

**REAL ESTATE PLAN  
PEKIN LAKE STATE FISH AND WILDLIFE AREA  
SOUTHERN UNIT  
ILLINOIS RIVER ECOSYSTEM RESTORATION STUDY  
TAZEWELL COUNTY, ILLINOIS**

**I. Purpose**

This Real Estate Plan supports the **Pekin Lake State Fish and Wildlife Area (SFWA) Southern Unit Critical Restoration Project, Illinois River Basin Restoration Study, Illinois, Feasibility Report and Environmental Assessment**. The project authorization is Section 519 of the Water Resource Development Act (WRDA) 2000, and Section 216 of the 1970 Flood Control Act. The proposed project area is defined as the **Pekin Lake Southern Unit**, located in the Pekin Lake SFWA in Tazewell County, Pekin, Illinois. The Illinois Department of Natural Resources (IDNR) is the proposed local sponsor for this project.

The **Pekin Lake Southern Unit** project features include dredging with onsite placement for mast trees and to add aquatic diversity with wetland enhancement. Dredging consists of approximately 100,000 cubic yards of material from a 2.2 mile long access channel covering 15.2 acres, to a depth of elevation 424 NGVD with a finished bottom width of approximately 50 feet. Approximately 335,000 cubic yards of material covering 30.5 acres will be dredged to varying depths between elevations 420-428 NGVD. These areas will provide overwintering habitat and structure for fish. Overwintering habitat of this type does not exist within 20 miles of the project site and will therefore provide critical life requisite habitats for numerous fish species in the Illinois River. The placement of dredged material will take two forms, islands and areas for mast trees. Five small islands ranging from 0.25 acre to 1 acre will be constructed using a variety of techniques including mechanical and hydraulic dredging and geotubes. The islands will provide wetland habitats. The balance of the dredge material will be placed in areas either adjacent to the access channels or in formerly forested areas between Soldwedel Lake and Lake of the Woods encompassing approximately 38 acres. Placement of material between the lakes will provide areas with sufficient elevation to allow reintroduction of mast producing tree species. Finally, material placed in this area will still be subject to inundation necessary to maintain its wetland qualities.

**II. Description of Lands, Easements, and Right-of-Way (LER) Required for Construction, Operation and Maintenance of the Project.**

a. Description of Lands, Easements and Right-of-Way (LER):

The proposed **Pekin Lake Southern Unit** project area is located along the Illinois River immediately downstream of Peoria Lock and Dam and adjacent to and west of the communities of Pekin, Illinois, Tazewell County, Sections 22, 26, 27, and 34, Township 25 North, Range 5 West of the 3rd Principal Meridian. The recommended plan is

identified as alternative S5 in the Pekin Lake SFWA Southern Unit Feasibility Report. A map depicting the proposed project area is included as **Exhibit A**, Project Area Map.

b. Number of Owners/Acres, Type of Estate required, and Estimated Value:

<u>No. of Owners</u>	<u>Acres</u>	<u>Type of Estate</u>	<u>Estimated Value</u>
1	468	Fee	\$1,125,000.00

c. The following standard estate is set forth in ER 405-1-12, Real Estate Handbook, and will be used for this project:

**FEE**

Fee will be acquired over approximately 468 acres. The Fee area is shown outlined in yellow on the project area map (**Exhibit A**). The estate language is as follows:

The fee simple title to (the land described in Schedule A/(Tracts Nos. \_\_\_\_\_, and \_\_\_\_\_); subject, however to existing easements for public roads and highways, public utilities, railroads and pipelines.

d. Ownerships Affected: The project features affect one landowner. The IDNR own 468 acres of land that will be used for all of the project features (outlined in yellow on **Exhibit A**). The area to be utilized as access for the construction and operation and maintenance consists of a 2.2 mile long access channel that will be dredged. This channel consists of approximately 15.2 acres. Access for the non-federal sponsor to perform the operation and maintenance of the finished project will be by boat only. This area is outlined in pink on **Exhibit A**.

e. Land Values: A gross appraisal dated 23 June 2004, was prepared by Mr. Ron Williams, Partnership Programs and Support Branch, Real Estate Division, and has been forwarded to CEMVD-TD-R for review and final approval. Land values are discussed in the Baseline Cost Estimate; paragraph X, of this plan.

f. Summary of LER required for the **Pekin Lake Southern Unit Illinois River Ecosystem Restoration Study** are:

(1) Total ownerships affected: One.

