

**Limited Reevaluation Report  
Appendix D:  
Real Estate Plan**



**U.S. Army Corps of Engineers  
New York District**

**January 2004**

**REAL ESTATE PLAN**  
Appendix D to  
Limited Reevaluation Report on Consolidated Implementation of the  
New York and New Jersey Harbor Deepening Project

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## PREAMBLE

a. Introduction – In December 1999 the New York District, U.S. Army Corps of Engineers submitted a feasibility study entitled *New York and New Jersey Harbor Navigation Study Feasibility Report* (the “*Feasibility Report*”) to evaluate federal participation in navigation improvements in New York and New Jersey Harbor (the “Harbor”), specifically the dredging of the Port of New York and New Jersey (the “Port”) and certain of its approach channels to a depth of **50 feet below mean low water**. The 1999 Feasibility study was authorized by **Section 435 of the Water Resources Development Act of 1996**, which reads:

“The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.”

The *Feasibility Report* recommended deepening all channels providing access to container handling terminals in the Port, with one exception (Red Hook Terminal in Brooklyn, New York, which is slated for closing) (the “Recommended Plan”).

In 2001, during the Project’s Engineering and Design phase, intervening appropriations legislation (U.S. Congress, House, Conference Report on the Energy and Water Appropriations Act of 2002, 107<sup>th</sup> Cong., 1<sup>st</sup> Ses., 2002, H.Rpt 107-258) directed the Secretary of the Army to examine the possibility of consolidation of three “Predecessor Projects” (Kill Van Kull and Newark Bay Channels (a/k/a “KVK/NB-45”); Arthur Kill Channel (a/k/a “AK-41/40”); and Port Jersey Channel (a/k/a “PJ-41”) with the Recommended Plan. In 2003, the District was tasked to prepare a Limited Reevaluation Report (LRR) to address proposals to consolidate certain aspects of the implementation of the approved Plan of Improvement. This Real Estate Plan is intended to serve as an Appendix to the Limited Reevaluation Report describing the proposed Consolidated Implementation of the Project. The Conference Report states:

*The conferees are aware of the urgent need to facilitate efficient construction of improvements for New York and New Jersey Harbor to meet the needs of navigation interests and save significant Federal and non-Federal resources. Therefore, the conferees direct the Secretary of the Army to combine the previously authorized Arthur Kill, Howland Hook Marine Terminal, New York and New Jersey, project; the Kill Van Kull and Newark Bay Channel, New York and New Jersey, project; the New York and Adjacent Channels, Port Jersey, New Jersey, project into a single project designated the New York and New Jersey Harbor, New York and New Jersey, project. The conferees have combined the Construction, General and General Investigations budget amounts for these projects and provided \$88,500,000 for the New York and New Jersey Harbor project.*



*The Secretary of the Army is directed to use these funds to continue construction of the combined New York and New Jersey Harbor project to the depths authorized in the Water Resources Development Act of 2000.*

In response to the Conference Report’s direction, New York District has performed a limited reevaluation of the Recommended Plan and evaluated opportunities to consolidate implementation of the Recommended Plan with the continued implementation of the three authorized Predecessor Projects, and has prepared a Limited Reevaluation Report which will serve as the decision document that provides the District’s assessment of consolidation opportunities and recommendations.

b. Summary of Changes -- The following chart summarizes the key changes in Real Estate requirements and costs estimates since the *Feasibility Report* was approved:

<b>Fee</b>	<u>2000</u>	<b>Acres</b>	<b>Fee</b>	<u>2004</u>	<b>Acres</b>
Arthur Kill Channel, Staten Island, NY		0	Arthur Kill Channel, Staten Island, NY		0.3
Goethals Pond Mitigation Site, NY		6.0	Staten Island, NY (4 sites)		58.0
Woodbridge (South) Mitigation Site, NJ		<u>7.0</u>	Woodbridge Creek, NJ		24.0
		<b>13.0</b>	Goethals Bridge South, NJ		<u>3.8</u>
					<b>86.1</b>
<b>Easements</b>		<b>Acres</b>	<b>Easements</b>		<b>Acres</b>
Channel Improvement (Rip-rap)			None		<b>0</b>
Atlantic Salt Co., NY		0.60			
NYC Parks (Richmond Terrace), NY		<u>0.83</u>			
		1.43			
<b>Temporary Berthing Rights</b>		<b>none</b>	<b>Temporary Berthing Rights</b>		<b>11 sites</b>
<b>Costs:</b>			<b>Costs:</b>		
Lands & Damages:	\$1,211,000		Lands & Damages:	\$6,385,000	
Temporary Berthing Rights	0		Temporary Berthing Rights	58,000	
Administrative costs:	189,000		Administrative costs:	1,000,000	
Contingencies:	<u>300,000</u>		Contingencies:	<u>1,490,000</u>	
<b>TOTAL:</b>	<b>\$ 1,700,000</b>		<b>TOTAL:</b>	<b>\$8,933,000</b>	

c. Designation (Official Name) – **New York and New Jersey Harbor Deepening Project**

d. Project Sponsor: The Project’s non-Federal Sponsor is **The Port Authority of New York & New Jersey** (“PANYNJ”).



e. Project Location: Port of New York and New Jersey, including the following Channels: Ambrose (NJ), Anchorage (between Staten Island and Brooklyn, NY), Bay Ridge (off Brooklyn, NY), Red Hook (off Brooklyn, NY), Buttermilk (off Brooklyn, NY), the Kill Van Kull (between Staten Island, NY and the City of Bayonne, NJ), Claremont Terminal (Jersey City, NJ), Port Jersey (City of Bayonne, NJ), Newark Bay, including the Elizabeth Channel and South Elizabeth Channel (Cities of Elizabeth and Newark, NJ), and the Arthur Kill to Gulfport (between Staten Island, NY and the City of Elizabeth, NJ), as well as the anchorage areas at Stapleton (off Staten Island, NY), Red Hook Flats (off Brooklyn, NY) and Gravesend Bay (off Brooklyn, NY).

f. Cost-Sharing Formula: In accordance with the provisions of the Water Resources Development Act of 1986 (WRDA 86), the construction costs of the Project will be shared at a ratio of 75% Federal/25% non-Federal for construction up to a depth of 45-feet below Mean Low Water, and at a ratio of 50/50 for construction greater than a depth of 45 feet, with the Sponsor paying an additional ten (10%) percent of General Navigation Features (“GNF”) over 30 years.



## 1) PURPOSE

a. This report is prepared in accordance with the provisions of Corps of Engineers Regulation **ER 405-1-12, Chapter 12, Paragraph 12-16**. It is intended to serve as an Appendix (specifically, Appendix 'D') to the New York District's "Consolidated Implementation of the New York and New Jersey Harbor Deepening Project - Limited Reevaluation Report" dated **January 2004**. The purpose of this Real Estate Plan / Appendix is to present the overall plan describing the minimum real estate requirements, costs and acquisition schedules for the "consolidated implementation" of the Project, with an emphasis on changes to the Recommended Plan arising either out of consolidated implementation, or other factors.

b. The Real Estate Plan reflects the need to explore a variety of cost effective means of satisfying mitigation requirements arising from wetland impacts caused by dredging. These options may include purchase of credits from wetland mitigation banks or securing rights of entry to allow the Corps, its contractors or third parties to undertake wetlands enhancement work. If wetlands enhancement activities are selected on specific sites, research/investigations should be undertaken with regard to the presence of soil/groundwater contamination before any sites are finally selected as suitable wetland impact mitigation sites. One also has to recognize that these investigations may result in findings which require a report to State and Federal authorities which could give rise to environmental contamination remediation responsibilities and the classification of a previously unclassified site. Additionally, there are real concerns over liability for environmental remediation costs as well as natural resource damages. Accordingly, the Corps should confer with, and obtain the approval of, the Port Authority with regard to the method of mitigating wetland impacts. The method of mitigating wetlands impacts shall be consistent with the provisions of **ER 1165-2-132, "Water Resources Policies and Authorities - Hazardous, Toxic and Radioactive Waste (HTRW) Guidance for Civil Works Projects."**

c. Accordingly, this Real Estate Plan/Appendix is tentative in nature and both the final real property acquisition lines and costs are subject to change after approval of the Decision Document to which this Plan/Appendix is appended.

