

US Army Corps of Engineers
New England District

Appendix F - Draft Real Estate Plan
Fairfield and New Haven Counties, CT
Coastal Storm Risk Management
Feasibility Study and Environmental Assessment

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Contents

1. STATEMENT OF PURPOSE/PROJECT DESCRIPTION/AUTHORITYF-4

2. REAL ESTATE REQUIREMENTS.....F-6

3. EXISTING FEDERAL PROJECTSF-7

4. EXISTING FEDERALLY OWNED LANDSF-7

5. LANDS OWNED BY THE NON-FEDERAL SPONSOR (NFS)F-8

6. NAVIGATIONAL SERVITUDE.....F-8

7. INDUCED FLOODING.....F-8

8. PRELIMINARY COST ESTIMATE FOR REAL ESTATEF-8

9. PUBLIC LAW-646 RELOCATIONSF-9

10.MINERAL ACTIVITYF-9

11.TIMBER RIGHTS.....F-9

12.ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITYF-9

13.ZONINGF-9

14.ACQUISITION SCHEDULEF-9

15.UTILITY AND FACILITY RELOCATIONSF-10

16.ENVIRONMENTAL CONCERNS.....F-10

17.ATTITUDES OF THE LANDOWNERSF-10

18.NOTIFICATION TO NON-FEDERAL SPONSORF-11

19.OTHER RELEVANT REAL ESTATE ISSUESF-11

20.RISK ANALYSISF-11

Attachment 1 – Real Estate Map

Attachment 2 – Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability Form

1. STATEMENT OF PURPOSE/PROJECT DESCRIPTION/AUTHORITY

Introduction: The U.S. Army Corps of Engineers (USACE), in partnership with the Connecticut Department of Energy and Environmental Protection (CT DEEP), and in cooperation with other Federal and State agencies, including the Federal Highway Administration (FHA) and the Connecticut Department of Transportation (CT DOT), is conducting a study to examine Coastal Storm Risk Management (CSRM) alternatives to develop recommendations for reducing flood damage, coastal storm damage and coastal erosion, and other related purposes in the vicinity of the estuaries and shoreline of New Haven, Connecticut. This Real Estate Plan is prepared in support of the Draft Integrated Feasibility Report / Environmental Assessment (IFR/EA). The Real Estate Plan (REP) is tentative in nature; it is for planning purposes only and both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after approval of the study purpose.

Study Purpose: The purpose of the study is to evaluate the feasibility of Federal participation in implementing solutions to problems and opportunities associated with preventing or mitigating coastal storm damage in the study area. The Focused Study Area is shown in Figure 1.



Figure 1 – New Haven Study Area Outlined in Green

The focused study area includes the Interstate 95 (I-95) corridor through the City of New Haven and at-risk commercial and transportation infrastructure on either side of the corridor in the vicinity of Long Wharf. Commercial infrastructure includes industrial and commercial facilities (IKEA, Assa Abloy, Jordan's Furniture) and the Regional Water Authority, New Haven Food Terminal, and the Long Wharf Maritime Center to the east of I-95; and the CT DOT New Haven Rail Yard and New Haven Rail Maintenance Facility as well as Union Station, which is listed on the National Register of Historic Places, to the west.

Study Authorization: This study is authorized under a Resolution by the Committee on Transportation and Infrastructure of the United States House of Representatives dated April 29, 2010: *“the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, coastal erosion, and other related purposes in the vicinity of the estuaries and shoreline of Fairfield and New Haven Counties, Connecticut.”*

Federal Objective: The Federal objective of water and related land resources planning is to contribute to national economic development consistent with protecting the Nation's environment, pursuant to national environmental statutes, applicable executive orders, and other Federal planning requirements. In support of this Federal objective, it is within both the National and USACE interests to participate in studies to reduce coastal storm damage and protect or reduce damage to businesses, critical infrastructure, and transportation systems along the coastline of New Haven County. The “Federal Interest” decision in USACE planning is generally limited to instances where benefits of a potential project are expected to exceed the costs to the nation and the project is consistent with protecting the nation's environment.

Proposed Project: The proposed project will reduce damages and manage risk from coastal storms in the City of New Haven, CT. The Tentatively Selected Plan (TSP) will abut the existing I-95 embankment in New Haven with 5,950 linear feet of floodwall with a top elevation of +15 feet North Atlantic Vertical Datum of 1988 (NAVD88). Five road closure structures and two pump stations will be constructed, and the potential for flood-proofing structures in the Long Wharf Maritime Center will be explored.

Non-Federal Project Sponsor: The Non-Federal sponsor (NFS) for the proposed improvement project is the CT DEEP.

