



**US Army Corps
of Engineers**
Los Angeles District

Little Colorado River at Winslow, Navajo County, Arizona
Flood Risk Management Feasibility Study

APPENDIX H

Real Estate Plan

October 2018

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THE REAL ESTATE PLAN

1.0 STATEMENT of PURPOSE

This Real Estate Plan (REP) is prepared in accordance with Engineering Regulation (ER) 405-1-12, 12-16, Real Estate Plan, and presents the real estate requirements for the Little Colorado River (LCR) at Winslow, Navajo County, Arizona Flood Risk Management Study (LCR at Winslow) Recommended Plan described below. Navajo County is the non-Federal sponsor for the study.

In this REP, an appendix to the Integrated Feasibility Report, the Corps must for each project purpose and feature, fully describe the lands, easements, and rights of way, relocations, and disposal areas (LERRD) required for construction, operation and maintenance of the project including the acreage, estates, number of parcels, ownerships, and estimated value. The Corps must include other relevant information on sponsor ownership of land, proposed non-standard estates, existing federal projects and ownership, relocations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (P.L. 91-626, as amended) (“the Uniform Act”), presence of contaminants, facility/utility relocations, a baseline cost estimate, a schedule for real estate activities, and other issues as required by ER 405-1-12.

This REP is written to the same level of detail as the Integrated Feasibility Report it supports. This Real Estate Plan (REP) is tentative in nature and is to be used for planning purposes only, and both the final real estate acquisition lines and the estimate of value are subject to change even after approval of the report.

1.1 PROJECT PURPOSE/OBJECTIVE

The primary purpose of the proposed project and alternatives considered in the Study is flood damage reduction for the City of Winslow and Navajo County. The purpose of this Study is to evaluate problems/address issues and determine the feasibility of potential solutions. In doing so the study will formulate and evaluate cost effective, environmentally-sensitive, and technically feasible flood risk management alternatives for the City of Winslow and vicinity.

The National or Federal objective of water and related land resources planning is to contribute to National Economic Development (NED) consistent with protecting the Nation’s environment pursuant to national environmental statutes, applicable Executive Orders, and other Federal planning requirements. Contributions to NED include increases in the net value of the national output of goods and services, expressed in monetary units. These contributions are the direct net benefits that accrue in the study area and the rest of the Nation.

1.2 STUDY AUTHORITY

The LCR at Winslow Flood Risk Management Study is conducted in partial response to two authorities. The Flood Control Act of 1937 permits the Secretary of the Army, through the Chief of Engineers, to “conduct preliminary examinations and surveys for flood control at the Little Colorado River upstream from the boundary of the Navajo Indian Reservation.” Further authority is provided under House Committee on Public Works Resolution dated May 17, 1994, which states:

“... The Secretary of Army is hereby requested to review reports of the Chief of Engineers on the State of Arizona... in the interest of flood damage reduction, environmental protection and restoration, and related purposes.”

1.3 STUDY AREA

The Little Colorado River at Winslow study area is located in the middle of the LCR Watershed, in and near the City of Winslow (see attached Map, Exhibit A) in western Navajo County Arizona. The study area includes the floodplain of the LCR from the Clear Creek confluence downstream (northwest) to the northern end of the existing Winslow Levee. The 49-square-mile study area encompasses the majority of the City of Winslow, including the Ruby Wash Diversion Levee and the Ruby Wash Levee. The tributaries of Ruby Wash, Clear Creek, Cottonwood Wash and Salt Creek join the LCR Main stem within the study area.

The LCR originates in the White Mountains south of Springville, Arizona. It flows in a North/northwesterly direction in a well-defined canyon until reaching the City of Holbrook, Arizona. From there, the river continues westerly and flows another 30 miles on a broad, open floodplain before it reaches the City of Winslow. It then continues in a generally northwestern direction towards Grand Falls, before eventually joining the Colorado River in Grand Canyon National Park. The total drainage area of the LCR varies from 11,462 square miles at Holbrook, to 16,192 square miles at Winslow, to 21,068 square miles at Grand Falls.

Winslow is the largest city in Navajo County, being approximately twice the size of the county seat of Holbrook. The population of Winslow was 9,655 in 2010. The area is supported by tourism, manufacturing, trade, retail and the timber industry.

1.4 RECOMMENDED PLAN

Alternative 10.1

This Real Estate Plan describes the real estate requirements for the tentatively Selected plan, Alternative 10.1, referred to herein as the recommended plan. The project area includes a portion of the LCR channel and floodplain, the eastern end of the Ruby Wash Diversion Levee (RWDL), the Winslow Levee, and areas needed for a setback in the Winslow Levee landward of the existing levee system.

Alternative 10.1 would rebuild the Winslow Levee downstream from the RWDL to a point 0.8 of a mile north of North Road, including new construction of a setback segment of the Winslow Levee across the Little Colorado River (LCR) west from the Homolovi I Pueblo. To accomplish this, removal of the original Winslow Levee in the setback area will be required. This alternative would also rebuild the eastern end of the Ruby Wash Diversion Levee (RWDL), construct a new levee parallel to I-40, and would include improved conveyance under the BNSF Railroad Bridge. New levee construction would be designed at a scale that provides a 90 percent assurance of containing the to provide three feet of height above the 1% annual chance of exceedance (ACE) flood.

The easternmost 2000' of the Ruby Wash Diversion Levee (RWDL) would be rebuilt to its abutment with the Winslow Levee, including a rebuild of 3,500' of Winslow Levee from the RWDL north to I-40, and construction of 3,700' of new levee along the north side of I-40. 13,370' of Winslow Levee from I-40 to the north end of the proposed project, 0.8 of a mile north of North Road would also be rebuilt. The total length of new and reconstructed levee would be 22,570'.

The typical levee section would consist of a trapezoidal compacted earth fill levee designed at a scale to convey the 1% ACE flood. Maximum levee height for Alternative 10.1 would be 15.8'. The levee would be faced with 2:1 (H:V) basaltic riprap, 2:1 grouted stone or 1:1 soil cement on the river side; scour protection installed to an average depth of 15' below grade on the river side; a 2:1 slope on the land side overlain with 4" of gravel mulch to prevent erosion; a 16' wide

access road along the crest of the levee; and a 10' wide, 8' deep trench drain having 2:1 side slopes at the toe of the levee on the land side. A 15' wide maintenance road landward of the trench drain would also be constructed. The typical levee section footprint would be approximately 210' in width including the maintenance road and trench drain. The total length of new and reconstructed levee would be 22,570'

In addition to levee construction, Alternative 10.1 includes salt cedar removal and river channelization to increase conveyance of floodwater under the BNSF Railroad Bridge. Salt cedar would be removed from a 96-acre area in the vicinity of the BNSF Railroad and State Highway 87 bridges using land clearing equipment. Removed salt cedar would be disposed of in an upland location outside of the floodplain. Following salt cedar removal, the river would be channelized for a length of 2,500' by excavating 299,836 cubic yards of material to increase the river to its current thawed depth. Most of this work would be accomplished using scrapers, requiring temporary discharge of fill material. The total channelization area would be 26.1 acres, and the average depth of excavation would range from 6 to 8 feet. The bottom of the newly excavated channel would remain earth-lined.

As part of the channelization work, 36,640 cubic yards of soil cement and 26,055 cubic yards of riprap would be installed to create a low flow channel terrace and side slopes. Excavated material would either be recycled for levee construction, or disposed of in an upland area behind the levee.

The study team is assuming that 78% of the material acquired from the existing levee embankment and trench drain excavation can be re-used for new levee construction. Based on these assumptions, Alternative 10.1 would require disposal of an estimated 331,522 cubic yards of material. This material would be disposed of using upland locations on the land side of the levee. Associated project impacts such as borrow/disposal, construction staging, materials stockpiling, equipment storage, temporary access roads and ramps, and operation of a concrete batch plant would be conducted in areas outside of Section 404 jurisdiction.

2.0 REAL ESTATE REQUIREMENTS – DESCRIPTION OF LANDS, EASEMENTS, AND RIGHTS-OF-WAY REQUIRED FOR THE PROJECT

The lands, easements, and rights of way (LER), required to be provided for the project, (Alternative 10.1) including requirements for borrow and disposal sites, are described below:

There is approximately 60 acres of existing levee segments of the Winslow Levee, and approximately 4 acres of the Ruby Wash Diversion Levee. Both levees were constructed on permanent easements for flood control acquired by the City of Winslow and Navajo County at the time of their construction; Note that the estate is sufficient. The majority of the real estate required for the reconstruction of these sections will be temporary work area easements (Standard Estate 15) to allow for the movement of construction equipment and supplies.

Under the recommended plan 10.1, 72.189 acres of land will need to be acquired for the construction of the project (not including staging, access, and borrow/disposal areas). 11 private landowners who own approximately 40.265 acres where temporary work area easements will need to be acquired. 11.544 acres of temporary work area easements will need to be acquired from the City of Winslow, 9.208 acres will need to be made available for the project by the non-federal sponsor (Navajo County) for temporary work areas, and 4.490 acres of temporary work area easements will need to be acquired from the Navajo Tribe (this is land held in fee and not Tribal Trust land). This land is not a Congressional land patent, it was acquired on the open market and is not held in trust by the BIA. Another 15 acres of Flood Protections Levee

Easement (Standard Estate #9) will need to be acquired from the Arizona Department of Transportation (ADOT), and the 0.915 acres of Permanent Easement for Flood Control will need to be acquired from BNSF Railroad.

Staging Areas

There are five proposed staging areas including one within the project footprint construction boundary and three adjoining the construction boundary as depicted on map exhibit C attached herein. All five sites will require a Temporary Work Area Easement. There are two sites South of I-40 near the Ruby Wash Levee with two different private owners; the Navajo Tribe, 2 acres and Klaus, 2 acres. The remaining three are North of I-40. They are as follows: Transcon LLC, 2 acres; City of Winslow, 5 acres; Pugh/Gale, 2 acres; Because this project benefits them directly, the owners of all five six parcels have indicated they will execute an easement for no cost. In the main report there is also another site that has been identified; this site is several miles north of the 10.1 project boundary, and is 211 acres, but only 2 acres would be needed. This parcel is owned by private landowner O'Haco, and could be used for borrow/disposal and staging. This site is too far away to be feasible, but will be considered as a last resort, see map exhibit F.

Ingress/Egress

There are also six access roads/trails. Two of the six are owned by Transcon LLC totaling Aprox 1.01 acres as depicted on map exhibit C attached herein. Two access points are owned by the non federal sponsor with access on the North and South sides of SR87. The remaining roads are owned by Pugh, 0.028 acres, and City of Winslow, 1.02 acres. All six sites will require a Temporary Road Easement (Standard Estate #11). Both private owners have indicated they are willing to provide temporary easements for the project.

Disposal Sites

There is one proposed disposal site near the project boundary for alternative 10.1 as depicted on map exhibit D attached herein. The site adjoins I-40 and is 503.2 acres. This Parcel is owned by McCauley. The acreage estimated to be used for disposal of materials is 75 acres. This is the preferred disposal site and lays entirely within the without-project 1% ACE floodplain.

Borrow Sites

There are multiple sites to be considered for the borrow. One site adjoins the western side of the levee and is owned by the City of Winslow, where 18 acres is anticipated to be needed for use for borrow. A second site is owned by the Sponsor, Navajo County, and is 2.369 acres. This site lies within the river flood zone and is a tall dust dune that can be used to obtain fine grain cohesive fill. Additional sources for material are available if needed, including the "O'Haco Northwest Pit, Dyna Sand and Rock Ready Mix site, the dust dune, and the Brimball Hardluck Quarry at Indian Wells.

Channelization Area

There are 26.1 acres of Navajo and Arizona Department of Transportation (ADOT) owned property needed for the project. These areas shall be Permanent "Encroachment Permit" for Flood Control. The State of Arizona does not use the term "easement" it is called an encroachment permit, but the language used in the estate will be comparable to the standard estate #9 flood protection levee easement.