## (2) PROJECT PURPOSE AND FEATURES

(a) Project Area – The Port of New York and New Jersey (the "Port") is situated in the vicinity of the City of New York (Boroughs of Brooklyn, Staten Island, Manhattan, Bronx and Queens) in New York State and the vicinities of the Cities of Newark, Elizabeth, Jersey City, Hoboken and Bayonne in the State of New Jersey. The investigation includes, but is not limited to, the following channels: Ambrose, Anchorage, Bay Ridge, Red Hook, Buttermilk, the Kill Van Kull, Claremont Terminal, Port Jersey, Newark Bay (including the Elizabeth Channel and South Elizabeth Channel), and the Arthur Kill to Gulfport, as well as the anchorage areas at Stapleton, Red Hook Flats, and Gravesend Bay.



(b) Project Purpose - In light of the trend toward larger cargo vessels in the world's fleet, the purpose of the New York and New Jersey Harbor Navigation Feasibility Study is to identify, evaluate and screen potential alternatives for channel deepening and related improvements throughout the Port. Project costs include the cost of channel dredging, dredged material disposal, mitigation, and improvements to land-side facilities.

(c) Required Lands, Easements, Rights-of-Way, Relocations and Disposal Areas (LERRD) – The estimated **maximum** total acreage required for the Project is as follows:  
 (1) approximately **0.3 acre** of fee simple land, without improvements, as part of the improved Arthur Kill Channel right-of-way.  
 (2) approximately **85.8 acres of fee simple** land, without improvements, to be accessed via public roads in their respective vicinities.  
 (3) berthing space (each of approx. 400 linear feet) for “de-watering” barges, at various locations and intervals during dredging operations. Specifically, approximately **eleven (11) berthing sites** are required, for a total of approximately **504 “berth-days.”** The specific locations and durations of required use will be determined during the Project's Pre-Construction Engineering and Design (“PED”) phase.

The approximately **0.3 acre** fee simple acquisition will be used for the improved Arthur Kill Channel where, due to the proximity of the Channel to the shoreline of Staten Island and the specific angle and depth of the “side slopes” thereof, the Channel's right-of-way will extend slightly landward of the Mean High Water Line just west of the westerly side of the mouth of Bridge Creek (approx. **0.1 ac.**) and east of the easterly side of the mouth of Bridge Creek (approx. **0.2 ac.**), in the vicinities of Howland Hook Container Terminal and the former “Port Ivory” complex, respectively. These parcels are further identified as follows:

<u>Site Name &amp; Acreage</u>	<u>ID Info</u>	<u>Owner Name</u>
Arthur Kill Channel Improvement - West (0.1 ac.)	Block 1390, Lot 5	City of New York (Economic Development Corp., Dept. of Business Services)
Arthur Kill Channel Improvement - East (0.2 ac.)	Block 1390 Lot 10	The Port Authority of New York and New Jersey

The approximately **85.8 acres** of fee simple acquisitions are to be used for environmental mitigation of certain impacts to wetlands resulting from Project construction. Approximately **6.26 acres** of wetlands will be impacted by the Project, **1.56 acres** in New York State and **4.7 acres** in New Jersey. Within New Jersey waters, approximately **0.06 acre** will be impacted by improvements to Kill Van Kull channel; **3.23 acres** by improvements to Arthur Kill channel; **2.72 acres** by improvements to



Newark Bay channel; and **0.25 acre** by improvements to Elizabeth Channel. Within New York waters, approximately **0.06 acre** will be impacted by improvements to Kill Van Kull channel; and **1.5 acres** by improvements to Arthur Kill channel. Impacted wetlands are to be mitigated based on formulas determined by the Corps of Engineers in concert with the New York State Department of Environmental Conservation (NYSDEC) and the New Jersey Department of Environmental Protection (NJDEP). As of **December 2003**, approximately **58 acres** are required for impacts in New York State, and approximately **27.8 acres** for impacts in New Jersey. These forecast acreages are the *maximum* that might be required - the Project anticipates that materially less acreage will actually be required for mitigation.

Mitigation of impacts within New York State will be performed in the Borough of Staten Island (a/k/a Richmond County), City of New York (up to 58 acres). Mitigation of impacts within New Jersey will be performed in the City of Elizabeth in Union County (up to 3.8 acres) and the Township of Woodbridge in Middlesex County (up to 24 acres).

The recommended mitigation plan currently under discussion with the New York State Department of Environmental Conservation (“NYSDEC”) calls for mitigation at four sites on Staten Island :

<u>Site Name &amp; Acreage</u>	<u>ID Info</u>	<u>Owner Name</u>
<b>Saw Mill Creek-East</b> (a/k/a SI Site #1) ± 11.9 acres	Section 8 Map 9 Block # 1780 Lot 260 (± 4.66 ac)  Lot 275 (± 7.09 ac)	<b>Lot 260:</b> City of New York (Office of Economic Development)  <b>Lot 275:</b> New York City Transit Authority
<b>Saw Mill Creek-West</b> (a/k/a SI Site #2) ± 4.3 acres	Section 8 Map 9 Block # 1780 Lot 15 (± 3.4 ac) & Portion of Lot 1 (± 0.9 ac)	<b>Lot 15:</b> B. Notarfrancesco  <b>Lot 1:</b> City of New York (Dept. of Parks & Recreation)
<b>Saw Mill Creek-North</b> (a/k/a SI Site #3) ± 20.3 acres	Section 8 Map 12 Block 1815 Lot 300 (± 15.5 ac) Lot 325 (+ 0.91 ac)	<b>Lot 300:</b> City of New York Office of Economic Development  <b>Lot 325:</b> Same as Lot 300
<b>Old Place Creek</b> (a/k/a SI Site #4) ± 21.5 acres	Section 6 Map 11 Block 1410 Portion of Lot 250	City of New York (Dept. of Business Services)



The recommended mitigation plan currently under discussion with the New Jersey Department of Environmental Protection (“NJDEP”) calls for mitigation at two sites:

<u>Site Name &amp; Acreage</u>	<u>ID Info</u>	<u>Owner Name</u>
<b>Goethals Bridge South,</b> City of Elizabeth, Union County, NJ (+ <b>3.8 ac</b> )	Book 11, Sheet 14	
	<b>Lot 4-1470</b> (Goethals Bridge R-o-W) (+1.46 ac)	Port Authority of New York & New Jersey
	<b>Lot 4-1470A</b> (652-656 South Front St) (+0.61 ac)	Phelps Dodge Wire & Cable
	<b>Lot 4-1471</b> (666-686 South Front Street) (+1.73 ac) (submerged lot)	Cory Bayway Holdings
<b>Woodbridge Creek</b> Township of Woodbridge Middlesex County, NJ (+ <b>24.00 ac</b> )	Township of Woodbridge Tax Map # <b>92</b>	
	Block 551, Lots 2 & 3 (1 owner, 5.4 ac.)	Sterling Heights, LLC
	Block 551D Lots 134-149	Township of Woodbridge
	Lots 134, 135, 136, 137, 138, 139, 148 & 149 (0.35 ac)	Township of Woodbridge
	Lots 144 & 145 (0.11 ac)	Mr. & Mrs. Anthony & Lisa Weaver
	Lots 140, 141, 142 & 143 (0.23 ac)	Ms. Jeanette Silakowski
	Lots 146 & 147 (0.11 ac)	Mr. & Mrs. Russell & Mary Graser



<u>Site Name &amp; Acreage</u>	<u>ID Info</u>	<u>Owner Name</u>
Woodbridge Creek (Con't)	Block 551E (entire block) Lots 159-166 (1 owner, 0.38 ac)	Mr. & Mrs. Carl & Lillian Fleming
	Block 563 G-G Lots 1-15 1 owner, 0.87 ac.	Township of Woodbridge
	Block 563 H-H Lots 1-16 1 owner, 0.9 ac.	Township of Woodbridge
	Block 563 M-M Lots 9A, 10A & 11-23 1 owner, 1.15 ac.	Township of Woodbridge
	Block 563 N-N Lots 1-22, 1 owner, 1.60 ac.	Township of Woodbridge
	Block 563 P-P (entire block) Lots 1-20, (1 owner, 1.3 ac (Heidelberg Ave)	Township of Woodbridge
	Block 563 Q-Q Lot 1 (entire block) (1 owner, 0.70 ac.) (Vesper Ave)	Township of Woodbridge
	Block 563P, Lots 121, 122, 123 & 151-156 (1 owner, 0.55 ac)	Township of Woodbridge
	Block 563Q, Lots 157-161 & 189-193 (1 owner, 0.65 ac)	Township of Woodbridge



