

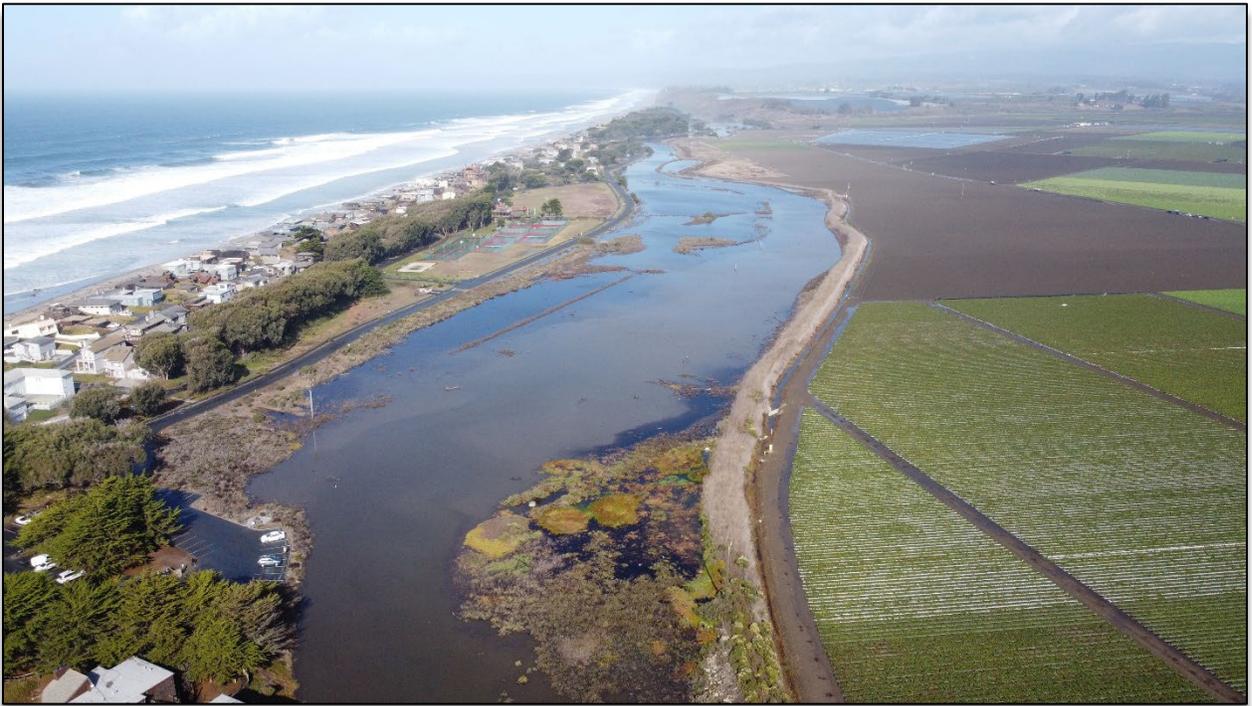


**US Army Corps
of Engineers®**

Appendix G

Real Estate Appendix

Watsonville Slough Ecosystem Restoration Project
San Francisco District



Continuing Authorities Program (CAP), Section 1135

PREPARED FOR THE
SAN FRANCISCO DISTRICT
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF
ENGINEERS

DECEMBER 2024

PREPARED BY THE
REAL ESTATE DIVISION
SACRAMENTO DISTRICT
SOUTH PACIFIC DIVISION
U.S. ARMY CORPS OF ENGINEERS

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Exhibits

- Exhibit A – Example of Non-Standard Estate
- Exhibit B – Project Map
- Exhibit C – Tract Register
- Exhibit D – Non-Federal Sponsor’s Real Estate Capability Assessment
- Exhibit E – Risk Letter
- Exhibit F – Correspondences With California Parks

1. Purpose: The Real Estate Plan (REP) is developed in support of the Feasibility Report for the Watsonville Slough Project under the Continuing Authority Program (CAP) Section 1135 of the Water Resources Development Act of 1986. Section 1135 provides the continuing authority for the Corps of Engineers (Corps) to restore degraded ecosystems through modification to Corps structures, operations, or implementation of measures in affected areas.

The purpose of the REP is to identify the lands, easements, rights-of way, relocations, and disposal areas (LERRD) required for the construction, operation, and maintenance of the approved project as stated in the project planning report in accordance with Chapter 12-16 of ER 405-1-12. This REP is to be considered tentative in nature and for planning purposes only. All estimated costs and LERRD requirements are subject to change, even after the approval of this report.

This project is in Santa Cruz County, southwest of the City of Watsonville bordering the Pacific Ocean. It is a tributary of the Pajaro Lagoon, where the Pajaro River meets the Pacific Ocean. Land use practices and the Federal levees near the project area have decreased the size of Watsonville Slough, limiting tidal marsh and coastal wetland habitat that is vital to native fish, bird, and wildlife species. The Non-Federal Sponsor (NFS) is the Pajaro Storm Drain Maintenance District (PSDMD).

The purpose of this project is to improve the quality and function of tidal marsh and coastal wetland habitat by restoring a more natural hydrologic regime. Multiple measures are being modeled to assess their influence on marsh inundation, including construction of tidal channels, lowering berms between the slough and marsh plain, and raising a road crossing to reduce the need to manually breach the lagoon. Specifically, the project seeks to restore hydrology to the upper marsh, expanding the range of healthy marsh.

2. Description of Lands, Easements, Rights of Way (LERs): The project requires approximately 23.32 acres of land purchased in Fee, 38.16 acres of Perpetual Flowage Easement, .05 acres of Channel Improvement Easement, and 3.08 acres of Temporary Work Area Easements for construction staging and access. The following table provides a breakdown by parcel, owner, and acreage for these requirements.

Watsonville Slough Ecosystem Restoration Feasibility Study
Continuing Authorities Program, Section 1135

Table 1: Tract Register				
Standard Estate	Assessor's Parcel Number (APN)	Landowner	Property Type	Approximate Acreage
FEE	052-381-05	SANTA CRUZ COUNTY	PUBLIC	4.79
FEE	052-161-07	STATE OF CALIFORNIA	PUBLIC	1.11
FEE	052-161-13	STATE OF CALIFORNIA (CALIFORNIA STATE PARKS)	PUBLIC	17.42
PERPETUAL FLOWAGE EASEMENT (OCCASIONAL FLOODING)	052-171-21	BEACH RD PROPERTIES LLC	PRIVATE	18.42
PERPETUAL FLOWAGE EASEMENT (OCCASIONAL FLOODING)	052-191-20	RADOVICH, BARNEY M	PRIVATE	4.91
PERPETUAL FLOWAGE EASEMENT (OCCASIONAL FLOODING)	052-191-21	FUJII, BROS FARMS	PRIVATE	2.19
PERPETUAL FLOWAGE EASEMENT (OCCASIONAL FLOODING)	052-191-50	FUJII, GEORGE M	PRIVATE	3.79
PERPETUAL FLOWAGE EASEMENT (OCCASIONAL FLOODING)	052-191-56	FUJII, BROS FARMS	PRIVATE	8.85
TEMPORARY WORK AREA EASEMENT	052-231-04	KEITH, DIANA C	PRIVATE	1.71
TEMPORARY WORK AREA EASEMENT	052-231-05	ROBDON PROPERTIES LLC	PRIVATE	1.19
TEMPORARY WORK AREA EASEMENT	052-231-22	PAJARO DUNES ASSOCIATION	PRIVATE	0.18
CHANNEL IMPROVEMENT EASEMENT	Right-of-Way (West Beach Road)	CITY OF WATSONVILLE	PUBLIC	0.05

The following USACE standard estates shall be the minimum estate to be acquired by the NFS. Any deviation to these standards will be deemed as a non-standard estate (NSE) and must be reviewed and approved prior to acquisition. Failure to do so may result in incurred costs that are non-creditable to cost share of the project.

