

**UPPER MISSISSIPPI RIVER RESTORATION
FEASIBILITY REPORT
WITH INTEGRATED ENVIRONMENTAL ASSESSMENT**

**BEAVER ISLAND
HABITAT REHABILITATION AND ENHANCEMENT PROJECT**

**POOL 14, UPPER MISSISSIPPI RIVER MILES 513.0-517.0
CLINTON COUNTY, IOWA**

APPENDIX J

REAL ESTATE PLAN

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REAL ESTATE PLAN

I. PURPOSE

This Real Estate Plan (REP) supports the *Beaver Island Habitat Rehabilitation and Enhancement Project* (Project). The Project's original authorizing legislation was the Water Resources Development Act of 1986, (P.L. 99-662), Section 1103 which has been amended several times since its enactment. The Upper Mississippi River Restoration (UMRR) Program is a partnership among federal and state agencies and other organizations to plan, construct, and evaluate measures for fish and wildlife habitat improvement through habitat rehabilitation and enhancement projects. For this Project, the U.S. Fish and Wildlife Service (USFWS) is acting as the Federal Sponsor. This is the only REP developed for this Project.

The Corps proposes to rehabilitate and enhance Beaver Island by constructing measures which will increase the quality of year-round habitat for the fish community, increase floodplain forest vegetation diversity, and improve the overall structure and function of Beaver Island habitat.

The need for rehabilitation and enhancement of the Site is based on the following factors:

1. The existing aquatic habitat currently lacks adequate centrarchid overwintering habitat (i.e., depth and flows) important for year-round habitat functioning. Without action, the available overwintering habitat will continue to decrease.
2. The existing topography lacks forest diversity and a significant amount of the island is inundated during a typical flooding event. Consequently, floodplain forest regeneration, growth, and survival are reduced. Without action, floodplain habitat will decrease in quality through succession to silver maple, open canopy, and/or reed canary grass, which is an invasive species.
3. Albany Slough, the existing secondary channel habitat, has degrading geomorphologic features, structure, and function. Over time, Albany Island is likely to continue eroding, which would have major detrimental effects on existing mussel communities inhabiting the Albany Slough side channel and on the fish species which serve as hosts.

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II. DESCRIPTION OF THE LANDS, EASEMENTS, AND RIGHTS-OF-WAY REQUIRED FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE PROJECT

Beaver Island is located in the upper third of Pool 14 along the right descending bank of the Mississippi River, adjacent to the City of Clinton, Clinton County, Iowa, between river miles 513.0 and 517.0. Areas considered as part of this Project and described as the Project area include Beaver Island, Beaver Slough, Albany Island, and Albany Slough. The Project area contains about 1,678 acres of interconnected backwaters, secondary channels, wetlands, and floodplain habitat. The Federal Government owns all Project lands above the ordinary high water mark. Upstream portions of the island are privately owned, but not included in the Project area. Coordinates are Sections 13, 18, 19, 23, 24, 25, 26, Township 81 North, Range 6 East (Clinton County, Iowa). The Project area is shown in Figure J-1.

Access to the Project area may be achieved from the Swan Slough Boat Ramp, which is managed by the City of Camanche (City), Iowa. The Corps granted the City a 30-year easement for the operation and maintenance of a road, boat ramp, and parking lot ending February 13, 2037. Located in Camanche Township, this area was developed to include a double lane concrete boat ramp with boat dock and parking lot. Anticipated use of the Swan Slough Boat Ramp will need to be coordinated with the City prior to the commencement of any construction efforts. The staging area-river access point is shown as Figure J-2.

The Tentatively Selected Plan (TSP) for habitat rehabilitation and enhancement of the Beaver Island Habitat Rehabilitation and Enhancement Project includes:

- Increasing aquatic diversity in the Beaver Island backwater, specifically in Lower Cut, Stewart Lake, Blue Bell Lake, Sand Burr Lake, as well as two unnamed connections through excavation and additions of fisheries structure.
- Increasing forest diversity in select areas of Beaver Island to include increasing existing elevations and planting trees, shrubs, understory plants, and buffer species.
- Maintaining aquatic diversity in the Beaver Island backwater by constructing a closure structure at the upstream end of Upper Cut, which will help reduce sediment influx into the complex.
- Constructing a chevron, bankline protection, and adding substrate to preserve and enhance Albany Island and Albany Slough for aquatic and mussel habitat.

The number of owners, acres and type of estates required are as follows:

Number of Tracts	No. & Type of Owner	Acres	Type of Estate
29	1 - Federal Gov.	Approx. 1,678	Fee
1	1 - State of Iowa	Approx. 32.8	No acquisition required due to the application of Navigational Servitude and coordination of appropriate permits

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III. SPONSOR-OWNED LANDS

The Federal Government owns all of the lands required for the Project that exist above the ordinary high water mark. The State of Iowa owns those lands required for the Project that fall below the ordinary high water mark. The State of Iowa holds sovereign title in trust for the benefit of the public to the bed of the Mississippi River from the south boundary of the State of Minnesota to the north boundary of the state of Missouri. Any construction on, above, or under state-owned lands and/or waters must secure a Sovereign Lands Construction Permit from the Iowa Department of Natural Resources (IADNR) in advance of work. Even though Navigational Servitude is available for this Project, the necessary permits will still be coordinated with the IADNR through the Joint Application Form.

