

TERRA LAND GROUP, LLC

March 14, 2017

VIA ELECTRONIC FILE SHARE

State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814-0100
commentletters@waterboards.ca.gov

Re: Comments on proposed flow increases for Stanislaus, Tuolumne and Merced Rivers

Dear Board Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. **APN 241-330-32 (203.33 acres)**
2. **APN 241-330-33 (17.14 acres)**
3. **APN 241-320-60 (10.13 acres)**

Total Acreage 230 acres (approx.)

At this time, TLG would like to state that TLG is not opposed to fair and reasonable changes to water allocations provided that (i) long-term historic water rights are both acknowledged and protected (riparian, South San Joaquin Irrigation District, Oakdale Irrigation District, Turlock Irrigation District, Modesto Irrigation District, etc.); and (ii) appropriate mitigation measures are installed to offset any negative impacts created.

Further, it is TLG's firm belief that the California State Department of Water Resources and the Army Corps of Engineers are well aware that silt buildup in and along the San Joaquin River system has affected the total amount of reservoir water releases that Don Pedro, Melones and other reservoirs can safely discharge into the system without creating the potential for San Joaquin River flood impacts to certain urban and rural communities located downstream.

For this reason, TLG requests that any increase in reservoir water releases resulting in elevated downstream river flows during the months being considered be accommodated with mitigation measures requiring and allowing for the creation of (i) additional flow capacity created by means of dredging along downstream river channels; and/or (ii) more flow capacity by increasing channel flow

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capabilities of current downstream high water flow bypass facilities already in place; and (iii) a method to maintain improved river and bypass flow capacity by taking measures to limit and control future silt buildup.

Notwithstanding the foregoing, other factors exist related to SB5 compliance and other undefined municipal and/or public services development infrastructure potential impacts as presented in the enclosure attached to this letter. (See Enclosure)

Thank you.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

MH/jas

cc: J.D. Hightower, City of Manteca Interim Community Development Director
(jhightower@ci.manteca.ca.us)
Reclamation District No. 17 % Chris Neudeck, KSN, Inc. (cneudeck@ksninc.com)
Joe Catanzarite, South San Joaquin Irrigation District Operations & Water Superintendent
(jcatanzarite@ssjid.com)
San Joaquin County Planning Commission % Raymond Hoo, San Joaquin County Community
Development Department, Development Services Division (rhoo@sjgov.org)

Enclosure:

1. 09/16/2016 Letter from TLG to DeNovo Planning Group, with Exhibits and Other Enclosures

TERRA LAND GROUP, LLC

September 16, 2016

VIA U.S. MAIL

DeNovo Planning Group
1020 Suncoast Lane, Suite 106
El Dorado Hills, CA 95762
ATTN: Ben Ritchie, Beth Thomson, Steve McMurtry

Re: Manteca General Plan Update and Environmental Impact Report as approved on August 16, 2016 by the Manteca City Council (Agenda Item A.4).

Dear Mr. Ritchie, Ms. Thomson and Mr. McMurtry,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

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3. **APN 241-320-60 (10.13 acres)**

Total Acreage 230 acres (approx.)

At this time, TLG would like to state that TLG is not opposed to economic development provided that (i) adequate infrastructure and public services are put in place; and (ii) appropriate mitigation measures are installed to offset any negative impacts created.

Further, TLG is pleased to see that a preparation of a comprehensive update to the City of Manteca General Plan has been initiated, and TLG looks forward to a robust review of the environmental issues involved.

Specifically, TLG requests that the Environmental Impact Report ("EIR") consider impacts associated with the full range of short-term and long-term improvements relating to:

1. Current 100-year Reclamation District No. 17 ("RD17") levee seepage repairs and 200-year California Senate Bill No. 5 ("SB5") compliance (**See Exhibit "1", pages 62-130 and Exhibit "2"**); and

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2. Pumping groundwater in support of lowering groundwater elevations and other water conservation issues that may affect groundwater availability and/or recharge; and
3. Placement, depth and volume of water pumped from any potential municipal or public services wells affecting the aquifers; and
4. Stormwater retention, treatment, conveyance and discharge in relation to the importance of ensuring that any and all stormwater generated within the urban areas of the City of Manteca can be sufficiently retained in storage ponds (situated on the urban land side of any City of Manteca dryland flood levee) during periods of high San Joaquin River flows and/or levee breach flood events which may impede or prohibit discharging stormwater out of the urban areas of Manteca (**See Exhibit "1", pages 51-60 and Exhibit "2"**); and
5. More beneficial use of local rainfall activity by retaining stormwater on-site to more sufficiently allow for aquifer recharge (**See Exhibit "1", pages 51-60**); and
6. Adequate fencing being provided to act as a buffer between urban and agricultural properties; and
7. The importance of protecting our nation's food supply by ensuring that adequate restroom facilities are provided along all recreational bike paths, walking trails and levees bordering up against agricultural farm properties; and
8. Municipal water supply systems and ensuring that the total volume of available underground and surface water is fairly and properly managed and allocated to meet the needs of both the urban and rural communities; and
9. Providing for the efficient collection, conveyance and treatment of wastewater that promotes more beneficial uses for the effluent discharge created; and
10. Protecting the public's interests relating to maintaining adequate and sufficient vehicular road access supporting emergency services in response to fire, police, medical and flood related situations for all areas affected by the construction or modification of public and/or municipal services infrastructure (**See Exhibit "3"**); and
11. Protecting both public and private interests relating to providing adequate and sufficient vehicular road access to private properties that may be affected by the construction or modification of public and/or municipal services infrastructure (**See Exhibit "3"**).

With this in mind, TLG believes that it is important to mention that various environmental conditions appear to exist with the potential for impacts, that when carefully considered (for total impacts involved), may lead to more appropriate and beneficial final design options for all types of infrastructure necessary for the development improvements involved.

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This is especially important when you consider that for some time now, various projects appear to be working their way through the entitlement/development process without adequate design specifications being completed to clearly identify the various types of infrastructure supporting many of the projects located south of Highway 120.

In addition, the potential for impacts associated with project approvals becomes more concerning as more and more projects are brought forward to the city for consideration and it is realized that the number of options for placement of the various types of currently unapproved and/or undefined infrastructure supporting future development may have been reduced in relation to the total options remaining available (**See Exhibit "4"**).

This is particularly true when considering the placement of (i) levees; and (ii) roadways; and (iii) stormwater collection/retention/treatment/drainage facilities; and more.

TLG also believes that it is important to add that certain environmental conditions such as the Manteca vicinity sandy soil and high water table are also important to consider.

To further illustrate the potential for the various impacts involved in the environmental review process, TLG has included for your inspection and analysis, a number of letters, a Manteca City Council meeting transcript dated August 16, 2016, and other documents previously submitted to or involving the City of Manteca and are attached by means of a CD and included as part of this letter.

In closing, TLG would like you to know that TLG appreciates your effort as you begin to prepare a comprehensive update to the City of Manteca General Plan.

TLG will continue to monitor your progress.

With that in mind, and to allow for TLG's continued participation, TLG requests to be properly notified of any (i) public meetings; and (ii) public workshops; and (iii) public forums; and (iv) public outreach efforts; and (v) General Plan advisory meetings; and (vi) Draft EIR documents as soon as the documents are made available to the public; and (vii) Final EIR documents as soon as the documents are made available to the public; and (viii) any other documents or maps as soon as the documents or maps are made available to the public.

Thank you.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

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MH/jas

cc:

Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Elena Reyes, Manteca City Manager
Frederic Clark, City of Manteca Community Development Director

Exhibits: (attached electronically on enclosed disc)

1. Ex. "1": 08/16/2016 Manteca City Council meeting transcription by California Deposition Reporters
2. Ex. "2": 07/07/2015 Email from Neighbors United to Manteca City Council
3. Ex. "3": 08/24/2016 Letter from Michael Babitzke to John Brinton
4. Ex. "4": 09/09/2016 Manteca Bulletin News Article, "Manteca must kill Raymus expressway"

Other Enclosures:

1. 08/16/2016 Letter from TLG to Manteca City Council
2. 08/16/2016 Email from Martin Harris to Manteca City Council
3. 08/16/2016 Drake Haglan & Associates presentation
4. 08/15/2016 Letter from W/L Harris Ranches to Manteca City Council
5. 08/08/2016 Website Excerpts from Bureau of Reclamation's Mid-Pacific Region and Don Pedro Recreation Agency
6. 07/19/2016 Letter from TLG to Manteca City Council
7. 07/19/2016 Letter from W/L Harris Ranches to Manteca City Council
8. 07/12/2016 Letter from TLG to City of Manteca Planning Commission
9. 07/12/2016 Email from TLG to Drake Haglan and Associates
10. 07/08/2016 Email from TLG to Drake Haglan and Associates
11. 07/05/2016 Letter from TLG to Manteca City Council
12. 07/05/2016 Letter from Michael Fonseca to Manteca City Council
13. 04/05/2016 Terra Land Group Boundary Map, VVH Consulting Engineers
14. 06/28/2016 Letter from TLG to City of Manteca Planning Commission, with attachments:
 - a. 06/21/16 Letter from TLG to Manteca City Council
 - b. 06/18/16 Email from TLG to Drake Haglan Associates
 - c. 06/17/16 Email from Drake Haglan Associates to TLG
 - d. 06/07/16 Letter from TLG to Manteca City Council
 - e. 06/03/16 Email from TLG to Matt Satow, Drake Haglan Associates
 - f. 05/24/16 Letter from TLG to City of Manteca Planning Commission
 - g. 05/17/2016 Letter from TLG to Manteca City Council
 - h. 05/17/2016 Letter from TLG to Manteca City Council
 - i. 05/03/16 Letter from TLG to Manteca City Council

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- i. 05/03/16 Letter from TLG to Manteca City Council
 - j. 04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council
 - k. 03/01/2016 Letter from TLG to Manteca City Council
 - l. 02/16/2016 Letter from TLG to Manteca City Council
 - m. 04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District
 - n. 03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District
- 16. 02/09/1989 & 01/28/2015 FEMA Elevation Certificates
 - 17. 12/16/2014 Letter from TLG to Manteca City Council
 - 18. 11/2013 Levee Repair Photos #1, #2 and #3
 - 19. 09/30/2013 Letter from Kim Smith to Martin Harris
 - 20. 05/01/2013 Draft Record Property Lines and Easements Exhibit RD17 Elements VIII through XI, MacKay & Soms
 - 21. 06/08/2011 Revised Terra Ranch Tentative Subdivision Map Tract No. 3493
 - 22. Appendix "C", "The Quasi-Judicial Function of Surveyors" Thomas M. Cooley, excerpted from "Evidence and Procedures for Boundary Location, Sixth Edition", by Walter G. Robillard and Donald A. Wilson; copyright 2011 John Wiley & Sons, Inc.
 - 23. 04/27/1999 Revised San Joaquin County Public Road Map #57
 - 24. 04/18/1923 Deed
 - 25. San Joaquin County Assessor's Map 241-32

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MANTECA CITY COUNCIL MEETING

August 16, 2016

Reported by: Vicki Jelley, CSR #11067

1 --oOo--

2 MAYOR DeBRUM: The meeting of the Manteca City
3 Council, so please come to order. If I can please have
4 Pastor Jim Benedict, Calvary Community Church lead us
5 in (Inaudible) prayer.

6 PASTOR BENEDICT: Shall we stand and let's pledge
7 allegiance to the flag.

8 (Pledge of Allegiance recited.)

9 PASTOR BENEDICT: Father, we thank you that we
10 live in a country such as ours where we can be free to
11 gather and to express our opinions and thoughts and
12 come together and collectively come to agreement on
13 things, and, Lord, we know it's not easy just watching
14 the evening news tonight.

15 We see the dichotomy of floods and fires
16 and political uncertainty of the future, and we see the
17 thrill of victory at the Olympics, and, Father, we just
18 ask for wisdom, we ask for direction, for guidance.

19 We ask that you continue to give our City
20 Council and our governing authorities here in this
21 great City of Manteca the wisdom to be able to put
22 together what is best for all the people.

23 Lord, we thank you for this privilege that
24 we have. We ask for your richest blessings and your
25 hand to be upon this whole process, in your name we

1 pray, amen.

2 MAYOR DeBRUM: Thank you, sir. Ladies and
3 gentlemen, we're going to switch things up this
4 evening. We're going to go straight to the consent
5 calendar, and upon the conclusion of this consent
6 calendar, we'll go back and do the recognition of
7 Tubbs & Sons Electric.

8 The one thing that I want to emphasize this
9 evening is the fact that we want to get back to our
10 three-minute rule and take a review of that. We will
11 allow you a little bit of extra time to wrap things up
12 in order to move things along in an expeditious manner.
13 We continue to get that done in that way.

14 I'm going to move on to -- do we have
15 anything from the audience on the consent calendar?

16 UNIDENTIFIED FEMALE SPEAKER: Item A1 and item
17 13.

18 COUNCILMAN SILVERMAN: (Inaudible).

19 MAYOR DeBRUM: 13.

20 COUNCILMAN SILVERMAN: 13.

21 MAYOR DeBRUM: And, Mr. Morowit, there was
22 nothing else, correct? Nothing else? Mr. Morowit?

23 COUNCILMAN MOROWIT: Nothing.

24 MAYOR DeBRUM: Mr. Silverman?

25 COUNCILMAN SILVERMAN: Nothing.

1 MAYOR DeBRUM: Miss Moorhead?

2 COUNCILWOMAN MOORHEAD: Nothing.

3 MAYOR DeBRUM: And I have items -- I'll tell you
4 in a second -- 8 and 12. May I have a motion, please,
5 to approve all items?

6 COUNCILWOMAN MOORHEAD: So moved.

7 COUNCILMAN SILVERMAN: Second.

8 MAYOR DeBRUM: Properly moved and seconded to
9 approve all items not polled. All those in favor,
10 signify by saying aye.

11 (Councilmembers responded aye.)

12 MAYOR DeBRUM: (Inaudible). Motion carries four
13 to zero. Item A1?

14 UNIDENTIFIED FEMALE SPEAKER: Waive the first
15 reading by substitution of the title and introduce an
16 ordinance of the City Council of the City of Manteca
17 amending Manteca Municipal Code, Title 9, public peace,
18 morals, and welfare, Chapter 9.52, residential noise.

19 MAYOR DeBRUM: And who is the person (Inaudible)
20 on that?

21 UNIDENTIFIED FEMALE SPEAKER: Patricia Anderson.

22 MAYOR DeBRUM: Miss Anderson?

23 PAT ANDERSON: Good evening. My name is Pat
24 Anderson, and I live at 647 El Portal. I own the home
25 at El Portal. My husband and I lived there for some 28

1 years, but we've owned the home since 1975, which my
2 daughter and her husband now occupy, so my concern is
3 not so much the noise but the size of the well and its
4 placement. Excuse me.

5 According to the map, it's going to be
6 directly across the street from our home, which the
7 front windows all look out onto that structure of
8 50-by-60, so I -- at some point, I would like to speak
9 to someone within the next few days as to what will the
10 structure look like and where is it going to be placed?

11 Now, what I did today, I went out to the
12 park, and I measured a 50-by-60 place between the
13 second and third picnic tables on the north side of the
14 park. I was told that they want to keep the center of
15 the park open for soccer, baseball, whatever.

16 Well, when you put it on -- on the north
17 side, there's still plenty of room. That whole center
18 side of the park is open, so -- and the other thing is
19 that on the north and south side, they're all
20 backyards, so they have at least a 6-foot fence where
21 they're not going to see the structure, and, again, I
22 don't know how tall it's going to be, but every time we
23 would look out a window or go into the front yard, we
24 would see this 50-by-60 structure staring us in the
25 face, so my concern is and what I would like to know is

1 if it's possible to have it moved either to the north
2 side of the park or to the south side of the park, and
3 still there will be plenty of room to leave that whole
4 section in the center open. The baseball diamonds
5 would be there, the center would be there for soccer.

6 In all the years that we've lived there,
7 they've never had official games, either baseball or
8 soccer or football. People go there -- they do go for
9 practice, but not with regularity.

10 In fact, tonight, there was some young boys
11 with soccer practice, and they're practicing not in the
12 center of the field but over by the basketball courts,
13 so I -- again, could that possibly be moved where it's
14 less obtrusive to those who live on El Portal?

15 The other thing is we were told that they
16 were going to put Crepe Myrtle around it. Well, my
17 daughter has Crepe Myrtle in the front yard. It blooms
18 about three months out of the year. The rest of the
19 time, it just kind of looks barren and ugly, so if you
20 insist on putting it in front of our home, could there
21 be something more pretty? Could there be trees planted
22 around it so when they go out into the front yard or
23 they look out their windows, they don't see this
24 50-by-60 thing staring them in the face? The other
25 thing that concerns me is my property value and how

1 that will affect my property value, as well, so I thank
2 you for your time, and I hope that we can discuss this
3 a little further. I'll be here until Monday if someone
4 would like to meet with me. All right. Thank you very
5 much.

6 UNIDENTIFIED MALE SPEAKER: Mr. Houten
7 (phonetic) -- if you would provide Mr. Houten the
8 information, he can contact you, and thank you very
9 much and our prayers with you and your daughter and
10 your family.

11 DAUGHTER OF PAT ANDERSON: Can I make just a very
12 brief comment? I am the one that lives in the home,
13 and I did go to the public meeting. I was one of like
14 three neighbors that actually showed up to the public
15 meeting, which is where I got this information from.

16 My mom actually resides in Oregon, and
17 so -- I'm sorry. I forgot what I was going to say, but
18 I work from home, so I'm going to see this all the
19 time, but my concern, too, is that -- I forgot now what
20 I was going to say, but I am the one who lives there,
21 and I will be looking at this all the time, and so
22 obviously, I'm going to be the one that has to look at
23 it.

24 MAYOR DeBRUM: Okay. Mr. Houten will take care
25 of that.

1 UNIDENTIFIED MALE SPEAKER: (Inaudible)
2 afternoon.

3 MAYOR DeBRUM: May I have a motion, please?

4 COUNCILMAN SILVERMAN: Move to 1A.

5 MAYOR DeBRUM: Second? Properly moved and
6 seconded to move on 1A. All those in favor, signify by
7 saying aye.

8 (Councilmembers responded aye.)

9 MAYOR DeBRUM: (Inaudible). Motion carries four
10 to zero, and if you will please follow up with that and
11 make sure that we're covering that.

12 UNIDENTIFIED FEMALE SPEAKER: We'll follow up.

13 MAYOR DeBRUM: Next item, please.

14 UNIDENTIFIED FEMALE SPEAKER: I was writing that
15 down. Okay. A8. Adopt a resolution approving capital
16 improvement plan amendment and budget appropriations as
17 listed on the fiscal impact section determining
18 Loduca -- determining F. Loduca Company to be the
19 lowest responsible bidder for the Manteca Dog Park and
20 golf course entry sign projects and awarding a contract
21 to F. Loduca Company for an amount not to exceed
22 243,993, authorizing the Mayor to sign all necessary
23 documents and authorizing the City Manager to approve
24 change orders up to 10 percent of the contract amount.

25 MAYOR DeBRUM: I pulled this -- this item

1 specifically for the 10 percent override charge that
2 was discussed at a previous meeting. I was not here.
3 It was my assumption that we were going to move forward
4 on all projects at the 3 percent level.

5 I was not assured that, but I would
6 certainly like to see us move back to going to 3
7 percent level, versus the 10 percent level that's on
8 here, and I would make that as a motion, 3 percent.

9 COUNCILMAN SILVERMAN: I'd -- motion to approve
10 that, as well. It was our intent originally to do that
11 throughout the process of all bids.

12 UNIDENTIFIED MALE SPEAKER: I'll second the
13 motion.

14 MAYOR DeBRUM: Properly moved and seconded. Is
15 there any discussion? Seeing none, all those in favor,
16 signify by saying aye.

17 (Councilmembers responded aye.)

18 MAYOR DeBRUM: (Inaudible) sign. Motion carries
19 four to zero. Next item?

20 UNIDENTIFIED FEMALE SPEAKER: Item A12, adopt a
21 resolution approving a budget appropriation of \$77,390
22 from government building facility fund reserves to
23 Capital Projects Corps yard/animal control
24 consolidation. Property taxes due on assessor parcel
25 No. 221-030-17 and 221-030-20.

1 MAYOR DeBRUM: I polled this for one particular
2 reason. When I received my book and I started reading
3 it and I got to this item on the property tax and the
4 assessor's role, the property tax has not been paid for
5 six years, and it's a major concern of mine.

6 Have we found out anything as to where the
7 information was sent to and the tax bill and what are
8 we looking at?

9 MS. REYES: The issue has been corrected. The
10 tax bill will be sent to the correct address, which is
11 the City Administration Office. The address that the
12 previous five years, I don't have that definite
13 information as yet.

14 MAYOR DeBRUM: Okay. Anything else on that? So
15 that has been taken care of, and we're moving forward,
16 correct?

17 MS. REYES: It has.

18 MAYOR DeBRUM: Thank you. I move to approve
19 that.

20 COUNCILMAN SILVERMAN: Second.

21 MAYOR DeBRUM: Properly moved and seconded to
22 move on item A12. All in favor, signify by saying aye.

23 (Councilmembers responded aye.)

24 MAYOR DeBRUM: (Inaudible). Motion carries four
25 to zero.

1 Now moving on to item A13.

2 UNIDENTIFIED FEMALE SPEAKER: Adopt a resolution
3 approving the City of Manteca Development Services fund
4 reserve policy.

5 MAYOR DeBRUM: Mr. Beckman?

6 JOHN BECKMAN: Thank you, Mr. Mayor. John
7 Beckman, Building Industry Association.

8 The BIA endorses the idea and the concept
9 of creating a reserve policy. We understand why you
10 want to do it and it's a good idea generally speaking.

11 There's a few key components in here,
12 though, that are very troubling. The reserve policy
13 states that the fund is going to be largely
14 self-sufficient, but then it goes on to identify
15 expenditure volatility with special projects without a
16 funding source or new unfunded mandate as potential use
17 for the reserve policy.

18 The leverage, common examples include
19 pensions, unfunded asset maintenance, and debt that
20 could be used -- could be viable uses of the reserve
21 funds, and far more troubling is even capital projects,
22 it says, "Through the use of a capital improvement plan
23 determine high priority projects without a dedicated
24 funding source where reserves may be required as a
25 funding source."

1 Now, the concept of a reserve fund for
2 Development Services, which we would support, is to be
3 utilized to build up a little bit of reserves, and in
4 the down times when you need money to fund Development
5 Services, plan check and inspections and stuff like
6 that, that the money is there to use, and that's great,
7 but if you're using it for unfunded capital improvement
8 plans or using it for maintenance and debt or using it
9 for other projects or unfunded mandates, then the money
10 won't be there for the purpose of providing Development
11 Services, which is the only reason we would support
12 this, so those inclusions in this policy is very
13 troubling. I'd like to see that modified or reserved.

14 Also, the reserve policy states that
15 reserve amounts will be six months for planning, six
16 months for engineering, and twelve months for building
17 safety, twelve months of the budgeted amount.

18 That seems like a reasonable amount to have
19 as your goal, as your maximum to collect up to.
20 However, once we reach those amounts, it talks very
21 clearly about making sure we don't get below those, and
22 if we do get below those, how we get back, but once we
23 reach those amounts and continue to accumulate more and
24 more and more reserves, there's no provision for what
25 to do, and I think that's very important to include in

1 here that, hey, if we get to twice the amount we're
2 asking for that automatic fee reductions be put into
3 place or something happens prior to that because
4 Development Services fees should be set very close to
5 the cost of providing the services. If you set it
6 above that, you're not compliant with the law.

7 Now, granted, we set it above that a little
8 bit to build up a reserve, but if you get -- if you're
9 collecting way more than the cost to provide services
10 and you get this large reserve, we have a legal issue
11 problem, and I'm also concerned about what's going to
12 happen to that money because according to the policy,
13 you can use it for the banks, so I don't want to see a
14 large reserve built up because it might get sent out to
15 do other things.

16 Don't want to build up a large reserve
17 because it might not comply with the law to do so, and
18 the speed at which you collect this reserve currently,
19 the fees are scheduled, by my estimation, to get to
20 your targeted reserve amount in roughly three and a
21 half years.

22 Now, that requires a much higher fee to get
23 to that level in three and a half years. We would much
24 rather see -- we're in favor of the reserve policy.

25 We'd much rather see getting there in about

1 seven or eight years, slowly building it up over time,
2 as opposed to charging a lot of fees now to build up
3 that reserve right away, so those are all of the
4 considerations that we would like you to take into your
5 deliberations before you adopt this policy as-is.

6 I think it creates a lot of problems. We
7 want to solve problems, not create them. Thank you.

8 MAYOR DeBRUM: Thank you. So, Miss Reyes, who is
9 going to answer the questions?

10 MS. REYES: Suzanne, the finance director, will
11 answer some specific questions. I would like to add
12 before Suzanne answers that, during the budget process,
13 during the city's annual budget process, the fees
14 collected will be estimated. We're actually going to
15 have some history to base the '17, '18 budget on, so
16 those fees can change, and that would happen during the
17 budget process, so staff is going to do their due
18 diligence to ensure that we are only charging what it
19 costs the city to provide the service, and as it
20 relates to a reserve, we're going to have a projection
21 come '17, '18 as to what kind of progress this reserve
22 is making.

23 If it's moving too fast, then those fees
24 get adjusted. If it's moving too slow, those fees get
25 adjusted. If we need a cap because we see that we're

1 making progress, we develop a cap at that time.

2 At this point, it's premature to do that
3 because we haven't implemented it yet. We don't have
4 actual history, so we're trying to be as diligent as
5 possible.

6 In reference to the policy itself, we
7 worded it consistent with the city's general fund
8 policy. We want to be consistent with our policies,
9 and number two, we want to build in flexibility, so
10 flexibility as to how the resources can be used keeping
11 in mind that no funding can be appropriated without
12 coming to council for approval, so just as it was done
13 this year, the projects would come to council.

14 Clearly, the source of those funds would be
15 identified, and if we would, at that point, find it in
16 the city's interest to modify the policy, that would be
17 the perfect time to do it.

18 Suzanne, do you have anything to add to
19 that?

20 DIRECTOR SUZANNE: I do. In response to
21 Mr. Beckman's comments, the Article 4 talks about the
22 criteria for establishing an appropriate level of
23 reserve, not for the purpose for which the reserve is
24 being used, so again, it's standard language that we've
25 used.

1 It's standard criteria set forth through
2 the ASBEE (phonetic) as to why you would establish this
3 criteria in this level (Inaudible), so it doesn't
4 outline the purposes.

5 The manager appropriately said any
6 (Inaudible) before council has an appropriation in the
7 annual budget.

8 The basis of the reserve and the fee study
9 is the operating expenditures put forward in the study
10 and projected in the study, so it's not a collection
11 above that amount. It's an established amount.

12 I believe Mr. (Inaudible) can confirm it's
13 over a five-year period of time.

14 UNIDENTIFIED MALE SPEAKER: Yes.

15 DIRECTOR SUZANNE: To bring us up to the
16 appropriate reserve. Again, when we look at '16, '17,
17 we're looking at a projected reserve without an
18 increase to our fees of less than 1 percent, so, yes,
19 the fees are including, but we have a lot of room to
20 gain to even get close to having an appropriate reserve
21 level of this fund.

22 As far as the maximum, as stated before, as
23 we reach the top ends of these, we obviously will come
24 back to look at our rates to determine whether they
25 need to be adjusted. Once the reserve has been built

1 up, then the fees will be looked at to be sure they're
2 corresponding with the reserve policies and not
3 exceeding (Inaudible) policies.

4 The real key for us is being physically
5 resilient, is making sure when they drop below those
6 minimums, how we reestablish that reserve amount.

7 MAYOR DeBRUM: One question I have in terms of a
8 placement of a cap, we could take and analyze that
9 prior to development of the '17, '18 budget review and
10 make that determination if we wanted to, a cap at that
11 time?

12 DIRECTOR SUZANNE: I would need more information
13 about the cap, but absolutely, everything could be done
14 in conjunction with the '17, '18 budget, and we look at
15 those expenditures.

16 What we also need to keep in mind is as we
17 look at those reserves, we're averaging building,
18 estimating it out of our five-year period, so if we
19 have a strong building period that exceeds that
20 average, you may see revenues and reserve build up, but
21 then again, that's the intent because when we get to
22 the downward cycle, we want the funds there, so it's a
23 balancing act as we look at it.

24 We want to look at what we're doing in
25 building permits and (Inaudible) a fee study to see if

1 they're exceeding that projection and make adjustments
2 accordingly.

3 MAYOR DeBRUM: Any other questions from the
4 council?

5 COUNCILMAN SILVERMAN: I'd like to explore it a
6 little bit more. What this reserve fund can be used
7 for, is it just a slush fund that can be used for
8 anything or --

9 DIRECTOR SUZANNE: Absolutely not. What we have
10 to remember is all of these fees and Development
11 Services fund are what we call special revenue funds,
12 and, therefore, they're legally restricted, so they can
13 only be used for the purpose in which they're
14 collected.

15 At this time, that's Development Services,
16 so that would be building, planning, and engineering
17 within that function.

18 COUNCILMAN SILVERMAN: Okay. So we can't --
19 future council doesn't take money from this fund and
20 use it to build a library?

21 DIRECTOR SUZANNE: Absolutely not. It's a
22 restricted (Inaudible). It can only be used for this
23 purpose.

24 COUNCILMAN SILVERMAN: Thank you. That answered
25 that one.

1 MAYOR DeBRUM: Questions?

2 COUNCILMAN MOROWIT: I, as well, spoke to the
3 City Manager previously regarding this matter. I'm
4 comfortable with it, with the understanding that the
5 council reviews it with the budget, as well.

6 It isn't just something -- I appreciate
7 Mr. Beckman's comments, and I do understand where he's
8 coming from, and some of the literature, he left with
9 us. I feel that we need to get started, as well, and
10 start collecting some fees to keep us in current.

11 We know there will be a downturn. We just
12 don't know when. At this time, we're quite frankly a
13 little shallow in that department. We need more folks,
14 and we've held off hiring them prudently because we
15 don't have the funds to finish the year off, so I would
16 not be -- I'm in favor of this at this time with the
17 understanding that we'll look at it again, and, of
18 course, we have to stay within the law, and that's
19 something we have no choice, so I feel that this is a
20 right direction to go in. If we do collect more money,
21 unfortunately, I never feel anybody that ever collects
22 more savings than it needs, but in this particular
23 case, we have to be careful and be mindful of that to
24 stay in accordance with the law, so I'm confident that
25 if we look at this yearly and make sure we're

1 collecting not too much, but keeping within the
2 boundaries of the law that it seems reasonable at this
3 particular time. I'm in favor of it.

4 MAYOR DeBRUM: Thank you. Anybody? Okay. What
5 is the council's pleasure?

6 COUNCILMAN SILVERMAN: Motion for approval.

7 UNIDENTIFIED MALE SPEAKER: I'll second it.

8 MAYOR DeBRUM: It's been properly moved and
9 seconded on item A13 to adopt resolution approving City
10 of Manteca Development Services fund reserve policy.
11 All in favor, signify by saying aye.

12 (Councilmembers responded aye.)

13 MAYOR DeBRUM: (Inaudible) sign. The motion
14 carries four to zero.

15 Ladies and gentlemen, we'll now go back to
16 the proclamation presentation for Tubbs & Son, so if
17 they would please come forward.

18 UNIDENTIFIED FEMALE SPEAKER: All right. Well,
19 we are here now for a certificate of recognition
20 presented to Tubbs & Sons Electric. The Manteca City
21 Council congratulates you on your 30th reunion as 1986
22 softball ASA national fast ball champions. Your
23 achievement plays an important part in Manteca's
24 history.

25 UNIDENTIFIED MALE SPEAKER: You bet. You know,

1 it certainly is a pleasure. We have an opportunity
2 that every once in awhile, I'll stop by John's office
3 and talk to him for a moment, and he was telling me
4 about the 1986 national championship of Manteca.

5 Probably one of the very few, if not the
6 only one, national champion that we've had in our --
7 national champion in our community, and so he and I had
8 the opportunity to sit and talk for a few minutes, and
9 I said, "Well, maybe there's a real opportunity that we
10 could recognize the team for their accomplishment back
11 in 1986," and so, John, I'm going to turn this over to
12 you.

13 Congratulations for a job well done back
14 then. It took 30 years for us to re-recognize you and
15 your team's accomplishment.

16 JOHN: First of all, I want to introduce our
17 players. (Inaudible) all American, and Dean Euker
18 (phonetic) played all kinds of positions for us. Pat
19 Rourke next to me, who didn't make it to the nationals
20 but who's been part of our team for years and years.
21 We've got Steve Reese, who was second team all American
22 first base. We've got Bruce King, who was our pitcher
23 that is second team all American, and Bob Dugo
24 (phonetic) was the most valuable pitcher at the
25 nationals. He went 4 and 0. And Ralph Odin, who

1 played every position that I could ask him to play, and
2 then Brett Chamberlain, who was also second string all
3 American.

4 That's the team. I've got a little
5 something to say here, and I have to make it quick.
6 Three minutes.

7 Wow, 30 years ago, we received the key to
8 the City of Manteca for our national fast pitch
9 championship team. We would again like to re-thank the
10 City Council and Mayor Steve DeBrum for this
11 accomplishment.

12 Tubbs & Sons Electric has sponsored over 20
13 years of fast pitch softball. We averaged over each
14 six-month season, approximately 175 games, which means
15 we played over 3,500 games, so if we played that many
16 games, we should have got good pretty soon.

17 My mainstay with the game was always to
18 make Manteca players my top priority, and as you can
19 see, a lot of Manteca players -- we had over 300 fast
20 pitch softball players that played on my fast pitch
21 team. I thought that was really amazing.

22 When we first made arrangements to go to
23 the magic city, Minot, North Dakota, we had over 60
24 fans and players. Even our famous fans of the
25 Zimmermans were going, and his son, Billy, and Tom's

1 son and daughter are here tonight, so we remember them.

2 We were -- our players and us were flying
3 through Frontier Airlines, and we were going to fly
4 directly from Stockton to Minot, North Dakota.

5 However, three days before we were to leave, Frontier
6 went out of business.

7 Unbelievably, we were able to scramble
8 flights to get there, but prices increased
9 tremendously. Thus, only 14 players, one bat boy, my
10 ten-year-old son, and Pete Duenas' girlfriend, who is
11 now his wife, made the trip.

12 After beating the North Dakota state
13 champion Fargo Knights 8 to nothing, we became the
14 Cinderella team of the terminal beating two-time
15 national champion Hall Construction of Honey Brook,
16 Pennsylvania 5 to 4 and T&D Sports of Santa Rosa,
17 California 6 to 5, beating Michigan State champ,
18 Brewers Sunnycote of Ann Arbor, Michigan 4 to 3.

19 Then came our only loss of the tournament.
20 We lost to Burbank Remax of California 6 to 3, and that
21 was Monday, Labor Day morning, so we had to come back
22 in the afternoon, and we defeated Ohio Columbus Metro 7
23 to 3 to replay Burbank Remax in the championship game.

24 We went 14 innings -- still a record -- in
25 a thrilling come-from-behind victory to win 5 to 4. It

1 was just amazing to see us jump up and down and win
2 that game to put it into a championship game, so we got
3 to play them one more time, which ended right before
4 midnight, so our Cinderella team was -- luckily it
5 ended before midnight.

6 We won that game 6 to 2 to win the
7 championship. Every fast pitch player always dreams of
8 playing it in and winning a national championship. We
9 played great. We played with fun and probably --
10 proudly representing the City of Manteca won the 1986
11 A national championship.

12 Finally, September 3rd, Saturday, a Labor
13 Day weekend, the Stockton Ports had contacted us, and
14 their baseball team was recognizing our team out on the
15 field. They were going to have us throw out the first
16 pitch. I'm probably going to get my bat boy June the
17 2nd to throw it out because he's probably the only one
18 to reach home plate out of the group, unless we do it
19 underhand, or I might get my 91-year-old father,
20 Willard, to get out there and throw it in there. That
21 would be good.

22 So if you can, for the pre-game ceremonies,
23 come out and support us, and hope to see you there.
24 They also have pins and (Inaudible).

25 MAYOR DeBRUM: We'll now move on to item B1,

1 public hearing.

2 UNIDENTIFIED FEMALE SPEAKER: Accept user fee
3 study and report by Capital Accounting Partners, LLC
4 and staff, and adopt a resolution establishing new fee
5 schedules for planning, building safety, development
6 engineering, parks and fire prevention related to
7 development processing.

8 UNIDENTIFIED FEMALE SPEAKER: Mayor and
9 Councilmembers, we've got our Director Clark who will
10 give a background on this particular item followed by a
11 presentation by the consultants, Capital Accounting
12 Partners. Mr. Clark?

13 MR. CLARK: Thank you. Good evening, Mayor and
14 Council. Our last user fee was approved in 2010 six
15 years ago.

16 As you recall, our economy was not doing so
17 well back then. They were still building quite a few
18 houses, but our economy was slow.

19 Well, since that time, the economy has
20 steadily improved. There we go. Excellent. If you
21 can see, back in 2010, we had a banner year. There was
22 a tax credit given at that time, as well as to meet a
23 code change that occurs every three years.

24 A lot of permits were pulled in that year,
25 but had those not been there, we would have been around

1 300 permits for single-family homes in 2010.

2 The graph also shows that since that time,
3 our economy has continuously improved. Last year, we
4 finished at 508 single-family homes in the year.

5 Along with those additional housing units,
6 the processing of the workload has definitely
7 increased. Add to that there are state mandated
8 programs that have been added such as San Juelo
9 (phonetic), which is for irrigation conservation, and
10 the MS4 standards, which is increased storm drainage
11 requirements.

12 Currently, community development is not
13 meeting its state requirements for review times. To
14 address that, you added five positions in this year's
15 budget. However, those positions have not been filled
16 because funding is contingent upon the approval of this
17 user fee study. However, it is the right time to
18 proceed ahead with this.

19 In 2010, median house price was about
20 190,000. Currently it's about 347, say, 350,000. It's
21 almost doubled.

22 The user fees that we apply to building
23 homes here is currently around \$1600. That's less than
24 1 percent, and with the proposed increases, it will
25 still be less than 1 percent. There are three things

1 you need to know about this user fee study.

2 First thing, it's based on full cost
3 recovery. The idea here is that if Development
4 Services is providing a service, a review of plans and
5 inspection of construction, that those services be paid
6 for by those receiving the service, namely, the
7 development community.

8 It's important to note that planning spends
9 about 60 percent of its time addressing development
10 issues, and so just that 60 percent of time is figured
11 into the study. The other 40 percent is based on
12 general issues, and it's paid for out of the general
13 fund.

14 The second item, user fee study, includes a
15 long-range planning fee. Tonight, you approved a
16 general plan update at a cost of \$700,000. That money
17 came out of the general fund. General plan typically
18 relates to new development.

19 Once a building is up, its dependence on
20 the general plan is nix to nil, so that funding really
21 should come out of the development community, and we
22 should build up to that. It's why we do a general plan
23 update approximately every ten years.

24 The third item is that the user fee study
25 includes the build-up of reserves over a five-year

1 period.

2 Now, the reserve policy, you've already
3 considered, you've approved it. Know that the
4 calculation is included in the user fees that are
5 presented tonight, so with that, I would like to
6 introduce Daniel Edds. He's with Capital Accounting
7 Partners, and he put together our user fee study that
8 you're about to consider.

9 DANIEL EDDS: Good evening, Mr. Mayor, Members of
10 the Council. Thank you so much for having us, and
11 while this is getting set up, let me just say that it
12 has been a pleasure working with the city and your very
13 fine staff.

14 There's been over 200 hours put into this
15 project, in terms of the analysis of cost -- and there
16 we go. And I've really got to say, I work with a lot
17 of cities, and this has been a joy. You've got a great
18 staff, a very accommodating, very diligent, wanting to
19 get to, you know, the root of any issue that may have
20 popped up, very thorough in the analysis.

21 We spent most of that 200 hours was either
22 in conference calls. A whole lot of it was sitting
23 around a conference table reviewing the internal
24 processes and procedures to actually execute on
25 planning applications and engineering applications, as

1 well as building plan permits.

2 The project scope was essentially building
3 fees, planning fees, engineering fees, fire prevention
4 fees, and then at the last minute, we looked at the
5 parks fees as it relates to development, and let me
6 just mention at the outset, I do have a place for
7 questions at the very tail end of the presentation, but
8 there is a short presentation, and so if you have a
9 question that comes to mind, just stop me, and I'll --
10 I'm happy to respond at that time.

11 Included in the cost, Fredric mentioned
12 full cost. We did look at all costs, including city
13 overhead costs, but we looked -- so we looked at the
14 2016, '17 budget for operational and personnel costs as
15 it's been discussed already.

16 We did include costs for reserves. This
17 presentation really focuses on the results, so I'm not
18 sure that you can see what's on the screen, but I think
19 you have the power point in front of you. You see
20 there that currently, building, in terms of my
21 projection of revenue, is generating about 2.1 million
22 dollars in revenue -- excuse me -- 1.8 million dollars
23 in revenue, but the cost is actually 2.1 million, so
24 there's about a \$250,000 shortfall; however, if we add
25 the reserves in on that, that brings it up to about

1 where it should be.

2 Planning is falling short of expenditures
3 by about 479,000, and (Inaudible) by 662,000 for a
4 total of almost 1.4 million dollars.

5 We include the shortfalls and fire
6 prevention and parks. It's about 1.5 million dollars,
7 and let me just add my input into the reserves.

8 Every one of my clients as we came out of
9 the recession was talking to me about reserves, and
10 every one of them wished they had good, solid reserve
11 policies, so what you just set in motion tonight, I
12 would totally applaud and affirm that just as being
13 part of good, sound financial decision making.

14 We did do some significant changes in the
15 building fee structure. Currently as of the moment,
16 building fees are calculated based on a cost per square
17 foot by building type and size.

18 Staff wanted to go to the more traditional
19 valuation-based model, and so we set the fees up based
20 on that, but not just -- not on construction value but
21 on an independent analysis of value through the ICC
22 valuation table, so that's an independent assessment of
23 valuation, rather than of construction cost. Then we
24 just apply a simple multiplier to that valuation, and
25 that gets us to the building fee.

1 One of the more important aspects of a
2 project like this is comparisons, and we chose --
3 working with staff, we identified five other cities as
4 benchmark cities for purposes of comparison, Elk Grove,
5 Stockton, Merced, Modesto, and Tracy, and what I'd like
6 to advise council and my clients is in looking at
7 comparisons, don't look at an individual service or an
8 individual fee because one city can use the exact same
9 language for a fee, but it's a very different kind of a
10 fee than what is here.

11 Just talking with Kevin, and the question
12 came about encroachment permits; you define
13 encroachment permits one way, and the City of Tracy can
14 define an encroachment permit in a very different way,
15 and so I generally say, look at the trend. Does the
16 trend show that the fees have been established for the
17 city? Do they show a reasonable relationship in terms
18 of a trend with its benchmark cities?

19 So you see here a 3,000 square foot house
20 on an 8,000 square foot lot. The current fee in the
21 green bar is a little less than \$2,000, and the actual
22 cost is closer to 26, \$2700, but it's still very much
23 in line with the benchmark communities that we
24 identified. Same thing for a thousand square foot
25 remodel of a single-family dwelling.

1 In this case, the actual fee would go down,
2 but still, it's very much in line with -- in terms of a
3 trend with the other benchmark cities. Total public
4 improvement, plan check and inspection fees on a
5 project with a valuation of \$750,000, this fee would
6 actually be going up relative to its current fee, but
7 still, it's actually at the lower end of the trend, but
8 still within a reasonable trend in comparison to the
9 other benchmark cities.

10 Same thing for encroachment permit, that
11 fee would go up. It's at the upper end of the
12 spectrum, but clearly not as high in this case as
13 Stockton. Tentative subdivision map, this is a
14 planning fee that would be going up.

15 Again, it's still in my judgment, you know,
16 in a relative trend. It's at the upper end of that
17 trend relative to the benchmark jurisdictions. Again,
18 it's within a reasonable trend, if you will.

19 Conditional use permit, this is the one
20 area where the fee would go up and it would be at the
21 highest end of the benchmark city. This is the only
22 one that would show a fee greater than the benchmark
23 cities.

24 A few observations on my own, one is that
25 there's currently no dedicated funding source for

1 long-range planning, and this tends to be almost a
2 personal one for me. I've seen way too many times
3 where city services have been -- had to be curtailed
4 because the state has come in and said, you haven't
5 done a planning or a general plan update for 20 years.
6 If you don't do it now, we're going to fine you.

7 My standard example is a city just south of
8 here where they hadn't updated the general plan update
9 in many, many years. The state came in, was
10 threatening fines and had to shut down the library two
11 days a week to pay for it, and in a meeting like this,
12 I mentioned that what we've done is establish the fee
13 for long-range planning, and the Assistant Deputy City
14 Manager actually walked me out to my car, said, "You
15 have no idea what you just said tonight, do you?" I
16 said, "No, but it must have been interesting."

17 So then he told me that the 25 people were
18 circling the room were from the Friends of the Library,
19 and they were the ones that were complaining because
20 the library shut down because they had to pay for the
21 general plan update, so that's my standard example of
22 why we have to establish a funding source for the
23 general plan update.

24 We have established a fee for the
25 long-range planning, and that is based on a -- it's a

1 17.2 cents per square foot for all new construction.
2 Another recommendation to adopt a policy for full cost
3 recovery unless there is a compelling reason not to.

4 The fees that have been established that
5 you're being asked to implement tonight, those are all
6 based on full cost recovery, and then my other
7 recommendation is always to adjust fees annually but
8 with a full assessment of cost every three to five
9 years just like what we have done so that you have the
10 ability to keep your fees up with costs.

11 I've done several of these exercises
12 where -- in fact, I'm doing three right now where the
13 fees have not been adjusted in excess of 20 years, and
14 it's very challenging, to say the least, internally on
15 the organization, as well as now to come back and have
16 to adjust fees upward in amounts that are dramatic,
17 shall we say, and that is my presentation. I'm here
18 for questions, comments, observations.

19 MAYOR DeBRUM: Any questions before I open the
20 (Inaudible)?

21 UNIDENTIFIED MALE SPEAKER: I'll wait.

22 MAYOR DeBRUM: Okay. Thank you, sir. I will now
23 open the public hearing for item B1, and do we have any
24 speakers?

25 UNIDENTIFIED FEMALE SPEAKER: John Beckman.

1 MAYOR DeBRUM: Mr. Beckman?

2 JOHN BECKMAN: All right. Good evening again,
3 Mayor, Council. John Beckman, Building Industry
4 Association.

5 So, again, we understand the need to do an
6 update on the fees, and the fees -- the proposed fees
7 seem proportionally appropriate, but in aggregate, we
8 disagree with the conclusions.

9 For starters, the notion that you need to
10 charge a fee for long-range planning and collect
11 \$270,000 annually, you just heard a great story as to
12 why having the general plan updated on a regular basis
13 is important.

14 The state will penalize you if you don't.
15 Having a good reason to set aside funds and do it is
16 not legal justification for increasing fees on
17 Development Services to pay for what you have a good
18 reason to do.

19 Development Services fees by law cannot
20 exceed the cost providing the service that the fee is
21 paid for. If you add a -- if I add a room to your
22 house, if you put in a water heater, if you build a
23 subdivision, what service are we paying for?

24 General plan is not a service that we're
25 paying for. It is a city-wide benefit that everyone in

1 Manteca enjoys the benefit there of, and the city
2 government does not get penalized by the state by
3 having a general plan.

4 Those are really good reasons to have one
5 and pay for one, but that does not justify charging a
6 fee for a service because there's no service being
7 provided to the person paying the fee.

8 There is, however, a general plan amendment
9 fee that is paid when we want to amend the general
10 plan. When somebody in the community wants to do
11 something with the general plan, wants to utilize the
12 general plan, there's a specific fee that we pay to do
13 so, so we're already paying a fee in regards to the
14 general plan when we need to use the general plan, so
15 \$270,000 annually, I have a very strong discomfort with
16 leaving that in here. It is an indication that the law
17 is not being followed.

18 Councilmember Morowit, you stated during
19 the previous discussion on the reserve policy that you
20 must stay within the law, that you have no choice, and
21 my job, it would be much easier if every council just
22 stayed within the law, but as we can see in this
23 long-range planning general plan fee, the law gets
24 interesting because it says you can't charge a fee
25 beyond the cost of the service.

1 What's the cost of the service here? Are
2 you within the law? We are not in the business of
3 litigating and fighting battles in court.

4 Unfortunately, occasionally that has to
5 happen because occasionally there are cities out there
6 that choose not to follow the law. I don't want to see
7 Manteca get too close to that line.

8 This is an indication we're getting close
9 to the line. The reserve policy is another indication
10 we're getting close to the line. Staff has to bring
11 something back to you if they want to spend money out
12 of that reserve fund that would now be accumulated.

13 A few years from now, you might not be the
14 folks sitting up there and you might not remember this
15 conversation that you can't use that money for
16 purposes, other than Development Services fees.

17 The policy that is the guiding light for
18 the folks sitting up there says you can use it for
19 capital improvement plans.

20 That's not legally justifiable. If you
21 were to do so, you'd be outside the bounds of the law.
22 Yet, the policy itself allows you to do that, so when
23 the folks sitting up there look for guidance, they're
24 going to see that the policy allows you to spend this
25 money, and you're not going to remember this

1 conversation unless I come back here to remind you of
2 it, so I'm asking you, don't allow such a large amount
3 of money to get accumulated into a fund that may, by
4 policy, be spent in a way that's not in conformance
5 with the law.

6 I'm asking for clarification. Either reign
7 in what this money can be spent on and put tighter
8 reigns on it or don't allow such a large amount to be
9 put in there to begin with.

10 The indication that this reserve fund is
11 going to hit its target in five years, in five years at
12 the amount budgeted is \$2,345,000 in five years --

13 MAYOR DeBRUM: Wrap it up, please.

14 JOHN BECKMAN: -- but the budget amount for the
15 budget target reserve amount is only 1.8 million.

16 You're going to be \$400,000 over in five
17 years. In just four years' time, you're going to hit
18 that target, so, please, either don't allow it to
19 accumulate so much money in there or put tighter reigns
20 on it. Thank you.

21 MAYOR DeBRUM: Thank you, Mr. Beckman. Do we
22 have anyone else that wishes to speak to the council?
23 Anyone else wishing to speak to the council on this
24 matter? Seeing none, I shall close the public hearing.
25 Mr. Morowit?

1 COUNCILMAN MOROWIT: Yes, I have some questions.
2 I actually had a conclusion I was writing, but I think
3 I want to start and maybe address Mr. Beckman's
4 concern, and I'll maybe direct that to Mr. Clark.

5 Can you elaborate a little bit on that
6 fee -- annual fee? I'm familiar with the reserve. I
7 understand the concept of that, and I do want to make
8 sure we stay within the constraints of the law.

9 I'm a little concerned about this
10 particular portion of it, only because it is a little
11 unspecified as an additional fee, so can you explain
12 how this will not cause a problem down the road by
13 collecting this? It's not going into the reserves, the
14 \$270,000 annual fee for the update.

15 MR. CLARK: The update, yes. Okay.

16 COUNCILMAN MOROWIT: Correct.

17 MR. CLARK: Okay. You build a home and it was
18 built last year. Does it require the general plan to
19 exist? The answer is no.

20 The general plan lays out how this
21 community will develop. In other words, green fill
22 development or redevelopment, so it is definitely
23 development which benefits from the general plan.

24 The fact that someone else paid for it up
25 front, I guess it depends on how you look at that. Are

1 they paying back who fronted the money? Are they
2 paying for something going forward?

3 So certainly, they receive a benefit from
4 the general plan. In fact, they receive the primary
5 benefit from the general plan.

6 I would postulate that they're paying back
7 or paid for that general plan. A loan has been taken
8 out, so to speak, because right now, the general fund
9 pays for this general plan update. Development
10 Services isn't. There's no money for it, so in ten
11 years' time when it comes up that you need a general
12 plan update, are you going to take it from the general
13 fund, or should Development Services pay for that? I
14 postulate that Development Services should pay for it.

15 MAYOR DeBRUM: (Inaudible).

16 COUNCILMAN MOROWIT: I agree. I understand what
17 you're saying. I'm just -- and I understand that
18 development, we always speak of the big development,
19 and I understand that.

20 They take the lion's share of the 60
21 percent of what's being done, but I also look at the 40
22 percent of the people that are small businesses, the
23 people who are doing improvements, remodeling jobs and
24 things, and I feel like that's also -- they're paying
25 for that, as well?

1 (Response from audience was inaudible.)

2 MR. CLARK: One question.

3 UNIDENTIFIED MALE SPEAKER: Thank you. We only
4 set the fee or establish the fee to charge on new
5 construction, so a new water heater, swapping out
6 electrical panel would not create -- generate that fee.
7 Just new construction.

8 COUNCILMAN MOROWIT: But I'm speaking directly of
9 this additional 270,000 for the update. How is that --
10 is that number, you're saying, coming just from the
11 bigger developments?

12 UNIDENTIFIED MALE SPEAKER: All new construction
13 of residential and commercial.

14 COUNCILMAN MOROWIT: So it has no effect on
15 anything, other than that through small --

16 UNIDENTIFIED MALE SPEAKER: Right.

17 COUNCILMAN MOROWIT: Okay. Because there was one
18 question that was brought -- the general --

19 MAYOR DeBRUM: I'll answer your question just for
20 clarification because you were asking about the 40
21 percent, not the 60 because the 60 is covered by the
22 general plan -- I mean general fund, I believe.

23 That's where all the dollars and cents come
24 from to pay for that.

25 COUNCILMAN MOROWIT: I got it -- excuse me.

1 That's correct.

2 MAYOR DeBRUM: Yeah.

3 UNIDENTIFIED MALE SPEAKER: Is that it?

4 COUNCILMAN MOROWIT: Yeah. That would be all for
5 this time. Just a little bit of a concern, like I say,
6 regarding an additional fee.

7 We set up new permit fees. I understand
8 that. We need to hire more folks. We established a
9 reserve for the future, and I understand that quite
10 well. It's just an additional fee, and I'm always
11 concerned when we collect additional fees. I
12 understand the purpose of it, as well, thinking in the
13 future, but how much future do we go from?

14 We basically go from an old permit fee with
15 no reserve and no extra monies for this to a
16 full-blown.

17 Now, I do -- I am not concerned about the
18 reserve, as well, and fortunately, I will be on council
19 next year, so I'm comfortable that I will look at that,
20 and I do think the city will look at that because we
21 have to stay within the constraints of the law.

22 I'm a little concerned about this fee in
23 particular just because I feel like it's a little bit
24 stacked. That's my opinion, and I just want to make
25 sure that we don't do something that we regret later

1 even if it's in the spirit of what we're doing, so that
2 was one -- one level.

3 The other thing I want to make sure of is
4 with this new fee structure, we're going to hire five
5 more folks.

6 Now, we expect with that, that the levels
7 of -- the level of service not just for developers but
8 for people coming to the front desk, the people can get
9 information how to do -- I say it again, remodeling,
10 smaller jobs, not just the big ones. I always feel
11 developers have a good handle on what they need to do,
12 and they also need high quality service to move the
13 product along, especially during the good years, but I
14 want to make sure that this will cover the folks that
15 we have but we also get a level of service.

16 Do you feel that this is going to improve,
17 it will have faster times so we can get things done and
18 more information for folks that aren't as familiar with
19 information needed to do jobs? Because I get a lot of
20 people that do say that, you know, they feel that they
21 could use a little help, and I realize we're not
22 necessarily in the tutoring business, but we also
23 should realize we are a service, and I'm hoping that
24 with hiring new folks and getting new fees that they
25 benefit from this at the larger level and at the local,

1 you know, independent level.

2 Like I say, I don't care if it's add a
3 garage or put a roof on or get a permit for something,
4 but I just -- I just want to make sure that we realize
5 it's very important because we're asking for a lot from
6 the community, and we also -- we want to make sure that
7 we have good levels of service just like any other
8 business.

9 MR. CLARK: That is correct, and we feel that the
10 service levels will improve with additional personnel.
11 Right now, we're not meeting regulatory time frames.

12 COUNCILMAN MOROWIT: Yeah, I understand that.
13 And that's important, but, you know, just being on the
14 street and having a business in town, I hear from
15 everyone, not just at the development side.

16 Actually, I don't hear as much from that as
17 I do the folks that just come in to the front desk. I
18 just feel like they're not getting quite the service,
19 and I just don't know how long we can continue that
20 without losing business or people just quite frankly
21 going to another city to do their business, so it's
22 important that we adopt the right policy.

23 I'm still a little on the fence on this
24 extra monies just on principle, so....

25 COUNCILMAN SILVERMAN: Thank you. I have one

1 thing in particular, and another one came up with
2 Mr. Beckman's.

3 I'd like to ask Mr. Brinton to chime in. I
4 felt there was a little bit of a, for lack of a better
5 word, threat made there on legal processes, so I want
6 to make sure we are legal and your opinion on some of
7 this stuff.

8 MR. BRINTON: Reason to hire Nexus studies is to
9 have outside sources that regulate and do this kind of
10 work and verify that the city is not what was thinly
11 veiled. It's not the position of the city to violate
12 the law.

13 We do not violate the law, never
14 intentionally and rarely negligently. The purpose of a
15 Nexus study is to show what your costs are, what the
16 cost of producing the services are, and then it was
17 apportioned based on the statements that were made by
18 the director, as well as the contractor. With that, I
19 think we're on firm ground.

20 COUNCILMAN SILVERMAN: I think that includes --
21 you have reviewed the resolution in such that we would
22 be adopting today?

23 MR. BRINTON: I believe we're on firm ground.

24 COUNCILMAN SILVERMAN: Huh?

25 MR. BRINTON: I believe we're on firm ground.

1 COUNCILMAN SILVERMAN: Okay. Thank you very
2 much. The other one I have a question on is the
3 adjusting of the fees.

4 In the study, Page 18, it calls for
5 adjusting the fees with either a CPI-type increase and
6 then a three to five-year comprehensive review, and I
7 don't see that carried forward into -- in any of our
8 paperwork, any of our resolution, any of our fees, so
9 are we going to adjust the fees on a regular basis, and
10 if so, point to me where that is in our paperwork, not
11 the fee study.

12 MR. CLARK: In the current fiscal budget, '16,
13 '17, we include monies in professional services to
14 bring this very consultant back to look at the fees
15 that are collected through this fiscal year and
16 recommend adjustments.

17 COUNCILMAN SILVERMAN: We can't put into as part
18 of the ordinance a simple CPI adjustment, an automatic
19 July 1st 2 percent?

20 MR. CLARK: We could. We're not recommending
21 that at this time. I think we build better bridges
22 with the development community if we look at actual.

23 COUNCILMAN SILVERMAN: So the plan is to bring
24 this back on a pretty regular basis for adjustments?

25 MS. REYES: On an annual budget basis.

1 COUNCILMAN SILVERMAN: On an annual basis, all
2 the fees?

3 MS. REYES: Yes, all the fees for all the city
4 departments would be reviewed annually in preparation
5 of the budget.

6 COUNCILMAN SILVERMAN: That's not going to cost
7 us a lot of money to do that?

8 MS. REYES: That's part of our budget review
9 process.

10 COUNCILMAN SILVERMAN: Part of that. Okay. I'm
11 a happy camper. Thank you.

12 MAYOR DeBRUM: Debby?

13 COUNCILWOMAN MOORHEAD: I just have one question
14 for John. So how do we ensure that the money collected
15 down the road isn't spent somewhere else?

16 MR. BRINTON: That's why we have accounting
17 processes. That's why we have a City Clerk. That's
18 why we have a City Manager. That's why we have staff
19 that has all of the records of what this council has
20 done. They're monitored.

21 We have a process where we are setting all
22 of these items in place for review. They're done on an
23 annual basis. We have councilmembers, two elected
24 every two years, three elected every two years, so that
25 we have turnover, but we have always-existing

1 councilmembers who have a connection to the past, and
2 the records are here for anyone to look at to see how
3 long it has been since they've been (Inaudible).
4 That's why at times, the city in the past got in
5 trouble by not regularly updating its fees because the
6 problem is, when you go too long updating fees, you
7 have major costs in doing so, and that's when you will
8 hear (Inaudible), rather than (Inaudible) -- fair and
9 reasonable increase to cover just the costs that
10 (Inaudible) -- identified.

11 COUNCILWOMAN MOORHEAD: So if we were to drop
12 into a recession, we can lower the fees?

13 MR. BRINTON: Absolutely, and we can -- we have.

14 COUNCILWOMAN MOORHEAD: Yes, I know. I
15 (Inaudible).

16 MR. BRINTON: Absolutely.

17 COUNCILWOMAN MOORHEAD: So that can happen again?

18 MR. BRINTON: Yes.

19 COUNCILWOMAN MOORHEAD: Okay.

20 MAYOR DeBRUM: Okay. First of all, thank you,
21 Mr. Beckman, for your comments. We certainly
22 appreciate the fact that you were here representing the
23 BIA and voicing your opinion.

24 I think what's really important is the fact
25 that this has been a long time coming, and as Mr. Clark

1 had indicated, 2010 was the last time we took and had
2 the opportunity to evaluate, raise the fees and so
3 forth.

4 Personally from my standpoint, I don't like
5 that as a fact that we need to continue looking at
6 these on an ongoing basis to ensure that the fees are
7 raised or lowered appropriately when required, and I
8 think that's something we certainly need to do as we're
9 going forward.

10 The question was asked a little bit
11 earlier, well, what are we going to do in the future?
12 I can guarantee from my discussions what we're looking
13 at when we hit 2017, '18 and the budget process begins
14 that we're going to continue to look at all the
15 information, bring that forward, and be in a position
16 that we can bring information to the council to make
17 those decisions that are going to be adequate and
18 appropriate to move forward on to make the correct
19 decisions.

20 Through the entire process, you know, when
21 I look at the fee basis and the reserve accounts, I can
22 tell you, I'm the one that sat up here and fought for
23 the reserves and where we needed to go with that.

24 Now it's gotten to the next level where we
25 need to analyze this. We also need to be cognizant of

1 the fact that we need to reduce the fees when we need
2 to.

3 We don't want to put ourselves in the
4 position where we continue to just keep riding them up,
5 up the hill. I think what's so important when we
6 continue to look at all this is that we're going to do
7 it incrementally, and then we will make those necessary
8 changes when required, that we will have everyone
9 looking at it.

10 The other thing that I wanted to allude,
11 Mr. Brinton, was the fact that you named everyone, and
12 I think you also named the City Council because the
13 individuals that sit up here have a fiduciary duty to
14 the citizens of this community to ensure that we're
15 making the correct decisions and we're hopefully asking
16 the right questions and as we're going to continue to
17 move forward.

18 So, you know, that's part of all of it,
19 where we're going, and I think it's so important that
20 we get where we need to be.

21 As we look at the next fiscal year when we
22 start to -- every department, we're going to be looking
23 at the fee structure, what we need to do. I'm one of
24 these individuals, I want to move things along
25 incrementally in small, small portions. I don't want

1 to see big, large raises because you said it exactly.

2 We have a neighbor that increased fees by
3 20 some percent. We don't want to be doing that, so we
4 need to be doing things appropriately and going
5 forward, so what is the council's pleasure?

6 COUNCILMAN SILVERMAN: Move to accept the user
7 fee and study and establish the resolution.

8 MAYOR DeBRUM: Do I have a second?

9 UNIDENTIFIED MALE SPEAKER: Second.

10 MAYOR DeBRUM: All in favor, signify by saying
11 aye.

12 (Councilmembers responded aye.)

13 MAYOR DeBRUM: Opposed, same sign. Motion
14 carries four to zero. Thank you. Moving on to item
15 B2.

16 UNIDENTIFIED FEMALE SPEAKER: Adopt a resolution
17 making findings and approving the tentative subdivision
18 map with conditions of approval and adopting the
19 initial study/mitigated negative declaration for the
20 Dolcinea subdivision.

21 MAYOR DeBRUM: And, ladies and gentlemen, before
22 we move on, if there's any questions, the conditions of
23 approval were not included in there, and they are in
24 the back if somebody wants to review those so we can --
25 we can move on.

1 Good evening, you're going to give us our
2 report?

3 MANDY KING: Yes.

4 MAYOR DeBRUM: Thank you.

5 MANDY KING: Good evening, Mr. Mayor,
6 Councilmembers, ladies and gentlemen. My name is Mandy
7 King, and I am the planner who worked on this project.

8 The Dolcinea project -- Dolcinea
9 subdivision project site is located at 395 North Austin
10 Road. It consists of 8.62 acres, and it is zoned
11 one-family dwelling, and the general plan designation
12 is low-density residential.

13 It is surrounded by homes to the south and
14 the west and undeveloped land designated for
15 single-family homes to the north and the east.

16 The City Council is reviewing a tentative
17 subdivision map, which has 41 lots, three park, slash,
18 basin lots, and one public utility lot. The lots range
19 from about 5,042 square feet to 10,820 square feet, and
20 the lots will have one and two-story homes ranging from
21 about 1500 to 2,000 square feet. There is one entry
22 point from Austin Road and one connection to the north
23 for a future subdivision.

24 This subdivision has a unique design. It
25 has a one-way street, which loops around. There will

1 be parking located on only one side of the street along
2 the homes. The City of Manteca didn't have a one-way
3 street design standard, but the engineering division
4 proposed one, and it was just approved along with
5 (Inaudible) today or tonight.

6 This project is conditioned to comply with
7 that standard. The park area in the middle does not
8 include any sports features and it is not a regional
9 park, so the applicant did not feel that there was any
10 additional parking required or necessary.

11 It is important to note that if that middle
12 area, lot A and B, were both taken out, this would be
13 just a typical two-way street, which is allowed
14 throughout the City of Manteca.

15 Here is an example of a local subdivision
16 which utilizes the same design. It's located in Ripon
17 called Fairway Oaks. There is one entry point.
18 There's one street that loops around the entire
19 subdivision. Parking is allowed only on one, and there
20 are two park, slash, basin lots. It's worked out
21 pretty well for that area and served the community
22 well. The park -- the park area in the center has
23 served the subdivision really well, as well.

24 The project -- an initial study, slash,
25 mitigated negative declaration was prepared for this

1 project, and I notice its intent was routed for a
2 period of 20 days. No concerns or comments were
3 received that would change the project or the document
4 as it was written, so based on the information provided
5 in the staff report, staff recommends that the City
6 Council adopt the resolution provided with the staff
7 report and approve the Dolcinea subdivision along with
8 the conditions of approval.

9 Thank you, and staff is available for
10 questions.

11 MAYOR DeBRUM: Thank you very much. Any
12 questions before I open public hearing? Seeing none,
13 thank you, Mandy. We will now open the public hearing.
14 Do we have anyone who wishes (Inaudible) Council? Good
15 evening.

16 TONI RAYMUS: Good evening. I have something I
17 wanted to pass out real quick. (Inaudible) my name is
18 Toni Raymus with Raymus Homes in Manteca. I want to
19 thank staff. It's been a pleasure working through this
20 project with Mandy and the Planning Community
21 Development Department, and I also have with me, if
22 there's questions, Tony Marshall from MCR, my husband,
23 Andrew, and John Anderson with Anderson Planning.

24 This is a little bit different neighborhood
25 than we normally build, and so you say, well, who is

1 going to live in this neighborhood? We believe it's
2 going to fill a local need.

3 As we've gotten to know our home buyers and
4 our current project at Raceway Collection at Oleander,
5 we discovered there was an unfilled need in town.
6 People were asking us for smaller home sites for less
7 maintenance and less expensive homes, so we began work
8 on Dolcinea.

9 We believe our buyers in Dolcinea will be
10 singles, professionals, young couples, about 40
11 percent, young families with younger children and moved
12 out empty nesters, another 40 percent.

13 The goal is to build a new neighborhood
14 with less expensive housing through somewhat smaller
15 home sites and right sized design of the homes.

16 For that reason, we sought out an architect
17 out of Florida to do the design concept, a well known
18 company, and so we worked with him on the design
19 conceptuals, which are attached to the packages I just
20 handed out.

21 The neighborhood would have one
22 single-story home and two, two-story homes. Roughly,
23 that would be split equally between all three plans.

24 We took -- at the Planning Commission, a
25 few neighbors mentioned concern with the two-story

1 homes backing up to their existing homes. We took that
2 to heart and went back and worked with the architects,
3 and the bedroom windows that would be facing out to the
4 back have been moved to the sides. The only windows
5 facing out to the back at this point would be higher
6 windows at stair landings and in bathrooms that allow
7 light into the house but not really visible out.

8 We also realize that this neighborhood was
9 unique, and we wanted to have an amenity, the park, and
10 I really enjoyed working with Kevin Fant from the Park
11 Department on the preliminary design, and you can see
12 that handout there. There's two small parks, each
13 about 20,000 square feet. It's a path of park. We see
14 one area is designed for reading with park benches and
15 extra trees. Another area for permanent cornhole game,
16 and then we have another area with a picnic table that
17 has a built-in game board for like chess or checkers or
18 something, so we see it as a passive neighborhood park.
19 We don't see it attracting people from out, in.

20 We're in agreement with the conditions of
21 approval, and I'd ask that you approve this project
22 tonight. Thank you, and I'm here to answer any
23 questions.

24 MAYOR DeBRUM: Thank you. Any questions for
25 Ms. Raymus?

1 MR. MOROWIT: Just, Toni, a quicky, what would be
2 the average lot size?

3 TONI RAYMUS: It's a 50 -- a little over 5,000
4 square feet.

5 COUNCILWOMAN MOORHEAD: Toni -- sorry.

6 TONI RAYMUS: No problem.

7 COUNCILWOMAN MOORHEAD: We already had a
8 conversation about the windows facing to the back, and
9 I just think that was really great that was changed.

10 TONI RAYMUS: Well, thank you.

11 COUNCILWOMAN MOORHEAD: I mean, that just shows
12 that you want to make everybody else happy and their
13 privacy is always taken into consideration. I thank
14 you for that.

15 TONI RAYMUS: All right. Thank you.

16 MAYOR DeBRUM: Okay. Do we have anyone else who
17 wishes to address the council? Anyone else wish to
18 address the council? Closed to public hearing.

19 (Inaudible).

20 MR. MOROWIT: I reviewed the project prior. It's
21 a good project and it fills a niche. I think it's
22 important that we try to attract home buyers from all
23 ages and economic backgrounds, and this is important to
24 kind of fulfill some of the affordable needs with
25 slightly smaller lots and is an opportunity for younger

1 people and professionals to move into Manteca or move
2 from within Manteca to a new home. It sounds good.

3 MAYOR DeBRUM: Mr. Silverman?

4 COUNCILMAN SILVERMAN: I, too, reviewed it, like
5 the project. It looks great. I like the 6-foot-wide
6 walkways through the park area.

7 I know the Raymus family is well known for
8 doing quality projects and building quality homes in
9 quality areas. I think this is a good one for an
10 infill area. This is close to being an infill-type
11 project, and I strongly encourage and love to see -- a
12 lot of room yet for infill, but I'm very happy for
13 this.

14 COUNCILWOMAN MOORHEAD: I think it's great. As a
15 matter of fact, I want to go there and play checkers on
16 this table that you have your little board on there.
17 That's really cool.

18 MAYOR DeBRUM: Toni, could you just come back? I
19 just have one quick question for you. I did review it.
20 I think it's a very recognizable project that something
21 is going to be very exciting for our community.

22 As I went through and read the EIR and I
23 was looking at hydrology and the water and so forth,
24 but you had mentioned something to me that you were
25 looking at possibly another mechanism to conserve water

1 and going back into aquifers. Do you want to tell us
2 about that?

3 TONI RAYMUS: Oh, I'm not good at telling you
4 about that, but I can have our engineer come up and
5 tell you.

6 MAYOR DeBRUM: Sure. I thought it was pretty
7 exciting when I heard that, so -- how are you?

8 TONY MARSHALL: Good. Tony Marshall. MCR
9 Engineering. Fredric mentioned earlier that -- in his
10 presentation on the fees the fact that we now have new
11 requirements for MS4's.

12 You're an MS4 municipal separate storm
13 drain service provider. The state is now, you know,
14 monitoring and regulating storm water, how it falls to
15 rivers.

16 This project does something that's rather
17 difficult to do, but this piece of land allowed us to
18 do it, which is to basically capture all storm water
19 on-site, and nothing goes to the river, so it does a
20 couple of things.

21 One, it gets rid of that regulatory issue
22 that you'll always have to deal with as the city, and
23 secondly, it helps recharge the groundwater, and we're
24 all concerned about the groundwater being overdrafted,
25 so it's a series of, in that linear park, depressed

1 area for kind of some collection and then a large
2 trench drain underneath it that's a perforated pipe
3 that allows the water to collect and to infiltrate into
4 the groundwater.

5 MAYOR DeBRUM: Good. Thank you. I thought that
6 was very interesting, very important to the fact that
7 there was a new idea that could be implemented in order
8 to recapture the water and put that back into the
9 aquifer and so forth. That's a big, big plus. What is
10 the council's pleasure?

11 COUNCILMAN MOROWIT: Motion for approval.

12 COUNCILWOMAN MOORHEAD: Second.

13 MAYOR DeBRUM: It's been properly moved and
14 seconded. We can move on item B2. All in favor,
15 signify by saying aye.

16 (Councilmembers responded aye.)

17 MAYOR DeBRUM: Opposed, same sign. Motion
18 carries four to zero. Moving on to item C1.

19 UNIDENTIFIED FEMALE SPEAKER: Adopt a resolution
20 approving partial-width street construction of Austin
21 Road as detailed in Dolcinea subdivision condition of
22 approval No. 33 as allowed for in the City of Manteca
23 Municipal Code, Title 16 subdivision, part 3.
24 Dedications, reservations, and improvements, Chapter
25 16.23. Land division improvements, Section 16.23.060

1 design (B)1(g).

2 MAYOR DeBRUM: Mr. Clark?

3 MR. CLARK: Essentially, the code allows the
4 council to approve partial-width street constructions.
5 It does require a four-fifths vote to allow that to
6 happen.

7 We received a request from Raymus Homes for
8 a partial-width on Austin Road. We're in support of
9 that. We wanted to have it as a separate item so that
10 you're fully aware that you're voting on that
11 particular item.

12 MAYOR DeBRUM: Is there anyone that wishes to
13 (Inaudible) -- we don't have any -- public hearing.
14 Mr. Morowit, do you have any questions?

15 COUNCILMAN MOROWIT: None.

16 MAYOR DeBRUM: Mr. Silverman?

17 COUNCILMAN SILVERMAN: No question that this is a
18 general standard process and procedure (Inaudible)
19 subdivisions like this.

20 MAYOR DeBRUM: Miss Debby?

21 COUNCILWOMAN MOORHEAD: No.

22 MAYOR DeBRUM: Then I have nothing. What is the
23 council's pleasure?

24 COUNCILMAN SILVERMAN: Approve the resolution as
25 (Inaudible).

1 MAYOR DeBRUM: Is there a second?

2 UNIDENTIFIED FEMALE SPEAKER: Second.

3 MAYOR DeBRUM: The property moved and seconded on
4 item C1. All in favor, signify by saying aye.

5 (Councilmembers responded aye.)

6 MAYOR DeBRUM: Opposed, same sign. Motion
7 carries four to zero. We now move on to item C2.

8 UNIDENTIFIED FEMALE SPEAKER: Receive
9 presentation from Drake Haglan & Associates and approve
10 alternative 2A as the preferred alignment for the
11 dryland levee and advance the preferred alignment
12 (sic).

13 MS. REYES: Mayor and Councilmembers, the city
14 has been very diligent in its efforts towards adequate
15 progress as it relates to SB 5, and this presentation
16 will be given by Matt Satow, the consultant from Drake
17 Haglan & Associates.

18 MATT SATOW: Good evening, Mayor and Council.
19 Good evening, everyone. So tonight before I get to the
20 actual recommendation, I wanted to go back a little
21 bit, talk a little about the project's background, talk
22 about how we got to this recommendation.

23 So I'll start with the SB 5, and I
24 understand you folks have a lot of items in front of
25 you over the past years about this, so I'll keep this

1 fairly brief, but as you know, in 2007, a series of
2 bills that we refer to them as SB 5 was passed by our
3 state.

4 Essentially, a lot of this was in response
5 to what happened in 2005, which was Hurricane Katrina.
6 The state was trying to minimize their -- the amount of
7 potential loss of life, property damage in a major
8 storm event, so it established in the Central Valley
9 some standards for level protection. We refer to it as
10 1 in 200 chance of it occurring in any given year. We
11 call that the 200-year storm event.

12 Important to mention that that's, again,
13 not something that happens every 200 years, but in any
14 given year, a 1 in 200 chance of this type of event
15 occurring.

16 Again, the background behind this, though,
17 is to try to encourage cities in the Central Valley
18 that were affected by this to take this into account in
19 planning to try to minimize the amount of new
20 development within the floodplain areas, and so as you
21 know, you've been working towards this adequate
22 progress.

23 Until July, I believe, you had an item
24 before you move forward with adequate progress. Where
25 this backs up to our part of it was that as this was

1 moving forward, the council recognized that there were
2 concerns that the alignment alternative that was
3 looking -- that was being looked at for Manteca in
4 particular to extend the Reclamation District 17 levee
5 may not have met the needs of the community, and so
6 there was -- that's where we were brought onboard to
7 try to reach out to the community, do some community
8 workshops to see if we can find an alignment that can
9 be agreed upon.

10 The Reclamation District 17 we're talking
11 about is shown here in purple, and the area, if you
12 look at the entire floodplain area, you can see right
13 in the middle there, that that's the State Route 120.

14 The area that we're trying to take out of
15 this is the area that's bound by Reclamation District
16 17, and you can see that by providing and extending the
17 levee and providing some other levee improvements, that
18 this group Lathrop, Stockton, Manteca is working on,
19 you can provide that level of protection, the 200-year
20 protection within that area, so, again, along with this
21 project, I think the council recognized that there's
22 another part of this that wherever this levee extension
23 goes in the south, there's also the extension of
24 McKinley Expressway, now known as the Antone Raymus
25 Expressway that they need to be planned where that

1 alignment went, and so, again, part of our task
2 originally was to look at how these two work, where
3 does the alignment expressway go, how does that levee
4 get extended, how do those two mesh together or can
5 they mesh together, so we started with the mailing list
6 area, and you'll see here, you can see in red the city
7 limits.

8 Also, that blue area goes all the way down
9 to essentially the city's sphere of influence, which
10 goes down to Nile Road. That was essentially the
11 mailing notification area because that would also cover
12 where the potential expressway alignments went, as well
13 as the potential levee extension area. There's about
14 850 or 900 or so mailing notifications were sent out as
15 part of this.

16 The first public meeting -- again, we try
17 to give some background on the project, you know,
18 answer questions, and tried to bring together to see --
19 bring out some ideas and bring out some input into
20 where the potential expressway and levee alignments
21 could go.

22 I could say, and as you know, the first
23 meeting, there was quite a bit of resistance to the
24 expressway portion of it. There were a lot of
25 questions, as far as you heard here on previous

1 presentations tonight. With the economic downturn, how
2 did things change to the point where there was an
3 expressway still needed in the same location, a lot of
4 questions, and so as such, your council on April 5th
5 took action saying to essentially look at the
6 expressway alignment and all of those questions and try
7 to answer those questions as part of your general plan
8 update when additional traffic, when additional
9 information would be available, so the direction at
10 that time was to essentially take that part of the
11 project looking at the expressway out of our section of
12 it and solely focusing on the levee extension, so at
13 the next public meeting, we did convey that to folks,
14 that we'll be looking at the levee extension.

15 We looked at some various levee alignment
16 alternatives and answered questions to folks, more of
17 an open house style presentation.

18 In between the public meeting number two
19 and three, there was certainly a lot of questions that
20 were submitted through either the website or written
21 questions to your council or letters to us directly.
22 Between meetings two and three, we tried to take the
23 opportunity to come back and answer those, and we
24 provided those in writing. Our website was our primary
25 method of conveying this information to folks, so we

1 had a fairly large e-mail list that we would use, and
2 when we updated that information on the website, we'd
3 e-mail folks and let them know, and so we did post
4 frequently asked questions to the website, which tried
5 to take every question not only received on the
6 website, letters to your council, previous year's
7 letters to your council. We tried to do our best to
8 answer those.

9 Meeting number three, we went over those, a
10 few of those in a little more detail. We went over the
11 alignment alternatives being considered, and we tried
12 to compare those side-by-side with some different
13 factors, so I want to talk a little bit about the
14 factors.

15 First of all, as I mentioned before, our
16 primary goal in this project after the April 5th
17 meeting was to see if we could build stakeholder
18 consensus on a preferred alignment for the dry line
19 levee that tried to meet stakeholders' needs, as well
20 as the overall need that complied with Senate Bill 5
21 and state's requirements. That was our goal.

22 As part of that -- and this came from
23 feedback at public meetings. This came from your
24 council meetings from folks that have spoke. It
25 also -- just interviewing stakeholders, we came up with

1 the guiding principles, essentially our constraints on
2 this project, and you can see here, we tried to
3 minimize impacts to farmlands, minimize impacts to the
4 property owner access, stay on property lines as much
5 as possible, use existing easements to the greatest
6 extent we could, and then respect the right to farm,
7 and, again, I know that you've talked about this at
8 previous council meetings.

9 I'll just clarify, right to farm is again
10 trying to ensure that whatever improvements and
11 wherever the levee is proposed to go, that this doesn't
12 impede folks that are farming out there or their
13 ability to farm that land, that we're not blocking
14 access for them to move farm equipment from one side to
15 the other, not necessarily referring back to the law
16 right to farm, but more in that lines of just ensuring
17 that the folks that are using the property can still
18 use it for that same purpose, accommodating entitled
19 properties and consensus among stakeholders, of course,
20 and then one of the more important ones, too, is really
21 meeting that Department of Water Resources criteria for
22 the wise use of floodplains, and then cost.

23 Now, cost, because the funding is, you
24 know -- and we have a plan in the adequate progress.
25 You have to have a finance plan. However, as you know,

1 it's very difficult.

2 Although there's funds identified, it's
3 going to be very challenging to fund a project of this
4 size, not only the levee extension but the overall
5 improvements. This is combined with the improvements
6 of Lathrop, all the RD17 improvements estimated to be
7 somewhere up in the 180 to 200 million dollar range, so
8 as part of that, it's important that we try to make
9 this consistent with the Department of Water Resources'
10 criteria to bring in the state potentially funding
11 sources and also federal funding sources, and this
12 really came from -- straight from Water Resources, the
13 Department of Water Resources, in a letter to Lathrop.

14 They conveyed in writing what were their
15 requirements to bring this project in for them to be
16 able to support this for either state or federal
17 funding. They mentioned the specific legislation of
18 policies that they're following, the Senate Bill 5, the
19 Central Valley Flood Protection Plan of 2012,
20 Governor's California Water Action Plan of 2016, and
21 federal executive orders, and they reiterated the fact
22 that in order for them to support, again, this project
23 for either state or federal funding, they would have to
24 be in compliance with these.

25 They gave more specifics, again, outlined

1 more specific guidelines and principles of what they're
2 trying to accomplish with this, and many of these have
3 already been mentioned before.

4 It's essentially no increase in loss of
5 life and expected damages. They want to show a
6 significant reduction in these things with any project
7 that they fund with these funds, and ultimately, they
8 want the project to be backed -- to have federal
9 interest in this project, again, to be able to bring in
10 some additional funding for this, so when we got to the
11 alternatives, we looked at about six different
12 alternatives, and this alternative really looked at
13 what's the cheapest and path of least resistance.

14 You're coming across not exactly where the
15 existing levee -- a little bit forth of the existing
16 levee where it leaves off and extends due east. This
17 alternative, although inexpensive, really had a lot of
18 issues with property owner access, how they use their
19 property. It really did not have consensus.

20 When I say, consensus among stakeholders,
21 in this case, it really did not have consensus among
22 the folks who lived in that vicinity of where this
23 extension was going through.

24 Alternative 1A is what was looked at, in
25 terms of finding of adequate access. This, again,

1 extends the levee off of the existing terminal point
2 and heads directly east now.

3 Again, in the -- in your finding of
4 adequate progress, this went all the way to Union Road.
5 It likely would not have to go that far. It likely
6 would have to leave off probably at Oleander.

7 Again, this alternative, it did cut through
8 a lot of property lines. It had a lot of access
9 issues, and, again, consensus among stakeholders. One
10 of the other things, too, just north of this just a
11 little bit east of Airport and just south of Peach, you
12 have a property that the school district, of course, is
13 planning on building a school on in the future. This
14 would cut through that property and not provide
15 protection for that property in the future.

16 That was -- they are certainly a
17 stakeholder in this, and so that was one of the
18 concerns, as well. Alternative 2 was brought up at the
19 public meeting, and alternative 2, as you can see,
20 takes off from existing point on the levee. The point
21 where it takes off on the levee out there, it's
22 probably about 14 feet high.

23 It's a fairly large portion of the levee
24 out there, although this alternative probably minimizes
25 the impact to the person who farms it and has some

1 benefits. The fact that we're not using the existing
2 levee out there, that's probably about a 3 to 4 million
3 dollar piece that we're not using of existing
4 infrastructure out there, right-of-way, as well as the
5 additional land that you can see that from the north of
6 the red line, it opens up another hundred plus acres
7 for potential development, which could be inconsistent
8 with -- again, the Department of Water Resources, what
9 they're trying to do, they're trying to not open up
10 additional area like that for development, and, also,
11 one of the things of alternative 2 is the cost of that.

12 Because you're not utilizing additional
13 levee because you're creating a lot more levee with it,
14 your cost is up there near 25 million or so for this
15 alternative. Alternative 2A, again, was -- again, not
16 utilizing all the levee, but it's still utilizing quite
17 a bit of it. It's coming across down south off of that
18 point on essentially what I would call high ground out
19 there.

20 The property that it's coming out on right
21 there is probably a good 2, 2 and a half feet higher
22 than the property to the west of it, and so you're
23 gaining an advantage by being a little bit higher up.
24 You're coming down and you're following essentially
25 along -- there's an irrigation district drainage canal

1 there that you can follow along that canal.

2 We can always open up discussions with the
3 irrigation district, as well, as far as acquiring some
4 of that right-of-way. Whether or not that's possible,
5 we can identify, but at least it follows an easement
6 line there. It jogs up along the property line just
7 north of Fig, and it goes all the way down to Oleander.

8 Alternative 2A met pretty much all the
9 criteria, except for, again, utilizing existing
10 easements. With all the alternatives, nothing
11 completely uses all the existing easements out there.

12 As far as consensus among stakeholders,
13 what I'll say about 2A is that it -- just, again, full
14 transparency, I didn't have a lot of people saying
15 exactly with 2A, we want 2A. A lot of folks, we gave
16 them the option, instead of saying vote for an
17 alternative, we said, "If there's alternatives you
18 absolutely do not want, please convey that. Any
19 feedback would be helpful."

20 A lot of the other alternatives had folks
21 saying absolutely not. Alternative 2A had the least
22 amount of people saying absolutely not to 2A, and there
23 were some folks that came out through the website and
24 through e-mail and phone calls that did support 2A, as
25 well, though.

1 Alternative 3, again, was another
2 alternative of coming off the existing levee and coming
3 really far south now. Alternative 3, as you can see,
4 it's a lot of levee you're constructing out there.
5 There's a lot of open area to the north out there that
6 they're opening up.

7 Two things stand out right away. One is
8 that it's really difficult to make that fit the
9 Department of Water Resources' criteria for minimizing
10 the amount of development that you could be opening up
11 potentially. I will mention that one way of doing that
12 if this alternative were selected in the end,
13 properties to the north of that, if they were to put
14 their properties into farmland, conservation easements,
15 the city would have to acquire those.

16 It could be very expensive to do that, but
17 that could satisfy Department of Water Resources if you
18 were able to do that, but you're talking about hundreds
19 and hundreds of acres that you would have to go acquire
20 with farmland easements to prevent that.

21 The cost of this project without even doing
22 that is closer to 30 million dollars. This
23 alternative, I won't spend a lot of time. It was
24 brought to us, again, by someone at one of the
25 workshops. They were just essentially trying to stay

1 along irrigation district easements coming down and
2 following those for the most part.

3 This doesn't mean a lot of the different
4 things that we're trying to do. Obviously, it opens up
5 a lot of land. The cost alone was about 52 million,
6 and it really didn't have very much consensus. There
7 were a lot of folks that came out and said absolutely
8 not to this alternative.

9 Alternative 5 was also looked at, at one
10 point. I understand, and so we brought this one in.
11 This follows along the east part of Airport, heads
12 south to the same part along the property lines to the
13 north of Fig.

14 This alternative, although inexpensive, it
15 really had a lot of property owner access issues along
16 that east side, and then as far as consensus among the
17 folks who are in the vicinity of this, it had virtually
18 zero support from the folks in that area, so in the
19 end, when you put them all side-by-side and you take a
20 look at, based on those criteria, which ones had, we'll
21 call them, fatal flaws or did not meet the criteria, as
22 far as the others, one stood out as being kind of the
23 compromise.

24 It certainly wasn't the cheapest
25 alternative, but it certainly was within reason. It

1 was something that they could build into the finance
2 plan, as well as it did not have anything that really
3 did not meet the criteria, and that was 2A.

4 2A is the alternative again that comes
5 across the high ground off the existing levee and then
6 heads east just a little bit north of Fig, so that is
7 our recommendation, and moving forward -- now, again,
8 what does this recommendation mean at this point? I
9 really want to be careful about this because this is
10 just, again, a recommendation to move this forward into
11 the next part of the study, which would be the
12 environmental portion of this. The environmental study
13 is going to look at a lot more detail, a lot of these
14 things.

15 There's been a lot of questions not only
16 between meetings two and three, after meeting three to
17 try and answer, but again, there are some things that
18 are going to have to wait to get into the environmental
19 process that you answer as you start doing more
20 detailed studies on this information.

21 This is one alternative that will be
22 studied. There will be an (Inaudible) study as
23 standard with environmental, and there may be
24 variations of this alternative that could be studied,
25 as well, to help try to minimize additional impacts.

1 This is really the first step, and as you
2 can see in the schedule, the environmental process is
3 anticipated to start in 2017. That environmental
4 process is going to take probably close to three years
5 to complete.

6 By the end of the environmental process,
7 your council will be asked or the government body who
8 is overseeing this project will be asked for a
9 preferred -- determine a preferred alignment at that
10 time to move forward for the final selection, so the
11 action tonight, I want to clarify again, is not the
12 final action on this project.

13 It's not the final alignment. This is to
14 take the next step to move forward into the
15 environmental study, which other alternatives will be
16 studies, as well. All that will lead into, again,
17 2020, 2021, so when final design, right-of-way
18 acquisition will be occurring with the ultimate goal of
19 having this constructed by the Senate Bill 5 by the
20 year 2025.

21 With that, I'd like to open up any
22 questions of the council.

23 MAYOR DeBRUM: Any questions?

24 UNIDENTIFIED MALE SPEAKER: Just a quick
25 confirmation. 2A, which is recommended, would end at

1 Oleander?

2 MATT SATOW: Based on the information we have
3 right now, yeah, yes, that's where we believe it would
4 end.

5 UNIDENTIFIED MALE SPEAKER: So it's one of the
6 shorter routes --

7 MATT SATOW: Yes.

8 UNIDENTIFIED MALE SPEAKER: -- as far as going
9 east?

10 And, of course, the EIR would be --
11 environmental impact report would have to look at all
12 those factors, as well?

13 MATT SATOW: Correct.

14 UNIDENTIFIED MALE SPEAKER: Okay. Thank you. No
15 more at this time.

16 MAYOR DeBRUM: Questions?

17 COUNCILWOMAN MOORHEAD: 2A is 25 million dollars;
18 is that right?

19 MATT SATOW: 12.1 million for 2A. Alternative 2
20 is 25 million.

21 COUNCILWOMAN MOORHEAD: That's what I meant, yes.

22 MAYOR DeBRUM: Anything else? Anything else?

23 COUNCILWOMAN MOORHEAD: No.

24 MAYOR DeBRUM: So, in essence, there's a starting
25 point --

1 MATT SATOW: Right.

2 MAYOR DeBRUM: -- as we move the process forward?

3 We're going to have to go through the EIR,
4 but that's just what our CEQA process, the NEPA process
5 through the -- all the information that will be
6 state-driven that will mandate itself what we have to
7 look at, this process, which will begin in '17 probably
8 completed in 2021, and then we'll go from there.

9 MATT SATOW: Correct. And just to clarify, too,
10 this is from staff, as well. CEQA, at the minimum --
11 that's California Environmental Quality Act. NEPA, if
12 there are federal funds involved on this project, if
13 there's one dollar of federal funds, we're going to do
14 NEPA, as well, on this. Both are very similar
15 processes.

16 MAYOR DeBRUM: Right.

17 COUNCILMAN SILVERMAN: I have a question. Is the
18 levee extension expected to be a separate EIR from the
19 levee improvements, the rest of RD17?

20 MATT SATOW: I believe that's the way they've
21 been implementing that. Kevin could even elaborate on
22 that or even Dave if that's....

23 UNIDENTIFIED MALE SPEAKER: It's the same
24 document.

25 MATT SATOW: Yes. Oh. It's the same document

1 they're moving forward on now -- moving forward the
2 same document. All right.

3 MAYOR DeBRUM: I'm sorry. I didn't get that.

4 MATT SATOW: No. I was sort of juggling it
5 myself, but --

6 MAYOR DeBRUM: (Inaudible) -- please.

7 MATT SATOW: So I'm sorry. Right now, it's
8 moving forward in the same document to study those. It
9 would not be a separate document for that.

10 MAYOR DeBRUM: Okay. All right. No other
11 questions out there? And do we have speaker slips?

12 UNIDENTIFIED FEMALE SPEAKER: We have several
13 speaker slips. We'll start with Raymond Quaresma.

14 MAYOR DeBRUM: Mr. Quaresma?

15 RAYMOND QUARESMA: Good evening.

16 MAYOR DeBRUM: Good evening.

17 RAYMOND QUARESMA: Good evening, Council. Thanks
18 for having me. I feel at peace. I feel that the
19 prayers, the nice prayers of (Inaudible). I have an
20 appreciation for developers, those that are good. I
21 really like that. I like investment.

22 Sue and I took a family photo. It's almost
23 a hundred years now, and we just keep growing with it.
24 We're almost up to 600 head, and we had to comply with
25 all the regulations. It's not been easy, but tonight I

1 want to speak on life and what's just and what I think
2 is good, and my heart is there, and what I think is
3 right and what I think can be wrong.

4 I have a hard time with the Drake people, I
5 really do. It just seems so manipulative and so
6 incorrect because every time they would come to us, and
7 then we'd put a concern, and they would change it. Oh,
8 yeah, you might be right, it's got to go up a little
9 bit more; oh, yeah, you might be right, it's got to go
10 up a little bit more.

11 But we have a lot to lose out in
12 agriculture. It's an oppression on us, and you guys
13 have a lot of authority to make the right decision, so
14 in respect to developers, in respect to nature, in
15 respect to people, in respect to community, in respect
16 to state authority cost and responsibilities, and
17 respect to the authority of the United States and all
18 engineering, this is where I'm asking you guys to put
19 your own conscience.

20 I hope it's not boring, I hope it's
21 something that makes a lot of sense to you. I got a
22 chance to work with a couple of good old men, Alex and
23 Mike Zekas (phonetic) for a lot of years, and we really
24 respected the reclamation districts in San Joaquin
25 Drain and just the force that could come there, and you

1 don't want to mislead people, so I don't think this is
2 the right area to put houses, I really don't.

3 It's a good area for other things the city
4 can use. It's a valuable area. There's an oppression
5 on the old historical ordinances, ways, and respects of
6 life.

7 The Drake people keep saying we've got
8 nothing to worry about. 27 and a half elevation in
9 1997. There's not going to be no change. There's not
10 going to be no change.

11 There's this common sense thing that God
12 gives us that why do we got to put up all this and
13 start at 140, 135 million. Now we're up to -- the
14 words keep changing. Now we're up to 180 million,
15 maybe 200 million. Somebody has got to pay that cost.
16 Can I go on?

17 MAYOR DeBRUM: Yeah.

18 RAYMOND QUARESMA: So I'll just -- I don't
19 think -- I'll bring this to a head. I just don't think
20 it's the right place, and you guys are going to make
21 the decisions.

22 We're going to have to live with it, but
23 the water has got to go somewhere, and I just ask you
24 to put a conscience to that. Thank you.

25 MAYOR DeBRUM: Thank you, Mr. Quaresma.

1 DEE WACKERLY: Dee Wackerly.

2 MAYOR DeBRUM: Mrs. Wackerly, good evening.

3 DEE WACKERLY: Mr. Mayor, Councilmembers, good
4 evening. My name is Dolores Wackerly. I live at 50
5 East Fig Avenue in Manteca. 3 minutes is not nearly
6 enough time to convey our concerns and anxieties of
7 things which will greatly impact our lives.

8 I'm speaking, of course, of crosstown levee
9 in particular, although somehow this project has now
10 overshadowed -- overshadowed our main concern over the
11 years, and that is the Raymus Expressway, and I will
12 state again that I'm against both. What I would like
13 to say at this time, though, is that aside from the
14 irresponsibility of the Mayor and the Councilmembers to
15 approve this very expensive levee project just in order
16 to continue building in a known floodplain, you have
17 obviously ignored the concerns of the people whose very
18 lives will be greatly affected.

19 We have taken our time to be involved, have
20 spoken at these council meetings, have given you reams
21 and reams of letters and documents showing the negative
22 impact of these projects on our homes, farmlands, and
23 livelihoods, and you have not given us due
24 consideration for any of this. It is so unfortunate
25 that so few people can make such major decisions for

1 such a multitude of people.

2 Regarding the workshops as was mentioned
3 earlier, you allowed us three workshops with a
4 consultant to give an overview of the expressway and
5 levee and allow us to ask questions.

6 Well, very clearly, there was a bait and
7 switch scenario that took place. After workshop number
8 one, at the next council meeting, you decided it would
9 be in everyone's best interest to take the expressway
10 out of the equation and for the consultant to
11 concentrate solely on the levee project, so at workshop
12 number two, questions and answers were aired solely on
13 the levee project. We were also told that at workshop
14 number three, it would be announced which alignment for
15 the levee would be recommended to council.

16 As you can see, there really was not much
17 time spent discussing the expressway. Levee concerns
18 was only recently thrown into the equation, so, yes,
19 there very clearly was a bait and switch scenario that
20 took place, and unfortunately, we have no idea what is
21 happening with regard to the Raymus Expressway.

22 It's in limbo, I guess. This consulting
23 firm cost the city \$92,000 for the study. The
24 consulting firm used by the city in 1993, the public
25 facilities implementation plan, cost the city \$860,000

1 for basically the same study.

2 I'm almost through, if that's all right.
3 Our city leaders will pay out thousands and thousands
4 of dollars to listen to what outsiders have to say or
5 what they think is best for our city, but they don't
6 take into consideration the needs of the people who
7 live here.

8 One other thing that has weighed heavily on
9 my mind is protocol at our City Council meetings. In
10 particular, it is unclear to me as to why you as Mayor
11 and Councilmembers cannot answer questions on the spot,
12 which we bring to you regarding a particular agenda
13 item.

14 There is probably something in writing
15 regarding council meeting protocol and why questions
16 cannot be answered at the time they are asked. If
17 you'd be so kind as to point me in the right direction
18 in obtaining such a document, I would truly appreciate
19 it. Thank you for your time.

20 UNIDENTIFIED FEMALE SPEAKER: Bruce Perkins?

21 BRYCE PERKINS: Thank you. It's Bryce. Quickly,
22 I've got a letter here that was presented to Lisa
23 yesterday. You should have it on a CD for request to
24 the council, so those should have been provided at
25 1:00 o'clock yesterday. There's a few people that were

1 left out so -- (Inaudible) Lisa. I guarantee I'll take
2 4 minutes, okay?

3 I appreciate Matt's comments that farmland
4 is going to have access to -- what I'm addressing
5 tonight, it's pretty important that we have access
6 across the levee as the levee undergoes changes, and I
7 did hear Matt's pledge that farmland would be -- would
8 be accessible still, and that's what we're here to talk
9 about tonight from my standpoint.

10 Continuing, my name is Bryce Perkins. I'm
11 a member of the TLG Land Group. We've been made aware
12 that a dirt roadway used by the public for many years
13 originated at Woodward Avenue extending south of the
14 current levee crossing has been utilized by TLG, RD17,
15 RD17 contractors, and others to access various property
16 interests.

17 Public dirt roadway is what my text refers
18 to. I've learned over the years, don't miss a meeting.
19 I'm on a couple of committees myself. They might put
20 me on a subcommittee or name something after you, and
21 for lack of a better term, maybe I'll call it Hernandez
22 Road tonight, and maybe you'll know what I'm talking
23 about.

24 It starts at Woodward. It goes straight
25 through on the McKinley extension, okay, and then

1 continues on to Manteca's only rural property out
2 there, our 230 acres, and ends out there at the far end
3 of our property, so it's a very distinct road, a big
4 dirt road, so Hernandez Road goes out that way, all
5 right?

6 It's about to be relocated to a different
7 alignment which may prohibit the public and RD17, as
8 well as many other municipal and other emergency
9 response vehicles from accessing and traveling to the
10 far side of that levee.

11 Hernandez Road is a public dirt roadway
12 currently is described in a number of exhibits. You've
13 got them in the letter we've sent you, and you'll find
14 them in Exhibits 4, 5, 6, and 7, and by the way, I
15 might add at this point that that public dirt roadway
16 that I jokingly call Hernandez Road is identified in
17 the San Joaquin County revised public road map No. 57,
18 so it's out there. It's on your maps if you go look at
19 your public road map.

20 Most important, TLG has been informed and
21 believes that in January, 1997, RD17 trucks and
22 emergency flood response vehicles responded to
23 San Joaquin River Valley levee breach by hauling rocks
24 over the public dirt roadway, Hernandez Road, from
25 Woodward Avenue to the RD17 levee to perform emergency

1 flood repairs and reinforce that levee to protect this
2 community.

3 It is for this reason that TLG believes
4 that the City of Manteca should consider the City of
5 Manteca, that if the City of Manteca prematurely
6 abandons the public dirt roadway at its current
7 position, how and by what means will emergency response
8 flood vehicles respond, access and in future flood
9 events resulting from a breach in that area? And
10 there's been a number of breaches in that same area.

11 In addition, if only -- if the only current
12 reliable access to City of Manteca-governed
13 properties -- and we're a governed property out
14 there -- south of existing RD17 is along the same
15 public dirt roadway running south from Woodward Avenue
16 and to and over and along the top of the RD17 levee,
17 how will fire, police, emergency vehicles access that
18 property, for one, affect an infrastructure, two, any
19 public or private employees working on properties
20 located with the City of Manteca and to respond to
21 grass or brush fires?

22 In addition, TLG has observed and continues
23 to observe pedestrians are out there now. They're out
24 there walking on RD17 levees. They're out there
25 walking on SSJID easements. How does the City of

1 Manteca fire services, public police services respond
2 to emergencies with those people?

3 There's a lot of truckers out in that area
4 now, and that access road is how they get there. With
5 this in mind, by what means the City of Manteca
6 responds to a medical emergency is important. These
7 concerns are for justifying and protecting the public's
8 rights.

9 The road along -- road access along the
10 current location of the public dirt roadway extends to
11 RD17's continuing need to maintain the current dryland
12 levee to eliminate any current and continuing flood
13 risks, developed, and undeveloped properties north of
14 the RD17 levee.

15 With this in mind, TLG would like to call
16 your attention to recent and very significant levee
17 repairs associated with that levee, which TLG occurs on
18 or about December, 2013 by an RD17 contractor, DA
19 Archer Excavating. That makes TLG question how can
20 anyone possibly consider a lease until adequate,
21 sufficient alternative roads are provided interrupting
22 the public's use of the current public dirt roadway
23 when it is considered the public dirt roadway is
24 dependent upon and currently utilized by public
25 agencies, contractors involved in various forms of

1 maintaining the levee currently in place in any members
2 of the public looking to inspect the same?

3 For these reasons, TLG believes
4 accommodations should be made to allow the continued
5 use of the public dirt roadway at locations currently
6 in place and support adequate and continuing
7 protections of any and all rights enjoyed by the public
8 on that roadway. Thank you.

9 MAYOR DeBRUM: Thank you.

10 UNIDENTIFIED FEMALE SPEAKER: Martin Harris?

11 MAYOR DeBRUM: Mr. Harris?

12 MARTIN HARRIS: Good evening. Thanks for the
13 opportunity to be able to speak tonight. My name is
14 Martin Harris representing Terra Land Group. Yesterday
15 Terra Land Group submitted a letter to the Manteca City
16 Council in association with agenda item C2.

17 At this time, I would like to present an
18 excerpt from that letter relating to flood impacts and
19 responses to questions submitted by Michael Fonseca.

20 In this way, Terra Land Group continues its
21 efforts to support minimizing impacts, rather than
22 alignments. Upon careful review of Fonseca question
23 response attachments in C, as well as Fonseca question
24 number 10, it appears that both flanking and
25 overtopping of the current levees will occur at or

1 about 29 feet. This will be kind of technical. In
2 addition, Terra Land Group is informed and believes
3 that flood water elevations experienced from 1997 at no
4 time came close to either flanking or overtopping based
5 on a relief cut being made to the San Joaquin River
6 levee system at or near Turtle Beach. This is
7 supported by water contra lines detailed in Fonseca
8 question response attachment A, which is an OES map
9 done in 2011 that mapped out the impacts from the 1997
10 flood.

11 Further, Terra Land Group believes this to
12 be fully consistent with the previous information
13 presented by Terra Land Group and the letters being
14 presented tonight.

15 Of special concern is that with the
16 inclusion of various Fonseca questions into this
17 dryland levee public hearing process, Terra Land Group
18 cannot see how any member of the public, including
19 Manteca councilmembers can adequately understand the
20 full scope of the various possibilities for flood water
21 impacts likely to occur.

22 In addition, yet another set of Fonseca
23 questions dated and submitted August 8th, 2016 and the
24 associated response that have just been received
25 earlier this morning were presented by e-mail from

1 Terra Land Group to the City Council earlier this
2 afternoon and caused Terra Land Group to believe that
3 the latest responses only add confusion and
4 uncertainty.

5 Further, Terra Land Group believes that any
6 future decisions made by any and all governing
7 authorities relating to management of water storage and
8 releases from the Don Pedro and Melones Reservoirs
9 could also add to the total impacts created.

10 For this reason, Terra Land Group and other
11 members of the public believe that it is important that
12 the City of Manteca and other authorities involved
13 place the greatest emphasis on ensuring that any
14 significant increase in "with" project as compared to
15 "without" project, flood, elevation conditions, will
16 allow for mitigated measures to be put in place to
17 reduce those impacts to less than significant.

18 This is particularly important when you
19 consider increased storage and improved water
20 management and flood prevention capabilities associated
21 with the expansion of Don Pedro Reservoir in 1971 and
22 Melones Reservoir in 1979, which causes Terra Land
23 Group to believe redefines the public's understanding
24 and reliance on future flood impacts to be expected.

25 With this in mind, it is Terra Land Group's

1 belief that the 1997 flood established a working model
2 for flood impacts to be utilized in any future
3 comparative analysis.

4 Terra Land Group further believes that the
5 1997 flood impact model is adequately demonstrated in
6 Fonseca question response attachment A and most
7 particularly with a 27-foot, 6-inch flood elevation
8 line that is depicted, and that's that same 2011 OES
9 flood map.

10 As a result, Terra Land Group believes that
11 it is only reasonable to expect that any future impact
12 analysis allows for a direct comparison of "with"
13 project to "without" project conditions based on the
14 27-foot, 6 elevation impacts experienced during the
15 1997 flood. Thank you very much. I appreciate it.

16 UNIDENTIFIED FEMALE SPEAKER: Mary Ann Rawlins?

17 MARY ANN RAWLINS: Mary Ann Rawlins, 5880 East
18 Fig Avenue. I'm not going to read the entire letter
19 because it's just repetition about the SB 5 levee.
20 Okay.

21 I'm going to take off here with, understand
22 that this levee extension is not an Army Corps of
23 Engineer levee nor an RD17 levee. This levee is only
24 being extended off of the RD17 levee, 100-year levee
25 and should be maintained by the Cities of Manteca,

1 Lathrop, and Stockton, if and when the City of Stockton
2 decides to join the cities of Manteca and Lathrop in
3 its endeavor.

4 Keep in mind, this extension is not being
5 established for the existing homes in the 200-year
6 floodplain, nor those new homes being built prior to or
7 approved for building prior to July, 2016.

8 All those existing structures are hereby
9 grandfathered. If no building is to occur within this
10 area by the city, there is no need for the 200-year
11 levee protection.

12 In my opinion -- in the opinion of myself
13 and others, the City of Manteca has never been
14 forthright with information regarding the proposed
15 expressway, nor have they been straight to the point
16 with information regarding the proposed dryland levee.

17 Information has been gleaned by a number of
18 individuals who will be adversely impacted by this
19 undertaking. Please note, requests for Dee Wackerly
20 and myself, Mary Ann Rawlins, dated April 2nd, 2014,
21 which used the Freedom of Information Act to obtain any
22 maps regarding the proposed roadway, all the
23 information we received to date is a single sheet of
24 paper with no street names. This is highly
25 inappropriate information, and does not comply with the

1 provisions of the act.

2 SB 5 was passed in 2007 with a number of
3 amendments added to the bill and established the
4 criteria of cities (Inaudible) by 2012. The City of
5 Manteca met all these requirements.

6 The placement of the expressway and the
7 dryland levee were to be done as a joint venture. It
8 was not until the first workshop meeting held by Drake
9 Haglan on March 30th, 2016 that the City of Manteca
10 took the expressway off the table. City planners were
11 then aware of the tentative placement of a dryland
12 levee, and they had taken steps to meet the
13 requirements prior to 2012.

14 Therefore, I would ask the question, why
15 was there no mention of the proposed extension of the
16 dryland levee and expressway at the time of our April
17 2nd, 2014 requests? They were being done hand in hand.

18 Landowners have repeatedly voiced their
19 objections to this massive invasion and nuisance into
20 the rural property south of Peach by attending meetings
21 and writing letters (Inaudible) record of the various
22 council meetings, but to no avail.

23 The City of Manteca is well aware, on
24 notice of the expectant higher flood waters and
25 additional flooding to those landowners south of the

1 proposed levee but still choose not to hear their
2 voices and turn a blind eye to the concerns and known
3 history of this floodplain.

4 The City of Manteca refuses to listen to
5 the wise advice of the landowners who have experienced
6 terrible flooding in the past. There are, in some
7 cases, three generations of families who have
8 experienced not just one flood but three major floods,
9 '51, '55, and '97.

10 These individuals are whom the city
11 initially contacted for their advice as to where the
12 flood water went. Most recently was the time of the
13 1997 flooding. Yet, in this instance, they choose to
14 ignore and defer to the affected parties' expertise.
15 This speaks to the City of Manteca's foreseeability of
16 the issues.

17 This is not an act of God, and their
18 intentional willingness to ratify the deal knowing
19 fully well that flooding will most definitely occur,
20 this goes towards its accountability. If the city
21 constructs or puts a hazard there and fails to properly
22 maintain it and fails to ensure the safety of the
23 adjoining landowners, they could be liable and held
24 responsible for damages to life and property.

25 Government, no matter if it's at the

1 federal, state, county, or on our local city level, has
2 its principal duty to protect all the people. Its
3 purpose is not to put others at risk in order to
4 correct bad, irresponsible decisions made by the cities
5 for building an area where buildings should not have
6 been permitted in the past and certainly should not be
7 allowed in the future.

8 Government at all levels seems to make and
9 change rules and policies for the benefit and not for
10 those whom they were elected to serve.
11 Responsibilities for their actions and any dire
12 consequences made on self-motive by the City of Manteca
13 and Lathrop cannot be tolerated. The cities absolutely
14 should not hold rural landowners personally liable for
15 their bad decisions. This letter serves to seriously
16 inform, notify the Cities of Manteca, Lathrop, and
17 Stockton that they will be held accountable for any
18 devastating effects that results from their
19 non-thinking and irrational behavior and planning.
20 Thank you.

21 MAYOR DeBRUM: Thank you.

22 UNIDENTIFIED FEMALE SPEAKER: Alicia Guerra?

23 ALICIA GUERRA: Mayor DeBrum, Members of the City
24 Council, I'm Alicia Guerra with Buchalter, Hemer. I am
25 working with the local communities, the Manteca SB 5

1 developer group, and RD17 on developing this proposal
2 for 200-year flood protection, and I wanted to comment
3 on a couple of issues that have been raised this
4 evening.

5 The first thing is, we're at the beginning
6 of the process, and I think, Mayor DeBrum, you made the
7 comment that this effort this evening is just to
8 identify an alternative that can be carried forward
9 through years of further studies, and, actually,
10 studies have already been underway for RD17 with its
11 levee seepage repair project, and the adequate progress
12 findings that were prepared cover all of that, all of
13 the efforts today to bring this area into a 100-year
14 flood protection to continue to maintain a 100-year
15 flood protection and to build from that to build for a
16 200-year flood protection.

17 RD17 has designed a plan that protects
18 everybody to 200-year flood protection. It's not just
19 about new development. It's about the existing 46,500
20 residents within the area, as well, within Lathrop,
21 Manteca, unincorporated San Joaquin County, and
22 portions of Stockton.

23 What is important is all of the local
24 communities are working together, and they're working
25 together in two different ways. One is to come up with

1 this plan which necessitates having some alternatives
2 to study through the environmental review process and
3 the permitting process, but they're also working with
4 the State and Federal Government to try to get some
5 funding devoted to these levee improvements to continue
6 to provide flood protection from 2025 and into the
7 future, but we all know the reality is nobody has
8 money, and so this is going to be a very long and
9 uncertain process.

10 So in the meantime, we are working now on
11 trying to bring the plan forward, and that effort
12 necessitates the identification of an alternative, and
13 these local communities have come together with an MOU.
14 They are starting discussions on governments and how to
15 form an entity to carry this effort forward for the
16 benefit of all of the communities and for RD17 as the
17 levee maintaining agency, and in an effort to proceed
18 with that, we need to be able to demonstrate to the
19 Department of Water Resources and the Corps that we're
20 working together on this wise use of the floodplain
21 issue, and so this alternative that is brought before
22 you today is going to be the first step in trying to do
23 the studies needed to be able to demonstrate to the
24 agencies that this process will proceed in an effort to
25 provide adequate progress and in an effort to provide

1 200-year flood protection by 2025, so if anyone has any
2 questions or has questions about the process, I'm
3 available and would certainly be happy to address your
4 concerns or questions. Thank you.

5 MAYOR DeBRUM: One quick question. Mrs. Rawlins
6 indicated that -- and it's my understanding it's not
7 all about what you just indicated. It's not all about
8 new development. It's about protection of the entities
9 that are out there, whether it's the County Jail, the
10 County Hospital, the new VA Hospital, our sewer
11 facility, everything. If not one house was built out
12 there, would we still be required to put in a levee or
13 maintain a 200-year flood protection system?

14 ALICIA GUERRA: If not one house -- so the
15 requirement for 200-year flood protection applies to
16 commercial and residential development.

17 In addition, we have 61 critical facilities
18 located in RD17. Those actually are supposed to go to
19 a 500-year level of flood protection. Well, 500 years
20 is pretty onerous, and so right now, what RD17 is doing
21 is try to flood-protect the area to 200-year flood
22 protection.

23 We need, though, some new development to be
24 able to fund this because it's expensive for the local
25 communities, and RD17 doesn't have the resources to

1 fund these improvements, and so new development,
2 whether it's residential, and we have industrial and
3 commercial developers also working on this, are funding
4 this effort so that everybody within RD17, the existing
5 residents, the existing property owners benefit from
6 that enhanced flood protection, so it applies equally
7 to residential and to commercial development, as well.

8 MAYOR DeBRUM: Thank you.

9 MR. MOROWIT: Just to piggy-back a little bit on
10 that. I brought that up in the past, as well. The
11 Department of Water Resources has been very stringent
12 about what they would like, and one thing they don't
13 want to see is us to incorporate more land for
14 development, so I'm looking at this alternative here,
15 2A, which has been recommended.

16 We haven't voted on it yet, but it's been
17 recommended. We already have an existing RD17 levee in
18 place, and this will be a slight extension of this, but
19 I don't see it really particularly taking any more
20 land, very minimal amount.

21 I think it's in accordance, so we don't,
22 you know, do anything to existing property owners, but
23 we really aren't expanding what we already have
24 entitlements for.

25 I realize people might say, oh, there's no

1 homes there, why are we going around them.

2 Fortunately, entitled -- correct me if I'm wrong --
3 means that they have been told that we have been
4 entitled to build there already.

5 So what we're doing is taking the
6 existing -- I realize existing looks like an empty lot,
7 but it is existing. I mean, it is something that has
8 been entitled by the city, so as hard as it is to see
9 that because there is no homes there, it is -- and
10 unless you can correct me, but we are basically staying
11 within the guidelines of the Department of Water
12 Resources.

13 I've attended a couple of meetings with
14 them in Sacramento, and they just are completely --
15 don't want us to expand more areas and just say, okay,
16 no, we want to expand it, try to get a little bit out
17 of this because this doesn't get more out of it.

18 I know other alignments drop down farther
19 south. This one doesn't particularly. It like
20 piggy-backs on what's already there, so from what I
21 understand and what I've been told, we just can't cut
22 out what we're already entitled, and then we would be
23 in a completely different situation legally.

24 ALICIA GUERRA: Council Morowit, you're exactly
25 right. I mean, the discussions with the agencies have

1 been not even that. They don't recognize vested rights
2 in the way that local communities do, so just because
3 you have a development agreement or just because you
4 have a vesting tentative map, to the State and the
5 Feds, that doesn't mean anything, and under SB 5, that
6 doesn't mean anything, particularly if you're a
7 residential subdivision because the issuance of
8 building permits are subject to the 200-year flood
9 requirement for residential. The issuance or approval
10 of development agreements are subject to 200-year flood
11 protection.

12 In the discussions with the Corps and with
13 DWR, they've said notwithstanding the local community's
14 efforts to come together with a unified floodplain
15 management initiative, which has been ongoing for the
16 past year, actually two years, to try to further manage
17 the level of development within the deep part of the
18 floodplain, we've gone to those agencies and said in a
19 couple of instances, Lathrop, for example, reduced the
20 area within its sphere and wiped out some development.

21 We talked to them about what Manteca's
22 efforts are through the general plan update process.
23 We talked to them about what Stockton's efforts are to
24 change their Village residential to a much less
25 intensive, most likely agricultural, open space area,

1 and we've said -- we've put that on the table and said,
2 we're not going to develop this 3200-acre area for
3 urban development; we're actually going to reduce it,
4 and they said, well, that's not really good enough, you
5 still need to go back and show us -- notwithstanding
6 vested rights, notwithstanding what is considered
7 entitled to your point, Councilmember, you need to take
8 some more land out, so when they understood Manteca was
9 also considering the dryland levee extension, they
10 said, Well, you can't put more land in because we told
11 you, you just have to take more land out if you're
12 going to go through this process, and all of this
13 frankly isn't even to get an approval.

14 This is just to start the process with the
15 State and the Corps of Engineers, so I want to assure
16 everyone here that the decisions made this evening, we
17 are so far away from getting an approval from anybody
18 at this point.

19 This is just to start the process, so at
20 the end of the day, you know, we're looking at probably
21 having to shrink the level of development in this area,
22 and that's the reality.

23 MAYOR DeBRUM: Thank you.

24 ALICIA GUERRA: Thank you.

25 UNIDENTIFIED FEMALE SPEAKER: Ed Fonseca?

1 ED FONSECA: Good evening. The project
2 background that you were given this evening was the
3 floods of '83, '86, '95, and '97. Well, I was in '51
4 and '55, so I'm getting up there in age, and a couple
5 comments I'd like to make.

6 First of all, currently, Manteca has been
7 acting on a, quote, adequate progress report, which
8 allows developers to proceed on lots that the city has
9 already created that is in the floodplain.

10 The City of Manteca is opening itself up to
11 the biggest and most lawsuits they've ever even dreamed
12 about if they allow the developers to continue and
13 develop those lots that you've already created. Why?
14 Because there's no mechanism for funding in place. The
15 levee hasn't been decided for sure.

16 Let's go back to the '97 flood. There was
17 water at the intersection of Fig and Oleander, and 2A
18 proposes to stop the levee at Oleander. What good is
19 that going to do you? You've been watching TV lately?
20 You don't think the water is going to go right around
21 that levee on Oleander, come right into the City of
22 Manteca on all the houses that already exist?

23 You're not taking action on a levee to
24 protect new construction. You're taking action on a
25 levee to protect the existing City of Manteca, and you

1 think it won't happen. Have you ever seen 25 inches of
2 rain in two days? You say it won't happen. Have you
3 had your TVs turned on the last couple days? Have you
4 seen how many thousands of people have been put out of
5 their homes? You have a duty to protect
6 the existing -- existing City of Manteca, not paper
7 lots that you have approved in a floodplain when there
8 is no plan in effect to control that 200-year flood
9 plan. Yes, everybody is working on it, but there
10 doesn't seem to be a consensus, no consensus on where
11 the levee should go.

12 This report says that 2A won't affect any
13 of the farmland. Well, it destroys one of our farms.
14 Half of the land would be taken away by this proposed
15 2A levee. You say the City of Manteca doesn't support
16 eminent domain. You're recording all of this, right,
17 because it's going to come back to bite you in the butt
18 because I guarantee you that Fonseca Farms is not
19 prepared to sell land for a levee at the proposed
20 prices that RD17 has thrown out there, which is
21 ridiculous, not land that we farmed for years.

22 You want to talk about how many generations
23 that go back with floods? Probably almost more than
24 anybody else in this room. I was two years old in '51
25 standing on my dad's pickup barely looking over the

1 windshield to see the flood waters come in, and if you
2 get a 200-year flood, that levee is not going to do any
3 good if you stop at -- you need to go all the way to
4 Union Road minimum.

5 I propose route number 3. Okay. So route
6 number 3 affects, according to the draft, the least
7 amount of property owners, okay? The only problem, it
8 says that you're doing a land grab with that, but I
9 don't think you're doing a land grab if you're
10 protecting the City of Manteca.

11 Some people might say, well, you're doing
12 it for your self-service because that would put your
13 property on Airport Way inside the flood levee. Not
14 true. We have other farm ground that we own that would
15 be outside the flood levee, so, you know, I'm thinking
16 of the city itself.

17 I'll probably never see it, being 67 years
18 old, but if the water came to McKinley and Fig in '97
19 and you get a 200-year flood, the City of Manteca is
20 going to see water in its city streets, city streets if
21 you guys don't put your big boy and big girl pants on
22 and do what's right, and you can't allow any building
23 to go forward.

24 Screw this adequate progress being
25 obtained. There's no adequate progress. There's no

1 decision made. There's no EIR.

2 How in the hell can you allow those paper
3 lots to be developed? I mean, the amount of lawsuits
4 that this city would take on if you allowed that
5 construction to go forward and you did not have firm,
6 solid plans made on how that levee was going to be
7 done, and what -- what if the developers built those
8 lots and then moved to New York? Who's going to pay?

9 There's no plan in effect. There's no
10 signed documents. There's nothing but thin air.

11 Adequate progress report is a bullshit comment to allow
12 the developers to proceed when there is no solid plan
13 in effect for this levee.

14 UNIDENTIFIED FEMALE SPEAKER: Michael Fonseca?

15 MICHAEL FONSECA: Good evening. Michael Fonseca,
16 Airport Way. Originally, I wasn't going to speak
17 tonight, but I had to come up and just make a little
18 clarification. You know, I missed their name. I
19 believe she is the legal counsel for the Manteca
20 Development Group.

21 It was clever how she deflected your
22 question, Mayor DeBrum. You asked the question if the
23 levee would be required if not another house was built
24 within the 200-year floodplain. The SB 5 law states
25 that the 200-year protection is only required if the

1 development occurs within a 200-year floodplain.

2 It does not -- it is not directed towards
3 existing infrastructure, existing people, or anything
4 developed outside the 200-year floodplain, but I
5 appreciate her deflection with that answer, so while
6 I'm up here, if it's that important to protect the rest
7 of the existing infrastructure and population of
8 Manteca and Lathrop and my land is needed to ensure
9 that protection, why is there such an effort to devalue
10 my property?

11 Why -- why is not the property owners
12 respected? My land is being taken from me, my use is
13 being restricted, but that's not taken into account.

14 The only thing that's taken into account is
15 how cheap you can get it. That's not right.

16 I know it's recommended that the
17 councilmembers don't engage in conversation with the
18 speakers. By a show of hands, how many people -- how
19 many of the members up there access the Raymus -- the
20 Raymusexpresswayplan.com website in regards to the
21 dryland levee, that map Drake Haglan & Associates
22 periodically puts updates on? So seeing no hands, I'm
23 going to assume none of you have accessed that website.

24 It is my understanding a series of
25 questions I submitted to Drake Haglan in regards to

1 flood impacts was only posted on that website. It was
2 not issued directly to each one of you members up there
3 that are voting tonight.

4 If you guys have not accessed this
5 information, I could go through here and point out all
6 the inconsistencies that were provided to me in regards
7 to my questions. I'm not going to do that tonight.
8 Multiple times, this says they were incorrect. Their
9 responses I received were incorrect.

10 Knowledge is power. Maybe not as big as
11 political power, but knowledge is power. If you don't
12 have the right knowledge, how can you make the right
13 decision? Thank you.

14 UNIDENTIFIED FEMALE SPEAKER: No other speakers?

15 MAYOR DeBRUM: No other speakers? Does anyone
16 else wish to address the council? Okay. (Inaudible)
17 yes. Good evening.

18 UNIDENTIFIED FEMALE SPEAKER: Good evening. I'm
19 going to try not to get too emotional, but listening to
20 all this and dealing with this for an extended period
21 of time, I know I've mentioned to you all before that
22 Marty and I live on Oleander, and what's funny, I was
23 walking in and saw that Manteca is a family city. You
24 guys might not know, but we have number 18 and 19
25 grandkids on the way coming in November and January,

1 and we gather at that property, and we love our
2 property, and so do our grandkids.

3 In '97, 20 inches of water in that home.
4 Marty and his family at the time were displaced. What
5 I am hearing is that if this levee gets put where it's
6 proposed to be, that can increase 3 feet. Upsetting.

7 You know, I have a lot of respect for all
8 of you, and I'm praying for all of you. I'm praying
9 for the developers and praying for my neighbors and my
10 friends and the business owners south of that levee,
11 and I'm mostly praying that you will consider
12 everything that you've heard tonight and have heard
13 over the last few years when you make your decisions.
14 Thank you very much.

15 MAYOR DeBRUM: Yes, sir?

16 REESE VINCENT: Reese Vincent, and I live at
17 21561 Oleander. I live on the corner of Oleander and
18 Fig, which has been mentioned. I've had wet feet a
19 couple of times, but, Councilmembers, I want you to
20 know that when I bought my property out there, I knew
21 occasionally I'd get wet feet.

22 It's a wonderful place to live, and I'm
23 very resistant to a board who I have absolutely no
24 ballot box power with making decisions that you're
25 going to ruin or change my quality of life.

1 I don't understand how we can sit through a
2 two-hour meeting tonight and not one person has
3 mentioned the cheapest of all things because of
4 regulatory regulations of just simply dredging that 20
5 miles of San Joaquin River.

6 I can't understand how a meeting of this
7 type can go forward and nobody want to buck the system.
8 It's the cheapest and it's the easiest.

9 It offers the most protection, and yet,
10 nobody wants to discuss it because the regulatory
11 agencies won't let us do it. I'm asking you as a
12 property owner on the wrong side of your levee to have
13 at least the courtesy to take care of me. Don't just
14 walk over me. Thank you.

15 MAYOR DeBRUM: Thank you. Anyone else? Yes,
16 ma'am? Mrs. Harris and then Dr. Davis. Good evening.

17 LUCILLE HARRIS: I'm Lucille Harris, and my
18 business is located on Almondwood Drive, but I am
19 here -- just pull it down just a little bit, please.
20 But I am here without any notes, and I'm not too
21 comfortable, I have to tell you, but I do want to say
22 that I know you're interested in this, Mayor, that the
23 Manteca Historical Society, there is an extensive
24 report by Alex Hildebrand.

25 It includes dredging, and every one of you

1 here should go to the Historical Society and read that
2 report. Thank you.

3 MAYOR DeBRUM: Thank you. Dr. Davis?

4 DR. DAVIS: Good evening.

5 MAYOR DeBRUM: Good evening.

6 DR. DAVIS: I'm going to be very brief. I've
7 been listening to everyone's opinions tonight, and I
8 know you have to make a decision.

9 Whatever that decision is, it's going to
10 settle here and hopefully go forward. I wish that you
11 would add an addendum to whatever decision you make.

12 As Mr. Brinton has mentioned in the past,
13 you already have entitlements in the 200-year
14 floodplain that have been designed. I would ask that
15 before you make a decision finally that you add the
16 addendum that no construction take place, no permit
17 actually be issued in any of those floodplain zones
18 until the levee is actually constructed.

19 Once the levee is constructed, all those
20 constructions -- all those developments are under the
21 (Inaudible) flood.

22 As I understand, this is just a decision
23 process tonight, 2016. 2017, '18, you're going to get
24 the EIR's. Construction may not even take place until
25 2023 before the levee groundbreaking takes place.

1 In the meantime, any homes that are built
2 there are now exposed to a 200-year flood that could
3 happen between now and then, which puts all of us at
4 risk.

5 If you're going to decide on anything, I
6 would ask for an addendum. Don't permit construction
7 there until the levee is actually built. That makes
8 the most common sense.

9 Whatever happens between now and the levee
10 construction, at least then you're protecting your rear
11 if you wish to call it that, or the city's. I know
12 there are entitlements already decided, but if you tell
13 the developers that you have to express to the new
14 (Inaudible) owners, new home owners that they're at a
15 higher risk for flood and they're taking on that
16 responsibility, again, a lot of homeowners will not buy
17 a house in that place, particularly if the development
18 company does not take full responsibility of the
19 construction, and that should be thrown on them.

20 I understand the user fees. There is a
21 user fee. Have them put up a bond saying if there's a
22 200-year floodplain before that levee is built, they
23 take full responsibility. That is their
24 responsibility. Thank you.

25 MAYOR DeBRUM: Thank you. Anyone else? Yes,

1 sir?

2 ANDREW WERTMAN: Andrew Wertman. I live at 4843
3 East Fig Avenue. It's a small ranch just east of
4 Airport, but it is a ranch that me and my wife have
5 sacrificed for, worked very hard for, and made good
6 financial decisions so we can move out there in order
7 to raise our kids out there, and for lack of a better
8 word, I've been trying to think of a word while I've
9 been sitting back there, but I'm going to use
10 inappropriate, and I mean no disrespect to this lady
11 here, but for her to downplay tonight's decisions, to
12 downplay it, tonight is not going to happen, everything
13 is going to happen down the road, I find that
14 inappropriate.

15 This levee is going to go possibly directly
16 behind my house, which is going to affect the whole
17 reason and decision my wife and I made to move to the
18 county to raise our kids in the country with
19 agriculture and deep history and animals and everything
20 that we came on a positive path in the future.

21 The last thing I want to ask is if it's
22 possible to bring her back up and ask her that question
23 again. If no house is built, is the levee required and
24 get a straight answer. She, like Mr. Fonseca said,
25 deflected and went into, well, it affects commercial

1 and commercial is going to pay for the levee. That's
2 the way I understand it, is they're going to use
3 commercial and residential development to fund this
4 levee, and if it's possible, will she answer the
5 question directly, if nothing is built, is this levee
6 required? Thank you.

7 ALICIA GUERRA. I thought you might ask me to
8 come back up here.

9 MAYOR DeBRUM: Yeah.

10 ALICIA GUERRA: So if nothing is built and there
11 is no more development, then 200-year -- a 200-year
12 levee improvement is not required because there's no
13 need to continue to implement those findings.

14 But we have a plan, the local communities
15 have a plan to provide for 200-year flood protection.
16 That plan depends on a self-funded strategy where all
17 of this development, development impact fees,
18 assessments, special financing districts are going to
19 be used to fund that protection, that 200-year flood
20 protection.

21 It applies to commercial. It applies to
22 residential. RD17 has some challenges with its Board
23 of Trustees because they all own property there, and
24 RD17 cannot undertake improvements that benefit some
25 part of the property within the reclamation district to

1 the detriment of other properties within the
2 reclamation district, so when it makes a decision to go
3 forward to continue to maintain a 100-year flood
4 protection as it's done with its levee seepage repair
5 project, it benefits everybody.

6 Similarly, when it makes the decision to go
7 forward with phase 4, which is described in the
8 adequate progress report and the finance plan, it's
9 benefitting everybody.

10 The only way to benefit everybody is for
11 this new development that's within the area to fund the
12 protection for the benefit of everybody, and that's
13 what this plan contemplates.

14 It is a viable plan. The law requires that
15 you map out a plan for how you will have 200-year flood
16 protection in 2025. It's not required prior to 2000 --
17 it wasn't required prior to 2012 as someone had
18 indicated previously. It's not required today, and all
19 of that development that is proceeding is with the plan
20 to start funding today to make that 200-year flood
21 protection a reality, recognizing the constraints of
22 the process, the permitting requirements, dealing with
23 the state and federal agencies, all of that is an
24 effort to come up with state and federal funding to
25 help fund this effort, and if that doesn't happen,

1 there is a program reflected in the adequate progress
2 report that shows in the finance plan how flood
3 protection to 200-year flood protection for everybody
4 will be provided.

5 Again, if there's no more development for
6 today, then there isn't 200-year flood protection for
7 anybody in this area. This plan is to have it for
8 everybody in RD17, and that's the proposal.

9 UNIDENTIFIED MALE SPEAKER: And that's whether
10 it's residential or commercial?

11 ALICIA GUERRA: Whether it's residential or
12 commercial, and the reason is that findings were
13 required depending on the level of entitlements you're
14 seeking.

15 If you're commercial and you need a
16 discretionary approval, you have to make a 200-year
17 flood protection requirement just like if you're a
18 residential project with a tentative subdivision map or
19 a building permit, and everybody -- this finance plan
20 is based on treating everybody acre-for-acre because
21 everybody benefits from the flood protection, and
22 that's how the plan is formulated.

23 MAYOR DeBRUM: Okay. Thank you. Anyone else?
24 Yes, ma'am? Good evening.

25 SUE QUARESMA: Good evening. Sue Quaresma, and I

1 live out -- further out. We live out on Harem
2 (phonetic) and Union. A couple things I want to say
3 tonight. I want to know how this is wise use of -- the
4 DWR says promote wise use of floodplain.

5 When you look at the maps that were
6 presented by Drake Haglan tonight, you can see the area
7 they want to protect is deep red. That's 10 feet.
8 That's deep floodplain. When you look below where the
9 levee is going, that's where we're all at. We're at 10
10 feet, too.

11 She said tonight, this is going to benefit
12 everybody. I don't think so. It benefits RD17, but
13 none of the districts below RD17, none of the farms,
14 and none of the families that have been there, raised
15 their children, want to make a life, nobody down there.

16 I think it -- and it's sad that we have no
17 voice, other than to come up here and say what we feel.
18 We can't vote for you guys, but we're being the ones
19 that are being made to suffer because there will be
20 flooding, and we're okay with what we had before, but
21 when you guys are proposing this to push more on us --
22 and I take offense to her saying that it benefits
23 everybody because it doesn't. Thank you.

24 MAYOR DeBRUM: Thank you. Anyone else? Anyone
25 else? I want to bring it back up front, Mr. Morowit.

1 COUNCILMAN MOROWIT: This decision doesn't come
2 lightly or even tonight's meeting. I was preparing for
3 this prior. I see no perfect solution regardless for
4 anybody, and you're correct, there is not -- for
5 everyone, there is no such thing as everyone in this
6 room or in this city for that matter that results from
7 what we do or don't do.

8 I do have concerns about -- because people
9 seem to be mentioning tonight that they do expect more
10 water to come that way, and if that's the case, then it
11 will affect people within the city, and it also may
12 affect negatively the people that live on the other
13 side, I agree.

14 There is no perfect solution, but it seems
15 to me everybody seems to be concerned about a bigger
16 flood or maybe a flood back in the 50's that occurred
17 way before I ever came out here, as well, so I respect
18 that. I understand that.

19 Regardless of what we do tonight -- and I'm
20 going to ask Mr. Brinton, I'll pick an attorney that
21 might be a little more neutral to the folks, doesn't
22 work for anyone, other than the city. What we decide
23 today will require an environmental impact report?

24 MR. BRINTON: Absolutely.

25 COUNCILMAN MOROWIT: And the decision with regard

1 to the alignment, although a preferred alignment does
2 not mean that it will turn out that way?

3 MR. BRINTON: Correct.

4 COUNCILMAN MOROWIT: It could be extended
5 farther. I understand some people -- some folks have
6 come up tonight, said that maybe it should go farther.
7 Maybe it should stop where it is now, but regardless,
8 that is not a decision we have tonight; is that right?

9 MR. BRINTON: (Inaudible).

10 COUNCILMAN MOROWIT: As far as what we have on
11 the board for homes, I agree, so right now, they're in
12 the 100-year floodplain type of a levee, but I do think
13 that needs to be built up, too, for the homes and
14 businesses and things that are inside that levee, but I
15 really don't know enough to know without an
16 environmental impact report, and I have seen many when
17 I was on the Planning Commission, and they're extremely
18 detailed, as most people know, and they're usually very
19 much controversial, and this will be very
20 controversial.

21 I may or may not be here then. Sometimes I
22 wonder why I'm here now. It's difficult to make these
23 decisions quite frankly, and I don't take them lightly,
24 but I do know that we have to start someplace because I
25 do feel that we are a consensus, and there will be

1 water and it could be higher than what it has been, and
2 so I do feel that we have to start someplace, so I have
3 a lot of faith in the environmental impact reports.

4 They're very detailed, and if we go to CEQA
5 and go into the other one for the federal, I'm in hopes
6 that we will get a better answer.

7 As far as land that's going to be grabbed
8 or taken, I can't even answer that. I don't know what
9 the dollar amount is. I don't know what they've even
10 told you. I don't know. But I do know that we have to
11 start someplace to at least identify that.

12 Maybe at the end of the day, this thing
13 drops down or goes up. I have no idea, but I do
14 believe we have to do something because I do believe
15 we'll have another flood and that will be of greater
16 magnitude than we had that possibly what was in the
17 past history.

18 History tends to repeat itself, but I don't
19 know, but I do know enough to know that I have some
20 faith or a lot of faith in environmental impact
21 reports, and I realize that they are extremely tedious
22 and long and drawn out and expensive, but in this case,
23 I think it is the only way to get an answer that will
24 be better than just a couple of folks sitting up here,
25 five people making a decision, but I do think they will

1 do a better job of dissecting the problems, and then
2 like I say, it will come before a body like ours again.
3 With or without us, it will come before us, but at
4 least we'll have more information, so I do believe we
5 have to start someplace, but it doesn't come lightly,
6 and I'm really hoping that clarity will come through
7 further investigation and reports, CEQA, if the Feds
8 get involved, and I do agree with some of the folks,
9 yes, we should dredge the river, but it does not seem
10 to be an option that anybody is proposing nor do they
11 want to do.

12 I agree. It seems much simpler. We've
13 talked about it before, but I just don't feel -- at
14 this time, maybe more people can put more pressure on
15 those entities and the Corps, the Feds to do something
16 about the dredging because it would make a lot more
17 sense, but at this time, I don't think that's something
18 we could consider, although I would love to have that
19 be considered along with this.

20 Maybe it would be a combination or take up
21 less land, but at this time, we have to start
22 someplace, and I have some faith in the system. I
23 shouldn't say some. I have a lot of faith in that part
24 of the system because I've seen it and I realize the
25 magnitude of the information that has to come forth and

1 the workshops, and then it will come back again. It
2 won't be for sometime, but hopefully at a better time
3 for us.

4 UNIDENTIFIED MALE SPEAKER: (Inaudible).

5 COUNCILMAN SILVERMAN: I can only (Inaudible)
6 some of those comments. I've read everything, all your
7 letters, the documents, Mr. Harris, Mr. Perkins. I've
8 read these things.

9 I've been out there. I've walked it. You
10 are being considered. Your thoughts are heard, okay?
11 It is a very tough decision. It's the toughest one
12 I've had to make yet.

13 I'd like to bring up dredging real quickly.
14 I know when we've gone back to Washington, we've met
15 with the Army Corps of Engineers, we've met with
16 Congressman Ganz' office. We're continuing that. I
17 was at French Camp. They had a meeting out there. We
18 met the new colonel for the Army Corps of Engineers for
19 our area.

20 Dredging was mentioned a little bit.
21 That's a toughy. The dredging is a very, very tough
22 thing, and unfortunately, it doesn't really have
23 anything to do with the floodplain. They could start
24 dredging tomorrow. We still are under SB 5. SB 5
25 doesn't go away just because there's dredging. We

1 still have to deal with it, so it's a toughy.

2 When I vote up here, I'm voting. I hear
3 you, you're concerned. You're in our sphere of
4 influence and things like that. I'm also voting for
5 the 75,000 other people that live in the City of
6 Manteca. I'm representing them overall, everyone.

7 I'm having to make decisions that are
8 having to be 20, 30, 40 years out. I pray every night
9 that I'm making the right ones, they'll turn out right.
10 I suspect, unfortunately, I'm getting a little bit of a
11 pessimist that some of them may not, but I can live
12 with that.

13 I'm doing the best I can making what I
14 think is the right decision based on all of the input,
15 all of the things to consider, so just want to make
16 sure you know you're heard.

17 MAYOR DeBRUM: Thank you. Debby?

18 COUNCILWOMAN MOORHEAD: I want to address the
19 question, I believe, by Michael Fonseca about his
20 questions. The City Clerk does send all that over to
21 us. We got it in an e-mail. Just so you know, that
22 does come directly to us. It just doesn't go to a
23 website. It comes to us, and we got it, so just so you
24 know that, we did get that from our City Clerk.

25 Another thing, I have had the -- it had to

1 be from me, not just to look at this on paper after I
2 saw this presentation already. Each councilmember has
3 already seen this presentation and had a chance to ask
4 questions, and so I needed to go out to the levee, walk
5 on the levee, go look at all the land, drive everywhere
6 I could go to make sure I knew what I was looking at on
7 paper. I got to see an actual what it is because
8 seeing it on paper and going out there, it's two
9 different things, so we have been taking this very
10 serious.

11 I know it's very serious for all of you.
12 These are your homes. This is where you live. This is
13 where you work, and that's important. It's important
14 to us that it's important to you. This is your life.

15 We have to sit here and make decisions all
16 the time that we are like on the fence about, and it's
17 really difficult, and so we have to make sure we get
18 all the right information, and sometimes it's
19 confusing, and so for us, this is our starting place.
20 I know this is where we're starting at.

21 We're not making any decisions on how it's
22 going to be exactly, but your input is the most
23 important to us. We have to make those decisions based
24 on everything, not just what a consultant is telling
25 us, so the fact that you guys come here and tell us

1 what you feel and what's going on, that's majorly
2 important for us, and I thank you for doing that.

3 MAYOR DeBRUM: Thank you. I just -- before I
4 make my comments, I just want to read this. It is
5 important to note that the Council's potential action
6 on selecting a preferred alignment is not the final
7 selection of alignment. The final selection of
8 alignment will occur as part of the CEQA process.

9 An additional public outreach will be
10 required and a no-build alternative will be studied in
11 addition to the preferred alternative under possible
12 variation under the preferred alternative, so as we go
13 through the entire processes, my colleagues have all
14 indicated this is a tough decision, things that we
15 certainly need to look at to have and understand.

16 You know, we can -- I've often talked about
17 the dredging. I certainly think that that's something
18 that's very important that ultimately we need to look
19 at, but unfortunately, it's not the solution to all.

20 The dredging is a portion of what we need
21 to be looking at, but it's not going to fix the entire
22 problem. We need to, in my opinion, get that all
23 cleaned out to make sure that everything is -- the
24 water will flow as it should be.

25 You know, I've heard Mr. Quaresma several

1 times talk about the water flows and the areas and the
2 high points, the low points where the water flows and
3 so forth, all very important. The fact that
4 Mr. Hildebrand and his comments that he brought forward
5 in -- previously about the dredging aspect were
6 important, and those are things, I think, that are
7 important that we have to have on the forefront.

8 When we look at the big broad picture and
9 it was said already, this is a starting point, we need
10 to go where we have never been before to have the
11 opportunity to look at the designs, look at the
12 engineering, to look at the land, potential land
13 acquisitions going forward through the EIR process.

14 This whole thing is not development-driven,
15 believe me. The State of California has set the
16 guidelines for our community and every community that's
17 involved in the direction that we're going. You know,
18 we're involved with Stockton, the county, RD17, the
19 City of Lathrop, ourselves, everyone coming together to
20 try to make the appropriate decisions that it's going
21 to put this thing going forward, and, you know, as we
22 continue to look and the question was asked and, you
23 know, I did ask if we did not build another house,
24 particularly, what would we be looking at, but I'm also
25 looking up at the jail, I'm also looking at the County

1 Hospital, I'm also looking at the new VA facility. I'm
2 looking at Highway 5. You want to close Highway 5, you
3 want to see what you're going to do to it and the
4 impact that's going to be placed on our -- the entire
5 region with the closure of 5, that is something else
6 that we need to look at, so, you know, it's all about
7 doing the right thing at the right time, and sometimes
8 making the right decision isn't always easy, but it's
9 always the right thing to do, and so, you know, we're
10 having to go forward, we're having to make those tough
11 decisions in order to get us where we want to be, and I
12 think, you know, at the end of the day, the entire
13 process, we're so far from it, and I think it was
14 eloquently put earlier, you know, we are looking at
15 '17, '18 when the EIR process begins. We're looking at
16 '18, '19, '20, '21 before we even see anything, any
17 development.

18 We've got to find where the funding source
19 is going to come from, whether it's going to be federal
20 dollars, state dollars, accumulation of all what the
21 cities are putting in, what the development communities
22 are putting in, so, you know, these are all things that
23 we need to look at, and believe me, I certainly
24 understand where everyone is sitting on that -- in the
25 area in which you have to think and what you have to

1 say, so with that, what does the council wish to do?
2 (Inaudible) motion.

3 COUNCILMAN SILVERMAN: I'll do it. I'll move to
4 receive the presentation and approve alternate 2A.

5 MAYOR DeBRUM: And do I have a second place?

6 COUNCILWOMAN MOORHEAD: Second.

7 MAYOR DeBRUM: Properly moved and seconded, and
8 all in favor, say eye.

9 (Councilmembers responded aye.)

10 MAYOR DeBRUM: (Inaudible) same sign. Motion
11 carried four to zero. Okay. Public comment? No
12 public comment? Yeah. We'll just wait up 2 seconds.
13 Then we'll....

14 COUNCILMAN SILVERMAN: Tough vote.

15 MAYOR DeBRUM: It was.

16 COUNCILMAN SILVERMAN: Toughest one I've voted.

17 MAYOR DeBRUM: All right. No public comment?
18 We'll now move on to City Manager's comments.

19 MS. REYES: Mayor and Councilmembers, I'd like to
20 note that Police Chief Nick Obligacion officially
21 retired yesterday, August the 15th.

22 The chief's service to the City of Manteca
23 is very much appreciated. As per the memo from the
24 former City Manager dated June 21st, 2016 to the
25 council, former Chief Obligacion has been retained by

1 the city as a retired (Inaudible) police chief
2 effective August 17th, tomorrow.

3 At the former police chief's request,
4 recognition of his service to the City of Manteca will
5 be scheduled following the end of his interim
6 assignment.

7 Effective August 19th, Captain Charlie
8 Gokin (phonetic) will be serving as acting chief of
9 police through September the 18th. Captain Gokin's
10 contact information will be provided to the council.
11 I'll get that to you.

12 As per the council's action for this
13 evening, recruitment for both the police chief and fire
14 chief's position will begin within the week.

15 MAYOR DeBRUM: Okay. All right. Mr. Morowit?

16 COUNCILMAN MOROWIT: Okay. Well, thank you for
17 those that hung in there all the way to the end, to the
18 very end. Tough meeting. We went through it.

19 On a lighter note, I am imagining my mom is
20 still awake. She moved in here about a month ago from
21 Alameda. She lived there for over 50 years. Through
22 some convincing -- she lived by herself in our family
23 home -- by telling her what a great city we have, we
24 have good hospitals, we have plenty of facilities that
25 could suit her needs, we have a great medical, fire,

1 and police department -- she lives very close to
2 Station No. 4, which is probably good -- she is
3 currently living close to where I reside in Manteca,
4 and she's turned 80 years old, and she decided she
5 wants to get a little closer to the family, so I told
6 her this was the best place for her to come.

7 She left Alameda, which is a great city. I
8 grew up in Alameda, so I welcome my mom if she's still
9 watching, if she hung in there three hours, and if you
10 know my mom, she probably did. Thank you.

11 MAYOR DeBRUM: Thank you. Mr. Silverman?

12 COUNCILMAN SILVERMAN: I'm going to say hi,
13 Mrs. Morowit, and welcome to Manteca.

14 I'd just like to commend -- I don't know,
15 the police department, did you have any involvement in
16 the fires yet lately?

17 UNIDENTIFIED MALE SPEAKER: (Inaudible).

18 COUNCILMAN SILVERMAN: If I can point out our
19 fire department is very active in the fires that are
20 striking California. (Inaudible) came out there for 15
21 days, 16 days, went down South first and then they came
22 back and went over to Monterey County.

23 We don't currently have anybody in any of
24 the other fires, but congratulations to all the
25 firefighters. Be safe.

1 I understand there's a new fire now down in
2 San Bernardino, and this state is running out of strike
3 teams as I understand it, so I suspect ours will be
4 called, and just praying for them.

5 MAYOR DeBRUM: Thank you. Miss Debby?

6 COUNCILWOMAN MOORHEAD: I'm really sad about all
7 the flooding in Louisiana. I have a very good friend
8 that lives there, and it's horrible right now, so I
9 totally understand that, and definitely, I want our
10 firefighters to be safe.

11 MAYOR DeBRUM: Thank you. Just a couple of
12 items. You know, as we progress through the rest of
13 the week, I believe our Olympic team is -- will be
14 wrapping up everything. They've done very well. Been
15 very excited every evening to watch what was going on
16 and the opportunities that have been whatever sport,
17 and it's very exciting to see the men and women of
18 this -- around the world.

19 It's just not the United States who are so
20 athletic and what they have committed and the
21 commitments that they make, and so we're very, very
22 proud of them.

23 I want to congratulate Second Harvest Food
24 Bank. We had a terrific event the other night. Our
25 chili cook-off went well. We raised a good deal of

1 money, very proud of the entire group in what they've
2 done, and on Friday afternoon, as the new chairman of
3 the COG (phonetic) Board, I will be recommending the
4 name of Debby Moorhead to fill the Rail Commission
5 appointment, and we will see how that progresses at the
6 board level on the following Thursday evening, and the
7 final thing that I have this week, you know, through --
8 look at the paper and we've had -- lost a lot of good
9 friends around the community, and I want to close this
10 evening's meeting in remembrance of all the individuals
11 who have lost their lives during the past three weeks
12 in our community, so thank you. The meeting is
13 adjourned.

14 --oOo--

15
16 (Whereupon the proceedings concluded.)
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25

1 STATE OF CALIFORNIA,)
2 COUNTY OF SAN JOAQUIN.)

3
4 I, Vicki Jelley, a Certified Shorthand Reporter
5 licensed to practice in the STATE OF CALIFORNIA, do
6 hereby certify:

7 That I took down in shorthand notes all audio
8 proceedings had and testimony given; that I thereafter
9 caused said shorthand notes to be transcribed into
10 longhand typewriting, the above and foregoing being a
11 full, true, and correct transcription thereof.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 this 8th day of September, 2016.

14
15
16
17
18 _____
19 Vicki Jelley, CSR No. 11067
20
21
22
23
24
25

From: **Kerry Harris** weareneighborsunited@gmail.com
Subject: Fwd: 06/23/15 Meeting Agenda Item 7.1 Municipal Service Review (MSR) updates
Date: July 7, 2015 at 1:17 PM
To: MayorCouncilClerk@mantecagov.com

KH

July 7, 2015

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337
MayorCouncilClerk@mantecagov.com

Re: 07/07/15 Manteca City Council Meeting Agenda Item C.1.

Dear Council Members:

For some time now, Neighbors United has voiced concerns relating to SB5 flood protection compliance and the effect of unrestrained flood waters (resulting from a San Joaquin River levee break) making its way back to the San Joaquin River to an area situated in and around the Turtle Beach Resort area.

This is evidenced in letters sent to the Manteca City Council on February 3, 2015, and to the U.S. Army Corps of Engineers on April 8, 2015. (See Exhibits "1" and "2", attached to this email)

In addition, Neighbors United sent an email to the City of Manteca Planning Commission on June 23, 2015, in response to Planning Commission Meeting Agenda Item 7.1., Municipal Services Review (MSR) (See forwarded email below) to ensure that the Planning Commissioners were aware of this extremely important issue.

Further, Neighbors United would like to state for the record that it is not against: (1) SB5 levee improvements; or (2) stormwater drainage to the San Joaquin River.

However, Neighbors United remains concerned that the apparent plan to discharge stormwater back to the San Joaquin River, in the area in and around Turtle Beach Resort, could be problematic during periods of high river elevation flows or flood events.

Most important, Neighbors United is concerned that during a flood event, the City of Manteca's need to discharge stormwater to the San Joaquin River may impact the south Manteca rural area's ability to fully utilize the benefits associated with historical flood drainage pathways that south Manteca rural residents have relied on for many years.

For this reason, Neighbors United requests that the City of Manteca develop a comprehensive stormwater and floodwater drainage plan that considers the construction and installation of flood drainage gate(s) at the Turtle Beach levee to allow for adequate and sufficient drainage of stormwater and floodwaters that may have the potential to impact rural property owners located in the 200-year flood plain south of Manteca.

Thank you for your attention to this very important matter.

Yours Truly,

Neighbors United
Kerry Harris/President Elect

----- Forwarded message -----

From: **Neighbors United** <weareneighborsunited@gmail.com>
Date: Tue, Jun 23, 2015 at 9:44 AM
Subject: 06/23/15 Meeting Agenda Item 7.1 Municipal Service Review (MSR) updates
To: planning@ci.manteca.ca.us

Dear Commissioners:

As you are aware, Neighbors United is a California non-profit corporation with a focus on growth and environmental issues.

At this time, Neighbors United has reviewed the Manteca Municipal Services Review document included with the 06/23/15 Meeting Agenda Item 7.1 information attachment.

Special attention was made to page 4-27 of the Municipal Services Review which appears to indicate the City of Manteca's plans to discharge stormwater into the San Joaquin River. (See Attachment "Figure 4-5 Drainage Subsheds_MantecaMSR_2015-05-29")

With this in mind, Neighbors United has put forth an extensive effort to gain a better understanding of the potential impacts that future San Joaquin River levee break flood events may have on Manteca rural property owners located south of the RD17 levee.

Historical concepts to consider:

Neighbors United is informed and believes that local flood waters tend to follow down gradient water flow patterns that allow for the flood waters to find their way back to the San Joaquin River.

Traditionally, for levee breaks south of Manteca, flood waters generally return to the river in the area where Waltham Slough and the San Joaquin River converge and further situate in or around the Weatherbee Lake/Turtle Beach Resort area. (See Attachment "SanJoaquinRiverEastBank")

Further, Neighbors United believes that, for this reason, this same area was designated as a reasonable point of convergence for Reclamation Districts No. 17, No. 2094 and No. 2096.

For this reason, Neighbors United believes that there is a combination of natural and manmade river and flood water flow system conditions which include flooded land water drainage and river return patterns that continue to exist and have been relied on for many years.

Further, Neighbors United believes that stormwater drainage capacity from the developing areas may be impacted by high river flow elevations due to periods of increased upper water shed discharges into the San Joaquin River.

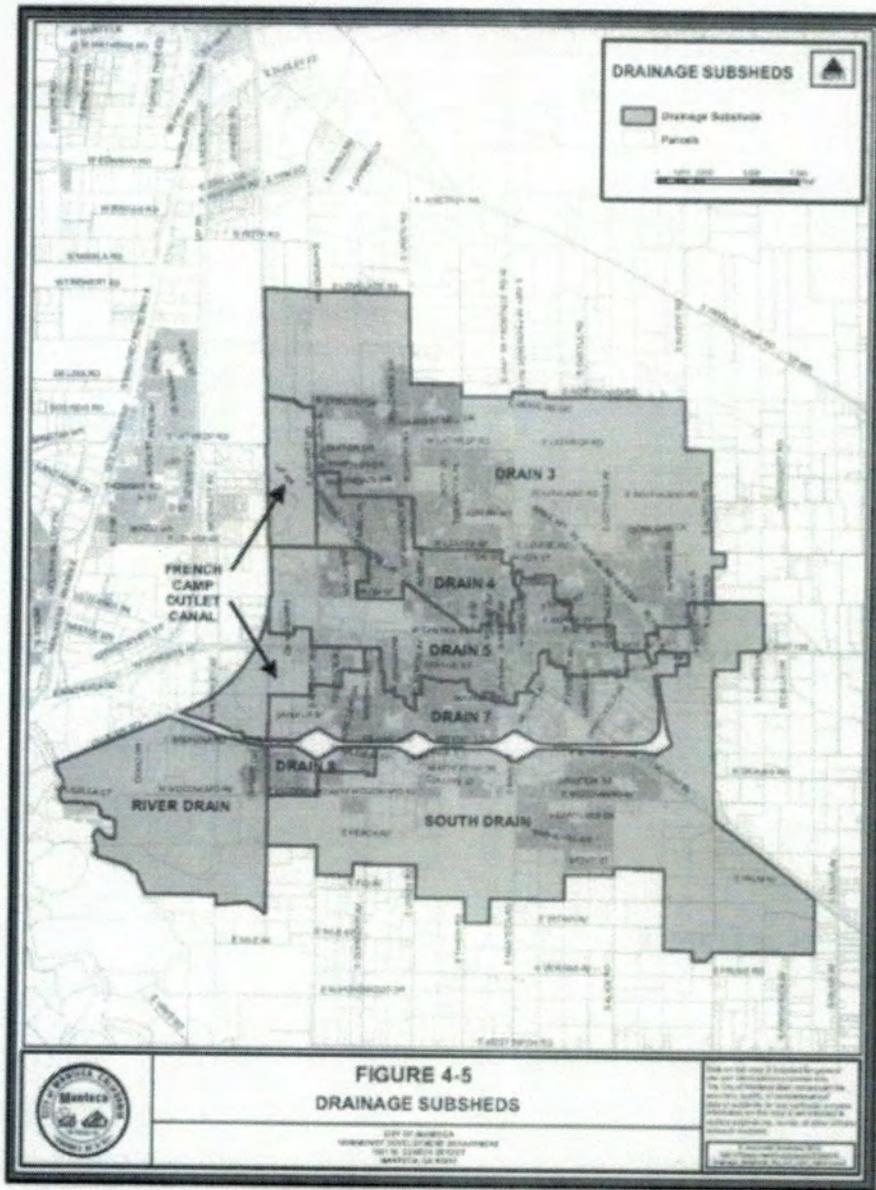
In addition, Neighbors United is informed and believes that San Francisco Bay tidal action can also affect the ability of the San Joaquin River to receive stormwater drainage water.

As a result, Neighbors United requests that the City of Manteca incorporate specific design criteria into any final stormwater drainage plan that allows for adequate and acceptable discharge capacity flows of stormwater into the San Joaquin River from all potential sources.

Thank you for your attention to this very important matter.

Yours truly,

Neighbors United



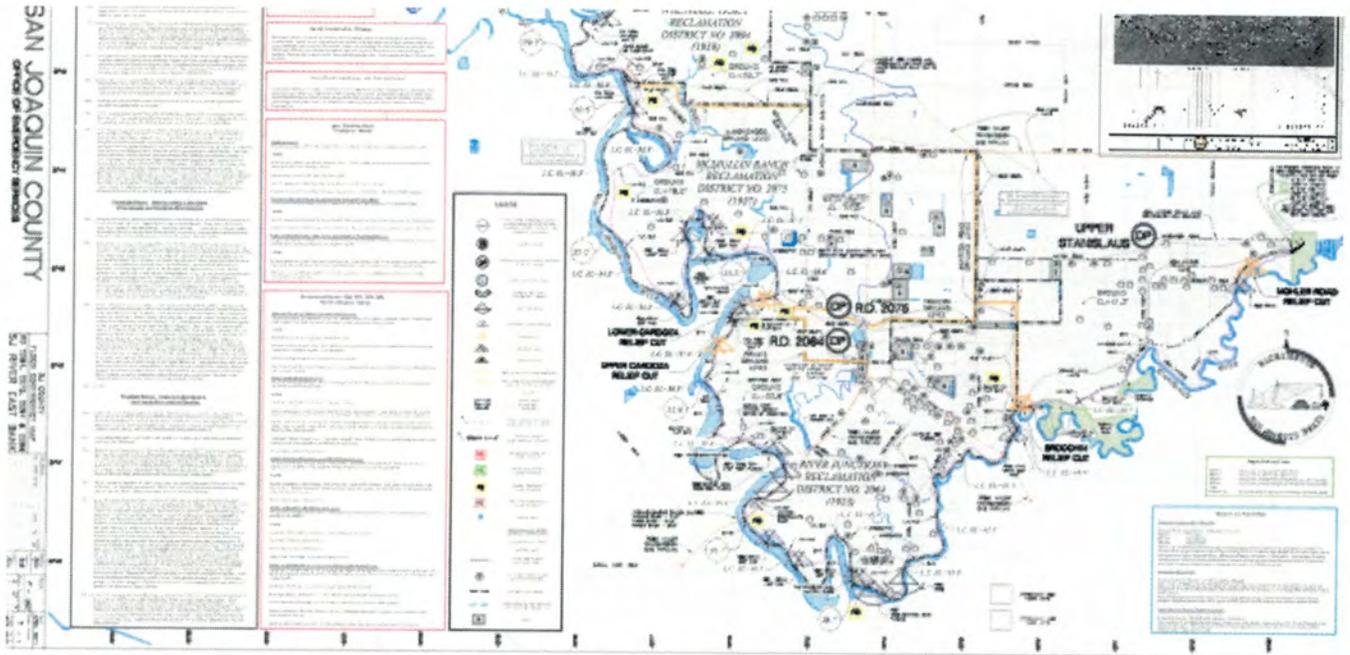
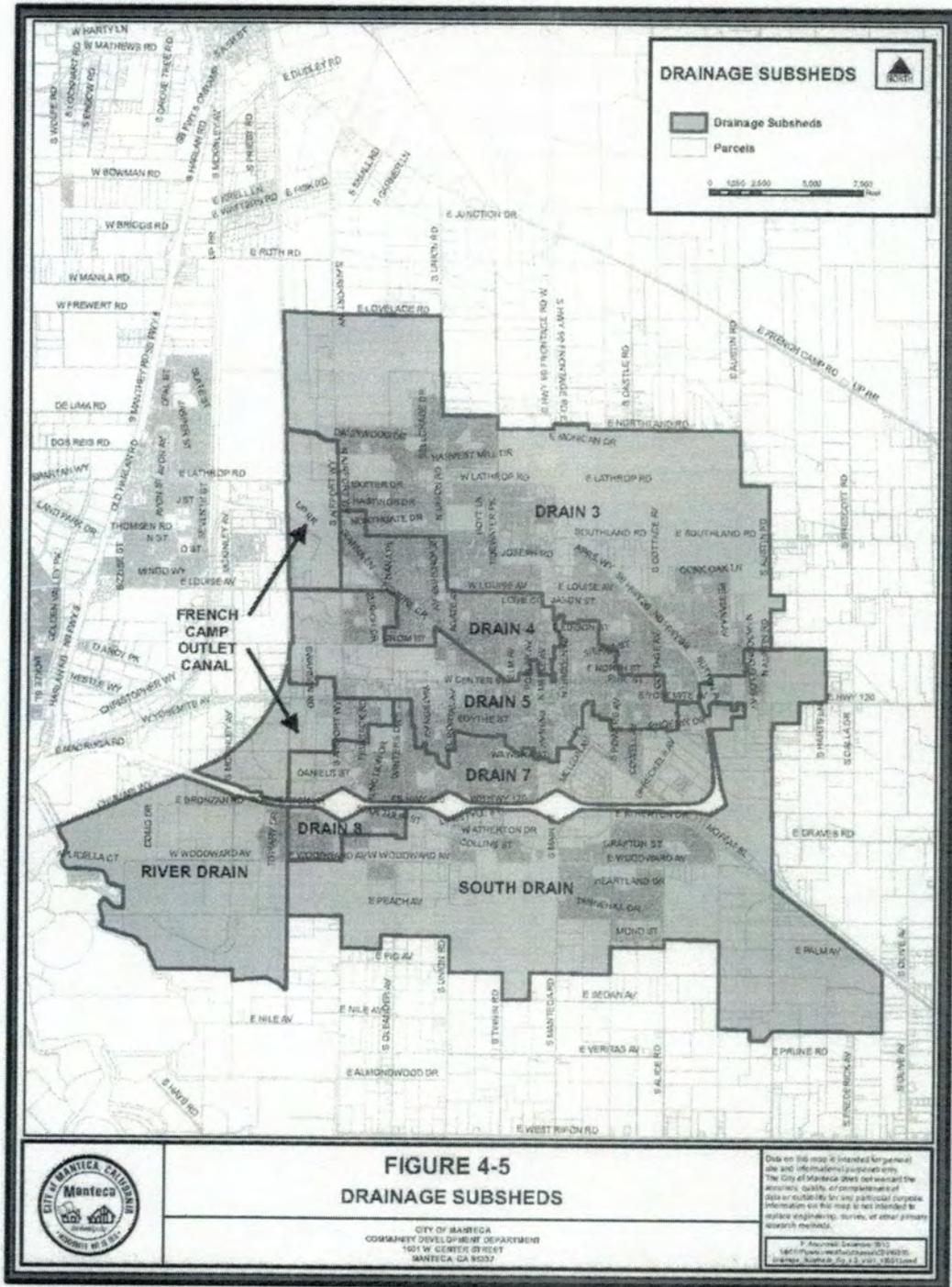
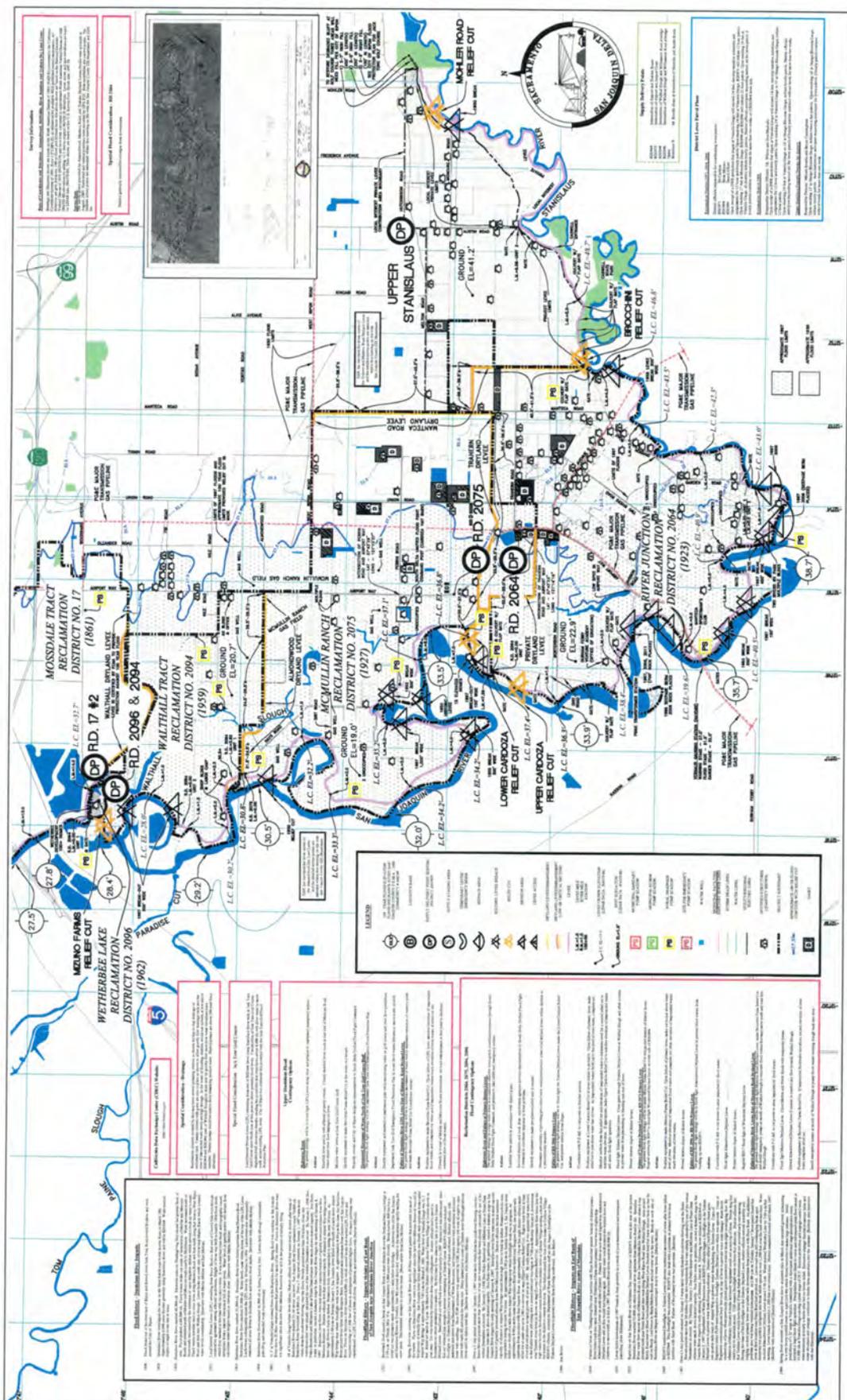


Exhibit-1_2015-02-03_MCC.co...ressed.pdf



Exhibit-2_2015-04-08_USACE...ressed.pdf





1. KJELSON
 2. SINNOCK
 3. HEURCK
 4. [Logo]
 5. [Logo]

SAN JOAQUIN COUNTY

OFFICE OF EMERGENCY SERVICES

SJ COUNTY FLOOD CONTINGENCY MAP		Revision		Scale		Date	
Project	Sheet	By	Check	1" = 1500'	APRIL 2011	Sheet	Number
RD 2064, 2075, 2094 & 2096	1	BAK	BAK		1 of 1	1842	2042
SJ RIVER EAST BANK							

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Neighbors United

50 MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

February 3, 2015

VIA HAND DELIVERY

Manteca City Council
1001 W. Center Street
Manteca, CA 95337

**Re: Levee seepage repairs and Senate Bill 5 200-year flood protection
(Manteca City Council meeting 02/03/2015, Agenda Item C.1.)**

Dear Council Members:

As you are aware, Neighbors United ("NU") is a California non-profit corporation with a focus on growth and environmental issues.

For several months now, NU has put forth an effort to gain a better understanding of the City of Manteca's plans relating to 200-year flood protection. Information has appeared to be limited.

As a result, ongoing discussions were held between various neighbors south of Manteca.

During those discussions, a certain reliance was held on those neighbors who had actually experienced floods as far back as the 1950's.

Comments and opinions were readily shared.

The general consensus was that flood waters in 1997 touched approximately the same geographical area and reached the same approximate elevation as it did in the 1950 floods.

No one could believe that it was necessary to extend the Reclamation District No. 17 ("RD17") levee east of Airport Way due to a high ridge that crosses the quarter section bounded by the Airport, Peach, Oleander and Fig roadways.

Further, it appeared inconceivable that it would be necessary to extend the RD17 levee further east across Union Road. **(See Exhibits "1" and "2")** [Manteca Bulletin Article]

Certain residents and property owners south of Manteca began to question what mechanical changes in design height, width and levee placement location could be under consideration that

Neighbors United

might cause more extensive flooding than those same south Manteca residents and property owners may have experienced previously.

More concerns were created in the form of a map that NU received on 01/29/15. (See Exhibits "3" and "4")

The map is very detailed and includes specific information that allows for a better understanding of the history and risks relating to the potential for future flooding.

At this time, NU offers this map to the City of Manteca with the intent that the map (and any recent updates that might be available) be made part of any current and future 200-year flood protection public information workshops presented by the City of Manteca.

Historical concepts to consider:

NU is informed and believes that local flood waters tend to follow down gradient water flow patterns that allow for the flood waters to find their way back to the San Joaquin River.

Traditionally, for levee breaks south of Manteca, flood waters generally return to the river in the area where Walthall Slough and the San Joaquin River converge and further situate in or around the Weatherbee Lake/Turtle Beach resort area.

Further, NU believes that, for this reason, this same area was designated as a reasonable point of convergence for Reclamation Districts No. 17, No. 2094 and No. 2096.

RD17 District Boundaries:

Nu is further informed and believes that the RD17 district generally extends south from Lathrop along the east side of the San Joaquin River to a southern district levee boundary area identified by levee site markers 820+00 to 854+00 which is situated north of Walthall slough, Turtle Beach and the Weatherbee Lake housing community. (See Exhibit "5")

The RD17 district boundary further appears to extend south and east from the Turtle Beach and Weatherbee Lake area as is depicted on Exhibits "4" and "5".

NU believes that it is worth noting that a small triangular shaped area of the RD17 district appears to exist in an area located:

- A. Immediately adjacent and east of the Turtle Beach and Weatherbee Lake area
- B. Immediately adjacent and extending south of the current RD17 levee between levee marker locations 854+00 and 874+00, approximately (See Exhibits "4" and "5")

Previous Impacts Identified:

Neighbors United

On 4/22/14, NU responded with written comments after reviewing the San Joaquin County Council of Government's Sustainable Communities Strategy, Draft EIR and 2015 Federal Transportation Improvement Program Conformity Document. (See Exhibit "6")

In that letter, NU specifically responded to flood issues on Pages 2 and 3 of the comment letter. (See Pages 2 and 3 of Exhibit "6")

In addition, comments were made relating to natural water flows and irrigation in relation to impacts due to infrastructure induced land separations affecting rural properties (See Page 5 of Exhibit "6")

Rights of Use/Easement:

Presently, NU believes that there is a combination of natural and manmade river and flood water flow system conditions which include flooded land water drainage and river return patterns that continue to exist and have been relied on for many years.

With that in mind, NU requests that any changes to those existing natural conditions must consider the total impact on the entire drainage area which is clearly depicted on the San Joaquin County Office of Emergency Services map includes as Exhibit "3".

This makes NU question:

1. What levee modifications, levee relocations or supplemental levee additions are planned for any portions or segments of the current RD17 levee within any areas of the RD17 district that are situated along or in the general area of levee markers 820+00 and extending to levee marker 874+00?
2. Will any planned levee modification, levee relocation or supplemental levee addition alter directional flood water flows or cause flood water elevation displacements that may impact other properties located in the unprotected areas south of the current RD17 levee system? (See Pages 2, 3 and 5 of Exhibit "6")
3. For what purpose will the existing RD17 levee be extended east across Airport Way to a projected location that could cross Union Road? (See Exhibits "1" and "2")
4. Will the current RD17 levee improvements be limited to seepage repair or be upgraded to 100- or 200-year flood levee compliance requirements?
5. What flood water displacement elevation level is the current 100- or 200-year flood levee system being designed for?
6. What regulatory agencies are involved in this process?

Neighbors United

7. Are any 100- or 200-year flood levee improvements, relocations or supplemental levees planned for any areas south of the current RD17 levee in the area between levee site marker locations 820+00 to 874+00? **(See Exhibits "4" and "5")**
8. If so, what impacts will those improvements have on any and all properties located on the unprotected side of the levee?
9. Are any 100- or 200-year flood levee improvements, relocations or supplemental levees planned for any portions of the current RD17 levee in the area between levee site marker locations 874+00 to 960+00? **(See Exhibits "4" and "5")**
10. If so, what impacts will those improvements have on any and all properties located on the unprotected side of the levee?
11. Will any levee improvements be put in place to protect Weatherbee Lake and any associated Weatherbee area housing located south of the current RD17 levee?
12. If so, what impacts will those improvements have on any and all properties located on the unprotected side of the levee?
13. Are any 100- or 200-year levee improvements, relocations or supplemental levees planned for the area north of the Turtle Beach Roadway and unutilized southern RD17 boundary lines as depicted on the NU potential flood impact concept map attached as **Exhibits "4" and "5"**?
14. If so, what impacts will those improvements have on any and all properties located on the unprotected side of the levee?
15. Will any 100- or 200-year levee improvements be put in place which will compound, restrict or impede the historical ability of flood waters to exit and drain from south Manteca rural areas and return to the river?
16. Will any San Joaquin River flood water return gates be included in the levee upgrade repair project?
17. What emergency services flood management protection measures will be implemented to allow trapped flood waters to be drained in an orderly fashion from the rural areas south of Manteca?
18. Is the City of Manteca aware that flood map history supports the termination point of the current RD17 levee? **(See Exhibits "3" and "4")**
19. Is it true that the City of Stockton has decided not to participate in the current RD17 levee Senate Bill 5 ("SB5") flood protection upgrades?

Neighbors United

20. Does that mean that SB5 flood levee compliance is not mandatory for the south Manteca area?
21. With that in mind, couldn't a flood levee impact compensation plan be implemented to provide a method of providing mitigation funds to potentially impacted property owners located on the flood water side of the levee?
22. Wouldn't this fund allow for property owners that were previously not impacted by prior flooding, to receive fair compensation for any current Manteca flood protection measures, as a result of newly created impacts affecting their property?
23. Doesn't every citizen have a right to know any and all impacts that may affect their property?

Finding a Solution:

In closing, NU wants to make it clear that it does not oppose levee related improvements in south Manteca.

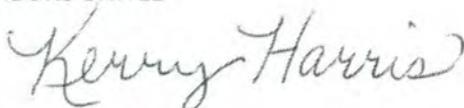
However, NU believes that thousands of acres of south Manteca properties could be impacted by any deviation from the current levee.

With this in mind, NU believes that a solution exists in combining 200-year levee improvements with an offsetting plan to construct adequately sized flood water river return drainage gates and flood water conveyance canals to allow for the uncompromised return of flood waters to the San Joaquin River.

Thank you for your attention to this very important matter.

Yours truly,

NEIGHBORS UNITED



Kerry Harris/President Elect

KH/jas

Enclosures:

1. Ex. "1": *January 22, 2015 Manteca Bulletin newspaper article: "Levee behind existing homes"*
2. Ex. "2": *January 28, 2015 Manteca Bulletin newspaper article: "Coming flood of misery for rural south Manteca folks"*

Neighbors United

3. Ex. "3": *San Joaquin County Flood Contingency Map, San Joaquin River East Bank*
4. Ex. "4": *San Joaquin County Flood Contingency Map, San Joaquin River East Bank (enlarged portion)*
5. Ex. "5": *August 2013 Neighbors United Potential Food Impact Concept Map, RD17 Mossdale Tract*
6. Ex. "6": *April 22, 2014 letter from Michael Babitzke on behalf of Neighbors United to Diane Nguyen with Exhibits "A" through "P"*

cc: City of Manteca Planning Commission
Karen McLaughlin, Manteca City Manager
Frederic Clark, Community Development Director, City of Manteca
Mark Houghton, Director of Public Works, City of Manteca
Mark Meissner, Planning Manager, City of Manteca
John Brinton, McFall, Burnett, & Brinton Attorneys at Law, Manteca City Attorney

Neighbors United

MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

Ex. "1":

*January 22, 2015 Manteca Bulletin newspaper article:
"Levee behind existing homes"*

Levee behind existing homes?

Flood solution would impact rural neighborhood

Dennis Wyatt
dwyatt@mantecabulletin.com
209-249-3519
January 22, 2015

The solution to protecting southwest Manteca from a 200-year flood will help determine exactly where the controversial proposed alignment of the future Raymus Expressway will swing through the rural countryside.

And by default, the levee's eventual alignment will determine the furthest urbanization will advance to the southwest of Manteca.

That's because California law prohibits development in known floodplains after July 1, 2016 unless plans are underway to put in improvements to protect them.

Preliminary plans by Reclamation District 17 would extend an existing dry levee eastward across Airport Way following a path in between Fig Avenue and Peach Avenue and ending short of Union Road.

The dry levee — also known as a cross-levee — would also be widened and its height increased. Currently the levee ends at a point south of Woodward Avenue east of McKinley Avenue.

Both the levee and ultimate route of Raymus Expressway will have major impacts on rural residents who live on small parcels or farm along Peach and Fig avenues.

It is why Neighbors United — a community-based action group — went on record at Tuesday's City Council meeting to make sure the public is informed anytime the alignment of either the levee or expressway is being considered.

The area is currently outside city limits but is within Manteca's sphere of influence. The sphere includes areas of land that county planners have agreed are logical future areas for the city to grow.

The levee work needed to protect both Manteca and Lathrop areas at risk of flooding has been placed at \$150 million.

The area southwest of Manteca has flooded nine times since 1929. The last time was in 1997 when nine breaches flooded 70 square miles between Manteca and Tracy causing \$100 million in losses and damaging more than 600 homes and other buildings.

The cross-levee that parallels Woodward Avenue west of Airport Way nearly failed in 1997. Back then, there were just a few homes in the area that would have been flooded. Caltrans plugged the McKinley underpass of the Highway 120 Bypass at the time as a back-up levee in case the cross levee failed.

Now there are several hundred tract homes in the area.

Over a thousand property owners southwest of Manteca – including a number within the city limits – will find it difficult to build structures of any consequence on their land starting on July 1, 2016. unless Lathrop and Manteca move forward with levee improvements.

The California Legislature passed a law in 2007 that basically restricts building in 200-year floodplains unless levees are upgraded. Without levees that are put in place to protect against so-called "200-year events" – which refers to the intensity and not the frequency – no one will be able to build structures on their property unless it is raised out of the floodplain by placing them on top of earthen mounds or elevating them using stilts or block.

A small part of Manteca southwest of Airport Way and the Highway 120 Bypass is in the 100-year flood plain. The 200-year floodplain is a much wider swath. It runs to a ridgeline that ends up just south of Nile Garden School. Much of the area west of a point about midway between Tinnin Road and Union Road and starting at a point south of Woodward Avenue is in the 200-year designation.

The city had at one time explored the possibility of pursuing levee improvements as far south as Nile Garden. Now improvements are being focused on extending the current levee that parallels Woodward Avenue west of Airport Way and extending it to a point roughly midway between Union Road and Tinnin Road.

Preliminary estimates made last year indicated the levee could be 80 feet wide and six feet high to the west of Airport Way, and 50 feet wide and four feet high east of Airport Way. It would be 40 feet wide and four feet high east if it is extended east of Union Road.

The envisioned Raymus Expressway would connect with the proposed Raymus interchange about midway between the Austin Road and Jack Tone Road interchanges. The road would run east-west to serve as the main access to the 1,050-acre Austin Road Business Park project. It would curve to the northwest to connect with the new alignment of McKinley Avenue. Part of that new alignment is already in place along the western edge of a d developed neighborhood east of McKinley Avenue.

<http://www.mantecabulletin.com/section/1/article/119868/>

Ex. "2":

*January 28, 2015 Manteca Bulletin newspaper article:
"Coming flood of misery for rural south Manteca folks"*

Coming flood of misery for rural south Manteca folks

Dennis Wyatt
dwyatt@mantecabulletin.com
209-249-3519
January 28, 2015

Rain and snow when it does fall can sometimes inflict painful misery on parts of Manteca and Lathrop.

The area south of Manteca known as River Bend where the Stanislaus River joins the San Joaquin River, has flooded 11 times in the past 87 years. Back prior to the 1890s, annual flooding was a way of life as there were no levees of consequence to keep the river in check whether it was a below normal year or one with above average precipitation.

The current drought we are in underscores who really is in charge — Mother Nature. We just have to come up with a way to live with her whims.

Which brings us to the \$150 million question: Why do we need more flood protection?

The short answer is because the California Legislature says so. They have upped the ante — reasonably so to 200-year flood protection. That is roughly twice as effective as what now exists protecting parts of Manteca, much of rural south Manteca, almost all of Lathrop and Weston Ranch from both the San Joaquin and Stanislaus.

Although a 200-year event — a reference to magnitude and not frequency — hasn't occurred in the past century or so the fact more and more development has taken place upstream only increases the run-off potential with each passing year.

If enhanced protection isn't in the works by July 1, 2016 no new construction of any structure can be done in the identified 200-year floodplain unless it is taken out of harm's way. That means either employing expensive earthen mounds or some type of stilt- cinderblock base to raise buildings above the 200-year flood level.

The county isn't an active player which means only as much of the levee system that has to be enhanced will be done. That is why the dry levee that exists south of Woodward Avenue is proposed to be extended eastward and buffed up in size instead of upgrading the Stanislaus River levee as well as the San Joaquin River levee south of Wetherbee Lake.

Rest assured the \$150 million figure would easily double if those sections of levees

were included in the work.

There are three points you need to keep in mind.

First, the levee enhancement costs will more than likely be borne by those who own undeveloped land that lies in the 200-year floodplain within the Manteca and Lathrop city limits.

Second, in all likelihood it won't stop Great Wolf Resort from being built if a deal is done as construction would be underway before the July 1, 2016 deadline.

Third, it is not a question of whether — but when — a flood will occur. And given the 1997 disaster was a 100-year event a repeat of that one with the existing dry levee south of Woodward Avenue failing would inundate existing housing south of the 120 Bypass although plugging the McKinley Avenue underpass could probably save areas north of the freeway along Airport Way.

In short everyone who owns a home or business in Lathrop and Weston Ranch has a vested interest in the levees being upgraded even though they aren't paying for the work. That also goes for at least 2,000 homeowners and business on a wide swath of the Airport Way corridor.

The real losers are rural Manteca residents who generally live south of Peach Avenue and east of Airport Way.

Engineers, financial analysts, and bureaucrats have already made a decision that puts the residents in the cross-hairs by opting for the dry levee. Exploring the more extensive levee work along the Stanislaus and the San Joaquin north to Wetherbee Lake isn't a viable option.

Going much farther south than Fig Avenue with a new dry levee would require dealing with more property and going farther to the east. It would also protect land not in Manteca's sphere of influence or an area that has been identified as a logical annexation to the city down the road.

No matter where the dry levee goes, if you live along Peach or Fig you will lose. If the levee is built north of your home and property it means floodwaters in the next major event will be even higher since the levee will stop water from advancing north.

And if the levee is built to the south of your home and property, you will have dodged one bullet only to be gunned down by another. That's because the city plans to swing the envisioned Raymus Expressway through the area north of the levee.

Fighting the levee might be a bit futile.

But what is feasible is for groups such as Citizens United to step up their game and force things to happen.

First it is clear from the latest Google aerial map if a somewhat of a zigzag course for the extension is taken, a levee could be created with minimal impact on existing

residents and farming operations.

Second, residents need to hammer city leaders week in and week out to adopt a route for the expressway now so it can be forced farther to the north through undeveloped areas. Wait a few years to make the exact alignment and five houses to an acre will be built in the only other area it can go.

The longer the city waits to adopt a corridor for Raymus Expressway, the more likely it can only go just north of the levee extension.

As things stand now, it is shaping up as a miserable future for many residents of rural South Manteca.

This column is the opinion of executive editor, Dennis Wyatt, and does not necessarily represent the opinion of The Bulletin or Morris Newspaper Corp. of CA. He can be contacted at dwyatt@mantecabulletin.com or 209.249.3519.

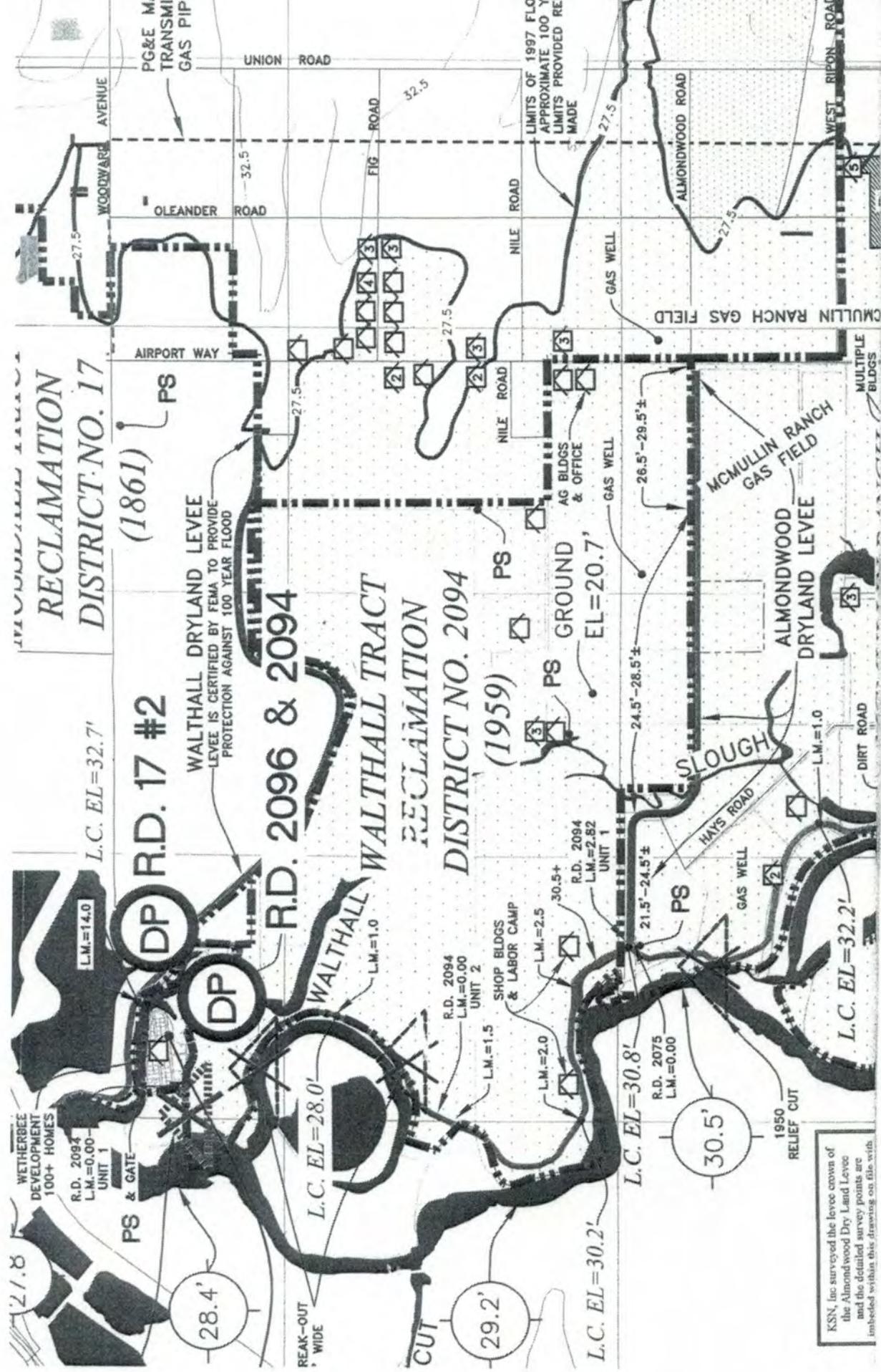
<http://www.mantecabulletin.com/section/38/article/120101/>

Ex. "3":

*San Joaquin County Flood Contingency Map, San Joaquin
River East Bank*

Ex. "4":

*San Joaquin County Flood Contingency Map, San Joaquin
River East Bank (Enlarged portion)*



KSN, Inc surveyed the levee crown of the Almondwood Dry Land Levee and the detailed survey points are imbedded within this drawing on file with

RECLAMATION DISTRICT NO. 17 (1861)

RECLAMATION DISTRICT NO. 2094 (1959)

WALTHALL DRYLAND LEVEE LEVEE IS CERTIFIED BY FEMA TO PROVIDE PROTECTION AGAINST 100 YEAR FLOOD

ALMONDWOOD DRYLAND LEVEE

WETHERBEE DEVELOPMENT 100+ HOMES R.D. 2094 L.M.=0.00 UNIT 1

R.D. 2094 L.M.=0.00 UNIT 2

R.D. 2094 L.M.=2.82 UNIT 1

L.C. EL=32.2'

L.C. EL=30.8'

R.D. 2075 L.M.=0.00

R.D. 17 #2 L.C. EL=32.7'

R.D. 2096 & 2094

PS GROUND EL=20.7'

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L.C. EL=30.2'

30.5'

L.C. EL=30.8'

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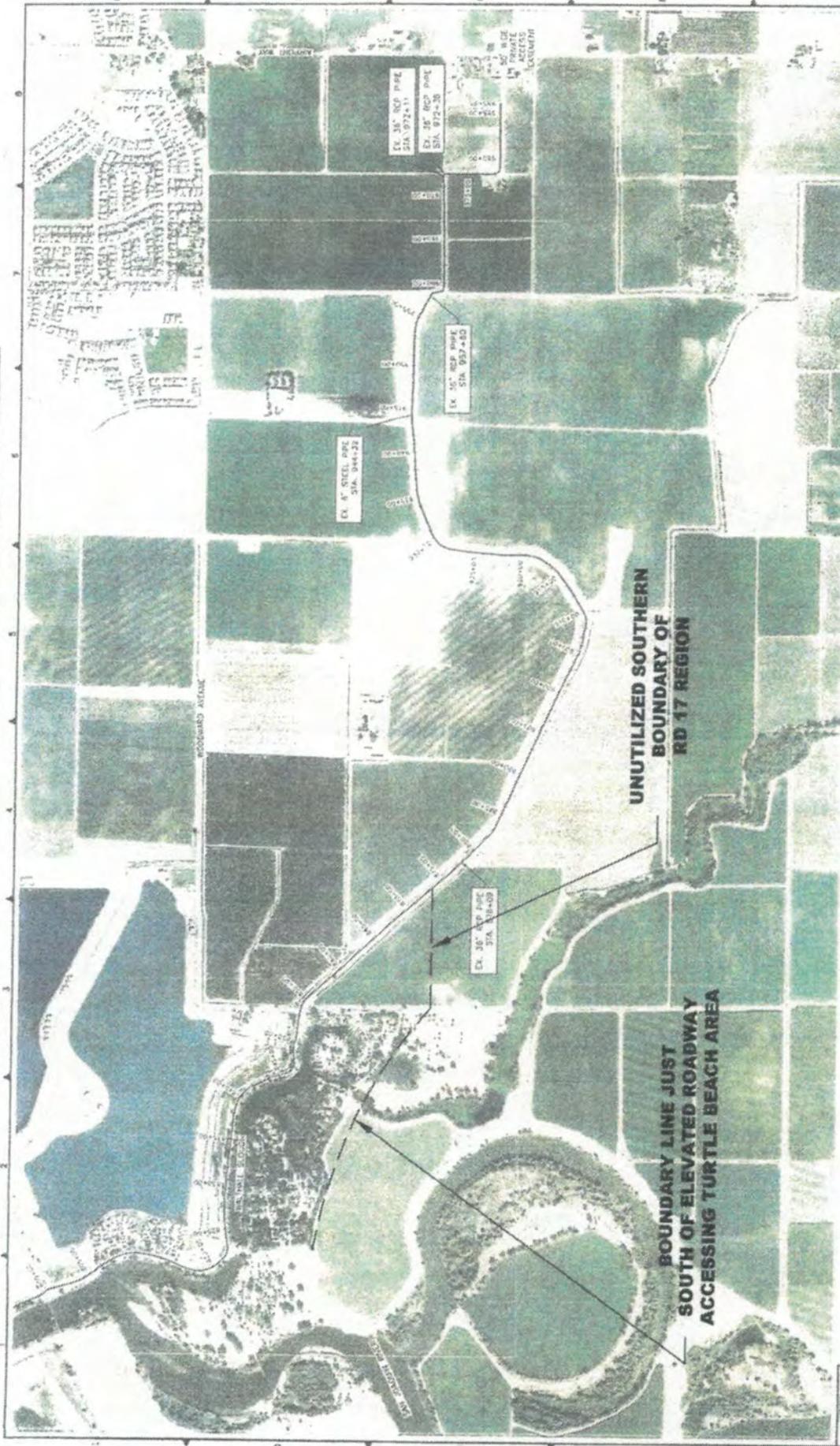
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Ex. "5":

*August 2013 Neighbors United Potential Food Impact
Concept Map, RD17 Mossdale Tract*

NEIGHBORS UNITED POTENTIAL FLOOD IMPACT CONCEPT MAP



<p>DATE LADD EXAMINED THE TRENCH FOR THE FOR APPROX. 1800 TRENCH AREA 2-20-12 TO DETERMINE IF THE TRENCH IS APPROX. 1800 TRENCH AREA 2-20-12</p>	<p>K KJELDSSEN S SINNOCK N NEUDECK Civil Engineers and Land Surveyors</p>	<p>RECLAMATION DISTRICT NO. 17 SAN JOAQUIN COUNTY, CALIFORNIA DRYLAND LEVEE PIPE IMPROVEMENTS SITE MAP</p>	<p>Scale: 1" = 500'</p>	<p>Date: AUGUST 2013</p>
			<p>Design: ECA</p>	<p>Sheet Number: 2</p>
<p>Check: CHY</p>	<p>Project: 0851-0070</p>	<p>City: CHY</p>	<p>Scale: 1" = 500'</p>	<p>Date: AUGUST 2013</p>
<p>Check: CHY</p>	<p>Project: 0851-0070</p>	<p>City: CHY</p>	<p>Scale: 1" = 500'</p>	<p>Date: AUGUST 2013</p>

Ex. "6":

Pages 2, 3 and 5 of April 22, 2014 letter from Michael Babitzke on behalf of Neighbors United to Diane Nguyen with Exhibits "A" through "P"

3. 2017 SR120 at Union Road interchange
4. 2017 Airport Way widening (two to four lanes SR120 to Yosemite)
5. 2023 SR120 at McKinley Avenue interchange
6. 2023 Lathrop road widening (two to four lanes east of UPRR to SR99)
7. 2023 Airport Way (two to four lanes Lathrop Rd. to Roth Rd.)
8. 2023 Atherton Drive (new four lanes road McKinley to west of Airport Way)
9. 2032 Raymus expressway (new four lanes Main Street to SR99/four lanes)
10. 2032 Airport Way widening (two to four lanes Yosemite to Lathrop Rd.)
11. 2032 Raymus Expressway (SR120 to Woodward)
12. 2032 Raymus Expressway (new two lanes Woodward to Main St.)
13. 2032 Atherton Drive (new four lanes Woodward to McKinley Ave)
14. 2040 Airport Way (four to six lanes) (SR120 to Lathrop Rd.)
15. 2040 I-5 Mossdale (SR120 to I-205) (widen nine to twelve lanes)
16. 2040 SR120 (widen four to six lanes) (I-5 to SR99)

The road improvement schedule could prove problematic to Regional Traffic flows in the view of many south county residents.

Improvements to Atherton Drive, Union and McKinley interchanges, the new Raymus Expressway and Airport Way are scheduled for completion several years prior to improvement work scheduled for Hwy 120 and the Hwy 120/I-5 Mossdale interchange.

Further, for westbound traffic, those roadway improvements will only serve as arterial expressways that will all eventually need to access westbound Hwy 120 (SR120 to remain four lanes until 2040). This will more than likely result in massive congestion as more and more commuters exit those arterial expressways and merge onto Hwy 120 heading west to I-205 or I-5 north and south.

It is my belief that this will lead to **mass traffic gridlock, bottle necking and more** at both the east and west ends of the Hwy 120 Bypass. (see Manteca newspaper article dated 11-22-13, Exhibit "B" attached)

3. Flooding:

Various properties in the county were flooded in 1997.

In particular, the area south of Manteca had several properties impacted by flood waters.

I was previously advised that the Raymus Expressway will be built in conjunction with a flood levee to protect the Expressway and properties located north of the proposed roadway.

That creates concern with many residents south of Manteca and causes them to question the impact that the Raymus Expressway/levee will place on increasing the elevation of flood waters on properties located south of the Expressway/levee in the event of a levee break.

I draw your attention to page 4.13-60 of the DEIR which states:

"A portion of the transportation projects included in the proposed 2014 RTP/SCS could occur within the 100-year flood hazard area, thus increasing the potential to obstruct or exacerbate floodwaters. The construction of projects involving support structures in the floodway could obstruct floodwaters at some locations. Placement of structures within a floodplain can displace floodwaters and alter the base flood elevations in the surrounding areas. Structure can form a backwater effect, resulting in an increase in the flood elevation level upstream and in neighboring areas. Likewise, floodwaters can cause scour effects, resulting in erosion and sedimentation problems downstream from structures. Drainage areas could be altered by highway corridors, in which floodwater could be detained by medians and along the roadside. Proposed bridge supports could block debris in waterways, creating obstructions and further elevating upstream flood levels. The Plan could alter existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or produce or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems".

It seems likely that some properties that did not experience flood damage in 1997 could be impacted by future San Joaquin River levee breaks due to the displaced flood water affect resulting from development.

For this reason, many south Manteca rural residents believe, that any future flood impacts due to new development should result in San Joaquin County providing compensation to property owners negatively affected by adverse changes to the elevation in floodwaters contacting their property.

4. Fire Services:

For some time now, the Lathrop-Manteca Rural Fire Department has reduced staff or ordered station closures to the Union Road Station #32.

This decision was apparently based on budget shortfalls due to a decreased tax base resulting from many years of unmitigated rural land annexations into the City of Manteca.

I am concerned that further development south of Manteca will further impact the ability of the Lathrop-Manteca Rural Fire Department to maintain and staff the Union Road fire station.

5. Protecting Agricultural Resources:

Much has been said about our local urban communities efforts in protecting farm ground.

construction, could lead to unknown conditions or other water discharges and displacements that might allow heavy metals and other toxins to migrate into the ground water.

9. Natural Water Flows/Irrigation:

Considering the potential impacts to farming properties that could be affected by the Raymus Expressway, Page 4.13-55 of the DEIR states that: "Generally with regard to water impacts, the greater the change from existing conditions, the more noticeable the change to the environment. The construction of a new roadway generally has a greater impact on water resources than the widening of an existing one as it would result in the loss of a greater amount of permeable surface. Road widening, however, can have significant local impacts especially when requiring the removal of trees and other important landscape buffers, or when construction of noise barriers or other visual impediments is necessary.

The development of new transportation facilities may affect water resources, either through direct effects to water sources or through indirect effects to the area surrounding a resource if toxins pollute the area's water resources. The region contains a fair number of water resources; therefore, the potential for impacts to water resources is significant. Improvements within existing rights-of-way are less likely to affect existing water resources; however, new highway segments near water resources would constitute a significant impact. Also, reducing buffer zones between transportation corridors and reduction of water resources through lane widening could cause significant impacts." (see Exhibit "D" attached)

With that in mind, it appears significant impacts could be created to farming operations experiencing a dissection of their property and the associated water resources and other adverse environmental impacts that might arise due to new road construction anticipated south of Manteca.

10. Sewer Water Treatment and Discharge:

It is my opinion that sustainable growth can only be achieved by utilizing a process that neutralizes the adverse environmental impacts that growth places on our community.

This is particularly true in relation to the collection, treatment, and disposal of sewer wastewater and the associated waste solids collected through the treatment process.

Page 4.11. 7-5 of the DEIR states that, "The Safe Drinking Water Act (SDWA) ensures the quality of American's drinking water. The law requires actions to protect drinking water at it's sources: rivers, lakes, reservoirs, springs, and ground water wells, and applies to public water systems serving 25 or more people."

In preparation for making comments on any impacts associated with sewage treatment, I reviewed two documents available on the City of Manteca's website.

1. National Pollution Discharge Elimination System Requirements ("NPDES Requirement Document")
2. City of Manteca Wastewater Quality Control Facility Master Plan Update ("Master Plan Update") that was prepared by Nolte Engineering Company dated 2006.

The documents were the most recent available and indicate that the City of Manteca utilizes a Tertiary filtration process to treat sewage waste generated in the urban areas located around the Manteca waste treatment facility.

Neighbors United

5/ MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

April 8, 2015

Ms. Tanis Toland
US Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814-2922

**Re: Public Comments Relating to the San Joaquin River Basin Lower San Joaquin River, CA
DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental
Impact Report dated February 2015**

Dear Ms. Toland:

Neighbors United (NU) is a California non-profit corporation with a focus on growth and environmental issues.

For several months now, NU has been active in attending Manteca City Council meetings for the purpose of better understanding any and all impacts associated with any proposed repairs or improvements to the current flood protection levee system located in an area generally recognized as southwest Manteca.

As part of that effort, NU is in receipt of three Environmental Impact Report documents describing the potential for future flood protection levee projects meant to protect the planned urban expansion of Manteca:

- A. US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015 ("**San Joaquin River Basin Lower San Joaquin River Feasibility Report**")
- B. Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073) ("**FEIR Phase 3-RD17 Levee Seepage Repair Project**")
- C. San Joaquin Council of Governments "*Final Programmatic Environmental Impact Report/Regional Transportation Plan and Sustainable Communities Strategy for San Joaquin County*" dated June 2014 (SCH #2013022012) ("**SJCOG FEIR RTP/SCS**")

NU has reviewed the relevant portions of each of the documents received and recognizes the public benefit that increased flood protection will afford to the urban areas of Manteca. However, NU has

identified four potential adverse affects that the proposed levee seepage repairs and/or future SB5 flood protection levee compliance improvements may impose in the flood hazard area south of the levee.

1. **Water Displacement and the Potential for Increased Base Flood Elevations:**

NU draws your attention to page 4.13-60 of the Draft Programmatic Environmental Impact Report Regional Transportation Plan & Sustainable Communities Strategy for San Joaquin County dated March 2014¹, which states:

"A portion of the transportation projects included in the proposed 2014 RTP/SCS could occur within the 100-year flood hazard area, thus increasing the potential to obstruct or exacerbate floodwaters. The construction of projects involving support structures in the floodway could obstruct floodwaters at some locations. Placement of structures within a floodplain can displace floodwaters and alter the base flood elevations in the surrounding areas. Structure can form a backwater effect, resulting in an increase in the flood elevation level upstream and in neighboring areas. Likewise, floodwaters can cause scour effects, resulting in erosion and sedimentation problems downstream from structures. Drainage areas could be altered by highway corridors, in which floodwater could be detained by medians and along the roadside. Proposed bridge supports could block debris in waterways, creating obstructions and further elevating upstream flood levels. The Plan could alter existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or produce or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems."

In addition, the San Joaquin River Basin Lower San Joaquin River Feasibility Report describes an eastern levee extension route detailed on pages 3-35 and 3-57. (See Exhibits "1" and "2")

Further, the San Joaquin County Office of Emergency Services distributed a Flood Contingency Map dated April 2011 which clearly shows the specific areas affected by prior flooding. (See Exhibit "3")

With this in mind, NU's comment is to request that a priority emphasis be placed on identifying an ultimate eastern Reclamation District No. 17 ("RD17") levee extension footprint route that follows higher ground elevations as the levee moves to the east, so as to minimize the potential impacts due to the displacement of flood waters affecting residents and property owners located in the flood hazard area.

2. **Seepage Control Mechanisms and the Potential to Affect Changes in Elevation to the Groundwater Table**

The documents reviewed further indicate that the proposed levee seepage repairs and improvements may involve levee seepage control mechanisms installed under the levee in the form of cut off walls reaching depths of up to 80 feet deep that may cause changes in elevation to the groundwater table.

¹ This portion of the Draft EIR is included as part of the Final Programmatic Environmental Impact Report/Regional Transportation Plan and Sustainable Communities Strategy for San Joaquin County dated June 2014 (SCH #2013022012)

Several almond orchards and other farms are located along the southern edge of the existing RD17 levee as well as other farming operations in areas located to the east that are under consideration as sites for a future levee.

Like many properties located in close proximity to the San Joaquin River, groundwater in the area around southwest Manteca is very shallow which makes the root system of almond trees vulnerable to damage if flooded due to higher groundwater elevations.

Further, the FEIR Phase 3-RD17 Levee Seepage Repair Project specifies on page ES-8 that no cut off walls are being considered on RD17 levee element areas VIII, IX, X or XI. (See Exhibit "4")

With this in mind, NU's comment is to request that the entire RD17 levee extension be constructed without any levee seepage control mechanisms involving cut off walls or any other control mechanism that could cause localized change to surface groundwater levels. (See Exhibit "5")

3. **Protecting Agricultural Resources:**

The documents reviewed identify certain protections for farmland under the Farmland Protection Policy Act (7 U.S.C. 4201, et. seq.) as detailed in the San Joaquin River Basin Lower San Joaquin River Feasibility Report on pages 7-6 and 7-7. (See Exhibit "6")

Further, the FEIR Phase 3-RD17 Levee Seepage Repair Project provides extensive farm protection related information on pages 3.2-1 and continuing through 3.2-20 of the report.

With this in mind, NU's comment is to request that to the greatest extent possible, every effort is made to comply with the City of Manteca policies specified on pages 3.2-4 and 3.2-9 of the FEIR Phase 3-RD17 Levee Seepage Repair Project (See Exhibit "7") and further listed below:

City of Manteca General Plan

The *City of Manteca General Plan 2023 Policy Document* (City of Manteca 2003), Resource Conservation Element, Goal RC-9, promotes the continuation of agricultural uses in the Manteca area and discourages the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca. Policies relevant to the proposed project include the following:

- ▶ **Policy RC-P-19:** The City shall support the continuation of agricultural uses on land designated for urban use, until urban development is imminent.
- ▶ **Policy RC-P-20:** The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.

- ▶ **Policy RC-P-21:** In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- ▶ **Policy RC-P-23:** Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- ▶ **Policy RC-P-24:** Provide buffers at the interface of urban development and farmland in order to minimize conflicts between these uses.
- ▶ **Policy RC-P-26:** The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.
- ▶ **Policy RC-P-27:** The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

In particular, NU requests that the buffers described in Policy RC-P-24 include the construction and installation of protective fencing as provided for in Chapter 8, Section 8.8.2 under the City of Manteca General Plan Resource Conservation Policy RC-I-30 (**See Exhibit "8"**) and that the provisions specified by the City of Manteca in Policy RC-P-26 restricting the fragmentation of agricultural lands allow for the routing of any RD17 levee extension in south Manteca to take into consideration farm impacts relating to the division of farm properties into smaller parcels that may result in those properties becoming impractical to farm.

Most important, NU requests that in association with the provisions stated on page 3.2-16 of the FEIR Phase 3-RD17 Levee Seepage Repair Project relating to the disturbance or removal of agricultural infrastructure, such as wells, pipelines and drainage canals, NU requests that all infrastructure affected during the project be restored as soon as possible to guard against any damage to the crop or farm property. (**See Exhibit "9"**)

4. Minimizing Flood Risks in the Flood Hazard Areas South of the Current RD17 Levee System:

The documents reviewed, further indicate that the proposed RD17 levee seepage repairs may involve improvements to the area in and around the Weatherbee Lake/Turtle Beach Resort area.

This area is further identified in the FEIR Phase 3-RD17 Levee Seepage Repair Project as being part of a Flood Hazard Area located adjacent to and south of RD17 levee element locations VIIe and VIIg. (**See Exhibit "10"**)

This is significant, because historically, for levee breaks south of Manteca, flood water runoff severe enough to impact the Walthall Slough Reclamation District No. 2094 area generally returns to the San Joaquin River in the area where Walthall Slough and the San Joaquin River converge. (**See Exhibit "11"**)

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This point of convergence is further identified as being situated in and around the Weatherbee Lake/Turtle Beach Resort area which is protected in part by Reclamation District No. 2096.

In addition, it is widely understood that in past floods a relief cut has been made to the levees south of the Turtle Beach Resort to allow rising flood waters accumulating against the land side of the levee to drain back into the San Joaquin River.

Further, the 2011 San Joaquin County Office of Emergency Services Flood Contingency Map (See Exhibit "3") clearly demonstrates the extent that south Manteca was impacted by flood waters in 1997.

The map includes a contour line indicating the extent that 1997 flood waters reached with the understanding that flood water impact was limited in its extent due to a relief cut being made to the levee in the area south of the Turtle Beach Resort area.

It is important to add that the portion of levee that received the relief cut has been repaired at a considerable cost which would need to be re-performed each and every time a future flood requires a relief cut to be made to that same portion of levee.

With this in mind, NU's comment is to request that consideration be made to construct gate opening/closure structures to be put in place at the Turtle Beach relief cut levee location area as detailed on pages 4-11 and 4-13 of the San Joaquin River Basin Lower San Joaquin River Feasibility Report. (See Exhibit "12")

In this way, flood waters can be efficiently drained as necessary to prevent those land side flood waters from reaching elevations that exceed those of the San Joaquin River.

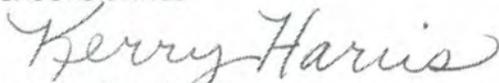
This will result in protections being put in place that can ensure that future impacts due to flooding can be limited by the best means possible.

In closing, NU thanks you for the opportunity to provide the comments presented in this letter.

Please contact me if you have any questions.

Yours truly,

NEIGHBORS UNITED



Kerry Harris/President Elect

KH/jas

Enclosures:

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- 1) Ex. "1": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 3-35
- 2) Ex. "2": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 3-57
- 3) Ex. "3": San Joaquin County Office of Emergency Services "SJ County Flood Contingency Map, RD 2064, 2075, 2094 & 2096, SJ River East Bank" dated April 2011
- 4) Ex. "4": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page ES-8
- 5) Ex. "5": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 3-4, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 5-54 and 5-55
- 6) Ex. "6": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 7-6 and 7-7
- 7) Ex. "7": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Pages 3.2-4 and 3.2-9
- 8) Ex. "8": City of Manteca "General Plan 2023, Policy Document" Adopted October 6, 2003; Pages 8-10 and 8-11 (Resource Conservation); Pages 8-10 and 8-11
- 9) Ex. "9": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page 3.2-16
- 10) Ex. "10": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page 2-25
- 11) Ex. "11": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 5-23
- 12) Ex. "12": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 4-11 and 4-13

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% MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

Ex. "1":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 3-35

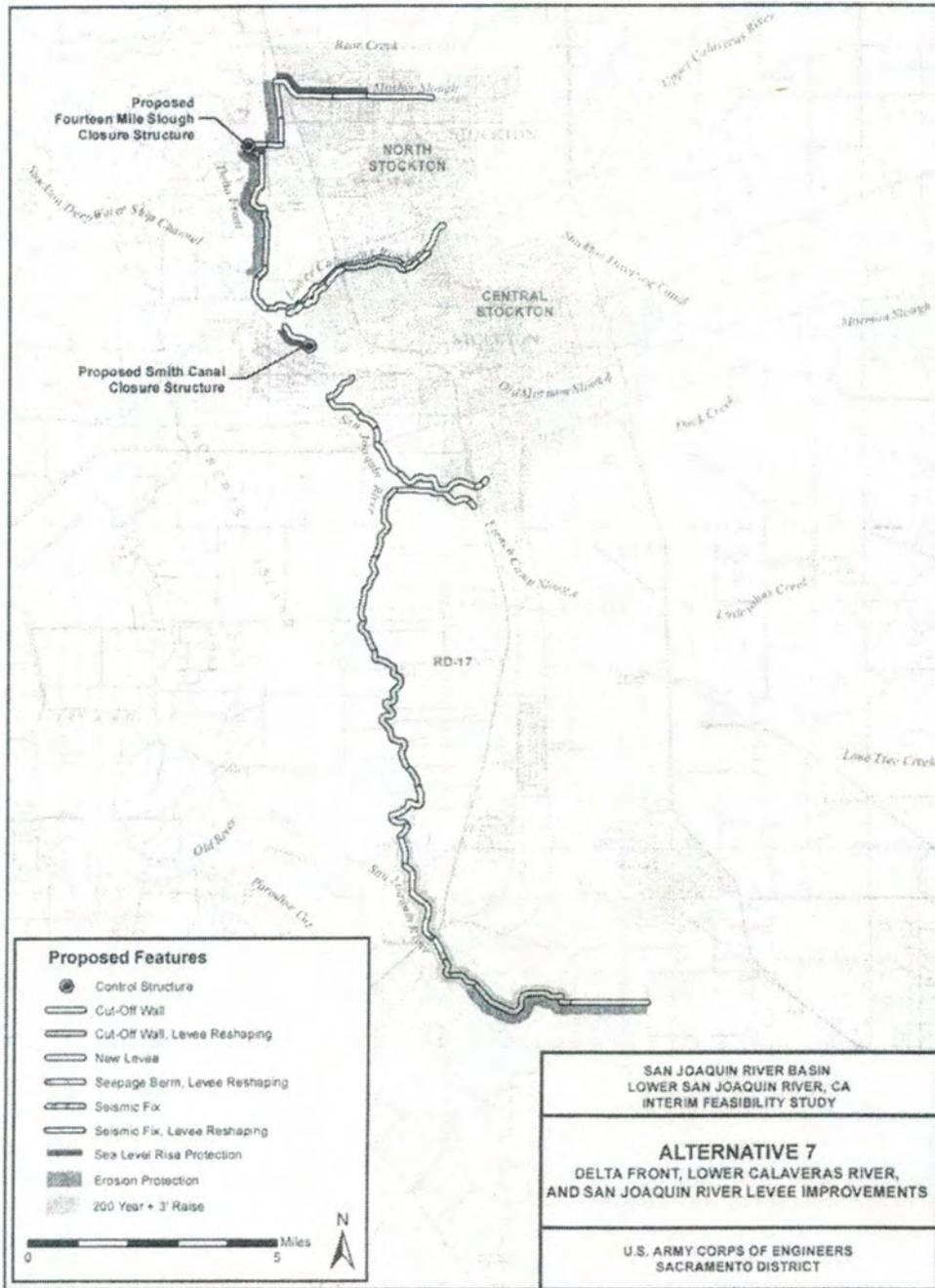


Figure 3-8. Alternative 7.

Ex. "2":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 3-57

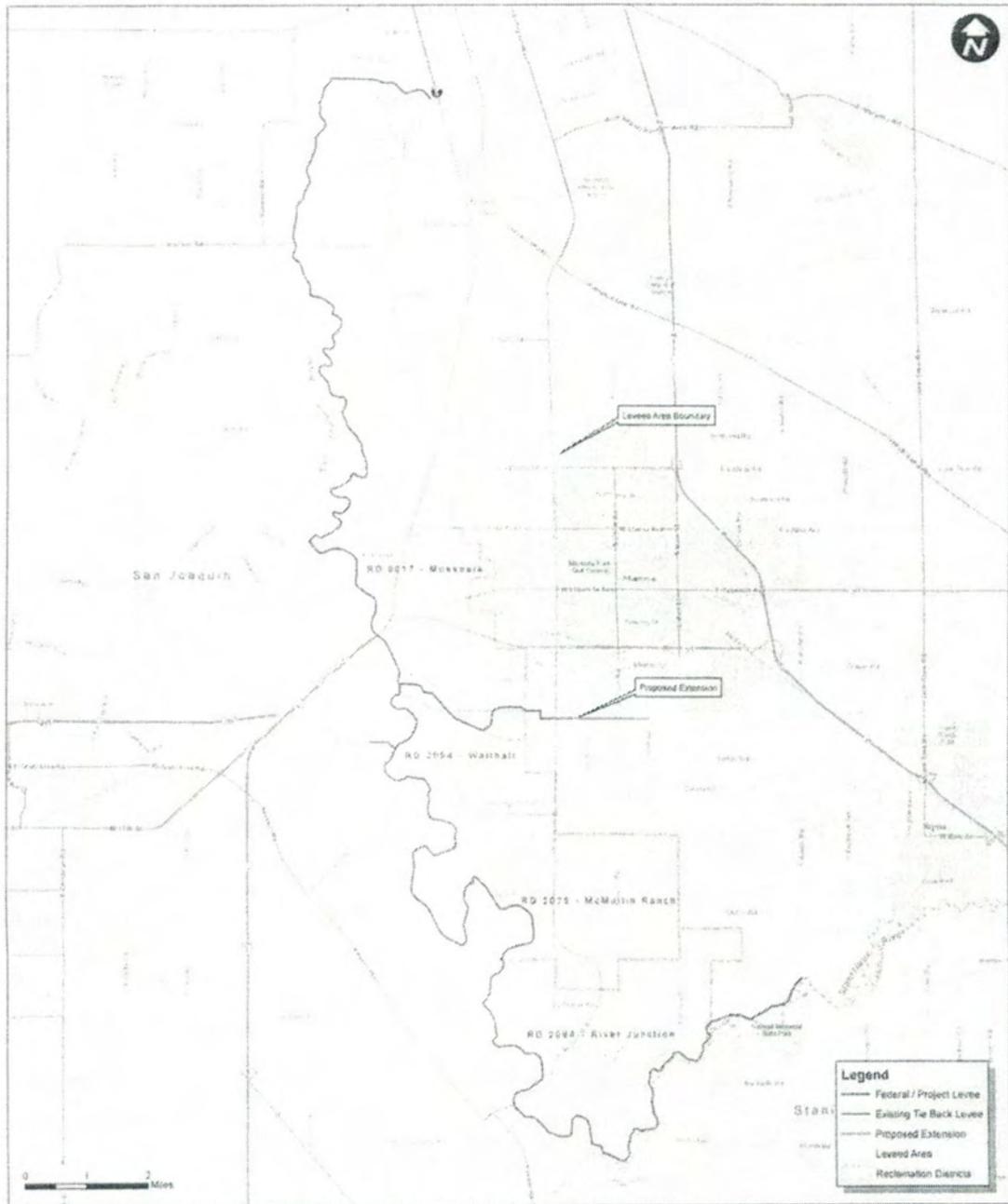
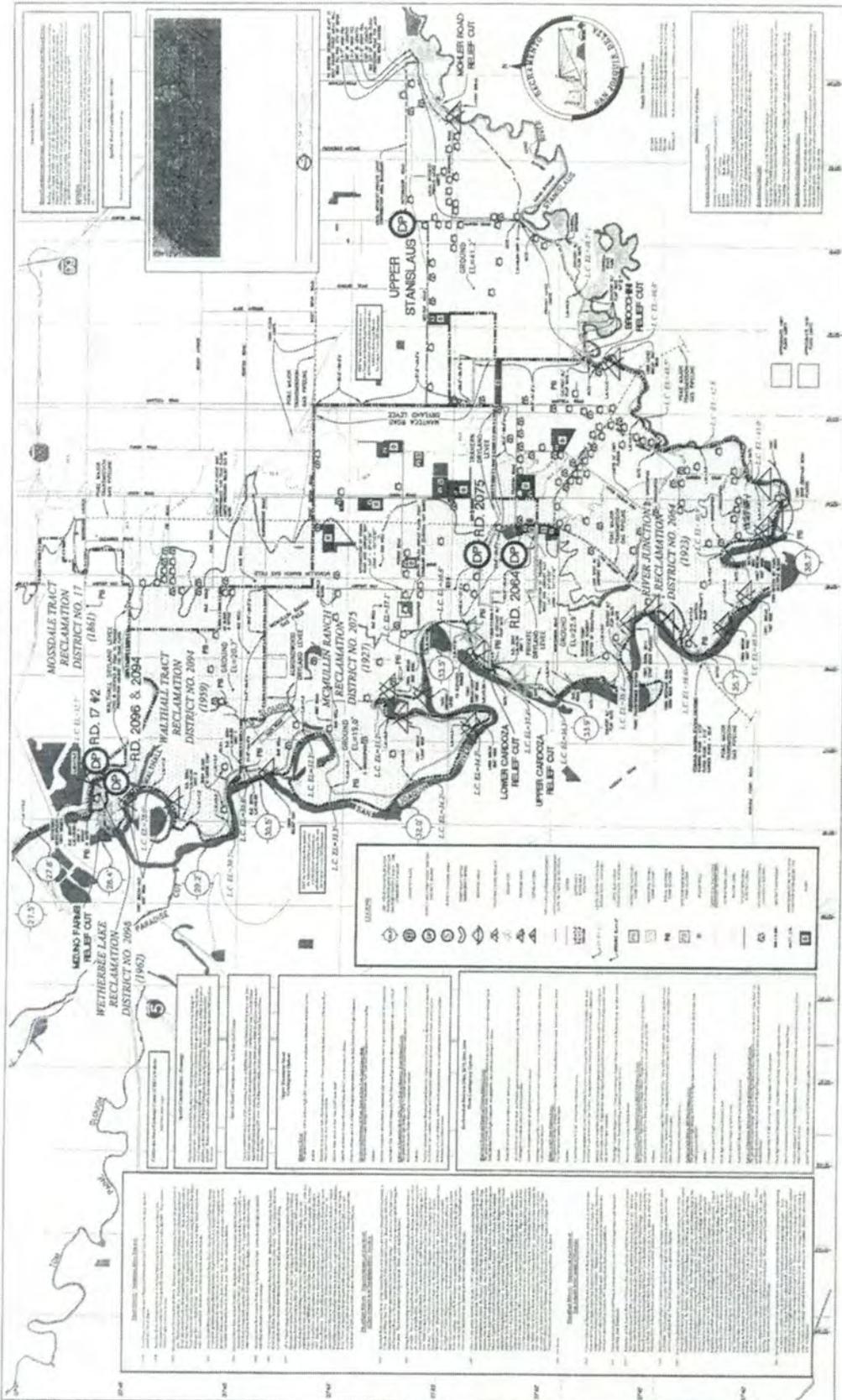


Figure 3-19. San Joaquin River East Levee System.

