
REAL ESTATE APPENDIX

New York and New Jersey Harbor Anchorage General Reevaluation Report and Environmental Assessment

APPENDIX C

January 2020



**U.S. Army Corps
of Engineers
Norfolk District**

**THE PORT AUTHORITY
OF NY & NJ**

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Attachments:

Exhibit “A” Project Real Estate Map

1.0 Introduction

1.1 Real Estate Plan Purpose:

This Real Estate Plan (REP) is presented in support of the New York and New Jersey Harbor Anchorages Project, and describes the real estate required to implement the project. The purpose of the Real Estate Plan is to identify the lands, easements, rights-of-way and Relocations (LERR) necessary to support construction, operation and maintenance of the proposed project elements described in the Feasibility report, and to outline the costs and real estate considerations associated with project implementation. The Real Estate Plan is tentative in nature; it is for planning purposes only and both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after approval of the report;

1.2 Study authority:

According to the New York and New Jersey Harbor Anchorages General Reevaluation Report and Environmental Impact Assessment: This study is authorized under Section 216 of the Flood Control Act of 1970 (Public Law 91-611), which supports investigation efforts for the modification of existing projects, as follows:

“The Secretary of the Army, acting through the Chief of Engineers, to review the operation of projects for which construction has been completed and which were constructed in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to significantly changed physical or economic conditions, and to recommend to Congress on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.”

1.3 Specific Study Objectives

According to the New York and New Jersey Harbor Anchorages General Reevaluation Report and Environmental Impact Assessment, The goal of this study is to reasonably maximize the contribution that the anchorages provide to national economic development (NED), consistent with protecting the Nation’s environment, by addressing the physical constraints and inefficiencies in the existing navigation system’s ability to safely and efficiently serve the forecasted vessel fleet and process the forecasted cargo volumes. Specific objectives for this study are:

- To reduce import and export cargo transportation costs for the existing and future fleet of domestic and international vessels
- To increase navigation safety for vessels that transit in the Harbor

2.0 Location and Description of Study Area

According to the New York and New Jersey Harbor Anchorages General Reevaluation Report and Environmental Impact Assessment, The New York and New Jersey Harbor is located along the northern portion of Atlantic Seaboard, approximately 270 miles north of Norfolk, Virginia and 200 miles south of Boston, Massachusetts. There are two USACE constructed and maintained anchorage areas in the harbor. One is located in Gravesend Bay in the Lower Bay, and the other in Red Hook Flats, in the Upper Bay, New York. The upper and lower bays are separated visually by the Verrazzano Narrows Bridge connecting Brooklyn and Staten Island. There are additional anchorages within the harbor that are authorized by the U.S. Coast Guard for use but none of these are maintained by USACE.

The study will focus within the Area of Potential Effect (APE) which is here defined as the anchorage areas within New Your Harbor. The APE includes the Upper Bay and Gravesend Bay areas

3.0 Non-Federal Sponsor

The Port of New York and New Jersey is the Non-Federal Sponsor for the Recommended Plan. It is not anticipated at this time they will be required to purchase any lands, easements, rights of way, or perform any relocations for this project. So no LERR credit will be authorized.

4.0 Access to Project Site

Access via water only. There are no roads or bridges that provide public road access via land to the project site. All access for construction and subsequent maintenance activities will be gained via water by boat and/or barge.

5.0 Description of Lands, Easements, Rights-of-Way (LER)

The New York and New Jersey Harbor Anchorages project Recommended Plan Alternative (RP) consists of deepening the Gravesend Anchorage to a required depth of approximately -50feet MLLW and widening it to approximately 3,000 feet in diameter and associated modifications of the Approach Area. Dredged material placement/disposal will occur at the Historic Area Remediation Site (HARS), this site is identified as being located about 3-5 miles offshore from Sandy Hook peninsula in NJ, and 8-10 miles southeast of the south end of Staten Island. It is not expected that upland dredged material disposal sites will be needed, but if any contaminated sediments are discovered during final pre-construction monitoring, such contaminated material will be placed in upland disposal sites able to safely handle and contain such materials.

