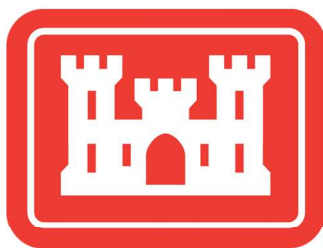


HUDSON RIVER HABITAT RESTORATION

**ECOSYSTEM RESTORATION
FINAL INTEGRATED FEASIBILITY REPORT
AND ENVIRONMENTAL ASSESSMENT**

Appendix I: Final Real Estate Plan



**U.S. ARMY CORPS OF ENGINEERS
NEW YORK DISTRICT**

November 2020

**HUDSON RIVER HABITAT RESTORATION, ECOSYSTEM RESTORATION
FEASIBILITY STUDY
NOVEMBER 2020 FINAL REAL ESTATE PLAN**

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Exhibits and Attachments

Exhibit "A"- Preliminary Real Estate Maps
Exhibit "B"- Parcel Data
Exhibit "C"- Standard Estates
Exhibit "D"- Baseline Cost Estimate for Real Estate
Exhibit "E"- Non-Federal Sponsor Capability Assessment Checklist
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1. Preamble

a) Study Authorization: To identify environmental restoration problems and opportunities; determine if there is a likely, feasible solution; and determine if there is federal interest, the U.S. Senate Committee on Environment and Public Works authorized a reconnaissance study by a resolution dated 21 January 1987.

A Reconnaissance Study was initiated following a 1994 Congressional appropriation utilizing the Section 216 of the Harbor and River and Flood Control Act of 1970, which allows the review of the operation of completed projects, when found advisable, due to significantly changed physical or economic conditions. The completed project was the Hudson River Channel Federal Navigation Project.

Following completion of the Reconnaissance Report in 1995, the Hudson River Habitat Restoration, New York Feasibility Study was authorized via Section 551, Water Resource Development Act (WRDA) of 1996 (P.L. 104-303). The Reconnaissance Report 30 April 1996 found there was federal interest for proceeding with a feasibility level analyses for navigation improvement measures and aquatic ecosystem restoration measures.

A Feasibility Cost Sharing Agreement was executed in 1996 between the US Army Corps of Engineers (USACE), New York State Department of Environmental Conservation (NYSDEC), and New York State Department of State (NYSDOS). In 2001, the sites that were recommended to be restored were found to be no longer available for construction. In addition, the feasibility study was suspended due to lack of consensus on the appropriate path forward and delays in non-federal sponsor funding.

In April 2012, HQUSACE proposed close out of the feasibility study. In response, NYSDEC Commissioner Joseph Martens requested that the study be resumed (July 2012). The non-federal sponsors' renewed interest resulted from the recommendations of the Hudson Raritan Estuary Feasibility Study and the publication of the Comprehensive Restoration Plan. NYSDEC's intent was to complement the



Figure 1: Hudson River Habitat Restoration Study Area

restoration plan prepared for the lower Hudson River in the upper 125 miles north of the Gov. Mario M. Cuomo (formerly the Tappan Zee) Bridge to the Troy Dam.

b) Official Study Designation: Hudson River Habitat Restoration, Ecosystem Restoration Feasibility Study (the “Study” or “study area”).

c) Study Location: Approximately 125 miles of the Hudson River, and tributaries up to the first natural barrier, between the Troy Federal Lock and Dam and the Gov. Mario M. Cuomo (Tappan Zee) Bridge, were studied (Figure 1). The area is located entirely in New York State, in Albany, Rensselaer, Greene, Columbia, Ulster, Dutchess, Orange, Putnam, Rockland, and Westchester counties, and includes Congressional Districts 17, 18, 19, and 20.

d) Non-Federal Partner: The non-federal cost-sharing sponsor for the Study is the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of State (NYSDOS). Any reference hereinafter to the non-federal sponsor in this Real Estate Plan (REP) refers to NYSDEC.

The NYSDEC will serve as the non-federal sponsor for the construction of the Study’s Recommended Plan at a 75% federal and 25% non-federal cost-share. They will be responsible for performing or ensuring the performance of the Lands, Easements, Right-of-Ways, Relocation and Disposal Areas (LERRD) requirements for the Recommended Plan as outlined in this REP and in accordance with the Project Partnership Agreement (PPA). In addition, NYS Department of Parks, Recreation, and Historic Preservation may be a non-federal party on the site specific PPA for Schodack Island Park. The Town of Bethlehem may be a non-federal party on the site specific PPA or enter into a sub-agreement (local partnership agreement) to the PPA for Henry Hudson Park.

2. Statement of Purpose

The purpose of this REP is to identify and describe the LERRD requirements for the construction, operation and maintenance of the Recommended Plan. The REP also identifies and describes the facility/utility relocations that are necessary to implement the Recommended Plan. Further, this report describes the estimated Land, Easements and Right-of-Way (LER) values, cost to acquire the LER, the types of real estate interests required, property information, and other pertinent information relative to the acquisition process and schedule. This REP is the first prepared for the Study and is an appendix to the Study’s Feasibility Report and Environmental Assessment (the “main report”).

3. Project Purpose and Features

a) Study Purpose: The Hudson River watershed has lost aquatic and wetland ecosystem structure, function, and dynamic processes resulting from anthropogenic activities causing degraded aquatic habitat. Through wetland restoration, removing blockages to fish passage, creating islands, restoring hydraulic connectivity, and restoring sustainable shorelines, opportunities have been identified to improve the aquatic and

wetland ecosystem structure, function, and dynamic processes. The Recommended Plan would restore wetlands, side channels, and shoreline at two sites along the Hudson River, and remove barriers to aquatic organism passage from one of the river's tributaries.

b) Recommended Plan: The Recommended Plan consists of three noncontiguous, independent sites. The sites and their respective plan of improvements are as follows:

I. *Schodack Island (North)* - Shoreline and channel restoration; tidal wetland restoration and conversion to side channel connection; and side channel and channel wetland corridor.

II. *Henry Hudson Park* - Shoreline restoration that includes the restoration of tidal wetland and vegetated riprap.

III. *Moodna Creek Tributary Connections* - Moodna Creek contains three Aquatic Organism Passage (AOP) Site Components:

1) *AOP 1 (Utility Crossing)* - Aquatic organism passage that includes the removal of a non-operational utility pipeline.

2) *AOP 2 (Firth Cliff Dam)* - Aquatic organism passage that includes a full (non-functional) dam removal.

3) *AOP 3 (Orr's Mill Dam)* - Aquatic organism passage that includes the partial (non-functional) dam removal and notching.

c) Required Lands, Easements, and Rights-of-Way (LER): In accordance with the PPA, the non-federal sponsor is responsible for acquiring all the real estate interests required for the construction, operation and maintenance of the Recommended Plan, which consists of approximately 47.05 combined acres. In some instances, more than one type of real estate interest may be required over the same parcel. Parcel Data and the required LER is provided in Exhibit "B". The following are the Recommended Plan's LER requirements:

I. *Fee (USACE Standard Estate No. 1)*: Approximately 38.07 acres are required for the various habitat restorations improvements. Three parcels (with designated tax identification numbers) are impacted, one privately-owned and two publicly-owned. There are six additional areas with no designated tax identification number. See the Recommended Plan Preliminary Real Estate Maps in Exhibit "A" and Parcel Data in Exhibit "B" for details.

II. *Temporary Road Easement (USACE Standard Estate No. 11)*: Approximately 3.51 acres are required for access routes. Eleven parcels (with designated tax identification numbers) are impacted by this easement, ten privately-owned and one publicly-owned. There are three additional areas with no designated tax identification number.

III. Temporary Work Area Easement (USACE Standard Estate No. 15): Approximately 5.47 acres are required for work areas. Seven privately-owned parcels (with designated tax identification numbers) are impacted by this easement. There are two additional areas with no designated tax identification number.

Currently, there are no requirements to acquire temporary easements for borrowing, dredging or excavated material disposal areas. The material removed from the private dams will either be re-used on the properties of the owners of the private dams within the temporary easement footprint or removed off-site (at a commercial facility). The appropriate documentation from the private landowners permitting the removal of the private dams and sewer line as well as the disposition of the removed dam material on the private dam owners' properties will be acquired by the NFS during acquisition phase. Specific locations of disposition of removed dam material will be determined during pre-construction, engineering and design (PED).

The following Table-1 is the LER Summary:

Study Site	Site Component	Fee	Required Acres			No. of Impacted Parcels		
			Temporary Road Easements	Temporary Work Area Easements	Total	Private	Public ¹	Total
Schodack Island	North	±32.61	0.00	0.00	±32.61	0	3	3
Henry Hudson Park	-	±5.46	±0.63	0.00	±6.09	1	5	6
Moodna Creek	AOP 1		±2.07	±1.82	±3.89	7	3	10
	AOP 2		±0.17	±1.68	±1.85	3	0	3
	AOP 3		±0.64	±1.97	±2.61	2	1	3
Total:		±38.07	±3.51	±5.47	±47.05	13	12	25

¹Includes areas without designated tax identification numbers.

Language to the recommended estates are provided in Exhibit "C", which are required to be included, as written, in the body of their respective easement agreement between the non-federal sponsor and property owner. Since the Study is at a feasibility level, the size of the real estate interests required are preliminary estimates based only on available Geographic Information System (GIS) data. The precise size and location of the required real estate interests will be determined during PED when plans, specifications and detailed drawings are prepared. As a result, the Recommended Plan's real estate requirements identified in this REP are not final and are subject to change with optimization of the Recommended Plan and property boundary surveys.

Once the real estate requirements are finalized, prior to real estate acquisition, the non-federal sponsor will obtain property boundary surveys with corresponding legal descriptions for each required estate to delineate the precise boundary and to mitigate against potential boundary disputes. This should be performed for the areas without designated tax identification numbers as well to confirm assumptions of public ownership are accurate. Additionally, the non-federal sponsor is advised to obtain a chain of title and title insurance on all acquired property to identify potential encumbrances and to protect against “defects” in title. A Subordination of Mortgage is required for all easements on properties that have an existing mortgage to ensure the easement will remain in effect in the event of a foreclosure. The non-federal sponsor will need to work with property owners and their mortgage lender to sign an agreement allowing the mortgage to be subordinate to the easement.

Prior to the construction of the Recommended Plan and USACE’s Certification of Real Estate, copies of all easements and deeds recorded with their respective county (and if finalized, Subordination of Mortgage Agreement if applicable) must be delivered to USACE with the Sponsor’s Authorization for Entry for Construction. Easements acquired by the non-federal sponsor must contain the necessary standard estate language (verbatim as written herein) and covenants to run with the land therein. In some instances, more than one estate may be required over the lands of the same owner.

a) Appraisal Information: In accordance with USACE Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3), dated January 11, 2019 (hereinafter referred to as “PGL 31”), an appraisal cost estimate (or “rough order of magnitude”) was completed since the Recommended Plan’s total land value of the real estate required (land, improvements and severance damages) were not expected to exceed fifteen percent of the total Recommended Plan costs. A cost estimate is not an appraisal. To establish a more accurate land valuation, a full land appraisal based on surveyed boundaries of the final recommended plan is required. The appraisal cost estimate does not include the incidental costs – such as appraisals, surveys, title, attorney, etc. costs – that would be incurred to acquire the real estate and should not be interpreted as the Recommended Plan’s total real estate costs. See paragraph 11 for the Recommended Plan’s overall estimated real estate costs.

The appraisal cost estimate was completed by a licensed USACE staff appraiser who concluded, as of 19 June 2020, the estimated total land payments for all the Recommended Plan’s required real estate is approximately \$765,835.

