

MONTHLY
Bundle of Writes
NEWS AND EVENTS FOR IRWA CHAPTER 67

February 2023

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**PRESIDENT'S
MESSAGE**

Rudy Romo, SR/WA
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Hello Chapter 67 Members,

We are off to some wet weather so far this year, but it has been really nice seeing all the rain for a change. Although we have quite a ways to go before the drought is over, it was wonderful to hear that some of the reservoirs and detention basins are filling up. I hope that the everyone has started off 2023 by staying warm, healthy and dry.

We had our first Social and Membership Drive in December at the Golden Road Brewery in Anaheim. It was a great event that not only allowed us to mingle in a more causal setting, but also resulted in 2 new members—hooray! Everyone had a fun time and we were reimbursed by Headquarters for all of our expenses. Definitely a win-win!

At our January luncheon we were fortunate to hear an economic forecast from John Ellis, MAI, of Integra Realty Resources. We are always glad to start the year off with John and intrigued by his predictions. As always, John did a fabulous job (and we will stay tuned to see how many of his predictions come true).

P R E S I D E N T



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Also at our January meeting we learned from Alice Fields from the County of Orange that 20 employees from the County's Real Estate Department renewed their memberships. What a great way to start off the year! On behalf of the Chapter, I sent a letter to the County expressing our appreciation. We are extremely grateful to the County of Orange for their continued support of Chapter 67!

A couple of weeks ago, I was reminded that submissions for "International Competition Awards" were due by February 1st. I panicked and didn't think there would be enough time to submit anything, but then I realized that I have all of the 2022 editions of the Bundle of Writes and after all we did win the Region 1 Newsletter of the Year, so why not try on an international level? I submitted 5 of our Chapter newsletters for the "International Newsletter of the Year Award". It's a pretty long shot since we will be competing against 68 other Chapters, but let's see how it goes (keep your fingers crossed).

Don't forget, the Right of Way International Education Foundation (RWIEF) is offering a \$2,500 scholarship to be issued to 1 member from each of our 68 Chapters. The application is now available and members pursuing their RWA, RWP, and/or SR/WA are urged to apply. The deadline for submittal has been extended to May 1, 2023. For more information and to fill out an application, click on the link the newsletter.

You may remember that two friendly faces were missing at the last luncheon because they were out on maternity leave. We are happy to announce that Sarah Downs, Treasurer, and Amanda Fitch, Communications Co-Chair, have added new members to their families. Sarah gave birth to a healthy baby boy named Ryan on January 13th and Amanda welcomed a baby girl named Savannah on January 30th. Congratulations Sarah and Amanda—we are so happy for you!

Mark your calendar as our next luncheon is scheduled for Tuesday, March 14th at the Holiday Inn. Our guest speaker will be Brad Pierce who will be presenting on "Understanding the Regulations & Total Cost to Abandon Oil, Gas and Injection Wells for Land Development". We look forward to his presentation and seeing you there!



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Welcome back readers to the February edition of our newsletter. If you would like to contribute content to the newsletter, advertise, have questions or any ideas to improve the content, please contact us.

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UPCOMING EVENTS

March Monthly Luncheon

Tuesday March 14, 2023 12:00 p.m.

Speaker: Brad Pierce, USC Adjunct Professor

Topic: Understanding the Regulations & Total Cost to Abandon Oil, Gas and Injection Wells for Land Development

2023 IRWA Education Conference

June 25 - 28, 2023 - Denver, CO



Chapter 67 Is now on LinkedIn!

[Please join us. here.](#)

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We have advertising spots available for the following rates. If interested, please contact Chapter 67 Treasurer Matthew VanEck at Matthew.vaneck@kidder.com.

The price for one year of advertising is:

\$300 for half page

\$275 for a third page

\$225 for a quarter page.

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MARCH LUNCHEON

Brad Pierce,
USC Adjunct Professor

Understanding the Regulations & Total Cost to Abandon Oil, Gas and Injection Wells for Land Development

With increasing population in Southern California and tighter restrictions on where oil and gas wells can be drilled or operated, the demand for wells which can continue to be produced is high. In parallel, the number of idle, active, abandoned, or orphaned wells which cannot be produced under new restrictions is also increasing. The presentation will outline the services and information which developers and others need to navigate the maze of abandonment regulations. The regulatory complexity can potentially add significantly to the P & A cost to abandon oil and gas wells. The presentation will touch on methods to properly P & A oil and gas wells and to meet the complex P & A regulations while optimizing operator costs and future liability.