2. REAL ESTATE REQUIREMENTS

Land, Easements, and Rights-of-Way Requirements. Temporary work area easements (TWAEs) for 5 years (access, staging, construction, and mobilization) will be required to construct a floodwall 5,950 feet long adjacent to the I-95 embankment, five road closure structures, approximately 475 feet long in total, and two pump stations.

Construction of the floodwall will require TWAEs over two privately-owned residential properties with total lot sizes of +/- 0.14 acre and +/- 0.17 acre and over four City-owned parcels; acreage of the municipal properties totals +/- 5.48 acres. A TWAE will also be required from CT DOT for construction of the floodwall and five road closure structures adjacent to and in the right of way of the I-95 embankment; and from the City of New Haven for the construction of the two pump stations on City-owned property. The actual areas encumbered by the TWAEs will be a 10 to 20 linear foot wide work area along the length required on each property.

Permanent easements from CT DOT will be required for the floodwall and the road closure structures. Permanent easements from the City of New Haven will be required for two pump stations.

No fee interest will be required. Please see Attachment 1 Real Estate Map. The USACE standard estate language as found in ER 405-12-1 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 __) (Tracts Nos. _____), 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.

The TWAE proposed is for access, staging, construction and mobilization.

FLOOD PROTECTION LEVEE EASEMENT (Estate 9, modified to include pump station)

A perpetual and assignable right and easement in (the land described in Schedule ___) (Tracts Nos, _____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), (pump station) including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

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

3. EXISTING FEDERAL PROJECTS

The New England District conducted a Focus Area Analysis (FAA) for the coastal portion of the Connecticut study area in 2015. This analysis was part of the larger North Atlantic Coastal Comprehensive Study (NACCS). The FAA described the study area and its problems, and recommended the continuation of the study into the feasibility phase for coastal storm risk management. The FAA also conducted specific analysis for a potential project for the Town of Fairfield in Fairfield County. In June 2016, USACE and the CT DEEP executed a Feasibility Cost Sharing Agreement (FCSA).

There are a number of shore protection and erosion control projects in other coastal communities in the vicinity of New Haven, CT. These were authorized and executed between 1953 and 1995. The Stamford Hurricane Barrier in nearby Fairfield County, authorized by the Flood Control Act of 1960 and completed in 1969, provides protection to approximately 600 acres of commercial, industrial, and residential property in the City of Stamford, CT. The New Haven Breakwater consists of three riprap breakwaters that provide refuge at the entrance to New Haven Harbor. The New Haven Harbor Federal Navigation Project was adopted by an Act of 1852 and modified by succeeding acts of Congress, most recently in 1986, and serves the Port of New Haven, Connecticut's largest seaport.

4. EXISTING FEDERALLY OWNED LANDS

The project area is within the City and County of New Haven and contains no land owned by the federal government.

5. LANDS OWNED BY THE NON-FEDERAL SPONSOR (NFS)

There are no lands in the proposed project area owned by the NFS, identified as the CT DEEP.

6. NAVIGATIONAL 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). In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the ordinary high water level. This project does not require that the government exercise its rights under the doctrine of Navigational Servitude for any project area.

7. INDUCED FLOODING

There is nothing in the feasibility report to indicate that the constructed project features will induce flooding in new areas or increase flooding in existing flood prone areas.

8. PRELIMINARY COST ESTIMATE FOR REAL ESTATE

The real estate requirements are currently being defined as part of the feasibility analysis and the REP will be updated when additional design plans become available and will be finalized during PED. At this point in the study real estate requirements have been identified as follows: temporary work area easements required from the owners of two private residences, the City of New Haven, and CT DOT for contractor access, staging, construction, and mobilization.

A permanent easement for the floodwall and the 5 road closure structures adjacent to and in the right of way of the I-95 embankment will be required from CT DOT and a permanent interest by easement for the 2 pump stations will be required from the City of New Haven.

The preliminary real estate cost estimates are annotated as follows: TWAEs (Estate 15), \$185,500, adding 15% contingency fee, results rounded \$215,000. In addition, we project the following administrative costs: \$25,000 for NFS administration costs + \$25,000 for Federal administration cost; total estimated, \$265,000.

Permanent easements (Estate 9, as modified) for floodwall and 5 road closure structures, \$45,000 and for 2 pump stations, \$15,000, adding 15% contingency fee, results rounded to \$70,000. Administrative costs of \$25,000 for NFS and \$25,000 for Federal administration cost; total estimated, \$120,000.

9. PUBLIC LAW-646 RELOCATIONS

There are no facilities or utilities within the project boundaries requiring relocation. This will be further reviewed and confirmed during PED.

10. MINERAL ACTIVITY

The PDT confirms 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.

11. TIMBER RIGHTS

The PDT confirms that there are no timber rights required.

12. ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY

The Real Estate Division will work with the future NFS following the Agency Technical Review (ATR) phase to complete the acquisition assessment checklist to ensure that the NFS is vested with sufficient power to acquire, hold title, and to condemn lands as needed for project purposes.

