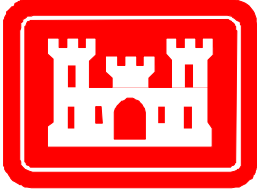


**CAPE COD CANAL & SANDWICH BEACHES
SHORE DAMAGE MITIGATION STUDY**

**APPENDIX F
REAL ESTATE REPORT**

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

Real Estate Planning Report

Cape Cod Canal & Sandwich Beaches

Shore Damage Mitigation Project

Sandwich, Massachusetts

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Attachment 1: Real Estate Maps (4 sheets)

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**Cape Cod Canal and Sandwich Beaches
Section 111 Shore Damage Mitigation Study
Real Estate Planning Report**

1. Statement of Purpose, Project Description, Authority

1.1. Introduction

The Cape Cod Canal Federal Navigation Project (FNP) was built as a private enterprise beginning in the 1900s and included a canal as well as two jetties located at the eastern entrance to the canal. The Cape Cod Canal project has been owned and operated by the U.S. Army Corps of Engineers since 1928. It provides safe and efficient passage for vessels from Buzzard's Bay on the southwesterly side to Cape Cod Bay on the northeasterly side and avoids the hazards of traveling around Cape Cod. The Canal also provides recreational opportunities. Two jetties were constructed at the eastern end to prevent material from migrating into the Canal and filling the navigation channel. The jetties reduce federal taxpayer funds required to dredge the Canal. The jetties have had the unintended consequence of interrupting the natural alongshore migration of sediment and starving the downdrift shoreline of material that would otherwise maintain the beach profile in the town of Sandwich. Erosion is particularly significant along a town-owned beach (Town Neck Beach) and a privately-owned beach (Springhill Beach) and has caused significant concern to town of Sandwich residents.

1.2. Study Purpose

The U.S. Army Corps of Engineers (USACE) conducted this Cape Cod Canal Section 111 Feasibility Study to investigate the impacts of the Cape Cod Canal FNP on the town of Sandwich, Massachusetts shoreline and develop and evaluate alternatives to mitigate those impacts, focusing on the Town Neck Beach area. The Focused Study Area is shown in Figure F1.



Figure F1: Cape Cod Canal and Sandwich Beaches Study Area

The study focused on quantifying the interruption to alongshore sediment transport attributed to the jetties at the eastern end of the Canal and identifying appropriate means of replicating, as best as possible, the natural coastal processes that existed prior to the construction of the jetties. Any proposed remedy must ensure the continued functionality of the Cape Cod Canal project. The study evaluated the merit of each proposed alternative with respect to functionality, constructability, impacts to environmental and cultural resources, real estate requirements, and cost. The finding of the study and any recommendations for implementation will be presented in a final Detailed Project Report/Environmental Assessment (DPR/EA).

1.3. Study Authorization:

This study is authorized under the Continuing Authorities Program (CAP) Section 111, which authorizes the prevention or mitigation of shoreline damage attributable to Federal Navigation Projects.

1.4. Proposed Project:

The project focus is exclusively on a large-scale beach and dune nourishment project that will reduce vulnerability to coastal storms, sea level rise, and flooding through mitigation of long-term erosion attributed to the jetties constructed at the eastern entrance to the Cape Cod Canal. The Tentatively Selected Plan (TSP) will use materials dredged from the nearshore area at Scusset Beach in order to replenish the shoreline at Town Neck Beach.

1.5. Non-Federal Project Sponsor:

The Non-Federal sponsor (NFS) for the proposed mitigation project is the town of Sandwich, Massachusetts. The town will execute a Project Partnership Agreement (PPA) with the District. The project will be 100% federally funded, per Section 111 policy requirements. The District will be responsible for obtaining all Lands, Easements, and Rights of Way (LERs) required for the construction, operation and maintenance of the project. The NFS will not be responsible for obtaining and certifying LERs acquisition but has indicated a willingness to informally assist the District in its efforts to acquire LERs associated with this project.

2. Real Estate Requirements

The proposed project will accomplish the beach and dune nourishment by placing material from the Federally-permitted borrow site off Scusset Beach onto public and private properties shown on Attachment 1, Real Estate Plan (4 sheets). Required LERs will include permanent easements over Town-owned property and over seven (7) privately-owned properties as shown on Attachment 1, Sheet C002. Temporary work area easements (TWAEs) over town-owned property shown on Attachment 1 will also be required.

