspect of the Delta, the manner in which Petitioners move water through the Delta.

#### **A. CALIFORNIA WATERFIX**

This new diversion project was developed through a multiyear collaboration between the State of California, Reclamation, public water agencies, Fishery Agencies, nongovernmental organizations, agricultural interests, and the public.

Approval of this Petition would enable DWR to construct and operate new conveyance facilities that improve conditions for endangered and threatened aquatic species in the Delta while at the same time improving water supply reliability, consistent with California law. The new water diversions in the north Delta would minimize SWP/CVP related entrainment as the new diversion facilities would be equipped with state-of-the-art fish screens, while also being located in an area outside of the primary habitat of

Delta Smelt and Longfin Smelt. The new diversions would further reduce species entrainment by providing operational flexibility to cease diversions at a particular intake location when concern for entrainment of sensitive fish species is high at that intake location.

***Current Permitted State Water Project North Delta Diversion Point***

DWR currently has an existing authorized point of diversion located on the Sacramento River. This Petition requests net diversions from the north Delta at all points of diversion, both existing and those proposed in the California WaterFix, to a rate of 9,000 cfs.

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***Development of the California WaterFix***

The California WaterFix represents the evolution of thinking in a planning process that started in 2006 to implement a comprehensive strategy to advance the planning goal of restoring ecological functions on the Delta and improving water supply reliability in California.

The California WaterFix described in this Petition is described as Alternative 4A, the preferred alternative, in the Draft EIR/EIS. Alternative 4A has been designed to achieve ESA compliance through Section 7 of the ESA and achieve CESA compliance through Section 2081(b) of the California Fish and Game Code. Alternative 4A is designed to avoid jeopardizing the continued existence of listed species.

***Description of Alternative 4A***

Under Alternative 4A, SWP and CVP in-Delta operations would allow some SWP/CVP water to be conveyed from the north Delta to the south Delta through tunnels and directly diverted in the south Delta at the existing SWP and CVP facilities. Water diverted from the Sacramento River would occur through three fish-screened intakes on the east bank of the Sacramento River between Clarksburg and Courtland, each with a capacity of 3,000 cfs. Each intake would be from 1,259 to 1,667 feet in length along the river bank, depending on location, and would consist of a reinforced concrete structure subdivided into

individual bays that can be isolated and managed separately. Water would travel by gravity to the south Delta where it would flow into the north cell of the redesigned Clifton Court Forebay, which would be dredged and configured to isolate water flowing from the new north Delta facilities from water entering Clifton Court Forebay from south Delta channels. Clifton Court Forebay would be connected to Jones Pumping Plant to provide water to the CVP. Alternative 4A would include dual conveyance providing for the continued use of the existing SWP/CVP south Delta export facilities as well as the new diversions. Maps attached to this Petition identify the extent and location of physical facilities included in Alternative 4A.

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Construction of the north Delta intakes will allow greater flexibility in operation of both south and north Delta diversions, and better balancing of the associated water quality and hydrodynamic benefits for fish, drinking water, agriculture, and other beneficial uses. Diversions at the north Delta intake would be greatest in wetter years and lowest in drier years, when south Delta diversions would provide the majority of the CVP and SWP south of Delta exports.

## **B. REGULATORY BACKGROUND**

The scope of this Petition is both limited by the statutes and regulations governing the petition process and constrained by the requested limited modification of the points of diversion for the SWP and CVP. This Petition leaves intact all existing places of use, manner of use, other existing points of diversion, quantities of diversion and other water rights terms and conditions identified in Water Rights Decision 1641 (D-1641). The instream flow issues under consideration in the State Water Board San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (WQCP) update process are separate from the issues germane to this Petition. The instream flow decisions before the State Water Board in the WQCP update have had, and will continue to have, appropriate public process suitable for debate and discussion of Delta flow issues. This



Petition does not pre-ordain or preclude any outcomes in that separate proceeding. Hearings focused on this Petition are limited in scope and procedurally incapable of resolving many longstanding disputes that involve many parties other than the Petitioners and those disputes therefore should be the subject of the broader planning process. Importantly, the requested changes to points of diversion/rediversion identified in Alternative 4A would not detract from the ability of the SWP/CVP to meet current or future criteria or objectives. Rather, this Petition enhances the ability of the Projects to adapt operations to changes in the future.

### ***Petition Requirements***

California Water Code section 1700 et seq. sets forth the necessary requirements for approval of a change in point of diversion. This Petition for the change in point of diversion fulfills these requirements, and the Draft EIR/EIS provides the necessary analysis in order to support review of this petition.

Specifically, California Water Code section 1701.2 provides the substantive requirement list for this Petition. It states:

A petition for change in a permit or license shall meet all of the following requirements: (a) State the name and address of the petitioner. (b) Be signed by the petitioner, or the petitioner's agent or attorney. (c) Include all information reasonably available to the petitioner, or that can be obtained from the Department of Fish and [Wildlife], concerning the extent, if any, to which fish and wildlife would be affected by the change, and a statement of any measures proposed to be taken for the protection of fish and wildlife in connection with the change. (d) Include sufficient information to demonstrate a reasonable likelihood that the proposed change will not injure any other legal user of water. (e) Contain other appropriate information and be in the form required by applicable regulations.

Section 1701.3 allows the State Water Board to request additional information reasonably necessary to process the Petition.

These requirements are assessed in relation to the existing Water Quality Control Plan and D-1641. The WQCP was determined by the State Water Board to ensure

reasonable protection of beneficial uses and the prevention of nuisance.<sup>2</sup> The WQCP is not self-enforcing, but instead requires the State Water Board issue orders implementing the array of water quality objectives determined through that planning process. Thus the WQCP and the water rights decisions stemming from implementation of the WQCP and earlier water quality plans, including D-1641, are protective of beneficial uses until replaced through the update process and constitute the standard for determining injury to those beneficial uses when considering this Petition.

D-1641, adopted on December 29, 1999 and revised on March 15, 2000, describes the Petitioners' responsibilities for implementing specifically determined water quality objectives in the WQCP, as well as the responsibility of certain other Delta watershed users to implement the objectives. D-1641 was the result of a comprehensive public hearing conducted by the State Water Board that occurred over the course of over 80 days of hearings. This Petition does not seek any modification to the requirements of D-1641.

#### *Other Requirements*

The Sacramento-San Joaquin Delta Reform Act of 2009 recognizes the possibility of the California WaterFix in Water Code section 85086(c)(2):

Any order approving a change in the point of diversion of the State Water Project or the federal Central Valley Project from the southern Delta to a point on the Sacramento River shall include appropriate Delta flow criteria and shall be informed by the analysis conducted pursuant to this section. The flow criteria shall be subject to modification over time based on a science-based adaptive management program that integrates scientific and monitoring results, including the contribution of habitat and other conservation measures, into ongoing Delta water management.

Consideration of this Petition under Water Code §85086(c)(2) should occur within the existing regulatory framework for the Delta provided by the WQCP and D-1641.

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<sup>2</sup> State Water Resources Control Board Resolution No. 2006-0098.

Flows presented by Alternative 4A, beyond those required by D-1641, satisfy the appropriate Delta flow criteria to be considered by the Board under 85086(c)(2).

In addition to D-1641, the SWP and CVP currently operate in compliance with the NMFS 2009 Salmon and FWS 2008 Delta Smelt Biological Opinions (BiOps) completed under Section 7 of the ESA, and the SWP in compliance with the CDFW 2009 long-fin smelt Section 2081 Incidental Take Permit (ITP) and Consistency Determinations for Delta Smelt and Salmon. The CVP and SWP will continue to operate under these requirements until new requirements are issued by NMFS, USFWS or CDFW. Under the California WaterFix, the CVP and SWP would operate pursuant a new Section 7 consultation and ITP for in-Delta operations.

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## **II. PETITION REQUEST**

DWR and Reclamation petition the State Water Board to modify DWR permits 16478, 16479, 16481, 16482 for the SWP and Reclamation permits 11315, 11316, 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973, and 12364 for the CVP, as described in this Petition and attachments. This Petition does not propose to change any aspect of the existing permits other than the points of diversion and rediversion within the Delta.

If granted, the changes requested in this Petition would alter the points of diversion/diversion for both SWP and CVP water rights permits. SWP and CVP water rights permits would reflect the addition of three new points of diversion/diversion at the locations specified in the California WaterFix. The proposed three new intakes on the Sacramento River would be located on the East bank of the Sacramento River between Clarksburg and Courtland, and each intake would divert a maximum of 3,000 cfs for a total north Delta diversion capacity of 9,000 cfs. The source of water would remain unchanged from the existing permits – direct diversion of unappropriated Delta water and diversion of storage releases. The maximum annual diversion limits of the existing permits are unchanged. These three intakes are located within the California Coordinate System at North 6,700,800-East 1,909,831, North 6,699,289-East 1,901,310 and North 6,695,594-East 1,889,835. The existing purposes of use, places of use, and all other aspects of the existing permits remain unchanged.

Thus the requested additional points of diversion do not concern the 34 SWP storage facilities (reservoirs and lakes), 4 pumping-generating plants, 5 hydroelectric power plants, approximate 700 miles of open canals and pipelines. Likewise, the requested additional points of diversion do not concern any CVP facilities, including 20 dams and reservoirs, 11 power plants, or approximate 500 miles of major canals, conduits, tunnels or related facilities. While the larger California WaterFix conveyance project includes an additional SWP pumping station in the south Delta as part of the reconfigured Clifton Court Forebay, water from the additional points of diversion is delivered to the new station through a tunnel and that water is at all times isolated from, and not comingled with, any other supplies. For this reason, the new SWP pumping station is not part of this petition, except to the extent construction impacts of the California WaterFix are discussed.

Recognizing the appropriate Delta flow requirements in §85086 (c)(2), Alternative 4A proposes a range of spring outflows above D-1641. Also, consistent with Water Code

section 85086 (c)(2), the exact flows proposed in Alternative 4(a) will be determined using science based adaptive management process.

#### **IV. STATUTORY & REGULATORY INFORMATION**

##### **A. PROTECTIONS OF FISH AND WILDLIFE**

The new points of diversion presented in this Petition will allow for flows and hydrodynamics that will reduce take of protected aquatic species, and will benefit aquatic species by virtue of locating the intakes upstream of habitats most utilized by certain protected species, including Longfin Smelt and Delta Smelt. The specific intake locations, configuration, and state-of-the-art fish screens were developed in collaboration with the Fishery Agencies.

To ensure the optimal design for the protection of fish in the Sacramento River, the Fish Facility Technical Team recommended twenty-two studies to inform design and to establish biological baseline conditions. This team adopted a work plan focusing on eleven pre-construction studies and three biological baseline conditions studies. Once completed, the results of these studies will be available for review by the State Water Board and others, and will be used to further inform design and operation of the diversion structures. Operations are constrained by Sacramento River bypass flow requirements and fish screen velocity rules to minimize entrainment and impingement.

##### **1. Benefits to Fish Species**

Approval of this Petition will enable DWR to construct and operate new conveyance facilities that improve conditions for endangered and threatened aquatic species in the Delta while at the same time improving water supply reliability, consistent with California law. Implementing a dual conveyance system would align water operations to better reflect natural seasonal flow patterns by creating new water diversions in the north Delta equipped with State-of-the-art fish screens, thus reducing reliance on south Delta

exports during times of the year when listed and other native at risk aquatic species are present and most vulnerable.

The existing operation of the SWP and CVP pumps can affect flow patterns. The changed hydrodynamics in the Delta can cause water in the Delta to flow in a north-south direction (towards the south Delta pumps). FWS, NMFS, and CDFW have concluded that these changed hydrodynamics can affect migration, entrainment, and predation of listed fish species. The new system would reduce physical impacts associated with sole reliance on the southern diversion facilities and allow for greater operational flexibility to better protect fish. Reducing south Delta pumping would substantially reduce the north-south flow pattern, likely favoring many native fish species.

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Under the California WaterFix operations, south Delta entrainment of fish species is expected to be reduced relative to existing conditions. Entrainment at the south Delta facilities includes both direct entrainment at the SWP and CVP export facilities, as well as pre-screen predation losses.

## **2. Impacts to Fisheries and Aquatic Resources**

For the species analyzed in the draft EIR/EIS, screening of the proposed intakes would prevent entrainment of all but the smallest life stages that could be present in the vicinity of the proposed new intakes. Juvenile Chinook salmon migrating past the proposed new intakes would be large enough to avoid entrainment, and Delta Smelt eggs and larvae rarely occur in the area. Species with the greatest risk of entrainment are unlisted species that include striped bass, American shad, and splittail because these species have the potential to occur in the area of the proposed new intakes during early life stages. Impingement may also occur for larger fish, and would be managed through approach and sweeping velocity criteria for screen operation.

Operational measures, combined with the state-of-the-art screen design, have been devised to ensure that entrainment of migrating juvenile salmonids and other species will be avoided or greatly minimized.

### **3. Impacts to Terrestrial Resources**

#### ***Construction Impacts***

In addition to mitigated impacts to the aquatic environment, construction of new north Delta intakes would include mitigation of any effects to valley/riparian and grassland natural communities and terrestrial species habitats. Several species, including Swainson's hawk, valley elderberry longhorn beetle, least Bell's vireo, and white-tailed kite, have suitable habitat within riparian areas near the intake sites. However, construction and management associated with the California WaterFix would have no long-term adverse effects on the habitats. In addition, impacts would be offset through mitigation that includes the restoration and protection of valley/foothill riparian habitat.

White-tailed kite, northern harrier, and short-eared owl are three species associated with grassland habitats that have the potential to occur near the intake sites. Mitigation will offset any losses of grassland as result of construction activities including restoration and protection of grassland habitat and protection of cultivated lands maintained in crop types that provide similar habitat values for the species. For terrestrial species, protection and restoration for the loss of valley/riparian and grassland habitats would be minimized through specific requirements to minimize and avoid disturbances to species and habitats. For example, a nondisturbance buffer will be established around each active white-tailed kite and Swainson's hawk nest site. No entry for construction activity will be allowed in the buffer while a nest site is occupied by white-tailed kite or Swainson's hawk during the breeding season. In addition, to minimize near-term loss of habitats, a program to plant mature trees will be implemented. Planting larger, mature trees, including transplanting

trees scheduled for removal, and supplemented with additional saplings, is expected to accelerate the development of potential replacement nesting habitat.

#### **4. Protective Measures for Construction and Operation**

Construction and operation will include mitigation of the direct impacts to aquatic and terrestrial resources. The mitigation is more fully described in the EIR/EIS. (See Draft EIR/EIS section 4.1.2.3.) Where warranted, additional mitigation would further reduce impacts from the construction of water conveyance facilities. Other mitigation to minimize adverse effects to fish habitat address temporary increases in turbidity, hazardous material and accidental spills, and disturbance of contaminated sediments. Finally, the in-water work window for construction (expected to be June 1 through October 31) would occur during a time when most species are not expected to be present near intake construction sites, thus limiting the potential for negative impacts.

Adaptive management and monitoring, as well as a real-time operational decision-making will minimize impacts to fish and terrestrial species and measure success of applicable mitigation.

#### **5. Compliance with ESA, CESA and Fish and Wildlife Code**

##### ***ESA Section 7 Compliance***

Incidental take coverage under the federal Endangered Species Act for SWP and CVP future operations will be obtained through Section 7 of the ESA. Reclamation, as the federal lead action agency, will consult under ESA Section 7 on the California WaterFix, which includes the modification and addition of points of diversion contemplated in this Petition. Section 7 requires a federal agency to ensure that any action it authorizes, funds or carries out does not jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.



Reclamation, with DWR as an applicant, will initiate Section 7 consultation with USFWS and NMFS. In cooperation with DWR, Reclamation will prepare a biological assessment for submission to USFWS and NMFS requesting formal consultation under ESA Section 7. It is expected that USFWS and NMFS will ultimately prepare a biological opinion analyzing the effects of the California WaterFix, including the modification and addition sought in this Petition, on listed species and designated critical habitats and an Incidental Take Statement authorizing any incidental take of federally listed species.

As described in the Draft EIR/EIS, impacts to federally listed species would be reduced or avoided through implementation of mitigation on listed fish species habitat. Acquisition of all lands to be used for habitat protection and restoration, and construction of such habitat, will be completed by the time the proposed intake and conveyance facilities become operational, approximately 14 years after proposed action approval.

