



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

DRAFT
**East Rockaway Inlet to
Rockaway Inlet and Jamaica Bay**
Atlantic Coast of New York

APPENDIX E
REAL ESTATE PLAN
AUGUST 2018

East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation Study

August 2018 Real Estate Plan

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1. Preamble

Project Authorization: The Project was authorized by Public Law 113-2 (29 January 2013), The Disaster Relief Appropriations Act of 2013, "...reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events in areas along the Atlantic Coast within the boundaries of the North Atlantic Division of the Corps that were affected by Hurricane Sandy".

Official Project Designation: East Rockaway Inlet to Rockaway Inlet and Jamaica Bay project (the "Project").

Project Location: The study area includes the municipal public recreation beach facilities located on the peninsula commonly referred to as the Rockaways, located entirely within the Borough of Queens, New York City. The peninsula extends from Rockaway Inlet to East Rockaway Inlet, approximately 10 miles in length, and separates the Atlantic Ocean from Jamaica Bay immediately to the north. The municipal recreation facilities evaluated in this study are located on both the ocean side and bay side of the peninsula and are under the authority of the City of New York, Department of Parks and Recreation.

The communities located on the Rockaway peninsula from west to east include Neponsit, Belle Harbor, Rockaway Park, Seaside, Hammels, Arverne, Edgemere and Far Rockaway, Inwood, and Cedarhurst. The former Fort Tilden Military Reservation, owned by the City of New York, and the Jacob Riis Park (both part of the National Park Service's Gateway National Recreation Area) are located in the western half of the peninsula between Breezy Point and Neponsit. The characteristics of nearly all of the communities on the Rockaway peninsula are similar. Ground elevations rarely exceed 10 feet, except within the existing dune field. Elevations along the Jamaica Bay shoreline side of the peninsula generally range from 5 feet, increasing to 10 feet further south toward the Atlantic coast. An estimated 7,900 residential and commercial structures on the peninsula fall within the Special Flood Hazard Area (SFHA) floodplain regulated by the National Flood Insurance Program (NFIP).

The study area also consists of water and lands within and surrounding Jamaica Bay, New York. The greater portion of Jamaica Bay lies in the Boroughs of Brooklyn and Queens, New York, and a section at the eastern end, known as Head of Bay, lies in Nassau County. More than 48,000 residential and commercial structures in this part of the study area fall within the Federal Emergency Management Agency (FEMA) regulated 100-year floodplain.

Jamaica Bay is the largest estuarine waterbody in the New York City metropolitan area covering an approximately 20,000 acres (17,200 of open water and 2,700 acres of upland islands and salt marsh). Jamaica Bay measures approximately 10 miles at its widest point east to west and four miles at the widest point north to south, including approximately 26 square miles in total. The mean depth of the bay is approximately 13 feet with maximum depth of 60 feet in the deepest borrow pits. Navigation channels

within the bay are authorized to a depth of 20 feet. Jamaica Bay has a typical tidal range of five to six feet. The portions of New York City and Nassau County surrounding the waters of Jamaica Bay are urbanized, densely populated, and very susceptible to flooding. An estimated 53,000 structures are within the FEMA regulated 100-year Jamaica Bay floodplain.



Non-Federal Sponsor: The Non-Federal Sponsor is the New York State Department of Environmental Conservation (the “Sponsor” or “NYSDEC”). The local partner is the City of New York. If approved, initial construction of the project will be 100% Federal funded, subject to the availability of funds.

2. Statement of Purpose

This Real Estate Plan (REP) is prepared in accordance with ER 405-1-12, Chapter 12 and is intended to present the overall plan describing the minimum real estate requirements (lands, easements, rights-of-way and relocations LERR) needed for the construction, operation, maintenance, repair, and rehabilitation herein referred to as the Proposed Plan or “Plan” or “Project”. This REP is an appendix to the Hurricane Sandy General Reevaluation Report (HSGRR).

