

# RHODE ISLAND COASTLINE COASTAL STORM RISK MANAGEMENT FINAL FEASIBILITY STUDY

## APPENDIX G: REAL ESTATE PLAN



**January 2023**



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

**RHODE ISLAND COASTLINE**  
Coastal Storm Risk Management

Draft Feasibility Report  
Appendix G: Real Estate Plan

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**Exhibit A:** Real Estate Maps (2 pages)  
**Exhibit B:** Non-Federal Sponsor Capability Assessment Checklist

## LIST OF ACRONYMS AND ABBREVIATIONS

BCERE	Baseline Cost Estimate for Real Estate
CI	Critical Infrastructure
CRMC	Coastal Resources Management Council
FRM	Flood Risk Management
HTRW	Hazardous, Toxic, and Radioactive Waste
HQ	Headquarters, US Army Corps of Engineers
LER	Lands, Easements, and Rights of Way
LERRD	Lands, Easements, Rights-of-Way, Relocations, and Disposal Areas
NACCS	North Atlantic Coast Comprehensive Study
NFS	Non-Federal Sponsor
NTP	Notice to Proceed
OMRR&R	Operation, Maintenance, Repair, Rehabilitation, and Replacement
PED	Preconstruction, Engineering and Design
PPA	Project Partnership Agreement
REP	Real Estate Plan
TPCS	Total Project Cost Summary
URA	Uniform Relocation Act
USACE	U.S. Army Corps of Engineers

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## 1.0 STATEMENT OF PURPOSE

Statement of Purpose – The Real Estate Plan (REP) is prepared in support of the Final Feasibility Study for the Rhode Island Coastline Coastal Storm Risk Management Project. Historical storms including Hurricane Sandy in 2012 have impacted the coastal areas of the State of Rhode Island. The purpose of the feasibility study is to identify, evaluate, and consider all avenues to reduce coastal storm risk within the study area with the final goal of designing and implementing a recommended plan for reducing that risk. The REP identifies and describes the real estate requirements for the proposed plan.

## 2.0 PROJECT SUMMARY

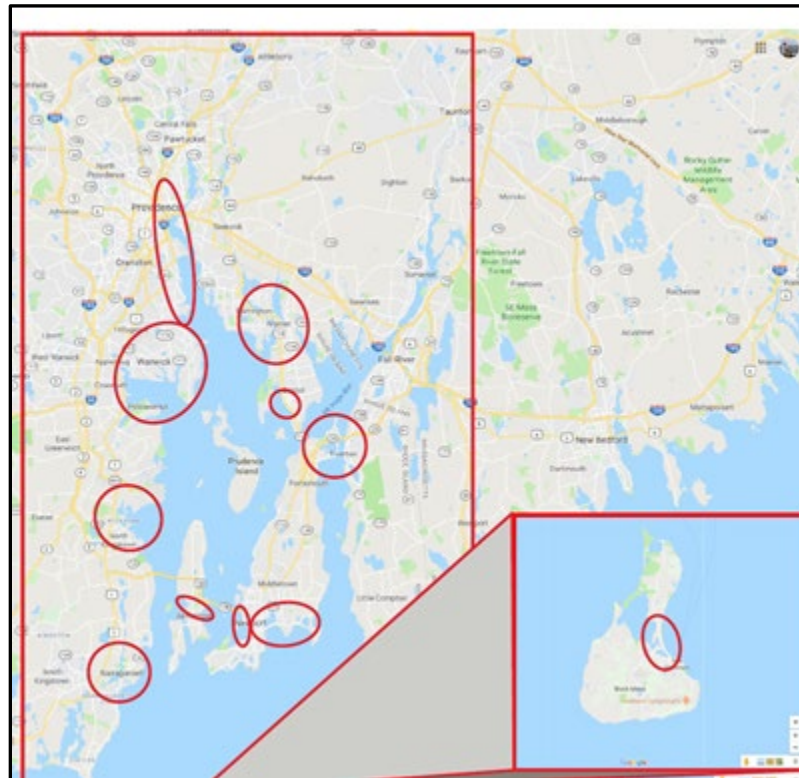
a) Project Authorization – The study is authorized by resolution adopted by the Senate Public Works Committee dated 12 September 1969, a resolution adopted by the Senate Committee on Environment and Public Works dated August 2, 1995, and by Public Law 84-71. The cost-sharing requirements of the study are specified in Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)).

