



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

**LAKE MONTAUK HARBOR FEASIBILITY
STUDY OF NAVIGATIONAL IMPROVEMENTS**

EAST HAMPTON, NEW YORK

APPENDIX D

REAL ESTATE PLAN

DECEMBER 2020

**Lake Montauk Harbor
Feasibility Study of Navigational Improvements**

December 2020 Real Estate Plan

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1. Preamble

Project Authorization: The Federal navigation project for the improvement of Lake Montauk Harbor was authorized by the River and Harbor Act of 2nd March 1945 (House Document 369, 76th Congress, 1st Session). The study is being conducted under the authority of two Congressional resolutions. First, a resolution was adopted by the United States Senate Committee on Environment and Public Works on October 17, 1991 and an expanded authority by a resolution adopted by the United States Senate Committee on Transportation and Infrastructure on May 22, 2002. See page 2 of the Lake Montauk Harbor, East Hampton, NY Navigation Improvements Feasibility Study Final Feasibility Report (the “Main Report”) for resolution language.

Since the project has an estimated cost of \$4,165,000 and falls within the limit of the Continuing Authorities Program, Section 107 of the River and Harbor Act of 1960 (33 U.S.C. Section 577), it can be implemented under this continuing authority without congressional authorization.

Official Project Designation: The project’s official designation is the Lake Montauk Harbor Feasibility Study of Navigational Improvements.

Project Location: Lake Montauk Harbor is on the northern shore of the south fork of Long Island, three miles west of Montauk Point, and approximately 125 miles east of New York City. It is within the Town of East Hampton, Suffolk County, New York (Figure 1). The harbor is landlocked on the east, south and west sides, and connected on the north side with Block Island Sound by an inlet. The study area additionally encompasses the Block Island Sound shorelines bounded by Fort Pond Bay on the west and Shagwong Point on the east. The project site was designated to incorporate the study objective of both navigation improvement and storm damage protection and to achieve a better understanding of the littoral transport processes, the erosion problems of the shoreline down-drift of the inlet, and the sources and quantities of material contributing to channel shoaling.

Non-Federal Sponsor: The non-Federal Sponsor for the feasibility phase of the project is the New York State Department of Conservation (“NYSDEC”). However, since the project will be designed and constructed under the Continuing Authorities Program Section 107 of the River and Harbor Act of 1960, NYSDEC does not need to be involved as the non-federal Sponsor for these kinds of projects. Therefore, the Town of East Hampton has agreed to be the non-Federal Sponsor for design and construction for the Project.

2. Statement of Purpose

The purpose of this Real Estate Plan (REP) is to provide an updated overview of the Lands, Easements, Rights-of-Way, Relocations, and Disposal Area (LERRD) requirements for the construction, operation and maintenance of project. This REP describes the estimated Land, Easements, and Right-of-Ways (LER) values, cost to

acquire the LER, the types of real property interests (i.e., “estates”) required, property information, utility and facility relocations, and other pertinent information relative to the real estate acquisition process and schedule. Since this REP was prepared during a feasibility level study, the amount of the required real estate interests presented herein are preliminary in nature. Estimates are based only on existing, readily available Geographic Information System (GIS) data. The LER requirements are subject to change with project optimization during the project’s Pre-construction, Engineering, and Design (PED) phase when final plans, specifications, and detailed drawings are prepared. This REP is an attachment to the Final September 2020 Main Report.

3. Project Purpose and Features

a. Project Purpose: The purpose of the project is to improve shallow draft navigation in the federal navigation channel at Lake Montauk Harbor. This area was devastated by Hurricane Sandy on 29 October 2012, with several properties experiencing minor to severe storm damage. In addition, local interests have expressed concerns about inadequate channel depths for the larger commercial fishing vessels and erosion effects in the vicinity of the inlet. The US Coast Guard has also had difficulties due to shoals in responding to emergencies from its station at Lake Montauk Harbor.

b. Plan of Improvement: The purpose of the study is to determine if there is an economically justified and environmentally compliant recommendation for Federal participation to provide more reliable navigation in Lake Montauk Harbor. There is also an opportunity to respond to the erosion damages on the shoreline west of the inlet jetties, potentially by placement of dredged sand from the navigation channel on the beach as least cost disposal, which could provide coastal storm risk management as an ancillary benefit to navigation improvements. The project includes approximately 250 feet within the inlet along the entire length of the inlet as well as, for disposal of dredged material, the shoreline west of the inlet for an approximate distance of 3,000 feet and a width of 44 feet. The exact dimensions of the project will be determined during the optimization phase of the Study, which follows public and agency reviews of this report.

c. Required Lands, Easements, and Rights-of-Way (LER):

I. Permanent Non-Standard Estate for Dredge Material Disposal – The acquisition of a non-standard estate is proposed for the disposition of the dredge material placed above the Mean High Water Line (MHWL) in which the application of navigational servitude is not available. Approximately 1.282 acres will be required under this non-standard estate, impacting 20 parcels (17 privately owned and 3 publicly owned) and a portion of the West Lake Drive street right-of-way (a publicly owned street). See paragraphs 5 and 8 for additional information on the proposed non-standard estate and navigational servitude.