IV. NON-STANDARD ESTATES

The Project does not require the use of any non-standard estate.

V. EXISTING FEDERAL PROJECT WITHIN THE LANDS, EASEMENTS, AND RIGHTS-OF-WAY REQUIRED FOR THE PROJECT

The United States, through the Department of the Army, acquired lands, including portions of Beaver Island, in the State of Iowa under the authority of the River and Harbor Act of July 3, 1930, as amended, and August 30, 1935, for the improvement of the Mississippi River between the Missouri River and Minneapolis, Minnesota, referred to as the Navigation Channel Project. Those lands are in and adjacent to the pools formed by Mississippi River Locks and Dams Nos. 9, 10, 11, 12, 13, 14, 16, 17, and 18.

VI. EXISTING FEDERALLY-OWNED LAND

On April 7, 1942, a United States District Judge awarded the absolute unqualified fee simple title for Tracts No. IaIs-43 through 68, 70, 73 and 92 to the United States of America. Those tracts make up a portion of Beaver Island that will be utilized for Project purposes. All other remaining Project lands were previously acquired as part of the Upper Mississippi River Wildlife and Fish Refuge and are managed by the USFWS. The Corps administered lands are managed by the USFWS through a cooperative agreement dated February 14, 1963, and an amended cooperative agreement dated July 31, 2001.

The identified staging area is a public boat ramp and parking lot located in the City of Camanche, Iowa. The site is approximately 2.3 miles downstream, on the right descending bank, from the Project area. The area is part of a larger federally owned tract, FIA-323, and is approximately 44 acres. Of that, only 2.5 acres will be used in conjunction with this Project. The City has been granted a 30 year easement over the planned staging area for the operation and maintenance of a road, boat ramp, and parking lot which will expire February 13, 2037. Under paragraph 10 of the easement, the Government has retained the right to “make any other use of the lands as may be necessary in connection with Government purposes.” See Staging Area Map, Figure J-2.

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VII. NAVIGATIONAL SERVITUDE

On April 11, 2016, Office of Counsel developed a legal opinion to determine if Navigational Servitude could be used for the Project. Office of Counsel found that the conditions the Project addresses were ultimately caused by navigation; therefore, Navigational Servitude would apply to those lands required for the Project that fall below the ordinary high water mark. This includes submerged rock placement and dredging activities. All placement materials will be from dredged material below the ordinary high water mark and from existing topsoil on Beaver Island.

VIII. MAP DEPICTING THE AREA

The Real Estate Map, Staging Area-River Access Point, and Tentatively Selected Plan are attached as Figures J-1, J-2, and J-3, respectively.

IX. INDUCED FLOODING

There will be no flooding induced by the construction or the operation and maintenance of the Project.

X. BASELINE COST ESTIMATE

A Baseline Cost Estimate for Real Estate was not developed because there are no anticipated lands to be acquired for the Project and it is not cost-shared with a non-Federal sponsor.

XI. PUBLIC LAW (PL) 91-646 RESIDENCE/BUSINESS 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 IN THE PROJECT AREA

No known mineral activity that may affect construction, operation, or maintenance of the Project is occurring or anticipated to occur in the vicinity of the proposed Project. The last Corps-related timber harvest on Beaver Island was completed in April 1947 and is not believed to be within the limits of the proposed Project area.

XIII. NON-FEDERAL SPONSOR'S LEGAL AND PROFESSIONAL ACQUISITION CAPABILITY TO ACQUIRE LANDS, EASEMENTS, AND RIGHTS-OF-WAY

For this Project, the USFWS is acting as the Federal Sponsor; therefore, the non-Federal Sponsor Acquisition Capability Checklist is not applicable and is not included.

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XIV. ZONING ORDINANCES

No known zoning ordinances are proposed.

XV. SCHEDULE OF LAND ACQUISITION

There are no anticipated lands to be acquired for the Project. As mentioned in Section 7, *Navigational Servitude*, of this report, Navigational Servitude will be exercised.

XVI. FACILITY/UTILITY RELOCATIONS

There are no facility or utility relocations associated with this Project.

XVII. IMPACTS OF SUSPECTED OR KNOWN CONTAMINANTS

A Phase I Environmental Site Assessment and Phase II Site Investigation was completed on 10 June 2014 for the proposed work and staging areas for the Beaver Island Habitat Rehabilitation and Enhancement Project (Project area) in general conformance with ASTM Practices E1527-13 and E1528-06, ER 1165-2-132, and MVD DIVR 1165-2-9. The inquiry consisted of an inspection of aerial photographs (1937, 1951, 1963, 1969, 2002, 2010 and 2012), topographical maps, records research and interviews. In addition, sediment samples were collected for laboratory analysis of pH, volatile organic carbons, semi-volatile organic carbons, metals and poly-chlorinated hydrocarbons. These activities revealed no evidence of hazardous substances, HTRW, or other regulated contaminants in connection within the Project area.