b) Non-Federal Sponsor (NFS) – The Non-Federal sponsor for the study is the Coastal Resources Management Council (CRMC). In 1971, the Rhode Island General Assembly passed legislation that created the CRMC, recognizing the importance that the coastal resources provide to the social and economic welfare of the state, and charged the CRMC with the responsibility for the preservation, protection, development and, where possible, the restoration of the coastal areas of the state via the implementation of its integrated and comprehensive coastal management plans. The CRMC will also serve as the non-federal sponsor (NFS) for the construction of the study's Recommended Plan defined at a 65% (Federal) and 35% (non-Federal) cost-share. In accordance with a Project Partnership Agreement (PPA) between the CRMC and the Department of the Army (the "Government"), the CRMC will be responsible for performing or ensuring the performance of the Lands, Easements, and Right-of-Ways (LER) requirements (including those required for relocations, borrow material, and dredged or excavated material disposal) for the study's Recommended Plan as outlined in this REP.

c) Proposed Project – The U.S. Army Corps of Engineers ("USACE" or "Corps") conducted the feasibility study to evaluate Federal participation in coastal storm risk management in the Rhode Island Coastal Area.

The study area includes approximately 457 miles of Narragansett Bay coastline and comprises portions of 19 municipalities. There are more than 650,000 people residing in the 19 towns included in the study area. The focus area of this study is the Rhode Island coastline from a western limit of Point Judith to an eastern limit of the Massachusetts State line and Block Island.

Early in the planning process, scoping meetings were held with the NFS and with representatives from municipalities located within the study area in order to better understand the region at both a micro and macro level. The NFS, with the assistance of stakeholders, identified eleven key focused study areas within the regional study area, which are shown in **Figure 1**. Focus areas for the study were identified based on elevation data, structure density, and discussions with town and state officials regarding high damage-prone areas and history of coastal storm damages. Structural measures were considered for the focus areas, while the entire project area was considered for non-structure measures.



**Figure 1:** Focus Areas within the Rhode Island Coastal Study Area

The Recommended Plan identifies only nonstructural flood risk management measures. Nonstructural flood risk management measures are techniques for reducing accountable flood damage to existing structures within a floodplain. These techniques consist of treatments to floodproof non-residential structures or raise/elevate residential structures. Floodproofing consists of constructing or installing features designed to allow water to flow in and out of a structure but prevent the contact of water to essential utilities or mechanicals of the structure (e.g., filling a basement or elevating or protecting the HVAC system). Elevations involve raising the lowest finished floor of a residential structure to a height that is above the flood level. The Recommended Plan includes 497 total structures (290 residential recommended for elevation and 207 non-residential recommended for floodproofing). A more detailed description of the proposed measures to be taken

for residential and non-residential structures is available in **Appendix D, Engineering**.

d) This report is preliminary and written to the level of detail of the main report and is intended for planning purposes only. Other details may be added.

### **3.0 REAL ESTATE REQUIREMENTS**

Recommended Plan. The Recommended Plan identifies 497 structures with 290 for residential elevations and 207 for non-residential floodproofing. Floodproofing non-residential structures and elevating residential structures will be offered to property owners on a voluntary basis and implemented only with the property owner's consent.

Among the 207 structures identified for floodproofing measures, 36 are facilities considered critical infrastructure (CI) in their community. These include structures owned and managed by both public and private sector entities to include schools, emergency facilities, airports, communication sites, waste disposal systems, and electric power stations as described more completely in the **Appendix F, Plan Formulation**.

LER Requirements: The proposed legal mechanism to undertake the residential elevation or non-residential floodproofing measures would be through the use of a non-standard permanent Restrictive Easement that would outline the elevation or floodproofing treatment, identify restrictions owners must take or abstain from to ensure the long-term performance of elevation and floodproofing measures, and contain restrictions and covenants that would run with the land. The restrictive easements will be recorded in local land records to run with the land. See paragraph 6, Non-Standard Estates, for additional discussion.

Since the Recommended Plan is a nonstructural plan, it is 100% voluntary for property owners. There are 497 structures identified in the Recommended Plan; therefore, up to 497 nonstandard Restrictive Easements may be necessary if all property owners elect to participate. The proposed nonstandard Restrictive Easement will be executed between the property owner and the NFS. If a property owner elects not to have the nonstructural treatment performed on their structure and an agreement is not obtained, eminent domain will not be pursued.