Table 2: Estimated Land Payments

			Estimated Land Payments		
Study Site	Site Component	Fee	Temporary Road Easement	Temporary Easements	Total
Schodack Island	North	\$429,875	-	-	\$429,875
Henry Hudson Park	-	\$163,707	\$8,610	-	\$172,317
Moodna Creek	AOP 1	-	\$46,916	\$6,358	\$53,274
	AOP 2	-	\$20,380	\$18,903	\$39,283
	AOP 3	-	\$1,500	\$69,586	\$71,086
Total:		\$593,582	\$77,406	\$94,847	\$765,835

*Estimated land payments were established through a Cost Estimate.

The following Assignment Conditions were included in the appraisal cost estimate report:

Assignment Condition #1 – The Appraiser did not receive a title report for the Recommended Plan impacted parcels. The cost estimate was predicated on the extraordinary assumptions that, as of the effective date of the cost estimate, the Recommended Plan parcels: (1) did not begin condemnation proceedings; and (2) had marketable title without restrictions or encumbrances impacting cost.

Assignment Condition #2 – The cost estimate invoked the Jurisdictional Exception of the Uniform Standards of Professional Appraisal Practice (USPAP). “If any part of these standards is contrary to the law or public policy of any jurisdiction, only that part shall be void and of no force or effect in that jurisdiction.” USPAP 2014-2015 Edition, The Appraisal Foundation, Washington, DC, 2014, p. U-3.

The cost estimate was prepared for the internal use of USACE. Though not complying with all provisions of USPAP, the document does conform to USACE regulations. For purposes of the estimate, the Appraiser was advised that USACE operates under the Jurisdictional Exception provision of USPAP. Standards #1 in part and #2 had not been complied within the cost estimate. A cost estimate is not an appraisal as defined by USPAP. An appraisal is the process of developing an opinion of value. Cost is an estimate of fact, not an opinion of value, based upon land planning and engineering design parameters at a specific level of detail. As the design parameters are refined, the engineering and land planning facts may change necessitating a change in the cost estimate. The cost estimate report is not required to be in compliance with USPAP, i.e., since the Jurisdictional Exception is authorized.

Assignment Condition #3 – The Appraiser was provided with preliminary real estate maps and spreadsheet data for the Recommended Plan. The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost

estimate, the preliminary real estate maps and spreadsheet data accurately portrayed the location of the defined Estates in Land based upon the land use planning and engineering designs. Real estate maps and spreadsheet parameters are frequently amended due to project planning reasons. Cost estimates change as project planning analysis changes the planning parameters.

Assignment Condition #4 – The Appraiser was provided with preliminary real estate maps and spreadsheet data indicating areas for the permanent and temporary easements required for the Recommended Plan. The data was applied in the cost estimate. The cost estimate is predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the Recommended Plan parcel areas were consistent with the Recommended Plan parameters.

Assignment Condition #5 – The Temporary Work Area Easements were assumed to encumber the real property areas for a period of 2 years. The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the two-year encumbrances were consistent with the Recommended Plan parameters.

Assignment Condition #6 – The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost estimate: (1) there were no zoning bulk area requirement violations on any of the properties required for the Recommended Plan; (2) all properties were conforming uses; and (3) all properties were permitted uses under the zoning code. It was assumed that the existing land uses comply with current zoning requirements and did not impact the cost estimate conclusion.

Assignment Condition #7 – The cost estimate was based upon a superficial level of detail. The data provided for the analyst was based upon a preliminary design and did not provide specifics on each parcel. Superficial, in the context of the analysis, is defined as “the property data is concerned only with what is obvious or apparent, not thorough or complete at this point in the land planning process.” As directed by PGL 31. If the design parameters change, the cost estimate may change.

4. LER Owned by the Non-Federal Sponsor

The below Table-3 summarizes the Sponsor-Owned LER:

Lands Owned by NFS	Site Location	Acres Required
Block 1 Lot 1	Schodack Island	±20.78
Areas with no Tax Parcel ID	Schodack Island	±11.83
	Henry Hudson Park	±1.15
	Moodna Creek AOP 1	±1.43
	Total:	±35.19

Schodack Island Park: The State of New York (the “State”), through its Office of Parks, Recreation and Historic Preservation (“NYS Parks”) owns ±20.78 acres required for the Recommended Plan. In addition, the parcels without tax parcel IDs (11.83 acres) are also owned by the NYS Parks, as confirmed by State of New York Executed Order (OGS, 1999). NYS Parks, in letters dated 21 and 25 September 2020, has confirmed they are a partner on this project and will provide access (documents are attached herewith as Exhibit “F”), and it will make those state lands available for the life of the project. Furthermore, NYS Parks asserted that in perpetuity it will not change the proposed use, and the property will remain a public outdoor recreation resource per the Land and Water Conservation Fund. These points will be included in the MOA. In addition, the Project Partnership Agreement will be with the State of NY, which requires that they provide all real estate interests for the Project, including all State-owned lands (submerged and upland).

Henry Hudson Park: The ±1.15 acres of land that have no designated tax parcel identification number at Henry Hudson Park consists of lands that the State has jurisdiction over, which are submerged lands under the jurisdiction of the State’s Office of General Services (“NYS OGS”).

Moodna Creek: The 1.43 acres at Moodna Creek AOP #1 without tax parcel IDs reflect submerged lands or formerly submerged lands within the Creek itself which are owned by the State of NY.

5. Non-Standard Estates

Schodack Island: Any estate less than fee for ecosystem restoration projects is a Non-Standard Estate (NSE). The acquisition of the property at Schodack Island through an MOA between the NFS and NYS Parks qualifies as such. The MOA will be required to have essential operative language to function equivalent to a fee acquisition such that NYS Parks cannot unilaterally terminate the MOA, that the MOA will remain in place for the lifespan of the the Project, and NYS Parks will not use or allow the properties to be used in any way which will conflict with the Project’s purposes and design. Moreover, it will have curative language for any breach of the MOA. The NSE will be coordinated among USACE, NYSDEC, & NYS Parks, and approved by USACE Headquarters. The USACE NSE two-step process will be observed in its preparation and approval prior to execution by the parties.

Should the Town of Bethlehem ultimately not sign onto the site-specific PPA as a non-federal party for Henry Hudson Park, it will have to execute a sub-agreement to the PPA as a local partner to the non-federal sponsor. As a consequence of executing such sub-agreement, a non-standard estate will be required to address the wetland restoration efforts on the properties owned by the Town of Bethlehem. Moreover, since the New York State laws prevent State acquisition of fee or lesser estates from municipalities, the promulgated non-standard estate will need to be incorporated into an Access Agreement between the Town of Bethlehem and the non-federal sponsor.

6. Existing Federal Projects

There are no known existing or proposed federal projects that lie either partially or fully within the LER required for the Recommended Plan.

7. Federally-Owned Land

The Recommended Plan includes no federally-owned lands as part of its LER requirements.

8. Navigational Servitude

Navigational servitude is not applicable to the Recommended Plan.

9. Maps

The Recommended Plan's preliminary real estate maps are provided in Exhibit A. In several of the study areas, the tax parcel boundary geospatial data obtained to produce the real estate maps do not appear to align with layout of the land. It is possible the tax parcel boundary presented in the real estate maps portray property boundaries that are different from the deeded legal description.

10. Induced Flooding

The Recommended Plan is not projected to induce flooding along Moodna Creek. Based upon the qualitative hydraulic assessment conducted for the proposed barrier removal at the three locations, flooding would not be induced by the Recommended Plan and cause a taking of real estate. The hydraulic assessment determined that the water surface elevation levels will be lowered (0.8 – 5.8 feet) following implementation of the project during a 1% annual change of flood (see Engineering Appendix, Attachment B).

Construction of the Recommended Plan at Schodack Island Park (side channel) and Henry Hudson Park (wetlands along Vlomans Kill) increases inundation levels at those areas being restored to wetland elevations. Increased flooding of areas beyond the wetland footprint is not considered to be a concern at either of these sites because the wetland footprint at each site lies within the greater wetland restoration project footprint, and that project footprint also includes a transitional slope to a higher elevation, upwards of the wetlands footprint. Since the lands to be acquired for the Recommended Plan consists of the entire wetland restoration project footprint, as well as a considerable amount of landward upland, no additional real estate is needed outside the designated project footprint.

11. Baseline Cost Estimate for Real Estate (BCERE)

a) The BCERE (provided in Exhibit “D”) captures the Recommended Plan’s total estimated real estate cost. It itemizes the incidental and acquisition costs that may be incurred by the federal government and non-federal sponsor for fulfilling the Recommended Plan’s real estate requirements. The real estate costs are captured in the Recommended Plan’s **01-Lands & Damages** cost account. The Recommended Plan’s total estimated real estate cost is **\$1,602,276.00**, which include a 25% contingency for Henry Hudson Park and Schodack Island Park and 30% contingency at Moodna Creek as well as all incidental costs. Table-4 provides a summary of the BCERE.

Table 4: 01-Lands & Damages Costs

Study Site	Site Component	01-Lands & Damages
Schodack Island	North	\$597,344
Henry Hudson Park	-	\$339,146
Moodna Creek	AOP 1	\$335,756
	AOP 2	\$157,668
	AOP 3	\$172,362
Total Project L&D Costs:		\$1,602,276

b) For civil works projects that are cost-shared between the federal government and a non-federal interest, the non-federal sponsor is required by law to furnish real estate interests and fulfill its LERRD responsibilities required for the construction, operation and maintenance of a project. All LERRD must be acquired in accordance with the PPA, the provisions of the Water Resources Development Act of 1986, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (Public Law 91-646). To move a project into construction, and after a PPA has been fully executed, the non-federal sponsor must provide the USACE with an Authorization for Entry for Construction and an Attorney’s Certificate of Authority once all required interests in lands have been obtained, including completing any required utility and or facility relocation.

LERRD costs represent a non-federal sponsor’s estimated upfront direct and indirect costs in fulfilling its LERRD responsibilities. The non-federal sponsor will receive credit for their actual associated direct and indirect costs if found to be reasonable, allowable and allocable. Supporting documents (i.e., receipts, invoices, official certified timesheets, etc.) of all LERRD costs incurred by the non-federal sponsor will be submitted to the USACE for review and approval as part of their claim for credit. LERRD costs are determined by adding the non-federal costs calculated in a project’s 01-Lands & Damages cost account with the cost calculated in a project’s 02-Relocations cost account (See paragraph 17 for 02-Relocation costs). LERRD cost do not include federal costs.

The non-federal sponsor's LERRD cost for the Recommended Plan is estimated at \$1,347,126, which includes a 25% to 30% contingency and its portion of incidental costs. Table-5 provides a summary of the Sponsor's estimated LERRD costs.

c) Only a non-federal sponsor or non-federal party will be eligible for LERRD credit for properties donated, or required LERRDs.

Table 5: LERRD Costs

Study Site	Site Component	LER	Relocations	Disposals	Total LERRD Costs
Schodack Island	North	\$578,594	-	-	\$578,594
Henry Hudson Park	-	\$301,646	-	-	\$301,646
Moodna Creek	AOP 1	\$218,756	-	-	\$218,756
	AOP 2	\$110,868	-	-	\$110,868
	AOP 3	\$137,262	-	-	\$137,262
Total Project LERRD:					\$1,347,126

12. Public Law 91-646, Uniform Relocation Assistance

Public Law 91-646, as amended (and the PPA) requires the non-federal sponsor to provide assistance and certain benefits be paid to all persons and businesses that are displaced and must be relocated from their homes or places of business due to a federally-funded project. The cost incurred by the non-federal sponsor to provide relocation assistance is part of its LERRD responsibilities.

13. Minerals and Timber Activity

There are no present or anticipated mineral extraction or timber harvesting activities within the LER required for the Recommended Plan. Pursuant to correspondence with the regulatory unit within NYSDEC, the Henry Hudson Park and Schodack Island properties are public lands to be protected from development and activities that are inconsistent with that use. Further, the lands for each of these sites are composed of dredged material that had been placed from the dredging of the Hudson River all of which is sand, and not a mineral. Therefore, there is no resource for a third party to claim.

