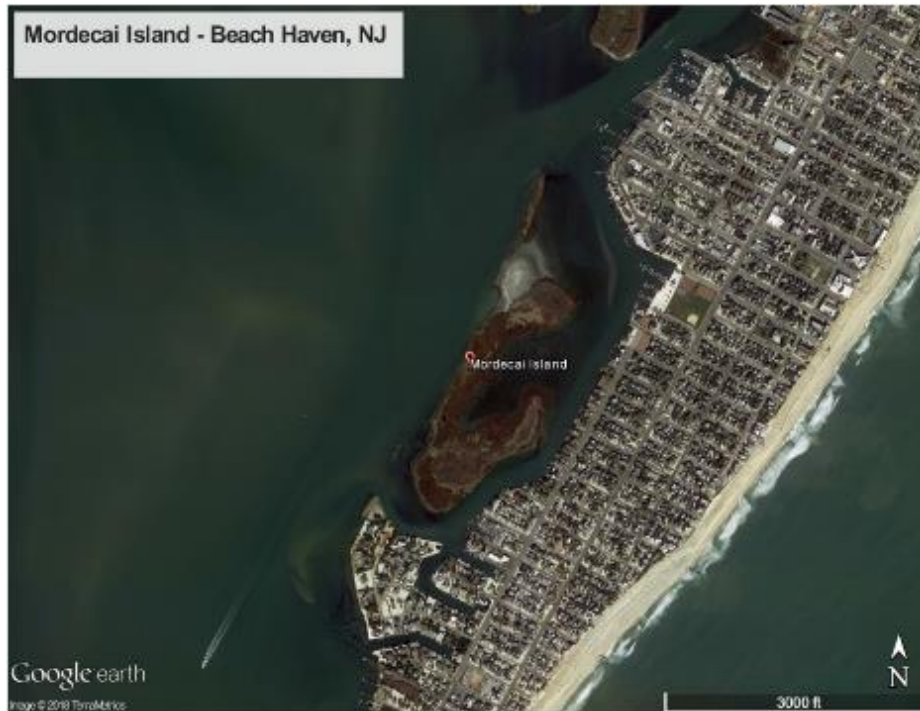


Mordecai Island Beach Haven, NJ, Continuing Authorities Program (CAP) Section 1135 Feasibility Study



REAL ESTATE PLAN

JANUARY 2021



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



**New Jersey
Department of
Environmental
Protection**

REAL ESTATE PLAN
Mordecai Island, Beach Haven, NJ,
Continuing Authorities Program (CAP), (Section 1135) Feasibility Study,
November 2020

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**REAL ESTATE PLAN
FOR THE
Mordecai Island, Beach Haven, NJ,
Continuing Authorities Program (CAP), (Section 1135) Feasibility Study
November 2020**

1. GENERAL

This Real Estate Plan (REP) is in support of the Feasibility Report for the Mordecai Island, Beach Haven, NJ, Continuing Authorities Program (CAP), (Section 1135) Feasibility Study, located in between the New Jersey Intracoastal Waterway (NJIWW) on its western shore and the Borough of Beach Haven, New Jersey, to its east. This REP is written to the 30% design level of the current Feasibility Report. It is an update to a previous Real Estate Plan drafted in 2006, that went into suspense as cost-shared studies often do. The project is authorized under Section 1135 of the Water Resources Development Act of 1986, as amended. The New Jersey Department of Environmental Protection, Bureau of Coastal Engineering, and the Mordecai Land Trust, Incorporated, a non-profit organization, will serve as the Non-Federal Sponsors for design and implementation. The purpose of this project is to reduce wave erosion and the impact on Mordecai Island of strong tidal currents and wakes of vessels using the NJIWW.

Mordecai Island's 47 acres have a topography composed of widespread areas of salt marsh and varying degrees of exposed sod or grass-covered slopes that also support areas of common reed, bayberry, winged sumac and some eastern red cedar. Large areas of aquatic vegetation, consisting primarily of eelgrass, are located off the southwestern edge.