In accordance with the executed PPA, the NFS will be responsible for acquiring or ensuring the acquisition of all the LER required for the construction, operation, and maintenance of the Recommended Plan. **Table 1** identifies the number of properties in each community group to implement the nonstructural measure.

The NFS will be responsible for ensuring the requirements of the proposed project are met. Operation, maintenance, repair, rehabilitation, and replacement (OMRR&R), as described in Section 6.7 of the Main Report, will be limited to visual inspections and are not expected to require access to the property.



Since the report was prepared during a feasibility level study, the required real estate interests presented are preliminary estimates based only on existing, readily available Geographic Information System data. The LER requirements are subject to change with plan optimization during the Recommended Plan’s Preconstruction Engineering and Design (PED) phase when final plans, specifications, and detailed drawings are prepared.

**Table 1:** LER Required for Each Town and for Outliers

Town	Elevation	Flood - Proofing	CI Flood- Proofing	Total
Barrington	4	9	15	28
Block Island	2	3	0	5
Bristol	0	4	1	5
Cranston	9	8	0	17
East Greenwich	0	10	0	10
Little Compton	2	2	2	6
Nanaquaket Pond	0	1	0	1
Narragansett	1	2	0	3
Newport	83	36	5	124
New Shoreham	0	0	7	7
North Kingstown	3	7	3	13
Riverside	0	0	1	1
South Kingstown	1	0	0	1
Tiverton	2	0	0	2
Warren	63	37	1	101
Warwick	35	14	0	49
Wickford	82	35	0	117
Outliers	3	3	1	7
<b>TOTAL</b>	<b>290</b>	<b>171</b>	<b>36</b>	<b>497</b>

#### 4.0 LAND VALUE ESTIMATE

A preliminary informal land valuate estimate was developed as an initial cost projection for the proposed project’s land acquisition cost. However, the language of the nonstandard Restrictive Easement for the elevated and the floodproofed structures has not yet been finalized; therefore, land acquisition cost could increase based on a more formal appraisal valuation of an approved nonstandard Restrictive Easement. Based on an analysis of current local real estate market trends and a review of assessed property values in each locality, it was concluded that the value of a restrictive easement is approximately five percent of a property’s

assessed land value. The total estimated land acquisition cost for Restrictive Easements is \$685,000.

## **5.0 REAL ESTATE OWNED BY THE NON-FEDERAL SPONSOR**

The Rhode Island CRMC owns no LER required for the Recommended Plan.

## **6.0 NON-STANDARD ESTATES**

Since there is currently no USACE-approved standard estate for a nonstructural measure, a non-standard permanent Restrictive Easement will be developed for the construction, operation, and maintenance of the nonstructural treatment. The easement will identify restrictions owners must take or abstain from to ensure the long-term performance of the nonstructural treatment, covenants that would run with the land, and to allow for future OMRR&R requirements. OMRR&R, as described in Section 6.7 of the Main Report, will be limited to visual inspections and not expected to require access to the property. Language for the proposed non-standard Restrictive Easement is in review at New England District. Once approved by the District, it will be advanced to HQ Real Estate, through NAD Real Estate, for review and approval.

## **7.0 EXISTING FEDERAL PROJECTS**

None of the LER identified in the Recommended Plan are within or overlap an existing Federal project.

## **8.0 FEDERALLY OWNED LAND**

The Recommended Plan includes no Federally owned lands as part of its LER requirements.

## **9.0 NAVIGATIONAL SERVITUDE**

There are no project elements proposed within the waters of the Rhode Island Coastal Area. The project serves no navigation purpose. The USACE New England District Office of Counsel determined that navigation servitude is not available for the Recommended Plan.

## **10.0 REAL ESTATE MAPS**

Real estate maps are provided as **Exhibit A** of this report.

## **11.0 INDUCED FLOODING**

The proposed project includes non-structural solutions only and will not induce flooding in new areas or increase flooding in existing flood-prone areas.

## **12.0 BASELINE COSTS ESTIMATES FOR REAL ESTATE (BCERE)**

The BCERE establishes the estimated financial costs (for both the Government and Sponsor) that are attributed to the Recommended Plan’s real estate requirements. It includes the LER acquisition costs, incidental acquisition costs (e.g., land surveys, appraisals, title work, relocation assistance benefits, coordination meetings, etc.), and a risk-based contingency. The BCERE is documented in the Lands and Damages project cost account.

