

LAND ACQUISITION PLAN

TABLE OF CONTENTS

I. INTRODUCTION ..... 1

II. GENERAL NARRATIVE OF THE REAL PROPERTY REQUIREMENTS ..... 1

III. PROJECT REAL ESTATE PROPERTY INTERESTS..... 3

IV. RELOCATION ASSISTANCE PROGRAM..... 6

V. UTILITY RELOCATIONS ..... 6

VI. HAZARDOUS AND TOXIC WASTE ..... 6

VII. BASELINE COST ESTIMATE ..... 7

TABLES

1 Land Acquisition Acreages, Costs, Severance Damages & Support Cost

2 Total Baseline Cost Estimate (Pro-Forma)

3 Baseline Estimate (Pro-Forma) for Jarnail Singh & Kartari Kaur – 0.76 Acres  
(APN- 25-300-053)

4 Baseline Estimate (Pro-Forma) for Michael Churkin Jr & Carol Bjork Churkin – 50.49  
Acres (APN- 25-080-009)

5 Baseline Estimate (Pro-Forma) for Gurmail Singh & Kit Kaur – 7.90 Acres  
(APN- 25-080-013)

6 Baseline Estimate (Pro-Forma) for Judge Farm LLC – 0.14 Acres  
(APN- 25-080-014)

7 Baseline Estimate (Pro-Forma) for Dan Stephens & Kelly Duc-Stephens – 0.39 Acres  
(APN- 25-080-017)

8 Irrigation and Landowner Access Easement Acquisition Matrix

FIGURES

1 Regional Location Map

2 Star Bend Levee Project Area Map

3 Fee Title and Land Acquisition Exhibit

4 Easement Exhibit

5 Project Features Inclusive of Borrow/Spoil Sites and Habitat Enhancement Area

6 Land Acquisition and Easement Exhibit (folded in plastic jacket)

***LAND ACQUISITION PLAN***

**APPENDICES**

- A Geodetic
- B Appraisals
- C Environmental Site Assessment
- D Written Offers
- E Negotiations
- F Settlement Memorandums
- G Escrow and Closing
- H Final Accounting
- I Supporting Documentation
  - Baseline Cost Estimate
  - Fee Title Land Acquisition Matrix
  - Easement Acquisition Matrix
  - Real Estate Requirement Map Exhibit

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***LAND ACQUISITION PLAN***

**I. INTRODUCTION**

This Land Acquisition Plan presents the real property requirements and costs estimates associated with acquiring the necessary fee title property and easements for the Lower Feather River Setback Levee at Star Bend, Sutter County (Setback Levee).

A. Project Description

Levee District No. 1 of Sutter County (LD 1) has proposed to construct a setback levee, approximately 3,400 feet in length, on the western bank of the Feather River at Star Bend. The Feather River Levee Setback and Habitat Enhancement Project at Star Bend (Star Bend Project) proposes to setback and replace a portion of the existing levee that poses a high risk of failure, and to restore up to 50 acres (20 ha) of riparian habitat along the newly created floodplain. The majority of material for the setback levee will come from the existing levee embankment that will be replaced with the new setback levee, and from the adjoining O'Connor Lakes unit of the California Department of Fish and Game's (CDFG) Feather River Wildlife Area, just southeast of the setback levee location. The levee toe drainage ditch (levee ditch) that is landward of the existing levee will be filled to prevent fish from being stranded, but the riparian vegetation that is established there will be preserved to the greatest extent feasible. Once the new setback levee has been constructed and the existing levee is fully degraded and decommissioned, the newly created floodplain will be revegetated with native plant species.

**II. GENERAL NARRATIVE OF THE REAL PROPERTY REQUIREMENTS**

A. Description of Project Area Location

The Star Bend Project is located along the Feather River in Sutter County, just east of Highway 99 and approximately seven miles (11.3 km) south of Yuba City, California (Figures 1 and 2). The project area is located primarily in Sections 2 and 1 of Township 13 North, Range 3 East of the Olivehurst, California 7.5-minute USGS quadrangle (Figure 1b). The project area can be accessed from the west via Star Bend Road from the Garden Highway and Highway 99.

The Star Bend Project will occur along the river-right side of the Feather River, as shown in Figure 2. The project area includes: 1) the existing Feather River west levee; 2) the proposed setback alignment; 3) the borrow areas at O'Connor Lakes; 4) the irrigation pipeline realignment area; and 5) the proposed habitat enhancement area of up to 50 acres between the existing levee system and the new Setback Levee.

***LAND ACQUISITION PLAN***

**B. Project Objectives**

The existing 4,300 ft. levee segment at Star Bend along the right bank of the Feather River is susceptible to through- and underseepage concerns and creates a hydraulic restriction. The proposed Setback Levee, approximately 3,400 feet in length, would be consistent with local and state flood control objectives, including reducing the risk of flooding in Sutter and Yuba Counties. The objectives of the proposed project are summarized below:

1. Reduce flood stage levels and a known hydraulic restriction in the Feather River during high-water flood stages (hydraulic restrictions would be reduced by lowering water elevations and velocities within the Feather River near the Star Bend area).
2. Eliminate the weakest section of the existing levee system along the right bank of the Feather River providing protection to the southern portion of Yuba City and lands within LD1's jurisdiction.
3. Construct a setback levee in accordance with regulations and standards prescribed by the U.S. Army Corp of Engineers (USACE) to improve flood protection.
4. Minimize environmental impacts during project construction and operation.
5. Enhance the riparian corridor of the right bank of the Feather River.
6. Enlarge the O'Connor Lake wildlife habitat restoration area by 20 to 50 acres.