6.0 Estates

It is the policy of USACE to acquire the minimum interest in the real property necessary to support a project. For this project there are no land requirements.

7.0 Navigational Servitude

The Federal Navigation Servitude is the dominant right of the Federal Government under the Commerce Clause of the Constitution to use, control, and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the Mean High Water mark (MHW). The Federal Navigational Servitude is available for use on this project for the construction, operation and maintenance of project features located in the Harbor. The memo invoking Navigational Servitude for this project has been signed by CENAO-OC and is in the Real Estate file. The memo does an analysis of the Navigation Nexus and finds that as a navigation project, the Project has the required nexus to navigation. In order to accomplish the Project, the Army will dredge portions of the Channel. The interest of navigation will be aided by this dredging. Since the Project has a nexus to navigation by the deepening of the channel, based on HQ USACE guidance and Court Cases the Navigation Servitude would be available to accomplish the Project.

8.0 Real Estate Maps

Exhibit A (Attached) shows the New York and New Jersey Harbor Anchorages project. The federal navigation channel and associated adjacent depths are provided for reference but are not included in this project.

Exhibit B (Attached) shows the location of the Harbor's utility corridor in relation to the location of the Gravesend Anchorage.

9.0 Existing Federal Projects That Lie Within the LER Required

There are currently two Federally authorized and constructed New York and New Jersey Harbor Anchorages. One is located in Gravesend and the other in Redhook Flats. These anchorages are integral to the Harbor's waterborne commerce network. The Red Hook Flats and Gravesend Anchorages provide navigation support to six container terminals which are authorized by the U.S. Coast Guard.

10.0 Induced Flooding

Induced flooding is not anticipated for this project.

11.0 Public Law 91-646 and LER Acquisition

No LER Acquisitions are anticipated for this project.

12.0 Minerals

There is no known outstanding mineral interest or active mining operations in the project area that may affect implementation or operation of the project.

13.0 Zoning

There are no zoning ordinances currently proposed or anticipated in lieu of, or to facilitate real property acquisition in connection with this project.

14.0 Facility and Utility Relocations

There are currently no utility or public facility relocations anticipated for this project. The Harbor's utility corridor is close to the project foot print but does not overlap. Per Policy Guidance Letter #8, if utilities will need to be moved, it will be at the Non-Federal Sponsors cost with no crediting provided. Currently with the information regarding utility placement the probability of this happening is extremely low.

15.0 Hazardous, Toxic and Radioactive Waste (HTRW)

Preliminary investigations into the existence of HTRW in or near the proposed project footprint reveals that there are no HTRW concerns for the proposed project at this time. However, if any dredged materials are encountered that are unsuitable for open-water disposal, the contractor will transport those materials to an upland disposal facility that is permitted to accept such materials. Administration costs are included in Section 19.0.

16.0 Landowner's Views and Public Opposition

The local communities and businesses generally support the project.

17.0 Outstanding Third Party Interests

Outstanding third party interests are unknown at this time.

18.0 Risks Associated with Advanced Land Acquisition

This project will not require land acquisitions.

19.0 Baseline Cost Estimate for Real Estate (BCERE)

19.1 Estimated Administrative Costs

The following cost estimates reflect the various real estate components involved in the project process. There are no anticipated impacts to utilities/facilities in the proposed project limits and no land requirements, therefore LERR credits are not authorized.

Account	LERRD Category	% Contingency	Cost
01	Lands and Easements		\$0
01	Incremental RE Costs		\$0
01	Relocation Assistance Program (P.L. 91-646)		\$0
01	Facility/Utility Relocations		\$0
	Subtotal LERRD's:		\$0
01	Non-Federal Administrative Costs (includes crediting)		\$0
	Total Non-Fed LERRD's:		\$0
30	Federal Administrative Costs		\$11,500
	Total Real Estate Costs:		\$11,500

20.0 Recommendation

This report has been prepared in accordance with Corps of Engineers Regulation 405-1-12, Chapter 12. It is recommended that this report be approved.