**Table 2:** Provides a Summary of the BCERE.

Project Cost Account	Federal Cost	Non-Federal Cost	Total BCERE
BCERE	\$1,115,000	\$5,560,000	\$6,675,000

### 13.0 PUBLIC LAW 91-646 RELOCATIONS

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

Participation in a nonstructural plan is voluntary. Property owners who elect to participate are not considered displaced persons and are not eligible to receive relocation assistance benefits (per 49 C.F.R. Section 24.2.a(9)(ii) (E) and 49 C.F.R. Section 24.101(a)(2)). However, tenants who must temporarily relocate because property owners elect to participate may be eligible for relocation assistance benefits. It is unknown at this time of how many tenant-occupied properties there are among those properties identified for elevation. United States Census data for Rhode Island indicates a 64.5 percent home ownership rate statewide with local variations. Review of those local variations for the study area indicate a tenant occupancy rate of 25.5 percent. Therefore, based on a statistical analysis, approximately 75 residential structures requiring elevation may be occupied by tenants who may be eligible for relocation assistance. Tenants who are required to relocate will be afforded relocation assistance benefits in accordance with Public Law 91-646 guidelines. Relocation assistance costs are included in the estimated BCERE provided in **Table 2** above.

The Recommended Plan proposes flood-proofing of non-residential buildings. Public records indicate that most of these structures are occupied by one or more businesses. At this time, the floodproofing scope of work is not expected to interrupt business operations and no temporary business relocations of tenant business are expected.

### 14.0 MINERAL AND TIMBER ACTIVITY

There is no present or anticipated mining and drilling activity in the vicinity of the project that may affect project purposes and the operation thereof. There are no known present or anticipated timber harvesting activities within the LER required for the Recommended Plan.

**15.0 ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY**

The NFS’s assessment of their real estate acquisition capabilities is provided in **Exhibit B** of this document. The NFS has been identified as capable of performing or ensuring the performance of its real estate responsibilities. They possess the professional capability to acquire the real estate for the Recommended Plan and have sufficient general and legal authority to do so. The NFS intends to enter into a partnership agreement with local municipalities to assist with real estate acquisition, and if necessary, can obtain outside contracting services for further assistance. The Sponsor has been advised of Public Law 91-646 requirements and the requirements for documenting expenses for credit purposes.

**16.0 LAND USE ZONING**

No application or enactment of local zoning ordinances is anticipated in lieu of or to facilitate the Recommended Plan’s LER requirements.

**17.0 REAL ESTATE ACQUISITION SCHEDULE**

A projected project schedule has been developed based on the assumption that Federal and non-Federal funds will be available. The tentative schedule for project completion is represented as follows:

**Table 3:** Real Estate Acquisition Schedule

Acquisition Schedule	Date
Receive USACEHQ Approval of nonstandard Restrictive Easement	September 2023
Execute Project Partnership Agreement (PPA) with NFS	December 2023
Notice to Proceed with Real Estate Acquisition	March 2024
NFS Authorization for Entry for Construction	December 2025
USACE Certifies Real Estate	January 2026
Ready to Advertise for Construction Contracts	March 2026
Award Construction Contract	March 2027

**18.0 UTILITY AND FACILITY RELOCATIONS**

There are no utility or facility relocations anticipated or currently required within the proposed project footprint. As described in **Section 3.0** above, there are 36

facilities among the 207 identified for floodproofing that are considered CI in their communities. Review at this feasibility stage determined that floodproofing measures can be applied to the several facilities that are components of wastewater treatment or electric power stations without requiring any relocation of the facilities.

## **19.0 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)**

Investigations will be conducted at PED Phase to identify the presence of HTRW such as lead paint, friable asbestos and asbestos-containing materials. If any HTRW is identified and the property owner elects to participate in the project, the property owner shall be obligated, at its sole cost and expense, to conduct all necessary response and remedial activities in full compliance with all applicable local, state, and federal regulations and provide proof of same before the nonstructural treatment is performed on their property. No environmental impacts were considered in the LER estimate.

