



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

**Raritan Bay & Sandy Hook Bay
Highlands, New Jersey
Coastal Storm Risk Management
Feasibility Report and Environmental Assessment**

**APPENDIX E:
Real Estate Plan**

APRIL 2020

**RARITAN BAY & SANDY HOOK BAY, HIGHLANDS, NEW JERSEY
COASTAL STORM RISK MANAGEMENT
FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT**

APRIL 2020 REAL ESTATE PLAN

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1. Preamble

a) Study Authorization: An existing Federal project, Raritan Bay and Sandy Hook Bay, New Jersey, in accordance with House Document No. 464, 87th Congress, Second Session, was authorized by the Flood Control Act on October 12, 1962. The authorization did not include Highlands, New Jersey. The Highlands, New Jersey study is authorized by a resolution of the Committee on Public Works and Transportation, U.S. House of Representatives, adopted August 1, 1990.

b) Official Study Designation: Raritan Bay and Sandy Hook Bay, Highlands, New Jersey, Coastal Storm Risk Management Feasibility Study (the “Study”).

Study Location: Located in Monmouth County, New Jersey, the Borough of Highlands (hereinafter “Highlands”) is located on the shoreline of Sandy Hook Bay and the Shrewsbury River approximately 20 miles south of New York City. It is bordered to the north by Sandy Hook Bay, to the west by the Borough of Atlantic Highlands, and to the east by the Shrewsbury River and Route 36 Bridge. Its “working waterfront” is lined with marinas, docks, piers, and a ferry terminal that serves many businesses throughout the northeast and provides mass transportation for commuters to New York City. Access to the waterfront is critical to Highland’s economy. Large-scale flood risk management structures that could impede use of the waterfront have not been built, which makes Highlands highly susceptible to flooding. Most homes and businesses in Highlands are located in the relatively low-lying downtown area extending from the shoreline to Shore Drive (Figure 2). The land is generally at an elevation lower than +10 feet (ft) North American Vertical Data of 1988 (NAVD88).



Figure-1: Highlands Region Map



Figure-2: Highlands Study Area

c) Non-Federal Partner: The non-Federal partner for the Study is the New Jersey Department of Environmental Protection (NJDEP) (the “Sponsor”). The NJDEP will also serve as the non-Federal partner for the construction of the Study’s Recommended Plan (later defined) at a 75% Federal and 25% non-Federal cost-share. In accordance with the Project Partnership Agreement (PPA) between the NJDEP and the Department of the Army (the “Government”), which is scheduled to be executed in March 2021, the NJDEP will be responsible for performing or ensuring the performance of the Lands, Easements, Right-of-Ways, Relocation, and Disposal Area (LERRD) requirements for the Recommended Plan as outlined in this Real Estate Plan (REP).

2. Statement of Purpose

The purpose of this REP is to describe the minimum LERRD requirements for the construction, operation, and maintenance of the Study’s Recommended Plan. This REP describes the estimated Land, Easements, and Rights-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 real estate acquisition process and schedule. Further, this report identifies and describes the facility and or utility relocations that may be necessary for construction. This REP is the first prepared for the Study and is an appendix to its Integrated Feasibility Report and Environmental Impact Statement (the “main report”).

3. Study Purpose and Features

a) Study Purpose: The purpose of the Study is to evaluate coastal storm risk management for Highlands. The study determined that periodic coastal storms, such as tropical storms, hurricanes, and nor'easters, pose a severe threat to life and property in the area. Flooding is caused by storm surge, which is created when winds push on the ocean's surface, causing an abnormal rise of water over and above the predicted tide.

Residences and businesses have experienced flooding from multiple storm events, most recently Hurricane Sandy in October 2012. Of approximately 1,500 structures in Highlands, about 1,100 were damaged or destroyed by flood waters. Bay Shore Drive and Bay Avenue, the two main roads in the town, were impassable during and after the storm. The downtown business area was submerged during high tide cycles during the storm - many businesses have not reopened. Due to damage sustained from Hurricane Sandy, Borough Hall and the Highlands Police Station remained in temporary trailers for four years. Since the ferry terminal was destroyed, the SeaStreak Ferry, which provides commuter service to New York City, was unable to operate for months. Many residents were displaced, some living in temporary trailers or gutted homes as they rebuild. Today, Highlands continues to work towards full recovery from the impacts of Hurricane Sandy.



Figure-3: Topography of Highlands

In response to these problems, plan formulation activities considered a range of structural and nonstructural measures aimed to reduce the severity of coastal flooding. Through an iterative plan formulation process, potential coastal storm risk management measures were identified, evaluated, and compared. Those remaining were developed into numbered flood risk management alternative plans. Alternatives evaluated included hard structural (floodwalls and bulkheads) and soft structural (beach-fill and dune). The alternative that offered the highest net benefits was identified as the Tentatively Selected Plan (TSP). USACE then began the process of detailed feasibility analysis on the TSP to identify project dimensions that would maximize net benefits, for what is known as the National Economic Development (NED) Plan. The TSP is the Study's Recommended Plan and NED Plan.

b) Recommended Plan: The Recommended Plan includes the construction of a floodwall measuring $\pm 10,737$ linear feet (LF) in length that follows the shoreline of Highlands and ties into high ground at each end. Additional features include a gate closure, pump station, detention pond, pressurized pipes, and environmental mitigation requirements. The following is a reach-by-reach description beginning with Reach 1 to the west and ends at Reach 4 on the Shrewsbury River to the east:

- Reach 1 – Through a combination of I-type (± 456 LF) and T-type ($\pm 1,767$ LF) floodwalls, design elevations achieve a height of +14 ft North American Vertical Datum of 1988 (NAV 88). To reduce wave forces, Reach 1 includes a stone breakwater up to elevation +14 ft NAVD88.

For interior drainage purposes, Reach 1 includes a ± 1.6 acre detention pond and connecting gravity-feed outfall. The detention pond will capture the natural overflow of rain water during storm events that would have otherwise flood the area. The connecting outfall will allow for stormwater discharge at the seaward side of the floodwall. The detention pond will be constructed at the SeaStreak Parking Lot and adjacent property located on Shore Drive near Willow Street, and will have an average depth of five feet. The parking lot will be regraded to meet the detention pond depth while still allowing for the continued use of the parking lot.

- Reach 2 – This segment contains existing state-owned and privately-owned bulkheads that will be replaced with T-walls ($\pm 3,230$ LF) and I-walls (± 17 LF). Design elevation are +14 ft NAVD88, approximately three feet higher than the existing bulkheads. No breakwaters are anticipated for Reach 2.

For interior drainage purpose, Reach 2 includes two underground diversion culverts in place of the existing storm sewer line along Snug Harbor Avenue. From the intersection of Waterwitch Avenue and Linden Avenue, the new pressurized line will consist of two five-foot long box culverts spanning a distance of $\pm 1,600$ LF.

- Reach 3 – The characteristics of Reach 3 are similar to that of Reach 1. However, Reach 3 is longer, requiring $\pm 2,539$ LF of T-type floodwalls and ± 334 LF of I-type floodwalls at elevation +14 ft NAVD88. A stone breakwater up to elevation +6 ft NAVD88 to reduce wave action is also including in this reach.

For interior drainage purposes, Reach 3 includes a pump station located near the vicinity of North Street. The pump station will be located within the floodwall footprint and consist of two pumps, one with a capacity of 250 cubic feet per second (CFS), and the other with a capacity of 50 CFS.

- Reach 4 – At Reach 4, the alignment shifts from the bayside to the riverside, along the Shrewsbury River. This segment, includes $\pm 1,826$ LF of T-type and ± 184 LF of I-type floodwalls, totally $\pm 2,010$ LF of floodwalls to +14 ft NAVD88. Of the $\pm 2,010$ LF, 238 LF will be covered by raised ground surface in the existing Veteran's Memorial Park located on Bay Avenue. The footprint of the raised ground covers $\pm 50,850$ square feet. The raised surface will be consistent with the existing park surface through capping with topsoil, plantings, and native vegetation.

