

U.S. Army Corps of Engineers
New York District

**ATLANTIC COAST OF NEW YORK,
EAST ROCKAWAY INLET TO ROCKAWAY INLET
AND JAMAICA BAY
HURRICANE SANDY GENERAL REEVALUATION REPORT**

APPENDIX F

DRAFT REAL ESTATE PLAN

August 2016

**EAST ROCKAWAY INLET TO ROCKAWAY INLET
AND
JAMAICA BAY
HURRICANE SANDY GENERAL REEVALUATION REPORT
ATLANTIC COAST OF NEW YORK**

August 2016 Draft Real Estate Plan

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1. Preamble

Project Authorization: The Project was authorized by Public Law 113-2 (29 January 2013), The Disaster Relief Appropriations Act of 2013, "...reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events in areas along the Atlantic Coast within the boundaries of the North Atlantic Division of the Corps that were affected by Hurricane Sandy".

Official Project Designation: Atlantic Coast of New York, East Rockaway Inlet to Rockaway Inlet and Jamaica Bay project (the "Project").

Project Location: The study area includes the municipal public recreation beach facilities located on the peninsula commonly referred to as the Rockaways, located entirely within the Borough of Queens, New York City. The peninsula extends from Rockaway Inlet to East Rockaway Inlet, approximately 10 miles in length, and separates the Atlantic Ocean from Jamaica Bay immediately to the north. The municipal recreation facilities evaluated in this study are located on the ocean side of the peninsula, and are under the authority of the City of New York, Department of Parks and Recreation.

The communities located on the Rockaway peninsula from west to east include Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Hammel, Arverne, Edgemere and Far Rockaway. The former Fort Tilden Military Reservation and the Jacob Riis Park (part of the National Park Service's Gateway National Recreation Area) are located in the western half of the peninsula between Breezy Point and Neponsit. The characteristics of nearly all of the communities on the Rockaway peninsula are similar. Ground elevations rarely exceed 10 feet, except within the existing dune field. Elevations along the Jamaica Bay shoreline side of the peninsula generally range from 5 feet, increasing to 10 feet further south toward the Atlantic coast. An estimated 7,900 residential and commercial structures on the peninsula fall within the Special Flood Hazard Area (SFHA) floodplain regulated by the National Flood Insurance Program (NFIP).

The study area also consists of water and lands within and surrounding Jamaica Bay, New York. The greater portion of Jamaica Bay lies in the Boroughs of Brooklyn and Queens, New York, and a section at the eastern end, known as Head of Bay, lies in Nassau County. More than 48,000 residential and commercial structures in this part of the study area fall within the Federal Emergency Management Agency (FEMA) regulated 100-year floodplain.

Jamaica Bay is the largest estuarine waterbody in the New York City metropolitan area covering an approximately 20,000 acres (17,200 of open water and 2,700 acres of upland islands and salt marsh). Jamaica Bay measures approximately 10 miles at its widest point east to west and four miles at the widest point north to south, including approximately 26 square miles in total. The mean depth of the bay is approximately 13 feet with maximum depth of 60 feet in the deepest borrow pits. Navigation channels within the bay are authorized to a depth of 20 feet. Jamaica Bay has a typical tidal range of five to six feet. The portions of New York

City and Nassau County surrounding the waters of Jamaica Bay are urbanized, densely populated, and very susceptible to flooding. An estimated 53,000 structures within the FEMA regulated 100-year Jamaica Bay floodplain.



Non-Federal Sponsor: The Non-Federal Sponsor is the New York State Department of Environmental Conservation (the “Sponsor” or “NYSDEC”). The local partner is the County of Westchester. If approved, initial construction of the project will be 100% Federal funded, subject to the availability of funds.

2. Statement of Purpose

The purpose of this Real Estate Plan (REP) is to present the overall plan describing the minimum real estate requirements for the construction, operation, maintenance, repair and rehabilitation herein referred to as the Proposed Plan or “Plan” or “Project”. This REP is an appendix to the Hurricane Sandy General Reevaluation Report (HSGRR).