XVIII. LANDOWNERS SUPPORT OR OPPOSITION TO THE PROJECT

A public meeting was held in Clinton, Iowa, on March 26, 2014 and at that time the potential for a project was well received by the public and there appeared to be a high level of interest for a project on Beaver Island. Adjoining and nearby landowner concerns are not anticipated.

XIX. RISKS OF ACQUIRING LANDS BEFORE EXECUTION OF THE PPA

A notice to the sponsor regarding risks of acquisition prior to the signing of the agreement is not necessary since no acquisitions are expected. For this Project, a Memorandum of Agreement (MOA) between the United States Fish and Wildlife Service and the Department of the Army will need to be executed. An MOA is used to establish the relationships, arrangements, and general procedures under which the USFWS and the Department of the Army will operate in constructing, operating, maintaining, repairing, and rehabilitating the Beaver Island HREP. Appendix C contains a Draft MOA for this Project.

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XX. OTHER REAL ESTATE ISSUES RELEVANT TO THE PROJECT

There are no other known real estate issues at this time.

Date: 02-SEP-16

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Date: _____

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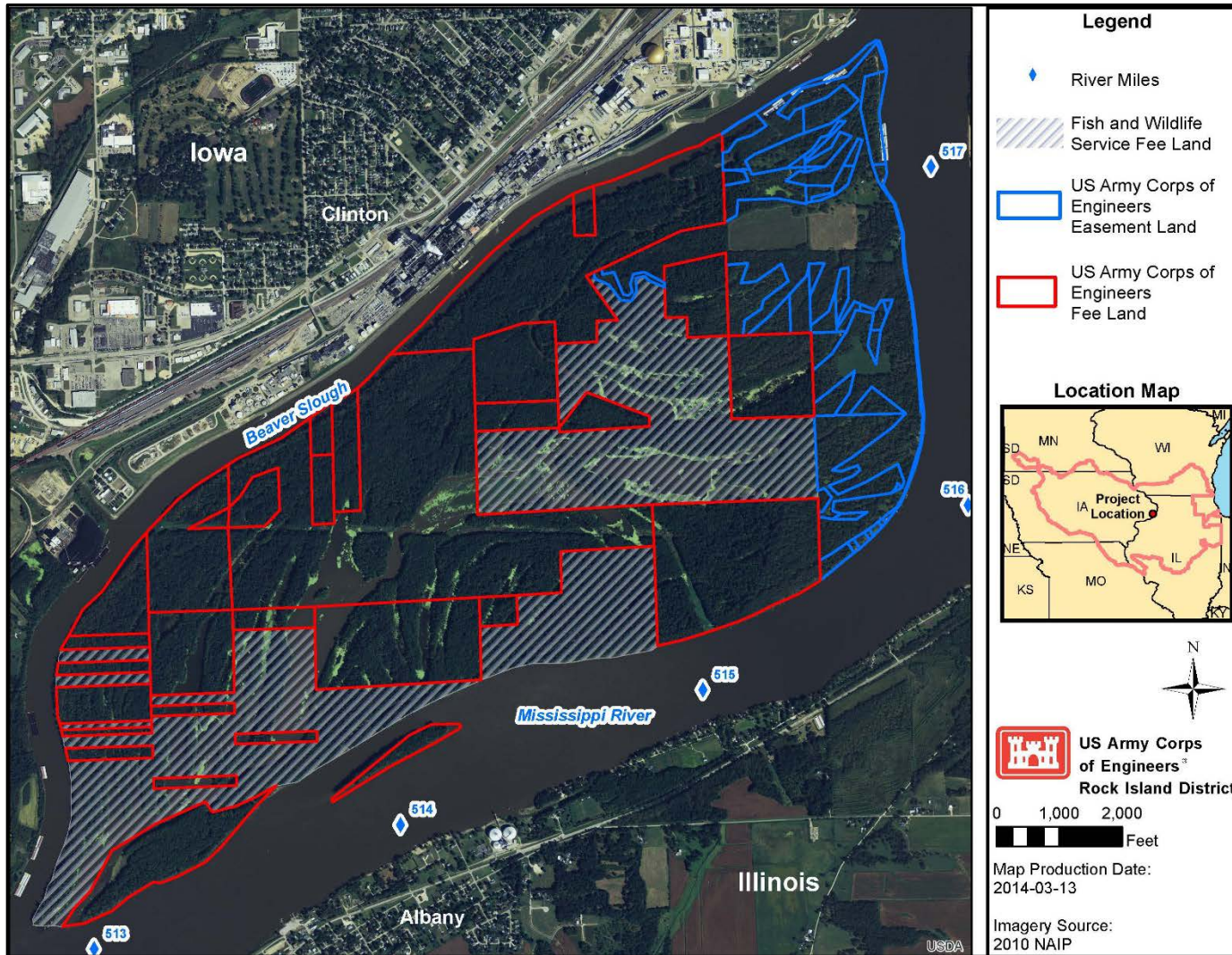