Table F1 below is a list of all parcels required for the construction, operation and maintenance of the proposed project. This list provides the owner names, the interests needed, the area required, and the parcels identified by block and lot number, as currently recorded in County and Municipal tax property records.

No fee interest will be required.

Table F1: Impacted Parcels				
PARCEL ID	OWNER	TWAE (SF)	Permanent BSDRE (SF)	TOTAL AREA REQUIRED (SF)
94-091	Scott Dwyer	898	898	898
94-095-003	White Cap Path RT	8,400	8,400	8,400
94-101-101	R & M Moore Diane RT V Poulos,RIT D & I Davis RFT	14,963	14,963	14,963
89-103	J Ekasala	11,261	11,261	11,261
89-104	Kurt & Susan Carlson	9,519	9,519	9,519
89-105	JH Realty Trust	6,749	6,749	6,749
89-106	B Hartshorn/M Kirby	4,347	4,347	4,347
93-012	Town of Sandwich	932,647	932,647	932,647
89-127	Town of Sandwich	90,162	0	90,162

The TWAE proposed is for access, staging, construction and mobilization for two (2) years. The USACE standard estate language (as found in Exhibit 5-29 of ER 405-1-12) will be used for the TWAEs. The estate language is as follows:

Temporary Work Area Easement (Estate 15)

A temporary easement and right-of-way in, on, over and across the land described in Schedule A (Tracts Nos. _____), for a period not to exceed two (2) years, 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 work area, including the right to 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 Cape Cod Canal and Sandwich Beaches Section 111 Coastal Shore Damage Mitigation 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.

A permanent easement from the town of Sandwich is required for operation and maintenance of the beach and dune system. The proposed estate is the Perpetual Beach Storm Damage Reduction Easement (Estate 26) as shown below:

Perpetual Beach Storm Damage Reduction Easement (Estate 26)

A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A, for use by the town of Sandwich, 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 re-nourish 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 re-nourishment and maintenance of the Cape Cod Canal and Sandwich Beaches Section 111 Coastal Shore Damage Mitigation Project, 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; reserving, however, to the grantor(s), (his) (her) (its) (their) (theirs), successors and assigns, the right

to construct dune over-walk 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) (theirs), 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.

2.1. Non-Standard Estate:

Permanent easements over seven (7) privately owned parcels identified above are required for operation and maintenance of the beach and dune system. The Project will require a deviation from the USACE standard estate language (as found in Exhibit 5-29 of ER 405-1-12) and the request will be submitted through the North Atlantic Division for Headquarters approval. The proposed estate is the Perpetual Beach Storm Damage Reduction Easement (Estate 26), with language regarding public use and access deleted as shown below:

Perpetual Beach Storm Damage Reduction Easement (Estate 26) (Modified)

A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A, for use by the town of Sandwich, 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 re-nourish 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 re- nourishment and maintenance of the Cape Cod Canal Sandwich, Massachusetts Section 111 Cape Cod Canal Mitigation of Damages Attributable to Navigation Works project, ~~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; reserving, however, to the grantor(s), (his) (her) (its) (their) (theirs), successors and assigns, the right to construct dune over-walk 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) (theirs), 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.

The real estate requirements will be further defined during the pre-construction, engineering and design phase (PED), upon project approval.

3. Lands Owned by the Non-Federal Sponsor (NFS)

The NFS owns lands along the beach which will be used for TWAEs for access, staging, mobilization and construction of the project. A permanent easement will also be required over the Town Beach.

4. Non-Standard Estates

As described in Section 2. Real Estate Requirements above, approval of a deviation from Standard Estate No. 26, Perpetual Beach Storm Damage Reduction, will be required. The proposed modification will omit the requirement that owners of the identified private properties provide public use and access. Inclusion of the private properties is essential to a complete project to mitigate the effects of the Federal navigation project on the properties.

5. Existing Federal Projects

No existing federal projects are within the LERs required for the project. The Cape Cod Canal FNP will not be affected by or be included in the real property requirements of this project.

