



AWARD WINNING
★★ NEWSLETTER ★★

MONTHLY Bundle of Writes

NEWS AND EVENTS FOR IRWA CHAPTER 67

NOVEMBER 2023

INSIDE THIS ISSUE

- President's Message
.....
- Editors' Corner & Events
.....
- Education
.....
- Case of the Month
.....
- Article
.....
- Member News
.....

PRESIDENT'S MESSAGE

Matthew VanEck, MAI
matthew.vaneck@kidder.com

Welcome IRWA Chapter 67 members to the 2023-2024 year. I hope you all had a wonderful summer break and are as excited as I am for our upcoming chapter year. I was lucky take some time off and travel to Washington D.C. with my extended family (a total of 16 of us!) to visit our nation's capital, explore numerous museums and historical sites and test the patience of my children as we visited just one more exhibit. The highlight of the trip was to be able to walk through the White House and view the Declaration Of Independence, Constitution and Bill Of Rights all in one day.

Our chapter ended the 2022-2023 year on a high note with informative presentations on the OC Real Estate Market, Oil Well Abandonment, Easements and the OC Streetcar Project. Our chapter also shined at the International Education Conference in Denver. Numerous members presented on a wide range of topics and our Newsletter "Bundle of Writes" was selected as the Newsletter of the Year at the annual awards ceremony. It would not have been as successful of a year without President Rudy Romo's leadership and guidance. I am especially appreciative of the time Rudy has given me to prepare me for this year.

PRESIDENT



EXECUTIVE BOARD

PRESIDENT

Matthew VanEck, MAI
Kidder Mathews Valuation & Advisory Services
matthew.vaneck@kidder.com

VICE PRESIDENT / PRESIDENT ELECT

Jillian Friess Leivas, Esq.
Nossaman, LLP
jleivas@nossaman.com

TREASURER

Dwayne Ozenne
Southern California Gas Co.
dozenne@socalgas.com

SECRETARY

Lara Boyko
ERM
lara.boyko@erm.com

PAST PRESIDENT

Rudy Romo, SR/WA
City of Irvine
rromo@cityofirvine.org

CHAPTER ADVISOR

Joseph Larsen, Esq.
Rutan & Tucker
jlarsen@rutan.com

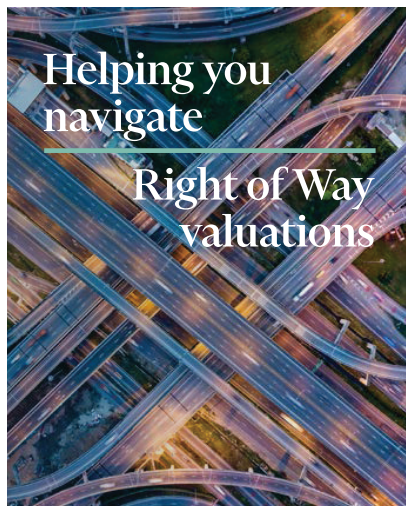
This year's luncheon guest speaker schedule is already set thanks to our Vice President, Jillian Friess Leivas. In September, Eric Schneider, MAI, SRA, AI-GRS, R/W-AC and Jacinto Munoz, MAI, SRA, AI-GRS, AI-RRS gave a fantastic presentation on Bias in Real Estate Valuation. The event was our first joint luncheon with the Southern California Chapter of the Appraisal Institute (SCCAI). A special thanks is due to their president, Linda Whittlesey, SRA, for helping to bring our two organizations together. Also, keep an eye out for our November luncheon notice. Our guest speaker will be Jennifer Medina from SoCalGas, who will present on SoCalGas' proposed hydrogen-related projects.

On December 5th, our chapter will host the Tri-Chapter Luncheon, the first since 2019. This event will take place at the Richard Nixon Library in Yorba Linda, featuring IRWA's International President, Fred Easton, Jr., PLS, SR/WA, as the guest speaker. It's a fantastic opportunity to reconnect with friends and network with members from the Orange County, Los Angeles, and Inland Empire chapters of IRWA. Our event chair, Nazani Temourian, and the rest of the Tri-Chapter committee are planning an enjoyable event with food, drinks, a raffle, and other presentations. Tickets can be [purchased here](#), don't miss out!!!

One of IRWA's primary objectives is to provide education to its members. We are in the process of scheduling courses for the coming year. It would help to hear from our members if there are any courses you may be interested in or need to complete your designation.

Lastly, I would like to express my gratitude to this year's chapter officers: Jillian Friess Leivas (Vice President), Lara Boyko (Secretary), and Dwayne Ozenne (Treasurer) and our dedicated board members who work tirelessly to keep our chapter running smoothly. If you're interested in getting involved with our chapter or would like to attend one of our board meetings, please don't hesitate to reach out to me.

Thank you for your continued support of our chapter, and I am looking forward to seeing you soon at one of our many events.



CBRE's Southern California Right of Way team is part of the national Valuation & Advisory Services group and provides public and private sector clients with best-in-class Right of Way appraisal, consulting, litigation support and advisory services.