3. Project Purpose and Features

a. Project Purpose:

The purpose of this study is to reduce coastal vulnerability to storm surge, erosion, and wave impacts; to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities while also reducing the economic costs and risks associated with large-scale flood and storm events. This will lead to an improvement in community resiliency including infrastructure and service recovery from storm effects.

b. Plan of Improvement:

The recommended HSGRR Coastal Storm Risk Management plan for the area from East Rockaway Inlet to Rockaway Inlet and the lands within and surrounding Jamaica Bay New York consists of the following components, which are generally described for 2 Planning Reaches: 1) A reinforced dune and berm construction, in conjunction with groins in select locations along the Atlantic Ocean Shoreline; 2) high frequency flooding risk reduction (HFFRR) features in locations surrounding Jamaica Bay. Three (3) project HFFRR feature locations have been identified. In general, these features are intended to provide a design height of +8 ft NAVD through various methods to reduce frequent flooding. Various locations in Kings and Queens County fronting Jamaica Bay, including Canarsie, Howard Beach, and Hamilton Beach were analyzed for coastal storm risk management, but were screened out during the evaluation and formulation process, as discussed in the main report.

The Recommended Plan extends along approximately 32,000 linear feet of project area extending from the eastern end of the Rockaway peninsula at Far Rockaway, Queens to the a point just inside the eastern property line of Former Fort Tilden, Queens.

The plan along the Atlantic Ocean Shorefront consists of:

- A reinforced dune (composite seawall) with a structure crest elevation of +17 feet (NAVD88) and dune elevation of +18 feet (NAVD88), and a design berm width of 60 feet extending approximately 35,000 LF from Beach 20th to Beach 149th. The bottom of dune reinforcement extends up to 15 feet below the dune crest. The sheet pile elevation is at -8 feet (NAVD88).
- A beach berm elevation of +8 ft NAVD and a depth of closure of -25 ft NAVD;
- Extension of 5 existing groins; and
- Construction of 13 new groins.
- Beach fill tapers from Beach 19th to Beach 9th, being approximately 1,000 ft of dune and beach taper including reinforced dune and approximately 2,000 ft of dune and beach fill without reinforced dune.
- Beach fill tapers from Beach 149 to Beach 169, being approximately 5,000 ft of beach fill only.

The plan for HFFRR features at the 3 project areas consists of:
Mid-Rockaway (Queens County)

Arverne Area

- Design Elevation 8.0 FT – 11.5 FT NAVD88
- 2,700 ft low berm
- 1080 ft high berm
- 1,400 ft low floodwall
- 1,570 ft medium floodwall
- 440 ft high floodwall
- 1,700 ft of revetments and bulkheads
- 2,400 ft shallow bulkheads
- Three road ramps
- One vehicular gate
- Three pumps

Edgemere Area

- Design Elevation 8.0 FT – 9.5 FT NAVD88
- 3,200 ft hybrid berm
- 750 ft high berm
- 200 ft shallow bulkhead
- 200 ft medium floodwall
- 660 ft high floodwall
- One road ramp
- NNBFs – stone toe protection and rock sill structure
- Each of the existing outlets will have a valve chamber added with sluice gate and flap valve to prevent high tides or storm surge from flooding the drainage system.
- Three pump stations

Hammels Area

- Average Existing Ground Elevation:4.0 FT NAVD88
- Design Elevation 8.0 FT NAVD88
- 2 Portions:
 - East Segment being 320 ft west of intersection of Beach 75th and Beach Channel Drive
 - Length: 1400 ft. low floodwall
 - Three road ramps
 - Pump station
 - West segment being to the west of the MTA facility Hammels Wye to the north side of Beach Channel Drive just west of Beach 87th
 - Length: 1400 ft. low floodwall
 - Three road ramps
 - Pump station

Motts Basin North (Nassau County)

- Average Existing Ground Elevation:4.0 FT NAVD88
- Design Elevation 8.0 FT NAVD88

- 540 ft medium floodwall
- 105 ft low floodwall
- Sluice gate and flap valve each valve chamber added for the existing outlet