The Real Estate Division will ensure that the NFS is aware of requirements in the "ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY". That form is attached to this report.

13. ZONING

There are no zoning considerations associated with this project.

14. ACQUISITION SCHEDULE

The PED and construction schedule is included in Appendix E – Cost Appendix of the IFR/EA and is dependent on future USACE HQ approval and Congressional project authorization. The real estate acquisition requirements will be further outlined during PED, upon project approval.

The actual construction date schedule is subject to project approval and Congressional authorization and appropriation. The schedule below reflects the tasks to be accomplished and will be finalized at a later date.

Acquisition Schedule	Date
Project Partnership Agreement (PPA) and FCSA Executed	June 2016
USACE Provides NFS Notice to Proceed with Acquisition	TBD*
Sponsor Certification of Real Estate Interests	TBD
Authorization for Entry for Construction	TBD
Issue Solicitation	TBD
Start Construction	TBD

*To be determined

15. UTILITY AND FACILITY RELOCATIONS

The PDT confirms that there are no current facility relocation requirements, and further confirmation will occur during PED. In regards to utility relocation, no relocations are anticipated but it is possible that, in some situations, existing utilities will be raised to higher elevations.

16. ENVIRONMENTAL CONCERNS

An Environmental Impact Statement will not be required for the Feasibility Phase. The PDT has determined that 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 December 2019 and the comment period will close in March 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 (CERCLA.)

17. ATTITUDES OF THE LANDOWNERS

The NFS, State, and local government authorities have expressed support for this storm risk management project. The proposed project is not expected to create dispute among landowners or the local public.

18. NOTIFICATION TO NON-FEDERAL SPONSOR

Following USACE HQ approval, Congressional authorization, and Federal appropriation of funding required for the improvement project, the NFS will be required to execute a project partnership agreement (PPA) for this project with USACE, including cost share responsibilities. Construction plans will be developed during PED and finalized following signing of the PPA. Upon plans finalization, the NFS will be provided with the notice to proceed by the Real Estate Division regarding the acquisition of all required real property interests for project purposes, including long term maintenance and operations.

The NFS will be notified in writing about the risks of acquiring LER before the execution of the PPA.