## **20.0 PROJECT SUPPORT**

Generally, there is local support for a project that reduces flood risk and damage. There is no anticipated opposition for the Recommended Plan since it consists of a non-structural plan that is 100 percent voluntary.

## **21.0 NON-FEDERAL SPONSOR RISK NOTIFICATION**

By letter dated January 6, 2022, a formal written notice was provided to the Sponsor on the risks associated with acquiring the real estate for the Recommended Plan in advance of signing a PPA. Those risks include, but may not be limited to, the following:

- 1) Congress may not appropriate funds to construct the Recommended Plan;
- 2) The Recommended Plan may otherwise not be funded or approved for construction;
- 3) A PPA mutually agreeable to the Sponsor and USACE 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, as amended;

- 5) The Sponsor may acquire interests or estates that are later determined by USACE to be inappropriate, insufficient, or otherwise not required for the Recommended Plan;
- 6) The Sponsor may initially acquire insufficient or excessive real property acreage, which may result in additional negotiations and or benefit payments under Public Law 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and USACE's Notice to Proceed (NTP) with Real Estate Acquisition; and
- 7) The Sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and USACE's NTP Letter, which may not be creditable under the provisions of Public Law 99-662 or the PPA.

## **22.0 OTHER PERTINENT INFORMATION**

There are no other relevant real estate issues.

*Maureen B. Davi*

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Maureen B. Davi  
Realty Specialist

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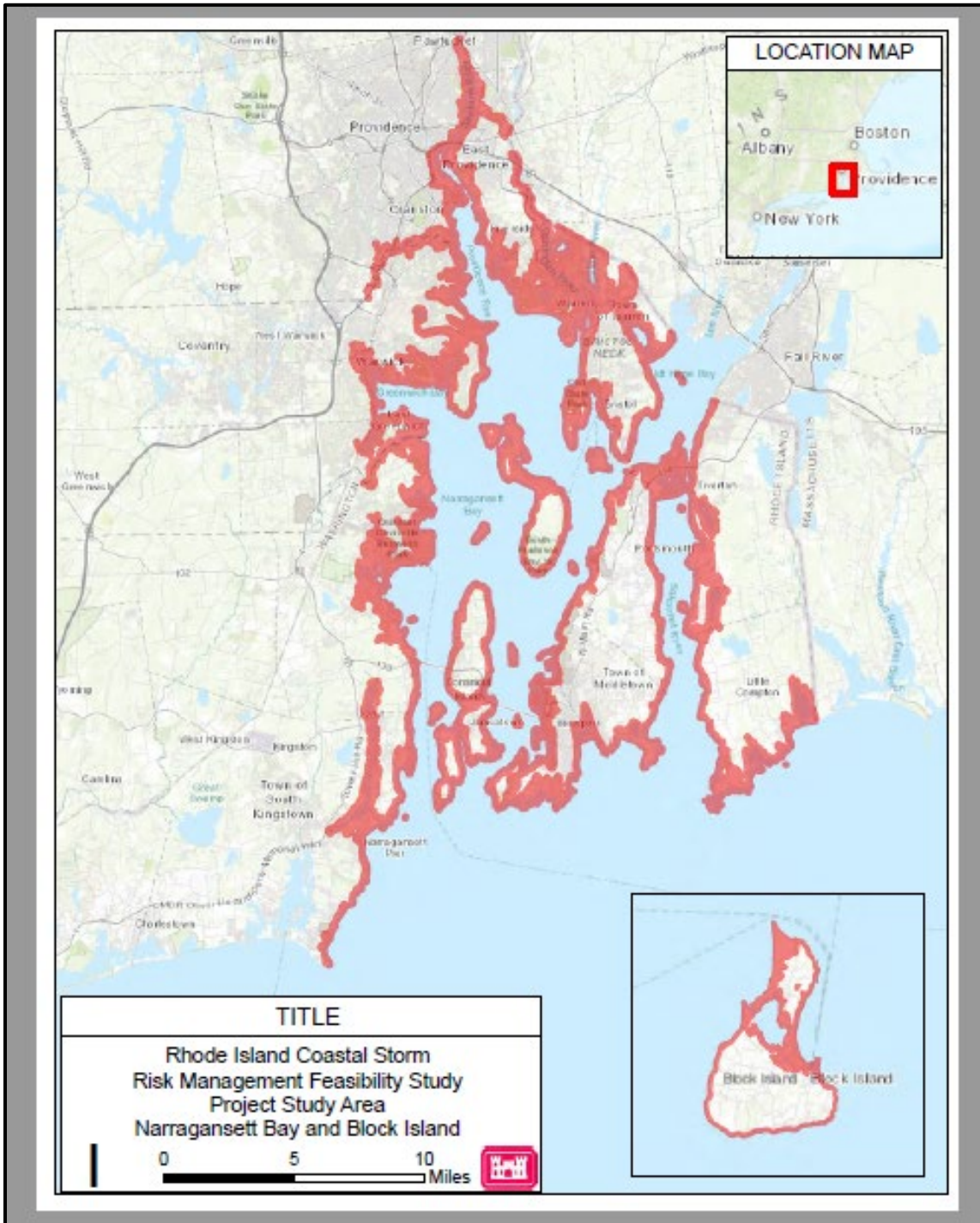
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Chief, Real Estate Division

