



**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

JULY 2019

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

July 2019 Real Estate Plan

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1. Preamble

Project Authorization: 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:

“Resolved by the Committee on Environment and Public Works of the United States Senate, that the Secretary of the Army is hereby requested to review the report of the Chief of Engineers on Lake Montauk Harbor, East Hampton, New York, published as House Document 369, Seventy-sixth Congress, First Session, and other pertinent reports, with a view to determining if further improvements for navigation are advisable at this time. Beneficial use of any dredged material for improvements to the environment should also be considered.”

In accordance with this resolution, a reconnaissance report was completed in May 1995. The reconnaissance report recognized that there were erosion problems related to the navigation project and opportunities for multipurpose solutions. With this finding, the scope of the study was further expanded by authority of a resolution adopted by the United States Senate Committee on Transportation and Infrastructure on May 22, 2002:

“Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That, the Secretary of the Army is requested to review the report of the Chief of Engineers, published as House Document 369, 76th Congress, 1st Session, and other pertinent reports, to determine whether modifications to the recommendations contained therein in the interest of navigation improvements, to include beneficial uses of dredged material and sand-bypassing, in accordance with Section 110 of the River and Harbor Act of 1962, to determine the need for measures to address storm damage reduction, shoreline protection, environmental restoration and protection and allied purposes in the vicinity of Lake Montauk Harbor, East Hampton, New York.”

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 is the New York State Department of Conservation (“NYSDEC”) in local partnership with the Town of East Hampton in Suffolk County, New York.

2. Statement of Purpose

The purpose of this Real Estate Plan (REP) is to provide an updated overview of the real estate requirements for the Project. This report is an attachment to the July 2019 Lake Montauk Harbor, East Hampton, NY, Navigation Improvements, Feasibility Study, Draft Feasibility 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 the station at Lake Montauk Harbor.

b. Plan of Improvement:

Navigational 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. Due to the long term disposition of the dredged material, 23.875 acres will be needed across 5 public properties and 29 private properties, impacting 2 public owners and 29 private owners. Since 17.421 acres of that 23.875 are below the MHWL, permanent easements will be required from 18 private properties owned by 18 private landowners totaling 3.535 acres and from 3 public properties owned by 1 public landowner totaling 2.919 acres for a total permanent easement acquisition of 6.454 acres.

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 0.479 acres which impacts 1 public property and 1 private property.

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	Acres Below the MHWL	Number of Parcels		Number of Owners	
			Private	Public	Private	Public
Permanent Easement	23.875	17.421	29	5	29	2
Temporary Construction Easement	0.479	0.0	1	1	1	1

d. Appraisal Information:

A Land Cost Estimate was prepared in July 2019 by the New York District identifying the land values for the plan alternatives. The land values for this plan are estimated at \$207,786.

Consistent with USACE Real Estate Policy Guidance Letter Number 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3), the New York District has valued the real estate requirements through a cost estimate as the real estate costs will total less than 10% of the total project costs. A 20% contingency is added to the incidental costs of the project to account for uncertainty in the progress of the real estate acquisition and if there’s a need for condemnation that may arise.

4. LER Owned by the Non-Federal Sponsor:

The Non-Federal Sponsor owns all of the lands below the mean high water land (MHWL). This includes an estimated 10.792 acres of submerged lands, which includes the area labeled as the extended deposition area.

5. Non-Standard Estates

A Non-Standard Estate will be required for the permanent easements. 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 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.

The State of New York requires using access agreements with the full text of each specific estate within the access agreement in recordable form in lieu of the named estate due to restrictions within its own laws and policies. This has been used numerous times on past civil works projects of similar nature without issue. An access agreement in recordable form to run with the land inclusive of the non-standard estate as well as the temporary easement standard estate will be needed for the property required on the Town of East Hampton property to cover the dredge placement and the staging area.

6. Existing Federal Projects

The existing Federal Navigation Channel at Lake Montauk Harbor provides for: a channel 12 feet deep at MLW 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.

The Lake Montauk Harbor Federal Navigation Channel ("Channel") is the Project. Sand dredged in the deepening of the Channel will be placed in the deposition basin along the west side of the Channel.

7. Federally-Owned Land

There are no federally owned lands required for this 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 Mean High Water mark (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 17.421 AC of submerged lands west of the jetty required for the project and 1.779 AC 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 19.20 AC will be used for the project through the use of navigational servitude.

9. Maps

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

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 Project’s total real estate costs is captured in the Project’s 01-Lands and Damage cost account and amounts to approximately \$996,717, which includes Federal and non-Federal costs. This includes the 20% contingency on both acquisition costs and incidental costs.
- b. The Project’s LERRD costs is approximately \$535,597. LERRD costs account for the Sponsor’s upfront costs and consists of the non-Federal costs provided in the 01-Lands and Damages cost account. LERRD is the Sponsor’s responsibility to perform (in accordance with the PPA) prior to project construction.
- c. The non-Federal sponsor incidental costs are projected costs based on the number of properties which need to be acquired. The incidental costs are costs the Sponsor should anticipate spending as part of the acquisition process which may be credited back to the Sponsor during the crediting phase provided

adequate documentation is provided. The USACE Realty Specialist will provide guidance to the Sponsor in this regard. The total project incidental costs are approximately \$302,811. This excludes the 20% contingency applied to non-land payment costs which are captured in the 01 accounts.