FEE

The fee simple title to (the land described in Schedule A) (Tract Nos. _____, _____ and _____), subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

FLOWAGE EASEMENT (Occasional Flooding)

The perpetual right, power, privilege and easement occasionally to overflow, flood and submerge (the land described in Schedule A) (Tract Nos. _____, _____ and _____), (and to maintain mosquito control,) in connection with the operation and maintenance of the project as authorized by the Act of Congress approved _____, together with all right, title and interest in and to the structure; and improvements now situated on the land, except fencing (and also excepting _____ (here identify those structures not designed for human habitation which the District Engineer determines may remain on the land)) ; provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

CHANNEL IMPROVEMENT EASEMENT

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across (the land described in Schedule A) (Tract Nos. _____, _____ and _____) for the purposes as authorized by the Act of Congress approved _____, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate: dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, 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.

TEMPORARY WORK AREA EASEMENT

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the United States, for use by the United States, 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 _____ Project, together with the right to trim, cut, fell and remove therefrom 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.

3. LER Owned by the Non-Federal Sponsor: The NFS currently does not own any land within the project footprint.

4. Non-Standard Estates: At this time, NSE is very unlikely and no non-standard estates are proposed for the project, as the required real property interests are expected to be acquired through a land transfer agreement between the State of California and the NFS. However, as this transfer is not yet finalized, there is a possibility that a NSE may be required. The project delivery team has considered the possibility of pursuing ecosystem restoration easement, as an alternative, should the transfer fail. In certain projects, the USACE has employed non-standard easements, such as ecosystem restoration easements, as an alternative to acquiring full fee title. For instance, Louisiana Coastal Protection and Restoration Project, Wetland Creation and Restoration Easement Non-Standard Estate was used (attached as Exhibit A), permitting the NFS to acquire necessary rights without full ownership transfer. If a NSE becomes necessary, it will be further discussed and submitted for approval per USACE regulations.

It is important to note that while these precedents exist, the approval of a non-standard easement is not guaranteed.

5. Existing Federal Project(s) in Area: There are no existing Federal projects within the footprint of the Recommended Plan as currently proposed. The project area was

reviewed for overlap with existing USACE or other federally authorized projects, and no conflicts with previously established federal project boundaries or easement interests were identified. This determination will be revisited and confirmed during final design to ensure continued compatibility with any adjacent federal or local improvements.

6. Federally Owned Land in Project Area: There are no federally owned parcels within the project footprint.

7. Navigational Servitude: The proposed project is not subject to navigational servitude.

8. Real Estate Maps: A map of the proposed LERRDs to be acquired for the project is attached as Exhibit A of this report.

9. Lands Impacted by Project: Based on the current design, this project will cause the need of flowage easements upstream of the construction area as depicted in Exhibit A. At this time, an Analysis is in progress and has not been finalized.

The depth, frequency, duration, and extent of the expected need for flowage easements will be evaluated as part of the Analysis. If the analysis determines that additional mitigation is necessary, modifications to the proposed real estate acquisitions may be required. The REP will be updated accordingly based on the findings of this assessment.

For additional information, see Appendix E of the Feasibility Report.

10. Baseline Cost Estimate: The baseline cost estimate for real estate (BCERE) includes the estimated value of the LERRDs required for the proposed project, costs to relocate displacements under the Uniform Relocation Assistance and Real Property Policies Act of 1970, incidental acquisition costs for the NFS and the Government, as well as an estimated contingency.

10.1 ESTIMATED VALUE OF REAL PROPERTY INTERESTS

The estimated LER costs for this project are from a Real Estate Cost Estimate prepared on November 12, 2024, by the Regional Appraisal Center (RAC) Sacramento District. This cost estimate was prepared in conformance with US Army Corps of Engineers Regulation (ER) 405-1-04 and is considered exempt from the Uniform Standards of Professional Appraisal Practice. This estimate is for budgetary planning purposes only; it is not intended for acquisition use.

Although the materials provided to the RAC for the cost estimate identified that certain facility/utility relocations would be required, a full breakout of the estates needed and full

construction costs for the relocations were not provided nor considered in the cost estimate.

Instead, the damages identified within the cost estimate are intended to reflect the necessary lands and damages needed per the tract register provided as detailed within the cost estimate. The damages may coincide with some of the relocations proposed, as further described within the cost estimate.

Table 2 describes BCERE costs belonging to the 01 Lands and Damages Account, which includes LER valuation for construction and operation, maintenance, repair, replacement, and rehabilitation.

Table 2: LER Costs	
Land Acquisition Cost	Total Cost
Fee Simple	\$233,200
Perpetual Flowage Easement	\$715,500
Temporary Easements (TWAE/ TWAE Staging)	\$10,928
Estimated Incremental Costs (43%)	\$412,640
<i>Subtotal</i>	\$1,372,268
Additional Anticipated Severance Damages	\$83,500
TOTAL	\$1,455,768

The estimated Incremental Costs at 43% was provided via the cost estimate and estimated market trends for the area.

10.2 ESTIMATED ADMINISTRATIVE COSTS OF THE FEDERAL GOVERNMENT FOR OVERSIGHT AND REVIEW OF THE NFS

01 Account – Lands and Damages. The estimated total cost of NFS Real Estate administrative costs, to include contingency, is **\$441,600**.

02 Account - Relocations. The estimated total cost for the relocations of construction activities such as roads, railroads, cemeteries, utilities, and structures, is **\$2,179,559**. Any adjustments will be identified during pre-construction engineering and design (PED).

30 Account – Federal Costs for Sponsor Oversight. Administrative costs of the Federal Government to provide oversight and review of the NFS is estimated to be **\$287,500**.

10.3 TOTAL REAL ESTATE COSTS

Total Real Estate acquisition cost is estimated to be **\$4,364,000**:

Table 3: Total Real Estate Costs			
Account	Description	Estimated Cost	
01	Lands and Damages	LERRD	\$1,372,268
01	Lands and Damages	Damages	\$83,500
01	Admin - NFS	NFS Admin	\$441,600
02	Fac/Util Relocation	Alter/raise	\$2,179,559
30	Federal Admin Costs	Fed Admin	\$287,500
TOTAL			\$4,364,427
TOTAL ROUNDED			\$4,364,000

This information is preliminary in nature and is subject to change.

11. Relocation Assistance (P.L. 91-646): The project will not require displacement of any persons or businesses. Should any qualified person or business be displaced for the need of the project, the NFS must provide relocation assistance in accordance 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”).

12. Mineral Activity Impacted Present/Future: There is no current or anticipated mineral activity or timber value impact in the vicinity of the proposed project.

13. Assessment of Non-Federal Sponsor Legal Capability: The NFS for this project is the Pajaro Storm Drain Maintenance District. The Real Estate Acquisition Capability Assessment Checklist has been completed and reviewed by the Real Estate Office and is attached as Exhibit C. Based on the assessment, the NFS has been rated as Moderately Capable of fulfilling its real estate responsibilities.

This rating is based on the following findings:

1. The NFS has the full legal authority and administrative capability to operate and maintain the completed project and to provide its share of the total project costs, consistent with the requirements of the Project Partnership Agreement (PPA).

