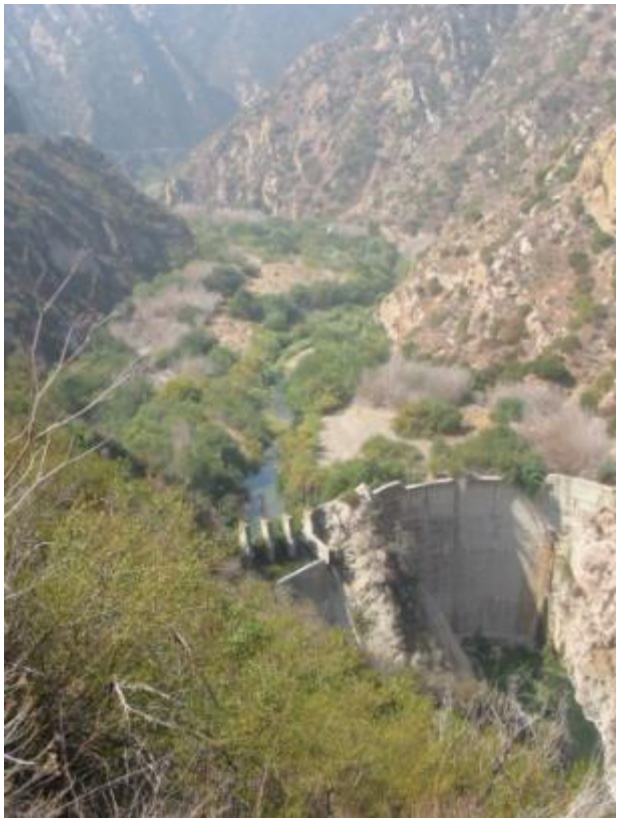
Malibu Creek Ecosystem Restoration Project

Los Angeles and Ventura Counties, California

Appendix G

Real Estate



U.S. Army Corps of Engineers
Los Angeles District

August 2020

This page was intentionally left blank for duplex printing.

Table of Contents

Section
Page

LIST OF TABLES

ATTACHMENTS

1.0 INTRODUCTION

This appendix is prepared in accordance with Engineering Regulation (ER) 405-1-12, 12-16, Real Estate Plan, and presents the real estate requirements for the Malibu Creek Ecosystem Restoration Study Recommended Plan, described below. The California Department of Parks and Recreation (CDPR) is the non-Federal sponsor for the study.

In this Real Estate Plan, an appendix to the Integrated Feasibility Report, the U.S. Army Corps of Engineers (USACE) must, for each project purpose and feature, fully describe the lands, easements, and rights-of-way, relocations, and disposal sites (LERRD) required for construction, operation, and maintenance of the project, including the acreage, estates, number of tracts/parcels, ownership, and estimated value. The USACE must include other relevant information on sponsor ownership of land, proposed non-standard estates, existing Federal projects and ownership, required relocations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (P.L. 91-646, as amended) ("the Uniform Act"), presence of contaminants, and other issues as required by ER 405-1-12. This real estate plan is tentative in nature for planning purposes only and both the final real estate acquisition lines and the estimate of value are subject to change even after approval of the report.

1.1 Study Authority

The study is undertaken in partial response to the Resolution adopted by the House Committee on Public Works and Transportation, dated February 5, 1992. Federal interest in the study hinges upon restoration of the Malibu Creek ecosystem to benefit native fish and wildlife.

1.2 Planning Objectives/Project Purpose

The following planning objectives were developed for the study:

1. Establish a more natural sediment transport regime from the watershed to the Southern California shoreline in the vicinity of Malibu Creek within the next several decades.
2. Reestablish habitat connectivity along Malibu Creek and tributaries in the next several decades to restore migratory access to former upstream spawning areas for indigenous aquatic species and allow for safe passage for terrestrial species from the Pacific Ocean to the watershed and broader Santa Monica Mountains National Recreation Area.
3. Restore aquatic habitat of sufficient quality along Malibu Creek and tributaries to sustain or enhance indigenous populations of aquatic species within the next several decades.

Currently, habitat connectivity in lower Malibu Creek is blocked by Rindge Dam and several other barriers on the tributaries of Cold Creek and Las Virgenes Creek. Rindge Dam was built in 1926 by the Rindge family and was constructed to hold and supply water to the Rindge Family Ranch. The dam was decommissioned in 1967. In 1984, the State of California

purchased 960 acres in Malibu Canyon, including Rindge Dam, which is now part of Malibu Creek State Park and managed by the non-Federal sponsor, the State of California Department of Parks and Recreation. Over the years, approximately 780,000 cubic yards of sediment have filled the reservoir behind the dam. Rindge Dam is the most significant barrier to restoring habitat connectivity in lower Malibu Creek.

Habitat connectivity upstream of Rindge Dam is impeded by eight (8) barriers, which along with Rindge Dam are the focus of the study. Addressing Rindge Dam and the additional upstream barriers is addresses the planning objectives.