OUR SERVICES

- Appraisals
- Appraisal Reviews
- Litigation Support
- Expert Witness Testimony
- Market Studies
- Infrastructure Impact Studies
- Route Analysis
- Consulting & Advisory Services

OUR EXPERIENCE

- Roadways
- Oil & Natural Gas Pipelines
- Electric Transmission
- Renewables
- Waterlines
- Rail & Aviation
- Telecommunications & Fiber
- Utilities & Other Infrastructure Projects

Southern California ROW Practice Leaders

John G. Ellis
MAI, FRICS, CRE
Executive Vice President
john.g.ellis@cbre.com
+1 818 290 5455

Beth B. Finestone
MAI, AI-GRS, FRICS, CRE
Executive Vice President
beth.finstone@cbre.com
+1 818 290 5455

Adam M. Bogorad
MAI

J. Richard (Rick) Donahue
MAI



EDITORS' CORNER

Alyson Suh, Esq.
Woodruff & Smart
asuh@woodruff.law

Amanda Fitch, RWA
Boldyn Networks
amanda.fitch@boldyn.com

Welcome back readers to the November 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.

EXECUTIVE BOARD

EDUCATION

James Vanden Akker, SR/WA
Metropolitan Water District
(213) 217-6324
jvandenakker@mwdh2o.com

NOMINATIONS / ELECTIONS

Joe Munsey, RPL
So Cal Gas Company
(949) 361-8036
jmunsey@socalgas.com

PDC Chair

Sharon Hennessey, MAI, AI-GRS, SR/WA
Hennessey & Hennessey
hhllc.ca.rr.com

INTERNATIONAL DIRECTOR 1

Matthew VanEck, MAI
Kidder Mathews Valuation & Advisory Services
matthew.vaneck@kidder.com

INTERNATIONAL DIRECTOR 2

Jillian Friess Leivas, Esq.
Nossaman, LLP
jleivas@nossaman.com

UPCOMING EVENTS

November Monthly Luncheon

Tuesday November 14, 2023 12:00 p.m.
Speaker: Jennifer Medina from SoCalGas
Topic: Hydrogen Home Project: One of SoCalGas' Proposals to Achieve Net Zero Greenhouse Gas Emissions

Tri-Chapter Luncheon

Tuesday December 5, 2023
Richard Nixon Presidential Library and Museum. Yorba Linda, CA



Chapter 67 Is now on LinkedIn!

[Please join us. here.](#)



CHAPTER 67 COMMITTEE CHAIRS

CASE OF THE MONTH

Joseph Larsen, Esq.
Rutan & Tucker
(714) 641-3423 / (714) 641-3418
jlarsen@rutan.com

ENGINEERING / SURVEY

Kurt Rhodenbaugh
Psomas
(714) 335-1763
krhodenbaugh@psomas.com

ENVIRONMENTAL

Ann M. Johnston
Psomas
(714) 751-7373
ann.johnston@psomas.com

ENVIRONMENTAL

Jason Borrás
Strategic Property Analytics
jason@strategicpropertyanalytics.com

HOSPITALITY

Joe Munsey, RPL
Southern California Gas Co.
(949) 361-8036
jmunsey@socalgas.com

MEMBERSHIP

Jason Borrás
Strategic Property Analytics, Inc.
jason@strategicpropertyanalytics.com

NEWSLETTER / COMMUNICATION

Alyson Suh, Esq.
Woodruff & Smart
(714) 558-7000
asuh@woodruff.law

NEWSLETTER / COMMUNICATION

Amanda Fitch, RWA
Boldyn Networks
amanda.fitch@boldyn.com

NEWSLETTER / COMMUNICATION

Brian English
Allen Matkins
benglish@allenmatkins.com

PIPELINES / UTILITIES

Dwayne Ozenne
Southern California Gas Co.
dozenne@socalgas.com

PROFESSIONAL DEVELOPMENT

Rudy Romo, SR/WA
City of Irvine
(949) 724-7303
rromo@cityofirvine.org

PROFESSIONAL DEVELOPMENT

Arianna Perez, SR/WA
Orange County Transportation Authority
aperez1@octa.net

RELOCATION

Michele Folk, SR/WA, RW-RAC
Overland, Pacific & Cutler
(949) 951-5263
mfolk@opcservices.com

SEMINARS

Nazani Temourian, Esq.
Allen Matkins
(949) 851-5470
ntemourian@allenmatkins.com

VALUATION

Ryan T. Hargrove, MAI, SRA, AI-GRS, R/W-AC
County of Orange
ryan.hargrove@ocgov.com

VALUATION

Jacinto Munoz, MAI, SRA AI-GRS, AI_RRS
Cogito Realty Partners
jacinto@cogitop.com

NOVEMBER LUNCHEON



Jennifer Medina Hydrogen Engineering Team Lead, SoCalGas

Hydrogen Home Project: One of SoCalGas' Proposals to Achieve Net Zero Greenhouse Gas Emissions

Southern California Gas Company is North America's largest gas distribution utility and they have committed to the goal of achieving net zero greenhouse gas emissions in its operation and delivery of energy by 2045; to do so will mean that they will need to change the landscape of their energy solutions.

Jennifer Medina, Hydrogen Engineering Team Lead for SoCalGas, holds a bachelor's degree in chemical engineering from California State University, Long Beach. Before joining the hydrogen engineering group, Jennifer was involved in gas storage and transmission projects, leading testing efforts during the commissioning stages for the company's Pipeline Safety Enhancement Program projects.

She works with engineers internally and externally to help design new hydrogen and hydrogen blending station projects. Jennifer was the lead engineer for the [H2] Innovation Experience project that was commissioned in January 2023 and currently is the managing operator of the Hydrogen Home Project facility.