Ex. "3":

San Joaquin County Office of Emergency Services "*SJ
County Flood Contingency Map, RD 2064, 2075, 2094 &
2096, SJ River East Bank*" dated April 2011



MARK HELGREN
 COUNTY ENGINEER
 JAMES W. HENDERSON
 COUNTY ENGINEER
 JAMES W. HENDERSON
 COUNTY ENGINEER
 JAMES W. HENDERSON
 COUNTY ENGINEER

SAN JOAQUIN COUNTY
 OFFICE OF EMERGENCY SERVICES

SJ COUNTY
 FLOOD CONTINGENCY MAP
 RD 2094, 2075, 2094 & 2096
 SJ RIVER EAST BANK

Year	Levee	Relief Cut	Other
2004	100%	100%	100%
2075	100%	100%	100%
2094	100%	100%	100%
2096	100%	100%	100%

Ex. "4":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page ES-8

Reach	Levee Element	Minimum Footprint Alternative (Alternative 1)	Maximum Footprint Alternative (Alternative 2)	Preferred Alternative
		I	Ia seepage berm Ib seepage berm with chimney drain Ic seepage berm with chimney drain	seepage berm seepage berm with chimney drain seepage berm with chimney drain
II	IIa	cutoff wall¹	setback levee	cutoff wall
	IIb	cutoff wall	setback levee	cutoff wall
III	IIIa	chimney drain in existing seepage berm	chimney drain in existing seepage berm	chimney drain in existing seepage berm
	IIIb	seepage berm with chimney drain IVa seepage berm with chimney drain	seepage berm with chimney drain seepage berm with chimney drain	seepage berm with chimney drain seepage berm with chimney drain
IV	IVc	cutoff wall	seepage berm with chimney drain/toe drain or setback levee	<i>setback levee with seepage berm and cutoff wall</i>
	Va	cutoff wall	seepage berm with toe drain	cutoff wall
V	V1a.1	cutoff wall	seepage berm with toe drain	cutoff wall
	V1a.3	N/A	N/A	<i>cutoff wall</i>
VI	V1a.4	seepage berm with toe drain	seepage berm with toe drain	seepage berm with chimney drain/toe drain and <i>cutoff wall</i>
	V1b	chimney drain in existing seepage berm	chimney drain in existing seepage berm	<i>cutoff wall</i>
VII	V1c	seepage berm and fill	setback levee	<i>cutoff wall</i>
	V1d	seepage berm and fill	setback levee	<i>chimney drain and fill</i>
VIII	V1e	seepage berm and fill	setback levee	<i>chimney drain and fill</i>
	V1b	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
IX	V1e	slurry cutoff wall or sheet pile cutoff wall ¹	slurry cutoff wall or sheet pile cutoff wall ¹	cutoff wall
	V1g	seepage berm with toe drain and fill	seepage berm with toe drain and fill	seepage berm with chimney drain/toe drain
X	V1IIa	seepage berm	seepage berm	N/A
XI	IXa	seepage berm	seepage berm	N/A
	Xa	seepage berm	seepage berm	N/A
XI	XIa	seepage berm	seepage berm	N/A

Notes: **Bolded text** indicates that the proposed method for reducing flood risk for the element is different in each of the alternatives. *Italicized text* indicates that the proposed method for reducing flood risk for a Preferred Alternative element is different from both Alternative 1 and Alternative 2.
¹ Shallow slurry cutoff wall to be constructed with open-cut trench method. Sheet piles to be installed using pile-driving technology.
 Source: Data created by AECOM in 2011 based on information provided by Kjeldsen Sinnock Neudeck, Inc.

Ex. "5":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 3-4, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 5-54 and 5-55

Manage Land Use within Flood-prone Areas

This measure is an activity that the non-Federal sponsors would implement to meet the study objective of reducing flood risk to public health, safety and life. California SB 5 described in Section 2.2.2 is such a measure.

3.1.2 Structural Measures

Levee Raises

Raising levee height to increase the level of performance of existing levees is the focus of this measure. Increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and top width. Levee raises would be accomplished by adding material to achieve the desired height. Height increases would be accomplished while maintaining design top width and side slopes, and may require additional landside easement(s) to allow for the increase in levee footprint and necessary access easements.

Cut-off Walls

This measure would be implemented to address through- and under-seepage issues that affect levee performance and safety. Installation of the cut-off wall is accomplished by degrading the levee to one-half height and creating the wall with a soil-bentonite mix. Once the mix has cured, the levee is restored to design height and side slopes to meet current design standards. The depth of the cut-off walls will typically be from 20 to 80 feet, depending on subsurface conditions, which will be determined more precisely during the PED phase through additional borings and corresponding depth required to stop through and under-seepage.

Deep Soil Mixing (Seismic)

This measure would be implemented to provide seismic stability to the Delta Front levees where required. The measure addresses seismic risk in the Delta Front levees due to the makeup of the foundational geomorphology. The Delta area soils are typically unconsolidated alluvial deposits. The deep soil mixing (seismic) measure would involve installation of a grid of drilled soil-cement mixed columns aligned longitudinally with, and transverse to the levee extending beyond the levee prism. This measure acts to minimize lateral deformation of the levee during seismic events.

Setback Levees

Where in-place improvements of levees may not be effective, and adequate footprint area exists, this measure could be implemented to improve the hydraulic capacity and overall effectiveness of the levee system. This measure would allow for ecosystem restoration measures on the water side of the new levee. Setback levees would be built to a height equal to that of the existing levee system. Typical design for a

4.3.1 Cutoff Walls

Seepage cutoff walls are vertical walls of low hydraulic conductivity material constructed through the embankment and foundation to cut off potential through- and under-seepage. In order to be effective in reducing under-seepage, cutoff walls usually tie into an impervious sub-layer. Prior to construction, the construction site and staging areas would be cleared and grubbed. The levee is typically degraded by one half the levee height to provide a sufficient working surface and prevent hydraulic fracture of the levee. The cutoff walls for the project area would be a minimum of 3-feet in width; the cutoff wall would be constructed from a working surface elevation to a design depth at least 3-feet into an impermeable layer. During construction, bentonite-water slurry is used to keep the trench open and stable prior to backfilling with the permanent wall material. Soil is mixed with bentonite (SB) and then pushed into the trench, displacing the bentonite-water slurry. After a predetermined settlement period, an impervious cap is constructed above the cutoff wall and the levee is reconstructed using suitable material (Type 1 levee fill) to the correct design elevation and current USACE levee design criteria.

The conventional slurry method for SB walls is an open trench method that uses an excavator with a long-stick boom to excavate the slurry trench. The conventional method has a maximum depth of about 70 to 80 feet. Cutoff walls in North and Central Stockton would extend up to 70 feet below the working surface elevation. Some areas in RD 17 would require cutoff walls using Deep Mixing Method and would need to be up to 120 feet below the working surface elevation. The Deep Mixing Method involves blending the existing soil with cementitious material using blade or auger based mixing tools. Figure 4-1 shows a typical plan for a cutoff wall.

4.3.2 Levee Reshaping (also called "Geometric Fix")

This measure would include reshaping the existing levees to restore them to USACE levee design criteria for side slopes and crown width. For the LSJRFS area, the minimum crest width for mainline or major tributary levees is 20 feet; the minimum crest width for minor tributary levees is 12 feet. Existing levees with landside and waterside slopes as steep as 2H:1V (i.e., for every 2 feet of horizontal distance, there is a 1 foot increase in height) may be acceptable if slope performance has been good and if the slope stability analyses determined the factors of safety to be adequate. Newly constructed levees should have 3H:1V waterside and landside slopes.

For new levees constructed in the LSJRFS area, a minimum permanent landside toe clear access easement of 20 feet is required; for existing levees within the LSJRFS area, a minimum permanent landside toe clear access easement of 10 feet is required. For both new and existing levees in the LSJRFS a minimum permanent waterside toe vegetation free zone (VFZ) of 15 feet is required unless a variance is approved by USACE.

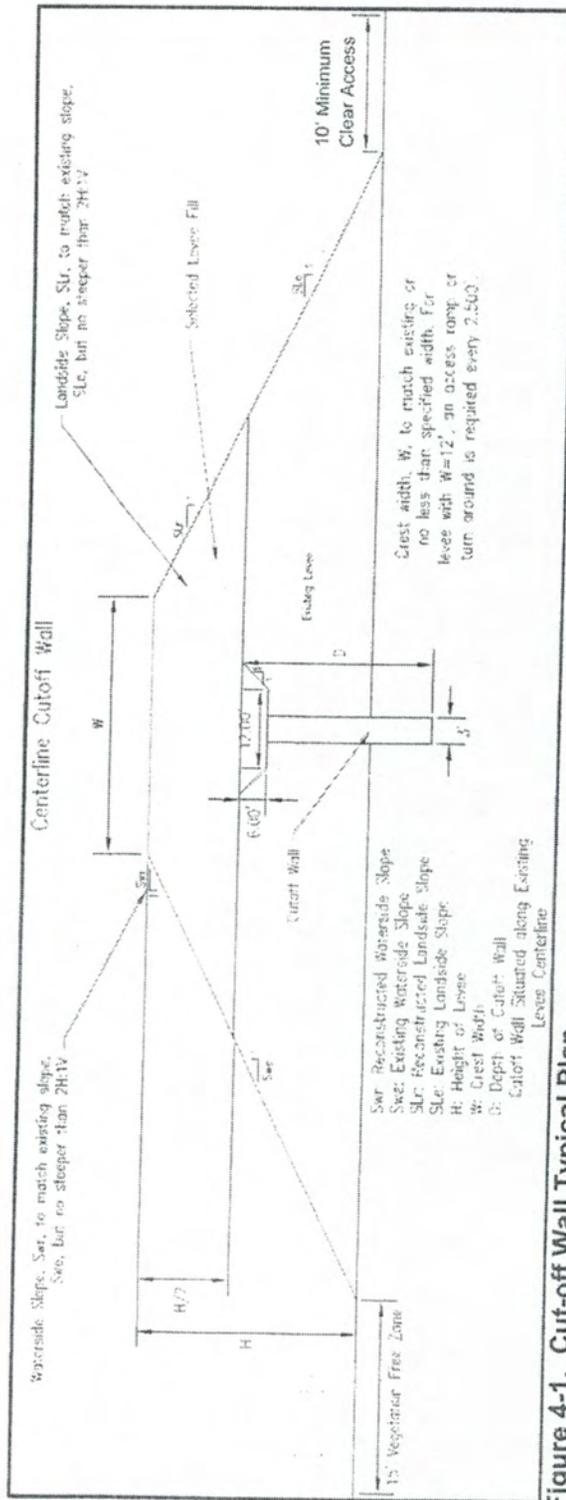


Figure 4-1. Cut-off Wall Typical Plan.

Note that the landside easement (right side) shown would be the minimum easement; landside easements would range from 10 feet to 20 feet from the levee toe.



Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To correct levee geometry, suitable material would be placed along the landside of existing levee slopes where needed to provide the minimum slope, required height, and crest width to meet current USACE levee design criteria, as detailed above. After construction, slopes would be hydroseeded for erosion control.

The additional area added to the landside toe by widening varies from 1 to 30 feet, depending on the existing width of the levee. The slope reshaping typical plan is shown on Figure 4-2. Slope reshaping and levee height fixes may require relocation of landside toe drains and ditches. These toe drains and ditches would be reestablished landward of the improved levee toe and would continue to function as they did before the levee improvements were constructed.

4.3.3 Levee Raise (Levee Height Fix)

This measure describes the construction action that would be taken to repair the levee height in locations where the crown has slumped and to raise the existing levee height to reasonably maximize net benefits. Where SLR was a design consideration, the height could increase up to 5 feet. An increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and crown width. Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To construct a levee raise, suitable material would be placed along the crown and landside of existing levee slopes, where needed, to provide the minimum slopes, required height, and crest width that meet current USACE levee design criteria. The typical plan for a levee raise is shown in Figure 4-2.

4.3.4 Seepage Berm

Seepage berms are proposed to address levee stability, under- and through-seepage which are affecting levee performance and safety. A seepage berm is typically built adjacent to the landside of the levee and consists of layers of sand, gravel, and soil. The purpose of the berm is to control seepage flows and reduce the risk of the levee being undermined during a high-water event. The seepage berm acts as a cap, controlling the seepage flow below the berm surface and allowing the flow to reach an exit location in such a way that the undermining of levee soils is reduced or eliminated, thereby preventing boils and piping.

The seepage berm width could range from 100 to 200 feet from the landside toe of the existing levee with a maximum width of 300 feet. The seepage berms would be approximately 5 feet thick at the toe of the existing levee and would gradually slope downward to about 3 feet thick at the landside edge, with a 3:1 slope to ground level.

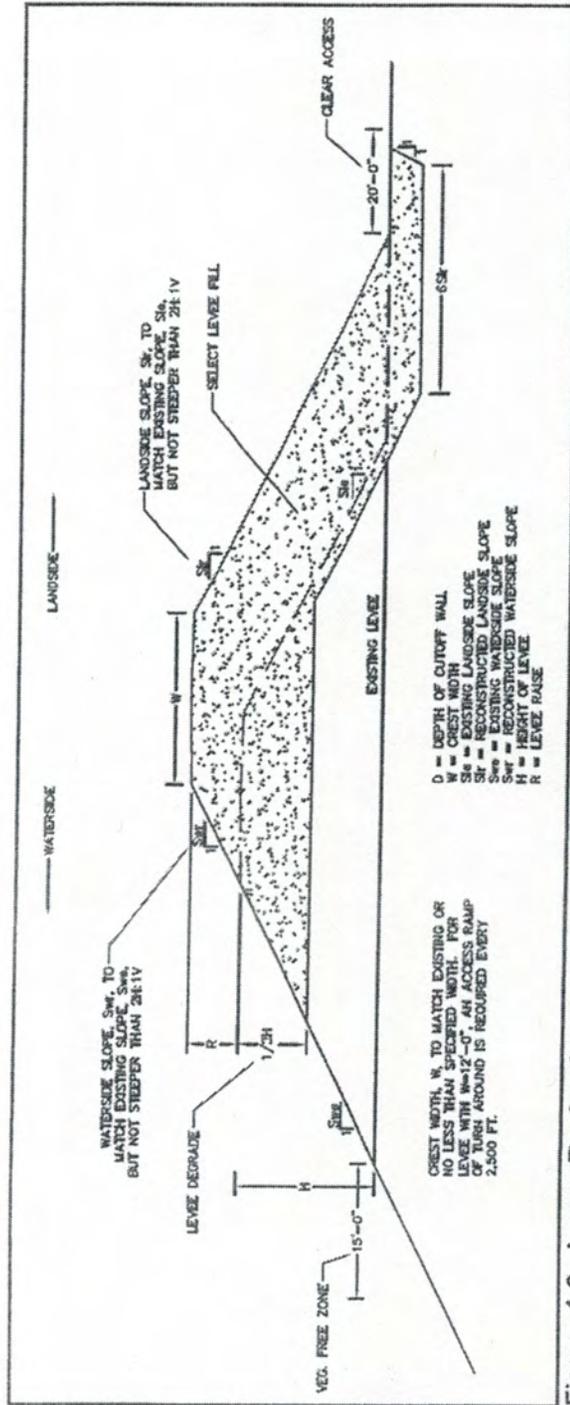


Figure 4-2. Levee Reshaping and Levee Raise Typical Plan.

Note that the landside easement (right side) shown would be the maximum clear access easement; landside easements would range from 10 feet to 20 feet from the levee toe. Half levee degradation is generally not proposed unless a cutoff wall would be installed. Instead, an internal drain may be constructed between the existing levee materials and the new fill.

Prior to construction the landside construction area would be cleared and grubbed for the new berm, right of way, and temporary easement. A layer of sand would then be placed on the natural ground surface to help eliminate the movement of fine-grained materials from underneath the levee. Gravel would then be placed on top of the sand to create a drainage layer. The drainage layer would allow the water to flow in a controlled manner and exit the face of the seepage berm to reduce the water pressure on the landside of the levee. A soil layer would then be placed on top of the gravel to further reduce the risk that seepage flows would pipe or create boils. Filter fabric would be placed between the soil and gravel layer to avoid migration of the soil into the gravel, which could clog the gravel and reduce its ability to carry seepage flows. A typical plan for a seepage berm is shown on Figure 4-3.

4.3.5 New Levee

This measure would involve constructing new levees to reduce the flood risk to some areas or to prevent waters from outflanking (i.e., flowing around the ends of the levees and entering the area intended to be protected) the existing levee system during high water events. To construct the new levees, the construction footprint area would be cleared and grubbed and a new levee foundation would be excavated. A levee inspection trench would be excavated across the entire proposed centerline of the new levee. The depth of the inspection trench would vary depending upon levee height, as required by USACE guidance and the State's Urban Levee Design Criteria (ULDC). For the purposes of the impact analysis, a depth of 3 to 6 feet is assumed.

Construction of the new levee section would proceed in accordance with USACE levee design criteria, with suitable material placed in 6- to 8-inch lifts, moistened, and compacted to design specification until the design elevation has been reached. If needed, a cut-off wall would be constructed prior to the levee construction. Once the wall was complete, the levee prism would then be constructed of impermeable fill (Type 1 levee fill material). For new levees that require erosion protection, quarry stone riprap would next be applied to armor the newly completed levee's waterside slope and provide protection against erosion. Fill material for levee construction would be obtained from local construction borrow areas and commercial sources, and would be delivered to the levee construction sites using haul trucks. A gravel road would be constructed on the crown of the new levees. Following construction, the levee slopes would be reseeded with natural grasses to prevent erosion. A typical plan for a new levee with a cutoff wall is shown on Figure 4-4.

4.3.6 Erosion Protection

This measure would consist of protection of the landside levee slopes should landward areas flood and subject the levee to wind and wave run-up of flood waters. For the purpose of this study, riprap was used to describe erosion protection features and the associated impacts. In PED, other erosion protection methodologies besides riprap may be explored.

- preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted), or
- substantially affect the quality of the groundwater supply.

5.6.3 Alternative 1 - No Action

Development within Stockton and surrounding areas could reduce recharge rates as the area of impervious surfaces increases and a larger volume of surface flows are collected by surface drains. If current groundwater management practices continue, levels will continue to decline, storage will continue to be reduced, and portions of the aquifer could become unusable due to the advancing inflow of higher salinity water from the west. In addition, potential groundwater contamination resulting from a flood event could limit the availability of groundwater.

The maximum sustainable yield from the aquifer is 0.75 to 1 acre-foot per acre per year. For the Delta Water Supply Project (DWSP), the City of Stockton selected a target extraction rate of 0.6 acre-feet per acre per year to reverse the historic overdraft and saline intrusion (City of Stockton 2007a, 2008a). The DWSP includes a storage and recovery program to address the City's long-term groundwater needs. In addition, the Eastern San Joaquin Groundwater Basin Management Plan also includes groundwater banking and recharge projects, although specific implementation measures have not been outlined. Although current groundwater supply is not sufficient for the anticipated growth, groundwater impacts would be reduced to **less-than-significant** through implementation of target extraction rates, banking projects, and recharge projects. Further, compliance with local, Federal, and state requirements would be implemented to reduce potential degradation of groundwater quality. Therefore, the No Action Alternative would have a **less-than-significant** impact on groundwater availability.

5.6.4 Alternative 7a

Under Alternative 7a, cutoff walls would be installed along about 20 miles of levees around North and Central Stockton. This alternative would reduce the risk of flooding to areas behind the levee. The areas receiving increased protection from improved levees are urban and are mostly built out. Therefore, the current pattern of groundwater recharge and extraction would be expected to continue.

Use of cutoff walls introduces the potential for groundwater contamination during construction. Primary construction-related contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials. The slurry wall material is relatively benign and would not remain in a liquid state long enough to allow for significant lateral movement within the aquifer. Nevertheless, the release of contaminants into the groundwater would be a **significant** impact.

In addition, cutoff walls could restrict the movement of groundwater towards and away from adjacent rivers, streams and canals. This could change localized near-

surface groundwater levels in areas immediately adjacent to the cutoff wall. Shallow wells adjacent to the cutoff wall could be affected by the changes in radial flow, either increasing yields or increasing pumping costs. If yields decrease, a corresponding decrease in water quality could occur as the aquifer lowers and pumps take in more sediment. Cutoff walls may provide a potential benefit to the extent that they disrupt the eastward movement of saline waters.

Although some shallow wells near the slurry wall could be affected, recharge and overall flow to supply wells would not be appreciably affected. The proposed cutoff walls would reach depths of up to 70 feet. Since the upper water-bearing zone, the Victor Formation, extends from the ground surface to a maximum depth of approximately 150 feet and is hydraulically connected to the underlying Laguna Formation, the cutoff wall would not isolate any portion of the shallow water-bearing zone. The cutoff wall should not affect the utility of existing or future water supply wells.

The potential effects of cutoff walls on groundwater and subsurface water flows have become the subject of study only in recent years. In the Central Valley, two detailed technical studies of potential effects of cutoff walls on groundwater were completed in the Sacramento Basin. These studies were for the Natomas Levee Improvement Project and the Feather River West Levee Project/Sutter Basin Pilot Feasibility Study (SAFCA 2007, USACE and SBFCA 2013). Both of these studies found that the groundwater elevation would change by 3 feet or less. No similar studies have been conducted in the San Joaquin Basin. In the absence of any other data, this impact analysis assumes that the potential impact of cutoff walls on groundwater in the project area would be similar to what was identified for the two studies in the Sacramento River Basin and changes to groundwater elevations would be a fraction of existing groundwater elevations of 10 to 50 feet or more below ground surface in the project area (San Joaquin County 2007). Further, the implementation of the project would not change land use such that the rate of groundwater recharge would decrease or effect well yields. Therefore, Alternative 7a would have a **less-than-significant** impact on groundwater supplies.

5.6.5 Alternative 7b

Alternative 7b proposes the same repairs as Alternative 7a for North and Central Stockton, but would also include a new levee section on Duck Creek, levee improvements on the northern, western, and southern levees in RD 17, and a section of new levee in the southern part of RD 17. Cutoff walls would be constructed on about 34 miles of levee around North and Central Stockton and RD 17. Potential impacts are the same as those described for Alternative 7a. Like north and central Stockton, the future growth anticipated by the proposed General Plan for RD 17 would not substantially deplete groundwater supplies if the proposed target extraction rate of 0.6 acre-feet per acre per year is met (City of Stockton 2007a, 2008a).

Ex. "6":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 7-6 and 7-7

Socioeconomics and Environmental Justice Compliance are also discussed in Chapter 5, Section 5.13. Once all public comments have been received and addressed, as appropriate, the project will be in full compliance with EO 12898.

7.1.8 Executive Order 13112: Invasive Species

Executive Order 13112, signed February 3, 1999, directs all Federal agencies to prevent and control the introduction of invasive species in a cost-effective and environmentally sound manner. The order established the National Invasive Species Council, which is composed of Federal agencies and departments, and the supporting Invasive Species Advisory Committee, which is composed of state, local, and private entities. The council's national invasive species management plan recommends objectives and measures to implement Executive Order 13112 and to prevent the introduction and spread of invasive species (National Invasive Species Council 2008). Executive Order 13112 requires consideration of invasive species in NEPA analyses, including their identification and distribution, their potential effects, and measures to prevent or eradicate them.

7.1.9 Farmland Protection Policy Act (7 U.S.C. 4201, et seq.)

The Farmland Protection Policy Act was authorized to minimize the unnecessary and irreversible conversion of farmland to nonagricultural use due to Federal projects. This Act protects Prime and Unique farmland, and land of statewide or local importance. The Farmland Protection Policy Act protects forestland, pastureland, cropland, or other land that is not water or urban developed land. The Farmland Protection Policy Act requires a Federal agency to consider the effects of its action and programs on the Nation's farmlands. This Act is administered by the NRCS. The NRCS is authorized to review Federal projects and if farmland is being affected determine a farmland conversion impact rating for the farmland affected by the Federal project. USACE is required to provide the NRCS with project maps and descriptions to assist in determining impacts to Prime and Unique farmlands.

In California, NRCS uses a land evaluation and site assessment system (LESA) to establish a farmland conversion impact rating score on proposed sites of Federally-funded and assisted projects. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. Farmlands are scored on a scale of 260 points, and under the FPPA, farmlands receiving a total score of less than 160 points need not be given further consideration for protection and no alternative sites need to be evaluated (FPPA Rule 401.24, Section 658.4). Coordination with NRCS is on-going. The LESA evaluation will be completed and included in the final report. Preliminary review indicates that the permanent impacts on Prime Farmlands resulting from construction of the TSP would be considered less than significant since construction would primarily occur within the footprint of existing flood risk management infrastructure. New areas affected would mainly be within lands already converted to urban uses. Once the

Farmland Impact Rating is received from NRCS the project will be in full compliance with this Act.

7.1.10 Fish and Wildlife Coordination Act of 1958, as amended (16 U.S.C. 661, et seq.)

The Fish and Wildlife Coordination Act (FWCA) of 1958 requires that all Federal agencies consult with USFWS, NMFS, and the affected state wildlife agency for activities that affect, control, or modify surface waters, including wetlands and other waters. Under the FWCA, USFWS and NMFS and the applicable state fish and wildlife agency (CDFW) have an extended responsibility for project review that encompasses concerns about plant and wildlife species that may not be addressed under NEPA and the Federal ESA. This extended responsibility may include a project's secondary effects on jurisdictional waters, including wetlands. USFWS and NMFS review CWA Section 404 permit applications, as well as other Federal actions perceived to modify waters, and prepare a coordination act report to document the coordination between the Federal agency and the appropriate state regulatory agencies (Cylinder et al. 2004). The USFWS and CDFW have participated in evaluating the proposed project, and a draft CAR is provided in Appendix A-2. USACE will be in full compliance with this act once USFWS has issued the final CAR and USACE given full consideration to the USFWS' recommendations and included the final CAR with the study report to Congress for project authorization.

7.1.11 Magnuson-Stevens Fishery Conservation and Management Act (16. U.S.C. 1801, et seq.)

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) establishes a management system for national marine and estuarine fishery resources. Essential Fish Habitat (EFH) is defined as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." The legislation states that migratory routes to and from anadromous fish spawning grounds should also be considered EFH. The phrase "adversely affect" refers to the creation of any effects that reduce the quality or quantity of EFH. Federal activities that occur outside an EFH but that may, nonetheless, have an effect on EFH waters and substrate must also be considered in the consultation process. Under the Magnuson-Stevens Act, effects on habitat managed under the Pacific Salmon Fishery Management Plan must also be considered.

This law requires all Federal agencies to consult with NMFS regarding all actions or proposed actions permitted, funded, or undertaken that may adversely affect EFH. In consulting, the action agency must provide NMFS with a written assessment of the effects of their action on EFH. If NMFS determines that a proposed Federal or State activity would adversely affect EFH, then NMFS is obligated to provide EFH conservation recommendations to the action agency. The Federal action agency that receives the conservation recommendations must provide a detailed response in writing to NMFS within 30 days after receiving EFH conservation recommendations. The

Ex. "7":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Pages 3.2-4 and 3.2-9

51293[e][1]) because the ~~proposed project~~ Phase 3 Repair Project would consists of work to reduce potential flood damage. The preliminary notice to the California Department of Conservation DOC, provided before lands ~~actually are~~ ~~is~~ ~~actually~~ acquired, would demonstrate the Phase 3 Repair Project area purpose of the project and the exemption from the findings.

Farmland in RD 17 that is in an agricultural preserve and ~~that is~~ currently is held in Williamson Act contracts is shown in Figure 3.2-2.

3.2.1.3 REGIONAL AND LOCAL

San Joaquin County General Plan

The *San Joaquin County General Plan 2010* (County General Plan) contains objectives and policies that guide land use decisions in the unincorporated parts of the county (San Joaquin County 1992). The Resources Element of the County General Plan includes goals and policies addressing agricultural land uses, including the following policy relating to preserving agricultural lands and compatible uses:

- ▶ **Policy 5:** Agricultural areas shall be used principally for crop production, ranching, and grazing. All agricultural support activities and nonfarm uses shall be compatible with agricultural operations and shall satisfy the following criteria:
 - (a) The use requires a location in an agricultural area because of unusual site area requirements, operational characteristics, resource orientation, or because it is providing a service to the surrounding agricultural area;
 - (b) The operational characteristics of the use will not have a detrimental impact on the management or use of surrounding agricultural properties;
 - (c) The use will be sited to minimize any disruption to the surrounding agricultural operations; and
 - (d) The use will not significantly impact transportation facilities, increase air pollution, or increase fuel consumption.

City of Lathrop General Plan

The *Comprehensive General Plan for the City of Lathrop, California* divides the city of Lathrop into three subplan areas (City of Lathrop 2004:1-2). The Phase 3 Repair Project Area is adjacent to Sub-plan Area #3, located on the east side of the San Joaquin River and west of Interstate 5, and to Sub-plan Area #1 located east of Interstate 5, adjacent to the east levee of the San Joaquin River. Lands located within the subplan areas are planned for development and policies related to agricultural land generally support maintaining agricultural uses on lands outside the subplan areas.

City of Manteca General Plan

The *City of Manteca General Plan 2023 Policy Document* (City of Manteca 2003), Resource Conservation Element, Goal RC-9, promotes the continuation of agricultural uses in the Manteca area and discourages the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca. Policies relevant to the proposed project include the following:

- ▶ **Policy RC-P-19:** The City shall support the continuation of agricultural uses on land designated for urban use, until urban development is imminent.

- ▶ **Policy RC-P-20:** The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.
- ▶ **Policy RC-P-21:** In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- ▶ **Policy RC-P-23:** Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- ▶ **Policy RC-P-24:** Provide buffers at the interface of urban development and farmland in order to minimize conflicts between these uses.
- ▶ **Policy RC-P-26:** The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.
- ▶ **Policy RC-P-27:** The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

3.2.2 ENVIRONMENTAL SETTING

Within the Phase 3 Repair Project Area, agricultural land uses are located on nonurbanized lands along the east levee of the San Joaquin River and on either side of the dryland levee located east of the San Joaquin River and within the City of Manteca. **Table 3.2-1** shows existing land uses and Important Farmland classifications for lands within the project footprint for each element.

Element	Jurisdiction	Existing Land Use	Important Farmland Classification
Ia	San Joaquin County	Agriculture	Prime/Statewide Importance
Ib		Agriculture	Prime
Ic		Agriculture/rural residence and River Mill Event Center (commercial) adjacent on downstream side	Prime
IIab		Agriculture/rural residence/human-made lake/Haven Acres Marina at south end of element	Prime/Rural Residential/Non-agricultural or Natural Vegetation/Semi-agricultural and Rural Commercial Land
IIIa	City of Lathrop	Existing levee and seepage berm	Not applicable
IIIb		Agriculture	Prime
IVa		Agriculture/residential subdivision	Prime/Non-agricultural or Natural Vegetation
IVc		Undeveloped open space on riverside/residential subdivision on landside	Prime/Non-agricultural or Natural Vegetation
Va–Via.1		Agriculture/rural residence/farm complex/subdivision and City of Lathrop park	Prime/Statewide Importance/Unique/Non-agricultural or Natural Vegetation
Via.4		Agriculture	Prime/Local Importance
Vib		Existing levee and seepage berm	Not applicable
VIcde		Union Pacific Railroad; San Joaquin County Park—Mosscdale Crossing Regional Park	Urban and Built Up

Ex. "8":

City of Manteca "*General Plan 2023, Policy Document*"
Adopted October 6, 2003 (Resource Conservation); Pages
8-10 and 8-11

- Goal RC-9.** To promote the continuation of agricultural uses in the Manteca area and to discourage the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca.

8.8.1 Policies: Agricultural Resources

- RC-P-19. The City shall support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.
- RC-P-20. The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.
- RC-P-21. In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- RC-P-22. Nonagricultural uses in areas designated for agriculture should be redirected to urban areas.
- RC-P-23. Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- RC-P-24. Provide buffers at the interface of urban development and farmland; in order to minimize conflicts between these uses.
- RC-P-25. The City shall ensure, in approving urban development near existing agricultural lands, that such development will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.
- RC-P-26. The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.

- RC-P-27. The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.
- RC-P-28. The City shall not extend water and sewer lines to premature urban development that would adversely affect agricultural operations.
- RC-P-29. The City shall encourage Manteca Unified School District and the Delta Community College District to maintain the school farm facilities and associated education programs in the City.
- RC-P-30. The City of Manteca will participate in a county-wide program to mitigate the conversion of Prime Farmland and Farmlands of Statewide Importance to urban uses.

8.8.2 Implementation: Agricultural Resources

- RC-I-30. Apply the following conditions of approval where urban development occurs next to farmland.
- Require notifications in urban property deeds that agricultural operations are in the vicinity, in keeping with the City's right-to-farm ordinance.
 - Require adequate and secure fencing at the interface of urban and agricultural use.
 - Require phasing of new residential subdivisions; so as to include an interim buffer between residential and agricultural use.
- RC-I-31. Work with San Joaquin County on the following issues:
- Pesticide application and types of agricultural operations adjacent to urban uses.
 - Support the continuation of County agricultural zoning in areas designated for agricultural land use in the Area Plan.

Ex. "9":

Reclamation District No. 17 (Prepared by AECOM) "*Final
Environmental Impact Report Phase 3-RD 17 Levee
Seepage Repair Project*" dated March 2015 (SCH
#2010042073); Page 3.2-16

also result in permanent conversion of Important Farmland for construction of setback levees in Elements IIab, and Ivc, and VIcdeIVe. The Important Farmland on the waterside of the setback levee would be converted to nonagricultural uses, such as habitat or open space. ~~The~~This impact on the permanent conversion of Important Farmland under Alternative 2 would be significant.

Applicant's Preferred Alternative

Table 3.2-2 shows the acreage of Important Farmland that would be converted to nonagricultural uses under the Applicant's Preferred Alternative. Under this alternative, Important Farmland acreage would be required for construction of seepage berms, a setback levee, and an access road. As described under Alternative 1, construction of seepage berms would be considered a permanent conversion of Important Farmland to nonagricultural uses. This impact on the permanent conversion of Important Farmland would be significant.

Mitigation Measure 3.2-a: Minimize Important Farmland Conversion to the Extent Practicable and Feasible.

Alternative 1—Minimum Footprint Alternative, Alternative 2—Maximum Footprint Alternative, and the Alternatives and 1 and 2 Applicant's Preferred Alternative

RD 17 shall implement the following measures listed below concerning Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to minimize adverse effects on these lands:

- a) During ~~project~~Phase 3 Repair Project construction, utilities disturbance of utilities that are is needed for agricultural purposes (including wells, pipelines, and power lines) and agricultural drainage systems ~~shall~~ will be minimized so that agricultural operations are not substantially disrupted. If any agricultural infrastructure, such as wells, pipelines, and drainage canals, ~~must need to be removed during project construction, restore~~ the function of these facilities will be restored as soon as possible for lands that are to remain in agricultural production.
- b) Disturbance of agricultural land and agricultural operations during Phase 3 Repair Project construction ~~shall will~~ be minimized by locating construction staging areas on sites that are fallow, that already are already developed or disturbed, or that are to be discontinued for use as agricultural land, and by using existing roads to the extent possible to access project construction areas sites.

To the extent practicable and feasible, when expanding the footprint of a flood ~~damage reduction control~~ facility (e.g., levee or berm) onto agricultural land, the most productive topsoil from the project construction footprint ~~shall will~~ be salvaged and redistributed to less-productive agricultural lands near the project construction area site that ~~could can~~ benefit from the introduction of good-quality soil. By agreement between the implementing agencies or landowners of affected properties and the recipient(s) of the topsoil, the recipient(s) ~~shall will~~ be required to use the topsoil for agricultural purposes. RD 17 shall implement all terms and conditions of agreements.

Responsibility: ~~Project proponent~~ RD 17.

Timing: Minimize loss of Important Farmland and reuse topsoil before construction and avoid disruption to current agricultural operations during construction. Replace function of agricultural infrastructure as soon as possible after construction in ~~the a~~ particular area location is complete.

~~Implementing~~ Implementation of Mitigation Measure 3.2-a would reduce this the impact on Important Farmland associated with the three a Alternatives 2, but not to a less-than-significant level. The impact would remain significant and unavoidable for both all alternatives because of the permanent conversion of Important Farmland to nonagricultural uses.

Ex. "10":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page 2-25



Sources: Data provided by Kjeldsen, Simcock & Neudick, ENGEO, and MacKay & Sons in 2010, adopted by AECOM in 2010

Figure 2-9c Phase 3 Repair Project Levee Elements in Reaches VI-VII

Ex. "11":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 5-23

narrows to approximately 500 feet. However, there is one oxbow reach where the floodway is approximately 2,000 feet wide. Flood stages within this reach are dominated by runoff from the San Joaquin River.

Approximately 1 mile downstream of Paradise Cut on the right bank is Wetherbee Lake and the upstream tieback levee of RD 17. The Wetherbee Lake levee segment along the San Joaquin River was a feature of the San Joaquin Flood Control Project which cut off Walthall slough from the San Joaquin River to reduce damages to a resort development along the river. The RD 17 tieback levee is located downstream of Walthall Slough and extends east along the right bank of the slough to high ground. The RD 17 tieback levee is higher than the right bank levee of the San Joaquin River and diverts any floodwaters on the right overbank back into the San Joaquin River. This situation occurred in the flood of January 1997 and is shown on Plate 10. Flood stages within this channel reach are dominated by runoff from the San Joaquin River. Flood stages in the right overbank are dominated by runoff from the San Joaquin River and Stanislaus River.

Old River to French Camp Slough. Old River defines the upstream extent of this reach. Old River is a distributary from the San Joaquin River and conveys floodwaters west into the Sacramento-San Joaquin Delta. There is no hydraulic structure to manage the flow split. The flow split is defined by the hydraulic characteristics of Old River and the San Joaquin River downstream of the flow split.

Within this reach the San Joaquin River further transitions to a less sinuous plan form. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. From Burns Cutoff to approximately 4 miles downstream, the right bank levee is approximately 3 feet taller than the left bank. The floodway width between the levees varies from 300 feet to 400 feet and widens to 1,400 feet at a few meander bends. The waterside levee face forms the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River.

French Camp Slough to Burns Cutoff. French Camp Slough defines the upstream extent of this reach. French Camp Slough is a tributary to the San Joaquin River. The reach characteristics of French Camp slough are described below. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. The floodway width between the levees varies from 300 feet to 400 feet. The waterside levee face is next to the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River. However, influence of ocean tides is evident in flood stage hydrographs.

Burns Cutoff to Deep Water Ship Channel. Burns Cutoff defines the upstream extent of this reach. Burns cutoff is a secondary channel of the San Joaquin River which conveys water on the west side of Rough and Ready Island. Burns cutoff flows

Ex. "12":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 4-11 and 4-13

the levee to the proposed toe shown in Figure 4-5. The proposed toe could be located along an imaginary line extending from the landward face of the proposed levee to existing grade. During the current feasibility planning the maximum extent of the reconstruction berm is shown in order to show the maximum impacts which could occur.

Deep soil mixing augers would be used to construct a continuous grouping of cells spaced equally in both the longitudinal and transverse direction to the levee alignment as shown in the plan view in Figure 4-5. The deep soil mixing is a seismic strengthening feature meant to keep the levee from liquefying during seismic activity. After construction is completed, the levee crest would then be topped with a 6-inch aggregate road, and slopes would be hydroseeded for erosion control. This degrading and reconstruction effort would occur along 3 miles of Fourteenmile Slough and Tenmile Slough.

4.3.10 Closure Structures

This measure would include construction of closure structures at the mouths of backwater sloughs at Smith Canal and Fourteenmile Slough to provide flood risk management along those sloughs. The closure structures would control back-flooding from the San Joaquin River and Delta during high water events. The gates would be operated typically between November 1st to April 30th which covers the rainy season and the period when high tides occur in this area. Specifically, the gates will be operated when the high tide is forecast to reach, or exceed +8.00 ft NAVD88 to prevent high flows from entering the canal/slough. The gate would be closed at the lowest tide prior to the forecasted high tide and remain closed until the high tide begins to recede. The gate would then be opened to allow any accumulated interior drainage behind the gate structure to flow out. This would limit the level and duration of water saturation and reduce the risk of levee damage or failure. Due to the tidal influence of the Delta, high water events could last from a few days to a few weeks, depending on river conditions. During development of the alternatives, Smith Canal and Fourteenmile Slough were identified as appropriate locations for closure structures.

The proposed closure structures would consist of a fixed sheet pile wall structure with an opening gate structure sufficiently large to allow for the safe passage of boats and other watercrafts. Fish and other aquatic organisms would also be able to pass through these gates when they are open. The opening portion of the closure structure would be an automated gate that may open upward or outward. The gate would be approximately 50-feet wide, and would be constructed of stainless steel. The gate would be attached to a concrete foundation using stainless steel anchor bolts. A small building would be built on land directly adjacent to the closure structures to store equipment required to operate the gate. As needed, a sheet pile floodwall would be constructed adjacent to the control structures to tie the structures into the adjacent levee or high ground areas.

Construction would require dredging or draglining, construction of a temporary cofferdam, in-water excavation, and placement of some structural features in the water.

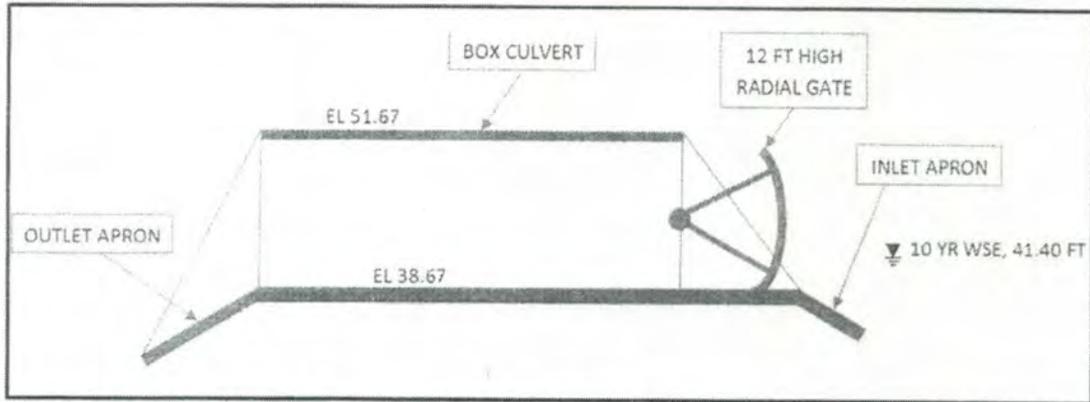


Figure 4-6. Mormon Channel Control Structure.

4.4 ALTERNATIVES

4.4.1 Alternative 1 – No Action

Under no action, the USACE would not participate in flood risk management in the study area as part of the LSJRFS. Although State or local agencies would likely repair area levees in the future to meet Federal (FEMA) or State (SB 5 200-year protection) flood protection obligations, this alternative assumes that flood risk management measures would not be implemented and that the current level of risk of flooding would continue. This risk, as represented by conditions in the study analysis area, would continue to leave both residents and property in and near the cities of Stockton, Lathrop, and Manteca vulnerable to flooding.

In response to major floods in the early 1950s, the USACE constructed several dams, miles of levees, and other features in and near the study analysis area as part of the Lower San Joaquin River and Tributaries project. Since that time, the engineering performance and potential reliability of these project levees have decreased due to identified structural deficiencies, including through- and under-seepage, slope stability, overtopping, and erosion. Under no action, these deficiencies would continue and likely become worse, increasing the risk of future levee failure during high flows.

Climate change also appears to be affecting world-wide temperatures and seasonal climate patterns. Future projections show rises in sea level and changes in inland climate patterns that could result in higher future water-surface elevations in the lower San Joaquin River and tributaries. The no action alternative would not include design features, such as raising levees, to account for potential effects of these higher elevations combined with the identified deficiencies on levee performance. An estimated 264,000 residents and \$21 billion in damageable property would continue to be at risk of unexpected levee failure and flooding in the study analysis area.

Page 1 of 3

Michael F. Babitzke, Inc.
Professional Corporation

Michael F. Babitzke
Attorney at Law

August 24, 2016

VIA U.S. MAIL & FAX

John Brinton
City Attorney for City of Manteca
MCFALL BURNETT & BRINTON
165 Saint Dominics Dr., Ste 202
Manteca, CA 95337
Facsimile: (209) 823-7651

RE: Roadway

Dear Mr. Brinton:

As I am sure you know, I represent Terra Land Group, LLC in various matters. I am writing to you as the City Attorney for the City of Manteca because I feel there is a matter of great public importance that needs to be considered by you.

There exists a dirt roadway that runs in a northerly-southerly direction from Woodward Road and extends to the RD 17 levee crossing. The precise legal status of this roadway is not totally clear. In April of 1923, a public roadway was granted and accepted by the Board of Supervisors. I will call this the public roadway. Many people (including myself) believe this public roadway is precisely where the dirt roadway is located. Others believe the public roadway, while still existing, has not been marked, delineated, or improved and is to the east. If the dedicated roadway is located in a different location than the dirt roadway, then there are two roadways that are public: (1) the dirt roadway, highly visible; and (2) public dedicated roadway unmarked, but still existing. In any event, for a period of approximately 50 years, the public has been utilizing this dirt roadway as a public roadway. Under the circumstances, it is clear that the public has acquired rights growing out of the usage of the roadway commonly known as adverse possession. To the extent the roadways are public, I believe any development must proceed with extreme caution; arguably, even one of San Joaquin County's 600,000

residents potentially could file a lawsuit on behalf of the public.

This dirt roadway is also at or near the location of the boundary common to where TR Land and the Rosi Cerri Ranch ("Cerri") are adjacent to each other. The Cerri ranch is of particular interest as the dirt roadway may be going over it, as some people see it. Who the precise owner of the Cerri ranch is, at this point, is unclear. Although it is known that Manteca Development Group at one time owned an option in March of 2016, just shortly before a trial that took place in April, for reasons for which have not been described, Manteca Development assigned the option to another entity.

I think you are also aware of the fact that there has been litigation between Terra Land Group, the Cerri Ranch, Manteca Development, TR Land, and Reclamation District No. 17 ("RD 17") and that there have been preliminary findings by the Court, which are adverse to Terra Land Group. Of course, as I am sure you realize, these adverse findings are subject to a new trial motion, an appeal, or both. The litigation may take years to be resolved from this point.

Focusing, however, on the public and the public's continuing rights of access, the dirt roadway is subject to numerous trips on a daily basis. I, myself, have been out there and I have been surprised by the level of activity. On an ongoing basis, emergency vehicles, worker's vehicles servicing various pieces of equipment, RD 17, lessees and other interested parties with interest in lands located south of the levee, recreational users of the public, people simply walking their dogs or trying to get some fresh air, as well as any potential home buyers, local residents, or other members of the public wishing to inspect the current condition and suitability of the levee, all use and/or rely on this dirt roadway. This use has gone on in an uninterrupted fashion for approximately 50 years. The right to use this roadway by the public is certainly well established.

In the very recent past, two signs have been placed stating that permission to pass may be revoked. The obvious intent of these signs is to preserve any rights that may exist (I do not believe there are any that exist) to close down the roadway.

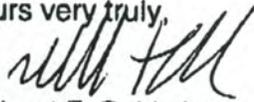
The point of this letter is that, at least in my opinion, the public clearly has established its right to have ongoing use of the dirt roadway, as well as the public roadway, and the owner of the land does not have the right to exclude the public, regardless of a sign there placed.

As I also understand it, at the same time, that the owners or option holders of the Cerri ranch are attempting to limit the rights of the public, the owners or option holders of Cerri ranch as well as TR Land are also seeking privileges from the public for the development of the real property located in and around the areas addressed in this letter. I believe that the beginning steps for an environmental review and ultimate entitlement have commenced as to the Cerri property. I believe that whichever entity owns Cerri will be asking the public for privileges,

Page 3 of 3

including access to sewer, storm drain, police protection, and many other services of the community of Manteca. It does seem untoward to me to have an entity, on the one hand, attempt to restrict the public's historical usage of a roadway and, on the other hand, anticipate receiving benefits and privileges from this same public. Be that as it may, the City of Manteca clearly has a duty to protect the interest of the public that uses this roadway and that have the right to use the dedicated public roadway. I believe that as a City Attorney you have the opportunity, as well as the duty, to consider the implications and to insist upon the continued complete and unrestricted access over these roadways. I will be very happy to meet with you to discuss this matter further at your request.

Yours very truly,



Michael F. Babitzke
Attorney at Law

MFB/mc

CC: Martin Harris, facsimile (209) 239-7086; Lucille Harris, facsimile (209) 239-7086; Tom Mouzes, TMouzes@boutinjones.com; Jeffrey Silvia, jeffreysilvia@gmail.com; William H. Parish, parish@parishlegal.com; David Rishwain, david@rishwain.com; Thomas H. Keeling, tkeeling@freemanfirm.com; Mark Houghton, Public Works Director of the City of Manteca, mhoughton@ci.manteca.ca.us; Kevin Jorgensen, City Engineer for the City of Manteca, City of Manteca, Public Works, Engineering Division, 1001 W. Center St., Manteca, CA 95337



**Right to pass by
permission & subject
to control, of owner:
Section 1008,
Civil Code**

Manteca must kill Raymus expressway

Dennis Wyatt
dwyatt@mantecabulletin.com
209-249-3519
September 9, 2016

It's time to do the honorable thing. It's time to do the right thing. It's time to do the fiscally wise thing. And it's time to make planning decisions that reflect 21st century realities instead of 20th century textbook planning.

It's time that the Manteca City Council killed the Raymus Expressway for good. They tried to kill it a few months back but city staff talked them out of it. So instead, the council simply took the route planning off the table for now.

With all due respect to staff, they are wrong on Raymus Expressway on multiple levels. Just like staff was wrong 25 years ago when they argued that it was pointless to talk about developing south of the 120 Bypass because it wasn't going to happen. A previous council had the moxie to call the shots. That's why today there is the 52-acre Woodward Community Park, The Promenade Shops at Orchard Valley with the likes of Bass Pro and a 16-screen theater, and teeming neighborhoods.

Raymus Expressway may have made sense 15 years ago before Oleander Estates was approved and homes were built. Developers had approached the city on various occasions to get them to come up with an alignment so they could incorporate it in the design of subdivisions they controlled. From the bowels of the Community Development Department and Public Works Department came the same response — it was way too early to get into exact alignments.

Since then the state mandate for 200-year flood protection came into being with the stipulation placement of needed levees can't induce additional growth beyond what was already envisioned in adopted long-range general plans.

That put a big target on the back of dozens upon dozens of longtime rural homeowners given the fact the city allowed home building to effectively take out a more northern alignment for the proposed expressway despite the efforts of developers.

At the same time the city has repeatedly failed to adjust fees to account for all of the major street work the general plan called for south of the 120 Bypass. In the past 15 years nearly 3,000 homes have been built south of the 120 Bypass with not a single dime collected toward paying for additional roads such as the proposed Raymus Expressway.

And let's not forget the city is struggling to maintain older streets and newer streets as well just like other California cities.

Then there is the 900-pound gorilla no one wants to talk about: Who effectively derailed plans for what would have been Spreckels Park II on steroids when it came to job generation for Manteca — the 1,050-acre Austin Road Business Park? Someone dropped the ball for almost a year on doing work on a development agreement needed to make the project work. Here's a hint: It wasn't the folks that wrote the big fat check to cover the cost. Even though the land is now annexed to the city, it isn't going to happen as it

was proposed for a long, long time if that.

Raymus Expressway was deemed necessary to accommodate truck traffic headed to and from the Bay Area by consultants who used models to plug in traffic numbers. So you understand what this meant was truck traffic would travel almost 3.5 miles on a surface street with occasional traffic signals and roundabouts at a speed supposedly 45 mph or lower instead of going a mile maximum to either a new interchange on Highway 99 or Austin Road. The reason this was assumed was due to commute traffic. Funny how none of the consultants bothered to note that most carriers going between the Bay Area and the Northern San Joaquin Valley time their truck movements to not coincide with peak traffic. Doing so saves time and money in terms of fuel, driver salaries, and lost time. As for passenger vehicles, Raymus Expressway with no measureable development to the south of it due to the 200-year floodplain and the proposed levee extension is now massive overkill.

Assuming development goes all the way to West Ripon Road — the ultimate southern point for potential Manteca urbanization — the farthest home from what will be four interchanges placed a mile apart on the 120 Bypass is 2.5 miles. Homes to the north along Lathrop Road are 2.5 miles from the 120 Bypass. The three existing corridors — Airport Way, Union Road and Main Street — can handle the traffic volume with ease especially since Airport Way is also widened to four lanes.

Building Raymus Expressway makes as much sense as converting Northgate Drive to expressway status and then extending it east to add another interchange on Highway 99.

Then there is the issue of eminent domain. It took this city seven years to deliver the extension of Industrial Park Drive to Spreckels Avenue once funding was in place. The reason was the city council treated eminent domain like the plague. It's the same attitude today. The expressway, though, involves dozens upon dozens of people that say they won't sell come hell or high water.

Let's recap:

- uThe only options for alignments that are left are extremely limited and extremely problematic.

- uThe city has failed significantly in being financially responsible in terms of collecting needed fees.

- uThe road — while it made sense in the 1990s — is over-kill by today's realities.

- uThe city lacks the stomach to destroy the lives of long-time residents and would likely simply try to wait them out.

The ace that staff played is the city will be sued if they don't follow the adopted general plan that says the Raymus Expressway must be built. The answer is simple: Change the general plan.

<http://www.mantecabulletin.com/section/38/article/137556/>

From: WLHarris Ventures wlharrisventures@gmail.com 
Subject: Fwd: Flood Questions
Date: August 16, 2016 at 1:38 PM
To: MayorCouncilClerk@mantecagov.com



Re: August 16, 2016 Manteca City Council Meeting Agenda Item C.2.

Yesterday afternoon, at approximately 1:00 p.m., TLG presented a letter to the City Clerk. The purpose of submitting the letter was to allow adequate time for the City Council to review the information included in the letter prior to considering and voting on the City Council Meeting Agenda Item C.2.

Since that time, TLG has received an email detailing additional responses to Michael Fonseca's questions previously submitted as addressed in TLG's 08/15/16 letter presented yesterday afternoon.

At this time, TLG asks that these additional responses to Mr. Fonseca's questions be forwarded to all council members prior to tonight's meeting.

Thank you,

Jodi Sabatino for
Martin Harris
wlharrisventures@gmail.com

CONFIDENTIALITY NOTICE: This e-mail message including any attachments of any kind are covered by the Electronic Communications Privacy Act, is confidential and may include legally protected information. If you are not the intended recipient or you have received this e-mail message by mistake, printing, copying, storing or disseminating in any way is prohibited and doing so could subject you to civil and or criminal action. Please notify the sender if you received this e-mail in error and delete all information contained in and attached to this e-mail.

Begin forwarded message:

From: fonsecafarmsinc@aol.com
Subject: Fwd: Flood Questions
Date: August 16, 2016 at 11:38:57 AM PDT
To: wlharrisventures@gmail.com

-----Original Message-----

From: Matt Satow <MSatow@drakehaglan.com>
To: 'fonsecafarmsinc@aol.com' <fonsecafarmsinc@aol.com>
Cc: Jorgensen, Kevin (kjorgensen@ci.manteca.ca.us) (kjorgensen@ci.manteca.ca.us)
<kjorgensen@ci.manteca.ca.us>
Sent: Mon, Aug 15, 2016 6:03 pm
Subject: FW: Flood Questions

Good Evening Michael,

Below are the responses to your request for clarification on the original responses. We have tried to answer your questions to the best of our ability with the preliminary analysis that has been performed to date. Questions and comments regarding the purpose and need, alternatives, impact analyses, and mitigations are relevant and we welcome the discussion at the appropriate times during the next phase of environmental/project development when a more detailed analysis will be conducted.

Your questions and our responses were posted on the project website and reference to the responses and website were included in the staff report for tomorrow's Council item.

I believe Dave Peterson will be attending tomorrow evening's meeting to answer any technical questions.

Please let me know if you have any other questions or comments.

Thanks.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
619 13th Street, Suite G
Modesto, CA 95354
T: (209) 312-9329
C: (916) 616-3940
www.drakehaglan.com

From: dpeterson [<mailto:dpeterson@pbieng.com>]
Sent: Monday, August 15, 2016 4:38 PM
To: Matt Satow
Cc: Jorgensen, Kevin (kjorgensen@ci.manteca.ca.us)
Subject: RE: Flood Questions

2a -- The outflow spikes were 60,000 cfs, however there is no mention that the inflow to Don Pedro was about 120,000 cfs, double of the outflow. It is also my understanding that the spillway was unable to open during the first attempt, due to it being jammed or frozen in the closed position.

Sleuthing out what happened and what did not happen in the 1997 flood is beyond the scope of the topic at hand. Many unique things occurred for that event, including forecasts, decisions, hydrologic patterns on the tributaries, operational peculiarities, levee breaks, debris hang-ups, etc. A 200-year design event does not assume all the same things would happen again in the same way so comparing it to the 1997 event is not a relevant comparison.

2c,d -- The response to question 2d states the landside water elevation was 3' higher than the river water elevation. With the response to 2g, it states future relief cuts shall be made immediately down to high-water level in the river. If that should be the case, in 1997 the landside water elevation should have never reached a height 3' above the river water elevation, therefore indicating there was delay in making the relief cut in 1997.

Good catch; the previous answer for 2d was incorrect, it should have said the river was approximately 5' below the top of levee at the time the relief cut. As to the rest of your question, we do not know what exactly happened in the 1997 flood; how decisions were made, what the projected river stages were at the time decisions were made, etc. The County Flood Contingency Map (Attachment A to our previous responses) was prepared after the 1997 flood, which will provide guidance during subsequent floods. Again, sleuthing out what happened or did not happen in the 1997 flood is not germane to the levee extension alternatives or impact analyses regarding those alternatives.

2d -- The attachment C, does not correlate with the text response of 2d. The map indicates the river water elevation is 4' below the flood water elevation or 5' below the top of the levee.

Good catch; the previous answer for 2d was incorrect, it should have said the river was approximately 5' below the top of levee at the time the relief cut.

2g -- Indicates there is a flood contingency map that specifies the details of implementing the relief cut. Why was this map or plan not included as an attachment to these questions or made available to the public?

It was provided; see Attachment A to our previous responses.

3 -- RD17 records indicate that landside flood elevation rose to 29' in 1997. However this statement contradicts the response to question 10, which states flanking would occur at 29'. One of these responses are incorrect, as we all know in 1997 no flanking occurred as the flood water elevation did not reach the emergency temporary levee constructed through my property that would be similar to the current levee alternative alignment 1a.

The levee extension is needed to prevent flanking of a 200-year design flood event, which would be greater than the 1997 flood event. We are uncertain of what happened in the 1997 event, and it is not directly relevant to our analysis of alternatives and impacts. Our answer to #3 described our uncertainty, so we'll acknowledge that we may be incorrect..

8 -- Attachment B does not correlate with the response to question 8. The response indicates a 200 year flood would generate 15% more water than the 1997 flood, however attachment B does not have a peak flow for the 1997 (90 year flood). Even if the 100 year event of 61,100 cfs was compared to the 200 year event of 77,600 cfs, that calculates out to about a 27% increase, not a 15%.

Good catch; our Attachment B reflected existing levee conditions, and we should have attached the curve reflecting ULOP assumptions. The correct flood flow frequency curve is attached, which shows peak flows only, and not volumes. But the peak 200-year is 82,500 cfs, and the peak 100-year is 71,300 cfs. We have examined the CVHS hydrographs, and it appears that neither the 200yr peak flow or volume is exactly 115% of the 1997 event. We suspect that the "115%" label is just a label, or reflects a multiplier for one of the input parameters. Regardless, the CVHS was reviewed by outside experts and vetted in a completely separate process, so it represents the best available 200-yr ULDC hydrology for our use in analysis of the Walthall Slough dryland levee extension. The details of the CVHS are complex, so if Mr. Fonseca has questions about that work, we would encourage him to direct his questions to Mr. John High at the USACE, (916) 557-7136.

10 -- Does not correlate with the response to question 3.

Our answer to 10 was correct. Our answer to 3 was acknowledged to be uncertain.

11e -- Refers to the response of 11b, however 11b pertains to flanking and nothing to do with a relief cut. Maybe incorrect reference?

Good catch; our answer should have referred to 11d, not 11b.

12 -- What mitigation is being proposed to reduce impacts from downstream projects which induce and redirect impacts upstream to our area? No consideration is being made for those impacts or damage. It is being implied that downstream reclamations can make all necessary improvements to ensure protection to its area with no consideration of upstream impacts, but upstream areas are not allowed to make modifications to its area to restore the area back to its original state from damage that was caused due to downstream improvements.

Lathrop and Manteca are not currently contemplating levee raising downstream, only strengthening. USACE does not consider levee strengthening to induce hydraulic impacts, and encourages owners and non-Federal agencies to find and eliminate weaknesses in their

and encourages owners and non-Federal sponsors to find and eliminate weaknesses in their levees. Raising levees, however, is an action requiring hydraulic impact analysis and mitigation.

Dave Peterson, P.E.

Peterson Brustad Inc.

1180 Iron Point Road, Suite 260

Folsom, CA 95630

Office (916) 608-2212 ex 122

Fax (916) 608-2232

Cell (916) 792-6285

From: fonsecafarmstinc@aol.com [<mailto:fonsecafarmstinc@aol.com>]

Sent: Monday, August 8, 2016 12:47 PM

To: Matt Satow

Cc: kjorgensen@ci.manteca.ca.us; cneudeck@ksninc.com

Subject: Flood Questions

Matt, Kevin, and Chris,

I am back from vacation and have reviewed the responses to my flood questions. I have some comments to those responses.

2a -- The outflow spikes were 60,000 cfs, however there is no mention that the inflow to Don Pedro was about 120,000 cfs, double of the outflow. It is also my understanding that the spillway was unable to open during the first attempt, due to it being jammed or frozen in the closed position.

2c,d -- The response to question 2d states the landside water elevation was 3' higher than the river water elevation. With the response to 2g, it states future relief cuts shall be made immediately down to high-water level in the river. If that should be the case, in 1997 the landside water elevation should have never reached a height 3' above the river water elevation, therefore indicating there was delay in making the relief cut in 1997.

2d -- The attachment C, does not correlate with the text response of 2d. The map indicates the river water elevation is 4' below the flood water elevation or 5' below the top of the levee.

2g -- Indicates there is a flood contingency map that specifies the details of implementing the relief cut. Why was this map or plan not included as an attachment to these questions or made available to the public?

3 -- RD17 records indicate that landside flood elevation rose to 29' in 1997. However this statement contradicts the response to question 10, which states flanking would occur at 29'. One of these responses are incorrect, as we all know in 1997 no flanking occurred as the flood water elevation did not reach the emergency temporary levee constructed through my property that would be similar to the current levee alternative alignment 1a.

8 -- Attachment B does not correlate with the response to question 8. The response indicates a 200 year flood would generate 15% more water than the 1997 flood, however attachment B does not have a peak flow for the 1997 (90 year flood). Even if the 100 year event of 61,100 cfs was compared to the 200 year event of 77,600 cfs, that calculates out to about a 27% increase, not a 15%.

10 -- Does not correlate with the response to question 3

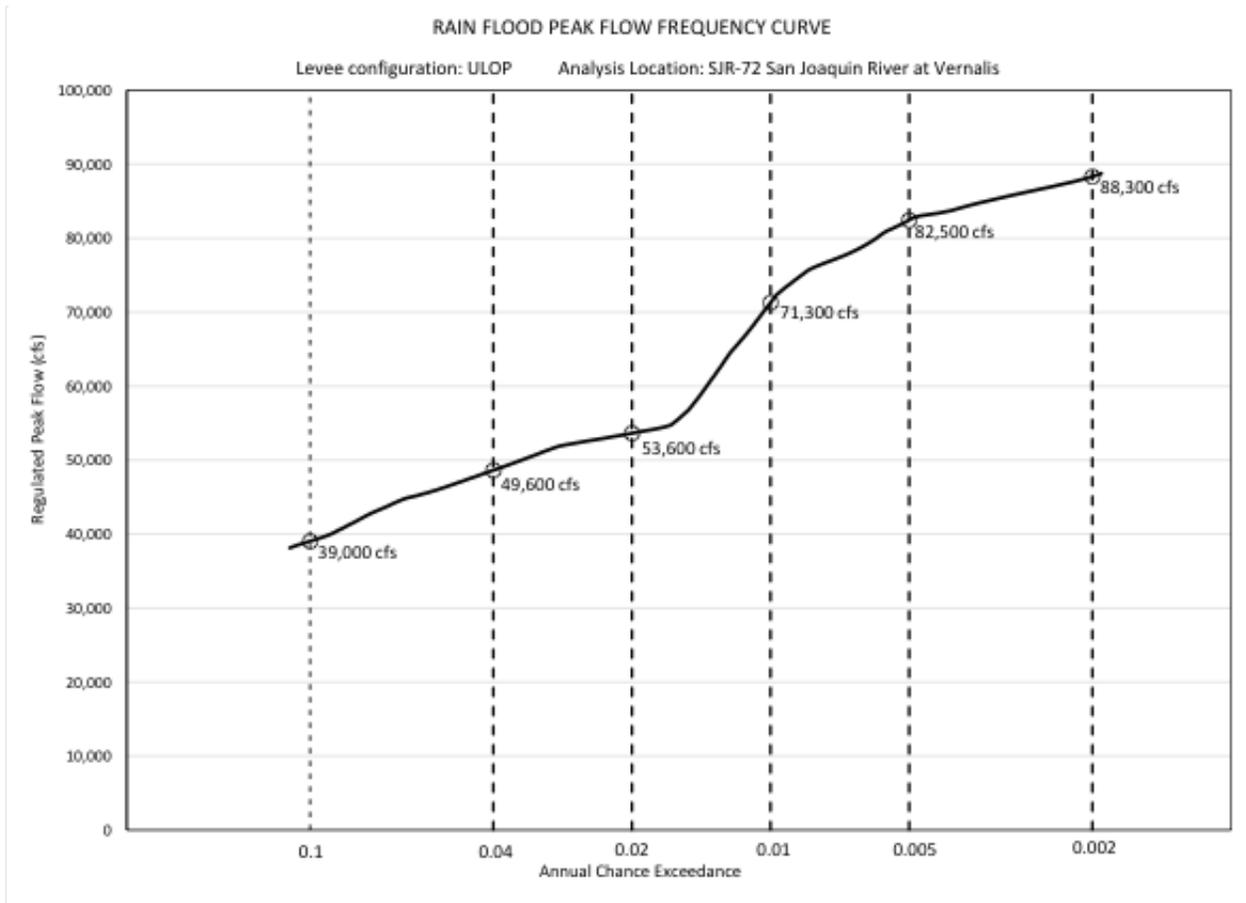
10 -- Does not correlate with the response to question 9.

11e -- Refers to the response of 11b, however 11b pertains to flanking and nothing to do with a relief cut. Maybe incorrect reference?

12 -- What mitigation is being proposed to reduce impacts from downstream projects which induce and redirect impacts upstream to our area? No consideration is being made for those impacts or damage. It is being implied that downstream reclamations can make all necessary improvements to ensure protection to its area with no consideration of upstream impacts, but upstream areas are not allowed to make modifications to its area to restore the area back to its original state from damage that was caused due to downstream improvements.

Matt please forward this email to Dave Peterson as I don't have his email. Any explanation or clarity to these additional concerns would be greatly appreciated, and incorporated into the presentation that Dave Peterson will be presenting to City Council on the 16th.

Thank you
Michael Fonseca
(209) 456-2496



DRYLAND LEVEE ALIGNMENTS



City Council Presentation– August 16, 2016

Tonight's Agenda

- Project Background
- Public Meetings
- Goals, Principles & Constraints
- Discussion of Alternatives
- Alternatives Comparison
- The Path Forward

Project Background

Background – Senate Bill 5

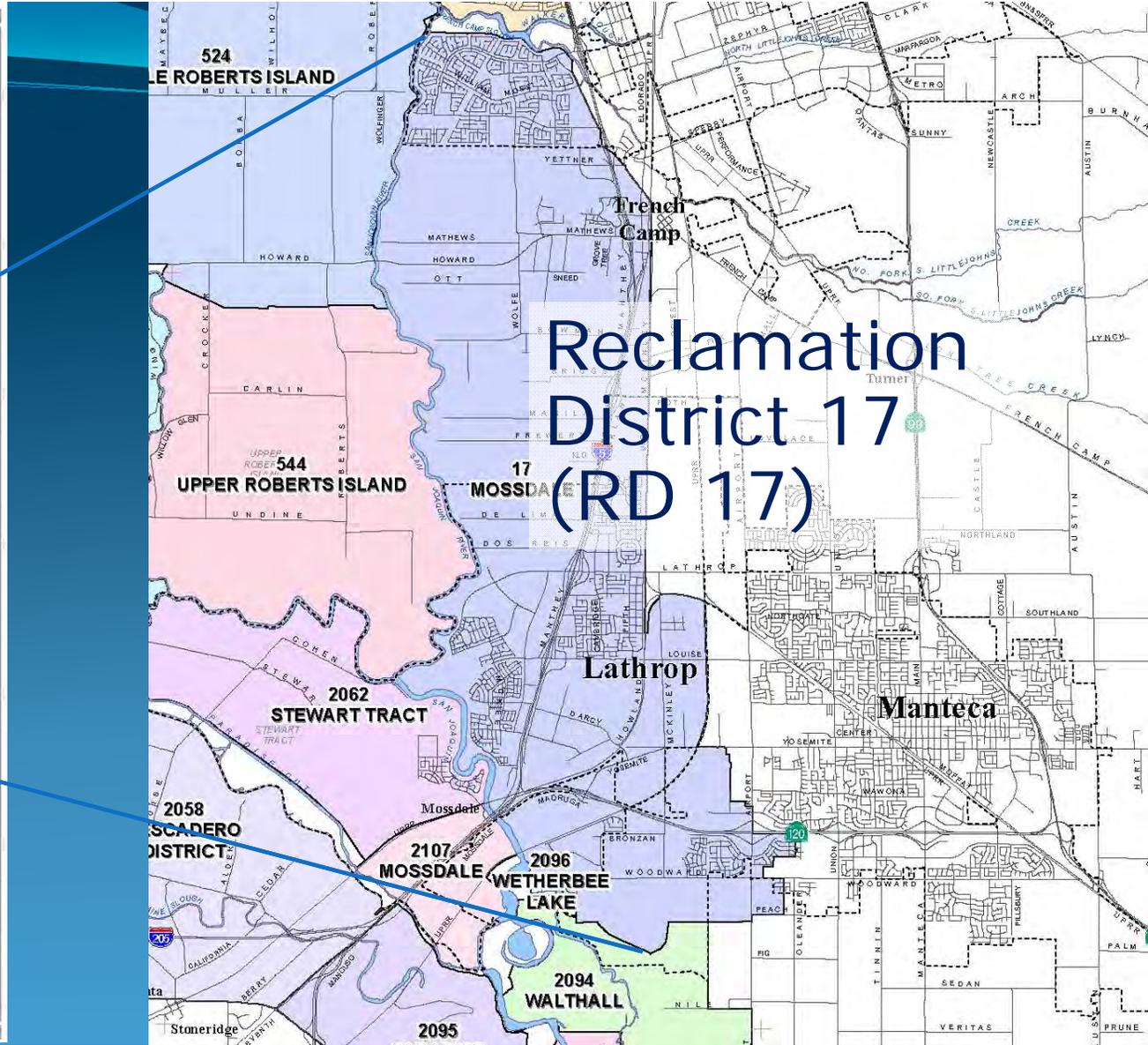
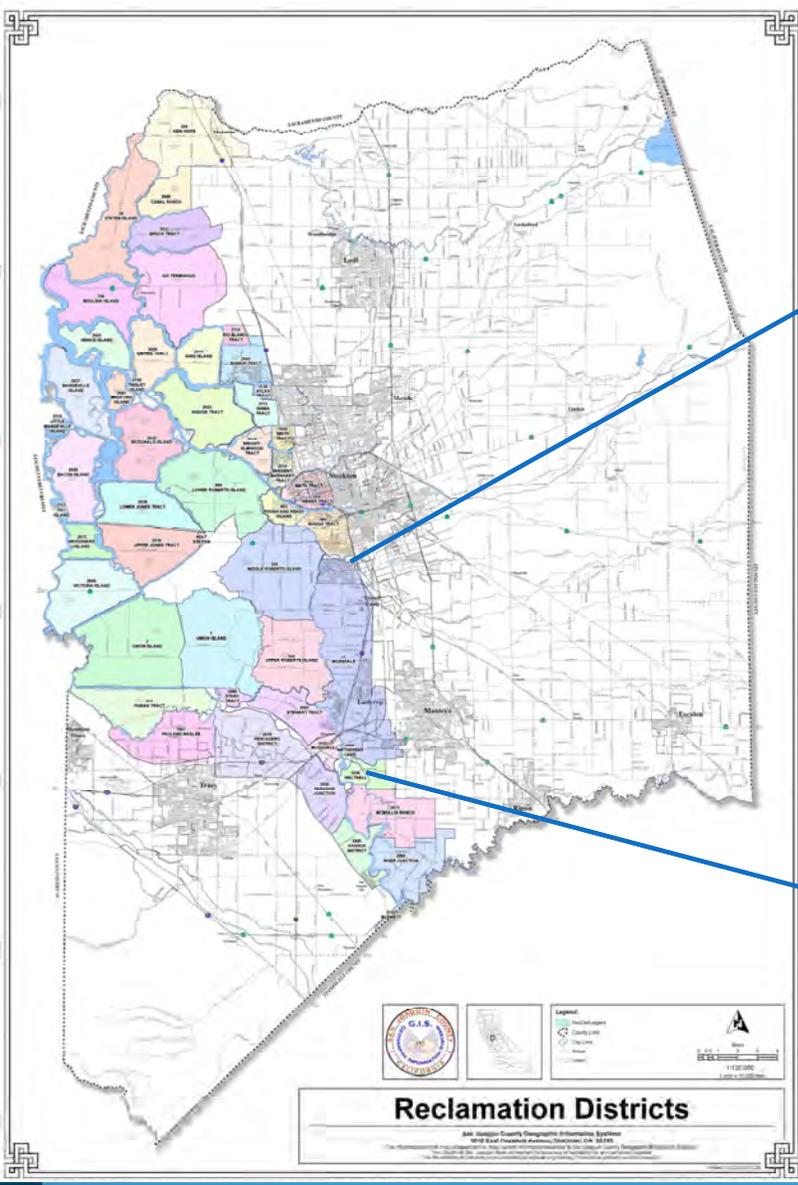
- Floods (1983, 1986, 1995, 1997) have caused over \$3 billion in damage within Central Valley
- 2007 – CA Legislature passed 5 bills known as “2007 CA Flood Legislation”
- Senate Bill 5 (SB 5) defined the criteria for “urban level of flood protection”
- Level of protection needed to withstand a 1-in-200 chance of occurring in any given year



Background – Senate Bill 5

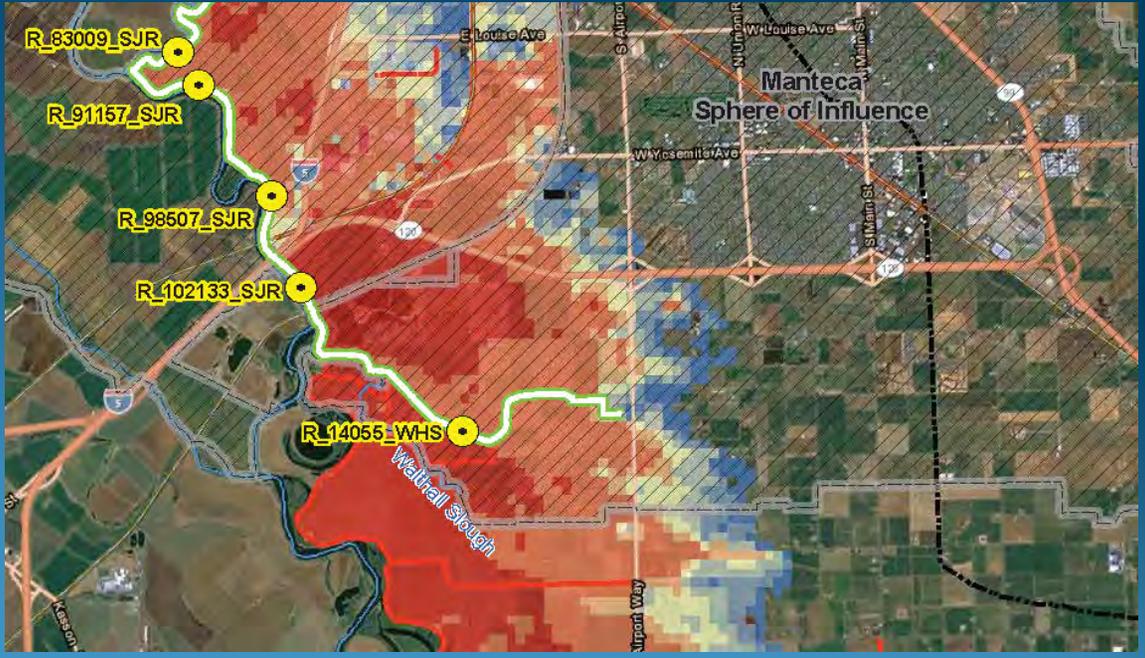
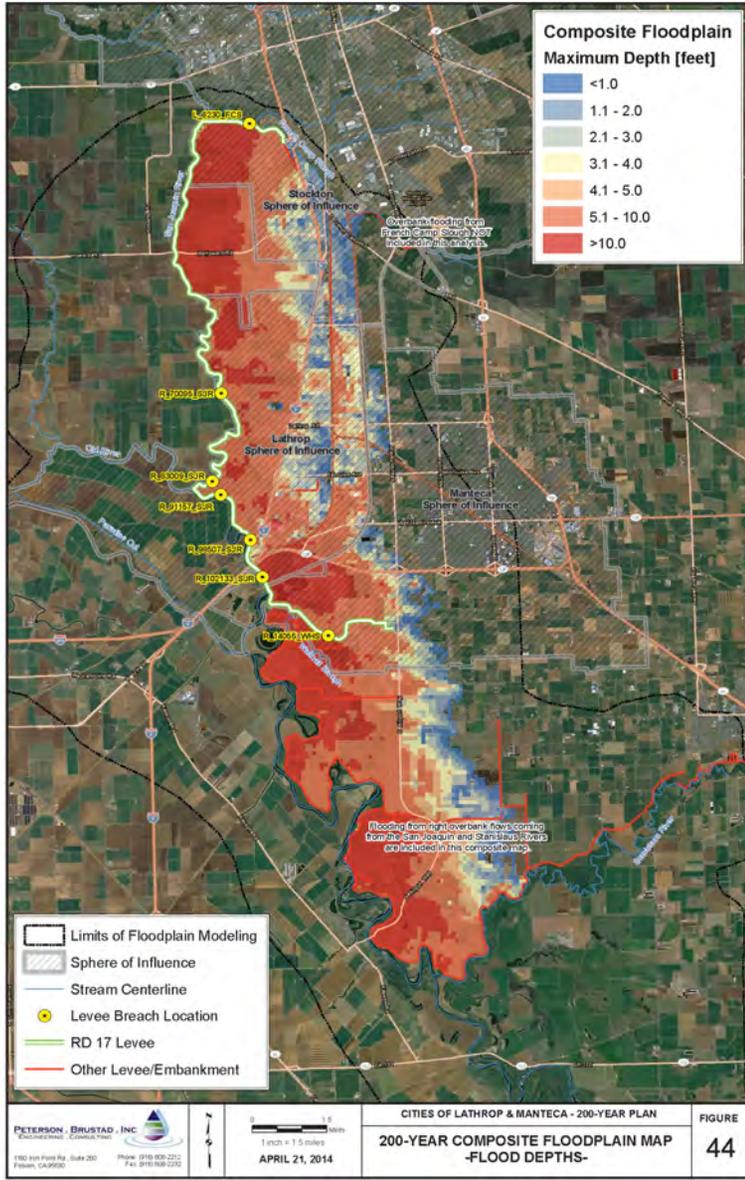
- Cities and Counties are required to take SB 5 into account when making land use decisions in urbanized areas
- Manteca and Lathrop must show “adequate progress” towards compliance by July 2016
- Adequate progress requires having the scope, schedule and costs developed for needed projects
- Funding sources need to be identified





Background – SB 5

RD 17 Flood Plain *Without* Levee Project

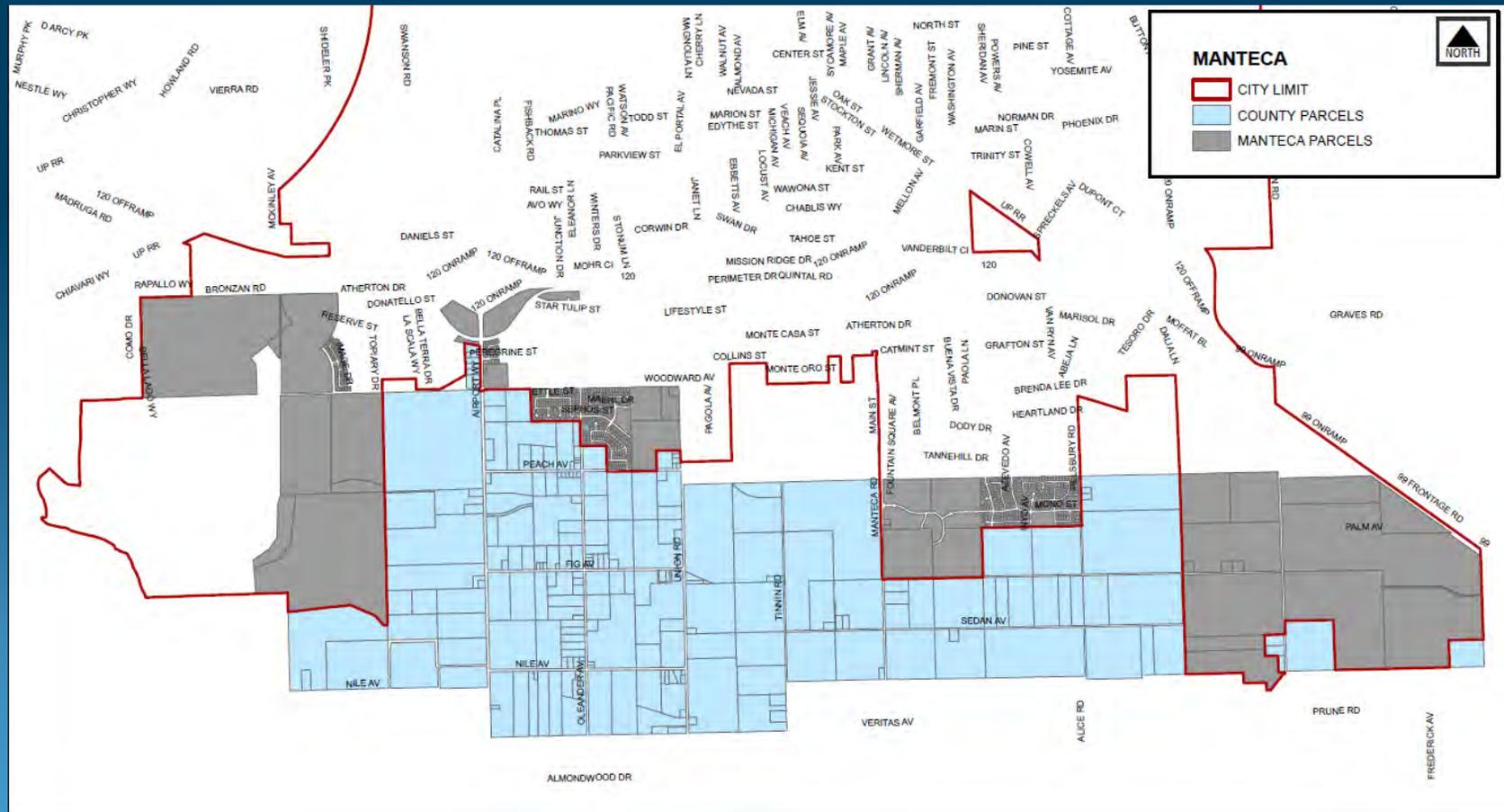


Background – Expressway

- Antone Raymus Expressway (formerly McKinley Expressway)
- Expressway is needed based on City's current General Plan
- Manteca's General Plan is based on 20 year horizon, including transportation needs
- Expressway will be 2-4 lanes and 6 lanes at the connections to SR 120 and SR 99
- Current General Plan has Expressway along Peach which is inconsistent with expressway standards



Mailing List Notification Area



Background: Public Meeting #1 (3/30/16)

Purpose of Meeting #1:

- Project Background
- Answer Questions/Concerns
- Group Exercise
 - Gain better understanding of constraints & opportunities
- Introduction of Website

Background: April 5th City Council Meeting

- Council directed staff to focus workshops on dryland levee alignments only
- Expressway alignment will be addressed with General Plan update in 2016/2017

Expressway was separated
from the Levee Discussion

Background: Public Meeting #2 (4/21/16)

Purpose of Meeting #2:

- Reviewed feedback from previous workshop
- Presented levee alignment alternatives, costs and impacts
- Open House/Answered Questions/Provided Feedback on Alternatives

Public Meeting #3 (5/18/16)

Purpose of Meeting #3:

- Presented results from previous workshops
- Answered questions received
- Reviewed alternatives and comparison matrix
- Received feedback

Goals, Principles, & Constraints

Project Goal

- To build stakeholder consensus on a preferred alignment for the dryland levee that meets the project principles, constraints and is compliant with SB 5 and State requirements.

Guiding Principles/Constraints

- Minimize impact to farmland
- Minimize impacts to property owner access
- Stay on property lines as much as possible
- Utilize existing easements
- Respect the “right to farm”
- Accommodate entitled properties
- Consensus among stakeholders
- Meets DWR criteria for “wise use of floodplains”
- Cost

Constraints: Funding

- The City's and County within RD-17 do not have sufficient funds to deliver this project by themselves.
- To be eligible for potential State or Federal funding opportunities, the project must be consistent with DWR's Urban Flood Risk Reduction program guidelines and principles.

Constraints: Funding

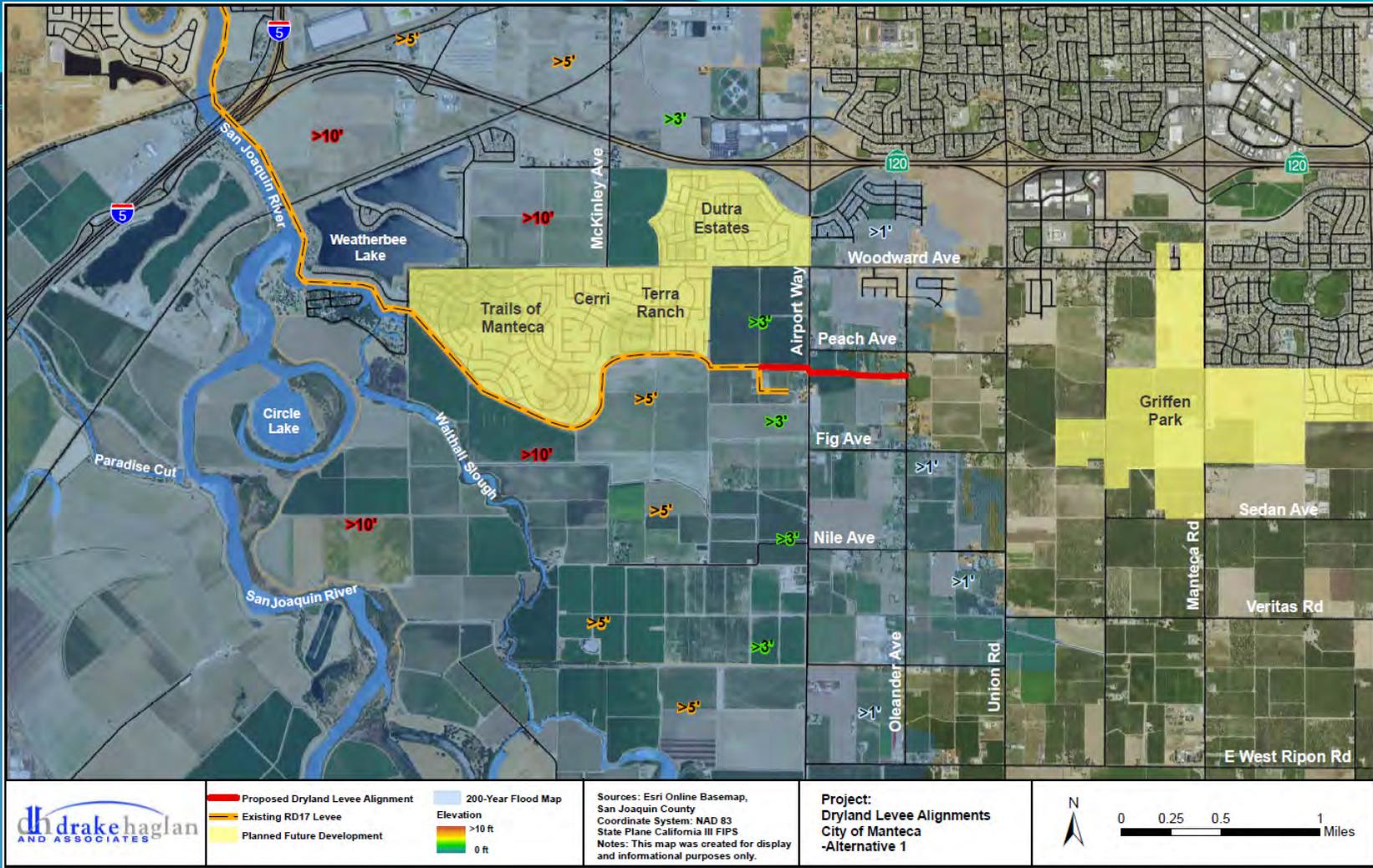
- DWR's principles and guidelines are based on the following legislation and policies:
 - Senate Bill 5 (2007)
 - Central Valley Flood Protection Plan (2012)
 - Governor's California Water Action Plan (2016)
 - Federal Executive Orders 11988 & 13690

Future State and Federal flood risk reduction investments must be consistent with these policies.

DWR Guidelines and Principles

- No increase in loss of life and expected damages; showing a significant reduction in losses will result in a more competitive project;
- Promote wise use of floodplains with binding limitation on development in deep floodplains;
- Achieve multiple benefits in accordance with the Governor's California Water Action Plan;
- Preservation of agricultural land consistent with the 2012 CVFPP and the Delta Plan;
- Obtaining federal interest in the urban flood risk reduction project for this basin.

Alternatives Discussion

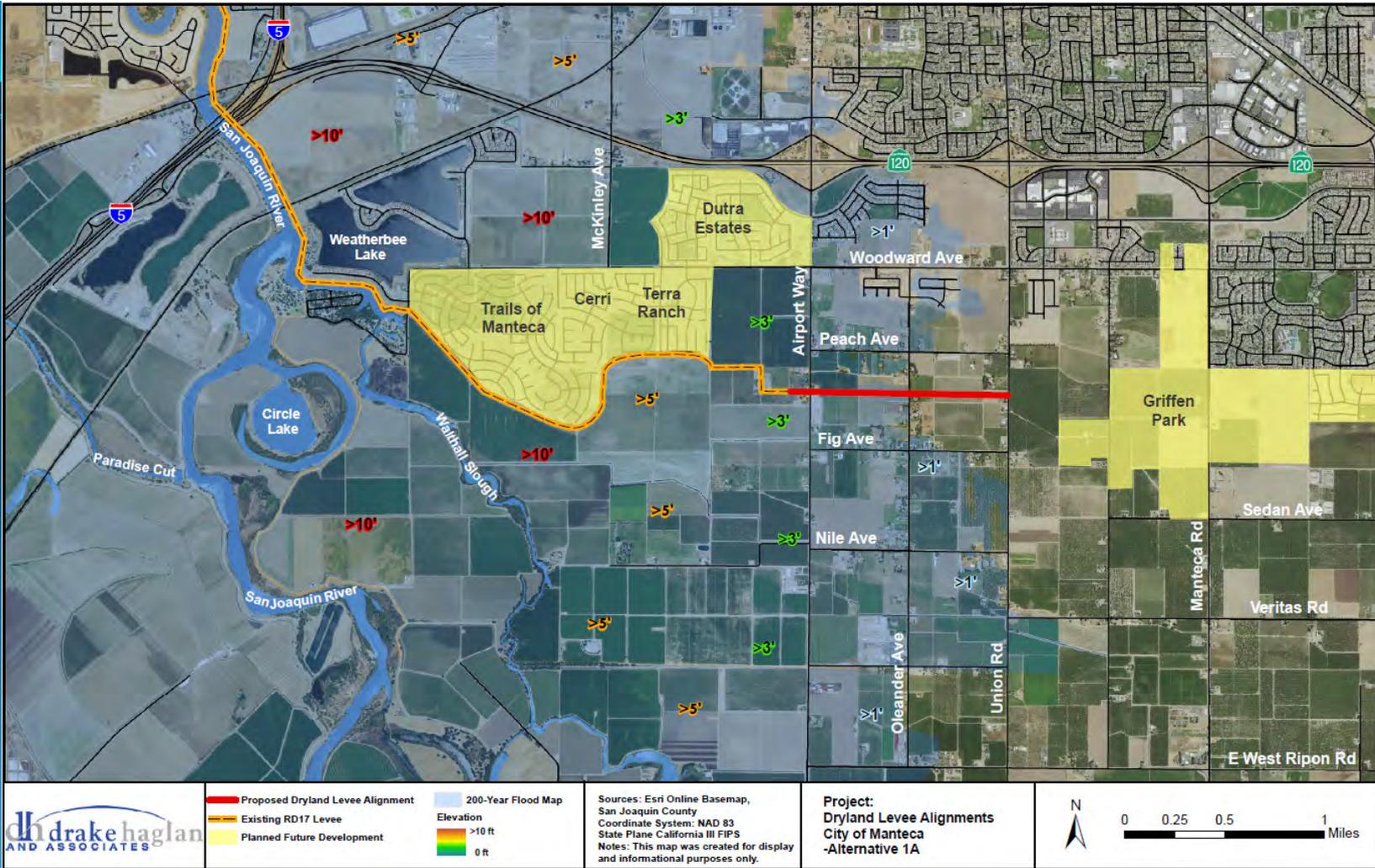


Alternative 1

Alt 1: Conformance with Evaluation Criteria

- Meets DWR criteria for “wise use of floodplains”
- Minimize impact to farmland
- Minimize impacts to property owner access
- Stay on property lines as much as possible
- Utilize existing easements
- Accommodate entitled properties
- Consensus among stakeholders
- Cost – Approx. \$8.5M

- Meets Criteria
- Partially Meets
- Does Not Meet

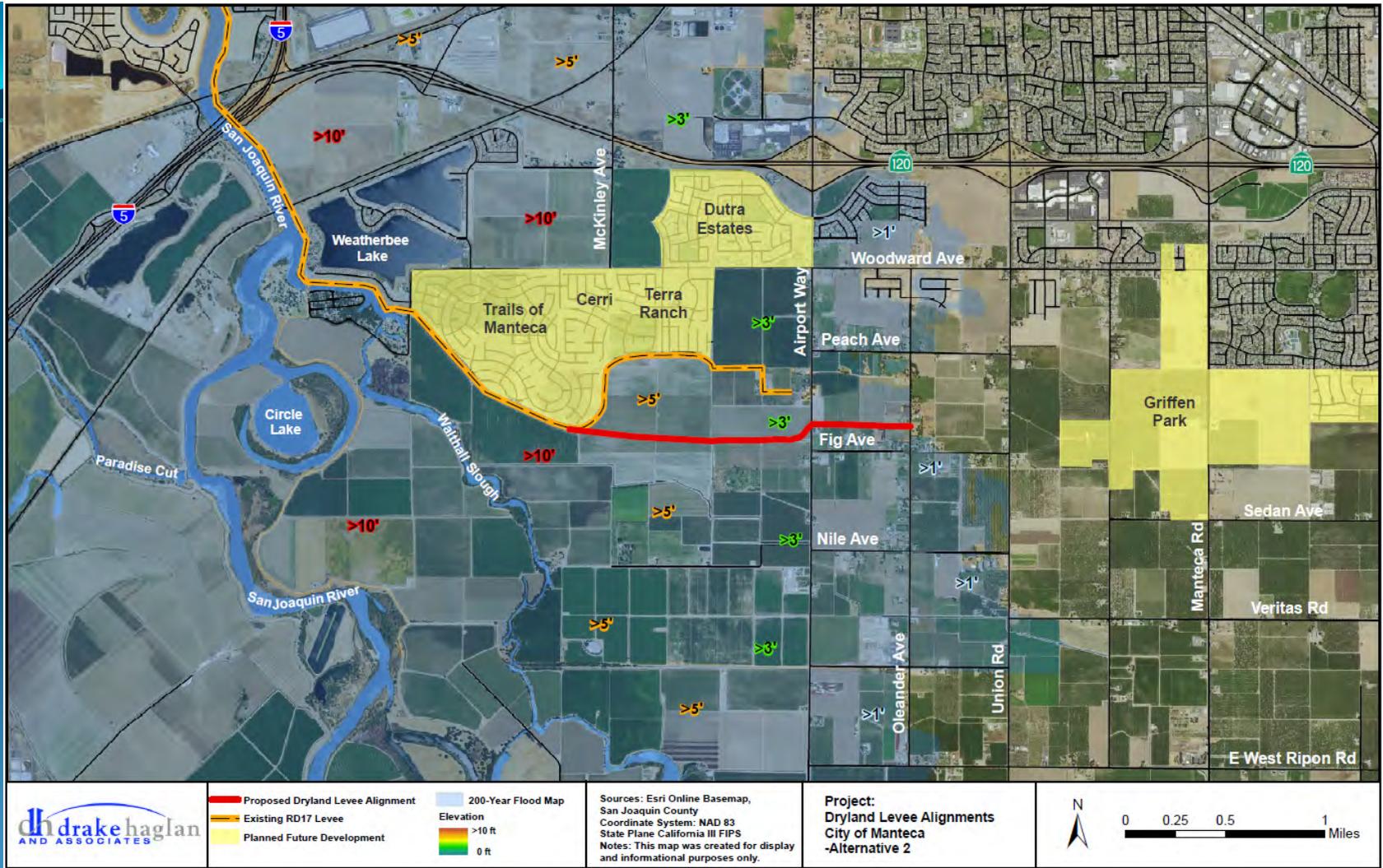


Alternative 1A

Alt 1A: Conformance with Principles & Constraints

- Meets DWR criteria for “wise use of floodplains”
- Minimize impact to farmland
- Minimize impacts to property owner access
- Stay on property lines as much as possible
- Utilize existing easements
- Accommodate entitled properties
- Consensus among stakeholders
- Cost – Approx. \$12.1M

- Meets Criteria
- Partially Meets
- Does Not Meet

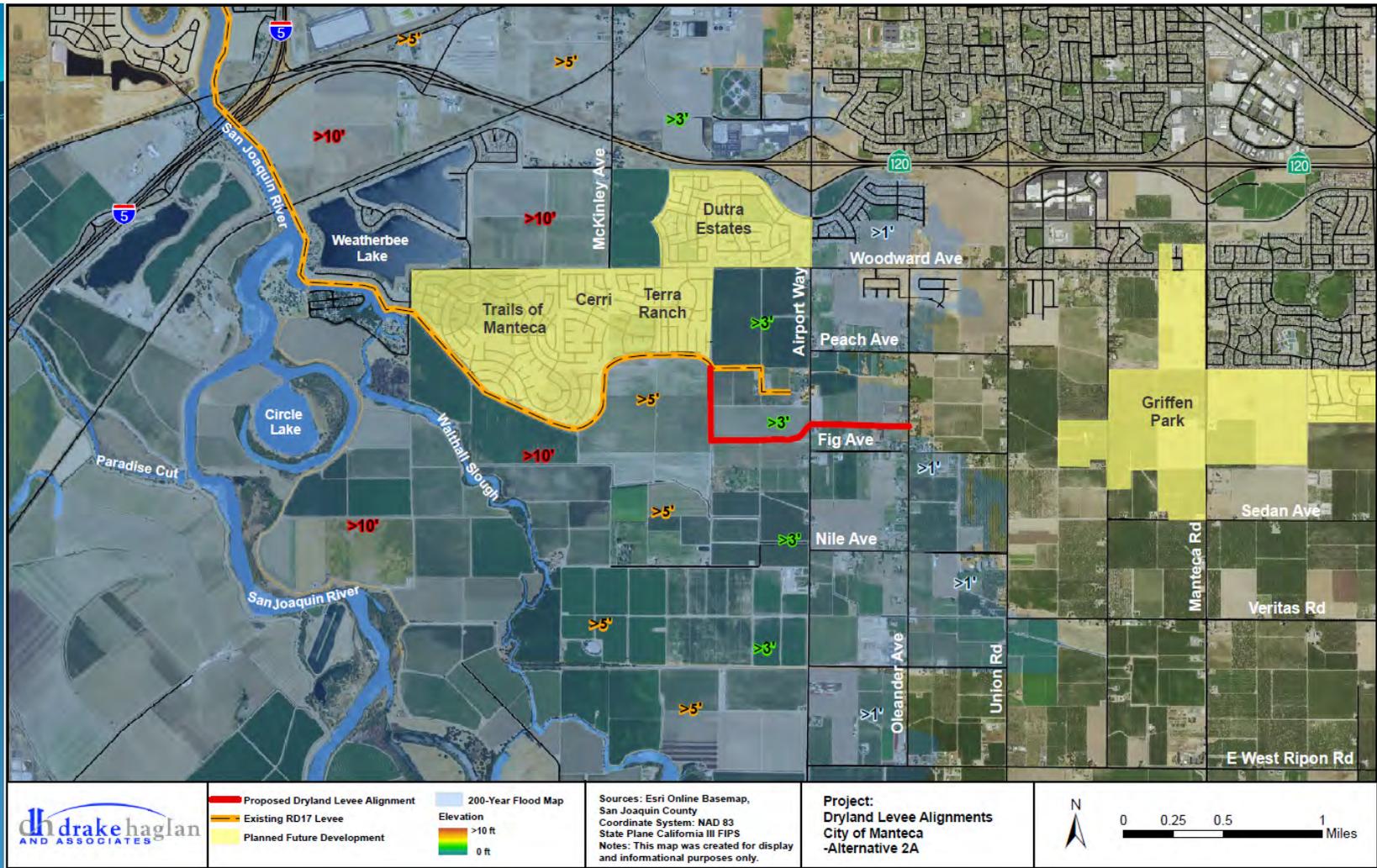


Alternative 2

Alt 2: Conformance with Principles & Constraints

- Meets DWR criteria for “wise use of floodplains”
- Minimize impact to farmland
- Minimize impacts to property owner access
- Stay on property lines as much as possible
- Utilize existing easements
- Accommodate entitled properties
- Consensus among stakeholders
- Cost – Approx. \$25.1M

- Meets Criteria
- Partially Meets
- Does Not Meet

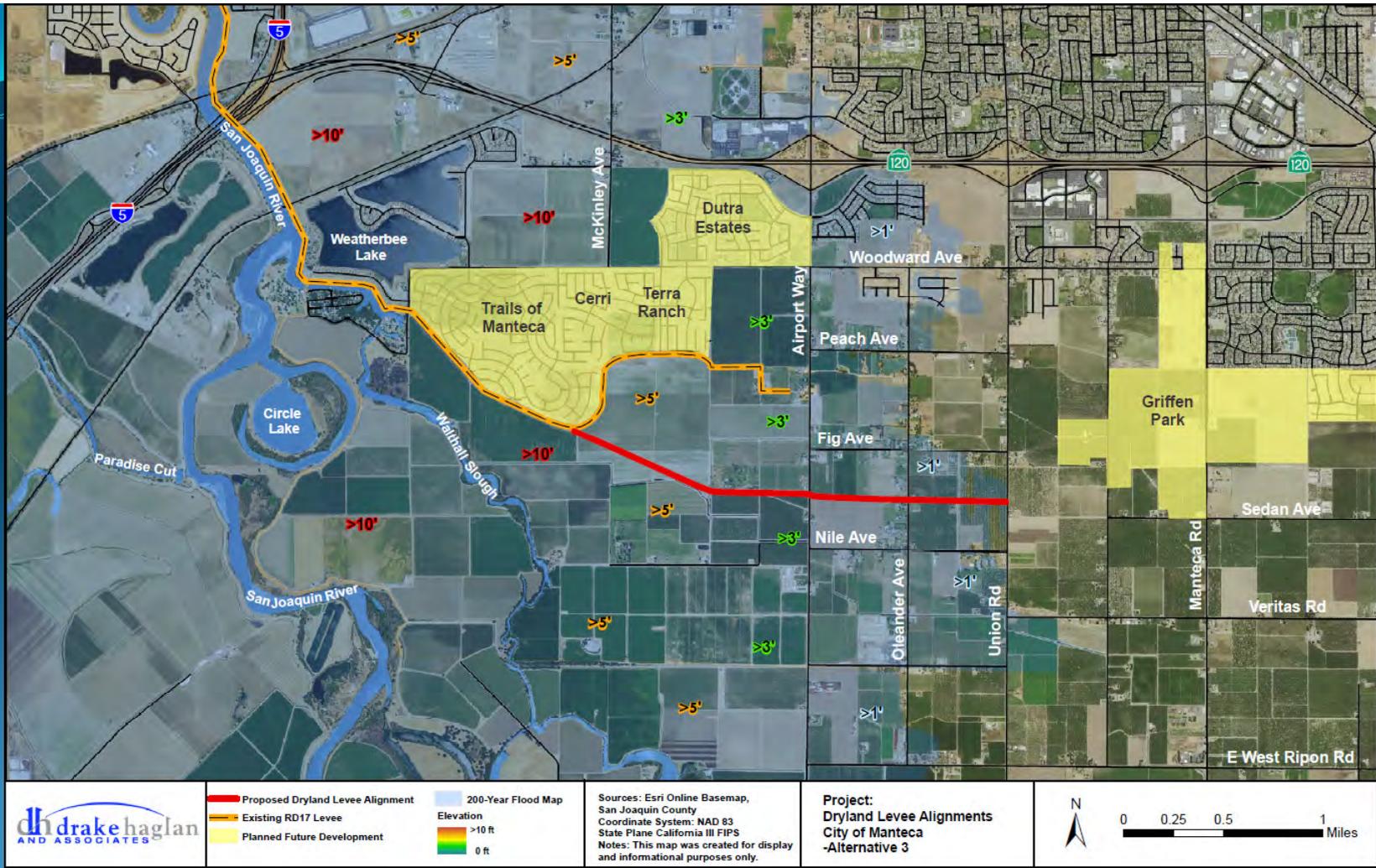


Alternative 2A

Alt 2A: Conformance with Principles & Constraints

- Meets DWR criteria for “wise use of floodplains”
- Minimize impact to farmland
- Minimize impacts to property owner access
- Stay on property lines as much as possible
- Utilize existing easements
- Accommodate entitled properties
- Consensus among stakeholders
- Cost – Approx. \$12.1M

- Meets Criteria
- Partially Meets
- Does Not Meet

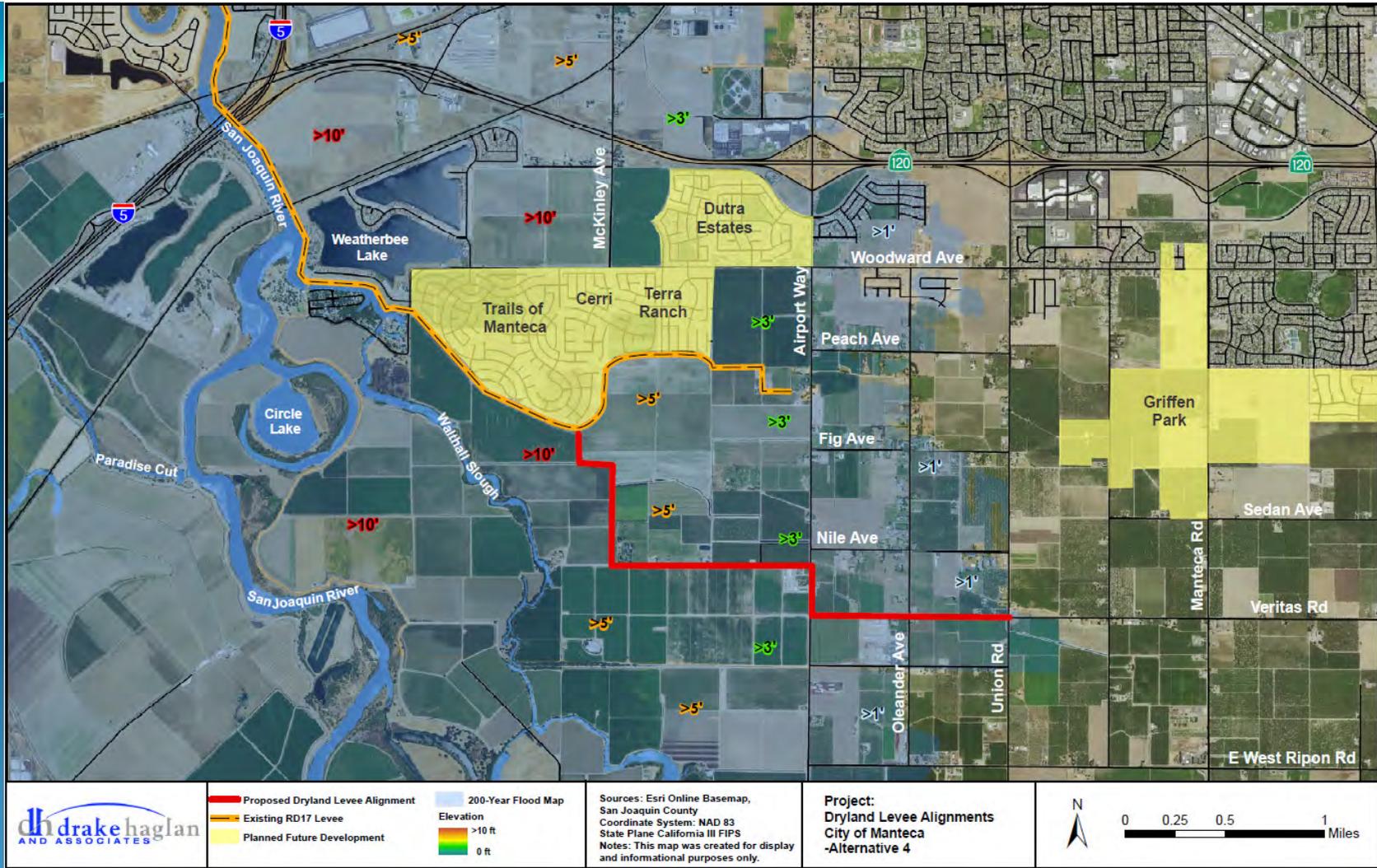


Alternative 3

Alt 3: Conformance with Principles & Constraints

- Meets DWR criteria for “wise use of floodplains”
- ◐ Minimize impact to farmland
- Minimize impacts to property owner access
- ◐ Stay on property lines as much as possible
- ◐ Utilize existing easements
- Accommodate entitled properties
- ◐ Consensus among stakeholders
- Cost – Approx. \$30.6M

- Meets Criteria
- ◐ Partially Meets
- Does Not Meet

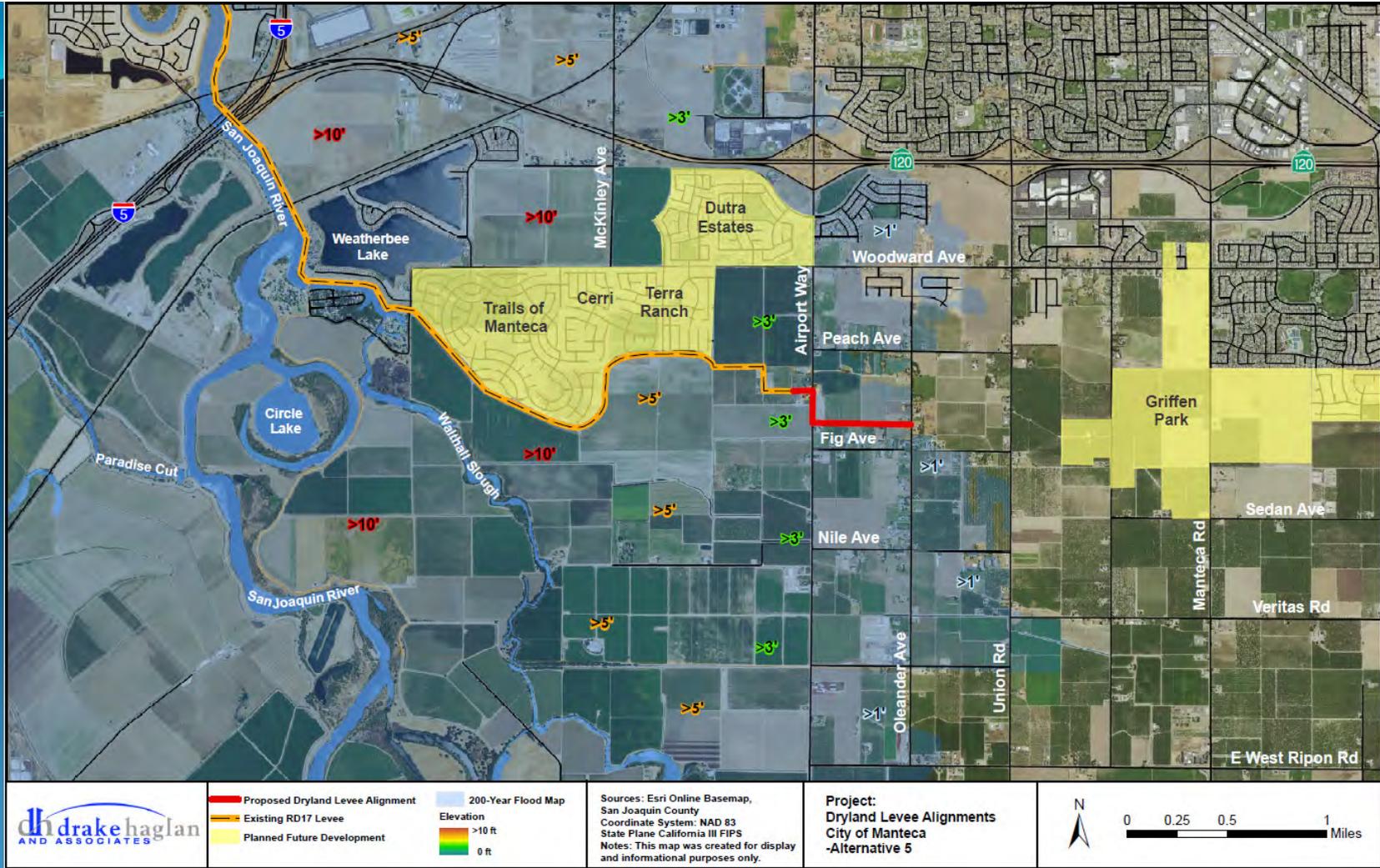


Alternative 4

Alt 4: Conformance with Principles & Constraints

- Meets DWR criteria for “wise use of floodplains”
- Minimize impact to farmland
- Minimize impacts to property owner access
- ◐ Stay on property lines as much as possible
- ◐ Utilize existing easements
- Accommodate entitled properties
- Consensus among stakeholders
- Cost – Approx. \$52.4M

- Meets Criteria
- ◐ Partially Meets
- Does Not Meet



Alternative 5

Alt 5: Conformance with Principles & Constraints

- Meets DWR criteria for “wise use of floodplains”
- Minimize impact to farmland
- Minimize impacts to property owner access
- ◐ Stay on property lines as much as possible
- ◐ Utilize existing easements
- Accommodate entitled properties
- Consensus among stakeholders
- Cost – Approx. \$11.6M

- Meets Criteria
- ◐ Partially Meets
- Does Not Meet

Alternatives Evaluation Summary

Alternatives Comparison

Principles/Criteria	Alt 1	Alt 1A	Alt 2	Alt 2A	Alt 3	Alt 4	Alt 5
Meets DWR Criteria for “Wise Use of Floodplains”	○	○	◐	○	●	●	○
Minimize Farmland Impact	○	○	○	○	◐	●	○
Minimize Impacts to Property Owner Access	◐	◐	○	○	○	○	●
Follow Property Lines	◐	●	○	○	◐	◐	◐
Utilize Existing Easements	◐	◐	◐	◐	◐	◐	◐
Accommodate Entitled Properties	○	○	○	○	○	○	○
Consensus Among Stakeholders	●	●	○	◐	◐	●	●
Cost	○	○	●	○	●	●	○

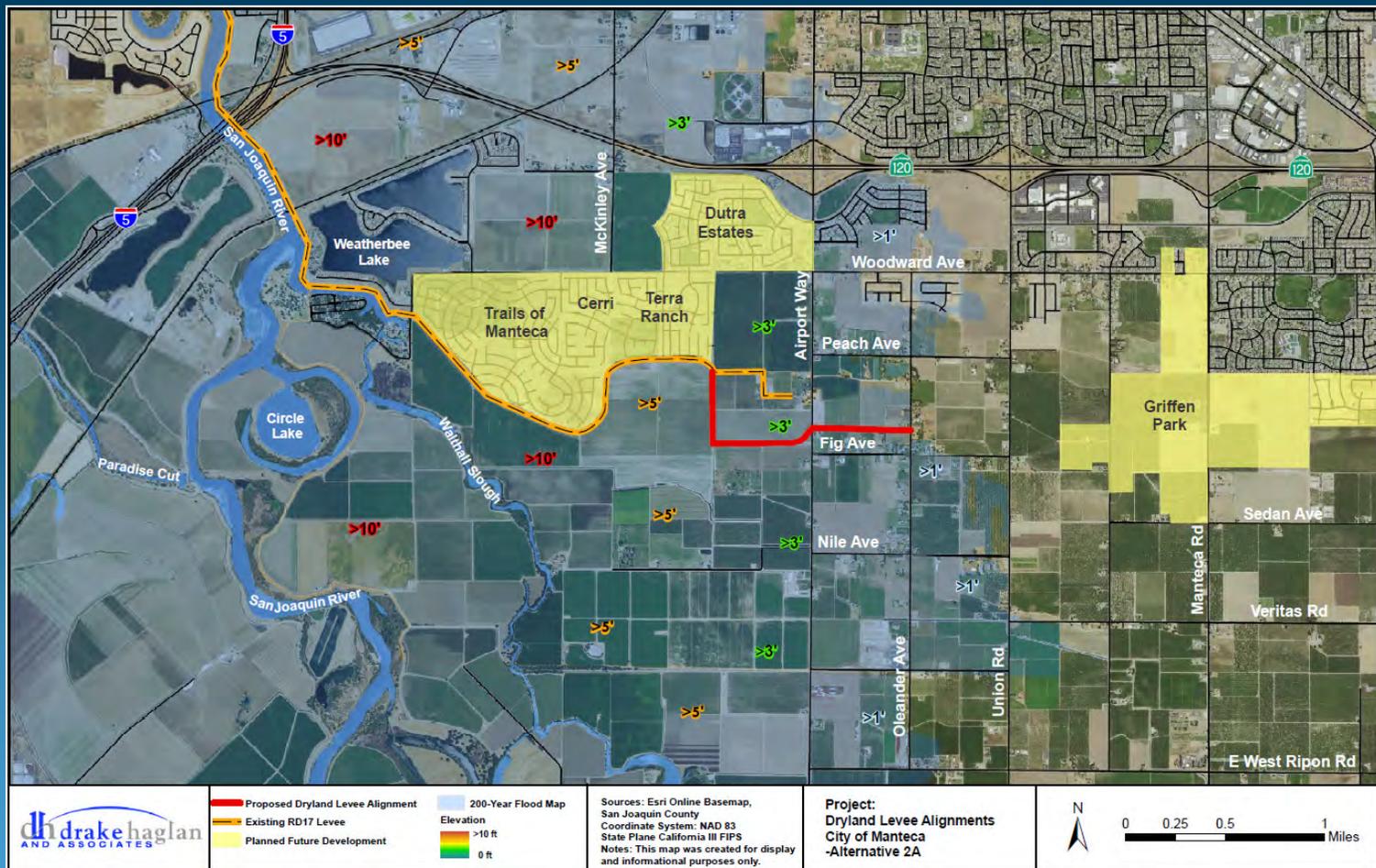
- Meets Criteria
- ◐ Partially Meets Criteria
- Does Not Meet Criteria

Alternatives Comparison

Principles/Criteria	Alt 1	Alt 1A	Alt 2	Alt 2A	Alt 3	Alt 4	Alt 5
Meets DWR Criteria for "Wise Use of Floodplains"	○	○	◐	○	●	●	○
Minimize Farmland Impact	○	○	○	○	◐	●	○
Minimize Impacts to Property Owner Access	◐	◐	○	○	○	○	●
Follow Property Lines	◐	●	○	○	◐	◐	◐
Utilize Existing Easements	◐	◐	◐	◐	◐	◐	◐
Accommodate Entitled Properties	○	○	○	○	○	○	○
Consensus Among Stakeholders	●	●	○	◐	◐	●	●
Cost	○	○	●	○	●	●	○

- Meets Criteria
- ◐ Partially Meets Criteria
- Does Not Meet Criteria

Alternative 2A Recommended for Further Study in Environmental Phase



Alternative 2A Recommended for Further Study in Environmental Phase

- Follows Property Lines and Existing Easements to Greatest Extent
- Minimizes Farmland Impact
- Minimizes Impacts to Property Access
- Consistent with DWR's "Wise Use of Floodplains"
- Better Consensus from Stakeholders in Comparison to Alternatives 1, 1A, 4 & 5

The background is a solid blue gradient. At the top, there is a decorative, wavy, abstract shape in a lighter shade of blue, resembling a stylized wave or a modern architectural element. The text "Moving Forward" is centered in the middle of the page in a white, sans-serif font.

Moving Forward

What to Expect Next

- Environmental Process to start in 2017
 - Environmental and engineering studies to be conducted
 - Actual alignment and footprint to be selected
 - Additional public meetings will be conducted as part of environmental study process
- Final Design & Right-of-Way Acquisition to begin in 2020
- Construction to begin in 2023



Questions?

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

August 15, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337
MayorCouncilClerk@mantecagov.com
% iblackmon@ci.manteca.ca.us

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

Dear Council Members,

My name is Lucille Harris. I am the manager of W/L Harris Ranches, LLC ("Harris Ranches").

Harris Ranches owns approximately 37 acres of farmland described by APN 241-330-34 and is located at 21611 S. Airport Way in Manteca.

On July 19, 2016, I sent a letter via email to the council in conjunction with a city council meeting scheduled for that same evening. (See Exhibit "1")

A copy of the letter was sent at that same time to the San Joaquin County Surveyor's office.

Since that time, several emails have been exchanged between Warren Smith (representing the San Joaquin County Recorder's office) and Michael Babitzke (Attorney for W/L Harris Ranches, LLC). (See Exhibit "2")

Due to the importance and complexity of the details included in the July 19, 2016 letter, and subsequent emails exchanged, Mr. Babitzke has arranged a meeting with Mr. Smith for Monday, August 15, 2016 to further discuss the concerns presented in my letter.

At this time, Harris Ranches continues to look to the City of Manteca, as lead agency for development in southwest Manteca, to take any and all appropriate action to safeguard and

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

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protect the property rights of every landowner affected as presented in my July 19, 2016, letter.

Thank you,



Lucille Harris
W/L Harris Ranches, LLC

LH/jas

Enclosures:

1. Ex. "1": 07/19/16 Letter from W/L Harris Ranches to Manteca City Council, with attachments
2. Ex. "2": San Joaquin County Surveyor emails/Michael Babitzke

cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Elena Reyes, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer
San Joaquin County Department of Public Works, Surveyor's Division
Reclamation District No. 17

W/L Harris Ranches, LLC

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August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

Mark Meissner, Planning Department
City of Manteca
1001 W. Center St.
Manteca, CA 95337
mmeissner@ci.manteca.ca.us

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

Enclosed please find the following:

Letter dated August 15, 2016 to Manteca City Council with Exhibits "1" through "2"

Lucille Harris

W/L Harris Ranches, LLC

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August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

Mark Houghton, Public Works
City of Manteca
1001 W. Center St.
Manteca, CA 95337
mhoughton@ci.manteca.ca.us

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

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August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

Elena Reyes, City Manager
City of Manteca
1001 W. Center St.
Manteca, CA 95337
ereyes@ci.manteca.ca.us
lblackmon@ci.manteca.ca.us

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

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Lucille Harris

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August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

Matt Satow
Drake Haglan & Associates
619 - 13th Street, Suite G
Modesto, CA 95354
msatow@drakehaglan.com

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

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Lucille Harris

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August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

Frederic Clark, Community Development Director
City of Manteca
1001 W. Center St.
Manteca, CA 95337
fclark@ci.manteca.ca.us

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

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Lucille Harris

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August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

Kevin Jorgensen, City Engineer
City of Manteca
1001 W. Center St.
Manteca, CA 95337
kjorgensen@ci.manteca.ca.us

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

Enclosed please find the following:

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Lucille Harris

W/L Harris Ranches, LLC

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TEL. (209) 239-1361 FAX (209) 239-7086

August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

San Joaquin County Department of Public Works
Surveyor Division
1810 E. Hazelton Avenue
Stockton, CA 95205
ntomlinson@sjgov.org

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

Enclosed please find the following:

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Lucille Harris

W/L Harris Ranches, LLC

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TEL. (209) 239-1361 FAX (209) 239-7086

August 15, 2016

VIA EMAIL

ENCLOSURE ADVICE

Reclamation District No. 17
235 E. Weber Ave. (95202)
P.O. Box 1461
Stockton, CA 95201
cneudeck@ksninc.com

Re: Manteca City Council August 16, 2016 Meeting Agenda Item C.2: Receive presentation from Drake Haglan & Associates and approve Alternative 2A as the Preferred Alignment for the Dryland Levee, and advance the preferred alternative for study.

Enclosed please find the following:

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Lucille Harris

W/L Harris Ranches, LLC

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TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "1"

07/19/2016 Letter from W/L Harris Ranches to Manteca City Council, with attachments

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

July 19, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337
MayorCouncilClerk@mantecagov.com
% lblackmon@ci.manteca.ca.us

Re: Manteca City Council July 19, 2016 Meeting Agenda Item for Preferred Alignment for the Dryland Levee (SB5) originally scheduled for 07/19/16 as noticed to the public by Drake Haglan and Associates at the Dryland Levee Public Workshops and listed in tonight's agenda under Section C, Community Development, and reports that the "Preferred Alignment for the Dryland Levee (SB5) will be heard at the August 16, 2016 Regular City Council Meeting"

Dear Council Members,

My name is Lucille Harris. I am the manager of W/L Harris Ranches, LLC ("Harris Ranches").

Harris Ranches owns approximately 37 acres of farmland described by APN 241-330-34 and is located at 21611 S. Airport Way in Manteca.

The property is further described as having a southern boundary line running along the interior quarter section center line of Section 13 as identified by monuments 10 and 11 and extending east to the east quarter corner of said Section 13 located at or near the center of Airport Way, as illustrated on Record of Survey 38-155 attached as **Exhibit "1"**. Record of Survey 38-155 also identifies the locations of Fonseca APN 241-330-05 and Cambra APN 241-330-36 to the north as well as adjacent parcels 241-330-08, 241-330-09 and 241-330-10 to the south.

To further clarify property lines for the Harris Ranches property parcel APN 241-330-34, I have attached three each survey maps as recorded in San Joaquin County, (a) 36-199 (b) 25-106 and (c) 6-127, attached as **Exhibits "2", "3" and "4"**, respectively.

I have enclosed a copy of the APN 241-330-34 deed recorded in San Joaquin County described in a document recorded on July 1, 1996, as Instrument No. 96069351, Official

W/L Harris Ranches, LLC

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Records, being more particularly described in the title document and Assessor's parcel map attached as **Exhibit "5"**.

In addition, the South San Joaquin Irrigation District ("SSJID") owns an easement and operates a surface tail water irrigation drain ("Drain #10") at or near the western and northern Harris Ranches APN 241-330-34 boundary lines.

This is evidenced in the recorded SSJID easement deed and map attached as **Exhibit "6"**.

At this time, Harris Ranches is aware of several dryland levee alignments that the City of Manteca is considering.

Further, Harris Ranches is informed and believes that the intent of the City of Manteca is to place all levee and other development-related infrastructure needed at or on easements or property boundary lines if at all possible.

I. **Concerns relating to conflicting Record of Surveys 37-150 and 38-155:**

On December 16, 2015, VVH Engineering Consultants ("VVH") recorded Record of Survey 38-155 that appears to have found and identified monument 11, represented as a $\frac{3}{4}$ rebar, tagged LS 7454 for center of section 13 per Record of Survey 36-199. The survey 36-199 was performed by Michael Turnrose. (See Exhibits "1" and "2")

The 36-199 Record of Survey Map appears to call out an iron pin that represents the south west corner of the Harris Ranches property as further detailed in VVH's Record of Survey 38-155 recorded on 12/16/2015.

Harris Ranches calls your attention to a Record of Survey 37-150 (See Exhibit "7") recorded on 12/14/2011 that appears to have not made any call or reference to the center of Section 13 iron pin that appears to have been called out on other deeds and surveys. (See Exhibits "1", "2", "3", "4" and "5")

With this in mind, Harris Ranches once again calls your attention to Record of Survey 37-150 and the alleged relocation of the section corner common to Sections 11, 12, 13 and 14 that TLG believes was set in 2011 and tagged LS 6406 at the time of the 37-150 Record of Survey.

Subsequent to the alleged relocation of the section corner referenced above, the neighboring property immediately west of Harris Ranches, Terra Land Group, a single parcel consisting of APNs 241-330-32, 241-330-33 and 241-320-60, was contacted

W/L Harris Ranches, LLC

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by email and informed that the boundary lines of their property were incorrect. (**See Exhibit "8"**)

A parcel map 25-124 was included with the emailed letter and a quit claim document was also attached apparently for the purpose of expediting the process of changing the boundary lines previously accepted and recognized by neighboring property owners for many years. (**See Exhibit "8"**)

Of special concern is Harris Ranches belief that at least one local developing property owner in the area that may be affected by the 37-150 Record of Survey has apparently been invited to enter into a boundary line agreement to resolve any disputes with neighboring property owners while possibly protecting its property against the potential for any cloud on title. (**See Exhibit "9"**)

At this time, no one has contacted Harris Ranches about any affect that the 37-150 Record of Survey may have on its title or its property lines as well as SSJID Drain #10 easements and access road easements currently in place and benefitting Harris Ranches as well as other neighboring properties.

This should be of particular interest to the City of Manteca since it is Harris Ranches belief that any change to the Harris Ranches west property line will also change the boundary line identifying which areas are located within the city limits and governed by the City of Manteca and which areas are located outside the city limits and governed by San Joaquin County.

This leads Harris Ranches to believe that a boundary line agreement should be strongly considered, that once executed, will protect all property lines previously recognized and accepted to serve the best interests of everyone that may be affected.

In the meantime, Harris Ranches believes that it has no other equitable alternative other than to move forward with any improvements and more beneficial cultural plans on its property based on the boundaries and easement locations historically accepted and described on the survey maps referenced and attached to this letter.

This is especially important when you consider that two weeks ago, Harris Ranches submitted a map to SSJID as a preliminary step in constructing a culvert pipe crossing over the SSJID Drain #10 at or near the north west corner of the Harris Ranches property (**See Exhibit "10"**). The location of the culvert pipe crossing is

W/L Harris Ranches, LLC

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based on property lines represented in recorded deeds and surveys 36-199, 6-127, 25-106 and 38-155. (See Exhibits "1", "2", "3", "4" and "5")

In this way, Harris Ranches can move forward with improvements planned while relying on surveys and deeds previously recorded that have resulted in establishing easements and/or various occupation lines as evidenced by roadways, irrigation and drainage infrastructure and other improvements currently in place and positioned in reliance on those same surveys and deeds previously recorded.

As a result, Harris Ranches is looking to the City of Manteca, as the lead agency for development in southwest Manteca, to mitigate any and all costs associated with safeguarding and protecting the property rights of every landowner that may be affected by the alleged relocation of any section corner or quarter corner section marker or any alleged erroneous omission of any previously identified quarter section or center section monument that Harris Ranches believes and is concerned may have occurred relating to Record of Survey 37-150. (See Exhibits "1", "2", "3", "4", "5" and "7")

Thank you,



Lucille Harris
W/L Harris Ranches, LLC

LH/jas

Enclosures:

1. Ex. "1": Record of Survey 38-155 and Record of Survey 38-155A, VVH Consulting Engineers, recorded 12/16/2015
2. Ex. "2": Record of Survey 36-199, Turnrose Land Surveying, recorded 10/07/2008
3. Ex. "3": Map of Survey 25-106, John M. Lopes, recorded 04/15/1974
4. Ex. "4": Map of Survey 6-127, recorded 10/04/1945
5. Ex. "5": Grant Deed #2013-145352, San Joaquin County Recorder, recorded 11/22/2013
6. Ex. "6": Grant of Easement for Right of Way, recorded 01/23/1950
7. Ex. "7": Record of Survey 37-150, Keith Spencer, recorded 12/14/2011
8. Ex. "8": 09/30/2013 Letter from Kim Smith to Martin Harris
9. Ex. "9": Lot Line Adjustment for The Trails, City of Manteca, NorthStar Engineering Group, Inc. (dated 05/14/2015)

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

10. Ex. "10": 07/06/2016 Email from VVH Consulting Engineers to Forest Killingsworth/SSJID

cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Elena Reyes, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer
San Joaquin County Department of Public Works, Surveyor's Division
Reclamation District No. 17

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TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "1"

Record of Survey 38-155 and Record of Survey 38-155A, VVH Consulting Engineers,
recorded 12/16/2015

38-155

RECORD OF SURVEY

BEING A SURVEY OF PORTIONS OF SECTIONS 11, 12, 13, AND 14, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE AND MERIDIAN, CITY OF MANATECA, SAN JOAQUIN COUNTY, CALIFORNIA, AUGUST, 2015



430 10th Street
Modesto, CA 95354
Tel: 209-568-4477 Fax: 209-568-4478

SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF MARTIN HARRIS IN AUGUST, 2015.

DATED THIS 3rd DAY OF DECEMBER, 2015.

Martin Harris
FROM VANCE, L.S. 8225



COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 6766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 6th DAY OF DECEMBER, 2015.

Warren D. Smith
WARREN D. SMITH, PLS. 4842
ACTING COUNTY SURVEYOR



COUNTY RECORDER'S STATEMENT:

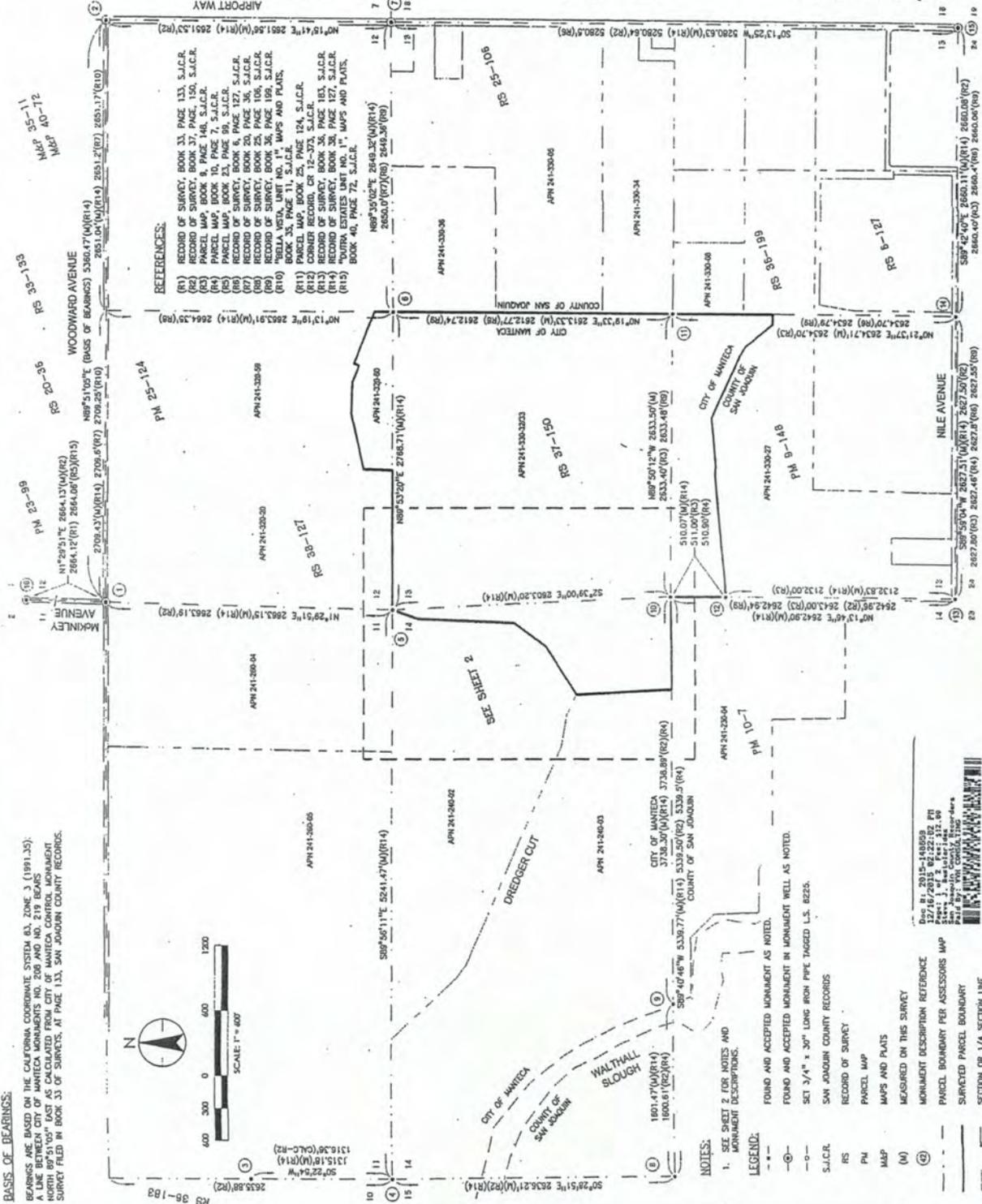
FILED THIS 16th DAY OF DECEMBER, 2015, AT 3:27 P. M. IN BOOK 38 OF SURVEYS, AT PAGE 155.

SAN JOAQUIN COUNTY RECORDS, AT THE REQUEST OF VMI CONSULTING ENGINEERS.

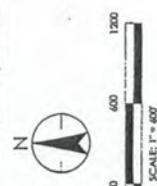
Steve J. Bestougaris
STEVE J. BESTOUGARIS
ASSISTANT DEPUTY RECORDER
ASSESSOR-RECORDER-COUNTY CLERK

Jeanette Smith

38-155



BASES OF BEARINGS:
BEARINGS ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM 83, ZONE 3 (1981.35). A LINE BETWEEN CITY OF MANATECA MONUMENT NO. 208 AND NO. 219 BEARS NORTH 89°51'05" EAST AS CALCULATED FROM CITY OF MANATECA CONTROL MONUMENT SURVEY FILED IN BOOK 33 OF SURVEYS, AT PAGE 133, SAN JOAQUIN COUNTY RECORDS.



REFERENCES:

- (R1) RECORD OF SURVEY, BOOK 33, PAGE 133, S.J.C.R.
- (R2) RECORD OF SURVEY, BOOK 37, PAGE 150, S.J.C.R.
- (R3) PARCEL MAP, BOOK 9, PAGE 148, S.J.C.R.
- (R4) PARCEL MAP, BOOK 10, PAGE 7, S.J.C.R.
- (R5) PARCEL MAP, BOOK 23, PAGE 89, S.J.C.R.
- (R6) RECORD OF SURVEY, BOOK 20, PAGE 36, S.J.C.R.
- (R7) RECORD OF SURVEY, BOOK 25, PAGE 106, S.J.C.R.
- (R8) RECORD OF SURVEY, BOOK 36, PAGE 199, S.J.C.R.
- (R9) RECORD OF SURVEY, BOOK 36, PAGE 199, S.J.C.R.
- (R10) "BELLA VISTA" UNIT NO. 1, MAPS AND PLANS.
- (R11) PARCEL MAP, BOOK 23, PAGE 124, S.J.C.R.
- (R12) CORNER RECORD, CR 12-373, S.J.C.R.
- (R13) RECORD OF SURVEY, BOOK 36, PAGE 183, S.J.C.R.
- (R14) RECORD OF SURVEY, BOOK 38, PAGE 127, S.J.C.R.
- (R15) "FOURTH ESTATES UNIT NO. 1," MAPS AND PLANS, BOOK 40, PAGE 72, S.J.C.R.

NOTES:

- 1. SEE SHEET 2 FOR NOTES AND MONUMENT DESCRIPTIONS.

LEGEND:

- FOUND AND ACCEPTED MONUMENT AS NOTED.
- FOUND AND ACCEPTED MONUMENT IN MONUMENT WELL AS NOTED.
- SET 3/4" x 30" LONG IRON PIPE TAGGED L.S. 8225.
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- RS RECORD OF SURVEY
- PH PARCEL MAP
- MAP MAPS AND PLANS
- (M) MEASURED ON THIS SURVEY
- (C) MONUMENT DESCRIPTION REFERENCE
- PARCEL BOUNDARY PER ASSESSORS MAP
- SURVEYED PARCEL BOUNDARY
- SECTION OR 1/4 SECTION LINE



38-155A

RECORD OF SURVEY

BEING A SURVEY OF PORTIONS OF SECTIONS 11, 12, 13, AND 14, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE AND MERIDIAN CITY OF MANTECA, SAN JOAQUIN COUNTY, CALIFORNIA AUGUST, 2015



430 10th Street
Modesto, CA 95354
Tel: 209.568.4177 Fax: 209.568.4478

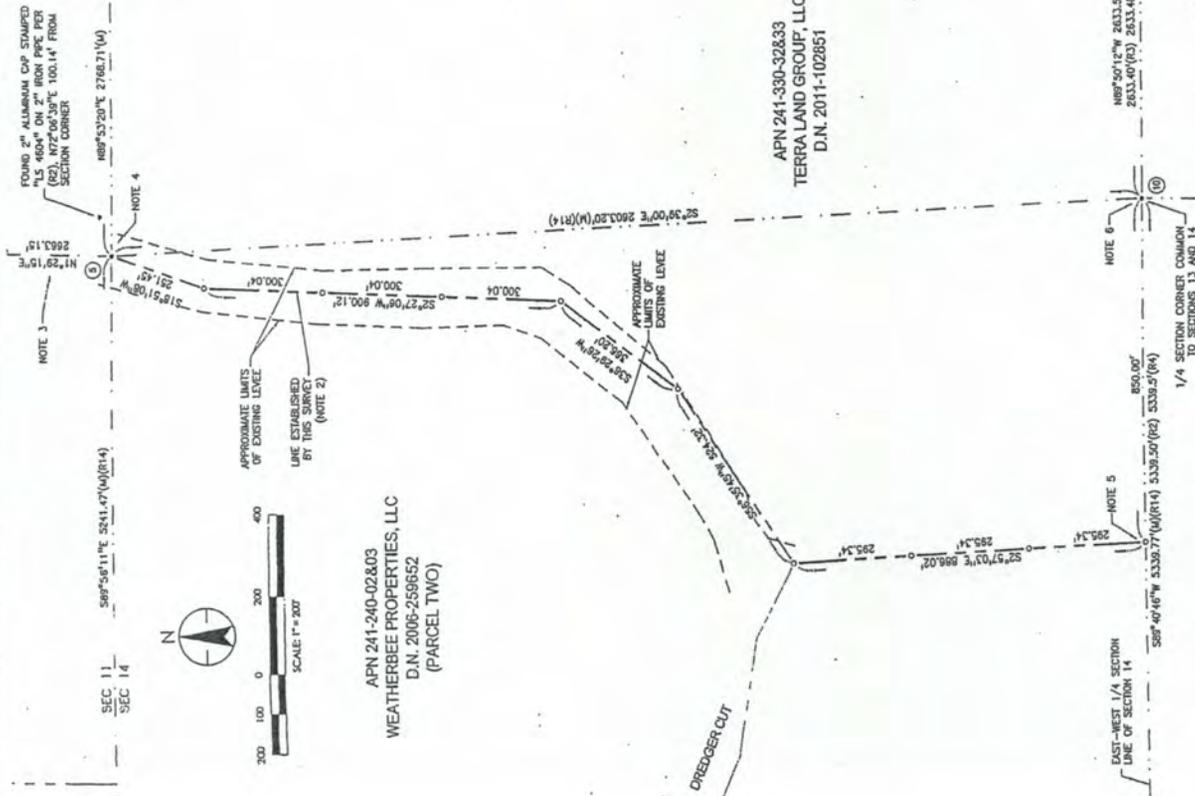
- MONUMENT LIST:**
- FOUND BRASS DISC WITH PUNCH MARK, NO TAG, IN MONUMENT WELL PER (R2)(R7)(R14) FOR WEST 1/4 CORNER OF SECTION 12, CTD TO AS BOLT AND WAGONER IN MONUMENT WELL PER (R2)(R10)(R11).
 - FOUND 3/4" IRON PIPE TAGGED "S 819°" IN MONUMENT WELL PER (R12)(R14) FOR WEST 1/4 CORNER OF SECTION 12, CTD TO AS BOLT AND WAGONER IN MONUMENT WELL PER (R2)(R10)(R11).
 - FOUND 3/4" IRON PIPE TAGGED "S 520°" PER (R13)(R14), (R2) INCORRECTLY REFERENCED 30-65-174.
 - FOUND 2" ALUMINUM CAP STAMPED "S 840°" IN IRON PIPE PER (R2)(R14) FOR SOUTHWEST CORNER OF SECTION 11, (R14), FOR SOUTHWEST CORNER OF SECTION 12 (CORNER ON THIS SHEET).
 - FOUND 3/4" IRON PIPE, NO TAG, FOR SOUTH 1/4 CORNER OF SECTION 12.
 - FOUND BOLT AND WASHER IN MONUMENT WELL FOR SOUTHWEST CORNER OF SECTION 12 PER (R2)(R7)(R8)(R9)(R14) CTD AS 2" IRON PIPE IN MONUMENT WELL PER (R2).
 - FOUND 2" ALUMINUM CAP STAMPED "S 404°" IN IRON PIPE PER (R2)(R14) FOR WEST 1/4 CORNER OF SECTION 13.
 - FOUND 3/4" IRON PIPE, NO TAG, PER (R14), CTD AS 3/4" IRON PIPE TAGGED "S 445°" PER (R2)(R4).
 - FOUND 3" IRON PIPE, NO TAG, PER (R2)(R8)(R9)(R14) FOR WEST 1/4 CORNER OF SECTION 13, CTD AS 3/4" IRON PIPE PER (R2)(R14).
 - FOUND 3/4" IRON PIPE, NO TAG, PER (R2)(R8)(R9)(R14) FOR WEST 1/4 CORNER OF SECTION 13, CTD AS 3/4" IRON PIPE PER (R2)(R14).
 - FOUND 3/4" IRON PIPE, NO TAG, PER (R2)(R8)(R9)(R14) FOR WEST 1/4 CORNER OF SECTION 13, CTD AS 3/4" IRON PIPE PER (R2)(R14).
 - FOUND 3/4" IRON PIPE, NO TAG, PER (R2)(R8)(R9)(R14) FOR WEST 1/4 CORNER OF SECTION 13, CTD AS 3/4" IRON PIPE PER (R2)(R14).
 - FOUND 3/4" IRON PIPE, NO TAG, PER (R2)(R8)(R9)(R14) FOR WEST 1/4 CORNER OF SECTION 13, CTD AS 3/4" IRON PIPE PER (R2)(R14).
 - FOUND BRASS DISC WITH PUNCH MARK IN MONUMENT WELL FOR SOUTHWEST CORNER OF SECTION 13 PER (R2)(R8)(R9)(R14).
 - FOUND BRASS DISC WITH PUNCH MARK IN MONUMENT WELL FOR NORTHWEST CORNER OF SECTION 12 PER (R15).

NOTES:

- THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE BOUNDARY BETWEEN THE PROPERTIES DESCRIBED IN D.N. 2011-102851 AND D.N. 2006-259652.
- THE PROPERTY DESCRIBED AS PARCEL TWO IN D.N. 2006-259652 IS DESCRIBED AS THE NORTH HALF OF SECTION 14, EXCLUDING LAND CONVEYED TO JUDY BONZO, ET AL, BY DEED RECORDED OCTOBER 15, 1968 IN BOOK 3246 OF OFFICIAL RECORDS, PAGE 171 (OR 3246-171). THIS SURVEY IS ESTABLISHING THE LINE OF THAT EXCEPTION.
- THE DEED DESCRIPTION OF OR 3246-171 COMMENCES AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 12 (THE WEST 1/4 CORNER OF SECTION 12, MONUMENT ON THE SURVEY) AND PROCEEDS SOUTH 81° 19' 00" WEST 100.14 FEET TO A POINT OF BEGINNING. THE POINT OF BEGINNING IS A 2" IRON PIPE FOUND AS A MONUMENT ON THE SURVEY. THE DEED DESCRIPTION OF OR 3246-171 COMMENCES AT THE POINT OF BEGINNING AND PROCEEDS SOUTH 81° 19' 00" WEST 100.14 FEET TO A POINT OF BEGINNING. THE POINT OF BEGINNING IS A 2" IRON PIPE FOUND AS A MONUMENT ON THE SURVEY. THE DEED DESCRIPTION OF OR 3246-171 COMMENCES AT THE POINT OF BEGINNING AND PROCEEDS SOUTH 81° 19' 00" WEST 100.14 FEET TO A POINT OF BEGINNING. THE POINT OF BEGINNING IS A 2" IRON PIPE FOUND AS A MONUMENT ON THE SURVEY.
- THE DISTANCE GIVEN FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING IN THE DEED DESCRIPTION IS GIVEN AS 2862.40 FEET. THIS SURVEY FOUND A 2" IRON PIPE AT A DISTANCE OF 2863.15 FEET (SHOWN AS MONUMENT 5 ON THIS SURVEY). THIS PIPE WAS SHOWN AS FOUND ON (R2) AND (R14) BUT HAS NO OTHER RECORD REFERENCES. DUE TO THE PROBABILITY OF THIS MONUMENT'S LOCATION TO THE POSITION DESCRIBED IN THE DEED, THIS MONUMENT WAS TAKEN AS THE POINT OF BEGINNING OF THE DEED'S ALIAS. THE DEED DESCRIPTION WERE FOLLOWED AS CITED IN OR 3246-171 UNTIL THEY INTERSECTED WITH THE SOUTH LINE OF THE NORTH HALF OF SECTION 14. THE DEED DESCRIPTION DOES NOT MAKE A CALL OUT TO THIS 1/4 SECTION LINE, HOWEVER THE DIMENSIONS OF THIS DEED (BARD LANGS, INC) ONLY HELD TITLE TO THE NORTH 1/2 OF SECTION 14 (PER DEED RECORDED 10 DECEMBER 1928 IN VOLUME 255 OF OFFICIAL RECORDS, PAGE 483) AND THEREFORE COULD NOT HAVE GRANTED TITLE TO ANY LAND SOUTH OF THIS LINE.
- THE DEED DESCRIPTION DOES NOT CALL OUT THE 1/4 SECTION CORNER COMMON TO SECTIONS 13 AND 14, BUT AS STATED IN NOTE 5, THE LAND OWNED BY BARD LANGS, INC ON 31 JANUARY 2008 A LOT LINE ADJUSTMENT WAS APPROVED BY THE CITY OF MANTECA (U.A. 05-19) THAT INCLUDED THE LAND THAT WAS ORIGINALLY DESCRIBED IN OR 3246-171. THIS RESULTED IN A NEW LEGAL DESCRIPTION BEING CREATED FOR THE LAND. THE NEW LEGAL DESCRIPTION SET THE POINT OF BEGINNING AS THE SECTION CORNER COMMON TO SECTION 11, 12, 13, AND 14. AT THIS TIME, THERE WERE NO RECORDED SURVEYS THAT HAD SHOWN THIS 3/4" IRON PIPE.
- ON 14 DECEMBER 2011, A RECORD OF SURVEY WAS FILED WITH THE SAN JOAQUIN COUNTY RECORDER (REFERENCED AS R2 ON THIS SURVEY). THIS SURVEY USED THE PROCEDURES AS OUTLINED IN THE MANUAL OF SURVEYING INSTRUCTIONS TO ESTABLISH SEVERAL MONUMENTS IN THE AREA, INCLUDING THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13, AND 14. A MONUMENT WAS SET AT THIS NEWLY ESTABLISHED POSITION, WHICH WAS APPROXIMATELY 100 FEET NORTHWESTERLY OF THE 2" IRON PIPE NOTED ABOVE IN NOTE 4. THIS NEWLY ESTABLISHED POSITION FOLLOWS THE METHOD OF PROCEEDING FROM THE POINT OF BEGINNING TO THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13, AND 14. THE DEED DESCRIPTIONS THAT DESCRIBE THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13, AND 14, FORWARD DOES NOT RESALT IN A POSITION FOR THE BOUNDARY LINES THAT REFLECTS THE EXISTING OCCUPATION LINE (THE RECLAMATION DISTRICT LEASE IN THIS CASE) OR THE ASSESSMENT LINES AND AREAS SHOWN ON THE ASSESSMENT ROLLS.

LEGEND:

- FOUND AND ACCEPTED MONUMENT AS NOTED.
- FOUND AND ACCEPTED MONUMENT IN MONUMENT WELL AS NOTED.
- SET 3/4" x 30" LONG IRON PIPE THROUG L.S. 8225.
- S.A.C.R. SAN JOAQUIN COUNTY RECORDS
- RS RECORD OF SURVEY
- PM PARCEL MAP
- MAP MAPS AND PLATS
- (M) MEASURED ON THIS SURVEY
- (C) MONUMENT DESCRIPTION REFERENCE
- PARCEL BOUNDARY FOR ASSESSORS MAP
- SURVEYED PARCEL BOUNDARY
- SECTION OR 1/4 SECTION LINE



APN 241-240-02&03
WEATHERBEE PROPERTIES, LLC
D.N. 2006-259652
(PARCEL TWO)

APN 241-330-32833
TERRA LAND GROUP, LLC
D.N. 2011-102851

N89°50'12\"/>

38-155A

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "2"

Record of Survey 36-199, Turnrose Land Surveying, recorded 10/07/2008

36-199

SURVEYOR'S STATEMENT
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF JOHN AND CLARA PATTON AND RICK ROBERTS IN JANUARY 2007.

Michael T. Turnrose
 MICHAEL T. TURNROSE L.S. 7454
 LICENSE EXPIRES 12/31/08
 7-19-08

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN
RECORDED
 No. 7454
 EXP. 12/31/08

BASIS OF BEARINGS
 THE BEARING NORTH 00°00'00" WEST BEING THE CENTERLINE OF AIRPORT WAY AND THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, M.D.B. & M. PARCEL MAPS AT PAGE 148 WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

COUNTY SURVEYOR'S STATEMENT
 THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 9766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 6th DAY OF OCTOBER 2008.

John G. May
 JOHN G. MAY COUNTY SURVEYOR
 LICENSE EXPIRES 12/31/09

RECORDER'S STATEMENT
 FILED THIS 7th DAY OF October 2008.
 AT 10:58 A.M. IN BOOK 210 OF SURVEYS.
 AT PAGE 199 AT THE REQUEST OF MICHAEL TURNROSE.
 FEE: \$10.
 GARY W. REIDAN, ASST. COUNTY CLERK
 COUNTY CLERK

NOTICE:
 THE CENTER OF SECTION 13 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION USING FOUND MONUMENTS AT THE EAST AND WEST 1/4 CORNERS AND A RECORD BEARING PLUG (C) FROM THE FOUND MONUMENT AT THE SOUTH 1/4 CORNER. THE CENTER OF SECTION 12 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION AS PER (B). THE 1/4 CORNER FALLS ON A LEVEL. SO ANY EVIDENCE IS ASSUMED TO HAVE BEEN DESTROYED. ALSO REFERENCE (C) SHOWS NO EVIDENCE HAVING BEEN SET OR FOUND. ADDITIONALLY, WE FOUND NO EVIDENCE HAVING BEEN SET OR FOUND. SECTION 12 HAVING BEEN ESTABLISHED. THIS SECTION WAS PURCHASED BY THE STRAP AND OVERFLOWED LANDS AS PER THE ORIGINAL GOVERNMENT PLAT DATED SEPTEMBER 16, 1869.

RECORD OF SURVEY
 OF THE WEST AND EAST 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, M.D.B. & M.

SAN JOAQUIN COUNTY
 SCALE: 1" = 300'

TURNROSE LAND SURVEYING
 125 EAST MAIN STREET
 SUITE 4
 RIPON, CA 95366
 PH: (209) 599-5100
 FAX: (209) 599-5119

CALIFORNIA
 OCTOBER 2007

REV. 5/29/08
 SHEET 1 OF 1 SHEET JOB NO. 07-01

36-199

LEGEND & NOTES

- INDICATES SET 3/4" X 30" IRON PIPE WITH PLUG TURNROSE L.S. 7454 IN FEBRUARY, 2007
- INDICATES FOUND 2" IRON PIPE IN MONUMENT HILL AS PER REFERENCE NOTED
- INDICATES FOUND REBAR OR IRON PIPE AS NOTED
- (u) INDICATES MEASURED AS PER THIS SURVEY
- R.S. RECORD OF SURVEY
- P.M. PARCEL MAP
- I.H. INSTRUMENT NUMBER
- P IRON PIPE
- D.M. DOCUMENT NUMBER
- S.F.N. SEARCHED FOR NOT FOUND
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- M.D.B. & M. MOUNT Diablo BASE AND MERIDIAN

INDICATES FOUND FOR NOT FOUND

INDICATES SHOWN ARE IN FEET OR DECIMALS THEREOF

REFERENCES:

- (A) PARCEL MAP -- 9 P.M. 148
- (B) RECORD OF SURVEY -- 25 R.S. 106
- (C) RECORD OF SURVEY -- 6 SURVEYS 127
- (D) GRANT DEED -- D.M. 2003-272750
- (E) PARCEL MAP -- 9 P.M. 55
- (F) RECORD OF SURVEY -- 21 SURVEYS 84

FILED THIS 7th DAY OF October 2008.
 AT 10:58 A.M. IN BOOK 210 OF SURVEYS.
 AT PAGE 199 AT THE REQUEST OF MICHAEL TURNROSE.
 FEE: \$10.
 GARY W. REIDAN, ASST. COUNTY CLERK
 COUNTY CLERK

NOTICE:
 THE CENTER OF SECTION 13 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION USING FOUND MONUMENTS AT THE EAST AND WEST 1/4 CORNERS AND A RECORD BEARING PLUG (C) FROM THE FOUND MONUMENT AT THE SOUTH 1/4 CORNER. THE CENTER OF SECTION 12 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION AS PER (B). THE 1/4 CORNER FALLS ON A LEVEL. SO ANY EVIDENCE IS ASSUMED TO HAVE BEEN DESTROYED. ALSO REFERENCE (C) SHOWS NO EVIDENCE HAVING BEEN SET OR FOUND. ADDITIONALLY, WE FOUND NO EVIDENCE HAVING BEEN SET OR FOUND. SECTION 12 HAVING BEEN ESTABLISHED. THIS SECTION WAS PURCHASED BY THE STRAP AND OVERFLOWED LANDS AS PER THE ORIGINAL GOVERNMENT PLAT DATED SEPTEMBER 16, 1869.

RECORD OF SURVEY
 OF THE WEST AND EAST 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, M.D.B. & M.

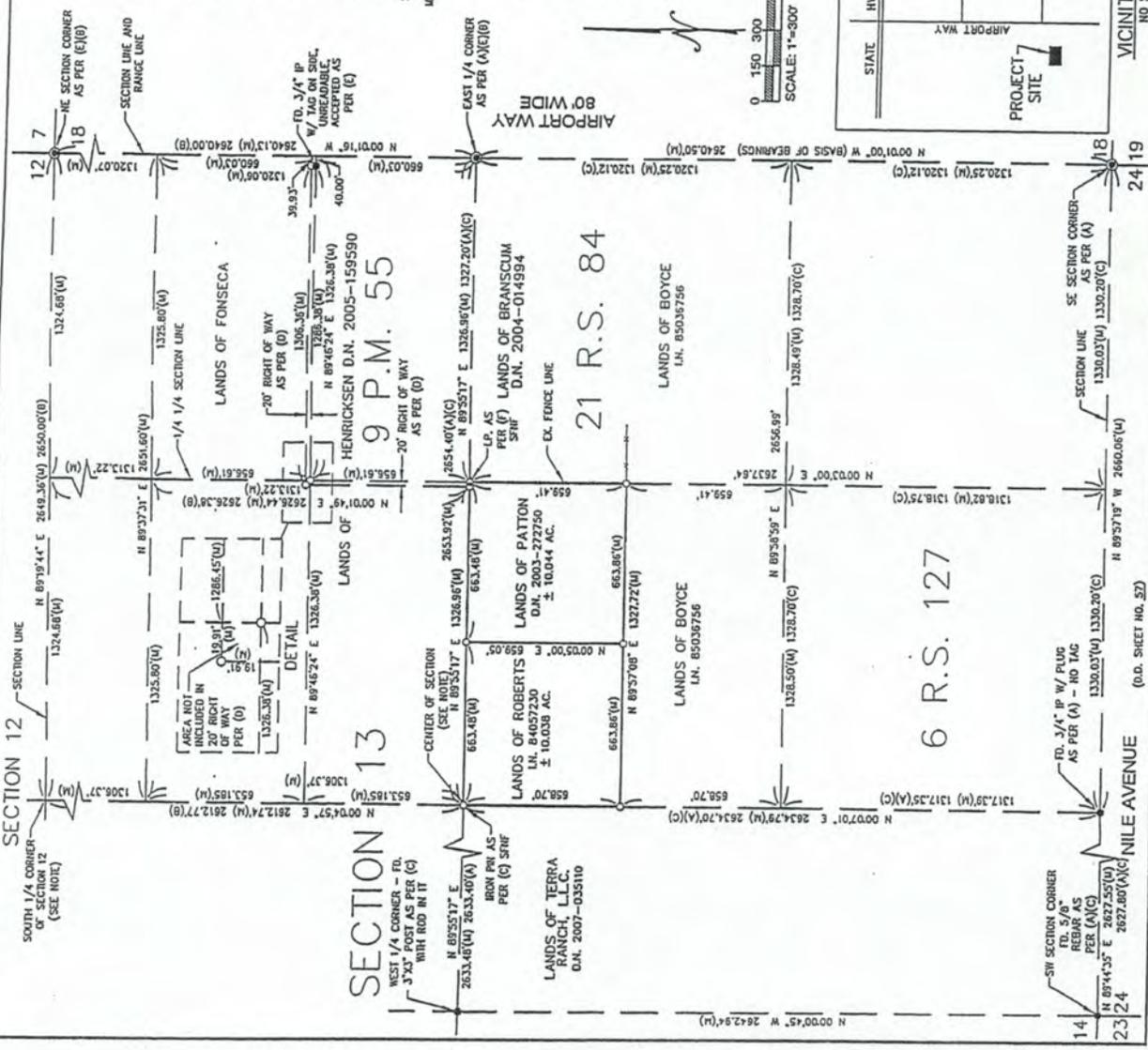
SAN JOAQUIN COUNTY
 SCALE: 1" = 300'

TURNROSE LAND SURVEYING
 125 EAST MAIN STREET
 SUITE 4
 RIPON, CA 95366
 PH: (209) 599-5100
 FAX: (209) 599-5119

CALIFORNIA
 OCTOBER 2007

REV. 5/29/08
 SHEET 1 OF 1 SHEET JOB NO. 07-01

36-199



LEGEND & NOTES

- INDICATES SET 3/4" X 30" IRON PIPE WITH PLUG TURNROSE L.S. 7454 IN FEBRUARY, 2007
- INDICATES FOUND 2" IRON PIPE IN MONUMENT HILL AS PER REFERENCE NOTED
- INDICATES FOUND REBAR OR IRON PIPE AS NOTED
- (u) INDICATES MEASURED AS PER THIS SURVEY
- R.S. RECORD OF SURVEY
- P.M. PARCEL MAP
- I.H. INSTRUMENT NUMBER
- P IRON PIPE
- D.M. DOCUMENT NUMBER
- S.F.N. SEARCHED FOR NOT FOUND
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- M.D.B. & M. MOUNT Diablo BASE AND MERIDIAN

INDICATES FOUND FOR NOT FOUND

INDICATES SHOWN ARE IN FEET OR DECIMALS THEREOF

REFERENCES:

- (A) PARCEL MAP -- 9 P.M. 148
- (B) RECORD OF SURVEY -- 25 R.S. 106
- (C) RECORD OF SURVEY -- 6 SURVEYS 127
- (D) GRANT DEED -- D.M. 2003-272750
- (E) PARCEL MAP -- 9 P.M. 55
- (F) RECORD OF SURVEY -- 21 SURVEYS 84

FILED THIS 7th DAY OF October 2008.
 AT 10:58 A.M. IN BOOK 210 OF SURVEYS.
 AT PAGE 199 AT THE REQUEST OF MICHAEL TURNROSE.
 FEE: \$10.
 GARY W. REIDAN, ASST. COUNTY CLERK
 COUNTY CLERK

NOTICE:
 THE CENTER OF SECTION 13 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION USING FOUND MONUMENTS AT THE EAST AND WEST 1/4 CORNERS AND A RECORD BEARING PLUG (C) FROM THE FOUND MONUMENT AT THE SOUTH 1/4 CORNER. THE CENTER OF SECTION 12 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION AS PER (B). THE 1/4 CORNER FALLS ON A LEVEL. SO ANY EVIDENCE IS ASSUMED TO HAVE BEEN DESTROYED. ALSO REFERENCE (C) SHOWS NO EVIDENCE HAVING BEEN SET OR FOUND. ADDITIONALLY, WE FOUND NO EVIDENCE HAVING BEEN SET OR FOUND. SECTION 12 HAVING BEEN ESTABLISHED. THIS SECTION WAS PURCHASED BY THE STRAP AND OVERFLOWED LANDS AS PER THE ORIGINAL GOVERNMENT PLAT DATED SEPTEMBER 16, 1869.

RECORD OF SURVEY
 OF THE WEST AND EAST 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, M.D.B. & M.

SAN JOAQUIN COUNTY
 SCALE: 1" = 300'

TURNROSE LAND SURVEYING
 125 EAST MAIN STREET
 SUITE 4
 RIPON, CA 95366
 PH: (209) 599-5100
 FAX: (209) 599-5119

CALIFORNIA
 OCTOBER 2007

REV. 5/29/08
 SHEET 1 OF 1 SHEET JOB NO. 07-01

36-199

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "3"

Map of Survey 25-106, John M. Lopes, recorded 04/15/1974

**MAP OF SURVEY
OF A PORTION OF THE NORTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 13, T2S, R2E, M.D.
BY M IN SAN JOAQUIN COUNTY, CALIFORNIA**

BASIS OF BEARING:

The bearing N 09° 01' 10" W for the East line of the NE 1/4 of Section 13, T2S, R2E, M.D. is as per Book of Surveys, Volume 6, Page 127, San Joaquin County Records.

MONUMENTS SET:

Iron pipes, 3/4" diameter, 30" long with brass tags attached stamped R.C.C. 14705 shown thus

SURVEYOR'S CERTIFICATE:

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyors Act of 1911, Chapter 1074 of the Statutes of the State of California, as amended, and the Act of December 1, 1974.



COUNTY SURVEYOR'S CERTIFICATE:

This map has been examined for conformance with the requirements of the Land Surveyors Act this 12th day of March, 1974.

Charles G. Wray
San Joaquin County Surveyor

I HEREBY CERTIFY that this record of survey of land complies with the provisions of the Subdivision Map Act, Chapter 2 (commencing with Section 11500) Division 4 of the Business and Professions Code and any applicable local ordinance enacted pursuant thereto.

Dated: 3/11/74

Charles G. Wray
San Joaquin County Recorder

RECORDER'S CERTIFICATE:

Filed this 12th day of April, 1974 at 2:10 P.M. in Book 2 of Surveys of page 127 of the request of John M. Lopez.
Fee \$ 5.00

John M. Lopez
San Joaquin County Recorder

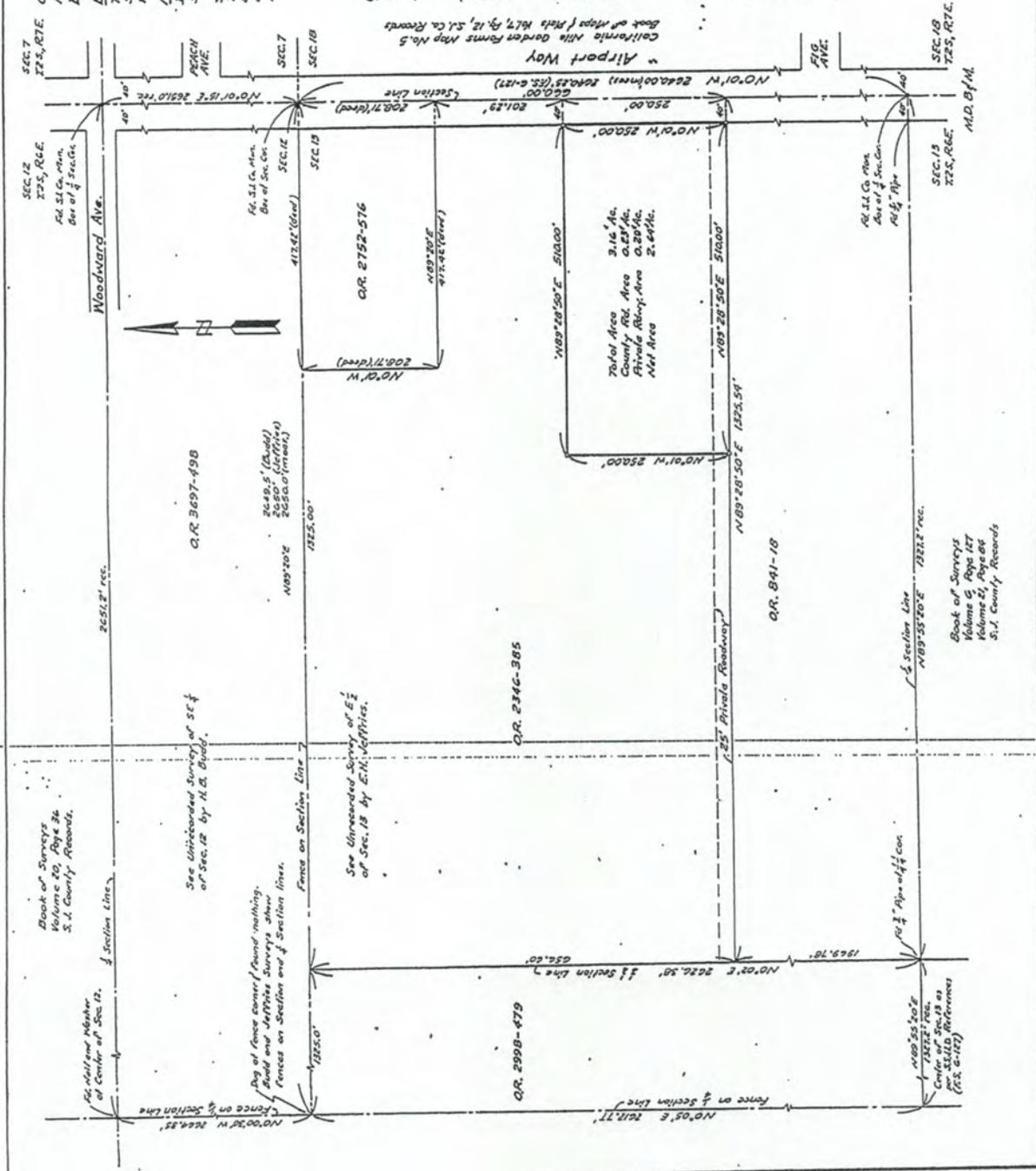
by _____ Deputy

REFERENCES:

- 1.(P.C.) refers to filed survey by Volume and Page as cited.
2. in. Book of Surveys, San Joaquin County Records.
3. This map represents a survey of Parcel A per Division of Land Map 14-64.

Surveyed by: *John M. Lopez*
CIVIL ENGINEER

Scale: 1"=100'



Book of Surveys
Volume 6, Page 127
Volume 2, Page 86
S.J. County Records

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "4"

Map of Survey 6-127, recorded 10/04/1945

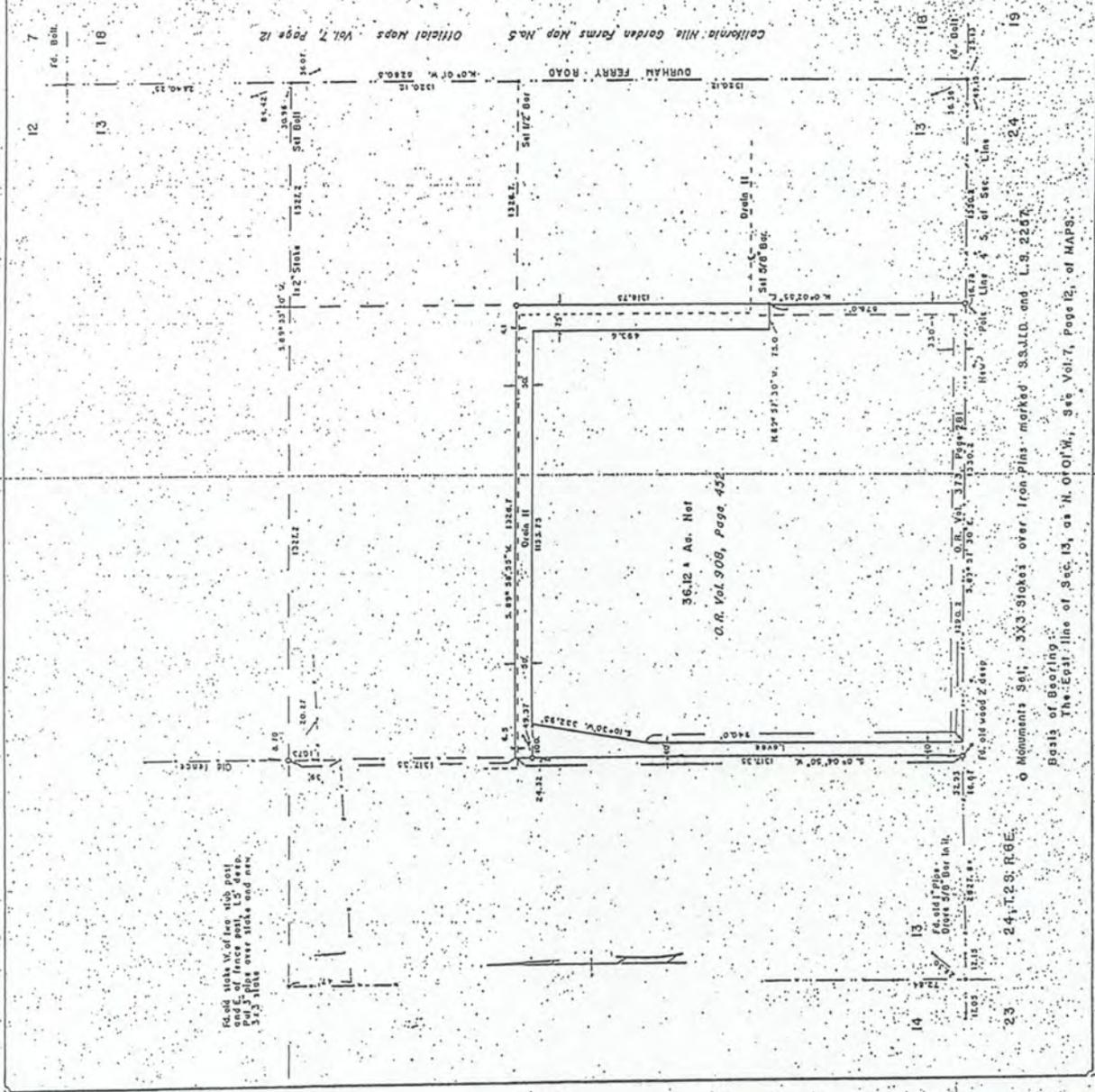
127

2/18/20
Filed for Record at the request of
South San Joaquin Irrigation District
Oct. 4 1946 at 52 minutes
Post 3 - Section T.M. in Book of
Surveys, Vol. 1655, Page 127.
San Joaquin County Records,
Page 127.

By *James W. Stewart*
Martha D. Biller
Deputy Recorder.

I hereby certify that I have
examined this MAP or PLAT.
Dated *Oct. 3, 1946*
William B. Mearns
County Surveyor of San Joaquin
County, California.

MAP OF SURVEY
of
S.W. 1/4 of S.E. 1/4 of Sec. 13, T. 2. S. R. 6 E., M. D. B. & M.
for
SOUTH SAN JOAQUIN IRRIGATION DISTRICT
September 1946
Section 13, 200 ft.
L. B. 2267.



64-00 stakes W. of tree stub post
and E. of fence post, 15' deep,
5' x 5' stake over stake and over.

64-001 Piles
Dose 5/8" Bar in it.

24-T.S.S: R.G.E.

Monuments Set; 3x3-Stakes over Iron Piles marked 33.120 and L.B. 2257.
Basis of Bearing:
The East line of Sec. 13, as N. of O.P.M., Sec. Vol. 7, Page 12, of MAPS.

California Mills Garden Forms Map No. 5
Official Maps, Vol. 7, Page 12

DURHAM FERRY ROAD
K-07' 50" W. 1250.15

Sat 1/2" Bar
1217.35

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "5"

Grant Deed #2013-145352, San Joaquin County Recorder, recorded 11/22/2013

Doc #: 2013-145352

11/22/2013 08:23:31 AM

Page 1 of 2 Fee: \$27.00 Tax Paid: \$1,430.00

Kenneth W. Blakemore

San Joaquin County Recorder

Paid By: PLACER TITLE - 10019 - SAN JOAQUIN

RECORDING REQUESTED BY

Placer Title Company

Escrow Number: 1002-16669-S.G.

AND WHEN RECORDED MAIL TO

W & L HARRIS RANCHES, LLC
5151 E. ALMONDWOOD DR
MANTECA, CA 95337

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$1,430.00 City Transfer Tax: \$0.00

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, LAWRENCE S. HENRICKSEN AND JANICE L. HENRICKSEN, TRUSTEES OF THE HENRICKSEN TRUST AGREEMENT DATED JUNE 28, 2010 AND RICHARD K. HENRICKSEN AND LILLI ROSE HENRICKSEN, TRUSTEES OF THE HENRICKSEN REVOCABLE TRUST DATED JUNE 27, 2005 ; AND RIVKAH KATHLEEN SASS , A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY

Hereby GRANT(S) to W & L HARRIS RANCHES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

THAT PARCEL SHOWN UNDER "EXHIBIT B" ON THAT CERTAIN NOTICE OF LOT LINE ADJUSTMENT EVIDENCED BY DOCUMENT RECORDED JULY 1, 1996, AS INSTRUMENT NO. 96069351, OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF PARCEL A AND PARCEL B, AS SHOWN ON THE PARCEL MAP THEREOF FILED IN BOOK 9 OF PARCEL MAPS, PAGE 55, SAN JOAQUIN COUNTY RECORDS, LYING IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID PARCEL B, BEARING SOUTH 89° 55' 20" WEST, 20 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 89° 55' 20" WEST, ALONG THE INTERIOR QUARTER SECTION LINE OF SECTION 13, A DISTANCE OF 2294.75 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B, ALSO BEING THE CENTER OF SECTION 13; THENCE NORTH 00° 05' 00" EAST ALONG THE SOUTH-NORTH INTERIOR QUARTER SECTION LINE, 653.20 FEET TO THE NORTHWEST CORNER OF SAID PARCEL B; THENCE NORTH 89° 46' 31" EAST ALONG THE NORTH LINE OF PARCEL B, 2613.27 FEET TO THE WEST RIGHT-OF-WAY LINE OF AIRPORT WAY, AS SHOWN ON SAID BOOK 9 OF PARCEL MAPS, PAGE 55; THENCE SOUTH 00° 01' 00" EAST ALONG SAID RIGHT-OF-WAY LINE, 333.07 FEET TO A POINT WHICH BEARS NORTH 00° 01' 00" WEST, 116.33 FEET FROM THE NORTHEAST CORNER OF PARCEL A, AS SHOWN ON BOOK 6 OF PARCEL MAPS, PAGE 155, SAN JOAQUIN COUNTY RECORDS; THENCE SOUTH 89° 55' 20" WEST, PARALLEL WITH THE SOUTH LINE OF PARCELS A & B, A DISTANCE OF 319.65 FEET; THENCE SOUTH 00° 01' 00" EAST, PARALLEL WITH THE WEST LINE OF PARCEL A, A DISTANCE OF 326.83 FEET TO THE POINT OF BEGINNING.

APN: 241-330-34

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

Dated: November 18, 2013
SIGNATURE PAGE FOR GRANT DEED

THE HENRICKSEN TRUST AGREEMENT DATED JUNE 28, 2010

THE HENRICKSEN REVOCABLE TRUST DATED JUNE 27, 2005

By: Lawrence S. Henricksen
LAWRENCE S. HENRICKSEN, TRUSTEE

By: Richard K. Henricksen
RICHARD K. HENRICKSEN, TRUSTEE

By: Janice L. Henricksen
JANICE L. HENRICKSEN, TRUSTEE

By: Lilli Rose Henricksen
LILLI ROSE HENRICKSEN, TRUSTEE

By: Rivkah Kathleen Sass
RIVKAH KATHLEEN SASS

STATE OF CALIFORNIA
COUNTY OF San Joaquin

On Nov. 20, 2013 before me, Sherry L. Gumm, Notary Public,

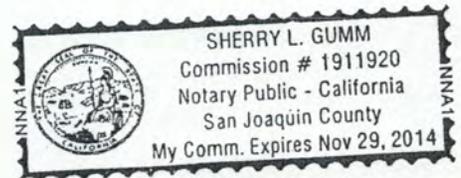
personally appeared Lawrence S. Henricksen, Janice L. Henricksen, Richard K. Henricksen, Lilli Rose Henricksen + Rivkah Kathleen Sass

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Sherry L. Gumm
Commission Expiration Date: Nov. 29, 2014



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "6"

Grant of Easement for Right of Way, recorded 01/23/1950

JD

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss.

On this 20th day of January in the year 1950, before me, a notary public in and for the County of Sacramento, State of California, personally appeared CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS, and known to me to be the person whose name is subscribed to the within certificate and acknowledged to me that he executed the same.

(Notary Seal) Mary G. Lozancich, Notary Public in and for the County of Sacramento, State of California.

1954. recorded at Request of STATE OF CALIFORNIA, JAN. 23, 1950 at 44 min. past 9 o'clock A.M. in book of Official Records, Vol. 1540, page 307, San Joaquin County Records.

Fees: \$Dh John D. Finney, Recorder JD
Manteca, California

OFFICE OF THE BOARD OF DIRECTORS
OF THE
SOUTH SAN JOAQUIN IRRIGATION DISTRICT

I hereby certify that the attached Grant of Easement was duly accepted and ordered recorded by the Board of Directors of the South San Joaquin Irrigation District at their meeting held January 17, 1950 and as recorded in Permanent Records of the said District in Volume 13, page 251.

ATTEST:
(Seal) S.L. Steele (S. L. Steele), Secretary
South San Joaquin Irrigation District
A. Hill
Dated: January 20, 1950.

GRANT OF EASEMENT FOR RIGHT OF WAY

IN CONSIDERATION of the benefits to him derived, Joe G. Vieira does hereby grant unto the South San Joaquin Irrigation District a Right-of-Way for an open or piped drain in Section 13, Township 2 South, Range 6 East, N.D.B. & M. more particularly described as follows, to wit:

The West 80 ft. of the South 1/2 of the S.W. 1/4 of the N.E. 1/4 and the South 80 ft. of the N. 1/2 of the S.W. 1/4 of the N.E. 1/4; and the N. 80 ft. of the S. 105 ft. of the N. 1/2 of the S.E. 1/4 of the N.E. 1/4 of Sec. 13, Township 2 South, Range 6 East and containing 6.01 Ac. more or less.

Said drain to be known as Drain #10 of the South San Joaquin Irrigation District and shown on Map in File A-1-3-130 in the office of the South San Joaquin Irrigation District at Manteca, California.

Together with right of ingress and egress to and from said strip of land for purposes of Grantee.

IT IS A CONDITION of this Grant that the Grantee will construct, maintain and operate on said Right-of-Way a Drainage Canal belonging to the Grantee herein and comprising a portion of their general drainage system.

THE GRANTEE herein agrees to install 2-30 inch diameter culverts, 24 feet in length in said Drainage Canal at such points as requested by the Grantor.

THE GRANTEE is to use all due and proper care in the construction, maintenance and operation of said Drainage Canal so as to cause as little damage as possible to the adjacent lands of the Grantor.

IN THE EVENT that said Drainage Canal is abandoned as evidenced by a proper resolution passed by the Board of Directors of the Grantee herein, said strip of land herein granted shall be returned by the Grantee herein to the Grantor, his heirs, successors or assigns.

THIS GRANT OF EASEMENT shall constitute a covenant running with the land traversed thereby and shall be binding upon the Grantor, his heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has herein put his name and seal this 5th day of January, 1950.

STATE OF CALIFORNIA)
County of San Joaquin) ss.

Joe G. Vieira (Joe G. Vieira)

On this 5th day of January in the year one thousand nine hundred and fifty, before me, Linford J. Brown, a Notary Public in and for the County of San Joaquin, State of California, personally appeared Joe G. Vieira known to me to be the person whose name is subscribed to the within instrument and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of San Joaquin, the day and year in this certificate first above written.

(Notary Seal)

Linford J. Brown, Notary Public in and for the County of San Joaquin, State of California.

My Commission Expires April 21, 1952.

1950. recorded at Request of SOUTH SAN JOAQUIN IRRIGATION DISTRICT, JAN. 23, 1950 at 45 min. past 9 o'clock A.M. in Book of Official Records, Vol. 1246, page 303, San Joaquin County records. Fees: \$14 John D. Finney, Recorder JB

COMPARED

STATE OF CALIFORNIA DEPARTMENT OF EMPLOYMENT

Certificate of Amount of Contributions, Interest and Penalties Due (Filed Pursuant to Section 47.10 of the Unemployment Insurance Act)

STATE OF CALIFORNIA ss. I, THE DIRECTOR OF EMPLOYMENT hereby certifies that JAMES M. ADLARI, individually and doing business as "CITY MEAT MARKET" hereinafter referred to as the employer, is liable to the State of California for amounts due from and required to be paid by said employer and duly levied and determined under the provisions of the Unemployment Insurance Act for the period beginning on the 1st day of January, 1949, and ending on the 6th day of August, 1949, in the amount of \$775.38, to wit: contributions \$577.20; interest \$20.95; penalties \$174.57; that further interest will accrue at one-half of one per cent a month, or fraction thereof, in accordance with Section 45 of the California Unemployment Insurance Act, until paid; that the address of said employer as it appears on the records of the Department of Employment is 303 North Santa Cruz, Modesto, California, and that the Department of Employment has complied with all provisions of the Unemployment Insurance Act in the determination of the amount required to be paid.

IN WITNESS WHEREOF, The said Director of Employment has caused this certificate to be issued in his name by his duly authorized representative, CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS.

Dated January 20, 1950.

DEPARTMENT OF EMPLOYMENT JAMES M. ADLARI, Director of employment by Charles J. Ross --

Account No. 43-4774

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

ss. On this 7th day of January in the year 1950, before me, a notary public in and for the County of Sacramento, State of California, personally appeared CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS, and known to me to be the person whose name is subscribed to the within certificate and acknowledged to me that he executed the same.

(Notary Seal)

Mary C. Lozandich, Notary Public in and for the County of Sacramento, State of California.

1950. recorded at Request of STATE OF CALIFORNIA, Jan. 23, 1950 at 48 min. past 9 o'clock A.M. in Book of Official Records, Vol. 1246, page 304, San Joaquin County records.

Fees: \$14 John D. Finney, Recorder JB

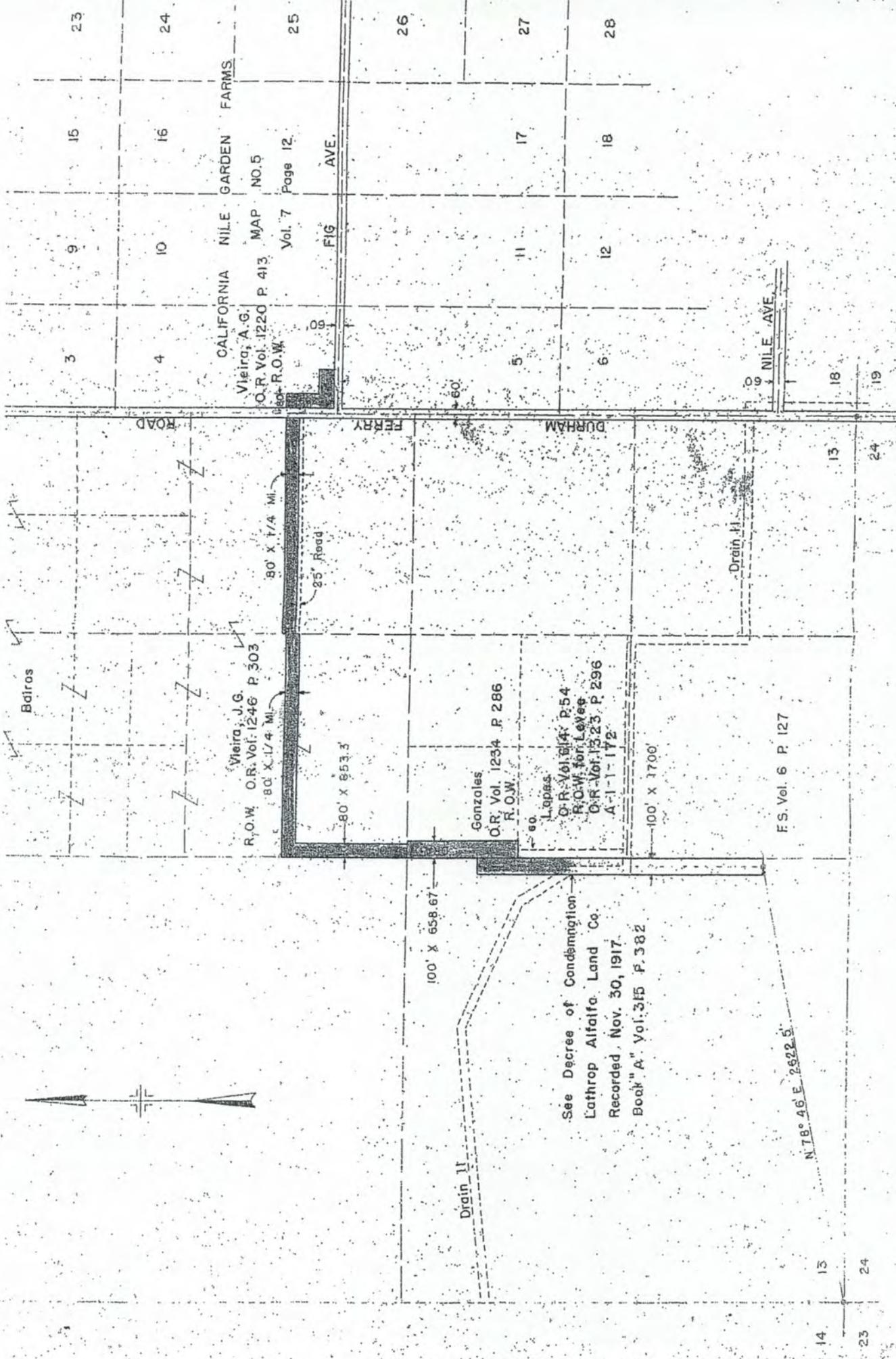
COMPARED

Quitclaim Deed

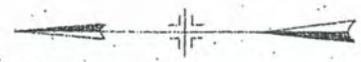
This Indenture made the 19th day of December one thousand nine hundred and 49 Between Joe Coniglio and Horace Coniglio and Mary Coniglio, his wife, the parties of the first part, and Philip Coniglio a single man, the party of the second part,

Witnesseth: That the said parties of the first part, in consideration of the sum of Ten dollars, lawful money of the United States of America, to them in hand paid by the part- of the second part, the receipt whereof is hereby acknowledged, do hereby release and forever QUITCLAIM unto the party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land situate in the County of San Joaquin, State of California, and bounded and described as follows, to wit:

THEIR UNDIVIDED INTEREST as it may appear, to the following property: Parcel No. 1. Containing 120 Acres more or less, known as the BARE Ranch.



Bairros



Vieira, J.C.
R.O.W. O.R. Vol. 1246 P. 303
80' X 174 MI.

80' X 653.3'

100' X 659.67'

Drain II

See Decree of Condemnation
Lathrop Alfalfa Land Co.
Recorded, Nov. 30, 1917.
Book "A" Vol. 315 P. 382

Gonzales
O.R. Vol. 1234 P. 286
R.O.W.

60'

Lopes
O.R. Vol. 1514 P. 54
R.O.W. for Levee
O.R. Vol. 1523 P. 296
A-1-1-172

100' X 1700'

F.S. Vol. 6 P. 127

N. 78° 46' E. 2622.5'

CALIFORNIA NILE GARDEN FARMS
Vieira, A.G.
O.R. Vol. 1220 P. 413
MAP NO. 5
Vol. 7 Page 12
FIG. AVE.

NILE AVE.

This plat is inserted for location purposes only and no responsibility is assumed hereunder. R. A. B.

SOUTH SAN JOAQUIN IRRIGATION DISTRICT
MANTECA, CALIFORNIA

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "7"

Record of Survey 37-150, Keith Spencer, recorded 12/14/2011

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "8"

09/30/2013 Letter from Kim Smith to Martin Harris

KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON

ATTORNEYS AT LAW
7540 SHORELINE DRIVE
STOCKTON, CALIFORNIA 95219
Telephone: (209) 478-2000
Facsimile: (209) 478-0354
Website: www.kroloff.com

THOMAS O. PERRY
GARY CHRISTOPHERSON
CHRISTOPHER ENGH
VELMA K. LIM
KIM A. SMITH
KATHLEEN M. ABDALLAH
ALLISON CHERRY LAFFERTY
LAURIE BELL SCHRUM
KERRY L. KRUEGER
SCOTT R. ROOKER
ODNA E. MALLET
JAMIE M. BOSSUAT

YALE S. KROLOFF
(1007-1007)
.....
RICHARD BELCHER
(1013-1007)
.....
CLAUDE H. SMART, JR.
RETIRED
.....
J. DOUGLAS VAN SANT
RETIRED
.....
DENNIS DONALD GEIGER
OF COUNSEL
.....

September 30, 2013

Via Email

Marty Harris
5151 E. Almondwood Drive
Manteca, CA 95337
mharris.tuffboy@gmail.com

Re: Property Previously Owned By Terra Ranch, LLC

Dear Marty:

Bill Filios has asked me to contact you regarding an error or discrepancy in the legal description of the real property commonly known as Terra Ranch, which real property was sold by Terra Ranch Properties, LLC (Anderson's LLC) to McKinley Crossing, LLC in an escrow that closed on December 29, 2011. In that regard, I enclose a copy of the Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC. Also enclosed is a copy of the Parcel Map which was recorded on December 14, 2011. The legal description attached to the Grant Deed specifically refers to Parcels A and B as created by the Parcel Map.

The error in the legal description for the Terra Ranch property has nothing to do with the Parcel Map but was detected by Northstar Engineering in 2011 when the Parcel Map was generated and was being processed. In that regard, I refer you to the sliver of land that is highlighted in yellow on the attached Parcel Map. That sliver or strip comprises approximately 4.3 acres and, according to Keith Spencer at Northstar Engineering, never should have been included in the various legal descriptions for the Terra Ranch property. Specifically, Keith advises that the origin of the erroneous legal description can be traced back to one or more deeds in the chain of title that were recorded in 1968 and before. According to Keith, the rightful owner of the 4.3-acre sliver of land is The Rosi Cerri Foundation, Inc., the adjoining property owner.

Manteca Development Group, LLC, an entity in which Bill Filios has an interest, is under contract to purchase the real property owned by The Rosi Cerri Foundation. The error in the historical legal descriptions for the Terra Ranch property is creating a cloud on the Foundation's title, and Placer Title Company has indicated that this cloud can be removed or eliminated by the recordation of a quitclaim deed to be executed by Terra Land Group, LLC (formerly Terra Ranch, LLC). The proposed Quitclaim Deed is attached. A similar quitclaim deed is being requested of Terra Ranch Properties, LLC.

Please feel free to contact Bill, me or Keith Spencer in the event you have any questions regarding this matter. I realize that the signature block on the Quitclaim Deed may have to be revised, and it would be appreciated if you would let me know who is authorized to execute the Quitclaim Deed on behalf of Terra Land Group, LLC. I will see that the document is revised as needed.

In the event of any dispute or disagreement between Manteca Development Group, LLC and you regarding the execution and return of the Quitclaim Deed, my firm's prior and ongoing representation of Bill, you, and your related entities will prevent my firm from representing any party in the disputed matter.

Very truly yours,



KIM A. SMITH

KAS:kd

Enclosures: Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC
Parcel Map
Proposed Quitclaim Deed

cc: William Filios (via email billfilios@yahoo.com)
Mike Bogdanos (via email mbogdanos@placertitle.com)
Keith Spencer (via email kspencer@nseng.net)
Brian Jones (via email brianj@nseng.net)
Shirley Treat (via email streat@placertitle.com)

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

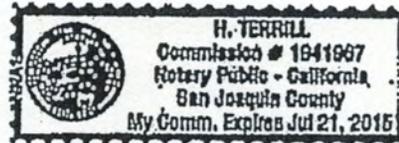
On December 27, 2011 before me, H. Terrill, Notary Public,
personally appeared Craig Barton

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: H. Terrill
Commission Expiration Date: July 21, 2015



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name _____ Street Address SAME AS ABOVE City & State _____

CA Notary Public (4/2007)

1002-14519-ST

EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF MANTECA, AND IS DESCRIBED AS FOLLOWS:

PARCELS A AND B AS SHOWN ON THE PARCEL MAP RECORDED IN THE CITY OF MANTECA, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AS PARCEL MAP RECORDED DECEMBER 14, 2011, IN BOOK 25 AT PAGE 124, SAN JOAQUIN COUNTY RECORDS.

APN: 241-320-59

25-124

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF CALIFORNIA. I HAVE PERSONALLY EXAMINED THE DATA AND INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE LAND AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.



DATED THIS 15th DAY OF DECEMBER, 2011.
[Signature]
SURVEYOR, STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT:

I, COUNTY SURVEYOR, HAVE EXAMINED THE DATA AND INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE LAND AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.



DATED THIS 15th DAY OF DECEMBER, 2011.
[Signature]
COUNTY SURVEYOR, STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT:

I, CITY ENGINEER, HAVE EXAMINED THE DATA AND INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE LAND AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.



DATED THIS 15th DAY OF DECEMBER, 2011.
[Signature]
CITY ENGINEER, STATE OF CALIFORNIA

RECORDER'S STATEMENT:

THIS MAP WAS RECORDED BY ME OR UNDER MY SUPERVISION AND I AM A LICENSED RECORDER IN THE STATE OF CALIFORNIA. I HAVE PERSONALLY EXAMINED THE DATA AND INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.

DATED THIS 15th DAY OF DECEMBER, 2011.
[Signature]
RECORDER, STATE OF CALIFORNIA

PARCEL MAP

BEING A SUBDIVISION THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASIN AND MEADOWS, CITY OF MANTENO, SAN JOAQUIN COUNTY, CALIFORNIA.

NORTHSTAR ENGINEERING GROUP, INC.
909 14th Street, Manteno, CA 95354
(209) 594-3925



VICINITY MAP - NO SCALE

OWNER'S STATEMENT:

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THIS PARCEL MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE LAND AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.

DATED THIS 15th DAY OF DECEMBER, 2011.
[Signature]
OWNER

UNITED SIGNATURES:

I, COUNTY SURVEYOR, HAVE EXAMINED THE DATA AND INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE LAND AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.

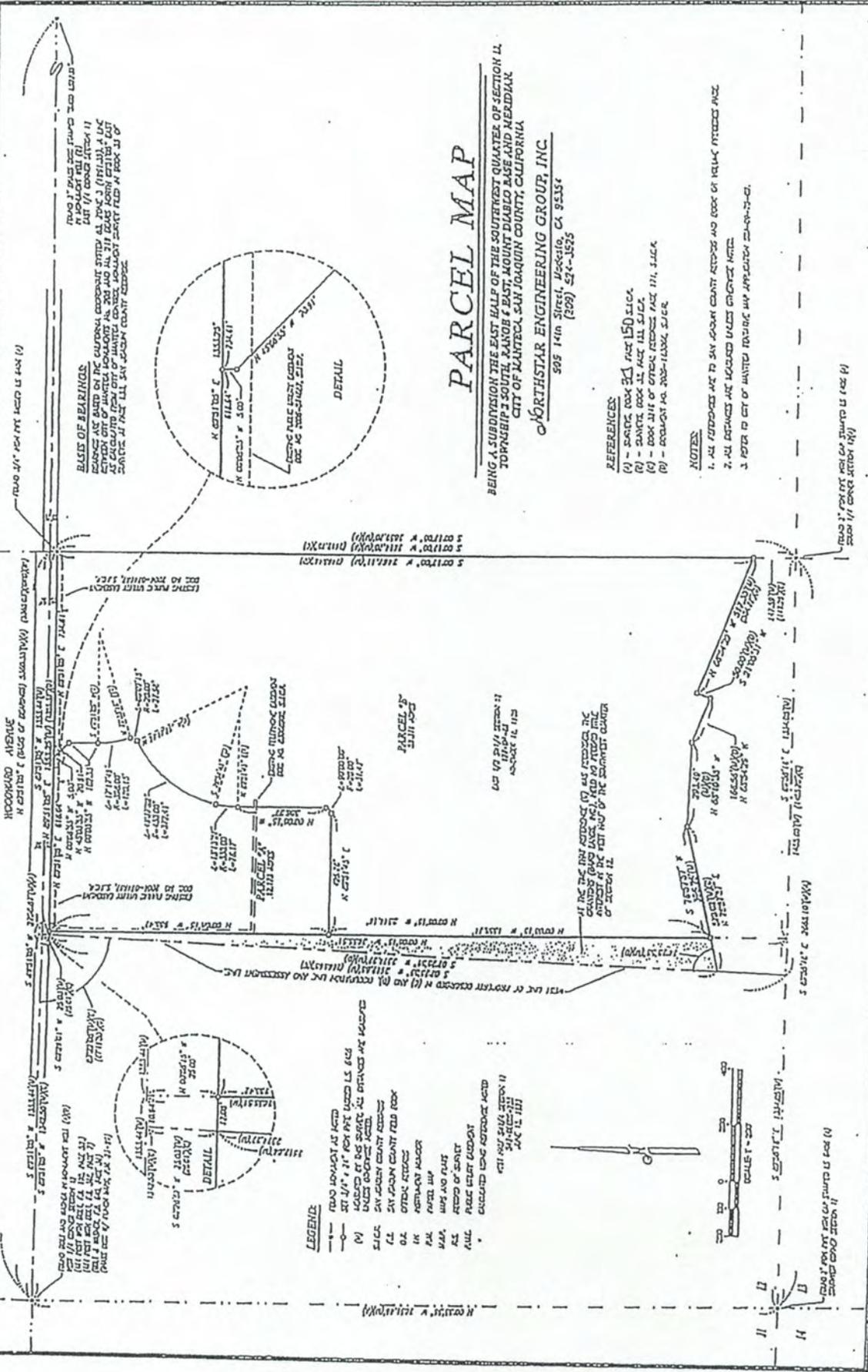
NOTARY'S ACKNOWLEDGEMENT:

I, COUNTY SURVEYOR, HAVE EXAMINED THE DATA AND INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE LAND AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.

NOTARY'S ACKNOWLEDGEMENT:

I, COUNTY SURVEYOR, HAVE EXAMINED THE DATA AND INSTRUMENTS USED IN THE PREPARATION OF THIS MAP AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE. I HAVE ALSO PERSONALLY EXAMINED THE LAND AND I AM SURE THAT THE SAME ARE CORRECT AND ACCURATE.

25-124



RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

The Rosl Cerri Foundation, Inc.
P.O. Box 1607
Stockton, CA 95201-1607

Escrow No. _____

Space Above This Line for Recorder's Use _____

QUITCLAIM DEED

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$-0-

- Computed on full value of property conveyed, or
- Computed on full value less value of liens and encumbrances
remaining at time of sale.
- Unincorporated area: x City of Manteca

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

TERRA LAND GROUP, LLC, a California limited liability company

does hereby remise, release and forever quitclaim to

THE ROSI CERRI FOUNDATION, INC., a California non-profit corporation

the following described Real Property in the State of California, County of San Joaquin, City of Manteca, more particularly described as follows:

THE WEST ONE-HALF (W-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPT ALL THAT PORTION IN THE ROAD ALONG THE NORTH LINE OF THE PREMISES.

APN: 241-320-20

Dated: _____

TERRA RANCH PROPERTIES, LLC,
A California limited liability company

BY: _____
Manager/Member

BY: _____
Manager/Member

STATE OF CALIFORNIA,) ss.

COUNTY OF)

On _____, before me the undersigned a Notary Public in and for said County and State personally appeared _____

proved to me on the basis of satisfactory evidence to be the person (s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s) or the entity upon behalf of which the person (s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature _____

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE. IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE.
Grantee at address above

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "9"

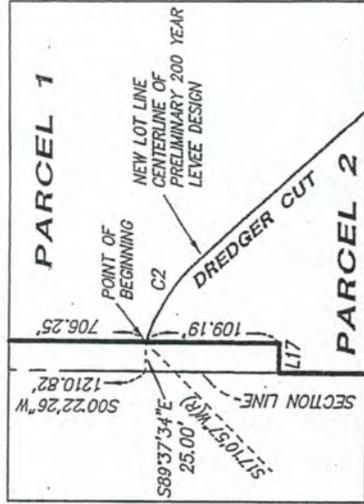
Lot Line Adjustment for The Trails, City of Manteca, NorthStar Engineering Group, Inc. (dated
05/14/2015)

LINE TABLE

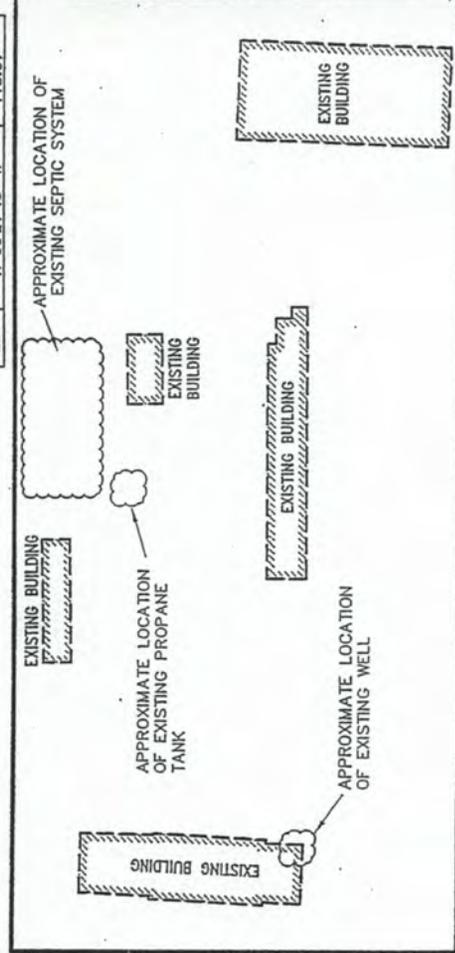
LINE	BEARING	LENGTH
L1	N 89°46'40" E	952.59'
L2	N 78°14'00" E	63.44'
L3	N 85°22'40" E	73.30'
L4	N 89°46'40" E	2659.99'
L5	S 00°19'34" E	2607.90'
L6	S 00°32'46" E	29.70'
L7	N 89°15'70" E	95.54'
L8	S 18°51'03" W	251.45'
L9	S 02°27'01" W	900.12'
L10	S 36°29'21" W	251.33'
L11	S 36°29'21" W	114.87'
L12	S 56°35'40" W	524.32'
L13	S 02°57'08" E	885.97'
L14	S 89°40'49" W	2984.47'±
L15	S 00°28'48" E	1009.07'±
L16	S 00°22'26" W	1315.85'
L17	N 89°46'34" W	25.00'
L18	S 00°22'26" W	815.39'
L19	S 07°33'16" W	200.00'
L20	N 00°22'26" E	256.65'
L21	N 41°49'10" W	2188.26'
L22	N 46°32'27" W	251.43'
L23	N 66°28'34" W	602.09'
L24	N 83°58'41" W	261.34'
L25	N 67°03'49" W	221.13'
L26	N 64°46'41" W	704.49'
L27	N 80°20'28" W	157.82'
L28	N 66°21'43" W	118.97'

CURVE TABLE

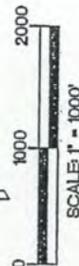
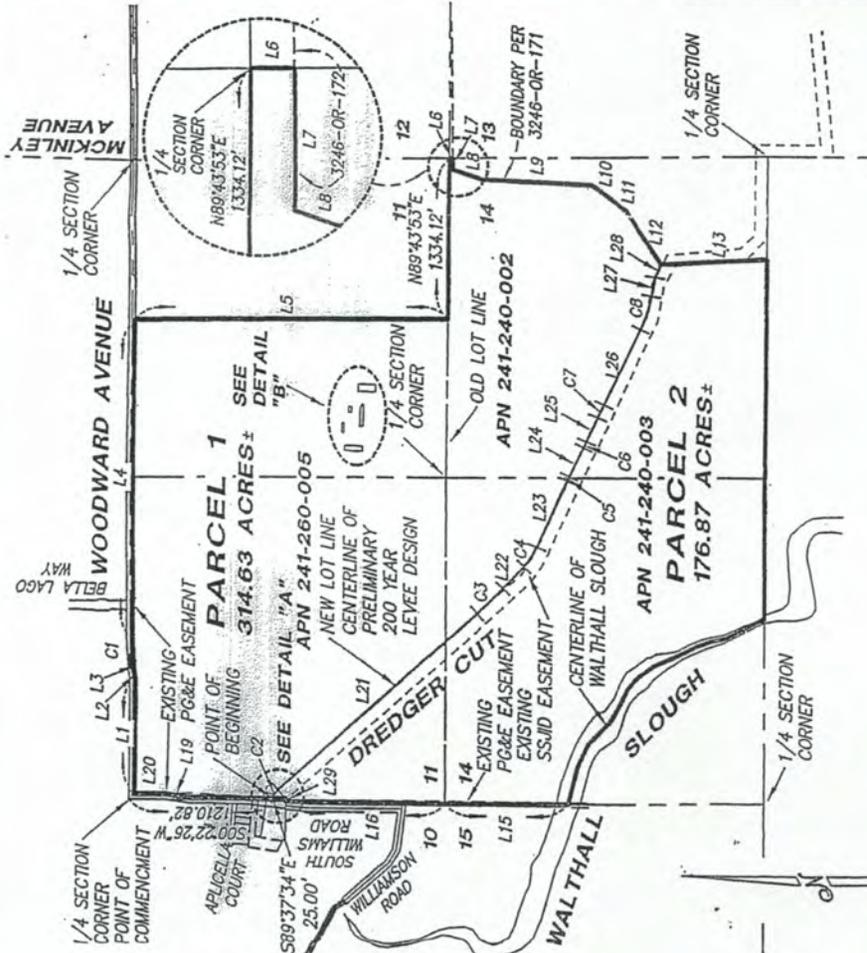
CURVE	DELTA	RADIUS	LENGTH
C1	4°24'00"	2266.83'	174.08'
C2	30°53'15"	150.00'	80.86'
C3	4°43'17"	3550.00'	292.53'
C4	19°56'08"	550.00'	191.37'
C5	2°29'53"	950.00'	41.42'
C6	3°05'08"	1050.00'	56.54'
C7	2°17'08"	2950.00'	117.68'
C8	15°33'47"	1050.00'	285.21'



DETAIL "A"



DETAIL "B"
SCALE: 1" = 80'



THE TRAILS

LOT LINE ADJUSTMENT

CITY OF MANTECA CALIFORNIA

JOB: J11-09
DATE: 05/14/15
SCALE: AS SHOWN
DRAWN: NIM
CHECKED: NIM
DATE: NIM
SHEET: 01 OF 01

North Star
Engineering Group, Inc.
• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street, Manteca, CA 95204
(209) 541-3325 Phone (209) 541-3326 Fax

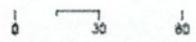
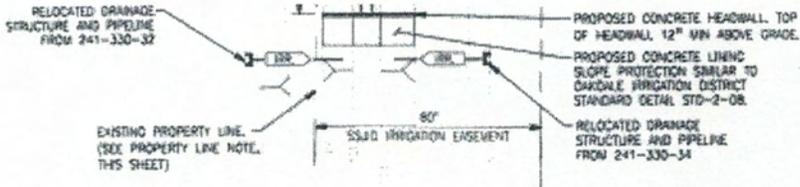
W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "10"

07/06/2016 Email from VVH Consulting Engineers to Forest Killingsworth/SSJID



PROPERTY LINE NOTE: THE EXISTING PROPERTY LINES SHOWN HEREIN ARE AS SHOWN IN THE RECORD OF SURVEY, PREPARED BY TURNBULL LAND SURVEYING, MAP NO. 36-190, RECORDED OCTOBER 7, 2008 BY THE SAN JOAQUIN COUNTY RECORDER'S OFFICE, AND REPRESENTS THE APPLICANT'S EXPECTATION AS TO THE LOCATION OF THE PROPOSED REINFORCED CONCRETE PIPELINE.

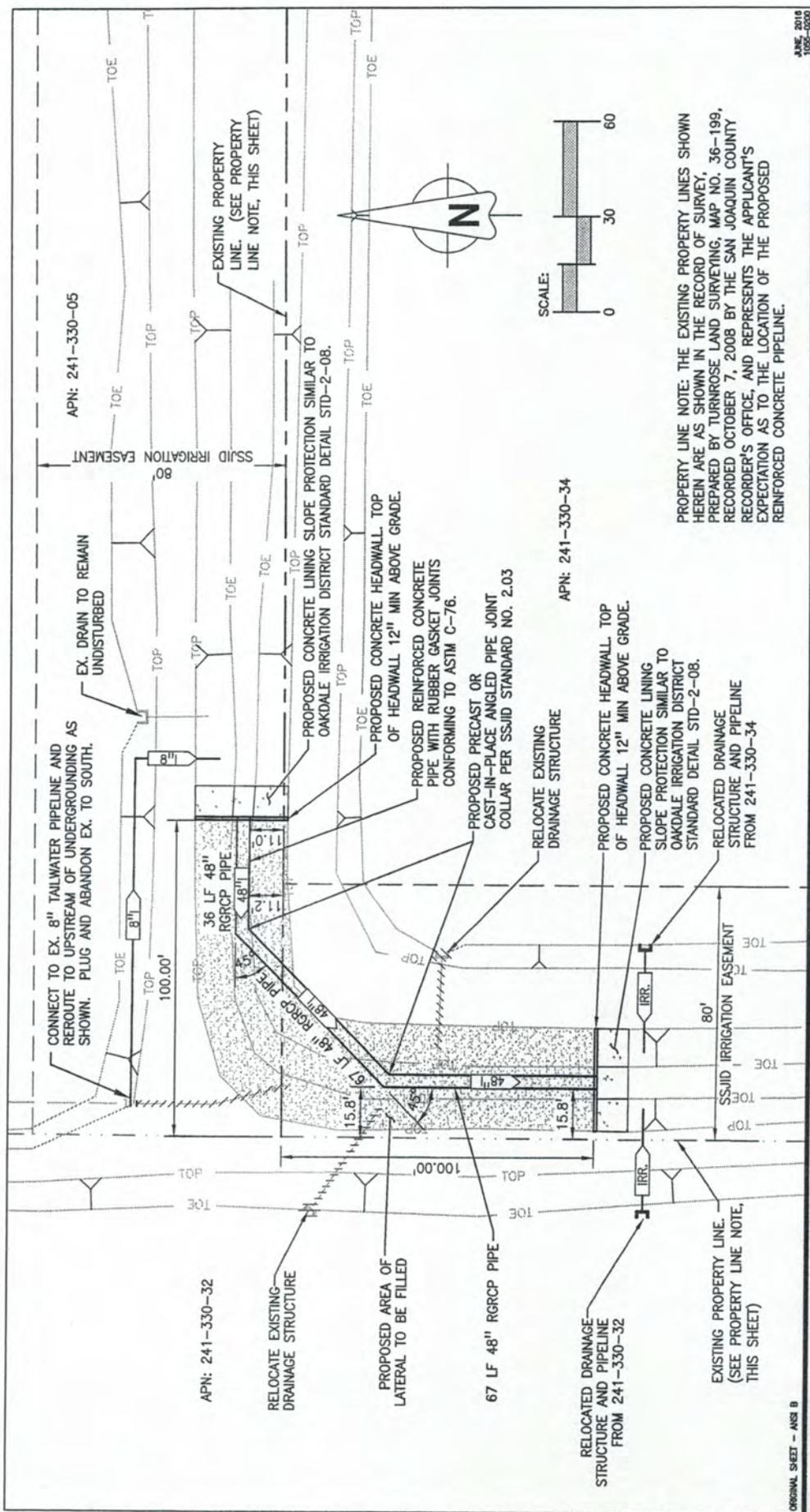
SDS 3437 - 10 8

DATE: 07/15/2010

W&H
CONSULTING ENGINEERS
 430 10th Street Modesto, CA 95304
 TEL: 209.568.4477 FAX: 209.568.4478

DESIGNED BY: L. JARVIS ARCHITECTS, LLC
 5540 LATERAL TO DISCHARGE/2010
 SCALE: 1/8"
 SHEET: CONCEPTUAL LAYOUT

W:\1050200\01\Drawings\sheet\sheet\file\exhibits\20160616_ssijd_undr\20160701_ssijd_undr.dwg
 2016/07/06 8:35 AM By: Rob Christensen



ORIGINAL SHEET - ANSI B



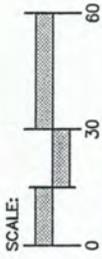
430 10th Street
 Modesto, CA 95354
 Tel: 209.568.4477
 Fax: 209.568.4478

Client/Project
 W & L HARRIS RANCHES, LLC
 SSJID LATERAL 10
 UNDERGROUNDING

Figure No.
 1.0

Title
 CONCEPTUAL LAYOUT

PROPERTY LINE NOTE: THE EXISTING PROPERTY LINES SHOWN HEREIN ARE AS SHOWN IN THE RECORD OF SURVEY, PREPARED BY TURNROSE LAND SURVEYING, MAP NO. 36-199, RECORDED OCTOBER 7, 2008 BY THE SAN JOAQUIN COUNTY RECORDER'S OFFICE, AND REPRESENTS THE APPLICANT'S EXPECTATION AS TO THE LOCATION OF THE PROPOSED REINFORCED CONCRETE PIPELINE.



DATE 2016
 1002-0020

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "2"

Emails between San Joaquin County Surveyor and Michael Babitzke

From: **Smith, Warren** wdsmith@sjgov.org
Subject: City of Manteca Preferred Alignment for the Dryland Levee (SB5)
Date: July 19, 2016 at 2:44 PM
To: wlharrisventures@gmail.com, KEVIN JORGENSEN II (kjorgensen@ci.manteca.ca.us) kjorgensen@ci.manteca.ca.us
Cc: Buchman, Fritz fbuchman@sjgov.org, Chetley, Alex Achetley@sjgov.org



Lucille,

I received a copy of your letter today which expresses concerns about the westerly boundary of the Harris Ranch property, and wanted to pass along some comments.

This line is along the north-south center of section line of Section 13, Township 2 South, Range 6 East, Mt. Diablo Meridian. This was a demarcation in the Government Land Office Plat of this township (attached) which shows Swamp and Overflowed land westerly of this half section line. In 1855, the County Surveyor surveyed the west half of Section 13 for Henry Rogers on behalf of the State Surveyor General for patent by the State (also attached). The east half of Section 13 was patented by the Federal Government by quarter sections, hence the angle point at the center of section.

The resurvey performed as shown by Record of Survey filed in Book 37, Page 150 was for purposes of retracing interior County Surveys within the Swamp and Overflow lands. The retracement principles differ from that of the Federal Surveys due to the sequential nature of the original patents to applicants – in contrast to the Federal Surveys which subdivided Townships simultaneously.

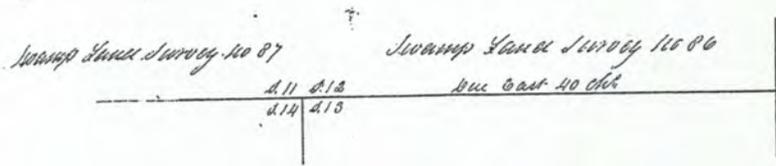
The boundary of the Federal Survey is retraced as shown (and monumented) by Records of Survey filed in Book 36, Page 199 and in Book 38, Page 155. The common line between the east and west halves of Section 13 is unaffected by retracement surveys within the Swamp and Overflowed lands. The survey (RS 37-150) which shows a straight line between the north and south quarter corners was only for purposes of re-creating lines to the west which are dependent upon that location.

I hope this helps somewhat in understanding why the surveys appear to show different locations for this line. Within proper surveying context, they each are competent retracements.

Additionally, the Manteca City limit line follows this common boundary as well.



Warren D. Smith, LS 4842
County Surveyor
San Joaquin County

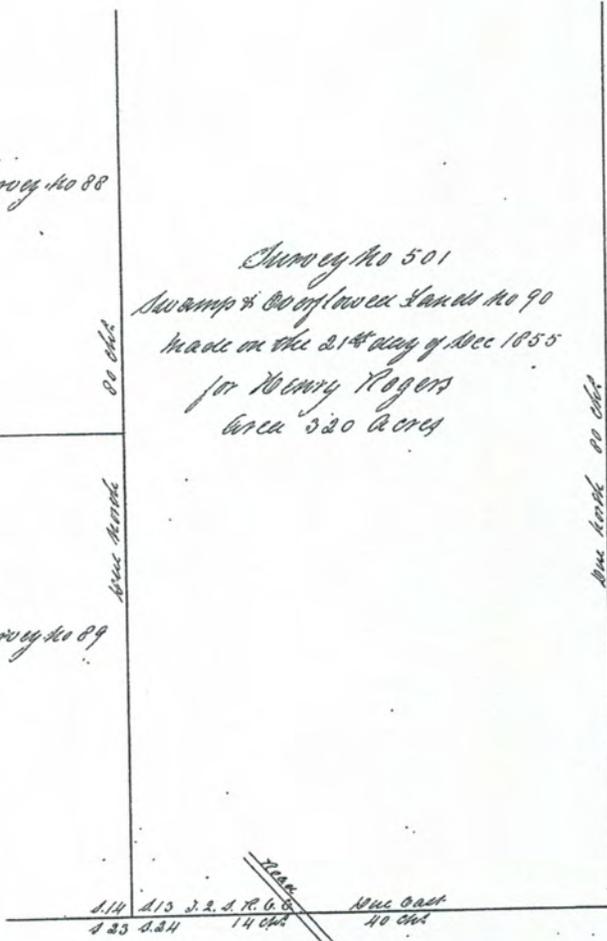


OK

Swamp Land Survey No 88

Survey No 501
Swamp & Overflowed Lands No 90
made on the 21st day of Dec 1855
for Henry Rogers
area 320 Acres

Swamp Land Survey No 89



Field notes of Swamp and Overflowed Land Survey No 90
made on the 21st day of Dec 1855 for Henry Rogers
Comprising the No. 4th of Sec 13 Township 3 South Range 6 East of the Meridian
(Variation of compass 16° 20' S)
Commences at the S. E. Corner of Swamp Land Survey No 89 and runs thence due east
14 chs to a oak corner S. E. at 40 chs to a oak corner S. E. of S. E. Corner thence due north
80 chs and marked post for N. E. Corner at S. E. Corner of Survey No 86. Thence due west
40 chs and marked post for N. W. Corner. Being the corner to Secs 11, 12, 13 & 14 also to
Surveys Nos 86, 87 & 88. Thence due south 80 chs to the point of beginning and containing
320 Acres

It is hereby certified that the above survey was made in accordance with an Act of the
Legislature and instructions from the Surveyor General
Geo. C. Moore Co. Secy of A. J. So
Washington Jan 3rd 1856

Copy delivered
Notions made

From: Michael babitzke mbabitzke@sbcglobal.net
Subject: W&L Harris Ranches, LLC
Date: July 23, 2016 at 9:07 AM
To: Martin Harris wlharrisventures@gmail.com

MB

Dear Mr. Harris:

Please see attached letter from Mr. Babitzke to Warren D. Smith, County Surveyor.