II. Temporary Work Area Easement (Standard Estate No. 15) – Temporary work areas are necessary for this project. The staging area is the only

temporary work area needed. It is 0.493 acre, which impacts 1 public property and 1 private property as well as 0.014 acre of road right-of-way for West Lake Drive.

III. 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:

Required Interest	Required Acres	Number of Parcels		Number of Owners	
		Private	Public	Private	Public
Permanent Non-Standard Estate for Dredge Material Disposal	1.282	17	3	17	1
Temporary Work Area Easement	0.493	1	1	1	1
Federal Navigational Servitude	18.120	-	-	-	-
Total	19.896	18	3	18	1

d. Appraisal Information: An appraisal cost estimate was prepared in July 2019 by the New York District licensed staff appraiser who estimated the value of the LER required for the project to be approximately \$207,786.

Consistent with USACE Real Estate Policy Guidance Letter No. 31, subject: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning, dated 11 January 2019, 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. An appraisal cost estimate is a “rough order of magnitude” estimate for the value of the real estate required. An appraisal cost estimate is not a full land appraisal. To establish a more accurate valuation of the real estate required for the project, a full land appraisal based on surveyed boundaries of the required real estate of the project’s final design plans is needed. A 20% contingency is added to the costs of the project to account for uncertainties in the ultimate values of the real estate acquisition costs particularly if properties need to be acquired through eminent domain where adjudicated settlements may exceed the appraised values.

4. LER Owned by the Non-Federal Sponsor:

The non-Federal Sponsor owns 1.776 acres of land. Approximately 1.283 acres will be used through a non-standard estate for the purpose disposing dredge material from the basin. Approximately 0.493 acre of land will be used for a staging area under a temporary work area easement. The non-Federal Sponsor owns the properties in fee, and the land will be provided to the project through an Authorization for Entry for Construction. The use of Town property for the project will require Town Board approval handled through a public meeting and a Town Board resolution authorizing the

same. The process would start at a work session generally held on the first three Tuesdays of the month with the resolution adopted at a formal Board meeting, which are generally held on the first and third Thursdays of the month. The total process could be taken up and completed within a month. The real estate value associated with the use of Town property for the project is available for LERRD crediting. The Town will ensure there is no conflict between project requirements and recreation purposes of the public property during construction. This will require a closing of the parking area and beach access. Since the non-standard estate is for the placement of dredge material, there is no foreseeable conflict with continued recreational use of the property during the life of the non-standard estate.

5. Non-Standard Estates

Approximately 1.282 acres located above the MHWL is needed for the placement of the dredge material along the shoreline west of the jetties. Since the Federal navigational servitude is unavailable for lands located above the MHWL and there is a long-term disposition requirement of the dredge material, a permanent non-standard estate is proposed for the acquisition of the 1.282 acres.

The dredge material is projected to erode from its placement area through typical natural methods over the course of 20 years notwithstanding a strong storm stripping it away, though the historic rate of strong storms hitting the area with storm surge and wave attack, which would strip away the dredge material, is low. Due to the long-term nature of the deposited dredge material and the possible continued use for operations and maintenance efforts, the following language is proffered as suggested language for the permanent non-standard estate:

A perpetual and assignable easement and right-of-way in, on, over and across the land hereinafter described for the location and placement thereon dredged, spoil, or other excavated material, and to do any other work necessary and incident to the project; together with the right of ingress and egress for such work; 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.

An assessment was made of the standard estates such as the bank stabilization easement, channel improvement easement, perpetual beach storm damage reduction easement, and temporary work area easement estates. None appeared directly suitable to the unique requirements of this project due in part to the location of the site and the duration of the use. The permanent non-standard estate has been coordinated with the non-Federal Sponsor and District Office of Counsel. A formal request will be submitted to Headquarters USACE for review and approval of the proposed non-standard estate for project use.

6. Existing Federal Projects

There is an existing Federal Navigation Channel at Lake Montauk Harbor that provides for: a channel 12 feet deep at Mean Low Water Line (MLWL) and 150 feet wide, extending about .7 miles from the 12 foot contour in Block Island Sound to the same depth in the yacht basin east of Star Island; a boat basin 10 feet deep, 400 feet wide, and 900 feet long, located northwest of Star Island; east and west jetties; and the addition of sport fishing facilities on top of both jetties. This existing Federal Navigation Channel will be improved by the project by expanding and deepening the channel with the dredged material being placed on the lands westerly adjacent to the channel via the non-standard estate for dredge material disposal.