There are no concerns for mineral and timber activity at Moodna Creek sites since the projects are limited to the removal of barriers on site.

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

There are two non-federal sponsors, NYSDOS and NYSDEC, with NYSDEC acting as the lead agency in acquiring the real estate needed for the Recommended Plan. NYSDEC is highly capable of performing its LERRD responsibilities. They maintain the legal and professional capability and experience to perform successfully in acquiring the real estate for the Recommended Plan. The non-federal sponsor possesses eminent domain authority, but it is not anticipated to be utilized for real estate acquisition. The NYSDEC has successfully obtained the real estate for projects such as, the Atlantic Coast of New York City Rockaway Inlet to Norton Point (Sea Gate) Shore Protection Project; the Atlantic Coast of New York, Jones Inlet to East Rockaway Inlet, Long Beach Island, New York, Storm Damage Reduction Project; and the Fire Island Inlet to Moriches Inlet Project.

A final Non-Federal Sponsor's Capability Assessment Checklist is provided in Exhibit "E".

15. Zoning

No application or enactment of local zoning ordinances is anticipated in lieu of, or to facilitate, the acquisition of the LER required for the Recommended Plan.

16. Schedule of Acquisition

The schedule for acquisition for the Recommended Plan outlined below is consistent with the construction schedule outlined in Section 4.7.3 of the main report.

Site	Milestone				
	PPA ¹	NTP ²	AFEFC ³	REC ⁴	RTA ⁵
Henry Hudson Park	Apr 2025	Apr2025	Aug 2025	Aug 2025	Sept 2025
Schodack Park	Oct 2031	Oct 2031	Feb 2032	Feb 2032	Mar 2032
Moodna Creek	Oct 2034	Oct 2034	Jun 2035	Jun 2035	July 2035

¹ PPA: Project Partnership Agreement (PPA) for Construction

² NTP: USACE provides Notice to Proceed with Real Estate Acquisition letter to Sponsor(s)

³ Sponsor acquires all real estate and provides USACE with the signed Authorization for Entry

⁴ USACE Certifies all Real Estate has been acquired by Sponsor(s)

⁵ USACE Ready to Advertise for construction contracts

17. Relocation of Facilities or Public Utilities

There are no anticipated facilities or public utilities relocation required for the Recommended Plan. However, the Recommended Plan includes the full removal of a private nonfunctional sewer line at Moodna Creek AOP1. Since the sewer line is private and nonfunctional and is not considered an existing facility, its removal is captured as a project construction cost and not a relocation cost. Consequently, it is not defined as a public utility relocation in this report, and therefore, not part of the non-federal sponsor's LERRD responsibility.

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

There are no known HTRW within or adjacent to the LER required for the Recommended Plan. However, if HTRW sampling planned for the PED Phase reveals unacceptable levels of HTRW, the non-federal sponsor will conduct the necessary remedial actions prior to restoration at 100% the non-federal sponsor's cost.

19. Project Support

The non-federal sponsor has conducted local outreach to residents and municipalities during the Spring of 2019 to inform them of the proposed project. Meetings with the landowners were also held in July 2019 during the public review of the draft main report. Based on the lack of support from the public and landowners, two sites (Binnen Kill and Rondout Creek) included in the Tentatively Selected Plan (TSP) were subsequently removed from the Recommended Plan. Additional meetings were held with the landowners of the Moodna Creek barriers in April 2020 and these landowners are supportive of the project being included in the Recommended Plan.

20. Notification to Non-Federal Partner

By letter dated February 14, 2019, a formal written notice was provided to the non-federal sponsor on the risk associated with acquiring the real estate for the Recommended Plan in advance of signing a PPA.

21. Additional Information

a) For ecosystem/habitat restoration projects, NYSDEC pursues the full support of property owners to implement restoration action on their land. If owners do not support the restoration action on their property and do not make their lands available, it is the policy of NYSDEC to not seek eminent domain for the purpose of facilitating a habitat restoration project. Consequently, if a property owner is unwilling to offer the necessary real estate for the Recommended Plan, the non-federal sponsor will not support exercising the power of eminent domain to facilitate real estate acquisition.

Since each site is a standalone site – justified independently with no site dependent or a precursor to another – any site where a property owner is unwilling to offer its land for the Recommended Plan will be removed from the Recommended Plan. Since all the real estate required for Schodack Island (North) and Henry Hudson Park are publicly-owned, the Moodna Creek Tributary Connections possess the only risk of being removed from the Recommended Plan if property owners are unsupportive and not willing to make their lands available.

b) Moodna Creek AOP1 (Utility Crossing) proposes the removal of a non-functional sewer line. The sewer line lies within an easement currently owned by Moodna Creek Development LTD (affiliated with the former textile manufacturing factory, known as Majestic Weaving Co., Inc., and formerly known as Firth Carpet Company) and follows a north-south directional path that crosses Moodna Creek and two lots.

The USACE and the non-federal sponsor have been coordinating with the attorney representing the owner of the sewer line. The representative and the owner were made aware of the Study and are supportive of the project. Any future construction of a new sewer pipe (if approved) would be below grade and would not impact tributary connectivity for fish passage. Damages will be paid to the sewer line owner. However, a removal of the sewer line is all that is required, while leaving the easement in place for future use by the easement holder, pursuant to rights granted in the easement and per restrictions and requirements from applicable regulatory bodies.

Further due diligence regarding ownership of the above pipeline and dam will be performed through the NFS's securing of title reports for these properties, and locating the original pipeline easement, as part of PED.

22. Point of Contact

The point of contact for this REP is the Real Estate Project Delivery Team member Paul M. Fitzpatrick at (917) 579-2644 (Email: paul.m.fitzpatrick@usace.army.mil).

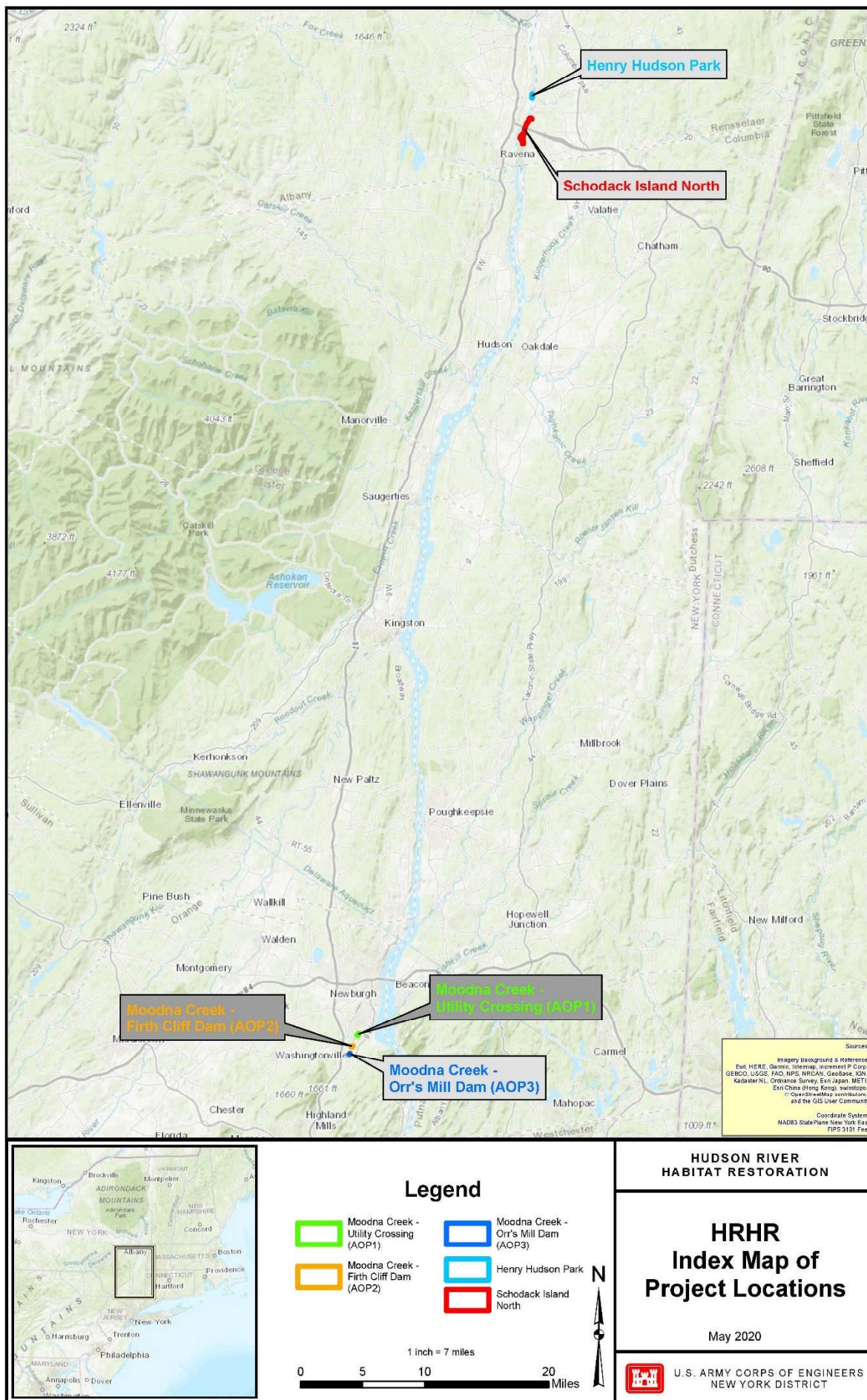
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L.MICHAEL.JR.158
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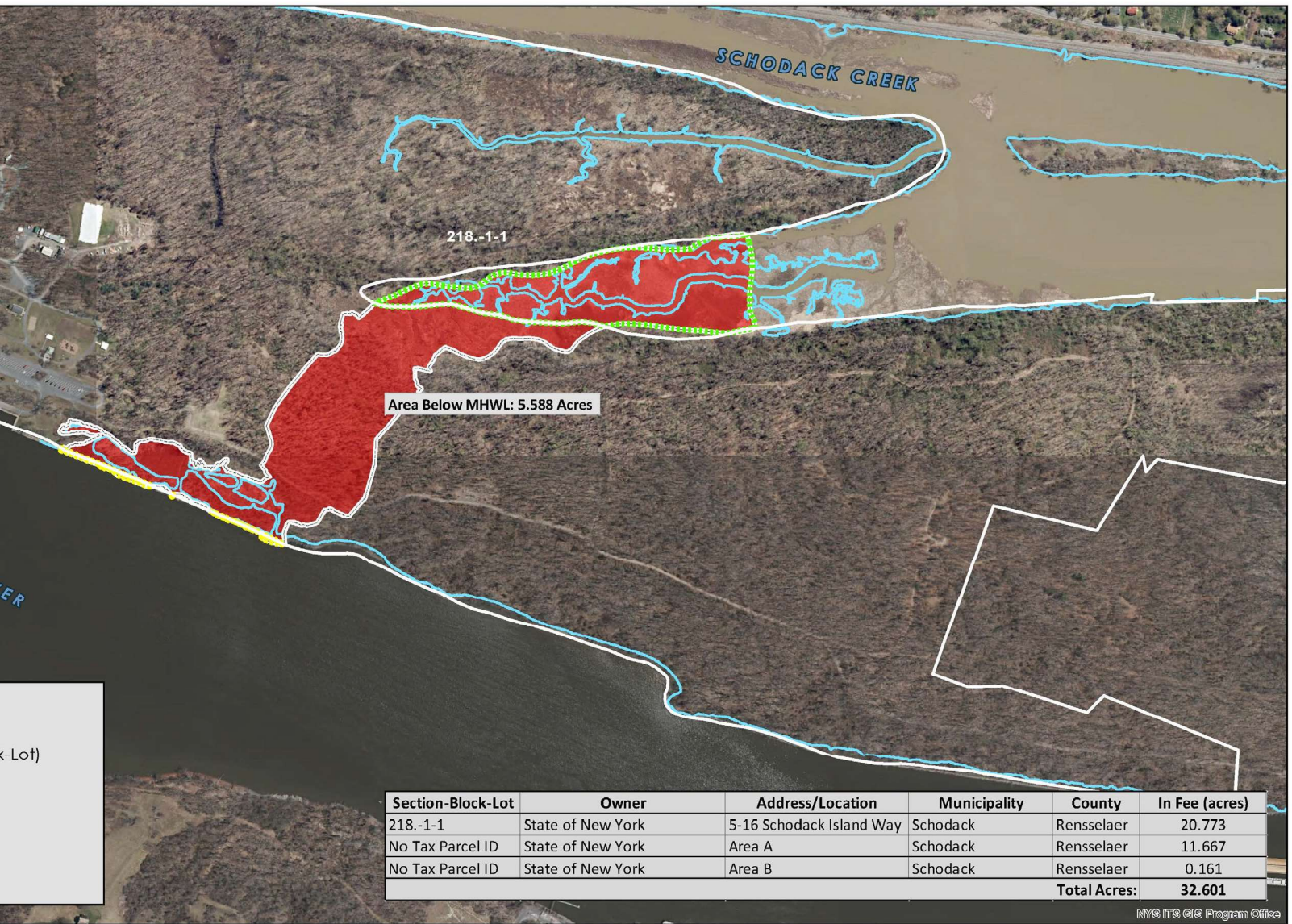
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FITZPATRICK.PAUL.MICHAEL.J
R.1588759195
Date: 2020.11.13 14:30:11
-05'00'