Salt Cedar Removal

There are 96 acres owned by BNSF/Navajo/ADOT that will require salt cedar removal periodically for the life of the project. These areas (see Exhibit E) shall be Flood Protection Levee Easements (Standard Estate #9).

TABLE 1- Breakdown of Ownership

Feature	Ownership	Interest to be acquired/provided	Aprox acres to be acquired/provided
Navajo County Levee (Existing Levee Footprint Only)	Easements to Navajo County have already been acquired, and recorded for the existing County Levee	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	60 acres, Existing Levee Footprint only
Ruby Wash Diversion Levee (Existing Levee Footprint Only)	Easements to the City of Winslow have already been acquired, and recorded for existing the Ruby Wash portion	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	4 acres, Existing Levee Footprint only
Navajo County Levee	Navajo County in Fee Parcel #103-50-003	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	4.23
Navajo County Levee	Pugh Thurman D. & Betty Gale (JT) in Fee Parcel #103-30-069	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	4.470
Navajo County Levee	Transcon in Fee Parcel #103-30-010B	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	2.64
Navajo County Levee	BNSF Rail Road in Fee. No parcel number	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	0.915
Channelization Area Navajo County Levee	Navajo Tribe/ADOT	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	26.1
Salt Cedar Removal Navajo County Levee	Navajo Tribe/ADOT/BNSF	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	96.0
Navajo County Levee	Roosevelt in Fee Parcel #103-31-010A	FLOOD PROTECTION LEVEE EASEMENT Standard Estate #9	0.991
Navajo County Levee	Leonard in Fee Parcel # 103-30-071D	Temporary work area easement Standard Estate #15	0.004 (200sqft)
Navajo County Levee	City of Winslow in Fee Parcel #103-29-002/103-31-004	Temporary work area easement Standard Estate #15	11.544

Navajo County Levee	Navajo County in Fee Parcel #103-50-003	Temporary work area easement Standard Estate #15	9.209
Navajo County Levee	Seibert Land Company, LLC. In Fee Parcel #103-30-073	Temporary work area easement Standard Estate #15	11.578
Navajo County Levee	Wickham Glenn E & Oleta in Fee Parcel #103-30-071A	Temporary work area easement Standard Estate #15	0.987
Navajo County Levee	Arizona Department of Transportation (ADOT) in Fee No parcel number	Temporary work area easement Standard Estate #15	15.0
Navajo County Levee	Ybarra in fee Parcel #103-30-072A	Temporary work area easement Standard Estate #15	0.057 (2500 sqft)
Ruby Wash Levee	Navajo Tribe in Fee Parcel #103-39-002	Temporary work area easement Standard Estate #15	4.006
Navajo County Levee	Navajo Tribe in Fee Parcel #103-31-011	Temporary work area easement Standard Estate #15	0.484
Navajo County Levee	Transcon in Fee Parcel #103-30-010B	Temporary work area easement Standard Estate #15	8.384
Navajo County Levee	Dalton in Fee Parcel #103-30-072D	Temporary work area easement Standard Estate #15	0.179
Navajo County Levee	H&M Inc. in Fee Parcel #103-22-013	Temporary work area easement Standard Estate #15	11.189
Navajo County Levee	Hatch in Fee Parcel #103-30-072C	Temporary work area easement Standard Estate #15	0.630
Navajo County Levee	Klaus in Fee Parcel #103-39-007/103-50-004	Temporary work area easement Standard Estate #15	1.796
Staging Area Ruby Wash Levee	Navajo Tribe in Fee	Temporary work area easement Standard Estate #15	2.0
Staging Area Navajo County Levee	Klaus in Fee	Temporary work area easement Standard Estate #15	2.0
Staging Area Navajo County Levee	Transcon in Fee	Temporary work area easement Standard Estate #15	2.0
Staging Area Navajo County Levee	City Of Winslow in Fee	Temporary work area easement Standard Estate #15	5.0

Staging Area Navajo County Levee	Pugh in Fee	Temporary work area easement Standard Estate #15	2.0
Access Roads Navajo County Levee	Public Access Road (Freeway Service Drive)	No access agreement will be needed, this is a public access roadway owned by the county	0.038
Access Road Navajo County Levee	City of Winslow	Temporary Road Easement Standard Estate #11	0.072
Access Roads Navajo County Levee	Transcon in Fee	Temporary Road Easement Standard Estate #11	1.01
Access Road Navajo County Levee	Pugh in Fee	Temporary Road Easement Standard Estate #11	0.028
Disposal Navajo County Levee	McCauley in Fee	Temporary work area easement Standard Estate #15	75
Borrow Site Navajo County Levee	City of Winslow in Fee	Temporary work area easement Standard Estate #15	18.0
Borrow Navajo County Levee	Navajo County in Fee	Temporary work area easement Standard Estate #15	2.369

3.0 SPONSOR OWNED LER

The Sponsor owns approximately 60 acres of flood protection levee easements which make up the existing levee. Real Estate has reviewed the existing levee easements for the Winslow Levee, and they appear to be sufficient for this project.

In addition to the Winslow Levee, the Ruby Wash Diversion Levee (RWDL) contributes to the current level of flood protection for the City of Winslow. The Corps of Engineers designed and constructed the Ruby Wash Diversion Levee (RWDL). The City of Winslow owns or has easements and right-of-way for the existing 5.3-mile Ruby Wash Diversion Levee.

4.0 NON-STANDARD ESTATES

The use of a non-standard estate may be required. If it is later determined that non-standard estates are necessary, a request for approval of the non-standard estate will be submitted to Headquarters for approval through South Pacific Division separate from this REP. An example of a possible non-standard estate is the ADOT parcel. As stated above, the State of Arizona does not use the term “easement”. They refer to the agreement as an encroachment permit, but the language used in the estate will be comparable to the standard estate #9 flood protection levee easement.

The following “Standard Estates” shall be used for this project:

(No. 9) FLOOD PROTECTION LEVEE EASEMENT.

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.

(No. 11) ROAD EASEMENT.

A (perpetual [exclusive] [non-exclusive]and assignable) (temporary) easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); ¹ subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

(No. 14) BORROW EASEMENT.

A perpetual and assignable right and easement to clear, borrow, excavate and remove soil, dirt, and other materials from (the land described in Schedule A) (Tracts Nos. _____, _____ and _____); ² subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges in said land as may be used without interfering with or abridging the rights and easement hereby acquired.

(No. 15) TEMPORARY WORK AREA EASEMENT.

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the United States, Navajo County for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (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 _____ Project, together with the right to trim, cut, fell and remove therefrom 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

¹ The parenthetical clause maybe deleted, where necessary; however, the use of this reservation may substantially reduce the liability of the Government through reduction of severance damages and consideration of special benefits; therefore, its deletion should be fully justified. Also, access may be restricted to designated points as in Estate No. 12.

² The easement estate may be limited as to time, depending upon project requirements.

easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

(No. 20) RIGHT OF ENTRY FOR SURVEY AND EXPLORATION.

An assignable easement, in, on, over and across the land described in Exhibit "A" for a period of () months beginning with the date possession of the land is granted to the United States, Navajo County consisting of the right of the United States, its representative, agents, contractors and assigns to enter upon said land to survey, stake out, appraise, make borings; and conduct tests and other exploratory work necessary to the design of a public works project; together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles as required in connection with said work; subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowner(s), their heirs, executors, administrators, successors and assigns, all such right, title, interest and privilege as may be used and enjoyed without interfering with or abridging the rights and easement hereby acquired.

5.0 EXISTING FEDERAL PROJECT

There is an existing Federal project within the area proposed for a new project, such lands must be identified, and the sufficiency of those lands for the proposed project must be evaluated. In addition, the value of lands provided as an item of local cooperation for a previous Federal project are not included in the valuation of lands for the current project, and no credit may be afforded for such interests.

There is one existing Federal project within the boundaries of the recommended plan. South of I-40; the Federal Government built the Ruby Wash Diversion Levee (RWDL) without a Sponsor. The 5.3-mile Ruby Wash Diversion Levee was constructed by the Army Corps of Engineers between 1968 and 1970, and is maintained by the City of Winslow. All LER for the RWDL was granted to the City of Winslow as permanent easements for flood control by a combination of private landowners, City, County, and the Navajo Tribe at the time of construction. The remaining portion of the RWDL not touched by this project will be maintained by the City of Winslow.

Under the recommended plan the RWDL, located at the southern end of the project near I-40, will be modified to accommodate the rebuilt Levee to the north. The easternmost 2000' of the RWDL to its abutment with the Winslow Levee will need to be rebuilt. According to as-builts the east end of this levee abuts the Winslow Levee at station 99+60. Stationing continues west to station 381+30.51 where the structure ends on the west (left) bank of the Little Colorado River. (Stationing is in feet). The southern end of the proposed project would overlap with the project footprint for the easternmost 2,000 feet of this levee, from station 99+60 to approximately station 120 +00. The City of Winslow has indicated they will make 2000 feet (LER) of the RDWL available to the LCR Winslow Project. This LERR will be made available through the granting of a permanent easement for flood control (Standard Estate #9) to the Sponsor.

6.0 FEDERALLY-OWNED LAND

There is no Federally-owned land within the LER required for the proposed project.

7.0 NAVIGATION SERVITUDE

Exercise of Federal navigation servitude is not applicable to this project and is not being invoked.

8.0 PROJECT MAP

Please see attached project map exhibit A through A-9 for a delineated area of the project study footprint. Currently there is only a 15% construction boundary footprint design.

9.0 POTENTIAL FLOODING INDUCED BY CONSTRUCTION, OPERATION, OR MAINTENANCE OF PROJECT

Section 15.8 of the Hydraulic Appendix provides that the recommended plan (alternative 10.1) has no adverse flooding when compared with the baseline condition.

10.0 REAL ESTATE BASELINE COST ESTIMATE

The Baseline Cost Estimate for Real Estate (BCERE) for the recommended plan is presented below. In accordance with Engineering Circular (EC) 405-1-4 and PGL No. 31, for projects in which the value of real estate (including lands, improvements, and severance damages) are not anticipated to exceed 10 percent of total project cost, a cost estimate or rough order of magnitude is acceptable for purposes of the feasibility phase. The current existing Levee alignment LER shall be provided to the project by the Sponsor, and will not be used for the real estate acquisitions costs in Table 2 below. However, the soft costs associated with this LER will be included in the Real Estate costs estimate for activities such as title work, recording and admin.

The below estimated values are based upon informal value estimates derived from local Municipal Tax Assessment Office, and other publicly obtained information. The values in Table 2 below are estimates only, and pre-acquisition appraisal services to determine the current actual market value of LER may be obtained if total real estate costs constitute more than 10% of the total project costs. A contingency of 40 percent has been added into this estimate due to factors that cannot be evaluated at this time such as the project being delayed for years, differences in the design for PED, and higher relocation costs than projected. Also in Arizona, closing costs and title work costs average around 10 percent of the total cost of acquisition, and this has been added into the estimate as well. The following LER estimate assumes Winslow area values to average approximately \$315 per acre for a market value fee purchase of land in the Winslow market. Though most of the LER acquisitions will be easements, this \$315 an acre will be used to establish a baseline cost estimate for all Real Estate.

TABLE 2

Non-Federal Sponsor Cost (Alternative 10.1)	ACRES	COST
Lands, Easements and Rights of Way (01 Account)	384 (Approx.)	\$121,000
*Non Federal Administrative Costs Estimated at 10% of LER costs (01 Account)		\$17,000
Incremental LER Costs (40% contingency) (01 Account)		\$55,000
Sub-Total LER (01 Account)		\$193,000
Facility/Utility Relocations (02 Account)		\$761,000
Incremental RE Costs (40% contingency) (02 Account)		\$304,000
Subtotal Relocations (02 account)		\$1,065,000
Total Non-Federal LER and Relocations (01 and 02 Account)		\$1,258,000
Federal Cost		
**Federal Administrative Costs (30 Account)		\$10,000
Total Real Estate Costs Including Federal and Sponsor Admin.		\$1,268,000

11.0 P.L.91-646 RELOCATION ASSISTANCE BENEFITS

The non-Federal sponsor is aware of the requirements of the Uniform Act (P.L. 91-646) and if relocations are required, the non-Federal sponsor will proceed in accordance with the Act. The recommended plan does not identify the displacement of any businesses or residences that are eligible for relocation assistance benefits under the Act.