Please Join Us

Tuesday, March 14, 2023 at 12:00 PM

Holiday Inn - Santa Ana/OC ARPT
2726 S Grand Ave, Santa Ana, CA 92705

RSVP HERE





EDUCATION

James Vanden Akker

Metropolitan Water District

JVandenAkker@mwdh2o.com (213) 217-6324

For questions regarding IRWA education, whether it be information on a particular course, how to register, potential upcoming courses, or the credentialing program, please reach out to James.

IRWA's Virtual Classroom

[IRWA's virtual classes](#) let you engage in courses delivered in real-time from your desk., home or anywhere with an internet connection. Through an easy-to-use digital platform, IRWA instructors facilitate live interactive courses, creating a classroom experience in a virtual environment.



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SAVE THE DATE

General Member Meeting

SCCAI and IRWA-LA JOINT LUNCHEON AND PROGRAM

March 14, 2023

TIME: 12:00 PM - 2:00 PM

MORE INFORMATION TO FOLLOW

Leaders Light the Way

MEMORIAL SCHOLARSHIP 2.0

Funded by the Right of Way International Education Foundation (RWIEF)

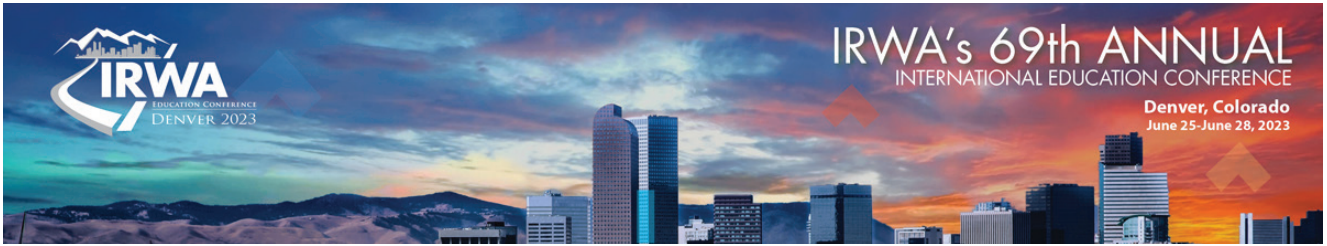


The IRWA supports leadership and professional development in the Association and encourages you to apply for this **\$2,500** scholarship that can be applied toward IRWA education courses.

Applications must be submitted by **May 1, 2023!**

APPLY HERE





Opening Ceremony, Keynote Speaker **John Register**

John Register is a two-time Paralympian, Paralympic Games Silver Medalist, Persian Gulf War veteran and TEDx Motivational Speaker. He embraced a “new normal mindset” in becoming an amputee following a misstep over a hurdle while training for the 1996 Olympic Games after participation in two consecutive Olympic trials.

An Oak Park, Illinois native, Register discovered how to “amputate his fear of disability” and founded the U.S. Olympic and Paralympic Committee Military Sport Program in the early 2000s. He launched a book titled: “10 Stories to Impact Any Leader: Journal Your Way to Leadership Success,” as business leaders and their staff returned to work amid stressful circumstances surrounding the coronavirus pandemic and the recent unrest in our urban cities.

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Awards Ceremony, Emcee **Brad Montgomery**

Brad teaches how to Embrace Your Awesomeness to boost productivity, creativity, innovation and profits. He turns typical meetings into transformational events using humor and story. Oh, and he’s pretty funny. Brad has transformed audiences in all 50 states and on four continents. He’s spoken to dozens of banks, insurance companies, associations, hospitals and Fortune 500 businesses. His past clients include Microsoft, Verizon, the FBI (yes, that FBI) the CIA (yes, that CIA) and the IRS (where he withheld 30% of his best strategies).