As a component of the California WaterFix, an adaptive management and monitoring program would be developed and implemented to use new information and insight gained during the course of construction and operation of water conveyance facilities.

#### ***CESA Section 2081(b) Compliance***

DWR will comply with State endangered species laws will be through a permit request for authorization of the incidental take of species listed under CESA, pursuant to CA Fish & Game Code Section 2081(b) and issued by CDFW. The permit would ensure that take of California listed species is minimized and fully mitigated.

As a component of the California WaterFix, an adaptive management and monitoring program would be implemented to use new information and insight gained during the course of construction and operation of water conveyance facilities.

**B. NO INJURY TO LEGAL USERS OF WATER**

The SWP and CVP are inter-basin water storage and delivery systems. These existing operations are permitted by the State Water Board and are operated consistent with California water rights and water quality laws. Under the California WaterFix existing obligations will continue to be met and beneficial uses in the Delta will not be negatively impacted by operations with the new point of diversion.

Petitioners maintain an accounting system to ensure that their diversions to storage occur at times when sufficient unregulated flow is available to satisfy senior downstream or Area of Origin uses. For this reason, operations both now and in the future will not impact the quantity of water available for water users in the watershed because these demands are accounted for prior to diversions to storage or export. As water users without a contract with either DWR or Reclamation do not have a right to stored water supplies, the quantity of water available for diversion by in-basin water users will not be impacted by any changes in stored water releases that occur as a result of the California WaterFix.

This Petition only requests a change to the points of diversion/rediversion for the Delta contained in existing SWP and CVP water rights permits listed in this Petition. As such, there are no requested changes to the SWP or CVP quantity or timing of diversion, place of use, return flows, or consumptive uses of water. Furthermore, this Petition does not request any modification of D-1641 obligations. Therefore as detailed in the Draft EIR/EIS, all protective thresholds for beneficial uses currently enacted by the State Water Board will be met if this Petition is granted.

**1. Water Quality*****Salinity Impacts***

The modeling of the proposed operations of new intakes indicates only very minor impacts to Delta salinity, which can and will be avoided in real time operations that will

remain controlled by the Board's regulatory requirements, thus resulting in no injury to legal water users. Although the modeling analysis conducted for the Draft EIR/EIS showed minor impacts, real time Project operations are managed to meet existing regulatory requirements. DWR has analyzed through models the potential adverse effects of the north Delta intakes upon West Delta objectives of 150 mg/L and 250 mg/L in the 2006 WQCP, and for Suisun Marsh. Two modeling approaches were used to address complexities presented by the chloride ion. Data from the more conservative of the two approaches formed the basis for the assessment of impacts; therefore actual effects are likely less than the conservative modeling outcomes.

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### ***Modeling Artifacts***

Some modeling results reflect uncertainties in the modeling for electrical conductivity. Modeled exceedances will be avoided by adjustments to reservoir storage, flows, and/or exports with continuous adjustments to respond to reservoir storage, river flows, in-Delta demands, tides, and other factors. A detailed description of the modeling tools and approach is provided Draft EIR/EIS Appendix 5A.

## **2. Regulatory Effects Upon Non-project Water Rights**

The Draft EIR/EIS considers the impacts of the north Delta intakes on water rights holders and finds that there are no regulatory actions that would affect non-project water rights holders. In addition to the priority system, water rights that are in the Area of Origin are protected by existing state law which provides that the CVP and SWP can only export water that is surplus to the legitimate water needs of the Bay-Delta watershed. The Petitioners operate the Projects consistent with the priority system and Area of Origin protections.

Other water rights holders in the watershed are likewise not harmed by the proposed north Delta intakes during times of “balanced” conditions. During “balanced” conditions, project (CVP and/or SWP) storage withdrawals are made to meet both regulatory and project needs. Non CVP and SWP water rights holders are not entitled to divert project storage withdrawals, therefore their water rights are not harmed by project operations in “balanced” conditions.

Deliveries to the CVP Settlement, Refuge, and Exchange Contractors, and SWP Feather River Service Area (FRSA) Contractors and Delta contracts will continue to be made under the terms of those agreements. This Petition does not propose any changes to any contractual obligations.

### **3. Water Levels**

The water level in the Delta is expected to be unaffected by the proposed north Delta intakes, with the exception of a small section of Sacramento River immediately downstream of the new proposed North Delta intakes. The drop in water level ranges between no change and 0.8 feet during high flow events in Winter and Spring. These are typically times when there is major concern with flood water levels being too high. At low flow periods, the change in water levels is negligible.

## **C. COMPLIANCE WITH CEQA**

A final environmental document will be completed within the time this Petition is fully considered. DWR and Reclamation have provided the State Water Board two administrative versions, a public draft and a partially recirculated / supplemental Draft EIR/EIS, the latest version of which was released to the public on July 10, 2015. The Draft EIR/EIS contains a wide range of alternatives and anticipated to be sufficient for the purposes of the State Water Board in analyzing this Petition.

Additional information about the California WaterFix may be found at its public website: <http://www.californiawaterfix.com/> and prior efforts of the Bay Delta Conservation Plan at: <http://www.baydeltaconservationplan.com>.

#### ***SWRCB Involvement in EIR/s Development***

The State Water Board has been working with DWR to analyze an alternative that results in reduced south of Delta diversions. Preliminary model results show that this alternative would result in increases to mean annual Delta outflow of approximately 1.6 million acre-feet per year for the February through June period at a cost of approximately 1.5 million acre-feet per year on average reduction in south of Delta diversions relative to the no action alternative. This alternative will allow DWR and other lead agencies, and the State Water Board to evaluate a sufficiently broad range of alternatives to inform their respective processes.

#### ***CEQA NEPA Alternatives***

The CEQA preferred alternative and over a dozen action alternatives, and the No Action / No Project alternative described and analyzed in the Draft EIR/EIS were developed over a 8-year period in collaboration and outreach with DWR, Reclamation, Fishery Agencies, state and federal water contractors, nongovernmental organizations, agricultural interests, Delta communities and public agencies, and the general public. The project alternatives described in the Draft EIR/EIS were selected using a multi-step screening selection process including consideration of comments submitted by the State Water Board and other responsible and cooperating agencies during the scoping and comment periods of the draft documents. Alternatives were also screened against the Sacramento-San Joaquin 2009 Delta Reform Act requirements to ensure compliance with Water Code Section 85320. Alternative 4A, developed in response to public and agency input, is the CEQA preferred alternative, and the NEPA preferred alternative. Prior

alternatives explored during the drafting of the Draft EIR/EIS did not designate a NEPA preferred alternative.

***NOP, NOI, and Scoping Activities***

The Notice of Preparation and Notice of Intent were first issued in 2008. Additional information was developed, and subsequent scoping activities were initiated on February 13, 2009 with the publication of a revised NOP and a revised NOI.

A Draft EIR/EIS was released for review on December 13, 2013, for a 120-day public review period. The review period was extended in April 2014 for an additional 60 days. In June 2014, the Lead Agencies decided to further extend the review period to July 29, 2014, for a total review period of approximately 7½ months. Public hearings were held after release of the public draft throughout the state in twelve locations in January and February 2014, accepting verbal comments via court reporter and written comments.

Subsequent to close of public comment and as part of reviewing comments received, DWR decided that certain portions of the proposed conservation strategy should be revised and modified to reduce environmental impacts, to increase the effectiveness of the proposed conservation strategy, and to improve the feasibility of conveyance facilities. Based largely on these comments, DWR and Reclamation have added alternatives to achieve the project objectives without preparation of a broad scale habitat conservation plan. On July 10, 2015 the Lead Agencies issued the Draft EIR/EIS to provide the public and interested agencies with updated environmental analysis to address certain revisions to the proposed alternatives, to introduce new sub-alternatives (Alternative 2D, 4A and 5A), and to address certain issues raised in comments received on the Draft EIR/EIS. The comment period for the Draft EIR/EIS ends October 30, 2015.

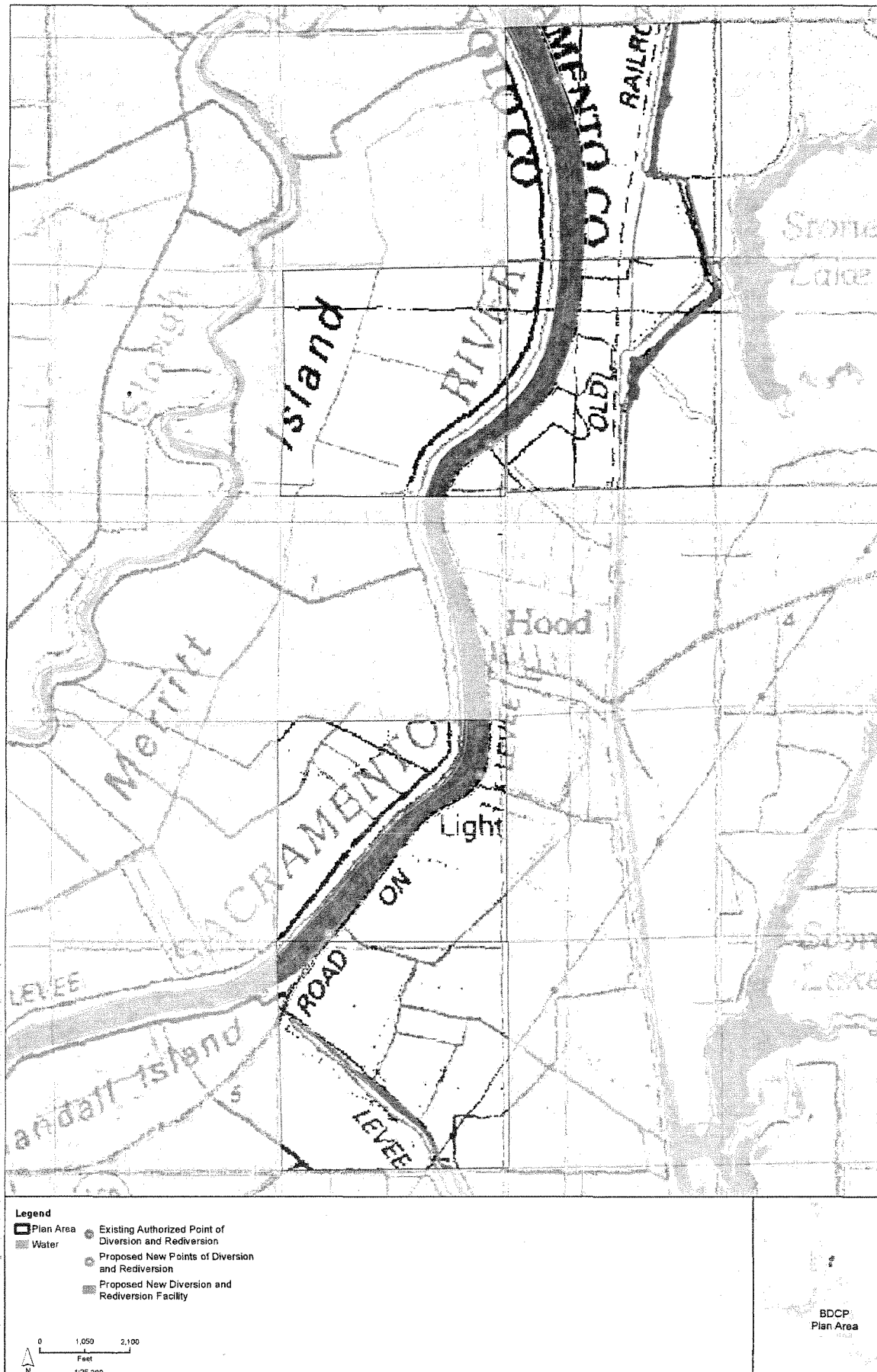
**V. PROCESSING OF PETITION**

DWR and the Bureau submit this Petition to change the point of diversion with the objective of the State Water Board noticing this matter for any necessary hearing as soon as

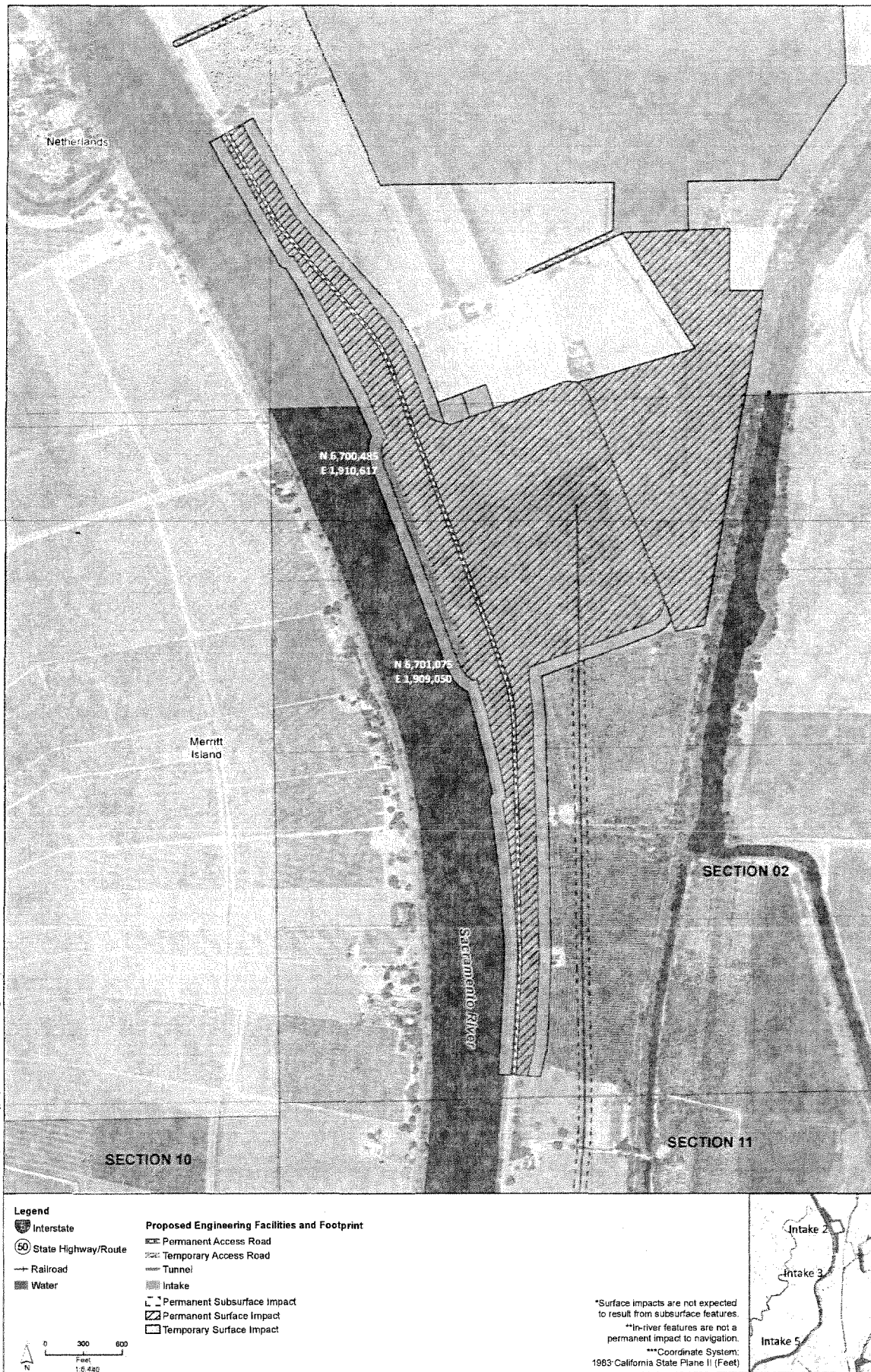
possible, but not later than seven months after receipt of this Petition because of the importance of this Petition to help solve California's water crisis. This Petition is filed at the present time to allow the consideration of adding north Delta intakes as points of diversion/diversion to the SWP/CVP water rights permits.

Should the State Water Board determine a hearing is necessary, DWR and Reclamation intend to present further evidence to the State Water Board demonstrating that the change in points of diversion requested for the California WaterFix meet the legal requirements of the Water Code.