Please Join Us

Tuesday, November 14, 2023 at 12:00 PM

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

[RSVP HERE](#)



Save the Date
2023 Tri-Chapter Luncheon
December 5, 2023



Richard Nixon Presidential Library and Museum



REGISTER HERE



Sponsorship Opportunities

~~Platinum - \$3,000~~

~~1 sponsorship available.~~

~~Includes 2 large posters on display during the luncheon & 2 free attendance registrations.~~

~~Special recognition during luncheon presentation.~~

Diamond - \$2,000

Includes 1 large poster on display during the luncheon & 1 free attendance registration.

Gold - \$1,000

Includes 2 - 11x17 company logo poster on display during the luncheon.

Silver - \$500

Includes 1 - 11x17 company logo poster on display during the luncheon.

Bronze - \$250

Includes 1 - 8.5 x 11 company logo poster on display during the luncheon.

All sponsors will receive a special thank you in Chapter 67's January newsletter and will be promoted on Chapter 67's website and linkedIn.

All promotional items and easels to be provided by sponsor and can be displayed throughout the venue.

Please contact us to coordinate.

Please contact

matthew.vaneck@kidder.com for sponsorship opportunities.

REGISTER HERE

TRI CHAPTER LUNCHEON SPONSORS

Thank you to those that have already pledged their sponsorship for the 2023 Tri-Chapter Luncheon on December 5th.

PLATINUM



GOLD



SILVER



BRONZE



BAR HOST





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.

Upcoming conference!

26th Annual Conference *Live!*
CALIFORNIA EMINENT DOMAIN
 Creative Collaboration in the Face of Unique Challenges
 February 8-9, 2024 • Hotel Fera • Anaheim

Visit de.com for more information.

California Eminent Domain Conference February 8-9, 2024

Network with attorneys, appraisers, agency representatives, right of way professionals, and others from around the state, while you hear all points of view on the most important and timely condemnation issues. We look forward to seeing you in February.

MORE INFO

2024 EDUCATION CONFERENCE



The 2024 Conference Planning Committee is excited to welcome you to Long Beach, California, from June 23 to 26, 2024, for the 70th Annual International Education Conference! Plans are in motion to bring you a dynamic and educational event with some exciting additions. Stay tuned for updated information as we finalize and make announcements on this [conference website!](#)



Volunteers Needed! **Calling all volunteers for the** **2024 Annual International Education Conference in** **Long Beach!**

Our sister chapter, IRWA Chapter 1 - Los Angeles, needs volunteers to help host the Annual International Education Conference in Long Beach on June 23 to 26, 2024!

Please email Chapter 57 Past President and Member Extraordinaire [Peggy Barnes](#) to sign up.

SURVEY

Easement Encumbrance Survey

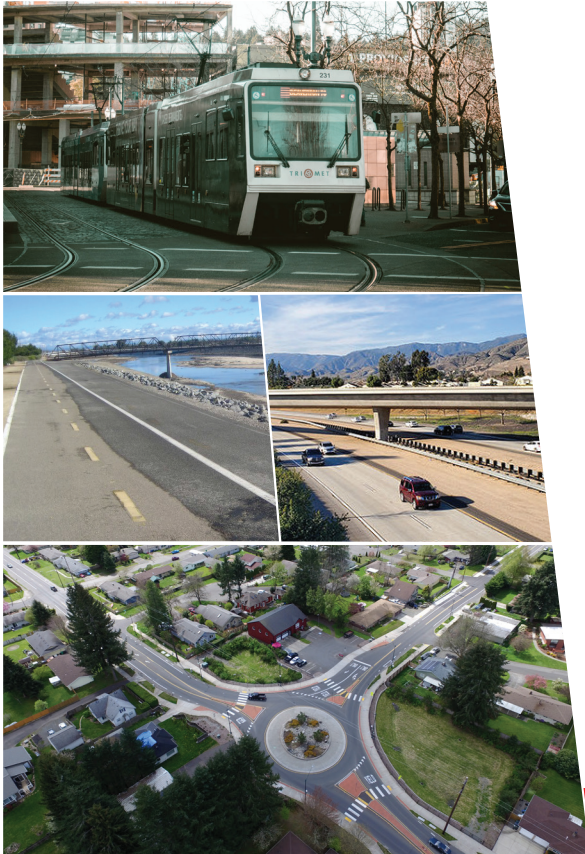
The International Valuation Committee of the IRWA has been busy with several initiatives and is proud to present the Easement Encumbrance Survey to our members and other Right of Way Professionals to participate. We hope this survey will help us study and get a better perspective of the effects of various types of easements on property value.

Some of you may have already received an email from your Region Chair for link to participate in this survey and share with us your experience and opinion with the various types of easements you have encountered with in your work. Please follow the link below to start this survey. Also feel free to forward to anyone you think that would like to participate. The more participants we have the better the dataset will be. We are aiming to have participants from US, Canada and throughout the world.

You can start the survey by copying this link to your google search bar or clicking on the link below
https://docs.google.com/forms/d/e/1FAIpQLScb7ngE-8m44ZDN9o4XY6t6DLnoN0L8Pvm-HrMU5wPO-Q0yIA/viewform?vc=0&c=0&w=1&flr=0&usp=mail_form_link

Thank you for your assistance in this effort.





We're Hiring!