6. Existing Federally Owned Lands

The project area is within the town of Sandwich, County of Barnstable, Massachusetts and contains no land owned by the federal government.

7. Navigation Servitude

Navigational servitude is the 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 the mean high water (MHW). Navigational Servitude does not apply to this project.

8. Induced Flooding

The entire project area is subject to coastal storm flowage. The constructed project features will not induce flooding in new areas or increase flooding in existing flood-prone areas.

9. Baseline Cost Estimate for Real Estate

Baseline cost estimates for real estate will be borne entirely by the federal government in conformance with Section 111 requirements. There will be no LER credits to the NFS. The TWAE over Town-owned land and the Perpetual Beach Storm Damage Reduction Easements over both public and private property are over lands that are under water at high tide and below mean high water and have no discernable value. The value of the easements to be acquired by the federal government may be determined to be nominal, if any, because of the value of the property restoration. Appraisal will determine this if the project is approved. . The government's administrative costs are expected to include survey, map preparation, environmental investigation, title research, appraisal, negotiation, document preparation, and document recording, as well as other miscellaneous costs. No relocations of facilities are utilities will be required. The baseline real estate cost estimate is as shown in Table F2, below.

Table F2: Baseline Real Estate Costs

Project Cost Account	Cost Category	Administration	Acquisition
01	Lands and Damages	\$155,000	TBD*
02	Relocations (Utility/Facility)	\$0	\$0
	BCERE	\$155,000	TBD*

*Subject to appraisal

10. Public Law 91-646 Relocations

The proposed project will not require temporary or permanent relocations of residential or commercial occupants.

11. Mineral 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.

12. Timber Rights

There are no timber rights required.

13. Assessment of Non-Federal Sponsor Acquisition Capability

This project will be 100% federally funded per Section 111 cost-sharing requirements. The NFS will not be responsible for acquiring LERs for this project and no assessment of its acquisition capability is required

14. Zoning

There are no zoning considerations associated with this project.

15. Acquisition Schedule

The PED and construction schedule is included in Appendix F – Cost Engineering Report of the Decision Document and is dependent on future USACE approval and project funding. The real estate acquisition requirements will be further outlined during PED, upon project approval. The actual construction schedule is subject to project approval and funding. The schedule shown below in Table F3 reflects the tasks to be accomplished and will be finalized at a later date.

Table F3: Real Estate Acquisition Schedule	
Acquisition Schedule	Date
Project Partnership Agreement (PPA)	May 2021
Issue Solicitation	March 2022
Start Construction	October 2022

16. Utility and Facility Relocations

There are no utility or facility relocation requirements.

17. Environmental Concerns

An Environmental Impact Statement will not be required for the Feasibility Phase; an Environmental Assessment /Finding of No Significant Impact will satisfy National Environmental Policy Act (NEPA) requirements. A Draft Integrated Feasibility Report and Environmental Assessment will be issued for comment in August 2020 and the comment period will close in December 2020. At this point in the study, there is no known hazardous, toxic, or radioactive waste in the proposed project area and no known sites having had a release or threatened release of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act.

18. Attitude of the Landowners

The NFS has expressed and demonstrated support for the beach and dune nourishment project to restore the Town Neck Beach. The proposed project is supported by affected landowners and the local public.

19. Advance Acquisition

Following USACE approval and funding for the improvement project, the District will be required to execute a PPA with the NFS, including cost share responsibilities. As the project will be 100% federally funded, the NFS will not be responsible for any acquisition of LERS. Responsibility to acquire LERS will be borne entirely by the District.