Best regards,
Marisa Copeland
Legal Assistant to MFB

Michael F. Babitzke Law office of Michael F. Babitzke, Inc. 6 South El Dorado Street, Suite 305 Stockton, CA 95202 Tel: (209) 465-5722 Fax: (209) 465-0714 Email: mbabitzke@sbcglobal.net CONFIDENTIALITY NOTICE: This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This communication may contain confidential and privileged material for the sole use of the intended recipient and receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communications. Any review or distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication.

Page 1 of 1

Michael F. Babitzke, Inc.
Professional Corporation

Michael F. Babitzke
Attorney at Law

July 23, 2016

VIA E-MAIL

Warren D. Smith
County Surveyor, San Joaquin County
Email: wdsmith@sjgov.org

RE: W&L Harris Ranches, LLC

Dear Mr. Smith:

I have reviewed the letter that you sent to Lucille Harris dated July 19th, 2016. I certainly do appreciate the efforts that you are spending on this matter. Unfortunately, I would like to ask you to spend a little more time. Please explain to me the following:

1. What is meant by retracement principles:

Michael F. Babitzke, Inc.
Professional Corporation

Michael F. Babitzke
Attorney at Law

July 23, 2016

VIA E-MAIL

Warren D. Smith
County Surveyor, San Joaquin County
Email: wdsmith@sjgov.org

RE: W&L Harris Ranches, LLC

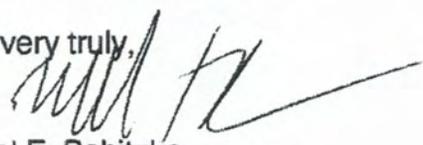
Dear Mr. Smith:

I have reviewed the letter that you sent to Lucille Harris dated July 19th, 2016. I certainly do appreciate the efforts that you are spending on this matter. Unfortunately, I would like to ask you to spend a little more time. Please explain to me the following:

1. What is meant by retracement principles;
2. How the retracement principles differ from federal surveys due to the sequential nature of the original patents to applicants;
3. My understanding was the book record of survey filed on Book 37, page 150 was reported to only impact Section 12. Even so, if the section corner for Section 12 is moved, then why would that not have an impact on land in Section 13?

Thank you very much.

Yours very truly,


Michael F. Babitzke
Attorney at Law

MFB/mc

CC: Martin Harris, wlharrisventures@gmail.com; Lucille Harris, Fax: 239-7086

Subject: RE: W&L Harris Ranches, LLC
From: Smith, Warren (wdsmith@sjgov.org)
To: mbabitzke@sbcglobal.net;
Date: Saturday, July 23, 2016 10:35 AM

Michael,

I'll look into this in more depth on Monday.

The principal difference in methodology between the original survey instructions between Federal disposal into private ownership, and those issued by the State Surveyor General for disposal of Swamp and Overflowed lands is that the Federal Government Land Office Deputy U.S. Surveyors performed field work for the Preparation of Township plats which simultaneously created Sections and aliquot parts for patent.

The County Surveyors received applications for surveys of applicants' requests, under instructions issued by the State Surveyor General. They were necessarily sequential conveyances upon acceptance of the individual survey notes and plats.

In the case of your client's westerly boundary, it was a demarcation line between Federal and State disposal. In retracing the original surveys, this demarcation line is a senior one, marked on the ground by monuments. In order to perform retracement surveys within various S & O lands, the methodology used originally is followed.

The adjacent County Surveyor's map indicates using a straight line for the common Section line, although the boundary had placed a monument midway, creating a slight angle point. For purposes of reestablishing this common boundary, the positions of those original monuments are to be held.

When retracing CS maps to the west, a baseline from the common corners used in the original survey is established, and the remaining lines are run in a similar manner.

To the extent that a different corner position is utilized, it may have an impact within the S & O retracement, but the demarcation line itself is unaffected.

Many treatises (and case law) have been written on this subject, and I can point you toward some material if you would like.

Thanks for your interest,

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Michael babitzke <mbabitzke@sbcglobal.net>
Date: 07/23/2016 9:59 AM (GMT-08:00)
To: "Smith, Warren" <wdsmith@sjgov.org>
Subject: Re: W&L Harris Ranches, LLC

Dear Mr. Smith:

Please see attached. Sorry for any inconvenience.

Best regards,
Marisa Copeland
Legal Assistant to MFB

Michael F. Babitzke Law office of Michael F. Babitzke, Inc. 6 South El Dorado Street, Suite 305
Stockton, CA 95202 Tel: (209) 465-5722 Fax: (209) 465-0714 Email: mbabitzke@sbcglobal.net
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intended recipient please contact the sender by return electronic mail and delete all copies of this
communication.

On Saturday, July 23, 2016 9:34 AM, "Smith, Warren" <wdsmith@sjgov.org> wrote:

Marisa,

Could you please resend with the attachment?

Thank you,

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Michael babitzke <mbabitzke@sbcglobal.net>
Date: 07/23/2016 9:06 AM (GMT-08:00)
To: "Smith, Warren" <wdsmith@sjgov.org>
Subject: W&L Harris Ranches, LLC

Dear Mr. Smith:

Please see attached letter from Mr. Babitzke.

Best regards,
Marisa Copeland
Legal Assistant to MFB

Michael F. Babitzke Law office of Michael F. Babitzke, Inc. 6 South El Dorado Street, Suite 305
Stockton, CA 95202 Tel: (209) 465-5722 Fax: (209) 465-0714 Email: mbabitzke@sbcglobal.net
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communication.

Michael F. Babitzke, Inc.

Professional Corporation

Michael F. Babitzke
Attorney at Law

July 29, 2016

VIA E-MAIL

Warren D. Smith
County Surveyor, San Joaquin County
Email: wdsmith@sjgov.org

RE: W&L Harris Ranches, LLC

Dear Mr. Smith:

Thank you very much for your prompt reply on Saturday, July 23rd, 2016. I am still unclear as to precisely what you mean by the term "retracement surveys." I believe it means that the retracement survey is a subsequent survey, which must follow precisely the parameters of the original survey. Is this correct?

Further, in my July 23rd letter, I asked whether or not the survey filed in Book 37, page 150, only impacts Section 12 and not Section 13. This was Keith Spencer's survey. My confusion is that, since the section corner on Section 12 is moved by Keith Spencer, would this not impact Section 13? The reason this is important is because there are numerous boundary lines, which my client is aware of, in Section 13 which are tethered to the section line. If the section line was moved, then wouldn't the boundary lines move? If the boundary lines would not move, then can you please tell me why they would not move? Of particular interest are the Cambria, Fonteca, and W&L Harris Ranches, all which border on Airport Way. Please understand that we are not trying to be difficult, but decisions pertaining to the future are being considered at this point and we need to have some confidence that the boundary lines that we have historically used will be upheld in the future. Any help that you could provide to us would be greatly appreciated.

I have read many treatises and case law on this subject, but I would certainly appreciate you pointing me towards any material that you think might be of relevance. I know a considerable amount, but I would not consider myself to be

an expert in this area. Thank you for any help that you can provide.

Yours very truly,



Michael F. Babitzke
Attorney at Law

MFB/mc

CC: Martin Harris, wharrisventures@gmail.com; Lucille Harris, Fax: 239-7086

Subject: RE: W&L Harris Ranches, LLC
From: Smith, Warren (wdsmith@sjgov.org)
To: mbabitzke@sbcglobal.net;
Date: Friday, July 29, 2016 2:19 PM

Mr. Babitzke,

I apologize, the statute for the Act of June 17, 1866 is 43 U.S.C. 987.



Warren D. Smith, LS
County Surveyor
San Joaquin County

From: Michael babitzke [mailto:mbabitzke@sbcglobal.net]
Sent: Friday, July 29, 2016 12:00 PM
To: Smith, Warren <wdsmith@sjgov.org>
Subject: W&L Harris Ranches, LLC

Dear Mr. Smith:

Please see attached letter from Mr. Babitzke.

Best regards,

Marisa Copeland

Legal Assistant to MFB

Michael F. Babitzke Law office of Michael F. Babitzke, Inc. 6 South El Dorado Street, Suite 305 Stockton, CA 95202 Tel: (209) 465-5722 Fax: (209) 465-0714 Email: mbabitzke@sbcglobal.net CONFIDENTIALITY

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Attachments

- image001.png (13.87KB)

FAX TRANSMISSION COVER SHEET

Michael F. Babitzke, Inc.
6 S. El Dorado Street, Suite 305
Stockton, CA 95202
(209) 465-5722
(209) 465-0714 fax
mbabitzke@sbcglobal.net

To: Marty Harris

Fax No.: 209-239-7086

From: Michael F. Babitzke

Date: August 4, 2016

RE:

Comments:

Code section refereed to by county surveyor

No. Of Pages, including this Cover Sheet:2

Notice of Confidentiality: This communication is directed solely to the Addressee and may contain confidential or legally privileged Personal, Financial or Personal Health Information protected by federal and state law.

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8/3/2016

U.S.C. Title 43 - PUBLIC LANDS

43 U.S.C.
United States Code, 2009 Edition
Title 43 - PUBLIC LANDS
CHAPTER 23 - GRANTS OF SWAMP AND OVERFLOWED LANDS
Sec. 987 - Lands to be certified to State within one year
From the U.S. Government Printing Office, www.gpo.gov

§987. Lands to be certified to State within one year

It shall be the duty of the Commissioner of the General Land Office, to certify over to the State of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July 1866, under the authority of the United States.

The Supervisor of Surveys shall under the direction of the Commissioner of the General Land Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the commissioner shall direct the Supervisor of Surveys to make segregation surveys, upon application by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September 28, 1850, and the right to the same shall be determined by testimony, to be taken before the Supervisor of Surveys, who shall decide the same, subject to the approval of the Commissioner of the General Land Office.

(R.S. §2488; Mar. 3, 1925, ch. 462, 43 Stat. 1144.)

CODIFICATION

R.S. §2488 derived from act July 23, 1866, ch. 219, §4, 14 Stat. 219.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Offices of Commissioner of General Land Office and Supervisor of Surveys, and General Land Office abolished by Reorg. Plan No. 3 of 1946, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. Functions of Commissioner and Supervisor transferred to Secretary of the Interior or those officers as he may designate, and functions of General Land Office transferred by Bureau of Land Management, by that plan. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

Act Mar. 3, 1925, abolished office of surveyor general and transferred administration of all activities in charge of surveyors general to Field Surveying Service under jurisdiction of United States Supervisor of Surveys.

Central California Area Office

Welcome to the Bureau of Reclamation's Mid-Pacific Region

Reclamation / Mid-Pacific Region / Area Offices / CCAO / Field Offices / New Melones

MP REGION

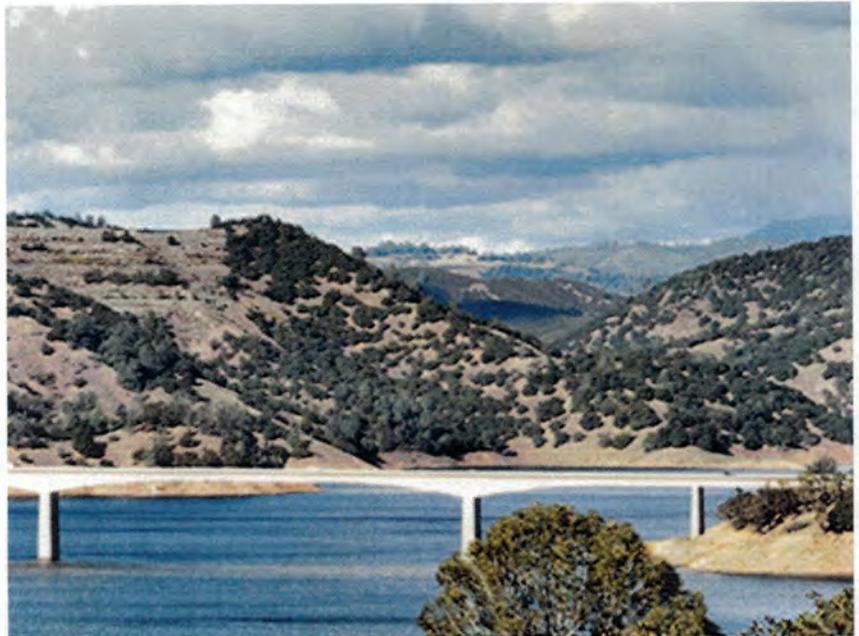
New Melones

In 1944, Congress authorized the construction of New Melones Dam to prevent flooding of 35,000 downstream acres of agricultural lands and communities. The 1962 Flood Control Act included irrigation, power, wildlife and fishery enhancement, recreation, and water quality as reasons for construction.

The U.S. Army Corps of Engineers began building New Melones in 1966, completing the dam in 1978 and the spillway and powerhouse in 1979; the Corps then transferred the project to the

Bureau of Reclamation. When the reservoir filled, the 211-foot-high old Melones Dam, built in 1926 by the Oakdale and South San Joaquin Irrigation Districts to provide water for agriculture, was inundated.

Today, New Melones is part of Reclamation's Central Valley Project. It is located off of Highway 49, some 8 miles north of Sonora and 6 miles south of Angels Camp, in the Southern Mother Lode. Each year, some 800,000 visitors enjoy New Melones' numerous recreational opportunities. Facilities include day use areas; boat launch ramps; more than 300 campsites; hiking, biking and equestrian trails; a visitor center and museum; and abundant water-based recreation.





ABOUT

Search...

About Us

Managing the resources while providing for recreational opportunities at Don Pedro Recreation Area.

- By utilizing sound resource management practices.
- By providing prompt, professional, courteous service to its visitors.
- By building good working relationships with outside agencies and interest groups.
- By proactively seeking new and improved opportunities to better meet our mission while allowing for the prudent allocation of funds.
- By building and maintaining a qualified and professional workforce.
- By providing a well maintained Recreation Area.
- By promoting the safety and security of visitors and employees.
- By ensuring compliance with contractual agreements.
- By complying with all local, state, and federal laws and operating district rules and regulations.

-Approved by DPRA Board of Control 2/10/06-



The Turlock and Modesto irrigation districts completed construction of the original Don Pedro Dam in 1923. With a storage capacity of 289,000 acre feet, it was barely able to accommodate the irrigation needs of a single growing season. After numerous dry winters, the Districts decided to replace the original dam with a much larger one in order to store water necessary to bridge multiple dry years.

The City and County of San Francisco joined with the two irrigation districts in constructing what at the time was known as the New Don Pedro Project. The 'New' was formally dropped from its name after the old dam was inundated by the waters of the larger reservoir. Today, it is known simply as the Don Pedro Reservoir, Don Pedro Lake or Lake Don Pedro.

In exchange for its financial contribution to the construction of the Project, San Francisco obtained relief from upstream flood control responsibility on the Tuolumne River and gained greater flexibility in its upstream operations. By virtue of a complex banking and accounting arrangement, San Francisco may pre-release water into Don Pedro where it becomes the property of the Districts. With a 'credit' in the Don Pedro water bank, San Francisco may then divert upstream flows to which the Districts would otherwise be entitled. This arrangement helps to conserve the waters of the Tuolumne and maximize their beneficial use. San Francisco does not own any portion of the Don Pedro Project or the water in the reservoir. It also does not physically divert any water from the reservoir into its water system.

Construction of the New Don Pedro Project began in 1967 and was completed four years later at a cost of \$105 million. Built primarily to store irrigation water, the reservoir has a capacity of 2,030,000 acre-feet and has many additional benefits including power generation, flood control, and recreation. The old dam is still in place, 250 feet below the surface of the full reservoir.

The Don Pedro Recreation Agency, which is responsible for the recreation element of the Don Pedro Project, is sponsored by the Turlock Irrigation District, the Modesto Irrigation District and the City and County of San Francisco.

Dam statistics:

- 580 Feet high
- 855 Feet above sea level at the crest
- 1900 Feet at crest length
- 40 Feet wide at crest
- 2800 Feet wide at its base

Don Pedro – There Really Was One.....But He Was A Frenchman!

A prominent French pioneer has emerged from an obscure page of California history as the man for whom Don Pedro Dam is named. His name was Pierre Sainsevain.

Don Pedro? A Frenchman? Certainly anyone who owned a rancho in early California was accorded the title of Don, and Pierre translates to Pedro in Spanish.

Sainsevain arrived in California on the ship Ayacucho in 1836. He was a twenty year old carpenter with a passport stamped in Bordeaux. His first adventures in the state are unrecorded, but by 1839 he had made his way to Los Angeles, where he joined his famous Uncle, Don Luis Del Aliso, in winemaking. He proved himself to be a very talented vintner and soon he loaded a ship with wines and sold them from port to port, up and down the California coast.

In 1843, Sainsevain was granted the Canada del Rincon rancho near Santa Cruz. He spoke no English, but was fluent in Spanish and easily met the requirements to receive land from the Mexican government. These requirements included his naturalization as a Mexican citizen.

In 1846, Sainsevain met up with fellow Frenchman, Charles Roussillon and together they built a schooner, opened a saw mill near Santa Cruz and a flour mill near San Jose.

Sainsevain and Roussillon met J.A. Moerenhout, the French consul at San Francisco and much of what is known of their gold rush experiences comes from Moerenhout's recollections. Moerenhout had met both Frenchmen in San Jose, but he may have found their dust begrimed faces hard to recognize when he next met them in the mines near Coloma in July 1848.

"Their place was well chosen, a little stream of excellent clear water, but with their usual negligence there was not a tent and though they gave me a hearty welcome and, considering where we were, a good supper. I had again, as during all my journey from San Jose, to sleep on the earth and to have the stars for bed canopy," he wrote.

"At daybreak, all was astir. Men were leaving on foot and on horseback, loaded with pickaxes, picks and shovels, some going to loosen and dig out the dirt, others to cart it. Hardly a soul remained in camp."

Moerenhout remained a few days, and watched "Mssrs. Sunol, Sainsevain, Roussillon and Amador," with help from twenty-five Indians, scratch up about 130 ounces of gold among them per day. Not far away Capt. Charles Weber, the founder of Stockton was camped on Weber Creek. Weber knew something about gold, and suspected it could be found in other rivers of the Sierra Nevada, not just the American. He already had formed the Stockton Mining Company and had sent trained Indians into the Stanislaus and Tuolumne River regions to explore for gold.

In August, the Indians returned with good samples and Weber's party started immediately for the new territories. He became the founder of the Southern Mines, San Joaquin County historian George H. Tinkham told the story this way in 1880:

"Accordingly, two men were left to close out the mercantile business and the company came back to French Camp (near Stockton) to prepare for the new field. With them others who had been mining in the same neighborhood came also."

"After replenishing their stores the company started for the Stanislaus. Here they commenced prospecting in the streams and gulches, scattering in every direction."

"The familiar names of Murphy's Camp, Sonora (formerly Sonorian Camp), Angel's Camp, Don Pedro's (Sansevina) Bar (as it was commonly spelled), Sullivan's Bar, Wood's Creek, etc., are named after those men who started with the company and camped in those localities."

Don Pedro Bar became one of the most famous gold mining towns and was known as a very rich strike, but Sainsevain did not stay there long and neither did his real name. The Frenchmen Sainsevain and Roussillon soon had enough of mining and they returned to Stockton to open a store. Moerenhout found them there in August of 1849, selling wines, brandies, shirts, shoes, clothing and preserved fish and vegetables. They were doing a brisk business with the miners who were streaming by the thousands into California through Stockton for the goldfields.

Toward the end of 1855, Sainsevain sold his rancho near Santa Cruz, and with his brother bought the Aliso vineyards in Los Angeles from their uncle, Jean Louis Vignes, Don Pedro gained fame in his own right as a vintner before he died in his native Bordeaux many years later.

While the historians soon took an interest in Sainsevain's activities and recorded them, they tended to call the place Sainsevain Bar. The Don Pedro name was dropped, even by Tinkham who had used it in 1880. By 1923, a much older Tinkham was telling Weber's story again in a history of San Joaquin County. He mentioned only "Sainsevain Bar," omitting the Don Pedro.

In the locale of the bar, on the other hand, the name Don Pedro stuck while the name Sainsevain was forgotten. In 1923, the Modesto and Turlock Irrigation Districts built the tallest dam in the world and drowned out the famous gold site forever. The dam was named for the town, but no one remembered Sainsevain.

In 1971, a new and vastly larger dam was completed by the same irrigation districts and San Francisco, inundating the first dam entirely. It too, was named Don Pedro Dam after the mining town.



Well over 60 bass and fishing tournaments are held annually at Don Pedro Lake. The fish caught during these tournaments are released back into the lake to be caught another day!

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WELCOME TO DON PEDRO

Nestled in the Sierra Nevada Foothills, due east of Modesto, California, Don Pedro Lake offers 160 miles of shoreline with 13,000 surface acres of water to enjoy. Boating, fishing, swimming, waterskiing, windsurfing, sailing and houseboating are some of the major water-oriented activities enjoyed at the Lake.

OUR LOCATION



10201 Bonds Flat Road
La Grange, CA 95329



TERRA LAND GROUP, LLC

July 19, 2016

VIA EMAIL, HAND-DELIVERY & U.S. MAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council July 19, 2016 Meeting Agenda Item for Preferred Alignment for the Dryland Levee (SB5) originally scheduled for 07/19/16 as noticed to the public by Drake Haglan and Associates at the Dryland Levee Public Workshops and listed in tonight's agenda under Section C, Community Development, and reports that the "Preferred Alignment for the Dryland Levee (SB5) will be heard at the August 16, 2016 Regular City Council Meeting"

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. **APN 241-330-32 (203.33 acres)**
2. **APN 241-330-33 (17.14 acres)**
3. **APN 241-320-60 (10.13 acres)**

Total Acreage 230 acres (approx.)

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the Reclamation District No. 17 ("RD17") dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

However, this letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns that TLG believes need to be addressed and considered as part of the City of Manteca's continuing efforts in meeting SB5 requirements including the selection of a preferred alignment for the dryland levee.

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I. Concerns previously presented in letters to the City of Manteca and various authorities involved in the SB5 approval process:

To illustrate these concerns, TLG has included as part of this letter various other letters and correspondence previously submitted to the various authorities involved in the current SB5 approval process (see enclosures).

II. Potential levee relocation concerns relating to public meetings attended, discussions held and/or correspondence received:

A. Anthony Barkett (representative for TR Land Company/Developer for the Terra Ranch project) email to Martin Harris, dated 05/21/2015:

1. In an email sent to Martin Harris on May 21, 2015, Anthony Barkett stated that *"I would be happy to meet with you. I have to tell you though it seems you are stuck on the re alignment of the levee. I believe Bill¹ and Darryl² told you this but that map was a mistake by Phil Govea who is no longer with the City. The City and RD 17 have no intention of moving the levee south. I have had many discussions with the relevant people and that is simply not going to happen. It does need to be designed to go east of airport way but it will not be pushed south on your property. That would cause significant flooding problems to a whole new set of people and has never been an engineering based solution from RD 17 or the City. I think we need to address this before we meet because if your settlement is based on that fact we will not get anywhere because we are assuming something that is not going to happen and is out of our control. Our issue is one of access to your property and your irrigation line on your side of the levee. Both of these issues we have expressed a willingness to give you access. There is really nothing else to discuss. I am not sure who can convince you that the levee is not going to be moved but our lawsuit is not the forum to have the discussion."*

B. RD17 representations relating to the current location of the dryland levee:

1. For over two years now, it has been regularly represented that the RD17 levee would remain at its current location.

This representation was supported in previous discussions with Chris Nudeck, a representative for Reclamation District No. 17 during RD17 regular board meetings which occurred on February 11, 2014 and March 11, 2014.

Those discussions involved Terra Land Group's concerns relating to Reclamation District No. 17's flood levee expansion land requirements and how those

¹ Bill Filios (Manteca Development Group)

² Darryl Quaresma (Manteca Development Group)

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expansion requirements might affect the Terra Land Group almond farm property.

Chris Nudeck assured TLG that protections were in place that required all land necessary for flood levee expansion to be dedicated on the side of the levee that was being protected from flooding.

Chris Nudeck also indicated that, as to Terra Land Group's only land dedication requirement, a vegetative easement area limited to ten (10) feet (but possibly being increased to fifteen (15) feet³) would need to be dedicated on the Terra Land Group's water side of the levee. Nudeck added that this area would be required to remain clear of any almond plantings.

Nudeck offered to send a survey crew to the Terra Land Group property to stake the Reclamation District No. 17 vegetative easement southern border so that Terra Land Group would fully understand the total amount of trees that could be impacted.

Reclamation District No. 17 conducted the survey on or about April 2014 as evidenced by survey stake markers demonstrated in the attached photographs. (See Exhibits "1", "2" and "3")

The survey resulted in Terra Land Group gaining the belief that the levee would remain in its current position and that development impacts affecting the levee would have minimal impact on the Terra Land Group almond farming property.

III. Additional questions related to TLG's 33 question submittal directed to Drake Haglan and Associates on 05/24/2016:

- A. Question #29: *With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and/or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to? (Answer from Drake Haglan & Associates: Could you please rephrase the question? It is difficult to identify what needs to be clarified.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:
 - a) Will residents, businesses and property owners located on the flood water side of the extended levee be allowed to continue to present public comments to the City of Manteca to mitigate flood and groundwater elevation impacts as part of a continuing SB5 levee impact review process?

³ This was later changed to twenty (20) feet.

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- b) Will any public comments made to mitigate flood impacts to water side residents, businesses and property owners located on the water side of the levee be included in the City of Manteca SB5 approval process in a manner that can effectively assist in controlling and limiting flood and groundwater elevation impacts to residents, businesses and property owners south of the levee?
- c) Will those flood and groundwater elevation impacts need to be addressed as a separate project?

B. Question #31: *Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee? (Answer from Drake Haglan & Associates: Reducing flood impacts for property owners in the area of concern is not a goal at this time.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

- a) If reducing flood impacts for property owners in the area of concern is not a goal at this time, then (i) when; and (ii) by whom; and (iii) by what means can the affected public (water side residents, business and property owners) look to seek relief against flood and other impacts created?

IV. Additional Flood and Hydrology questions submitted by Michael Fonseca to Drake Haglan and Associates, the Manteca City Engineer and Peterson Brustad, Inc. ("PBI"):

A. On July 5, 2016, Michael Fonseca addressed the Manteca City Council and presented a number of flood and hydrology questions to the engineering-based flood impact representatives that were in attendance at the meeting on behalf of the City of Manteca.

Mr. Fonseca's questions are attached as an enclosure and included with this letter. (See Exhibit "4")

Further, Mr. Fonseca stated in his letter that:

"In the attempt to give clarity and understanding of the flood impacts to the residents south of the dryland levee, I am requesting for Dave Peterson with PBI to give an information presentation at the July 19, 2016 Manteca City Council Meeting, prior to the dryland levee preferred alignment presentation from Matt Satow, Drake Haglan and Associates. Within the presentation please answer and give detailed explanation to the following questions and concerns, in addition to collaborate with previous questions and concerns or any other information that will provide understanding to this sensitive matter."

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Mr. Fonseca went on to request that:

"I thank you in advance on behalf of the community to ensure this information is available to the public and is accurately presented at the July 19, 2016 Manteca City Council meeting, prior to any preferred alignment alternative option being considered for approval to continue on through the environmental phase."

At this time, TLG supports Mr. Fonseca's request and further believes that this is especially important when you consider questions presented by Councilwoman Debby Moorhead to the Manteca City Engineer, Kevin Jorgensen at the same July 5, 2016 City Council meeting, at which time Councilwoman Moorhead asked:

"Where the levee would be extended?"

"If it was to flood, how much would it flood there?"

"Where the extension is gonna be?"

"What would it cause?"

"What is the difference?"

"Would it cause more flooding over there?"

Unfortunately, Mayor Steve DeBrum interceded and the questions were never answered. This leads some to believe that continued uncertainty and unanswered questions relating to the eastern extension of the dryland levee clearly demonstrate that even members of the Manteca City Council may not fully understand the total potential for flood impacts that the Council will potentially be voting into place.

For this reason, TLG supports Michael Fonseca's request for Dave Peterson, representing PBI, to provide any and all information and answers necessary so that both the public and our elected leaders can fully understand all flood impacts prior to the Council making any decision relating to selecting any preferred alignment for the dryland levee.

In closing, TLG believes that it is important that adequate protection measures be put in place to ensure that sufficient accommodations are made relating to:

- A. Maintaining historic floodwater elevation impacts by incorporating adequate design provisions to accommodate timely floodwater drainage; and
- B. Prohibiting the use of cutoff and/or slurry walls to maintain groundwater elevation levels as currently existing; and
- C. Prohibiting the use of cutoff and/or slurry walls to allow for groundwater recharge; and

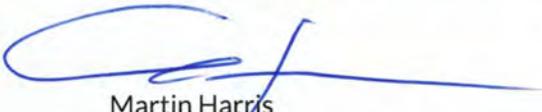
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- D. Maintaining the right and ability for vehicular access, irrigating crops and discharging stormwaters to and from all areas of properties and/or easements affected by a levee modification, extension or relocation; and
- E. Protecting the public's interests relating to maintaining and/or providing adequate and sufficient vehicular access supporting emergency services in response to fire, police, medical and flood related situations for all areas affected by any current or proposed levee alignment; and
- F. Minimizing disruptions to properties deemed necessary for levee improvements by selecting, if possible, an alignment for the levee along boundary lines and easements currently in place; and
- G. Protecting the nation's food supply by providing adequate fencing and restroom facilities along any dryland levee alignments that may be utilized by the public for recreational use involving areas currently farmed; and
- H. Allowing for waterside property owners to maintain their right and ability to continue to farm their property; and

In closing, TLG believes that any levee alignment ultimately selected, should closely consider any and all impacts created to mitigate and limit against any increase in total impacts involved.

By reviewing the letters, photographs and correspondence provided, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the existing RD17 dryland levee.

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Enclosures: (attached electronically as PDFs on enclosed disc, per request from Lisa Blackmon, City Clerk for the City of Manteca)

1. Ex. "1": RD17 Levee Easement Staking Photo #1 April 2014
2. Ex. "2": RD17 Levee Easement Staking Photo #2 April 2014
3. Ex. "3": RD17 Levee Easement Staking Photo #3 April 2014
4. Ex. "4": 07/05/2016 Letter from Michael Fonseca to the City of Manteca

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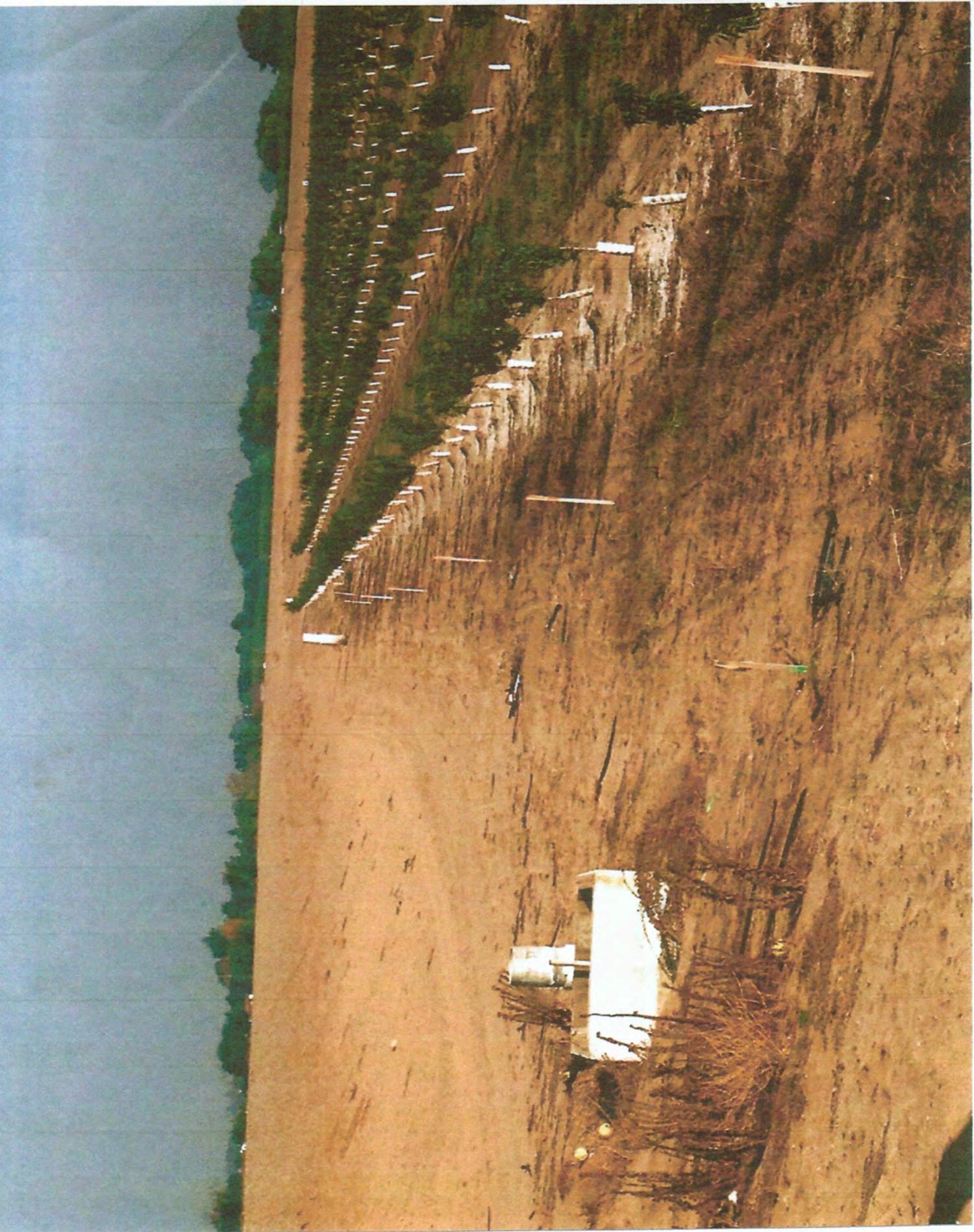
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5. Ex. "5": 07/06/2016 Email from VVH Consulting Engineers to Forest Killingsworth/SSJID
6. Ex. "6": 07/19/16 Letter from W/L Harris Ranches to Manteca City Council
7. Ex. "7": 07/12/16 Letter from TLG to City of Manteca Planning Commission
8. Ex. "8": 07/12/16 Email from TLG to Drake Haglan and Associates
9. Ex. "9": 07/08/16 Email from Drake Haglan and Associates to TLG
10. Ex. "10": 07/05/16 Letter from TLG to Manteca City Council
11. Ex. "11": 07/05/16 Letter from Michael Fonseca to Manteca City Council
12. Ex. "12": 06/28/2016 Letter from TLG to City of Manteca Planning Commission, with attachments:
 - 12.1. RD17 Levee Easement Staking Photos April 2014
 - 12.2. 05/17/2016 Email from TLG to Drake Haglan and Associates
 - 12.3. 06/21/16 Letter from TLG to Manteca City Council
 - 12.4. 06/18/16 Email from TLG to Drake Haglan and Associates
 - 12.5. 06/17/16 Email from Drake Haglan and Associates to TLG
 - 12.6. 06/07/16 Letter from TLG to Manteca City Council
 - 12.7. 06/03/16 Email from TLG to Matt Satow, Drake Haglan and Associates
 - 12.8. 05/24/16 Letter from TLG to City of Manteca Planning Commission
 - 12.9. 05/17/2016 Letter from TLG to Manteca City Council
 - 12.10. 05/17/2016 Letter from TLG to Manteca City Council
 - 12.11. 05/03/16 Letter from TLG to Manteca City Council
 - 12.12. 04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council
 - 12.13. 03/01/2016 Letter from TLG to Manteca City Council
 - 12.14. 02/16/2016 Letter from TLG to Manteca City Council
 - 12.15. 04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District
 - 12.16. 03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District
 - 12.17. 12/16/2014 Letter from TLG to Manteca City Council

cc:

Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Elena Reyes, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer
Reclamation District No. 17

Proposed Levee Esmt.





Fonseca Farms, Inc.

22695 S. Airport Way

Manteca, CA 95337

(209) 456-2496 – fax (209) 239-1257 fonsecafarmsinc@aol.com

July 5, 2016

City of Manteca
1001 W. Center St.
Manteca, CA 95337

Kevin Jorgensen, Manteca City Engineer

Dave Peterson, Peterson, Brustad, Inc.

Matt Satow, Drake Haglan and Associates.

Flood and Hydrology Questions?

In the attempt to give clarity and understanding of the flood impacts to the residents south of the dryland levee, I am requesting for Dave Peterson with PBI to give an informational presentation at the July 19, 2016 Manteca City Council Meeting, prior to the dryland levee preferred alignment presentation from Matt Satow, Drake Haglan and Associates. Within the presentation please answer and give detailed explanation to the following questions and concerns, in addition to collaborate with previous questions and concerns or any other information that will provide understanding to this sensitive matter.

1. Was the 1997 flood considered a 100-year flood?
2. Were the 1997 flood impacts in our area more severe due to human error, than the estimations of what the actual storm event would be (100-year flood)?
 - a. Explain the mismanaged releases from the reservoirs, specifically to the issues with Don Pedro.
 - b. Explain what policies and procedures are in place to ensure mismanaged releases won't happen again.
 - c. Explain the administrative and authoritative process of how the relief cut was initiated in 1997, and the significant delay in taking action to do so.
 - d. Explain the difference in the river water elevation as compared to the flood water elevation prior to the relief cut being made.
 - e. What was the river elevation when the relief cut was made?
 - f. What was the flood water elevation when the relief cut was made?

- g. Explain the policies and procedures to ensure in the future that the relief cut will be made at the precise time to minimize flood impacts to our area, and what are the trigger mechanisms to initiate such action, for example if there is a determined difference in river elevation to flood water elevation and what would that be?
3. What was the maximum flood water elevation in 1997?
 4. If no relief cut was made in 1997, what height would have the flood water elevations reached?
 5. With no relief cut considered, what would the flood water elevation be with a 100-year flood?
 6. With no relief cut considered, what would the flood water elevation be with a 200-year flood, with and without the levee extension?
 7. Clarify that all analysis in the Engineer Report, Freeboard Analysis, and other studies, can't be accurately compared to the 1997 flood impacts as represented that the DWR (or other controlling agencies) has stipulated that no relief cut be considered in the analysis.
 8. What is the difference in volume of water between the 1997 flood, 100-year, and 200-year flood? The 200-Year Freeboard Analysis & Floodplain Mapping Report, indicates a 200 Year Hydrograph is the equivalent of the 1997 storm pattern, scaled at 115%. Does this mean that a 200-year storm would bring 15% more volume of water as we had in 1997? Please explain.
 9. Explain in detail the .2' (2.4") rise in flood water elevation that was presented during the June 28, 2016 Manteca Planning Commission meeting?
 - a. What storm event was used in this analysis, 1997 flood, 100-year, or 200-year?
 - b. Was the increase of .2' caused from an "as is" no build option, compared to the extension of the levee alignment terminating at Oleander Ave?
 - c. With what levee alignment alternative option was this comparison and determination made?
 - d. To clarify if one alternative would have more impact over another, what is the flood water elevation change in comparison to all the alignment alternative options, for example, what would the change be from alternative 1 to alternative 2, or 3?
 10. If nothing was done, and an "as is" no build option was considered, what elevation would the flood water need to reach in order for flanking to occur?
 11. In consideration of downstream impacts...
 - a. If paradise cut was able to adequately consume an additional 1280 cfs which has been determined the flow rate that would flank around the existing levee with an "as is" no build option, could that be used to mitigate the levee extension that would prevent the flanking?
 - b. What measures are being considered to mitigate the flanking of 1280 cfs?
 - c. After completion of the 200-year levee improvements, in consideration of a storm less than or equal to a 200-year event, will the whole lower San Joaquin River levee system be designed and anticipated to not fail?
 - d. If the levee system is designed to not fail and does not fail, the pressure remains constant at its full force throughout the whole system, therefore in an event of an

- upstream failure and a relief cut is made in order to drain off the flood water, does it really have an increased adverse impact to the downstream channels and levee system?
- e. Explain how and why flood water to re-enter the river due to a relief cut has additional impacts downstream as compared to the full force of no levee failure due to improvements made to achieve a no fail design that prevents any levee breach and/or over topping?
 - f. If the levee system is designed to fail in certain areas, identify those areas and the design capacity or flood water elevation within each basin?
12. The natural environment within each reclamation district was swamp and overflow, therefore the levee system within each reclamation district is manmade and not part of the natural environment. If the manmade levee system at the river can be built up and widened, with slurry walls to be improved to a new height and strength that would eliminate any probability of failure, then why is a man made relief cut to drain off the flood water any different as far as the river impacts? The relief cut does not add additional pressure to the downstream system as the water is only being diverted and detoured from its original source of the reservoirs. No additional water is being placed within the river as compared to a no breach or overtopping scenario and the downstream levee system should be able to adequately withstand the whole 200-year storm event as designed.
13. It can be argued that all downstream levee improvements, such as Lathrop, specifically River Islands, and through Stockton to the Delta would have significant adverse impacts to our area. The levee improvements to that portion of levee system is designed to withstand the full force of a 200-year storm, therefore creating additional pressure to the upstream Reclamation Districts such as RD 2096, RD 2094, RD 2075, and RD 2064 that is not being improved to the same standards. If the downstream system is designed to not fail, and no improvements are done to the upstream districts, they should have the right to drain flood water back into the river channel through a relief cut or other methods without the concern for adverse impacts to the downstream levee system that was designed to not fail and to withstand the full 200-year storm event.

I thank you in advance on behalf of the community to ensure this information is available to the public and is accurately presented at the July 19, 2016 Manteca, City Council meeting, prior to any preferred alignment alternative option being considered for approval to continue on through the environmental phase.



Michael Fonseca

(209) 456-2496

From: Rob Christensen rchristensen@vvhce.com
Subject: Proposed Drain 10 Undergrounding I W&L Harris Ranches
Date: July 6, 2016 at 2:04 PM
To: fkillingsworth@ssjid.com
Cc: wlharrisventures@gmail.com

Hi Forest,

Thanks for meeting with us last month to discuss the proposed undergrounding of Drain 10 on the Harris property. Based on that meeting, we've prepared a preliminary plan of the proposed undergrounding and have attached it for your review. Please review the attached drawing and let me and Marty Harris know of any comments you might have. If you need any additional information, please let us know.

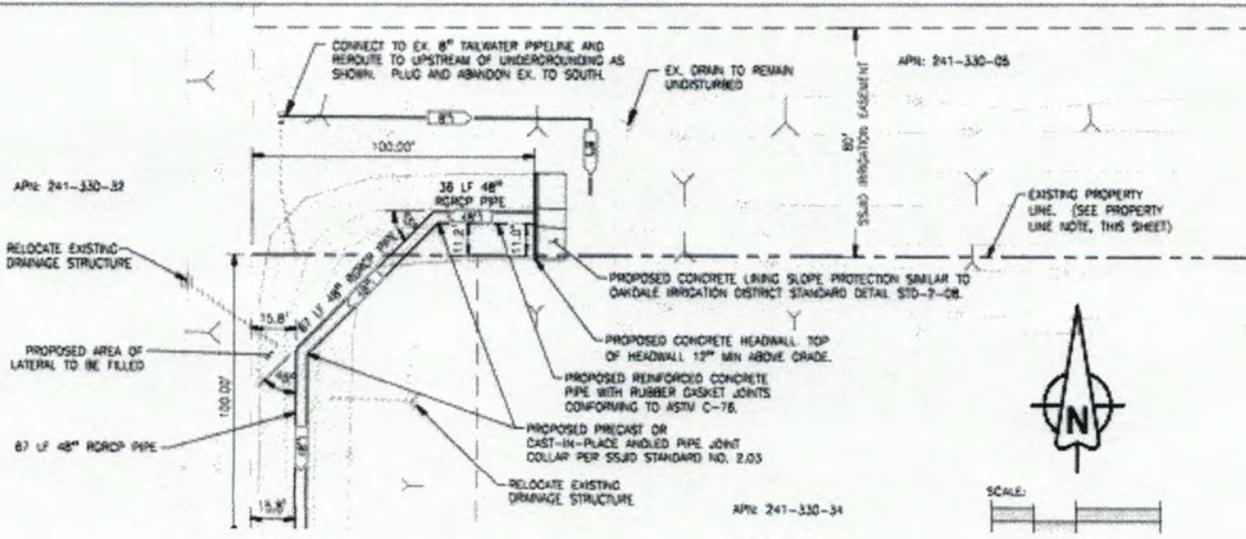
Thank you,

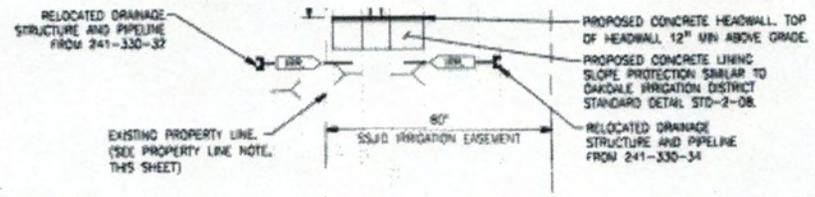
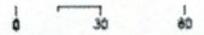
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Please consider the environment before printing this email.





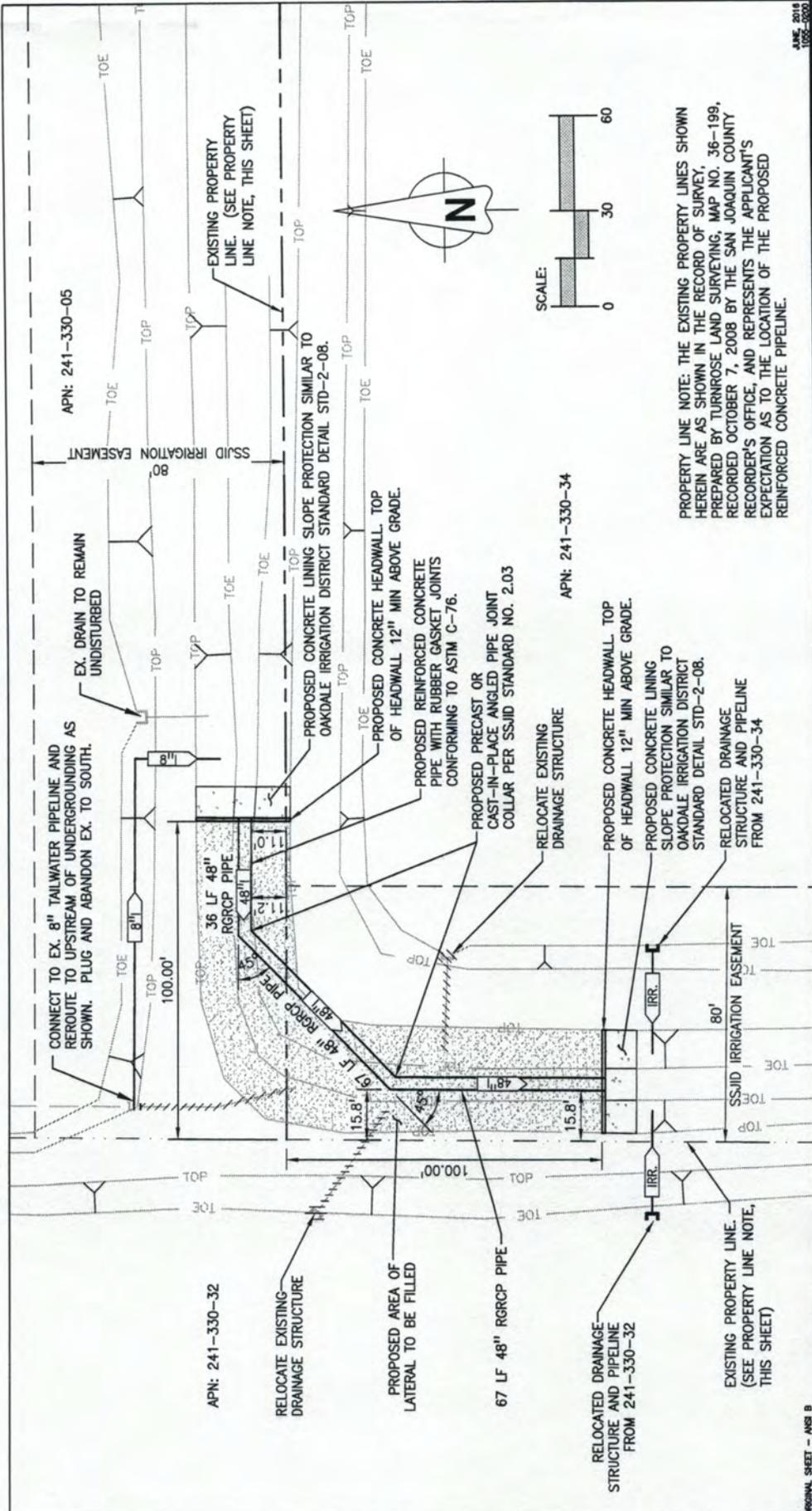
PROPERTY LINE NOTE: THE EXISTING PROPERTY LINES SHOWN HEREIN ARE AS SHOWN IN THE RECORD OF SURVEY, PREPARED BY TURNAGE LAND SURVEYING, MAP NO. 36-196, RECORDED OCTOBER 7, 2008 BY THE SAN JOAQUIN COUNTY RECORDER'S OFFICE, AND REPRESENTS THE APPLICANT'S EXPECTATION AS TO THE LOCATION OF THE PROPOSED REINFORCED CONCRETE PIPELINE.

SDJL 0407 - PG 2

W&M
CONSULTING ENGINEERS
 430 10th Street Tel: 209.568.4477
 Modesto, CA 95304 Fax: 209.568.4478

Prepared by
 B & L HARRIS ARCHES, LLC
 5540 LATERAL RD
 UNINCORPORATED
 Scale 1:0
 CONCEPTUAL LAYOUT

W:\10550200\01\design\drawing\sheet_files\exhibit\20160816_ss\jld\undr\20160701_ss\jld\undr.dwg
 2016/07/08 8:35 AM By: Rob Christensen



JUNE 2016
 1055-0000

PROPERTY LINE NOTE: THE EXISTING PROPERTY LINES SHOWN HEREIN ARE AS SHOWN IN THE RECORD OF SURVEY, PREPARED BY TURNROSE LAND SURVEYING, MAP NO. 36-199, RECORDED OCTOBER 7, 2008 BY THE SAN JOAQUIN COUNTY RECORDER'S OFFICE, AND REPRESENTS THE APPLICANT'S EXPECTATION AS TO THE LOCATION OF THE PROPOSED REINFORCED CONCRETE PIPELINE.

Client/Project
 W & L HARRIS RANCHES, LLC
 SSJID LATERAL 10
 UNDERGROUNDING
 Figure No. 1.0
 Title CONCEPTUAL LAYOUT

ORIGINAL SHEET - ANS B



W&L CONSULTING ENGINEERS
 430 10th Street
 Modesto, CA 95354
 Tel: 209.568.4477
 Fax: 209.568.4478

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

July 19, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337
MayorCouncilClerk@mantecagov.com
% lblackmon@ci.manteca.ca.us

Re: Manteca City Council July 19, 2016 Meeting Agenda Item for Preferred Alignment for the Dryland Levee (SB5) originally scheduled for 07/19/16 as noticed to the public by Drake Haglan and Associates at the Dryland Levee Public Workshops and listed in tonight's agenda under Section C, Community Development, and reports that the "Preferred Alignment for the Dryland Levee (SB5) will be heard at the August 16, 2016 Regular City Council Meeting"

Dear Council Members,

My name is Lucille Harris. I am the manager of W/L Harris Ranches, LLC ("Harris Ranches").

Harris Ranches owns approximately 37 acres of farmland described by APN 241-330-34 and is located at 21611 S. Airport Way in Manteca.

The property is further described as having a southern boundary line running along the interior quarter section center line of Section 13 as identified by monuments 10 and 11 and extending east to the east quarter corner of said Section 13 located at or near the center of Airport Way, as illustrated on Record of Survey 38-155 attached as **Exhibit "1"**. Record of Survey 38-155 also identifies the locations of Fonseca APN 241-330-05 and Cambra APN 241-330-36 to the north as well as adjacent parcels 241-330-08, 241-330-09 and 241-330-10 to the south.

To further clarify property lines for the Harris Ranches property parcel APN 241-330-34, I have attached three each survey maps as recorded in San Joaquin County, (a) 36-199 (b) 25-106 and (c) 6-127, attached as **Exhibits "2", "3" and "4"**, respectively.

I have enclosed a copy of the APN 241-330-34 deed recorded in San Joaquin County described in a document recorded on July 1, 1996, as Instrument No. 96069351, Official

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

Records, being more particularly described in the title document and Assessor's parcel map attached as **Exhibit "5"**.

In addition, the South San Joaquin Irrigation District ("SSJID") owns an easement and operates a surface tail water irrigation drain ("Drain #10") at or near the western and northern Harris Ranches APN 241-330-34 boundary lines.

This is evidenced in the recorded SSJID easement deed and map attached as **Exhibit "6"**.

At this time, Harris Ranches is aware of several dryland levee alignments that the City of Manteca is considering.

Further, Harris Ranches is informed and believes that the intent of the City of Manteca is to place all levee and other development-related infrastructure needed at or on easements or property boundary lines if at all possible.

I. **Concerns relating to conflicting Record of Surveys 37-150 and 38-155:**

On December 16, 2015, VVH Engineering Consultants ("VVH") recorded Record of Survey 38-155 that appears to have found and identified monument 11, represented as a $\frac{3}{4}$ rebar, tagged LS 7454 for center of section 13 per Record of Survey 36-199. The survey 36-199 was performed by Michael Turnrose. (**See Exhibits "1" and "2"**)

The 36-199 Record of Survey Map appears to call out an iron pin that represents the south west corner of the Harris Ranches property as further detailed in VVH's Record of Survey 38-155 recorded on 12/16/2015.

Harris Ranches calls your attention to a Record of Survey 37-150 (**See Exhibit "7"**) recorded on 12/14/2011 that appears to have not made any call or reference to the center of Section 13 iron pin that appears to have been called out on other deeds and surveys. (**See Exhibits "1", "2", "3", "4" and "5"**)

With this in mind, Harris Ranches once again calls your attention to Record of Survey 37-150 and the alleged relocation of the section corner common to Sections 11, 12, 13 and 14 that TLG believes was set in 2011 and tagged LS 6406 at the time of the 37-150 Record of Survey.

Subsequent to the alleged relocation of the section corner referenced above, the neighboring property immediately west of Harris Ranches, Terra Land Group, a single parcel consisting of APNs 241-330-32, 241-330-33 and 241-320-60, was contacted

W/L Harris Ranches, LLC

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by email and informed that the boundary lines of their property were incorrect. (**See Exhibit "8"**)

A parcel map 25-124 was included with the emailed letter and a quit claim document was also attached apparently for the purpose of expediting the process of changing the boundary lines previously accepted and recognized by neighboring property owners for many years. (**See Exhibit "8"**)

Of special concern is Harris Ranches belief that at least one local developing property owner in the area that may be affected by the 37-150 Record of Survey has apparently been invited to enter into a boundary line agreement to resolve any disputes with neighboring property owners while possibly protecting its property against the potential for any cloud on title. (**See Exhibit "9"**)

At this time, no one has contacted Harris Ranches about any affect that the 37-150 Record of Survey may have on its title or its property lines as well as SSJID Drain #10 easements and access road easements currently in place and benefitting Harris Ranches as well as other neighboring properties.

This should be of particular interest to the City of Manteca since it is Harris Ranches belief that any change to the Harris Ranches west property line will also change the boundary line identifying which areas are located within the city limits and governed by the City of Manteca and which areas are located outside the city limits and governed by San Joaquin County.

This leads Harris Ranches to believe that a boundary line agreement should be strongly considered, that once executed, will protect all property lines previously recognized and accepted to serve the best interests of everyone that may be affected.

In the meantime, Harris Ranches believes that it has no other equitable alternative other than to move forward with any improvements and more beneficial cultural plans on its property based on the boundaries and easement locations historically accepted and described on the survey maps referenced and attached to this letter.

This is especially important when you consider that two weeks ago, Harris Ranches submitted a map to SSJID as a preliminary step in constructing a culvert pipe crossing over the SSJID Drain #10 at or near the north west corner of the Harris Ranches property (**See Exhibit "10"**). The location of the culvert pipe crossing is

W/L Harris Ranches, LLC

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based on property lines represented in recorded deeds and surveys 36-199, 6-127, 25-106 and 38-155. (See Exhibits "1", "2", "3", "4" and "5")

In this way, Harris Ranches can move forward with improvements planned while relying on surveys and deeds previously recorded that have resulted in establishing easements and/or various occupation lines as evidenced by roadways, irrigation and drainage infrastructure and other improvements currently in place and positioned in reliance on those same surveys and deeds previously recorded.

As a result, Harris Ranches is looking to the City of Manteca, as the lead agency for development in southwest Manteca, to mitigate any and all costs associated with safeguarding and protecting the property rights of every landowner that may be affected by the alleged relocation of any section corner or quarter corner section marker or any alleged erroneous omission of any previously identified quarter section or center section monument that Harris Ranches believes and is concerned may have occurred relating to Record of Survey 37-150. (See Exhibits "1", "2", "3", "4", "5" and "7")

Thank you,



Lucille Harris
W/L Harris Ranches, LLC

LH/jas

Enclosures:

1. Ex. "1": Record of Survey 38-155 and Record of Survey 38-155A, VVH Consulting Engineers, recorded 12/16/2015
2. Ex. "2": Record of Survey 36-199, Turnrose Land Surveying, recorded 10/07/2008
3. Ex. "3": Map of Survey 25-106, John M. Lopes, recorded 04/15/1974
4. Ex. "4": Map of Survey 6-127, recorded 10/04/1945
5. Ex. "5": Grant Deed #2013-145352, San Joaquin County Recorder, recorded 11/22/2013
6. Ex. "6": Grant of Easement for Right of Way, recorded 01/23/1950
7. Ex. "7": Record of Survey 37-150, Keith Spencer, recorded 12/14/2011
8. Ex. "8": 09/30/2013 Letter from Kim Smith to Martin Harris
9. Ex. "9": Lot Line Adjustment for The Trails, City of Manteca, NorthStar Engineering Group, Inc. (dated 05/14/2015)

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

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10. Ex. "10": 07/06/2016 Email from VVH Consulting Engineers to Forest Killingsworth/SSJID

cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Elena Reyes, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer
San Joaquin County Department of Public Works, Surveyor's Division
Reclamation District No. 17

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

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EXHIBIT "1"

Record of Survey 38-155 and Record of Survey 38-155A, VVH Consulting Engineers,
recorded 12/16/2015

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

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EXHIBIT "2"

Record of Survey 36-199, Turnrose Land Surveying, recorded 10/07/2008

36-199

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AS REQUESTED BY JOHN AND CLARA PATTON AND REX ROBERTS IN JANUARY 2007.

Michael T. Turnrose
MICHAEL T. TURNROSE L.S. 7454
LICENSE EXPIRES 12/31/08



7-19-08

BASIS OF BEARINGS

THE BEARING NORTH 00°00'00" WEST BEING THE CENTERLINE OF AIRPORT WAY AND THE EAST LINE OF THE SW 1/4 CORNER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST AS SHOWN IN BOOK 9 OF PLAT MAPS AT PAGE 148 WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 6TH DAY OF OCTOBER 2008.

For: **John G. May**
THOMAS R. FLINN, R.C.L.E. 2441
COUNTY SURVEYOR
REGISTRATION EXPIRATION DATE:
12/31/09



RECORDER'S STATEMENT

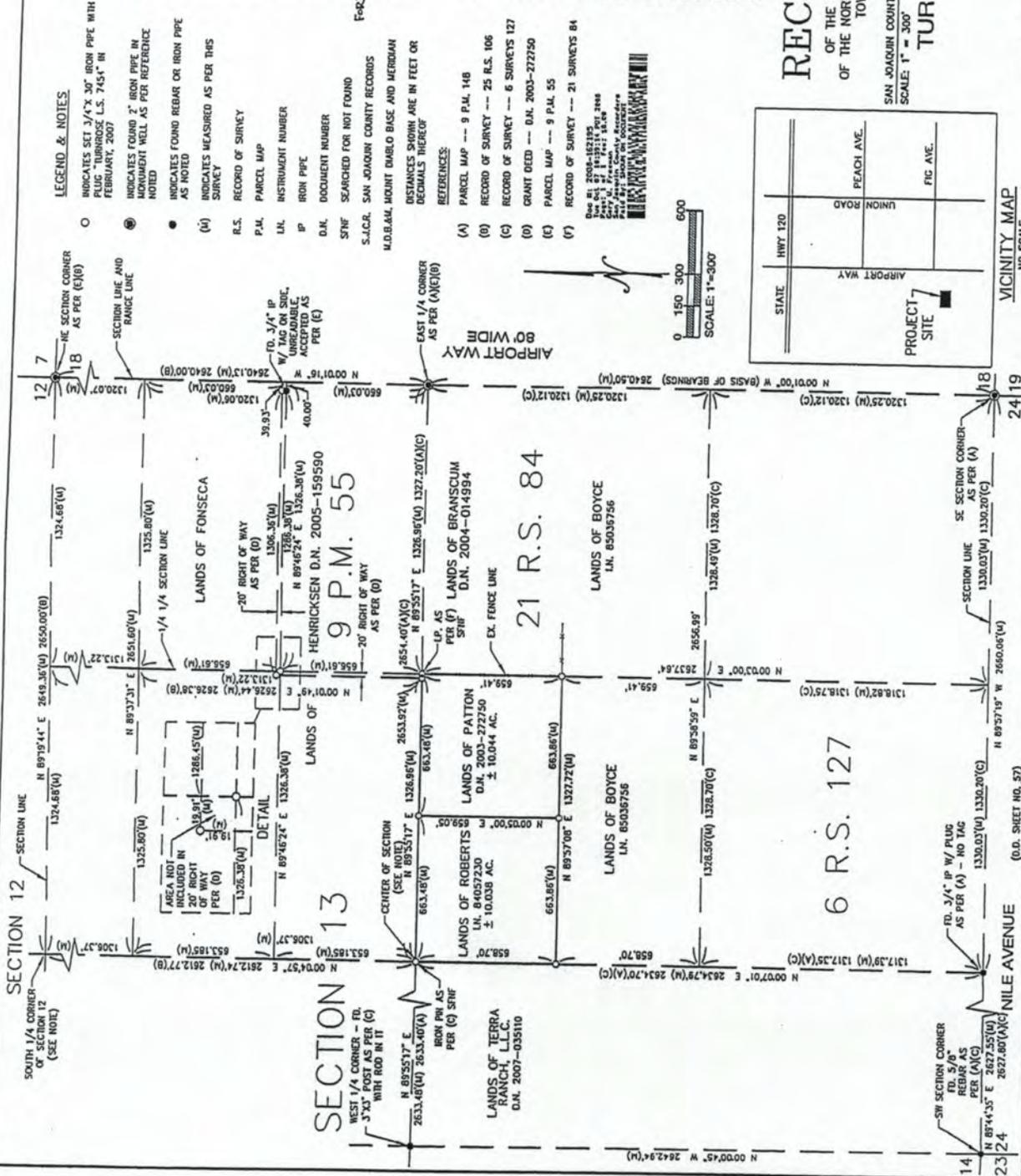
FILED THIS 1ST DAY OF October 2008,
AT 10:59 A.M. IN BOOK 216 OF SURVEYS,
AT PAGE 199
FEE: \$8.00
AT THE REQUEST OF MICHAEL TURNROSE.

Gayle W. Farnham
COUNTY CLERK
Deputy Recorder

NOTE: THE CENTER OF SECTION 13 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION USING FOUND MONUMENTS AT THE EAST AND WEST 1/4 CORNERS AND A RECORD BEARING AS PER (C) FROM THE FOUND MONUMENT AT THE SOUTH 1/4 CORNER. THE SOUTH 1/4 CORNER OF SECTION 13 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION AS PER (B). THE CENTERFALLS ON A LEVEL. SO ANY EVIDENCE IS ASSUMED TO HAVE BEEN SET ON FOUND MONUMENTS. (C) SHOWS NO EVIDENCE OF THE SOUTHWEST CORNER OF SECTION 13 HAVING BEEN ESTABLISHED. THIS SECTION WAS PARTIALLY INCLUDED IN THE SWAMP AND BURNED LANDS AS PER THE ORIGINAL GOVERNMENT PLAT DATED SEPTEMBER 16, 1868.

LEGEND & NOTES

- INDICATES SET 3/4" X 30" IRON PIPE WITH MONUMENT L.S. 7454 IN FEBRUARY, 2007
- INDICATES FOUND 2" IRON PIPE IN MONUMENT WELL AS PER REFERENCE NOTED
- INDICATES FOUND REBAR OR IRON PIPE AS NOTED
- (u) INDICATES MEASURED AS PER THIS SURVEY
- R.S. RECORD OF SURVEY
- P.M. PARCEL MAP
- LN. INSTRUMENT NUMBER
- IP IRON PIPE
- D.M. DOCUMENT NUMBER
- S.F.N. SEARCHED FOR NOT FOUND
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- M.D.B.A.M. MOUNT DIABLO BASE AND MERRIDAH DISTANCES SHOWN ARE IN FEET OR DECIMALS THEREOF



RECORD OF SURVEY

OF THE WEST AND EAST 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, M.D.B.&M.

SAN JOAQUIN COUNTY CALIFORNIA
SCALE: 1" = 300'
OCTOBER 2007

TURNROSE LAND SURVEYING

125 EAST MAIN STREET
SUITE 4
RIPON, CA 95366
PH: (209) 599-5100
FAX: (209) 599-5119

REV. 5/29/06

SHEET 1 OF 1 SHEET JOB NO. 07-01

36-199



VICINITY MAP
NO SCALE

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "3"

Map of Survey 25-106, John M. Lopes, recorded 04/15/1974

MAP OF SURVEY OF A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, T.2S, R.6E, M.D. 81M IN SAN JOAQUIN COUNTY, CALIFORNIA

BASIS OF BEARING:

The bearing N 0° 00' 00" W for the East line of the NE 1/4 of Section 13, T.2S, R.6E, M.D. 81M is taken from the Book of Surveys, Volume 6, Page 147, San Joaquin County Records.

MONUMENTS SET:

Iron pipes, 3/8" diameter, 30" long with brass tags attached stamped R.C.E. 14705 shown thus ———

SURVEYOR'S CERTIFICATE:

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyors Act of the State of California in December, 1973.



COUNTY SURVEYOR'S CERTIFICATE:

This map has been examined for conformance with the requirements of the Land Surveyors Act, this day of April, 1974.

Charles E. Hony
San Joaquin County Surveyor

I HEREBY CERTIFY that this record of survey of land complies with the provisions of the Subdivision Map Act, Chapter 2 (commencing with Section 1500) Division 4 of the Business and Professions Code and any applicable local ordinance enacted pursuant thereto.

Dated: 3/1/74

17821

RECORDER'S CERTIFICATE:

Filed this 25 day of April, 1974 at 2:10 P.M. in Book 25 of Surveys at page 145, at the request of John M. Lopez
Fee 5.00

George H. Lopez
San Joaquin County Recorder

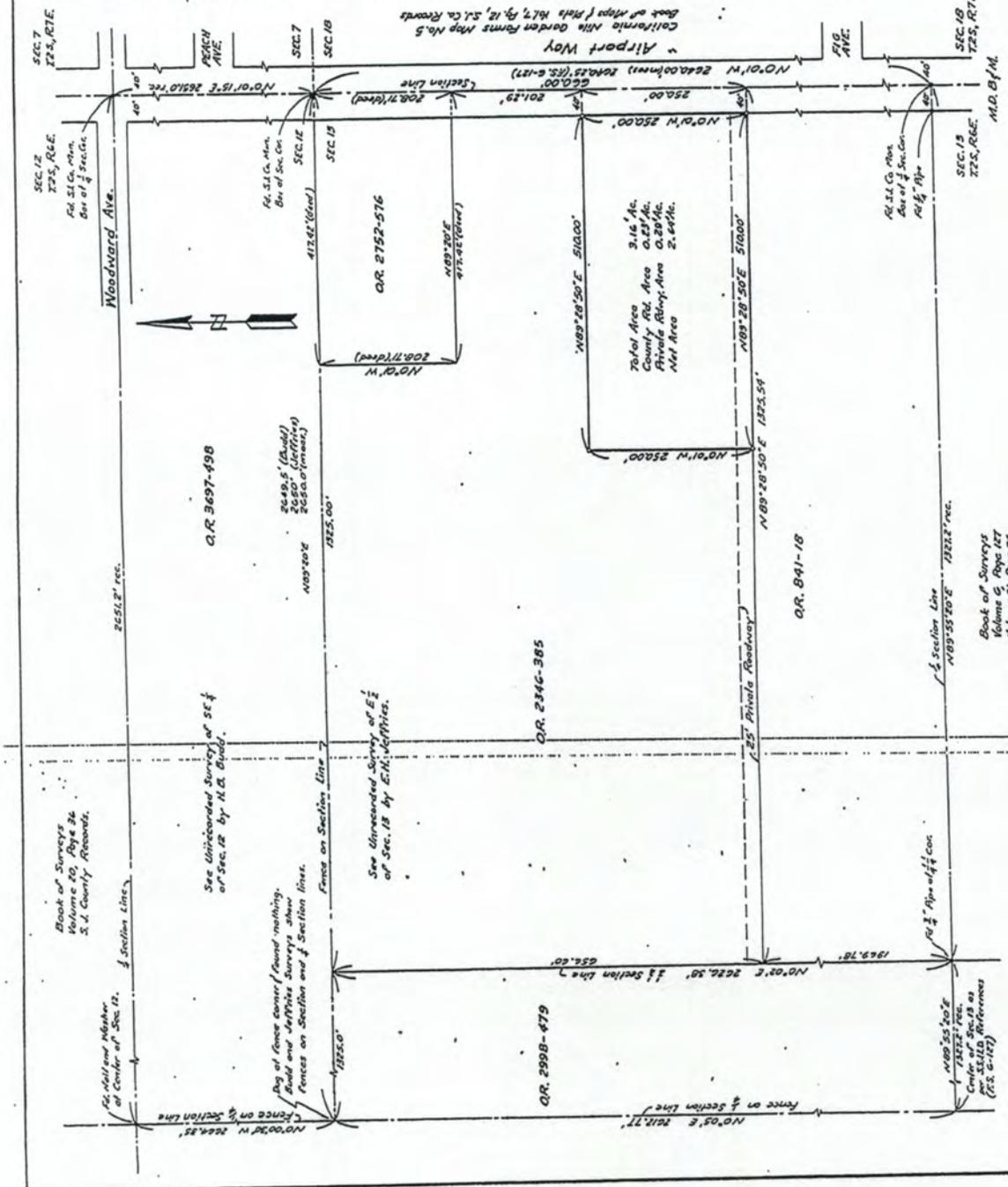
by

REFERENCES:

1. (P.S.) refers to filed survey by Volume and Page as filed in Book of Surveys, San Joaquin County Records.
2. (meas.) measured, (rec.) recorded.
3. This map represents a survey of Parcel A per Division of Land Map 74-61.

Surveyed by: John M. Lopez
CIVIL ENGINEER

Scale: 1" = 100'



SEC. 7
T2S, R7E

SEC. 12
T2S, R6E

SEC. 13
T2S, R6E

SEC. 14
T2S, R6E

SEC. 15
T2S, R6E

SEC. 16
T2S, R6E

SEC. 17
T2S, R6E

SEC. 18
T2S, R6E

SEC. 19
T2S, R6E

SEC. 20
T2S, R6E

SEC. 21
T2S, R6E

SEC. 22
T2S, R6E

SEC. 23
T2S, R6E

SEC. 24
T2S, R6E

SEC. 25
T2S, R6E

SEC. 26
T2S, R6E

SEC. 27
T2S, R6E

SEC. 28
T2S, R6E

SEC. 29
T2S, R6E

SEC. 30
T2S, R6E

SEC. 31
T2S, R6E

SEC. 32
T2S, R6E

SEC. 33
T2S, R6E

SEC. 34
T2S, R6E

SEC. 35
T2S, R6E

SEC. 36
T2S, R6E

SEC. 37
T2S, R6E

SEC. 38
T2S, R6E

SEC. 39
T2S, R6E

SEC. 40
T2S, R6E

SEC. 41
T2S, R6E

SEC. 42
T2S, R6E

SEC. 43
T2S, R6E

SEC. 44
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SEC. 45
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SEC. 46
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SEC. 47
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SEC. 48
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SEC. 49
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SEC. 50
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SEC. 51
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SEC. 52
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SEC. 53
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SEC. 54
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SEC. 55
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SEC. 56
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SEC. 57
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SEC. 58
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SEC. 59
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SEC. 61
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SEC. 62
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SEC. 63
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SEC. 64
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SEC. 65
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SEC. 66
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SEC. 67
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SEC. 68
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SEC. 69
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SEC. 70
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SEC. 73
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SEC. 74
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SEC. 75
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SEC. 76
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SEC. 77
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SEC. 78
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SEC. 79
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SEC. 80
T2S, R6E

SEC. 81
T2S, R6E

SEC. 82
T2S, R6E

SEC. 83
T2S, R6E

SEC. 84
T2S, R6E

SEC. 85
T2S, R6E

SEC. 86
T2S, R6E

SEC. 87
T2S, R6E

SEC. 88
T2S, R6E

SEC. 89
T2S, R6E

SEC. 90
T2S, R6E

SEC. 91
T2S, R6E

SEC. 92
T2S, R6E

SEC. 93
T2S, R6E

SEC. 94
T2S, R6E

SEC. 95
T2S, R6E

SEC. 96
T2S, R6E

SEC. 97
T2S, R6E

SEC. 98
T2S, R6E

SEC. 99
T2S, R6E

SEC. 100
T2S, R6E

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "4"

Map of Survey 6-127, recorded 10/04/1945

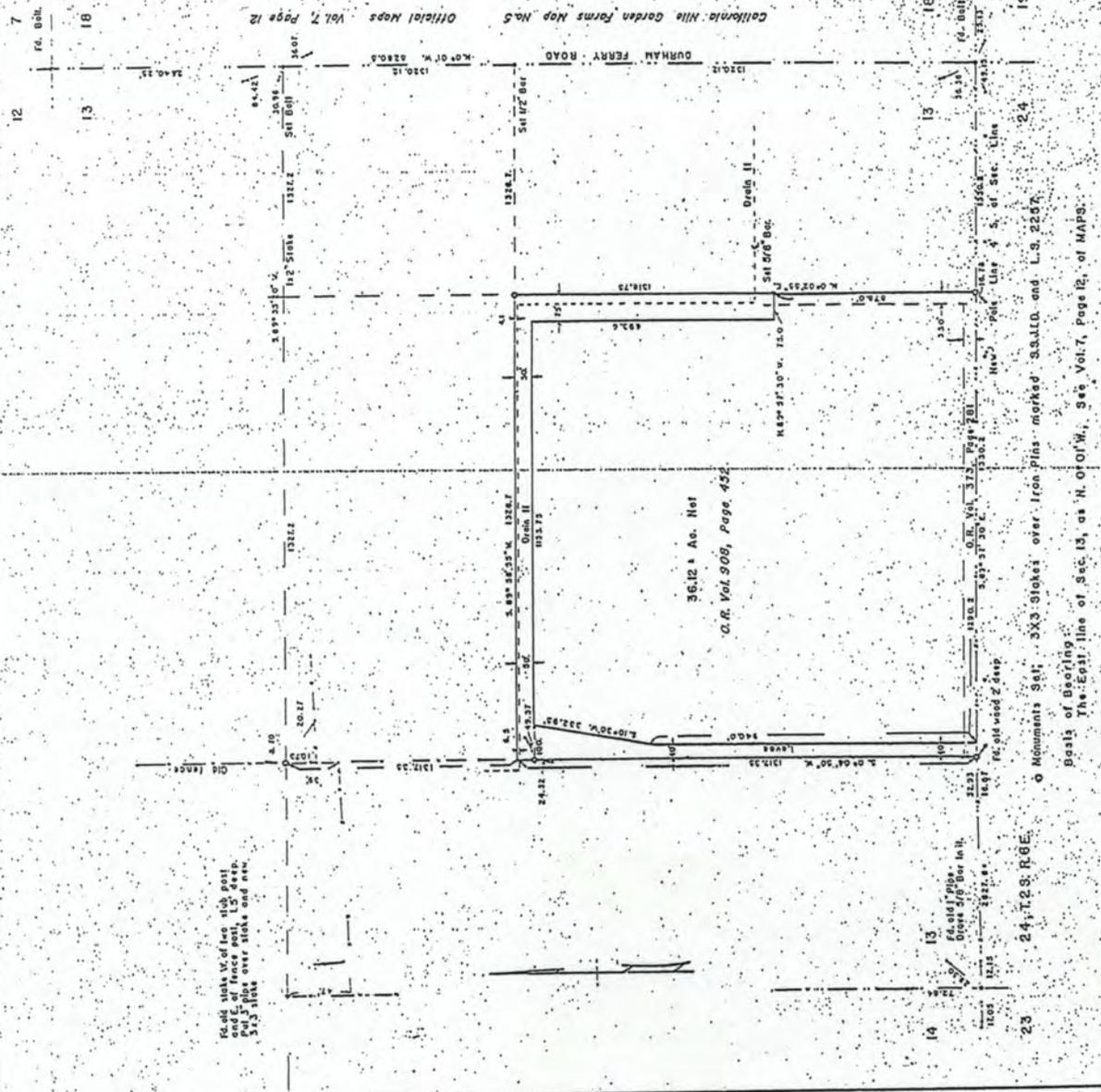
127

2/19/20
 filed for record at the request of
 South San Joaquin Irrigation District
 Dec 4 1946, 4152 minutes,
 post 5 - correct P.M. in post of
 Survey, Vol. 6 - 51 Page 127.
 San Joaquin County Records.
 F.W.B.

By *James D. Stanley*
 County Recorder
Martha Diller
 Deputy Recorder.

I hereby certify that I have
 examined this MAP or PLAT.
 Dated *Dec 2 1946*
George B. Manly
 County Surveyor of San Joaquin
 County, California.

MAP of SURVEY
 of
 S.W. 1/4 of S.E. 1/4 of Sec. 13, T.2.S.R.6E., M. D.B. & M.
 for
 SOUTH SAN JOAQUIN IRRIGATION DISTRICT
 September 1946. Scale 1 in. = 200 ft.
James D. Stanley
 County Recorder



Red stake 1/2 of iron pipe
 and 5/8\"/>

13
 64 old pipe
 1/2\"/>

24, T2S, R6E.

Monuments Set
 3X3 Stakes over Iron Pins - marked 3311D and L.S. 2257.
 Basis of Bearing
 The East line of Sec. 13, as N. of W. 1, Sec. Vol. 7, Page 12, of MAPS.

California Hills Garden Forms Map No. 5
 Official Maps Vol. 7, Page 12

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "5"

Grant Deed #2013-145352, San Joaquin County Recorder, recorded 11/22/2013

Doc #: 2013-145352

11/22/2013 08:23:31 AM

Page 1 of 2 Fee: \$27.00 Tax Paid: \$1,430.00

Kenneth W. Blakemore

San Joaquin County Recorder

Paid By: PLACER TITLE - 10019 - SAN JOAQUIN

RECORDING REQUESTED BY

Placer Title Company

Escrow Number: 1002-16669-S.G.

AND WHEN RECORDED MAIL TO

W & L HARRIS RANCHES, LLC
5151 E. ALMONDWOOD DR
MANTECA, CA 95337

SPACE ABOVE THIS LINE FOR RECORDER'S USE
GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$1,430.00 City Transfer Tax: \$0.00

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, LAWRENCE S. HENRICKSEN AND JANICE L. HENRICKSEN, TRUSTEES OF THE HENRICKSEN TRUST AGREEMENT DATED JUNE 28, 2010 AND RICHARD K. HENRICKSEN AND LILLI ROSE HENRICKSEN, TRUSTEES OF THE HENRICKSEN REVOCABLE TRUST DATED JUNE 27, 2005 ; AND RIVKAH KATHLEEN SASS , A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY

Hereby GRANT(S) to W & L HARRIS RANCHES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

THAT PARCEL SHOWN UNDER "EXHIBIT B" ON THAT CERTAIN NOTICE OF LOT LINE ADJUSTMENT EVIDENCED BY DOCUMENT RECORDED JULY 1, 1996, AS INSTRUMENT NO. 96069351, OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF PARCEL A AND PARCEL B, AS SHOWN ON THE PARCEL MAP THEREOF FILED IN BOOK 9 OF PARCEL MAPS, PAGE 55, SAN JOAQUIN COUNTY RECORDS, LYING IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID PARCEL B, BEARING SOUTH 89° 55' 20" WEST, 20 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 89° 55' 20" WEST, ALONG THE INTERIOR QUARTER SECTION LINE OF SECTION 13, A DISTANCE OF 2294.75 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B, ALSO BEING THE CENTER OF SECTION 13; THENCE NORTH 00° 05' 00" EAST ALONG THE SOUTH-NORTH INTERIOR QUARTER SECTION LINE, 653.20 FEET TO THE NORTHWEST CORNER OF SAID PARCEL B; THENCE NORTH 89° 46' 31" EAST ALONG THE NORTH LINE OF PARCEL B, 2613.27 FEET TO THE WEST RIGHT-OF-WAY LINE OF AIRPORT WAY, AS SHOWN ON SAID BOOK 9 OF PARCEL MAPS, PAGE 55; THENCE SOUTH 00° 01' 00" EAST ALONG SAID RIGHT-OF-WAY LINE, 333.07 FEET TO A POINT WHICH BEARS NORTH 00° 01' 00" WEST, 116.33 FEET FROM THE NORTHEAST CORNER OF PARCEL A, AS SHOWN ON BOOK 6 OF PARCEL MAPS, PAGE 155, SAN JOAQUIN COUNTY RECORDS; THENCE SOUTH 89° 55' 20" WEST, PARALLEL WITH THE SOUTH LINE OF PARCELS A & B, A DISTANCE OF 319.65 FEET; THENCE SOUTH 00° 01' 00" EAST, PARALLEL WITH THE WEST LINE OF PARCEL A, A DISTANCE OF 326.83 FEET TO THE POINT OF BEGINNING.

APN: 241-330-34

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

Dated: November 18, 2013
SIGNATURE PAGE FOR GRANT DEED

THE HENRICKSEN TRUST AGREEMENT DATED JUNE 28, 2010

THE HENRICKSEN REVOCABLE TRUST DATED JUNE 27, 2005

By: Lawrence S. Henricksen
LAWRENCE S. HENRICKSEN, TRUSTEE

By: Richard K. Henricksen
RICHARD K. HENRICKSEN, TRUSTEE

By: Janice L. Henricksen
JANICE L. HENRICKSEN, TRUSTEE

By: Lilli Rose Henricksen
LILLI ROSE HENRICKSEN, TRUSTEE

By: Rivkah Kathleen SASS
RIVKAH KATHLEEN SASS

STATE OF CALIFORNIA
COUNTY OF San Joaquin

On Nov. 20, 2013 before me, Sherry L. Gumm, Notary Public,

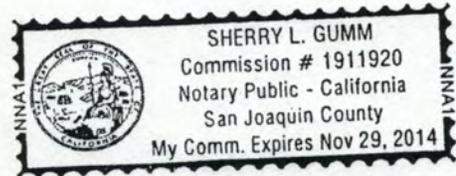
personally appeared Lawrence S. Henricksen, Janice L. Henricksen, Richard K. Henricksen, Lilli Rose Henricksen + Rivkah Kathleen SASS

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Sherry L. Gumm
Commission Expiration Date: Nov. 29, 2014



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "6"

Grant of Easement for Right of Way, recorded 01/23/1950

JD
STATE OF CALIFORNIA)

COUNTY OF SACRAMENTO)

ss.

On this 20th day of January in the year 1950, before me, a notary public in and for the County of Sacramento, State of California, personally appeared CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS, and known to me to be the person whose name is subscribed to the within certificate and acknowledged to me that he executed the same.

(Notary Seal) Mary G. Lozanich, Notary Public in and for the County of Sacramento, State of California.

1954. recorded at Request of STATE OF CALIFORNIA, JAN. 23, 1950 at 44 min. past 9 o'clock A.M. in book of Official records, Vol. 1240, page 307, San Joaquin County records.

Fees: \$Dh

John D. Finney, Recorder

JD

COMPARED Manteca, California

OFFICE OF THE BOARD OF DIRECTORS OF THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT

I hereby certify that the attached Grant of Easement was duly accepted and ordered recorded by the Board of Directors of the South San Joaquin Irrigation District at their meeting held January 17, 1950 and as recorded in Permanent Records of the said District in Volume 13, page 251.

ATTEST:

(Seal) S.L. Steele (S. L. Steele), Secretary
South San Joaquin Irrigation District
A. Hill

Dated: January 20, 1950.

GRANT OF EASEMENT FOR RIGHT OF WAY

IN CONSIDERATION of the benefits to him derived, Joe G. Vieira does hereby grant unto the South San Joaquin Irrigation District a Right-of-Way for an open or piped drain in Section 13, Township 2 South, Range 6 East, M.D.B. & M. more particularly described as follows, to wit:

The West 80 ft. of the South 1/2 of the S.W. 1/4 of the N.E. 1/4 and the South 80 ft. of the N. 1/2 of the S.W. 1/4 of the N.E. 1/4; and the N. 80 ft. of the S. 105 ft. of the N. 1/2 of the S.E. 1/4 of the N.E. 1/4 of Sec. 13, Township 2 South, Range 6 East and containing 6.01 Ac. more or less.

Said drain to be known as Drain #10 of the South San Joaquin Irrigation District and shown on Map in File A-1-3-130 in the office of the South San Joaquin Irrigation District at Manteca, California.

Together with right of ingress and egress to and from said strip of land for purposes of Grantee.

IT IS A CONDITION of this Grant that the Grantee will construct, maintain and operate on said Right-of-Way a Drainage Canal belonging to the Grantee herein and comprising a portion of their general drainage system.

THE GRANTEE herein agrees to install 24-30 inch diameter culverts, 24 feet in length in said Drainage Canal at such points as requested by the Grantor.

THE GRANTEE is to use all due and proper care in the construction, maintenance and operation of said Drainage Canal so as to cause as little damage as possible to the adjacent lands of the Grantor.

IN THE EVENT that said Drainage Canal is abandoned as evidenced by a proper resolution passed by the Board of Directors of the Grantee herein, said strip of land herein granted shall be returned by the Grantee herein to the Grantor, his heirs, successors or assigns.

THIS GRANT OF EASEMENT shall constitute a covenant running with the land traversed thereby and shall be binding upon the Grantor, his heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has herein put his name and seal this 5th day of January, 1950.

STATE OF CALIFORNIA)

Joe G. Vieira

(Joe G. Vieira)

County of San Joaquin)

ss.

On this 5th day of January in the year one thousand nine hundred and fifty, before me, Linford J. Brown, a Notary Public in and for the County of San Joaquin, State of California, personally appeared Joe G. Vieira known to me to be the person whose name is subscribed to the within instrument and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of San Joaquin, the day and year in this certificate first above written.

(Notary Seal)

Linford J. Brown, Notary Public in and for the County of San Joaquin, State of California.

My Commission Expires April 21, 1952.

1950. Recorded at Request of SOUTH SAN JOAQUIN IRRIGATION DISTRICT, JAN. 23, 1950 at 45 min. past 9 o'clock A.M. in Book of Official Records, Vol. 1246, page 302, San Joaquin County Records.

Fees: \$5.00

John D. Finney, Recorder

JD

COMPARED

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT
Certificate of Amount of Contributions, Interest and Penalties Due
(Filed Pursuant to Section 47.10 of the Unemployment Insurance Act)

STATE OF CALIFORNIA ss. THE DIRECTOR OF EMPLOYMENT hereby certified that EDWIN SALARI, individually and doing business as "CITY BEAT MARKET" hereinafter referred to as the employer, is liable to the State of California for amounts due from and required to be paid by said employer and duly levied and determined under the provisions of the Unemployment Insurance Act for the period beginning on the 1st day of January, 1949, and ending on the 6th day of August, 1949, in the amount of \$713.38, to wit: contributions \$577.20; interest \$20.95; penalties \$174.57; that further interest will accrue at one-half of one per cent a month, or fraction thereof, in accordance with Section 45 of the California Unemployment Insurance Act, until paid; that the address of said employer as it appears on the records of the Department of Employment is 303 North Santa Cruz, Modesto, California, and that the Department of Employment has complied with all provisions of the Unemployment Insurance Act in the determination of the amount required to be paid.

IN WITNESS WHEREOF, The said Director of Employment has caused this certificate to be issued in his name by his duly authorized representative, CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS.

Dated January 10, 1950.

DEPARTMENT OF EMPLOYMENT
CHARLES J. ROSS, Director of Employment
by Charles J. Ross --

Account No. 43-474

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

ss.

On this 7th day of January in the year 1950, before me, a notary public in and for the County of Sacramento, State of California, personally appeared CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS, and known to me to be the person whose name is subscribed to the within certificate and acknowledged to me that he executed the same.

(Notary Seal)

Mary C. Lozandich, Notary Public in and for the County of Sacramento, State of California.

1950. Recorded at Request of STATE OF CALIFORNIA, Jan. 27, 1950 at 48 min. past 9 o'clock A.M. in Book of Official Records, Vol. 1246, page 304, San Joaquin County Records.

Fees: \$5.00

John D. Finney, Recorder

JD

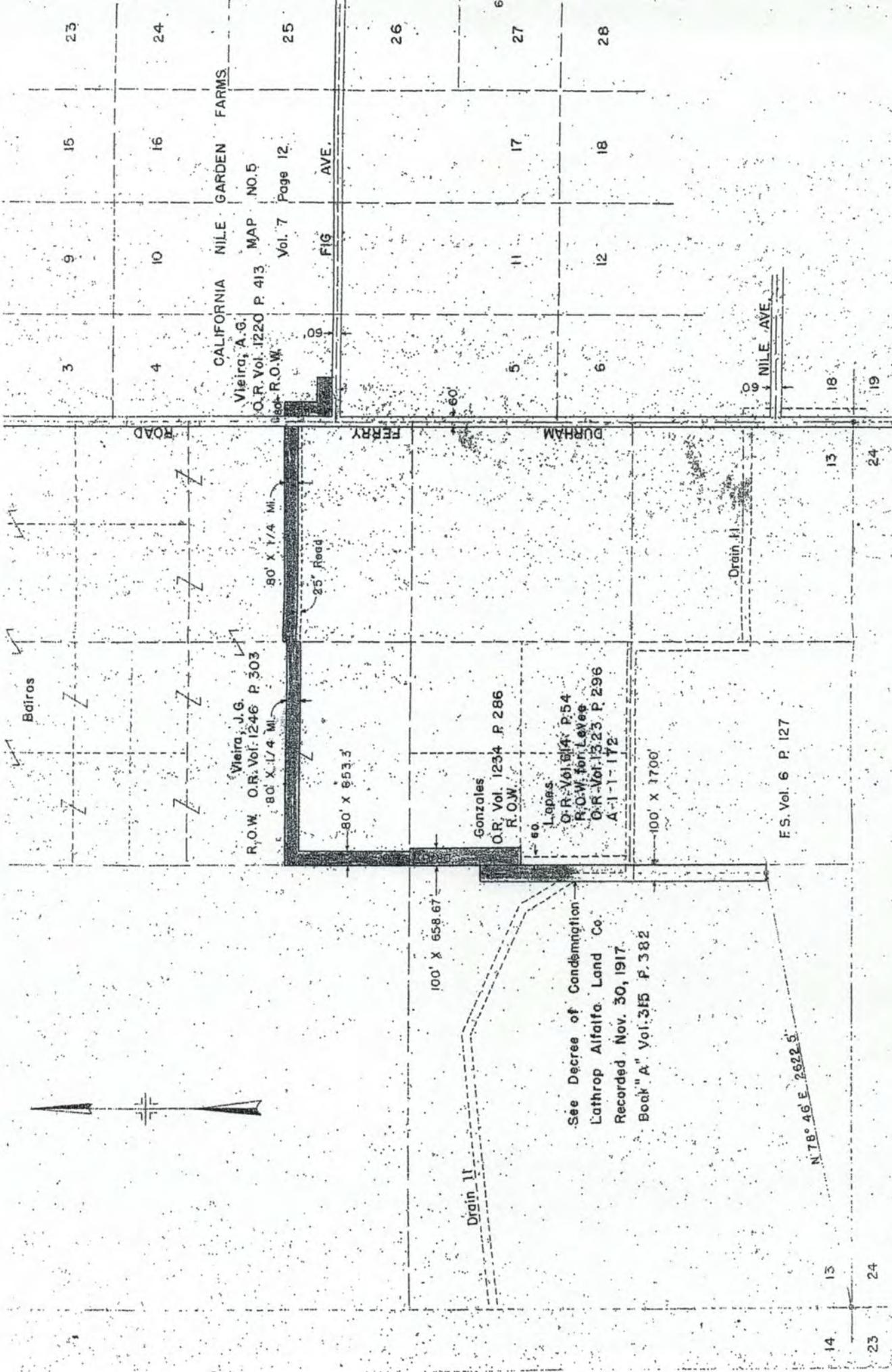
COMPARED

Quitclaim Deed

This Indenture made the 19th day of December one thousand nine hundred and 49 Between Joe Coniglio and Horace Coniglio and Mary Coniglio, his wife, the parties of the first part, and Philip Coniglio a single man, the party of the second part,

Witnesseth: That the said parties of the first part, in consideration of the sum of Ten dollars, lawful money of the United States of America, to them in hand paid by the part- of the second part, the receipt whereof is hereby acknowledged, do hereby release and forever QUITCLAIM unto the party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land situate in the County of San Joaquin, State of California, and bounded and described as follows, to wit:

THEIR UNDIVIDED INTEREST as it may appear, to the following property:
Parcel No. 1. Containing 120 Acres more or less, known as the BARE Ranch,



This plot is inserted for location purposes only and no responsibility is assumed hereunder. R.A.B.

SOUTH SAN JOAQUIN IRRIGATION DISTRICT
MANTECA, CALIFORNIA

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "7"

Record of Survey 37-150, Keith Spencer, recorded 12/14/2011

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "8"

09/30/2013 Letter from Kim Smith to Martin Harris

KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON

ATTORNEYS AT LAW
7540 SHORELINE DRIVE
STOCKTON, CALIFORNIA 95219
Telephone: (209) 478-2000
Facsimile: (209) 478-0354
Website: www.kroloff.com

THOMAS O. PERRY
GARY CHRISTOPHERSON
CHRISTOPHER ENGH
VELMA K. LIM
KIM A. SMITH
KATHLEEN M. ABDALLAH
ALLISON CHERRY LAFFERTY
LAURIE BELL SCHRUM
KERRY L. KRUEGER
SCOTT R. ROOKER
ODNA E. MALLET
JAMIE M. BOSSUAT

YALE S. KROLOFF
(1007-1007)
.....
RICHARD BELCHER
(1013-1007)
.....
CLAUDE H. SMART, JR.
RETIRED
.....
J. DOUGLAS VAN SANT
RETIRED
.....
DENNIS DONALD GEIGER
OF COUNSEL
.....

September 30, 2013

Via Email

Marty Harris
5151 E. Almondwood Drive
Manteca, CA 95337
mharris.tuffboy@gmail.com

Re: Property Previously Owned By Terra Ranch, LLC

Dear Marty:

Bill Filios has asked me to contact you regarding an error or discrepancy in the legal description of the real property commonly known as Terra Ranch, which real property was sold by Terra Ranch Properties, LLC (Anderson's LLC) to McKinley Crossing, LLC in an escrow that closed on December 29, 2011. In that regard, I enclose a copy of the Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC. Also enclosed is a copy of the Parcel Map which was recorded on December 14, 2011. The legal description attached to the Grant Deed specifically refers to Parcels A and B as created by the Parcel Map.

The error in the legal description for the Terra Ranch property has nothing to do with the Parcel Map but was detected by Northstar Engineering in 2011 when the Parcel Map was generated and was being processed. In that regard, I refer you to the sliver of land that is highlighted in yellow on the attached Parcel Map. That sliver or strip comprises approximately 4.3 acres and, according to Keith Spencer at Northstar Engineering, never should have been included in the various legal descriptions for the Terra Ranch property. Specifically, Keith advises that the origin of the erroneous legal description can be traced back to one or more deeds in the chain of title that were recorded in 1968 and before. According to Keith, the rightful owner of the 4.3-acre sliver of land is The Rosi Cerri Foundation, Inc., the adjoining property owner.

Manteca Development Group, LLC, an entity in which Bill Filios has an interest, is under contract to purchase the real property owned by The Rosi Cerri Foundation. The error in the historical legal descriptions for the Terra Ranch property is creating a cloud on the Foundation's title, and Placer Title Company has indicated that this cloud can be removed or eliminated by the recordation of a quitclaim deed to be executed by Terra Land Group, LLC (formerly Terra Ranch, LLC). The proposed Quitclaim Deed is attached. A similar quitclaim deed is being requested of Terra Ranch Properties, LLC.

Please feel free to contact Bill, me or Keith Spencer in the event you have any questions regarding this matter. I realize that the signature block on the Quitclaim Deed may have to be revised, and it would be appreciated if you would let me know who is authorized to execute the Quitclaim Deed on behalf of Terra Land Group, LLC. I will see that the document is revised as needed.

In the event of any dispute or disagreement between Manteca Development Group, LLC and you regarding the execution and return of the Quitclaim Deed, my firm's prior and ongoing representation of Bill, you, and your related entities will prevent my firm from representing any party in the disputed matter.

Very truly yours,



KIM A. SMITH

KAS:kd

Enclosures: Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC
Parcel Map
Proposed Quitclaim Deed

cc: William Filios (via email billfilios@yahoo.com)
Mike Bogdanos (via email mbogdanos@placertitle.com)
Keith Spencer (via email kspencer@nseng.net)
Brian Jones (via email brianj@nseng.net)
Shirley Treat (via email streat@placertitle.com)

RECORDING REQUESTED BY
PLACER TITLE COMPANY

Escrow Number: 1002-14619-ST

AND WHEN RECORDED MAIL TO

MCKINLEY CROSSING, LLC
120 MANTECA AVENUE
MANTECA, CA. 95388

Doc #: 2011-163817
12/29/2011 08:43:34 AM
Page 1 of 3 Fee: \$20.00
Kenneth W. Blakemore
San Joaquin County Recorder
Paid By: Placer Title - 10019 - San Joaquin Title Plant

A.P.N.: 241-320-59

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):

- Documentary transfer tax is Tax Paid; Section 11832 R & T Code City Transfer Tax
- () Unincorporated Area (X) City of MANTECA
- (X) computed on full value of property conveyed, or
- () computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, TERRA RANCH PROPERTIES, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

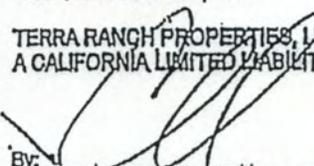
Hereby GRANT(S) to MCKINLEY CROSSING, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY
OF MANTECA, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR FULL LEGAL DESCRIPTION

Dated: December 21, 2011

TERRA RANCH PROPERTIES, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

By: 
CRAIG BARTON, ITS MANAGER

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS
DIRECTED ABOVE

Name

NAME AS ABOVE
Street Address

City & State

04/20/2012 (10/2011)

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

On December 27, 2011 before me, H. Terrill, Notary Public,
personally appeared Craig Barton

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,
Signature: H. Terrill
Commission Expiration Date: July 21, 2015



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name _____ Street Address SAME AS ABOVE City & State _____
0:\gml\ct.doc (4/2011)

1002-14519-ST

EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF MANTEGA, AND IS DESCRIBED AS FOLLOWS:

PARCELS A AND B AS SHOWN ON THE PARCEL MAP RECORDED IN THE CITY OF MANTEGA, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AS PARCEL MAP RECORDED DECEMBER 14, 2011, IN BOOK 25 AT PAGE 124, SAN JOAQUIN COUNTY RECORDS.

APN: 241-320-59

25-124

PARCEL MAP

BEING A SUBDIVISION THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 4 EAST, MOUNT DIABLO BASIN AND MENDOCINO, CITY OF MANTENO, SAN JOAQUIN COUNTY, CALIFORNIA

NORTHSTAR ENGINEERING GROUP, INC.
509 14th Street, Modesto, CA 95354
(209) 524-3525



VICINITY MAP - NO SCALE

NOTARIES STATEMENT:

I, THE UNDERSIGNED, HEREBY STATE THAT I AM AN ELIGIBLE PUBLIC OFFICER IN THE STATE OF CALIFORNIA AND THAT I AM A MEMBER OF THE COUNTY OF SAN JOAQUIN, CALIFORNIA.

DATE: 10-27-11
BY: Craig Barber, Manager

COMPANY NAME: NORTHSTAR ENGINEERING GROUP, INC.

BY: Jim Larsen, Senior Vice President

UNITED SIGNATURES

ASSAYER TO RECORDS: 6844 AND 6845 OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES ARE EACH VALID AND CORRECT FOR THE PURPOSES OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES ARE EACH VALID AND CORRECT FOR THE PURPOSES OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES ARE EACH VALID AND CORRECT FOR THE PURPOSES OF THE SUBDIVISION MAP ACT.

NOTARIES ACKNOWLEDGEMENT:

I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as presented to me by H. Terrill on 10-27-2011 at Modesto, CA.

NOTARIES ACKNOWLEDGEMENT:

I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as presented to me by Victor Lujan Cardona on 10-27-11 at Modesto, CA.

5/11/12 San Joaquin County Seal

SURVEYORS STATEMENT:

WE HAVE EXAMINED THE RECORDS OF THE COUNTY OF SAN JOAQUIN, CALIFORNIA, AND HAVE FOUND THAT THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES ARE EACH VALID AND CORRECT FOR THE PURPOSES OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES ARE EACH VALID AND CORRECT FOR THE PURPOSES OF THE SUBDIVISION MAP ACT.

DATE: 10-27-11
BY: [Signature]

COUNTY SURVEYORS STATEMENT:

I, [Signature], COUNTY SURVEYOR OF SAN JOAQUIN COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS PRESENTED TO ME BY [Signature] ON 10-27-11 AT Modesto, CA.

CITY ENGINEERS STATEMENT:

I, [Signature], CITY ENGINEER OF SAN JOAQUIN COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS PRESENTED TO ME BY [Signature] ON 10-27-11 AT Modesto, CA.

RECORDERS STATEMENT:

THIS INSTRUMENT IS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAN JOAQUIN COUNTY, CALIFORNIA, ON 10-27-11 AT Modesto, CA.

RECORDERS STATEMENT:

THIS INSTRUMENT IS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAN JOAQUIN COUNTY, CALIFORNIA, ON 10-27-11 AT Modesto, CA.

RECORDERS STATEMENT:

THIS INSTRUMENT IS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAN JOAQUIN COUNTY, CALIFORNIA, ON 10-27-11 AT Modesto, CA.

25-124

25-124

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

The Rosi Cerri Foundation, Inc.
P.O. Box 1607
Stockton, CA 95201-1607

Escrow No.

Space Above This Line for Recorder's Use

QUITCLAIM DEED

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$-0-

- Computed on full value of property conveyed, or
 Computed on full value less value of liens and encumbrances
remaining at time of sale.
 Unincorporated area: x City of Manteca

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

TERRA LAND GROUP, LLC, a California limited liability company

does hereby remise, release and forever quitclaim to

THE ROSI CERRI FOUNDATION, INC., a California non-profit corporation

the following described Real Property in the State of California, County of San Joaquin, City of Manteca, more particularly described as follows:

THE WEST ONE-HALF (W-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPT ALL THAT PORTION IN THE ROAD ALONG THE NORTH LINE OF THE PREMISES.

APN: 241-320-20

Dated: _____

TERRA RANCH PROPERTIES, LLC,
A California limited liability company

BY: _____
Manager/Member

BY: _____
Manager/Member

STATE OF CALIFORNIA,) ss.

COUNTY OF)

On _____, before me the undersigned a Notary Public in and for said County and State personally appeared _____

proved to me on the basis of satisfactory evidence to be the person (s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s) or the entity upon behalf of which the person (s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature _____

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE. IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE.

Grantee at address above

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "9"

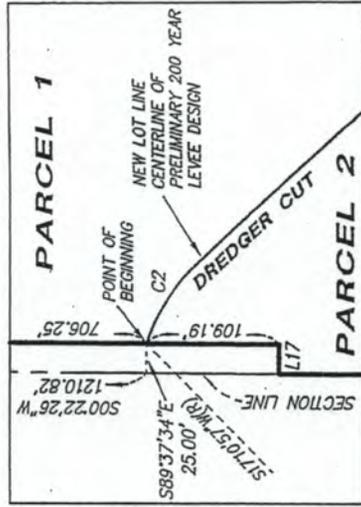
Lot Line Adjustment for The Trails, City of Manteca, NorthStar Engineering Group, Inc. (dated
05/14/2015)

LINE TABLE

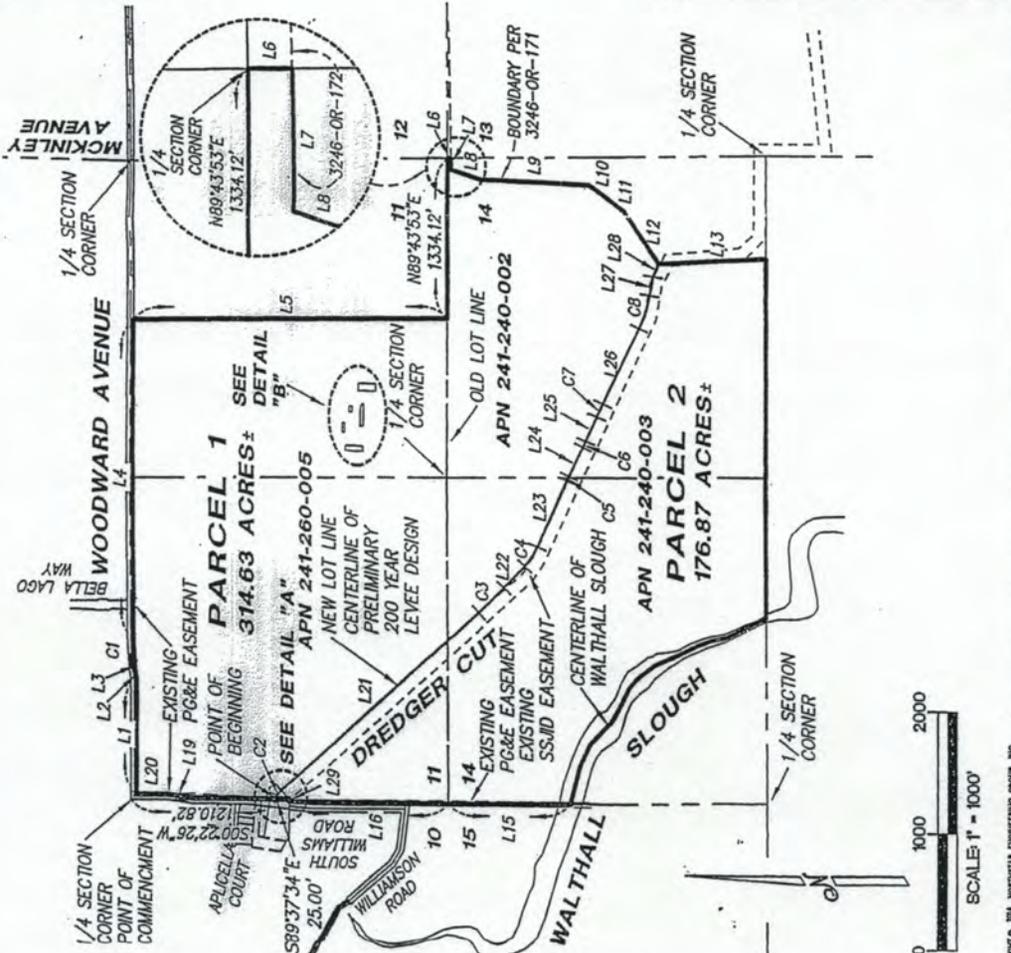
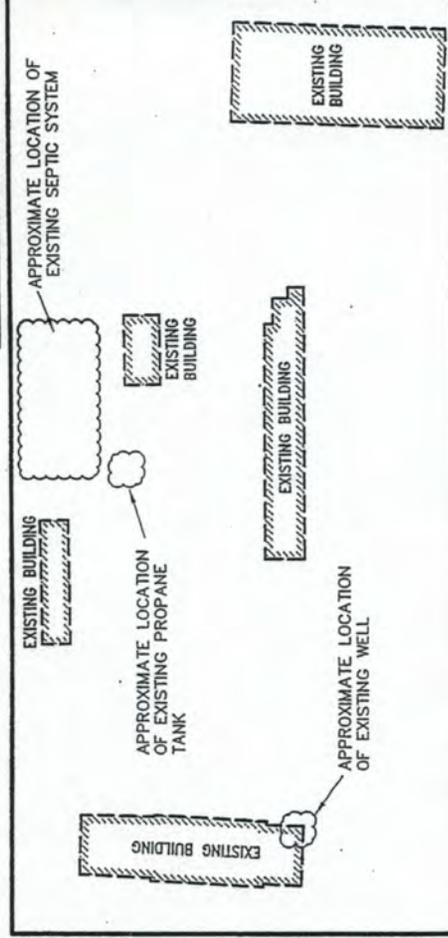
LINE	BEARING	LENGTH
L1	N 89°46'40" E	992.59'
L2	N 78°14'00" E	63.44'
L3	N 85°22'40" E	73.30'
L4	N 89°46'40" E	2658.99'
L5	S 00°19'34" E	2807.50'
L6	S 00°32'46" E	29.70'
L7	N 89°15'20" E	95.54'
L8	S 19°51'03" W	251.45'
L9	S 02°27'01" W	900.12'
L10	S 36°29'21" W	251.33'
L11	S 36°29'21" W	114.87'
L12	S 56°35'40" W	524.32'
L13	S 02°57'08" E	885.97'
L14	S 89°40'49" W	2984.47'±
L15	S 00°28'48" E	1009.07'±
L16	S 00°22'26" W	1315.85'
L17	N 89°40'34" W	25.00'
L18	S 00°22'26" W	815.39'
L19	S 07°33'16" W	200.00'
L20	N 00°22'26" E	256.65'
L21	N 41°49'10" W	2188.26'
L22	N 46°32'27" W	251.43'
L23	N 66°28'34" W	602.09'
L24	N 63°58'41" W	267.34'
L25	N 67°03'49" W	221.13'
L26	N 64°46'41" W	704.49'
L27	N 80°20'28" W	157.82'
L28	N 66°21'43" W	118.97'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	4°24'00"	2266.83'	174.08'
C2	30°53'15"	150.00'	80.86'
C3	4°43'17"	3550.00'	292.53'
C4	19°56'08"	550.00'	191.37'
C5	2°29'53"	950.00'	41.42'
C6	3°05'08"	1050.00'	56.54'
C7	2°17'08"	2950.00'	117.68'
C8	15°33'47"	1050.00'	265.21'



DETAIL "A"

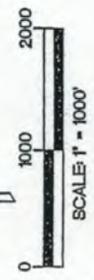


DATE	J11-09
SCALE	05/14/15
REVISION	AS SHOWN
DESIGNED	NM
CHECKED	NM
DATE	NM
BY	NM

THE TRAILS
LOT LINE ADJUSTMENT
 CALIFORNIA
 CITY OF MANTECA

North Star
 Engineering Group, Inc.
 • CIVIL ENGINEERING • SURVEYING • PLANNING •
 620 12th Street
 Manteca, CA 95304
 (209) 324-3325 Phone (209) 324-3326 Fax

DETAIL "B"
 SCALE: 1" = 80'



COURTESY: ZILL, INVESTMENT ENGINEERING GROUP, INC.

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "10"

07/06/2016 Email from VVH Consulting Engineers to Forest Killingsworth/SSJID

From: Rob Christensen rchristensen@vvhce.com
Subject: Proposed Drain 10 Undergrounding | W&L Harris Ranches
Date: July 6, 2016 at 2:04 PM
To: fkillingsworth@ssjd.com
Cc: wlharrisventures@gmail.com

Hi Forest,

Thanks for meeting with us last month to discuss the proposed undergrounding of Drain 10 on the Harris property. Based on that meeting, we've prepared a preliminary plan of the proposed undergrounding and have attached it for your review. Please review the attached drawing and let me and Marty Harris know of any comments you might have. If you need any additional information, please let us know.

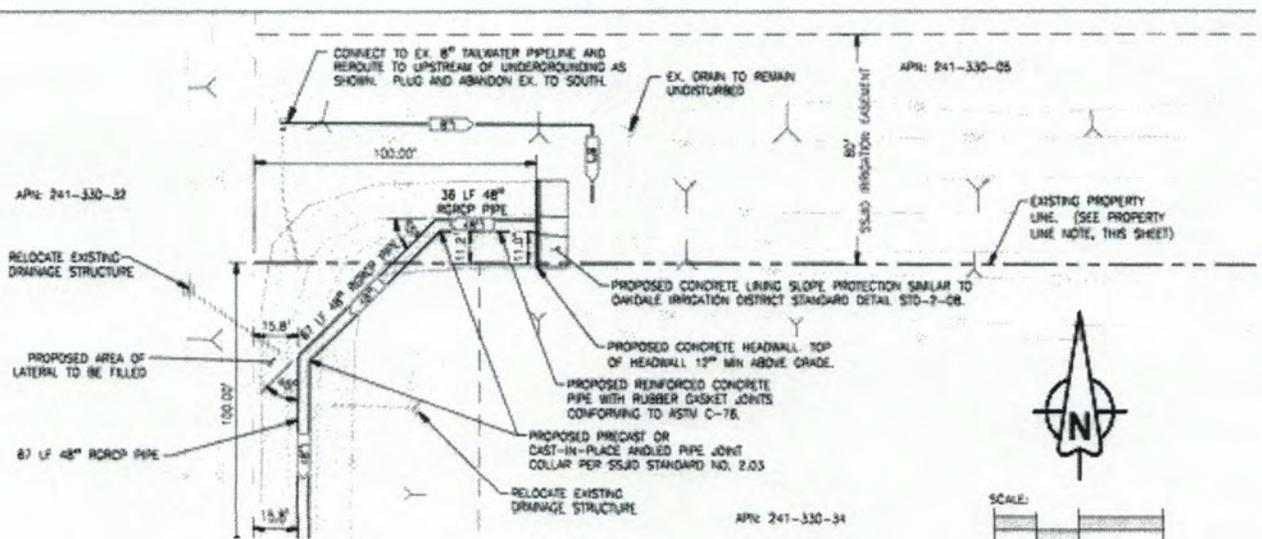
Thank you,

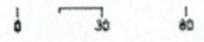
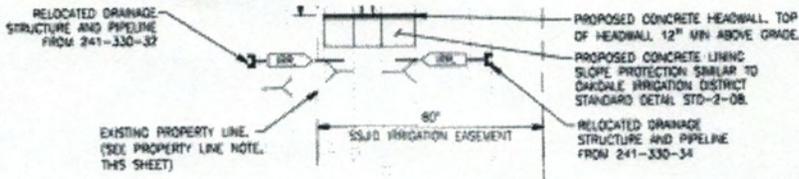
Rob Christensen, PE
Senior Civil Engineer
VVH CONSULTING ENGINEERS
430 10th Street
Modesto, CA 95354
209.568.4477 Phone
209.568.4478 Fax
209.380.2348 Mobile
rchristensen@vvhce.com



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Please consider the environment before printing this email.





PROPERTY LINE NOTE: THE EXISTING PROPERTY LINES SHOWN HEREIN ARE AS SHOWN IN THE RECORD OF SURVEY, PREPARED BY TURNBROSE LAND SURVEYING, MAP NO. 36-196, RECORDED OCTOBER 7, 2008 BY THE SAN JOAQUIN COUNTY RECORDER'S OFFICE, AND REPRESENTS THE APPLICANT'S EXPECTATION AS TO THE LOCATION OF THE PROPOSED REINFORCED CONCRETE PIPELINE.

PROJ. 0407 - PG. 8

W&M
CONSULTING ENGINEERS
 430 10th Street Tel: 209.568.4477
 Modesto, CA 95304 Fax: 209.568.4478

DATE: 10/10/08
 BY: J. L. HARRIS PHOENIX, LLC
 SS&D LAYOUT 10
 UNCORRECTED
 SCALE: 1"=10'
 SHEET: CONCEPTUAL LAYOUT

TERRA LAND GROUP, LLC

July 12, 2016

VIA EMAIL & HAND-DELIVERY

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca Planning Commission 07/12/16 Meeting Agenda Item 3.1: Approval of City of Manteca Planning Commission Minutes dated 06/28/16.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. **APN 241-330-32 (203.33 acres)**
2. **APN 241-330-33 (17.14 acres)**
3. **APN 241-320-60 (10.13 acres)**

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item 3.1 and supporting documents for the July 12, 2016 City of Manteca Planning Commission meeting.

Agenda Item 3.1 includes proposed minutes for the June 28, 2016 City of Manteca Planning Commission meeting which are submitted for approval and state that both Bryce Perkins and Martin Harris representing TLG are opposed to Dryland Levee Realignment.

At this time, TLG would like to state, once again, that TLG is not opposed to the City of Manteca's efforts to perform modifications to the Reclamation District No. 17 ("RD17") dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

Further, TLG understands the importance of SB5 compliance and how the SB5 levee extension will protect developed portions of the City of Lathrop, San Joaquin General Hospital, the proposed new VA hospital, as well as already developed portions of French Camp and the City of Manteca.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

In addition, TLG believes that it is also worth noting that on July 5, 2016, a developer addressed the Manteca City Council and made comments that TLG believes appeared to indicate that the City of Lathrop did a study that determined that the potential for flood damage to existing residential, commercial and industrial properties currently existing in the at-risk areas north and along the RD17 dryland levee (Lathrop, Manteca and French Camp) could reach damage estimates totaling in the billions of dollars at the time of future flooding if those areas are not protected from flood waters penetrating through or flanking around the current location or beyond the eastern termination point of the RD17 levee.

With that in mind, TLG would like to clarify its position related to the City of Manteca's proposed modifications and extension to the existing RD17 levee system.

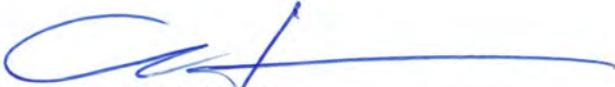
1. TLG acknowledges that for development to occur, the City of Manteca must meet the requirements set forth by SB5.
2. TLG acknowledges the merit of Manteca City Councilman Mike Morowit's representations made at the July 5, 2016 City Council meeting that the modified and extended levee will also protect the City of Lathrop and other areas to the north from future flooding.
3. However, TLG and many residents, businesses and property owners in the areas south and further situated on the flood water side of the existing RD17 levee believe that the current SB5 public meeting and workshop approval process is inadequate, or at the very least incomplete, and has not fully addressed and identified the potential for flood impacts created in the rural areas south of the extended RD17 levee. The public's concerns and continued frustration related to identifying the flood impacts created by dryland levee improvements were further illustrated at the July 5, 2016 City Council meeting when Manteca City Councilwoman Debby Moorhead asked Manteca City Engineer, Kevin Jorgensen, as to whether the extension of the dryland levee would increase flood elevation impacts to properties south of the dryland levee. Unfortunately, Mayor Steve DeBrum interceded and the question was never answered. This leads some to believe that continued uncertainty and unanswered questions relating to the eastern extension of the dryland levee clearly demonstrate that even members of the Manteca City Council may not fully understand the total potential for flood impacts that the council will potentially be voting into place.

With this in mind, TLG believes that any levee alignment ultimately selected, should closely consider any and all impacts created to mitigate and limit against any increase in total flood impacts involved.

For this reason, TLG requests that the minutes be amended to more accurately reflect the details presented by TLG at the June 28, 2016 Manteca Planning Commission meeting (June 28, 2016 letter with enclosures are attached as submitted at the June 28, 2016 meeting and should be considered as one total set of interactive documents).

TERRA LAND GROUP, LLC

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Enclosures: (attached electronically as PDF's on enclosed disc, per request from Lisa Blackmon, City Clerk for the City of Manteca)

06/28/2016 Letter from TLG to City of Manteca Planning Commission, with attachments:

- 06/21/16 Letter from TLG to Manteca City Council
- 06/18/16 Email from TLG to Drake Haglan Associates
- 06/17/16 Email from Drake Haglan Associates to TLG
- 06/07/16 Letter from TLG to Manteca City Council
- 06/03/16 Email from TLG to Matt Satow, Drake Haglan Associates
- 05/24/16 Letter from TLG to City of Manteca Planning Commission
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/03/16 Letter from TLG to Manteca City Council
- 04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council
- 03/01/2016 Letter from TLG to Manteca City Council
- 02/16/2016 Letter from TLG to Manteca City Council
- 04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District
- 03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District
- 12/16/2014 Letter from TLG to Manteca City Council

Follow Up Questions

Terra Land Group <terralandgroup@gmail.com>
To: Matt Satow <MSatow@drakehaglan.com>

Tue, Jul 12, 2016 at 11:07 AM

Thank you for your response and offer to answer the questions submitted with TLG's 6/28/16 letter to the Manteca Planning Commission.

The questions were provided as part of a letter with enclosures that was submitted at the time of the June 28, 2016 Manteca Planning Commission meeting. A separate copy of the complete letter with enclosures was provided to planning staff at the time of the 6/28/16 meeting to be forwarded to you for your review and comment.

At this time, TLG would like to forward to you, by overnight mail, the complete letter as submitted to the commissioners on 6/28/16. The questions you are requesting are included in the June 28, 2016 letter.

A list of enclosures that were attached to the letter are provided below:

(attached electronically as PDF's on enclosed disc, per request from Lisa Blackmon, City Clerk for the City of Manteca)

RD17 April 2014 levee easement survey staking photographs on TLG APN 241-320-60

06/28/2016 Letter from TLG to City of Manteca Planning Commission, with attachments:

06/21/16 Letter from TLG to Manteca City Council

06/18/16 Email from TLG to Drake Haglan Associates

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03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District

12/16/2014 Letter from TLG to Manteca City Council

For your convenience and to expedite the process, TLG has listed the additional questions relating to TLG's original 5/24/16 thirty-three question submittal directed to the Manteca Planning Commission and Drake Haglan and Associates on 6/28/16 and included in this email as provided below:

- A. Question #29: *With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and/or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to? (Answer from Drake Haglan & Associates: Could you please rephrase the question? It is difficult to identify what needs to be clarified.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

- a. Will residents, businesses and property owners located on the flood water side of the extended levee be allowed to continue to present public comments to the City of Manteca to mitigate flood

and groundwater elevation impacts as part of a continuing SB5 levee impact review process?

- b. Will any public comments made to mitigate flood impacts to water side residents, businesses and property owners located on the water side of the levee be included in the City of Manteca SB5 approval process in a manner that can effectively assist in controlling and limiting flood and groundwater elevation impacts to residents, businesses and property owners south of the levee?
- c. Will those flood and groundwater elevation impacts need to be addressed as a separate project?

B. Question #31: *Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee? (Answer from Drake Haglan & Associates: Reducing flood impacts for property owners in the area of concern is not a goal at this time.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

- a. If reducing flood impacts for property owners in the area of concern is not a goal at this time, then (i) when; and (ii) by whom; and (iii) by what means can the affected public (water side residents, business and property owners) look to seek relief against flood and other impacts created?

In addition, TLG has included as an enclosure a list of additional questions that were submitted in a letter written by Michael Fonseca to Kevin Jorgensen (Manteca City Engineer), Matt Satow (representing Drake Haglan and Associates) and Dave Peterson (representing Peterson Brusted, Inc.) on 7/5/16.

TLG would appreciate being copied with answers to the questions submitted by Michael Fonseca as soon as the answers are available.

Thank you for your willingness to respond to concerns by answering the questions provided.

Jodi Sabatino for
Martin Harris
Terra Land Group

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On Jul 8, 2016, at 3:24 PM, Matt Satow <MSatow@drakehaglan.com> wrote:

Good Afternoon,

I'd like to provide you with a response to the three questions you posed at the recent Planning Commission meeting. Can you please provide these questions to me in writing?

Thank you.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971

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2256K

Fonseca Farms, Inc.

22695 S. Airport Way

Manteca, CA 95337

(209) 456-2496 – fax (209) 239-1257 fonsecafarmsinc@aol.com

July 5, 2016

City of Manteca
1001 W. Center St.
Manteca, CA 95337

Kevin Jorgensen, Manteca City Engineer

Dave Peterson, Peterson, Brustad, Inc.

Matt Satow, Drake Haglan and Associates.

Flood and Hydrology Questions?

In the attempt to give clarity and understanding of the flood impacts to the residents south of the dryland levee, I am requesting for Dave Peterson with PBI to give an informational presentation at the July 19, 2016 Manteca City Council Meeting, prior to the dryland levee preferred alignment presentation from Matt Satow, Drake Haglan and Associates. Within the presentation please answer and give detailed explanation to the following questions and concerns, in addition to collaborate with previous questions and concerns or any other information that will provide understanding to this sensitive matter.

1. Was the 1997 flood considered a 100-year flood?
2. Were the 1997 flood impacts in our area more severe due to human error, than the estimations of what the actual storm event would be (100-year flood)?
 - a. Explain the mismanaged releases from the reservoirs, specifically to the issues with Don Pedro.
 - b. Explain what policies and procedures are in place to ensure mismanaged releases won't happen again.
 - c. Explain the administrative and authoritative process of how the relief cut was initiated in 1997, and the significant delay in taking action to do so.
 - d. Explain the difference in the river water elevation as compared to the flood water elevation prior to the relief cut being made.
 - e. What was the river elevation when the relief cut was made?
 - f. What was the flood water elevation when the relief cut was made?

- g. Explain the policies and procedures to ensure in the future that the relief cut will be made at the precise time to minimize flood impacts to our area, and what are the trigger mechanisms to initiate such action, for example if there is a determined difference in river elevation to flood water elevation and what would that be?
3. What was the maximum flood water elevation in 1997?
4. If no relief cut was made in 1997, what height would have the flood water elevations reached?
5. With no relief cut considered, what would the flood water elevation be with a 100-year flood?
6. With no relief cut considered, what would the flood water elevation be with a 200-year flood, with and without the levee extension?
7. Clarify that all analysis in the Engineer Report, Freeboard Analysis, and other studies, can't be accurately compared to the 1997 flood impacts as represented that the DWR (or other controlling agencies) has stipulated that no relief cut be considered in the analysis.
8. What is the difference in volume of water between the 1997 flood, 100-year, and 200-year flood? The 200-Year Freeboard Analysis & Floodplain Mapping Report, indicates a 200 Year Hydrograph is the equivalent of the 1997 storm pattern, scaled at 115%. Does this mean that a 200-year storm would bring 15% more volume of water as we had in 1997? Please explain.
9. Explain in detail the .2' (2.4") rise in flood water elevation that was presented during the June 28, 2016 Manteca Planning Commission meeting?
 - a. What storm event was used in this analysis, 1997 flood, 100-year, or 200-year?
 - b. Was the increase of .2' caused from an "as is" no build option, compared to the extension of the levee alignment terminating at Oleander Ave?
 - c. With what levee alignment alternative option was this comparison and determination made?
 - d. To clarify if one alternative would have more impact over another, what is the flood water elevation change in comparison to all the alignment alternative options, for example, what would the change be from alternative 1 to alternative 2, or 3?
10. If nothing was done, and an "as is" no build option was considered, what elevation would the flood water need to reach in order for flanking to occur?
11. In consideration of downstream impacts...
 - a. If paradise cut was able to adequately consume an additional 1280 cfs which has been determined the flow rate that would flank around the existing levee with an "as is" no build option, could that be used to mitigate the levee extension that would prevent the flanking?
 - b. What measures are being considered to mitigate the flanking of 1280 cfs?
 - c. After completion of the 200-year levee improvements, in consideration of a storm less than or equal to a 200-year event, will the whole lower San Joaquin River levee system be designed and anticipated to not fail?
 - d. If the levee system is designed to not fail and does not fail, the pressure remains constant at its full force throughout the whole system, therefore in an event of an

upstream failure and a relief cut is made in order to drain off the flood water, does it really have an increased adverse impact to the downstream channels and levee system?

- e. Explain how and why flood water to re-enter the river due to a relief cut has additional impacts downstream as compared to the full force of no levee failure due to improvements made to achieve a no fail design that prevents any levee breach and/or over topping?
 - f. If the levee system is designed to fail in certain areas, identify those areas and the design capacity or flood water elevation within each basin?
12. The natural environment within each reclamation district was swamp and overflow, therefore the levee system within each reclamation district is manmade and not part of the natural environment. If the manmade levee system at the river can be built up and widened, with slurry walls to be improved to a new height and strength that would eliminate any probability of failure, then why is a man made relief cut to drain off the flood water any different as far as the river impacts? The relief cut does not add additional pressure to the downstream system as the water is only being diverted and detoured from its original source of the reservoirs. No additional water is being placed within the river as compared to a no breach or overtopping scenario and the downstream levee system should be able to adequately withstand the whole 200-year storm event as designed.
13. It can be argued that all downstream levee improvements, such as Lathrop, specifically River Islands, and through Stockton to the Delta would have significant adverse impacts to our area. The levee improvements to that portion of levee system is designed to withstand the full force of a 200-year storm, therefore creating additional pressure to the upstream Reclamation Districts such as RD 2096, RD 2094, RD 2075, and RD 2064 that is not being improved to the same standards. If the downstream system is designed to not fail, and no improvements are done to the upstream districts, they should have the right to drain flood water back into the river channel through a relief cut or other methods without the concern for adverse impacts to the downstream levee system that was designed to not fail and to withstand the full 200-year storm event.

I thank you in advance on behalf of the community to ensure this information is available to the public and is accurately presented at the July 19, 2016 Manteca, City Council meeting, prior to any preferred alignment alternative option being considered for approval to continue on through the environmental phase.



Michael Fonseca

(209) 456-2496

From: Matt Satow MSatow@drakehaglan.com
Subject: Follow Up Questions
Date: July 8, 2016 at 3:26 PM
To: Terra Land Group (terralandgroup@gmail.com) terralandgroup@gmail.com



Good Afternoon,

I'd like to provide you with a response to the three questions you posed at the recent Planning Commission meeting. Can you please provide these questions to me in writing?

Thank you.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971
C: (916) 616-3940
www.drakehaglan.com

TERRA LAND GROUP, LLC

July 5, 2016

VIA HAND-DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Acting as the Local Flood Management Authority, Accept Technical Documents of Urban Levee Design Criteria (ULDC) Analysis, including an Engineer's Report, an Independent Panel of Experts (IPE) Report, the Response to the IPE Report, and the Adequate Progress Final Report; and Acting as the Land Use Agency, Adopt Findings of Adequate Progress Toward Providing a 200-year Urban Level of Flood Protection (ULOP) in Reclamation District 17, and Authorize the Mayor to Sign Same.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. **APN 241-330-32 (203.33 acres)**
2. **APN 241-330-33 (17.14 acres)**
3. **APN 241-320-60 (10.13 acres)**

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item C1 and supporting documents for the July 5, 2016 Manteca City Council meeting.

Agenda Item C1 describes tonight's action as to "Acting as the Local Flood Management Authority, Accept Technical Documents of Urban Levee Design Criteria (ULDC) Analysis, including An Engineer's Report, an Independent Panel of Experts (IPE) Report, the Response to the IPE Report, and the Adequate Progress Final Report; and Acting as the Land Use Agency, Adopt Findings of Adequate Progress Toward Providing a 200-year Urban Level of Flood Protection (ULOP) in Reclamation District 17, and Authorize the Mayor to Sign Same."

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRALAND GROUP, LLC

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

However, this letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns that TLG believes need to be addressed and considered as part of tonight's Agenda Item C1 approval process and any future environment impact study (as promised at the 05/24/16 Planning Commission meeting) associated with Agenda Item C1 as presented to the City Council at tonight's meeting.

To illustrate these concerns, TLG has included as part of this letter various other letters and correspondence previously submitted to the various authorities involved in the current SB5 approval process (see enclosures).

By reviewing the letters and correspondence provided, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the existing RD17 dryland levee.

With this in mind, TLG believes that the City of Manteca has an opportunity to organize and direct development growth in a manner that benefits itself as well as other urban and rural communities in our area.

TLG further believes that strong and capable leadership is required to ensure that this opportunity fairly and competently meets the needs and serves the best interests of everyone affected.

Finally, TLG believes that future generations located in and around the urban and rural areas affected will surely be indebted to the extent that the City of Manteca meets its obligation.

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

cc:

Frederic Clark, City of Manteca Community Development Director

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

Matt Satow, Drake Haglan & Associates
Mark Houghton, City of Manteca Public Works Department
Mark Meissner, City of Manteca Planning Department Director

Enclosures:

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Fonseca Farms, Inc.

22695 S. Airport Way

Manteca, CA 95337

(209) 456-2496 – fax (209) 239-1257 fonsecafarmsinc@aol.com

July 5, 2016

City of Manteca
1001 W. Center St.
Manteca, CA 95337

Kevin Jorgensen, Manteca City Engineer

Dave Peterson, Peterson, Brustad, Inc.

Matt Satow, Drake Haglan and Associates.

Flood and Hydrology Questions?

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2. Were the 1997 flood impacts in our area more severe due to human error, than the estimations of what the actual storm event would be (100-year flood)?
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I thank you in advance on behalf of the community to ensure this information is available to the public and is accurately presented at the July 19, 2016 Manteca, City Council meeting, prior to any preferred alignment alternative option being considered for approval to continue on through the environmental phase.



Michael Fonseca

(209) 456-2496

TERRA LAND GROUP, LLC

June 28, 2016

VIA HAND-DELIVERY

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: **City of Manteca Planning Commission 06/28/16 Meeting Agenda Item 7.2: City of Manteca Dryland Levee Preferred Alignment.**

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item 7.2 and supporting documents for the June 28, 2016 City of Manteca Planning Commission meeting.

Agenda Item 7.2 is described as: Dryland Levee Preferred Alignment. Receive presentation from City's consultant Drake Haglan and Associates on the Preferred Alignment for the Dryland Levee.

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the Reclamation District No. 17 ("RD17") dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

However, this letter is presented for the purpose of bringing to the City of Manteca Planning Commission's attention, several important issues and concerns that TLG believes need to be addressed and considered as part of tonight's Agenda Item 7.2 approval process and any future environmental impact study (as promised by City of Manteca planning staff at the 05/24/2016 Planning Commission

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meeting) associated with Agenda Item 7.2 as presented to the Planning Commission at tonight's meeting.

I. **Concerns previously presented in letters to the City of Manteca and various authorities involved in the SB5 approval process:**

To illustrate these concerns, TLG has included as part of this letter various other letters and correspondence previously submitted to the various authorities involved in the current SB5 approval process (see enclosures).

II. **Potential levee relocation concerns relating to public meetings attended, discussions held and/or correspondence received:**

A. Anthony Barkett (representative for TR Land Company/Developer for the Terra Ranch project) email to Martin Harris, dated 05/21/2015:

1. In an email sent to Martin Harris on May 21, 2015, Anthony Barkett stated that "*I would be happy to meet with you. I have to tell you though it seems you are stuck on the re alignment of the levee. I believe Bill¹ and Darryl² told you this but that map was a mistake by Phil Govea who is no longer with the City. The City and RD 17 have no intention of moving the levee south. I have had many discussions with the relevant people and that is simply not going to happen. It does need to be designed to go east of airport way but it will not be pushed south on your property. That would cause significant flooding problems to a whole new set of people and has never been an engineering based solution from RD 17 or the City. I think we need to address this before we meet because if your settlement is based on that fact we will not get anywhere because we are assuming something that is not going to happen and is out of our control. Our issue is one of access to your property and your irrigation line on your side of the levee. Both of these issues we have expressed a willingness to give you access. There is really nothing else to discuss. I am not sure who can convince you that the levee is not going to be moved but our lawsuit is not the forum to have the discussion.*"

B. RD17 representations relating to the current location of the dryland levee:

1. For over two years now, it has been regularly represented that the RD17 levee would remain at its current location.

¹ Bill Filios (Manteca Development Group)

² Darryl Quaresma (Manteca Development Group)

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This representation was supported in previous discussions with Chris Nudeck, a representative for Reclamation District No. 17 during RD17 regular board meetings which occurred on February 11, 2014 and March 11, 2014.

Those discussions involved Terra Land Group's concerns relating to Reclamation District No. 17's flood levee expansion land requirements and how those expansion requirements might affect the Terra Land Group almond farm property.

Chris Nudeck assured TLG that protections were in place that required all land necessary for flood levee expansion to be dedicated on the side of the levee that was being protected from flooding.

Chris Nudeck also indicated that, as to Terra Land Group's only land dedication requirement, a vegetative easement area limited to ten (10) feet (but possibly being increased to fifteen (15) feet³) would need to be dedicated on the Terra Land Group's water side of the levee. Nudeck added that this area would be required to remain clear of any almond plantings.

Nudeck offered to send a survey crew to the Terra Land Group property to stake the Reclamation District No. 17 vegetative easement southern border so that Terra Land Group would fully understand the total amount of trees that could be impacted.

Reclamation District No. 17 conducted the survey on or about April 2014 as evidenced by survey stake markers demonstrated in the attached photographs. (See enclosed photographs)

The survey resulted in Terra Land Group gaining the belief that the levee would remain in its current position and that development impacts affecting the levee would have minimal impact on the Terra Land Group almond farming property.

III. Additional questions related to TLG's 33 question submittal directed to Drake Haglan and Associates on 05/24/2016:

- A. Question #29: *With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and/or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to? (Answer from Drake Haglan & Associates: Could you please rephrase the question? It is difficult to identify what needs to be clarified.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

³ This was later changed to twenty (20) feet.

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- a) Will residents, businesses and property owners located on the flood water side of the extended levee be allowed to continue to present public comments to the City of Manteca to mitigate flood and groundwater elevation impacts as part of a continuing SB5 levee impact review process?
 - b) Will any public comments made to mitigate flood impacts to water side residents, businesses and property owners located on the water side of the levee be included in the City of Manteca SB5 approval process in a manner that can effectively assist in controlling and limiting flood and groundwater elevation impacts to residents, businesses and property owners south of the levee?
 - c) Will those flood and groundwater elevation impacts need to be addressed as a separate project?
- B. Question #31: *Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee? (Answer from Drake Haglan & Associates: Reducing flood impacts for property owners in the area of concern is not a goal at this time.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

- a) If reducing flood impacts for property owners in the area of concern is not a goal at this time, then (i) when; and (ii) by whom; and (iii) by what means can the affected public (water side residents, business and property owners) look to seek relief against flood and other impacts created?

In closing, TLG believes that it is important that adequate protection measures be put in place to ensure that sufficient accommodations are made relating to:

- A. Maintaining historic floodwater elevation impacts by incorporating adequate design provisions to accommodate timely floodwater drainage; and
- B. Prohibiting the use of cutoff and/or slurry walls to maintain groundwater elevation levels as currently existing; and
- C. Prohibiting the use of cutoff and/or slurry walls to allow for groundwater recharge; and
- D. Maintaining the right and ability for vehicular access, irrigating crops and discharging stormwaters to and from all areas of properties affected by a levee modification, extension or relocation; and

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- E. Allowing for waterside property owners to maintain their right and ability to continue to farm their property.

By reviewing the letters, photographs and correspondence provided, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the existing RD17 dryland levee.

Thank you for your attention to this very important matter,



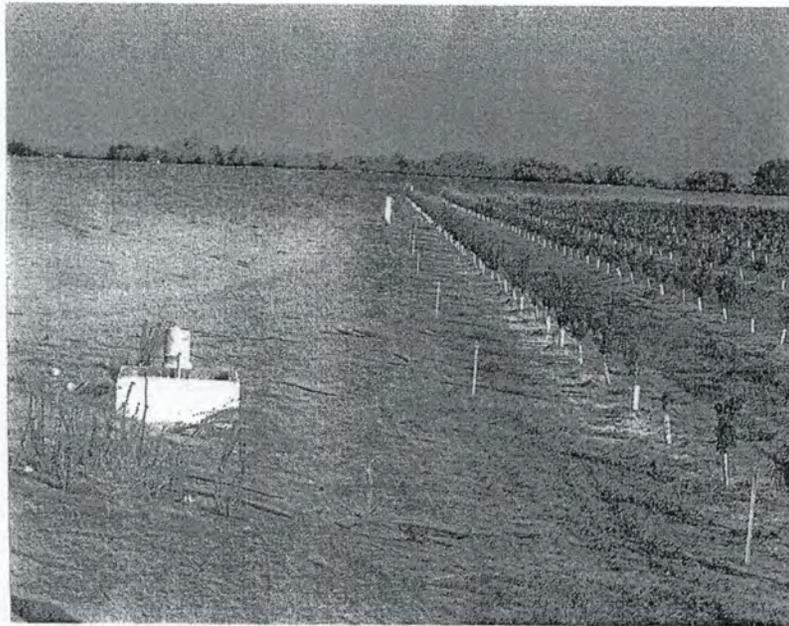
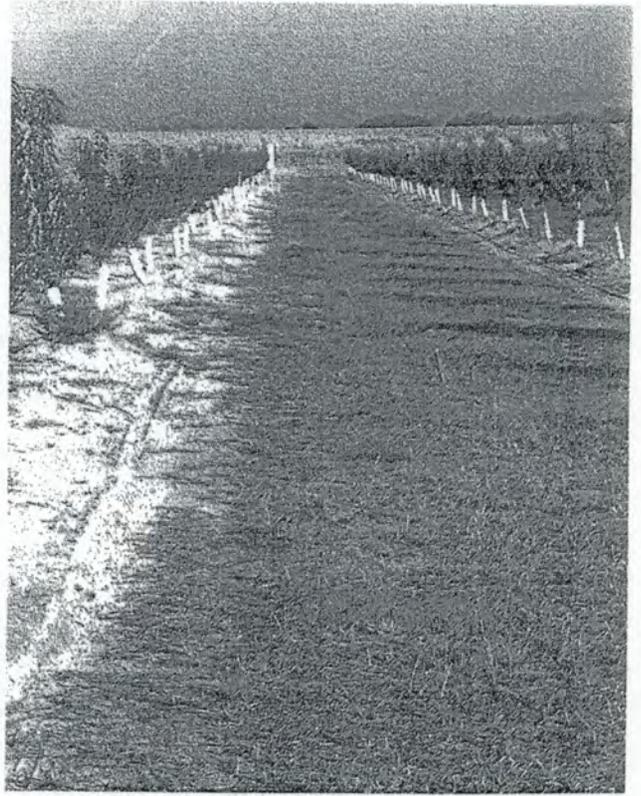
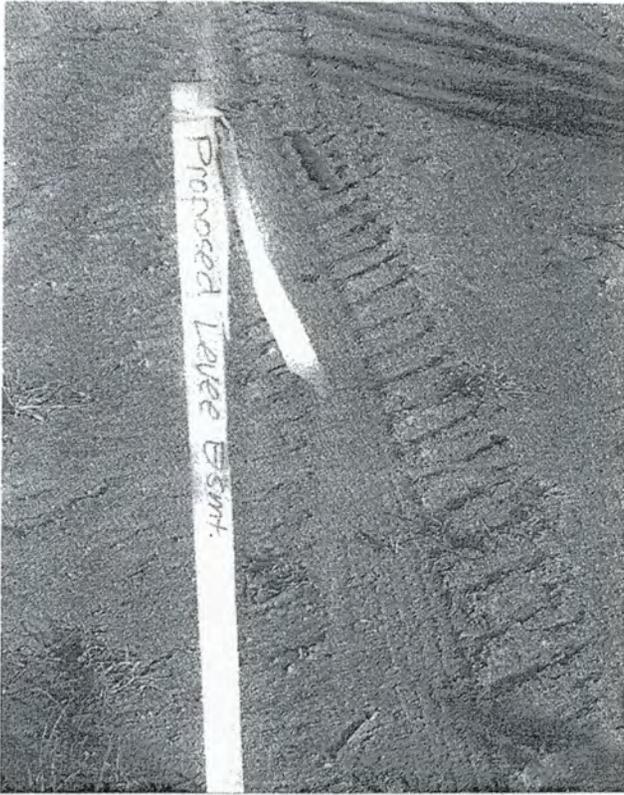
Martin Harris
for Terra Land Group, LLC.

MH/jas

cc:
Drake Haglan and Associates

Enclosures

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



[Quoted text hidden]

Martin Harris <terralandgroup@gmail.com>

To: Matt Satow <MSatow@drakehaglan.com>

Fri, Jun 17, 2016 at 11:14 AM

On May 24, 2016, TLG sent a list of 33 questions relating to flood impacts associated with SB5 compliance and anticipated modifications to be performed to the existing RD17 levee system south of Manteca.

On May 26, 2016, you responded that TLG could expect answers to the 33 questions by June 3, 2016.

As of today's date, no answers have been received by TLG for any of the 33 questions submitted.

Most important, the Manteca City Council plans to consider Agenda Item B-4 on Tuesday 6/21/16 concerning the Draft General Plan Safety Element Amendment as it relates to SB5 compliance.

Your timely response would be greatly appreciated.

[Quoted text hidden]

Matt Satow <MSatow@drakehaglan.com>

To: Martin Harris <terralandgroup@gmail.com>

Sat, Jun 18, 2016 at 9:28 AM

Mr. Harris,

Please see the attached for responses to the additional questions you submitted. As always, please feel free to call or email me if you have additional questions.

Thanks.

Matt Satow, P.E.

Principal Engineer

Drake Haglan & Associates

11060 White Rock Road, Suite 200

Rancho Cordova, CA 95670

T: (916) 231-0971

C: (916) 616-3940

www.drakehaglan.com

From: Martin Harris [mailto:terralandgroup@gmail.com]

Sent: Friday, June 17, 2016 11:15 AM

100-yr. WSE = 28.2'
200-yr. WSE = 30'-31'

100 yr.
Floodplain

200 yr.
Floodplain

100-yr. WSE = 39.0'
200-yr. WSE = 40.0'



Legend

-  EXISTING LEVEE
-  27.5 FOOT ELEVATION CONTOUR
-  100 YEAR FLOODPLAIN (PER FEMA)
-  200 YEAR FLOODPLAIN (PER RD-17 STUDY)
- WSE WATER SURFACE ELEVATION

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

Comment Number	Location	Terra Land Group Comment	Responses
		Upon viewing Figure 3 included in the 5/18/16 Dryland Levee Alignment workshop presentation slides you forwarded and the list of 35 frequently asked questions with answers presented at the 05/18/16 dryland levee workshop meeting, TLG has a few questions meant to clarify your answers provided at the meeting:	

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#1</p>	<p>Page 1</p>	<p>In the blue area flood basin shown in Figure 3, what flood water elevation level is depicted in the flood region shown?</p>	<p>The 200-year flood water elevation varies across the area of concern. The area of concern being the area bounded by:</p> <ul style="list-style-type: none"> (1) The RD-17 Waithall Dryland Levee to the north (2) The San Joaquin River to the East (3) And the Stanislaus River to the south <p>In the remainder of this document this area is referenced as the “area of concern”.</p> <p>Flood water surface elevations near the Stanislaus River will be higher than at the RD-17 dryland levee. These elevations will vary between 40 and 30 feet.</p> <p>Source: <i>200-year Freeboard Analysis & Floodplain Mapping within RD-17.</i> PBI</p> <p>Please note that these elevations are accurate for the current analysis only. Several factors such as global warming are expected to change the water surface elevations of flood events significantly over the next 80 years. The current RD-17 200-year flood event accounts for the next 20-years of climate change effects.</p> <p>Please see the attached exhibit showing the following features across the area of concern:</p> <ul style="list-style-type: none"> (1) the OEM 27.5’ contour line (shown in RED) (2) FEMA’s 100-year floodplain (shown in YELLOW) (3) RD-17 200-year floodplain (shown in BLUE) <p>The elevation of the 100-year event in the Stanislaus River at Turtle Beach will be 28.2 feet.</p> <p>The elevation of the 200-year event in the same location will be 30 to 31 feet.</p>
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TERRA LAND GROUP (TLG) COMMENTS FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

#2	Page 1	Does that blue area flood basin shown in Figure 3 represent a 200-year event?	Yes, the blue area shown represents the 200-year floodplain at the time of the RD-17 study.
#3	Page 1	If not, what does the blue area flood basin shown in Figure 3 represent? 100-year? Other?	Please see response to comment #2.
—	Page 2	In April 2011, the San Joaquin County Office of Emergency Services issued the San Joaquin County Flood Contingency Map (attached). The April 2011 San Joaquin County Flood Contingency Map appears to detail contour lines describing a 100-year flood event with a flood basin reaching an elevation of 27.5 feet contingent upon a relief cut being made.	The Office of Emergency Management map provided with the comments is a graphic generated as an emergency response map and is a generalization of the 1997 water surface elevation. This map shows an approximate location of the 100-year floodplain, but it is not intended to represent the actual 100-year floodplain for regulation purposes. FEMA establishes the 100-year floodplain which like the 200-year floodplain has a variable water surface elevation across the area in question.
#4	Page 2	What is the difference in the flooded area when comparing the flood basin located within the 27.5 foot contour lines (with relief cut, see attached) as compared to the blue area flood basin shown in Figure 3?	Please see the attached exhibit for the difference in these two floodplains as well as the 27.5 foot contour. At the Dryland Levee the water surface elevation will be approximately 30 feet to 31 feet for the 200-year flood.
#5	Page 2	Is the total size of the blue area flood basin shown in Figure minimized in relation to the total area that flood waters could have extended to as a result of a relief cut being made at the Turtle Beach levee location? How far and at what depth will flood waters extend if a relief cut is not made at the Turtle Beach levee location?	The difference in the two elevations will be approximately 2.5 feet to 3.5 feet. The RD-17 water surface elevation was developed according to the Urban Levee Design Criteria (ULDC) which prohibits assumption that a relief cut will be made. Please see the attached exhibit for the limits of the floodwaters during a 100-year event and a 200-year event.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#6	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 200-year flood event with no relief cut being made at the Turtle Beach levee location?	Correct, please see response to #1
#7	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 100-year flood event with no relief cut being made at the Turtle Beach levee location?	No, please see response to #1
#8	Page 2	Is the maximum extent of the flood water elevation level limited by the current height of the levees currently in place along the east side of the San Joaquin River for all locations shown on the San Joaquin County Flood Contingency Map (attached)?	No. The maximum extent and elevation of flood water is not limited by the levees along the San Joaquin River.
#9	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in height in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	North of the dryland levee, improvements are planned for the levees. South of the dryland levee, no improvements are planned.
#10	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in width in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	Please see response to #9

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

#11	Page 2	Can residents and property owners located south of the proposed SB5 compliant extended RD17 levee rely upon the use of Paradise Cut to assist in draining flood waters off impacted properties east of the San Joaquin River?	The Paradise Cut will continue to provide high water relief, but no additional modifications are planned at this time.
#12	Page 3	Should 2 each floodgate(s) be included in the final design to allow flood water drainage from the impacted areas east of the San Joaquin River into: a. The San Joaquin River channel at the point that the river flows past the Turtle Beach levee; and b. Across the San Joaquin River allowing flood water drainage into the Paradise Cut drainage canal?	This suggestion is not part of the proposed project and will need to be studied under a different project.
#13	Page 3	If adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may impact and impede the flow of the San Joaquin River and result in San Joaquin River flow waters backing up and putting additional pressure on levees upstream?	Anything is possible. Relief cuts only help the area of concern post flood, they will not help during the peak of the storm event because water will only drain back into the river when the river level is lower than the trapped water. These drain outs are not expected to aggravate the peaks in flood events.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#14</p>	<p>Page 3</p>	<p>In the event that adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may cause added pressure on levees upstream and contribute to additional levee failures due to impeded San Joaquin River flows resulting from the competing flows created at the time a relief cut is made at the Turtle Beach levee?</p>	<p>Please see response to #13</p>
<p>#15</p>	<p>Page 3</p>	<p>Is it possible that concern by the authorities in charge related to increased pressure on upstream levees may result in delaying a decision by those same authorities to perform a relief cut at the Turtle Beach levee location?</p>	<p>We cannot predict the thoughts of others in the future.</p>
<p>#16</p>	<p>Page 3</p>	<p>Is it true that any RD17 and RD 2094 joint contingency plan to perform a relief cut to the Turtle Beach levee must be approved by a higher authority to limit any liability for any impacts created?</p>	<p>This question is beyond the scope of this study. Concerned citizens are directed to the Office of Emergency Services for additional information. That said, while the Army Corps of Engineers (ACOE) is the final authority for these levees and RD-17 will seek ACOE approval prior to Relief Cuts, in the past RD-17 has made this decision in the field and sought out ACOE approval after the fact.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#17</p>	<p>Page 3</p>	<p>What higher authority would be involved in making the final decision to perform a relief cut to the Turtle Beach levee?</p> <ul style="list-style-type: none"> a. State Department of Water Resources? B. U.S. Army Corps of Engineers? c. Governor for the State of California? d. All of the above? e. Other? 	<p>Please see response to #16</p>
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**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#18</p>	<p>Page 3 & 4</p>	<p>Several prominent agricultural business families south of Manteca have expressed their opinion to a number of their neighbors that if a relief cut is not made to the Turtle Beach levee that one of the following possibilities may occur:</p> <p>a. A temporary flood basin will be formed consisting of accumulating flood water forming against the Turtle Beach levee and extending east and south, due to a levee breach that could eventually reach the height of the San Joaquin River flow elevation level existing at the point of location of the San Joaquin River levee breach. (See blue area flood basin depicted in Figure 3 and referred to in previous questions.)</p> <p>or</p> <p>b. If the height of the Turtle Beach levee remains at its current elevation, it is believed by some of those same prominent agricultural business families that depending on the elevation of the San Joaquin River at the point of a levee breach, flood waters accumulating against the Turtle Beach levee may eventually reach a height that allows those accumulating flood waters to flow over the Turtle Beach levee and back into the San Joaquin River at or near the Turtle Beach levee location.</p>	<p>Many scenarios are possible.</p> <p>What is your question, or what would you like us to clarify?</p>
		<p>That makes a number of concerned citizens further question:</p>	

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#19</p>	<p>Page 4</p>	<p>For a 100-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?</p>	<p>A flood water basin is not being created in this area of concern. For the 100-year flood water surface elevations please see response #1.</p>
<p>#20</p>	<p>Page 4</p>	<p>For a 200-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?</p>	<p>A flood water basin is not being created in this area of concern. For the 200-year flood water surface elevations please see response #1.</p>
<p>#21</p>	<p>Page 4</p>	<p>Should flood water discharge and/or diverter gates be installed at the Turtle Beach levee and/or Paradise Cut channel locations?</p>	<p>Please see response #12</p>
<p>#22</p>	<p>Page 4</p>	<p>Is it possible that flood waters accumulating against the Turtle Beach levee could be piped (similar in size to the diameter of the pipe proposed for the Twin Tunnels pipeline and controlled by means of a flood gate) under the San Joaquin River at or near that same Turtle Beach levee location and directed in such a way as to align with and discharge flood water from flooded areas east of the San Joaquin River and south of the modified RD17 levee system across and under the river and into the Paradise Cut drainage canal?</p>	<p>Anything is possible given enough funding. The cost estimate for such a project would exceed realistic funding opportunities. Additionally, the Army Corps of Engineers is not approving much smaller projects associated with Paradise Cut while downstream impacts are being evaluated.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#23</p>	<p>Page 4</p>	<p>Realistically, after all levee alterations, extensions and other levee modifications are made, what elevation of flood water can residents and property owners located east of the San Joaquin River and south of the modified RD17 levee system expect those flood waters to reach for the flood water basin created?</p>	<p>Please see the responses #19 and #20</p>
<p>#24</p>	<p>Page 4</p>	<p>Can more effort be made to ensure that improvements and/or dredging is performed to the San Joaquin River to improve and increase river flow capacity?</p>	<p>Please see response #12</p>
<p>#25</p>	<p>Page 5</p>	<p>What have all local governing authorities done and what additional effort can be put forth to improve and increase flood water flow capacity along and through Paradise Cut?</p>	<p>The Army Corps of Engineers Lower San Joaquin Feasibility Study determined that Paradise Cut modifications are not cost effective. However the Lower San Joaquin Area Flood Control Agency Regional Flood Management Plan identified this as a future response to climate change. Use of the Paradise Cut for current storm water relief is a separate goal and out of the scope of this project.</p>

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#26</p>	<p>Page 5</p>	<p>Is it possible that flood water elevations for the area east of the San Joaquin River and south of the modified RD17 levee system will exceed those levels experienced during the 1997 flood? If so, by how much?</p>	<p>Yes it is possible. The 1997 flood is accepted as a 100-year flood. There are floods greater than the 100-year flood.</p> <p>A 100-year flood has a 1 in 100 change, or 1% ,of happening in any given year.</p> <p>Larger events, 200-year and 500-year, could also occur.</p> <p>Additionally, climate change is expected to affect storm water elevations over the next 80 years.</p>
<p>#27</p>	<p>Page 5</p>	<p>In what form will the environmental process take place as stated in the 05/18/16 Dryland Levee Alignment Workshop presentation slides and further represented in those same workshop presentation slides to start in late 2016?</p>	<p>California Environmental Quality Act (CEQA) and if needed the National Environmental Policy Act (NEPA) environmental documents will begin in 2019.</p> <p>During this environmental phase, the public will be given the opportunity to review and comment on the environmental documents and supporting technical studies.</p>
<p>#28</p>	<p>Page 5</p>	<p>Since the 05/18/16 Dryland Levee Alignment Workshop presentation slides indicate that a City of Manteca Planning Commission meeting will be held on June 28, 2016, what is the purpose of the Planning Commission Agenda Item 6.2 scheduled to be presented to the Planning Commission on May 24, 2016?</p>	<p>With this agenda items: "The City is proposing to amend its General Plan Safety Element to further its efforts in establishing compliance with the requirements of the Senate Bill (SB) 5 Bills for 200-year flood protection based on new flood information and data that was unavailable during the previous Safety Element Amendment in 2013. The City will also subsequently amend its Municipal Code to provide consistency with the proposed General Plan amendments."</p> <p>This is an administrative action required to keep the City in compliance with SB-5.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#29</p>	<p>Page 5</p>	<p>With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to?</p>	<p>Could you please rephrase the question? It is difficult to identify what needs to be clarified.</p>
<p>#30</p>	<p>Page 5</p>	<p>Should the public be concerned that a negative declaration is being proposed for approval by the Planning Commission at tonight's 05/24/16 meeting?</p>	<p>This action is to keep the City in compliance with SB-5.</p>
<p>#31</p>	<p>Page 5</p>	<p>Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?</p>	<p>Reducing flood impacts for property owners in the area of concern is not a goal at this time.</p>
<p>#32</p>	<p>Page 5</p>	<p>Is it fair and in the best interests of the public that RD17 was removed from the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?</p>	<p>Improvements to RD-17 were considered in the Lower San Joaquin River Feasibility Report (LSJRF), but were not included in the final array of alternatives due to concerns with induced growth and wise use of the flood plain. Local authorities are working to address those concerns so that Federal interest in improvements can be reconsidered.</p>
<p>#33</p>	<p>Page 5</p>	<p>Should consideration be made to re-incorporate RD17 back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?</p>	<p>Please see response #32</p>

TERRA LAND GROUP, LLC

June 21, 2016

VIA HAND-DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 06/21/16 Meeting Agenda Item B.4: Consider adopting a resolution making the required findings to adopt an Initial Study and Negative Declaration (SCH# 2016042054) as adequate environmental documentation for the project in compliance with the California Environmental Quality Act (CEQA) and to adopt General Plan Amendment No. GPA-16-09 amending the City of Manteca 2023 General Plan to establish compliance with SB5 bills; and, Waive the first reading by substitution of the title and introduce Ordinance No. 1594 amending Manteca Municipal Code Title 17 Zoning, Chapter 17.30 (OVERLAY AND COMBINING ZONING DISTRICT LAND USE AND DEVELOPMENT STANDARDS) establishing section, 17.30.040 (200-Year Floodplain Overlay Zone).

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item B.4 and supporting documents for the June 21, 2016 Manteca City Council meeting.

Agenda Item B.4 describes tonight's action as to "Consider adopting a resolution making the required findings to adopt an Initial Study and Negative Declaration (SCH# 2016042054) as adequate environmental documentation for the project in compliance with the California Environmental Quality Act (CEQA) and to adopt General Plan Amendment No. GPA-16-09 amending the City of Manteca 2023 General Plan to establish compliance with SB5 bills; and, Waive the first reading by substitution

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

of the title and introduce Ordinance No. 1594 amending Manteca Municipal Code Title 17 Zoning, Chapter 17.30 (OVERLAY AND COMBINING ZONING DISTRICT LAND USE AND DEVELOPMENT STANDARDS) establishing section, 17.30.040 (200-Year Floodplain Overlay Zone)".

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

However, this letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns that TLG believes needs to be addressed and considered as part of tonight's Agenda Item B.4 approval process and any future environmental impact study (as promised at the 05/24/16 Planning Commission meeting) associated with Agenda Item B.4 as presented to the City Council at tonight's meeting.

I. Concerns relating to Agenda Item B.4 supporting documents presented by the City of Manteca for tonight's meeting:

TLG would like to call the Council's attention to Agenda Item B.4, Attachment 2 "Existing/Adopted 2023 General Plan Safety Element Goals, Policies and Implementation programs for comparison" included in the supporting documents included in the attachments for Agenda Item B.4 as presented by the City of Manteca for tonight's meeting (See enclosures). This Attachment 2 includes a section on flood hazards and lists the three goals detailed below:

- G-S-3. Protect life and property from flood events.
- G-S-4. Provide a planning framework suitable for flood protection and risk management consistent with Federal and State law.
- G-S-5. Pursue flood control solutions that minimize environmental impacts.

II. Additional concerns previously presented in letters to the City of Manteca and various authorities involved in the SB5 approval process:

To illustrate these concerns, TLG has included as part of this letter various other letters and correspondence previously submitted to the various authorities involved in the current SB5 approval process (See enclosures).

By reviewing the letters and correspondence provided, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the existing RD17 dryland levee.

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III. Drake Haglan's delayed response to 33 additional questions submitted to Drake Haglan on 05/24/2016 by TLG:

In closing, TLG would like to add that on 06/18/2016, Drake Haglan finally responded to questions previously submitted to Drake Haglan on 05/24/2016.

At this time, TLG has not had a chance to fully review and understand the answers presented due to the shortness of time to prepare for tonight's meeting.

However, TLG would like to address question #31 included as part of Drake Haglan's 06/18/2016 33-question response to TLG:

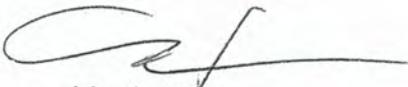
Q. Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?

A. **Reducing flood impacts for property owners in the area of concern is not a goal at this time.**

That makes TLG question as to whether an environmental process will be conducted at a later time to mitigate against increased flood impacts for all residents, business and property owners located on the water side of the modified and extended SB5 compliant levee?

For this reason, TLG believes that because of the importance of protecting and mitigating against all increased flood impacts created, wouldn't it make sense to schedule an additional workshop to ensure that the public that will be adversely affected by the modifications and extension of the RD17 Dryland Levee fully understands any and all impacts to be created.

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

cc:

Karen McLaughlin, Manteca City Manager
Frederic Clark, City of Manteca Community Development Director
Mark Houghton, City of Manteca Public Works Director

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

Mark Meissner, City of Manteca Planning Department Director

Enclosures:

- 06/18/16 Email from TLG to Drake Haglan Associates
- 06/17/16 Email from Drake Haglan Associates to TLG, with attachments
- 06/07/16 Letter from TLG to Manteca City Council, with attachments
- 06/03/16 Email from TLG to Matt Satow, Drake Haglan Associates
- 05/24/16 Letter from TLG to City of Manteca Planning Commission, with attachments
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/03/16 Letter from TLG to Manteca City Council, with attachments
- 04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council, with attachments
- 03/01/2016 Letter from TLG to Manteca City Council, with attachments
- 02/16/2016 Letter from TLG to Manteca City Council, with attachments
- 04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District, with attachments
- 03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District, with attachments
- 12/16/2014 Letter from TLG to Manteca City Council, with attachments

From: **Matt Satow** MSatow@drakehaglan.com
Subject: RE: Additional questions regarding 5/18/16 workshop
Date: June 18, 2016 at 9:29 AM
To: Martin Harris terralandgroup@gmail.com

MS

Mr. Harris,

Please see the attached for responses to the additional questions you submitted. As always, please feel free to call or email me if you have additional questions.

Thanks.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971
C: (916) 616-3940
www.drakehaglan.com

From: Martin Harris [<mailto:terralandgroup@gmail.com>]
Sent: Friday, June 17, 2016 11:15 AM
To: Matt Satow
Subject: Re: Additional questions regarding 5/18/16 workshop

On May 24, 2016, TLG sent a list of 33 questions relating to flood impacts associated with SB5 compliance and anticipated modifications to be performed to the existing RD17 levee system south of Manteca.

On May 26, 2016, you responded that TLG could expect answers to the 33 questions by June 3, 2016.

As of today's date, no answers have been received by TLG for any of the 33 questions submitted.

Most important, the Manteca City Council plans to consider Agenda Item B-4 on Tuesday 6/21/16 concerning the Draft General Plan Safety Element Amendment as it relates to SB5 compliance.

Your timely response would be greatly appreciated.

On Thu, May 26, 2016 at 10:28 AM, Matt Satow <MSatow@drakehaglan.com> wrote:
Hi Mr. Harris,

I have received your email and we are working on providing answers to these. I likely won't have answers on these until next week but will keep you posted.

Thanks.

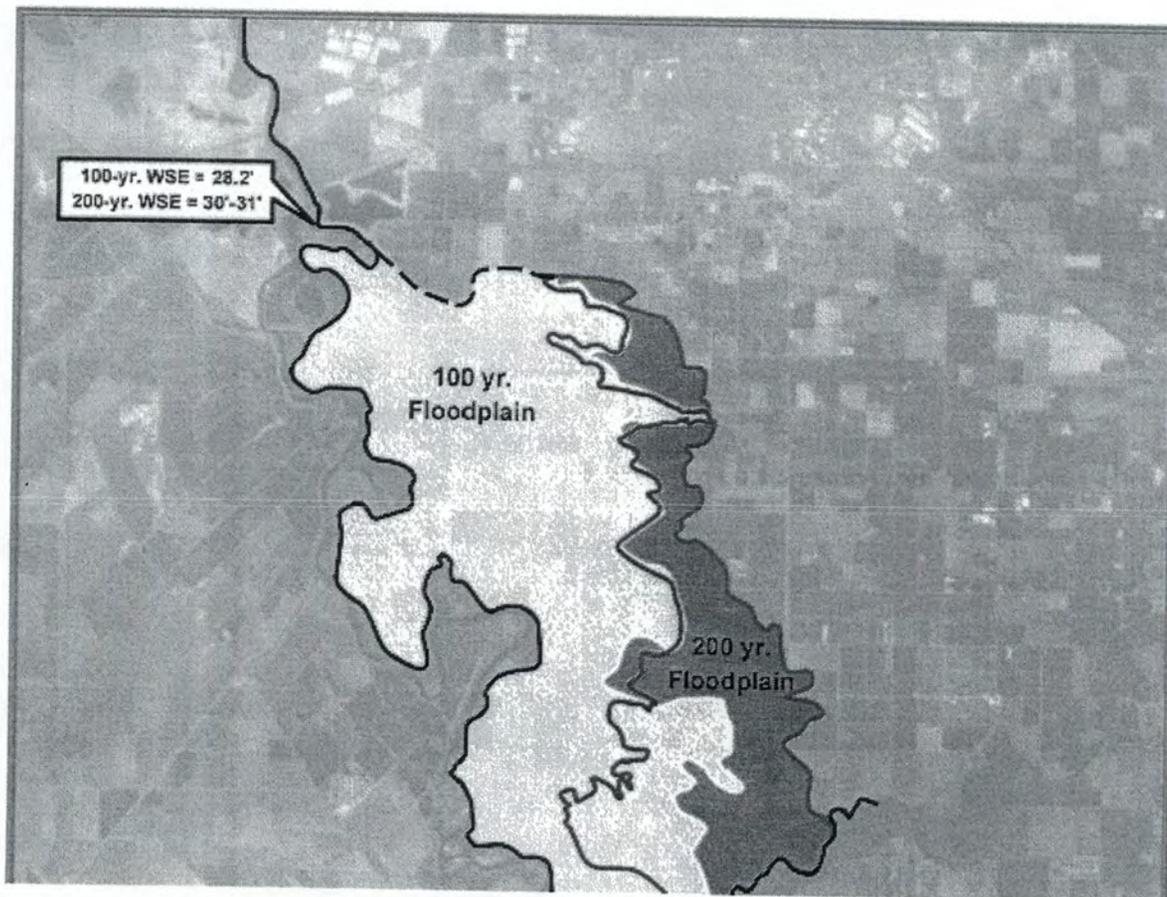
Matt Satow, P.E.
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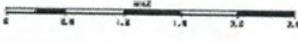
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Comment_Response_Te
rra_LandGr..._06_02.pdf



100-yr. WSE = 39.0'
200-yr. WSE = 40.0'



Legend

-  EXISTING LEVEE
-  27.5 FOOT ELEVATION CONTOUR
-  100 YEAR FLOODPLAIN (PER FEMA)
-  200 YEAR FLOODPLAIN (PER RD-17 STUDY)
- WSE** WATER SURFACE ELEVATION

City of Manteca
Dryland Levee Alignment

100 YEAR vs 200 YEAR FLOODPLAIN

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

Comment Number	Location	Terra Land Group Comment	Responses
		Upon viewing Figure 3 included in the 5/18/16 Dryland Levee Alignment workshop presentation slides you forwarded and the list of 35 frequently asked questions with answers presented at the 05/18/16 dryland levee workshop meeting, TLG has a few questions meant to clarify your answers provided at the meeting:	

TERRA LAND GROUP (TLG) COMMENTS FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#1</p>	<p>Page 1</p>	<p>In the blue area flood basin shown in Figure 3, what flood water elevation level is depicted in the flood region shown?</p> <p>The 200-year flood water elevation varies across the area of concern. The area of concern being the area bounded by:</p> <ol style="list-style-type: none"> (1) The RD-17 Walthall Dryland Levee to the north (2) The San Joaquin River to the East (3) And the Stanislaus River to the south <p>In the remainder of this document this area is referenced as the “area of concern”.</p> <p>Flood water surface elevations near the Stanislaus River will be higher than at the RD-17 dryland levee. These elevations will vary between 40 and 30 feet.</p> <p>Source: <i>200-year Freeboard Analysis & Floodplain Mapping within RD-17</i>. PBI</p> <p>Please note that these elevations are accurate for the current analysis only. Several factors such as global warming are expected to change the water surface elevations of flood events significantly over the next 80 years. The current RD-17 200-year flood event accounts for the next 20-years of climate change effects.</p> <p>Please see the attached exhibit showing the following features across the area of concern:</p> <ol style="list-style-type: none"> (1) the OEM 27.5' contour line (shown in RED) (2) FEMA's 100-year floodplain (shown in YELLOW) (3) RD-17 200-year floodplain (shown in BLUE) <p>The elevation of the 100-year event in the Stanislaus River at Turtle Beach will be 28.2 feet.</p> <p>The elevation of the 200-year event in the same location will be 30 to 31 feet.</p>
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**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#2	Page 1	Does that blue area flood basin shown in Figure 3 represent a 200-year event?	Yes, the blue area shown represents the 200-year floodplain at the time of the RD-17 study.
#3	Page 1	If not, what does the blue area flood basin shown in Figure 3 represent? 100-year? Other?	Please see response to comment #2.
—	Page 2	In April 2011, the San Joaquin County Office of Emergency Services issued the San Joaquin County Flood Contingency Map (attached). The April 2011 San Joaquin County Flood Contingency Map appears to detail contour lines describing a 100-year flood event with a flood basin reaching an elevation of 27.5 feet contingent upon a relief cut being made.	The Office of Emergency Management map provided with the comments is a graphic generated as an emergency response map and is a generalization of the 1997 water surface elevation. This map shows an approximate location of the 100-year floodplain, but it is not intended to represent the actual 100-year floodplain for regulation purposes. FEMA establishes the 100-year floodplain which like the 200-year floodplain has a variable water surface elevation across the area in question.
#4	Page 2	What is the difference in the flooded area when comparing the flood basin located within the 27.5 foot contour lines (with relief cut, see attached) as compared to the blue area flood basin shown in Figure 3?	Please see the attached exhibit for the difference in these two floodplains as well as the 27.5 foot contour. At the Dryland Levee the water surface elevation will be approximately 30 feet to 31 feet for the 200-year flood. The difference in the two elevations will be approximately 2.5 feet to 3.5 feet.
#5	Page 2	Is the total size of the blue area flood basin shown in Figure minimized in relation to the total area that flood waters could have extended to as a result of a relief cut being made at the Turtle Beach levee location? How far and at what depth will flood waters extend if a relief cut is not made at the Turtle Beach levee location?	The RD-17 water surface elevation was developed according to the Urban Levee Design Criteria (ULDC) which prohibits assumption that a relief cut will be made. Please see the attached exhibit for the limits of the floodwaters during a 100-year event and a 200-year event.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#6	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 200-year flood event with no relief cut being made at the Turtle Beach levee location?	Correct, please see response to #1
#7	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 100-year flood event with no relief cut being made at the Turtle Beach levee location?	No, please see response to #1
#8	Page 2	Is the maximum extent of the flood water elevation level limited by the current height of the levees currently in place along the east side of the San Joaquin River for all locations shown on the San Joaquin County Flood Contingency Map (attached)?	No. The maximum extent and elevation of flood water is not limited by the levees along the San Joaquin River.
#9	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in height in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	North of the dryland levee, improvements are planned for the levees. South of the dryland levee, no improvements are planned.
#10	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in width in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	Please see response to #9

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#11	Page 2	Can residents and property owners located south of the proposed SB5 compliant extended RD17 levee rely upon the use of Paradise Cut to assist in draining flood waters off impacted properties east of the San Joaquin River?	The Paradise Cut will continue to provide high water relief, but no additional modifications are planned at this time.
#12	Page 3	Should 2 each floodgate(s) be included in the final design to allow flood water drainage from the impacted areas east of the San Joaquin River into: a. The San Joaquin River channel at the point that the river flows past the Turtle Beach levee; and b. Across the San Joaquin River allowing flood water drainage into the Paradise Cut drainage canal?	This suggestion is not part of the proposed project and will need to be studied under a different project.
#13	Page 3	If adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may impact and impede the flow of the San Joaquin River and result in San Joaquin River flow waters backing up and putting additional pressure on levees upstream?	Anything is possible. Relief cuts only help the area of concern post flood, they will not help during the peak of the storm event because water will only drain back into the river when the river level is lower than the trapped water. These drain outs are not expected to aggravate the peaks in flood events.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#14</p>	<p>Page 3</p>	<p>In the event that adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may cause added pressure on levees upstream and contribute to additional levee failures due to impeded San Joaquin River flows resulting from the competing flows created at the time a relief cut is made at the Turtle Beach levee?</p>	<p>Please see response to #13</p>
<p>#15</p>	<p>Page 3</p>	<p>Is it possible that concern by the authorities in charge related to increased pressure on upstream levees may result in delaying a decision by those same authorities to perform a relief cut at the Turtle Beach levee location?</p>	<p>We cannot predict the thoughts of others in the future.</p>
<p>#16</p>	<p>Page 3</p>	<p>Is it true that any RD17 and RD 2094 joint contingency plan to perform a relief cut to the Turtle Beach levee must be approved by a higher authority to limit any liability for any impacts created?</p>	<p>This question is beyond the scope of this study. Concerned citizens are directed to the Office of Emergency Services for additional information. That said, while the Army Corps of Engineers (ACOE) is the final authority for these levees and RD-17 will seek ACOE approval prior to Relief Cuts, in the past RD-17 has made this decision in the field and sought out ACOE approval after the fact.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#17	Page 3	<p>What higher authority would be involved in making the final decision to perform a relief cut to the Turtle Beach levee?</p> <ul style="list-style-type: none"> a. State Department of Water Resources? B. U.S. Army Corps of Engineers? c. Governor for the State of California? d. All of the above? e. Other? 	Please see response to #16
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**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#18</p>	<p>Page 3 & 4</p>	<p>Several prominent agricultural business families south of Manteca have expressed their opinion to a number of their neighbors that if a relief cut is not made to the Turtle Beach levee that one of the following possibilities may occur:</p> <p>a. A temporary flood basin will be formed consisting of accumulating flood water forming against the Turtle Beach levee and extending east and south, due to a levee breach that could eventually reach the height of the San Joaquin River flow elevation level existing at the point of location of the San Joaquin River levee breach. (See blue area flood basin depicted in Figure 3 and referred to in previous questions.)</p> <p>or</p> <p>b. If the height of the Turtle Beach levee remains at its current elevation, it is believed by some of those same prominent agricultural business families that depending on the elevation of the San Joaquin River at the point of a levee breach, flood waters accumulating against the Turtle Beach levee may eventually reach a height that allows those accumulating flood waters to flow over the Turtle Beach levee and back into the San Joaquin River at or near the Turtle Beach levee location.</p>	<p>Many scenarios are possible.</p> <p>What is your question, or what would you like us to clarify?</p>
		<p>That makes a number of concerned citizens further question:</p>	

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#19	Page 4	For a 100-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?	A flood water basin is not being created in this area of concern. For the 100-year flood water surface elevations please see response #1.
#20	Page 4	For a 200-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?	A flood water basin is not being created in this area of concern. For the 200-year flood water surface elevations please see response #1.
#21	Page 4	Should flood water discharge and/or diverter gates be installed at the Turtle Beach levee and/or Paradise Cut channel locations?	Please see response #12
#22	Page 4	Is it possible that flood waters accumulating against the Turtle Beach levee could be piped (similar in size to the diameter of the pipe proposed for the Twin Tunnels pipeline and controlled by means of a flood gate) under the San Joaquin River at or near that same Turtle Beach levee location and directed in such a way as to align with and discharge flood water from flooded areas east of the San Joaquin River and south of the modified RD17 levee system across and under the river and into the Paradise Cut drainage canal?	Anything is possible given enough funding. The cost estimate for such a project would exceed realistic funding opportunities. Additionally, the Army Corps of Engineers is not approving much smaller projects associated with Paradise Cut while downstream impacts are being evaluated.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#23</p>	<p>Page 4</p>	<p>Realistically, after all levee alterations, extensions and other levee modifications are made, what elevation of flood water can residents and property owners located east of the San Joaquin River and south of the modified RD17 levee system expect those flood waters to reach for the flood water basin created?</p>	<p>Please see the responses #19 and #20</p>
<p>#24</p>	<p>Page 4</p>	<p>Can more effort be made to ensure that improvements and/or dredging is performed to the San Joaquin River to improve and increase river flow capacity?</p>	<p>Please see response #12</p>
<p>#25</p>	<p>Page 5</p>	<p>What have all local governing authorities done and what additional effort can be put forth to improve and increase flood water flow capacity along and through Paradise Cut?</p>	<p>The Army Corps of Engineers Lower San Joaquin Feasibility Study determined that Paradise Cut modifications are not cost effective. However the Lower San Joaquin Area Flood Control Agency Regional Flood Management Plan identified this as a future response to climate change. Use of the Paradise Cut for current storm water relief is a separate goal and out of the scope of this project.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#26</p>	<p>Page 5</p>	<p>Is it possible that flood water elevations for the area east of the San Joaquin River and south of the modified RD17 levee system will exceed those levels experienced during the 1997 flood? If so, by how much?</p>	<p>Yes it is possible. The 1997 flood is accepted as a 100-year flood. There are floods greater than the 100-year flood.</p> <p>A 100-year flood has a 1 in 100 change, or 1% ,of happening in any given year.</p> <p>Larger events, 200-year and 500-year, could also occur.</p> <p>Additionally, climate change is expected to affect storm water elevations over the next 80 years.</p>
<p>#27</p>	<p>Page 5</p>	<p>In what form will the environmental process take place as stated in the 05/18/16 Dryland Levee Alignment Workshop presentation slides and further represented in those same workshop presentation slides to start in late 2016?</p>	<p>California Environmental Quality Act (CEQA) and if needed the National Environmental Policy Act (NEPA) environmental documents will begin in 2019.</p> <p>During this environmental phase, the public will be given the opportunity to review and comment on the environmental documents and supporting technical studies.</p>
<p>#28</p>	<p>Page 5</p>	<p>Since the 05/18/16 Dryland Levee Alignment Workshop presentation slides indicate that a City of Manteca Planning Commission meeting will be held on June 28, 2016, what is the purpose of the Planning Commission Agenda Item 6.2 scheduled to be presented to the Planning Commission on May 24, 2016?</p>	<p>With this agenda items: "The City is proposing to amend its General Plan Safety Element to further its efforts in establishing compliance with the requirements of the Senate Bill (SB) 5 Bills for 200-year flood protection based on new flood information and data that was unavailable during the previous Safety Element Amendment in 2013. The City will also subsequently amend its Municipal Code to provide consistency with the proposed General Plan amendments."</p> <p>This is an administrative action required to keep the City in compliance with SB-5.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#29	Page 5	With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to?	Could you please rephrase the question? It is difficult to identify what needs to be clarified.
#30	Page 5	Should the public be concerned that a negative declaration is being proposed for approval by the Planning Commission at tonight's 05/24/16 meeting?	This action is to keep the City in compliance with SB-5.
#31	Page 5	Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?	Reducing flood impacts for property owners in the area of concern is not a goal at this time.
#32	Page 5	Is it fair and in the best interests of the public that RD17 was removed from the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?	Improvements to RD-17 were considered in the Lower San Joaquin River Feasibility Report (LSJRF), but were not included in the final array of alternatives due to concerns with induced growth and wise use of the flood plain. Local authorities are working to address those concerns so that Federal interest in improvements can be reconsidered.
#33	Page 5	Should consideration be made to re-incorporate RD17 back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?	Please see response #32

100-yr. WSE = 28.2'
200-yr. WSE = 30'-31'

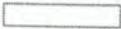
100 yr.
Floodplain

200 yr.
Floodplain

100-yr. WSE = 39.0'
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Legend

-  EXISTING LEVEE
-  27.5 FOOT ELEVATION CONTOUR
-  100 YEAR FLOODPLAIN (PER FEMA)
-  200 YEAR FLOODPLAIN (PER RD-17 STUDY)
- WSE** **WATER SURFACE ELEVATION**

City of Manteca
Dryland Levee Alignment

100 YEAR vs 200 YEAR FLOODPLAIN

From: Martin Harris terralandgroup@gmail.com
Subject: Re: Additional questions regarding 5/18/16 workshop
Date: June 17, 2016 at 11:14 AM
To: Matt Satow MSatow@drakehaglan.com



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On May 26, 2016, you responded that TLG could expect answers to the 33 questions by June 3, 2016.

As of today's date, no answers have been received by TLG for any of the 33 questions submitted.

Most important, the Manteca City Council plans to consider Agenda Item B-4 on Tuesday 6/21/16 concerning the Draft General Plan Safety Element Amendment as it relates to SB5 compliance.

Your timely response would be greatly appreciated.

On Thu, May 26, 2016 at 10:28 AM, Matt Satow <MSatow@drakehaglan.com> wrote:

Hi Mr. Harris,

I have received your email and we are working on providing answers to these. I likely won't have answers on these until next week but will keep you posted.

Thanks.

Matt Satow, P.E.

Principal Engineer

Drake Haglan & Associates

11060 White Rock Road, Suite 200

Rancho Cordova, CA 95670

T: [\(916\) 231-0971](tel:(916)231-0971)

C: [\(916\) 616-3940](tel:(916)616-3940)

www.drakehaglan.com

From: Terra Land Group [<mailto:terralandgroup@gmail.com>]
Sent: Tuesday, May 24, 2016 3:00 PM
To: Matt Satow
Subject: Additional questions regarding 5/18/16 workshop

Please see attached letter. This is part one of two, to be continued in a separate email due to file size.

From: Terra Land Group terralandgroup@gmail.com
Subject: Re: Additional questions regarding 5/18/16 workshop
Date: June 3, 2016 at 11:31 AM
To: Matt Satow MSatow@drakehaglan.com



At this time, TLG is still waiting for answers to the questions included in TLG's email sent to you on 5/24/16.

Do you have any idea when the answers to the 33 questions will be completed and made available for review?

Thanks,

Jodi Sabatino for
Martin Harris
Terra Land Group

CONFIDENTIALITY NOTICE: This e-mail message including any attachments of any kind are covered by the Electronic Communications Privacy Act, is confidential and may include legally protected information. If you are not the intended recipient or you have received this e-mail message by mistake, printing, copying, storing or disseminating in any way is prohibited and doing so could subject you to civil and/or criminal action. Please notify the sender if you received this e-mail in error and delete all information contained in and attached to this e-mail.

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TERRA LAND GROUP, LLC

June 7, 2016

VIA HAND-DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 06/07/16 Meeting Agenda Item B.1: Approve a Memorandum of Understanding Among the Cities of Lathrop, Manteca and Stockton, the County of San Joaquin and Reclamation District (RD) 17, to Pursue 200-Year Urban Level of Flood Protection to Satisfy Senate Bill 5, and Authorize the Mayor to Sign Same.

Dear Council Members,

My name is Bryce Perkins and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item B.1 and supporting documents for the June 7, 2016 Manteca City Council meeting.

Agenda Item B.1 describes tonight's action as to "Approve a Memorandum of Understanding Among the Cities of Lathrop, Manteca and Stockton, the County of San Joaquin and Reclamation District (RD) 17, to Pursue 200-Year Urban Level of Flood Protection to Satisfy Senate Bill 5, and Authorize the Mayor to Sign Same".

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

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However, this letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns that TLG believes need to be addressed and considered as part of the Memorandum of Understanding approval process and any future environmental impact study associated with Agenda Item B.1 as presented to the City Council at tonight's meeting.

In this way, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the dryland levee (see correspondence attached).

Thank you for your attention to this very important matter,



Bryce Perkins
for Terra Land Group, LLC.

BP/jas

cc:

U.S. Army Corps of Engineers, Sacramento District
City of Lathrop Community Development Department
City of Stockton Community Development Department
San Joaquin Area County Flood Control Agency
Reclamation District No. 17

Enclosures:

06/03/16 Letter from TLG to Matt Satow, Drake Haglan Associates
05/24/16 Letter from TLG to City of Manteca Planning Commission, with attachments
05/17/2016 Letter from TLG to Manteca City Council
05/17/2016 Letter from TLG to Manteca City Council
05/03/16 Letter from TLG to Manteca City Council, with attachments
04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council, with attachments
03/01/2016 Letter from TLG to Manteca City Council, with attachments
02/16/2016 Letter from TLG to Manteca City Council, with attachments
04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District, with attachments
03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District, with attachments
12/16/2014 Letter from TLG to Manteca City Council, with attachments

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRALAND GROUP, LLC

May 24, 2016

VIA HAND-DELIVERY

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca Planning Commission 05/24/16 Meeting Agenda Item 6.2: City of Manteca 2023 General Plan Safety Element Amendment No. GPA-16-09 and Municipal Code Amendment No. MCA-16-66 to establish General Plan and Zoning consistency.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item 6.2 and supporting documents for the May 24, 2016 City of Manteca Planning Commission meeting.

Agenda Item 6.2 describes the project as the City of Manteca 2023 General Plan Safety Element Amendment No. GPA-16-09 and Municipal Code Amendment No. MCA-16-66 to establish General Plan and Zoning consistency. Agenda Item 6.2 further states that "This project has resulted in the preparation of an Initial Study/Negative Declaration (ND) and supporting documents to the requirements of the California Environmental Quality Act (CEQA) and was filed with the State Clearinghouse (SCH #2016042054)".

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

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However, after reviewing the documents provided by the City of Manteca relating to the Manteca SB5 Safety Element Amendments dated May 14, 2016 and April 14, 2016 and presented as an attachment to tonight's Planning Commission Agenda Item 6.2, TLG believes that there are a number of areas of concern that mitigation measures and/or other accommodations should be considered to offset or reduce any environmental impacts created to non-developing residents, farms and other property owners affected by and located on the flood water side of the RD17 dryland extended levee.

- I. Areas of Concern and Accommodations and/or Mitigation Measures to Consider Relating to the Manteca SB5 Safety Element Amendment dated May 14, 2016:
 - A. Section 1.2, page 5 Safety: "contains policies and programs to protect the community from injury, loss of life, and property damage resulting from natural disasters and hazardous conditions".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
 - B. Section 6.13, page 33 Flood Safety Goal S-4: "pursue flood control solutions that minimize environmental impacts".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
- II. Areas of Concern and Accommodations and/or Mitigation Measures to Consider Relating to the Manteca SB5 Safety Element Amendment dated April 14, 2016:
 - A. Page 6, Flood Safety Implementation Measure S-I-8: "Applications for development in areas subject to 200-year flooding shall indicate the depth of predicted 200-year flooding on the basis of official maps approved by the City Engineer".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
 - B. Page 6, Flood Safety Implementation Measure S-I-10: "The city will prepare an official 200-year floodplain map for the City of Manteca identifying predicted flood depths for reference when making land use determinations".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
- III. Other Areas of Concern:

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- A. Since it has been represented by City of Manteca staff that the dryland levee will allow recreational access to the public for pedestrian (walkers and runners) and bicycle traffic along the levee:
1. Response: Will fencing and other protections be put in place to prevent trespass to adjacent farm properties?
 2. Response: Will restrooms be installed to protect against food safety/contamination issues to neighboring farm properties relating to that same recreational access to the public?
- B. Severance due to levee alignments dividing affected properties
1. Response: Will affected properties be able to continue to provide irrigation and/or domestic water to all areas of their property that are not determined to be needed for dryland levee modifications and/or extension to the RD17 existing levee?
 2. Response: Will affected properties be able to continue to access (by vehicle, farm implement and as otherwise necessary) any and all areas of their property that are not determined to be needed for dryland levee modifications and/or extension to the existing RD17 levee?
 3. Response: Will affected properties be able to effectively and completely discharge any and all stormwater and/or irrigation water from all areas of their property that are not determined to be needed for dryland levee modifications and/or extension to the existing RD17 levee?

In closing, TLG believes that SB5 compliance can be achieved with minimal increases to flood impacts previously experienced by flood water side residents, farmers and other property owners provided that adequate accommodations are made relating to:

- A. Maintaining historic floodwater elevation impacts by incorporating adequate design provisions to accommodate timely floodwater drainage; and
- B. Prohibiting the use of cutoff and/or slurry walls to maintain groundwater elevation levels as currently existing; and
- C. Prohibit the use of cutoff and/or slurry walls to allow for groundwater recharge; and
- D. Maintaining the right and ability for vehicular access, irrigating crops and discharging stormwaters to and from all areas of properties affected by a levee modification, extension or relocation; and

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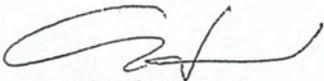
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- E. Allowing for waterside property owners to maintain their right and ability to continue to farm their property.

Finally, TLG would like to state that due to the fact that city staff have recommended approval of a negative declaration for this project, TLG is concerned that the City of Manteca may not fully understand the potential for adverse impacts associated with expanding, modifying and/or relocating the RD17 levee in association with SB5 compliance.

For this reason, TLG can't help but question as to whether the SB5 decision-making process wouldn't be better off if incorporated back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015.

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Enclosure: 05/24/16 Letter from TLG to Drake Haglan & Associates, with attachments

TERRA LAND GROUP, LLC

May 24, 2016

VIA EMAIL

Matt Satow
Drake Haglan & Associates
619 - 13th Street, Suite G
Modesto, CA 95354

Re: Additional questions submitted to clarify your answers to the 35 most frequently asked questions as presented by you at the 05/18/16 Dryland Levee Alignment Workshop.

Dear Mr. Satow,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

At this time I would like to thank you for forwarding the meeting #3 May 18, 2016 Dryland Levee Alignment Workshop presentation slides.

Upon viewing Figure 3 included in the 5/18/16 Dryland Levee Alignment workshop presentation slides you forwarded and the list of 35 frequently asked questions with answers presented at the 05/18/16 dryland levee workshop meeting, TLG has a few questions meant to clarify your answers provided at the meeting:

1. In the blue area flood basin shown in Figure 3, what flood water elevation level is depicted in the flood region shown?
2. Does that blue area flood basin shown in Figure 3 represent a 200-year event?
3. If not, what does the blue area flood basin shown in Figure 3 represent? 100-year? Other?

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In April 2011, the San Joaquin County Office of Emergency Services issued the San Joaquin County Flood Contingency Map (attached). The April 2011 San Joaquin County Flood Contingency Map appears to detail contour lines describing a 100-year flood event with a flood basin reaching an elevation of 27.5 feet contingent upon a relief cut being made.

4. What is the difference in the flooded area when comparing the flood basin located within the 27.5 foot contour lines (with relief cut, see attached) as compared to the blue area flood basin shown in Figure 3?
5. Is the total size of the blue area flood basin shown in Figure 3 minimized in relation to the total area that flood waters could have extended to as a result of a relief cut being made at the Turtle Beach levee location? How far and at what depth will flood waters extend if a relief cut is not made at the Turtle Beach levee location?

or

6. Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 200-year flood event with no relief cut being made at the Turtle Beach levee location?

or

7. Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 100-year flood event with no relief cut being made at the Turtle Beach levee location?
8. Is the maximum extent of the flood water elevation level limited by the current height of the levees currently in place along the east side of the San Joaquin River for all locations shown on the San Joaquin County Flood Contingency Map (attached)?
9. Will any portions of the current levees running along the east side of the San Joaquin River be increased in height in association with any and all levee improvements planned to protect developing and/or developed properties in the area?
10. Will any portions of the current levees running along the east side of the San Joaquin River be increased in width in association with any and all levee improvements planned to protect developing and/or developed properties in the area?
11. Can residents and property owners located south of the proposed SB5 compliant extended RD17 levee rely upon the use of Paradise Cut to assist in draining flood waters off impacted properties east of the San Joaquin River?

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12. Should 2 each floodgate(s) be included in the final design to allow flood water drainage from the impacted areas east of the San Joaquin River into:
 - a. The San Joaquin River channel at the point that the river flows past the Turtle Beach levee; and
 - b. Across the San Joaquin River allowing flood water drainage into the Paradise Cut drainage canal?
13. If adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may impact and impede the flow of the San Joaquin River and result in San Joaquin River flow waters backing up and putting additional pressure on levees upstream?
14. In the event that adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may cause added pressure on levees upstream and contribute to additional levee failures due to impeded San Joaquin River flows resulting from the competing flows created at the time a relief cut is made at the Turtle Beach levee?
15. Is it possible that concern by the authorities in charge related to increased pressure on upstream levees may result in delaying a decision by those same authorities to perform a relief cut at the Turtle Beach levee location?
16. Is it true that any RD17 and RD 2094 joint contingency plan to perform a relief cut to the Turtle Beach levee must be approved by a higher authority to limit any liability for any impacts created?
17. What higher authority would be involved in making the final decision to perform a relief cut to the Turtle Beach levee?
 - a. State Department of Water Resources?
 - b. U.S. Army Corps of Engineers?
 - c. Governor for the State of California?
 - d. All of the above?
 - e. Other?
18. Several prominent agricultural business families south of Manteca have expressed their opinion to a number of their neighbors that if a relief cut is not made to the Turtle Beach levee that one of the following possibilities may occur:

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- a. A temporary flood basin will be formed consisting of accumulating flood water forming against the Turtle Beach levee and extending east and south, due to a levee breach that could eventually reach the height of the San Joaquin River flow elevation level existing at the point of location of the San Joaquin River levee breach. (See blue area flood basin depicted in Figure 3 and referred to in previous questions.)

or

- b. If the height of the Turtle Beach levee remains at its current elevation, it is believed by some of those same prominent agricultural business families that depending on the elevation of the San Joaquin River at the point of a levee breach, flood waters accumulating against the Turtle Beach levee may eventually reach a height that allows those accumulating flood waters to flow over the Turtle Beach levee and back into the San Joaquin River at or near the Turtle Beach levee location.

That makes a number of concerned citizens further question:

19. For a 100-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?
20. For a 200-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?
21. Should flood water discharge and/or diverter gates be installed at the Turtle Beach levee and/or Paradise Cut channel locations?
22. Is it possible that flood waters accumulating against the Turtle Beach levee could be piped (similar in size to the diameter of the pipe proposed for the Twin Tunnels pipeline and controlled by means of a flood gate) under the San Joaquin River at or near that same Turtle Beach levee location and directed in such a way as to align with and discharge flood water from flooded areas east of the San Joaquin River and south of the modified RD17 levee system across and under the river and into the Paradise Cut drainage canal?
23. Realistically, after all levee alterations, extensions and other levee modifications are made, what elevation of flood water can residents and property owners located east of the San Joaquin River and south of the modified RD17 levee system expect those flood waters to reach for the flood water basin created?
24. Can more effort be made to ensure that improvements and/or dredging is performed to the San Joaquin River to improve and increase river flow capacity?

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25. What have all local governing authorities done and what additional effort can be put forth to improve and increase flood water flow capacity along and through Paradise Cut?
26. Is it possible that flood water elevations for the area east of the San Joaquin River and south of the modified RD17 levee system will exceed those levels experienced during the 1997 flood? If so, by how much?
27. In what form will the environmental process take place as stated in the 05/18/16 Dryland Levee Alignment Workshop presentation slides and further represented in those same workshop presentation slides to start in late 2016?
28. Since the 05/18/16 Dryland Levee Alignment Workshop presentation slides indicate that a City of Manteca Planning Commission meeting will be held on June 28, 2016, what is the purpose of the Planning Commission Agenda Item 6.2 scheduled to be presented to the Planning Commission on May 24, 2016?
29. With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to?
30. Should the public be concerned that a negative declaration is being proposed for approval by the Planning Commission at tonight's 05/24/16 meeting?
31. Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?
32. Is it fair and in the best interests of the public that RD17 was removed from the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?
33. Should consideration be made to re-incorporate RD17 back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?

In closing, since none of the additional SB5 workshops requested by a petition signed by numerous members of the public and presented to the Manteca City Council on May 3, 2016 (see enclosures), are planned to be scheduled, TLG would appreciate your written response to the questions offered as soon as reasonably possible.

TERRALAND GROUP, LLC

Thank you,



Martin Harris
for Terra Land Group, LLC.

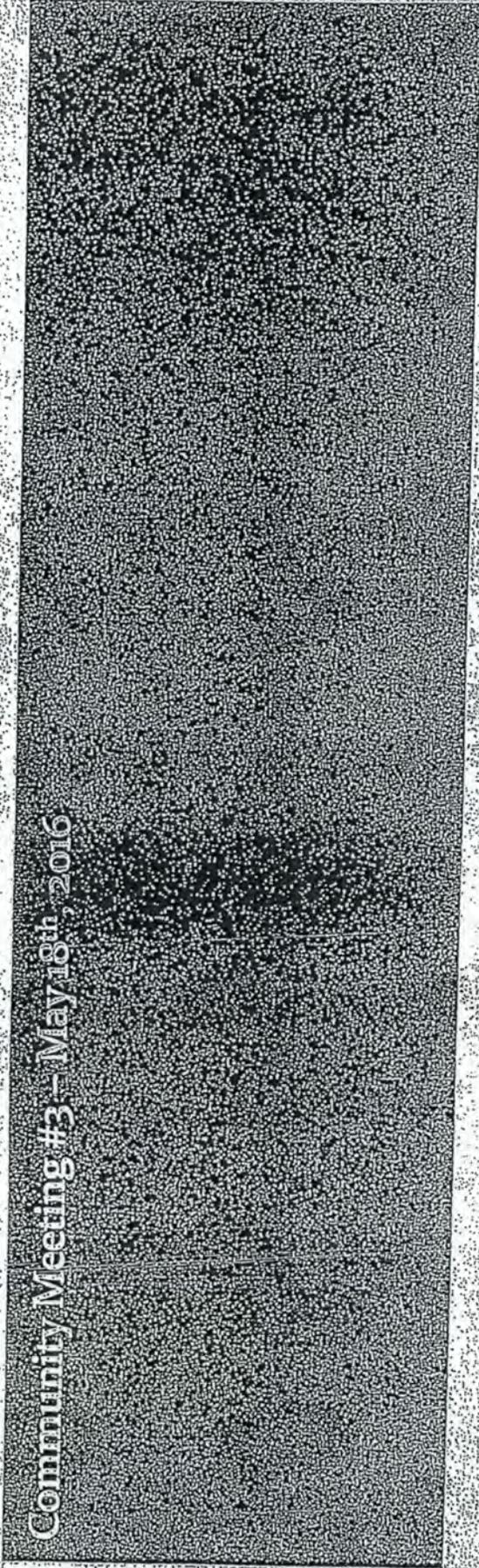
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Enclosures

DRYLAND AND LEVEE ALIGNMENTS

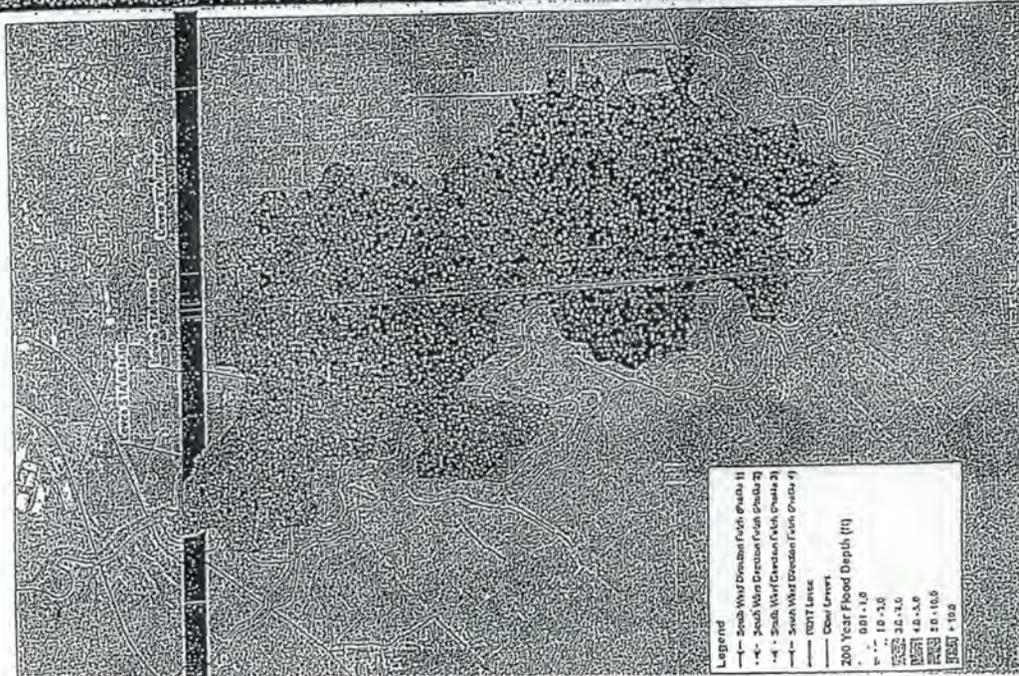


Community Meeting #3 - May 18th, 2016



Turtle Beach Levee Break

- In the event of a levee breach upstream the water needs a way to get back to the river



Legend

- South West Direction Flow (Quadr. 1)
- South West Direction Flow (Quadr. 2)
- South West Direction Flow (Quadr. 3)
- South West Direction Flow (Quadr. 4)
- DIRT Levee
- Clay Levee

200 Year Flood Depth (ft)

- 0.01 - 1.0
- 1.0 - 2.0
- 2.0 - 3.0
- 3.0 - 4.0
- 4.0 - 5.0
- 5.0 - 10.0
- 10.0 - 15.0

DATE: 10/15/18
 DRAWN: [Name]
 CHECKED: [Name]

MANTECA DRYLAND LEVEE EXTENSION

Frequently Asked Questions

Senate Bill 5

1- Why does the existing levee need to be extended?

The levee extension is one component of many that are needed to comply with Senate Bill 5 (SB5) for the Reclamation District 17 (RD 17) area and protect areas of Lathrop and Manteca from a 200-year flood event.

2- What is SB 5 and what are the key requirements of this Bill?

In 2007, the State of California approved Senate Bill 5 and a series of related Senate and Assembly bills intended to set new flood protection standards for urban areas. This group of bills is referred to collectively as the "SB 5". SB5 establishes the State standard for flood protection in urban areas as protection from the 200-year frequency flood. Under SB 5, urban and urbanizing areas must be provided with 200-year flood protection no later than 2025. After July 2, 2016, new development in areas potentially exposed to 200-year flooding more than three feet deep will be prohibited unless the local land use agency certifies that 200-year flood protection has been provided, or that "adequate progress" has been made toward provision of 200-year flood protection by 2025. These requirements are to be instituted in local general plans and zoning.

In addition to setting the 200-year flood protection requirements for urban areas, SB 5 also established new and more comprehensive State flood protection policies and a public investment strategy for flood protection improvements. Generally led by the State Department of Water Resources (DWR), the flood protection effort involves a range of local, state and federal agencies.

3- What happens if the key requirements of SB 5 are not met?

Cities and counties must make "SB 5 findings" before making certain land use decisions. If the findings are not met then the Cities and Counties will not be able to:

1. Enter into a Development Agreement for all types of property development
2. Approve a tentative map
3. Approve a parcel or subdivision map
4. Approve a discretionary permit or other discretionary entitlement for all development projects
5. Approve a ministerial permit that would result in construction of a new residence

Impacts to Properties on South Side of Levee

- 4- Once the levee is constructed, what will happen to the properties on the south side of the levee in the event of a significant flood?

Flood analysis performed by the City's consultant indicates no significant increase to flood depths for properties south of the dry-land levee. The exact number would depend on where the dryland levee is constructed but for the alternatives being considered, the increase in flood depths is less than 1/100th of a foot.

- 5- Will property owners on the south side of the levee incur higher flood insurance costs?

No, SB 5 does not affect flood insurance rates since FEMA doesn't require flood insurance for properties within the 200-year flood plain nor do they have approved 200-year flood plain Flood Insurance Rate Maps (FIRM).

- 6- Will residents on the south side of the levee still be able to obtain building permits to perform home improvements?

SB5 does not expressly prohibit building permits for home improvements. However, homeowners south/upstream of the levee that are in the FEMA 100 year flood plain, must comply with building standards as set forth by San Joaquin County Flood Plain Ordinance that requires that the finished floor of any new residence in a FEMA 100 year flood plain be elevated a minimum of one foot (1') above the 100 year flood plain.

Draining Water Back to the River During Flood Event & Other Options

- 7- When there is a flood, who is going to make the call to break the levee and where will the monies come from to repair the break?

During a major flood event where there is a southern levee breach, RD 17 and RD 2094 have a contingency plan in place to breach the levee at Turtle Beach to allow flood waters to drain back to the river. This contingency plan is budgeted for by both RD 17 and RD 2094.

- 8- Who makes the call on a relief cut in the event of a flood event to be made to the Turtle Beach levee in a timely manner to relieve floodwaters accumulating against the floodwater side of the levee?

RD 17 and RD 2094 will jointly make the decision based on the parameters in their contingency plan that has been approved by both agencies.

- 9- What about cleaning and expanding Paradise Cut, along with dredging the main channel of the San Joaquin River to handle the increased water flows?

Although "cleaning" and expanding Paradise Cut would likely reduce the floodplain impacts to properties on the east side of I-5, the impacts to properties downstream and west of I-5 are unknown and need to be studied. There are a number of physical and environmental impacts that a number of State and Federal regulatory agencies need to study and understand before making changes to the floodplain. This is part of the reason why the review and approval of the

Paradise Cut modifications proposed by the Cambay Group has taken 13 years for the Corp of Engineers to act upon.

Levee Construction

- 10- Will the use of cut-off walls to control seepage affect the groundwater table?
A cutoff wall will likely interfere with shallower groundwater tables.
- 11- If floodwalls require cut-off walls to control seepage, how deep do these cut-off walls need to be?
Approximately 40 feet deep.
- 12- Will slurry walls be used? If yes, why, or no, why not?
The use of slurry walls is not being considered at this time due to the high ground water table.
- 13- Is the construction of a floodwall as opposed to a levee a viable alternative?
Although construction of a floodwall (with cutoff wall) is a viable alternative in most areas of the proposed dryland levee extension, the City's position is to not support the use of them to avoid impacting the ground water table. If the Army Corp of Engineers (ACOE) requires the use of a cutoff wall instead of a seepage berm, the City will conduct additional analysis to demonstrate to the ACOE and public that the use of cutoff walls are feasible or infeasible. The additional analysis could include looking at the impacts on groundwater flow, recharge and the effect on the ground water table.
- 14- What agency will build and own the levee?
This has yet to be finalized but it is intended for this levee be owned and maintained by RD17. Current discussions include creating a Joint Power Authority (JPA) consisting of the cities of Lathrop, Manteca, Stockton, San Joaquin County and the San Joaquin County Area Flood Control Agency would construct the levee. RD17 will likely be responsible for maintenance.

Project Funding and Schedule

- 15- How much will the project cost?
The overall 200-year accreditation estimate (including Lathrop and Manteca) is estimated at \$140 million and the Manteca dryland levee extension is currently estimated at \$16.4 million of the \$140 million. However, the exact amount is unknown at this time as it can increase depending on the alignment selected for the dryland levee.
- 16- How is the construction of the levee going to be funded?
This has yet to be finalized, but a general answer is that the improvements will be paid for by all those who receive flood protection from this levee. A financial analysis including total construction costs and potential funding sources is currently being evaluated. Potential sources

include State assistance, developer fees, and assessments to existing lands within the 200-year flood zone.

17- Who will maintain the levee and who will pay for the maintenance cost?

This has not been finalized but assuming the levee and its extension remain within the boundaries of RD17, RD17 would maintain the levee. If it meanders into an adjacent reclamation district, that section would likely need to be annexed into RD17 for it to maintain the levee.

18- What is the timeline for the project?

The 200 year flood control improvements are planned to occur over the next 10 years. The next step in the process is for the agency (or agencies) to finalize a financial plan and initiate the environmental review process.

Right-of-Way Acquisition

19- If the selected Levee alignment alternative impacts my property/business directly or indirectly, how can I ensure I am adequately compensated for my hardship without the fear of eminent domain? And what is the process to follow?

Typically once an alignment is chosen, additional engineering is performed to determine where and how much right of way is needed. Maps are prepared to show how much right of way is needed from each property owner. The lead agency has an appraisal study completed to determine fair market value of the land, typically based on the "highest and best use" of the property, and includes comparable sales to support the value determined. If the property is located within the County, the "highest and best use" takes into consideration the current zoning under the County's General Plan and may also take into account zoning under the City's General Plan. However, an appraiser will likely take into account the probability of the property being annexed into the City and the applicable right-of-way dedication required under the highest use. After the appraisal has been completed, an offer is made to the landowner. Typically the landowner has the right to have his own appraisal done at the lead agency's expense. There may be some negotiation between the parties to arrive at an acceptable price for the land and ancillary cost such as living expenses or moving expenses. If the parties agree on a price the sale is completed. In cases where the landowner does not agree to sell, the lead agency will be forced to use eminent domain to acquire the property. A good publication to read on this process is the CALTRANS publication, "Your Property-Your Transportation Project", which can be found at: http://www.dot.ca.gov/hq/row/pubs/yourprop_eng.pdf

20- Has right-of-way already been given by some landowners?

No, right-of-way for the dryland levee extension has not been acquired as the alignment is still being considered.

21- Have eminent domain proceedings already been drawn up?

No, when an alignment has been selected through the environmental process and final design has started, the agency will follow the right-of-way acquisition process as described in Question #19.

22- What compensation will be provided to reimburse those affected from the damage incurred due to increase flood water elevation and where will these funds come from?

In the event of any natural disaster, those suffering some sort of damages may have some recourse. The amount of any compensation cannot be determined at this point, as no specific losses have been quantified. As to where the funds would come from, this would depend on which entity/entities are determined to be the most "at fault."

However, as discussed in Question #4, the flood analysis performed by the City's consultant indicates no significant increase to flood depths for properties south of the dry-land levee. The exact number would depend on where the dryland levee is constructed but for the alternatives being considered, the increase in flood depths is less than 1/100th of a foot.

23- Will the City of Manteca and those pressing for this levee go out and help remove residents' possession, cattle and other farm animals when the floods occur? What about the farmer with grain and hay in their fields?

Depending on where a flood is occurring i.e., levee break or topping out, the primary flood response could come from any number of agencies (i.e., the City, the County, the State, or even FEMA at the Federal level). The City and surrounding agencies would implement their emergency response plans. In the event of any losses or damage, a claim would have to be made against the party believed responsible and it would be reviewed as all other claims.

However, as discussed in Question #4 and # 22, the flood analysis performed by the City's consultant indicates no significant increase to flood depths for properties south of the dry-land levee. The exact number would depend on where the dryland levee is constructed but for the alternatives being considered, the increase in flood depths is likely less than 1/100th of a foot.

24- Who will acquire the ROW for the levee?

Unknown at this point, but it is anticipated that RD17 will be given lead agency status. There are also discussions on forming a Joint Power Authority (JPA) made up of Lathrop, Manteca and possibly Stockton, San Joaquin County and the San Joaquin County Area Flood Control Agency.

Miscellaneous

25- Why was Drake Haglan chosen as the consultant to lead the levee alignment discussions?

The City went through the formal Request for Proposal process and their proposal met the requirements, and they have the necessary qualifications in the realignment consensus work as outlined in their contract proposal presented in an agenda report to the City Council on March 1, 2016.

This information is available on the City's website at:
<http://www.ci.manteca.ca.us/CityClerk/CouncilVideos.aspx>

26- Why didn't the City do the work themselves?

Current work load demand and the compressed timeline did not allow staff to dedicate the time to this work.

27- Who received public notices for the workshops?

See attached map, all areas highlighted in blue and gray received notice. The notices were sent to the mailing address for the most current property owner based off of country secured roll owner of record.

28- What were the goals of the public workshops (just a check-box on Consultant's to-do list)?

The goal of the workshops was to build support and consensus on a preferred alignment for the dryland levee, subject to the requirements of SB 5.

29- How will you inform tax payers that should the inevitable happen with flooding, they will help carry the burden?

Not knowing what the "inevitable" is, we cannot answer who will "help carry the burden." Any such event would have to be better defined to help determine responsibility for burden.

Alignment Selection

30- Will City staff be the one who will chose the alignment that is be presented to Council for approval?

The Consultant will make a recommendation based on an alternative that best meets the City's need to comply with SB 5 while taking into account stakeholder input. City staff will review the Consultant's recommendation prior to taking it to City Council for approval.

31- Will the location of the proposed levee alignment dictate the location of the future expressway alignment?

Not necessarily. More traffic analysis will be performed as part of the City's General Plan update this summer. The need for the expressway and location will be determined at that time.

32- Current proposed alignments, does the City have:

a. Clear Maps that show public easements and clear levee location.

Alternative exhibits are developed to a conceptual level. Design level drawings will be prepared during the environmental phase that show a higher level of detail.

b. Water displacement model to illustrate key facts such as acreage currently in flood plain, compared to acreage that will be removed from the flood plain and how water elevations will be affected with each.

Floodplain analysis has been conducted as part of the SB 5 compliance effort and the water surface elevation increase for levee alternatives north of Fig are estimated to be less than 1/100th of a foot.

c. Difference in floodwater impacts on each alignment

See answer above for b.

- d. Adequate and timely floodwater drainage with a defined plan (or flood gates) that the affected public can rely on to limit and control potential floodwater elevation impacts

See answers in section on "Draining Water Back to the River During Flood Event & Other Options"

- e. Effect on groundwater recharge

The flow of ground water should not be affected by the levee extension.

- f. Costs

Order of magnitude cost estimates will be provided for each alternative at the May 17th meeting.

- 33- Where did the RD17 Alignment come from? And has been studied so extensively? So will this alignment have more potential?

The Cities of Manteca and Lathrop have been working for more than a year several years on addressing SB 5 compliance. In order to comply with SB 5, the cities must make a "Finding of Adequate Progress" on levee improvements that will provide protection from a 200-year flood in the area. One of the components needed in order to make this "Finding" is a plan for levee improvements, cost estimate for the improvements, and a financing plan in place to pay for the improvements – all before July 2, 2016. Several months ago, in order to keep this project on track, the team working on SB 5 compliance (staff from the cities of Manteca and Lathrop, representatives from RD 17, and the consultants hired by the two cities), selected the "RD17 Alignment" as the "conceptual alignment" to be evaluated and included in this work needed to meet the July 2, 2016 deadline. City of Manteca staff stated at the meetings when this "conceptual alignment" was discussed, and at City Council meetings when this question was asked, that that's all this alignment is – a "conceptual alignment." Staff continued to state that the City would be undertaking a public process, either as part of the General Plan Update or ahead of that, to determine a "preferred alternative alignment" – which may or may not represent this "RD17 Alignment." This was never a firm commitment but, rather, was an option to include as part of SB 5 compliance. It has been made clear from the beginning that any change to that alignment would just mean an amendment to the financing plan would have to be prepared at that time – which could occur AFTER July 2, 2016. As to whether this alignment has "more potential," that is a policy decision of the Manteca City Council – RD 17 will not make that decision. This "RD17" alignment was just one variant of several alternatives that have been looked at during the course of our efforts to comply with SB5. The actual "SB5" alignment utilized to derive our overall levee improvement cost estimate intersects Airport Way, same as the RD17 alignment, but rather than deviating south on Airport it continues due east.

- 34- If the RD17 alignment is the intended alignment, why has there been so much money spent on studying the alignment, for example on-site soil-sampling?

As noted above, the Cities of Manteca and Lathrop needed to select a "conceptual alignment" to analyze as part of the SB 5 compliance. Should a different alternative alignment be selected, similar work would be needed for THAT alternative. This work has simply been done to begin work on a financing plan in advance of July 2, 2016.

35- What are the implications of moving the levee further south from its current location?

There are a number of implications of moving the levee further south. One of the primary implications is that moving the alignment further into the floodplain is inconsistent with the State Department of Water Resources (DWR) mandate to limit additional development within the floodplain and reduce the State's risk of property damage and loss of life during a major flood event. DWR has expressed concerns to the cities of Manteca, Lathrop and Stockton, as well as San Joaquin County, about including extensive acreages of land within the 200-year flood plain. Thus, in order for DWR to support levee improvements and, along with that, State funding to assist with the levee improvements, DWR is requesting the cities look at "giving up" land within this area for future development. This can be obtained via conservation easements, as one tool to restrict development in this area. Additionally, moving the alignment further south will also increase the cost, require more right-of-way and will have more environmental impacts. The Cities and RD 17 have had multiple meetings with DWR and in response to the cities' application for preliminary engineering funding from the State; the State Department of Water Resources responded with the attached letter that outlines their key criteria when evaluating whether the cities' flood risk reduction project has met their requirements.

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

A growing number of south Manteca rural residents are expressing concern with the City of Manteca's SB5 Drylands Levee alignment approval process. Beginning with the first workshop meeting, several concerned residents stated that the process appeared to pit neighbor against neighbor. Most important, this process does not appear to have adequately addressed the potential floodwater impacts involved.

Making the Calls...

Can the affected public really count on a relief cut in the event of a future flood event to be made to the Turtle Beach levee in a timely manner to relieve floodwaters accumulating against the floodwater side of the levee. Who makes that call,

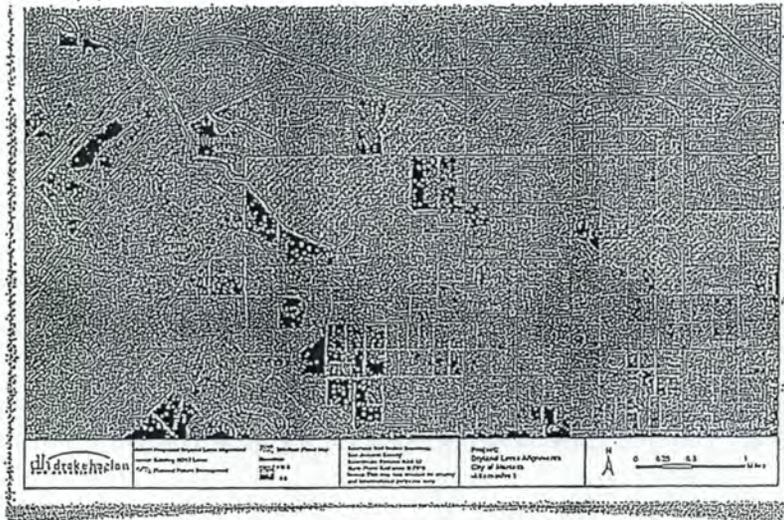
Army Corps of Engineers?
RD17?

Department of Water
Resources?

San Joaquin County Council
of Governments?

Identifying the Needs...

Why should anyone vote for a Dryland Levee alignment option that does not adequately identify the difference in floodwater impacts on each of the different Dryland flood alignments offered, especially when the vast majority of residents, businesses and property owners whose land will be directly affected do not want any alignment at all?

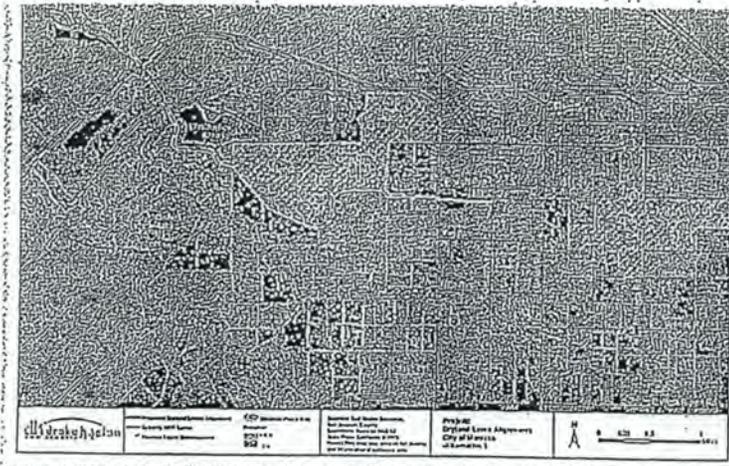


Suggested Actions to Address & Improve the Process:

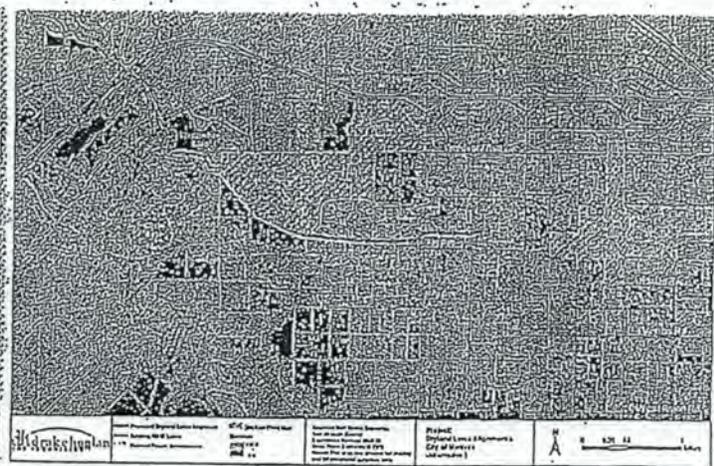
- Receiving reliable information that the public can rely on concerning the use or non-use of slurry walls (cement walls 12" to 18" in width that can go as deep as 85 ft. to 120 ft. in depth) and each alternative affect on groundwater elevation and recharge; and
- Adequate and timely floodwater drainage with a defined plan (or flood gates) that the affected public can rely on to limit and control potential floodwater elevation impacts created; and
- Expanding the Paradise Cut drainage channel to facilitate floodwater drainage (this is extremely important and it would reduce concerns if more information was presented)

There appears to be a number of land owners who are unaware and who have yet to receive notification from the City of Manteca concerning levee alignment workshop meetings. As a result, more and more affected members of the public are expressing concern and believe additional workshops should be scheduled.