7. Federally-Owned Land

There are no federally owned lands required for the project.

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 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 16.325 acres of submerged lands west of the jetty required for the project and 1.795 acres of submerged lands adjacent to the existing deposition area next to the Federal navigation channel labeled as extended deposition area needed for the project. A total of 18.120 acres will be used for the project through the use of navigational servitude. The two-step process cited in ER 405-1-12, Chapter 12, Paragraph 12-7, has been successfully applied to the required area, and no additional costs will be incurred. The District's legal opinion exercising Navigational Servitude for this project has been forwarded to the Office of Chief Counsel through Division Counsel for final determination and approval.

9. Real Estate Maps

The project real estate maps are provided in Exhibits "A" herein. The GIS tax parcel and ownership data were obtained from readily available public sources. 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 for 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 for the project. Surveys of the final project

design are needed to determine the precise location of the easements required on properties based on the property's deeded legal description.

10. Induced Flooding

No induced flooding is currently anticipated as a result of the project.

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 Baseline Cost Estimate for Real Estate (BCERE) establishes the estimated financial costs for the Government and non-Federal Sponsor that are attributed to the project's real estate requirements. The BCERE consists of the 01-Lands and Damage and 02-Relocations (facility/utility) project cost accounts. The following table shows the BCERE for the project. The 01-Lands and Damages costs includes a 20% contingency.

Cost Category	Cost
01-Lands and Damages	\$898,000
02-Relocations (Utility/Facility)	\$0
BCERE	\$898,000

b. LERRD is the non-Federal Sponsor's responsibility to perform (in accordance with the PPA) prior to project construction. The Sponsor's LERRD costs represents the non-Federal Sponsor's estimated upfront direct and indirect financial costs in fulfilling its real estate responsibilities. The direct costs are the actual land acquisition costs. The indirect costs are those which 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 Sponsor's LERRD costs does not include Federal costs (cost incurred by the Government). The non-Federal Sponsor is entitled to receive credit for their actual associated LERRD costs found to be reasonable, allowable, and allocable. They must document all their LERRD expenses (e.g. receipts, invoices, timesheets, etc.) and submit to USACE for review and approval as part of their claim for credit. As of this report, no reimbursable LERRD related expenses have been incurred by the non-Federal Sponsor. The following table shows the Sponsor's LERRD costs:

LERRD Component	Costs
LER	\$642,716
Relocations (facility/utility)	\$0
Disposal Areas	\$0
Sponsor's LERRD	\$642,716

A letter regarding the risks associated with LERRD acquisition prior to PPA execution and NTP for Acquisition was sent to the non-Federal Sponsor as noted in paragraph 20.

12. Public Law 91-646, Uniform Relocation Assistance

The USACE does not anticipate the project resulting in the displacement of any persons under Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (hereinafter “P.L. 91-646”); therefore, no persons would qualify for relocation benefits under the P.L. 91-646. In the event the project causes the displacement of qualified persons under P.L. 91-646, the USACE will comply with the Act and the regulations promulgated thereunder.

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 is fully capable of fulfilling their LERRD responsibilities for the project. They maintain the legal and professional capability and experience to acquire the LER in support of the project. They have condemnation authority and other applicable authorities that may apply if necessary to support acquisition measures. The non-Federal Sponsor understands they must maintain records and document their expenses as part of their claim for credit submission.

The non-Federal Sponsor Capability Assessment Checklist is attached as Exhibit “E” herein.

15. Land Use 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

Milestone	Date
Project Partnership Agreement Execution	December 2020
Sponsor’s Notice to Proceed with Acquisition	December 2020
Plats and Owner Verification Completion	January 2021
Informal Value Estimates Receipt	March 2021
Review Value Estimates	April 2021
Negotiations Completion	August 2021
Condemnation Initiation	September 2021

Amicable Possession	September 2021
Condemnation Order of Possession	March 2022
Certification of Real Estate	May 2022
Advertisement for the First Construction Contract	September 2023

17. Facility / Utility Relocations

There are no facility relocations for the project. There are no known utilities which will be required to be relocated as a result of this project. The PDT researched the LER within the project area to assure there were no known facility and/or utilities within the project area that would be impacted by the project. Their investigative research through the National Pipeline Mapping System hosted by the Pipeline Hazardous Materials Safety Administration and found no known facility or utility which would require relocation within the project area.

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

There are no known contaminants or HTRW issues associated with the LER required for the project.

19. Project Support

The feasibility study non-Federal Sponsor, NYSDEC, has indicated its support for the project subject to public review. The non-Federal Sponsor for design and construction, the Town of East Hampton, has indicated its support of the project as well and will enter into a single Project Partnership Agreement (PPA). The local commercial fishing community has expressed interest in seeing a solution to the problems created by the shallow channel, as has the U.S. Coast Guard.