The entire coastline of Mordecai Island has suffered from erosion. However, the western edge adjacent to the NJIWW has reduced at a more substantial rate. Over the past 100 years, half of the island has been lost through erosion. The federal navigation channel in its present position runs parallel to Mordecai Island. The channel was last dredged by the Corps in 2015, with some additional material removed in 2017. Erosion rates along Mordecai Island's western shore average a loss of between 2 – 4 feet per year, with some areas showing shoreline retreat as high as 5 feet per year.

The main goal of the Mordecai Island Ecosystem Restoration Project is to address erosion and habitat loss on the western side of Mordecai Island from the northern tip of the island to the northern end of erosion management features installed by Mordecai Land Trust. Continued erosion of Mordecai Island threatens an abundant diversity of natural wildlife habitats including open marsh, salt ponds, exposed mud flats, shrub-dominated areas and shallow water eelgrass beds. These habitats provide breeding, foraging, nesting and resting areas for many species of migratory birds including shorebirds, wading birds, raptors and waterfowl. In addition, the widespread areas of eelgrass in the shallow tidal flats provide refuge for many young fish and crustaceans. Since many of the finfish species found in the eelgrass are recreationally and commercially valuable, protecting their habitats would be both ecologically and economically important.

The selected plan consists of a rubble mound breakwater along Alignment A1. It will extend for 3,000 linear feet and have an average height of 7.6 feet. The crest width of the trapezoidal breakwater will be 3 ft. Side slopes will be 2H:1V. The breakwater will be continuous with sill

vents, or lower sections of breakwater, designed into the structure to promote intertidal flushing in order to maintain water quality. The sill vents will be approximately 40 ft. long and have a crest elevation at the MLW line to allow water to flow through the breakwater during the entire tide cycle. There is approximately 160 linear feet of breakwater between each sill vent.

2. REAL ESTATE REQUIREMENTS

a. Description of Lands, Easements, Rights of Way and Roadway Requirements for Project

The area required to complete the project is located off the western shore of Mordecai Island, in between the island and the NJIWW. This site is only accessible by water and is subject to navigational servitude. The upland island above Mean High Water (MHW) is owned by the co-NFS, Mordecai Land Trust, Incorporated. Therefore, no estate acquisition is required for the project footprint. The co-NFS, NJDEP, has received permission to proceed with the shore protection and restoration work for this project under their existing blanket Tidelands Licenses No. 81-9999 and No. 94-0379.

A Temporary Work Area Easement (TWAE) for the docking of a construction barge and the storage of materials and equipment required to complete the project will be required for a term of two (2) years. The property in question belongs to the Borough of Beach Haven. The project anticipates the relocation of overhead electrical at the proposed staging area.

b. Standard Estates

Most of the project site is subject to navigational servitude, so only a Standard Estate of Fee Simple will be required for areas currently owned on the island by the co-NFS for any placement areas above MHL along the islands shoreline (required acreage has not yet been determined) are required for the project footprint.

FEE (Estate No. 1)

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

A Temporary Work Area Easement will be required for the Staging Area during construction. The area in question is owned by the Borough of Beach Haven and serves as their Emergency Management Headquarters. Both an area to dock the construction barge and dry-land storage will be required.

Temporary Work Area Easement – Staging Area (Estate No. 15)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A), for a period not to exceed twenty-four (24) months, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Mordecai Island, Beach Haven, NJ,

Continuing Authorities Program (CAP), (Section 1135) Feasibility Study, 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 easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

c. Non-Standard Estates

No non-Standard Estates are required for the completion of this project.

d. Current Ownership

The project site is adjacent to the NJIWW, a federal navigation project. The lands below the mean highwater line are owned by the State of New Jersey.

e. Real Estate Mapping

Project Maps entitled “Mordecai Island COE Tentatively Selected Plan”, is attached as Figure 1. The map includes the location-of-work drawings diagram and a General Work Plan for the project site. Also attached is Exhibit A, a copy of Page 2 of the Tax Maps of the Borough of Beach Haven. The property of the proposed TWAE is highlighted.

