

[Continued from Page 1]

3. DWR will only record information of the type indicated within the delineated area(s), and will not record or disclose any inadvertently observed information of significance, such as special status species or its location, outside of the delineated area(s) unless otherwise required by law.
4. OWNER assumes no liability for loss of property, damage to property, or injuries to or deaths of agents, contractors, or employees of DWR by reason of the exercise of privileges given under this Permit.
5. \$ 00.00 represents the probable damage amount of compensation for entry by DWR and/or its contractors. OWNER will receive this sum up front upon execution of this Permit.
6. Nothing in this Permit precludes OWNER from filing a claim(s) with the State Victim Compensation and Government Claims Board for any loss or expense that OWNER or its tenant may suffer that is caused by DWR or that is due to exercise by DWR of the rights granted by this Permit if the actual damages and interference exceeds the amount paid by DWR.
7. In addition to the payment made pursuant to Paragraph 5 of this Permit, DWR agrees to indemnify and hold OWNER harmless from any physical damage, including physical damage to OWNER's crops, actually and proximately caused by the activities authorized by this Permit. DWR also agrees to either reimburse OWNER for any damage to OWNER's roads, fences, or other property occurring by reason of the exercise of rights granted herein, or to replace or restore said Property.
8. DWR's access to the Property may occur at various times during the day. In some instances, depending on the species being studied, DWR access may also occur in the late evening or after dark. To complete the studies, DWR staff will require access to the Property for one (1) day up to sixty (60) **non-consecutive days**. DWR will give OWNER a minimum of five (5) days verbal notification to be followed by written notification; however, when practical, DWR will attempt to provide OWNER more notice. The verbal notification will include a description of the activities that will be conducted on the Property and as much as possible, a description of the area to be surveyed. The written notification will confirm the verbal notification and will provide OWNER information pertaining to the purpose of the various types of studies to be conducted on the Property and the point of contact(s) for DWR. If so indicated by OWNER prior to entry by DWR, DWR shall only come onto the Property with a representative of OWNER and shall be escorted during DWR's entire visit. OWNER understands that no compensation will be provided for any expenses related to escorting DWR staff on the Property.
9. Following compilation of the data gathered and within sixty (60) days of OWNER's written request, DWR will provide OWNER with all data, including but not limited to notes, surveys, reports, and photographs, obtained from any investigation on the Property.
10. This permit expires on December 31, 2011, but DWR's access to the Property during that time period will be limited to no more than sixty (60) non-consecutive days.
11. OWNER does not waive any claim or right of legal action.

Exhibit A

TYPES OF STUDIES AND SCOPING ACTIVITIES

For purposes of the Temporary Entry Permit, all survey-related activities will be led by qualified and trained DWR personnel and/or authorized representatives (contractors/consultants) under the direction of a DWR Project Manager. DWR may conduct the following checked activities:

I. GEODETIC MAPPING

Geodetic mapping involves measuring the shape and area of the Property by using the exact position of geographical points as a reference. The geodetic mapping activities will require the installation of targets on the Property and then using a small aircraft to take photographs while flying over the Property. All flights will occur during daylight hours and two (2) flights will be required. Those flights will be spaced several weeks apart. Mapping will require from one (1) to three (3) site visits. Site visits may last up to eight (8) hours in duration and will require two (2) persons on the first site visit and one (1) person on any subsequent site visits.

In addition to the small aircraft, equipment used to complete the mapping activity will include standard survey trucks and, if the Property is muddy, all terrain vehicles for property access. A tripod, a hand-held receiver, antenna and data collector unit will also be used. The targets will be set by using a sledgehammer to drive iron pipe flush with the ground surface. The iron pipes will be placed at the center of an aerial ground target. GPS surveying equipment will then be used to determine the exact location of the target. If livestock is present, chicken wire (or a similar type of fence fabric) will be installed around the target marker by using a hand-held staple gun and hammer. Staff will return with GPS equipment to resurvey, check, clean, and repair the target when necessary. After the second aerial flight has been completed, staff will return to remove target material from the ground surface. Property owners may elect to retain the iron pipes installed on the Property for future use.