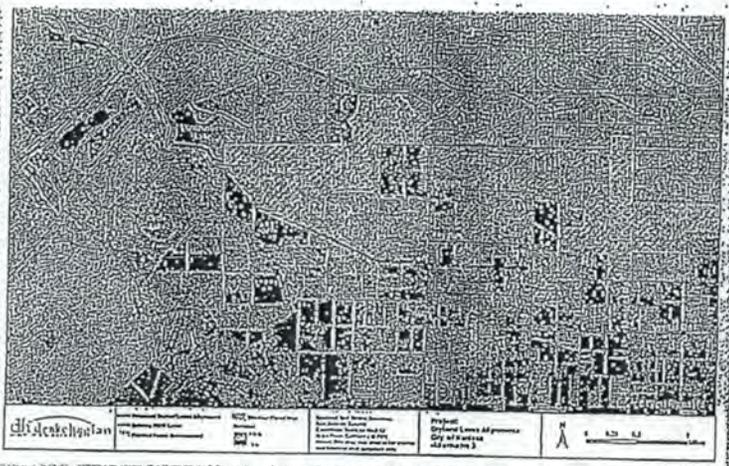
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS



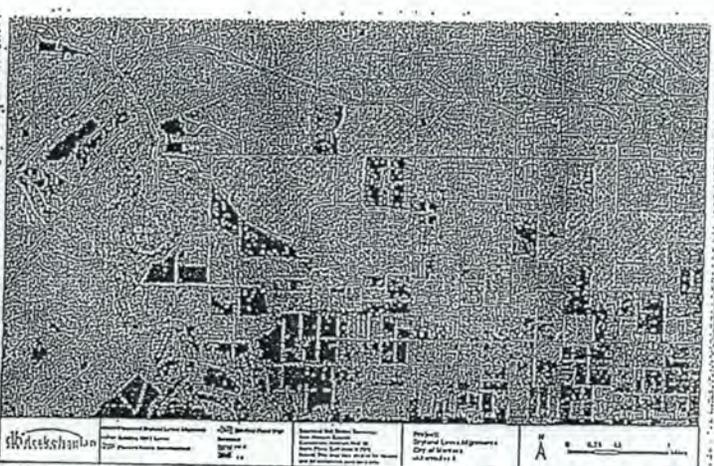
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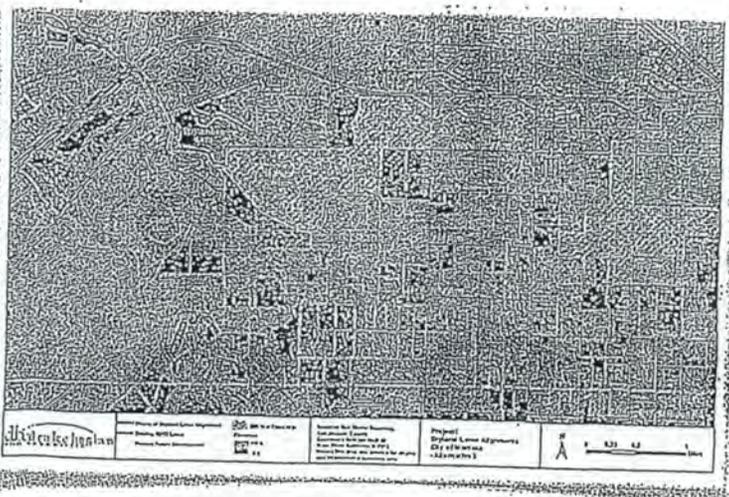
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PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		LOYD MACKEY	5451 E. FIG MANTTECA	1104DMACKEY@GMAIL.COM
1/2016		EDNA FREITAS	6833 E. Venable Manteca	
1/2016		ALBERT FREITAS	6833 E. Venable Manteca	
1/2016		ANGIE CLAUSEN	1070 SUESS CT MANTTECA 95337	
1/2016		GEORGIANN ROSE	2114 WOODBINE MANTTECA 95337	
1/2016		MARSHA A. SEARS	1137 PESTANA AV MANTTECA CA 95336	MASCORST3@ATTN
1/2016		BOB SEARS	1137 PESTANA AVE MANTTECA, CA	
1/2016		Albert Hansen	768 TAHOE MANTTECA CA	
1/2016		JIM COSTA	849 Fishbowl Manteca, Ca.	
1/2016		Vernon Gebhardt	1034 Pharoah Manteca Ca	v44nongebhardt@comcast.net
1/2016		HOWARD HOLTSMAN	15181 PRESCOTT MANTTECA CA	49 HOLTSMAN@GMAIL.COM
1/2016		RICHARD PHILLIPS	12277 S. UNION ST MANTTECA, CA 95326	
1/2016		Pamela Velazquez	124 So. Washinton Blvd. Manteca 95366	
1/2016		BOB GEDINGS	898 MANTTECA	
1/2016		MIKE JACOBS	135 Raylow MANTTECA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEL WORKSHOPS

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Date	Signature	Printed Name	Address	Email
03/02 2016		Kathleen Bautista	Manteca	
5/12 2016		KYLE WONG	MANTECA	
/ 2016		Liliana Calderon	Manteca	
/ 2016		LACIE RUSSO	MANTECA	
/ 2016		Terry Bill	manteca	
/ 2016		SEAN ELCH	peach Ave Manteca	
/ 2016		TRAVIS RIVAS DR MANTENA	Rivers Valley Dr	
/ 2016		Donna Cornet	1005 Thousand CUTHPD	
/ 2016		Mirna Bowman	Manteca, CA	
/ 2016		Ken Neswick	Manteca CA	
/ 2016		Erik Bowman	Manteca CA	
/ 2016		Cinderella Bowman	Manteca CA	
/ 2016		Shawn Fraser	Manteca CA	
/ 2016		Alisha Fraser	Manteca CA	
/ 2016		JOHN BECKER	Manteca CA 1607 TIMWIND RD	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016		SANDRA GRAF	1184 YORKTOWN LN	SERAF531 @VERIZON.NET
1/2016		Jeanne Neswick	200 Dan MTCA	
1/2016		JAMIE HUTCHINSON	1033 SUNFISH	
1/2016		MIKE FULLER	420 EVA DR Manteca CA	
1/2016		CATHERINE FULLER	420 EVA DR Manteca, CA	
1/2016		Reta M. Vecker	359 Roosevelt Manteca	
1/2016		Reta M. Vecker	359 Roosevelt Manteca, Ca.	
1/2016		Vera Fass	1819 Carnation Manteca, CA.	
1/2016		JEFF RIORDAN	MANTECA, CA.	
1/2016		K. MORAN	TRACY, CA	
1/2016		MARY HARFORD	TRACY	
1/2016		EVA LOPEZ	MANTeca	
1/2016		Paul Dobkowitz	Manteca	
1/2016		Therese A. Johnson	1133 May Ave Manteca 95306	
1/2016		Manuel CARDOZA	4450 PERRIN Manteca, CA	

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Nelson Morgado</i>	NELSON MORGADO	4961 FIG AVE.	209-470-8884 239-4448
1/2016	<i>Pitmanee Attiya</i>	PITMANEE ATTIYA	920 Kirkwood	209-603-0474
1/2016	<i>Sandra Attkin</i>	Sandra Attkin	217 Espana	209 2768548
1/2016	<i>Judy Shellman</i>	Judy Shellman	270 WATSON	209 824-1771
1/2016	<i>Michelle Le</i>	CHAU (Michelle) Le	1716 Home town Lane	408-600-0613
1/2016	<i>Jessica Vaughn</i>	Jessica Vaughn	1463 murala Manteca	604-5525 603-56
1/2016	<i>Melissa Mays</i>	Melissa Mays	1484 Blush St. Manteca, CA 95336	209-640-8078
1/2016	<i>Raquel Hall</i>	Raquel Hall	176 TREVINO Ave Apt 284 Manteca, CA 95337	209-481-4551
1/2016	<i>Barbara Becker</i>	Barbara Becker	1607 Tinnin Rd Manteca Ca	209-647-2939
1/2016	<i>Christene Adams</i>	Christene Adams	12184 S. Union Manteca CA	209-456-4976
1/2016	<i>Debbie Kinkadee</i>	Debbie Kinkadee	4925 Fig	209-484-6999
1/2016	<i>William Dunham</i>	William Dunham	1958 Northside Manteca	N/A
1/2016	<i>Bill W. Malaffey</i>	Bill W. Malaffey	4920 FIG AVE MANTOCA	823-4864
1/2016	<i>Faye E. Adams</i>	Faye E. Adams	12484 Union Rd Manteca	858-2684
1/2016	<i>Nadine Warwick</i>	Nadine Warwick	1354 Monterey Ave Mtca	N/A

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Arnold Rothlin</i>	ARNOLD J ROTHLIN	23400 S Airport Way Manteca	arnold.mattel@comcast.net
1/2016	<i>M.K. Hildebrand</i>	MARY K. HILDEBRAND	23455 HAYS RD	hildebrandfarm@gmail.com
1/2016	<i>Lucy Bettencourt</i>	Lucy Bettencourt	23675 S. Airport Way	ALYBET372401.COM
1/2016	<i>Ed Bettencourt</i>	Ed Bettencourt	23675 S. Airport Way	EdLucyBettencourt@gmail.com
1/2016	<i>Arlene McCracken</i>	ARLENE McCRACKEN	4919 W. RIFON RD	Arlene.mccracken@yahoo.com
1/2016	<i>Red McCracken</i>	RED McCRACKEN SR.	4919 W. RIFON RD	red.mccracken@gmail.com
1/2016	<i>Scott Long</i>	SCOTT LONG	5203 W. RIFON RD MANTECA	trancheinreach.co
1/2016	<i>Susan Dawn</i>	SUSAN DAWN	5190 ALMOND MANTECA	-
1/2016	<i>Edward Hoogveen</i>	Edward Hoogveen	22690 S AIRPORT MANTECA	edwardcobie036mail.com
1/2016	<i>Cobie Hoogveen</i>	Cobie Hoogveen	22690 S Airport Way Manteca, CA 95337	
1/2016	<i>Whisper Gray</i>	Whisper Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Brian Gray</i>	Brian Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Laura Rothlin</i>	Laura Rothlin	23400 S Airport Way Manteca 95337	
1/2016	<i>Susan Hedegard</i>	Susan Hedegard	1065 So Union	
1/2016	<i>Julie Hedegard</i>	Julie Hedegard	1065 So Union Rd	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/28/2016		Alma R Guerra - 02102	500 Tannahill drive Manteca, CA 95337	Emp @ 5151 East Almondwood Manteca, CA 95337
4/28/2016		Armida Aguirre	1624 S. Hwy 99 Spc 37 Manteca, CA 95336	Emp at 5151 E Almondwood Manteca, CA 95337
4/28/2016		Yvonne Williams	1604 Bermuda Lane Manteca, CA 95337	Tuff Boy Employee
1/2016		Debbie Bryant	1307 Daniels St Manteca, CA 95337	TUFFBOY EMPLOYEE
4/28/2016		Margarit Newton	323 Mylar Ave Manteca, CA 95336	Emp at 5151 East Almondwood Manteca, CA 95336
1/2016		MARYANNE Smith	686 AGATE AVE MANTeca Ca 95336	EMP. @ 5151 ALMONDWOOD Manteca Ca
1/2016		BOBBIE DUNCAN	1752 NATTERHORST MANTECA, CA 95337	EMPLOYED AT TUFF FOOT
4/28/2016			5151 E. Almondwood Rd MANTECA, CA 95337	
4/28/2016		Jonathan Velazquez	5151 E Almondwood Rd Manteca, CA 95337	
4/28/2016		Jodi Sabatino	515 Russ Rd Piper 95366	Emp @ 5151 Almondwood Manteca CA
4/28/2016		SHANE ALLEN	20902 Oleander Ave. Manteca, 95337	
4/28/2016		Margjane Brocchini	23080 Oleander Ave Manteca CA 95337	mbrocchini@aol.com
4/28/2016		Samantha Hein	2348 Mumbert Dr. Manteca, CA 95337	shein108@aol.com
4/28/2016		Lois Davis	22263 Oleander Mntca 95337	
1/2016		Marcos Enrique Marcos	23195 Oleander Manteca 95337	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Elizabeth Laffranchini</i>	Elizabeth Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>John Mendosa</i>	John mendosa	23400 So. Manteca Airport Way	
1/2016	<i>Antoinette Laffranchini</i>	Antoinette Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>Billy A. Betribant</i>	Billy A Betribant	2075 S. Martin Rd	Manteca
1/2016	<i>Jane Lewis</i>	JANE LEWIS	1825 S. Walnut Manteca CA	95337 MANTECA, CA
1/2016	<i>Paula Smutzel</i>	PAULA SMUTZEL	6546 W. PIPON RD MANTECA CA	
1/2016	<i>John Kiss</i>	John Kiss	921 Country Club Circle Ripon	kisstdairy@aol.com
1/2016	<i>Janet Swanson</i>	Janet Swanson	6357 W Ripon Rd Manteca	
1/2016	<i>Jason Swanson</i>	Jason Swanson	6357 West Ripon Rd Manteca CA	
1/2016	<i>John Canavan</i>	JOHN CANAVAN	6580 W RIPON RD	
1/2016	<i>Shirley Sadler</i>	SHIRLEY SADLER	5353 Peach Ave Manteca, CA 95337	
1/2016	<i>Bill L. Sadler</i>	BILL L. SADLER	5353 PEACH AVE. MANTECA, CA 95337	
1/2016	<i>Marjorie Moorman</i>	MARJORIE MOORMAN	8008 West Ripon Rd. Manteca CA 95337	
1/2016	<i>James Moorman</i>	JAMES MOORMAN	8008 West Ripon Rd. MANTECA CA 95337	
1/2016	<i>Margie Selig</i>	Margie Selig	22188 S. Airport Way Manteca CA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016		Phyllis Rocha	23623 South Union Rd	phweb-0984@verizon.net
1/2016		Sarah O'Brien	23848 S Union Manteca	sarahobline@gmail.com
1/2016		Ruth Erwin	23848 S Union Manteca	
1/2016		Jacques O'Brien	23848 S Union	VFE95@verizon.net
1/2016		Joe Cragg	Manteca	
1/2016		ROBERT CARDOZA	617 Lupton St Manteca	CARDOZAMNTCA@Fto+MANTCA.com
1/2016		Lisa Rogers	Same as above	Same
1/2016		EVELYN H. POTTS	340 FRANCES MANTECA	
1/2016		Michael Hogle	337 Birchwood Manteca	
1/2016		Martin Koslin	9611 E. Lathrop Rd Manteca 95336	
1/2016		LUIS BRIZUELA	5220 ALMOND WOOD RD	
1/2016		JUANITA BRIZUELA	5220 ALMOND WOOD RD	
1/2016		ADRIANA BRIZUELA	5220 ALMOND WOOD RD	
1/2016		Angela Smith	23400 S. Airport way 19982 N. Ripon Rd.	Anglogg77@aol.com
1/2016		Chris Smith	23400 S. Airport way 19982 N. Ripon Rd.	

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	Don Freitas	Don Freitas	6968 Veritas Manteca Ca 95337	Yaf1001@com
1/2016	Marie Freitas	Marie Freitas	6968 Veritas Manteca, Ca 95337	
1/2016	Beatrice Frey	Beatrice Frey	5927 Nile; Manteca Ca 95337	
1/2016	Scott Whitely	Scott Whitely	2167 S. Airport Manteca Ca 95337	
1/2016	Lizabeth Whitely	LIZABETH WHITELY	2167 S AIRPORT WAY	
1/2016	Randy Branscum	Randy BRANSCUM	25935 Airport Way	
1/2016	Terry Lee DeRuyter	TERRY LEE DE RUYTER	6625 AVE. D MANTECA CA 95337	
1/2016	Corneille DeRuyter	CORNEILLE DE RUYTER	6025 AVE D MANTCA CA 95337	
1/2016	Rodney Frey	Rodney Frey	Manteca 3347 Perrin rd	
1/2016	Ginger Frey	Ginger Frey	Manteca 3347 Perrin rd	
1/2016	Joe Machado	Joe MACHADO	3951 Perrin	
1/2016	Les Omlin	LES OMLIN	23420 S. UNION RD MANTECA CA 95337	
1/2016	Jose Silva	JOSE SILVA	Manteca	
1/2016	Frank Machado	FRANK MACHADO	Manteca	
1/2016	Janet R. Owen	JANET OWEN	5741 Nile Road Manteca, CA 95337	janze65@msn.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/30 2016		Steve Carroll	5700 Almondwood Manteca CA	PF55Carroll@yahoo.com
1/1 2016		David Konecny	2285 S. Union B Manteca CA 95337	dkonecny@norcalma.com
1/1 2016		Ron Isola	22773 S. Union Manteca, CA 95337	
1/1 2016		Robert E. Agdona	22523 S. Union Rd Manteca, CA 95337	ragdona@pol.com
1/1 2016		Evelyn Agdona	22523 S Union Rd Manteca, CA 95337	
1/1 2016		CARL SAQUIN	5828 Nile Ave MANTECA, CA 95337	
1/1 2016		BETSY M. JOAQUIN	5828 E. NILE AVE MANTECA, CA 95337	
1/1 2016		FRANK CASTRO	5200 NILE Rd Manteca CA 95337	
1/1 2016		JOANNE LYONS	21579 S. Union Manteca CA 95337	
1/1 2016		MIKE LYONS	21579 S. Union Manteca, CA 95337	
1/1 2016		BERNON DANLEY	5180 Nile Rd Manteca, CA	Bernon Danley BernonDanley3@gmail.com
1/1 2016		DONNA DANLEY	5180 Nile Rd Manteca CA	ddanley@hotmail.com
1/1 2016		DOUG HARNDEN	4780 Nile Rd. Manteca, CA	
1/1 2016		JENNIFER HARNDEN	4780 Nile Rd Manteca CA	
1/1 2016		SCOTT W. OWEN	5741 Nile Rd Manteca	ScottW.Owen@msn.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016	Shirley Hodson	Shirley Hodson		
1/2016	Larry King	LARRY KING	211 W. NORTH ST MANTÉCA CA	
1/2016	Scott Weeks	SCOTT WEEKS	5440 FIG AVE., MANTÉCA	SVWEEKS@LIVE.COM
1/2016	Vanessa Weeks	VANESSA WEEKS	5440 E FIG AVE MANTÉCA CA.	SVWeeks@LIVE.COM
1/2016	Barbara Hall	BARBARA HALL	2443 Buile Ct Manteca 95336	
1/2016	Ann K. Mills	Ann K. Mills	418 Monticello Road Manteca (CA) 95336	
1/2016	Troy Barger	TROY BARGER	13790 S Hwy 99 MANTÉCA	
1/2016	Joe Machado	JOE MACHADO	11500 E French Canyon Manteca 95336	
1/2016	Don Putz	Don Putz	11441 Jameson RD, Manteca 95336	
1/2016	William E. White	William E. White	17705 South Lake Dr Manteca, Ca. 95336	
1/2016	Josie Franza	JOSIE FRANZA	9120 Rockwood Dr Ripon 95366	
1/2016	John J. Vieira	John J. Vieira	5350 E Fig Manteca 95337	
1/2016	Eleanor Vieira	ELEANOR VIEIRA	5350 E Fig Manteca 95337	
1/2016	Gary Holden	GARY HOLDEN	5391 Fig Ave Manteca	
1/2016	Gary Holden	GARY HOLDEN	5391 Fig Ave Manteca	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016	<i>Cecil Campbell</i>	Cecil Campbell	22445 S Union MTECA	CACampbell46@ VERI
1/2016	<i>Jerry Campbell</i>	JERRY Campbell	22445 S Union MTECA	
1/2016	<i>Brenda Franklin</i>	Brenda Franklin	1460 Spindrift MTECA 95337	
1/2016	<i>Beatrice Bowlsby</i>	Beatrice Bowlsby	633 Stewart #1 Manteca, CA 95336	
1/2016	<i>Shawn Nussbaum</i>	Shawn Nussbaum	1552 Sephus MANTECA CA 95337	
1/2016	<i>Frank Mendes</i>	FRANK R. MENDES	18401 So MCKINLEY MANTECA, CA 95337	
1/2016	<i>Larry Henriksen</i>	LARRY HENRIKSEN	1416 Stewart Pleas - MANTECA	
1/2016	<i>Bob Hall</i>	BOB Hall	2443 Bell Glade Manteca, 95336	
1/2016	<i>Gail Wilhite</i>	Gail Wilhite	1130 Aldwina Manteca, Ca 95336	Aldwina@ COMCAST.net
1/2016	<i>John M. Endersitz</i>	JOHN M ENDERSITZ	13742 S AUSTIN RD MANTONIA CA, 95336	
1/2016	<i>Robert Bandoni</i>	Robert Bandoni	14183 Prescott Rd Manteca Calif 95336	
1/2016	<i>Marian Rawlins</i>	Herb Marian RAWLINS	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016	<i>Herbert Rawlins</i>	Herbert RAWLINS	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016	<i>Bob Nunes</i>	Bob NUNES	20405 Austin Rd MTECA	
1/2016	<i>Harold Fogue</i>	Harold FOGUE	20405 Austin Rd MTECA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28 2016		Patricia D. Hecker	4988 Nile Manteca 95337	pguecker@gmail.com
4/28 2016		Gary L. Hecker	4988 Nile Manteca Calif	pguecker@gmail.com
4/28 2016		Jennifer Gomes	4856 Nile Manteca CA	Jenluv3brats@yahoo.com
4/28 2016		GLEN MUELLER	4868 NILE MANTECA CA	WESTCOAST HARDWARE Yahoo
4/28 2016		RODNEY GOMES	4856 NILE MANTECA 95337	Rodneyalan2006@yahoo.com
1 2016		Richard V. Hecker	1469 Ironwood Manteca Ca.	My interest is because I have cows on the rd.
1 2016		GARY MUELLER	4898 E Nile Manteca 95337	Gmuellerhome@gmail.com
1 2016		Marjella Mueller	4898 E Nile Manteca 95337	"
1 2016		MELISSA MUELLER	4886 E. Nile Rd Manteca 95337	
1 2016	Marjanna. Hecker	MARJEAN A. UECKER	327 S. Powers Manteca, Ca. 95336	I am interested because my son & wife live on Nile.
1 2016	Wayne A. Hecker	Wayne A. Hecker	758 Oliver Way Manteca, CA 95336	
1 2016		Bryan Hecker	771 JOAQUIN MANTECA, CA	PARENTS LIVE THERE
1 2016		Regina Bianchi	771 JOAQUIN ST. Manteca, CA, 95337	This is my Father in-law and I'm currently concerned!!
1 2016		Betty J. Mueller	759 JOAQUIN ST 22 MANTECA, CA 95337	I care because my daughter & 2 sons & their spouses live there
1 2016		Ronald Mueller	825 Dudley Rd. French Camp, CA. 95231	RonMueller@juno.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28 2016	<i>John Van Zwaluwenburg</i>	John Van Zwaluwenburg	22079 Oleander MTC. Ca 95337	
1 2016	<i>Sharon Van Zwaluwenburg</i>	Sharon Van Zwaluwenburg	22079 Oleander Manteca CA 95337	
1 2016	<i>Jason Frisk</i>	Jason Frisk	22137 Oleander Manteca 95337	
1 2016	<i>Rebecca Frisk</i>	Rebecca Frisk	22137 Oleander Manteca 95337	
1 2016	<i>Vernon Reynolds</i>	Vernon Reynolds	21963 Oleander MTC. Ca 95337	
1 2016	<i>Kirsten Thomson</i>	KIRSTEN THOMPSON	22031 Oleander H Manteca 95337	
1 2016	<i>Daniel Monte</i>	DANIEL MONTE	21915 OLEANDER MTC. CA 95337	
1 2016	<i>John Mendes</i>	John Mendes	21881 Oleander MTC Ca 95337	
1 2016	<i>Jeff Hammond</i>	JEFF HAMMOND	21735 Oleander MTC, CA 95337	
1 2016	<i>Rebecca Hammond</i>	Rebecca Hammond	21735 OLEANDER MTC CA 95337	
1 2016	<i>Laurie Clark</i>	Laurie Clark	21759 Oleander MTC Ca 95337	
1 2016	<i>Richard King</i>	Richard King	22082 Oleander MTC. 95337	
1 2016	<i>Dorothy King</i>	Dorothy King	22082 Oleander	
1 2016	<i>Rachel Berg</i>	RACHEL BERG	22295 Oleander Manteca CA 95337	
1 2016	<i>David Berg</i>	DAVID BERG	22295 OLEANDER RD MANTECA, CA 95337	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4 129 2016		Michael Fonseca	P.O. Box 4208 Manteca, CA 95337	Fonsecafarmsince@aol.com
4 129 2016		Donna Fonseca		
4 129 2016		Fred Rich	22695 S. Airport Manteca CA 95337	fonsecafarms inc @ aol. com.
4 129 2016		Kathy Rich		
5 12 2016		Richard Fonseca	21164 S. Airport way manteca, CA 95337	fonseca2494@gmail.com
5 12 2016		Joanna Fonseca	21164 S. Airport way Manteca, CA 95337	fonseca2322@gmail.com
5 12 2016		Andrea Cambra	21163 S. Airport mtca 95337	@cambrafarms@ yahoo.com
5 12 2016		William Cambra	21163 S. Airport mtca ca 95337	
5 12 2016		Kathy Cambra Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5 12 2016		Joel Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5 12 2016		Judy A. CAMBRA	21153 S. Airport MANTECA, CA 95337	jcambra209@ gmail.com
5 12 2016		Charles Cambra JR	21153 S. Airport MANTECA, CA 95337	jcambra209@ gmail.com
5 12 2016		C. Richard Cambra III	21153 S. Airport MANTECA, CA 95337	rcambra3 @gmail.com
5 12 2016				
1 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28/2016		Kern Visser	350 Diamond Ripon CA	onthemountainveleci n'
4/28/2016		Steven De Freitas	24851 S. Monier Rd	stevendee417@yahoo com
5/10/2016		Luis de ACARROS	26290 S. Union Manteca, CA	
5/10/2016		Carol Moberly	6191 Perrin Rd Manteca CA	Camoberly@hotmail.com
5/10/2016		Steve M. Moberly Sr.	6191 Perrin Rd Manteca, CA	smoberly@hotmail.com
5/10/2016		Carley Moberly	6191 Perrin Rd Manteca, CA	perkelle11@vetmail.com
5/10/2016		Michael Moberly	6191 Perrin Rd Manteca CA	mikemobcs3@gmail.com
5/10/2016		Richard Teicheira	715 Poplar Manteca Ca.	
5/10/2016		Marlene Harris	20333 Tinnin Rd Manteca, CA 95337	mmharris46@ comcast.net
1/2016		John Teicheira	24500 S. Union Rd. Manteca	Jhteicheira@aol.com
1/2016		Ida Teicheira	6721 Perrin Rd.	
1/2016		Tom Teicheira	6733 Perrin Manteca	
1/2016				
1/2016				
1/2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4 128 2016	<i>Raymond A. Quaresma</i>	Raymond A. Quaresma	5300 E Perrin Manteca 95337	QUARESMA.RAY@POL.COM
4 128 2016	<i>Susana Quaresma</i>	Sue Quaresma	5300 PERRIN Rd Manteca 95337	" "
4 129 2016	<i>Johnny Cardoza</i>	JOHNNY CARDOZA	24421 South AVENUE; MANTECA	
4 130 2016	<i>Delaine Quaresma</i>	Delaine Quaresma	5300 PERRIN Rd Manteca Ca	
5 11 2016	<i>Mike Tenente</i>	Mike Tenente		
5 11 2016	<i>David A. Machado</i>	David A. Machado	P.O. Box 1046 Ripon CA 95366	26230 S. Union Rd Manteca, CA. 95337
5 11 2016	<i>Frank Teixeira Jr</i>	FRANK TEIXEIRA	22522 S. Airport Way Manteca CA 95337	
5 11 2016	<i>Johnny Teixeira</i>	Johnny Teixeira	1644 Rockford Way, Manteca CA	
1 2016	<i>Katelyn Quaresma</i>	Katelyn Quaresma	5300 PERRIN Rd Manteca CA 95337	Katelyn.quaresma@gmail.com
1 2016	<i>Carolyn Cardoza</i>	CAROLYN CARDOZA	23595 Oleander Manteca CA 95337	carolyncardoza_homes@yahoo.com
1 2016	<i>Eddy Cardoza</i>	Eddy Cardoza	23595 OLEANDER Manteca CA 95337	
1 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/30 2016		TIFFANY JOHNSON	5203 W. RIFON RD	
4/30 2016		Pearl Meredith	5432 Almondwood Rd./Manteca	
5/1 2016		ALICIA LONG	23319 Oleander manteca CA	
5/1 2016		RANDY LONG	23319 OLEANDER MANTECA, CA.	
5/1 2016		Jamie Huffman	23319 Oleander Manteca, CA	
5/1 2016		Justan meredith	21375 Union Manteca, Ca	
5/1 2016		Jamie Meredith	21375 Union Manteca Ca	
5/1 2016		Justan meredith	21375 Union Manteca, Ca	
5/12 2016		SAUL GARCIA	23747 W. Ripon Rd.	
5/12 2016		SAUL GARCIA 23747 OLEANDER	SAUL GARCIA	
5/12 2016		MATT WISE	23319 OLEANDER MANTICA	
/ 2016				

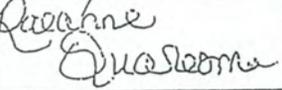
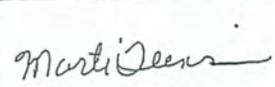
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
5/11 2016		Loren Howard	5501 west Ripon Rd	
5/11 2016		Robin Haworth	5501 W Ripon	
5/11 2016		Seth Haworth	5581 W Ripon	
5/11 2016		Austin Haworth	Airportway	
5/11 2016		Kate Haworth	5581 W Ripon	
5/11 2016		Evan Haworth	5480 West Ripon	
5/11 2016		Hannah Tem	5480 West Ripon	
5/11 2016		Danielle French	Airport Way	
/ 2016		LARRY MACCRAITH	5870 ALMA ROAD MANORCA	
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
/ 2016		Belan Hatfield	1551 Slayton Ave	Bjacob64@comcast.net
/ 2016		RAEANNE QUARESMA	5306 E PERLIN Manteca	
/ 2016		Sue Teunissen	8283 W. Ripon Rd Manteca, Ca	sue@teunissen.com
/ 2016		Marti Teunisse	2026 Solotum Manteca	martiteunisse@gmail.com
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
04/28 2016	<i>Natalie Swanson</i> (CHILDREN ARE BABYSAT IN SOUTH MANTECA)	Natalie Swanson	5308 LIVERNOCK SALIDA CA	NATALLE05@HOTMAIL
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
/ 2016		Maria Zuniga	23195 O'Connell Manteca 95337	Zunigamaria181 @Yahoo.com
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	
/ 2016			_____	

From: Terra Land Group terralandgroup@gmail.com 
Subject: 5/17/16 City Council Meeting Agenda Item A.23 (Approve 5/3/16 Regular Meeting Minutes of the Manteca City Council)
Date: May 17, 2016 at 8:51 AM
To: MayorCouncilClerk@mantecagov.com
Cc: mmeissner@ci.manteca.ca.us, fclark@ci.manteca.ca.us, kmclaughlin@ci.manteca.ca.us, Matt Satow msatow@drakehaglan.com, mhoughton@ci.manteca.ca.us, kjorgensen@ci.manteca.ca.us



Please see attached letter, thank you.



CCF17052016_2.pdf

Jodi Sabatino for
Martin Harris
Terra Land Group

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TERRALAND GROUP, LLC

May 17, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

**Re: Manteca City Council 05/17/16 Meeting Agenda Item A.23: Approve May 3, 2016
Regular Meeting Minutes of the Manteca City Council**

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

For the record, to clarify TLG's oral and written comments as interpreted and exhibited by city staff in the proposed May 3, 2016 Manteca City Council minutes for the previously approved May 3, 2016 consent calendar Item A.06 with the associated minutes scheduled to be approved as presented as part of tonight's May 17, 2016 Manteca City Council Agenda Item A.23, TLG would like to clarify that TLG is not opposed to the dryland levee workshops continuing under the direction of Drake Haglan; however, at the regularly scheduled Manteca City Council meeting held on May 3, 2016, TLG presented a letter that included a signed petition and stated TLG's belief that the current workshop process should be expanded and additional workshops scheduled to address growing concerns that too much emphasis is being placed on choosing from the five (now six) proposed dryland flood levee alignment options that have been presented without adequate details being provided explaining the impacts associated with each of the alignments offered.

TLG further stated its belief that this is particularly true when considering that many of the farmers, businesses, and residents in the area to be affected have shared their desire to receive detailed written information that they can rely on to fully understand the City of Manteca's intentions relating to flood impacts associated with:

- (a) Continued uncertainty and confusion relating to the use or non-use of slurry walls and who makes the final decision; and
- (b) Steps being taken and what can the public rely upon relating to modifying and improving the Paradise Cut drainage canal; and
- (c) A defined written plan to ensure that floodwater elevations will not exceed those levels experienced in 1997.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

With this in mind, TLG requests that the May 3, 2016 Manteca City Council minutes reflect that TLG is not opposed to the dryland levee workshop process, and supports an expanded and more informative method of conducting the dryland levee workshops currently in progress.

For this reason, TLG requests that the minutes be amended to more accurately reflect the details presented by TLG at the May 3, 2016 Manteca City Council Meeting.

Thank you,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Karen McLaughlin, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer

From: Terra Land Group terralandgroup@gmail.com 
Subject: 5/17/16 City Council Meeting Agenda Item B.1 (Consider deferral of the proposed Amendment No. 1 to the SSJID Storm Drainage Agreement...)
Date: May 17, 2016 at 2:11 PM
To: MayorCouncilClerk@mantecagov.com
Cc: mmeissner@ci.manteca.ca.us, fclark@ci.manteca.ca.us, kmclaughlin@ci.manteca.ca.us, Matt Satow msatow@drakehaglan.com, mhoughton@ci.manteca.ca.us, kjorgensen@ci.manteca.ca.us



Please see attached letter, thank you.



CCF17052016_4.pdf

Jodi Sabatino for
Martin Harris
Terra Land Group

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TERRA LAND GROUP, LLC

May 17, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 05/17/16 Meeting Agenda Item B.1: Consider deferral of the proposed Amendment No. 1 to the South San Joaquin Irrigation District (SSJID) Storm Drainage Agreement and direct staff to continue negotiations with SSJID staff on capacity, maintenance, funding and ownership issues as described in the staff report .

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

In 2013 and 2014, TLG had several meetings with the South San Joaquin Irrigation District ("SSJID") to explore the possibility of receiving surface irrigation water to the TLG property.

However, uncertainty relating to anticipated but currently undefined SB5, roadway and stormwater public services infrastructure that may impact the TLG property has put that effort on hold.

As a result, TLG and its farm tenant currently rely on two (2) deep irrigation wells to support drip irrigation to the approximately 32,000 trees planted on the TLG property.

Most important, maintaining groundwater elevation levels is critical to support the health of those same 32,000 almond trees planted on the TLG property. As a result, TLG and its farm tenant currently rely on two (2) each deep water irrigation wells to support drip irrigation to the approximately 32,000 trees planted on the TLG property.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

For this reason, TLG has been active in stating its concerns related to the potential for anticipated municipal and/or public services infrastructure affecting groundwater elevations on the TLG farm property.

With that in mind, the SSJID owns an easement and operates drainage canals (Drain #10 and Drain #11) located along or near the east, south and west TLG property lines.

Further, TLG and/or its farm tenant periodically discharge stormwater into the SSJID Drain #10 and Drain #11 drainage canals.

At this time, TLG requests that any future plans that might involve the City of Manteca utilizing SSJID Drain #10 and Drain #11 to convey stormwater also provide accommodations for: (i) the continuing discharge of TLG's storm waters into the SSJID drainage system; and (ii) maintaining current groundwater elevation levels currently in place; and (iii) any and all other impacts created resulting from the construction of municipal or public services infrastructure based on the terms and conditions set forth in the Amendment No. 1 to the Storm Drainage Agreement between SSJID and the City of Manteca to allow for the continuing farming operations on the TLG property.

Thank you,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Karen McLaughlin, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

May 3, 2016

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 05/03/16 Meeting Agenda Item A.6: Approve Amendment No. 1 to the agreement with Drake Haglan and Associates, limiting the scope of work to solely developing a preferred alternative alignment of the dryland levee, reducing the total contract amount not to exceed \$90,002 and authorize the Mayor to sign all necessary documents.

Dear Council Members,

This letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns to consider prior to modifying the Drake Haglan and Associates Dryland Levee consulting contract.

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

The subject 230-acre property is further situated west and adjacent to two each farm parcels that border against Airport Way. The parcels are further described as:

- (a) APN 241-330-05, approximately 70 acres, owned by the Fonseca Family and currently planted with almonds. The Fonseca parcel includes a southern roadway traveling east to west completely through the property to an existing north-south roadway separating the TLG and Fonseca properties; and
- (b) APN 241-330-34, approximately 37 acres, owned by W/L Harris Ranches, LLC. The W/L Harris Ranches property is bordered on the north and west sides of the W/L Harris

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

Ranches property by the South San Joaquin Irrigation District ("SSJID") Irrigation Drain #10 drainage canal.

Several days ago, TLG received permission from Fonseca Farms to utilize the Fonseca Farms property APN 241-330-05, as reasonably necessary, to allow alternative vehicular access to the TLG 230-acre farm property from Airport Way.

In addition, TLG has also received permission from W/L Harris Ranches, LLC to utilize the W/L Harris Ranches property APN 241-330-34, as reasonably necessary, to allow alternative vehicular access to the TLG 230-acre farm property utilizing any and all access easements that W/L Harris Ranches is legally entitled to for access to any and all areas of the W/L Harris Ranches APN 241-330-34 farm property from Airport Way.

Further, TLG has initiated discussions with the South San Joaquin Irrigation District to discuss additional access options and operational issues relating to the District's #10 Drainage Canal.

Most important, it appears that the City of Manteca has finally begun the process of identifying planned infrastructure to serve the area to be developed in southwest Manteca. This planned infrastructure will include currently unidentified levees, roadways, stormwater conveyance and more.

This causes TLG to believe that other TLG property access options will be identified over the next few months allowing other alternative options for access to the TLG property.

At this time, it is TLG's intent to proceed with the necessary steps to eventually allow for the abandonment of TLG's current truck/trailer access from Woodward Avenue to the north. Certain preliminary steps to eventually abandon TLG's current access are already in progress and will continue to proceed immediately following this letter. It is TLG's expectation to continue to utilize the Woodward Avenue access to the TLG property until replacement access is approved, constructed and ready for use.

Most important, information received as part of conversations occurring over the last few days between TLG and various farmers and rural property owners south of Manteca have raised serious concerns as to the potential for unidentified and/or increased and/or unmitigated flood impacts relating to various proposed dryland levee alignment options associated with the SB5 Dryland Levee approval process currently underway in the City of Manteca.

Those concerns are presented in the form of petitions signed by various farmers, residents, employees, property owners and other concerned members of our community and are included as an attachment with this letter. (See Exhibit "1")

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

The petitions are presented to make the City of Manteca aware that there is a great deal of dissatisfaction with the workshops as currently being conducted and to request scheduling additional workshops.

In addition, many local farmers, residents, employees and property owners in the area to be affected by the extension and possible relocation of the dryland levee believe that too much emphasis is being placed on choosing from the five proposed dryland flood levee alignment options presented without adequate details being provided explaining the impacts associated with each of the alignments offered.

Most important, many of the farmers, businesses, and residents in the area to be affected have shared their desire to receive detailed written information that they can rely on to fully understand the City of Manteca's intentions relating to flood impacts associated with:

- (a) Continued uncertainty and confusion relating to the use or non-use of slurry walls and who makes the final decision (See Exhibit "2"); and
- (b) Steps being taken and what can the public rely upon relating to modifying and improving the Paradise Cut drainage canal. (See Exhibit "3"); and
- (c) A defined written plan to ensure that floodwater elevations will not exceed those levels experienced in 1997.

With this in mind, TLG is very concerned about the current SB5 dryland levee approval process and the potential for greater flood impacts to occur than may be expected by the public.

Further, TLG would like to remind the City that for some time now, TLG has supported the use of the 230-acre farm property to allow the McKinley/Antone Raymus Expressway to run through its property as provided for in the Terra Ranch Tentative Map approved by the Manteca City Council on June 21, 2011. (See Exhibit "4")

However, upon receiving a copy of the *San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report dated February 2015 ("Feasibility Study")*, and the *Final Environmental Impact Report for the Phase 3 RD17 Levee Seepage Repair Project dated March 2015*, TLG has been active in ensuring that flood impacts relating to relocating the levee are properly addressed and mitigated for.

Upon reviewing the current SB5 dryland levee alignment workshop process, TLG has lost trust that the current City of Manteca SB5 dryland levee alignment workshop process will be properly conducted to identify and adequately mitigate against the potential flood impacts involved.

For this reason, TLG is putting forth its best effort to secure alternative access so as to allow the City of Manteca SB5 dryland levee decision making process to proceed **without any need for the City of Manteca to consider or require any potential southern movement of the current position of the**

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Reclamation District No. 17 dryland levee to accommodate TLG's current vehicular access from Woodward Avenue south to the TLG property.

In this way, the SB5 dryland levee alignment decision making process can proceed while allowing the City of Manteca to evaluate any and all available levee placement options being considered including keeping the current levee at its existing location.

In closing, TLG would like to add that for over one and one-half (1 ½) years now, TLG has been informed by southwest Manteca developing interests that the levee bordering the TLG property would remain at its current position and was not moving.

This appears to be in direct conflict with representations made in the form of a map included as part of the Army Corps of Engineers Feasibility Study dated February 2015. (See Exhibit "5")

Adding to TLG's concerns and uncertainty, in June 2015, TLG received notice of a Post-Construction Stormwater Standards Manual¹ that Brent Swain, representing the City of Manteca Public Works Department, directed TLG representative Martin Harris to as being available online.

The Post-Construction Stormwater Standards Manual described impacts relating to unidentified stormwater infrastructure that TLG interpreted (as a result of the City of Manteca's effort to provide notice) as meaning that some future stormwater or floodwater drainage municipal or public services infrastructure would be placed on or impact the TLG property. (See Exhibit "6")

For this reason, TLG has felt compelled to put forth every effort to protect the current almond farming operation currently existing on the TLG property from any and all impacts created relating to currently unidentified municipal or public services infrastructure that may be intended for construction on the TLG property.

TLG would like to add that TLG's greatest fear is that the TLG 230-acre almond property would end up unusable in the same way that many properties sit idle in Lathrop in the area along and west of Interstate 5.

With that in mind, TLG looks to the City of Manteca to ensure that any future City approval of public or municipal services infrastructure allow for and protect TLG's continuing right to farm as well as TLG's right to access the TLG property.

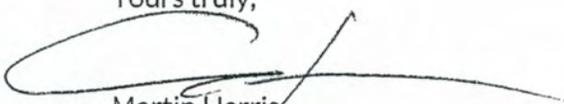
¹ No one representing the City of Manteca has ever identified to TLG what the term "Post-Construction Stormwater Standards Manual" represents. TLG believes that the intent of the manual allows City of Manteca development projects to be approved with stormwater or floodwater drainage facilities to be identified at a later time once the SB5 levee locations are determined.

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Finally and most important, TLG requests that the City of Manteca make it a top priority to consider any and all flood impacts to the surrounding rural community before any consideration is made to allow development south of the current position of the RD17 Element IX levee system.

Thank you for your attention to this very important matter.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Enclosures:

1. Ex. "1": 04/16 Excerpt from Drake Haglan & Associates workshop presentation
2. Ex. "2": 03/22/16 Manteca Bulletin News Article, "Paradise Cut work nears"
3. Ex. "3": 04/16 & 05/16 Signed Petitions Requesting Additional Dryland Levee Workshops
4. Ex. "4": 06/08/11 RLC Associates Revised Terra Ranch Tentative Subdivision Map Tract No. 3493
5. Ex. "5": 02/15 US Army Corps of Engineers Sacramento District San Joaquin River Basin Lower San Joaquin River, CA Interim Feasibility Study, Page 2-6
6. Ex. "6": 07/07/15 Email from Terra Land Group, LLC to the Manteca City Council, Re: "Response to Post-Construction Stormwater Standards Manual (Revised Draft)"

Cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Karen McLaughlin, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

Ex. "1":

**04/16 & 05/16 Signed Petitions Requesting Additional Dryland Levee
Workshops**

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

A growing number of south Manteca rural residents are expressing concern with the City of Manteca's SB5 Drylands Levee alignment approval process. Beginning with the first workshop meeting, several concerned residents stated that the process appeared to pit neighbor against neighbor. Most important, this process does not appear to have adequately addressed the potential floodwater impacts involved.

Making the Calls...

Can the affected public really count on a relief cut in the event of a future flood event to be made to the Turtle Beach levee in a timely manner to relieve floodwaters accumulating against the floodwater side of the levee. Who makes that call,

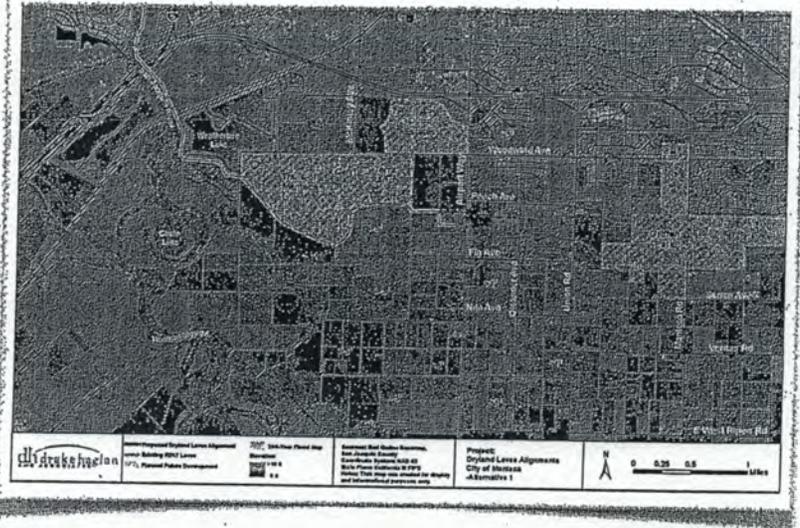
Army Corps of Engineers?
RD17?

Department of Water
Resources?

San Joaquin County Council
of Governments?

Identifying the Needs...

Why should anyone vote for a Dryland Levee alignment option that does not adequately identify the difference in floodwater impacts on each of the different Dryland flood alignments offered, especially when the vast majority of residents, businesses and property owners whose land will be directly affected do not want any alignment at all?



Suggested Actions to Address & Improve the Process:

- Receiving reliable information that the public can rely on concerning the use or non-use of slurry walls (cement walls 12" to 18" in width that can go as deep as 85 ft. to 120 ft. in depth) and each alternative affect on groundwater elevation and recharge; and
- Adequate and timely floodwater drainage with a defined plan (or flood gates) that the affected public can rely on to limit and control potential floodwater elevation impacts created; and
- Expanding the Paradise Cut drainage channel to facilitate floodwater drainage (this is extremely important and it would reduce concerns if more information was presented)

There appears to be a number of land owners who are unaware and who have yet to receive notification from the City of Manteca concerning levee alignment workshop meetings. As a result, more and more affected members of the public are expressing concern and believe additional workshops should be scheduled.

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		LOYD MACKEY	5451 E. FIG MANTECA	1104DMACKEY@GMAIL.COM
1/2016		EDNA FREITAS	6833 E. Veneta Manteca	
1/2016		ALBERT FREITAS	6833 E. Veneta Manteca	
1/2016		ANGIE CLAUSEN	1070 SUESS CT MANTECA 95337	
1/2016		GEORGIANN ROSE	2114 WOODBINE MANTECA 95337	
1/2016		MARSHA A. SEARS	1132 PESTANA AV MANTECA 95336	MASCO@S@30.FAHO
1/2016		BOB SEAKS	1132 PESTANA AVE MANTECA, CA	
1/2016		Albert Hansen	768 TAHOE MANTECA CA	
1/2016			849 Fishbroke Manteca. Ca.	
1/2016		Vernon Gebhardt	1034 Plumac Manteca Ca	vernongebhardt@comcast.net
1/2016		HOWARD HOLTSMAN	15181 PRESCOTT MANTECA CA	hholtzman49@gmail.com
1/2016		RICHARD PHILLIPS	1227 S. UNION ST MANTECA, CA 95326	
1/2016		Nance Velarde	124 So. Washington Dr. Manteca 95366	
1/2016		838 MARIFON		
1/2016		MIKE JACOBS	137 Raylow Manteca	

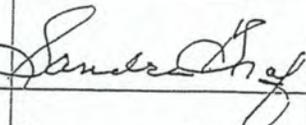
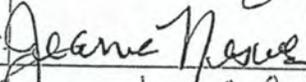
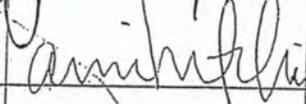
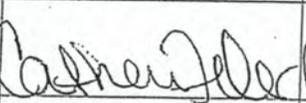
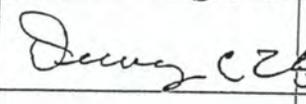
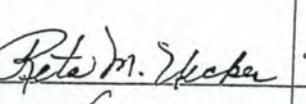
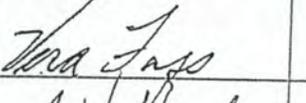
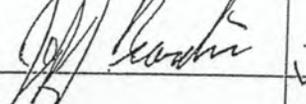
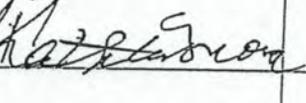
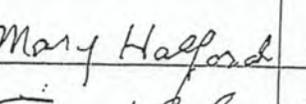
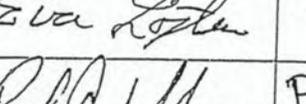
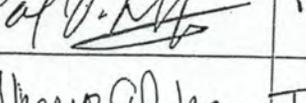
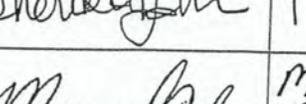
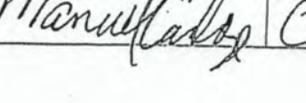
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
05 / 02 2016		Kathleen Bautista	Manteca	
5 / 12 2016		KYLE WANG	MANTECA	
/ 2016		Liliana Calderon	Manteca	
/ 2016		LATIC RUSSO	MANTECA	
/ 2016		Terry Bill	manteca	
/ 2016		SEAN Elch	Peack Ave Manteca	
/ 2016		TRAVIS RINSKY DR 17116 ORONTES	Rivers Valley Dr	
/ 2016		Donna Corbett	1005 Thousand CAMP	
2016		Mirna Bowman	Manteca ca	
/ 2016		Ken Neswick	Manteca CA	
/ 2016		ERIK BOWMAN	MANTECA CA	
/ 2016		Cinderella Bowman	Manteca ca	
/ 2016		Shawn Fraser	Manteca CA	
/ 2016		Alisha Fraser	Manteca CA	
/ 2016		JOHN Becken	Manteca CA 1607 TOWN RD	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016		SANDRA GRAF	1184 YORKTOWN LN	SORAF531 @VERIZON.NET
1/2016		Jeanne Neswick	200 Dan MTCA	
1/2016		Jamie Hutcheson	1033 SUNFISH	
1/2016		Mike Fuller	420 EVA DR Manteca CA	
1/2016		Catherine Fuller	420 EVA DR Manteca, Ca.	
1/2016		Reta M. Vecker	359 Roosevelt Manteca	
1/2016		Reta M. Vecker	359 Roosevelt Manteca, Ca.	
1/2016		Vera Fass	1819 Carnation Manteca, Ca.	
1/2016		JEFF RIORDAN	MANTECA, CA.	
1/2016		K. MORAN	TRACY, CA	
1/2016		MARY HALFORD	TRACY	
1/2016		EVA LOFTUS	MANTeca	
1/2016		Paul Dobkowitz	Manteca	
1/2016		Therese A Johnson	1133 May Ave Manteca 95306	
1/2016		Manuel CARDOZA	4450 PERRIN Manteca, Ca	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
/ 2016	<i>Nelson Morgado</i>	NELSON MORGADO	4961 FIG AVE.	209-470-8884 239-4448
/ 2016	<i>Pitmanee Attiya</i>	PITMANEE ATTIYA	920 Kirkwood	209-603-0474
/ 2016	<i>Sandra Atter</i>	Sandra Atter	217 Espana	209 2768548
/ 2016	<i>Judy Shellman</i>	Judy Shellman	270 WATSON	209 824-1771
/ 2016	<i>Michelle Le</i>	CHAU (Michelle) LE	1716 Home town Lane	408-600-0613
/ 2016	<i>Jessica Vaughn</i>	Jessica Vaughn	1453 murola Manteca	604-5525 603-56
/ 2016	<i>Melissa Mays</i>	Melissa Mays	1484 Blush St. Manteca, CA 95336	209-604-8078
/ 2016	<i>Raquel Hall</i>	Raquel Hall	176 Treveno Ave Apt 284 Manteca CA 95337	209-481-4557
/ 2016	<i>Barbara Becker</i>	Barbara Becker	1607 Tinnin Rd Manteca Ca	209-647-2939
/ 2016	<i>Christene Adams</i>	Christene Adams	12484 S. Union Manteca CA	209-456-4976
/ 2016	<i>Debbie Mahaffey</i>	Debbie Mahaffey	4920 Fig	209-4846999
/ 2016	<i>William Dunham</i>	William Dunham	1958 Northgate Dr Manteca	N/A
/ 2016	<i>Bill W. Mahaffey</i>	Bill W. MAHAFFEY	4920 FIG AVE. MANTOCA	823-4864
/ 2016	<i>Faye E. Adams</i>	Faye E. Adams	12484 Union Rd Manteca	858-2684
/ 2016	<i>Nadine Venick</i>		1354 Monterey Ave Mtca	N/A

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Arnold Rothlin</i>	ARNOLD J. ROTHLIN	23400 S Airport Way Manteca	
1/2016	<i>M.K. Hildebrand</i>	MARY K. HILDEBRAND	23455 HAYS RD	hildfarm@gmail.com
1/2016	<i>Lucy Bettencourt</i>	Lucy Bettencourt	23675 S. Airport Way	ALYBET87@aol.com
1/2016	<i>Ed Bettencourt</i>	Ed Bettencourt	23675 S. Airport Way	edbettencourt@aol.com
1/2016	<i>Arlene McCracken</i>	ARLENE MACCRACKEN	4919 W. RYON RD	Arlene McCracken @ yahoo.com
1/2016	<i>Red McCracken</i>	RED MACCRACKEN SR.	4919 W. RYON RD	Red McCracken @ 4 mail.com
1/2016	<i>Scott Long</i>	SCOTT LONG	5203 W. RYON RD MANTeca	Trancheinreach.co
1/2016	<i>Susan Dawn</i>	SUSAN DAWN	5490 Almondwood Manteca	
1/2016	<i>Edward Hoogveen</i>	Edward Hoogveen	22690 S Airport Way Manteca	Edwardcobie036@mail.com
1/2016	<i>Cobie Hoogveen</i>	Cobie Hoogveen	22690 S Airport Way Manteca, CA 95337	
1/2016	<i>Whisper Gray</i>	Whisper Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Brian Gray</i>	Brian Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Laura Rothlin</i>	Laura Rothlin	23400 S Airport Way Manteca 95337	
1/2016	<i>Sanford Hedegard</i>	Sanford Hedegard	1065 So Union	
1/2016	<i>Julie Hedegard</i>	Julie Hedegard	1065 So Union Rd	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/28 2016		Alma R Guerra- 02102	500 Tannehill drive Manteca, CA 95337	Emp @ 5151 East Almondwood Manteca, CA 95337
4/28 2016		Arnida Aguirre	1624 S. Hwy 99, Spc 37 Manteca, CA 95336	Emp at 5151 E Almondwood Manteca, CA 95337
4/28 2016		Yvonne Williams	1664 Bermuda Lane Manteca, CA 95337	Tuff Boy Employee
1 2016		Debbie Bryant	1307 Daniels St Manteca, CA 95337	TUFFBOY EMPLOYEE
4/28 2016		Margarit Newton	323 Mylar Ave Manteca, CA 95336	Emp at 5151 East Almondwood Manteca, CA 95336
1 2016		MARYANNE Smith	686 Agate Ave Manteca, CA 95336	Emp. @ 5151 ALMONDWOOD Manteca, CA
1 2016		BOBBIE DURAN	1752 NATTERHORNSI MANTECA, CA 95337	EMPLOYED AT TUFF BOY
4/28 2016			5151 E. Almondwood Rd MANTECA, CA 95337	
4/28 2016		Jonathan Velazquez	5151 E Almondwood Rd Manteca, CA 95337	
4/28 2016		Jodi Sabatino	515 Ruess Rd Piper 95366	Emp @ 5151 Almondwood Manteca CA
4/28 2016		SHANE ALLEN	22902 Oleander Ave. Manteca, 95337	
4/28 2016		Margjane Brocchini	23080 Oleander Ave Manteca, CA 95337	mbrocchini@aol.com
4/28 2016		Samantha Hein	2348 Mumbert Dr. Manteca, CA 95337	shein108@aol.com
4/28 2016		Lois Davis	22263 Oleander Mntca 95337	
1 2016		Marcos	23195 Oleander Manteca 95337	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Laffranchini Elizabeth</i>	Elizabeth Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>John Mendosa</i>	John mendosa	23400 So. Manteca Airport Way	
1/2016	<i>Antoinette Laffranchini</i>	Antoinette Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>Billy B. Betts</i>	Billy B. Betts	2075 S Artin Rd	Manteca
1/2016	<i>Jane Lewis</i>	JANE LEWIS	1825 S. Union Manteca	95337 MANTECA, CA
1/2016	<i>Paula Sanchez</i>	PAULA SANCHEZ	6546 W. Brooks Manteca CA	
1/2016	<i>John Kiss</i>	John Kiss	921 Country Club Cir Ripon	kisstairy@aol.com
1/2016	<i>Janet Swanson</i>	Janet Swanson	6357 W Ripon Rd Manteca	
1/2016	<i>Jason Swanson</i>	Jason Swanson	6357 West Ripon Rd Manteca CA	
1/2016	<i>John Canova</i>	JOHN CANOVA	6588 W Ripon Rd	
1/2016	<i>Shirley Sadler</i>	SHIRLEY SADLER	5353 Peach Ave Manteca, CA 95337	
1/2016	<i>Bill L. Sadler</i>	BILL L. SADLER	5353 PEACH AVE MANTECA, CA 95337	
1/2016	<i>Marjorie Moorman</i>	MARJORIE MOORMAN	8008 West Ripon Rd. Manteca CA 95337	
1/2016	<i>James Moorman</i>	JAMES MOORMAN	8008 West Ripon Rd. Manteca, CA 95337	
1/2016	<i>Margie Selig</i>	Margie Selig	22188 S. Airport Way Manteca CA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Phyllis Rocha</i>	Phyllis Rocha	23623 South Union Rd	jewel-0984@verizon.net
1/2016	<i>Sarah Olin</i>	Sarah Olin	23848 S Union Manteca	Saraholin@gmail.com
1/2016	<i>Ruth Erwin</i>	Ruth Erwin	23848 S Union Manteca	
1/2016	<i>Jaques Olin</i>	Jaques Olin	23848 S Union	VFE95@verizon.net
1/2016	<i>Joe Cragg</i>	JOE CRAGG	Manteca	
1/2016	<i>Robert Cardoza</i>	ROBERT CARDOZA	617 Lupton St Manteca	CARDOZAMNTCA@HOTMAIL.COM
1/2016	<i>Lisa Rogers</i>	Lisa Rogers	Same as above	Same.
1/2016	<i>Evelyn I. Potts</i>	EVELYN I. POTTS	340 FRANCES MANTUCA	
1/2016	<i>Michael Hogle</i>	Michael Hogle	337 Birchwood Manteca	
1/2016	<i>Martin Kaslin</i>	Martin Kaslin	9611 E. Lathrop Rd Manteca 95336	
1/2016	<i>Luis Brizuela</i>	LUIS BRIZUELA	5220 ALMOND WOOD RD	
1/2016	<i>Juanita Brizuela</i>	JUANITA BRIZUELA	5220 ALMOND WOOD RD	
1/2016	<i>Adriana Brizuela</i>	ADRIANA BRIZUELA	5220 ALMOND WOOD RD	
1/2016	<i>Angela Smith</i>	Angela Smith	23400 S. Airport way 19982 N. Ripon Rd.	Angdogg77@aol.com
1/2016	<i>Chris Smith</i>	Chris Smith	23400 S. Airport way 19982 N. Ripon Rd.	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Don Freitas</i>	Don Freitas	6968 Veritas Manteca, Ca 95337	don.freitas@yahoo.com
1/2016	<i>Marie Freitas</i>	Marie Freitas	6968 Veritas Manteca, Ca 95337	
1/2016	<i>Beatrice Liu</i>	Beatrice Liu	5922 Nile, Manteca, CA 95337	
1/2016	<i>Scott Whiteley</i>	SCOTT WHITELEY	21676 S. AIRPORT Manteca Ca 95337	
1/2016	<i>Lizabeth Whiteley</i>	LIZABETH WHITELEY	21676 AIRPORTWAY	
1/2016	<i>Randy Branscum</i>	Randy BRANSCUM	25913 S. Airport Way	
1/2016	<i>Terry Lee DeRuyter</i>	TERRY LEE DR RUYTER	6625 AVE. D MANTECA CA 95337	
1/2016	<i>Corneil De Ruyter</i>	Corneil De Ruyter	6625 Ave D Manteca CA 95337	
1/2016	<i>Rodney Frey</i>	Rodney Frey	Manteca 3347 Perrin rd	
1/2016	<i>Ginger Frey</i>	Ginger Frey	Manteca 3347 Perrin rd	
1/2016	<i>Joe Machado</i>	Joe MACHADO	3951 Perrin	
1/2016	<i>Leo Omlin</i>	LEO OMLIN	23420 S. UNION RD MANTECA CA 95337	
1/2016	<i>Jose Silva</i>	JOSE SILVA	Manteca	
1/2016	<i>Frank Machado</i>	FRANK MACHADO	Manteca Manteca Jctn Rd	
1/2016	<i>Janet R. Owen</i>	JANET OWEN	5741 Nile Road Manteca, CA 95337	janz65@msn.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/30 2016		Steve Carroll	5700 Almondwood Manteca CA	PTSSCARROLL@Yahoo.com
1/ 2016		DAVID KONIECNY	2285 S. Union B Manteca CA 95337	dkonieczny@norcalmau.com
1/ 2016		Roni Isola	22773 S. Union Manteca, CA 95337	
1/ 2016		Robert E. Agdona	22523 S. Union Rd Manteca, CA 95337	ragdona@AOL.com
1/ 2016		Evelyn Agdona	22523 S. Union Rd Manteca, CA 95337	
1/ 2016		CARL JOAQUIN	5828 Nile Ave Manteca, CA 95337	
1/ 2016		BERNY M. JOAQUIN	5828 E. NILE AVE MANTECA, CA 95337	
1/ 2016		FRANK CASTRO	5200 NILE RD Manteca 95337	
1/ 2016		JOANNE LYONS	21579 S. Union Manteca 95337	
1/ 2016		MIKE LYONS	21579 S. Union Rd Manteca, Ca 95337	
1/ 2016		BERNON DANLEY	5180 Nile Rd Manteca, CA	Bernon Danley Bernon31@hotmail.com
1/ 2016		DONNA DANLEY	5180 Nile Rd Manteca Ca	ddanley@hotmail.com
1/ 2016		DOUG HARNDEN	4780 NILE RD. Manteca, CA	
1/ 2016		JENNIFER HARNDEN	4780 Nile Rd Manteca CA	
1/ 2016		SCOTT W. OWEN	5741 Nile Rd Manteca	ScottW.Owen@msn.com

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016	<i>Shirley Hodson</i>	SHIRLEY HODSON		
1/2016	<i>Larry King</i>	LARRY KING	211 W. NORTH ST MANTICA CA	
1/2016	<i>Scott Weeks</i>	SCOTT WEEKS	5440 FIG AVE., MANTECA	SVWEEKS@ LIVE.COM
1/2016	<i>Vanessa Weeks</i>	VANESSA WEEKS	5440 E FIG AVE MANTECA, CA.	SVWeeks@ LIVE.COM
1/2016	<i>Barbara Hall</i>	BARBARA HALL	2443 Buile Claret Manteca 95331	
1/2016	<i>Ann K. Mills</i>	ANN K. MILLS	418 Monticello Road Manteca, CA 95331	
1/2016	<i>Troy Barger</i>	TROY BARGER	13790 S Hwy 99 MANTECA	
1/2016	<i>Joe Machado</i>	JOE MACHADO	11500 E Fresh Camp Rd Manteca 95336	
1/2016	<i>Don Putz</i>	DON PUTZ	11441 Jameson RD, manteca 95336	
1/2016	<i>William E. Wohbe</i>	WILLIAM E. WOHBE	7705 Southview Dr Manteca, Ca. 95336	
1/2016	<i>Josie Franza</i>	JOSIE FRANZA	9120 COUNTRY CLUB RD W 95266	
1/2016	<i>John J. Vieira</i>	JOHN J. VIEIRA	5350 E Fig Manteca 95337	
1/2016	<i>Eleanor Vieira</i>	ELEANOR VIEIRA	5350 E Fig Manteca 95337	
1/2016	<i>Sally Holden</i>	SALLY HOLDEN	5391 Fig Ave Manteca	
1/2016	<i>Gary Holden</i>	GARY HOLDEN	5391 Fig Ave Manteca	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		Carol Campbell	22445 S Union MTECA	CACampbell146@ VER.
1/2016		JERRY CAMPBELL	22445 S Union MTECA	
1/2016		Brenda Franklin	1460 Spindrift MTECA 95337	
1/2016		Beatrice Bowlby	633 Stewart #11 Manteca, CA 95336	
1/2016		SHAWN NUSSBAUMER	1552 Sephor MANTECA 95337	
1/2016		FRANK R. MENDES	18401 SO MCKINLEY MANTECA, CA 95337	
1/2016		LARRY HENRIKSEN	1416 Stearns Pleas. - Manteca	
1/2016		BOB HALL	2443 Bell Glade Manteca, 95336	
1/2016		Gail Wilhite	1130 Aldwina Manteca, Ca 95336	Aldwina @ COMCAST.net
1/2016		JOHN M INDUBITZING	13742 S AUSTIN RD MANTTECA CA 95336	
1/2016		Robert Bandoni	14183 Prescott Rd Manteca Calif 95336	
1/2016		Herb Marian RAWLINS	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016		Herbert Rawlins	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016		Bob NUNES	20405 Austin rd MTECA	
1/2016		ANDRE FOGGA	20405 Austin Rd MTECA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28 2016		Patricia D. Uecker	4988 Nile Manteca 95337	pguecker@gmail.com
4/28 2016		Gary L. Uecker	4988 Nile Manteca Calif	pguecker@gmail.com
4/28 2016		Jennifer Gomes	4856 Nile Manteca CA	Jenluv3brats@yahoo.com
4/28 2016		GLEN MUELLER	4868 NILE MANTECA CA	WESTCOAST HARDWARE@yahoo.com
4/28 2016		RODNEY GOMES	4856 NILE MANTECA 95337	Rodneyalan2006@yahoo.com
/ 2016		Richard V. Uecker	1419 Ironwood Manteca Ca	My interest is because I have cows on my rd.
/ 2016		GARY MUELLER	4898 E Nile Manteca 95337	Gmuellerhome@gmail.com
/ 2016		Marjellen Mueller	4898 E Nile Manteca 95337	"
/ 2016		MELISSA MUELLER	4898 E Nile Rd Manteca 95337	
/ 2016		MARJEAN A. UECKER	327 S. Powers Manteca, Ca. 95336	I am interested because my son & wife live on Nile.
/ 2016		Wayne A. Uecker	758 Oliver Way Manteca, CA 95336	
/ 2016		Bryan Uecker	771 JOAQUIN MANTECA, CA	PARENTS LIVE THERE
/ 2016		Regina Bianoff	771 JOAQUIN ST. Manteca, Ca. 95337	This is my Father in-law who I'm extremely concerned!!
/ 2016		Betty J. Mueller	759 JOAQUIN ST 227 MANTECA, CA 95337	I care because my daughter & 2 sons & their spouses live there
/ 2016		Ronald Mueller	825 Dudley Rd. French Camp, CA. 95231	RonMueller@juno.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28 2016	<i>John Van Zwolwenburg</i>	John Van Zwalsenburg	22079 Oleander Mtc. Ca 95337	
/ 2016	<i>Sharon Van Zwalsenburg</i>	Sharon Van Zwalsenburg	22079 Oleander Monteca CA 95337	
/ 2016	<i>Jason Frisk</i>	Jason Frisk	22137 Oleander Monteca 95337	
/ 2016	<i>Rebecca Frisk</i>	Rebecca Frisk	22137 Oleander Monteca 95337	
/ 2016	<i>Vernon Reynolds</i>	Vernon Reynolds	21963 Oleander Mtc. Ca 95337	
/ 2016	<i>Kirsten Thomson</i>	KIRSTEN THOMSON	22031 Oleander H Monteca 95337	
/ 2016	<i>Daniel Monte</i>	DANIEL MONTE	21915 OLEANDER MTC. CA 95337	
/ 2016	<i>John Mendes</i>	John Mendes John Mendes	21881 Oleander Mtc Ca 95337	
/ 2016	<i>Jeff Hammond</i>	JEFF HAMMOND	21735 Oleander MTC, CA 95337	
/ 2016	<i>Rebecca Hammond</i>	Rebecca Hammond	21735 Oleander MTC CA 95337	
/ 2016	<i>Laurie Clark</i>	Laurie Clark	21759 Oleander	
/ 2016	<i>Richard King</i>	Richard King	Mtc Ca 95337 22082 Oleander	
/ 2016	<i>Dorothy King</i>	Dorothy King	MTC. 95337 22082 Oleander	
/ 2016	<i>Rachel Berg</i>	RACHEL BERG	22295 Oleander Manteca CA 95337	
/ 2016	<i>David Berg</i>	DAVID BERG	22295 OLEANDER RD MANTECA, CA 95337	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/18/2016		Michael Fonseca	P.O. Box 4208 Manteca, CA 95337	Fonsecafarmsince@aol.com
4/12/2016		Joanna Fonseca		
4/12/2016		Fred Rich	22695 S. Airport Manteca CA 95337	fonsecafarmsinc@aol.com
4/12/2016		Kathy Rich		
5/12/2016		Richard Fonseca	21164 S. Airport way manteca, CA 95337	fonseca2484@gmail.com
5/12/2016		Joanna Fonseca	21104 S. Airport way Manteca, CA 95337	Fonseca.2333@gmail.com
5/12/2016		Andrea Cambra	21103 S. Airport Manteca 95337	acambrafarm@yahoo.com
5/12/2016		William Cambra	21107 S. Airport Manteca CA 95337	
5/12/2016		Kathy Cambra Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5/12/2016		Joel Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5/12/2016		Judy A. Cambra	21153 S. Airport Manteca, CA 95337	jcambra209@gmail.com
5/12/2016		Charles Cambra JR	21153 S. Airport Manteca, CA 95337	jcambra209@gmail.com
5/12/2016		C. Richard Cambra III	21153 S. Airport Manteca, CA 95337	rcambra3@gmail.com
5/12/2016				
1/2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28 2016		Kern Visser	350 Diamond Ripon CA	onthemcowa@veloc... n
4/28 2016		Steven De Freitas	24851 S. Mehler Rd	stevendeefr@yahoo... ca
5/02 2016		Luis de la Cruz	26290 S. Omban Manteca, CA	
5/02 2016		Carol Moberly	6191 Perrin Rd Manteca CA	Camoberly@hotmail.com
5/02 2016		Steve M. Moberly Sr.	6191 Perrin Rd Manteca, CA	smoberly@hotmail.com
5/02 2016		Carley Moberly	6191 Perrin Rd Manteca, CA	carlette1@hotmail.com
5/02 2016		Michael Moberly	6191 Perrin Rd Manteca CA	mikemobes3@gmail.com
5/03 2016		Richard Teicheira	715 Poplar Manteca CA.	
5/03 2016		Marlene Harris	20333 Tinnin Rd. Manteca, CA 95337	mmharris46@comcast.net
1 2016		John Teicheira	24500 S. Union Rd. Manteca	JohnTeicheira@aol.com
1 2016		Ida Teicheira	6721 Perrin Rd	
1 2016		Tom Teicheira	6733 Perrin Manteca	
1 2016				
1 2016				
1 2016				

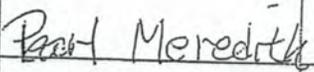
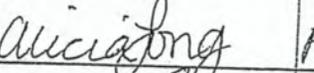
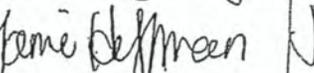
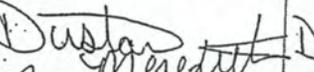
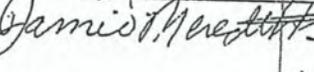
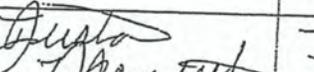
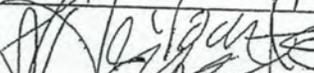
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28 2016		Raymond M. Quaresma	5300 E Perrin Manteca 95337	QUARESMAdele@RY @Aopl.Com
4/28 2016		Sue Quaresma	5300 PERRIN RD Manteca 95337	" "
4/29 2016		Johnny CARROZA	24421 South AIRPORT; MANTECA	
4/30 2016		Delaine Quaresma	5300 PERRIN RD Manteca Ca	
5/1 2016		Mike Tenente		
5/1 2016		David A. Machado	P.O. Box 1046 Pison CA 95366	26230 S. Union Rd Manteca, CA 95337
5/1 2016		FRANK Teixeira	21527 S. Airport Way MANTECA CA 95337	
5/1 2016		Johnny Teixeira	1644 Rockford Way, Turlock CA	
/ 2016		Katelyn Quaresma	5300 PERRIN RD Manteca CA 95337	Katelyn.quaresma @gmail.com
/ 2016		CAROLYN CARROZA	23595 Oleander Manteca CA 95337	carolyncarroza homes@yahoo.co
/ 2016		Eddy CARROZA	23595 Oleander MANTECA CA 95337	
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/30 2016		TIFFANY THOMPSON	5203 W. RIFOW RD	
4/30 2016		Pearl Meredith	5432 O. Mansfield Rd / Manteca	
5/1 2016		ALICIA LONG	23319 Oleander manteca CA	
5/1 2016		RANDY LONG	23319 OLEANDER MANTECA, CA.	
5/1 2016		Jamie Huffman	23319 Oleander Manteca, CA	
5/1 2016		Justan meredith	21375 Union Manteca Ca	
5/1 2016		Jamie Meredith	21375 Union Manteca Ca	
5/1 2016		Justan meredith	21375 Union Manteca Ca	
5/12 2016		SAUL GARCIA	23747 OLEANDER	
5/12 2016		MATT WISE	23319 OLEANDER MANTECA	
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
/ 2016	<i>Wayne Curran</i>	WAYNE CURRAN	51420th 514th	
/ 2016	<i>Ann Poonahi</i>	Ann Poonahi	Manteca, CA 95320	apoonahi@gmail.com
/ 2016	<i>Gurdeepak K.</i>	Gurdeepak K.	21585 Oleander R.	
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

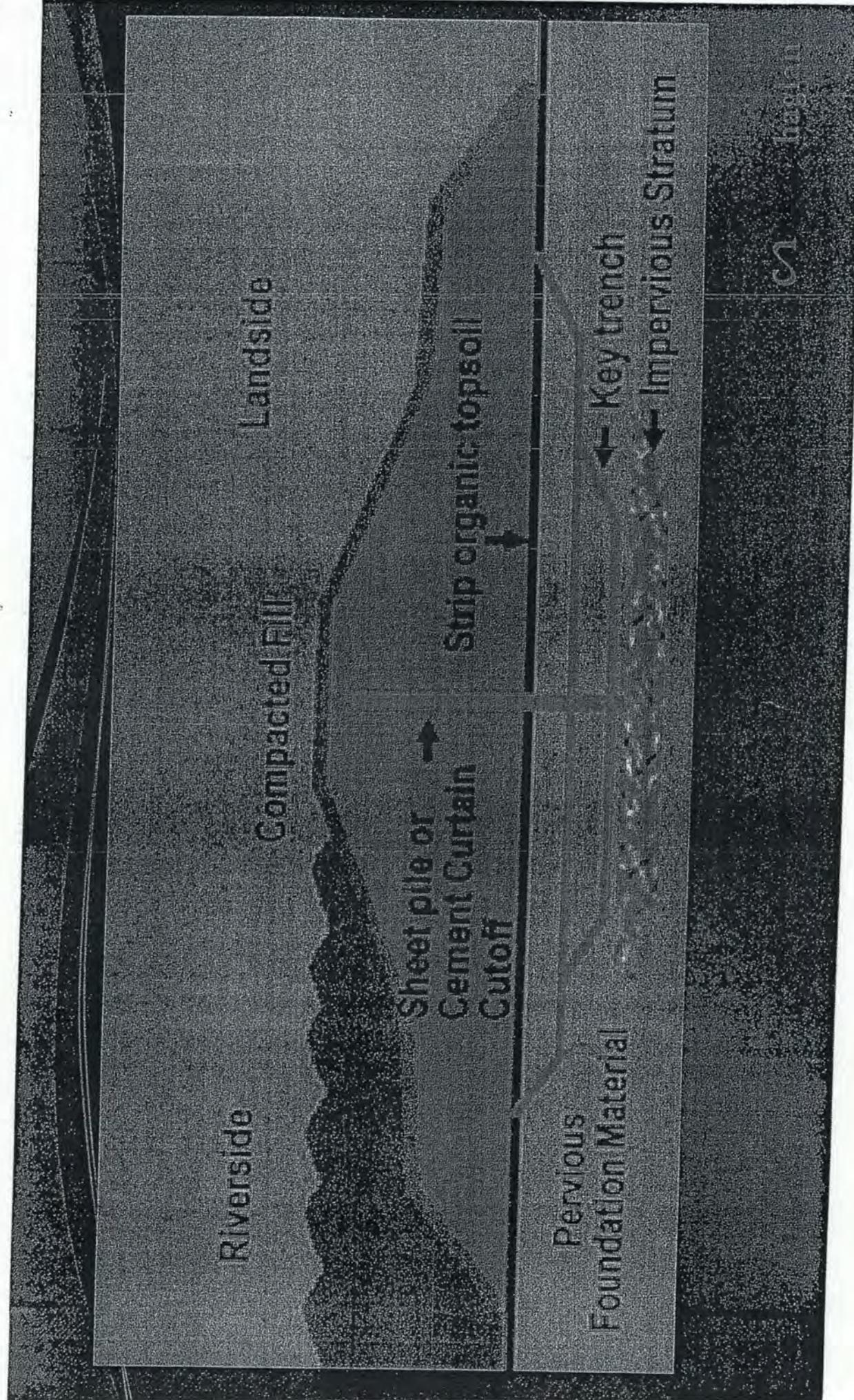
Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
04 / 28 2016	<i>Natalie Swanson</i> (CHILDREN ARE BABYSAT IN SOUTH MANTECA)	Natalie Swanson	5308 LIVERNOCK SALIDA CA	NATALLE05@HOTMAIL
/			_____	
/			_____	
/			_____	
/			_____	
/			_____	
/			_____	
/			_____	
/			_____	
/			_____	
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/			_____	
/			_____	
/			_____	
/			_____	

TERRALAND GROUP, LLC

Ex. "2":

04/16 Excerpt from Drake Haglan & Associates workshop presentation



Riverside

Compacted Fill

Landside

Sheet pile or
Cement Curtain
Cutoff

Strip organic topsoil

Pervious
Foundation Material

← Key trench

← Impervious Stratum

0

100m

TERRALAND GROUP, LLC

Ex. "3":

03/22/16 Manteca Bulletin News Article, "Paradise Cut work nears"

Paradise Cut work nears

Request to enhance flood protection made 13 years ago

By DENNIS WYATT
THE BULLETIN

A partial solution to the flood woes between Mossdale Crossing and Vernalis southwest of Manteca on the San Joaquin River has been waiting for federal approval now for 13 years.

Cambay Group filed for a permit in 2003 with the Army Corps of Engineers to modify Paradise Cut. It was supposed to be an 18-month approval process. Now 13 years later the Army Corps is reportedly nearing completion of its review process for

the Paradise Cut application that's part of the 10,800-home River Islands at Lathrop planned community.

Many people who live and farm east of the San Joaquin River and south of Manteca were under the impression River Islands were supposed to have done the work years ago. They made that point during a Manteca City Council meeting earlier this month regarding the proposal to



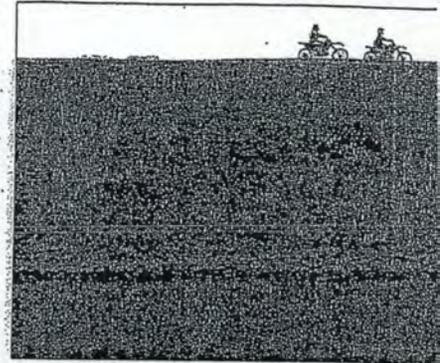
spend \$168 million to make levee improvements to meet a state mandate for 200-

year flood protection. River Islands wanted to do the work a decade ago but the bureaucratic review process with the state and federal government has stretched out the government's own time table by 11.5 years.

Paradise Cut has historically taken pressure off the San Joaquin River when it

nears flood stage. It has little water in it much of the year. It runs beneath Interstate 5 just north of the Interstate 205 interchange along the southern edge of River Islands.

River Islands' proposal is to add 200 acres to the 600 acres that are within Paradise Cut that runs from the main river channel prior to it reaching Mossdale Crossing and runs parallel to the Middle River Channel. They also want to restore habitat. The River Islands project



HIME ROMERO/Bulletin file photo

SEE RIVER, PAGE A5

Motorcyclists atop a levee along the San Joaquin River.

RIVER FROM PAGE A1

is based on a proposal made years ago that resurfaced in 2001 in an Army Corps of Engineers report to create a river bypass to reduce the potential for flooding in Manteca, Lathrop, and Stockton.

The Lower San Joaquin River Flood Bypass Proposal was formally submitted to the California Department of Water Resources in March 2011 by the South Delta Levee Protection and Channel Maintenance Authority and other partners. It was an effort to secure \$5 million to create the new flood bypass in the last corridor of undeveloped land between Tracy and Lathrop.

Engineers determined expanding the Paradise Cut would reduce flood stages significantly at Mossdale Crossing — 1.8 feet under a 50-year event as well as under a 100-year event such as the 1997 flood that inundated 70 square miles between Manteca and Tracy.

At the same time it would offer habitat and migration territories for juvenile steelhead, salmon and spawning

splittail that are driving some water use debates.

It would also allow upstream reservoirs to be managed more conservatively to reduce water releases during the rainy season and spring runoff to conserve water for summer use.

David Kennedy, the longest serving director of the Department of Water Resources, in 1998 wrote the following about the Paradise Cut bypass proposal in the forward of the second edition of "Battling the Inland Sea": "Recognizing the futility of simply raising the levees, flood control experts will now evaluate the feasibility of removing levees in some locations and simply letting future flood flows pond onto adjacent lands. Further, consideration is being given to opening up some form of bypass through the south Delta to relieve pressure on the levees as the San Joaquin River flows into the Delta. It is hoped these issues will be resolved and changes will be made before the next flood."

Cambay Group wants to set levees back on the north side of Paradise Cut as well as on the south side. They provided \$700,000 for land acquisition

and agreed to spend money to do the necessary work that was pegged at between \$1.8 million and \$3 million five years ago.

River Island project manager agrees dredging would help

River Islands Project Manager Susan Dell'Osso agreed with Manteca Mayor Steve DeBrum's contention that dredging the San Joaquin River between Vernalis and Mossdale would significantly enhance flood protection.

Dell'Osso knows a bit about issues on the river given that Cambay Group ended up spending \$70 million to create super levees 300 feet wide to take 900 acres on Stewart Tract where homes are now being built out of the 200-year flood plain. The firm is getting ready to do more levee work that would protect 300 more acres.

In addition River Islands has spent \$2 million on studies to prove to the state that the levees created in 2006 provide 200-years flood protection as mandated by Senate Bill 5.

"We didn't do anything else to the levees," Dell'Osso

said. "But because Senate Bill 5 didn't exist in 2006 we had to (prove that they meet the new standards.)"

Cambay Group expects to submit data needed for certification that 200-year flood protection exists to the Lathrop City Council in May.

As for dredging the river, Dell'Osso believes there is a good chance it would address all or most of the need for 200-year flood protection.

"But given how long it takes to get approval for (water) projects from the state and federal governments, there's no way you can get approval by the July 1, 2016 deadline," she said.

She added many state water managers as well as environmental groups and fishing advocates are against dredging as it would create issues with water quality that would initially pose a problem for fish.

Dell'Osso pointed to River Islands' experience with Paradise Cut. She noted bureaucrats assured it would be only an 18-month process.

To contact Dennis Wyatt, email dwyatt@mantecabulletin.com

TERRA LAND GROUP, LLC

Ex. "4":

06/08/11 RLC Associates Revised Terra Ranch Tentative Subdivision Map
Tract No. 3493

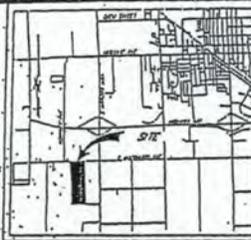
5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



SCALE: 1" = 100'
 DATE: AUGUST 2, 2010
 REV: FEBRUARY 18, 2011
 REV: JUNE 8, 2011

REVISED TERRA RANCH TENTATIVE SUBDIVISION MAP TRACT NO. 3493

A PORTION OF THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 1 SOUTH,
 RANGE 6 EAST, MOUNT Diablo MERIDIAN, CITY OF MANTENA, SAN RAFAEL COUNTY, CALIFORNIA



VICINITY MAP
 NOT TO SCALE

GENERAL NOTES

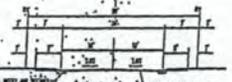
1. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF MANTENA STANDARD SPECIFICATIONS CITY OF MANTENA.
2. STORM DRAINAGE, IF POSING A HAZARD TO A STORM DRAINAGE DEPARTMENT SHALL BE CONSTRUCTED TO THE CITY OF MANTENA STANDARDS.
3. SERVICE CONNECTIONS TO CITY OF MANTENA SERVICE SYSTEMS SHALL BE IN ACCORDANCE WITH THE CITY OF MANTENA STANDARDS.
4. STREET LIGHTING SHALL BE INSTALLED AS PER THE CITY OF MANTENA STANDARDS SPECIFICATIONS.
5. EXISTING UTILITIES SHALL BE MAINTAINED AS PER THE CITY OF MANTENA STANDARDS SPECIFICATIONS.
6. UTILITIES SHALL BE MAINTAINED AS PER THE CITY OF MANTENA STANDARDS SPECIFICATIONS.
7. PROJECT AREA: YEAR ADVICE.
8. UTILITIES SHALL BE MAINTAINED AS PER THE CITY OF MANTENA STANDARDS SPECIFICATIONS.
9. GENERAL PLANNING: LOW DENSITY RESIDENTIAL (R10000).
10. GENERAL PLANNING: LOW DENSITY RESIDENTIAL (R10000).
11. THE SUBDIVISION MAP ACT, ARTICLE 1, SECTION 10000, AND THE PUBLIC MAPS FOR THE RECORD OF THE CITY OF MANTENA SHALL APPLY TO THIS TENTATIVE MAP.
12. PUBLIC UTILITIES SHALL BE MAINTAINED AS PER THE CITY OF MANTENA STANDARDS SPECIFICATIONS.
13. ROADWAY INFORMATION: THIS TENTATIVE MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CITY OF MANTENA SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE ROADWAY. THE CITY OF MANTENA SHALL BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE ROADWAY.

OWNER: TERRA RANCH PROPERTIES, LLC
 1660 W. YOSEMITE AVE., SUITE 3
 MANTENA, CA 95337
 (209) 239-6030
 TEL: (209) 347-7600

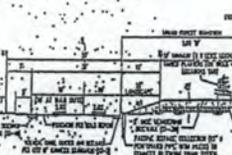
ENGINEER: RLC ASSOCIATES
 1660 W. YOSEMITE AVE., SUITE 3
 MANTENA, CA 95337
 (209) 239-6030
 RONALD L. CHEEK, REG. 22918



DEVELOPER: ANDERSON HOMES
 P.O. BOX 1237
 LINDA, CA 95314
 (209) 347-7600



TYPICAL STREET SECTION - 60' RIGHT-OF-WAY (CITY STANDARD)



TYPICAL 80' STREET SECTION - 60' RIGHT-OF-WAY

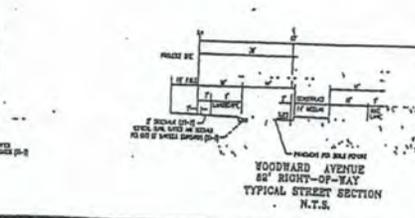
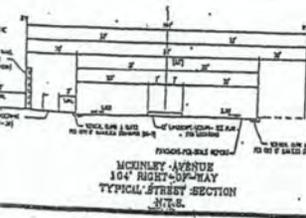
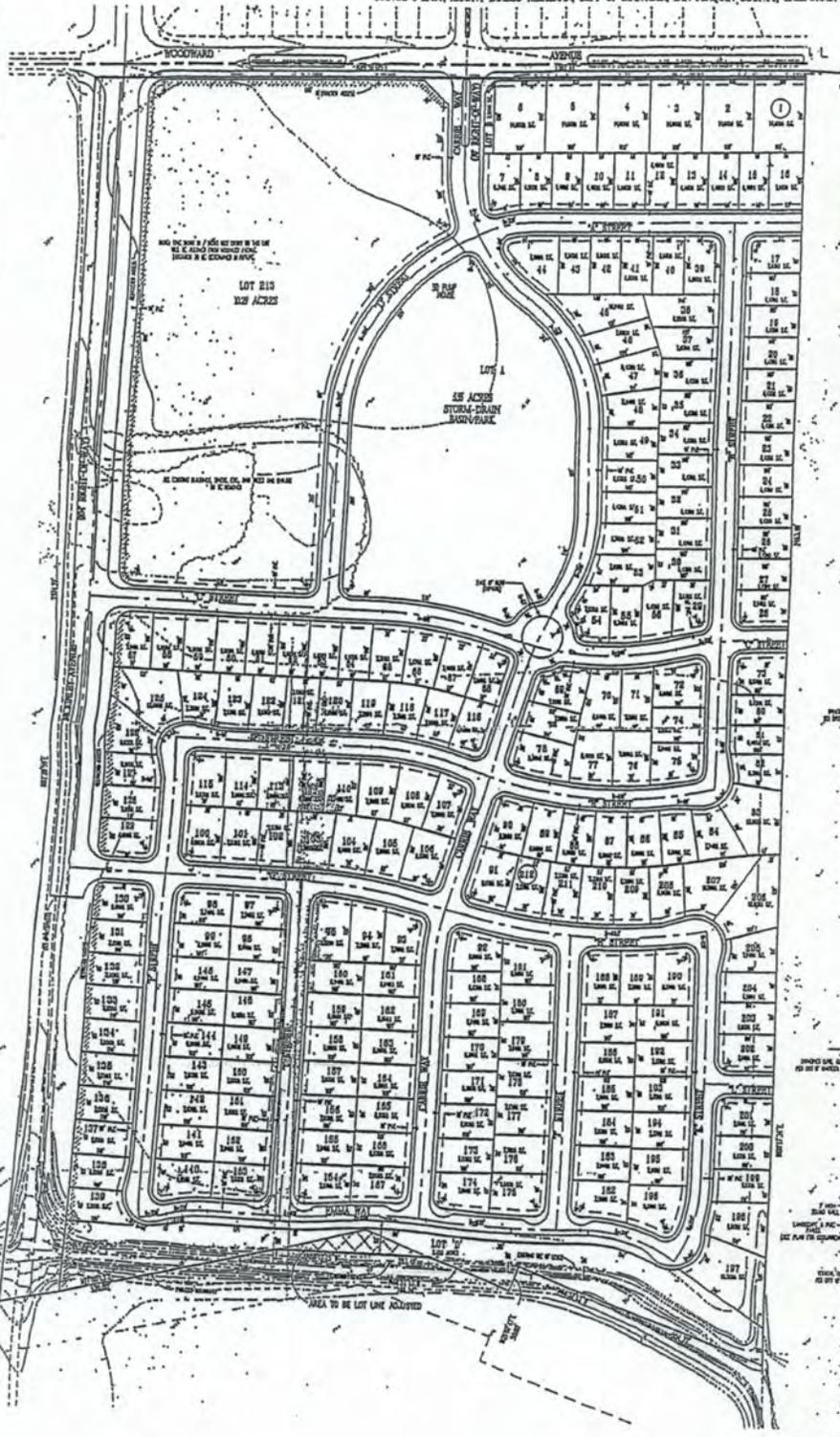


CARRIWAY ENTRY SECTION - 60' RIGHT-OF-WAY

SHEET INDEX

SHEET	DESCRIPTION
1	TENTATIVE MAP
2	TENTATIVE MAP - UTILITY PLAN

RLC ASSOCIATES
 1660 W. YOSEMITE AVE., SUITE 3
 MANTENA, CA 95337
 (209) 239-6030
 FAX (209) 239-6216



SHEET NUMBER
 1
 OF 2

TERRA LAND GROUP, LLC

Ex. "5":

02/15 US Army Corps of Engineers Sacramento District San Joaquin River Basin
Lower San Joaquin River, CA Interim Feasibility Study, Page 2-6

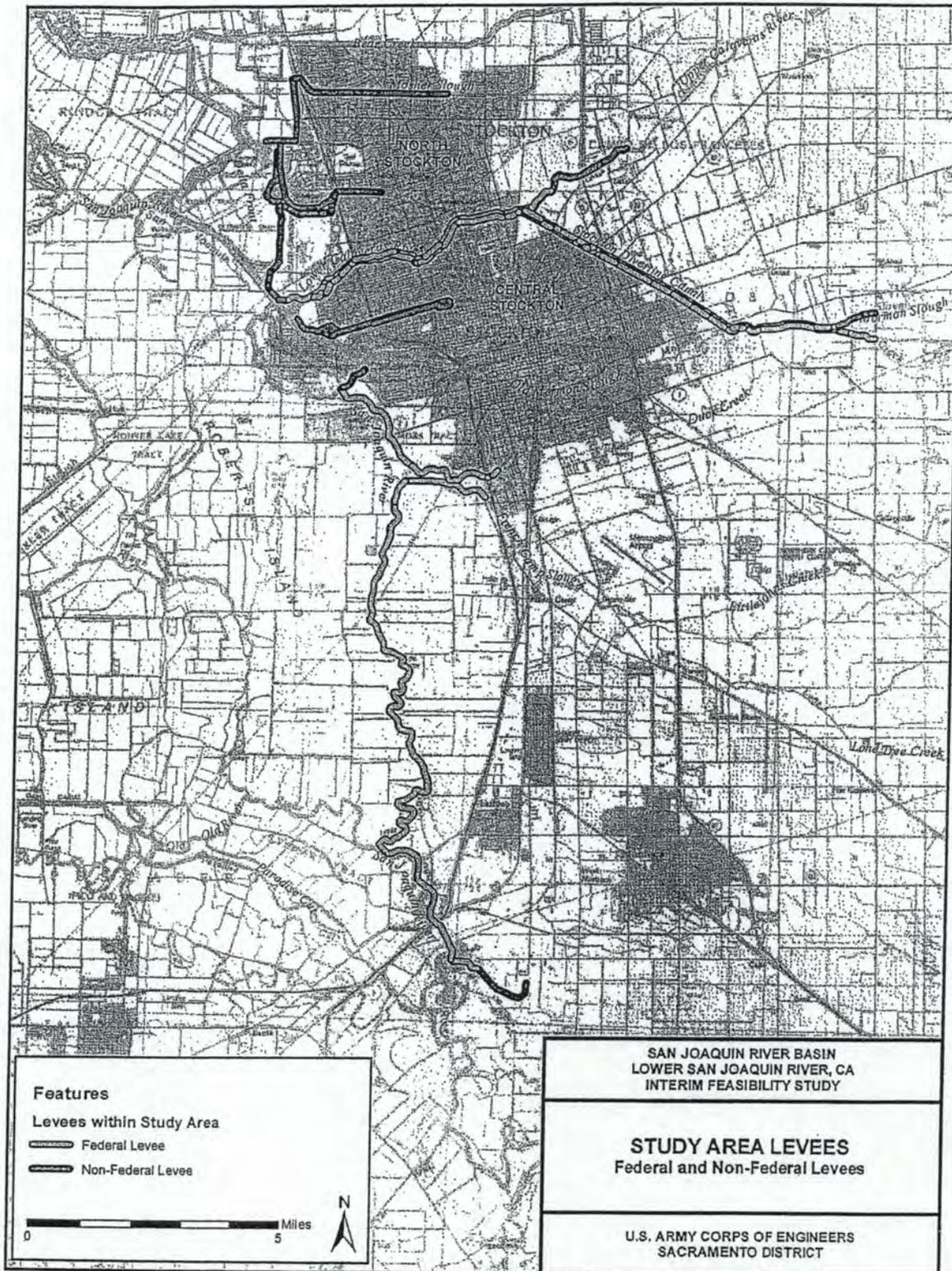


Figure 2-5: Study Area Levees.

TERRA LAND GROUP, LLC

Ex. "6":

07/07/15 Email from Terra Land Group, LLC to the Manteca City Council, Re:
"Response to Post-Construction Stormwater Standards Manual (Revised
Draft)"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Terra Land Group terralandgroup@gmail.com
Subject: Fwd: Response to Post-Construction Stormwater Standards Manual (Revised Draft)
Date: July 7, 2015 at 10:19 AM
To: MayorCouncilClerk@mantecagov.com



July 7, 2015

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337
MayorCouncilClerk@mantecagov.com

Re: 07/07/15 Manteca City Council Meeting Agenda Item C.1.

Dear Council Members:

On June 23, 2015, Terra Land Group sent an email correspondence to Brent Swain of Manteca's Public Works Department in response to a Post-Construction Stormwater Standards Manual (Revised Draft) expressing concerns relating to stormwater drainage infrastructure and its potential to elevate groundwater in the area of the Terra Land Group 230-acre almond farm property located in southwest Manteca (see forwarded message below).

As a result, Terra Land Group requests that those comments be considered as part of any stormwater drainage final design adopted by the City of Manteca, so as to fully mitigate against the potential for any groundwater elevation impacts that could affect the Terra Land Group 230-acre almond farm property.

Thank you for your attention to this very important matter.

Yours Truly,

Martin Harris
Terra Land Group, LLC

Begin forwarded message:

From: Terra Land Group <terralandgroup@gmail.com>
Subject: Response to Post-Construction Stormwater Standards Manual (Revised Draft)
Date: June 23, 2015 at 1:29:10 PM PDT
To: bswain@ci.manteca.ca.us
Cc: mhoughton@ci.manteca.ca.us, fclark@ci.manteca.ca.us

Dear Mr. Swain,

Terra Land Group has reviewed the post-construction Stormwater Standards Manual (Revised Draft) dated June 2015.

Various requirements and design criteria methods of handling stormwater are discussed including:

1. Drainage management areas (pg. 3-6)
2. Storm design volume (pgs. 5-1 to 5-4)
3. Stormwater treatment control measures (pgs. 6-1 to 6-10)

3. Stormwater treatment control measures (pgs. 6-1 to 6-12)
4. Alternative stormwater treatment control measures including:
 - a. Infiltration basin (pg. F-1)
 - b. Infiltration trench (pg. F-10)
 - c. Dry well (pg. F-18)
 - d. Stormwater planter (pg. F-26)
 - e. Tree well filter (pg. F-36)
 - f. Sand filter (pg. F-45)
 - g. Vegetated swales (pg. F-55)
 - h. Extended detention basin (pg. F-72)
 - i. Wet ponds (pg. F-86)

As you may be aware, Terra Land Group owns a 230-acre almond farm property in southwest Manteca.

In addition, the almond trees were planted with a shallow root system to accommodate the high groundwater table in that area of Manteca.

For this reason, Terra Land Group is particularly concerned that excessive volumes of stormwater infiltration into the ground could impact the water table around the root system of the almond trees. This concern extends to any area of the Terra Land Group farm property that could be impacted by currently undefined stormwater infrastructure that the city may be considering.

This is also true in relation to any overflow devices that may allow stormwater discharges to lands that may also impact almond plantings in that area of discharge and/or retention storage.

Further, Terra Land Group is concerned that groundwater impacts, in the form of elevated groundwater levels due to the potential for stormwater discharge infrastructure that blocks the groundwater's natural flow, may need to be considered.

With this in mind, Terra Land Group requests that the City of Manteca take appropriate measures to minimize impacts and allow for the continued farming operations currently existing on the Terra Land Group property.

Thank you for your consideration.

Yours truly,

Martin Harris
Terra Land Group

CY110

APR 06 2016 PM 12:29

TERRA LAND GROUP, LLC

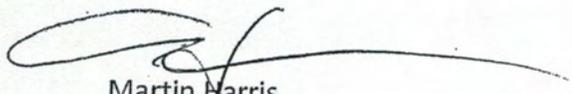
April 06, 2016

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Dear Council Members,

Because last night's City Council meeting ran so late and I was not given the opportunity to speak until sometime around 10:30 PM or later, I did not submit this letter at the time I addressed the Council, and with that in mind, I am submitting the letter (6 copies total) today.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

TERRALAND GROUP, LLC

April 5, 2016

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: 04/05/16 Manteca City Council meeting Agenda Item E.2., Receive report on contract with Drake Haglan and Associates for preferred alignments of the Dryland Levee Extension and Antone Raymus Expressway

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN ~~241-30-32~~³³⁰ (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

I am not sure how many of the City Council Members have seen the TLG farm property, but currently, approximately 32,000 almond trees are planted and cover an area exceeding 200 acres in total size.

In 2013, TLG made a decision to enter into a 25-year almond lease after a careful analysis which included several private and public meetings involving the City of Manteca. (See Exhibits "1" and "2")

Further, on November 24, 2015 and December 15, 2015, TLG attended City of Manteca Planning commission and City Council meetings for the Purpose of making public statements and presenting letters related to a General Plan Amendment and rezone affecting the TLG property (See letters presented on November 24, 2015 and December 15, 2015, attached as Exhibits "1", "2" and "3").

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At that time, TLG stated to City of Manteca representatives that it was TLG'S intention to continue farming the TLG property throughout the term of the almond farming lease currently under contract.

With these introductory comments in mind, TLG would like to state for the record that TLG representatives have:

- A. attended a number of RD17 public meetings,
- B. attended a number of SB5 City of Manteca flood protection meetings,
- C. reviewed environmental documents concerning potential modifications, repairs and extensions to the current San Joaquin River and Dryland levee system as well as the potential for impacts created, and
- D. investigated and gathered additional information.

TLG further states that it has no direct or actual knowledge and, at this point, can only express its concerns and question as to the ultimate design, location and total impacts that the final approved levee and McKinley Expressway alignments may have on the TLG farm property.

However it appears that 2 possibilities exist.

1. Levee to be subjected to 100-year seepage repairs and/or expanded and modified at/or near its current position to meet SB5 requirements; or
2. Levee to be relocated to an unidentified southern location somewhere on the TLG property in association with meeting SB5 requirements.

I. Levee to Remain at its current position on the North and West Boundaries of the TLG Property:

With this in mind, and in reliance on representations made and information received, TLG is supportive of the City of Manteca's plans to perform and/or authorize and support RD17 100-year seepage repairs and/or SB5 compliance modifications to the existing RD17 Element IX levee sections located on the north and west boundaries of the TLG property, provided however that:

- A. The extent of the TLG property needed is consistent with the property acquisition requirements previously identified in environmental documents presented to the public in February and March of 2015 and further represented by October 2015 and December 2015 surveys conducted by RD17 to determine the total amount of levee waterside maintenance easement property required as marked and staked by RD17 and incorporated into VVH Consulting Engineers survey maps provided at TLG'S request to clearly identify the impacts that the levee seepage repairs and/or SB5 flood protection requirements may have on the TLG property. (see Exhibits RD17-1, RD 17-2 and

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RD17-3 which were produced by VVH Consulting Engineers at TLG'S request and are included as Exhibits "4", "5" & "6" respectively);

- B. This limit to the RD17 element IX levee maintenance easement expansion is consistent with the May 1, 2013 MacKay and Soms "Record Property Lines and Easements Exhibit, RD17 Elements VIII through XI" which details the proposed easements to be acquired by RD17 (see MacKay & Soms map attached as Exhibit "7");
- C. This limit of RD17 element IX levee expansion is consistent with RD17 provided levee easement expansion exhibits produced by KSN Inc. that also supports limiting RD17 waterside levee maintenance easement expansion as demonstrated on RD17 Exhibit page 1 and RD17 Exhibit page 2 attached (see Exhibits "8" and "9"); notwithstanding the foregoing, TLG does not accept any change in boundary affecting the accepted position of the TLG west property line as first recorded at the time that TLG/Harris family purchased an interest in the TLG property in 1968 per recorded instrument #3246-OR-171; and
- D. TLG receives full and complete compensation for any property interests required from TLG by any public or quasi-public agency and providing that fair and complete compensation shall include any associated severance, consequential damages, unforeseeable costs or expenses, losses, or damages without limitation created and other forms of compensation authorized, allowed or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure affecting the TLG properties.

II. Levee to be relocated to any other position affecting the TLG Property:

TLG is supportive of the City of Manteca's consideration to construct a new levee that will meet SB5 compliance requirements under the following conditions:

- A. Reasonable accommodations will be made so that TLG can continue the almond farming operation on all remaining areas of the TLG property that are not acquired by any public or quasi public agency in support of SB5 levee compliance; and
- B. TLG receives full and complete compensation for any property interests required from TLG by any public or quasi-public agency and providing that fair and complete compensation shall include any associated severance, consequential damages, unforeseeable costs or expenses, losses, or damages without limitation created and other forms of compensation authorized, allowed or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure affecting the TLG properties.

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III. Antone Raymus Expressway/Public Road expansion and extension over and across portions of the TLG farm property: TLG is supportive of the City of Manteca's consideration to utilize, extend and/or expand the 50' wide Public Roadway, currently providing 80,000 pound truck-trailer access to the TLG farm property, in accordance with that certain April 18, 1923 deed recorded by instrument Book A, Volume 262 of Deeds, page 290, San Joaquin County, provided however that;

A. The public Roadways location and availability for continuing public use is consistent with the present location of the public road, for that certain portion of roadway crossing the levee as called out in supporting deeds recorded and exhibits maps attached:

1. Book A, Volume 262 of Deeds, Page 241, San Joaquin County, recorded on February 14, 1922 (see Exhibit 10)
2. Book A, Volume 262 of Deeds, Page 290, San Joaquin County, recorded on April 18, 1923 (see Exhibit 11) and
3. Book A, Volume 549 of Deeds, Page 253, San Joaquin County, recorded on June 15, 1923 (see Exhibit 12)
4. A San Joaquin County Road Exhibit (see Exhibit 7)
5. With the public roadway further described and detailed on the "May 1, 2013 MacKay and Somsps Record Property Lines and Easement Exhibit" (see Exhibit 13)
6. VVH Consulting Engineers Survey exhibit map attached (see Exhibit 14)

which, upon a close analysis and evaluation of the exhibits identified and included in this subsection III above, describes a roadway in a form that appears to closely follow and align with the lines of the roadway currently in place and existing on the ground as currently being utilized in support of continuing vehicular traffic extending from Woodward Avenue, south, over and across the Element IX RD17 levee system which serves as TLG'S sole 80,000# truck-trailer access to the TLG property; and

- B. TLG shall not be prevented from continuing its current use of the public roadway or suffer any temporary or permanent interruption of its current use before, during and after roadway construction relating to the expansion and extension of the public roadway in accordance with the anticipated Antone Raymus Expressway dedication and construction; and
- C. Accommodations will be made to the design and construction of the Antone Raymus Expressway allowing for TLG'S continued property access use of the public roadway

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after the Antone Raymus Expressway modifications and expansion to the current public roadway are completed; and

- D. Accommodations will be made so that TLG can continue the almond farming operation on all remaining areas that are not acquired by the City of Manteca or any other public or quasi-public agency in support of construction of the Antone Raymus Expressway; and
- E. TLG receives full and complete compensation for any property interests required from TLG by any public or quasi-public agency and providing that fair and complete compensation shall include any associated severance, consequential damages, unforeseeable costs or expenses, losses, or damages without limitation created and other forms of compensation authorized, allowed or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure affecting the TLG properties.

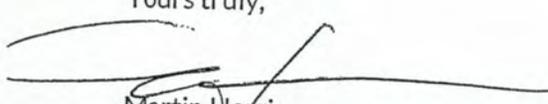
In closing, and because the TLG property ground surface level elevation is low in conjunction with a high groundwater level, TLG is uncertain as to the feasibility of pursuing any future use on its property that does not involve farming.

In addition, TLG does not believe that it is qualified to form or voice any opinion on any Antone Raymus Expressway or Dryland levee extension alignments other than to request that any future alignment accepted and approved by the City of Manteca provides adequate protections and accommodations relating to:

- A. maintaining historic flood water elevation impacts by incorporating adequate design provisions to accommodate timely flood water drainage; and
- B. maintain groundwater elevation levels as currently existing; and
- C. allowing for groundwater recharge; and
- D. allowing for waterside property owners to maintain their right and ability to continue to farm their property.

Thank you for your attention to this very important matter.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

MH/jas

- 1) Ex. "1": 12/15/15 Letter to the Manteca City Council from Terra Land Group/Martin Harris, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits
- 2) Ex. "2": 12/15/15 Letter to the Manteca City Council from Terra Land Group/Bryce Perkins, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits
- 3) Ex. "3": 11/24/15 Letter to the City of Manteca Planning Commission from Terra Land Group, Re: "Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"
- 4) Ex. "4": VVH Consulting Engineers March 2016 RD17-1 Exhibit
- 5) Ex. "5": VVH Consulting Engineers March 2016 RD17-2 Exhibit
- 6) Ex. "6": VVH Consulting Engineers March 2016 RD17-3 Exhibit
- 7) Ex. "7": MacKay & Soms May 1, 2013 Record of Property Lines & Easements Exhibit - RD17 Elements VIII through XI
- 8) Ex. "8": KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County Levee Toe Plus 20 Feet Draft Site Exhibit A, Page 1
- 9) Ex. "9": KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County Existing Levee Easement Draft Site Exhibit A, Page 2
- 10) Ex. "10": Public Road Deed Recorded February 14, 1922
- 11) Ex. "11": Public Road Deed Recorded April 18, 1923
- 12) Ex. "12": Lenfest to Leis Deed Recorded June 15, 1923
- 13) Ex. "13": San Joaquin County Road Map #57, Revised April 27, 1999, showing April 18, 1923 recorded Deed as measured 80 Rods (1,320 feet) East of Section Line Common to Sections 11 and 12, and Sections 13 and 14
- 14) Ex. "14": VVH Consulting Engineers March 2016 VVH-1B Exhibit/TLG 230-acre Property Map

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Ex. "1":

12/15/15 Letter to the Manteca City Council from Terra Land Group/Martin Harris, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits

TERRA LAND GROUP, LLC

December 15, 2015

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

**Re: City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment
No. GPA-15-42 & Rezone No. REZ-15-43**

Dear Council Members:

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

(Total Acreage: 230.6 acres)

I am not sure how many of the City Council Members have seen the TLG farm property, but currently, approximately 32,000 almond trees are planted and cover an area exceeding 200 acres in total size. It truly represents agriculture at its finest.

In 2013, TLG made a decision to enter into a 25-year almond lease after a careful analysis which included several private and public meetings involving the City of Manteca. (See Exhibits)

On November 24, 2015, the City of Manteca Planning Commission approved a City of Manteca Planning Department recommendation to temporarily rezone portions of the TLG farm property (APN 241-330-32) to Very Low Density Residential ("VLDR") and Open Space ("OS").

In support of the City of Manteca's currently unidentified needs for various types of municipal and/or public services infrastructure supporting development in and around the City of Manteca, TLG accepts the City of Manteca's Planning Department staff's reclassification to the TLG zoning; however, TLG believes that the VLDR zoning use and the associated opportunity for housing development which may occur on the TLG property is many years away and may prove unfeasible over time.

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TERRA LAND GROUP, LLC

TLG further believes that it is important to add that no one has approached TLG to demonstrate any serious interest in buying any of the three parcels making up the 230-acre farm property.

In addition, TLG would like the City of Manteca to know that TLG is committed to farming and intends to continue the existing almond operation on the TLG property to protect the best interests of the TLG almond tenant currently farming the TLG property as well as to protect any associated legal obligations that TLG believes it may have as to that same tenant.

It is for this reason that I write this letter.

Further, TLG believes that currently unidentified municipal and/or public services infrastructure may be planned for portions of the TLG 230-acre farm property. TLG also believes that any future municipal and/or public services infrastructure that may be constructed on the TLG property may have the potential to ultimately affect and adversely impact the almond farming operations currently in place. With this in mind, TLG expects that the City of Manteca will make reasonable accommodations to allow for the continuing almond farming operation on all remaining areas of the TLG farm property that are not acquired by any public or quasi public agency to support the developing and/or currently developed needs of our community.

Thank you.

In Trust,



Martin Harris
Terra Land Group, LLC

MH/jas

Enclosures:

- 1) Ex. "1": August 13, 2013 letter to Erika Durrer and Rochelle Henson, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 2) Ex. "2": August 22, 2013 letter to Rochelle Henson and Erika Durrer, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 3) Ex. "3": August 27, 2013 letter to City of Manteca Planning Commission from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 4) Ex. "4": September 17, 2013 letter to Manteca City Council from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*

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TERRA LAND GROUP, LLC

- 5) Ex. "5": September 20, 2013 Manteca Bulletin news article "*Condos coming along extension of Center Street*"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

Dear Erika and Rochelle,

As you are aware, Martin Harris is an authorized representative for Terra Land Group LLC and writes this letter for the purpose of memorializing the discussion held with planning staff on June 24, 2013. Further, this letter is written in third person for clarity.

On June 11, 2013, Martin Harris attended a public workshop at the City of Manteca Council Chambers that was held in conjunction with a regularly scheduled planning commission meeting.

At that meeting, Martin Harris addressed the commission members and stated concerns relating to unidentified City of Manteca General Plan Zoning changes that might effect Terra Land Group owned properties identified in a public notice sent to Terra Land Group on June 05, 2013.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels totals approximately 230 acres.

Specifically, Martin Harris brought to the commissions attention several important issues concerning zoning changes to the properties under consideration as detailed below:

1. The property under consideration totals approximately 230 acres and is situated in the City of Manteca.
2. The entire property is situated south of the RD 17 levy and is currently located in the one-hundred year flood plain. Anticipated development appears to be a significant amount of time away.
3. Several years ago, the property was included as part of a larger annexation into the City of Manteca with the understanding that Terra Land Group would ultimately be allowed to make improvements to the property and develop in accordance with the low Density Residential Zoning that currently exists on portions of the property.

4. The property is currently being utilized for agricultural purposes with close to 220 acres of tomatoes under production.
5. At the time that the 230 acres was annexed into the City of Manteca, the Harris' were assured that they could continue to farm the property until such time that the Harris' choose to develop those certain portions of the property in accordance with the Low Density Residential zoning currently in place.
6. Harris' intend to make capital improvements to the properties by purchasing two new air quality emissions compliant diesel engines to power the deep water agricultural irrigation wells on the properties as mandated by the San Joaquin Valley Air Control District.
7. Harris' final comments voiced concerns that the general plan reclassification process might be part of a calculated land grab for the purposes of establishing a park system that eventually would allow the City of Manteca to claim the land to create replacement spray fields which would replace current city owned spray fields under consideration for commercial development.

Upon completion of Martin Harris' remarks, Manteca Planning Staff present, offered to schedule a private meeting to address Harris' concerns.

This led to a June 24, 2013, meeting between Erika Durrer and Rochelle Henson representing the City of Manteca Planning Department with Martin and Josh Harris representing the Harris' interest in the property.

During that meeting, both Manteca Staff Members explained details of the Manteca general plan update process.

Specifically, the two staff members described a process that would involve two steps.

The first step would be to temporarily reclassify the property into a single temporary designation and the second step would result in a final targeted reclassification that would protect and maintain the future zoning use on the portions of the property which are currently zoned "Low Density Residential", while allowing for the non-designated portions of the property to be reclassified as open space.

Martin Harris specifically asked if this was a "bait and switch arrangement". Both Erika Durrer and Rochelle Henson assured the Harris' that the final outcome would maintain the "Low Density Residential" zoning classification consistent with zoning currently existing on the property.

In addition, planning staff assured the Harris' that the City of Manteca had no current plans to develop a park system on any portions of the property, and further added that there were no city funds available to do it.

At this point, the conversation switched to the Harris' ability to continue their agricultural farming operations on the property.

Both Erika Durrer and Rochelle Henson assured the Harris' that the reclassification change would have no impact on the Harris' desire to continue the farming operations currently on the property.

Martin Harris inquired as to whether Terra Land Group could potentially replace a failed Agricultural well or upgrade either the two (2) government regulated diesel pump engines supplying irrigation water to the property?

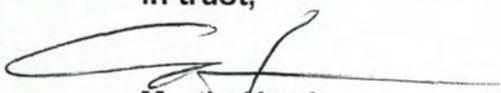
Rochelle Henson responded that the City would support the Harris' need to invest in capital projects necessary to maintain a reliable irrigation water supply to the property for the purpose of sustaining current agricultural use pending future development.

Rochelle Henson went on to state that Terra Land Group would be expected to contact the City of Manteca Planning Department prior to beginning any capital improvements necessary to support the continuing farming operations on the property.

The meeting ended with Martin Harris stating to Erika Durrer and Rochelle Henson that he felt reassured, and that he appreciated the City's efforts in addressing the Harris' concerns relating to the Harris' current and future use of their property.

In closing, the Harris' are committed to placing their trust that the City of Manteca will take any and all appropriate actions, concerning the anticipated modification to the general plan, in order to protect the Harris' best interest in accordance with the assurances made by City Planning Staff during the meeting held on 06-24-13.

In trust,



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 22, 2013
Mail & hand delivery

Rochelle Henson & Erika Durrer
City of Manteca Planning Dept.
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca notice requirements for continuing Agricultural operations at APN #241-330-32, #241-330-33 and #241-320-60

Dear Rochelle & Erika,

As you are aware, I am the authorized representative for Terra Land Group LLC.

At this time, I am writing this letter to comply with the notice requirements described by Rochelle Henson at the June 24, 2013 meeting I attended with both of you at the City of Manteca Planning Department.

As instructed by Rochelle, I am submitting a list of capital projects that Terra Land Group intends to pursue on the property in preparation for the 2014 growing season.

Project Scope:

1. Prepare ground for the purpose of planting approximately **220 acres of Almond trees.**
2. Install a **pressurized irrigation water delivery system** to accommodate the new orchard.
3. Replace **two each existing stationary diesel powered pump engines** that provide for deep water pumping of irrigation water to the property.

Note: The replacement of the existing diesel powered pump engines is required by the San Joaquin Air Quality Control District to meet current California Air Quality Standards.

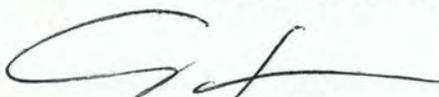
4. Seek approval with the SSJID and LAFCo for the purpose of acquiring the right to construct **delivery and storage facilities to receive surface water from SSJID.**

The cost of the project is estimated to reach a total of 2.8 million dollars.

As always, time is of the essence, as this years harvest is quickly approaching. With that in mind, I am actively involved in the negotiations necessary to proceed with the project.

Please contact me as soon as possible if there are any requirements that Terra Land Group or the Harris' must meet to comply with City requirements.

Yours truly,
Terra Land Group LLC.



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 27, 2013

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60.

Dear Commission members,

Martin Harris is the authorized representative for Terra Land Group LLC and writes this letter in third person for clarity.

Terra Land Group owns three (3) conjoined undeveloped agricultural properties located within the City of Manteca and situated in the area south of Woodward Avenue and west of Airport Way.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels approximates 230 acres.

With that in mind, you may recall that on June 11, 2013, Martin Harris attended a regularly scheduled City of Manteca Planning Commission meeting.

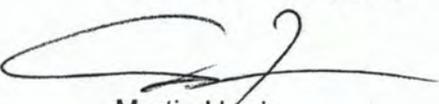
At that time, Harris addressed the commission and stated concerns relating to unidentified City of Manteca general plan zoning changes that might effect Terra Land Group owned properties identified in a public notice dated June 05, 2013.

Those concerns led to a subsequent June 24, 2013 meeting with City of Manteca planning staff, which was scheduled to address those certain issues presented by Harris to the Manteca Planning Commission at the previously scheduled June 11, 2013 meeting.

At this time, Harris, presents copies of a August 13, 2013 letter mailed to Manteca Planning Staff, detailing Harris' compilation of his personal meeting notes pertaining to the issues addressed and the statements made during the June 24, 2013 meeting.

In closing, Martin Harris would like to state that provided that the Manteca Planning Staff concur with the June 24, 2013 meeting notes as detailed in Harris' June 24, 2013 letter, Terra Land Group is prepared to pledge their support and place their trust in our City Planners and the zoning changes they seek.

In trust,
Terra Land Group LLC.


Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

September 17, 2013

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60.

Dear Council members,

Martin Harris is the authorized representative for Terra Land Group LLC and writes this letter in third person for clarity.

Terra Land Group owns three (3) conjoined undeveloped agricultural properties located within the City of Manteca and situated in the area south of Woodward Avenue and west of Airport Way.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels approximates 230 acres.

With that in mind, you may be aware that on June 11, 2013, Martin Harris attended a regularly scheduled City of Manteca Planning Commission meeting.

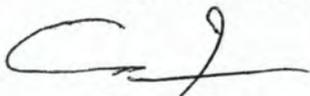
At that time, Harris addressed the commission and stated concerns relating to unidentified City of Manteca general plan zoning changes that might effect Terra Land Group owned properties identified in a public notice dated June 05, 2013.

Those concerns led to a subsequent June 24, 2013 meeting with City of Manteca planning staff, which was scheduled to address those certain issues presented by Harris to the Manteca Planning Commission at the previously scheduled June 11, 2013 meeting.

At this time, Harris, presents copies of a August 13, 2013 letter mailed to Manteca Planning Staff, detailing Harris' compilation of his personal meeting notes pertaining to the issues addressed and the statements made during the June 24, 2013 meeting.

In closing, Martin Harris would like to state that provided that the Manteca Planning Staff concur with the June 24, 2013 meeting notes as detailed in Harris' June 24, 2013 letter, Terra Land Group is prepared to pledge their support and place their trust in our City Planners and the zoning changes they seek.

In trust,
Terra Land Group LLC.



Martin Harris

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

Dear Erika and Rochelle,

As you are aware, Martin Harris is an authorized representative for Terra Land Group LLC and writes this letter for the purpose of memorializing the discussion held with planning staff on June 24, 2013. Further, this letter is written in third person for clarity.

On June 11, 2013, Martin Harris attended a public workshop at the City of Manteca Council Chambers that was held in conjunction with a regularly scheduled planning commission meeting.

At that meeting, Martin Harris addressed the commission members and stated concerns relating to unidentified City of Manteca General Plan Zoning changes that might effect Terra Land Group owned properties identified in a public notice sent to Terra Land Group on June 05, 2013.

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APN #241-330-33

APN #241-320-60

Total acreage for the three parcels totals approximately 230 acres.

Specifically, Martin Harris brought to the commissions attention several important issues concerning zoning changes to the properties under consideration as detailed below:

1. The property under consideration totals approximately 230 acres and is situated in the City of Manteca.
2. The entire property is situated south of the RD 17 levy and is currently located in the one-hundred year flood plain. Anticipated development appears to be a significant amount of time away.
3. Several years ago, the property was included as part of a larger annexation into the City of Manteca with the understanding that Terra Land Group would ultimately be allowed to make improvements to the property and develop in accordance with the low Density Residential Zoning that currently exists on portions of the property.

4. The property is currently being utilized for agricultural purposes with close to 220 acres of tomatoes under production.
5. At the time that the 230 acres was annexed into the City of Manteca, the Harris' were assured that they could continue to farm the property until such time that the Harris' choose to develop those certain portions of the property in accordance with the Low Density Residential zoning currently in place.
6. Harris' intend to make capital improvements to the properties by purchasing two new air quality emissions compliant diesel engines to power the deep water agricultural irrigation wells on the properties as mandated by the San Joaquin Valley Air Control District.
7. Harris' final comments voiced concerns that the general plan reclassification process might be part of a calculated land grab for the purposes of establishing a park system that eventually would allow the City of Manteca to claim the land to create replacement spray fields which would replace current city owned spray fields under consideration for commercial development.

Upon completion of Martin Harris' remarks, Manteca Planning Staff present, offered to schedule a private meeting to address Harris' concerns.

This led to a June 24, 2013, meeting between Erika Durrer and Rochelle Henson representing the City of Manteca Planning Department with Martin and Josh Harris representing the Harris' interest in the property.

During that meeting, both Manteca Staff Members explained details of the Manteca general plan update process.

Specifically, the two staff members described a process that would involve two steps.

The first step would be to temporarily reclassify the property into a single temporary designation and the second step would result in a final targeted reclassification that would protect and maintain the future zoning use on the portions of the property which are currently zoned "Low Density Residential", while allowing for the non-designated portions of the property to be reclassified as open space.

Martin Harris specifically asked if this was a "bait and switch arrangement". Both Erika Durrer and Rochelle Henson assured the Harris' that the final outcome would maintain the "Low Density Residential" zoning classification consistent with zoning currently existing on the property.

In addition, planning staff assured the Harris' that the City of Manteca had no current plans to develop a park system on any portions of the property, and further added that there were no city funds available to do it.

At this point, the conversation switched to the Harris' ability to continue their agricultural farming operations on the property.

Both Erika Durrer and Rochelle Henson assured the Harris' that the reclassification change would have no impact on the Harris' desire to continue the farming operations currently on the property.

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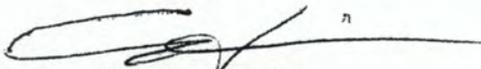
Rochelle Henson responded that the City would support the Harris' need to invest in capital projects necessary to maintain a reliable irrigation water supply to the property for the purpose of sustaining current agricultural use pending future development.

Rochelle Henson went on to state that Terra Land Group would be expected to contact the City of Manteca Planning Department prior to beginning any capital improvements necessary to support the continuing farming operations on the property.

The meeting ended with Martin Harris stating to Erika Durrer and Rochelle Henson that he felt reassured, and that he appreciated the City's efforts in addressing the Harris' concerns relating to the Harris' current and future use of their property.

In closing, the Harris' are committed to placing their trust that the City of Manteca will take any and all appropriate actions, concerning the anticipated modification to the general plan, in order to protect the Harris' best interest in accordance with the assurances made by City Planning Staff during the meeting held on 06-24-13.

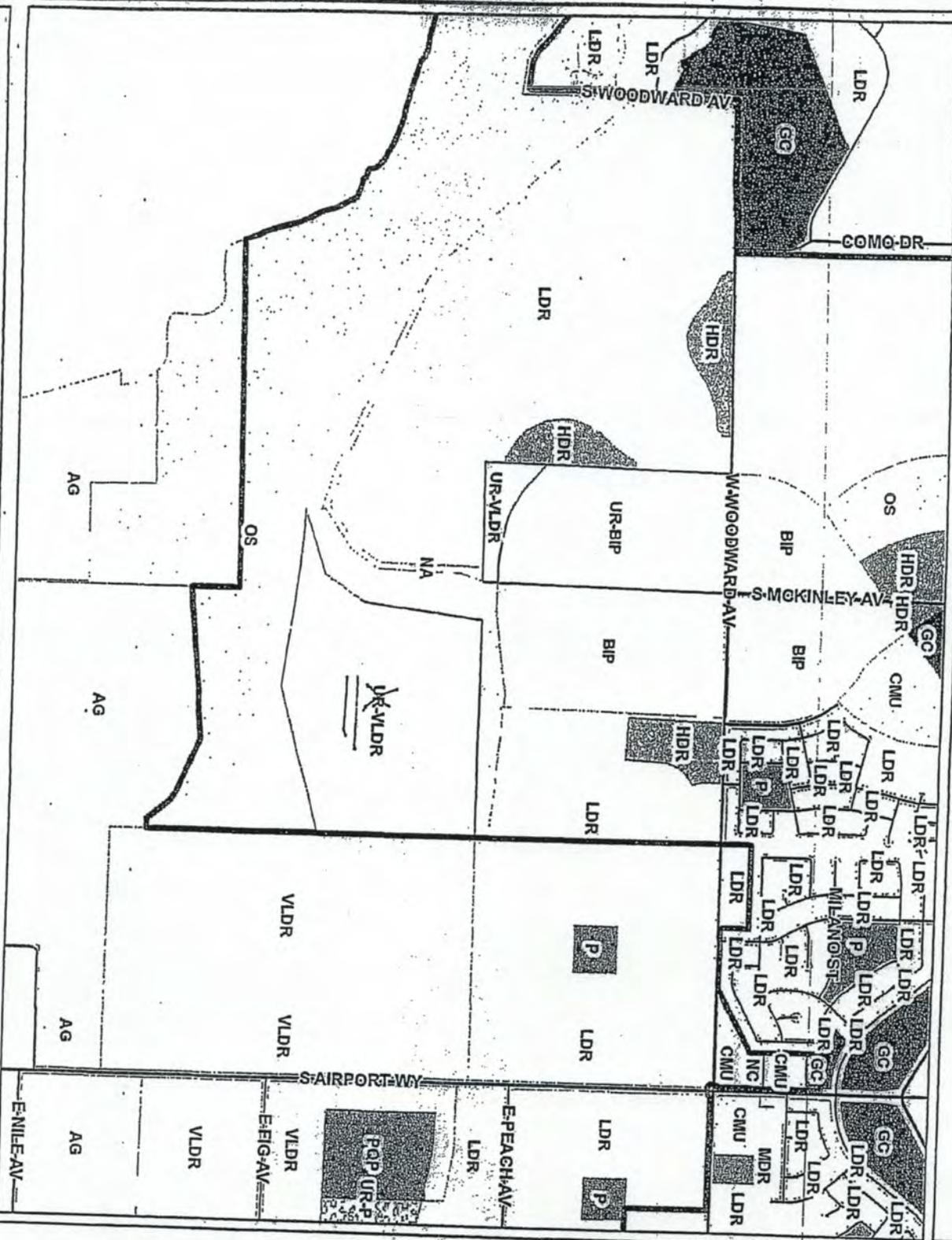
In trust,



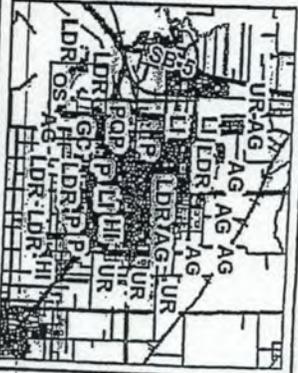
Martin Harris



CITY OF MANTECA



Data on this map is intended for general use and informational purposes only. The City of Manteca does not warrant the accuracy, quality, or completeness of data or suitability for any particular purpose. Information on this map is not intended to replace engineering, survey, or other primary research methods.



LEGEND

STREET NAMES

--- call other values >

- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 32

CITY LIMITS

- ESCALON
- LATROP
- Lodi
- MANTECA
- RIFON
- STOCKTON
- TRACY

GENERAL PLAN

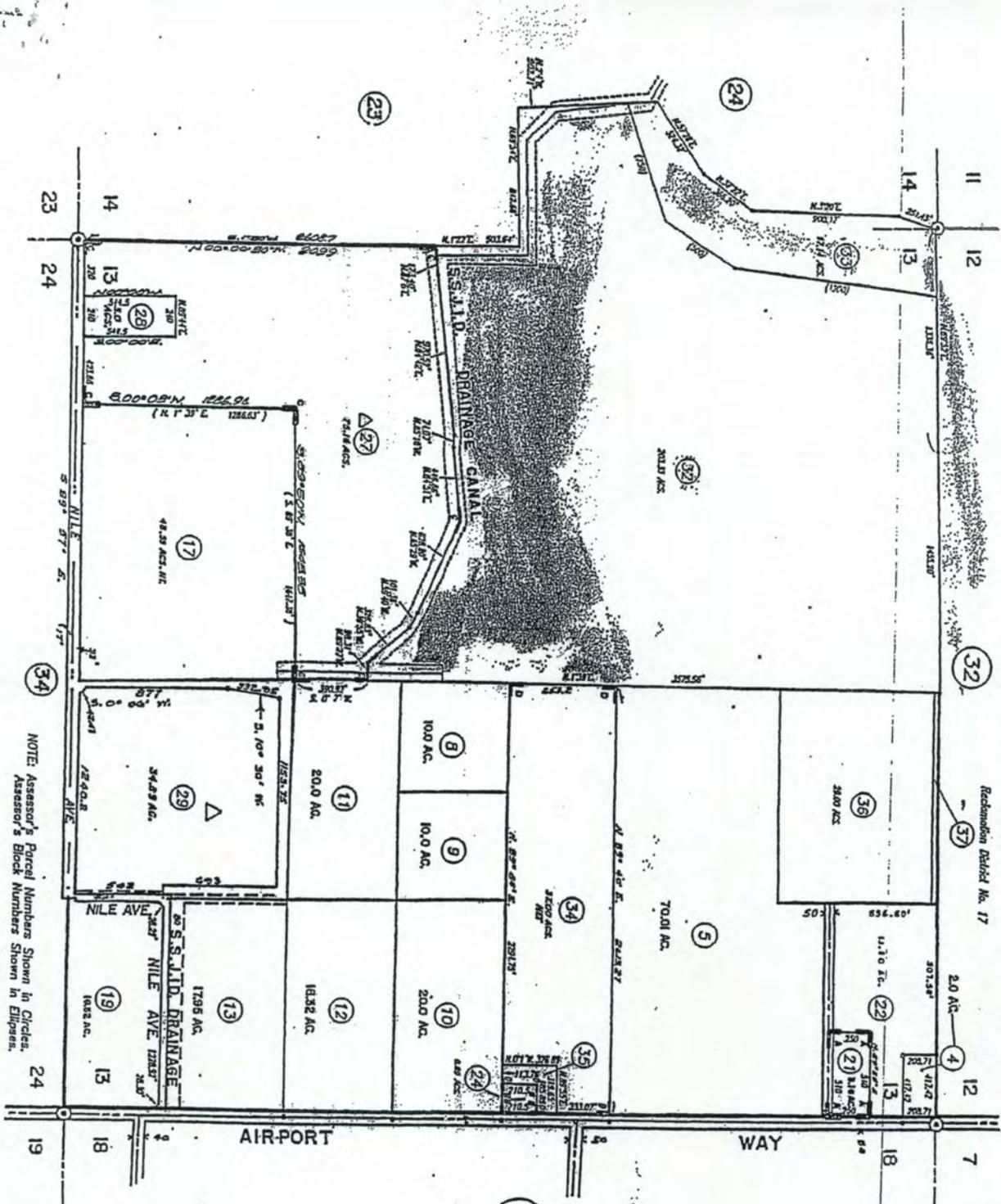
- AG (Agriculture)
- NC (Neighborhood-Commercial)
- CMU (Commercial Mixed Use)
- GC (General Commercial)
- VLD (Very Low Density Res. 0.51)
- LDR (Low Density Res. 2.1 to 8 du/
- MDR (Medium Density Res. 8.1 to
- HDR (High Density Res. 15.1 to 25
- BIP (Business Industrial Park)
- BP (Business Professional)
- LI (Light Industrial)
- HI (Heavy Industrial)
- OS (Open Space)
- P (Park)
- POP (Public/Quasi-Public)
- UR (Urban Reserve)
- UR-AG (Urban Reserve-Agriculture)

f of DISTRICT DOWNWARD
 and need to annex

SEC. 13, POR. SEC. 14, T.2S. R.6.E., M.D.B.&M.

THIS MAP IS FOR
 ASSESSMENT USE ONLY

241-33



Bk. 226

△ - WILLIAMSON ACT PARCELS

A - R. S. Bk. 25 Pg. 106
 B - P. M. Bk. 06 Pg. 155
 C - P. M. Bk. 09 Pg. 148
 D - P. M. Bk. 09 Pg. 025

YEAR	HIGHEST A.P.N. USED		
	PAR. I	PAR. II	PAR. III
80-81	24		
81-82	25		
82-83	26		
83-84	27		
84-85	28		
85-86	29		
86-87	30		
87-88	31		
88-89	32		
89-90	33		
90-91	34		

NOTE: Assessor's Parcel Numbers Shown in Circles.
 Assessor's Block Numbers Shown in Ellipses.

Assessor's Map Bk.241 Pg.33
 County of San Joaquin, Calif.

Condos coming along extension of Center Street

The view from Manteca Golf Course's back nine may soon include condos.

The Community Development Department has received an application

from a developer wanting to build a 184-unit condo complex. It would

straddle the western extension of Center Street from Trevino Avenue to St. Dominic's Drive.

The street will cut the project into two phases. Each cluster of condos north and south of the future extension of Center Street will have its own clubhouse/community center, swimming pool, tot lot, laundry and fitness facilities.

The project dubbed **Jma Place** will have 30 percent of the condos as one bedroom, 61 percent two bedrooms, and percent as three bedrooms.

The dirt on the dirt
The dirt movement on a city-owned parcel across from Big League teams and the Sta-

SEE CONDOS, PAGE A8

CONDOS

FROM PAGE A1

dium Retail Center isn't for a new retail complex or hotel although that is the city's goal.

Instead it is dirt being moved in connection with a private sector project offsite that needed a place to take dirt to and from.

Public Works Director Mark Houghton said dust has been an issue at times prompting the city to require the dirt movers to use a water truck. Once, when the contractor involved wasn't available, the city sent its own water truck to the site.

Almond trees instead of homes

Here's a switch. Land long designated for housing is being planted in almonds.

Martin Harris representing the owners of Terra Land Group spoke before the Manteca City Council Tuesday to make sure the correct land use designation was being associated with

the property. The city is in the process of synching the municipal general plan essentially a blueprint for city growth — with zoning.

The long-range plan is still to build houses. But given the multiple years it takes to bring an almond orchard to maturity for harvesting and then to recoup the investment, it is clear that the land is off the residential radar for at least 10 years.

The land is in the vicinity of McKinley Avenue and Woodward Avenue in southwest Manteca.

The landowners' decision reflects the fact there are well over 8,000 proposed housing units in various stages of approval within the city.

Several council members expressed their appreciation of how smooth the general plan-zoning synching process has been. Four speakers got up Tuesday to simply go on the record, affirm they agreed with resolutions worked out with staff, and to add how

impressed they were with staff's attention and professionalism.

Council noted it is a far cry from a decade or so ago when a similar process turned into a verbal slugfest over a number of meetings in part to the communication — or lack of it — involving city planners.

The department is now being overseen by Fred-eric Clark whose roots are as an engineer originally assigned to the Public Works Department.

Parks & Rec director stepping down
Manteca Parks and Recreation Director Mark Hall will be retiring in December.

Manteca Mayor Willie Weatherford lauded Hall "for the tremendous job" he has done leading the department especially in light of budget cutbacks.

To contact Dennis Wyatt, e-mail dwyatt@mantcabulletin.com



DENNIS WYATT

Executive Editor

TERRA LAND GROUP, LLC

Ex. "2":

12/15/15 Letter to the Manteca City Council from Terra Land Group/Bryce Perkins, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits

TERRA LAND GROUP, LLC

December 15, 2015

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment
No. GPA-15-42 & Rezone No. REZ-15-43

Dear Council Members:

My name is Bryce Perkins and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

(Total Acreage: 230.6 acres)

Background to steps taken to provide notice to the City of Manteca prior to and relating to the current almond plantings on 230-acre farm property:

1. November 2009: TLG attended the first of three public workshops detailing the City of Manteca's plans relating to the potential construction of two types of municipal and/or public services infrastructure supporting development in the area of Manteca located on or south of Woodward Avenue. The time line for the construction of the municipal and/or public services infrastructure was estimated by City of Manteca staff member Frederic Clark to be a significant number of years away.
2. June 11, 2013: TLG representative Martin Harris attended a workshop which was held during a regularly scheduled Manteca Planning Commission meeting to state TLG's concerns relating to unidentified City of Manteca zoning changes that might affect the TLG property.
3. June 24, 2013: Martin and Joshua Harris met with City of Manteca Planning Staff. (See attached)

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

4. August 22, 2013: TLG response to City of Manteca notice requirements for continuing agricultural operations and capital improvements planned on the property. (See attached)
5. August 27, 2013: TLG submitted a letter to the City of Manteca Planning Commission as part of public comments made by TLG on a City of Manteca Planning Commission General Plan zoning change agenda item scheduled for the meeting and specifically related to the TLG farm property. (See attached)
6. September 17, 2013: TLG submitted a letter to the Manteca City Council as part of public comments made by TLG on a City of Manteca General Plan zoning change agenda item scheduled for the meeting and specifically related to the TLG farm property. (See attached)
7. September 20, 2013: Manteca Bulletin news article reporting TLG's plans to plant almonds on its 230-acre farm property. (See attached)
8. October, 2013: TLG entered into a 25-year farm lease on the TLG property.
9. January 2014: Approximately 32,000 almond trees were planted on the TLG 230-acre farm property.

On October 1, 2015, TLG received a letter from the City of Manteca ("City") indicating its plans to seek approval for a City-initiated General Plan Land Use Amendment and Rezone to certain parcels that include TLG APN 241-330-32.

As a result, various TLG representatives, including myself, met with City planning department staff members Mark Meissner and Erika Durrer on three occasions (October 6, 2015, October 21, 2015 and November 12, 2015) to discuss TLG's zoning and land use preference relating to the TLG Property.

At the time of the meetings, the City offered TLG three options relating to rezoning choices on its property:

1. UR/VLDR and OS (current status)
2. VLDR and OS
3. AG and OS

As the acting spokesperson for TLG, at the time of the three (each) meetings, I expressed concerns relating to currently unidentified municipal and public services infrastructure that may be planned for installation onto the TLG Property. I further stated TLG's concerns related to how the installation of various types of infrastructure could affect current and future land uses on the TLG Property.

TERRA LAND GROUP, LLC

In addition, I expressed TLG's belief that various types of regional municipal and/or public services facilities infrastructure could be planned for the TLG Property to serve the needs of offsite development projects that may occur in other areas throughout Manteca.

Further, I inquired as to whether any funding plan would be created to compensate TLG for any land taken to serve the municipal and/or public services facilities infrastructure necessary to support other developing properties throughout the City and with the potential to extend municipal and/or public services to future developing projects that may include and/or benefit the City of Lathrop, the Austin Road Business Park, the City of Ripon, the Ripon School District and more. This led to further discussions through which city staff assured TLG that it would receive fair and adequate compensation¹ for any portion of the TLG Property supporting any regional municipal and/or public services land-based or land-secured facilities infrastructure constructed on the TLG Property that is determined to be necessary to support offsite properties in any of the current or future developing areas throughout the City and possibly beyond.

Further, City staff indicated that TLG would not be subject to any regional municipal or public services land-based or land-secured finance district participation unless and until TLG applies for and receives land use entitlements from the City for alternative uses.

Most important, City staff assured TLG representatives present at the meeting that TLG's current farming use is grandfathered in and will be allowed to continue until such time that TLG decides to change to another use.

With that in mind, City staff went on to state that the re-zoning classification would be temporary and TLG would be provided with the opportunity to re-designate the zoning use of its property as part of the General Plan process estimated to occur in the next year.

I responded that due to the uncertainty relating to the status of currently unidentified infrastructure affecting the TLG property that may be determined to be necessary to support development throughout Manteca and potentially extending beyond, TLG requested that City staff assume the responsibility to designate the TLG Property APN 241-330-32 in compliance with the agenda requirements of the November 24, 2015 Planning Commission meeting in a manner that serves the best interests of everyone affected.

In this way, the City can move forward in developing a General Plan that will allow TLG to benefit from information that only the City fully understands as to the zoning and land use designation that is most compatible with any future plans for municipal and/or public services infrastructure associated with

¹ Question: Will fair and adequate compensation provide for any associated severance, consequential damages, unforeseeable costs or expenses, losses or damages without limitation created and other forms of compensation authorized, allowed, or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure?

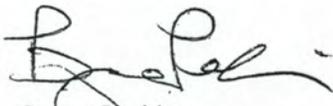
TERRA LAND GROUP, LLC

the City's projected land acquisition needs related to growth and development in any and all areas under consideration.

Finally, and due to the uncertainty of future land uses on the TLG 230-acre farm property, TLG respectfully requests that accommodations be made by the City of Manteca and any other public or quasi public agencies involved that will allow TLG and TLG's farm tenant to continue the current almond farming operation on any and all remaining portions of the TLG property that are **NOT** designated and acquired by any public or quasi public agency for future municipal and/or public services facilities infrastructure use.

Thank you for your attention to this very important matter.

Yours Truly,



Bryce Perkins
Terra Land Group, LLC

BP/jas

Enclosures:

- 1) Ex. "1": August 13, 2013 letter to Erika Durrer and Rochelle Henson, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 2) Ex. "2": August 22, 2013 letter to Rochelle Henson and Erika Durrer, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 3) Ex. "3": August 27, 2013 letter to City of Manteca Planning Commission from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 4) Ex. "4": September 17, 2013 letter to Manteca City Council from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 5) Ex. "5": September 20, 2013 Manteca Bulletin news article "*Condos coming along extension of Center Street*"

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

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In trust,



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 22, 2013
Mail & hand delivery

Rochelle Henson & Erika Durrer
City of Manteca Planning Dept.
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca notice requirements for continuing Agricultural operations at
APN #241-330-32, #241-330-33 and #241-320-60

Dear Rochelle & Erika,

As you are aware, I am the authorized representative for Terra Land Group LLC.

At this time, I am writing this letter to comply with the notice requirements described by Rochelle Henson at the June 24, 2013 meeting I attended with both of you at the City of Manteca Planning Department.

As instructed by Rochelle, I am submitting a list of capital projects that Terra Land Group intends to pursue on the property in preparation for the 2014 growing season.

Project Scope:

1. Prepare ground for the purpose of planting approximately **220 acres of Almond trees.**
2. Install a **pressurized irrigation water delivery system** to accommodate the new orchard.
3. Replace **two each existing stationary diesel powered pump engines** that provide for deep water pumping of irrigation water to the property.

Note: The replacement of the existing diesel powered pump engines is required by the San Joaquin Air Quality Control District to meet current California Air Quality Standards.

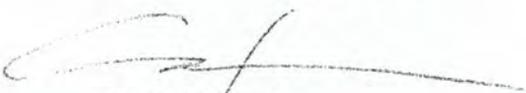
4. Seek approval with the SSJID and LAFCo for the purpose of acquiring the right to construct **delivery and storage facilities to receive surface water from SSJID.**

The cost of the project is estimated to reach a total of 2.8 million dollars.

As always, time is of the essence, as this years harvest is quickly approaching. With that in mind, I am actively involved in the negotiations necessary to proceed with the project.

Please contact me as soon as possible if there are any requirements that Terra Land Group or the Harris' must meet to comply with City requirements.

Yours truly,
Terra Land Group LLC.



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 27, 2013

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

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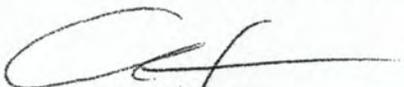
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In closing, Martin Harris would like to state that provided that the Manteca Planning Staff concur with the June 24, 2013 meeting notes as detailed in Harris' June 24, 2013 letter, Terra Land Group is prepared to pledge their support and place their trust in our City Planners and the zoning changes they seek.

In trust,
Terra Land Group LLC.


Martin Harris

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

Dear Erika and Rochelle,

As you are aware, Martin Harris is an authorized representative for Terra Land Group LLC and writes this letter for the purpose of memorializing the discussion held with planning staff on June 24, 2013. Further, this letter is written in third person for clarity.

On June 11, 2013, Martin Harris attended a public workshop at the City of Manteca Council Chambers that was held in conjunction with a regularly scheduled planning commission meeting.

At that meeting, Martin Harris addressed the commission members and stated concerns relating to unidentified City of Manteca General Plan Zoning changes that might effect Terra Land Group owned properties identified in a public notice sent to Terra Land Group on June 05, 2013.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels totals approximately 230 acres.

Specifically, Martin Harris brought to the commissions attention several important issues concerning zoning changes to the properties under consideration as detailed below:

1. The property under consideration totals approximately 230 acres and is situated in the City of Manteca.
2. The entire property is situated south of the RD 17 levy and is currently located in the one-hundred year flood plain. Anticipated development appears to be a significant amount of time away.
3. Several years ago, the property was included as part of a larger annexation into the City of Manteca with the understanding that Terra Land Group would ultimately be allowed to make improvements to the property and develop in accordance with the low Density Residential Zoning that currently exists on portions of the property.

4. The property is currently being utilized for agricultural purposes with close to 220 acres of tomatoes under production.
5. At the time that the 230 acres was annexed into the City of Manteca, the Harris' were assured that they could continue to farm the property until such time that the Harris' choose to develop those certain portions of the property in accordance with the Low Density Residential zoning currently in place.
6. Harris' intend to make capital improvements to the properties by purchasing two new air quality emissions compliant diesel engines to power the deep water agricultural irrigation wells on the properties as mandated by the San Joaquin Valley Air Control District.
7. Harris' final comments voiced concerns that the general plan reclassification process might be part of a calculated land grab for the purposes of establishing a park system that eventually would allow the City of Manteca to claim the land to create replacement spray fields which would replace current city owned spray fields under consideration for commercial development.

Upon completion of Martin Harris' remarks, Manteca Planning Staff present, offered to schedule a private meeting to address Harris' concerns.

This led to a June 24, 2013, meeting between Erika Durrer and Rochelle Henson representing the City of Manteca Planning Department with Martin and Josh Harris representing the Harris' interest in the property.

During that meeting, both Manteca Staff Members explained details of the Manteca general plan update process.

Specifically, the two staff members described a process that would involve two steps.

The first step would be to temporarily reclassify the property into a single temporary designation and the second step would result in a final targeted reclassification that would protect and maintain the future zoning use on the portions of the property which are currently zoned "Low Density Residential", while allowing for the non-designated portions of the property to be reclassified as open space.

Martin Harris specifically asked if this was a "bait and switch arrangement". Both Erika Durrer and Rochelle Henson assured the Harris' that the final outcome would maintain the "Low Density Residential" zoning classification consistent with zoning currently existing on the property.

In addition, planning staff assured the Harris' that the City of Manteca had no current plans to develop a park system on any portions of the property, and further added that there were no city funds available to do it.

At this point, the conversation switched to the Harris' ability to continue their agricultural farming operations on the property.

Both Erika Durrer and Rochelle Henson assured the Harris' that the reclassification change would have no impact on the Harris' desire to continue the farming operations currently on the property.

Martin Harris inquired as to whether Terra Land Group could potentially replace a failed Agricultural well or upgrade either the two (2) government regulated diesel pump engines supplying irrigation water to the property?

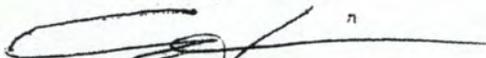
Rochelle Henson responded that the City would support the Harris' need to invest in capital projects necessary to maintain a reliable irrigation water supply to the property for the purpose of sustaining current agricultural use pending future development.

Rochelle Henson went on to state that Terra Land Group would be expected to contact the City of Manteca Planning Department prior to beginning any capital improvements necessary to support the continuing farming operations on the property.

The meeting ended with Martin Harris stating to Erika Durrer and Rochelle Henson that he felt reassured, and that he appreciated the City's efforts in addressing the Harris' concerns relating to the Harris' current and future use of their property.

In closing, the Harris' are committed to placing their trust that the City of Manteca will take any and all appropriate actions, concerning the anticipated modification to the general plan, in order to protect the Harris' best interest in accordance with the assurances made by City Planning Staff during the meeting held on 06-24-13.

In trust,



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

September 17, 2013

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60.

Dear Council members,

Martin Harris is the authorized representative for Terra Land Group LLC and writes this letter in third person for clarity.

Terra Land Group owns three (3) conjoined undeveloped agricultural properties located within the City of Manteca and situated in the area south of Woodward Avenue and west of Airport Way.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels approximates 230 acres.

With that in mind, you may be aware that on June 11, 2013, Martin Harris attended a regularly scheduled City of Manteca Planning Commission meeting.

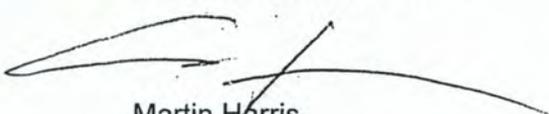
At that time, Harris addressed the commission and stated concerns relating to unidentified City of Manteca general plan zoning changes that might effect Terra Land Group owned properties identified in a public notice dated June 05, 2013.

Those concerns led to a subsequent June 24, 2013 meeting with City of Manteca planning staff, which was scheduled to address those certain issues presented by Harris to the Manteca Planning Commission at the previously scheduled June 11, 2013 meeting.

At this time, Harris, presents copies of a August 13, 2013 letter mailed to Manteca Planning Staff, detailing Harris' compilation of his personal meeting notes pertaining to the issues addressed and the statements made during the June 24, 2013 meeting.

In closing, Martin Harris would like to state that provided that the Manteca Planning Staff concur with the June 24, 2013 meeting notes as detailed in Harris' June 24, 2013 letter, Terra Land Group is prepared to pledge their support and place their trust in our City Planners and the zoning changes they seek.

In trust,
Terra Land Group LLC.


Martin Harris

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

Dear Erika and Rochelle,

As you are aware, Martin Harris is an authorized representative for Terra Land Group LLC and writes this letter for the purpose of memorializing the discussion held with planning staff on June 24, 2013. Further, this letter is written in third person for clarity.

On June 11, 2013, Martin Harris attended a public workshop at the City of Manteca Council Chambers that was held in conjunction with a regularly scheduled planning commission meeting.

At that meeting, Martin Harris addressed the commission members and stated concerns relating to unidentified City of Manteca General Plan Zoning changes that might effect Terra Land Group owned properties identified in a public notice sent to Terra Land Group on June 05, 2013.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels totals approximately 230 acres.

Specifically, Martin Harris brought to the commissions attention several important issues concerning zoning changes to the properties under consideration as detailed below:

1. The property under consideration totals approximately 230 acres and is situated in the City of Manteca.
2. The entire property is situated south of the RD 17 levy and is currently located in the one-hundred year flood plain. Anticipated development appears to be a significant amount of time away.
3. Several years ago, the property was included as part of a larger annexation into the City of Manteca with the understanding that Terra Land Group would ultimately be allowed to make improvements to the property and develop in accordance with the low Density Residential Zoning that currently exists on portions of the property.

4. The property is currently being utilized for agricultural purposes with close to 220 acres of tomatoes under production.
5. At the time that the 230 acres was annexed into the City of Manteca, the Harris' were assured that they could continue to farm the property until such time that the Harris' choose to develop those certain portions of the property in accordance with the Low Density Residential zoning currently in place.
6. Harris' intend to make capital improvements to the properties by purchasing two new air quality emissions compliant diesel engines to power the deep water agricultural irrigation wells on the properties as mandated by the San Joaquin Valley Air Control District.
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Upon completion of Martin Harris' remarks, Manteca Planning Staff present, offered to schedule a private meeting to address Harris' concerns.

This led to a June 24, 2013, meeting between Erika Durrer and Rochelle Henson representing the City of Manteca Planning Department with Martin and Josh Harris representing the Harris' interest in the property.

During that meeting, both Manteca Staff Members explained details of the Manteca general plan update process.

Specifically, the two staff members described a process that would involve two steps.

The first step would be to temporarily reclassify the property into a single temporary designation and the second step would result in a final targeted reclassification that would protect and maintain the future zoning use on the portions of the property which are currently zoned "Low Density Residential", while allowing for the non-designated portions of the property to be reclassified as open space.

Martin Harris specifically asked if this was a "bait and switch arrangement". Both Erika Durrer and Rochelle Henson assured the Harris' that the final outcome would maintain the "Low Density Residential" zoning classification consistent with zoning currently existing on the property.

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Martin Harris inquired as to whether Terra Land Group could potentially replace a failed Agricultural well or upgrade either the two (2) government regulated diesel pump engines supplying irrigation water to the property?

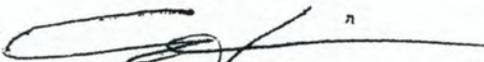
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Rochelle Henson went on to state that Terra Land Group would be expected to contact the City of Manteca Planning Department prior to beginning any capital improvements necessary to support the continuing farming operations on the property.

The meeting ended with Martin Harris stating to Erika Durrer and Rochelle Henson that he felt reassured, and that he appreciated the City's efforts in addressing the Harris' concerns relating to the Harris' current and future use of their property.

In closing, the Harris' are committed to placing their trust that the City of Manteca will take any and all appropriate actions, concerning the anticipated modification to the general plan, in order to protect the Harris' best interest in accordance with the assurances made by City Planning Staff during the meeting held on 06-24-13.

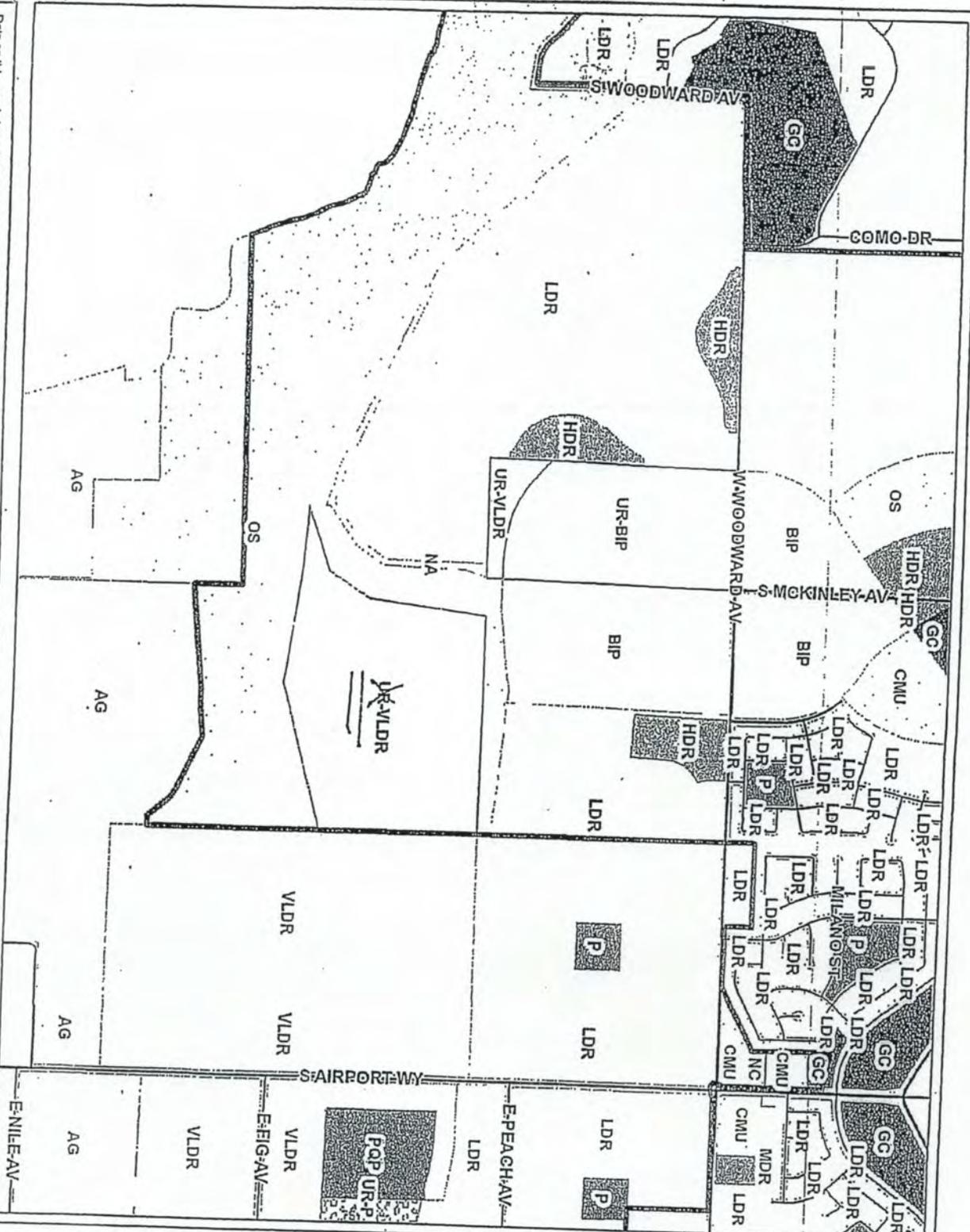
In trust,



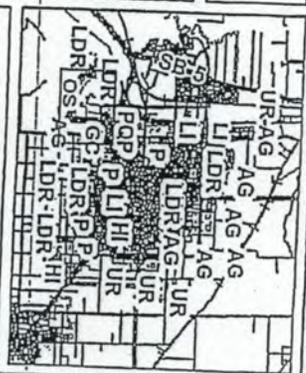
Martin Harris



CITY OF MANTECA



Data on this map is intended for general use and informational purposes only. The City of Manteca does not warrant the accuracy, quality, or completeness of data or suitability for any particular purpose. Information on this map is not intended to replace engineering, survey, or other primary research methods.



LEGEND

STREET NAMES
STREET LINES

- all other values
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 32

CITY LIMITS

- ESCALON
- LATHROP
- LODI
- MANTECA
- RIPON
- STOCKTON
- TRACY

GENERAL PLAN

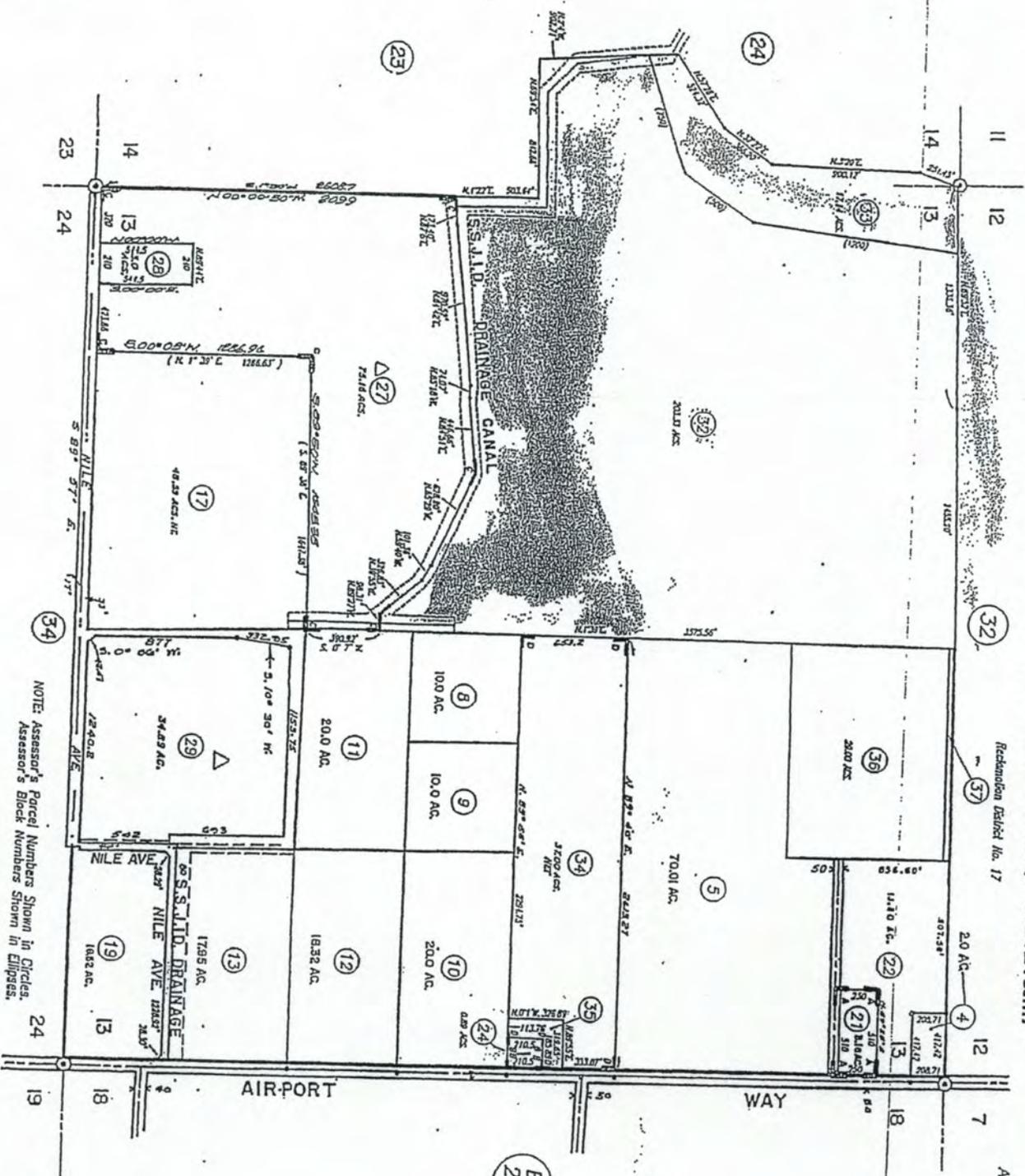
- AG (Agriculture)
- NC (Neighborhood-Commercial)
- CMU (Commercial Mixed Use)
- GC (General Commercial)
- VLD (Very Low Density Res. 0.51)
- LDR (Low Density Res. 2.1 to 8 du)
- MDR (Medium Density Res. 8.1 to 15 du)
- HDR (High Density Res. 15.1 to 25 du)
- BP (Business Professional)
- LI (Light Industrial)
- HI (Heavy Industrial)
- OS (Open Space)
- P (Park)
- PGP (Public/Quasi-Public)
- UR (Urban-Reserve)
- UR-AG (Urban-Reserve-Agriculture)

It of District boundaries
 and need to annex

SEC. 13, POR. SEC. 14, T.2S. R.6.E., M.D.B.&M.

THIS MAP IS FOR
 ASSESSMENT USE ONLY

241-33



NOTE: Assessor's Parcel Numbers Shown in Circles.
 Assessor's Block Numbers Shown in Clippings.

△ - WILLIAMSON ACT PARCELS

- A - R. S. Bk. 25 Pg. 106
- B - P. M. Bk. 06 Pg. 135
- C - P. M. Bk. 09 Pg. 146
- D - P. M. Bk. 09 Pg. 055

HIGHEST APN. USED	
YEAR	PAR. / PAR. / PAR. /
80-81	24
81-82	29
82-83	31
83-84	31
84-85	35
85-86	35
86-87	37
87-88	37
88-89	37
89-90	37
90-91	37
91-92	37
92-93	37
93-94	37
94-95	37
95-96	37
96-97	37
97-98	37
98-99	37
99-00	37



Assessor's Map Bk. 241 Pg. 33
 County of San Joaquin, Calif.

Condos coming along extension of Center Street

The view from Manteca Golf Course's back nine may soon include condos.

The Community Development Department has received an application

from a developer wanting to build a 184-unit condo complex. It would



DENNIS WYATT

Executive Editor

straddle the western extension of Center Street from Trevino Avenue to St. Dominic's Drive.

The street will cut the project into two phases. Each cluster of condos north and south of the future extension of Center Street will have its own clubhouse/community center, swimming pool, tot lot, laundry and fitness facilities.

The project dubbed Alma Place will have 30 percent of the condos as one bedroom, 61 percent as two bedrooms, and 9 percent as three bedrooms.

The dirt on the dirt The dirt movement on the city-owned parcel across from Big League Dreams and the Sta-

CONDOS

FROM PAGE A1

dium Retail Center isn't for a new retail complex or hotel although that is the city's goal.

Instead it is dirt being moved in connection with a private sector project offsite that needed a place to take dirt to and from.

Public Works Director Mark Houghton said dust has been an issue at times prompting the city to require the dirt movers to use a water truck. Once, when the contractor involved wasn't available, the city sent its own water truck to the site.

Almond trees instead of homes

Here's a switch: Land long designated for housing is being planted in almonds.

Martin Harris representing the owners of Terra Land Group spoke before the Manteca City Council Tuesday to make sure the correct land use designation was being associated with

the property. The city is in the process of synching the municipal general plan essentially a blueprint for city growth — with zoning.

The long-range plan is still to build houses. But given the multiple years it takes to bring an almond orchard to maturity for harvesting and then to recoup the investment, it is clear that the land is off the residential radar for at least 10 years.

The land is in the vicinity of McKinley Avenue and Woodward Avenue in southwest Manteca.

The landowners' decision reflects the fact there are well over 8,000 proposed housing units in various stages of approval within the city.

Several council members expressed their appreciation of how smooth the general plan-zoning synching process has been. Four speakers got up Tuesday to simply go on the record, affirm they agreed with resolutions worked out with staff, and to add how

impressed they were with staff's attention and professionalism.

Council noted it is a far cry from a decade or so ago when a similar process turned into a verbal slugfest over a number of meetings in part to the communication — or lack of it — involving city planners.

The department is now being overseen by Fred-eric Clark whose roots are as an engineer originally assigned to the Public Works Department.

Parks & Rec director stepping down Manteca Parks and Recreation Director Mark Hall will be retiring in December.

Manteca Mayor Willie Weatherford lauded Hall "for the tremendous job" he has done leading the department especially in light of budget cutbacks.

To contact Dennis Wyatt, e-mail dwyatt@mantcabulletin.com

SEE CONDOS, PAGE A8

TERRA LAND GROUP, LLC

Ex. "3":

11/24/15 Letter to the City of Manteca Planning Commission from Terra Land Group, Re: "Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"

TERRA LAND GROUP, LLC

November 24, 2015

VIA EMAIL

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: **Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment
No. GPA-15-42 & Rezone No. REZ-15-43**

Dear Commissioners:

As you are aware from earlier letters, Terra Land Group, LLC ("TLG") owns approximately 230 acres of almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (10.13 acres)
2. APN 241-330-33 (203.33 acres)
3. APN 241-320-60 (17.14 acres)

(Total Acreage: 230.6 acres)

On October 1, 2015, TLG received a letter from the City of Manteca ("City") indicating its plans to seek approval for a City-initiated General Plan Land Use Amendment and Rezone to certain parcels that include TLG APN 241-330-32.

As a result, various TLG representatives, including myself, met with Mark Meissner and Erika Durrer on three occasions (October 6, 2015, October 21, 2015 and November 12, 2015) to discuss TLG's zoning and land use preference relating to the TLG Property.

At the time of the meetings, the City offered TLG three options relating to rezoning choices on its property:

1. UR/VLDR and OS (current status)
2. VLDR and OS
3. AG and OS

As the acting spokesperson for TLG, at the time of the three (each) meetings, I expressed concerns relating to currently unidentified municipal and public services infrastructure that may be planned for

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

installation onto the TLG Property. I further stated TLG's concerns related to how the installation of various types of infrastructure could affect current and future land uses on the TLG Property.

In addition, I expressed TLG's belief that various types of regional municipal and/or public services facilities infrastructure could be planned for the TLG Property to serve the needs of offsite development projects that may occur in other areas throughout Manteca.

Further, I inquired as to whether any funding plan would be created to compensate TLG for any land taken to serve the municipal and/or public services facilities infrastructure necessary to support other developing properties throughout the City and with the potential to extend municipal and/or public services to future developing projects that may include and/or benefit the City of Lathrop, the Austin Road Business Park, the City of Ripon, the Ripon School District and more. This led to further discussions through which city staff assured TLG that it would receive fair and adequate compensation¹ for any portion of the TLG Property supporting any regional municipal and/or public services land-based or land-secured facilities infrastructure constructed on any portion of the TLG Property that is determined to be necessary to support offsite properties in any of the current or future developing areas throughout the City and possibly beyond.

Further, City staff indicated that TLG would not be subject to any regional municipal or public services land-based or lands-secured finance district participation unless and until TLG applies for and receives land use entitlements from the City for alternative uses.

With that in mind, City staff went on to state that the re-zoning classification would be temporary and TLG would be provided with the opportunity to re-designate the zoning use of its property as part of the General Plan process estimated to occur in the next year.

I responded that due to the uncertainty relating to the status of currently unidentified infrastructure necessary to support development throughout Manteca and potentially extending beyond, TLG requested that City staff assume the responsibility to designate the TLG Property APN 241-330-32 in compliance with the agenda requirements of the November 24, 2015 Planning Commission meeting in a manner that serves the best interests of everyone involved.

In this way, the City can move forward in developing a General Plan that will allow TLG to benefit from information that only the City fully understands as to the zoning and land use designation that is most compatible with any future plans for municipal and/or public services infrastructure associated with the City's projected growth and development in any and all areas under consideration.

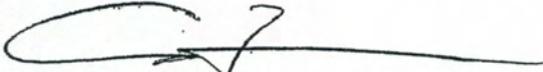
¹ Question: Will fair and adequate compensation provide for any associated severance consequential, unforeseeable costs, expenses, loss or damages without limitation created?

TERRALAND GROUP, LLC

Finally, and due to the uncertainty of future land-uses on the TLG 230-acre farm property, TLG respectfully requests that accommodations be made by the City of Manteca and any other public agencies involved that allow for the continuing almond farming operation on any and all portions of the TLG property that are **NOT** designated for future municipal and/or public services facilities infrastructure.

Thank you for your attention to this very important matter.

Yours Truly,



Martin Harris
Terra Land Group, LLC

MH/jas

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRALAND GROUP, LLC

Ex. "4":

VVH Consulting Engineers March 2016 RD17-1 Exhibit

ROSI CERRI FOUNDATION, INC
APN 241-250-04

ROSI CERRI FOUNDATION, INC
APN 241-250-20

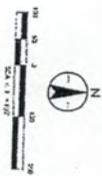
TERRA LAND GROUP, LLC
APN 241-250-20

396-09-171
38-8-155

TERRA LAND GROUP, LLC
APN 241-250-32

TERRA LAND GROUP, LLC
APN 241-250-60

TILAND CO, LLC
APN 241-250-09



1. EASEMENT AREA SHADDED
2. AREA OF PROPOSED AND LATER AMENDED EASEMENT OF TERRA LAND GROUP PROPERTY
3. OTHER SHADDED

EASEMENT NOTES:
THE TERRA LAND GROUP PROPERTY NOTED IN THE LEGEND IS SHOWN IN THE LEGEND AS SHADDED. THE NOTES TO THE LEGEND ARE FOR THE INFORMATION OF THE USER AND DO NOT CONSTITUTE A WARRANTY OF ANY KIND. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP.

15782020/04/11/10:00 AM - 10/20/2018, 10:00 AM - 10/20/2018, 10:00 AM - 10/20/2018



TERRA LAND GROUP, LLC

Woodward Avenue
Manteca, California

RECLAMATION DISTRICT EASEMENTS
PORTIONS OF SECTIONS 11, 12, 13, AND 14
TOWNSHIP 2 SOUTH, RANGE 6 EAST

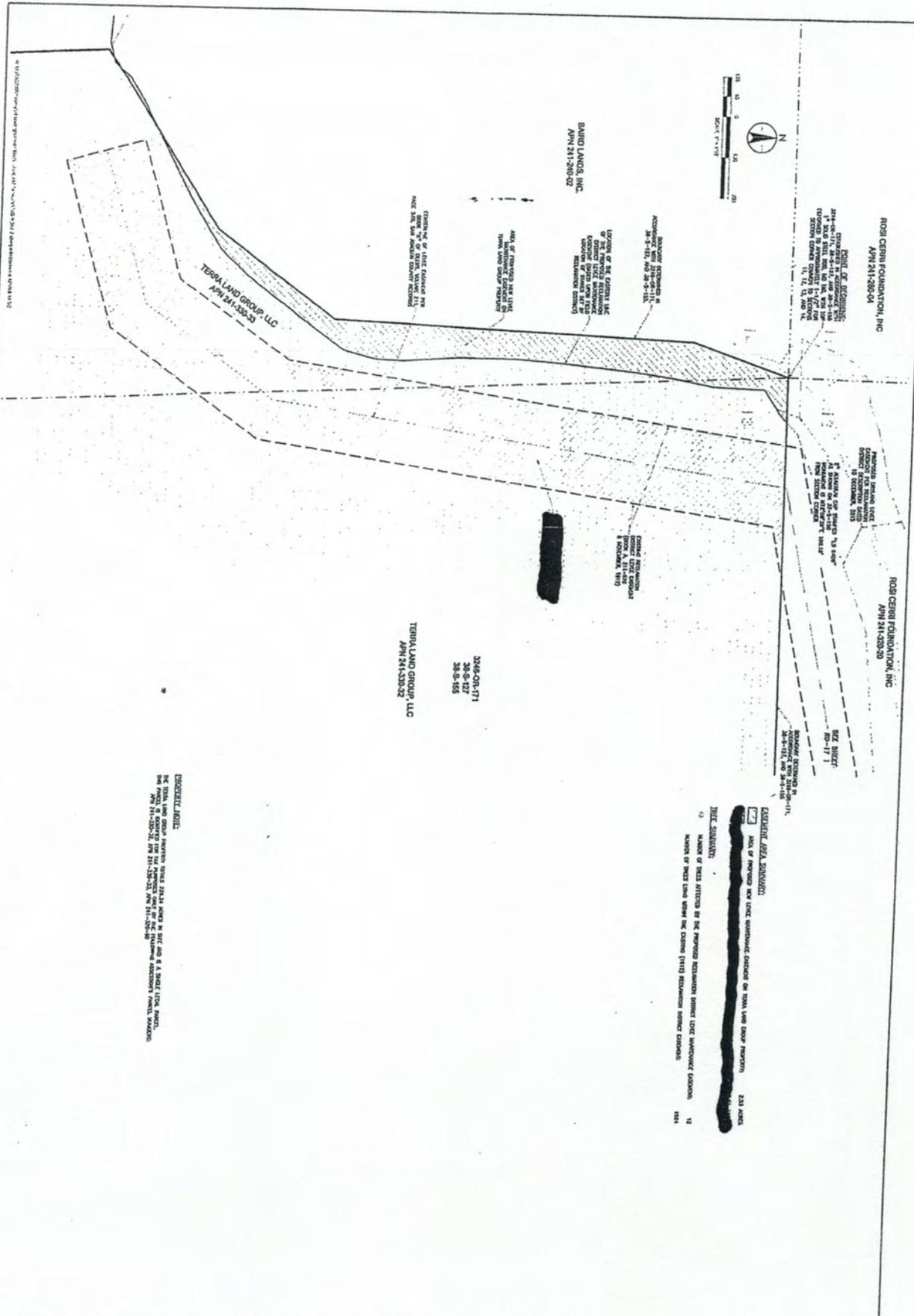
MARCH 2018
RD-17
1

TERRA LAND GROUP, LLC

Ex. "5":

VVH Consulting Engineers March 2016 RD17-2 Exhibit

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

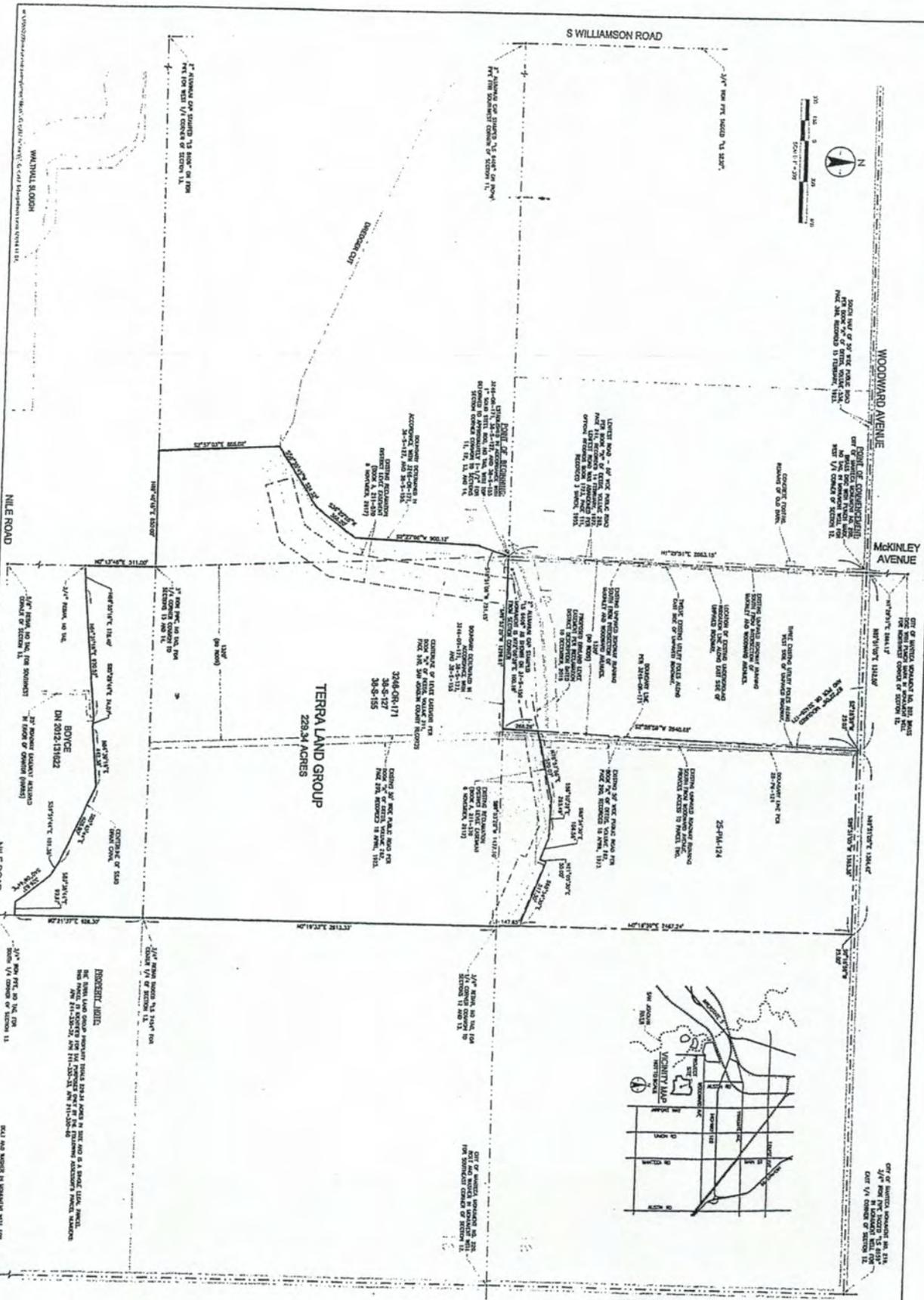


TERRA LAND GROUP, LLC

Ex. "6":

VVH Consulting Engineers March 2016 RD17-3 Exhibit

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



DATE	2016
BY	WVI
FOR	TERRALAND GROUP, LLC
PROJECT	RECLAMATION DISTRICT EASEMENTS

TERRALAND GROUP, LLC

Woodward Avenue
Menlo Park, California

MASTER PROPERTY EXHIBIT
RECLAMATION DISTRICT EASEMENTS
PORTIONS OF SECTIONS 11, 12, 13, AND 14
TOWNSHIP 2 SOUTH, RANGE 6 EAST

MARCH 23, 2016
RD-17
3

TERRA LAND GROUP, LLC

Ex. "7":

Mackay & Soms May 1, 2013 Record of Property Lines & Easements Exhibit -
RD17 Elements VIII through XI

TERRA LAND GROUP, LLC

Ex. "8":

KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County
Levee Toe Plus 20 Feet Draft Site Exhibit A, Page 1

TERRA LAND GROUP, LLC

Ex. "9":

KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County
Existing Levee Easement Draft Site Exhibit A, Page 2

TERRALAND GROUP, LLC

Ex. "10":

Public Road Deed Recorded February 14, 1922

LEAFEST CALVIN RAY

TO

COUNTY OF SAN JOAQUIN

THIS INDENTURE, made the Sixth day of February in the year of our Lord one thousand nine hundred and twenty-two

BETWEEN Calvin Ray Leafest, a single man,

of the County of Santa Clara State of California, the part Y of the first part, and the County of San Joaquin, State of California, the party of the second part.

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of One and 00/100 Dollars, in United States Gold Coin, to him in hand paid by the said party of the second part, at or before the encasing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted and conveyed and by these presents do grant and convey unto the said party of the second part, forever for a public road;

All that certain strip or parcel of land situate, lying and being in the County of San Joaquin, State of California, being that certain public road ~~(No. 1111111111)~~ petitioned for by et al; which is particularly described as follows, to-wit:

Commencing for the beginning at the $\frac{1}{2}$ Section corner common to Sections 11 & 12 T 2 S R 6 E. M. D.B. & M, and run thence for the center line of a 50 foot Right-of-way South on the Section line 2635 feet more or less to the center line of a levee thence along the center line of said levee South 70° 00' West 190 feet thence South 7° 30' West 1040 feet; thence $\frac{1}{2}$ 36° 30' West 600 feet; thence South 64° 06' West 400 feet to the center line of Head Levee.

And the party of the second part covenants that should the said party of the second part at any time permanently and finally by proceedings of record abandon the use of said strip or tract of land for highway purposes, then the title to said strip or tract of land shall revert back to and shall be held by, the part Y of the first part, his heirs and assigns in the same manner as if this grant had not been made.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances and incidents, unto the said party of the second part for a public highway.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set his hand and seal the day and year first above written.

Calvin Ray Leafest (Seal)

Signed, Sealed and Delivered in the presence of

This deed accepted by order of Board of Supervisors of San Joaquin County Feb. 7, 1922.

Eugene D. Graham, Co. Clerk,
By S.A. Carter, Deputy Clerk,

STATE OF CALIFORNIA, }
COUNTY OF Santa Clara, } ss.

On this 6th day of January in the year of our Lord one thousand nine hundred and Twenty Two before me H.T. Reynolds a Notary Public in and for the Santa Clara County of Santa Clara State of California, residing therein, duly commissioned and ~~sworn~~ ^{sworn} personally appeared Calvin Ray Leafest, a single person, personally known to me to be the person ~~described in and~~ ^{described in and} whose name is subscribed to the within instrument and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Santa Clara the day and year in this certificate first above written.

(Seal) H.T. Reynolds Notary Public

My commission expires Aug. 23, 1925 in and for the County of Santa Clara, State of California.

Recorded at the request of S.A. Carter, Feb. 14, 1922,

at 51 min past 3 o'clock P.M., in Book "A," Vol. 262 of Deeds, page 241 San Joaquin County Records.

Fees: Dh

JOHN D. FINNEY, Recorder, P. W. C.

TERRA LAND GROUP, LLC

Ex. "11":

Public Road Deed Recorded April 18, 1923

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

LEASEE CALVIN RAY
TO
COUNTY OF SAN JOAQUIN
THIS INDENTURE, made the sixteenth day of April in the year of our Lord one thousand nine hundred and twenty-three
BETWEEN Calvin Ray Lanfrest, a single man,

COMPARED
of the County of Santa Clara State of California, a body politic and corporate of the first part, and the County of San Joaquin State of California, the party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of one and 00/100 Dollars, in United States Gold Coin, to him in hand paid by the said party of the second part, at or before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents do as grant and convey unto the said party of the second part, forever for a public road;

All that certain strip or parcel of land situate, lying and being in the County of San Joaquin, State of California, and more particularly described as follows, to-wit: Beginning at a point on the South side of the County Highway running East and West along the Half Sec. line of Sec. 12, and eighty rods East of the West line of said Sec. 12; thence running South along the eighty line of Sections 12 and 13 one mile to the Half Section line of Sec. 13; thence East fifty feet, thence North and parallel to said eighty line one mile, thence West Fifty feet to point of beginning, all of above described land being in T. 2 S R. 6 E, M.D.B. & M. and containing Six acres more or less.

And the party of the second part covenants that should the said party of the second part at any time permanently and finally by proceedings of record abandon the use of said strip or tract of land for highway purposes, then the title to said strip or tract of land shall revert back to and shall be held by the party of the first part, his heirs and assigns in the same manner as if this grant had not been made.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances and incidents, unto the said party of the second part for a public highway.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Calvin Ray Lanfrest (Seal)
his deed accepted by order of Board of Supervisors of San Joaquin Co April 17, 1923
Eugene D. Graham, Co. Clerk,
By E.A. Carter Dep. Clerk,

Signed, Sealed and Delivered in the presence of
Approved as to description P.R. Quail,
Approved as to form
District Attorney,

STATE OF CALIFORNIA,
COUNTY OF SANTA CLARA, } ss.

On this 16th day of April, in the year 1923, before me

a Notary Public in and for the County of Santa Clara and State of California, personally appeared Calvin Ray Lanfrest, a single man, known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he executed the same.

(Seal) Irma A. Barry Notary Public
In and for the County of Santa Clara State of California.

6914 Recorded at the request of E. A. Carter, Ass. 17, 1923
at 11 min past 4 o'clock P.M., in Book "A" of 262 of Deeds, page 150 San Joaquin County Records.

TERRALAND GROUP, LLC

Ex. "12":

Lenfest to Leis Deed Recorded June 15, 1923

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Elcio Morawick (his wife), or either of them, Cabsonant to the execution of said deed of trust.
dated April 20th, 1923.

W. H. Green
J. T. Volten
Trustees.

W. H. Green, Attorney for Bank of Italy.
Recorded at office of Bank of Italy, San Francisco, California, on 17th day of June, 1923 at 31 min. past 2 o'clock P.M., in
Book "A" Vol. 447 of DEEDS page 250 San Joaquin County Records.
Book: 3, 60 JOHN L. WILSON Recorder. 1923

WHEREAS, CALVIN RAY I DO hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of the County of San Joaquin, California, on the 12th day of June, 1923.

-to- I, ELICIO MORAWICK, an unmarried man, herein called the grantor hereby grant to CALVIN RAY, an unmarried man, herein called the grantee, all my right, title and interest in and to all that certain lot, piece and parcel of real property situate, lying and being in the County of San Joaquin, State of California, and being particularly described as follows, to-wit:

The west one-half (1/2) of the southwest quarter (SW 1/4) of Section Twelve (12), Township Two (2) North, Range Six (6) East, Mount Diablo Base and Meridian.

Subject to Trust Deed, to Mercantile Trust Company, for \$12,000.00. (110.00 P.M. Stamps attached and cancelled.)

TOGETHER with an undivided one-half (1/2) interest in and to all that certain well situate, lying and being located in the said County and State in the northeast section, part or portion of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of Section Eleven (11) Township Two (2) North, Range Six (6) Mount Diablo Base and Meridian; and

TOGETHER with an undivided one-half (1/2) interest in and to all the waters of any kind and substance which are now taken or derived from said well, or shall be taken or derived from said well at any time in the future, or which are now situated therein, or which shall be situated therein in the future.

TOGETHER with an easement of right of way for ingress and egress, and for the installation and maintenance of a pipe line, over and upon that certain parcel of land whereon said well is located, which easement of right of way is five (5) feet, more or less in width and extends at the point on the county road running adjacent to that certain parcel of land whereon said well is located, along the easterly line thereof, which point is the least distant from said well.

TOGETHER with, to-wit, from the said real property first herein described, to the grantor, his heirs and assigns forever, an easement of right of way for ingress and egress, and for the installation and maintenance of a pipe line, over and upon a strip of land five (5) feet, more or less in width, running from that portion of the county road which runs adjacent to easterly boundary line of the said property herein first described, which portion is the least distant from a point located in the southeast part of the said property herein first described, at which point, yet to be determined by the parties hereto, a well is to be dug or bored and a pumping plant installed, to said point.

Also reserving to the grantor, his heirs and assigns forever, undivided one-half interest in and to all that certain well which is to be dug or bored at a point to be determined by the parties hereto, in the southeast part of said property herein first described, together with the undivided one-half interest in the pumping plant to be installed thereat, and an undivided one-half interest in and to all the waters of any kind and substance, which may be taken or derived from said well, or which may be situated therein, at any time in the future.

TO HAVE AND TO HOLD the same unto the said grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, the grantor and grantee herein have hereto set their hands this 12th day of June, 1923.

Calvin Ray Confort
J. L. Tolis

6-15-1923
Book "A"
of
Deeds
Vol. 549
Pg. 253

377
FAM

377
FAM

STATE OF CALIFORNIA,)
County of Santa Clara.) SS.

On this 13th day of June in the year one thousand nine hundred and twenty-three before me, FRED A. HARNAY, Notary Public in and for said County of Santa Clara, residing therein, duly commissioned and sworn, personally appeared JAMES I. HARNAY, an unmarried man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the City of San Jose, County of Santa Clara, the day and year in this Certificate first above written.
(Notary Seal)

Fred A. Harnay, Notary Public,

In and for the County of Santa Clara, State of California.

My Commission Expires Feb. 21, 1926.

§ 10256 Recorded at Request of Stockton Abstract & Title Co. Jan 17, 1923 at 1:45 p.m. part 4 o'clock P.M., in Book "A" Vol. 549 of INDEX page 253 San Joaquin County Records.

Fees: \$ 1.30

JAMES I. HARNAY Recorder.

NOTICE
-to-
COMMERCIAL SAVINGS BANK
OF STOCKTON.

(Assignment of Deed of Trust.)

is hereby assigned to COMMERCIAL SAVINGS BANK OF STOCKTON (a corporation).

and said JAMES I. HARNAY hereby makes, constitutes and appoints said Commercial and Savings Bank of Stockton, its officers or agents, his true and lawful attorney-in-fact for him, and in his name, place and stead, to collect and receive for all moneys due and to grow on account of said Deed of Trust and note, and to do and perform any and all acts of virtue of said Deed of Trust and note which the said JAMES I. HARNAY could or might do if these powers were not made.
Notariable Note

STATE OF CALIFORNIA,)
County of San Joaquin.) SS.

On this 13th day of June in the year one thousand nine hundred and twenty-three, before me, J. V. POTTER, a Notary Public in and for the County of San Joaquin, State of California, residing therein, and being duly commissioned and qualified, personally appeared JAMES I. HARNAY, known to me to be the person described in and whose name is subscribed to the within and foregoing instrument, and he acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the said County of San Joaquin, the day and year in this Certificate first above written.
(Notary Seal)

J. V. Potter, Notary Public,

In and for the County of San Joaquin, State of California.

§ 10254 Recorded at Request of Commercial & Savings Bank of Stockton, Jan 16 1923 at 7:30 a.m. part 10 o'clock A.M., in Book "A" Vol. 549 of INDEX page 254 San Joaquin County Records.

Fees: \$ 1.15

JAMES I. HARNAY Recorder.

TEFFY n B
BELLI O A
-to-
BANK OF ITALY

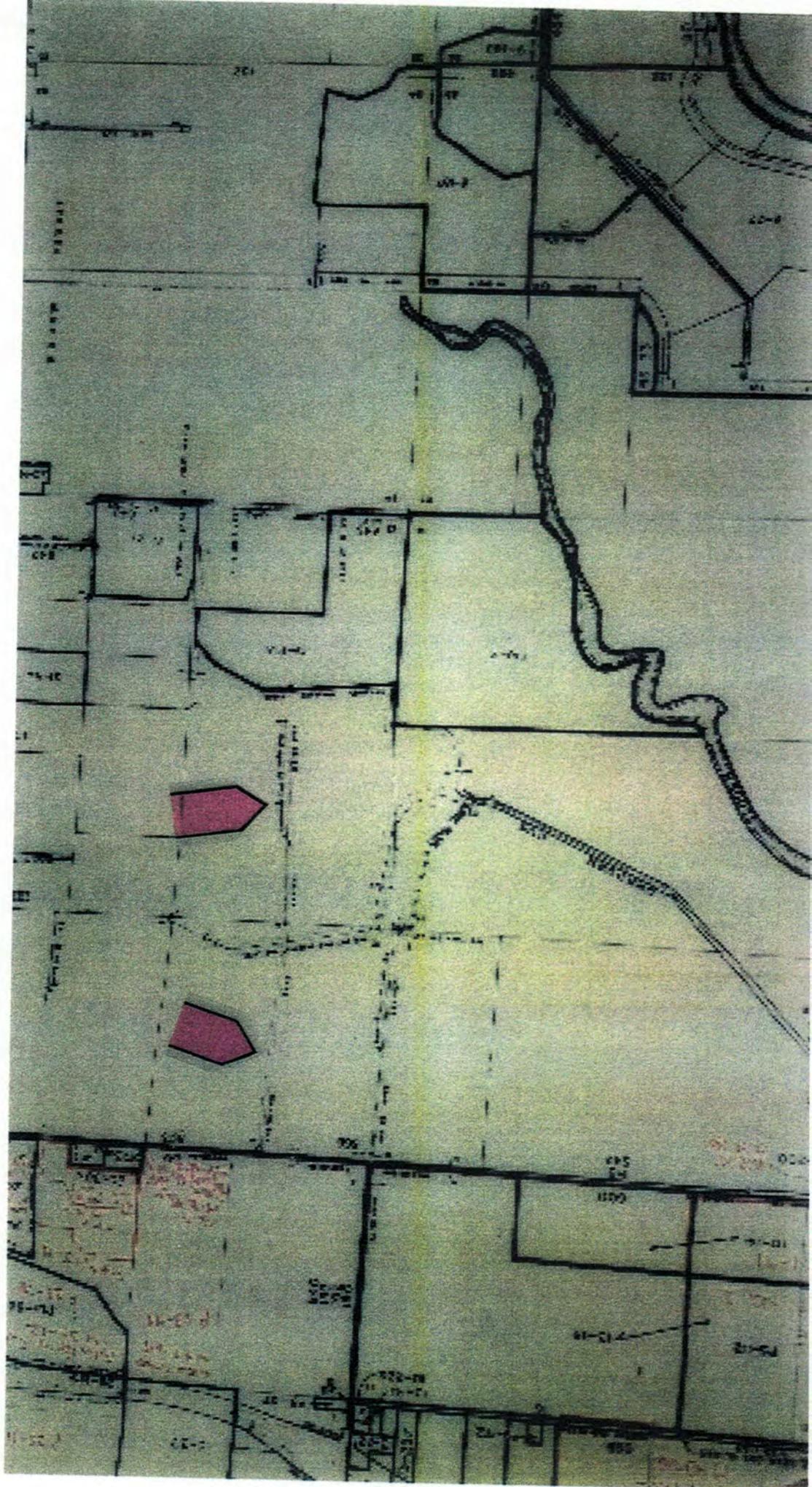
THIS INSTRUMENT, made this 13th day of June, A.D. 1923, between K.B. Teffy and C.A. Belli, both of the City of Stockton, County of San Joaquin, State of California, trustees as hereinafter stated, the parties of the first part, and Bank of Italy, a corporation duly organized and existing under and by virtue of the laws of the State of California, the party of the second part,

WITNESSETH: That whereas A. W. HAROLD and Nellie Harrold, his wife, of the City

TERRA LAND GROUP, LLC

Ex. "13":

San Joaquin County Road Map #57, Revised April 27, 1999, showing April 18,
1923 recorded Deed as measured 80 Rods (1,320 feet) East of Section Line
Common to Sections 11 and 12, and Sections 13 and 14



TERRA LAND GROUP, LLC

Ex. "14":

VVH Consulting Engineers March 2016 VVH-1B Exhibit/TLG 230-acre
Property Map

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



TERRA LAND GROUP, LLC

Woodward Avenue
 Manteca, California

PROPERTY DEED EXHIBIT
 BOUNDARY LINES AFFECTING
 PORTIONS OF SECTIONS 11, 12, 13, AND 14
 TOWNSHIP 2 SOUTH, RANGE 6 EAST

MARCH 23, 2014

1B



SCALE: 1" = 200'
 DRAWN BY: DDP
 CHECKED BY: MTK

Tuff Bøy Sälès, Inc.
5151 East Almondwood Drive
Manteca, California 95337
Telephone: (209) 239-1361 · Facsimile: (209)239-7086

March 01, 2016

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Agenda item A.5, Approve an Agreement with Drake Haglan & Associates for Antone Raymus Expressway & Dryland Levee Alignments

Dear Council Members,

My name is Josh Harris and I currently serve as president of Tuff Boy Sales, Inc.

At this time, I am aware that the City of Manteca is moving forward with plans to hire a consultant to assist in evaluating potential placement of the Antone Raymus Expressway and Dryland Flood levee.

Tuff Boy Sales is situated on approximately 30 acres of land located at 5151 E. Almondwood Drive, in the unincorporated area south of Manteca and currently employs approximately 40 people who work at that site.

I have several concerns related to the levee:

1. Our family's companies have experienced two (2) major floods at the Almondwood facility which occurred in 1955 and 1997. In both cases the flood water reached approximately the same elevation with our office building barely staying dry. I have learned recently that the reason that the flood water elevation was consistent was due to a drainage plan executed by means of breaking the Turtle Beach levee located at the far west termination point of Woodward Ave., to prevent rising flood waters from making their way and winding around the east termination point of the current RD17 levee at or about Airport Way just south of Peach Avenue.

Question: Can accommodations be made for flood water drainage to ensure that the Tuff Boy facility will not experience higher flood water elevations of flood water than in previous floods?

2. I am aware that the levee construction may involve concrete slurry walls that could extend over 100' deep into the ground. My concern is that the slurry walls may block natural ground water flows during non-flooding periods and cause the current ground water elevation to rise toward the surface.

Question: Is there an alternative method to prevent underground water seepage in the event of flooding that could be used in place of the use of slurry walls?

3. Historically, I am told that flood water has drained out of the south Manteca rural area by means of the Stewart Tract and Paradise Cut water conveyance channels.

I am also told that Stewart Tract is no longer available for draining flood water from the area.

Question: Will the Paradise Cut conveyance channel be expanded to adequately accommodate flood water drainage needs of our area?

4. Will accommodations be made, or compensation provided, for properties adversely affected?

Thank You.

Yours Truly,

A handwritten signature in black ink, appearing to be 'Josh Harris', with a long horizontal flourish extending to the right.

Josh Harris
For Tuff Boy Sales, Inc.

TERRA LAND GROUP, LLC

February 16, 2016

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

**Re: Public Comments/City Council Meeting 02/16/16 Hiring consultant to consider
Antone Raymus Expressway and Dryland Flood Protection Levee Alignments**

Dear Council Members:

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

(Total Acreage: 230.6 acres)

Several days ago, TLG received a copy of a document by means of a third party detailing the City of Manteca's "Request for Proposal for Antone Raymus Expressway and Dryland Levee Alignments" (see Request for Proposal, attached). The Request for Proposal also refers to a "Revised Timeline". Further, the Request for Proposal was dated January 2016 and indicates that its purpose is to seek bids for the purpose of hiring a consultant to: "schedule, advertise, mail notices to individual property owners, organize and facilitate a minimum of four (4) public workshops to establish criteria for location of facilities". **Timelines called for in the Request for Proposal document:**

1. All bids must be submitted to the City of Manteca on or before January 29, 2016.
2. The Request for Proposal document indicates that the successful bidder will be awarded the contract at tonight's February 16, 2016 meeting.
3. The Request for Proposal document further indicates that the successful bidder will make its final alignment recommendations available to the Manteca City Council at the May 17, 2016 council meeting.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

With that in mind, TLG is very concerned and can't help but question as to why an issue so important as the Request for Proposal to hire a consultant to assist in determining flood water and other impacts due to the future location of the McKinley (Antone Raymus) Expressway and dryland flood protection levee alignments is being delayed and was not included on the agenda for tonight's meeting.

At the same time, it should not go unnoticed that TLG has been engaged in litigation with TR Land Company, Manteca Development Group, Rosi Cerri Trust Foundation, and RD17 since Spring of 2014 and has made numerous attempts to settle the case which is now set for trial for April 11, 2016. One of the major stumbling blocks to settlement was the issue of the location and movement of the dryland levee (the levee). TLG was convinced, based upon its own research, that the levee would be moved as evidenced in prior correspondence, comments and statements made by TLG supporting that belief. However, TLG was either told or led to believe based on representations made in various forms by the City of Manteca, TR Land Company, Manteca Development Group, Rosi Cerri Trust Foundation and RD17 that the existing portions of the dryland levee currently in place were not going to be moved now or at any future time. The first inkling of recognition of the necessity of moving the levee occurred in the Summer of 2015 wherein a representative of the City of Manteca allowed that the movement of the levee might happen at some point in the future, but it would involve a public process. Even so, subsequent contacts with representatives of Manteca cast doubt as to when, if ever, there would be movement of location of the levee. Therefore, by the end of 2015, some forty-five (45) days ago, it was the understanding of TLG that it was the unequivocal demand of TR Land Company, Manteca Development Group, Rosi Cerri Trust Foundation and RD17 that the movement of the levee would play no role or be considered either in the lawsuit which is now pending or in any other discussion of resolution of the respective positions of the parties involved.

Within the last several days, however, TLG has become aware through a third party that, in fact, on or about December 29th, 2015, the City of Manteca published an invitation to submit bids with the idea that there would be public hearings and a recommendation to the City Council as to the location of the levee by mid May of 2016, a date which is about thirty (30) days after our trial. Accordingly, City of Manteca staff are playing a direct role in the development and the location of the levee. It is surprising and certainly unsettling that TLG who has been an extremely active participant in local city politics in the last several years, and is also a land owner which will clearly be impacted by any placement of any levee and/or expressway was not sent a notice of the invitation for the "Request for Proposal" attached to this letter, or given any type of informal notice, or acknowledged in any other way by any city representative.

That said, the record has been made, and TLG would like to move forward and certainly support whatever is in the best interest for the community with respect to the erection and/or movement of the dryland levee and/or the location of the new expressway, assuming of course, that all of the rights of compensation which the law entitles TLG to receive for any infringement on its property including all impacts, severances and losses created will be fully and fairly evaluated and paid without delay. TLG

TERRA LAND GROUP, LLC

will continue its intent to accommodate as necessary. However, it will be expected that the City of Manteca or any other governmental agency will make reasonable accommodations to allow for the continued almond farming operation on all portions of the TLG farm property that are not acquired by any public or quasi public agency.

At a minimum, those accommodations would include but not be limited to: (a) Maintaining farm implement and 80,000 pound truck/trailer vehicle access to all areas of the TLG property, (b) maintaining the TLG property's current ability to provide and distribute irrigation water throughout all areas of the TLG property, (c) managing and maintaining current groundwater elevation levels to offset any impacts resulting from the installation of any subsurface infrastructure that may block or impede groundwater flow patterns to ensure that the almond tree root systems are not flooded due to elevated groundwater levels, (d) Providing adequate security fencing to protect the property from trespass, vandalism and theft and (e) providing protections so that in the event of flooding, flood waters can quickly and adequately drain off the TLG property.

As a result, TLG requests that any final plan for dryland levee and McKinley (Antone Raymus) Expressway alignments allows for fair and adequate accommodations for any and all impacts affecting the TLG property and other non-developing affected neighboring properties in the area. TLG has provided for your convenience and consideration selected letters which provide relevant information for the subject matter provided above. The letters have been assembled into a single binder for distribution to the consulting firm or other qualified individuals given oversight authority for the Antone Raymus (McKinley) Expressway and dryland levee alignment process.

In closing, TLG remains cautious as to levee placement as it should be apparent that the location of the McKinley (Antone Raymus) Expressway and dryland levee will have a short and long term potential impact on every farmer, landowner, developer, special district, homeowner and rural business operation affected (as well as the City of Manteca itself), and therefore, TLG believes that the City of Manteca should proceed with public meetings and workshops as quickly and expeditiously as possible to fairly and adequately protect property rights while mitigating against any impacts created for the benefit of everyone involved.

Thank you for your attention to this very important matter.

In Trust,



Martin Harris
Terra Land Group, LLC

MH/jas

TERRA LAND GROUP, LLC

Enclosures (copied to all):

- 1) City of Manteca Revised Timeline Request for Proposal for Antone Raymus Expressway & Dryland Levee Alignments dated January 2016

Enclosures (One copy only, for future distribution or dissemination as stated previously in this letter)

2) Binder with the following letters included:

- a) 12/16/14 Letter to the Manteca City Council from Terra Land Group, Re: "Unidentified and/or unresolved impacts relating to 200-year flood protection (Manteca City Council Meeting 12/16/14 Agenda Item B.07.)
- b) 03/31/15 Letter to Tanis Toland from John Minney, Re: "Lower San Joaquin River Project Interim Report"
- c) 04/08/15 Letter to Tanis Toland from Neighbors United, Re: "Public Comments Relating to the San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report dated February 2015
- d) 11/24/15 Letter to the City of Manteca Planning Commission from Terra Land Group, Re: "Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"
- e) 12/15/15 Letter to the Manteca City Council from Terra Land Group, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"
- f) 12/15/15 Letter to the Manteca City Council from Terra Land Group/Bryce Perkins, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"



Revised Timeline

**REQUEST FOR PROPOSAL
FOR
ANTONE RAYMUS EXPRESSWAY
&
DRYLAND LEVEE
ALIGNMENTS**

City of Manteca
Community Development Department

1001 West Center Street, Manteca, California 95337
Phone: 209-456-8500 • Fax: 209-923-8949
mmeissner@ci.manteca.ca.us

GENERAL INFORMATION:

Updated RFP ISSUED: ----- January 7, 2016

RFP RESPONSE DUE DATE:--- **January 29, 2016 by 5:00 p.m.**

CONTACT PERSON: ----- Mark Meissner, Planning Manager

PHONE: ----- (209) 456-8511

EMAIL: ----- mmeissner@ci.manteca.ca.us

SUBMITTAL ADDRESS: ----- Community Development Department
City of Manteca
1001 West Center Street
Manteca, California 95337

City of Manteca
ANTONE RAYMUS EXPRESSWAY & DRYLAND LEVEE ALIGNMENTS
Request for Proposal

INTRODUCTION:

The City of Manteca seeks proposals from qualified consultants to facilitate in the establishment of the alignment of the Antone Raymus Expressway and a Dryland Levee. The City anticipates the consultant will perform tasks necessary to meet the goal of establishing support and consensus on preferred alignments of these two facilities as well as related CEQA documentation if necessary. The City Council has authorized staff to perform a comprehensive update to its General Plan; however, understanding and establishing the subject alignments is an important first step in defining the General Plan Study area boundary as well as the land uses along the expressway and on the dry and wet sides of the levee.

EXPRESSWAY: The Antone Raymus Expressway, previously known as the McKinley Avenue Expressway, was included within the City's General Plan Circulation Element adopted in October of 2003, and when updated in April of 2011. The existing alignment of the expressway meanders across the southern area of the City, both within and outside of the existing City limits. The goal is to realign the roadway to avoid having the existing rural homes on East Peach Avenue fronting onto and accessing the expressway. The City held well attended workshops between November 2009 and March 2011 with the residents that would be affected by several proposed alignments. A preferred alignment was not established, and a decision to discuss the issue was postponed to the General Plan update process.

The expressway was included in the San Joaquin Regional Expressway Study prepared by the San Joaquin County Council of Governments (SJCOG) back in May of 2009. The McKinley Expressway alignment is defined within the San Joaquin Regional Expressway Study as follows: "Travels south along McKinley Avenue from a new interchange at SR 120 to Peach Road, then east to Union Road, then southeast along a new alignment to Manteca Road at Sedan Avenue, along Sedan Avenue to Austin Road, and northeast along a new alignment to a new interchange at SR 99."

Expressways are defined in Manteca's General Plan Circulation Element as follows:

"Manteca currently does not have any expressways; however, the proposed McKinley Avenue extension between SR 120 and SR 99 is planned as an expressway between SR 120 and SR 99, consistent with the San Joaquin Regional Expressway Study (SJCOG May 2009). Expressways are high-capacity routes designed to serve through traffic. Expressway access would be limited to intersections with arterials and collectors with intersection spacing of no less than one-half mile. Based on the posted speed limit of the expressway, bicycle travel should be accommodated with either Class II bike lanes or a parallel off-street bike trail. Sidewalks should be provided on both sides of the street (or on one side if a bike trail is present on the opposite side). Roundabouts should be considered at intersections to reduce maintenance and operations costs associated with traffic signals."

DRYLAND LEVEE: The City is subject to the requirements of State Senate Bill 5 and its related Senate and Assembly bills that require a plan to protect urbanized areas at the 200-year flood protection level. A large area of the southwestern portion of the City of Manteca is affected by this legislation including areas with development entitlements and areas planned for development as identified in the City's General Plan. The area is currently protected by a dryland levee at the 100-year flood protection level. With this mandate from the State, the City has an opportunity to consider alternatives to the existing alignment that could have a significant effect on development. Even if the levee stays in its current alignment it will need to be raised in

height and extended further east which will involve public input. Again, the City of Manteca would like to receive public input from property owners affected by the dryland levee on whatever the recommended alignment may be.

PROCEDURE FOR SUBMITTING PROPOSALS:

- Provide five (5) copies delivered to:
City of Manteca
Attn: Mark Meissner
1001 West Center Street
Manteca, California 95337
- If hand delivered, address as above and deliver to the Community Development Department.
- Proposals must address the requirements of the RFP as set forth below.
- Proposals must be received at the Community Development Department no later than **January 29, 2016 by 5:00 p.m.**

DATA TO BE INCLUDED WITH PROJECT PROPOSALS

Letter of Transmittal

Include your firm's understanding of the work to be performed. In addition, state why your firm believes it to be the best qualified to perform the services requested. Also, state the Management Contact (Representative authorized to sign an agreement for your firm) and Project Manager (person responsible for day-to-day management of the project).

Allocation of Resources

Provide a conceptual plan for services to the City that you believe are appropriate for the City. Indicate features, skills and/or services which distinguish your firm and make it the better choice for the City. Indicate how the resources of your firm (e.g., number and type of personnel by skill level allocated by hours) will be allocated for this project in tabular format.

Scope of Work

Proposals must address all items set forth in the scope of work. Additional information which, in your opinion, should be included must be clearly identified.

Cost Proposal

Within the Cost Proposal, the Consultant should separate out or otherwise identify the cost of those elements of the proposal that are optional or recommended.

References

Provide a brief description of related work provided to other organizations and contact information where possible.

SCOPE OF WORK

At a minimum, the City will provide the following:

1. Identification of Land Ownerships – creation of the Mailing List.
2. Confirm Mailing List against Assessor's Parcel Map.
3. Provide copies of mapping done to date.

At a minimum, the **Consultant** is expected to complete the following tasks:

1. Schedule, advertise, mail notices to individual property owners, organize, and facilitate a minimum of four (4) public workshops to establish criteria for location of facilities.
 - a. Levee:
 - i. Avoid removal of existing housing as much as possible.
 - ii. Provide display maps for workshops.
 - iii. Coordinate with City staff on process.
 - b. Expressway:
 - i. Avoid removal of existing housing as much as possible.
 - ii. No driveways onto expressway.
 - iii. Traffic Signals at:
 1. West Atherton Drive
 2. Woodward Avenue
 3. Airport Way
 4. Union Road
 5. Main Street
 6. East Atherton Drive
 7. Austin Road
 8. Olive Expressway
 - iv. Roundabouts at approximately halfway between the traffic signals listed in iii above.
 - v. Right-in/right-out and left-in through median at minimum 660' from a traffic signal, roundabout, or other right-in/right-out and left-in through the median traffic control point.
 - vi. Provide display maps for workshops.
 - vii. Coordinate with City staff on process.
2. Establish Recommended Alignment of Levee.
3. Establish Recommended Alignment of Expressway.
4. Provide to City final written report of process and recommended alignments of levee and expressway. Consultant shall provide five (5) copies of an Administrative Draft for staff review and comment. Provide five (5) copies of the Draft Document and Presentation Materials. All documents shall be provided in electronic versions (PDF and MSWord).
5. Presentation of Final Report to Planning Commission and City Council.

TIMELINE

- January 7, 2016 -----Mail RFPs to Consultants
- January 29, 2016-----Response to RFPs due to City by 5 p.m.
- February 16, 2016 ----Award of Contract
- May 17, 2016-----Receive and File Report to City Council of Final Alignment Recommendations
- February 2, 2016 -----Notification of 15-minutes presentation on February 3 if found necessary.

GENERAL REQUIREMENTS

Personnel

The Agreement and Letter of Transmittal shall identify the Management Contact (representative authorized to sign an agreement for your firm) and Project Manager (person responsible for day-to-day management of project). The successful proposer may change the Management Contact, Project Manager, and other supporting staff and specialists with permission of the City.

Right to Request Additional Information

During the evaluation process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

Right to Reject Proposals

The City reserves the right without prejudice to reject any or all proposals.

Proposal Interpretations and Addenda

Any change to or interpretation of the RFP by the City will be sent to each firm or individual to whom an RFP has been sent and any such changes or interpretations shall become a part of the RFP for incorporation into any agreement awarded pursuant to the RFP.

Public Record

All proposals submitted in response to this RFP will become the property of the City upon submittal and a matter of public record pursuant to applicable law.

Additional Services

The Scope of Work describes the minimum work to be accomplished. Upon final selection of the firm, the Scope of Work may be modified and refined during negotiations with the City.

SELECTION PROCEDURE

A fully executed contract between the consultant and the City of Manteca will be required for City Manager or City Council approval prior to start of work.

The request for proposal does not commit the City of Manteca to award a contract, or to pay any costs incurred in the preparation of a response to this request. The City of Manteca reserves the right to reject any or all proposals received if it is in the best interest of the City to do so. All Consultants submitting proposals will be notified of the results.

Selection criteria will include the following:

- Qualifications of Project Personnel ----- 25%
- Completion of Similar Work----- 25%
- Ability to Complete Project On Time ----- 25%
- Cost----- 25%

The percentages above help in the selection of a qualified firm, however Consultants may be required to give a brief 15-minute presentation on February 3rd if there is not a clearly superior candidate in the written proposals. Firms will be notified on February 2nd if a presentation is required.

AGREEMENT

The Consultant shall enter into an Agreement for Professional Services provided by the City, a copy of which is attached hereto as an Appendix.

INSURANCE

The Consultant shall carry insurance during the life of the contract in accordance with the requirements of "Insurance Requirements for Professional Services", an exhibit to the Agreement for Professional Services.

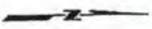
Before any agreement is finalized, the selected consultant, shall provide the required Certificate/s of Insurance and Endorsement forms.

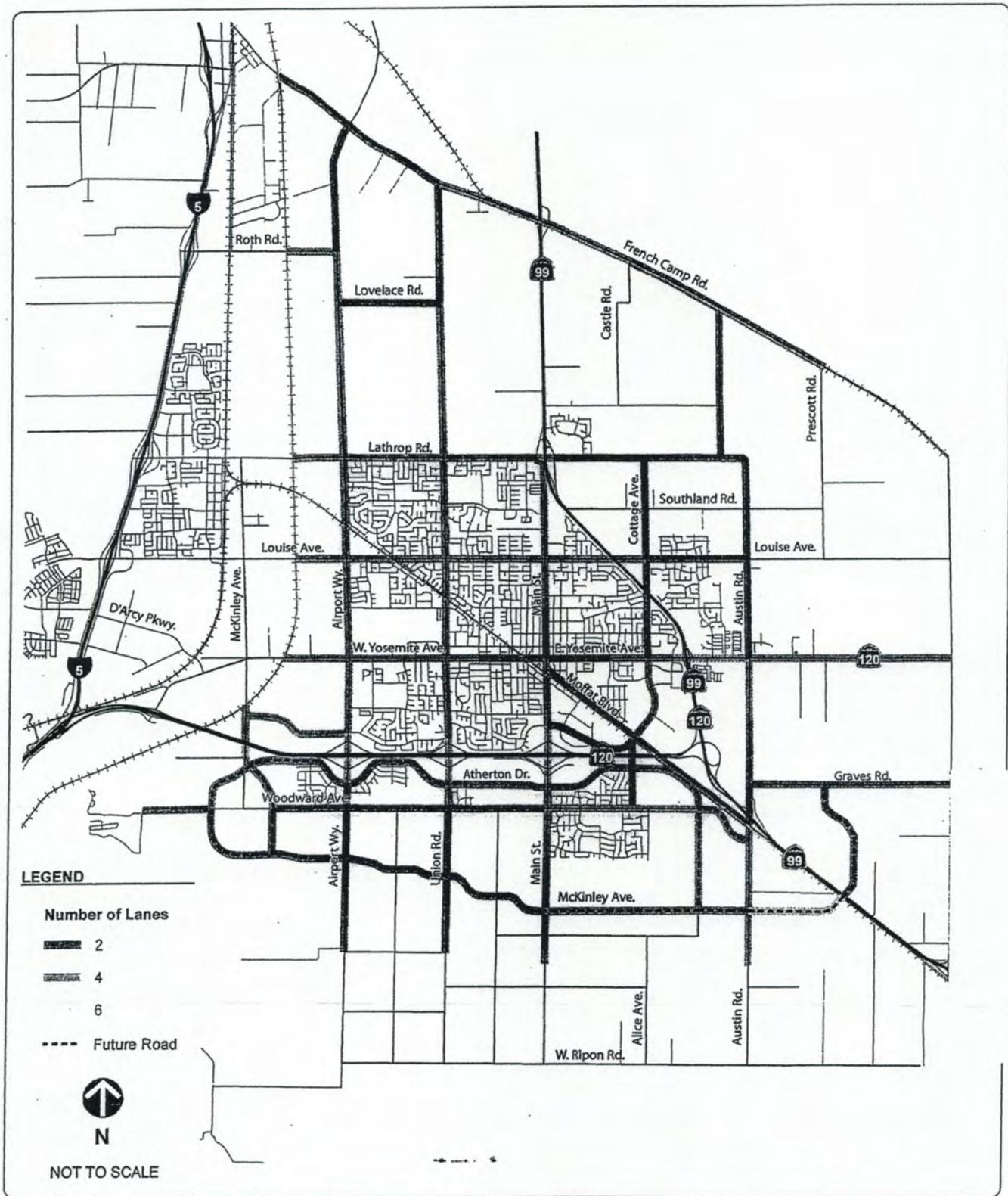


McKinley Expressway

POSSIBLE ALIGNMENTS

NO SCALE
December 2009





APPENDIX

Agreement for Professional Services



AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into this ____ day of _____, 200_, by and between the CITY OF MANTECA, a public body, corporate and politic ("City") and _____, a _____ corporation ("Consultant").

RECITALS

- A. Consultant is specially trained, experienced, and competent to perform the professional services required by this Agreement.
- B. Consultant possesses the skill, experience, ability, background, certification, and knowledge to provide the services described in this Agreement on the terms and conditions specified herein.
- C. City desires to retain Consultant to render the professional services set forth in this Agreement.

AGREEMENT

1. Scope of Services. Consultant shall perform the _____ services described in the attached Exhibit A that is incorporated by this reference, and pursuant to the Proposal submitted by Consultant dated _____, and attached hereto as Exhibit B. Consultant shall provide these services at the time, place, and in the manner specified in Exhibit A, subject to the direction of the City through its staff that may be provided from time to time. Performance of the _____ services is sometimes referred to herein as "the Project."
2. Work Through City Staff. Consultant shall perform its services pursuant to this Agreement solely through City staff. No communications, information or documentations shall be made directly to any applicant to the City without the prior written consent of the City. This shall not apply to the sole request of information or clarification of information by Consultant from the applicant. All requests shall be noted to City in an expeditious manner.
3. Time of Performance. Consultant's services will commence upon execution of this Agreement and shall be completed in accordance with the Schedule of Activities, attached hereto as Exhibit C. All work shall be completed no later than _____. Failure to submit work products in accordance with the Schedule of Activities may result in the City withholding progress payments. Repeated failure to complete work products in accordance with the Schedule of Activities may result in a reduction of the total compensation provided for in Section 4 herein.
4. Compensation. Without additional authorization from the City, compensation to be paid to Consultant shall not exceed _____ DOLLARS (\$ _____). Payment by City under this Agreement shall not be deemed a waiver of any defects, even if those defects were known to the City at the time of payment.