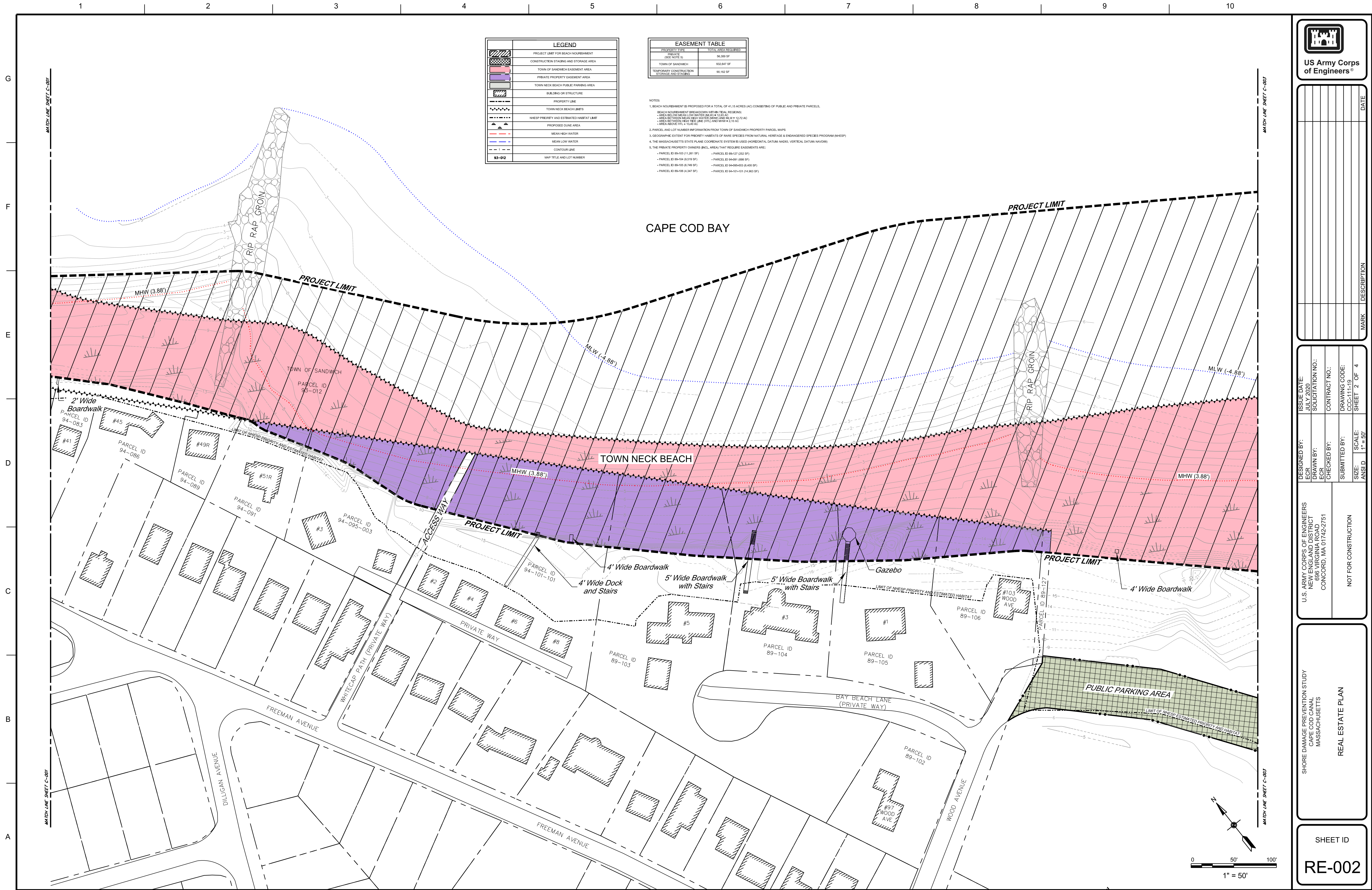
20. Other Relevant Real Estate Issues

There are no other relevant real estate issues.

Attachment 1

Real Estate Maps

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US Army Corps of Engineers®

ISSUE DATE:		SOLICITATION NO.:		CONTRACT NO.:		DRAWING CODE:		SHEET 2 OF 4	
DESIGNED BY:	FOR:	DRAWN BY:	CHECKED BY:	SUBMITTED BY:	SCALE:	ANSI:	1" = 50'	NOT FOR CONSTRUCTION	
JULY 2020		NEW ENGLAND DISTRICT		CCC-11-19		CCC-11-19		REAL ESTATE PLAN	
EOR:		696 VIRGINIA ROAD		CONCORD, MA 01742-2751		MASSACHUSETTS		SHORE DAMAGE PREVENTION STUDY	
CAP Cod CANAL		MASSACHUSETTS		REAL ESTATE PLAN		SHEET ID		RE-002	

