



U.S. Army Corps of Engineers
New England District

**PROVIDENCE RIVER AND HARBOR
FEDERAL NAVIGATION PROJECT
RHODE ISLAND
DREDGED MATERIAL MANAGEMENT PLAN**

**APPENDIX L
REAL ESTATE PLAN**

PREPARED BY:

**U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT**

**EFFECTIVE DATE:
JANUARY 2026**

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JANUARY 2026 REAL ESTATE PLAN

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1. Statement of Purpose

Purpose – The purpose of this Real Estate Plan (REP), prepared in accordance with ER 405-1-12, is to describe the minimum Lands, Easements, Right- of-Ways, Relocations and Disposal Areas (LERRD) required for the construction, operation and maintenance of the proposed project described in the Providence River and Harbor, Providence, Rhode Island, Dredged Material Management Plan (DMMP) and Environmental Assessment (EA), the “main report”. The main report describes in detail the overall purpose to restore the Providence River and Harbor Federal Navigation Project (FNP) to authorized dimensions using maintenance dredging. The purpose of the DMMP is to determine the alternative placement sites for the dredged material over a twenty-year period (approximately two dredge cycles) as well as address the additional capacity identified by the state for placement of Non-Federal dredged material from the Providence River and Narragansett Bay. This REP is the first prepared for the main report. This REP was prepared during a feasibility level study at a low-level project design. The LERRD requirements and cost presented herein are preliminary in nature for planning purposes only and may change with plan optimization leading to a final design of the proposed project.

Study Authorization – The Providence River and Harbor FNP was originally adopted in 1852 and modified by 17 subsequent authorizations. The 40-foot channel depth of the existing project that is now being maintained was authorized by the River and Harbor Act of 1965. The FNP currently has an authorized depth of 40 feet below Mean Lower Low Water (MLLW) and channel width of 600 feet, with wider bends and a 1,700-foot-wide harbor area at the upstream end. The total authorized channel length is approximately 17 miles long, extending from its upstream limit just downstream of the Providence (Fox Point) Hurricane Barrier to its downstream limit between Prudence Island and Aquidneck Island in the Eastern Passage of Narragansett Bay.

Non-Federal Sponsor – The Non-Federal Sponsor for the project is the Rhode Island Coastal Resources Management Council (RICRMC). The RICRMC is a State Agency, however it does not independently have the ability to hold title. The recommended plan assumes no LERRD are required, but if requirements change, the project may lack a sponsor with independent legal authority to hold title. To the extent that RICRMC would need to hold title for this project, the RICRMC would act with a state agency that has legislated authority to hold title (such as Rhode Island Department of Transportation). It has been confirmed with New England District Office of Counsel that the proposed arrangement with RICRMC is legally sufficient to satisfy non-Federal sponsor responsibilities under applicable law and policy, and PPA execution requirements. This risk of needing to acquire LERRD and bringing in another state agency has been documented within the project risk register, including potential impacts to cost, schedule and execution.

2. Real Estate Requirements

a. Recommended Plan – The Federal Base Plan for dredged material placement over the 20-year planning period involves two maintenance dredge cycles, cycle one starting in the year 2027, and cycle two approximately 20 years later, starting in 2047. The plan consists of excavating two Confined Aquatic Disposal (CAD) cells in subtidal waters to the west of the existing channel. The first CAD cell, known as the Edgewood Shoals North (ESN) site, would be constructed during the maintenance cycle one, and would be about 1,600 feet by 1,500 feet and would be dredged to a depth of about 60 feet below MLLW to provide a capacity of about 3 million cubic yards. The material excavated from the CAD cell would be placed in four locations:

1. As beneficial-use fill and capping material in the Port Edgewood Basin just north of the CAD cell site.
2. As beneficial-use capping material in the old CAD cells (used during the 2003-2005 maintenance cycle of the Providence River FNP) in the northern end of Fox Point Reach in the Providence River FNP.
3. As beneficial-use capping material in an abandoned subtidal dredged material disposal site in Narragansett Bay adjacent to Prudence Island.
4. Suitable material placed in ocean waters at the EPA designated Rhode Island Sound disposal site.

All four placement locations are in subtidal waters. All locations are subject to navigation servitude and no compensable property rights of the state in submerged lands are impacted.

A new access channel would be constructed between the Providence FNP channel and the proposed ESN CAD cell. The dredged material from the new access channel would be placed in open water.

