



**US Army Corps  
of Engineers®**  
New York District

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**NEW YORK AND NEW JERSEY HARBOR  
DEEPENING CHANNEL IMPROVEMENTS  
NAVIGATION STUDY**

**DRAFT INTEGRATED FEASIBILITY REPORT &  
ENVIRONMENTAL ASSESSMENT**

**APPENDIX D:**

**REAL ESTATE PLAN**

**OCTOBER 2020**

# NEW YORK AND NEW JERSEY HARBOR DEEPENING CHANNEL IMPROVEMENTS NAVIGATION STUDY

## October 2020 Real Estate Plan

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# 1. Preamble

## 1.1. Project Authorization

The project study authorization is §216 of the Water Resources Development Act (hereinafter, WRDA) of 1970.

Official Project Designation: The Project's official designation is the New York and New Jersey Harbor Deepening Channel Improvements (NYNJHDCI).

Project Location: The study area for the NYNJHDCI study is the existing 50-foot federal navigation channel and immediately surrounding areas. The New York and New Jersey Harbor is located between the southeastern-most point of New York State and the northeastern part of New Jersey. The 50-foot federal navigation channels are adjacent to New York City in New York State and the cities of Bayonne, Elizabeth, and Newark in New Jersey. The harbor is located along the upper-middle portion of the Atlantic Seaboard, and is often the first port of call on the East Coast for the largest container vessels. The harbor is approximately 190 miles southwest of Boston, Massachusetts and approximately 75 miles northeast of Philadelphia, Pennsylvania. The harbor is formed by the confluence of, among other smaller tributaries, the Hudson River, East River, Raritan River, Jamaica Bay, and Newark Bay which is itself formed by the confluence of the Hackensack and Passaic Rivers. The network of 50-foot federal navigation channels extend from the Atlantic Ocean into the New York and New Jersey Harbor and the marine terminals of the Port Authority of New York and New Jersey.

Non-Federal Sponsor: The non-federal sponsor for the feasibility phase of the Project is the New York and New Jersey Port Authority. A Feasibility Cost Sharing Agreement was executed on 22 July 2019 with the Port Authority of New York and New Jersey (PANYNJ) as the non-federal sponsor. The NYNJHDCI Study is cost shared 50% federal and 50% non-federal.

## 2. Statement of Purpose

The purpose of this Real Estate Plan (REP) is to describe the minimum Lands, Easements, Rights-of-Way, Relocations, and Disposals (LERRD) requirements for the construction, operation, and maintenance of the Tentatively Selected Plan. This REP describes the estimated Land, Easements and Right-of-Ways (LER) values, cost to acquire the LER, the types of real estate interests required, property information, and other pertinent information relative to the real estate acquisition process and schedule. Further, this report identifies and describes the facility and or utility relocations that are necessary for construction. This REP is the first prepared for the Study and is an appendix to its Integrated Feasibility Report and Environmental Assessment (the "main report").

Since this REP was prepared during a feasibility level study, the size of the required real estate interests presented herein are preliminary estimates based only on existing, readily available Geographic Information System (GIS) data. The LER requirements are subject to change with optimization during the Recommended Plan's Pre-construction, Engineering, and Design (PED) phase when final plans, specifications, and detailed drawings are prepared.

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.

### **3. Project Purpose and Features**

#### **3.1. Project Purpose**

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 to the New York District's Draft Integrated Feasibility Report and Environmental Assessment.

This NYNJHDCI study's purpose is to determine if there is a technically feasible, economically justified, and environmentally acceptable recommendation for federal participation in a navigation improvements project in the New York and New Jersey Harbor.

This project is an addition to the original Harbor Deepening Project which was authorized by Section 435 of the Water Resources Development Act of 1996 (Pub. L. No. 104-303) and whose construction was completed in 2016. The study conducted pursuant to Section 435 of the Water Resources Development Act of 1996 resulted in a USACE Chief's Report dated 2 May 2000, which recommended a channel at a depth of -50 feet MLLW in the harbor based on the *Regina Maersk* as the design vessel. The recommended plan was authorized for construction in Section 101(a)(2) of Water Resources Development Act 2000 (Pub. L. No. 106-541). However, the accelerating expansion of the volume of trade and the resulting fleet transition to larger vessels that has taken place since the completed 50-foot federal navigation project (Harbor Deepening Project) was authorized has led to the existing project's channel's dimensions being inadequate for current use in the Port of New York and New Jersey much sooner than was anticipated in the 1999 Study. Therefore, in order to keep pace with the ever increasing size of the shipping fleets, the non-federal sponsor has requested USACE to assist in the evaluation of the project area to determine a solution to facilitate the entry of the largest container vessels into its ports.



## **3.2. Plan of Improvement**

### **3.2.1. Navigational Improvement**

The Tentatively Selected Plan proposes deepening the pathways to Elizabeth – Port Authority Marine Terminal and Port Jersey – Port Authority Marine Terminal by up to 5 feet (up to -55 feet MLLW). The Tentatively Selected Plan involves deepening Ambrose Channel, Anchorage Channel, the Kill Van Kull, Newark Bay Channel, South Elizabeth Channel, and Elizabeth Channel, and PJPAMT Channel. This includes the additional width required for structural stability and for the navigation of the design vessel – with a length of 1,308.0 feet and beam of 193.5 feet – to transit from sea to Elizabeth – Port Authority Marine Terminal and Port Jersey – Port Authority Marine Terminal.

### **3.2.2. Required Lands, Easements, and Rights-of-Way (LER)**

I. Fee (Standard Estate No. 1) – There are two public parcels owned by the City of Bayonne, which will need to be acquired in fee due to the proximity of the channel to the shoreline of the City of Bayonne and the specific angle and depth of the side slopes thereof. The channel's right-of-way will extend slightly landward at a location approximately 0.6 miles east of the Bayonne Bridge. For the 4-ft cut, it will impact 0.075 acre. For the 5-ft cut, it will impact 0.142 acre.

II. Temporary Work Area Easement (Standard Estate No. 15) - Temporary work areas are necessary for this project for the demolition of two chimneys on industrial properties located on Staten Island on the south side of the Kill Van Kull opposite of the City of Bayonne. The amount of acres needed has not been determined yet.

III. Temporary Road Easement (Standard Estate No. 11) – In order to access the temporary work area easements to demolish the chimneys, road easements will be needed over 1 private property and two public properties, one owned by the New York City Parks Department and one owned by New York State. The amount of acres needed has not been determined yet.

IV. LER Summary: The impacted parcels and LER is provided in Exhibit “B” and the recommended standard estate language in Exhibit “C”. The following chart summarizes the required LER for the project:

Table 1 – Required LER Summary

Required Interest	Required Acres	Number of Parcels		Number of Owners	
		Private	Public	Private	Public
Fee (4-ft, 5-ft)	0.075, 0.142	0	2	0	1
Temporary Work Area Easement	TBD	0	2	0	2
Temporary Road Easement	TBD	1	2	1	2

### 3.2.3 Disposals

The Project does not require acquisition of real property interests for borrow areas or disposal areas. 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. Dredged material will be removed by the construction contractor and placed at these sites. There is no intent for the non-federal sponsor to acquire these sites.

### 3.2.4 Appraisal Information

An appraisal cost estimate was completed by a licensed USACE staff appraiser who concluded, as of October 26, 2020, the total estimated market value for the Tentatively Selected Plan’s required real estate is approximately \$375,000 and \$710,000, respectively for the 4-ft and 5-ft cuts.

Consistent with USACE Real Estate Policy Guidance Letter Number 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3), the New York District has valued the real estate requirements through a cost estimate as the real estate costs will total less than 10% of the total project costs.

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

*Assignment Condition #1* – The Appraiser did not receive a title report for the parcels impacted by the Tentatively Selected Plan. The cost estimate was predicated on the extraordinary assumptions that, as of the effective date of the cost estimate, the parcels impacted by the Tentatively Selected Plan: (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 the Tentatively Selected Plan’s preliminary real estate maps and spreadsheet data. 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. The 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 the Tentatively Selected Plan’s preliminary real estate maps and spreadsheet data indicating areas for the permanent and temporary easements. 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 Tentatively Selected Plan’s parcel areas were consistent with the parameters of the Tentatively Selected Plan.

*Assignment Condition #5* – The Temporary Work Area Easements were assumed to encumber the real property areas for a period of 1 year. The cost estimate was predicated on the extraordinary assumption that, as of the effective date of the cost estimate, the one year encumbrance was consistent with the parameters of the Tentatively Selected Plan.

*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 Tentatively Selected 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. Non-Federal Sponsor**

The Tentatively Selected Plan includes no lands owned by the non-federal sponsor which will be required for LERs acquisition.

## **5. Non-Standard Estates**

As of this report, there are no non-standard estates proposed for the Recommended Plan. Non-standard estates are necessary only when there is no corresponding USACE approved standard estate for the real property interest required, or when changes to a corresponding standard estate (or previously approved non-standard estate) are desired. In such situations, a non-standard estate will be drafted with coordination and consultation with the Sponsor, then coordinated with and approved by Headquarters USACE.

## **6. Existing Federal Projects**

The existing 50-foot Federal Navigation Project is based on the recommendations made in the New York & New Jersey Harbor Navigation Study of December 1999. The project consists of the federal channels that lead to the container terminals in the Port of New York and New Jersey from the Atlantic Ocean. The federal channels are used by and designed for the deep-draft commercial vessels calling on the facilities within the Port of New York and New Jersey. Container vessels, tankers, car carriers, and other bulk goods carriers make up the majority of the deep-draft commercial vessels using these channels. Among these vessels, container vessels are the most depth-limited and are most constrained by the configuration of the channels.

A map of the constructed project is provided in Figure 1 and the existing authorized constructed federal channel dimensions are organized in Table 2.

The existing 50-foot Federal Navigation Project provides access to five terminals:

1. Global Container Terminal – Bayonne by way of Port Jersey-Port Authority Marine Terminal (PJPAMT) Channel
2. APM Terminal by way of Newark Bay and South Elizabeth Channels
3. Maher Terminal by way of Newark Bay and Elizabeth Channels
4. Port Newark Container Terminal by way of Elizabeth Channel
5. Global Container Terminal – New York by way of the Arthur Kill

The existing 50-foot federal navigation project specifically included deepening the following channels: Ambrose Channel, Anchorage Channel, Bay Ridge Channel, the Kill Van Kull, the Newark Bay Channels, Port Jersey-Port Authority Marine Terminal (PJPAMT) Channel, and the Arthur Kill to Howland Hook. The channels were deepened to -50 feet MLLW except in areas of rock or otherwise hard material where they were deepened to -52 feet MLLW, with the exception of the Ambrose Channel, which was deepened and maintained to -53 feet MLLW. All channels are maintained at -50 feet MLLW with the exception of Ambrose Channel, which is maintained at -53 feet MLLW.

*Table 2: Existing Authorized and Constructed Harbor Deepening Project Channel Dimensions*

<b>Channel</b>	<b>Authorized Depth* [Feet]</b>
Ambrose	57-58
Anchorage	54-55
Elizabeth	56-57
Kill Van Kull	56-57
Newark Bay	56-57
Port Jersey-Port Authority Marine Terminal	56-57
South Elizabeth	56-57

\*Mean Lower Low Water



Figure 1: New York Harbor – Constructed 50-foot Federal Navigation Project



## **7. Federally Owned Land**

The Tentatively Selected Plan includes no lands owned by the Federal government which will be required for LERs acquisition.

## **8. Navigational Servitude**

The Federal Navigational Servitude is the dominant right of the Federal Government under the Commerce Clause of the Constitution to use, control, and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the Mean High Water Line (MHWL). There are submerged lands outside of the existing authorized Federal navigation channel. The submerged lands are owned by the State of New York. The Federal Navigational Servitude is available for use on this project for the construction, operation and maintenance of project features located in the channel. There are 44.625 AC and 45.452 AC of submerged lands within designated lots and 3,656.069 and 3,959.411 AC within the shipping lanes, for the 4-ft and 5-ft cut, respectively. A total of 3,700.694 and 4,004,863 AC will be used for the project through the use of navigational servitude for the 4-ft and 5-ft cut, respectively. The project meets the criteria and no additional costs will be incurred.

## **9. Maps**

The Project real estate maps are provided in Exhibits “A” herein. The parcel data set retrieved is not intended for use as a tax map. The lot boundaries delineated in the real estate map does not represent legal boundaries and should not be used to provide a legal determination of land ownership. The parcels boundaries are not survey data and should not be used as such. There may be boundary discrepancies between what is shown on the real estate map and the property’s actual deeded boundary. The GIS tax parcel data obtained is intended for planning purposes only to provide a reasonable representation of parcel boundaries and the real property interest required for the Recommended Plan. Surveys of the Recommended Plan’s final design are needed to determine the precise location of easements based on a property’s deeded legal description.

## **10. Induced Flooding**

No induced flooding is currently anticipated as a result of the Tentatively Selected Plan.

## **11. Baseline Cost Estimate for Real Estate**



An itemized BCERE is provided in Exhibit “D” with estimated real estate costs. The following is a summary of the costs for the Lands, Easements, Rights-of-Way, Relocations, and Disposals (“LERRD”) required for new elements of the Project:

- a. The Project’s total real estate costs is captured in the Project’s 01-Lands and Damage and 02-Utility Relocations cost account and amounts to approximately \$328,324,651 for the 4-ft cut and \$328,742,731 for the 5-ft cut, which includes Federal and non-Federal costs. This includes the 20% contingency on both acquisition costs, not including relocation costs, and incidental costs. There is at this point a 35% contingency included in the utility relocation costs due to lack of certainty on the cost to relocate, no verification of which utilities will fall under the substitute facility doctrine, and an uncertainty on what interests will need to be acquired for the abandoned utilities. Also regarding the relocation costs, there will be further refinement to determine what the 10 percent additional cash contribution limit is so as to place a threshold on the amount creditable. Lastly, a portion of relocation costs will be partitioned for removals which will be cost shared so the amount creditable would also reduce based upon that.
- b. The Project’s LERRD costs are shown below. LERRD costs account for the non-federal sponsor’s upfront costs and consists of the non-federal costs provided in the 01-Lands and Damages and 02 Utility Relocation cost accounts. LERRD is the non-federal sponsor’s responsibility to perform (in accordance with the PPA) prior to project construction.
- c. The non-federal sponsor incidental costs are projected costs based on the number of properties which need to be acquired. The incidental costs are costs the non-federal sponsor should anticipate spending as part of the acquisition process, which may be credited back to the non-federal sponsor during the crediting phase provided adequate documentation is provided. The USACE Realty Specialist will provide guidance to the non-federal sponsor in this regard.

*Table 3 - Sponsor’s estimated creditable LERRD costs*

<b>LERRD Costs</b>	<b>4-ft Cut</b>	<b>5-ft Cut</b>
LER	\$522,000	\$924,000
Relocations	\$327,710,251	\$327,710,251
Disposals	\$0	\$0
<i>Total LERRD:</i>	\$328,232,251	\$328,634,251
Incidental Costs	\$54,000	\$70,080
<b>Total Creditable Project Costs</b>	<b>\$328,286,251</b>	<b>\$328,704,331</b>



The non-Federal Sponsor will be entitled to LERRD reimbursement subject to the terms of the Project Partnership Agreement. As of this report, no reimbursable LERRD related expenses have been incurred by the non-federal sponsor. A letter regarding the risks associated with LERRD acquisition prior to PPA execution and Notice to Proceed for Acquisition will be sent to the non-federal sponsor prior to PPA execution as noted in paragraph 20. The non-federal sponsor is eligible to receive credit for the actual associated direct and indirect costs of fulfilling its LERRD responsibilities that are found to be reasonable, allowable and allocable. Supporting documents on all costs incurred by the non-federal sponsor will be submitted to USACE as part of its claim for credit.

## 12. Public Law 91-646, Uniform Relocation Assistance

There are two (2) chimney stacks located on industrial properties along the south side of the Kill Van Kull on Staten Island which have been identified as being at risk from vibratory impacts from the dredging involved in the Tentatively Selected Plan. Due to the identified risk, the chimneys are being proposed for demolition. At this time, business impacts resulting from the proposed demolitions are unknown. Therefore, it has not been determined whether there are any business relocations resulting from the Tentatively Selected Plan. Before the final Real Estate Plan is prepared, adequate outreach will be made to the landowner / businesses on these two properties to ascertain the effects of the proposed demolitions on the businesses, which may be currently operating on those properties. At that time, an assessment and determination will be made regarding possible business relocation costs. It should be noted any projected business relocation costs in the final Real Estate Plan does not establish eligibility of those costs by the businesses.

The two parcels are listed below:

*Table 4 – Possible Business Relocation Properties*

Site Name	Property Info	Owner Name
KVK306	Block 1068 Lot 45	Ferry St. Enterprises
KVK309C	Block 4 Lot 21	Regal Estates LLC

There are no anticipated residential relocations resulting from the Tentatively Selected Plan.

## 13. Minerals and Timber Activity

There are no present or anticipated mineral activities or timber harvesting within the LER required for the Project.

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

The non-federal sponsor maintains the legal and professional capability and experience to acquire the LER in support of the Project. The non-federal sponsor has condemnation authority and other applicable authorities that may apply if necessary to support acquisition measures. The non-federal sponsor has performed successfully in the past on such projects as the Harbor Deepening Project in 2014.

The Non-Federal Sponsor Capability Assessment Checklist is attached as Exhibit “E” herein. Please note that since it is still being coordinated with the non-federal sponsor, the current exhibit has not been signed by the non-federal sponsor.

## 15. Zoning

No application or enactment of local zoning ordinances is anticipated in lieu of, or to facilitate, the acquisition of LER in connection with the Project.

## 16. Schedule of Acquisition

*Table 5 – Schedule of Acquisition*

<b><u>Milestone</u></b>	<b><u>Date</u></b>
PPA Execution	July 2022
Sponsor’s Notice to Proceed with Acquisition	July 2022
Plats and Owner Verification Completion	September 2022
Appraisals Completed by NFS	November 2022
USACE Review of Appraisals	December 2022
Amicable Negotiations End	April 2023
Condemnation Initiation, if needed	April 2023
Amicable Possession	May 2023
Possession via Condemnation, if needed	October 2023
Certification of Real Estate (no condemnation)	June 2023
Certification of Real Estate (with condemnation)	December 2023

## 17. Facility / Utility Relocations

There are eleven (11) 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 27 September 2017, “Relocation of Utilities at Navigation Projects Under Section

101 of the Water Resources Development Act (WRDA) of 1986, as Amended.” Section 101 (a)(4) expressly requires the non-federal sponsor to perform or assure the performance of all relocations of utilities necessary to carry out Federal navigation improvements.

In accordance with Section 101 (a)(4) of WRDA 86, as amended, and as discussed in Paragraph 5 of PGL 44 (“Deep Draft Utility Relocations”), the respective utility owners are responsible for half of these relocation costs, with the non-federal sponsor being responsible for the other half. Consistent with Section 101 (a)(2), USACE shall credit towards the non-federal sponsor’s additional 10 percent payment the costs borne by the non-federal sponsor to perform or assure the performance of all utility relocations. For the purpose of determining the amount of credit to be afforded, the total cost of each relocation shall not exceed the amount USACE determines to be necessary to provide a functionally equivalent facility. The non-federal sponsor shall not be entitled to reimbursement over the additional 10 percent of the general navigation features.

Coordination will need to take place with the utility owners to determine whether there exists for each a compensable interest under state law and/or the terms of any non-federal permits, licenses, or right-of-way for each utility. This will help with the determination of non-federal costs by 1. Ascertaining whether the non-federal sponsor may have to pay more than 50 percent of the relocation costs 2. Determining whether any of the inactive utilities require relocation rather than just removal. Making the removal rather than relocation determination is important since the cost for removal per Paragraph 8 of PGL 44 requires the non-federal sponsor to acquire any compensable interest in the utility under state law with no cost to the Federal government. The non-federal sponsor would receive credit for its costs towards its additional 10 percent cash payment. USACE will remove any utility acquired by the non-federal sponsor during project construction, with the costs of removal shared by USACE and the non-federal sponsor as part of the general navigation features. If the owner has no compensable interest under state law or the terms of applicable non-federal permits, and the owner can be located, the non-federal sponsor is responsible for compelling removal at owner cost. If the non-federal sponsor lacks this ability, it may request that USACE exercise the navigation servitude to compel removal using the process described in Paragraph 7 of PGL 44. If the owner of a utility has no compensable interest under state law or the terms of non-federal permits, and the owner cannot be located, USACE will revoke any existing Section 10 permit and remove the utility as part of construction of the Project with the costs of removal shared by USACE and the non-federal sponsor as part of the general navigation features.

A Preliminary Attorney’s Opinion of Compensability (“preliminary opinion”) will be prepared as required during feasibility level investigations and will be issued prior to completion of the final feasibility report. The Opinion will provide a determination as to the responsibility of the non-federal sponsor for the costs of relocation of the utility cables, pipes, and mains referenced in the Real Estate Plan.

The preparation of an Attorney's Opinion of Compensability is the principal process for determining the extent of the Federal Government or non-federal sponsor's legal obligation to relocate a utility or public facility that will be impacted by construction or operation of a project. The preliminary opinion is prepared and used for the purpose of completing the feasibility study. Any conclusion or categorization contained in this Real Estate Plan that an item is a utility or facility relocation to be performed by the non-Federal sponsor is preliminary only.

USACE will make a final determination of the relocations necessary for the construction, operation or maintenance of the project upon completion of a Final Attorney's Opinion of Compensability for each of the impacted utilities and facilities. A Final Attorney's Opinion of Compensability and final relocation determination will occur during PED and prior to the execution of the Project Partnership Agreement.

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

There is one contaminated site within the project area though not on any property requiring LERs. The main plant of Diamond Alkali was added to the National Priority List in 1984 and was located at 80 Lister Avenue in Newark, New Jersey approximately five miles upgradient from Newark Bay along the western shore of the Passaic River. The Diamond Alkali plant is historically known for the manufacturing of agricultural chemicals and herbicides used in the production of "Agent Orange". The Newark Bay Operable Unit is co-located within the NYNJHDCI project area. No other federal or state listed contaminated sites were identified within the project area.