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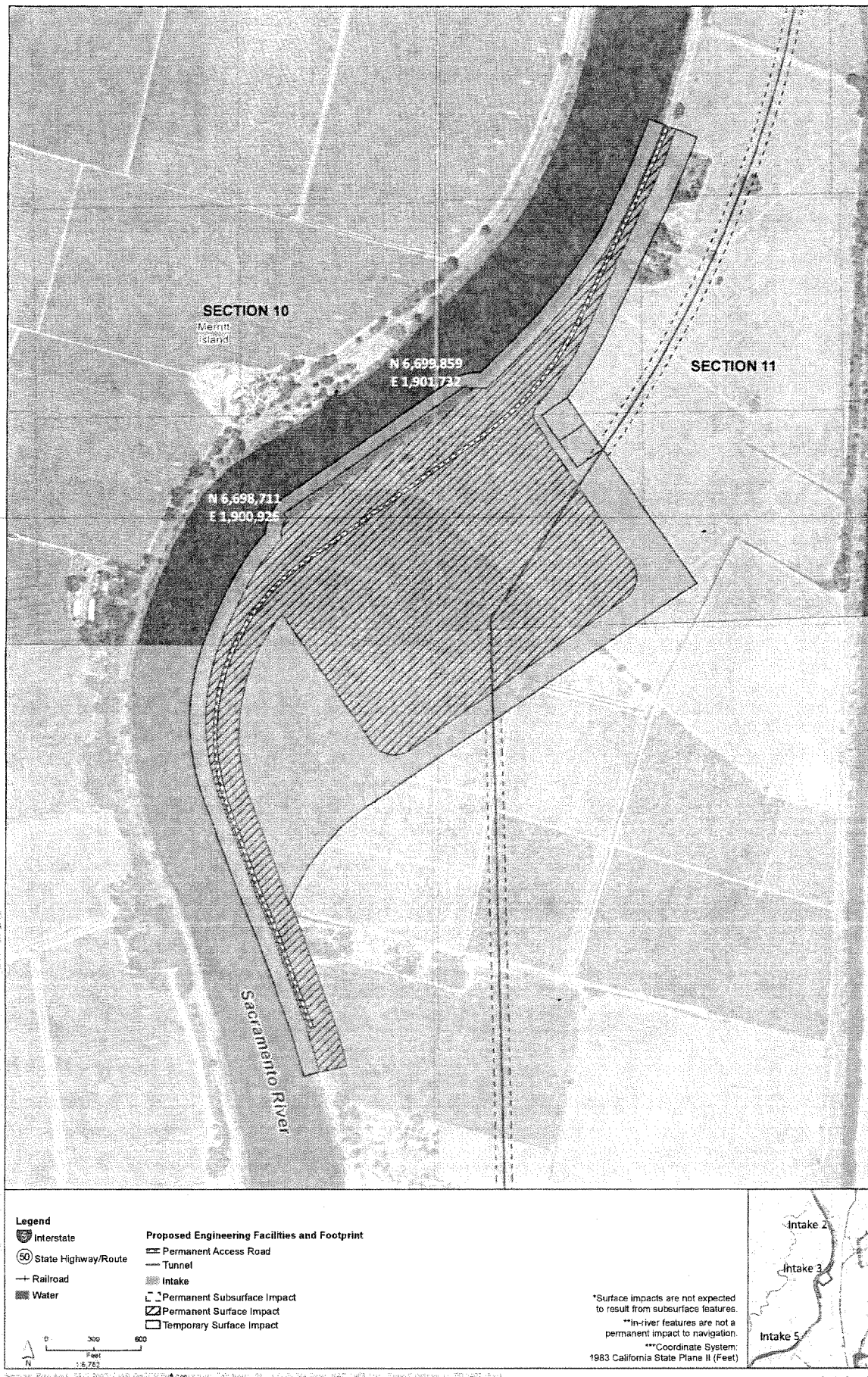




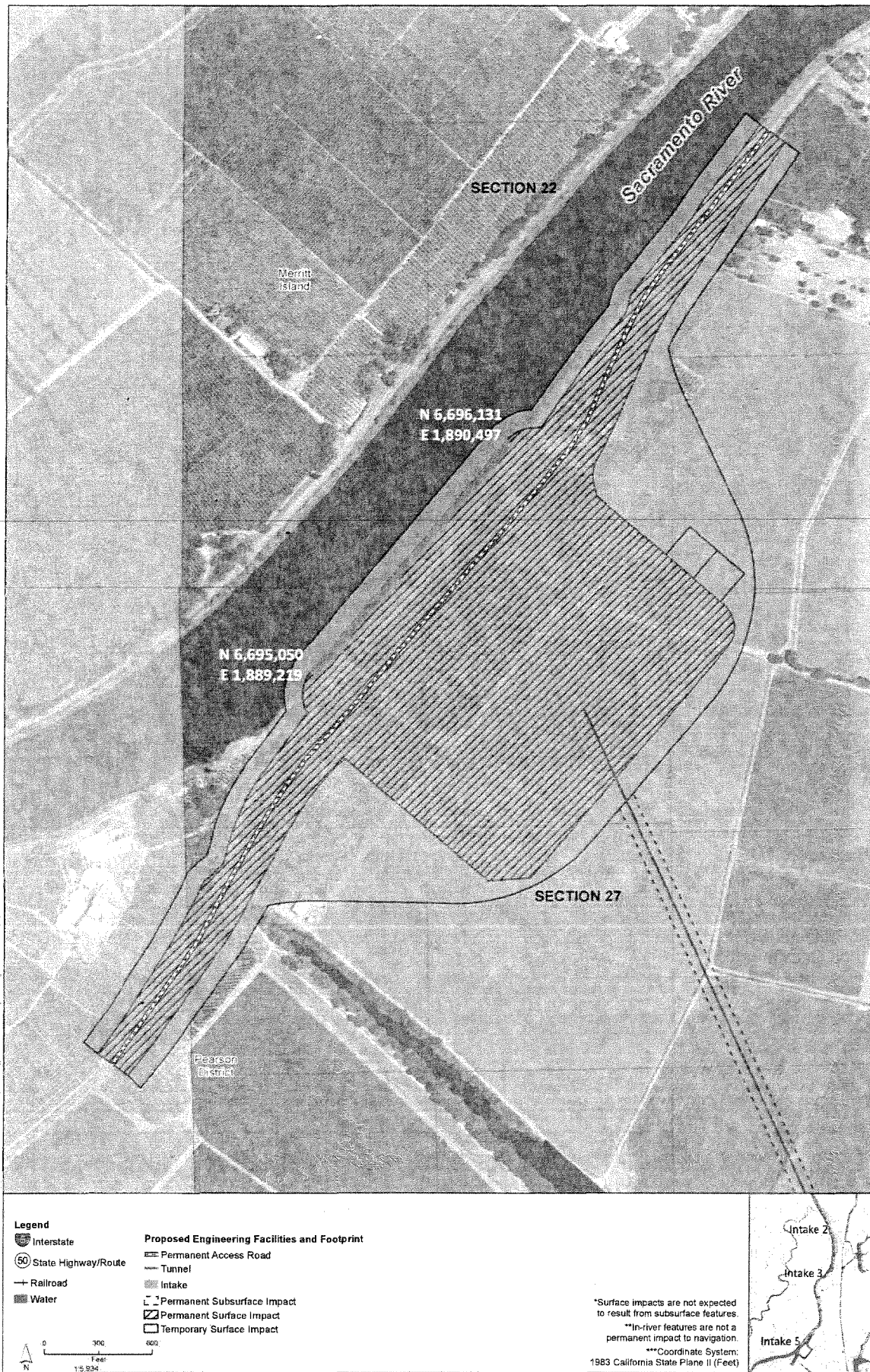


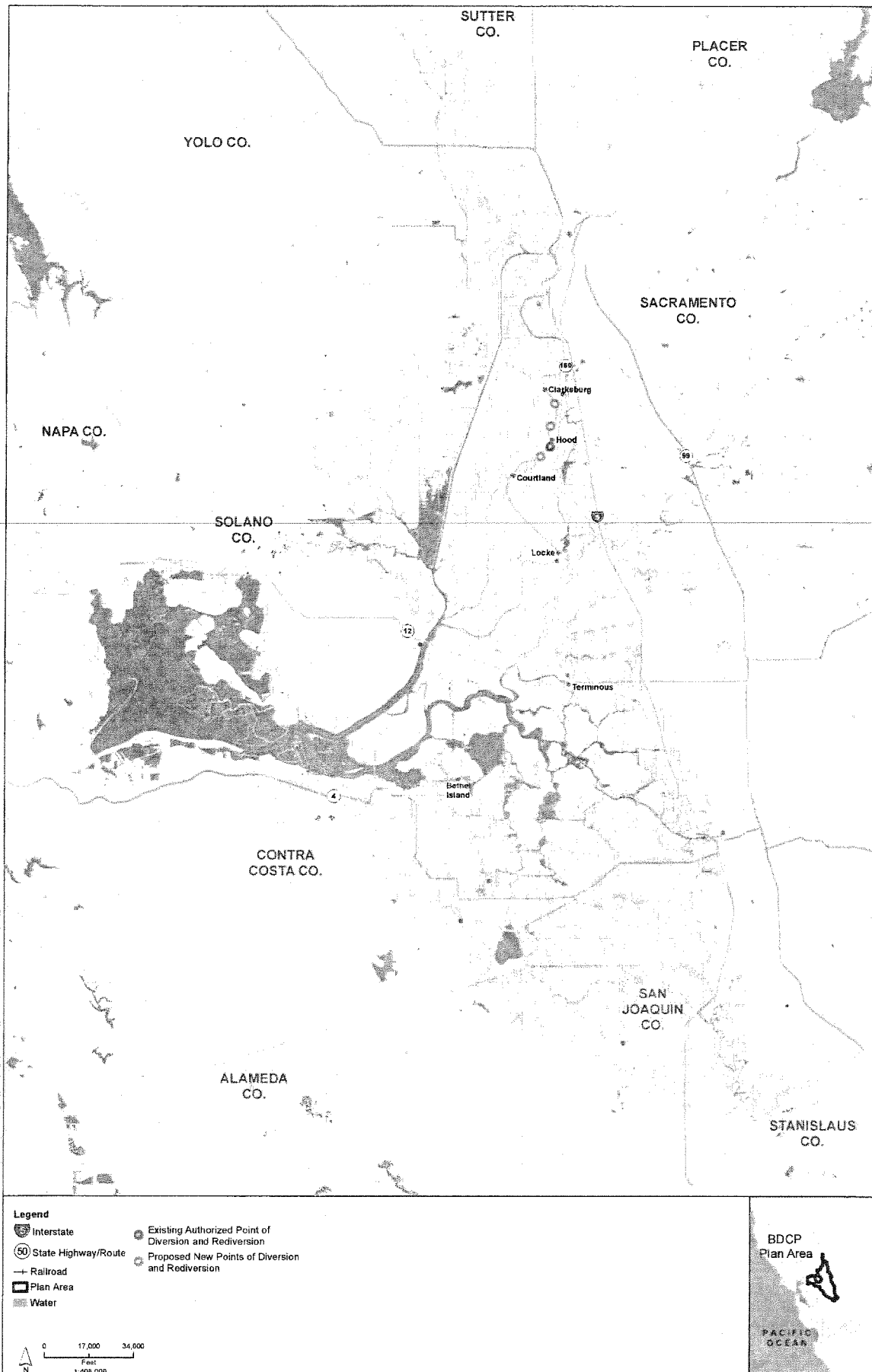
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Intake 2  
State Water Resources Control Board  
Petitions for Change in Points of Diversion  
Application Numbers: A17512, A14445A, A14443, A5630









Application Numbers: A17512, A14445A, A14443, A5630

**Location of Point of Diversion**

| By California Coordinate System<br>of 1983 in CA SP 2                                                                                                                             | 40-acre subdivision of public<br>land survey or projection<br>thereof | Section<br>(Projected)* | Township | Range | Base and<br>Meridian |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------|----------|-------|----------------------|
| <i>Existing Authorized Point of<br/>Diversion and Rediversion:</i> Delta<br>Water Facilities<br><br>North 6,699,086 feet and East<br>1,893,577 feet                               | SW1/4 of NE1/4                                                        | 22                      | 6N       | 4E    | M                    |
| <i>Proposed New Points of<br/>Diversion and Rediversion:</i> Delta<br>Water Facilities At BDCP Intake 2<br>Northern Extent<br><br>North 6,700,485 feet and East<br>1,910,617 feet | NW1/4 of NW1/4                                                        | 2                       | 6N       | 4E    | M                    |
| <i>Proposed New Points of<br/>Diversion and Rediversion:</i> Delta<br>Water Facilities At BDCP Intake 2<br>Southern Extent<br><br>North 6,701,075 feet and East<br>1,909,050 feet | SE1/4 of NW1/4                                                        | 2                       | 6N       | 4E    | M                    |
| <i>Proposed New Points of<br/>Diversion and Rediversion:</i> Delta<br>Water Facilities At BDCP Intake 3<br>Northern Extent<br><br>North 6,699,859 feet and East<br>1,901,732 feet | NW1/4 of SW1/4                                                        | 11                      | 6N       | 4E    | M                    |
| <i>Proposed New Points of<br/>Diversion and Rediversion:</i> Delta<br>Water Facilities At BDCP Intake 3<br>Southern Extent<br><br>North 6,698,711 feet and East<br>1,900,926 feet | SE1/4 of SE1/4                                                        | 10                      | 6N       | 4E    | M                    |
| <i>Proposed New Points of<br/>Diversion and Rediversion:</i> Delta<br>Water Facilities At BDCP Intake 5<br>Northern Extent<br><br>North 6,696,131 feet and East<br>1,890,497 feet | SE1/4 of SW1/4                                                        | 22                      | 6N       | 4E    | M                    |
| <i>Proposed New Points of<br/>Diversion and Rediversion:</i> Delta<br>Water Facilities At BDCP Intake 5<br>Southern Extent<br><br>North 6,695,050 feet and East<br>1,889,219 feet | NW1/4 OF NW1/4                                                        | 27                      | 6N       | 4E    | M                    |

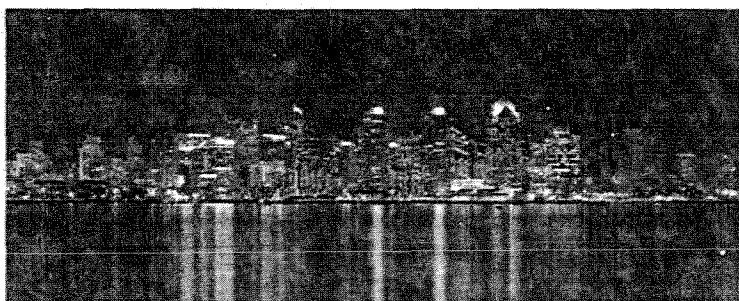
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## Secretary Laird talks Cal Water Fix to San Diego County Water Authority's Imported Water Committee

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San Diego Skyline by RufusteLeStrat/Wikimedia

Secretary John Laird and Deputy Secretary Karla Nemeth discuss Cal Water Fix, the Coordinated Operating Agreement, and federal legislation

On August 27<sup>th</sup>, Natural Resources Secretary John Laird spoke to the Imported Water Committee of the San Diego County Water Authority. On hand to answer questions also was Deputy Secretary for Water Policy Karla Nemeth.

Committee Chair Mark Watton

began by noting that the San Diego County Water Authority does support a Delta fix. "The question for this board is, what is the appropriate fix that has the widest support, is affordable,

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*and has the best chance to be implemented? What is the implication to our rate payers? How much water will we get and at what price?," he said.*

He then handed the floor over to Secretary John Laird, who gave a high-level update on the California Water Fix project. "There are always complexities, so I'm going to try and do this simply," he said. "We were doing a Delta project that met the dual goals in the 2009 legislation, and we were doing it with a Habitat Conservation Plan that was over 50 years, and that presented some issues. Nine years of work went into that. ... I think after nine years of study, we understand the limits of our knowledge and the issue is basically there's uncertainty."

"We were convinced that you could manage the uncertainty," he continued. "With climate change and other things coming, we thought you could have a framework that says if this, then this happens over the 50 years, but I think for some agencies, that was just hard. So basically it's been split into two projects, and each one represents one of the dual goals, so we are being true to the dual goals."

"It's an entirely different framework for permitting then it would be under a Habitat Conservation Plan where you had to have a higher level of assurances from many agencies," he said. "By doing two 30-mile tunnels and by doing habitat restoration, it lowers the amount of approval that needs to be done, and you can move ahead with the habitat. ... We've appointed a point person who was a county employee in the Delta to make sure that everything moves ahead on that. Then there's a different level of permitting, and we have revised the EIR, it's out there, and we want to move ahead with the project."