3. EXISTING FEDERAL PROJECTS

The NJIWW was adopted as a navigation project in 1945. The project is a sea-level, tidal, inland water route approximately parallel with the New Jersey Coast, that extends from the Atlantic Ocean at Manasquan Inlet, about 26 miles south of Sandy Hook, NJ to the Delaware River about 3 miles north of Cape May Point. The waterway extends through the inlet and up Manasquan River a distance of about 2 miles and thence through Point Pleasant Canal about 2 miles to the head of Barnegat Bay. It then passes through a series of bays, lagoons and thoroughfares along the New Jersey coast to Cape May Harbor, and thence across Cape May County to Delaware Bay (Cape May Canal). This project is normally maintained to a depth of 6 feet, except in the southern portion of the state where it is maintained to a depth of up to 12 feet.

4. EXISTING FEDERALLY OWNED LANDS

The impacted parcel lies approximately 800 feet east of the bounds of the NJIWW. Although subject to navigational servitude, there are no federally-owned lands located within the project Limit of Disturbance.

5. LANDS OWNED BY THE NON-FEDERAL SPONSOR

The lands below the mean highwater line are owned by the State of New Jersey.

6. NAVIGATIONAL SERVITUDE

In general, navigational servitude currently does not apply to ecosystem restoration projects. However, in a memorandum from Major General Don T. Riley, U.S. Army Director of Civil

Works, dated 8 December 2004, navigational servitude may be applicable to environmental restoration projects if the damage to be ameliorated is caused by navigation measures or interferes with navigation. Such applicability is to be determined on a case-by-case basis.

The Real Estate Attorney has reviewed this project and has determined that it meets the criteria set forth in the 8 December 2004 memorandum. Therefore, although the Mordecai Island Beach Haven, NJ, Study, Continuing Authorities Program (CAP), (Section 1135) Feasibility Study is an ecosystem restoration project, its purpose is to mitigate the damages caused by adjacent navigation. Therefore, navigational servitude applies to this project.

7. INDUCED FLOODING

No induced flooding due to this proposed project is anticipated.

8. BASELINE COST ESTIMATE FOR REAL ESTATE

The detailed real estate cost estimate totaling \$67,754 in MCACES format, is included in Exhibit "B". As the parcel required for the TWAE is municipally-owned by the Borough of Beach Haven, nominal estimated land payment of \$500.00 is given for this report. All costs include a contingency of 25 percent. The contingency factor is added to account for project growth, incomplete data, and unforeseen expenses. All estimates are based on one (1) Temporary Work Area Easement existing on 1 (one) required parcel and 1 (one) municipal property owner. The TWAE (required acreage has not yet been determined) for a duration of two (2) years is valued at a nominal value of \$62,500 and the utility relocation is estimated by Engineering Division to be \$5,253. The remainder of the total \$67,754 are estimated NFS and government LERRD administrative costs.

9. PUBLIC LAW 91-646 RELOCATIONS

There are no relocations under Public Law 91-646, as amended, associated with the project.

10. MINERAL ACTIVITY

There is no present or anticipated mineral activity in the vicinity of the project which may affect the operation thereof.

11. TIMBER RIGHTS

There is no present or anticipated timber harvesting activity within the project area.

12. ASSESSMENT OF NON-FEDERAL SPONSOR ACQUISITION CAPABILITY

The Non-Federal Sponsor conducting the real estate acquisition activities for this project is the New Jersey Department of Environmental Protection, Bureau of Coastal Engineering. An assessment of the Non-Federal Sponsor's acquisition capabilities is attached as Exhibit "C".