2. The NFS is legally constituted as a public body with the capability to provide all required LERRDs for construction, operation, and maintenance.

3. As a lower-level government entity, the NFS does not possess the legal authority to exercise eminent domain over the State of California. While the NFS is generally capable of meeting its obligations, some risk remains regarding the pending land transfer from the State of California. If this transfer does not occur, the NFS would still be responsible for acquiring the minimum standard estate. As a result, there may be a need to pursue a NSE, such as an ecosystem restoration easement, as a contingency to secure the necessary real property interests. This risk has been discussed with the NFS and contributes to the “Moderately Capable” rating. Despite this constraint, the NFS appears to have sufficient staff and understanding of the project and is otherwise likely to fulfill its real estate responsibilities in coordination with USACE.

14. Zoning Ordinances Considered in Support of LERRD Requirements: No zoning ordinances are currently proposed or relied upon in lieu of, or to facilitate, real estate acquisition for this project.

15. Acquisition Schedule: This schedule was prepared based upon the current conditions of the project and is tentative, this schedule may change and will be updated in later phases of the project as necessary.

Table 5: Schedule of Acquisition				
Milestone	USACE Start	USACE Finish	NFS Start	NFS Finish
Project Partnership Agreement Executed		JUN 2026		
USACE Issues Notice to Proceed with Acquisitions to NFS (including Attorney's Opinion of Compensability and Takings Analysis)	JUN 2027	AUG 2027		
NFS Prepares RE Supporting Documents for Certification			AUG 2027	JUN 2028
USACE Certifies Availability of Real Estate	JUN 2028	JUL 2028		
Construction	SUMMER 2028	FALL 2028		
USACE Reviews LERRD Credit Requests	JAN 2029	JUN 2029		

16. Facility or Utility Relocations: There are two known proposed public facility relocations identified as part of this project. Refer to Exhibit A for a map of the project. A preliminary Attorney's Opinion of Compensability (AOC) will be included in the final version of this report.

Final Attorney's Opinion of Compensability will be completed during the PED Phase and prior to the execution of the Project Partnership Agreement, as well as prior to any Notice to Proceed (NTP) with acquisition of lands and performance of relocations by the Non-Federal sponsor.

The facility relocation on the right-of-way (ROW) is a road raise estimated to be 1,300 linear feet of West Beach Road from the existing elevation to accommodate the new culvert. The relocation of the parking lot on APN 052-161-13, owned by the State of California, is to raise the surface elevation of the parking lot at Palm Beach State Park to prevent flooding. This parking lot raise was determined to be a public facility relocation due to its use as the lot for visitors to the Palm Beach State Park.

Table 6: Proposed Public Facility Relocations		
Facility	APN	Owner
West Beach Road	ROW	SANTA CRUZ COUNTY
Parking Lot	052-161-13	STATE OF CALIFORNIA

Additionally, there is a proposed project feature which is a culvert replacement in the West Beach Road crossing. The table below of additional known utilities potentially affected by the culvert can also be found as Table 4-8 in the main report, Section 4.10.2 Action Alternatives. A utility survey will be required to verify location and further evaluate prior to the design phase of this project, which is expected to occur during PED phase by the USACE engineers. During PED, if the known utilities in table 7 are expected to be altered as preliminary AOC will be included in the final version of this report.

Table 7: Known Utilities in Vicinity of Culvert Replacement			
Item	Known Utility	Location	Owner
1	12-inch D Water Main line buried in roadway	At the box culvert, W. Beach Road	City of Watsonville
2	6-inch D Sewer (forced) line, buried in roadway	At the box culvert, W. Beach Road	City of Watsonville
3	Natural gas line(s), buried	In W. Beach Road and in slough south? of (E) culvert	PG&E
4	Power lines, overhead and buried	Along W. Beach and Shell Road	PG&E

Watsonville Slough Ecosystem Restoration Feasibility Study
Continuing Authorities Program, Section 1135

5	Communication: fiber optics cable TV (To be verified during D&I)	Overhead (on PG&E poles) + buried	Unknown
6	Low voltage pressure transducer for water level monitoring, buried and above grade	Downstream of (6) culverts, right bank and pole mounted	Santa Cruz County

Costs for relocations are tentative and may be found in Section 6.4 Cost Estimate in the main report.

Table 8: Proposed Relocation Costs			
Relocations	Cost-Shared	Non-Fed	Total
Utilities	\$0.00	\$713,000.00	\$713,000.00
Road Raise Construction	\$0.00	\$1,081,631.00	\$1,081,631.00
Road Raise Design	\$0.00	\$238,368.00	\$238,368.00
Road Raise Construction Management	\$0.00	\$146,560.00	\$146,560.00
Subtotal	\$0.00	\$2,179,559.00	\$2,179,559.00

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN (AND THE REPORT) THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES AND/OR IS OTHERWISE COMPENSABLE OR NON-COMPENSABLE IS PRELIMINARY AND FOR DISCUSSION PURPOSES 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 THE FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES DURING FINAL DESIGNS.

17. Hazardous, Toxic, and Radioactive Wastes (HTRW): At this time, no known or suspected HTRW are present in, on, under, or adjacent to the LER required for the construction, operation, or maintenance of the project. However, an HTRW Phase I Environmental Site Assessment (ESA) will be conducted prior to final real estate acquisition to confirm the absence of contamination. If findings from the ESA indicate potential contamination, additional investigations and mitigation measures may be required.

Any required investigations will be performed to ensure compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601-9675), as well as any other applicable Federal or state environmental

laws. If remediation is required, responsibility for performing and funding remediation activities will be determined based on existing agreements, regulatory requirements, and cost-sharing provisions under USACE policy.

Per CERCLA liability provisions, an agreement between the Federal Government and the NFS will designate the NFS as the owner and operator of the project for liability purposes. To the maximum extent practicable, the NFS is expected to carry out its responsibilities in a manner that does not create additional liability risks under CERCLA or other applicable environmental laws. The specific terms of this liability arrangement will be outlined in the PPA.

18. Public Support or Opposition: During the scoping process, the NFS received generally positive feedback regarding the project through early coordination and discussions with Santa Cruz County and the State of California. These discussions indicate public agency support for the project's objectives.

At this time, there is no formal indication of support or opposition from private landowners, as direct engagement is still underway. A more comprehensive understanding of private landowner sentiment is expected following the planned public meeting in June 2025.

19. Risk Notification: A formal written risk notification letter was sent to the NFS on March 27, 2025, in accordance with ER 405-1-12, Section 12-31. This letter informs the NFS that any acquisition of real property interests prior to the execution of the PPA or issuance of a formal NTP is done at their own risk.

The letter also clarifies that pre-acquired lands may not be eligible for LERRD crediting, and that all acquisitions must conform to USACE real estate standards, including those related to appraisal, title, and relocation assistance under P.L. 91-646.

20. Other Relevant Issues: For planning purposes, the NFS expects to acquire land from the County of Santa Cruz and the State of California as follows:

Being a legal subsidiary of the County, the NFS is a government entity with operational ties to both the County and State.

The parcel owned by Santa Cruz County, APN 052-381-05, will likely require an interagency agreement or similar instrument to allow for its use in the project. This parcel involves approximately 4.79 acres in fee simple.

