APPENDIX E

REAL ESTATE PLAN

YUBA RIVER RESTORATION STUDY
(YUBA COUNTY, CALIFORNIA)

08 MARCH 2019

PREPARED
BY THE
SACRAMENTO DISTRICT
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1. Introduction

This Real Estate Plan is prepared in accordance with ER 405-1-12, Section 12-16, and in support of the Interim Feasibility Report and Environmental Assessment to determine Federal interest in Ecosystem Restoration (ER) improvements in the Yuba River in Northern California. The purpose and scope of this Real Estate Plan is to describe the Recommended Plan land and real estate administrative costs for the habitat restoration project. This report is to be used for planning purposes only. There will be modifications to the plans that occur during Preconstruction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or land and administration costs.

Non Federal Sponsors

The Yuba Water Agency is a stand-alone public agency governed by a board of seven elected officials to serve the people of Yuba County. Established by a special act of the California State Legislature in 1959, the agency's primary missions are flood risk reduction, water supply reliability, fish habitat protection and enhancement, hydroelectric generation, and recreation at New Bullard’s Bar.

2. Study Authority

The authority to study the Sacramento River Basin for flood control and allied purposes, including ecosystem restoration, was granted in the Rivers and Harbors Act of 1962, P.L. 87-874, Section 209, which reads:

“The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements...in drainage areas of the United States and its territorial possessions, which include the following named localities...Sacramento River Basin and streams in northern California draining into the Pacific Ocean for the purposes of developing, where feasible, multi-purpose water resource projects, particularly those which would be eligible under the provisions of Title III of Public Law 85-500”.

On 28 April 2016, a Senate Committee Resolution clarified that ecosystem restoration is to be included in the investigation:

“Resolved by the Committee on Environment and Public Works of the United States Senate, that the Secretary of the Army, pursuant to the Rivers and Harbors Act of 1962, Pub. L. 87-874 § 209, is requested to investigate ecosystem restoration opportunities in the Sacramento River Basin and streams in northern California draining into the Pacific Ocean, including the Yuba River Watershed”.

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3. **Project Description**

The Yuba River Watershed (Figure 1) encompasses 1,340 square miles on the western slopes of the Sierra Nevada Mountain Range, and is located in portions of Sierra, Placer, Yuba, and Nevada counties (Reynolds et al. 1993). The Yuba River is a tributary of the Feather River which, in turn, flows into the Sacramento River near the town of Verona, California.

The Yuba River flows through forest, foothill chaparral, and agricultural lands. Levees are absent from most of its course except for near the river’s confluence with the Feather River. At that point, the Yuba River is bounded by setback levees for approximately six miles.
The primary watercourses of the upper Yuba River Watershed are the South, Middle, and North Yuba rivers. The South Yuba River flows into Englebright Lake. The Middle Yuba River flows into the North Yuba River and together they are referred to as the upper Yuba River. Beginning at the confluence of the North Yuba and the Middle Yuba rivers, the main stem upper Yuba River flows approximately 7.8 miles downstream to Englebright Dam. Englebright Dam’s reservoir extends approximately 8 miles from its high water surface elevation at River Mile 32.2 to the Englebright Dam at RM 24 (YSF 2013). Below Englebright Dam, the lower Yuba River reach extends approximately an additional 24 miles downstream to the confluence with the Feather River. The study area begins in the city of Marysville and extends upstream approximately 90 miles, past Sierra City, California, in Sierra County.

Figure 2. Englebright Dam

Daguerre Point Dam is located on the lower Yuba River approximately 11.5 river miles (RM) upstream from the confluence of the lower Yuba and lower Feather rivers near Marysville (USACE 2013). Owned by USACE, Daguerre Point Dam is a 25 feet (ft.) tall, low-head dam across the lower Yuba River and there is no reservoir associated with the dam. Englebright Dam, located approximately 12.3 miles upstream of Daguerre Point Dam, is a 260-ft tall concrete dam also owned by USACE. Located on the Yuba River approximately 18 miles upstream of Englebright Dam, the 645 ft. high New Bullard’s Bar Dam (owned by Yuba County Water Agency) is the tallest man-made structure in the Yuba River Watershed.