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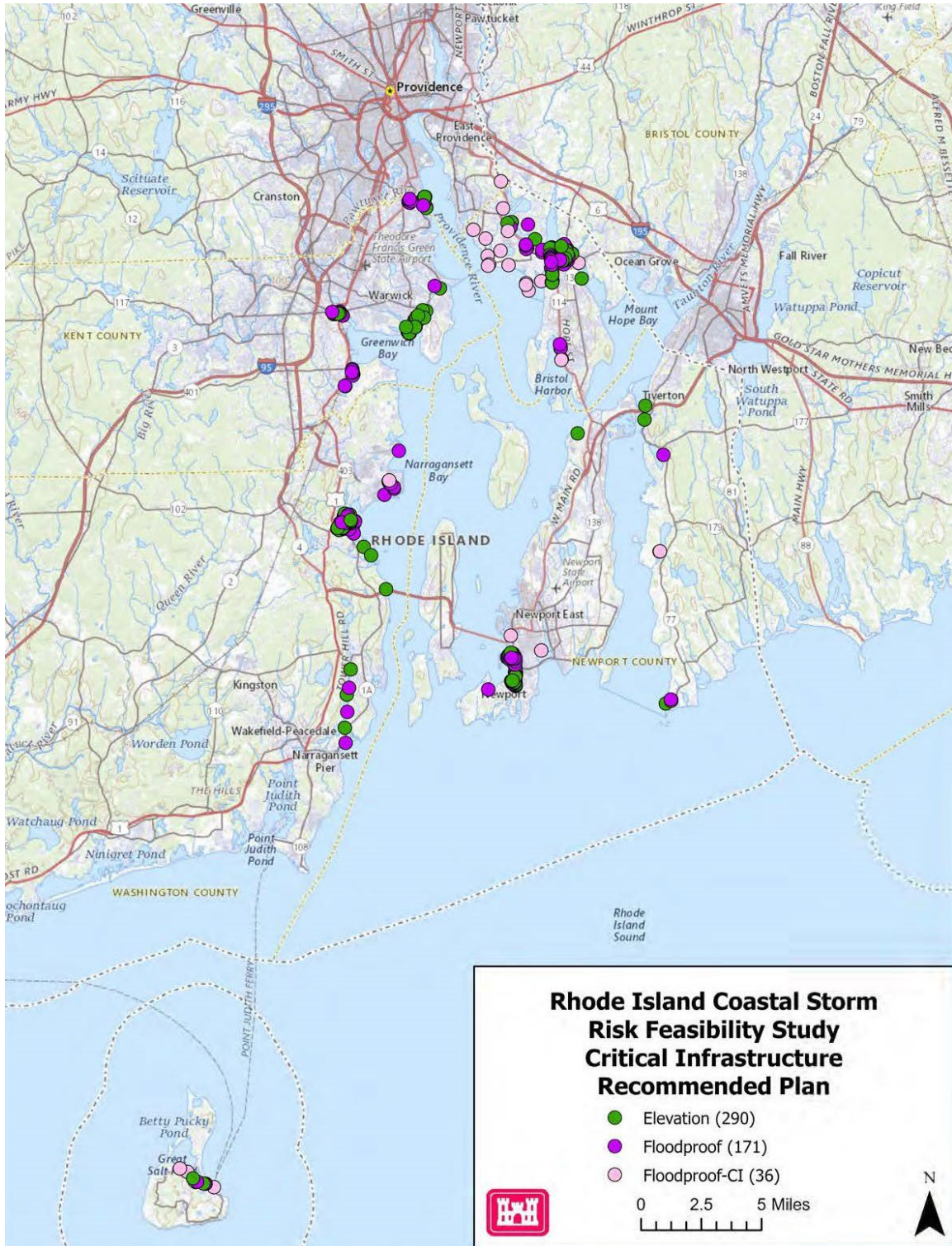
EXHIBIT A  
Real Estate Maps