The second CAD cell, known as the Edgewood Shoals South (ESS) site, would be constructed during the maintenance cycle two, and would be about 1,600 feet by 1,500 feet and would be dredged to a depth of about 60 feet below MLLW to provide a capacity of about 3 million cubic yards. The material excavated from the CAD cell would be placed in two locations:

1. As beneficial-use capping material in the ESN CAD cell, which will fill the cell to capacity and be considered complete with no further future dredged material placement anticipated.
2. As suitable material placed in ocean waters at the EPA designated Rhode Island Sound disposal site.

Both of these placement sites are in subtidal waters and are shown in greater detail in Figure 3 below.

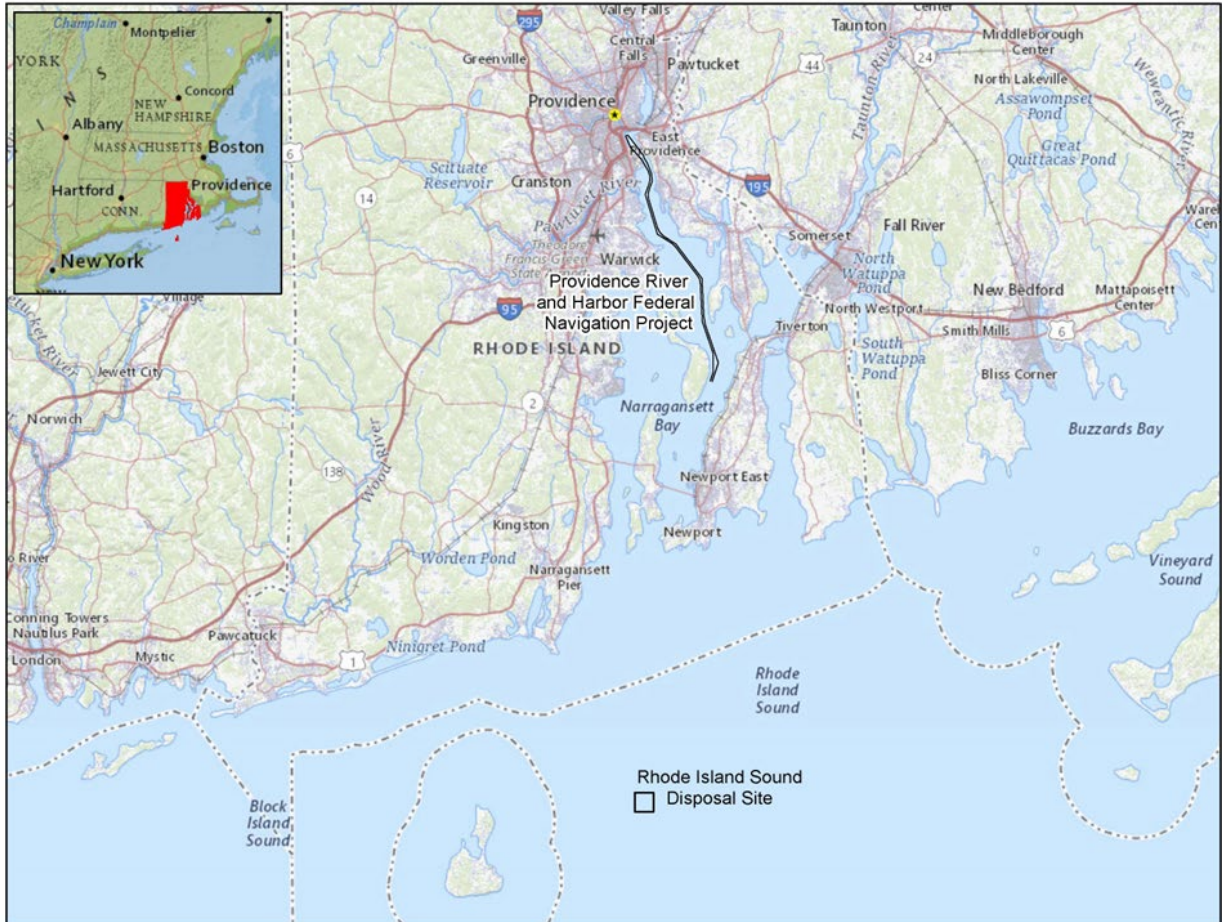


Figure 1: The Study Area

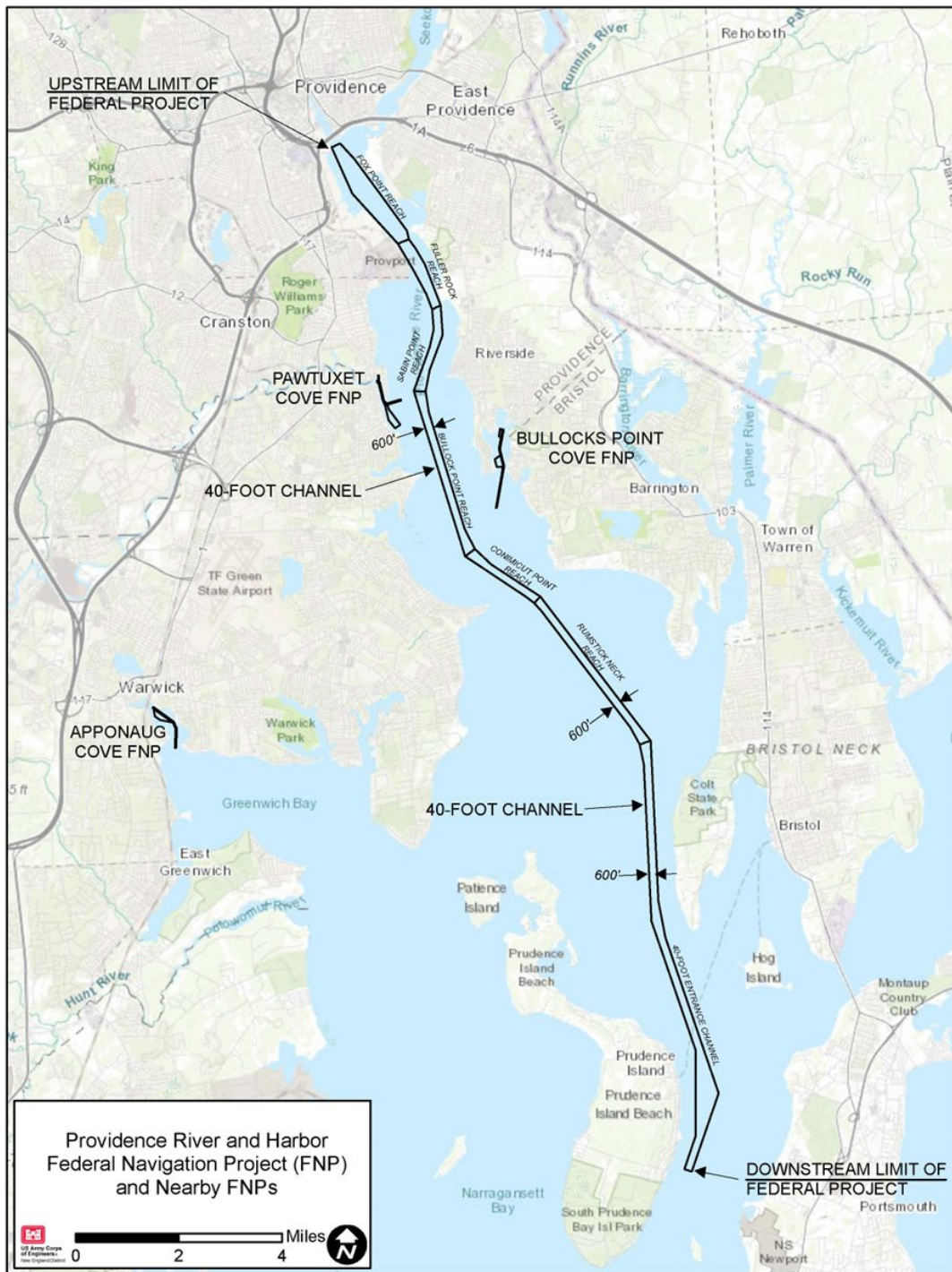
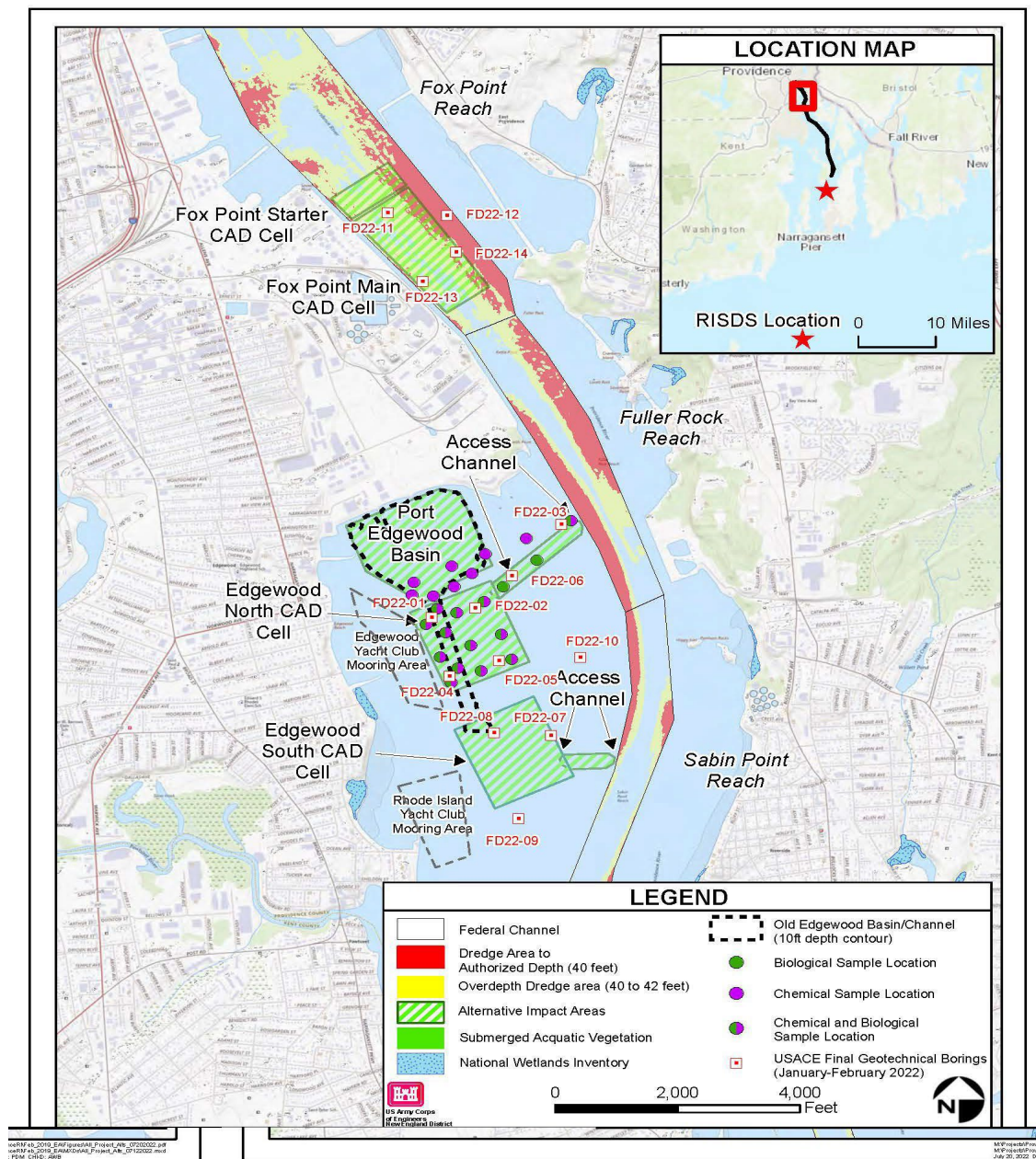