Cedarhurst-Lawrence (Nassau County)

- Design Elevation 10.0 FT NAVD88
- 1,000 ft deep bulkhead
- 23 ft medium floodwall
- Sluice gate and flap valve each valve chamber added for each of the three existing outlet
- Pump station will be installed for use during times the outlets are blocked by storm tide

c. Project Phases

The Atlantic Coast portion will be constructed first with beach fill followed by groins, though the exact sequencing of the amount of beach fill prior to groin work is still being determined. Next, would be one of the residual risk projects, likely the Motts Basin location. Decisions are still being made as to what would follow that. The Real Estate Plan will be updated as that information becomes available.

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

The following describes the LER required for the proposed Plan. The Parcel Data and Standard Estates are provided in Exhibit “B” and “C” respectively.

The proposed plan requires a total of **471.56** acres and impacts approximately 401 parcels:

- 329.25 acres in Perpetual Beach Storm Damage Reduction Easements,
- 27.47 acres in Flood Protection Levee Easements,
- 32.75 acres in Bank Protection Easements,
- 78.11 acres in Temporary Work Area Easements and;
- 3.98 Fee; excluding minerals.

Calculations are still being made on the exact number of acres of private and public lands which will be needed for the project as well as the total parcel count. Additional mapping and GIS work is needed to generate these details. It will be available in the coming months.

d. Appraisal Information: A Land Cost Estimate was prepared in July 2018 by the New York District Appraisal team identifying the land values for the plan alternatives. The land values for this plan are estimated at **\$13,619,364**.

I. Perpetual Beach Storm Damage Reduction Easement (Standard Estate No. 26) – Perpetual Beach Storm Damage Reduction Easements must be acquired over approximately **329.25** acres of land, impacting **15 parcels**, being **all**

public. The location of the Permanent Easements is identified in Exhibit A. The two owners are the City of New York and National Park Service. Access agreements would be the mechanism the City of New York has agreed to provide to the State of New York for the project. The National Park Service would issue a Special Use Permit to the US Army Corps of Engineers for the beach fill on its property. See paragraph 21(a) below for further detail.

II. Flood Protection Levee Easement (Standard Estate No. 9) – Flood Protection Levee Easements must be acquired over approximately **27.47** acres of land, impacting **257 parcels**, being **193 private** and **64 public**. The location of the Permanent Easements is identified in Exhibit A. Access agreements would be the mechanism the City of New York has agreed to provide to the State of New York for the project. See paragraph 21(a) below for further detail.

III. Bank Protection Easement (Standard Estate No. 21) - Bank Protection Easements must be acquired over approximately **32.75** acres of land, impacting **129 parcels**. The location of the Permanent Easements is identified in Exhibit A. Access agreements would be the mechanism the City of New York has agreed to provide to the State of New York for the project. See paragraph 21(a) below for further detail.

IV. Temporary Work Area Easement (Standard Estate No. 15) - Temporary work areas must be acquired preliminarily over approximately **78.11** acres of land, impacting **271 parcels**, being **193 private** and **78 public**. The final layout of temporary work areas will be completed during PED.

V. Borrow Area – The Project proposes to nourish the beach using sand from various Offshore Borrow Areas located New York State waters. NYSDEC will provide the Corps with authorization to use the Borrow Areas as a sand source through a New York Environmental Conservation Law Section 401 Water Quality Certificate (“WQC”). The WQC functions as a permit allowing borrow of the necessary volume of sand to complete the Project. The Corp of Engineers has obtained water quality certificates from NYS DEC in support of other projects.

VI. Fee – Fee title must be acquired over approximately **3.98** acres of land, impacting **9 parcels**, being **3 private** and **6 public**, for the installation of the required pumps. The locations of the fee properties are identified in Exhibit A. The City of New York owns the 6 public parcels. Since the City of New York will be responsible for operation and maintenance of the pumps, no transfer of title will be needed for those 6 parcels, leaving only 3 parcels which will need to be acquired in fee. Of the 6 public parcels, 3 are managed by the City Parks & Recreation Department, 1 is with the State of New York, and the remaining 2 are with NYC Housing Authority. The pumps on the NYC Housing Authority properties are not directly adjacent to the housing complexes on the properties.

