

# DRAFT INTEGRATED GENERAL REEVALUATION REPORT AND ENVIRONMENTAL IMPACT STATEMENT

## SAN FRANCISCO BAY TO STOCKTON, CALIFORNIA NAVIGATION STUDY

### APPENDIX F: Real Estate



APRIL 2019



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Preliminary DRAFT – Subject to Revision

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## **1. Introduction**

The San Francisco Bay to Stockton Navigation Improvement Project investigates the Federal interest in deepening the Federal deep draft navigation channels extending from the San Francisco Bay to the Port of Stockton, through San Francisco, Marin, Contra Costa, Solano, Sacramento, and San Joaquin Counties, California. The General Reevaluation Review was initiated in 2002 and the Tentatively Selected Plan (TSP) Milestone was successfully completed on 29 June 2016. The study area includes the John F. Baldwin Ship Channel (consisting of the San Francisco Bar, Richmond Outer Harbor, West Richmond, Pinole Shoal, and Suisun Bay Channels), and the Stockton Ship Channel. The non-federal sponsors for the study is Port of Stockton.

The Port of Stockton, in partnership with Contra Costa County, is the non-federal partner for the study.

This Real Estate Plan is intended to support and present the real estate costs and requirements for the integrated General Reevaluation Report, Environmental Impact Statement and Environmental Impact Report for the San Francisco Bay to Stockton, California Navigation Improvement Program.

This report focuses on the TSP and is to be used for planning purposes only. There may be modifications to the plans that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land costs.

## **2. Project Authority**

The San Francisco Bay to Stockton, California, Navigation Improvement Project was originally authorized by Congress in the Rivers and Harbors Act of 1965. The authorization allowed for 45 foot depths, but the channels were only constructed to 35 feet. The study was originally scoped for a 78-mile long navigation project to include the John F. Baldwin and Stockton channels, but has since been re-scoped to a total of 13.2 miles in the Pinole Shoal Channel and Suisun Bay Channel (Bulls Head Reach) to Avon.

## **3. Project Description**

The TSP would deepen the existing maintained channel depth of the Pinole Shoal Channel and Suisun Bay Channel from -35 feet to -38 feet MLLW, with approximately 13.2 miles of new regulatory depths (See Figure 1). Approximately 10 miles of the Pinole Shoal Channel and all 3 miles of the Bulls Head Reach up to Avon would be dredged. A 2,600 foot sediment trap would be constructed at Bulls Head Reach with a depth of -42 feet MLLW, plus 2 feet of overdepth. The sediment trap would be maintained at -42 feet MLLW during future maintenance dredging to reduce rapid shoaling.

