



Action Item: Amendments to Resolution of Necessity passed prior to February 2012 regarding quit -claim language and hazardous materials testing

Background

At its February 15, 2012 meeting, the California Water Commission voted to include clarifying language in the Resolutions of Necessity that authorize the State of California to acquire property for geotechnical explorations in support of the proposed Bay Delta Conservation Plan and the proposed Delta Habitat Conservation and Conveyance Program.

In order to incorporate this new language into previously adopted Resolutions of Necessity, the Commission must vote on the amended resolution in a public meeting.

The proposed amendments are listed below:

1. Quitclaim Provision (Paragraph 10 of the Resolution of Necessity)

Previous language: Within 120 days of the completion of its geotechnical work on the property and at no cost to the landowner, the Department will quitclaim its permanent easement in favor of the landowner or otherwise abandon its attempt to acquire a permanent easement on the property.

Revised language: Within 120 days of completion of its geotechnical work on the property and at no cost to the landowner, the Department will quitclaim its permanent easement in favor of the landowner or, if no permanent easement has yet been acquired, the Department will abandon its attempt to acquire a permanent easement on the property.

2. Hazardous Waste Testing (New Paragraph 11)

DWR shall limit its laboratory testing of soil and water samples to the "Geotechnical Laboratory Testing Methods" and the "Special Laboratory Testing Methods" set forth in the "DHCCP Laboratory Testing Methods, Draft Revision 1, dated 6-24-2011," except that DWR may also perform one or more of the "Environmental Laboratory testing methods" set forth therein in the event DWR observes on-site indicators in the immediate area of the geotechnical activities (e.g.

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dead vegetation, crusting, discolored soil, odors, etc.) that indicate the likely presence of above-threshold levels of the constituent or constituents which are the subject of the testing methods.

Attachments

Affected Resolutions of Necessity

Sample Resolution of Necessity

Contact

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Affected Resolutions of Necessity

Number	Subject	Adopted
2011-06	Resolution of Necessity; Oates: DCAW-140	November 16, 2011
2011-09	Resolution of Necessity; Seebeck: DCAP-113	November 16, 2011
2011-10	Resolution of Necessity; Fahn: DCAP-190	November 16, 2011
2011-11	Resolution of Necessity; Mello: DCAP-207	November 16, 2011
2011-12	Resolution of Necessity; River Maid: DCAP-210	November 16, 2011
2011-13	Resolution of Necessity; Seebeck: DCAP-222	November 16, 2011
2011-17	Resolution of Necessity; Backer: DCAP-163	November 16, 2011
2011-18	Resolution of Necessity; Smith: DCAP-600*	November 16, 2011
2011-20	Resolution of Necessity; Amistad: DCAP-171	November 16, 2011
2011-21	Resolution of Necessity; Stone: DCAP-110	November 16, 2011
2011-22	Resolution of Necessity; Zehnder: DCAP-111	November 16, 2011
2011-23	Resolution of Necessity; Ariza: DCAP-115	November 16, 2011
2011-24	Resolution of Necessity; Borges: DCAP-119	November 16, 2011
2011-25	Resolution of Necessity; Reed: DCAP-154	November 16, 2011
2011-26	Resolution of Necessity; Dhaliwal: DCAP-155	November 16, 2011
2011-27	Resolution of Necessity; Jonson: DCAP-161	November 16, 2011
2011-28	Resolution of Necessity; Leary: DCAP-191	November 16, 2011
2011-29	Resolution of Necessity; Allen: DCAP-213	November 16, 2011
2011-30	Resolution of Necessity; Cave: DCAP-225	November 16, 2011
2011-31	Resolution of Necessity; Arch: DCAP-282	November 16, 2011
2011-14	Resolution of Necessity; River Maid Land Co.: DCAP-223	January 18, 2012

*This Resolution of Necessity is for a temporary easement only. Provision 1 regarding quit-claims is not applicable to this property.