3. Project Purpose and Features

a. **Project Purpose:** The purpose of this study is to reduce vulnerability to storm surge, erosion and wave impacts. Reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities; while also reducing the economic costs and risks associated with large-scale flood and storm events. This will lead to an

improvement in community resiliency, including infrastructure and service recovery from storm effects.

b. Plan of Improvements: The tentatively selected HSGRR Coastal Storm Risk Management plan for the area from East Rockaway Inlet to Rockaway Inlet and the lands within and surrounding Jamaica Bay New York consists of the following components, which are generally described for 2 Planning Reaches: 1) A reinforced dune and berm construction, in conjunction with groins in select locations along the Atlantic Ocean Shoreline; 2) a line of protection along Jamaica Bay and Rockaway Inlet with a storm surge barrier and 3) residual risk features in locations surrounding Jamaica Bay. Twenty-six (26) project residual risk feature locations have been identified for which five (5) have detail available at this time. In general, these features are intended to provide a design height of +6 ft NAVD through various methods to reduce frequent flooding. As additional residual risk features are further developed, additional NEPA documentation and resource agency coordination would be provided. This TSP description includes the maximum footprint for the plan, however the footprint may be reduced in scope based on public and agency comments as well as new information.

The TSP extends along approximately 152,000 linear feet of project area extending from the eastern end of the Rockaway peninsula at Inwood, Nassau County to the western end of the Rockaway peninsula, at Breezy Point, Queens, where the plan wraps around the existing shoreline past the Gil Hodges Memorial Bridge. Near Jacob Riis Park a storm surge barrier crosses Rockaway Inlet landing at Floyd Bennet Field, Brooklyn. The plan continues up Flatbush Avenue before turning west along the existing shoreline and continuing west until Norton Point. From Norton Point, the line of protection continues on the north side of Coney Island, crossing Coney Island Creek. From Coney Island Creek it continues north along the shoreline to high ground.

The plan along the Atlantic Ocean Shorefront consists of:

- A reinforced dune (composite seawall) with a structure crest elevation of +17 feet (NAVD88) and dune elevation of +18 feet (NAVD88), and a design berm width of 60 feet extending approximately 35,000 LF from Beach 9th to Beach 149th. The bottom of dune reinforcement extends up to 15 feet below the dune crest.
- A beach berm elevation of +8 ft NAVD and a depth of closure of -25 ft NAVD;
- Extension of 5 existing groins; and
- Construction of 13 new groins.

The alignment along Jamaica Bay and Rockaway Inlet consists of:

- Reinforced Dune along the shoreline in Reaches 1 and 2 of the Atlantic Coast Planning Reach, from Beach 149th to Breezy Point.
- Levee and from approximately B227th St. north overland across Breezy Point, then eastward from B222nd St. to B201st St.

- Concrete floodwall south along B201st St. extending east along north side of Rockaway Blvd to B184th St., thence north to existing shoreline. Concrete floodwall continues east to storm surge barrier approximately 2300 ft. east of the Gil Hodges Memorial Bridge/Marine Parkway Bridge.
- A 3,970-foot storm surge barrier across Rockaway Inlet from near Jacob Riis Park to Floyd Bennet Field;
- A concrete floodwall on land running north along Flatbush Avenue towards the Belt Parkway;
- A berm-faced elevated promenade running west along the waterside of the Belt Parkway to a concrete floodwall at Gerritsen Inlet;
- A sector gate across Gerritsen Inlet, which ties in to a concrete floodwall;
- Elevated promenades (berm faced and vertical faced) extend from Gerritsen Inlet around Plumb Beach westward to the inlet at Sheepshead Bay;
- A sector gate across Sheepshead Bay
- Seawall reconstruction around the eastern end of Coney island at Kingsborough Community College;
- A reinforced dune across sandy beach at Kingsborough Community College/Oriental and Manhattan Beach, and
- Seawall reconstruction from Manhattan Beach to approximately Corbin Place;
- Increased height of the shoreline on the north side of Coney Island, crossing Coney Island Creek. From Coney Island Creek it continues north along the shoreline to high ground.