Figure J-1: Beaver Island Real Estate Map

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Beaver Island HREP - Staging Area

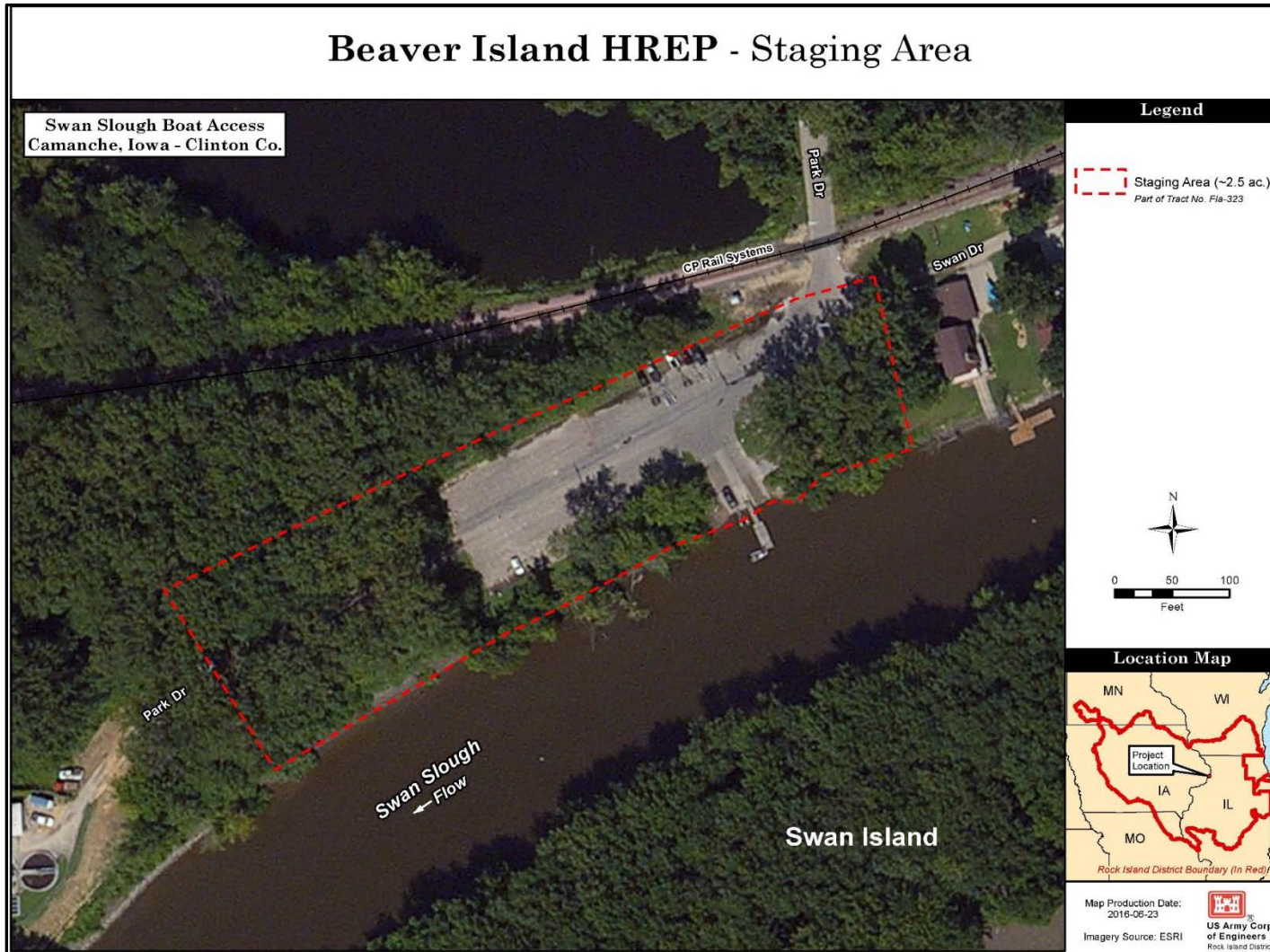


Figure J-2: Beaver Island Staging Area - River Access Point

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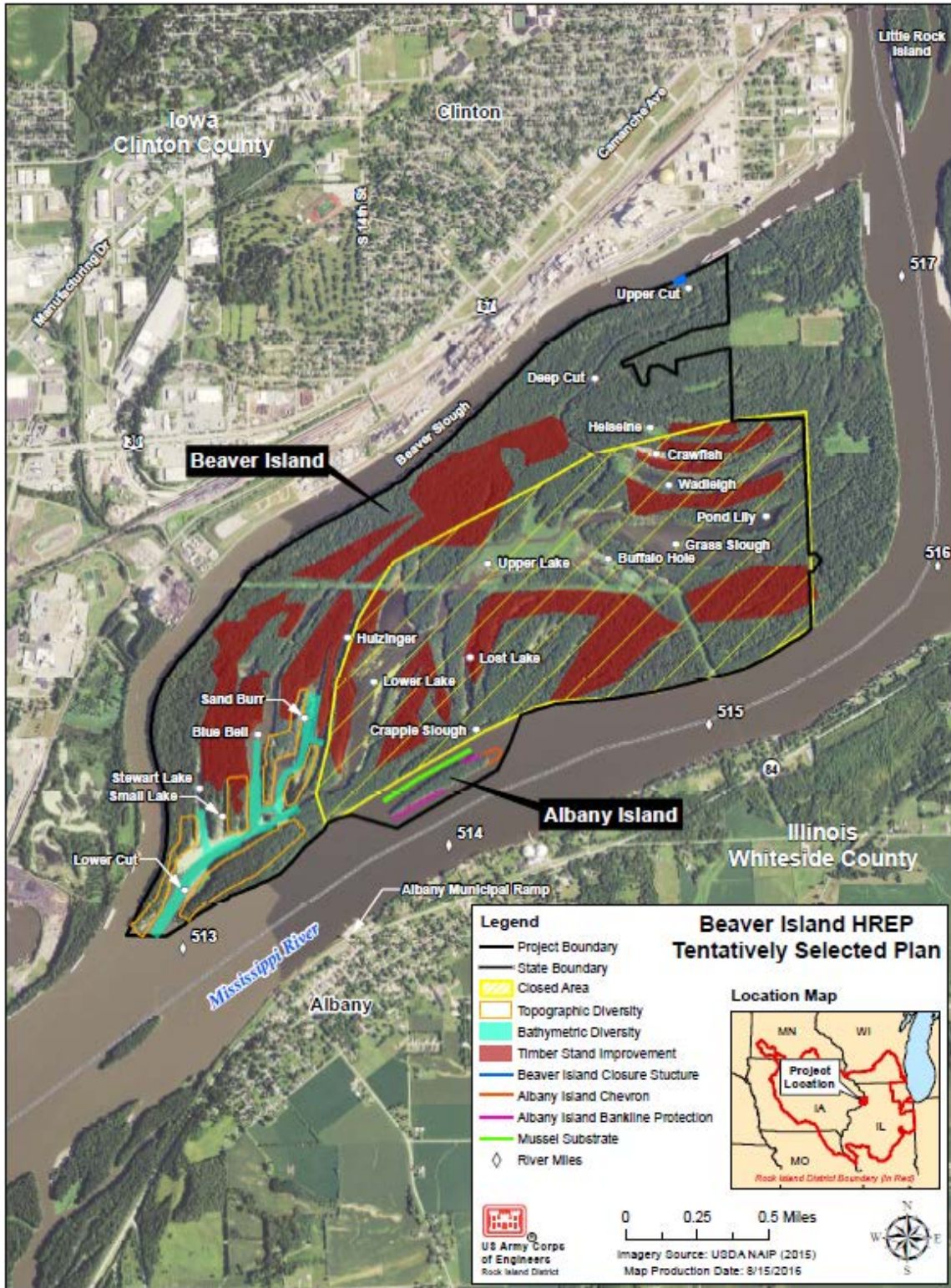


Figure J-3: Beaver Island Tentatively Selected Plan

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QUALITY CONTROL PLAN CHECKLIST

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QUALITY CONTROL PLAN CHECKLIST

Real Estate Plans and Other Similar Feasibility-Level Real Estate Planning Documents

ER 405-1-12, Section 12-16, Real Estate Handbook, 1 May 1998

A Real Estate Plan (REP) is prepared in support of a decision document for full Federal or cost shared specifically authorized or continuing authority projects. It identifies and describes lands, easements and rights-of-way (LER) required for the construction, operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of a proposed Project including requirements for mitigation, relocations, borrow material, and dredged or excavated material disposal. It also identifies and describes facility/utility relocations, LER value, and the acquisition process. The REP does not just cover LER to be acquired by the non-Federal sponsor (NFS) or Government. The report covers all LER needed for the Project, including LER already owned by the NFS, the Federal Government, other public entities, or subject to the navigation servitude.

The REP must contain a detailed discussion of the following 20 topics, as set out in Engineering Regulation (ER) 405-1-12, Section 12-16, *Real Estate Handbook*, 1 May 1998, including sufficient description of the rationale supporting each conclusion presented. If a topic is not applicable to the Project, this should be stated in the REP. The pages of an REP should be numbered.

PROJECT: *Beaver Island Habitat Rehabilitation and Enhancement Project*

REPORT TITLE: *Upper Mississippi River Restoration, Feasibility Report with Integrated Environmental Assessment, Beaver Island Habitat Rehabilitation and Enhancement Project*

Date of Report: August 2016

Date of REP: August 2016

1. Purpose of the REP X .

- A. Describe the purpose of the REP in relation to the Project document that it supports.
- B. Describe the Project for the Real Estate reviewer.
- C. Describe any previous REPs for the Project.