1.3 Study Area and Project Location

The study area is located approximately 30 miles west of downtown Los Angeles, California. Approximately two-thirds of the Malibu Creek watershed is located within northwestern Los Angeles County and the remaining one-third is in southeastern Ventura County. The watershed footprint covers approximately 110 square miles of the Santa Monica Mountains and Simi Hills. A large portion of the Malibu Creek watershed is located in Malibu State Park, which is managed by the State of California Department of Parks and Recreation. The park boundary extends from Malibu Lagoon, along Malibu Creek and several tributaries to a large open space area in the middle of the watershed. Malibu Creek, from Malibu Dam to its mouth, is part of the Malibu Creek State Park. This reach is the focus of the restoration objectives investigated in this study. Rindge Dam is located approximately three (3) miles from the mouth of Malibu Creek, is the largest disruption to stream flow and aquatic/terrestrial habitat connectivity along the Malibu Creek watershed. Rindge Dam severely hinders the accessibility of approximately six (6) miles of good to excellent aquatic habitat. The dam is a concrete arch structure 108 feet in height with an arc length of 140 feet at its crest (excluding spillway & rock outcrop) and 80 feet at its base. No reservoir capacity exists behind Rindge Dam due to approximately 780,000 cubic yards of sediment impounded behind the dam. The impounded sediment has been classified into three (3) types:

- **Unit 1** - The top layer is composed of fluvial deposition which contains sand, gravel, cobbles and larger rocks. Unit 1 materials account for 277,000 cubic yards of impounded sediment (See Geotechnical Appendix for more details).
- **Unit 2** - The sand-dominant middle layer comprises approximately 273,000 cubic yards of the total volume of impounded sediment (See Geotechnical Appendix for more details).
- **Unit 3** – The bottom layer sediment is a silt-clay dominant layer, which accounts for 230,000 cubic yards of total impounded sediment (See Geotechnical Appendix for more details).

While Rindge Dam (MC1) is the most significant barrier blocking habitat connectivity throughout the watershed, the study identifies eight (8) additional barriers (CC1, CC2, CC3, CC5, LV1, LV2, LV3, and LV4) in the form of dams, culverts, and stream crossings as interfering with habitat connectivity upstream of Rindge Dam along Cold Creek and Las Virgenes Creek.

The study area and project location also include placement locations for the mostly sands layer of impounded sediment, at either a shoreline or nearshore site along the coast as further described below.

1.4 RECOMMENDED PLAN

The recommended plan is Alternative 2b2, the Locally Preferred Plan (LPP). This plan includes the removal of the Rindge Dam arch concurrent with the removal of the estimated 780,000 cubic yards of impounded sediment, and the removal or modification of eight (8) upstream barriers on Cold Creek and Las Virgenes Creek tributaries to Malibu Creek, providing substantial ecosystem benefits and best meeting the planning objectives described above. This plan also includes direct transport of the mostly sands layer removed from the Rindge Dam impounded sediment area up Malibu Canyon Road, U.S. Highway 101 and to the Ventura Harbor about 41 miles away from the dam. Material would be offloaded from the trucks and placed on barges to be transported to the Malibu nearshore area, to the east of the pier. Nearly two-thirds of the estimated impounded sediment would still be trucked about 7.4 miles each way from the impounded sediment site to the Calabasas landfill.

Table 1.4-1 LER REQUIRED FOR THE RECOMMENDED PLAN (LPP)

FEATURE/ REQUIREMENT	APN	TYPE OF INTEREST	AREA NEEDED FOR PROJECT (AC)	OWNER
Rindge Dam	Unavailable	Fee	38.00	State of California
Sheriff's Overlook	unavailable	Fee	0.500	State of California
CC1	4456-008-901	Temp. Work Area Easement (Staging Area)	0.502	State of California
	4456-008-903	Fee	0.203	State of California
	4456-005-001	Fee	0.136	Private
	4456-005-014	Fee	0.068	Private
CC2	4456-003-013	Temp. Work Area Easement (Staging Area)	0.230	Private
	4456-003-027	Fee	0.170	Private
	4456-004-004	Fee	0.085	Private
CC3	4456-003-013	Temp. Work Area Easement (Staging Area)	0.230	Private
	4456-003-002	Fee	0.170	Private
	4456-003-027	Fee	0.085	Private
CC5	4455-036-900	Fee	0.140	L.A. County
LV1	Unavailable	Temp. Work Area Easement (Staging Area)	0.129	State of Calif.