Los Angeles • Riverside • Anaheim • San Diego

Apply online at:

epicland.com/become-epic/

Creating Land Solutions for the Public Good

REAL ESTATE | RIGHT-OF-WAY | DBE | SBE

WE LISTEN WE INNOVATE WE DELIVER

OUR SPECIALTIES INCLUDE:

RAIL / HIGHWAY / ROADWAY / GRADE SEPERATIONS / WATER /
WASTE WATER / FLOOD CONTROL / BRIDGES / SCHOOLS /
ENERGY AND UTILITIES / HOUSING / COMMUNITY DEVELOPMENT



HONUHENTROW.COM • 800 577 0109



CASE OF THE MONTH



A Lesson on Water Runoff and Inverse Condemnation Liability

*Bradford Kuhn, Esq., Partner
Law Firm of Nossaman LLP*

*Republished With Permission
All Rights Reserved*

With all the recent storms in California, private property is bound to suffer impacts from storm water runoff, landslides, erosion and subsidence. Understanding whether the government bears responsibility for such damage is a complex and fact-specific analysis. However, a recent court of appeal decision, *Shenson v. County of Contra Costa* (2023 Cal. App. LEXIS 244), provides an excellent history on liability in these circumstances, and explains when natural watercourses, drainage improvements, and a public agency's approval of development can trigger inverse condemnation liability.

Background

Shenson involved a situation in which in the 1970s, the county approved maps for residential subdivisions, and required the developers to (i) make drainage improvements to collect and convey water from the subdivisions to an adjacent creek and (ii) dedicate drainage easements to the county. However, the county never accepted the offers of dedication for the drainage improvements, which remained in the ownership of the subdivision association. The county, nevertheless, continued to collect drainage fees from the homeowners for a future proposed flood protection project.

Two homeowners sued the county for inverse condemnation and parallel tort causes of action after the drainage improvements failed and resulted in serious erosion and subsidence damage. The owners claimed that the county assumed ownership and responsibility of the drainage improvements by requiring the subdivision developers to construct them and to offer to dedicate easements to the county to enable it to maintain them. The owners also argued that the county's collection of drainage fees from homeowners rendered it responsible for the drainage improvements constructed by

the subdivision developers. The County asserted that it did not accept the offers to dedicate the easements and did not otherwise assume responsibility for maintaining the drainage improvements, and that it could not be liable for merely collecting fees for future improvements that, thus far, have not been constructed because of the unavailability of matching federal funds.

The trial court found no liability, concluding that, as a matter of law, a public entity must either own or exercise actual control over a waterway or drainage improvements to render them public works for which the public entity is responsible, and in this case, there was no such ownership or control. The owners appealed.

The Appeal

On appeal, the court provided some background principles of inverse condemnation liability as it pertains to subdivisions and drainage:

A public entity may be liable as a property owner when alterations or improvements to its own upstream property result in the discharge of an increased volume of or velocity of surface water in a natural watercourse causing damage to the property of a downstream owner. However, as with any upstream property owner, whether public or private, a government entity is only liable if, considering all of the circumstances, its conduct was unreasonable and the lower property owner acted reasonably.

- A government entity may be liable in inverse condemnation where the increased volume or velocity of surface waters and resulting damage are caused by discharge of increased surface waters from public works or improvements on publicly owned land or if it has incorporated the watercourse or public improvements into a public drainage system.

The theory underlying inverse condemnation liability in these contexts is that a downstream owner may not be compelled to accept a disproportionate share of the burden of improvements undertaken for the benefit of the public at large. However, similar to a tort, the reasonableness of the government's conduct matters: the public entity will only be liable if it fails to use reasonably available, less injurious alternatives, and the downstream owner fails to take reasonable measures to protect its property.

With these principles in mind, the court went on to explain why there could be no inverse condemnation liability in this circumstance.

Requiring Construction of the Drainage System and an Offer of Dedication Did Not Convert Private Improvements into Public Works.

First, the court held that while the county imposed on the developer a condition requiring it to construct the drainage improvements, and required the developer to offer to dedicate easements for drainage purposes to the county, it was the subdivision developer that designed and built the improvements. Moreover, the county never accepted the offer of dedication, never maintained or repaired the drainage improvements, and therefore they did not constitute a public work. Approval of a subdivision map does not represent a sufficient level of government involvement to constitute a public use or improvement subjecting the public entity to inverse condemnation liability.

That the Drainage Improvements Serve Some Off-Subdivision Needs Does Not Convert Them into Public Works.

Second, the court held that requiring artificial drainage facilities and conveying water across properties over which it might not have flowed when the area was undeveloped does not convert those improvements into public works. The court explained that if government-required improvements on one subdivision are deemed "public works" if they serve drainage needs of properties outside that subdivision, then local governments would be reluctant to ensure proper improvements are made as part of the development process, as doing so would impose responsibility and the associated costs on them for maintaining and repairing all such improvements.

There Was No Implied Acceptance of the Drainage Easements by the County.

Third, the court held that requiring improvements and easements does not convert the improvements into public works, and because the county did not construct the improvements and performed no maintenance or repair work on the improvements, there could be no implied acceptance.

The Creek was not Part of the Public Drainage System.

Finally, the court explained that utilizing an existing watercourse for drainage of surface water runoff, and requiring others to do so, does not transform the watercourse into a public drainage system; there must be some affirmative action by the public entity to assume ownership or responsibility of the watercourse. Here, the county did not have any ownership interest in the creek and did not perform any maintenance on the creek. The drainage fees being collected by the government were placed in a fund intended to cover a future flood protection project. Simply implementing and collecting drainage fees to fund a proposed project that was never built does not convert the creek into a public drainage system.