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2. Describe LER X .

- A. Account for all lands, easements, and rights-of-way underlying and required for the construction, OMR&R of the Project, including mitigation, relocations, borrow material and dredged or excavated material disposal, whether or not it will need to be acquired or will be credited to the NFS.
- B. Provide description of total LER required for each Project purpose and feature.
- C. Include LER already owned by the Government, the NFS and within the navigation servitude.
- D. Show acreage, estates, number of tracts and ownerships, and estimated value.
- E. Break down total acreage into fee and the various types and durations of easements.
- F. Break down acreage by Government, NFS, other public entity, and private ownership, and lands within the navigation servitude.

3. NFS-Owned LER X .

- A. Describe NFS-owned acreage and interest and whether or not it is sufficient and available for Project requirements.
- B. Discuss any crediting issues and describe NFS views on such issues.

4. Include any proposed Non-Standard Estates X .

- A. Use Standard Estates where possible.
- B. Non-standard estates must be approved by HQ to assure they meet Department of Justice (DOJ) standards for use in condemnations.
- C. Provide justification for use of the proposed non-standard estates.
- D. Request approval of the non-standard estates as part of document approval.
- E. If the document is to be approved at MSC level, the District must seek approval of the non-standard estate by separate request to HQ. This should be stated in the REP.
- F. Exception to HQ approval is District Chiefs of RE approval of non-standard estate if it serves intended Project purpose, substantially conforms with and does not materially deviate from the standard estates found in the RE Handbook, and does not increase cost or potential liability to the Government. A copy of this approval should be included in the REP. (See ER 405-1-12, Section 12-10c)
- G. Although estates are discussed generally in Topic 2, it is a good idea to also state in this section which standard estates are to be acquired and attach a copy as an appendix. The duration of any temporary estates should be stated.

5. Existing Federal Projects. X .

- A. Discuss whether there is any existing Federal Project that lies fully or partially within LER required for the Project.
- B. Describe the existing Project, all previously-provided interests that are to be included in the current Project, and identify the sponsor.

Quality Control Plan Checklist

- C. Interest in land provided as an item of local cooperation for a previous Federal Project is not eligible for credit.
- D. Additional interest in the same land is eligible for credit.

6. Federally-Owned Lands X.

- A. Discuss whether there is any federally-owned land included within the LER required for the Project.
- B. Describe the acreage and interest owned by the Government.
- C. Provide description of the views of the local agency representatives toward use of the land for the Project and issues raised by the requirement for this land.

7. Navigation Servitude X.

- A. Identify LER required for the Project that lies below the Ordinary High Water Mark, or Mean High Water Mark, as the case may be, of a navigable watercourse.
- B. Discuss whether navigation servitude is available
- C. Will it be exercised for Project purposes? Discuss why or why not.
- D. Lands over which the navigation servitude is exercised are not to be acquired nor eligible for credit for a Federal navigation or flood control Project or other Project to which a navigation nexus can be shown.
- E. See ER 405-1-12, Section 12-7.

8. Map X.

- A. An aid to understanding
- B. Clearly depicting Project area and tracts required, including existing LER, LER to be acquired, and lands within the navigation servitude.
- C. Depicts significant utilities and facilities to be relocated, any known or potential HTRW lands.

9. Induced Flooding can create a requirement for real estate acquisition X.

- A. Discuss whether there will be flooding induced by the construction and OMRR&R of the Project.
- B. If reasonably anticipated, describe nature, extent and whether additional acquisition of LER must or should occur.
- C. Physical Takings Analysis (separate from the REP) must be done if significant induced flooding anticipated considering depth, frequency, duration, and extent of induced flooding.
- D. Summarize findings of Takings Analysis in the REP. Does it rise to the level of a taking for which just compensation is owed?

Quality Control Plan Checklist

10. Baseline Cost Estimate as described in ER 405-1-12, Section 12-18 X.

- A. Provides information for the Project cost estimates.
- B. Gross Appraisal includes the fair market value of all lands required for Project construction and OMRR&R.
- C. PL 91-646 costs
- D. Incidental acquisition costs
- E. Incremental real estate costs discussed/supported.
- F. Is Gross Appraisal current? Does Gross Appraisal need to be updated due to changes in Project LER requirements or time since report was prepared?

11. Relocation Assistance Benefits Anticipated X.

- A. Number of persons, farms, and businesses to be displaced and estimated cost of moving and reestablishment.
- B. Availability of replacement housing for owners/tenants
- C. Need for Last Resort Housing benefits
- D. Real Estate closing costs
- E. See current 49 CFR Part 24

12. Mineral Activity X.

- A. Description of present or anticipated mineral activity in vicinity that may affect construction, OMRR&R of Project.
- B. Recommendation, including rationale, regarding acquisition of mineral rights or interest, including oil or gas.
- C. Discuss other surface or subsurface interests/timber harvesting activity
- D. Discuss effect of outstanding third party mineral interests.
- E. Does estate properly address mineral rights in relation to the Project?