**REAL ESTATE MAPS**  
**STUDY AREA COASTLINE**



## NONSTRUCTURAL RECOMMENDED PLAN LOCATION OF 497 STRUCTURES



## EXHIBIT B

### NFS Capability Assessment



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

Rhode Island Coastline Storm Risk Management Feasibility Study

I. Legal Authority:

- a. Does the Rhode Island Coastal Resources Management Council (CRMC) (the "Sponsor") have legal authority to acquire and hold title to real property for project purposes?

*Yes, under RIGL § 37-6-5, the agency (or sponsor) has the authority to acquire land or other interest therein, subject to the approval of the governor, and in the name and for the benefit of the State of Rhode Island.*

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

*Yes, the agency (or sponsor) has the power of eminent domain through the State of Rhode Island pursuant to Article I, § 16, and Article VI, § 19 of the Rhode Island Constitution.*

- c. Does the sponsor have "quick-take" authority for this project?

*No, the sponsor does not have quick take authority for this project.*

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

*There are no lands/interests in land required for this project located outside the sponsor's political boundary. All required lands are within the State of Rhode Island.*

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

*At this time there are no lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn. The project proposes only non-structural solutions and participation will be 100% voluntary. No condemnation actions will be considered or pursued.*

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, including CRMC counsel, is familiar with the real estate requirements of Federal law P.L. 91-646 so therefore will not require any additional training.*

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?

*The sponsor's in-house staff has sufficient experience to meet its responsibilities for the project. The sponsor, CRMC is working to carry out several other approved projects with the Corps, i.e., Pawcatuck River, RI Coastal Storm Risk Management Feasibility Study which also proposes nonstructural solutions, and Winnapaug Pond, Rhode Island South Coast Habitat Restoration Feasibility Study.*

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

*Yes, the sponsor has confirmed that its in-house staff level is sufficient considering its other workload and the project schedule.*

e. Can the Sponsor obtain contractor support, if required, in a timely fashion?

*Yes, the sponsor can obtain contractor support, if required, in a timely fashion.*

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

*No. USACE will continue to provide real estate and planning assistance to the NFS during the design and implementation phase. This will include identifying and evaluating structures for inclusion, participating in public meetings, and providing guidance for the NFS's LER acquisition.*

### III. Other Project Variables

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

*Yes, the sponsor is located in the town of Wakefield, Rhode Island and within a reasonable proximity of all the 19 towns/cities involved in the RI Coastal Storm Risk Management Project.*

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

*Yes, the sponsor has reviewed the project's proposed acquisition schedule and real estate milestones and the sponsor accepts and approves them.*

IV. Overall Assessment

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

*Yes, there are other projects ongoing, i.e., the Pawcatuck River Coastal Storm Risk Management Feasibility Study, the Rhode Island South Coast Habitat Restoration Feasibility Study, and the Winnapaug Pond, Rhode Island South Coast Habitat Restoration Feasibility Study.*

b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/ insufficiently capable.

*The sponsor is fully capable with regards to this project.*

V. Coordination

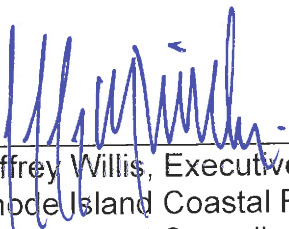
a. Has this assessment been coordinated with the Sponsor?


*Yes, the assessment has been coordinated with the sponsor.*

b. Does the Sponsor concur with this assessment?

*Yes, the sponsor has concurred with this assessment as noted by his signature below.*

*Pamela S. Bradstreet*  
Pamela S. Bradstreet  
Realty Specialist

  
\_\_\_\_\_  
Jeffrey Willis, Executive Director  
Rhode Island Coastal Resources  
Management Council

  
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Timothy W. Shugert  
Chief, Real Estate Division