VII. LER Summary - The impacted parcels and LER to be acquired are provided in Exhibit B and the recommended standard estate language in Exhibit C herein. The following chart summarizes the required LER for the Project:

Required Interest	Required Acres	Acres Below the MHW	Number of Parcels		Number of Owners		Acquisition Cost
			Private	Public	Private	Public	
Perpetual Beach Storm Damage Reduction Easement	329.25		0	15	0	2	\$0.00
Flood Protection Levee Easement	27.47		193	64			\$7,441,683
Bank Protection Easement	32.75						\$553,998
Temporary Construction Easement	78.11		193	78			\$398,465
Fee excluding minerals	3.98		3	6	3	2	\$3,000,000

e. Appraisal Information:

Consistent with USACE Real Estate Policy Guidance Letter No. 31 – Real Estate Support to Civil Works Planning Paradigm (3x3x3), the New York District valued the real estate requirements through a cost estimate as the real estate costs will total less than 10% of the total project costs. A 20% contingency is included in the estimated value of the LER.

4. LERRD Owned by the Non-Federal Sponsor

The following acreage assessments are being performed with real estate mapping and will be added to the Final Real Estate Plan upon completion. The Non-Federal Sponsor, The State of New York via the NYSDEC owns **XX** acres of land required for the Project, including lands below the mean high water line. In addition, the NYSDEC’s local sponsor owns **XX** acres of land required for the Project.

The NFS and local sponsor shall not receive credit for publicly owned lands required for the Project.

5. Non-Standard Estates

No non-standard estates are proposed for use in real estate acquisition for the Project.

6. Existing Federal Projects

There are no known existing federal projects that lie either fully or partially within the plan.

7. Federally-Owned Land

There are lands that are owned by National Park Service, known as Gateway National Park, that lie within the current project alignment. A special use permit providing access for the alignment tapers covering approximately 39.25 acres will be obtained from the National Park Service by the US Army Corps of Engineers to grant the necessary access. Further coordination with the National Park Service will be necessary for the purpose of obtaining any permanent access requirements for the 39.25 acres referenced.

8. Navigational Servitude

The acres of land required for the Perpetual Beach Storm Damage Reduction Easement that lie below the Mean High Water Line (“MHWL”) is being assessed through real estate mapping and will be added to the Final Real Estate Plan upon completion. Although it is the general policy of the Corps to utilize the navigational servitude in all situations where available, whether or not the Project is cost-shared or full Federal, rights in the Federal navigational servitude will not be exercised for the Project. This is consistent with CECC-R memorandum dated 19 March 2014, subject: Availability of the Navigational Servitude for Coastal Storm Damage Reduction Projects.

9. Maps

The Project real estate maps are provided in Exhibits “A” herein.

10. Induced Flooding

Construction, operation or maintenance of the Project is not anticipated to induce any flooding.

11. Baseline Cost Estimate for Real Estate (“BCERE”)

An itemized BCERE is provided in Exhibit “D” in Micro-Computer Aided Cost Estimating System (“MCACES”) format 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:

<u>Cost Type</u>	<u>Total</u>
Land Payments.....	\$11,367,765
Incidental Expenses.....	<u>\$3,529,711</u>
Total 01-Lands and Damages.....	\$16,761,418

Total LERRD Cost.....	\$11,367,765
Federal Review and Assistance Costs...	\$2,092,500
Total 30-Project Management.....	\$2,511,000

The 20% contingency is added to the overall real estate costs excluding the Land Payments amount \$11,367,765 shown in line item 01B1 of each of the project's BCERE, because a contingency for Land Payments is separately provided in the appraisal cost estimate. If approved, the Project will be 100% federally funded utilizing funds provided by P.L. 113-2. The Sponsor will be entitled to LERRD reimbursement subject to the terms of the Project Partnership Agreement. As of this report, no reimbursable LERRD related expenses have been incurred by the NFS or local sponsor.