The plan for residual risk features at the 5 project areas consists of:

Edgemere

Berm:

- Average Existing Ground Elevation: 4.0 FT NAVD88
- Design Elevation 6.0 FT NAVD88
- 2 Portions:
 - Approximately 225' from intersection of northern portion of Conch Place terminating at Norton Ave and Beach 45th Street.
 - Length: 1850 ft.
 - Volume of berm fill: 3,700 cubic yards.
 - Approximately 3400' eastern shore approximately at Beach 43rd St. along shoreline terminating roughly at the northern corner of beach 35th St.
 - Length: 3050 ft.
 - Volume of berm fill: 6,00 cubic yards

Bulkhead:

- Average Existing Ground Elevation: 4.0 FT NAVD88
- Design Elevation 6.0 feet NAVD88
- Approximately 600' from terminus of Beach 44th St. around northern tip of point, to eastern shore approximately at Beach 43rd St.

Norton Basin

Bulkhead:

- Average Existing Ground Elevation:4.0 FT NAVD88
- Design Elevation 6.0 FT NAVD88
- Approximately 200' from intersection between Norton Drive and Coldspring Rd, parallel to Norton Drive along shoreline.

I-Wall:

- Average Existing Ground Elevation:4.0 FT NAVD88
- Design Elevation 6.0 FT NAVD88
- From Eastern end of Bulkhead along Norton Drive and north on Westbourne Ave, terminating at intersection with Dunbar St.
- Length: 2070 ft.
- Volume of concrete: 730 cubic yards.

Mott Basin

Berm:

- Average Existing Ground Elevation:4.0 FT NAVD88
- Design Elevation 6.0 FT NAVD88
- Approximately at northern end of Eggert Pl. along shoreline, extending inland to terminus of McBride St. and along Battery road and Pinson St., terminating roughly at intersection between Horton Ave. and Pinson St.
- Length: 1360 ft.
- Volume of berm fill: 2,720 cubic yards.

Bulkhead:

- Average Existing Ground Elevation:4.0 FT NAVD88
- Design Elevation 6.0 FT NAVD88
- Approximately 80' from terminus of Dickens St. parallel to Enright road, then running northward parallel to and on the nearest side to Pearl Street and terminating at the shoreline.

Brookville Boulevard

Road Raising:

- Average Existing Ground Elevation:4.0 FT NAVD88
- Approximately 2800' along Brookville Boulevard
- Starting from Approximately 200' north of intersection with Rockaway Boulevard extending northward terminating at Brookville Boulevard and 149th Ave.
- Design Elevation 6.0 FT NAVD88
- Length: 3650 ft.
- Volume of fill: 1,850 cubic yards.

I-Wall:

2 Segments:

- Average Existing Ground Elevation:4.0 FT NAVD88
- Design Elevation 5.5 FT NAVD88

- Approximately 110' of Western portion starts at 231-08 148th Ave and runs north, past end of 148th Ave along high ground to 147-51 231st St.
- Length: 410 ft.
- Volume of concrete: 130 cubic yards.
- Approximately 625' of eastern portion starts at 148-74 Brookville Blvd and runs northward along high ground at rear of properties until northern terminus at 148-99 235th St.
- Length: 1090 ft.
- Volume of concrete: 345 cubic yards.

Canarsie

Revetment:

- Average Existing Ground Elevation: 4.0 FT NAVD88
- Design Elevation 6.0 FT NAVD88
- Approximately 240' from intersection between E 108th St. and Flatlands 1st St. along shoreline.
- Length: 410 ft.
- Volume of concrete: 125 cubic yards.
- Volume of rock: 2,885 cubic yards.

c. **Required Lands, Easements, and Rights-of Way (LER)**: The following describes the LER required for the proposed Plan. The parcel data and Standard Estates are provided in Exhibit "B" and "C" respectively.

The proposed plan requires a total of **76.617** acres; 33.46 acres in permanent easements and 43.16 acres in temporary work area easements. This includes 73.63 acres of publicly owned property and 2.99 acres of privately owned property.