The eastern tie-in will consist of an epoxy-coated sheet pile sea wall from the alignment along the center of Veteran's Memorial Park to high ground at the bluff. A steel and reinforced concrete closure structure and hydraulic gate or gates (55 ft wide) will be required to allow access along Bay Avenue while maintaining the alignment.

Water Access – All along the alignment are restaurants, marinas, and other businesses for whom water access will be affected beyond construction. Private property owners will be allowed continued access to the Sandy Hook Bay and Shrewsbury River. They will receive severance damage as compensation for the removal of any existing water access structure required to complete the levee/floodwall construction and/or to reestablish their own water access after construction. Their easement agreement will outline walkover design restrictions and permissions that may apply prior to them commencing with their walkover construction. See Appendix B, Engineering, for examples of private walkovers designs. For publicly-owned lands, access to Sandy Hook Bay and the Shrewsbury River will be provided as a project feature.

Environmental Mitigation – Due to unavoidable environmental impacts to wetlands, mitigation of approximately 0.75 of an acre of land is required. Mitigation will be completed through the purchase of an approved wetland mitigation bank as a project cost. As a result, there are no land acquisition requirements to satisfy environmental mitigation.

c) Required Lands, Easements, and Right-of-Ways (LER): In accordance with the PPA, the Sponsor will be responsible for acquiring or ensuring the acquisition of all the LER required for the Recommended Plan. 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 Pre-construction, Engineering, and Design (PED) phase when final plans, specifications, and detailed drawings are prepared for the Recommended Plan. Table-1 offers a summary of the real estate required. A list of the impacted properties and real property interests required therein is provided in **Exhibit “B”**.

Table-1: LER Summary

Estate Type	Acres	Ownership Type	No. of Parcels
Permanent Easements	±16.12	Private	105
Temporary Easements	±7.39	Public	14
<i>Total Acres:</i>	<i>±23.51</i>	<i>Total Parcels:</i>	<i>119</i>

The following details the minimum interest in real property required to support the construction, operation, and maintenance of the Recommended Plan. In some instances, more than one estate may be required over the lands of the same owner.

I. Flood Protection Levee Easement (FPLE) (USACE Standard Estate No. 9): Approximately 14.16 acres are required in permanent FPLEs to construct, operate, and maintain the floodwall. Including street right-of-ways, there are 116 tax parcels impacted – 13 publicly-owned and 103 privately-owned.

II. Drainage Ditch Easement (DDE) (USACE Standard Estate No. 10): Approximately 0.35 of an acre is required in permanent DDEs for the two underground diversion culverts to be constructed along Snug Harbor Ave. Including street right-of-ways, there are 3 tax parcels impacted – 1 publicly-owned and 2 privately-owned.

III. *Temporary Work Area Easement (TWAE) (USACE Standard Estate No. 15)*: Approximately 7.39 acres are required for temporary staging and work area to construct the Recommended Plan. The term required is approximate five years. Including street right-of-ways, there are 66 tax parcels impacted – 12 publicly-owned and 54 privately-owned.

There are no temporary easements required for borrowing or disposal of dredged or excavated material. Any excavated material requiring disposal will be the responsibility of the selected construction contractor to dispose of at an authorized disposal site.

IV. *[Non-Standard] Detention Ponding Easement (DPE)*: Approximately 1.61 acres are required for a permanent detention pond. There are two tax parcels impacted, one publicly-owned and the other privately-owned. See paragraph 5 for additional information on this proposed permanent non-standard easement.

Easement agreements acquired by the Sponsor must contain the USACE-approved standard estate language, as written herein (see **Exhibit “C”** for the estate language), and the necessary covenant to run with the land. After the PPA is fully executed and once the final design of the Recommended Plan is complete, a general written description of the final LER (with supporting real estate maps) and facility/utility relocation requirements will be provided to the Sponsor in their formal written *Notice to Proceed with Real Estate Acquisition* letter (hereinafter, the “NTP”). Once the Sponsor receives the NTP from USACE, the Sponsor will commence real estate acquisition activities.

To delineate the precise boundary of the required estate and to mitigate against potential boundary disputes, a boundary land survey with a corresponding legal description for each required estate will be completed by the Sponsor. Further, the 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”¹ in title. To ensure easements acquired remain in effect in the event of a foreclosure, a Subordination of Mortgage is necessary for properties with an existing mortgage(s). The Sponsor must work with the property owners and their mortgage lenders to execute the appropriate agreement that allows the mortgages to be subordinate to the easement. USACE will remain in close coordination with the Sponsor throughout the real estate acquisition process for support and guidance.

After the Sponsor completes its acquisition efforts and prior to USACE’s issuance of the solicitation for construction contract(s), the Sponsor must provide USACE with copies of all real estate conveyance agreements recorded with Monmouth County and a signed *Authorization for Entry* (with an attorney’s Certificate of Authority) (See **Exhibit “F”**) for all the LER USACE identified in the NTP for the construction contract. USACE will examine and evaluate all records received to ensure sufficient real property interests are available to support construction. USACE will then certify in writing to the appropriate USACE District elements that the real estate for the Recommended Plan has been obtained and the solicitation for construction contract(s) may commence.

¹ A defective title is when real property has a publicly-recorded encumbrance, such as a lien, mortgage, or judgment, where title ownership cannot be legally transferred to another party free and clear.

d) Appraisal Information: In accordance with USACE Real Estate Policy Guidance Letter No. 31, CEMP-CR, 11 Jan 19, subject: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning (hereinafter referred to as “PGL 31”), a land appraisal cost estimate, or a “rough order of magnitude” estimate, was completed for the Recommended Plan since the value of real estate (land, improvements and severance damages) was not expected to exceed ten percent of the total costs of the Recommended Plan. A cost estimate is not a full appraisal. To establish a more accurate land valuation for the required real estate, a full land appraisal based on surveyed boundaries of the Recommended Plan’s final design plans is required.

The appraisal cost estimate represents the estimated market value of the real estate required for the Recommended Plan. It also serves to identify the estimated compensation amount paid to land owners for the purchase of the required real estate. The appraisal cost estimate does not include the incidental costs (e.g., appraisals, surveys, title, attorney fees, etc.) that would be incurred to facilitate real estate acquisition. The appraisal cost estimate is an item of the Recommended Plan’s 01-Lands & Damages cost account and is shown in the Base Line Cost Estimate for Real Estate (BCERE) under “Land Payments” and “Land Payments under PL 91-646” line items. See paragraph 11 for the Recommended Plan’s overall estimated real estate costs.

An appraisal cost estimate was completed by a licensed USACE staff appraiser who concluded, as of October 17, 2019, the total estimated market value for the Recommended Plan’s required real estate is approximately \$6,538,000. Table-2 provides a summary of the estimated market value for the real estate required.

Table-2: Estimated Market Value of LER

Easement Type	Estimated Market Value
Permanent Easements	\$5,172,000
Temporary Easements	\$772,000
Contingency (10%)	\$594,000
<i>Total Estimated Market Value of LER:</i>	<i>\$6,538,000</i>

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 Recommended 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 Recommended 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 with in 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 Recommended Plan preliminary real estate maps and spreadsheet parcel 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 Recommended Plan preliminary real estate maps and spreadsheet parcel 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 Recommended Plan's parcel areas were consistent with the parameters of the Recommended Plan.

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

The Sponsor owns approximately 2.66 acres of submerged lands required for the Recommended Plan. All lands identified in Table-3 are submerged lands below the mean high water line.