	Unavailable	Fee	0.104	State of Calif.
	Unavailable	Fee	0.035	State of Calif.
LV2	2063-010-902	Temp. Work Area Easement (Staging Area)	0.230	State of California
		Fee	0.010	State of California
LV3 & LV4	2063-009-904	Temp. Work Area Easement (Staging Area)	0.502	City of Calabasas
	2063-009-903	Fee	1.543	City of Calabasas
	2063-034-900	Fee	3.792	City of Calabasas
	2064-004-075	Fee	1.093	City of Calabasas

2.0 RECOMMENDED PLAN FEATURES AND ASSOCIATED REAL ESTATE REQUIREMENTS

2.1 RINDGE DAM AND IMPOUNDED SEDIMENT REMOVAL

Under the recommended plan, Rindge Dam and the impounded sediment behind the dam will be removed and the site restored. Prior to construction at the dam, site preparation will include vegetation removal around the dam structure and in temporary construction/staging areas, the installation of a dewatering system, and the construction of two access ramps for hauling sediment and other disposable materials from the dam site. The dewatering system will include building a 5-foot coffer dam, water pumps, water wells, piping and a sump pond. Dewatering is needed due to regularly scheduled discharges from the Tapia Water Treatment Plant just upstream of Rindge Dam. The dewatering system will be located at the upstream end of the sediment excavation area to collect inflowing water. Dewatering pumps and piping will be installed though the impoundment area and will be left in place until the sediment has been completely removed. The Sponsor owns in fee all lands needed for temporary dewatering operations at the dam. The Sponsor and the USACE will communicate with the Tapia Water Treatment Plant to ensure that scheduled discharges upstream of the dam do not substantially impact the construction schedule.

In addition to dewatering at the dam, the perimeter of the reservoir area, the delta, and upstream sites will be stripped of vegetation and debris (e.g. dead vegetation, boulders, and other obstructions to moving around the site) to allow site access. All areas which require stripping due to construction related activities at the dam are owned in fee by the sponsor.

The site access plan for Rindge Dam requires two ramps: one ramp for trucks heading to the landfill to the north and one ramp for trucks heading south to the beach disposal site. The existing 12 foot southbound access ramp near Rindge Dam will be expanded to 15 feet and the grading will be reduced to 15% to allow truck/equipment access into the sediment impoundment area. Construction on the existing southbound ramp will require the use of 55,000 CY of Unit 1 fill material. A 30-ft wide northbound ramp will be constructed to provide for two-way truck traffic and will have a maximum grade of 15%. The new ramp will require

41,000 cubic yards of fill material and will be 730 feet long. Staging for construction at the dam will be occur at an area known as Sheriff's Overlook, located above the canyon along Malibu Canyon Road.

Areas disturbed as a result of project construction will be restored by replanting and re-vegetation of native plant species and will be operated and maintained by the sponsor. In summary, the recommended plan required for the Rindge Dam site includes 38 acres in fee for construction, operation and maintenance of the project. In addition, the recommended plan includes interpretive signage, which is projected to be placed at the Sheriff's overlook site at an existing parking pullout location (also used for staging). The interpretive signage placement will require minimal land in fee (0.5 acre) for operation and maintenance by the sponsor.

Upstream Barrier Removal/Modification

As described above, eight (8) upstream barriers would be removed or modified as part of the recommended plan. Site preparation for the construction associated with the 8 upstream barriers will be similar to that used at the Rindge Dam site. Vegetation clearance will be necessary prior to construction for all of the upstream barriers. Dewatering activities could be required, depending on water flows. For all of the upstream barriers except for LV2, Cold Creek and Las Virgenes Creek stream flows will be diverted during construction. Each of these upstream barriers, the ownership of the barriers, and their treatment for the project is described below.

Barrier Symbol	Barrier Name	Barrier Owner	Type of Interest Held by Barrier Owner	Barrier Description	LERRD Requirements	Proposed Restoration Summary
CC1	**Piuma Culvert**	Los Angeles County	Perpetual Easement	CC1, Piuma Culvert, is a wide corrugated metal pipe (CMP) arch culvert with a concrete invert. Piuma Rd. passes over the structure and provides access to homes throughout the hills.	Provide fee and relocate culvert/bridge—Anticipated replace with a 12 ft. long, 46 ft. wide pre-cast arch culvert with a soft bottom. Demo of existing culvert/invert. TWAE - 0.502 ac. Fee - 0.407 ac.	Restore natural channel -- regrade creek bed to address the drop/restore habitat in place of concrete invert.
CC2	**Malibu Meadows Road Crossing**	Malibu Meadows Homeowner's Association	Perpetual Easement	CC2, Malibu Meadows Road Crossing, is a steel beam bridge with a wood deck. The bridge is part of Malibu Meadows Road which is a narrow two lane road that serves homes throughout the hills.	Acquisition of fee and to address impairment of access, provide bridge replacement. TWAE – 0.230 ac. Fee - 0.255 ac.	Remove concrete slab impeding aquatic connectivity, regrade channel to address drop, and restore habitat.
CC3	**Crater Camp Road Crossing**	Malibu Meadows Homeowner's Association	Perpetual Easement	CC3, Crater Camp Road Crossing, is steel beam bridge with a wood deck. The bridge is part of Crater Camp Road which is a narrow road that serves homes throughout the hills.	Acquisition of fee, and to address impairment of access, provide bridge replacement. TWAE – 0.230 ac. Fee - 0.255 ac.	Remove concrete invert impeding aquatic connectivity, regrade channel to address drop, and restore habitat.
CC5	**Cold Canyon Road Culvert**	Los Angeles County	Fee	CC5, Cold Canyon Road Culvert is a concrete culvert along Cold Creek underneath Cold Canyon Road. Cold Canyon Road is a two lane rural road that serves homes in the mountains.	Provide fee or permanent easement to allow modification of culvert to construct low flow channel and right for sponsor to maintain in accordance with project.	Construct a low flow channel through the existing culvert