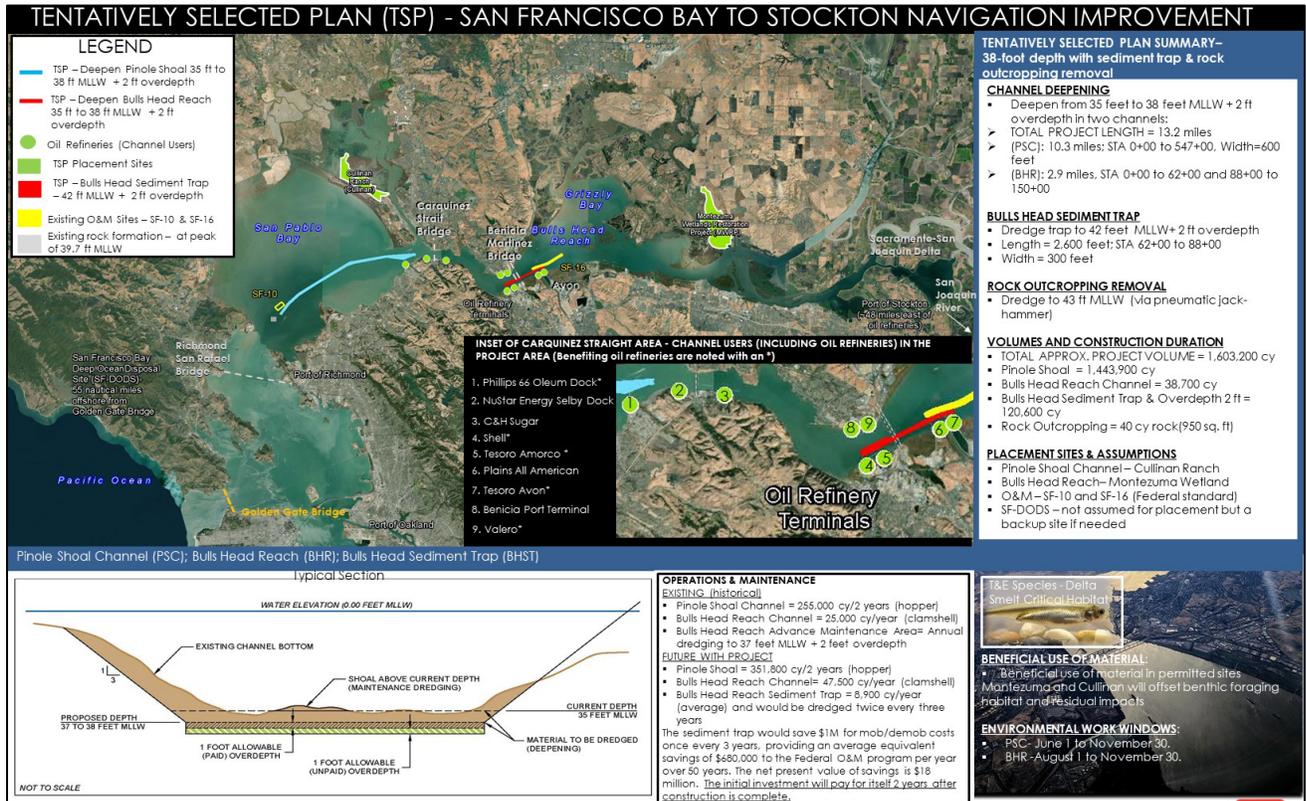
If the entire 2-foot overdepth prism were dredged, the TSP would result in a maximum of 1,603,200 cubic yards of dredged material from an approximate 390-acre footprint. The total volume includes approximately 1,443,900 cubic yards would be dredged from the Pinole Shoal Channel and approximately 159,300 cubic yards would be dredged from the Suisun Bay Channel. Approximately 40 cubic yards of rock outcropping would be also removed from the shipping lane near the Pinole Shoal Channel, An average of approximately 6,500 cubic yards would be dredged each day of construction. At this rate, construction deepening to 38 feet MLLW would take approximately 5.5 months.

All construction is expected to occur during the existing environmental work windows developed by the San Francisco Bay Long Term Management Strategy for the Placement of Dredged Material unless other work windows are developed during consultation with the resource agencies. The environmental work window for the Pinole Shoal Channel is from June 1 through November 20 and the work window for the Suisun Bay Channel is from August 1 through November 30. Based on the estimated 8.1 month-duration of construction, this project will be constructed in one environmental work window.

Material dredged from Pinole Shoal Channel would be placed at Cullinan Ranch and material dredged from Suisun Bay Channel would be placed at Montezuma Wetlands. Both of these beneficial reuse sites are currently permitted to receive dredged material. The beneficial reuse placement at Montezuma Wetlands and Cullinan Ranch are currently assumed to offset potential mitigation for benthic foraging habitat and residual impacts to special status species and essential fish habitat.

The TSP has an estimated annual net benefits of \$10 million (fiscal year 2019 price levels) and a benefit to cost ratio of 3.7. The first cost for the TSP is \$59,400,000.

Figure 1: The Tentatively Selected Plan.



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

The project currently does not require the sponsors to acquire any lands for the project where Navigation Servitude applies, (see Section 9 for further details). In accordance with ER 405-1-12, paragraph 12-29 states, “the non-Federal sponsor should not be instructed to acquire and “provide” such land if it is otherwise available for project purposes through exercise of the navigation servitude rights by the Government.”

All material dredged from the Project would be beneficially used at one or more existing permitted Dredged Material Beneficial Use Disposal sites – either at Cullinan Ranch and/or Montezuma Wetlands Restoration Site (Montezuma Wetlands).

**Dredged Material Beneficial Use Disposal Sites:**

**Cullinan Ranch:** Cullinan Ranch Wetland Restoration Site, (as previously shown in Figure 1) is a 1,575-acre parcel in the San Pablo Bay National Wildlife Refuge. It was originally purchased by the USFWS for the purpose of increasing habitat for salt marsh harvest mouse and California clapper rail. Located in Solano County, the southern property

boundary of the parcel is a naturally formed levee that is the base for State Highway 37. The western property boundary of the parcel comprises Dutchman Slough and South Slough, both of which flow into nearby Napa River. Cullinan Ranch is a tidal restoration project with the goal of restoring diked baylands to historic tidal marsh conditions. There is currently capacity for up to 2.4 million cubic yards of dredged material.

