

APPENDIX G

Real Estate

**Real Estate Plan
Restoration of Aquatic Ecosystem
Central Arkansas Water (CAW)
Maumelle River
Pulaski County, Arkansas**

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**Prepared For
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Southwestern Division
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1. PURPOSE OF THE REAL ESTATE PLAN

The purpose of this Real Estate Plan (REP) is to outline real estate requirements necessary for the completion of the Maumelle River Aquatic Ecosystem Restoration Project under Section 206, Water Resources Development Act (WRDA) of 1996. Real estate requirements include any lands, easements, rights-of-way, relocations, or disposals (LERRD) required to construct the project. Section 206 requires the Non-Federal Sponsor to provide all LERRD needed for the project. Crediting for approved real estate costs may be applied to their share of total project cost.

Use of federal funds is not authorized for LERRD acquisition.

This plan also identifies known Federal Government (USACE) and Sponsor real estate risk in acquiring needed LERRD and how to mitigate as much of this risk as possible. It was developed at a level commensurate with the level of study required to submit a Continuing Authorities Program (CAP) 206 Feasibility Study. Under this authority, USACE may work with the Sponsor to plan, design, and build projects to restore aquatic ecosystems for fish and wildlife. Projects must improve the quality of the environment, be in the public interest, demonstrate cost effectiveness and be no more than \$10 million in total cost, including any real estate cost. The analysis presented in this plan is based on preliminary design assumptions.

The non-Federal sponsor is Central Arkansas Water (CAW). CAW owns and operates two raw water supplies, Lake Maumelle and Lake Winona that provide drinking water for approximately 400,000 customers in central Arkansas. This project focuses on restoring areas leading up to Lake Maumelle, a 13.9 square mile reservoir supplying 65 percent of CAW's water demand.

2. DESCRIPTION OF LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATIONS AND DISPOSALS (LERRDS)

The goal of an ecosystem restoration project is to achieve long-term ecological sustainability and permanent environmental features. Fee Simple (Exhibit A) is required to support all permanent environmental features and is the only identified estate required for this project. No temporary or perpetual rights less than fee are required due to available access from public roads and availability of sponsor owned fee land for the entire project area. Direct access for construction will be gained through Arkansas State Highway 10 and Pulaski County Higginbotham Road.

Preliminary review of the project area, along with deeds provided by CAW, identified three active pipelines and associated rights-of-way that are not affected by the project. Further details concerning these pipelines can be found in paragraph 16.

Table G-1 details acreage and estates required for this project. Maps depicting these requirements, ownerships and existing utility easements are shown in Exhibit B.

Table G-1: Affected Area (Fee Simple Estate Required)

Proposed Restoration	Ownership	Acreage
Sod Farm Restoration & Restore Tributary A	CAW	80
Remove River Crossing 1(RC1)	CAW	3.5
Remove River Crossing 2 (RC2)	CAW	3.5
Open Stream Channel 1(SC1)	CAW	5.5
Total Acreage		92.5

3. DESCRIPTION OF LERRDS ALREADY OWNED BY NON-FEDERAL SPONSOR

The non-Federal sponsor (NFS) owns approximately 10,000 acres in the vicinity, to include the entire 92.5-acre project area. The NFS will make 92.5 of these acres available for this project. A preliminary review of sponsor provided deeds shows they have sufficient Fee Simple real property interest. A more thorough review and opinion of title from the sponsor is required prior to SWL RE providing LERRD certification for the construction contract.

4. NON-STANDARD ESTATES

There are no proposed non-standard estates.

5. EXISTING FEDERAL PROJECTS LAYING FULLY OR PARTIALLY WITHIN THE LERRDS REQUIRED FOR THE PROJECT

There are no existing federal projects affected by this project.

6. ANY FEDERALLY OWNED LAND INCLUDED WITHIN THE LERRDS REQUIRED FOR THE PROJECT

There is no federally owned land affected by this project.

7. LERRD LAYING BELOW THE ORDINARY HIGH-WATER MARK

The Maumelle River is a non-navigable stream; therefore, navigation servitude does not apply.

8. MAP DEPICTING THE PROJECT AREA

A map depicting the locations of the proposed project and required LERRD are shown in Exhibit B.

9. DISCUSSION OF WHETHER THERE WILL BE FLOODING INDUCED BY CONSTRUCTION OR OPERATION AND MAINTENANCE (O&M) OF THE PROJECT

Induced flooding is not anticipated from the construction or operation of the project.

10. BASELINE REAL ESTATE COST ESTIMATE

LERRD value is expected to be between 15-30% total project cost. As per guidelines established in PGL 31 (revised 2019), the SWL Review Appraiser prepared an appropriate land value cost estimate commensurate to the level of effort required for a CAP 206 project. Due to the sponsor owning the entire project in the needed estate, minimal administrative costs are represented in this plan. Including value of lands made available by the sponsor and administrative costs, \$268,653 is anticipated for CAW LERRD crediting.

An appraisal for crediting purposes will be required and is to be funded by the sponsor. Table G-2 shows a detailed real estate cost estimate for this project.

TABLE G-2: Real Estate Baseline Cost Estimate

BASELINE COST ESTIMATE FOR REAL ESTATE Maumelle River Aquatic Ecosystem Restoration Project						
1 Lands & Damages						
1.23 Construction Contract Docs						
1.23.03 Real Estate Analysis Docs		Sponsor		Federal		
1.23.03.01 Real Estate Planning Docs		Cost	15% Cont	Cost	10% Cont	Total
USACE Real Estate Plan		\$0	\$0	\$5,000	\$0	\$5,000
Planning - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$0	\$0	\$0
1.23.03.02 Real Estate Acquisition Docs						
Boundary Surveys - Sponsor		\$0	\$0	\$0	\$0	\$0
Title (Preliminary/Final) - Sponsor		\$0	\$0	\$0	\$0	\$0
Generate Instruments		\$0	\$0	\$0	\$0	\$0
Tract Negotiation/Closing - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$0	\$0	\$0
1.23.03.03 Real Estate Condemnation Docs						
Condemnations - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$0	\$0	\$0
1.23.03.05 Real Estate Appraisal Docs						
Appraisals - Sponsor		\$2,500	\$0	\$0	\$0	\$2,500
Informal Value Estimates - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$1,150	\$0	\$1,150
1.23.03.06 Real Estate PL 91-646 Asst. Docs						
PL 91-646 Asst. - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$0	\$0	\$0
1.23.03.07 Real Estate Temporary Permits						
Rights of Entry - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$0	\$0	\$0
1.23.03.15 Real Estate Payment Docs						
Anticipated Crediting Value - Sponsor		\$268,250	\$0	\$0	\$0	\$268,250
Damages Payments - Sponsor		\$0	\$0	\$0	\$0	\$0
PL 91-646 Payments - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$1,150	\$0	\$1,150
1.23.03.17 Real Estate LERRD Certification/Crediting Docs						
LERRD Certification Package - Sponsor		\$0	\$0	\$0	\$0	\$0
USACE Assistance/Review of Sponsor		\$0	\$0	\$1,150	\$0	\$1,150
Estimated Crediting Value		\$268,250				
Estimated Cost		\$2,500		\$8,450		
Estimated Contingency		\$0		\$0		
Total Estimated Cost		\$270,750		\$8,450		\$279,200

11. RELOCATION ASSISTANCE BENEFITS

There are no PL 91-646 relocations associated with this project. The project area was formerly used for agricultural purposes. There are no known dwellings or business operating in the project area.

12. MINERAL ACTIVITY AVAILABLE

Preliminary review of provided instruments revealed no active mineral interests in the project area. Any mineral interest identified through deeper review of title during the construction phase will be remedied through acquisition of those rights. No timber harvesting in the project area is to be allowed for the duration of the project.

13. ASSESSMENT OF NON-FEDERAL SPONSOR'S LEGAL AND PROFESSIONAL CAPABILITY

The sponsor is the only known ownership in the project area and additional LERRD acquisition is not expected. Interaction with the partner leads us to believe that they have the expertise required for any of the minimally complex tasks that may arise such as a right of entry.

14. APPLICATION OF ZONING ORDINANCES

After consulting the Pulaski County Zoning Manual there are no identified zoning ordinances violated by this project. There are no identified Pulaski County zoning ordinances found to be applicable to the lands required for this project.

15. REAL ESTATE ACQUISITION SCHEDULE

All real estate necessary for the completion of this project is owned in fee by the sponsor. The only known real estate activity, prior to construction, will be the execution of an Authorization for Entry Permit by the sponsor. This activity is not expected to have a meaningful impact on the project schedule.

16. DESCRIPTION OF FACILITY OR UTILITY RELOCATIONS

Easements provided by CAW identify utility rights-of-way (gas pipelines) that traverse the project area. The project design was developed with consideration for these lines and their corresponding rights-of-way and incorporates them in the restoration plan. The pipeline owners will be contacted before work begins to determine the exact location of buried lines and avoid accidental disturbance. There are no known facility or utility relocations required to construct this project.

17. SUPPORT OR OPPOSITION TO THE PROJECT

There have been no positive or negative written or verbal comments received concerning this proposed project. Responses to NEPA scoping only revealed agency concurrence. No public comments were submitted.

18. KNOWN CONTAMINANTS

The Sponsor has the responsibility of providing uncontaminated lands needed for the project, to be verified upon LERRD certification prior to the start of construction.

19. STATEMENT THAT NON-FEDERAL SPONSOR HAS BEEN NOTIFIED IN WRITING ABOUT THE RISKS ASSOCIATED WITH ACQUIRING LAND

All real estate necessary for the completion of this project is owned in fee by the Sponsor.