Watsonville Slough Ecosystem Restoration Feasibility Study
Continuing Authorities Program, Section 1135

The State of California, through California State Parks, has tentatively agreed to transfer approximately 18.53 acres in fee, APN 052-171-21, to the NFS via a land transfer. This would meet the minimum standard estate required for the project. Documentation of the State's intent is attached as Exhibit E, including correspondence from Linda Hitchcock, a Senior Park and Recreation Specialist, who submitted the transfer request to California State Parks Headquarters for Palm Beach.

A Takings Analysis has been requested and is currently pending preparation by the District Office of Counsel. Completion is dependent on further legal guidance from USACE regarding the implications of the Ideker Farms case and similar litigation involving government-induced flooding. The analysis will be finalized prior to any real estate acquisition activities and may affect flowage easement requirements or compensability determinations.

There are currently two known utility/facility relocations that are pending an AOC which are expected to be completed during PED and prior to any NTPs. In addition to these known facilities, other utilities located within the West Beach Road right-of-way and adjacent corridors are expected to be impacted by the proposed culvert replacement. These include buried water, sewer, gas, communication, and power lines, some of which are still undergoing location verification through utility surveys. Final relocation determinations, including compensability, will be made as further utility coordination is conducted and project designs are refined.

Prepared by: _____
Crystal Ramos
Realty Specialist
Sacramento District

Reviewed by: _____
Peter L. Shteyn
Acting Chief, Real Estate Division
Sacramento District

EXHIBIT A – EXAMPLE OF NON-STANDARD ESTATE

EXHIBIT A – EXAMPLE OF NON-STANDARD ESTATE

Louisiana Coastal Protection and Restoration Project, Wetland Creation and Restoration Easement Non-Standard Estate

***NOT FOR APPROVAL**

“Wetland Creation and Restoration Easement (Non-Standard Estate): A perpetual and assignable right, servitude and easement in, on, over and across those lands to construct, operate and maintain the creation and/or restoration of wetlands and associated coastal habitats on the land hereinafter described, including the right to deposit dredged material sediment or other beneficial materials thereon; to construct dikes and to install, alter, relocate, repair or plug cuts in the banks of said dikes; to accomplish any alterations of contours on said land for the purpose of accommodating the deposition of dredged and/or other beneficial materials as necessary in connection with such works; to clear, trim, cut, fell, and remove therefrom any or all trees, timber, underbrush, obstructions and any other vegetation, structures, or obstacles as required in connection with said work; to clear, borrow, excavate and remove therefrom all soil, dirt and any other materials, including dredged material, as required in connection with said work; to construct, operate and maintain pipelines to transport and/or deposit dredged and/or other beneficial material on said lands; to place, move and utilize machinery necessary and useful in the operation of such pipelines; to place, move and utilize other equipment useful in the control of the such material and effluent; to plant or cause the growth of vegetation on said land; and to create, restore, nourish and enhance the wetlands and associated coastal habitats in, over, across and upon the said lands; provided that no structures for human habitation shall be constructed on the land but existing structures may be maintained and that no other structures shall be constructed or maintained on the land without the prior written approval of the United States, as represented by the U.S. Army Corps of Engineers, or the State of Louisiana, as represented by the Louisiana Department of Natural Resources, or authorized representative, and that no excavation shall be conducted and no disposal of any kind placed on the land without such written approval, including approval of the

location and method of excavation and/or placement of disposal; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the Grantor, its successors and assigns, all such rights and privileges in said land as may be used and enjoyed without interfering with or abridging the use of the project for the purposes authorized by Congress or the rights, servitudes and easements hereby acquired, [and expressly excepting and excluding from the taking all oil, gas and other minerals in and under said land and all appurtenant rights used in connection with the exploration, development, production and removal of said oil, gas and other minerals but without the right to enter upon or over the surface of said land for the purpose of drilling and extracting therefrom said oil, gas and other minerals].”

EXHIBIT B – PROJECT MAP

As Applicable
PROJECT MAP
 DEPARTMENT OF THE ARMY
 USING SERVICE U.S. ARMY

LOCATION OF PROJECT
 STATE CALIFORNIA
 COUNTY SANTA CRUZ
 DIVISION SOUTH PACIFIC DIVISION (SPD)
 DISTRICT SAN FRANCISCO (SPN)
 ARMY AREA _____ OF _____ OF _____

TRANSPORTATION FACILITIES
 STATE ROADS HWY 1
 FEDERAL ROADS 101
 AIRPORTS SAN JOSE INTERNATIONAL (SJC)

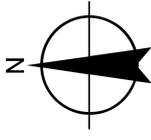
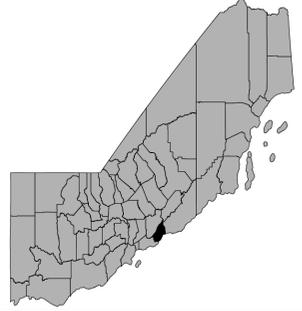
ACQUISITION
 TOTAL ACRES ACQUIRED NO AREA
 FEE _____
 PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT) _____
 USE PERMIT (Other than P.D.) (WITHDRAWN) (USE PERMIT) _____
 TRANSFER (WITHDRAWN) (USE PERMIT) _____

LEASE
 EASEMENT RESERVED IN FEE DISPOSAL _____
 LESSER INTERESTS (EASEMENT) (PERMIT) (LICENSE) _____

DISPOSAL
 TOTAL ACRES DISPOSED NO AREA
 SOLD _____
 PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT) _____
 USE PERMIT (Other than P.D.) (WITHDRAWN) (USE PERMIT) _____
 TRANSFERRED (FEE) _____
 LEASES TERMINATED _____
 LESSER INTERESTS TERM _____
 REASSIGNED _____
 ACRES TO _____

LEGEND
 EXCEPT FOR SPECIAL SYMBOLS SHOWN BELOW, MAP SYMBOLS ARE STANDARD IN TOPOGRAPHIC SYMBOLS, DEC. 1968.

- Easement Type**
- Facility/Utility Relocation
 - Fee
 - Flowage Easement
 - Channel Improvement Easement
 - Temporary Work Area Easement (Construction)
 - Temporary Work Area Easement (Staging)



Spatial Reference
 Name: NAD 1983 StatePlane California III FIPS 0403 Feet
 Datum: North American 1983
 Map Units: Foot US



REAL ESTATE OWNERSHIP MAP 2024

DEPARTMENT OF THE ARMY
 OFFICE OF THE SAN FRANCISCO DISTRICT
 SOUTH PACIFIC DIVISION

ALAMEDA COUNTY CALIFORNIA
 HYDROSURVEY SECTION, CONSTRUCTION DIVISION
WATSONVILLE SLOUGH

CARTOGRAPHER: JOSHUA MILLER
 CARO TECH: _____
 CHECKED BY: _____
 SUBMITTED BY: JOSHUA MILLER
 GIS COORDINATOR: _____

RECOMMENDED BY: _____
 CHIEF, GEOMATICS SECTION: _____
 APPROVED BY: _____
 CHIEF, REAL ESTATE DIVISION: _____
 DATE: _____

PROJECT NUMBER: _____
 REMS CODE: _____
 OFFICE CHIEF OF ENGINEERS, WASHINGTON 25, D.C.
 Date Saved: 12/2/2024 12:22 PM
 This sheet originally compiled to ANSI D: 22"x34".
 SHEET 1 OF 4 DRAWING NO. _____



As Applicable
PROJECT MAP
 DEPARTMENT OF THE ARMY
 USING SERVICE U.S. ARMY

LOCATION OF PROJECT
 STATE CALIFORNIA
 COUNTY SANTA CRUZ
 DIVISION SOUTH PACIFIC DIVISION (SPD)
 DISTRICT SAN FRANCISCO (SPN)
 ARMY AREA _____ OF _____ OF _____