13. ZONING

No zoning changes are proposed in lieu of or to facilitate real estate acquisition.

14. ACQUISITION SCHEDULE

The NFS will officially initiate real estate acquisition activities after final execution of the Project Partnership Agreement (PPA). The following estimated acquisition schedule indicates the length of time required for each step in the standard acquisition process. As there is currently no estimated PPA signing date, the following 1-year tentative schedule is a generic, worst-case scenario real estate timeline. Once an anticipated signing date for the PPA is identified, a more specific schedule will be prepared.

a. PPA Execution	Start Date
b. Forward Maps to Sponsor	Within 1 week of Start Date
c. Survey and Title Work	Within 14 weeks of sponsor map receipt
d. Appraisal	Within 10 weeks of survey and title receipt
e. Review Appraisal	Within 2 weeks of appraisal receipt
f. Negotiation	Within 9 weeks after appraisal review
g. Closing	Within 6 weeks of completion of negotiations
h. Possession	Within 1 day of closings
i. Certification of Real Estate	Within 1 week of possession; requires the transmittal of the non-Federal sponsor's Authorization for Entry for Construction and Certificate of Authority

15. RELOCATION OF UTILITIES AND FACILITIES

There is one anticipated electric utility line relocation at the staging area owned by the Borough of Beach Haven, the landowner. Engineering Division estimates the relocation cost as a total of \$5,253 as referenced in item 8 above and in the Exhibit "B" MCACES estimate. A Report of Compensability has not yet been performed, but it is anticipated that the relocation will be an NFS cost.

16. ENVIRONMENTAL CONCERNS

There is no known on-site contamination and the real estate cost estimates contained in the Real Estate Plan do not reflect the presence of contamination.

17. ATTITUDES OF THE LANDOWNERS

This project is considered essential in the environmental protection of the critical habitat provided by the quickly-eroding Mordecai Island. The State of New Jersey owns the project lands, located below the MHWL, that are also subject to navigational servitude. Mordecai Trust, Inc. owns above the MHWL. Both are co-NFS's for this project, and therefore support the project. No negative reactions have been detected from the general public.

18. NOTIFICATION TO NON-FEDERAL SPONSOR

The NFS acquiring the real estate interests for this project, NJDEP, will be notified in writing regarding the risks associated with the acquisition of land prior to execution of the PPA.

19. RISK ANALYSIS

No significant risks appear to be associated with this project. If the NFS is unable to obtain the necessary TWAE from the Borough of Beach Haven, additional locations are available for use for this project.

END OF REPORT

PLAN CERTIFICATION

This Real Estate Plan has been prepared in accordance with Corps of Engineers Regulation 405-1-12, Chapter 12. It is recommended that this REP be accepted for the purposes stated herein.

Prepared by:

JANAY C. DIXON
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Civil Projects Support Branch

Reviewed and approved by:

SUSAN K. LEWIS
Chief, Real Estate Division
Baltimore District

Figure 1: Tentatively Selected Plan

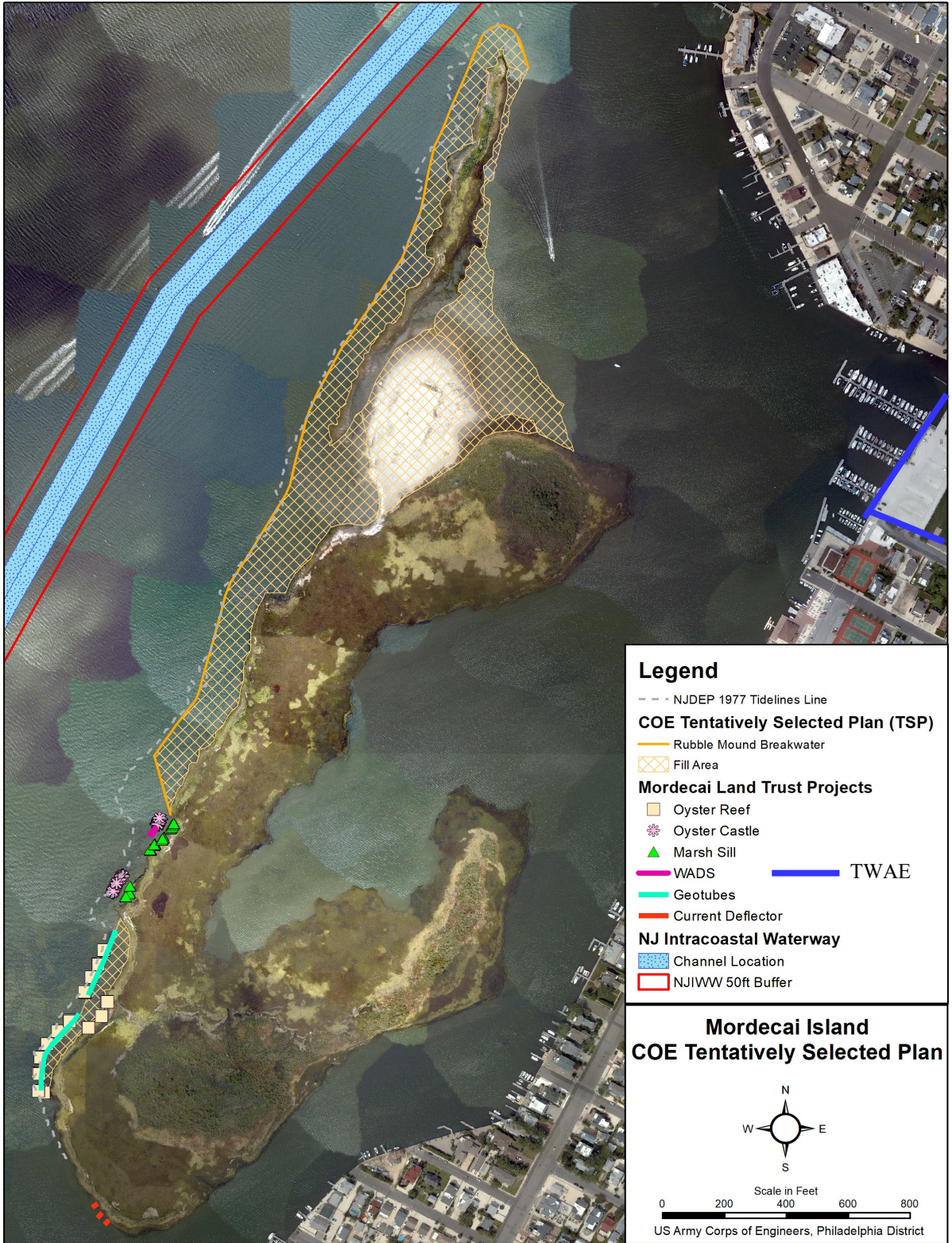