Non-Federal Sponsor Costs

<u>Incidental Cost</u>	<u>Cost</u>	<u>Total</u>
Non-Federal-----	\$3,529,711	
Federal-----	<u>\$2,092,500</u>	
Subtotal:		<u>\$5,622,211</u>
 <u>Acquisition Cost</u>		
Non-Federal-----	\$12,332,765	
Federal-----	<u>\$0</u>	
Subtotal:		<u>\$12,332,765</u>
20 % Contingency (less Land Payments) ¹ -----		<u>\$898,942</u>
Total Lands and Damages-----		<u>\$13,221,307</u>

12. Public Law 91-646, Uniform Relocation Assistance

There are no anticipated residential relocation assistance benefits, as authorized by Public Law 91-646, for the plan. Moreover, the City of New York expressed a preference to the US Army Corps of Engineers, New York District that acquisition of occupied domiciles by eminent domain be avoided where feasible. At this time, the Corps, NFS, and the City of New York believe the project will not lead to the displacement of any residents. The Corps will work with the City, State, and local residents to further mitigate impacts of the project during PED, as appropriate. The current plan assumes all existing residential structures are or will be vacant prior to acquisition. However, the current design in Edgemere and Arverne show several commercial & industrial buildings being impacted by the alignment and associated permanent easements. There are approximately 8 buildings in Arverne, most appear

¹ The overall 20% contingency is not applied to the value of land payments. The estimated value of land payments has a built in contingency provided in the cost estimate. A 20% contingency is applied to the remaining Lands and Damages costs as detailed in Appendix D.

associated with a cement factory, which will need to be removed for the project. Damages have not been calculated for these buildings at this point. It is not known at this time the importance of these buildings to the on-going enterprises. It will be necessary to evaluate this during PED to further flesh out how many businesses will need to be relocated as a result of this project.

13. Minerals and Timber Activity

No known present or anticipated mineral activities or timber harvesting in the vicinity of the Project.

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

The Sponsor maintains the legal and professional capability and experience to acquire the LERRD in support of the Project. The Sponsor, through its Local Sponsor City of New York, has condemnation authority and other applicable authorities that may apply if necessary to support acquisition measures. The Sponsor has successfully acquired the real estate for other projects, and is currently the non-Federal Sponsor for the South Shore of Staten Island Project, among others. The Sponsor has also been advised of P.L. 91-646 requirements and the requirement to document expenses for crediting purposes.

The Non-Federal Sponsor Capability Assessment Checklist is provided in Exhibit "E". The assessment checklist has been coordinated with the Sponsor. It has been completed based on the Sponsor's past and current performance on other Corps of Engineers cost-shared civil works projects. The completed and executed checklist will be added to the final report as Exhibit E.

15. Zoning

The Project will not require enactment of land use ordinances prior to construction; however, land use policies recommended to minimize the risk of damage from coastal storms are contained in the Land Management Appendix. These land use policies are recommended for implementation at the local level.

16. Schedule of Acquisition

The proposed schedule of acquisition is outlined below.

<u>Milestone</u>	<u>Date</u>
PPA Execution	August 2019
Sponsor's Notice to Proceed with Acquisition	August 2019
Plats and Owner Verification Completion	November 2019
Informal Value Estimates Receipt	February 2020
Review Value Estimates	March 2020
Negotiations Completion	June 2020

Condemnation Initiation	July 2020
Closings	July 2020
Amicable Possession	July 2020
Condemnation Order of Possession	November 2020
Certification of Real Estate	February 2021

17. Facility and/or Utility Relocations

There are existing utility lines that will be required to be relocated for implementation of the plan along the high ground tie-ins. The quantity and exact location of the utility lines are not confirmed at this time but will be confirmed during the design phase of the Project and further revision to this real estate plan will be performed.