<u>Site Name &amp; Acreage</u>	<u>ID Info</u>	<u>Owner Name</u>
Woodbridge Creek (Con't)	Block 563R, Lots 194-197 & 227-231 (1 owner, 0.55 ac)	Township of Woodbridge
	Block 563 S Lots 248-265, inclusive (one owner, 1.5 ac)	Township of Woodbridge:
	Block 563 U (entire block) Lots 232-246 1 owner, 1.0 ac)	Township of Woodbridge
	Block 132 Misc. unimproved land (Turnpike "buffer") (± 3.0 acres)	New Jersey Turnpike Authority
	Miscellaneous "paper" streets (no lot numbers, e.g., Brookfield Ave, Watson - end; Pearl Ave, Brookfield - Heards Brook; Claire Ave, Watson – end; Heidelberg Ave, Brookfield – Heards Brook; Vesper Ave, Brookfield – Heards Brook; Clinch St, north of Woodbridge Ave) (1 owner, 3.65 ac)	Township of Woodbridge

The specific acreage required is subject to reduction based on the environmental requirements of the NYSDEC, and the NJDEP, but NO increases are anticipated.

The Project's non-Federal Sponsor, The Port Authority of New York and New Jersey ("PANYNJ") will be responsible for obtaining the required real estate interests, assuring performance of required relocations and removals, and will also provide required berthing space for de-watering barges at its existing berthing facilities within New York and New Jersey Harbor.



The Project does not require acquisition of real property interests for borrow areas or disposal areas. At the request of the States of New York and New Jersey), rock material will be placed on off-shore artificial reefs. Materials meeting the standards for ocean placement and suitable for remediation purposes will be placed at the off-shore “Historic Area Remediation Site” (“HARS”). Required permits for these activities will be obtained during the Project’s PED stage. All other dredged materials will be placed at existing upland privately-owned “Brownfield Remediation” sites in the State of New Jersey, including the Hunterdon Quarry site, CTI Lehigh Anthracite site, CTI Carteret site, SK Services (Koppers Coke) site, SK Services Port Reading site, OENJ Bayonne site, OENJ Port Reading site, Sayreville National Lead site, Allied Signal Elizabeth site, JCIO Upcycle Decon site, Biogenesis Kearny Decon site, IGT Koppers Decon site and Westinghouse Plasma Arc Decon site. Dredged material will be removed by the construction contractor and placed at these sites. There is no intent for any Project participants (the States of New York and New Jersey and the Port Authority of New York and New Jersey (“PA”) to acquire these sites.

There are four (4) “Deep Draft Utility Relocations” required for this Project. These relocations are described and discussed in **Section 16** hereof, “Facility, Utility Relocations.”

A summary of the acreage needed for the Project and the uses thereof is as follows:

Fee Simple Land, w/o Improvements	<b>Acres</b>
Bridge Creek, SI, NY	0.3
Saw Mill Creek-East, SI, NY	11.9
Saw Mill Creek-West, SI, NY	4.3
Saw Mill Creek-North, SI, NY	20.3
Old Place Creek, SI, NY	21.5
Goethals Bridge South, Elizabeth, NJ	3.8
Woodbridge Creek, Woodbridge, NJ	<u>24.0</u>
	<b>86.1</b>
<b>Temporary Berthing Rights</b> (11 locations)	(not applicable)

(d) Appraisal Information - The highest and best use of the land is as follows:

- (1) Staten Island, NY Arthur Kill Channel Right-of-Way (0.3 ac.), and Staten Island, NY Mitigation Sites (58 acres): Industrial use, subject to wetlands restrictions on development.
- (2) Woodbridge, NJ (24 acres): Residential use, subject to wetlands restrictions on development.
- (3) Elizabeth, NJ: Industrial use



A summary of Project LER “economic” costs using a September 2003 valuation obtained from local Tax Assessors, as well as from Gross Appraisals of similar Environmental Mitigation/Ecosystem Restoration efforts in the vicinity of the Project (e.g. Union Beach, Monmouth County, NJ; South River, Middlesex County, NJ), is as follows:

<u>(i) Lands and Damages</u>	<u>Acres</u>	<u>Unit Value</u>	<u>Total Value</u>
<u>Fee Simple Land, without Improvements</u>			
Staten Island, NY Arthur Kill R-o-W	0.3	\$60,000	\$ 18,000
Staten Island, NY mitigation sites	58.0	60,000	3,480,000
Woodbridge, NJ mitigation site	24.0	110,000	2,640,000
Elizabeth, NJ mitigation site	3.8	65,000	247,000
Improvements	None	n/a	0
Severance Damages	None	n/a	<u>0</u>
 Total – Lands, Improvements & Damages	 86.1		 \$6,385,000
 Berthing Rights (11 sites, 504 “Berth-Days”)	 n/a	 \$115/day	 \$58,000
Administrative Costs of Acquisition:			1,000,000
 Sub-total:			 7,443,000
 (ii) Contingencies (20%)			 1,490,000
 TOTAL:			 \$8,933,000

The foregoing, based on local Assessors’ valuations, and data from Corps of Engineers Gross Appraisals of similar mitigation lands for other New York District water resource projects in the vicinity of the subject Project (e.g., Union Beach, Monmouth County, NJ; and South River, Middlesex County, NJ) may change as a result of the definitive determinations of highest and best use and conclusions of value contained in the formal Gross Appraisal, which will be completed o/a 15 November 2003. The determinations of highest and best use and conclusions of value contained in the said Gross Appraisal will form the basis for any real estate costs set forth in the final Real Estate Plan.

The difference in real estate requirements between the Project’s “baseline” 1999 Real Estate Plan and this Real Estate Plan in support of the LRR arises out of several material factors:

- a. Due to refinements in Project engineering (channel widths and side slopes), there is no longer a requirement to stabilize portions of the southern shoreline of the Kill Van Kull along or near Richmond Terrace and the Atlantic Salt complex in Staten Island, which eliminates the requirement for the approximately 1.43 acres of channel improvement easements. There is, however, a requirement to utilize approximately 0.3 acre landward



of the Mean High Water Line, hence outside the area of the Navigational Servitude. The requirement for de-watering barge berth space was identified as a result of similar engineering refinements.

b. Due to changes in the regulatory requirements and guidance of the NYSDEC, the original 6.0-acre Goethals Pond Mitigation Site in Staten Island, NY is no longer required. Instead, the NYSDEC has directed the Project to conduct required environmental mitigation activities at the four Staten Island sites (comprising 58 acres, in total) described above.

c. Due to changes in the regulatory requirements and guidance of the NJDEP, the original 7.0 acre Woodbridge South Mitigation Site in Woodbridge, NJ has been expanded to encompass 24.0 acres, the name of this mitigation area has been changed to Woodbridge Creek Mitigation Site. NJDEP has further directed the Project to conduct additional environmental mitigation activities at the 3.8-acre Goethals Bridge South mitigation site in Elizabeth, NJ, which was not a requirement at the time of the baseline Real Estate Plan.

It should be noted, however, that these changes are not, strictly speaking, the result of the Consolidated Implementation of the Project, but arise instead out of subsequent engineering or environmental refinements.

### (3) NON-FEDERAL SPONSOR-OWNED LANDS

The Port Authority of New York and New Jersey is the owner of Block 1390, Lot 10 (a/k/a former Port Ivory complex, 3625 Richmond Terrace, Staten Island, NY 10303), where approx. 0.2 acre of land upland of the Mean High Water line will be required to construct the improved Arthur Kill Channel. It also owns berthing space at its various marine terminals in the Port of New York and New Jersey that will be utilized by Project de-watering barges during dredging operations, and it holds an easement for a right-of-way for the Goethals Bridge in Elizabeth, NJ, a portion of which is planned to be utilized for the Goethals South mitigation area.

### (4) ESTATES

The required estate is Fee Simple, Corps of Engineers Standard Estate No. 1. The text of this estate appears in **Exhibit “A”**.