This plan impacts approximately 71 parcels. At this level of project design the number of parcels impacted is an estimation; when the alignment and structure design is further refined and a complete parcel list is formulated this Real Estate Plan will be further revised by the New York District of the U.S. Army Corps of Engineers.

d. **Appraisal Information**: A Land Cost Estimate was prepared in July 2016 by David Miller & Associates identifying the land values for the plan alternatives. The land values for this plan was estimated at **\$29,436,400**.

4. Non-Federal Sponsor Owned Lands:

The Sponsor owns no LER required for the plan.

5. Non-Standard Estates

There are no proposed non-standard estates for the plan.

6. Existing Federal Projects

There are no known existing Federal projects that lie either fully or partially within the plan.

7. Federally-owned Lands

There are lands that are owned by National Park Service, known as Gateway National Park, that lie within the current project alignment. Part of the alignment also impacts property owned by the U.S. Army Reserve, known as Fort Tilden in Breezy Point NY.

8. Navigational Servitude

Federal Navigational Servitude will not be utilized for this project because it is not available along this reach of the subject river.

9. Maps

The Project real estate maps are provided in Exhibit "A".

10. Induced Flooding

There is no induced flooding associated with this Project.

11. Baseline Cost Estimates for Real Estate

The following is the total 01-Lands and Damages costs for the plan:

<u>Real Estate Cost</u>	<u>Total</u>
Incidental Cost-----	\$2,350,022
Acquisition Cost-----	\$29,436,400
20 % Contingency (less Land Payments)-----	<u>\$470,004</u>
Total Lands and Damages (01- Account)-----	<u>\$32,256,426</u>

To avoid double accounting, a 20% contingency was only applied to the Incidental Cost because a contingency is already embedded in the Acquisition Costs through the appraisal cost estimate.

12. Compliance with Public Law 91-646

There are no anticipated relocation assistance benefits as authorized by Public Law 91-646, for the plan.

13. Minerals and Timber Activity

There are no present or anticipated mineral extraction or timber harvesting activities within the proposed project footprint.

14. Land Acquisition Experience and Capability of the Non-Federal Sponsor

An assessment of the Sponsor’s land acquisition experience and capabilities is provided in Exhibit “D”.

15. Zoning:

Application or enactment of zoning ordinances is not anticipated for the Project.

16. Acquisition Schedule

The following acquisition schedule will apply to the selected alternative.

<u>Milestone</u>	<u>Date</u>
PPA Execution-----	November 2017
Sponsor’s Notice to Proceed with Acquisition-----	February 2018
Phase 1 Authorization for Entry for Construction-----	August 2018
Phase 1 Certification of Real Estate-----	September 2018
Phase 1 Ready to Advertise for Construction-----	November 2018

17. Facility and/or Utility Relocations

There are existing utility lines that will be required to be relocated for implementation of the plan along the high ground tie-ins. The quantity and exact location of the utility lines are not confirmed at this time but will be confirmed during the design phase of the Project and further revision to this real estate plan will be performed by the New York District of the U.S. Army Corps of Engineers.

Any conclusion or categorization contained in this real estate plan, or elsewhere in this project 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 determination of the relocations necessary for the construction, operation, or maintenance of the project after further analysis and completion and approval of final attorney’s opinions of compensability for each of the impacted utilities and facilities.

18. Hazardous, Toxic, and Radioactive Waste (HTRW)

There are no known HTRW within the alignment.

19. Project Support

The New York State Department of Environmental Conservation, acting as the non-Federal sponsor, supports the continued development of the TSP. The NYC Mayor's Office of Recovery and Resiliency, the local partner to New York State, also supports the TSP. Other project partners, including NYC Department of Parks and Recreation, NYC Department of Environmental Protection, and the National Park Service also support the TSP. National Park Service hopes to coordinate with USACE to identify the least impactful design of the final plan.

