

CALIFORNIA WATER COMMISSION

P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 902-7328



Matthew Swanson April 25, 2023
Chair

Fern Steiner Michael Borkoski, Realty Office
Vice-Chair US Fish and Wildlife Service

Tyrone Bland Sacramento Fish and Wildlife Office
Member 2800 Cottage Way, Room W-2605

Daniel Curtin Sacramento, CA 95825
Member

Kimberly Gallagher Craig Isola
Member Sacramento NWR

Alexandre Makler United States Fish and Wildlife Service
Member 752 County Road 99W

Sandra Matsumoto Willows, CA 95988
Member

Jose Solorio
Member

Subject: DWR Parcel No. YBSH-129, APNs 033-011-004, and -015
DWR Parcel No. YBSH-130, APN 042-260-024
DWR Parcel No. YBSH-139, APN 042-270-017 (portion)
DWR Parcel No. YBSH-148, APNs 033-220-052, and -054 (portions)
DWR Parcel No. YBSH-155, APNs 033-220-060, and -067
DWR Parcel No. YBSH-172, APN 033-440-002
Notice of Intent to Consider Adopting an Amended Resolution of Necessity
to Acquire Certain Real Property or Interest in Real Property by Eminent
Domain for the Yolo Bypass Salmonid Habitat Restoration and Fish
Passage Project

Dear Michael and Craig:

This letter serves as notice that the California Water Commission (Commission) at its May 17, 2023 Commission Meeting will consider adopting a Resolution of Necessity (Resolution) to acquire an easement on the above – referenced property by eminent domain. You are being notified as the holder of the conservation easement on this property, pursuant to the California Code of Civil Procedure (CCP) Sections 1245.235 and 1240.055.

The Commission previously adopted a Resolution for your property on October 19, 2022; however, due to clerical error the Resolution did not contain the required language referencing Code of Civil Procedure Section 1240.510 (condemnation of an existing public use for a compatible public use). All other information remains the same.

You have the right to appear and be heard on the matters referred to in CCP Sections 1240.030 and 1240.510. If you choose to attend and be heard at the Commission Meeting, CCP Section 1245.235(b)(3) requires that you submit your intention to be heard in writing to the Commission within 15 days from the date of this Notice.

Comments will be limited to five minutes for holders of a property interest, consistent with the Commission's standard practices. The Commission will also consider any

written comments you may wish to submit prior to the meeting, pursuant to this Notice. Please submit any written comments at least 3 three business days prior to the Meeting, to allow sufficient time to circulate to the Commissioners for their review.

Please send any written comments to:

Holly Geneva Stout, Esq.
California Water Commission
P.O. Box 942836
Sacramento, CA 94236-0001
Email: cwc@water.ca.gov

The CCP provides procedures for public agencies to acquire private property for public use. It requires that every agency, which intends to condemn property, notify the owners of its intention to condemn. Section 1240.030 of the CCP provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following conditions are established:

1. The public interest and necessity require the proposed project; and
2. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and
3. This property is necessary for the project.

Section 1245.230 of the CCP further requires that the offer required by Government Code Section 7267.2 has been made to the owner of record. Written offers were sent to the addresses for each these properties that appear on the County's records as shown below. DWR will be presenting on the above listed conditions.

May 27, 2022; DWR Parcel No. YBSH-129, APNs 033-011-004, and -015
June 16, 2022; DWR Parcel No. YBSH-130, APN 042-260-024
January 24, 2022; DWR Parcel No. YBSH-139 (portion), APN 042-270-017
April 21, 2022; DWR Parcel No. YBSH-148, APN 033-220-052, and -054 (portions)
June 7, 2022; DWR Parcel No. YBSH-158, APNs 033-220-060, and -067
June 15, 2022; DWR Parcel No. YBSH-172, APN 033-440-002

Additionally, pursuant to CCP § 1240.055, notice were sent to the United States Fish and Wildlife Service (USFWS) as the holder of conservation easements on the same dates that offers were made

The Commission will consider if the above findings concerning this property have been met and, if so, decide whether to adopt a Resolution. Pursuant to CCP Section 1245.210(h), the Commission is the governing body for Resolutions of Necessity for the Department of Water Resources. The Commission Meeting is scheduled to take place as follows:

California Water Commission – May 17, 2023, Commission Meeting

Date: Wednesday, May 17, 2023
Time: 9:30 am
Location: State of California, Resources Building

Michael Borkoski and Craig Isola
United States Fish and Wildlife Service
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715 P St, First Floor Auditorium
Sacramento, CA, 95814

Online: <https://us02web.zoom.us/j/82425251686?pwd=QkJKbIFPR2RzVm84cGQwTTU5UU5Zz09>

A Resolution, if adopted, will constitute authorization for the Department of Water Resources (DWR) to acquire the properties, or property interests therein, by commencing proceedings in eminent domain. All issues related to the just compensation for the acquisition of the subject properties will be resolved either through continuing negotiations or through an eminent domain proceeding.

A description of the required properties that are the subject of this Resolution is attached to this Notice. Also attached is a copy of the Commission's Procedures for Resolutions of Necessity and Eminent Domain, as of February 20, 2013.

DWR proposes to acquire 816.4± acres of easements over all or portions of the following Yolo County Assessor's Parcel Nos. (APNs) through the exercise of the power of eminent domain for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (please refer to enclosed Exhibit Map which depicts which APNs and any portions thereof that are subject to an USFWS conservation easements):

DWR Parcel No. YBSH-129, APNs 033-011-004, and -015, 140 acres
DWR Parcel No. YBSH-130, APN 042-260-024, 158± acres
DWR Parcel No. YBSH-139, APN 042-270-017 (portion), 103± acres
DWR Parcel No. YBSH-148, APNs 033-220-052, and -054 (portions), 124.4± acres
DWR Parcel No. YBSH-155, APNs 033-220-060, and -067, 100± acres
DWR Parcel No. YBSH-172, APN 033-440-002, 191± acres

The property rights to be acquired are flowage easements for fish passage:

If you have any questions regarding this eminent domain proceeding, please contact Linus A. Paulus, Manager, Acquisition and Appraisal Section, Division of Engineering, DWR, at (916) 902-7384, or at linus.paulus@water.ca.gov. If you have questions regarding the Commission meeting or its logistics, please contact Holly Stout, Attorney, California Water Commission, at (916) 902-7098, or holly.stout@water.ca.gov.

Sincerely,



Joe Yun
Executive Officer, California Water Commission

Attachments: Property Descriptions
Map of USFWS easements
CWC Procedures for Resolutions of Necessity and Eminent Domain