Field surveying will occur to study possible future project alignments. Surveying activities will require the use of two (2) by two (2) inch wood lath-stakes with flagging. Stakes will be placed in the ground following a linear progression that may traverse the Property. Survey crews consisting of three (3) to five (5) individuals will be on site during daylight hours. Site visits may occur on non-consecutive days and may take from six (6) to sixteen (16) hours to complete. Survey crews will use a vehicle and hand-held field surveying equipment to complete field surveys.

Geodetic, mapping, and surveying activities in the study area may have a significant impact on any future design, scheduling and/or cost of a preferred alignment for a future project.

II. ENGINEERING GEOLOGY

Geologic activities will include field surveying, mapping and geotechnical exploration. The geotechnical exploration will include auger and/or mud rotary drilling, soils sampling using a Standard Penetrometer Test (SPT) barrel, Modified California spoon, Hydro-punch, and Shelby tubes, Cone Penetrometer Testing (CPT), resistivity surveys, and the installation and monitoring of groundwater monitoring wells. The excavation of test pits is possible. Prior to exploration activities, several site inspections will be needed to evaluate access, potential environmental restrictions, potential cultural and archaeological resources, the locations of underground utilities, etc.

Site exploration will be performed in phases. Phases will measure electrical resistivity, drill exploration, and the possible excavation of test pits. Activities for each phase can last from a few hours to a few days and are described as follows:

A. Electrical Resistivity Measurements. Electrical resistivity measurements will be taken that require personnel to set up equipment and perform tests. Electrical resistivity equipment consists of hand-held and suit case-size equipment. Four (4) one-half inch diameter steel probes are temporarily hammered about twelve (12) inches deep into the ground and are connected together with wires. Measurements of voltage and current are taken between pairs of electrodes. Test measurements take approximately thirty (30) minutes to complete. At completion probes and equipment are removed. Measurements may require up to three (3) vehicles and up to four (4) staff on site at any one time including a geologist or geophysicist to set up the equipment and perform the tests, and an environmental monitor. Vehicles may include the geophysicist's pick-up truck, a geologist's vehicle, and an environmental monitor's vehicle.

B. Geologic Test Pits. Geologic test pits may be excavated to obtain the engineering characteristics of the in-situ soils. Soil samples may also be obtained. The geologic test pits generally will not exceed twenty (20) feet long by four (4) feet wide, and are normally much smaller. Geologic test pits will be excavated to a depth of approximately twelve (12) feet using a standard size backhoe, equivalent in size to a John Deere, Model 580. The excavation of test pits may require from two (2) to four (4) persons including an equipment operator and a helper, and a geologist to direct the work. In addition, an environmental

scientist will be at the site. Vehicles will include the back-hoe operator's truck, a geologist's vehicle, and the environmental monitor's vehicle. Once test pits have been inspected and sampled, they will be backfilled with native materials.

C. Drill Exploration. Drill exploration will generally be performed using a six and a half to 8-inch diameter auger or 94mm (3.7 inch) to 134mm (5.3 inch) diameter mud rotary drill rig. The drill rig is usually truck-mounted and powered by an industrial engine with 200 to 300 cubic inches of displacement, equipped with a muffler and spark arrester. Soil samples will be obtained for testing. Upon completion of drilling, holes will be sealed using cement-bentonite grout. The depth of test holes will vary from about five (5) feet to two-hundred twenty five (225) feet. An associated truck or small loader with a "Baker Tank" or drums may be on site to dispose of drilling mud and cuttings resulting from rotary drilling. Additional vehicles may be present at short time intervals to deliver supplies. The drilling time required for each drill hole is normally less than two (2) to five (5) work days. Weather, site conditions and/or mechanical breakdown may lengthen the drilling time. Drilling activities may require up to four (4) vehicles and up to six (6) staff on site at any one time. Cone Penetrometer testing (CPT) will require a Rig (generally truck-mounted) to push a hole, a tender truck and/or a driller's pick-up truck and trailer with grouting equipment, a geologist's vehicle, and an environmental monitor's vehicle.