## **19. Project Support**

The Sponsor and local stakeholders support the Tentatively Selected Plan. Until coordination is made with the two businesses referenced in Section 12 Public Law 91-646 Uniform Relocation Assistance, it is unknown whether there will be any opposition to the Tentatively Selected Plan from them. The Real Estate Plan will be updated based on that future coordination.

## **20. Notification to Non-Federal Sponsor**

A formal written notice will be provided to the New York and New Jersey Port Authority no later than November 13, 2020 on the risks associated with acquiring the real estate for the Tentatively Selected Plan in advance of signing a PPA. Those risks include, but may not be limited to, the following:

- 1) Congress may not appropriate funds to construct the Recommended Plan;

2) The Recommended Plan may otherwise not be funded or approved for construction;

3) A PPA mutually agreeable to the Sponsor and the Government may not be executed and implemented;

4) The Sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of the CERCLA, as amended;

5) The Sponsor may acquire interests or estates that are later determined by USACE to be inappropriate, insufficient, or otherwise not required for the Recommended Plan;

6) The Sponsor may initially acquire insufficient or excessive real property acreage, which may result in additional negotiations and or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and USACE's Notice To Proceed; and

7) The Sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and USACE's Notice To Proceed Letter, which may not be creditable under the provisions of Water Resources Development Act 86 or the PPA.

## **21. Point of Contacts**

The points of contact for this Real Estate Plan ("REP") is the Real Estate Project Delivery Team member Mr. Ronn Giang at (917) 790-8452 (email: [ronn.giang@usace.army.mil](mailto:ronn.giang@usace.army.mil)).

## 22. Recommendations

This REP has been prepared in accordance with Chapter 12, ER 405-1-12, Real Estate Handbook, 20 Nov 85. It is recommended that this report be approved.

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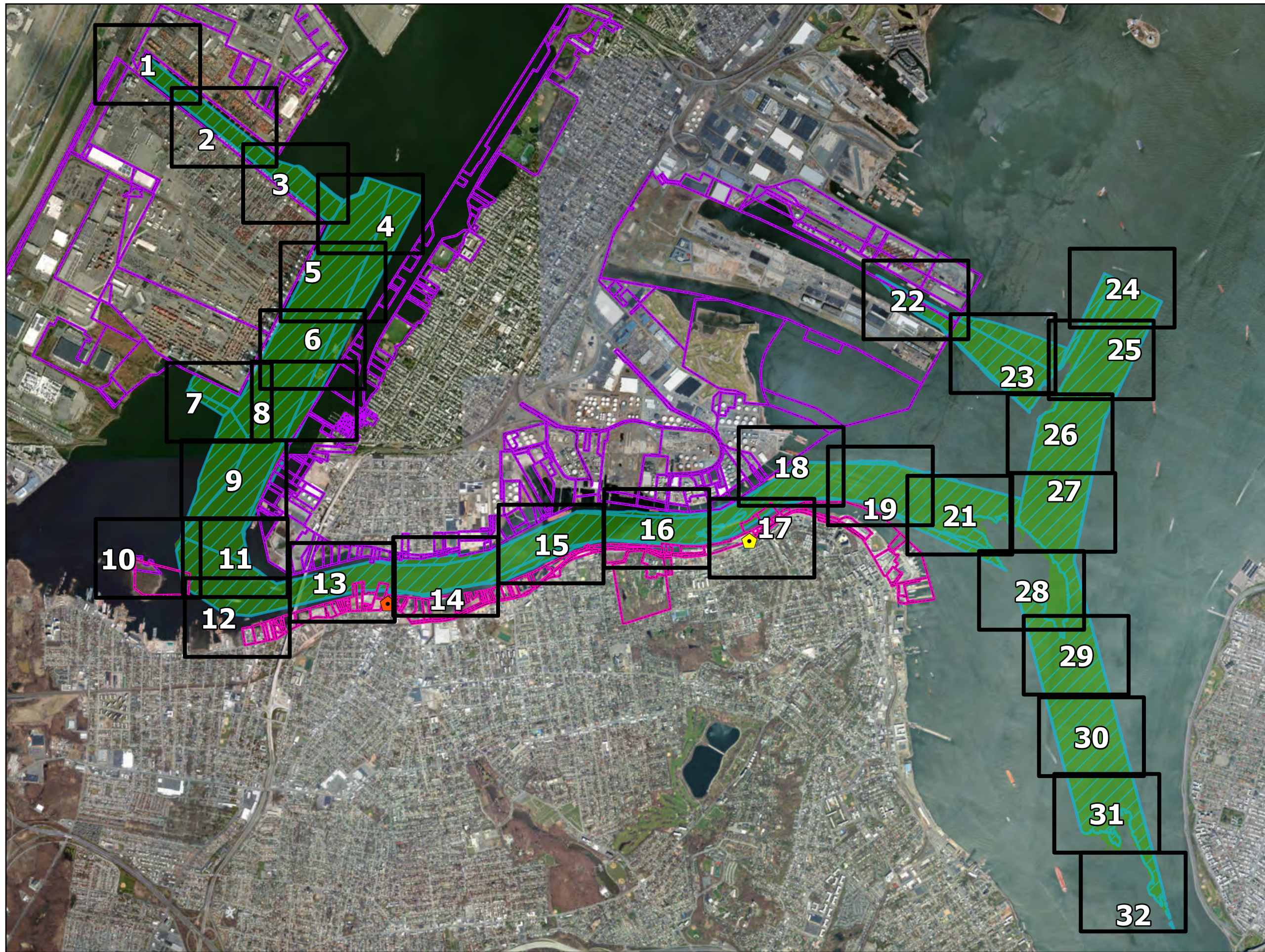
Ronn Giang  
Realty Specialist

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Chief, Real Estate Division  
New York District

**EXHIBIT “A”**  
**REAL ESTATE MAPS**





### LEGEND

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- Chimney Proposed for Demolition-KVK 306 (75' height)
- Chimney Proposed for Demolition-KVK 309C (100' height)
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- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

Sources:

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

Reference Map:  
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and the GIS User Community

Coordinate System:  
NAD83 UTM Zone 18N

0 1,500 3,000 6,000  
Feet

1 inch = 3,000 ft

**NYNJ Harbor Development  
Channel Improvement**

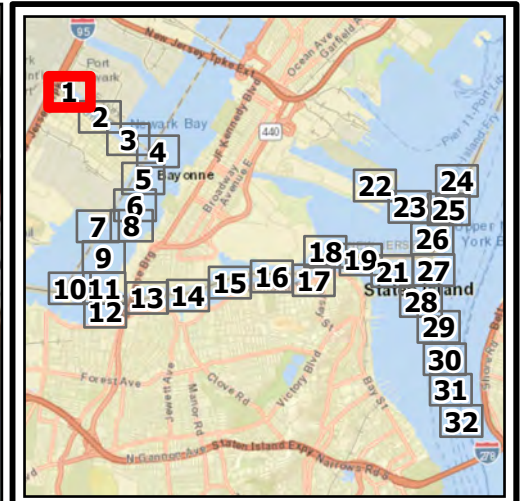
**Real Estate Plan  
Index Map**

Date: 10/27/2020



U.S. ARMY CORPS OF ENGINEERS  
NEW YORK DISTRICT





**LEGEND**

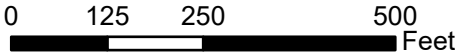
- New Jersey Parcels (20200826)
- HCIDI TSP Navigational Servitude 4ft deepening
- HCIDI TSP Navigational Servitude 5ft deepening

Sources:

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

Reference Map:  
Esri, HERE, Garmin, USGS, Intermap, INCREMENT P,  
NRCan, Esri Japan, METI, Esri China (Hong Kong),  
Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors,  
and the GIS User Community

Coordinate System:  
NAD83 UTM Zone 18N



1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

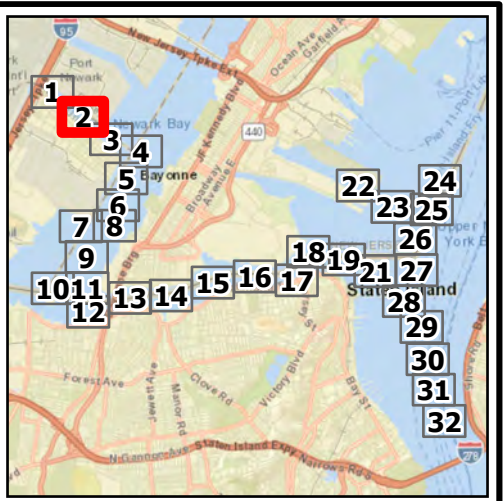
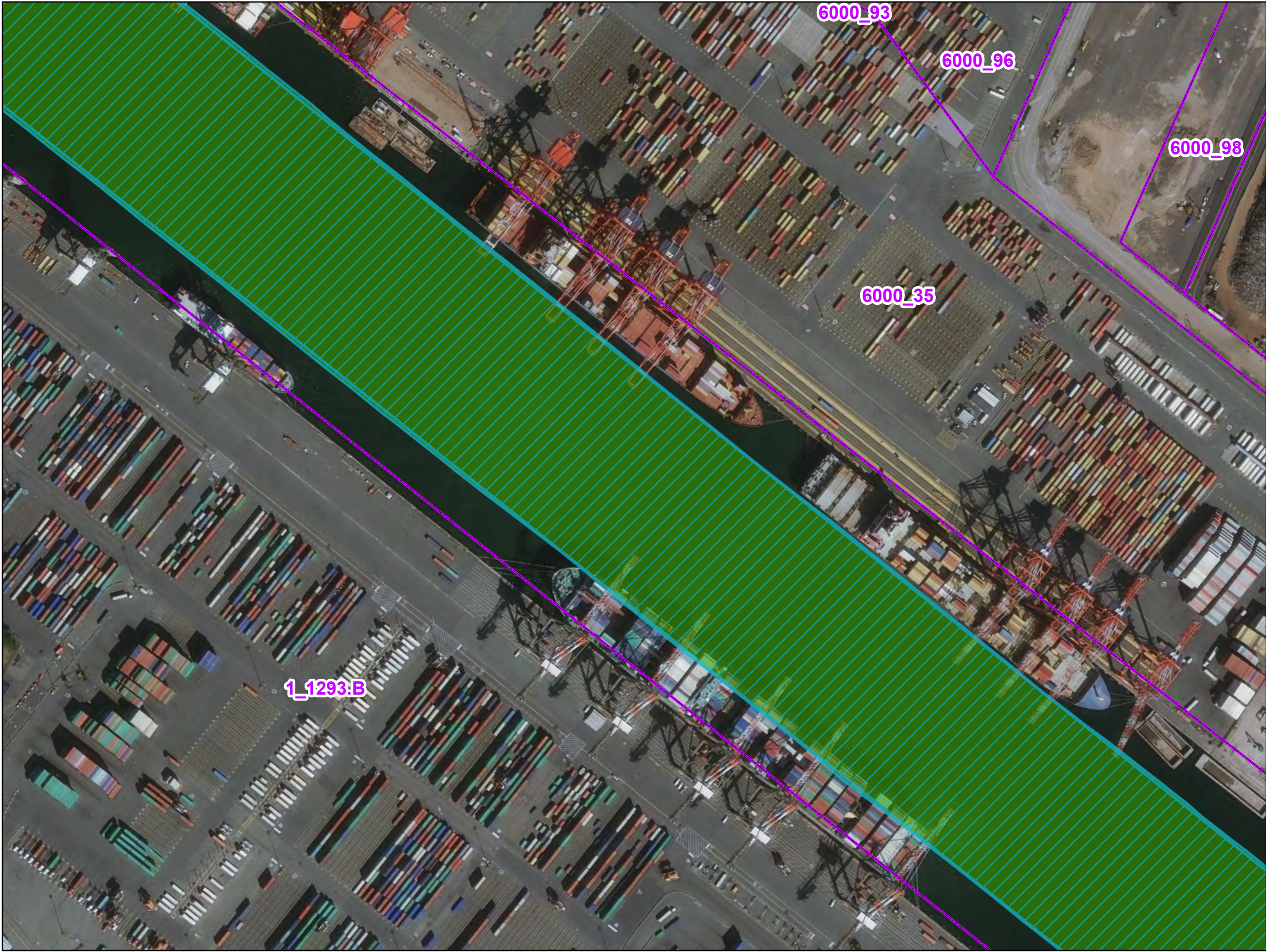
**Real Estate  
Plan Maps**

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U.S. ARMY CORPS OF ENGINEERS  
NEW YORK DISTRICT





**LEGEND**

- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

Sources:

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

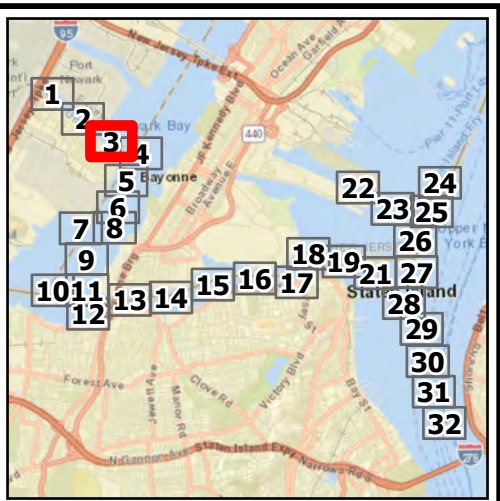
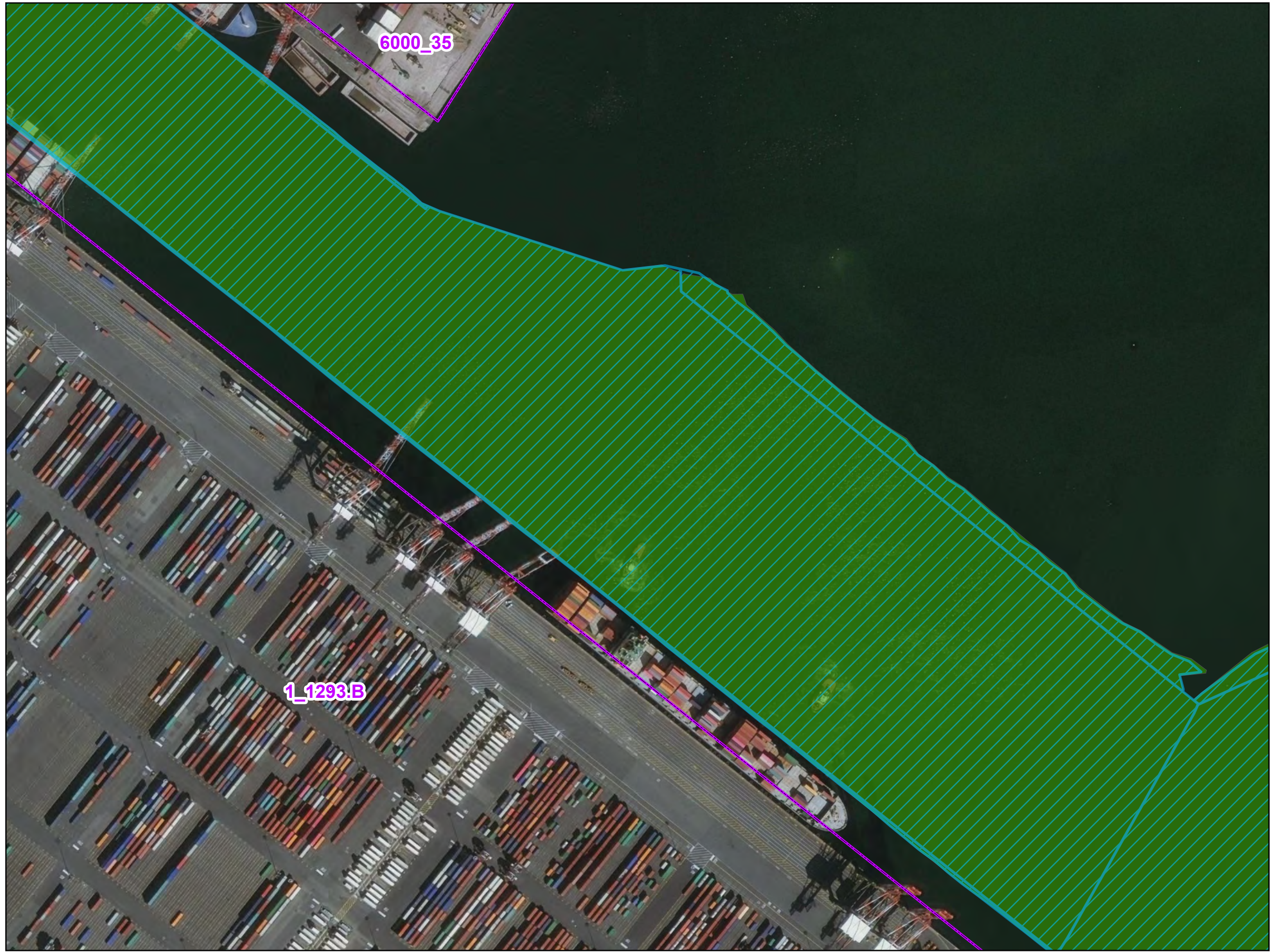
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Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Coordinate System:  
NAD83 UTM Zone 18N

0 125 250 500 Feet

1 inch = 250 ft





**LEGEND**

- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

Sources:  
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Coordinate System:  
NAD83 UTM Zone 18N

0 125 250 500 Feet

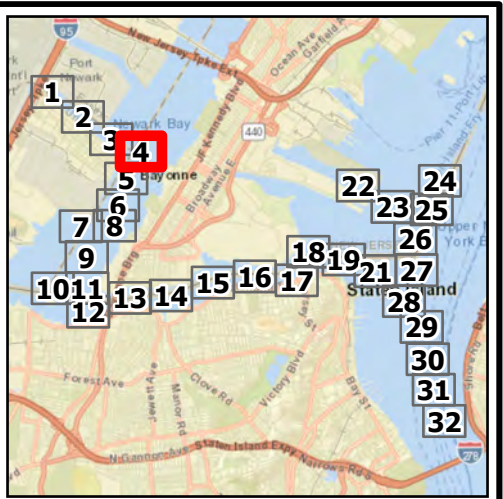
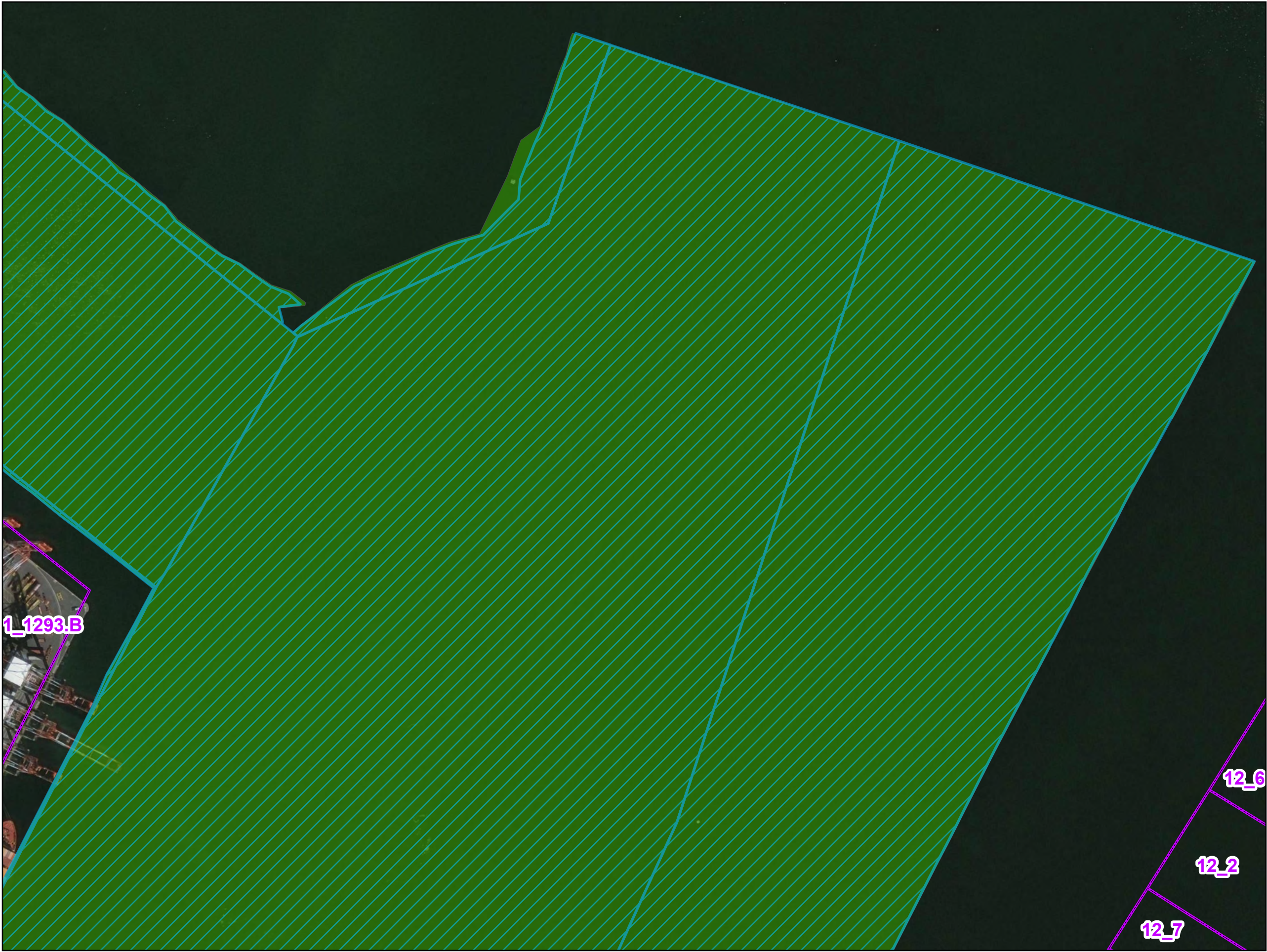
1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**




**Real Estate  
Plan Maps**







### LEGEND

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-  HCDI TSP Navigational Servitude 4ft deepening
-  HCDI TSP Navigational Servitude 5ft deepening

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Coordinate System:  
NAD83 UTM Zone 18N

