

1 JAMES M. BURNHAM
 Deputy Assistant Attorney General
 2 ALEXANDER K. HAAS
 Director, Federal Programs Branch
 3 ANTHONY J. COPPOLINO
 Deputy Director, Federal Programs Branch
 4 ANDREW I. WARDEN (IN #23840-49)
 Senior Trial Counsel
 5 KATHRYN C. DAVIS
 6 MICHAEL J. GERARDI
 LESLIE COOPER VIGEN
 7 RACHAEL WESTMORELAND
 Trial Attorneys
 8 U.S. Department of Justice
 9 Civil Division, Federal Programs Branch
 1100 L Street, NW
 10 Washington, D.C. 20530
 11 Tel.: (202) 616-5084
 Fax: (202) 616-8470

Attorneys for Defendants

14 **UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 16 **OAKLAND DIVISION**

17 STATE OF CALIFORNIA, et al.,
 18 Plaintiffs,
 19 v.
 20 DONALD J. TRUMP, et al.,
 21 Defendants.

CASE NO. 4:19-cv-872 (HSG)

SUPPLEMENTAL NOTICE
REGARDING SECTION 2808
CONSTRUCTION

1 Defendants hereby provide this supplemental notice to the Court regarding the timing of
2 ground-disturbing activities arising from construction authorized pursuant to 10 U.S.C. § 2808.

3 In a previous notice filed September 3, 2019, Defendants anticipated the earliest date on
4 which any ground-disturbing activities could occur for these projects was 20 days after contract
5 award, and the earliest date on which substantial construction could occur for these projects was 40
6 days after contract award. Declaration of Brigadier General Goddard Decl. ¶ 10, ECF No. 206-3.
7 Although it will be adhering to this timeline for certain projects, the Corps is now positioned to begin
8 ground-disturbing activities as early as five days after contract award and substantial construction as
9 early as ten days after contract award, due to efficiencies that have been gained during the award and
10 administration of the first several construction contracts. Further details regarding the anticipated
11 start times for ground disturbing activities and substantial construction for the § 2808 projects are
12 provided in the Second Declaration of Brigadier General Glenn A Goddard, attached as Exhibit A.

13 DATE: January 22, 2020

Respectfully submitted,

JAMES M. BURNHAM
Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch

/s/ Andrew I. Warden
ANDREW I. WARDEN
Senior Trial Counsel (IN Bar No. 23840-49)

/s/ Rachael L. Westmoreland
RACHAEL L. WESTMORELAND
(GA Bar No. 539498)

KATHRYN C. DAVIS
MICHAEL J. GERARDI
LESLIE COOPER VIGEN
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW, Washington, D.C. 20530
Tel.: (202) 616-5084
Fax: (202) 616-8470
Attorneys for Defendants