Cullinan Ranch has enough capacity to accept all dredged material from the Pinole Shoal Channel. Placing material at Cullinan Ranch meets the objective of maximizing beneficial reuse of dredged material; therefore, this placement site is considered.

**Montezuma Wetlands** - the approximately 1,800-acre Montezuma Wetlands Restoration Project is a privately owned and operated wetland restoration project located adjacent to Montezuma Slough in northern Honker Bay (Figure 1). It is located on the eastern edge of Suisun Marsh, west of Collinsville, in Solano County. The site can take both clean cover material and material with elevated concentrations of constituents of concern, as long as this sediment is buried under 3 feet of clean cover material. Under all deepening scenarios, Montezuma Wetlands has enough capacity (approximately 15 million cubic yards) to accept all material dredged from the Suisun Bay Channel. Placing material at Montezuma Wetlands meets the objective of maximizing beneficial reuse of dredged material.

After the project partnership agreement (PPA) process is executed, the San Francisco District Engineering Branch will prepare the final design for advertisement and construction. During this process the NFS will be required to provide real estate certification for lands required for the project should there be additional required.

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

Navigation Servitude will apply. Credit will not be afforded for lands that are available to the project through exercise of the navigation servitude. (See Section 9 for further discussion.)

In addition, NFS will not be eligible for credit for placement sites as it is a designated permitted site. Any costs associated with disposal have been captured under construction costs and not a LERRD.

*Credit will only be applied to LERRDs owned and/or held by the sponsors that fall within the "project footprint," namely the LERRDs required for the Project. Lands outside of the project requirements and that may be acquired for the sponsor's own purposes which do not support the minimum interests necessary to construct, operate and maintain the Project would not be creditable LERRDs. Only land deemed necessary to construct, operate and maintain the plan would be creditable.*

#### **6. Standard Federal Estates and Non-Standard Estates**

Currently, the Project does not identify additional real estate required for the Project, however 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 should additional real estate be required.

There are no non-standard estates identified for this project at this time.

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

The San Joaquin River, Port of Stockton project extends from the San Francisco Bay to the Port of Stockton, through San Francisco, Marin, Contra Costa, Solano, Sacramento, and San Joaquin Counties, California. The project was authorized by the River and Harbor Act of October 27, 1965 - it is a Federally funded project. The Stockton deep water ship channel varies in width from 200 to 600 feet which is maintained at the authorized depth of 35 feet below mean lower low water (MLLW). This is an annual dredge project and Federally funded each year. Dredging on the San Joaquin typically starts in September and finishes in late November.

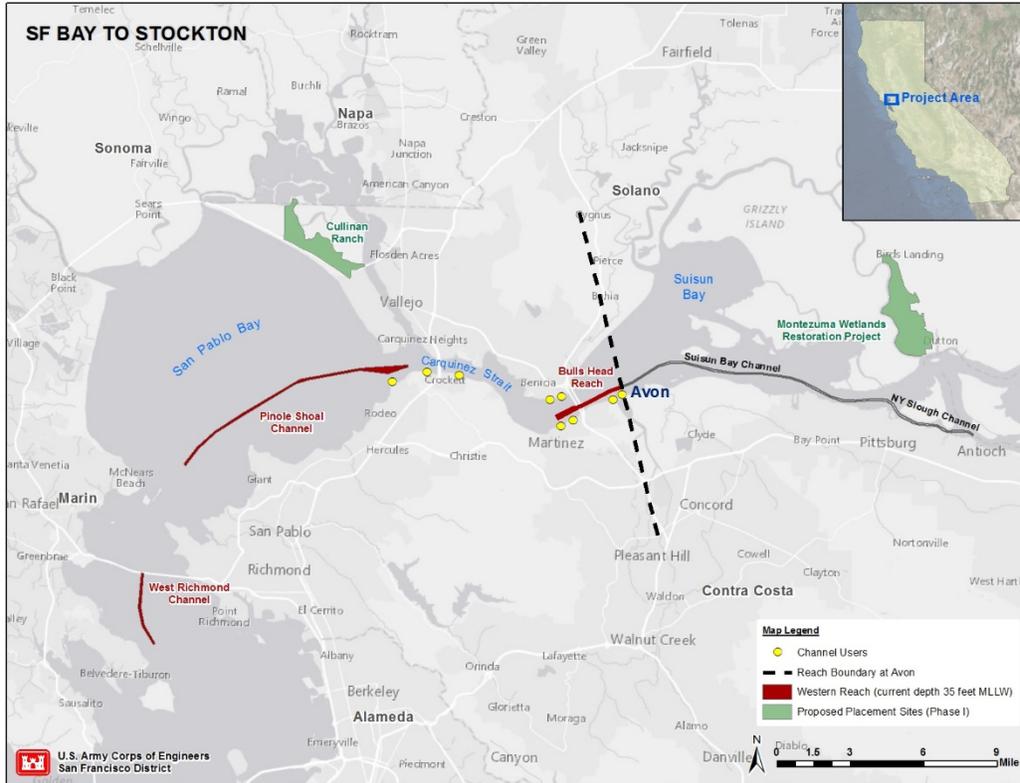
**8. Description of any Federally owned Land Needed for the Project**