The following is the Sponsor’s estimated creditable LERRD costs, excluding contingency:

LERRD Costs	
LER	\$232,786
Relocations	\$0
Disposals	\$0
<i>Total LERRD:</i>	\$232,786
Incidental Costs	\$302,811
Total Creditable Project Costs	\$535,597

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 Sponsor or local sponsor. A letter regarding the risks associated with LERRD acquisition prior to PPA execution and NTP for Acquisition will be sent to the Sponsor prior to PPA execution as noted in paragraph 20, below. The Sponsor is eligible to receive credit for the actual associated direct and indirect costs of fulfilling its LERRD responsibilities that are found to be reasonable, allowable and allocable. Supporting documents on all costs incurred by the Sponsor will be submitted to USACE as part of its claim for credit.

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 Sponsor maintains the legal and professional capability and experience to acquire the LER in support of the Project. The Sponsor 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 the Coney Island FCCE Project and is currently the non-Federal Sponsor for the Fire Island to Moriches Inlet Stabilization Project, and the Long Beach Island, New York Project.

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

15. Zoning

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

16. Schedule of Acquisition

<u>Milestone</u>	<u>Date</u>
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
Closings	September 2021
Amicable Possession	September 2021
Condemnation Order of Possession	January 2022
Certification of Real Estate	May 2022

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.

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

There are no known contaminants or HTRW issues associates with the LER required for the Project.

19. Project Support

The non-Federal study sponsor, New York State Department of Environmental Conservation (NYSDEC), has indicated its support for the TSP subject to public review.

The local commercial fishing community has expressed interest in seeing a solution to the problems created by the shallow channel, as has the US Coast Guard.

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

Access Agreements - Required access to the public parcels will be acquired through an Access Agreement executed between the non-federal sponsor and the relevant governing entity. These Access Agreements will incorporate the full body of text from the relevant easement standard estate inclusive of appropriate covenants that will run with the land, and that such agreements will be in a recordable form. The Access Agreements will authorize sand placement and temporary work space.

22. Point of Contacts

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

23. Recommendations

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

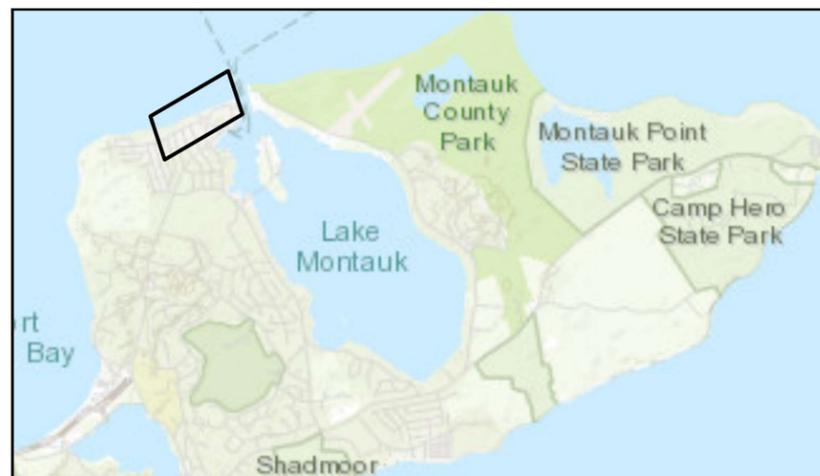
Deborah N. Gates
Acting Chief, Real Estate Division
New York District

EXHIBIT "A"
REAL ESTATE MAPS



- Mean High Water Line
- Temporary Easements (Staging Area)
- Impacted Parcels
- Permanent Landward Easements
- Permanent Seaward Easements

Basemap Source: Esri, Digital Globe, GeoEye, and other contributors.
 Inset Basemap Source: Esri, HERE, Garmin, and other contributors.
 Mean High Water Line Source: NOAA



Lake Montauk Harbor Feasibility Study

Suffolk County, New York

Date: 07/19/2019



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0 190 380 760 1,140 1,520 1,900 Feet

- Lake Montauk Federal Navigation Channel
- Extended Depositional Basin
- Existing Depositional Basin
- Mean High Water Line
- Temporary Easements (Staging Area)
- Permanent Landward Easements
- Permanent Seaward Easements

Basemap Source: Esri, Digital Globe, GeoEye, and other contributors.

Inset Basemap Source: Esri, HERE, Garmin, and other contributors.