### (5) EXISTING FEDERAL PROJECT

Insofar as the channels and anchorages comprising the New York and New Jersey Harbor are Federal navigable waterways maintained by the Corps of Engineers, the Project is considered to be an existing Federal project.



(6) FEDERALLY-OWNED LANDS

The United States of America owns, in fee, approximately 52 acres of land situated in Jersey City, NJ and administered by the New York District's Operations Division (CENAN-OP) as its Caven Point Marine Base. Approximately 0.50 acre thereon will be used as a New York District Construction Division (CENAN-CO) Field Office for the Project and a temporary office (trailer or "relocatable building") will be placed thereon. The non-Federal sponsor will not receive LER credit for this land.

(7) LANDS within ORDINARY or MEAN HIGH WATER MARK and NAVIGABLE SERVITUDE

With the *sole exception* of approximately 0.3 acre of "upland" on the shoreline of Arthur Kill on either side of the mouth of Bridge Creek on Staten Island, the channels and anchorages comprising the Port of New York and New Jersey that are to be improved are all Federal channels, and the Government will exercise its rights under the doctrine of Navigational Servitude.

(8) PROJECT MAPS

Map labeled **Figure 1** depicts the general location of the Project area. Map labeled **Figure 2** depicts the navigation channels to be deepened. Maps labeled **Figures 3, 4, 5 and 6** depict the four Mitigation Areas on Staten Island (Richmond County). Map labeled **Figure 7** depicts the Goethals Bridge South Mitigation Area in Elizabeth, NJ. Map labeled **Figure 8** depicts the Woodbridge Creek mitigation area. Map labeled **Figure 9a** depicts the general vicinity of the proposed "daylight area" of the improved Arthur Kill Channel; map labeled **Figure 9b** depicts the specific locations of the daylight area.

(9) INDUCED FLOODING

No flooding will be induced by the construction, operation or maintenance of the Project.

(10) BASELINE COST ESTIMATES

Baseline Cost Estimates in M/CASES format are set forth in **Exhibit "B."**



(11) PL 91-646 UNIFORM RELOCATION ASSISTANCE

There are no persons, businesses, farms or not-for-profit entities that will be displaced as a result of the Project. Accordingly, no relocation assistance to such persons, businesses, farms or not-for-profit entities will be required under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, as amended).

(12) MINERALS and TIMBER

There are no present or anticipated mineral activities, or any present or anticipated timber harvesting activities, in the Project area.

(13) NON-FEDERAL SPONSOR'S ASSESSMENT

The Project's non-Federal Sponsor is **The Port Authority of New York and New Jersey ("PANYNJ")**. PANYNJ is non-Federal Sponsor for other Corps of Engineers navigation improvement projects in the Port of New York and New Jersey (e.g., Arthur Kill –Howland Hook Navigation Improvement Project), and has both the land acquisition experience and the ability to acquire real estate necessary for the Project, and to perform the real estate requirements of a Project Cooperation Agreement. It has "quick take" authority. An "Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability" is attached as **Exhibit "C."**

(14) ZONING ORDINANCES

No application for, or enactment of, any zoning ordinances are proposed in connection with the Project.

(15) ACQUISITION SCHEDULES

Execution of the Project Cooperation Agreement (PCA) and acquisition of Project LERRD is scheduled for **May 2004**. The actual commencement of acquisition of Project LERRD depends upon the date of PCA execution. Acquisition of the mitigation areas in New York State is required by July 2005; acquisition of mitigation areas in New Jersey is required by July 2006. **Exhibit "D"** sets forth the Real Estate Acquisition Milestones and Schedule.

(16) FACILITY, UTILITY RELOCATIONS

There are four (4) utility lines to be removed or relocated for the Project, all of which constitute "Deep Draft Utility Relocations" under the provisions of US Army Corps of Engineers (CECW-AA) Policy Guidance Letter (PGL) No. 44 dated 25 October



1995, “Relocations and Removals at Navigation (Harbor) Projects.” Two of these three utilities (consisting of one 36-inch water line and one 42-inch water line, both owned by the City of New York) cross the Anchorage Channel between Brooklyn (Kings County), NY and Staten Island, NY. These lines cross the Upper Harbor between Brooklyn and Staten Island and cross the Bay Ridge Channel, the southern portion of the Red Hook Flats Anchorage, and Anchorage Channel. The estimated cost of these “deep draft relocations” is **\$37 million**.

In addition, one 12-inch gas pipeline, owned by the **Public Service Electric and Gas Company of New Jersey (“PSE&G”)** situated south of South Elizabeth Channel, crosses Newark Bay from Elizabeth, NJ to Bayonne, NJ. The estimated cost of this “deep draft relocation” is **\$3.24 million**.

Finally, one “long-distance” 26-inch gas pipeline traversing the Ambrose Channel, owned by **Williams Energy**, will be lowered within its existing right-of-way, at an estimated cost of **\$300,000**.

In accordance with Section 101 (a) (4) of WRDA 86, as amended, and as discussed in Paragraph 4c(1) of PGL 44 (“Deep Draft Utility Relocations”), the respective utility owners are responsible for half of these relocation costs, with the non-Federal sponsors being responsible for the other half. The actual cost of the utility relocations borne by the non-Federal sponsor(s) (up to 50 percent of the total cost of the utility relocation) will be creditable against the non-Federal sponsor(s)’ required additional 10 percent payment under Section 101 (a) (2) of WRDA 86, as amended.

In addition, several aids to navigation (floating buoys) will require temporary relocation. The specific buoys to be relocated will be identified during the Project’s PED stage. The New York District will notify the Coast Guard in writing of the specific requirements during the PED Phase and will request relocation of these navigation aids in writing upon PCA execution.

No other facilities or utilities will be relocated as a result of the Project. An *Attorney’s Opinion of Compensability* will be prepared in writing for each proposed utility relocation.

#### (17) HAZARDOUS, TOXIC OR RADIOLOGICAL WASTE (HTRW)

As stated in the Project’s *Draft Environmental Impact Statement*, there are no known HTRW or contaminated lands within the Project area.

#### (18) PROJECT SUPPORT

Affected landowners and local governments within the Project area support the project.



(19) NOTIFICATION(S) TO NON-FEDERAL SPONSOR

The non-Federal Sponsor will be notified in writing as to the risks involved in proceeding with real estate acquisition prior to execution of a Project Cooperation Agreement. The Sponsor will be further advised as to the crediting principles and the requirements of Public Law 91-646 applicable to real estate acquisition responsibilities. To facilitate affording of credit for the market value of the LER in a timely manner, the non-Federal sponsor(s) will be advised by the New York District to submit credit request(s), with supporting documentation, within 180 days after it provided the Government authorization for entry for such LER.

(20) OTHER REAL ESTATE ISSUES

(a). After the execution of the PCA, the District will assist the non-Federal sponsor in obtaining any Federal interests required for the Project, and will monitor and progress the non-Federal sponsors' performance.

(b). In the event the NJDEP and/or the NYSDEC determine that some, or some portion of, the environmental mitigation sites discussed in Paragraph 2 herein are not required for compliance with relevant State environmental laws or regulations, this Real Estate Plan will be amended accordingly, to reflect updated cost and acreage forecasts. The Schedule of Acquisition, however, is NOT expected to change materially as a result of such State determinations.

(c). Similarly, this Real Estate Plan will be amended to reflect information contained in the forthcoming Gross Appraisal, but the total conclusions of value or cost estimates contained herein are NOT expected to increase.