D. Monitoring Wells. Monitoring wells may be installed at any of the drill exploration sites to measure groundwater elevation. The monitoring well may consist of one or more screened well points. Access to the monitoring well will be through a bolted well-cover, flush with the ground surface, or a lockable metal monument. Beneath the bolt-on-well cover, individual well castings will have padlocked caps. It is estimated from one (1) to two (2) persons and one (1) vehicle will return to the site for monitoring purposes. Site visits may last up to thirty (30) minutes in duration and will occur on non-consecutive days.

E. Underground Service Alert ("USA"). Prior to drilling or digging, USA (Underground Service Alert) will be contacted to mark all known utility lines.

The only dust hazard associated with equipment used for Engineering Geological activities is dust resulting from driving to and from drill sites. The results of geologic, surveying, mapping and geotechnical exploration activities in the study area may have a significant impact on any future design, scheduling and/or cost of a preferred alignment for a future project.

III. UTILITIES

Inventory of existing utilities will consist of a review of public records and a walking survey of the Property. Records review and walking surveys are completed in compliance with best practices as outlined by the California Public Utilities Commission. Site reconnaissance consists of ground surveys with minimal ground disturbance. Shallow scraping of surface soils, one (1) to three (3) inches deep, in small, localized areas may be required. Upon completion of site reconnaissance DWR will restore the Property, as near as possible, to its original condition.

IV. CULTURAL RESOURCES

Studies of cultural resources include both archaeological surveys and architectural and historic resource evaluations. A site visit will be conducted in order to perform a Phase 1 Cultural Resources Inventory in compliance with the California Environmental Quality Act and the National Historic Preservation Act implementing regulations.

Archaeological surveys involve walking across the Property and recording any archaeological resources that are observed on the ground surface and will follow the Secretary of the Interior's Standard's for the Identification of Historic Properties. If the ground surface is not visible due to vegetation, surveyors may use a hand trowel or a small shovel to perform minimally invasive clearance of vegetation, scraping soils to a depth of one (1) to three (3) inches, in small, localized areas. Upon completion of vegetation scraping, DWR will restore the Property, as near as possible, to its original condition.

Different types of strategies are employed when conducting cultural surveys. An intensive strategy uses 15-meter transects, depending on the likelihood of encountering significant cultural resources. This approach will be modified only when unsafe situations or impassable terrain are encountered. In such areas, a moderate to cursory strategy will be employed using meandering and 20-meter or greater transects. The surveys will proceed at an estimated rate of thirty (30) acres per day per person. Depending on the number of surveyors and acreage, the Property may be accessed for up to five (5) days.

Site visits will include condition assessments which will involve ground-truthing of previously recorded or known cultural resources. Using cursory surveys, an archaeologist will verify the accuracy of site records and site locations, as well as the presence or absence of artifacts and/or human remains. Most known cultural resources are listed as prehistoric archaeological sites that primarily include burial mounds and/or habitation sites, along with some lithic scatters and baked clay deposits. Numerous historic era resources, such as architectural and engineering features, also exist throughout the study area.

A random sample survey will be conducted for these resources. These types of visits include, but are not limited to, single day field inspections.

Photographs and Global Positioning System (GPS) location readings will be taken for archaeological, architectural, and historic era resources. Architectural and historic era resource evaluations will involve noting the structures present on the Property (houses, barns, sheds, etc.) and historic era features (e.g., levees) within the study area.

The presence of cultural resources within the study area that are eligible for listing in either the California Register of Historical Resources, or the National Register of Historic Places may have a significant impact on any future design, scheduling and/or cost of conveyance planning or restoration opportunity for a future project. In the event that a preferred alternative or restoration opportunity areas are chosen, an intensive cultural resources survey will be conducted.

V. ENVIRONMENTAL STUDIES

The environmental surveys involve a variety of specialties and primarily consist of observations made by environmental scientists. Minor ground disturbances with a shovel or hand trowel may be required. Any holes will be filled and compacted immediately. Regardless of the surveys to be conducted, DWR will restore the Property, as near as possible, to its original condition.