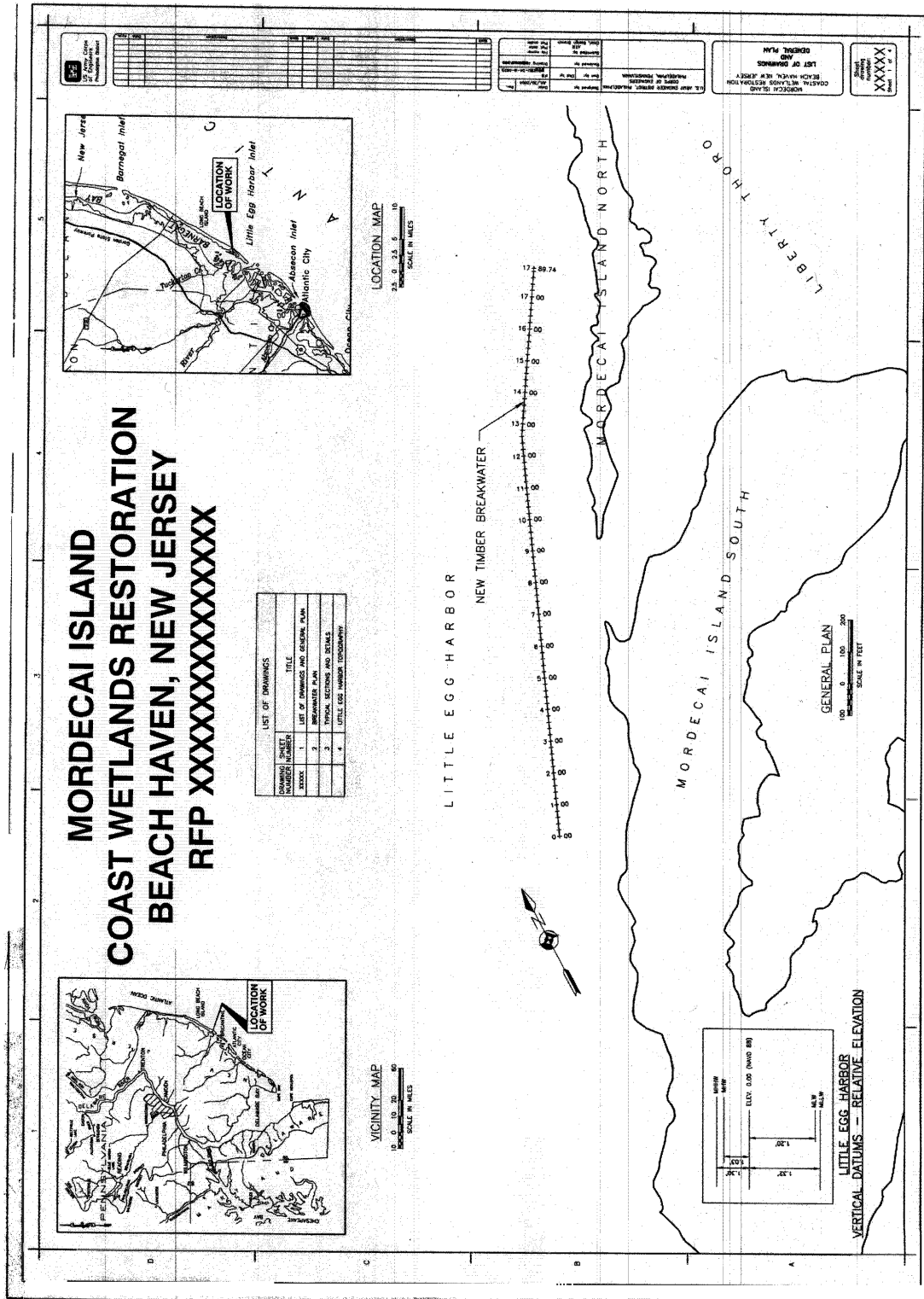
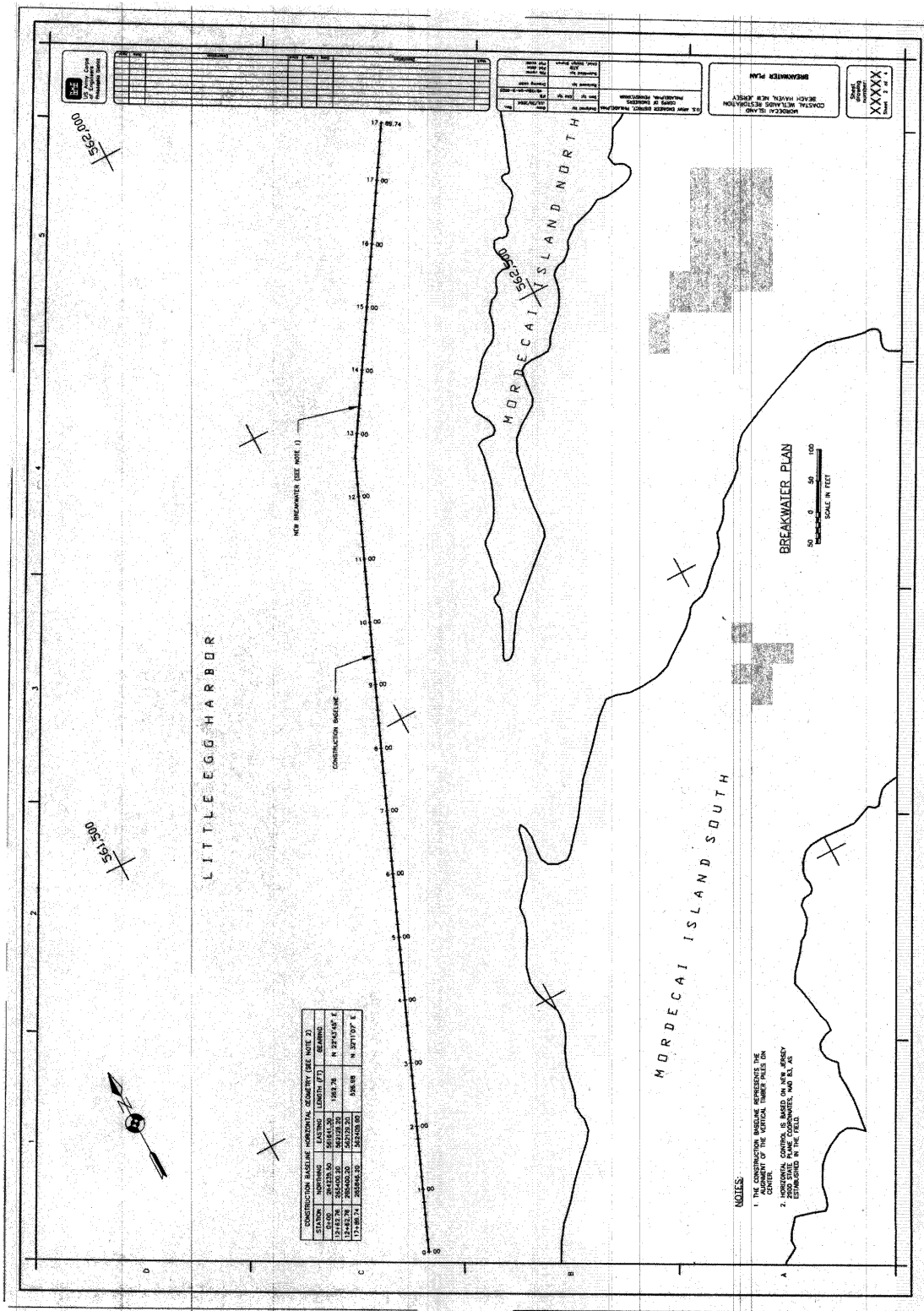