0 125 250 500  
Feet

1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

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Plan Maps**

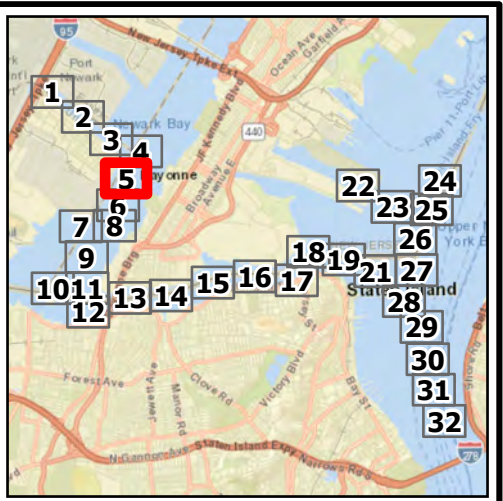
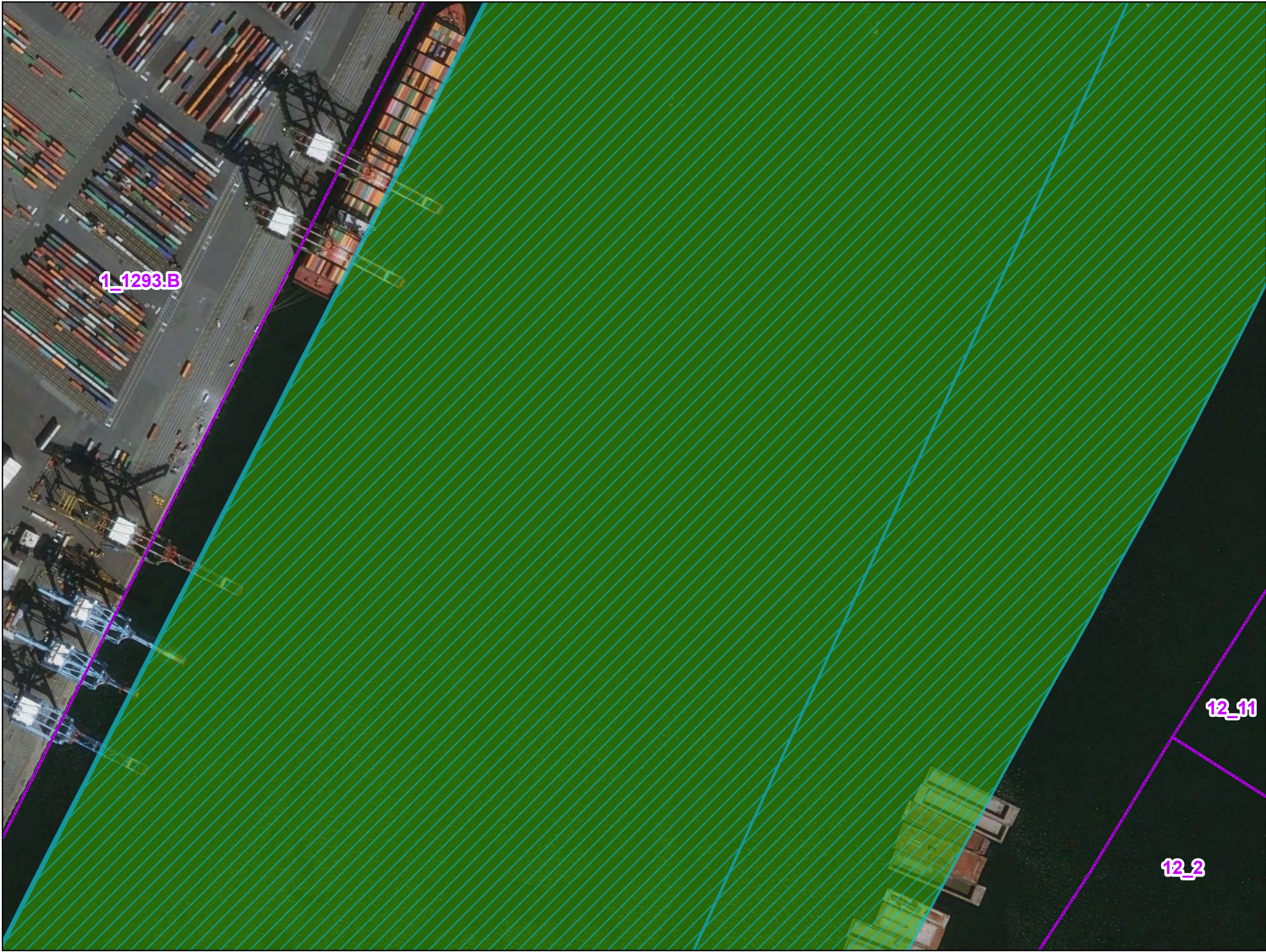
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Date: 10/27/2020



U.S. ARMY CORPS OF ENGINEERS  
NEW YORK DISTRICT





**LEGEND**

- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
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Coordinate System:  
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1 inch = 250 ft

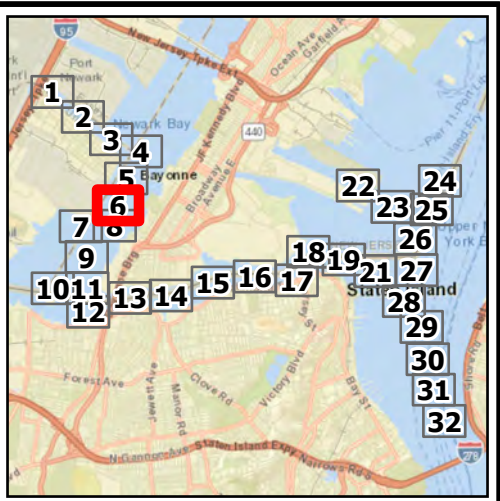
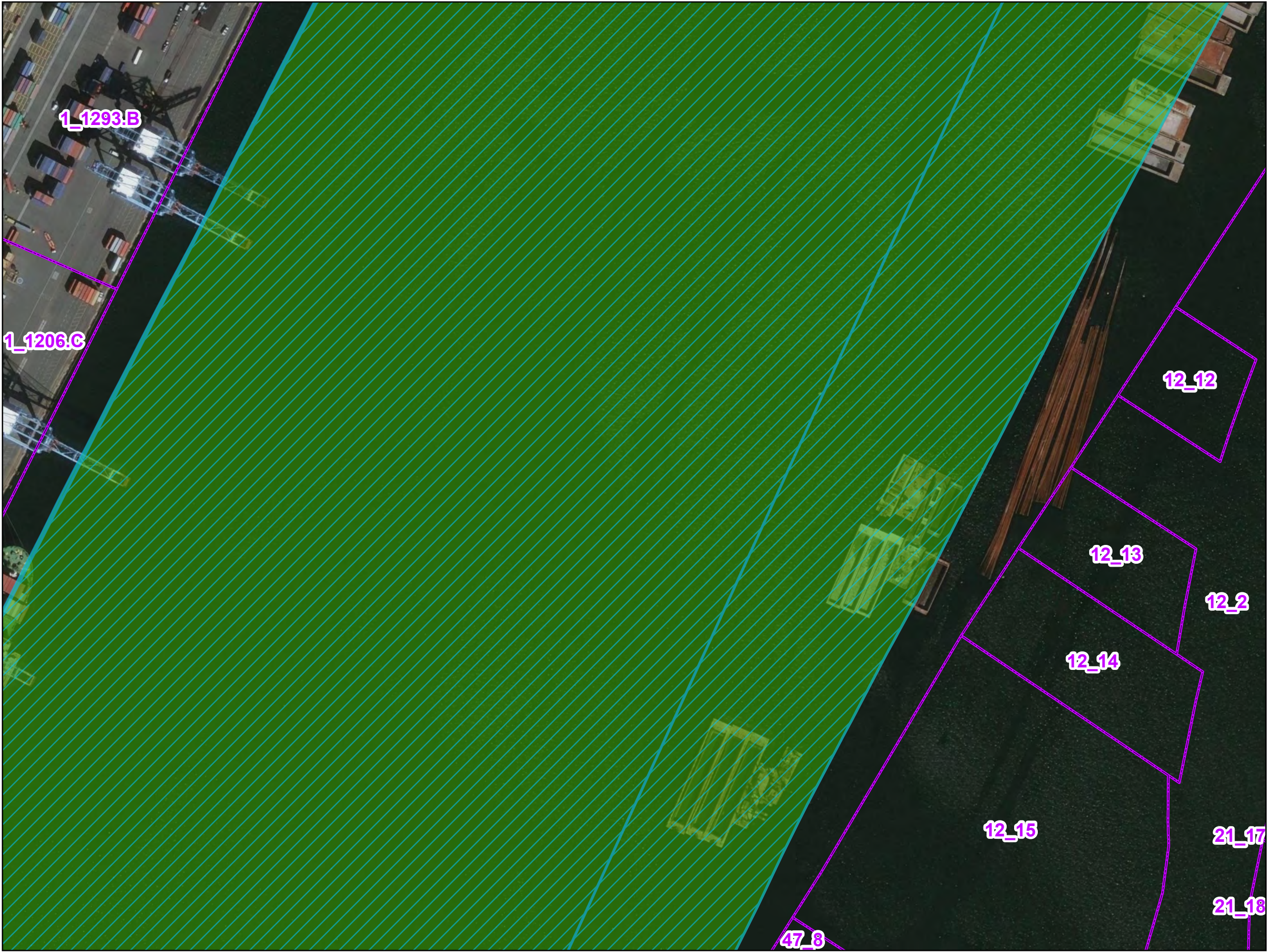
**NYNJ Harbor Development  
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NEW YORK DISTRICT





**LEGEND**

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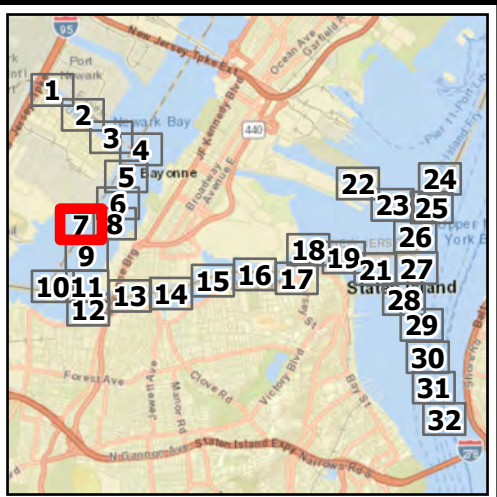
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1 inch = 250 ft



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**LEGEND**

- New Jersey Parcels (20200826)
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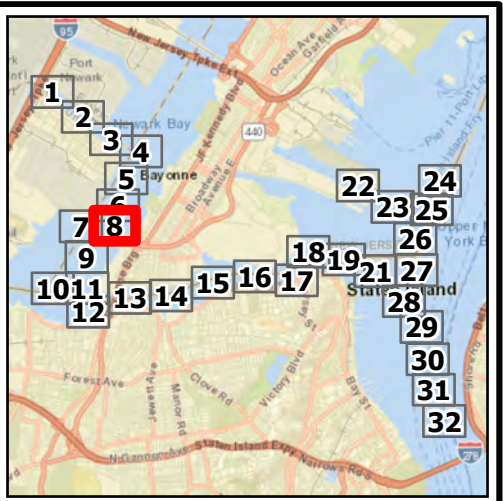
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1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

**Real Estate  
Plan Maps**





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0 125 250 500 Feet

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**NYNJ Harbor Development  
Channel Improvement**

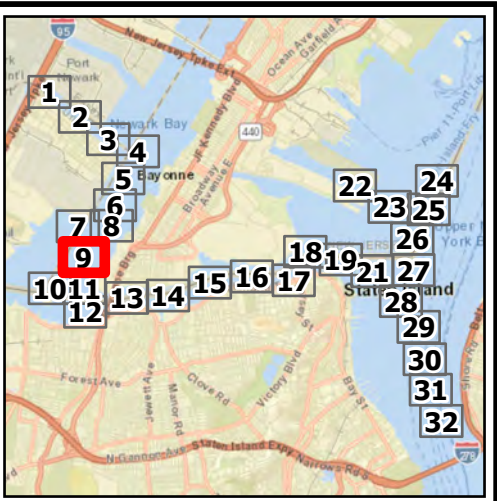
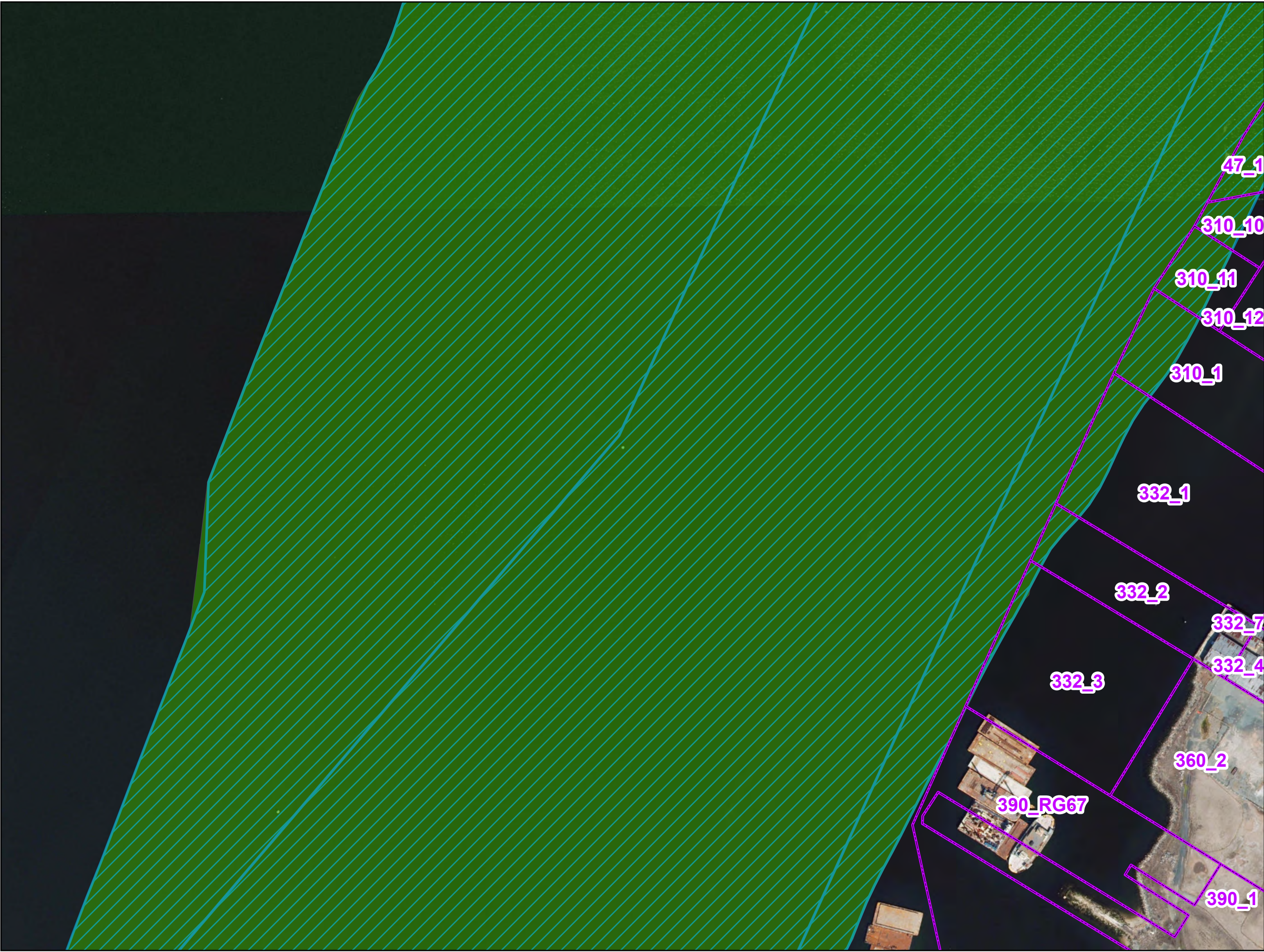
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NEW YORK DISTRICT

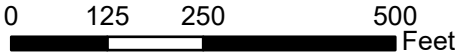




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Coordinate System:  
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1 inch = 250 ft

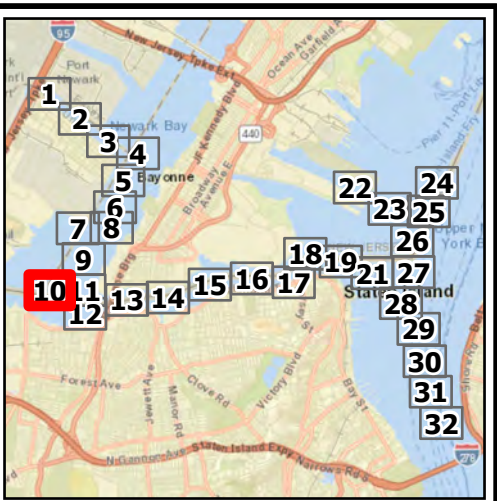
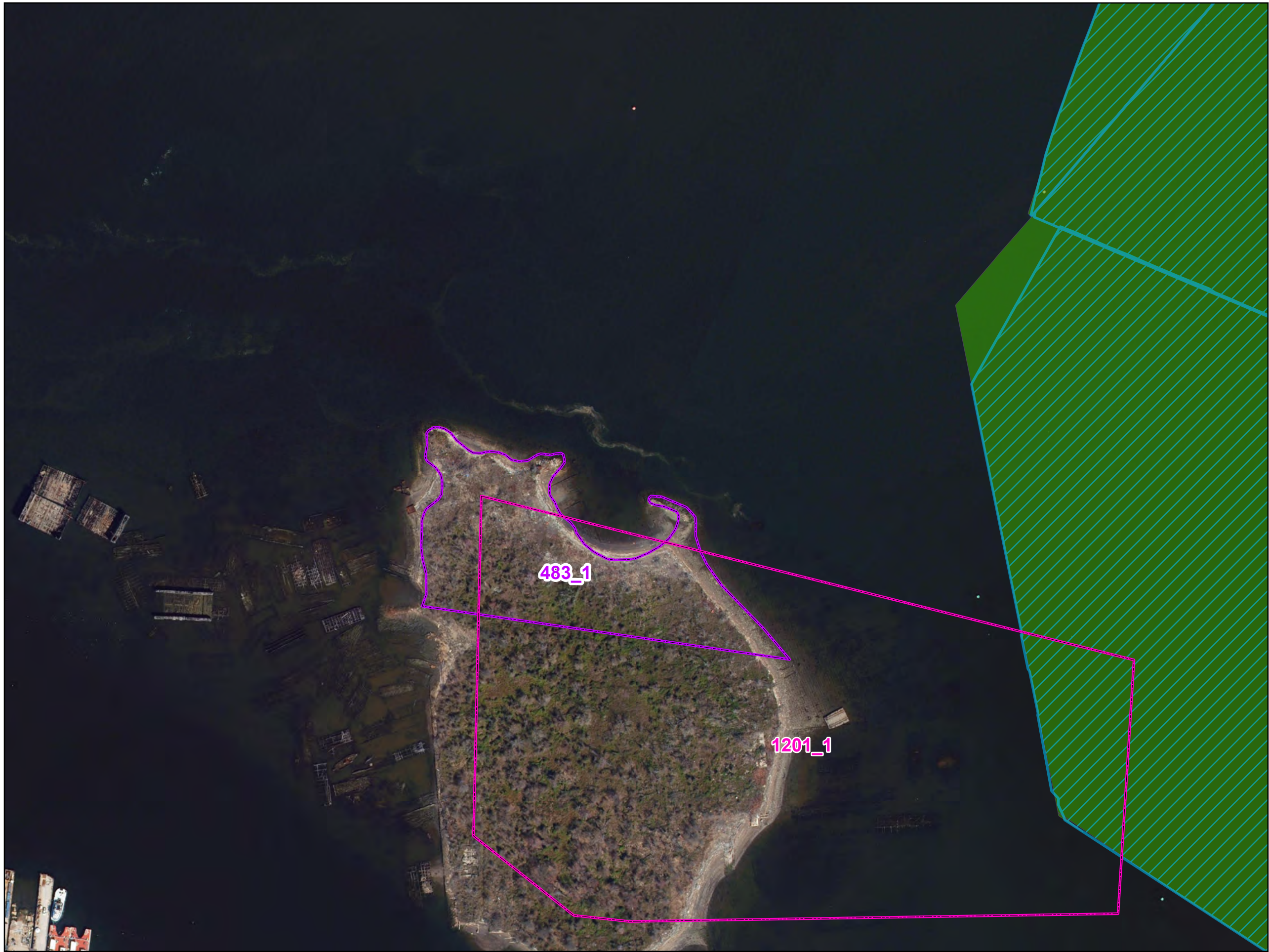
**NYNJ Harbor Development  
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NEW YORK DISTRICT



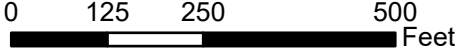


**LEGEND**

- New York City Parcels (20200826)
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- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