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Date

Approved by:

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Chief, Real Estate Office
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Date

Legal Sufficiency:

Todd Waldman
Office of Counsel

Date

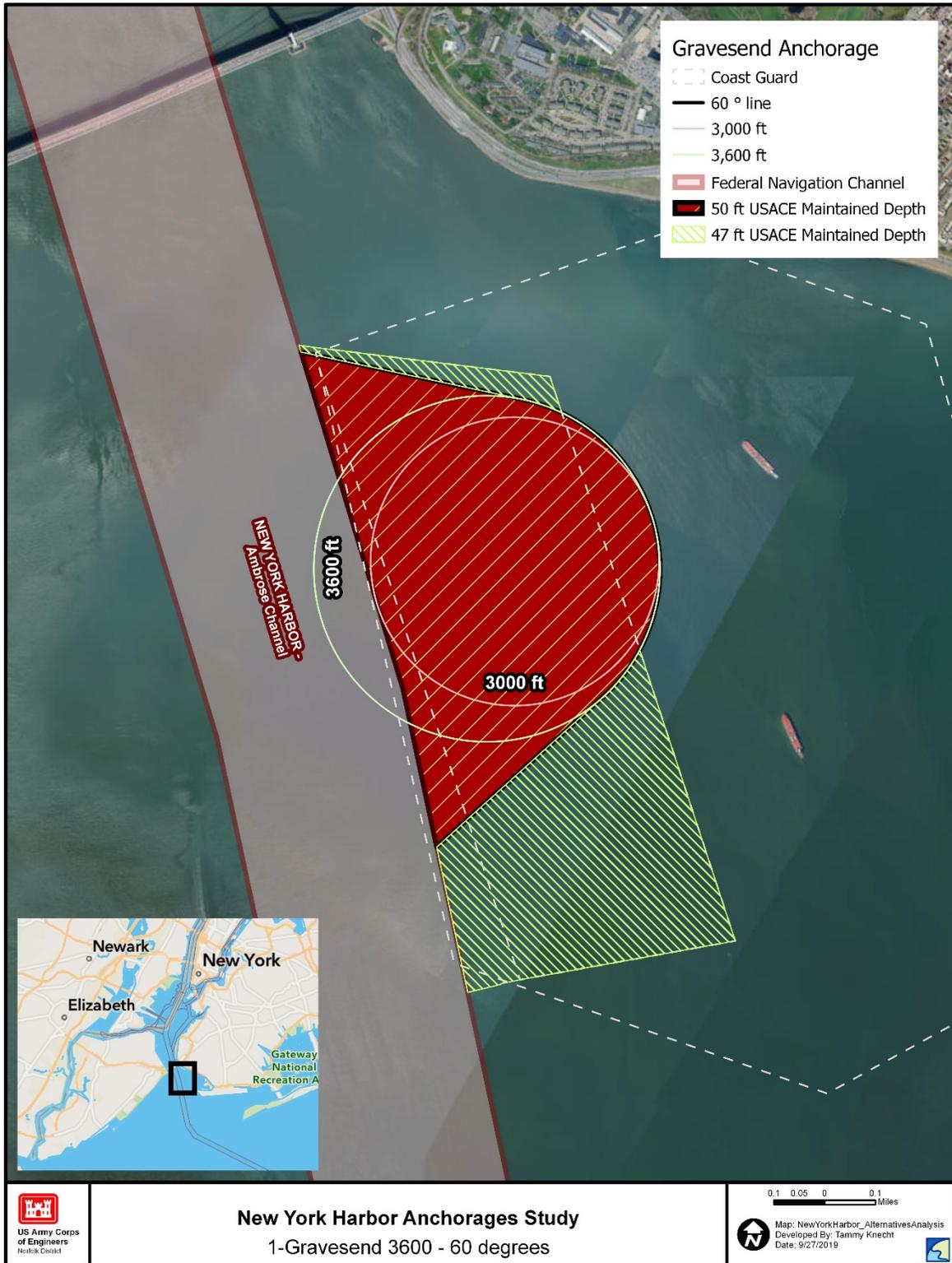


Exhibit "A" Project Real Estate Map