A. Botanical Surveys: Surveys will include walking the Property, recording plant species, collecting unknown plant species, photographing plants and habitats, and conducting wetland delineations (when applicable). The Property will be accessed by small vehicle and/or a small boat. Hand-held GPS receivers, cameras, and notebooks will be used to complete the surveys. Hand-held shovels will be used to dig holes approximately two (2) feet wide by two (2) feet deep in order to study soils if wetland delineations are required. Any disturbance of property soils will be minor and will be returned to the original condition to the best extent possible. All botanical surveys and delineations will be conducted during daylight hours during the months of February through October. It is anticipated that botanical surveys will take from one (1) to four (4) days to complete and that from one (1) to six (6) persons may be on the Property at a time. Should wetlands be found, an additional one (1) to four (4) days may be needed to complete delineations.

B. Fisheries Studies: Habitat evaluations for various sensitive fish species may include evaluation of water depth, flow velocities, water quality, riparian vegetation, and channel substrate. Fish sampling in adjacent sloughs may require vehicle access for transport of nets and other sampling equipment. Fisheries Studies fall into two categories and are described as follows:

1). Fisheries Surveys will include surveying all rivers and streams on the Property that may be within a sensitive fish species distribution range, and will include the visual evaluation of habitat including upland and riparian vegetation. Activities to conduct water quality sampling of temperature and dissolved oxygen content, water depth and flow-velocities will include the use of a vehicle, a small boat or kayak, binoculars, buckets, seines and nets, fish measuring boards and microscopes. The days and hours required to complete surveys will occur two (2) weeks a month, for three (3) days each week, and may last up to eight (8) hours each day in order to complete the surveys. It is anticipated surveys will occur between September and May.

2). Hydrologic Surveys will include identification and characterization of drainage, streams, creeks, storm water drains, and storm water flow patterns that may impact water quality. Equipment required to conduct hydrologic surveys will include a vehicle and a small boat. All hydrologic surveys will occur during daylight hours and will take from two (2) to four (4) persons to complete the survey. Surveys may require from one (1) to six (6) site visits to complete and will occur on non-consecutive days during the wet and dry seasons.

C. Wildlife Surveys: Habitat evaluations will be completed for all sensitive species in the study area with the potential for surveys to determine whether sensitive species are present as well as their distribution on the Property. Surveys of wildlife fall into four generalized categories and are described as follows:

1). Vernal Pool Surveys: In the office, aerial photograph interpretation with soil characterizations for likelihood of vernal pool presence will be completed. In the field, locations of vernal pools based on vegetation, soil characteristics, ponding, and the presence of invertebrates will be determined. These determinations are made through driving surveys (where appropriate), walking surveys, and dip-netting in ponded pools. Digital photographs documenting the pools will be taken. A handheld Global Positioning System (GPS) unit will be used to document the approximate location of each pool. Additional equipment that may be used includes a thermometer, a depth measuring tool, rubber boots, and binoculars.

DWR's intention is to continue dipnetting in ponded pools within two (2) weeks following a significant rain event and then every two (2) weeks thereafter until the pools have completely dried down for the season. Therefore, during the

rainy season, DWR teams may visit the Property every two (2) weeks for approximately six (6) to eight (8) months beginning as early as October and ending as late as May. Protocol level surveys require that these surveys continue for two (2) seasons. Once it is determined that a vernal pool has a listed fairy shrimp or tadpole shrimp species, then the pool will no longer need to be surveyed. In this case, a determination will be made as to whether the entire property will require continued surveys. All activities will occur during daylight hours.

2). Reptilian and Amphibian Surveys: Evaluations of aquatic and terrestrial habitats for sensitive species of reptiles and amphibians will occur on the Property and will include at the very least visual surveys. In addition to visually assessing the quantity and quality of habitats, surveys aimed at locating the presence of specific sensitive species may also be conducted. Specific surveys have been proposed for three (3) species of reptiles and amphibians at this time: California tiger salamander (CTS; *Ambystoma californiense*), California red-legged frog (CRF; *Rana draytonii*), and Giant garter snake (GGS; *Thamnophis gigas*). Other sensitive reptile and amphibian species will be recorded during the course of these surveys. All surveys described below will require at least one team of two (2) biologists working together at a particular location. The number of teams could vary from one to many depending upon the amount of habitat available on the Property. It may be the case that each two-person team will occupy separate vehicles, resulting in multiple vehicles on site for each survey. All sensitive species observed will be photographed, when possible, and their locations recorded using a GPS.

