

Status Update on Geotechnical and Environmental Surveys September 14, 2011

PURPOSE

To provide a status update on geotechnical activities and environmental surveys/studies for the Delta Habitat Conservation and Conveyance Program.

Geotechnical Activities (Temporary Entry Permits)					
Owners Signed	APNs Signed	Owners - Court Ordered Entry	APNs - Court Ordered Entry	Total Owners	Total APNs
22	43	48	62	70	105

Proposed Geotechnical Drill Site Locations					
No. of Owners	No. of Parcels	No. of CPT Sites	No. of SPT Drill Holes	No. of Test Pits	Total No. of Drill Sites
48	62	119	115	6	240
<p>* Most drill hole locations are paired with CPTs. The majority of sites are located at intakes, river crossings, Intermediate Forebay, and Clifton Court.</p>					

Note: Pursuant to court order, DWR has begun negotiations with property owners to obtain permanent and temporary easements for geotechnical sites, otherwise eminent domain will be utilized.

Summary of Geotechnical Activities				
		Total Completed	Projected for Completion by 10/31/11	Grand Total
CPT		60	7	67
DH	Land	30	18	48
	Water	37		37

Environmental Documentation for Geotechnical Activities

- Initial Study, Mitigated Negative Declaration, and Notice of Determination

Types of exploration

- Drill Hole, Cone Penetration Test (CPT), Test Pits

Drill Hole – Time to complete is up to 14 work days (includes site reconnaissance/restoration and drilling). Backfill procedure is cement bentonite grout. Information to be obtained is continuous soil sample profile, SPT-N values, and strength of material (lab test).

CPT - Time to complete is generally 4-6 hours. Backfill procedure is cement bentonite grout. Information to be obtained is soil behavior type, shear wave velocity, liquefaction potential, and ground water level.

Test Pits – Time to complete is approximately 2-4 hours. Backfill procedure is to refill pit with original material. Information to be obtained is bulk samples, examine and perform density test, and view of soil profile.

Environmental Activities*					
Owners Signed	APNs Signed	Owners - Court Ordered Entry	APNs - Court Ordered Entry	Total Owners	Total APNs
104	273	157	260	261	533
* Superior Court issued an Order for Entry on February 22, 2011, granting access for environmental purposes only. On August 18, 2011, the Third District Court of Appeal stayed the Superior Court's Order.					

Status of Environmental Surveys and Studies

Avian, Bats, Amphibians and Reptiles, and Vernal pool surveys have been completed. Riparian mammals and Botany are 95% and 93% complete respectively, and Cultural Resources is 80% complete. Even though the surveys are not 100% complete, the remaining have no significant impact on the EIR/EIS document and/or schedule.

This leaves the wetland field work and wetland delineation activities to be completed.

DWR's Legal Authority to Acquire Property Rights

- Water Code Section 11575 (outlines DWR authority to acquire property, including eminent domain).
- Water Code Section 11580 (DWR may acquire property rights through eminent domain if project is authorized and funded).

Eminent Domain

- Definition
- Resolution of Necessity
- Typical schedule to acquire property rights

Litigation Status Update (Court Ordered Entry)

Landowner Writs/Stay

The Supreme Court granted the landowners' petition for review of the trial court's order permitting environmental entries and remanded the matter to the Third District Court of Appeal (Third DCA) for further action. The Third DCA consolidated the two writs filed by the landowners. The Attorney General's Office (AG's Office) requested and were granted an extension of time to file a brief as real party in interest. That brief is due on or before October 17, 2011. The court granted the landowners' request for immediate stay pending decision on the environmental order.

DWR Appeal/Landowner Cross-Appeal

The briefing schedule for the appeal/cross-appeal of the trial court's order denying geological entries has not been set. The court will set a briefing schedule based on our proposed schedule after the record on appeal is completed.

Additional Information

The approximately 70 Petitions for Court Ordered Entry in Phase V have been filed and service is pending. Once served, DWR will request that the matters be coordinated with the other matters and stayed pending the Third DCA's review of the landowner writs.