(2) Total Acres Required: 468 acres  
Fee Simple Title 468 acres (includes the dredge access route)

### III. Lands Required Owned By Sponsor

The proposed sponsor, the IDNR, currently own an estimated 498 acres of land in fee simple title within the **Pekin Lake Southern Unit** project area. Approximately 468 acres of this land will be required and utilized for this project. The lands required for the project are outlined in yellow on **Exhibit A**. The yellow area outlines the area required for the project which includes the access/dredge channel (15.2 acres outlined in pink), onsite placement (35.4 acres outlined in blue), and deep water dredging (30.5 acres outlined in red), for a total of 81.1 acres. Approximately 390 acres of the project area will claim benefits by the environmental features proposed. Additionally, the configuration of the proposed project lines caused an uneconomic remnant to exist and therefore, the interest of approximately 468 acres is sufficient for the project as it will preclude an uneconomic remnant.

### IV. Non-Standard Estate Discussion.

There are no non-standard estates necessary for this project.

### V. Federal Project within the LER required for the Project

There currently are no existing Federal projects within the LER required for this project.

### VI. Federally Owned land required for Project.

There are no federally owned lands required for the project.

### VII. Navigational Servitude

Navigational servitude is not applicable to this project.

### VIII. Map Depicting the Area.

A project map is attached as **Exhibit A**.

### IX. Possibility of Induced Flooding Due to Project

It is not anticipated that the project will cause induced flooding.

**X. Baseline Cost Estimate**

	<b>NON FEDERAL</b>	<b>FEDERAL</b>
01 Lands & Damages	<u>\$ 1,125,000.00</u>	\$ _____
01 Relocation Assistance (PL 91-646)	<u>\$ -0-</u>	\$ _____
 01 Incidental Acquisition Costs (itemized as follows)		
a. Monitoring LS Acquisition	\$ _____	\$ <u>5,000.00</u>
b. Survey	\$ <u>3,500.00</u>	\$ _____
c. Title Evidence	\$ <u>2,000.00</u>	\$ _____
d. Negotiation/Closing	\$ <u>3,500.00</u>	\$ _____
e. Appraisal	\$ <u>5,000.00</u>	\$ <u>5,000.00</u>
f. Credits	\$ _____	\$ <u>15,000.00</u>
<b>TOTAL</b>	<b><u>\$ 1,139,000.00</u></b>	<b><u>\$ 25,000.00</u></b>

**XI. Relocation Assistance Benefits**

The project does not require any relocation of persons, farms, or businesses; therefore; there are no anticipated Public Law 91-646 Relocation Assistance Benefit payments.

**XII. Mineral Activity/Timber Harvesting in Project Area**

No mineral activity is known to exist in the area of the project. There is no known timber harvesting in the project area that may affect the project.

**XIII. Sponsors Legal and Professional Capability to Acquire LER**

The proposed sponsor signed a letter of intent on 18 January 2002. The proposed sponsor, IDNR, also has agreed to be responsible for operation and maintenance of the completed project.

The sponsor has the legal capability and experience to perform the required construction, operation, and maintenance of the project. The assessment of the sponsor's financial capability is included as **Exhibit B**.

The sponsor has been advised of the PL 91-646 responsibilities in acquiring the right-of-way for the project and has been advised of their responsibilities for documenting expenses for credit on the project. A Project Cooperation Agreement (PCA) will be executed after project approval is received.

#### **XIV. Zoning Ordiances Proposed**

No known zoning ordnances are proposed.

#### **XV. Schedule of Land Acquisition Milestones.**

A detailed schedule for land acquisition will be developed when the final Right-of-Way (ROW) limits have been determined. The sponsor currently owns all of the lands for the project, however, it is anticipated that the sponsor will need a minimum of six months to officially convey and process the necessary paperwork for the necessary ROW and official Right-of-Entry for Construction. The paperwork would consist of survey, title evidence, appraisals, etc. The following schedule will be completed after project approval:

ROW Drawings Completed	12 Weeks
Initiate Acquisition Activities	8 Weeks
Acquisition Complete	24 Weeks
ROW Certificate	4 Weeks

#### **XVI. Facility or Utility Relocations**

There are currently no planned facility or utility relocations.