The current Atlantic Coast beachfront has pre-existing boardwalk, whose cross-overs and connections between the boardwalk and beach will need to be designed/redesigned and/or modified to maintain access.

Any conclusion or categorization contained in this real estate plan, or elsewhere in this project report, that an item is a utility or facility relocation to be performed by the non-federal sponsor as part of its LERRD responsibilities is preliminary only. The government will make a final determination of the relocations necessary for the construction, operation, or maintenance of the project after further analysis and completion and approval of Final Attorney's Opinions of Compensability for each of the impacted utilities and facilities.

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

There are no known contaminants or HTRW concerns in, on, under or adjacent to the LER required for the Project. There may be a property through which a design feature traverses in Motts Basin that is in the process of some phase of environmental remediation, though it does not appear from our understanding that this is near the project location.

19. Project Support

The New York State Department of Environmental Conservation, acting as the non-Federal sponsor, supports the continued development of the TSP. The NYC Mayor's Office of Recovery and Resiliency, the local sponsor to New York State, supports the continued development of the Recommended Plan. Other project partners, including NYC Department of Parks and Recreation, NYC Department of Environmental Protection, and the National Park Service also support the TSP. Coordination and analysis between USACE and National Park Service will be necessary, including coordination and analysis to identify the least impactful design of the final plan.

20. Notification to Non-Federal Sponsor

Based on its past sponsorship of other Army Corps of Engineers water resource (Civil Works) projects and ongoing discussions during the Project's Feasibility phase, the Non-Federal Sponsor is aware of the risks of acquiring LER required for the Project prior to the signing of the PPA. However, upon the approval of the Plan for the Project, in accordance with paragraph 12-31, Chapter 12, ER 405-1-12, Real Estate Handbook, 20 Nov 85, a formal written notice identifying the risks associated with acquiring the LER for the Project prior to the full execution of the PPA will be provided to the Sponsor.

21. Other Issues

- a. Access Agreements - Required access to the public parcels will be acquired through an Access Agreement executed between the Sponsor and the relevant governing entity. These Access Agreements will incorporate the full body of text from the relevant easement standard estate. The Access Agreements will authorize sand placement and other project features like floodwalls and NNBFs over public lands, and where required, construction of groins.
- b. A number of parks exist within the Project area. A determination has not yet been made by the State of New York as to whether the project triggers Parkland Alienation for the State of New York.
- c. There are historic properties in and adjacent to the LER for the project. Jacob Riis Park Historic District and the Far Rockaway Beach Bungalow Historic District are within the LER for the project. Fort Tilden Historic District, the Marine Parkway - Gil Hodges Memorial Bridge, and the US Coast Guard Far Rockaway are adjacent to the LER for the project.
- d. There are no known existing encumbrances (i.e. easements, rights-of-way, etc.) that would impact Project construction. Title for each parcel would be reviewed by the Non-Federal Sponsor during the acquisition process.
- e. The majority of the needed property rights for the Atlantic Coast is owned by the City of New York. There is an existing access agreement between the City of New York and the State of New York for the original Rockaway project from 1974, however the exhibits to that agreement cannot be located. Therefore, due to that missing information in addition to the fact that the proposed project extends beyond the original project, a new access agreement will be needed from the City of New York, which is currently being addressed by those two parties.
- f. NYC has agreed to operate and maintain the project in the future. What is not yet clear is whether NYC's O&M commitment extends into Nassau County, specifically the Motts Basin and Cedarhurst-Lawrence HFRRF sites and if not, whether two sponsors (NYS & NYC) are able and/or permitted to operate and maintain separate project features.

- g. The road ramps included in the HFFRR areas are not at this time proposed to go outside of the existing public way. This will be accomplished by the use of retaining walls as the road elevates over the floodwalls. This will require further review in PED to analyze current access to private properties.