a). CTS Surveys. CTS surveys will include visual encounter surveys for eggs and aquatic sampling for larvae. The habitat will also be mapped, photographed, and characterized using a GPS, camera, depth meter, turbidity meter, thermometer, and salinity meter. The egg surveys for CTS will typically take place concurrently with vernal pool invertebrate surveys. However, in non-vernal pool habitat (e.g., stock ponds) that has the potential to support CTS, surveys for CTS eggs may also be conducted. These surveys will involve walking the perimeter of a water body, visually surveying for eggs. Surveys will be conducted during daylight hours, potentially as often as once every two (2) weeks, beginning in November and extending through February. Three (3) aquatic larvae surveys will also be conducted using a dipnet, seine, and/or cast net to sample the water body for CTS larvae. These surveys are typically conducted once per month from March through May; however, actual timing of the surveys may need to be adjusted depending upon rainfall and ponding duration.

b). CRF Surveys. CRF surveys involve searching for eggs and larvae, as well as for juveniles and breeding adults. The habitat will also be mapped, photographed, and characterized using a GPS, camera, depth meter, turbidity meter, thermometer, and salinity meter. CRF egg surveys occur during daylight hours and involve walking along the edges of potential breeding habitat visually searching for egg masses using binoculars and documenting any species of frogs and toads observed. In addition, surveys for juvenile and adult CRFs will take place at night beginning one (1) hour after sunset, using headlamps, flashlights, and binoculars. Both the egg surveys and juveniles and breeding adult surveys will be conducted approximately once a month from January through March. Surveys for CRF larvae will be conducted approximately once a month during daylight hours from April through June.

c). GGS Surveys. GGS surveys involve visually searching for snakes and hand capturing them, as well as attempting to capture them in aquatic traps. The habitat will also be mapped, photographed, and characterized using a GPS, camera, depth meter, turbidity meter, thermometer, and salinity meter. Visual surveys for GGS involve walking the Property, typically in the morning hours, from mid-March through late-September, using binoculars, and capturing observed snakes by hand. Trapping surveys take place between May 1, and October 1, and involve placing floating modified minnow traps in the water and leaving them on-site for approximately two (2) weeks for each trap-line. Multiple trap lines may be set on the Property if sufficient habitat exists, or two trapping efforts may be necessary to capture different activity levels determined by ambient temperature changes. Traps must be checked daily during daylight hours. All captured snakes are photographed and processed using the following equipment: cameras; tape measures; spring-scales; measuring calipers; micro-cauterizers; PIT tags, syringes, and tag readers; scissors; and vials with ethanol for preserving tissue samples.

3). Avian Surveys: On-site evaluation of habitat for sensitive bird species will include observations from vehicles and may also involve walking surveys of the Property. Species-specific surveys will be conducted primarily by walking transects through appropriate habitat. Equipment used will include vehicles, binoculars/spotting scopes, cameras, and GPS units. Surveys will generally require two (2) days work with up to eight (8) hours per day; in a few cases four (4) days of surveys may be required. Surveys may be conducted for multiple years, although surveys on most parcels will be completed in a single survey season. In those rare instances involving multi-year survey periods, there may be as many as ten (10) days of surveys over the multi-year survey period. It is anticipated surveys will occur from March through September.

4). Mammal Surveys: Equipment required for all mammal surveys may include four-wheel drive trucks, all-terrain vehicles (ATVs), maps, GPS units, flagging, computer equipment, and kayaks/canoes.

a). Riparian Brush Rabbit and Riparian Wood Rat Surveys. Surveys for Riparian Brush Rabbit and Riparian Woodrat will include on site habitat analysis and where appropriate, via species-specific trapping in riparian scrub and riparian forest habitat. Rabbit and Woodrat surveys may use species-specific traps, track plates, and auto photography units. The Rabbit and Woodrat surveys may take as many as ten (10) days per year, eight (8) hours in duration and may occur in the early morning, evening, or night hours.