TRANSPORTATION FACILITIES
 STATE ROADS HWY 1
 FEDERAL ROADS 101
 AIRPORTS SAN JOSE INTERNATIONAL (SJC)

ACQUISITION
 TOTAL ACRES ACQUIRED NO AREA
 FEE _____
 PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT)
 USE PERMIT (Other than P.D.) (WITHDRAWN) (USE PERMIT)
 TRANSFER (WITHDRAWN) (USE PERMIT)

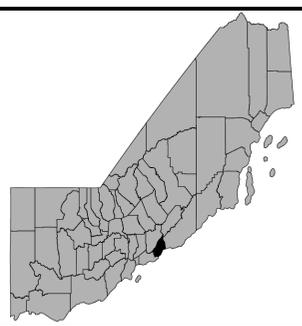
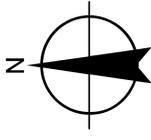
LEASE
 EASEMENT RESERVED IN FEE DISPOSAL _____
 LESSER INTERESTS (EASEMENT) (PERMIT) (LICENSE)

DISPOSAL
 TOTAL ACRES DISPOSED NO AREA
 SOLD _____
 PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT)
 USE PERMIT (Other than P.D.) (WITHDRAWN) (USE PERMIT)
 TRANSFERRED (FEE)
 LEASES TERMINATED _____
 LESSER INTERESTS TERM _____
 REASSIGNED _____
 ACRES TO _____

LEGEND
 EXCEPT FOR SPECIAL SYMBOLS SHOWN BELOW, MAP SYMBOLS ARE STANDARD IN THE NATIONAL MAP SYMBOLS, DEC. 1968. TOPOGRAPHIC SYMBOLS, DEC. 1968.

- Easement Type**
- Facility/Utility Relocation
 - Fee
 - Flowage Easement
 - Channel Improvement Easement
 - Temporary Work Area Easement (Construction)
 - Temporary Work Area Easement (Staging)

Spatial Reference
 Name: NAD 1983 StatePlane California III FIPS 0403 Feet
 Datum: North American 1983
 Map Units: Foot US



REAL ESTATE OWNERSHIP MAP 2024

DEPARTMENT OF THE ARMY
 OFFICE OF THE SAN FRANCISCO DISTRICT
 SOUTH PACIFIC DIVISION

CALIFORNIA
 ALAMEDA COUNTY
 HYDROSURVEY SECTION, CONSTRUCTION DIVISION
WATSONVILLE SLOUGH

CARTOGRAPHER: JOSHUA MILLER
 CHECKED BY: CARLO TECH.
 SUBMITTED BY: JOSHUA MILLER
 GIS COORDINATOR

RECOMMENDED BY: _____
 CHIEF, GEOMATICS SECTION

APPROVED BY: _____
 CHIEF, REAL ESTATE DIVISION

DATE: _____

Date Saved: 12/2/2024 12:22 PM
 This sheet originally compiled to ANSI D: 22"x34".
 SHEET 2 OF 4 DRAWING NO. _____



N

Feet
140 0 140 280

Spatial Reference
Name: NAD 1983 StatePlane California
III FIPS 0403 Feet
Datum: North American 1983
Map Units: Foot US

As Applicable
PROJECT MAP
DEPARTMENT OF THE ARMY
USING SERVICE U.S. ARMY

LOCATION OF PROJECT
STATE CALIFORNIA
COUNTY SANTA CRUZ
DIVISION SOUTH PACIFIC DIVISION (SPD)
DISTRICT SAN FRANCISCO (SPN)
ARMY AREA _____ OF _____ OF _____

TRANSPORTATION FACILITIES
STATE ROADS HWY 1
FEDERAL ROADS 101
AIRPORTS SAN JOSE INTERNATIONAL (SJC)

ACQUISITION
TOTAL ACRES ACQUIRED NO AREA
FEE _____
PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT)
USE PERMIT (Other than P.D.)
TRANSFER (WITHDRAWN) (USE PERMIT)

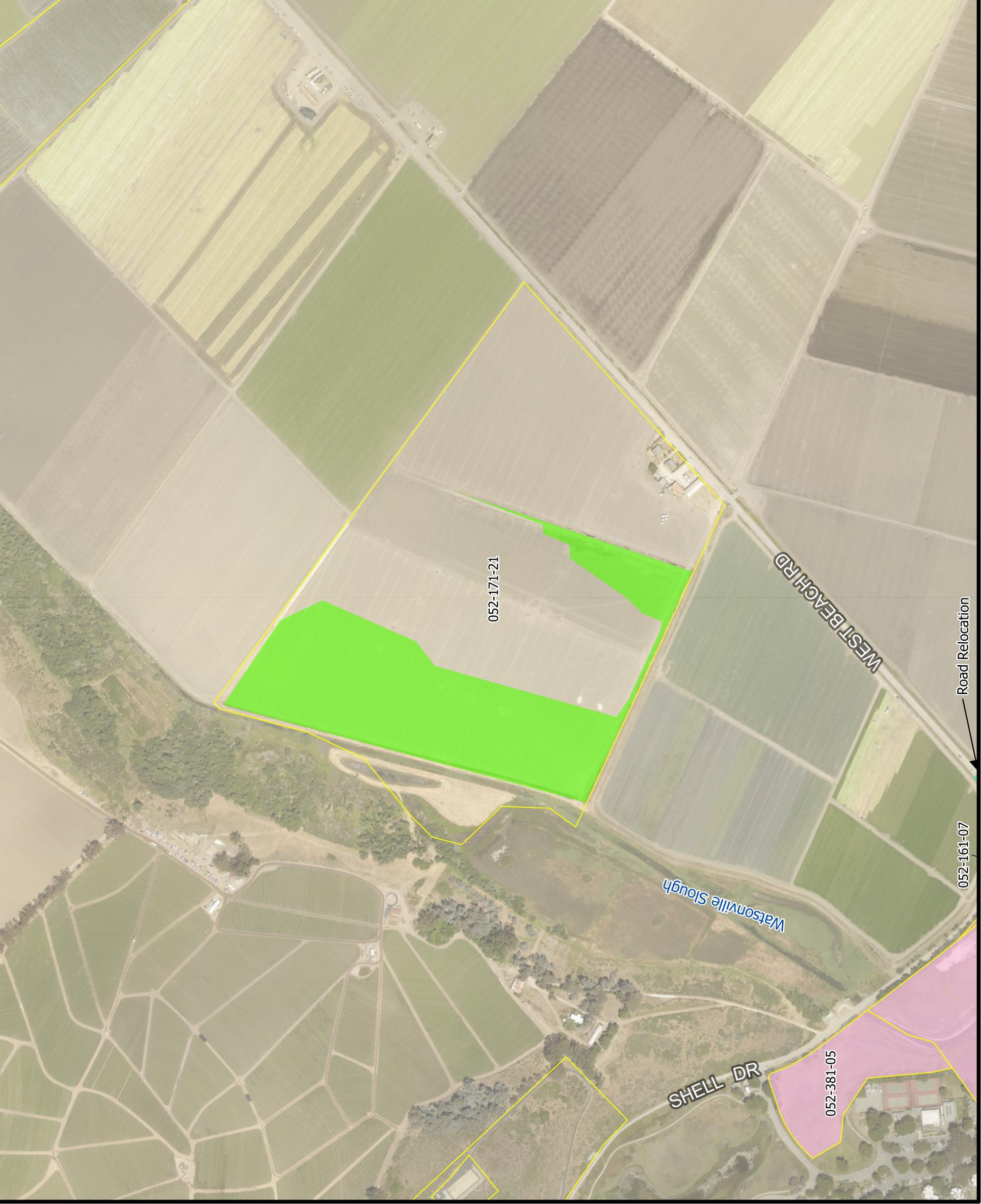
LEASE
EASEMENT RESERVED IN FEE DISPOSAL _____
LESSER INTERESTS (EASEMENT) (PERMIT) (LICENSE)

DISPOSAL
TOTAL ACRES DISPOSED NO AREA
SOLD _____
PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT)
USE PERMIT (Other than P.D.)
TRANSFERRED (FEE)
LEASES TERMINATED _____
LESSER INTERESTS TERM _____
REASSIGNED _____
ACRES TO _____

LEGEND
EXCEPT FOR SPECIAL SYMBOLS SHOWN BELOW, MAP SYMBOLS ARE STANDARD IN TOPOGRAPHIC SYMBOLS, DEC. 1968.