12.0 MINERAL/TIMBER ACTIVITY

There is no known mineral activity currently occurring inside the project area. There is no known timber harvesting within the project boundary. A check of the existing easements for the current levee shows no mineral or timber rights to any of the existing easement owners or outside interests. It is recommended that a title search be done to determine if any mineral/timber rights exist on parcels being acquired for this project.

13.0 NON-FEDERAL SPONSOR'S LEGAL AND PROFESSIONAL CAPABILITY AND EXPERIENCE TO ACQUIRE AND PROVIDE LER

A thorough assessment of the non-Federal sponsor's legal and professional capability and experience to acquire, provide and perform LER has been completed through the Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability, which is in the format prescribed in ER 405-1-12, Appendix 12-E, and attached as Exhibit G. Based on the information provided by the non-Federal sponsor, the District's overall assessment is that the non-Federal sponsor is anticipated to be "fully capable." However, training will be provided by the Corps on any issues the Sponsor needs assistance with; this includes the Relocation Act P.L. 91-646. The Sponsor

has reported that the State of Arizona does not grant “Quick Take Authority” to municipalities, but that it can do a taking through the regular legal process. Because quick take condemnation must be available for the project, in the event condemnation is necessary to acquire any needed real estate interests the Corps will provide condemnation services to the Sponsor, as provided in Chapter 12 of ER 405-1-12. Any required condemnations will be funded at 100 percent Sponsor expense, in advance of any expenditure. A Memorandum of Agreement (MOA) regarding the funding and other terms and conditions for the provision of condemnation services by the Corps will be entered into by the Corps and the Sponsor at the time of the signing of the PPA. The Sponsor has indicated that they would be open to any training and assistance the Corps would provide if these events should occur, but they will first try to obtain these parcels through acquisition or easement. No condemnations are currently anticipated to be needed. LER owned by the Navajo Nation is not Tribal Trust land, it is held in fee simple, and can be acquired through normal land acquisition procedures. And Real estate interests have previously been obtained from BNSF for existing features, so that a portion of the acquisitions of BNSF real estate would be a modification of existing estates rather than an initial acquisition from BNSF. Efforts have been made by legal representatives from the Non-Federal Sponsor to engage BNSF regarding obtaining necessary interests for salt cedar removal as they believe its beneficial to both parties.

14.0 APPLICATION OR ENACTMENT OF ZONING ORDINANCES

At this time there are no foreseen enactments of zoning ordinances to facilitate acquisition of real property in connection with this project.

15.0 REAL ESTATE ACQUISITION SCHEDULE

The following table is shows Real Estate activities for acquisition.

TABLE 3

Feature	Acquisition schedule
Ruby Wash Diversion Levee	18 months
Navajo County Levee	18-24 months

The Sponsor is aware that prior to advertisement of the construction contract, they will have to provide the Corps with a certification package that includes authorization for entry for construction, in the format provided in ER 405-1-12, Chapter 12.

16.0 FACILITY/UTILITY RELOCATIONS

A preliminary assessment of utilities and facilities within the 10.1 recommended plan has been completed. In accordance with Policy Guidance Letter No. 31, the District Real Estate Office has drafted a real estate assessment addressing whether the identified utility/facilities are generally of the type eligible for compensation under the substitute facilities doctrine. The identified utilities can be seen on Map Exhibit B, attached herein. The following utilities and/or facilities have been preliminarily identified as possible relocations.

Two above ground utility poles and an overhead line located within the construction boundary of the Ruby Wash Diversion Levee would be relocated. The ownership of these poles and type of utility has not been identified. This utility is of the type generally eligible for compensation. However, further research will need to be performed to determine if the owner holds a compensable interest in the property.

Kinder Morgan Natural Gas Line

The Kinder Morgan gas line provides natural gas service to the City of Winslow and its surrounding areas. The gas line is not deep enough to protect in place and would need to be relocated at three locations for Alternative 10.1.

City of Winslow Potable Water Line

The City of Winslow has a potable waterline. This utility is of the type generally eligible for compensation, and it has been determined that the City of Winslow would be eligible for compensation.

City of Winslow Inverted Siphons

The City of Winslow owns and maintains two siphons located under the Ruby Wash Diversion Levee. These siphons will need to be relocated/rebuilt to ensure the availability of irrigation water to property owners north of I-40. These facilities are of the type generally eligible for compensation, and the owner holds a compensable interest in the property.

Total estimated Utilities Relocation costs for alternative 10.1: \$761,000.00

The following utilities within the 10.1 footprint will be protected in place:

1. Two Arizona Public Service high voltage overhead electric poles and lines.
2. Four Arena Light Towers, Owned by the B&M Family Trust
3. Century Link fiber optics line located near the southern end of the 10.1 footprint within the construction boundary of the Ruby Wash Diversion Levee. This fiber optics line is a “backbone” internet line that runs from coast to coast
4. ADOT I-40 Hydraulic Gate

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LER RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL A DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

17.0 IMPACT ON REAL ESTATE ACQUISITION AND LER VALUE ESTIMATES DUE TO SUSPECTED OR KNOWN CONTAMINANTS

The LER estimate is predicated on the assumption that all lands and properties are clean and require no remediation. A Phase I Environmental Site Assessment was completed. The ESA indicated that there are three “active”/ not remediated soil- and groundwater-impacting LUST sites (Whiting Station #23, Phil Bruchman Trading, and Duke City Lumber) that are close enough that it is conceivable, although unlikely, that the groundwater contaminant plumes could have migrated sufficiently to reach the Corps area of interest. All three sites are presently classified as likely non-RECs with regard to this Corps feasibility study, considering the distance their groundwater contaminants plumes would have to travel to reach the Corps study area.

The EIS also identified that Buried automobiles used as Winslow Levee fill, 150 ft south of McHood Road, apparently have been in the fill since original attempts to build a levee, more than 40 years ago. It is not known if they contain fluids, such as oil and gasoline, and it must be presumed they do contain at least some such fluids. Those fluids may have leaked and caused small areas of petroleum hydrocarbon soil contamination in the Levee fill. If present, such release(s) readily should be containable, given the apparent small numbers of vehicles present, and probable age and amount of the potential releases. There are no known "Superfund" sites or sites presently under CERCLA remediation or response orders identified in the project area. The Non-Federal Sponsor fully understands their responsibilities for assessing the properties for any potential presence of hazardous waste materials as defined and regulated under CERCLA.

18.0 SUPPORT/OPPOSITION FOR THE PROJECT

There is no known opposition by Local, State and Tribal stakeholders. This project enjoys popular broad based support by the Winslow community. The landowners who own the land that adjoins the project footprint have been very cooperative and overwhelmingly support this project as a benefit to their property.

The SHPO study done at the same time the environmental report was drafted has found no artifacts or items of cultural importance within, and adjoining the project footprint. However, the local Navajo Tribe has asked the Sponsor to investigate a site near the project, outside of the footprint that they say could contain tribal artifacts. This investigation is still in progress. Additionally, the Hopi Tribe has expressed support the project, but has requested they be consulted with regarding possible impacts to the Homolovi 1 Pueblo site.

19.0 NON-FEDERAL SPONSOR NOTIFICATION OF RISKS OF PRE- PPA ACQUISITION

The non-Federal sponsor has been advised in writing of the risks associated with acquiring land prior to the execution of the Project Partnership Agreement. A copy of this letter is posted below as Exhibit H.

-----SEE EXHIBITS BELOW-----

Reviewed and approved by:

CONNETT.CHERYL.L.1231861358 Digitally signed by CONNETT.CHERYL.L.1231861358
DN: c=US, o=U.S. Government, ou=DoD, ou=PKO, ou=USA,
cn=CONNETT.CHERYL.L.1231861358
Date: 2018.09.28 16:03:57 -0700

Cheryl Connett
Chief, Real Estate Division
Los Angeles District
U.S. Army Corps of Engineers

Date

Prepared by:

SANDOVAL.LISA.MARIE.1247034168 Digitally signed by SANDOVAL.LISA.MARIE.1247034168
DN: c=US, o=U.S. Government, ou=DoD, ou=PKO, ou=USA,
ou=SANDOVAL.LISA.MARIE.1247034168
Date: 2018.09.28 15:32:38 -0700

Lisa Sandoval
Realty Specialist
Real Estate Division
Los Angeles District
U.S. Army Corps of Engineers