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NAD83 UTM Zone 18N



1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

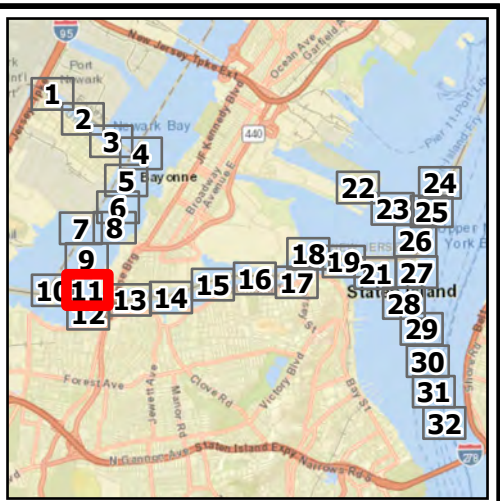
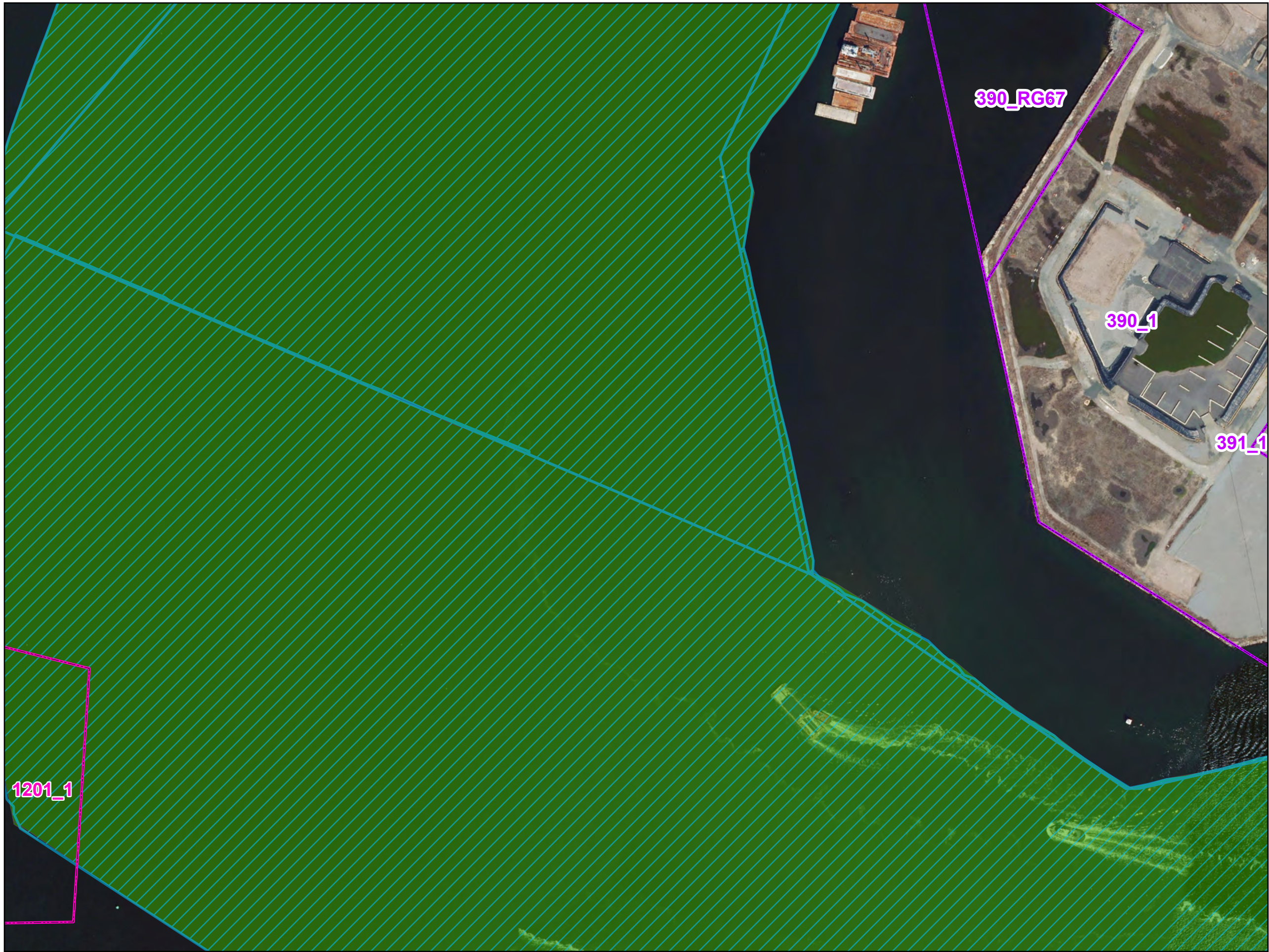
**Real Estate  
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**LEGEND**

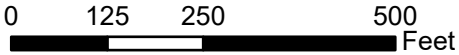
- New York City Parcels (20200826)
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- HCDI TSP Navigational Servitude 5ft deepening

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Coordinate System:  
NAD83 UTM Zone 18N



1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

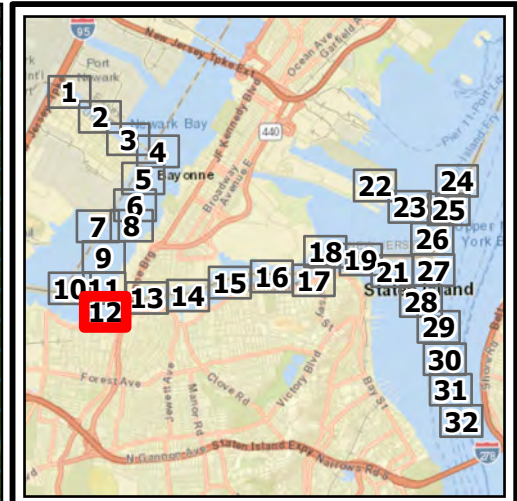
**Real Estate  
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NEW YORK DISTRICT





**LEGEND**

- New York City Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

Sources:

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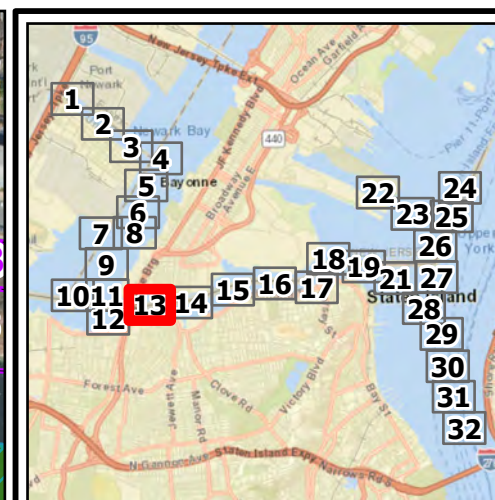
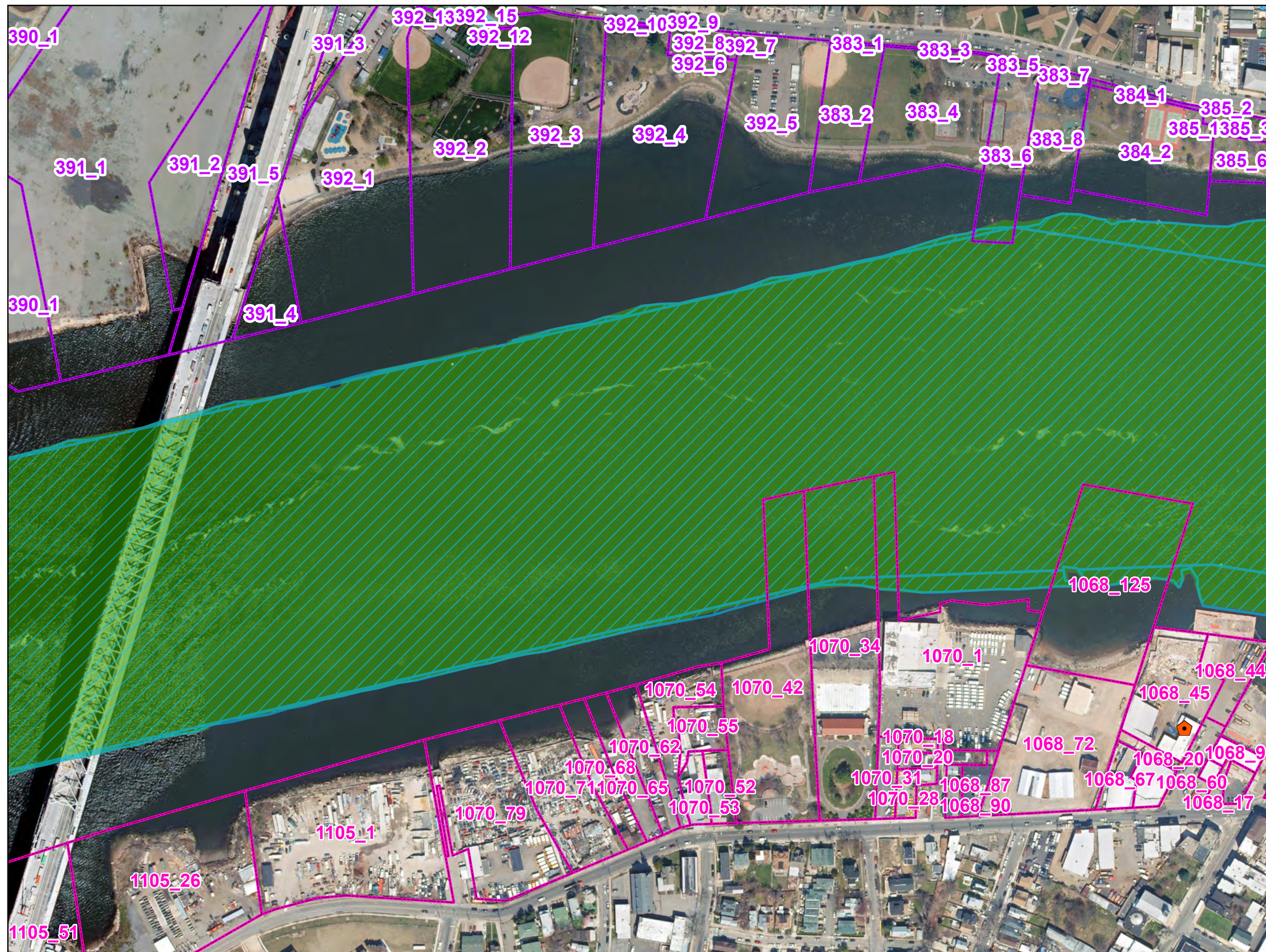
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Coordinate System:  
NAD83 UTM Zone 18N

0 125 250 500 Feet

1 inch = 250 ft





### LEGEND

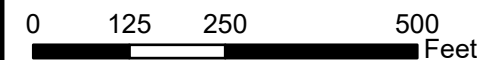
- Chimney Proposed for Demolition- KVK 306 (75' height)
- New York City Parcels (20200826)
- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

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Coordinate System:  
NAD83 UTM Zone 18N



1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

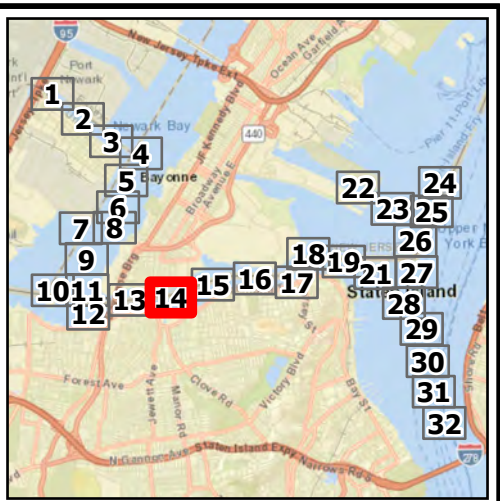
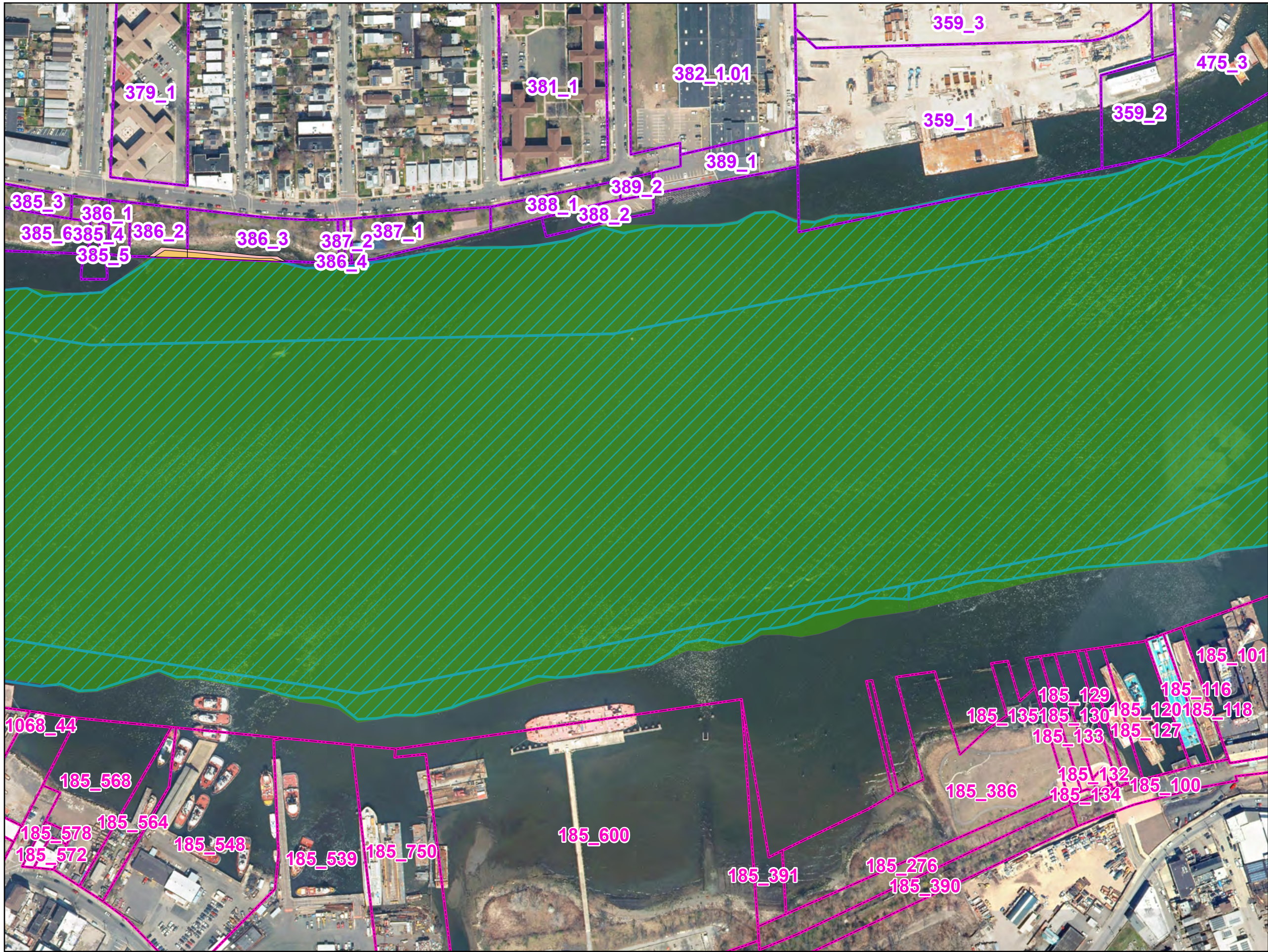
## Real Estate Plan Maps

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NEW YORK DISTRICT





**LEGEND**

- Fee Estate 4ft (20200924)
- Fee Estate 5ft (20200924)
- New York City Parcels (20200826)
- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

Sources:

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Coordinate System:  
NAD83 UTM Zone 18N


0 125 250 500 Feet

1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

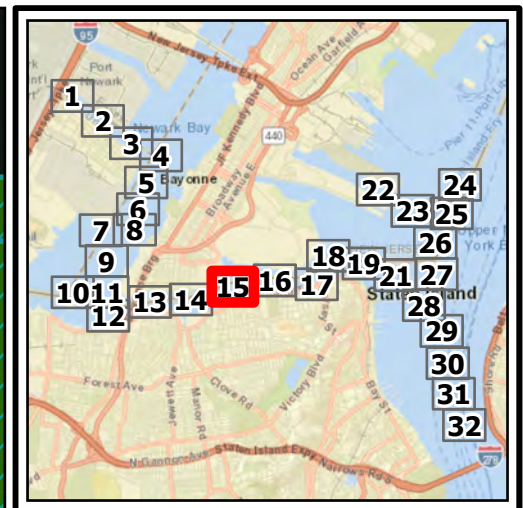
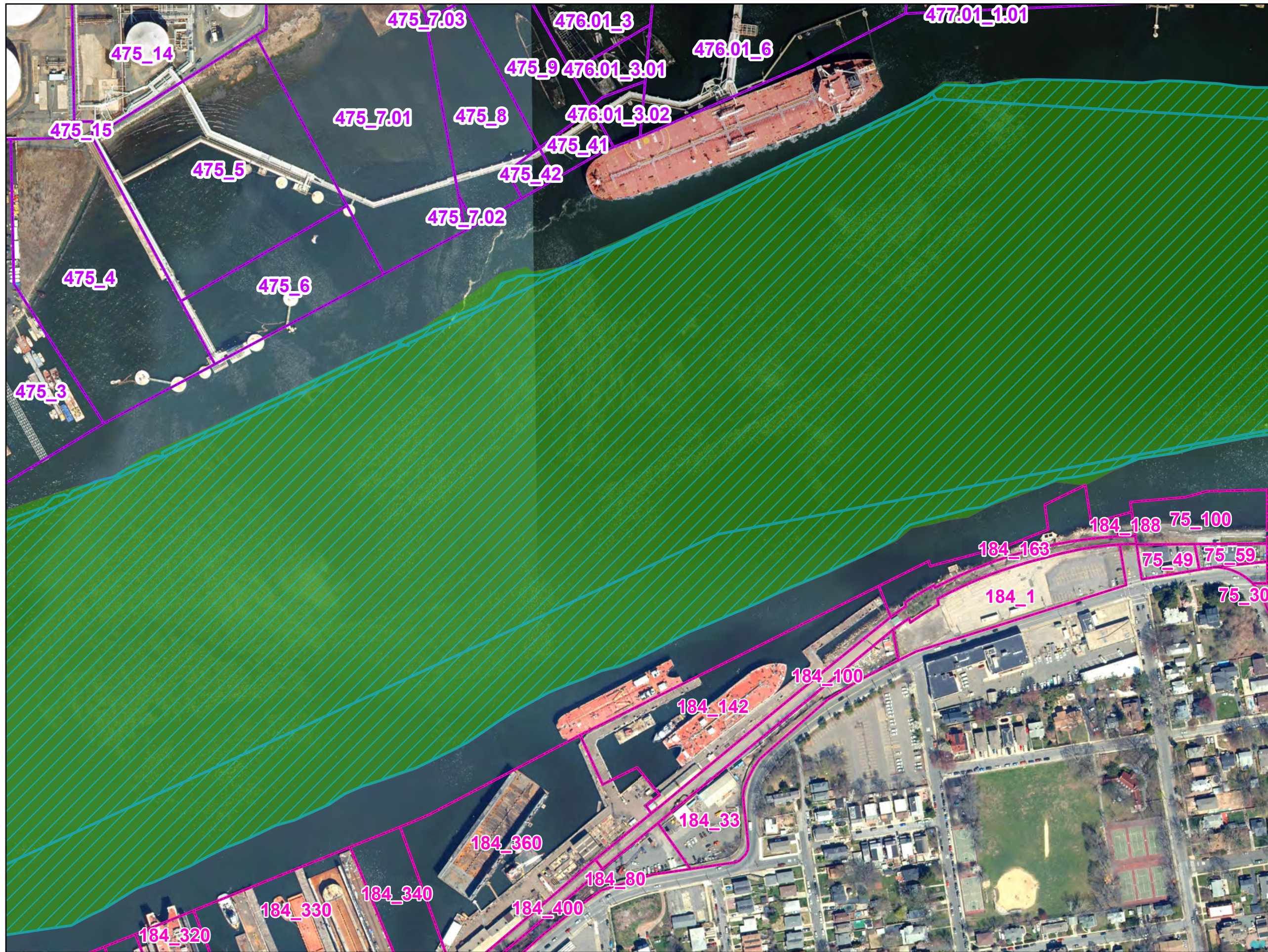
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**LEGEND**

- New York City Parcels (20200826)
- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
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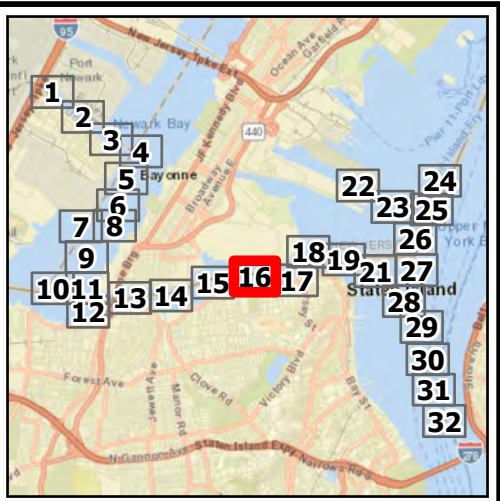
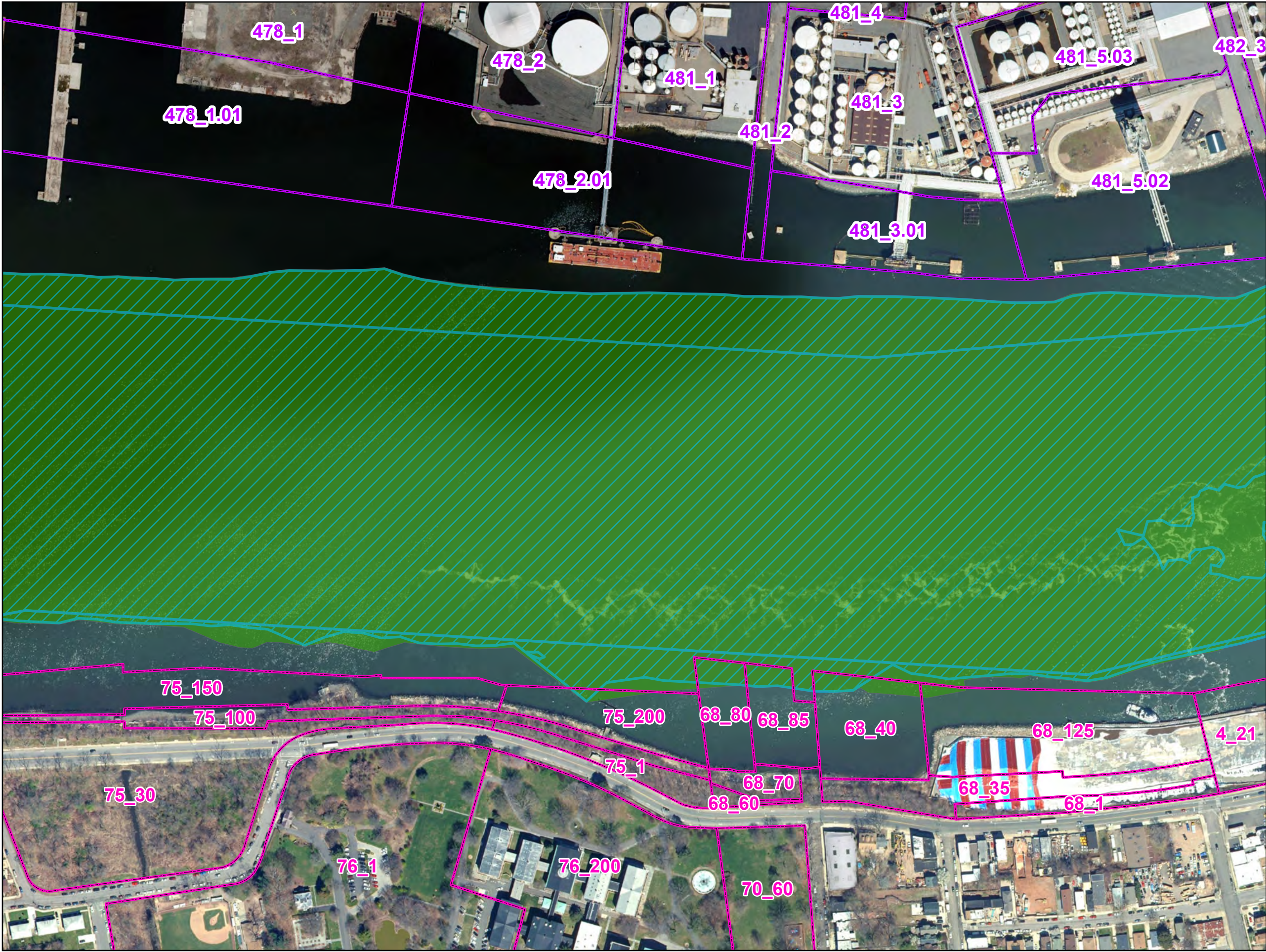
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Coordinate System:  
NAD83 UTM Zone 18N