Figure 3. Daguerre Point Dam
The Yuba River is one of California’s signature rivers. Since the Gold Rush, prior to California statehood, the Yuba River has been a source of life-sustaining water for native peoples, farmers and ranchers, as well as for salmon, steelhead and other fish and wildlife.

The United States Army Corps of Engineers (USACE) has a long history of involvement with the Yuba River. With the advent of the California gold rush in the mid-1800s, hydraulic mining washed away entire sections of the upper Yuba River Watershed. The release of incredible amounts of sediment and contaminated mining debris threatened nearby cities, farms and the river itself. The United States Congress directed the Federal California Debris Commission (CDC) to manage this dangerous mining sediment. In 1906 construction was completed on Daguerre Point Dam, and then the 260-foot tall Englebright Dam was completed in 1941, both to impound mining debris. These dams continue to contain this contaminated mining debris, with an estimated 28 million cubic yards impounded behind Englebright Dam and 4 million cubic yards behind Daguerre Point Dam. Upon Congressional decommissioning of the CDC in 1986, administration of Englebright Dam and Lake was assumed by USACE. The creation of these debris dams and historical hydraulic mining activities have minimized the existing critical habitat of some species listed as threatened under the Endangered Species Act included 1) spring-run Chinook salmon; 2) steelhead; and 3) green sturgeon.

All of the planning objectives focus on activities to be conducted within the study area over a 50-year period of analysis. Based upon the problems and opportunity identified in the study area, planning objectives include the following.

- **Improve the quantity, quality, and complexity of aquatic habitats.**

  This objective addresses the improvement of aquatic habitats and the functions those habitats provide for all life stages of anadromous fish, water birds, amphibians, and other wildlife within the watershed.

- **Improve the quantity, quality, complexity, and connectivity of riparian habitats.**
This objective addresses the improvement of riparian habitats and migratory corridors and the functions those habitats provide for waterfowl, water birds, riparian songbirds, amphibians, and other wildlife within the watershed.

- **Restore longitudinal river connectivity.**

  This objective addresses the improvement of hydrologic and aquatic habitat connectivity. Critical components of connectivity include the longitudinal, or downstream, movement of water and sediment, and the upstream movement of anadromous fish and the oceanic nutrients they provide.

- **Restore lateral connectivity of the river to its floodplain.**

  This objective addresses the improvement of hydrologic connectivity within and between aquatic and floodplain habitats. Critical components of connectivity include the lateral, or horizontal movement of water within the channel and onto the floodplain, and the vertical, or downward movement of water into the ground.

4. **Description of Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas (LERRDs)**

Once the Project Partnership Agreement (PPA) process is complete, the Sacramento District Engineering Branch will prepare the final design for advertisement and construction. During this process the tract register and tract maps will be updated to reflect any modifications to include final staging areas, access requirements, and restoration features. This information will be used for LERRD crediting project close out purposes.

The Recommended Plan includes the following habitat increments: 2, 3A, 5A and 5B.

Increment 2 (Highway 20 to Hammon Bar) consists of flood plain grading, riparian planting using excavators and waterjet stingers (a tool to plant dormant unrooted cuttings of willows, cottonwoods, dogwoods, and other species), bank scalloping, and creation of a small backwater area. Areas that are graded into flood plains will not receive riparian planting. This increment includes a temporary bridge access and staging.

Increment 3A (Hammon Bar to Upstream of Daguerre Point Dam) consists of flood plain grading, side channel creation, riparian planting using excavators and waterjet stingers (a tool to plant dormant unrooted cuttings of willows, cottonwoods, dogwoods, and other species), minor bank scalloping, and channel stabilization through the installation of engineered log jams. Areas that are graded into flood plains will not receive riparian planting. This increment includes a temporary bridge for access and staging.

Increments 5A (Bar C to Bar D) and 5B (Bar D to Island B) consists of flood plain grading, side channel creation, riparian planting using excavators and waterjet stingers and creation
of a small backwater area. Areas that are graded into flood plains will not receive riparian planting. This increment includes access and staging areas.

**Potential Borrow Sites and Disposal Sites**
Borrow volumes are expected to be extremely small and any necessary borrow can be supplied by nearby excavation associated with this project. Multiple potential placement/disposal sites for excavated material are present in the project area, including the Teichert-Hallwood Facility, Western Aggregates, and Butte Sand and Gravel. Placement/disposal of excavated material will likely require characterization of the material.