					Fee – 0.140 ac. Fee is presumed to be acquired as the standard estate. Should a Non-Standard Estate (NSE) be determined as adequate the District will follow PGL 31 to request a NSE.	
LV1	**Crags Road Culvert Crossing**	State of California	Fee	LV1, Crags Road Culvert is a concrete, double barrel culvert located along Las Virgenes Creek. It currently serves as a road crossing for maintenance vehicles and emergency access for Malibu State Park and fire trucks as well as for recreational users.	Sponsor provides land in fee for project and performs relocation: replace crossing with a pre-manufactured 75 ft. long, 20 ft. wide clear span bridge. TWAE – 0.129 Fee - .139	Restore natural channel -- regrade creek bed/restore habitat in place by removing two corrugated metal pipes and bridge structure.
LV2	**White Oak Dam**	State of California	Fee	LV2, White Oak Dam is small diversion dam that is 6 ft. high and spans 87 ft. across Las Virgenes Creek. It was originally built to collect water for agricultural use. Dam is no longer in use.	Provide land in fee to project. TWAE – 0.230 ac. Fee - 0.010 ac.	Remove the dam in stages and restore cleared areas once removal complete.
LV3	**Lost Hills Road Culvert**	Los Angeles County Fee Owner – City of Calabasas	Perpetual Easement	LV3, Los Hills Road Culvert is a concrete box culvert with four openings. Los Hills Road is a four lane road that passes over the culvert and through a densely developed residential area.	Provide fee or permanent easement to allow modification of culvert to construct low flow channel and right for sponsor to maintain in accordance with project. (acreage for LV3 & LV4 combined – refer to info. in LV4).	Construct a low flow channel through the existing culvert.

					Fee is presumed to be acquired as the standard estate. Should a Non-Standard Estate (NSE) be determined as adequate the District will follow PGL 31 to request a NSE.	
LV4	**Meadow Creek Lane Crossing**	Los Angeles County Fee Owner – City of Calabasas	Perpetual Easement	LV 4, Meadow Creek Lane Crossing, located 930 ft. upstream of LV3, is a concrete culvert with four openings. Meadow Creek Lane is a two lane road that passes over the culvert and it serves as one of two points of entry into a densely developed residential neighborhood.	Provide Fee or permanent easement to allow modification of culvert to construct low flow channel and right for sponsor to maintain in accordance with project. LV 3&4 TWAE – 0.502 Fee – 6.428 ac. Fee is presumed to be acquired as the standard estate. Should a Non-Standard Estate (NSE) be determined as adequate the District will follow PGL 31 to request a NSE.	Construct a low flow channel through the existing culvert.

2.2 DISPOSAL OF DAM MATERIAL AND UNITS 1 & 3 EXCAVATED SEDIMENT TO LANDFILL

Project assumptions include a least-cost disposal plan that includes disposal capacity for the deconstructed dam and excavated sediment that is not beach-compatible being provided by the contractor through use of commercial facilities (Calabasas Landfill, a commercial disposal site operated by the Los Angeles County Sanitation District ("LACSD"), 8 mi upstream of the Rindge Dam site. Typically, the USACE identifies lands that can be provided by the sponsor for use as disposal sites. However in some circumstances, no suitable disposal site can be identified as part of the LERRD responsibilities; this is typical in constrained urban environments. The PDT fully investigated several disposal sites that would have required acquisition of LER and all were eliminated as infeasible or impracticable as described in the IFR. The PDT also investigated whether a temporary or permanent interest in land could potentially be secured at the Calabasas Landfill as LERRD, but this was determined to be impracticable. The cost for commercial disposal facilities (estimated tipping fees) was captured in the cost appendix as a construction cost item. Therefore, the only LER for disposal of impounded sediment is at the near shore placement site.

2.3 NEAR SHORE PLACEMENT OF COMPATIBLE SEDIMENT

The predominantly sand layers will be directly transported to Ventura Harbor. Material will be offloaded from trucks and placed on barges and placed along the Malibu shoreline to the east of the pier. The use of a barge allows for more flexibility in the location for placement of sand, reducing risks of habitat species disturbances during placement activities. Wave action, currents and tides will disperse sediment in a down coast direction. Coordination with the California State Lands Commission will continue for the near shore placement of sediment.

2.4 Summary of LER requirements for the Recommended Plan

2.4.1 Standard Estates

The standard estate for ecosystem restoration is fee. Fee is anticipated to be provided for all restoration sites. A potential non-standard estate may be determined appropriate for restoration at upstream barriers CC5, LV3, and LV4. Should an estate other than fee be determined appropriate, the District will coordinate the proposed non-standard estate package as set forth in PGL 31.