Figure 2: Providence River and Harbor Federal Navigation Project Features and Nearby Federal Navigation Projects.



CAD Cell Alternative Impact Areas Providence DMMP

Figure 3: Location of Measures: Fox Point Reach South CAD cell (Main CAD Cell and Starter Cell), Edgewood Shoals North CAD Cell, Edgewood Shoals South CAD Cell, and Port Edgewood Basin.

b. Required Lands, Easements, and Rights-of-Way – There are no real estate acquisition requirements for the Federal Base Plan. All lands required for dredging lie within the Federal Navigation Servitude (FNS), and Navigation Servitude will be exercised for the Federal Base Plan. Since all equipment is expected to be brought in by water, staging or work areas are not needed and no real estate interests need to be acquired. The table below delineates the approximate acreages of the federal navigation channel to be dredged and the acreages of the proposed CAD cells with access channels included.

Estate Type	Acres
FNS – FNP Main Channel	1,236
FNS – Cycle 1 CAD Cell	55
FNS – Cycle 1 CAD Cell Access Channel	14
FNS – Cycle 2 CAD Cell	55
FNS – Cycle 2 CAD Cell Access Channel	6
Total Acres	1,366

There are state regulatory permitting requirements to authorize use of each CAD site. The two applicable permits for compliance with environmental law for the recommended plan are the Coastal Zone Management Concurrence (located in Appendix H of the main report) and the Section 401 Water Quality Certification (concurrence letter located in Appendix A of the main report). For all CAD cell locations, Federal Navigation Servitude fully applies and there are no compensable property rights impacted.