PAUL M. FITZPATRICK
Realty Specialist

ALLEN D. ROOS
Acting Chief, Real Estate Division
New York District
U.S. Army Corps of Engineers

EXHIBIT “A”
REAL ESTATE MAPS





NYS ITS GIS Program Office

and from the New York State GIS Clearinghouse: gis.ny.gov
obtained from New York State GIS Clearinghouse: gis.ny.gov
obtained from the Hudson River Environmental Conditions
Schodack Island Station.



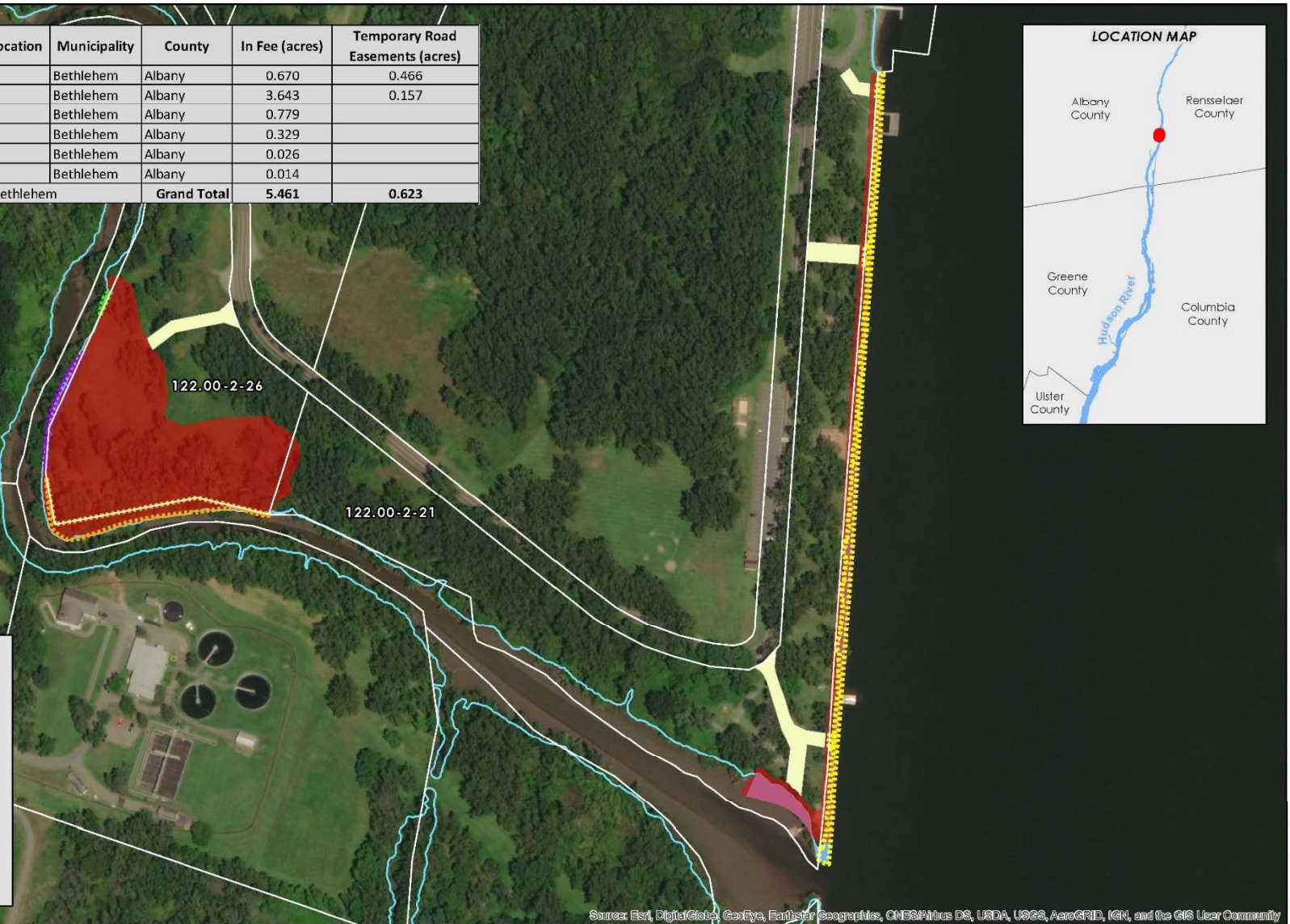
0 500 1,000 Feet

Map Projection: NAD 1983 StatePlane New York East FIPS 3101 Feet

REAL ESTATE MAP

HUDSON RIVER HABITAT RESTORATION
SCHODACK ISLAND - NORTH
TOWNS OF SCHODACK, NEW BALTIMORE, AND STUYVESANT
RENSSELAER, GREENE, AND COLUMBIA COUNTIES, NEW YORK

Location	Municipality	County	In Fee (acres)	Temporary Road Easements (acres)
	Bethlehem	Albany	0.670	0.466
	Bethlehem	Albany	3.643	0.157
	Bethlehem	Albany	0.779	
	Bethlehem	Albany	0.329	
	Bethlehem	Albany	0.026	
	Bethlehem	Albany	0.014	
Bethlehem		Grand Total	5.461	0.623



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

and from the New York State GIS

obtained from Albany County Real Property Tax Service Agency,
obtained from the Hudson River Environmental Conditions
Schodack Island Station. Line derived using 2011-2012 LIDAR data
New York State GIS Clearinghouse.

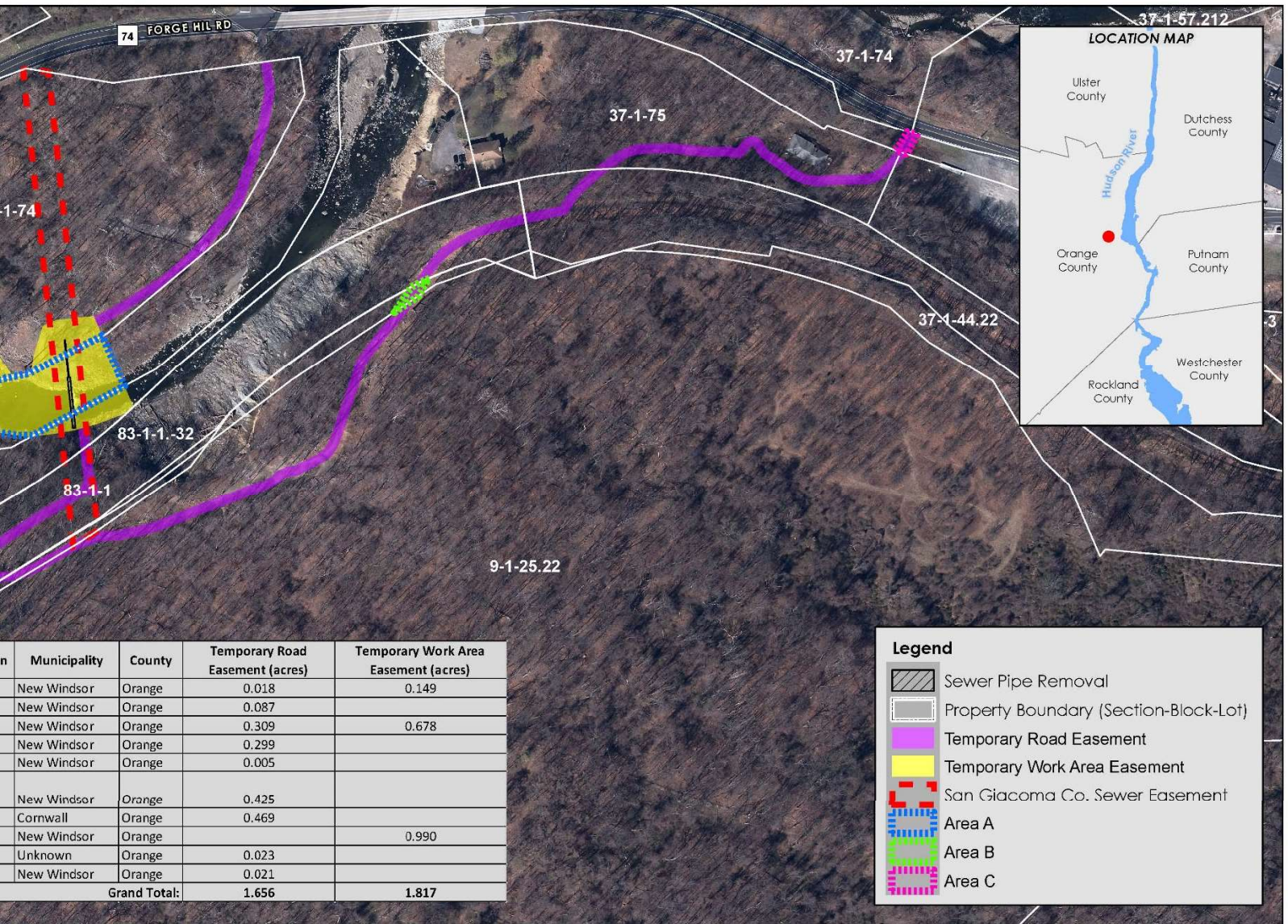


0 120 240 Feet

Map Projection: NAD 1983 StatePlane New York East FIPS 3101 Feet

REAL ESTATE MAP

HUDSON RIVER HABITAT RESTORATION
HENRY HUDSON PARK
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK



Map data obtained from the New York State GIS Clearinghouse: gis.ny.gov
 Map data obtained from New York State GIS Clearinghouse:

Map data obtained from Orange County 2018 tax map, Town of New Windsor
 Map data obtained through SDG Image Mate Online: sdgimage.com
 Map data obtained from countygov.com