"The State Water Project has always been unfinished, and this finishes it," Secretary Laird said. "This really does what probably should have been done in the initial project. About 90% of it was done and everybody's been fighting over the last 10% for the subsequent 40 years, but it reverses the current situation, it reverses the flows in the Delta, the water quality is not as good, and we're subject to biological opinions that with this current configuration makes it difficult and so this is a way to deal with the reverse flows, deal with the water quality, and deal with the issue of seismic safety in the event of a seismic event in the region. It gives more reliability and assurance when that happens."

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He acknowledged that a question they might have is why. *"I think it goes back to what I said, a 50-year plan, given climate change, is hard to do,"* he said. *"This allows us to move into a permitting scheme where the government agencies are basically the operators and we have more control, it's current configurations, and we can move."*

He noted that many might question if the project is still needed and the answer is yes for many reasons. *"One is that we just passed a water bond last year that has \$2.7 billion for storage, and storage south of the Delta does not work without conveyance,"* he said. *"In the last wet year, 2010-11, after you took what was needed for the water contracts, and what was needed for the flows, there was 800,000 acre-feet of water that could have been used above that, but there was no mechanism to take it. If there had been conveyance, that could have been moved into the system for storage; without conveyance, it flows through to the ocean, so this makes storage work."*

It is still necessary for reliability, he said. *"If you look at Southern California and the three imported water sources; the Owens Valley goes to the city of LA, but the Colorado River, which has been in drought for over a decade, and the Delta - those are really necessary as a reliable portion of the portfolio to make other things work. Unless you have a reliable part of your water portfolio, recycling and conservation don't work. ... If you have an 'all-of-the-above' strategy, that is a very important part of it. But you can't conserve to nothing. If you have no reliable underlying source, conservation doesn't work. It is the same with recycling, so it's very important to have a reliable part of the portfolio to make certain other parts of the portfolio work."*

*"I should just say that the Governor is very committed to doing this,"* he said. *"He wants to get it done. One of the interesting things in working for him is that he is fearless. He says what he really thinks; it doesn't matter how unpopular it is, if he thinks it's in the long-term interest, he is determined to spend whatever capital it takes to get it done, and this is on that list for him."*

The cost of not doing something must also be considered, he said. *"If the Delta continues to crash with sea level rise and maybe the climate being drier and wetter, and the different*

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*things that happen, it's not going to be a reliable source over time unless we can adapt and finish the water project and get this done," he said. "There will be a cost of doing nothing. If the Delta crashes and we get a significant less amount of water, then we're probably going to pay more for the less water. Our job is to take the project, make it reliable, try to make it affordable and spread it out over time in a way that it is a reliable source that doesn't diminish and that can be paid for reasonably."*


Secretary Laird recalled how when he wrote his undergraduate thesis in college on the history of water development, one of the interesting things was that when the State Water Project was constructed, there was a lot of resistance in Kern County as they thought they couldn't afford it. *"History has proven those concerns very, very wrong in Kern County," he said. "Over the life of the SWP, they have done very well. It is very affordable. It was a risk at a time, but it was one that has returned to them, and I think in the era of climate change, our challenge is to make existing water reliable and to work then with conservation and recycling other things to try and handle the growth and so it's diversify but make sure we have a reliable source, and so that's in essence why we're doing this."*

*"That was a brief presentation to try and frame the issue for you, and I'd be happy to answer questions," he said.*


Committee Chair Mark Watton asks when updated financial information will be available.

Deputy Secretary for Water Policy Karla Nemeth replied, *"I just want to say very clearly that no water agencies, including the San Diego County Water Authority, is going to be asked to support a project when it does not yet have a financing plan and a complete understanding of the cost, so I want to make that clear up front. In terms of putting together the financing plan, we are continuing to work on the State Water Project side ... we are still sorting out in particular with the Central Valley Project contractors the benefits of this project to them. That's a key piece that we need to sort out as state and federal partners in the project, I think before we can have all the information that's going to get to the granular level of detail that I know you all are expecting before the Board chooses whether or not to support the project"*

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*"We're not there yet, but I would add that I think we've accomplished significant amount in the last 6 months," she said. "I think separating the project from 50-year ambition allowed us to take a closer look at the project as it exists with specific operating criteria and start to understand the cost benefit of that project, including consideration of this project really as the drought points out, as part of the risk management strategy for this particular set of supplies."*

Ms. Nemeth acknowledged there are important questions about agriculture and their ability and willingness to pay. *"What we're starting to see is how this project is interconnected with the other elements of the California Water Action Plan, including new rules that require groundwater basins to be managed sustainably into the future, and new dollars that are available for storage, and the effectiveness of those dollars with or without conveyance fix in the Delta," she said.*

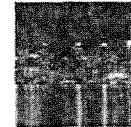
*"Obviously with the significant money available for recycled water, we want to support those kinds of projects, and in fact, the state is there with a cost share on those projects, but those projects are more effective in terms of overall water supply security for California if they are connected to a bigger picture which includes a fix, a decade sought after fix for the SWP and CVP and the Delta."*

*"All of those factors are affecting how we look at the potential cost benefit of the project," she continued. "I think everyone in this room knows very well that the value of water in California is not going down, it's really only going up, and it's how do we make those strategic investments across a multitude of options. How do we do that with the sensitivity to rates ... and the concerns that local governments have and they should have and they need to have. As we continue to put together the bigger picture cost benefit on the project, particularly in these big user groups if you will, we will have more refined data. I think I'll end where I started which is we absolutely do not expect that water agencies need to be in a position to support a project without the detailed information on cost and how it would fit into your own portfolio and how it would affect your own ratepayers."*

Committee member Fern Steiner asks: *"I do know that the Bureau of Reclamation and the Department of Water Resources are looking at the operations agreement between the two projects and there has been some reference that*

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September 8, 2015



Secretary Laird talks Cal Water Fix

to San Diego County Water Authority's Imported Water Committee

September 8, 2015

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*might affect the tunnels and the allocation of water or of the cost. Do you have any thoughts about that?"*

*"The question about the Coordinated Operating Agreement between the state and federal projects is certainly to the point of how complex all of this is, so I'm going to give you a complex answer," she said. "The project itself would be constructed by DWR and jointly operated between the Bureau and DWR, and in fact, just yesterday, DWR and the Bureau submitted a petition to the State Board as part of their requirements to change the point of diversion. That is an adjudicatory process; it takes many, many months, so we wanted to get that in because we are cognizant of being in year 9 of this planning process."*

*"What we're finding in the modeling information that is part of the recirculated EIR/EIS which is at a monthly time step, that that time step isn't detailed enough to get to a more granular level on how the state and federal projects might jointly operate a facility," she continued. "So there's a lot of discussion and interest amongst the Central Valley Project contractors to open what's called the Coordinated Operating Agreement between the total SWP and CVP and that involves interactions between Shasta and Oroville. It's a bigger set of issues; that is actually an agreement that was ratified by Congress so it's a fairly complex and lengthy thing to open up that agreement in total and try and work it into this particular process."*

*"We acknowledge that kind of the 'crudeness' of the modeling and what it's demonstrating with this monthly time step," she said. "I think operators across the board for the State and Central Valley Project believe that with more detailed modeling information, we can dig into the project, how it would be operated, and the benefits a little bit better, and that's what we want to get at and that's what we need to get at really over the course of probably the next four to six months."*

Secretary Laird notes that there have been some attempts at federal legislation to get at that issue. *"One of the state's big concerns is that if you are dealing with a fixed pie of water and you relax certain things on the federal side but they are not relaxed on the state side, all it does is move a little water to federal contractors at the expense of state contractors, and we have vehemently opposed any legislation that would do that,"* he said.

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*"The bottom line is that if anything does anything to create new water, rather than just realign what the existing is ... On behalf of the administration, I made some nice comments about the Feinstein Boxer effort, is they are looking at California, and they see we have a Water Action Plan and the water bond was built on it," he said. "It puts money in all these pots for recycling, conservation, storage, integrated regional watershed management, and it passed the legislature with only two no votes; it passed with 67% of Californians, so if the federal government could really do something that would help California, it would be to augment all the different pieces of the bond where the voters and the legislature in a bipartisan way have weighed in and said that's what we want to do in water policy in California. If you can add to the storage or add money for recycling or add money for conservation, we're going to love it because the people are on record, it's a bipartisan thing. Don't mess with reallocating a fixed pie of water, but do something that might help us in a broader level and might even help us with new water."*

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Director Lewinger asks about the Delta and the negotiations, both with the state contractors and the CVP contractors. Will individual agencies have the ability to opt out?

*"Everybody has to decide to opt-in for there to be a project, and in opting in, the question is, do enough people opt-in that make it the project the happen, and then you go the question ... then what happens to individual people within larger configurations when that happens," he said. "One thing I meant to mention in the opening comments ... one of the permutations of switching is that the governance that would have existed in the prior project doesn't exist in this one. When you are getting permitted at a higher level, there were actually certain things that we were creating to have seats at the table for people that were doing it, and now that it is in fact a government run and operated and permitted thing, that governance went away. There's not the same battle that exists."*

*"It's presented an issue for us with the Delta counties, because the five Delta counties believe this is being done in their backyard," he said. "They have special interests, and they wanted to be at the table, and we were just in the process of reaching an agreement before we pivoted to give them a seat at the tables ... and now we're having to figure out if in fact it's*

*being constructed in their backyard, how do we make sure that they have a seat at whatever the discussions are, so that nothing that's going on with construction and other things is without it being vetted with them and they are aware and integrated with things. We are still working on that."*

*"Then to get back to the central part of your question, I think then it is still a discussion within the larger groups and there are some places where if in fact some people want the water that aren't in right now, and if there is a way that somebody wants to opt-out, to figure out a way to balance that out, and that is in many ways an internal decision to the different people that contract for the water, but I am acutely aware of your concerns and we will just see where that will go,"*

Secretary Laird said.

Note: Other issues, including the drought, the urban water conservation regulations as they pertain to San Diego, as well as desalination were also discussed, but not covered. Refer to the meeting audio for the entire meeting.

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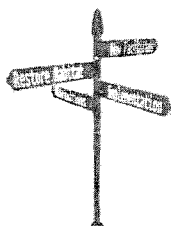
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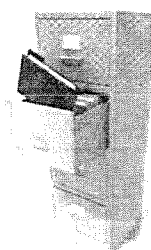
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EXHIBIT 10-4

SPK-2008-00861, California WaterFix project - 9/9/2015: The Public Notice comment period for this Public Notice has been extended until November 9, 2015. The California Department of Water Resources has applied for a permit to place fill material in approximately 775.02 acres of waters of the United States to construct and operate a new water conveyance facility consisting of three intakes along the Sacramento River and dual tunnels conveying up to 9,000 cubic feet per second of water to the existing Clifton Court Forebay. The approximately 45-mile long project site is located within the Sacramento-San Joaquin Delta, within Sacramento, San Joaquin, Contra Costa, and Alameda Counties, California.

Expiration date: 11/9/2015

ATTACHMENTS: SPK-2008-00861 PN Figures

SPK-2015-00572, Yuba County, CA - 8/12/2015: The Three Rivers Levee Improvement Authority has applied for a permit to place fill material in approximately 1.35 acres of waters of the United States to implement the Western Pacific Interceptor Canal 200-Year Standard project. The approximately 100-acre and 5.9-mile long project site is located along the Western Pacific Interceptor Canal, from its intersection with the Bear River North Levee to its terminus on the east side of State Route 70, Latitude 39.0166725°, Longitude -121.538953°, Yuba County, California, and can be seen on the CA-NICOLAUS USGS Topographic Quadrangle.

Expiration date: 9/11/2015

ATTACHMENTS: SPK-2015-00572 PN Figures

SPK-2008-01708, Antioch, Contra Costa County, CA - 8/12/2015: The City of Antioch has applied for a permit to place dredged or fill material and work in approximately 7.45 acres of waters of the United States to improve flood water conveyance and reduce flood risk in urban areas adjacent to West Antioch Creek. This project is located on West Antioch Creek in Section 18, Township 2 North, Range 2 East, Antioch, Contra Costa County, California.

Expiration date: 8/27/2015

ATTACHMENTS: SPK-2008-01708 PN Figures

SPK-2014-01067, Town of Mountain Village, San Miguel County, CO - 8/6/2015: The Telluride Medical Center has applied for a permit to place fill material in approximately 0.45 acre of waters of the United States to construct a medical facility. This project is located in the Town of Mountain Village, north of The Town Hall Market and south of the Gondola Parking Garage, at Lot 1003r-1, Latitude 37.9329°, Longitude -107.8559°, Town of Mountain Village, San Miguel County, Colorado, and can be seen on the CO-TELLURIDE USGS Topographic Quadrangle.

Expiration date: 9/7/2015

ATTACHMENTS: SPK-2014-01067 PN Attachments

SPK-2004-00323, NOA FEIS Elverta Specific Plan area - 7/30/2015: The Corps is evaluating 14 permit applications for construction of 13 properties (collectively known as the participating parcels) on approximately 563 acres within the Elverta Specific Plan Area (Elverta SPA) project, as well as on-site and off-site infrastructure, which would result in impacts to approximately 27.57 acres of waters of the United States, including wetlands. This notice is to inform interested parties of the publishing of the Draft Environmental Impact Statement for the Elverta SPA project; the location, date and time of the public meeting; and to solicit comments of the proposed activities. The approximately 1745-acre Elverta SPA project is located near Elverta Road and 16th Street, at Latitude 38.7146° North, Longitude 121.4330° West, Sacramento County, California.

Expiration date: 8/31/2015

ATTACHMENTS: SPK-2004-00323 FEIS PN Drawings

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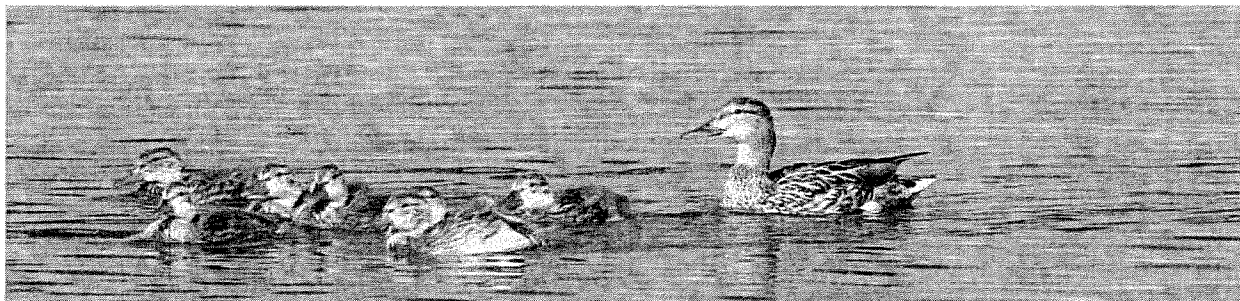
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SPK-2008-00861, California WaterFix project

Posted: 9/9/2015

Expiration date: 11/9/2015

#### Sacramento District

Comments Period: September 9, 2015 – November 9, 2015

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**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the California WaterFix project, which would result in permanent impacts to approximately 775.02 acres and temporary impact to approximately 1,930.16 acres of waters of the United States (WOUS), including wetlands, in or adjacent to the Sacramento-San Joaquin Delta. The permanent impacts consist of 284.03 acres of wetlands and 490.98 acres of non-wetland waters while the temporary impacts are only to non-wetland waters. The applicant proposes to restore approximately 179 acres of permanent impacts to pre-project conditions upon the completion of construction. Although these impact sites will eventually be restored to pre-project conditions, the impacts are treated as permanent due to the duration of effect. The largest single permanent impact (257.87 acres) is to Clifton Court Forebay, which is a man-made feature with limited habitat function. The second largest permanent impact (139.60 acres) is to seasonal wetlands, which occur within farmed agricultural fields. Impacts also include approximately 52 acres of man-made pond and lake habitat which are proposed for conversion from open water to a mosaic of wetland types (e.g. seasonal wetland, scrub-shrub, riparian, emergent marsh). This conversion is both a part of the project construction and the applicant's proposed compensatory mitigation. Impacts to navigation include the construction of three intake structures on the Sacramento River, construction of tunnels beneath navigable waterways, operations of the three new intakes at up to 3,000 cfs, re-operations of the intake gate to Clifton Court Forebay, and construction of a permanent barrier at the head of Old River.