20. Risk Notification to Non-Federal Sponsor

By letter dated 24 July 2020, a formal written notice was provided to the Town of East Hampton on the risks associated with acquiring the real estate for the project 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 project;
- 2) The project 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 Comprehensive Environmental Response, Compensation, and Liability Act (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 project;

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 the Government's notice to commence acquisition and performance of LERRD; 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 the Government's notice to proceed, which may not be creditable under the provisions of Public Law 99-662 or the PPA.

21. Point of Contacts

The points of contact for this REP is the Real Estate Project Delivery Team member Ms. Mary Rixey at (917) 790-8443 (email: Mary.V.Rixey@usace.army.mil).

Mary V. Rixey
Realty Specialist

Allen D. Roos
Deputy Chief, Real Estate Division
New York District

EXHIBIT "A"
REAL ESTATE MAP



LEGEND

- Map Index Grid
- MHWL (From NOAA, CUSP Line)
- Impacted_Parcels_20200929
- EaseType
 - Navigational Servitude
 - Non-Standard Estate for Dredge Material Disposal
 - Temporary Work Area Easement (Staging Area)
 - Existing Federal Navigation Channel
 - Existing Federal Navigation Channel Deposition Area
 - Required Extended Deposition Area

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), Swisstopo, Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Coordinate System:
NAD83 UTM Zone 18N


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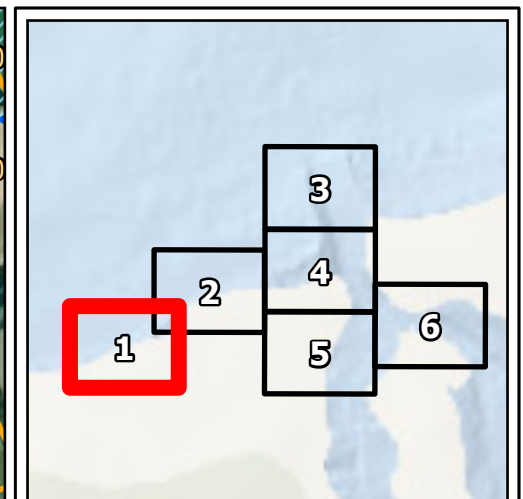
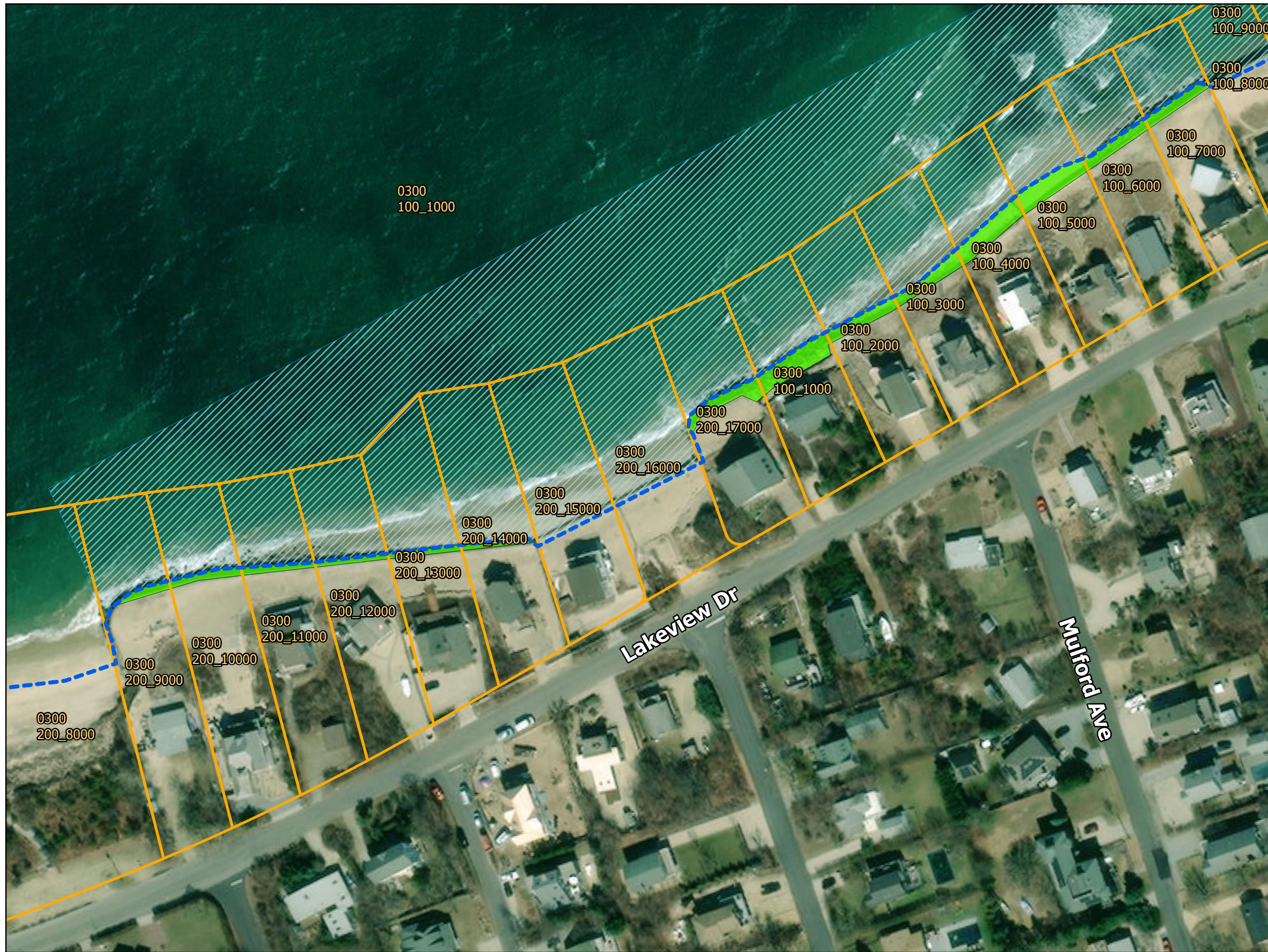
1 inch = 400 ft