20. OTHER REAL ESTATE ISSUES

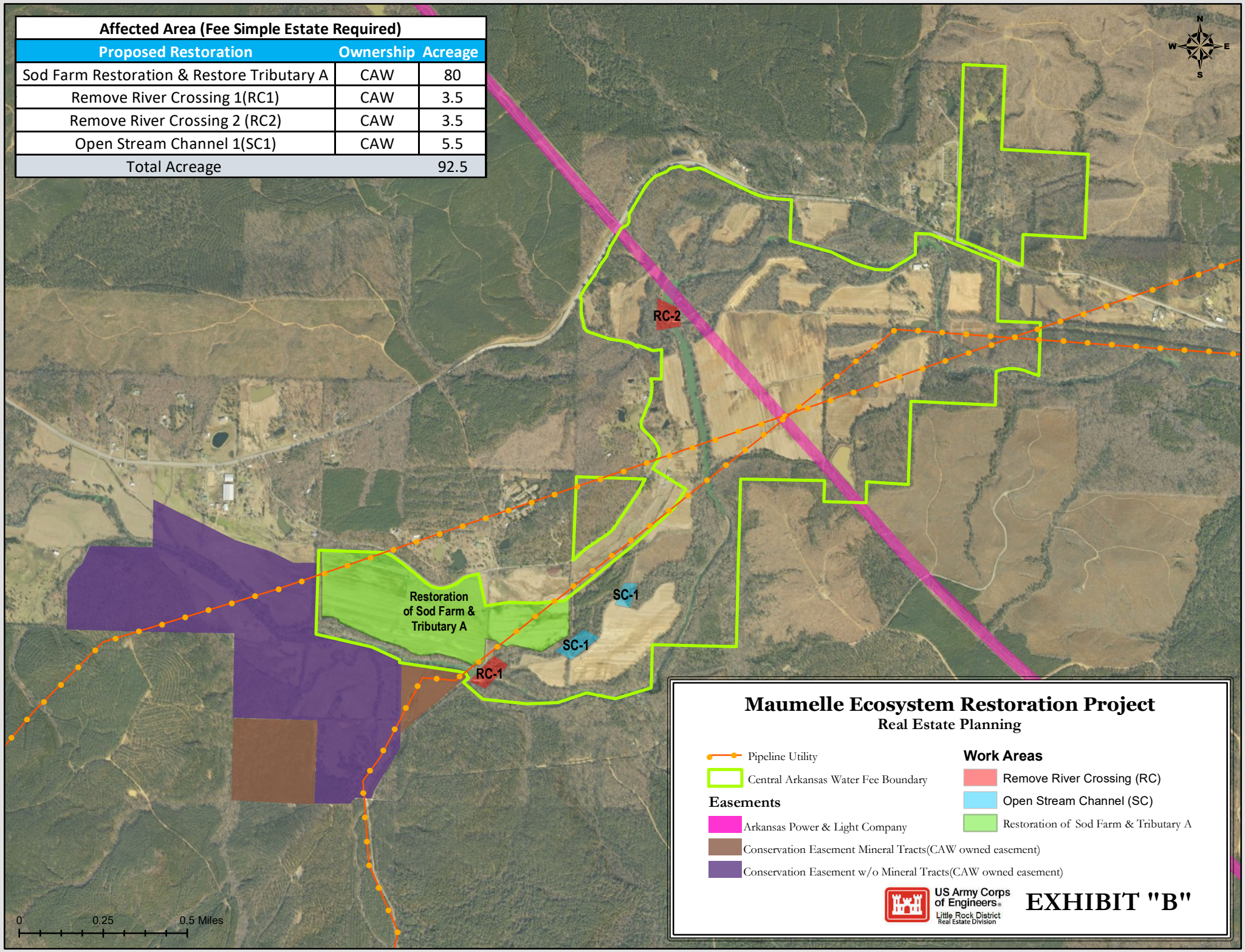
There are no other real estate issues relevant to this project.

Exhibit A (Estates)

Fee Simple

The fee simple title to (the land described in Schedule A) (Tract Nos. __, __ and __), Subject however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

Affected Area (Fee Simple Estate Required)		
Proposed Restoration	Ownership	Acreage
Sod Farm Restoration & Restore Tributary A	CAW	80
Remove River Crossing 1(RC1)	CAW	3.5
Remove River Crossing 2 (RC2)	CAW	3.5
Open Stream Channel 1(SC1)	CAW	5.5
Total Acreage		92.5



Maumelle Ecosystem Restoration Project

Real Estate Planning

Pipeline Utility

Central Arkansas Water Fee Boundary

Easements

Arkansas Power & Light Company

Conservation Easement Mineral Tracts(CAW owned easement)

Conservation Easement w/o Mineral Tracts(CAW owned easement)

Work Areas

Remove River Crossing (RC)

Open Stream Channel (SC)

Restoration of Sod Farm & Tributary A

US Army Corps of Engineers
Little Rock District
Real Estate Division

EXHIBIT "B"