This notice is to inform interested parties of the proposed activity and to solicit comments.

**AUTHORITY:** This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** California Department of Water Resources, Attn: Mr. Mike Bradbury, 901 P Street, Suite 411B, Sacramento, California 95814-6431

**LOCATION:** The approximately 45-mile long project site is located within the Sacramento-San Joaquin Delta, between Latitude 38.419685°, Longitude -121.509515°, Sacramento County, and Latitude 37.799232°, Longitude -121.582113°, Alameda County, California, and can be seen on the Clarksburg, Courtland, Bruceville, Isleton, Thornton, Bouldin Island, Terminous, Woodward Island, and Clifton Court Forebay, USGS Topographic Quadrangles.

**PROJECT DESCRIPTION:** The California Department of Water Resources (DWR) (applicant) is proposing to construct key components of the State's California WaterFix program. Specifically, DWR is seeking authorization to construct and operate a new water conveyance facility that will be part of the State Water Project (SWP) and operated in coordination with the U.S. Bureau of Reclamation's operation of the Central Valley Project (CVP).

The proposed project would include:

- 1) Three Intake Facilities along the Sacramento River, near the communities of Clarksburg and Hood, with fish-screened, on-bank intake structures.
- 2) Two gravity-flow water conveyance tunnels (North Tunnels) would connect the intakes to an Intermediate Forebay, located northeast of Snodgrass Slough and Twin Cities Road.
- 3) The Intermediate Forebay (IF) would receive water from the North Tunnels, equalize pressure, and pass the water to the dual gravity-flow Main Tunnels.
- 4) The dual main tunnels would connect the IF to the existing Clifton Court Forebay (CCF). A Pumping Plant would be located at the northeast corner of CCF to pump the water from the tunnels into the forebay.
- 5) Clifton Court Forebay would be expanded and divided into two parts, North Clifton Court Forebay (NCCF) and South Clifton Court Forebay (SCCF).
- 6) Eleven disposal sites are proposed for tunnel material excavated from both the north tunnels and the dual main tunnels.
- 7) The proposed project would also include a permanent operable barrier at the head of Old River.
- 8) Operations of the three new intakes at up to 3,000 cubic feet per second each
- 9) Re-operation of the intake at the Clifton Court Forebay

The proposed project is designed to deliver up to 9,000 cubic feet per second (cfs) of water from the Sacramento River to the south Delta export pumping plants. The tunnels would be gravity-fed and deliver the water to the SWP and CVP export pumping plants' intake channels downstream of their respective fish collection facilities. The project is also designed to withstand a 200-year flood event, taking into account the sea level rise predicted from climate change.

**PROJECT PURPOSE:** The applicant's stated overall project purpose is construct and operate facilities and/or improvements for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta; to construct and operate the project in a manner that minimizes or avoids adverse effects to listed species, and allows for the protection, restoration and enhancement of aquatic, riparian and associated terrestrial natural communities and ecosystems; and to restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis Delta Mendota Water Authority, and other existing applicable agreements.

The applicant has stated that improvements to the conveyance system are needed to respond to increased demands and risks to water supply reliability, water quality, and the aquatic ecosystem. The attached drawings provide additional project details.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** The project area consists primarily of agricultural fields and tidal channels within the legal delta. Several types of waters of the United States were identified within the project area consisting of approximately 123.72 acres of perennial wetlands, 160.31 acres of seasonal wetlands, 122.43 acres of non-tidal waters, and 2,298.71 acres of tidal waters. The project area is defined as the footprint of the proposed surface impacts.

**Alternatives.** The applicant is in the process of developing information to support the analysis of alternatives pursuant to the Section 404(b)(1) Guidelines. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

In December 2013 DWR, Reclamation, USFWS, and NMFS, acting as joint lead agencies, published a draft of the BDCP and an associated Draft Environmental Impact Report/ Environmental Impact Statement (Draft EIR/EIS). The Draft EIR/EIS analyzed a total of 15 action alternatives, including Alternative 4, which

was identified as DWR's preferred alternative. Following the Draft EIR/EIS, Alternative 4 was substantially modified and three new sub-alternatives (2D, 4A, 5A) were added. These sub-alternatives would secure take authorization under Section 7 of the Endangered Species Act, instead of the development of a Habitat Conservation Plan. A Partially Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) was released for public review and comment in July 2015, ending on October 30, 2015.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed several measures to avoid and minimize impacts to aquatic resources and is in the process of developing a Conceptual Mitigation Plan to compensate for all unavoidable impacts to waters and wetlands. Compensatory mitigation shall be accomplished by the purchase of mitigation bank or in-lieu fee program credits, on-site restoration, rehabilitation and/or creation, off-site restoration, rehabilitation and/or creation, or a combination thereof.

The purchase of mitigation bank credits or payment into the Sacramento District In-Lieu Fee Program would be utilized for habitat types that would be difficult to restore or create within the Delta. An example is vernal pool habitat, which requires an intact hardpan or other impervious layer and very specific soil types. Banks utilized for compensatory mitigation would be agency-approved and have a service area which includes the area of the impacted habitat type. It is anticipated that only a small amount of compensatory mitigation will fall into these categories.

On-site restoration, rehabilitation and/or creation would be sought where it could successfully occur immediately adjacent to the project footprint. It is anticipated that some of the compensatory mitigation will fall into this category.

Off-site restoration, rehabilitation and/or creation would occur within the immediate vicinity of the project area where land has been subject to agricultural practices or other land uses which have degraded or converted wetlands that existed historically. Sites within the Delta will be evaluated for their restoration, rehabilitation, and/or creation potential. It is anticipated that most of the compensatory mitigation will fall into this category.

#### **OTHER GOVERNMENTAL AUTHORIZATIONS:**

- 1) Water quality certification or a waiver, as required under Section 401 of the Clean Water Act, from the State Water Resource Control Board is required for this project. The applicant has indicated they are preparing an application for certification.
- 2) Permission pursuant to Section 14 of the Rivers and Harbors Act (Section 408) to alter a federally authorized project is required for portions of the proposed activity. The applicant has not yet submitted a written request for permission.

**HISTORIC PROPERTIES:** The Corps is the lead federal agency for the purposes of ensuring compliance with Section 106 of the National Historic Preservation Act, and as such, has initiated consultation with the State Historic Preservation Officer. The Corps is developing a Programmatic Agreement (PA) for the identification of historic properties within the Area of Potential Effect (APE). Avoidance, protection, or mitigation measures will be developed for identified historic properties that could be adversely affected by the Project. Treatment plans will also be prepared for these resources, as appropriate. The PA will also ensure full involvement of federally-recognized tribes at a government-to-government level throughout the Section 106 process. Similarly, the PA delegates responsibility for consultation with tribes and individuals without federal recognition to DWR.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The U.S. Bureau of Reclamation (USBR) has initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, as the lead federal agency, pursuant to Section 7 of the Endangered Species Act. The Corps is coordinating with the USBR on these consultations.

**ESSENTIAL FISH HABITAT:** The proposed project may adversely affect Essential Fish Habitat. The USBR will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as part of the Section 7 consultation.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The decision whether to issue permission pursuant to Section 408 will be based on an evaluation of whether the project will impair the usefulness of the project works or is injurious to the public interest. The benefits, which reasonably may be expected to accrue from the proposed alteration, must be balanced against its reasonably foreseeable detriments.

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2008-00861 must be submitted to the office listed below on or before **November 9, 2015**.

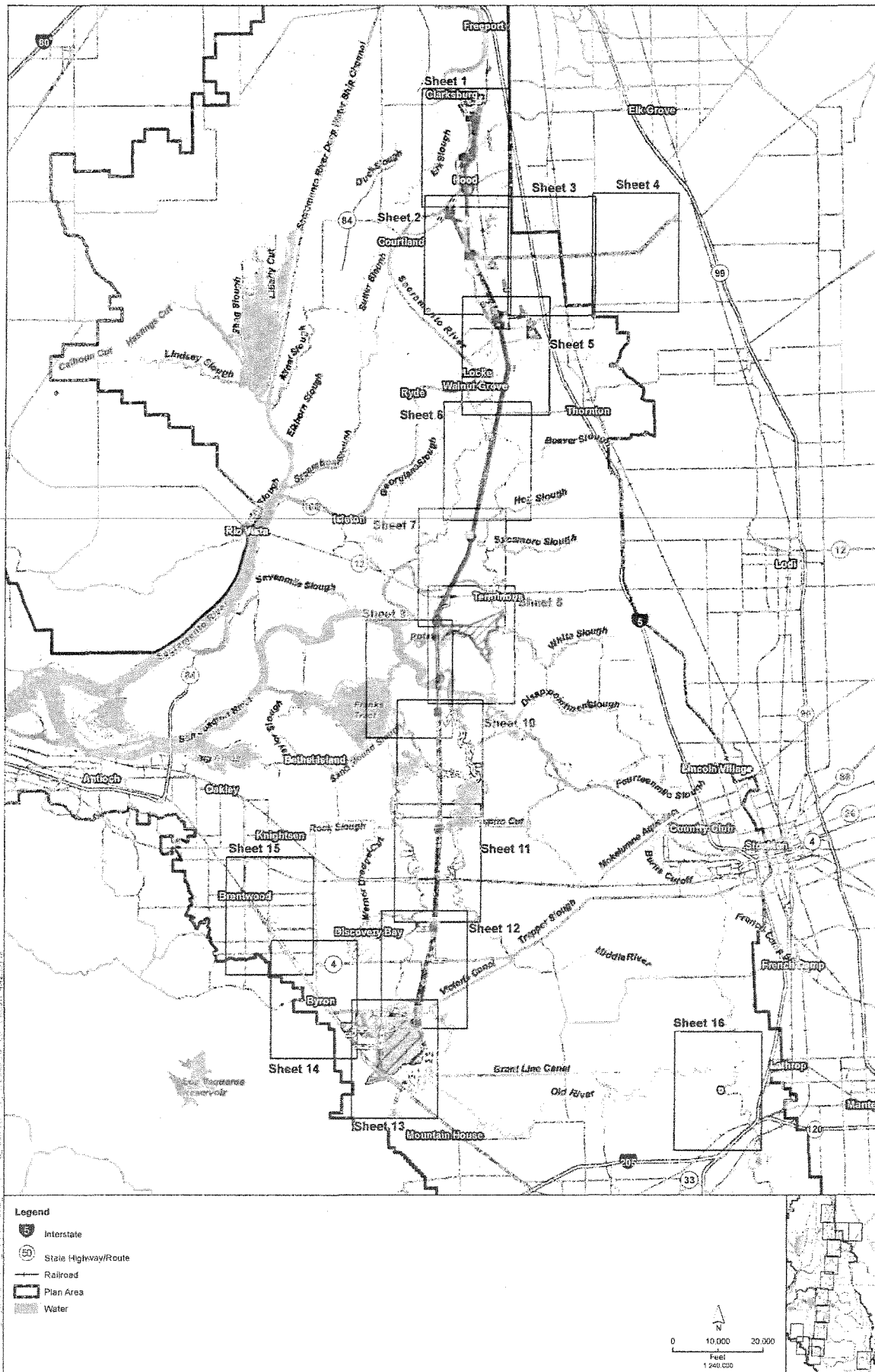
Zachary Simmons, Project Manager  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814-2922  
Email: [Zachary.M.Simmons@usace.army.mil](mailto:Zachary.M.Simmons@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Zachary Simmons, 916-557-6746, [Zachary.M.Simmons@usace.army.mil](mailto:Zachary.M.Simmons@usace.army.mil).

Attachments: drawings



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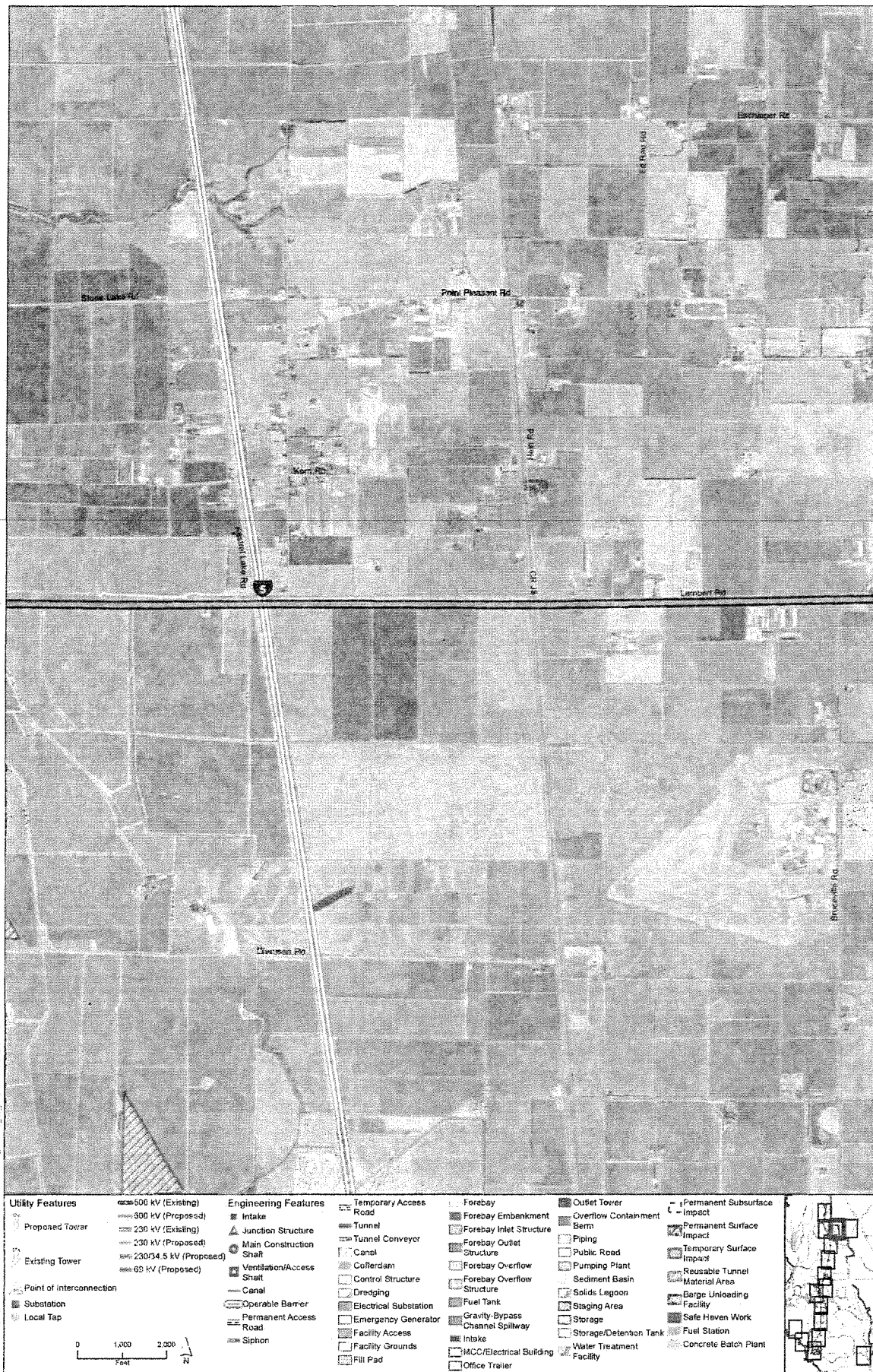
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CCO Rev 5a  
Clifton Court Pumping Plant Option



