

**NEWBURYPORT HARBOR
AND NORTH POINT PLUM ISLAND
NEWBURYPORT, MASSACHUSETTS**

**SECTION 204 PROJECT
BENEFICIAL USE OF DREDGED MATERIALS**

**APPENDIX H
REAL ESTATE PLAN**



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TABLE OF CONTENTS

1.	PROJECT PURPOSE	H-1
2.	PROJECT AREA DESCRIPTION	H-1
3.	RECOMMENDED PLAN	H-3
4.	REAL ESTATE MAPPING	H-4
5.	RECOMMENDED ESTATES	H-5
6.	EXISTING FEDERAL PROJECTS	H-5
7.	EXISTING FEDERALLY OWNED LANDS	H-6
8.	LANDS OWNED BY THE NON-FEDERAL SPONSOR	H-6
9.	NAVIGATION SERVITUDE	H-6
10.	INDUCED FLOODING	H-6
11.	BASELINE COST ESTIMATE FOR REAL ESTATE	H-6
12.	PUBLIC LAW 91-646 RELOCATIONS	H-7
13.	MINERAL ACTIVITY	H-7
14.	TIMBER RIGHTS	H-7
15.	ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY	H-7
16.	ZONING	H-8
17.	ACQUISITION SCHEDULE	H-8
18.	UTILITY AND FACILITY RELOCATIONS	H-8
19.	HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE	H-8
20.	ATTITUDES OF THE LANDOWNERS	H-9
21.	NOTIFICATION TO NON-FEDERAL SPONSOR	H-9

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NEWBURYPORT HARBOR AND NORTH POINT, PLUM ISLAND, MASSACHUSETTS §204 BENEFICIAL USE OF DREDGED MATERIALS

1. PROJECT PURPOSE:

The purpose of the Real Estate Plan is to support the Continuing Authorities Program Feasibility Investigation, Section 204 Beneficial Use of Dredged Materials from Maintenance Dredging, North Point Plum Island, Newburyport, MA, Project Report.

2. PROJECT AREA DESCRIPTION:

The Project is located on Plum Island in Newburyport, Massachusetts in Essex County and referenced by the blue arrows as the North Point area, as shown in Figure 1. Plum Island is a barrier island with the Atlantic Ocean to the east and extensive salt marsh to the west between the island and the mainland.

Figure 1: Location Map Plum Island Newburyport, MA



The Project is located at North Point on Plum Island Newburyport, MA on land owned by the Commonwealth of Massachusetts and managed by the city of Newburyport. The study area has beachfront homes, businesses, the state park, and the old U.S. Coast Guard station, ranging from 150 – 615 feet from the shore (average 355 feet).

The Project area is located between the inlet’s south jetty and the shoal at the old U.S. Coast Guard Station within the city of Newburyport, identified as the “Study Area” in Figure 2.

Figure 2: Project Overview.



3. RECOMMENDED PLAN:

Three alternatives were considered: No action. The Federal Base Plan is the nearshore placement off Atlantic beaches and onshore placement. Under the Base Plan, material obtained through regular maintenance dredging of the Newburyport Harbor Navigation Channel would be placed directly on the beach to protect the spur jetty (57,000 CY) any the remaining 163,000 CY would be placed nearshore just off the Plum Island and/or Salsbury Beaches. The third plan is the direct beach placement of all 220,000 CY.

This Real Estate Plan will discuss the direct beach placement alternative. The proposed action consists of hydraulically dredging the Newburyport Harbor

channels in the Merrimack River and using the material to rebuild the beach at North Point on Plum Island. It is assumed that the entire available dredge volume of about 220,000 CY of material is to be placed on the beach at North Point. Work will occur during the construction window 1 September to 30 March.

Figure 3: Proposed Area of Impact.



4. REAL ESTATE MAPPING:

Proposed Map of Easement Area.



5. RECOMMENDED ESTATES:

The project footprint and associated Lands, Easements, and Rights of Way (LER) requirements are still being identified/refined. It is anticipated that temporary work area easements for access, staging and storage areas may be required for construction purposes. Accordingly, the non-Federal Sponsor may be required to acquire temporary work area easements (USACE Standard Estate No. 15). The Project does not require the use of any non-standard estates.

TEMPORARY WORK AREA EASEMENT (Standard Estate No. 15)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the _____ Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

6. EXISTING FEDERAL PROJECTS:

The Atlantic Ocean entrance to Newburyport Harbor was authorized by Congress as a Federal Navigation Project in 1828. Initial efforts to improve navigability in 1828 (a stone filled timber crib dike) was constructed from Plum Island westerly 1,680 linear feet to Woodbridge Island to constrain the river flow to increase inlet velocities to effect removal of the bars.

From 1881 the construction of North Jetty started followed by the construction of the South Jetty in 1883 and continuing until 1906. The jetties lined both sides of the inlet with the intention of scouring the channel to 17 feet below Mean Low Water (MLW). Construction of the jetties, as well as sand-catch weirs and dikes landward of the southern jetty, acted to stabilize the location of the inlet which had historically migrated south. Following construction, repairs, extensions, and maintenance of both jetties were completed as needed. The jetties were rehabilitated with the intention of reducing porosity and thus inhibiting the flow of water and sediment through the jetties.