There are no Federally-owned land needed for the Project.

**9. Application of Navigational Servitude to the LERRDs Requirement**

Navigation Servitude will be applied to this project as it meets the dominant right of the Government under the Commerce Clause of the U.S. Constitution (U.S. CONST. art.I, §, cl.3) to use, control and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce related purposes including navigation and flood control provided in paragraph 12-7 of ER 405-1-12. This project serves a purpose to improve navigation by deepening SF Bay to Stockton, which is located below the mean or ordinary high water mark of a navigable watercourse. SPN-OC reviewed and provided Real Estate with a legal opinion confirming the authority to exercise the Government's rights under the navigation servitude doctrine.

## 10. Project Maps



## 11. Anticipated Increased Flooding and Impacts

No induced flooding is expected to occur from the project.

## 12. Cost Estimate

There are no real estate acquisitions costs associated with the project as all activities will occur within the channel where navigational servitude will be exercised. Therefore there will be no credit issued to sponsor for project lands unless additional acquisition is identified.

An estimated \$25K for Fed and \$25K Non-federal administrative fees is for real estate certification for a total of \$50K and includes a 5% contingency.

## 13. Relocation Assistance Benefits.

There are no Public Law 91-646 Relocations required in connection with the project.

**14. Mineral / Timber Activity.**

There are no valuable minerals impacted by this project.

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

**COORDINATION ONGOING WITH NFS TO COMPLETE ASSESSMENT.**

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

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

**17. Real Estate Acquisition Schedule.**

There are no real estate acquisitions associated with the project as all activities will occur within the channel where navigational servitude will be exercised.

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

There are no impacted Facility and Utility Relocations.

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'S 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.

**19. Hazardous, Toxic, and Radiological Waste (HTRW).**

There are no known HTRW issues associated with the proposed project.

**20. Attitude of Landowners.**

There is no real estate acquisition required as the Project is within navigable waters.

## **21. EXHIBIT A**

### ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY – Pending coordination with NFS

#### I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?
- b. Does the sponsor have the power of eminent domain for this project?
- c. Does the sponsor have “quick-take” authority for this project?
- d. Are any of the lands/interests in land required for the project located outside of the sponsor’s political boundary?
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot 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 PL 91-646, as amended?
- b. If the answer to II. A. is “yes”, has a reasonable plan been developed to provide such training?
- c. Does the sponsor’s in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?
- d. Is the sponsor’s projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?
- e. Can the sponsor obtain contractor support, if required, in a timely fashion
- f. Will the sponsor likely request USACE assistance in acquiring real estate?

#### III. Other Project Variables:

- a. Will the sponsor’s staff be located within reasonable proximity to the project site?
- b. Has the sponsor approved the project/real estate schedule/milestones?

#### IV. Overall Assessment:

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

Yes

b. With regard to this project, the sponsor is anticipated to be: (Capable – Highly Capable – Not capable, etc.)

Highly Capable

V. Coordination:

a. Has this assessment been coordinated with the sponsor?

Pending

b. Does the sponsor concur with this assessment?

Pending

Prepared by:

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BONIEVEE A. DELAPAZ  
Realty Specialist

Reviewed and Approved by:

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ADAM B. OLSON  
Chief, Real Estate Division