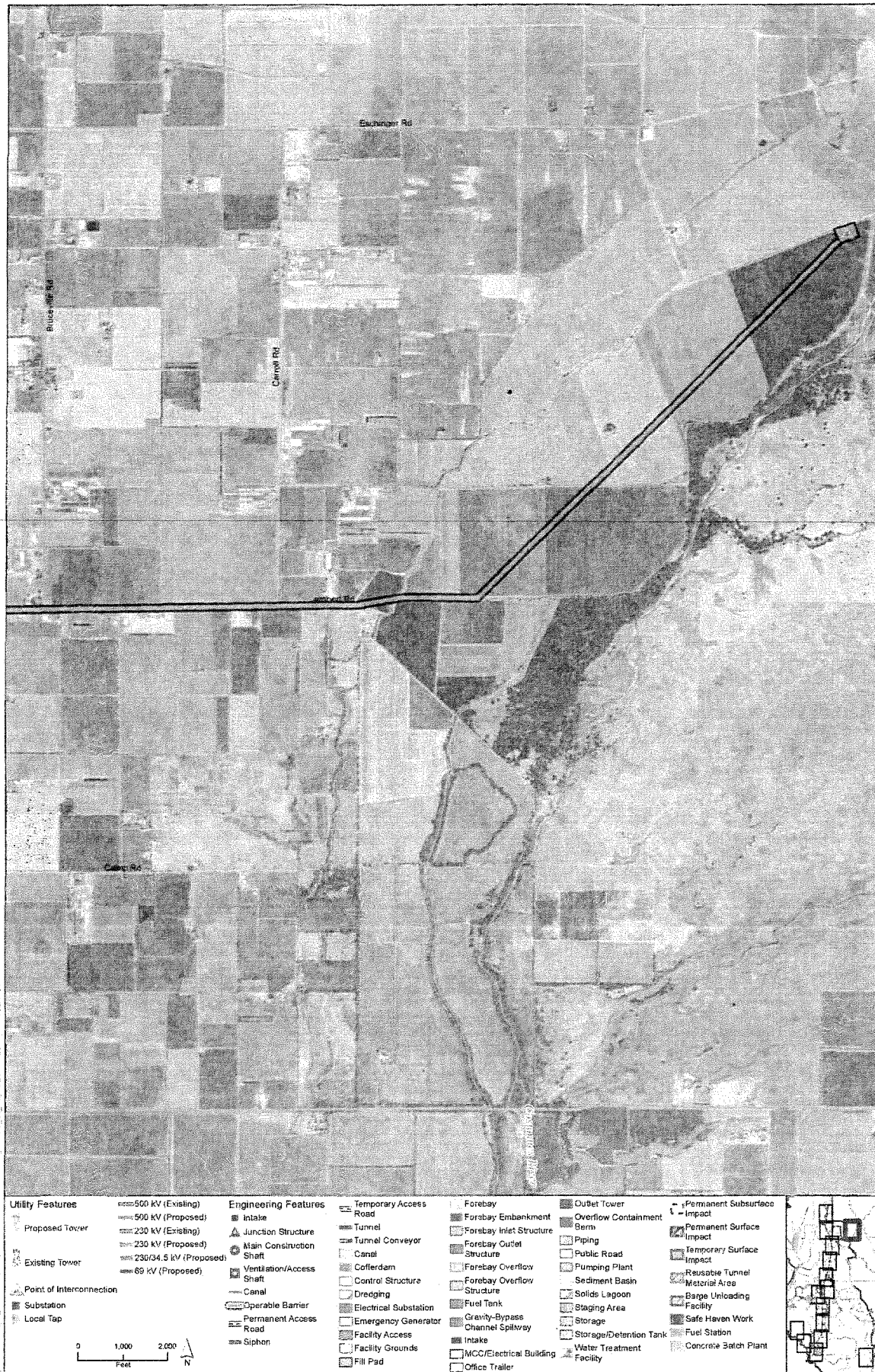
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Source: Plan Area, SHD 2110; Data: CCO Engineering COO (Rev. 04/14/2012)

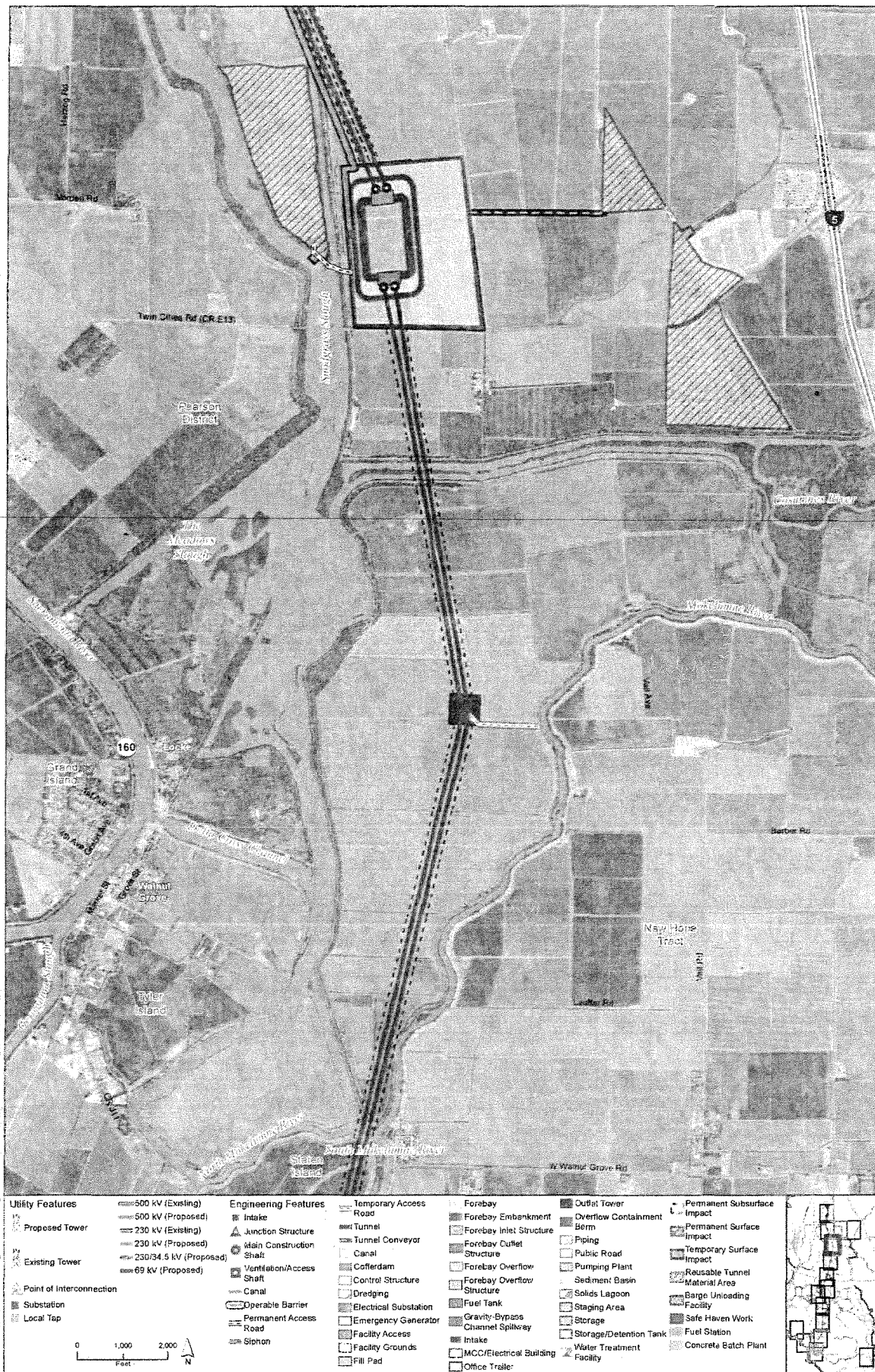
Figure : Sheet 3 of 16  
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Source: Planview, SPC 2010; ENR DCE Engineering COG 2010; BAP 2011

Figure : Sheet 4 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option





Source: Port Area, S&B 2010; DWR, DOE Engineering, CCO, 2010; T&E 2010

Figure : Sheet 5 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option

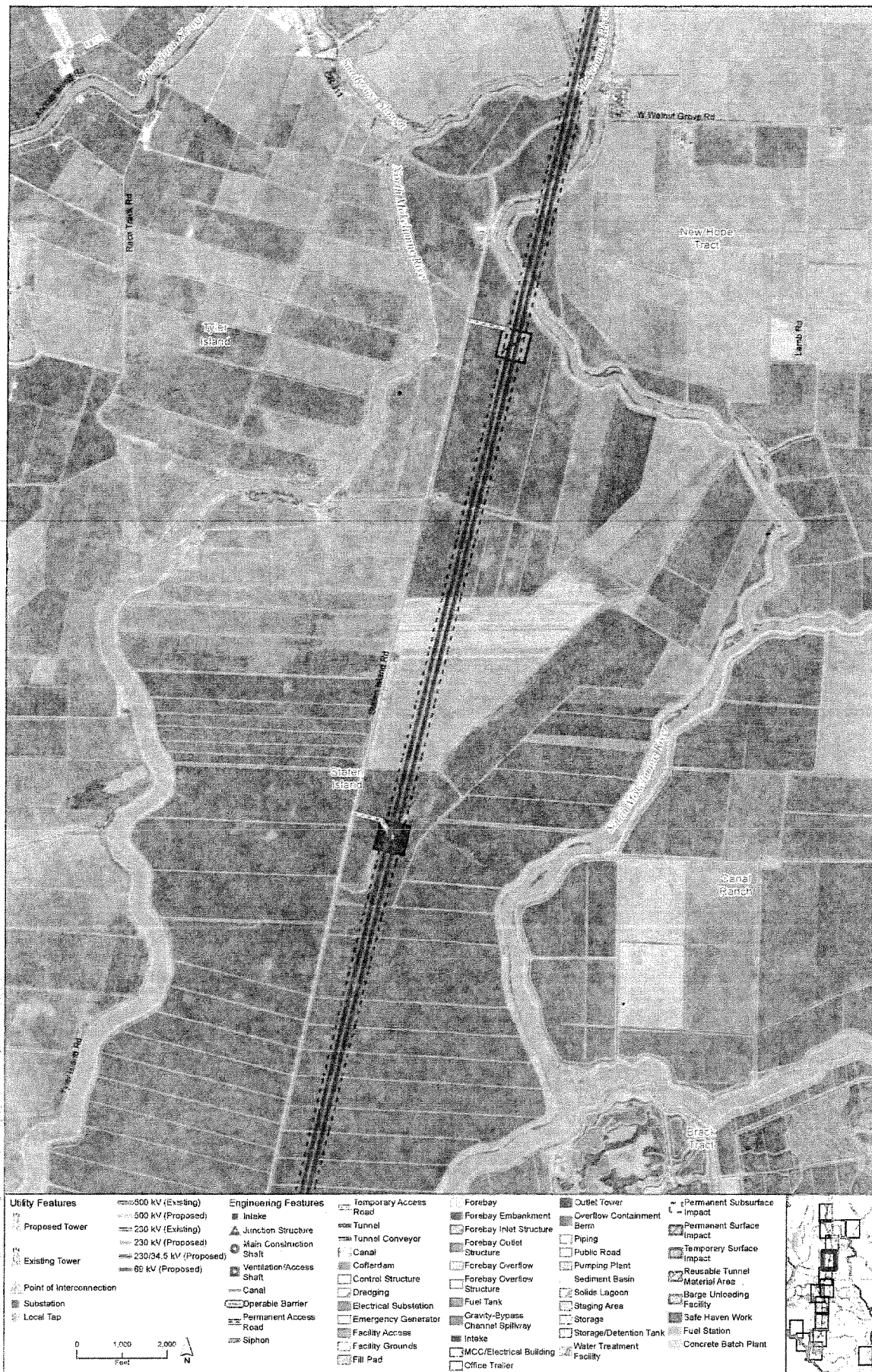


Figure : Sheet 6 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option





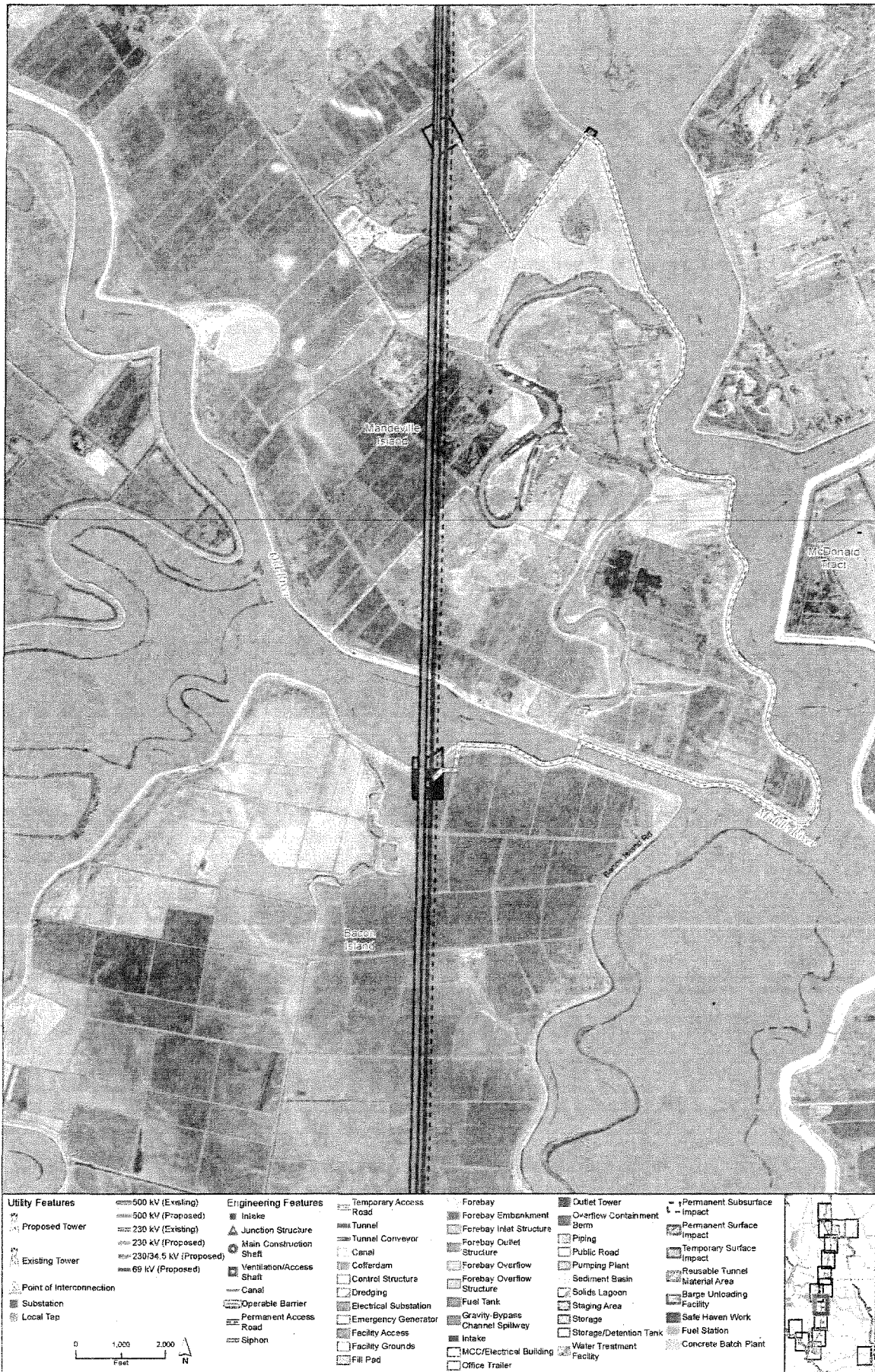
Source: Project Data; DWR RCB Engineering; CCO Rev 5a; 10/1/2011

Figure : Sheet 7 of 16'  
CCO Rev 5a  
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CCO Rev 5a  
Clifton Court Pumping Plant Option