20. Notifications to Non-Federal Sponsor

Based on its past sponsorship of other Army Corps of Engineers water resource (Civil Works) projects and ongoing discussions during the Project's Feasibility phase, the Non-Federal Sponsor is aware of the risks of acquiring LER required for the Project prior to the signing of the PPA. However, upon the approval of the Plan for the Project, in accordance with paragraph 12-31, Chapter 12, ER 405-1-12, Real Estate Handbook, 20 Nov 85, a formal written notice identifying the risks associated with acquiring the LER for the Project prior to the full execution of the PPA will be provided to the Sponsor.

21. Other Issues

a. During the time of this report, the level of project design was at 10%; the level of details in this report reflects the level of detail available at the time. Further revision to the Real Estate Plan will be needed upon further refinement of the Plan.

b. During the time of the report, there were no known existing encumbrances (i.e., easements, rights-of-way, etc) that would affect, or be affected by, the Project.

22. Point of Contacts:

The point of contact for this Real Estate Plan is, Real Estate & Real Property Support Branch Chief, Erica Labeste, who may be contacted at (917) 790-8461 or via email: Erica.A.Labeste@usace.army.mil. The undersigned, Chief, Real Estate Division, Noreen D. Dresser may be contacted at (917) 790-8430 or via email: Noreen.D.Dresser@usace.army.mil.

23. Recommendations:

This report has been prepared in accordance with Paragraph 12-16 of Chapter 12 of the Real Estate Handbook, Corps of Engineers Regulation ER 405-1-12. It is recommended that this report be approved.

NOREEN DEAN DRESSER
District Chief, Real Estate Division
Real Estate Contracting Officer