Easement Type

- Facility/Utility Relocation
- Fee
- Flowage Easement
- Channel Improvement Easement
- Temporary Work Area Easement (Construction)
- Temporary Work Area Easement (Staging)



REAL ESTATE OWNERSHIP MAP 2024

DEPARTMENT OF THE ARMY
OFFICE OF THE SAN FRANCISCO DISTRICT
SOUTH PACIFIC DIVISION

CALIFORNIA
ALAMEDA COUNTY
HYDROSURVEY SECTION, CONSTRUCTION DIVISION
WATSONVILLE SLOUGH

CARTOGRAPHER CARLO TECH.
CHECKED BY _____
SUBMITTED BY JOSHUA MILLER
GIS COORDINATOR _____
RECOMMENDED BY _____
CHIEF, GEOMATICS SECTION _____
APPROVED BY _____ CHIEF, REAL ESTATE DIVISION _____ DATE _____

Date Saved: 12/2/2024 12:22 PM
This sheet originally submitted to ANSI D-2724.
SHEET 3 OF 4 DRAWING NO. _____

As Applicable
PROJECT MAP
 DEPARTMENT OF THE ARMY
 USING SERVICE U.S. ARMY
LOCATION OF PROJECT
 STATE CALIFORNIA
 COUNTY SANTA CRUZ
 DIVISION SOUTH PACIFIC DIVISION (SPD)
 DISTRICT SAN FRANCISCO (SPN)
 ARMY AREA _____ OF _____ OF _____

TRANSPORTATION FACILITIES
 STATE ROADS HWY 1
 FEDERAL ROADS 101
 AIRPORTS SAN JOSE INTERNATIONAL (SJC)
ACQUISITION
 TOTAL ACRES ACQUIRED NO AREA
 FEE _____
 PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT)
 USE PERMIT (Other than P.D.)
 TRANSFER (WITHDRAWN) (USE PERMIT)
 LEASE
 EASEMENT RESERVED IN FEE DISPOSAL
 LESSER INTERESTS (EASEMENT) (PERMIT) (LICENSE)

DISPOSAL
 TOTAL ACRES DISPOSED NO AREA
 SOLD _____
 PUBLIC DOMAIN (WITHDRAWN) (USE PERMIT)
 USE PERMIT (Other than P.D.)
 TRANSFERRED (FEE)
 LEASES TERMINATED
 LESSER INTERESTS TERM
 REASSIGNED
 ACRES TO _____

LEGEND
 EXCEPT FOR SPECIAL SYMBOLS SHOWN BELOW, MAP SYMBOLS ARE STANDARD IN THE NATIONAL MAP SYMBOLS, DEC. 1968.
Easement Type
 Facility/Utility Relocation
 Fee
 Flowage Easement
 Channel Improvement Easement
 Temporary Work Area Easement (Construction)
 Temporary Work Area Easement (Staging)

REAL ESTATE OWNERSHIP MAP 2024
 DEPARTMENT OF THE ARMY
 OFFICE OF THE SAN FRANCISCO DISTRICT
 SOUTH PACIFIC DIVISION
 ALAMEDA COUNTY
 CALIFORNIA
 HYDROSURVEY SECTION, CONSTRUCTION DIVISION
WATSONVILLE SLOUGH

CARTOGRAPHER CARLO TECH.
 CHECKED BY _____
 SUBMITTED BY JOSHUA MILLER
 GIS COORDINATOR
 RECOMMENDED BY _____
 CHIEF, GEOMATICS SECTION
 APPROVED BY _____ CHIEF, REAL ESTATE DIVISION
 DATE _____

Spatial Reference
 Name: NAD 1983 StatePlane California III FIPS 4003 Feet
 Datum: North American 1983
 Map Units: Foot US

Date Saved: 12/2/2024 12:22 PM
 This sheet originally compiled to ANSI D: 24x36".
 SHEET 4 OF 4 DRAWING NO. _____



Port Watsonville
 Sunset State Spasah Wildlife Natural Preserve
 Highway 1
 Santa Cruz

052-191-50
 052-191-20
 052-191-21
 052-191-56

ER 405-1-200
 Eng. Form 1456A, Oct 83

EXHIBIT C – TRACT REGISTER

TRACT REGISTER WATSONVILLE SLOUGH ECOSYSTEM RESTORATION
SECTION 1135 ECOSYSTEM RESTORATION PROJECT
WATSONVILLE, CALIFORNIA

APN	OWNER	ADDRESS, SITE	ADDRESS, MAIL	LANDUSE DESCRIPTION	LANDUSE CATEGORY	ASSESSOR LOT ACRES	TEMPORARY WORK AREA EASEMENT		CHANNEL IMPROV EASEMENT	FACILITY/UTILITY RELOCATION	PERMANENT FLOWAGE EASEMENT	FEE SIMPLE	SUB-TOTAL	END OF CONSTRUCTION
							STAGING	ACCESS / CONST.						
052-381-05	SANTA CRUZ COUNTY	SUNSET SB	701 OCEAN ST	GOVERNMENTAL, PUBLIC	MISCELLANEOUS	4.79						4.79	4.79	
052-161-07	CALIFORNIA STATE OF	SUNSET SB	303 BIG TREES PARK RD	RECREATIONAL	MISCELLANEOUS	1.12						1.11	1.11	
052-161-13	CALIFORNIA STATE OF	SUNSET SB	303 BIG TREES PARK RD	RECREATIONAL	MISCELLANEOUS	48.14				0.16		17.42	17.58	
052-171-21	BEACH RD PROPERTIES	2480 BEACH RD	PO BOX 2823	FARMS, CROPS	AGRICULTURAL	62.5					18.42		18.42	
052-191-20	RADOVICH, BARNEY M	2328 BEACH RD	925 FREEDOM BLVD # A308	FARMS, CROPS	AGRICULTURAL	26.32					4.91		4.91	
052-191-21	FUJII, BROS FARMS	0	1862 BEACH RD	FARMS, CROPS	AGRICULTURAL	9.99					2.19		2.19	
052-191-50	FUJII, GEORGE M	31 SAN ANDREAS RD	1862 BEACH RD	FARMS, CROPS	AGRICULTURAL	5.41					3.79		3.79	
052-191-56	FUJII, BROS FARMS	2268 BEACH RD	1862 BEACH RD	FARMS, CROPS	AGRICULTURAL	42.34					8.85		8.85	
052-231-04	KEITH, DIANA C	2593 BEACH RD	142 AMESTI RD	RECREATIONAL	MISCELLANEOUS	61.96	1.23	0.48					1.71	
052-231-05	ROBDON PROPERTIES LI	0	PO BOX 1115	FARMS, CROPS	AGRICULTURAL	116.74	0.14	1.04					1.19	
052-231-22	PAJARO DUNES ASSOCIA	0	2661 BEACH RD	MISCELLANEOUS RESIDENTIAL	RESIDENTIAL	5.26		0.18					0.18	
052-231-33	PAJARO DUNES ASSOCIA	0	2661 BEACH RD	MISCELLANEOUS RESIDENTIAL	RESIDENTIAL	7.2				0.04			0.04	
ROW	ROW	-							0.05	0.96				