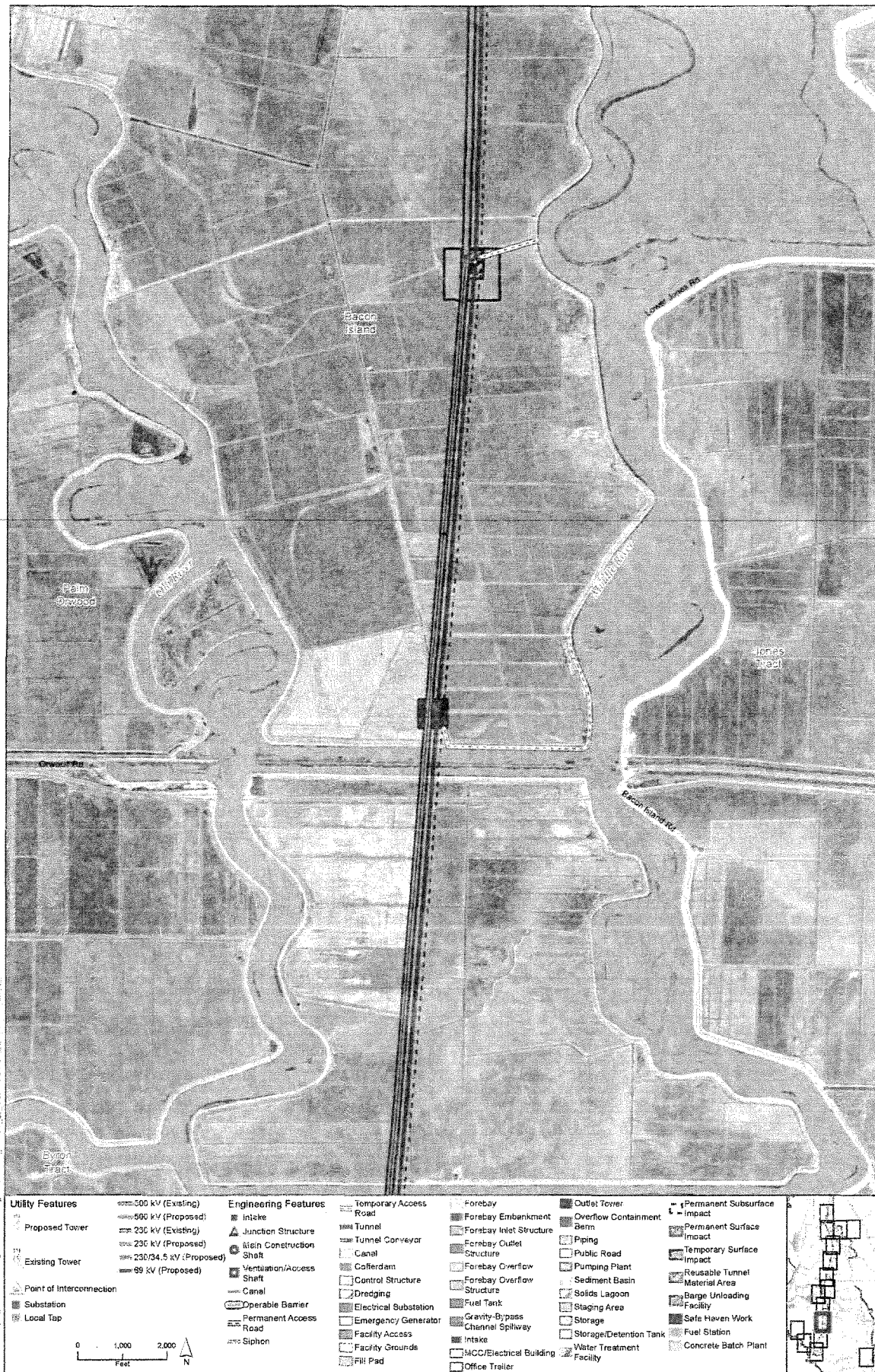






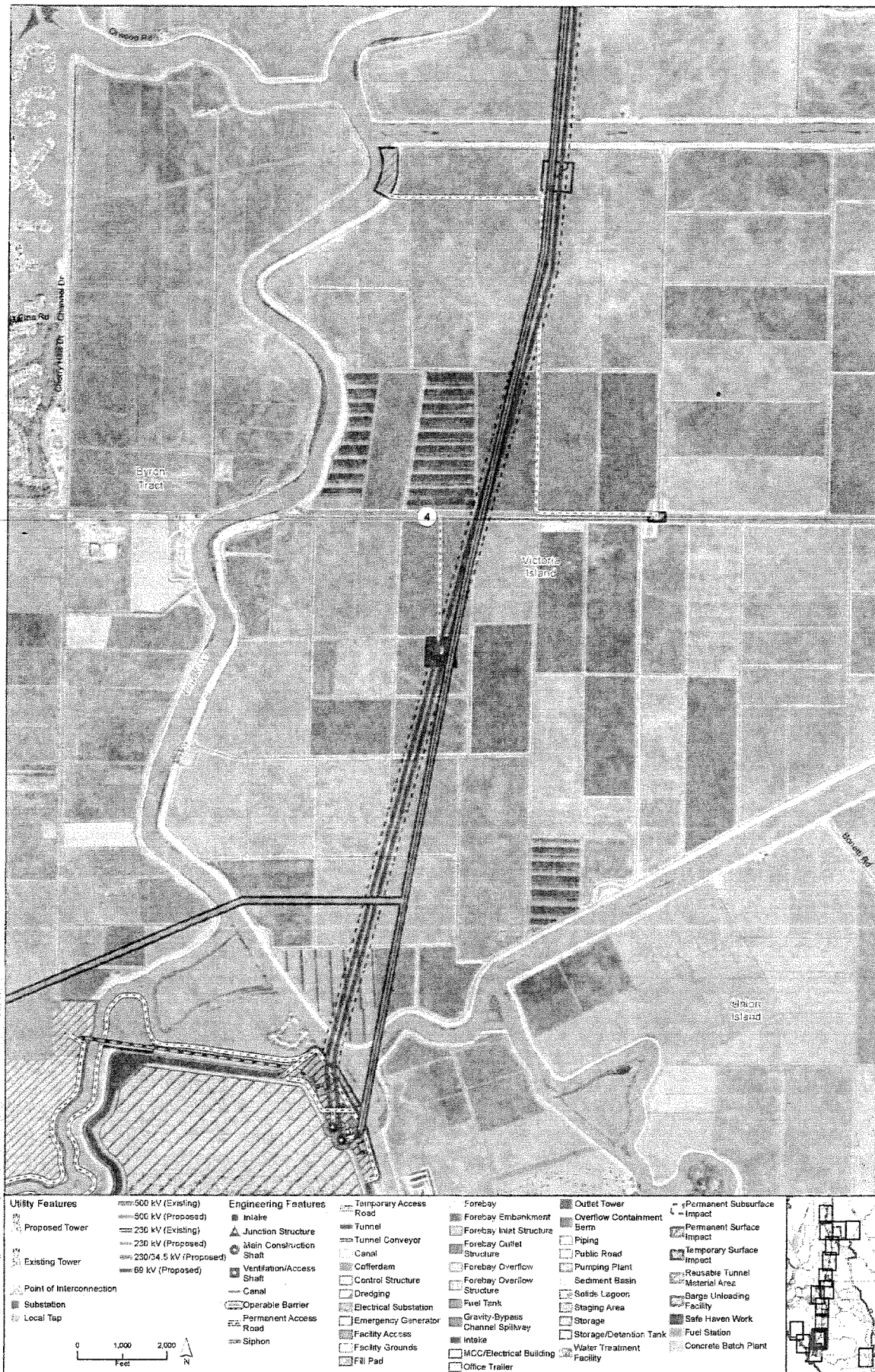
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Source: Pyle, R. 1992. "Pyle, R. 1992. DWR DCE Engineering COU 007 301. 1A/P 504"

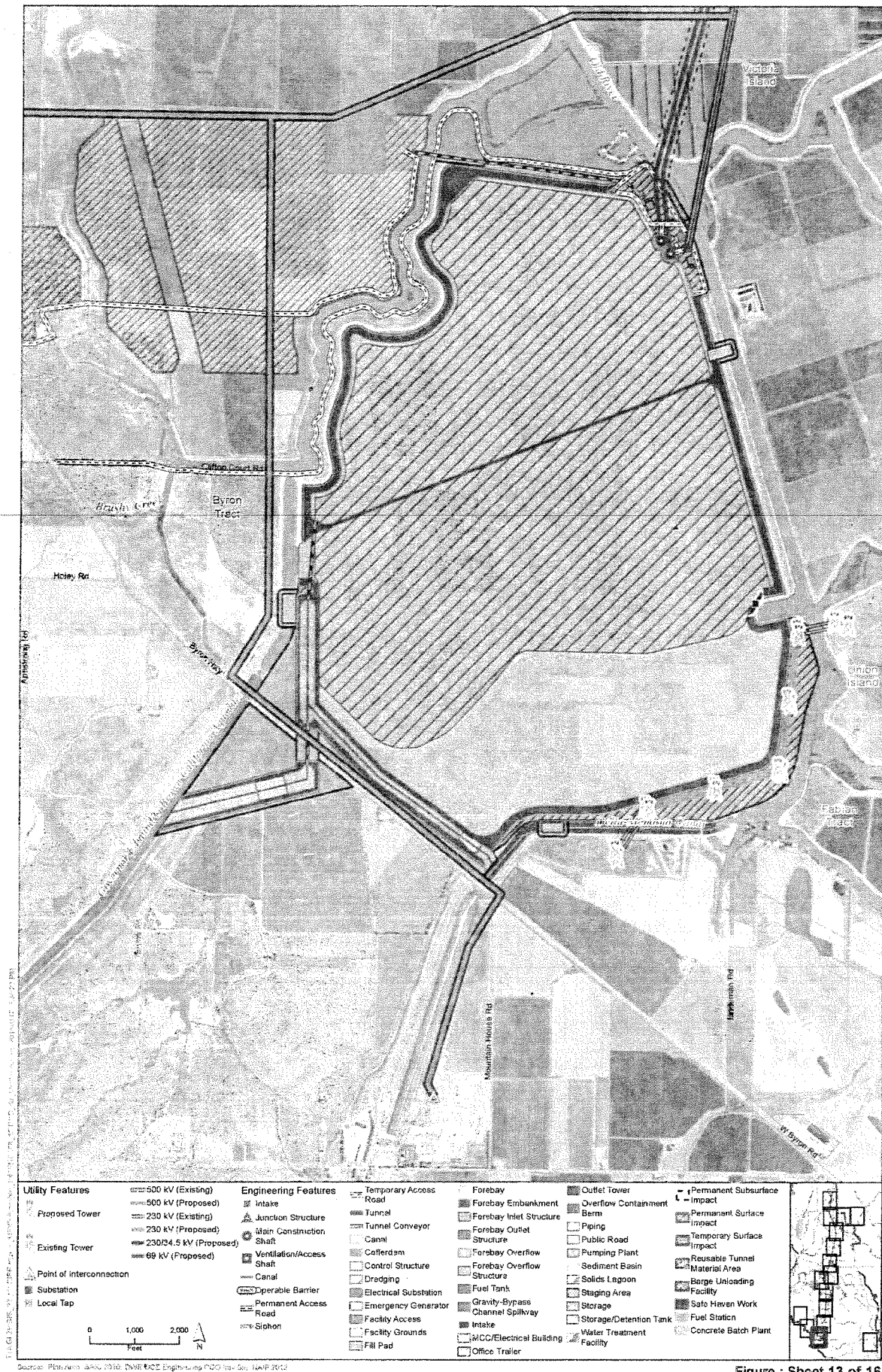
Figure : Sheet 11 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option



Source: Plan Arch: BAH 2010; BAH; DCE Engineering (200) by Plan Arch 5000

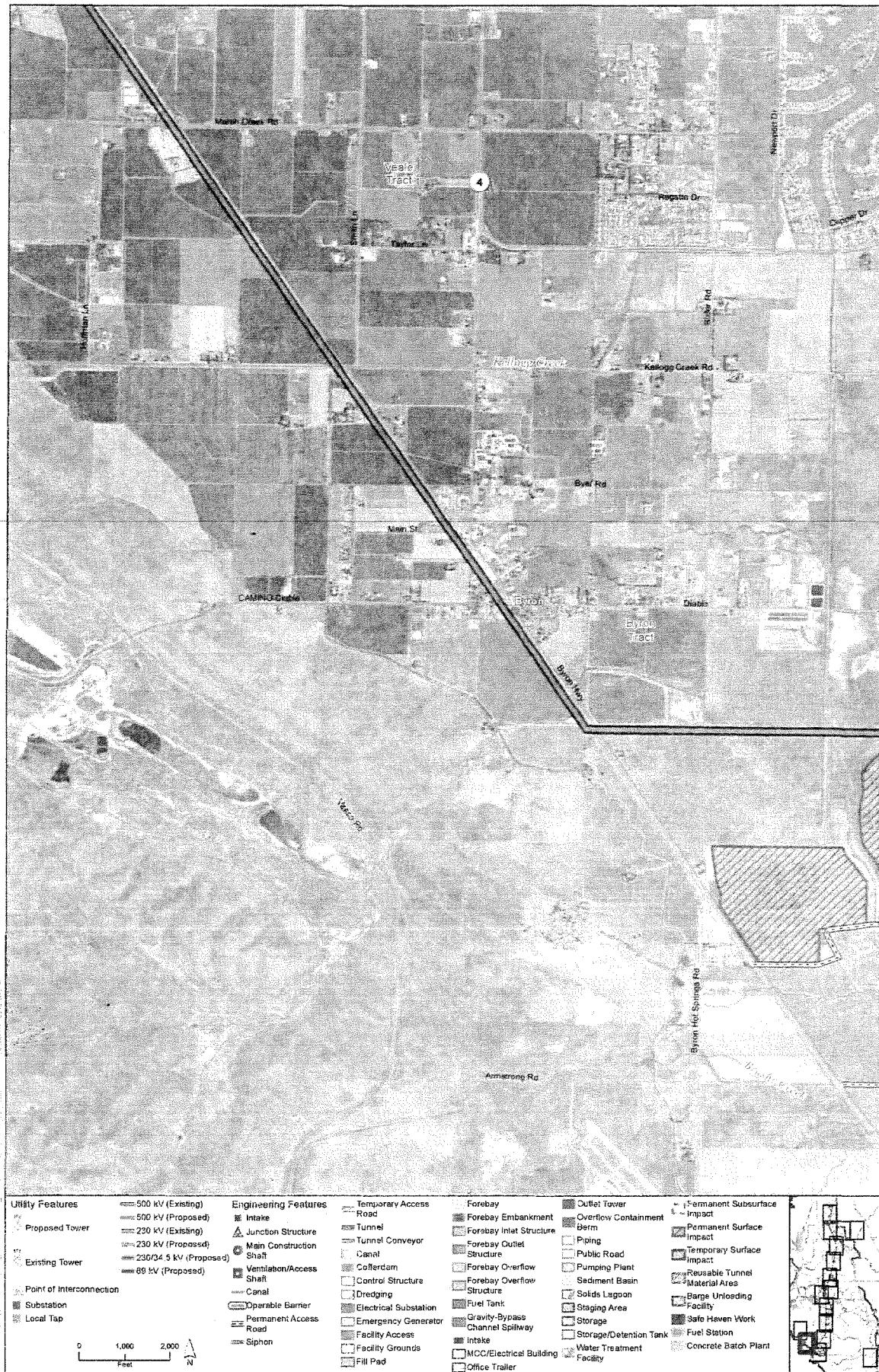
Figure : Sheet 12 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option