**Access**
From the proposed staging areas, vehicles accessing the restoration sites would haul primarily on the sand bars along the river. In some cases, temporary haul roads may need to be constructed in order to provide better access to the sites. Occasionally, rather than hauling on sand bars, vehicles would have access to farm roads.

In some cases, access to the restoration sites could only be provided through temporary river crossings. These would consist of 10 foot wide by 10 foot long railroad Flatcar Bridge that would be placed over the river channel for temporary access, when needed.

**Monitoring and Adaptive Management Plan**
Monitoring and Adaptive Management costs, which are anticipated to be minimal, will be included in first costs and operations, maintenance, repair, replacement, and relocations (OMRR&R) costs, as appropriate.
Table 1 – Recommended Plan Features

<table>
<thead>
<tr>
<th>Restorations Sites</th>
<th>Project Features</th>
<th>Estate</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increment 2 – (Highway 20 to Hammon Bar)</td>
<td>Floodplain lowering, bank scalloping, riparian planting, side channels, channel stabilization, large woody material placement, engineered log jam placement, new back water areas, anabranching channel</td>
<td>Fee Title</td>
<td>692.26</td>
</tr>
<tr>
<td>Increment 3A (Hammon Bar to Upstream of Daguerre Point Dam)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increment 5A – (Bar C to Bar D)</td>
<td>Staging Areas and Temporary Bridges</td>
<td>Temporary Work Area Easement</td>
<td>5.69</td>
</tr>
<tr>
<td>Increment 5B – (Bar D to Island B)</td>
<td>O&amp;M Roads</td>
<td>Permanent Road Easement</td>
<td>20.95</td>
</tr>
<tr>
<td></td>
<td>39 owners - 57 parcels, 33 mineral rights, 17 private owners, 9 businesses or farms, 1 state owned, 1 federally owned, 3 TBD with title reports</td>
<td>Total Acres: (Rounded)</td>
<td>718.90</td>
</tr>
</tbody>
</table>

5. **LERRDs Owned by the Non-Federal Sponsor and Crediting**

It is understood that the sponsor will provide a credit appraisal for project lands associated with the USACE Recommended Plan. This credit appraisal will be prepared in accordance with the Uniform Appraisal Standards (USPAP) and prepared by a certified appraiser who will be approved as a qualified appraiser by the USACE Sacramento District Appraisal Branch. At this time there are no sponsor owned land identified in the project footprint.

6. **Standard Federal Estates**

The non-Federal sponsor will be required to acquire the minimum interest in real estate that will support the construction and subsequent operation and maintenance of the proposed USACE project.

The following standard estates (with definitions) are identified as required for the project:
Temporary Work Area Easement

A temporary easement and right-of-way in, on, over and across for a period not to exceed 5 years after the execution of the construction contract, beginning with date possession of the land is granted to the Yuba County Water District/or the United States of America its representatives, agents, and contractors, for use by the Yuba County Water District and/or the United States of America its representatives, agents, and contractors as a (borrow area) (work area), including the right to borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Yuba Restoration Project, together with the right to trim, cut, fell and remove there from all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Fee Simple Title

The fee simple title to [the lands described in tract register], subject however, to existing easements and gravel and gold outstanding in third parties and for public roads and highways, public utilities, railroads and pipelines.

Acquisition of severed minerals does not require a non-standard estate provided that the mineral acquisition plus the fee less severed minerals acquisition equals fee acquisition. For tracts acquired with minerals outstanding in third parties, that language is added to the standard subject to language in the fee estate:

Fee Simple Title of Severed Minerals

The fee simple title to [the lands described in tract register], the gravel and gold, subject however, to existing easements and for public roads and highways, public utilities, railroads and pipelines.