Table-3: Sponsor-Owned Lands

Block	Lot	Flood Protection Levee Easement	Temporary Work Area Easement
98	12	0.145	0.138
98	13	0.080	0.057
98	14	0.015	0.067
n/a	n/a	0.922	1.430
<i>Total:</i>		<i>1.162</i>	<i>1.497</i>

The U.S. Submerged Lands Act (43 U.S.C. 1301-1315) affirmed state ownership and control of submerged lands. In the State of New Jersey, the Department of Environmental Protection, under its Division of Land Use Regulation, Bureau of the Tidelands Management, claims ownership of the above submerged lands and holds them in trust for the people of the State. The fee ownership by the State of New Jersey is sufficient and available for the Recommended Plan. Through NJDEP, as the non-Federal partner, the State of New Jersey will provide an Authorization for Entry, as further certified by state counsel, to make the submerged lands available for the Recommended Plan. No special valuation considerations or crediting principals will apply to Sponsor-owned LER.

5. Non-Standard Estates

The Recommend Plan requires the acquisition of a non-standard permanent Detention Pond Easement. The non-standard easement impacts two parcels located in Reach 1 – Block 101 Lot 12.01 (privately-owned by Sandy Hook Bay Parking LLC) and Block 101 Lot 3 (publicly-owned by the Borough of Highlands). See Exhibit “A”, Preliminary Real Estate Maps, Page 1.

The detention pond is designed to capture the natural overflow of rain water during storm events that would have otherwise flood the area. It covers an area of approximately 1.6 acres across the two above mentioned parcels. A gravity lead drainage outfall will be constructed to allow storm water to discharge on the seaward side of the adjacent floodwall. The top of the pond will contain an elevation of +7 ft NAVD88, with a bottom elevation 0 ft NAVD88. The average depth will be approximately five feet.

As of this report, there is no USACE-approved standard estate for the real property interest required to construct and maintain a detention pond. Therefore, the following easement language was developed, which was modeled from the USACE-approved permanent Flowage Easement language, to support the land acquisition for the detention pond:

“The perpetual and assignable right and easement to construct, operate and maintain a detention pond, and appurtenance, in the lands described in Schedule A, including the right to clear, borrow, pave, grade, excavate and remove soil, dirt, asphalt, control vegetation and build earthen structures with controlled vegetation and other materials to pond the natural overflow, flooding and submerging of the land described in Schedule A, in connection with the operation maintenance of the project as authorized by the Rivers and Harbors Act of 1962, P.L. 87-874 and Disaster Relief Appropriations Act of 2013, Public Law 113-2, and the continuing right of ingress and egress to clear, borrow, excavate, and remove soil, dirt, brush, debris and natural obstructions which, in the opinion of the representative of the United States in charge of the project, may be detrimental to the project, together with all right, title and interest in and to the timber, structures and improvements situate on the land provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State Laws with respect to pollution.”

The above proposed non-standard estate language has been coordinated and reviewed by the Project Delivery Team and Office of Counsel. The language is legally sufficient and serves the intended project purpose. It is currently under review by the Sponsor for their concurrence and support for project use. Upon receipt of the Sponsor’s concurrence of the non-standard Detention Pond Easement language, a formal request for approval will be submitted to HQUSACE for project use.

6. Existing Federal Projects

There are no other known existing or planned 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

The application of Navigational Servitude is not available for the Recommended Plan. Navigational Servitude is the dominant right of the Federal government under the Commerce Clause of the U.S. Constitution (Article 1, Section 8, Clause 3) 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. Generally, the Federal government does not acquire interests in real property that it already possesses or over which its use or control is or can be legally exercised. If navigational servitude is found to be available, then the Federal Government will generally exercise its right thereunder and, to the extent of such rights, will not acquire a real property interest in the land to which the navigational servitude applies.

9. Real Estate Maps

Preliminary real estate maps are provided in Exhibit “A”. The GIS tax parcel data was obtained from the New Jersey Office of GIS in August 2018. The parcel boundaries depicted on the maps is for the 2017 tax year and was the currently published statewide parcel composite at the time the maps were prepared. The parcel data set retrieved are not intended for use as tax maps. The lot boundaries delineated in the real estate maps do 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 maps 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 LER required. Surveys of the Recommended Plan’s final design are needed to determine the levee/floodwall’s precise location on properties based on their deeded legal description.

10. Induced Flooding

The Recommended Plan does not induce flooding.

11. Baseline Cost Estimate for Real Estate (BCERE)

a) The BCERE (provided in **Exhibit “D”**) establishes the estimated financial costs (for both the Government and Sponsor) that are attributed to the Recommended Plan’s real estate requirements. It is recorded in the 01-Lands & Damages project cost account. Itemized under “Incidental” and “Acquisition” categories, the BCERE provides a list of work activities/items with its associated estimated cost. The Recommended Plan’s total estimated real estate cost is **\$12,524,400**. Table-4 provides a summary of the BCERE.

Table-4: BCERE Summary

BCERE Cost Category	Estimated Costs
Incidental Costs	\$2,408,000
Acquisition Costs	\$6,538,000
Contingency (40%)	\$3,578,400
<i>Total 01-Lands & Damages:</i>	<i>\$12,524,400</i>

b) For civil works projects that are cost-shared between the Federal government and a non-Federal interest, the Water Resources Development Act of 1986 (“WRDA 86” or “Public Law 99-662”) assigns the non-Federal partner the responsibility of providing the LER, performing the

facility/utility relocations, and fulfilling any disposal area (i.e. LERRD) requirements for the project. All LERRD requirements must be performed in accordance with the project's PPA, WRDA 86, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (Public Law 91-646).

LERRD costs represent a non-Federal partner's estimated upfront direct and indirect financial costs in fulfilling its real estate responsibilities. The non-Federal partner receives credit for their actual associated costs if found to be reasonable, allowable, and allocable. They must document all their LERRD expenses (i.e., receipts, invoices, official certified timesheets, etc.) and submit to the USACE for review and approval as part of their claim for credit. LERRD cost are calculated by adding the non-Federal costs in a project's 01-Lands & Damages cost account with the cost in the project's 02-Relocations cost account (See paragraph 17 for 02-Relocation costs). LERRD cost do not include Federal costs.

The Sponsor's estimated LERRD costs is **\$11,108,800**, which represents their estimated upfront financial obligation in fulfilling their real estate responsibilities for implementation of the Recommended Plan. They are aware of the requirement to document all their LERRD expenses for their claim for credit. Table-5 shows the Sponsor's itemized LERRD costs.

Table-5: Sponsor's Estimated LERRD Costs

LERRD Cost Category	Costs
Lands, Easements & ROWs	\$11,041,800
Relocations	\$67,000
Disposals	\$0
<i>Total LERRD:</i>	<i>\$11,108,800</i>

12. Public Law 91-646, Uniform Relocation Assistance

Public Law 91-646 provides uniform equitable treatment of persons and businesses displaced by a Federal or Federally-assisted project. Along with the PPA, it requires the non-Federal partner to provide assistance and certain benefits be paid to all persons and businesses that are displaced and must be relocated from their residence or place of business due to a Federally-funded project. The cost incurred by the non-Federal partner to provide relocation assistance is part of its LERRD responsibilities.

No relocation of persons or businesses have been identified to be required for the Recommended Plan. Nonetheless, the Sponsor is aware of Public Law 91-646 and its requirement to provide relocation assistance to tenants, residential owners and business owners impacted by the Recommended Plan who are determined eligible for such assistance, and to do so in accordance with all applicable law.

13. Mineral and Timber Activity

There are no known present or anticipated mineral extraction or timber harvesting activities located within the LER required for the Recommended Plan.