0 125 250 500 Feet

1 inch = 250 ft





**LEGEND**

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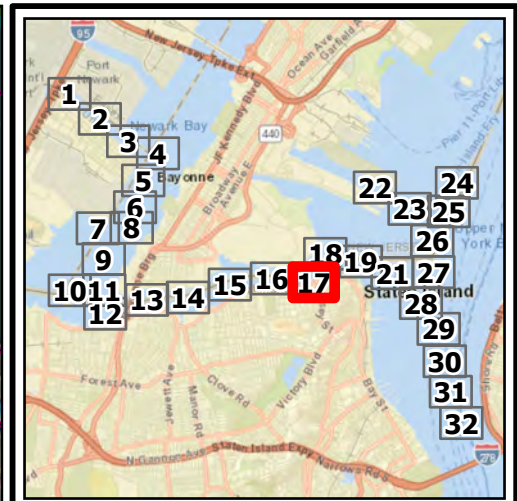
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0 125 250 500 Feet

1 inch = 250 ft





**LEGEND**

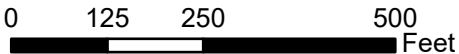
- Chimney Proposed for Demolition- KVK 309C (100' height)
- New York City Parcels (20200826)
- New Jersey Parcels (20200826)
- HC DI TSP Navigational Servitude 4ft deepening
- HC DI TSP Navigational Servitude 5ft deepening

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NAD83 UTM Zone 18N



1 inch = 250 ft

**NYNJ Harbor Development  
Channel Improvement**

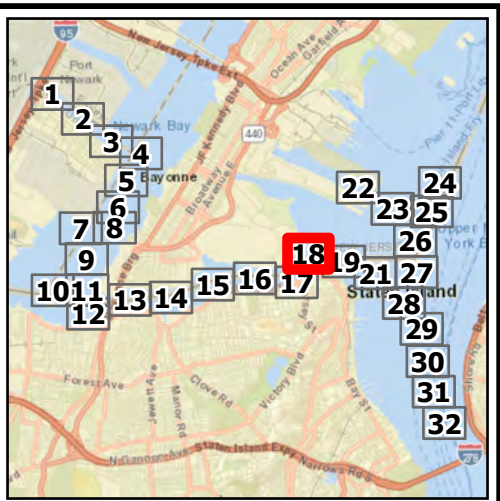
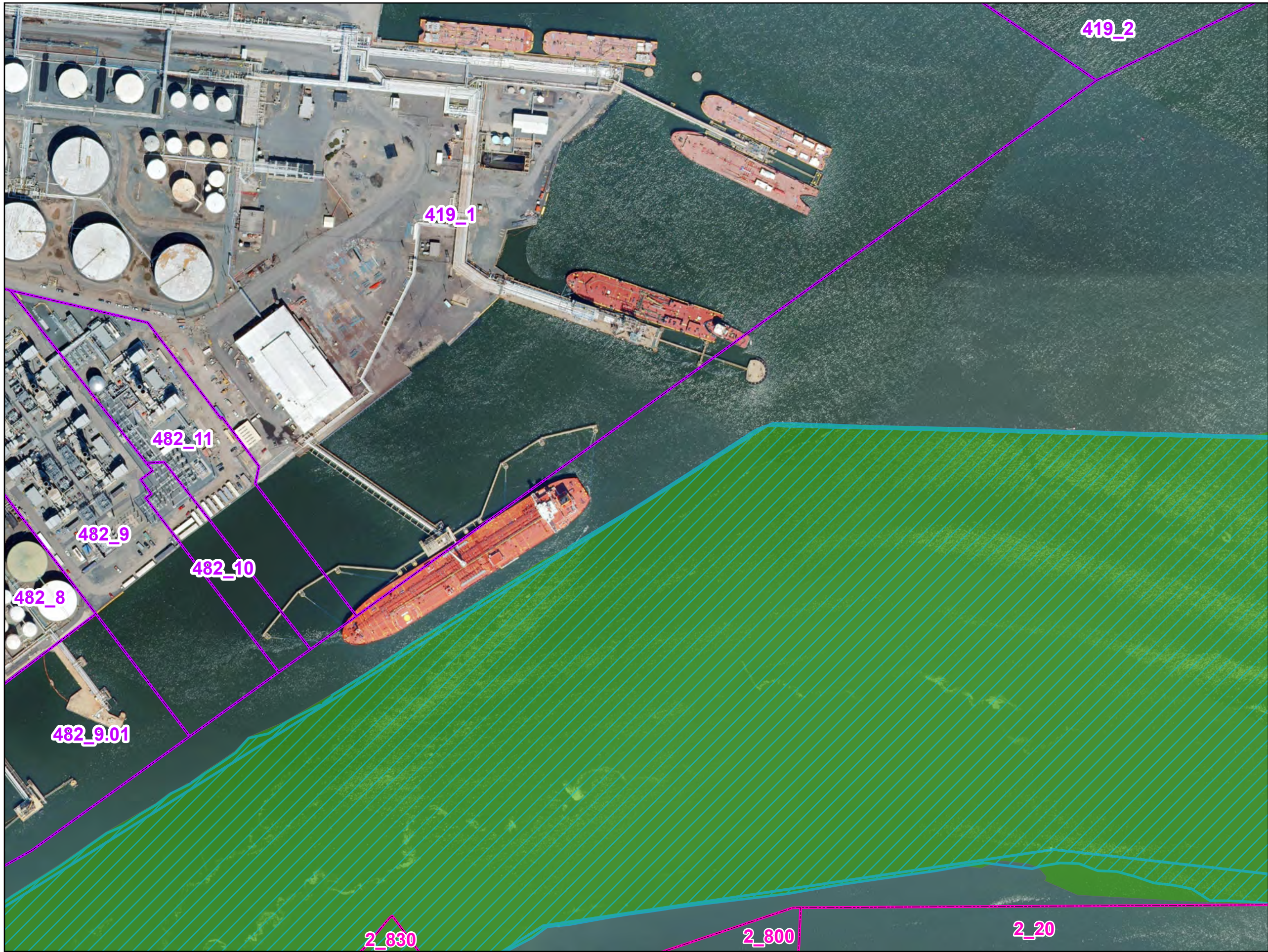
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NEW YORK DISTRICT





**LEGEND**

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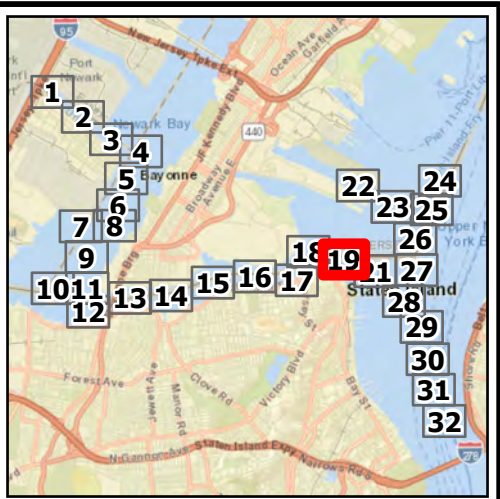
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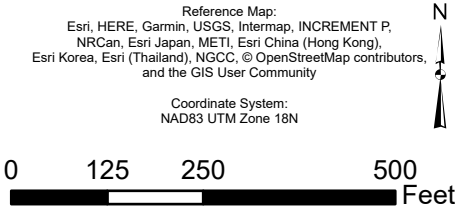




**LEGEND**

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Imagery Background:  
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CNES/Airbus DS, USDA, USGS, AeroGRID, IGN,  
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Reference Map:  
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Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors,  
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Coordinate System:  
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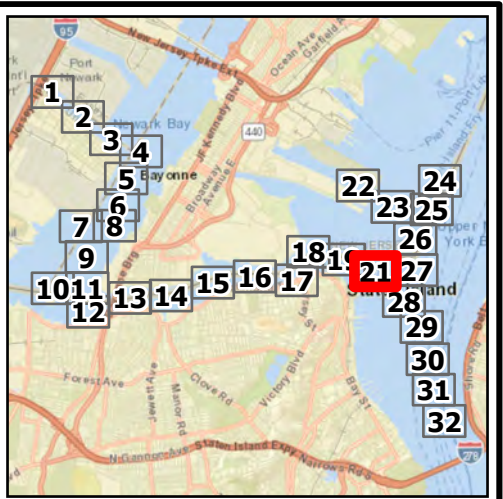
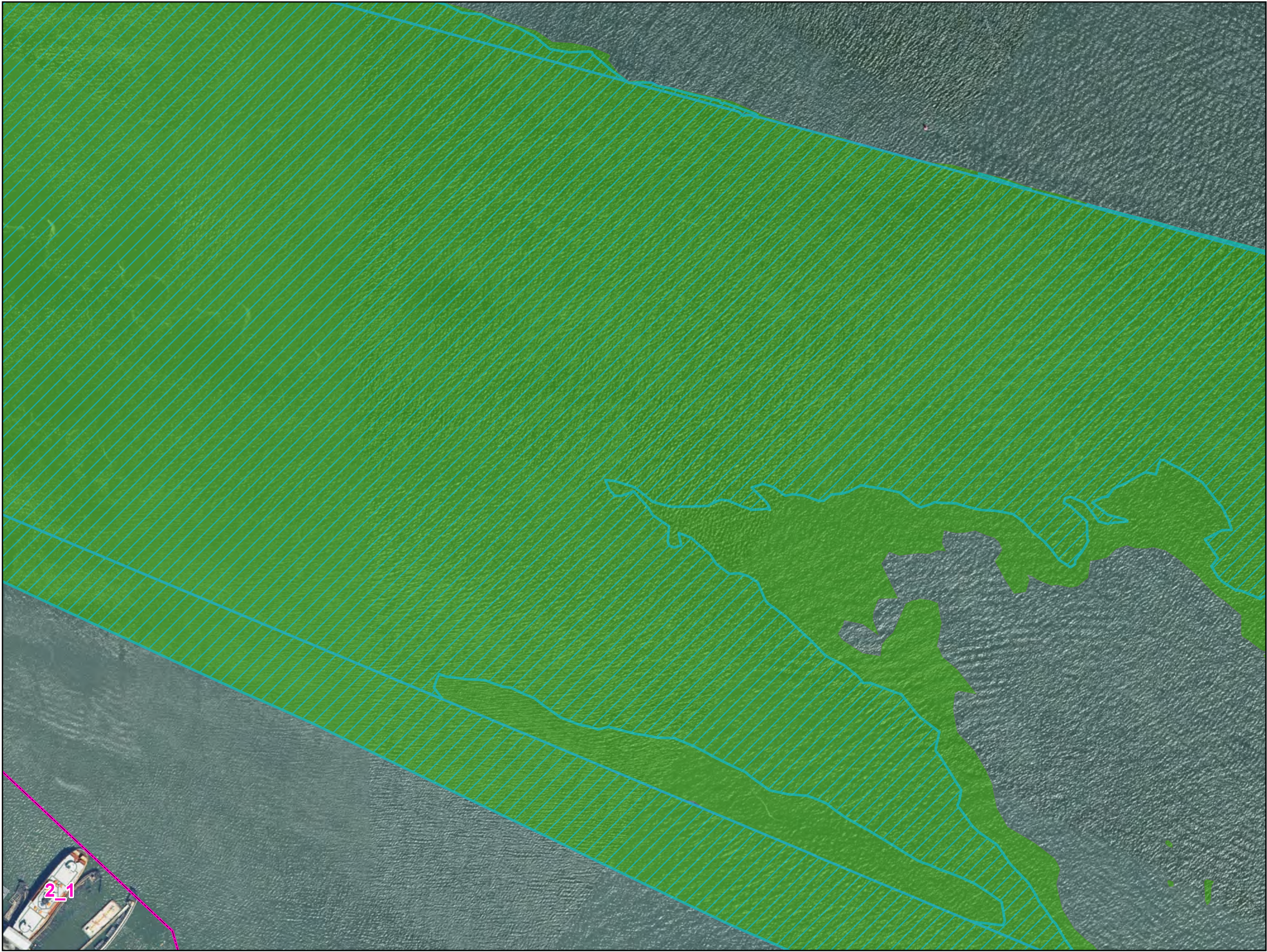
**NYNJ Harbor Development  
Channel Improvement**

**Real Estate  
Plan Maps**



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**LEGEND**

- New York City Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
- HCDI TSP Navigational Servitude 5ft deepening

Sources:

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

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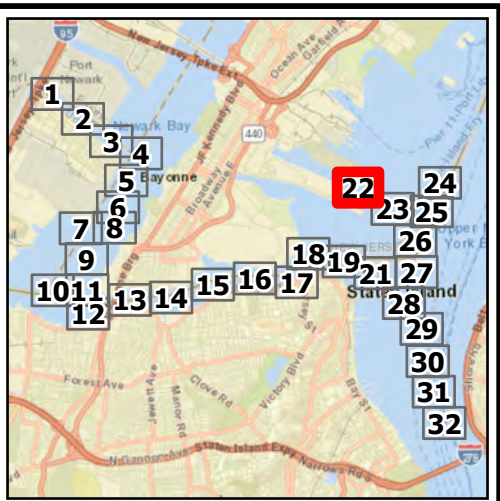
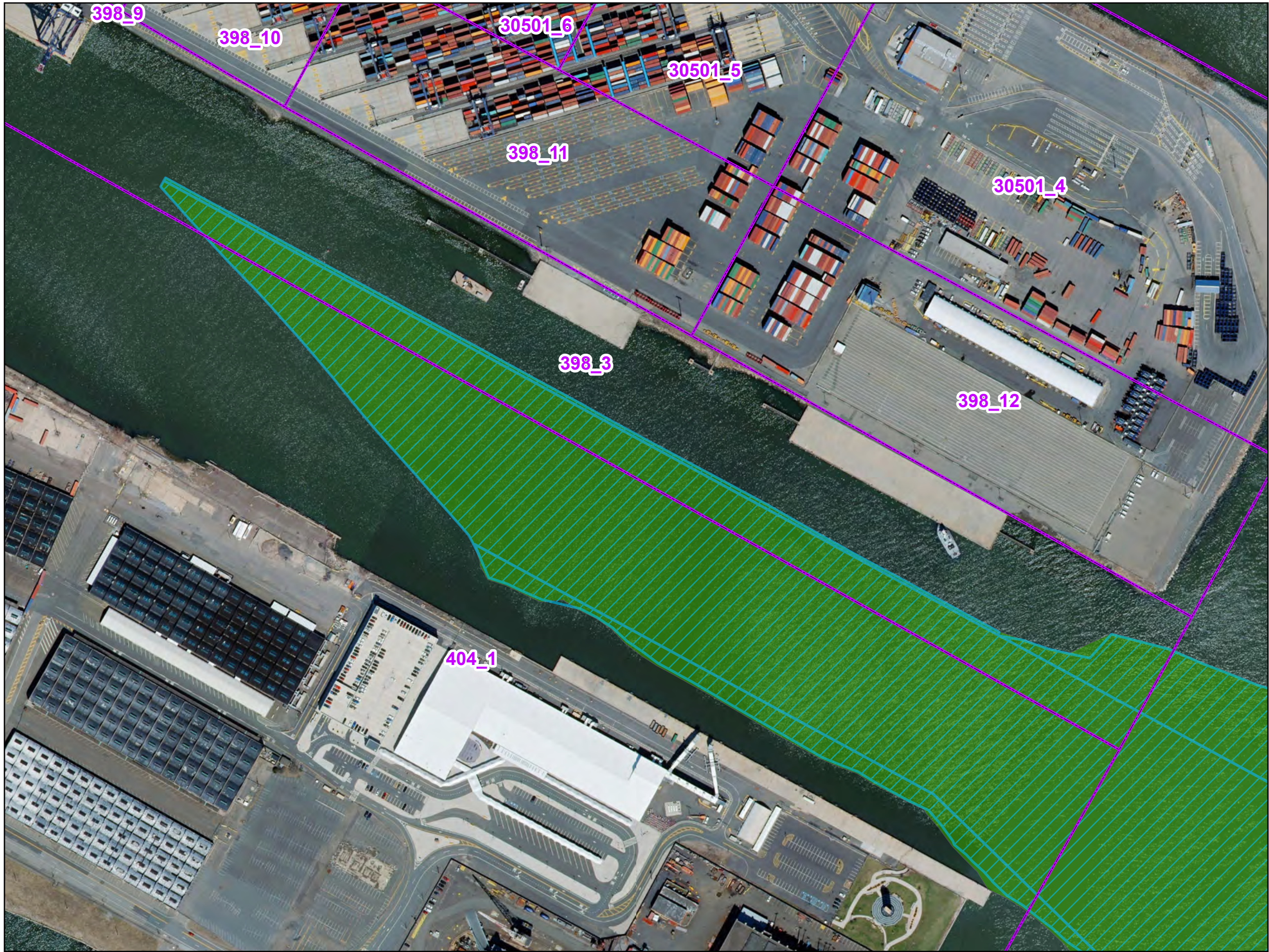
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1 inch = 250 ft

**NYNJ Harbor Development  
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### LEGEND

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- HCDI TSP Navigational Servitude 5ft deepening

#### Sources:

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0 125 250 500  
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Channel Improvement**

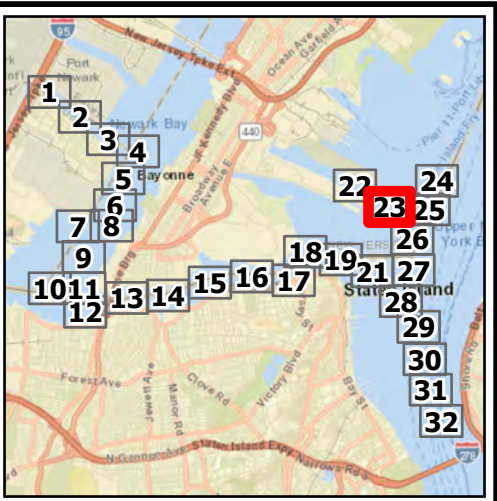
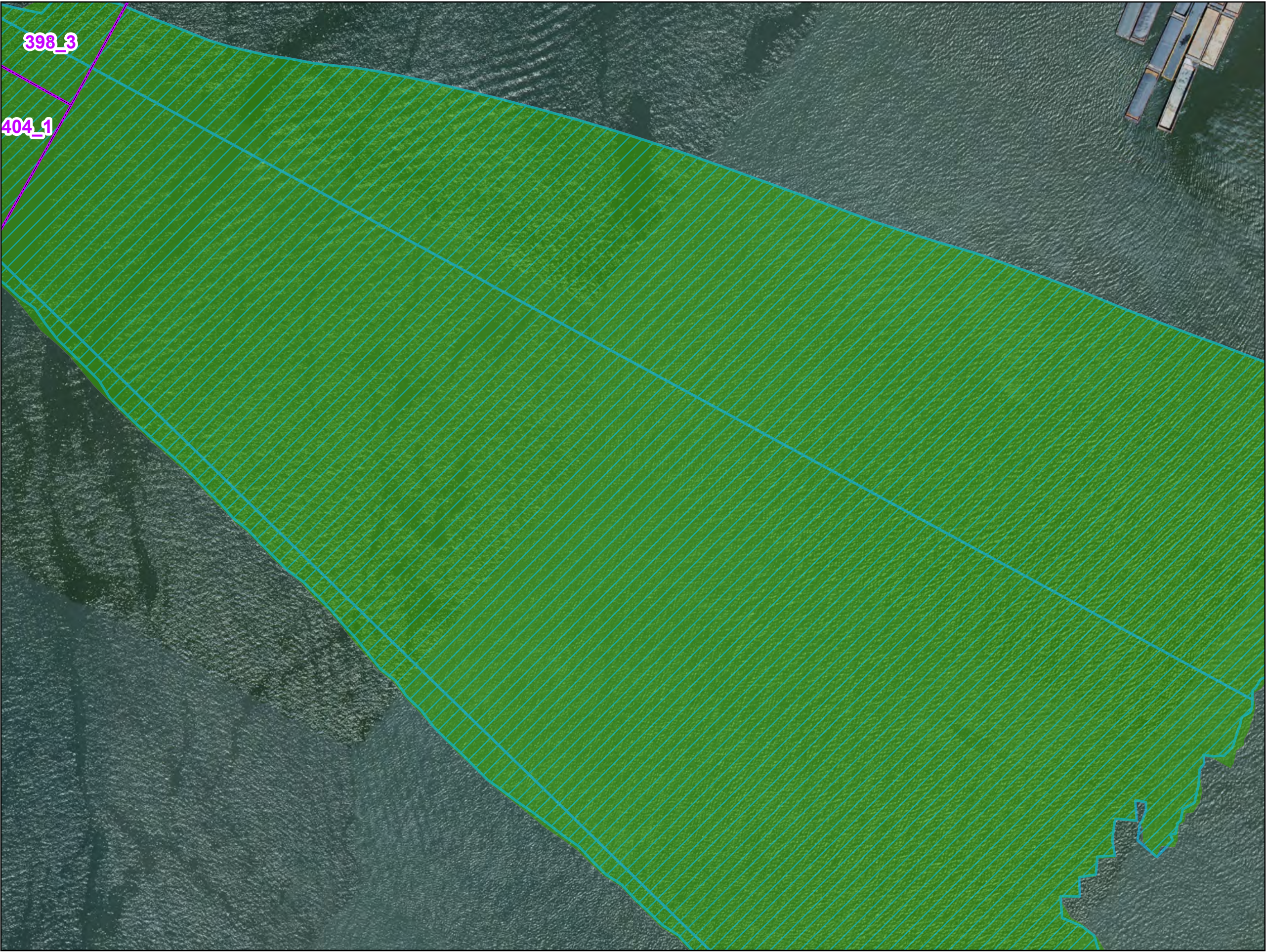
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**LEGEND**