Brad specializes in using humor, interactivity, sound, music and visuals to ignite audiences so that they can get more out of themselves and those people around them improve their lives and their jobs. Audiences and meeting planners describe Brad as “authentic.” He’s a real guy on stage and off. Thinking of a canned and over-polished motivational speaker? Brad is the polar opposite.

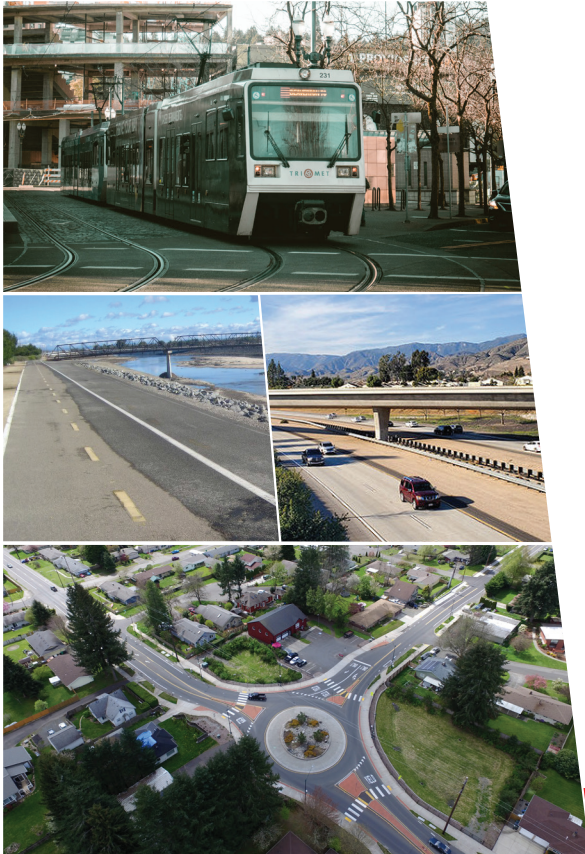
Other speakers TALK about engagement. But Brad SHOWS you how to harness the power of your own AWESOMENESS in hands-on experiences that you’ll remember and implement. It’s the difference between a “speech” and an “event.”

Brad graduated from Brown University and has earned his Certified Speaking Professional designation, which is the highest earned award from the National Speakers Association (fewer than 7% of speakers worldwide have earned the CSP). He was inducted to the CPAE Speakers Hall of Fame, which is a big deal. Like an Oscar but without the movie stars.

Brad joined John Gray (of Mars/Venus fame) and Mark Victor Hansen (of Chicken Soup renown) to write Mission Possible. He has also produced and published “Humor Me: America’s Funniest Humorists on the Power of Laughter,” as well as “Humor Us: America’s Funniest Humorists on the Power of Laughter.”

Brad lives in Centennial, Colorado with his wife, three kids and one neurotic dog. Although he is proud of his many awards and national credits, he’s convinced that his best feats so far are his kids.





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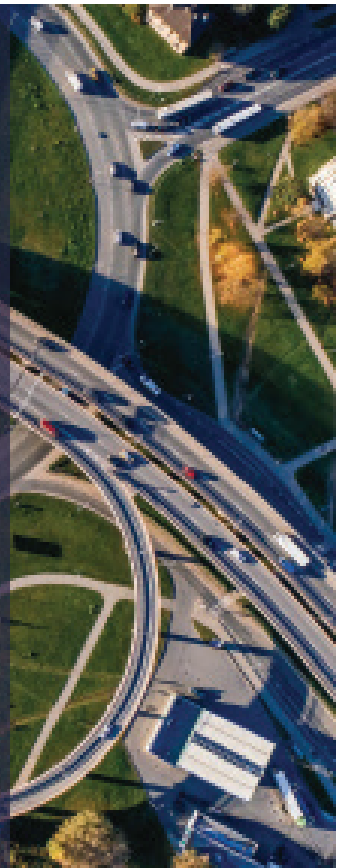
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CASE OF THE MONTH

Does Pullman Abstention Apply to Federal Takings Claims Post-Knick?



*Benjamin Z. Rubin, Esq., Partner
Law Firm of Nossaman LLP*

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According to the U.S. Court of Appeals for the Ninth Circuit, the answer is a definitive yes.