Road Easement

A (perpetual [exclusive] [non-exclusive] and assignable) (temporary) easement and right-of-way in, on, over and across (the land described in Tract Register) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.
Non Standard Estate

Lease

The California State Land Commission will require a lease executed by the NFS for work on their jurisdictional lands prior to solicitation of a construction contract. HQ approval will be sought separately from this Real Estate Plan as soon as the exact boundaries of the lands needed are known. Time has been incorporated into the PED schedule to execute and approve the lease. The following items will be required to complete a lease:

- Standard Application for Lease of State Lands
- Project information (Scope of work, technical data, timeline, map, etc.)
- SAP (Sample & Analysis Plan)
- SAR (Sample & Analysis Report)
- DMMO authorization letter to dredge
- Bathymetric survey
- Permits from other regulatory agencies
- Minimum expense deposit: $3,000+ (may vary, based on environmental and engineering review needs)
- Non-refundable filing fee: $25
- Recent photos (approx. 5 or 6 photos taken within the past 6 months)

7. Description of any Existing Federal Projects in or Partially in the Proposed Project

There are no federal projects located in the proposed construction footprint.

8. Description of any federally owned Land needed for the Project

There is one federal parcel needed for a small portion of haul route. The assessor’s office identified the parcel in trust with the USA. The adjacent parcels are managed by the Bureau of Land Management. The Bureau is currently researching the township and range location to confirm they are managing the parcel. There is enough acreage in the area to design around the parcel if needed.

9. Application of Navigational Servitude to the LERRDs Requirement

Navigational servitude will not be invoked for this ecosystem restoration study. The Sponsor’s should engage and coordinate with the State of California Lands Commission which has jurisdiction over the bed of all state navigable waterways up to the high water mark. Acquiring a State Lands Commission lease will also trigger engagement with the CA Department of Fish and Wildlife which issues stream bed alteration agreements. The Non Federal Sponsor will be required to obtain both a State Lands Commission lease and a stream bed alteration agreement.
10. Project Maps
11. **Anticipated Increased Flooding and Impacts**

Project features would not affect the ability of the river to access high floodplain nor would it affect the hydrology of the watershed and therefore would not result in significant effects to this resource. Based on hydraulic modeling results, there will be no increased flooding from the proposed project.

12. **Cost Estimate**

The following is a preliminary analysis estimating the costs of acquiring the required LERRDs to support the USACE Recommended Plan to assist in the determination of federal interest for a cost benefit analysis. The format and level of investigation of this cost estimate is considered to be consistent with, and meet the intent of, the Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3X3X3). This policy letter states that “For projects in which the value of real estate (lands, improvements, and severance damages) are not expected to exceed ten percent of total project costs (total cost to implement project), a cost estimate (or rough order of magnitude) will be acceptable for purposes of the feasibility phase.” The table below estimates the costs associated with acquiring real property interests necessary to construct, operate and maintain the proposed project. The date of the approved cost estimate was October 29, 2018.

**Table 2 – Cost Table**

<table>
<thead>
<tr>
<th>Plan Features</th>
<th>Cost</th>
<th>Incremental Costs</th>
<th>Total Costs Rounded</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code of Accounts 01</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FEDERAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fed RE Admin Account 01</td>
<td>$926,344</td>
<td>(5%) 48,750</td>
<td>$975,000</td>
</tr>
<tr>
<td><strong>NON FEDERAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee Take Area</td>
<td>$3,166,718</td>
<td>(50%) 1,583,359</td>
<td>$4,750,000</td>
</tr>
<tr>
<td>Permanent Road Easement/Haul Routes</td>
<td>$405,280</td>
<td>(50%) 202,640</td>
<td>$608,000</td>
</tr>
<tr>
<td>Temporary Work Area Easements (Staging and Bridges)</td>
<td>$43,003</td>
<td>(50%) 21,501</td>
<td>$65,000</td>
</tr>
<tr>
<td><strong>Lands and Damages Total</strong></td>
<td>$3,616,001</td>
<td>(5%) 1,807,501</td>
<td>$5,423,000</td>
</tr>
<tr>
<td>Non Fed RE Admin</td>
<td>$2,535,000</td>
<td>(5%) 126,750</td>
<td>$2,662,000</td>
</tr>
<tr>
<td><strong>TOTAL FED &amp; NON FED LERRDS (Rounded)</strong></td>
<td></td>
<td></td>
<td>$9,060,000</td>
</tr>
</tbody>
</table>
13. **Relocation Assistance Benefits.**

The non-Federal sponsors must comply with the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 et seq. (P.L. 91-646, "the Uniform Act") and provide relocation assistance to qualifying residences and businesses within the project area that are displaced, as defined in the Uniform Act, as a consequence of USACE project implementation. Presently, no displacements are anticipated as a consequence of implementation of the Recommended Plan.