Take-Aways

In order for a public agency to face inverse condemnation liability, one of the key findings is that the damage must be from a public improvement. Simply approving a subdivision map, requiring the construction of drainage improvements, and even requiring an offer of dedication (if not accepted), will not convert such improvements into a public work for liability purposes. These situations are very fact-specific, but demonstrating acceptance, dominion or control over the improvements in question is a necessary element to recover. Given the amount of rainfall and flooding we've experienced in 2023, I expect these issues to be fleshed out further in the courts over the coming years.

Mr. Kuhn can be reached at bkuhn@nossaman.com.

SUMMARY OF MAJOR EMINENT DOMAIN CASES & LEGISLATION

January 1, 2023-June 30, 2023

The biannual update report of eminent domain decisions and legislation in the United States and Canada has been completed. This is an excellent tool and resource for our members to stay up to date with how these cases have impacted the right of way industry. Thank you to Bradford Kuhn, Esq., past chair of the Real Estate Law Committee, as well as his co-authors, Jillian Freiss Leivas, Robert Thomas and Ajay Gajaria for their hard work and dedication to the profession and Association. IRWA also thanks Scott Davis, chair of the Real Estate Law Committee, and his team for their continued support.

[Click Here To Access Summary](#)

PSOMAS

Civil Engineering Land Surveying
Construction Management
Environmental Consulting



**Balancing the Natural
and Built Environment**

www.Psomas.com

PSOMAS

ARTICLE



Oil & Gas: Villain, Victim, or Hero

*By Dwayne Purvis, P.E.
Founder & Principal Advisor*

Permission to Republish – All Rights Reserved

Ed. Note: Dwayne Purvis, P.E. has been a consulting petroleum engineer for 28 years, he recently earned a degree in sustainable energy and now focuses on research, writing and speaking about the energy transition for the oil and gas industry.

Saturday morning cartoon hero Superman proclaimed that he stood for “truth, justice, and the American way.” As a kid, I thought I knew what that meant. Today, apologists for the industry would make the oil industry the hero of the American world and the would-be hero of global poverty.

As it pertains to the history of high-income countries, the apologists are certainly right. Wealth was forged for this fragment of the world—and is still sustained—on the flames of coal, oil, and gas. For the wider world, food is produced, products are molded, both are transported, and peace was won on the backs of geologists, engineers, and drillers supplying the raw material that substitutes for muscle power.

At last month’s international engineering conference, our Sustainable Development Technical Section hosted a special session with a modest name: “How Oil and Gas Saved Civilization.” Of course, past is often not prologue. Things sometimes change.

The world warmed and enriched by our products now seems oddly ungrateful, even hateful, toward us and the metaphorical blanket we provide. Of course, those of us in the industry see the chain of value clearly, but other people removed from our industry and communities can seem hopelessly ignorant. Then, again, media is sometimes designed to distort the view of common opinions

because normal and reasonable doesn’t drive engagement.

Outside their core expertise, most everyone is wrong about half the time, sadly including me. Still, even less reliable personalities can, like a broken clock, sometimes point to truth. If I value reality and rightness, then I need to consider the views of even those I don’t deeply respect. It has been said that making money as an investor requires being right only a little more than being wrong. To this end, Charlie Munger has admonished, “Invert. Always invert.” Always try to prove the opposite of your thesis. That’s a good way to improve one’s batting average.

I am aware that part of the world sees my industry, my work, and even me as a villain. However, it doesn’t bother me much. I can withstand the risk of examining whether they might be right, whether I might have erred.

My mind is not quick or large enough to analyze every issue, so I often rely on the judgment of the people and the community I trust, and my community historically echoed consensus on the issue of climate change. (Unfortunately, I have also sometimes followed herd thinking with my retirement investments.) What is more, the most morally courageous man I’d known was the reason I studied petroleum engineering. The process I took and the conclusion I reached to guide my actions for decades followed a reasonable process.

As far as I can tell, very few others in the oil business were in the position to evaluate the questions of carbon dioxide as an unconventional pollutant. On the other hand, those few who did take public positions that

were, in retrospect, expeditiously reasoned at best. They earned their guilt, and their platforms earned the distrust they now suffer. The platforms for their messaging were so large, so high, and so loud that outsiders could easily mistake them for the whole of the oil business. Outsiders often fail to discriminate the vocal and informed executives and lobbyists of the largest companies from the hundreds of thousands of rank and file.

New people on those platforms today recognize the proof of prior errors, and the uniform chorus from the dais at the last two major conferences I've attended call for reducing emissions and pursuing new energy. Interestingly, the rank-and-file are still catching up with this new perspective, and the public still distrusts the long history of their self-interest.

The persistent judgment of the wider world seems now to reach beyond vilification to punishment of our industry, especially with investors shunning our businesses. Stock prices have, indeed, faced headwinds, and capital investment in new supply has halved from levels seven years ago. On the other hand, until the Russian cavalry rode in last spring, oil price had also been nearly half. Pressure from capital markets began ramping less than three years ago and that only on the small fraction of the total oil supply that comes from western oil companies.

At a corporate level, shale drillers performed miserably with the truckloads of money entrusted by investors. At a continental scale, old-fashioned production is 50 years past its peak, and the shale drilling boom is also past its zenith. Gas in select U.S. basins has a promising future, I believe, but there is little prospect for sectoral growth. North America has begun the last phase of its exploration and production lifecycle.