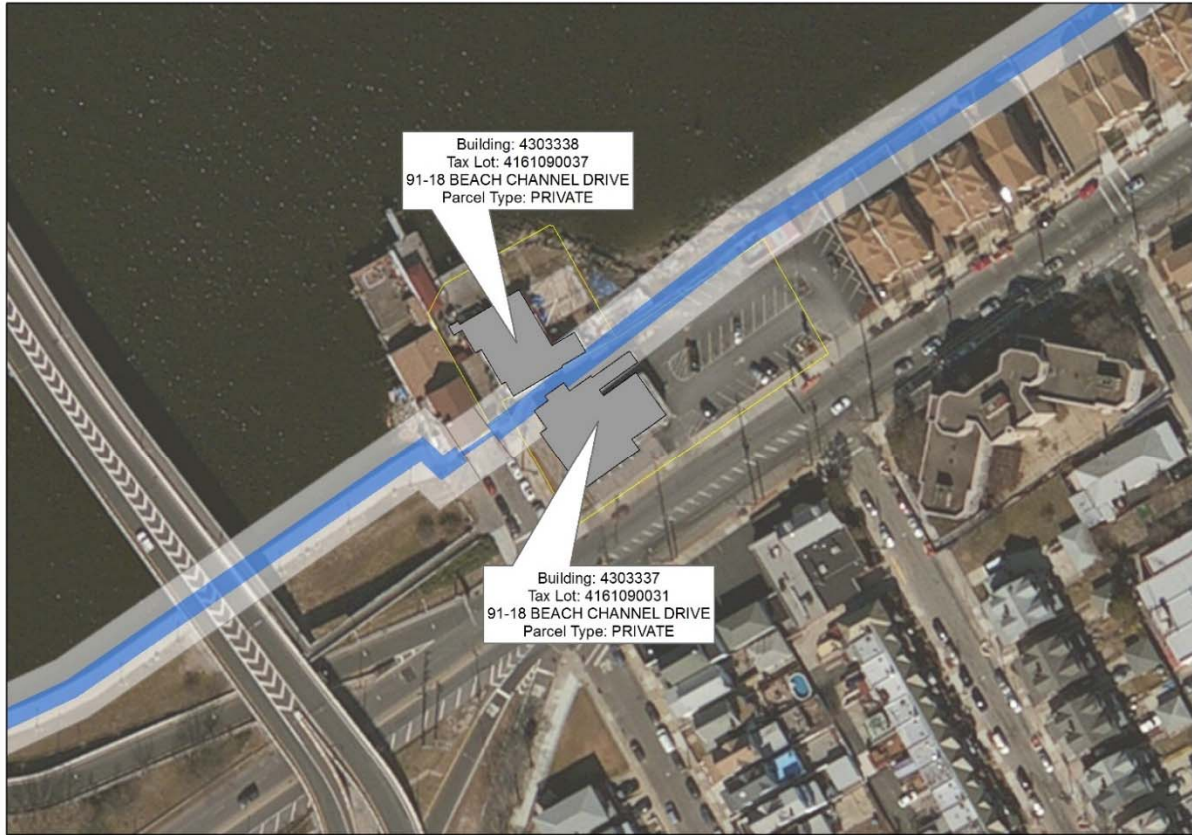
Exhibit “A”
Real Estate Maps



Building Footprint Structure Footprint
Affected Tax Lot Structure Easement

0 50 100 150 200 Feet

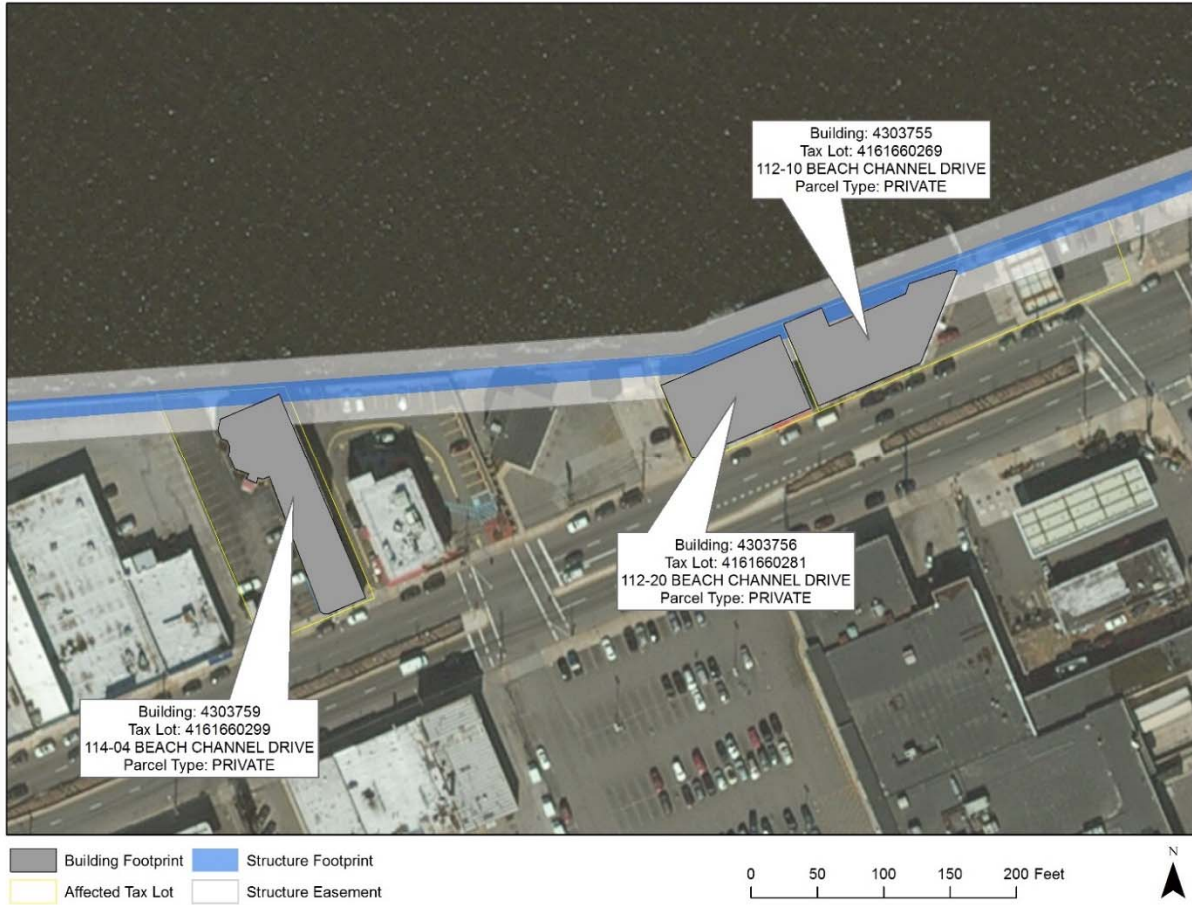




Building Footprint Structure Footprint
Affected Tax Lot Structure Easement

0 50 100 150 200 Feet







Building Footprint Structure Footprint
Affected Tax Lot Structure Easement

0 50 100 150 200 Feet





Building Footprint Structure Footprint
Affected Tax Lot Structure Easement

0 50 100 150 200 Feet



Exhibit “B”