TOTAL PARCELS: 13
TOTAL UNIQUE OWNERS: 9

**EXHIBIT D – NON-FEDERAL SPONSOR’S REAL ESTATE CAPABILITY
ASSESSMENT**

WATSONVILLE CAP 1135 ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY

Sponsor(s): PAJARO STORM DRAIN MAINTENANCE DISTRICT (PSDMD)

Non-Federal Sponsor Real Estate Contact(s): KIMBERLY FINLEY

Purpose: Pursuant to ER 405-1-12 Chapter 12, Section VI of the USACE Real Estate Handbook, the Non-Federal Sponsor (NFS) will acquire and provide the Lands, Easements, and Rights-of-way and perform necessary Relocations for the Project's construction, operation, and maintenance. This form assesses the NFS's legal and professional capability and experience to fulfill these obligations, including their ability and willingness to exercise eminent domain and "quick-take" authorities.

I. Legal Authority

- a. Does the Non-Federal Sponsor (NFS) possess the legal authority to acquire and hold title to real property for project purposes? In the event the NFS lacks such authority, please identify the entity possessing and exercising such authority. Please cite relevant authority(s).

Yes. Government Code Section 25350.60

- b. What limitations, if any, does the NFS have in its ability or willingness to acquire the USACE standard estates required for the project?

NFS is willing to acquire USACE standard estates, however the NFS' ability is limited due to inability to force acquisition from the County or the State.

- c. Does the NFS have the power of eminent domain to acquire lands/interests in land for the purposes and estates required by the project? Please cite relevant authority(s).

Yes. Code of Civil Procedure Section 1230.010 et seq.

- d. What limitations, if any, does the NFS have in its ability or willingness to exercise eminent domain? If such limitations exist, please identify the entity authorized to initiate eminent domain proceedings and detail their plans for acquiring properties the NFS cannot or will not condemn.

Eminent domain proceedings are subject to Board of Supervisors approval. The land to be acquired is owned by the State which is a superior public jurisdiction. The project is partially funded by a grant from NOAA that requires approval from NOAA prior to exercising eminent domain. That said, it is my understanding that it is unusual for a federal authority to use eminent domain to acquire property for an ecosystem restoration project.

- e. Do any entities, such as railroads or state/local governments, own lands/interests in land within the project footprint that pose legal or policy challenges, preventing the NFS from acquiring the required lands/interests in land? If so, please detail the acquisition strategies for these properties.

Yes, land is owned by the State of California. This may pose a legal challenge related to eminent domain as the State is a superior public jurisdiction. However, the PSDMD does not anticipate eminent domain as the State has indicated willingness to transfer the property in fee for the use of the project. If the State administration changes their willingness to transfer land in fee, this would pose acquisition challenges such as inability of PSDMD to condemn the State.

The County of Santa Cruz is the parent entity to PSDMD and do not foresee issues obtaining an interagency document at this time.

The City of Watsonville and the private owners have not been approached at this time. Public meeting is scheduled for late Spring 2025.

- f. Are any of the lands/interest in lands required for the project located outside the sponsor's political boundary? If yes, please explain the NFS's plan and authority to acquire and hold title outside their political boundary.

No.

- g. Does the NFS have authority to acquire immediate possession through eminent domain (quick-take)? If not, explain their understanding of the state eminent domain process and timeline for obtaining title and possession. If yes, describe the "quick-take" process and provide an estimated timeline. Please cite relevant authority(s).

Yes. The eminent domain "quick take" process requires Board approval of a Resolution of Necessity, filing the action and an Order of Possession. This process takes approximately 6 months if the right to take is not legally disputed.

II. Financial Capability

- a. Has the NFS reviewed and concurred with the real estate cost estimates? If no, please describe any discrepancies with the cost estimate and anticipated resolution.

Yes.

III. Acquisition Experience and Capability

- a. Describe the NFS's experience with similarly complex acquisitions, highlighting relevant in-house staffing or contractor capabilities for title, surveying, appraisal, negotiation, condemnation, etc.

The County of Santa Cruz is the legal entity through which real property transactions are executed. PSDMD, as a subsidiary or functional arm of the County and is governed by the Santa Cruz County Board of Supervisors; staff have engaged in innumerable complex real property negotiations, including pursuing eminent domain and “quick takes”. County has an in-house surveyor, real property agents, licensed appraiser and counsel with condemnation experience. We also contract with numerous outside agencies for complex title searches and appraisals. County has represented numerous agencies and districts in their real property acquisitions under State and Federal oversight.

- b. Are the NFS and/or their contractors familiar with P.L. 91-646 requirements? Describe plans for ensuring compliance and the capability to contract with ROW/relocation experts if needed.

Yes. County is familiar with the Uniform Relocation Act. County has performed relocation in-house and has contracted with relocation experts for complex matters.

- c. Can the NFS meet project schedules with existing contractor agreements? If not, what contracts are needed and when will they be in place?

NFS can meet project schedules. Existing contracts are available and additional contracts may be acquired if necessary.

- d. Is NFS’s staff located within a reasonable proximity to the project area? If no; describe the NFS's plan for maintaining close contact with the project site (e.g., project office, travel, local contractors).

Yes.

- e. Will the NFS request USACE assistance with acquiring the required lands/interests in land? If yes, specify the level of support needed.

Only standard non-federal oversight activities are anticipated.

IV. Schedule Capability

- a. The NFS has approved of the proposed project real estate schedule/milestones and confirmed their capacity and commitment to leverage their financial, acquisition, and condemnation capabilities to secure the necessary lands/interests in land, in accordance with the proposed project timelines and cost estimates.

Yes No

Initials. ^{DS}
RT Date: 4/3/2025

V. LERRD Credits

- a. Describe the NFS’ plan to submit requests for Lands, Easements, Right of Ways, Relocations and Disposals (LERRD) credits in accordance with the PPA to ensure

timely project closeout and financial settlement. Note: If the project is multi-phased, please discuss your plan for interim submittals.

NFS will submit LERRDs credit requests in accordance with the PPA and as described in the Non-Federal Sponsor Package

VI. Capability (To Be Completed By USACE)

With regard to this project, the non-Federal Sponsor is anticipated to be: Moderately Capable.

Note: Choices are: fully capable, moderately capable, marginally capable, and insufficiently capable.