Generally speaking, *Pullman* abstention permits a federal court to stay a federal claim to allow a state court to resolve a state issue that could either eliminate or narrow the scope of the federal claim. In order to invoke *Pullman* abstention, the federal claim must also touch on a sensitive area of social policy and involve an undecided question of state law.

In [Gearing v. City of Half Moon Bay](#), the Gearings asserted that under California's Housing Crisis Act and California legislation passed in 2019 (Senate Bill 330), they were permitted as a matter of right to build housing on their properties. The City of Half Moon Bay asserted that the City's Land Use Plan severely restricted housing developments in the area where the properties were located, and that under the Land Use Plan the Gearings first needed to submit and the City needed to approve a master plan for the proposed housing development. Shortly thereafter, the City informed the Gearings that it planned to acquire their properties via eminent domain. Before any eminent domain action was filed, however, the Gearings filed an action in federal court asserting that the City's actions amounted to a regulatory taking in violation of the Fifth and Fourteenth Amendments to the U.S. Constitution. Approximately one week later, the City filed an eminent domain action in state court. The City then followed that up with a motion in the federal case requesting that the federal court stay the regulatory takings claim under the *Pullman* abstention doctrine.



The Gearings argued that in light of the U.S. Supreme Court's decisions in *Knick v. Township of Scott* (2019) 139 S.Ct. 2162 and *Pakdel v. City and County of San Francisco* (2021) 141 S.Ct. 2226, *Pullman* abstention was no longer an option because it would effectively impose a state exhaustion requirement. Specifically, the Gearings argued that if the federal court stayed the federal litigation, they would have to litigate the crux of the regulatory takings claim – whether they did or did not have a right to build the proposed housing – as part of the state eminent domain action because it goes to the determination of the fair market value of the properties. The Ninth Circuit dismissed the Gearings' argument in a relatively short opinion.

The Ninth Circuit first noted that “neither *Knick* nor *Pakdel* explicitly limit abstention in takings litigation.” The Ninth Circuit then further distinguished *Knick* and *Pakdel*, explaining that both of those decisions merely address when a federal takings claim is ripe, whereas *Pullman* abstention addresses when a federal court may stay a ripe claim. The Ninth Circuit also stated that even if *Knick* and *Pakdel* did broadly reject exhaustion requirements in the takings context, the decisions wouldn't compel rejection of the *Pullman* abstention doctrine in this particular case because “eminent domain and regulatory takings suits compensate property owners for different injuries.” Thus, the Gearings could defend the eminent domain action without challenging the constitutionality of the City's enforcement of the Land Use Plan, and after the eminent domain action is resolved litigate the regulatory takings claim in federal court. In that regard, the Ninth Circuit noted that the Gearings had made an England reservation in the state litigation, which prevents the state court from ruling on federal issues.

After rejecting the Gearings' primary argument, the Ninth Circuit confirmed that all of the elements necessary for a *Pullman* abstention were present and affirmed the district court's order staying the federal litigation.

In light of the Ninth Circuit's recent ruling, one can reasonably assume an uptick in local jurisdictions pursuing *Pullman* abstention motions in situations where there is a pending state eminent domain action and a competing federal takings lawsuit.

SUMMARY OF MAJOR EMINENT DOMAIN CASES & LEGISLATION

June 1, 2022-December 31, 2023

Authors:

Brad Kuhn, Nossaman LLP, Chair

Jillian Friess Leivas, Nossaman LLP

Robert Thomas, Pacific Legal Foundation

Ajay Gajaria, Aird & Berlis LLP

The Real Estate Law Committee provides biannual reports which contain summaries of eminent domain decisions and legislation within the United States and Canada. These reports are an important resource and reference point for professionals in the right of way industry.

Summary of Major Eminent Domain
Cases & Legislation Reports

[June 1, 2022 - December 31, 2022](#)



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ARTICLE

Those Attacks on Gas Stoves Aren't Really about Health

By Steve Goreham, MS, MBA

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Ed. Note: Mr. Goreham is the Executive Director of the Climate Science Coalition of America, a non-political association of scientists, engineers, and citizens dedicated to informing Americans about the realities of climate science and energy economics.