Lake Montauk Harbor

Project Reach and Real Estate Overview Map

Date: 12/14/2020

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NEW YORK DISTRICT



LEGEND

- MHWL (From NOAA, CUSP Line)
- Parcel Boundaries (District over Block_Lot)
- Navigational Servitude
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and other contributors

Coordinate System:
NAD83 StatePlane New York Long Island
FIPS 3104 Feet



0 45 90 180
Feet

1 inch = 99 ft

Lake Montauk Harbor

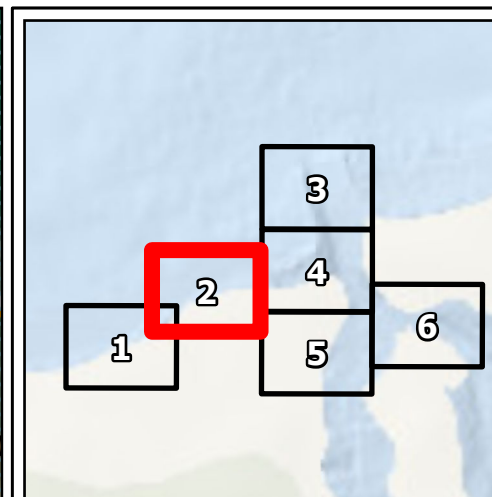
Real Estate Plan Map

Date: 12/14/2020

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U.S. ARMY CORPS OF ENGINEERS