- New Jersey Parcels (20200826)
- HCDI TSP Navigational Servitude 4ft deepening
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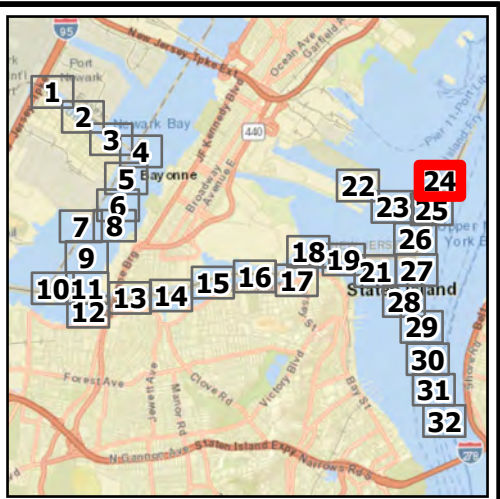
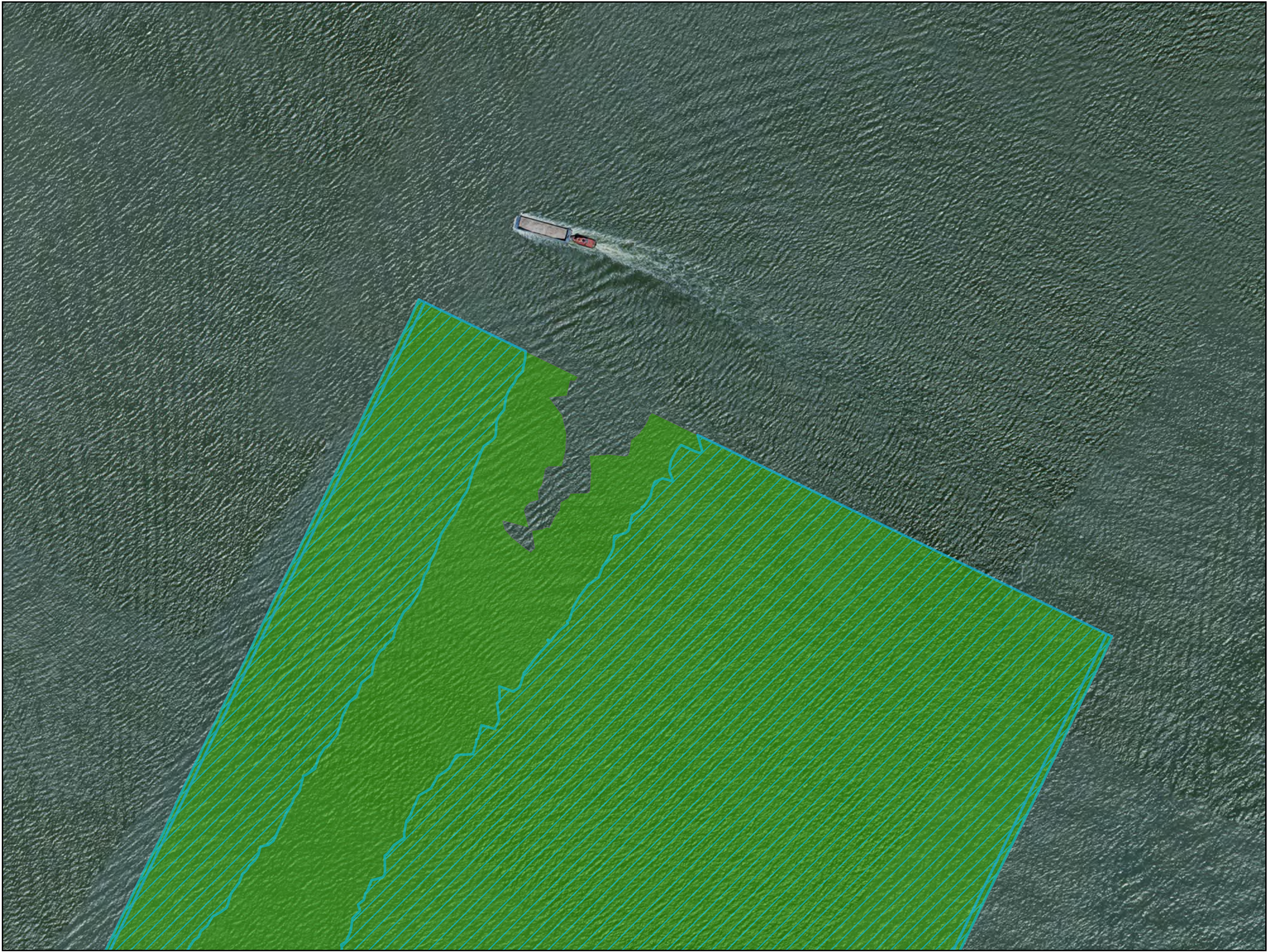
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1 inch = 250 ft



**NYNJ Harbor Development  
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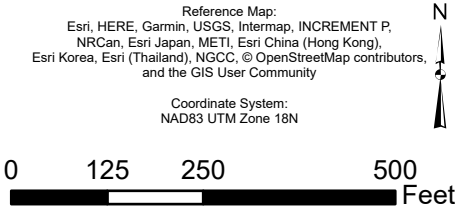




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NAD83 UTM Zone 18N



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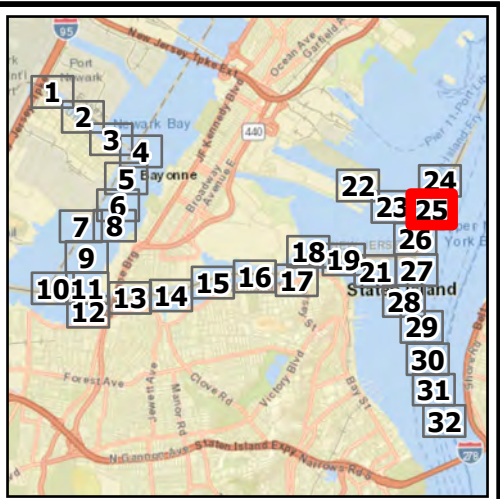
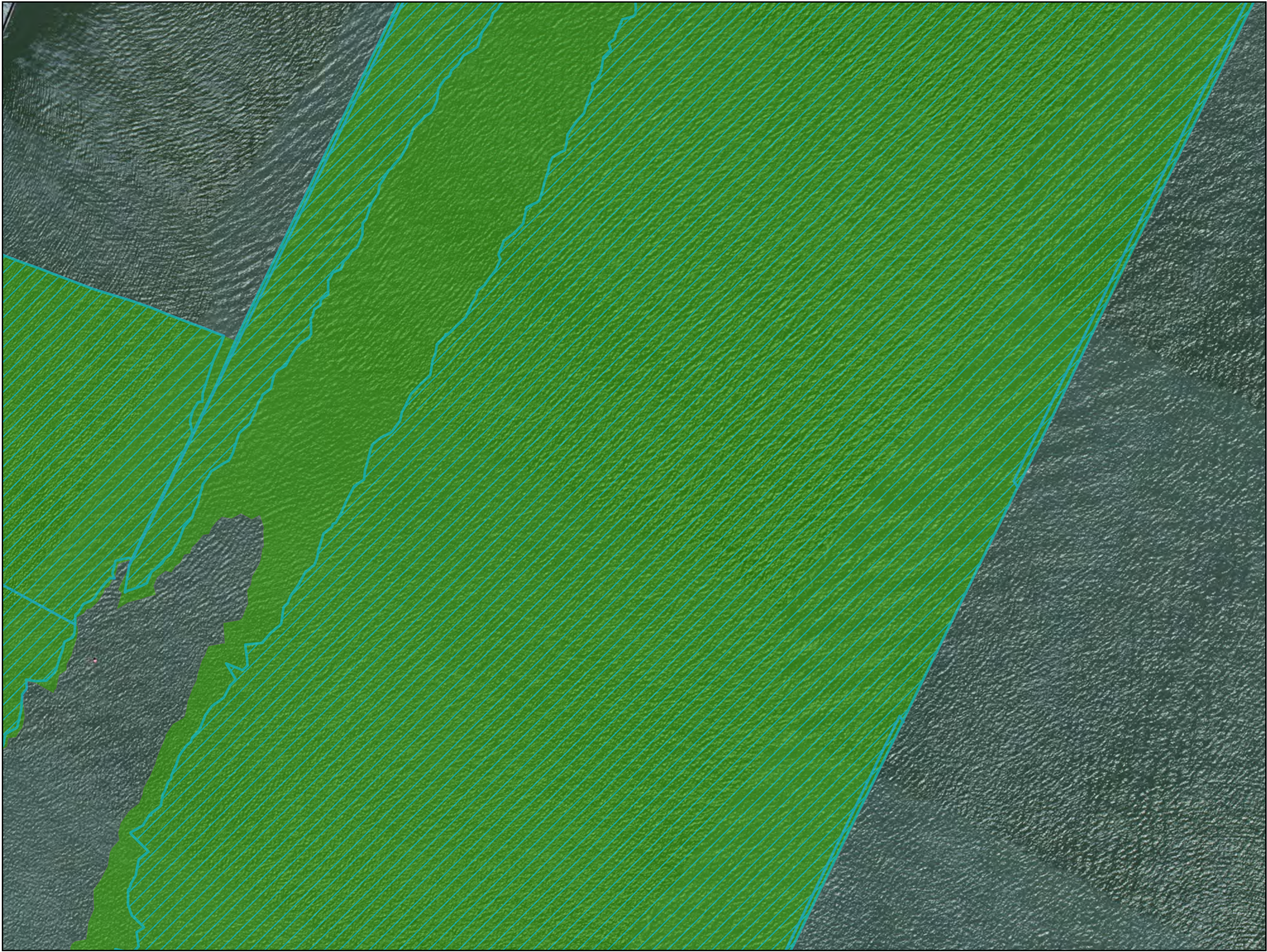
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**LEGEND**

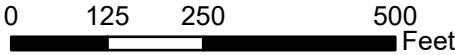
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1 inch = 250 ft

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Channel Improvement**

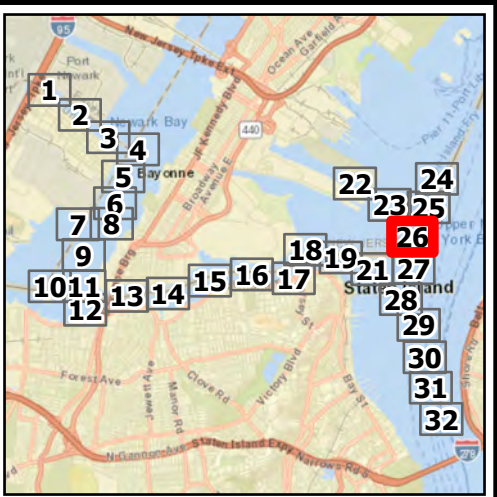
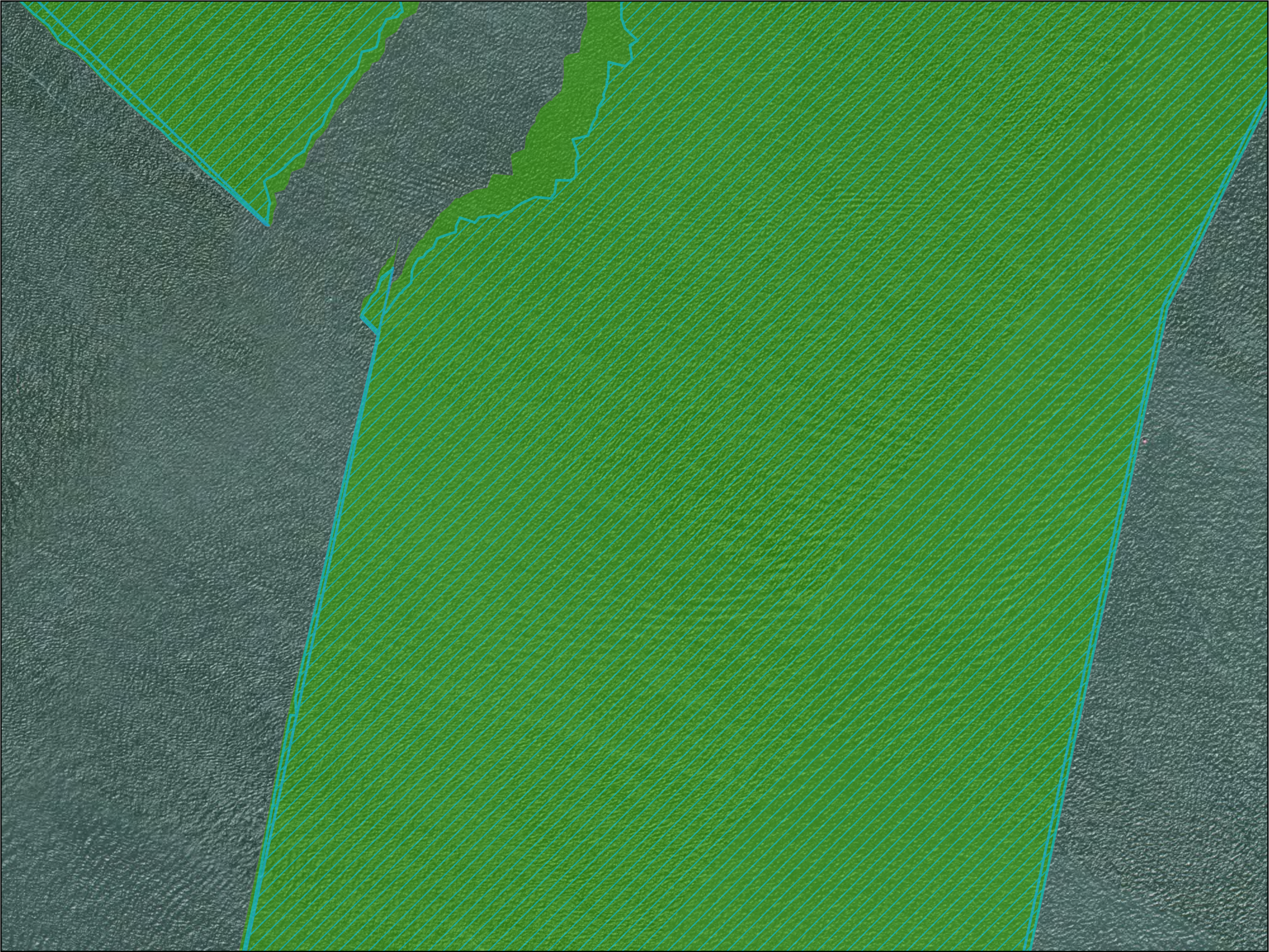
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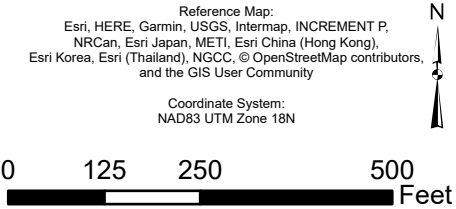




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Sources:  
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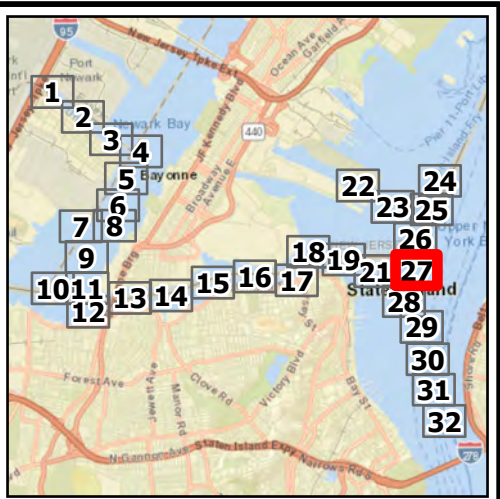
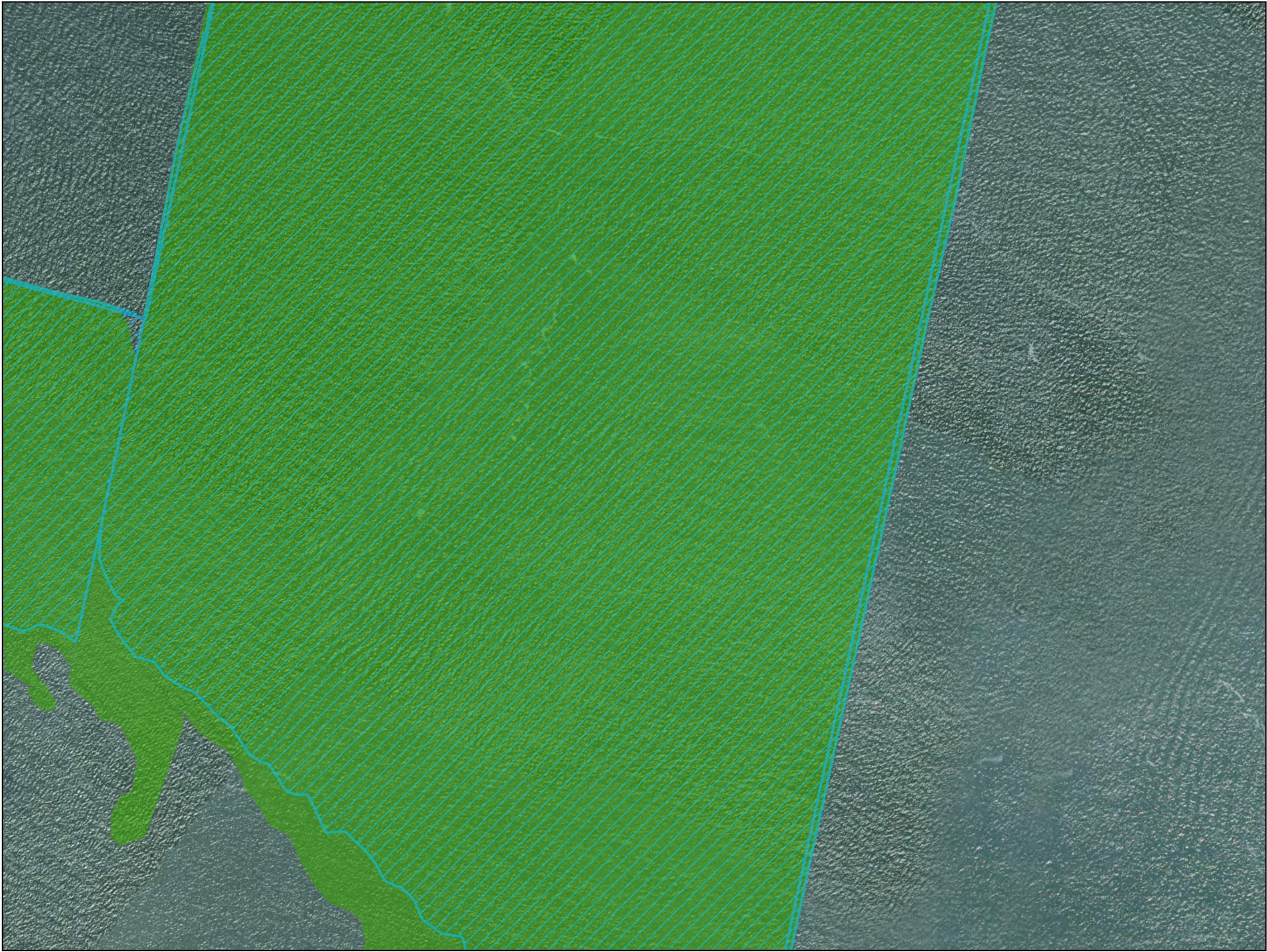


1 inch = 250 ft



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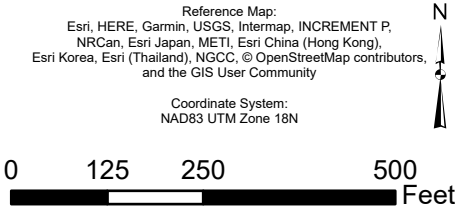