b). Bat Species Surveys. Habitat evaluation surveys for various sensitive bat species will be conducted, and in very few instances, habitat may be surveyed for the bat species themselves, via mist netting and passive auditory surveys during the evening. A minimum of two-person crews will be involved for each survey. In addition, bat surveyors may use solar panel-powered bat auditory recording equipment left on site for a two-week period, and in very rare instances, bat mist nets that would be monitored by bat biologists during on-site evening observation periods. The bat surveys may take as many as ten (10) days per year, up to eight (8) hours in duration and may occur during morning, afternoon, evening, and night hours.

c). Salt Marsh Harvest Mouse Surveys. Salt marsh harvest mouse surveys may be conducted between April and October by a two-person crew. Depending on the amount of habitat present the crew may exceed two people. Evaluation of habitat may occur on the Property and will include visual walking surveys. Surveys generally take place once over five (5) consecutive days during the hours around dusk and dawn. Equipment used includes vehicles, GPS, cameras, thermometers, wind meters, aluminum live-traps, pin flags, rulers, calipers, scissors, and hand lenses. The anticipated survey months are February through November. Surveys will be for the durations previously described and will occur on two consecutive years. Survey requirements and entry on the Property are subject to change depending on the result of the first year's surveys.

D. Recreation Surveys. Recreational Surveys will include identification and observation of any existing recreation use on the Property as well as adjacent waterways. Identification and observations will require: documentation of the types of recreational activities on the Property and type of equipment used by recreationists; the estimated number of recreationists who use the Property; interviews to gain information about visitor origin, residence, and habits; determining the season(s) of use (if any); and scoping the potential for future recreational use. Studies will require a two (2) person team for each site visit. Equipment used for the surveys will include hand-held cameras, binoculars, and clipboards. Personnel will use a vehicle while on site. Site visits will occur between 7:00 a.m. and 7:00 p.m. A typical site visit takes less than one (1) hour to complete; however, in some instances to obtain meaningful observations of activities and/or interviews with recreationists, some site visits may take up to twelve (12) hours to complete. Depending on the type of recreation being observed, personnel may visit the site once a day, or up to five (5) times per day. Recreational activities tend to be seasonal and will be observed on non-consecutive days between the months of March and November. During those months personnel may be on the Property for up to thirty (30) non-consecutive days for one or more site visit each day.

E. After-Survey Monitoring. In addition to the surveys described above, information concerning the occurrence of threatened or endangered species at sites containing potential habitat for the species, or sites designated as critical for the species, must be obtained through properly conducted surveys carried out by a permitted biologist.

Environmental surveying and monitoring activities in the study area may have a significant impact on any future design, scheduling and/or cost of a preferred alignment for a future project.