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

The Sponsor's assessment of their real estate acquisition capabilities is provided in **Exhibit "E"**. The Sponsor has been identified as highly capable of performing or ensuring the performance of its real estate responsibilities. They possess the professional capability to acquire the real estate for the Recommended Plan and have sufficient general and legal authority to do so. The Sponsor intends to enter into a partnership agreement with local municipalities to assist with real estate acquisition, and if necessary, can obtain outside contracting services for further assistance. The Sponsor has successfully acquired real estate for similar USACE cost-share projects, such as projects located at Elberon to Loch Arbor, Newark, Greenbrook, and Port Monmouth, among others.

15. Land Use 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 Real Estate Acquisition

Milestone	Date
Execution of the PPA with the Sponsor	March 2021
Notice to Proceed with Real Estate Acquisition furnished to Sponsor	September 2021
USACE receives Authorization for Entry from Sponsor	August 2024
USACE Certifies the Real Estate for the Recommended Plan	September 2024
USACE commences with Advertising for Construction Contracts	September 2024

17. Relocation of Facilities or Public Utilities

Based on the scope of the Recommended Plan and since the majority of the proposed design features will be installed on the seaward side of the existing bulkhead, there is no anticipated facilities/utilities relocations. Early coordination with the local utility company, FirstEnergy, concluded no utility distribution by them within the design footprint. There is, however, a concrete splash pad for the setback wall along the east leg of Captains Cove that is near a 2-inch gas main that runs parallel to the floodwall alignment. It is unknown whether the gas main may require relocation. Detailed data for this area, as well as throughout the project alignment, will be obtained and investigated further during PED to determine if relocations or design adjustments are needed. A contingency cost of \$67,000 has been allocated to the Recommended Plan's 02-Relocation cost account. Impacts to facilities and utilities will continue to be assessed throughout the study.

As an item of their LERRD responsibility, the Sponsor is responsible for the upfront costs in performing or ensuring the performance of any facility and/or utility relocation(s) required, which are creditable toward their overall cost-shared amount. Any conclusion or categorization contained in this REP that there are no relocations to be performed by the Sponsor is preliminary only. USACE will make a final determination of the relocations necessary for the construction, operation or maintenance of the Recommended Plan, if any, after further analysis, and completion and approval of a Final Attorney's Opinion of Compensability for each 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 PPA.

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

A search of Federal and state environmental databases, as well as a series of subsurface sampling completed in 2002 within the vicinity of the proposed Recommended Plan project features, resulted in no concerns to contaminants or HTRW regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that would impact real estate acquisition or construction of the Recommended Plan. See the main report, section 2.1.15, and Appendix A, Environmental, for additional information.

19. Project Support

The Sponsor and local stakeholders support the Recommended Plan. While the public is generally supportive of the features of the Recommended Plan, some have expressed concerns about how they will access the water. During the Spring of 2014, USACE and the NJDEP hosted a series of meetings with the public. Approximately seven meetings were held with property owners (residential and business) from whom easements would be required from. To date, local feedback has not led to substantial design alterations or concerns with real estate acquisition.

20. Risk Notification to Non-Federal Partner

By letter dated October 21, 2019, a formal written notice was provided to the Sponsor on the risks associated with acquiring the real estate for the Recommended 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 NTP; 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 NTP Letter, which may not be creditable under the provisions of WRDA 86 or the PPA.

21. Point of Contact

This Real Estate Plan was prepared by Real Estate Project Delivery Team member Carlos E. Gonzalez who may be reached at (917)790-8465 (email: Carlos.E.Gonzalez@usace.army.mil).



Carlos E. Gonzalez
Realty Specialist



Lydia H. Williams
Chief, Real Estate Division
New York District

EXHIBIT “A”
PRELIMINARY REAL ESTATE MAPS

EXHIBIT "A"
PRELIMINARY REAL ESTATE MAPS

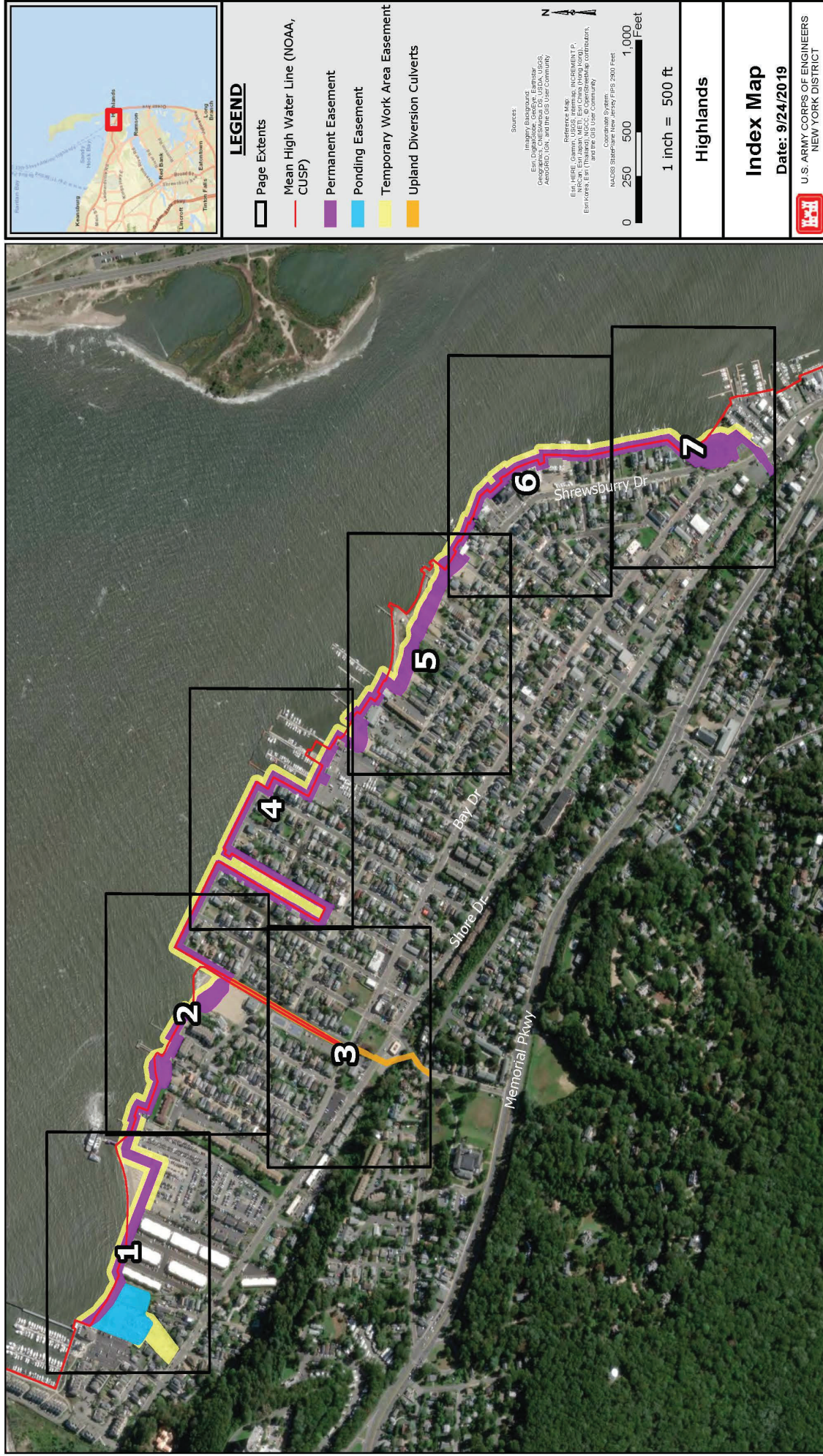
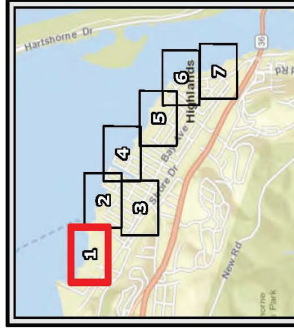