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Limited Reevaluation Report  
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Appendix D

Real Estate Plan

Exhibit "A"

ESTATES

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January 2004

1. Fee.

The fee simple title to (the land described in Schedule A) (Tract No. \_\_\_\_), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

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Appendix D

Real Estate Plan

Exhibit "B"

BASELINE COST ESTIMATES IN M/CASES FORMAT

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January 2004

	<b>TOTAL PROJECT COSTS</b>	non-Federal	Federal	Contingency	Project Cost
01	<b>LANDS AND DAMAGES</b>	\$7,095,000	\$318,000	\$1,482,600	8,895,600
	(rounded)				<b>8,896,000</b>
01A	<b>PROJECT PLANNING</b>	<b>80,000</b>	<b>58,000</b>		
01A10	REAL ESTATE SUPPLEMENT/PLAN		32,000		
01A20	PRELIMINARY RE ACQUISITION MAPS		3,000		
01A30	PHYSICAL TAKINGS ANALYSIS		0		
01A40	PRELIMINARY ATTORNEY'S OPINION OF COMPENSABILITY		8,000		
01A50	ALL OTHER RE ANALYSES/DOCUMENTS		15,000		
01B	<b>ACQUISITIONS</b>	<b>6,367,000</b>	<b>38,000</b>		
01B10	BY GOVERNMENT				
01B20	BY LOCAL SPONSOR (LS)	6,367,000			
01B30	BY GOVT ON BEHALF OF LS				
01B40	REVIEW OF LS		38,000		
01C	<b>CONDEMNATIONS</b>	<b>80,000</b>	<b>92,000</b>		
01C10	BY GOVERNMENT				
01C20	BY LS	80,000			
01C30	BY GOVT ON BEHALF OF LS		80,000		
01C40	REVIEW OF LS		12,000		
01D	<b>INLEASING</b>	<b>0</b>	<b>0</b>		
01D10	BY GOVERNMENT				
01D20	BY LS				
01D30	BY GOVT ON BEHALF OF LS				
01D40	REVIEW OF LS				
01E	<b>APPRAISAL</b>	<b>250,000</b>	<b>60,000</b>		
01E10	BY GOVT (IN HOUSE)				
01E20	BY GOVT (CONTRACT)				
01E30	BY LS	250,000			
01E40	BY GOVT ON BEHALF OF LS				
01E50	REVIEW OF LS		60,000		
01F	<b>PL 91-646 ASSISTANCE</b>	<b>0</b>	<b>0</b>		
01F10	BY GOVERNMENT				
01F20	BY LS				
01F30	BY GOVT ON BEHALF OF LS				
01F40	REVIEW OF LS				
01G	<b>TEMPORARY PERMITS/LICENSES/RIGHTS-OF-ENTRY</b>	<b>58,000</b>	<b>33,000</b>		
01G10	BY GOVERNMENT				
01G20	BY LS	58,000			
01G30	BY GOVT ON BEHALF OF LS				
01G40	REVIEW OF LS		33,000		
01G50	OTHER				
01G60	DAMAGE CLAIMS				
01H	<b>AUDITS</b>	<b>0</b>	<b>0</b>		
01H10	BY GOVERNMENT				
01H20	BY LS				
01H30	BY GOVT ON BEHALF OF LS				
01H40	REVIEW OF LS				

01J	<b>ENCROACHMENTS AND TRESPASS</b>	<b>0</b>	<b>0</b>	
01J10	BY GOVERNMENT			
01J20	BY LS			
01J30	BY GOVT ON BEHALF OF LS			
01J40	REVIEW OF LS			
01K	<b>DISPOSALS</b>	<b>0</b>	<b>0</b>	
01K10	BY GOVERNMENT			
01K20	BY LS			
01K30	BY GOVT ON BEHALF OF LS			
01K40	REVIEW OF LS			
01N00	<b>FACILITY/UTILITY RELOCATIONS</b>	<b>220,000</b>	<b>3,000</b>	
01Q00	<b>RESERVED FOR FUTURE HQUSACE USE</b>	<b>0</b>	<b>0</b>	
01R	<b>REAL ESTATE PAYMENTS</b>	<b>40,000</b>	<b>17,000</b>	
01R1	<b>LAND PAYMENTS</b>			
01R1A	BY GOVERNMENT			
01R1B	BY LS	40,000		
01R1C	BY GOVT ON BEHALF OF LS			
01R1D	REVIEW OF LS		4,000	
01R2	<b>PL 91-646 ASSISTANCE PAYMENTS</b>	<b>0</b>	<b>0</b>	
01R2A	BY GOVERNMENT			
01R2B	BY LS			
01R2C	BY GOVT ON BEHALF OF LS			
01R2D	REVIEW OF LS			
01R3	<b>DAMAGE PAYMENTS</b>	<b>0</b>	<b>0</b>	
01R3A	BY GOVERNMENT			
01R3B	BY LS			
01R3C	BY GOVT ON BEHALF OF LS			
01R3D	REVIEW OF LS			
01R9	<b>OTHER</b>			
01T	<b>LERRD CREDITING</b>	<b>0</b>	<b>17,000</b>	
01T10	LAND PAYMENTS		12,000	
01T20	ADMINISTRATIVE COSTS		5,000	
01T30	PL 91-646 ASSISTANCE			
01T40	ALL OTHER			
		20,985,000	938,000	21,923,000

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Limited Reevaluation Report  
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Appendix D

Real Estate Plan

Exhibit "C"

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE  
ACQUISITION CAPABILITY

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January 2004

## **New York and New Jersey Harbor Deepening Project**

### **Limited Reevaluation Report on Consolidated Implementation**

#### **Non-Federal Sponsor: The Port Authority of New York and New Jersey**

#### Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability

- 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 the land required for the project located outside the sponsor's political boundary? NO
  - e. Are any of the lands/interests in the land required for the project owned by an entity whose property the sponsor cannot condemn? YES
  
- II. Human Resources 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 IIa 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 work load, 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? YES
  
- 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. FULLY CAPABLE

V. Coodination:

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

Prepared by:

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Stanley H. Nuremburg,  
Realty Specialist

Reviewed and Approved by:

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Noreen D. Dresser  
Chief, Real Estate Division

U.S. Army Corps of Engineers

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Limited Reevaluation Report  
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Appendix D

Real Estate Plan

Exhibit "D"

SCHEDULE OF ACQUISITION

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January 2004

**EXHIBIT D - SCHEDULE OF ACQUISITION**  
 NY & NJ Harbor Deepening Project  
 New Jersey Mitigation Areas - RE Plan

ID	Task Name	Duration	Start	Finish
<b>1</b>	<b>Start real Estate Acquisition</b>	<b>590d</b>	<b>6/1/04</b>	<b>9/4/06</b>
2	Signed PCA Obtained by NAN	0d	6/1/04	6/1/04
<b>3</b>	<b>Obtain LERRD</b>	<b>410d</b>	<b>6/1/04</b>	<b>12/26/05</b>
4	(NAN-RE) Formal Transmittal of Final ROW drawings to A	0d	6/1/04	6/1/04
5	(LS) Prepare Mapping and Legal description	30d	6/1/04	7/12/04
6	(NAN-RE) Review Mapping and Legal description	10d	7/13/04	7/26/04
7	(LS) Obtain title Evidence	30d	7/27/04	9/6/04
8	(NAN-RE) Review Title Evidence	15d	9/7/04	9/27/04
9	(LS) Obtain Tract Appraisal	120d	9/28/04	3/14/05
10	(NAN-RE) Review Tract Appraisal	20d	3/15/05	4/11/05
11	(LS) Conduct Negotiations	60d	4/12/05	7/4/05
12	(NAN-RE) Review Counteroffers	10d	7/5/05	7/18/05
13	(LS) Perform Closings	45d	7/19/05	9/19/05
14	(NAN-RE) Review Closings	10d	9/20/05	10/3/05
15	(LS) Submit Authorization for Entry to Construct	10d	10/4/05	10/17/05
16	(NAN) Review Authorization for Entry to Construct	10d	10/18/05	10/31/05
17	(NAN-OC) Review Authorization for Entry to Construct by	15d	11/1/05	11/21/05
18	(NAN-RE) Certify LER for Construction	15d	11/22/05	12/12/05
19	(NAN-RE) Delivery of Certification prior to Construction Av	10d	12/13/05	12/26/05
20	Construction Award Date	0d	12/26/05	12/26/05
<b>21</b>	<b>(LS) Prepare and Submit Credit Requests</b>	<b>180d</b>	<b>12/27/05</b>	<b>9/4/06</b>
22	(NAN-RE) Review and approve Credit to LS	180d	12/27/05	9/4/06
23	(NAN-RE) Establish Value for Creditable LERRD to PM	180d	12/27/05	9/4/06

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Limited Reevaluation Report  
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Appendix D