5. Method of Payment. Consultant shall submit monthly billings to City specifying and describing the work performed during the preceding month. Consultant's bills shall include a brief description of the services performed, the date the services were performed, the number of hours expended and by whom, and a description of any reimbursable expenditures. City shall retain ten percent (10%) of each invoiced amount as retention against satisfactory completion of this Agreement. One-half (1/2) of the retained amount shall be paid upon completion of the Draft final report. The balance of the retained amount shall be paid upon successful completion of the project.

City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff. Payments may be delayed by City if Consultant fails to provide services in accordance with the Schedule of Activities, unless the City has provided prior written consent to any delay in the schedule.

6. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, the term "Extra Work" means any work that is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the time of execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without the City's prior written authorization.

7. Termination. This Agreement may be terminated by the City immediately for cause, or by either party without cause upon 15 days' prior written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination upon submittal of an invoice for same.

8. Ownership of Documents; Confidentiality.

A. All plans, studies, documents, and other writings prepared by and for Consultant, its officers, employees, agents, and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of City upon payment to Consultant for such work. City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon written request by City. Consultant shall not be responsible for any unauthorized modification or use of such information for other than its intended purpose.

B. All memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other documents and data, either created by or provided to Consultant in connection with the performance of this Agreement, shall be held confidential by Consultant. These materials shall not, without the City's prior written consent, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall these materials be disclosed to any person or entity not connected with the performance of services under this Agreement. Nothing furnished to Consultant that is otherwise known to Consultant, or is generally known, or has become known to the related profession shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to the Project for which Consultant's services are

rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production, or other similar medium without the City's prior written consent.

9. Consultant's Books and Records.

A. Consultant shall maintain all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City, for a minimum period of three years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement.

B. Consultant shall maintain all records that document performance under this Agreement for a minimum period of three years, or for any longer period required by law, from the date of termination or completion of this Agreement.

C. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at any time during regular business hours, upon written request by the City Manager, City Attorney, City Auditor, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address specified in Section 16 of this Agreement.

D. Where City has reason to believe that records or documents may be lost or discarded due to the dissolution or termination of Consultant's business, City may, by written request, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to these records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

10. Independent Contractor. In the performance of the work and services required by this Agreement, Consultant shall act as and be an independent contractor and not an agent, or employee of the City. Consultant shall obtain no rights to retirement or other benefits that accrue to City's employees, and Consultant expressly waives any claim it may have to any such rights.

11. Interest of Consultant.

A. Consultant represents that neither it nor any employee has any investment or interest in real property, and shall not acquire any such interest, direct or indirect, within the area covered by this Agreement, or any other source of income, interest in real property, or investment that would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further represents that, in the performance of its duties hereunder, no person having any such interest shall perform any services under this Agreement.

B. Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- (1) will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation, or counsel independent of the control and direction of the City, or of any City official, other than normal Agreement monitoring; and
- (2) possesses no authority with respect to any City decision beyond the rendition of information, advice, recommendation, or counsel. (FPPC Reg. 18700(a)(2).)

12. Professional Ability of Consultant.

A. City is relying upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

B. The primary provider of the services required by this Agreement shall be _____. A list of other individuals assigned to the Project will be provided to City for its review and approval, and these individuals shall not be replaced without the City's prior written consent.

13. Compliance with Laws. Consultant shall use the customary standard of care in its profession to comply with all applicable federal, state, and local statutes, codes, ordinances, and regulations.

14. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance, and approvals that are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance, and approvals that are legally required of Consultant to practice its profession.

15. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, and hold harmless the City, its officers, officials, agents, employees, and volunteers, from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs and expenses in connection therewith), arising out of Consultant's performance of this Agreement, or Consultant's failure to comply with any of its obligations contained in this Agreement; excluding, however, any claim arising out of the active negligence or willful misconduct of the City, its officers, agents, employees, or volunteers.

16. Insurance Requirements.

Job specific insurance requirements can be found on the attached Exhibit 1. Other insurance provisions can be found below:

B. Endorsements. Each general liability and automobile liability insurance policy shall be with insurers possessing an A.M. Best's rating of no less than A:VII and shall be endorsed with language substantially as follows:

- (1) The City, its elected and appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts, or equipment furnished in connection with such work.
- (2) The policy shall be considered primary insurance as respects the City, its elected and appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.
- (3) The insurance shall apply to each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.
- (4) The insurer waives all rights of subrogation against the City, its elected and appointed officers, officials, employees, and agents.
- (3) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officers, officials, employees, agents, or volunteers.
- (4) The insurance provided by the policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after 30 days written notice has been received by the City.
- (7) The City will not accept any endorsements that were issued in 2004. Acceptable endorsement forms are CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01.

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of those deductibles or self-insured retentions.

D. Certificates of Insurance. Consultant shall provide to City certificates of insurance with original endorsements as evidence of the required insurance coverage. Certificates of insurance shall be filed with the City on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.

17. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed

to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City: City of Manteca
1001 W. Center Street
Manteca, CA 95337
Attention: _____

If to Consultant: _____

Attention: _____

18. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in their entirety by this Agreement.

19. Amendments. This Agreement may be amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.

20. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience, and competence of Consultant. Assignments of any or all rights, duties, or obligations of the Consultant under this Agreement will be permitted only with the express written consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay any monies due to any such subcontractor other than as may be required by law.

21. Waiver. Waiver of any breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach or default of the same or any other provision under this Agreement.

22. Severability. If any provision of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

23. Controlling Law; Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California, and any legal action relating to this Agreement shall be brought in a state or federal court in the County of San Joaquin.

24. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.

25. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to JAMS/ENDISPUTE ("JAMS") or its successor in interest. JAMS shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by JAMS, and thereafter the mediator remaining shall hear the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.

26. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy has been signed by both parties.

27. Authority to Enter Agreement. Consultant warrants that it has all requisite power and authority to conduct its business and to execute, deliver, and perform this Agreement. Each party warrants to the other that the signatories to this Agreement have the legal power, right, and authority to enter into this Agreement and to bind each party.

28. Prohibited Interests.

A. Consultant warrants that it has not employed or retained any person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has neither paid nor agreed to pay any person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For any breach or violation of this warranty, City shall have the right to rescind this Agreement without liability.

B. For the term of this Agreement, no member, officer, or employee of City, during the period of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

29. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer, and it shall not discriminate against any subcontractor, employee, or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex, or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall comply with all relevant provisions of City's Minority Business Enterprise program, Affirmative Action Plan, or other related programs or guidelines currently in effect or later enacted.

30. Precedence. In case of conflict between Consultant's Proposal dated ____ and this Agreement (which includes Exhibit A and Exhibit C) this Agreement and its exhibits shall take precedence over Consultant's proposal.

This Space Purposely Left Blank

TO EFFECTUATE THIS AGREEMENT, each of the parties has caused this Agreement to be executed by its duly authorized representative as of the date set forth in the introductory paragraph on page 1 above.

CITY OF MANTECA,
a public body, corporate and politic

CONSULTANT:

a _____ corporation

By: _____
Name: _____
Title: Mayor

By: _____
Name: _____
Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
REQUEST FOR PROPOSAL

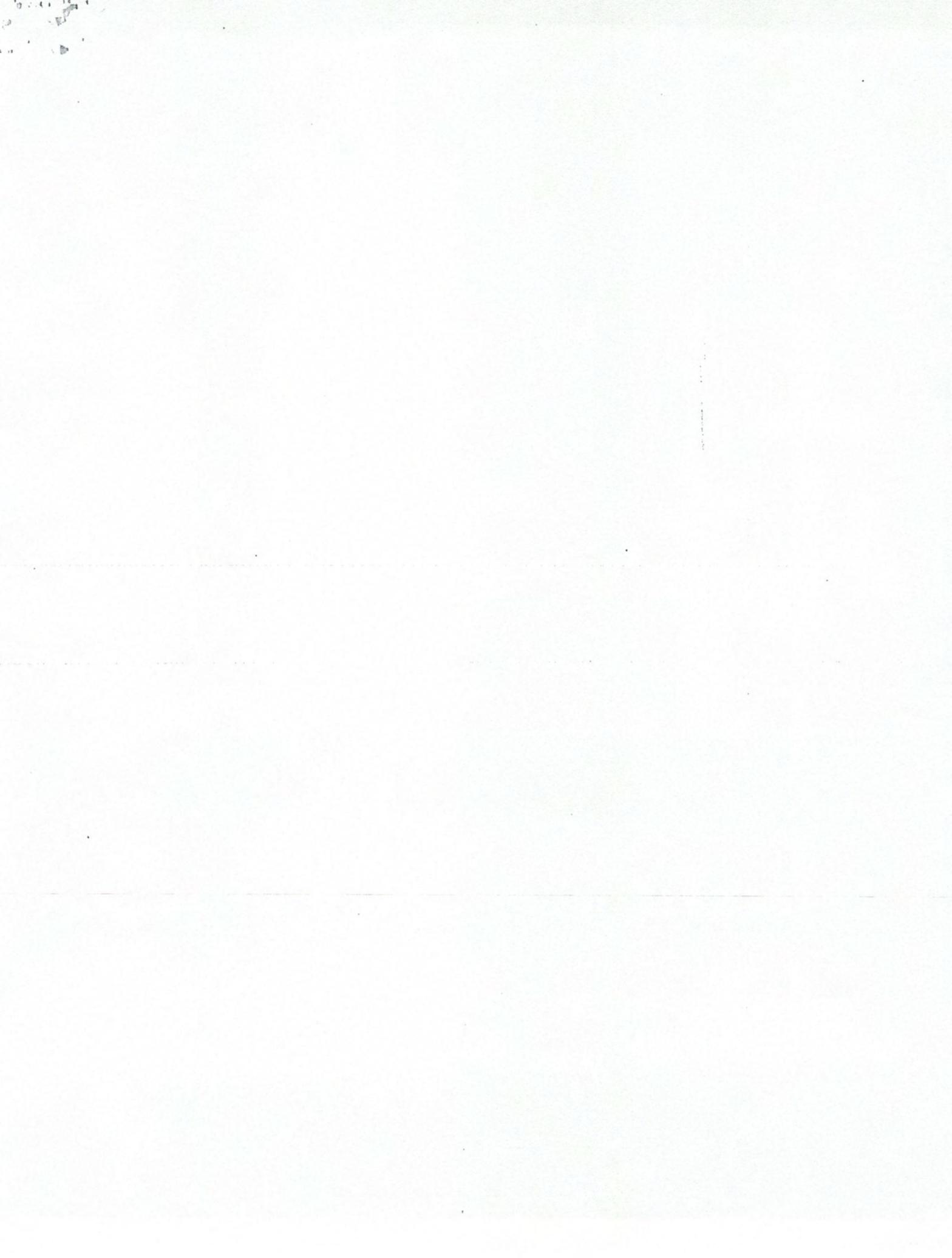


EXHIBIT B

CONSULTANT'S PROPOSAL

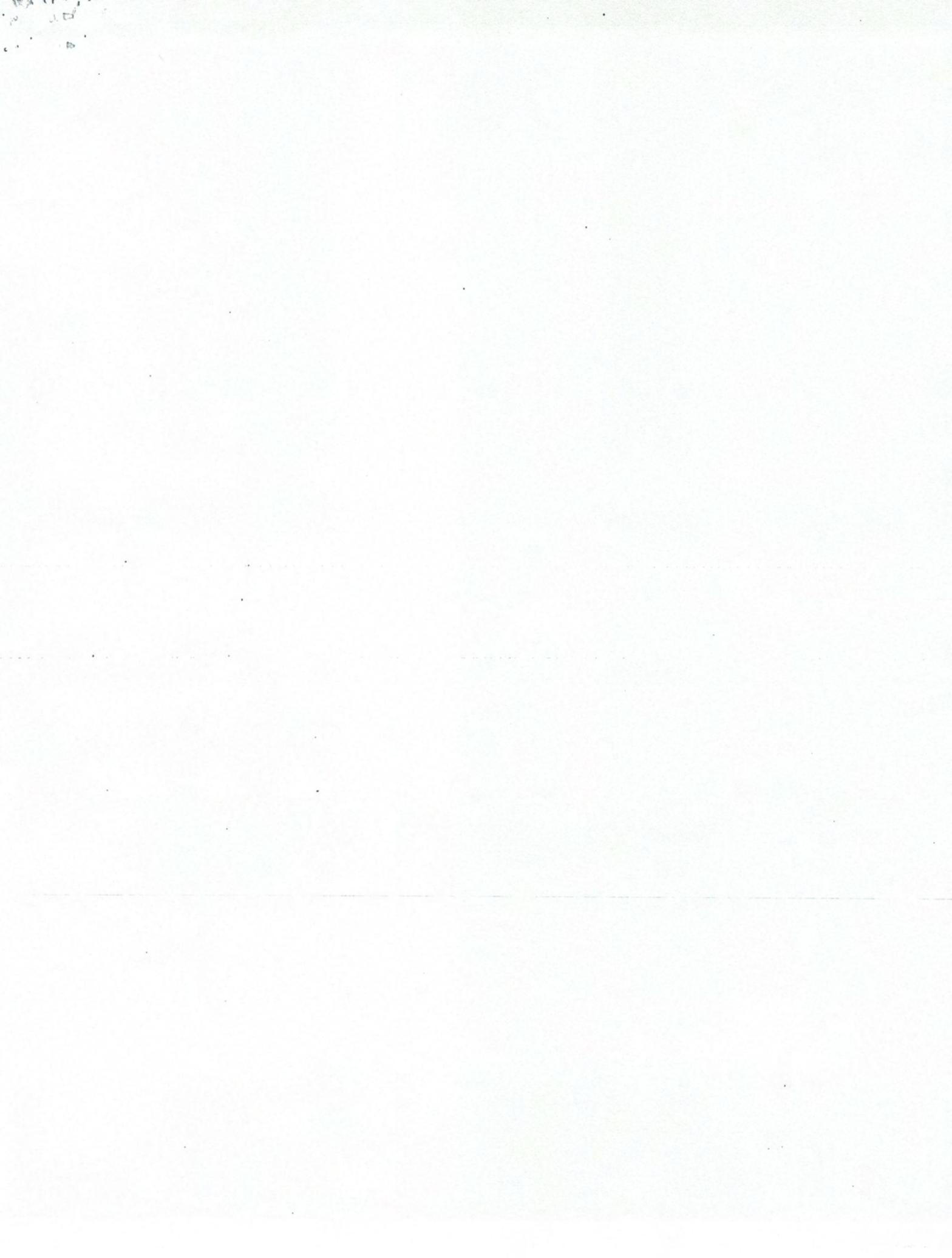


EXHIBIT C
SCHEDULE OF ACTIVITIES

EXHIBIT 1

Insurance Requirements for Professional Services

INSURANCE REQUIREMENTS

Consultants shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, employees or subcontractors.

Minimum Limits of Insurance: Coverage shall be at least as broad as:

Commercial General Liability

- Commercial General Liability Insurance with \$1,000,000 minimum limit per occurrence.
- If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- Commercial General Liability Additional Insured Endorsement naming the following as insured on 2001 or earlier issued endorsement forms:
"City of Manteca, its officers, officials, employees, agents, and volunteers".

Automobile Liability

If the vehicles are brought onto city facilities, covering any auto, or of Contractor has no owned autos, hired, and non-owned autos, the Contractor shall maintain automobile liability with limits no less than:

- Automobile Liability Insurance with \$1,000,000 minimum limit per accident for bodily injury and property damage.
- Automobile Liability Additional Insured Endorsement naming the following as additional insured:
"City of Manteca, its officers, officials, employees, agents, and volunteers".

Worker's Compensation

As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

Professional Liability (Errors and Omissions)

Insurance appropriate to the Contractor's profession, with limit no less than \$1,000,000 per occurrence or claim, \$1,000,000 aggregate

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Manteca, its officers, officials, employees, agents and volunteers are to be covered as insured's as respect to: liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts, or equipment furnished in connection with such work operations. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used).
2. For any claims related to this contract, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers, shall be excess of the Consultant's insurance and shall not contribute with it.

3. The applicant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
4. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City of Manteca.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Entity before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The City of Manteca reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the Entity.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Manteca

Waiver of Subrogation

Consultant hereby grants to The City of Manteca a waiver of any right to subrogation which any insurer of said Consultant may acquire against the Entity by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Entity has received a waiver of subrogation endorsement from the insurer.

Subcontractors

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that The City of Manteca is an additional insured on insurance required from subcontractors.

SPECIAL RISKS OR CIRCUMSTANCES

The City of Manteca reserves the right to modify these requirements based on the nature of the risk, prior events, insurance coverage, or other special circumstances.

Neighbors United

% MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

April 8, 2015

Ms. Tanis Toland
US Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Re: Public Comments Relating to the San Joaquin River Basin Lower San Joaquin River, CA
DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental
Impact Report dated February 2015

Dear Ms. Toland:

Neighbors United (NU) is a California non-profit corporation with a focus on growth and environmental issues.

For several months now, NU has been active in attending Manteca City Council meetings for the purpose of better understanding any and all impacts associated with any proposed repairs or improvements to the current flood protection levee system located in an area generally recognized as southwest Manteca.

As part of that effort, NU is in receipt of three Environmental Impact Report documents describing the potential for future flood protection levee projects meant to protect the planned urban expansion of Manteca:

- A. US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015 ("*San Joaquin River Basin Lower San Joaquin River Feasibility Report*")
- B. Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073) ("*FEIR Phase 3-RD17 Levee Seepage Repair Project*")
- C. San Joaquin Council of Governments "*Final Programmatic Environmental Impact Report/Regional Transportation Plan and Sustainable Communities Strategy for San Joaquin County*" dated June 2014 (SCH #2013022012) ("*SJCOG FEIR RTP/SCS*")

NU has reviewed the relevant portions of each of the documents received and recognizes the public benefit that increased flood protection will afford to the urban areas of Manteca. However, NU has

identified four potential adverse affects that the proposed levee seepage repairs and/or future SB5 flood protection levee compliance improvements may impose in the flood hazard area south of the levee.

1. Water Displacement and the Potential for Increased Base Flood Elevations:

NU draws your attention to page 4.13-60 of the Draft Programmatic Environmental Impact Report Regional Transportation Plan & Sustainable Communities Strategy for San Joaquin County dated March 2014¹, which states:

"A portion of the transportation projects included in the proposed 2014 RTP/SCS could occur within the 100-year flood hazard area, thus increasing the potential to obstruct or exacerbate floodwaters. The construction of projects involving support structures in the floodway could obstruct floodwaters at some locations. Placement of structures within a floodplain can displace floodwaters and alter the base flood elevations in the surrounding areas. Structure can form a backwater effect, resulting in an increase in the flood elevation level upstream and in neighboring areas. Likewise, floodwaters can cause scour effects, resulting in erosion and sedimentation problems downstream from structures. Drainage areas could be altered by highway corridors, in which floodwater could be detained by medians and along the roadside. Proposed bridge supports could block debris in waterways, creating obstructions and further elevating upstream flood levels. The Plan could alter existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or produce or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems."

In addition, the San Joaquin River Basin Lower San Joaquin River Feasibility Report describes an eastern levee extension route detailed on pages 3-35 and 3-57. (See Exhibits "1" and "2")

Further, the San Joaquin County Office of Emergency Services distributed a Flood Contingency Map dated April 2011 which clearly shows the specific areas affected by prior flooding. (See Exhibit "3")

With this in mind, NU's comment is to request that a priority emphasis be placed on identifying an ultimate eastern Reclamation District No. 17 ("RD17") levee extension footprint route that follows higher ground elevations as the levee moves to the east, so as to minimize the potential impacts due to the displacement of flood waters affecting residents and property owners located in the flood hazard area.

2. Seepage Control Mechanisms and the Potential to Affect Changes in Elevation to the Groundwater Table

The documents reviewed further indicate that the proposed levee seepage repairs and improvements may involve levee seepage control mechanisms installed under the levee in the form of cut off walls reaching depths of up to 80 feet deep that may cause changes in elevation to the groundwater table.

¹ This portion of the Draft EIR is included as part of the Final Programmatic Environmental Impact Report/Regional Transportation Plan and Sustainable Communities Strategy for San Joaquin County dated June 2014 (SCH #2013022012)

Several almond orchards and other farms are located along the southern edge of the existing RD17 levee as well as other farming operations in areas located to the east that are under consideration as sites for a future levee.

Like many properties located in close proximity to the San Joaquin River, groundwater in the area around southwest Manteca is very shallow which makes the root system of almond trees vulnerable to damage if flooded due to higher groundwater elevations.

Further, the FEIR Phase 3-RD17 Levee Seepage Repair Project specifies on page ES-8 that no cut off walls are being considered on RD17 levee element areas VIII, IX, X or XI. (See Exhibit "4")

With this in mind, NU's comment is to request that the entire RD17 levee extension be constructed without any levee seepage control mechanisms involving cut off walls or any other control mechanism that could cause localized change to surface groundwater levels. (See Exhibit "5")

3. Protecting Agricultural Resources:

The documents reviewed identify certain protections for farmland under the Farmland Protection Policy Act (7 U.S.C. 4201, et. seq.) as detailed in the San Joaquin River Basin Lower San Joaquin River Feasibility Report on pages 7-6 and 7-7. (See Exhibit "6")

Further, the FEIR Phase 3-RD17 Levee Seepage Repair Project provides extensive farm protection related information on pages 3.2-1 and continuing through 3.2-20 of the report.

With this in mind, NU's comment is to request that to the greatest extent possible, every effort is made to comply with the City of Manteca policies specified on pages 3.2-4 and 3.2-9 of the FEIR Phase 3-RD17 Levee Seepage Repair Project (See Exhibit "7") and further listed below:

City of Manteca General Plan

The *City of Manteca General Plan 2023 Policy Document* (City of Manteca 2003), Resource Conservation Element, Goal RC-9, promotes the continuation of agricultural uses in the Manteca area and discourages the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca. Policies relevant to the proposed project include the following:

- ▶ Policy RC-P-19: The City shall support the continuation of agricultural uses on land designated for urban use, until urban development is imminent.
- ▶ Policy RC-P-20: The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.

- ▶ Policy RC-P-21: In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- ▶ Policy RC-P-23: Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- ▶ Policy RC-P-24: Provide buffers at the interface of urban development and farmland in order to minimize conflicts between these uses.
- ▶ Policy RC-P-26: The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.
- ▶ Policy RC-P-27: The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

In particular, NU requests that the buffers described in Policy RC-P-24 include the construction and installation of protective fencing as provided for in Chapter 8, Section 8.8.2 under the City of Manteca General Plan Resource Conservation Policy RC-I-30 (See Exhibit "8") and that the provisions specified by the City of Manteca in Policy RC-P-26 restricting the fragmentation of agricultural lands allow for the routing of any RD17 levee extension in south Manteca to take into consideration farm impacts relating to the division of farm properties into smaller parcels that may result in those properties becoming impractical to farm.

Most important, NU requests that in association with the provisions stated on page 3.2-16 of the FEIR Phase 3-RD17 Levee Seepage Repair Project relating to the disturbance or removal of agricultural infrastructure, such as wells, pipelines and drainage canals, NU requests that all infrastructure affected during the project be restored as soon as possible to guard against any damage to the crop or farm property. (See Exhibit "9")

4. Minimizing Flood Risks in the Flood Hazard Areas South of the Current RD17 Levee System:

The documents reviewed, further indicate that the proposed RD17 levee seepage repairs may involve improvements to the area in and around the Weatherbee Lake/Turtle Beach Resort area.

This area is further identified in the FEIR Phase 3-RD17 Levee Seepage Repair Project as being part of a Flood Hazard Area located adjacent to and south of RD17 levee element locations VIIe and VIIg. (See Exhibit "10")

This is significant, because historically, for levee breaks south of Manteca, flood water runoff severe enough to impact the Walthall Slough Reclamation District No. 2094 area generally returns to the San Joaquin River in the area where Walthall Slough and the San Joaquin River converge. (See Exhibit "11")

Neighbors United

This point of convergence is further identified as being situated in and around the Weatherbee Lake/Turtle Beach Resort area which is protected in part by Reclamation District No. 2096.

In addition, it is widely understood that in past floods a relief cut has been made to the levees south of the Turtle Beach Resort to allow rising flood waters accumulating against the land side of the levee to drain back into the San Joaquin River.

Further, the 2011 San Joaquin County Office of Emergency Services Flood Contingency Map (See Exhibit "3") clearly demonstrates the extent that south Manteca was impacted by flood waters in 1997.

The map includes a contour line indicating the extent that 1997 flood waters reached with the understanding that flood water impact was limited in its extent due to a relief cut being made to the levee in the area south of the Turtle Beach Resort area.

It is important to add that the portion of levee that received the relief cut has been repaired at a considerable cost which would need to be re-performed each and every time a future flood requires a relief cut to be made to that same portion of levee.

With this in mind, NU's comment is to request that consideration be made to construct gate opening/closure structures to be put in place at the Turtle Beach relief cut levee location area as detailed on pages 4-11 and 4-13 of the San Joaquin River Basin Lower San Joaquin River Feasibility Report. (See Exhibit "12")

In this way, flood waters can be efficiently drained as necessary to prevent those land side flood waters from reaching elevations that exceed those of the San Joaquin River.

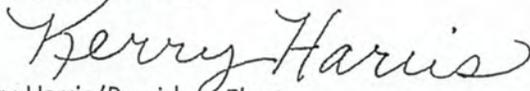
This will result in protections being put in place that can ensure that future impacts due to flooding can be limited by the best means possible.

In closing, NU thanks you for the opportunity to provide the comments presented in this letter.

Please contact me if you have any questions.

Yours truly,

NEIGHBORS UNITED



Kerry Harris/President Elect

KH/jas

Enclosures:

- 1) Ex. "1": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 3-35
- 2) Ex. "2": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 3-57
- 3) Ex. "3": San Joaquin County Office of Emergency Services "SJ County Flood Contingency Map, RD 2064, 2075, 2094 & 2096, SJ River East Bank" dated April 2011
- 4) Ex. "4": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page ES-8
- 5) Ex. "5": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 3-4, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 5-54 and 5-55
- 6) Ex. "6": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 7-6 and 7-7
- 7) Ex. "7": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Pages 3.2-4 and 3.2-9
- 8) Ex. "8": City of Manteca "General Plan 2023, Policy Document" Adopted October 6, 2003; Pages 8-10 and 8-11 (Resource Conservation); Pages 8-10 and 8-11
- 9) Ex. "9": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page 3.2-16
- 10) Ex. "10": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page 2-25
- 11) Ex. "11": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 5-23
- 12) Ex. "12": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 4-11 and 4-13

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% MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

Ex. "1":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 3-35

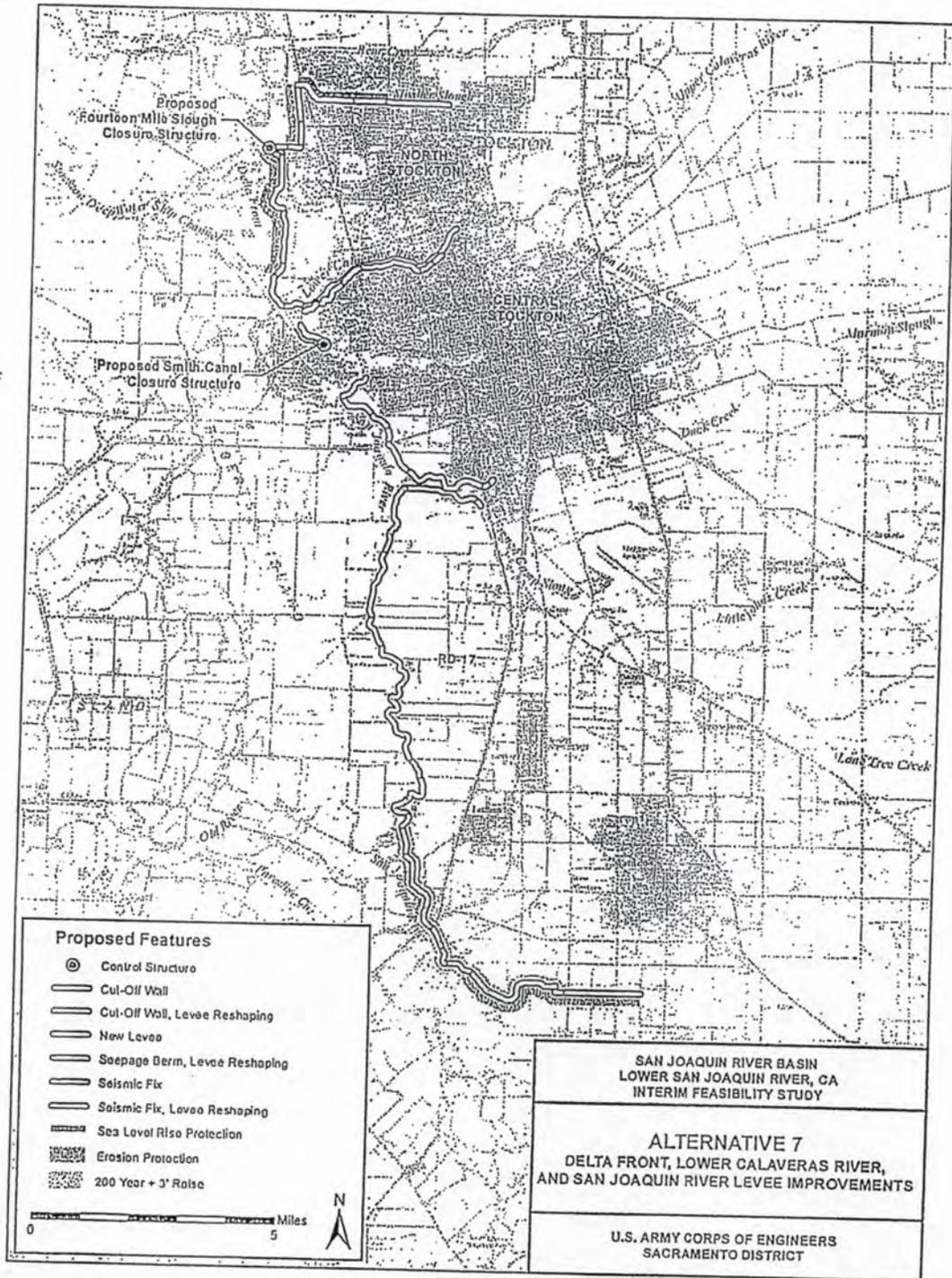


Figure 3-8. Alternative 7.

Ex. "2":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 3-57

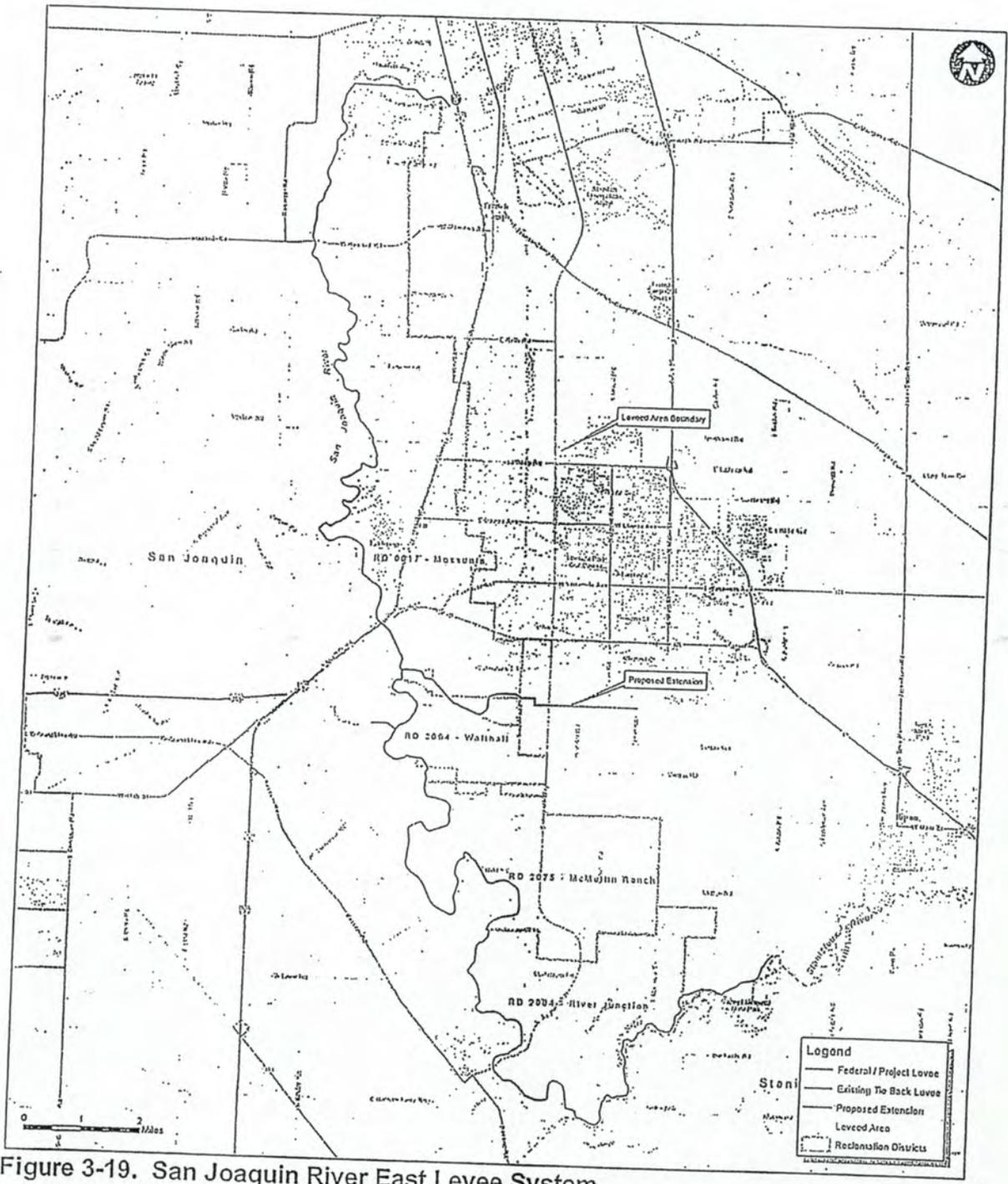


Figure 3-19. San Joaquin River East Levee System.

Ex. "3":

San Joaquin County Office of Emergency Services "*SJ
County Flood Contingency Map, RD 2064, 2075, 2094 &
2096, SJ River East Bank*" dated April 2011

Ex. "4":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page ES-8

Table ES-12-4

Phase 3 Repair Project EIS/FEIR Action Alternatives

Reach	Levee Element	Minimum Footprint Alternative (Alternative 1)	Maximum Footprint Alternative (Alternative 2)	Preferred Alternative
		I	Ia seepage berm	seepage berm
II	Ib seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
	Ic seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
III	IIa <u>cutoff wall</u> ¹	<u>cutoff wall</u> ¹	<u>setback levee</u>	<u>cutoff wall</u>
	IIb <u>cutoff wall</u>	<u>cutoff wall</u>	<u>setback levee</u>	<u>cutoff wall</u>
IV	IIIa chimney drain in existing seepage berm	chimney drain in existing seepage berm	chimney drain in existing seepage berm	chimney drain in existing seepage berm
	IIIb seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
V	IVa seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
	IVc cutoff wall	cutoff wall	seepage berm with chimney drain/toe drain or setback levee	<i>setback levee with seepage berm and cutoff wall</i>
VI	Va cutoff wall	cutoff wall	seepage berm with toe drain	<u>cutoff wall</u>
	VIa.1 cutoff wall	cutoff wall	seepage berm with toe drain	<u>cutoff wall</u>
VII	VIa.3 N/A	N/A	N/A	<u>cutoff wall</u>
	VIa.4 seepage berm with toe drain	seepage berm with toe drain	seepage berm with toe drain	<u>cutoff wall</u>
VIII	VIb chimney drain in existing seepage berm	chimney drain in existing seepage berm	chimney drain in existing seepage berm	<u>cutoff wall</u>
	VIc seepage berm and fill	seepage berm and fill	setback levee	<u>cutoff wall</u>
IX	VId seepage berm and fill	seepage berm and fill	setback levee	<u>cutoff wall</u>
	VIe seepage berm and fill	seepage berm and fill	setback levee	<u>cutoff wall</u>
X	VIf seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	<i>chimney drain and fill</i>
	VIf slurry cutoff wall or sheet pile cutoff wall ¹	slurry cutoff wall or sheet pile cutoff wall ¹	seepage berm with chimney drain	<u>chimney drain and fill</u>
XI	VIf seepage berm with toe drain and fill	seepage berm with toe drain and fill	slurry cutoff wall or sheet pile cutoff wall ¹	seepage berm with chimney drain
	VIf seepage berm	seepage berm	seepage berm with toe drain and fill	cutoff wall
XII	VIf seepage berm	seepage berm	seepage berm	seepage berm with chimney drain/toe drain
	VIf seepage berm	seepage berm	seepage berm	N/A
XIII	VIf seepage berm	seepage berm	seepage berm	N/A
	VIf seepage berm	seepage berm	seepage berm	N/A
XIV	VIf seepage berm	seepage berm	seepage berm	N/A
	VIf seepage berm	seepage berm	seepage berm	N/A

Notes: Bolded text indicates that the proposed method for reducing flood risk for the element is different in each of the alternatives. *Italicized text* indicates that the proposed method for reducing flood risk for a Preferred Alternative element is different from both Alternative 1 and Alternative 2.

¹ Shallow slurry cutoff wall to be constructed with open-cut trench method. Sheet piles to be installed using pile-driving technology.

Source: Data created by AECOM in 2011 based on information provided by Kjeldsen Sinnock Neudeck, Inc.

Ex. "5":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 3-4, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 5-54 and 5-55

Manage Land Use within Flood-prone Areas

This measure is an activity that the non-Federal sponsors would implement to meet the study objective of reducing flood risk to public health, safety and life. California SB 5 described in Section 2.2.2 is such a measure.

3.1.2 Structural Measures

Levee Raises

Raising levee height to increase the level of performance of existing levees is the focus of this measure. Increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and top width. Levee raises would be accomplished by adding material to achieve the desired height. Height increases would be accomplished while maintaining design top width and side slopes, and may require additional landside easement(s) to allow for the increase in levee footprint and necessary access easements.

Cut-off Walls

This measure would be implemented to address through- and under-seepage issues that affect levee performance and safety. Installation of the cut-off wall is accomplished by degrading the levee to one-half height and creating the wall with a soil-bentonite mix. Once the mix has cured, the levee is restored to design height and side slopes to meet current design standards. The depth of the cut-off walls will typically be from 20 to 80 feet, depending on subsurface conditions, which will be determined more precisely during the PED phase through additional borings and corresponding depth required to stop through and under-seepage.

Deep Soil Mixing (Seismic)

This measure would be implemented to provide seismic stability to the Delta Front levees where required. The measure addresses seismic risk in the Delta Front levees due to the makeup of the foundational geomorphology. The Delta area soils are typically unconsolidated alluvial deposits. The deep soil mixing (seismic) measure would involve installation of a grid of drilled soil-cement mixed columns aligned longitudinally with, and transverse to the levee extending beyond the levee prism. This measure acts to minimize lateral deformation of the levee during seismic events.

Setback Levees

Where in-place improvements of levees may not be effective, and adequate footprint area exists, this measure could be implemented to improve the hydraulic capacity and overall effectiveness of the levee system. This measure would allow for ecosystem restoration measures on the water side of the new levee. Setback levees would be built to a height equal to that of the existing levee system. Typical design for a

4.3.1 Cutoff Walls

Seepage cutoff walls are vertical walls of low hydraulic conductivity material constructed through the embankment and foundation to cut off potential through- and under-seepage. In order to be effective in reducing under-seepage, cutoff walls usually tie into an impervious sub-layer. Prior to construction, the construction site and staging areas would be cleared and grubbed. The levee is typically degraded by one half the levee height to provide a sufficient working surface and prevent hydraulic fracture of the levee. The cutoff walls for the project area would be a minimum of 3-feet in width; the cutoff wall would be constructed from a working surface elevation to a design depth at least 3-feet into an impermeable layer. During construction, bentonite-water slurry is used to keep the trench open and stable prior to backfilling with the permanent wall material. Soil is mixed with bentonite (SB) and then pushed into the trench, displacing the bentonite-water slurry. After a predetermined settlement period, an impervious cap is constructed above the cutoff wall and the levee is reconstructed using suitable material (Type 1 levee fill) to the correct design elevation and current USACE levee design criteria.

The conventional slurry method for SB walls is an open trench method that uses an excavator with a long-stick boom to excavate the slurry trench. The conventional method has a maximum depth of about 70 to 80 feet. Cutoff walls in North and Central Stockton would extend up to 70 feet below the working surface elevation. Some areas in RD 17 would require cutoff walls using Deep Mixing Method and would need to be up to 120 feet below the working surface elevation. The Deep Mixing Method involves blending the existing soil with cementitious material using blade or auger based mixing tools. Figure 4-1 shows a typical plan for a cutoff wall.

4.3.2 Levee Reshaping (also called "Geometric Fix")

This measure would include reshaping the existing levees to restore them to USACE levee design criteria for side slopes and crown width. For the LSJRFS area, the minimum crest width for mainline or major tributary levees is 20 feet; the minimum crest width for minor tributary levees is 12 feet. Existing levees with landside and waterside slopes as steep as 2H:1V (i.e., for every 2 feet of horizontal distance, there is a 1 foot increase in height) may be acceptable if slope performance has been good and if the slope stability analyses determined the factors of safety to be adequate. Newly constructed levees should have 3H:1V waterside and landside slopes.

For new levees constructed in the LSJRFS area, a minimum permanent landside toe clear access easement of 20 feet is required; for existing levees within the LSJRFS area, a minimum permanent landside toe clear access easement of 10 feet is required. For both new and existing levees in the LSJRFS a minimum permanent waterside toe vegetation free zone (VFZ) of 15 feet is required unless a variance is approved by USACE.

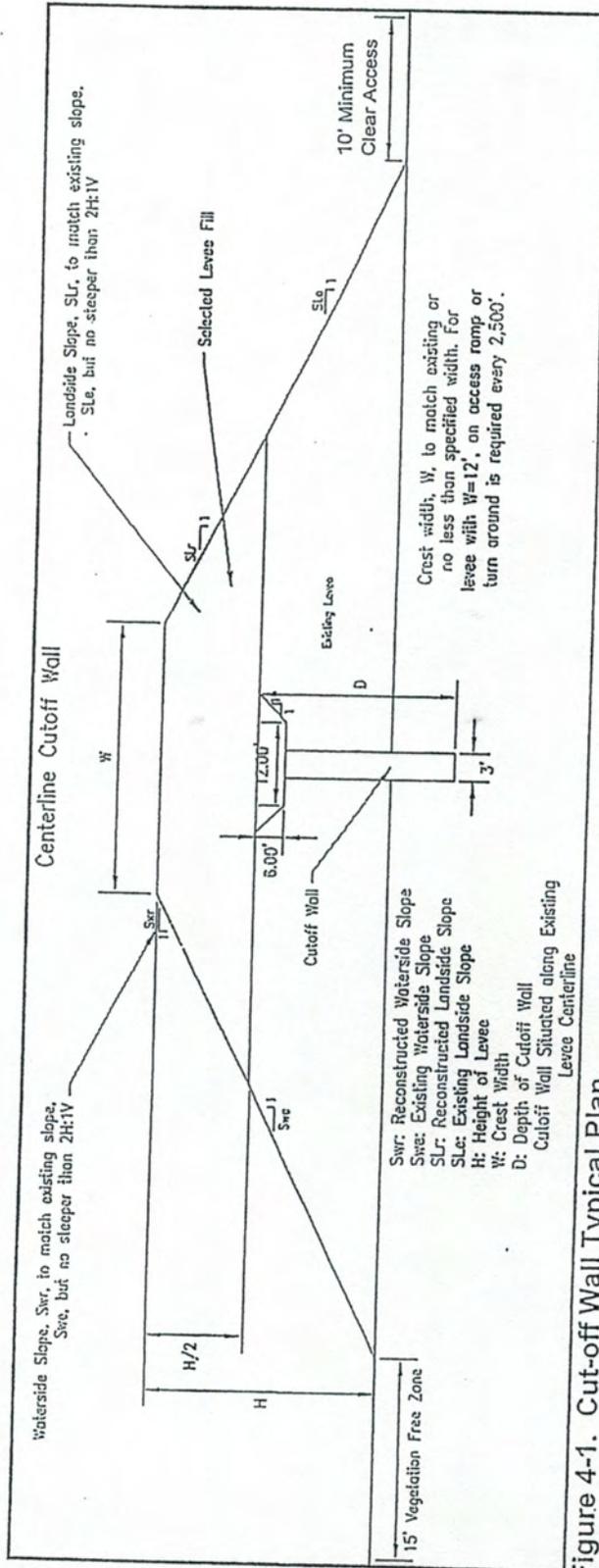


Figure 4-1. Cut-off Wall Typical Plan.

Note that the landside easement (right side) shown would be the minimum easement; landside easements would range from 10 feet to 20 feet from the levee toe.

Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To correct levee geometry, suitable material would be placed along the landside of existing levee slopes where needed to provide the minimum slope, required height, and crest width to meet current USACE levee design criteria, as detailed above. After construction, slopes would be hydroseeded for erosion control.

The additional area added to the landside toe by widening varies from 1 to 30 feet, depending on the existing width of the levee. The slope reshaping typical plan is shown on Figure 4-2. Slope reshaping and levee height fixes may require relocation of landside toe drains and ditches. These toe drains and ditches would be reestablished landward of the improved levee toe and would continue to function as they did before the levee improvements were constructed.

4.3.3 Levee Raise (Levee Height Fix)

This measure describes the construction action that would be taken to repair the levee height in locations where the crown has slumped and to raise the existing levee height to reasonably maximize net benefits. Where SLR was a design consideration, the height could increase up to 5 feet. An increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and crown width. Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To construct a levee raise, suitable material would be placed along the crown and landside of existing levee slopes, where needed, to provide the minimum slopes, required height, and crest width that meet current USACE levee design criteria. The typical plan for a levee raise is shown in Figure 4-2.

4.3.4 Seepage Berm

Seepage berms are proposed to address levee stability, under- and through-seepage which are affecting levee performance and safety. A seepage berm is typically built adjacent to the landside of the levee and consists of layers of sand, gravel, and soil. The purpose of the berm is to control seepage flows and reduce the risk of the levee being undermined during a high-water event. The seepage berm acts as a cap, controlling the seepage flow below the berm surface and allowing the flow to reach an exit location in such a way that the undermining of levee soils is reduced or eliminated, thereby preventing boils and piping.

The seepage berm width could range from 100 to 200 feet from the landside toe of the existing levee with a maximum width of 300 feet. The seepage berms would be approximately 5 feet thick at the toe of the existing levee and would gradually slope downward to about 3 feet thick at the landside edge, with a 3:1 slope to ground level.

Prior to construction the landside construction area would be cleared and grubbed for the new berm, right of way, and temporary easement. A layer of sand would then be placed on the natural ground surface to help eliminate the movement of fine-grained materials from underneath the levee. Gravel would then be placed on top of the sand to create a drainage layer. The drainage layer would allow the water to flow in a controlled manner and exit the face of the seepage berm to reduce the water pressure on the landside of the levee. A soil layer would then be placed on top of the gravel to further reduce the risk that seepage flows would pipe or create boils. Filter fabric would be placed between the soil and gravel layer to avoid migration of the soil into the gravel, which could clog the gravel and reduce its ability to carry seepage flows. A typical plan for a seepage berm is shown on Figure 4-3.

4.3.5 New Levee

This measure would involve constructing new levees to reduce the flood risk to some areas or to prevent waters from outflanking (i.e., flowing around the ends of the levees and entering the area intended to be protected) the existing levee system during high water events. To construct the new levees, the construction footprint area would be cleared and grubbed and a new levee foundation would be excavated. A levee inspection trench would be excavated across the entire proposed centerline of the new levee. The depth of the inspection trench would vary depending upon levee height, as required by USACE guidance and the State's Urban Levee Design Criteria (ULDC). For the purposes of the impact analysis, a depth of 3 to 6 feet is assumed.

Construction of the new levee section would proceed in accordance with USACE levee design criteria, with suitable material placed in 6- to 8-inch lifts, moistened, and compacted to design specification until the design elevation has been reached. If needed, a cut-off wall would be constructed prior to the levee construction. Once the wall was complete, the levee prism would then be constructed of impermeable fill (Type 1 levee fill material). For new levees that require erosion protection, quarry stone riprap would next be applied to armor the newly completed levee's waterside slope and provide protection against erosion. Fill material for levee construction would be obtained from local construction borrow areas and commercial sources, and would be delivered to the levee construction sites using haul trucks. A gravel road would be constructed on the crown of the new levees. Following construction, the levee slopes would be reseeded with natural grasses to prevent erosion. A typical plan for a new levee with a cutoff wall is shown on Figure 4-4.

4.3.6 Erosion Protection

This measure would consist of protection of the landside levee slopes should landward areas flood and subject the levee to wind and wave run-up of flood waters. For the purpose of this study, riprap was used to describe erosion protection features and the associated impacts. In PED, other erosion protection methodologies besides riprap may be explored.

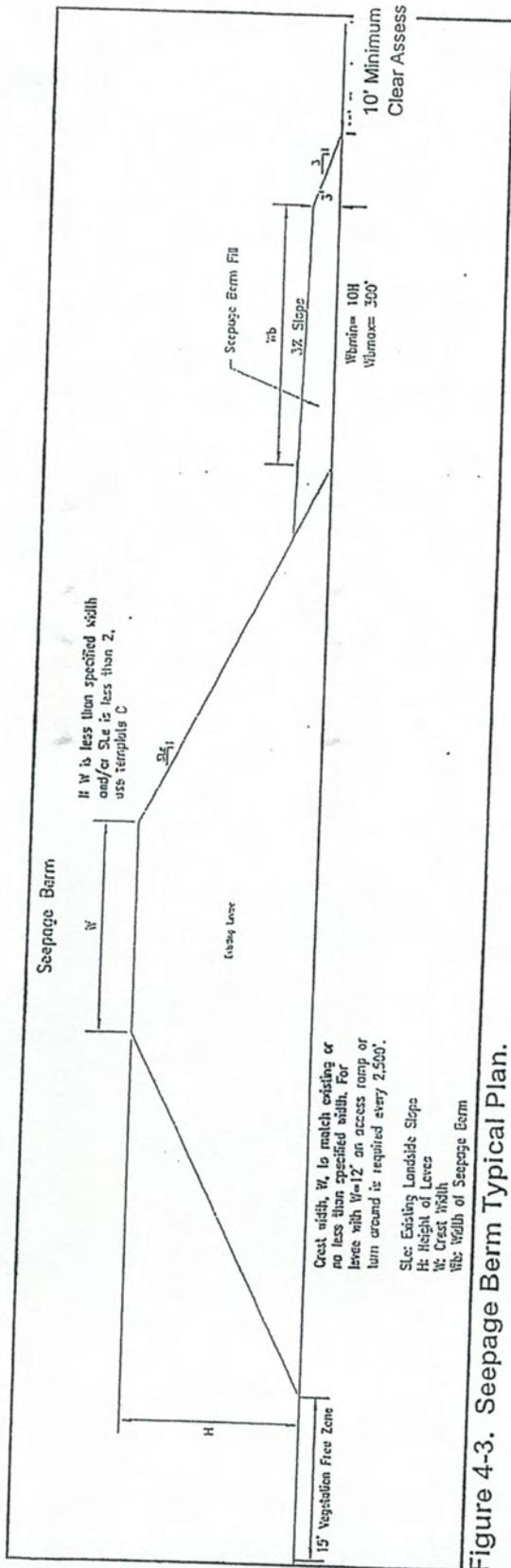


Figure 4-3. Seepage Berm Typical Plan.

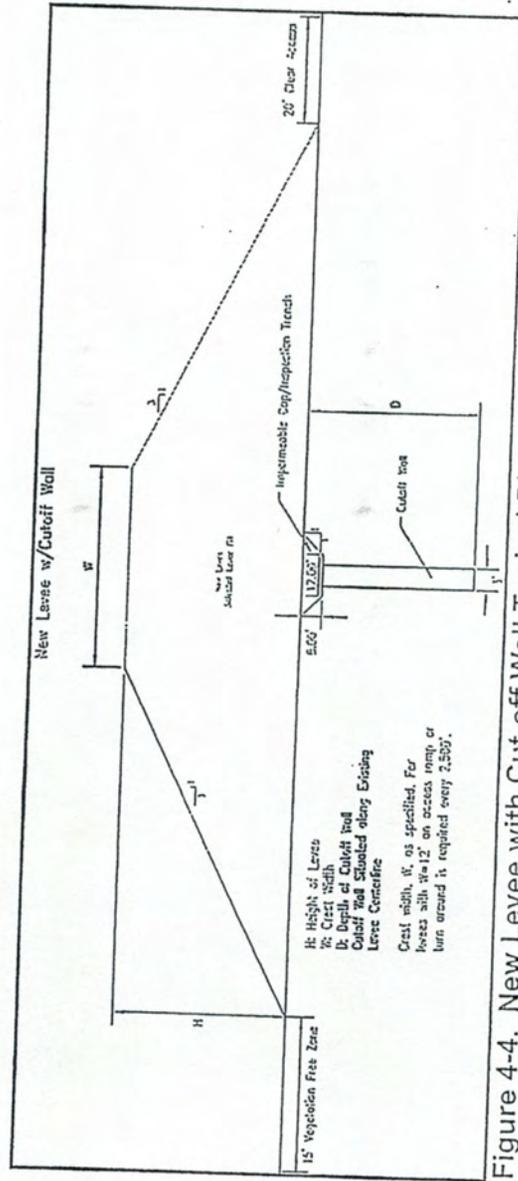


Figure 4-4. New Levee with Cut-off Wall Typical Plan.

- preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted), or
- substantially affect the quality of the groundwater supply.

5.6.3 Alternative 1 - No Action

Development within Stockton and surrounding areas could reduce recharge rates as the area of impervious surfaces increases and a larger volume of surface flows are collected by surface drains. If current groundwater management practices continue, levels will continue to decline, storage will continue to be reduced, and portions of the aquifer could become unusable due to the advancing inflow of higher salinity water from the west. In addition, potential groundwater contamination resulting from a flood event could limit the availability of groundwater.

The maximum sustainable yield from the aquifer is 0.75 to 1 acre-foot per acre per year. For the Delta Water Supply Project (DWSP), the City of Stockton selected a target extraction rate of 0.6 acre-feet per acre per year to reverse the historic overdraft and saline intrusion (City of Stockton 2007a, 2008a). The DWSP includes a storage and recovery program to address the City's long-term groundwater needs. In addition, the Eastern San Joaquin Groundwater Basin Management Plan also includes groundwater banking and recharge projects, although specific implementation measures have not been outlined. Although current groundwater supply is not sufficient for the anticipated growth, groundwater impacts would be reduced to **less-than-significant** through implementation of target extraction rates, banking projects, and recharge projects. Further, compliance with local, Federal, and state requirements would be implemented to reduce potential degradation of groundwater quality. Therefore, the No Action Alternative would have a **less-than-significant** impact on groundwater availability.

5.6.4 Alternative 7a

Under Alternative 7a, cutoff walls would be installed along about 20 miles of levees around North and Central Stockton. This alternative would reduce the risk of flooding to areas behind the levee. The areas receiving increased protection from improved levees are urban and are mostly built out. Therefore, the current pattern of groundwater recharge and extraction would be expected to continue.

Use of cutoff walls introduces the potential for groundwater contamination during construction. Primary construction-related contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials. The slurry wall material is relatively benign and would not remain in a liquid state long enough to allow for significant lateral movement within the aquifer. Nevertheless, the release of contaminants into the groundwater would be a **significant** impact.

In addition, cutoff walls could restrict the movement of groundwater towards and away from adjacent rivers, streams and canals. This could change localized near-

surface groundwater levels in areas immediately adjacent to the cutoff wall. Shallow wells adjacent to the cutoff wall could be affected by the changes in radial flow, either increasing yields or increasing pumping costs. If yields decrease, a corresponding decrease in water quality could occur as the aquifer lowers and pumps take in more sediment. Cutoff walls may provide a potential benefit to the extent that they disrupt the eastward movement of saline waters.

Although some shallow wells near the slurry wall could be affected, recharge and overall flow to supply wells would not be appreciably affected. The proposed cutoff walls would reach depths of up to 70 feet. Since the upper water-bearing zone, the Victor Formation, extends from the ground surface to a maximum depth of approximately 150 feet and is hydraulically connected to the underlying Laguna Formation, the cutoff wall would not isolate any portion of the shallow water-bearing zone. The cutoff wall should not affect the utility of existing or future water supply wells.

The potential effects of cutoff walls on groundwater and subsurface water flows have become the subject of study only in recent years. In the Central Valley, two detailed technical studies of potential effects of cutoff walls on groundwater were completed in the Sacramento Basin. These studies were for the Natomas Levee Improvement Project and the Feather River West Levee Project/Sutter Basin Pilot Feasibility Study (SAFCA 2007, USACE and SBFCA 2013). Both of these studies found that the groundwater elevation would change by 3 feet or less. No similar studies have been conducted in the San Joaquin Basin. In the absence of any other data, this impact analysis assumes that the potential impact of cutoff walls on groundwater in the project area would be similar to what was identified for the two studies in the Sacramento River Basin and changes to groundwater elevations would be a fraction of existing groundwater elevations of 10 to 50 feet or more below ground surface in the project area (San Joaquin County 2007). Further, the implementation of the project would not change land use such that the rate of groundwater recharge would decrease or effect well yields. Therefore, Alternative 7a would have a **less-than-significant** impact on groundwater supplies.

5.6.5 Alternative 7b

Alternative 7b proposes the same repairs as Alternative 7a for North and Central Stockton, but would also include a new levee section on Duck Creek, levee improvements on the northern, western, and southern levees in RD 17, and a section of new levee in the southern part of RD 17. Cutoff walls would be constructed on about 34 miles of levee around North and Central Stockton and RD 17. Potential impacts are the same as those described for Alternative 7a. Like north and central Stockton, the future growth anticipated by the proposed General Plan for RD 17 would not substantially deplete groundwater supplies if the proposed target extraction rate of 0.6 acre-feet per acre per year is met (City of Stockton 2007a, 2008a).

Ex. "6":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 7-6 and 7-7

Socioeconomics and Environmental Justice Compliance are also discussed in Chapter 5, Section 5.13. Once all public comments have been received and addressed, as appropriate, the project will be in full compliance with EO 12898.

7.1.8 Executive Order 13112: Invasive Species

Executive Order 13112, signed February 3, 1999, directs all Federal agencies to prevent and control the introduction of invasive species in a cost-effective and environmentally sound manner. The order established the National Invasive Species Council, which is composed of Federal agencies and departments, and the supporting Invasive Species Advisory Committee, which is composed of state, local, and private entities. The council's national invasive species management plan recommends objectives and measures to implement Executive Order 13112 and to prevent the introduction and spread of invasive species (National Invasive Species Council 2008). Executive Order 13112 requires consideration of invasive species in NEPA analyses, including their identification and distribution, their potential effects, and measures to prevent or eradicate them.

7.1.9 Farmland Protection Policy Act (7 U.S.C. 4201, et seq.)

The Farmland Protection Policy Act was authorized to minimize the unnecessary and irreversible conversion of farmland to nonagricultural use due to Federal projects. This Act protects Prime and Unique farmland, and land of statewide or local importance. The Farmland Protection Policy Act protects forestland, pastureland, cropland, or other land that is not water or urban developed land. The Farmland Protection Policy Act requires a Federal agency to consider the effects of its action and programs on the Nation's farmlands. This Act is administered by the NRCS. The NRCS is authorized to review Federal projects and if farmland is being affected determine a farmland conversion impact rating for the farmland affected by the Federal project. USACE is required to provide the NRCS with project maps and descriptions to assist in determining impacts to Prime and Unique farmlands.

In California, NRCS uses a land evaluation and site assessment system (LESA) to establish a farmland conversion impact rating score on proposed sites of Federally-funded and assisted projects. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. Farmlands are scored on a scale of 260 points, and under the FPPA, farmlands receiving a total score of less than 160 points need not be given further consideration for protection and no alternative sites need to be evaluated (FPPA Rule 401.24, Section 658.4). Coordination with NRCS is on-going. The LESA evaluation will be completed and included in the final report. Preliminary review indicates that the permanent impacts on Prime Farmlands resulting from construction of the TSP would be considered less than significant since construction would primarily occur within the footprint of existing flood risk management infrastructure. New areas affected would mainly be within lands already converted to urban uses. Once the

Farmland Impact Rating is received from NRCS the project will be in full compliance with this Act.

7.1.10 Fish and Wildlife Coordination Act of 1958, as amended (16 U.S.C. 661, et seq.)

The Fish and Wildlife Coordination Act (FWCA) of 1958 requires that all Federal agencies consult with USFWS, NMFS, and the affected state wildlife agency for activities that affect, control, or modify surface waters, including wetlands and other waters. Under the FWCA, USFWS and NMFS and the applicable state fish and wildlife agency (CDFW) have an extended responsibility for project review that encompasses concerns about plant and wildlife species that may not be addressed under NEPA and the Federal ESA. This extended responsibility may include a project's secondary effects on jurisdictional waters, including wetlands. USFWS and NMFS review CWA Section 404 permit applications, as well as other Federal actions perceived to modify waters, and prepare a coordination act report to document the coordination between the Federal agency and the appropriate state regulatory agencies (Cylinder et al. 2004). The USFWS and CDFW have participated in evaluating the proposed project, and a draft CAR is provided in Appendix A-2. USACE will be in full compliance with this act once USFWS has issued the final CAR and USACE given full consideration to the USFWS' recommendations and included the final CAR with the study report to Congress for project authorization.

7.1.11 Magnuson-Stevens Fishery Conservation and Management Act (16. U.S.C. 1801, et seq.)

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) establishes a management system for national marine and estuarine fishery resources. Essential Fish Habitat (EFH) is defined as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." The legislation states that migratory routes to and from anadromous fish spawning grounds should also be considered EFH. The phrase "adversely affect" refers to the creation of any effects that reduce the quality or quantity of EFH. Federal activities that occur outside an EFH but that may, nonetheless, have an effect on EFH waters and substrate must also be considered in the consultation process. Under the Magnuson-Stevens Act, effects on habitat managed under the Pacific Salmon Fishery Management Plan must also be considered.

This law requires all Federal agencies to consult with NMFS regarding all actions or proposed actions permitted, funded, or undertaken that may adversely affect EFH. In consulting, the action agency must provide NMFS with a written assessment of the effects of their action on EFH. If NMFS determines that a proposed Federal or State activity would adversely affect EFH, then NMFS is obligated to provide EFH conservation recommendations to the action agency. The Federal action agency that receives the conservation recommendations must provide a detailed response in writing to NMFS within 30 days after receiving EFH conservation recommendations. The

Ex. "7":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Pages 3.2-4 and 3.2-9

51293[e][1]) because the proposed project Phase 3 Repair Project would consist of work to reduce potential flood damage. The preliminary notice to the ~~California Department of Conservation~~ DOC, provided before lands actually are-is actually acquired, would demonstrate the Phase 3 Repair Project area purpose of the project and the exemption from the findings.

Farmland in RD 17 that is in an agricultural preserve and that is currently is held in Williamson Act contracts is shown in Figure 3.2-2.

3.2.1.3 REGIONAL AND LOCAL

San Joaquin County General Plan

The *San Joaquin County General Plan 2010* (County General Plan) contains objectives and policies that guide land use decisions in the unincorporated parts of the county (San Joaquin County 1992). The Resources Element of the County General Plan includes goals and policies addressing agricultural land uses, including the following policy relating to preserving agricultural lands and compatible uses:

- **Policy 5:** Agricultural areas shall be used principally for crop production, ranching, and grazing. All agricultural support activities and nonfarm uses shall be compatible with agricultural operations and shall satisfy the following criteria:
 - (a) The use requires a location in an agricultural area because of unusual site area requirements, operational characteristics, resource orientation, or because it is providing a service to the surrounding agricultural area;
 - (b) The operational characteristics of the use will not have a detrimental impact on the management or use of surrounding agricultural properties;
 - (c) The use will be sited to minimize any disruption to the surrounding agricultural operations; and
 - (d) The use will not significantly impact transportation facilities, increase air pollution, or increase fuel consumption.

City of Lathrop General Plan

The *Comprehensive General Plan for the City of Lathrop, California* divides the city of Lathrop into three subplan areas (City of Lathrop 2004:1-2). The Phase 3 Repair Project Area is adjacent to Sub-plan Area #3, located on the east side of the San Joaquin River and west of Interstate 5, and to Sub-plan Area #1 located east of Interstate 5, adjacent to the east levee of the San Joaquin River. Lands located within the subplan areas are planned for development and policies related to agricultural land generally support maintaining agricultural uses on lands outside the subplan areas.

City of Manteca General Plan

The *City of Manteca General Plan 2023 Policy Document* (City of Manteca 2003), Resource Conservation Element, Goal RC-9, promotes the continuation of agricultural uses in the Manteca area and discourages the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca. Policies relevant to the proposed project include the following:

- **Policy RC-P-19:** The City shall support the continuation of agricultural uses on land designated for urban use, until urban development is imminent.

- Policy RC-P-20: The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.
- Policy RC-P-21: In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- Policy RC-P-23: Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- Policy RC-P-24: Provide buffers at the interface of urban development and farmland in order to minimize conflicts between these uses.
- Policy RC-P-26: The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.
- Policy RC-P-27: The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

3.2.2 ENVIRONMENTAL SETTING

Within the Phase 3 Repair Project Area, agricultural land uses are located on nonurbanized lands along the east levee of the San Joaquin River and on either side of the dryland levee located east of the San Joaquin River and within the City of Manteca. Table 3.2-1 shows existing land uses and Important Farmland classifications for lands within the project footprint for each element.

Element	Jurisdiction	Existing Land Use	Important Farmland Classification
Ia	San Joaquin County	Agriculture	Prime/Statewide Importance
Ib		Agriculture	Prime
Ie		Agriculture/rural residence and River Mill Event Center (commercial) adjacent on downstream side	Prime
IIab		Agriculture/rural residence/human-made lake/Haven Acres Marina at south end of element	Prime/Rural Residential/Non-agricultural or Natural Vegetation/Semi-agricultural and Rural Commercial Land
IIIa	City of Lathrop	Existing levee and seepage berm	Not applicable
IIIb		Agriculture	Prime
IVa		Agriculture/residential subdivision	Prime/Non-agricultural or Natural Vegetation
IVc		Undeveloped open space on riverside/residential subdivision on landside	Prime/Non-agricultural or Natural Vegetation
Va-Via.1		Agriculture/rural residence/farm complex/subdivision and City of Lathrop park	Prime/Statewide Importance/Unique/Non-agricultural or Natural Vegetation
VIa.4		Agriculture	Prime/Local Importance
VIb		Existing levee and seepage berm	Not applicable
VIcde		Union Pacific Railroad; San Joaquin County Park—Mossdale Crossing Regional Park	Urban and Built Up

Ex. "8":

City of Manteca "*General Plan 2023, Policy Document*"
Adopted October 6, 2003 (Resource Conservation); Pages
8-10 and 8-11

Goal RC-9. To promote the continuation of agricultural uses in the Manteca area and to discourage the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca.

8.8.1 Policies: Agricultural Resources

- RC-P-19. The City shall support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.
- RC-P-20. The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.
- RC-P-21. In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- RC-P-22. Nonagricultural uses in areas designated for agriculture should be redirected to urban areas.
- RC-P-23. Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- RC-P-24. Provide buffers at the interface of urban development and farmland; in order to minimize conflicts between these uses.
- RC-P-25. The City shall ensure, in approving urban development near existing agricultural lands, that such development will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.
- RC-P-26. The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.

- RC-P-27. The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.
- RC-P-28. The City shall not extend water and sewer lines to premature urban development that would adversely affect agricultural operations.
- RC-P-29. The City shall encourage Manteca Unified School District and the Delta Community College District to maintain the school farm facilities and associated education programs in the City.
- RC-P-30. The City of Manteca will participate in a county-wide program to mitigate the conversion of Prime Farmland and Farmlands of Statewide Importance to urban uses.

8.8.2 Implementation: Agricultural Resources

- RC-I-30. Apply the following conditions of approval where urban development occurs next to farmland.
- Require notifications in urban property deeds that agricultural operations are in the vicinity, in keeping with the City's right-to-farm ordinance.
 - Require adequate and secure fencing at the interface of urban and agricultural use.
 - Require phasing of new residential subdivisions; so as to include an interim buffer between residential and agricultural use.
- RC-I-31. Work with San Joaquin County on the following issues:
- Pesticide application and types of agricultural operations adjacent to urban uses.
 - Support the continuation of County agricultural zoning in areas designated for agricultural land use in the Area Plan.

Ex. "9":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page 3.2-16

also result in permanent conversion of Important Farmland for construction of setback levees in Elements IIab, and Ivc, and VIcdeIVe. The Important Farmland on the waterside of the setback levee would be converted to nonagricultural uses, such as habitat or open space. ~~The~~ This impact on the permanent conversion of Important Farmland under Alternative 2 would be significant.

Applicant's Preferred Alternative

Table 3.2-2 shows the acreage of Important Farmland that would be converted to nonagricultural uses under the Applicant's Preferred Alternative. Under this alternative, Important Farmland acreage would be required for construction of seepage berms, a setback levee, and an access road. As described under Alternative 1, construction of seepage berms would be considered a permanent conversion of Important Farmland to nonagricultural uses. This impact on the permanent conversion of Important Farmland would be significant.

Mitigation Measure 3.2-a: Minimize Important Farmland Conversion to the Extent Practicable and Feasible,

Alternative 1—Minimum Footprint Alternative, Alternative 2—Maximum Footprint Alternative, and the Alternatives and 1 and 2 Applicant's Preferred Alternative

RD 17 shall implement the following measures listed below concerning Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to minimize adverse effects on these lands:

- a) During ~~project~~ Phase 3 Repair Project construction, utilities disturbance of utilities that are is needed for agricultural purposes (including wells, pipelines, and power lines) and agricultural drainage systems shall will be minimized so that agricultural operations are not substantially disrupted. If any agricultural infrastructure, such as wells, pipelines, and drainage canals, must-need to be removed during project construction, restore-the function of these facilities will be restored as soon as possible for lands that are to remain in agricultural production.
- b) Disturbance of agricultural land and agricultural operations during Phase 3 Repair Project construction shall-will be minimized by locating construction staging areas on sites that are fallow, that already are already-developed or disturbed, or that are to be discontinued for use as agricultural land, and by using existing roads to the extent possible to access project construction areas/sites.

To the extent practicable and feasible, when expanding the footprint of a flood ~~damage-reduction~~ control facility (e.g., levee or berm) onto agricultural land, the most productive topsoil from the project construction footprint shall-will be salvaged and redistributed to less-productive agricultural lands near the project construction area-site that could-can benefit from the introduction of good-quality soil. By agreement between the implementing agencies or landowners of affected properties and the recipient(s) of the topsoil, the recipient(s) shall-will be required to use the topsoil for agricultural purposes. RD 17 shall implement all terms and conditions of agreements.

Responsibility: ~~Project proponent~~ RD 17.

Timing: Minimize loss of Important Farmland and reuse topsoil before construction and avoid disruption to current agricultural operations during construction. Replace function of agricultural infrastructure as soon as possible after construction in ~~the-a particular area-~~ location is complete.

~~Implementing-~~ Implementation of Mitigation Measure 3.2-a would reduce this-the impact on Important Farmland associated with the three a-Alternatives-2, but not to a less-than-significant level. The impact would remain significant and unavoidable for both-all alternatives because of the permanent conversion of Important Farmland to nonagricultural uses.

Ex. "10":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page 2-25



Source: Data provided by Kjeldsen, Sinnock & Houdeck, ENGINEER, and Mackay & Samps in 2010, adapted by AECOM in 2014
 Figure 2-9c

Phase 3 Repair Project Levee Elements in Reaches VI-VII

Ex. "11":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 5-23

narrows to approximately 500 feet. However, there is one oxbow reach where the floodway is approximately 2,000 feet wide. Flood stages within this reach are dominated by runoff from the San Joaquin River.

Approximately 1 mile downstream of Paradise Cut on the right bank is Wetherbee Lake and the upstream tieback levee of RD 17. The Wetherbee Lake levee segment along the San Joaquin River was a feature of the San Joaquin Flood Control Project which cut off Walthall slough from the San Joaquin River to reduce damages to a resort development along the river. The RD 17 tieback levee is located downstream of Walthall Slough and extends east along the right bank of the slough to high ground. The RD 17 tieback levee is higher than the right bank levee of the San Joaquin River and diverts any floodwaters on the right overbank back into the San Joaquin River. This situation occurred in the flood of January 1997 and is shown on Plate 10. Flood stages within this channel reach are dominated by runoff from the San Joaquin River. Flood stages in the right overbank are dominated by runoff from the San Joaquin River and Stanislaus River.

Old River to French Camp Slough. Old River defines the upstream extent of this reach. Old River is a distributary from the San Joaquin River and conveys floodwaters west into the Sacramento-San Joaquin Delta. There is no hydraulic structure to manage the flow split. The flow split is defined by the hydraulic characteristics of Old River and the San Joaquin River downstream of the flow split.

Within this reach the San Joaquin River further transitions to a less sinuous plan form. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. From Burns Cutoff to approximately 4 miles downstream, the right bank levee is approximately 3 feet taller than the left bank. The floodway width between the levees varies from 300 feet to 400 feet and widens to 1,400 feet at a few meander bends. The waterside levee face forms the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River.

French Camp Slough to Burns Cutoff. French Camp Slough defines the upstream extent of this reach. French Camp Slough is a tributary to the San Joaquin River. The reach characteristics of French Camp slough are described below. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. The floodway width between the levees varies from 300 feet to 400 feet. The waterside levee face is next to the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River. However, influence of ocean tides is evident in flood stage hydrographs.

Burns Cutoff to Deep Water Ship Channel. Burns Cutoff defines the upstream extent of this reach. Burns cutoff is a secondary channel of the San Joaquin River which conveys water on the west side of Rough and Ready Island. Burns cutoff flows

Ex. "12":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 4-11 and 4-13

the levee to the proposed toe shown in Figure 4-5. The proposed toe could be located along an imaginary line extending from the landward face of the proposed levee to existing grade. During the current feasibility planning the maximum extent of the reconstruction berm is shown in order to show the maximum impacts which could occur.

Deep soil mixing augers would be used to construct a continuous grouping of cells spaced equally in both the longitudinal and transverse direction to the levee alignment as shown in the plan view in Figure 4-5. The deep soil mixing is a seismic strengthening feature meant to keep the levee from liquefying during seismic activity. After construction is completed, the levee crest would then be topped with a 6-inch aggregate road, and slopes would be hydroseeded for erosion control. This degrading and reconstruction effort would occur along 3 miles of Fourteenmile Slough and Tenmile Slough.

4.3.10 Closure Structures

This measure would include construction of closure structures at the mouths of backwater sloughs at Smith Canal and Fourteenmile Slough to provide flood risk management along those sloughs. The closure structures would control back-flooding from the San Joaquin River and Delta during high water events. The gates would be operated typically between November 1st to April 30th which covers the rainy season and the period when high tides occur in this area. Specifically, the gates will be operated when the high tide is forecast to reach, or exceed +8.00 ft NAVD88 to prevent high flows from entering the canal/slough. The gate would be closed at the lowest tide prior to the forecasted high tide and remain closed until the high tide begins to recede. The gate would then be opened to allow any accumulated interior drainage behind the gate structure to flow out. This would limit the level and duration of water saturation and reduce the risk of levee damage or failure. Due to the tidal influence of the Delta, high water events could last from a few days to a few weeks, depending on river conditions. During development of the alternatives, Smith Canal and Fourteenmile Slough were identified as appropriate locations for closure structures.

The proposed closure structures would consist of a fixed sheet pile wall structure with an opening gate structure sufficiently large to allow for the safe passage of boats and other watercrafts. Fish and other aquatic organisms would also be able to pass through these gates when they are open. The opening portion of the closure structure would be an automated gate that may open upward or outward. The gate would be approximately 50-foot wide, and would be constructed of stainless steel. The gate would be attached to a concrete foundation using stainless steel anchor bolts. A small building would be built on land directly adjacent to the closure structures to store equipment required to operate the gate. As needed, a sheet pile floodwall would be constructed adjacent to the control structures to tie the structures into the adjacent levee or high ground areas.

Construction would require dredging or draglining, construction of a temporary cofferdam, in-water excavation, and placement of some structural features in the water.

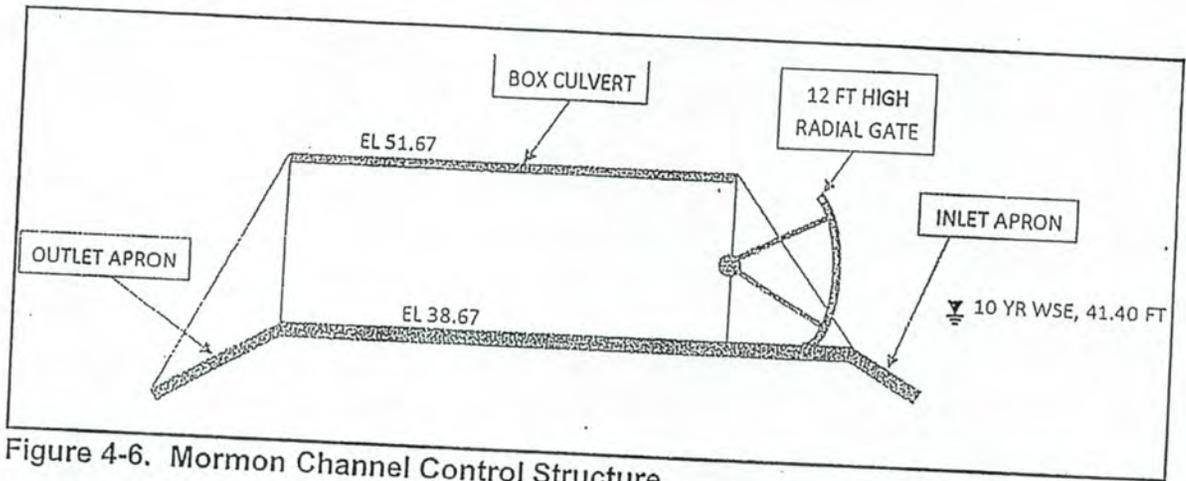


Figure 4-6. Mormon Channel Control Structure.

4.4 ALTERNATIVES

4.4.1 Alternative 1 – No Action

Under no action, the USACE would not participate in flood risk management in the study area as part of the LSJRFS. Although State or local agencies would likely repair area levees in the future to meet Federal (FEMA) or State (SB 5 200-year protection) flood protection obligations, this alternative assumes that flood risk management measures would not be implemented and that the current level of risk of flooding would continue. This risk, as represented by conditions in the study analysis area, would continue to leave both residents and property in and near the cities of Stockton, Lathrop, and Manteca vulnerable to flooding.

In response to major floods in the early 1950s, the USACE constructed several dams, miles of levees, and other features in and near the study analysis area as part of the Lower San Joaquin River and Tributaries project. Since that time, the engineering performance and potential reliability of these project levees have decreased due to identified structural deficiencies, including through- and under-seepage, slope stability, overtopping, and erosion. Under no action, these deficiencies would continue and likely become worse, increasing the risk of future levee failure during high flows.

Climate change also appears to be affecting world-wide temperatures and seasonal climate patterns. Future projections show rises in sea level and changes in inland climate patterns that could result in higher future water-surface elevations in the lower San Joaquin River and tributaries. The no action alternative would not include design features, such as raising levees, to account for potential effects of these higher elevations combined with the identified deficiencies on levee performance. An estimated 264,000 residents and \$21 billion in damageable property would continue to be at risk of unexpected levee failure and flooding in the study analysis area.

JOHN MINNEY; CIVIL ENGINEER
17137 Road 37
Madera CA 93636
559-275-5937 559-645-0870

March 31, 2015

Job F14030

Ms. Tanis Toland
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814-2922

SUBJECT: LOWER SAN JOAQUIN RIVER PROJECT INTERIM REPORT

Dear Ms. Toland:

As requested by an almond grower in the RD 17 area of the proposed levee project, I have reviewed relevant portions of the overall project as it relates to an existing almond orchard operation. Specifically, the almond operation is on the extreme southern end of the levee project.

I am a civil engineer, geotechnical engineer and licensed well drilling contractor in the State of California. I have previously been licensed in Oregon, Missouri and Michigan. I have been in the construction business with emphasis on soil and water for 45 years. I did a substantial amount of work on the USACE Lock & Dam 26 project just outside St. Louis in the 1970's.

The increased flood protection afforded by levee projects such as this is clearly a public benefit. However, the levees and associated construction also can adversely affect immediately adjacent property. The primary adverse effect that I am referring in the specific case of the almond orchards on the extreme south end of the levee project are changes in the groundwater table. Groundwater in that area is historically known to be shallow and the almond trees are susceptible to damage if the root zone is flooded.

Typically, the levees will impound water but can have seepage going under the levee driven by the impounded head of water. That seepage can adversely affect the structural stability of the levees so there typically is a seepage control mechanism incorporated under the levee. The seepage control mechanisms are typically some combination of cutoff walls and/or drainage trenches.

The issue of cut-off walls is discussed in numerous places in the document. Attached are portions of the document where the same comment is inserted on multiple locations. My comment is as follows:

THIS DISCUSSION SECTION APPEARS INCOMPLETE BECAUSE IT DOES NOT CONSIDER THE USE OF DRAINS AS OPPOSED TO, OR IN CONJUNCTION WITH, CUT-OFF WALLS TO ENHANCE STRUCTURAL PERFORMANCE DURING HIGH WATER IMPOUNDMENT PERIODS. THE CUT-OFF WALL WOULD TYPICALLY BE MORE COST-EFFECTIVE FROM THE STANDPOINT OF BUILDING AND MAINTAINING THE LEVEES BUT THE CROPS, PARTICULARLY ALMOND TREES, CAN BE FLOODED OUT IN THE ROOT ZONE IN ANY TIME OF HIGH GROUNDWATER BECAUSE THE NATURAL SUBSURFACE DRAINAGE IS LITERALLY CUT-OFF BY A CUT-OFF WALL. THIS ROOT ZONE FLOODING CAN HAPPEN EVEN IF NO ABOVE-GROUND FLOODING OCCURS. BY INSTALLING ONLY A CUTOFF WALL BARRIER UNDER THE PROPOSED LEVEES, THE CURRENT DESIGN EFFECTIVELY GUARANTEES THAT THERE WILL BE MORE

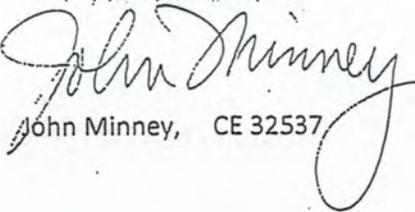
PROBLEMS WITH SHALLOW ROOT ZONE FLOODING AND TREE ROOT DROWNING EVEN IF NO FLOODING WOULD HAVE OCCURRED. THIS IS BECAUSE THE MINIMAL NATURAL DRAINAGE WHICH PERIODICALLY RESULTS IN TREE KILLS WILL BE SUBSTANTIALLY WORSENER BY THE CUTOFF BARRIER. A DRAIN SYSTEM IN COMBINATION WITH THE CUTOFF WALL IS ABSOLUTELY ESSENTIAL TO LONG TERM TREE GROWTH BEHIND THE LEVEES.

MY RECOMMENDATION IS TO INSTALL A SUBDRAIN SYSTEM ON THE INSIDE TOE OF THE LEVEE WHICH WOULD MAINTAIN THE GROUNDWATER LEVEL AT LEAST 5 FEET BELOW THE BOTTOM OF THE ROOT ZONE OF THE ALMOND TREES. THE SYSTEM WOULD INCLUDE A GRAVEL INTERCEPTOR TRENCH TO WITHIN NOMINALLY 3 FEET OF THE ORIGINAL GROUND SURFACE WITH THE GRAVEL ENCAPSULATED IN FILTER FABRIC AND A PERFORATED COLLECTOR PIPE IN THE BASE OF THE GRAVEL. A DEDICATED PUMP WOULD LIFT THE COLLECTED WATER FOR DISPOSAL ELSEWHERE. THE PUMP WOULD ACTIVATE AUTOMATICALLY BY FLOAT CONTROL.

THE WATER SO COLLECTED WOULD REQUIRE DISCHARGE OFF-SITE. BECAUSE THE SHALLOW GROUNDWATER SO COLLECTED IS MORE THAN LIKELY TO CONTAIN CONSTITUENT LEVELS HIGHER THAN THE LARGE FLOOD WATERS, A WAIVER TO ALLOW AUTOMATIC DISCHARGE OF THE COLLECTED GROUNDWATER WOULD NEED TO BE OBTAINED.

If you have any questions or comments in this regard, please do not hesitate to contact me.

Respectfully submitted,


John Minney, CE 32537



LOWER SAN JOAQUIN RIVER PROJECT INTERIM REPORT

SAN JOAQUIN COUNTY, CALIFORNIA

DRAFT

INTEGRATED INTERIM FEASIBILITY REPORT/ENVIRONMENTAL IMPACT
STATEMENT/ENVIRONMENTAL IMPACT REPORT

FEBRUARY 2015

JOHN MINNEY COMMENTS INSERTED IN BOLD RED TYPE

Type of Statement: Draft integrated Feasibility Report/Environmental Impact
Statement/Environmental Impact Report (FR/EIS/EIR)

Lead NEPA Agency: U.S. Army Corps of Engineers, Sacramento District

Lead CEQA Agency: San Joaquin Area Flood Control Agency

Cooperating/Responsible Agency: State of California Central Valley Flood Protection
Board

Abstract: The U.S. Army Corps of Engineers and its non-Federal sponsors, the San Joaquin Area Flood Control Agency (SJAFCA) and the State of California Central Valley Flood Protection Board, propose to improve flood risk management to North and Central Stockton by repairing and enhancing the levees that surround the city, and by constructing and operating closure structures on Fourteenmile Slough and Smith Canal. The draft FR/EIS/EIR describes the environmental resources in the project area; evaluates the direct, indirect, and cumulative environmental effects of the seven alternative plans; and identifies avoidance, minimization, and mitigation measures. Most potential adverse effects would be either short term, or would be avoided or reduced using best management practices. However, there are some significant and unavoidable impacts associated with this project.

Public Review and Comment: The public review period will begin on February 27, 2015 and the official closing date for receipt of comments on the draft FR/EIS/EIR will be April 13, 2015. A public workshop will be held Wednesday, April 8, 2015, at the Stockton Civic Auditorium, South Hall, 525 North Center Street, Stockton, CA from 6:00-8:00 p.m. All comments received will be considered and incorporated into the final EIS/EIR, as appropriate. Written comments or questions concerning this document should be directed to the following: U.S. Army Corps of Engineers, Sacramento District; Attn: Ms. Tanis Toland; 1325 J Street, Sacramento, California 95814-2922, or by e-mail: Tanis.J.Toland@usace.army.mil or San Joaquin Area Flood Control Agency; Attn: Mr. Juan Neira, 22 East Weber Avenue, Suite 301, Stockton, California 95202-2317, or by email at Juan.Neira@stocktongov.com.

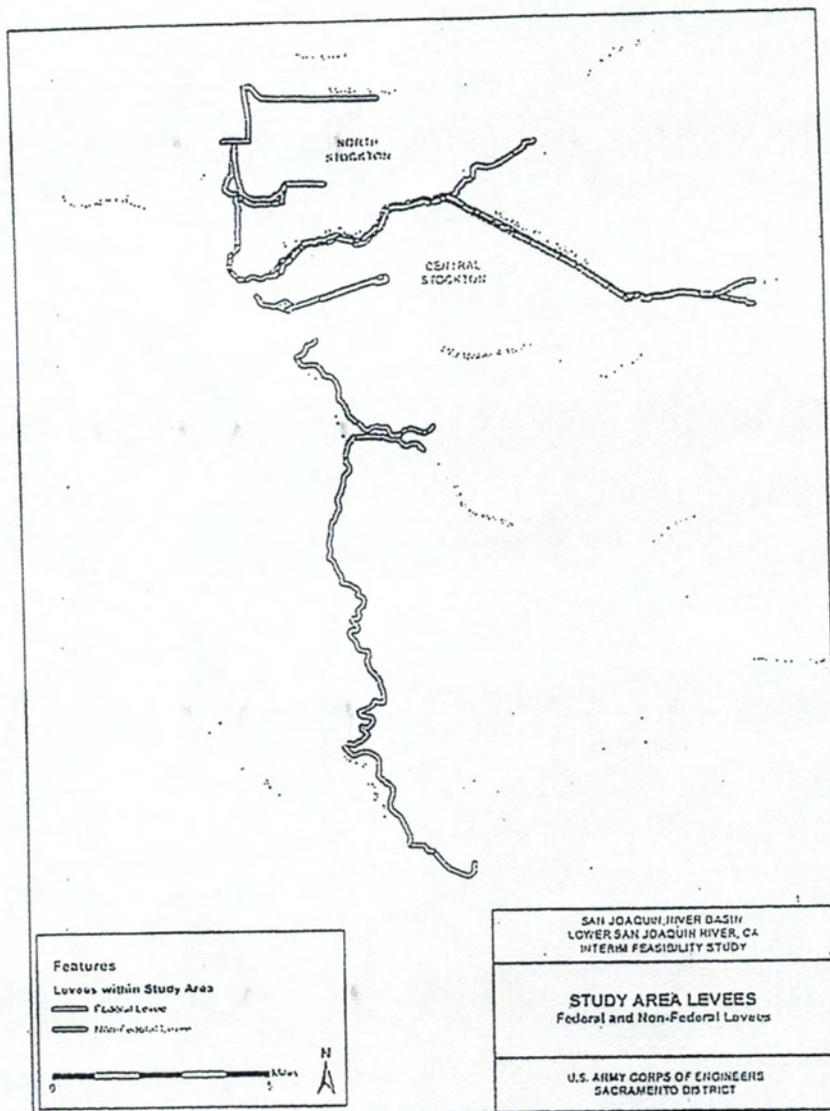


Figure 2-5: Study Area Levees.

The primary risk of flooding in the study area is geotechnical failure of the existing project levees, and not hydrologic or hydraulic factors that result in levee overtopping. Recent geotechnical analysis and evaluation of historical performance during past flood events have resulted in a greater understanding of under-seepage and a revision of levee design criteria. Geomorphologic and geotechnical studies identified subsurface features, such as former river channels, and meanders. The potential for seepage problems to occur along the existing levees in the project area is created by discontinuous layers of coarse-grained pervious soils (i.e., sands and gravels). These are found at varying depths of up to 100 feet. During high-water events, water from the river can enter the pervious soil layers and then move laterally through these layers under/through the levee. Excessive seepage can erode soil within the levee and lead to a rapid collapse and subsequent breach. Historically, foundation conditions were evaluated assuming homogeneous materials, but the floods of 1986 and 1997 and the resulting levee failures throughout the Central Valley resulted in a revision of the criteria for the evaluation of under-seepage. The risk of levee failure is not due to design deficiency or to lack of O&M of the existing levees, but to a better understanding of the mechanics of under-seepage in the Central Valley. The project levees within the study area do not meet current USACE levee design criteria and are at risk of breach failure at stages considerably less than levee crest elevations. This is evidenced by historical levee boils and heavy seepage at river stages less than design flows.

Geotechnical related issues such as under-seepage breach failures result in large volume flood flows at high velocities that are sudden and unpredictable. These failures have minimal warning time and minimal time for effective implementation of evacuation and emergency plans. Study area flood events generally occur during the winter months when colder air and water temperatures significantly increase the risk of death by exposure. The risk probability of unexpected levee failure coupled with the consequence of basin-wide flooding presents a continued threat to public safety, property, and critical infrastructure in the Lower San Joaquin River basin.

The existing levee system within the study area protects over 71,000 acres of mixed-use land with a current population estimated at 264,000 residents and an estimated \$21 billion in damageable property. In addition to the residents and property, the levee system protects approximately 23 structures considered to be critical infrastructure (hospitals, police and fire stations, etc.) as well as the Interstate 5 and State Highway 99 corridors.

Ring Levees for Critical Infrastructure

This measure would protect specific critical infrastructure or facilities through placement of ring levees around those features. Ring levees would be built to a height adequate to reduce expected frequency of inundation of the structure without modifying the flood plain (See Section 3.1). Typical design for a ring levee would include a top width of 12 to 20 feet and side slopes with a ratio of 3 to 1. A cut-off wall for seepage issues may be required depending on the geotechnical analysis of the levee foundation.

Relocations/Buy-outs

This measure would remove at-risk structures and individuals from the flood plain. Structures would either be moved to sites outside the flood plain or demolished and the material recycled or disposed of as appropriate.

Comprehensive Flood Warning Emergency Evacuation Planning

Flood Warning System

This measure would allow for timely warning and evacuation of at-risk areas. This could be accomplished through media announcements and reverse 911 automated calling to residents and businesses with the area.

Implement Emergency Evacuation Plan

This measure is an activity that the non-Federal sponsors would implement to meet the study objective of reducing flood risk to public health, safety and life. Evacuation routes from areas within the flood plain would be identified and provided to the public on maps showing the routes, emergency response staging areas, and contact information for emergency service agencies.

Flood Plain Management

Restrictive Zoning/Land Use Planning

This measure would implement land use planning and zoning restrictions for areas within the flood plain to minimize risk in those areas. Implementation of this measure would include the creation and use of a Flood Plain Management Plan (FMP) for the project area in accordance with Section 402 of the Water Resources Development Act of 1986, as amended (33 USC 701b-12), when a project is implemented.

Manage Land Use within Flood-prone Areas

This measure is an activity that the non-Federal sponsors would implement to meet the study objective of reducing flood risk to public health, safety and life. California SB 5 described in Section 2.2.2 is such a measure.

3.1.2 Structural Measures

Levee Raises

Raising levee height to increase the level of performance of existing levees is the focus of this measure. Increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and top width. Levee raises would be accomplished by adding material to achieve the desired height. Height increases would be accomplished while maintaining design top width and side slopes, and may require additional landside easement(-s) to allow for the increase in levee footprint and necessary access easements.

Cut-off Walls

This measure would be implemented to address through- and under-seepage issues that affect levee performance and safety. Installation of the cut-off wall is accomplished by degrading the levee to one-half height and creating the wall with a soil-bentonite mix. Once the mix has cured, the levee is restored to design height and side slopes to meet current design standards. The depth of the cut-off walls will typically be from 20 to 80 feet, depending on subsurface conditions, which will be determined more precisely during the PED phase through additional borings and corresponding depth required to stop through and under-seepage.

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Deep Soil Mixing (Seismic)

This measure would be implemented to provide seismic stability to the Delta Front levees where required. The measure addresses seismic risk in the Delta Front levees due to the makeup of the foundational geomorphology. The Delta area soils are typically unconsolidated alluvial deposits. The deep soil mixing (seismic) measure would involve installation of a grid of drilled soil-cement mixed columns aligned longitudinally with, and transverse to the levee extending beyond the levee prism. This measure acts to minimize lateral deformation of the levee during seismic events.

Setback Levees

Where in-place improvements of levees may not be effective, and adequate footprint area exists, this measure could be implemented to improve the hydraulic capacity and overall effectiveness of the levee system. This measure would allow for ecosystem restoration measures on the water side of the new levee. Setback levees would be built to a height equal to that of the existing levee system. Typical design for a setback levee would include a top width of 12 to 20 feet and side slopes with a ratio of 3 to 1. A cut-off wall for seepage issues may be required depending on the geotechnical analysis of the levee foundation. Depending on goals, the existing levee could be degraded, breached or left in place after construction of the setback levee.

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Seepage / Stability Berms

Installation of seepage/stability berms in areas where land-side footprint allows, would increase levee stability and reduce through- and under-seepage resulting in increased levee performance and safety. The berm would be installed on the land-side of the existing levee to control seepage exit gradients that occur during an event. Typically the berms are five to 10 feet thick and vary in width extending landward from the landside levee toe from 100 to 200 feet. Actual dimensions will vary depending on the seepage gradients present.

Erosion Protection

This measure would consist of protection of the water-side banks of levees to prevent or reduce erosion due to high flows, tides, or wave action. Bank protection could be placed on existing banks or at the toe and side of the levee to above the design water surface elevation, as necessary. Protection would consist of rock sized to withstand expected flows, tidal action, and wave run-up for the reach of levee installed on which the protection is placed.

Bridge Modifications for Flow Conveyance

This measure would be used to address areas where existing bridges may be identified as a localized limit to hydraulic capacity. Bridge modifications could include raising or widening bridges to increase hydraulic capacity through the bridge crossing. Low water road crossings will be replaced by bridges as a component of this measure.

Upstream Bypass of High Flow

This measure would consist of increased diversion of high flows from the mainstem of the San Joaquin River via bypass channels such as Paradise Cut and the Mariposa bypass. New bypass areas could potentially be identified and implemented. Increasing bypass of flows could be accomplished by widening the bypasses via levee setbacks, or redesign of diversion structures to maximize efficiency at specified flows.

Channel Modifications for Conveyance Improvements

This measure would be implemented for improvements to the channels of Paradise Cut or Mormon Channel. Conveyance improvements would reduce stages on the mainstem of the San Joaquin River, the Stockton Diverting Canal and Lower Calaveras River. Channel modification would entail removal of material (vegetation and soil) from within the channel to allow for greater capacity. Existing channel width would be maintained during implementation of this measure. Removed material could potentially be used for levee improvements or would be disposed of appropriately. Currently, channel maintenance is not required under the existing Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) manuals, but implementation of this measure would include updates to the OMRR&R manuals to include requirements for maintenance to maintain design capacities.

Bypass Channels

This measure involves improvements to bypass channels such as Paradise Cut and Mormon Channel. Improvements to these channels would potentially result in stage decreases on the San Joaquin River, Diverting Canal and Lower Calaveras River. Improvements to the bypass channels would include channel modifications as described above, the addition of a diversion structure at Mormon Channel and modification to the existing diversion structure at Paradise Cut. Channel modifications would include removal of vegetation and soil as required for flow efficiencies. Diversion structure modifications would include height or width changes upstream of Paradise Cut to allow maximum flows at the desired flow elevations.

Mormon Channel Control Structure

This measure would involve construction of a control structure at the upstream end of the Diverting Canal to divert flows into Mormon Channel. The control structure would

consist of gated culverts placed in the Stockton Diverting Canal left bank levee to allow flow into Mormon Channel. The culverts would be sized to allow control of flows up to the design capacity of the Mormon Channel.

Levee Extensions

This measure would involve extension of the southern tie-in levee on the south end of RD 17 to an appropriate elevation to reduce flood risk in the southern Manteca area. The levee extension would be combined with repairs or improvements to the existing tie-in levee to meet current standards. Levee extension may also be implemented for the right bank levee of French Camp Slough in RD 404. The levee extensions would be built to a height equal to that of the existing levee system, or to meet the height of included improvements. Typical design for an extension levee would include a top width of 12 to 20 feet and side slopes with a ratio of 3 to 1. A cut-off wall to reduce seepage may be required depending on the geotechnical analysis of the levee foundation.

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RD17-G, SJR Setback and Tieback Extension: This alternative addresses the San Joaquin River as the flooding source, and includes a setback levee to limit protection of already developed but not urbanized flood plain within RD 17. It extends the tieback levee at the southern-most end of the RD to minimize probability of flanking during extreme high water events. The alternative covers 113,500 linear feet (21.5 miles) of levee.

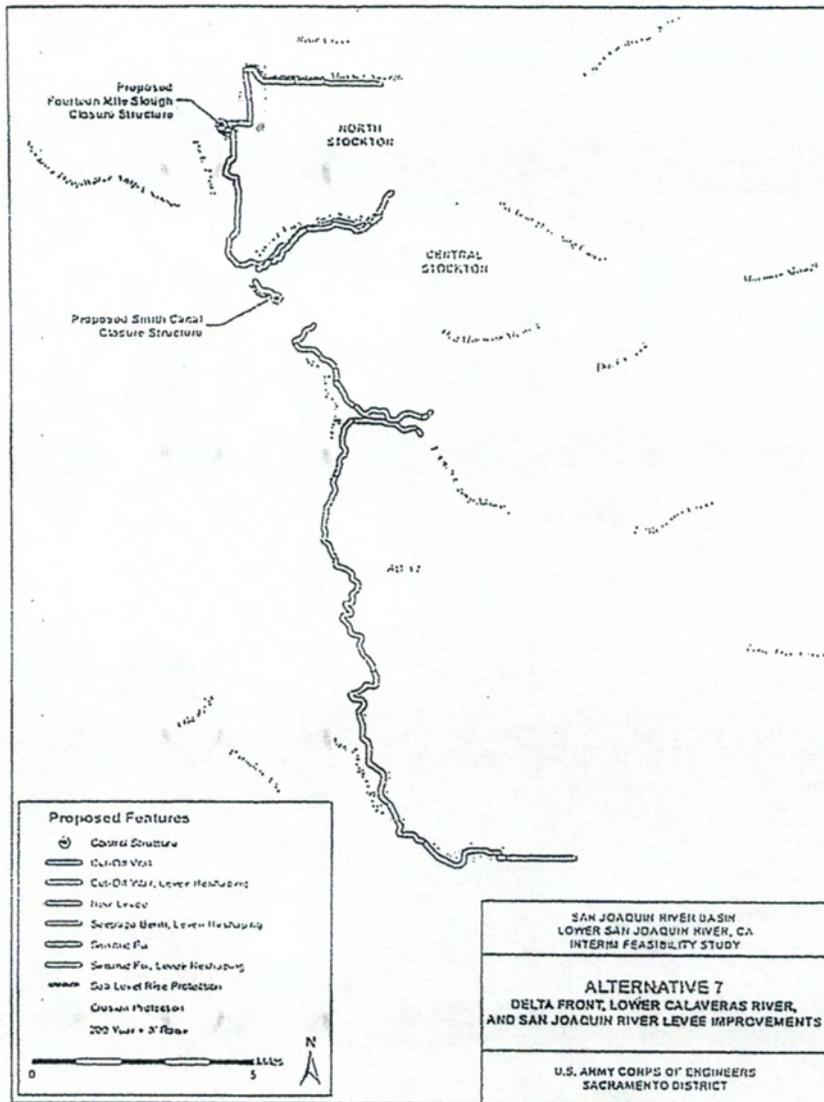


Figure 3-8. Alternative 7.

Central Stockton:

- No Action: This alternative would involve no Federal action within the base flood plain as a result of this study. No additional reductions in flood risk to the area would be realized.
- Improvement of Paradise Cut: This was screened out because the cost exceeded the benefits and because it did not address geotechnical levee failure modes.
- Flood proofing and raising existing structures and infrastructure: This was determined to not be a cost effective alternative.
- Reservoir reoperation: This alternative was screened out due to potential system-wide effects, and because it did not address geotechnical failure modes.
- Reduce geotechnical failure probability and increase height of existing levees: These measures were retained. The geotechnical issues addressed are primarily through- and under-seepage with areas on the Delta Front requiring seismic stabilization.

RD 17:

- No Action: This alternative would involve no Federal action within the base flood plain as a result of this study. No additional reductions in flood risk to the area would be realized.
- Improvement of Paradise Cut: This was screened out because the cost exceeded the benefits and because it did not address geotechnical levee failure modes.
- Flood proofing and raising existing structures and infrastructure: This was determined to not be a cost effective alternative.
- Reservoir reoperation: This alternative was screened out due to potential system-wide effects, and because it did not address geotechnical failure modes.
- Ring levees: Inclusion of ring levees may be effective in some study areas, but will need to be incrementally cost effective to be a practicable alternative.
- Set-back levees: This was determined to be cost effective for one reach in RD 17 with a length of approximately 3,500 feet.
- Reduce geotechnical failure probability and increase height of existing levees: These measures were retained. The geotechnical issues addressed are primarily through- and under-seepage with areas on the Delta Front requiring

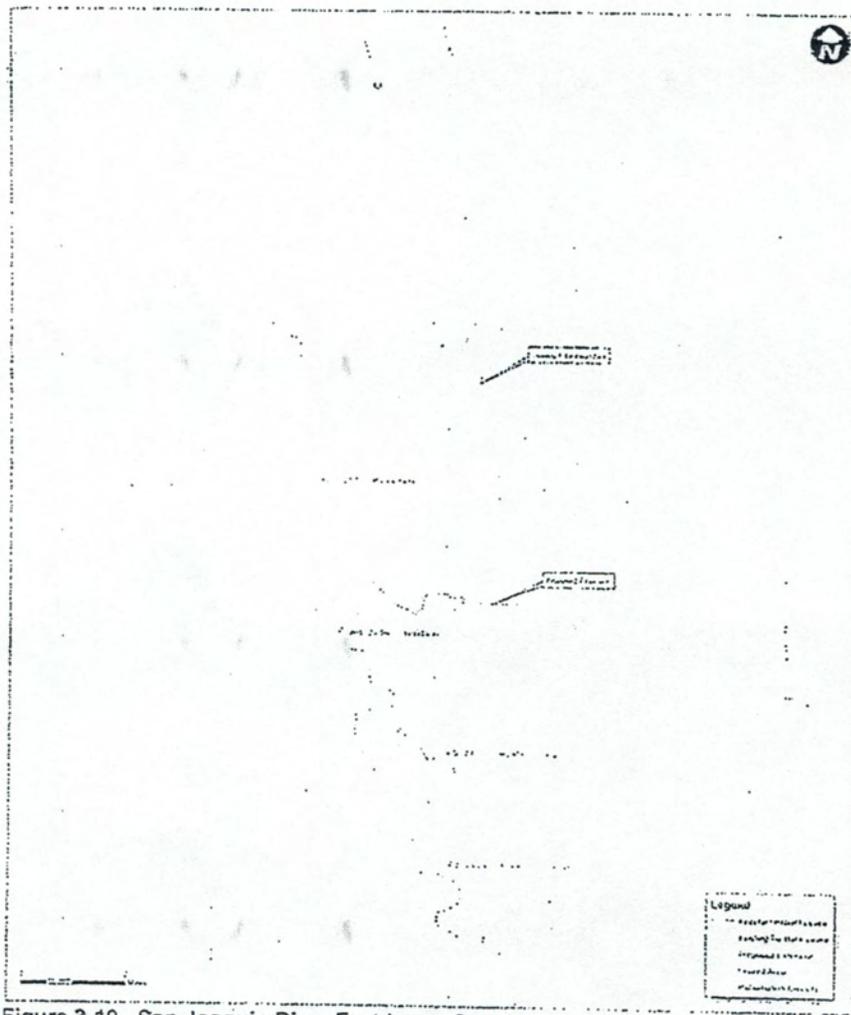


Figure 3-19. San Joaquin River East Levee System.

Figure 3-20. Existing Landuse in Study Area.

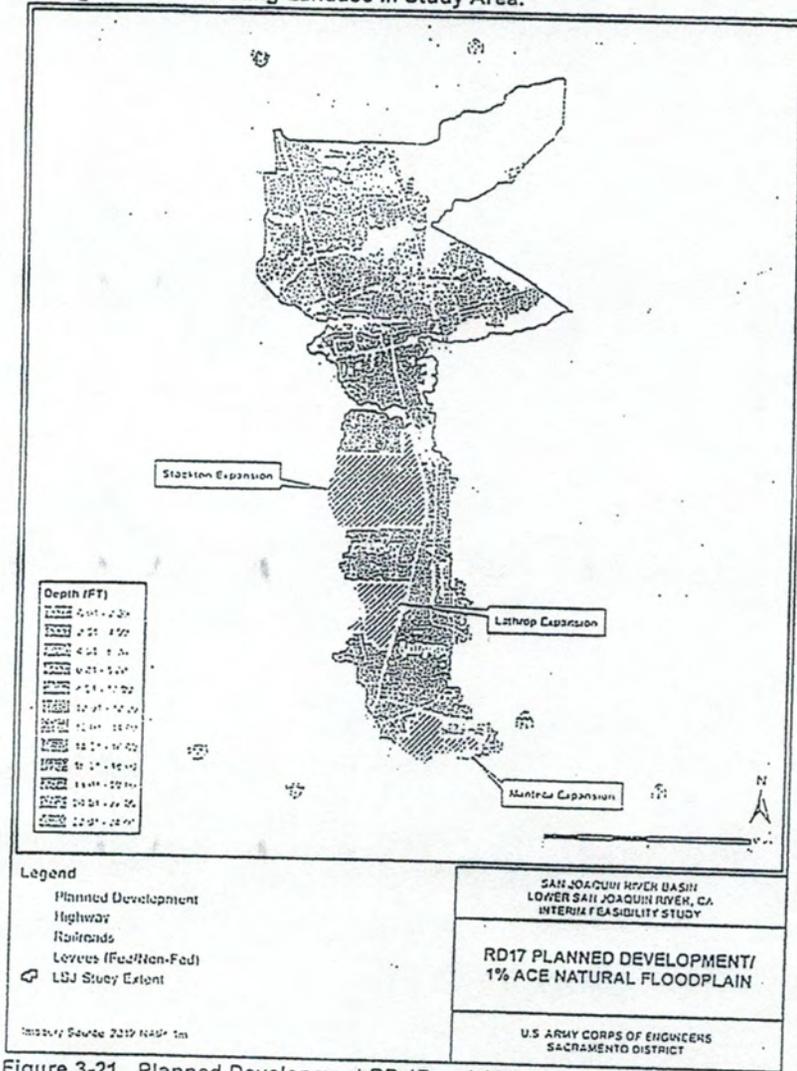


Figure 3-21. Planned Development RD 17 and 100-year Inundation Area.

alternatives for identification of the NED and TSP plans: Alternative 7a, Alternative Sa, and Alternative 9a.

It is understood that RD 17, with funding assistance from the State, is currently pursuing a phased strategy of levee improvements to initially increase the resistance of RD 17's levee system to under seepage and through seepage. Upon completion of that work, RD 17 and the non-Federal sponsors intend to pursue USACE participation in additional studies/improvements necessary to achieve the non-Federal objective of 200-year (0.5 percent ACE) flood risk management in order to meet SB 5 requirements. Consideration of future Federal participation would be subject to demonstration of a Federal interest in such incremental improvements.

3.7 Environmental Considerations and Mitigation

All appropriate environmental resources were analyzed during development of the proposed alternatives to fully comply with NEPA and CEQA. Most impacts to resources as a result of implementation of a proposed project can be mitigated, but there are challenges related to impacts to riparian habitats within the study area.

3.7.1 Regional Context

Riparian habitats are substantially reduced from their historical extents throughout the Central Valley. Only about 2-5 percent of the historic riparian habitat still exists (RHJV 2004). This is true along the San Joaquin River as well. Establishment of the FRM system, with levees set immediately adjacent to the main rivers and tributaries contributed to this decline and continues to result in conflicts between ecosystem health and sustainability and maintenance of the FRM system. Upstream of the proposed project area, considerable Federal and state investment has been made to improve the riparian corridor as part of the San Joaquin River Restoration Program and the Federal and state refuge systems.

In general, riparian communities are among the richest community types, in terms of structural and biotic diversity, of any plant community found in California. Riparian vegetation provides important ecological functions, including: wildlife habitat; migratory corridors for wildlife; pollution filtration and waterway shading, thereby improving water quality; provides connectivity between waterways and nearby uplands; and biomass (nutrients, insects, large woody debris, etc.) to adjacent waterways. Riparian forests and woodlands – even remnant patches – are important to resident and migratory fish, birds, and other wildlife.

3.7.2 Study Area

The riparian corridor in the study area is severely constrained by the proximity of the flood management levees to the rivers, tributaries and sloughs. Throughout most of the corridor vegetation is highly altered and fragmented. Nevertheless, this vegetation is all that remains as habitat to resident and migratory fish and wildlife in the proposed

Based on the information presented above, Alternative 7a is identified as the NED plan and is selected as the TSP.

3.10 THE TENTATIVELY SELECTED PLAN

The TSP is Alternative 7a, North and Central Stockton – Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements excluding RD 17 (Figure 3-12). This plan meets the study objectives of reducing flood risk and flood damages. With the TSP in place, the North Stockton impact area improves from an approximate 15% annual chance of flooding in the highest risk areas to less than 1% annual chance of flooding. The Central Stockton impact area improves from a 12% annual chance of flooding in the highest risk areas to an approximate 2% annual chance of flooding. Further information about specific annual exceedance probabilities and the performance of levees for a range of hydrologic events within sub-impact areas can be found in the Economic Appendix. However, this plan will result in no risk reduction for 43,000 people and critical infrastructure within RD 17.

The structural features of Alternative 7a include approximately 23 miles of levee improvements and two closure structures, one at Fourteenmile Slough and the other at Smith Canal. The levee improvements are comprised of a cutoff wall, deep soil mixing (seismic), a new levee, levee geometry improvements, and erosion protection.

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In addition to the structural features, the recommended plan also includes several non-structural features to further reduce the consequences of flooding. These include the following measures: Comprehensive Flood Warning Emergency Evacuation Planning and Flood Plain Management.

Table 3-19 below contains a first cost break-out for the TSP, Alternative 7a, North and Central Stockton - Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements excluding FD 17. These costs are preliminary and will change during additional analysis.

CHAPTER 4 - DESCRIPTION OF FINAL ALTERNATIVES*

4.1 INTRODUCTION

This chapter provides additional details related to the final array of alternatives identified in Chapter 3. NEPA requires a greater level of detail in order to properly analyze the potential effects of the proposed alternatives on the natural and human environment. Under NEPA, both the proposed project and the project alternatives are each analyzed at the same level. CEQA project alternatives are usually analyzed at a lesser degree than the proposed project, and the primary comparison is as an alternative to the proposed project. The common objective of both CEQA and NEPA is to identify the potential impacts on the human environment that would potentially arise if the preferred alternative is approved – and consider alternatives that could also address the purpose and objectives of the project.

NEPA and CEQA take a slightly different approach to considering alternatives to the proposed project however, both sets of environmental laws have the same overall objective – to inform the decision makers and the public of the environmental effects of a project and ways those effects could be mitigated through measures to avoid, minimize, rectify, reduce or compensate for adverse impacts.

This Chapter is followed by Chapter 5, which includes a discussion of the affected environment and the potential environmental effects of the proposed alternatives that are described below.

4.2 ALTERNATIVES CONSIDERED IN DETAIL

As discussed in Chapter 3, the Feasibility Study screened the alternative plans down to the following final array of alternatives (with options). The difference between the two options for the action alternatives is that option "a" excludes levee work in RD 17, while option "b" includes levee work in RD 17.

- Alternative 1, No Action
- Alternative 7a, North and Central Stockton, Delta Front, and Lower Calaveras River and San Joaquin River Levee Improvements (see Chapter 3, Figure 3-12)
- Alternative 7b, North and Central Stockton, Delta Front, Lower Calaveras River, San Joaquin River Levee Improvements, and RD 17 Levee Improvements (see Chapter 3, Figure 3-13)
- Alternative Sa, North and Central Stockton, Delta Front, Lower Calaveras River, San Joaquin River, and Stockton Diverting Canal Levee Improvements (see Chapter 3, Figure 3-14)

4.3.1 Cutoff Walls

Seepage cutoff walls are vertical walls of low hydraulic conductivity material constructed through the embankment and foundation to cut off potential through- and under-seepage. In order to be effective in reducing under-seepage, cutoff walls usually tie into an impervious sub-layer. Prior to construction, the construction site and staging areas would be cleared and grubbed. The levee is typically degraded by one half the levee height to provide a sufficient working surface and prevent hydraulic fracture of the levee. The cutoff walls for the project area would be a minimum of 3-feet in width; the cutoff wall would be constructed from a working surface elevation to a design depth at least 3-feet into an impermeable layer. During construction, bentonite-water slurry is used to keep the trench open and stable prior to backfilling with the permanent wall material. Soil is mixed with bentonite (SB) and then pushed into the trench, displacing the bentonite-water slurry. After a predetermined settlement period, an impervious cap is constructed above the cutoff wall and the levee is reconstructed using suitable material (Type 1 levee fill) to the correct design elevation and current USACE levee design criteria.

The conventional slurry method for SB walls is an open trench method that uses an excavator with a long-stick boom to excavate the slurry trench. The conventional method has a maximum depth of about 70 to 80 feet. Cutoff walls in North and Central Stockton would extend up to 70 feet below the working surface elevation. Some areas in RD 17 would require cutoff walls using Deep Mixing Method and would need to be up to 120 feet below the working surface elevation. The Deep Mixing Method involves blending the existing soil with cementitious material using blade or auger based mixing tools. Figure 4-1 shows a typical plan for a cutoff wall.

THIS DISCUSSION SECTION APPEARS INCOMPLETE BECAUSE IT DOES NOT CONSIDER THE USE OF DRAINS AS OPPOSED TO, OR IN CONJUNCTION WITH, CUT-OFF WALLS TO ENHANCE STRUCTURAL PERFORMANCE DURING HIGH WATER IMPOUNDMENT PERIODS. THE CUT-OFF WALL WOULD TYPICALLY BE MORE COST-EFFECTIVE FROM THE STANDPOINT OF BUILDING AND MAINTAINING THE LEVEES BUT THE CROPS, PARTICULARLY ALMOND TREES, CAN BE FLOODED OUT IN THE ROOT ZONE IN ANY TIME OF HIGH GROUNDWATER BECAUSE THE NATURAL SUBSURFACE DRAINAGE IS LITERALLY CUT-OFF BY A CUT-OFF WALL. THIS ROOT ZONE FLOODING CAN HAPPEN EVEN IF NO ABOVE-GROUND FLOODING OCCURS. BY INSTALLING ONLY A CUTOFF WALL BARRIER UNDER THE PROPOSED LEVEES, THE CURRENT DESIGN EFFECTIVELY GUARANTEES THAT THERE WILL BE MORE PROBLEMS WITH SHALLOW ROOT ZONE FLOODING AND TREE ROOT DROWNING EVEN IF NO FLOODING WOULD HAVE OCCURRED. THIS IS BECAUSE THE MINIMAL NATURAL DRAINAGE WHICH PERIODICALLY RESULTS IN TREE KILLS WILL BE SUBSTANTIALLY WORSENERD BY THE CUTOFF BARRIER. A DRAIN SYSTEM IN COMBINATION WITH THE CUTOFF WALL IS ABSOLUTELY ESSENTIAL TO LONG TERM TREE GROWTH BEHIND THE LEVEES. MY RECOMMENDATION IS TO INSTALL A SUBDRAIN SYSTEM ON THE INSIDE TOE OF THE LEVEE WHICH WOULD MAINTAIN THE GROUNDWATER

LEVEL AT LEAST 5 FEET BELOW THE BOTTOM OF THE ROOT ZONE OF THE ALMOND TREES. THE SYSTEM WOULD INCLUDE A GRAVEL INTERCEPTOR TRENCH TO WITHIN NOMINALLY 3 FEET OF THE ORIGINAL GROUND SURFACE WITH THE GRAVEL ENCAPSULATED IN FILTER FABRIC AND A PERFORATED COLLECTOR PIPE IN THE BASE OF THE GRAVEL. A DEDICATED PUMP WOULD LIFT THE COLLECTED WATER FOR DISPOSAL ELSEWHERE. THE PUMP WOULD ACTIVATE AUTOMATICALLY BY FLOAT CONTROL.

THE WATER SO COLLECTED WOULD REQUIRE DISCHARGE OFF-SITE. BECAUSE THE SHALLOW GROUNDWATER SO COLLECTED IS MORE THAN LIKELY TO CONTAIN CONSTITUENT LEVELS HIGHER THAN THE LARGE FLOOD WATERS, A WAIVER TO ALLOW AUTOMATIC DISCHARGE OF THE COLLECTED GROUNDWATER WOULD NEED TO BE OBTAINED.

4.3.2 Levee Reshaping (also called "Geometric Fix")

This measure would include reshaping the existing levees to restore them to USACE levee design criteria for side slopes and crown width. For the LSJRFS area, the minimum crest width for mainline or major tributary levees is 20 feet; the minimum crest width for minor tributary levees is 12 feet. Existing levees with landside and waterside slopes as steep as 2H:1V (i.e., for every 2 feet of horizontal distance, there is a 1 foot increase in height) may be acceptable if slope performance has been good and if the slope stability analyses determined the factors of safety to be adequate. Newly constructed levees should have 3H:1V waterside and landside slopes.

For new levees constructed in the LSJRFS area, a minimum permanent landside toe clear access easement of 20 feet is required; for existing levees within the LSJRFS area, a minimum permanent landside toe clear access easement of 10 feet is required. For both new and existing levees in the LSJRFS a minimum permanent waterside toe vegetation free zone (VFZ) of 15 feet is required unless a variance is approved by USACE.

Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To correct levee geometry, suitable material would be placed along the landside of existing levee slopes where needed to provide the minimum slope, required height, and crest width to meet current USACE levee design criteria, as detailed above. After construction, slopes would be hydroseeded for erosion control.

The additional area added to the landside toe by widening varies from 1 to 30 feet, depending on the existing width of the levee. The slope reshaping typical plan is shown on Figure 4-2. Slope reshaping and levee height fixes may require relocation of landside toe drains and ditches. These toe drains and ditches would be reestablished landward of the improved levee toe and would continue to function as they did before the levee improvements were constructed.

4.3.3 Levee Raise (Levee Height Fix)

This measure describes the construction action that would be taken to repair the levee height in locations where the crown has slumped and to raise the existing levee height to reasonably maximize net benefits. Where SLR was a design consideration, the height could increase up to 5 feet. An increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and crown width. Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To construct a levee raise, suitable material would be placed along the crown and landside of existing levee slopes, where needed, to provide the minimum slopes, required height, and crest width that meet current USACE levee design criteria. The typical plan for a levee raise is shown in Figure 4-2.

4.3.4 Seepage Berm

Seepage berms are proposed to address levee stability, under- and through-seepage which are affecting levee performance and safety. A seepage berm is typically built adjacent to the landside of the levee and consists of layers of sand, gravel, and soil. The purpose of the berm is to control seepage flows and reduce the risk of the levee being undermined during a high-water event. The seepage berm acts as a cap, controlling the seepage flow below the berm surface and allowing the flow to reach an exit location in such a way that the undermining of levee soils is reduced or eliminated, thereby preventing boils and piping.

The seepage berm width could range from 100 to 200 feet from the landside toe of the existing levee with a maximum width of 300 feet. The seepage berms would be approximately 5 feet thick at the toe of the existing levee and would gradually slope downward to about 3 feet thick at the landside edge, with a 3:1 slope to ground level.

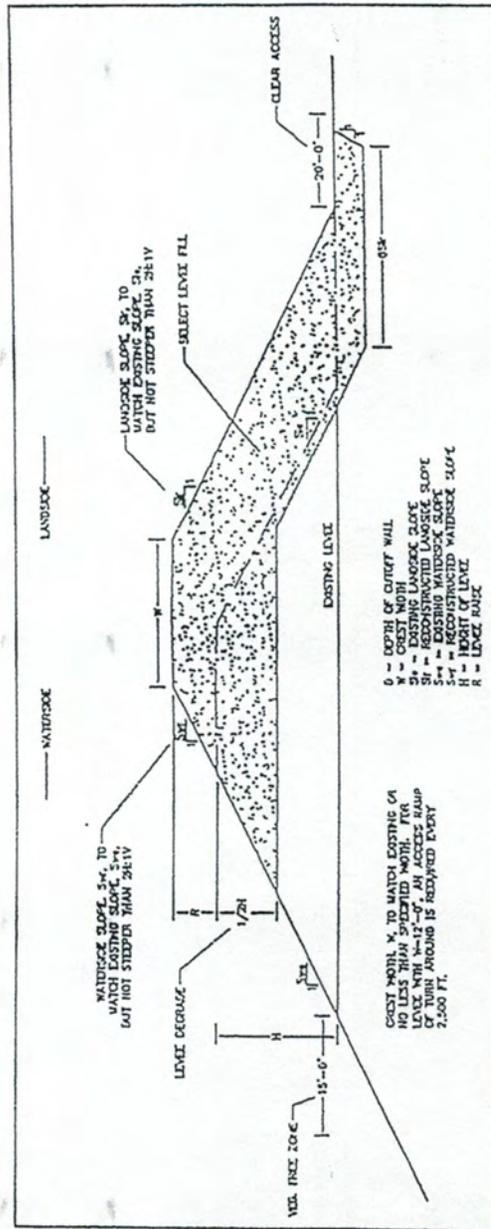


Figure 4-2. Levee Reshaping and Levee Raise Typical Plan. Note that the landside easement (right side) shown would be the maximum clear access easement; landside easements would range from 10 feet to 20 feet from the levee toe. Half levee degradation is generally not proposed unless a cutoff wall would be installed. Instead, an internal drain may be constructed between the existing levee materials and the new fill.

Approximately 75,000 tons of quarry stone riprap would be imported by truck and would be placed to a thickness of 2 feet along the landside to prevent wind wave erosion during high water. A sand filter would also be placed prior to the riprap layer to prevent the migration of fines causing gravel instability and decreased erosion protection performance.

4.3.7 Floodwall

This measure consists of construction of about 825 linear feet of sheetpile floodwall from the southern portion of Dad's Point to high ground at Louise Park. The wall height would be an average of three to four feet above the ground surface. A metal cap may be placed on the top of the sheetpile or the sheetpile may be encased in concrete. The floodwall would be approximately 12 to 18 inches wide.

4.3.8 New Bridges

This measure would consist of constructing three bridges over Old Mormon Channel to replace low water road crossings that are currently inundated periodically. This measure is included in Alternatives 9a and 9b. The measure would include removing the existing road and grading the area to allow flood flows to move unimpeded from the Stockton Diverting Canal through the Old Mormon Channel, into Mormon Slough and then into the San Joaquin River.

4.3.9 Seismic Remediation

This measure would be implemented to provide seismic stability to the Delta Front levees of North Stockton that are frequently loaded (due to slough water surface elevations that are tidally influenced) and that are also subject to potentially significant deformations due to a seismic event. The seismic (deep soil mixing) remediation measure would involve installation of a grid of drilled soil-cement mixed columns aligned longitudinally with, and transverse to, the alignment of the levee extending beyond the levee prism. This measure would minimize significant deformation of the levee during a seismic event.

The seismic remediation would involve degrading approximately the top half of the levee and placing the degraded material landward as shown in Figure 4-5. Prior to construction, the construction area would be cleared and grubbed. The material obtained from degrading the levee would extend up to 60 feet beyond the existing levee landside and would be compacted such that the material forms an extension to the existing levee. The crest of the levee would then be reconstructed with suitable material to comply with the USACE levee design criteria. A determination may be made during the future design that all of the degraded material may not be necessary to extend

the levee to the proposed toe shown in Figure 4-5. The proposed toe could be located along an imaginary line extending from the landward face of the proposed levee to existing grade. During the current feasibility planning the maximum extent of the reconstruction berm is shown in order to show the maximum impacts which could occur.

Deep soil mixing augers would be used to construct a continuous grouping of cells spaced equally in both the longitudinal and transverse direction to the levee alignment as shown in the plan view in Figure 4-5. The deep soil mixing is a seismic strengthening feature meant to keep the levee from liquefying during seismic activity. After construction is completed, the levee crest would then be topped with a 6-inch aggregate road, and slopes would be hydroseeded for erosion control. This degrading and reconstruction effort would occur along 3 miles of Fourteenmile Slough and Tenmile Slough.

4.3.10 Closure Structures

This measure would include construction of closure structures at the mouths of backwater sloughs at Smith Canal and Fourteenmile Slough to provide flood risk management along those sloughs. The closure structures would control back-flooding from the San Joaquin River and Delta during high water events. The gates would be operated typically between November 1st to April 30th which covers the rainy season and the period when high tides occur in this area. Specifically, the gates will be operated when the high tide is forecast to reach, or exceed +8.00 ft NAVD88 to prevent high flows from entering the canal/slough. The gate would be closed at the lowest tide prior to the forecasted high tide and remain closed until the high tide begins to recede. The gate would then be opened to allow any accumulated interior drainage behind the gate structure to flow out. This would limit the level and duration of water saturation and reduce the risk of levee damage or failure. Due to the tidal influence of the Delta, high water events could last from a few days to a few weeks, depending on river conditions. During development of the alternatives, Smith Canal and Fourteenmile Slough were identified as appropriate locations for closure structures.

The proposed closure structures would consist of a fixed sheet pile wall structure with an opening gate structure sufficiently large to allow for the safe passage of boats and other watercrafts. Fish and other aquatic organisms would also be able to pass through these gates when they are open. The opening portion of the closure structure would be an automated gate that may open upward or outward. The gate would be approximately 50-feet wide, and would be constructed of stainless steel. The gate would be attached to a concrete foundation using stainless steel anchor bolts. A small building would be built on land directly adjacent to the closure structures to store equipment required to operate the gate. As needed, a sheet pile floodwall would be constructed adjacent to the control structures to tie the structures into the adjacent levee or high ground areas.

Construction would require dredging or draglining, construction of a temporary cofferdam, in-water excavation, and placement of some structural features in the water.

CHAPTER 5 - AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES*

This chapter describes the affected environment and environmental consequences of each of the alternatives in the final array, mitigation measures, for potential impacts, cumulative effects, and other environmental considerations for implementing the LSJR project.

NEPA and CEQA require that the environmental effects of a project be analyzed for significance. Under NEPA, significant impacts are impacts that are considered significant because of their context (location sensitivity) and intensity (magnitude of impact) (40 CFR Section 1508.27). Under CEQA, impacts are assessed for significance based on specific significance criteria consistent with State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.). For the purposes of CEQA, potential effects are determined by assessing the potential impacts of the proposed action on the existing conditions for each resource. For the purposes of NEPA, potential project effects assessed in relation to the conditions described in the No Action Alternative. For the purpose of this impact analysis, effects are evaluated against existing conditions since these conditions either reasonably represent future conditions in the project area or because using existing conditions will facilitate full evaluation and disclosure of the greatest potential impacts of the proposed project.

The CEQA existing (baseline) environmental conditions assumed in the preparation of this chapter consist of the existing environment as of January 15, 2010, when USACE published the Notice of Intent (NOI) to prepare an EIS in the *Federal Register* and SJAFCA published the Notice of Preparation (NOP) to prepare an EIR with the State Clearinghouse (State Clearinghouse Number (SCH#) 2010012027). Resource conditions were reassessed and updated between fall 2013 and spring 2014. Changes in the existing conditions during that time were not substantial.

The alternatives evaluated in this chapter are described in Chapter 4. They are listed below for ease of reference:

Alternative 1 – No Action

Alternative 7a – North and Central Stockton – Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements excluding RD 17

Alternative 7b – North and Central Stockton – Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements including RD 17

Alternative Ba – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River, and Stockton Diverging Canal Levee Improvements excluding RD 17

Alternative Sb – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River, and Stockton Diverging Canal Levee Improvements including RD 17

Alternative 9a – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River Levee Improvements and Mormon Channel Bypass excluding RD 17

Alternative 9b – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River Levee Improvements and Mormon Channel Bypass including RD 17

This chapter is organized to meet NEPA requirements for determination of the overall impact of each alternative, but will also meet CEQA requirements for an impact-by-impact determination of effect. The terms *environmental consequences*, *environmental impacts*, and *environmental effects* are considered synonymous in this analysis.

The structure of each section is described below.

- **Environmental Setting**

- o Regulatory Framework. This section lists the laws, regulations and policies that are considered in the assessment of effects on the resource. These regulatory requirements are more fully described in Chapter 7, Compliance with Applicable Laws, Policies, and Plans.
- o Existing Conditions. This section describes the environmental setting and considers the environmental conditions in the area at the time that the NOP (CEQA) and NOI (NEPA) were published (January 15, 2010). Resource conditions were reassessed and updated between fall 2013 and spring 2014.

- **Environmental Consequences**

- o Assessment Methods. This section describes the methods, models, process, and procedures, data sources, and/or assumptions used to conduct the effect analysis. Where possible, effects are evaluated quantitatively. Where quantification is not possible, effects are evaluated qualitatively.
- o Basis of Significance. This section provides the criteria used in this document to define the level at which an effect would be considered

Potential seismic hazards from a nearby moderate to major earthquake are generally classified as primary and secondary. The primary effect is fault ground rupture, also called surface faulting. Because there are no active faults in the project area and the area is not located within an Alquist-Priolo Earthquake Fault Zone, fault ground rupture is negligible. Common secondary seismic hazards include ground shaking, liquefaction, subsidence, and seiches.

Although located in an area of low seismic risk, Stockton, Manteca, and San Joaquin County require all new development and substantial renovations to comply with current seismic standards for construction. Geotechnical engineering studies are also required for major new buildings or earthworks.

Table 5-2. Maximum Credible Earthquake Magnitudes

Fault	Estimated Distance from Project Site	Fault Class ¹	Maximum Credible Earthquake ²	Slip Rate {mm/yr}
Greenville Fault Zone, North Section	20 miles	B	6.6	2.0
Greenville Fault Zone, South Section	24 miles	B	6.6	2.0
Calaveras Fault- Northern Segment	34 miles	B	6.8	6
Concord- Green Valley	38 miles	B	6.2	5.0
Hayward Fault - North Segment	45 miles	A	6.4	9

Notes:

1 Faults with an "A" classification are capable of producing large magnitude (M) events (M greater than 7.0), have a high rate of seismic activity (e.g., slip rates greater than 5 millimeters per year), and have well-constrained paleoseismic data (e.g., evidence of displacement within the last 700,000 years). Class B faults are those that lack paleoseismic data necessary to constrain the recurrence intervals of large-scale events. Faults with a "B" classification are capable of producing an event of M 6.5 or greater.

2. The moment magnitude scale is used by seismologists to compare the energy released by earthquakes. Unlike other magnitude scales, it does not saturate at the upper end, meaning that there is no particular value beyond which all earthquakes have about the same magnitude, which makes it a particularly valuable tool for assessing large earthquakes.

Sources: Cao et al., 2003; Jennings 1994; Petersen et al., 1996; data compiled by USACE in 2014

Liquefaction and Settlement

Liquefaction is the liquefying of certain sediments during seismic ground-shaking, resulting in temporary loss of support to overlying sediments and structures. Differential settlement occurs when the layers that liquefy are not of uniform thickness, a common problem when the liquefaction occurs in artificial fills. Poorly consolidated, water-saturated fine sands located within 30 to 50 feet of the surface typically are considered the most susceptible to liquefaction. Dry soils and sediments consisting of finer grained materials are generally not susceptible to liquefaction.

Many of the levees in the project area are constructed over alluvial deposits and may be susceptible to liquefaction or degradation due to a seismic event. The area is unusual in that it contains infrequently water-saturated levees in Central and South Stockton, but also frequently saturated levees in North Stockton and Delta Front. Frequently saturated levees are likely to be sensitive to seepage, leading to breach with seismic-event induced transverse cracking or displacement.

As part of the design effort, USACE conducted liquefaction triggering analyses and identified liquefiable material along several levees in the project area. Static limit equilibrium stability analyses were then conducted for these levees. Based on the analyses, the flood protection ability after a 200-year seismic event was judged to be compromised at several locations. Thus, a large regional earthquake during a major flood event would increase the potential liquefaction, settlement, and levee failure. The greatest susceptibility is along the Delta Front and North Stockton. Details of the liquefaction analyses are included in Appendix B.

5.2.2 Assessment Methods and Basis of Significance

Assessment Methods

The types and extent of potential effects and significance were assessed by reviewing seismic fault and event maps, reviewing seismic studies, discussing seismic aspects with professional staff, and then considering the work proposed under each alternative.

Basis of Significance

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - rupture a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
 - strong seismic ground shaking;
 - seismic-related ground failure, including liquefaction; or
 - landslides.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse.

The project area is not located within or adjacent to an Alquist-Priolo Fault Zone or any known active fault. Therefore, the risk of surface fault rupture is negligible and is not evaluated further. Additionally, the project area is relatively flat, and there would be no adverse impacts related to landslides. Therefore, landslides are not addressed further.

5.2.3 Alternative 1 - No Action

Under the no action alternative, no construction activities would occur. As a result, the existing seismic faults and potential for ground movement would be expected to remain the same. Prior to the implementation of the proposed measures to reduce flood damage to the Stockton, Lathrop and Manteca area, the structural integrity of existing levees, berms, and bridges would continue to be at risk from high magnitude seismic events on active faults to the west. Some of the levees in tidally influenced areas would also continue to be at risk from seismically induced structural instability and/or failure due to liquefaction of soils. The magnitude of the impact of flooding resulting from levee failure would depend on the location of the levee breach, severity of the storm, and river flows at the time of flooding. Predicting these events and providing a determination of significance is not possible based on the information available at this time. Therefore identification of potential effects is too speculative for meaningful consideration.

5.2.4 Alternatives 7a, 7b, 8a, 8b, 9a, and 9b

These alternatives would have no effects on known seismic faults or cause ground movement along faults because of the type of proposed work and the nature of seismicity. The work would be limited to borrow sites activities and improvements along surface waterways, while seismic forces are subsurface and regional. In addition, there are no identified active faults in the project area.

Seismic ground shaking is an unavoidable hazard for facilities within and/or near the San Francisco Bay Area. The proposed project could experience at least one earthquake within the life of the project. Design, construction, and maintenance must comply with the regulatory standards of USACE and CVFPB, the latest industry standards and building code requirements for seismic design. The design and construction of the cut-off walls, floodwalls and/or levees would meet or exceed applicable design standards for static and dynamic stability, seismic ground shaking, liquefaction, subsidence, and seepage, minimizing the potential for significant damage. Therefore, the existing geology and seismicity of the area would not affect the proposed project or expose people or structures to potential risk or injury.

Consistent with project objectives, the completed project would provide long-term flood risk management benefits by improving the structure and functioning of the existing levee system. This includes designing the proposed features to avoid or minimize any potential for seismic-related ground failure, such as liquefaction, in tidally influence areas in the project area. As a result, none of the alternatives would cause any seismic-related ground failure, and therefore would result in no effects on seismicity.

The Geotechnical Investigation prepared for the proposed project (Appendix C) did not indicate evidence of instability because of landslides, subsidence, or collapse.

Liquefaction analysis indicates some existing levees within the project area are constructed over alluvial deposits that could be susceptible to liquefaction or degradation due to a seismic event. Design recommendations to address this condition are provided in the Geotechnical Investigation and would be implemented. The proposed project would implement standard grading and soil engineering practices to ensure that foundations are adequately supported and do not settle or otherwise fail. This includes excavating the existing soils and replacing it with compacted engineered fill. In addition, all structures associated with the proposed project would be designed in accordance with USACE, and CVFPB standards, and the provisions of the California Building Standards Code. The California Building Standards Code requirements establish minimum structural load requirements for foundations. Because project facilities would be designed, constructed and maintained in accordance with applicable standards risk of failure due to a seismic event would be minimized and this impact is less-than-significant.

5.2.5 Mitigation

There would be no significant effects from seismicity, therefore no mitigation is required.

5.3 SOILS AND MINERAL RESOURCES

This section describes the affected environmental and environmental consequences relating to soils and mineral resources for the LSJR project. The significance of the impacts and mitigation measures to reduce impacts are also discussed.

5.3.1 Environmental

Setting Regulatory

Framework

Federal

- Clean Water Act (CWA) Section 402

State

- California Surface Mining and Reclamation Act of 1975
- National Pollutant Discharge Elimination System (NPDES) Permit
- California Building Standards Code
- California Code of Regulations: Title 23, Division 1, Article 8, Sections 111-137

Regional and Local

- San Joaquin County General Plan 2010

quarrying, and are intended to ensure that mineral resources will be available when their development is necessary or economically feasible (CDC, 2013). However, the MRZ-2 sector between Lathrop and Manteca lies outside the area that would be affected by the alternatives in the Lower San Joaquin River study.

5.3.2 Assessment Methods and Basis of

Significance Basis of Significance

- Result in substantial erosion of soil or loss of topsoil;
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property;
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- Result in the loss of availability of a known mineral resource of economic value to the region and the residents of the state or a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

The project would not involve the use of wastewater disposal systems of any kind, including septic systems, and there would be no impacts. Therefore, this issue is not addressed further in this document.

5.3.3 Alternative 1 - No Action

Under the no action alternative, no construction activities would occur. As a result, the soil types and their characteristics on the alluvial fan in San Joaquin County would be expected to remain the same as deposited over time. Prior to the implementation of the proposed measures to reduce flood damage to the Stockton, Lathrop and Manteca area, water and wind erosion of exposed and recently disturbed soils would continue, and continue to weaken the structure of levees along the San Joaquin River and tributaries. The risk of levee failure and flooding would also continue, resulting in soil scouring and substantial loss of nearby valuable topsoil in the event of a breach. The eroded soils could be carried by the floodwaters and deposited in developed areas, causing damage to residences, businesses, and infrastructure. This would be considered a potentially significant effect. Implementation of USACE levee vegetation management requirements is not expected to occur under the No Action alternative, therefore removal of waterside and landside vegetation would not occur, reducing potential erosion impacts.

The magnitude of the impact of flooding resulting from levee failure would depend on the location of the levee breach, severity of the storm, and river flows at

time of flooding. In the event of a flood, levee failures could result in soil scouring, erosion, and permanent loss of top soil in localized areas within several hundred feet of a levee breach. Depending on the location and severity of the levee failure and duration of flooding, the location and extent of damage and impacts related to soil erosion could be minor to extensive. Predicting these events and providing a determination of significance is not possible based on the information available at this time. Therefore identification of potential effects is too speculative for meaningful consideration.

The principal mineral resources in San Joaquin County are deposits of sand and gravel aggregate, and many companies are currently mining and processing these deposits as regulated by the State and County. Mining operations would continue to be at risk of disruption, damage, or loss of mineral resources in the event of levee failure and flooding. This disruption could affect the local economy. The substantial soil subsidence in the valley due to over-pumping of groundwater and drainage of lowlands by agricultural and municipal interests would also continue. These would be considered as potentially significant effects.

5.3.4 Alternatives 7a, 7b, Ba, 8b, 9a, and 9b

These alternatives would have no effect on the soil types or their characteristics on the alluvial fan. However, they would have short-term effects on soils in the project area during construction. These would include disturbing soils at staging areas; clearing, excavating, and clearing soils during site preparation; excavating, stockpiling, and/or removing soil material at borrow sites; and depositing and shaping soils at the work site. Table 5-3 lists the approximate area of disturbance by alternative. These activities could result in the potential for surface water to carry sediment from onsite erosion into the stormwater and local waterways or increase air-borne dust, resulting in potential effects on existing water quality and air quality. These short-term effects would increase with the increasing extent, type, and amount of work proposed under the alternatives; e.g., 7a would have fewer effects than 9b. The potential effects on water quality and air quality of the alternatives, BMPs, and mitigation measures are discussed in detail under Sections 5.5 and 5.8, respectively.

elements would be supported by a site-specific geotechnical investigation, which would include an evaluation of site soils and recommendations to ensure project elements are appropriately designed and constructed, consistent with the current California Building Code earthwork standards, and USACE and CVFPB standards. With adherence to the current California Building Code and any additional recommendations of the site-specific geotechnical investigation, impacts associated with potential adverse soils conditions would be less-than-significant, and no mitigation is required.

These alternatives would have no short-term or long-term effects on the acquisition, mining, or processing of the mineral resources in the project area. None of the existing sand and gravel mining or processing operations are located at the work sites. Implementation of the project would not reduce or eliminate availability of mineral resources. However, consistent with the project objectives, the completed project would provide long-term flood risk management benefits by improving the structure and functioning of the existing levee system. This would include reducing the potential for loss of soils or mineral resources due to erosion and levee failure. The potential loss of locally or regionally significant mineral resources would be a less-than-significant impact. No mitigation would be required.

To identify potential locations for borrow material, soil maps and land use maps were obtained for a 25-mile radius surrounding the project area. Whenever possible, borrow sites would be obtained from willing sellers and located on land to minimize effects on the environment. Once details of borrow locations have been finalized, coordination with the California Department of Conservation (CDC) State Mining and Geology Board (SMGB) would occur to ensure compliance with the SMARA, as stated in Chapter 4, including any additional permitting, CEQA (as determined by the SMARA lead agency (SMGB), or NEPA required prior to commencing surface mining at the borrow sites. After material is extracted, borrow sites would be returned to their existing use whenever possible.

5.3.5 Mitigation

There would be no significant effects on soils and mineral resources, therefore no mitigation is required.

5.4 HYDROLOGY AND HYDRAULICS

This section describes the affected environmental and environmental consequences relating to hydrology and hydraulics for the LSJR project. The significance of the impacts and mitigation measures to reduce impacts are also discussed.

narrows to approximately 500 feet. However, there is one oxbow reach where the floodway is approximately 2,000 feet wide. Flood stages within this reach are dominated by runoff from the San Joaquin River.

Approximately 1 mile downstream of Paradise Cut on the right bank is Wetherbee Lake and the upstream tieback levee of RD 17. The Wetherbee Lake levee segment along the San Joaquin River was a feature of the San Joaquin Flood Control Project which cut off Walthall slough from the San Joaquin River to reduce damages to a resort development along the river. The RD 17 tieback levee is located downstream of Walthall Slough and extends east along the right bank of the slough to high ground. The RD 17 tieback levee is higher than the right bank levee of the San Joaquin River and diverts any floodwaters on the right overbank back into the San Joaquin River. This situation occurred in the flood of January 1997 and is shown on Plate 10. Flood stages within this channel reach are dominated by runoff from the San Joaquin River. Flood stages in the right overbank are dominated by runoff from the San Joaquin River and Stanislaus River.

Old River to French Camp Slough. Old River defines the upstream extent of this reach. Old River is a distributary from the San Joaquin River and conveys floodwaters west into the Sacramento-San Joaquin Delta. There is no hydraulic structure to manage the flow split. The flow split is defined by the hydraulic characteristics of Old River and the San Joaquin River downstream of the flow split.

Within this reach the San Joaquin River further transitions to a less sinuous plan form. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. From Burns Cutoff to approximately 4 miles downstream, the right bank levee is approximately 3 feet taller than the left bank. The floodway width between the levees varies from 300 feet to 400 feet and widens to 1,400 feet at a few meander bends. The waterside levee face forms the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River.

French Camp Slough to Burns Cutoff. French Camp Slough defines the upstream extent of this reach. French Camp Slough is a tributary to the San Joaquin River. The reach characteristics of French Camp slough are described below. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. The floodway width between the levees varies from 300 feet to 400 feet. The waterside levee face is next to the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River. However, influence of ocean tides is evident in flood stage hydrographs.

Burns Cutoff to Deep Water Ship Channel. Burns Cutoff defines the upstream extent of this reach. Burns cutoff is a secondary channel of the San Joaquin River which conveys water on the west side of Rough and Ready Island. Burns cutoff flows

TERRA LAND GROUP, LLC

December 16, 2014

VIA HAND DELIVERY & U.S. MAIL

Manteca City Council
1001 W. Center Street
Manteca, CA 95337

**RE: Unidentified and/or unresolved impacts relating to 200-year flood protection
(Manteca City Council Meeting 12/16/14 Agenda Item B.07.)**

Dear Council Members:

Terra Land Group, LLC ("TLG") owns approximately two hundred thirty (230) acres of farm ground ("Property") located within the two hundred year ("200-year") floodplain and further situated in the southwest corner of the incorporated area of the City of Manteca. The Property is further identified as APNs:

241-330-32 (approx. 203.33 acres)

241-330-33 (approx. 17.10 acres)

241-320-60 (approx. 10.13 acres)

Currently, approximately 31,000 (thirty-one thousand) almond trees are planted on the Property, with access to irrigation water provided by means of 2 (two) deep-water wells specifically located on TLG APN 241-330-032.

Further, TLG is presently involved in negotiations with South San Joaquin Irrigation District ("SSJID") to allow TLG to receive SSJID surface water by means of annexation into SSJID.

The costs associated with the annexation into SSJID are significant and are subject to increases on an annual basis.

As of the date of this letter, the costs associated with annexation into SSJID involve:

- 1) TLG payment of an annexation fee approximating \$2,300 (two thousand three hundred dollars) per acre.
- 2) TLG responsibility to pay all costs involved to construct any and all irrigation water conveyance, storage and delivery infrastructure necessary to distribute water throughout the TLG farm Property.

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At this time, TLG is in receipt of a December 8, 2014 Public Works Staff Report recommendation from Phil Govea to the Manteca City Council. (See Exhibit "1")

As I understand it, Senate Bill 5 ("SB5"), as administrated by the United States Army Corps of Engineers and the State of California Department of Integrated Water Management, will significantly limit the ability of urban communities to approve residential, commercial and industrial development projects after July, 2016, unless communities have either:

- 1) Constructed all improvements needed to provide an Urban Level of Flood Protection for a 200-year storm event (200-year Flood Protection), or
- 2) Made a finding of adequate progress toward providing 200-year Flood Protection.

Other requirements leading to the completion of SB5 200-year levee flood protection improvements indicate that all such improvements are to be completed by 2025.

Prior to that date, various work products need to be completed to demonstrate that the permitting agency can make a defensible "finding of adequate progress".

Scope of Work Products Involved

- 1) Development of a master model to simulate a 200-year flood event
- 2) Significant engineering and geotechnical efforts involving
 - a) Identifying deficiencies in the existing levee system
 - b) Preparing levee design criteria that meets state and federal standards
 - c) Identifying rehabilitation measures to fix any deficiencies found in the existing levee system
 - d) Preparing cost estimates for the rehabilitation work
 - e) Vetting the analyses and design criteria in a series of workshops with a panel of independent experts, as well as state agencies.
- 3) Preparation of a financing plan and the initiation of construction on some of the needed improvements by July, 2016, in order to comply with SB5 requirements by supporting a "finding of adequate progress".

With this in mind, I, Martin Harris, representing TLG, attended a 12/9/14 Reclamation District 17 ("RD17") Board meeting.

At that meeting, RD17 representative Dante Nomellini explained to those in attendance that RD17 was working with the City of Manteca to conduct levee improvements that were described as a "seepage repair project" involving bench berms and changes to the levee bank slope on both the leading and tail sides of the levee.

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Mr. Nomellini added that the initial levee improvements were of an intermediate nature and were not meant to satisfy final SB5 200-year levee flood protection requirements.

Finally, Mr. Nomellini stated that the City of Manteca's continued participation in an ongoing Regional Feasibility Study was an important component in meeting the adequate progress goals for 200-year levee protection compliance.

I inquired as to whether the levee design slopes currently anticipated to affect the TLG farm Property would be designed in accordance with the levee design map presented on Page 3-32 of the March 2011 Terra Ranch Subdivision Final EIR. (See Exhibit "2")

RD17 representative Chris Nudeck indicated that the levee design would follow the 3:1 (three-to-one) slope indicated on the drawing.

I also brought the RD17 Board's attention to a December 29, 2010, letter from Dante Nomellini which indicated that "excavations for swimming pools and other purposes outside the levee easements are increasingly being recognized as having the potential for affecting under seepage and therefore levee stability".

Further, the 12/29/10 letter goes on to state that "Location of ample open space along the levees coupled with a single loaded street as a buffer from development is highly recommended. The Terra Ranch Plan appears to incorporate the single loaded street and a setback. The setback may have to be increased and excavations as far away as 300 (three hundred) feet may be restricted". (See Exhibit "3")

Chris Nudeck confirmed the need for a setback standard and indicated that the greatest concern would involve uses such as a stormwater pond.

The meeting ended.

Other Historical Meeting Information Supporting This Letter

December 3, 2013, SSJID negotiations begin

On December 3, 2013, TLG began discussions with SSJID to prepare to annex the TLG farm Property into SSJID. (See Exhibit "4")

November 7, 2014: SSJID, Supplemental Annexation Plan:

On 11/7/14, I, Martin Harris, attended an 8:00 a.m. meeting at SSJID to discuss a newly created Supplemental Annexation Plan that may clear a path for TLG to be allowed access to SSJID surface farm irrigation water.

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Present at the meeting were: Jeff Shields, SSJID; Bere Lindley, SSJID, Sam Bologna, SSJID, Forest Killingsworth, SSJID, myself (Martin Harris), TLG and Josh Harris, TLG.

In addition, SSJID also presented that the City of Manteca was considering the annexation of the entire developable portion of the Zone 39 Storm Drainage Region into SSJID.

Jeff Shields went on to state that Manteca's participation in the Supplemental Annexation Plan could allow Manteca to:

- A. discharge their stormwater utilizing portions of existing stormwater discharge conveyance facilities to access and convey water north to the SSJID French Camp storm drain outlet; and
- B. have access to surface water to supplement groundwater well pumping and improve the overall quality of the municipal drinking water serving the Zone 39 area.

Certain advantages were discussed in coordinating the timing of both the City of Manteca and TLG's Supplemental Annexation application submissions for SSJID review, processing and board approval.

I stated to everyone present that TLG was very interested and would return to the TLG offices to evaluate the design and feasibility of the TLG surface water storage and receiving infrastructure required.

The meeting then ended.

At 11:27 a.m. that same day, I received an email from SSJID providing a Term Sheet and Water Service Agreement. (See Exhibit "5")

Total acreage shown on the documents presented indicated two hundred twenty and five tenths (220.5) acres which differed from TLG's past conversations with SSJID for total acres involved. (See Exhibits "4" and "5")

November 13, 2014: SSJID, Supplemental Annexation Plan, continued:

On November 13, 2014, Josh Harris and I met with SSJID staff for the purpose of gaining additional information and identifying the minimum TLG facility requirements necessary to connect with SSJID surface water conveyance facilities currently in place.

Several questions relating to fully understanding information to be submitted by TLG on the SSJID application followed.

Eventually, I raised the question as to how SSJID determined, as specified by SSJID on the rate sheet, that TLG was only looking to annex two hundred twenty and five tenths (220.5) of the approximate two hundred thirty and six tenths (230.6) acres that had been discussed previously.

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SSJID responded by presenting a City of Manteca Storm Drainage Zone 39 Subarea Map ("Zone 39 Map") that, to my surprise, clearly showed a significant portion of the RD17 levee relocated to a position substantially south of its current location. (See Exhibit "6")

As shown on the Zone 39 Map, the realignment of the RD17 levee for the portion to be repositioned on the TLG Property, straightens the levee in accordance with the current position of the RD17 levee east of the TLG Property, while interrupting TLG's ability to provide irrigation water to a significant portion of the TLG Property. (See Exhibit "6")

In fact, the resulting segmented portion of TLG Property involved could affect the entire TLG APN 241-320-60 parcel and more.

The meeting then ended.

For some time now, TLG has actively participated in numerous discussions with Manteca City staff and various development interests involved to resolve issues and seek protections relating to any and all environmental impacts that have previously been identified and have the potential to affect the TLG Property.

Further, TLG had formed an opinion that the efforts put forth by the various parties involved were approaching a reasonable conclusion.

For this reason, TLG was disappointed to discover that the portion of the existing RD17 levee separating TR Land Company's APN 241-320-59 and TLG's APN 241-320-60 was apparently being relocated to a southern position that could significantly impact the TLG farm Property.

This makes TLG question:

- 1) What was the City of Manteca's intent in altering the location of the RD17 levee as shown on the Zone 39 Map presented to TLG by SSJID staff on November 13, 2014? (See Exhibit "6")
- 2) Why were TLG APNs 241-330-32 and 241-330-33 located south of the Zone 39 reconfigured levee clearly identified by APNs shown on the Zone 39 Map, while TLG APN 241-320-60 is left unidentified on that same Zone 39 Map? (See Exhibit "6")
- 3) Why does the Zone 39 Map clearly show the TLG's APN 241-320-60 northern jagged edged levee boundary a substantial distance within the total area that the City of Manteca is looking to annex into SSJID as part of the developing area included in its Zone 39 Stormwater Drainage Plan? (See Exhibit "6")
- 4) What parties will stand to benefit from the new location of the reconfigured levee?
- 5) What purpose does the Zone 39 Map's bold print "DRY LAND LEVEE" designation have in describing the location of the Zone 39 reconfigured levee placement if not to depict a new location for the Dry Land Levee? (See Exhibit "6")

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- 6) What additional flood related impacts will a levee relocation create?
- 7) What affect will a levee relocation have on flood water flows and flood water elevation levels impacting neighboring properties?
- 8) Doesn't the public have a right to know that their property could be subject to unidentified and unanticipated flood impacts?
- 9) At what point will these potential flood levee impacts be presented to the public?
- 10) How can TLG justify the costs of annexation into SSJID while significant unidentified impacts remain that may ultimately affect TLG's continued right or ability to farm?
- 11) At this point, how can any affected property owners address known and/or anticipated impacts affecting their property, when the total list of known impacts is unreliable and continually changes over time?
- 12) If the information presented to the public does not accurately describe the City of Manteca's intentions relating to a final SB5 levee plan; is it unreasonable for the public to question the costs involved or the validity of any engineering or geotechnical data collected?

In closing, TLG believes that significant and unidentified environmental impacts, with the potential to adversely affect the TLG Property exist.

In addition, TLG believes that certain related impacts may extend to neighboring property owners as well.

These impacts are expected to involve levee related separations to property parcels with impacts that may involve potential flood water elevations, stormwater drainage, continued opportunity to distribute irrigation water, equipment access and the continuing right and/or feasibility to farm.

As a result, TLG requests that the City of Manteca hold public workshops to present a complete levee compliance overview, identifying the City of Manteca's intentions and to allow for public feedback relating to SB5 200-year flood levee requirements.

Thank you for you attention to this very important matter.

Yours Truly,



Martin Harris
Terra Land Group, LLC

MH/jas

Enclosures:

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

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- 1) Ex. "1": *Manteca City Council Agenda Item No. B.07*
- 2) Ex. "2": *Page 3-32 of the March 2011 Terra Ranch Subdivision Final EIR*
- 3) Ex. "3": *December 29, 2010 Nomellini, Grilli & McDaniel PLCs email to Erika Durrer*
- 4) Ex. "4": *December 3, 2013 Sam Bologna/SSJID email to Martin Harris with Enclosures*
- 5) Ex. "5": *November 7, 2014 SSJID to TLG Proposed Terms of Supplement to Annexation and Water Service Agreement*
- 6) Ex. "6": *{Map appears to indicate April 2014} City of Manteca Public Works Department Storm Drainage Zone 39 Subareas Map*

cc:

Manteca City Council
Mark Meissner, City of Manteca Planning Department
Karen McLaughlin, Manteca City Manager
Mark Houghton, City of Manteca Public Works
Jeff Shields, South San Joaquin Irrigation District
Manteca Development Group
TR Land Company
Rosi Cerri Foundation
Reclamation District No. 17
Brian Jones, North Star Engineering Company
Title Company

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EXHIBIT "1"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

City Council Agenda
December 16, 2014
Consent Calendar
Agenda Item No. B.07

Reviewed by
City Mgr's office: /KLM

Memo to: Manteca City Council
From: Phil Govea, Deputy Director of Public Works
Date: December 8, 2014
Subject: 200-Year Flood Protection Update

Recommendation:

Receive report on 200-year flood protection, and provide direction to staff as appropriate.

Background:

Senate Bill 5 was passed by the California Legislature in 2007, and later amended in 2012 by SB 1278 (SB5). Among its many requirements, SB5 significantly limits the ability of urban communities to approve residential, commercial and industrial development projects after July 2016 unless communities have either: 1) Constructed all improvements needed to provide an Urban Level of Flood Protection for a 200-year storm event (200-year Flood Protection), or 2) Made a finding of adequate progress toward providing 200-year Flood Protection. Since completing all needed improvements by July 2016 is not practical, most communities impacted by SB5 are instead working toward making a "finding of adequate progress," which is what the cities of Lathrop and Manteca have been working toward over the last several months. Ultimately, SB5 requires that all improvements needed to provide 200-year flood protection are completed by July 2025.

Before a permitting agency can make a defensible "finding of adequate progress," various work products need to be completed as described below. The first work product involves developing a computer model to simulate 200-year flood events and, from this information, preparing maps of the effected properties should the levees fail. In February 2014, the cities of Lathrop and Manteca jointly funded an agreement with an engineering firm (Peterson Brustad, Inc. [PBI]) to develop a computer model, to calculate the 200-year water surface profile in the San Joaquin River, and to develop 200-year floodplain maps for the cities of Lathrop

and Manteca and the unincorporated areas of the County that are within Lathrop's or Manteca's General Plan boundaries. The modeling and mapping work was completed, and a presentation was provided to Council at the June 17, 2014 meeting. Figure 1 shows the 200-year floodplain for the cities of Lathrop and Manteca.

The next work products needed to support a finding of adequate progress involve significant engineering and geotechnical efforts, and again, Lathrop and Manteca contracted with PBI to complete the necessary work. Specifically, the work involves :1) Conducting field surveying and reconnaissance to identify deficiencies in the existing levee system, 2) Preparing levee design criteria that meets State and Federal standards, 3) Identifying rehabilitation measures to fix the deficiencies, 4) Preparing cost estimates for the rehabilitation work, and 5) Vetting the analyses and design criteria in a series of workshops with a panel of independent experts, as well as with State agencies. The work on these tasks has progressed far enough that PBI has prepared a preliminary cost estimate of \$145 million needed to repair the 20 miles of levees that protect the cities of Lathrop and Manteca. Assuming State funding is available for 50% of the costs, and assuming a 2/3-Lathrop, 1/3-Manteca split on the remaining costs (based on land area located within the 200-year floodplain), the total cost for Manteca is conservatively estimated at \$24 million.

In addition to the above work, a financing plan needs to be prepared and construction on some of the needed improvements must be under way by July 2016 in order to make a finding of adequate progress. Regarding a financing plan, staff from the cities of Lathrop and Manteca are soliciting proposals from qualified firms to prepare the plan. Regarding construction, Reclamation District 17 (RD 17) is the local agency responsible for maintaining the levee system in the vicinity of Lathrop, Manteca, Stockton and portions of the San Joaquin County. RD 17 has an existing levee improvement project soon to be in construction, and the plan is to leverage this project as a qualifying construction activity to support a finding of adequate progress. It should be noted that, while RD 17's levee project makes needed improvements to this existing levees, the project by itself does not provide 200-year flood protection for the region. Significant additional work is needed to achieve 200-year flood protection as described later in this report.

As for next steps, staff has a goal of completing the work needed to make findings of adequate progress by February 2016, such that the Lathrop and Manteca City Councils can take action at their February or March 2016 Council meetings.

From July 2016 to July 2025, significant work will then continue toward achieving 200-year flood protection. These work activities will include: implementing a financing plan; designing and preparing construction documents for the levee improvements; obtaining environmental clearance for the improvements; acquiring property; and construction of the improvements.

It should also be noted that only Lathrop and Manteca have come forward to fund the SB5 compliance work to date, although the work also benefits Stockton and the unincorporated areas of San Joaquin County.

Fiscal Impact:

The fiscal impact to Manteca of providing 200-year flood protection is estimated at \$24 million. Identifying a financing plan to recover these costs is part of the next steps in the process.

Attachment:

Figure 1

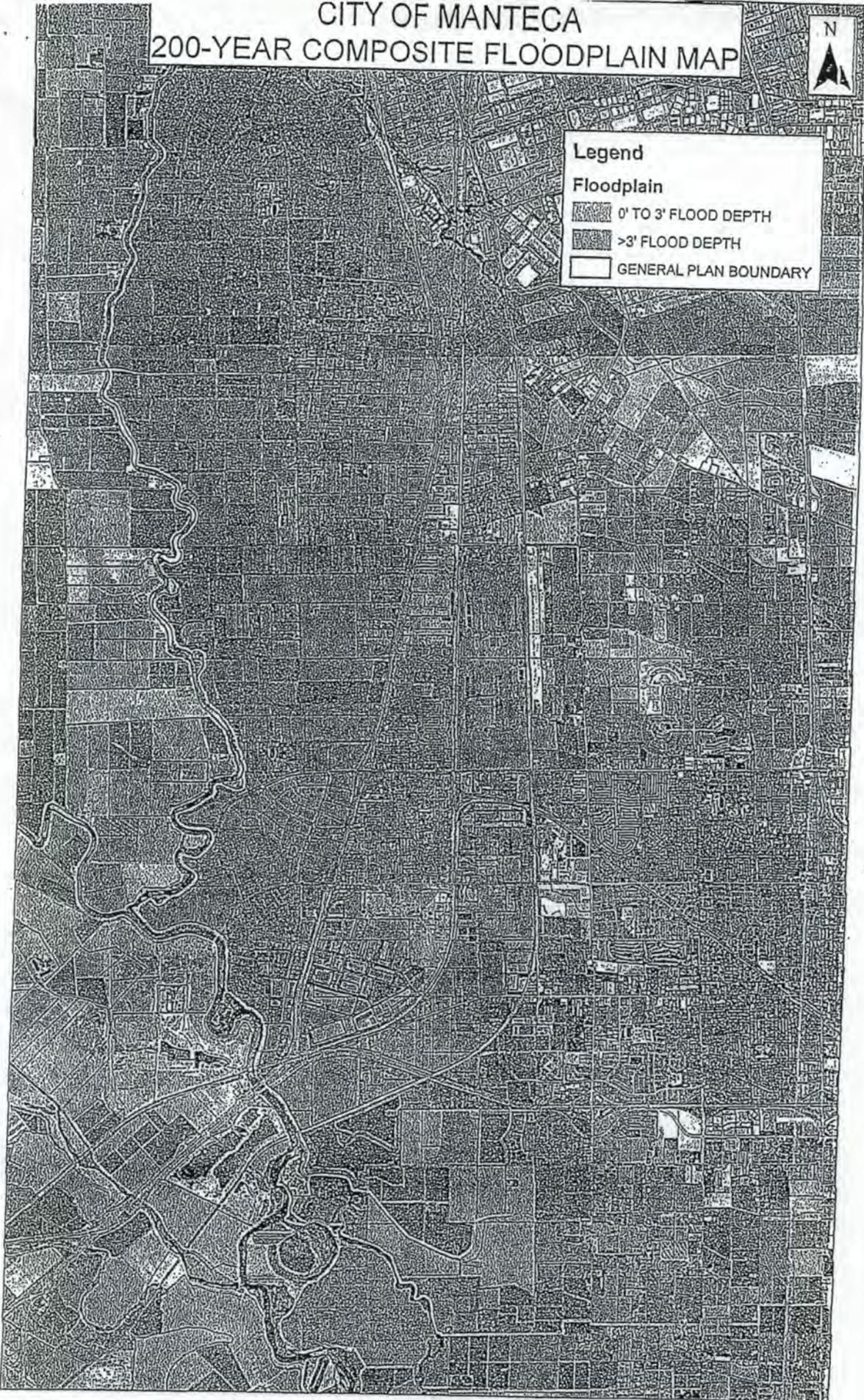
CITY OF MANTECA 200-YEAR COMPOSITE FLOODPLAIN MAP



Legend

Floodplain

-  0' TO 3' FLOOD DEPTH
-  >3' FLOOD DEPTH
-  GENERAL PLAN BOUNDARY



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EXHIBIT "2"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

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EXHIBIT "3"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Nomellini, Grilli & McDaniel PLCs [mailto:ngmplcs@pacbell.net]
Sent: Wednesday, December 29, 2010 4:48 PM
To: Durrer, Erika
Cc: 'Chris Neudeck'; Stone, Jim
Subject: Terra Ranch Subdivision DEIR Sch# 2010072054

Letter 7

- 7-1 Erika Durrer: Reclamation District No. 17 submits the following comments: Attached please find copy of May 19, 2009 letter from Kjeldsen, Sinnock & Neudeck, Inc to Mark Meissner commenting on the preliminary tentative map for the Trails e project which are relevant to this project as well. Such comments are incorporated herein.
- 7-2 Since such comments were submitted the setback required by DWR and the USACE has increased from 10ft to 15ft and possibly 20ft. The RD 17 Levee Setback Standard should be adjusted accordingly. Engineering and O&M requirements are evolving and becoming more rigid. Excavations for swimming pools and other purposes outside the levee easements are increasingly being recognized as having the potential for affecting under seepage and therefore levee stability.
- 7-3 Location of ample open space along the levees coupled with a single loaded street as a buffer from development is highly recommended. The Terra Ranch plan appears to incorporate the single loaded street and a setback. The setback may have to be increased and excavations as far as 300ft may be restricted. The single loaded street with an adequate setback will add flexibility to accommodate future levee requirements, avoid conflicting encroachments and improve access for patrol and floodlighting.
- 7-4 Thank you for your consideration. Dante John Nomellini, Secretary and Counsel for Reclamation District No 17.

Nomellini, Grilli & McDaniel
Professional Law Corporations
235 East Weber Avenue
Stockton, CA 95202

Mailing address:

P.O. Box 1461

Stockton, CA 95201-1461

Telephone: (209) 465-5883

Facsimile: (209) 465-3956

Email: ngmplcs@pacbell.net

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EXHIBIT "4"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Sam Bologna <sbologna@ssjid.com>

To: Marty Harris (harrismw1@aol.com) <harrismw1@aol.com>

Cc: Sam Bologna <sbologna@ssjid.com>

Subject: Water levels

Date: Tue, Dec 3, 2013 2:55 pm

Attachments: Lateral_W_water_levels.PDF (4327K)

Marty,

Attached are a couple of maps that show the irrigation supply line (Lateral "W"), where you plan to make your connection. The Lateral is a 42" pipeline that will handle 25 CFS flow. The elevations on the maps show where the high water marks are in the systems that are taken from the upstream box, east of Airport way. Unfortunately, we could not find any water surface elevation information at the end of the line. Please let me know if there is anything else you might need.

Sam Bologna

Engineering Department Manager

South San Joaquin Irrigation District

P.O. Box 747

Ripon, Ca. 95366

(209) 249-4617 direct phone

(209) 249-4651 direct fax

(209) 456-1574 cell phone

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EXHIBIT "5"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Proposed Terms of Supplement to Annexation Agreement

November 7, 2014

1. The supplemental agreement entitles landowner to buy water transferred from the District under the following terms.
2. SSJID and landowner will make all reasonable efforts to complete annexation expeditiously.
3. Regardless of when or whether annexation is approved by LAFCo, SSJID will make water available during the annual irrigation season as soon as:
 - a. Landowner has applied to the District for annexation and has paid the portion of the annexation fee required with the application.
 - b. The Board has taken such action as is required by CEQA and approved the agreement.
 - c. All District and private facilities necessary to provide service to the land are installed and in a condition satisfactory to District.
 - d. Other requisite conditions are satisfied (i. e., environmental review), and,
4. All provisions relating to new facilities are identical to provisions in the annexation agreement. So, the cost for installing new District facilities is at landowner's expense.
5. The land will have the same Tier 2 priority for water supply under this supplemental agreement as it will have after annexation.
6. The entitlement fee entitles landowner to the rights granted in the supplemental agreement:
 - a. The amount of the entitlement fee is 75% of the annexation fee.
 - b. The entitlement fee is due upon Board approval of the supplemental agreement.
 - c. The entitlement fee becomes nonrefundable upon board approval of the supplemental agreement.
 - d. The payment schedule for the financing plan is coordinated with the annexation payment schedule:
 - i. The 25% portion of the annexation fee paid with the annexation application counts toward the entitlement fee. This amount equals 1/3 of the entitlement fee. This leaves an amount equal to 2/3 of the entitlement fee due upon Board approval of this agreement (See examples below). SSJID may agree to a reasonable financing plan for this 2/3 portion of the entitlement fee, including interest on the deferred portion.

- ii. All of the entitlement fee will be credited toward the annexation fee if annexation is approved by LAFCo.
7. The supplemental agreement has a long term of years (25 – 50 years?) in order to justify the amount of the entitlement fee and to constitute an acceptable alternative to annexation for the landowner. The long term is justified by the fact that the District and the landowner are willing to annex in perpetuity.
8. Landowner would pay 300% of the average water charges paid by in-district irrigators. In-district irrigators pay an average of \$10/acre-foot, so landowner would pay \$30/acre-foot.
9. The water charge changes when in-district charges change, by the same percentage.
10. The supplemental agreement should be signed by landowner before Board consideration.
11. The supplemental agreement lapses upon annexation when all the usual terms of annexation would apply.

Annual Cost per Acre if Entitlement Fee is Spread Over the Term of the Agreement

	Entitlement Fee	Estimated Water Charges @ \$30/a-ft	Total Annual Cost
Annexation fee per acre	\$2,297.00		
Entitlement fee @75%	\$1,722.75	Assuming 42 inches per year	
Cost per year for:			
25 years	\$68.91	\$105.00	\$173.91
30 years	\$57.43	\$105.00	\$162.43
40 years	\$43.07	\$105.00	\$148.07
50 years	\$34.46	\$105.00	\$139.46

Annual Annexation Cost per Acre for the Same Time Periods

	Annexation Fee	Estimated Water Charges @ \$30/a-ft	Total Annual Cost
Annexation fee per acre	\$2,297.00		
Cost per year for:		Assuming 42 inches per year	
25 years	\$91.88	\$34.50	\$126.38
30 years	\$76.57	\$34.50	\$111.07
40 years	\$57.43	\$34.50	\$91.93
50 years	\$45.94	\$34.50	\$80.44

Illustration of How Fee Payments are Coordinated

<u>Without Using Payment Plan</u>		<u>Annexation</u>	<u>Entitlement</u>
		<u>Fee</u>	<u>Fee</u>
Acres		220.5	220.5
25% of annexation fee is due with annexation application and applies toward the entitlement fee		\$126,622	\$126,622
The balance of the entitlement fee is due upon Board approval of the supplemental agmt, and applies to the annexation fee		253,244	253,244
IF LAFCO APPROVES ANNEXATION: The balance of the annexation fee is due 14 days after LAFCo approval of the annexation		126,622	
Total Paid		\$506,489	\$379,866

Illustration of How Fee Payments are Coordinated

With a Payment Plan

	Annexation Fee	Entitlement Fee
Acres	220.5	220.5
25% of annexation fee is due with annexation application and applies toward the entitlement fee	\$126,622	\$126,622
IF LAFCO APPROVES ANNEXATION: Balance of annexation fee is paid in a max of 5 annual payments (plus 5% interest not included here):		
Year 1	75,973	
Year 2	75,973	
Year 3	75,973	
Year 4	75,973	
Year 5	75,973	
IF LAFCO DENIES ANNEXATION: Balance of entitlement fee is paid in a max of 5 annual payments (plus 5% interest not included here)		
Year 1		50,649
Year 2		50,649
Year 3		50,649
Year 4		50,649
Year 5		50,649
Total Paid (Not Including Int.)	\$506,489	\$379,866

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

SOUTH SAN JOAQUIN IRRIGATION DISTRICT
11011 East Highway 120
Manteca, California 95336

WATER SERVICE AGREEMENT

This Water Service Agreement is entered into this _____ day of _____, 2014 between South San Joaquin Irrigation District ("SSJID" or "District") and _____ ("Landowner"). District and Landowner are collectively referred to as "Parties".

RECITALS

WHEREAS, District operates under and by virtue of Division 11 of the California Water Code; and

WHEREAS, District adopted an annexation policy on October 14, 2014, by resolution number 14-11-P90-18-0 ("Annexation Policy"); and

WHEREAS, Landowner has submitted an application dated _____ for annexation of its real property described in Exhibit A ("Property") to the District ("Application") in order to receive irrigation service as a member of the District; and

WHEREAS, District and Landowner desire to set forth the terms under which District will provide irrigation service to the Property until either the Property is annexed to the District or this Agreement terminates in accordance with its terms, whichever occurs sooner,

NOW, THEREFORE, the Parties, on the terms and conditions herein set forth, agree as follows:

AGREEMENT

1. Agreement to Serve: District agrees to provide irrigation service to Landowner's Property during the District's annual irrigation season as determined annually by the District's Board of Directors on the terms in this Agreement.
2. Conditions: The Property will be entitled to irrigation service when the following conditions are satisfied:

- A. Landowner has installed its own facilities that are necessary for the Property to receive irrigation service from District's Lateral "_____" at approximately station _____ as shown on the plat attached as Exhibit B ("Delivery Point"). Landowner is responsible for installing such other facilities as Landowner determines to be necessary for distribution of the irrigation water from the Delivery Point throughout the Property. Landowner shall obtain a structure permit from District before connecting any structures to District's facilities.
- B. Landowner has installed at Landowner's expense a flowmeter and SCADA facilities to measure the application of District water to the Property at the Delivery Point. The meter and all other facilities shall conform to District's specifications and will be owned by District. Landowner shall execute and deliver an agreement in recordable form acceptable to District providing District with the right to access the Property to access, read, maintain, repair and replace the meter and SCADA facilities or dedicate a separate easement for that purpose at the discretion of the District.
- C. District's determination that its actions in accordance with this Agreement do not cause any significant environmental impacts pursuant to the California Environmental Quality Act (CEQA) and that an environmental impact report is not required, and the applicable time period for challenging the District's actions under CEQA has expired without the filing of a legal challenge.
- D. District has obtained such regulatory or other approvals as are agreed upon by the Parties.
- E. Landowner has paid the Entitlement Fee to District as specified in this Agreement.
- F. Terms of Service: The following provisions govern the District's provision of irrigation service to the Property:
- G. Landowner, as owner of the Property is entitled to equal benefits to the District's water supply to the extent of District's water supply, its water rights and its available water delivery facilities, subject to the Tier II provisions below, so long as Landowner is not in default of any payments due the District, of the terms and conditions of this Agreement, of the rules and regulations of the District, or of applicable federal, state or local laws and regulations.
- H. The District will provide service at the Delivery Point and Landowner is responsible for all other facilities necessary to accept water service as described in Section 2.
- I. The Property will be entitled to receive irrigation service on the terms and conditions of this Agreement, District's water rules, regulations and policies,

including the Tier II provisions below, as such policies are currently in effect or as may be added or modified from time to time, subject to federal, state and local laws and regulations.

J. The Property is subject to the Tier II restrictions in the District's Annexation Policy by which irrigation service to Landowner, as owner of the Property, is subject to reduction in whole or in part in any year when the District's Board of Directors determines such action to be necessary in order for District to serve Tier I landowners, which are those landowners whose property was within the District as of November 14, 2000, and to satisfy the District's contractual obligations to the cities of Manteca, Escalon, Ripon, Lathrop and Tracy.

K. Landowner must pay the water charges due from time to time as described in Section 6.

L. The District shall be relieved of its obligations in this Agreement to the extent it is unable to do so due to a failure of the District's water delivery facilities.

3. Term of Agreement: The term of this Agreement shall be ___ years from the date in the first paragraph above, provided that this Agreement will expire at such time that annexation of the Property to the District is complete, as evidenced by the recording of a certificate of completion.

4. Entitlement Fee: Landowner shall pay District an Entitlement Fee of \$___, which is \$ ___ per acre for the ___ acres comprising the Property.

A. The Entitlement Fee is due before this Agreement is submitted to the District's Board of Directors for approval. The Entitlement Fee becomes nonrefundable upon approval of this Agreement by the District's Board of Directors. The Entitlement Fee is refundable if the District's Board of Directors rejects this Agreement.

B. The Entitlement Fee is payable as follows:

1). Any portion of the annexation fee for the Property paid to District is credited towards the Entitlement Fee.

2). The balance of the Entitlement Fee is payable upon approval of this Agreement by the District's Board of Directors. Landowner may elect at such time to pay the balance of the Entitlement Fee in a maximum of five equal annual payments. In such event, the unpaid balance will accrue interest at 5% per annum, commencing upon approval of this Agreement by District's Board of Directors. Annual installments, including accrued interest, will be billed and are due in accordance with Section 5B (3) below.

3). Annual payments on the deferred portion of the Entitlement Fee are due on receipt of each annual bill issued on or about November 1 of each year and are payable in two installments. The first installment is delinquent if not paid by 4:30 p.m. on December 20 of each year, and the second installment is delinquent if not paid by 4:30 p.m. on June 20 of the following year. If any required payment is delinquent, District shall collect the unpaid amounts, plus the fees, penalties, and charges authorized by the District's Collection Policy adopted in Resolution No. 2001-04-F, "Policy Governing Collection of Fees, Charges and Penalties" or any subsequent resolution which supersedes Resolution No. 2001-04-F ("Collection Policy"), and the unpaid amounts, including fees, charges and penalties, such constitute liens on the land in accordance with the Collection Policy.

C. The portion of the Entitlement Fee paid to District shall be credited to the annexation fee due from Landowner according to the Annexation Policy, when the annexation of the Property to District is complete.

5. Water Charges and Measurement: Landowner agrees to pay District a water charge of \$30 per acre-foot of water received by Landowner for the Property based on data from the flow meter described in Section 2B. This charge is subject to annual increase based on changes to the consumer price index as shown on the urban wage earners and clerical workers, US city average (CPI - W) ("Index") for the 12 month period concluding with the August CPI index of each year. Effective October 1 of each year, commencing October 1, 2015, the charge shall be adjusted, based on the same percentage that the index as published in August of each year has adjusted as compared to the index published in August of the preceding year, provided, however, that the adjustment in any year shall not result in a decrease in the charge then in effect nor exceed 5%.

During any month when data from the flow meter is not available, District will bill Landowner and Landowner agrees to pay water charges based on District's good faith estimate of the water delivered to the Property for the month.

6. Billing and Payment: District will bill customer for water used in each month during the irrigation season on or about the 10th day of the following month. Bills are due on receipt and are delinquent if not paid by the 30th day of that month. District may decline to provide service to Landowner whenever Landowner's account is delinquent for more than 10 working days.

7. Annexation: District and Landowner will make all reasonable efforts to complete annexation of the Property.

8. Water Rights and Regulatory Approval: District intends to use its pre-1914 water rights to provide irrigation service to the Property. These rights permit District to divert a set flow rate from the natural flow in the Stanislaus River from March 1 to November 1

of each year to irrigate land within the boundaries of the District at the time of the adjudication in 1929. The place of use of these rights can be changed in order to provide irrigation service to the Property without regulatory approval. District will provide Landowner with a copy of the court decree upon Landowner's request. District shall inform Landowner if it determines that any regulatory approvals are necessary for the District to provide irrigation service to the Property, the process it would follow to obtain the necessary approvals, and provide a justification for the process selected.

9. Termination: District has the right to terminate this Agreement before expiration of the term in Section 4, as set forth below:

A. If legal action is brought in federal or state court, or proceedings are instituted by any regulatory agency, against District challenging its providing service to the Property under this Agreement, District may, in its discretion, defend or settle the action or regulatory proceeding on such terms as it deems to be in its best interests. If, the result of such action or proceeding, whether by judgment or decision or by settlement, District is prohibited from serving the Property, then the District may terminate this Agreement.

B. In the event of termination under this paragraph, the Parties shall thereafter be under no further obligation or responsibility hereunder and will release each other from further obligations under this Agreement.

10. Cooperation: To the extent reasonably required, each Party to this Agreement shall, in good faith, assist the other in obtaining all such necessary approvals and preparation of required environmental documents. The Parties agree to cooperate and assist each other in good faith in meeting such requirements of regulatory agencies as may be applicable to performance of any terms of the Agreement.

11. Resale: Landowner may not resell the water under this Agreement.

12. Waiver of Rights: Any waiver, at any time, by any Party of its rights with respect to a breach or default, or any other matter arising in connection with this Agreement, shall not be deemed to be a waiver with respect to any other breach, default or matter.

13. Successors and Assigns: The covenants of Landowner in this Agreement shall be binding on the heirs, successors, grantees, and assigns of the owners of Subject Property and the other provisions of this Agreement shall inure to the benefit of and be binding on District and upon the heirs, successors, grantees, and assigns of the owners of Subject Property.

14. Other Agreements: Nothing contained herein restrict the District from providing water services and sales to others as authorized by law which do not unreasonably interfere with District's obligation hereunder.

15. Entire Agreement: This Agreement constitutes the entire Agreement between the District and Landowner and supersedes any oral agreement, statement or promise between them relating to the subject matter of the Agreement. Any amendment, including oral modifications, must be reduced to writing and signed by all Parties to be effective.

16. Effective Date: The effective day and date of this Agreement shall be the day and date first above written.

"DISTRICT"

South San Joaquin Irrigation District

By _____
Title _____

"LANDOWNER"

By _____

EXHIBITS

- A. Legal description of Property
- B. Plat showing District's Lateral "____" and the Property

To: Marty Harris (harrismw1@ssjid.com)
Subject: Annexation

Date: Fri, Nov 7, 2014 11:27 am

Attachments: Annexation_Supplemental_Agreement_10-23-14.docx (45K), Supplemental_Agreement_Proposed_Terms_11-07-2014.docx (136K)

Hi Marty,

It was good talking to you today. Attached are copies of a term sheet and sample Water Service Agreement that we talked about today. These should help give you some idea of costs associated with your specific annexation. Please feel free to contact me if you have questions.

Sam Bologna

Engineering Department Manager

South San Joaquin Irrigation District

P. O. Box 747

Ripon, Ca. 95366

(209) 249-4617 direct phone

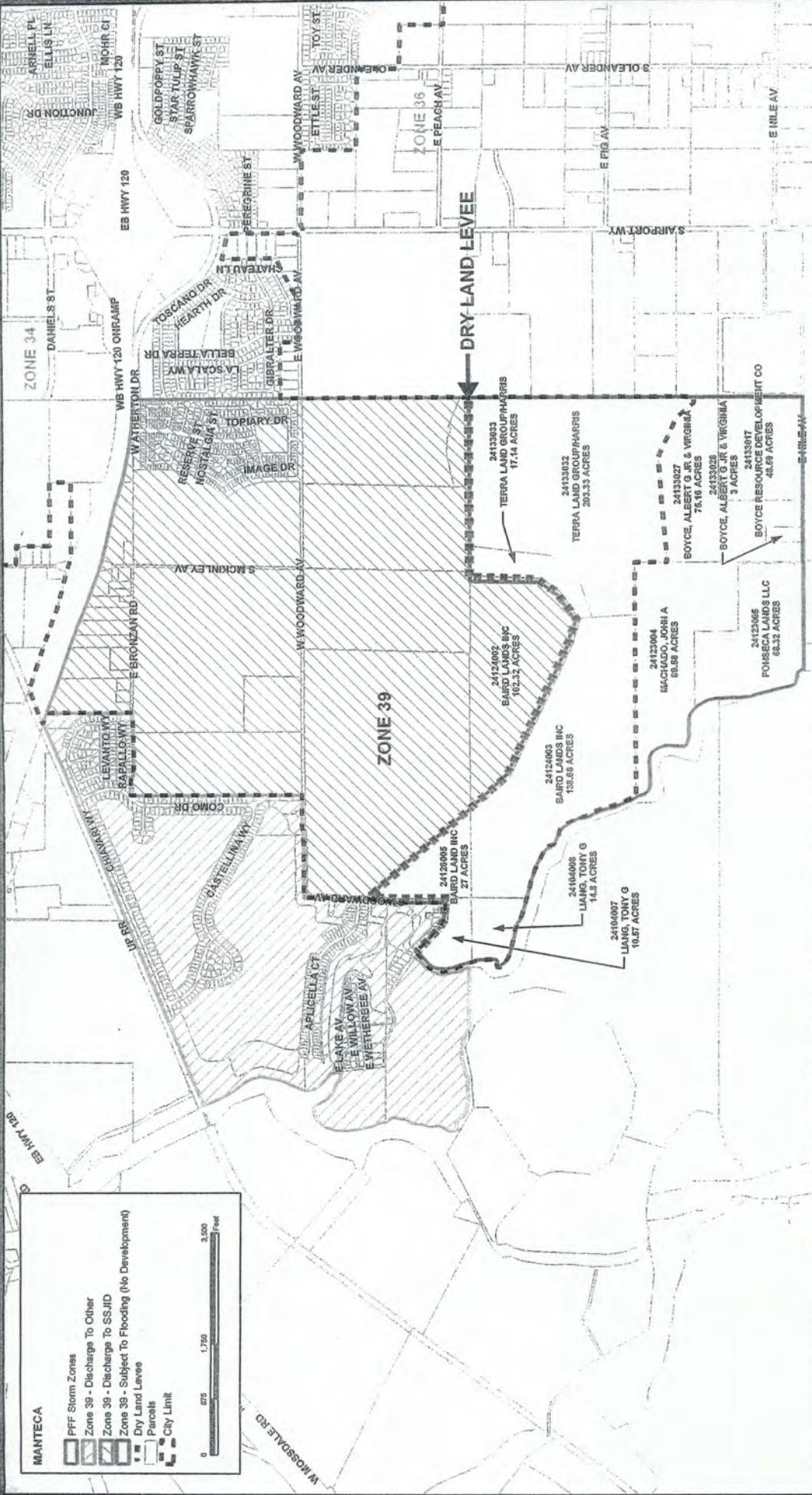
(209) 249-4651 direct fax

(209) 456-1574 cell phone

TERRA LAND GROUP, LLC

EXHIBIT "6"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



MANTECA

- PFF Storm Zones
- Zone 39 - Discharge To Other
- Zone 39 - Discharge To SS/ID
- Zone 39 - Subject To Flooding (No Development)
- Dry Land Levee
- Parcels
- City Limit



STORM DRAINAGE ZONE 39 SUBAREAS

CITY OF MANTECA PUBLIC WORKS DEPARTMENT
1001 W CENTER STREET MANTECA, CA 95337



DATE: 11/15/2011 10:21 AM

PROJECT: 11011 - 11/15/2011
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

July 19, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337
MayorCouncilClerk@mantecagov.com
% lblackmon@ci.manteca.ca.us

Re: Manteca City Council July 19, 2016 Meeting Agenda Item for Preferred Alignment for the Dryland Levee (SB5) originally scheduled for 07/19/16 as noticed to the public by Drake Haglan and Associates at the Dryland Levee Public Workshops and listed in tonight's agenda under Section C, Community Development, and reports that the "Preferred Alignment for the Dryland Levee (SB5) will be heard at the August 16, 2016 Regular City Council Meeting"

Dear Council Members,

My name is Lucille Harris. I am the manager of W/L Harris Ranches, LLC ("Harris Ranches").

Harris Ranches owns approximately 37 acres of farmland described by APN 241-330-34 and is located at 21611 S. Airport Way in Manteca.

The property is further described as having a southern boundary line running along the interior quarter section center line of Section 13 as identified by monuments 10 and 11 and extending east to the east quarter corner of said Section 13 located at or near the center of Airport Way, as illustrated on Record of Survey 38-155 attached as **Exhibit "1"**. Record of Survey 38-155 also identifies the locations of Fonseca APN 241-330-05 and Cambra APN 241-330-36 to the north as well as adjacent parcels 241-330-08, 241-330-09 and 241-330-10 to the south.

To further clarify property lines for the Harris Ranches property parcel APN 241-330-34, I have attached three each survey maps as recorded in San Joaquin County, (a) 36-199 (b) 25-106 and (c) 6-127, attached as **Exhibits "2", "3" and "4"**, respectively.

I have enclosed a copy of the APN 241-330-34 deed recorded in San Joaquin County described in a document recorded on July 1, 1996, as Instrument No. 96069351, Official

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

Records, being more particularly described in the title document and Assessor's parcel map attached as **Exhibit "5"**.

In addition, the South San Joaquin Irrigation District ("SSJID") owns an easement and operates a surface tail water irrigation drain ("Drain #10") at or near the western and northern Harris Ranches APN 241-330-34 boundary lines.

This is evidenced in the recorded SSJID easement deed and map attached as **Exhibit "6"**.

At this time, Harris Ranches is aware of several dryland levee alignments that the City of Manteca is considering.

Further, Harris Ranches is informed and believes that the intent of the City of Manteca is to place all levee and other development-related infrastructure needed at or on easements or property boundary lines if at all possible.

I. **Concerns relating to conflicting Record of Surveys 37-150 and 38-155:**

On December 16, 2015, VVH Engineering Consultants ("VVH") recorded Record of Survey 38-155 that appears to have found and identified monument 11, represented as a $\frac{3}{4}$ rebar, tagged LS 7454 for center of section 13 per Record of Survey 36-199. The survey 36-199 was performed by Michael Turnrose. (**See Exhibits "1" and "2"**)

The 36-199 Record of Survey Map appears to call out an iron pin that represents the south west corner of the Harris Ranches property as further detailed in VVH's Record of Survey 38-155 recorded on 12/16/2015.

Harris Ranches calls your attention to a Record of Survey 37-150 (**See Exhibit "7"**) recorded on 12/14/2011 that appears to have not made any call or reference to the center of Section 13 iron pin that appears to have been called out on other deeds and surveys. (**See Exhibits "1", "2", "3", "4" and "5"**)

With this in mind, Harris Ranches once again calls your attention to Record of Survey 37-150 and the alleged relocation of the section corner common to Sections 11, 12, 13 and 14 that TLG believes was set in 2011 and tagged LS 6406 at the time of the 37-150 Record of Survey.

Subsequent to the alleged relocation of the section corner referenced above, the neighboring property immediately west of Harris Ranches, Terra Land Group, a single parcel consisting of APNs 241-330-32, 241-330-33 and 241-320-60, was contacted

W/L Harris Ranches, LLC

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by email and informed that the boundary lines of their property were incorrect. (**See Exhibit "8"**)

A parcel map 25-124 was included with the emailed letter and a quit claim document was also attached apparently for the purpose of expediting the process of changing the boundary lines previously accepted and recognized by neighboring property owners for many years. (**See Exhibit "8"**)

Of special concern is Harris Ranches belief that at least one local developing property owner in the area that may be affected by the 37-150 Record of Survey has apparently been invited to enter into a boundary line agreement to resolve any disputes with neighboring property owners while possibly protecting its property against the potential for any cloud on title. (**See Exhibit "9"**)

At this time, no one has contacted Harris Ranches about any affect that the 37-150 Record of Survey may have on its title or its property lines as well as SSJID Drain #10 easements and access road easements currently in place and benefitting Harris Ranches as well as other neighboring properties.

This should be of particular interest to the City of Manteca since it is Harris Ranches belief that any change to the Harris Ranches west property line will also change the boundary line identifying which areas are located within the city limits and governed by the City of Manteca and which areas are located outside the city limits and governed by San Joaquin County.

This leads Harris Ranches to believe that a boundary line agreement should be strongly considered, that once executed, will protect all property lines previously recognized and accepted to serve the best interests of everyone that may be affected.

In the meantime, Harris Ranches believes that it has no other equitable alternative other than to move forward with any improvements and more beneficial cultural plans on its property based on the boundaries and easement locations historically accepted and described on the survey maps referenced and attached to this letter.

This is especially important when you consider that two weeks ago, Harris Ranches submitted a map to SSJID as a preliminary step in constructing a culvert pipe crossing over the SSJID Drain #10 at or near the north west corner of the Harris Ranches property (**See Exhibit "10"**). The location of the culvert pipe crossing is

W/L Harris Ranches, LLC

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based on property lines represented in recorded deeds and surveys 36-199, 6-127, 25-106 and 38-155. (See Exhibits "1", "2", "3", "4" and "5")

In this way, Harris Ranches can move forward with improvements planned while relying on surveys and deeds previously recorded that have resulted in establishing easements and/or various occupation lines as evidenced by roadways, irrigation and drainage infrastructure and other improvements currently in place and positioned in reliance on those same surveys and deeds previously recorded.

As a result, Harris Ranches is looking to the City of Manteca, as the lead agency for development in southwest Manteca, to mitigate any and all costs associated with safeguarding and protecting the property rights of every landowner that may be affected by the alleged relocation of any section corner or quarter corner section marker or any alleged erroneous omission of any previously identified quarter section or center section monument that Harris Ranches believes and is concerned may have occurred relating to Record of Survey 37-150. (See Exhibits "1", "2", "3", "4", "5" and "7")

Thank you,



Lucille Harris
W/L Harris Ranches, LLC

LH/jas

Enclosures:

1. Ex. "1": Record of Survey 38-155 and Record of Survey 38-155A, VVH Consulting Engineers, recorded 12/16/2015
2. Ex. "2": Record of Survey 36-199, Turnrose Land Surveying, recorded 10/07/2008
3. Ex. "3": Map of Survey 25-106, John M. Lopes, recorded 04/15/1974
4. Ex. "4": Map of Survey 6-127, recorded 10/04/1945
5. Ex. "5": Grant Deed #2013-145352, San Joaquin County Recorder, recorded 11/22/2013
6. Ex. "6": Grant of Easement for Right of Way, recorded 01/23/1950
7. Ex. "7": Record of Survey 37-150, Keith Spencer, recorded 12/14/2011
8. Ex. "8": 09/30/2013 Letter from Kim Smith to Martin Harris
9. Ex. "9": Lot Line Adjustment for The Trails, City of Manteca, NorthStar Engineering Group, Inc. (dated 05/14/2015)

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

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10. Ex. "10": 07/06/2016 Email from VVH Consulting Engineers to Forest Killingsworth/SSJID

cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Elena Reyes, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer
San Joaquin County Department of Public Works, Surveyor's Division
Reclamation District No. 17

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "1"

Record of Survey 38-155 and Record of Survey 38-155A, VVH Consulting Engineers,
recorded 12/16/2015

38-155

RECORD OF SURVEY

BEING A SURVEY OF PORTIONS OF SECTIONS 11, 12, 13, AND 14, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE AND MERIDIAN CITY OF MANTICA, SAN JOAQUIN COUNTY, CALIFORNIA AUGUST, 2015



SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF MARTIN HARRIS IN AUGUST, 2015.

DATED THIS 3rd DAY OF DECEMBER, 2015.
Martin Harris
RYAN VANCE, L.S. 8225



COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 87166 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 16th DAY OF DECEMBER, 2015.

Warren D. Smith
WARREN D. SMITH, PLS. 4842
ACTING COUNTY SURVEYOR

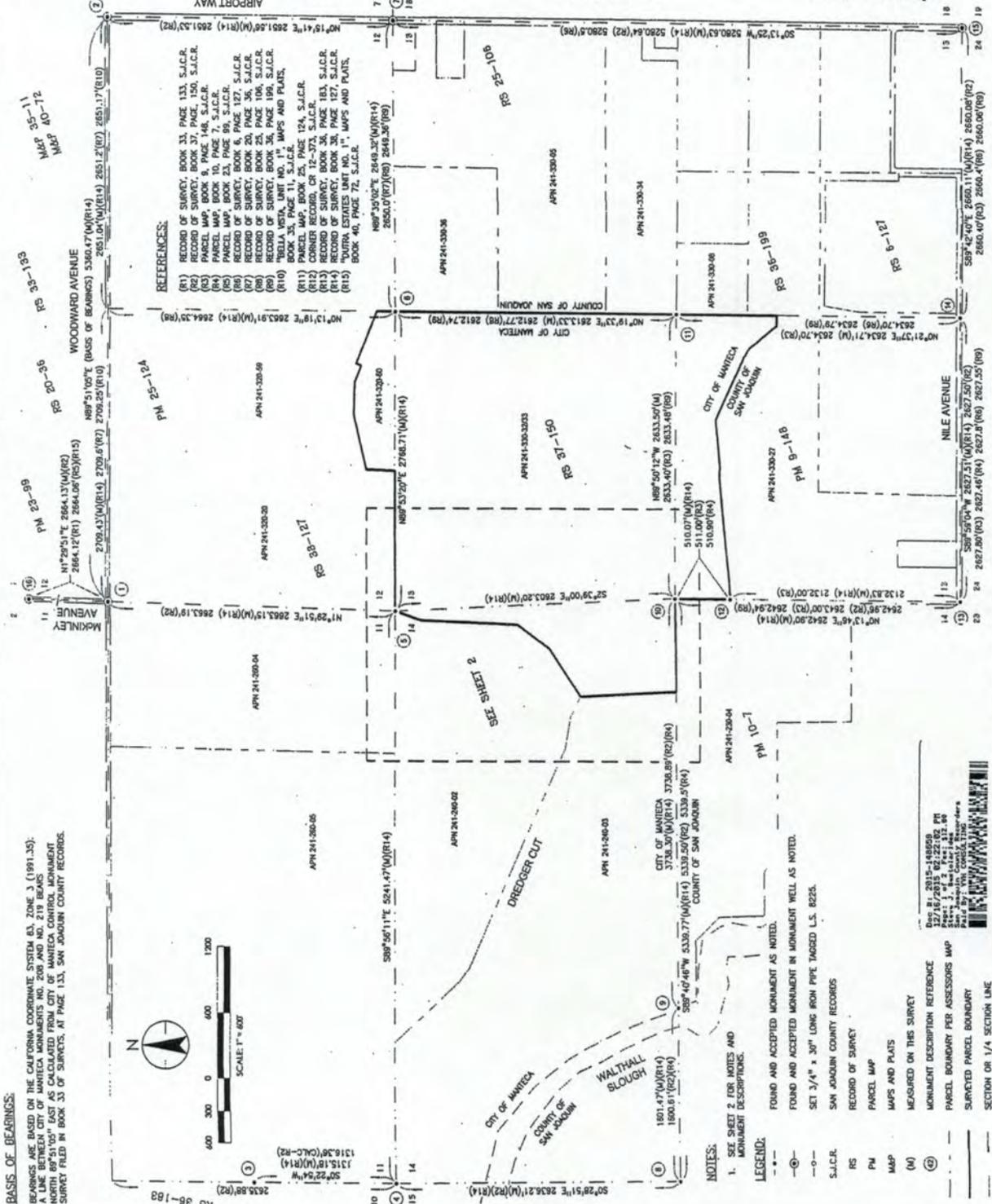


COUNTY RECORDER'S STATEMENT:

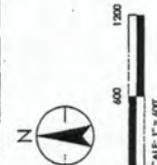
FILED THIS 16th DAY OF DECEMBER, 2015, AT 2:22 P.M. IN BOOK 38 OF SURVEYS, AT PAGE 155.

SAN JOAQUIN COUNTY RECORDS, AT THE REQUEST OF WMI CONSULTING ENGINEERS.
Steve J. Restorares
STEVE J. RESTORARES
ASSISTANT CLERK RECORDER
ASSESSOR-RECORDER-COUNTY CLERK
Seanehe

38-155



BASES OF BEARINGS:
BEARINGS ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM 83, ZONE 3 (1983), AS A LINE BEING 85°10'00" EAST AS CALCULATED FROM CITY OF MANTICA CONTROL MONUMENT SURVEY FILED IN BOOK 33 OF SURVEYS, AT PAGE 133, SAN JOAQUIN COUNTY RECORDS.



REFERENCES:
(R1) RECORD OF SURVEY, BOOK 33, PAGE 133, S.J.C.R.
(R2) RECORD OF SURVEY, BOOK 37, PAGE 150, S.J.C.R.
(R3) PARCEL MAP, BOOK 9, PAGE 148, S.J.C.R.
(R4) PARCEL MAP, BOOK 10, PAGE 7, S.J.C.R.
(R5) PARCEL MAP, BOOK 23, PAGE 91, S.J.C.R.
(R6) RECORD OF SURVEY, BOOK 20, PAGE 56, S.J.C.R.
(R7) RECORD OF SURVEY, BOOK 25, PAGE 106, S.J.C.R.
(R8) RECORD OF SURVEY, BOOK 36, PAGE 199, S.J.C.R.
(R9) "BELLA VISTA, UNIT NO. 1", MAPS AND PLATS, BOOK 30, PAGE 11, S.J.C.R.
(R10) "BELLA VISTA, UNIT NO. 1", MAPS AND PLATS, BOOK 30, PAGE 11, S.J.C.R.
(R11) "CORNER RECORD, OR 12-373, S.J.C.R.
(R12) RECORD OF SURVEY, BOOK 36, PAGE 183, S.J.C.R.
(R13) RECORD OF SURVEY, BOOK 36, PAGE 127, S.J.C.R.
(R14) "OUTRA ESTIMATES UNIT NO. 1", MAPS AND PLATS, BOOK 40, PAGE 72, S.J.C.R.

NOTES:
1. SEE SHEET 2 FOR NOTES AND MONUMENT DESCRIPTIONS.

LEGEND:
--- FOUND AND ACCEPTED MONUMENT AS NOTED.
--- FOUND AND ACCEPTED MONUMENT IN MONUMENT WELL AS NOTED.
--- SET 3/4" x 30" LONG IRON PIPE TAPPED L.S. 8225.
--- SAN JOAQUIN COUNTY RECORDS
--- RECORD OF SURVEY
--- PARCEL MAP
--- M&P AND PLATS
--- (M) MONUMENT DESCRIPTION REFERENCE
--- (C) PARCEL BOUNDARY PER ASSASSORS MAP
--- SURVEYED PARCEL BOUNDARY
--- SECTION OR 1/4 SECTION LINE

APNs:
APN 241-320-04
APN 241-320-05
APN 241-320-06
APN 241-320-07
APN 241-320-08
APN 241-320-09
APN 241-320-10
APN 241-320-11
APN 241-320-12
APN 241-320-13
APN 241-320-14
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APN 241-320-96
APN 241-320-97
APN 241-320-98
APN 241-320-99
APN 241-320-100

DATE: 12/16/2015
TIME: 2:22 PM
FILED: 38-155-155
BOOK: 38
PAGE: 155
ASSASSOR: WMI CONSULTING ENGINEERS
RECORDER: STEVE J. RESTORARES
COUNTY CLERK: SEANEHE

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "2"

Record of Survey 36-199, Turnrose Land Surveying, recorded 10/07/2008

36-199

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF JOHN AND CLARA PATTON AND REX ROBERTS IN JANUARY 2007.

Michael T. Turnrose
MICHAEL T. TURNROSE, L.S. 7454
LICENSE EXPIRES 12/31/08



7-19-08

BASIS OF BEARINGS

THE BEARING NORTH 00°00'00" WEST BEING THE CENTERLINE OF AIRPORT WAY AND THE EAST LINE OF THE SOUTH 1/4 SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST AS SHOWN IN BOOK 9 OF PLAT MAPS AT PAGE 148 WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS 6TH DAY OF OCTOBER 2008.

For: **John G. May**
THOMAS R. FLINN, R.C.L.E. 2441
COUNTY SURVEYOR
REGISTRATION EXPIRATION DATE:
12/31/09



RECORDER'S STATEMENT

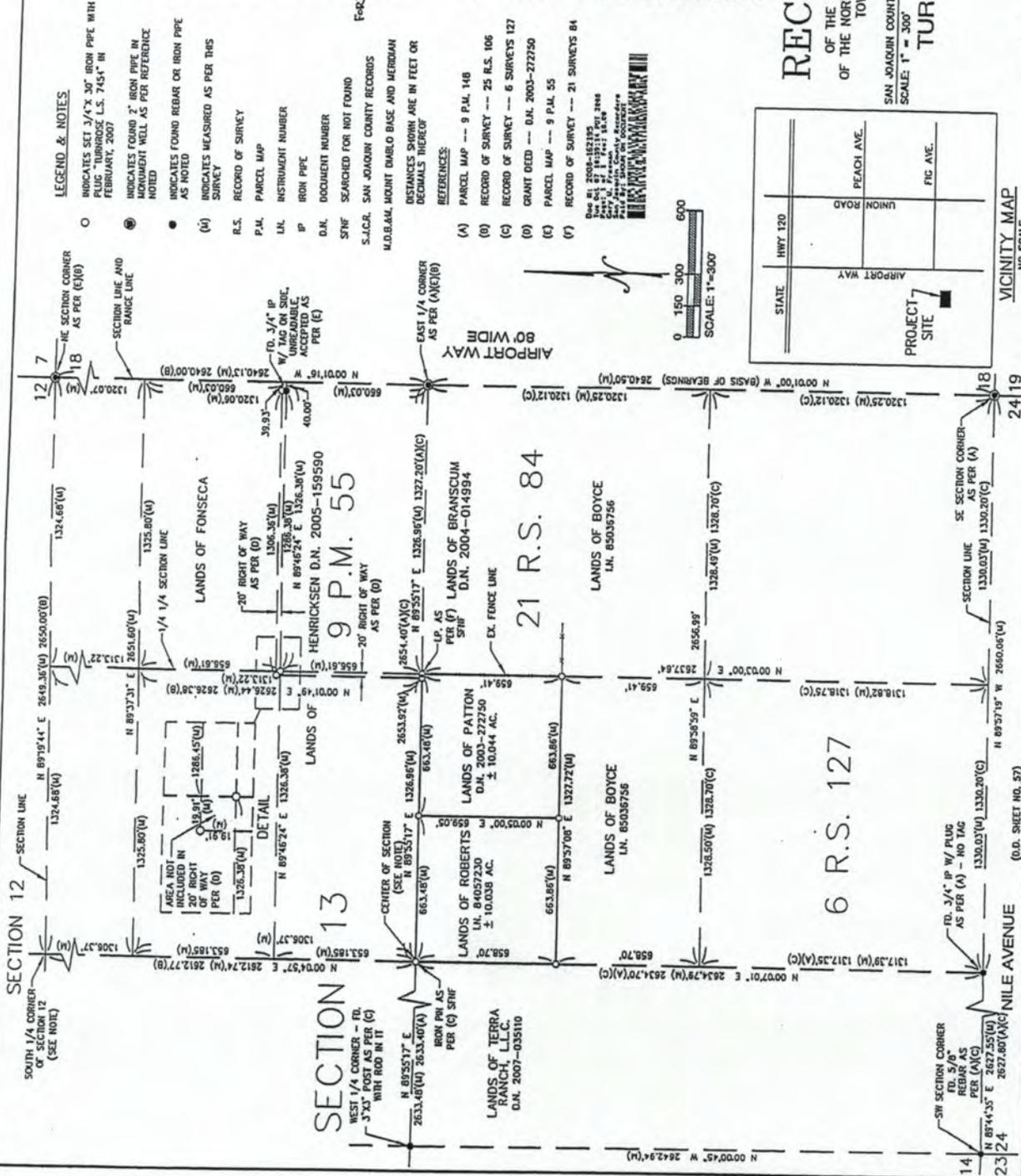
FILED THIS 1ST DAY OF October 2008,
AT 10:59 A.M. IN BOOK 216 OF SURVEYS,
AT PAGE 199 AT THE REQUEST OF MICHAEL TURNROSE.
FEE: \$8.00

Gayle W. Farnham, Deputy Recorder
COUNTY CLERK

NOTE: THE CENTER OF SECTION 13 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION USING FOUND MONUMENTS AT THE EAST AND WEST 1/4 CORNERS AND A RECORD BEARING AS PER (C) FROM THE FOUND MONUMENT AT THE SOUTH 1/4 CORNER. THE SOUTH 1/4 CORNER OF SECTION 13 WAS ESTABLISHED BY A BEARING-BEARING INTERSECTION AS PER (B). THE CENTERFALLS ON A LOGE. SO ANY EVIDENCE IS ASSUMED TO HAVE BEEN SET OR FOUND. ALSO, REFERENCE (C) SHOWS NO EVIDENCE OF THE SOUTHWEST CORNER OF SECTION 13 HAVING BEEN ESTABLISHED. THIS SECTION WAS PARTIALLY INCLUDED IN THE SWAMP RECLAIMED LANDS AS PER THE ORIGINAL GOVERNMENT PLAT DATED SEPTEMBER 16, 1868.

LEGEND & NOTES

- INDICATES SET 3/4" X 30" IRON PIPE WITH THE TURNROSE L.S. 7454 IN FEBRUARY, 2007
- INDICATES FOUND 2" IRON PIPE IN MONUMENT WELL AS PER REFERENCE NOTED
- INDICATES FOUND REBAR OR IRON PIPE AS NOTED
- (u) INDICATES MEASURED AS PER THIS SURVEY
- R.S. RECORD OF SURVEY
- P.M. PARCEL MAP
- LN. INSTRUMENT NUMBER
- IP IRON PIPE
- D.M. DOCUMENT NUMBER
- S.F.N. SEARCHED FOR NOT FOUND
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- M.D.B.A.M. MOUNT DIABLO BASE AND MERRIDAH DISTANCES SHOWN ARE IN FEET OR DECIMALS THEREOF



RECORD OF SURVEY

OF THE WEST AND EAST 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, M.D.B.&M.

SAN JOAQUIN COUNTY CALIFORNIA
SCALE: 1" = 300'
OCTOBER 2007

TURNROSE LAND SURVEYING

125 EAST MAIN STREET
SUITE 4
RIPON, CA 95366
PH: (209) 599-5100
FAX: (209) 599-5119

REV. 5/29/06

SHEET 1 OF 1 SHEET JOB NO. 07-01

36-199

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "3"

Map of Survey 25-106, John M. Lopes, recorded 04/15/1974

MAP OF SURVEY
OF A PORTION OF THE NORTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 13, T.2S, R.6E, M.D.
1/4M IN SAN JOAQUIN COUNTY, CALIFORNIA

BASIS OF BEARING:
 The bearing N 0° 00' 00" W for the East line of the NE 1/4 of Section 13, T.2S, R.6E, M.D. is taken from the Book of Surveys, Volume 6, Page 147, San Joaquin County Records.

MONUMENTS SET:
 Iron pipes, 3/8" diameter, 30" long with brass tags attached stamped R.C.E. 14705 shown thus ———

SURVEYOR'S CERTIFICATE:
 This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyors Act of 1911, as amended, and the Act of Road Districts in December, 1973.



COUNTY SURVEYOR'S CERTIFICATE:
 This map has been examined for conformance with the requirements of the Land Surveyors Act, this day of _____, 1974.

Charles E. Hony
 San Joaquin County Surveyor

I HEREBY CERTIFY that this record of survey of land complies with the provisions of the Subdivision Map Act, Chapter 2 (commencing with Section 1500) Division 4 of the Business and Professions Code and any applicable local ordinance enacted pursuant thereto.

Dated: 3/1/74

Charles E. Hony
 County Surveyor

RECORDER'S CERTIFICATE:
 Filed this 25 day of APR, 1974 at 2:10 P.M. in Book 25 of Surveys at page 145, at the request of John M. Lopez
 Fee 5.00

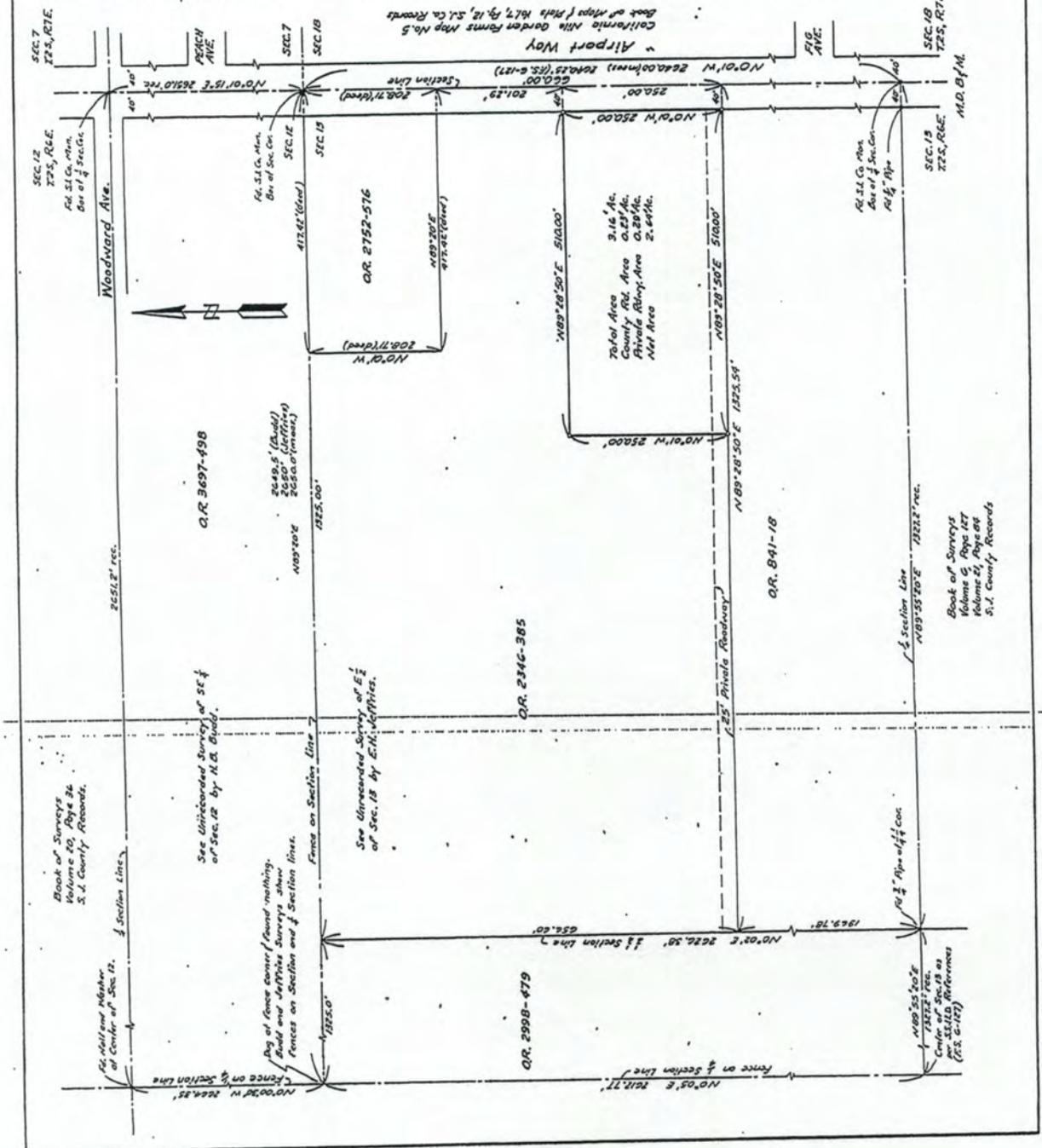
George H. Lopez
 San Joaquin County Recorder

by _____
 Deputy

REFERENCES:
 1. (P.S.) refers to Volume and Page as filed in Book of Surveys, San Joaquin County Records.
 2. (meas.) measured, (rec.) recorded.
 3. This map represents a survey of Parcel A per Division of Land Map 74-61.

Surveyed by: John M. Lopez
 Civil Engineer

Scale: 1" = 100'



W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "4"

Map of Survey 6-127, recorded 10/04/1945

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "5"

Grant Deed #2013-145352, San Joaquin County Recorder, recorded 11/22/2013

Doc #: 2013-145352

11/22/2013 08:23:31 AM

Page 1 of 2 Fee: \$27.00 Tax Paid: \$1,430.00

Kenneth W. Blakemore

San Joaquin County Recorder

Paid By: PLACER TITLE - 10019 - SAN JOAQUIN

RECORDING REQUESTED BY

Placer Title Company

Escrow Number: 1002-16669-S.G.

AND WHEN RECORDED MAIL TO

W & L HARRIS RANCHES, LLC
5151 E. ALMONDWOOD DR
MANTECA, CA 95337

SPACE ABOVE THIS LINE FOR RECORDER'S USE
GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$1,430.00 City Transfer Tax: \$0.00

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, LAWRENCE S. HENRICKSEN AND JANICE L. HENRICKSEN, TRUSTEES OF THE HENRICKSEN TRUST AGREEMENT DATED JUNE 28, 2010 AND RICHARD K. HENRICKSEN AND LILLI ROSE HENRICKSEN, TRUSTEES OF THE HENRICKSEN REVOCABLE TRUST DATED JUNE 27, 2005 ; AND RIVKAH KATHLEEN SASS , A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY

Hereby GRANT(S) to W & L HARRIS RANCHES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

THAT PARCEL SHOWN UNDER "EXHIBIT B" ON THAT CERTAIN NOTICE OF LOT LINE ADJUSTMENT EVIDENCED BY DOCUMENT RECORDED JULY 1, 1996, AS INSTRUMENT NO. 96069351, OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF PARCEL A AND PARCEL B, AS SHOWN ON THE PARCEL MAP THEREOF FILED IN BOOK 9 OF PARCEL MAPS, PAGE 55, SAN JOAQUIN COUNTY RECORDS, LYING IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID PARCEL B, BEARING SOUTH 89° 55' 20" WEST, 20 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 89° 55' 20" WEST, ALONG THE INTERIOR QUARTER SECTION LINE OF SECTION 13, A DISTANCE OF 2294.75 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B, ALSO BEING THE CENTER OF SECTION 13; THENCE NORTH 00° 05' 00" EAST ALONG THE SOUTH-NORTH INTERIOR QUARTER SECTION LINE, 653.20 FEET TO THE NORTHWEST CORNER OF SAID PARCEL B; THENCE NORTH 89° 46' 31" EAST ALONG THE NORTH LINE OF PARCEL B, 2613.27 FEET TO THE WEST RIGHT-OF-WAY LINE OF AIRPORT WAY, AS SHOWN ON SAID BOOK 9 OF PARCEL MAPS, PAGE 55; THENCE SOUTH 00° 01' 00" EAST ALONG SAID RIGHT-OF-WAY LINE, 333.07 FEET TO A POINT WHICH BEARS NORTH 00° 01' 00" WEST, 116.33 FEET FROM THE NORTHEAST CORNER OF PARCEL A, AS SHOWN ON BOOK 6 OF PARCEL MAPS, PAGE 155, SAN JOAQUIN COUNTY RECORDS; THENCE SOUTH 89° 55' 20" WEST, PARALLEL WITH THE SOUTH LINE OF PARCELS A & B, A DISTANCE OF 319.65 FEET; THENCE SOUTH 00° 01' 00" EAST, PARALLEL WITH THE WEST LINE OF PARCEL A, A DISTANCE OF 326.83 FEET TO THE POINT OF BEGINNING.

APN: 241-330-34

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

Dated: November 18, 2013
SIGNATURE PAGE FOR GRANT DEED

THE HENRICKSEN TRUST AGREEMENT DATED JUNE 28, 2010

THE HENRICKSEN REVOCABLE TRUST DATED JUNE 27, 2005

By: Lawrence S. Henriksen
LAWRENCE S. HENRICKSEN, TRUSTEE

By: Richard K. Henriksen
RICHARD K. HENRICKSEN, TRUSTEE

By: Janice L. Henriksen
JANICE L. HENRICKSEN, TRUSTEE

By: Lilli Rose Henriksen
LILLI ROSE HENRICKSEN, TRUSTEE

By: Rivkah Kathleen SASS
RIVKAH KATHLEEN SASS

STATE OF CALIFORNIA
COUNTY OF San Joaquin

On Nov. 20, 2013 before me, Sherry L. Gumm, Notary Public,

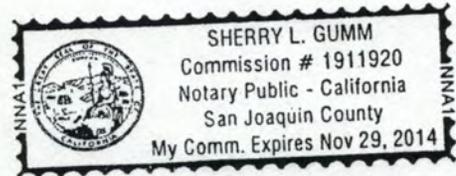
personally appeared Lawrence S. Henriksen, Janice L. Henriksen, Richard K. Henriksen, Lilli Rose Henriksen + Rivkah Kathleen SASS

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Sherry L. Gumm
Commission Expiration Date: Nov. 29, 2014



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

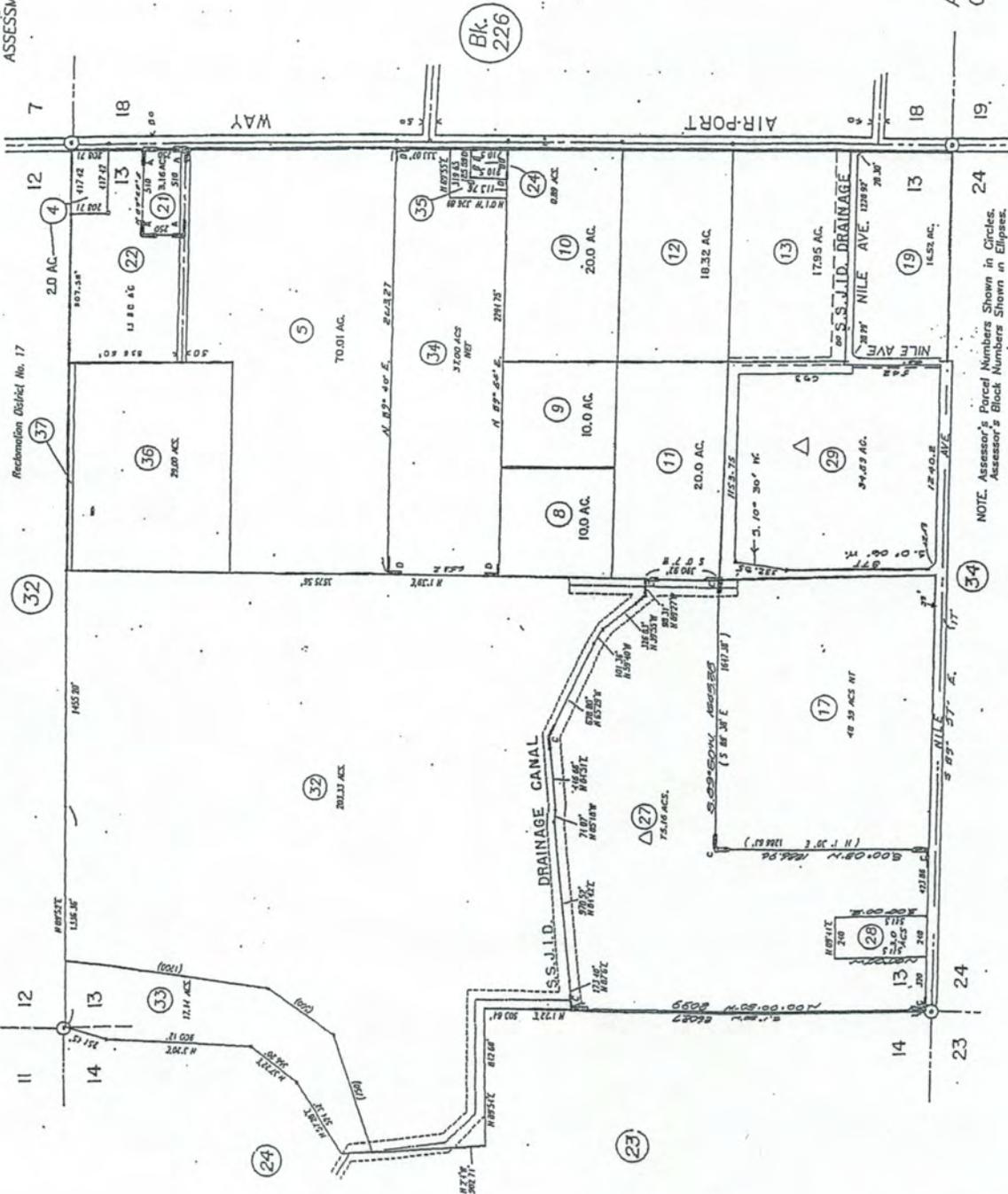
Name

Street Address

City & State

SEC. 13, POR. SEC. 14, T.2S. R.6.E., M.D.B.&M.