13. NFS Assessment X.

- A. Assessment of legal and professional capability and experience to acquire and provide LER for construction, OMRR&R of the Project.
- B. Condemnation authority
- C. Quick-take capability
- D. NFS advised of Uniform Relocation Assistance requirements
- E. NFS advised of requirements for documenting expenses for credit.
- F. If proposed that Government will acquire Project LER on behalf of the NFS, fully explain the reasons for the Government performing work.
- G. A copy of the signed and dated *Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability* (Appendix 12-E) is attached to the REP. Not Applicable

Quality Control Plan Checklist

14. Zoning in Lieu of Acquisition X.

- A. Discuss type and intended purpose
- B. Determine whether the proposed zoning proposal would amount to a taking for which compensation will be due.

15. Schedule X.

- A. Reasonable and detailed Schedule of land acquisition milestones, including LER certification.
- B. Dates mutually agreed upon by Real Estate, PM, and NFS.

16. Facility or Utility Relocations X.

- A. Describe the relocations, identity of owners, purpose of facilities/utilities, whether owners have compensable real property interest.
- B. A synopsis of the findings of the Preliminary Attorney's Investigation and Report of Compensable Interest is included in the REP as well as statements required by ER 405-1-12, Sections 12-17c.(5) and (6). Not Applicable
- C. Erroneous determinations can affect the accuracy of the Project cost estimate and can confuse Congressional authorization.
- D. Eligibility for substitute facility
 - 1. Project Impact
 - 2. Compensable Interest
 - 3. Public Utility or Facility
 - 4. Duty to Replace
 - 5. Fair market value too difficult to determine or its application would result in an injustice to the landowner or the public.
- E. See ER 405-1-12, Sections 12-8, 12-17, and 12-22.

17. HTRW and Other Environmental Considerations X.

- A. Discuss the impacts on the Real Estate acquisition process and LER value estimate due to known or suspected presence of contaminants.
- B. Status of District's investigation of contaminants.
- C. Are contaminants regulated under CERCLA, other statutes, or State law?
- D. Is clean-up or other response required of non-CERCLA regulated material?
- E. If cost share, who is responsible for performing and paying cost of work?
- F. Status of NEPA and NHPA compliances
- G. See ER 1165-2-132, *Hazardous, Toxic, and Radioactive Waste Guidance for Civil Works Projects*.

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18. Landowner Attitude. X .

- A. Is there support, apathy, or opposition toward the Project?
- B. Discuss any landowner concerns on issues such as condemnation, willing seller provisions, estates, acreages, etc.?

19. A statement that the NFS has been notified in writing about the risks of acquiring LER before the execution of the PPA. If not applicable, so state. NA

20. Other Relevant Real Estate Issues. Anything material to the understanding of the RE aspects of the Project. X .

A copy of the completed Checklist is attached to the REP. X .

(This Draft REP must contain a draft Checklist and draft Technical Review Guide)

Appendix J-A

Quality Control Plan Checklist

I have prepared and thoroughly reviewed the REP for the *Upper Mississippi River Restoration, Feasibility Report with Integrated Environmental Assessment, Beaver Island Habitat Rehabilitation and Enhancement Project* and all information, as required by ER 405-1-12, Section 12-16, is contained in the Plan.

Jason Appel, Realty Specialist, Preparer

02-SEP-16
Date

A copy of the Real Estate Internal Technical Review Guide for Civil Works Decision Documents is attached and signed by me as the Reviewer

Ronald E. Silver
Chief, Planning & Acquisition Branch
MVD Regional Real Estate Division North
Rock Island District
Real Estate Internal Technical Reviewer

Date

The REP has been signed and dated by the Preparer and the District Chief of Real Estate. ____

**REAL ESTATE INTERNAL TECHNICAL REVIEW GUIDE
FOR CIVIL WORKS DECISION DOCUMENTS**

Real Estate Guide for Review of Civil Works Decision Documents

1. Initially, read the entire Real Estate Plan (REP). After reading the REP:
 - A. Do you have a good idea of the scope of the Project?
 - B. Did you note any omissions?
 - C. What questions do you have regarding the Project?
 - D. Were all the elements of an REP as listed in Chapter 12 covered?
 - E. Do you have a completed Quality Control Plan for the REP?

2. Next, read the main body of the decision document (including the chapter on the recommended plan), paying particular attention to the overall scope of the Project, proposed facility relocations, environmental investigations, mitigation requirements, navigational servitude, and possibility of induced flooding.

3. Then, read the REP again, noting any discrepancies between the REP and the main report. Pay particular attention not only to what the report says, but also to what the report does not say. Many review comments are due to items being omitted or not discussed in enough detail in the REP.