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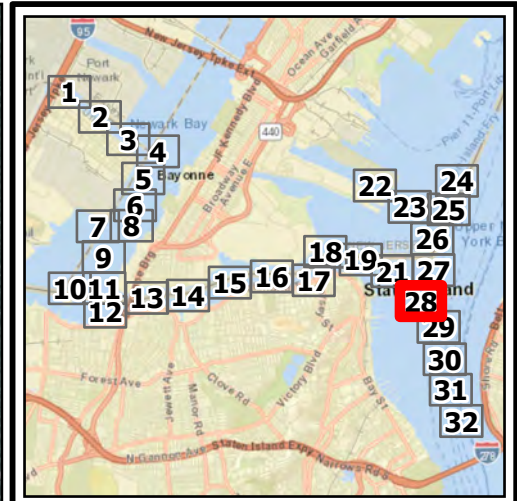
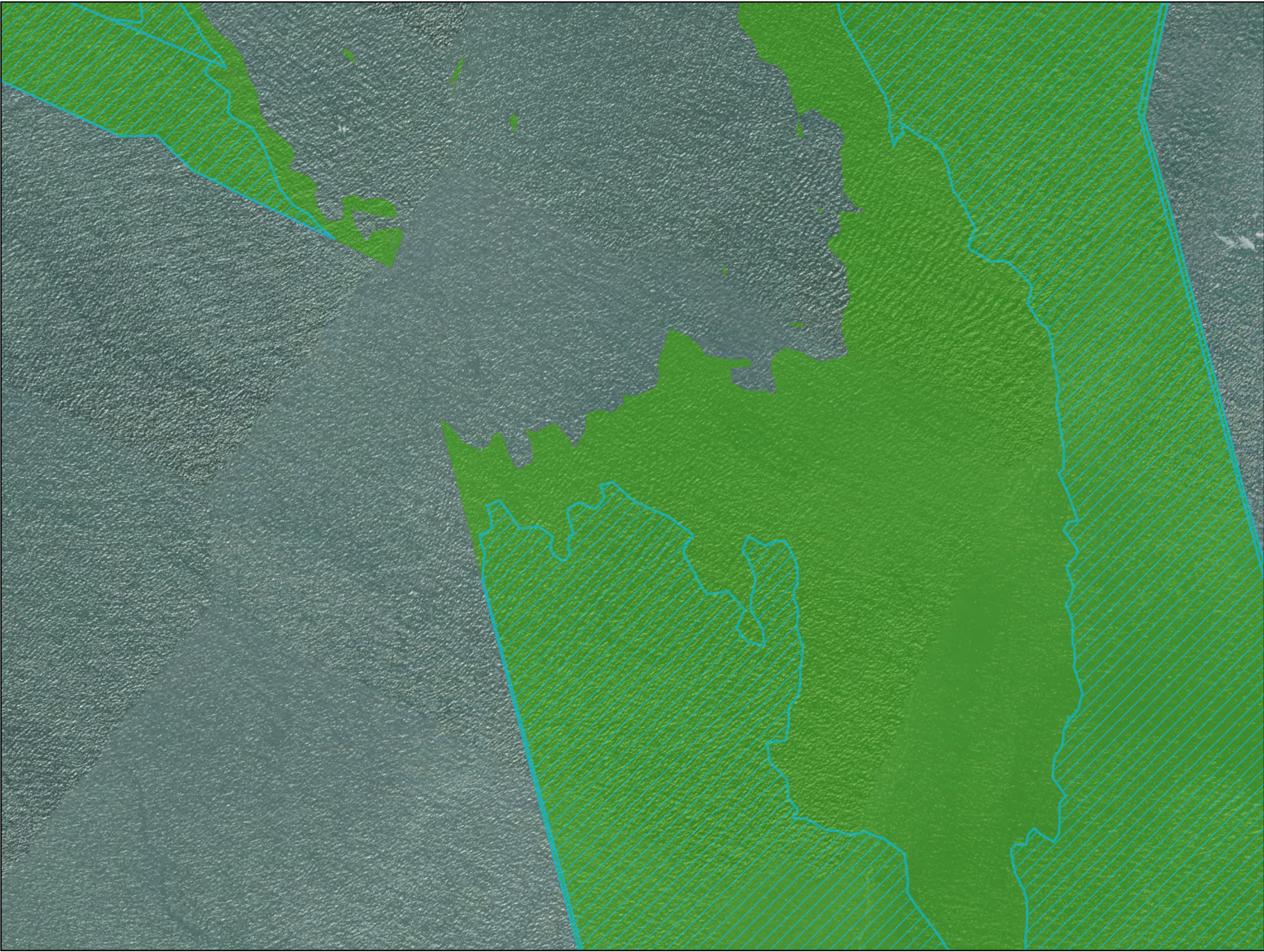


1 inch = 250 ft



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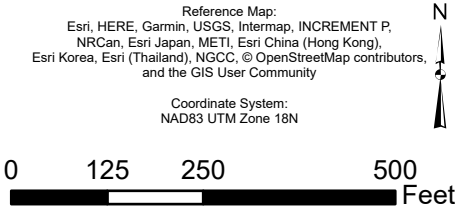




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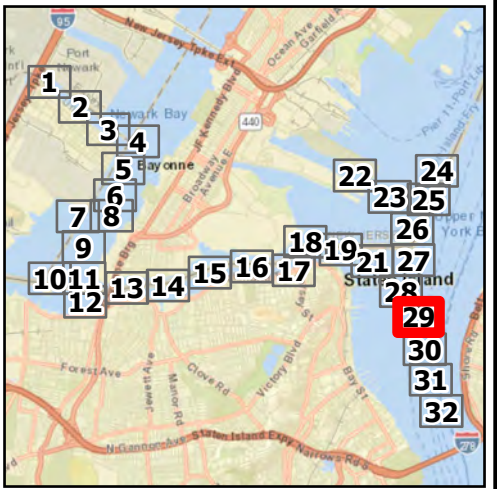
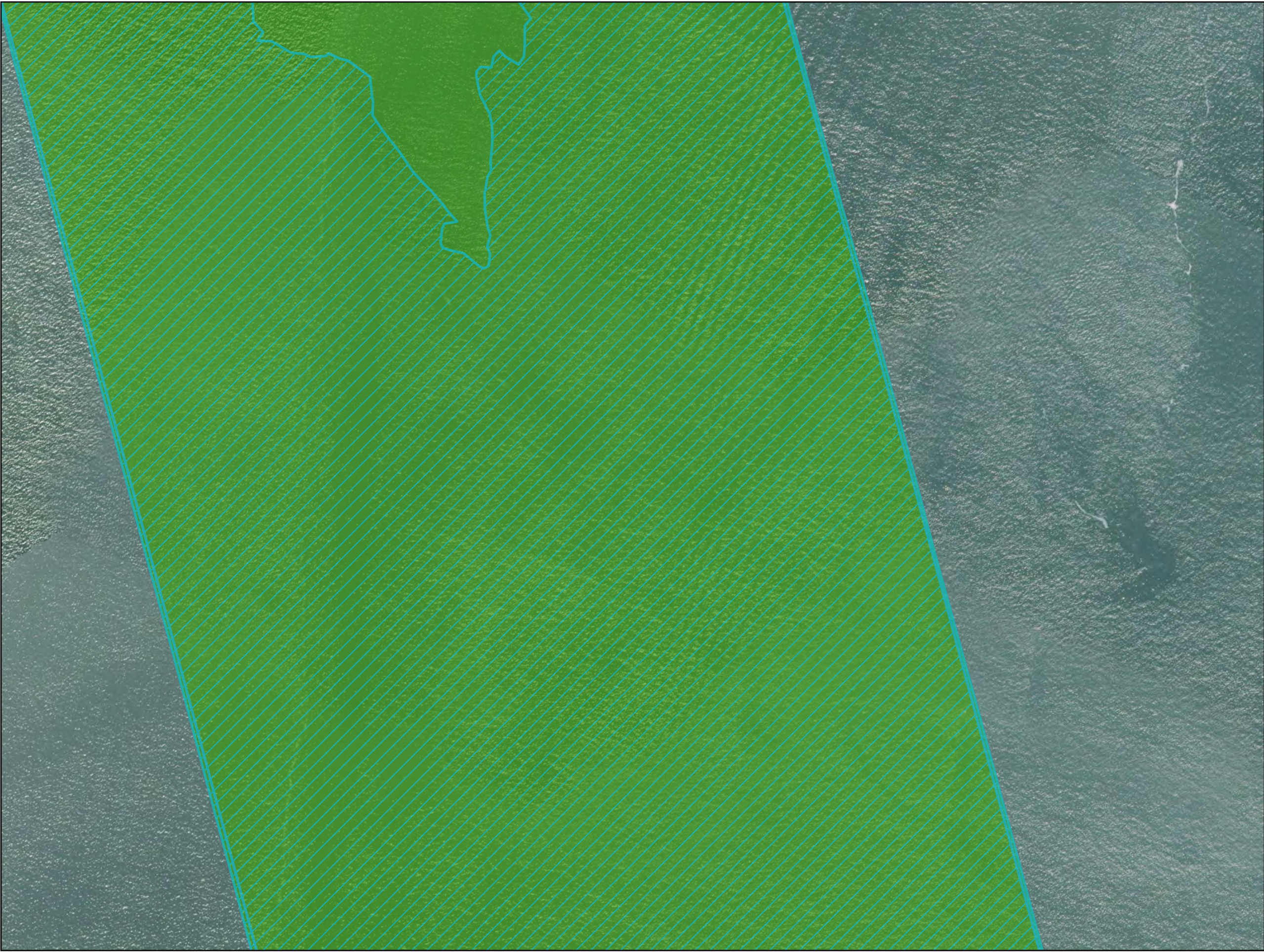
1 inch = 250 ft

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**LEGEND**

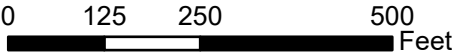
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Channel Improvement**

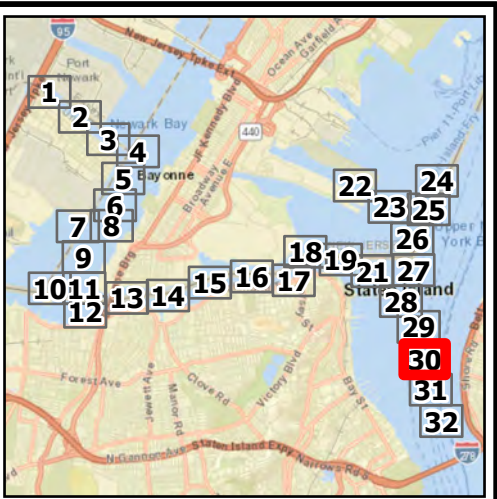
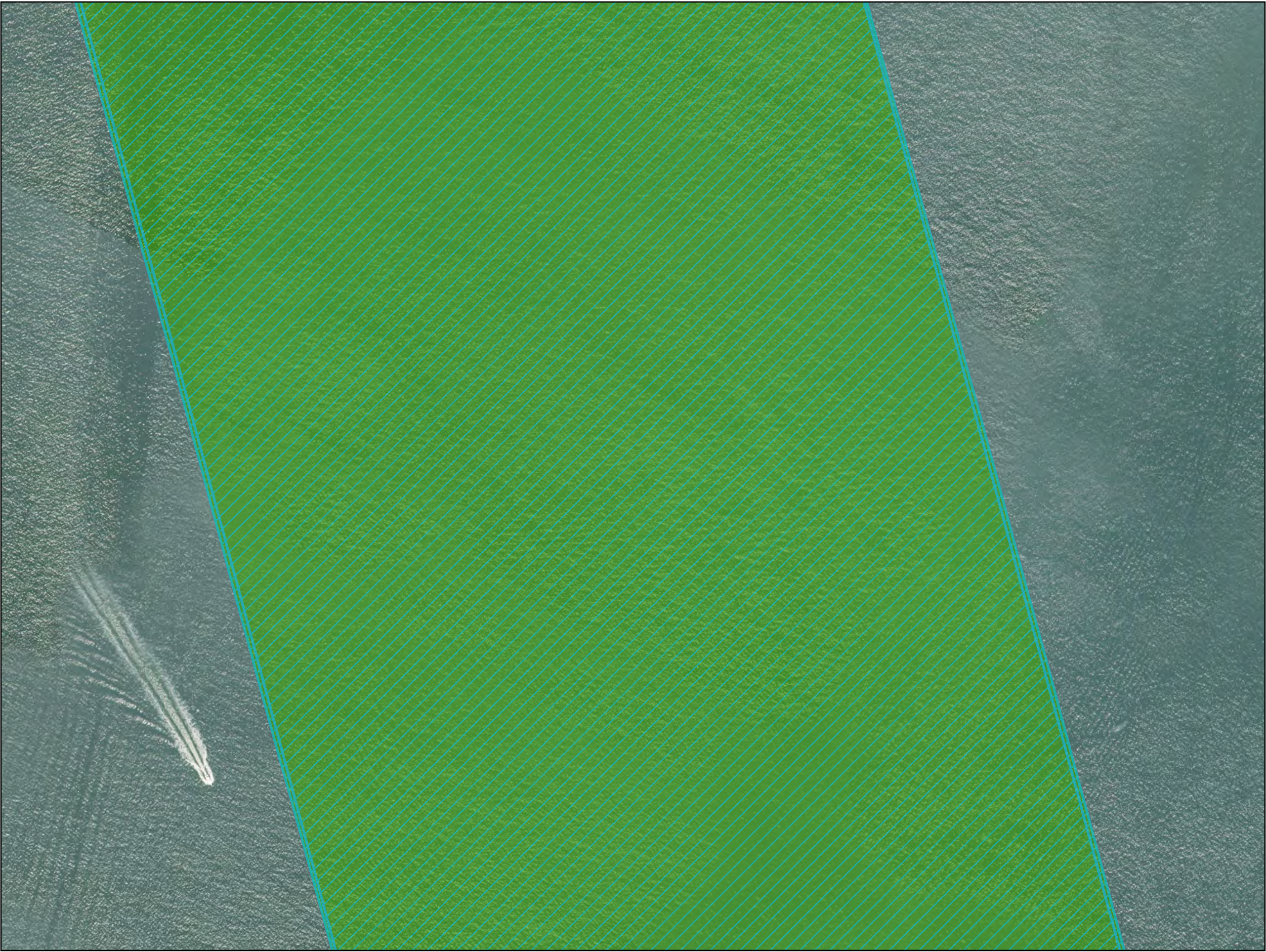
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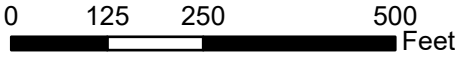
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**NYNJ Harbor Development  
Channel Improvement**

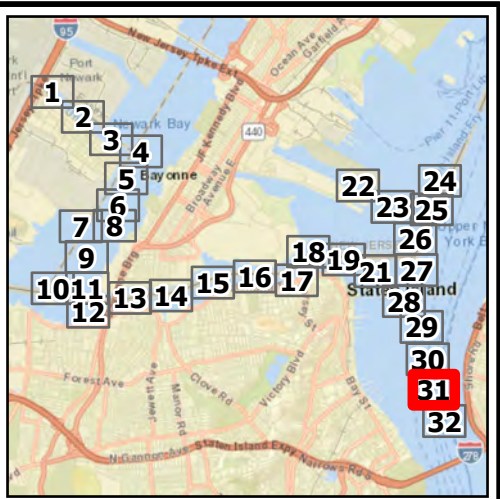
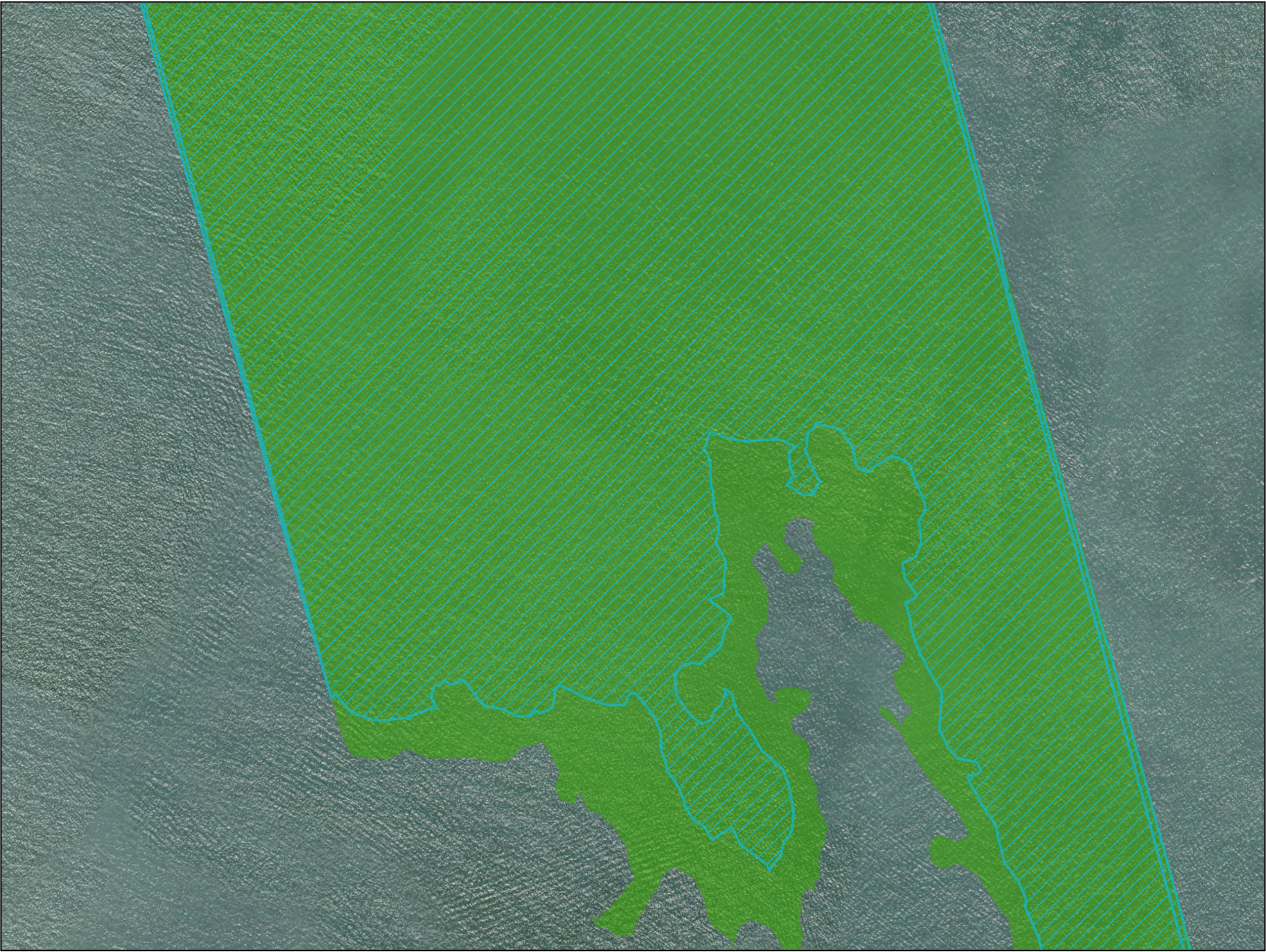
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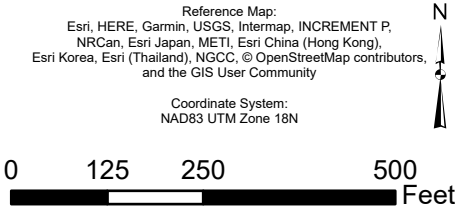




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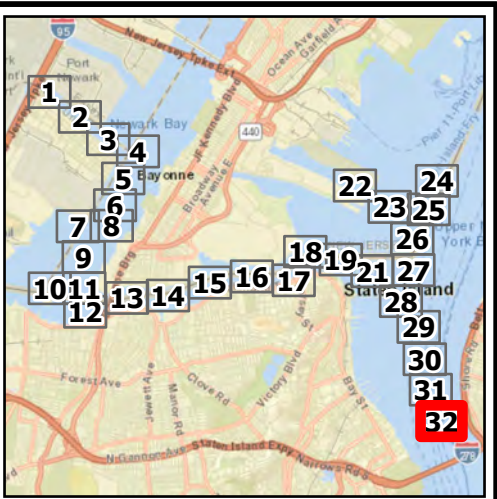
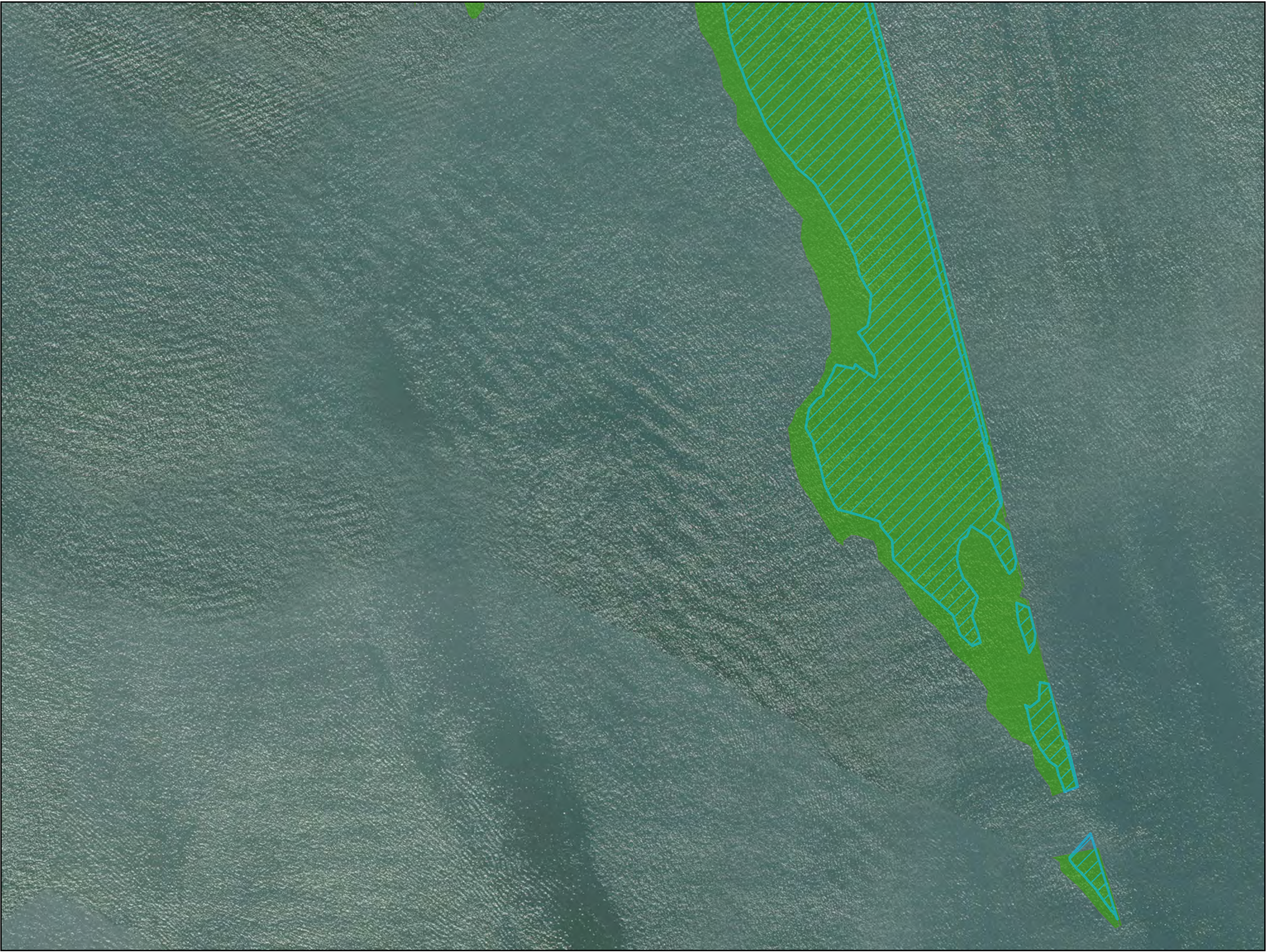