**C. Project Features**

The proposed Star Bend Project would include the following features: (1) constructing a setback levee and improving the O'Connor Lakes wildlife restoration unit; (2) decommissioning the majority of the existing substandard levee, with the exception of a berm left in place to protect a cultural resource site; (3) rerouting existing irrigation pipelines and constructing flow distribution structures; (4) filling the potential O'Connor Lakes unit borrow areas with material from the decommissioned levee; (5) filling an existing levee seepage ditch, landward of the existing levee, but waterward of the new setback levee; (6) restoring 20 to 50 acres of the newly created floodplain with native vegetation; and (7) revegetating any O'Connor Lakes unit borrow areas that are used in connection with the proposed levee improvements.

*LAND ACQUISITION PLAN*

**III. PROJECT REAL ESTATE PROPERTY INTERESTS**

The real property interests to be acquired for the construction and subsequent operation and maintenance of the Setback Levee and the impacted public and private utilities will consist of Fee Title property interests and irrigation / access easements. The project real estate property interests required for the subject project are summarized below:

A. Flood Control System – Levee and Floodway Corridor Improvements

**Fee Title**

Approximately 59.7 acres of fee title acreage will need to be acquired for the construction and subsequent operation and maintenance of the Star Bend Project located along the Feather River in Sutter County, just east of Highway 99 and approximately seven miles (11.3 km) south of Yuba City, California. The required acreage of fee title land is currently held by five different landowners as summarized in Table 1, Column (2). The State of California Department of Fish and Game (CDFG) in connection with the O’Conner Lakes Wildlife Unit currently owns adjacent and contiguous lands in excess of 200 acres located to the north and east of the proposed fee “Take Area” of approximately 59.7 acres. Approximately 19.0 acres is required for the continued operation and maintenance of the improved flood control system, approximately 0.7 acres is required for the relocation of existing irrigation facilities, and the approximately 40.0 acres will be utilized waterward of the new setback levee within the floodway corridor as a habitat restoration area. The fee title acreage required for the subject project is shown in Figures 3 and 6 as the honeycombed areas northeast of the proposed Property Line or “Take Line”.

***LAND ACQUISITION PLAN***

**Easements**

**B. Access and Irrigation Easements**

The construction of the Setback Levee will require the relocation of existing private irrigation facilities that will require the dedication of several access and and irrigation easements. The existing Tudor Mutual Water Company Pumping Plant will remain in its current location. New Pumping Plant discharge irrigation lines will be construction in conjunction with an all weather access road. The discharge lines will travel westerly from the pumping plant to the proposed distribution box structure. Water Line and Access Road easements will be granted from the CDFG and Mr. Churkin for this utility and access use. No Capital Outlay Costs are associated with these easements.

The irrigation line for the Tudor Mutual Water Company will be extended from the distribution box southeasterly to a connection point with the exiting water facility. The irrigation and associated easement will traverse across the 3 properties currently owned by Churkin, Singh, Judge Farm LLC and will be located on the landward side of the "Take Line". Capital Outlay Cost for these facilities are shown in Table 8.

**C. Temporary Construction Easements**

With the fee title acquisition of approximately 59.7 acres located between the centerline of the existing levee system and 50 feet landward beyond the proposed landward toe of the Setback Levee no temporary construction easements are contemplated. All of the construction activities, inclusive of borrow sites, spoil sites, mitigation sites and staging areas are all planned waterward and northeasterly of the proposed Property Line or "Take Line".

**D. Mitigation and Habitat Restoration Sites**

Included in the fee title acquisition of approximately 59.7 acres are approximately 40 acres that can be utilized for mitigation and habitat restoration. With the removal and degradation of the existing levee, partially located on CDFG property, a total of approximately 50 acres will become available for mitigation and habitat restoration. The Star Bend Project is conditioned to restore a minimum of 20 acres in native vegetation, with an ultimate target of restoring up 50 acres of native vegetation as other system-wide levee improvements require mitigation for native vegetation and habitat losses.

***LAND ACQUISITION PLAN***

E. Borrow Sites

As many as three borrow sites are contemplated in the immediate project area, three of which are located in the O’Conner Lakes Wildlife Unit that is owned and operated by CDFG. A fourth borrow site is identified in the 40<sup>+</sup>-acre “Take Area” located between the existing levee system and the proposed Setback Levee at Star Bend. No compensation to CDFG is required to utilize borrow material from the O’Conner Lakes Wildlife Unit and/or from the planned take area located between the existing levee system and the proposed Setback Levee at Star Bend. The Borrow Site activities will be addressed with a CDFG Streambed Alteration Agreement.