At a global scale, the outlook for the industry qualitatively changes first when global demand stops growing, not when demand hypothetically ceases. Estimates of that watershed moment have moved steadily closer in time, and forecasts now place it squarely within the lifetimes of producing assets and of long-cycle development projects. Investors may be skeptical even without spite.

Villain, victim, or hero. There is some truth in all three, but I choose none of them. Those are the three vertices of Karpman's drama triangle, and none are helpful. I intend to take alternative postures to the same truths: problem-solver, empower-er, and challenger.

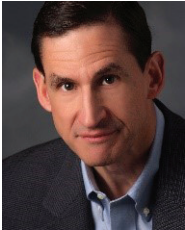
Superman's slogan seemed redundant to me because I figured that truth and justice were part of "the American way" — so were hard work and self-reliance, freedom from tyranny, loyalty to each other, and courageous can-do. The paraphrase seemed unassailable, until the Danish translation slapped me across my fresh, young face: "truth, justice, and the American lifestyle." It made me examine — besides my ethnocentricity — whether I prize the values themselves or the custom and tradition around them.

I am accountable now for what I know now, but the conclusion from my Superman question persists. I choose the values and not their traditions, their core and not their form. When vilified or victimized for doing what seems right, I intend to pro-act and not to react. I remember that I have been wrong before, and I remember that drama gets me nowhere I want to go.

Mr. Purvis can be contacted at dpurvis@purvisenergyadvisors.com



ARTICLE



The Great Wind and Solar Land Grab

By Steve Goreham, MS, MBA

Permission to Republish – All Rights Reserved

Originally published in The Western Journal [westernjournal.com]

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.

Which is more environmentally friendly, an energy source that uses one unit of land to produce one unit of electricity, or a source that uses 100 units of land to produce one unit of electricity? The answer should be obvious. Nevertheless, green energy advocates call for a huge expansion of wind, solar, and other renewables that use vast amounts of land to replace traditional power plants that use comparatively small amounts of land.

Vaclav Smil, professor emeritus of the University of Manitoba in Canada, extensively [analyzed \[masterresource.org\]](https://www.masterresource.org) the power density of alternative sources used to generate electricity. He defined the power density of an electrical power source as the average flow of electricity generated per square meter of horizontal surface (land or sea area). The area measurement to estimate power density is complex. Smil included plant area, storage yards, mining sites, agricultural fields, pipelines and transportation, and other associated land and sea areas in his analysis.

Smil's work allows us to compare the energy density of electricity sources. If we set the output of a nuclear plant to one unit of land required for one unit of electricity output, then a natural gas-powered plant requires about 0.8 units of land to produce the same one unit of output. A coal-fired plant uses about 1.4 units of land to deliver an average output of one unit of power.

But renewable sources require vastly more land. A stand-alone solar facility requires

about 100 units of land to deliver the same average electricity output of a nuclear plant that uses one unit of land. A wind facility uses about 35 units of land if only the concrete wind tower pads and the service roads are counted, but over 800 units of land for the entire area spanned by a typical wind installation. Production of electricity from biomass suffers the poorest energy density, requiring over 1,500 units of land to output one unit of electricity.

As a practical example, compare the Ivanpah Solar Electric Generating System in the eastern California desert to the Diablo Canyon Nuclear Plant near Avila Beach, California. The Ivanpah facility [produces \[solarpaces.nrel.gov\]](https://www.solarpaces.nrel.gov) an average of about 793 gigawatt-hours per year and covers an area of 3,500 acres. The Diablo Canyon facility [generates \[en.wikipedia.org\]](https://en.wikipedia.org) about 16,165 gigawatt-hours per year on a surface area of 750 acres. The nuclear plant delivers more than 20 times the average output on about one-fifth of the land, or 100 times the power density of the solar facility.

To approach 100 percent renewable electricity using primarily wind and solar systems, the land requirements are gigantic. "Net-Zero America," a 2020 [study \[netzeroamerica.princeton.edu\]](https://www.netzeroamerica.princeton.edu) published by Princeton University, calls for wind and solar to supply 50 percent of US electricity by 2050, up from about 14 [percent \[eia.gov\]](https://www.eia.gov) today. The study estimated that this expansion would require about 228,000 square miles of new land (590,000 square kilometers), not including the additional area needed for transmission lines. This is an area larger than the combined area of Illinois, Indiana, Iowa, Kentucky, West Virginia, and Wisconsin. This area would be more than 100 times as large as the physical footprint of the coal and natural gas power systems that would be replaced.



The land taken for wind and solar can seriously impact the environment. Stand-alone solar systems blanket fields and deserts, blocking sunlight and radically changing the ecosystem, and driving out plants and animals. Since 2000, almost 16 million trees have been [cut down \[itvpworld.com\]](http://itvpworld.com) in Scotland to make way for wind turbines, a total of more than 1,700 trees felled per day. This environmental devastation will increase the longer Net Zero goals are pursued.

Wind and solar are dilute energy. They require

vast amounts of land to generate the electricity required by modern society. Without fears about human-caused global warming, wind and solar systems would be considered environmentally damaging. Net-zero plans for 2050, powered by wind and solar, will encounter obstacles with transmission, zoning, local opposition, and just plain space that are probably impossible to overcome.