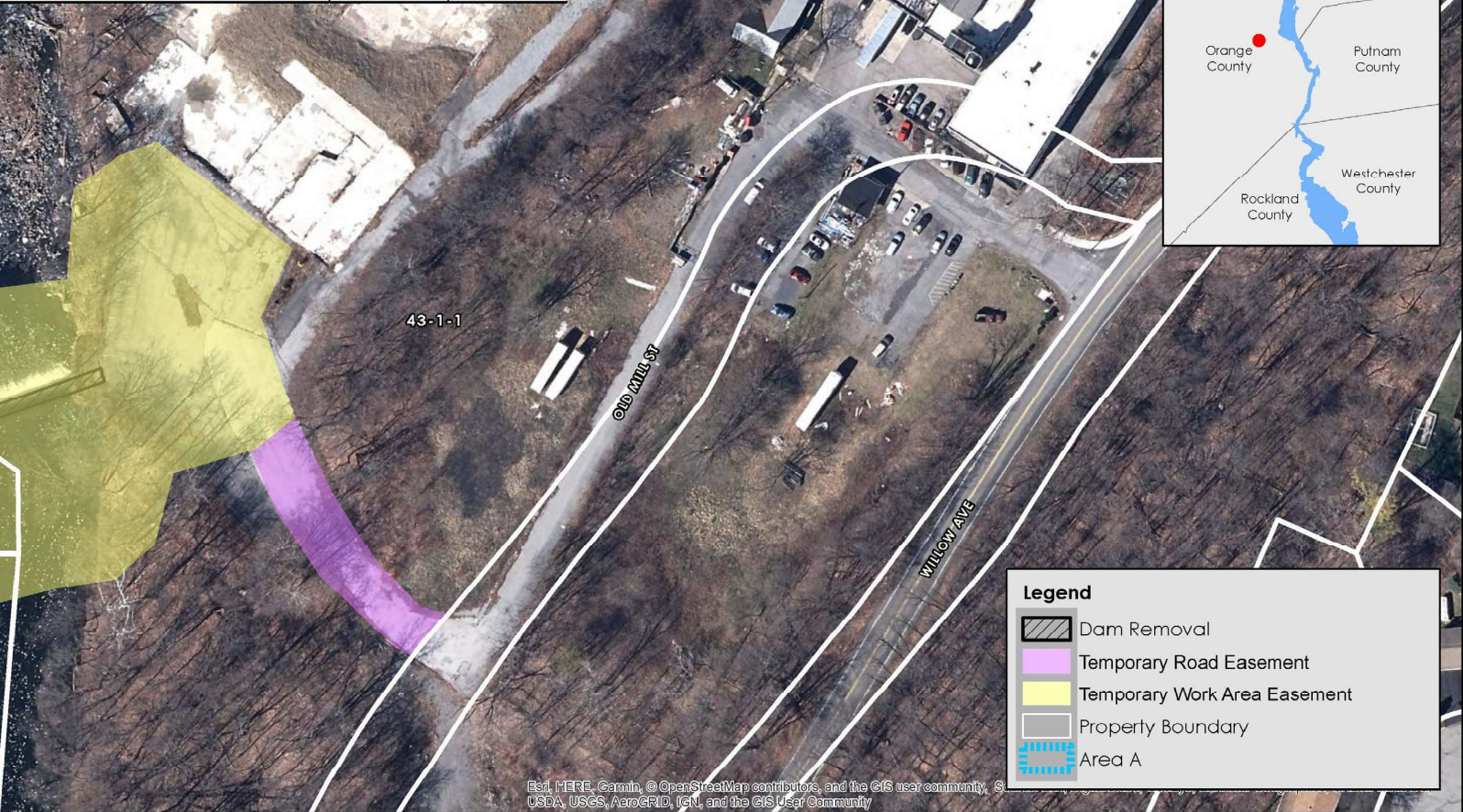
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Map Projection: NAD 1983 StatePlane New York East FIPS 3101 Feet

REAL ESTATE MAP

HUDSON RIVER HABITAT RESTORATION
 MOODNA CREEK - AOP 1: UTILITY CROSSING
 TOWN OF NEW WINDSOR
 ORANGE COUNTY, NEW YORK

Address / Location	County	Municipality	Temporary Road Easement (acres)	Temporary Work Area Easement (acres)
Firth Cliff Pl	Orange	Corwall		0.310
Firth Cliff Pl	Orange	Corwall		0.105
Will St	Orange	Corwall	0.172	1.263
Total:			0.172	1.678



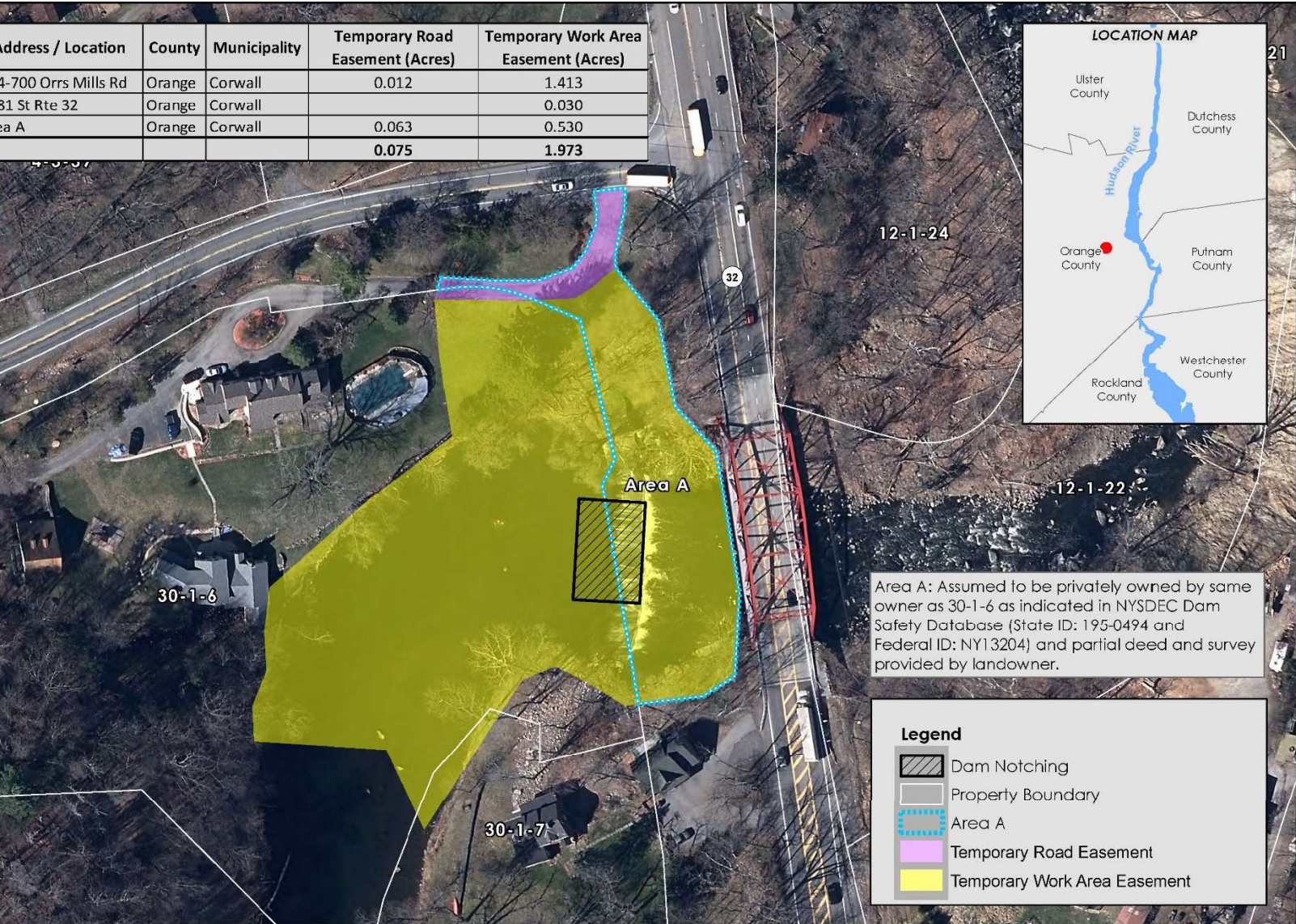
Map data obtained from the New York State GIS Clearinghouse:
 Map data obtained from Orange County GIS Division website:
www.orangetownny.gov/



REAL ESTATE MAP

HUDSON RIVER HABITAT RESTORATION
 MOODNA CREEK - AOP 2: FIRTH CLIFF DAM
 TOWN OF CORNWALL
 ORANGE COUNTY, NEW YORK

Address / Location	County	Municipality	Temporary Road Easement (Acres)	Temporary Work Area Easement (Acres)
4-700 Orrs Mills Rd	Orange	Corwall	0.012	1.413
31 St Rte 32	Orange	Corwall		0.030
Area A	Orange	Corwall	0.063	0.530
			0.075	1.973

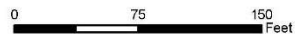


Area A: Assumed to be privately owned by same owner as 30-1-6 as indicated in NYSDEC Dam Safety Database (State ID: 195-0494 and Federal ID: NY13204) and partial deed and survey provided by landowner.

Legend

- Dam Notching
- Property Boundary
- Area A
- Temporary Road Easement
- Temporary Work Area Easement

obtained from the New York State GIS Clearinghouse:
 es obtained from Orange County GIS Division website:
 ygov.com/



Map Projection: NAD 1983 StatePlane New York East FIPS 3101 Feet

REAL ESTATE MAP

HUDSON RIVER HABITAT RESTORATION
 MOODNA CREEK - AOP 3: ORR'S MILL DAM
 TOWN OF CORNWALL
 ORANGE COUNTY, NEW YORK

EXHIBIT “B”
PARCEL DATA

**EXHIBIT “B”
PARCEL DATA**

Location	City	County	Owner	Fee (ac)	*TRE (ac)	Total
Long Island Way	Schodack	Rensselaer	State of New York	20.78	-	20.78
	Schodack	Rensselaer	State of New York	11.67	-	11.67
	Schodack	Rensselaer	State of New York	0.161	-	0.161
	Bethlehem	Albany	Town of Bethlehem	0.67	0.47	1.14
	Bethlehem	Albany	Private Owner	3.64	0.16	3.80
	Bethlehem	Albany	State of New York	0.78	-	0.78
	Bethlehem	Albany	State of New York	0.33	-	0.33
	Bethlehem	Albany	State of New York	0.03	-	0.03
	Bethlehem	Albany	State of New York	0.01	-	0.01

**EXHIBIT “B”
PARCEL DATA**

Location	City	County	Owner	*TRE	**TWAE (ac)	Total
Road	New Windsor	Orange	Private Owner	0.02	0.15	0.17
	New Windsor	Orange	Private Owner	0.09	-	0.09
Road	New Windsor	Orange	Private Owner	0.31	0.68	0.99
d	New Windsor	Orange	Private Owner	0.30	-	0.30
Road	New Windsor	Orange	Private Owner	0.01	-	0.01
d	New Windsor	Orange	Private Owner	0.43	-	0.43
W	Cornwall	Orange	Private Owner	0.47	-	0.47
	New Windsor	Orange	Unknown	-	0.99	0.99
	Unknown	Orange	Unknown	0.23	-	0.23
	New Windsor	Orange	Unknown	0.21	-	0.21
ce	Cornwall	Orange	Private Owner	-	0.11	0.11
ce	Cornwall	Orange	Private Owner	-	0.31	0.31
	Cornwall	Orange	Private Owner	0.17	1.26	1.43
Mills Road	Cornwall	Orange	Private Owner	0.01	1.41	1.42
	Cornwall	Orange	Private Owner	-	0.03	0.03
	Cornwall	Orange	Unknown	0.63	0.53	1.16

EXHIBIT “C”
STANDARD ESTATES

EXHIBIT "C"
STANDARD ESTATES

1) FEE (Standard Estate No. 1)

The fee simple title to the land described in Schedule A, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

2) ROAD EASEMENT. (Standard Estate No. 11)