Date

PROJECT AREA MAPS

LCR Winslow Project

Winslow, AZ

Alternative 10.1

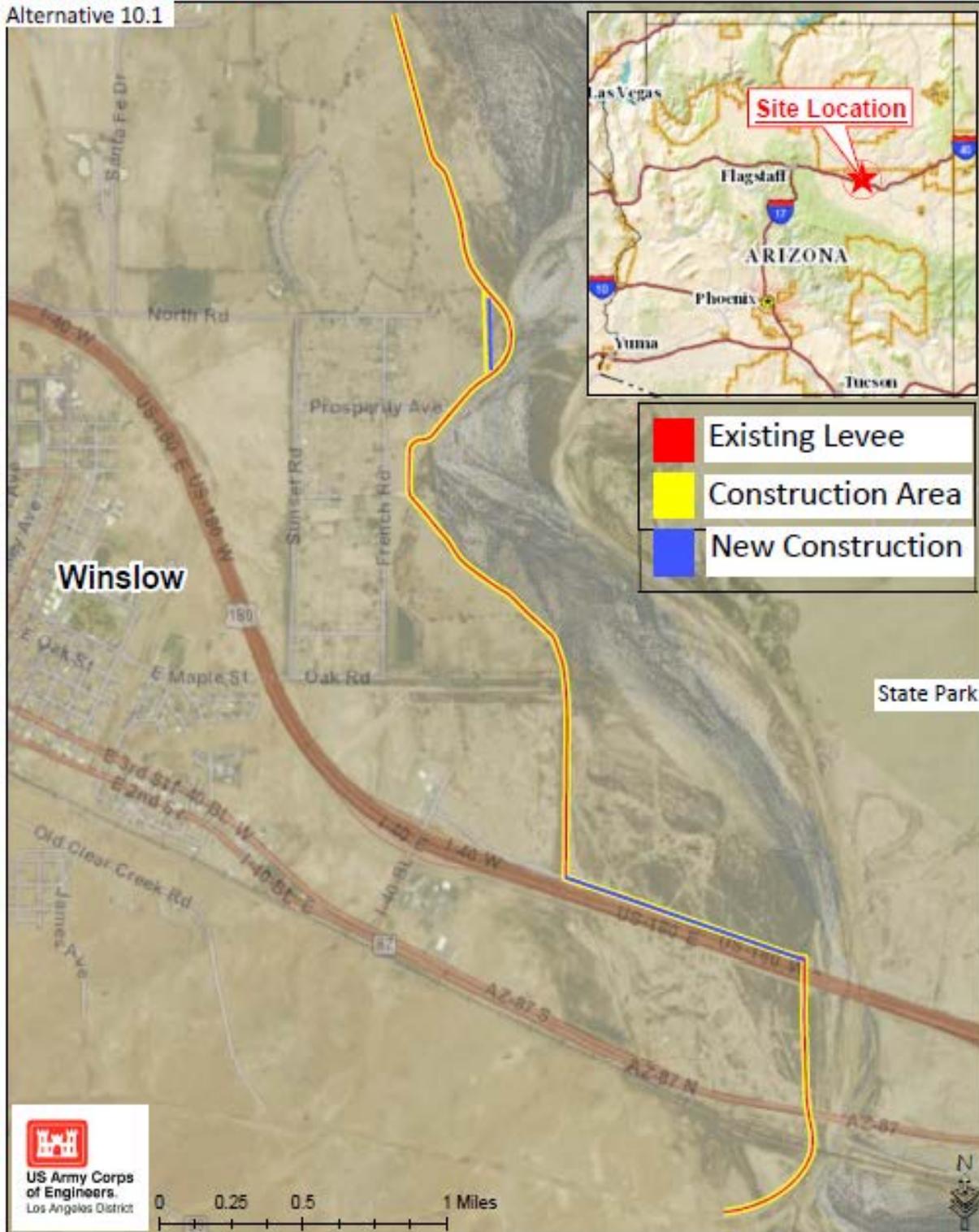


EXHIBIT A

LCR Winslow Project

Winslow, AZ

Alternative 10.1

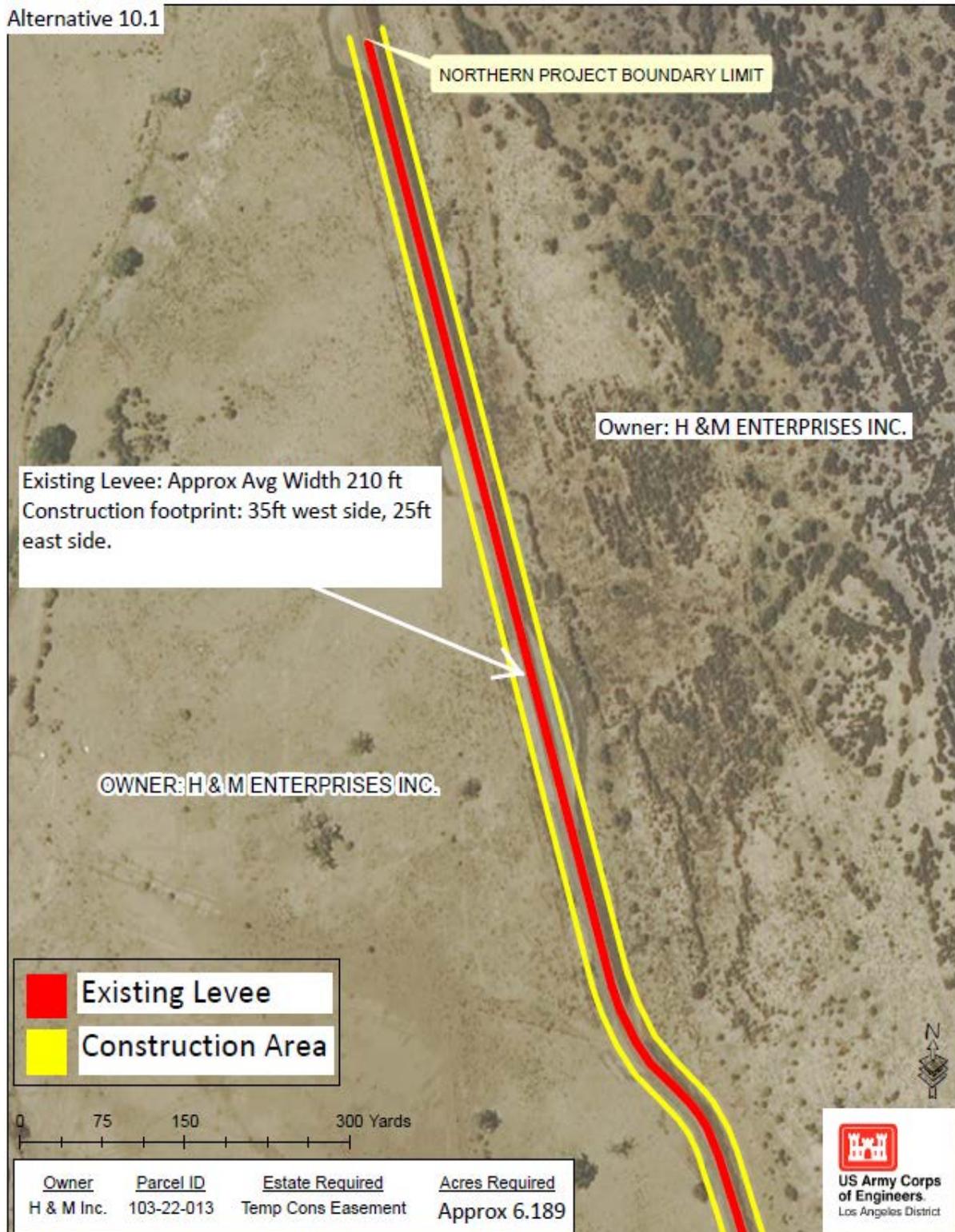


EXHIBIT A-1

LCR Winslow Project

Winslow, AZ

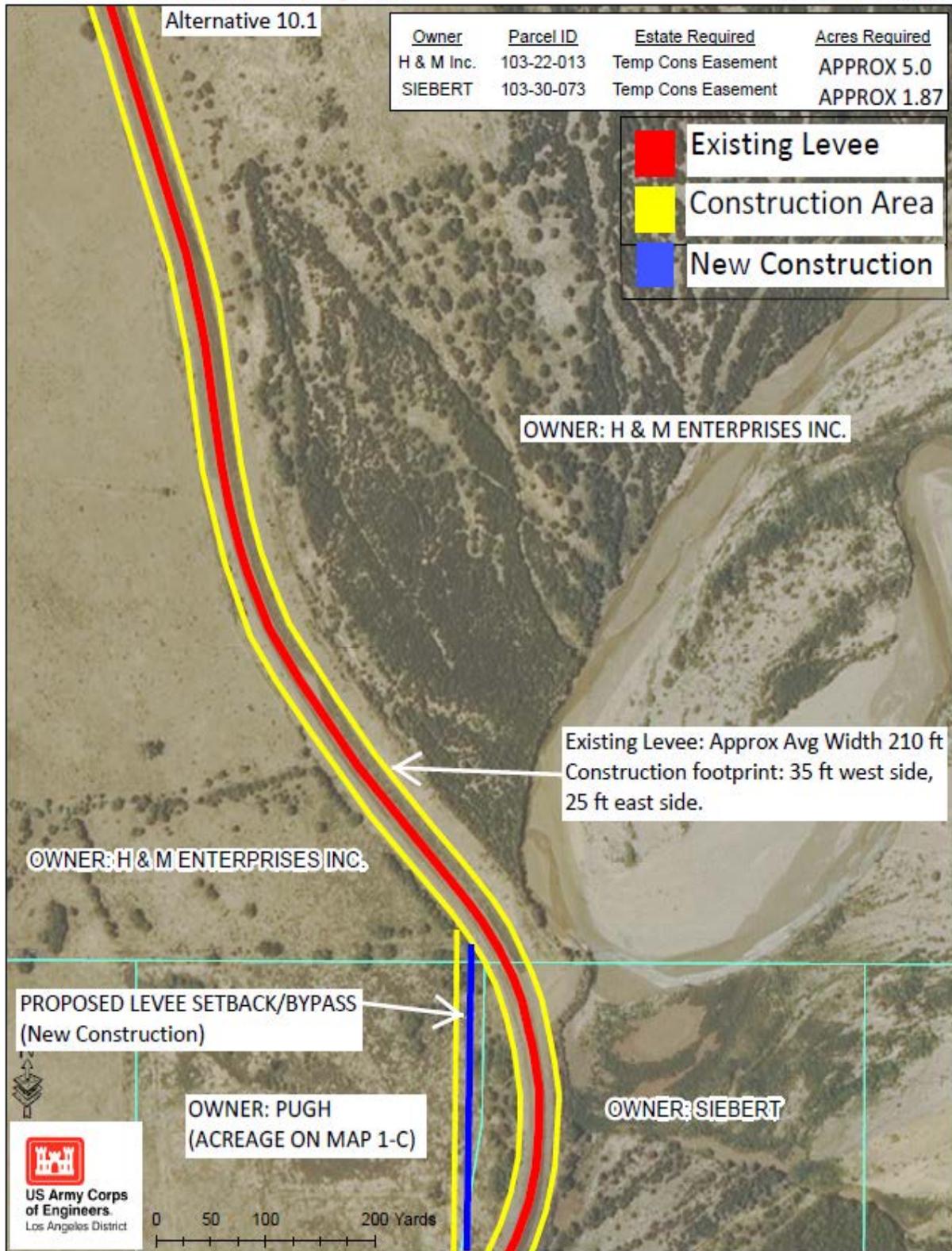


EXHIBIT A-2

LCR Winslow Project

Winslow, AZ

Alternative 10.1

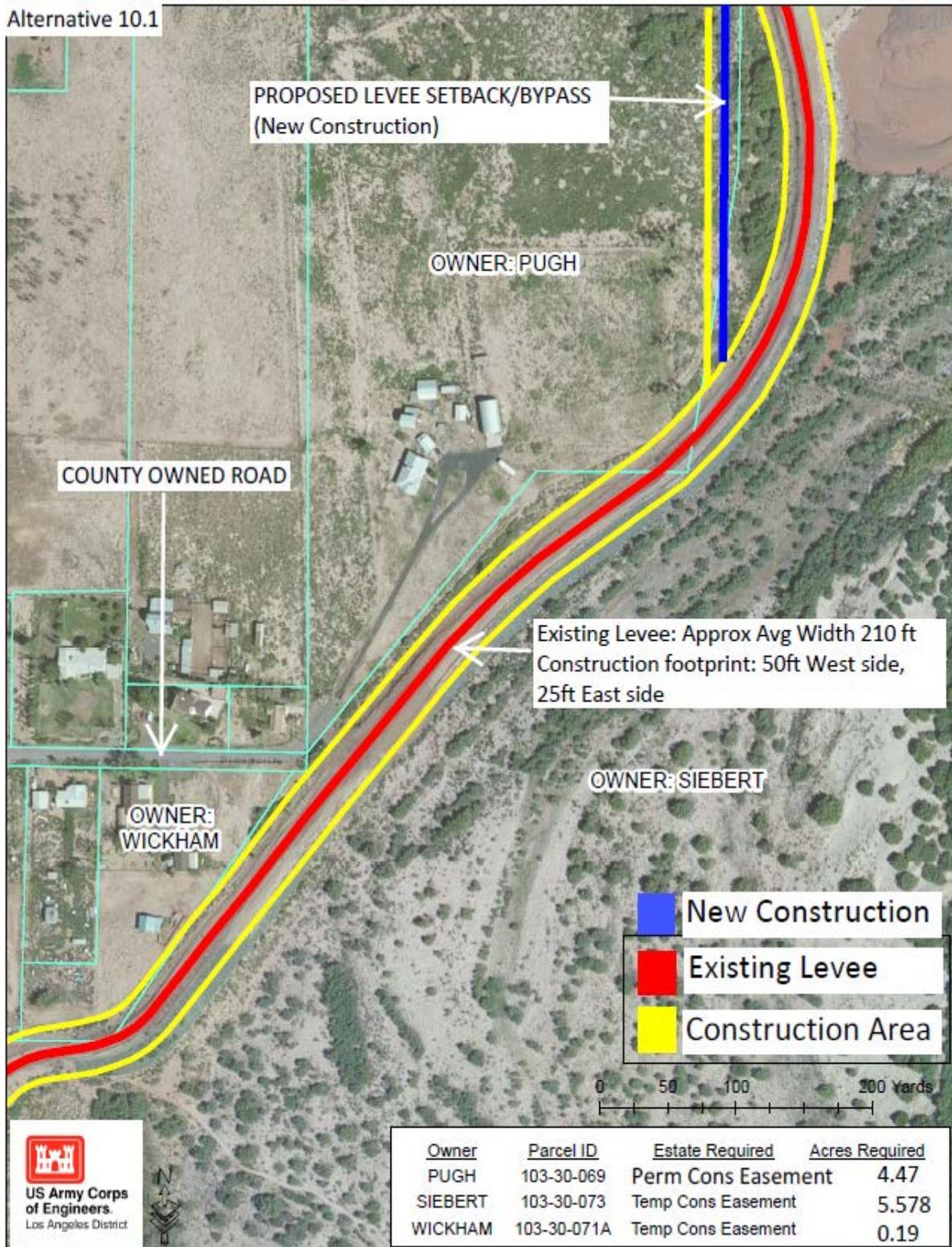


EXHIBIT A-3

LCR Winslow Project

Winslow, AZ

Alternative 10.1

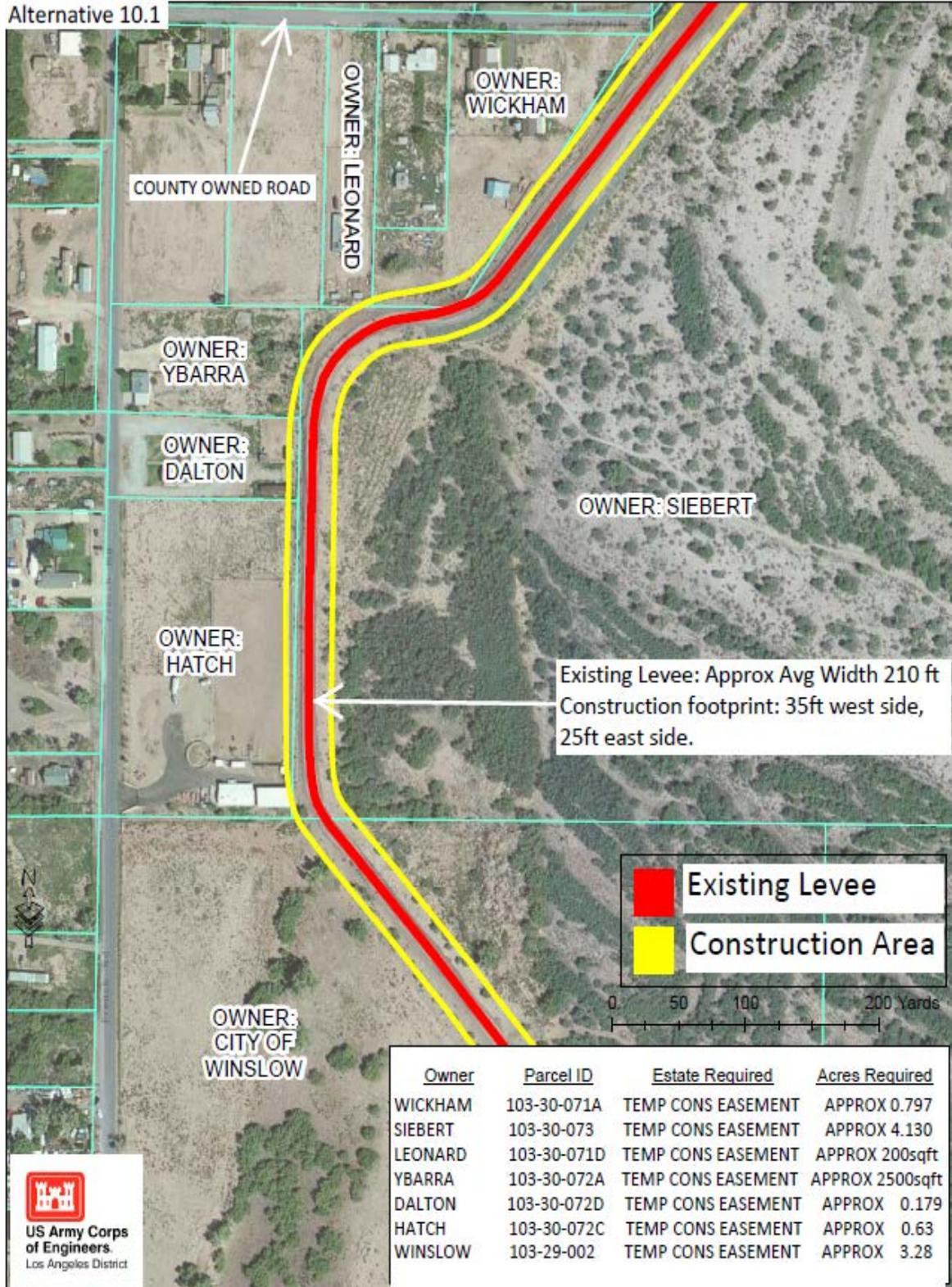


EXHIBIT A-4

LCR Winslow Project

Winslow, AZ

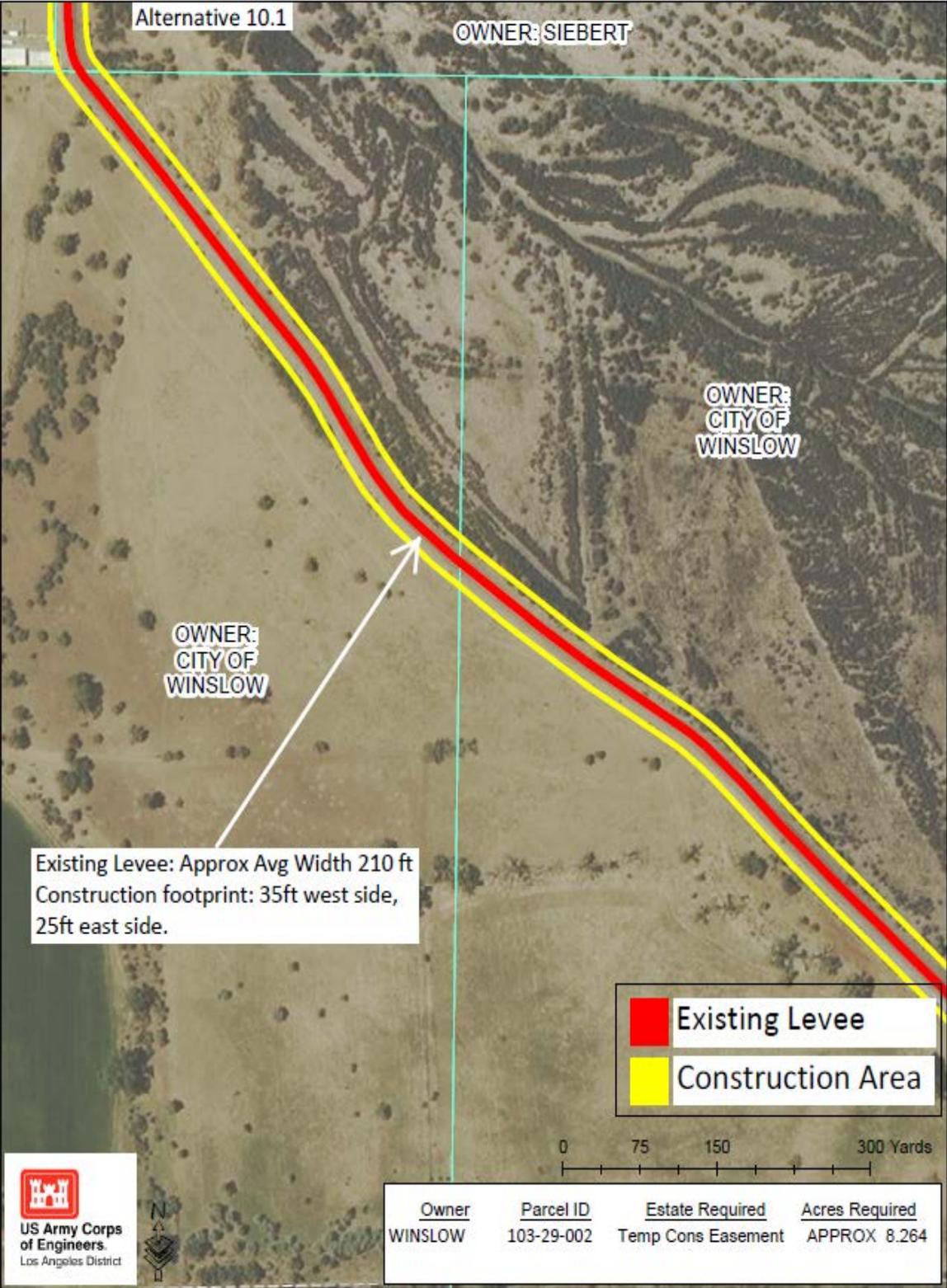


EXHIBIT A-5

LCR Winslow Project

Winslow, AZ

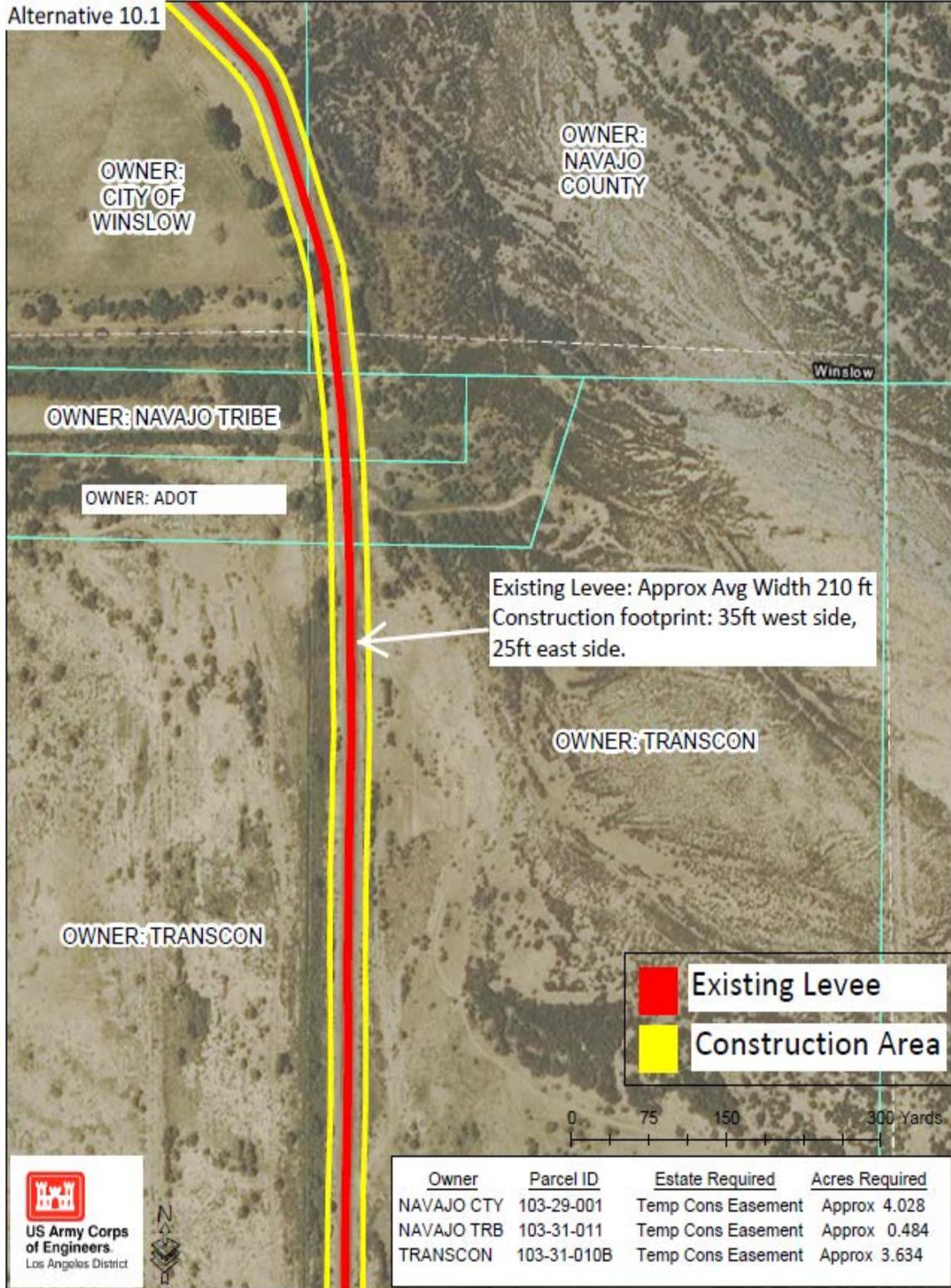


EXHIBIT A-6

LCR Winslow Project

Winslow, AZ

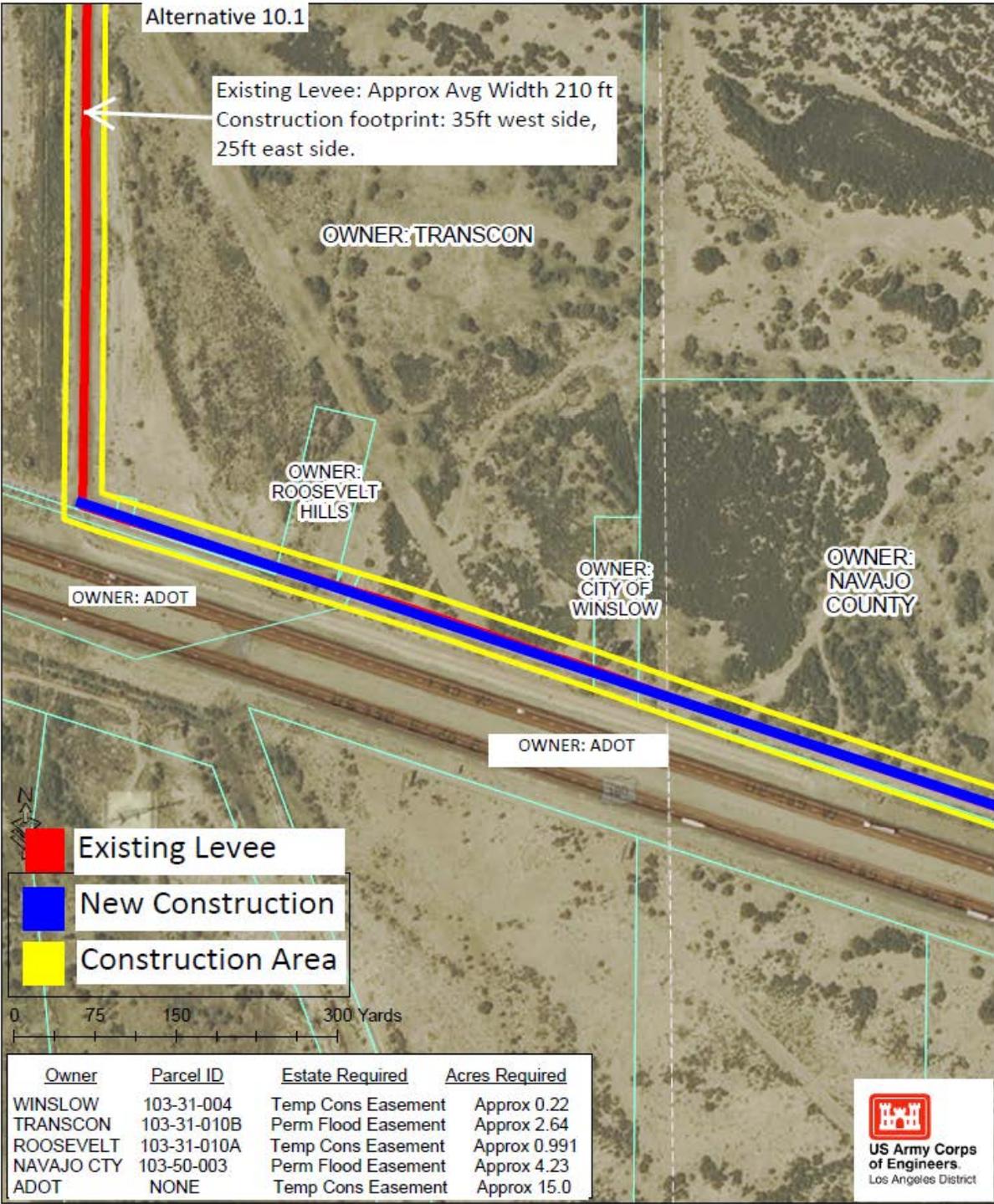


EXHIBIT A-7

LCR Winslow Project

Winslow, AZ

Alternative 10.1

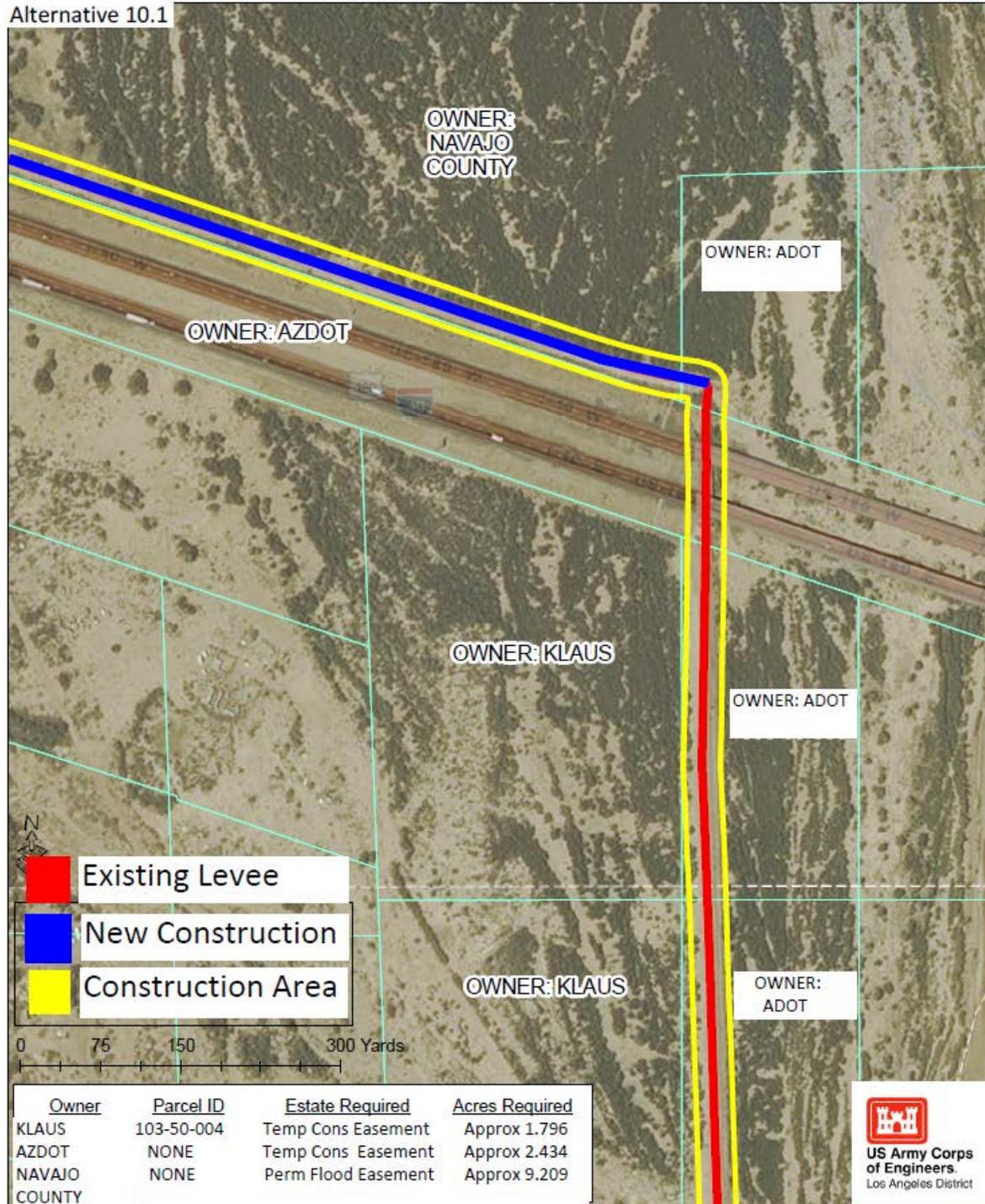


EXHIBIT A-8

LCR Winslow Project

Winslow, AZ

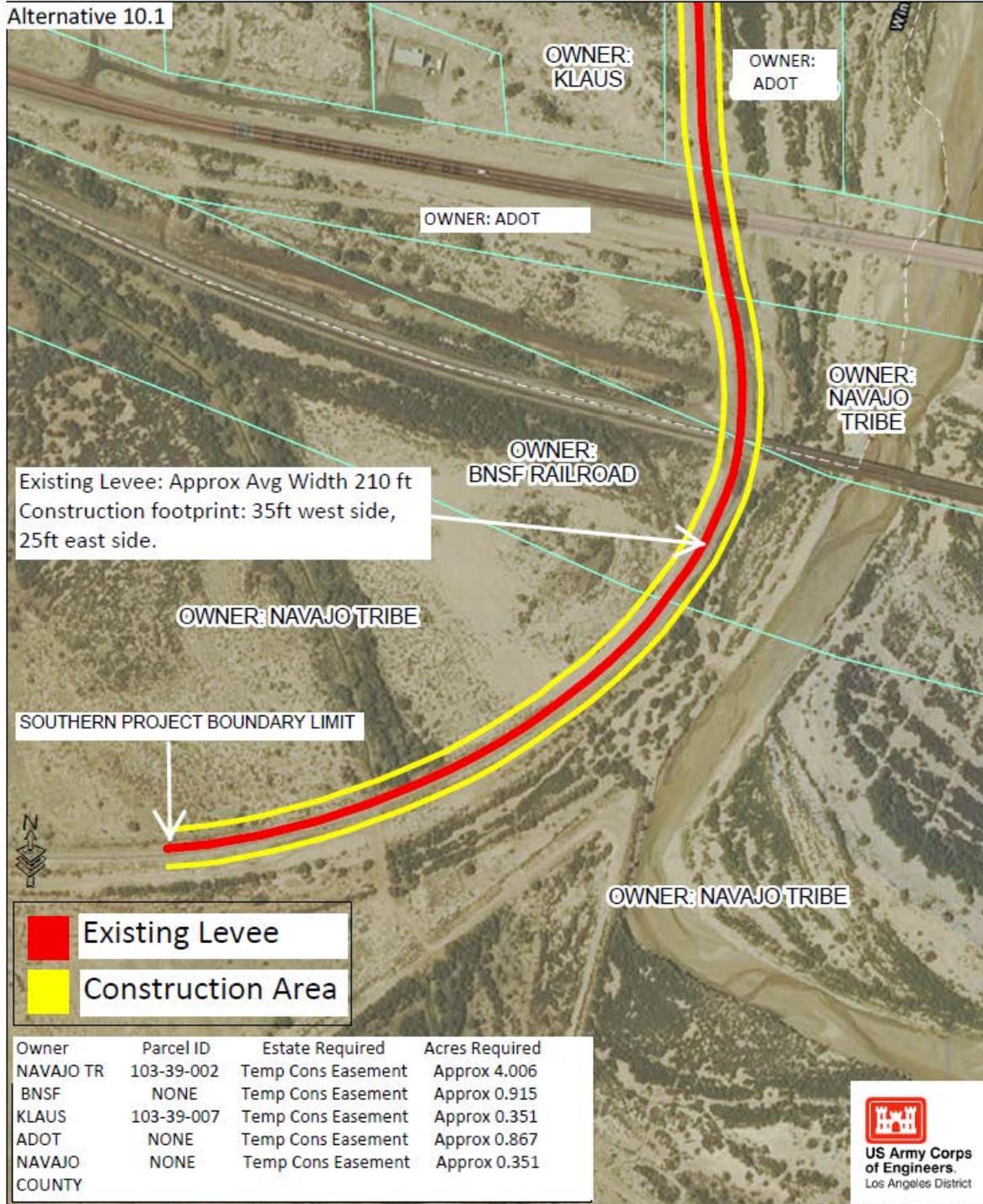


EXHIBIT A-9

LCR Winslow Project

Winslow, AZ

Alternative 10.1

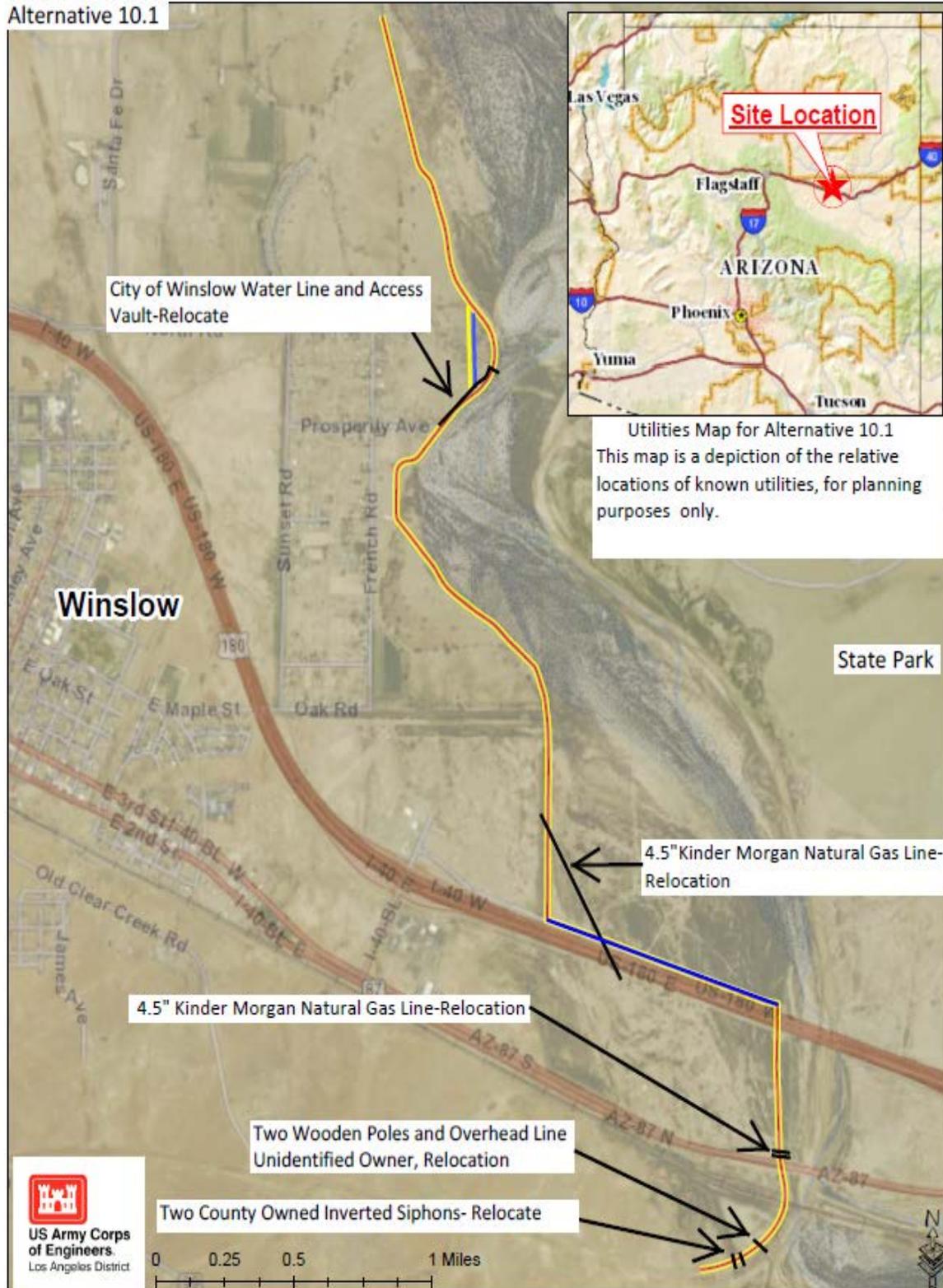


EXHIBIT B

LCR Winslow Project

Winslow, AZ

Alternative 10.1

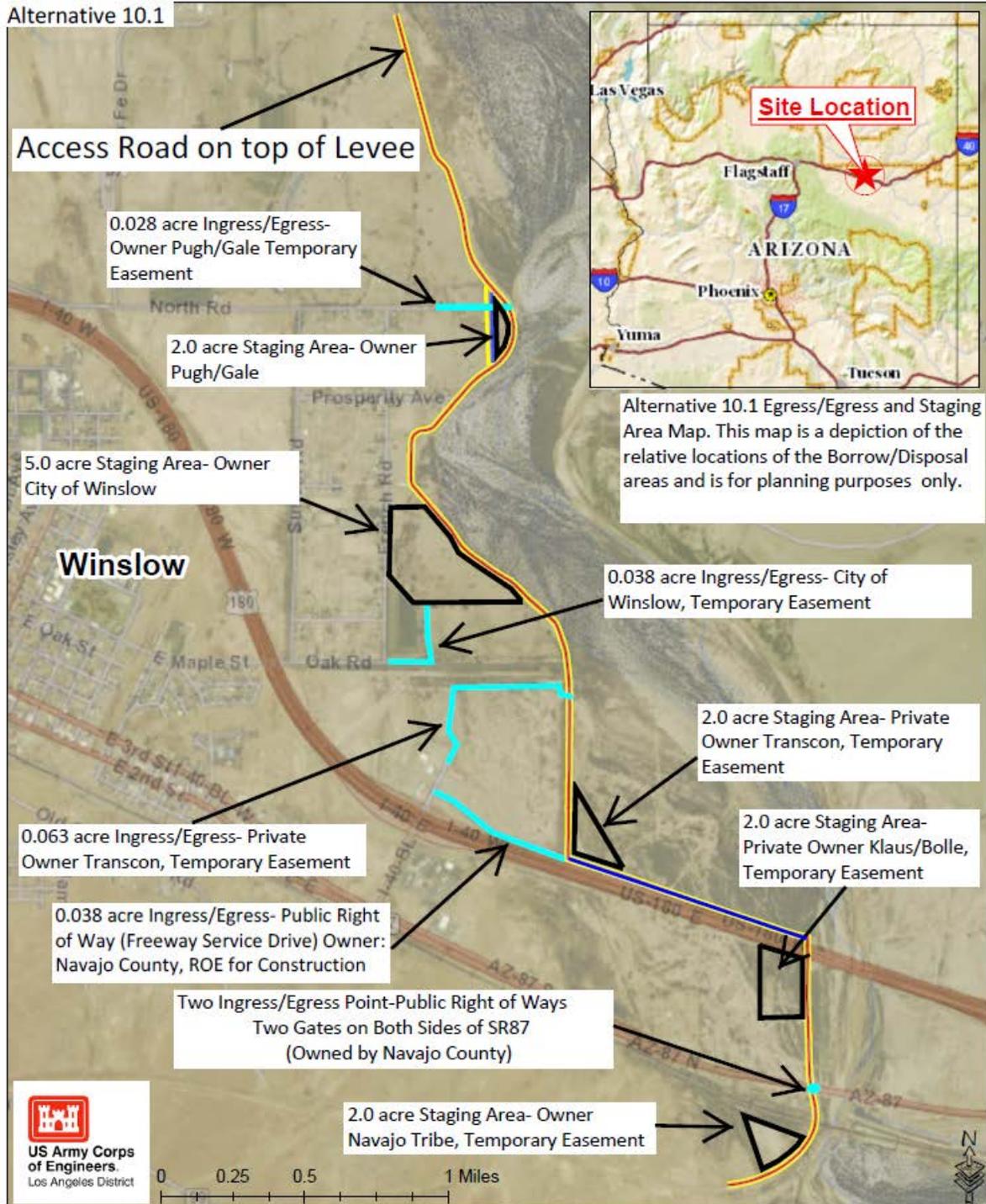


EXHIBIT C

LCR Winslow Project

Winslow, AZ

Alternative 10.1

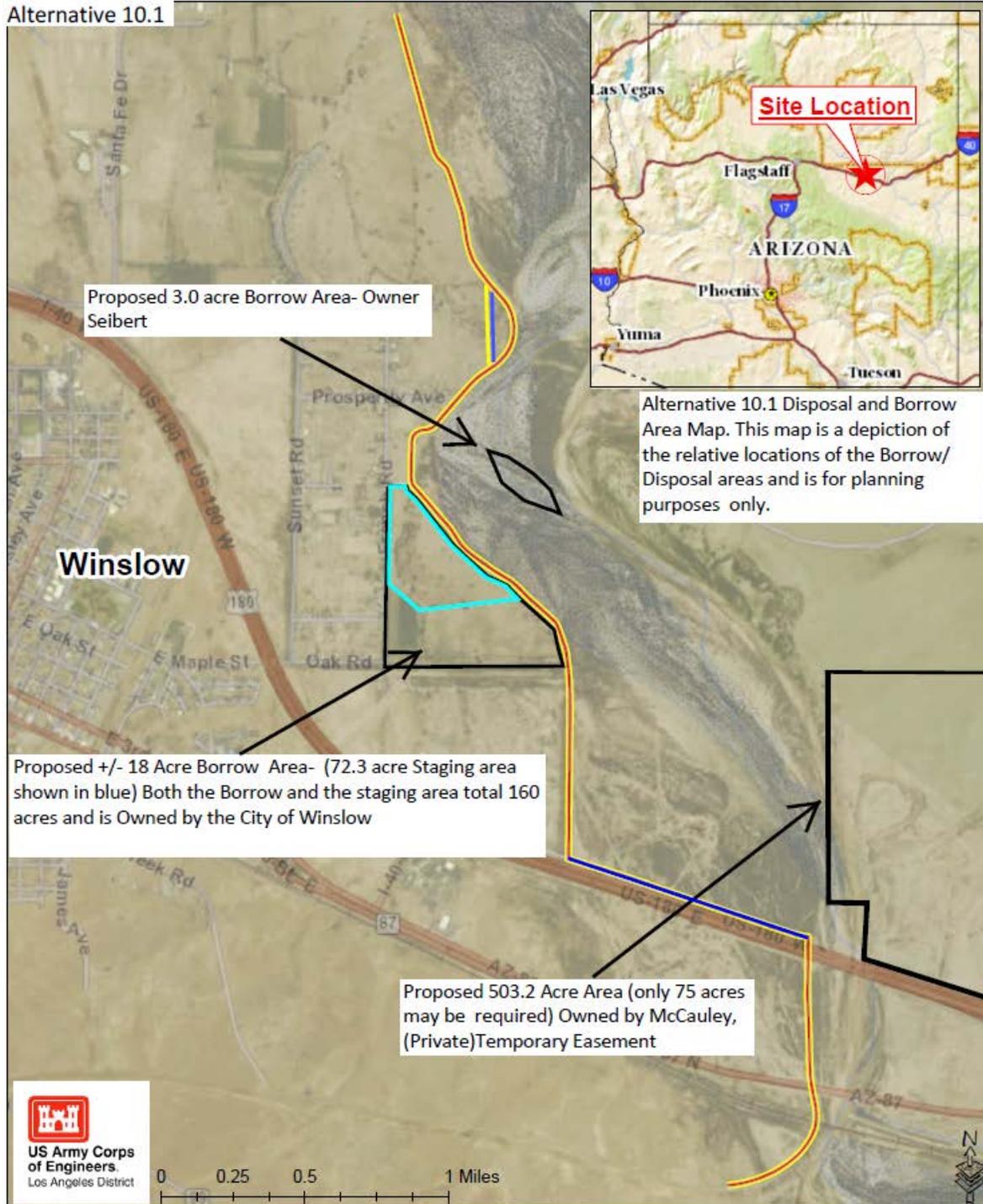


EXHIBIT D

LCR Winslow Project

Winslow, AZ

Alternative 10.1

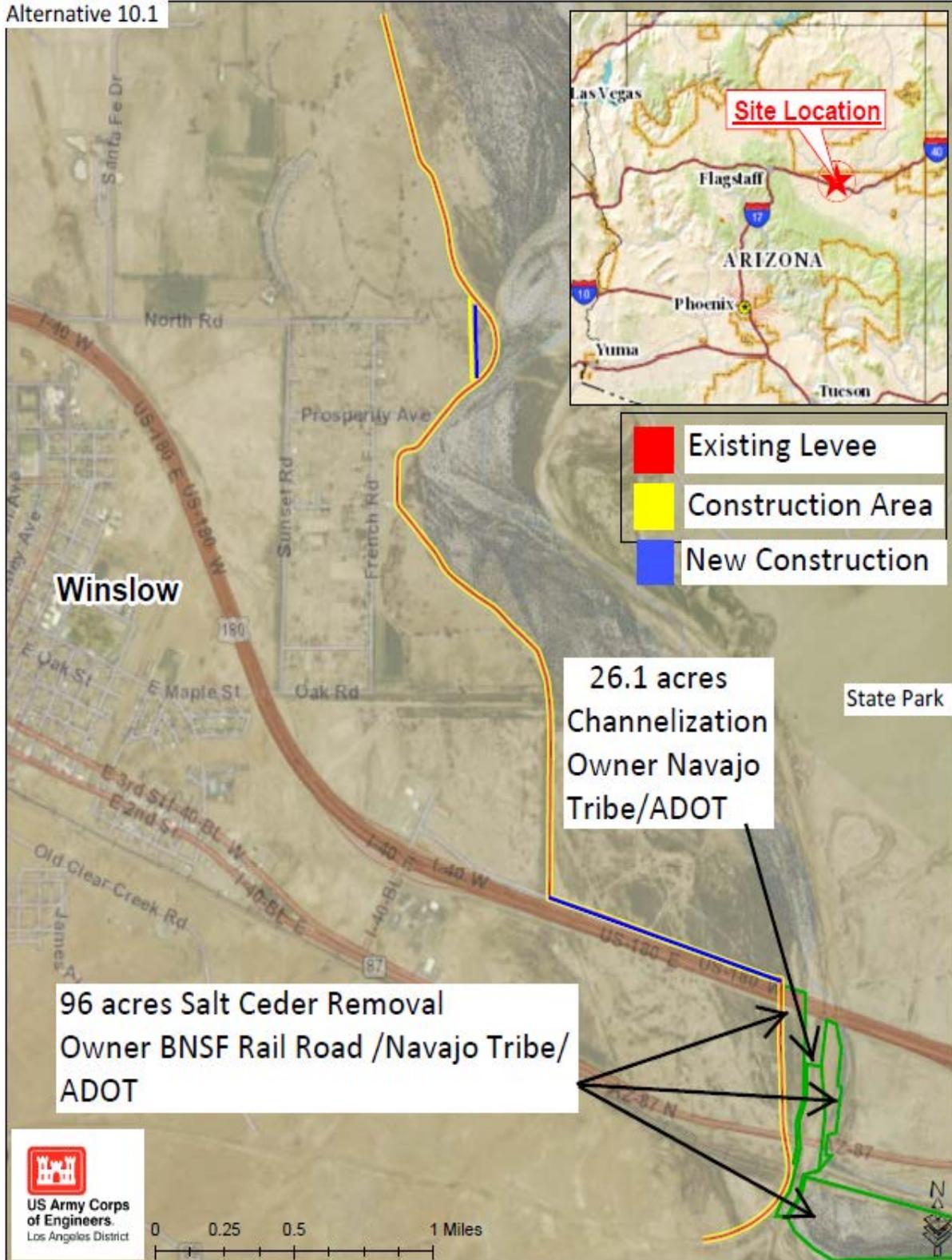


Exhibit E

Potential Staging and Disposal Site