The purpose of exercising the FNS for maintenance dredging and placement of dredged material from the Providence River Estuary including the Providence River and Harbor FNP (Providence FNP) and three adjacent FNPs is to restore full navigational utility of the Providence FNP and then to maintain full utility through at least the year 2048. USACE identified a need to prepare this DMMP due to excessive shoaling presently in the Providence FNP that impedes the economic utility of the authorized project and predicted future shoaling that will continue to degrade the economic utility. The project's purpose and need to exercise FNS is to restore and maintain the general navigation features and local service facilities to fully utilize the system as authorized over a 20-year period. Section 9 of this report contains the availability determination analysis.

c. Land Value Estimate – Because implementation of the Federal Base Plan would be by entirely water-based equipment and methods, and due to the absence of any required real estate interests or presence of any project features that fall outside the limits of Navigation Servitude, and the absence of any impact to compensable property rights, no land value estimates were required or developed.

3. Real Estate Owned by the Non-Federal Sponsor

The Non-Federal Sponsor is a state agency, the Rhode Island Coastal Resources Management Council. No Sponsor-owned lands are required for project implementation.

4. Non-standard Estates

There are no non-standard estates proposed for the project.

5. Existing Federal Projects

The Providence River DMMP is intended to address the maintenance dredging of the authorized Providence River and Harbor Federal Navigation Project and three associated shallow draft FNPs that will also require maintenance in the same 20-year planning horizon for dredged material disposal. Those projects are Bullocks Point Cover, Pawtuxet Cove and Apponaug Cove. Bullocks and Pawtuxet Coves FNP maintenance materials were placed in the CAD cells constructed for Providence River in 2003-2005 after completion of the Providence River maintenance. The CAD cell placement was the Federal Base Plan for each of those projects.

6. Federally Owned Land

There are no existing federal lands included within the required LERRD for the proposed project.

7. Federal Navigational Servitude

The Federal Navigation Servitude is the dominant right of the Federal Government under the Commerce Clause of the U.S. 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 mean high water mark. Generally, the Federal Government does not acquire interests in real property that it already possesses or over which its use or control is, or can be, legally exercised. If navigational servitude is found to be available, then the Federal Government will generally exercise its right thereunder and, to the extent of such rights, will not acquire a real property interest in the land to which the navigational servitude applies.

The determination of the availability of the navigation servitude is a two-step process. First, the Federal Government must determine whether the project feature serves a purpose which is in the aid of commerce. Such purposes recognized by the courts include navigation, flood control, and hydro-electric power. If it is so determined, then the second step is to determine whether the land at issue is located below the mean or ordinary high-water mark of a navigable watercourse. Since the project is a navigation project that aids in commerce and since all the lands required for the project

lie below the mean high-water mark, the application of Navigational Servitude for the Base Plan is available. Navigation Servitude will be exercised for the lands required for dredging. The conclusion on the availability of Navigation Servitude for the Federal Base Plan was determined by the New England District Office of Counsel.

8. Real Estate Mapping

Real Estate Maps are provided in Exhibit A, showing all areas to be dredged, FNP channel delineation and CAD cell footprints.

9. Induced Flooding

There is no evidence from the study that the proposed project will induce flooding in new areas or increase in existing flood prone areas. All project features are subtidal and will not displace flood waters from one location to another. This statement has been confirmed with Hydrology, Hydraulics and Coastal department and more detail is available in the Coastal Engineering and Infrastructure Resilience Appendix.

10. Baseline Cost Estimate for Real Estate

The BCERE establishes the estimated financial costs (for both the Government and Sponsor) that are attributed to the proposed project's real estate requirements. It consists of the 01-Lands and Damages, 02-Relocation (utilities/facilities), and 30-Planning, Engineering and Design project cost accounts. The 01-account includes all Sponsor land acquisition administrative expenses, of which there are none for the proposed project. The 02-account includes the cost to relocate any required utility or facility to construct, operate, or maintain the proposed project including any land acquisition cost associated with said relocation, of which there are none for the proposed project. The 30-account includes all federal administrative costs, and there has been an amount budgeted which can account for potential risks, uncertainties, or changes to real estate requirements. The table below summarizes the real estate costs that have been estimated for the proposed project.

PROJECT COST CATEGORY	COST	CONTGY (%)	CONTGY (\$)	TOTAL COST
01-Land and Damages	\$ 0	% 0	\$ 0	\$ 0
02-Relocation (Utility/Facility)	\$ 0	% 0	\$ 0	\$ 0
30-PED	\$ 22,000	% 0	\$ 6,000	\$ 28,000
TOTAL	\$ 22,000	% 0	\$ 6,000	\$ 28,000

11. Uniform Relocation Assistance (Public Law 91-646)

The proposed project does not require the displacement of residences and/or businesses.