#### **XVII. Impacts of Suspected or Known Contaminants**

The Rock Island District conducted a Phase 1 and Phase IIA Environmental Site Assessment (ESA) in accordance with the appropriate standards. As a result of these assessments, the following significant conclusions were made from soil samples taken around the rubble piles located along the southeastern bank of the Pekin Lake Southern Unit site, adjacent to the proposed project site (this area has been removed from the project footprint):

a. Chemical constituents of concern, including PAH's, cadmium, and lead, were detected in the collected soil samples at concentrations above the Tier I Soil Remediation Objectives developed and published by the Illinois Environmental Protection Agency (IEPA). The soil samples collected near the northern most rubble piles and along the railroad embankment contained PAH's. Soil Samples collected near the rubble piles contained cadmium and lead.

b. Potential pathways of contaminant exposure to elevated contaminants of concern include soil ingestion and ground/surface water ingestion.

c. Lead was detected in surface water collected from an adjacent quarry at concentrations exceeding the groundwater ingestion remediation objective and general use water quality standard.

Constituents were detected in the embankment fills on the eastern boundary of Pekin and Worley Lakes at elevated concentrations; however, the potential for these constituents to migrate into the surface waters is low. Based on the data collected from the subject property, it appears that residual contaminants may be associated with embankment fills or rubble fills placed on or adjacent to the property. The identified contaminants are more specifically regulated by state law rather than under the Comprehensive Environmental Response, Compensation and Liability Act or other Federal statutes. For additional information pertaining to the samples collected, analysis of the samples, and the exact location of the contaminated area, please consult the Phase IIA ESA for the property, attached as Appendix B to the Pekin Lake SFWA Southern Unit Feasibility Report.

#### **XVIII. Landowners Support or Opposition to the Project**

A Public meeting has been held and landowners within the project area have been given the opportunity to express their interest in the proposed project. Landowner responses were positive and favorable at that time.

#### **XIX. Risks of Acquiring Lands before Execution of the PCA**

A letter has been sent to the Sponsor regarding the risks associated with acquiring land prior to execution of the PCA, in accordance with Chapter 12 of ER 405-1-12. The sponsor currently owns the lands required for the project and has not indicated any intent to initiate early acquisition activities on this project.

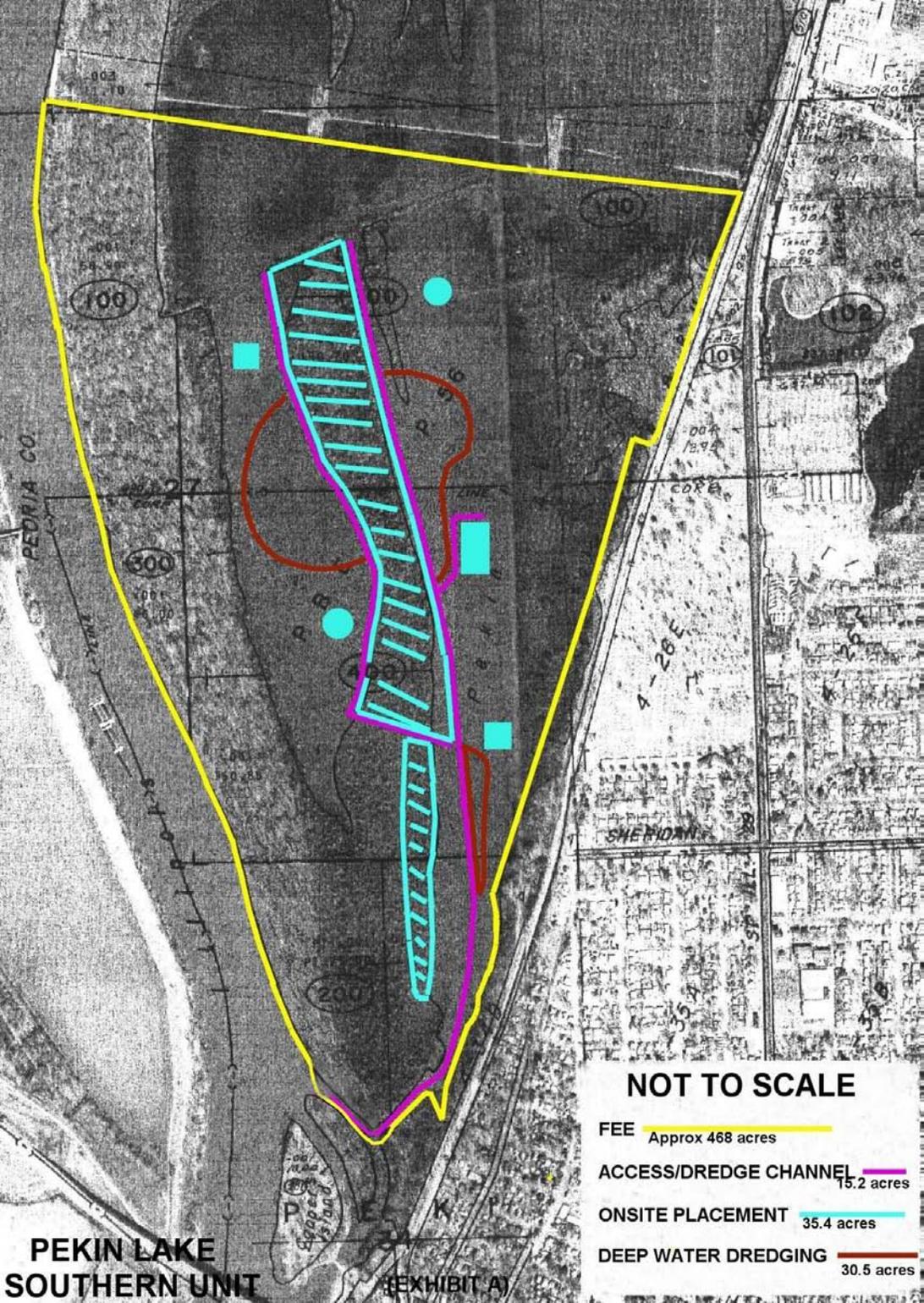
#### **XX. Other Real Estate Issues Relevant to the Project**