Gas Stove Image by Steven L. Johnson

Earlier this month, the Consumer Product Safety Commission (CPSC) announced that indoor gas stoves emitted harmful pollution. Several studies claim that the use of gas can cause respiratory illness. The CPSC is considering restrictions on gas stoves, including possible bans in new residential construction. But attacks on gas stoves are based on questionable science and are largely driven by concerns not related to health.

The CPSC has reportedly been considering actions [cnn.com] on gas stoves since October. Richard Trumpka, Jr., a CPSC commissioner, stated [stltoday.com] "This is a hidden hazard. Any option is on the table. Products that can't be made safe can be banned." Two recent studies figure prominently in agency concerns. The first, published in January last year by Eric Lebel and others, found [pubs.acs.org] that gas stoves and ovens emit hazardous levels of methane and nitrogen dioxide (NO₂). The second, published in December last year by Talor Gruenwald and

others, estimated [mdpi.com] that 12.7 percent of childhood asthma cases in the US were due to gas stove use.

Nitrous oxide (NO) is produced at combustion temperatures above 1,600°C by breaking down nitrogen molecules in air. Modern stove burner flames reach temperatures above 1,600°C, producing NO. The nitrous oxide then combines with oxygen to form nitrogen dioxide, a pollutant. But the amount of NO₂ generated by stoves is very small, only parts per billion (ppb) levels.

The Lebel study measured nitrogen dioxide levels of 100 ppb in kitchens, but this was after sealing the room in plastic—an unrealistic artificial condition. Other studies find [coeh.ph.ucla.edu] NO₂ levels to be as high as 34 ppb after several hours of stove and oven use. This level is below the 53 ppb limit of the National Ambient Air Quality Standard of the Environmental Protection Agency. The EPA states [airnow.gov] that, for NO₂ levels below 50 ppb, "No health impacts are expected for air quality in this range." Most studies [stevegoreham.com] do not find hazardous levels of NO₂ from stove use.

Nevertheless, the Gruenwald study claims that nitrogen dioxide from gas stoves is linked to asthma in children. It used [mdpi.com] statistical analysis to find an association between stoves and childhood asthma in the US. But the study itself states that it reviewed 27 other studies connected to gas stoves and none reported "associations between gas stove use and childhood asthma." In addition, the Centers for Disease Control reports [cdc.gov] that asthma attacks and asthma hospitalizations for US children have been declining since 2001, while US natural gas consumption rose [view.officeapps.live.com] 38 percent over the same period.

Could it be that health concerns about gas stoves are a proxy for a larger issue? For more than a decade, environmentalists have promoted “electrification” of homes. Historically, the term “electrification” meant extending the electrical grid to rural areas and homes without electricity. But the renewable energy movement redefined electrification to mean electrify everything. As they see it, electrification of homes means replacement of gas stoves, furnaces, water heaters, and even propane grills with electric appliances. They say this is needed to reduce greenhouse gas emissions and solve the problem of human-caused climate change.

Talor Gruenwald, the lead author of the study on childhood asthma in the US, is employed by the Rocky Mountain Institute, which also funded the study. For three decades, the institute has been working on programs to counter global warming. Eric Lebel is a researcher at Stanford University, with articles on methane emissions from oil and gas wells, gas water heaters, and gas stoves. His goal appears to be to counter global warming through electrification of homes by claiming harmful health effects from gas appliances.

Netherlands and the United Kingdom now urge their residents to replace gas appliances with electric appliances and heat pumps as part of programs to reach net-zero emissions. These policies were adopted even though 92 percent of homes in Netherlands use gas heat and 78 percent of homes in the UK use gas. The Netherlands aims to disconnect gas lines from eight million homes by 2050.

An electrification battle rages in the United States. Cities in seven states—California, Colorado, Massachusetts, New York, Oregon,

Vermont, and Washington—have established [instituteeforenergyresearch.org] bans on gas appliances in new construction. But in opposition, 19 other states recently enacted [spglobal.com] laws preventing local governments from banning natural gas and propane, or “impairing a consumer’s ability to choose a utility service.” Another four states have proposed legislation that would prohibit bans by local governments.