The standard estate for staging areas is Standard Estate #15, Temporary Work Area Easement.

Acreage

Approximately 47.957 acres of LER will be required for the project.

Rindge Dam

The sponsor owns the 38.00 acres in fee needed for the restoration at the Rindge Dam site, including removal of the Rindge Dam arch and the excavation of impounded sediment behind the dam.

Sherriff's Overlook

The sponsor owns the 0.5 acres needed permanently for signage and a turnout as part of mitigation measures for National Historic Preservation Act.

Restoration at the Eight Upstream Barriers (CC1, CC2, CC3, CC5, LV1, LV2, LV3 & LV4)

Restoration at the 8 upstream barriers requires the following acreage (refer to table 1.4-1 for more detailed information):
Fee – 7.634 acres (sponsor owns .352 acres)
Temporary Work Area Easement – 1.823 acres (sponsor owns .861 acres)

Near Shore Placement

We propose the sponsor acquire a temporary work area easement for the near shore placement of sediment over a three year period which does not require maintenance.

3.0 SPONSOR-OWNED REAL ESTATE

3.1 UPSTREAM AREA

The Sponsor owns 38.852 acres of the LERRD required to execute the recommended plan. This acreage will be required in fee for construction, operation and maintenance of the dam site restoration feature.

The sponsor also owns .861 acres of land, needed for the project, beneath the Crags Road Culvert (LV1), White Oak Dam (LV2), and part of the Piuma Culvert (CC1) land.

3.1.1 Summary

A summary of sponsor-owned LER is shown in the **Table 3.1-1** below. None of the lands identified in this section have been used, or credited to the sponsor in conjunction with another federal project.

Table 3.1-1 Summary of Sponsor-owned LER

Feature or requirement	Interest	Acreage Needed
Rindge Dam (MC1)	Fee	38.00
Piuma Culvert (CC1)	TWAE	.502
	Fee	.203
Malibu Meadows Road (CC2)	----------	----------
Crater Camp (CC3)	----------	----------
Cold Canyon Road Culvert (CC5)	----------	----------
Crags Road Culvert (LV1)	TWAE	.129
	Fee	.139
White Oak Dam (LV2)	TWAE	.230
	Fee	.010
(LV3 (Lost Hills Road Culvert) & LV4 Meadow Creek Lane)	----------	----------
Sherriff's Overlook	Fee	.500
Total Project Acreage Owned by the Sponsor		**39.713**

4.0 PROPOSED NON-STANDARD ESTATES

The standard estate for an ecosystem restoration projects is fee simple. USACE has assessed that there are instances where the project requirement is to modify a barrier/culvert in order to restore the natural channel. The barrier owner is a public entity and holds either fee or an easement for the operation and maintenance of a culvert/bridge structure over Cold Creek and Las Virgenes Creek. In these cases, fee may be difficult to acquire and an easement could satisfy the project needs to restore lands underneath the culvert/bridge because the bottom of the structure is what must be modified. These sites are CC2, CC3, CC5, LV3, and LV4, as described above.

USACE has reviewed the standard estates provided in exhibit 5-29 to EC 405-1-11, which have been incorporated into ER 405-1-11, and determined that the standard estates provided, other than the fee simple estate, do not include sufficient rights to establish, operate and maintain an ecosystem restoration project. Therefore, if determined a perpetual ecosystem restoration easement would be the most efficient means of satisfying the real estate requirements necessary to support the project at these barrier sites. As required by Policy Guidance Letter No. 31, the specific language of the proposed perpetual ecosystem restoration easement will be coordinated and submitted for approval separate from this Real Estate Plan to HQUSACE through SPD.

The near shore placement of sediment are on lands determined to be below the Mean High Tide Line (MHTL). Lands below the MHTL are sovereign lands of the State of California and are under the jurisdiction of the California State Lands Commission (CSLC).

We propose that the sponsor acquire a temporary work area easement for the near shore placement of sediment over a three year period which will not require maintenance. However, CSLC procedure for granting use of near shore placement sites under its jurisdiction is to issue a "California Placement Lease". Should the sponsor not be able to obtain the standard estate, temporary work area easement, such lease will be coordinated with HQUSACE through SPD as required in Policy Guidance Letter No.31.

5.0 EXISTING FEDERAL PROJECT(S)

There are no existing federal projects that are fully or partially within the LER required for the project.