Source: Planform, 2010; DWR ECE Engineering COO, 2010; NWP 2012

Figure : Sheet 13 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option



Source: Photo, A-14C, 10/10; Data: DCE Engineering Co., Inc. 10/10/10

Figure 1: Sheet 14 of 15  
CCO Rev 5a  
Clifton Court Pumping Plant Option



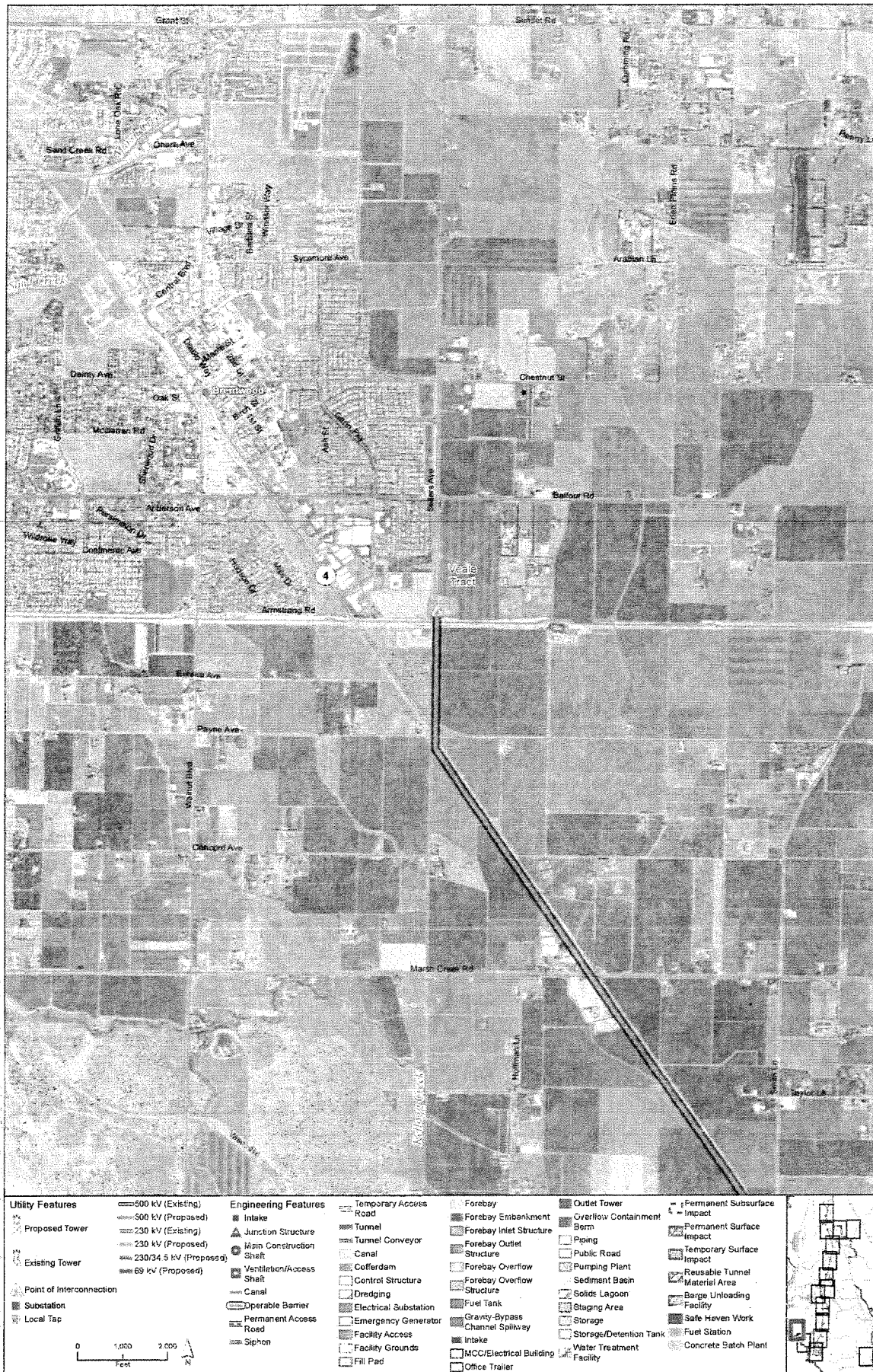


Figure : Sheet 15 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option



Source: Post-Ann. Road 2010; DCE Engineering; DCE-Har-Sat; TRIP-ENT

Figure : Sheet 16 of 15  
CCO Rev 5a  
Clifton Court Pumping Plant Option

**From:** Nomellini, Grilli & McDaniel PLCs <ngmplcs@pacbell.net>  
**Sent:** Monday, October 26, 2015 2:45 PM  
**To:** BDCPcomments  
**Cc:** ngmplcs@pacbell.net  
**Subject:** BDCP/California Water Fix RDEIR/SDEIS CDWA Part One Exhibits 10-2, 10-3 and 10-4  
**Attachments:** CDWA BDCP-Water Fix tr Ex 10-2 10-3 10-4 10-26-15.pdf; CDWA BDCP-Water-Fix 10-26-15 Ex 10-3.pdf; CDWA BDCP-Water Fix 10-26-15 Ex 10-4.pdf; CDWA BDCP-Water Fix 10-26-15 Ex 10-2.pdf

See attached. DJN Sr

Nomellini, Grilli & McDaniel  
Professional Law Corporations  
235 East Weber Avenue  
Stockton, CA 95202

*Mailing address:*

P.O. Box 1461  
Stockton, CA 95201-1461

Telephone: (209) 465-5883

Facsimile: (209) 465-3956

Email: [ngmplcs@pacbell.net](mailto:ngmplcs@pacbell.net)

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**From:** drewhoward@sbcglobal.net  
**Sent:** Tuesday, October 27, 2015 9:43 AM  
**To:** BDCPcomments  
**Subject:** Delta Tunnels EIR

The long term effect of two tunnels has been studied by people far more qualified than myself to address, but what comes out to me is that by not allowing the freshwater flow into the bay delta will increase the salinity of the area even more than currently and combined with the future rise of sea levels, will result in a bay delta devoid of the commercial and tourist industry it currently supports.

This project is just a bad idea.

Andrew Howard  
196 Kenwood Way  
San Francisco CA 94127



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**From:** Kathleen Faith <kathawow@gmail.com>  
**Sent:** Tuesday, October 27, 2015 11:12 AM  
**To:** BDCPcomments  
**Cc:** info@aqualliance.net  
**Subject:** CA WATER "FIX"

To whom it may concern:

I live in the Sacramento River watershed and strongly oppose the California Water Fix, which sounds very much like the same project as the peripheral canal, which California voters rejected in 1982 by a 62.7% majority, as you know.

This aggressive and relentless stance against any sane approach to California's water needs is unsustainable and unconscionable. The plan seems primarily beholden to corporate agricultural interests rather than the health of our region which includes far Northern California waters and the fragile and essential waters of the Delta area.

Our homes, businesses, farms, and wildlands depend on healthy groundwater, creeks, and streams. I will fight this water grab in every way I can to prevent turning the Sacramento Valley into an echo of the Owens and San Joaquin valleys.

We absolutely reject the Twin Tunnels.

Kathleen Faith

---

**From:** Carolyn Dorn <briar2@att.net>  
**Sent:** Tuesday, October 27, 2015 10:19 AM  
**To:** BDCPcomments  
**Cc:** 'info@aqualliance.net.'  
**Subject:** letter

*“The BDCP/WaterFix and its related EIR/EIS do not comply with State water law and inadequately assess the environmental and socioeconomic impacts. The actions of the BDCP/WaterFix would damage the region’s economy, environment and communities. For these reasons, the Butte County Board of Supervisors remains opposed to the BDCP/WaterFix. The state and federal agencies are assuming enormous liability for the harm that the BDCP/WaterFix will cause. Butte County will consider taking appropriate measures to protect the County’s economy, environment and communities.*

*Copy submitted from Butte County by:*

*Carolyn Dorn*

*1687 Park View Lane*

*Chico, CA 95926*

*I live in Chico, Butte County, CA and I oppose the BDCP WaterFix.—Carolyn Dorn*

---

**From:** Miles Jordan <boogiewoogie@pcichico.com>  
**Sent:** Tuesday, October 27, 2015 10:03 AM  
**To:** BDCPcomments  
**Cc:** info@aqualliance.net  
**Subject:** Gov. Brown's Delta Tunnels Project

To Whom It May Concern:

As residents of Chico we oppose the Governor's Delta Tunnels "WaterFix" plan for the following reasons.

*..the BDCP/WaterFix and its related EIR/EIS do not comply with State water law and inadequately assess the environmental and socioeconomic impacts. The actions of the BDCP/WaterFix would damage the region's economy, environment and communities. For these reasons, the Butte County Board of Supervisors remains opposed to the BDCP/WaterFix. The state and federal agencies are assuming enormous liability for the harm that the BDCP/WaterFix will cause. Butte County will consider taking appropriate measures to protect the County's economy, environment and communities.*

We stand in support of the Butte County Board of Supervisors' response to this unwise plan.

Sincerely yours,

Miles & Marilee Jordan  
Chico CA

---

**From:** Royce Rollzae <xroycerollzae@gmail.com>  
**Sent:** Tuesday, October 27, 2015 10:17 AM  
**To:** BDCPcomments  
**Subject:** not spam

I saw Kristin recently at a stan state university event, and I recommend for her to work with adam gray on this "delta water project".

---

**From:** Wayne Gibb <wdgibb@hotmail.com>  
**Sent:** Tuesday, October 27, 2015 12:13 PM  
**To:** BDCPcomments  
**Subject:** Twin Delta Tunnels

Hello,

I'm writing to oppose, in the strongest possible terms, the latest Peripheral Canal scheme, aka the twin delta tunnels, that would send half of the Sacramento River's flow to Southern California to grow almonds and hay for export.

Too much saltwater is already creeping east into the Bay Delta estuary, the largest on the west coast of the Americas, endangering natural habitat and drinking water supplies and the \$5.2 billion delta farm economy. The tunnels will only exacerbate this process of degradation by removing the essential freshwater that keeps saltwater at bay.

The Delta Independent Science Board recently found the tunnel project's Environmental Impact Report inadequate: "The Current Draft . . . lacks completeness and clarity in applying science to far-reaching policy decisions."

Once cannot hope to maintain a healthy estuary by taking more freshwater out of an already struggling habitat. With the effects of climate change increasing each year, we should protect the many benefits provided by the Bay Delta estuary for humans and the environment.

Draining the Bay Delta of water--and life--is not the way to do it.

Do NOT move forward with this lunatic twin tunnels scheme.

Wayne D. Gibb  
8425 Spring Drive  
Forestville, CA

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**From:** MP <mpnowack@gmail.com>  
**Sent:** Tuesday, October 27, 2015 11:44 AM  
**To:** BDCPcomments  
**Cc:** info@aqualliance.net  
**Subject:** Stop the Twin Tunnels Project

I live in the Sacramento River watershed and strongly oppose the California Water Fix, the Governor's latest plan to drain the vitality from the NorthState. Our homes, businesses, farms, and wildlands depend on healthy groundwater, creeks, and streams. I will fight this water grab in every way I can to prevent turning the Sacramento Valley into an echo of the Owens and San Joaquin valleys. Please, no Twin Tunnels!

Mary Pat Nowack  
Chico, CA

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**From:** O. J. McMillan <ojgamc@pacbell.net>  
**Sent:** Tuesday, October 27, 2015 10:09 AM  
**To:** BDCPcomments  
**Subject:** No Twin Tunnels

We live in Chico and strongly oppose the "California Water Fix." We must find a sustainable solution for California's water problems, one that does not sacrifice the groundwater, creeks, and streams of one region for another. This is a simple water grab, and we must not turn the Sacramento Valley into an echo of the Owens and San Joaquin valleys. No Twin Tunnels!

OJ and Gene Anna McMillan  
2040 Vallombrosa Ave  
Chico, CA 95926

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**From:** Elizabeth Devereaux <edevero@devglas.com>  
**Sent:** Tuesday, October 27, 2015 10:04 AM  
**To:** BDCPcomments  
**Subject:** Twin Tunnels

I live in Butte County, in the Sacramento River watershed, and strongly oppose the Governor's latest plan to drain the vitality from the NorthState. With the pumping of our groundwater to be delivered through the Twin Tunnels to points south, our vibrant communities, farms, creeks, and streams will be sucked disastrously dry like the Owens and San Joaquin Valleys. I will fight this water grab in every way I can. No Twin Tunnels!

Elizabeth Devereaux  
Sent from my iPhone



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**From:** Cindy Wagner <cindywagner68@hotmail.com>  
**Sent:** Tuesday, October 27, 2015 11:07 AM  
**To:** BDCPcomments  
**Subject:** Twin Tunnel Opposition

My family has lived in the Sacramento River watershed four generations. We have watched for years as political expediency and moneyed agricultural interests at the other end of the state have driven water proposal after water proposal. Often, these schemes exploit public opinion during times of crises. Never has the northstate come out of these deals in an equitable state.

My family and all of its members are voting citizens who greatly oppose the twin tunnels projects. We will work to educate and rally dissent against this egregious plan to diminish the natural resources of the lands we have called home for over one hundred years. We will fight to save our local environment and the local economies that depend on them! We love the natural beauty of our home. It should be considered a valuable aspect for all of California, not a natural resource to be unlawfully used regardless of the devastating consequences to rightful land owners and healthy local economies.

I implore you to respect logical arguments and eschew moneyed interests.  
Do not support the twin tunnels!  
Sincerely,  
Cindy Cannoy  
Sent from my Verizon Wireless 4G LTE Tablet

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**From:** Peter Corsun <pcorsun@comcast.net>  
**Sent:** Tuesday, October 27, 2015 9:58 AM  
**To:** BDCPcomments  
**Subject:** No Tunnels in the Delta  
**Attachments:** No Tunnels in the Delta.pdf

I am opposed to the construction of two huge 40 foot diameter tunnels in the Delta. This proposed project will have serious devastating impacts on:

Hundreds of wildlife and plant species, the fisheries in both the Delta and West Coast, the agricultural economy in the Delta, the recreation and tourism economy, and the public health of cities and communities.

The tunnels would take close to 2/3 of the flow of the Sacramento River, the Delta's main water source. About 30% of this water goes to supply cities in the Bay Area, the South Coast, and Southern California. In contrast, 70% of the water goes to Big Ag on the west and south side of the San Joaquin Valley, down to Bakersfield. Most of this water goes to grow almonds and pistachios on desert soils for lucrative overseas exports. The Big Ag users contribute only 0.3% to California's economy while using 70% of the Delta water.

As a tax payer, citizen, user of the Delta for recreation, I agree with others that the Delta needs restored water flows and levee upgrades, increased reliance upon local water supply and to improve the storage capabilities.

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**From:** Donald Dodge <dondodgesf@hotmail.com>  
**Sent:** Tuesday, October 27, 2015 10:19 AM  
**To:** BDCPcomments  
**Subject:** Two tunnels

Please don't agree to this mis-guided plan to take up to 50% of the greatly reduced flow (by drought) of the Sacramento river and divert it from SF Bay and the estuary. So many wild life and fish depend upon this fresh water in the estuary. And the health of the bay depends upon a continuous flow of fresh water.

Thank you for doing the right thing.

Don Dodge

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**From:** Claudia Rawlins <clbrdr@icloud.com>  
**Sent:** Tuesday, October 27, 2015 10:53 AM  
**To:** BDCPcomments; news@aqualliance.net  
**Subject:** Twin tunnel project

Before the Delta water project is approved, I wish every member of the board would visit Butte County and then stop by the Owens Valley on the way back to LA. I wish I weren't so cynical, but the only reason I can think of to explain why anyone would actively choose to destroy the last of California's natural recharging aquifers is political. The large corporate farmers who have decided it is a good idea to plant fruit trees in the selenium-polluted desert soil of the west side of the San Joaquin are big campaign contributors.

Vast amounts of additional water aren't needed for the citizens of Southern California -- over the last few decades, they have learned to reduce and think carefully about how to use water thoughtfully. All over California in this ongoing drought, citizens have cut back.

But desert farmers were not required to cut back. Now they want to destroy a part of the state which is not yet a desert. There is no logic in creating a new desert to water crops in a desert with poor quality soil. And once the recharge water tension is broken by over-pulling the aquifer, it will be gone forever. As it is, we are right now pulling up water that filled the aquifer 10,000 years ago. We are not living within our means.

At least one purpose of an effective government is to save limited resources for future citizens. There is no more important resource than water. It is more important than agricultural jobs, than exporting agricultural products, than tax revenue, dare I say, even more important than political alliances. STOP the twin tunnel project. It will be a catastrophe.

Thank you for thinking long term. I look forward to hearing that common sense and science have prevailed. Claudia Rawlins.

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**From:** Chemical Compounding <sales@chemicalcompounding.com>  
**Sent:** Tuesday, October 27, 2015 11:53 AM  
**To:** BDCPcomments  
**Subject:** Twin Tunnel project

Sending more water around the delta to save it is not the solution..  
Please put me down as opposed to this project and will support anyone  
who is against this one.

*Fred G Paxton*  
Tel :  
510-612-2426

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**From:** Judy Kirk <edina72@astound.net>  
**Sent:** Tuesday, October 27, 2015 11:20 AM  
**To:** BDCPcomments  
**Subject:** Please protect the Delta

**Importance:** High

The Delta Independent Science Board recently found the tunnel project's EIR inadequate, saying "The current draft...lacks completeness and clarity in applying science to far-reaching policy decisions." The tunnels will ship half the Sacramento River water south to growers for almonds, hay and other crops for export. The delta estuary will be ruined by salt water, wild life will perish, and delta farmers will lose their farms. The bay delta supports the largest nursery for CA fisheries, and the largest Pacific Coast stop for migrating waterfowl. 500,000 acres of prime CA farmland will be ruined by salt water.

Already, large SoCal water districts are buying up islands in our SF Bay Delta so they can pave the way for the tunnels, buying out people who have farmed the delta islands for generations. This is about money to large water districts with the power to get what they want. Please do not allow such greed to ruin the largest estuary on the west coast of America. With climate change already happening, we should be protecting the benefits we receive from this priceless natural resource.

Please stop the tunnels. The delta means life for the Bay Area and Northern CA.  
Thank you and sincerely.

Judith S. Kirk  
edina72@astound.net  
272 Nevada St., Redwood City, CA 94062