EXHIBIT "A"
PRELIMINARY REAL ESTATE MAPS



LEGEND

- Mean High Water Line (NOAA, CUSP)
- Parcel Boundary Lines
- Permanent Easement
- Ponding Easement
- Temporary Work Area Easement

Sources

Imagery Background
 Esri, DeLorme, GeoEye, USGS, AeroGRID, IGN, and the GIS User Community

Coordinate Map

Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NOAA, and the GIS User Community

Coordinate System: NAD83 StatePlane New Jersey FIPS 2600 Feet

0 50 100 200 Feet

1 inch = 100 ft

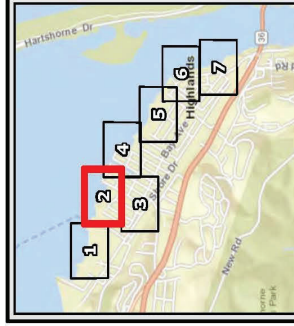
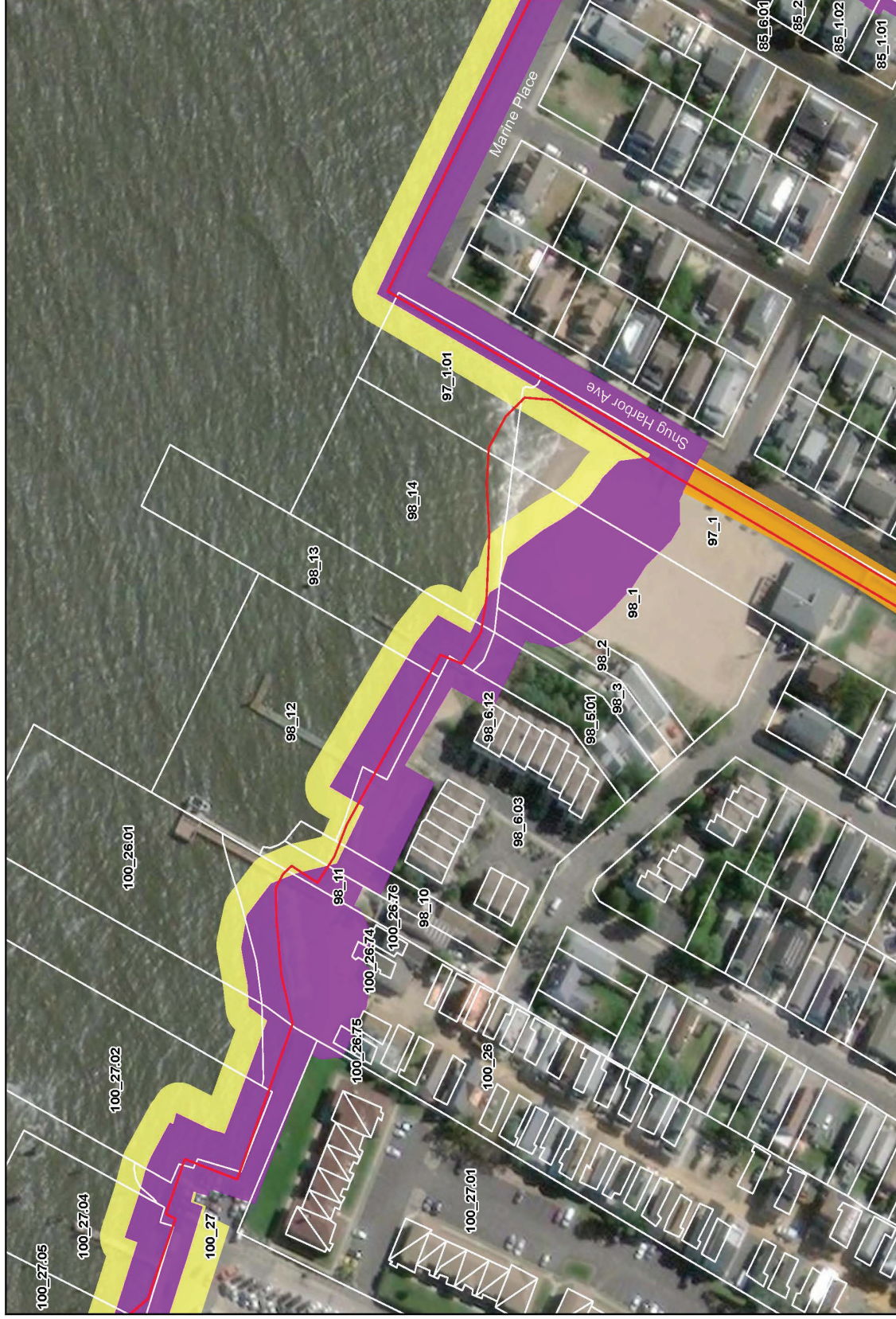
Highlands

Real Estate Map

Date: 10/15/2019 Page 1 of 7

U.S. ARMY CORPS OF ENGINEERS
NEW YORK DISTRICT

EXHIBIT "A"
PRELIMINARY REAL ESTATE MAPS



LEGEND

- Mean High Water Line (NOAA, CUSP)
- Parcel Boundary Lines
- Permanent Easement
- Temporary Work Area Easement
- Upland Diversion Culverts

Sources

Imagery Background
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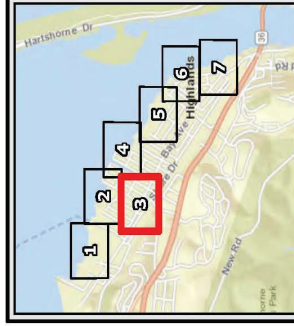
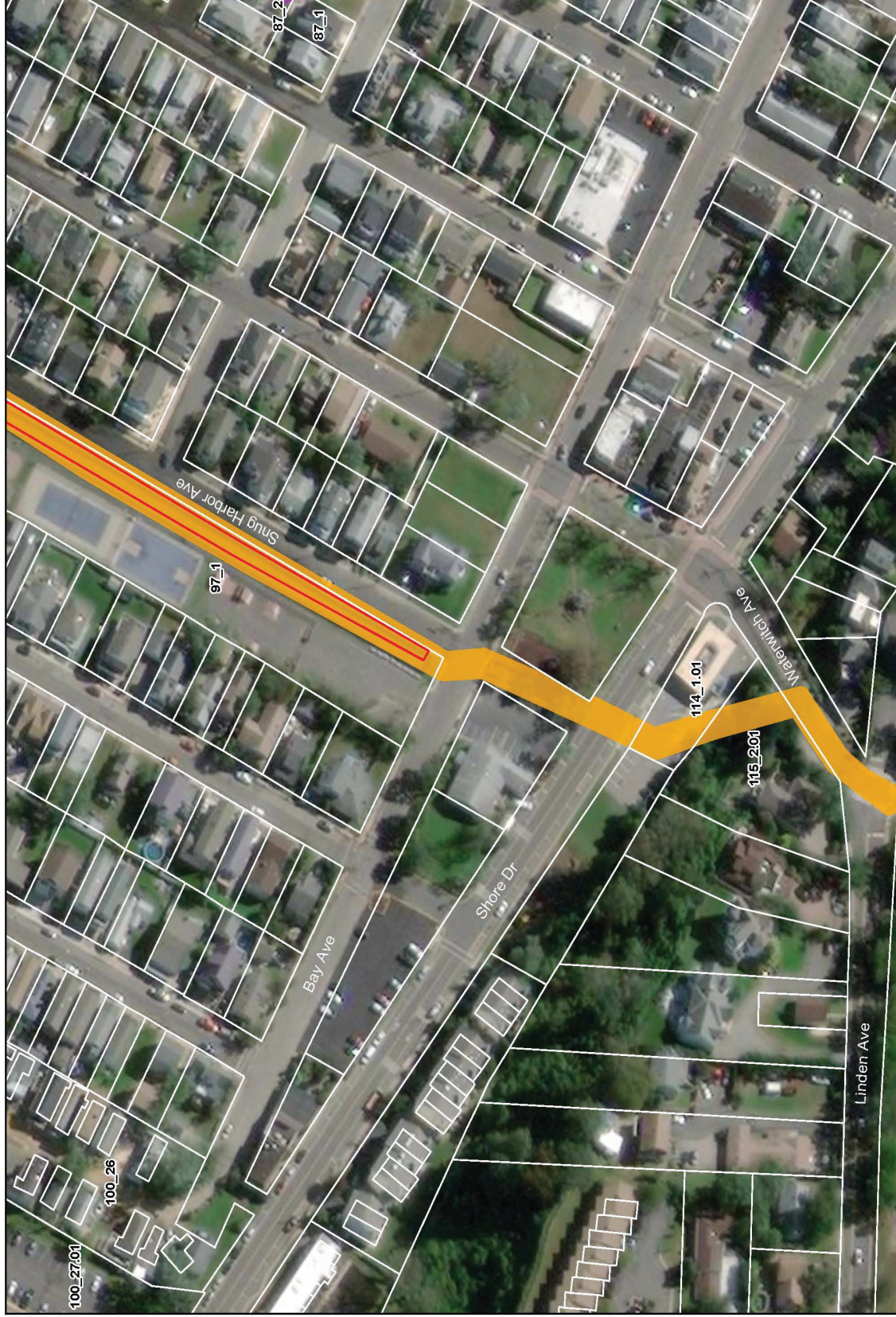
Highlands