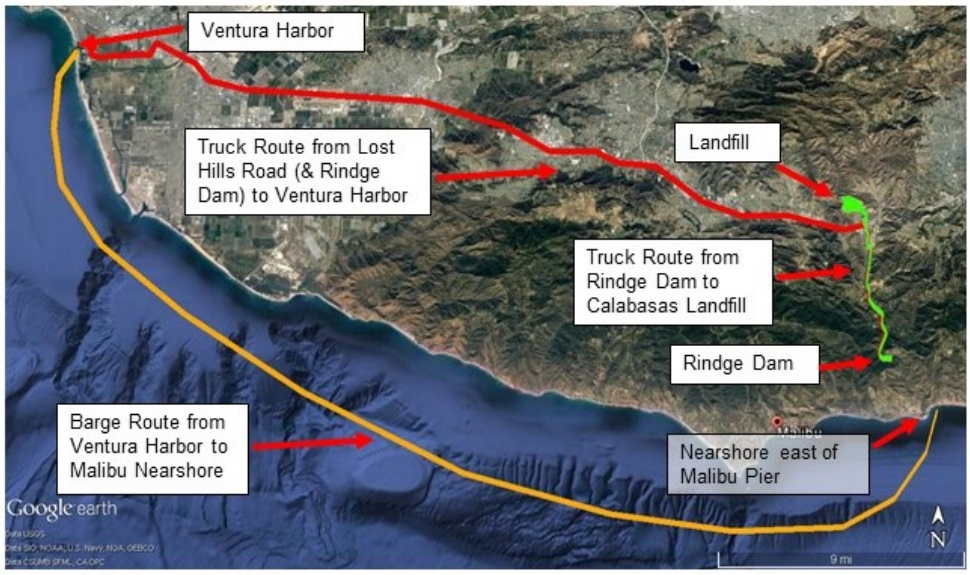
6.0 FEDERALLY-OWNED LAND

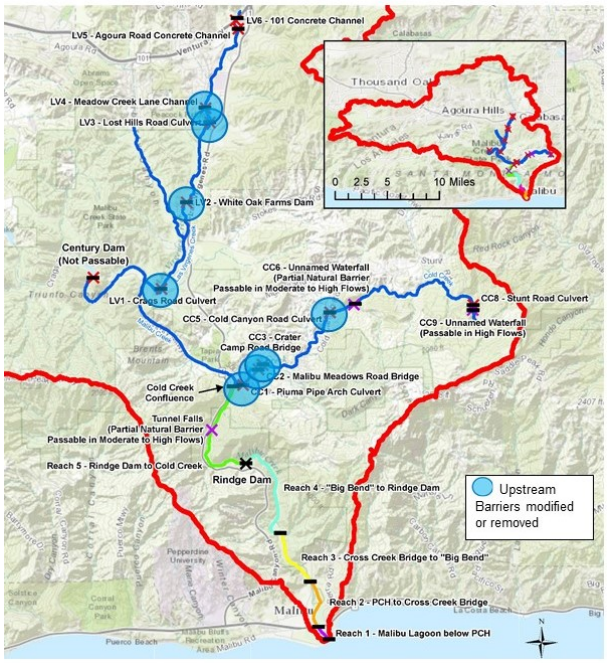
There are no federally owned lands included within the LER required for this project.

7.0 EXTENT OF NAVIGATION SERVITUDE

Exercise of Federal navigational servitude is not being invoked for this project.

8.0 MAPS





9.0 EXTENT OF ANY INDUCED FLOODING

The feasibility-level modeling for the Alternative 2 options including the Recommended Plan indicates that the creek bed elevation may increase by an additional 0.3 to 1 foot compared to the No Action alternative in some portions of the populated reaches. The modeling also shows a small increase in water surface elevation. More refined hydraulic and sediment transport modeling would be undertaken during PED to verify potential effects on downstream flood risks and refine non-structural measures to address potential increases in creek bed and or water surface elevation. Non-structural measures refined during PED, anticipated to consist of sediment removal during or at the conclusion of construction, will be implemented as needed during construction to avoid increasing flood risk to lower reaches of Malibu Creek compared to the No Action alternative.

10.0 BASELINE COST ESTIMATE

A cost estimate was developed for planning purposes for each alternative with oversight from the district appraiser.

Table 3.2-1 Real Estate Cost Estimates

Recommended Plan	Value
Non-Federal Sponsor owned Lands, Easements & Right-of-Way	**$1,193,000**
Land, Easements & Right-of-Way to be acquired by Non-Federal Sponsor	**$1,137,000**
Non-Federal Administration Costs	$162,000
Contingency 25%	**$623,000**
SUB-TOTAL	**$3,115,000**
Private Bridges	**$2,296,000**
Contingency 44%	**$1,010,000**
SUB-TOTAL	**$3,306,000**
TOTAL (01 LANDS AND DAMAGES)	**$6,421,000**
Relocations Facility/Utility	$3,979,000
Relocations PL 91-646	N/A
Contingency 44%	$1,751,000
Total (02 Relocations)	**$5,730,000**
LERRD TOTAL	**$12,151,000**
Federal Administration Costs (30)	$220,000
Contingency 44%	$96,800
TOTAL(30 Fed Real Estate Cost)	**$316,800**
Total Real Estate Costs (rounded)	**$12,468,000** (rounded)

The cost to cure impairment of access, anticipated to be in the form of replacement of the two privately owned bridges are is included in the 01 Lands and Damages account. A separate line item in the total project cost summary has been created to capture these costs since the contingency is higher than the acquisition of real estate.