- a. Fully Capable: *Previous experience. Financially capable. Authority to hold title. Can perform, with in house staff, the necessary services (survey, appraisal, title, negotiation, closing, relocation assistance, condemnation & “quick-take” authority) required to provide Lands/Interests in land.*
- b. Moderately Capable: *Financially capable. Authority to hold title. Can provide, with contractor support, the necessary services (survey, appraisal, title, negotiation, closing, relocation assistance and condemnation authority) required to provide Lands/Interests in land. Quick- take authority will be provided by Code of Civil Procedure Section 1230.010 et seq.*
- c. Marginally Capable: *Financially capable. Authority to hold title. Will rely on approved contractors to provide the necessary services (survey, appraisal, title, negotiation, closing, and relocation assistance). Quick-take authority and authority to condemn will be provided by _____.*
- d. Insufficiently Capable: *Financially capable. Will rely on approved contractors to provide the necessary services (survey, appraisal, title, negotiation, closing, and relocation assistance). Quick-take authority and authority to condemn will be provided by _____.*
Will rely on _____ to hold title.

The NFS is rated as MODERATELY CAPABLE based upon the response provided in the above assessment and project circumstances. The NFS possesses the authority to hold title under Government Code Section 25350.60. The NFS has an experienced real estate team (to include an in-house surveyor, real property agents, licensed appraiser and counsel with condemnation experience) that are able to perform the necessary steps to acquire for this project and the NFS can contract outside of their organization if necessary. However, the land transfer between the State of California and the NFS may pose a hurdle to acquisition should the land transfer not occur. If the land transfer does not come to fruition, then the NFS must acquire the minimum standard estate for the parcel owned by the State – as a lower echelon of government, the NFS would be unable to exercise eminent domain on the State owned parcel. This is a salient risk that must be recognized despite effort to begin early coordination for a transfer and drives the

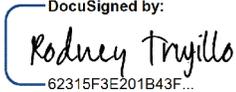
Moderately Capable rating. The NFS is otherwise likely able to fulfill real estate requirements.

VII. ASSESSMENT APPROVAL

NFS concurs with the capability assessment.

Yes No

Non-Federal Sponsor Representative:

Signature:  DocuSigned by:
62315F3E201B43F...

Name: Rodney Trujillo

Title: Senior Civil Engineer

Date: 4/3/2025

Considering the capability of the NFS and any ancillary support (if required), it is my opinion that the risks associated with LERRD acquisition and closeout have been properly identified and appropriately mitigated.

Adam B. Olson
Real Estate Division
Sacramento District

EXHIBIT E – RISK LETTER



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CA 95814-2922

March 26, 2025

Real Estate Division

Pajaro Storm Drain Maintenance District
701 Ocean Street
Room 510
Santa Cruz, CA 95060

Dear Pajaro Storm Drain Maintenance District:

As you know, the U.S. Army Corps of Engineers (the Federal Government) anticipates partnering with the Pajaro Storm Drain Maintenance District (PSDMD), for the ecosystem restoration in Watsonville Slough Continuing Authorities Program Project.

There are risks associated with acquiring land or other real estate interests prior to the execution of a Project Partnership Agreement (PPA), and the Federal Government's formal notice to proceed with acquisitions. These risks include, but may not be limited to the following:

- (1) The Congress of the United States may not appropriate funds to construct the proposed project;
- (2) the proposed project may otherwise not be funded or approved for construction;
- (3) A PPA mutually agreeable to the non-Federal sponsor and the Federal Government may not be executed and implemented;
- (4) the non-Federal sponsor 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, as amended;
- (5) the non-Federal sponsor may acquire interests or estates in real property that are later determined by the Federal Government to be inappropriate, insufficient, or otherwise not required for the project;
- (6) the non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations, payment of

Public Law 91-646 (as amended) benefits, and 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 Federal Government to commence acquisitions of lands and other real estate interests; and

- (7) the non-Federal sponsor 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 Federal 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, and the PPA.

Pursuant to your request, we may provide you with preliminary maps and tract registers for the purpose of identifying the parcel numbers and real estate interests that may be necessary for the project. Such preliminary maps and tract registers are provided for reference purposes only and, as indicated above, may be amended prior to the issuance of a formal notice by the Federal Government to commence acquisitions of lands and other real estate interests for the project.

In short, to the extent that your agency chooses to acquire land or other real estate interests prior to the Project Authorization, execution of a PPA, and the Federal Government's formal notice to proceed with acquisitions, then your agency assumes full and sole responsibility for any and all costs, or liability arising out of such efforts.

Should you have any questions, please contact the Program Manager, Joel Flannery at (415) 876-8635 or Realty Specialist Crystal Ramos at (916) 557-6692.

Sincerely,



Adam B. Olson
Chief of Real Estate

cc: Joel Flannery, CESP-Program Manager
cc: PSDMD

EXHIBIT F – CORRESPONDENCE WITH CALIFORNIA PARKS

From: [Hardegen, James L CIV USARMY CESPCK \(USA\)](#)
To: [Flannery, Joel R CIV USARMY CESPCK \(USA\)](#); [Hitchcock, Linda@Parks](#)
Cc: [Kimberly Finley](#); [Rachel.Fatoohi@santacruzcountyca.gov](#); [Murray, Elizabeth O CIV USARMY CESPCK \(USA\)](#); [Kofford, Tessa M CIV USARMY CESPCK \(USA\)](#); [Mulholland, Joseph C CIV USARMY CESPCK \(USA\)](#)
Subject: RE: Palm State Beach property
Date: Wednesday, October 16, 2024 7:47:42 AM
Attachments: [image001.jpg](#)

Hey Joel,

I think we should be able to move forward with this. We're assuming that with this land transfer we won't need a NSE, so we'll just keep everything in the last footprint as "fee." Moreover, we'll proceed with the Real Estate Plan on the assumption that NFS can obtain the necessary standard estate.

I've cc'd appraisal on this. I think we're ready to have them move forward as there would be no footprint change in this COA.

Best,

James L. Hardegen

Realty Specialist

Northern Branch

Real Estate Division

USACE Sacramento District

1325 J Street, Sacramento, CA 95814

1-916-537-6537

From: Flannery, Joel R CIV USARMY CESPCK (USA) <Joel.R.Flannery@usace.army.mil>
Sent: Tuesday, October 15, 2024 10:49 AM
To: Hitchcock, Linda@Parks <Linda.Hitchcock@parks.ca.gov>; Hardegen, James L CIV USARMY CESPCK (USA) <James.L.Hardegen@usace.army.mil>
Cc: Kimberly Finley <Kimberly.Finley@santacruzcountyca.gov>; Rachel.Fatoohi@santacruzcountyca.gov; Murray, Elizabeth O CIV USARMY CESPCK (USA) <Elizabeth.O.Murray@usace.army.mil>
Subject: RE: Palm State Beach property

Linda, thank you!

James, is this enough certainty to proceed with our real estate plan and cost estimate? Perhaps we could request a cost estimate for fee and easement to help buffer the uncertainty?

Sincerely,

Joél

Mobile: (415) 876-8635

Email: Joel.R.Flannery@usace.army.mil

From: Hitchcock, Linda@Parks <Linda.Hitchcock@parks.ca.gov>

Sent: Monday, October 14, 2024 1:09 PM

To: Kimberly Finley <Kimberly.Finley@santacruzcountyca.gov>;
Rachel.Fatoohi@santacruzcountyca.gov

Cc: Flannery, Joel R CIV USARMY CESP (USA) <Joel.R.Flannery@usace.army.mil>

Subject: [Non-DoD Source] Palm State Beach property

Hello – I have submitted a request to our HQ to ask for them to work on the land transfer at Palm Beach this is a lengthy process and I am not able to say at my level if it will go thru as a sale but the process has been started. I will let you know as we proceed further.

Linda

Linda Hitchcock
Senior Park and Recreation Specialist
California State Parks
Santa Cruz District
831-227-8390