Real Estate Plan

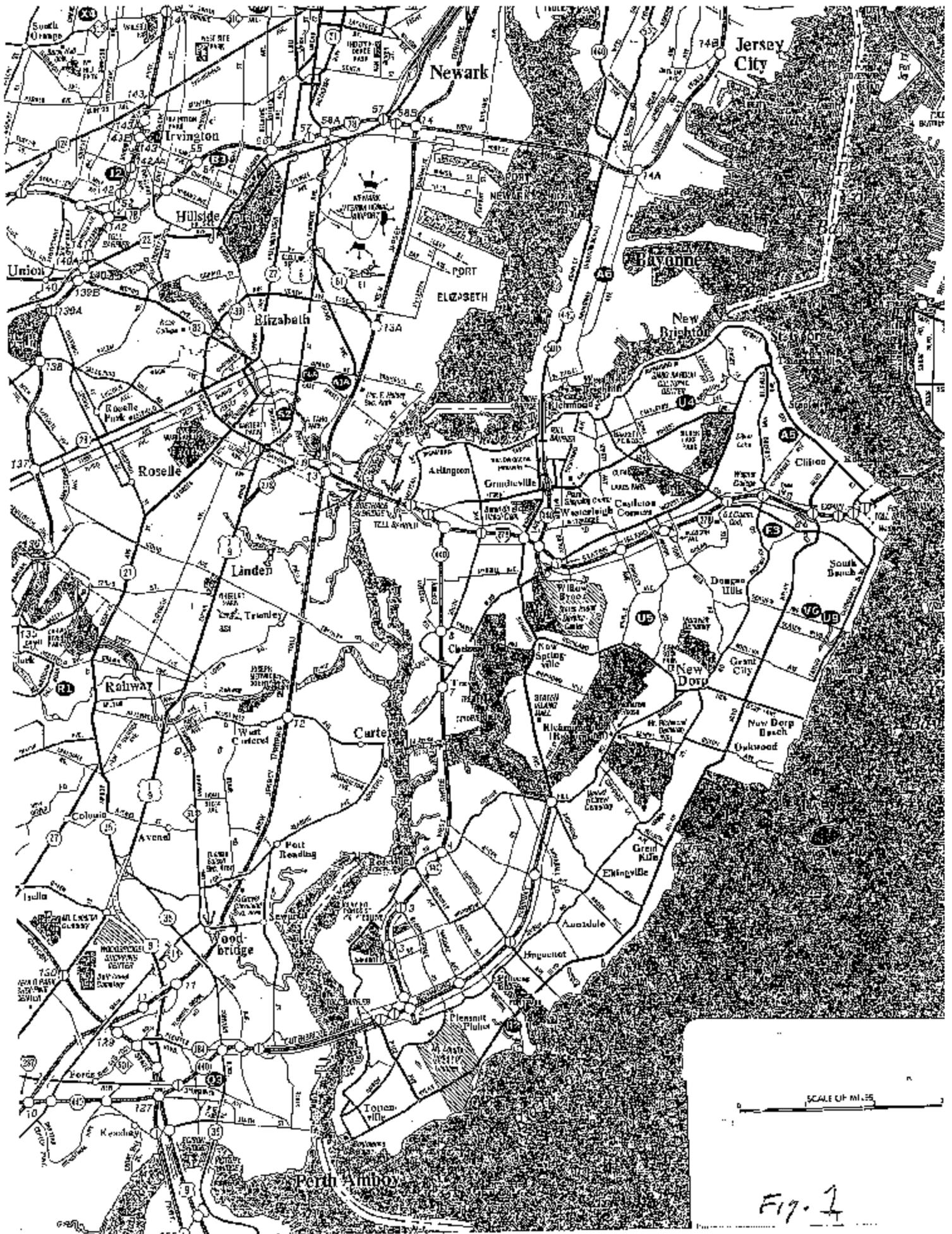
MAPS

Figures 1, 2, 3, 4, 5, 6, 7, 8, 9a, & 9b

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# Preferred Consolidation Plan

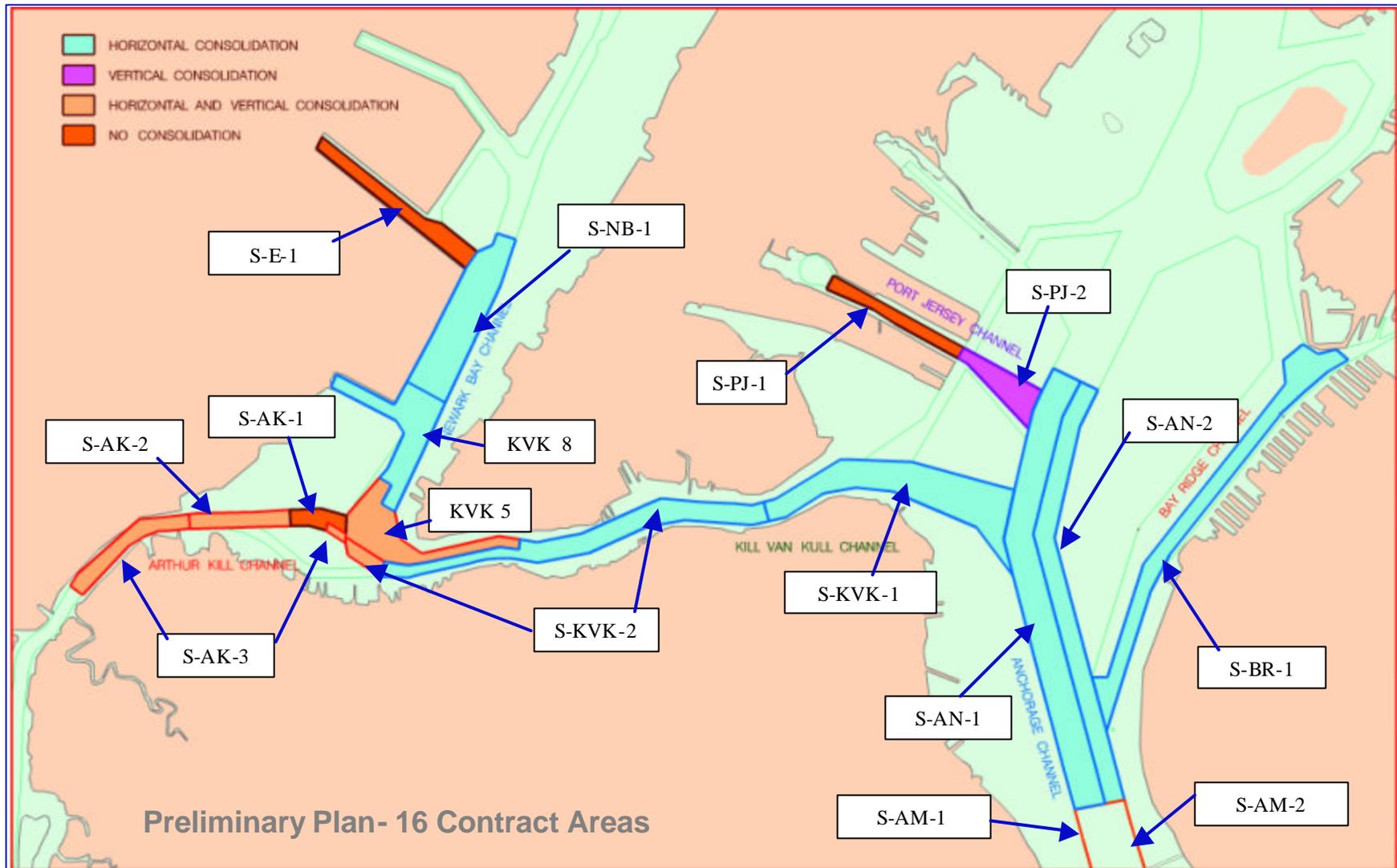
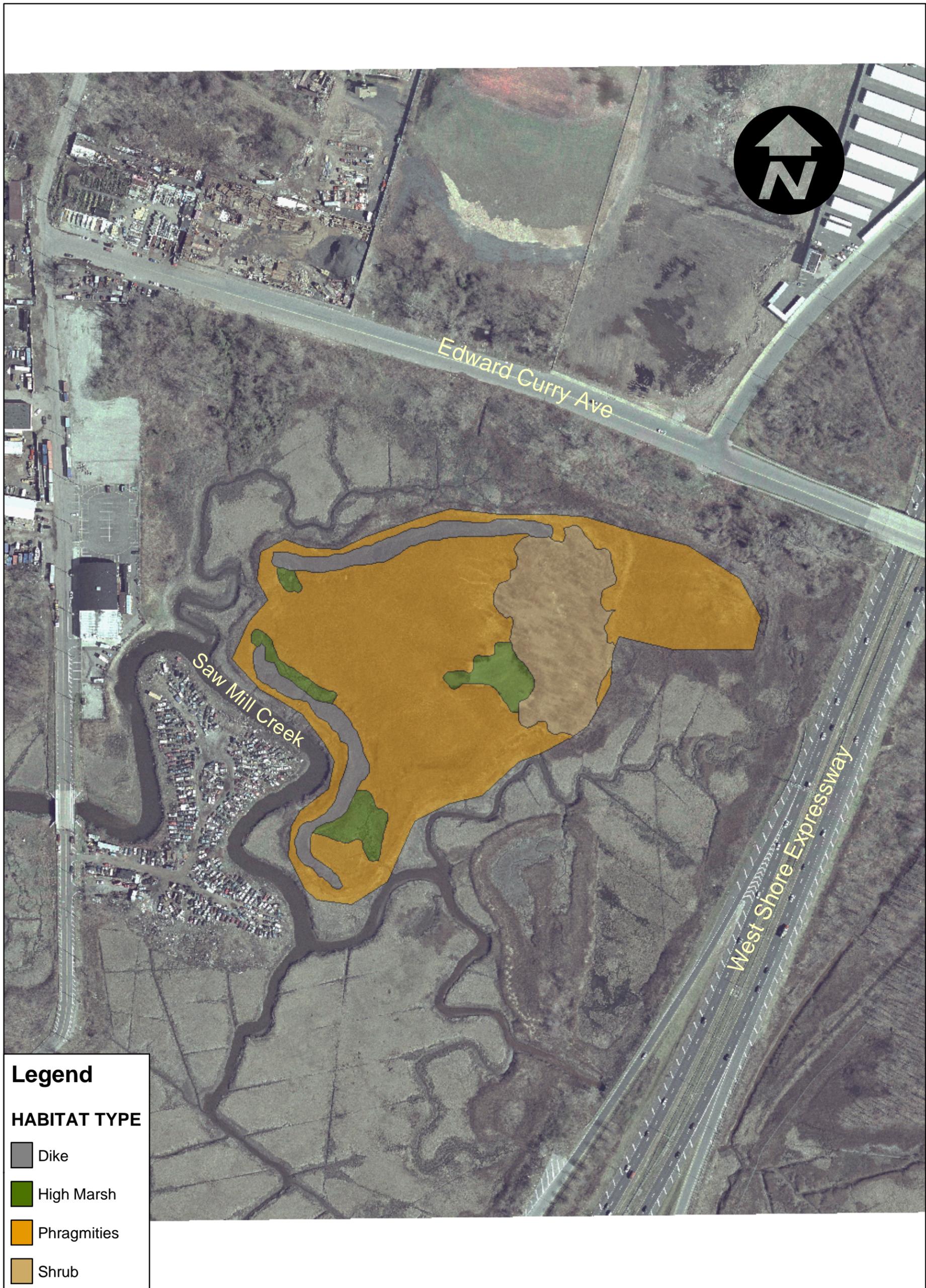