22. Point of Contacts

The point of contact for this Real Estate Plan is, Realty Specialist, Warren LaRiviere, who may be contacted at (917) 790-8450 or via email: warren.q.lariviere@usace.army.mil. The undersigned, Chief, Real Estate Division, may be contacted at (917) 790-8430 or via email:

23. Recommendations

This REP has been prepared in accordance with Chapter 12, ER 405-1-12, Real Estate Handbook, as amended. This report is not a final product (baseline cost estimate and final mapping is required); however, it may be released for State and Agency comment.

Chief, Real Estate Division

EXHIBIT "A"
REAL ESTATE MAPS
STILL IN DEVELOPMENT

EXHIBIT "B"

REQUIRED LER

STILL IN DEVELOPMENT

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LER SUMMARY TABLE

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EXHIBIT "C"
STANDARD ESTATES

FEE EXCLUDING MINERALS (With Restriction on Use of the Surface) (Standard Estate No. 3)

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding all (coal) (oil and gas), in and under said land and all appurtenant rights for the exploration, development, production and removal of said (coal) (oil and gas), but without the right to enter upon or over the surface of said land for the purpose of exploration, development, production and removal therefrom of said (coal) (oil and gas).

FLOOD PROTECTION LEVEE EASEMENT (Standard Estate No. 9)

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, _____, _____ and _____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag 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.

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.

BANK PROTECTION EASEMENT (Standard Estate No. 21)

A perpetual and assignable easement and right-of-way in, on, over and across the land hereinafter described for the location, construction, operation, maintenance, alteration, repair, rehabilitation and replacement of a bank protection works, and for the placement of stone, riprap and other materials for the protection of the bank against erosion; together with the continuing right to trim, cut, fell, remove and dispose therefrom all trees, underbrush, obstructions, and other vegetation; and to remove and dispose of structures or obstructions within the limits of the right-of-way; and to place thereon dredged, excavated or other fill material, to shape and grade said land to desired slopes and contour, and to prevent erosion by structural and vegetative methods 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.

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT (Standard Estate No. 26)

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. __) for use by the (Project Sponsor), its representatives, agents, contractors, and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach [a dune system] and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms [and dunes]; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the (Project Name), together with the right of public use and access; [to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas;] to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement (except_____); [reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, the right to construct dune overwalk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the (designated representative of the Project Sponsor) and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further] reserving to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements 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

STILL IN DEVELOPMENT

DRAFT

EXHIBIT "E"

NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT CHECKLIST

DRAFT

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

**EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY
GENERAL REFORMULATION REPORT**

I. Legal Authority.

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes, through local sponsor
- b. Does the sponsor have the power of eminent domain for this project? Yes
- c. Does the sponsor have "quick-take" authority for this project? Yes
- d. Are any of the lands/interests in 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? Yes, NPS property for west end taper.~~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
- b. If the answer to II.a is "yes," has a reasonable plan been developed to provide such training?
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? Yes
- d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? Yes
- e. Can the sponsor obtain contractor support, if required in a timely fashion? Yes
- f. Will the sponsor likely request USACE assistance in acquiring real estate? Yes, will need to consult with USACE staff in order to meet USACE requirements for obtaining real estate.~~No~~

III. Other Project Variables.

- a. Will the sponsor's staff be located within reasonable proximity to the project site? Yes, local sponsor offices located in Manhattan.

b. Has the sponsor approved the project/real estate schedule/milestones? Not yet.

IV. Overall Assessment.

a. Has the sponsor performed satisfactorily on other USACE projects? Yes

b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. If sponsor is believed to be “insufficiently capable,” provide explanation. Highly capable

V. Coordination.

a. Has this assessment been coordinated with the sponsor? Yes

b. Does the sponsor concur with this assessment? Yes

Concur:

Susan D. McCormick, P.E.
Chief, Coastal Erosion Management Program
New York State Department of Environmental Conservation

Reviewed and approved by:

NAME
Chief of Real Estate Division
Real Estate Contracting Officer
New York District Corps of Engineers

EXHIBIT "F"

NOTIFICATION TO NON-FEDERAL SPONSOR

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