EXHIBIT "A"
PROJECT MAPS





Real Estate Plan Study Cost Estimate-MCACES Format
Real Estate Acquisition Requirements
Mordecai Island, Beach Haven, NJ, Section 1135 Feasibility Study
Ocean County, New Jersey

	Private			Commercial			Public			Requirement		
	#	\$ each	req	#	\$ each	req	#	\$ each	req	Base	Contingency	Total
ACQUISITIONS												
0102-----	By Government											
010201---	By Non-Federal Sponsor (NFS)											
010202---	Survey and Legal Descriptions						1	10,000	10,000	10,000	2,500	12,500
01020201	Title Evidence						1	2,500	2,500	2,500	625	3,125
01020102	Negotiations						1	6,500	250	6,500	1,625	8,125
01020203	By Government on Behalf of NFS											
010203---	Review of NFS											
010204---	Survey and Legal Descriptions						1	2,000	2,000	2,000	500	2,500
01020401	Title Evidence						1	2,000	2,000	2,000	500	2,500
01020402	Negotiations						1	1,500	1,500	1,500	375	1,875
01020403												
	SUBTOTAL									24,500	6,125	30,625
CONDEMNATIONS												
0103-----	By Government											
010301---	By Non-Federal Sponsor (NFS)											
010302---	By Government on Behalf of NFS											
010303---	Review of NFS							1,600	1,600	1,600	400	2,000
010304---												
	SUBTOTAL									16,600	4,150	20,750
APPRAISALS												
0105-----	By Government											
010501---	By Non-Federal Sponsor (NFS)											
010502---	By Government on Behalf of NFS											
010503---	Review of NFS						1	1,625	1,625	1,625	406	2,031
010504---												
	SUBTOTAL									8,125	2,031	10,156
PL 91-646 ASSISTANCE												
0106-----	By Government											
010601---	By Non-Federal Sponsor (NFS)											
010602---	By Government on Behalf of NFS											
010603---	Review of NFS									0	0	0
010604---												
	SUBTOTAL									0	0	0
TEMPORARY PERMITS/LICENSES/RIGHTS-OF-WAY												
0107-----	By Government											
010701---	By Non-Federal Sponsor (NFS)											
010702---	By Government on Behalf of NFS											
010703---	Review of NFS						1	150	150	150	23	173
010704---	Other									0	0	0
010705---	Damage Claims									0	0	0
010706---												
	SUBTOTAL									300	45	345
REAL ESTATE PAYMENTS												
0115-----	Land Payments											
011501---	By Government											
01150101	By Non-Federal Sponsor (NFS)											
01150102	By Government on Behalf of NFS											
01150103	Review of NFS									0	0	0
01150104												
011502---	PL 91-646 Assistance Payments											
01150201	By Non-Federal Sponsor (NFS)											
01150202	By Government on Behalf of NFS											
01150203	Review of NFS									0	0	0
01150204												
011503---	Damage Payments											
01150301	By Non-Federal Sponsor (NFS)											
01150302	By Government on Behalf of NFS											
01150303	Review of NFS									0	0	0
01150304												
	SUBTOTAL									500	125	625
										4,202	1,051	5,253
Account 02 Facility/Utility Relocations (Construction cost only)												
REAL ESTATE ACQUISITION TOTAL										\$54,227	\$13,527	\$67,754

Exhibit B

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

Project: Mordecai Island, Beach Haven, NJ, Continuing Authorities Program (CAP), (Section 1135) Feasibility Study

Non-Federal Sponsors: New Jersey Department of Environmental Protection (NJDEP) and the co-sponsor, Mordecai Land Trust, Incorporated

The NJDEP will be the party acquiring the required LERRD for this project.

I. Legal Authority:

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes. The non-Federal sponsor (NFS), the NJDEP, has acquisition authority in the project area.

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

Yes. Although the State of New Jersey does have the power of eminent domain, the delegated authority to the NJDEP was rescinded about 10 years ago. However, if a condemnation action were to be initiated, it would be handled through the State of New Jersey Attorney General's Office.

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

No. The NFS does not have "quick-take" authority for this project, but does have a standard eminent domain process.

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

No.

Exhibit B

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

No, there are no lands required for this project owned by an entity that cannot be condemned by the State of New Jersey.

II. Human Resource Requirements:

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?

No. The NFS is familiar with the requirements of P.L. 91-646.

b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training?

N/A

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Yes.

d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, 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 USACE assistance in acquiring real estate?

No.

III. Other Project Variables:

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

Yes.

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

Yes.

IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE 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:

DIXON.JANAY.C
E.1395864528

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JANAY DIXON
Realty Specialist

Approved by:

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CRAIG R. HOMESLEY
Chief, Civil Projects Support Branch
Real Estate Division