THIS MAP IS FOR
ASSESSMENT USE ONLY



Bk. 226

- A - R. S. Blk. 25 Op. 105
- B - P. M. Blk. 05 Op. 105
- C - P. M. Blk. 09 Op. 145
- D - P. M. Blk. 09 Op. 055

△ - WILLIAMSON ACT PARCELS

HIGHEST A.P.N. USED	
YEAR	PAR. # [PAR.] [PAR.]
80-81	21
81-82	29
82-83	31
83-84	31
84-85	31
85-86	31
86-87	31
87-88	31
88-89	31
89-90	31
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22-23	31
23-24	31
24-25	31
25-26	31
26-27	31
27-28	31
28-29	31
29-30	31
30-31	31

Assessor's Map Bk.241 Pg.33
County of San Joaquin, Calif.

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "6"

Grant of Easement for Right of Way, recorded 01/23/1950

JD
STATE OF CALIFORNIA)

COUNTY OF SACRAMENTO)

ss.

On this 20th day of January in the year 1950, before me, a notary public in and for the County of Sacramento, State of California, personally appeared CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS, and known to me to be the person whose name is subscribed to the within certificate and acknowledged to me that he executed the same.

(Notary Seal) Mary G. Lozanich, Notary Public in and for the County of Sacramento, State of California.

1954. recorded at Request of STATE OF CALIFORNIA, JAN. 23, 1950 at 44 min. past 9 o'clock A.M. in book of Official records, Vol. 1240, page 307, San Joaquin County records.

Fees: \$Dh

John D. Finney, Recorder

JD

COMPARED Manteca, California

OFFICE OF THE BOARD OF DIRECTORS OF THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT

I hereby certify that the attached Grant of Easement was duly accepted and ordered recorded by the Board of Directors of the South San Joaquin Irrigation District at their meeting held January 17, 1950 and as recorded in Permanent Records of the said District in Volume 13, page 251.

ATTEST:

(Seal) S.L. Steele (S. L. Steele), Secretary
South San Joaquin Irrigation District
A. Hill

Dated: January 20, 1950.

GRANT OF EASEMENT FOR RIGHT OF WAY

IN CONSIDERATION of the benefits to him derived, Joe G. Vieira does hereby grant unto the South San Joaquin Irrigation District a Right-of-Way for an open or piped drain in Section 13, Township 2 South, Range 6 East, M.D.B. & M. more particularly described as follows, to wit:

The West 80 ft. of the South 1/2 of the S.W. 1/4 of the N.E. 1/4 and the South 80 ft. of the N. 1/2 of the S.W. 1/4 of the N.E. 1/4; and the N. 80 ft. of the S. 105 ft. of the N. 1/2 of the S.E. 1/4 of the N.E. 1/4 of Sec. 13, Township 2 South, Range 6 East and containing 6.01 Ac. more or less.

Said drain to be known as Drain #10 of the South San Joaquin Irrigation District and shown on Map in File A-1-3-130 in the office of the South San Joaquin Irrigation District at Manteca, California.

Together with right of ingress and egress to and from said strip of land for purposes of Grantee.

IT IS A CONDITION of this Grant that the Grantee will construct, maintain and operate on said Right-of-Way a Drainage Canal belonging to the Grantee herein and comprising a portion of their general drainage system.

THE GRANTEE herein agrees to install 24-30 inch diameter culverts, 24 feet in length in said Drainage Canal at such points as requested by the Grantor.

THE GRANTEE is to use all due and proper care in the construction, maintenance and operation of said Drainage Canal so as to cause as little damage as possible to the adjacent lands of the Grantor.

IN THE EVENT that said Drainage Canal is abandoned as evidenced by a proper resolution passed by the Board of Directors of the Grantee herein, said strip of land herein granted shall be returned by the Grantee herein to the Grantor, his heirs, successors or assigns.

THIS GRANT OF EASEMENT shall constitute a covenant running with the land traversed thereby and shall be binding upon the Grantor, his heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has herein put his name and seal this 5th day of January, 1950.

STATE OF CALIFORNIA)

Joe G. Vieira

(Joe G. Vieira)

County of San Joaquin)

ss.

On this 5th day of January in the year one thousand nine hundred and fifty, before me, Linford J. Brown, a Notary Public in and for the County of San Joaquin, State of California, personally appeared Joe G. Vieira known to me to be the person whose name is subscribed to the within instrument and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of San Joaquin, the day and year in this certificate first above written.

(Notary Seal)

Linford J. Brown, Notary Public in and for the County of San Joaquin, State of California.

My Commission Expires April 21, 1952.

1950. Recorded at Request of SOUTH SAN JOAQUIN IRRIGATION DISTRICT, JAN. 23, 1950 at 45 min. past 9 o'clock A.M. in Book of Official Records, Vol. 1246, page 302, San Joaquin County Records.

Fees: \$5.00

John D. Finney, Recorder

JD

COMPARED

STATE OF CALIFORNIA
DEPARTMENT OF EMPLOYMENT
Certificate of Amount of Contributions, Interest and Penalties Due
(Filed Pursuant to Section 47.10 of the Unemployment Insurance Act)

STATE OF CALIFORNIA ss. THE DIRECTOR OF EMPLOYMENT hereby certified that EDWIN SALARI, individually and doing business as "CITY BEAT MARKET" hereinafter referred to as the employer, is liable to the State of California for amounts due from and required to be paid by said employer and duly levied and determined under the provisions of the Unemployment Insurance Act for the period beginning on the 1st day of January, 1949, and ending on the 6th day of August, 1949, in the amount of \$713.38, to wit: contributions \$577.20; interest \$20.95; penalties \$174.57; that further interest will accrue at one-half of one per cent a month, or fraction thereof, in accordance with Section 45 of the California Unemployment Insurance Act, until paid; that the address of said employer as it appears on the records of the Department of Employment is 303 North Santa Cruz, Modesto, California, and that the Department of Employment has complied with all provisions of the Unemployment Insurance Act in the determination of the amount required to be paid.

IN WITNESS WHEREOF, The said Director of Employment has caused this certificate to be issued in his name by his duly authorized representative, CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS.

Dated January 10, 1950.

DEPARTMENT OF EMPLOYMENT
CHARLES J. ROSS, Director of Employment
by Charles J. Ross --

Account No. 43-474

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

ss.

On this 10th day of January in the year 1950, before me, a notary public in and for the County of Sacramento, State of California, personally appeared CHARLES J. ROSS, SUPERVISOR OF COLLECTIONS, and known to me to be the person whose name is subscribed to the within certificate and acknowledged to me that he executed the same.

(Notary Seal)

Mary C. Lozandich, Notary Public in and for the County of Sacramento, State of California.

1950. Recorded at Request of STATE OF CALIFORNIA, Jan. 27, 1950 at 48 min. past 9 o'clock A.M. in Book of Official Records, Vol. 1246, page 304, San Joaquin County Records.

Fees: \$5.00

John D. Finney, Recorder

JD

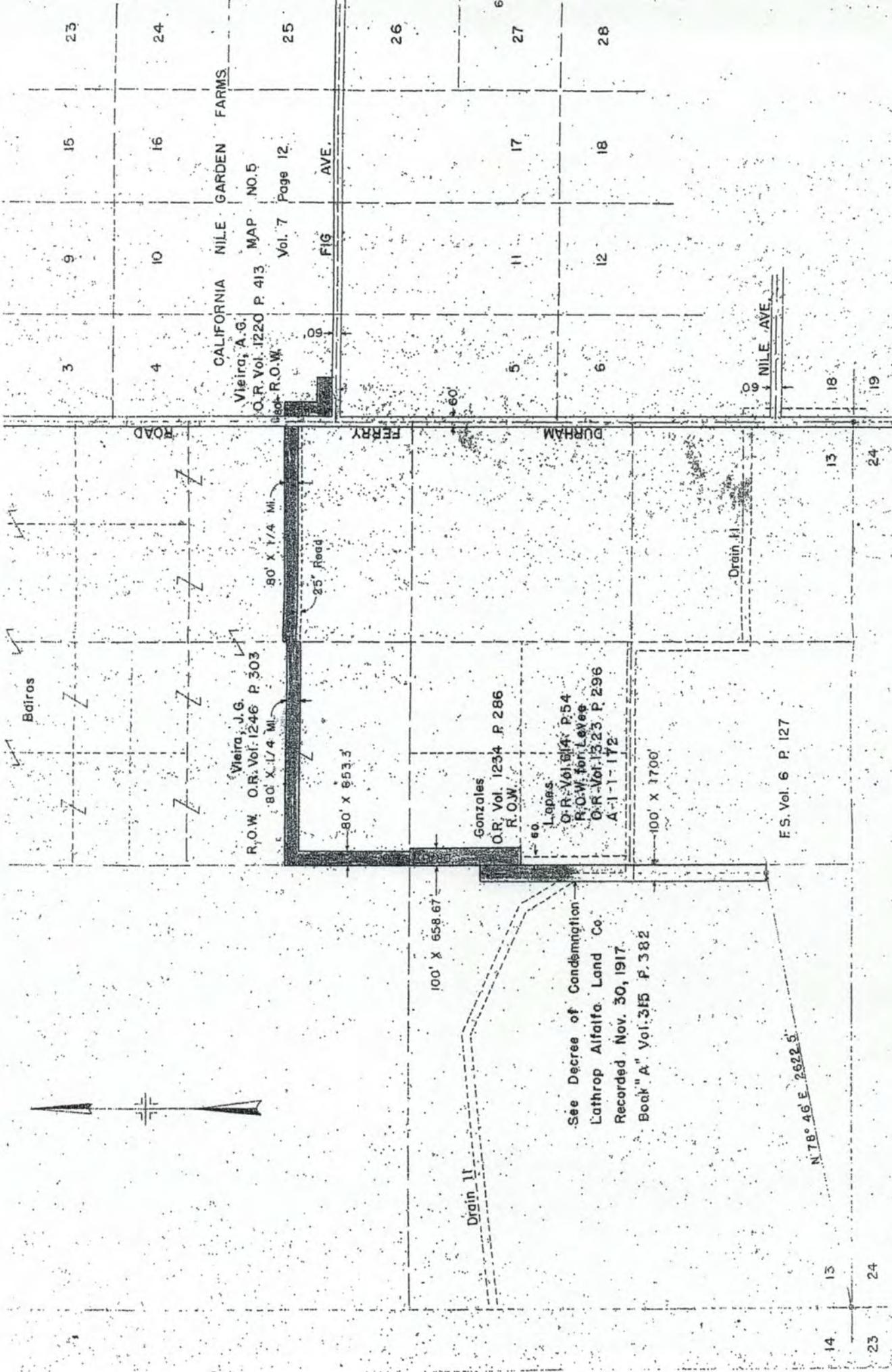
COMPARED

Quitclaim Deed

This Indenture made the 19th day of December one thousand nine hundred and 49 Between Joe Coniglio and Horace Coniglio and Mary Coniglio, his wife, the parties of the first part, and Philip Coniglio a single man, the party of the second part,

Witnesseth: That the said parties of the first part, in consideration of the sum of Ten dollars, lawful money of the United States of America, to them in hand paid by the part- of the second part, the receipt whereof is hereby acknowledged, do hereby release and forever QUITCLAIM unto the party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land situate in the County of San Joaquin, State of California, and bounded and described as follows, to wit:

THEIR UNDIVIDED INTEREST as it may appear, to the following property:
Parcel No. 1. Containing 120 Acres more or less, known as the BARE Ranch,



This plot is inserted for location purposes only and no responsibility is assumed hereunder. R.A.B.

SOUTH SAN JOAQUIN IRRIGATION DISTRICT
 MANTECA, CALIFORNIA

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "7"

Record of Survey 37-150, Keith Spencer, recorded 12/14/2011

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "8"

09/30/2013 Letter from Kim Smith to Martin Harris

KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON

ATTORNEYS AT LAW
7540 SHORELINE DRIVE
STOCKTON, CALIFORNIA 95219
Telephone: (209) 478-2000
Facsimile: (209) 478-0354
Website: www.kroloff.com

THOMAS O. PERRY
GARY CHRISTOPHERSON
CHRISTOPHER ENGH
VELMA K. LIM
KIM A. SMITH
KATHLEEN M. ABDALLAH
ALLISON CHERRY LAFFERTY
LAURIE BELL SCHRUM
KERRY L. KRUEGER
SCOTT R. ROOKER
ODNA E. MALLET
JAMIE M. BOSSUAT

YALE S. KROLOFF
(1007-1007)
.....
RICHARD BELCHER
(1013-1007)
.....
CLAUDE H. SMART, JR.
RETIRED
.....
J. DOUGLAS VAN SANT
RETIRED
.....
DENNIS DONALD GEIGER
OF COUNSEL
.....

September 30, 2013

Via Email

Marty Harris
5151 E. Almondwood Drive
Manteca, CA 95337
mharris.tuffboy@gmail.com

Re: Property Previously Owned By Terra Ranch, LLC

Dear Marty:

Bill Filios has asked me to contact you regarding an error or discrepancy in the legal description of the real property commonly known as Terra Ranch, which real property was sold by Terra Ranch Properties, LLC (Anderson's LLC) to McKinley Crossing, LLC in an escrow that closed on December 29, 2011. In that regard, I enclose a copy of the Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC. Also enclosed is a copy of the Parcel Map which was recorded on December 14, 2011. The legal description attached to the Grant Deed specifically refers to Parcels A and B as created by the Parcel Map.

The error in the legal description for the Terra Ranch property has nothing to do with the Parcel Map but was detected by Northstar Engineering in 2011 when the Parcel Map was generated and was being processed. In that regard, I refer you to the sliver of land that is highlighted in yellow on the attached Parcel Map. That sliver or strip comprises approximately 4.3 acres and, according to Keith Spencer at Northstar Engineering, never should have been included in the various legal descriptions for the Terra Ranch property. Specifically, Keith advises that the origin of the erroneous legal description can be traced back to one or more deeds in the chain of title that were recorded in 1968 and before. According to Keith, the rightful owner of the 4.3-acre sliver of land is The Rosi Cerri Foundation, Inc., the adjoining property owner.

Manteca Development Group, LLC, an entity in which Bill Filios has an interest, is under contract to purchase the real property owned by The Rosi Cerri Foundation. The error in the historical legal descriptions for the Terra Ranch property is creating a cloud on the Foundation's title, and Placer Title Company has indicated that this cloud can be removed or eliminated by the recordation of a quitclaim deed to be executed by Terra Land Group, LLC (formerly Terra Ranch, LLC). The proposed Quitclaim Deed is attached. A similar quitclaim deed is being requested of Terra Ranch Properties, LLC.

Please feel free to contact Bill, me or Keith Spencer in the event you have any questions regarding this matter. I realize that the signature block on the Quitclaim Deed may have to be revised, and it would be appreciated if you would let me know who is authorized to execute the Quitclaim Deed on behalf of Terra Land Group, LLC. I will see that the document is revised as needed.

In the event of any dispute or disagreement between Manteca Development Group, LLC and you regarding the execution and return of the Quitclaim Deed, my firm's prior and ongoing representation of Bill, you, and your related entities will prevent my firm from representing any party in the disputed matter.

Very truly yours,



KIM A. SMITH

KAS:kd

Enclosures: Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC
Parcel Map
Proposed Quitclaim Deed

cc: William Filios (via email billfilios@yahoo.com)
Mike Bogdanos (via email mbogdanos@placertitle.com)
Keith Spencer (via email kspencer@nseng.net)
Brian Jones (via email brianj@nseng.net)
Shirley Treat (via email streat@placertitle.com)

RECORDING REQUESTED BY
PLACER TITLE COMPANY

Escrow Number: 1002-14619-ST

AND WHEN RECORDED MAIL TO

MCKINLEY CROSSING, LLC
120 MANTECA AVENUE
MANTECA, CA. 95388

Doc #: 2011-163817
12/29/2011 08:43:34 AM
Page 1 of 3 Fee: \$20.00
Kenneth W. Blakemore
San Joaquin County Recorder
Paid By: Placer Title - 10019 - San Joaquin Title Plant

A.P.N.: 241-320-59

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):

- Documentary transfer tax is Tax Paid; Section 11932 R & T Code City Transfer Tax
() Unincorporated Area (X) City of MANTECA
(X) computed on full value of property conveyed, or
() computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, TERRA RANCH PROPERTIES, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

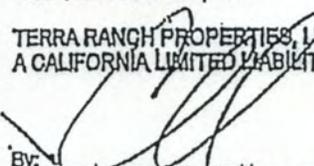
Hereby GRANT(S) to MCKINLEY CROSSING, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY
OF MANTECA, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR FULL LEGAL DESCRIPTION

Dated: December 21, 2011

TERRA RANCH PROPERTIES, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

By: 
CRAIG BARTON, ITS MANAGER

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS
DIRECTED ABOVE

Name _____ SAME AS ABOVE _____
Street Address _____ City & State _____
California (4020)

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

On December 27, 2011 before me, H. Terrill, Notary Public,
personally appeared Craig Barton

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,
Signature: H. Terrill
Commission Expiration Date: July 21, 2015



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name _____ Street Address SAME AS ABOVE City & State _____
0:\gml\ct.doc (4/2011)

1002-14519-ST

EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF MANTEGA, AND IS DESCRIBED AS FOLLOWS:

PARCELS A AND B AS SHOWN ON THE PARCEL MAP RECORDED IN THE CITY OF MANTEGA, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AS PARCEL MAP RECORDED DECEMBER 14, 2011, IN BOOK 25 AT PAGE 124, SAN JOAQUIN COUNTY RECORDS.

APN: 241-320-59

25-124

PARCEL MAP

BEING A SUBDIVISION THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 4 EAST, MOUNT DIABLO BASIN AND MENDOCINO, CITY OF MANTENO, SAN JOAQUIN COUNTY, CALIFORNIA

NORTHSTAR ENGINEERING GROUP, INC.
509 14th Street, Modesto, CA 95354
(209) 524-3525



VICINITY MAP - NO SCALE

NOTARIES STATEMENT:

I, THE UNDERSIGNED, HEREBY STATE THAT I AM AN ELIGIBLE PUBLIC OFFICER IN THE STATE OF CALIFORNIA AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN.

DATE: 10-27-11
BY: Craig Barber, Manager
FOR THE COUNTY OF SAN JOAQUIN

COUNTY CLERK, SAN JOAQUIN COUNTY, CALIFORNIA

DATE: 10-26-11
BY: Jim Larsen, Senior Vice President
FOR THE COUNTY OF SAN JOAQUIN

UNITED SIGNATURES

ASSAYER TO RECORDS DEPARTMENT AND DEPUTY ASSESSOR OF THE COUNTY OF SAN JOAQUIN COUNTY, CALIFORNIA
DATE: 10-27-2011
BY: H. Terrill
FOR THE COUNTY OF SAN JOAQUIN

NOTARIES ACKNOWLEDGEMENT:

I, THE UNDERSIGNED, HEREBY ACKNOWLEDGE THAT I AM AN ELIGIBLE PUBLIC OFFICER IN THE STATE OF CALIFORNIA AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN.

NOTARIES ACKNOWLEDGEMENT:

I, THE UNDERSIGNED, HEREBY ACKNOWLEDGE THAT I AM AN ELIGIBLE PUBLIC OFFICER IN THE STATE OF CALIFORNIA AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN.

SURVEYORS STATEMENT:

WE HAVE EXAMINED THE RECORDS OF THE COUNTY OF SAN JOAQUIN COUNTY, CALIFORNIA AND HAVE FOUND THAT THE RECORDS OF THE COUNTY OF SAN JOAQUIN COUNTY, CALIFORNIA DO NOT CONTAIN ANY RECORDS OF THE MATTER HEREIN.

DATE: 10-27-11
BY: [Signature]
FOR THE COUNTY OF SAN JOAQUIN

COUNTY SURVEYORS STATEMENT:

I, THE UNDERSIGNED, HEREBY STATE THAT I AM AN ELIGIBLE PUBLIC OFFICER IN THE STATE OF CALIFORNIA AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN.

DATE: 10-27-11
BY: [Signature]
FOR THE COUNTY OF SAN JOAQUIN

CITY ENGINEERS STATEMENT:

I, THE UNDERSIGNED, HEREBY STATE THAT I AM AN ELIGIBLE PUBLIC OFFICER IN THE STATE OF CALIFORNIA AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN AND THAT I AM NOT A PARTY TO THE MATTER HEREIN.

DATE: 10-27-11
BY: [Signature]
FOR THE CITY OF MANTENO

RECORDERS STATEMENT:

DATE: 10-27-11
BY: [Signature]
FOR THE COUNTY OF SAN JOAQUIN

DATE: 10-27-11
BY: [Signature]
FOR THE COUNTY OF SAN JOAQUIN

25-124

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

The Rosi Cerri Foundation, Inc.
P.O. Box 1607
Stockton, CA 95201-1607

Escrow No.

Space Above This Line for Recorder's Use

QUITCLAIM DEED

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$-0-

- Computed on full value of property conveyed, or
- Computed on full value less value of liens and encumbrances remaining at time of sale.
- Unincorporated area: x City of Manteca

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

TERRA LAND GROUP, LLC, a California limited liability company

does hereby remise, release and forever quitclaim to

THE ROSI CERRI FOUNDATION, INC., a California non-profit corporation

the following described Real Property in the State of California, County of San Joaquin, City of Manteca, more particularly described as follows:

THE WEST ONE-HALF (W-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPT ALL THAT PORTION IN THE ROAD ALONG THE NORTH LINE OF THE PREMISES.

APN: 241-320-20

Dated: _____

TERRA RANCH PROPERTIES, LLC,
A California limited liability company

BY: _____
Manager/Member

BY: _____
Manager/Member

STATE OF CALIFORNIA,) ss.

COUNTY OF)

On _____, before me the undersigned a Notary Public in and for said County and State personally appeared _____

proved to me on the basis of satisfactory evidence to be the person (s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s) or the entity upon behalf of which the person (s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature _____

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE. IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE.

Grantee at address above

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "9"

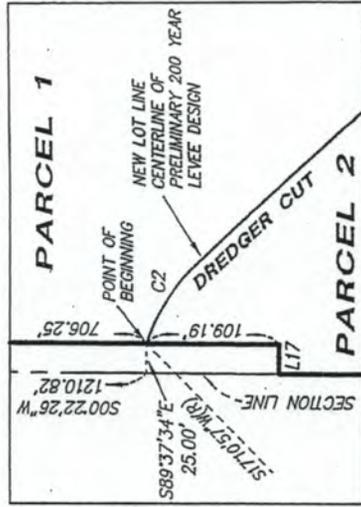
Lot Line Adjustment for The Trails, City of Manteca, NorthStar Engineering Group, Inc. (dated
05/14/2015)

LINE TABLE

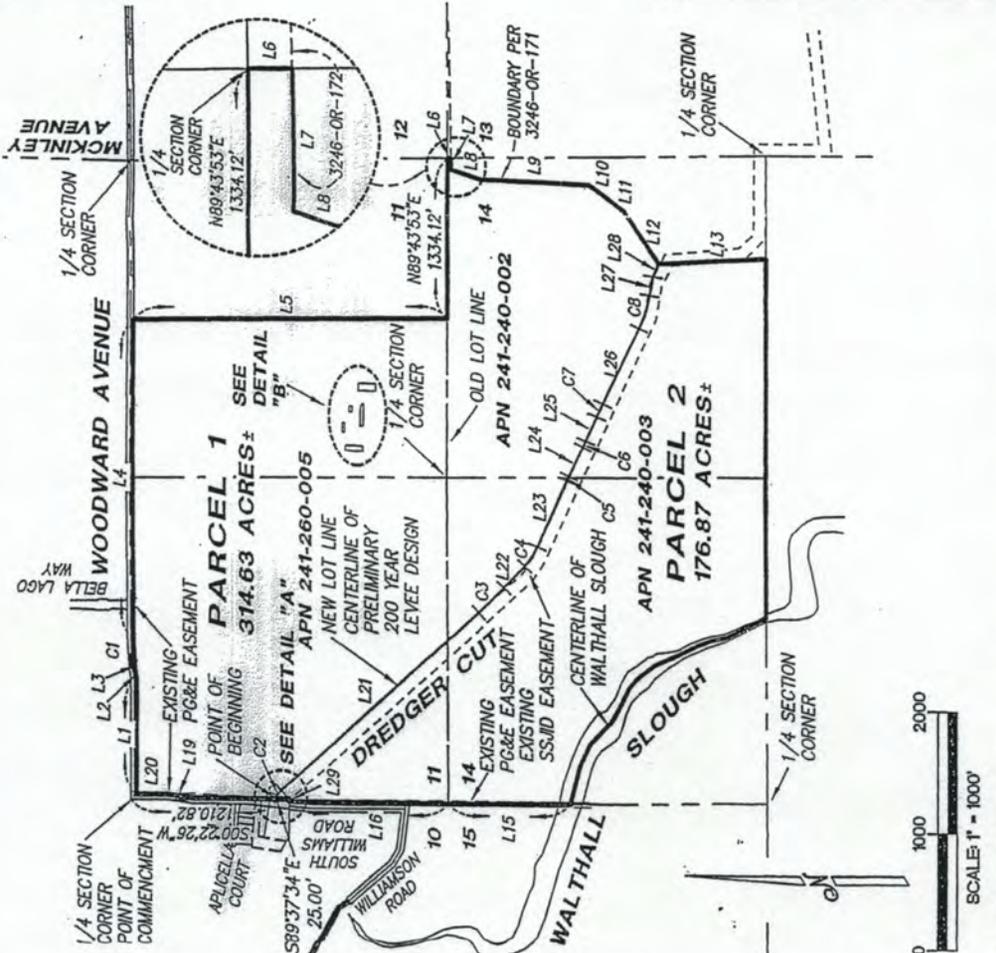
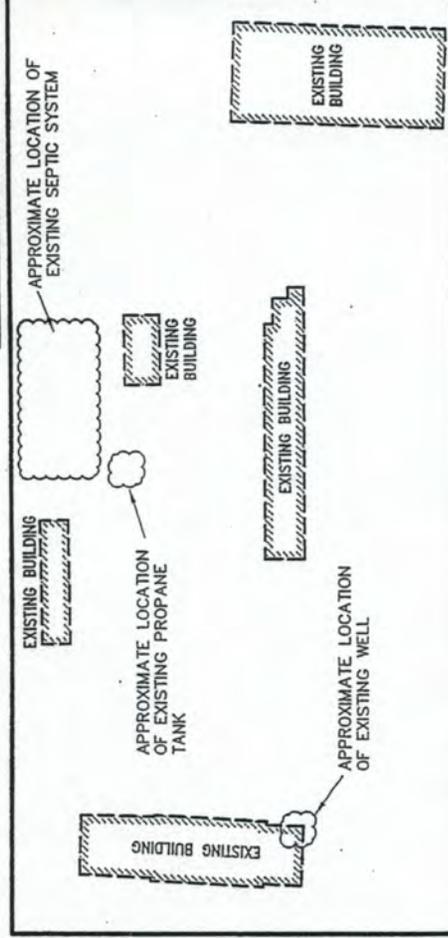
LINE	BEARING	LENGTH
L1	N 89°46'40" E	992.59'
L2	N 78°14'00" E	63.44'
L3	N 85°22'40" E	73.30'
L4	N 89°46'40" E	2658.99'
L5	S 00°19'34" E	2807.50'
L6	S 00°32'46" E	29.70'
L7	N 89°15'20" E	95.54'
L8	S 19°51'03" W	251.45'
L9	S 02°27'01" W	900.12'
L10	S 36°29'21" W	251.33'
L11	S 36°29'21" W	114.87'
L12	S 56°35'40" W	524.32'
L13	S 02°57'08" E	895.97'
L14	S 89°40'49" W	2984.47'±
L15	S 00°28'48" E	1009.07'±
L16	S 00°22'26" W	1315.85'
L17	N 89°40'34" W	25.00'
L18	S 00°22'26" W	815.39'
L19	S 07°33'16" W	200.00'
L20	N 00°22'26" E	256.65'
L21	N 41°49'10" W	2188.26'
L22	N 46°32'27" W	251.43'
L23	N 66°28'34" W	602.09'
L24	N 63°58'41" W	267.34'
L25	N 67°03'49" W	221.13'
L26	N 64°46'41" W	704.49'
L27	N 80°20'28" W	157.82'
L28	N 66°21'43" W	118.97'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	4°24'00"	2266.83'	174.08'
C2	30°53'15"	150.00'	80.86'
C3	4°43'17"	3550.00'	292.53'
C4	19°56'08"	550.00'	191.37'
C5	2°29'53"	950.00'	41.42'
C6	3°05'08"	1050.00'	56.54'
C7	2°17'08"	2950.00'	117.68'
C8	15°33'47"	1050.00'	265.21'



DETAIL "A"

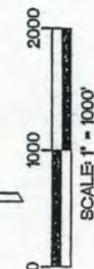


DATE	J11-09
SCALE	05/14/15
PROJECT	AS SHOWN
DRAWN	NM
CHECKED	NM
DATE	NM
BY	NM

THE TRAILS
LOT LINE ADJUSTMENT
 CALIFORNIA
 CITY OF MANTECA

North Star
 Engineering Group, Inc.
 • CIVIL ENGINEERING • SURVEYING • PLANNING •
 620 12th Street
 Manteca, CA 95304
 (909) 324-3325 Phone (909) 324-3326 Fax

DETAIL "B"
 SCALE: 1" = 80'



COURTESY: ZILL, INVESTMENT ENGINEERING GROUP, INC.

W/L Harris Ranches, LLC

5151 E. ALMONDWOOD DRIVE, MANTECA, CA 95337

TEL. (209) 239-1361 FAX (209) 239-7086

EXHIBIT "10"

07/06/2016 Email from VVH Consulting Engineers to Forest Killingsworth/SSJID

From: Rob Christensen rchristensen@vvhce.com
Subject: Proposed Drain 10 Undergrounding | W&L Harris Ranches
Date: July 6, 2016 at 2:04 PM
To: fkillingsworth@ssjd.com
Cc: wlharrisventures@gmail.com

Hi Forest,

Thanks for meeting with us last month to discuss the proposed undergrounding of Drain 10 on the Harris property. Based on that meeting, we've prepared a preliminary plan of the proposed undergrounding and have attached it for your review. Please review the attached drawing and let me and Marty Harris know of any comments you might have. If you need any additional information, please let us know.

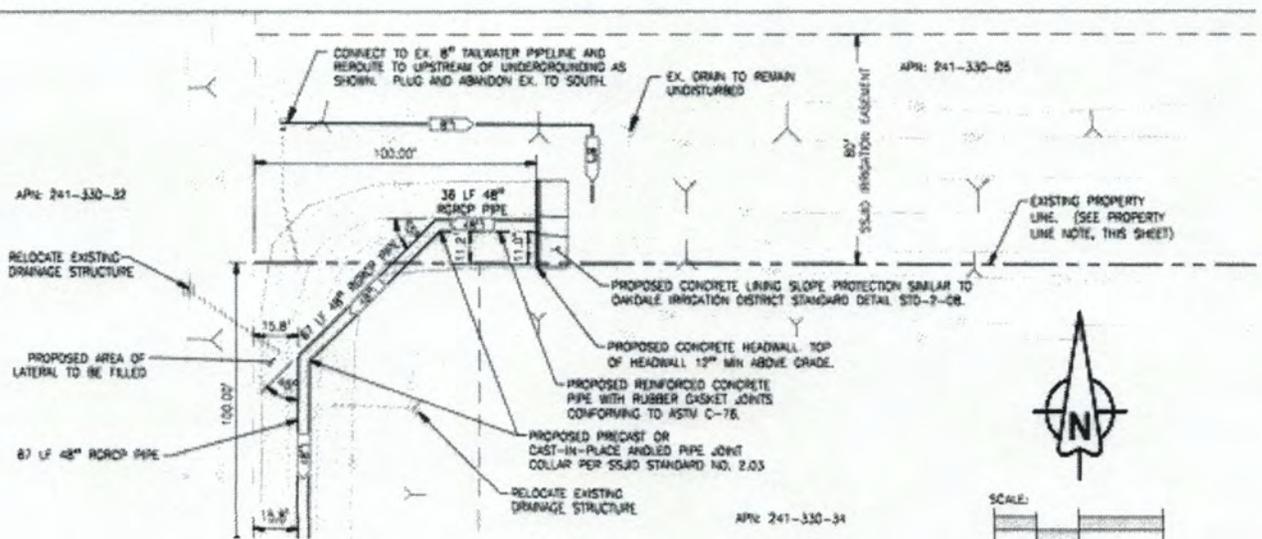
Thank you,

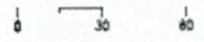
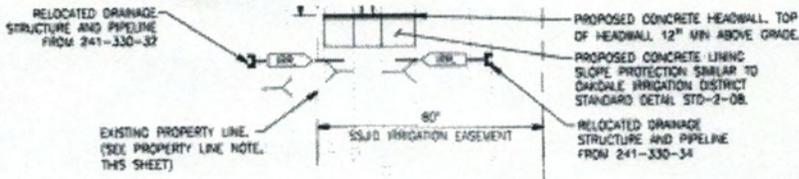
Rob Christensen, PE
Senior Civil Engineer
VVH CONSULTING ENGINEERS
430 10th Street
Modesto, CA 95354
209.568.4477 Phone
209.568.4478 Fax
209.380.2348 Mobile
rchristensen@vvhce.com



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Please consider the environment before printing this email.





PROPERTY LINE NOTE: THE EXISTING PROPERTY LINES SHOWN HEREIN ARE AS SHOWN IN THE RECORD OF SURVEY, PREPARED BY TURNBROSE LAND SURVEYING, MAP NO. 36-196, RECORDED OCTOBER 7, 2008 BY THE SAN JOAQUIN COUNTY RECORDER'S OFFICE, AND REPRESENTS THE APPLICANT'S EXPECTATION AS TO THE LOCATION OF THE PROPOSED REINFORCED CONCRETE PIPELINE.

PROJ. 0407 - PG. 8

W&M
CONSULTING ENGINEERS
 430 10th Street Tel: 209.568.4477
 Modesto, CA 95304 Fax: 209.568.4478

DATE: 10/10/08
 BY: J. L. HARRIS PHOENIX, LLC
 SS&D LAYOUT 10
 UNCORRECTED
 SCALE: 1"=10'
 SHEET: CONCEPTUAL LAYOUT

TERRA LAND GROUP, LLC

July 12, 2016

VIA EMAIL & HAND-DELIVERY

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca Planning Commission 07/12/16 Meeting Agenda Item 3.1: Approval of City of Manteca Planning Commission Minutes dated 06/28/16.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. **APN 241-330-32 (203.33 acres)**
2. **APN 241-330-33 (17.14 acres)**
3. **APN 241-320-60 (10.13 acres)**

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item 3.1 and supporting documents for the July 12, 2016 City of Manteca Planning Commission meeting.

Agenda Item 3.1 includes proposed minutes for the June 28, 2016 City of Manteca Planning Commission meeting which are submitted for approval and state that both Bryce Perkins and Martin Harris representing TLG are opposed to Dryland Levee Realignment.

At this time, TLG would like to state, once again, that TLG is not opposed to the City of Manteca's efforts to perform modifications to the Reclamation District No. 17 ("RD17") dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

Further, TLG understands the importance of SB5 compliance and how the SB5 levee extension will protect developed portions of the City of Lathrop, San Joaquin General Hospital, the proposed new VA hospital, as well as already developed portions of French Camp and the City of Manteca.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

In addition, TLG believes that it is also worth noting that on July 5, 2016, a developer addressed the Manteca City Council and made comments that TLG believes appeared to indicate that the City of Lathrop did a study that determined that the potential for flood damage to existing residential, commercial and industrial properties currently existing in the at-risk areas north and along the RD17 dryland levee (Lathrop, Manteca and French Camp) could reach damage estimates totaling in the billions of dollars at the time of future flooding if those areas are not protected from flood waters penetrating through or flanking around the current location or beyond the eastern termination point of the RD17 levee.

With that in mind, TLG would like to clarify its position related to the City of Manteca's proposed modifications and extension to the existing RD17 levee system.

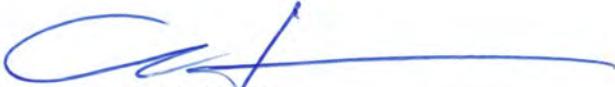
1. TLG acknowledges that for development to occur, the City of Manteca must meet the requirements set forth by SB5.
2. TLG acknowledges the merit of Manteca City Councilman Mike Morowit's representations made at the July 5, 2016 City Council meeting that the modified and extended levee will also protect the City of Lathrop and other areas to the north from future flooding.
3. However, TLG and many residents, businesses and property owners in the areas south and further situated on the flood water side of the existing RD17 levee believe that the current SB5 public meeting and workshop approval process is inadequate, or at the very least incomplete, and has not fully addressed and identified the potential for flood impacts created in the rural areas south of the extended RD17 levee. The public's concerns and continued frustration related to identifying the flood impacts created by dryland levee improvements were further illustrated at the July 5, 2016 City Council meeting when Manteca City Councilwoman Debby Moorhead asked Manteca City Engineer, Kevin Jorgensen, as to whether the extension of the dryland levee would increase flood elevation impacts to properties south of the dryland levee. Unfortunately, Mayor Steve DeBrum interceded and the question was never answered. This leads some to believe that continued uncertainty and unanswered questions relating to the eastern extension of the dryland levee clearly demonstrate that even members of the Manteca City Council may not fully understand the total potential for flood impacts that the council will potentially be voting into place.

With this in mind, TLG believes that any levee alignment ultimately selected, should closely consider any and all impacts created to mitigate and limit against any increase in total flood impacts involved.

For this reason, TLG requests that the minutes be amended to more accurately reflect the details presented by TLG at the June 28, 2016 Manteca Planning Commission meeting (June 28, 2016 letter with enclosures are attached as submitted at the June 28, 2016 meeting and should be considered as one total set of interactive documents).

TERRA LAND GROUP, LLC

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Enclosures: (attached electronically as PDF's on enclosed disc, per request from Lisa Blackmon, City Clerk for the City of Manteca)

06/28/2016 Letter from TLG to City of Manteca Planning Commission, with attachments:

- 06/21/16 Letter from TLG to Manteca City Council
- 06/18/16 Email from TLG to Drake Haglan Associates
- 06/17/16 Email from Drake Haglan Associates to TLG
- 06/07/16 Letter from TLG to Manteca City Council
- 06/03/16 Email from TLG to Matt Satow, Drake Haglan Associates
- 05/24/16 Letter from TLG to City of Manteca Planning Commission
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/03/16 Letter from TLG to Manteca City Council
- 04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council
- 03/01/2016 Letter from TLG to Manteca City Council
- 02/16/2016 Letter from TLG to Manteca City Council
- 04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District
- 03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District
- 12/16/2014 Letter from TLG to Manteca City Council

Follow Up Questions

Terra Land Group <terralandgroup@gmail.com>
To: Matt Satow <MSatow@drakehaglan.com>

Tue, Jul 12, 2016 at 11:07 AM

Thank you for your response and offer to answer the questions submitted with TLG's 6/28/16 letter to the Manteca Planning Commission.

The questions were provided as part of a letter with enclosures that was submitted at the time of the June 28, 2016 Manteca Planning Commission meeting. A separate copy of the complete letter with enclosures was provided to planning staff at the time of the 6/28/16 meeting to be forwarded to you for your review and comment.

At this time, TLG would like to forward to you, by overnight mail, the complete letter as submitted to the commissioners on 6/28/16. The questions you are requesting are included in the June 28, 2016 letter.

A list of enclosures that were attached to the letter are provided below:

(attached electronically as PDF's on enclosed disc, per request from Lisa Blackmon, City Clerk for the City of Manteca)

RD17 April 2014 levee easement survey staking photographs on TLG APN 241-320-60

06/28/2016 Letter from TLG to City of Manteca Planning Commission, with attachments:

06/21/16 Letter from TLG to Manteca City Council

06/18/16 Email from TLG to Drake Haglan Associates

06/17/16 Email from Drake Haglan Associates to TLG

06/07/16 Letter from TLG to Manteca City Council

06/03/16 Email from TLG to Matt Satow, Drake Haglan Associates

05/24/16 Letter from TLG to City of Manteca Planning Commission

05/17/2016 Letter from TLG to Manteca City Council

05/17/2016 Letter from TLG to Manteca City Council

05/03/16 Letter from TLG to Manteca City Council

04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council

03/01/2016 Letter from TLG to Manteca City Council

02/16/2016 Letter from TLG to Manteca City Council

04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District

03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District

12/16/2014 Letter from TLG to Manteca City Council

For your convenience and to expedite the process, TLG has listed the additional questions relating to TLG's original 5/24/16 thirty-three question submittal directed to the Manteca Planning Commission and Drake Haglan and Associates on 6/28/16 and included in this email as provided below:

- A. Question #29: *With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and/or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to? (Answer from Drake Haglan & Associates: Could you please rephrase the question? It is difficult to identify what needs to be clarified.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

- a. Will residents, businesses and property owners located on the flood water side of the extended levee be allowed to continue to present public comments to the City of Manteca to mitigate flood

and groundwater elevation impacts as part of a continuing SB5 levee impact review process?

- b. Will any public comments made to mitigate flood impacts to water side residents, businesses and property owners located on the water side of the levee be included in the City of Manteca SB5 approval process in a manner that can effectively assist in controlling and limiting flood and groundwater elevation impacts to residents, businesses and property owners south of the levee?
- c. Will those flood and groundwater elevation impacts need to be addressed as a separate project?

B. Question #31: *Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee? (Answer from Drake Haglan & Associates: Reducing flood impacts for property owners in the area of concern is not a goal at this time.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

- a. If reducing flood impacts for property owners in the area of concern is not a goal at this time, then (i) when; and (ii) by whom; and (iii) by what means can the affected public (water side residents, business and property owners) look to seek relief against flood and other impacts created?

In addition, TLG has included as an enclosure a list of additional questions that were submitted in a letter written by Michael Fonseca to Kevin Jorgensen (Manteca City Engineer), Matt Satow (representing Drake Haglan and Associates) and Dave Peterson (representing Peterson Brusted, Inc.) on 7/5/16.

TLG would appreciate being copied with answers to the questions submitted by Michael Fonseca as soon as the answers are available.

Thank you for your willingness to respond to concerns by answering the questions provided.

Jodi Sabatino for
Martin Harris
Terra Land Group

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On Jul 8, 2016, at 3:24 PM, Matt Satow <MSatow@drakehaglan.com> wrote:

Good Afternoon,

I'd like to provide you with a response to the three questions you posed at the recent Planning Commission meeting. Can you please provide these questions to me in writing?

Thank you.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971

 20160712_Eml_TLG-DHA_wEncFonsecaLtr.pdf
2256K

Fonseca Farms, Inc.

22695 S. Airport Way

Manteca, CA 95337

(209) 456-2496 – fax (209) 239-1257 fonsecafarmsinc@aol.com

July 5, 2016

City of Manteca
1001 W. Center St.
Manteca, CA 95337

Kevin Jorgensen, Manteca City Engineer

Dave Peterson, Peterson, Brustad, Inc.

Matt Satow, Drake Haglan and Associates.

Flood and Hydrology Questions?

In the attempt to give clarity and understanding of the flood impacts to the residents south of the dryland levee, I am requesting for Dave Peterson with PBI to give an informational presentation at the July 19, 2016 Manteca City Council Meeting, prior to the dryland levee preferred alignment presentation from Matt Satow, Drake Haglan and Associates. Within the presentation please answer and give detailed explanation to the following questions and concerns, in addition to collaborate with previous questions and concerns or any other information that will provide understanding to this sensitive matter.

1. Was the 1997 flood considered a 100-year flood?
2. Were the 1997 flood impacts in our area more severe due to human error, than the estimations of what the actual storm event would be (100-year flood)?
 - a. Explain the mismanaged releases from the reservoirs, specifically to the issues with Don Pedro.
 - b. Explain what policies and procedures are in place to ensure mismanaged releases won't happen again.
 - c. Explain the administrative and authoritative process of how the relief cut was initiated in 1997, and the significant delay in taking action to do so.
 - d. Explain the difference in the river water elevation as compared to the flood water elevation prior to the relief cut being made.
 - e. What was the river elevation when the relief cut was made?
 - f. What was the flood water elevation when the relief cut was made?

- g. Explain the policies and procedures to ensure in the future that the relief cut will be made at the precise time to minimize flood impacts to our area, and what are the trigger mechanisms to initiate such action, for example if there is a determined difference in river elevation to flood water elevation and what would that be?
3. What was the maximum flood water elevation in 1997?
4. If no relief cut was made in 1997, what height would have the flood water elevations reached?
5. With no relief cut considered, what would the flood water elevation be with a 100-year flood?
6. With no relief cut considered, what would the flood water elevation be with a 200-year flood, with and without the levee extension?
7. Clarify that all analysis in the Engineer Report, Freeboard Analysis, and other studies, can't be accurately compared to the 1997 flood impacts as represented that the DWR (or other controlling agencies) has stipulated that no relief cut be considered in the analysis.
8. What is the difference in volume of water between the 1997 flood, 100-year, and 200-year flood? The 200-Year Freeboard Analysis & Floodplain Mapping Report, indicates a 200 Year Hydrograph is the equivalent of the 1997 storm pattern, scaled at 115%. Does this mean that a 200-year storm would bring 15% more volume of water as we had in 1997? Please explain.
9. Explain in detail the .2' (2.4") rise in flood water elevation that was presented during the June 28, 2016 Manteca Planning Commission meeting?
 - a. What storm event was used in this analysis, 1997 flood, 100-year, or 200-year?
 - b. Was the increase of .2' caused from an "as is" no build option, compared to the extension of the levee alignment terminating at Oleander Ave?
 - c. With what levee alignment alternative option was this comparison and determination made?
 - d. To clarify if one alternative would have more impact over another, what is the flood water elevation change in comparison to all the alignment alternative options, for example, what would the change be from alternative 1 to alternative 2, or 3?
10. If nothing was done, and an "as is" no build option was considered, what elevation would the flood water need to reach in order for flanking to occur?
11. In consideration of downstream impacts...
 - a. If paradise cut was able to adequately consume an additional 1280 cfs which has been determined the flow rate that would flank around the existing levee with an "as is" no build option, could that be used to mitigate the levee extension that would prevent the flanking?
 - b. What measures are being considered to mitigate the flanking of 1280 cfs?
 - c. After completion of the 200-year levee improvements, in consideration of a storm less than or equal to a 200-year event, will the whole lower San Joaquin River levee system be designed and anticipated to not fail?
 - d. If the levee system is designed to not fail and does not fail, the pressure remains constant at its full force throughout the whole system, therefore in an event of an

upstream failure and a relief cut is made in order to drain off the flood water, does it really have an increased adverse impact to the downstream channels and levee system?

- e. Explain how and why flood water to re-enter the river due to a relief cut has additional impacts downstream as compared to the full force of no levee failure due to improvements made to achieve a no fail design that prevents any levee breach and/or over topping?
 - f. If the levee system is designed to fail in certain areas, identify those areas and the design capacity or flood water elevation within each basin?
12. The natural environment within each reclamation district was swamp and overflow, therefore the levee system within each reclamation district is manmade and not part of the natural environment. If the manmade levee system at the river can be built up and widened, with slurry walls to be improved to a new height and strength that would eliminate any probability of failure, then why is a man made relief cut to drain off the flood water any different as far as the river impacts? The relief cut does not add additional pressure to the downstream system as the water is only being diverted and detoured from its original source of the reservoirs. No additional water is being placed within the river as compared to a no breach or overtopping scenario and the downstream levee system should be able to adequately withstand the whole 200-year storm event as designed.
13. It can be argued that all downstream levee improvements, such as Lathrop, specifically River Islands, and through Stockton to the Delta would have significant adverse impacts to our area. The levee improvements to that portion of levee system is designed to withstand the full force of a 200-year storm, therefore creating additional pressure to the upstream Reclamation Districts such as RD 2096, RD 2094, RD 2075, and RD 2064 that is not being improved to the same standards. If the downstream system is designed to not fail, and no improvements are done to the upstream districts, they should have the right to drain flood water back into the river channel through a relief cut or other methods without the concern for adverse impacts to the downstream levee system that was designed to not fail and to withstand the full 200-year storm event.

I thank you in advance on behalf of the community to ensure this information is available to the public and is accurately presented at the July 19, 2016 Manteca, City Council meeting, prior to any preferred alignment alternative option being considered for approval to continue on through the environmental phase.



Michael Fonseca

(209) 456-2496

From: Matt Satow MSatow@drakehaglan.com
Subject: Follow Up Questions
Date: July 8, 2016 at 3:26 PM
To: Terra Land Group (terralandgroup@gmail.com) terralandgroup@gmail.com

MS

Good Afternoon,

I'd like to provide you with a response to the three questions you posed at the recent Planning Commission meeting. Can you please provide these questions to me in writing?

Thank you.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971
C: (916) 616-3940
www.drakehaglan.com

TERRA LAND GROUP, LLC

July 5, 2016

VIA HAND-DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Acting as the Local Flood Management Authority, Accept Technical Documents of Urban Levee Design Criteria (ULDC) Analysis, including an Engineer's Report, an Independent Panel of Experts (IPE) Report, the Response to the IPE Report, and the Adequate Progress Final Report; and Acting as the Land Use Agency, Adopt Findings of Adequate Progress Toward Providing a 200-year Urban Level of Flood Protection (ULOP) in Reclamation District 17, and Authorize the Mayor to Sign Same.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. **APN 241-330-32 (203.33 acres)**
2. **APN 241-330-33 (17.14 acres)**
3. **APN 241-320-60 (10.13 acres)**

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item C1 and supporting documents for the July 5, 2016 Manteca City Council meeting.

Agenda Item C1 describes tonight's action as to "Acting as the Local Flood Management Authority, Accept Technical Documents of Urban Levee Design Criteria (ULDC) Analysis, including An Engineer's Report, an Independent Panel of Experts (IPE) Report, the Response to the IPE Report, and the Adequate Progress Final Report; and Acting as the Land Use Agency, Adopt Findings of Adequate Progress Toward Providing a 200-year Urban Level of Flood Protection (ULOP) in Reclamation District 17, and Authorize the Mayor to Sign Same."

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TERRALAND GROUP, LLC

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

However, this letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns that TLG believes need to be addressed and considered as part of tonight's Agenda Item C1 approval process and any future environment impact study (as promised at the 05/24/16 Planning Commission meeting) associated with Agenda Item C1 as presented to the City Council at tonight's meeting.

To illustrate these concerns, TLG has included as part of this letter various other letters and correspondence previously submitted to the various authorities involved in the current SB5 approval process (see enclosures).

By reviewing the letters and correspondence provided, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the existing RD17 dryland levee.

With this in mind, TLG believes that the City of Manteca has an opportunity to organize and direct development growth in a manner that benefits itself as well as other urban and rural communities in our area.

TLG further believes that strong and capable leadership is required to ensure that this opportunity fairly and competently meets the needs and serves the best interests of everyone affected.

Finally, TLG believes that future generations located in and around the urban and rural areas affected will surely be indebted to the extent that the City of Manteca meets its obligation.

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

cc:

Frederic Clark, City of Manteca Community Development Director

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TERRA LAND GROUP, LLC

Matt Satow, Drake Haglan & Associates
Mark Houghton, City of Manteca Public Works Department
Mark Meissner, City of Manteca Planning Department Director

Enclosures:

06/28/16 Letter from TLG to City of Manteca Planning Commission, with attachments
06/21/16 Letter from TLG to Manteca City Council, with attachments
06/18/16 Email from TLG to Drake Haglan Associates
06/17/16 Email from Drake Haglan Associates to TLG, with attachments
06/07/16 Letter from TLG to Manteca City Council, with attachments
06/03/16 Email from TLG to Matt Satow, Drake Haglan Associates
05/24/16 Letter from TLG to City of Manteca Planning Commission, with attachments
05/17/2016 Letter from TLG to Manteca City Council
05/17/2016 Letter from TLG to Manteca City Council
05/03/16 Letter from TLG to Manteca City Council, with attachments
04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council, with attachments
03/01/2016 Letter from TLG to Manteca City Council, with attachments
02/16/2016 Letter from TLG to Manteca City Council, with attachments
04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District, with attachments
03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District, with attachments
12/16/2014 Letter from TLG to Manteca City Council, with attachments

Fonseca Farms, Inc.

22695 S. Airport Way

Manteca, CA 95337

(209) 456-2496 – fax (209) 239-1257 fonsecafarmsinc@aol.com

July 5, 2016

City of Manteca
1001 W. Center St.
Manteca, CA 95337

Kevin Jorgensen, Manteca City Engineer

Dave Peterson, Peterson, Brustad, Inc.

Matt Satow, Drake Haglan and Associates.

Flood and Hydrology Questions?

In the attempt to give clarity and understanding of the flood impacts to the residents south of the dryland levee, I am requesting for Dave Peterson with PBI to give an informational presentation at the July 19, 2016 Manteca City Council Meeting, prior to the dryland levee preferred alignment presentation from Matt Satow, Drake Haglan and Associates. Within the presentation please answer and give detailed explanation to the following questions and concerns, in addition to collaborate with previous questions and concerns or any other information that will provide understanding to this sensitive matter.

1. Was the 1997 flood considered a 100-year flood?
2. Were the 1997 flood impacts in our area more severe due to human error, than the estimations of what the actual storm event would be (100-year flood)?
 - a. Explain the mismanaged releases from the reservoirs, specifically to the issues with Don Pedro.
 - b. Explain what policies and procedures are in place to ensure mismanaged releases won't happen again.
 - c. Explain the administrative and authoritative process of how the relief cut was initiated in 1997, and the significant delay in taking action to do so.
 - d. Explain the difference in the river water elevation as compared to the flood water elevation prior to the relief cut being made.
 - e. What was the river elevation when the relief cut was made?
 - f. What was the flood water elevation when the relief cut was made?

- g. Explain the policies and procedures to ensure in the future that the relief cut will be made at the precise time to minimize flood impacts to our area, and what are the trigger mechanisms to initiate such action, for example if there is a determined difference in river elevation to flood water elevation and what would that be?
3. What was the maximum flood water elevation in 1997?
 4. If no relief cut was made in 1997, what height would have the flood water elevations reached?
 5. With no relief cut considered, what would the flood water elevation be with a 100-year flood?
 6. With no relief cut considered, what would the flood water elevation be with a 200-year flood, with and without the levee extension?
 7. Clarify that all analysis in the Engineer Report, Freeboard Analysis, and other studies, can't be accurately compared to the 1997 flood impacts as represented that the DWR (or other controlling agencies) has stipulated that no relief cut be considered in the analysis.
 8. What is the difference in volume of water between the 1997 flood, 100-year, and 200-year flood? The 200-Year Freeboard Analysis & Floodplain Mapping Report, indicates a 200 Year Hydrograph is the equivalent of the 1997 storm pattern, scaled at 115%. Does this mean that a 200-year storm would bring 15% more volume of water as we had in 1997? Please explain.
 9. Explain in detail the .2' (2.4") rise in flood water elevation that was presented during the June 28, 2016 Manteca Planning Commission meeting?
 - a. What storm event was used in this analysis, 1997 flood, 100-year, or 200-year?
 - b. Was the increase of .2' caused from an "as is" no build option, compared to the extension of the levee alignment terminating at Oleander Ave?
 - c. With what levee alignment alternative option was this comparison and determination made?
 - d. To clarify if one alternative would have more impact over another, what is the flood water elevation change in comparison to all the alignment alternative options, for example, what would the change be from alternative 1 to alternative 2, or 3?
 10. If nothing was done, and an "as is" no build option was considered, what elevation would the flood water need to reach in order for flanking to occur?
 11. In consideration of downstream impacts...
 - a. If paradise cut was able to adequately consume an additional 1280 cfs which has been determined the flow rate that would flank around the existing levee with an "as is" no build option, could that be used to mitigate the levee extension that would prevent the flanking?
 - b. What measures are being considered to mitigate the flanking of 1280 cfs?
 - c. After completion of the 200-year levee improvements, in consideration of a storm less than or equal to a 200-year event, will the whole lower San Joaquin River levee system be designed and anticipated to not fail?
 - d. If the levee system is designed to not fail and does not fail, the pressure remains constant at its full force throughout the whole system, therefore in an event of an

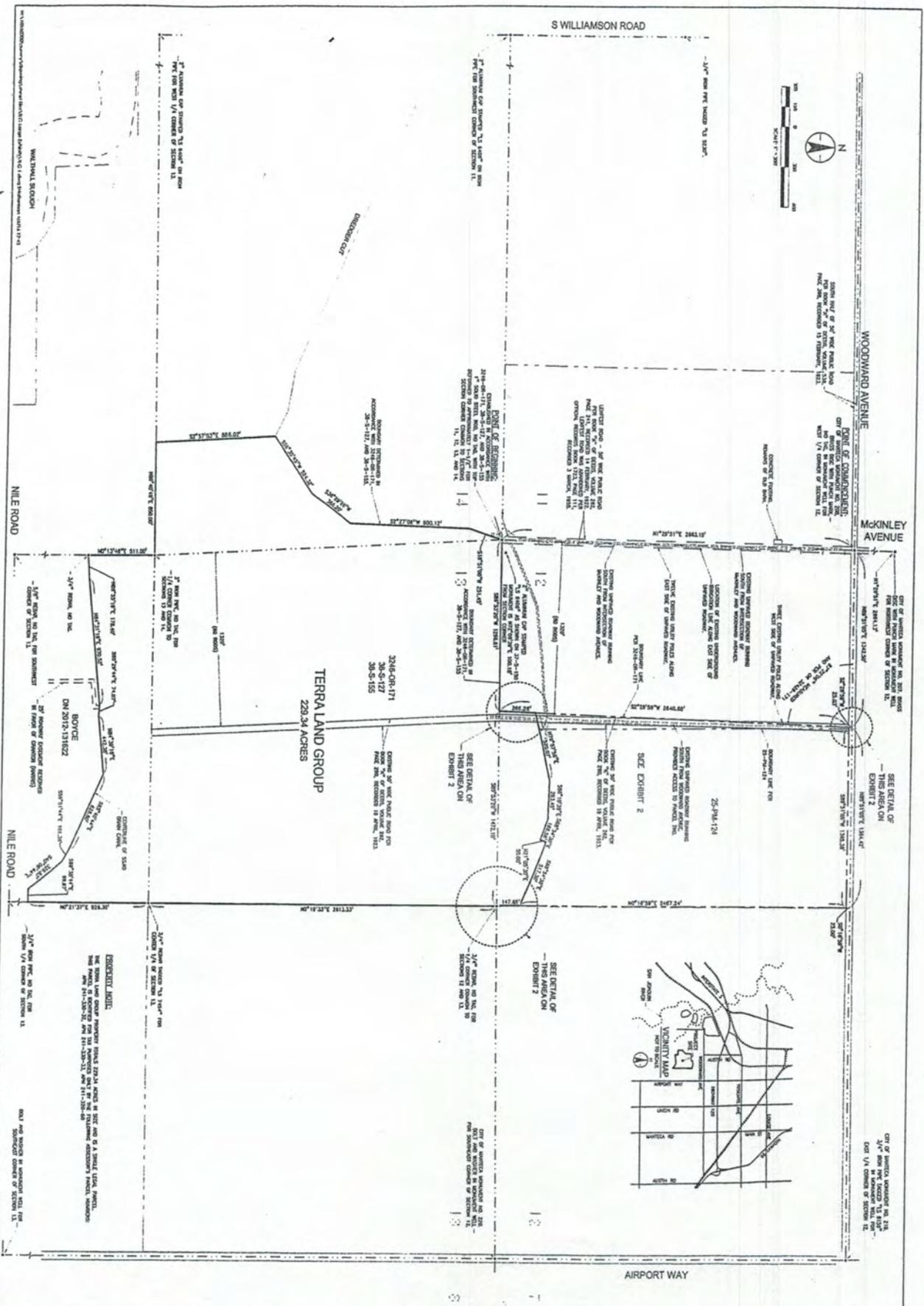
- upstream failure and a relief cut is made in order to drain off the flood water, does it really have an increased adverse impact to the downstream channels and levee system?
- e. Explain how and why flood water to re-enter the river due to a relief cut has additional impacts downstream as compared to the full force of no levee failure due to improvements made to achieve a no fail design that prevents any levee breach and/or over topping?
 - f. If the levee system is designed to fail in certain areas, identify those areas and the design capacity or flood water elevation within each basin?
12. The natural environment within each reclamation district was swamp and overflow, therefore the levee system within each reclamation district is manmade and not part of the natural environment. If the manmade levee system at the river can be built up and widened, with slurry walls to be improved to a new height and strength that would eliminate any probability of failure, then why is a man made relief cut to drain off the flood water any different as far as the river impacts? The relief cut does not add additional pressure to the downstream system as the water is only being diverted and detoured from its original source of the reservoirs. No additional water is being placed within the river as compared to a no breach or overtopping scenario and the downstream levee system should be able to adequately withstand the whole 200-year storm event as designed.
13. It can be argued that all downstream levee improvements, such as Lathrop, specifically River Islands, and through Stockton to the Delta would have significant adverse impacts to our area. The levee improvements to that portion of levee system is designed to withstand the full force of a 200-year storm, therefore creating additional pressure to the upstream Reclamation Districts such as RD 2096, RD 2094, RD 2075, and RD 2064 that is not being improved to the same standards. If the downstream system is designed to not fail, and no improvements are done to the upstream districts, they should have the right to drain flood water back into the river channel through a relief cut or other methods without the concern for adverse impacts to the downstream levee system that was designed to not fail and to withstand the full 200-year storm event.

I thank you in advance on behalf of the community to ensure this information is available to the public and is accurately presented at the July 19, 2016 Manteca, City Council meeting, prior to any preferred alignment alternative option being considered for approval to continue on through the environmental phase.



Michael Fonseca

(209) 456-2496



TERRA LAND GROUP, LLC

June 28, 2016

VIA HAND-DELIVERY

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca Planning Commission 06/28/16 Meeting Agenda Item 7.2: City of Manteca Dryland Levee Preferred Alignment.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item 7.2 and supporting documents for the June 28, 2016 City of Manteca Planning Commission meeting.

Agenda Item 7.2 is described as: Dryland Levee Preferred Alignment. Receive presentation from City's consultant Drake Haglan and Associates on the Preferred Alignment for the Dryland Levee.

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the Reclamation District No. 17 ("RD17") dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

However, this letter is presented for the purpose of bringing to the City of Manteca Planning Commission's attention, several important issues and concerns that TLG believes need to be addressed and considered as part of tonight's Agenda Item 7.2 approval process and any future environmental impact study (as promised by City of Manteca planning staff at the 05/24/2016 Planning Commission

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meeting) associated with Agenda Item 7.2 as presented to the Planning Commission at tonight's meeting.

I. **Concerns previously presented in letters to the City of Manteca and various authorities involved in the SB5 approval process:**

To illustrate these concerns, TLG has included as part of this letter various other letters and correspondence previously submitted to the various authorities involved in the current SB5 approval process (see enclosures).

II. **Potential levee relocation concerns relating to public meetings attended, discussions held and/or correspondence received:**

A. Anthony Barkett (representative for TR Land Company/Developer for the Terra Ranch project) email to Martin Harris, dated 05/21/2015:

1. In an email sent to Martin Harris on May 21, 2015, Anthony Barkett stated that "*I would be happy to meet with you. I have to tell you though it seems you are stuck on the re alignment of the levee. I believe Bill¹ and Darryl² told you this but that map was a mistake by Phil Govea who is no longer with the City. The City and RD 17 have no intention of moving the levee south. I have had many discussions with the relevant people and that is simply not going to happen. It does need to be designed to go east of airport way but it will not be pushed south on your property. That would cause significant flooding problems to a whole new set of people and has never been an engineering based solution from RD 17 or the City. I think we need to address this before we meet because if your settlement is based on that fact we will not get anywhere because we are assuming something that is not going to happen and is out of our control. Our issue is one of access to your property and your irrigation line on your side of the levee. Both of these issues we have expressed a willingness to give you access. There is really nothing else to discuss. I am not sure who can convince you that the levee is not going to be moved but our lawsuit is not the forum to have the discussion.*"

B. RD17 representations relating to the current location of the dryland levee:

1. For over two years now, it has been regularly represented that the RD17 levee would remain at its current location.

¹ Bill Filios (Manteca Development Group)

² Darryl Quaresma (Manteca Development Group)

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This representation was supported in previous discussions with Chris Nudeck, a representative for Reclamation District No. 17 during RD17 regular board meetings which occurred on February 11, 2014 and March 11, 2014.

Those discussions involved Terra Land Group's concerns relating to Reclamation District No. 17's flood levee expansion land requirements and how those expansion requirements might affect the Terra Land Group almond farm property.

Chris Nudeck assured TLG that protections were in place that required all land necessary for flood levee expansion to be dedicated on the side of the levee that was being protected from flooding.

Chris Nudeck also indicated that, as to Terra Land Group's only land dedication requirement, a vegetative easement area limited to ten (10) feet (but possibly being increased to fifteen (15) feet³) would need to be dedicated on the Terra Land Group's water side of the levee. Nudeck added that this area would be required to remain clear of any almond plantings.

Nudeck offered to send a survey crew to the Terra Land Group property to stake the Reclamation District No. 17 vegetative easement southern border so that Terra Land Group would fully understand the total amount of trees that could be impacted.

Reclamation District No. 17 conducted the survey on or about April 2014 as evidenced by survey stake markers demonstrated in the attached photographs. (See enclosed photographs)

The survey resulted in Terra Land Group gaining the belief that the levee would remain in its current position and that development impacts affecting the levee would have minimal impact on the Terra Land Group almond farming property.

III. Additional questions related to TLG's 33 question submittal directed to Drake Haglan and Associates on 05/24/2016:

- A. Question #29: *With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and/or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to? (Answer from Drake Haglan & Associates: Could you please rephrase the question? It is difficult to identify what needs to be clarified.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

³ This was later changed to twenty (20) feet.

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- a) Will residents, businesses and property owners located on the flood water side of the extended levee be allowed to continue to present public comments to the City of Manteca to mitigate flood and groundwater elevation impacts as part of a continuing SB5 levee impact review process?
 - b) Will any public comments made to mitigate flood impacts to water side residents, businesses and property owners located on the water side of the levee be included in the City of Manteca SB5 approval process in a manner that can effectively assist in controlling and limiting flood and groundwater elevation impacts to residents, businesses and property owners south of the levee?
 - c) Will those flood and groundwater elevation impacts need to be addressed as a separate project?
- B. Question #31: *Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee? (Answer from Drake Haglan & Associates: Reducing flood impacts for property owners in the area of concern is not a goal at this time.)*

1. Additional Questions in response to answer(s) from Drake Haglan & Associates:

- a) If reducing flood impacts for property owners in the area of concern is not a goal at this time, then (i) when; and (ii) by whom; and (iii) by what means can the affected public (water side residents, business and property owners) look to seek relief against flood and other impacts created?

In closing, TLG believes that it is important that adequate protection measures be put in place to ensure that sufficient accommodations are made relating to:

- A. Maintaining historic floodwater elevation impacts by incorporating adequate design provisions to accommodate timely floodwater drainage; and
- B. Prohibiting the use of cutoff and/or slurry walls to maintain groundwater elevation levels as currently existing; and
- C. Prohibiting the use of cutoff and/or slurry walls to allow for groundwater recharge; and
- D. Maintaining the right and ability for vehicular access, irrigating crops and discharging stormwaters to and from all areas of properties affected by a levee modification, extension or relocation; and

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- E. Allowing for waterside property owners to maintain their right and ability to continue to farm their property.

By reviewing the letters, photographs and correspondence provided, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the existing RD17 dryland levee.

Thank you for your attention to this very important matter,



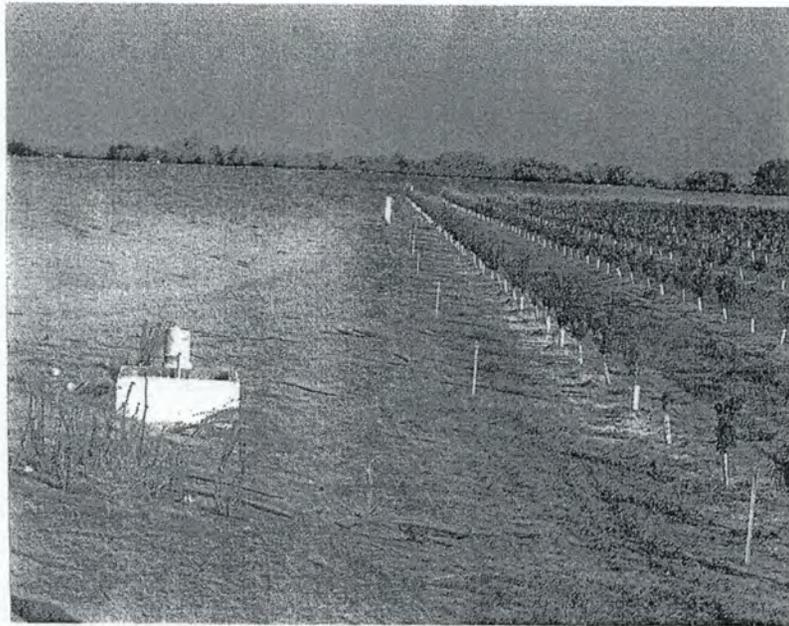
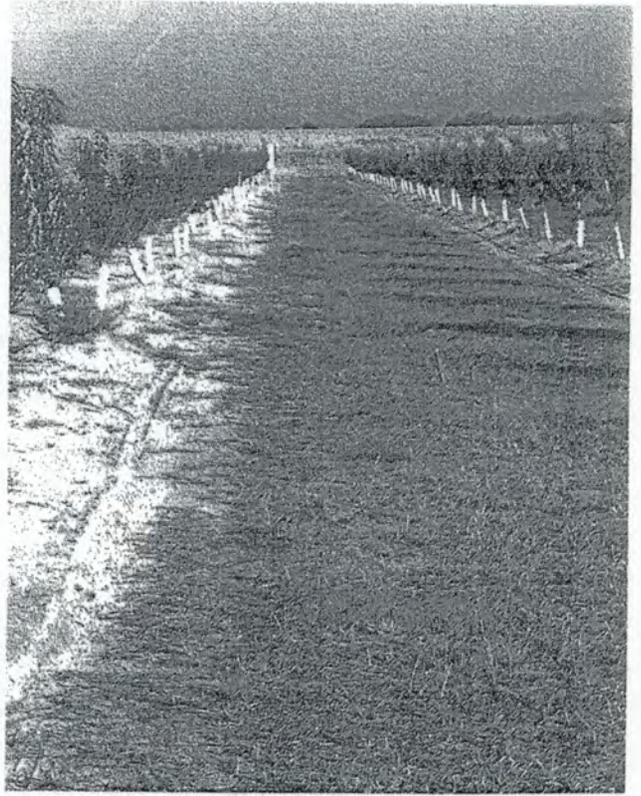
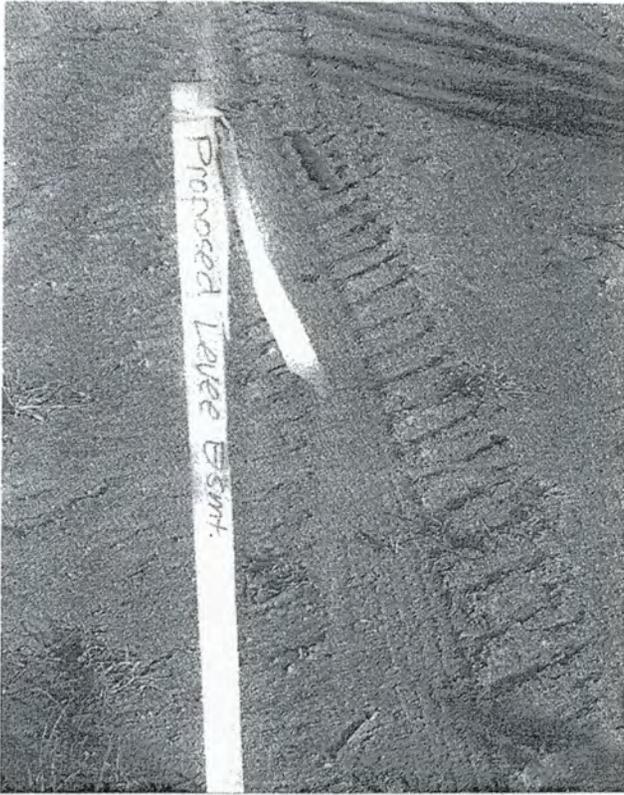
Martin Harris
for Terra Land Group, LLC.

MH/jas

cc:
Drake Haglan and Associates

Enclosures

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



[Quoted text hidden]

Martin Harris <terralandgroup@gmail.com>

To: Matt Satow <MSatow@drakehaglan.com>

Fri, Jun 17, 2016 at 11:14 AM

On May 24, 2016, TLG sent a list of 33 questions relating to flood impacts associated with SB5 compliance and anticipated modifications to be performed to the existing RD17 levee system south of Manteca.

On May 26, 2016, you responded that TLG could expect answers to the 33 questions by June 3, 2016.

As of today's date, no answers have been received by TLG for any of the 33 questions submitted.

Most important, the Manteca City Council plans to consider Agenda Item B-4 on Tuesday 6/21/16 concerning the Draft General Plan Safety Element Amendment as it relates to SB5 compliance.

Your timely response would be greatly appreciated.

[Quoted text hidden]

Matt Satow <MSatow@drakehaglan.com>

To: Martin Harris <terralandgroup@gmail.com>

Sat, Jun 18, 2016 at 9:28 AM

Mr. Harris,

Please see the attached for responses to the additional questions you submitted. As always, please feel free to call or email me if you have additional questions.

Thanks.

Matt Satow, P.E.

Principal Engineer

Drake Haglan & Associates

11060 White Rock Road, Suite 200

Rancho Cordova, CA 95670

T: (916) 231-0971

C: (916) 616-3940

www.drakehaglan.com

From: Martin Harris [mailto:terralandgroup@gmail.com]

Sent: Friday, June 17, 2016 11:15 AM

100-yr. WSE = 28.2'
200-yr. WSE = 30'-31'

100 yr.
Floodplain

200 yr.
Floodplain

100-yr. WSE = 39.0'
200-yr. WSE = 40.0'



Legend

-  EXISTING LEVEE
-  27.5 FOOT ELEVATION CONTOUR
-  100 YEAR FLOODPLAIN (PER FEMA)
-  200 YEAR FLOODPLAIN (PER RD-17 STUDY)
- WSE WATER SURFACE ELEVATION

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

Comment Number	Location	Terra Land Group Comment	Responses
		Upon viewing Figure 3 included in the 5/18/16 Dryland Levee Alignment workshop presentation slides you forwarded and the list of 35 frequently asked questions with answers presented at the 05/18/16 dryland levee workshop meeting, TLG has a few questions meant to clarify your answers provided at the meeting:	

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#1</p>	<p>Page 1</p>	<p>In the blue area flood basin shown in Figure 3, what flood water elevation level is depicted in the flood region shown?</p>	<p>The 200-year flood water elevation varies across the area of concern. The area of concern being the area bounded by:</p> <ul style="list-style-type: none"> (1) The RD-17 Waithall Dryland Levee to the north (2) The San Joaquin River to the East (3) And the Stanislaus River to the south <p>In the remainder of this document this area is referenced as the “area of concern”.</p> <p>Flood water surface elevations near the Stanislaus River will be higher than at the RD-17 dryland levee. These elevations will vary between 40 and 30 feet.</p> <p>Source: <i>200-year Freeboard Analysis & Floodplain Mapping within RD-17.</i> PBI</p> <p>Please note that these elevations are accurate for the current analysis only. Several factors such as global warming are expected to change the water surface elevations of flood events significantly over the next 80 years. The current RD-17 200-year flood event accounts for the next 20-years of climate change effects.</p> <p>Please see the attached exhibit showing the following features across the area of concern:</p> <ul style="list-style-type: none"> (1) the OEM 27.5' contour line (shown in RED) (2) FEMA's 100-year floodplain (shown in YELLOW) (3) RD-17 200-year floodplain (shown in BLUE) <p>The elevation of the 100-year event in the Stanislaus River at Turtle Beach will be 28.2 feet.</p> <p>The elevation of the 200-year event in the same location will be 30 to 31 feet.</p>
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TERRA LAND GROUP (TLG) COMMENTS FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

#2	Page 1	Does that blue area flood basin shown in Figure 3 represent a 200-year event?	Yes, the blue area shown represents the 200-year floodplain at the time of the RD-17 study.
#3	Page 1	If not, what does the blue area flood basin shown in Figure 3 represent? 100-year? Other?	Please see response to comment #2.
—	Page 2	In April 2011, the San Joaquin County Office of Emergency Services issued the San Joaquin County Flood Contingency Map (attached). The April 2011 San Joaquin County Flood Contingency Map appears to detail contour lines describing a 100-year flood event with a flood basin reaching an elevation of 27.5 feet contingent upon a relief cut being made.	The Office of Emergency Management map provided with the comments is a graphic generated as an emergency response map and is a generalization of the 1997 water surface elevation. This map shows an approximate location of the 100-year floodplain, but it is not intended to represent the actual 100-year floodplain for regulation purposes. FEMA establishes the 100-year floodplain which like the 200-year floodplain has a variable water surface elevation across the area in question.
#4	Page 2	What is the difference in the flooded area when comparing the flood basin located within the 27.5 foot contour lines (with relief cut, see attached) as compared to the blue area flood basin shown in Figure 3?	Please see the attached exhibit for the difference in these two floodplains as well as the 27.5 foot contour. At the Dryland Levee the water surface elevation will be approximately 30 feet to 31 feet for the 200-year flood.
#5	Page 2	Is the total size of the blue area flood basin shown in Figure minimized in relation to the total area that flood waters could have extended to as a result of a relief cut being made at the Turtle Beach levee location? How far and at what depth will flood waters extend if a relief cut is not made at the Turtle Beach levee location?	The difference in the two elevations will be approximately 2.5 feet to 3.5 feet. The RD-17 water surface elevation was developed according to the Urban Levee Design Criteria (ULDC) which prohibits assumption that a relief cut will be made. Please see the attached exhibit for the limits of the floodwaters during a 100-year event and a 200-year event.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#6	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 200-year flood event with no relief cut being made at the Turtle Beach levee location?	Correct, please see response to #1
#7	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 100-year flood event with no relief cut being made at the Turtle Beach levee location?	No, please see response to #1
#8	Page 2	Is the maximum extent of the flood water elevation level limited by the current height of the levees currently in place along the east side of the San Joaquin River for all locations shown on the San Joaquin County Flood Contingency Map (attached)?	No. The maximum extent and elevation of flood water is not limited by the levees along the San Joaquin River.
#9	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in height in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	North of the dryland levee, improvements are planned for the levees. South of the dryland levee, no improvements are planned.
#10	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in width in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	Please see response to #9

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

#11	Page 2	Can residents and property owners located south of the proposed SB5 compliant extended RD17 levee rely upon the use of Paradise Cut to assist in draining flood waters off impacted properties east of the San Joaquin River?	The Paradise Cut will continue to provide high water relief, but no additional modifications are planned at this time.
#12	Page 3	Should 2 each floodgate(s) be included in the final design to allow flood water drainage from the impacted areas east of the San Joaquin River into: a. The San Joaquin River channel at the point that the river flows past the Turtle Beach levee; and b. Across the San Joaquin River allowing flood water drainage into the Paradise Cut drainage canal?	This suggestion is not part of the proposed project and will need to be studied under a different project.
#13	Page 3	If adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach River and impede the flow of the San Joaquin River and result in San Joaquin River flow waters backing up and putting additional pressure on levees upstream?	Anything is possible. Relief cuts only help the area of concern post flood, they will not help during the peak of the storm event because water will only drain back into the river when the river level is lower than the trapped water. These drain outs are not expected to aggravate the peaks in flood events.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#14</p>	<p>Page 3</p>	<p>In the event that adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may cause added pressure on levees upstream and contribute to additional levee failures due to impeded San Joaquin River flows resulting from the competing flows created at the time a relief cut is made at the Turtle Beach levee?</p>	<p>Please see response to #13</p>
<p>#15</p>	<p>Page 3</p>	<p>Is it possible that concern by the authorities in charge related to increased pressure on upstream levees may result in delaying a decision by those same authorities to perform a relief cut at the Turtle Beach levee location?</p>	<p>We cannot predict the thoughts of others in the future.</p>
<p>#16</p>	<p>Page 3</p>	<p>Is it true that any RD17 and RD 2094 joint contingency plan to perform a relief cut to the Turtle Beach levee must be approved by a higher authority to limit any liability for any impacts created?</p>	<p>This question is beyond the scope of this study. Concerned citizens are directed to the Office of Emergency Services for additional information. That said, while the Army Corps of Engineers (ACOE) is the final authority for these levees and RD-17 will seek ACOE approval prior to Relief Cuts, in the past RD-17 has made this decision in the field and sought out ACOE approval after the fact.</p>

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#17</p>	<p>Page 3</p>	<p>What higher authority would be involved in making the final decision to perform a relief cut to the Turtle Beach levee?</p> <ul style="list-style-type: none"> a. State Department of Water Resources? B. U.S. Army Corps of Engineers? c. Governor for the State of California? d. All of the above? e. Other? 	<p>Please see response to #16</p>
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**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#18</p>	<p>Page 3 & 4</p>	<p>Several prominent agricultural business families south of Manteca have expressed their opinion to a number of their neighbors that if a relief cut is not made to the Turtle Beach levee that one of the following possibilities may occur:</p> <p>a. A temporary flood basin will be formed consisting of accumulating flood water forming against the Turtle Beach levee and extending east and south, due to a levee breach that could eventually reach the height of the San Joaquin River flow elevation level existing at the point of location of the San Joaquin River levee breach. (See blue area flood basin depicted in Figure 3 and referred to in previous questions.)</p> <p>or</p> <p>b. If the height of the Turtle Beach levee remains at its current elevation, it is believed by some of those same prominent agricultural business families that depending on the elevation of the San Joaquin River at the point of a levee breach, flood waters accumulating against the Turtle Beach levee may eventually reach a height that allows those accumulating flood waters to flow over the Turtle Beach levee and back into the San Joaquin River at or near the Turtle Beach levee location.</p>	<p>Many scenarios are possible.</p> <p>What is your question, or what would you like us to clarify?</p>
		<p>That makes a number of concerned citizens further question:</p>	

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#19</p>	<p>Page 4</p>	<p>For a 100-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?</p>	<p>A flood water basin is not being created in this area of concern. For the 100-year flood water surface elevations please see response #1.</p>
<p>#20</p>	<p>Page 4</p>	<p>For a 200-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?</p>	<p>A flood water basin is not being created in this area of concern. For the 200-year flood water surface elevations please see response #1.</p>
<p>#21</p>	<p>Page 4</p>	<p>Should flood water discharge and/or diverter gates be installed at the Turtle Beach levee and/or Paradise Cut channel locations?</p>	<p>Please see response #12</p>
<p>#22</p>	<p>Page 4</p>	<p>Is it possible that flood waters accumulating against the Turtle Beach levee could be piped (similar in size to the diameter of the pipe proposed for the Twin Tunnels pipeline and controlled by means of a flood gate) under the San Joaquin River at or near that same Turtle Beach levee location and directed in such a way as to align with and discharge flood water from flooded areas east of the San Joaquin River and south of the modified RD17 levee system across and under the river and into the Paradise Cut drainage canal?</p>	<p>Anything is possible given enough funding. The cost estimate for such a project would exceed realistic funding opportunities. Additionally, the Army Corps of Engineers is not approving much smaller projects associated with Paradise Cut while downstream impacts are being evaluated.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#23</p>	<p>Page 4</p>	<p>Realistically, after all levee alterations, extensions and other levee modifications are made, what elevation of flood water can residents and property owners located east of the San Joaquin River and south of the modified RD17 levee system expect those flood waters to reach for the flood water basin created?</p>	<p>Please see the responses #19 and #20</p>
<p>#24</p>	<p>Page 4</p>	<p>Can more effort be made to ensure that improvements and/or dredging is performed to the San Joaquin River to improve and increase river flow capacity?</p>	<p>Please see response #12</p>
<p>#25</p>	<p>Page 5</p>	<p>What have all local governing authorities done and what additional effort can be put forth to improve and increase flood water flow capacity along and through Paradise Cut?</p>	<p>The Army Corps of Engineers Lower San Joaquin Feasibility Study determined that Paradise Cut modifications are not cost effective. However the Lower San Joaquin Area Flood Control Agency Regional Flood Management Plan identified this as a future response to climate change. Use of the Paradise Cut for current storm water relief is a separate goal and out of the scope of this project.</p>

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#26</p>	<p>Page 5</p>	<p>Is it possible that flood water elevations for the area east of the San Joaquin River and south of the modified RD17 levee system will exceed those levels experienced during the 1997 flood? If so, by how much?</p>	<p>Yes it is possible. The 1997 flood is accepted as a 100-year flood. There are floods greater than the 100-year flood.</p> <p>A 100-year flood has a 1 in 100 change, or 1% ,of happening in any given year.</p> <p>Larger events, 200-year and 500-year, could also occur.</p> <p>Additionally, climate change is expected to affect storm water elevations over the next 80 years.</p>
<p>#27</p>	<p>Page 5</p>	<p>In what form will the environmental process take place as stated in the 05/18/16 Dryland Levee Alignment Workshop presentation slides and further represented in those same workshop presentation slides to start in late 2016?</p>	<p>California Environmental Quality Act (CEQA) and if needed the National Environmental Policy Act (NEPA) environmental documents will begin in 2019.</p> <p>During this environmental phase, the public will be given the opportunity to review and comment on the environmental documents and supporting technical studies.</p>
<p>#28</p>	<p>Page 5</p>	<p>Since the 05/18/16 Dryland Levee Alignment Workshop presentation slides indicate that a City of Manteca Planning Commission meeting will be held on June 28, 2016, what is the purpose of the Planning Commission Agenda Item 6.2 scheduled to be presented to the Planning Commission on May 24, 2016?</p>	<p>With this agenda items: "The City is proposing to amend its General Plan Safety Element to further its efforts in establishing compliance with the requirements of the Senate Bill (SB) 5 Bills for 200-year flood protection based on new flood information and data that was unavailable during the previous Safety Element Amendment in 2013. The City will also subsequently amend its Municipal Code to provide consistency with the proposed General Plan amendments."</p> <p>This is an administrative action required to keep the City in compliance with SB-5.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#29</p>	<p>Page 5</p>	<p>With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to?</p>	<p>Could you please rephrase the question? It is difficult to identify what needs to be clarified.</p>
<p>#30</p>	<p>Page 5</p>	<p>Should the public be concerned that a negative declaration is being proposed for approval by the Planning Commission at tonight's 05/24/16 meeting?</p>	<p>This action is to keep the City in compliance with SB-5.</p>
<p>#31</p>	<p>Page 5</p>	<p>Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?</p>	<p>Reducing flood impacts for property owners in the area of concern is not a goal at this time.</p>
<p>#32</p>	<p>Page 5</p>	<p>Is it fair and in the best interests of the public that RD17 was removed from the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?</p>	<p>Improvements to RD-17 were considered in the Lower San Joaquin River Feasibility Report (LSJRF), but were not included in the final array of alternatives due to concerns with induced growth and wise use of the flood plain. Local authorities are working to address those concerns so that Federal interest in improvements can be reconsidered.</p>
<p>#33</p>	<p>Page 5</p>	<p>Should consideration be made to re-incorporate RD17 back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?</p>	<p>Please see response #32</p>

TERRA LAND GROUP, LLC

June 21, 2016

VIA HAND-DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 06/21/16 Meeting Agenda Item B.4: Consider adopting a resolution making the required findings to adopt an Initial Study and Negative Declaration (SCH# 2016042054) as adequate environmental documentation for the project in compliance with the California Environmental Quality Act (CEQA) and to adopt General Plan Amendment No. GPA-16-09 amending the City of Manteca 2023 General Plan to establish compliance with SB5 bills; and, Waive the first reading by substitution of the title and introduce Ordinance No. 1594 amending Manteca Municipal Code Title 17 Zoning, Chapter 17.30 (OVERLAY AND COMBINING ZONING DISTRICT LAND USE AND DEVELOPMENT STANDARDS) establishing section, 17.30.040 (200-Year Floodplain Overlay Zone).

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item B.4 and supporting documents for the June 21, 2016 Manteca City Council meeting.

Agenda Item B.4 describes tonight's action as to "Consider adopting a resolution making the required findings to adopt an Initial Study and Negative Declaration (SCH# 2016042054) as adequate environmental documentation for the project in compliance with the California Environmental Quality Act (CEQA) and to adopt General Plan Amendment No. GPA-16-09 amending the City of Manteca 2023 General Plan to establish compliance with SB5 bills; and, Waive the first reading by substitution

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

of the title and introduce Ordinance No. 1594 amending Manteca Municipal Code Title 17 Zoning, Chapter 17.30 (OVERLAY AND COMBINING ZONING DISTRICT LAND USE AND DEVELOPMENT STANDARDS) establishing section, 17.30.040 (200-Year Floodplain Overlay Zone)".

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

However, this letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns that TLG believes needs to be addressed and considered as part of tonight's Agenda Item B.4 approval process and any future environmental impact study (as promised at the 05/24/16 Planning Commission meeting) associated with Agenda Item B.4 as presented to the City Council at tonight's meeting.

I. Concerns relating to Agenda Item B.4 supporting documents presented by the City of Manteca for tonight's meeting:

TLG would like to call the Council's attention to Agenda Item B.4, Attachment 2 "Existing/Adopted 2023 General Plan Safety Element Goals, Policies and Implementation programs for comparison" included in the supporting documents included in the attachments for Agenda Item B.4 as presented by the City of Manteca for tonight's meeting (See enclosures). This Attachment 2 includes a section on flood hazards and lists the three goals detailed below:

- G-S-3. Protect life and property from flood events.
- G-S-4. Provide a planning framework suitable for flood protection and risk management consistent with Federal and State law.
- G-S-5. Pursue flood control solutions that minimize environmental impacts.

II. Additional concerns previously presented in letters to the City of Manteca and various authorities involved in the SB5 approval process:

To illustrate these concerns, TLG has included as part of this letter various other letters and correspondence previously submitted to the various authorities involved in the current SB5 approval process (See enclosures).

By reviewing the letters and correspondence provided, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the existing RD17 dryland levee.

TERRA LAND GROUP, LLC

III. Drake Haglan's delayed response to 33 additional questions submitted to Drake Haglan on 05/24/2016 by TLG:

In closing, TLG would like to add that on 06/18/2016, Drake Haglan finally responded to questions previously submitted to Drake Haglan on 05/24/2016.

At this time, TLG has not had a chance to fully review and understand the answers presented due to the shortness of time to prepare for tonight's meeting.

However, TLG would like to address question #31 included as part of Drake Haglan's 06/18/2016 33-question response to TLG:

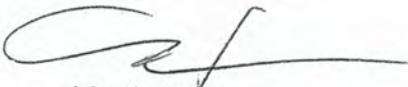
Q. Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?

A. **Reducing flood impacts for property owners in the area of concern is not a goal at this time.**

That makes TLG question as to whether an environmental process will be conducted at a later time to mitigate against increased flood impacts for all residents, business and property owners located on the water side of the modified and extended SB5 compliant levee?

For this reason, TLG believes that because of the importance of protecting and mitigating against all increased flood impacts created, wouldn't it make sense to schedule an additional workshop to ensure that the public that will be adversely affected by the modifications and extension of the RD17 Dryland Levee fully understands any and all impacts to be created.

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

cc:

Karen McLaughlin, Manteca City Manager
Frederic Clark, City of Manteca Community Development Director
Mark Houghton, City of Manteca Public Works Director

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

Mark Meissner, City of Manteca Planning Department Director

Enclosures:

- 06/18/16 Email from TLG to Drake Haglan Associates
- 06/17/16 Email from Drake Haglan Associates to TLG, with attachments
- 06/07/16 Letter from TLG to Manteca City Council, with attachments
- 06/03/16 Email from TLG to Matt Satow, Drake Haglan Associates
- 05/24/16 Letter from TLG to City of Manteca Planning Commission, with attachments
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/17/2016 Letter from TLG to Manteca City Council
- 05/03/16 Letter from TLG to Manteca City Council, with attachments
- 04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council, with attachments
- 03/01/2016 Letter from TLG to Manteca City Council, with attachments
- 02/16/2016 Letter from TLG to Manteca City Council, with attachments
- 04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District, with attachments
- 03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District, with attachments
- 12/16/2014 Letter from TLG to Manteca City Council, with attachments

From: **Matt Satow** MSatow@drakehaglan.com
Subject: RE: Additional questions regarding 5/18/16 workshop
Date: June 18, 2016 at 9:29 AM
To: Martin Harris terralandgroup@gmail.com

MS

Mr. Harris,

Please see the attached for responses to the additional questions you submitted. As always, please feel free to call or email me if you have additional questions.

Thanks.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971
C: (916) 616-3940
www.drakehaglan.com

From: Martin Harris [<mailto:terralandgroup@gmail.com>]
Sent: Friday, June 17, 2016 11:15 AM
To: Matt Satow
Subject: Re: Additional questions regarding 5/18/16 workshop

On May 24, 2016, TLG sent a list of 33 questions relating to flood impacts associated with SB5 compliance and anticipated modifications to be performed to the existing RD17 levee system south of Manteca.

On May 26, 2016, you responded that TLG could expect answers to the 33 questions by June 3, 2016.

As of today's date, no answers have been received by TLG for any of the 33 questions submitted.

Most important, the Manteca City Council plans to consider Agenda Item B-4 on Tuesday 6/21/16 concerning the Draft General Plan Safety Element Amendment as it relates to SB5 compliance.

Your timely response would be greatly appreciated.

On Thu, May 26, 2016 at 10:28 AM, Matt Satow <MSatow@drakehaglan.com> wrote:
Hi Mr. Harris,

I have received your email and we are working on providing answers to these. I likely won't have answers on these until next week but will keep you posted.

Thanks.

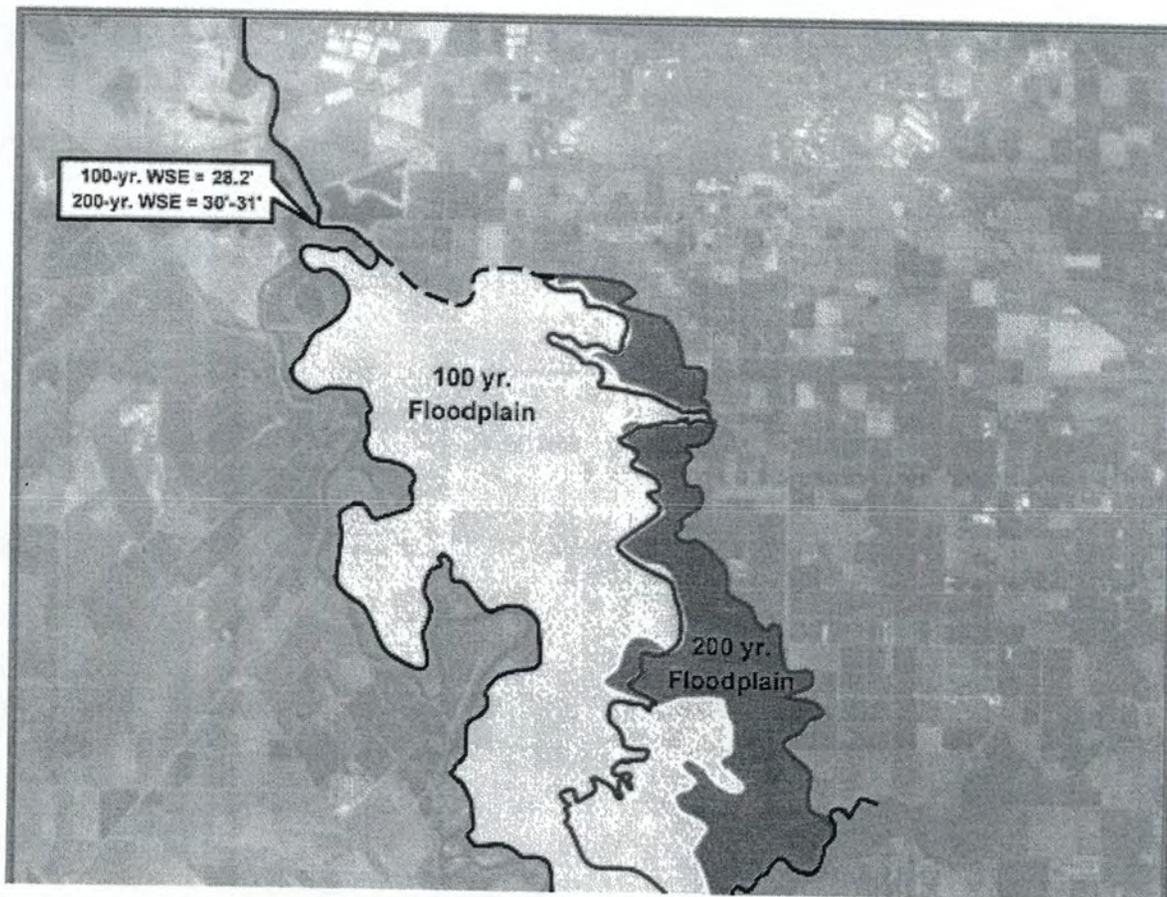
Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971
C: (916) 616-3940
www.drakehaglan.com

From: Terra Land Group [mailto:terralandgroup@gmail.com]
Sent: Tuesday, May 24, 2016 3:00 PM
To: Matt Satow
Subject: Additional questions regarding 5/18/16 workshop

Please see attached letter. This is part one of two, to be continued in a separate email due to file size.



Comment_Response_Te
rra_LandGr..._06_02.pdf



100-yr. WSE = 39.0'
200-yr. WSE = 40.0'



Legend

-  EXISTING LEVEE
-  27.5 FOOT ELEVATION CONTOUR
-  100 YEAR FLOODPLAIN (PER FEMA)
-  200 YEAR FLOODPLAIN (PER RD-17 STUDY)
- WSE** WATER SURFACE ELEVATION

City of Manteca
Dryland Levee Alignment

100 YEAR vs 200 YEAR FLOODPLAIN

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

Comment Number	Location	Terra Land Group Comment	Responses
		Upon viewing Figure 3 included in the 5/18/16 Dryland Levee Alignment workshop presentation slides you forwarded and the list of 35 frequently asked questions with answers presented at the 05/18/16 dryland levee workshop meeting, TLG has a few questions meant to clarify your answers provided at the meeting:	

TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16

<p>#1</p>	<p>Page 1</p>	<p>The 200-year flood water elevation varies across the area of concern. The area of concern being the area bounded by:</p> <ol style="list-style-type: none"> (1) The RD-17 Walthall Dryland Levee to the north (2) The San Joaquin River to the East (3) And the Stanislaus River to the south <p>In the remainder of this document this area is referenced as the “area of concern”.</p> <p>Flood water surface elevations near the Stanislaus River will be higher than at the RD-17 dryland levee. These elevations will vary between 40 and 30 feet.</p> <p>Source: <i>200-year Freeboard Analysis & Floodplain Mapping within RD-17</i>. PBI</p> <p>Please note that these elevations are accurate for the current analysis only. Several factors such as global warming are expected to change the water surface elevations of flood events significantly over the next 80 years. The current RD-17 200-year flood event accounts for the next 20-years of climate change effects.</p> <p>Please see the attached exhibit showing the following features across the area of concern:</p> <ol style="list-style-type: none"> (1) the OEM 27.5' contour line (shown in RED) (2) FEMA's 100-year floodplain (shown in YELLOW) (3) RD-17 200-year floodplain (shown in BLUE) <p>The elevation of the 100-year event in the Stanislaus River at Turtle Beach will be 28.2 feet.</p> <p>The elevation of the 200-year event in the same location will be 30 to 31 feet.</p>
	<p>In the blue area flood basin shown in Figure 3, what flood water elevation level is depicted in the flood region shown?</p>	

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#2	Page 1	Does that blue area flood basin shown in Figure 3 represent a 200-year event?	Yes, the blue area shown represents the 200-year floodplain at the time of the RD-17 study.
#3	Page 1	If not, what does the blue area flood basin shown in Figure 3 represent? 100-year? Other?	Please see response to comment #2.
—	Page 2	In April 2011, the San Joaquin County Office of Emergency Services issued the San Joaquin County Flood Contingency Map (attached). The April 2011 San Joaquin County Flood Contingency Map appears to detail contour lines describing a 100-year flood event with a flood basin reaching an elevation of 27.5 feet contingent upon a relief cut being made.	The Office of Emergency Management map provided with the comments is a graphic generated as an emergency response map and is a generalization of the 1997 water surface elevation. This map shows an approximate location of the 100-year floodplain, but it is not intended to represent the actual 100-year floodplain for regulation purposes. FEMA establishes the 100-year floodplain which like the 200-year floodplain has a variable water surface elevation across the area in question.
#4	Page 2	What is the difference in the flooded area when comparing the flood basin located within the 27.5 foot contour lines (with relief cut, see attached) as compared to the blue area flood basin shown in Figure 3?	Please see the attached exhibit for the difference in these two floodplains as well as the 27.5 foot contour. At the Dryland Levee the water surface elevation will be approximately 30 feet to 31 feet for the 200-year flood. The difference in the two elevations will be approximately 2.5 feet to 3.5 feet.
#5	Page 2	Is the total size of the blue area flood basin shown in Figure minimized in relation to the total area that flood waters could have extended to as a result of a relief cut being made at the Turtle Beach levee location? How far and at what depth will flood waters extend if a relief cut is not made at the Turtle Beach levee location?	The RD-17 water surface elevation was developed according to the Urban Levee Design Criteria (ULDC) which prohibits assumption that a relief cut will be made. Please see the attached exhibit for the limits of the floodwaters during a 100-year event and a 200-year event.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#6	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 200-year flood event with no relief cut being made at the Turtle Beach levee location?	Correct, please see response to #1
#7	Page 2	Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 100-year flood event with no relief cut being made at the Turtle Beach levee location?	No, please see response to #1
#8	Page 2	Is the maximum extent of the flood water elevation level limited by the current height of the levees currently in place along the east side of the San Joaquin River for all locations shown on the San Joaquin County Flood Contingency Map (attached)?	No. The maximum extent and elevation of flood water is not limited by the levees along the San Joaquin River.
#9	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in height in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	North of the dryland levee, improvements are planned for the levees. South of the dryland levee, no improvements are planned.
#10	Page 2	Will any portions of the current levees running along the east side of the San Joaquin River be increased in width in association with any and all levee improvements planned to protect developing and/or developed properties in the area?	Please see response to #9

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#11	Page 2	Can residents and property owners located south of the proposed SB5 compliant extended RD17 levee rely upon the use of Paradise Cut to assist in draining flood waters off impacted properties east of the San Joaquin River?	The Paradise Cut will continue to provide high water relief, but no additional modifications are planned at this time.
#12	Page 3	Should 2 each floodgate(s) be included in the final design to allow flood water drainage from the impacted areas east of the San Joaquin River into: a. The San Joaquin River channel at the point that the river flows past the Turtle Beach levee; and b. Across the San Joaquin River allowing flood water drainage into the Paradise Cut drainage canal?	This suggestion is not part of the proposed project and will need to be studied under a different project.
#13	Page 3	If adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may impact and impede the flow of the San Joaquin River and result in San Joaquin River flow waters backing up and putting additional pressure on levees upstream?	Anything is possible. Relief cuts only help the area of concern post flood, they will not help during the peak of the storm event because water will only drain back into the river when the river level is lower than the trapped water. These drain outs are not expected to aggravate the peaks in flood events.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#14	Page 3	<p>In the event that adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may cause added pressure on levees upstream and contribute to additional levee failures due to impeded San Joaquin River flows resulting from the competing flows created at the time a relief cut is made at the Turtle Beach levee?</p>	Please see response to #13
#15	Page 3	<p>Is it possible that concern by the authorities in charge related to increased pressure on upstream levees may result in delaying a decision by those same authorities to perform a relief cut at the Turtle Beach levee location?</p>	We cannot predict the thoughts of others in the future.
#16	Page 3	<p>Is it true that any RD17 and RD 2094 joint contingency plan to perform a relief cut to the Turtle Beach levee must be approved by a higher authority to limit any liability for any impacts created?</p>	<p>This question is beyond the scope of this study. Concerned citizens are directed to the Office of Emergency Services for additional information.</p> <p>That said, while the Army Corps of Engineers (ACOE) is the final authority for these levees and RD-17 will seek ACOE approval prior to Relief Cuts, in the past RD-17 has made this decision in the field and sought out ACOE approval after the fact.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#17	Page 3	<p>What higher authority would be involved in making the final decision to perform a relief cut to the Turtle Beach levee?</p> <ul style="list-style-type: none"> a. State Department of Water Resources? B. U.S. Army Corps of Engineers? c. Governor for the State of California? d. All of the above? e. Other? 	Please see response to #16
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**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#18</p>	<p>Page 3 & 4</p>	<p>Several prominent agricultural business families south of Manteca have expressed their opinion to a number of their neighbors that if a relief cut is not made to the Turtle Beach levee that one of the following possibilities may occur:</p> <p>a. A temporary flood basin will be formed consisting of accumulating flood water forming against the Turtle Beach levee and extending east and south, due to a levee breach that could eventually reach the height of the San Joaquin River flow elevation level existing at the point of location of the San Joaquin River levee breach. (See blue area flood basin depicted in Figure 3 and referred to in previous questions.)</p> <p>or</p> <p>b. If the height of the Turtle Beach levee remains at its current elevation, it is believed by some of those same prominent agricultural business families that depending on the elevation of the San Joaquin River at the point of a levee breach, flood waters accumulating against the Turtle Beach levee may eventually reach a height that allows those accumulating flood waters to flow over the Turtle Beach levee and back into the San Joaquin River at or near the Turtle Beach levee location.</p>	<p>Many scenarios are possible.</p> <p>What is your question, or what would you like us to clarify?</p>
		<p>That makes a number of concerned citizens further question:</p>	

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#19	Page 4	For a 100-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?	A flood water basin is not being created in this area of concern. For the 100-year flood water surface elevations please see response #1.
#20	Page 4	For a 200-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?	A flood water basin is not being created in this area of concern. For the 200-year flood water surface elevations please see response #1.
#21	Page 4	Should flood water discharge and/or diverter gates be installed at the Turtle Beach levee and/or Paradise Cut channel locations?	Please see response #12
#22	Page 4	Is it possible that flood waters accumulating against the Turtle Beach levee could be piped (similar in size to the diameter of the pipe proposed for the Twin Tunnels pipeline and controlled by means of a flood gate) under the San Joaquin River at or near that same Turtle Beach levee location and directed in such a way as to align with and discharge flood water from flooded areas east of the San Joaquin River and south of the modified RD17 levee system across and under the river and into the Paradise Cut drainage canal?	Anything is possible given enough funding. The cost estimate for such a project would exceed realistic funding opportunities. Additionally, the Army Corps of Engineers is not approving much smaller projects associated with Paradise Cut while downstream impacts are being evaluated.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#23	Page 4	Realistically, after all levee alterations, extensions and other levee modifications are made, what elevation of flood water can residents and property owners located east of the San Joaquin River and south of the modified RD17 levee system expect those flood waters to reach for the flood water basin created?	Please see the responses #19 and #20
#24	Page 4	Can more effort be made to ensure that improvements and/or dredging is performed to the San Joaquin River to improve and increase river flow capacity?	Please see response #12
#25	Page 5	What have all local governing authorities done and what additional effort can be put forth to improve and increase flood water flow capacity along and through Paradise Cut?	The Army Corps of Engineers Lower San Joaquin Feasibility Study determined that Paradise Cut modifications are not cost effective. However the Lower San Joaquin Area Flood Control Agency Regional Flood Management Plan identified this as a future response to climate change. Use of the Paradise Cut for current storm water relief is a separate goal and out of the scope of this project.

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

<p>#26</p>	<p>Page 5</p>	<p>Is it possible that flood water elevations for the area east of the San Joaquin River and south of the modified RD17 levee system will exceed those levels experienced during the 1997 flood? If so, by how much?</p>	<p>Yes it is possible. The 1997 flood is accepted as a 100-year flood. There are floods greater than the 100-year flood.</p> <p>A 100-year flood has a 1 in 100 change, or 1% ,of happening in any given year.</p> <p>Larger events, 200-year and 500-year, could also occur.</p> <p>Additionally, climate change is expected to affect storm water elevations over the next 80 years.</p>
<p>#27</p>	<p>Page 5</p>	<p>In what form will the environmental process take place as stated in the 05/18/16 Dryland Levee Alignment Workshop presentation slides and further represented in those same workshop presentation slides to start in late 2016?</p>	<p>California Environmental Quality Act (CEQA) and if needed the National Environmental Policy Act (NEPA) environmental documents will begin in 2019.</p> <p>During this environmental phase, the public will be given the opportunity to review and comment on the environmental documents and supporting technical studies.</p>
<p>#28</p>	<p>Page 5</p>	<p>Since the 05/18/16 Dryland Levee Alignment Workshop presentation slides indicate that a City of Manteca Planning Commission meeting will be held on June 28, 2016, what is the purpose of the Planning Commission Agenda Item 6.2 scheduled to be presented to the Planning Commission on May 24, 2016?</p>	<p>With this agenda items: "The City is proposing to amend its General Plan Safety Element to further its efforts in establishing compliance with the requirements of the Senate Bill (SB) 5 Bills for 200-year flood protection based on new flood information and data that was unavailable during the previous Safety Element Amendment in 2013. The City will also subsequently amend its Municipal Code to provide consistency with the proposed General Plan amendments."</p> <p>This is an administrative action required to keep the City in compliance with SB-5.</p>

**TERRA LAND GROUP (TLG) COMMENTS
FROM THE DRYLAND LEVEE WORKSHOP HELD ON 5/18/16**

#29	Page 5	With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to?	Could you please rephrase the question? It is difficult to identify what needs to be clarified.
#30	Page 5	Should the public be concerned that a negative declaration is being proposed for approval by the Planning Commission at tonight's 05/24/16 meeting?	This action is to keep the City in compliance with SB-5.
#31	Page 5	Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?	Reducing flood impacts for property owners in the area of concern is not a goal at this time.
#32	Page 5	Is it fair and in the best interests of the public that RD17 was removed from the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?	Improvements to RD-17 were considered in the Lower San Joaquin River Feasibility Report (LSJRF), but were not included in the final array of alternatives due to concerns with induced growth and wise use of the flood plain. Local authorities are working to address those concerns so that Federal interest in improvements can be reconsidered.
#33	Page 5	Should consideration be made to re-incorporate RD17 back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?	Please see response #32

100-yr. WSE = 28.2'
200-yr. WSE = 30'-31'

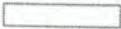
100 yr.
Floodplain

200 yr.
Floodplain

100-yr. WSE = 39.0'
200-yr. WSE = 40.0'



Legend

-  EXISTING LEVEE
-  27.5 FOOT ELEVATION CONTOUR
-  100 YEAR FLOODPLAIN (PER FEMA)
-  200 YEAR FLOODPLAIN (PER RD-17 STUDY)
- WSE** WATER SURFACE ELEVATION

City of Manteca
Dryland Levee Alignment

100 YEAR vs 200 YEAR FLOODPLAIN

From: Martin Harris terralandgroup@gmail.com
Subject: Re: Additional questions regarding 5/18/16 workshop
Date: June 17, 2016 at 11:14 AM
To: Matt Satow MSatow@drakehaglan.com



On May 24, 2016, TLG sent a list of 33 questions relating to flood impacts associated with SB5 compliance and anticipated modifications to be performed to the existing RD17 levee system south of Manteca.

On May 26, 2016, you responded that TLG could expect answers to the 33 questions by June 3, 2016.

As of today's date, no answers have been received by TLG for any of the 33 questions submitted.

Most important, the Manteca City Council plans to consider Agenda Item B-4 on Tuesday 6/21/16 concerning the Draft General Plan Safety Element Amendment as it relates to SB5 compliance.

Your timely response would be greatly appreciated.

On Thu, May 26, 2016 at 10:28 AM, Matt Satow <MSatow@drakehaglan.com> wrote:

Hi Mr. Harris,

I have received your email and we are working on providing answers to these. I likely won't have answers on these until next week but will keep you posted.

Thanks.

Matt Satow, P.E.

Principal Engineer

Drake Haglan & Associates

11060 White Rock Road, Suite 200

Rancho Cordova, CA 95670

T: [\(916\) 231-0971](tel:(916)231-0971)

C: [\(916\) 616-3940](tel:(916)616-3940)

www.drakehaglan.com

From: Terra Land Group [<mailto:terralandgroup@gmail.com>]
Sent: Tuesday, May 24, 2016 3:00 PM
To: Matt Satow
Subject: Additional questions regarding 5/18/16 workshop

Please see attached letter. This is part one of two, to be continued in a separate email due to file size.

From: Terra Land Group terralandgroup@gmail.com
Subject: Re: Additional questions regarding 5/18/16 workshop
Date: June 3, 2016 at 11:31 AM
To: Matt Satow MSatow@drakehaglan.com



At this time, TLG is still waiting for answers to the questions included in TLG's email sent to you on 5/24/16.

Do you have any idea when the answers to the 33 questions will be completed and made available for review?

Thanks,

Jodi Sabatino for
Martin Harris
Terra Land Group

CONFIDENTIALITY NOTICE: This e-mail message including any attachments of any kind are covered by the Electronic Communications Privacy Act, is confidential and may include legally protected information. If you are not the intended recipient or you have received this e-mail message by mistake, printing, copying, storing or disseminating in any way is prohibited and doing so could subject you to civil and/or criminal action. Please notify the sender if you received this e-mail in error and delete all information contained in and attached to this e-mail.

On May 26, 2016, at 10:28 AM, Matt Satow <MSatow@drakehaglan.com> wrote:

Hi Mr. Harris,

I have received your email and we are working on providing answers to these. I likely won't have answers on these until next week but will keep you posted.

Thanks.

Matt Satow, P.E.
Principal Engineer
Drake Haglan & Associates
11060 White Rock Road, Suite 200
Rancho Cordova, CA 95670
T: (916) 231-0971
C: (916) 616-3940
www.drakehaglan.com

From: Terra Land Group [<mailto:terralandgroup@gmail.com>]
Sent: Tuesday, May 24, 2016 3:00 PM
To: Matt Satow
Subject: Additional questions regarding 5/18/16 workshop

Please see attached letter. This is part one of two, to be continued in a separate email due to file size.

TERRA LAND GROUP, LLC

June 7, 2016

VIA HAND-DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 06/07/16 Meeting Agenda Item B.1: Approve a Memorandum of Understanding Among the Cities of Lathrop, Manteca and Stockton, the County of San Joaquin and Reclamation District (RD) 17, to Pursue 200-Year Urban Level of Flood Protection to Satisfy Senate Bill 5, and Authorize the Mayor to Sign Same.

Dear Council Members,

My name is Bryce Perkins and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item B.1 and supporting documents for the June 7, 2016 Manteca City Council meeting.

Agenda Item B.1 describes tonight's action as to "Approve a Memorandum of Understanding Among the Cities of Lathrop, Manteca and Stockton, the County of San Joaquin and Reclamation District (RD) 17, to Pursue 200-Year Urban Level of Flood Protection to Satisfy Senate Bill 5, and Authorize the Mayor to Sign Same".

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

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However, this letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns that TLG believes need to be addressed and considered as part of the Memorandum of Understanding approval process and any future environmental impact study associated with Agenda Item B.1 as presented to the City Council at tonight's meeting.

In this way, TLG believes that SB5 compliance can be achieved while allowing for mitigated measures to minimize against certain impacts, identified in letters and correspondence previously presented to various authorities involved, in association with and resulting from extending and performing modifications to the dryland levee (see correspondence attached).

Thank you for your attention to this very important matter,



Bryce Perkins
for Terra Land Group, LLC.

BP/jas

cc:

U.S. Army Corps of Engineers, Sacramento District
City of Lathrop Community Development Department
City of Stockton Community Development Department
San Joaquin Area County Flood Control Agency
Reclamation District No. 17

Enclosures:

06/03/16 Letter from TLG to Matt Satow, Drake Haglan Associates
05/24/16 Letter from TLG to City of Manteca Planning Commission, with attachments
05/17/2016 Letter from TLG to Manteca City Council
05/17/2016 Letter from TLG to Manteca City Council
05/03/16 Letter from TLG to Manteca City Council, with attachments
04/05/2016 Letter (delivered 04/06/2016) from TLG to Manteca City Council, with attachments
03/01/2016 Letter from TLG to Manteca City Council, with attachments
02/16/2016 Letter from TLG to Manteca City Council, with attachments
04/08/2015 Letter from Neighbors United to US Army Corps of Engineers, Sacramento District, with attachments
03/31/2015 Letter from John Minney to United to US Army Corps of Engineers, Sacramento District, with attachments
12/16/2014 Letter from TLG to Manteca City Council, with attachments

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TERRALAND GROUP, LLC

May 24, 2016

VIA HAND-DELIVERY

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca Planning Commission 05/24/16 Meeting Agenda Item 6.2: City of Manteca 2023 General Plan Safety Element Amendment No. GPA-16-09 and Municipal Code Amendment No. MCA-16-66 to establish General Plan and Zoning consistency.

Dear Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

TLG is in receipt of the Agenda Item 6.2 and supporting documents for the May 24, 2016 City of Manteca Planning Commission meeting.

Agenda Item 6.2 describes the project as the City of Manteca 2023 General Plan Safety Element Amendment No. GPA-16-09 and Municipal Code Amendment No. MCA-16-66 to establish General Plan and Zoning consistency. Agenda Item 6.2 further states that "This project has resulted in the preparation of an Initial Study/Negative Declaration (ND) and supporting documents to the requirements of the California Environmental Quality Act (CEQA) and was filed with the State Clearinghouse (SCH #2016042054)".

At this time, TLG would like to state that TLG is not opposed to the City of Manteca's efforts to perform modifications to the RD17 dryland levee in compliance with SB5 requirements mandated by the State of California legislature.

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However, after reviewing the documents provided by the City of Manteca relating to the Manteca SB5 Safety Element Amendments dated May 14, 2016 and April 14, 2016 and presented as an attachment to tonight's Planning Commission Agenda Item 6.2, TLG believes that there are a number of areas of concern that mitigation measures and/or other accommodations should be considered to offset or reduce any environmental impacts created to non-developing residents, farms and other property owners affected by and located on the flood water side of the RD17 dryland extended levee.

- I. Areas of Concern and Accommodations and/or Mitigation Measures to Consider Relating to the Manteca SB5 Safety Element Amendment dated May 14, 2016:
 - A. Section 1.2, page 5 Safety: "contains policies and programs to protect the community from injury, loss of life, and property damage resulting from natural disasters and hazardous conditions".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
 - B. Section 6.13, page 33 Flood Safety Goal S-4: "pursue flood control solutions that minimize environmental impacts".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
- II. Areas of Concern and Accommodations and/or Mitigation Measures to Consider Relating to the Manteca SB5 Safety Element Amendment dated April 14, 2016:
 - A. Page 6, Flood Safety Implementation Measure S-I-8: "Applications for development in areas subject to 200-year flooding shall indicate the depth of predicted 200-year flooding on the basis of official maps approved by the City Engineer".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
 - B. Page 6, Flood Safety Implementation Measure S-I-10: "The city will prepare an official 200-year floodplain map for the City of Manteca identifying predicted flood depths for reference when making land use determinations".
 1. Response: TLG directs your attention to TLG letter to Drake Hagland and Associates dated 05/24/16 (See enclosure).
- III. Other Areas of Concern:

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- A. Since it has been represented by City of Manteca staff that the dryland levee will allow recreational access to the public for pedestrian (walkers and runners) and bicycle traffic along the levee:
1. Response: Will fencing and other protections be put in place to prevent trespass to adjacent farm properties?
 2. Response: Will restrooms be installed to protect against food safety/contamination issues to neighboring farm properties relating to that same recreational access to the public?
- B. Severance due to levee alignments dividing affected properties
1. Response: Will affected properties be able to continue to provide irrigation and/or domestic water to all areas of their property that are not determined to be needed for dryland levee modifications and/or extension to the RD17 existing levee?
 2. Response: Will affected properties be able to continue to access (by vehicle, farm implement and as otherwise necessary) any and all areas of their property that are not determined to be needed for dryland levee modifications and/or extension to the existing RD17 levee?
 3. Response: Will affected properties be able to effectively and completely discharge any and all stormwater and/or irrigation water from all areas of their property that are not determined to be needed for dryland levee modifications and/or extension to the existing RD17 levee?

In closing, TLG believes that SB5 compliance can be achieved with minimal increases to flood impacts previously experienced by flood water side residents, farmers and other property owners provided that adequate accommodations are made relating to:

- A. Maintaining historic floodwater elevation impacts by incorporating adequate design provisions to accommodate timely floodwater drainage; and
- B. Prohibiting the use of cutoff and/or slurry walls to maintain groundwater elevation levels as currently existing; and
- C. Prohibit the use of cutoff and/or slurry walls to allow for groundwater recharge; and
- D. Maintaining the right and ability for vehicular access, irrigating crops and discharging stormwaters to and from all areas of properties affected by a levee modification, extension or relocation; and

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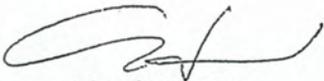
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- E. Allowing for waterside property owners to maintain their right and ability to continue to farm their property.

Finally, TLG would like to state that due to the fact that city staff have recommended approval of a negative declaration for this project, TLG is concerned that the City of Manteca may not fully understand the potential for adverse impacts associated with expanding, modifying and/or relocating the RD17 levee in association with SB5 compliance.

For this reason, TLG can't help but question as to whether the SB5 decision-making process wouldn't be better off if incorporated back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015.

Thank you for your attention to this very important matter,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Enclosure: 05/24/16 Letter from TLG to Drake Haglan & Associates, with attachments

TERRA LAND GROUP, LLC

May 24, 2016

VIA EMAIL

Matt Satow
Drake Haglan & Associates
619 - 13th Street, Suite G
Modesto, CA 95354

Re: Additional questions submitted to clarify your answers to the 35 most frequently asked questions as presented by you at the 05/18/16 Dryland Levee Alignment Workshop.

Dear Mr. Satow,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

At this time I would like to thank you for forwarding the meeting #3 May 18, 2016 Dryland Levee Alignment Workshop presentation slides.

Upon viewing Figure 3 included in the 5/18/16 Dryland Levee Alignment workshop presentation slides you forwarded and the list of 35 frequently asked questions with answers presented at the 05/18/16 dryland levee workshop meeting, TLG has a few questions meant to clarify your answers provided at the meeting:

1. In the blue area flood basin shown in Figure 3, what flood water elevation level is depicted in the flood region shown?
2. Does that blue area flood basin shown in Figure 3 represent a 200-year event?
3. If not, what does the blue area flood basin shown in Figure 3 represent? 100-year? Other?

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In April 2011, the San Joaquin County Office of Emergency Services issued the San Joaquin County Flood Contingency Map (attached). The April 2011 San Joaquin County Flood Contingency Map appears to detail contour lines describing a 100-year flood event with a flood basin reaching an elevation of 27.5 feet contingent upon a relief cut being made.

4. What is the difference in the flooded area when comparing the flood basin located within the 27.5 foot contour lines (with relief cut, see attached) as compared to the blue area flood basin shown in Figure 3?
5. Is the total size of the blue area flood basin shown in Figure 3 minimized in relation to the total area that flood waters could have extended to as a result of a relief cut being made at the Turtle Beach levee location? How far and at what depth will flood waters extend if a relief cut is not made at the Turtle Beach levee location?

or

6. Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 200-year flood event with no relief cut being made at the Turtle Beach levee location?

or

7. Is the total size of the blue area flood basin shown in Figure 3 meant to represent the projected maximum extent that flood waters could reach during a 100-year flood event with no relief cut being made at the Turtle Beach levee location?
8. Is the maximum extent of the flood water elevation level limited by the current height of the levees currently in place along the east side of the San Joaquin River for all locations shown on the San Joaquin County Flood Contingency Map (attached)?
9. Will any portions of the current levees running along the east side of the San Joaquin River be increased in height in association with any and all levee improvements planned to protect developing and/or developed properties in the area?
10. Will any portions of the current levees running along the east side of the San Joaquin River be increased in width in association with any and all levee improvements planned to protect developing and/or developed properties in the area?
11. Can residents and property owners located south of the proposed SB5 compliant extended RD17 levee rely upon the use of Paradise Cut to assist in draining flood waters off impacted properties east of the San Joaquin River?

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12. Should 2 each floodgate(s) be included in the final design to allow flood water drainage from the impacted areas east of the San Joaquin River into:
 - a. The San Joaquin River channel at the point that the river flows past the Turtle Beach levee; and
 - b. Across the San Joaquin River allowing flood water drainage into the Paradise Cut drainage canal?
13. If adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may impact and impede the flow of the San Joaquin River and result in San Joaquin River flow waters backing up and putting additional pressure on levees upstream?
14. In the event that adequate flood water drainage is not provided by means of utilizing Paradise Cut as well as draining flood waters back into the San Joaquin River, is it possible that a relief cut made only at Turtle Beach may cause added pressure on levees upstream and contribute to additional levee failures due to impeded San Joaquin River flows resulting from the competing flows created at the time a relief cut is made at the Turtle Beach levee?
15. Is it possible that concern by the authorities in charge related to increased pressure on upstream levees may result in delaying a decision by those same authorities to perform a relief cut at the Turtle Beach levee location?
16. Is it true that any RD17 and RD 2094 joint contingency plan to perform a relief cut to the Turtle Beach levee must be approved by a higher authority to limit any liability for any impacts created?
17. What higher authority would be involved in making the final decision to perform a relief cut to the Turtle Beach levee?
 - a. State Department of Water Resources?
 - b. U.S. Army Corps of Engineers?
 - c. Governor for the State of California?
 - d. All of the above?
 - e. Other?
18. Several prominent agricultural business families south of Manteca have expressed their opinion to a number of their neighbors that if a relief cut is not made to the Turtle Beach levee that one of the following possibilities may occur:

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- a. A temporary flood basin will be formed consisting of accumulating flood water forming against the Turtle Beach levee and extending east and south, due to a levee breach that could eventually reach the height of the San Joaquin River flow elevation level existing at the point of location of the San Joaquin River levee breach. (See blue area flood basin depicted in Figure 3 and referred to in previous questions.)

or

- b. If the height of the Turtle Beach levee remains at its current elevation, it is believed by some of those same prominent agricultural business families that depending on the elevation of the San Joaquin River at the point of a levee breach, flood waters accumulating against the Turtle Beach levee may eventually reach a height that allows those accumulating flood waters to flow over the Turtle Beach levee and back into the San Joaquin River at or near the Turtle Beach levee location.

That makes a number of concerned citizens further question:

19. For a 100-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?
20. For a 200-year flood event, what elevation of flood waters should property owners and residents located south of the RD17 modified levee expect those flood waters to reach in the flood water basin created?
21. Should flood water discharge and/or diverter gates be installed at the Turtle Beach levee and/or Paradise Cut channel locations?
22. Is it possible that flood waters accumulating against the Turtle Beach levee could be piped (similar in size to the diameter of the pipe proposed for the Twin Tunnels pipeline and controlled by means of a flood gate) under the San Joaquin River at or near that same Turtle Beach levee location and directed in such a way as to align with and discharge flood water from flooded areas east of the San Joaquin River and south of the modified RD17 levee system across and under the river and into the Paradise Cut drainage canal?
23. Realistically, after all levee alterations, extensions and other levee modifications are made, what elevation of flood water can residents and property owners located east of the San Joaquin River and south of the modified RD17 levee system expect those flood waters to reach for the flood water basin created?
24. Can more effort be made to ensure that improvements and/or dredging is performed to the San Joaquin River to improve and increase river flow capacity?

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25. What have all local governing authorities done and what additional effort can be put forth to improve and increase flood water flow capacity along and through Paradise Cut?
26. Is it possible that flood water elevations for the area east of the San Joaquin River and south of the modified RD17 levee system will exceed those levels experienced during the 1997 flood? If so, by how much?
27. In what form will the environmental process take place as stated in the 05/18/16 Dryland Levee Alignment Workshop presentation slides and further represented in those same workshop presentation slides to start in late 2016?
28. Since the 05/18/16 Dryland Levee Alignment Workshop presentation slides indicate that a City of Manteca Planning Commission meeting will be held on June 28, 2016, what is the purpose of the Planning Commission Agenda Item 6.2 scheduled to be presented to the Planning Commission on May 24, 2016?
29. With that in mind, will approval of the negative declaration for Agenda Item 6.2 by the Manteca Planning Commission tonight, affect in any way, the future rights of the public to mitigate and or include any and all flood impacts that those residents, businesses and property owners located east of the San Joaquin River and south of the modified RD17 dryland levee may be subjected to?
30. Should the public be concerned that a negative declaration is being proposed for approval by the Planning Commission at tonight's 05/24/16 meeting?
31. Can the public truly rely upon the City of Manteca's representation that an environmental review will be conducted that will mitigate and reduce flood impacts for all residents, businesses and property owners located on the water side of the modified SB5 compliant levee?
32. Is it fair and in the best interests of the public that RD17 was removed from the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?
33. Should consideration be made to re-incorporate RD17 back into the Army Corps of Engineers Lower San Joaquin River Feasibility Report Draft EIR dated February 2015?

In closing, since none of the additional SB5 workshops requested by a petition signed by numerous members of the public and presented to the Manteca City Council on May 3, 2016 (see enclosures), are planned to be scheduled, TLG would appreciate your written response to the questions offered as soon as reasonably possible.

TERRALAND GROUP, LLC

Thank you,



Martin Harris
for Terra Land Group, LLC.

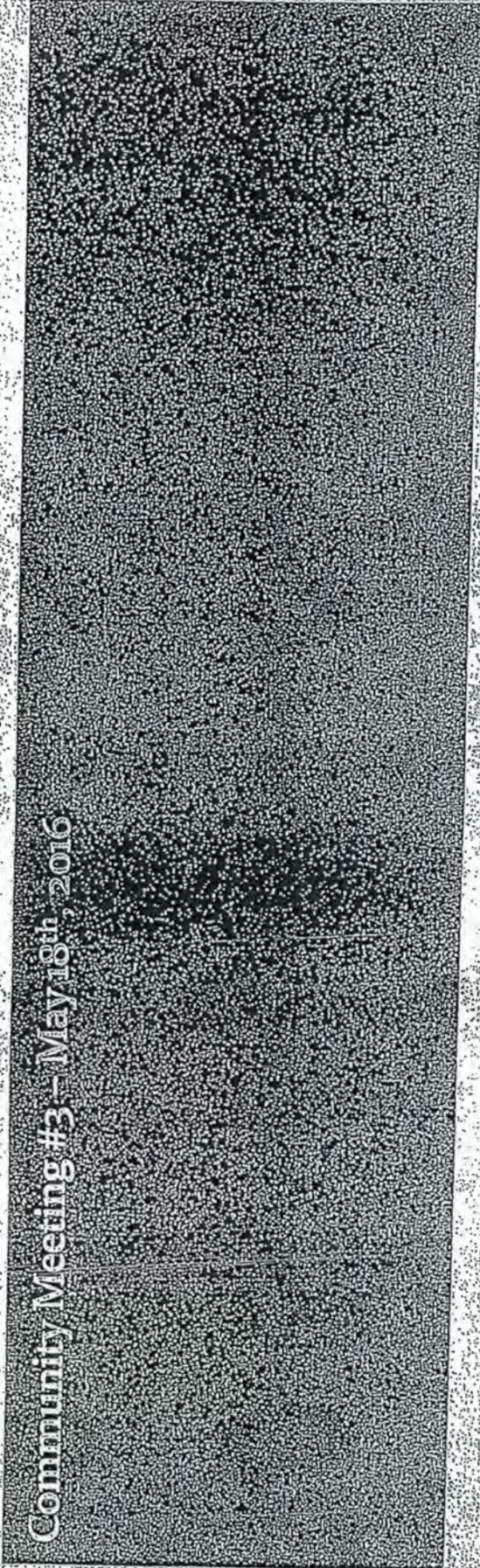
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Enclosures

DRYLAND AND LEVEE ALIGNMENTS

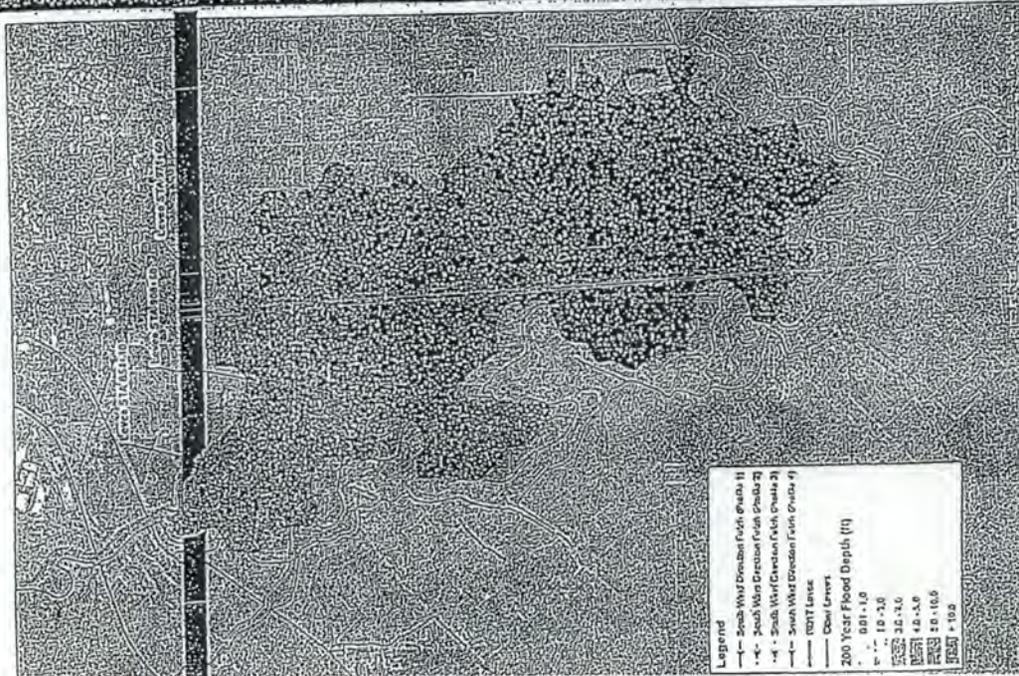


Community Meeting #3 – May 18th, 2016



Turtle Beach Levee Break

- In the event of a levee breach upstream the water needs a way to get back to the river



Legend

- South West Direction Flow (Quadr. 1)
- South West Direction Flow (Quadr. 2)
- South West Direction Flow (Quadr. 3)
- South West Direction Flow (Quadr. 4)
- DIRT Levee
- Clay Levee

200 Year Flood Depth (ft)

- 0.01 - 1.0
- 1.0 - 2.0
- 2.0 - 3.0
- 3.0 - 4.0
- 4.0 - 5.0
- 5.0 - 10.0
- 10.0 - 15.0

DATE: 10/15/18
 DRAWN: J. [Name]
 CHECKED: [Name]

MANTECA DRYLAND LEVEE EXTENSION

Frequently Asked Questions

Senate Bill 5

1- Why does the existing levee need to be extended?

The levee extension is one component of many that are needed to comply with Senate Bill 5 (SB5) for the Reclamation District 17 (RD 17) area and protect areas of Lathrop and Manteca from a 200-year flood event.

2- What is SB 5 and what are the key requirements of this Bill?

In 2007, the State of California approved Senate Bill 5 and a series of related Senate and Assembly bills intended to set new flood protection standards for urban areas. This group of bills is referred to collectively as the "SB 5". SB5 establishes the State standard for flood protection in urban areas as protection from the 200-year frequency flood. Under SB 5, urban and urbanizing areas must be provided with 200-year flood protection no later than 2025. After July 2, 2016, new development in areas potentially exposed to 200-year flooding more than three feet deep will be prohibited unless the local land use agency certifies that 200-year flood protection has been provided, or that "adequate progress" has been made toward provision of 200-year flood protection by 2025. These requirements are to be instituted in local general plans and zoning.

In addition to setting the 200-year flood protection requirements for urban areas, SB 5 also established new and more comprehensive State flood protection policies and a public investment strategy for flood protection improvements. Generally led by the State Department of Water Resources (DWR), the flood protection effort involves a range of local, state and federal agencies.

3- What happens if the key requirements of SB 5 are not met?

Cities and counties must make "SB 5 findings" before making certain land use decisions. If the findings are not met then the Cities and Counties will not be able to:

1. Enter into a Development Agreement for all types of property development
2. Approve a tentative map
3. Approve a parcel or subdivision map
4. Approve a discretionary permit or other discretionary entitlement for all development projects
5. Approve a ministerial permit that would result in construction of a new residence

Impacts to Properties on South Side of Levee

- 4- Once the levee is constructed, what will happen to the properties on the south side of the levee in the event of a significant flood?

Flood analysis performed by the City's consultant indicates no significant increase to flood depths for properties south of the dry-land levee. The exact number would depend on where the dryland levee is constructed but for the alternatives being considered, the increase in flood depths is less than 1/100th of a foot.

- 5- Will property owners on the south side of the levee incur higher flood insurance costs?

No, SB 5 does not affect flood insurance rates since FEMA doesn't require flood insurance for properties within the 200-year flood plain nor do they have approved 200-year flood plain Flood Insurance Rate Maps (FIRM).

- 6- Will residents on the south side of the levee still be able to obtain building permits to perform home improvements?

SB5 does not expressly prohibit building permits for home improvements. However, homeowners south/upstream of the levee that are in the FEMA 100 year flood plain, must comply with building standards as set forth by San Joaquin County Flood Plain Ordinance that requires that the finished floor of any new residence in a FEMA 100 year flood plain be elevated a minimum of one foot (1') above the 100 year flood plain.

Draining Water Back to the River During Flood Event & Other Options

- 7- When there is a flood, who is going to make the call to break the levee and where will the monies come from to repair the break?

During a major flood event where there is a southern levee breach, RD 17 and RD 2094 have a contingency plan in place to breach the levee at Turtle Beach to allow flood waters to drain back to the river. This contingency plan is budgeted for by both RD 17 and RD 2094.

- 8- Who makes the call on a relief cut in the event of a flood event to be made to the Turtle Beach levee in a timely manner to relieve floodwaters accumulating against the floodwater side of the levee?

RD 17 and RD 2094 will jointly make the decision based on the parameters in their contingency plan that has been approved by both agencies.

- 9- What about cleaning and expanding Paradise Cut, along with dredging the main channel of the San Joaquin River to handle the increased water flows?

Although "cleaning" and expanding Paradise Cut would likely reduce the floodplain impacts to properties on the east side of I-5, the impacts to properties downstream and west of I-5 are unknown and need to be studied. There are a number of physical and environmental impacts that a number of State and Federal regulatory agencies need to study and understand before making changes to the floodplain. This is part of the reason why the review and approval of the

Paradise Cut modifications proposed by the Cambay Group has taken 13 years for the Corp of Engineers to act upon.

Levee Construction

- 10- Will the use of cut-off walls to control seepage affect the groundwater table?
A cutoff wall will likely interfere with shallower groundwater tables.
- 11- If floodwalls require cut-off walls to control seepage, how deep do these cut-off walls need to be?
Approximately 40 feet deep.
- 12- Will slurry walls be used? If yes, why, or no, why not?
The use of slurry walls is not being considered at this time due to the high ground water table.
- 13- Is the construction of a floodwall as opposed to a levee a viable alternative?
Although construction of a floodwall (with cutoff wall) is a viable alternative in most areas of the proposed dryland levee extension, the City's position is to not support the use of them to avoid impacting the ground water table. If the Army Corp of Engineers (ACOE) requires the use of a cutoff wall instead of a seepage berm, the City will conduct additional analysis to demonstrate to the ACOE and public that the use of cutoff walls are feasible or infeasible. The additional analysis could include looking at the impacts on groundwater flow, recharge and the effect on the ground water table.
- 14- What agency will build and own the levee?
This has yet to be finalized but it is intended for this levee be owned and maintained by RD17. Current discussions include creating a Joint Power Authority (JPA) consisting of the cities of Lathrop, Manteca, Stockton, San Joaquin County and the San Joaquin County Area Flood Control Agency would construct the levee. RD17 will likely be responsible for maintenance.

Project Funding and Schedule

- 15- How much will the project cost?
The overall 200-year accreditation estimate (including Lathrop and Manteca) is estimated at \$140 million and the Manteca dryland levee extension is currently estimated at \$16.4 million of the \$140 million. However, the exact amount is unknown at this time as it can increase depending on the alignment selected for the dryland levee.
- 16- How is the construction of the levee going to be funded?
This has yet to be finalized, but a general answer is that the improvements will be paid for by all those who receive flood protection from this levee. A financial analysis including total construction costs and potential funding sources is currently being evaluated. Potential sources

include State assistance, developer fees, and assessments to existing lands within the 200-year flood zone.

17- Who will maintain the levee and who will pay for the maintenance cost?

This has not been finalized but assuming the levee and its extension remain within the boundaries of RD17, RD17 would maintain the levee. If it meanders into an adjacent reclamation district, that section would likely need to be annexed into RD17 for it to maintain the levee.

18- What is the timeline for the project?

The 200 year flood control improvements are planned to occur over the next 10 years. The next step in the process is for the agency (or agencies) to finalize a financial plan and initiate the environmental review process.

Right-of-Way Acquisition

19- If the selected Levee alignment alternative impacts my property/business directly or indirectly, how can I ensure I am adequately compensated for my hardship without the fear of eminent domain? And what is the process to follow?

Typically once an alignment is chosen, additional engineering is performed to determine where and how much right of way is needed. Maps are prepared to show how much right of way is needed from each property owner. The lead agency has an appraisal study completed to determine fair market value of the land, typically based on the "highest and best use" of the property, and includes comparable sales to support the value determined. If the property is located within the County, the "highest and best use" takes into consideration the current zoning under the County's General Plan and may also take into account zoning under the City's General Plan. However, an appraiser will likely take into account the probability of the property being annexed into the City and the applicable right-of-way dedication required under the highest use. After the appraisal has been completed, an offer is made to the landowner. Typically the landowner has the right to have his own appraisal done at the lead agency's expense. There may be some negotiation between the parties to arrive at an acceptable price for the land and ancillary cost such as living expenses or moving expenses. If the parties agree on a price the sale is completed. In cases where the landowner does not agree to sell, the lead agency will be forced to use eminent domain to acquire the property. A good publication to read on this process is the CALTRANS publication, "Your Property-Your Transportation Project", which can be found at: http://www.dot.ca.gov/hq/row/pubs/yourprop_eng.pdf

20- Has right-of-way already been given by some landowners?

No, right-of-way for the dryland levee extension has not been acquired as the alignment is still being considered.

21- Have eminent domain proceedings already been drawn up?

No, when an alignment has been selected through the environmental process and final design has started, the agency will follow the right-of-way acquisition process as described in Question #19.

22- What compensation will be provided to reimburse those affected from the damage incurred due to increase flood water elevation and where will these funds come from?

In the event of any natural disaster, those suffering some sort of damages may have some recourse. The amount of any compensation cannot be determined at this point, as no specific losses have been quantified. As to where the funds would come from, this would depend on which entity/entities are determined to be the most "at fault."

However, as discussed in Question #4, the flood analysis performed by the City's consultant indicates no significant increase to flood depths for properties south of the dry-land levee. The exact number would depend on where the dryland levee is constructed but for the alternatives being considered, the increase in flood depths is less than 1/100th of a foot.

23- Will the City of Manteca and those pressing for this levee go out and help remove residents' possession, cattle and other farm animals when the floods occur? What about the farmer with grain and hay in their fields?

Depending on where a flood is occurring i.e., levee break or topping out, the primary flood response could come from any number of agencies (i.e., the City, the County, the State, or even FEMA at the Federal level). The City and surrounding agencies would implement their emergency response plans. In the event of any losses or damage, a claim would have to be made against the party believed responsible and it would be reviewed as all other claims.

However, as discussed in Question #4 and # 22, the flood analysis performed by the City's consultant indicates no significant increase to flood depths for properties south of the dry-land levee. The exact number would depend on where the dryland levee is constructed but for the alternatives being considered, the increase in flood depths is likely less than 1/100th of a foot.

24- Who will acquire the ROW for the levee?

Unknown at this point, but it is anticipated that RD17 will be given lead agency status. There are also discussions on forming a Joint Power Authority (JPA) made up of Lathrop, Manteca and possibly Stockton, San Joaquin County and the San Joaquin County Area Flood Control Agency.

Miscellaneous

25- Why was Drake Haglan chosen as the consultant to lead the levee alignment discussions?

The City went through the formal Request for Proposal process and their proposal met the requirements, and they have the necessary qualifications in the realignment consensus work as outlined in their contract proposal presented in an agenda report to the City Council on March 1, 2016.

This information is available on the City's website at:
<http://www.ci.manteca.ca.us/CityClerk/CouncilVideos.aspx>

26- Why didn't the City do the work themselves?

Current work load demand and the compressed timeline did not allow staff to dedicate the time to this work.

27- Who received public notices for the workshops?

See attached map, all areas highlighted in blue and gray received notice. The notices were sent to the mailing address for the most current property owner based off of country secured roll owner of record.

28- What were the goals of the public workshops (just a check-box on Consultant's to-do list)?

The goal of the workshops was to build support and consensus on a preferred alignment for the dryland levee, subject to the requirements of SB 5.

29- How will you inform tax payers that should the inevitable happen with flooding, they will help carry the burden?

Not knowing what the "inevitable" is, we cannot answer who will "help carry the burden." Any such event would have to be better defined to help determine responsibility for burden.

Alignment Selection

30- Will City staff be the one who will chose the alignment that is be presented to Council for approval?

The Consultant will make a recommendation based on an alternative that best meets the City's need to comply with SB 5 while taking into account stakeholder input. City staff will review the Consultant's recommendation prior to taking it to City Council for approval.

31- Will the location of the proposed levee alignment dictate the location of the future expressway alignment?

Not necessarily. More traffic analysis will be performed as part of the City's General Plan update this summer. The need for the expressway and location will be determined at that time.

32- Current proposed alignments, does the City have:

a. Clear Maps that show public easements and clear levee location.

Alternative exhibits are developed to a conceptual level. Design level drawings will be prepared during the environmental phase that show a higher level of detail.

b. Water displacement model to illustrate key facts such as acreage currently in flood plain, compared to acreage that will be removed from the flood plain and how water elevations will be affected with each.

Floodplain analysis has been conducted as part of the SB 5 compliance effort and the water surface elevation increase for levee alternatives north of Fig are estimated to be less than 1/100th of a foot.

c. Difference in floodwater impacts on each alignment

See answer above for b.

- d. Adequate and timely floodwater drainage with a defined plan (or flood gates) that the affected public can rely on to limit and control potential floodwater elevation impacts

See answers in section on "Draining Water Back to the River During Flood Event & Other Options"

- e. Effect on groundwater recharge

The flow of ground water should not be affected by the levee extension.

- f. Costs

Order of magnitude cost estimates will be provided for each alternative at the May 17th meeting.

- 33- Where did the RD17 Alignment come from? And has been studied so extensively? So will this alignment have more potential?

The Cities of Manteca and Lathrop have been working for more than a year several years on addressing SB 5 compliance. In order to comply with SB 5, the cities must make a "Finding of Adequate Progress" on levee improvements that will provide protection from a 200-year flood in the area. One of the components needed in order to make this "Finding" is a plan for levee improvements, cost estimate for the improvements, and a financing plan in place to pay for the improvements – all before July 2, 2016. Several months ago, in order to keep this project on track, the team working on SB 5 compliance (staff from the cities of Manteca and Lathrop, representatives from RD 17, and the consultants hired by the two cities), selected the "RD17 Alignment" as the "conceptual alignment" to be evaluated and included in this work needed to meet the July 2, 2016 deadline. City of Manteca staff stated at the meetings when this "conceptual alignment" was discussed, and at City Council meetings when this question was asked, that that's all this alignment is – a "conceptual alignment." Staff continued to state that the City would be undertaking a public process, either as part of the General Plan Update or ahead of that, to determine a "preferred alternative alignment" – which may or may not represent this "RD17 Alignment." This was never a firm commitment but, rather, was an option to include as part of SB 5 compliance. It has been made clear from the beginning that any change to that alignment would just mean an amendment to the financing plan would have to be prepared at that time – which could occur AFTER July 2, 2016. As to whether this alignment has "more potential," that is a policy decision of the Manteca City Council – RD 17 will not make that decision. This "RD17" alignment was just one variant of several alternatives that have been looked at during the course of our efforts to comply with SB5. The actual "SB5" alignment utilized to derive our overall levee improvement cost estimate intersects Airport Way, same as the RD17 alignment, but rather than deviating south on Airport it continues due east.

- 34- If the RD17 alignment is the intended alignment, why has there been so much money spent on studying the alignment, for example on-site soil-sampling?

As noted above, the Cities of Manteca and Lathrop needed to select a "conceptual alignment" to analyze as part of the SB 5 compliance. Should a different alternative alignment be selected, similar work would be needed for THAT alternative. This work has simply been done to begin work on a financing plan in advance of July 2, 2016.

35- What are the implications of moving the levee further south from its current location?

There are a number of implications of moving the levee further south. One of the primary implications is that moving the alignment further into the floodplain is inconsistent with the State Department of Water Resources (DWR) mandate to limit additional development within the floodplain and reduce the State's risk of property damage and loss of life during a major flood event. DWR has expressed concerns to the cities of Manteca, Lathrop and Stockton, as well as San Joaquin County, about including extensive acreages of land within the 200-year flood plain. Thus, in order for DWR to support levee improvements and, along with that, State funding to assist with the levee improvements, DWR is requesting the cities look at "giving up" land within this area for future development. This can be obtained via conservation easements, as one tool to restrict development in this area. Additionally, moving the alignment further south will also increase the cost, require more right-of-way and will have more environmental impacts. The Cities and RD 17 have had multiple meetings with DWR and in response to the cities' application for preliminary engineering funding from the State; the State Department of Water Resources responded with the attached letter that outlines their key criteria when evaluating whether the cities' flood risk reduction project has met their requirements.

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

A growing number of south Manteca rural residents are expressing concern with the City of Manteca's SB5 Drylands Levee alignment approval process. Beginning with the first workshop meeting, several concerned residents stated that the process appeared to pit neighbor against neighbor. Most important, this process does not appear to have adequately addressed the potential floodwater impacts involved.

Making the Calls...

Can the affected public really count on a relief cut in the event of a future flood event to be made to the Turtle Beach levee in a timely manner to relieve floodwaters accumulating against the floodwater side of the levee. Who makes that call,

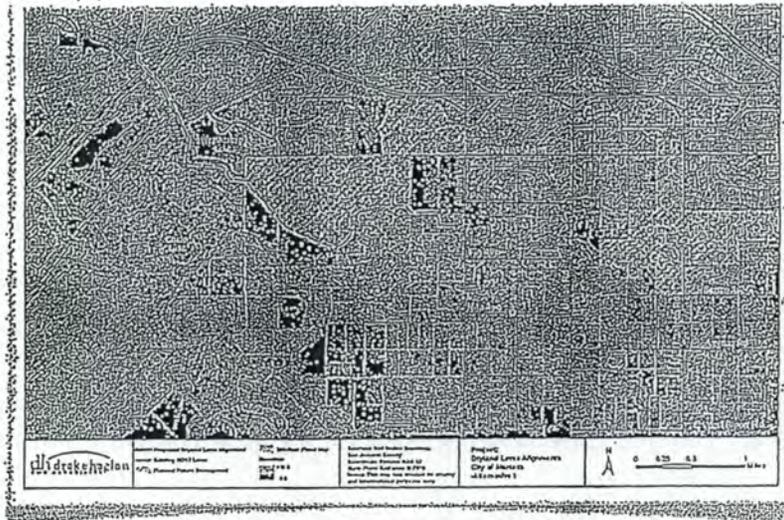
Army Corps of Engineers?
RD17?

Department of Water
Resources?

San Joaquin County Council
of Governments?

Identifying the Needs...

Why should anyone vote for a Dryland Levee alignment option that does not adequately identify the difference in floodwater impacts on each of the different Dryland flood alignments offered, especially when the vast majority of residents, businesses and property owners whose land will be directly affected do not want any alignment at all?

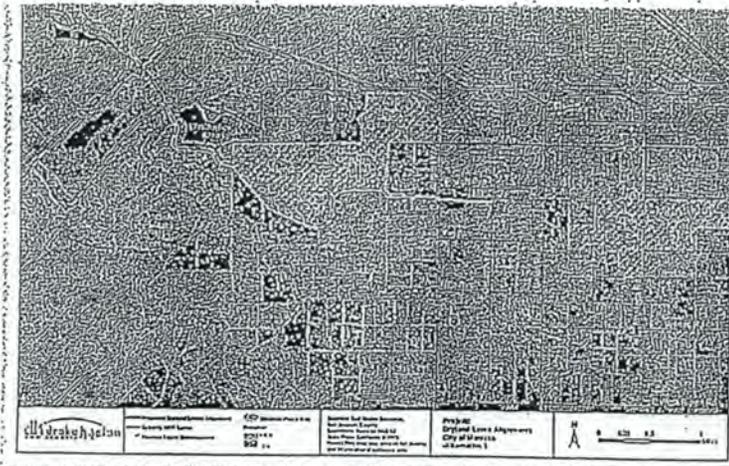


Suggested Actions to Address & Improve the Process:

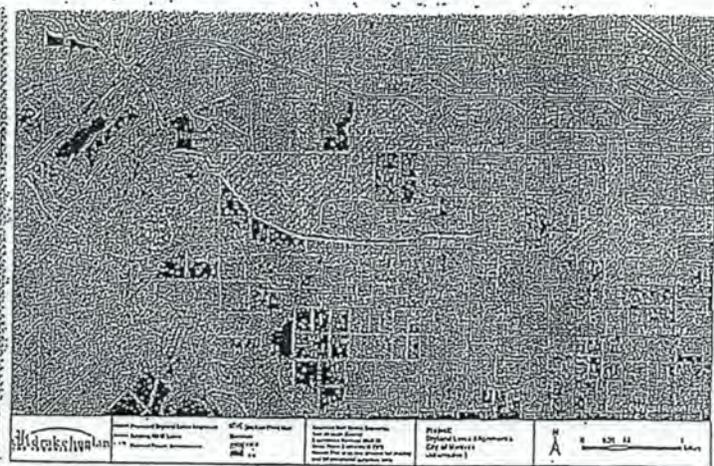
- Receiving reliable information that the public can rely on concerning the use or non-use of slurry walls (cement walls 12" to 18" in width that can go as deep as 85 ft. to 120 ft. in depth) and each alternative affect on groundwater elevation and recharge; and
- Adequate and timely floodwater drainage with a defined plan (or flood gates) that the affected public can rely on to limit and control potential floodwater elevation impacts created; and
- Expanding the Paradise Cut drainage channel to facilitate floodwater drainage (this is extremely important and it would reduce concerns if more information was presented)

There appears to be a number of land owners who are unaware and who have yet to receive notification from the City of Manteca concerning levee alignment workshop meetings. As a result, more and more affected members of the public are expressing concern and believe additional workshops should be scheduled.

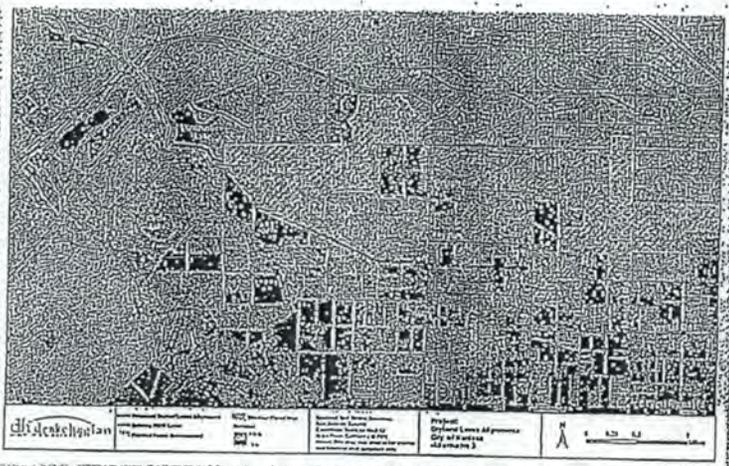
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS



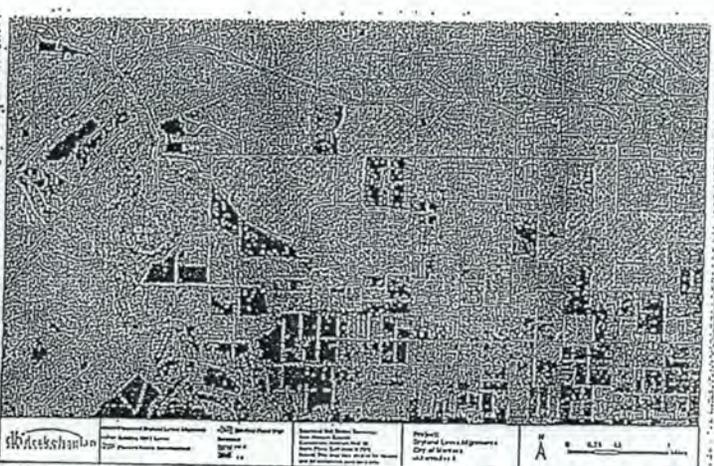
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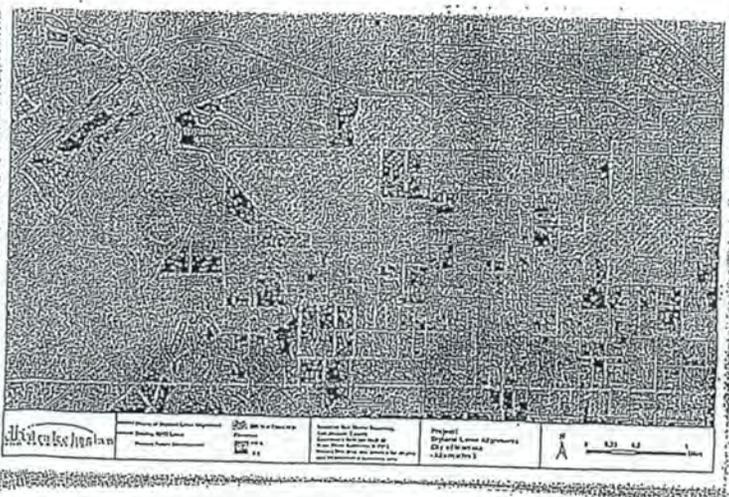
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PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		LOYD MACKAY	5451 E. FIG MANTTECA	1104DMACKEY@GMAIL.COM
1/2016		EDNA FREITAS	6833 E. Venable Manteca	
1/2016		ALBERT FREITAS	6833 E. Venable Manteca	
1/2016		ANGIE CLAUSEN	1070 SUESS CT MANTTECA 95237	
1/2016		GEORGIANN ROSE	2114 WOODBINE MANTTECA 95237	
1/2016		MARSHA A. SEARS	1137 PESTANA AV MANTTECA CA 95236	MASCORST3@FATTED
1/2016		BOB SEAKS	1137 PESTANA AVE MANTTECA, CA	
1/2016		Albert Hansen	768 TAHOE MANTTECA CA	
1/2016		JIM COSTA	849 Fishback Manteca, Ca.	
1/2016		Vernon Gebhardt	1034 Pharr Manteca Ca	v44nongebhardt@comcast.net
1/2016		HOWARD HOLTSMAN	15181 PRESCOTT MANTTECA CA	h.holtzman@earthlink.net
1/2016		RICHARD PHILLIPS	12277 S. UNION MANTTECA, CA 95236	
1/2016		Pamela Velazquez	124 So. Washinton Rd. Manteca 95266	
1/2016		BOB GEDINGS	898 MARTIN	
1/2016		MIKE JACOBS	135 Raylow Manteca	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEL WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
03/02 2016		Kathleen Bautista	Manteca	
5/12 2016		KYLE WONG	MANTECA	
/ 2016		Liliana Calderon	Manteca	
/ 2016		LACIE RUSSO	MANTECA	
/ 2016		Terry Bill	manteca	
/ 2016		SEAN ELCH	peach Ave Manteca	
/ 2016		TRAVIS RIVAS DR MANTENA	Rivers Valley Dr	
/ 2016		Donna Cornet	1005 Thousand CUTHPD	
/ 2016		Mirna Bowman	Manteca, CA	
/ 2016		Ken Nowick	Manteca CA	
/ 2016		Erik Bowman	Manteca CA	
/ 2016		Cinderella Bowman	Manteca CA	
/ 2016		Shawn Fraser	Manteca CA	
/ 2016		Alisha Fraser	Manteca CA	
/ 2016		JOHN BECKER	Manteca CA 1607 TIMWIND RD	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		SANDRA GRAF	1184 YORKTOWN LN	SERAF531 @VERIZON.NET
1/2016		Jeanne Neswick	200 Dan MTCA	
1/2016		JAMIE HUTCHINSON	1033 SUNFISH	
1/2016		MIKE FULLER	420 EVA DR Manteca CA	
1/2016		CATHERINE FULLER	420 EVA DR Manteca, CA	
1/2016		Reta M. Vecker	359 Roosevelt Manteca	
1/2016		Reta M. Vecker	359 Roosevelt Manteca, Ca.	
1/2016		Vera Fass	1819 Carnation Manteca, CA.	
1/2016		JEFF RIORDAN	MANTECA, CA.	
1/2016		K. MORAN	TRACY, CA	
1/2016		MARK HARFORD	TRACY	
1/2016		EVA LOPEZ	MANTeca	
1/2016		Paul Dobkowitz	Manteca	
1/2016		Therese A. Johnson	1133 May Ave Manteca 95306	
1/2016		Manuel CARDOZA	4450 PERRIN Manteca, CA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016	<i>Nelson Morgado</i>	NELSON MORGADO	4961 FIG AVE.	209-470-8884 239-4448
1/2016	<i>Pitmanee Attiya</i>	PITMANEE ATTIYA	920 Kirkwood	209-603-0474
1/2016	<i>Sandra Atsler</i>	Sandra Atsler	217 Espana	209 2768548
1/2016	<i>Judy Shellman</i>	Judy Shellman	270 WATSON	209 824-1771
1/2016	<i>Michelle Le</i>	CHAU (Michelle) Le	1716 Home town Lane	408-600-0613
1/2016	<i>Jessica Vaughn</i>	Jessica Vaughn	1463 murala Manteca	604-5525 603-56
1/2016	<i>Melissa Mays</i>	Melissa Mays	1484 Blush St. Manteca, CA 95336	209-640-8078
1/2016	<i>Raquel Hall</i>	Raquel Hall	176 TREVINO Ave Apt 284 Manteca, CA 95337	209-481-4551
1/2016	<i>Barbara Becker</i>	Barbara Becker	1607 Tinnin Rd Manteca Ca	209-647-2939
1/2016	<i>Christene Adams</i>	Christene Adams	12184 S. Union Manteca CA	209-456-4976
1/2016	<i>Debbie Kinkor</i>	Debbie Kinkor	4925 Fig	209-484-6999
1/2016	<i>William Durham</i>	William Durham	1958 Northside Manteca	N/A
1/2016	<i>Bill W. Malaffey</i>	Bill W. Malaffey	4920 FIG AVE MANTOCA	823-4864
1/2016	<i>Faye E. Adams</i>	Faye E. Adams	12484 Union Rd Manteca	858-2684
1/2016	<i>Nadine Warwick</i>	Nadine Warwick	1354 Monterey Ave Mtca	N/A

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016	<i>Arnold Rothlin</i>	ARNOLD J ROTHLIN	23400 S Airport Way Manteca	arnold.rothlin@gmail.com
1/2016	<i>M. K. Hildebrand</i>	MARY K. HILDEBRAND	23455 HAYS RD	hildebrandfarm@gmail.com
1/2016	<i>Lucy Bettencourt</i>	Lucy Bettencourt	23675 S. Airport Way	ALYBET372401.COM
1/2016	<i>Ed Bettencourt</i>	Ed Bettencourt	23675 S. Airport Way	EdLucyBettencourt@gmail.com
1/2016	<i>Arlene McCracken</i>	ARLENE MCCRACKEN	4919 W. RIFON RD	Arlene.mccracken@yahoo.com
1/2016	<i>Red McCracken</i>	RED MCCRACKEN SR.	4919 W. RIFON RD	redmccracken@gmail.com
1/2016	<i>Scott Long</i>	SCOTT LONG	5203 W. RIFON RD MANTECA	trancheinreach.co
1/2016	<i>Susan Dawn</i>	SUSAN DAWN	5190 ALMONDWOOD MANTECA	-
1/2016	<i>Edward Hoogveen</i>	Edward Hoogveen	22690 S AIRPORT MANTECA	edwardcobie036mail.com
1/2016	<i>Cobie Hoogveen</i>	Cobie Hoogveen	22690 S Airport Way Manteca, CA 95337	
1/2016	<i>Whisper Gray</i>	Whisper Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Brian Gray</i>	Brian Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Laura Rothlin</i>	Laura Rothlin	23400 S Airport Way Manteca 95337	
1/2016	<i>Susan Hedegard</i>	Susan Hedegard	1065 So Union	
1/2016	<i>Julie Hedegard</i>	Julie Hedegard	1065 So Union Rd	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/28/2016		Alma R Guerra - 02102	500 Tannahill drive Manteca, CA 95337	Emp @ 5151 East Almondwood Manteca, CA 95337
4/28/2016		Armida Aguirre	1624 S. Hwy 99 Spc 37 Manteca, CA 95336	Emp at 5151 E Almondwood Manteca, CA 95337
4/28/2016		Yvonne Williams	1604 Bermuda Lane Manteca, CA 95337	Tuff Boy Employee
1/2016		Debbie Bryant	1307 Daniels St Manteca, CA 95337	TUFFBOY EMPLOYEE
4/28/2016		Margarit Newton	323 Mylar Ave Manteca, CA 95336	Emp at 5151 East Almondwood Manteca, CA 95336
1/2016		MARYANNE Smith	686 AGATE AVE MANTeca Ca 95336	EMP. @ 5151 ALMONDWOOD Manteca Ca
1/2016		BOBBIE DUNCAN	1752 NATTERHORST MANTECA, CA 95337	EMPLOYED AT TUFF FOOT
4/28/2016			5151 E. Almondwood Rd MANTECA, CA 95337	
4/28/2016		Jonathan Velazquez	5151 E Almondwood Rd Manteca, CA 95337	
4/28/2016		Jodi Sabatino	515 Russ Rd Piper 95366	Emp @ 5151 Almondwood Manteca CA
4/28/2016		SHANE ALLEN	20902 Oleander Ave. Manteca, 95337	
4/28/2016		Margjane Brocchini	23080 Oleander Ave Manteca CA 95337	mbrocchini@aol.com
4/28/2016		Samantha Hein	2348 Mumbert Dr. Manteca, CA 95337	shein108@aol.com
4/28/2016		Lois Davis	22263 Oleander Mntca 95337	
1/2016		Marcos Enrique Marcos	23195 Oleander Manteca 95337	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016	<i>Elizabeth Laffranchini</i>	Elizabeth Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>John Mendosa</i>	John mendosa	23400 So. Manteca Airport Way	
1/2016	<i>Antoinette Laffranchini</i>	Antoinette Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>Billy A. Betribant</i>	Billy A Betribant	2075 S. Martin Rd	Manteca
1/2016	<i>Jane Lewis</i>	JANE LEWIS	1825 S. Walnut Manteca CA	95337 MANTECA, CA
1/2016	<i>Paula Smutzel</i>	PAULA SMUTZEL	6546 W. BROAD RD MANTECA CA	
1/2016	<i>John Kiss</i>	John Kiss	921 Country Club Circle Ripon	kisstdairy@aol.com
1/2016	<i>Janet Swanson</i>	Janet Swanson	6357 W Ripon Rd Manteca	
1/2016	<i>Jason Swanson</i>	Jason Swanson	6357 West Ripon Rd Manteca CA	
1/2016	<i>John Canavan</i>	JOHN CANAVAN	6580 W RIPON RD	
1/2016	<i>Shirley Sadler</i>	SHIRLEY SADLER	5353 Peach Ave Manteca, CA 95337	
1/2016	<i>Bill L. Sadler</i>	BILL L. SADLER	5353 PEACH AVE. MANTECA, CA 95337	
1/2016	<i>Marjorie Moorman</i>	MARJORIE MOORMAN	8008 West Ripon Rd. Manteca CA 95337	
1/2016	<i>James Moorman</i>	JAMES MOORMAN	8008 West Ripon Rd. MANTECA CA 95337	
1/2016	<i>Margie Selig</i>	Margie Selig	22188 S. Airport Way Manteca CA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		Phyllis Rocha	23623 South Union Rd	phweb-0984@verizon.net
1/2016		Sarah O'Brien	23848 S Union Manteca	sarahobline@gmail.com
1/2016		Ruth Erwin	23848 S Union Manteca	
1/2016		Jacques O'Brien	23848 S Union	VFE95@verizon.net
1/2016		Joe Cragg	Manteca	
1/2016		ROBERT CARDOZA	617 Lupton St Manteca	CARDOZAMNTCA@Fto+MANTCA.com
1/2016		Lisa Rogers	Same as above	Same
1/2016		EVELYN H. POTTS	340 FRANCES MANTECA	
1/2016		Michael Hogle	337 Birchwood Manteca	
1/2016		Martin Koslin	9611 E. Lathrop Rd Manteca 95336	
1/2016		LUIS BRIZUELA	5220 ALMOND WOOD RD	
1/2016		JUANITA BRIZUELA	5220 ALMOND WOOD RD	
1/2016		ADRIANA BRIZUELA	5220 ALMOND WOOD RD	
1/2016		Angela Smith	23400 S. Airport way 19982 N. Ripon Rd.	Anglogg77@aol.com
1/2016		Chris Smith	23400 S. Airport way 19982 N. Ripon Rd.	

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	Don Freitas	Don Freitas	6968 Veritas Manteca Ca 95337	Yaf1001@com
1/2016	Marie Freitas	Marie Freitas	6968 Veritas Manteca, Ca 95337	
1/2016	Beatrice Luis	Beatrice Luis	5927 Nile; Manteca Ca 95337	
1/2016	Scott Whitely	SCOTT WHITELY	2167 S. AIRPORT + MANTeca CA 95337	
1/2016	Lizabeth Whitely	LIZABETH WHITELY	2167 S AIRPORT WAY	
1/2016	Randy Branscum	Randy Branscum	259135 Airport Way	
1/2016	Terry Lee DeRuyter	TERRY LEE DE RUYTER	6625 AVE. D MANTeca CA 95337	
1/2016	Corneille DeRuyter	CORNEILLE DE RUYTER	6025 AVE D MANTeca CA 95337	
1/2016	Rodney Frey	Rodney Frey	Manteca 3347 Perrin rd	
1/2016	Ginger Frey	Ginger Frey	Manteca 3347 Perrin rd	
1/2016	Joe Machado	Joe MACHADO	3951 Perrin	
1/2016	Les Omlin	LES OMLIN	23420 S. UNION RD MANTeca CA 95337	
1/2016	Jose Silva	JOSE SILVA	Manteca	
1/2016	Frank Machado	FRANK MACHADO	MANTeca	
1/2016	Janet R. Owen	JANET OWEN	5741 Nile Road MANTeca, CA 95337	janze65@msn.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/30 2016		Steve Carroll	5700 Almondwood Manteca CA	PF55Carroll@yahoo.com
1/1 2016		David Konecny	2285 S. Union B Manteca CA 95337	dkonecny@norcalma.com
1/1 2016		Ron Isola	22773 S. Union Manteca, CA 95337	
1/1 2016		Robert E. Agdona	22523 S. Union Rd Manteca, CA 95337	ragdona@pol.com
1/1 2016		Evelyn Agdona	22523 S. Union Rd Manteca, CA 95337	
1/1 2016		CARL SAQUIN	5828 Nile Ave MANTECA, CA 95337	
1/1 2016		BETSY M. JOAQUIN	5828 E. NILE AVE MANTECA, CA 95337	
1/1 2016		FRANK CASTRO	5200 NILE Rd Manteca CA 95337	
1/1 2016		JOANNE LYONS	21579 S. Union Manteca CA 95337	
1/1 2016		MIKE LYONS	21579 S. Union Manteca, CA 95337	
1/1 2016		BERNON DANLEY	5180 Nile Rd Manteca, CA	Bernon Danley BernonDanley3@gmail.com
1/1 2016		DONNA DANLEY	5180 Nile Rd Manteca CA	ddanley@hotmail.com
1/1 2016		DOUG HARNDEN	4780 Nile Rd. Manteca, CA	
1/1 2016		JENNIFER HARNDEN	4780 Nile Rd Manteca CA	
1/1 2016		SCOTT W. OWEN	5741 Nile Rd Manteca	ScottW.Owen@msn.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016	<i>Shirley Hodson</i>	SHIRLEY HODSON		
1/2016	<i>Larry King</i>	LARRY KING	211 W. NORTH ST MANTENA CA	
1/2016	<i>Scott Weeks</i>	SCOTT WEEKS	5440 FIG AVE., MANTENA	SVWEEKS@LIVE.COM
1/2016	<i>Vanessa Weeks</i>	VANESSA WEEKS	5440 E FIG AVE MANTENA CA.	SVWeeks@LIVE.COM
1/2016	<i>Barbara Hall</i>	BARBARA HALL	2443 Buile Ct Manteca 95336	
1/2016	<i>Ann K. Mills</i>	ANN K. MILLS	418 Monticello Road Manteca (CA) 95336	
1/2016	<i>Troy Barger</i>	TROY BARGER	13790 S Hwy 99 MANTENA	
1/2016	<i>Joe Machado</i>	JOE MACHADO	11500 E French Canyon Manteca 95336	
1/2016	<i>Don Putz</i>	DON PUTZ	11441 Jameson RD, manteca 95336	
1/2016	<i>William E. White</i>	WILLIAM E. WHITE	17705 South Lake Dr Manteca, Ca. 95336	
1/2016	<i>Josie Franza</i>	JOSIE FRANZA	9120 Rockwood Dr Ripon 95366	
1/2016	<i>John J. Vieira</i>	JOHN J. VIEIRA	5350 E Fig Manteca 95337	
1/2016	<i>Eleanor Vieira</i>	ELEANOR VIEIRA	5350 E Fig Manteca 95337	
1/2016	<i>Sally Holden</i>	SALLY HOLDEN	5391 Fig Ave Manteca	
1/2016	<i>Gary Holden</i>	GARY HOLDEN	5391 Fig Ave Manteca	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Cecil Campbell</i>	Cecil Campbell	22445 S Union MTECA	CACampbell46@ VERI
1/2016	<i>Jerry Campbell</i>	JERRY Campbell	22445 S Union MTECA	
1/2016	<i>Brenda Franklin</i>	Brenda Franklin	1460 Spindrift MTECA 95337	
1/2016	<i>Beatrice Bowlsby</i>	Beatrice Bowlsby	633 Stewart #1 Manteca, CA 95336	
1/2016	<i>Shawn Nussbaum</i>	Shawn Nussbaum	1552 Sephus MANTECA CA 95337	
1/2016	<i>Frank Mendes</i>	FRANK R. MENDES	18401 So MCKINLEY MANTECA, CA 95337	
1/2016	<i>Larry Henriksen</i>	LARRY HENRIKSEN	1416 Stewart Pleas - MANTECA	
1/2016	<i>Bob Hall</i>	BOB Hall	2443 Bell Glade Manteca, 95336	
1/2016	<i>Gail Wilhite</i>	Gail Wilhite	1130 Aldwina Manteca, Ca 95336	Aldwina@ COMCAST.net
1/2016	<i>John M. Endersbitz</i>	JOHN M ENDERSBITZ	13742 S AUSTIN RD MANTONIA CA, 95336	
1/2016	<i>Robert Bandoni</i>	Robert Bandoni	14183 Prescott Rd Manteca Calif 95336	
1/2016	<i>Marian Rawlins</i>	Herb Marian RAWLINS	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016	<i>Herbert Rawlins</i>	Herbert RAWLINS	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016	<i>Bob Nunes</i>	Bob NUNES	20405 Austin Rd MTECA	
1/2016	<i>Harold</i>	HAROLD FOG	20405 Austin Rd MTECA	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/28 2016		Patricia D. Hecker	4988 Nile Manteca 95337	pguecker@gmail.com
4/28 2016		Gary L. Hecker	4988 Nile Manteca Calif	pguecker@gmail.com
4/28 2016		Jennifer Gomes	4856 Nile Manteca CA	Jenluv3brats@yahoo.com
4/28 2016		GLEN MUELLER	4868 NILE MANTECA CA	WESTCOAST HARDWARE Yahoo
4/28 2016		ROONEY GOMES	4856 NILE MANTECA 95337	Rodneyalan2006@yahoo.com
1 2016		Richard V. Hecker	1469 Ironwood Manteca Ca.	My interest is because I have cows on the rd.
1 2016		GARY MUELLER	4898 E Nile Manteca 95337	Gmuellerhome@gmail.com
1 2016		Marjella Mueller	4898 E Nile Manteca 95337	"
1 2016		MELISSA MUELLER	4886 E. Nile Rd Manteca 95337	
1 2016	Marjanna. Hecker	MARJEAN A. UECKER	327 S. Powers Manteca, Ca. 95336	I am interested because my son & wife live on Nile.
1 2016	Wayne A. Hecker	Wayne A. Hecker	758 Oliver Way Manteca, CA 95336	
1 2016		Bryan Hecker	771 JOAQUIN MANTECA, CA	PARENTS LIVE THERE
1 2016		Regina Bianchi	771 JOAQUIN ST. Manteca, CA, 95337	This is my Father in-law and I'm currently concerned!!
1 2016		Betty J. Mueller	759 JOAQUIN ST 22 MANTECA, CA 95337	I care because my daughter & 2 sons & their spouses live there
1 2016		Ronald Mueller	825 Dudley Rd. French Camp, CA. 95231	RonMueller@juno.com

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/28 2016	<i>John Van Zwaluwenburg</i>	John Van Zwaluwenburg	22079 Oleander MTC. Ca 95337	
1 2016	<i>Sharon Van Zwaluwenburg</i>	J. Sharon Van Zwaluwenburg	22079 Oleander Manteca CA 95337	
1 2016	<i>Jason Frisk</i>	Jason Frisk	22137 Oleander Manteca 95337	
1 2016	<i>Rebecca Frisk</i>	Rebecca Frisk	22137 Oleander Manteca 95337	
1 2016	<i>Vernon Reynolds</i>	Vernon Reynolds	21963 Oleander MTC. Ca 95337	
1 2016	<i>Kirsten Thomson</i>	KIRSTEN THOMPSON	22031 Oleander H Manteca 95337	
1 2016	<i>Daniel Monte</i>	DANIEL MONTE	21915 OLEANDER MTC. CA 95337	
1 2016	<i>John Mendes</i>	John Mendes	21881 Oleander MTC Ca 95337	
1 2016	<i>Jeff Hammond</i>	JEFF HAMMOND	21735 Oleander MTC, CA 95337	
1 2016	<i>Rebecca Hammond</i>	Rebecca Hammond	21735 OLEANDER MTC CA 95337	
1 2016	<i>Laurie Clark</i>	Laurie Clark	21759 Oleander MTC Ca 95337	
1 2016	<i>Richard King</i>	Richard King	22082 Oleander MTC. 95337	
1 2016	<i>Dorothy King</i>	Dorothy King	22082 Oleander	
1 2016	<i>Rachel Berg</i>	RACHEL BERG	22295 Oleander Manteca CA 95337	
1 2016	<i>David Berg</i>	DAVID BERG	22295 OLEANDER RD MANTECA, CA 95337	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4 129 2016		Michael Fonseca	P.O. Box 4208 Manteca, CA 95337	Fonsecafarmsince@aol.com
4 129 2016		Donna Fonseca		
4 129 2016		Fred Rich	22695 S. Airport Manteca CA 95337	fonsecafarms inc @ aol. com.
4 129 2016		Kathy Rich		
5 12 2016		Richard Fonseca	21164 S. Airport way manteca, CA 95337	fonseca2494@gmail.com
5 12 2016		Joanna Fonseca	21104 S. Airport way Manteca, CA 95337	fonseca2322@gmail.com
5 12 2016		Andrea Cambra	21103 S. Airport mtca 95337	@cambrafarms@ yahoo.com
5 12 2016		William Cambra	21104 S. Airport mtca ca 95337	
5 12 2016		Kathy Cambra Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5 12 2016		Joel Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5 12 2016		Judy A. CAMBRA	21153 S. Airport MANTECA, CA 95337	jcambra209@ gmail.com
5 12 2016		Charles Cambra JR	21153 S. Airport MANTECA, CA 95337	jcambra209@ gmail.com
5 12 2016		C. Richard Cambra III	21153 S. Airport MANTECA, CA 95337	rcambra3 @gmail.com
5 12 2016				
1 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/28/2016		Kern Visser	350 Diamond Ripon CA	onthemountainveleci n'
4/28/2016		Steven De Freitas	24851 S. Monter Rd	stevendee417@yahoo com
5/10/2016		Luis de ACARPO	26290 S. Union Manteca, CA	
5/10/2016		Carol Moberly	6191 Perrin Rd Manteca CA	Camoberly@hotmail.com
5/10/2016		Steve M. Moberly Sr.	6191 Perrin Rd Manteca, Ca	smoberly@hotmail.com
5/10/2016		Carley Moberly	6191 Perrin Rd Manteca, CA	perkelle11@hotmail.com
5/10/2016		Michael Moberly	6191 Perrin Rd Manteca CA	mikemobcs3@gmail.com
5/10/2016		Richard Teicheira	715 Poplar Manteca Ca.	
5/10/2016		Marlene Harris	20333 Tinnin Rd Manteca, CA 95337	mmharris46@ comcast.net
1/2016		John Teicheira	24500 S. Union Rd. Manteca	Jhteicheira@aol.com
1/2016		Ida Teicheira	6721 Perrin Rd	
1/2016		Tom Teicheira	6733 Perrin Manteca	
1/2016				
1/2016				
1/2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4 128 2016	<i>Raymond A. Quaresma</i>	Raymond A. Quaresma	5300 E Perrin Manteca 95337	QUARESMA.RAY@POL.COM
4 128 2016	<i>Susana Quaresma</i>	Sue Quaresma	5300 PERRIN Rd Manteca 95337	" "
4 129 2016	<i>Johnny Cardoza</i>	JOHNNY CARDOZA	24421 South AVENUE; MANTECA	
4 130 2016	<i>Delaine Quaresma</i>	Delaine Quaresma	5300 PERRIN Rd Manteca Ca	
5 11 2016	<i>Mike Tenente</i>	Mike Tenente		
5 11 2016	<i>David A. Machado</i>	David A. Machado	P.O. Box 1046 Ripon CA 95366	26230 S. Union Rd Manteca, CA. 95337
5 11 2016	<i>Frank Teixeira Jr</i>	FRANK TEIXEIRA	22522 S. Airport Way Manteca CA 95337	
5 11 2016	<i>Johnny Teixeira</i>	Johnny Teixeira	1644 Rockford Way Manteca CA	
1 2016	<i>Katelyn Quaresma</i>	Katelyn Quaresma	5300 PERRIN Rd Manteca CA 95337	Katelyn.quaresma@gmail.com
1 2016	<i>Carolyn Cardoza</i>	CAROLYN CARDOZA	23595 Oleander Manteca CA 95337	carolyncardoza_homes@yahoo.com
1 2016	<i>Eddy Cardoza</i>	Eddy Cardoza	23595 OLEANDER Manteca CA 95337	
1 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/30 2016		TIFFANY THOMPSON	5203 W. RIFON RD	
4/30 2016		Pearl Meredith	5432 Almondwood Rd./Manteca	
5/1 2016		ALICIA LONG	23319 Oleander manteca CA	
5/1 2016		RANDY LONG	23319 OLEANDER MANTECA, CA.	
5/1 2016		Jamie Huffman	23319 Oleander Manteca, CA	
5/1 2016		Justan meredith	21375 Union Manteca, Ca	
5/1 2016		Jamie Meredith	21375 Union Manteca Ca	
5/1 2016		Justan meredith	21375 Union Manteca, Ca	
5/12 2016		SAUL GARCIA	23747 W. Ripon Rd.	
5/12 2016		SAUL GARCIA 23747 OLEANDER	SAUL GARCIA	
5/12 2016		MATT WISE	23319 OLEANDER MANTICA	
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
04/28 2016	<i>Natalie Swanson</i> (CHILDREN ARE BABYSAT IN SOUTH MANTECA)	Natalie Swanson	5308 LIVERNOCK SALIDA CA	NATALLED5@HOTMAIL
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
/ 2016		Maria Zuniga	23195 O'Connell Manteca 95337	Zunigamaria181 @Yahoo.com
/ 2016			_____	
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/ 2016			_____	
/ 2016			_____	
/ 2016			_____	

From: Terra Land Group terralandgroup@gmail.com 
Subject: 5/17/16 City Council Meeting Agenda Item A.23 (Approve 5/3/16 Regular Meeting Minutes of the Manteca City Council)
Date: May 17, 2016 at 8:51 AM
To: MayorCouncilClerk@mantecagov.com
Cc: mmeissner@ci.manteca.ca.us, fclark@ci.manteca.ca.us, kmclaughlin@ci.manteca.ca.us, Matt Satow msatow@drakehaglan.com, mhoughton@ci.manteca.ca.us, kjorgensen@ci.manteca.ca.us



Please see attached letter, thank you.



CCF17052016_2.pdf

Jodi Sabatino for
Martin Harris
Terra Land Group

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TERRALAND GROUP, LLC

May 17, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

**Re: Manteca City Council 05/17/16 Meeting Agenda Item A.23: Approve May 3, 2016
Regular Meeting Minutes of the Manteca City Council**

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

For the record, to clarify TLG's oral and written comments as interpreted and exhibited by city staff in the proposed May 3, 2016 Manteca City Council minutes for the previously approved May 3, 2016 consent calendar Item A.06 with the associated minutes scheduled to be approved as presented as part of tonight's May 17, 2016 Manteca City Council Agenda Item A.23, TLG would like to clarify that TLG is not opposed to the dryland levee workshops continuing under the direction of Drake Haglan; however, at the regularly scheduled Manteca City Council meeting held on May 3, 2016, TLG presented a letter that included a signed petition and stated TLG's belief that the current workshop process should be expanded and additional workshops scheduled to address growing concerns that too much emphasis is being placed on choosing from the five (now six) proposed dryland flood levee alignment options that have been presented without adequate details being provided explaining the impacts associated with each of the alignments offered.

TLG further stated its belief that this is particularly true when considering that many of the farmers, businesses, and residents in the area to be affected have shared their desire to receive detailed written information that they can rely on to fully understand the City of Manteca's intentions relating to flood impacts associated with:

- (a) Continued uncertainty and confusion relating to the use or non-use of slurry walls and who makes the final decision; and
- (b) Steps being taken and what can the public rely upon relating to modifying and improving the Paradise Cut drainage canal; and
- (c) A defined written plan to ensure that floodwater elevations will not exceed those levels experienced in 1997.

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TERRA LAND GROUP, LLC

With this in mind, TLG requests that the May 3, 2016 Manteca City Council minutes reflect that TLG is not opposed to the dryland levee workshop process, and supports an expanded and more informative method of conducting the dryland levee workshops currently in progress.

For this reason, TLG requests that the minutes be amended to more accurately reflect the details presented by TLG at the May 3, 2016 Manteca City Council Meeting.

Thank you,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Karen McLaughlin, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer

From: Terra Land Group terralandgroup@gmail.com 
Subject: 5/17/16 City Council Meeting Agenda Item B.1 (Consider deferral of the proposed Amendment No. 1 to the SSJID Storm Drainage Agreement...)
Date: May 17, 2016 at 2:11 PM
To: MayorCouncilClerk@mantecagov.com
Cc: mmeissner@ci.manteca.ca.us, fclark@ci.manteca.ca.us, kmclaughlin@ci.manteca.ca.us, Matt Satow msatow@drakehaglan.com, mhoughton@ci.manteca.ca.us, kjorgensen@ci.manteca.ca.us



Please see attached letter, thank you.



CCF17052016_4.pdf

Jodi Sabatino for
Martin Harris
Terra Land Group

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TERRA LAND GROUP, LLC

May 17, 2016

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 05/17/16 Meeting Agenda Item B.1: Consider deferral of the proposed Amendment No. 1 to the South San Joaquin Irrigation District (SSJID) Storm Drainage Agreement and direct staff to continue negotiations with SSJID staff on capacity, maintenance, funding and ownership issues as described in the staff report .

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

In 2013 and 2014, TLG had several meetings with the South San Joaquin Irrigation District ("SSJID") to explore the possibility of receiving surface irrigation water to the TLG property.

However, uncertainty relating to anticipated but currently undefined SB5, roadway and stormwater public services infrastructure that may impact the TLG property has put that effort on hold.

As a result, TLG and its farm tenant currently rely on two (2) deep irrigation wells to support drip irrigation to the approximately 32,000 trees planted on the TLG property.

Most important, maintaining groundwater elevation levels is critical to support the health of those same 32,000 almond trees planted on the TLG property. As a result, TLG and its farm tenant currently rely on two (2) each deep water irrigation wells to support drip irrigation to the approximately 32,000 trees planted on the TLG property.

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For this reason, TLG has been active in stating its concerns related to the potential for anticipated municipal and/or public services infrastructure affecting groundwater elevations on the TLG farm property.

With that in mind, the SSJID owns an easement and operates drainage canals (Drain #10 and Drain #11) located along or near the east, south and west TLG property lines.

Further, TLG and/or its farm tenant periodically discharge stormwater into the SSJID Drain #10 and Drain #11 drainage canals.

At this time, TLG requests that any future plans that might involve the City of Manteca utilizing SSJID Drain #10 and Drain #11 to convey stormwater also provide accommodations for: (i) the continuing discharge of TLG's storm waters into the SSJID drainage system; and (ii) maintaining current groundwater elevation levels currently in place; and (iii) any and all other impacts created resulting from the construction of municipal or public services infrastructure based on the terms and conditions set forth in the Amendment No. 1 to the Storm Drainage Agreement between SSJID and the City of Manteca to allow for the continuing farming operations on the TLG property.

Thank you,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Karen McLaughlin, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer

TERRA LAND GROUP, LLC

May 3, 2016

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Manteca City Council 05/03/16 Meeting Agenda Item A.6: Approve Amendment No. 1 to the agreement with Drake Haglan and Associates, limiting the scope of work to solely developing a preferred alternative alignment of the dryland levee, reducing the total contract amount not to exceed \$90,002 and authorize the Mayor to sign all necessary documents.

Dear Council Members,

This letter is presented for the purpose of bringing to the Manteca City Council's attention, several important issues and concerns to consider prior to modifying the Drake Haglan and Associates Dryland Levee consulting contract.

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

The subject 230-acre property is further situated west and adjacent to two each farm parcels that border against Airport Way. The parcels are further described as:

- (a) APN 241-330-05, approximately 70 acres, owned by the Fonseca Family and currently planted with almonds. The Fonseca parcel includes a southern roadway traveling east to west completely through the property to an existing north-south roadway separating the TLG and Fonseca properties; and
- (b) APN 241-330-34, approximately 37 acres, owned by W/L Harris Ranches, LLC. The W/L Harris Ranches property is bordered on the north and west sides of the W/L Harris

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Ranches property by the South San Joaquin Irrigation District ("SSJID") Irrigation Drain #10 drainage canal.

Several days ago, TLG received permission from Fonseca Farms to utilize the Fonseca Farms property APN 241-330-05, as reasonably necessary, to allow alternative vehicular access to the TLG 230-acre farm property from Airport Way.

In addition, TLG has also received permission from W/L Harris Ranches, LLC to utilize the W/L Harris Ranches property APN 241-330-34, as reasonably necessary, to allow alternative vehicular access to the TLG 230-acre farm property utilizing any and all access easements that W/L Harris Ranches is legally entitled to for access to any and all areas of the W/L Harris Ranches APN 241-330-34 farm property from Airport Way.

Further, TLG has initiated discussions with the South San Joaquin Irrigation District to discuss additional access options and operational issues relating to the District's #10 Drainage Canal.

Most important, it appears that the City of Manteca has finally begun the process of identifying planned infrastructure to serve the area to be developed in southwest Manteca. This planned infrastructure will include currently unidentified levees, roadways, stormwater conveyance and more.

This causes TLG to believe that other TLG property access options will be identified over the next few months allowing other alternative options for access to the TLG property.

At this time, it is TLG's intent to proceed with the necessary steps to eventually allow for the abandonment of TLG's current truck/trailer access from Woodward Avenue to the north. Certain preliminary steps to eventually abandon TLG's current access are already in progress and will continue to proceed immediately following this letter. It is TLG's expectation to continue to utilize the Woodward Avenue access to the TLG property until replacement access is approved, constructed and ready for use.

Most important, information received as part of conversations occurring over the last few days between TLG and various farmers and rural property owners south of Manteca have raised serious concerns as to the potential for unidentified and/or increased and/or unmitigated flood impacts relating to various proposed dryland levee alignment options associated with the SB5 Dryland Levee approval process currently underway in the City of Manteca.

Those concerns are presented in the form of petitions signed by various farmers, residents, employees, property owners and other concerned members of our community and are included as an attachment with this letter. (See Exhibit "1")

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The petitions are presented to make the City of Manteca aware that there is a great deal of dissatisfaction with the workshops as currently being conducted and to request scheduling additional workshops.

In addition, many local farmers, residents, employees and property owners in the area to be affected by the extension and possible relocation of the dryland levee believe that too much emphasis is being placed on choosing from the five proposed dryland flood levee alignment options presented without adequate details being provided explaining the impacts associated with each of the alignments offered.

Most important, many of the farmers, businesses, and residents in the area to be affected have shared their desire to receive detailed written information that they can rely on to fully understand the City of Manteca's intentions relating to flood impacts associated with:

- (a) Continued uncertainty and confusion relating to the use or non-use of slurry walls and who makes the final decision (See Exhibit "2"); and
- (b) Steps being taken and what can the public rely upon relating to modifying and improving the Paradise Cut drainage canal. (See Exhibit "3"); and
- (c) A defined written plan to ensure that floodwater elevations will not exceed those levels experienced in 1997.

With this in mind, TLG is very concerned about the current SB5 dryland levee approval process and the potential for greater flood impacts to occur than may be expected by the public.

Further, TLG would like to remind the City that for some time now, TLG has supported the use of the 230-acre farm property to allow the McKinley/Antone Raymus Expressway to run through its property as provided for in the Terra Ranch Tentative Map approved by the Manteca City Council on June 21, 2011. (See Exhibit "4")

However, upon receiving a copy of the *San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report dated February 2015 ("Feasibility Study")*, and the *Final Environmental Impact Report for the Phase 3 RD17 Levee Seepage Repair Project dated March 2015*, TLG has been active in ensuring that flood impacts relating to relocating the levee are properly addressed and mitigated for.

Upon reviewing the current SB5 dryland levee alignment workshop process, TLG has lost trust that the current City of Manteca SB5 dryland levee alignment workshop process will be properly conducted to identify and adequately mitigate against the potential flood impacts involved.

For this reason, TLG is putting forth its best effort to secure alternative access so as to allow the City of Manteca SB5 dryland levee decision making process to proceed **without any need for the City of Manteca to consider or require any potential southern movement of the current position of the**

TERRA LAND GROUP, LLC

Reclamation District No. 17 dryland levee to accommodate TLG's current vehicular access from Woodward Avenue south to the TLG property.

In this way, the SB5 dryland levee alignment decision making process can proceed while allowing the City of Manteca to evaluate any and all available levee placement options being considered including keeping the current levee at its existing location.

In closing, TLG would like to add that for over one and one-half (1 ½) years now, TLG has been informed by southwest Manteca developing interests that the levee bordering the TLG property would remain at its current position and was not moving.

This appears to be in direct conflict with representations made in the form of a map included as part of the Army Corps of Engineers Feasibility Study dated February 2015. (See Exhibit "5")

Adding to TLG's concerns and uncertainty, in June 2015, TLG received notice of a Post-Construction Stormwater Standards Manual¹ that Brent Swain, representing the City of Manteca Public Works Department, directed TLG representative Martin Harris to as being available online.

The Post-Construction Stormwater Standards Manual described impacts relating to unidentified stormwater infrastructure that TLG interpreted (as a result of the City of Manteca's effort to provide notice) as meaning that some future stormwater or floodwater drainage municipal or public services infrastructure would be placed on or impact the TLG property. (See Exhibit "6")

For this reason, TLG has felt compelled to put forth every effort to protect the current almond farming operation currently existing on the TLG property from any and all impacts created relating to currently unidentified municipal or public services infrastructure that may be intended for construction on the TLG property.

TLG would like to add that TLG's greatest fear is that the TLG 230-acre almond property would end up unusable in the same way that many properties sit idle in Lathrop in the area along and west of Interstate 5.

With that in mind, TLG looks to the City of Manteca to ensure that any future City approval of public or municipal services infrastructure allow for and protect TLG's continuing right to farm as well as TLG's right to access the TLG property.

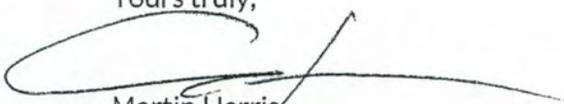
¹ No one representing the City of Manteca has ever identified to TLG what the term "Post-Construction Stormwater Standards Manual" represents. TLG believes that the intent of the manual allows City of Manteca development projects to be approved with stormwater or floodwater drainage facilities to be identified at a later time once the SB5 levee locations are determined.

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Finally and most important, TLG requests that the City of Manteca make it a top priority to consider any and all flood impacts to the surrounding rural community before any consideration is made to allow development south of the current position of the RD17 Element IX levee system.

Thank you for your attention to this very important matter.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

MH/jas

Enclosures:

1. Ex. "1": 04/16 Excerpt from Drake Haglan & Associates workshop presentation
2. Ex. "2": 03/22/16 Manteca Bulletin News Article, "Paradise Cut work nears"
3. Ex. "3": 04/16 & 05/16 Signed Petitions Requesting Additional Dryland Levee Workshops
4. Ex. "4": 06/08/11 RLC Associates Revised Terra Ranch Tentative Subdivision Map Tract No. 3493
5. Ex. "5": 02/15 US Army Corps of Engineers Sacramento District San Joaquin River Basin Lower San Joaquin River, CA Interim Feasibility Study, Page 2-6
6. Ex. "6": 07/07/15 Email from Terra Land Group, LLC to the Manteca City Council, Re: "Response to Post-Construction Stormwater Standards Manual (Revised Draft)"

Cc: Mark Meissner, City of Manteca Planning Department
Mark Houghton, City of Manteca Public Works
Karen McLaughlin, Manteca City Manager
Matt Satow, Drake Haglan & Associates
Frederic Clark, City of Manteca Community Development Director
Kevin Jorgensen, Manteca City Engineer

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TERRA LAND GROUP, LLC

Ex. "1":

**04/16 & 05/16 Signed Petitions Requesting Additional Dryland Levee
Workshops**

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

A growing number of south Manteca rural residents are expressing concern with the City of Manteca's SB5 Drylands Levee alignment approval process. Beginning with the first workshop meeting, several concerned residents stated that the process appeared to pit neighbor against neighbor. Most important, this process does not appear to have adequately addressed the potential floodwater impacts involved.

Making the Calls...

Can the affected public really count on a relief cut in the event of a future flood event to be made to the Turtle Beach levee in a timely manner to relieve floodwaters accumulating against the floodwater side of the levee. Who makes that call,

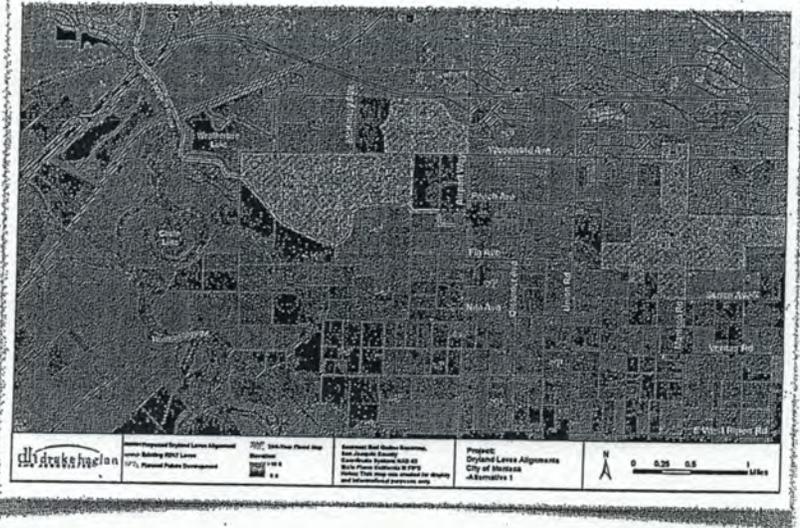
Army Corps of Engineers?
RD17?

Department of Water
Resources?

San Joaquin County Council
of Governments?

Identifying the Needs...

Why should anyone vote for a Dryland Levee alignment option that does not adequately identify the difference in floodwater impacts on each of the different Dryland flood alignments offered, especially when the vast majority of residents, businesses and property owners whose land will be directly affected do not want any alignment at all?

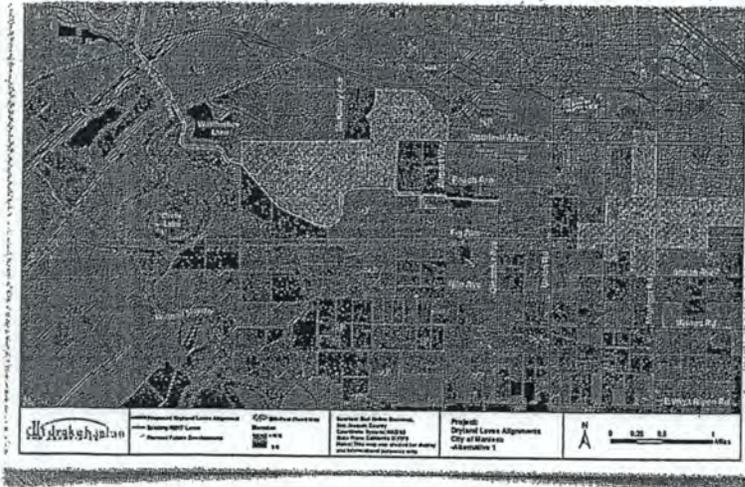


Suggested Actions to Address & Improve the Process:

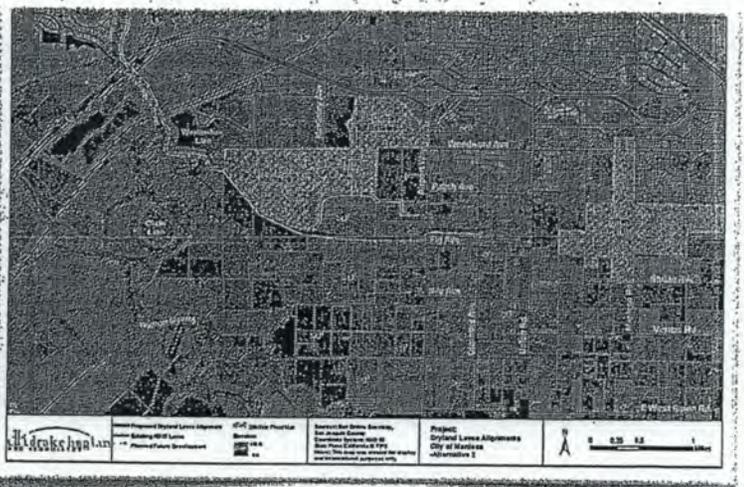
- Receiving reliable information that the public can rely on concerning the use or non-use of slurry walls (cement walls 12" to 18" in width that can go as deep as 85 ft. to 120 ft. in depth) and each alternative affect on groundwater elevation and recharge; and
- Adequate and timely floodwater drainage with a defined plan (or flood gates) that the affected public can rely on to limit and control potential floodwater elevation impacts created; and
- Expanding the Paradise Cut drainage channel to facilitate floodwater drainage (this is extremely important and it would reduce concerns if more information was presented)

There appears to be a number of land owners who are unaware and who have yet to receive notification from the City of Manteca concerning levee alignment workshop meetings. As a result, more and more affected members of the public are expressing concern and believe additional workshops should be scheduled.

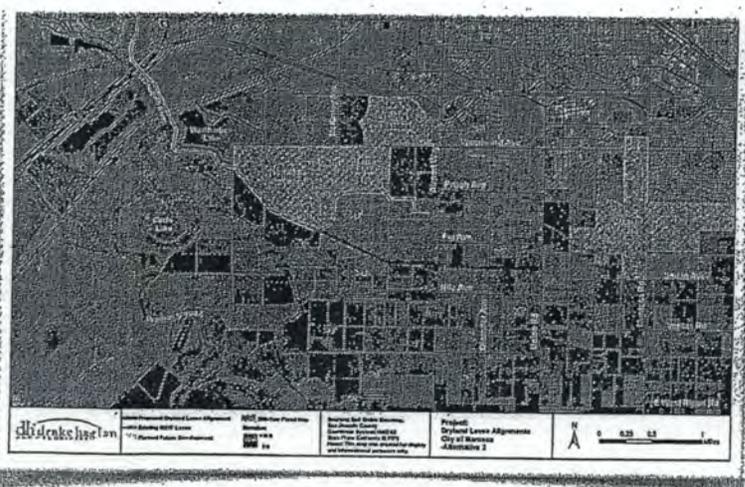
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS



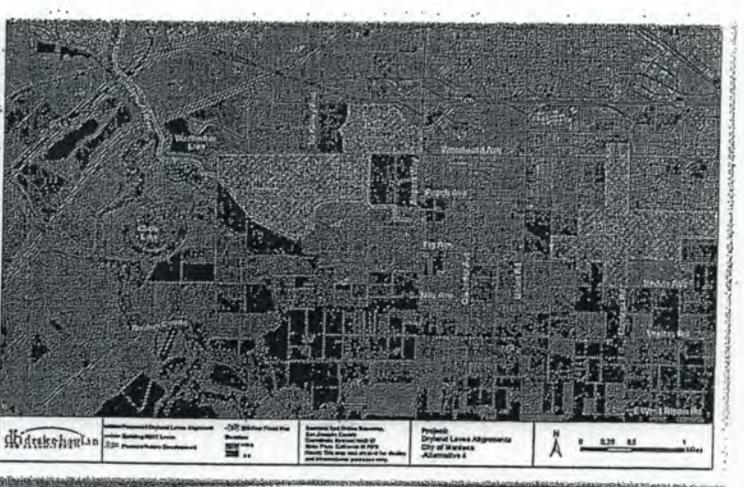
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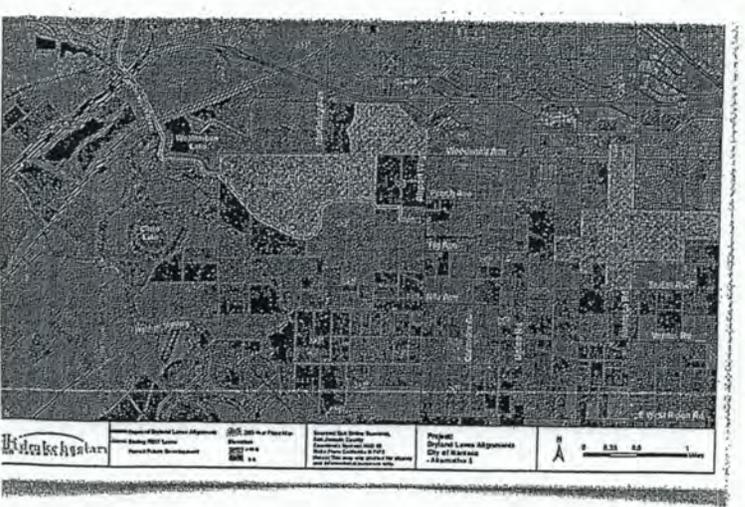
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PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		LOYD MACKEY	5451 E. FIG MANTECA	1104DMACKEY@GMAIL.COM
1/2016		EDNA FREITAS	6833 E. Veneta Manteca	
1/2016		ALBERT FREITAS	6833 E Veneta Manteca	
1/2016		ANGIE CLAUSEN	1070 SUESS CT MANTECA 95337	
1/2016		GEORGIANN ROSE	2114 WOODBINE MANTECA 95337	
1/2016		MARSHA A. SEARS	1132 PESTANA AV MANTECA 95336	MASCO@S@30.FAHO
1/2016		BOB SEAKS	1132 PESTANA AVE MANTECA, CA	
1/2016		Albert Hansen	768 TAHOE MANTECA CA	
1/2016			849 Fishbroke Manteca, Ca,	
1/2016		Vernon Gebhardt	1034 Plumrose Manteca, Ca	vernongebhardt@comcast.net
1/2016		HOWARD HOLTSMAN	15181 PRESCOTT MANTECA CA	h.holtzman@49@gmail.com
1/2016		RICHARD PHILLIPS	1227 S. UNION ST MANTECA, CA 95326	
1/2016		Zinnel Valverde	124 So. Washington Rd. Manteca 95366	
1/2016		838 MARITIME		
1/2016		MIKE JACOBS	137 Raylow Manteca	

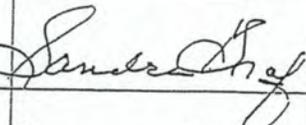
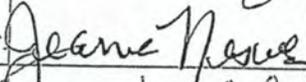
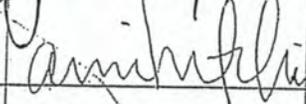
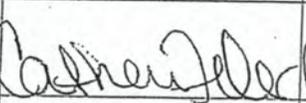
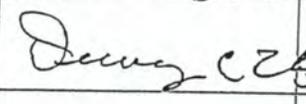
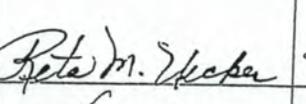
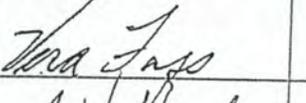
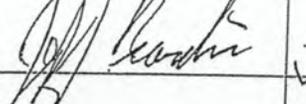
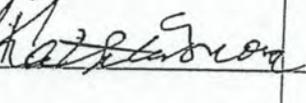
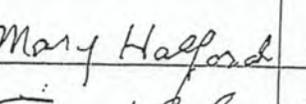
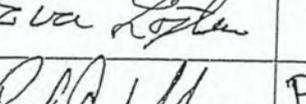
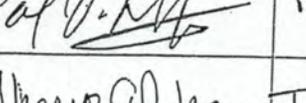
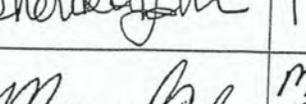
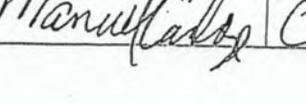
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
05 / 02 2016		Kathleen Bautista	Manteca	
5 / 12 2016		KYLE WANG	MANTECA	
/ 2016		Liliana Calderon	Manteca	
/ 2016		LATICIA RUSSO	MANTECA	
/ 2016		Terry Bill	manteca	
/ 2016		SEAN Elch	Peack Ave Manteca	
/ 2016		TRAVIS RINSKY DR MANTENA	Rivers Valley Dr	
/ 2016		Donna Corbett	1005 Thousand CAMP	
2016		Mirna Bowman	Manteca ca	
/ 2016		Ken Neswick	Manteca CA	
/ 2016		ERIK BOWMAN	Manteca ca	
/ 2016		Cinderella Bowman	Manteca ca	
/ 2016		Shawn Fraser	Manteca CA	
/ 2016		Alisha Fraser	Manteca CA	
/ 2016		JOHN Becken	Manteca CA 1607 TOWN RD	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
1/2016		SANDRA GRAF	1184 YORKTOWN LN	SORAF531 @VERIZON.NET
1/2016		Jeanne Neswick	200 Dan MTCA	
1/2016		Jamie Hutcheson	1033 SUNFISH	
1/2016		Mike Fuller	420 EVA DR Manteca CA	
1/2016		Catherine Fuller	420 EVA DR Manteca, Ca.	
1/2016		Reta M. Vecker	359 Roosevelt Manteca	
1/2016		Reta M. Vecker	359 Roosevelt Manteca, Ca.	
1/2016		Vera Fass	1819 Carnation Manteca, Ca.	
1/2016		JEFF RIORDAN	MANTECA, CA.	
1/2016		K. MORAN	TRACY, CA	
1/2016		MARY HALFORD	TRACY	
1/2016		EVA LOFTUS	MANTeca	
1/2016		Paul Dobkowitz	Manteca	
1/2016		Therese A Johnson	1133 May Ave Manteca 95306	
1/2016		Manuel CARDOZA	4450 PERRIN Manteca, Ca	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
/ 2016	<i>Nelson Morgado</i>	NELSON MORGADO	4961 FIG AVE.	209-470-8884 239-4448
/ 2016	<i>Pitmanee Attiya</i>	PITMANEE ATIYA	920 Kirkwood	209-603-0474
/ 2016	<i>Sandra Attker</i>	Sandra Attker	217 Espana	209 2768548
/ 2016	<i>Judy Shellman</i>	Judy Shellman	270 WATSON	209 824-1771
/ 2016	<i>Michelle Le</i>	CHAU (Michelle) LE	1716 Home town Lane	408-600-0613
/ 2016	<i>Jessica Vaughn</i>	Jessica Vaughn	1453 murola Manteca	604-5525 603-56
/ 2016	<i>Melissa Mays</i>	Melissa Mays	1484 Blush St. Manteca, CA 95336	209-604-8078
/ 2016	<i>Raquel Hall</i>	Raquel Hall	176 Treveno Ave Apt 284 Manteca CA 95337	209-481-4557
/ 2016	<i>Barbara Becker</i>	Barbara Becker	1607 Tinnin Rd Manteca Ca	209-647-2939
/ 2016	<i>Christene Adams</i>	Christene Adams	12484 S. Union Manteca CA	209-456-4976
/ 2016	<i>Debbie Mahaffey</i>	Debbie Mahaffey	4920 Fig	209-4846999
/ 2016	<i>William Dunham</i>	William Dunham	1958 Northgate Dr Manteca	N/A
/ 2016	<i>Bill W. Mahaffey</i>	Bill W. MAHAFFEY	4920 FIG AVE. MANTOCA	823-4864
/ 2016	<i>Faye E. Adams</i>	Faye E. Adams	12484 Union Rd Manteca	858-2684
/ 2016	<i>Nadine Warwick</i>		1354 Monterey Ave Mtca	N/A

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Arnold Rothlin</i>	ARNOLD J. ROTHLIN	23400 S. Airport Way Manteca	
1/2016	<i>M.K. Hildebrand</i>	MARY K. HILDEBRAND	23455 HAYS RD	hildfarm@gmail.com
1/2016	<i>Lucy Bettencourt</i>	Lucy Bettencourt	23675 S. Airport Way	ALYBET87@aol.com
1/2016	<i>Ed Bettencourt</i>	Ed Bettencourt	23675 S. Airport Way	edbettencourt@aol.com
1/2016	<i>Arlene McCracken</i>	ARLENE MACCRACKEN	4919 W. RYON RD	Arlene McCracken @ yahoo.com
1/2016	<i>Red McCracken</i>	RED MACCRACKEN SR.	4919 W. RYON RD	Red McCracken @ 4 mail.com
1/2016	<i>Scott Long</i>	SCOTT LONG	5203 W. RYON RD MANTeca	Trancheinreach.co
1/2016	<i>Susan Dawn</i>	SUSAN DAWN	5490 Almondwood Manteca	
1/2016	<i>Edward Hoogveen</i>	Edward Hoogveen	22690 S. Airport Way Manteca	Edwardcobie036@mail.com
1/2016	<i>Cobie Hoogveen</i>	Cobie Hoogveen	22690 S. Airport Way Manteca, CA 95337	
1/2016	<i>Whisper Gray</i>	Whisper Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Brian Gray</i>	Brian Gray	5040 Almondwood Manteca CA 95337	
1/2016	<i>Laura Rothlin</i>	Laura Rothlin	23400 S. Airport Way Manteca 95337	
1/2016	<i>Sanford Hedegard</i>	Sanford Hedegard	1065 So Union	
1/2016	<i>Julie Hedegard</i>	Julie Hedegard	1065 So Union Rd	

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Date	Signature	Printed Name	Address	Email
4/28 2016		Alma R Guerra- 02102	500 Tannehill drive Manteca, CA 95337	Emp @ 5151 East Almondwood Manteca, CA 95337
4/28 2016		Arnida Aguirre	1624 S Hwy 99, Spc 37 Manteca, CA 95336	Emp at 5151 E Almondwood Manteca, CA 95337
4/28 2016		Yvonne Williams	1664 Bermuda Lane Manteca, CA 95337	Tuff Boy Employee
1 2016		Debbie Bryant	1307 Daniels St Manteca, CA 95337	TUFFBOY EMPLOYEE
4/28 2016		Margarit Newton	323 Mylar Ave Manteca, CA 95336	Emp at 5151 East Almondwood Manteca, CA 95336
1 2016		MARYANNE Smith	686 Agate Ave Manteca, CA 95336	Emp. @ 5151 ALMONDWOOD Manteca, CA
1 2016		BOBBIE DURAN	1752 NATTERHORNSI MANTECA, CA 95337	EMPLOYED AT TUFF BOY
4/28 2016			5151 E. Almondwood Rd MANTECA, CA 95337	
4/28 2016		Jonathan Velazquez	5151 E Almondwood Rd Manteca, CA 95337	
4/28 2016		Jodi Sabatino	515 Ruess Rd Piper 95366	Emp @ 5151 Almondwood Manteca CA
4/28 2016		SHANE ALLEN	22902 Oleander Ave. Manteca, 95337	
4/28 2016		Margjane Brocchini	23080 Oleander Ave Manteca, CA 95337	mbrocchini @aol.com
4/28 2016		Samantha Hein	2348 Mumbert Dr. Manteca, CA 95337	shein108@aol.com
4/28 2016		Lois Davis	22263 Oleander Mntca 95337	
1 2016		Marcos	23195 Oleander Manteca 95337	

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Laffranchini Elizabeth</i>	Elizabeth Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>John Mendosa</i>	John mendosa	23400 So. Manteca Airport Way	
1/2016	<i>Antoinette Laffranchini</i>	Antoinette Laffranchini	23400 So. Manteca Airport Way	
1/2016	<i>Billy B. Betts</i>	Billy B. Betts	2075 S Artin Rd	Manteca
1/2016	<i>Jane Lewis</i>	JANE LEWIS	1825 S. Union Manteca	95337 MANTECA, CA
1/2016	<i>Paula Sanchez</i>	PAULA SANCHEZ	6546 W. Brooks Manteca CA	
1/2016	<i>John Kiss</i>	John Kiss	921 Country Club Cir Ripon	kisstairy@aol.com
1/2016	<i>Janet Swanson</i>	Janet Swanson	6357 W Ripon Rd Manteca	
1/2016	<i>Jason Swanson</i>	Jason Swanson	6357 West Ripon Rd Manteca CA	
1/2016	<i>John Canara</i>	JOHN CANARA	6588 W Ripon Rd	
1/2016	<i>Shirley Sadler</i>	SHIRLEY SADLER	5353 Peach Ave Manteca, CA 95337	
1/2016	<i>Bill L. Sadler</i>	BILL L. SADLER	5353 PEACH AVE MANTECA, CA 95337	
1/2016	<i>Marjorie Moorman</i>	MARJORIE MOORMAN	8008 West Ripon Rd. Manteca CA 95337	
1/2016	<i>James Moorman</i>	JAMES MOORMAN	8008 West Ripon Rd. Manteca, CA 95337	
1/2016	<i>Margie Selig</i>	Margie Selig	22188 S. Airport Way Manteca CA	

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Phyllis Rocha</i>	Phyllis Rocha	23623 South Union Rd	jewel-0984@verizon.net
1/2016	<i>Sarah O'Brien</i>	Sarah O'Brien	23848 S Union Manteca	Sarahobline@gmail.com
1/2016	<i>Ruth Erwin</i>	Ruth Erwin	23848 S Union Manteca	
1/2016	<i>Jaques O'Brien</i>	Jaques O'Brien	23848 S Union	VFE95@verizon.net
1/2016	<i>Joe Cragg</i>	JOE CRAGG	Manteca	
1/2016	<i>Robert Cardoza</i>	ROBERT CARDOZA	617 Lupton St Manteca	CARDOZAMNTCA@HOTMAIL.COM
1/2016	<i>Lisa Rogers</i>	Lisa Rogers	Same as above	Same.
1/2016	<i>Evelyn J. Potts</i>	EVELYN J. POTTS	340 FRANCES MANTECA	
1/2016	<i>Michael Hogle</i>	Michael Hogle	337 Birchwood Manteca	
1/2016	<i>Martin Kaslin</i>	Martin Kaslin	9611 E. Lathrop Rd Manteca 95336	
1/2016	<i>Luis Brizuela</i>	LUIS BRIZUELA	5220 ALMOND WOOD RD	
1/2016	<i>Juanita Brizuela</i>	JUANITA BRIZUELA	5220 ALMOND WOOD RD	
1/2016	<i>Adriana Brizuela</i>	ADRIANA BRIZUELA	5220 ALMOND WOOD RD	
1/2016	<i>Angela Smith</i>	Angela Smith	23400 S. Airport way 19982 N. Ripon Rd.	Angdogg77@aol.com
1/2016	<i>Chris Smith</i>	Chris Smith	23400 S. Airport way 19982 N. Ripon Rd.	