LCR Winslow Project

Winslow, AZ

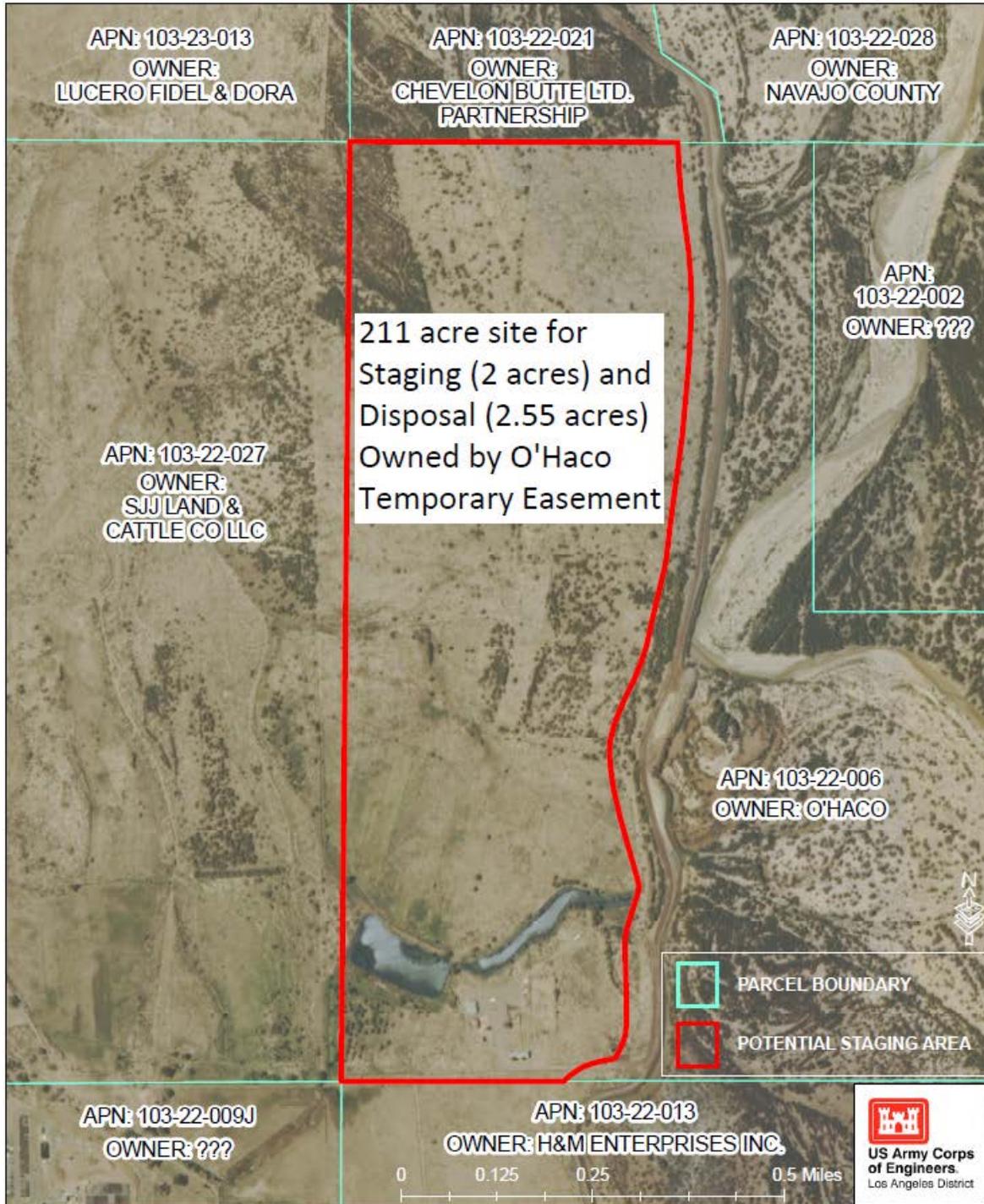


Exhibit F

EXHIBIT G

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITIES

I. Legal Authority:

- a. Does the Sponsor have legal authority to acquire and hold title to real property for project purposes? **Yes**
- b. Does the Sponsor have the power of eminent domain for this project? **Yes**
- c. Does the Sponsor have "quick-take" authority for this project?
No, Arizona state law does not grant this authority. If condemnations are required for the project the Corps will provide condemnation services to the Sponsor. Any required condemnations will be funded at 100 percent Sponsor expense, in advance of any expenditure. A Memorandum of Agreement (MOA) regarding the funding and other terms and conditions for the provision of condemnation services by the Corps will be entered into by the Corps and the Sponsor at the time of the signing of the PPA. At this time the sponsor does not anticipate having to condemn any of the parcels needed for the project.
- d. Are any of the lands/interests in land required for the project located outside the Sponsor's political boundary? **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, state land owned by the Department of Transportation. Currently, it is not anticipated that the sponsor will have to condemn any parcels needed for the project.**

