

SUPPLEMENT TO STAFF REPORT: NEGOTIATION FACT SHEET
PROPOSED ACTION IN EMINENT DOMAIN
CALIFORNIA WATER COMMISSION
 October 19, 2011

RON #: 2011-21
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 119-0230-009-0000 (Sacramento County)
DWR #: DCAP-110
Owner: Peter W. and Karen L. Stone

Statistics

AS OF OCTOBER 12, 2011					
# of Parcels to be Acquired	# of Parcels Acquired	Remaining Parcels to Acquire	# of Owners to Appear	# of Owners to Settle	Remaining Number of Owners to Appear
59	1	58	46	1	45

Property Rights to be Acquired

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Rights</u>
Unit A	64 sq. ft.	Permanent Non-Exclusive Easement
Unit B	40,000 sq. ft.	Temporary Construction Easement
Unit C	19,200 sq. ft.	Temporary Access Easement

Parcel Information

Current Use: Irrigated Field Crops
Zoning: AG 20 DW (Agriculture, 20-acre minimum, Delta Waterways Combining Zone)
Date of First Written Offer: August 2, 2011
Amount of Agency's Latest Written Offer: Offer made pursuant to approved staff appraisal.
Amount of Owner's Latest Counteroffer: N/A
Type of Geotechnical Activity: Four (4) CPTs and four (4) drill holes

Previous Contacts

Temporary Entry Permit (TEP) Phase LETTERS (7)

- Initial mailing of TEP; follow-up letters, response letter addressing owner's concerns, referral to AG letter (7/07/10, 8/12/10, 9/03/10, 9/10/2010, 10/27/2010, 1/26/11, and 2/02/11).

EMAILS (17)

- Follow up to Hood meeting on 7/15, follow-ups to TEP, multiple attempts to schedule site visit and meeting, providing specifics about drilling explorations, (7/16/10, 7/27,2010, 8/10/2010, 8/18/2010, 8/19/2010, 8/23/2010, 8/24/2010, 8/30/2010, 9/9/2010, 9/13/2010, 9/14/2010, 9/15/2010, 9/16/2010, 9/17/2010, 9/20/2010 (twice), and 1/24/2010).

TELEPHONE CALLS (4)

- Left messages, message from owner, conversations with owner regarding general follow-up to TEP and multiple attempts to schedule site visit and meeting (7/27/10, 8/9/10, 8/26/10, and 2/3/11).

SITE VISITS (1)

- Conducted site visit. Owner showed DWR drainage tiles. Owner provided DWR with a 27 page response to the TEP; denied DWR access. (9/30/10)

OTHER MEETINGS (1)

- Owner held a public meeting in Hood inviting other parcel owners and DWR. DWR attended and was available to answer questions. (7/15/10)

Recent Contacts

First Written Offer (FWO) Phase

LETTERS (9)

- Notice to Appraise Letter, First Written Offer, follow-up letters, invitations to Commission meeting, Reimbursement of Appraisal Costs form, letter from DWR addressing specific land owner concerns, Notice of Intent to Adopt Resolution of Necessity (6/1/11, 8/02/11, 8/22/11, 8/30/11, 9/06/11, 9/9/11 (twice), 9/12/11 and 9/27/11).

TELEPHONE CALLS (6)

- DWR called and/or left message requesting return call (8/04/11, 8/18/11 and 9/26/11).
- Verbal notification that First Written Offer was sent; follow-up to first written offer; explained FWO and subsequent CWC procedure; discussed temporary easement alternative; discussed locations of drill hole and access issues; set up site visit time and date. (8/31/11, 9/12/11, and 9/27/11).

EMAILS (5)

- Follow-up to first written offer; several offers to negotiate temporary easement; offers to meet with owner to address concerns; explained CWC RON procedures; set up a site visit. (8/18/11, 8/31/11 (thrice), and 9/26/11).

SITE VISITS (1)

- Discussed drill hole locations and access issues; discussed concerns regarding hazardous materials. (9/28/2011)

Areas of Main Concern to Owner and DWR's Response

- Why is DWR accessing the neighboring parcels through owner's parcel and can drill holes be moved?
DWR has determined that accessing the adjacent properties through the owner's property is the most efficient and safe route for access. DWR agreed to move the drill sites to the locations proposed by the owner.
- What happens if DWR finds hazardous materials in the boring core samples?
If hazardous materials are found DWR must report it to the appropriate agencies.
- Drilling close to the levee could cause the island to flood.
DWR has experience in flood protection and drilling on and around levees; DWR will take all precautions to avoid potential flooding when drilling.

Why Necessary to Initiate Eminent Domain Action

DWR has been unable to reach an agreement to acquire the necessary property rights through either negotiation or attempted negotiation. DWR desires to initiate eminent domain action to ensure that DWR meets its geotechnical schedule.