There are currently no other Real Estate issues relevant to the project.

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Joanne M. Lieving  
Realty Specialist  
Partnership Programs and Support Branch  
Real Estate Division

DATE: 11 August 2004



**NOT TO SCALE**

- FEE** — Approx 468 acres
- ACCESS/DREDGE CHANNEL** — 15.2 acres
- ONSITE PLACEMENT** — 35.4 acres
- DEEP WATER DREDGING** — 30.5 acres

**PEKIN LAKE  
SOUTHERN UNIT**

(EXHIBIT A)

**EXHIBIT B**  
**ASSESSMENT OF NON-FEDERAL SPONSOR'S**  
**REAL ESTATE ACQUISITION CAPABILITY**  
**ILLINOIS RIVER BASIN RESTORATION**  
**PEKIN LAKE SOUTH UNIT**  
**(per Appendix 12E, ER 405-1-12)**

**I. Legal Authority**

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (Yes/~~No~~)
- b. Does the sponsor have the power of eminent domain for this project? (Yes/~~No~~)

The IDNR has the power of eminent domain. The authority to use this power needs to be approved by the Governor. The Director of the IDNR has not requested the use of eminent domain for this project. Eminent domain is not expected to be used because the lands required for the project are currently owned by the Non-Federal Sponsor.

- c. Does the sponsor have "quick take" authority for this project? (~~Yes~~/No)

The IDNR has the power of eminent domain. The authority to use this power needs to be approved by the Governor. The Director of the IDNR has not requested the use of eminent domain for this project. Eminent domain is not expected to be used because the lands required for the project are currently owned by the Non-Federal Sponsor.

- d. Are any of the land/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**

- 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)

No relocation is expected because the property interest to be acquired is vacant land. If relocation is required, the IDNR will use in house relocation staff.

- b. If the answer to IIa 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? (If “yes”, provide description). (~~Yes~~/No)

**III. Other Project Variables**

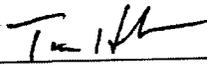
- a. Will the sponsor’s staff be located within reasonable proximity to the project site? (Yes/~~No~~)
- b. Has the sponsor approved the project/real estate schedule/milestones? (Yes/~~No~~)

**IV. Overall Assessment**

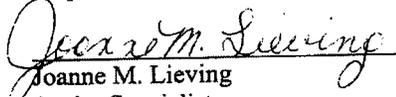
- a. Has the sponsor performed satisfactory on other USACE projects? (Yes/~~No~~)
- b. With regard to this project, the sponsor is anticipated to be: ~~highly capable~~/fully capable/~~moderately capable~~/~~marginally capable~~/~~insufficiently capable~~. (If sponsor is believed to be “insufficiently capable”, provide explanation.)

V. Coordination

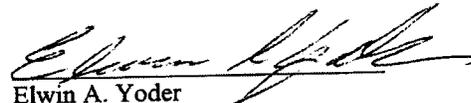
- a. Has this assessment been coordinated with the sponsor? (Yes/~~No~~)
- b. Does the sponsor concur with this assessment? (If "no", provide explanation).  
(Yes/~~No~~)

  
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Office of Resource Conservation

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