14. **Mineral / Timber Activity.**

The value of mineral rights in the project area has been researched to a greater extent than in the original cost estimate. Research was conducted on both private and federally owned minerals in the project area. Research was completed reviewing real estate data bases, contact with gravel extraction experts, state, and Federal regulatory agencies, in an effort to estimate the values of gravel pits that will be affected by the project. The analysis did not address potential encumbrances or limitations created by potential cultural resource or contamination issues.

There are six operating permitted gravel pits located near the project footprint shown in the blue on the map below. Only one appears to be impacted by the project – the Long Bar Property owned by Silica Resources, Inc.
Research on regional market for sales and listing of gravel pits was completed. Sales of properties whose primary use would be for sand, gravel, or other mineral extraction were reviewed.

Unit prices vary widely for gravel pits as they are affected by varying locational influences. There are a number of factors affecting value, - competing land values, access and proximity to mineral material markets, type of mineral material, remaining mineral quantities on subject and comparable properties. It is outside the scope of this cost estimate to perform a detailed analysis of all these factors.

Analysis was also completed for quantities and values of gravel material being extracted in the project area and surveyed gravel royalty values in the California market in an effort to estimate the present in place value of gravel.

The California Office of Mine Reclamation inspection reports were analyzed on the nearby operating gravel pits. The reports provide estimates of annual production in tons, and projected production period in years. Higher discount rates apply to mineral bearing property due to risks in estimated quality and quantity estimates, commodity price changes, regulatory compliance issues, and relatively long production periods. Suggested discount rates apply to royalty income streams in the research ranged from 10-15%. A lower rate usually applies to a passive interest with little or no capital outlays. BLM uses a discount rate. Our analysis used a discount rate of 12%. Using the above royalty rate information,

Based on the mineral interest data, $35,000 per acre is estimated for operating and potential gravel pit properties that are impacted by the project.

There is no timber harvesting in the project footprint.

15. **Non-Federal Sponsor’s Ability to Acquire.**

The non-Federal sponsor has capability and resources for acquiring real estate for this project as indicated by their assessment shown in Exhibit A.

16. **Zoning Anticipated in Lieu of Acquisition.**

There is no zoning in lieu of acquisition planned in connection with the project.

17. **Acquisition Schedule.**

The non-Federal sponsors will be directed to begin real property acquisition for the project only after the PPA is fully executed. A risk letter was sent from the Corps to the Yuba County Water District alerting them to the risks associated with purchasing project lands in advance of the PPA execution in November 2017. The construction contracts extend out four years.
### REAL ESTATE ACQUISITION SCHEDULE

<table>
<thead>
<tr>
<th>Project Name: Yuba River Ecosystem Restoration Study Contracts</th>
<th>COE Start</th>
<th>COE Finish</th>
<th>NFS Start</th>
<th>NFS Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of preliminary drawings from Engineering/PM</td>
<td>07/2017</td>
<td>11/2017</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipt of final drawings from Engineering/PM</td>
<td>11/2017</td>
<td>02/2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Execution of PPA/Finalize Chief's Report</td>
<td>July 2019</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PED Nov 2019 – Nov 2022 Formal transmittal of final drawings &amp; instruction to acquire LERRDS</td>
<td>2019</td>
<td>2022</td>
<td>2019</td>
<td>2022</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Years for Construction Sequence and Duration</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>05/2021</td>
<td>05/2022</td>
<td>05/2023</td>
<td>05/2024</td>
</tr>
</tbody>
</table>

| Conduct Landowner Meetings                     |        | 2019   | 2022   |
| Prepare/review mapping & legal descriptions    |        | 2019   | 2022   |
| Obtain/review title evidence                   |        | 2019   | 2022   |
| Obtain/review tract appraisals                 |        | 2019   | 2022   |
| Conduct negotiations                           |        | 2019   | 2022   |
| Certify all necessary LERRDS are available for construction | | 2019 | 2022 |
| Prepare and submit credit requests             |        | 2022   | 2026   |
| Review/approve or deny credit requests         | 2022   | 2026   |        |

18. **Description of Facility and Utility Relocations.**

There are no utility facility relocations required for this project.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE
RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY’S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.