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

LAND SOLUTIONS FOR INFRASTRUCTURE

INDUSTRY LEADERS | RIGHT OF WAY AND REAL ESTATE



Our seamless, integrated real property services spotlight your projects from inception through construction to operation.

www.paragon-partners.com | 714.379.3376

ARTICLE



Burn Ban, Biomass Energy Bust Will Alter San Joaquin Soils

*By Jeremy Bagott, MAI, AI-GRS
Permission to Re-Publish – All Rights Reserved*

Ed. Note: Jeremy Bagott, MAI, AI-GRS, is an independent fee appraiser specializing in the valuation of real property rights for right-of-way clients in Southern and Central California. He is author of "The Compact Real Estate Appraiser" and "Guaconomics: Dipping a Chip into America's Besieged Party Bowl [gmail.us6.list-manage.com]."

VENTURA, Calif. (Sept. 29, 2023) – The end of open-field burning in the San Joaquin Valley is nigh. Since the 2003 enactment of SB 705 [gmail.us6.list-manage.com], a law that teed up a draconian clamp-down on agricultural burn permits, wholesale reprieves have been granted to Valley farmers in 2005, 2007, 2010, 2012 and 2015.

In fact, agricultural burning has been on the rise after the closure of 15 of the Valley's 20 biomass energy plants. The state wants to eliminate agricultural burning in the Central Valley for all but diseased trees. It also wants to keep woody waste out of landfills across the state. The collapse of the Valley's biomass energy plants – also known as "cogen" plants – is the result of problems with the business model.

During the 2021 wildfires, environmentalists pressured the California Air Resources Board and the San Joaquin Valley Air Pollution Control District to do something. The wildfires coincided with the publication of the Valley Air District's five-year report. Emotions ran high, and it shows in the report.

As a result, the two administrative bodies seem to mean business this time around. Beginning January 1, 2025, only diseased trees will be allowed to be burned with a few exceptions. The phaseout will affect larger agricultural operations first, and then gradually

shift to smaller operations.

While the woody waste, in the form of wood chips, is considered undesirable for landfills, the state wants farmers to plow as much as 60 tons of chips per acre into the soil as frequently as every 20 years – for almond farmers, at least – in perpetuity for the purposes of carbon sequestration. Almonds are being demolished these days at near-20-year intervals for the purposes of production efficiency, and the waste needs to go somewhere.

It's unknown what enormous concentrations of wood chips will do to the well-drained Class 1 irrigated soils on the Valley's flood plains and alluvial fans. The soils go by names like Kimberlina sandy loam, Exeter clay loam and Wasco fine sandy loam.

Almonds are now growing on over a million acres of some of the most fertile soils on the planet. Vines and citrus have longer lifespans, so removal and incorporation of waste into the soil wouldn't occur as frequently.

One orchard demolition contractor told me that he advises growers to work the wood chips as deeply into the ground as they can. "We're advising people to pour liquid nitrogen on the soil to promote the breakdown of the wood chips." In drier soils and warmer climates, such as in the southern San Joaquin Valley, he thought the practice was riskier.

Complicating matters, orchards are often demolished and replanted during drought years to conserve water, which would have the chips going back into the soil at the driest times in the cycle. Over the span of just 60 years, as much as 180 tons of wood chips per acre could be going into San Joaquin soils.

Howard Ferris, a retired U.C. Davis professor, spent a lifetime studying “good nematodes,” the tiny soil-dwelling organisms that control plant-parasitic organisms. The latter are sometimes called the “bad nematodes.” He believes adding a carbon source to the soil could be a good thing, but the downside may be that the carbon will cause microbial degradation to spike, which may result in immobilization of available nitrogen and symptoms of nitrogen deficiency in young trees. Also, he pointed out that the practice hasn’t been extensively tested.

Meanwhile, the state seems enthusiastic about the practice; it’s offering grants [gmail.us6.list-manage.com] to farmers of up to \$1,300 per acre to plow the chips back into the ground. It’s also making funds available to contractors interested in expanding their fleets of chippers.

The biomass plants that once turned wood chips into baseload power often functioned like peaking power plants, able to ramp up or down electricity output at the request of the independent grid operator. They have been closing as contracts fail to be renewed.

Assembly Bill 1383, signed into law in June 2021, requires a 75% reduction in food and plant waste going into landfills by 2025. Its aim is to reduce the amount of human-produced methane gas caused by decomposing biomass – the same decomposing biomass expected now to go into Valley farmland.

Mr. Bagott can be contacted at jbagott@gmail.com



WWW.DMAVALUE.COM
(310) 216-1400

**APPRAISALS OF
LOSS OF GOODWILL
FIXTURES & EQUIPMENT**

MADELEINE MAMAUX
MARCUS PIGROM
KEVIN BLAIR

In Memoriam

Richard Reimer
1925 - 2023

Richard Reimer served as International General Counsel 1971-1974, as International President Elect 1974-1975 and as International President 1975-1976.

After completing his presidency he remained active and founded Orange County Chapter 67.



**"Beyond Service ...
Solutions"**

Title Research and Examination • Oil & Gas Curative and Mineral Leasing
Right-of-Way & Real Property Acquisition • Permitting (Federal, State & Local Assignments)

Corporate Headquarters
725 W. Town & Country Road Suite 410 Orange, CA 92868
Tel: (714) 568-1800 • Email us at: info@spectrumland.com

[Visit us on the web: www.spectrumland.com](http://www.spectrumland.com)

WELCOME NEW MEMBERS

Jessica Arce

We would like to welcome Ms. Jessica Arce, Real Property Technician at the County of Orange, Real Property Services Department to Chapter 67. As a Real Property Technician, Jessica assists with the preparation of real property acquisition packages and other documents for the County. She has a bachelor's degree and resides in La Habra Heights. Jessica enjoys spending time with family, shopping, eating, and traveling. When asked about her favorite food, she says "I love it all!"