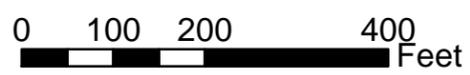
Figure 2



**Legend**

**HABITAT TYPE**

- Dike
- High Marsh
- Phragmites
- Shrub



Base Map 2001 True Color Aerial Photograph



**Legend**

**HABITAT YPE**

- Disturbed
- High Marsh
- Phragmites



Base Map 2001 True Color Aerial Photograph



### Legend

#### HABITAT TYPE

-  Tidal Creek
-  Open Water
-  Dike
-  Disturbed
-  High Marsh
-  Phragmites

0 100 200 400 Feet

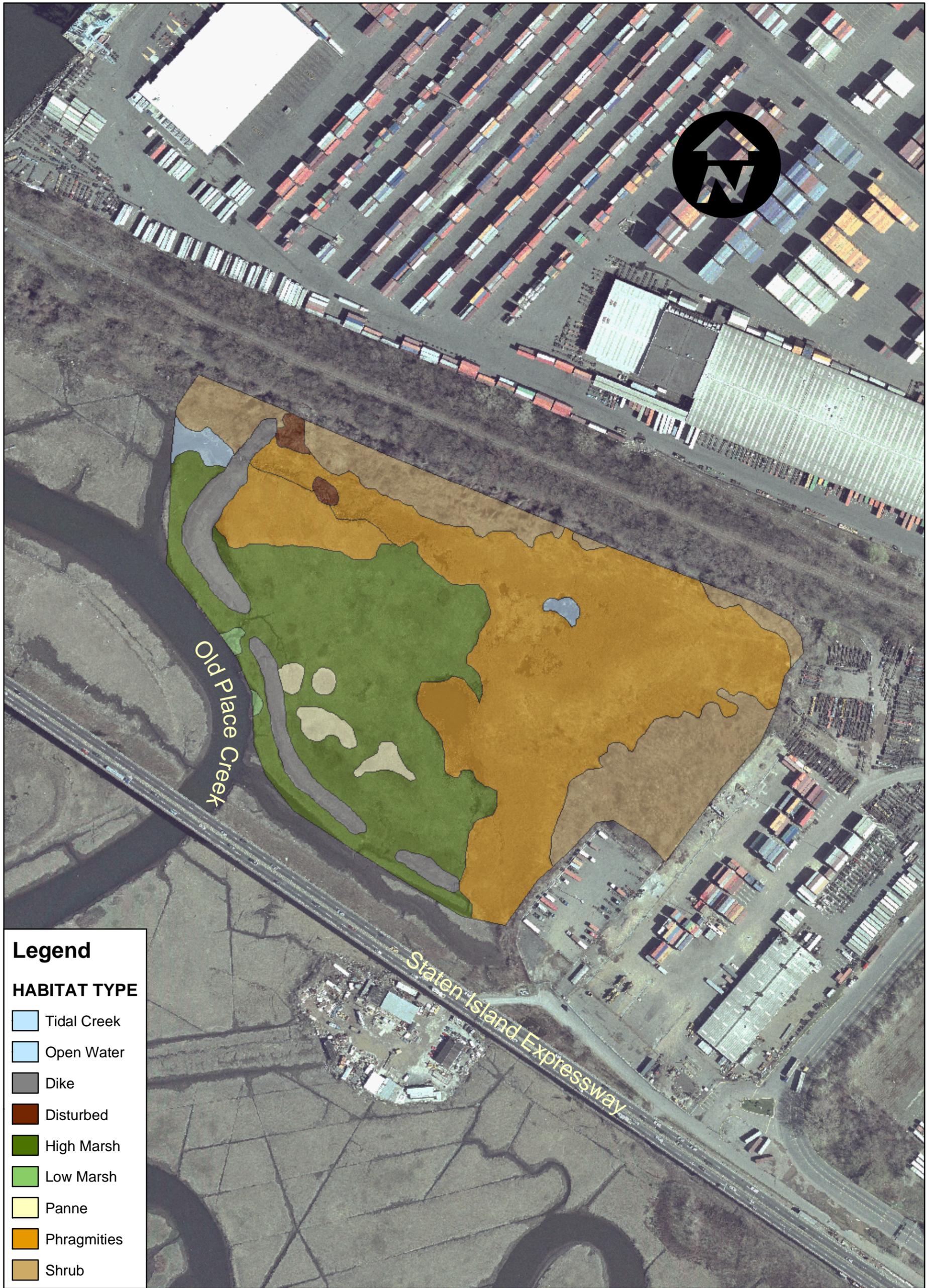
Base Map 2001 True Color Aerial Photograph



U.S. ARMY CORPS OF ENGINEERS  
NEW YORK DISTRICT

SAW MILL CREEK - NORTH  
Existing Conditions

A-8



**Legend**

**HABITAT TYPE**

- Tidal Creek
- Open Water
- Dike
- Disturbed
- High Marsh
- Low Marsh
- Panne
- Phragmities
- Shrub