11.0 PL 91-646 RELOCATION ASSISTANCE BENEFITS

Preliminary investigations indicate that there will be no persons, farms or businesses displaced during the acquisition of lands required for any of the proposed alternatives. If necessary, the sponsor will be required to certify compliance with the requirements of PL 91-646, including landowners being properly advised of their rights under the program and appropriate benefit determinations, if any.

12.0 DESCRIPTION OF PRESENT OR ANTICIPATED MINERAL ACTIVITY

There is no known present or anticipated mineral activity within the vicinity of the study area that may affect construction, operation, or maintenance of the Project.

13.0 ASSESSMENT OF NON-FEDERAL SPONSOR'S ACQUISITION ABILITY

The overall assessment of the Non-Federal Sponsor has deemed it highly capable. The Sponsor is committed to acquiring the required and necessary real estate for the project, has the power of eminent domain, and is fully aware of the use of such power. The Sponsor has stated that it does not anticipate a need for the use of that power for this project.

The assessment of the Non-Federal Sponsor's Acquisition Capabilities is included as Attachment B.

14.0 ENACTMENT OF ZONING ORDINANCES

No enactments of zoning ordinances are being proposed in lieu of or to facilitate acquisition in connection with the project.

15.0 LAND ACQUISITION SCHEDULE AND MILESTONES

The acquisition of all lands, easements and rights of way associated with dam removal and near shore placement of sand is assumed to commence 30 months prior to year 1 of construction. The Non-Federal Sponsor (NFS) owns four parcels in the Rindge Dam and Sheriff Overlook area and the current assumption is the NFS will provide the Real Estate Certification 6-12 months prior to year 1 of construction of Dam Removal. Acquisition of all lands, easements and rights of way associated with the modifications of the eight barriers will commence 30 months prior to year 2 of construction. This will allow enough time to negotiate and seek approval for the Non-Standard Estates language from USACE Headquarters as required by PGL 31.

Tentative Schedule for Removal of Rindge Dam (Year 1)	
Parcels	**Number of Month**
Rindge Dam	6-12 Months
Sheriff Overlook	6-12 Months
Placement of Sand at Nearshore	30 months

Tentative Schedule for Barrier Modifications (Year 2)	
Parcels	**Number of Month**
CC1	24 Months
CC2	30 Months
CC3	30 Months
CC5	24 Months
LV1	6-12 Months
LV2	6-12 Months
LV3	24 Months
LV4	24 Months

16.0 DESCRIPTION OF FACILITY/UTILITY RELOCATIONS

16.1 Impacted Utilities

Preliminary investigations have identified 3 utility lines within the project area that are anticipated to require relocation.

16.1.1 Upstream Barrier CC2 (Malibu Meadows Road Crossing)

High pressure gas line

Owner – So. Calif. Gas Co.

Overhead power line

Owner – So. Calif. Edison

16.1.2 Upstream Barrier LV1 (Crags Road)

Water Line

Owner/Operator - Las Virgenes Municipal Water District

In addition to the public utility lines identified above, one water line owned by a homeowners' association is anticipated to be impacted by the features at Upstream Barrier CC2. The sponsor would coordinate with the homeowners' association to address this water line as part of the relocation of the affected bridge, described below.

16.2 Impacted Facilities

Preliminary investigations have identified two public facilities within the project area associated with the modification/removal of upstream barriers CC1 & LV1 requiring relocation.

16.2.1 Upstream Barrier CC1 (Piuma Culvert)

CC1 is a 12-foot long, 46-foot wide corrugated metal pipe (CMP) arch culvert with a concrete invert. Piuma Culvert, and the road which runs atop it, are owned by the County of Los Angeles. Fee ownership of the land beneath Piuma Culvert belongs to the sponsor. The sponsor, as the fee owner of the land underneath the culvert, will modify the existing easement issued to the County of Los Angeles to accommodate the project. Piuma Road is a two lane rural road that passes over the culvert structure and provides access to homes throughout the hills. The existing CMP arch culvert, the concrete lining along the creek invert, and the stone head walls would be anticipated to be replaced by the sponsor with a 12-foot pre-cast arch culvert with new concrete footings and concrete head walls on both ends of the structure.

16.2.2 Upstream Barrier LV1 (Crags Roads Culvert Crossing)

This is a 6-foot diameter, 31-foot long double barrel culvert road crossing. The culvert is owned by the County of Los Angeles. The sponsor, as the fee owner of the land underneath the culvert, will modify the existing easement issued to the County of Los Angeles to accommodate the project. It is anticipated that the existing concrete box culvert, concrete abutments, concrete apron, and the concrete wing walls will be removed and replaced by the sponsor with a pre-manufactured 75-foot long, 20-foot wide clear span bridge. The bridge will be used for emergency and maintenance vehicle access to Malibu Creek State Park.