Parcel Data

Plan Parcel Data

Segment	Total Public Acres	Total Private Acres
Aviation Road South	0.01	
Access Walkway	0.194	
Aviation Road Floodwall North	0.523	
Aviation Road Floodwall South	0.895	
Aviation Road North	0.01	
Beach Channel Drive West	1.547	
Breezy Floodwall	3.851	1.135
Breezy Floodwall East	0.971	
Breezy Floodwall West	1.044	1.847
Breezy Road Gate	0.008	
Breezy South	11.983	
Breezy West	7.778	
Deadhorse Bay	10.235	
Flatbush North	3.874	
Flatbush Road Gate	0.115	
Flatbush South	3.377	
Gerritsen Inlet East	0.028	
Gerritsen Inlet West	0.978	
HB-01	0.861	
Kingsborough	2.839	
Kingsborough Beach	1.287	
Manhattan Beach	3.927	
Plumb Beach	9.99	
Plumb Beach Sheepshead	0.435	
Sheepshead Bay South	0.297	
Sheepshead East	1.473	
Sheepshead West	0.016	0.01
staging area	5.08	
	73.626	2.992

Exhibit “C”
Standard Estates

Flood Protection Levee Easement (Standard Estate No. 9)

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, ____, ____ and ____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Perpetual Beach Storm Damage Reduction Easement (Standard Estate No. 26)

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. __) for use by the (Project Sponsor), its representatives, agents, contractors, and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach [a dune system] and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms [and dunes]; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the (Project Name), together with the right of public use and access; [to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas;] to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement (except ____); [reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, the right to construct dune overwalk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the (designated representative of the Project Sponsor) and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further] reserving to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

Temporary Work Area Easement (Standard Estate No. 15)

A temporary easement and right-of-way in, on, over and across [*Section, Block, and Lot*] for a period not to exceed three (3) years, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove

temporary structures on the land and to perform any other work necessary and incident to the construction of the Mamaroneck and Sheldrake River Flood Damage Reduction Project Mamaroneck, New York, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Exhibit “D”
Non-Federal Sponsor Capability Assessment

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
EAST ROCKAWAY INLET TO ROCKAWAY INLET
AND
JAMAICA BAY
HURRICANE SANDY GENERAL REEVALUATION REPORT APPENDIX
ATLANTIC COAST OF NEW YORK**

I. Legal Authority.

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes
- b. Does the sponsor have the power of eminent domain for this project? Yes
- c. Does the sponsor have “quick-take” authority for this project? Yes
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? No
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? No

II. Human Resource Requirements.

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? No
- b. If the answer to II.a is “yes,” has a reasonable plan been developed to provide such training? N/A
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? Yes
- d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? Yes
- e. Can the sponsor obtain contractor support, if required in a timely fashion? Yes
- f. Will the sponsor likely request USACE assistance in acquiring real estate? No

III. Other Project Variables.

- a. Will the sponsor's staff be located within reasonable proximity to the project site? Yes
- b. Has the sponsor approved the project/real estate schedule/milestones? Yes

IV. Overall Assessment.

- a. Has the sponsor performed satisfactorily on other USACE projects? Yes
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. If sponsor is believed to be "insufficiently capable," provide explanation. Highly Capable.

V. Coordination.

- a. Has this assessment been coordinated with the sponsor? Yes
- b. Does the sponsor concur with this assessment? Yes

NOREEN DEAN DRESSER
Chief, Real Estate Division,
Real Estate Contracting Officer