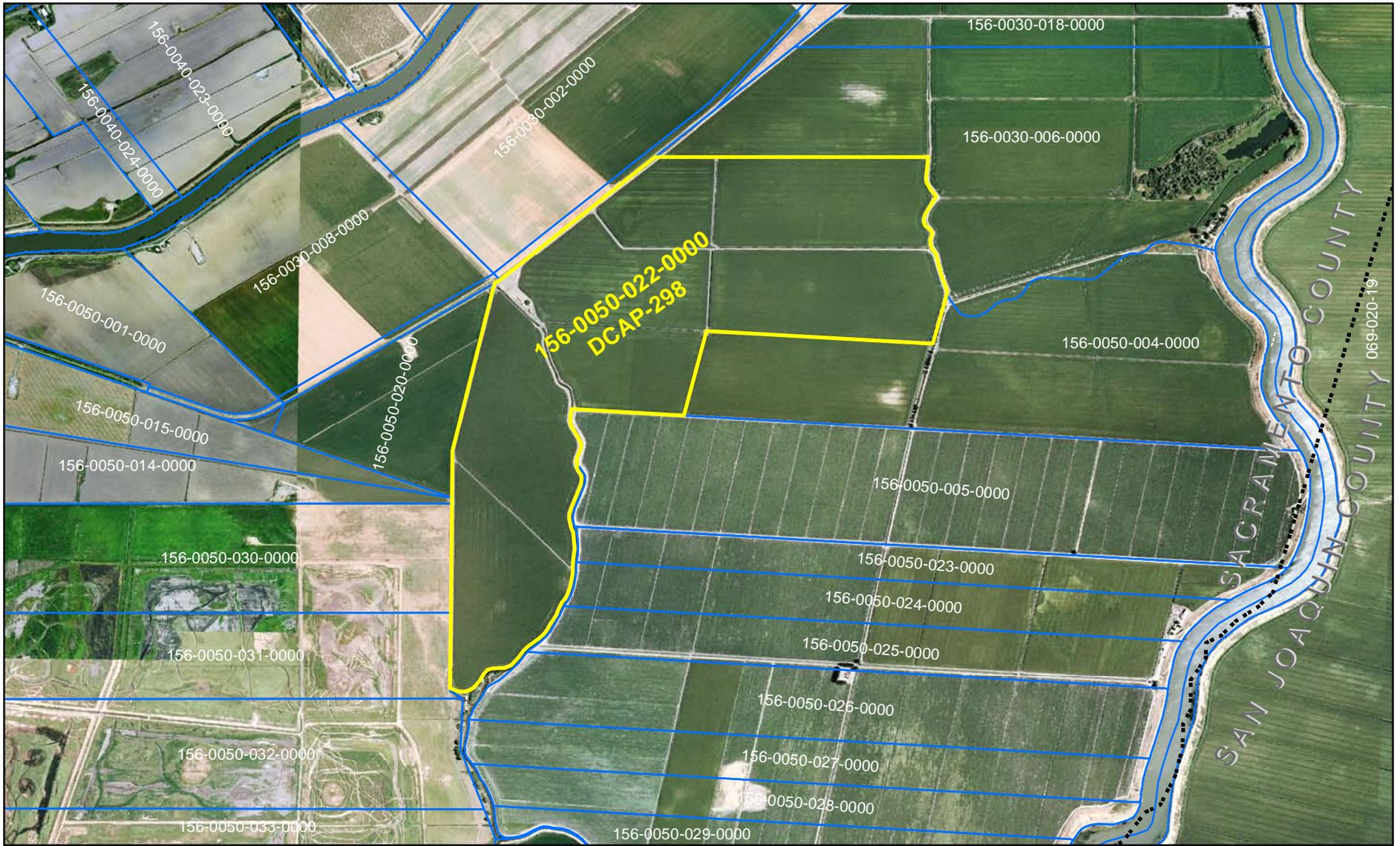
VI. PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

The purpose of the Phase 1 Environmental Site Assessment is to evaluate the study area for potential environmental hazards or degradation caused by the release of hazardous materials. The study area can consist of all parcels and adjacent properties within and outside the study area, including access roads and staging areas. This investigation will include the review of historic land use and land title records, federal and state regulatory agency environmental databases, consultation with local environmental health officials, and communication with the current land owners or operators.

Phase 1 Environmental Site Assessment will include entering the Property to perform site reconnaissance in accordance with the American Society of Testing Materials (ASTM), Standard Practice for Environmental Site Assessment; Phase 1 Environmental Site Assessment Process Designation 1527-05 and newly adopted federal regulations pursuant to 40 Code of Federal Regulation, Part 312 – Standards and Practices for all Appropriate Inquiries. Site assessment will include the use of a 3/4 ton pickup or a kayak or canoe where appropriate, and will include walking the Property, making visual observations, and documenting visual observations and recording locations of "recognized environmental conditions" using GPS, digital photography, and tape measures. Should it be determined that the collection of samples are necessary, a hand-auger, three (3) inches in diameter will be used to auger to a maximum soil depth of fifteen (15) feet. A shovel will be used for surface work and replacement of soil extracted from the collection of samples. Any disturbance of property soils will be minor and will be returned to pre-survey conditions to the best extent possible. Whenever possible, a predetermined sampling location will be identified prior to taking samples.

Site visits will occur only during daylight hours, most likely between the hours of 8:00 a.m. to 7:00 p.m. and will require from one (1) to three (3) staff persons on site. Visits may last up to a day and a half in duration. If the Property is large in size, multiple visits may be required, but no more than five (5) site visits will be required for Phase 1 Environmental Site Assessment activities.

The presence of recognized environmental conditions within the study area may have a significant impact on any future design, scheduling and/or cost of a preferred alignment for a future project.