Residents pay significantly more in utility bills with electric appliances. For example, in 2020 the average price [eia.gov] of residential natural gas in California was \$14.14 per million British Thermal Units (Btu). For a new 95-percent-efficiency natural-gas furnace or water heater, this translates to a cost of just under \$13 per million Btu. California’s 2020 residential electricity price was 20.51 cents per kWh, or a cost of \$60.11 per million Btu. California residents can pay over four times as much to operate electric stoves, water heaters, or electric baseboard heat, compared to gas appliances.

Banning gas stoves will raise homeowner costs and reduce choices, without a tangible improvement in health. On November 6, Virginia’s State Corporation Commission (SCC) regulatory agency approved a project to construct wind turbines near Virginia Beach. The plan calls for construction of turbines 27 miles off the coast, to begin operation by the end of 2020. Virginia electricity rate-payers will pay the exorbitant costs of this project.

Mr. Goreham can be reached at gorehamsa@comcast.net.





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MEMBER SPOTLIGHT

Janella Cordova



THE NUTS AND BOLTS

Life: Born and raised in Orange County, California

Marital Status: I am married to a fun and adventurous man, named Sean

Education: Bachelor of Science – Finance

Work: Senior Real Property Agent, Orange County Transportation Authority

How Work Relates to the R/W Profession: I manage the real property and am responsible for the delivery, coordination, and management of the right of way for the highway improvement projects, rail and development projects.

THE GOOD STUFF

Favorite Foods: Uni Sushi, Oysters, Steak & Fries, my mom's Pozole, and chocolate!

Favorite Things To Do: Travel and exploring other cultures through food, art, and history

Hobbies: Morning walks, yoga, biking and jumping in the ocean

Favorite Music: I mostly listen to podcasts, but depending on the mood I can go from listening to Chopin to The Black Keys to Jay Z

Last Book Read: Sapiens and currently reading Kitchen Confidential by Anthony Bourdain

Last Movie: The Women King

Last Vacation: The Maldives

Favorite Restaurants in OC: Pizzeria Mozza, Honda-Ya, Annapoorna, Angotei, and my mama's house

Favorite Coffee ShoP in OC: TruBru

WHAT YOU MIGHT NOT KNOW

Favorite Quote: "One of our greatest freedoms is how we react to things." – the Mole in "The Boy, the Mole, the Fox, and the Horse" by Charlie Mackesy

Most Influential Person in Life and Why: My Mommy, she is my Hero

Secret to Success: Keep doing your best work

Most Embarrassing Moment: Trying to learn to golf the day before a golf tournament

Why I am involved in the IRWA: To collaborate with colleagues, learn and share best practices, and further my industry



MEMBER SPOTLIGHT

Lara Boyko



THE NUTS AND BOLTS

Life: Born in Anaheim, CA currently living in El Segundo, CA

Marital Status: Single

Education: USC undergraduate, University of West LA School of Law

Work: Principal Consultant, Land & Right of Way, Environmental Resources Management (ERM)

How Work Relates to the R/W Profession: I acquire land and consult clients on various concerns in acquiring land.

THE GOOD STUFF

Favorite Foods: Mexican and Peruvian

Favorite Things To Do: Trying new restaurants, traveling, stand up paddleboard, reading, taking my dog to the dog park

Pets: A dog - Kirby!

Last Book Read: City of Dreams, Dodger Stadium

Last Movie: One Day - It has Anne Hathaway in it and a great story about the right relationship takes time

Last Vacation: Toronto, Canada in June of 2022. I love that city!

Favorite Restaurants: Girl and the Goat LA

Favorite TV Show: Top Chef

WHAT YOU MIGHT NOT KNOW

Favorite Quote: At any moment life will surprise you. Life Itself.

Pet Peeves: Slow drivers in the fast lane

Most Influential Person in Life and Why: My dad. He taught me how to be reasonable instead of emotional and how to play backgammon!

Proudest Accomplishment: Going to law school part time while working full time

Secret to Success: Treat others the way you want to be treated and celebrate small wins with pizza and salad.

Biggest Challenge Faced: Folding a fitted sheet. HA!

What I look for in people: Kindness, compassion and willingness to learn

My Most Important Unrealized Goal: Passing the California Bar Exam

Why I am involved in the IRWA: It is eye-opening, informative and has provided me with amazing resources and I really like everyone I have met so far.