A Phase I Environmental Site Assessment was performed in conformance with the scope and limitations of ASTM Practice E 1527-13 for the Yuba River Ecosystem Restoration by the Environmental Design Section. This assessment has revealed no Recognized Environmental Conditions in connection with the project site.

No Recognized Environmental Conditions were observed on the Yuba River Ecosystem Restoration project boundaries. All of the adjacent properties appeared well maintained and clean during the site visit. The material threat of any hazardous substances release is very small. The records research report and site visit indicates that there are no Recognized Environmental Conditions within or adjacent to the proposed restoration property.

19. Attitude of Landowners

Residents and various groups and organizations attended the public meetings held in 2016. Some attendees were very supportive of the project and some property owners who would be directly impacted by the project footprint vocally opposed the project. Sufficient time has been built into the schedule to avoid project delays for opposition during the acquisition process.
Prepared by:

Laurie Parker
Realty Specialist

Reviewed and Approved by:

Adam B. Olson
Chief, Real Estate Division
SPONSOR: Yuba County Water Agency

I. Legal Authority:

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes. Yuba County Water Agency was formed and exists under the Yuba County Water Agency Act (West Water Code Appendix chapter 84). Section 3.5 of the Act authorizes the Agency to acquire, hold, and use real property for Agency purposes, which includes purposes relating to the Yuba River Ecosystem Feasibility Study and related restoration projects.

b. Does the sponsor have the power of eminent domain for this project?

Yes. See section 3.4 of the Yuba County Water Agency Act and the California Eminent Domain Law at California Code of Civil Procedure sections 1230.010 - 1273.050.

c. Does the sponsor have "quick-take" authority for this project?

By “quick-take,” the Agency assumes that the Corps means an eminent domain process by which the government takes possession of the condemned land before the final adjudication of compensation. Yes, the California Eminent Domain Law authorizes the condemning agency to request the court to approve an order for possession of the subject property (prior to final judgment) upon demonstrating a right to take and payment of a just compensation deposit. If the court approves the order for possession, the condemning agency may take possession of the property during the pendency of the eminent domain lawsuit and the final compensation to be paid to the landowner will be determined in subsequent court proceedings.

d. Are any of the lands/interests in land required for the project located outside the sponsor’s Political boundary?

No. The proposed ecosystem restoration projects are located within the Yuba County portion of the Yuba River watershed, which is within the Agency’s jurisdictional boundaries.
e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

Maybe. The Agency lacks the authority to condemn real property owned by the federal government, but we are not aware of any federally owned land within the area of the proposed ecosystem restoration projects. However, the Agency has not conducted a thorough title and ownership review of the lands within the ecosystem restoration area. *Note: If the one newly identified Federal property referenced on Page 12 paragraph 8 is needed the sponsors would not be able to condemn.*

II. Human Resource Requirements:

a. Will the sponsor’s in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?

At this time, the Agency does not believe that it will need to undertake any staff training. If any of the real property acquisition for the project requires relocation assistance, then the Agency likely would retain a relocation consultant to advise regarding compliance with the federal requirements.

b. If the answer to a. is "yes," has a reasonable plan been developed to provide such training?

Not applicable.

c. Does the sponsor’s in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes. However, the Agency in-house staff would be assisted by its general counsel (which is retained through a services agreement with a law firm) and a local title company. The Agency also may retain as needed a surveyor, appraiser, or right-of-way consultant.

d. Is the sponsor’s project in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes.

e. Can the sponsor obtain contractor support, if required, in a timely fashion?

Yes. The Agency is a small government agency with the ability to quickly approve consultant and contractor agreements as needed from time to time and the Agency General Manager has broad contracting authority.

f. Will the sponsor likely request USACE assistance in acquiring real estate?
No. At this time, the Agency does not plan on requesting such assistance.

III. Other Project Variables:

a. Will the sponsor’s staff be located within reasonable proximity to the project site?

   Yes. The Agency administrative staff are located in Marysville, California, which is close to the proposed ecosystem restoration project areas.

b. Has the sponsor approved the project real estate schedule/milestones?