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, the sponsor will require training to become familiar with the real estate requirements of federal projects as it pertains to P.L. 91-646.**
- b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training? **If relocations are required, the Sponsor will request training from the Corps. At this time no P.L. 91-646 relocations are anticipated.**
- c. Does the Sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **Yes, the sponsor's in-house staff has sufficient real estate acquisition experience to meet is**

responsibilities for the project. The sponsor may ask for Corps Real Estate guidance on occasion.

- d. Is the Sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? **Yes**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **Yes**
- f. Will the sponsor likely request U. S. Army Corps of Engineers assistance in acquiring real estate? **No, the sponsor only anticipates seeking advice as needed from the Corps.**

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? **No, no real estate milestones have been established at this time due to the preliminary nature of the study.**

IV. Overall Assessment:

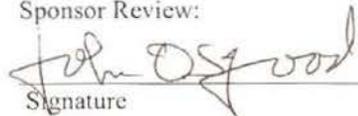
- a. Has the sponsor performed satisfactorily on other U. S. Army Corps of Engineers projects? **Yes**
- b. With regard to this project, the sponsor is anticipated to be: **Fully Capable**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? **Yes**
- b. Does the sponsor concur with this assessment? **Yes**

Prepared By:
Lisa Sandoval
Realty Specialist
September 26, 2018

Sponsor Review:


Signature

John Osgood Public Works Director,
Name and Title *Wavajo County*

Reviewed and Approved by:


Joseph Gatti
Chief, AZ/Nevada Branch

EXHIBIT H



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
PHOENIX/NEVADA FIELD OFFICE
3636 NORTH CENTRAL SUITE 900, PHOENIX AZ 85012

June 10, 2015

Subject: Little Colorado River at Winslow Flood Risk Management Project

Mr. James G. Jayne
Navajo County Manager
P.O. Box 668
100 East Carter Drive
Holbrook, Arizona 86025

Dear Mr. Jayne,

During the planning and feasibility portion of civil works projects, the U.S. Army Corps of Engineers (Corps) identifies the estimated need and extent of real estate interests required for the proposed project. My staff and I have been working on the Little Colorado River (LCR) at Winslow real estate requirements and have developed some initial estimates.

When real estate requirements are determined, Government regulations require the Corps to send a letter advising the non-Federal sponsor of the risks involved in acquiring necessary real estate interests prior to execution of the Project Partnership Agreement ("PPA").

This letter constitutes official notice of the risks involved with acquiring property rights for the proposed LCR at Winslow Flood Risk Management Project prior to the signing of the PPA. As the non-Federal sponsor, the Navajo County Flood Control District assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort. Generally, these risks include, but are not limited to, the following:

1. Congress may not authorize the project for construction;
2. Congress may not appropriate funds to construct the proposed project, even if it is authorized;
3. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
4. The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability

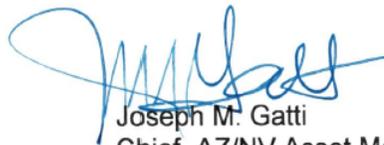
arising out of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as mentioned;

5. The non-Federal sponsor may acquire interests or estate that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
6. The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform lands, easements, rights-of-way, relocations and disposal areas (LERRDs) in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA; and
7. The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition of LERRDs.

We have included a real estate package, which includes a guidance booklet called the Non-Federal Sponsor Guide to Land Acquisition, which includes information regarding any potential relocation of people and or utilities.

If you have any questions, please feel free to contact us at: William Brown, Realty Specialist, at 602-230-6964 or William.G.Brown@usace.army.mil.

Sincerely,



Joseph M. Gatti
Chief, AZ/NV Asset Management Office

Enclosures:
Non-Federal Sponsor Guide to Land Acquisition