An (temporary non-exclusive easement and right-of-way in, on, over and across (the land described in Exhibit A) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); 11 subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

3) TEMPORARY WORK AREA EASEMENT (Standard Estate No. 15)

A temporary easement and right-of-way in, on, over and across the land described in Schedule A, for a period not to exceed *[site specific]*, 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 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 Hudson River Habitat Restoration, Ecosystem Restoration Project, 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”
BASELINE COST ESTIMATE FOR REAL ESTATE

BASELINE COST ESTIMATE FOR REAL ESTATE HUDSON RIVER HABITAT RESTORATION, ECOSYSTEM RESTORATION FEASIBILITY STUDY, NEW YORK Schodack North, Henry Hudson Park, Moodna Creek (AOP 1-3)				
	TOTAL PROJECT REAL ESTATE COSTS	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$297,500	\$198,000	\$495,500
01A1	Acquisition (Admin Costs)	\$130,000	\$65,000	\$195,000
01A1A	By the Non-Federal Sponsor	\$130,000		
01A1B	By Government (Gov't) on behalf of NFS			
01A1C	By Gov't		\$65,000	
01A2	Land Surveys	\$39,000	\$17,000	\$56,000
01A2A	By NFS	\$39,000		
01A2B	By Gov't on behalf of NFS			
01A2C	Review of NFS		\$17,000	
01A3	Appraisals	\$65,000	\$34,000	\$99,000
01A3A	By NFS	\$65,000		
01A3B	By Gov't on behalf of NFS			
01A3C	Review of NFS		\$34,000	
01A4	Title Services & Closing	\$63,500	\$17,000	\$80,500
01A4A	By NFS	\$63,500		
01A4B	By Gov't on behalf of NFS			
01A4C	Review of NFS		\$17,000	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By NFS	\$0		
01A5B	By Gov't on behalf of NFS			
01A5C	Review of NFS		\$0	
01A6	PL 91-646 Assistance	\$0	\$0	\$0
01A6A	By NFS	\$0		
01A6B	By Gov't on behalf of NFS			
01A6C	Review of NFS		\$0	
01A7	Audit	\$0	\$65,000	\$65,000
01A7A	By NFS	\$0		
01A7B	By Gov't		\$65,000	
	TOTAL PROJECT REAL ESTATE COSTS	NON-FEDERAL	FEDERAL	TOTAL COSTS
01B	ACQUISITION COSTS	\$765,835	\$0	\$765,835
01B1	Land Payments	\$675,488	\$0	\$675,488
01B1A	By NFS	\$675,488		
01B1B	By Gov't on behalf of NFS		\$0	
01B2	Damage Payments	\$90,347	\$0	\$90,347
01B2A	By NFS	\$90,347		
01B2B	By Gov't on behalf of NFS		\$0	
01B3	PL 91-646 Payments	\$0	\$0	\$0
01B3A	By NFS	\$0		
01B3B	By Gov't on behalf of NFS		\$0	
01B4	Condemnation	\$0	\$0	\$0
01B4A	By NFS	\$0		
01B4B	By Gov't on behalf of NFS		\$0	
01B5	Disposals	\$0	\$0	\$0
01B5A	By Government	\$0		
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$1,063,335	\$198,000	\$1,261,335
	Contingencies	\$283,791	\$57,150	\$340,941
01	TOTAL LANDS & DAMAGES	\$1,347,126	\$255,150	\$1,602,276
02	TOTAL RELOCATIONS (Facilities & Utilities) (02-Cost Acct.)	\$0	\$0	\$0
	TOTAL PROJECT REAL ESTATE COSTS (01 & 02)	\$1,347,126	\$255,150	\$1,602,276
	TOTAL NFS LERRD COSTS	\$1,347,126	-	\$1,347,126

BASELINE COST ESTIMATE FOR REAL ESTATE
HUDSON RIVER HABITAT RESTORATION,
ECOSYSTEM RESTORATION FEASIBILITY STUDY, NEW YORK
SHODACK ISLAND (NORTH)

	TOTAL PROJECT REAL ESTATE COSTS	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$33,000	\$15,000	\$48,000
01A1	Acquisition (Admin Costs)	\$15,000	\$7,500	\$22,500
01A1A	By the Non-Federal Sponsor	\$15,000		
01A1B	By Government (Gov't) on behalf of NFS			
01A1C	By Gov't		\$7,500	
01A2	Land Surveys	\$4,500	\$0	\$4,500
01A2A	By NFS	\$4,500		
01A2B	By Gov't on behalf of NFS			
01A2C	Review of NFS		\$0	
01A3	Appraisals	\$7,500	\$0	\$7,500
01A3A	By NFS	\$7,500		
01A3B	By Gov't on behalf of NFS			
01A3C	Review of NFS		\$0	
01A4	Title Services & Closing	\$6,000	\$0	\$6,000
01A4A	By NFS	\$6,000		
01A4B	By Gov't on behalf of NFS			
01A4C	Review of NFS		\$0	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By NFS	\$0		
01A5B	By Gov't on behalf of NFS			
01A5C	Review of NFS		\$0	
01A6	PL 91-646 Assistance	\$0	\$0	\$0
01A6A	By NFS			
01A6B	By Gov't on behalf of NFS			
01A6C	Review of NFS		\$0	
01A7	Audit	\$0	\$7,500	\$7,500
01A7A	By NFS	\$0		
01A7B	By Gov't		\$7,500	
	TOTAL PROJECT REAL ESTATE COSTS	NON-FEDERAL	FEDERAL	TOTAL COSTS
01B	ACQUISITION COSTS	\$429,875	\$0	\$429,875
01B1	Land Payments	\$429,875	\$0	\$429,875
01B1A	By NFS	\$429,875		
01B1B	By Gov't on behalf of NFS		\$0	
01B2	Damage Payments	\$0	\$0	\$0
01B2A	By NFS			
01B2B	By Gov't on behalf of NFS		\$0	
01B3	PL 91-646 Payments	\$0	\$0	\$0
01B3A	By NFS	\$0		
01B3B	By Gov't on behalf of NFS		\$0	
01B4	Condemnation	\$0	\$0	\$0
01B4A	By NFS	\$0	\$0	
01B4B	By Gov't on behalf of NFS			
01B5	Disposals	\$0	\$0	\$0
01B5A	By Government	\$0		
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$462,875	\$15,000	\$477,875
	Contingency (25%)	\$115,719	\$3,750	\$119,469
01	TOTAL LANDS & DAMAGES	\$578,594	\$18,750	\$597,344
02	TOTAL RELOCATIONS (Facilities & Utilities) (02-Cost Acct.)	\$0	\$0	\$0
	TOTAL PROJECT REAL ESTATE COSTS (01 & 02)	\$578,594	\$18,750	\$597,344
	TOTAL NFS LERRD COSTS	\$78,594	-	\$578,594

BASELINE COST ESTIMATE FOR REAL ESTATE HUDSON RIVER HABITAT RESTORATION, ECOSYSTEM RESTORATION FEASIBILITY STUDY, NEW YORK HENRY HUDSON PARK				
	TOTAL PROJECT REAL ESTATE COSTS	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$69,000	\$30,000	\$99,000
01A1	Acquisition (Admin Costs)	\$30,000	\$15,000	\$45,000
01A1A	By the Non-Federal Sponsor	\$30,000		
01A1B	By Government (Gov't) on behalf of NFS			
01A1C	By Gov't		\$15,000	
01A2	Land Surveys	\$9,000	\$0	\$9,000
01A2A	By NFS	\$9,000		
01A2B	By Gov't on behalf of NFS			
01A2C	Review of NFS		\$0	
01A3	Appraisals	\$15,000	\$0	\$15,000
01A3A	By NFS	\$15,000		
01A3B	By Gov't on behalf of NFS			
01A3C	Review of NFS		\$0	
01A4	Title Services & Closing	\$15,000	\$0	\$15,000
01A4A	By NFS	\$15,000		
01A4B	By Gov't on behalf of NFS			
01A4C	Review of NFS		\$0	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By NFS	\$0		
01A5B	By Gov't on behalf of NFS			
01A5C	Review of NFS		\$0	
01A6	PL 91-646 Assistance	\$0	\$0	\$0
01A6A	By NFS	\$0		
01A6B	By Gov't on behalf of NFS			
01A6C	Review of NFS		\$0	
01A7	Audit	\$0	\$15,000	\$15,000
01A7A	By NFS	\$0		
01A7B	By Gov't		\$15,000	
	TOTAL PROJECT REAL ESTATE COSTS	NON-FEDERAL	FEDERAL	TOTAL COSTS
01B	ACQUISITION COSTS	\$172,317	\$0	\$172,317
01B1	Land Payments	\$167,317	\$0	\$167,317
01B1A	By NFS	\$167,317		
01B1B	By Gov't on behalf of NFS		\$0	
01B2	Damage Payments	\$5,000	\$0	\$5,000
01B2A	By NFS	\$5,000		
01B2B	By Gov't on behalf of NFS		\$0	
01B3	PL 91-646 Payments	\$0	\$0	\$0
01B3A	By NFS	\$0		
01B3B	By Gov't on behalf of NFS		\$0	
01B4	Condemnation	\$0	\$0	\$0
01B4A	By NFS	\$0		
01B4B	By Gov't on behalf of NFS		\$0	
01B5	Disposals	\$0	\$0	\$0
01B5A	By Government	\$0		
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$241,317	\$30,000	\$271,317
	Contingency (25%)	\$60,329	\$7,500	\$67,829
01	TOTAL LANDS & DAMAGES	\$301,646	\$37,500	\$339,146
02	TOTAL RELOCATIONS (Facilities & Utilities) (02-Cost Acct.)	\$0	\$0	\$0
	TOTAL PROJECT REAL ESTATE COSTS (01 & 02)	\$301,646	\$37,500	\$339,146
	TOTAL NFS LERRD COSTS	301,646	-	\$301,646

BASELINE COST ESTIMATE FOR REAL ESTATE HUDSON RIVER HABITAT RESTORATION, ECOSYSTEM RESTORATION FEASIBILITY STUDY, NEW YORK MOODNA CREEK AOP 1 (UTILITY CROSSING)				
	TOTAL PROJECT REAL ESTATE COSTS	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$115,000	\$90,000	\$205,000
01A1	Acquisition (Admin Costs)	\$50,000	\$25,000	\$75,000
01A1A	By the Non-Federal Sponsor	\$50,000		
01A1B	By Government (Gov't) on behalf of NFS			
01A1C	By Gov't		\$25,000	
01A2	Land Surveys	\$15,000	\$10,000	\$25,000
01A2A	By NFS	\$15,000		
01A2B	By Gov't on behalf of NFS			
01A2C	Review of NFS		\$10,000	
01A3	Appraisals	\$25,000	\$20,000	\$45,000
01A3A	By NFS	\$25,000		
01A3B	By Gov't on behalf of NFS			
01A3C	Review of NFS		\$20,000	
01A4	Title Services & Closing	\$25,000	\$10,000	\$35,000
01A4A	By NFS	\$25,000		
01A4B	By Gov't on behalf of NFS			
01A4C	Review of NFS		\$10,000	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By NFS	\$0		
01A5B	By Gov't on behalf of NFS			
01A5C	Review of NFS		\$0	
01A6	PL 91-646 Assistance	\$0	\$0	\$0
01A6A	By NFS	\$0		
01A6B	By Gov't on behalf of NFS			
01A6C	Review of NFS		\$0	
01A7	Audit	\$0	\$25,000	\$25,000
01A7A	By NFS			
01A7B	By Gov't		\$25,000	
	TOTAL PROJECT REAL ESTATE COSTS	NON-FEDERAL	FEDERAL	TOTAL COSTS
01B	ACQUISITION COSTS	\$53,274	\$0	\$53,274
01B1	Land Payments	\$40,719	\$0	\$40,719
01B1A	By NFS	\$40,719		
01B1B	By Gov't on behalf of NFS			
01B2	Damage Payments	\$12,555	\$0	\$12,555
01B2A	By NFS	\$12,555		
01B2B	By Gov't on behalf of NFS		\$0	
01B3	PL 91-646 Payments	\$0	\$0	\$0
01B3A	By NFS	\$0		
01B3B	By Gov't on behalf of NFS		\$0	
01B4	Condemnation	\$0	\$0	\$0
01B4A	By NFS	\$0		
01B4B	By Gov't on behalf of NFS		\$0	
01B5	Disposals	\$0	\$0	\$0
01B5A	By Government	\$0		
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$168,274	\$90,000	\$258,274
	Contingency (30%)	\$50,482	\$27,000	\$77,482
01	TOTAL LANDS & DAMAGES	\$218,756	\$117,000	\$335,756
02	TOTAL RELOCATIONS (Facilities & Utilities) (02-Cost Acct.)	\$0	\$0	\$0
	TOTAL PROJECT REAL ESTATE COSTS (01 & 02)	\$218,756	\$117,000	\$335,756
	TOTAL NFS LERRD COSTS	218,756	-	\$218,756