Real Estate Map

Date: 10/10/2019 Page 2 of 7

U.S. ARMY CORPS OF ENGINEERS
 NEW YORK DISTRICT

EXHIBIT "A"
PRELIMINARY REAL ESTATE MAPS



LEGEND

- Mean High Water Line (NOAA, CUSP)
- Parcel Boundary Lines
- Permanent Easement
- Upland Diversion Culverts

Sources

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Esri, DeLorme, GeoEye, USGS, AeroGRID, IGN, and the GIS User Community

Coordinate Map

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1 inch = 100 ft

Highlands

Real Estate Map

Date: 10/10/2019 Page 3 of 7

U.S. ARMY CORPS OF ENGINEERS
NEW YORK DISTRICT

EXHIBIT “B”
PARCEL DATA

**EXHIBIT “B”
PARCEL DATA**

Block	Lot	Owner	Property Location	Flood Protection Levee Easement	Drainage Ditch Easement	Ponding Easement	Temporary Work Area Easement
38.01	16	Private Owner	49 Bay Avenue	0.083	-	-	-
39	1.01	Borough of Highlands	Veterans Park	1.219	-	-	0.321
39	1.02	Borough of Highlands	Riparian Grant	0.049	-	-	0.001
39	7.01	Private Owner	34 Bay Avenue	0.005	-	-	0.099
43	1	Private Owner	18 Shrewsbury Avenue	0.136	-	-	-
43	2	Private Owner	20 Shrewsbury Avenue	0.034	-	-	-
43	3	Private Owner	22 Shrewsbury Avenue	0.031	-	-	-
43	3.01	Private Owner	Riparian Grant	0.035	-	-	0.034
43	4	Private Owner	24 Shrewsbury Avenue	0.027	-	-	-
43	4.01	Private Owner	Riparian Grant	0.036	-	-	0.032
43	5	Private Owner	28 Shrewsbury Avenue	0.043	-	-	-
43	5.01	Private Owner	Riparian Grant	0.041	-	-	0.043
43	6	Private Owner	30 Shrewsbury Avenue	0.030	-	-	--
43	6.01	Private Owner	Riparian Grant	0.043	-	-	0.039
43	7	Private Owner	32 Shrewsbury Avenue	0.029	-	-	-
43	7.01	Private Owner	Riparian Grant	0.035	-	-	0.033
43	8	Private Owner	34 Shrewsbury Avenue	0.029	-	-	-
43	8.01	Private Owner	Riparian Grant	0.035	-	-	0.032
43	9	Private Owner	36 Shrewsbury Avenue	0.027	-	-	-
43	9.01	Private Owner	Riparian Grant	0.034	-	-	0.032
43	10	Private Owner	38 Shrewsbury Avenue	0.024	-	-	-
43	10.01	Private Owner	Riparian Grant	0.008	-	-	0.007
43	11.02	Private Owner	1 Jackson Street	0.037	-	-	-
43	11.03	Private Owner	40 Shrewsbury Avenue	0.016	-	-	0.012
50	1	Private Owner	52 Shrewsbury Avenue	0.033	-	-	-

**EXHIBIT “B”
PARCEL DATA**

Block	Lot	Owner	Property Location	Flood Protection Levee Easement	Drainage Ditch Easement	Ponding Easement	Temporary Work Area Easement
50	1.01	Private Owner	Riparian Grant	0.025	-	-	0.006
50	1.02	Private Owner	Riparian Grant	0.134	-	-	0.095
50	2	Private Owner	52 Shrewsbury Avenue	0.161	-	-	-
50	2.01	Private Owner	Riparian Grant	0.231	-	-	0.175
50	3	Private Owner	54 Shrewsbury Avenue	0.016	-	-	-
50	4	Private Owner	56 Shrewsbury Avenue	0.077	-	-	-
50	4.01	Private Owner	Cornwall Street	0.024	-	-	-
51	2	Private Owner	3 Cornwall Street	0.058	-	-	-
51	4	Private Owner	68 1/2 Shrewsbury Avenue	0.017	-	-	-
55	1	Private Owner	70 Shrewsbury Avenue	0.037	-	-	-
55	4.01	Private Owner	88 Shrewsbury Avenue	0.051	-	-	-
56	10	Borough of Highlands	Miller Street	0.201	-	-	0.001
56	10.01	Borough of Highlands	Riparian Grant	0.021	-	-	0.062
56	12	Private Owner	2 Private Road	0.154	-	-	0.061
56	13	Private Owner	Fifth Street	0.090	-	-	0.032
56	14	Private Owner	18 Fifth Street	0.090	-	-	0.031
56	15	Private Owner	22-24 Fifth Street	0.088	-	-	0.029
56	16	Private Owner	26 Fifth Street	0.107	-	-	0.031
56	17	Private Owner	30 Fifth Street	0.088	-	-	0.028
56	18	Private Owner	34 Fifth Street	0.059	-	-	0.020
66	1	Private Owner	36 Fifth Street	0.069	-	-	0.029
66	2	Private Owner	38 Fifth Street	0.054	-	-	0.025
66	4.01	Private Owner	42 Fifth Street	0.102	-	-	0.035
66	6	Private Owner	Fifth Street	0.103	-	-	0.033
66	7	Private Owner	50 Fifth Street	0.050	-	-	0.015