SACRAMENTO COUNTY



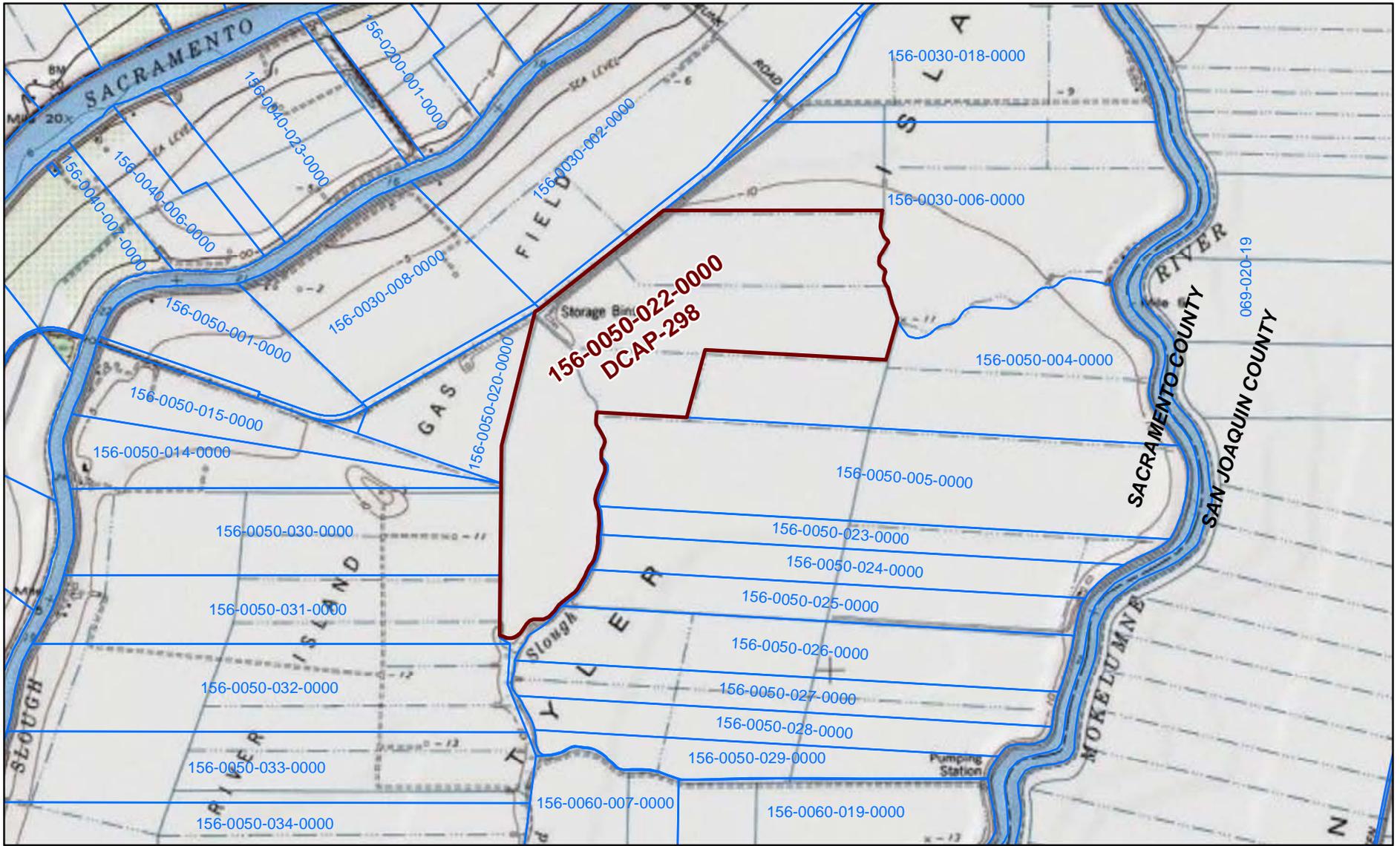
STATE OF CALIFORNIA
THE RESOURCES AGENCY

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DIVISION OF ENGINEERING - GEODETIC BRANCH

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**DELTA HABITAT CONSERVATION
AND CONVEYANCE PROGRAM
PARCEL EXHIBIT - ALL TUNNEL**



SACRAMENTO COUNTY



STATE OF CALIFORNIA
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