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Date	Signature	Printed Name	Address	Email
1/2016	Don Freitas	Don Freitas	6968 Veritas Manteca, Ca 95337	don.freitas@yahoo.com
1/2016	Marie Freitas	Marie Freitas	6968 Veritas Manteca, Ca 95337	
1/2016	Beatrice Liu	Beatrice Liu	5922 Nile, Manteca, CA 95337	
1/2016	Scott Whiteley	SCOTT WHITELEY	2167 S. AIRPORT Manteca Ca 95337	
1/2016	Lizabeth Whiteley	LIZABETH WHITELEY	2167 S AIRPORTWAY	
1/2016	Randy Branscum	Randy BRANSCUM	25913 S. Airport Way	
1/2016	Terry Lee DeRuyter	TERRY LEE DR RUYTER	6625 AVE. D MANTECA CA 95337	
1/2016	Corneil De Ruyter	Corneil De Ruyter	6625 Ave D Manteca CA 95337	
1/2016	Rodney Frey	Rodney Frey	Manteca 3347 Perrin rd	
1/2016	Ginger Frey	Ginger Frey	Manteca 3347 Perrin rd	
1/2016	Joe Machado	Joe MACHADO	3951 Perrin	
1/2016	Leo Omlin	LEO OMLIN	23420 S. UNION RD MANTECA CA 95337	
1/2016	Jose Silva	JOSE SILVA	Manteca	
1/2016	Frank Machado	FRANK MACHADO	Manteca Manteca, Ca 95337	
1/2016	Janet R. Owen	JANET OWEN	5741 Nile Road Manteca, CA 95337	janz65@msn.com

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Date	Signature	Printed Name	Address	Email
4/30 2016		Steve Carroll	5700 Almondwood Manteca CA	PTSSCARROLL@Yahoo.com
1/ 2016		DAVID KONIECNY	2285 S. UNION B MANTECA CA 95337	DKONIECNY@NOV-CAL.MAIL
1/ 2016		Roni Isola	22773 S. Union Manteca, CA 95337	
1/ 2016		Robert E. Agdora	22523 S. Union Rd Manteca, CA 95337	ragdora@AOL.com
1/ 2016		Evelyn Agdora	22523 S Union Rd Manteca, CA 95337	
1/ 2016		CARL JOAQUIN	5828 Nile Ave MANTECA, CA 95337	
1/ 2016		BERNY M. JOAQUIN	5828 E-NILE AVE MANTECA, CA 95337	
1/ 2016		FRANK CASTRO	5200 NILE RD Manteca 95337	
1/ 2016		JOANNE LYONS	21579 S. Union Manteca 95337	
1/ 2016		MIKE LYONS	21579 S. Union Rd Manteca, Ca 95337	
1/ 2016		BERNON DANLEY	5180 Nile Rd Manteca, CA	Bernon Danley Bernon31@hotmail
1/ 2016		Donna Danley	5180 Nile Rd Manteca Ca	ddanley@hotmail.com
1/ 2016		DOUG HARNDEN	4780 NILE RD. Manteca, CA	
1/ 2016		Jennifer Harnden	4780 Nile Rd Manteca CA	
1/ 2016		Scott W. Owen	574 Nile Rd Manteca	ScottW.Owen@MSV.com

PETITION REQUESTING ADDITIONAL DRYLAND LEEVE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Shirley Hodson</i>	SHIRLEY HODSON		
1/2016	<i>Larry King</i>	LARRY KING	211 W. NORTH ST MANTICA CA	
1/2016	<i>Scott Weeks</i>	SCOTT WEEKS	5440 FIG AVE., MANTECA	SVWEEKS@ LIVE.COM
1/2016	<i>Vanessa Weeks</i>	VANESSA WEEKS	5440 E FIG AVE MANTECA, CA.	SVWeeks@ LIVE.COM
1/2016	<i>Barbara Hall</i>	BARBARA HALL	2443 Buile Claret Manteca 95331	
1/2016	<i>Ann K. Mills</i>	ANN K. MILLS	418 Monticello Road Manteca, CA 95331	
1/2016	<i>Troy Barger</i>	TROY BARGER	13790 S Hwy 99 MANTECA	
1/2016	<i>Joe Machado</i>	JOE MACHADO	11500 E Fresh Camp Rd Manteca 95336	
1/2016	<i>Don Putz</i>	DON PUTZ	11441 Jameson RD, manteca 95336	
1/2016	<i>William E. Wohbe</i>	WILLIAM E. WOHBE	7705 Southview Dr Manteca, Ca. 95336	
1/2016	<i>Josie Franza</i>	JOSIE FRANZA	9120 COUNTRY CLUB RD W 95266	
1/2016	<i>John J. Vieira</i>	JOHN J. VIEIRA	5350 E Fig Manteca 95337	
1/2016	<i>Eleanor Vieira</i>	ELEANOR VIEIRA	5350 E Fig Manteca 95337	
1/2016	<i>Sally Holden</i>	SALLY HOLDEN	5391 Fig Ave Manteca	
1/2016	<i>Gary Holden</i>	GARY HOLDEN	5391 Fig Ave Manteca	

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Date	Signature	Printed Name	Address	Email
1/2016	<i>Carol Campbell</i>	CAROL CAMPBELL	22445 S Union MTECA	CACampbell146@ VERA
1/2016	<i>Guy Campbell</i>	JERRY CAMPBELL	22445 S Union MTECA	
1/2016	<i>Brenda Franklin</i>	Brenda Franklin	1460 Spindrift MTECA 95337	
1/2016	<i>Beatrice Bowlby</i>	Beatrice Bowlby	633 Stewart #11 Manteca, CA 95336	
1/2016	<i>Shawn Nussbauer</i>	Shawn Nussbauer	1552 Sephor MANTECA 95337	
1/2016	<i>Frank Mendes</i>	FRANK R. MENDES	18401 So McKinley Manteca, CA 95337	
1/2016	<i>Larry Henriksen</i>	LARRY HENRIKSEN	1416 Stearns Pleas. - Manteca	
1/2016	<i>Bob Hall</i>	BOB HALL	2443 Bell Glade Manteca, 95336	
1/2016	<i>Gail Wilhite</i>	Gail Wilhite	1130 Aldwina Manteca, Ca 95336	Aldwina @ COMCAST.net
1/2016	<i>John M. Indubit</i>	JOHN M INDUBITZING	13742 S AUSTIN RD MANTTECA CA 95336	
1/2016	<i>Robert Bandoni</i>	Robert Bandoni	14183 Prescott Rd Manteca Calif 95336	
1/2016	<i>Marian Rawlins</i>	Herb Marian Rawlins	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016	<i>Herbert Rawlins</i>	Herbert Rawlins	5880 E Fig Manteca CA	marianrawlins @yahoo.com
1/2016	<i>Bob Nunes</i>	Bob NUNES	20405 Austin rd MTECA	
1/2016	<i>Andre</i>	ANDRE	20405 Austin Rd MTECA	

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Date	Signature	Printed Name	Address	Email
4/28 2016		Patricia D. Uecker	4988 Nile Manteca 95337	pguecker@gmail.com
4/28 2016		Gary L. Uecker	4988 Nile Manteca Calif	pguecker@gmail.com
4/28 2016		Jennifer Gomes	4856 Nile Manteca CA	Jenluv3brats@yahoo.com
4/28 2016		GLEN MUELLER	4868 NILE MANTECA CA	WESTCOAST HARDWARE@yahoo.com
4/28 2016		RODNEY GOMES	4856 NILE MANTECA 95337	Rodneyalan2006@yahoo.com
/ 2016		Richard V. Uecker	1419 Ironwood Manteca Ca.	My interest is because I have cows on my rd.
/ 2016		GARY MUELLER	4898 E Nile Manteca 95337	Gmuellerhome@gmail.com
/ 2016		Marjellen Mueller	4898 E Nile Manteca 95337	"
/ 2016		MELISSA MUELLER	4898 E Nile Rd Manteca 95337	"
/ 2016		MARJEAN A. UECKER	327 S. Powers Manteca, Ca. 95336	I am interested because my son & wife live on Nile.
/ 2016		Wayne A. Uecker	758 Oliver Way Manteca, CA 95336	
/ 2016		Bryan Uecker	771 JOAQUIN MANTECA, CA	PARENTS LIVE THERE
/ 2016		Regina Bianoff	771 JOAQUIN ST. Manteca, Ca. 95337	This is my Father in-law who I'm extremely concerned!!
/ 2016		Betty J. Mueller	759 JOAQUIN ST 227 MANTECA, CA 95337	I care because my daughter & 2 sons & their spouses live there
/ 2016		Ronald Mueller	825 Dudley Rd. French Camp, CA. 95231	RonMueller@juno.com

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Date	Signature	Printed Name	Address	Email
4/28 2016	<i>John Van Zwakenburg</i>	John Van Zwakenburg	22079 Oleander Mtc. Ca 95337	
/ 2016	<i>Sharon Van Zwakenburg</i>	Sharon Van Zwakenburg	22079 Oleander Monteca CA 95337	
/ 2016	<i>Jason Frisk</i>	Jason Frisk	22137 Oleander Monteca 95337	
/ 2016	<i>Rebecca Frisk</i>	Rebecca Frisk	22137 Oleander Monteca 95337	
/ 2016	<i>Vernon Reynolds</i>	Vernon Reynolds	21963 Oleander Mtc. Ca 95337	
/ 2016	<i>Kirsten Thomson</i>	KIRSTEN THOMSON	22031 Oleander H Monteca 95337	
/ 2016	<i>Daniel Monte</i>	DANIEL MONTE	21915 OLEANDER MTC. CA 95337	
/ 2016	<i>John Mendes</i>	John Mendes John Mendes	21881 Oleander Mtc Ca 95337	
/ 2016	<i>Jeff Hammond</i>	JEFF HAMMOND	21735 Oleander MTC, CA 95337	
/ 2016	<i>Rebecca Hammond</i>	Rebecca Hammond	21735 Oleander MTC CA 95337	
/ 2016	<i>Laurie Clark</i>	Laurie Clark	21759 Oleander	
/ 2016	<i>Richard King</i>	Richard King	Mtc Ca 95337 22082 Oleander	
/ 2016	<i>Dorothy King</i>	Dorothy King	MTC. 95337 22082 Oleander	
/ 2016	<i>Rachel Berg</i>	RACHEL BERG	22295 Oleander Manteca CA 95337	
/ 2016	<i>David Berg</i>	DAVID BERG	22295 OLEANDER RD MANTECA, CA 95337	

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/18/2016		Michael Fonseca	P.O. Box 4208 Manteca, CA 95337	Fonsecafarmsince@aol.com
4/12/2016		Joanna Fonseca		
4/12/2016		Fred Rich	22695 S. Airport Manteca CA 95337	fonsecafarmsinc@aol.com
4/12/2016		Kathy Rich		
5/12/2016		Richard Fonseca	21164 S. Airport way Manteca, CA 95337	fonseca2484@gmail.com
5/12/2016		Joanna Fonseca	21104 S. Airport way Manteca, CA 95337	Fonseca.2333@gmail.com
5/12/2016		Andrea Cambra	21103 S. Airport Manteca 95337	acambrafarm@yahoo.com
5/12/2016		William Cambra	21107 S. Airport Manteca CA 95337	
5/12/2016		Kathy Cambra Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5/12/2016		Joel Pfeiffer	21165 S. Airport way Manteca CA 95337	JKSGdPfeiffer@gmail.com
5/12/2016		Judy A. Cambra	21153 S. Airport Manteca, CA 95337	jcambra209@gmail.com
5/12/2016		Charles Cambra JR	21153 S. Airport Manteca, CA 95337	jcambra209@gmail.com
5/12/2016		C. Richard Cambra III	21153 S. Airport Manteca, CA 95337	rcambra3@gmail.com
5/12/2016				
1/2016				

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Date	Signature	Printed Name	Address	Email
4/28 2016		Kern Visser	350 Diamond Ripon CA	onthemcowa@veloc... n
4/28 2016		Steven De Freitas	24851 S. Mehler Rd	stevendeefreitas@yahoo.com
5/02 2016		Luis de la HERRA	26290 S. Omban Manteca, CA	
5/02 2016		Carol Moberly	6191 Perrin Rd Manteca CA	Camoberly@hotmail.com
5/02 2016		Steve M. Moberly Sr.	6191 Perrin Rd Manteca, CA	smoberly@hotmail.com
5/02 2016		Carley Moberly	6191 Perrin Rd Manteca, CA	perkettle1@hotmail.com
5/02 2016		Michael Moberly	6191 Perrin Rd Manteca CA	mikemobes3@gmail.com
5/03 2016		Richard Teicheira	715 Poplar Manteca CA.	
5/03 2016		Marlene Harris	20333 Tinnin Rd. Manteca, CA 95337	mmharris46@comcast.net
1 2016		John Teicheira	24500 S. Union Rd. Manteca	JohnTeicheira@aol.com
1 2016		Ida Teicheira	6721 Perrin Rd	
1 2016		Tom Teicheira	6733 Perrin Manteca	
1 2016				
1 2016				
1 2016				

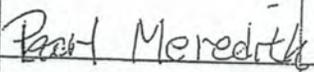
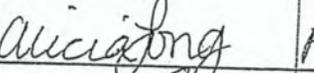
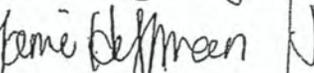
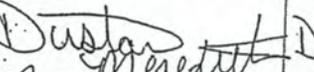
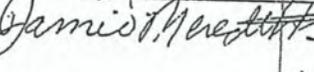
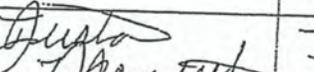
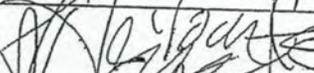
PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

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Date	Signature	Printed Name	Address	Email
4/28 2016		Raymond M. Quaresma	5300 E Perrin Manteca 95337	QUARESMAdele@RY @Aopl.Com
4/28 2016		Sue Quaresma	5300 PERRIN RD Manteca 95337	" "
4/29 2016		Johnny CARROZA	24421 South AIRPORT; MANTECA	
4/30 2016		Delaine Quaresma	5300 PERRIN RD Manteca Ca	
5/1 2016		Mike Tenente		
5/1 2016		David A. Machado	P.O. Box 1046 Pison CA 95366	26230 S. Union Rd Manteca, CA 95337
5/1 2016		FRANK Teixeira	21527 S. Airport Way MANTECA CA 95337	
5/1 2016		Johnny Teixeira	1644 Rockford Way, Turlock CA	
/ 2016		Katelyn Quaresma	5300 PERRIN RD Manteca CA 95337	Katelyn.quaresma @gmail.com
/ 2016		CAROLYN CARROZA	23595 Oleander Manteca CA 95337	carolyncarroza homes@yahoo.co
/ 2016		Eddy CARROZA	23595 OLEANDER MANTECA CA 95337	
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
4/30 2016		TIFFANY THOMPSON	5203 W. RIFOW RD	
4/30 2016		Pearl Meredith	5432 O. Mansfield Rd / Manteca	
5/1 2016		ALICIA LONG	23319 Oleander manteca CA	
5/1 2016		RANDY LONG	23319 OLEANDER MANTECA, CA.	
5/1 2016		Jamie Huffman	23319 Oleander Manteca, CA	
5/1 2016		Justan meredith	21375 Union Manteca Ca	
5/1 2016		Jamie Meredith	21375 Union Manteca Ca	
5/1 2016		Justan meredith	21375 Union Manteca Ca	
5/12 2016		SAUL GARCIA	23747 OLEANDER	
5/12 2016		MATT WISE	23319 OLEANDER MANTECA	
/ 2016				

PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
/ 2016	<i>Wayne Curran</i>	WAYNE CURRAN	51420th 51420th	
/ 2016	<i>Ann Poonahi</i>	Ann Poonahi	Manteca, 95320	apoonahi@gmail.com
/ 2016	<i>Gurdeepak K.</i>	Gurdeepak K.	21585 Oleander R.	
/ 2016				
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PETITION REQUESTING ADDITIONAL DRYLAND LEVEE WORKSHOPS

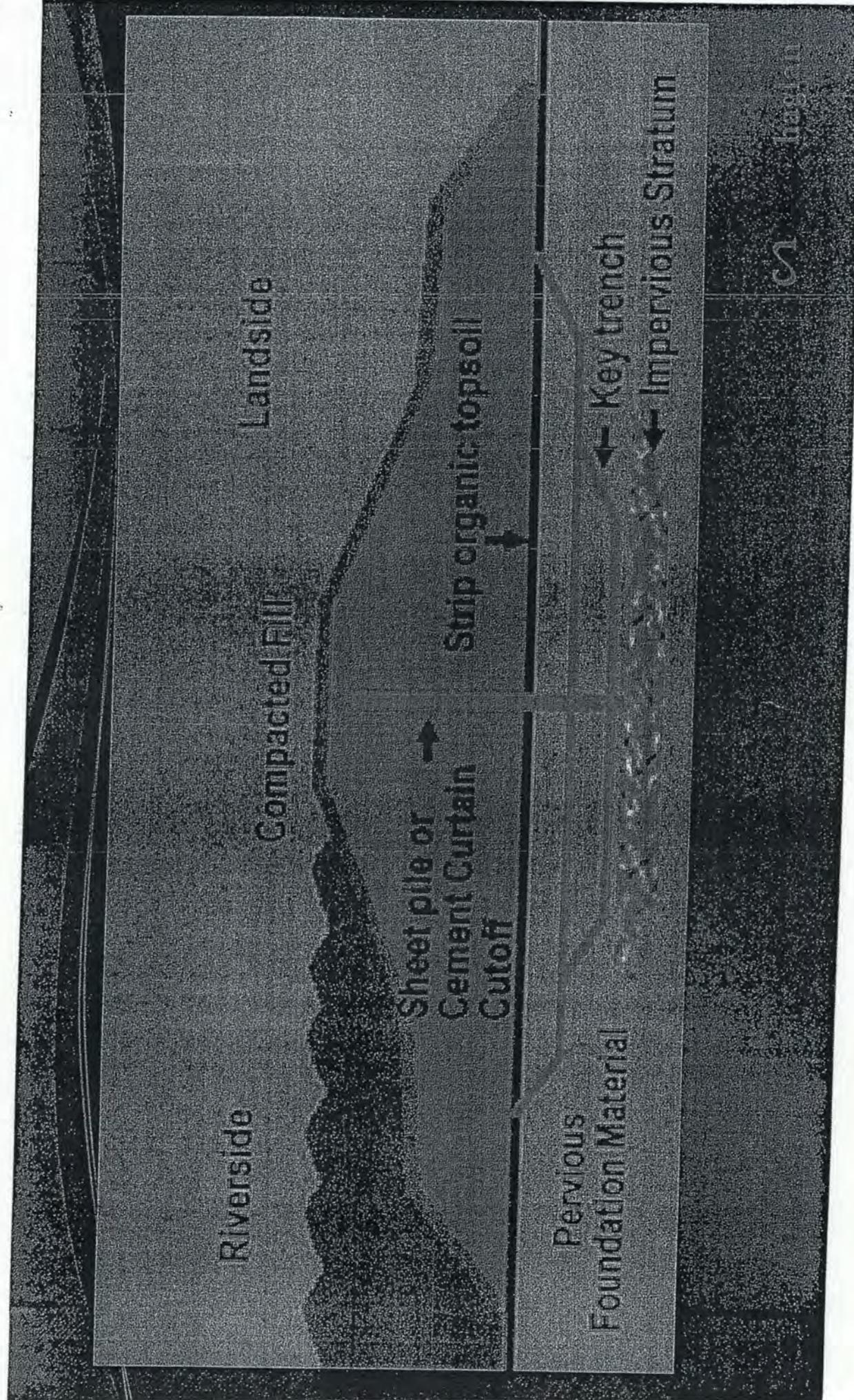
Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to hold additional Dryland Levee workshops.

Date	Signature	Printed Name	Address	Email
04 / 28 2016	<i>Natalie Swanson</i> (CHILDREN ARE BABYSAT IN SOUTH MANTECA)	Natalie Swanson	5308 LIVERNOCK SALIDA CA	NATALLE05@HOTMAIL
/			_____	
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TERRALAND GROUP, LLC

Ex. "2":

04/16 Excerpt from Drake Haglan & Associates workshop presentation



Riverside

Compacted Fill

Landside

Sheet pile or
Cement Curtain
Cutoff

Strip organic topsoil

Pervious
Foundation Material

Key trench

Impervious Stratum

10

meters

TERRALAND GROUP, LLC

Ex. "3":

03/22/16 Manteca Bulletin News Article, "Paradise Cut work nears"

Paradise Cut work nears

Request to enhance flood protection made 13 years ago

By DENNIS WYATT
THE BULLETIN

A partial solution to the flood woes between Mossdale Crossing and Vernalis southwest of Manteca on the San Joaquin River has been waiting for federal approval now for 13 years.

Cambay Group filed for a permit in 2003 with the Army Corps of Engineers to modify Paradise Cut. It was supposed to be an 18-month approval process. Now 13 years later the Army Corps is reportedly nearing completion of its review process for

the Paradise Cut application that's part of the 10,800-home River Islands at Lathrop planned community.

Many people who live and farm east of the San Joaquin River and south of Manteca were under the impression River Islands were supposed to have done the work years ago. They made that point during a Manteca City Council meeting earlier this month regarding the proposal to



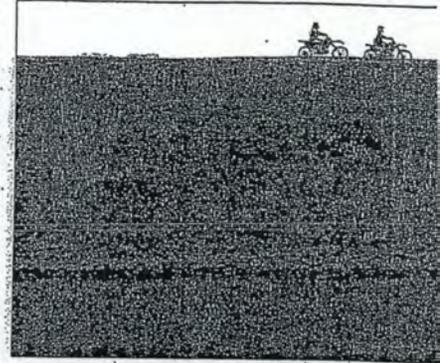
spend \$168 million to make levee improvements to meet a state mandate for 200-

year flood protection. River Islands wanted to do the work a decade ago but the bureaucratic review process with the state and federal government has stretched out the government's own time table by 11.5 years.

Paradise Cut has historically taken pressure off the San Joaquin River when it

nears flood stage. It has little water in it much of the year. It runs beneath Interstate 5 just north of the Interstate 205 interchange along the southern edge of River Islands.

River Islands' proposal is to add 200 acres to the 600 acres that are within Paradise Cut that runs from the main river channel prior to it reaching Mossdale Crossing and runs parallel to the Middle River Channel. They also want to restore habitat. The River Islands project



HIME ROMERO/Bulletin file photo

SEE RIVER, PAGE A5 Motorcyclists atop a levee along the San Joaquin River.

RIVER

FROM PAGE A1

is based on a proposal made years ago that resurfaced in 2001 in an Army Corps of Engineers report to create a river bypass to reduce the potential for flooding in Manteca, Lathrop, and Stockton.

The Lower San Joaquin River Flood Bypass Proposal was formally submitted to the California Department of Water Resources in March 2011 by the South Delta Levee Protection and Channel Maintenance Authority and other partners. It was an effort to secure \$5 million to create the new flood bypass in the last corridor of undeveloped land between Tracy and Lathrop.

Engineers determined expanding the Paradise Cut would reduce flood stages significantly at Mossdale Crossing — 1.8 feet under a 50-year event as well as under a 100-year event such as the 1997 flood that inundated 70 square miles between Manteca and Tracy.

At the same time it would offer habitat and migration territories for juvenile steelhead, salmon and spawning

splittail that are driving some water use debates.

It would also allow upstream reservoirs to be managed more conservatively to reduce water releases during the rainy season and spring runoff to conserve water for summer use.

David Kennedy, the longest serving director of the Department of Water Resources, in 1998 wrote the following about the Paradise Cut bypass proposal in the forward of the second edition of "Batting the Inland Sea": "Recognizing the futility of simply raising the levees, flood control experts will now evaluate the feasibility of removing levees in some locations and simply letting future flood flows pond onto adjacent lands. Further, consideration is being given to opening up some form of bypass through the south Delta to relieve pressure on the levees as the San Joaquin River flows into the Delta. It is hoped these issues will be resolved and changes will be made before the next flood."

Cambay Group wants to set levees back on the north side of Paradise Cut as well as on the south side. They provided \$700,000 for land acquisition

and agreed to spend money to do the necessary work that was pegged at between \$1.8 million and \$3 million five years ago.

River Island project manager agrees dredging would help

River Islands Project Manager Susan Dell'Osso agreed with Manteca Mayor Steve DeBrum's contention that dredging the San Joaquin River between Vernalis and Mossdale would significantly enhance flood protection.

Dell'Osso knows a bit about issues on the river given that Cambay Group ended up spending \$70 million to create super levees 300 feet wide to take 900 acres on Stewart Tract where homes are now being built out of the 200-year flood plain. The firm is getting ready to do more levee work that would protect 300 more acres.

In addition River Islands has spent \$2 million on studies to prove to the state that the levees created in 2006 provide 200-years flood protection as mandated by Senate Bill 5.

"We didn't do anything else to the levees," Dell'Osso

said. "But because Senate Bill 5 didn't exist in 2006 we had to (prove that they meet the new standards.)"

Cambay Group expects to submit data needed for certification that 200-year flood protection exists to the Lathrop City Council in May.

As for dredging the river, Dell'Osso believes there is a good chance it would address all or most of the need for 200-year flood protection.

"But given how long it takes to get approval for (water) projects from the state and federal governments, there's no way you can get approval by the July 1, 2016 deadline," she said.

She added many state water managers as well as environmental groups and fishing advocates are against dredging as it would create issues with water quality that would initially pose a problem for fish.

Dell'Osso pointed to River Islands' experience with Paradise Cut. She noted bureaucrats assured it would be only an 18-month process.

To contact Dennis Wyatt, email dwyatt@mantecabulletin.com

TERRA LAND GROUP, LLC

Ex. "4":

06/08/11 RLC Associates Revised Terra Ranch Tentative Subdivision Map
Tract No. 3493

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TERRA LAND GROUP, LLC

Ex. "5":

02/15 US Army Corps of Engineers Sacramento District San Joaquin River Basin
Lower San Joaquin River, CA Interim Feasibility Study, Page 2-6

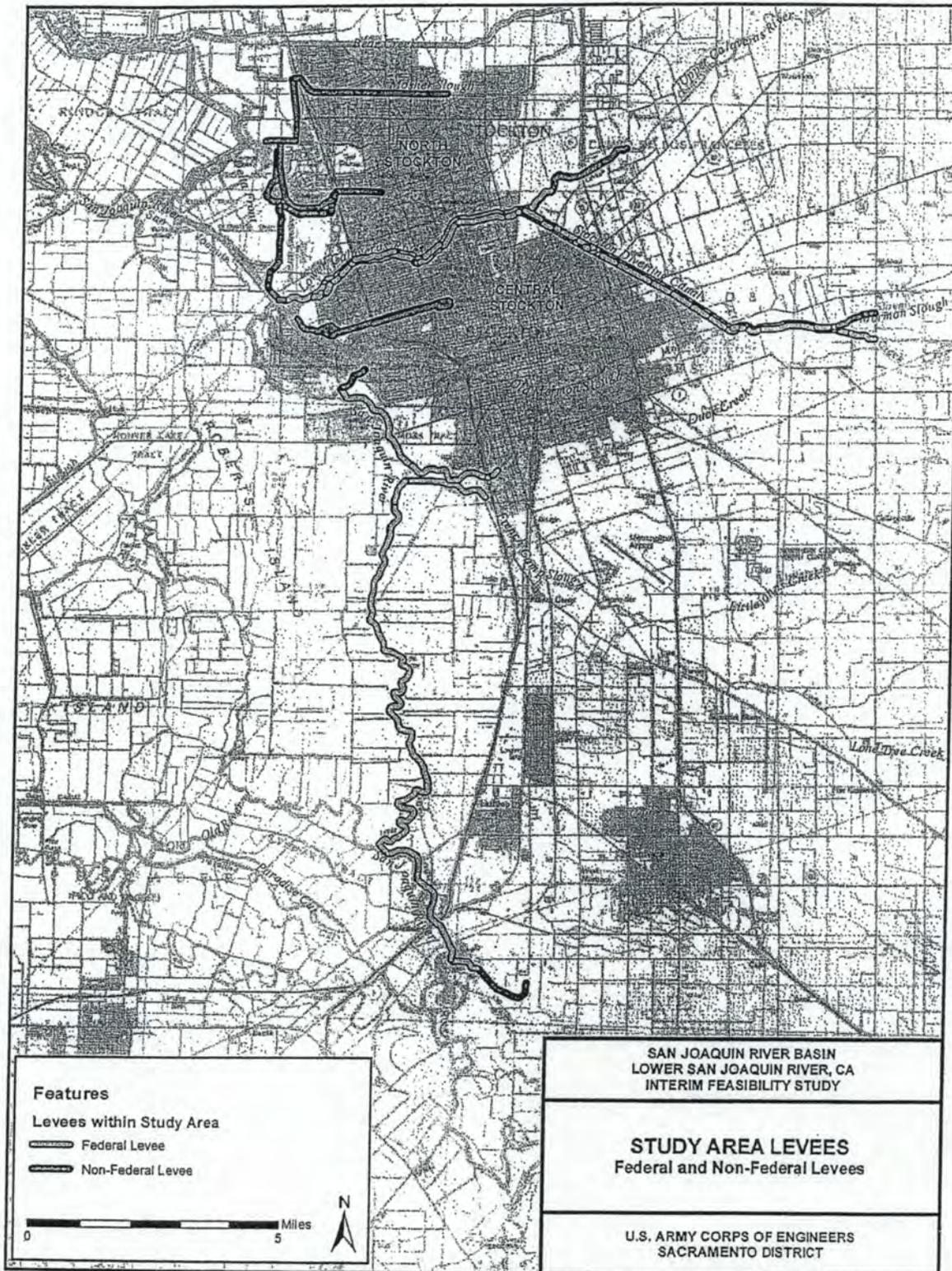


Figure 2-5: Study Area Levees.

TERRA LAND GROUP, LLC

Ex. "6":

07/07/15 Email from Terra Land Group, LLC to the Manteca City Council, Re:
"Response to Post-Construction Stormwater Standards Manual (Revised
Draft)"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Terra Land Group terralandgroup@gmail.com
Subject: Fwd: Response to Post-Construction Stormwater Standards Manual (Revised Draft)
Date: July 7, 2015 at 10:19 AM
To: MayorCouncilClerk@mantecagov.com



July 7, 2015

VIA EMAIL

Manteca City Council
1001 W. Center St.
Manteca, CA 95337
MayorCouncilClerk@mantecagov.com

Re: 07/07/15 Manteca City Council Meeting Agenda Item C.1.

Dear Council Members:

On June 23, 2015, Terra Land Group sent an email correspondence to Brent Swain of Manteca's Public Works Department in response to a Post-Construction Stormwater Standards Manual (Revised Draft) expressing concerns relating to stormwater drainage infrastructure and its potential to elevate groundwater in the area of the Terra Land Group 230-acre almond farm property located in southwest Manteca (see forwarded message below).

As a result, Terra Land Group requests that those comments be considered as part of any stormwater drainage final design adopted by the City of Manteca, so as to fully mitigate against the potential for any groundwater elevation impacts that could affect the Terra Land Group 230-acre almond farm property.

Thank you for your attention to this very important matter.

Yours Truly,

Martin Harris
Terra Land Group, LLC

Begin forwarded message:

From: Terra Land Group <terralandgroup@gmail.com>
Subject: Response to Post-Construction Stormwater Standards Manual (Revised Draft)
Date: June 23, 2015 at 1:29:10 PM PDT
To: bswain@ci.manteca.ca.us
Cc: mhoughton@ci.manteca.ca.us, fclark@ci.manteca.ca.us

Dear Mr. Swain,

Terra Land Group has reviewed the post-construction Stormwater Standards Manual (Revised Draft) dated June 2015.

Various requirements and design criteria methods of handling stormwater are discussed including:

1. Drainage management areas (pg. 3-6)
2. Storm design volume (pgs. 5-1 to 5-4)
3. Stormwater treatment control measures (pgs. 6-1 to 6-10)

3. Stormwater treatment control measures (pgs. 6-1 to 6-12)
4. Alternative stormwater treatment control measures including:
 - a. Infiltration basin (pg. F-1)
 - b. Infiltration trench (pg. F-10)
 - c. Dry well (pg. F-18)
 - d. Stormwater planter (pg. F-26)
 - e. Tree well filter (pg. F-36)
 - f. Sand filter (pg. F-45)
 - g. Vegetated swales (pg. F-55)
 - h. Extended detention basin (pg. F-72)
 - i. Wet ponds (pg. F-86)

As you may be aware, Terra Land Group owns a 230-acre almond farm property in southwest Manteca.

In addition, the almond trees were planted with a shallow root system to accommodate the high groundwater table in that area of Manteca.

For this reason, Terra Land Group is particularly concerned that excessive volumes of stormwater infiltration into the ground could impact the water table around the root system of the almond trees. This concern extends to any area of the Terra Land Group farm property that could be impacted by currently undefined stormwater infrastructure that the city may be considering.

This is also true in relation to any overflow devices that may allow stormwater discharges to lands that may also impact almond plantings in that area of discharge and/or retention storage.

Further, Terra Land Group is concerned that groundwater impacts, in the form of elevated groundwater levels due to the potential for stormwater discharge infrastructure that blocks the groundwater's natural flow, may need to be considered.

With this in mind, Terra Land Group requests that the City of Manteca take appropriate measures to minimize impacts and allow for the continued farming operations currently existing on the Terra Land Group property.

Thank you for your consideration.

Yours truly,

Martin Harris
Terra Land Group

CY110

APR 06 2016 PM 12:29

TERRA LAND GROUP, LLC

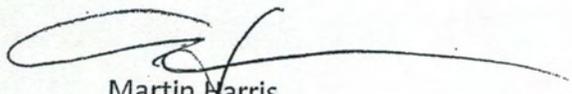
April 06, 2016

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Dear Council Members,

Because last night's City Council meeting ran so late and I was not given the opportunity to speak until sometime around 10:30 PM or later, I did not submit this letter at the time I addressed the Council, and with that in mind, I am submitting the letter (6 copies total) today.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

CMC

TERRALAND GROUP, LLC

April 5, 2016

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: 04/05/16 Manteca City Council meeting Agenda Item E.2., Receive report on contract with Drake Haglan and Associates for preferred alignments of the Dryland Levee Extension and Antone Raymus Expressway

Dear Council Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as consisting of one legal parcel with assessor's tax computation parcel numbers identified as:

- 1. APN ~~241-30-32~~³³⁰ (203.33 acres)
- 2. APN 241-330-33 (17.14 acres)
- 3. APN 241-320-60 (10.13 acres)

Total Acreage 230 acres (approx.)

I am not sure how many of the City Council Members have seen the TLG farm property, but currently, approximately 32,000 almond trees are planted and cover an area exceeding 200 acres in total size.

In 2013, TLG made a decision to enter into a 25-year almond lease after a careful analysis which included several private and public meetings involving the City of Manteca. (See Exhibits "1" and "2")

Further, on November 24, 2015 and December 15, 2015, TLG attended City of Manteca Planning commission and City Council meetings for the Purpose of making public statements and presenting letters related to a General Plan Amendment and rezone affecting the TLG property (See letters presented on November 24, 2015 and December 15, 2015, attached as Exhibits "1", "2" and "3").

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At that time, TLG stated to City of Manteca representatives that it was TLG'S intention to continue farming the TLG property throughout the term of the almond farming lease currently under contract.

With these introductory comments in mind, TLG would like to state for the record that TLG representatives have:

- A. attended a number of RD17 public meetings,
- B. attended a number of SB5 City of Manteca flood protection meetings,
- C. reviewed environmental documents concerning potential modifications, repairs and extensions to the current San Joaquin River and Dryland levee system as well as the potential for impacts created, and
- D. investigated and gathered additional information.

TLG further states that it has no direct or actual knowledge and, at this point, can only express its concerns and question as to the ultimate design, location and total impacts that the final approved levee and McKinley Expressway alignments may have on the TLG farm property.

However it appears that 2 possibilities exist.

1. Levee to be subjected to 100-year seepage repairs and/or expanded and modified at/or near its current position to meet SB5 requirements; or
2. Levee to be relocated to an unidentified southern location somewhere on the TLG property in association with meeting SB5 requirements.

I. Levee to Remain at its current position on the North and West Boundaries of the TLG Property:

With this in mind, and in reliance on representations made and information received, TLG is supportive of the City of Manteca's plans to perform and/or authorize and support RD17 100-year seepage repairs and/or SB5 compliance modifications to the existing RD17 Element IX levee sections located on the north and west boundaries of the TLG property, provided however that:

- A. The extent of the TLG property needed is consistent with the property acquisition requirements previously identified in environmental documents presented to the public in February and March of 2015 and further represented by October 2015 and December 2015 surveys conducted by RD17 to determine the total amount of levee waterside maintenance easement property required as marked and staked by RD17 and incorporated into VVH Consulting Engineers survey maps provided at TLG'S request to clearly identify the impacts that the levee seepage repairs and/or SB5 flood protection requirements may have on the TLG property. (see Exhibits RD17-1, RD 17-2 and

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RD17-3 which were produced by VVH Consulting Engineers at TLG'S request and are included as Exhibits "4", "5" & "6" respectively);

- B. This limit to the RD17 element IX levee maintenance easement expansion is consistent with the May 1, 2013 MacKay and Soms "Record Property Lines and Easements Exhibit, RD17 Elements VIII through XI" which details the proposed easements to be acquired by RD17 (see MacKay & Soms map attached as Exhibit "7");
- C. This limit of RD17 element IX levee expansion is consistent with RD17 provided levee easement expansion exhibits produced by KSN Inc. that also supports limiting RD17 waterside levee maintenance easement expansion as demonstrated on RD17 Exhibit page 1 and RD17 Exhibit page 2 attached (see Exhibits "8" and "9"); notwithstanding the foregoing, TLG does not accept any change in boundary affecting the accepted position of the TLG west property line as first recorded at the time that TLG/Harris family purchased an interest in the TLG property in 1968 per recorded instrument #3246-OR-171; and
- D. TLG receives full and complete compensation for any property interests required from TLG by any public or quasi-public agency and providing that fair and complete compensation shall include any associated severance, consequential damages, unforeseeable costs or expenses, losses, or damages without limitation created and other forms of compensation authorized, allowed or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure affecting the TLG properties.

II. Levee to be relocated to any other position affecting the TLG Property:

TLG is supportive of the City of Manteca's consideration to construct a new levee that will meet SB5 compliance requirements under the following conditions:

- A. Reasonable accommodations will be made so that TLG can continue the almond farming operation on all remaining areas of the TLG property that are not acquired by any public or quasi public agency in support of SB5 levee compliance; and
- B. TLG receives full and complete compensation for any property interests required from TLG by any public or quasi-public agency and providing that fair and complete compensation shall include any associated severance, consequential damages, unforeseeable costs or expenses, losses, or damages without limitation created and other forms of compensation authorized, allowed or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure affecting the TLG properties.

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III. Antone Raymus Expressway/Public Road expansion and extension over and across portions of the TLG farm property: TLG is supportive of the City of Manteca's consideration to utilize, extend and/or expand the 50' wide Public Roadway, currently providing 80,000 pound truck-trailer access to the TLG farm property, in accordance with that certain April 18, 1923 deed recorded by instrument Book A, Volume 262 of Deeds, page 290, San Joaquin County, provided however that;

A. The public Roadways location and availability for continuing public use is consistent with the present location of the public road, for that certain portion of roadway crossing the levee as called out in supporting deeds recorded and exhibits maps attached:

1. Book A, Volume 262 of Deeds, Page 241, San Joaquin County, recorded on February 14, 1922 (see Exhibit 10)
2. Book A, Volume 262 of Deeds, Page 290, San Joaquin County, recorded on April 18, 1923 (see Exhibit 11) and
3. Book A, Volume 549 of Deeds, Page 253, San Joaquin County, recorded on June 15, 1923 (see Exhibit 12)
4. A San Joaquin County Road Exhibit (see Exhibit 7)
5. With the public roadway further described and detailed on the "May 1, 2013 MacKay and Somsps Record Property Lines and Easement Exhibit" (see Exhibit 13)
6. VVH Consulting Engineers Survey exhibit map attached (see Exhibit 14)

which, upon a close analysis and evaluation of the exhibits identified and included in this subsection III above, describes a roadway in a form that appears to closely follow and align with the lines of the roadway currently in place and existing on the ground as currently being utilized in support of continuing vehicular traffic extending from Woodward Avenue, south, over and across the Element IX RD17 levee system which serves as TLG'S sole 80,000# truck-trailer access to the TLG property; and

- B. TLG shall not be prevented from continuing its current use of the public roadway or suffer any temporary or permanent interruption of its current use before, during and after roadway construction relating to the expansion and extension of the public roadway in accordance with the anticipated Antone Raymus Expressway dedication and construction; and
- C. Accommodations will be made to the design and construction of the Antone Raymus Expressway allowing for TLG'S continued property access use of the public roadway

TERRA LAND GROUP, LLC

after the Antone Raymus Expressway modifications and expansion to the current public roadway are completed; and

- D. Accommodations will be made so that TLG can continue the almond farming operation on all remaining areas that are not acquired by the City of Manteca or any other public or quasi-public agency in support of construction of the Antone Raymus Expressway; and
- E. TLG receives full and complete compensation for any property interests required from TLG by any public or quasi-public agency and providing that fair and complete compensation shall include any associated severance, consequential damages, unforeseeable costs or expenses, losses, or damages without limitation created and other forms of compensation authorized, allowed or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure affecting the TLG properties.

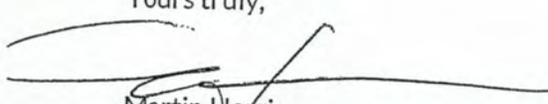
In closing, and because the TLG property ground surface level elevation is low in conjunction with a high groundwater level, TLG is uncertain as to the feasibility of pursuing any future use on its property that does not involve farming.

In addition, TLG does not believe that it is qualified to form or voice any opinion on any Antone Raymus Expressway or Dryland levee extension alignments other than to request that any future alignment accepted and approved by the City of Manteca provides adequate protections and accommodations relating to:

- A. maintaining historic flood water elevation impacts by incorporating adequate design provisions to accommodate timely flood water drainage; and
- B. maintain groundwater elevation levels as currently existing; and
- C. allowing for groundwater recharge; and
- D. allowing for waterside property owners to maintain their right and ability to continue to farm their property.

Thank you for your attention to this very important matter.

Yours truly,



Martin Harris
for Terra Land Group, LLC.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

MH/jas

- 1) Ex. "1": 12/15/15 Letter to the Manteca City Council from Terra Land Group/Martin Harris, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits
- 2) Ex. "2": 12/15/15 Letter to the Manteca City Council from Terra Land Group/Bryce Perkins, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits
- 3) Ex. "3": 11/24/15 Letter to the City of Manteca Planning Commission from Terra Land Group, Re: "Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"
- 4) Ex. "4": VVH Consulting Engineers March 2016 RD17-1 Exhibit
- 5) Ex. "5": VVH Consulting Engineers March 2016 RD17-2 Exhibit
- 6) Ex. "6": VVH Consulting Engineers March 2016 RD17-3 Exhibit
- 7) Ex. "7": MacKay & Soms May 1, 2013 Record of Property Lines & Easements Exhibit - RD17 Elements VIII through XI
- 8) Ex. "8": KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County Levee Toe Plus 20 Feet Draft Site Exhibit A, Page 1
- 9) Ex. "9": KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County Existing Levee Easement Draft Site Exhibit A, Page 2
- 10) Ex. "10": Public Road Deed Recorded February 14, 1922
- 11) Ex. "11": Public Road Deed Recorded April 18, 1923
- 12) Ex. "12": Lenfest to Leis Deed Recorded June 15, 1923
- 13) Ex. "13": San Joaquin County Road Map #57, Revised April 27, 1999, showing April 18, 1923 recorded Deed as measured 80 Rods (1,320 feet) East of Section Line Common to Sections 11 and 12, and Sections 13 and 14
- 14) Ex. "14": VVH Consulting Engineers March 2016 VVH-1B Exhibit/TLG 230-acre Property Map

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

Ex. "1":

12/15/15 Letter to the Manteca City Council from Terra Land Group/Martin Harris, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits

TERRA LAND GROUP, LLC

December 15, 2015

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

**Re: City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment
No. GPA-15-42 & Rezone No. REZ-15-43**

Dear Council Members:

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

(Total Acreage: 230.6 acres)

I am not sure how many of the City Council Members have seen the TLG farm property, but currently, approximately 32,000 almond trees are planted and cover an area exceeding 200 acres in total size. It truly represents agriculture at its finest.

In 2013, TLG made a decision to enter into a 25-year almond lease after a careful analysis which included several private and public meetings involving the City of Manteca. (See Exhibits)

On November 24, 2015, the City of Manteca Planning Commission approved a City of Manteca Planning Department recommendation to temporarily rezone portions of the TLG farm property (APN 241-330-32) to Very Low Density Residential ("VLDR") and Open Space ("OS").

In support of the City of Manteca's currently unidentified needs for various types of municipal and/or public services infrastructure supporting development in and around the City of Manteca, TLG accepts the City of Manteca's Planning Department staff's reclassification to the TLG zoning; however, TLG believes that the VLDR zoning use and the associated opportunity for housing development which may occur on the TLG property is many years away and may prove unfeasible over time.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

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TLG further believes that it is important to add that no one has approached TLG to demonstrate any serious interest in buying any of the three parcels making up the 230-acre farm property.

In addition, TLG would like the City of Manteca to know that TLG is committed to farming and intends to continue the existing almond operation on the TLG property to protect the best interests of the TLG almond tenant currently farming the TLG property as well as to protect any associated legal obligations that TLG believes it may have as to that same tenant.

It is for this reason that I write this letter.

Further, TLG believes that currently unidentified municipal and/or public services infrastructure may be planned for portions of the TLG 230-acre farm property. TLG also believes that any future municipal and/or public services infrastructure that may be constructed on the TLG property may have the potential to ultimately affect and adversely impact the almond farming operations currently in place. With this in mind, TLG expects that the City of Manteca will make reasonable accommodations to allow for the continuing almond farming operation on all remaining areas of the TLG farm property that are not acquired by any public or quasi public agency to support the developing and/or currently developed needs of our community.

Thank you.

In Trust,



Martin Harris
Terra Land Group, LLC

MH/jas

Enclosures:

- 1) Ex. "1": August 13, 2013 letter to Erika Durrer and Rochelle Henson, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 2) Ex. "2": August 22, 2013 letter to Rochelle Henson and Erika Durrer, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 3) Ex. "3": August 27, 2013 letter to City of Manteca Planning Commission from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 4) Ex. "4": September 17, 2013 letter to Manteca City Council from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

- 5) Ex. "5": September 20, 2013 Manteca Bulletin news article "Condos coming along extension of Center Street"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

Dear Erika and Rochelle,

As you are aware, Martin Harris is an authorized representative for Terra Land Group LLC and writes this letter for the purpose of memorializing the discussion held with planning staff on June 24, 2013. Further, this letter is written in third person for clarity.

On June 11, 2013, Martin Harris attended a public workshop at the City of Manteca Council Chambers that was held in conjunction with a regularly scheduled planning commission meeting.

At that meeting, Martin Harris addressed the commission members and stated concerns relating to unidentified City of Manteca General Plan Zoning changes that might effect Terra Land Group owned properties identified in a public notice sent to Terra Land Group on June 05, 2013.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels totals approximately 230 acres.

Specifically, Martin Harris brought to the commissions attention several important issues concerning zoning changes to the properties under consideration as detailed below:

1. The property under consideration totals approximately 230 acres and is situated in the City of Manteca.
2. The entire property is situated south of the RD 17 levy and is currently located in the one-hundred year flood plain. Anticipated development appears to be a significant amount of time away.
3. Several years ago, the property was included as part of a larger annexation into the City of Manteca with the understanding that Terra Land Group would ultimately be allowed to make improvements to the property and develop in accordance with the low Density Residential Zoning that currently exists on portions of the property.

4. The property is currently being utilized for agricultural purposes with close to 220 acres of tomatoes under production.
5. At the time that the 230 acres was annexed into the City of Manteca, the Harris' were assured that they could continue to farm the property until such time that the Harris' choose to develop those certain portions of the property in accordance with the Low Density Residential zoning currently in place.
6. Harris' intend to make capital improvements to the properties by purchasing two new air quality emissions compliant diesel engines to power the deep water agricultural irrigation wells on the properties as mandated by the San Joaquin Valley Air Control District.
7. Harris' final comments voiced concerns that the general plan reclassification process might be part of a calculated land grab for the purposes of establishing a park system that eventually would allow the City of Manteca to claim the land to create replacement spray fields which would replace current city owned spray fields under consideration for commercial development.

Upon completion of Martin Harris' remarks, Manteca Planning Staff present, offered to schedule a private meeting to address Harris' concerns.

This led to a June 24, 2013, meeting between Erika Durrer and Rochelle Henson representing the City of Manteca Planning Department with Martin and Josh Harris representing the Harris' interest in the property.

During that meeting, both Manteca Staff Members explained details of the Manteca general plan update process.

Specifically, the two staff members described a process that would involve two steps.

The first step would be to temporarily reclassify the property into a single temporary designation and the second step would result in a final targeted reclassification that would protect and maintain the future zoning use on the portions of the property which are currently zoned "Low Density Residential", while allowing for the non-designated portions of the property to be reclassified as open space.

Martin Harris specifically asked if this was a "bait and switch arrangement". Both Erika Durrer and Rochelle Henson assured the Harris' that the final outcome would maintain the "Low Density Residential" zoning classification consistent with zoning currently existing on the property.

In addition, planning staff assured the Harris' that the City of Manteca had no current plans to develop a park system on any portions of the property, and further added that there were no city funds available to do it.

At this point, the conversation switched to the Harris' ability to continue their agricultural farming operations on the property.

Both Erika Durrer and Rochelle Henson assured the Harris' that the reclassification change would have no impact on the Harris' desire to continue the farming operations currently on the property.

Martin Harris inquired as to whether Terra Land Group could potentially replace a failed Agricultural well or upgrade either the two (2) government regulated diesel pump engines supplying irrigation water to the property?

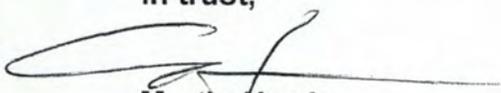
Rochelle Henson responded that the City would support the Harris' need to invest in capital projects necessary to maintain a reliable irrigation water supply to the property for the purpose of sustaining current agricultural use pending future development.

Rochelle Henson went on to state that Terra Land Group would be expected to contact the City of Manteca Planning Department prior to beginning any capital improvements necessary to support the continuing farming operations on the property.

The meeting ended with Martin Harris stating to Erika Durrer and Rochelle Henson that he felt reassured, and that he appreciated the City's efforts in addressing the Harris' concerns relating to the Harris' current and future use of their property.

In closing, the Harris' are committed to placing their trust that the City of Manteca will take any and all appropriate actions, concerning the anticipated modification to the general plan, in order to protect the Harris' best interest in accordance with the assurances made by City Planning Staff during the meeting held on 06-24-13.

In trust,



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 22, 2013
Mail & hand delivery

Rochelle Henson & Erika Durrer
City of Manteca Planning Dept.
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca notice requirements for continuing Agricultural operations at APN #241-330-32, #241-330-33 and #241-320-60

Dear Rochelle & Erika,

As you are aware, I am the authorized representative for Terra Land Group LLC.

At this time, I am writing this letter to comply with the notice requirements described by Rochelle Henson at the June 24, 2013 meeting I attended with both of you at the City of Manteca Planning Department.

As instructed by Rochelle, I am submitting a list of capital projects that Terra Land Group intends to pursue on the property in preparation for the 2014 growing season.

Project Scope:

1. Prepare ground for the purpose of planting approximately **220 acres of Almond trees.**
2. Install a **pressurized irrigation water delivery system** to accommodate the new orchard.
3. Replace **two each existing stationary diesel powered pump engines** that provide for deep water pumping of irrigation water to the property.

Note: The replacement of the existing diesel powered pump engines is required by the San Joaquin Air Quality Control District to meet current California Air Quality Standards.

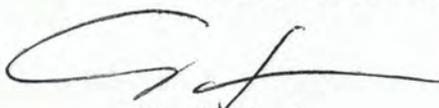
4. Seek approval with the SSJID and LAFCo for the purpose of acquiring the right to construct **delivery and storage facilities to receive surface water from SSJID.**

The cost of the project is estimated to reach a total of 2.8 million dollars.

As always, time is of the essence, as this years harvest is quickly approaching. With that in mind, I am actively involved in the negotiations necessary to proceed with the project.

Please contact me as soon as possible if there are any requirements that Terra Land Group or the Harris' must meet to comply with City requirements.

Yours truly,
Terra Land Group LLC.


Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 27, 2013

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60.

Dear Commission members,

Martin Harris is the authorized representative for Terra Land Group LLC and writes this letter in third person for clarity.

Terra Land Group owns three (3) conjoined undeveloped agricultural properties located within the City of Manteca and situated in the area south of Woodward Avenue and west of Airport Way.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels approximates 230 acres.

With that in mind, you may recall that on June 11, 2013, Martin Harris attended a regularly scheduled City of Manteca Planning Commission meeting.

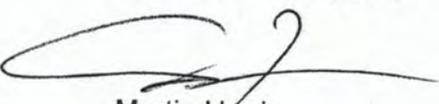
At that time, Harris addressed the commission and stated concerns relating to unidentified City of Manteca general plan zoning changes that might effect Terra Land Group owned properties identified in a public notice dated June 05, 2013.

Those concerns led to a subsequent June 24, 2013 meeting with City of Manteca planning staff, which was scheduled to address those certain issues presented by Harris to the Manteca Planning Commission at the previously scheduled June 11, 2013 meeting.

At this time, Harris, presents copies of a August 13, 2013 letter mailed to Manteca Planning Staff, detailing Harris' compilation of his personal meeting notes pertaining to the issues addressed and the statements made during the June 24, 2013 meeting.

In closing, Martin Harris would like to state that provided that the Manteca Planning Staff concur with the June 24, 2013 meeting notes as detailed in Harris' June 24, 2013 letter, Terra Land Group is prepared to pledge their support and place their trust in our City Planners and the zoning changes they seek.

In trust,
Terra Land Group LLC.


Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

September 17, 2013

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60.

Dear Council members,

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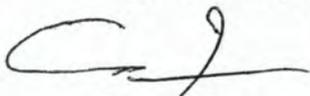
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Terra Land Group LLC.



Martin Harris

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

Dear Erika and Rochelle,

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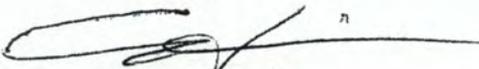
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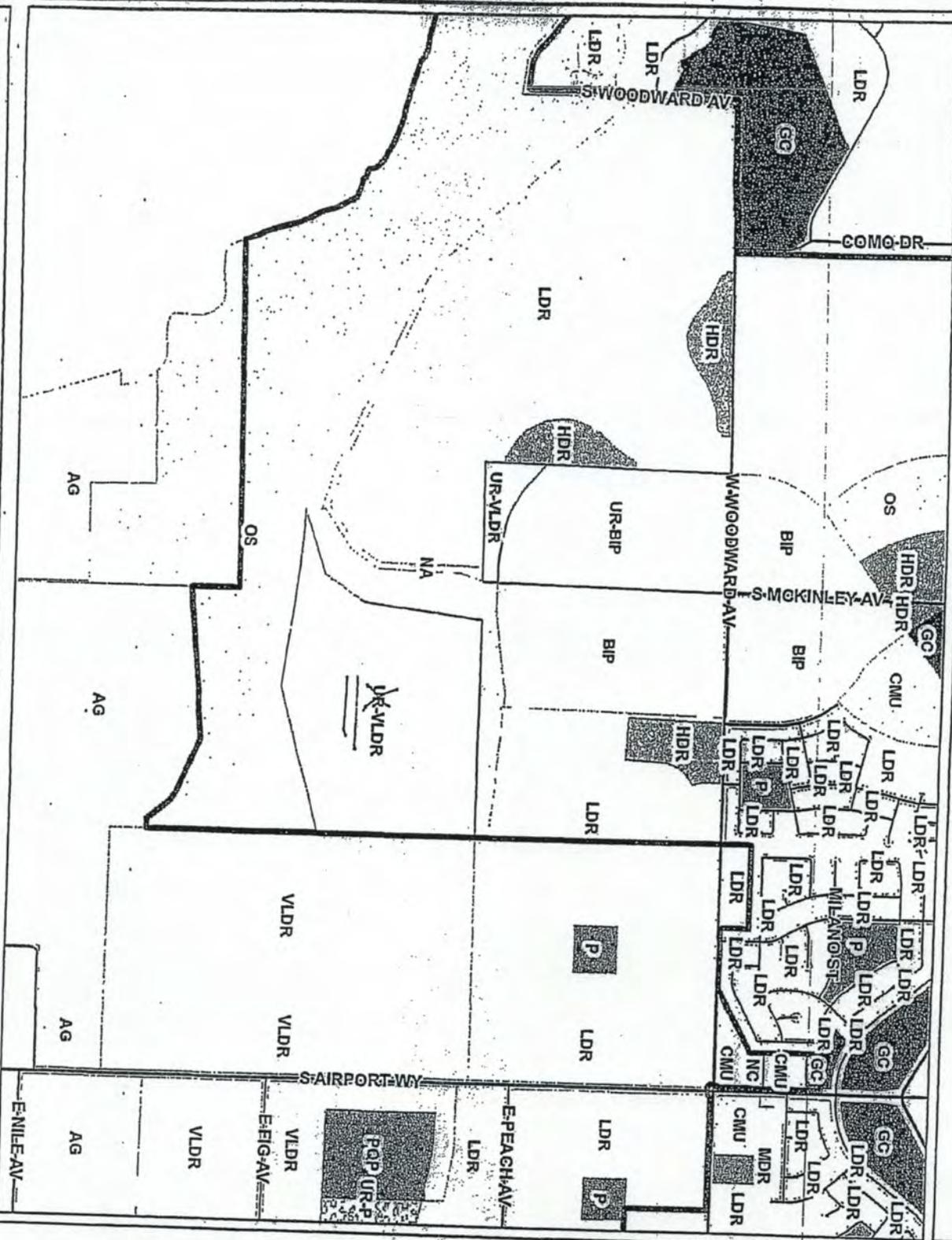
In trust,



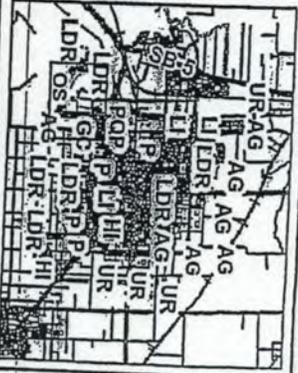
Martin Harris



CITY OF MANTECA



Data on this map is intended for general use and informational purposes only. The City of Manteca does not warrant the accuracy, quality, or completeness of data or suitability for any particular purpose. Information on this map is not intended to replace engineering, survey, or other primary research methods.



LEGEND

STREET NAMES

--- call other values >

- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 32

CITY LIMITS

- ESCALON
- LATHROP
- LODI
- MANTECA
- RIFON
- STOCKTON
- TRACY

GENERAL PLAN

- AG (Agriculture)
- NC (Neighborhood-Commercial)
- CMU (Commercial Mixed Use)
- GC (General Commercial)
- VLDL (Very Low Density Res. 0.51)
- LDR (Low Density Res. 2.1 to 8 du/
- MDR (Medium Density Res. 8.1 to
- HDR (High Density Res. 15.1 to 25
- BIP (Business Industrial Park)
- BP (Business Professional)
- LI (Light Industrial)
- HI (Heavy Industrial)
- OS (Open Space)
- P (Park)
- POP (Public/Quasi-Public)
- UR (Urban Reserve)
- UR-AG (Urban Reserve-Agriculture)

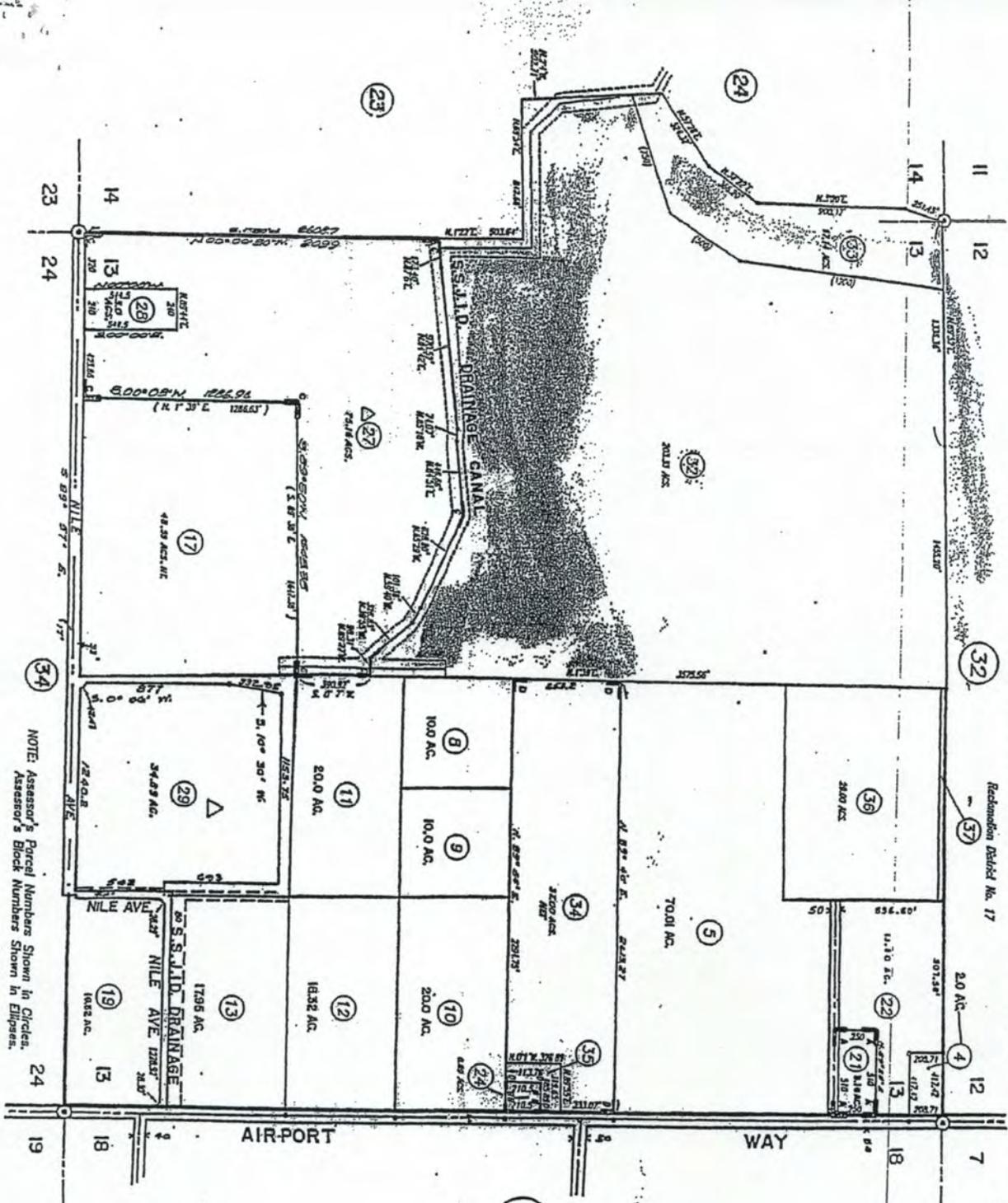
f of DISTRICT DOWNWARD
 add need to annex

SEC. 13, POR. SEC. 14, T.2S. R.6.E., M.D.B.&M.

Reclamation District No. 17

THIS MAP IS FOR
 ASSESSMENT USE ONLY

241-33



Bk. 226

△ - WILLIAMSON ACT PARCELS

A - R. S. Bk. 25 Pg. 106
 B - P. M. Bk. 05 Pg. 155
 C - P. M. Bk. 09 Pg. 148
 D - P. M. Bk. 09 Pg. 025

YEAR	HIGHEST A.P.N. USED		
	PAR. I	PAR. II	PAR. III
80-81	24		
81-82	25		
82-83	26		
83-84	27		
84-85	28		
85-86	29		
86-87	30		
87-88	31		
88-89	32		
89-90	33		
90-91	34		

NOTE: Assessor's Parcel Numbers Shown in Circles.
 Assessor's Block Numbers Shown in Ellipses.

Assessor's Map Bk.241 Pg.33
 County of San Joaquin, Calif.

Condos coming along extension of Center Street

The view from Manteca Golf Course's back nine may soon include condos.

The Community Development Department has received an application

from a developer wanting to build a 184-unit condo complex. It would



DENNIS WYATT

Executive Editor

straddle the western extension of Center Street from Trevino Avenue to St. Dominic's Drive.

The street will cut the project into two phases. Each cluster of condos north and south of the future extension of Center Street will have its own clubhouse/community center, swimming pool, tot lot, laundry and fitness facilities.

The project dubbed **Jma Place** will have 30 percent of the condos as one bedroom, 61 percent two bedrooms, and percent as three bedrooms.

The dirt on the dirt The dirt movement on a city-owned parcel across from Big League teams and the Sta-

SEE CONDOS, PAGE A8

CONDOS

FROM PAGE A1

dium Retail Center isn't for a new retail complex or hotel although that is the city's goal.

Instead it is dirt being moved in connection with a private sector project offsite that needed a place to take dirt to and from.

Public Works Director Mark Houghton said dust has been an issue at times prompting the city to require the dirt movers to use a water truck. Once, when the contractor involved wasn't available, the city sent its own water truck to the site.

Almond trees instead of homes

Here's a switch. Land long designated for housing is being planted in almonds.

Martin Harris representing the owners of Terra Land Group spoke before the Manteca City Council Tuesday to make sure the correct land use designation was being associated with

the property. The city is in the process of synching the municipal general plan essentially a blueprint for city growth — with zoning.

The long-range plan is still to build houses. But given the multiple years it takes to bring an almond orchard to maturity for harvesting and then to recoup the investment, it is clear that the land is off the residential radar for at least 10 years.

The land is in the vicinity of McKinley Avenue and Woodward Avenue in southwest Manteca.

The landowners' decision reflects the fact there are well over 8,000 proposed housing units in various stages of approval within the city.

Several council members expressed their appreciation of how smooth the general plan-zoning synching process has been. Four speakers got up Tuesday to simply go on the record, affirm they agreed with resolutions worked out with staff, and to add how

impressed they were with staff's attention and professionalism.

Council noted it is a far cry from a decade or so ago when a similar process turned into a verbal slugfest over a number of meetings in part to the communication — or lack of it — involving city planners.

The department is now being overseen by Fred-eric Clark whose roots are as an engineer originally assigned to the Public Works Department.

Parks & Rec director stepping down Manteca Parks and Recreation Director Mark Hall will be retiring in December.

Manteca Mayor Willie Weatherford lauded Hall "for the tremendous job" he has done leading the department especially in light of budget cutbacks.

To contact Dennis Wyatt, e-mail dwyatt@mantcabulletin.com

TERRA LAND GROUP, LLC

Ex. "2":

12/15/15 Letter to the Manteca City Council from Terra Land Group/Bryce Perkins, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43", with Exhibits

TERRA LAND GROUP, LLC

December 15, 2015

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment
No. GPA-15-42 & Rezone No. REZ-15-43

Dear Council Members:

My name is Bryce Perkins and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

(Total Acreage: 230.6 acres)

Background to steps taken to provide notice to the City of Manteca prior to and relating to the current almond plantings on 230-acre farm property:

1. November 2009: TLG attended the first of three public workshops detailing the City of Manteca's plans relating to the potential construction of two types of municipal and/or public services infrastructure supporting development in the area of Manteca located on or south of Woodward Avenue. The time line for the construction of the municipal and/or public services infrastructure was estimated by City of Manteca staff member Frederic Clark to be a significant number of years away.
2. June 11, 2013: TLG representative Martin Harris attended a workshop which was held during a regularly scheduled Manteca Planning Commission meeting to state TLG's concerns relating to unidentified City of Manteca zoning changes that might affect the TLG property.
3. June 24, 2013: Martin and Joshua Harris met with City of Manteca Planning Staff. (See attached)

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

4. August 22, 2013: TLG response to City of Manteca notice requirements for continuing agricultural operations and capital improvements planned on the property. (See attached)
5. August 27, 2013: TLG submitted a letter to the City of Manteca Planning Commission as part of public comments made by TLG on a City of Manteca Planning Commission General Plan zoning change agenda item scheduled for the meeting and specifically related to the TLG farm property. (See attached)
6. September 17, 2013: TLG submitted a letter to the Manteca City Council as part of public comments made by TLG on a City of Manteca General Plan zoning change agenda item scheduled for the meeting and specifically related to the TLG farm property. (See attached)
7. September 20, 2013: Manteca Bulletin news article reporting TLG's plans to plant almonds on its 230-acre farm property. (See attached)
8. October, 2013: TLG entered into a 25-year farm lease on the TLG property.
9. January 2014: Approximately 32,000 almond trees were planted on the TLG 230-acre farm property.

On October 1, 2015, TLG received a letter from the City of Manteca ("City") indicating its plans to seek approval for a City-initiated General Plan Land Use Amendment and Rezone to certain parcels that include TLG APN 241-330-32.

As a result, various TLG representatives, including myself, met with City planning department staff members Mark Meissner and Erika Durrer on three occasions (October 6, 2015, October 21, 2015 and November 12, 2015) to discuss TLG's zoning and land use preference relating to the TLG Property.

At the time of the meetings, the City offered TLG three options relating to rezoning choices on its property:

1. UR/VLDR and OS (current status)
2. VLDR and OS
3. AG and OS

As the acting spokesperson for TLG, at the time of the three (each) meetings, I expressed concerns relating to currently unidentified municipal and public services infrastructure that may be planned for installation onto the TLG Property. I further stated TLG's concerns related to how the installation of various types of infrastructure could affect current and future land uses on the TLG Property.

TERRA LAND GROUP, LLC

In addition, I expressed TLG's belief that various types of regional municipal and/or public services facilities infrastructure could be planned for the TLG Property to serve the needs of offsite development projects that may occur in other areas throughout Manteca.

Further, I inquired as to whether any funding plan would be created to compensate TLG for any land taken to serve the municipal and/or public services facilities infrastructure necessary to support other developing properties throughout the City and with the potential to extend municipal and/or public services to future developing projects that may include and/or benefit the City of Lathrop, the Austin Road Business Park, the City of Ripon, the Ripon School District and more. This led to further discussions through which city staff assured TLG that it would receive fair and adequate compensation¹ for any portion of the TLG Property supporting any regional municipal and/or public services land-based or land-secured facilities infrastructure constructed on the TLG Property that is determined to be necessary to support offsite properties in any of the current or future developing areas throughout the City and possibly beyond.

Further, City staff indicated that TLG would not be subject to any regional municipal or public services land-based or land-secured finance district participation unless and until TLG applies for and receives land use entitlements from the City for alternative uses.

Most important, City staff assured TLG representatives present at the meeting that TLG's current farming use is grandfathered in and will be allowed to continue until such time that TLG decides to change to another use.

With that in mind, City staff went on to state that the re-zoning classification would be temporary and TLG would be provided with the opportunity to re-designate the zoning use of its property as part of the General Plan process estimated to occur in the next year.

I responded that due to the uncertainty relating to the status of currently unidentified infrastructure affecting the TLG property that may be determined to be necessary to support development throughout Manteca and potentially extending beyond, TLG requested that City staff assume the responsibility to designate the TLG Property APN 241-330-32 in compliance with the agenda requirements of the November 24, 2015 Planning Commission meeting in a manner that serves the best interests of everyone affected.

In this way, the City can move forward in developing a General Plan that will allow TLG to benefit from information that only the City fully understands as to the zoning and land use designation that is most compatible with any future plans for municipal and/or public services infrastructure associated with

¹ Question: Will fair and adequate compensation provide for any associated severance, consequential damages, unforeseeable costs or expenses, losses or damages without limitation created and other forms of compensation authorized, allowed, or required by law in accordance with land compensation provisions relating to municipal and public services infrastructure?

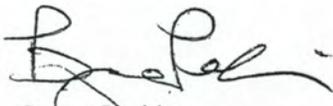
TERRA LAND GROUP, LLC

the City's projected land acquisition needs related to growth and development in any and all areas under consideration.

Finally, and due to the uncertainty of future land uses on the TLG 230-acre farm property, TLG respectfully requests that accommodations be made by the City of Manteca and any other public or quasi public agencies involved that will allow TLG and TLG's farm tenant to continue the current almond farming operation on any and all remaining portions of the TLG property that are **NOT** designated and acquired by any public or quasi public agency for future municipal and/or public services facilities infrastructure use.

Thank you for your attention to this very important matter.

Yours Truly,



Bryce Perkins
Terra Land Group, LLC

BP/jas

Enclosures:

- 1) Ex. "1": August 13, 2013 letter to Erika Durrer and Rochelle Henson, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 2) Ex. "2": August 22, 2013 letter to Rochelle Henson and Erika Durrer, City of Manteca from TLG
Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 3) Ex. "3": August 27, 2013 letter to City of Manteca Planning Commission from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 4) Ex. "4": September 17, 2013 letter to Manteca City Council from TLG Re: *General plan update for APN 241-330-32, 241-330-33 and 241-320-60*
- 5) Ex. "5": September 20, 2013 Manteca Bulletin news article "*Condos coming along extension of Center Street*"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Terra Land Group
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

Dear Erika and Rochelle,

As you are aware, Martin Harris is an authorized representative for Terra Land Group LLC and writes this letter for the purpose of memorializing the discussion held with planning staff on June 24, 2013. Further, this letter is written in third person for clarity.

On June 11, 2013, Martin Harris attended a public workshop at the City of Manteca Council Chambers that was held in conjunction with a regularly scheduled planning commission meeting.

At that meeting, Martin Harris addressed the commission members and stated concerns relating to unidentified City of Manteca General Plan Zoning changes that might effect Terra Land Group owned properties identified in a public notice sent to Terra Land Group on June 05, 2013.

These properties are further identified as follows:

APN #241-330-32

APN #241-330-33

APN #241-320-60

Total acreage for the three parcels totals approximately 230 acres.

Specifically, Martin Harris brought to the commissions attention several important issues concerning zoning changes to the properties under consideration as detailed below:

1. The property under consideration totals approximately 230 acres and is situated in the City of Manteca.
2. The entire property is situated south of the RD 17 levy and is currently located in the one-hundred year flood plain. Anticipated development appears to be a significant amount of time away.
3. Several years ago, the property was included as part of a larger annexation into the City of Manteca with the understanding that Terra Land Group would ultimately be allowed to make improvements to the property and develop in accordance with the low Density Residential Zoning that currently exists on portions of the property.

4. The property is currently being utilized for agricultural purposes with close to 220 acres of tomatoes under production.
5. At the time that the 230 acres was annexed into the City of Manteca, the Harris' were assured that they could continue to farm the property until such time that the Harris' choose to develop those certain portions of the property in accordance with the Low Density Residential zoning currently in place.
6. Harris' intend to make capital improvements to the properties by purchasing two new air quality emissions compliant diesel engines to power the deep water agricultural irrigation wells on the properties as mandated by the San Joaquin Valley Air Control District.
7. Harris' final comments voiced concerns that the general plan reclassification process might be part of a calculated land grab for the purposes of establishing a park system that eventually would allow the City of Manteca to claim the land to create replacement spray fields which would replace current city owned spray fields under consideration for commercial development.

Upon completion of Martin Harris' remarks, Manteca Planning Staff present, offered to schedule a private meeting to address Harris' concerns.

This led to a June 24, 2013, meeting between Erika Durrer and Rochelle Henson representing the City of Manteca Planning Department with Martin and Josh Harris representing the Harris' interest in the property.

During that meeting, both Manteca Staff Members explained details of the Manteca general plan update process.

Specifically, the two staff members described a process that would involve two steps.

The first step would be to temporarily reclassify the property into a single temporary designation and the second step would result in a final targeted reclassification that would protect and maintain the future zoning use on the portions of the property which are currently zoned "Low Density Residential", while allowing for the non-designated portions of the property to be reclassified as open space.

Martin Harris specifically asked if this was a "bait and switch arrangement". Both Erika Durrer and Rochelle Henson assured the Harris' that the final outcome would maintain the "Low Density Residential" zoning classification consistent with zoning currently existing on the property.

In addition, planning staff assured the Harris' that the City of Manteca had no current plans to develop a park system on any portions of the property, and further added that there were no city funds available to do it.

At this point, the conversation switched to the Harris' ability to continue their agricultural farming operations on the property.

Both Erika Durrer and Rochelle Henson assured the Harris' that the reclassification change would have no impact on the Harris' desire to continue the farming operations currently on the property.

Martin Harris inquired as to whether Terra Land Group could potentially replace a failed Agricultural well or upgrade either the two (2) government regulated diesel pump engines supplying irrigation water to the property?

Rochelle Henson responded that the City would support the Harris' need to invest in capital projects necessary to maintain a reliable irrigation water supply to the property for the purpose of sustaining current agricultural use pending future development.

Rochelle Henson went on to state that Terra Land Group would be expected to contact the City of Manteca Planning Department prior to beginning any capital improvements necessary to support the continuing farming operations on the property.

The meeting ended with Martin Harris stating to Erika Durrer and Rochelle Henson that he felt reassured, and that he appreciated the City's efforts in addressing the Harris' concerns relating to the Harris' current and future use of their property.

In closing, the Harris' are committed to placing their trust that the City of Manteca will take any and all appropriate actions, concerning the anticipated modification to the general plan, in order to protect the Harris' best interest in accordance with the assurances made by City Planning Staff during the meeting held on 06-24-13.

In trust,



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 22, 2013
Mail & hand delivery

Rochelle Henson & Erika Durrer
City of Manteca Planning Dept.
1001 W. Center St.
Manteca, CA 95337

Re: City of Manteca notice requirements for continuing Agricultural operations at
APN #241-330-32, #241-330-33 and #241-320-60

Dear Rochelle & Erika,

As you are aware, I am the authorized representative for Terra Land Group LLC.

At this time, I am writing this letter to comply with the notice requirements described by Rochelle Henson at the June 24, 2013 meeting I attended with both of you at the City of Manteca Planning Department.

As instructed by Rochelle, I am submitting a list of capital projects that Terra Land Group intends to pursue on the property in preparation for the 2014 growing season.

Project Scope:

1. Prepare ground for the purpose of planting approximately **220 acres of Almond trees.**
2. Install a **pressurized irrigation water delivery system** to accommodate the new orchard.
3. Replace **two each existing stationary diesel powered pump engines** that provide for deep water pumping of irrigation water to the property.

Note: The replacement of the existing diesel powered pump engines is required by the San Joaquin Air Quality Control District to meet current California Air Quality Standards.

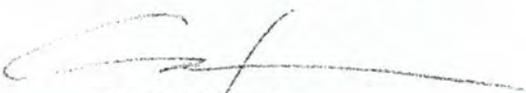
4. Seek approval with the SSJID and LAFCo for the purpose of acquiring the right to construct **delivery and storage facilities to receive surface water from SSJID.**

The cost of the project is estimated to reach a total of 2.8 million dollars.

As always, time is of the essence, as this years harvest is quickly approaching. With that in mind, I am actively involved in the negotiations necessary to proceed with the project.

Please contact me as soon as possible if there are any requirements that Terra Land Group or the Harris' must meet to comply with City requirements.

Yours truly,
Terra Land Group LLC.



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

August 27, 2013

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60.

Dear Commission members,

Martin Harris is the authorized representative for Terra Land Group LLC and writes this letter in third person for clarity.

Terra Land Group owns three (3) conjoined undeveloped agricultural properties located within the City of Manteca and situated in the area south of Woodward Avenue and west of Airport Way.

These properties are further identified as follows:

APN #241-330-32
APN #241-330-33
APN #241-320-60

Total acreage for the three parcels approximates 230 acres.

With that in mind, you may recall that on June 11, 2013, Martin Harris attended a regularly scheduled City of Manteca Planning Commission meeting.

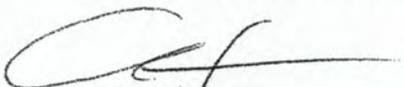
At that time, Harris addressed the commission and stated concerns relating to unidentified City of Manteca general plan zoning changes that might effect Terra Land Group owned properties identified in a public notice dated June 05, 2013.

Those concerns led to a subsequent June 24, 2013 meeting with City of Manteca planning staff, which was scheduled to address those certain issues presented by Harris to the Manteca Planning Commission at the previously scheduled June 11, 2013 meeting.

At this time, Harris, presents copies of a August 13, 2013 letter mailed to Manteca Planning Staff, detailing Harris' compilation of his personal meeting notes pertaining to the issues addressed and the statements made during the June 24, 2013 meeting.

In closing, Martin Harris would like to state that provided that the Manteca Planning Staff concur with the June 24, 2013 meeting notes as detailed in Harris' June 24, 2013 letter, Terra Land Group is prepared to pledge their support and place their trust in our City Planners and the zoning changes they seek.

In trust,
Terra Land Group LLC.


Martin Harris

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August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
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Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60

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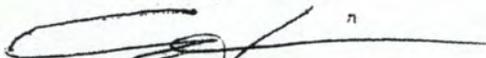
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In trust,



Martin Harris

Terra Land Group LLC
5151 E. Almondwood Dr.
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

September 17, 2013

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: General plan update for APN #241-330-32, #241-330-33 and #241-320-60.

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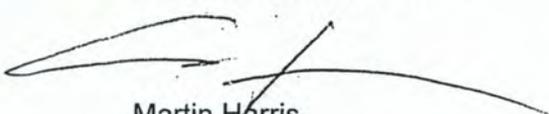
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Martin Harris

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August 13, 2013

Erika Durrer and Rochelle Henson
City of Manteca Planning Department
1001 W. Center St.
Manteca, CA 95337

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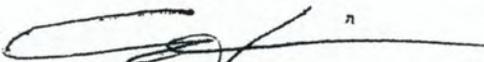
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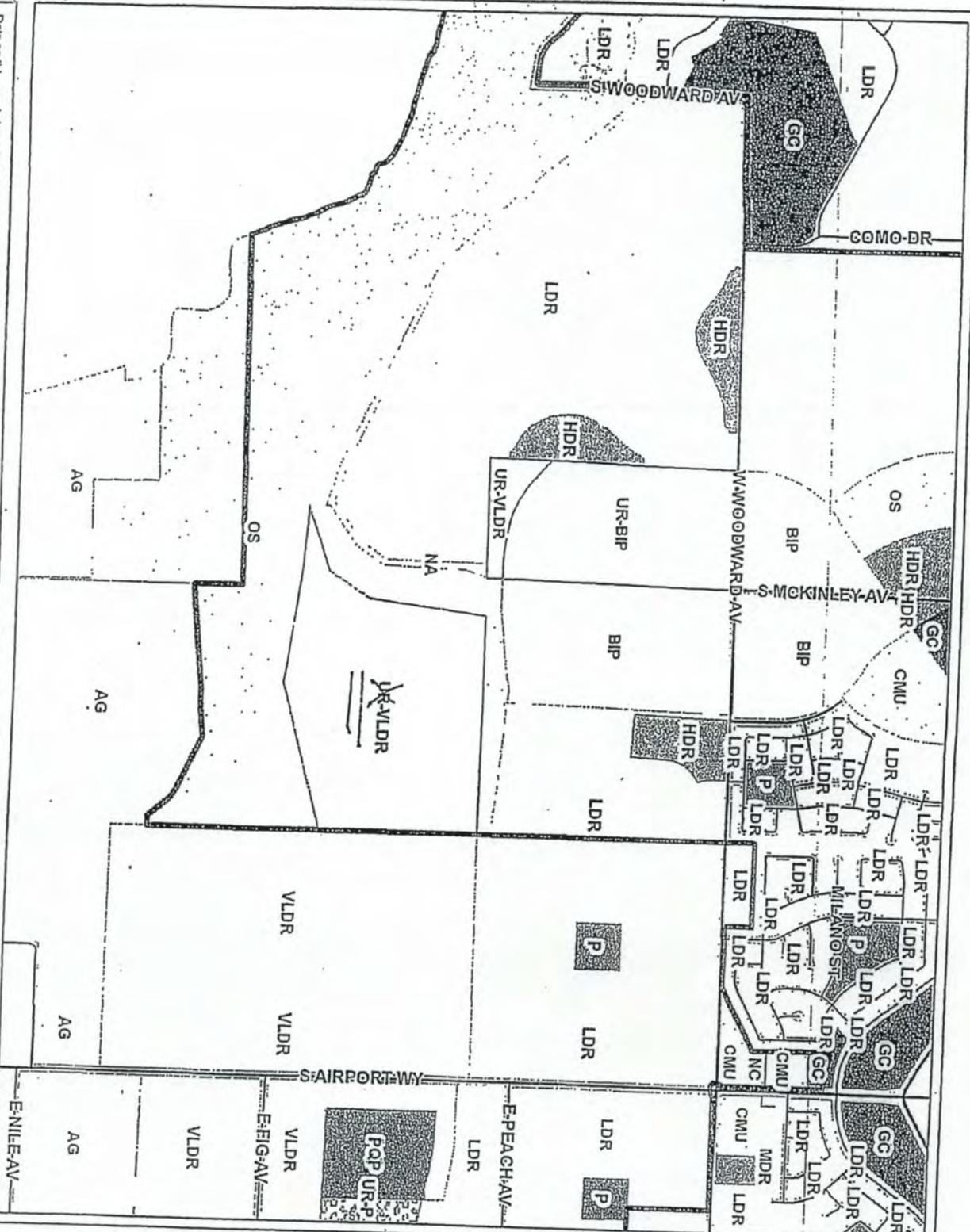
In trust,



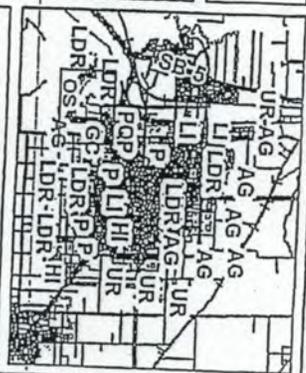
Martin Harris



CITY OF MANTECA



Data on this map is intended for general use and informational purposes only. The City of Manteca does not warrant the accuracy, quality, or completeness of data or suitability for any particular purpose. Information on this map is not intended to replace engineering, survey, or other primary research methods.



LEGEND

STREET NAMES
STREET LINES

- - - all other values
- - - 18
- - - 20
- - - 21
- - - 22
- - - 23
- - - 24
- - - 25
- - - 26
- - - 27
- - - 28
- - - 29
- - - 30
- - - 32

CITY LIMITS

- ESCALON
- LATHROP
- LODI
- MANTECA
- RIPON
- STOCKTON
- TRACY

GENERAL PLAN

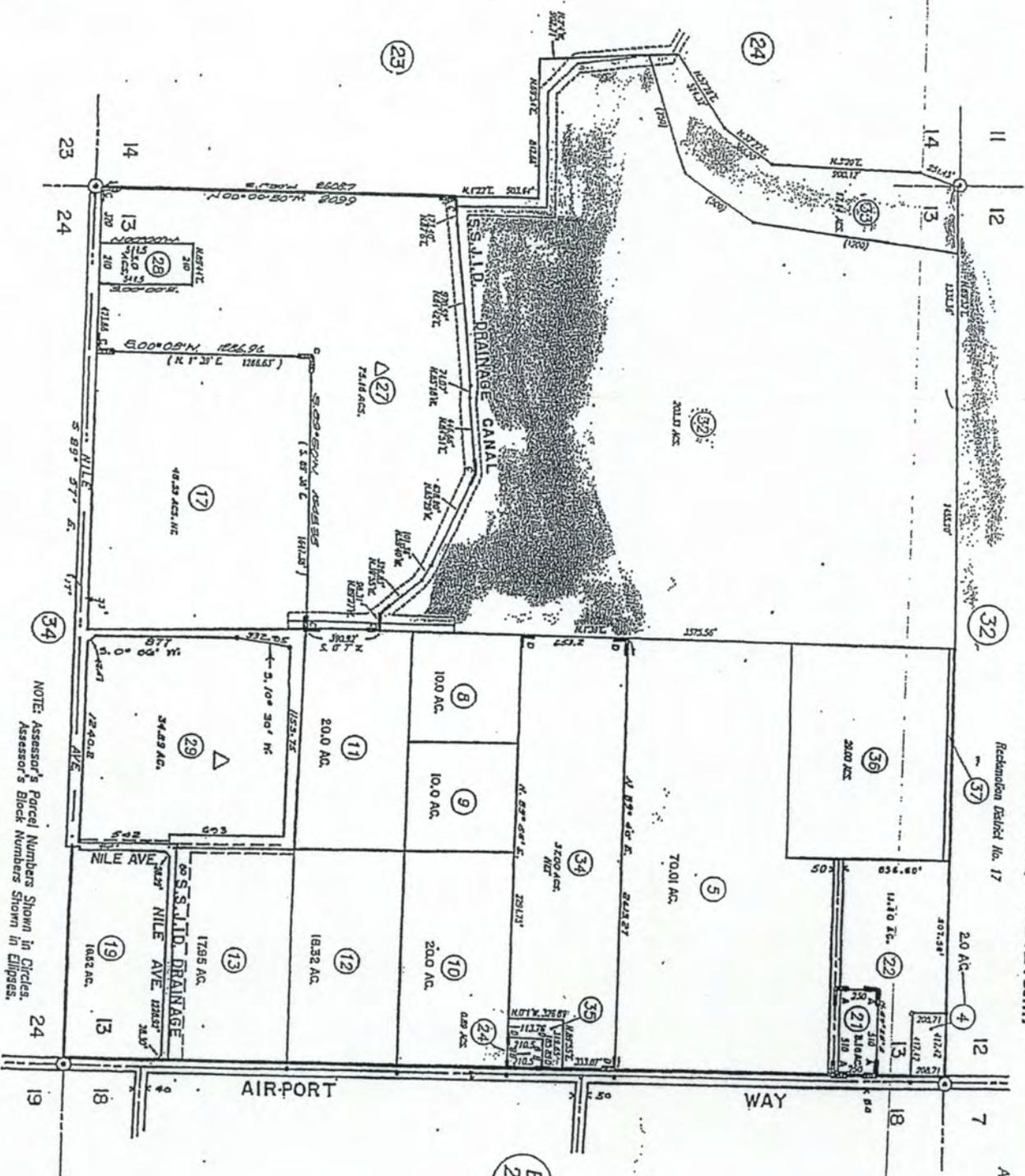
- AG (Agriculture)
- NC (Neighborhood-Commercial)
- CMU (Commercial Mixed Use)
- GC (General Commercial)
- VLDL (Very Low Density Res. 0.51)
- LDR (Low Density Res. 2.1 to 8 du)
- MDR (Medium Density Res. 8.1 to 15 du)
- HDR (High Density Res. 15.1 to 25 du)
- BP (Business Professional)
- LI (Light Industrial)
- HI (Heavy Industrial)
- OS (Open Space)
- P (Park)
- POP (Public/Quasi-Public)
- UR (Urban-Reserve)
- UR-AG (Urban-Reserve-Agriculture)

It of District boundaries
 and need to annex

SEC. 13, POR. SEC. 14, T.2S. R.6.E., M.D.B.&M.

THIS MAP IS FOR
 ASSESSMENT USE ONLY

241-33



- A - R. S. Bk. 25 Pg. 106
- B - P. M. Bk. 06 Pg. 135
- C - P. M. Bk. 09 Pg. 146
- D - P. M. Bk. 09 Pg. 055

△ - WILLIAMSON ACT PARCELS

HIGHEST APN. USED	
YEAR	PAR. / PAR. / PAR. /
80-81	24
81-82	29
83-84	31
87-88	31
88-89	35
89-90	35
10-11	37

NOTE: Assessor's Parcel Numbers Shown in Circles.
 Assessor's Block Numbers Shown in Clippings.

Assessor's Map Bk. 241 Pg. 33
 County of San Joaquin, Calif.

Condos coming along extension of Center Street

The view from Manteca Golf Course's back nine may soon include condos.

The Community Development Department has received an application

from a developer wanting to build a 184-unit condo complex. It would



DENNIS WYATT

Executive Editor

straddle the western extension of Center Street from Trevino Avenue to St. Dominic's Drive.

The street will cut the project into two phases. Each cluster of condos north and south of the future extension of Center Street will have its own clubhouse/community center, swimming pool, tot lot, laundry and fitness facilities.

The project dubbed Alma Place will have 30 percent of the condos as one bedroom, 61 percent as two bedrooms, and 9 percent as three bedrooms.

The dirt on the dirt The dirt movement on the city-owned parcel across from Big League Dreams and the Sta-

SEE CONDOS, PAGE A8

CONDOS

FROM PAGE A1

dium Retail Center isn't for a new retail complex or hotel although that is the city's goal.

Instead it is dirt being moved in connection with a private sector project offsite that needed a place to take dirt to and from.

Public Works Director Mark Houghton said dust has been an issue at times prompting the city to require the dirt movers to use a water truck. Once, when the contractor involved wasn't available, the city sent its own water truck to the site.

Almond trees instead of homes

Here's a switch: Land long designated for housing is being planted in almonds.

Martin Harris representing the owners of Terra Land Group spoke before the Manteca City Council Tuesday to make sure the correct land use designation was being associated with

the property. The city is in the process of synching the municipal general plan essentially a blueprint for city growth — with zoning.

The long-range plan is still to build houses. But given the multiple years it takes to bring an almond orchard to maturity for harvesting and then to recoup the investment, it is clear that the land is off the residential radar for at least 10 years.

The land is in the vicinity of McKinley Avenue and Woodward Avenue in southwest Manteca.

The landowners' decision reflects the fact there are well over 8,000 proposed housing units in various stages of approval within the city.

Several council members expressed their appreciation of how smooth the general plan-zoning synching process has been. Four speakers got up Tuesday to simply go on the record, affirm they agreed with resolutions worked out with staff, and to add how

impressed they were with staff's attention and professionalism.

Council noted it is a far cry from a decade or so ago when a similar process turned into a verbal slugfest over a number of meetings in part to the communication — or lack of it — involving city planners.

The department is now being overseen by Fred-eric Clark whose roots are as an engineer originally assigned to the Public Works Department.

Parks & Rec director stepping down Manteca Parks and Recreation Director Mark Hall will be retiring in December.

Manteca Mayor Willie Weatherford lauded Hall "for the tremendous job" he has done leading the department especially in light of budget cutbacks.

To contact Dennis Wyatt, e-mail dwyatt@mantcabulletin.com

TERRA LAND GROUP, LLC

Ex. "3":

11/24/15 Letter to the City of Manteca Planning Commission from Terra Land Group, Re: "Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"

TERRA LAND GROUP, LLC

November 24, 2015

VIA EMAIL

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: **Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment
No. GPA-15-42 & Rezone No. REZ-15-43**

Dear Commissioners:

As you are aware from earlier letters, Terra Land Group, LLC ("TLG") owns approximately 230 acres of almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (10.13 acres)
2. APN 241-330-33 (203.33 acres)
3. APN 241-320-60 (17.14 acres)

(Total Acreage: 230.6 acres)

On October 1, 2015, TLG received a letter from the City of Manteca ("City") indicating its plans to seek approval for a City-initiated General Plan Land Use Amendment and Rezone to certain parcels that include TLG APN 241-330-32.

As a result, various TLG representatives, including myself, met with Mark Meissner and Erika Durrer on three occasions (October 6, 2015, October 21, 2015 and November 12, 2015) to discuss TLG's zoning and land use preference relating to the TLG Property.

At the time of the meetings, the City offered TLG three options relating to rezoning choices on its property:

1. UR/VLDR and OS (current status)
2. VLDR and OS
3. AG and OS

As the acting spokesperson for TLG, at the time of the three (each) meetings, I expressed concerns relating to currently unidentified municipal and public services infrastructure that may be planned for

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

installation onto the TLG Property. I further stated TLG's concerns related to how the installation of various types of infrastructure could affect current and future land uses on the TLG Property.

In addition, I expressed TLG's belief that various types of regional municipal and/or public services facilities infrastructure could be planned for the TLG Property to serve the needs of offsite development projects that may occur in other areas throughout Manteca.

Further, I inquired as to whether any funding plan would be created to compensate TLG for any land taken to serve the municipal and/or public services facilities infrastructure necessary to support other developing properties throughout the City and with the potential to extend municipal and/or public services to future developing projects that may include and/or benefit the City of Lathrop, the Austin Road Business Park, the City of Ripon, the Ripon School District and more. This led to further discussions through which city staff assured TLG that it would receive fair and adequate compensation¹ for any portion of the TLG Property supporting any regional municipal and/or public services land-based or land-secured facilities infrastructure constructed on any portion of the TLG Property that is determined to be necessary to support offsite properties in any of the current or future developing areas throughout the City and possibly beyond.

Further, City staff indicated that TLG would not be subject to any regional municipal or public services land-based or lands-secured finance district participation unless and until TLG applies for and receives land use entitlements from the City for alternative uses.

With that in mind, City staff went on to state that the re-zoning classification would be temporary and TLG would be provided with the opportunity to re-designate the zoning use of its property as part of the General Plan process estimated to occur in the next year.

I responded that due to the uncertainty relating to the status of currently unidentified infrastructure necessary to support development throughout Manteca and potentially extending beyond, TLG requested that City staff assume the responsibility to designate the TLG Property APN 241-330-32 in compliance with the agenda requirements of the November 24, 2015 Planning Commission meeting in a manner that serves the best interests of everyone involved.

In this way, the City can move forward in developing a General Plan that will allow TLG to benefit from information that only the City fully understands as to the zoning and land use designation that is most compatible with any future plans for municipal and/or public services infrastructure associated with the City's projected growth and development in any and all areas under consideration.

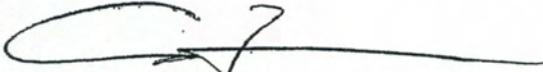
¹ Question: Will fair and adequate compensation provide for any associated severance consequential, unforeseeable costs, expenses, loss or damages without limitation created?

TERRALAND GROUP, LLC

Finally, and due to the uncertainty of future land-uses on the TLG 230-acre farm property, TLG respectfully requests that accommodations be made by the City of Manteca and any other public agencies involved that allow for the continuing almond farming operation on any and all portions of the TLG property that are **NOT** designated for future municipal and/or public services facilities infrastructure.

Thank you for your attention to this very important matter.

Yours Truly,



Martin Harris
Terra Land Group, LLC

MH/jas

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRALAND GROUP, LLC

Ex. "4":

VVH Consulting Engineers March 2016 RD17-1 Exhibit

TERRA LAND GROUP, LLC

Ex. "5":

VVH Consulting Engineers March 2016 RD17-2 Exhibit

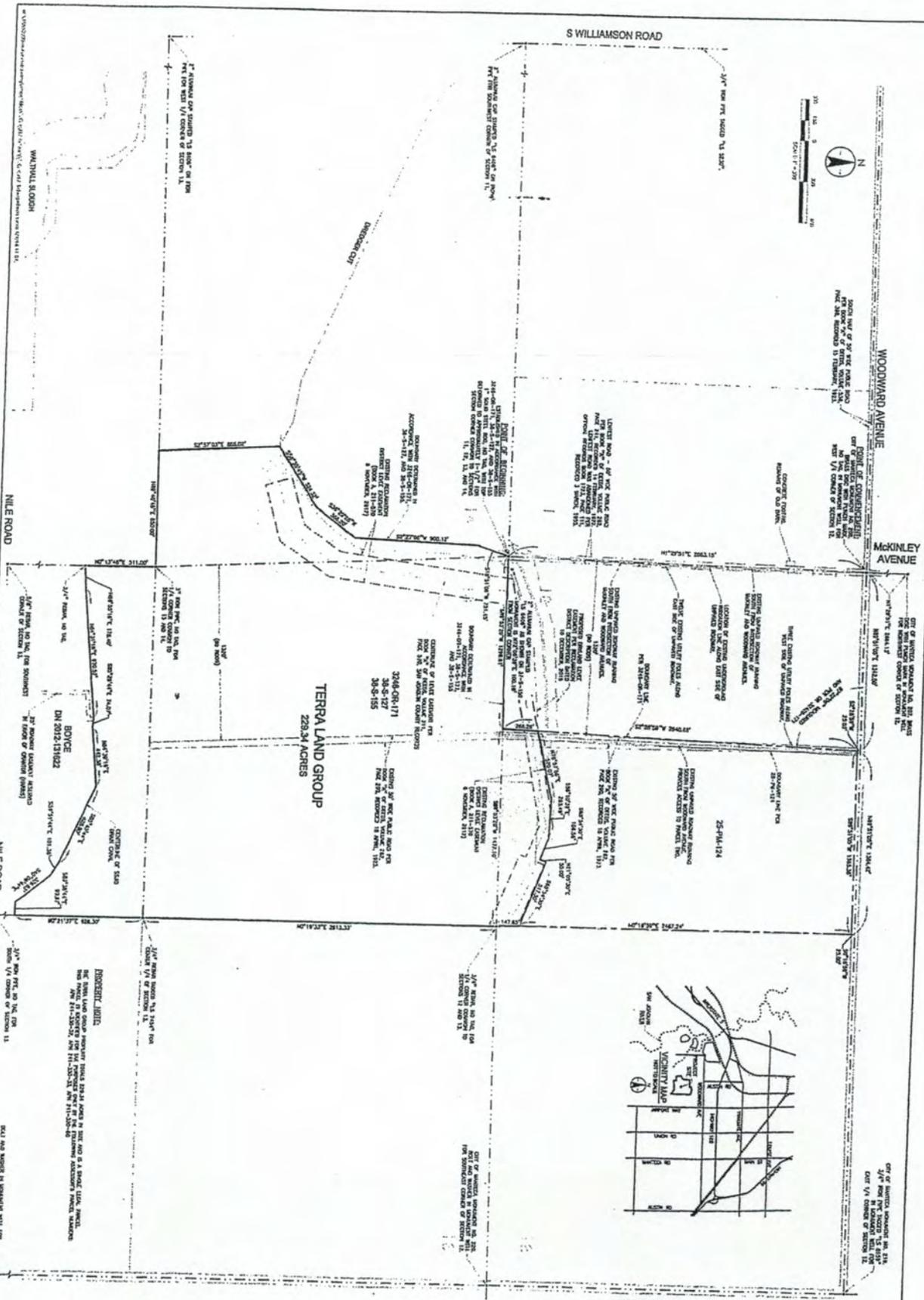
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Ex. "6":

VVH Consulting Engineers March 2016 RD17-3 Exhibit

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TERRA LAND GROUP, LLC

Woodward Avenue
Menlo Park, California

MASTER PROPERTY EXHIBIT
RECLAMATION DISTRICT EASEMENTS
PORTIONS OF SECTIONS 11, 12, 13, AND 14
TOWNSHIP 2 SOUTH, RANGE 6 EAST

MARCH 23, 2016

RD-17
3



TERRA LAND GROUP, LLC

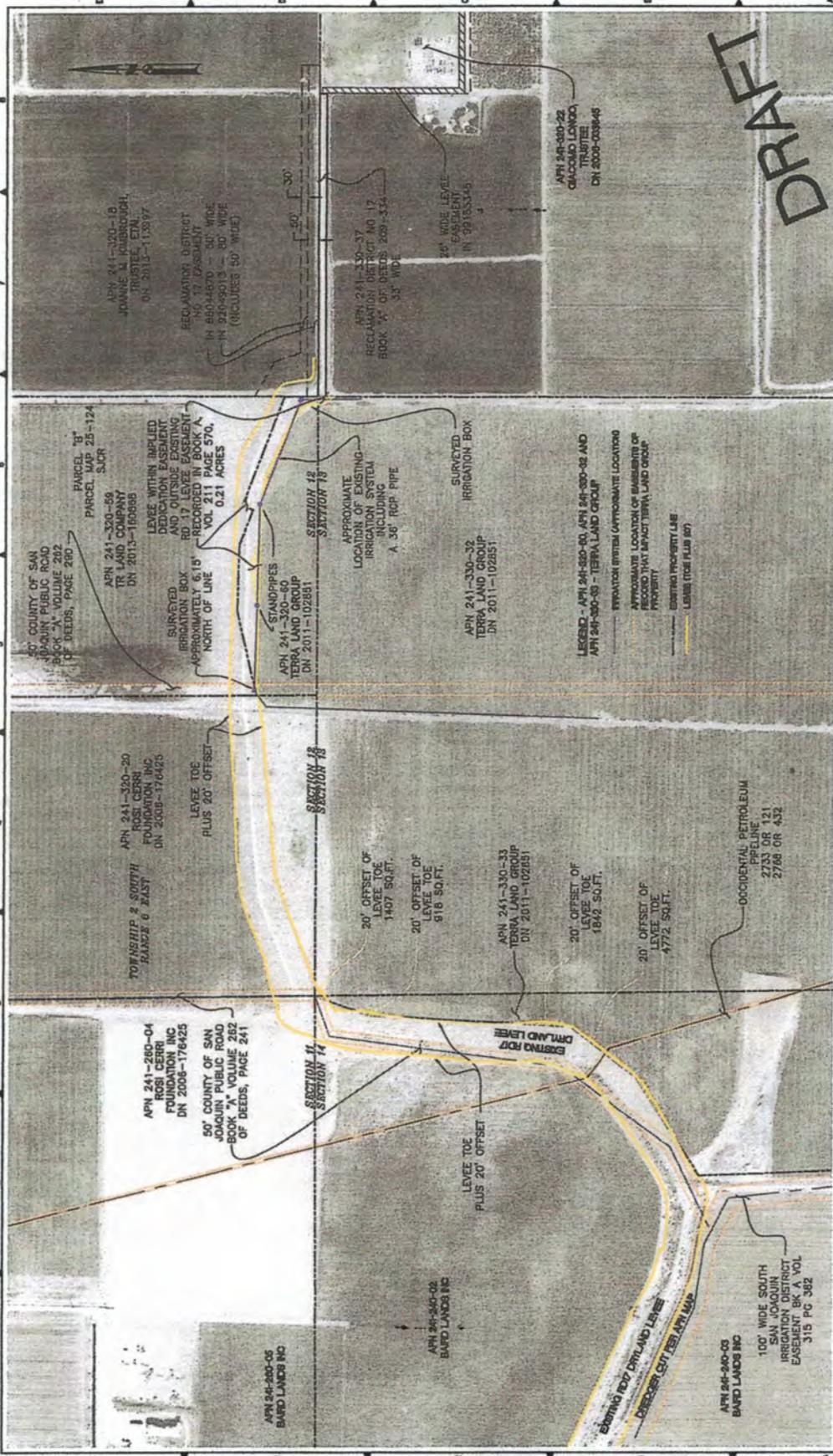
Ex. "7":

Mackay & Soms May 1, 2013 Record of Property Lines & Easements Exhibit -
RD17 Elements VIII through XI

TERRA LAND GROUP, LLC

Ex. "8":

KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County
Levee Toe Plus 20 Feet Draft Site Exhibit A, Page 1



RECLAMATION DISTRICT NO. 17
SAN JOAQUIN COUNTY
LEVEE TOE PLUS 20 FEET
DRAFT SITE EXHIBIT

EXHIBIT
A

PAGE
1

Scale: 1" = 200'

Original Drawing Date: 11/11/11

K KJELSDEN
S SINNOCK
N NEUDECK
INC.
 Civil Engineers
 and Land Surveyors

711 E. Center Street
 Suite 200
 Stockton, CA 95210-2115
 Office (209) 944-0388
 Fax (209) 944-0389
 Email: kks@kksurvey.com

THE PHOTO BACKGROUND IS PROVIDED FOR REFERENCE ONLY AND IS BASED ON AERIAL PHOTOGRAPHY. PARTIAL LOCATIONS SHOWN ARE NOT GUARANTEED.

INCLUDES COVERED AREAS OF AERIAL, GROUND, AND PHOTOGRAPHY. THIS INFORMATION IS THE PROPERTY OF KJELSDEN SINNOCK NEUDECK INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. FOR MORE INFORMATION, CONTACT KJELSDEN SINNOCK NEUDECK INC.

02-23-16-22

TERRA LAND GROUP, LLC

Ex. "9":

KSN Inc. August 10, 2015 Reclamation District No. 17 San Joaquin County
Existing Levee Easement Draft Site Exhibit A, Page 2

TERRALAND GROUP, LLC

Ex. "10":

Public Road Deed Recorded February 14, 1922

LEWIST CALVIN RAY

TO

COUNTY OF SAN JOAQUIN

THIS INDENTURE, made the Sixth day of February in the year of our Lord one thousand nine hundred and twenty-two

BETWEEN Calvin Ray Lewist, a single man,

of the County of Santa Clara State of California, the part Y of the first part, and the County of San Joaquin, State of California, the party of the second part.

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of One and 00/100 Dollars, in United States Gold Coin, to him in hand paid by the said party of the second part, at or before the encasing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted and conveyed and by these presents do grant and convey unto the said party of the second part, forever for a public road;

All that certain strip or parcel of land situate, lying and being in the County of San Joaquin, State of California, being that certain public road ~~(No. 1111111111)~~ petitioned for by et al; which is particularly described as follows, to-wit:

Commencing for the beginning at the $\frac{1}{2}$ Section corner common to Sections 11 & 12 T 2 S R 6 E. M. D.B. & M, and run thence for the center line of a 50 foot Right-of-way South on the Section line 2635 feet more or less to the center line of a levee thence along the center line of said levee South 70° 00' West 190 feet thence South 7° 30' West 1040 feet; thence $\frac{1}{2}$ 36° 30' West 600 feet; thence South 64° 06' West 400 feet to the center line of Head Levee.

And the party of the second part covenants that should the said party of the second part at any time permanently and finally by proceedings of record abandon the use of said strip or tract of land for highway purposes, then the title to said strip or tract of land shall revert back to and shall be held by, the part Y of the first part, his heirs and assigns in the same manner as if this grant had not been made.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances and incidents, unto the said party of the second part for a public highway.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set his hand and seal the day and year first above written.

Calvin Ray Lewist (Seal)

Signed, Sealed and Delivered in the presence of

This deed accepted by order of Board of Supervisors of San Joaquin County Feb. 7, 1922.

(Seal) Eugene D. Graham, Co. Clerk, By S.A. Carter, Deputy Clerk,

STATE OF CALIFORNIA, }
COUNTY OF Santa Clara. } ss.

On this 6th day of January in the year of our Lord one thousand nine hundred and Twenty Two before me H.T. Reynolds a Notary Public in and for the Santa Clara County of Santa Clara State of California, residing therein, duly commissioned and ~~sworn~~ ^{sworn} personally appeared Calvin Ray Lewist, a single person, personally known to me to be the person ~~described in and~~ whose name is subscribed to the within instrument and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Santa Clara the day and year in this certificate first above written.

(Seal) H.T. Reynolds Notary Public

My commission expires Aug. 23, 1925 in and for the County of Santa Clara, State of California.

Recorded at the request of S.A. Carter, Feb. 14, 1922,

at 51 min past 3 o'clock P.M., in Book "A," Vol. 262 of Deeds, page 241 San Joaquin County Records.

Fees: Dh

JOHN D. FINNEY, Recorder, P. W. C.

TERRA LAND GROUP, LLC

Ex. "11":

Public Road Deed Recorded April 18, 1923

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

LEAFLET CALVIN RAY THIS INDENTURE, made the sixteenth day of April in the year of our Lord one thousand nine hundred and twenty-three BETWEEN Calvin Ray Leaflet, a single man,

COUNTY OF SAN JOAQUIN of the County of Santa Clara State of California a body politic and corporate of the first part, and the County of San Joaquin State of California, the party of the second part.

COMPARED

WITNESSETH: That the said party of the first part, for and in consideration of the sum of 000 and 00/100 Dollars, in United States Gold Coin, to him in hand paid by the said party of the second part, at or before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents do grant and convey unto the said party of the second part, forever for a public road;

All that certain strip or parcel of land situate, lying and being in the County of San Joaquin, State of California, and more particularly described as follows, to-wit: Beginning at a point on the South side of the County Highway running East and West along the Half Sec. line of Sec. 12, and eighty rods East of the West line of said Sec. 12; thence running South along the eighty line of Sections 12 and 13 one mile to the Half Section line of Sec. 13; thence East fifty feet, thence North and parallel to said eighty line one mile, thence West Fifty feet to point of beginning, all of above described land being in T. 2 S. R. 6 E., M. D. B. & M., and containing Six acres more or less.

And the party of the second part covenants that should the said party of the second part at any time permanently and finally by proceedings of record abandon the use of said strip or tract of land for highway purposes, then the title to said strip or tract of land shall revert back to and shall be held by the party of the first part, his heirs and assigns in the same manner as if this grant had not been made.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances and incidents, unto the said party of the second part for a public highway.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Calvin Ray Leaflet (Seal) his deed accepted by order of Board of Supervisors of San Joaquin Co April 17, 1923 Eugene D. Graham, Co. Clerk, By E. A. Carter Dep. Clerk,

Signed, Sealed and Delivered in the presence of Approved as to description P. R. Quail, Approved as to form District Attorney,

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA,

On this 16th day of April, in the year 1923, before me

a Notary Public in and for the County of Santa Clara, personally appeared Calvin Ray Leaflet, a single man, known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he executed the same.

(Seal) Irene A. Barry Notary Public in and for the County of Santa Clara, State of California.

Recorded at the request of E. A. Carter, Apr. 18, 1923, at 11 min past 4 o'clock P.M., in Book "A" of 262 of Deeds, page 250, San Joaquin County Records.

JOHN D. FINNEY, Recorder

TERRALAND GROUP, LLC

Ex. "12":

Lenfest to Leis Deed Recorded June 15, 1923

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Elcio Morawick (his wife), or either of them, as agent in the execution of said deed of trust.
dated April 20th, 1923.

W. H. Green
J. T. Volten
Trustees.

W. H. Green, Attorney for Bank of Italy, 4-20-1923

Recorded at office of Bank of Italy, San Francisco, California, on 21st day of April, 1923, at 11:30 a.m., in Book "A" Vol. 447 of Index page 250 San Joaquin County Records.

Book: 3,00 JOHN L. WILSON Recorder. 1923

INDEXED

INDEXED

TO HAVE AND TO HOLD the same unto the said grantee, his heirs and assigns forever.
I, CALVIN RAY LEAFSTOCK, an unmarried man, herein called the grantor hereby grant to J. T. VOLTEN, an unmarried man, herein called the grantee, all my right, title and interest in and to all that certain lot, piece and parcel of real property situate, lying and being in the County of San Joaquin, State of California, and being particularly described as follows, to-wit:

The west one-half (1/2) of the southwest quarter (SW 1/4) of Section Twelve (12), Township Two (2) North, Range Six (6) East, Mount Diablo Base and Meridian.

Subject to Trust Deed, to Mercantile Trust Company, for \$12,000.00. (110.00 P.M. Stamps attached and cancelled.)

TO HAVE AND TO HOLD with an undivided one-half (1/2) interest in and to all that certain well situate, lying and being located in the said County and State in the northeast section, part or portion of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of Section Eleven (11) Township Two (2) North, Range Six (6) East, Mount Diablo Base and Meridian; and

TO HAVE AND TO HOLD with an undivided one-half (1/2) interest in and to all the waters of any kind and substance which are now taken or derived from said well, or shall be taken or derived from said well at any time in the future, or which are now situated therein, or which shall be situated therein in the future.

TO HAVE AND TO HOLD with an easement of right of way for ingress and egress, and for the installation and maintenance of a pipe line, over and upon that certain parcel of land whereon said well is located, which easement of right of way is five (5) feet, more or less in width and extends at the point on the county road running adjacent to that certain parcel of land whereon said well is located, along the easterly line thereof, which point is the least distant from said well.

TO HAVE AND TO HOLD, from the said real property first herein described, to the grantor, his heirs and assigns forever, an easement of right of way for ingress and egress, and for the installation and maintenance of a pipe line, over and upon a strip of land five (5) feet, more or less in width, running from that portion of the county road which runs adjacent to easterly boundary line of the said property herein first described, which portion is the least distant from a point located in the southeast part of the said property herein first described, at which point, yet to be determined by the parties hereto, a well is to be dug or bored and a pumping plant installed, to said point.

Also reserving to the grantor, his heirs and assigns forever, undivided one-half interest in and to all that certain well which is to be dug or bored at a point to be determined by the parties hereto, in the southeast part of said property herein first described, together with the undivided one-half interest in the pumping plant to be installed thereat, and an undivided one-half interest in and to all the waters of any kind and substance, which may be taken or derived from said well, or which may be situated therein, at any time in the future.

TO HAVE AND TO HOLD the same unto the said grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, the grantor and grantee herein have hereto set their hands this 12th day of June, 1923.

Calvin Ray Leafstock
J. T. Volten

6-15-1923
Book "A"
of
Deeds
Vol. 549
Pg. 253

377
FAM

377
FAM

STATE OF CALIFORNIA,)
County of Santa Clara.) SS.

On this 13th day of June in the year one thousand nine hundred and twenty-three before me, FRED A. HARNAY, Notary Public in and for said County of Santa Clara, residing therein, duly commissioned and sworn, personally appeared JAMES I. HARNAY, an unmarried man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the City of San Jose, County of Santa Clara, the day and year in this Certificate first above written.
(Notary Seal)

Fred A. Harnay, Notary Public,

In and for the County of Santa Clara, State of California.

My Commission Expires Feb. 21, 1926.

§ 10256 Recorded at Request of Stockton Abstract & Title Co. Jan 17, 1923 at 1:45 p.m. part 4 o'clock P.M., in Book "A" Vol. 549 of INDEX page 253 San Joaquin County Records.

Fee: \$ 1.30

JAMES I. HARNAY Recorder.

NOTICE TO CREDITORS
-to-
COMMERCIAL SAVINGS BANK OF STOCKTON

NOTICE TO CREDITORS

(Assignment of Lead of Trust.)

That a certain Lead of Trust executed by ERIC HUGH WILSON and MARY WILSON (his wife), to JAMES I. HARNAY, dated June 13th, and recorded in Book "A" of Leads of Trust Vol. 491 at page 103, San Joaquin County Records, on June 13th, 1923, together with the promissory notes referred to in said Lead of Trust, is hereby assigned to COMMERCIAL SAVINGS BANK OF STOCKTON (a corporation).

and said JAMES I. HARNAY hereby makes, constitutes and appoints said Commercial and Savings Bank of Stockton, its officers or agents, his true and lawful attorney-in-fact for him, and in his name, place and stead, to collect and receive for all moneys due and to grow on account of said Lead of Trust and note, and to do and perform any and all acts of virtue of said Lead of Trust and note which the said JAMES I. HARNAY could or might do if these presents were not made.
JAMES I. HARNAY

STATE OF CALIFORNIA,)
County of San Joaquin.) SS.

On this 13th day of June in the year of our Lord nineteen hundred and twenty-three, before me, J. V. POTTER, a Notary Public in and for the County of San Joaquin, State of California, residing therein, and being duly commissioned and qualified, personally appeared JAMES I. HARNAY, known to me to be the person described in and whose name is subscribed to the within and foregoing instrument, and he acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the said County of San Joaquin, the day and year in this Certificate first above written.
(Notary Seal)

J. V. Potter, Notary Public,

In and for the County of San Joaquin, State of California.

§ 10254 Recorded at Request of Commercial & Savings Bank of Stockton, Jan 16 1923 at 7:30 a.m. part 10 o'clock A.M., in Book "A" Vol. 549 of INDEX page 254 San Joaquin County Records.

Fee: \$ 1.15

JAMES I. HARNAY Recorder.

TEFFY n B
BELLI O A
-to-
BANK OF ITALY

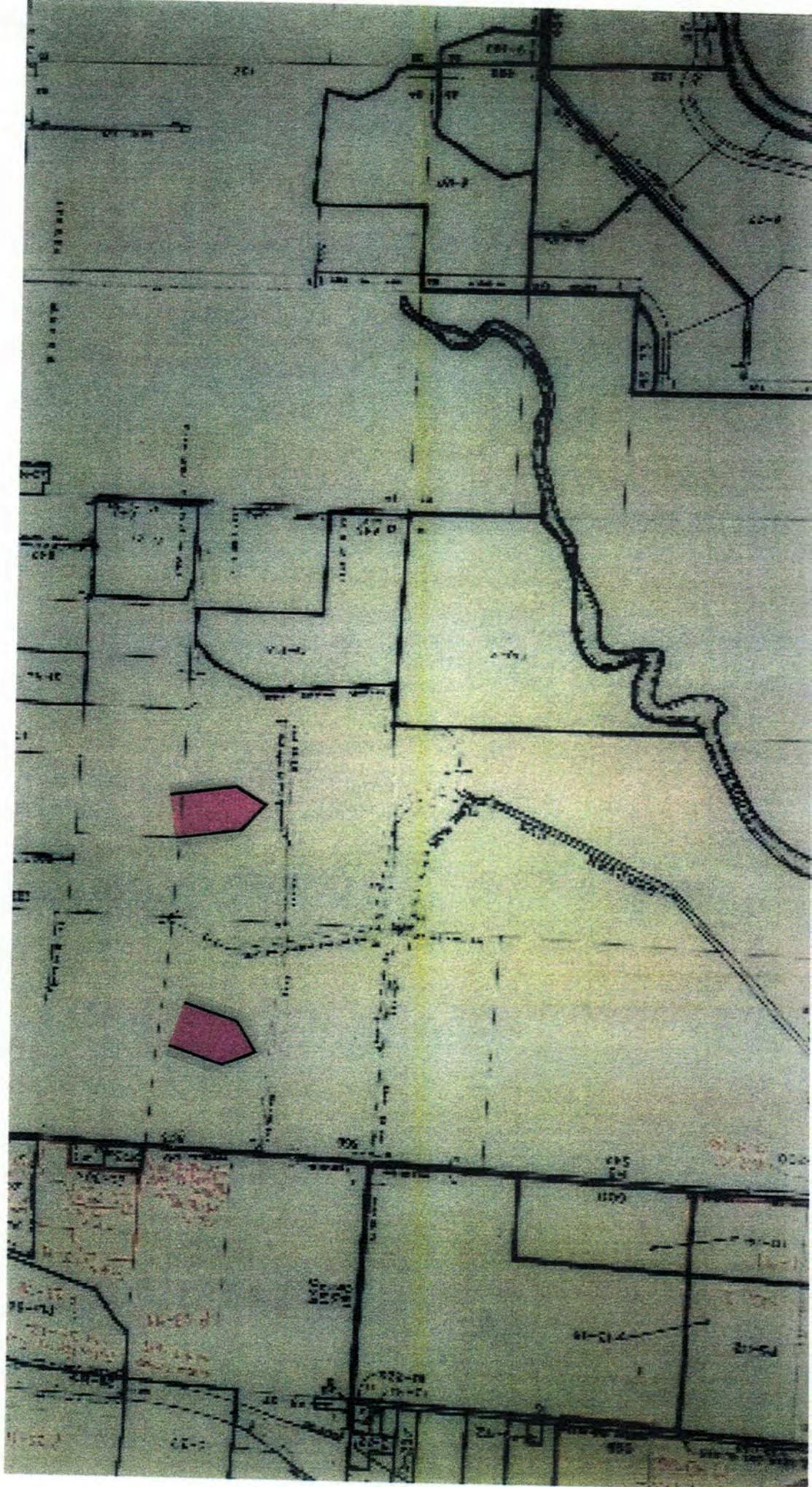
THIS INSTRUMENT, made this 13th day of June, A.D. 1923, between K.B. Teffy and C.A. Belli, both of the City of Stockton, County of San Joaquin, State of California, trustees as hereinafter stated, the parties of the first part, and Bank of Italy, a corporation duly organized and existing under and by virtue of the laws of the State of California, the party of the second part,

WITNESSETH: That whereas A. W. HAROLD and Nellie Harrold, his wife, of the City

TERRA LAND GROUP, LLC

Ex. "13":

San Joaquin County Road Map #57, Revised April 27, 1999, showing April 18,
1923 recorded Deed as measured 80 Rods (1,320 feet) East of Section Line
Common to Sections 11 and 12, and Sections 13 and 14

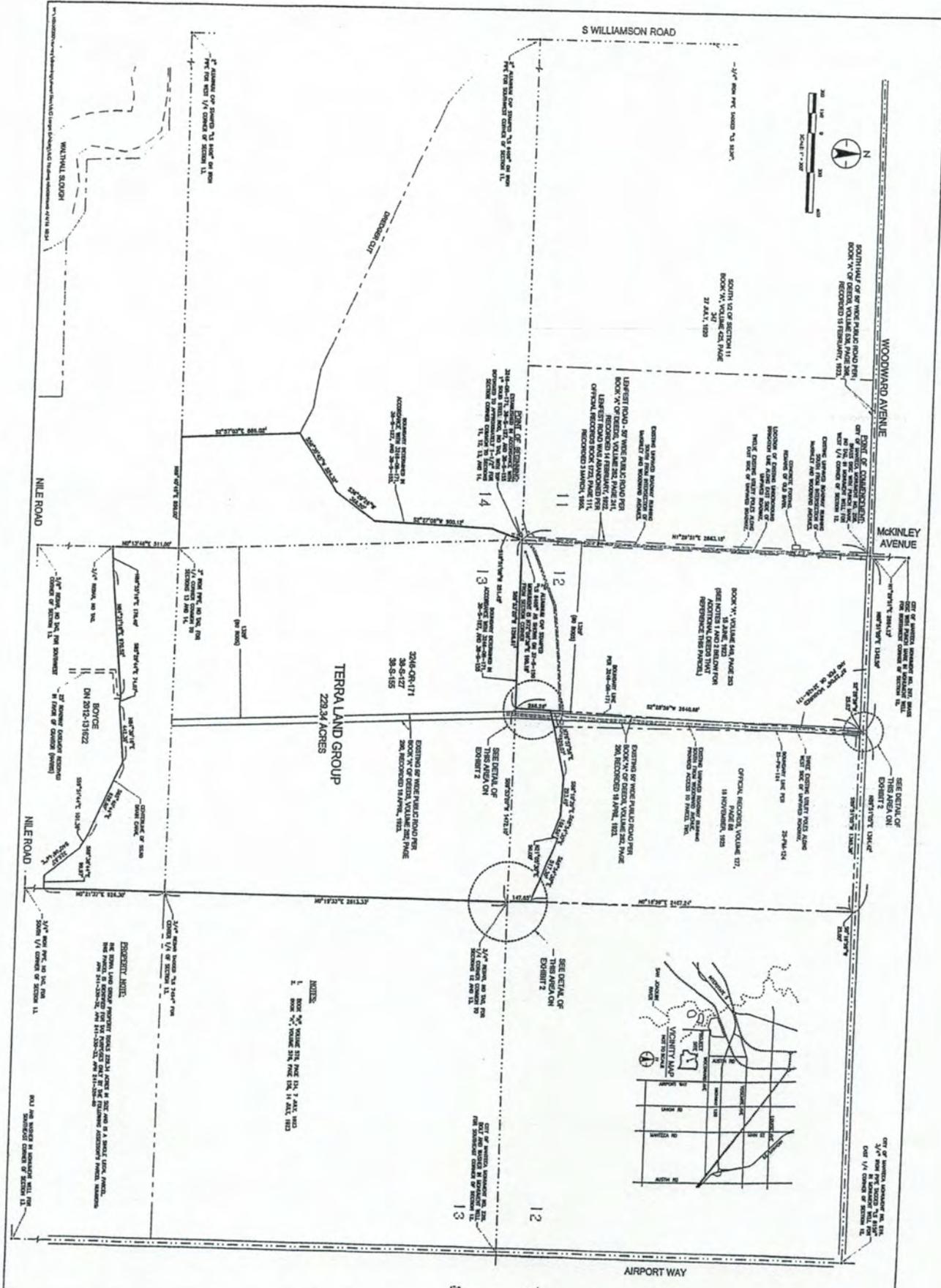


TERRA LAND GROUP, LLC

Ex. "14":

VVH Consulting Engineers March 2016 VVH-1B Exhibit/TLG 230-acre
Property Map

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



SO. 1/2 SEC. 11, T. 2S., R. 6E., S. 1/4 CORNER OF SECTION 11, RECORDED IN FERRIS COUNTY BOOK 27, PAGE 1153

OFFICE OF COMMISSIONER OF FERRIS COUNTY, CALIFORNIA
 COUNTY RECORDS DEPARTMENT
 1000 W. WASHINGTON ST., SUITE 100
 FERRIS, CALIFORNIA 94501
 (925) 938-2200

SEE DETAIL OF THIS AREA ON MAP SHEET 1B

SEE DETAIL OF THIS AREA ON MAP SHEET 1B

SEE DETAIL OF THIS AREA ON MAP SHEET 1B

SEE DETAIL OF THIS AREA ON MAP SHEET 1B

SEE DETAIL OF THIS AREA ON MAP SHEET 1B

TERRA LAND GROUP
 229.34 ACRES

NOTES:
 1. BOOK 27, VOLUME 514, PAGE 1153, 14 JULY 1953
 2. BOOK 27, VOLUME 514, PAGE 1153, 14 JULY 1953

EXHIBIT A: MAP OF THE LAND GROUP PROJECT AREA, 2013, AS SHOWN ON THE MAP SHEET 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O, 1P, 1Q, 1R, 1S, 1T, 1U, 1V, 1W, 1X, 1Y, 1Z, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 3U, 3V, 3W, 3X, 3Y, 3Z, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 4M, 4N, 4O, 4P, 4Q, 4R, 4S, 4T, 4U, 4V, 4W, 4X, 4Y, 4Z, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L, 5M, 5N, 5O, 5P, 5Q, 5R, 5S, 5T, 5U, 5V, 5W, 5X, 5Y, 5Z, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, 6J, 6K, 6L, 6M, 6N, 6O, 6P, 6Q, 6R, 6S, 6T, 6U, 6V, 6W, 6X, 6Y, 6Z, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, 7M, 7N, 7O, 7P, 7Q, 7R, 7S, 7T, 7U, 7V, 7W, 7X, 7Y, 7Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 8M, 8N, 8O, 8P, 8Q, 8R, 8S, 8T, 8U, 8V, 8W, 8X, 8Y, 8Z, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 9J, 9K, 9L, 9M, 9N, 9O, 9P, 9Q, 9R, 9S, 9T, 9U, 9V, 9W, 9X, 9Y, 9Z, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J, 10K, 10L, 10M, 10N, 10O, 10P, 10Q, 10R, 10S, 10T, 10U, 10V, 10W, 10X, 10Y, 10Z, 11A, 11B, 11C, 11D, 11E, 11F, 11G, 11H, 11I, 11J, 11K, 11L, 11M, 11N, 11O, 11P, 11Q, 11R, 11S, 11T, 11U, 11V, 11W, 11X, 11Y, 11Z, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 12M, 12N, 12O, 12P, 12Q, 12R, 12S, 12T, 12U, 12V, 12W, 12X, 12Y, 12Z, 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K, 13L, 13M, 13N, 13O, 13P, 13Q, 13R, 13S, 13T, 13U, 13V, 13W, 13X, 13Y, 13Z, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 14L, 14M, 14N, 14O, 14P, 14Q, 14R, 14S, 14T, 14U, 14V, 14W, 14X, 14Y, 14Z, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 15J, 15K, 15L, 15M, 15N, 15O, 15P, 15Q, 15R, 15S, 15T, 15U, 15V, 15W, 15X, 15Y, 15Z, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16I, 16J, 16K, 16L, 16M, 16N, 16O, 16P, 16Q, 16R, 16S, 16T, 16U, 16V, 16W, 16X, 16Y, 16Z, 17A, 17B, 17C, 17D, 17E, 17F, 17G, 17H, 17I, 17J, 17K, 17L, 17M, 17N, 17O, 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Tuff Bøy Sälès, Inc.
5151 East Almondwood Drive
Manteca, California 95337
Telephone: (209) 239-1361 · Facsimile: (209)239-7086

March 01, 2016

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

Re: Agenda item A.5, Approve an Agreement with Drake Haglan & Associates for Antone Raymus Expressway & Dryland Levee Alignments

Dear Council Members,

My name is Josh Harris and I currently serve as president of Tuff Boy Sales, Inc.

At this time, I am aware that the City of Manteca is moving forward with plans to hire a consultant to assist in evaluating potential placement of the Antone Raymus Expressway and Dryland Flood levee.

Tuff Boy Sales is situated on approximately 30 acres of land located at 5151 E. Almondwood Drive, in the unincorporated area south of Manteca and currently employs approximately 40 people who work at that site.

I have several concerns related to the levee:

1. Our family's companies have experienced two (2) major floods at the Almondwood facility which occurred in 1955 and 1997. In both cases the flood water reached approximately the same elevation with our office building barely staying dry. I have learned recently that the reason that the flood water elevation was consistent was due to a drainage plan executed by means of breaking the Turtle Beach levee located at the far west termination point of Woodward Ave., to prevent rising flood waters from making their way and winding around the east termination point of the current RD17 levee at or about Airport Way just south of Peach Avenue.

Question: Can accommodations be made for flood water drainage to ensure that the Tuff Boy facility will not experience higher flood water elevations of flood water than in previous floods?

2. I am aware that the levee construction may involve concrete slurry walls that could extend over 100' deep into the ground. My concern is that the slurry walls may block natural ground water flows during non-flooding periods and cause the current ground water elevation to rise toward the surface.

Question: Is there an alternative method to prevent underground water seepage in the event of flooding that could be used in place of the use of slurry walls?

3. Historically, I am told that flood water has drained out of the south Manteca rural area by means of the Stewart Tract and Paradise Cut water conveyance channels.

I am also told that Stewart Tract is no longer available for draining flood water from the area.

Question: Will the Paradise Cut conveyance channel be expanded to adequately accommodate flood water drainage needs of our area?

4. Will accommodations be made, or compensation provided, for properties adversely affected?

Thank You.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Josh Harris', with a long horizontal flourish extending to the right.

Josh Harris
For Tuff Boy Sales, Inc.

TERRA LAND GROUP, LLC

February 16, 2016

VIA HAND DELIVERY

Manteca City Council
1001 W. Center St.
Manteca, CA 95337

**Re: Public Comments/City Council Meeting 02/16/16 Hiring consultant to consider
Antone Raymus Expressway and Dryland Flood Protection Levee Alignments**

Dear Council Members:

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns approximately 230 acres with almonds currently being farmed west of Airport Way and south of Woodward Avenue.

The TLG farm property is further described as:

1. APN 241-330-32 (203.33 acres)
2. APN 241-330-33 (17.14 acres)
3. APN 241-320-60 (10.13 acres)

(Total Acreage: 230.6 acres)

Several days ago, TLG received a copy of a document by means of a third party detailing the City of Manteca's "Request for Proposal for Antone Raymus Expressway and Dryland Levee Alignments" (see Request for Proposal, attached). The Request for Proposal also refers to a "Revised Timeline". Further, the Request for Proposal was dated January 2016 and indicates that its purpose is to seek bids for the purpose of hiring a consultant to: "schedule, advertise, mail notices to individual property owners, organize and facilitate a minimum of four (4) public workshops to establish criteria for location of facilities". **Timelines called for in the Request for Proposal document:**

1. All bids must be submitted to the City of Manteca on or before January 29, 2016.
2. The Request for Proposal document indicates that the successful bidder will be awarded the contract at tonight's February 16, 2016 meeting.
3. The Request for Proposal document further indicates that the successful bidder will make its final alignment recommendations available to the Manteca City Council at the May 17, 2016 council meeting.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

With that in mind, TLG is very concerned and can't help but question as to why an issue so important as the Request for Proposal to hire a consultant to assist in determining flood water and other impacts due to the future location of the McKinley (Antone Raymus) Expressway and dryland flood protection levee alignments is being delayed and was not included on the agenda for tonight's meeting.

At the same time, it should not go unnoticed that TLG has been engaged in litigation with TR Land Company, Manteca Development Group, Rosi Cerri Trust Foundation, and RD17 since Spring of 2014 and has made numerous attempts to settle the case which is now set for trial for April 11, 2016. One of the major stumbling blocks to settlement was the issue of the location and movement of the dryland levee (the levee). TLG was convinced, based upon its own research, that the levee would be moved as evidenced in prior correspondence, comments and statements made by TLG supporting that belief. However, TLG was either told or led to believe based on representations made in various forms by the City of Manteca, TR Land Company, Manteca Development Group, Rosi Cerri Trust Foundation and RD17 that the existing portions of the dryland levee currently in place were not going to be moved now or at any future time. The first inkling of recognition of the necessity of moving the levee occurred in the Summer of 2015 wherein a representative of the City of Manteca allowed that the movement of the levee might happen at some point in the future, but it would involve a public process. Even so, subsequent contacts with representatives of Manteca cast doubt as to when, if ever, there would be movement of location of the levee. Therefore, by the end of 2015, some forty-five (45) days ago, it was the understanding of TLG that it was the unequivocal demand of TR Land Company, Manteca Development Group, Rosi Cerri Trust Foundation and RD17 that the movement of the levee would play no role or be considered either in the lawsuit which is now pending or in any other discussion of resolution of the respective positions of the parties involved.

Within the last several days, however, TLG has become aware through a third party that, in fact, on or about December 29th, 2015, the City of Manteca published an invitation to submit bids with the idea that there would be public hearings and a recommendation to the City Council as to the location of the levee by mid May of 2016, a date which is about thirty (30) days after our trial. Accordingly, City of Manteca staff are playing a direct role in the development and the location of the levee. It is surprising and certainly unsettling that TLG who has been an extremely active participant in local city politics in the last several years, and is also a land owner which will clearly be impacted by any placement of any levee and/or expressway was not sent a notice of the invitation for the "Request for Proposal" attached to this letter, or given any type of informal notice, or acknowledged in any other way by any city representative.

That said, the record has been made, and TLG would like to move forward and certainly support whatever is in the best interest for the community with respect to the erection and/or movement of the dryland levee and/or the location of the new expressway, assuming of course, that all of the rights of compensation which the law entitles TLG to receive for any infringement on its property including all impacts, severances and losses created will be fully and fairly evaluated and paid without delay. TLG

TERRA LAND GROUP, LLC

will continue its intent to accommodate as necessary. However, it will be expected that the City of Manteca or any other governmental agency will make reasonable accommodations to allow for the continued almond farming operation on all portions of the TLG farm property that are not acquired by any public or quasi public agency.

At a minimum, those accommodations would include but not be limited to: (a) Maintaining farm implement and 80,000 pound truck/trailer vehicle access to all areas of the TLG property, (b) maintaining the TLG property's current ability to provide and distribute irrigation water throughout all areas of the TLG property, (c) managing and maintaining current groundwater elevation levels to offset any impacts resulting from the installation of any subsurface infrastructure that may block or impede groundwater flow patterns to ensure that the almond tree root systems are not flooded due to elevated groundwater levels, (d) Providing adequate security fencing to protect the property from trespass, vandalism and theft and (e) providing protections so that in the event of flooding, flood waters can quickly and adequately drain off the TLG property.

As a result, TLG requests that any final plan for dryland levee and McKinley (Antone Raymus) Expressway alignments allows for fair and adequate accommodations for any and all impacts affecting the TLG property and other non-developing affected neighboring properties in the area. TLG has provided for your convenience and consideration selected letters which provide relevant information for the subject matter provided above. The letters have been assembled into a single binder for distribution to the consulting firm or other qualified individuals given oversight authority for the Antone Raymus (McKinley) Expressway and dryland levee alignment process.

In closing, TLG remains cautious as to levee placement as it should be apparent that the location of the McKinley (Antone Raymus) Expressway and dryland levee will have a short and long term potential impact on every farmer, landowner, developer, special district, homeowner and rural business operation affected (as well as the City of Manteca itself), and therefore, TLG believes that the City of Manteca should proceed with public meetings and workshops as quickly and expeditiously as possible to fairly and adequately protect property rights while mitigating against any impacts created for the benefit of everyone involved.

Thank you for your attention to this very important matter.

In Trust,



Martin Harris
Terra Land Group, LLC

MH/jas

TERRA LAND GROUP, LLC

Enclosures (copied to all):

- 1) City of Manteca Revised Timeline Request for Proposal for Antone Raymus Expressway & Dryland Levee Alignments dated January 2016

Enclosures (One copy only, for future distribution or dissemination as stated previously in this letter)

2) Binder with the following letters included:

- a) 12/16/14 Letter to the Manteca City Council from Terra Land Group, Re: "Unidentified and/or unresolved impacts relating to 200-year flood protection (Manteca City Council Meeting 12/16/14 Agenda Item B.07.)
- b) 03/31/15 Letter to Tanis Toland from John Minney, Re: "Lower San Joaquin River Project Interim Report"
- c) 04/08/15 Letter to Tanis Toland from Neighbors United, Re: "Public Comments Relating to the San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report dated February 2015
- d) 11/24/15 Letter to the City of Manteca Planning Commission from Terra Land Group, Re: "Planning Commission Meeting 11/24/15 Agenda Item 6.3 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"
- e) 12/15/15 Letter to the Manteca City Council from Terra Land Group, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"
- f) 12/15/15 Letter to the Manteca City Council from Terra Land Group/Bryce Perkins, Re: "City Council Meeting 12/15/15 Agenda Item B.1 General Plan Amendment No. GPA-15-42 & Rezone No. REZ-15-43"



Revised Timeline

**REQUEST FOR PROPOSAL
FOR
ANTONE RAYMUS EXPRESSWAY
&
DRYLAND LEVEE
ALIGNMENTS**

City of Manteca
Community Development Department

1001 West Center Street, Manteca, California 95337
Phone: 209-456-8500 • Fax: 209-923-8949
mmeissner@ci.manteca.ca.us

GENERAL INFORMATION:

Updated RFP ISSUED: ----- January 7, 2016

RFP RESPONSE DUE DATE:--- **January 29, 2016 by 5:00 p.m.**

CONTACT PERSON: ----- Mark Meissner, Planning Manager

PHONE: ----- (209) 456-8511

EMAIL: ----- mmeissner@ci.manteca.ca.us

SUBMITTAL ADDRESS: ----- Community Development Department
City of Manteca
1001 West Center Street
Manteca, California 95337

City of Manteca
ANTONE RAYMUS EXPRESSWAY & DRYLAND LEVEE ALIGNMENTS
Request for Proposal

INTRODUCTION:

The City of Manteca seeks proposals from qualified consultants to facilitate in the establishment of the alignment of the Antone Raymus Expressway and a Dryland Levee. The City anticipates the consultant will perform tasks necessary to meet the goal of establishing support and consensus on preferred alignments of these two facilities as well as related CEQA documentation if necessary. The City Council has authorized staff to perform a comprehensive update to its General Plan; however, understanding and establishing the subject alignments is an important first step in defining the General Plan Study area boundary as well as the land uses along the expressway and on the dry and wet sides of the levee.

EXPRESSWAY: The Antone Raymus Expressway, previously known as the McKinley Avenue Expressway, was included within the City's General Plan Circulation Element adopted in October of 2003, and when updated in April of 2011. The existing alignment of the expressway meanders across the southern area of the City, both within and outside of the existing City limits. The goal is to realign the roadway to avoid having the existing rural homes on East Peach Avenue fronting onto and accessing the expressway. The City held well attended workshops between November 2009 and March 2011 with the residents that would be affected by several proposed alignments. A preferred alignment was not established, and a decision to discuss the issue was postponed to the General Plan update process.

The expressway was included in the San Joaquin Regional Expressway Study prepared by the San Joaquin County Council of Governments (SJCOG) back in May of 2009. The McKinley Expressway alignment is defined within the San Joaquin Regional Expressway Study as follows: "Travels south along McKinley Avenue from a new interchange at SR 120 to Peach Road, then east to Union Road, then southeast along a new alignment to Manteca Road at Sedan Avenue, along Sedan Avenue to Austin Road, and northeast along a new alignment to a new interchange at SR 99."

Expressways are defined in Manteca's General Plan Circulation Element as follows:

"Manteca currently does not have any expressways; however, the proposed McKinley Avenue extension between SR 120 and SR 99 is planned as an expressway between SR 120 and SR 99, consistent with the San Joaquin Regional Expressway Study (SJCOG May 2009). Expressways are high-capacity routes designed to serve through traffic. Expressway access would be limited to intersections with arterials and collectors with intersection spacing of no less than one-half mile. Based on the posted speed limit of the expressway, bicycle travel should be accommodated with either Class II bike lanes or a parallel off-street bike trail. Sidewalks should be provided on both sides of the street (or on one side if a bike trail is present on the opposite side). Roundabouts should be considered at intersections to reduce maintenance and operations costs associated with traffic signals."

DRYLAND LEVEE: The City is subject to the requirements of State Senate Bill 5 and its related Senate and Assembly bills that require a plan to protect urbanized areas at the 200-year flood protection level. A large area of the southwestern portion of the City of Manteca is affected by this legislation including areas with development entitlements and areas planned for development as identified in the City's General Plan. The area is currently protected by a dryland levee at the 100-year flood protection level. With this mandate from the State, the City has an opportunity to consider alternatives to the existing alignment that could have a significant effect on development. Even if the levee stays in its current alignment it will need to be raised in

height and extended further east which will involve public input. Again, the City of Manteca would like to receive public input from property owners affected by the dryland levee on whatever the recommended alignment may be.

PROCEDURE FOR SUBMITTING PROPOSALS:

- Provide five (5) copies delivered to:
City of Manteca
Attn: Mark Meissner
1001 West Center Street
Manteca, California 95337
- If hand delivered, address as above and deliver to the Community Development Department.
- Proposals must address the requirements of the RFP as set forth below.
- Proposals must be received at the Community Development Department no later than **January 29, 2016 by 5:00 p.m.**

DATA TO BE INCLUDED WITH PROJECT PROPOSALS

Letter of Transmittal

Include your firm's understanding of the work to be performed. In addition, state why your firm believes it to be the best qualified to perform the services requested. Also, state the Management Contact (Representative authorized to sign an agreement for your firm) and Project Manager (person responsible for day-to-day management of the project).

Allocation of Resources

Provide a conceptual plan for services to the City that you believe are appropriate for the City. Indicate features, skills and/or services which distinguish your firm and make it the better choice for the City. Indicate how the resources of your firm (e.g., number and type of personnel by skill level allocated by hours) will be allocated for this project in tabular format.

Scope of Work

Proposals must address all items set forth in the scope of work. Additional information which, in your opinion, should be included must be clearly identified.

Cost Proposal

Within the Cost Proposal, the Consultant should separate out or otherwise identify the cost of those elements of the proposal that are optional or recommended.

References

Provide a brief description of related work provided to other organizations and contact information where possible.

SCOPE OF WORK

At a minimum, the City will provide the following:

1. Identification of Land Ownerships – creation of the Mailing List.
2. Confirm Mailing List against Assessor's Parcel Map.
3. Provide copies of mapping done to date.

At a minimum, the **Consultant** is expected to complete the following tasks:

1. Schedule, advertise, mail notices to individual property owners, organize, and facilitate a minimum of four (4) public workshops to establish criteria for location of facilities.
 - a. Levee:
 - i. Avoid removal of existing housing as much as possible.
 - ii. Provide display maps for workshops.
 - iii. Coordinate with City staff on process.
 - b. Expressway:
 - i. Avoid removal of existing housing as much as possible.
 - ii. No driveways onto expressway.
 - iii. Traffic Signals at:
 1. West Atherton Drive
 2. Woodward Avenue
 3. Airport Way
 4. Union Road
 5. Main Street
 6. East Atherton Drive
 7. Austin Road
 8. Olive Expressway
 - iv. Roundabouts at approximately halfway between the traffic signals listed in iii above.
 - v. Right-in/right-out and left-in through median at minimum 660' from a traffic signal, roundabout, or other right-in/right-out and left-in through the median traffic control point.
 - vi. Provide display maps for workshops.
 - vii. Coordinate with City staff on process.
2. Establish Recommended Alignment of Levee.
3. Establish Recommended Alignment of Expressway.
4. Provide to City final written report of process and recommended alignments of levee and expressway. Consultant shall provide five (5) copies of an Administrative Draft for staff review and comment. Provide five (5) copies of the Draft Document and Presentation Materials. All documents shall be provided in electronic versions (PDF and MSWord).
5. Presentation of Final Report to Planning Commission and City Council.

TIMELINE

- January 7, 2016 -----Mail RFPs to Consultants
- January 29, 2016-----Response to RFPs due to City by 5 p.m.
- February 16, 2016 ----Award of Contract
- May 17, 2016-----Receive and File Report to City Council of Final Alignment Recommendations
- February 2, 2016 -----Notification of 15-minutes presentation on February 3 if found necessary.

GENERAL REQUIREMENTS

Personnel

The Agreement and Letter of Transmittal shall identify the Management Contact (representative authorized to sign an agreement for your firm) and Project Manager (person responsible for day-to-day management of project). The successful proposer may change the Management Contact, Project Manager, and other supporting staff and specialists with permission of the City.

Right to Request Additional Information

During the evaluation process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

Right to Reject Proposals

The City reserves the right without prejudice to reject any or all proposals.

Proposal Interpretations and Addenda

Any change to or interpretation of the RFP by the City will be sent to each firm or individual to whom an RFP has been sent and any such changes or interpretations shall become a part of the RFP for incorporation into any agreement awarded pursuant to the RFP.

Public Record

All proposals submitted in response to this RFP will become the property of the City upon submittal and a matter of public record pursuant to applicable law.

Additional Services

The Scope of Work describes the minimum work to be accomplished. Upon final selection of the firm, the Scope of Work may be modified and refined during negotiations with the City.

SELECTION PROCEDURE

A fully executed contract between the consultant and the City of Manteca will be required for City Manager or City Council approval prior to start of work.

The request for proposal does not commit the City of Manteca to award a contract, or to pay any costs incurred in the preparation of a response to this request. The City of Manteca reserves the right to reject any or all proposals received if it is in the best interest of the City to do so. All Consultants submitting proposals will be notified of the results.

Selection criteria will include the following:

- Qualifications of Project Personnel ----- 25%
- Completion of Similar Work----- 25%
- Ability to Complete Project On Time ----- 25%
- Cost----- 25%

The percentages above help in the selection of a qualified firm, however Consultants may be required to give a brief 15-minute presentation on February 3rd if there is not a clearly superior candidate in the written proposals. Firms will be notified on February 2nd if a presentation is required.

AGREEMENT

The Consultant shall enter into an Agreement for Professional Services provided by the City, a copy of which is attached hereto as an Appendix.

INSURANCE

The Consultant shall carry insurance during the life of the contract in accordance with the requirements of "Insurance Requirements for Professional Services", an exhibit to the Agreement for Professional Services.

Before any agreement is finalized, the selected consultant, shall provide the required Certificate/s of Insurance and Endorsement forms.



Mckinley Expressway

POSSIBLE ALIGNMENTS

NO SCALE
December 2009



APPENDIX

Agreement for Professional Services



AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into this ____ day of _____, 200_, by and between the CITY OF MANTECA, a public body, corporate and politic ("City") and _____, a _____ corporation ("Consultant").

RECITALS

- A. Consultant is specially trained, experienced, and competent to perform the professional services required by this Agreement.
- B. Consultant possesses the skill, experience, ability, background, certification, and knowledge to provide the services described in this Agreement on the terms and conditions specified herein.
- C. City desires to retain Consultant to render the professional services set forth in this Agreement.

AGREEMENT

1. Scope of Services. Consultant shall perform the _____ services described in the attached Exhibit A that is incorporated by this reference, and pursuant to the Proposal submitted by Consultant dated _____, and attached hereto as Exhibit B. Consultant shall provide these services at the time, place, and in the manner specified in Exhibit A, subject to the direction of the City through its staff that may be provided from time to time. Performance of the _____ services is sometimes referred to herein as "the Project."
2. Work Through City Staff. Consultant shall perform its services pursuant to this Agreement solely through City staff. No communications, information or documentations shall be made directly to any applicant to the City without the prior written consent of the City. This shall not apply to the sole request of information or clarification of information by Consultant from the applicant. All requests shall be noted to City in an expeditious manner.
3. Time of Performance. Consultant's services will commence upon execution of this Agreement and shall be completed in accordance with the Schedule of Activities, attached hereto as Exhibit C. All work shall be completed no later than _____. Failure to submit work products in accordance with the Schedule of Activities may result in the City withholding progress payments. Repeated failure to complete work products in accordance with the Schedule of Activities may result in a reduction of the total compensation provided for in Section 4 herein.
4. Compensation. Without additional authorization from the City, compensation to be paid to Consultant shall not exceed _____ DOLLARS (\$_____). Payment by City under this Agreement shall not be deemed a waiver of any defects, even if those defects were known to the City at the time of payment.

5. Method of Payment. Consultant shall submit monthly billings to City specifying and describing the work performed during the preceding month. Consultant's bills shall include a brief description of the services performed, the date the services were performed, the number of hours expended and by whom, and a description of any reimbursable expenditures. City shall retain ten percent (10%) of each invoiced amount as retention against satisfactory completion of this Agreement. One-half (1/2) of the retained amount shall be paid upon completion of the Draft final report. The balance of the retained amount shall be paid upon successful completion of the project.

City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff. Payments may be delayed by City if Consultant fails to provide services in accordance with the Schedule of Activities, unless the City has provided prior written consent to any delay in the schedule.

6. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, the term "Extra Work" means any work that is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the time of execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without the City's prior written authorization.

7. Termination. This Agreement may be terminated by the City immediately for cause, or by either party without cause upon 15 days' prior written notice of termination. Upon termination, Consultant shall be entitled to compensation for services performed up to the effective date of termination upon submittal of an invoice for same.

8. Ownership of Documents; Confidentiality.

A. All plans, studies, documents, and other writings prepared by and for Consultant, its officers, employees, agents, and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of City upon payment to Consultant for such work. City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents and other writings to City upon written request by City. Consultant shall not be responsible for any unauthorized modification or use of such information for other than its intended purpose.

B. All memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other documents and data, either created by or provided to Consultant in connection with the performance of this Agreement, shall be held confidential by Consultant. These materials shall not, without the City's prior written consent, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall these materials be disclosed to any person or entity not connected with the performance of services under this Agreement. Nothing furnished to Consultant that is otherwise known to Consultant, or is generally known, or has become known to the related profession shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to the Project for which Consultant's services are

rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production, or other similar medium without the City's prior written consent.

9. Consultant's Books and Records.

A. Consultant shall maintain all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City, for a minimum period of three years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement.

B. Consultant shall maintain all records that document performance under this Agreement for a minimum period of three years, or for any longer period required by law, from the date of termination or completion of this Agreement.

C. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at any time during regular business hours, upon written request by the City Manager, City Attorney, City Auditor, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address specified in Section 16 of this Agreement.

D. Where City has reason to believe that records or documents may be lost or discarded due to the dissolution or termination of Consultant's business, City may, by written request, require that custody of the records be given to the City and that the records and documents be maintained in City Hall. Access to these records and documents shall be granted to any party authorized by Consultant, Consultant's representatives, or Consultant's successor-in-interest.

10. Independent Contractor. In the performance of the work and services required by this Agreement, Consultant shall act as and be an independent contractor and not an agent, or employee of the City. Consultant shall obtain no rights to retirement or other benefits that accrue to City's employees, and Consultant expressly waives any claim it may have to any such rights.

11. Interest of Consultant.

A. Consultant represents that neither it nor any employee has any investment or interest in real property, and shall not acquire any such interest, direct or indirect, within the area covered by this Agreement, or any other source of income, interest in real property, or investment that would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further represents that, in the performance of its duties hereunder, no person having any such interest shall perform any services under this Agreement.

B. Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- (1) will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation, or counsel independent of the control and direction of the City, or of any City official, other than normal Agreement monitoring; and
- (2) possesses no authority with respect to any City decision beyond the rendition of information, advice, recommendation, or counsel. (FPPC Reg. 18700(a)(2).)

12. Professional Ability of Consultant.

A. City is relying upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. Consultant shall therefore provide skilled professional and technical personnel to perform all services under this Agreement. All work performed by Consultant shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

B. The primary provider of the services required by this Agreement shall be _____. A list of other individuals assigned to the Project will be provided to City for its review and approval, and these individuals shall not be replaced without the City's prior written consent.

13. Compliance with Laws. Consultant shall use the customary standard of care in its profession to comply with all applicable federal, state, and local statutes, codes, ordinances, and regulations.

14. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance, and approvals that are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance, and approvals that are legally required of Consultant to practice its profession.

15. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, and hold harmless the City, its officers, officials, agents, employees, and volunteers, from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs and expenses in connection therewith), arising out of Consultant's performance of this Agreement, or Consultant's failure to comply with any of its obligations contained in this Agreement; excluding, however, any claim arising out of the active negligence or willful misconduct of the City, its officers, agents, employees, or volunteers.

16. Insurance Requirements.

Job specific insurance requirements can be found on the attached Exhibit 1. Other insurance provisions can be found below:

B. Endorsements. Each general liability and automobile liability insurance policy shall be with insurers possessing an A.M. Best's rating of no less than A:VII and shall be endorsed with language substantially as follows:

- (1) The City, its elected and appointed officers, officials, employees, agents and volunteers are to be covered as additional insureds with respect to liability arising out of work performed by or on behalf of the Consultant, including materials, parts, or equipment furnished in connection with such work.
- (2) The policy shall be considered primary insurance as respects the City, its elected and appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the City, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.
- (3) The insurance shall apply to each insured and additional insured as though a separate policy had been written for each, except with respect to the limits of liability of the insuring company.
- (4) The insurer waives all rights of subrogation against the City, its elected and appointed officers, officials, employees, and agents.
- (3) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officers, officials, employees, agents, or volunteers.
- (4) The insurance provided by the policy shall not be suspended, voided, canceled, or reduced in coverage or in limits except after 30 days written notice has been received by the City.
- (7) The City will not accept any endorsements that were issued in 2004. Acceptable endorsement forms are CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01.

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, Consultant shall demonstrate financial capability for payment of those deductibles or self-insured retentions.

D. Certificates of Insurance. Consultant shall provide to City certificates of insurance with original endorsements as evidence of the required insurance coverage. Certificates of insurance shall be filed with the City on or before commencement of performance of this Agreement. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.

17. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed

to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City: City of Manteca
1001 W. Center Street
Manteca, CA 95337
Attention: _____

If to Consultant: _____

Attention: _____

18. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in their entirety by this Agreement.

19. Amendments. This Agreement may be amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.

20. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience, and competence of Consultant. Assignments of any or all rights, duties, or obligations of the Consultant under this Agreement will be permitted only with the express written consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay any monies due to any such subcontractor other than as may be required by law.

21. Waiver. Waiver of any breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach or default of the same or any other provision under this Agreement.

22. Severability. If any provision of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

23. Controlling Law; Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California, and any legal action relating to this Agreement shall be brought in a state or federal court in the County of San Joaquin.

24. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.

25. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to JAMS/ENDISPUTE ("JAMS") or its successor in interest. JAMS shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by JAMS, and thereafter the mediator remaining shall hear the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.

26. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy has been signed by both parties.

27. Authority to Enter Agreement. Consultant warrants that it has all requisite power and authority to conduct its business and to execute, deliver, and perform this Agreement. Each party warrants to the other that the signatories to this Agreement have the legal power, right, and authority to enter into this Agreement and to bind each party.

28. Prohibited Interests.

A. Consultant warrants that it has not employed or retained any person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has neither paid nor agreed to pay any person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For any breach or violation of this warranty, City shall have the right to rescind this Agreement without liability.

B. For the term of this Agreement, no member, officer, or employee of City, during the period of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

29. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer, and it shall not discriminate against any subcontractor, employee, or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex, or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall comply with all relevant provisions of City's Minority Business Enterprise program, Affirmative Action Plan, or other related programs or guidelines currently in effect or later enacted.

30. Precedence. In case of conflict between Consultant's Proposal dated ____ and this Agreement (which includes Exhibit A and Exhibit C) this Agreement and its exhibits shall take precedence over Consultant's proposal.

This Space Purposely Left Blank

TO EFFECTUATE THIS AGREEMENT, each of the parties has caused this Agreement to be executed by its duly authorized representative as of the date set forth in the introductory paragraph on page 1 above.

CITY OF MANTECA,
a public body, corporate and politic

CONSULTANT:

a _____ corporation

By: _____
Name: _____
Title: Mayor

By: _____
Name: _____
Title: _____

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

REQUEST FOR PROPOSAL

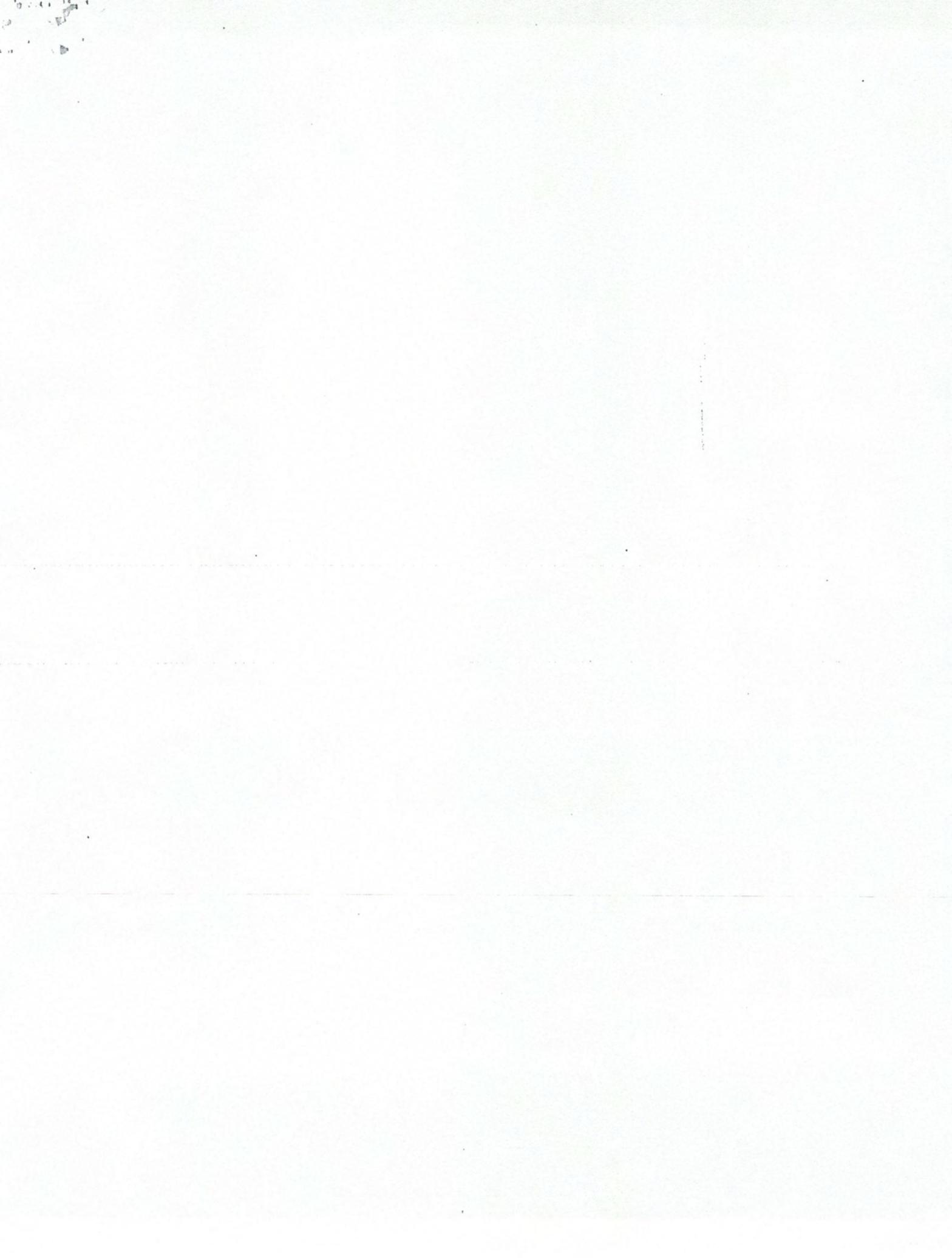


EXHIBIT B

CONSULTANT'S PROPOSAL



EXHIBIT C
SCHEDULE OF ACTIVITIES

EXHIBIT 1

Insurance Requirements for Professional Services

INSURANCE REQUIREMENTS

Consultants shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, employees or subcontractors.

Minimum Limits of Insurance: Coverage shall be at least as broad as:

Commercial General Liability

- Commercial General Liability Insurance with \$1,000,000 minimum limit per occurrence.
- If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- Commercial General Liability Additional Insured Endorsement naming the following as insured on 2001 or earlier issued endorsement forms:
"City of Manteca, its officers, officials, employees, agents, and volunteers".

Automobile Liability

If the vehicles are brought onto city facilities, covering any auto, or of Contractor has no owned autos, hired, and non-owned autos, the Contractor shall maintain automobile liability with limits no less than:

- Automobile Liability Insurance with \$1,000,000 minimum limit per accident for bodily injury and property damage.
- Automobile Liability Additional Insured Endorsement naming the following as additional insured:
"City of Manteca, its officers, officials, employees, agents, and volunteers".

Worker's Compensation

As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

Professional Liability (Errors and Omissions)

Insurance appropriate to the Contractor's profession, with limit no less than \$1,000,000 per occurrence or claim, \$1,000,000 aggregate

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Manteca, its officers, officials, employees, agents and volunteers are to be covered as insured's as respect to: liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts, or equipment furnished in connection with such work operations. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used).
2. For any claims related to this contract, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers, shall be excess of the Consultant's insurance and shall not contribute with it.

3. The applicant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
4. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City of Manteca.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Entity before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The City of Manteca reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the Entity.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Manteca

Waiver of Subrogation

Consultant hereby grants to The City of Manteca a waiver of any right to subrogation which any insurer of said Consultant may acquire against the Entity by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Entity has received a waiver of subrogation endorsement from the insurer.

Subcontractors

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that The City of Manteca is an additional insured on insurance required from subcontractors.

SPECIAL RISKS OR CIRCUMSTANCES

The City of Manteca reserves the right to modify these requirements based on the nature of the risk, prior events, insurance coverage, or other special circumstances.

Neighbors United

% MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

April 8, 2015

Ms. Tanis Toland
US Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Re: Public Comments Relating to the San Joaquin River Basin Lower San Joaquin River, CA
DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental
Impact Report dated February 2015

Dear Ms. Toland:

Neighbors United (NU) is a California non-profit corporation with a focus on growth and environmental issues.

For several months now, NU has been active in attending Manteca City Council meetings for the purpose of better understanding any and all impacts associated with any proposed repairs or improvements to the current flood protection levee system located in an area generally recognized as southwest Manteca.

As part of that effort, NU is in receipt of three Environmental Impact Report documents describing the potential for future flood protection levee projects meant to protect the planned urban expansion of Manteca:

- A. US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015 ("San Joaquin River Basin Lower San Joaquin River Feasibility Report")
- B. Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073) ("FEIR Phase 3-RD17 Levee Seepage Repair Project")
- C. San Joaquin Council of Governments "Final Programmatic Environmental Impact Report/Regional Transportation Plan and Sustainable Communities Strategy for San Joaquin County" dated June 2014 (SCH #2013022012) ("SJCOG FEIR RTP/SCS")

NU has reviewed the relevant portions of each of the documents received and recognizes the public benefit that increased flood protection will afford to the urban areas of Manteca. However, NU has

identified four potential adverse affects that the proposed levee seepage repairs and/or future SB5 flood protection levee compliance improvements may impose in the flood hazard area south of the levee.

1. Water Displacement and the Potential for Increased Base Flood Elevations:

NU draws your attention to page 4.13-60 of the Draft Programmatic Environmental Impact Report Regional Transportation Plan & Sustainable Communities Strategy for San Joaquin County dated March 2014¹, which states:

"A portion of the transportation projects included in the proposed 2014 RTP/SCS could occur within the 100-year flood hazard area, thus increasing the potential to obstruct or exacerbate floodwaters. The construction of projects involving support structures in the floodway could obstruct floodwaters at some locations. Placement of structures within a floodplain can displace floodwaters and alter the base flood elevations in the surrounding areas. Structure can form a backwater effect, resulting in an increase in the flood elevation level upstream and in neighboring areas. Likewise, floodwaters can cause scour effects, resulting in erosion and sedimentation problems downstream from structures. Drainage areas could be altered by highway corridors, in which floodwater could be detained by medians and along the roadside. Proposed bridge supports could block debris in waterways, creating obstructions and further elevating upstream flood levels. The Plan could alter existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or produce or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems."

In addition, the San Joaquin River Basin Lower San Joaquin River Feasibility Report describes an eastern levee extension route detailed on pages 3-35 and 3-57. (See Exhibits "1" and "2")

Further, the San Joaquin County Office of Emergency Services distributed a Flood Contingency Map dated April 2011 which clearly shows the specific areas affected by prior flooding. (See Exhibit "3")

With this in mind, NU's comment is to request that a priority emphasis be placed on identifying an ultimate eastern Reclamation District No. 17 ("RD17") levee extension footprint route that follows higher ground elevations as the levee moves to the east, so as to minimize the potential impacts due to the displacement of flood waters affecting residents and property owners located in the flood hazard area.

2. Seepage Control Mechanisms and the Potential to Affect Changes in Elevation to the Groundwater Table

The documents reviewed further indicate that the proposed levee seepage repairs and improvements may involve levee seepage control mechanisms installed under the levee in the form of cut off walls reaching depths of up to 80 feet deep that may cause changes in elevation to the groundwater table.

¹ This portion of the Draft EIR is included as part of the Final Programmatic Environmental Impact Report/Regional Transportation Plan and Sustainable Communities Strategy for San Joaquin County dated June 2014 (SCH #2013022012)

Several almond orchards and other farms are located along the southern edge of the existing RD17 levee as well as other farming operations in areas located to the east that are under consideration as sites for a future levee.

Like many properties located in close proximity to the San Joaquin River, groundwater in the area around southwest Manteca is very shallow which makes the root system of almond trees vulnerable to damage if flooded due to higher groundwater elevations.

Further, the FEIR Phase 3-RD17 Levee Seepage Repair Project specifies on page ES-8 that no cut off walls are being considered on RD17 levee element areas VIII, IX, X or XI. (See Exhibit "4")

With this in mind, NU's comment is to request that the entire RD17 levee extension be constructed without any levee seepage control mechanisms involving cut off walls or any other control mechanism that could cause localized change to surface groundwater levels. (See Exhibit "5")

3. Protecting Agricultural Resources:

The documents reviewed identify certain protections for farmland under the Farmland Protection Policy Act (7 U.S.C. 4201, et. seq.) as detailed in the San Joaquin River Basin Lower San Joaquin River Feasibility Report on pages 7-6 and 7-7. (See Exhibit "6")

Further, the FEIR Phase 3-RD17 Levee Seepage Repair Project provides extensive farm protection related information on pages 3.2-1 and continuing through 3.2-20 of the report.

With this in mind, NU's comment is to request that to the greatest extent possible, every effort is made to comply with the City of Manteca policies specified on pages 3.2-4 and 3.2-9 of the FEIR Phase 3-RD17 Levee Seepage Repair Project (See Exhibit "7") and further listed below:

City of Manteca General Plan

The *City of Manteca General Plan 2023 Policy Document* (City of Manteca 2003), Resource Conservation Element, Goal RC-9, promotes the continuation of agricultural uses in the Manteca area and discourages the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca. Policies relevant to the proposed project include the following:

- ▶ Policy RC-P-19: The City shall support the continuation of agricultural uses on land designated for urban use, until urban development is imminent.
- ▶ Policy RC-P-20: The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.

- ▶ Policy RC-P-21: In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- ▶ Policy RC-P-23: Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- ▶ Policy RC-P-24: Provide buffers at the interface of urban development and farmland in order to minimize conflicts between these uses.
- ▶ Policy RC-P-26: The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.
- ▶ Policy RC-P-27: The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

In particular, NU requests that the buffers described in Policy RC-P-24 include the construction and installation of protective fencing as provided for in Chapter 8, Section 8.8.2 under the City of Manteca General Plan Resource Conservation Policy RC-I-30 (See Exhibit "8") and that the provisions specified by the City of Manteca in Policy RC-P-26 restricting the fragmentation of agricultural lands allow for the routing of any RD17 levee extension in south Manteca to take into consideration farm impacts relating to the division of farm properties into smaller parcels that may result in those properties becoming impractical to farm.

Most important, NU requests that in association with the provisions stated on page 3.2-16 of the FEIR Phase 3-RD17 Levee Seepage Repair Project relating to the disturbance or removal of agricultural infrastructure, such as wells, pipelines and drainage canals, NU requests that all infrastructure affected during the project be restored as soon as possible to guard against any damage to the crop or farm property. (See Exhibit "9")

4. Minimizing Flood Risks in the Flood Hazard Areas South of the Current RD17 Levee System:

The documents reviewed, further indicate that the proposed RD17 levee seepage repairs may involve improvements to the area in and around the Weatherbee Lake/Turtle Beach Resort area.

This area is further identified in the FEIR Phase 3-RD17 Levee Seepage Repair Project as being part of a Flood Hazard Area located adjacent to and south of RD17 levee element locations VIIe and VIIg. (See Exhibit "10")

This is significant, because historically, for levee breaks south of Manteca, flood water runoff severe enough to impact the Walthall Slough Reclamation District No. 2094 area generally returns to the San Joaquin River in the area where Walthall Slough and the San Joaquin River converge. (See Exhibit "11")

Neighbors United

This point of convergence is further identified as being situated in and around the Weatherbee Lake/Turtle Beach Resort area which is protected in part by Reclamation District No. 2096.

In addition, it is widely understood that in past floods a relief cut has been made to the levees south of the Turtle Beach Resort to allow rising flood waters accumulating against the land side of the levee to drain back into the San Joaquin River.

Further, the 2011 San Joaquin County Office of Emergency Services Flood Contingency Map (See Exhibit "3") clearly demonstrates the extent that south Manteca was impacted by flood waters in 1997.

The map includes a contour line indicating the extent that 1997 flood waters reached with the understanding that flood water impact was limited in its extent due to a relief cut being made to the levee in the area south of the Turtle Beach Resort area.

It is important to add that the portion of levee that received the relief cut has been repaired at a considerable cost which would need to be re-performed each and every time a future flood requires a relief cut to be made to that same portion of levee.

With this in mind, NU's comment is to request that consideration be made to construct gate opening/closure structures to be put in place at the Turtle Beach relief cut levee location area as detailed on pages 4-11 and 4-13 of the San Joaquin River Basin Lower San Joaquin River Feasibility Report. (See Exhibit "12")

In this way, flood waters can be efficiently drained as necessary to prevent those land side flood waters from reaching elevations that exceed those of the San Joaquin River.

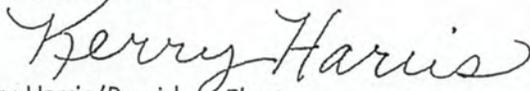
This will result in protections being put in place that can ensure that future impacts due to flooding can be limited by the best means possible.

In closing, NU thanks you for the opportunity to provide the comments presented in this letter.

Please contact me if you have any questions.

Yours truly,

NEIGHBORS UNITED



Kerry Harris/President Elect

KH/jas

Enclosures:

- 1) Ex. "1": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 3-35
- 2) Ex. "2": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 3-57
- 3) Ex. "3": San Joaquin County Office of Emergency Services "SJ County Flood Contingency Map, RD 2064, 2075, 2094 & 2096, SJ River East Bank" dated April 2011
- 4) Ex. "4": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page ES-8
- 5) Ex. "5": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 3-4, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 5-54 and 5-55
- 6) Ex. "6": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 7-6 and 7-7
- 7) Ex. "7": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Pages 3.2-4 and 3.2-9
- 8) Ex. "8": City of Manteca "General Plan 2023, Policy Document" Adopted October 6, 2003; Pages 8-10 and 8-11 (Resource Conservation); Pages 8-10 and 8-11
- 9) Ex. "9": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page 3.2-16
- 10) Ex. "10": Reclamation District No. 17 (Prepared by AECOM) "Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project" dated March 2015 (SCH #2010042073); Page 2-25
- 11) Ex. "11": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Page 5-23
- 12) Ex. "12": US Army Corps of Engineers, Sacramento District "San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report" dated February 2015; Pages 4-11 and 4-13

Neighbors United

% MIKE F. BABITZKE, INC. 6 SOUTH EL DORADO, SUITE 305 STOCKTON, CA 95202

Ex. "1":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 3-35

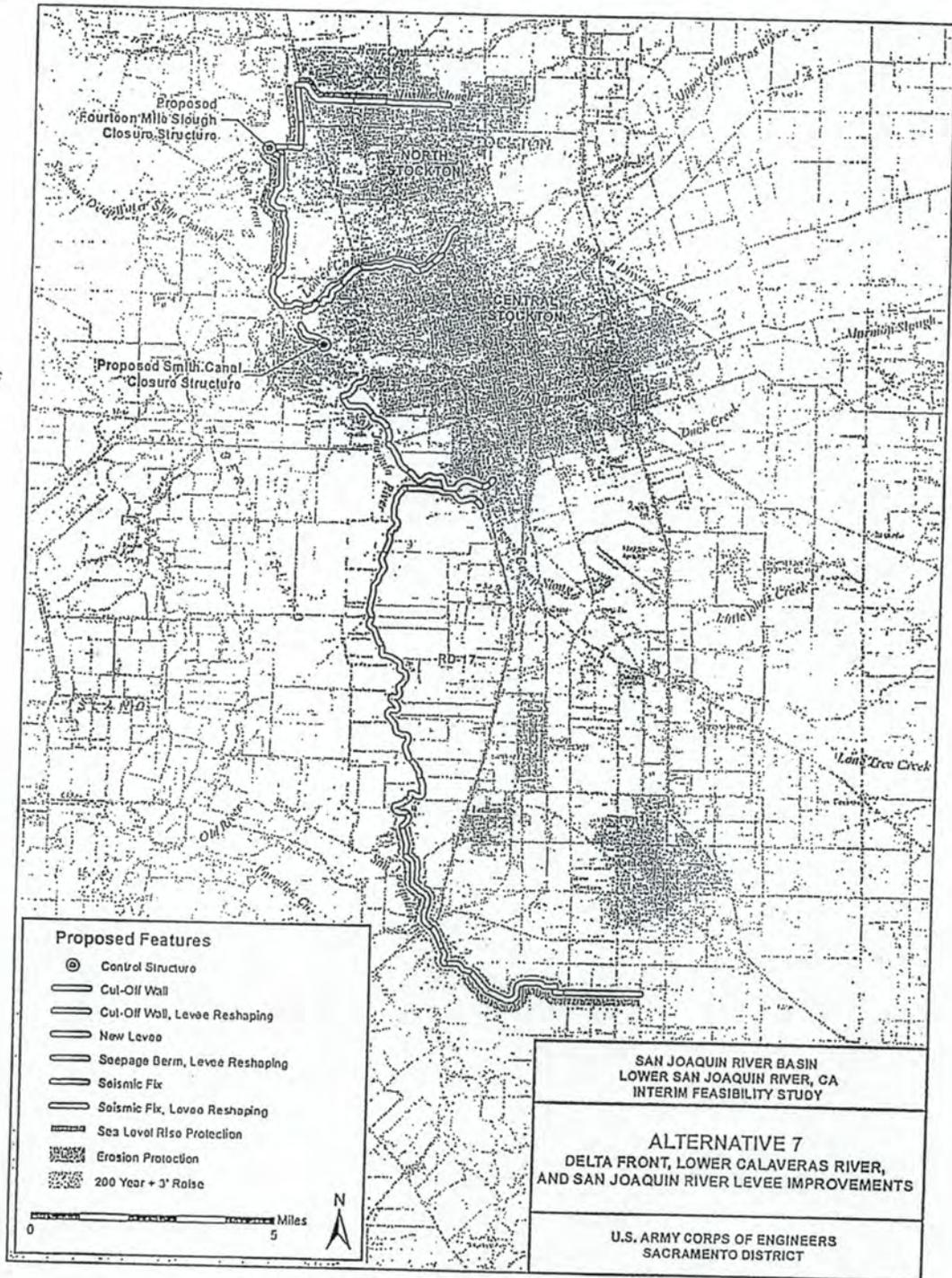


Figure 3-8. Alternative 7.

Ex. "2":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 3-57

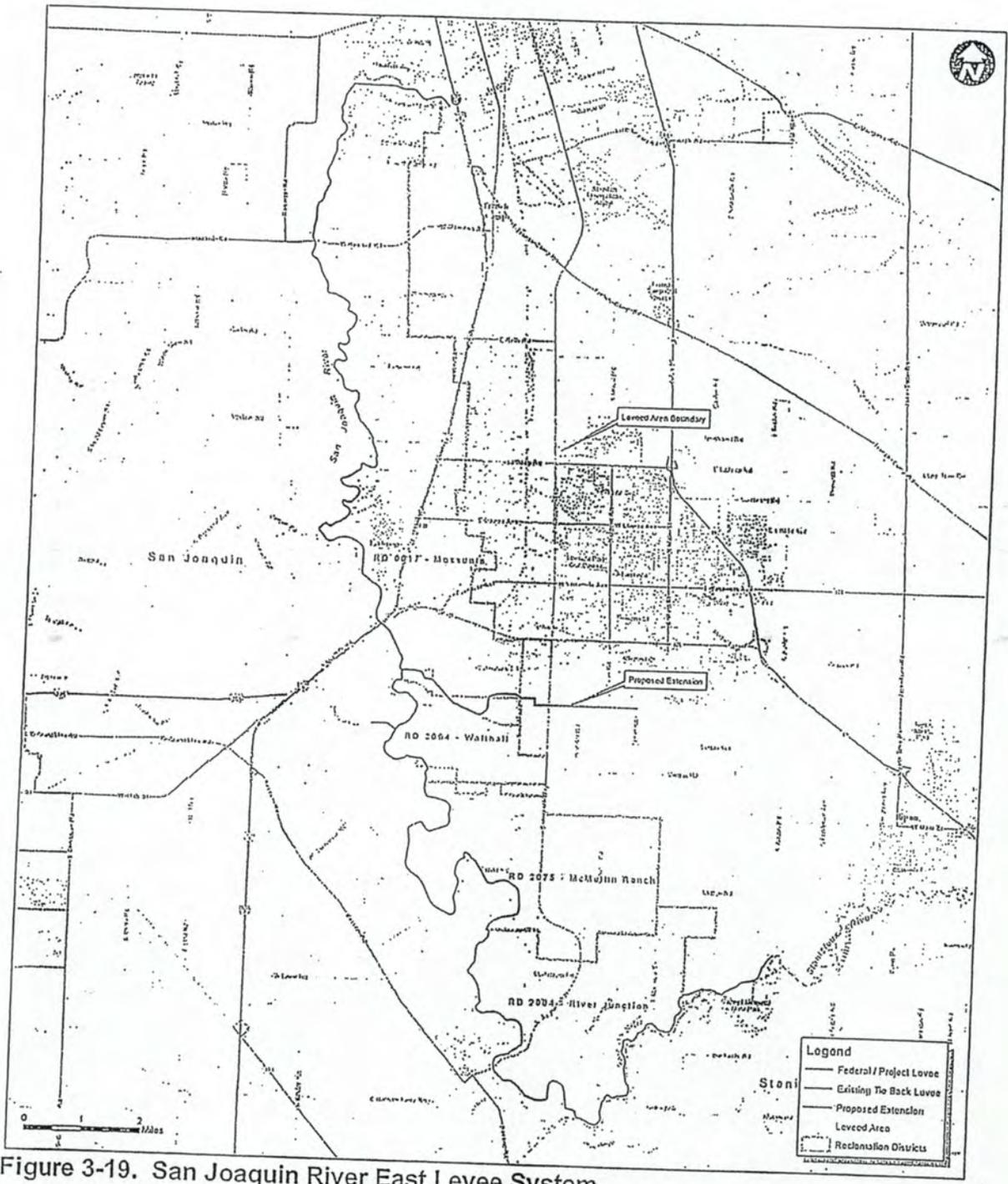
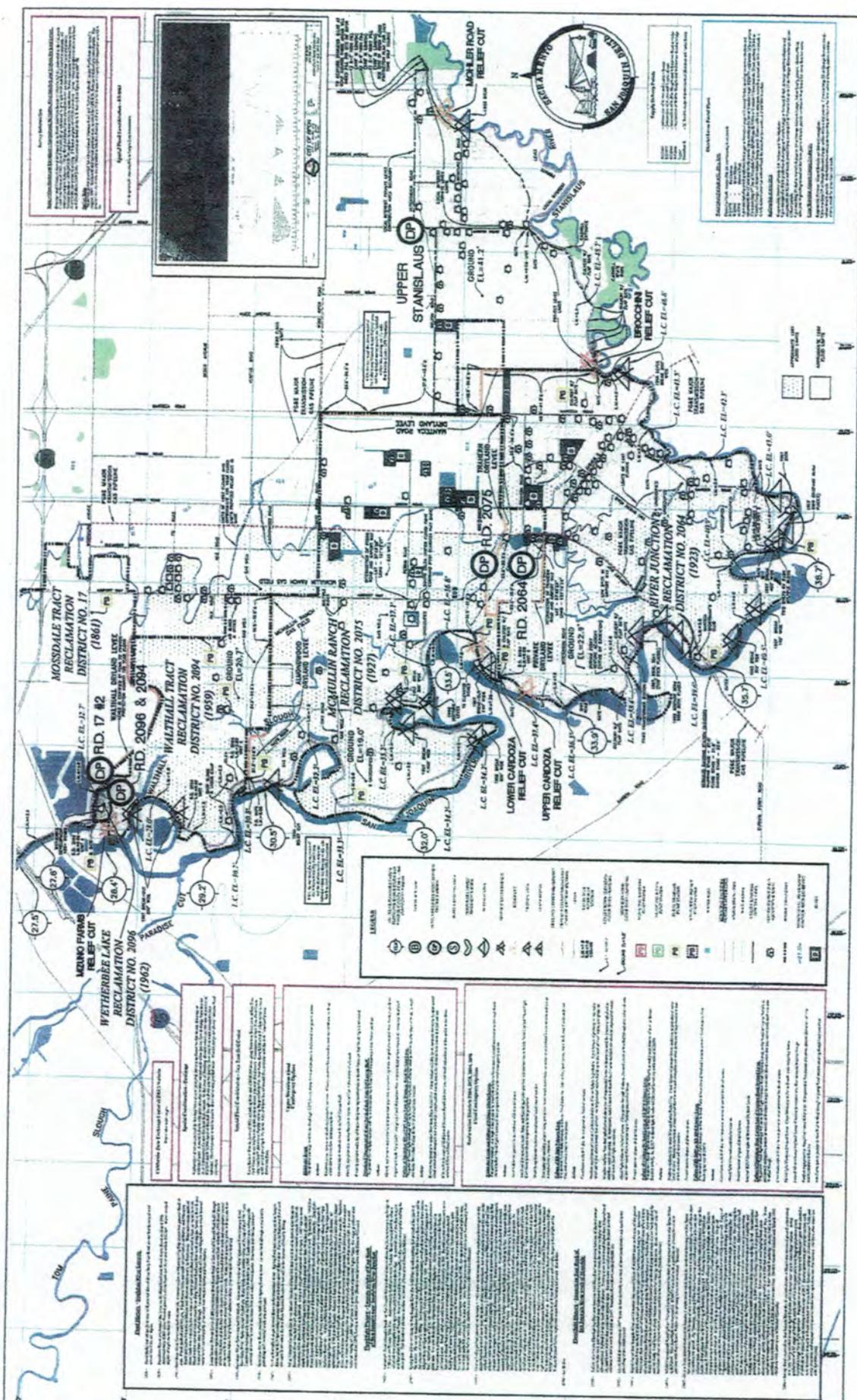


Figure 3-19. San Joaquin River East Levee System.

Ex. "3":

San Joaquin County Office of Emergency Services "*SJ
County Flood Contingency Map, RD 2064, 2075, 2094 &
2096, SJ River East Bank*" dated April 2011



Ex. "4":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page ES-8

Table ES-12-4

Phase 3 Repair Project EIS/FEIR Action Alternatives

Reach	Levee Element	Minimum Footprint Alternative (Alternative 1)	Maximum Footprint Alternative (Alternative 2)	Preferred Alternative
		I	Ia seepage berm	seepage berm
II	Ib seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
	Ic seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
III	IIa <u>cutoff wall</u> ¹	<u>cutoff wall</u> ¹	<u>setback levee</u>	<u>cutoff wall</u>
	IIb <u>cutoff wall</u>	<u>cutoff wall</u>	<u>setback levee</u>	<u>cutoff wall</u>
IV	IIIa chimney drain in existing seepage berm	chimney drain in existing seepage berm	chimney drain in existing seepage berm	chimney drain in existing seepage berm
	IIIb seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
V	IVa seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain
	IVc cutoff wall	cutoff wall	seepage berm with chimney drain/toe drain or setback levee	<i>setback levee with seepage berm and cutoff wall</i>
VI	Va cutoff wall	cutoff wall	seepage berm with toe drain	<u>cutoff wall</u>
	VIa.1 cutoff wall	cutoff wall	seepage berm with toe drain	<u>cutoff wall</u>
VII	VIa.3 N/A	N/A	N/A	<u>cutoff wall</u>
	VIa.4 seepage berm with toe drain	seepage berm with toe drain	seepage berm with toe drain	<u>cutoff wall</u>
VIII	VIb chimney drain in existing seepage berm	chimney drain in existing seepage berm	chimney drain in existing seepage berm	<u>cutoff wall</u>
	VIc seepage berm and fill	seepage berm and fill	setback levee	<u>cutoff wall</u>
IX	VId seepage berm and fill	seepage berm and fill	setback levee	<u>cutoff wall</u>
	VIe seepage berm and fill	seepage berm and fill	setback levee	<u>cutoff wall</u>
X	VIf seepage berm with chimney drain	seepage berm with chimney drain	seepage berm with chimney drain	<i>chimney drain and fill</i>
	VIf slurry cutoff wall or sheet pile cutoff wall ¹	slurry cutoff wall or sheet pile cutoff wall ¹	seepage berm with chimney drain	<u>chimney drain and fill</u>
XI	VIf seepage berm with toe drain and fill	seepage berm with toe drain and fill	slurry cutoff wall or sheet pile cutoff wall ¹	seepage berm with chimney drain
	VIf seepage berm	seepage berm	seepage berm with toe drain and fill	cutoff wall
XII	VIf seepage berm	seepage berm	seepage berm	seepage berm with chimney drain/toe drain
	VIf seepage berm	seepage berm	seepage berm	N/A
XIII	VIf seepage berm	seepage berm	seepage berm	N/A
	VIf seepage berm	seepage berm	seepage berm	N/A
XIV	VIf seepage berm	seepage berm	seepage berm	N/A
	VIf seepage berm	seepage berm	seepage berm	N/A

Notes: Bolded text indicates that the proposed method for reducing flood risk for the element is different in each of the alternatives. *Italicized text* indicates that the proposed method for reducing flood risk for a Preferred Alternative element is different from both Alternative 1 and Alternative 2.

¹ Shallow slurry cutoff wall to be constructed with open-cut trench method. Sheet piles to be installed using pile-driving technology.

Source: Data created by AECOM in 2011 based on information provided by Kjeldsen Sinnock Neudeck, Inc.

Ex. "5":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 3-4, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 5-54 and 5-55

Manage Land Use within Flood-prone Areas

This measure is an activity that the non-Federal sponsors would implement to meet the study objective of reducing flood risk to public health, safety and life. California SB 5 described in Section 2.2.2 is such a measure.

3.1.2 Structural Measures

Levee Raises

Raising levee height to increase the level of performance of existing levees is the focus of this measure. Increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and top width. Levee raises would be accomplished by adding material to achieve the desired height. Height increases would be accomplished while maintaining design top width and side slopes, and may require additional landside easement(s) to allow for the increase in levee footprint and necessary access easements.

Cut-off Walls

This measure would be implemented to address through- and under-seepage issues that affect levee performance and safety. Installation of the cut-off wall is accomplished by degrading the levee to one-half height and creating the wall with a soil-bentonite mix. Once the mix has cured, the levee is restored to design height and side slopes to meet current design standards. The depth of the cut-off walls will typically be from 20 to 80 feet, depending on subsurface conditions, which will be determined more precisely during the PED phase through additional borings and corresponding depth required to stop through and under-seepage.

Deep Soil Mixing (Seismic)

This measure would be implemented to provide seismic stability to the Delta Front levees where required. The measure addresses seismic risk in the Delta Front levees due to the makeup of the foundational geomorphology. The Delta area soils are typically unconsolidated alluvial deposits. The deep soil mixing (seismic) measure would involve installation of a grid of drilled soil-cement mixed columns aligned longitudinally with, and transverse to the levee extending beyond the levee prism. This measure acts to minimize lateral deformation of the levee during seismic events.

Setback Levees

Where in-place improvements of levees may not be effective, and adequate footprint area exists, this measure could be implemented to improve the hydraulic capacity and overall effectiveness of the levee system. This measure would allow for ecosystem restoration measures on the water side of the new levee. Setback levees would be built to a height equal to that of the existing levee system. Typical design for a

4.3.1 Cutoff Walls

Seepage cutoff walls are vertical walls of low hydraulic conductivity material constructed through the embankment and foundation to cut off potential through- and under-seepage. In order to be effective in reducing under-seepage, cutoff walls usually tie into an impervious sub-layer. Prior to construction, the construction site and staging areas would be cleared and grubbed. The levee is typically degraded by one half the levee height to provide a sufficient working surface and prevent hydraulic fracture of the levee. The cutoff walls for the project area would be a minimum of 3-feet in width; the cutoff wall would be constructed from a working surface elevation to a design depth at least 3-feet into an impermeable layer. During construction, bentonite-water slurry is used to keep the trench open and stable prior to backfilling with the permanent wall material. Soil is mixed with bentonite (SB) and then pushed into the trench, displacing the bentonite-water slurry. After a predetermined settlement period, an impervious cap is constructed above the cutoff wall and the levee is reconstructed using suitable material (Type 1 levee fill) to the correct design elevation and current USACE levee design criteria.

The conventional slurry method for SB walls is an open trench method that uses an excavator with a long-stick boom to excavate the slurry trench. The conventional method has a maximum depth of about 70 to 80 feet. Cutoff walls in North and Central Stockton would extend up to 70 feet below the working surface elevation. Some areas in RD 17 would require cutoff walls using Deep Mixing Method and would need to be up to 120 feet below the working surface elevation. The Deep Mixing Method involves blending the existing soil with cementitious material using blade or auger based mixing tools. Figure 4-1 shows a typical plan for a cutoff wall.

4.3.2 Levee Reshaping (also called "Geometric Fix")

This measure would include reshaping the existing levees to restore them to USACE levee design criteria for side slopes and crown width. For the LSJRFS area, the minimum crest width for mainline or major tributary levees is 20 feet; the minimum crest width for minor tributary levees is 12 feet. Existing levees with landside and waterside slopes as steep as 2H:1V (i.e., for every 2 feet of horizontal distance, there is a 1 foot increase in height) may be acceptable if slope performance has been good and if the slope stability analyses determined the factors of safety to be adequate. Newly constructed levees should have 3H:1V waterside and landside slopes.

For new levees constructed in the LSJRFS area, a minimum permanent landside toe clear access easement of 20 feet is required; for existing levees within the LSJRFS area, a minimum permanent landside toe clear access easement of 10 feet is required. For both new and existing levees in the LSJRFS a minimum permanent waterside toe vegetation free zone (VFZ) of 15 feet is required unless a variance is approved by USACE.

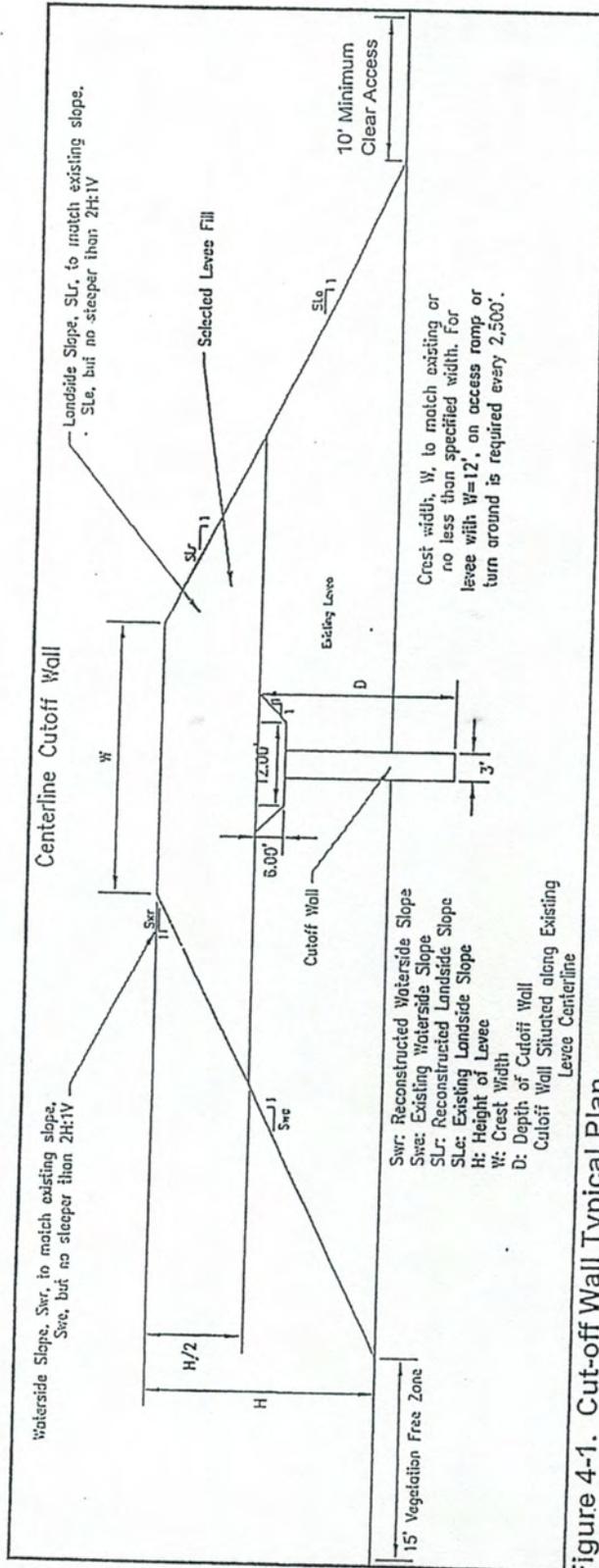


Figure 4-1. Cut-off Wall Typical Plan.

Note that the landside easement (right side) shown would be the minimum easement; landside easements would range from 10 feet to 20 feet from the levee toe.

Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To correct levee geometry, suitable material would be placed along the landside of existing levee slopes where needed to provide the minimum slope, required height, and crest width to meet current USACE levee design criteria, as detailed above. After construction, slopes would be hydroseeded for erosion control.

The additional area added to the landside toe by widening varies from 1 to 30 feet, depending on the existing width of the levee. The slope reshaping typical plan is shown on Figure 4-2. Slope reshaping and levee height fixes may require relocation of landside toe drains and ditches. These toe drains and ditches would be reestablished landward of the improved levee toe and would continue to function as they did before the levee improvements were constructed.

4.3.3 Levee Raise (Levee Height Fix)

This measure describes the construction action that would be taken to repair the levee height in locations where the crown has slumped and to raise the existing levee height to reasonably maximize net benefits. Where SLR was a design consideration, the height could increase up to 5 feet. An increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and crown width. Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To construct a levee raise, suitable material would be placed along the crown and landside of existing levee slopes, where needed, to provide the minimum slopes, required height, and crest width that meet current USACE levee design criteria. The typical plan for a levee raise is shown in Figure 4-2.

4.3.4 Seepage Berm

Seepage berms are proposed to address levee stability, under- and through-seepage which are affecting levee performance and safety. A seepage berm is typically built adjacent to the landside of the levee and consists of layers of sand, gravel, and soil. The purpose of the berm is to control seepage flows and reduce the risk of the levee being undermined during a high-water event. The seepage berm acts as a cap, controlling the seepage flow below the berm surface and allowing the flow to reach an exit location in such a way that the undermining of levee soils is reduced or eliminated, thereby preventing boils and piping.

The seepage berm width could range from 100 to 200 feet from the landside toe of the existing levee with a maximum width of 300 feet. The seepage berms would be approximately 5 feet thick at the toe of the existing levee and would gradually slope downward to about 3 feet thick at the landside edge, with a 3:1 slope to ground level.

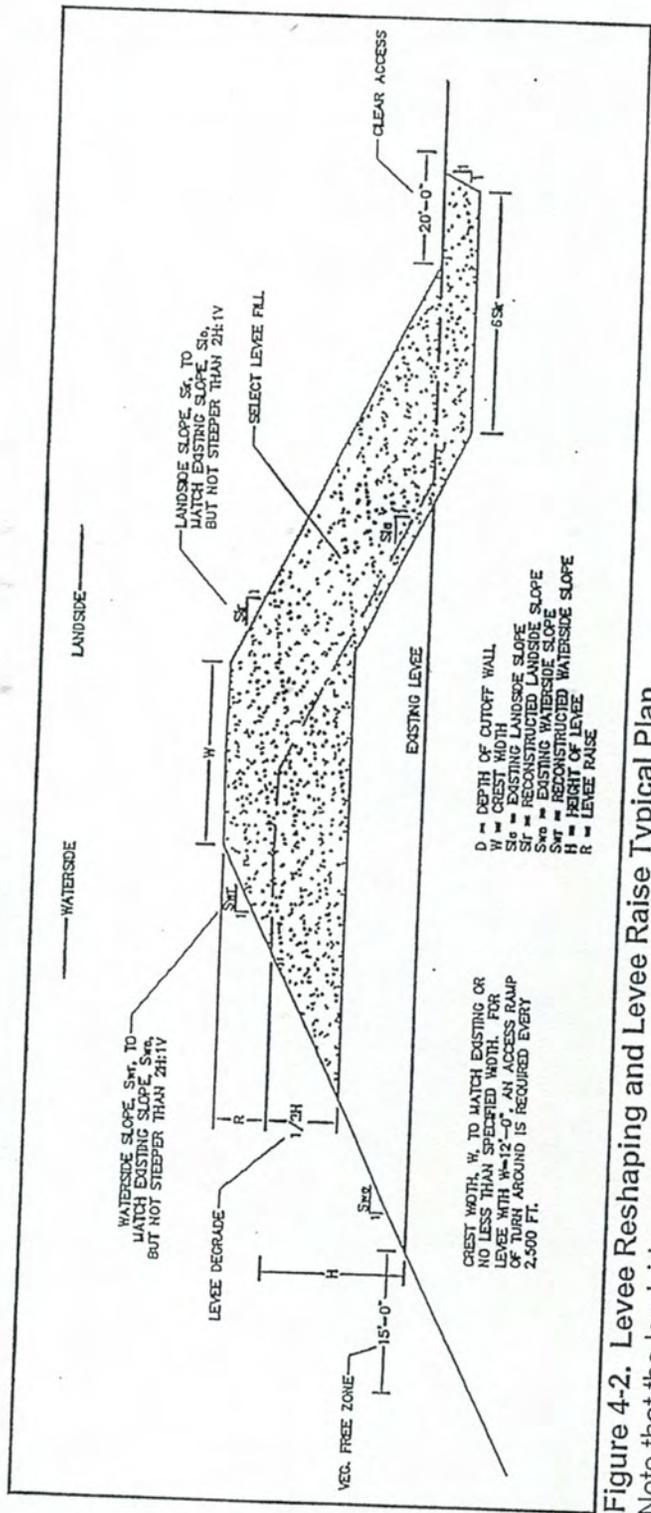


Figure 4-2. Levee Reshaping and Levee Raise Typical Plan.
 Note that the landside easement (right side) shown would be the maximum clear access easement; landside easements would range from 10 feet to 20 feet from the levee toe. Half levee degradation is generally not proposed unless a cutoff wall would be installed. Instead, an internal drain may be constructed between the existing levee materials and the new fill.

Prior to construction the landside construction area would be cleared and grubbed for the new berm, right of way, and temporary easement. A layer of sand would then be placed on the natural ground surface to help eliminate the movement of fine-grained materials from underneath the levee. Gravel would then be placed on top of the sand to create a drainage layer. The drainage layer would allow the water to flow in a controlled manner and exit the face of the seepage berm to reduce the water pressure on the landside of the levee. A soil layer would then be placed on top of the gravel to further reduce the risk that seepage flows would pipe or create boils. Filter fabric would be placed between the soil and gravel layer to avoid migration of the soil into the gravel, which could clog the gravel and reduce its ability to carry seepage flows. A typical plan for a seepage berm is shown on Figure 4-3.

4.3.5 New Levee

This measure would involve constructing new levees to reduce the flood risk to some areas or to prevent waters from outflanking (i.e., flowing around the ends of the levees and entering the area intended to be protected) the existing levee system during high water events. To construct the new levees, the construction footprint area would be cleared and grubbed and a new levee foundation would be excavated. A levee inspection trench would be excavated across the entire proposed centerline of the new levee. The depth of the inspection trench would vary depending upon levee height, as required by USACE guidance and the State's Urban Levee Design Criteria (ULDC). For the purposes of the impact analysis, a depth of 3 to 6 feet is assumed.

Construction of the new levee section would proceed in accordance with USACE levee design criteria, with suitable material placed in 6- to 8-inch lifts, moistened, and compacted to design specification until the design elevation has been reached. If needed, a cut-off wall would be constructed prior to the levee construction. Once the wall was complete, the levee prism would then be constructed of impermeable fill (Type 1 levee fill material). For new levees that require erosion protection, quarry stone riprap would next be applied to armor the newly completed levee's waterside slope and provide protection against erosion. Fill material for levee construction would be obtained from local construction borrow areas and commercial sources, and would be delivered to the levee construction sites using haul trucks. A gravel road would be constructed on the crown of the new levees. Following construction, the levee slopes would be reseeded with natural grasses to prevent erosion. A typical plan for a new levee with a cutoff wall is shown on Figure 4-4.

4.3.6 Erosion Protection

This measure would consist of protection of the landside levee slopes should landward areas flood and subject the levee to wind and wave run-up of flood waters. For the purpose of this study, riprap was used to describe erosion protection features and the associated impacts. In PED, other erosion protection methodologies besides riprap may be explored.

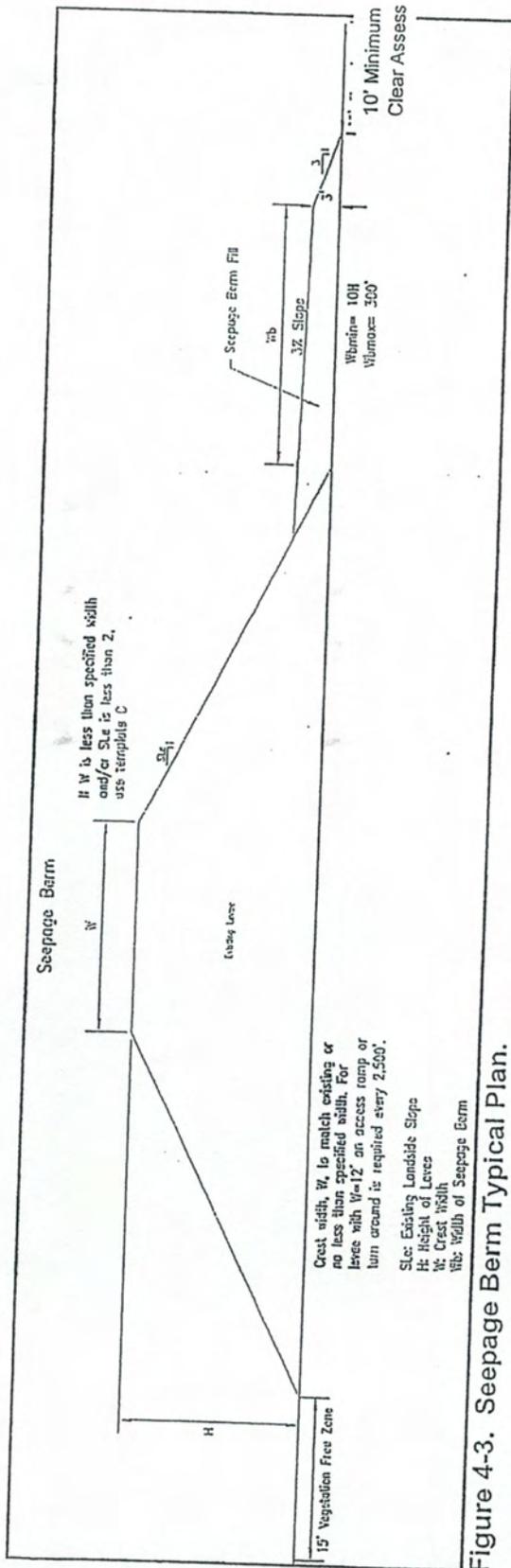


Figure 4-3. Seepage Berm Typical Plan.

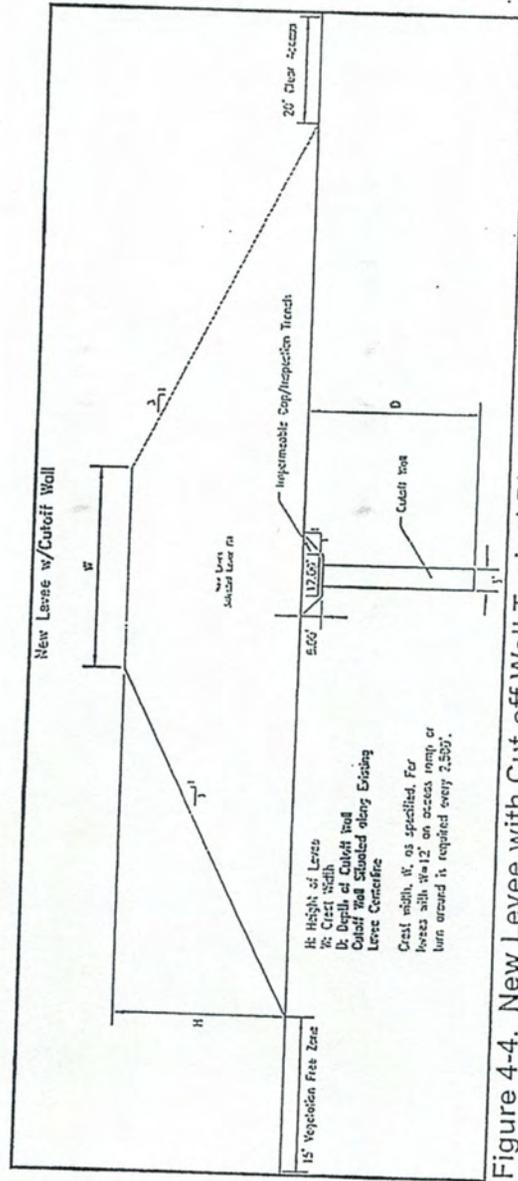


Figure 4-4. New Levee with Cut-off Wall Typical Plan.

- preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted), or
- substantially affect the quality of the groundwater supply.

5.6.3 Alternative 1 - No Action

Development within Stockton and surrounding areas could reduce recharge rates as the area of impervious surfaces increases and a larger volume of surface flows are collected by surface drains. If current groundwater management practices continue, levels will continue to decline, storage will continue to be reduced, and portions of the aquifer could become unusable due to the advancing inflow of higher salinity water from the west. In addition, potential groundwater contamination resulting from a flood event could limit the availability of groundwater.

The maximum sustainable yield from the aquifer is 0.75 to 1 acre-foot per acre per year. For the Delta Water Supply Project (DWSP), the City of Stockton selected a target extraction rate of 0.6 acre-feet per acre per year to reverse the historic overdraft and saline intrusion (City of Stockton 2007a, 2008a). The DWSP includes a storage and recovery program to address the City's long-term groundwater needs. In addition, the Eastern San Joaquin Groundwater Basin Management Plan also includes groundwater banking and recharge projects, although specific implementation measures have not been outlined. Although current groundwater supply is not sufficient for the anticipated growth, groundwater impacts would be reduced to **less-than-significant** through implementation of target extraction rates, banking projects, and recharge projects. Further, compliance with local, Federal, and state requirements would be implemented to reduce potential degradation of groundwater quality. Therefore, the No Action Alternative would have a **less-than-significant** impact on groundwater availability.

5.6.4 Alternative 7a

Under Alternative 7a, cutoff walls would be installed along about 20 miles of levees around North and Central Stockton. This alternative would reduce the risk of flooding to areas behind the levee. The areas receiving increased protection from improved levees are urban and are mostly built out. Therefore, the current pattern of groundwater recharge and extraction would be expected to continue.

Use of cutoff walls introduces the potential for groundwater contamination during construction. Primary construction-related contaminants that could reach groundwater include sediment, oil and grease, and hazardous materials. The slurry wall material is relatively benign and would not remain in a liquid state long enough to allow for significant lateral movement within the aquifer. Nevertheless, the release of contaminants into the groundwater would be a **significant** impact.

In addition, cutoff walls could restrict the movement of groundwater towards and away from adjacent rivers, streams and canals. This could change localized near-

surface groundwater levels in areas immediately adjacent to the cutoff wall. Shallow wells adjacent to the cutoff wall could be affected by the changes in radial flow, either increasing yields or increasing pumping costs. If yields decrease, a corresponding decrease in water quality could occur as the aquifer lowers and pumps take in more sediment. Cutoff walls may provide a potential benefit to the extent that they disrupt the eastward movement of saline waters.

Although some shallow wells near the slurry wall could be affected, recharge and overall flow to supply wells would not be appreciably affected. The proposed cutoff walls would reach depths of up to 70 feet. Since the upper water-bearing zone, the Victor Formation, extends from the ground surface to a maximum depth of approximately 150 feet and is hydraulically connected to the underlying Laguna Formation, the cutoff wall would not isolate any portion of the shallow water-bearing zone. The cutoff wall should not affect the utility of existing or future water supply wells.

The potential effects of cutoff walls on groundwater and subsurface water flows have become the subject of study only in recent years. In the Central Valley, two detailed technical studies of potential effects of cutoff walls on groundwater were completed in the Sacramento Basin. These studies were for the Natomas Levee Improvement Project and the Feather River West Levee Project/Sutter Basin Pilot Feasibility Study (SAFCA 2007, USACE and SBFCA 2013). Both of these studies found that the groundwater elevation would change by 3 feet or less. No similar studies have been conducted in the San Joaquin Basin. In the absence of any other data, this impact analysis assumes that the potential impact of cutoff walls on groundwater in the project area would be similar to what was identified for the two studies in the Sacramento River Basin and changes to groundwater elevations would be a fraction of existing groundwater elevations of 10 to 50 feet or more below ground surface in the project area (San Joaquin County 2007). Further, the implementation of the project would not change land use such that the rate of groundwater recharge would decrease or effect well yields. Therefore, Alternative 7a would have a **less-than-significant** impact on groundwater supplies.

5.6.5 Alternative 7b

Alternative 7b proposes the same repairs as Alternative 7a for North and Central Stockton, but would also include a new levee section on Duck Creek, levee improvements on the northern, western, and southern levees in RD 17, and a section of new levee in the southern part of RD 17. Cutoff walls would be constructed on about 34 miles of levee around North and Central Stockton and RD 17. Potential impacts are the same as those described for Alternative 7a. Like north and central Stockton, the future growth anticipated by the proposed General Plan for RD 17 would not substantially deplete groundwater supplies if the proposed target extraction rate of 0.6 acre-feet per acre per year is met (City of Stockton 2007a, 2008a).

Ex. "6":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 7-6 and 7-7

Socioeconomics and Environmental Justice Compliance are also discussed in Chapter 5, Section 5.13. Once all public comments have been received and addressed, as appropriate, the project will be in full compliance with EO 12898.

7.1.8 Executive Order 13112: Invasive Species

Executive Order 13112, signed February 3, 1999, directs all Federal agencies to prevent and control the introduction of invasive species in a cost-effective and environmentally sound manner. The order established the National Invasive Species Council, which is composed of Federal agencies and departments, and the supporting Invasive Species Advisory Committee, which is composed of state, local, and private entities. The council's national invasive species management plan recommends objectives and measures to implement Executive Order 13112 and to prevent the introduction and spread of invasive species (National Invasive Species Council 2008). Executive Order 13112 requires consideration of invasive species in NEPA analyses, including their identification and distribution, their potential effects, and measures to prevent or eradicate them.

7.1.9 Farmland Protection Policy Act (7 U.S.C. 4201, et seq.)

The Farmland Protection Policy Act was authorized to minimize the unnecessary and irreversible conversion of farmland to nonagricultural use due to Federal projects. This Act protects Prime and Unique farmland, and land of statewide or local importance. The Farmland Protection Policy Act protects forestland, pastureland, cropland, or other land that is not water or urban developed land. The Farmland Protection Policy Act requires a Federal agency to consider the effects of its action and programs on the Nation's farmlands. This Act is administered by the NRCS. The NRCS is authorized to review Federal projects and if farmland is being affected determine a farmland conversion impact rating for the farmland affected by the Federal project. USACE is required to provide the NRCS with project maps and descriptions to assist in determining impacts to Prime and Unique farmlands.

In California, NRCS uses a land evaluation and site assessment system (LESA) to establish a farmland conversion impact rating score on proposed sites of Federally-funded and assisted projects. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. Farmlands are scored on a scale of 260 points, and under the FPPA, farmlands receiving a total score of less than 160 points need not be given further consideration for protection and no alternative sites need to be evaluated (FPPA Rule 401.24, Section 658.4). Coordination with NRCS is on-going. The LESA evaluation will be completed and included in the final report. Preliminary review indicates that the permanent impacts on Prime Farmlands resulting from construction of the TSP would be considered less than significant since construction would primarily occur within the footprint of existing flood risk management infrastructure. New areas affected would mainly be within lands already converted to urban uses. Once the

Farmland Impact Rating is received from NRCS the project will be in full compliance with this Act.

7.1.10 Fish and Wildlife Coordination Act of 1958, as amended (16 U.S.C. 661, et seq.)

The Fish and Wildlife Coordination Act (FWCA) of 1958 requires that all Federal agencies consult with USFWS, NMFS, and the affected state wildlife agency for activities that affect, control, or modify surface waters, including wetlands and other waters. Under the FWCA, USFWS and NMFS and the applicable state fish and wildlife agency (CDFW) have an extended responsibility for project review that encompasses concerns about plant and wildlife species that may not be addressed under NEPA and the Federal ESA. This extended responsibility may include a project's secondary effects on jurisdictional waters, including wetlands. USFWS and NMFS review CWA Section 404 permit applications, as well as other Federal actions perceived to modify waters, and prepare a coordination act report to document the coordination between the Federal agency and the appropriate state regulatory agencies (Cylinder et al. 2004). The USFWS and CDFW have participated in evaluating the proposed project, and a draft CAR is provided in Appendix A-2. USACE will be in full compliance with this act once USFWS has issued the final CAR and USACE given full consideration to the USFWS' recommendations and included the final CAR with the study report to Congress for project authorization.

7.1.11 Magnuson-Stevens Fishery Conservation and Management Act (16. U.S.C. 1801, et seq.)

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) establishes a management system for national marine and estuarine fishery resources. Essential Fish Habitat (EFH) is defined as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." The legislation states that migratory routes to and from anadromous fish spawning grounds should also be considered EFH. The phrase "adversely affect" refers to the creation of any effects that reduce the quality or quantity of EFH. Federal activities that occur outside an EFH but that may, nonetheless, have an effect on EFH waters and substrate must also be considered in the consultation process. Under the Magnuson-Stevens Act, effects on habitat managed under the Pacific Salmon Fishery Management Plan must also be considered.

This law requires all Federal agencies to consult with NMFS regarding all actions or proposed actions permitted, funded, or undertaken that may adversely affect EFH. In consulting, the action agency must provide NMFS with a written assessment of the effects of their action on EFH. If NMFS determines that a proposed Federal or State activity would adversely affect EFH, then NMFS is obligated to provide EFH conservation recommendations to the action agency. The Federal action agency that receives the conservation recommendations must provide a detailed response in writing to NMFS within 30 days after receiving EFH conservation recommendations. The

Ex. "7":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Pages 3.2-4 and 3.2-9

51293[e][1]) because the proposed project Phase 3 Repair Project would consist of work to reduce potential flood damage. The preliminary notice to the ~~California Department of Conservation~~ DOC, provided before lands actually are-is actually acquired, would demonstrate the Phase 3 Repair Project area purpose of the project and the exemption from the findings.

Farmland in RD 17 that is in an agricultural preserve and ~~that is~~ currently is held in Williamson Act contracts is shown in Figure 3.2-2.

3.2.1.3 REGIONAL AND LOCAL

San Joaquin County General Plan

The *San Joaquin County General Plan 2010* (County General Plan) contains objectives and policies that guide land use decisions in the unincorporated parts of the county (San Joaquin County 1992). The Resources Element of the County General Plan includes goals and policies addressing agricultural land uses, including the following policy relating to preserving agricultural lands and compatible uses:

- **Policy 5:** Agricultural areas shall be used principally for crop production, ranching, and grazing. All agricultural support activities and nonfarm uses shall be compatible with agricultural operations and shall satisfy the following criteria:
 - (a) The use requires a location in an agricultural area because of unusual site area requirements, operational characteristics, resource orientation, or because it is providing a service to the surrounding agricultural area;
 - (b) The operational characteristics of the use will not have a detrimental impact on the management or use of surrounding agricultural properties;
 - (c) The use will be sited to minimize any disruption to the surrounding agricultural operations; and
 - (d) The use will not significantly impact transportation facilities, increase air pollution, or increase fuel consumption.

City of Lathrop General Plan

The *Comprehensive General Plan for the City of Lathrop, California* divides the city of Lathrop into three subplan areas (City of Lathrop 2004:1-2). The Phase 3 Repair Project Area is adjacent to Sub-plan Area #3, located on the east side of the San Joaquin River and west of Interstate 5, and to Sub-plan Area #1 located east of Interstate 5, adjacent to the east levee of the San Joaquin River. Lands located within the subplan areas are planned for development and policies related to agricultural land generally support maintaining agricultural uses on lands outside the subplan areas.

City of Manteca General Plan

The *City of Manteca General Plan 2023 Policy Document* (City of Manteca 2003), Resource Conservation Element, Goal RC-9, promotes the continuation of agricultural uses in the Manteca area and discourages the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca. Policies relevant to the proposed project include the following:

- **Policy RC-P-19:** The City shall support the continuation of agricultural uses on land designated for urban use, until urban development is imminent.

- Policy RC-P-20: The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.
- Policy RC-P-21: In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- Policy RC-P-23: Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- Policy RC-P-24: Provide buffers at the interface of urban development and farmland in order to minimize conflicts between these uses.
- Policy RC-P-26: The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.
- Policy RC-P-27: The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.

3.2.2 ENVIRONMENTAL SETTING

Within the Phase 3 Repair Project Area, agricultural land uses are located on nonurbanized lands along the east levee of the San Joaquin River and on either side of the dryland levee located east of the San Joaquin River and within the City of Manteca. Table 3.2-1 shows existing land uses and Important Farmland classifications for lands within the project footprint for each element.

Element	Jurisdiction	Existing Land Use	Important Farmland Classification
Ia	San Joaquin County	Agriculture	Prime/Statewide Importance
Ib		Agriculture	Prime
Ie		Agriculture/rural residence and River Mill Event Center (commercial) adjacent on downstream side	Prime
IIab		Agriculture/rural residence/human-made lake/Haven Acres Marina at south end of element	Prime/Rural Residential/Non-agricultural or Natural Vegetation/Semi-agricultural and Rural Commercial Land
IIIa	City of Lathrop	Existing levee and seepage berm	Not applicable
IIIb		Agriculture	Prime
IVa		Agriculture/residential subdivision	Prime/Non-agricultural or Natural Vegetation
IVc		Undeveloped open space on riverside/residential subdivision on landside	Prime/Non-agricultural or Natural Vegetation
Va-Via.1		Agriculture/rural residence/farm complex/subdivision and City of Lathrop park	Prime/Statewide Importance/Unique/Non-agricultural or Natural Vegetation
VIa.4		Agriculture	Prime/Local Importance
VIb		Existing levee and seepage berm	Not applicable
VIcde		Union Pacific Railroad; San Joaquin County Park—Mossdale Crossing Regional Park	Urban and Built Up

Ex. "8":

City of Manteca "*General Plan 2023, Policy Document*"
Adopted October 6, 2003 (Resource Conservation); Pages
8-10 and 8-11

Goal RC-9. To promote the continuation of agricultural uses in the Manteca area and to discourage the premature conversion of agricultural land to nonagricultural uses, while providing for the urban development needs of Manteca.

8.8.1 Policies: Agricultural Resources

- RC-P-19. The City shall support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.
- RC-P-20. The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.
- RC-P-21. In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.
- RC-P-22. Nonagricultural uses in areas designated for agriculture should be redirected to urban areas.
- RC-P-23. Protect designated agricultural lands, without placing an undue burden on agricultural landowners.
- RC-P-24. Provide buffers at the interface of urban development and farmland; in order to minimize conflicts between these uses.
- RC-P-25. The City shall ensure, in approving urban development near existing agricultural lands, that such development will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.
- RC-P-26. The City shall restrict the fragmentation of agricultural land parcels into small rural residential parcels except in areas designated for estate type development in the General Plan Land Use Diagram.

- RC-P-27. The City shall discourage the cancellation of Williamson Act contracts outside the Primary Urban Service Boundary line.
- RC-P-28. The City shall not extend water and sewer lines to premature urban development that would adversely affect agricultural operations.
- RC-P-29. The City shall encourage Manteca Unified School District and the Delta Community College District to maintain the school farm facilities and associated education programs in the City.
- RC-P-30. The City of Manteca will participate in a county-wide program to mitigate the conversion of Prime Farmland and Farmlands of Statewide Importance to urban uses.

8.8.2 Implementation: Agricultural Resources

- RC-I-30. Apply the following conditions of approval where urban development occurs next to farmland.
- Require notifications in urban property deeds that agricultural operations are in the vicinity, in keeping with the City's right-to-farm ordinance.
 - Require adequate and secure fencing at the interface of urban and agricultural use.
 - Require phasing of new residential subdivisions; so as to include an interim buffer between residential and agricultural use.
- RC-I-31. Work with San Joaquin County on the following issues:
- Pesticide application and types of agricultural operations adjacent to urban uses.
 - Support the continuation of County agricultural zoning in areas designated for agricultural land use in the Area Plan.