12. Minerals 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. No timber harvesting activities are anticipated to occur within the proposed project footprint.

13. Non-Federal Sponsor Capability Assessment

The Federal Base Plan requires no acquisition of real estate. However, the NFS is a state agency fully capable of acquiring real property rights, including utilization of condemnation authority, should a change of the real estate requirements occur. The NFS Capability Assessment is included as Exhibit B to this Real Estate Plan.

14. Land Use Zoning

There are no zoning ordinances currently proposed to be enacted or applied in lieu of or to facilitate acquisition of any LERRD in connection with this project.

15. Real Estate Acquisition Schedule

No Lands, Easements, Rights-of-Way, Relocations, or Disposal Areas (LERRD) are required for this project. The table below identifies the minimum schedule of real estate milestones and coordination points that will ensure alignment with the overall project timeline and contracting activities. The Real Estate Certification will document that there are no LERRD required and that project implementation is being carried out under the Federal Navigation Servitude.

Milestone	Forecasted Dates
PPA Execution	June 15 2026
Notice to Proceed with Acquisition to Sponsor	January 15 2027
Sponsor's Authorization for Entry for Construction	February 15 2027
USACE's Certification of Real Estate	March 1 2027
USACE's Solicitation for Construction Contracts	March 30 2027
USACE's Award of Construction Contracts	May 27 2027

16. Facility and Utility Relocations

There are no utility or facility relocations anticipated or currently required within the proposed project.

17. Environmental Contamination

Providence is Rhode Island's largest commercial port with several possible sources for accidental releases of hazardous waste. The port is a crucial import location for

refined petroleum products, which supplies demand within Rhode Island and the broader Northeast region and has several terminals that receive the petroleum products. There have been a number of historic releases of petroleum products into the Providence River from the terminal facilities.

A review of historic testing data, previous environmental assessments, water quality data, adjacent land-use information, and interviews with local officials for the project's suitability determination indicated measurable spills (e.g., spills capable of being quantified) of diesel fuel, gasoline, home heating oil (#2 fuel oil), hydraulic oils, raw sewage, waste motor oil, and antifreeze. Locations ranged throughout the Providence FNP.

There are no known or suspected presence of Hazardous, Toxic, or Radioactive Waste located in, on, under, or adjacent to the real estate required for the proposed project.

The project is not expected to contribute any new hazardous, toxic, or radioactive waste material to Narragansett Bay or the Providence River and Harbor system through dredging the FNP or placement at the CAD cell sites. There is further detailed information for this subject in section 4.12 of the main report.

18. Project Public Support

USACE coordinated with stakeholders and the public throughout the DMMP study. Communication regarding USACE activities have occurred with community leaders, resource agencies and other stakeholders with an interest in activities in and around Narragansett Bay. Table 11.1 in the main report details the record of meetings held and there is additional details of the stakeholder meetings and public involvement in section 11 of the main report and Appendix A for the coordination documentation. The record does not indicate any known opposition or public concerns which cannot be overcome.

19. Non-Federal Sponsor Risk Notification

By letter dated December 10, 2025, a formal written notice was provided to the NFS on the risks associated with acquiring real estate for the Recommended Plan in advance of signing a Project Partnership Agreement (PPA). Those risks include, but may not be limited to, the following:

- a. Congress may not appropriate funds to construct the recommended plan;
- b. The recommended plan may otherwise not be funded or approved for construction;
- c. A PPA mutually agreeable to the NFS and the Federal Government may not be executed and implemented;

d. The NFS may incur liability and expense by virtue of its ownership of contaminated lands, or interests, whether such liability should arise out of local, state, or Federal laws or regulations, including liability arising out of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended;

e. The NFS may acquire interests or estates that are later determined by the Federal Government to be inappropriate, insufficient, or otherwise not required for the project;

f. The NFS may initially acquire insufficient or excessive real property acreage, which may result in additional negotiations and/or benefit payments under Public Law 91-646 (Uniform Relocation Assistance); as well as the payment of additional fair market value to the affected landowners, which could have been avoided by delaying acquisition until after PPA execution and the Federal Government's notice to commence acquisition and performance of LERRD; and

g. The NFS may incur costs or expenses in connection with its decision to acquire the LERRD in advance of the executed PPA and the Federal Government's notice to proceed with LER acquisition, which may not be creditable under the provisions of Public Law 99-662 (Water Resources Development Act of 1986) or the PPA.