Jessica loves her dogs and spends countless hours walking and playing with them in the backyard. Her favorite quote is "closed mouths don't get fed" and her biggest pet peeves are messiness and loud eaters.

When asked about the most influential person in her life, she said it is her dad because he's such a hard worker and the funniest person she knows. Jessica especially admires him for always doing what is right and being a supportive family man that she can always count on. If you want to know Jessica's secret to her success, she will tell you to "fail forward and be consistent."

Jessica's last vacation was a trip to Chicago. The things that Jessica looks for in other people are integrity, humor, intelligence, and thoughtfulness. When asked why she is involved in IRWA, she wants to broaden her career network and learn from others. The next time you see Jessica please say "hello" and give her a warm welcome to Chapter 67.



Brian English

We would like to also welcome Mr. Brian English to Chapter 67. Brian is an attorney at Allen Matkins and his professional focus lies in the realm of eminent domain and land use issues. Currently residing in West Hollywood, he is preparing for a move to Newport Beach in the coming months. Born on July 30th in Santa Monica, Brian is married and has no children. Beyond his legal career, he is an individual of diverse interests, including golfing, boating, enjoying beach life, and culinary pursuits. In his leisure time, he cherishes spending time with his golden retriever. Brian's last vacation was spent in Maui.

Brian's academic journey includes a B.A. from Loyola Marymount University, a master's degree from UC Irvine, and a J.D. from Loyola Law. His preferred TV show is "The Sopranos." Brian's most rewarding accomplishment, prior to becoming a lawyer, was working for a commercial real estate

brokerage firm in New York City. Notably, he was part of a team that negotiated the first unforced lease for a law firm that had been located in the North Tower of the World Trade Center on 9/11. This experience was incredibly rewarding as he contributed to the recovery efforts of many management team members who survived the attack.

He is actively involved in the IRWA to expand his knowledge base, nurture professional relationships, and contribute positively to the field.

The next time you spot Brian at an IRWA event, don't hesitate to say hi and welcome him to our Chapter!



TIPS TO AVOID PULLED RECORDINGS

THE COUNTY RECORDER'S OFFICE HAS RECENTLY ELIMINATED THE 30-MINUTE WINDOW TO RESUBMIT MINOR DOCUMENT CORRECTIONS.

Documents can be rejected from recording for many reasons. With the County Recorder's new policy disallowing same-day correction submissions, you will need to resubmit the file the next recording day. Below is a list of common reasons recordings get pulled to help you best prepare and avoid having documents get pulled from recording, causing a delayed closing.

- 1. Illegible Notary Seals (either too dark or too light)**
 - a. The notary seal must be readable in its entirety in order for a clarity form to be accepted by the Recorder.
- 2. Illegible Writing in the Notary Acknowledgment**
 - a. If using blue pen, the notary should press firmly to ensure all numbers and letters of all words are clear.
 - b. Notaries should try to complete the acknowledgment in print text or type rather than cursive writing. The Recorder must be able to read all words and dates in the acknowledgment.
- 3. Incorrect Notary Acknowledgement Form Used or Form Completed Incorrectly**
 - a. The acknowledgement form updated in 2015 must be used and the notary must write their name exactly as it appears in the notary's seal. If the form does not include the notary's title, the notary must print/type "Notary Public" after their name.
- 4. Name, Caption, and Signature Point Variances**
 - a. The caption of the document, the typed name under/above the signature point and the parties acknowledged MUST be the same. No variance is accepted- "over notarizing" is no longer accepted by the Recorder. Example: John M. Smith cannot be notarized as John Michael Smith unless the name is set out this way in the body of the document AND at the signature point.
- 5. Attachments not Referenced or Missing on the Deed**
 - a. All attachments, riders, etc. must be referenced in the body of the deed and attachments need to be labeled exactly as referenced.
- 6. Incomplete Preliminary Change of Ownership Reports (PCOR)**
 - a. Many are incomplete or have the incorrect purchase price. All sections of the PCOR must be completed entirely.
 - b. The purchase price must match the Transfer Tax on the document.
 - c. Mail Tax Statements To address on the PCOR does not match the Mail Tax Statements To address on the deed.
 - d. Seller's name(s) is/are missing.
- 7. Incomplete Transfer Tax Affidavits**
 - a. Each California county has their own requirements for the Transfer Tax Affidavits. See the appropriate County Assessor's website for specific requirements.
- 8. Miscellaneous Corrections**
 - a. Cover pages should only include the following: Title of document, Recording Requested By, the return address, SB2 exemption (if applicable), and the reason for re-recording.



Contact your escrow officer of Commonwealth National Commercial Services sales executive with questions pertaining to your specific situation.



BOOST YOUR VISIBILITY.

Now accepting 2024 advertisements for Right of Way Magazine.

Published by the International Right of Way Association, the magazine reports on the most relevant and challenging issues facing our industry today. Topics include negotiations, relocation, pipeline, industry trends, news, best practices and regulations affecting the right of way professional.

Our readers are a group of multi-disciplined professionals, employed by private industry and government agencies; with an average of over 7,000 readers per issue, your advertisement will reach target audiences and key decision-makers.

Download our media kit for details on pricing and instructions on how to secure your advertising space for 2024.

For any questions about advertising in the magazine, please reach out to Right of Way Magazine Editor Vivian Nguyen at nguyen@irwaonline.org.



Oct 2024