   Sponsor will review real estate and milestone schedule after DQC and legal reviews are complete.

IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE projects?

   Yes. To the best of the Agency’s knowledge, it has performed satisfactorily on other USACE projects and it is not aware of any complaints or concerns from the USACE.

b. With regard to this project, the sponsor is anticipated to be:

   Fully capable of meeting legal and land acquisition requirements for this project.

V. Coordination:

a. Has this assessment been coordinated with the sponsor?

   Yes. This assessment has been reviewed with and approved by the sponsor.

b. Does the sponsor concur with this assessment?

   Yes.

Signature:  [Signature]

Yuba County Water Agency
EXHIBIT B – CADAstral MAP AND MINERAL MAP
Special Notes:
1) This information is NOT intended as a substitute for a field survey by a licensed professional, or an application that requires legal or engineering accuracy.
2) Parcel boundary data is only a representation of ground features projected on to the Earth's surface by computer programs from raw data obtained from local government agencies and is not necessarily in whole, or in part, based upon any physical survey, study, or recording, professional or otherwise, of the covered properties.

Coordinate System:
- NAD 1983 2011 StatePlane California II FIPS 0402 Ft US
- Projection: Lambert Conformal Conic
- Datum: NAD 1983 2011
- Units: Foot US

Townships/Ranges:
- 00S, 0011E

(Ver. DEC 16, 2016)
Special notes:
1) This information is NOT intended as a substitute for a field survey by a licensed professional, or an application that requires legal or engineering accuracy.
2) Parcel boundary data is only a representation of ground features projected on to the Earth’s surface by computer programs from raw data obtained from local government agencies and is not necessarily in whole, or in part, based upon any physical survey, study, or recording, professional or otherwise, of the covered properties.
Special notes:
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<th>ADDRESS (Mailing)</th>
<th>SITE ADDRESS (Physical)</th>
<th>Size Acres</th>
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**LEGAL**

**T.W.A.E.** = Temporary Work Area Easement (includes Staging, Site Access, Temp Bridge Access, Haul Road, Wall Access & Irrigation Access)

**Note:** Property Ownership Data collected on Nov 2017 from Land Vision (qf1)
November 15, 2017

Acquisition and Management Branch

Yuba County Water Agency
1220 F Street (F&13th Street)
Marysville, CA 95901

Dear Mr. Curt Aiken:

The Sacramento District, Corps of Engineers (Corps) and Yuba County Water Agency (YCWA) plan to partner in the construction required for the Yuba Ecosystem Restoration Report. Any land acquisitions that may occur prior to the Project Authorization and execution of the Project Partnering Agreement (PPA) and prior to the Government’s formal notice to proceed with acquisitions and performance involve risks.

The Corps must caution and advise that there are risks associated with acquisition under such circumstances and that, as the non-Federal sponsor, your agency assumes full and sole responsibility for any and all costs, or liability arising out of the acquisition effort. Generally, these risks include, but may not be limited to the following:

a. The Congress of the United States may not appropriate funds to construct the proposed project.

b. A Project Partnership Agreement mutually agreeable to the YCWA and the Federal Government may not be executed and implemented.

c. The YCWA may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42, U.S.C. 9601-9675.

d. The YCWA may acquire interests or estates in real property that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project.
e. The YCWA may initially acquire insufficient or excessive real property acreage which may result in additional negotiations, payment of Public Law 91-646 (as amended) benefits, or payments of fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the said formal notice by the Corps to commence acquisition of land and right of way.

f. The YCWA may incur costs or expenses in connection with its decision to acquire or perform acquisition activities in advance of the Project Authorization, an executed PPA, and the Government’s notice to proceed which may not be creditable under the provisions of Public Law 99-662, The Water Resources Development Act of 1986.

5. Should you have any questions, please contact Realty Specialist, Laurie Parker, of my staff at (916) 557-6741.

Sincerely,

[Signature]
Diane M. Simpson
Chief, Real Estate Division
Copy Furnished:

Curt Aiken/Yuba County Water Agency
1220 F Street (F&13th Street)
Marysville, CA 95901

cc:
CESPK-PM (Chelsea Stewart)
CESPK-RE-CP (Read file copy)