**EXHIBIT “B”
PARCEL DATA**

Block	Lot	Owner	Property Location	Flood Protection Levee Easement	Drainage Ditch Easement	Ponding Easement	Temporary Work Area Easement
66	8	Private Owner	52 Fifth Street	0.054	-	-	0.017
66	9	Private Owner	54 Fifth Street	0.083	-	-	0.029
66	10	Private Owner	58 Fifth Street	0.067	-	-	0.038
66	10.01	Private Owner	Riparian Grant	0.001	-	-	0.040
66	11	Private Owner	60 Fifth Street	0.095	-	-	-
66	12	Private Owner	62 Fifth Street	0.072	-	-	-
66	12.01	Private Owner	Riparian Grant	0.028	-	-	0.033
66	13	Private Owner	66 Fifth Street	0.042	-	-	-
66	13.01	Private Owner	Riparian Grant	0.027	-	-	0.031
66	14	Private Owner	Fifth Street	0.060	-	-	-
66	14.13	Private Owner	Fifth Street	0.035	-	-	0.041
66	15	Borough of Highlands	74-76 Fifth Street	0.029	-	-	-
66	15.01	Borough of Highlands	Riparian Grant	0.019	-	-	0.014
67	1	Borough of Highlands	76 Fifth Street	0.054	-	-	-
67	1.01	Borough of Highlands	Riparian Grant	0.100	-	-	0.076
69	14	Private Owner	Fifth Street	0.126	-	-	0.004
69	15	Private Owner	Fifth Street	0.242	-	-	0.058
72	8.01	Private Owner	Riparian Grant	0.115	-	-	0.107
72	8.02	Private Owner	Atlantic Street	0.133	-	-	-
72	9.001	Private Owner	Marina Bay Court	0.172	-	-	0.001
72	9.01	Private Owner	Marina Bay Court	0.353	-	-	0.299
72	14.01	Private Owner	Atlantic Street	0.041	-	-	0.030
72	15.01	Private Owner	Atlantic Street	0.017	-	-	0.100
72	33	Private Owner	17 Seadrift Avenue	0.004	-	-	-
72	34	Private Owner	15 Seadrift Avenue	0.014	-	-	-

**EXHIBIT “B”
PARCEL DATA**

Block	Lot	Owner	Property Location	Flood Protection Levee Easement	Drainage Ditch Easement	Ponding Easement	Temporary Work Area Easement
72	35	Private Owner	11 Seadrift Avenue	0.006	-	-	-
72	36	Private Owner	9 Seadrift Avenue	0.003	-	-	-
72	37	Private Owner	7 Seadrift Avenue	0.009	-	-	-
72	38	Private Owner	5 Seadrift Avenue	0.008	-	-	-
72	39	Private Owner	3 Seadrift Avenue	0.007	-	-	-
72	41.01	Private Owner	1 Seadrift Avenue	0.134	-	-	0.049
84	2.01	Private Owner	Marine Place	0.717	-	-	0.752
85	1.01	Private Owner	15 Huddy Avenue	0.022	-	-	-
85	1.02	Private Owner	11 Huddy Avenue	0.026	-	-	-
85	2	Private Owner	9 Huddy Avenue	0.021	-	-	-
85	6.01	Private Owner	11 Marine Place	0.060	-	-	-
86	1	Private Owner	1 Bedle Place	0.006	-	-	-
86	2	Private Owner	11 Recreation Place	0.021	-	-	-
87	1	Private Owner	11 Cheerful Place	0.002	-	-	-
87	2	Private Owner	2 Bedle Street	0.024	-	-	-
97	1	Borough of Highlands	Bay & Snug Harbor	0.227	0.216	-	0.126
97	1.01	Borough of Highlands	Riparian Grant	0.057	-	-	0.112
98	1	Private Owner	Beach Boulevard	0.290	-	-	0.056
98	2	Private Owner	4 Beach Boulevard	0.052	-	-	-
98	3	Private Owner	6 Beach Boulevard	0.028	-	-	-
98	5.01	Private Owner	8 Beach Boulevard	0.035	-	-	-
98	6.03	Private Owner	18 Beach Boulevard	0.214	-	-	0.013
98	10	Private Owner	28 Beach Boulevard	0.035	-	-	0.023
98	11	Private Owner	30 Beach Boulevard	0.035	-	-	0.025
98	12	State of New Jersey	Sandy Hook Bay	0.145	-	-	0.138

**EXHIBIT “B”
PARCEL DATA**

Block	Lot	Owner	Property Location	Flood Protection Levee Easement	Drainage Ditch Easement	Ponding Easement	Temporary Work Area Easement
98	13	State of New Jersey	Sandy Hook Bay	0.080	-	-	0.057
98	14	State of New Jersey	Sandy Hook Bay	0.015	-	-	0.067
100	26	Private Owner	Gravelly Point Road	0.390	-	-	0.037
100	26.01	Private Owner	Gravelly Point Road	0.021	-	-	0.057
100	26.74	Private Owner	74 Gravelly Point Road	0.006	-	-	-
100	26.75	Private Owner	75 Gravelly Point Road	0.007	-	-	-
100	27	Private Owner	326 Shore Drive	0.926	-	-	0.737
100	27.01	Private Owner	324 Shore Drive	0.018	-	-	-
100	27.02	Private Owner	Riparian Grant	0.142	-	-	0.121
100	27.04	Private Owner	Riparian Grant	0.099	-	-	0.081
100	27.05	Private Owner	Riparian Grant	0.082	-	-	0.093
100	29.01	Private Owner	Sandy Hook Bay	-	-	-	0.018
100	30.02	Private Owner	Shore Drive	0.582	-	-	-
100.12	152	Private Owner	330 Shore Drive G-8	0.006	-	-	-
100.12	153	Private Owner	330 Shore Drive G-16	0.008	-	-	0.001
101	3	Borough of Highlands	Locust Street	0.140	-	0.427	0.147
101	12.01	Private Owner	348 Shore Drive	0.290	-	1.186	0.915
114	1.01	Private Owner	301 Shore Drive	-	0.022	-	-
115	2.01	Private Owner	76 Waterwitch Avenue	-	0.020	-	-
n/a	n/a		Street Right-of-Ways	2.032	0.096	-	0.021
n/a	n/a		Submerged Lands	0.922	-	-	1.430

EXHIBIT “C”
ESTATES

EXHIBIT “C”
ESTATES

1) Flood Protection Levee Easement (USACE Standard Estate No. 9)

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

2) Drainage Ditch Easement (USACE Standard Estate No. 10)

A perpetual and assignable easement and right-of-way in, over and across the land described in Schedule A to construct, maintain, repair, operate, patrol and replace a drainage ditch, reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

3) Temporary Work Area Easement (USACE Standard Estate No. 15)

A temporary easement and right-of-way in, on, over and across the lands described in Schedule A, for a period not to exceed five years beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to 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 Byram River Connecticut and New York Flood Risk Management 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.

4) Detention Pond Easement (Non-Standard Estate)

The perpetual and assignable right and easement to construct, operate and maintain a detention pond, and appurtenance, in the lands described in Schedule A, including the right to clear, borrow, pave, grade, excavate and remove soil, dirt, asphalt, control vegetation and build earthen structures with controlled vegetation and other materials to pond the natural overflow, flooding and submerging of the land described in Schedule A, in connection with the operation maintenance of the project as authorized by the Rivers and Harbors Act of 1962, P.L. 87-874 and Disaster Relief Appropriations Act of 2013, Public Law 113-2, and the continuing right of ingress and egress to clear, borrow, excavate, and remove soil, dirt, brush, debris and natural obstructions which, in the opinion of the representative of the United States in charge of the project, may be detrimental to the project, together with all right, title and interest in and to the timber, structures and improvements situate on the land provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained

EXHIBIT “C”
ESTATES

on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State Laws with respect

EXHIBIT “D”
BASELINE COST ESTATE FOR REAL ESTATE

EXHIBIT “D”
BASELINE COST ESTATE FOR REAL ESTATE

BASELINE COST ESTIMATE FOR REAL ESTATE RARITAN BAY & SANDY HOOK BAY, HIGHLANDS, NEW JERSEY COASTAL STORM RISK MANAGEMENT FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT				
	COST CATEGORY	NON-FED	FEDERAL	TOTAL COSTS
01A	INCIDENTAL COSTS	\$1,349,000	\$1,059,000	\$2,408,000
01A1	Administrative	\$595,000	\$297,500	\$892,500
01A1A	By the Non-Federal Sponsor	\$595,000		
01A1B	By Government (Gov't) on behalf of NFS			
01A1C	By Gov't		\$297,500	
01A2	Land Surveys	\$174,000	\$116,000	\$290,000
01A2A	By NFS	\$174,000		
01A2B	By Gov't on behalf of NFS			
01A2C	Review of NFS		\$116,000	
01A3	Appraisals	\$290,000	\$232,000	\$522,000
01A3A	By NFS	\$290,000		
01A3B	By Gov't on behalf of NFS			
01A3C	Review of NFS		\$232,000	
01A4	Title Services & Closing	\$290,000	\$116,000	\$406,000
01A4A	By NFS	\$290,000		
01A4B	By Gov't on behalf of NFS			
01A4C	Review of NFS		\$116,000	
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 Relocation Assistance Benefits	\$0	\$0	\$0
01A6A	By NFS	\$0		
01A6B	By Gov't on behalf of NFS			
01A6C	Review of NFS		\$0	
01A7	Audit for NFS LERRD Credit	\$0	\$297,500	\$297,500
01A7A	By NFS	\$0		
01A7B	By Gov't		\$297,500	
01B	ACQUISITION COSTS	\$6,538,000	\$0	\$6,538,000
01B1	Lands & Damages Payments	\$6,538,000	\$0	\$6,538,000
01B1A	By NFS	\$6,538,000		
01B1B	By Gov't on behalf of NFS		\$0	
01B2	PL 91-646 Land Payments	\$0	\$0	\$0
01B2A	By NFS	\$0		
01B2B	By Gov't on behalf of NFS		\$0	
01B3	Condemnation	\$0	\$0	\$0
01B3A	By NFS	\$0		
01B3B	By Gov't on behalf of NFS		\$0	
01B4	Disposals Areas	\$0	\$0	\$0
01B4A	By Government	\$0		
01B4B	By NFS			
01B4C	By Gov't on behalf of NFS		\$0	
	Subtotal Lands & Damages (01A + 01B)	\$7,887,000	\$1,059,000	\$8,946,000
	Contingency (40%)	\$3,154,800	\$423,600	\$3,578,400
01	TOTAL LANDS & DAMAGES	\$11,041,800	\$1,482,600	\$12,524,400
02	TOTAL RELOCATIONS (Facilities & Utilities) (02-Cost Acct.)	\$67,000	\$0	\$67,000

EXHIBIT “E”
NON-FEDERAL SPONSOR’S CAPABILITY ASSESSMENT

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

**RARITAN BAY & SANDY HOOK BAY, HIGHLANDS, NEW JERSEY
COASTAL STORM RISK MANAGEMENT
FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT**

I. Legal Authority.

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

Yes. Through N.J.S.A. § 58:16A-5, the State of New Jersey, as the non-Federal Partner for a Federal Civil Works project, 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?

Yes. The Sponsor has the power of eminent domain under the authority of the Eminent Domain Act, N.J.S.A. § 20:3-1 et seq.

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

NO, The Sponsor does not have quick-take authority. Through the NJ Eminent Domain Act, a property can be acquired prior to an adjudication of compensation, but the process is as follows: the property must be appraised; the parties must conclude good faith negotiations; the State deposits compensation based on its determination of value into court.

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

No. All lands required for the project are located within the Sponsor'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. The Sponsor has the legal authority to condemn, if necessary, any of the lands or interest in lands required for the project.

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 Public Law 91-646 as amended?

Yes. While the project does not anticipate relocation assistance to be paid under PL 91-646, due to the recent hiring of new staff members, the Sponsor has asked USACE to research

training opportunities on the subject matter. The District will be coordinating with the Sponsor for the appropriate training.

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

Not at this time, but the Corps is open to discussing making training available to the Sponsor.

- 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 real estate acquisition experience for Federal and non-Federal construction projects and can meet its responsibilities for the project.

- d) Is the Sponsor’s projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes. The Sponsor’s in-house staff level is sufficient considering its other workload. Additionally, the Sponsor will be entering a partnership agreement with the local municipality to assist with real estate acquisition.

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

Yes. If necessary, the Sponsor can obtain contract support in a timely fashion to assist with real estate acquisition for the project.

- f) Will the Sponsor likely request USACE assistance in acquiring real estate?

As of this assessment, the Sponsor has not requested USACE assistance to acquire the real estate on their behalf. It is unlikely USACE would acquire the real estate on behalf of the Sponsor because the Sponsor: (1) possesses the professional capability to acquire the real estate needed for the project; (2) can reasonably obtain, if necessary, real estate acquisition contracting services from sources other than the Federal Government; (3) have sufficient general and legal acquisition authority to acquire all the real estate required for the project; and (4) intend on entering into a partnership agreement with the local municipality to assist with real estate acquisition activities. However, since the standard project partnership agreement offers the Sponsor the opportunity to request USACE assistance with real estate acquisition, the option remains open to the Sponsor.

III. Other Project Variables.

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

Yes. The sponsor’s staff is located within a reasonable proximity to the project site. Additionally, its partnership with the local municipality offers representatives within the immediate area.

- b) Has the sponsor concurred with the project/real estate schedule/milestones?

Yes. The cmrmt project real estate acquisition schedule allots two years for the acquisition of real estate. USACE and the sponsor will continue to assess real estate acquisition requirements and process, including experiences from other partnered civil works projects, to adjust the schedule if needed.

IV. Overall Assessment.

- a) Has the sponsor performed satisfactorily on other USACE projects?

Yes. The Sponsor has performed satisfactorily on other completed and on-going USACE projects, including but not limited to civil works projects located at Elberon to Loch Arbor, Newark (Minish), Greenbrook, Union Beach and Port Monmouth.

- 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 performing its real estate acquisition responsibilities for the project.

V. Coordination.

- a) Has this assessment been coordinated with the sponsor?

Yes. This assessment has been coordinated with the Sponsor.

- b) Does the sponsor concur with this assessment?

Yes. The Sponsor concurs with this assessment.



Lydia H. Williams
Chief, Real Estate Division
New York District



Bill Dixon
Director
Division of Coastal Engineering
State of New Jersey
Department of Environmental Protection

EXHIBIT “F”
NON-FEDERAL SPONSOR’S
AUTHORIZATION FOR ENTRY

Department of the Army
U.S. Army Corps of Engineers District, New York

Raritan Bay and Sandy Hook Bay, Highlands, New Jersey,
Coastal Storm Risk Management Project

**AUTHORIZATION FOR ENTRY FOR
CONSTRUCTION, OPERATION, AND MAINTENANCE**

I, [Name and title of certifying official] for the [Name of Sponsor agency/department/organization], do hereby certify that [Name of Sponsor agency/department/organization] has obtained the real property interests required by the Department of the Army, and otherwise vested with sufficient title and interest in lands, to support the construction of Raritan Bay and Sandy Hook Bay, Highlands, New Jersey, Coastal Storm Risk Management Project. Further, I hereby authorize the Department of the Army, its agents, employees, and contractors to enter upon said lands to construct and inspect the Project, as set forth in the plans and specifications held in the U.S. Army Corps of Engineers' New York District Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

WITNESS my signature as [Name and title of Sponsor's certifying official] for the [Name of Sponsor agency/department/organization], this _____ day of _____, 20__.

By:
Title:

ATTORNEY'S CERTIFICATE OF AUTHORITY

I, [Name and title of Sponsor's legal certifying official] for the [Name of Sponsor agency/department/organization] certify that the [Name of Sponsor agency/department/organization] has authority to grant this Authorization for Entry; that said Authorization for Entry is executed by the proper duly authorized officer; and that the Authorization for Entry is in sufficient form to grant the authorization therein stated.

WITNESS my signature as [Title of Sponsor's legal certifying official] for the [Name of Sponsor agency/department/organization], this _____ day of _____, 20__.

By:
Title: