



**US Army Corps
of Engineers**
Baltimore District

**METROPOLITAN WASHINGTON
DISTRICT OF COLUMBIA
COASTAL STORM RISK MANAGEMENT
FEASIBILITY STUDY**

**INTEGRATED FEASIBILITY REPORT &
ENVIRONMENTAL ASSESSMENT**

**APPENDIX: F
REAL ESTATE PLAN**

APRIL 2024

REAL ESTATE PLAN
for
Metropolitan Washington District of Columbia Coastal Storm Risk Management
Feasibility Study
Arlington County, Virginia
April 2024

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1 Statement of Purpose

1.a Purpose

This Real Estate Plan (REP) is provided in support of the Metropolitan Washington District of Columbia Coastal Storm Risk Management (DC Coastal CSRM) Feasibility Study. This REP is tentative in nature, is for planning purposes only, and is written to the same level of detail as the Integrated Feasibility Report and Environmental Assessment (IFR/EA) it supports. All property lines, estimates of cost and value, rights required for project construction, and operation and maintenance requirements are subject to change even after approval of this REP.

1.b Study Authority

The DC Coastal study is being conducted under the Middle Potomac River and Tributaries Authority (23 May 2001) which states:

"That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Potomac River and Tributaries in Maryland, Virginia, and Pennsylvania published in House Document 343, ninety-first Congress, second session, and other pertinent reports, with a view to conducting a study, in cooperation with the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, their political subdivisions and agencies and instrumentalities thereof, other Federal agencies and entities, for improvements in the interest of the ecosystem restoration and protection, flood plain management, and other allied purposes for the middle Potomac River watershed."

This study authority was identified by the Baltimore District Office of Counsel (memorandum dated April 22, 2014) as the most recent authority that includes the study area, with the ability to investigate solutions to coastal flooding problems leading to a USACE recommendation for implementation. Although the study authority also identifies ecosystem restoration, this study will focus solely on coastal storm risk management.

1.c Non-Federal Sponsor

The study Non-Federal Sponsor (NFS) is the Metropolitan Washington Council of Governments (MWCOG), a nonprofit association. A feasibility cost share agreement (FCSA) was executed on 18 July 2017 with an FCSA amendment signed on 7 April 2021.

The study is being conducted and managed by USACE. The feasibility study was cost-shared 50 percent Federal and 50 percent non-Federal under the original Feasibility Cost Share Agreement (FCSA). Under the FCSA Amendment signed 07 April 2021, this study is now 100% Federally funded under DRSA13 Sandy Supplemental funds.

The Recommended Plan NFS, responsible for signing the Project Partnership Agreement, continuing the project through Pre-construction Engineering and Design (PED) and Construction phases (including the acquisition of the necessary LERRD) will be Arlington County, Virginia.

2 Real Estate Requirements

2.a Recommended Plan

The PED and Construction NFS, Arlington County, VA, is responsible for acquiring the LERRD requirements for the Recommended Plan. Real Estate Segment Maps of the Recommended Plan are shown in Exhibit A.

(1) Structural Plan: The Recommended Plan is Alternative 4c, the construction of a floodwall and closure at the Arlington County Water Pollution Control Plant (WPCP). The floodwall would be constructed along the left bank of Four Mile Run between Four Mile Run and the Arlington County WPCP with a closure structure on the east side of the structure, tying into the riverbank to the east of the WPCP just past South Eads Street. The floodwall would wrap around the Arlington County WPCP to the west where an aluminum stop log closure structure would be located along South Eads Street (Figure 1). The aluminum stop logs will be stored in an existing building to be determined by the NFS during PED. Sluice and flap gates will be further evaluated in PED.

Additional Considerations: See Section 16 Facility and Utility Relocations. This area of Four Mile Run was part of a “living shoreline” enhancement project completed approximately six years ago. Components of this project may be impacted by this project and may require protection/relocation.

(2) Environmental Mitigation: There are no adverse environmental effects anticipated due to project activities, so there will be no additional LERRD requirements for mitigation purposes.

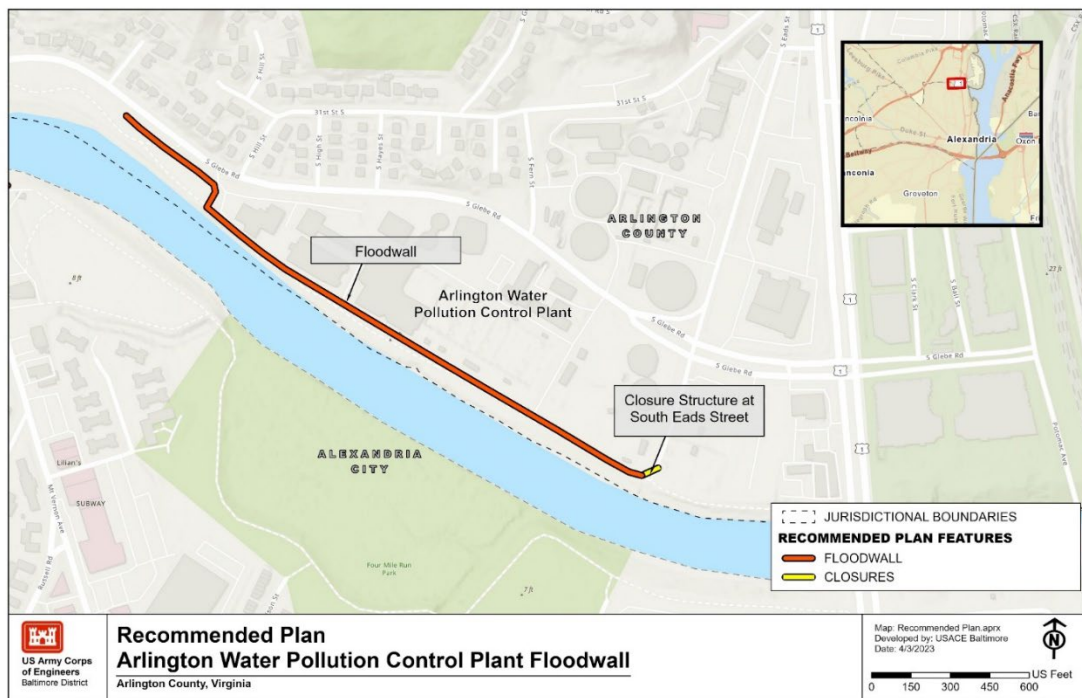


Figure 1

2.b Required Lands, Easements, and Rights-of-Way

The Recommended Plan will require two standard estates. A perpetual Flood Protection Levee Easement (Estate No. 9) is required for the construction and operation and maintenance of the floodwall and closure structures. Temporary Work Area Easements (TWAE) (Estate No.15) are required for a period of 3 years for the purpose of staging and storage.

FLOOD PROTECTION LEVEE EASEMENT (Estate No.9)

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, _____, _____ and _____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), 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.

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 three (3) 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 Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study 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.

Real Estate Summary: Almost the entirety of the LERRD required for the perpetual floodwall easement is owned by the Design/Construction NFS, Arlington County, Virginia. One parcel requiring a perpetual floodwall easement is at the end of a public right-of-way and is presumed to be owned/managed by the NFS. Verification will be completed by the NFS in the PED phase. The area covered by the TWAE is comprised of a parking lot owned by the State of Virginia, utilized by VDOT for municipal bus parking, and a small portion of a private parcel (owned by VEPCO). This parcel may be removed during the PED phase, depending on project requirements.

Alt. 4c Arlington WPCP Total Number of Easements Required		
Estate Type	No. of Easements	Total Acreage
Perpetual Flood Protection Levee Easement	14	1.021
Temporary Work Area Easement (TWAE)	3	0.775
Total Easements	17	1.796

Alt. 4c Arlington WPCP Parcels to Be Acquired/Require Verification	
Parcel Number	Acres
37037055	0.019
37037063	0.609
37037066	0.147
Public Right-of-Way	0.041
Total Acres	0.816

Alt. 4c Arlington WPCP		
Ownership Type	# of Owners	# of Parcels
Public	2	15
Private	1	1
Unknown Public (Presumed Arlington County)	1	1
Total Parcels	4	17

3 Real Estate Owned by the Non-Federal Sponsor

The Design/Construction Phase NFS, Arlington County, owns a substantial portion of the 4c Alternative (lands owned by Arlington County WPCP) for the Recommended Plan, including most of the perpetual easement area.

4 Non-Standard Estates

Non-standard estates are not prescribed for this project.

5 Existing Federal Projects

There are no existing federal projects within the 4c Recommended Plan site.

6 Federally Owned Land

There is no federally-owned land or real estate interests within the 4c Recommended Plan Site.

7 Federal Navigational Servitude

Navigational Servitude is not applicable to this project. No Navigable Waters of the United States are involved nor is there any nexus to navigation.

8 Real Estate Mapping

A preliminary map and parcel list are provided for Alternative 4c Arlington County WPCP in Exhibit A. More detailed real estate mapping will be developed for Alternative 4c in the PED phase.

The tax parcel data is for planning purposes only and to provide a reasonable representation of parcel boundaries and project features. Surveys of the properties included in the Recommended Plan may be necessary in some instances to ensure that all required access and work areas are on the appropriate property. The lot boundaries delineated in the real estate maps do not necessarily represent legal boundaries and should not be used to provide a legal determination of land ownership. Title searches are needed to determine ownership of the properties included in the Recommended Plan. The parcel boundaries shown on the enclosed maps are not survey data and should not be used as such.

9 Induced Flooding

The proposed Levee/floodwall is not anticipated to cause any increase in flooding at any other location.

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10 Baseline Cost Estimate for Real Estate

A Baseline Cost Estimate for Real Estate (BCERE) was prepared in accordance with ER 405-1-12, Chapter 12, Paragraph 12-18.

Project Cost Category	Estimated Cost - Recommended Plan			
	Federal	Non-Federal	Contingency	Total
Total 01-Lands and Damages	\$ 77,000	\$ 808,796	\$ 166,209	\$ 1,052,005
Total 02-Relocations (Utility/Facility)	\$ -	\$ 551,000		\$ 551,000
TOTAL BCERE	\$ 77,000	\$ 1,359,796	\$ 166,209	\$ 1,603,005

11 Uniform Relocation Assistance (Public Law 91-646)

Currently, no Public Law 91-646 assistance relocations are anticipated.

12 Minerals and Timber Activity

There are no known present or anticipated mineral extraction or timber harvesting activities anticipated within the LERRD required for the Recommended Plan.

13 Non-Federal Sponsor Capability Assessment

Arlington County, VA, will be the non-Federal Sponsor who cost shares PED/Construction and be required to provide LERRD for the project. An assessment is included as Exhibit B.

14 Land Use Zoning

Currently, no applications for relevant building codes, jurisdictional permits, compliances, or enactment of local zoning ordinances are anticipated to facilitate the Recommended Plan.

15 Real Estate Acquisition Schedule

The Non-Federal Sponsor will officially initiate real estate acquisition activities after final execution of the Project Partnership Agreement (PPA). Although there is an estimated PPA date, PED is anticipated to take 2 years. Notice to Proceed with Acquisition will not be sent to the NFS until the design template for required real estate has been completed and accurately reflects the real estate required for the project. The estimate used for this schedule is 6 months for availability of design footprint but may change once PED is underway.

Milestone	Forecasted Dates
PPA Execution	January 2025
Notice to Proceed with Acquisition to Sponsor	June 2025
Sponsor's Authorization for Entry for Construction	January 2027
USACE's Certification of Real Estate	February 2027
USACE's Solicitation for Construction Contracts	Spring 2027
USACE's Award of Construction Contracts	Summer 2027

Approximate MINIMUM Acquisition Timeline

1.5 years

Condemnations are not anticipated for any properties required for this project. If required, condemnations may take up to one (1) year initiation of negotiation to possession, which may add additional time to the acquisition timeline.

16 Facility and Utility Relocations

For coastal storm risk management projects, the non-Federal Sponsor is required to relocate affected facilities and utilities necessary for the construction, operation, and maintenance of a project. A relocation may take the form of an alteration, lowering, raising, or replacement (and attendant removal) of the affected facility/utility or part thereof. This project is expected to result in yet to be determined relocation of multiple public utilities or facilities, which will require the preparation of Reports of Compensability once the Recommended Plan is approved. At this time, anticipated affected facilities are part of a trail enhancement project.

This area of Four Mile Run was part of a "living shoreline" enhancement project completed approximately six years ago. Components of this project included public art installed on the metal fence surrounding the WPCP, a public art bench (imported from the Netherlands) located along this fence, an observation platform, as well as fish murals painted occasionally along the trail. These items may be impacted by the proposed floodwall and should be protected/relocated. USACE would confirm and coordinate anticipated relocations with the NFS during PED which was included in the final cost estimate (i.e., replacing the security fence, repairing asphalt/sidewalk and moving art boards/benches along the recreational trail) The security fence would be added on top of the floodwall since the floodwall is following a similar footprint. The art

boards/benches would be moved to a different undisturbed location along the recreational trail in coordination with the NFS. A temporary security fence would also be required during construction. In coordination with the NFS, USACE plans to minimize impacts to the recreational trail and instead use the road that runs parallel on the inside of the security fence (on WPCP property) for access and would repair asphalt, as needed. Not all items of the living shoreline enhancement affected by the project may qualify as a public facility relocation for project purposes. Any items determined not to be eligible for substitute facility status will not be considered an eligible LERRD expense for their relocation or replacement. At this time, no additional LERRD requirements are anticipated due to the trail elements affected.

Although there are currently no anticipated utility relocations based on the current design and Recommended Plan, there is a risk that changing design and implementation requirements post-authorization may require a re-assessment of adjacent utilities and public facilities. Utilities and public facilities that could be affected due to a change in design post-authorization include utility poles along the floodwall alignment and impacts of a yet-to-be-designed stop log closure at the intersection with South Eads Street.

17 Environmental Contamination

Based upon the review of existing databases, the Recommended Plan site is not listed as a Known Contaminated Site nor listed as a Superfund site and none are located within or adjacent to the LERRD required for the Recommended Plan. However, due to historic landfilling of the property and nearby chemical spills, there is a potential risk that contaminated groundwater would be encountered during construction of the floodwall. Further investigations are needed to confirm that no contamination is present in the construction area. If contamination was encountered, safety precautions and appropriate disposal of contaminated material would be implemented to protect workers from direct and indirect effects of HTRW. Further investigations would be needed to confirm that no groundwater contamination is present in the footprint of the construction site. The investigation of this risk would be cost-shared and resolved in PED prior to the start of any LERRD acquisition. Any associated clean-up of HTRW would be the responsibility of the NFS.

18 Project Public Support

Given that the Recommended Plan primarily serves and is located on a public water pollution control plant, there is no expectation of unfavorable responses from property owners that could adversely impact the real estate cost, schedule, and easement requirement outlined in this report.

19 Non-Federal Sponsor Risk Notification

The non-Federal Sponsor will be notified in writing regarding risks associated with the acquisition of lands and interests before a Project Partnership Agreement is completed once the Recommended Plan is approved.

This Real Estate Plan was updated by Real Estate Project Delivery Team member Heather Sachs, who may be reached at (410) 962-4648 or by email: Heather.Sachs@usace.army.mil

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Exhibit A
Parcel Data and Real Estate Maps

Exhibit A - 4c Arlington Water Pollution Control Plant, Arlington County Virginia Plate R-1

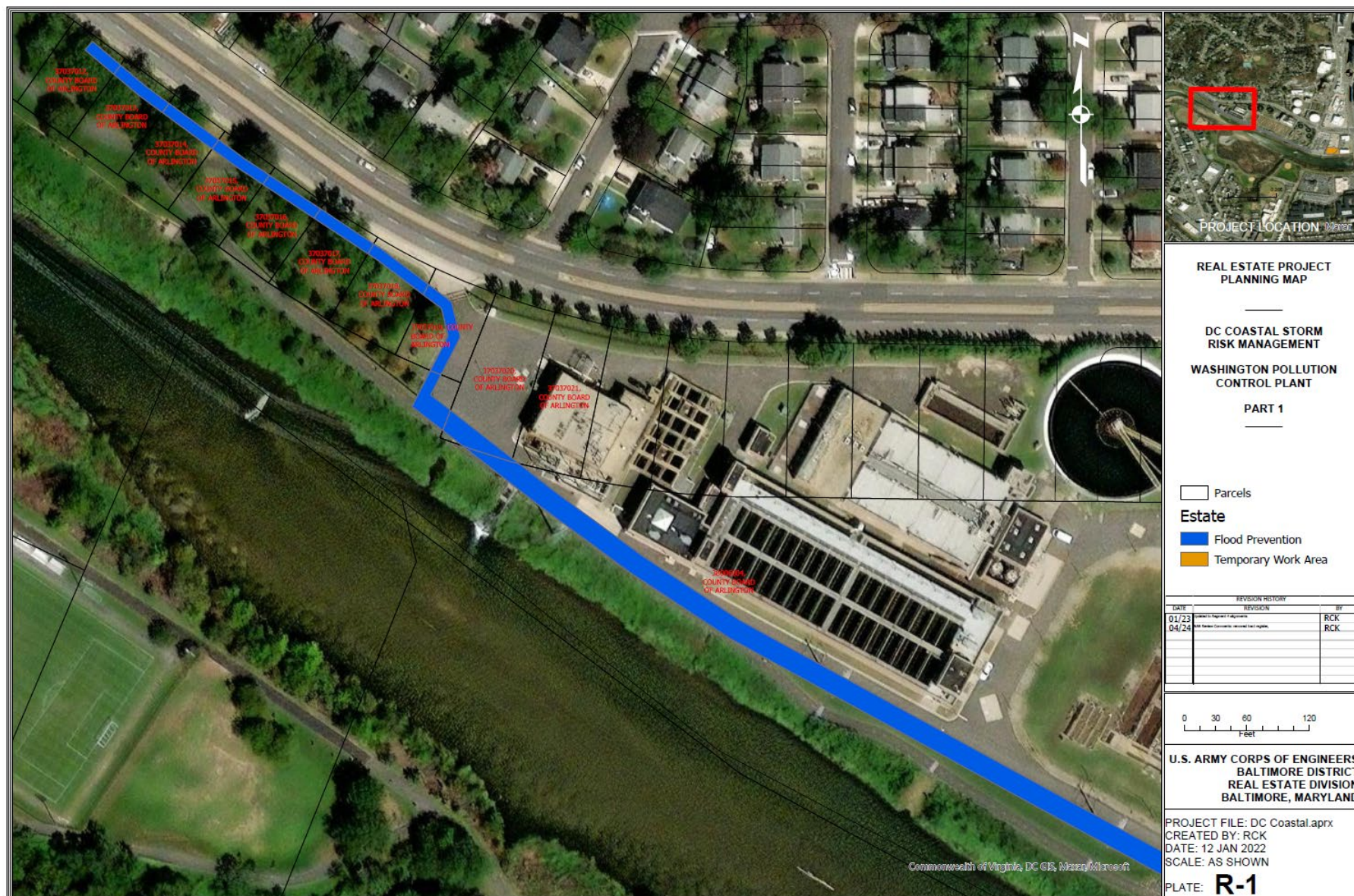


Exhibit A - 4c Arlington Water Pollution Control Plant, Arlington County Virginia

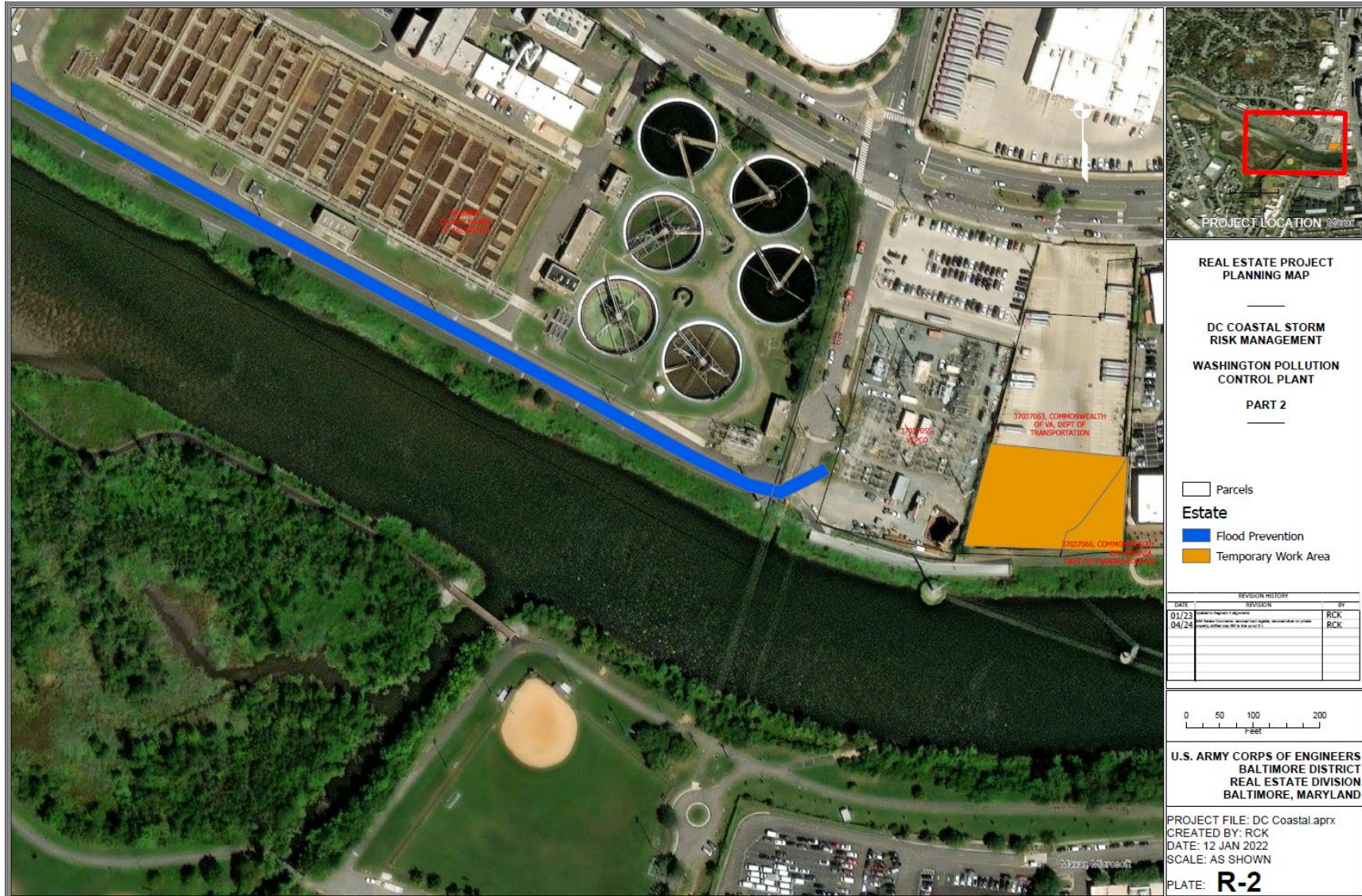


Exhibit B

**Non-Federal Sponsor Real Estate Acquisition
Capability Assessment Form**

METROPOLITAN WASHINGTON DISTRICT OF COLUMBIA COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY ARLINGTON COUNTY, VIRGINIA

I. Legal Authority:

- a. Does Arlington County, Virginia (the potential “sponsor”) have legal authority to acquire and hold title to real property for project purposes?

Yes, Arlington County has authority to acquire and hold property for a project.

- b. Does the sponsor have the power of eminent domain for this project?

Yes, but eminent domain will only be utilized as a last resort.

- c. Does the sponsor have “quick-take” authority for this project?

No, but “quick take” is not anticipated to be needed.

- d. Are any of the lands/interests in land required for the project located outside the sponsor’s political boundary?

All the lands/interests required are located within the sponsor’s political boundary.

- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

No, there are no lands/interests owned by any entity whom the sponsor cannot condemn.

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?

No, Arlington County is familiar with acquisition law and procedures.

- b. If the answer to II.a. is “yes,” has a reasonable plan been developed to provide such training?
- c. Does the sponsor’s in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes, Arlington County has staff on hand.

- d. Is the sponsor’s projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

Yes, for this small project Arlington County has sufficient staff.

- e. Can the sponsor obtain contractor support, if required in a timely fashion?

Yes, Arlington County has the ability to obtain contractor support.

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

No, it is not expected that the sponsor will request USACE assistance in acquiring real estate.

III. Other Project Variables

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

Yes.

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

Yes, the Sponsor has approved the tentative schedule as shown in Section 15. of the Real Estate Plan.

IV. Overall Assessment

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

There is no history with this sponsor.

- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/ insufficiently capable.

Fully capable.

V. Coordination

a. Has this assessment been coordinated with the sponsor?

Yes.

b. Does the sponsor concur with this assessment?

Yes.

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