F. Spoil Sites

All four of the potential borrow sites mentioned above will also serve as potential spoil sites, three of which are located on property presently owned by CDFG and the fourth site that is located within the 40<sup>+</sup>- acres of the proposed “Take Area”, located northeast of the proposed setback levee. No compensation to CDFG is required to spoil excess material on the proposed spoil / borrow sites. The spoil activities will also be addressed with a CDFG Streambed Alteration Agreement.

G. Access/Haul Routes

Access to the Star Bend Project is primarily obtained from the north along Star Bend Road and from the west along Shannon Road. Both of these roads are public roads; however, the easterly end of Shannon Road right-of-way may be modified and widened to a full 40-ft. width in connection with the Star Bend Project. No road improvements are proposed for Shannon Road with the Star Bend Project. Located further to the south is Tudor Road, which is a private road. If the construction contractor desires to utilize Tudor Road as a haul route or as access during construction it will be the responsibility of the construction contractor to obtain permission to utilize Tudor Road. Any costs associated with the use of Tudor Road will also be the responsibility of the contractor. Any haul routes located within the CDFG - O’Conner Lakes Wildlife Unit will also be addressed with a CDFG Streambed Alteration Agreement. No Capital Outlay Costs are associated with the use of these Access Routes.

H. Staging Areas

Similar to the Star Bend Project borrow and spoil sites, potential staging areas for the Star Bend Project are contemplated in the immediate project area, of which could be located in the existing O’Conner Lakes Wildlife Unit and within the 40<sup>+</sup>-acre “Take Area” located between the existing levee system and the proposed Setback Levee at Star Bend.

***LAND ACQUISITION PLAN***

No compensation to CDFG is required to utilize the O'Conner Lakes Wildlife Unit and/or the planned take area located between the existing levee system and the proposed Setback Levee at Star Bend. The Staging Area activities will also be addressed with a CDFG Streambed Alteration Agreement.

I. Leased Lands

Add paragraph referencing

**IV. RELOCATION ASSISTANCE PROGRAM**

No residences or business relocations are required for the construction and subsequent operation and maintenance of the Setback Levee at Star Bend.

**V. UTILITY RELOCATIONS**

Existing Irrigation Facilities

The Tudor Mutual Water Company (TMWC) and a local landowner, Mr. Churkin of Volcano Vista Farms, collectively own and operate existing irrigation pumps and pipelines at Star Bend that serve farmland in the Star Bend area. With construction of the Setback Levee and decommissioning of the existing levee, various segments of pipelines now conveying water from the pumping facility would need to be replaced and rerouted. Two (2) new delivery pipelines (approximately 1,200 feet each) would be installed between the existing pumps and the new setback levee. The larger pipe would manifold four discharge lines owned by the TMWC into two pipelines, and carry the discharge over the 200-year design water surface elevation of the new levee and into a new reinforced concrete distribution box landward of the new levee. Pursuant to USACE criteria, LD1 would construct a flow closure gate for the TMWC irrigation lines within the levee section, housed in a reinforced concrete structure on the waterward slope of the new levee.

A Pump discharge from the irrigation pump owned by Mr. Churkin of Volcano Vista Farms would be connected to a new pipeline system that would carry the discharge up and over the new levee, above the 200-year water surface elevation. Existing irrigation lines and control valves waterward of the new levee would be abandoned and/or removed.

**VI. HAZARDOUS AND TOXIC WASTE**



***LAND ACQUISITION PLAN***

The Phase I Environmental Site Assessment conducted to State standards was prepared by ERM, dated March 2008. See Appendix C – Environmental Site Assessment.

**VII. BASELINE COST ESTIMATE**

A Base Line Cost Estimate, which includes Support Costs and Capital Outlay costs, has been included in this Land Acquisition Plan. See Tables 1 through 7. Included as Table 8 is a matrix of easements that will be required for the continued operation and maintenance of irrigation facilities and landowner access in the immediate project area.

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***LAND ACQUISITION PLAN***

**Appendices**

The following appendices are included for reference.

**Appendix A – Geodetic**

Plat and Legal Descriptions for the five properties required in Fee Title for construction and operation of the new setback levee and those additional easements required for ongoing third party irrigation and access purposes are included in this appendix. An overall exhibit is also included which references these properties.

**Appendix B – Appraisals**

Real estate appraisals for four of the five impacted properties have been prepared by Stover and Herington and are included in this appendix. The last remaining appraisal, for the Singh parcel north of Star Bend Road (APN 258-300-053) is still in progress, and is scheduled for completion by May 30 2008

**Appendix C – Environmental Site Assessment**

The Phase I Environmental Site Assessment was prepared to State standards by ERM, dated March 2008.

**Appendix D – Written Offers**

Information forthcoming

**Appendix E – Negotiations**

Information forthcoming

**Appendix F – Settlement Memorandums**

Information forthcoming

**Appendix G – Escrow and Closing**

Information forthcoming

*LAND ACQUISITION PLAN*

**Appendix H – Final Accounting**

Information forthcoming

**Appendix I – Supporting Documentation**

Information forthcoming

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LAND ACQUISITION PLAN

Figure 5