NEW TO THE CH67 FAMILY



Sarah Downs, Chapter Treasurer

Ryan Asher Downs (aka baby R.A.D) was born on Friday, January 13th at 9:03 A.M 9lbs 3oz and 21.5 in. Ryan has adjusted to our family really well. Audrey and Miles are thrilled with their new brother and Mom and Dad are actually getting good sleep! We couldn't have asked for a better addition to our family.



Amanda Fitch, Chapter Communications Co-Chair

Savannah Jean Fitch was born on 1/30- 5lbs 13oz and perfect. Derek and I have officially completed our family of 5 and big brothers Jackson and Braden are so excited.



JOB OPPORTUNITIES



Environmental Resources Management (ERM)

Has the following positions open:

[Consultant I – Right of way Agent \(Associate Level\)](#)

Will support efforts on water, wastewater, pipeline, gas and electric transmission projects. ROW Agents will be responsible for the acquisition of land, land rights, licenses, leases, permits and other documents necessary for the construction, operation and maintenance of facilities.

[Consultant II – Right of way Agent \(Associate Level\)](#)

Will support efforts on water, wastewater, pipeline, gas and electric transmission projects. ROW Agents will be responsible for the acquisition of land, land rights, licenses, leases, permits and other documents necessary for the construction, operation and maintenance of facilities.

[Title Reviewer/Abstractor \(Associate Level\)](#)

Title Examiners will be responsible for searching and analyzing public records in order to find, review, and evaluate documents related to property and mineral rights ownership. They will also produce accurate, detailed reports summarizing research that establishes land and mineral right ownership.

Real Property Group's Student Outreach Event

Opportunities in Public Agency Right of Way
March 10, 2023 | 11:00 AM - 12:30 PM

About the Event

Are you looking for a meaningful career? Have you considered working in real estate or facility management?

To discover how you can combine the two, join The Metropolitan Water District of Southern California (Metropolitan) for its annual student outreach event, hosted by Real Property Group. Learn all about public agency right of way in the world of water from three Metropolitan Real Property experts. Our panelists will shed light on the meaningful work they do and how they got to be where they are today.

This virtual event will feature an introduction to Metropolitan, a panel discussion, information about Real Property Group's paid internship program, a breakout session with an HR representative, as well as trivia games and giveaways.

About Metropolitan

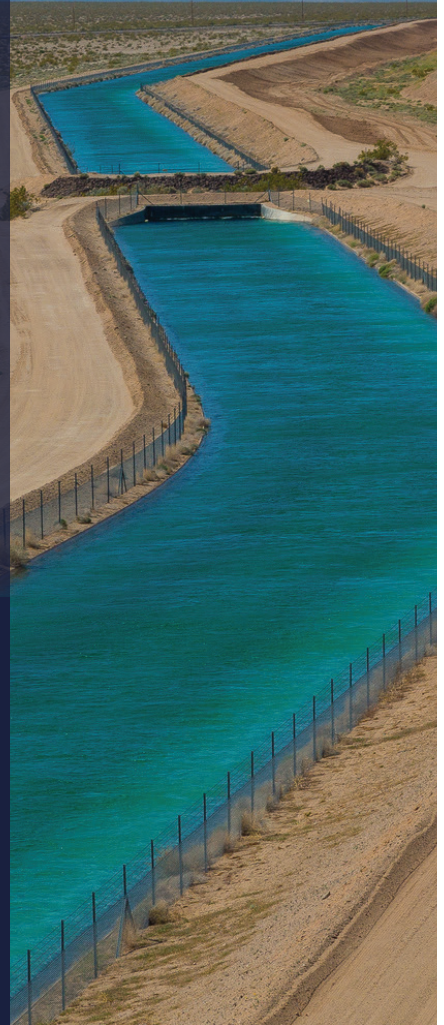
The Metropolitan Water District of Southern California is a state-established cooperative of 26 member agencies – cities and public water agencies – that serve 19 million people in six counties. Metropolitan imports water from the Colorado River and Northern California to supplement local supplies and helps its members develop increased water conservation, recycling, storage and other resources management programs.

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