NEW YORK DISTRICT



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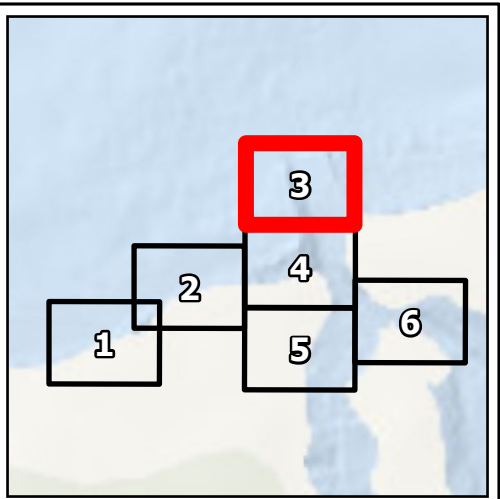
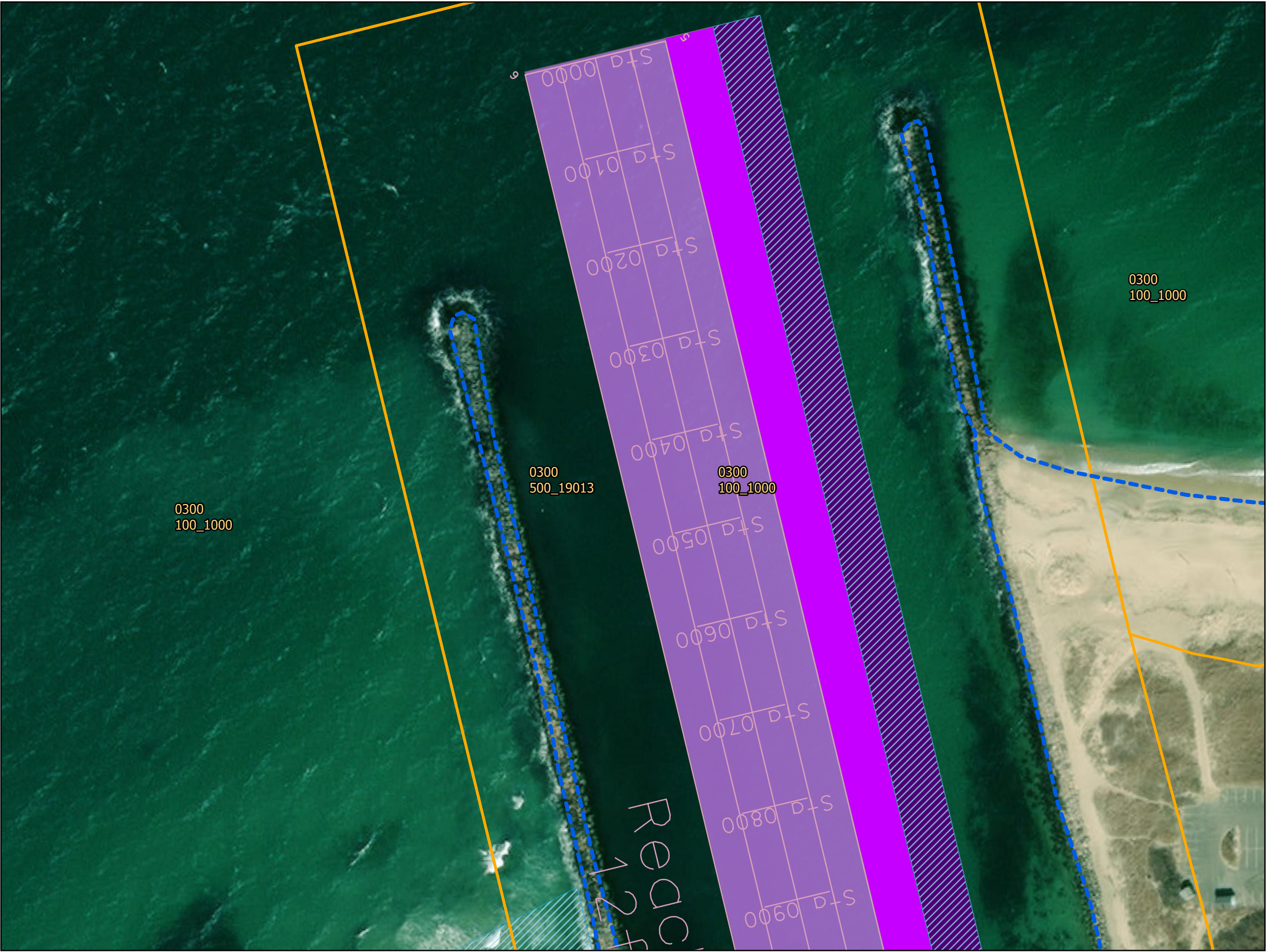
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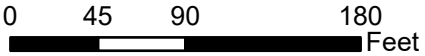
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NEW YORK DISTRICT



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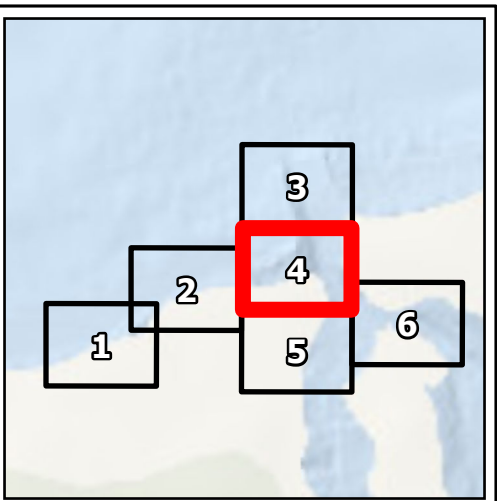
Lake Montauk Harbor

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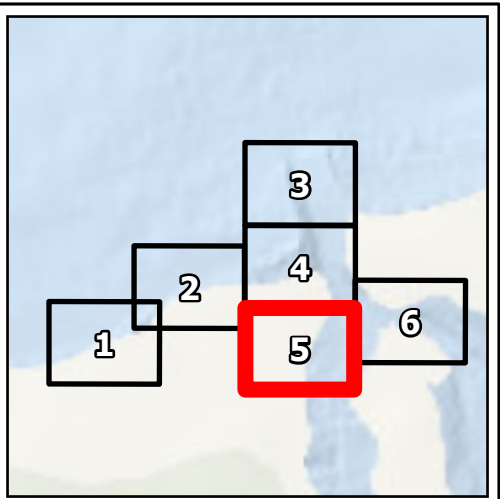
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Date: 12/14/2020