Maintenance dredging of the federal channel was completed in 1937-1941, 1957-1958, 1961, 1964, 1966, 1968, 1970, 1973, 1981, 1983, 1996, 1999, and 2010. In addition, construction of revetment and sand dike near the old U.S. Coast Guard Station along the south bank of the inlet in the river's mouth occurred in 1970. Material from past maintenance dredging cycles has been placed nearshore or directly on the eastern shores of Plum Island and Salisbury Beach.

There is no existing Federal project that lies fully or partially within the LER required for the Project.

7. EXISTING FEDERALLY OWNED LANDS:

There are no existing federal lands included within the LER required for this Project.

8. LANDS OWNED BY THE NON-FEDERAL SPONSOR:

Two out of the eight parcels within the proposed Project footprint are owned and/or controlled by the Commonwealth of Massachusetts.

9. NAVIGATION SERVITUDE:

Navigation Servitude is unavailable due to this Project's lack of the necessary nexus to a navigation purpose.

10. INDUCED FLOODING:

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

11. BASELINE COST ESTIMATE FOR REAL ESTATE:

The real estate requirements are currently being defined as part of the feasibility analysis. The REP will be updated when additional design plans become available and will be finalized during PED phase.

At this point in the study one requirement has been identified in accordance with the proposed Project: temporary work area easements, two from private owners for construction access, four from the city of Newburyport for construction access, staging, de-mobilization and construction, and two from the Commonwealth of MA for construction access, staging, de-mobilization and construction.

Type of Easement	Use	Parcel ID	Ownership	Area (Ac)	Cost
Temporary Work Area	Access	77-123	Raymond Kingman Jr.	.07	\$6,930
Temporary Work Area	Construction Staging Access	77-125	Commonwealth of MA	12.23 Beach Fill .28 Staging 9.74 Access	\$0
Temporary Work Area	Staging	77-125-A	City of Newburyport	.29	\$15,707
Temporary Work Area	Staging Access	77-125-B	City of Newburyport	.28 Staging .01 Access	\$9,382
Temporary Work Area	Access	77-82	George Charos	.05	\$2,886
Temporary Work Area	Construction Access	Unidentified Parcel A	City of Newburyport	.014 Beach Fill .05 Access	\$801
Temporary Work Area	Access	Unidentified Parcel B	City of Newburyport	.11	\$1,377
Temporary Work Area	Access	Water	Commonwealth of MA	.64	\$0
				15% Contingency	\$5,562
				Total	\$42,646

12. PUBLIC LAW 91-646 RELOCATIONS

The displacement of residences and/or businesses is not anticipated at this time. This will be further reviewed and confirmed during PED phase.

13. 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.

14. TIMBER RIGHTS:

No timber harvesting activities are anticipated to occur within the proposed Project footprint.

15. ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY:

The non-Federal Sponsor will be required to provide all lands, easements, rights-of-way, relocations, and disposal areas necessary for the project. The non-Federal Sponsor is the Massachusetts Department of Conservation & Recreation. The assessment questionnaire has not been completed to date as the Project is currently in feasibility stage.

16. ZONING:

There are no zoning ordinances currently proposed in lieu of or to facilitate land acquisition in connection with this Project.

17. ACQUISITION SCHEDULE:

A projected 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:

ESTIMATED DATES (Milestones)

Initial Meeting Project Start-up	Winter 2020
Signed Project Partnership Agreement (PPA)	March 2021
Real Estate Process	TBD
Initiate Design Plans & Specifications	TBD
Prepare PMP	TBD
Completion of Detailed Plans and Specifications	TBD
Obtain State & Local Permits & Easements	TBD
Bid and Award	TBD
Initiate Construction	TBD
Completion of Construction	TBD

18. UTILITY AND FACILITY RELOCATIONS:

In accordance with plans discussed to date, the proposed Project will not require any utility and/or facility relocations.

19. HAZARDOUS, TOXIC AND RADIOACTIVE WASTE:

The sponsor fully understands its responsibilities for assessing the properties for any potential or presence of hazardous waste materials as defined and regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). There are no known sites historically or presently under CERCLA remediation or response orders identified in the Project area. There are no known presences of any substances in the project area that are regulated under CERCLA or other environmental statutes or regulations.

Based on the knowledge of the sponsor, there is no evidence or history of hazardous, toxic, or radioactive waste (HTRW) in the areas of the Project. There will be more HTRW investigation during the next phase of this Project.

20. ATTITUDES OF THE LANDOWNERS:

The Massachusetts Department of Conservation & Recreation understands the terms of local cooperation. Initial correspondence with the local community indicate support of the Project. The record does not indicate any known opposition or public concerns which cannot be overcome.

21. NOTIFICATION TO NON-FEDERAL SPONSOR:

Subject to USACE HQ approval, Congressional authorization, and federal appropriation of funding required for the 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 phase 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.

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DATE: November 2020

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