16.2.3 Private Facilities (CC2 and CC3)

In addition to the two public facilities identified above, the removal/modification of two other upstream barriers affect private roads/bridges, at barriers CC2 and CC3. The NFS will seek to acquire fee for the lands at barriers CC2 and CC3 as described above in section 2 Recommended Plan Features and Associated Real Estate Requirements. The bridges at issue provide the only or main means of access to homes, and the removal of these bridges would appear to result in substantial impairment or access. After performing a real estate assessment of the utilities/facilities for this project, it was determined the bridges are not public facilities and thus will not be considered relocations under the 02 account. However, taking into account substantial impairment of access "damages" to the surrounding neighborhoods, the appropriate measure of just compensation is providing a substitute facility or its cash equivalent to cure the road access issue. Therefore, the sponsor would be responsible to provide functionally equivalent access to the surrounding impacted neighborhoods to address the impairment of access caused by removing these bridges. The cost associated with the replacement of these bridges has been included and given its own line item with a contingency of 44%, in the 01 Lands and Damages account shown in the BCE above and the Total Project Cost Summary in the Cost Appendix. Should a non-standard estate be required at a later time, the District will follow PGL 31 to request the estate through the Division to Headquarters.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL A DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANLYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILTY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

17.0 DISCUSSION OF KNOWN OR SUSPECTED PRESENCE OF CONTAMINANTS

A preliminary geotechnical soils assessment was performed at the dam site and no evidence of Hazardous, Toxic, or Radioactive Waste (HTRW) was found. The results of geotechnical field investigations conducted in 2002 to characterize stored sediments in the reservoir basin behind the dam indicated the presence of a few regulated substances. However, the initial assessment concluded that concentration levels of these substances were within normal background levels. During the Preconstruction Engineering and

Design (PED) Phase, a preliminary geotechnical soils assessment of the 8 upstream barrier sites for HTRW will be performed.

18.0 SUPPORT/OPPOSITION FOR THE PROJECT

The project and its objectives have gained support from local residents and environmental groups with an interest in restoring connectivity for aquatic habitat in the Malibu Creek Watershed and include the Coastal Conservancy, Heal the Bay, Santa Monica Bay Restoration Commission, Los Angeles County Department of Beaches and Harbor, Los Angeles Regional Water Quality Control Board, and the Mountains Restoration Trust. Members of the Rindge family and friends have expressed concerns about potential loss of Rindge Dam and the significance of the structure in the early 20th century development of the area. A listing of public concerns can be found in section 2.2.1 of the main Integrated Feasibility (IFR) Report. The main IFR also discusses the traffic concerns associated with the transportation of the sediment.

19.0 LAND ACQUISITION BEFORE EXECUTION OF PROJECT PARTNERSHIP AGREEMENT (PPA)

The Non-Federal Sponsor was sent notification in-writing of the risks involved with acquisition of real estate prior to the execution of the PPA. The notification is attached as Attachment C.

APPENDIX G
REAL ESTATE
MALIBU CREEK ECOSYSTEM RESTORATION FEASIBILITY STUDY

Approved by:

CONNETT.CHERYL.L.1231861358 Digitally signed by CONNETT.CHERYL.L.1231861358 Date: 2020.08.05 16:43:03 -07'00'

Cheryl Connett — Date
Chief, Real Estate Division
Los Angeles District
U.S. Army Corps of Engineers

Reviewed by:

SANDOVAL.LISA.MARIE.1247034168 Digitally signed by SANDOVAL.LISA.MARIE.1247034168 Date: 2020.08.05 12:28:48 -07'00'

Lisa Sandoval — Date
Realty Specialist
Real Estate Division
Los Angeles District
U.S. Army Corps of Engineers

This page was intentionally left blank for duplex printing.

ATTACHMENTS

This page was intentionally left blank for duplex printing.

Attachment A

Non-Federal Sponsor's Acquisition Capability

This page was intentionally left blank for duplex printing.

Attachment B

Risk of Early Acquisition Letter to Sponsor

This page was intentionally left blank for duplex printing.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
915 WILSHIRE BLVD., SUITE 930
LOS ANGELES, CALIFORNIA 90017

January 17, 2017

Asset Management Division
Civil Works Branch

Jamie King
Environmental Scientist
California Department of Parks and Recreation
1925 Las Virgenes Road
Calabasas, CA 91302-1909

Subject: Risks Associated with Acquisition of Real Estate Interests Prior to Execution of the PPA

Dear Ms. King,

The intent of this letter is to formally advise the California Department of Parks and Recreation (CDPR) as the non-Federal sponsor for the proposed project, of the risk associated with land acquisition prior to execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

(1) Congress may not appropriate funds to construct the proposed project;

(2) The proposed project may otherwise not be funded or approved for construction;

(3) A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;

(4) The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;

(5) The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;

(6) The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

(7) The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

We appreciate the participation of the California Department of Parks and Recreation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Mr. John Sunshine at 213-452-3132 or john.w.sunshine@usace.army.mil

Sincerely,

Lisa Sandoval
Chief, Civil Works Branch