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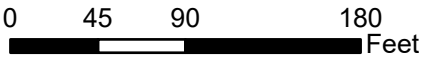
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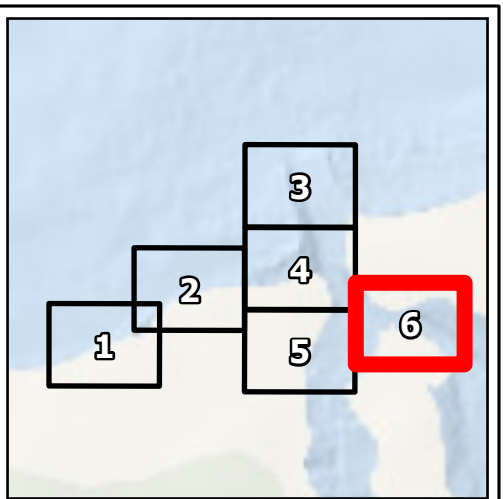
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Lake Montauk Harbor

Real Estate Plan Map

Date: 12/14/2020 Page 6 of 6



U.S. ARMY CORPS OF ENGINEERS
NEW YORK DISTRICT

EXHIBIT "B"
REQUIRED LER

Section	Block	Lot	Owner	Navigational Servitude	NSE*	Temporary Work Area Easement	Grand Total
300	100	1000	Public	1.795**			1.795
400	200	8000	Private	0.019			0.019
400	200	9000	Private	0.176	0.010		0.187
400	200	10000	Private	0.158	0.014		0.172
400	200	11000	Private	0.164	0.012		0.175
400	200	12000	Private	0.177	0.009		0.187
400	200	13000	Private	0.233	0.010		0.243
400	200	14000	Private	0.289	0.008		0.297
400	200	15000	Private	0.322			0.322
400	200	16000	Private	0.362			0.362
400	200	17000	Private	0.195	0.026		0.221
500	100	1000	Private	0.175	0.042		0.217
500	100	2000	Private	0.174	0.023		0.198
500	100	3000	Private	0.181	0.024		0.205
500	100	4000	Private	0.162	0.037		0.199
500	100	5000	Private	0.152	0.036		0.189
500	100	6000	Private	0.148	0.020		0.168
500	100	7000	Private	0.130	0.018		0.148
500	100	8000	Private	0.141			0.141
500	100	9000	Private	0.136			0.136
500	100	10000	Private	0.122			0.122
500	100	11000	Private	0.118			0.118
500	100	12000	Private	0.280			0.280
500	100	15001	Private	0.325			0.325
600	100	1000	Public	0.222	0.012		0.234
600	100	2000	Public	0.628	0.065		0.693
600	100	3000	Private	0.249	0.028		0.277
600	100	4000	Private	0.167	0.008		0.176
600	100	5000	Private	0.220	0.004		0.224
600	100	6000	Private	0.116			0.116
600	100	7000	Public	1.304	0.738	0.457	2.499
600	100	8000	Private			0.021	0.021
1900	500	19013	Private	0.124			0.124
2000	100	1000	Public	0.124			0.124
20500	100	1000	Public	8.804			8.804
Road ROW – W. Lake Drive				0.028	0.137	0.014	0.028
Grand Total				18.120	1.283	0.493	19.895

* Non-Standard Estate

**Required Extended Deposition Area

EXHIBIT “C”
REQUIRED ESTATES

NON-STANDARD ESTATE FOR DREDGE MATERIAL DISPOSAL

A perpetual and assignable easement and right-of-way in, on, over and across the land hereinafter described for the location and placement thereon dredged, spoil, or other excavated material, and to do any other work necessary and incident to the project; together with the right of ingress and egress for such work; 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.

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.

EXHIBIT “D”

BASELINE COST ESTIMATE FOR REAL ESTATE

	LAKE MONTAUK HARBOR EAST HAMPTON, NEW YORK FEASIBILITY STUDY OF NAVIGATION IMPROVEMENTS			
	TOTAL PROJECT REAL ESTATE COSTS	Non-Federal	Federal	Total Cost
	Cost Summary:			
	Incidental Costs (01A)	\$302,811	\$212,500	\$515,311
	Real Estate Acquisition Costs (01B)	\$232,786	\$0	\$232,786
	Subtotal:	\$535,597	\$212,500	\$748,097
	20% Contingency	\$107,119	\$42,500	\$149,619
01	LANDS AND DAMAGES	\$642,716	\$255,000	\$897,716
	Cost Breakdown:			
01A	INCIDENTAL COSTS	\$302,811	\$212,500	\$515,311
01A1	Acquisition (Admin Costs)	\$99,000	\$82,500	\$181,500
01A1A	By Government (Gov't)			
01A1B	By Non-Federal Sponsor (NFS)	\$99,000		
01A1C	By Gov't on behalf of NFS		\$82,500	
01A2	Survey	\$49,500	\$24,750	\$74,250
01A2A	By Gov't (In-house)			
01A2B	By Gov't (Contract)			
01A2C	By NFS	\$49,500		
01A2D	By Gov't on behalf of NFS			
01A2E	Review of NFS		\$24,750	
01A3	Appraisal	\$80,000	\$64,000	\$144,000
01A3A	By Gov't (In-house)			
01A3B	By Gov't (Contract)			
01A3C	By NFS	\$80,000		
01A3D	By Gov't on behalf of NFS			
01A3E	Review of NFS		\$64,000	
01A4	Title Services	\$66,000	\$24,750	\$90,750
01A4A	By Gov't (Contract)			
01A4B	By NFS	\$66,000		
01A4C	By Gov't on behalf of NFS			
01A4D	Review of NFS		\$24,750	
01A5	Other Professional Services	\$0	\$0	\$0
01A5A	By the Gov't			
01A5B	By the NFS			
01A5C	By Gov't on behalf of NFS			
01A5D	Review of NFS		\$0	