Base Map 2001 True Color Aerial Photograph



**Legend**

**HABITAT TYPE**

- Open Water
- Disturbed



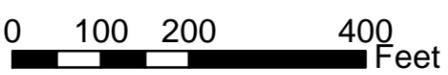
Base Map 2001 True Color Aerial Photograph



**Legend**

**HABITAT TYPE**

-  Tidal Creek
-  Open Water
-  Disturbed
-  High Marsh
-  Low Marsh
-  Phragmites
-  Shrub



Base Map 2001 True Color Aerial Photograph

Figure 9a

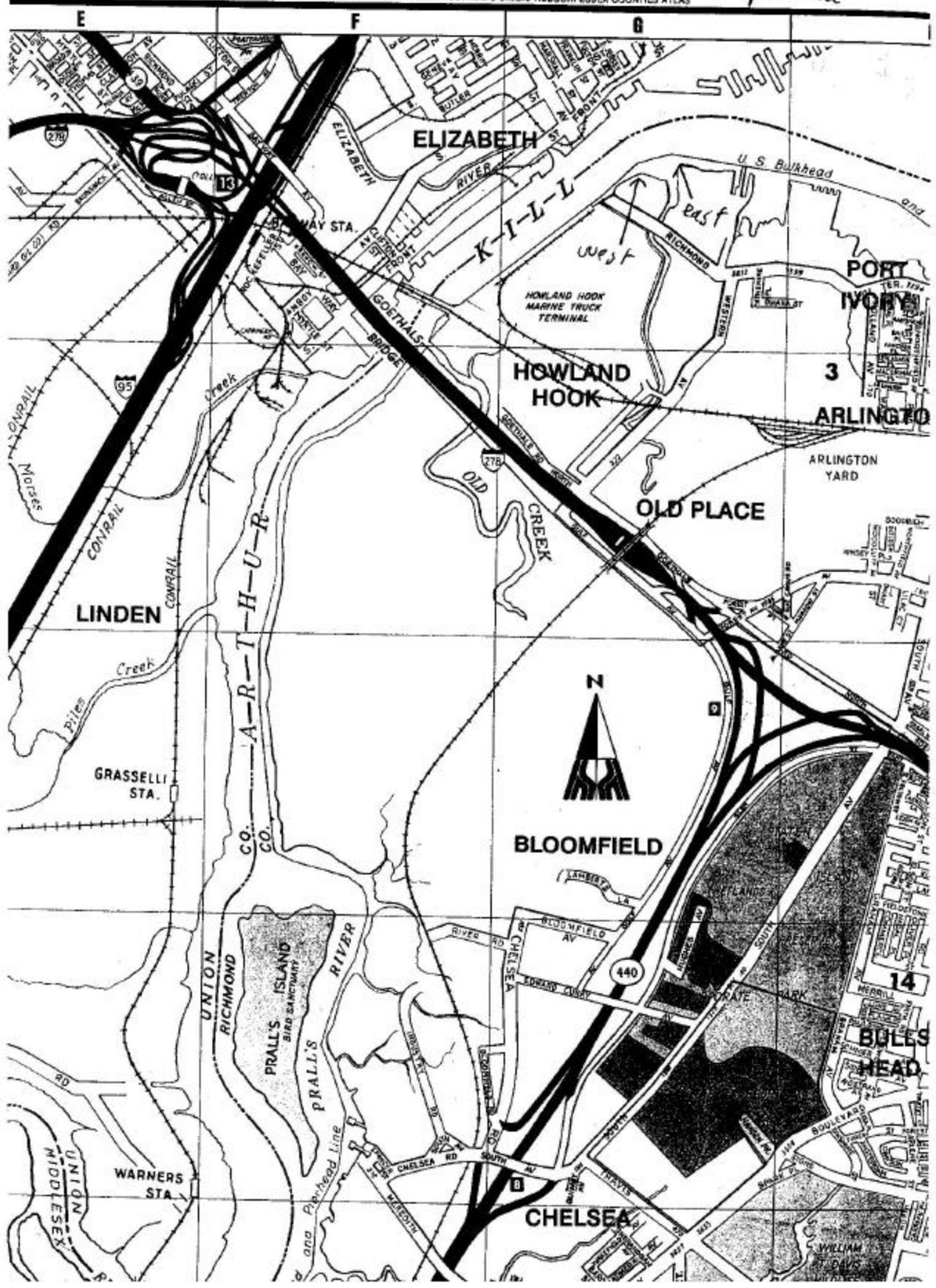


Figure 9a

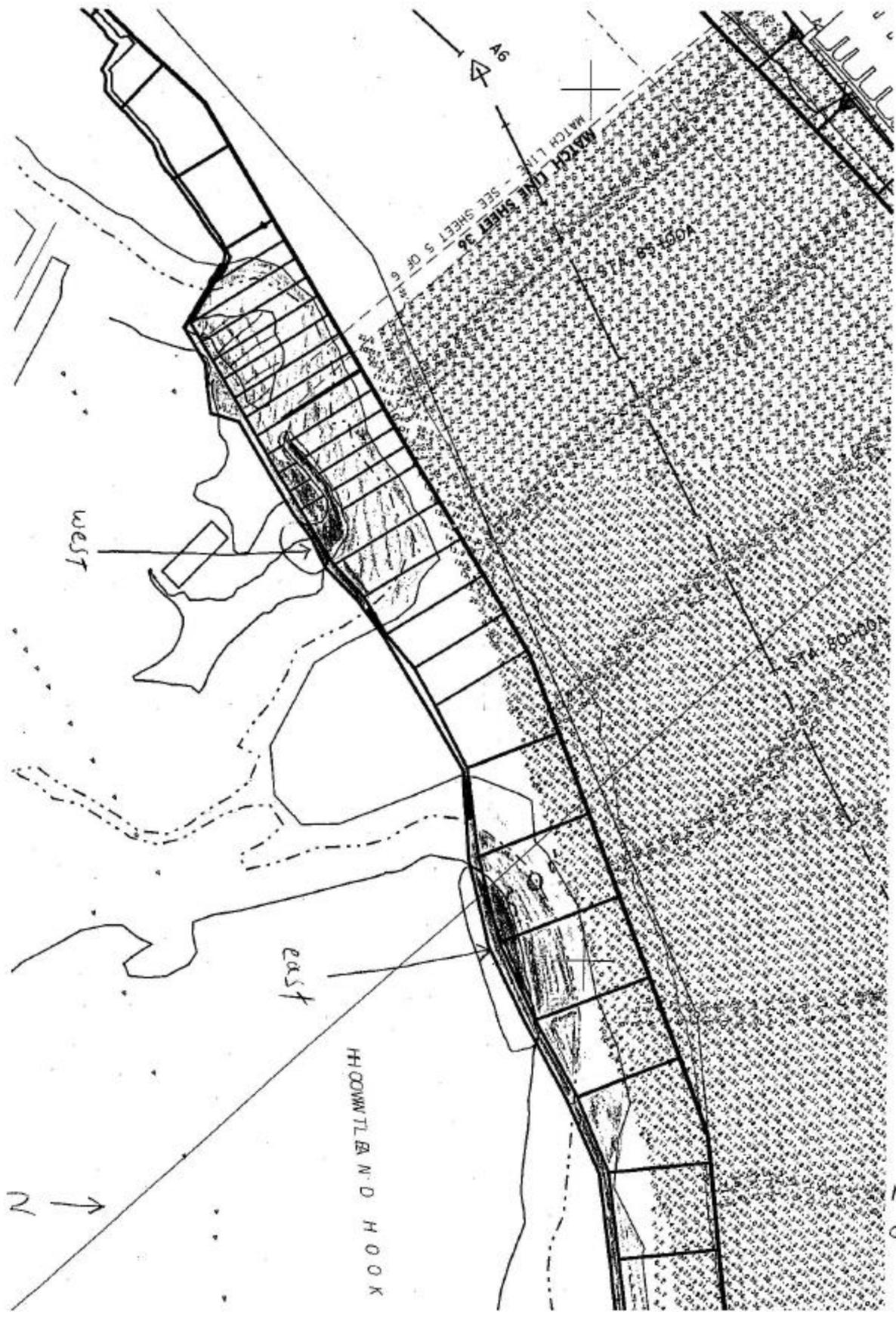


Fig. 9b.

Figure 9b