BASELINE COST ESTIMATE FOR REAL ESTATE HUDSON RIVER HABITAT RESTORATION, ECOSYSTEM RESTORATION FEASIBILITY STUDY, NEW YORK MOODNA CREEK AOP 2 (FIRTH CLIFF DAM)				
	TOTAL PROJECT REAL ESTATE COSTS	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$46,000	\$36,000	\$82,000
01A1	Acquisition (Admin Costs)	\$20,000	\$10,000	\$30,000
01A1A	By the Non-Federal Sponsor	\$20,000		
01A1B	By Government (Govt) on behalf of NFS			
01A1C	By Govt		\$10,000	
01A2	Land Surveys	\$6,000	\$4,000	\$10,000
01A2A	By NFS	\$6,000		
01A2B	By Govt on behalf of NFS			
01A2C	Review of NFS		\$4,000	
01A3	Appraisals	\$10,000	\$8,000	\$18,000
01A3A	By NFS	\$10,000		
01A3B	By Govt on behalf of NFS			
01A3C	Review of NFS		\$8,000	
01A4	Title Services & Closing	\$10,000	\$4,000	\$14,000
01A4A	By NFS	\$10,000		
01A4B	By Govt on behalf of NFS			
01A4C	Review of NFS		\$4,000	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By NFS	\$0		
01A5B	By Govt on behalf of NFS			
01A5C	Review of NFS		\$0	
01A6	PL 91-646 Assistance	\$0	\$0	\$0
01A6A	By NFS	\$0		
01A6B	By Govt on behalf of NFS			
01A6C	Review of NFS		\$0	
01A7	Audit	\$0	\$10,000	\$10,000
01A7A	By NFS	\$0		
01A7B	By Govt		\$10,000	
	TOTAL PROJECT REAL ESTATE COSTS	NON-FEDERAL	FEDERAL	TOTAL COSTS
01B	ACQUISITION COSTS	\$39,283	\$0	\$39,283
01B1	Land Payments	\$19,283	\$0	\$19,283
01B1A	By NFS	\$19,283		
01B1B	By Govt on behalf of NFS		\$0	
01B2	Damage Payments	\$20,000	\$0	\$20,000
01B2A	By NFS	\$20,000		
01B2B	By Govt on behalf of NFS		\$0	
01B3	PL 91-646 Payments	\$0	\$0	\$0
01B3A	By NFS	\$0		
01B3B	By Govt on behalf of NFS		\$0	
01B4	Condemnation	\$0	\$0	\$0
01B4A	By NFS	\$0		
01B4B	By Govt on behalf of NFS		\$0	
01B5	Disposals	\$0	\$0	\$0
01B5A	By Government	\$0		
01B5B	By NFS			
01B5C	By Govt on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$85,283	\$36,000	\$121,283
	Contingency (30%)	\$25,585	\$10,800	\$36,385
01	TOTAL LANDS & DAMAGES	\$110,868	\$46,800	\$157,668
02	TOTAL RELOCATIONS (Facilities & Utilities) (02-Cost Acct.)	\$0	\$0	\$0
	TOTAL PROJECT REAL ESTATE COSTS (01 & 02)	\$110,868	\$46,800	\$157,668
	TOTAL NFS LERRD COSTS	110,868	-	\$110,868

BASELINE COST ESTIMATE FOR REAL ESTATE
HUDSON RIVER HABITAT RESTORATION,
ECOSYSTEM RESTORATION FEASIBILITY STUDY, NEW YORK
MOODNA CREEK AOP 3 (ORR'S MILL DAM)

	TOTAL PROJECT REAL ESTATE COSTS	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$34,500	\$27,000	\$61,500
01A1	Acquisition (Admin Costs)	\$15,000	\$7,500	\$22,500
01A1A	By the Non-Federal Sponsor	\$15,000		
01A1B	By Government (Govt) on behalf of NFS			
01A1C	By Govt		\$7,500	
01A2	Land Surveys	\$4,500	\$3,000	\$7,500
01A2A	By NFS	\$4,500		
01A2B	By Govt on behalf of NFS			
01A2C	Review of NFS		\$3,000	
01A3	Appraisals	\$7,500	\$6,000	\$13,500
01A3A	By NFS	\$7,500		
01A3B	By Govt on behalf of NFS			
01A3C	Review of NFS		\$6,000	
01A4	Title Services & Closing	\$7,500	\$3,000	\$10,500
01A4A	By NFS	\$7,500		
01A4B	By Govt on behalf of NFS			
01A4C	Review of NFS		\$3,000	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By NFS	\$0		
01A5B	By Govt on behalf of NFS			
01A5C	Review of NFS		\$0	
01A6	PL 91-646 Assistance	\$0	\$0	\$0
01A6A	By NFS	\$0		
01A6B	By Govt on behalf of NFS			
01A6C	Review of NFS		\$0	
01A7	Audit	\$0	\$7,500	\$7,500
01A7A	By NFS	\$0		
01A7B	By Govt		\$7,500	
	TOTAL PROJECT REAL ESTATE COSTS	NON-FEDERAL	FEDERAL	TOTAL COSTS
01B	ACQUISITION COSTS	\$71,086	\$0	\$71,086
01B1	Land Payments	\$18,294	\$0	\$18,294
01B1A	By NFS	\$18,294		
01B1B	By Govt on behalf of NFS		\$0	
01B2	Damage Payments	\$52,792	\$0	\$52,792
01B2A	By NFS	\$52,792		
01B2B	By Govt on behalf of NFS		\$0	
01B3	PL 91-646 Payments	\$0	\$0	\$0
01B3A	By NFS	\$0		
01B3B	By Govt on behalf of NFS		\$0	
01B4	Condemnation	\$0	\$0	\$0
01B4A	By NFS	\$0		
01B4B	By Govt on behalf of NFS		\$0	
01B5	Disposals	\$0	\$0	\$0
01B5A	By Government	\$0		
01B5B	By NFS			
01B5C	By Govt on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$105,586	\$27,000	\$132,586
	Contingency (30%)	\$31,676	\$8,100	\$39,776
01	TOTAL LANDS & DAMAGES	\$137,262	\$35,100	\$172,362

EXHIBIT “E”
NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT CHECKLIST

EXHIBIT “E”

ASSESSMENT OF NON-FEDERAL SPONSOR’S REAL ESTATE ACQUISITION CAPABILITY HUDSON RIVER HABITAT RESTORATION, ECOSYSTEM RESTORATION FEASIBILITY STUDY, NEW YORK

I. LEGAL AUTHORITY

- a. Does the Sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes. The State of New York, as the non-federal sponsor, has the legal authority to acquire and hold title to real property for project purposes.

- b. Does the Sponsor have the power of eminent domain for this project?

NYSDEC has the power of eminent domain

- 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. All the lands required for the project are located within the NYSDEC’s political boundary.

- e. Are any of the lands/interests in land required for the project owned by an entity whose property the Sponsor cannot condemn?

No. No lands are owned by an entity in which the Sponsor cannot condemn.

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. The Sponsor’s in-house staff will not require training to become familiar with the real estate requirements of federal projects, including P.L. 91-646.

- b. If the answer to II(a) is “yes,” has a reasonable plan been developed to provide such training?

Not applicable.

EXHIBIT “E”

- c. Does the Sponsor’s in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes. The Sponsor staff has sufficient real estate acquisition experience to meet its responsibilities for the project. NYDEC has performed or ensured the performance of real estate acquisition for the Atlantic Coast of New York City Rockaway Inlet to Norton Point (Sea Gate) Shore Protection Project; the Atlantic Coast of New York, Jones Inlet to East Rockaway Inlet, Long Beach Island, New York, Storm Damage Reduction Project; and the Fire Island Inlet to Moriches Inlet Project.

- 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 U.S. Army Corps of Engineers (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. The Sponsor has approved the current real estate acquisition schedule.

IV. OVERALL ASSESSMENT

- a. Has the Sponsor performed satisfactorily on other USACE projects?

Yes. The Sponsor has performed satisfactorily on other USACE projects, such as the project identified in question 2(c).

EXHIBIT "E"

- 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.

The Sponsor is highly capable of completing its real estate acquisition responsibilities for the project. They have the capability to acquire the real estate as outlined in question II(f).

V. COORDINATION

- a. Has this assessment been coordinated with the Sponsor?

Yes.

- b. Does the Sponsor concur with this assessment?

Yes.



FRANCES DUNWELL

Coordinator, Hudson River Estuary Program

New York State Department of Environmental Conservation

WILLIAMS.LYDIA.H
ELEN.1181296131

Digitally signed by
WILLIAMS.LYDIA.HELEN.118129613
Date: 2020.08.06 20:41:46 -04'00'

LYDIA H. WILLIAMS
Chief, Real Estate Division
New York District
US Army Corps of Engineers

EXHIBIT “F”

SCHODACK ISLAND OWNERSHIP DOCUMENTATION



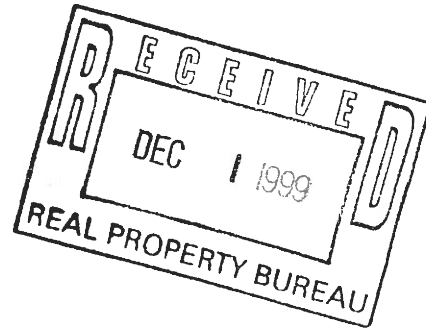
JOSEPH J. SEYMOUR
COMMISSIONER

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES
MAYOR ERASTUS CORNING 2ND TOWER
THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA
ALBANY, NEW YORK 12242

EDMOND F. SCHORNO
FIRST DEPUTY COMMISSIONER
ROBERT J. FLEURY
DEPUTY COMMISSIONER AND COUNSEL

November 29, 1999

Mr. Stephen C. Lewis
Director, Real Property Bureau
Planning and Development
Office of Parks, Recreation and
Historic Preservation
Agency Building 1
The Governor Nelson A. Rockefeller
Empire State Plaza
Albany, NY 12232



Dear Mr. Lewis:

Enclosed is the executed Order transferring certain lands now or formerly underwater at the site of Schodack Island State Park in the Town of New Baltimore, Greene County, Town of Stuyvesant, Columbia County and the Town of Schodack, Rensselaer County.

A copy of the transfer Order and associated papers are filed in our Bureau of Land Management.

Thank you for your patience and cooperation in completing this long pending matter.