20. Other Pertinent Information

No other information to discuss.

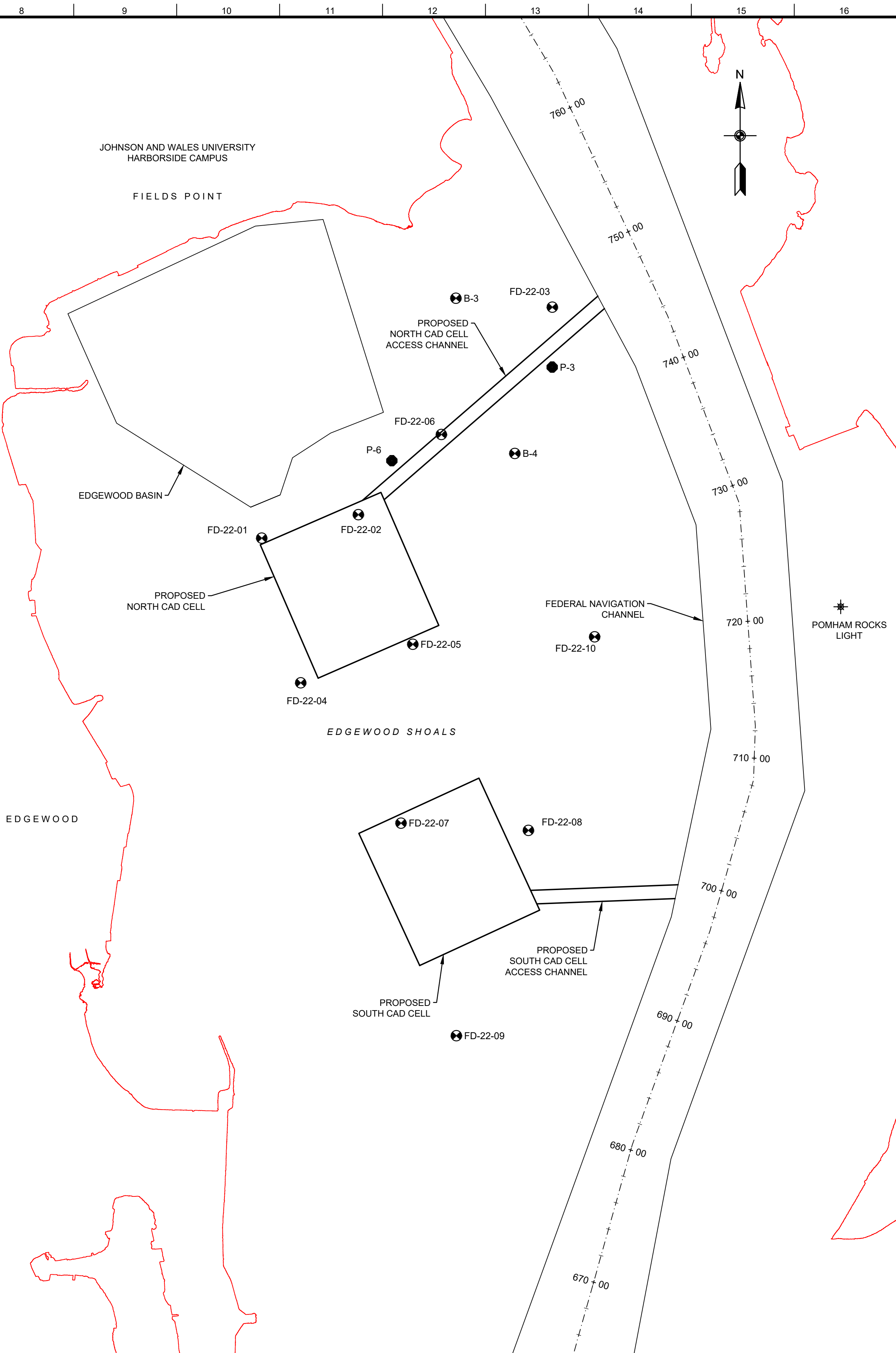
PREPARER:

NAME: William C. Mehr III
TITLE: Realty Specialist

DISTRICT CHIEF OF REAL ESTATE

NAME: Timothy W. Shugert
TITLE: NAE District Chief Of Real Estate

Exhibit A
Real Estate Map



1. THE EXISTING CONDITIONS SHOWN ON THESE DRAWINGS REPRESENT THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED, AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS EXISTING AT THAT TIME.
2. SOUNDINGS AND CONTOURS SHOWN REFERENCE THE PLANE OF MEAN LOWER LOW WATER (MLLW). SOUNDINGS ARE SHOWN AS DEPTHS BELOW THE REFERENCE PLANE OF MLLW.
3. AERIAL IMAGERY SHOWN IS FROM 2024 MICROSOFT CORPORATION.
4. COORDINATES SHOWN ARE IN U.S. FEET AND REFERENCE THE RHODE ISLAND STATE PLANE COORDINATE SYSTEM (NAD83).
5. UNLESS OTHERWISE NOTED, ALL TOPOGRAPHY INCLUDING SHORELINE, BRIDGES, PIERS, UTILITIES, ETC. IS LOCATED APPROXIMATE AND SHOULD BE USED AS A GENERAL REFERENCE ONLY.

 BORING LOCATION
 PROBE LOCATION
 MEAN HIGH WATER (EL. 2.12 NAVD 88)

Approximate Acreages
FNP Main Channel = 1,236
Cycle 1 CAD Cell = 55
Cycle 1 CAD Cell Access
Channel = 14
Cycle 2 CAD Cell = 55
Cycle 2 CAD Cell Access
Channel = 6
Total Acres = 1,366

Exhibit A

[illegible]

U.S. ARMY CORPS OF ENGINEERS NEW ENGLAND DISTRICT 686 VIRGINIA ROAD CONCORD, MA 01742-2751	DESIGNED BY:		ISSUE DATE:
	DRAWN BY:		SOLICITATION NO.:
	CHECKED BY:		CONTRACT NO.:
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PROVIDENCE RIVER AND HARBOR
PROVIDENCE, RHODE ISLAND
DREDGED MATERIAL MANAGEMENT PLAN (DMMP)

GENERAL PLANS

SHEET ID
G-101

PRELIMINARY - NOT FOR CONSTRUCTION

Exhibit B
Non-Federal Sponsor Real Estate Acquisition Capability Assessment Form

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

*Providence River and Harbor, Rhode Island
Dredged Material Management Plan*

I. Legal Authority:

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

Per RIGL § 46-23-6, the holding of real estate is not granted to CRMC by the legislature. To the extent that CRMC would need to hold title for this project, the true owner would be the state of Rhode Island per Rhode Island General Laws Title 34 – Property.

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

Yes, pursuant to Rhode Island General Laws Title 42 – State Affairs and Government Chapter 42-64.12 – Eminent Domain.

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?

No. Currently there are no anticipated real property acquisitions required. For this project scope, if there were to be any need for real property acquisitions, it is anticipated that they would be within RICRMC's jurisdiction which is 200 feet inland of any coastal feature. Legal Counsel would be engaged for any required acquisitions.

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

No. At this phase of the project there are no anticipated lands/interests in land required for the project.

II. Human Resource Requirements

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91- 646, as amended?

No real property acquisitions are anticipated for this project so at this time the answer to this questions is No. Should the scope of the project change during the PED phase to where RICRMC needs to acquire property, additional training may be required.

b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training?

N/A

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes, and in addition, RICRMC staff shall consult with legal counsel as necessary should the acquisition of real property become required.

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, with the exception of any training as outlined in bullet a. of this part. USACE has not committed to providing any training.

III. Other Project Variables

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

Yes.

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

As of this draft there is no acquisition anticipated and no real estate milestones..

IV. Overall Assessment

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

Yes, RICRMC was the non-federal sponsor for the Providence River Dredging event starting in 2002. No performance issues have been identified. No real estate acquisition was required for that project. RICRMC has not had to oversee the acquisition of real estate interests for any USACE project.

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

Fully capable.

V. Coordination

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

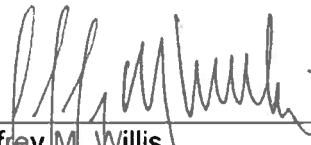
Yes.

- b. Does the sponsor concur with this assessment?

Yes.

Signatures on following page

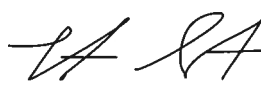
*Assessment of NFS RE Acquisition Capability
Providence River and Harbor, Rhode Island
Dredged Material Management Plan*



Jeffrey M. Willis
Executive Director, RICRMC

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Date: 2025.12.05 14:51:19 -05'00'

William C. Mehr III
Realty Specialist



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Date: 2025.12.05 14:55:03
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Timothy W. Shugert
Chief, Real Estate Division