Mean High Water Line Source: NOAA

Lake Montauk Harbor Feasibility Study

Suffolk County, New York

Date: 07/24/2019

Map 2 of 2



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EXHIBIT "B"
REQUIRED LER

PROPERTY INFORMATION		TOTAL		LANDWARD			SEAWARD
Parcel ID	Type	Permanent Easement	Temporary Easement	Permanent Easement	Temporary Easement	Total	Permanent Easement
0300004000200008000	Private	0.017	0.000	0.000	0.000	0.000	0.017
0300004000200010000	Private	0.333	0.000	0.167	0.000	0.167	0.167
0300005000100010000	Private	0.115	0.000	0.000	0.000	0.000	0.115
0300005000100002000	Private	0.385	0.000	0.192	0.000	0.192	0.192
0300005000100011000	Private	0.111	0.000	0.000	0.000	0.000	0.111
0300005000100012000	Private	0.257	0.000	0.000	0.000	0.000	0.257
0300005000100008000	Private	0.264	0.000	0.132	0.000	0.132	0.132
0300005000100009000	Private	0.128	0.000	0.000	0.000	0.000	0.128
0300005000100007000	Private	0.286	0.000	0.143	0.000	0.143	0.143
0300005000100004000	Private	0.388	0.000	0.194	0.000	0.194	0.194
0300004000200009000	Private	0.362	0.000	0.181	0.000	0.181	0.181
0300005000100003000	Private	0.401	0.000	0.200	0.000	0.200	0.200
0300005000100005000	Private	0.367	0.000	0.184	0.000	0.184	0.184
0300004000200011000	Private	0.340	0.000	0.170	0.000	0.170	0.170
0300005000100001000	Private	0.423	0.000	0.212	0.000	0.212	0.212
0300005000100006000	Private	0.327	0.000	0.164	0.000	0.164	0.164
0300004000200014000	Private	0.582	0.000	0.291	0.000	0.291	0.291
0300004000200012000	Private	0.363	0.000	0.181	0.000	0.181	0.181
0300005000100015001	Private	0.297	0.000	0.000	0.000	0.000	0.297
0300004000200013000	Private	0.475	0.000	0.238	0.000	0.238	0.238
0300006000100005000	Private	0.448	0.000	0.224	0.000	0.224	0.224
0300006000100006000	Private	0.116	0.000	0.000	0.000	0.000	0.116
0300006000100007000	Public	4.032	0.457	2.016	0.457	2.473	2.016
0300006000100001000	Public	0.448	0.000	0.224	0.000	0.224	0.224
0300006000100003000	Private	0.545	0.000	0.273	0.000	0.273	0.273
0300006000100002000	Public	1.358	0.000	0.679	0.000	0.679	0.679
0300006000100004000	Private	0.352	0.000	0.176	0.000	0.176	0.176
0300004000200017000	Private	0.429	0.000	0.215	0.000	0.215	0.215
0300004000200015000	Private	0.307	0.000	0.000	0.000	0.000	0.307
0300004000200016000	Private	0.346	0.000	0.000	0.000	0.000	0.346
0300205000100001000	Public	9.013	0.000	0.000	0.000	0.000	9.013
0300019000500019013	Private	0.130	0.000	0.000	0.000	0.000	0.130
0300020000100001000	Public	0.130	0.000	0.000	0.000	0.000	0.130
300006000100008000	Private	0.000	0.021	0.000	0.021	0.021	0.000
Extended Deposition Area	Public	0.000	0.000	0.000	0.000	0.000	1.779
		23.875	0.479	6.454	0.479	6.933	19.200

EXHIBIT "C"
STANDARD AND NON-STANDARD 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	\$295,000	\$597,811
	Real Estate Acquisition Costs (01B)	\$232,786	\$0	\$232,786
	Subtotal:	\$535,597	\$295,000	\$830,597
	20% Contingency	\$107,119	\$59,000	\$166,119
01	LANDS AND DAMAGES	\$642,717	\$354,000	\$996,717
Cost Breakdown:				
01A	INCIDENTAL COSTS	\$302,811	\$295,000	\$597,811
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	\$33,000	\$82,500
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		\$33,000	
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	\$33,000	\$99,000
01A4A	By Gov't (Contract)			
01A4B	By NFS	\$66,000		
01A4C	By Gov't on behalf of NFS			
01A4D	Review of NFS		\$33,000	
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 (4% 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	\$82,500	\$82,500
01A8A	By Gov't		\$82,500	
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 SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

**Lake Montauk Harbor, Ease Hampton, New York Feasibility Study of
Navigation Improvements and Coastal Storm Risk Management**

I. Legal Authority.

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes
- 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? 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? No

III. Other Project Variables.

- a. Will the sponsor's staff be located within reasonable proximity to the project site? No
- b. Has the sponsor approved the project/real estate schedule/milestones? Yes

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.

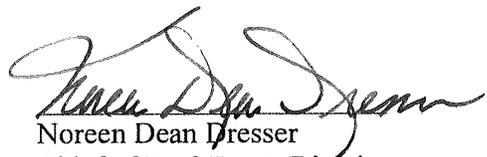
V. Coordination.

- a. Has this assessment been coordinated with the sponsor? Yes
- b. Does the sponsor concur with this assessment? Yes

Concur:


Sue McCormick
Chief, Coastal Erosion Management Program
New York State Department of Environmental Conservation

Reviewed and approved by:


Noreen Dean Dresser
Chief of Real Estate Division
Real Estate Contracting Officer
New York District Corps of Engineers