4. Finally, ask yourself specific questions about the Project such as the following. You should be able to answer them by reading the REP.
 - A. What is the Project's purpose and have there been prior real estate planning documents for this Project?
 - B. Is the purpose of the report to gain Congressional authorization (e.g., a Feasibility Report)? If not, what is the real estate acquisition authority for the Project and is the proper authority cited in the report?
 - C. Who is the sponsor that will execute the PPA? Has an assessment of the sponsor's capability been completed and included in the report? Does the sponsor have eminent domain and quick take authority? If not, does the report address how acquisition will be accomplished if condemnation is required? Does the sponsor currently own any lands required for the Project? If so, were any of these lands obtained as part of another Federal Project or funded with Federal funds in whole or in part?
 - D. Are there any lands currently owned by the Federal government involved in this Project? If so, has it been coordinated with the
 - E. Does the Project involve a navigable waterway and could the navigational servitude be utilized for purposes of the Project? If the Project is not a navigation Project and asserting navigational servitude is proposed, does the report state the legal basis for asserting navigational servitude?

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Quality Control Plan Checklist

- F. Is there a possibility of induced flooding, and has a taking analysis been completed? What was the outcome of that analysis? Are flowage easements required because the anticipated flooding will rise to the level of a taking?
- G. Are the interests and estates sufficient to provide for construction, operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of the Project? Do the estates not only grant the interest needed for construction and maintenance, but do they prohibit practices that might interfere with the Project in the future? Are the terms for any temporary easements defined and are they for an appropriate duration?
- H. How do we physically access the Project site? Is an additional real estate interest required for construction access and/or OMRR&R access?
- I. Is there a need to dispose of borrow material? If so, are these areas included in the report as LERRD items or, if proven cost efficient, contractor provided items? Are the environmental issues associated with borrow/disposal effectively addressed?
- J. Will a contractor's staging area be required?
- K. Are any persons being displaced from their homes because of the Project? If so, how many? Is replacement housing available? Will standard PL 91-646 benefits be provided? Will any businesses require relocation assistance? Has a replacement housing survey been accomplished?
- L. Are there any public facilities to be altered or relocated? Do the below relocations meet all of the following five tests?
 1. The Project design requires the facility to be moved in whole or in part (temporarily or permanently), or the Project will negatively impact the ongoing function or operation of the facility.
 2. The owner of the facility has a compensable real property interest in the land on which the impacted portion of the facility is located.
 3. The facility serves a public purpose.
 4. The owner of the facility has a duty to replace the facility as a result of legal or factual necessity (continuing need).
 5. The fair market value of the interest that must be acquired due to Project impact is too difficult to ascertain, or payment of fair market value instead of providing a substitute facility would result in manifest injustice to the owner or the public. Have preliminary opinions of compensability been completed for each facility? If the REP is part of a decision document that will serve as the basis for Congressional authorization, does it contain the disclaimer language required by ER 405-1-12, paragraph 12-17c(6)?
- M. Are any cemeteries in the Project area? If so, how will they be impacted? If they are allowed to remain in place, how will permanent access be provided? If they are to be relocated, the report should address the preparation of a cemetery relocation plan.
- N. Does the report address the types of ownership, number of tracts and acres, and estates to be acquired? Does the report address mineral activity and whether the minerals will be acquired, subordinated, or left outstanding?

Appendix J-A

Quality Control Plan Checklist

- O. Does the report state if any nonstandard interest or estate will be utilized? If so, is a copy of the estate in the report?
- P. Do the acres, values, and estates contained in the baseline cost estimate agree with those contained in an approved gross appraisal for the Project? If not, any discrepancy should be discussed with the Appraisal Branch and reconciled. Does the acreage and cost presented in the REP agree with real estate acreage and costs shown elsewhere in the main report or MCACES estimate? Does the cost estimate show the estimated cost by estate, contingency, administrative cost, and relocation assistance? The cost should be shown for both Federal and non-Federal, where appropriate.
- Q. Does the report address the status of all environmental considerations and approvals, HTRW assessments, NEPA compliance, and NHPA compliance? If any land required for the Project is contaminated, is it CERCLA or non-CERCLA regulated material?
- R. Does the report contain a reasonable schedule for acquisition, and has the schedule been coordinated with the sponsor? Is the Project to be accomplished in more than one phase?
- S. Does the report contain a map depicting all of the tracts and estates to be acquired? Does it show any known or potential HTRW lands?
- T. Obviously, not all of the above items will apply to every Project; however, if the REP fails to address an item, the reviewer does not know if it is considered. If the individual preparing the document is aware that an item is not applicable, but fails to include that information in the REP, the report should contain a statement that this item is not applicable.
- U. The Reviewer should verify that the real estate requirements shown in the REP are in consort with the latest design drawings.
- V. The Reviewer should consult with the other team members and Real Estate employees, as necessary, to resolve questions or misunderstandings prior to preparing comments to the Report Preparer.

I have reviewed the Beaver Island Real Estate Plan and have considered all of the above.

Ronald E. Silver
Chief, Planning & Acquisition Branch
MVD Regional Real Estate Division North
Rock Island District
Real Estate Internal Technical Reviewer

Date