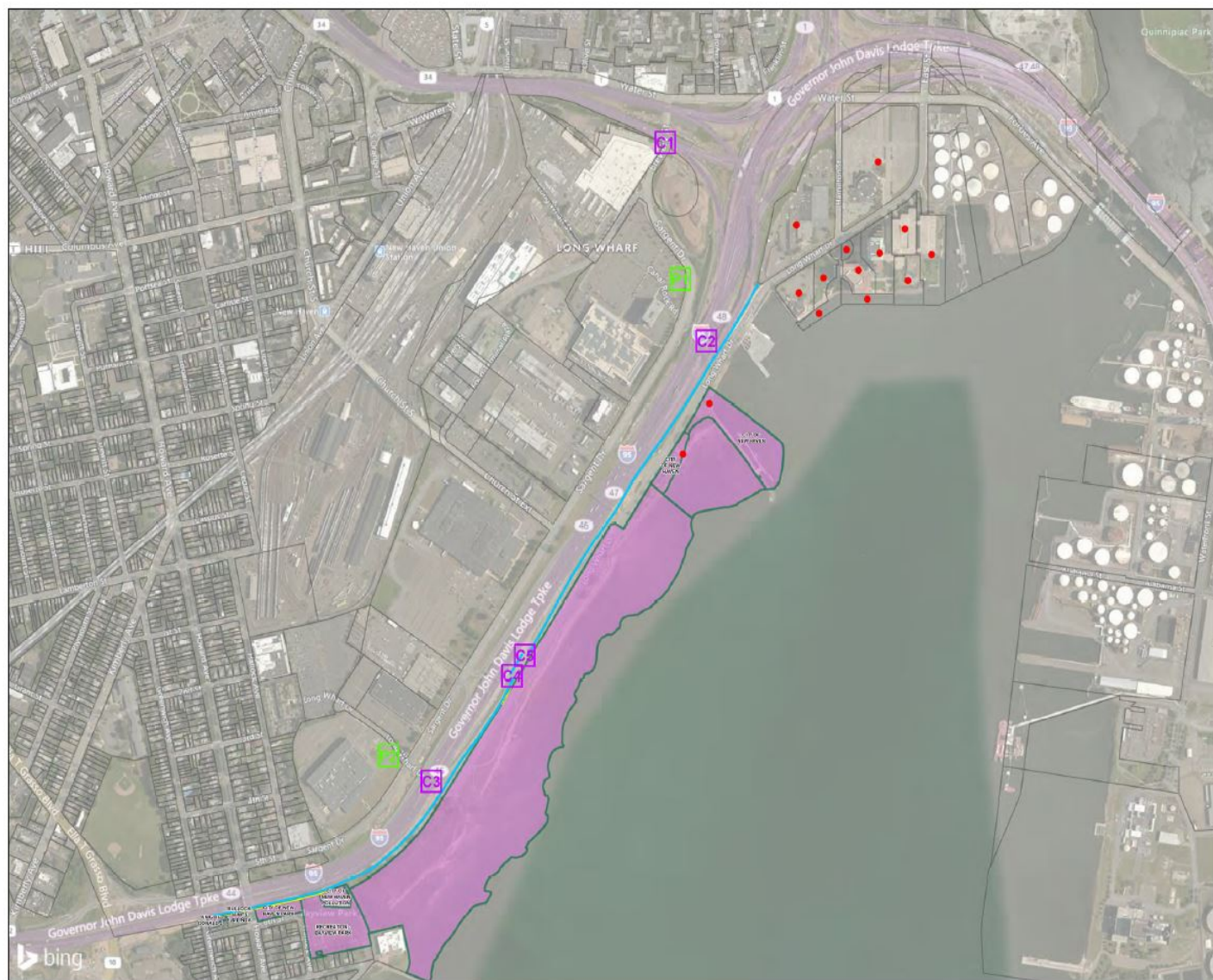
19. OTHER RELEVANT REAL ESTATE ISSUES

The TSP includes utilizing the existing I-95 embankment to create a 5,950 linear foot floodwall with a top elevation of 15 feet NAVD88, installing two pump stations and 5 road closure structures. Design, construction, and operation of these structures will require close coordination with the FHA, the CT DOT, and City of New Haven Department of Public Works. TWAEs and Permanent Easements may be required.

20. RISK ANALYSIS

There is potential minor risk associated with this project involving the acquisition of required real estate interests.

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LOCATION MAP



LEGEND

- Structures Outside Flood Protection (14)
- Pump Station
- Closure Structures
- Easement Areas
- T-Wall
- Parcels with Easements (9)
- New Haven Parcels

Number of parcels affected by easements: 8

TITLE

Connecticut Coastal
Flood Study
New Haven, CT
Alternative 3B
Enhanced Embankment

0 350 700
Feet



Attachment 1 – Real Estate Map

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

The preliminary real estate acquisition information is attached to this document.

Legal Authority: -

Name and title of sponsor's representative providing answers to this section.

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?
(yes) (no) If yes, list the basis for the legal authority: _____
- b. Does the sponsor have the power of eminent domain for this project?
(yes) (no) If yes, list the basis for the legal authority: _____
- c. Does the sponsor have "quick-take" authority for this project? (yes) (no)
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? (yes) (no)
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (yes) (no)

II. Human Resource Requirements:

Name and title of sponsor's representative providing answers to this section.

- 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? (yes) (no)
- b. If the answer to II. a. is "yes," has a reasonable plan been developed to provide such training? (yes) (no)
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (yes) (no)
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? (yes) (no)
- e. Can the sponsor obtain contractor support, if required in a timely fashion? (yes) (no)
- f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes) (no) (If "yes," provide description)

III. Other Project Variables:

Name and title of sponsor's representative providing answers to this section.

- a. Will the sponsor's staff be located within reasonable proximity to the project site?
(yes) (no)
- b. Has the sponsor approved the project/real estate schedule/milestones? (yes) (no) If the answer is no, please fill in the length of time it will take to complete these milestones after the New England District provides the appropriate real estate maps and estates. Some of milestones will overlap. When this happens the number of months needed to complete the next task should only include the additional months to complete that milestone. For example, you may order the title policies and the survey at the same time. If the survey will be completed in two months and the title policies will take three months you would put "2 months" in the survey milestone and "1 month" in the preliminary title policy milestone.

Survey legal interests and prepare legal descriptions: _____ months

Obtain preliminary title policies or other form of title information: _____ months.

Appraise all of the property: _____ months

Have the appraisals reviewed by New England District: _____ months

Negotiate with the landowners: _____ months

Clear up title issues and close on the property or condemn the property: _____ months

Take possession of the property interests: _____ months

Sponsor signs the Authorization For Entry For Construction: _____

IV. Overall Assessment:

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

(yes/no/not applicable)

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)

V. Coordination:

a. Has this assessment been coordinated with the sponsor? (yes/no)

b. Does the sponsor concur with this assessment? (yes/no) (If "no," provide explanation)

VI. NOTES:

Prepared by:

_____ (date) _____

Maureen B. Davi
Realty Specialist
New England District

_____ (date) _____

[Name and Title of Person signing for future non-federal Sponsor]

Reviewed by:

_____ (date) _____

Gaelen C. Daly
Chief, Real Estate Division