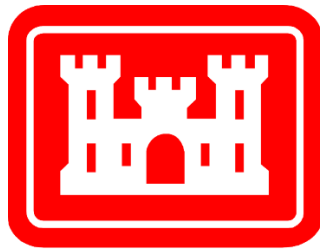

**SECTION 510,
CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND
PROTECTION PROGRAM
PLUM CREEK STREAM RESTORATION PROJECT
ADAMS COUNTY, PENNSYLVANIA**

DRAFT

**REAL ESTATE
TECHNICAL APPENDIX**

FEASIBILITY STUDY

November 2024



**US Army Corps
of Engineers®**

BALTIMORE DISTRICT

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PLUM CREEK SECTION 510 FEASIBILITY STUDY

NOVEMBER 2024 REAL ESTATE PLAN

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1. Statement of Purpose

a. Purpose – The purpose of this Real Estate Plan (REP) is to describe the minimum Lands, Easements, Right-of-Way, Relocations, and Disposal Areas (LERRD) requirements for the construction, operation, and maintenance of the Plum Creek Section 510 Stream Restoration Project and to support the feasibility report for the project listed. The REP is for planning purposes only and is subject to change as the project design evolves.

b. Study Authorization – Section 510 of the Water Resources Development Act (WRDA) 1996 (Public Law 104-303), as amended, authorizes USACE to design and construct water-related resource protection and restoration projects within the Chesapeake Bay watershed for non-federal interests.

c. Non-Federal Sponsor – Conewago Township is the non-federal sponsor and participates as a partner with the Baltimore District in the completion of this project.

2. Real Estate Requirements

a. Tentatively Selected Plan – Three alternatives, No Action Alternative, Alternative - Stream Restoration with channel relocation and Alternative 2 - Stream Restoration with constructed wetlands.

b. Required Lands, Easements, and Rights-of-Way – The three alternatives are being considered for this study will require 2 standard estates. The land is owned in fee by the NFS Conewago Township. The minimum estates required for this project are Fee Simple and Temporary Work Area Easement, as shown in Exhibit “B”.

Estate Type	Acres
Fee	TBD
TWAE	TBD
Total Acres	103

Ownership Type	No. of Parcels
Private	0
Public	0
Sponsor	2
Total Parcels	2

c. Land Value Estimate – Parcel identification, lot use, acreage, and the manner in which each parcel is to be impacted was extracted by USACE Realty Services and corroborated with the provided maps. For the purposes of determining federal interest, the estimated cost of Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas (LERRD) is \$3,450.

Estate Type	Acres	Estimated Land Value
Fee	103	\$3,450
Totals:	103	\$3,450

3. Real Estate Owned by the Non-Federal Sponsor

The NFS Conewago Township owns in fee parcels identified for use within this report as Exhibit A. there are no site restrictions that would conflict with project purposes.

4. Nonstandard Estates

There are no proposed non-standard estates identified for the current recommended plan.

5. Existing Federal Projects

There are no existing federal projects within the project area.

6. Federally Owned Land

There are no federally owned lands within the project area.

7. Federal Navigation Servitude

Navigational Servitude does not apply as this project is not located on a designated navigable waterway nor does the project aid commerce or navigation.

8. Real Estate Mapping

This is a small project with a limited budget, resulting in the real estate mapping included. Maps are adequate for the current report level of detail and will be finalized if the project moves forward. Maps displaying the proposed project placement areas are shown in Exhibit "A".

9. Induced Flooding

The project is not expected to induce flooding.

10. Baseline Cost Estimate for Real Estate

Since the NFS owns all the necessary land in fee, nominal LER administrative costs are anticipated. If the NFS choses to claim LER credit, they will have to provide a formal appraisal for the required project lands. An estimate of value indicated the following estimated BCERE costs:

Project Cost Category	Federal	Non-Federal	Contingency	Total
Total 01-Lands and Damages	\$8,000	\$10,000	\$2,700	\$20,700
Total 02-Relocations (Utility/Facility) None	0	0	0	0
Total Project BCERE	\$8,000	\$10,000	\$2,700	\$20,700

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

The project is not expected to result in the displacement of any person, farm or business, nor the payment of relocation expenses in accordance with Public Law 91-646.

12. Minerals and Timber Activity

There is no present or anticipated mining and drilling activity in the vicinity of the project that may affect the operation thereof. There is no present or anticipated timber harvesting activity in the vicinity of the project that may affect the operation thereof.

13. Non-Federal Sponsor Capability Assessment

Conewago Township is the Non-Federal Sponsor (NFS) and has been consulted in the completion of this assessment. The NFS presently owns the property for this project. If acquisition is required, the NFS is capable of acquiring property. The assessment of the NFS's Real Estate Acquisition Capability is included as Exhibit "C" to this plan.

14. Land Use Zoning

The enactment of zoning ordinances is not proposed in lieu of or to facilitate acquisition.

15. Real Estate Acquisition Schedule

All permits and easements will be acquired prior to advertisement for construction bids.

Milestone	Forecasted Dates
PPA Execution	Winter/Spring 2025
Sponsor's Authorization for Entry for Construction	Spring 2025
USACE's Certification of Real Estate	Spring 2025
USACE's Solicitation for Construction Contracts	Spring 2025
USACE's Award of Construction Contracts	Summer 2025

16. Facility and Utility Relocations

The proposed plan does not yet identify any utilities and/or facilities that will require relocation.

17. Environmental Contamination

The proposed plan has not identified any environmental contamination at this time.

18. Project Public Support

Public meetings have been conducted. At this time the content of the information presented to the public has been well received. There is positive support for this project from the stakeholders. It is reasonable to suggest that the public is in favor of this project.

19. Non-Federal Sponsor Risk Notification

The NFS will be provided notice of its cost share responsibility, real estate acquisition, and operations and maintenance for the Project. The NFS has also been notified of the risks of performing real estate acquisition activities resulting in No Project Credit.

20. Risk Analysis

There appears to be low real estate risks associated with this project. For those alternatives that are being recommended for further study, a risk analysis will be performed during the feasibility study.

PLAN CERTIFICATION

This Real Estate Plan has been prepared in accordance with Corps of Engineers Regulation 405-1-12, Chapter 12. It is recommended that this REP be accepted for the purposes stated herein.

Updated by:

CRAIG R. HOMESLEY
Deputy Chief, Real Estate Division

Reviewed and approved by:

STAN H. GRAHAM
Chief, Real Estate Division
Baltimore District

REAL ESTATE MAPS



EXHIBIT "A"

Figure 1 – Initial Concept Master Plan for the Plum Creek Community Park –
(Stream sketched in blue represents the extent of the Stream Restoration.)



Figure 2 – Initial Concept Master Plan for the Plum Creek Community Park – Stream parcel ownership sketched in yellow represents parcel boundary. Sketched in green represents the area of access and Standard Estates Water Street to Airport Road.

EXHIBIT “B”

Standard Estates

FEE (Estate No.1)

The fee simple title to (and described in Schedule A) (Tracts Nos. , and), Subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines. ¹

TEMPORARY WORK AREA EASEMENT (Estate No.15)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. ____), for a period not to exceed one (1) year, 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 Upper Delaware River Watershed Flood Risk Reduction Project, together with the right to trim, cut, fell and remove there from 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.

Exhibit C
Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability

Project: Plum Creek Stream Restoration Project

Sponsor: Conewego Township

I. LEGAL AUTHORITY:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (YES) **NO** Initials: NCS DATE: 8-23-23
- b. Does the sponsor have the power of eminent domain for this project? (YES) **NO** Initials: NCS DATE: 8-23-23
- c. Does the sponsor have "quick-take" authority for this project? (YES) **NO** Initials: NCS DATE: 8-23-23
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **(YES)** (NO) Initials: NCS DATE: 8-23-23
- 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) Initials: NCS DATE: 8-23-23
- f. A determination has been made as to whether any of the lands/interesting land required for the project are owned by an entity whose property the sponsors cannot condemn? **(YES)** (NO) Initials: NCS DATE: 8-23-23

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? **(YES)** (NO) Initials: NCS DATE: 8-23-23
- b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training? **(YES)** (NO) Initials: NCS DATE: 8-23-23
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (YES) **NO** Initials: NCS DATE: 8-23-23
- d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? (YES) **NO** Initials: NCS DATE: 8-23-23
- e. Can the sponsor obtain contractor support, if required, in a timely fashion? (YES) **NO** Initials: NCS DATE: 8-23-23

f. Will the sponsor likely request USACE assistance in acquiring real estate?

(YES NO) Initials: NCS DATE: 8-28-23

III. Other Project Variables:

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

(YES NO) Initials: NCS DATE: 8-28-23

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

(YES NO) Initials: NCS DATE: 8-28-23

IV. Overall Assessment:

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

(YES NO) Initials: NCS DATE: 8-28-23

b. With regard to this project, the sponsor is anticipated to be fully capable.

(YES NO) Initials: NCS DATE: 8-28-23

V. Coordination:

a. Has this assessment been coordinated with the sponsor?

(YES NO) Initials: NCS DATE: 8-28-23

b. Does the sponsor concur with this assessment?

(YES NO) Initials: NCS DATE: 8-28-23

Prepared by: _____

Craig R. Homesley

Deputy Chief, Real Estate Division

Reviewed and approved by: _____

Stan H. Graham

Chief, Real Estate Division