1 inch = 250 ft



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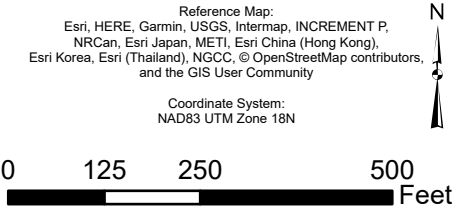




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1 inch = 250 ft

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**EXHIBIT “B”**  
**REQUIRED LER**



## 4-ft CUT LER REQUIREMENTS

Owner Name	Block	Lot	In Fee (AC)	Navigational Servitude (AC)	Grand Total (AC)
PORT AUTHORITY OF NY & NJ	1	1206.C		0.070	0.070
ANTOINE LUTFY	2	830		2.652	2.652
15 KILL VAN KULL, LLC	4	150		2.269	2.269
UNKNOWN C/O CITY OF BAYONNE	47	1		1.500	1.500
MTA - STATEN ISLAND RAILWAY	68	40		0.138	0.138
MTA - STATEN ISLAND RAILWAY	68	80		0.187	0.187
NYC DEPARTMENT OF PARKS AND RECREATION	68	85		0.153	0.153
NYC DEPARTMENT OF PARKS AND RECREATION	75	200		0.029	0.029
	310	1		0.741	0.741
	310	10		0.313	0.313
	310	11		0.584	0.584
STATE OF NEW JERSEY	332	1		0.786	0.786
STATE OF NEW JERSEY	332	2		0.173	0.173
TEXACO DOWNSTREAM PROPERTIES INC	332	3		0.149	0.149
DURAPORT REALTY ONE, LLC	359	1		0.108	0.108
CITY OF BAYONNE	383	6		0.089	0.089
CITY OF BAYONNE	386	2	0.022		0.022
CITY OF BAYONNE	386	3	0.030		0.030
	390	RG67		0.001	0.001
PORT AUTHORITY OF NY & NJ	398	3		7.533	7.533
	404	1		20.295	20.295
	482	4.01		0.476	0.476
AMERCO REAL ESTATE COMPANY	1068	125		1.601	1.601
AMERCO REAL ESTATE COMPANY	1070	1		0.378	0.378
NYC DEPARTMENT OF PARKS AND RECREATION	1070	34		1.140	1.140
NYC DEPARTMENT OF PARKS AND RECREATION	1070	42		0.646	0.646
NYC DEPARTMENT OF PARKS AND RECREATION	1201	1		2.613	2.613
	CHANNEL			3,656.069	3,656.069
<b>TOTAL</b>			<b>0.052</b>	<b>3,700.694</b>	<b>3,700.746</b>



## 5-ft CUT LER REQUIREMENTS

Owner Name	Block	Lot	In Fee (AC)	Navigational Servitude (AC)	Grand Total (AC)
PORT AUTHORITY OF NY & NJ	1	1206.C		0.070	0.070
NYC DEPARTMENT OF SMALL BUSINESS SERVICES	2	20		0.001	0.001
ANTOINE LUTFY	2	830		2.666	2.666
15 KILL VAN KULL, LLC	4	150		2.272	2.272
UNKNOWN C/O CITY OF BAYONNE	47	1		1.289	1.289
	47	3		0.001	0.001
MTA - STATEN ISLAND RAILWAY	68	40		0.277	0.277
MTA - STATEN ISLAND RAILWAY	68	80		0.212	0.212
NYC DEPARTMENT OF PARKS AND RECREATION	68	85		0.161	0.161
REGAL ESTATES LLC A	68	125		0.067	0.067
NYC DEPARTMENT OF PARKS AND RECREATION	75	200		0.100	0.100
CONSOLIDATED EDISON CO.OF N.Y.,INC.	184	163		0.000	0.000
	310	1		0.758	0.758
	310	10		0.309	0.309
	310	11		0.597	0.597
STATE OF NEW JERSEY	332	1		0.808	0.808
STATE OF NEW JERSEY	332	2		0.185	0.185
TEXACO DOWNSTREAM PROPERTIES INC	332	3		0.180	0.180
DURAPORT REALTY ONE, LLC	359	1		0.159	0.159
LEHIGH MARINE, LLC	359	2		0.000	0.000
CITY OF BAYONNE	383	6		0.144	0.144
CITY OF BAYONNE	386	2	0.041		0.041
CITY OF BAYONNE	386	3	0.076		0.076
	390	RG67		0.009	0.009
PORT AUTHORITY OF NY & NJ	398	3		7.688	7.688
	404	1		20.573	20.573
	482	4.01		0.510	0.510
AMERCO REAL ESTATE COMPANY	1068	125		1.641	1.641
AMERCO REAL ESTATE COMPANY	1070	1		0.384	0.384
NYC DEPARTMENT OF PARKS AND RECREATION	1070	34		1.164	1.164
NYC DEPARTMENT OF PARKS AND RECREATION	1070	42		0.647	0.647
NYC DEPARTMENT OF PARKS AND RECREATION	1201	1		2.583	2.583
	CHANNEL			3,959.411	3,959.411
<b>TOTAL</b>			<b>0.117</b>	<b>4,004.863</b>	<b>4,004.980</b>



**EXHIBIT “C”**  
**STANDARD ESTATES**



## **FEE** (Standard Estate No. 1)

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

## **TEMPORARY WORK AREA EASEMENT** (Standard Estate No. 15)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for a period not to exceed \_\_\_\_\_, 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 (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the \_\_\_\_\_ 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.

## **ROAD EASEMENT** (Standard Estate No. 11)

A (perpetual [exclusive] [non-exclusive]and assignable) (temporary) easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_) 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); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

The parenthetical clause maybe deleted, where necessary; however, the use of this reservation may substantially reduce the liability of the Government through reduction of severance damages and consideration of special benefits; therefore, its deletion should be fully justified.



**EXHIBIT “D”**

**BASELINE COST ESTIMATE FOR REAL ESTATE**



	<b>BASELINE COST ESTIMATE FOR REAL ESTATE: New York New Jersey Harbor Deepening Channel Improvements Navigation Study (4-ft Cut)</b>			
	<b>COST CATEGORY</b>	<b>Non-Federal</b>	<b>Federal</b>	<b>Total Cost</b>
	<b>TOTAL PROJECT REAL ESTATE COSTS</b>	<b>\$328,286,251</b>	<b>\$38,400</b>	<b>\$328,324,651</b>
	<b>COST SUMMARY:</b>			
	Incidental Costs (01A)	\$45,000	\$22,000	\$67,000
	Real Estate Acquisition Costs (01B)	\$435,000	\$10,000	\$445,000
	Subtotal:	\$480,000	\$32,000	\$512,000
	20% Contingency	\$96,000	\$6,400	\$102,400
<b>01</b>	<b>LANDS AND DAMAGES</b>	<b>\$576,000</b>	<b>\$38,400</b>	<b>\$614,400</b>
<b>02</b>	<b>RELOCATIONS (Facility/Utility)</b>	<b>\$327,710,251</b>	<b>\$0</b>	<b>\$327,710,251</b>
	<b>COST BREAKDOWN:</b>			
<b>01A</b>	<b>INCIDENTAL COSTS</b>	<b>\$45,000</b>	<b>\$22,000</b>	<b>\$67,000</b>
01A1	<b>Acquisition (Admin Costs)</b>	<b>\$15,000</b>	<b>\$5,000</b>	<b>\$20,000</b>
01A1A	By Government (Gov't)			
01A1B	By Non-Federal Sponsor (NFS)	\$15,000		
01A1C	By Gov't on behalf of NFS			
01A1D	Review of NFS		\$5,000	
01A2	<b>Survey</b>	<b>\$6,000</b>	<b>\$1,500</b>	<b>\$7,500</b>
01A2A	By Gov't (In-house)			
01A2B	By Gov't (Contract)			
01A2C	By NFS	\$6,000		
01A2D	By Gov't on behalf of NFS			
01A2E	Review of NFS		\$1,500	
01A3	<b>Appraisal</b>	<b>\$5,000</b>	<b>\$4,000</b>	<b>\$9,000</b>
01A3A	By Gov't (In-house)			
01A3B	By Gov't (Contract)			
01A3C	By NFS	\$5,000		
01A3D	By Gov't on behalf of NFS			
01A3E	Review of NFS		\$4,000	
01A4	<b>Title Services</b>	<b>\$4,000</b>	<b>\$1,500</b>	<b>\$5,500</b>
01A4A	By Gov't (Contract)			
01A4B	By NFS	\$4,000		
01A4C	By Gov't on behalf of NFS			
01A4D	Review of NFS		\$1,500	
01A5	<b>Other Professional Services</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01A5A	By the Gov't			
01A5B	By the NFS			
01A5C	By Gov't on behalf of NFS			
01A5D	Review of NFS		\$0	



01A6	<b>Closing Cost (4% of Land Payments-01C1)</b>	<b>\$15,000</b>	<b>\$0</b>	<b>\$15,000</b>
01A6A	By Gov't			
01A6B	By NFS	\$15,000		
01A6C	By Gov't on behalf of NFS			
01A5D	Review of NFS			
01A7	<b>PL 91-646 Assistance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01A7A	By Gov't			
01A7B	By NFS	\$0		
01A7C	By Gov't on behalf of NFS			
01A7D	Review of NFS		\$0	
01A8	<b>Audit</b>	<b>\$0</b>	<b>\$10,000</b>	<b>\$10,000</b>
01A8A	By Gov't		\$10,000	
01A9B	By NFS			
01B	<b>REAL ESTATE ACQUISITION COSTS</b>	<b>\$435,000</b>	<b>\$10,000</b>	<b>\$445,000</b>
01B1	<b>Land Payments</b>	<b>\$375,000</b>	<b>\$0</b>	<b>\$375,000</b>
01B1A	By Gov't			
01B1B	By NFS	\$375,000		
01B1C	By Gov't on behalf of NFS			
01B2	<b>Damage Payments</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B2A	By Gov't			
01B2B	By NFS			
01B2C	By Gov't on behalf of NFS			
01B3	<b>PL 91-646 Payment</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B3A	By Gov't			
01B3B	By NFS			
01B3C	By Gov't on behalf of NFS			
01B4	<b>Condemnation</b>	<b>\$60,000</b>	<b>\$10,000</b>	<b>\$70,000</b>
01B4A	By Gov't			
01B4B	By NFS	\$60,000		
01B4C	By Gov't on behalf of NFS			
01B4D	Review of NFS		\$10,000	
01B5	<b>Facility / Utility Relocations</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B5A	By Gov't			
01B5B	By NFS	\$0	\$0	\$0
01B5C	By Gov't on behalf of NFS			
01B5D	Review of NFS			
01B5	<b>Disposals</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B5A	By Gov't			
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS			



	<b>BASELINE COST ESTIMATE FOR REAL ESTATE: New York New Jersey Harbor Deepening Channel Improvements Navigation Study (5-ft Cut)</b>			
	<b>COST CATEGORY</b>	<b>Non-Federal</b>	<b>Federal</b>	<b>Total Cost</b>
	<b>TOTAL PROJECT REAL ESTATE COSTS</b>	<b>\$328,704,331</b>	<b>\$38,400</b>	<b>\$328,742,731</b>
	<b>COST SUMMARY:</b>			
	Incidental Costs (01A)	\$58,400	\$22,000	\$80,400
	Real Estate Acquisition Costs (01B)	\$770,000	\$10,000	\$780,000
	Subtotal:	\$828,400	\$32,000	\$860,400
	20% Contingency	\$165,680	\$6,400	\$172,080
<b>01</b>	<b>LANDS AND DAMAGES</b>	<b>\$994,080</b>	<b>\$38,400</b>	<b>\$1,032,480</b>
<b>02</b>	<b>RELOCATIONS (Facility/Utility)</b>	<b>\$327,710,251</b>	<b>\$0</b>	<b>\$327,710,251</b>
	<b>COST BREAKDOWN:</b>			
<b>01A</b>	<b>INCIDENTAL COSTS</b>	<b>\$58,400</b>	<b>\$22,000</b>	<b>\$80,400</b>
01A1	<b>Acquisition (Admin Costs)</b>	<b>\$15,000</b>	<b>\$5,000</b>	<b>\$20,000</b>
01A1A	By Government (Gov't)			
01A1B	By Non-Federal Sponsor (NFS)	\$15,000		
01A1C	By Gov't on behalf of NFS			
01A1D	Review of NFS		\$5,000	
01A2	<b>Survey</b>	<b>\$6,000</b>	<b>\$1,500</b>	<b>\$7,500</b>
01A2A	By Gov't (In-house)			
01A2B	By Gov't (Contract)			
01A2C	By NFS	\$6,000		
01A2D	By Gov't on behalf of NFS			
01A2E	Review of NFS		\$1,500	
01A3	<b>Appraisal</b>	<b>\$5,000</b>	<b>\$4,000</b>	<b>\$9,000</b>
01A3A	By Gov't (In-house)			
01A3B	By Gov't (Contract)			
01A3C	By NFS	\$5,000		
01A3D	By Gov't on behalf of NFS			
01A3E	Review of NFS		\$4,000	
01A4	<b>Title Services</b>	<b>\$4,000</b>	<b>\$1,500</b>	<b>\$5,500</b>
01A4A	By Gov't (Contract)			
01A4B	By NFS	\$4,000		
01A4C	By Gov't on behalf of NFS			
01A4D	Review of NFS		\$1,500	
01A5	<b>Other Professional Services</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01A5A	By the Gov't			
01A5B	By the NFS			
01A5C	By Gov't on behalf of NFS			
01A5D	Review of NFS		\$0	



01A6	<b>Closing Cost (4% of Land Payments-01C1)</b>	<b>\$28,400</b>	<b>\$0</b>	<b>\$28,400</b>
01A6A	By Gov't			
01A6B	By NFS	\$28,400		
01A6C	By Gov't on behalf of NFS			
01A5D	Review of NFS			
01A7	<b>PL 91-646 Assistance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01A7A	By Gov't			
01A7B	By NFS	\$0		
01A7C	By Gov't on behalf of NFS			
01A7D	Review of NFS		\$0	
01A8	<b>Audit</b>	<b>\$0</b>	<b>\$10,000</b>	<b>\$10,000</b>
01A8A	By Gov't		\$10,000	
01A9B	By NFS			
01B	<b>REAL ESTATE ACQUISITION COSTS</b>	<b>\$770,000</b>	<b>\$10,000</b>	<b>\$780,000</b>
01B1	<b>Land Payments</b>	<b>\$710,000</b>	<b>\$0</b>	<b>\$710,000</b>
01B1A	By Gov't			
01B1B	By NFS	\$710,000		
01B1C	By Gov't on behalf of NFS			
01B2	<b>Damage Payments</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B2A	By Gov't			
01B2B	By NFS			
01B2C	By Gov't on behalf of NFS			
01B3	<b>PL 91-646 Payment</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B3A	By Gov't			
01B3B	By NFS			
01B3C	By Gov't on behalf of NFS			
01B4	<b>Condemnation</b>	<b>\$60,000</b>	<b>\$10,000</b>	<b>\$70,000</b>
01B4A	By Gov't			
01B4B	By NFS	\$60,000		
01B4C	By Gov't on behalf of NFS			
01B4D	Review of NFS		\$10,000	
01B5	<b>Facility / Utility Relocations</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B5A	By Gov't			
01B5B	By NFS	\$0	\$0	\$0
01B5C	By Gov't on behalf of NFS			
01B5D	Review of NFS			
01B5	<b>Disposals</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
01B5A	By Gov't			
01B5B	By NFS			
01B5C	By Gov't on behalf of NFS			



**EXHIBIT “E”**  
**NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT**  
**CHECKLIST**



# ASSESSMENT OF NON-FEDERAL PARTNER'S REAL ESTATE ACQUISITION CAPABILITY

## NEW YORK AND NEW JERSEY HARBOR DEEPENING CHANNEL IMPROVEMENTS NAVIGATION STUDY

**NON-FEDERAL PARTNER:** New York and New Jersey Port Authority (“Sponsor”)

### **I. LEGAL AUTHORITY**

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

Yes. The New York and New Jersey Port Authority is the study Sponsor and they have the right to acquire and hold title to real property under \_\_\_\_\_.

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

Yes. The Sponsor has the power of eminent domain under \_\_\_\_\_.

- c) Does the Sponsors have “quick-take” authority for this project?

Yes. The Sponsor has quick-take authority, and is available, if needed, for the project.

- d) Are any of the lands/interests in land required for the project located outside the Sponsor’s political boundary?

No. The Sponsor is a joint authority between the States of New Jersey and New York. As such, with properties being required in both states, the Sponsor is authorized to acquire and hold lands in both states.

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

No.

### **II. HUMAN RESOURCE REQUIREMENTS**

- a) Will the Sponsor’s in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?

No. The Sponsor’s in-house staff does not require training to become familiar with the real estate requirements of Federal projects, including P.L. 91-646.



# **ASSESSMENT OF NON-FEDERAL PATNER'S REAL ESTATE ACQUISITION CAPABILITY**

## **NEW YORK AND NEW JERSEY HARBOR DEEPENING CHANNEL IMPROVEMENTS NAVIGATION STUDY**

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

Not applicable.

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

Yes. The Sponsor's in-house staff has sufficient real estate acquisition experience to meet its responsibilities for the project.

- d) Are the Sponsors' projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes. The Sponsor's in-house staff level are sufficient considering its other workload.

- e) Can the Sponsors obtain contractor support, if required in a timely fashion?

Yes. The Sponsor can, if needed, obtain contracting services from a real estate services firm for real estate acquisition.

- f) Will the Sponsors likely request U.S. Army Corps of Engineers (USACE) assistance in acquiring real estate?

No. It is unlikely the Sponsor will request USACE assistance in acquiring the real estate for the project. The Sponsor meets the professional capability to secure the real estate required for the project and can reasonably obtain, if needed, contracting services from sources other than the Federal government. The Sponsor also has sufficient general and legal acquisition authority, including quick-take authority, to acquire all the real estate needed for the project.

### **III. OTHER PROJECT VARIABLES**

- a) Will the Sponsor's staff be located within reasonable proximity to the project site?

Yes. The Sponsors' staff will be located within reasonable proximity to the project site.

- b) Has the Sponsor approved the project/real estate schedule/milestones?



# ASSESSMENT OF NON-FEDERAL PATNER'S REAL ESTATE ACQUISITION CAPABILITY

## NEW YORK AND NEW JERSEY HARBOR DEEPENING CHANNEL IMPROVEMENTS NAVIGATION STUDY

Yes. The Sponsor has approved the current real estate acquisition milestone as identified below.

<u>Milestone</u>	<u>Date</u>
PPA Execution	July 2022
Sponsor's Notice to Proceed with Acquisition	July 2022
Plats and Owner Verification Completion	September 2022
Appraisals Completed by NFS	November 2022
USACE Review of Appraisals	December 2022
Amicable Negotiations End	April 2023
Condemnation Initiation, if needed	April 2023
Amicable Possession	May 2023
Possession via Condemnation, if needed	October 2023
Certification of Real Estate (no condemnation)	June 2023
Certification of Real Estate (with condemnation)	December 2023

### **IV. OVERALL ASSESSMENT**

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

The Sponsor performed satisfactorily on other USACE projects such as the Harbor Deepening Project.

- b. With regard to this project, the Sponsors are anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. If the Sponsors are believed to be "insufficiently capable," provide explanation.

The Sponsor is considered highly capable of performing or ensuring the performance of its real estate responsibilities in support of the project. They possess the professional capability to acquire the real estate and have sufficient general and legal authority to do so. If necessary, they can obtain outside contracting services for further assistance with real estate acquisition.

### **V. COORDINATION**

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

- b. Does the Sponsor concur with this assessment?



# **ASSESSMENT OF NON-FEDERAL PATNER'S REAL ESTATE ACQUISITION CAPABILITY**

## **NEW YORK AND NEW JERSEY HARBOR DEEPENING CHANNEL IMPROVEMENTS NAVIGATION STUDY**

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Chief, Real Estate Division  
New York District



**EXHIBIT “F”**

**LIST OF UTILITIES FOR REMOVAL OR RELOCATIONS**



Utility Name/Description	Length to be removed (LF)	Proposed Treatment	Coordinated & Verified w/Utility	Interest to Be Acquired (yes/no)	Cost Accounts
36" Cast Iron Water Pipe	2,257	Removal	No	TBD	02
42" Cast Iron Water Pipe	2,614	Removal	No	TBD	02
PSE&G 12" Gas Main	1,547	Removal	No	TBD	02
Transco-Williams Gas Pipeline	6,000	Relocation	No	N/A	02
Brooklyn Union- (2) Gas 24" (2) Oil 20"	8,304	Relocation	No	N/A	02
Con Edison (2) 8.75" Steel Pipes holding (6) Electric Cables	4,060	Relocation	No	N/A	02
Bayonne Energy Center	35,000	Relocation	No	N/A	02