Sincerely,

Thomas A. Pohl
Associate Attorney
Legal Services

Enc.

cc: Alan Bauder

STATE OF NEW YORK - EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES

-----X

In the Matter of the Application :

of the :

OFFICE OF PARKS, RECREATION AND : ORDER
HISTORIC PRESERVATION :

for a transfer of jurisdiction of certain lands now or formerly under
the waters of the Hudson River located in the Towns of New :
Baltimore, Stuyvesant and Schodack in the Counties of Greene,
Columbia and Rensselaer. :

-----X

The Office of Parks, Recreation and Historic Preservation has applied pursuant to subdivision 4, Section 3 of the Public Lands Law for the transfer of jurisdiction to it, for the purpose of the Schodack Island State Park, of certain lands now or formerly under the waters of the Hudson River in the Town of New Baltimore, Greene County, Town of Stuyvesant, Columbia County and the Town of Schodack, Rensselaer County.

The land is now under the jurisdiction of the Office of General Services and consists of lands now or formerly under the waters of the Hudson River located within the lands acquired in 1978 by filing of an appropriation map entitled "State of New York, Executive Department, Office of Parks and Recreation Eleventh Park Region, Castleton Island State Park, Perimeter Appropriation, Houghtaling Island, Mulls Island, Lower Schodack Island, Upper Schodack Island, Little Schodack Island situate in the Townships of New Baltimore, Stuyvesant and Schodack, Counties of Greene, Columbia and Rensselaer, State of New York" dated December 17, 1976, filed in the Office of Parks, Recreation and Historic Preservation on May 5, 1978 and also filed in the respective counties in June, 1978.

The historic islands named in the above mentioned map, which comprise the current Schodack Island State Park were once separated by Hudson River waters and rivulets which have been filled with channel dredge spoil from the Hudson River and are generally shown on the attached Schedule "A". These lands now or formerly under the waters of the Hudson River are the subject of this transfer of jurisdiction. The total area of the lands to be transferred is approximately 190 acres.

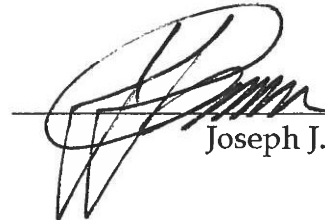
The Office of Parks, Recreation and Historic Preservation has requested the transfer of jurisdiction by letter dated April 1, 1998 from Bernadette Castro, Commissioner.

THEREFORE, pursuant to subdivision 4, Section 3 of the Public Lands Law, it is

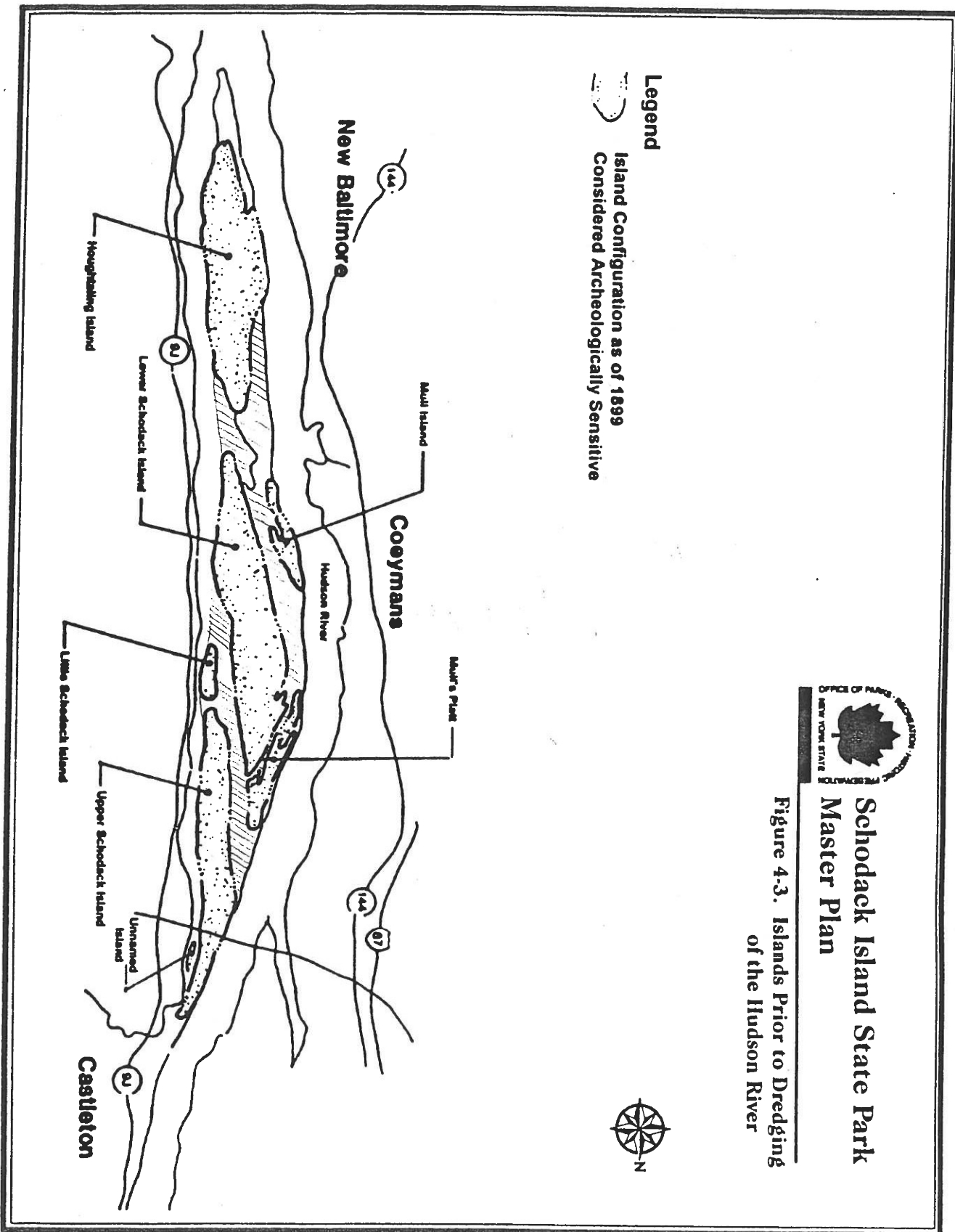
ORDERED, that the application is approved and jurisdiction over the aforesaid land is transferred to the Office of Parks, Recreation and Historic Preservation for the purposes of the Schodack Island State Park.

Dated: November 5, 1999

COMMISSIONER OF GENERAL SERVICES



Joseph J. Seymour





Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 21, 2020

LWCF Information

Site: Schodack Island State Park

Sponsor: NYS OPRHP

Grant: 36-00149

Action: Determination

Paul Fitzpatrick, Realty Specialist
U.S. Army Corps of Engineers
26 Federal Plaza, Rm. 16-508-9
New York, NY 10278-0090

Dear Mr. Fitzpatrick;

As you know the State of New York through the Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP) are partnering to improve the habitat of the Hudson River. A project location was selected at Schodack Island State Park and involves the removal of dredge spoil material between Upper Schodack and Lower Schodack Islands to open a tidal channel to Schodack Creek.

We understand the Army Corps of Engineers will be performing the work of this restoration project and requires assurances that this action will not constitute a "taking" of public lands either by alienation or conversion to other than public outdoor recreational uses.

Alienation does not apply to State-owned parkland. The Agency has statutory authority to acquire and dispose of park land granted by the Parks, Recreation and Historic Preservation Law.

Schodack Island State Park was acquired through a grant from the Land and Water Conservation Fund (LWCF) (Project number 36-00149). According to the LWCF, lands that have received funding from this program must remain in public outdoor recreational use in perpetuity. Should these lands be converted to a use other than public outdoor recreation, replacement lands must be provided that are equal to/or greater than the monetary value and recreational usefulness of the converted property (Section 6(f)(3) of the LWCF Act and 36 CFR Part 59).

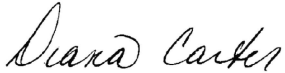
This project, while having numerous benefits to the Hudson River water habitats, will have several benefits to public outdoor recreation, including improved fishing grounds and shoreline access, better flow and water levels in Schodack Creek that will facilitate canoe and kayak use, and will also attract a diversity of birds and wildlife for viewing from the park's many trails. The property will remain in State ownership and under the jurisdiction of OPRHP. There will not be a change in use after the project is complete and will be "restored" as a public outdoor recreation resource.

Therefore, it is the determination of this Office that this project does not constitute a "taking" and therefore will not trigger a conversion of parkland to uses other than public outdoor recreation.

If you should have any further questions regarding the LWCF program or the protected status of Schodack Island State Park, please feel free to contact me (Diana.Carter@parks.ny.gov)

518.474.8288) or Ian Benjamin, Community Programs Coordinator (Ian.Benjamin@parks.ny.gov 518.474.0428).

Sincerely,

A handwritten signature in cursive script that reads "Diana Carter".

Diana Carter

LWCF Alternate State Liaison Officer
Assistant Division Director for Planning and Analysis
Division of Environmental Stewardship and Planning

CC:

Alane BallChinian, NYS OPRHP, Saratoga-Capital Region, Director
Maggie Ann Clements, NYS OPRHP, Counsel's Office, Sr. Attorney
Ian Benjamin, NYS OPRHP, DESP Community Programs Unit, Community Programs Coordinator
Daniel Miller, NYS DEC, Norrie Point Env. Ctr., HREP/NEIWPCC, Habitat Restoration Coordinator
Megan Lang, NPS, Northeast Regional Office, Compliance Officer
Lisa Baron, US ACOE, New York District, Project Manager
Warren LaRiviere, US ACOE, New York District



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 25, 2020

Paul Fitzpatrick, Realty Specialist
U.S. Army Corps of Engineers
26 Federal Plaza, Rm. 16-508-9
New York, NY 10278-0090

RE: Hudson River Habitat Restoration Project
Schodack Island State Park Side Channels
Real Property Jurisdiction and Access Rights

Dear Mr. Fitzpatrick;

The State of New York, through the Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP), is planning to improve the habitat of the Hudson River. A project location was selected at Schodack Island State Park and involves the removal of dredge spoil material between Upper Schodack and Lower Schodack islands to open a tidal channel to Schodack Creek.

The US Army Corps of Engineers (ACOE) will be performing the work of this restoration project and requires assurances that OPRHP has the authority to grant access to the needed lands.

In your e-mail dated 9/23/2020 you requested information regarding "Areas A and B" identified on the map file named "SchodackIsland_North_RE_Map_North_20200619.pdf", within the project boundary that do not have tax parcel data.

All of the lands within the boundary of Schodack Island State Park are owned by the People of the State of New York and under the jurisdiction of OPRHP. OPRHP received jurisdiction of the lands identified as "Areas A and B" pursuant to a November 5, 1999 order from the Commissioner of General Services transferring jurisdiction of these State lands to OPRHP. A copy of the transfer of jurisdiction order is attached for your reference.

Your e-mail also asked for clarification regarding jurisdiction of the park roads. As these roads and trails were designed and constructed by OPRHP on parkland under OPRHP jurisdiction, OPRHP has jurisdiction, operational, and maintenance responsibilities over all the roads and trails within Schodack Island State Park.

OPRHP, working cooperatively with DEC, intends to provide the US Army Corps of Engineers the necessary access to the lands of Schodack Island State Park needed to complete the Habitat Restoration Project.

Please let me know if I can be of further assistance to you or this project.

Sincerely,

Diana Carter

Assistant Division Director for Planning and Analysis/ASLO
Division of Environmental Stewardship and Planning

CC: Alane BallChinian, NYS OPRHP, Saratoga-Capital Region, Director
Maggie Ann Clements, NYS OPRHP, Counsel's Office, Sr. Attorney
Daniel Miller, NYS DEC, Norrie Point Env. Ctr., HREP/NEIWPCC, Habitat Restoration Coordinator
Lisa Baron, US ACOE, New York District, Project Manager
Bill Johnson, US ACOE, New York District
Ellen Simon, US ACOE, New York District