01A6	Closing Cost (3.56%) of Land Payments-01C1)	\$8,311	\$0	\$8,311
01A6A	By Gov't			
01A6B	By NFS	\$8,311		
01A6C	By Gov't on behalf of NFS			
01A5D	Review of NFS			
01A7	PL 91-646 Assistance	\$0	\$0	\$0
01A7A	By Government			
01A7B	By NFS			
01A7C	By Gov't on behalf of NFS			
01A7D	Review of NFS			
01A8	Audit	\$0	\$16,500	\$16,500
01A8A	By Gov't		\$16,500	
01A9B	By NFS			
01B	REAL ESTATE ACQUISITION COSTS	\$232,786	\$0	\$232,786
01B1	Land Payments	\$207,786	\$0	\$207,786
01B1A	By Government			
01B1B	By NFS	\$207,786		
01B1C	By Gov't on behalf of NFS			
01B2	Damage Payments	\$0	\$0	\$0
01B3A	By Government			
01B3B	By NFS			
01B3C	By Gov't on behalf of NFS			
01B3	PL 91-646 Payment	\$0	\$0	\$0
01B3A	By Government			
01B3B	By NFS			
01B3C	By Gov't on behalf of NFS			
01B4	Condemnation	\$25,000	\$0	\$25,000
01B6A	By Government			
01B4A	By NFS	\$25,000		
01B5	Facility / Utility Relocations	\$0	\$0	\$0
01B5A	By NFS			
01B6	Disposals	\$0	\$0	\$0
01B6A	By Government			
01B6B	By NFS			
01B6C	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

LAKE MONTAUK HARBOR NAVIGATION STUDY

NON-FEDERAL PARTNER: The Town of East Hampton ("Sponsor")

I. LEGAL AUTHORITY

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

Yes. The Town of East Hampton, the Sponsor, has the right to acquire and hold title to real property pursuant to New York State Town Law Section 64 Paragraph 2, New York State General Municipal Law Section 247, and Chapters 16, 112, and 232 of the Town of East Hampton Town Code.

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

Yes. The Town of East Hampton, as a municipal subdivision of the State of New York, has the power of eminent domain pursuant to New York State Town Law Section 64, Paragraph 2 and New York General Municipal Law Section 74.

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

Yes. The State of New York is a quick-take state. 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.

- 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 PARTNER'S REAL ESTATE ACQUISITION CAPABILITY

LAKE MONTAUK HARBOR 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?

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

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

LAKE MONTAUK HARBOR NAVIGATION STUDY

Milestone	Date
PPA Execution	December 2020
Sponsor's Notice to Proceed with Acquisition	December 2020
Plats and Owner Verification Completion	January 2021
Informal Value Estimates Receipt	March 2021
Review Value Estimates	April 2021
Negotiations Completion	August 2021
Condemnation Initiation	September 2021
Amicable Possession	September 2021
Condemnation Order of Possession	March 2022
Certification of Real Estate	May 2022

IV. OVERALL ASSESSMENT

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

No, however The Town has been the Local Partner to the New York State Department of Environmental Conservation for the Downtown Montauk Stabilization Project. In addition The Town has operated the Urban Renewal program, from 1977 to present, wherein it merged small lots into buildable lots in keeping with minimum zoning requirements, and has performed many condemnations under that program each year. In addition to the above, the Town has utilized its powers of eminent domain to acquire other property, including approximately 8 acres in the middle of Lake Montauk, to complete the Town's ownership of the Lake Bottomland.

- 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.

Yes, the Sponsors are fully capable.

The Sponsor is considered fully 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 Sponsor?

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

**LAKE MONTAUK HARBOR
NAVIGATION STUDY**

Yes.

b. Does the Sponsor concur with this assessment?

Yes.

A handwritten signature in black ink, appearing to read "Peter Vqn Scoyoc", written over a horizontal line.

Peter Vqn Scoyoc
Town Supervisor

Allen D. Roos
Deputy Chief, Real Estate Division
New York District