Ex. "9":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page 3.2-16

also result in permanent conversion of Important Farmland for construction of setback levees in Elements IIab, and Ivc, and VIcdeIVe. The Important Farmland on the waterside of the setback levee would be converted to nonagricultural uses, such as habitat or open space. ~~The~~ This impact on the permanent conversion of Important Farmland under Alternative 2 would be significant.

Applicant's Preferred Alternative

Table 3.2-2 shows the acreage of Important Farmland that would be converted to nonagricultural uses under the Applicant's Preferred Alternative. Under this alternative, Important Farmland acreage would be required for construction of seepage berms, a setback levee, and an access road. As described under Alternative 1, construction of seepage berms would be considered a permanent conversion of Important Farmland to nonagricultural uses. This impact on the permanent conversion of Important Farmland would be significant.

Mitigation Measure 3.2-a: Minimize Important Farmland Conversion to the Extent Practicable and Feasible,

Alternative 1—Minimum Footprint Alternative, Alternative 2—Maximum Footprint Alternative, and the Alternatives and 1 and 2 Applicant's Preferred Alternative

RD 17 shall implement the following measures listed below concerning Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to minimize adverse effects on these lands:

- a) During ~~project~~ Phase 3 Repair Project construction, utilities disturbance of utilities that are is needed for agricultural purposes (including wells, pipelines, and power lines) and agricultural drainage systems ~~shall~~ will be minimized so that agricultural operations are not substantially disrupted. If any agricultural infrastructure, such as wells, pipelines, and drainage canals, ~~must need to be removed during project~~ construction, restore the function of these facilities will be restored as soon as possible for lands that are to remain in agricultural production.
- b) Disturbance of agricultural land and agricultural operations during Phase 3 Repair Project construction ~~shall will be minimized~~ by locating construction staging areas on sites that are fallow, that already are already developed or disturbed, or that are to be discontinued for use as agricultural land, and by using existing roads to the extent possible to access project construction areas sites.

To the extent practicable and feasible, when expanding the footprint of a flood ~~damage reduction control~~ facility (e.g., levee or berm) onto agricultural land, the most productive topsoil from the project construction footprint ~~shall will be salvaged and redistributed to less-productive agricultural lands near the project construction area-site~~ that ~~could can~~ benefit from the introduction of good-quality soil. By agreement between the implementing agencies or landowners of affected properties and the recipient(s) of the topsoil, the recipient(s) ~~shall will be~~ required to use the topsoil for agricultural purposes. RD 17 shall implement all terms and conditions of agreements.

Responsibility: ~~Project proponent~~ RD 17.

Timing: Minimize loss of Important Farmland and reuse topsoil before construction and avoid disruption to current agricultural operations during construction. Replace function of agricultural infrastructure as soon as possible after construction in ~~the a particular area~~ location is complete.

~~Implementing~~ Implementation of Mitigation Measure 3.2-a would reduce ~~this the~~ the impact on Important Farmland associated with ~~the three a~~ Alternatives 2, but not to a less-than-significant level. The impact would remain significant and unavoidable for ~~both all~~ all alternatives because of the permanent conversion of Important Farmland to nonagricultural uses.

Ex. "10":

Reclamation District No. 17 (Prepared by AECOM) "*Final Environmental Impact Report Phase 3-RD 17 Levee Seepage Repair Project*" dated March 2015 (SCH #2010042073); Page 2-25



Source: Data provided by Kjeldsen, Slinbeck & Houdeck, ENGINEER, and Mackay & Samps in 2010, adapted by AECOM in 2014

Phase 3 Repair Project Levee Elements in Reaches VI-VII

Ex. "11":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Page 5-23

narrows to approximately 500 feet. However, there is one oxbow reach where the floodway is approximately 2,000 feet wide. Flood stages within this reach are dominated by runoff from the San Joaquin River.

Approximately 1 mile downstream of Paradise Cut on the right bank is Wetherbee Lake and the upstream tieback levee of RD 17. The Wetherbee Lake levee segment along the San Joaquin River was a feature of the San Joaquin Flood Control Project which cut off Walthall slough from the San Joaquin River to reduce damages to a resort development along the river. The RD 17 tieback levee is located downstream of Walthall Slough and extends east along the right bank of the slough to high ground. The RD 17 tieback levee is higher than the right bank levee of the San Joaquin River and diverts any floodwaters on the right overbank back into the San Joaquin River. This situation occurred in the flood of January 1997 and is shown on Plate 10. Flood stages within this channel reach are dominated by runoff from the San Joaquin River. Flood stages in the right overbank are dominated by runoff from the San Joaquin River and Stanislaus River.

Old River to French Camp Slough. Old River defines the upstream extent of this reach. Old River is a distributary from the San Joaquin River and conveys floodwaters west into the Sacramento-San Joaquin Delta. There is no hydraulic structure to manage the flow split. The flow split is defined by the hydraulic characteristics of Old River and the San Joaquin River downstream of the flow split.

Within this reach the San Joaquin River further transitions to a less sinuous plan form. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. From Burns Cutoff to approximately 4 miles downstream, the right bank levee is approximately 3 feet taller than the left bank. The floodway width between the levees varies from 300 feet to 400 feet and widens to 1,400 feet at a few meander bends. The waterside levee face forms the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River.

French Camp Slough to Burns Cutoff. French Camp Slough defines the upstream extent of this reach. French Camp Slough is a tributary to the San Joaquin River. The reach characteristics of French Camp slough are described below. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. The floodway width between the levees varies from 300 feet to 400 feet. The waterside levee face is next to the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River. However, influence of ocean tides is evident in flood stage hydrographs.

Burns Cutoff to Deep Water Ship Channel. Burns Cutoff defines the upstream extent of this reach. Burns cutoff is a secondary channel of the San Joaquin River which conveys water on the west side of Rough and Ready Island. Burns cutoff flows

Ex. "12":

US Army Corps of Engineers, Sacramento District "*San Joaquin River Basin Lower San Joaquin River, CA DRAFT Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report*" dated February 2015; Pages 4-11 and 4-13

the levee to the proposed toe shown in Figure 4-5. The proposed toe could be located along an imaginary line extending from the landward face of the proposed levee to existing grade. During the current feasibility planning the maximum extent of the reconstruction berm is shown in order to show the maximum impacts which could occur.

Deep soil mixing augers would be used to construct a continuous grouping of cells spaced equally in both the longitudinal and transverse direction to the levee alignment as shown in the plan view in Figure 4-5. The deep soil mixing is a seismic strengthening feature meant to keep the levee from liquefying during seismic activity. After construction is completed, the levee crest would then be topped with a 6-inch aggregate road, and slopes would be hydroseeded for erosion control. This degrading and reconstruction effort would occur along 3 miles of Fourteenmile Slough and Tenmile Slough.

4.3.10 Closure Structures

This measure would include construction of closure structures at the mouths of backwater sloughs at Smith Canal and Fourteenmile Slough to provide flood risk management along those sloughs. The closure structures would control back-flooding from the San Joaquin River and Delta during high water events. The gates would be operated typically between November 1st to April 30th which covers the rainy season and the period when high tides occur in this area. Specifically, the gates will be operated when the high tide is forecast to reach, or exceed +8.00 ft NAVD88 to prevent high flows from entering the canal/slough. The gate would be closed at the lowest tide prior to the forecasted high tide and remain closed until the high tide begins to recede. The gate would then be opened to allow any accumulated interior drainage behind the gate structure to flow out. This would limit the level and duration of water saturation and reduce the risk of levee damage or failure. Due to the tidal influence of the Delta, high water events could last from a few days to a few weeks, depending on river conditions. During development of the alternatives, Smith Canal and Fourteenmile Slough were identified as appropriate locations for closure structures.

The proposed closure structures would consist of a fixed sheet pile wall structure with an opening gate structure sufficiently large to allow for the safe passage of boats and other watercrafts. Fish and other aquatic organisms would also be able to pass through these gates when they are open. The opening portion of the closure structure would be an automated gate that may open upward or outward. The gate would be approximately 50-foot wide, and would be constructed of stainless steel. The gate would be attached to a concrete foundation using stainless steel anchor bolts. A small building would be built on land directly adjacent to the closure structures to store equipment required to operate the gate. As needed, a sheet pile floodwall would be constructed adjacent to the control structures to tie the structures into the adjacent levee or high ground areas.

Construction would require dredging or draglining, construction of a temporary cofferdam, in-water excavation, and placement of some structural features in the water.

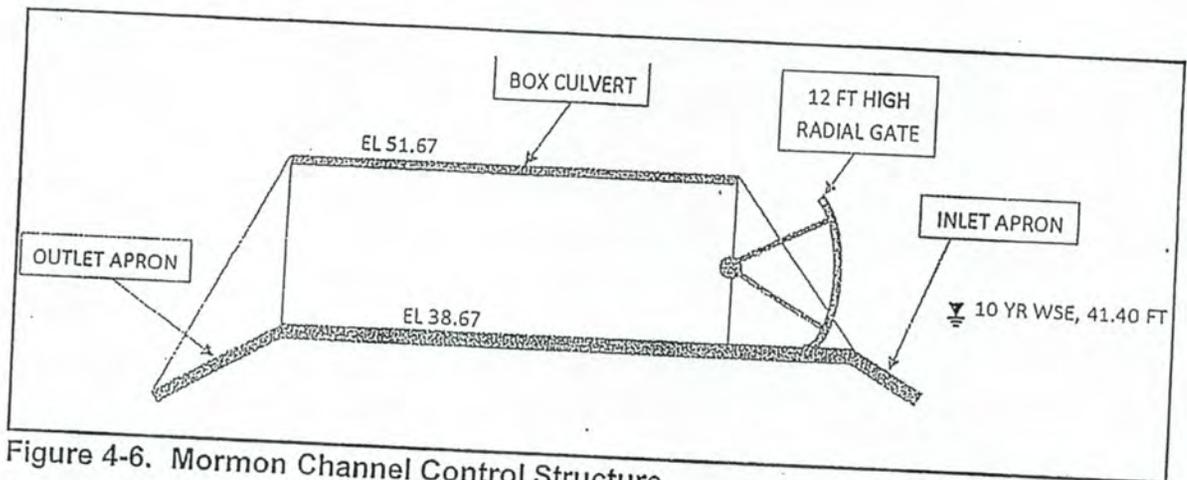


Figure 4-6. Mormon Channel Control Structure.

4.4 ALTERNATIVES

4.4.1 Alternative 1 – No Action

Under no action, the USACE would not participate in flood risk management in the study area as part of the LSJRFS. Although State or local agencies would likely repair area levees in the future to meet Federal (FEMA) or State (SB 5 200-year protection) flood protection obligations, this alternative assumes that flood risk management measures would not be implemented and that the current level of risk of flooding would continue. This risk, as represented by conditions in the study analysis area, would continue to leave both residents and property in and near the cities of Stockton, Lathrop, and Manteca vulnerable to flooding.

In response to major floods in the early 1950s, the USACE constructed several dams, miles of levees, and other features in and near the study analysis area as part of the Lower San Joaquin River and Tributaries project. Since that time, the engineering performance and potential reliability of these project levees have decreased due to identified structural deficiencies, including through- and under-seepage, slope stability, overtopping, and erosion. Under no action, these deficiencies would continue and likely become worse, increasing the risk of future levee failure during high flows.

Climate change also appears to be affecting world-wide temperatures and seasonal climate patterns. Future projections show rises in sea level and changes in inland climate patterns that could result in higher future water-surface elevations in the lower San Joaquin River and tributaries. The no action alternative would not include design features, such as raising levees, to account for potential effects of these higher elevations combined with the identified deficiencies on levee performance. An estimated 264,000 residents and \$21 billion in damageable property would continue to be at risk of unexpected levee failure and flooding in the study analysis area.

JOHN MINNEY; CIVIL ENGINEER
17137 Road 37
Madera CA 93636
559-275-5937 559-645-0870

March 31, 2015

Job F14030

Ms. Tanis Toland
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814-2922

SUBJECT: LOWER SAN JOAQUIN RIVER PROJECT INTERIM REPORT

Dear Ms. Toland:

As requested by an almond grower in the RD 17 area of the proposed levee project, I have reviewed relevant portions of the overall project as it relates to an existing almond orchard operation. Specifically, the almond operation is on the extreme southern end of the levee project.

I am a civil engineer, geotechnical engineer and licensed well drilling contractor in the State of California. I have previously been licensed in Oregon, Missouri and Michigan. I have been in the construction business with emphasis on soil and water for 45 years. I did a substantial amount of work on the USACE Lock & Dam 26 project just outside St. Louis in the 1970's.

The increased flood protection afforded by levee projects such as this is clearly a public benefit. However, the levees and associated construction also can adversely affect immediately adjacent property. The primary adverse effect that I am referring in the specific case of the almond orchards on the extreme south end of the levee project are changes in the groundwater table. Groundwater in that area is historically known to be shallow and the almond trees are susceptible to damage if the root zone is flooded.

Typically, the levees will impound water but can have seepage going under the levee driven by the impounded head of water. That seepage can adversely affect the structural stability of the levees so there typically is a seepage control mechanism incorporated under the levee. The seepage control mechanisms are typically some combination of cutoff walls and/or drainage trenches.

The issue of cut-off walls is discussed in numerous places in the document. Attached are portions of the document where the same comment is inserted on multiple locations. My comment is as follows:

THIS DISCUSSION SECTION APPEARS INCOMPLETE BECAUSE IT DOES NOT CONSIDER THE USE OF DRAINS AS OPPOSED TO, OR IN CONJUNCTION WITH, CUT-OFF WALLS TO ENHANCE STRUCTURAL PERFORMANCE DURING HIGH WATER IMPOUNDMENT PERIODS. THE CUT-OFF WALL WOULD TYPICALLY BE MORE COST-EFFECTIVE FROM THE STANDPOINT OF BUILDING AND MAINTAINING THE LEVEES BUT THE CROPS, PARTICULARLY ALMOND TREES, CAN BE FLOODED OUT IN THE ROOT ZONE IN ANY TIME OF HIGH GROUNDWATER BECAUSE THE NATURAL SUBSURFACE DRAINAGE IS LITERALLY CUT-OFF BY A CUT-OFF WALL. THIS ROOT ZONE FLOODING CAN HAPPEN EVEN IF NO ABOVE-GROUND FLOODING OCCURS. BY INSTALLING ONLY A CUTOFF WALL BARRIER UNDER THE PROPOSED LEVEES, THE CURRENT DESIGN EFFECTIVELY GUARANTEES THAT THERE WILL BE MORE

PROBLEMS WITH SHALLOW ROOT ZONE FLOODING AND TREE ROOT DROWNING EVEN IF NO FLOODING WOULD HAVE OCCURRED. THIS IS BECAUSE THE MINIMAL NATURAL DRAINAGE WHICH PERIODICALLY RESULTS IN TREE KILLS WILL BE SUBSTANTIALLY WORSENER BY THE CUTOFF BARRIER. A DRAIN SYSTEM IN COMBINATION WITH THE CUTOFF WALL IS ABSOLUTELY ESSENTIAL TO LONG TERM TREE GROWTH BEHIND THE LEVEES.

MY RECOMMENDATION IS TO INSTALL A SUBDRAIN SYSTEM ON THE INSIDE TOE OF THE LEVEE WHICH WOULD MAINTAIN THE GROUNDWATER LEVEL AT LEAST 5 FEET BELOW THE BOTTOM OF THE ROOT ZONE OF THE ALMOND TREES. THE SYSTEM WOULD INCLUDE A GRAVEL INTERCEPTOR TRENCH TO WITHIN NOMINALLY 3 FEET OF THE ORIGINAL GROUND SURFACE WITH THE GRAVEL ENCAPSULATED IN FILTER FABRIC AND A PERFORATED COLLECTOR PIPE IN THE BASE OF THE GRAVEL. A DEDICATED PUMP WOULD LIFT THE COLLECTED WATER FOR DISPOSAL ELSEWHERE. THE PUMP WOULD ACTIVATE AUTOMATICALLY BY FLOAT CONTROL.

THE WATER SO COLLECTED WOULD REQUIRE DISCHARGE OFF-SITE. BECAUSE THE SHALLOW GROUNDWATER SO COLLECTED IS MORE THAN LIKELY TO CONTAIN CONSTITUENT LEVELS HIGHER THAN THE LARGE FLOOD WATERS, A WAIVER TO ALLOW AUTOMATIC DISCHARGE OF THE COLLECTED GROUNDWATER WOULD NEED TO BE OBTAINED.

If you have any questions or comments in this regard, please do not hesitate to contact me.

Respectfully submitted,

John Minney
John Minney, CE 32537



LOWER SAN JOAQUIN RIVER PROJECT INTERIM REPORT

SAN JOAQUIN COUNTY, CALIFORNIA

DRAFT

INTEGRATED INTERIM FEASIBILITY REPORT/ENVIRONMENTAL IMPACT
STATEMENT/ENVIRONMENTAL IMPACT REPORT

FEBRUARY 2015

JOHN MINNEY COMMENTS INSERTED IN BOLD RED TYPE

Type of Statement: Draft integrated Feasibility Report/Environmental Impact Statement/Environmental Impact Report (FR/EIS/EIR)

Lead NEPA Agency: U.S. Army Corps of Engineers, Sacramento District

Lead CEQA Agency: San Joaquin Area Flood Control Agency

Cooperating/Responsible Agency: State of California Central Valley Flood Protection Board

Abstract: The U.S. Army Corps of Engineers and its non-Federal sponsors, the San Joaquin Area Flood Control Agency (SJAFC) and the State of California Central Valley Flood Protection Board, propose to improve flood risk management to North and Central Stockton by repairing and enhancing the levees that surround the city, and by constructing and operating closure structures on Fourteenmile Slough and Smith Canal. The draft FR/EIS/EIR describes the environmental resources in the project area; evaluates the direct, indirect, and cumulative environmental effects of the seven alternative plans; and identifies avoidance, minimization, and mitigation measures. Most potential adverse effects would be either short term, or would be avoided or reduced using best management practices. However, there are some significant and unavoidable impacts associated with this project.

Public Review and Comment: The public review period will begin on February 27, 2015 and the official closing date for receipt of comments on the draft FR/EIS/EIR will be April 13, 2015. A public workshop will be held Wednesday, April 8, 2015, at the Stockton Civic Auditorium, South Hall, 525 North Center Street, Stockton, CA from 6:00-8:00 p.m. All comments received will be considered and incorporated into the final EIS/EIR, as appropriate. Written comments or questions concerning this document should be directed to the following: U.S. Army Corps of Engineers, Sacramento District; Attn: Ms. Tanis Toland; 1325 J Street, Sacramento, California 95814-2922, or by e-mail: Tanis.J.Toland@usace.army.mil or San Joaquin Area Flood Control Agency; Attn: Mr. Juan Neira, 22 East Weber Avenue, Suite 301, Stockton, California 95202-2317, or by email at Juan.Neira@stocktongov.com.

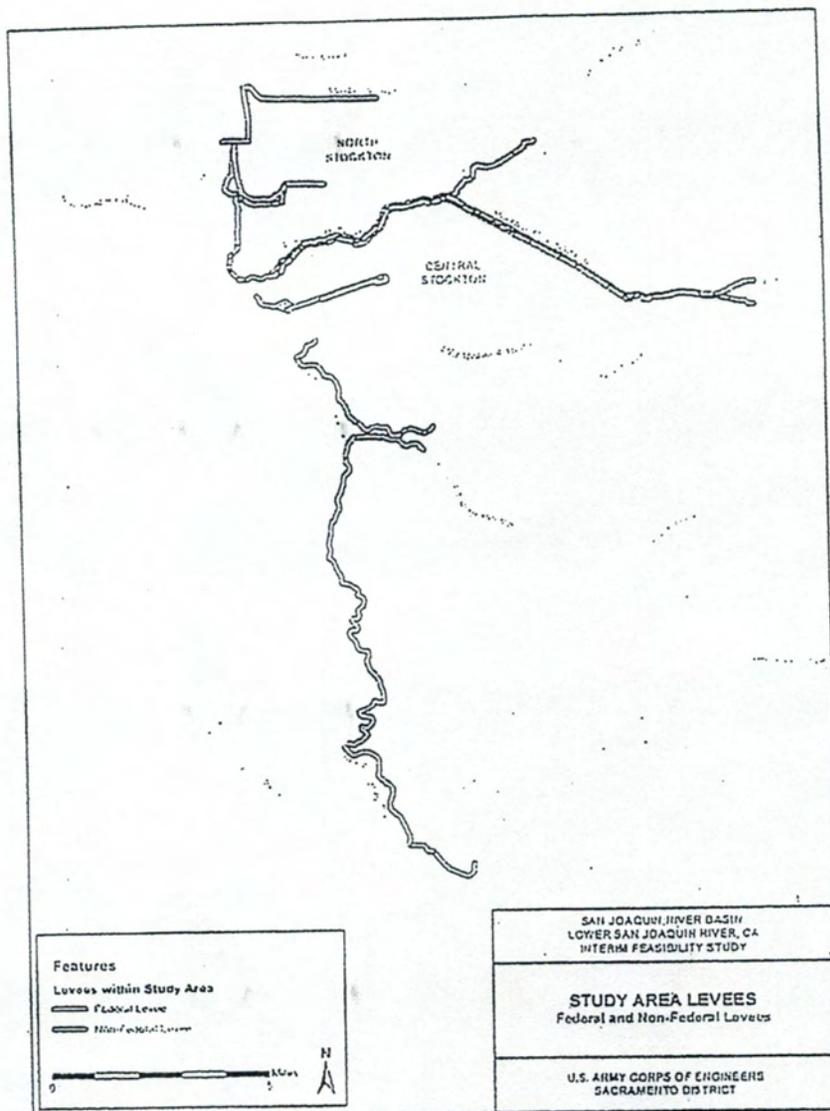


Figure 2-5: Study Area Levees.

The primary risk of flooding in the study area is geotechnical failure of the existing project levees, and not hydrologic or hydraulic factors that result in levee overtopping. Recent geotechnical analysis and evaluation of historical performance during past flood events have resulted in a greater understanding of under-seepage and a revision of levee design criteria. Geomorphologic and geotechnical studies identified subsurface features, such as former river channels, and meanders. The potential for seepage problems to occur along the existing levees in the project area is created by discontinuous layers of coarse-grained pervious soils (i.e., sands and gravels). These are found at varying depths of up to 100 feet. During high-water events, water from the river can enter the pervious soil layers and then move laterally through these layers under/through the levee. Excessive seepage can erode soil within the levee and lead to a rapid collapse and subsequent breach. Historically, foundation conditions were evaluated assuming homogeneous materials, but the floods of 1986 and 1997 and the resulting levee failures throughout the Central Valley resulted in a revision of the criteria for the evaluation of under-seepage. The risk of levee failure is not due to design deficiency or to lack of O&M of the existing levees, but to a better understanding of the mechanics of under-seepage in the Central Valley. The project levees within the study area do not meet current USACE levee design criteria and are at risk of breach failure at stages considerably less than levee crest elevations. This is evidenced by historical levee boils and heavy seepage at river stages less than design flows.

Geotechnical related issues such as under-seepage breach failures result in large volume flood flows at high velocities that are sudden and unpredictable. These failures have minimal warning time and minimal time for effective implementation of evacuation and emergency plans. Study area flood events generally occur during the winter months when colder air and water temperatures significantly increase the risk of death by exposure. The risk probability of unexpected levee failure coupled with the consequence of basin-wide flooding presents a continued threat to public safety, property, and critical infrastructure in the Lower San Joaquin River basin.

The existing levee system within the study area protects over 71,000 acres of mixed-use land with a current population estimated at 264,000 residents and an estimated \$21 billion in damageable property. In addition to the residents and property, the levee system protects approximately 23 structures considered to be critical infrastructure (hospitals, police and fire stations, etc.) as well as the Interstate 5 and State Highway 99 corridors.

Ring Levees for Critical Infrastructure

This measure would protect specific critical infrastructure or facilities through placement of ring levees around those features. Ring levees would be built to a height adequate to reduce expected frequency of inundation of the structure without modifying the flood plain (See Section 3.1). Typical design for a ring levee would include a top width of 12 to 20 feet and side slopes with a ratio of 3 to 1. A cut-off wall for seepage issues may be required depending on the geotechnical analysis of the levee foundation.

Relocations/Buy-outs

This measure would remove at-risk structures and individuals from the flood plain. Structures would either be moved to sites outside the flood plain or demolished and the material recycled or disposed of as appropriate.

Comprehensive Flood Warning Emergency Evacuation Planning

Flood Warning System

This measure would allow for timely warning and evacuation of at-risk areas. This could be accomplished through media announcements and reverse 911 automated calling to residents and businesses with the area.

Implement Emergency Evacuation Plan

This measure is an activity that the non-Federal sponsors would implement to meet the study objective of reducing flood risk to public health, safety and life. Evacuation routes from areas within the flood plain would be identified and provided to the public on maps showing the routes, emergency response staging areas, and contact information for emergency service agencies.

Flood Plain Management

Restrictive Zoning/Land Use Planning

This measure would implement land use planning and zoning restrictions for areas within the flood plain to minimize risk in those areas. Implementation of this measure would include the creation and use of a Flood Plain Management Plan (FMP) for the project area in accordance with Section 402 of the Water Resources Development Act of 1986, as amended (33 USC 701b-12), when a project is implemented.

Manage Land Use within Flood-prone Areas

This measure is an activity that the non-Federal sponsors would implement to meet the study objective of reducing flood risk to public health, safety and life. California SB 5 described in Section 2.2.2 is such a measure.

3.1.2 Structural Measures

Levee Raises

Raising levee height to increase the level of performance of existing levees is the focus of this measure. Increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and top width. Levee raises would be accomplished by adding material to achieve the desired height. Height increases would be accomplished while maintaining design top width and side slopes, and may require additional landside easement(-s) to allow for the increase in levee footprint and necessary access easements.

Cut-off Walls

This measure would be implemented to address through- and under-seepage issues that affect levee performance and safety. Installation of the cut-off wall is accomplished by degrading the levee to one-half height and creating the wall with a soil-bentonite mix. Once the mix has cured, the levee is restored to design height and side slopes to meet current design standards. The depth of the cut-off walls will typically be from 20 to 80 feet, depending on subsurface conditions, which will be determined more precisely during the PED phase through additional borings and corresponding depth required to stop through and under-seepage.

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Deep Soil Mixing (Seismic)

This measure would be implemented to provide seismic stability to the Delta Front levees where required. The measure addresses seismic risk in the Delta Front levees due to the makeup of the foundational geomorphology. The Delta area soils are typically unconsolidated alluvial deposits. The deep soil mixing (seismic) measure would involve installation of a grid of drilled soil-cement mixed columns aligned longitudinally with, and transverse to the levee extending beyond the levee prism. This measure acts to minimize lateral deformation of the levee during seismic events.

Setback Levees

Where in-place improvements of levees may not be effective, and adequate footprint area exists, this measure could be implemented to improve the hydraulic capacity and overall effectiveness of the levee system. This measure would allow for ecosystem restoration measures on the water side of the new levee. Setback levees would be built to a height equal to that of the existing levee system. Typical design for a setback levee would include a top width of 12 to 20 feet and side slopes with a ratio of 3 to 1. A cut-off wall for seepage issues may be required depending on the geotechnical analysis of the levee foundation. Depending on goals, the existing levee could be degraded, breached or left in place after construction of the setback levee.

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Seepage / Stability Berms

Installation of seepage/stability berms in areas where land-side footprint allows, would increase levee stability and reduce through- and under-seepage resulting in increased levee performance and safety. The berm would be installed on the land-side of the existing levee to control seepage exit gradients that occur during an event. Typically the berms are five to 10 feet thick and vary in width extending landward from the landside levee toe from 100 to 200 feet. Actual dimensions will vary depending on the seepage gradients present.

Erosion Protection

This measure would consist of protection of the water-side banks of levees to prevent or reduce erosion due to high flows, tides, or wave action. Bank protection could be placed on existing banks or at the toe and side of the levee to above the design water surface elevation, as necessary. Protection would consist of rock sized to withstand expected flows, tidal action, and wave run-up for the reach of levee installed on which the protection is placed.

Bridge Modifications for Flow Conveyance

This measure would be used to address areas where existing bridges may be identified as a localized limit to hydraulic capacity. Bridge modifications could include raising or widening bridges to increase hydraulic capacity through the bridge crossing. Low water road crossings will be replaced by bridges as a component of this measure.

Upstream Bypass of High Flow

This measure would consist of increased diversion of high flows from the mainstem of the San Joaquin River via bypass channels such as Paradise Cut and the Mariposa bypass. New bypass areas could potentially be identified and implemented. Increasing bypass of flows could be accomplished by widening the bypasses via levee setbacks, or redesign of diversion structures to maximize efficiency at specified flows.

Channel Modifications for Conveyance Improvements

This measure would be implemented for improvements to the channels of Paradise Cut or Mormon Channel. Conveyance improvements would reduce stages on the mainstem of the San Joaquin River, the Stockton Diverting Canal and Lower Calaveras River. Channel modification would entail removal of material (vegetation and soil) from within the channel to allow for greater capacity. Existing channel width would be maintained during implementation of this measure. Removed material could potentially be used for levee improvements or would be disposed of appropriately. Currently, channel maintenance is not required under the existing Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) manuals, but implementation of this measure would include updates to the OMRR&R manuals to include requirements for maintenance to maintain design capacities.

Bypass Channels

This measure involves improvements to bypass channels such as Paradise Cut and Mormon Channel. Improvements to these channels would potentially result in stage decreases on the San Joaquin River, Diverting Canal and Lower Calaveras River. Improvements to the bypass channels would include channel modifications as described above, the addition of a diversion structure at Mormon Channel and modification to the existing diversion structure at Paradise Cut. Channel modifications would include removal of vegetation and soil as required for flow efficiencies. Diversion structure modifications would include height or width changes upstream of Paradise Cut to allow maximum flows at the desired flow elevations.

Mormon Channel Control Structure

This measure would involve construction of a control structure at the upstream end of the Diverting Canal to divert flows into Mormon Channel. The control structure would

consist of gated culverts placed in the Stockton Diverting Canal left bank levee to allow flow into Mormon Channel. The culverts would be sized to allow control of flows up to the design capacity of the Mormon Channel.

Levee Extensions

This measure would involve extension of the southern tie-in levee on the south end of RD 17 to an appropriate elevation to reduce flood risk in the southern Manteca area. The levee extension would be combined with repairs or improvements to the existing tie-in levee to meet current standards. Levee extension may also be implemented for the right bank levee of French Camp Slough in RD 404. The levee extensions would be built to a height equal to that of the existing levee system, or to meet the height of included improvements. Typical design for an extension levee would include a top width of 12 to 20 feet and side slopes with a ratio of 3 to 1. A cut-off wall to reduce seepage may be required depending on the geotechnical analysis of the levee foundation.

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RD17-G, SJR Setback and Tieback Extension: This alternative addresses the San Joaquin River as the flooding source, and includes a setback levee to limit protection of already developed but not urbanized flood plain within RD 17. It extends the tieback levee at the southern-most end of the RD to minimize probability of flanking during extreme high water events. The alternative covers 113,500 linear feet (21.5 miles) of levee.

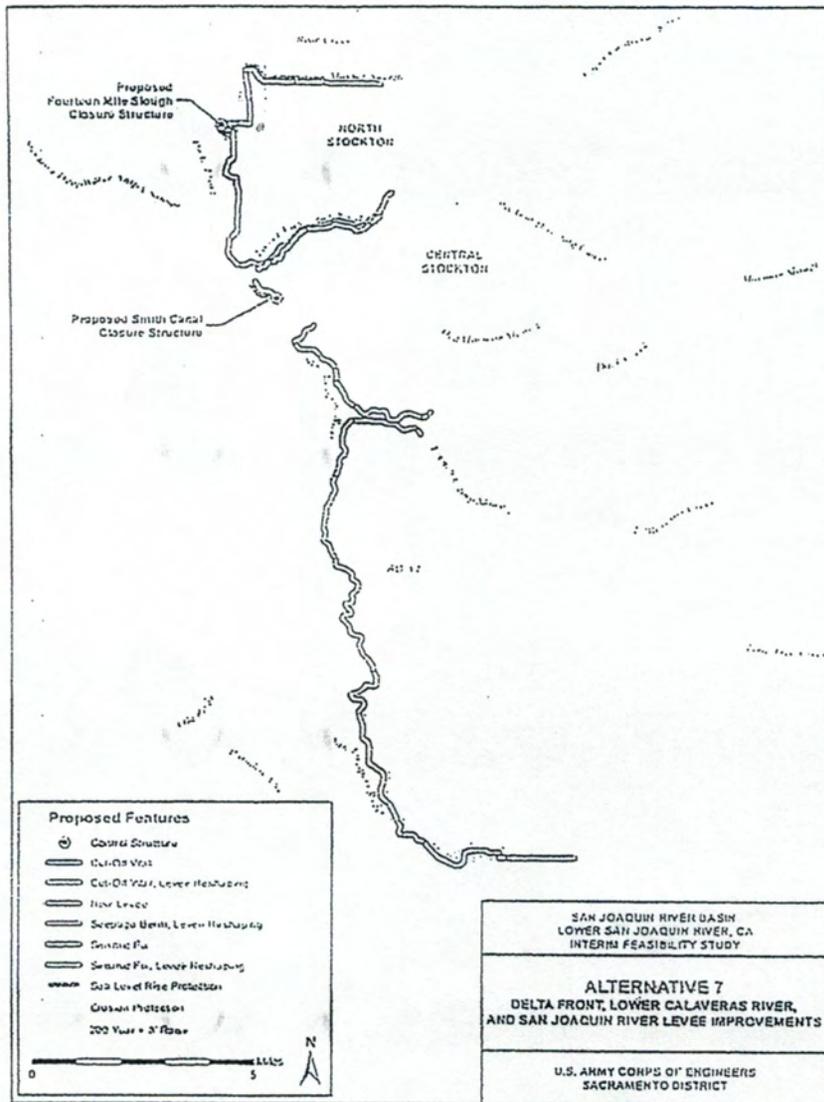


Figure 3-8. Alternative 7.

Central Stockton:

- No Action: This alternative would involve no Federal action within the base flood plain as a result of this study. No additional reductions in flood risk to the area would be realized.
- Improvement of Paradise Cut: This was screened out because the cost exceeded the benefits and because it did not address geotechnical levee failure modes.
- Flood proofing and raising existing structures and infrastructure: This was determined to not be a cost effective alternative.
- Reservoir reoperation: This alternative was screened out due to potential system-wide effects, and because it did not address geotechnical failure modes.
- Reduce geotechnical failure probability and increase height of existing levees: These measures were retained. The geotechnical issues addressed are primarily through- and under-seepage with areas on the Delta Front requiring seismic stabilization.

RD 17:

- No Action: This alternative would involve no Federal action within the base flood plain as a result of this study. No additional reductions in flood risk to the area would be realized.
- Improvement of Paradise Cut: This was screened out because the cost exceeded the benefits and because it did not address geotechnical levee failure modes.
- Flood proofing and raising existing structures and infrastructure: This was determined to not be a cost effective alternative.
- Reservoir reoperation: This alternative was screened out due to potential system-wide effects, and because it did not address geotechnical failure modes.
- Ring levees: Inclusion of ring levees may be effective in some study areas, but will need to be incrementally cost effective to be a practicable alternative.
- Set-back levees: This was determined to be cost effective for one reach in RD 17 with a length of approximately 3,500 feet.
- Reduce geotechnical failure probability and increase height of existing levees: These measures were retained. The geotechnical issues addressed are primarily through- and under-seepage with areas on the Delta Front requiring

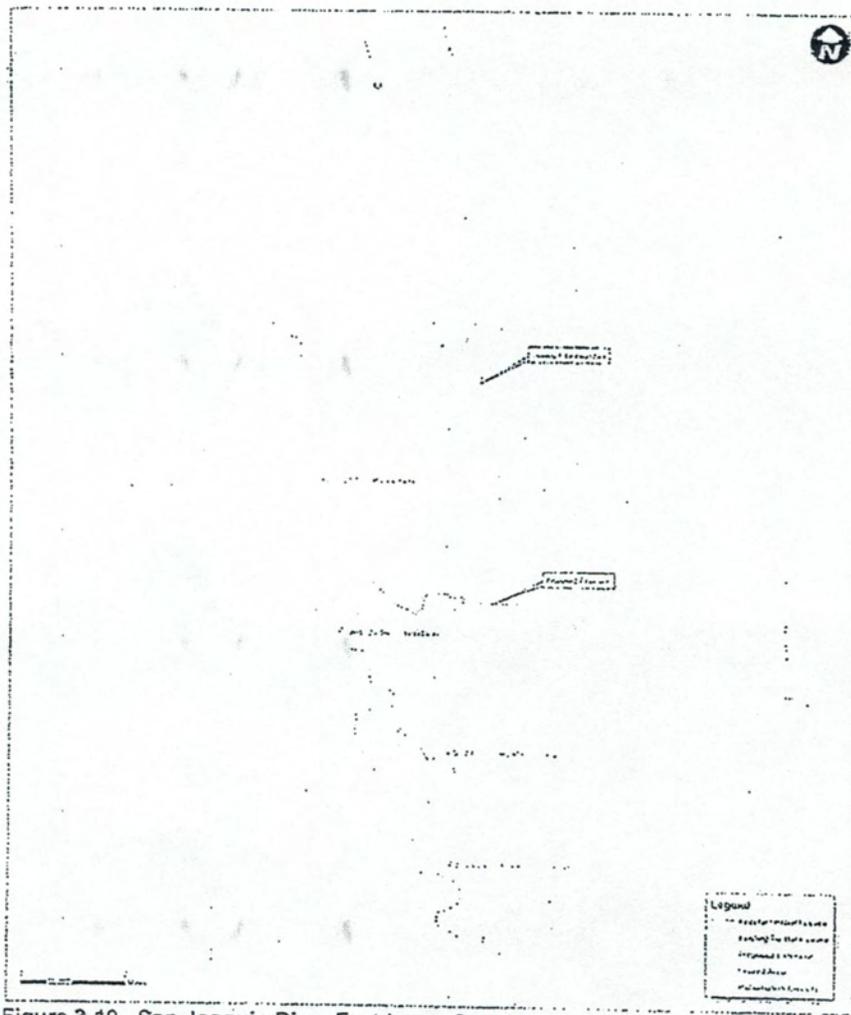


Figure 3-19. San Joaquin River East Levee System.

Figure 3-20. Existing Landuse in Study Area.

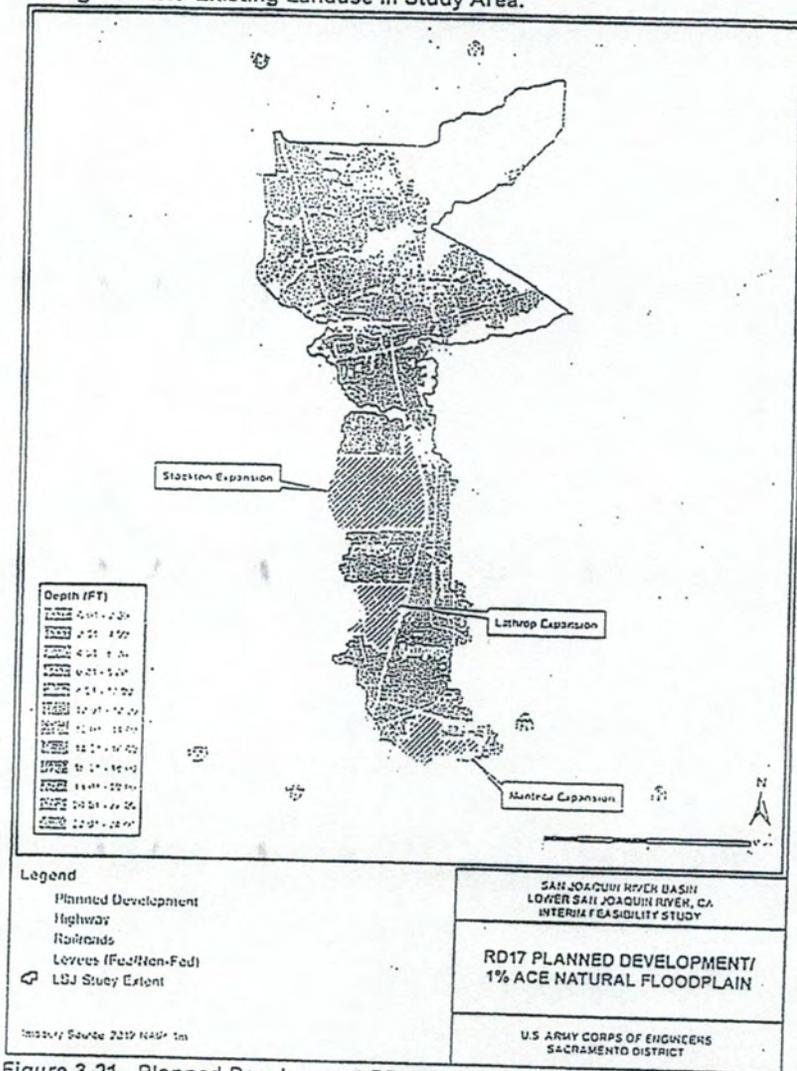


Figure 3-21. Planned Development RD 17 and 100-year Inundation Area.

alternatives for identification of the NED and TSP plans: Alternative 7a, Alternative Sa, and Alternative 9a.

It is understood that RD 17, with funding assistance from the State, is currently pursuing a phased strategy of levee improvements to initially increase the resistance of RD 17's levee system to under seepage and through seepage. Upon completion of that work, RD 17 and the non-Federal sponsors intend to pursue USACE participation in additional studies/improvements necessary to achieve the non-Federal objective of 200-year (0.5 percent ACE) flood risk management in order to meet SB 5 requirements. Consideration of future Federal participation would be subject to demonstration of a Federal interest in such incremental improvements.

3.7 Environmental Considerations and Mitigation

All appropriate environmental resources were analyzed during development of the proposed alternatives to fully comply with NEPA and CEQA. Most impacts to resources as a result of implementation of a proposed project can be mitigated, but there are challenges related to impacts to riparian habitats within the study area.

3.7.1 Regional Context

Riparian habitats are substantially reduced from their historical extents throughout the Central Valley. Only about 2-5 percent of the historic riparian habitat still exists (RHJV 2004). This is true along the San Joaquin River as well. Establishment of the FRM system, with levees set immediately adjacent to the main rivers and tributaries contributed to this decline and continues to result in conflicts between ecosystem health and sustainability and maintenance of the FRM system. Upstream of the proposed project area, considerable Federal and state investment has been made to improve the riparian corridor as part of the San Joaquin River Restoration Program and the Federal and state refuge systems.

In general, riparian communities are among the richest community types, in terms of structural and biotic diversity, of any plant community found in California. Riparian vegetation provides important ecological functions, including: wildlife habitat; migratory corridors for wildlife; pollution filtration and waterway shading, thereby improving water quality; provides connectivity between waterways and nearby uplands; and biomass (nutrients, insects, large woody debris, etc.) to adjacent waterways. Riparian forests and woodlands – even remnant patches – are important to resident and migratory fish, birds, and other wildlife.

3.7.2 Study Area

The riparian corridor in the study area is severely constrained by the proximity of the flood management levees to the rivers, tributaries and sloughs. Throughout most of the corridor vegetation is highly altered and fragmented. Nevertheless, this vegetation is all that remains as habitat to resident and migratory fish and wildlife in the proposed

Based on the information presented above, Alternative 7a is identified as the NED plan and is selected as the TSP.

3.10 THE TENTATIVELY SELECTED PLAN

The TSP is Alternative 7a, North and Central Stockton – Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements excluding RD 17 (Figure 3-12). This plan meets the study objectives of reducing flood risk and flood damages. With the TSP in place, the North Stockton impact area improves from an approximate 15% annual chance of flooding in the highest risk areas to less than 1% annual chance of flooding. The Central Stockton impact area improves from a 12% annual chance of flooding in the highest risk areas to an approximate 2% annual chance of flooding. Further information about specific annual exceedance probabilities and the performance of levees for a range of hydrologic events within sub-impact areas can be found in the Economic Appendix. However, this plan will result in no risk reduction for 43,000 people and critical infrastructure within RD 17.

The structural features of Alternative 7a include approximately 23 miles of levee improvements and two closure structures, one at Fourteenmile Slough and the other at Smith Canal. The levee improvements are comprised of a cutoff wall, deep soil mixing (seismic), a new levee, levee geometry improvements, and erosion protection.

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In addition to the structural features, the recommended plan also includes several non-structural features to further reduce the consequences of flooding. These include the following measures: Comprehensive Flood Warning Emergency Evacuation Planning and Flood Plain Management.

Table 3-19 below contains a first cost break-out for the TSP, Alternative 7a, North and Central Stockton - Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements excluding FD 17. These costs are preliminary and will change during additional analysis.

CHAPTER 4 - DESCRIPTION OF FINAL ALTERNATIVES*

4.1 INTRODUCTION

This chapter provides additional details related to the final array of alternatives identified in Chapter 3. NEPA requires a greater level of detail in order to properly analyze the potential effects of the proposed alternatives on the natural and human environment. Under NEPA, both the proposed project and the project alternatives are each analyzed at the same level. CEQA project alternatives are usually analyzed at a lesser degree than the proposed project, and the primary comparison is as an alternative to the proposed project. The common objective of both CEQA and NEPA is to identify the potential impacts on the human environment that would potentially arise if the preferred alternative is approved – and consider alternatives that could also address the purpose and objectives of the project.

NEPA and CEQA take a slightly different approach to considering alternatives to the proposed project however, both sets of environmental laws have the same overall objective – to inform the decision makers and the public of the environmental effects of a project and ways those effects could be mitigated through measures to avoid, minimize, rectify, reduce or compensate for adverse impacts.

This Chapter is followed by Chapter 5, which includes a discussion of the affected environment and the potential environmental effects of the proposed alternatives that are described below.

4.2 ALTERNATIVES CONSIDERED IN DETAIL

As discussed in Chapter 3, the Feasibility Study screened the alternative plans down to the following final array of alternatives (with options). The difference between the two options for the action alternatives is that option "a" excludes levee work in RD 17, while option "b" includes levee work in RD 17.

- Alternative 1, No Action
- Alternative 7a, North and Central Stockton, Delta Front, and Lower Calaveras River and San Joaquin River Levee Improvements (see Chapter 3, Figure 3-12)
- Alternative 7b, North and Central Stockton, Delta Front, Lower Calaveras River, San Joaquin River Levee Improvements, and RD 17 Levee Improvements (see Chapter 3, Figure 3-13)
- Alternative Sa, North and Central Stockton, Delta Front, Lower Calaveras River, San Joaquin River, and Stockton Diverting Canal Levee Improvements (see Chapter 3, Figure 3-14)

4.3.1 Cutoff Walls

Seepage cutoff walls are vertical walls of low hydraulic conductivity material constructed through the embankment and foundation to cut off potential through- and under-seepage. In order to be effective in reducing under-seepage, cutoff walls usually tie into an impervious sub-layer. Prior to construction, the construction site and staging areas would be cleared and grubbed. The levee is typically degraded by one half the levee height to provide a sufficient working surface and prevent hydraulic fracture of the levee. The cutoff walls for the project area would be a minimum of 3-feet in width; the cutoff wall would be constructed from a working surface elevation to a design depth at least 3-feet into an impermeable layer. During construction, bentonite-water slurry is used to keep the trench open and stable prior to backfilling with the permanent wall material. Soil is mixed with bentonite (SB) and then pushed into the trench, displacing the bentonite-water slurry. After a predetermined settlement period, an impervious cap is constructed above the cutoff wall and the levee is reconstructed using suitable material (Type 1 levee fill) to the correct design elevation and current USACE levee design criteria.

The conventional slurry method for SB walls is an open trench method that uses an excavator with a long-stick boom to excavate the slurry trench. The conventional method has a maximum depth of about 70 to 80 feet. Cutoff walls in North and Central Stockton would extend up to 70 feet below the working surface elevation. Some areas in RD 17 would require cutoff walls using Deep Mixing Method and would need to be up to 120 feet below the working surface elevation. The Deep Mixing Method involves blending the existing soil with cementitious material using blade or auger based mixing tools. Figure 4-1 shows a typical plan for a cutoff wall.

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4.3.2 Levee Reshaping (also called "Geometric Fix")

This measure would include reshaping the existing levees to restore them to USACE levee design criteria for side slopes and crown width. For the LSJRFS area, the minimum crest width for mainline or major tributary levees is 20 feet; the minimum crest width for minor tributary levees is 12 feet. Existing levees with landside and waterside slopes as steep as 2H:1V (i.e., for every 2 feet of horizontal distance, there is a 1 foot increase in height) may be acceptable if slope performance has been good and if the slope stability analyses determined the factors of safety to be adequate. Newly constructed levees should have 3H:1V waterside and landside slopes.

For new levees constructed in the LSJRFS area, a minimum permanent landside toe clear access easement of 20 feet is required; for existing levees within the LSJRFS area, a minimum permanent landside toe clear access easement of 10 feet is required. For both new and existing levees in the LSJRFS a minimum permanent waterside toe vegetation free zone (VFZ) of 15 feet is required unless a variance is approved by USACE.

Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To correct levee geometry, suitable material would be placed along the landside of existing levee slopes where needed to provide the minimum slope, required height, and crest width to meet current USACE levee design criteria, as detailed above. After construction, slopes would be hydroseeded for erosion control.

The additional area added to the landside toe by widening varies from 1 to 30 feet, depending on the existing width of the levee. The slope reshaping typical plan is shown on Figure 4-2. Slope reshaping and levee height fixes may require relocation of landside toe drains and ditches. These toe drains and ditches would be reestablished landward of the improved levee toe and would continue to function as they did before the levee improvements were constructed.

4.3.3 Levee Raise (Levee Height Fix)

This measure describes the construction action that would be taken to repair the levee height in locations where the crown has slumped and to raise the existing levee height to reasonably maximize net benefits. Where SLR was a design consideration, the height could increase up to 5 feet. An increase in levee height may require additional levee footprint area to meet design requirements for minimum levee slope and crown width. Prior to construction, the waterside levee crest edge would be cleared and grubbed and the crown and existing landside slope would be stripped to remove at least 2 feet of material. To construct a levee raise, suitable material would be placed along the crown and landside of existing levee slopes, where needed, to provide the minimum slopes, required height, and crest width that meet current USACE levee design criteria. The typical plan for a levee raise is shown in Figure 4-2.

4.3.4 Seepage Berm

Seepage berms are proposed to address levee stability, under- and through-seepage which are affecting levee performance and safety. A seepage berm is typically built adjacent to the landside of the levee and consists of layers of sand, gravel, and soil. The purpose of the berm is to control seepage flows and reduce the risk of the levee being undermined during a high-water event. The seepage berm acts as a cap, controlling the seepage flow below the berm surface and allowing the flow to reach an exit location in such a way that the undermining of levee soils is reduced or eliminated, thereby preventing boils and piping.

The seepage berm width could range from 100 to 200 feet from the landside toe of the existing levee with a maximum width of 300 feet. The seepage berms would be approximately 5 feet thick at the toe of the existing levee and would gradually slope downward to about 3 feet thick at the landside edge, with a 3:1 slope to ground level.

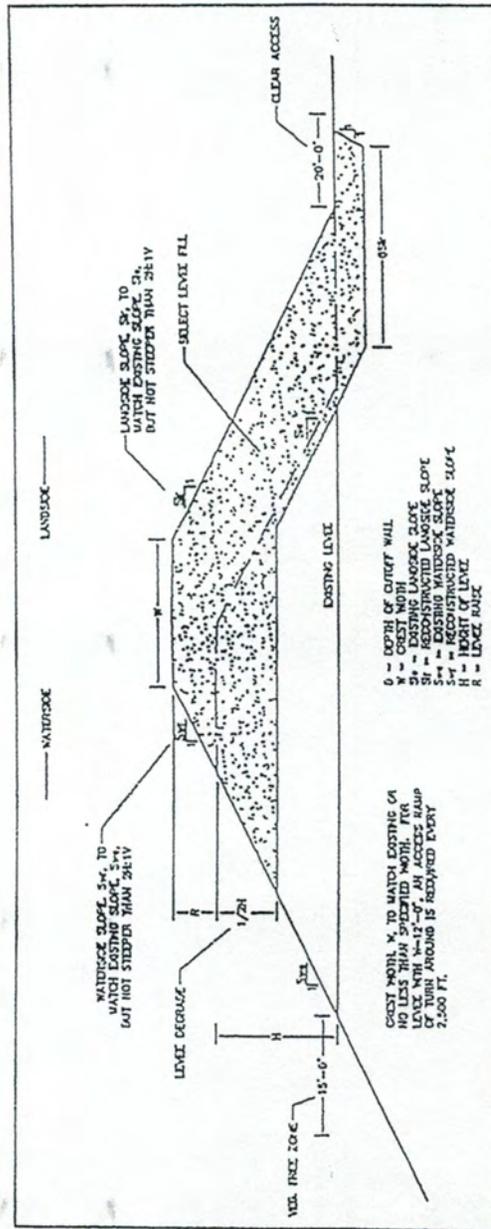


Figure 4-2. Levee Reshaping and Levee Raise Typical Plan. Note that the landside easement (right side) shown would be the maximum clear access easement; landside easements would range from 10 feet to 20 feet from the levee toe. Half levee degradation is generally not proposed unless a cutoff wall would be installed. Instead, an internal drain may be constructed between the existing levee materials and the new fill.

Approximately 75,000 tons of quarry stone riprap would be imported by truck and would be placed to a thickness of 2 feet along the landside to prevent wind wave erosion during high water. A sand filter would also be placed prior to the riprap layer to prevent the migration of fines causing gravel instability and decreased erosion protection performance.

4.3.7 Floodwall

This measure consists of construction of about 825 linear feet of sheetpile floodwall from the southern portion of Dad's Point to high ground at Louise Park. The wall height would be an average of three to four feet above the ground surface. A metal cap may be placed on the top of the sheetpile or the sheetpile may be encased in concrete. The floodwall would be approximately 12 to 18 inches wide.

4.3.8 New Bridges

This measure would consist of constructing three bridges over Old Mormon Channel to replace low water road crossings that are currently inundated periodically. This measure is included in Alternatives 9a and 9b. The measure would include removing the existing road and grading the area to allow flood flows to move unimpeded from the Stockton Diverting Canal through the Old Mormon Channel, into Mormon Slough and then into the San Joaquin River.

4.3.9 Seismic Remediation

This measure would be implemented to provide seismic stability to the Delta Front levees of North Stockton that are frequently loaded (due to slough water surface elevations that are tidally influenced) and that are also subject to potentially significant deformations due to a seismic event. The seismic (deep soil mixing) remediation measure would involve installation of a grid of drilled soil-cement mixed columns aligned longitudinally with, and transverse to, the alignment of the levee extending beyond the levee prism. This measure would minimize significant deformation of the levee during a seismic event.

The seismic remediation would involve degrading approximately the top half of the levee and placing the degraded material landward as shown in Figure 4-5. Prior to construction, the construction area would be cleared and grubbed. The material obtained from degrading the levee would extend up to 60 feet beyond the existing levee landside and would be compacted such that the material forms an extension to the existing levee. The crest of the levee would then be reconstructed with suitable material to comply with the USACE levee design criteria. A determination may be made during the future design that all of the degraded material may not be necessary to extend

the levee to the proposed toe shown in Figure 4-5. The proposed toe could be located along an imaginary line extending from the landward face of the proposed levee to existing grade. During the current feasibility planning the maximum extent of the reconstruction berm is shown in order to show the maximum impacts which could occur.

Deep soil mixing augers would be used to construct a continuous grouping of cells spaced equally in both the longitudinal and transverse direction to the levee alignment as shown in the plan view in Figure 4-5. The deep soil mixing is a seismic strengthening feature meant to keep the levee from liquefying during seismic activity. After construction is completed, the levee crest would then be topped with a 6-inch aggregate road, and slopes would be hydroseeded for erosion control. This degrading and reconstruction effort would occur along 3 miles of Fourteenmile Slough and Tenmile Slough.

4.3.10 Closure Structures

This measure would include construction of closure structures at the mouths of backwater sloughs at Smith Canal and Fourteenmile Slough to provide flood risk management along those sloughs. The closure structures would control back-flooding from the San Joaquin River and Delta during high water events. The gates would be operated typically between November 1st to April 30th which covers the rainy season and the period when high tides occur in this area. Specifically, the gates will be operated when the high tide is forecast to reach, or exceed +8.00 ft NAVD88 to prevent high flows from entering the canal/slough. The gate would be closed at the lowest tide prior to the forecasted high tide and remain closed until the high tide begins to recede. The gate would then be opened to allow any accumulated interior drainage behind the gate structure to flow out. This would limit the level and duration of water saturation and reduce the risk of levee damage or failure. Due to the tidal influence of the Delta, high water events could last from a few days to a few weeks, depending on river conditions. During development of the alternatives, Smith Canal and Fourteenmile Slough were identified as appropriate locations for closure structures.

The proposed closure structures would consist of a fixed sheet pile wall structure with an opening gate structure sufficiently large to allow for the safe passage of boats and other watercrafts. Fish and other aquatic organisms would also be able to pass through these gates when they are open. The opening portion of the closure structure would be an automated gate that may open upward or outward. The gate would be approximately 50-feet wide, and would be constructed of stainless steel. The gate would be attached to a concrete foundation using stainless steel anchor bolts. A small building would be built on land directly adjacent to the closure structures to store equipment required to operate the gate. As needed, a sheet pile floodwall would be constructed adjacent to the control structures to tie the structures into the adjacent levee or high ground areas.

Construction would require dredging or draglining, construction of a temporary cofferdam, in-water excavation, and placement of some structural features in the water.

CHAPTER 5 - AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES*

This chapter describes the affected environment and environmental consequences of each of the alternatives in the final array, mitigation measures, for potential impacts, cumulative effects, and other environmental considerations for implementing the LSJR project.

NEPA and CEQA require that the environmental effects of a project be analyzed for significance. Under NEPA, significant impacts are impacts that are considered significant because of their context (location sensitivity) and intensity (magnitude of impact) (40 CFR Section 1508.27). Under CEQA, impacts are assessed for significance based on specific significance criteria consistent with State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.). For the purposes of CEQA, potential effects are determined by assessing the potential impacts of the proposed action on the existing conditions for each resource. For the purposes of NEPA, potential project effects assessed in relation to the conditions described in the No Action Alternative. For the purpose of this impact analysis, effects are evaluated against existing conditions since these conditions either reasonably represent future conditions in the project area or because using existing conditions will facilitate full evaluation and disclosure of the greatest potential impacts of the proposed project.

The CEQA existing (baseline) environmental conditions assumed in the preparation of this chapter consist of the existing environment as of January 15, 2010, when USACE published the Notice of Intent (NOI) to prepare an EIS in the *Federal Register* and SJAFCA published the Notice of Preparation (NOP) to prepare an EIR with the State Clearinghouse (State Clearinghouse Number (SCH#) 2010012027). Resource conditions were reassessed and updated between fall 2013 and spring 2014. Changes in the existing conditions during that time were not substantial.

The alternatives evaluated in this chapter are described in Chapter 4. They are listed below for ease of reference:

Alternative 1 – No Action

Alternative 7a – North and Central Stockton – Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements excluding RD 17

Alternative 7b – North and Central Stockton – Delta Front, Lower Calaveras River, and San Joaquin River Levee Improvements including RD 17

Alternative Ba – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River, and Stockton Diverging Canal Levee Improvements excluding RD 17

Alternative Sb – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River, and Stockton Diverging Canal Levee Improvements including RD 17

Alternative 9a – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River Levee Improvements and Mormon Channel Bypass excluding RD 17

Alternative 9b – North and Central Stockton – Delta Front, Lower Calaveras River, San Joaquin River Levee Improvements and Mormon Channel Bypass including RD 17

This chapter is organized to meet NEPA requirements for determination of the overall impact of each alternative, but will also meet CEQA requirements for an impact-by-impact determination of effect. The terms *environmental consequences*, *environmental impacts*, and *environmental effects* are considered synonymous in this analysis.

The structure of each section is described below.

- **Environmental Setting**

- Regulatory Framework. This section lists the laws, regulations and policies that are considered in the assessment of effects on the resource. These regulatory requirements are more fully described in Chapter 7, Compliance with Applicable Laws, Policies, and Plans.
- Existing Conditions. This section describes the environmental setting and considers the environmental conditions in the area at the time that the NOP (CEQA) and NOI (NEPA) were published (January 15, 2010). Resource conditions were reassessed and updated between fall 2013 and spring 2014.

- **Environmental Consequences**

- Assessment Methods. This section describes the methods, models, process, and procedures, data sources, and/or assumptions used to conduct the effect analysis. Where possible, effects are evaluated quantitatively. Where quantification is not possible, effects are evaluated qualitatively.
- Basis of Significance. This section provides the criteria used in this document to define the level at which an effect would be considered

Potential seismic hazards from a nearby moderate to major earthquake are generally classified as primary and secondary. The primary effect is fault ground rupture, also called surface faulting. Because there are no active faults in the project area and the area is not located within an Alquist-Priolo Earthquake Fault Zone, fault ground rupture is negligible. Common secondary seismic hazards include ground shaking, liquefaction, subsidence, and seiches.

Although located in an area of low seismic risk, Stockton, Manteca, and San Joaquin County require all new development and substantial renovations to comply with current seismic standards for construction. Geotechnical engineering studies are also required for major new buildings or earthworks.

Table 5-2. Maximum Credible Earthquake Magnitudes

Fault	Estimated Distance from Project Site	Fault Class ¹	Maximum Credible Earthquake ²	Slip Rate {mm/yr}
Greenville Fault Zone, North Section	20 miles	B	6.6	2.0
Greenville Fault Zone, South Section	24 miles	B	6.6	2.0
Calaveras Fault- Northern Segment	34 miles	B	6.8	6
Concord- Green Valley	38 miles	B	6.2	5.0
Hayward Fault - North Segment	45 miles	A	6.4	9

Notes:
¹ Faults with an "A" classification are capable of producing large magnitude (M) events (M greater than 7.0), have a high rate of seismic activity (e.g., slip rates greater than 5 millimeters per year), and have well-constrained paleoseismic data (e.g., evidence of displacement within the last 700,000 years). Class B faults are those that lack paleoseismic data necessary to constrain the recurrence intervals of large-scale events. Faults with a "B" classification are capable of producing an event of M 6.5 or greater.
² The moment magnitude scale is used by seismologists to compare the energy released by earthquakes. Unlike other magnitude scales, it does not saturate at the upper end, meaning that there is no particular value beyond which all earthquakes have about the same magnitude, which makes it a particularly valuable tool for assessing large earthquakes.
Sources: Cao et al., 2003; Jennings 1994; Petersen et al., 1996; data compiled by USACE in 2014

Liquefaction and Settlement

Liquefaction is the liquefying of certain sediments during seismic ground-shaking, resulting in temporary loss of support to overlying sediments and structures. Differential settlement occurs when the layers that liquefy are not of uniform thickness, a common problem when the liquefaction occurs in artificial fills. Poorly consolidated, water-saturated fine sands located within 30 to 50 feet of the surface typically are considered the most susceptible to liquefaction. Dry soils and sediments consisting of finer grained materials are generally not susceptible to liquefaction.

Many of the levees in the project area are constructed over alluvial deposits and may be susceptible to liquefaction or degradation due to a seismic event. The area is unusual in that it contains infrequently water-saturated levees in Central and South Stockton, but also frequently saturated levees in North Stockton and Delta Front. Frequently saturated levees are likely to be sensitive to seepage, leading to breach with seismic-event induced transverse cracking or displacement.

As part of the design effort, USACE conducted liquefaction triggering analyses and identified liquefiable material along several levees in the project area. Static limit equilibrium stability analyses were then conducted for these levees. Based on the analyses, the flood protection ability after a 200-year seismic event was judged to be compromised at several locations. Thus, a large regional earthquake during a major flood event would increase the potential liquefaction, settlement, and levee failure. The greatest susceptibility is along the Delta Front and North Stockton. Details of the liquefaction analyses are included in Appendix B.

5.2.2 Assessment Methods and Basis of Significance

Assessment Methods

The types and extent of potential effects and significance were assessed by reviewing seismic fault and event maps, reviewing seismic studies, discussing seismic aspects with professional staff, and then considering the work proposed under each alternative.

Basis of Significance

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - rupture a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
 - strong seismic ground shaking;
 - seismic-related ground failure, including liquefaction; or
 - landslides.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse.

The project area is not located within or adjacent to an Alquist-Priolo Fault Zone or any known active fault. Therefore, the risk of surface fault rupture is negligible and is not evaluated further. Additionally, the project area is relatively flat, and there would be no adverse impacts related to landslides. Therefore, landslides are not addressed further.

5.2.3 Alternative 1 - No Action

Under the no action alternative, no construction activities would occur. As a result, the existing seismic faults and potential for ground movement would be expected to remain the same. Prior to the implementation of the proposed measures to reduce flood damage to the Stockton, Lathrop and Manteca area, the structural integrity of existing levees, berms, and bridges would continue to be at risk from high magnitude seismic events on active faults to the west. Some of the levees in tidally influenced areas would also continue to be at risk from seismically induced structural instability and/or failure due to liquefaction of soils. The magnitude of the impact of flooding resulting from levee failure would depend on the location of the levee breach, severity of the storm, and river flows at the time of flooding. Predicting these events and providing a determination of significance is not possible based on the information available at this time. Therefore identification of potential effects is too speculative for meaningful consideration.

5.2.4 Alternatives 7a, 7b, 8a, 8b, 9a, and 9b

These alternatives would have no effects on known seismic faults or cause ground movement along faults because of the type of proposed work and the nature of seismicity. The work would be limited to borrow sites activities and improvements along surface waterways, while seismic forces are subsurface and regional. In addition, there are no identified active faults in the project area.

Seismic ground shaking is an unavoidable hazard for facilities within and/or near the San Francisco Bay Area. The proposed project could experience at least one earthquake within the life of the project. Design, construction, and maintenance must comply with the regulatory standards of USACE and CVFPB, the latest industry standards and building code requirements for seismic design. The design and construction of the cut-off walls, floodwalls and/or levees would meet or exceed applicable design standards for static and dynamic stability, seismic ground shaking, liquefaction, subsidence, and seepage, minimizing the potential for significant damage. Therefore, the existing geology and seismicity of the area would not affect the proposed project or expose people or structures to potential risk or injury.

Consistent with project objectives, the completed project would provide long-term flood risk management benefits by improving the structure and functioning of the existing levee system. This includes designing the proposed features to avoid or minimize any potential for seismic-related ground failure, such as liquefaction, in tidally influence areas in the project area. As a result, none of the alternatives would cause any seismic-related ground failure, and therefore would result in no effects on seismicity.

The Geotechnical Investigation prepared for the proposed project (Appendix C) did not indicate evidence of instability because of landslides, subsidence, or collapse.

Liquefaction analysis indicates some existing levees within the project area are constructed over alluvial deposits that could be susceptible to liquefaction or degradation due to a seismic event. Design recommendations to address this condition are provided in the Geotechnical Investigation and would be implemented. The proposed project would implement standard grading and soil engineering practices to ensure that foundations are adequately supported and do not settle or otherwise fail. This includes excavating the existing soils and replacing it with compacted engineered fill. In addition, all structures associated with the proposed project would be designed in accordance with USACE, and CVFPB standards, and the provisions of the California Building Standards Code. The California Building Standards Code requirements establish minimum structural load requirements for foundations. Because project facilities would be designed, constructed and maintained in accordance with applicable standards risk of failure due to a seismic event would be minimized and this impact is less-than-significant.

5.2.5 Mitigation

There would be no significant effects from seismicity, therefore no mitigation is required.

5.3 SOILS AND MINERAL RESOURCES

This section describes the affected environmental and environmental consequences relating to soils and mineral resources for the LSJR project. The significance of the impacts and mitigation measures to reduce impacts are also discussed.

5.3.1 Environmental

Setting Regulatory

Framework

Federal

- Clean Water Act (CWA) Section 402

State

- California Surface Mining and Reclamation Act of 1975
- National Pollutant Discharge Elimination System (NPDES) Permit
- California Building Standards Code
- California Code of Regulations: Title 23, Division 1, Article 8, Sections 111-137

Regional and Local

- San Joaquin County General Plan 2010

quarrying, and are intended to ensure that mineral resources will be available when their development is necessary or economically feasible (CDC, 2013). However, the MRZ-2 sector between Lathrop and Manteca lies outside the area that would be affected by the alternatives in the Lower San Joaquin River study.

5.3.2 Assessment Methods and Basis of

Significance Basis of Significance

- Result in substantial erosion of soil or loss of topsoil;
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property;
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- Result in the loss of availability of a known mineral resource of economic value to the region and the residents of the state or a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

The project would not involve the use of wastewater disposal systems of any kind, including septic systems, and there would be no impacts. Therefore, this issue is not addressed further in this document.

5.3.3 Alternative 1 - No Action

Under the no action alternative, no construction activities would occur. As a result, the soil types and their characteristics on the alluvial fan in San Joaquin County would be expected to remain the same as deposited over time. Prior to the implementation of the proposed measures to reduce flood damage to the Stockton, Lathrop and Manteca area, water and wind erosion of exposed and recently disturbed soils would continue, and continue to weaken the structure of levees along the San Joaquin River and tributaries. The risk of levee failure and flooding would also continue, resulting in soil scouring and substantial loss of nearby valuable topsoil in the event of a breach. The eroded soils could be carried by the floodwaters and deposited in developed areas, causing damage to residences, businesses, and infrastructure. This would be considered a potentially significant effect. Implementation of USACE levee vegetation management requirements is not expected to occur under the No Action alternative, therefore removal of waterside and landside vegetation would not occur, reducing potential erosion impacts.

The magnitude of the impact of flooding resulting from levee failure would depend on the location of the levee breach, severity of the storm, and river flows at

time of flooding. In the event of a flood, levee failures could result in soil scouring, erosion, and permanent loss of top soil in localized areas within several hundred feet of a levee breach. Depending on the location and severity of the levee failure and duration of flooding, the location and extent of damage and impacts related to soil erosion could be minor to extensive. Predicting these events and providing a determination of significance is not possible based on the information available at this time. Therefore identification of potential effects is too speculative for meaningful consideration.

The principal mineral resources in San Joaquin County are deposits of sand and gravel aggregate, and many companies are currently mining and processing these deposits as regulated by the State and County. Mining operations would continue to be at risk of disruption, damage, or loss of mineral resources in the event of levee failure and flooding. This disruption could affect the local economy. The substantial soil subsidence in the valley due to over-pumping of groundwater and drainage of lowlands by agricultural and municipal interests would also continue. These would be considered as potentially significant effects.

5.3.4 Alternatives 7a, 7b, Ba, 8b, 9a, and 9b

These alternatives would have no effect on the soil types or their characteristics on the alluvial fan. However, they would have short-term effects on soils in the project area during construction. These would include disturbing soils at staging areas; clearing, excavating, and clearing soils during site preparation; excavating, stockpiling, and/or removing soil material at borrow sites; and depositing and shaping soils at the work site. Table 5-3 lists the approximate area of disturbance by alternative. These activities could result in the potential for surface water to carry sediment from onsite erosion into the stormwater and local waterways or increase air-borne dust, resulting in potential effects on existing water quality and air quality. These short-term effects would increase with the increasing extent, type, and amount of work proposed under the alternatives; e.g., 7a would have fewer effects than 9b. The potential effects on water quality and air quality of the alternatives, BMPs, and mitigation measures are discussed in detail under Sections 5.5 and 5.8, respectively.

elements would be supported by a site-specific geotechnical investigation, which would include an evaluation of site soils and recommendations to ensure project elements are appropriately designed and constructed, consistent with the current California Building Code earthwork standards, and USACE and CVFPB standards. With adherence to the current California Building Code and any additional recommendations of the site-specific geotechnical investigation, impacts associated with potential adverse soils conditions would be less-than-significant, and no mitigation is required.

These alternatives would have no short-term or long-term effects on the acquisition, mining, or processing of the mineral resources in the project area. None of the existing sand and gravel mining or processing operations are located at the work sites. Implementation of the project would not reduce or eliminate availability of mineral resources. However, consistent with the project objectives, the completed project would provide long-term flood risk management benefits by improving the structure and functioning of the existing levee system. This would include reducing the potential for loss of soils or mineral resources due to erosion and levee failure. The potential loss of locally or regionally significant mineral resources would be a less-than-significant impact. No mitigation would be required.

To identify potential locations for borrow material, soil maps and land use maps were obtained for a 25-mile radius surrounding the project area. Whenever possible, borrow sites would be obtained from willing sellers and located on land to minimize effects on the environment. Once details of borrow locations have been finalized, coordination with the California Department of Conservation (CDC) State Mining and Geology Board (SMGB) would occur to ensure compliance with the SMARA, as stated in Chapter 4, including any additional permitting, CEQA (as determined by the SMARA lead agency (SMGB), or NEPA required prior to commencing surface mining at the borrow sites. After material is extracted, borrow sites would be returned to their existing use whenever possible.

5.3.5 Mitigation

There would be no significant effects on soils and mineral resources, therefore no mitigation is required.

5.4 HYDROLOGY AND HYDRAULICS

This section describes the affected environmental and environmental consequences relating to hydrology and hydraulics for the LSJR project. The significance of the impacts and mitigation measures to reduce impacts are also discussed.

narrows to approximately 500 feet. However, there is one oxbow reach where the floodway is approximately 2,000 feet wide. Flood stages within this reach are dominated by runoff from the San Joaquin River.

Approximately 1 mile downstream of Paradise Cut on the right bank is Wetherbee Lake and the upstream tieback levee of RD 17. The Wetherbee Lake levee segment along the San Joaquin River was a feature of the San Joaquin Flood Control Project which cut off Walthall slough from the San Joaquin River to reduce damages to a resort development along the river. The RD 17 tieback levee is located downstream of Walthall Slough and extends east along the right bank of the slough to high ground. The RD 17 tieback levee is higher than the right bank levee of the San Joaquin River and diverts any floodwaters on the right overbank back into the San Joaquin River. This situation occurred in the flood of January 1997 and is shown on Plate 10. Flood stages within this channel reach are dominated by runoff from the San Joaquin River. Flood stages in the right overbank are dominated by runoff from the San Joaquin River and Stanislaus River.

Old River to French Camp Slough. Old River defines the upstream extent of this reach. Old River is a distributary from the San Joaquin River and conveys floodwaters west into the Sacramento-San Joaquin Delta. There is no hydraulic structure to manage the flow split. The flow split is defined by the hydraulic characteristics of Old River and the San Joaquin River downstream of the flow split.

Within this reach the San Joaquin River further transitions to a less sinuous plan form. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. From Burns Cutoff to approximately 4 miles downstream, the right bank levee is approximately 3 feet taller than the left bank. The floodway width between the levees varies from 300 feet to 400 feet and widens to 1,400 feet at a few meander bends. The waterside levee face forms the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River.

French Camp Slough to Burns Cutoff. French Camp Slough defines the upstream extent of this reach. French Camp Slough is a tributary to the San Joaquin River. The reach characteristics of French Camp slough are described below. The main channel varies in width from 200 to 300 feet. The floodway is contained by left and right bank levees that are approximately 10 to 15 feet tall. The floodway width between the levees varies from 300 feet to 400 feet. The waterside levee face is next to the channel bank along most of this reach. Flood stages within this reach are dominated by runoff from the San Joaquin River. However, influence of ocean tides is evident in flood stage hydrographs.

Burns Cutoff to Deep Water Ship Channel. Burns Cutoff defines the upstream extent of this reach. Burns cutoff is a secondary channel of the San Joaquin River which conveys water on the west side of Rough and Ready Island. Burns cutoff flows

TERRA LAND GROUP, LLC

December 16, 2014

VIA HAND DELIVERY & U.S. MAIL

Manteca City Council
1001 W. Center Street
Manteca, CA 95337

**RE: Unidentified and/or unresolved impacts relating to 200-year flood protection
(Manteca City Council Meeting 12/16/14 Agenda Item B.07.)**

Dear Council Members:

Terra Land Group, LLC ("TLG") owns approximately two hundred thirty (230) acres of farm ground ("Property") located within the two hundred year ("200-year") floodplain and further situated in the southwest corner of the incorporated area of the City of Manteca. The Property is further identified as APNs:

241-330-32 (approx. 203.33 acres)

241-330-33 (approx. 17.10 acres)

241-320-60 (approx. 10.13 acres)

Currently, approximately 31,000 (thirty-one thousand) almond trees are planted on the Property, with access to irrigation water provided by means of 2 (two) deep-water wells specifically located on TLG APN 241-330-032.

Further, TLG is presently involved in negotiations with South San Joaquin Irrigation District ("SSJID") to allow TLG to receive SSJID surface water by means of annexation into SSJID.

The costs associated with the annexation into SSJID are significant and are subject to increases on an annual basis.

As of the date of this letter, the costs associated with annexation into SSJID involve:

- 1) TLG payment of an annexation fee approximating \$2,300 (two thousand three hundred dollars) per acre.
- 2) TLG responsibility to pay all costs involved to construct any and all irrigation water conveyance, storage and delivery infrastructure necessary to distribute water throughout the TLG farm Property.

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At this time, TLG is in receipt of a December 8, 2014 Public Works Staff Report recommendation from Phil Govea to the Manteca City Council. (See Exhibit "1")

As I understand it, Senate Bill 5 ("SB5"), as administrated by the United States Army Corps of Engineers and the State of California Department of Integrated Water Management, will significantly limit the ability of urban communities to approve residential, commercial and industrial development projects after July, 2016, unless communities have either:

- 1) Constructed all improvements needed to provide an Urban Level of Flood Protection for a 200-year storm event (200-year Flood Protection), or
- 2) Made a finding of adequate progress toward providing 200-year Flood Protection.

Other requirements leading to the completion of SB5 200-year levee flood protection improvements indicate that all such improvements are to be completed by 2025.

Prior to that date, various work products need to be completed to demonstrate that the permitting agency can make a defensible "finding of adequate progress".

Scope of Work Products Involved

- 1) Development of a master model to simulate a 200-year flood event
- 2) Significant engineering and geotechnical efforts involving
 - a) Identifying deficiencies in the existing levee system
 - b) Preparing levee design criteria that meets state and federal standards
 - c) Identifying rehabilitation measures to fix any deficiencies found in the existing levee system
 - d) Preparing cost estimates for the rehabilitation work
 - e) Vetting the analyses and design criteria in a series of workshops with a panel of independent experts, as well as state agencies.
- 3) Preparation of a financing plan and the initiation of construction on some of the needed improvements by July, 2016, in order to comply with SB5 requirements by supporting a "finding of adequate progress".

With this in mind, I, Martin Harris, representing TLG, attended a 12/9/14 Reclamation District 17 ("RD17") Board meeting.

At that meeting, RD17 representative Dante Nomellini explained to those in attendance that RD17 was working with the City of Manteca to conduct levee improvements that were described as a "seepage repair project" involving bench berms and changes to the levee bank slope on both the leading and tail sides of the levee.

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Mr. Nomellini added that the initial levee improvements were of an intermediate nature and were not meant to satisfy final SB5 200-year levee flood protection requirements.

Finally, Mr. Nomellini stated that the City of Manteca's continued participation in an ongoing Regional Feasibility Study was an important component in meeting the adequate progress goals for 200-year levee protection compliance.

I inquired as to whether the levee design slopes currently anticipated to affect the TLG farm Property would be designed in accordance with the levee design map presented on Page 3-32 of the March 2011 Terra Ranch Subdivision Final EIR. (See Exhibit "2")

RD17 representative Chris Nudeck indicated that the levee design would follow the 3:1 (three-to-one) slope indicated on the drawing.

I also brought the RD17 Board's attention to a December 29, 2010, letter from Dante Nomellini which indicated that "excavations for swimming pools and other purposes outside the levee easements are increasingly being recognized as having the potential for affecting under seepage and therefore levee stability".

Further, the 12/29/10 letter goes on to state that "Location of ample open space along the levees coupled with a single loaded street as a buffer from development is highly recommended. The Terra Ranch Plan appears to incorporate the single loaded street and a setback. The setback may have to be increased and excavations as far away as 300 (three hundred) feet may be restricted". (See Exhibit "3")

Chris Nudeck confirmed the need for a setback standard and indicated that the greatest concern would involve uses such as a stormwater pond.

The meeting ended.

Other Historical Meeting Information Supporting This Letter

December 3, 2013, SSJID negotiations begin

On December 3, 2013, TLG began discussions with SSJID to prepare to annex the TLG farm Property into SSJID. (See Exhibit "4")

November 7, 2014: SSJID, Supplemental Annexation Plan:

On 11/7/14, I, Martin Harris, attended an 8:00 a.m. meeting at SSJID to discuss a newly created Supplemental Annexation Plan that may clear a path for TLG to be allowed access to SSJID surface farm irrigation water.

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Present at the meeting were: Jeff Shields, SSJID; Bere Lindley, SSJID, Sam Bologna, SSJID, Forest Killingsworth, SSJID, myself (Martin Harris), TLG and Josh Harris, TLG.

In addition, SSJID also presented that the City of Manteca was considering the annexation of the entire developable portion of the Zone 39 Storm Drainage Region into SSJID.

Jeff Shields went on to state that Manteca's participation in the Supplemental Annexation Plan could allow Manteca to:

- A. discharge their stormwater utilizing portions of existing stormwater discharge conveyance facilities to access and convey water north to the SSJID French Camp storm drain outlet; and
- B. have access to surface water to supplement groundwater well pumping and improve the overall quality of the municipal drinking water serving the Zone 39 area.

Certain advantages were discussed in coordinating the timing of both the City of Manteca and TLG's Supplemental Annexation application submissions for SSJID review, processing and board approval.

I stated to everyone present that TLG was very interested and would return to the TLG offices to evaluate the design and feasibility of the TLG surface water storage and receiving infrastructure required.

The meeting then ended.

At 11:27 a.m. that same day, I received an email from SSJID providing a Term Sheet and Water Service Agreement. (See Exhibit "5")

Total acreage shown on the documents presented indicated two hundred twenty and five tenths (220.5) acres which differed from TLG's past conversations with SSJID for total acres involved. (See Exhibits "4" and "5")

November 13, 2014: SSJID, Supplemental Annexation Plan, continued:

On November 13, 2014, Josh Harris and I met with SSJID staff for the purpose of gaining additional information and identifying the minimum TLG facility requirements necessary to connect with SSJID surface water conveyance facilities currently in place.

Several questions relating to fully understanding information to be submitted by TLG on the SSJID application followed.

Eventually, I raised the question as to how SSJID determined, as specified by SSJID on the rate sheet, that TLG was only looking to annex two hundred twenty and five tenths (220.5) of the approximate two hundred thirty and six tenths (230.6) acres that had been discussed previously.

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SSJID responded by presenting a City of Manteca Storm Drainage Zone 39 Subarea Map ("Zone 39 Map") that, to my surprise, clearly showed a significant portion of the RD17 levee relocated to a position substantially south of its current location. (See Exhibit "6")

As shown on the Zone 39 Map, the realignment of the RD17 levee for the portion to be repositioned on the TLG Property, straightens the levee in accordance with the current position of the RD17 levee east of the TLG Property, while interrupting TLG's ability to provide irrigation water to a significant portion of the TLG Property. (See Exhibit "6")

In fact, the resulting segmented portion of TLG Property involved could affect the entire TLG APN 241-320-60 parcel and more.

The meeting then ended.

For some time now, TLG has actively participated in numerous discussions with Manteca City staff and various development interests involved to resolve issues and seek protections relating to any and all environmental impacts that have previously been identified and have the potential to affect the TLG Property.

Further, TLG had formed an opinion that the efforts put forth by the various parties involved were approaching a reasonable conclusion.

For this reason, TLG was disappointed to discover that the portion of the existing RD17 levee separating TR Land Company's APN 241-320-59 and TLG's APN 241-320-60 was apparently being relocated to a southern position that could significantly impact the TLG farm Property.

This makes TLG question:

- 1) What was the City of Manteca's intent in altering the location of the RD17 levee as shown on the Zone 39 Map presented to TLG by SSJID staff on November 13, 2014? (See Exhibit "6")
- 2) Why were TLG APNs 241-330-32 and 241-330-33 located south of the Zone 39 reconfigured levee clearly identified by APNs shown on the Zone 39 Map, while TLG APN 241-320-60 is left unidentified on that same Zone 39 Map? (See Exhibit "6")
- 3) Why does the Zone 39 Map clearly show the TLG's APN 241-320-60 northern jagged edged levee boundary a substantial distance within the total area that the City of Manteca is looking to annex into SSJID as part of the developing area included in its Zone 39 Stormwater Drainage Plan? (See Exhibit "6")
- 4) What parties will stand to benefit from the new location of the reconfigured levee?
- 5) What purpose does the Zone 39 Map's bold print "DRY LAND LEVEE" designation have in describing the location of the Zone 39 reconfigured levee placement if not to depict a new location for the Dry Land Levee? (See Exhibit "6")

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- 6) What additional flood related impacts will a levee relocation create?
- 7) What affect will a levee relocation have on flood water flows and flood water elevation levels impacting neighboring properties?
- 8) Doesn't the public have a right to know that their property could be subject to unidentified and unanticipated flood impacts?
- 9) At what point will these potential flood levee impacts be presented to the public?
- 10) How can TLG justify the costs of annexation into SSJID while significant unidentified impacts remain that may ultimately affect TLG's continued right or ability to farm?
- 11) At this point, how can any affected property owners address known and/or anticipated impacts affecting their property, when the total list of known impacts is unreliable and continually changes over time?
- 12) If the information presented to the public does not accurately describe the City of Manteca's intentions relating to a final SB5 levee plan; is it unreasonable for the public to question the costs involved or the validity of any engineering or geotechnical data collected?

In closing, TLG believes that significant and unidentified environmental impacts, with the potential to adversely affect the TLG Property exist.

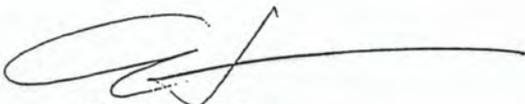
In addition, TLG believes that certain related impacts may extend to neighboring property owners as well.

These impacts are expected to involve levee related separations to property parcels with impacts that may involve potential flood water elevations, stormwater drainage, continued opportunity to distribute irrigation water, equipment access and the continuing right and/or feasibility to farm.

As a result, TLG requests that the City of Manteca hold public workshops to present a complete levee compliance overview, identifying the City of Manteca's intentions and to allow for public feedback relating to SB5 200-year flood levee requirements.

Thank you for you attention to this very important matter.

Yours Truly,



Martin Harris
Terra Land Group, LLC

MH/jas

Enclosures:

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- 1) Ex. "1": *Manteca City Council Agenda Item No. B.07*
- 2) Ex. "2": *Page 3-32 of the March 2011 Terra Ranch Subdivision Final EIR*
- 3) Ex. "3": *December 29, 2010 Nomellini, Grilli & McDaniel PLCs email to Erika Durrer*
- 4) Ex. "4": *December 3, 2013 Sam Bologna/SSJID email to Martin Harris with Enclosures*
- 5) Ex. "5": *November 7, 2014 SSJID to TLG Proposed Terms of Supplement to Annexation and Water Service Agreement*
- 6) Ex. "6": *{Map appears to indicate April 2014} City of Manteca Public Works Department Storm Drainage Zone 39 Subareas Map*

cc:

Manteca City Council
Mark Meissner, City of Manteca Planning Department
Karen McLaughlin, Manteca City Manager
Mark Houghton, City of Manteca Public Works
Jeff Shields, South San Joaquin Irrigation District
Manteca Development Group
TR Land Company
Rosi Cerri Foundation
Reclamation District No. 17
Brian Jones, North Star Engineering Company
Title Company

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EXHIBIT "1"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

City Council Agenda
December 16, 2014
Consent Calendar
Agenda Item No. B.07

Reviewed by
City Mgr's office: /KLM

Memo to: Manteca City Council
From: Phil Govea, Deputy Director of Public Works
Date: December 8, 2014
Subject: 200-Year Flood Protection Update

Recommendation:

Receive report on 200-year flood protection, and provide direction to staff as appropriate.

Background:

Senate Bill 5 was passed by the California Legislature in 2007, and later amended in 2012 by SB 1278 (SB5). Among its many requirements, SB5 significantly limits the ability of urban communities to approve residential, commercial and industrial development projects after July 2016 unless communities have either: 1) Constructed all improvements needed to provide an Urban Level of Flood Protection for a 200-year storm event (200-year Flood Protection), or 2) Made a finding of adequate progress toward providing 200-year Flood Protection. Since completing all needed improvements by July 2016 is not practical, most communities impacted by SB5 are instead working toward making a "finding of adequate progress," which is what the cities of Lathrop and Manteca have been working toward over the last several months. Ultimately, SB5 requires that all improvements needed to provide 200-year flood protection are completed by July 2025.

Before a permitting agency can make a defensible "finding of adequate progress," various work products need to be completed as described below. The first work product involves developing a computer model to simulate 200-year flood events and, from this information, preparing maps of the effected properties should the levees fail. In February 2014, the cities of Lathrop and Manteca jointly funded an agreement with an engineering firm (Peterson Brustad, Inc. [PBI]) to develop a computer model, to calculate the 200-year water surface profile in the San Joaquin River, and to develop 200-year floodplain maps for the cities of Lathrop

and Manteca and the unincorporated areas of the County that are within Lathrop's or Manteca's General Plan boundaries. The modeling and mapping work was completed, and a presentation was provided to Council at the June 17, 2014 meeting. Figure 1 shows the 200-year floodplain for the cities of Lathrop and Manteca.

The next work products needed to support a finding of adequate progress involve significant engineering and geotechnical efforts, and again, Lathrop and Manteca contracted with PBI to complete the necessary work. Specifically, the work involves :1) Conducting field surveying and reconnaissance to identify deficiencies in the existing levee system, 2) Preparing levee design criteria that meets State and Federal standards, 3) Identifying rehabilitation measures to fix the deficiencies, 4) Preparing cost estimates for the rehabilitation work, and 5) Vetting the analyses and design criteria in a series of workshops with a panel of independent experts, as well as with State agencies. The work on these tasks has progressed far enough that PBI has prepared a preliminary cost estimate of \$145 million needed to repair the 20 miles of levees that protect the cities of Lathrop and Manteca. Assuming State funding is available for 50% of the costs, and assuming a 2/3-Lathrop, 1/3-Manteca split on the remaining costs (based on land area located within the 200-year floodplain), the total cost for Manteca is conservatively estimated at \$24 million.

In addition to the above work, a financing plan needs to be prepared and construction on some of the needed improvements must be under way by July 2016 in order to make a finding of adequate progress. Regarding a financing plan, staff from the cities of Lathrop and Manteca are soliciting proposals from qualified firms to prepare the plan. Regarding construction, Reclamation District 17 (RD 17) is the local agency responsible for maintaining the levee system in the vicinity of Lathrop, Manteca, Stockton and portions of the San Joaquin County. RD 17 has an existing levee improvement project soon to be in construction, and the plan is to leverage this project as a qualifying construction activity to support a finding of adequate progress. It should be noted that, while RD 17's levee project makes needed improvements to this existing levees, the project by itself does not provide 200-year flood protection for the region. Significant additional work is needed to achieve 200-year flood protection as described later in this report.

As for next steps, staff has a goal of completing the work needed to make findings of adequate progress by February 2016, such that the Lathrop and Manteca City Councils can take action at their February or March 2016 Council meetings.

From July 2016 to July 2025, significant work will then continue toward achieving 200-year flood protection. These work activities will include: implementing a financing plan; designing and preparing construction documents for the levee improvements; obtaining environmental clearance for the improvements; acquiring property; and construction of the improvements.

It should also be noted that only Lathrop and Manteca have come forward to fund the SB5 compliance work to date, although the work also benefits Stockton and the unincorporated areas of San Joaquin County.

Fiscal Impact:

The fiscal impact to Manteca of providing 200-year flood protection is estimated at \$24 million. Identifying a financing plan to recover these costs is part of the next steps in the process.

Attachment:

Figure 1

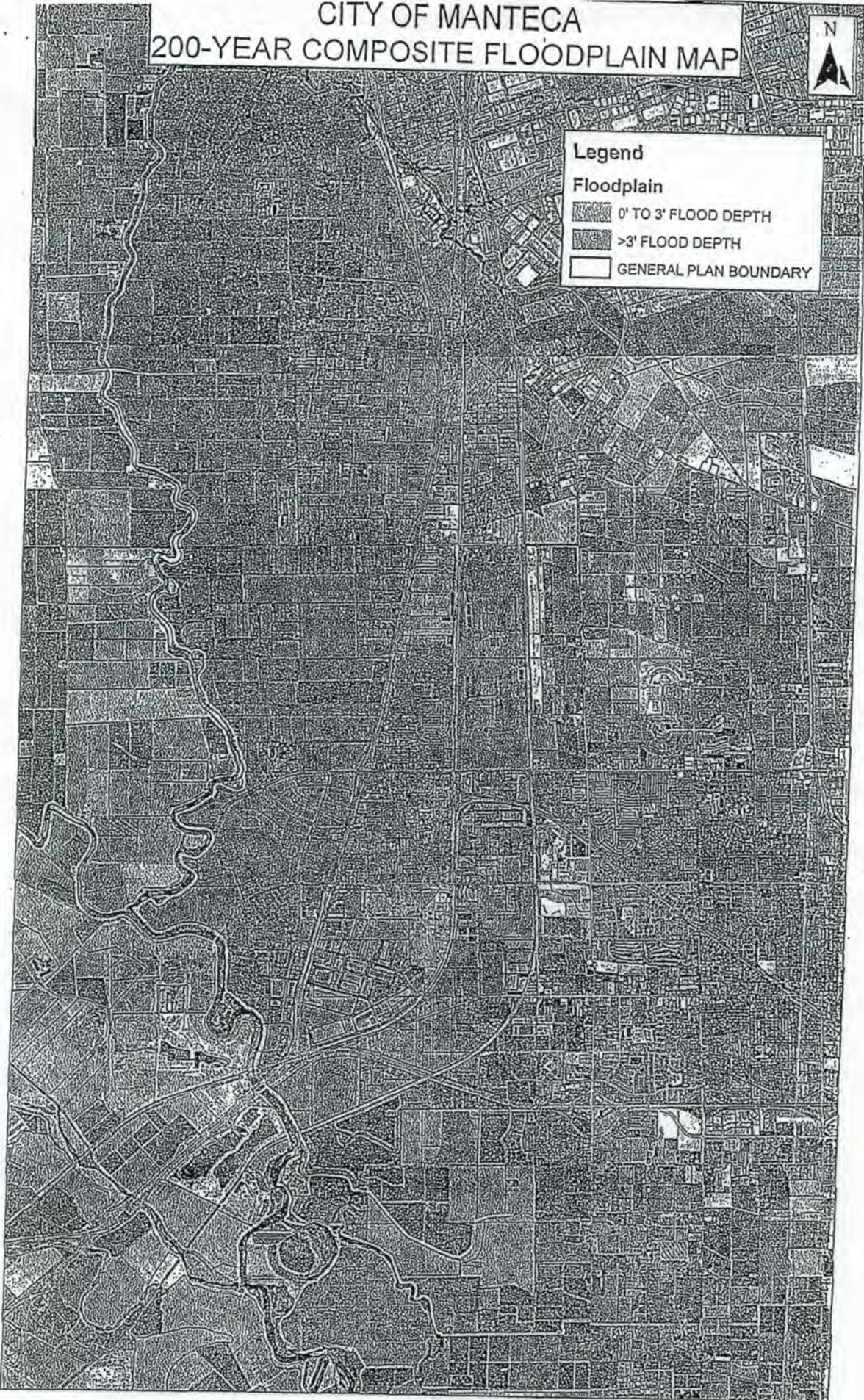
CITY OF MANTECA 200-YEAR COMPOSITE FLOODPLAIN MAP



Legend

Floodplain

-  0' TO 3' FLOOD DEPTH
-  >3' FLOOD DEPTH
-  GENERAL PLAN BOUNDARY



TERRA LAND GROUP, LLC

EXHIBIT "2"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

EXHIBIT "3"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Nomellini, Grilli & McDaniel PLCs [mailto:ngmplcs@pacbell.net]
Sent: Wednesday, December 29, 2010 4:48 PM
To: Durrer, Erika
Cc: 'Chris Neudeck'; Stone, Jim
Subject: Terra Ranch Subdivision DEIR Sch# 2010072054

Letter 7

- 7-1 Erika Durrer: Reclamation District No. 17 submits the following comments: Attached please find copy of May 19, 2009 letter from Kjeldsen, Sinnock & Neudeck, Inc to Mark Meissner commenting on the preliminary tentative map for the Trails e project which are relevant to this project as well. Such comments are incorporated herein.
- 7-2 Since such comments were submitted the setback required by DWR and the USACE has increased from 10ft to 15ft and possibly 20ft. The RD 17 Levee Setback Standard should be adjusted accordingly. Engineering and O&M requirements are evolving and becoming more rigid. Excavations for swimming pools and other purposes outside the levee easements are increasingly being recognized as having the potential for affecting under seepage and therefore levee stability.
- 7-3 Location of ample open space along the levees coupled with a single loaded street as a buffer from development is highly recommended. The Terra Ranch plan appears to incorporate the single loaded street and a setback. The setback may have to be increased and excavations as far as 300ft may be restricted. The single loaded street with an adequate setback will add flexibility to accommodate future levee requirements, avoid conflicting encroachments and improve access for patrol and floodlighting.
- 7-4 Thank you for your consideration. Dante John Nomellini, Secretary and Counsel for Reclamation District No 17.

Nomellini, Grilli & McDaniel
Professional Law Corporations
235 East Weber Avenue
Stockton, CA 95202

Mailing address:

P.O. Box 1461

Stockton, CA 95201-1461

Telephone: (209) 465-5883

Facsimile: (209) 465-3956

Email: ngmplcs@pacbell.net

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TERRA LAND GROUP, LLC

EXHIBIT "4"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Sam Bologna <sbologna@ssjid.com>

To: Marty Harris (harrismw1@aol.com) <harrismw1@aol.com>

Cc: Sam Bologna <sbologna@ssjid.com>

Subject: Water levels

Date: Tue, Dec 3, 2013 2:55 pm

Attachments: Lateral_W_water_levels.PDF (4327K)

Marty,

Attached are a couple of maps that show the irrigation supply line (Lateral "W"), where you plan to make your connection. The Lateral is a 42" pipeline that will handle 25 CFS flow. The elevations on the maps show where the high water marks are in the systems that are taken from the upstream box, east of Airport way. Unfortunately, we could not find any water surface elevation information at the end of the line. Please let me know if there is anything else you might need.

Sam Bologna

Engineering Department Manager

South San Joaquin Irrigation District

P.O. Box 747

Ripon, Ca. 95366

(209) 249-4617 direct phone

(209) 249-4651 direct fax

(209) 456-1574 cell phone

TERRA LAND GROUP, LLC

EXHIBIT "5"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Proposed Terms of Supplement to Annexation Agreement

November 7, 2014

1. The supplemental agreement entitles landowner to buy water transferred from the District under the following terms.
2. SSJID and landowner will make all reasonable efforts to complete annexation expeditiously.
3. Regardless of when or whether annexation is approved by LAFCo, SSJID will make water available during the annual irrigation season as soon as:
 - a. Landowner has applied to the District for annexation and has paid the portion of the annexation fee required with the application.
 - b. The Board has taken such action as is required by CEQA and approved the agreement.
 - c. All District and private facilities necessary to provide service to the land are installed and in a condition satisfactory to District.
 - d. Other requisite conditions are satisfied (i. e., environmental review), and,
4. All provisions relating to new facilities are identical to provisions in the annexation agreement. So, the cost for installing new District facilities is at landowner's expense.
5. The land will have the same Tier 2 priority for water supply under this supplemental agreement as it will have after annexation.
6. The entitlement fee entitles landowner to the rights granted in the supplemental agreement:
 - a. The amount of the entitlement fee is 75% of the annexation fee.
 - b. The entitlement fee is due upon Board approval of the supplemental agreement.
 - c. The entitlement fee becomes nonrefundable upon board approval of the supplemental agreement.
 - d. The payment schedule for the financing plan is coordinated with the annexation payment schedule:
 - i. The 25% portion of the annexation fee paid with the annexation application counts toward the entitlement fee. This amount equals 1/3 of the entitlement fee. This leaves an amount equal to 2/3 of the entitlement fee due upon Board approval of this agreement (See examples below). SSJID may agree to a reasonable financing plan for this 2/3 portion of the entitlement fee, including interest on the deferred portion.

- ii. All of the entitlement fee will be credited toward the annexation fee if annexation is approved by LAFCo.
7. The supplemental agreement has a long term of years (25 – 50 years?) in order to justify the amount of the entitlement fee and to constitute an acceptable alternative to annexation for the landowner. The long term is justified by the fact that the District and the landowner are willing to annex in perpetuity.
8. Landowner would pay 300% of the average water charges paid by in-district irrigators. In-district irrigators pay an average of \$10/acre-foot, so landowner would pay \$30/acre-foot.
9. The water charge changes when in-district charges change, by the same percentage.
10. The supplemental agreement should be signed by landowner before Board consideration.
11. The supplemental agreement lapses upon annexation when all the usual terms of annexation would apply.

Annual Cost per Acre if Entitlement Fee is Spread Over the Term of the Agreement

	Entitlement Fee	Estimated Water Charges @ \$30/a-ft	Total Annual Cost
Annexation fee per acre	\$2,297.00		
Entitlement fee @75%	\$1,722.75	Assuming 42 inches per year	
Cost per year for:			
25 years	\$68.91	\$105.00	\$173.91
30 years	\$57.43	\$105.00	\$162.43
40 years	\$43.07	\$105.00	\$148.07
50 years	\$34.46	\$105.00	\$139.46

Annual Annexation Cost per Acre for the Same Time Periods

	Annexation Fee	Estimated Water Charges @ \$30/a-ft	Total Annual Cost
Annexation fee per acre	\$2,297.00		
Cost per year for:		Assuming 42 inches per year	
25 years	\$91.88	\$34.50	\$126.38
30 years	\$76.57	\$34.50	\$111.07
40 years	\$57.43	\$34.50	\$91.93
50 years	\$45.94	\$34.50	\$80.44

Illustration of How Fee Payments are Coordinated

<u>Without Using Payment Plan</u>		<u>Annexation</u>	<u>Entitlement</u>
		<u>Fee</u>	<u>Fee</u>
Acres		220.5	220.5
25% of annexation fee is due with annexation application and applies toward the entitlement fee		\$126,622	\$126,622
The balance of the entitlement fee is due upon Board approval of the supplemental agmt, and applies to the annexation fee		253,244	253,244
IF LAFCO APPROVES ANNEXATION: The balance of the annexation fee is due 14 days after LAFCo approval of the annexation		126,622	
Total Paid		\$506,489	\$379,866

Illustration of How Fee Payments are Coordinated

With a Payment Plan

	Annexation Fee	Entitlement Fee
Acres	220.5	220.5
25% of annexation fee is due with annexation application and applies toward the entitlement fee	\$126,622	\$126,622
IF LAFCO APPROVES ANNEXATION: Balance of annexation fee is paid in a max of 5 annual payments (plus 5% interest not included here):		
Year 1	75,973	
Year 2	75,973	
Year 3	75,973	
Year 4	75,973	
Year 5	75,973	
IF LAFCO DENIES ANNEXATION: Balance of entitlement fee is paid in a max of 5 annual payments (plus 5% interest not included here)		
Year 1		50,649
Year 2		50,649
Year 3		50,649
Year 4		50,649
Year 5		50,649
Total Paid (Not Including Int.)	\$506,489	\$379,866

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

SOUTH SAN JOAQUIN IRRIGATION DISTRICT
11011 East Highway 120
Manteca, California 95336

WATER SERVICE AGREEMENT

This Water Service Agreement is entered into this _____ day of _____, 2014 between South San Joaquin Irrigation District ("SSJID" or "District") and _____ ("Landowner"). District and Landowner are collectively referred to as "Parties".

RECITALS

WHEREAS, District operates under and by virtue of Division 11 of the California Water Code; and

WHEREAS, District adopted an annexation policy on October 14, 2014, by resolution number 14-11-P90-18-0 ("Annexation Policy"); and

WHEREAS, Landowner has submitted an application dated _____ for annexation of its real property described in Exhibit A ("Property") to the District ("Application") in order to receive irrigation service as a member of the District; and

WHEREAS, District and Landowner desire to set forth the terms under which District will provide irrigation service to the Property until either the Property is annexed to the District or this Agreement terminates in accordance with its terms, whichever occurs sooner,

NOW, THEREFORE, the Parties, on the terms and conditions herein set forth, agree as follows:

AGREEMENT

1. Agreement to Serve: District agrees to provide irrigation service to Landowner's Property during the District's annual irrigation season as determined annually by the District's Board of Directors on the terms in this Agreement.
2. Conditions: The Property will be entitled to irrigation service when the following conditions are satisfied:

- A. Landowner has installed its own facilities that are necessary for the Property to receive irrigation service from District's Lateral "_____" at approximately station _____ as shown on the plat attached as Exhibit B ("Delivery Point"). Landowner is responsible for installing such other facilities as Landowner determines to be necessary for distribution of the irrigation water from the Delivery Point throughout the Property. Landowner shall obtain a structure permit from District before connecting any structures to District's facilities.
- B. Landowner has installed at Landowner's expense a flowmeter and SCADA facilities to measure the application of District water to the Property at the Delivery Point. The meter and all other facilities shall conform to District's specifications and will be owned by District. Landowner shall execute and deliver an agreement in recordable form acceptable to District providing District with the right to access the Property to access, read, maintain, repair and replace the meter and SCADA facilities or dedicate a separate easement for that purpose at the discretion of the District.
- C. District's determination that its actions in accordance with this Agreement do not cause any significant environmental impacts pursuant to the California Environmental Quality Act (CEQA) and that an environmental impact report is not required, and the applicable time period for challenging the District's actions under CEQA has expired without the filing of a legal challenge.
- D. District has obtained such regulatory or other approvals as are agreed upon by the Parties.
- E. Landowner has paid the Entitlement Fee to District as specified in this Agreement.
- F. Terms of Service: The following provisions govern the District's provision of irrigation service to the Property:
- G. Landowner, as owner of the Property is entitled to equal benefits to the District's water supply to the extent of District's water supply, its water rights and its available water delivery facilities, subject to the Tier II provisions below, so long as Landowner is not in default of any payments due the District, of the terms and conditions of this Agreement, of the rules and regulations of the District, or of applicable federal, state or local laws and regulations.
- H. The District will provide service at the Delivery Point and Landowner is responsible for all other facilities necessary to accept water service as described in Section 2.
- I. The Property will be entitled to receive irrigation service on the terms and conditions of this Agreement, District's water rules, regulations and policies,

including the Tier II provisions below, as such policies are currently in effect or as may be added or modified from time to time, subject to federal, state and local laws and regulations.

J. The Property is subject to the Tier II restrictions in the District's Annexation Policy by which irrigation service to Landowner, as owner of the Property, is subject to reduction in whole or in part in any year when the District's Board of Directors determines such action to be necessary in order for District to serve Tier I landowners, which are those landowners whose property was within the District as of November 14, 2000, and to satisfy the District's contractual obligations to the cities of Manteca, Escalon, Ripon, Lathrop and Tracy.

K. Landowner must pay the water charges due from time to time as described in Section 6.

L. The District shall be relieved of its obligations in this Agreement to the extent it is unable to do so due to a failure of the District's water delivery facilities.

3. Term of Agreement: The term of this Agreement shall be ___ years from the date in the first paragraph above, provided that this Agreement will expire at such time that annexation of the Property to the District is complete, as evidenced by the recording of a certificate of completion.

4. Entitlement Fee: Landowner shall pay District an Entitlement Fee of \$___, which is \$ ___ per acre for the ___ acres comprising the Property.

A. The Entitlement Fee is due before this Agreement is submitted to the District's Board of Directors for approval. The Entitlement Fee becomes nonrefundable upon approval of this Agreement by the District's Board of Directors. The Entitlement Fee is refundable if the District's Board of Directors rejects this Agreement.

B. The Entitlement Fee is payable as follows:

1). Any portion of the annexation fee for the Property paid to District is credited towards the Entitlement Fee.

2). The balance of the Entitlement Fee is payable upon approval of this Agreement by the District's Board of Directors. Landowner may elect at such time to pay the balance of the Entitlement Fee in a maximum of five equal annual payments. In such event, the unpaid balance will accrue interest at 5% per annum, commencing upon approval of this Agreement by District's Board of Directors. Annual installments, including accrued interest, will be billed and are due in accordance with Section 5B (3) below.

3). Annual payments on the deferred portion of the Entitlement Fee are due on receipt of each annual bill issued on or about November 1 of each year and are payable in two installments. The first installment is delinquent if not paid by 4:30 p.m. on December 20 of each year, and the second installment is delinquent if not paid by 4:30 p.m. on June 20 of the following year. If any required payment is delinquent, District shall collect the unpaid amounts, plus the fees, penalties, and charges authorized by the District's Collection Policy adopted in Resolution No. 2001-04-F, "Policy Governing Collection of Fees, Charges and Penalties" or any subsequent resolution which supersedes Resolution No. 2001-04-F ("Collection Policy"), and the unpaid amounts, including fees, charges and penalties, such constitute liens on the land in accordance with the Collection Policy.

C. The portion of the Entitlement Fee paid to District shall be credited to the annexation fee due from Landowner according to the Annexation Policy, when the annexation of the Property to District is complete.

5. Water Charges and Measurement: Landowner agrees to pay District a water charge of \$30 per acre-foot of water received by Landowner for the Property based on data from the flow meter described in Section 2B. This charge is subject to annual increase based on changes to the consumer price index as shown on the urban wage earners and clerical workers, US city average (CPI - W) ("Index") for the 12 month period concluding with the August CPI index of each year. Effective October 1 of each year, commencing October 1, 2015, the charge shall be adjusted, based on the same percentage that the index as published in August of each year has adjusted as compared to the index published in August of the preceding year, provided, however, that the adjustment in any year shall not result in a decrease in the charge then in effect nor exceed 5%.

During any month when data from the flow meter is not available, District will bill Landowner and Landowner agrees to pay water charges based on District's good faith estimate of the water delivered to the Property for the month.

6. Billing and Payment: District will bill customer for water used in each month during the irrigation season on or about the 10th day of the following month. Bills are due on receipt and are delinquent if not paid by the 30th day of that month. District may decline to provide service to Landowner whenever Landowner's account is delinquent for more than 10 working days.

7. Annexation: District and Landowner will make all reasonable efforts to complete annexation of the Property.

8. Water Rights and Regulatory Approval: District intends to use its pre-1914 water rights to provide irrigation service to the Property. These rights permit District to divert a set flow rate from the natural flow in the Stanislaus River from March 1 to November 1

of each year to irrigate land within the boundaries of the District at the time of the adjudication in 1929. The place of use of these rights can be changed in order to provide irrigation service to the Property without regulatory approval. District will provide Landowner with a copy of the court decree upon Landowner's request. District shall inform Landowner if it determines that any regulatory approvals are necessary for the District to provide irrigation service to the Property, the process it would follow to obtain the necessary approvals, and provide a justification for the process selected.

9. Termination: District has the right to terminate this Agreement before expiration of the term in Section 4, as set forth below:

A. If legal action is brought in federal or state court, or proceedings are instituted by any regulatory agency, against District challenging its providing service to the Property under this Agreement, District may, in its discretion, defend or settle the action or regulatory proceeding on such terms as it deems to be in its best interests. If, the result of such action or proceeding, whether by judgment or decision or by settlement, District is prohibited from serving the Property, then the District may terminate this Agreement.

B. In the event of termination under this paragraph, the Parties shall thereafter be under no further obligation or responsibility hereunder and will release each other from further obligations under this Agreement.

10. Cooperation: To the extent reasonably required, each Party to this Agreement shall, in good faith, assist the other in obtaining all such necessary approvals and preparation of required environmental documents. The Parties agree to cooperate and assist each other in good faith in meeting such requirements of regulatory agencies as may be applicable to performance of any terms of the Agreement.

11. Resale: Landowner may not resell the water under this Agreement.

12. Waiver of Rights: Any waiver, at any time, by any Party of its rights with respect to a breach or default, or any other matter arising in connection with this Agreement, shall not be deemed to be a waiver with respect to any other breach, default or matter.

13. Successors and Assigns: The covenants of Landowner in this Agreement shall be binding on the heirs, successors, grantees, and assigns of the owners of Subject Property and the other provisions of this Agreement shall inure to the benefit of and be binding on District and upon the heirs, successors, grantees, and assigns of the owners of Subject Property.

14. Other Agreements: Nothing contained herein restrict the District from providing water services and sales to others as authorized by law which do not unreasonably interfere with District's obligation hereunder.

15. Entire Agreement: This Agreement constitutes the entire Agreement between the District and Landowner and supersedes any oral agreement, statement or promise between them relating to the subject matter of the Agreement. Any amendment, including oral modifications, must be reduced to writing and signed by all Parties to be effective.

16. Effective Date: The effective day and date of this Agreement shall be the day and date first above written.

"DISTRICT"

South San Joaquin Irrigation District

By _____
Title _____

"LANDOWNER"

By _____

EXHIBITS

- A. Legal description of Property
- B. Plat showing District's Lateral "____" and the Property

To: Marty Harris (harrismw1@ssjid.com)
Subject: Annexation

Date: Fri, Nov 7, 2014 11:27 am

Attachments: Annexation_Supplemental_Agreement_10-23-14.docx (45K), Supplemental_Agreement_Proposed_Terms_11-07-2014.docx (136K)

Hi Marty,

It was good talking to you today. Attached are copies of a term sheet and sample Water Service Agreement that we talked about today. These should help give you some idea of costs associated with your specific annexation. Please feel free to contact me if you have questions.

Sam Bologna

Engineering Department Manager

South San Joaquin Irrigation District

P. O. Box 747

Ripon, Ca. 95366

(209) 249-4617 direct phone

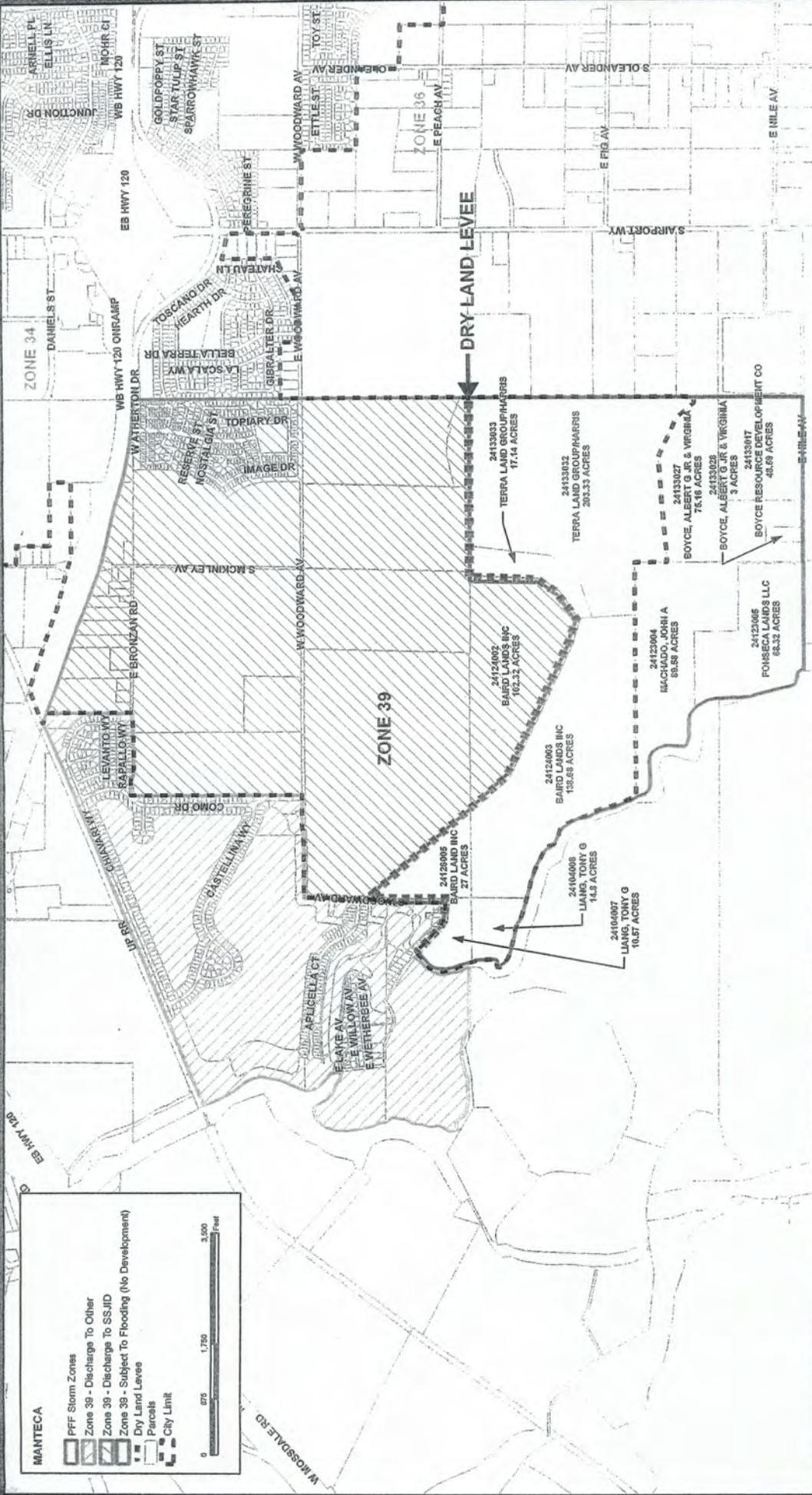
(209) 249-4651 direct fax

(209) 456-1574 cell phone

TERRA LAND GROUP, LLC

EXHIBIT "6"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



STORM DRAINAGE ZONE 39 SUBAREAS
 CITY OF MAANTECA PUBLIC WORKS DEPARTMENT
 1001 W CENTER STREET MAANTECA, CA 95337



This form is to be used for: 1) Post-FIRM construction only when the base flood information is available for the building site; and 2) Pre-FIRM buildings rated using Post-FIRM rules. Instructions for completing this form can be found on the reverse side.

Martin William Harris
 BUILDING OWNER'S NAME POLICY NUMBER
22911 S. Oleander Manteca, Calif. 95336
 STREET ADDRESS

Apt.-A/Unit-U Suite-S/Bldg.-B NO. ROUTE BOX NUMBER

OTHER DESCRIPTION (Block and lot numbers., etc.)
Manteca **California 95336**
 CITY STATE ZIP CODE

This form is to be completed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative should complete the information in Section I and may also complete the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information may also complete this form.

SECTION I BUILDING ELEVATION INFORMATION

- Using the Flood Insurance Manual or the NFIP Flood Insurance Application—Part 2 Worksheet, indicate the proper diagram number _____
- FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of 23.45 feet NGVD. (or other datum—see #5) S. J. Co. BM -38.2 E1. = 25.40
- FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level floor from the selected diagram is at an elevation of _____ feet NGVD (or other datum—see #5).
- FIRM Zone AO. The floor used as the reference level from the selected diagram is feet above highest natural grade next to the building (also enter in line 8). This value must be equal to or greater than the AO Zone flood depth number listed below. If no flood depth number is available, is the building's lowest floor (or reference level) elevated in accordance with the community's floodplain management ordinances? Yes No Unknown S. J. Co. BM - 38.2 E1. = 25.40
- Indicate the elevation datum system used in determining the above reference level elevations: NGVD Other (describe on back)
- Indicate the elevation datum system used on the FIRM for base flood elevations: NGVD Other (describe on back)

(ATTENTION: If the elevation datum used in measuring the elevations is different than that used on the FIRM, then the elevations provided must be converted to the datum system used on the FIRM.)

- Is the reference level based on actual construction? Yes No*
 * A "No" answer is only valid if the building does not have the reference level floor in place. Fill in the elevation based on construction drawings and do not complete question #8. If "No" is checked, this certification will be valid only for buildings in the course of construction. After construction of the reference level floor is completed, a post-construction elevation certificate will be required for continued flood insurance coverage.
- Provide the following measurements using the natural grade next to the building (round to the nearest foot).
 - The reference level is: 11.5 feet above below (check one) the highest grade. feet above below (check one) the lowest grade.
 - The garage floor (if applicable) is: feet above below (check one) the highest grade. feet above below (check one) the lowest grade.

SECTION II FLOOD INSURANCE RATE MAP INFORMATION

Provide the following from the proper FIRM (see Instructions on back—Date of FIRM) and accompanying insurance application:

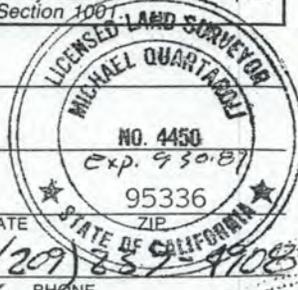
COMMUNITY NO.	PANEL NO.	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEV. (In AO Zone, use depth)	COMMUNITY ESTIMATED BASE FLOOD ELEVATION ESTABLISHED FOR ZONE A OR ZONE V, IF AVAILABLE
060299	0615B					
060299	0755B		July 4, 1988	A-21	26 ft.	

Elevation reference mark used appears on FIRM Yes No (See reverse side for details)

SECTION III CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative can sign the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Michael L. Quartaroli
 CERTIFIER'S NAME LICENSE NUMBER (or Affix Seal)
 Land Surveyor Quartaroli and Associates, Inc.
 TITLE COMPANY NAME
160 Northgate Drive Manteca CA
 ADDRESS CITY STATE ZIP
Michael L. Quartaroli 2.9.89 (209) 837-9908
 SIGNATURE DATE PHONE



The insurance agent should attach the original copy of the completed form to the flood insurance policy application. The second copy should be supplied to the policyholder and the third copy retained by the agent. The fourth copy is for the local community permit office, if required.

THIS FORM MAY BE REPRODUCED.

FOR OPTIONAL COMMUNITY USE: Is the reference level also the lowest floor under the community's floodplain management ordinances?
 YES NO If NO the elevation of the lowest floor is _____ feet NGVD.

ELEVATION CERTIFICATE

OMB No. 1660-0008
 Expiration Date: July 31, 2015

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name Martin Harris	Policy Number:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5151 Almondwood Road City Manteca State CA ZIP Code 95337	Company NAIC Number:
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Doc No. 2003-145137, Parcel A, Bk 14 PM Pg 176; San Joaquin County Records. APN 226-060-15	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Solar Array</u>	
A5. Latitude/Longitude: Lat. <u>N37°44'55.39"</u> Long. <u>W 121°14'39.64"</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983	
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.	
A7. Building Diagram Number <u>NA</u>	
A8. For a building with a crawlspace or enclosure(s):	A9. For a building with an attached garage:
a) Square footage of crawlspace or enclosure(s) <u>NA</u> sq ft	a) Square footage of attached garage <u>NA</u> sq ft
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>NA</u>	b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>NA</u>
c) Total net area of flood openings in A8.b <u>NA</u> sq in	c) Total net area of flood openings in A9.b <u>NA</u> sq in
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No	d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number 060299 San Joaquin County	B2. County Name San Joaquin County	B3. State CA			
B4. Map/Panel Number 06077C0780	B5. Suffix F	B6. FIRM Index Date Oct. 16, 2009	B7. FIRM Panel Effective/Revised Date Oct. 16, 2009	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 28.00
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9. <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: W 995 1965(HS0630) Vertical Datum: NAVD 88
 Indicate elevation datum used for the elevations in items a) through h) below. NGVD 1929 NAVD 1988 Other/Source: _____
 Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>NA</u> _____	<input type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor	<u>NA</u> _____	<input type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>NA</u> _____	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab)	<u>NA</u> _____	<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>29.7</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>25.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>26.3</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>NA</u> _____	<input type="checkbox"/> feet <input type="checkbox"/> meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Check here if attachments.

Certifier's Name Ronald R. Archer Jr.	License Number PLS 8427
Title Surveyor	Company Name Wood Rodgers Inc
Address 4201 Hacienda Drive #100	City Pleasanton State CA ZIP Code 94566
Signature 	Date January 28, 2015 Telephone 925-398-7911



IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
5151 Almondwood Road,

City Manteca

State CA ZIP Code 95337

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number:

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments The bottom of the electric panel servicing the solar array is 3.4 feet above the HAG. The bottom of the electrical panel is attached to a structure pole is at elevation 29.7

Signature

Date January 28, 2015

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
a) Top of bottom floor (including basement, crawlspace, or enclosure) is ... feet meters above or below the HAG.
b) Top of bottom floor (including basement, crawlspace, or enclosure) is ... feet meters above or below the HAG.
E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is ... feet meters above or below the HAG.
E3. Attached garage (top of slab) is ... feet meters above or below the HAG.
E4. Top of platform of machinery and/or equipment servicing the building is ... feet meters above or below the HAG.
E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

Check here if attachments.

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8-G10. In Puerto Rico only, enter meters.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
G3. The following information (Items G4-G10) is provided for community floodplain management purposes.

Table with 3 columns: G4. Permit Number, G5. Date Permit Issued, G6. Date Certificate Of Compliance/Occupancy Issued

- G7. This permit has been issued for: New Construction Substantial Improvement
G8. Elevation of as-built lowest floor (including basement) of the building: ... feet meters Datum
G9. BFE or (in Zone AO) depth of flooding at the building site: ... feet meters Datum
G10. Community's design flood elevation: ... feet meters Datum

Local Official's Name Title

Community Name Telephone

Signature Date

Comments

Check here if attachments.

Building Photographs

See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
5151 Almondwood Road

Policy Number:

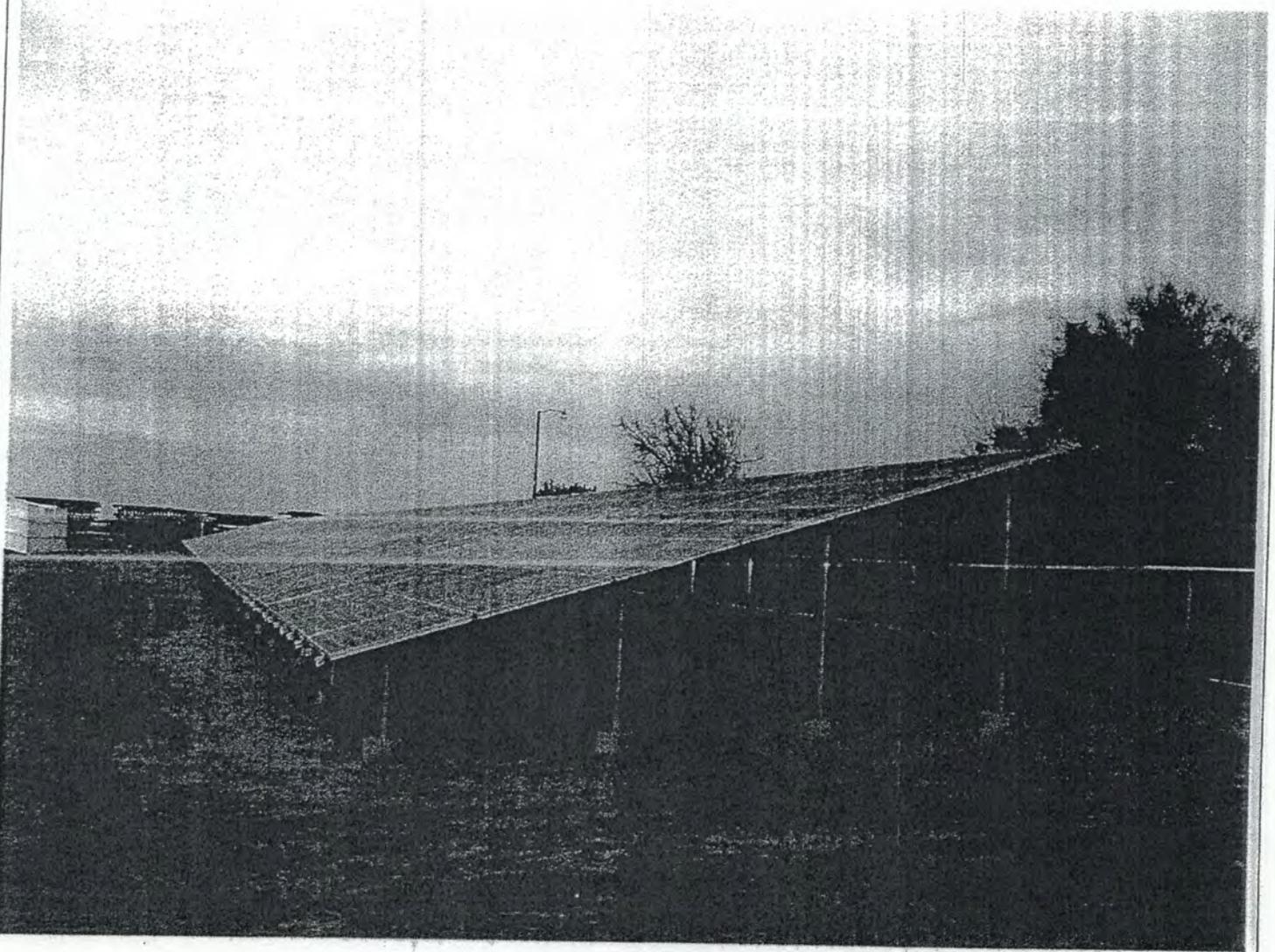
City Manteca

State CA ZIP Code 95337

Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

Front View
Date: January 9, 2015



Building Photographs

Continuation Page

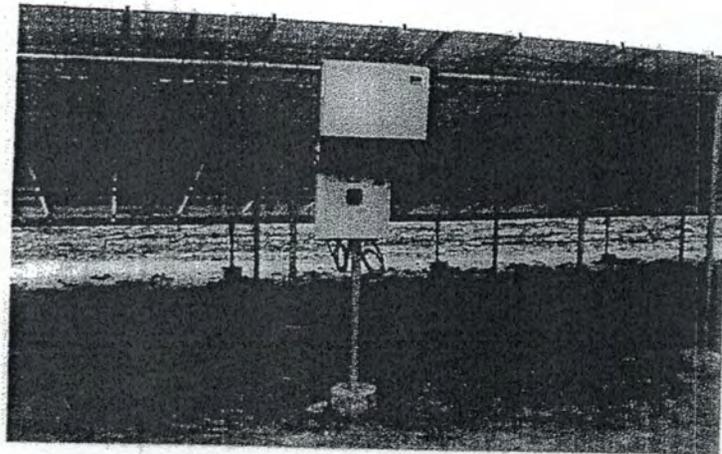
IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5151 Almondwood Road		
City Manteca	State CA	ZIP Code 95337

FOR INSURANCE COMPANY USE
Policy Number:
Company NAIC Number:

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Rear View
Date: January 9, 2015



TERRA LAND GROUP, LLC

December 16, 2014

VIA HAND DELIVERY & U.S. MAIL

Manteca City Council
1001 W. Center Street
Manteca, CA 95337

**RE: Unidentified and/or unresolved impacts relating to 200-year flood protection
(Manteca City Council Meeting 12/16/14 Agenda Item B.07.)**

Dear Council Members:

Terra Land Group, LLC ("TLG") owns approximately two hundred thirty (230) acres of farm ground ("Property") located within the two hundred year ("200-year") floodplain and further situated in the southwest corner of the incorporated area of the City of Manteca. The Property is further identified as APNs:

241-330-32 (approx. 203.33 acres)

241-330-33 (approx. 17.10 acres)

241-320-60 (approx. 10.13 acres)

Currently, approximately 31,000 (thirty-one thousand) almond trees are planted on the Property, with access to irrigation water provided by means of 2 (two) deep-water wells specifically located on TLG APN 241-330-032.

Further, TLG is presently involved in negotiations with South San Joaquin Irrigation District ("SSJID") to allow TLG to receive SSJID surface water by means of annexation into SSJID.

The costs associated with the annexation into SSJID are significant and are subject to increases on an annual basis.

As of the date of this letter, the costs associated with annexation into SSJID involve:

- 1) TLG payment of an annexation fee approximating \$2,300 (two thousand three hundred dollars) per acre.
- 2) TLG responsibility to pay all costs involved to construct any and all irrigation water conveyance, storage and delivery infrastructure necessary to distribute water throughout the TLG farm Property.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

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At this time, TLG is in receipt of a December 8, 2014 Public Works Staff Report recommendation from Phil Govea to the Manteca City Council. (See Exhibit "1")

As I understand it, Senate Bill 5 ("SB5"), as administrated by the United States Army Corps of Engineers and the State of California Department of Integrated Water Management, will significantly limit the ability of urban communities to approve residential, commercial and industrial development projects after July, 2016, unless communities have either:

- 1) Constructed all improvements needed to provide an Urban Level of Flood Protection for a 200-year storm event (200-year Flood Protection), or
- 2) Made a finding of adequate progress toward providing 200-year Flood Protection.

Other requirements leading to the completion of SB5 200-year levee flood protection improvements indicate that all such improvements are to be completed by 2025.

Prior to that date, various work products need to be completed to demonstrate that the permitting agency can make a defensible "finding of adequate progress".

Scope of Work Products Involved

- 1) Development of a master model to simulate a 200-year flood event
- 2) Significant engineering and geotechnical efforts involving
 - a) Identifying deficiencies in the existing levee system
 - b) Preparing levee design criteria that meets state and federal standards
 - c) Identifying rehabilitation measures to fix any deficiencies found in the existing levee system
 - d) Preparing cost estimates for the rehabilitation work
 - e) Vetting the analyses and design criteria in a series of workshops with a panel of independent experts, as well as state agencies.
- 3) Preparation of a financing plan and the initiation of construction on some of the needed improvements by July, 2016, in order to comply with SB5 requirements by supporting a "finding of adequate progress".

With this in mind, I, Martin Harris, representing TLG, attended a 12/9/14 Reclamation District 17 ("RD17") Board meeting.

At that meeting, RD17 representative Dante Nomellini explained to those in attendance that RD17 was working with the City of Manteca to conduct levee improvements that were described as a "seepage repair project" involving bench berms and changes to the levee bank slope on both the leading and tail sides of the levee.

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Mr. Nomellini added that the initial levee improvements were of an intermediate nature and were not meant to satisfy final SB5 200-year levee flood protection requirements.

Finally, Mr. Nomellini stated that the City of Manteca's continued participation in an ongoing Regional Feasibility Study was an important component in meeting the adequate progress goals for 200-year levee protection compliance.

I inquired as to whether the levee design slopes currently anticipated to affect the TLG farm Property would be designed in accordance with the levee design map presented on Page 3-32 of the March 2011 Terra Ranch Subdivision Final EIR. (See Exhibit "2")

RD17 representative Chris Nudeck indicated that the levee design would follow the 3:1 (three-to-one) slope indicated on the drawing.

I also brought the RD17 Board's attention to a December 29, 2010, letter from Dante Nomellini which indicated that "excavations for swimming pools and other purposes outside the levee easements are increasingly being recognized as having the potential for affecting under seepage and therefore levee stability".

Further, the 12/29/10 letter goes on to state that "Location of ample open space along the levees coupled with a single loaded street as a buffer from development is highly recommended. The Terra Ranch Plan appears to incorporate the single loaded street and a setback. The setback may have to be increased and excavations as far away as 300 (three hundred) feet may be restricted". (See Exhibit "3")

Chris Nudeck confirmed the need for a setback standard and indicated that the greatest concern would involve uses such as a stormwater pond.

The meeting ended.

Other Historical Meeting Information Supporting This Letter

December 3, 2013, SSJID negotiations begin

On December 3, 2013, TLG began discussions with SSJID to prepare to annex the TLG farm Property into SSJID. (See Exhibit "4")

November 7, 2014: SSJID, Supplemental Annexation Plan:

On 11/7/14, I, Martin Harris, attended an 8:00 a.m. meeting at SSJID to discuss a newly created Supplemental Annexation Plan that may clear a path for TLG to be allowed access to SSJID surface farm irrigation water.

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Present at the meeting were: Jeff Shields, SSJID; Bere Lindley, SSJID, Sam Bologna, SSJID, Forest Killingsworth, SSJID, myself (Martin Harris), TLG and Josh Harris, TLG.

In addition, SSJID also presented that the City of Manteca was considering the annexation of the entire developable portion of the Zone 39 Storm Drainage Region into SSJID.

Jeff Shields went on to state that Manteca's participation in the Supplemental Annexation Plan could allow Manteca to:

- A. discharge their stormwater utilizing portions of existing stormwater discharge conveyance facilities to access and convey water north to the SSJID French Camp storm drain outlet; and
- B. have access to surface water to supplement groundwater well pumping and improve the overall quality of the municipal drinking water serving the Zone 39 area.

Certain advantages were discussed in coordinating the timing of both the City of Manteca and TLG's Supplemental Annexation application submissions for SSJID review, processing and board approval.

I stated to everyone present that TLG was very interested and would return to the TLG offices to evaluate the design and feasibility of the TLG surface water storage and receiving infrastructure required.

The meeting then ended.

At 11:27 a.m. that same day, I received an email from SSJID providing a Term Sheet and Water Service Agreement. (See Exhibit "5")

Total acreage shown on the documents presented indicated two hundred twenty and five tenths (220.5) acres which differed from TLG's past conversations with SSJID for total acres involved. (See Exhibits "4" and "5")

November 13, 2014: SSJID, Supplemental Annexation Plan, continued:

On November 13, 2014, Josh Harris and I met with SSJID staff for the purpose of gaining additional information and identifying the minimum TLG facility requirements necessary to connect with SSJID surface water conveyance facilities currently in place.

Several questions relating to fully understanding information to be submitted by TLG on the SSJID application followed.

Eventually, I raised the question as to how SSJID determined, as specified by SSJID on the rate sheet, that TLG was only looking to annex two hundred twenty and five tenths (220.5) of the approximate two hundred thirty and six tenths (230.6) acres that had been discussed previously.

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SSJID responded by presenting a City of Manteca Storm Drainage Zone 39 Subarea Map ("Zone 39 Map") that, to my surprise, clearly showed a significant portion of the RD17 levee relocated to a position substantially south of its current location. (See Exhibit "6")

As shown on the Zone 39 Map, the realignment of the RD17 levee for the portion to be repositioned on the TLG Property, straightens the levee in accordance with the current position of the RD17 levee east of the TLG Property, while interrupting TLG's ability to provide irrigation water to a significant portion of the TLG Property. (See Exhibit "6")

In fact, the resulting segmented portion of TLG Property involved could affect the entire TLG APN 241-320-60 parcel and more.

The meeting then ended.

For some time now, TLG has actively participated in numerous discussions with Manteca City staff and various development interests involved to resolve issues and seek protections relating to any and all environmental impacts that have previously been identified and have the potential to affect the TLG Property.

Further, TLG had formed an opinion that the efforts put forth by the various parties involved were approaching a reasonable conclusion.

For this reason, TLG was disappointed to discover that the portion of the existing RD17 levee separating TR Land Company's APN 241-320-59 and TLG's APN 241-320-60 was apparently being relocated to a southern position that could significantly impact the TLG farm Property.

This makes TLG question:

- 1) What was the City of Manteca's intent in altering the location of the RD17 levee as shown on the Zone 39 Map presented to TLG by SSJID staff on November 13, 2014? (See Exhibit "6")
- 2) Why were TLG APNs 241-330-32 and 241-330-33 located south of the Zone 39 reconfigured levee clearly identified by APNs shown on the Zone 39 Map, while TLG APN 241-320-60 is left unidentified on that same Zone 39 Map? (See Exhibit "6")
- 3) Why does the Zone 39 Map clearly show the TLG's APN 241-320-60 northern jagged edged levee boundary a substantial distance within the total area that the City of Manteca is looking to annex into SSJID as part of the developing area included in its Zone 39 Stormwater Drainage Plan? (See Exhibit "6")
- 4) What parties will stand to benefit from the new location of the reconfigured levee?
- 5) What purpose does the Zone 39 Map's bold print "DRY LAND LEVEE" designation have in describing the location of the Zone 39 reconfigured levee placement if not to depict a new location for the Dry Land Levee? (See Exhibit "6")

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- 6) What additional flood related impacts will a levee relocation create?
- 7) What affect will a levee relocation have on flood water flows and flood water elevation levels impacting neighboring properties?
- 8) Doesn't the public have a right to know that their property could be subject to unidentified and unanticipated flood impacts?
- 9) At what point will these potential flood levee impacts be presented to the public?
- 10) How can TLG justify the costs of annexation into SSJID while significant unidentified impacts remain that may ultimately affect TLG's continued right or ability to farm?
- 11) At this point, how can any affected property owners address known and/or anticipated impacts affecting their property, when the total list of known impacts is unreliable and continually changes over time?
- 12) If the information presented to the public does not accurately describe the City of Manteca's intentions relating to a final SB5 levee plan; is it unreasonable for the public to question the costs involved or the validity of any engineering or geotechnical data collected?

In closing, TLG believes that significant and unidentified environmental impacts, with the potential to adversely affect the TLG Property exist.

In addition, TLG believes that certain related impacts may extend to neighboring property owners as well.

These impacts are expected to involve levee related separations to property parcels with impacts that may involve potential flood water elevations, stormwater drainage, continued opportunity to distribute irrigation water, equipment access and the continuing right and/or feasibility to farm.

As a result, TLG requests that the City of Manteca hold public workshops to present a complete levee compliance overview, identifying the City of Manteca's intentions and to allow for public feedback relating to SB5 200-year flood levee requirements.

Thank you for you attention to this very important matter.

Yours Truly,



Martin Harris
Terra Land Group, LLC

MH/jas

Enclosures:

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

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- 1) Ex. "1": *Manteca City Council Agenda Item No. B.07*
- 2) Ex. "2": *Page 3-32 of the March 2011 Terra Ranch Subdivision Final EIR*
- 3) Ex. "3": *December 29, 2010 Nomellini, Grilli & McDaniel PLCs email to Erika Durrer*
- 4) Ex. "4": *December 3, 2013 Sam Bologna/SSJID email to Martin Harris with Enclosures*
- 5) Ex. "5": *November 7, 2014 SSJID to TLG Proposed Terms of Supplement to Annexation and Water Service Agreement*
- 6) Ex. "6": *{Map appears to indicate April 2014} City of Manteca Public Works Department Storm Drainage Zone 39 Subareas Map*

cc:

Manteca City Council
Mark Meissner, City of Manteca Planning Department
Karen McLaughlin, Manteca City Manager
Mark Houghton, City of Manteca Public Works
Jeff Shields, South San Joaquin Irrigation District
Manteca Development Group
TR Land Company
Rosi Cerri Foundation
Reclamation District No. 17
Brian Jones, North Star Engineering Company
Title Company

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

TERRA LAND GROUP, LLC

EXHIBIT "1"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

City Council Agenda
December 16, 2014
Consent Calendar
Agenda Item No. B.07

Reviewed by
City Mgr's office: /KLM

Memo to: Manteca City Council
From: Phil Govea, Deputy Director of Public Works
Date: December 8, 2014
Subject: 200-Year Flood Protection Update

Recommendation:

Receive report on 200-year flood protection, and provide direction to staff as appropriate.

Background:

Senate Bill 5 was passed by the California Legislature in 2007, and later amended in 2012 by SB 1278 (SB5). Among its many requirements, SB5 significantly limits the ability of urban communities to approve residential, commercial and industrial development projects after July 2016 unless communities have either: 1) Constructed all improvements needed to provide an Urban Level of Flood Protection for a 200-year storm event (200-year Flood Protection), or 2) Made a finding of adequate progress toward providing 200-year Flood Protection. Since completing all needed improvements by July 2016 is not practical, most communities impacted by SB5 are instead working toward making a "finding of adequate progress," which is what the cities of Lathrop and Manteca have been working toward over the last several months. Ultimately, SB5 requires that all improvements needed to provide 200-year flood protection are completed by July 2025.

Before a permitting agency can make a defensible "finding of adequate progress," various work products need to be completed as described below. The first work product involves developing a computer model to simulate 200-year flood events and, from this information, preparing maps of the effected properties should the levees fail. In February 2014, the cities of Lathrop and Manteca jointly funded an agreement with an engineering firm (Peterson Brustad, Inc. [PBI]) to develop a computer model, to calculate the 200-year water surface profile in the San Joaquin River, and to develop 200-year floodplain maps for the cities of Lathrop

and Manteca and the unincorporated areas of the County that are within Lathrop's or Manteca's General Plan boundaries. The modeling and mapping work was completed, and a presentation was provided to Council at the June 17, 2014 meeting. Figure 1 shows the 200-year floodplain for the cities of Lathrop and Manteca.

The next work products needed to support a finding of adequate progress involve significant engineering and geotechnical efforts, and again, Lathrop and Manteca contracted with PBI to complete the necessary work. Specifically, the work involves :1) Conducting field surveying and reconnaissance to identify deficiencies in the existing levee system, 2) Preparing levee design criteria that meets State and Federal standards, 3) Identifying rehabilitation measures to fix the deficiencies, 4) Preparing cost estimates for the rehabilitation work, and 5) Vetting the analyses and design criteria in a series of workshops with a panel of independent experts, as well as with State agencies. The work on these tasks has progressed far enough that PBI has prepared a preliminary cost estimate of \$145 million needed to repair the 20 miles of levees that protect the cities of Lathrop and Manteca. Assuming State funding is available for 50% of the costs, and assuming a 2/3-Lathrop, 1/3-Manteca split on the remaining costs (based on land area located within the 200-year floodplain), the total cost for Manteca is conservatively estimated at \$24 million.

In addition to the above work, a financing plan needs to be prepared and construction on some of the needed improvements must be under way by July 2016 in order to make a finding of adequate progress. Regarding a financing plan, staff from the cities of Lathrop and Manteca are soliciting proposals from qualified firms to prepare the plan. Regarding construction, Reclamation District 17 (RD 17) is the local agency responsible for maintaining the levee system in the vicinity of Lathrop, Manteca, Stockton and portions of the San Joaquin County. RD 17 has an existing levee improvement project soon to be in construction, and the plan is to leverage this project as a qualifying construction activity to support a finding of adequate progress. It should be noted that, while RD 17's levee project makes needed improvements to this existing levees, the project by itself does not provide 200-year flood protection for the region. Significant additional work is needed to achieve 200-year flood protection as described later in this report.

As for next steps, staff has a goal of completing the work needed to make findings of adequate progress by February 2016, such that the Lathrop and Manteca City Councils can take action at their February or March 2016 Council meetings.

From July 2016 to July 2025, significant work will then continue toward achieving 200-year flood protection. These work activities will include: implementing a financing plan; designing and preparing construction documents for the levee improvements; obtaining environmental clearance for the improvements; acquiring property; and construction of the improvements.

It should also be noted that only Lathrop and Manteca have come forward to fund the SB5 compliance work to date, although the work also benefits Stockton and the unincorporated areas of San Joaquin County.

Fiscal Impact:

The fiscal impact to Manteca of providing 200-year flood protection is estimated at \$24 million. Identifying a financing plan to recover these costs is part of the next steps in the process.

Attachment:

Figure 1

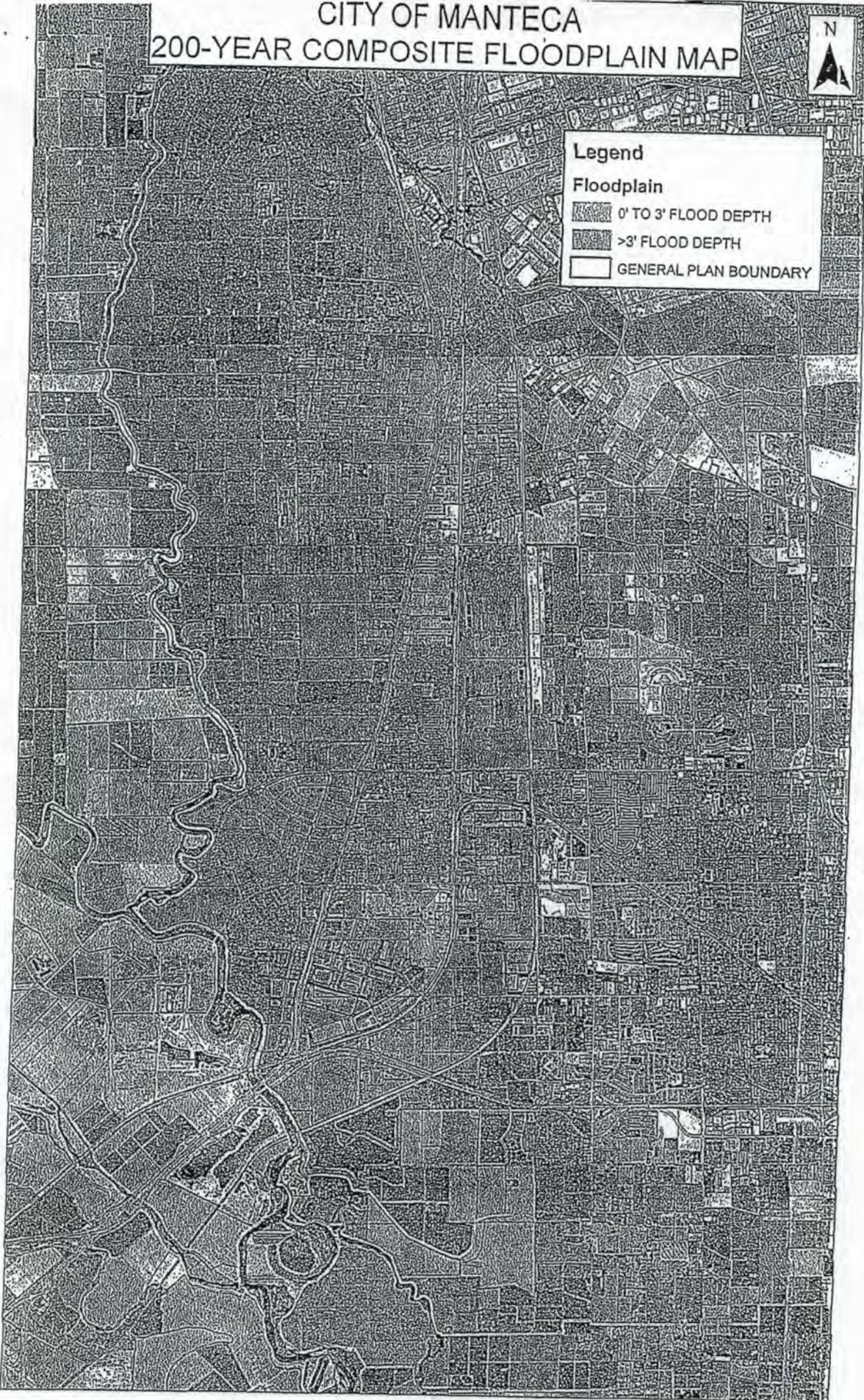
CITY OF MANTECA 200-YEAR COMPOSITE FLOODPLAIN MAP



Legend

Floodplain

-  0' TO 3' FLOOD DEPTH
-  >3' FLOOD DEPTH
-  GENERAL PLAN BOUNDARY

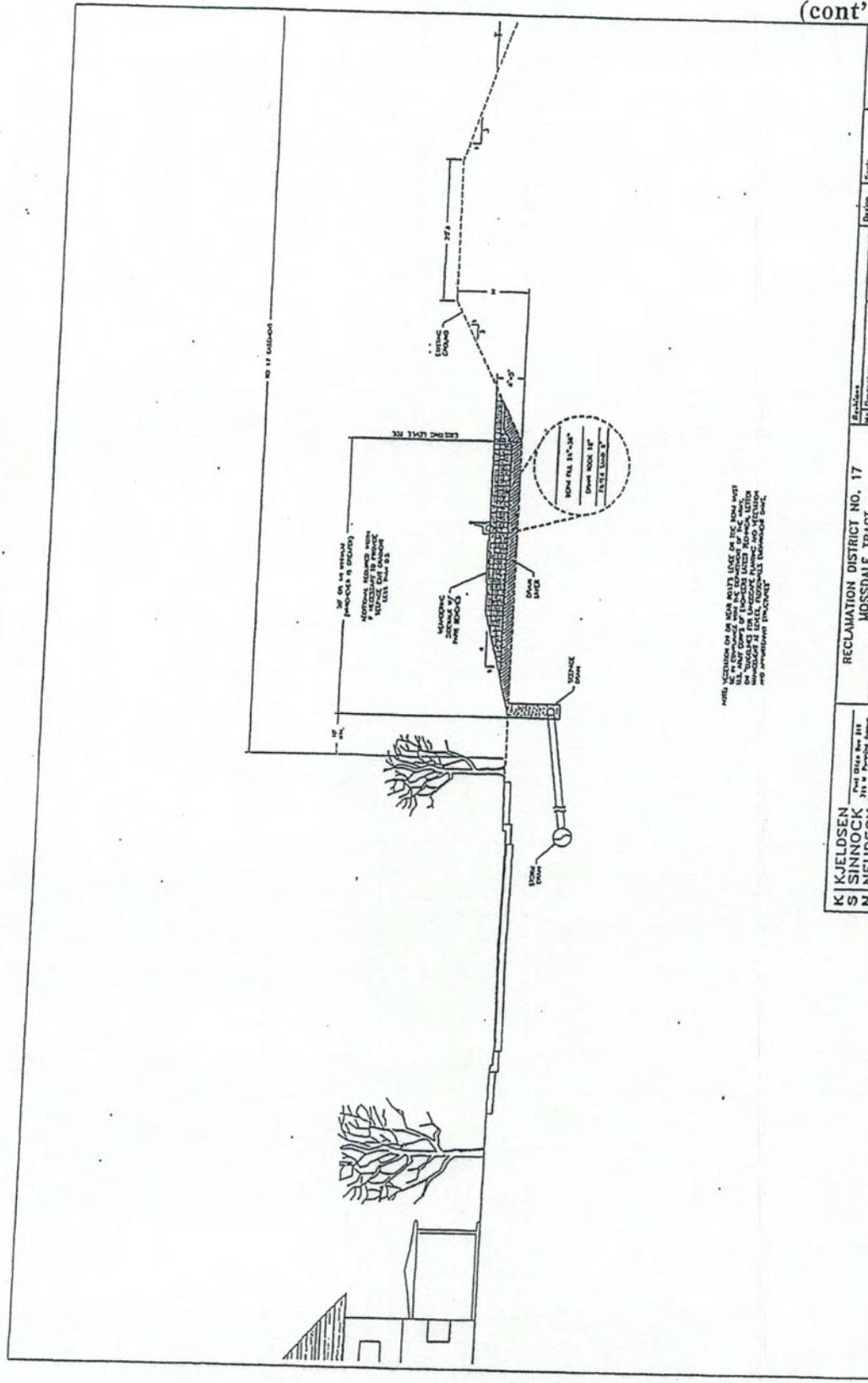


TERRA LAND GROUP, LLC

EXHIBIT "2"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Letter 7
 (cont'd)



THIS SETBACK STANDARD IS BASED ON THE ASSUMPTION THAT THE LEVEE WILL BE CONSTRUCTED TO A MINIMUM OF 10' ABOVE THE FLOOD PLAIN. THE DISTRICT ENGINEER SHALL BE CONSULTED FOR ANY SPECIAL REQUIREMENTS OR MODIFICATIONS TO THIS STANDARD.

K KJELSDEN S SINNOCK N NEUDECK INC. Consulting Engineers and Land Surveyors 215 W. Parkway Suite 100 Denver, CO 80202 Phone: (303) 441-0111 Fax: (303) 441-0112	RECLAMATION DISTRICT NO. 17 MOSSDALE TRACT		Date:	Drawn By:	Check By:	Scale:	Date:	Project No.	
	LEVEE SETBACK STANDARD		No. of Sheets:	Date:	Date:	Date:	Date:	Date:	Date:
						NOT TO SCALE 1" = 100'		Sheet No. 1 of 1 Project No. 0858-040	

TERRA LAND GROUP, LLC

EXHIBIT "3"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Nomellini, Grilli & McDaniel PLCs [mailto:ngmplcs@pacbell.net]
Sent: Wednesday, December 29, 2010 4:48 PM
To: Durrer, Erika
Cc: 'Chris Neudeck'; Stone, Jim
Subject: Terra Ranch Subdivision DEIR Sch# 2010072054

Letter 7

- 7-1 Erika Durrer: Reclamation District No. 17 submits the following comments: Attached please find copy of May 19, 2009 letter from Kjeldsen, Sinnock & Neudeck, Inc to Mark Meissner commenting on the preliminary tentative map for the Trails e project which are relevant to this project as well. Such comments are incorporated herein.
- 7-2 Since such comments were submitted the setback required by DWR and the USACE has increased from 10ft to 15ft and possibly 20ft. The RD 17 Levee Setback Standard should be adjusted accordingly. Engineering and O&M requirements are evolving and becoming more rigid. Excavations for swimming pools and other purposes outside the levee easements are increasingly being recognized as having the potential for affecting under seepage and therefore levee stability.
- 7-3 Location of ample open space along the levees coupled with a single loaded street as a buffer from development is highly recommended. The Terra Ranch plan appears to incorporate the single loaded street and a setback. The setback may have to be increased and excavations as far as 300ft may be restricted. The single loaded street with an adequate setback will add flexibility to accommodate future levee requirements, avoid conflicting encroachments and improve access for patrol and floodlighting.
- 7-4 Thank you for your consideration. Dante John Nomellini, Secretary and Counsel for Reclamation District No 17.

Nomellini, Grilli & McDaniel
Professional Law Corporations
235 East Weber Avenue
Stockton, CA 95202

Mailing address:

P.O. Box 1461

Stockton, CA 95201-1461

Telephone: (209) 465-5883

Facsimile: (209) 465-3956

Email: ngmplcs@pacbell.net

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

TERRA LAND GROUP, LLC

EXHIBIT "4"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

From: Sam Bologna <sbologna@ssjid.com>

To: Marty Harris (harrismw1@aol.com) <harrismw1@aol.com>

Cc: Sam Bologna <sbologna@ssjid.com>

Subject: Water levels

Date: Tue, Dec 3, 2013 2:55 pm

Attachments: Lateral_W_water_levels.PDF (4327K)

Marty,

Attached are a couple of maps that show the irrigation supply line (Lateral "W"), where you plan to make your connection. The Lateral is a 42" pipeline that will handle 25 CFS flow. The elevations on the maps show where the high water marks are in the systems that are taken from the upstream box, east of Airport way. Unfortunately, we could not find any water surface elevation information at the end of the line. Please let me know if there is anything else you might need.

Sam Bologna

Engineering Department Manager

South San Joaquin Irrigation District

P.O. Box 747

Ripon, Ca. 95366

(209) 249-4617 direct phone

(209) 249-4651 direct fax

(209) 456-1574 cell phone

TERRA LAND GROUP, LLC

EXHIBIT "5"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Proposed Terms of Supplement to Annexation Agreement

November 7, 2014

1. The supplemental agreement entitles landowner to buy water transferred from the District under the following terms.
2. SSJID and landowner will make all reasonable efforts to complete annexation expeditiously.
3. Regardless of when or whether annexation is approved by LAFCo, SSJID will make water available during the annual irrigation season as soon as:
 - a. Landowner has applied to the District for annexation and has paid the portion of the annexation fee required with the application.
 - b. The Board has taken such action as is required by CEQA and approved the agreement.
 - c. All District and private facilities necessary to provide service to the land are installed and in a condition satisfactory to District.
 - d. Other requisite conditions are satisfied (i. e., environmental review), and,
4. All provisions relating to new facilities are identical to provisions in the annexation agreement. So, the cost for installing new District facilities is at landowner's expense.
5. The land will have the same Tier 2 priority for water supply under this supplemental agreement as it will have after annexation.
6. The entitlement fee entitles landowner to the rights granted in the supplemental agreement:
 - a. The amount of the entitlement fee is 75% of the annexation fee.
 - b. The entitlement fee is due upon Board approval of the supplemental agreement.
 - c. The entitlement fee becomes nonrefundable upon board approval of the supplemental agreement.
 - d. The payment schedule for the financing plan is coordinated with the annexation payment schedule:
 - i. The 25% portion of the annexation fee paid with the annexation application counts toward the entitlement fee. This amount equals 1/3 of the entitlement fee. This leaves an amount equal to 2/3 of the entitlement fee due upon Board approval of this agreement (See examples below). SSJID may agree to a reasonable financing plan for this 2/3 portion of the entitlement fee, including interest on the deferred portion.

- ii. All of the entitlement fee will be credited toward the annexation fee if annexation is approved by LAFCo.
7. The supplemental agreement has a long term of years (25 – 50 years?) in order to justify the amount of the entitlement fee and to constitute an acceptable alternative to annexation for the landowner. The long term is justified by the fact that the District and the landowner are willing to annex in perpetuity.
8. Landowner would pay 300% of the average water charges paid by in-district irrigators. In-district irrigators pay an average of \$10/acre-foot, so landowner would pay \$30/acre-foot.
9. The water charge changes when in-district charges change, by the same percentage.
10. The supplemental agreement should be signed by landowner before Board consideration.
11. The supplemental agreement lapses upon annexation when all the usual terms of annexation would apply.

Annual Cost per Acre if Entitlement Fee is Spread Over the Term of the Agreement

	Entitlement Fee	Estimated Water Charges @ \$30/a-ft	Total Annual Cost
Annexation fee per acre	\$2,297.00		
Entitlement fee @75%	\$1,722.75	Assuming 42 inches per year	
Cost per year for:			
25 years	\$68.91	\$105.00	\$173.91
30 years	\$57.43	\$105.00	\$162.43
40 years	\$43.07	\$105.00	\$148.07
50 years	\$34.46	\$105.00	\$139.46

Annual Annexation Cost per Acre for the Same Time Periods

	Annexation Fee	Estimated Water Charges @ \$30/a-ft	Total Annual Cost
Annexation fee per acre	\$2,297.00		
Cost per year for:		Assuming 42 inches per year	
25 years	\$91.88	\$34.50	\$126.38
30 years	\$76.57	\$34.50	\$111.07
40 years	\$57.43	\$34.50	\$91.93
50 years	\$45.94	\$34.50	\$80.44

Illustration of How Fee Payments are Coordinated

<u>Without Using Payment Plan</u>		<u>Annexation</u>	<u>Entitlement</u>
		<u>Fee</u>	<u>Fee</u>
Acres		220.5	220.5
25% of annexation fee is due with annexation application and applies toward the entitlement fee		\$126,622	\$126,622
The balance of the entitlement fee is due upon Board approval of the supplemental agmt, and applies to the annexation fee		253,244	253,244
IF LAFCO APPROVES ANNEXATION: The balance of the annexation fee is due 14 days after LAFCo approval of the annexation		126,622	
Total Paid		\$506,489	\$379,866

Illustration of How Fee Payments are Coordinated

With a Payment Plan

	Annexation Fee	Entitlement Fee
Acres	220.5	220.5
25% of annexation fee is due with annexation application and applies toward the entitlement fee	\$126,622	\$126,622
IF LAFCO APPROVES ANNEXATION: Balance of annexation fee is paid in a max of 5 annual payments (plus 5% interest not included here):		
Year 1	75,973	
Year 2	75,973	
Year 3	75,973	
Year 4	75,973	
Year 5	75,973	
IF LAFCO DENIES ANNEXATION: Balance of entitlement fee is paid in a max of 5 annual payments (plus 5% interest not included here)		
Year 1		50,649
Year 2		50,649
Year 3		50,649
Year 4		50,649
Year 5		50,649
Total Paid (Not Including Int.)	\$506,489	\$379,866

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

SOUTH SAN JOAQUIN IRRIGATION DISTRICT
11011 East Highway 120
Manteca, California 95336

WATER SERVICE AGREEMENT

This Water Service Agreement is entered into this _____ day of _____, 2014 between South San Joaquin Irrigation District ("SSJID" or "District") and _____ ("Landowner"). District and Landowner are collectively referred to as "Parties".

RECITALS

WHEREAS, District operates under and by virtue of Division 11 of the California Water Code; and

WHEREAS, District adopted an annexation policy on October 14, 2014, by resolution number 14-11-P90-18-0 ("Annexation Policy"); and

WHEREAS, Landowner has submitted an application dated _____ for annexation of its real property described in Exhibit A ("Property") to the District ("Application") in order to receive irrigation service as a member of the District; and

WHEREAS, District and Landowner desire to set forth the terms under which District will provide irrigation service to the Property until either the Property is annexed to the District or this Agreement terminates in accordance with its terms, whichever occurs sooner,

NOW, THEREFORE, the Parties, on the terms and conditions herein set forth, agree as follows:

AGREEMENT

1. Agreement to Serve: District agrees to provide irrigation service to Landowner's Property during the District's annual irrigation season as determined annually by the District's Board of Directors on the terms in this Agreement.
2. Conditions: The Property will be entitled to irrigation service when the following conditions are satisfied:

- A. Landowner has installed its own facilities that are necessary for the Property to receive irrigation service from District's Lateral "_____" at approximately station _____ as shown on the plat attached as Exhibit B ("Delivery Point"). Landowner is responsible for installing such other facilities as Landowner determines to be necessary for distribution of the irrigation water from the Delivery Point throughout the Property. Landowner shall obtain a structure permit from District before connecting any structures to District's facilities.
- B. Landowner has installed at Landowner's expense a flowmeter and SCADA facilities to measure the application of District water to the Property at the Delivery Point. The meter and all other facilities shall conform to District's specifications and will be owned by District. Landowner shall execute and deliver an agreement in recordable form acceptable to District providing District with the right to access the Property to access, read, maintain, repair and replace the meter and SCADA facilities or dedicate a separate easement for that purpose at the discretion of the District.
- C. District's determination that its actions in accordance with this Agreement do not cause any significant environmental impacts pursuant to the California Environmental Quality Act (CEQA) and that an environmental impact report is not required, and the applicable time period for challenging the District's actions under CEQA has expired without the filing of a legal challenge.
- D. District has obtained such regulatory or other approvals as are agreed upon by the Parties.
- E. Landowner has paid the Entitlement Fee to District as specified in this Agreement.
- F. Terms of Service: The following provisions govern the District's provision of irrigation service to the Property:
- G. Landowner, as owner of the Property is entitled to equal benefits to the District's water supply to the extent of District's water supply, its water rights and its available water delivery facilities, subject to the Tier II provisions below, so long as Landowner is not in default of any payments due the District, of the terms and conditions of this Agreement, of the rules and regulations of the District, or of applicable federal, state or local laws and regulations.
- H. The District will provide service at the Delivery Point and Landowner is responsible for all other facilities necessary to accept water service as described in Section 2.
- I. The Property will be entitled to receive irrigation service on the terms and conditions of this Agreement, District's water rules, regulations and policies,

including the Tier II provisions below, as such policies are currently in effect or as may be added or modified from time to time, subject to federal, state and local laws and regulations.

J. The Property is subject to the Tier II restrictions in the District's Annexation Policy by which irrigation service to Landowner, as owner of the Property, is subject to reduction in whole or in part in any year when the District's Board of Directors determines such action to be necessary in order for District to serve Tier I landowners, which are those landowners whose property was within the District as of November 14, 2000, and to satisfy the District's contractual obligations to the cities of Manteca, Escalon, Ripon, Lathrop and Tracy.

K. Landowner must pay the water charges due from time to time as described in Section 6.

L. The District shall be relieved of its obligations in this Agreement to the extent it is unable to do so due to a failure of the District's water delivery facilities.

3. Term of Agreement: The term of this Agreement shall be ___ years from the date in the first paragraph above, provided that this Agreement will expire at such time that annexation of the Property to the District is complete, as evidenced by the recording of a certificate of completion.

4. Entitlement Fee: Landowner shall pay District an Entitlement Fee of \$___, which is \$ ___ per acre for the ___ acres comprising the Property.

A. The Entitlement Fee is due before this Agreement is submitted to the District's Board of Directors for approval. The Entitlement Fee becomes nonrefundable upon approval of this Agreement by the District's Board of Directors. The Entitlement Fee is refundable if the District's Board of Directors rejects this Agreement.

B. The Entitlement Fee is payable as follows:

1). Any portion of the annexation fee for the Property paid to District is credited towards the Entitlement Fee.

2). The balance of the Entitlement Fee is payable upon approval of this Agreement by the District's Board of Directors. Landowner may elect at such time to pay the balance of the Entitlement Fee in a maximum of five equal annual payments. In such event, the unpaid balance will accrue interest at 5% per annum, commencing upon approval of this Agreement by District's Board of Directors. Annual installments, including accrued interest, will be billed and are due in accordance with Section 5B (3) below.

3). Annual payments on the deferred portion of the Entitlement Fee are due on receipt of each annual bill issued on or about November 1 of each year and are payable in two installments. The first installment is delinquent if not paid by 4:30 p.m. on December 20 of each year, and the second installment is delinquent if not paid by 4:30 p.m. on June 20 of the following year. If any required payment is delinquent, District shall collect the unpaid amounts, plus the fees, penalties, and charges authorized by the District's Collection Policy adopted in Resolution No. 2001-04-F, "Policy Governing Collection of Fees, Charges and Penalties" or any subsequent resolution which supersedes Resolution No. 2001-04-F ("Collection Policy"), and the unpaid amounts, including fees, charges and penalties, such constitute liens on the land in accordance with the Collection Policy.

C. The portion of the Entitlement Fee paid to District shall be credited to the annexation fee due from Landowner according to the Annexation Policy, when the annexation of the Property to District is complete.

5. Water Charges and Measurement: Landowner agrees to pay District a water charge of \$30 per acre-foot of water received by Landowner for the Property based on data from the flow meter described in Section 2B. This charge is subject to annual increase based on changes to the consumer price index as shown on the urban wage earners and clerical workers, US city average (CPI - W) ("Index") for the 12 month period concluding with the August CPI index of each year. Effective October 1 of each year, commencing October 1, 2015, the charge shall be adjusted, based on the same percentage that the index as published in August of each year has adjusted as compared to the index published in August of the preceding year, provided, however, that the adjustment in any year shall not result in a decrease in the charge then in effect nor exceed 5%.

During any month when data from the flow meter is not available, District will bill Landowner and Landowner agrees to pay water charges based on District's good faith estimate of the water delivered to the Property for the month.

6. Billing and Payment: District will bill customer for water used in each month during the irrigation season on or about the 10th day of the following month. Bills are due on receipt and are delinquent if not paid by the 30th day of that month. District may decline to provide service to Landowner whenever Landowner's account is delinquent for more than 10 working days.

7. Annexation: District and Landowner will make all reasonable efforts to complete annexation of the Property.

8. Water Rights and Regulatory Approval: District intends to use its pre-1914 water rights to provide irrigation service to the Property. These rights permit District to divert a set flow rate from the natural flow in the Stanislaus River from March 1 to November 1

of each year to irrigate land within the boundaries of the District at the time of the adjudication in 1929. The place of use of these rights can be changed in order to provide irrigation service to the Property without regulatory approval. District will provide Landowner with a copy of the court decree upon Landowner's request. District shall inform Landowner if it determines that any regulatory approvals are necessary for the District to provide irrigation service to the Property, the process it would follow to obtain the necessary approvals, and provide a justification for the process selected.

9. Termination: District has the right to terminate this Agreement before expiration of the term in Section 4, as set forth below:

A. If legal action is brought in federal or state court, or proceedings are instituted by any regulatory agency, against District challenging its providing service to the Property under this Agreement, District may, in its discretion, defend or settle the action or regulatory proceeding on such terms as it deems to be in its best interests. If, the result of such action or proceeding, whether by judgment or decision or by settlement, District is prohibited from serving the Property, then the District may terminate this Agreement.

B. In the event of termination under this paragraph, the Parties shall thereafter be under no further obligation or responsibility hereunder and will release each other from further obligations under this Agreement.

10. Cooperation: To the extent reasonably required, each Party to this Agreement shall, in good faith, assist the other in obtaining all such necessary approvals and preparation of required environmental documents. The Parties agree to cooperate and assist each other in good faith in meeting such requirements of regulatory agencies as may be applicable to performance of any terms of the Agreement.

11. Resale: Landowner may not resell the water under this Agreement.

12. Waiver of Rights: Any waiver, at any time, by any Party of its rights with respect to a breach or default, or any other matter arising in connection with this Agreement, shall not be deemed to be a waiver with respect to any other breach, default or matter.

13. Successors and Assigns: The covenants of Landowner in this Agreement shall be binding on the heirs, successors, grantees, and assigns of the owners of Subject Property and the other provisions of this Agreement shall inure to the benefit of and be binding on District and upon the heirs, successors, grantees, and assigns of the owners of Subject Property.

14. Other Agreements: Nothing contained herein restrict the District from providing water services and sales to others as authorized by law which do not unreasonably interfere with District's obligation hereunder.

15. Entire Agreement: This Agreement constitutes the entire Agreement between the District and Landowner and supersedes any oral agreement, statement or promise between them relating to the subject matter of the Agreement. Any amendment, including oral modifications, must be reduced to writing and signed by all Parties to be effective.

16. Effective Date: The effective day and date of this Agreement shall be the day and date first above written.

"DISTRICT"

South San Joaquin Irrigation District

By _____
Title _____

"LANDOWNER"

By _____

EXHIBITS

- A. Legal description of Property
- B. Plat showing District's Lateral "____" and the Property

To: Marty Harris (harrismw1@ssjid.com)
Subject: Annexation

Date: Fri, Nov 7, 2014 11:27 am

Attachments: Annexation_Supplemental_Agreement_10-23-14.docx (45K), Supplemental_Agreement_Proposed_Terms_11-07-2014.docx (136K)

Hi Marty,

It was good talking to you today. Attached are copies of a term sheet and sample Water Service Agreement that we talked about today. These should help give you some idea of costs associated with your specific annexation. Please feel free to contact me if you have questions.

Sam Bologna

Engineering Department Manager

South San Joaquin Irrigation District

P. O. Box 747

Ripon, Ca. 95366

(209) 249-4617 direct phone

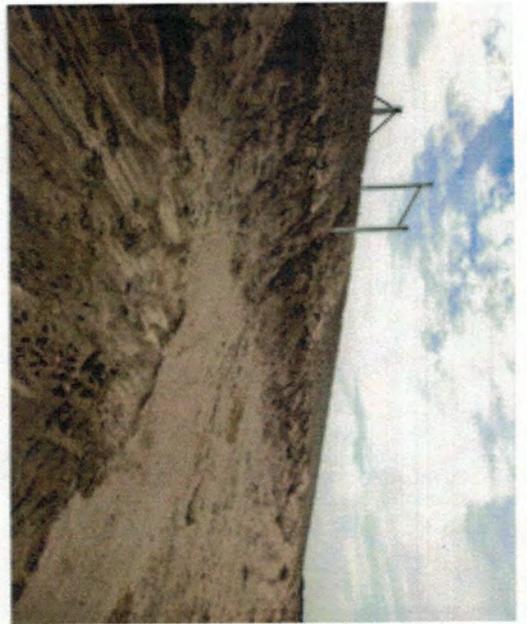
(209) 249-4651 direct fax

(209) 456-1574 cell phone

TERRA LAND GROUP, LLC

EXHIBIT "6"

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337



KROLOFF, BELCHER, SMART, PERRY & CHRISTOPHERSON

ATTORNEYS AT LAW
7540 SHORELINE DRIVE
STOCKTON, CALIFORNIA 95219
Telephone: (209) 478-2000
Facsimile: (209) 478-0354
Website: www.kroloff.com

THOMAS O. PERRY
GARY CHRISTOPHERSON
CHRISTOPHER ENGH
VELMA K. LIM
KIM A. SMITH
KATHLEEN M. ABDALLAH
ALLISON CHERRY LAFFERTY
LAURIE BELL SCHRUM
KERRY L. KRUEGER
SCOTT R. ROOKER
OONA E. MALLETT
JAMIE M. BOSSUAT

YALE S. KROLOFF
(1007-1007)

RICHARD BELCHER
(1013-1007)

CLAUDE H. SMART, JR.
RETIRED

J. DOUGLAS VAN SANT
RETIRED

DENNIS DONALD GEIGER
OF COUNSEL

September 30, 2013

Via Email

Marty Harris
5151 E. Almondwood Drive
Manteca, CA 95337
mharris.tuffboy@gmail.com

Re: Property Previously Owned By Terra Ranch, LLC

Dear Marty:

Bill Filios has asked me to contact you regarding an error or discrepancy in the legal description of the real property commonly known as Terra Ranch, which real property was sold by Terra Ranch Properties, LLC (Anderson's LLC) to McKinley Crossing, LLC in an escrow that closed on December 29, 2011. In that regard, I enclose a copy of the Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC. Also enclosed is a copy of the Parcel Map which was recorded on December 14, 2011. The legal description attached to the Grant Deed specifically refers to Parcels A and B as created by the Parcel Map.

The error in the legal description for the Terra Ranch property has nothing to do with the Parcel Map but was detected by Northstar Engineering in 2011 when the Parcel Map was generated and was being processed. In that regard, I refer you to the sliver of land that is highlighted in yellow on the attached Parcel Map. That sliver or strip comprises approximately 4.3 acres and, according to Keith Spencer at Northstar Engineering, never should have been included in the various legal descriptions for the Terra Ranch property. Specifically, Keith advises that the origin of the erroneous legal description can be traced back to one or more deeds in the chain of title that were recorded in 1968 and before. According to Keith, the rightful owner of the 4.3-acre sliver of land is The Rosi Cerri Foundation, Inc., the adjoining property owner.

Manteca Development Group, LLC, an entity in which Bill Filios has an interest, is under contract to purchase the real property owned by The Rosi Cerri Foundation. The error in the historical legal descriptions for the Terra Ranch property is creating a cloud on the Foundation's title, and Placer Title Company has indicated that this cloud can be removed or eliminated by the recordation of a quitclaim deed to be executed by Terra Land Group, LLC (formerly Terra Ranch, LLC). The proposed Quitclaim Deed is attached. A similar quitclaim deed is being requested of Terra Ranch Properties, LLC.

Please feel free to contact Bill, me or Keith Spencer in the event you have any questions regarding this matter. I realize that the signature block on the Quitclaim Deed may have to be revised, and it would be appreciated if you would let me know who is authorized to execute the Quitclaim Deed on behalf of Terra Land Group, LLC. I will see that the document is revised as needed.

In the event of any dispute or disagreement between Manteca Development Group, LLC and you regarding the execution and return of the Quitclaim Deed, my firm's prior and ongoing representation of Bill, you, and your related entities will prevent my firm from representing any party in the disputed matter.

Very truly yours,



KIM A. SMITH

KAS:kd

Enclosures: Grant Deed from Terra Ranch Properties, LLC to McKinley Crossing, LLC
Parcel Map
Proposed Quitclaim Deed

cc: William Filios (via email billfilios@yahoo.com)
Mike Bogdanos (via email mbogdanos@placertitle.com)
Keith Spencer (via email kspencer@nseng.net)
Brian Jones (via email brianj@nseng.net)
Shirley Treat (via email streat@placertitle.com)

RECORDING REQUESTED BY
PLACER TITLE COMPANY

Escrow Number: 1002-14519-ST

AND WHEN RECORDED MAIL TO

MCKINLEY CROSSING, LLC
120 MANTECA AVENUE
MANTECA, CA. 95338

Doc#: 2011-163817
12/29/2011 08:43:34 AM
Page 1 of 3 Fee: \$20.00
Kenneth W. Blakemore
San Joaquin County Recorder
Paid By: Placer Title - 10019 - San Joaquin Title Plant

A.P.N.: 241-320-59

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is Tax Paid; Section 11932 R & T Code City Transfer Tax

() Unincorporated Area (X) City of MANTECA

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **TERRA RANCH PROPERTIES, LLC,**
A CALIFORNIA LIMITED LIABILITY COMPANY

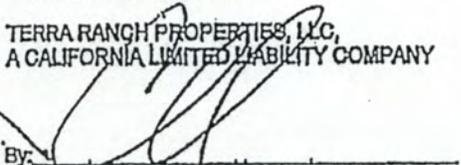
Hereby GRANT(S) to **MCKINLEY CROSSING, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY**

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY
OF MANTECA, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR FULL LEGAL DESCRIPTION

Dated: December 21, 2011

TERRA RANCH PROPERTIES, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

By: 
CRAIG BARTON, ITS MANAGER

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS
DIRECTED ABOVE

Name _____ SAME AS ABOVE _____ City & State _____
Street Address _____
City & State _____

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

On December 27, 2011 before me, H. Terrill, Notary Public,
personally appeared Craig Barton

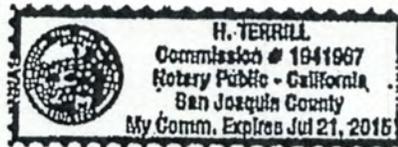
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: H. Terrill

Commission Expiration Date: July 21, 2015



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

Name _____ Street Address SAME AS ABOVE City & State _____

CPA/Notary (4/2001)

1002-14519-ST

EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF MANTEGA, AND IS DESCRIBED AS FOLLOWS:

PARCELS A AND B AS SHOWN ON THE PARCEL MAP RECORDED IN THE CITY OF MANTEGA, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AS PARCEL MAP RECORDED DECEMBER 14, 2011, IN BOOK 25 AT PAGE 124, SAN JOAQUIN COUNTY RECORDS.

APN: 241-320-59

25-124

OWNER'S STATEMENT

I, the undersigned, hereby state that I am the owner of the parcel hereinafter described and that I have no knowledge of any other person or persons who have any interest in the same.

[Signature]
Date: 10-27-11

[Signature]
Date: 10-26-11

QUITTED SIGNATURES

I, the undersigned, hereby state that I have no interest in the parcel hereinafter described and that I have no knowledge of any other person or persons who have any interest in the same.

NOTARY'S ACKNOWLEDGEMENT

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person whose name appears hereon.

NOTARY'S ACKNOWLEDGEMENT

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person whose name appears hereon.

PARCEL MAP

BEING A SUBDIVISION THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, COUNTY OF SAN JOAQUIN, CALIFORNIA.

CARTHSTAR ENGINEERING GROUP, INC.
909 14th Street, Berkeley, CA 94704
(415) 521-3525



SURVEYOR'S STATEMENT

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person whose name appears hereon.

[Signature]
Date: _____



COUNTY SURVEYOR'S STATEMENT

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person whose name appears hereon.

[Signature]
Date: _____



CITY ENGINEER'S STATEMENT

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person whose name appears hereon.

[Signature]
Date: _____

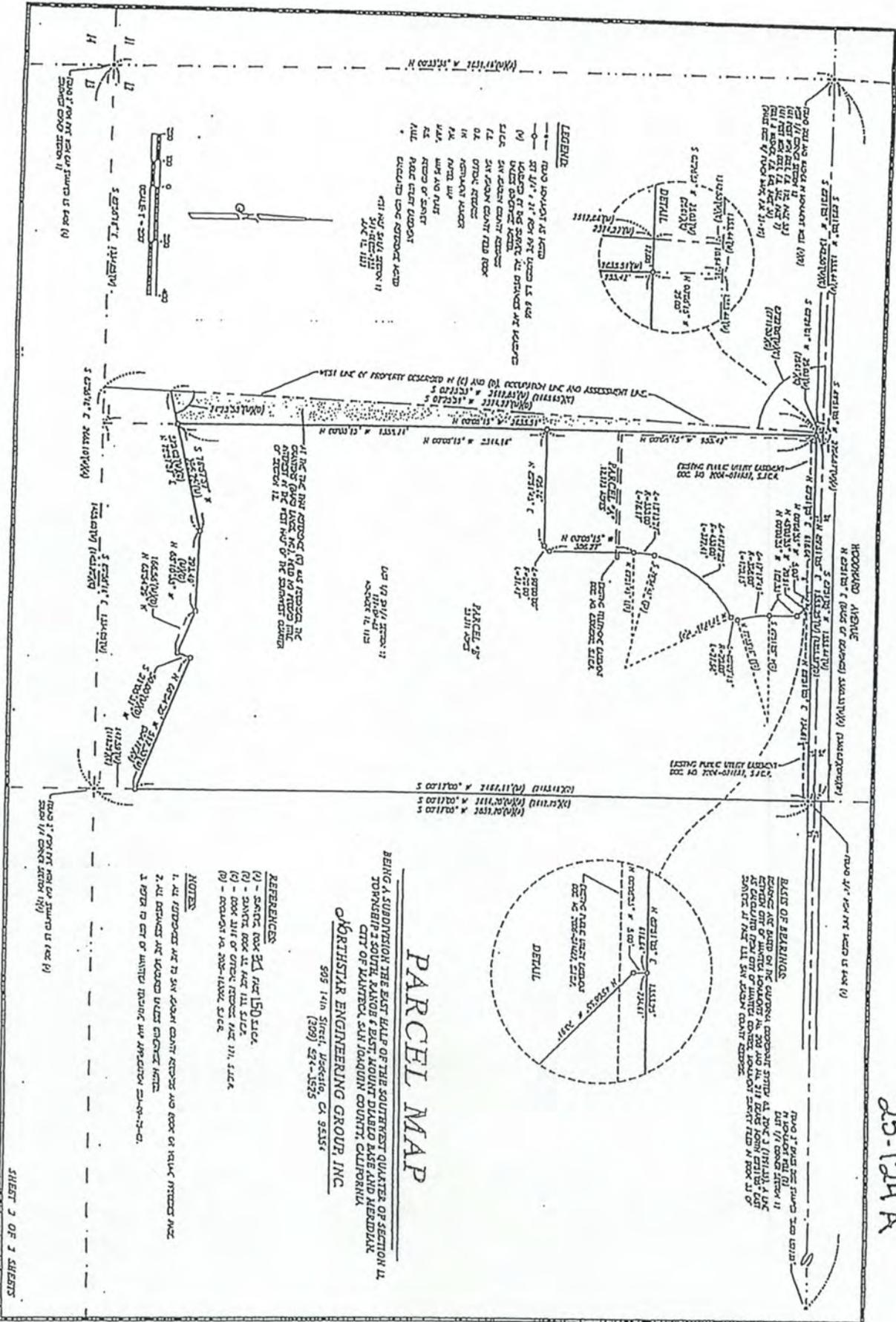


RECORDER'S STATEMENT

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person whose name appears hereon.

[Signature]
Date: _____

25-124



PARCEL MAP

BEING A SUBDIVISION THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 6 EAST, MOUNT Diablo BASE AND NEVADIAN CITY OF PLANTOCK, SAN JOAQUIN COUNTY, CALIFORNIA

NORTHSTAR ENGINEERING GROUP, INC.
505 14th Street, Berkeley, CA 94710
(510) 524-1573

REFERENCES

- (1) - SANTA FE 24 150 S.A.C.
- (2) - SANTA FE 24 150 S.A.C.
- (3) - SANTA FE 24 150 S.A.C.
- (4) - SANTA FE 24 150 S.A.C.

NOTES

- 1. ALL DIMENSIONS ARE TO THE CENTER LINE UNLESS OTHERWISE NOTED.
- 2. ALL DIMENSIONS ARE TO THE CENTER LINE UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO THE CENTER LINE UNLESS OTHERWISE NOTED.

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

The Rosl Cerrl Foundation, Inc.
P.O. Box 1607
Stockton, CA 95201-1607

Escrow No.

Space Above This Line for Recorder's Use

QUITCLAIM DEED

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$-0-

- Computed on full value of property conveyed, or
 Computed on full value less value of liens and encumbrances
remaining at time of sale.
 Unincorporated area: x City of Manteca

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

TERRA LAND GROUP, LLC, a California limited liability company

does hereby remise, release and forever quitclaim to

THE ROSI CERRI FOUNDATION, INC., a California non-profit corporation

the following described Real Property in the State of California, County of San Joaquin, City of Manteca, more particularly described as follows:

THE WEST ONE-HALF (W-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPT ALL THAT PORTION IN THE ROAD ALONG THE NORTH LINE OF THE PREMISES.

APN: 241-320-20

Dated: _____

TERRA RANCH PROPERTIES, LLC,
A California limited liability company

BY: _____
Manager/Member

BY: _____
Manager/Member

STATE OF CALIFORNIA,) ss.

COUNTY OF)

On _____, before me the undersigned a Notary Public in and for said County and State personally appeared _____

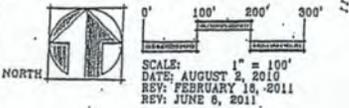
proved to me on the basis of satisfactory evidence to be the person (s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s) or the entity upon behalf of which the person (s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature _____

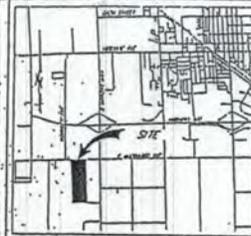
MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE. IF NO PARTY SHOWN, , MAIL AS DIRECTED ABOVE.

Grantee at address above



REVISED TERRA RANCH TENTATIVE SUBDIVISION MAP TRACT NO. 3493

A PORTION OF THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 2 SOUTH,
RANGE 6 EAST, MOUNT Diablo MERIDIAN, CITY OF MANTECA, SAN JOAQUIN COUNTY, CALIFORNIA



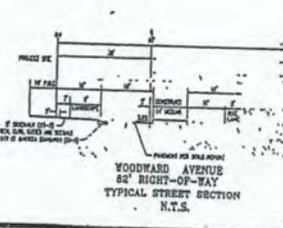
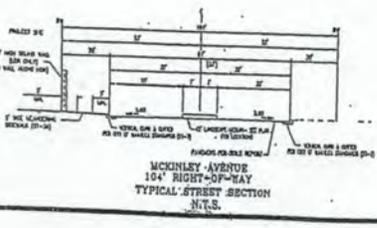
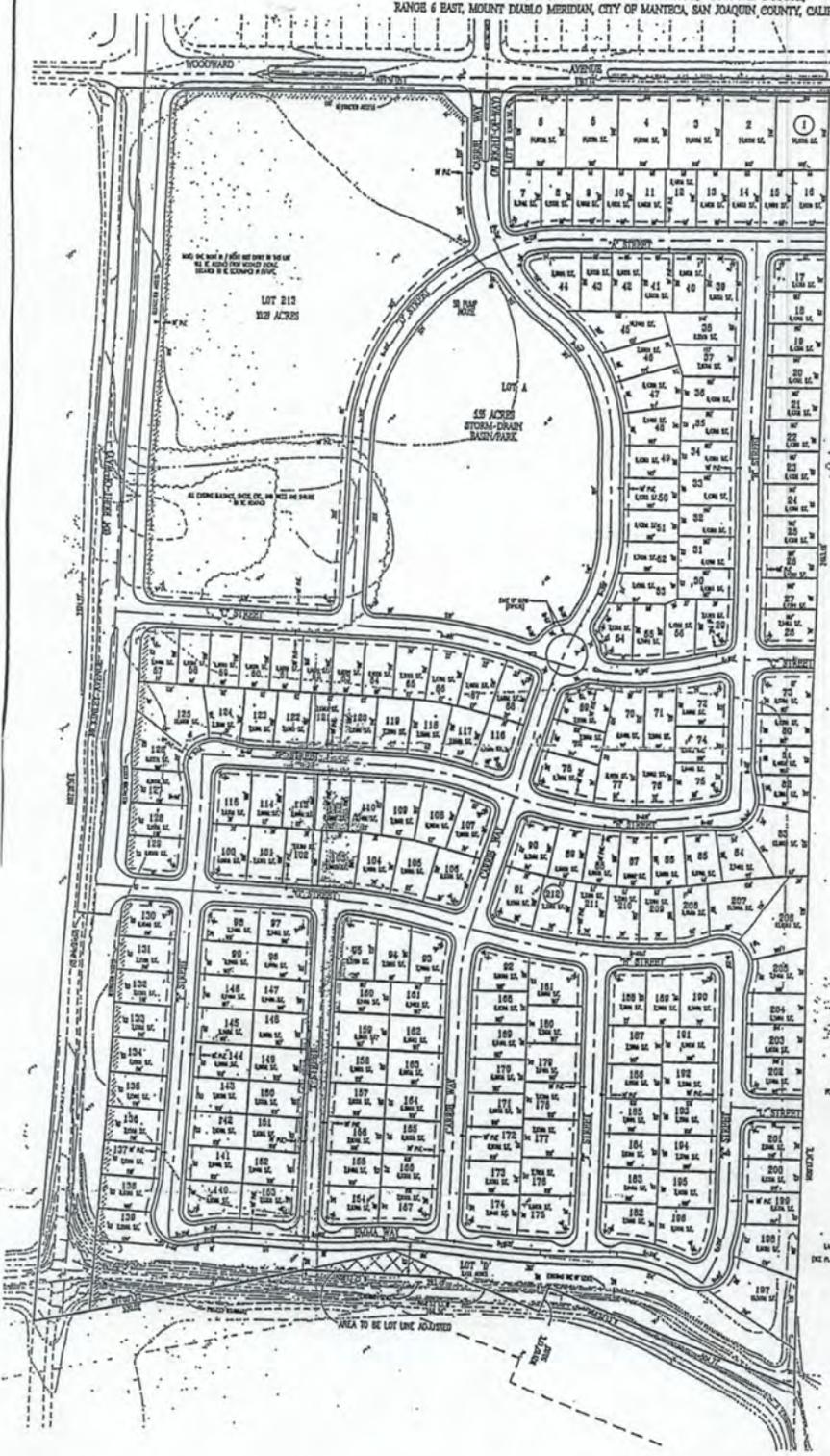
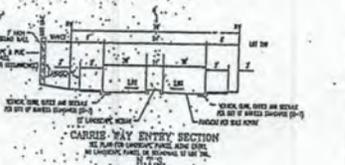
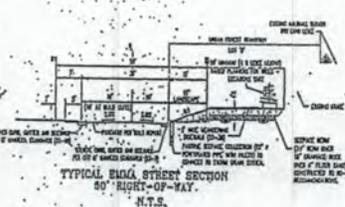
GENERAL NOTES

1. ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF MANTECA STANDARD SPECIFICATIONS EXCEPT AS NOTED.
2. STORM DRAINAGE BY POSITIVE SYSTEM TO A STORM DRAINAGE COLLECTION BASIN TO BE CONSTRUCTED TO THE CITY OF MANTECA STANDARDS.
3. STORM DRAINAGE BY CITY OF MANTECA UNDER STREET PUMP IN AREA EXCEPT LOT 10.
4. WATER SUPPLY BY CITY OF MANTECA UNDER STREET.
5. STREET LIGHTING SHALL BE INSTALLED AS PER THE CITY OF MANTECA STANDARD SPECIFICATIONS.
6. ACCESSORY PARCEL, LOT 211-210-25
7. PROJECT AREA: 11.58 ACRES
8. AREA NO. OF LOTS: 213 LOTS AND LOTS "A" - "Y" BARRICADE & PUBLIC UTILITY LOTS.
9. GENERAL PLAN SPECIFICATION: LOW DENSITY RESIDENTIAL (RECREATION) (RCL-ACR) (RECREATION)
10. PUBLIC UTILITIES ARE TO BE INSTALLED UNDER GROUND IN CASEWORK. OVERHEAD LINES OR TOWERES TO BE AVOIDED.
11. THE SUBDIVISION MAP REQUIRES THE BIDDING TO FILE "MULTIPLE SUBDIVISION MAPS" AS SET FORTH BY THE SUBDIVISION MAP ACT, ARTICLE 4, SECTION 64541, AND THE PARCEL MAPS FOR REASON OF SALE. ALL PARCEL MAPS SHALL CONFORM TO THE TENTATIVE MAP.
12. PUBLIC UTILITY EASEMENTS WILL BE PROVIDED ALONG ALL STREET FRONTAGES.
13. BUILDING SETBACKS WILL BE 10 FEET.
14. 8'-1" STANDARDS FOR LOTS 1 - 213.
15. BARRICADE REQUIREMENTS SHALL COMPLY WITH THE REPAIR BUILT AND REPAIR.
16. ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED, SEPTIC TANKS, LEACH PITS, AND WELLS ON SITE WILL BE REMOVED OR ABANDONED AS PER CITY OF MANTECA REQUIREMENTS.

OWNER: TERRA RANCH PROPERTIES, LLC
P.O. BOX 1237
MANTeca, CA 95241
TELE: (209) 347-7600

ENGINEER: RLC ASSOCIATES
1880 W. Yosemite Ave., Ste. 3
Manteca, CA 95237
(209) 239-5030
RONALD L. CHEEK, RCL 22814

DEVELOPER: ANDERSON HOMES
P.O. BOX 1237
MANTeca, CA 95241
TELE: (209) 347-7600



SHEET INDEX

SHEET	DESCRIPTION	SHEET NUMBER
1	TENTATIVE MAP	1
2	TENTATIVE MAP - UTILITY PLAN	2

RLC ASSOCIATES
1880 W. Yosemite Ave., Suite 3
Manteca, CA 95237
(209) 239-5030
FAX (209) 239-8216

APPENDIX C

THE [QUASI-]JUDICIAL FUNCTION OF SURVEYORS

THOMAS M. COOLEY

When a man has had a training in one of the exact sciences, where every problem within its purview is supposed to be susceptible of accurate solution, he is likely to be not a little impatient when he is told that, under some circumstances, he must recognize inaccuracies, and govern his action by facts which lead him away from the results which theoretically he ought to reach. Observation warrants us in saying that this remark may frequently be made of surveyors.

In the State of Michigan, all our lands are supposed to have been surveyed once or more, and permanent monuments fixed to determine the boundaries of those who should become proprietors. The United States, as original owner, caused them all to be surveyed once by sworn officers, and as the plan of subdivision was simple, and was uniform over a large extent of territory, there should have been, with due care, few or no mistakes; and long rows of monuments should have been perfect guides to the place of any one that chanced to be missing. The truth, unfortunately, is that the lines were very carelessly run, the monuments inaccurately placed; and, as the record witnesses to these were many times wanting in permanency, it is often the case that when the monument was not correctly placed, it is impossible to determine by the record, by the aid of anything on the ground, where it was located. The incorrect record of course becomes worse than useless when the witnesses it refers to have disappeared.

It is, perhaps, generally supposed that our town plats were more accurately surveyed, as indeed they should have been, for in general there can have been no difficulty in making them sufficiently perfect for all practical purposes. Many of them,

Note: This lecture was prepared by Thomas Cooley (Chief Justice, Supreme Court of Michigan, 1864–1885) as an aid to surveyors and engineers. The student will find sound philosophy and advice that can be applied to survey situations of today. The student should remember this article was written approximately 15 to 20 years after the original GLO surveys were completed in Michigan.

however, were laid out in the woods; some of them by proprietors themselves, without either chain or compass, and some by imperfectly-trained surveyors, who, when land was cheap, did not appreciate the importance of having correct lines to determine boundaries when land should become dear. The fact probably is that town surveys are quite as inaccurate as those made under authority of the general government.

RECOVERING LOST CORNERS

It is now upwards of fifty years since a major part of the public surveys in what is now the State of Michigan were made under authority of the United States. Of the lands south of Lansing, it is now forty years since the major part were sold and the work of improvements begun. A generation has passed away since they were converted into cultivated farms, and few if any of the original corner and quarter stakes now remain.

The corner and quarter stakes were often nothing but green sticks driven into the ground. Stones might be put around or over these if they were handy, but often they were not, and the witness trees must be relied upon after the stake was gone. Too often the first settlers were careless in fixing their lines with accuracy while monuments remained, and an irregular brush fence, or something equally untrustworthy, may have been relied upon to keep in mind where the blazed line once was. A fire running through this might sweep it away, and if nothing was substituted in its place, the adjoining proprietors might in a few years be found disputing over their lines, and perhaps rushing into litigation, as soon as they had occasion to cultivate the land along the boundary.

If now the disputing parties call in a surveyor, it is not likely that any one summoned would doubt or question that his duty was to find, if possible, the place of the original stakes which determined the boundary line between the proprietors. However erroneous may have been the original survey, the monuments that were set must nevertheless govern, even though the effect be to make one half-quarter section 90 acres and the one adjoining, 70; for parties buy, or are supposed to buy, in reference to these monuments, and are entitled to what is within their lines, and no more, be it more or less. While the witness trees remain, there can generally be no difficulty in determining the locality of the stakes.

When the witness trees are gone, so that there is no longer record evidence of the monuments, it is remarkable how many there are who mistake altogether the duty that now devolves upon the surveyor. It is by no means uncommon that we find men, whose theoretical education is thought to make them experts, who think that when the monuments are gone the only thing to be done is to place new monuments where the old ones should have been, and would have been if placed correctly. This is a serious mistake. The problem is now the same that it was before: to ascertain by the best lights of which the case admits, where the original lines were. The mistake above alluded to is supposed to have found expression in our legislation; though it is possible that the real intent of the act to which we shall refer is not what is commonly supposed.

An act passed in 1869 (Compiled Laws, 593) amending the laws respecting the duties and powers of county surveyors, after providing for the case of corners which can be identified by the original field notes or other unquestionable testimony, directs as follows: Second. Extinct interior section corners must be reestablished at the intersection of two right lines joining the nearest known points on the original section lines east and west and north and south of it. Third. Any extinct quarter-section corner, except on fractional lines, must be reestablished equidistant and in a right line between the section corners; in all other cases at its proportionate distance between the nearest original corners on the same line.

The corners thus determined, the surveyors are required to perpetuate by noting bearing trees when timber is near. To estimate properly this legislation, we must start with the admitted and unquestionable fact that each purchaser from government bought such land as was within the original boundaries, and unquestionably owned it up to the time when the monuments became extinct. If the monument was set for an interior section corner, but did not happen to be "at the intersection of two right lines joining the nearest known points on the original section lines east and west and north and south of it," it nevertheless determined the extent of his possessions, and he gained or lost according as the mistake did or did not favor him.

EXTINCT CORNERS

It will probably be admitted that no man loses title to his land or any part thereof merely because the evidences become lost or uncertain. It may become more difficult for him to establish it as against an adverse claimant, but theoretically the right remains; and it remains as a potential fact so long as he can present better evidence than any other person. And it may often happen that notwithstanding the loss of all trace of a section corner or quarter stake, there will still be evidence from which any surveyor will be able to determine with almost absolute certainty where the original boundary was between the government subdivisions.

There are two senses in which the word extinct may be used in this connection: One, the sense of physical disappearance; the other, the sense of loss of all reliable evidence. If the statute speaks of extinct corners in the former sense, it is plain that a serious mistake was made in supposing that surveyors could be clothed with authority to establish new corners by an arbitrary rule in such cases. As well might the statute declare that, if a man loses his deed, he shall lose his land altogether.

But if by extinct corner is meant one in respect to the actual location of which all reliable evidence is lost, then the following remarks are pertinent:

1. There would undoubtedly be a presumption in such a case that the corner was correctly fixed by the government surveyor where the field notes indicated it to be.
2. But this is only a presumption, and may be overcome by any satisfactory evidence showing that in fact it was placed elsewhere.

3. No statute can confer upon a county surveyor the power to "establish" corners, and thereby bind the parties concerned. Nor is this a question merely of conflict between State and Federal law; it is a question of property right. The original surveys must govern, and the laws under which they were made govern, because the land was bought in reference to them; and any legislation, whether State or Federal that should have the effect to change these, would be inoperative, because of the disturbance to vested rights.
4. In any case of disputed lines, unless the parties concerned settle the controversy by agreement, the determination of it is necessarily a judicial act, and it must proceed upon evidence and give full opportunity for a hearing. No arbitrary rules of survey or of evidence can be laid down whereby it can be adjudged.

THE FACTS OF POSSESSION

The general duty of a surveyor in such a case is plain enough. He is not to assume that a monument is lost until after he has thoroughly sifted the evidence and found himself unable to trace it. Even then he should hesitate long before doing anything to the disturbance of settled possessions. Occupation, especially if long continued, often affords very satisfactory evidence of the original boundary when no other is attainable; and the surveyor should inquire when it originated, how, and why the lines were then located as they were, and whether a claim of title has always accompanied the possession, and give all the facts due force as evidence. Unfortunately, it is known that surveyors sometimes, in supposed obedience to the State statute, disregard all evidences of occupation and claim of title and plunge whole neighborhoods into quarrels and litigation by assuming to "establish" corners at points with which the previous occupation cannot harmonize. It is often the case that, where one or more corners are found to be extinct, all parties concerned have acquiesced in lines which were traced by the guidance of some other corner or landmark, which may or may not have been trustworthy; but to bring these lines into discredit, when the people concerned do not question them, not only breeds trouble in the neighborhood, but it must often subject the surveyor himself to annoyance and perhaps discredit, since in a legal controversy the law as well as common sense must declare that a supposed boundary line long acquiesced in is better evidence of where the real line should be than any survey made after the original monuments have disappeared. (*Stewart v. Carleton*, 31 Mich. Reports, 270; *Diehl v. Zanger*, 39 Mich. Reports, 601.) And county surveyors, no more than any others, can conclude parties by their surveys.

The mischiefs of overlooking the facts of possession most often appear in cities and villages. In towns the block and lot stakes soon disappear; there are no witness trees, and no monuments to govern except such as have been put in their places, or where their places were supposed to be. The streets are likely to be soon marked off by fences, and the lots in a block will be measured off from these, without looking farther. Now it may perhaps be known in a particular case that a certain monument still remaining was the starting point in the original survey of the town plat; or a surveyor

settling in the town may take some central point as the point of departure in his surveys and, assuming the original plat to be accurate, he will then undertake to find all streets and all lots by course and distance according to the plat, measuring and estimating from his point of departure. This procedure might unsettle every line and every monument existing by acquiescence in the town; it would be very likely to change the lines of streets, and raise controversies everywhere. Yet this is what is sometimes done; the surveyor himself being the first person to raise the disturbing questions.

Suppose, for example, a particular village street has been located by acquiescence and used for many years, and the proprietors in a certain block have laid off their lots in reference to this practical location. Two lot owners quarrel, and one of them calls in a surveyor, that he may make sure his neighbor shall not get an inch of land from him. This surveyor undertakes to make his survey accurate, whether the original was so or not, and the first result is, he notifies the lot owners that there is error in the street line, and that all fences should be moved, say 1 foot to the east. Perhaps he goes on to drive stakes through the block according to this conclusion. Of course, if he is right in doing this, all lines in the village will be unsettled; but we will limit our attention to the single block. It is not likely that the lot owners generally will allow the new survey to unsettle their possessions, but there is always a probability of finding some one disposed to do so. We shall then have a lawsuit; and with what result?

FIXING LINES BY ACQUIESCENCE

It is a common error that lines do not become fixed by acquiescence in a less time than 20 years. In fact, by statute, road lines may become conclusively fixed in 10 years; and there is no particular time that shall be required to conclude private owners, where it appears that they have accepted a particular line as their boundary, and all concerned have cultivated and claimed up to it. Public policy requires that such lines be not lightly disturbed, or disturbed at all after the lapse of any considerable time. The litigant, therefore, who in such a case pins his faith on the surveyor is likely to suffer for his reliance, and the surveyor himself to be mortified by a result that seems to impeach his judgment.

Of course, nothing in what has been said can require a surveyor to conceal his own judgment, or to report the facts one way when he believes them to be another. He has no right to mislead, and he may rightfully express his opinion that an original monument was at one place, when at the same time he is satisfied that acquiescence has fixed the rights of parties as if it were at another. But he would do mischief if he were to attempt to "establish" monuments which he knew would tend to disturb settled rights; the farthest he has a right to go, as an officer of the law, is to express his opinion where the monument should be, at the same time that he imparts the information to those who employ him and who might otherwise be misled, that the same authority that makes him an officer and entrusts him to make surveys, also allows parties to settle their own boundary lines, and considers acquiescence in a particular line or monument, for any considerable period, as strong if not conclusive evidence of such settlement. The peace of the community absolutely requires this

rule. It is not long since, that in one of the leading cities of the State, an attempt was made to move houses 2 or 3 rods into the street, on the ground that a survey under which the street had been located for many years had been found on a more recent survey to be erroneous.

THE DUTY OF THE SURVEYOR

From the foregoing, it will appear that the duty of the surveyor where boundaries are in dispute must be varied by the circumstances.

1. He is to search for original monuments, or for the places where they were originally located, and allow these to control if he finds them, unless he has reason to believe that agreements of the parties, express or implied, have rendered them unimportant. By monuments, in the case of government surveys, we mean, of course, the corner and quarter stakes. Blazed lines or marked trees on the lines are not monuments they are merely guides or finger posts, if we may use the expression, to inform us with more or less accuracy where the monuments may be found.
2. If the original monuments are no longer discoverable, the question of location becomes one of evidence merely. It is merely idle for any State statute to direct a surveyor to locate or "establish" a corner, as the place of the original monument, according to some inflexible rule. The surveyor, on the other hand, must inquire into all the facts, giving due prominence to the acts of parties concerned, and always keeping in mind, first, that neither his opinion nor his survey can be conclusive upon parties concerned, and, second, that courts and juries may be required to follow after the surveyor over the same ground, and, that it is exceedingly desirable that he govern his action by the same lights and the same rules that will theirs.

It is always possible, when corners are extinct, that the surveyor may usefully act as a mediator between parties and assist in preventing legal controversies by settling doubtful lines. Unless he is made for this purpose an arbitrator by legal submission, the parties, of course, even if they consent to follow his judgment, cannot, on the basis of mere consent, be compelled to do so; but if he brings about an agreement, and they carry it into effect by actually conforming their occupation to his lines, the action will conclude them. Of course, it is desirable that all such agreements be reduced to writing, but this is not absolutely indispensable if they are carried into effect without.

MEANDER LINES

The subject of meander lines is taken up with some reluctance because it is believed the general rules are familiar. Nevertheless it is often found that surveyors misapprehend them, or err in their application; and as other interesting topics are

somewhat connected with this, a little time devoted to it will probably not be altogether lost. These are lines traced along the shores of lakes, ponds, and considerable rivers, as the measures of quantity when sections are made fractional by such waters. These have determined the price to be paid when government lands were bought, and perhaps the impression still lingers in some minds that the meander lines are boundary lines, and that all in front of them remains unsold. Of course this is erroneous. There was never any doubt that, except on the large navigable rivers, the boundary of the owners of the banks is the middle line of the river; and while some courts have held that this was the rule on all fresh-water streams, large and small, others have held to the doctrine that the title to the bed of the stream below low-water mark is in the state, while conceding to the owners of the banks all riparian rights. The practical difference is not very important. In this State, the rule that the centerline is the boundary line is applied to all our great rivers, including the Detroit, varied somewhat by the circumstance of there being a distinct channel for navigation, in some cases, with the stream in the main shallow, and also sometimes by the existence of islands.

The troublesome questions for surveyors present themselves when the boundary line between two contiguous estates is to be continued from the meander line to the centerline of the river. Of course, the original survey supposes that each purchaser of land on the stream has a water front of the length shown by the field notes and it is presumable that he bought this particular land because of that fact. In many cases it now happens that the meander line is left some distance from the shore by the gradual change of course of the stream, or diminution of the flow of water. Now the dividing line between two government subdivisions might strike the meander line at right angles, or obliquely; and, in some cases, if it were continued in the same direction to the centerline of the river, might cut off from the water one of the subdivisions entirely, or at least cut it off from any privilege of navigation or other valuable use of the water, while the other might have a water front much greater than the length of a line crossing it at right angles to its side lines. The effect might be that, of two government subdivisions of equal size and cost, one would be of great value as water-front property, and the other comparatively valueless. A rule which would produce this result would not be just, and it has not been recognized in the law.

Nevertheless it is not easy to determine what ought to be the correct rule for every case. If the river has a straight course, or one nearly so, every man's equities will be preserved by this rule: Extend the line of division between the two parcels from the meander line to the centerline of the river, as nearly as possible at right angles to the general course of the river at that point. This will preserve to each man the water front which the field notes indicated, except as changes in the water may have affected it, and the only inconvenience will be that the division line between different subdivisions is likely to be more or less deflected where it strikes the meander line.

This is the legal rule, and is not limited to government surveys, but applies as well to water lots which appear as such on town plats. (*Bay City Gas Light Co. v. The Industrial Works*, 28 Mich. Reports, 182.) It often happens, therefore, that the lines of city lots bounded on navigable streams are deflected as they strike the bank, or the line where the bank was when the town was first laid out.

IRREGULAR WATERCOURSES

When the stream is very crooked, and especially if there are short bends, so that the foregoing rule is incapable of strict application, it is sometimes very difficult to determine what shall be done; and in many cases the surveyor may be under the necessity of working out a rule for himself. Of course his action cannot be conclusive; but if he adopts one that follows, as nearly as the circumstances will admit, the general rule above indicated, so as to divide as near as may be the bed of the stream among the adjoining owners in proportion to their lines upon the shore, his division, being that of an expert, made upon the ground, and with all available lights, is likely to be adopted as law for the case. Judicial decisions, into which the surveyor would find it prudent to look under such circumstances, will throw light upon his duties and may constitute a sufficient guide when peculiar cases arise. Each riparian lot owner ought to have a line on the legal boundary, namely, the center line of the stream, proportioned to the length of his line on the shore, and the problem in each case is how this is to be given him. Alluvion—when a river imperceptibly changes its course—will be apportioned by the same rules.

The existence of islands in a stream when the middle line constitutes a boundary, will not affect the apportionment unless the islands were surveyed out as government subdivisions in the original admeasurement. Wherever that was the case, the purchaser of the island divides the bed of the stream on each side with the owner of the bank, and his rights also extend above and below the solid ground, and are limited by the peculiarities of the bed and the channel. If an island was not surveyed as a government subdivision previous to the sale of the bank, it is, of course, impossible to do this for the purposes of government sale afterward, for the reason that the rights of the bank owners are fixed by their purchase; when making that, they have a right to understand that all land between the meander lines, not separately surveyed and sold, will pass with the shore in the government sale and, having this right, anything which their purchase would include under it cannot afterward be taken from them. It is believed, however, that the Federal courts would not recognize the applicability of this rule to large navigable rivers, such as those uniting the Great Lakes.

On all the little lakes of the State which are mere expansions near their mouths of the rivers passing through them—such as the Muskegon, Pere, Marquette, and Manistee—the same rule of bed ownership has been judicially applied that is applied to the rivers themselves; and the division lines are extended under the water in the same way. (*Rice v. Ruddiman*, 10 Mich., 125.) If such a lake were circular, the lines would converge to the center; if oblong or irregular, there might be a line in the middle on which they would terminate whose course would bear some relation to that of the shore. But it can seldom be important to follow the division line very far under the water, since all private rights are subject to the public rights of navigation and other use, and any private use of the lands inconsistent with these would be a nuisance, and punishable as such. It is sometimes important, however, to run the lines out for considerable distance in order to determine where one may lawfully moor vessels or rafts for the winter or cut ice. The ice crop that forms over a man's land of

course belongs to him. (*Lorman v. Benson*, 8 Mich., 18; *People's Ice Co. v. Steamer Excelsior*, recently decided.)

MEANDER LINES AND RIPARIAN RIGHTS

What is said above will show how unfounded is the notion, which is sometimes advanced, that a riparian proprietor on a meandered river may lawfully raise the water in the stream without liability to the proprietors above, provided he does not raise it so that it overflows the meander line. The real fact is that the meander line has nothing to do with such a case, and an action will lie whenever he sets back the water upon the proprietor above, whether the overflow be below the meander lines or above them.

As regards the lakes and ponds of the State, one may easily raise questions that it would be impossible for him to settle. Let us suggest a few questions, some of which are easily answered, and some not:

1. To whom belongs the land under these bodies of water, where they are not mere expansions of a stream flowing through them?
2. What public rights exist in them?
3. If there are islands in them which were not surveyed out and sold by the United States, can this be done now?

Others will be suggested by the answers given to these.

It seems obvious that the rules of private ownership which are applied to rivers cannot be applied to the great lakes. Perhaps it should be held that the boundary is at low water mark, but improvements beyond this would only become unlawful when they became nuisances. Islands in the great lakes would belong to the United States until sold, and might be surveyed and measured for sale at any time. The right to take fish in the lakes, or to cut ice, is public like the right of navigation, but is to be exercised in such manner as not to interfere with the rights of shore owners. But so far as these public rights can be the subject of ownership, they belong to the State, not to the United States, and so, it is believed, does the bed of a lake also. (*Pollard v. Hagan*, 31 Howard's U.S. Reports.) But such rights are not generally considered proper subjects of sale, but like the right to make use of the public highways, they are held by the State in trust for all the people.

What is said of the large lakes may perhaps be said also of the interior lakes of the State, such, for example, as Houghton, Higgins, Cheboygan, Burt's Mullet, Whitmore, and many others. But there are many little lakes or ponds which are gradually disappearing, and the shore proprietorship advances *pari passu* as the waters recede. If these are of any considerable size—say, even a mile across—there may be questions of conflicting rights which no adjudication hitherto made could settle. Let, any surveyor, for example, take the case of a pond of irregular form, occupying a

square mile or more of territory, and undertake to determine the rights of the shore proprietors to its bed when it shall totally disappear, and he will find he is in the midst of problems such as probably he has never grappled with or reflected upon before. But the general rules for the extension of shore lines, which have already been laid down, should govern such cases, or at least should serve as guides in their settlement.

Where a pond is so small as to be included within the lines of a private purchase from the government, it is not believed the public have any rights in it whatever. Where it is not so included, it is believed they have rights of fishery, rights to take ice and water, and rights of navigation for business and pleasure. This is the common belief, and probably the just one. Shore rights must not be so exercised as to disturb these, and the States may pass all proper laws for their protection. It would be easy with suitable legislation to preserve these little bodies of water as permanent places of resort for the pleasure and recreation of the people, and there ought to be such legislation.

If the State should be recognized as owner of the beds of these small lakes and ponds, it would not be owner for the purpose of selling. It would be owner only as trustee for the public use; and a sale would be inconsistent with the right of the bank owners to make use of the water in its natural condition in connection with their estates. Some of them might be made salable lands by draining; but the State would not drain, even for this purpose, against the will of the shore owners, unless their rights were appropriated and paid for.

Upon many questions that might arise between the State as owner of the bed of a little lake and the shore owners, it would be presumptuous to express an opinion now, and fortunately the occasion does not require it.

QUASIJUDICIAL CAPACITY OF SURVEYORS

I have thus indicated a few of the questions with which surveyors may now and then have occasion to deal, and to which they should bring good sense and sound judgment. Surveyors are not and cannot be judicial officers, but in a great many cases they act in a quasi-judicial capacity with the acquiescence of parties concerned; and it is important for them to know by what rules they are to be guided in the discharge of their judicial functions. What I have said cannot contribute much to their enlightenment, but I trust will not be wholly without value.

Revised 1999 Apr 27

**San Joaquin County
Public Road Map #57**



LESSOR CALVIN RAY THIS INDENTURE, made the sixteenth day of April in the year of our Lord one thousand nine hundred and twenty-three

TO BETWEEN Calvin Ray Lanfest, a single man, of the County of Santa Clara State of California, a body politic and corporate of the part y of the first part, and the County of San Joaquin State of California, the party of the second part.

WITNESSETH: That the said party y of the first part, for and in consideration of the sum of one and 00/100 Dollars, in United States Gold Coin, to him in hand paid by the said party of the second part, at or before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, he s granted and conveyed and by these presents do ss grant and convey unto the said party of the second part, forever for a public road;

All that certain strip or parcel of land situate, lying and being in the County of San Joaquin, State of California, ~~more particularly described as follows, to-wit: Beginning at a point on the South side of the County highway running East and West along the half Sec. line of Sec. 12, and eighty rods East of the West line of said Sec. 12, thence running South along the eighty line of Sections 12 and 13 one mile to the half Section line of Sec. 13, thence East fifty feet, thence North and parallel to said eighty line one mile, thence West Fifty feet to point of beginning, all of above described land being in T 2 S R 6 E, M.D.B. & M, and containing Six acres more or less~~

And the party of the second part covenants that should the said party of the second part at any time permanently and finally by proceedings of record abandon the use of said strip or tract of land for highway purposes, then the title to said strip or tract of land shall revert back to and shall be held by, the party y of the first part, his heirs and assigns in the same manner as if this grant had not been made.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances and incidents, unto the said party of the second part for a public highway.

IN WITNESS WHEREOF, the said party y of the first part ha s hereunto set his hand and seal the day and year first above written.

Calvin Ray Lanfest (Seal)

Signed, Sealed and Delivered in the presence of Approved as to description F.E. Quail, Approved as to form District Attorney;

his deed accepted by order of Board of Supervisors of San Joaquin Co April 17, 1923, Eugene D. Graham, Co. Clerk, By S.A. Carter Dep. Clerk,

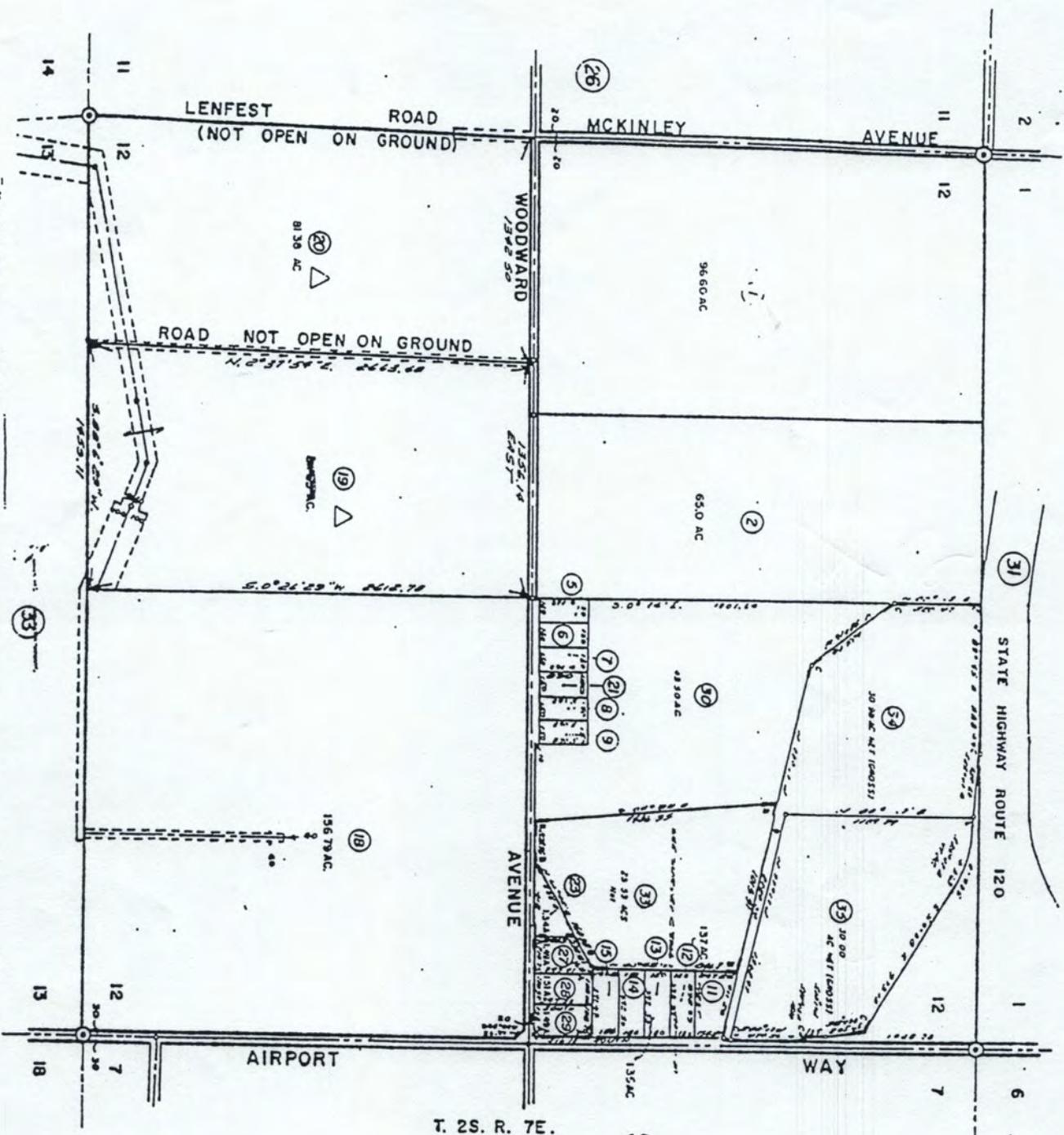
STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, } ss.

On this 16th day of April, in the year 1923, ~~before me~~ before me a Notary Public in and for the County of Santa Clara State of California, personally appeared Calvin Ray Lanfest, a single man, known to me to be the person ~~whose name is~~ subscribed to the within instrument and ~~he~~ acknowledged to me that ~~he~~ executed the same.

Irene A. Harvey Notary Public in and for the County of Santa Clara State of California.

6914 Recorded at the request of S. A. Carter, Apr. 18, 1923. at 14 min. past 2 o'clock P.M., in Book "A," Vol. 262 of Deeds, page 290 San Joaquin County Records.

Free: Dh JOHN D. FINNEY, Recorder, P.W.C.



T. 2S. R. 7E.

SECTION 12 T. 2S. R. 6E.

SCALE 1" = 600'
SAN JOAQUIN COUNTY
ASSESSORS MAP

△-WILLIAMSON ACT PARCELS

Bk.
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C - P. M. Bk. 15 Pg. 82
 B - P. M. Bk. 10 Pg. 28
 A - P. M. Bk. 5 Pg. 8

"Notice: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."