

APPENDIX A

REAL ESTATE PLAN PROSPECT ISLAND PROJECT MODIFICATION REPORT

1. Background. Authority for the District study is contained in Section 1135 of the Water Resources Development Act of 1986, (33 U.S.C. 2294), and Section 344(a)(3) of the Water Resources Development Act of 1992. In partnership with the California State Department of Water Resources (DWR), the U.S. Army Corps of Engineers, (Corps), intends to plan, design, and construct a wetland habitat on Prospect Island. This concludes the planning phase of the project. The following was prepared in accordance with ER 405-1-12, Chapter 12, dated 1 May 1998.

Prospect Island is located in northwestern area of the Sacramento-San Joaquin Delta, Solano County, California. The island is bounded on the west by the Sacramento Deep Water Ship Channel and on the east by Miner Slough. Prospect Island is removed from major highways and remains a rural area. The highest and best use of the land of Prospect Island is agriculture.

The project has a unique background. Four agencies, both non-Federal and Federal, have joined together to form a partnership. They include the U.S. Department of Interior, Bureau of Reclamation, the U.S. Fish and Wildlife Service, the Corps, and the DWR.

The Bureau owns a greater portion of the island in fee simple, (1,228 acres). The Bureau acquired its interest in Prospect Island in 1995 to restore wetlands and fisheries in the Yolo Bypass and Sacramento River Delta region. Authority and appropriations for the purchase were provided for in House Report 2445, Energy and Water Development Appropriations Act 1994, House Report 4506, Energy and Water Development Appropriations Act 1995, and the Central Valley Project Improvement Act, Title 34 of Public Law 102-575. It was not the intent of the Bureau, however, to construct and maintain a Prospect Island wetlands and fish habitat project upon purchase of the land.

Its sister agency, the Service, strongly desires the responsibility to operate and maintain the Prospect Island wetlands and fish habitat project following construction. The Service, however, does not have the financial resources to support operation and maintenance activities; nor construct the project.

The Corps can design and construct the project through its Civil Works Program. It has found a willing and able local sponsor in DWR to cost share design, construction, and maintenance phases of the project. The DWR, as responsible party for all future operation and maintenance of the project, will hire the Service to perform project operation and maintenance activities on a permanent basis through a State of California grant fund. Details of this plan will be outlined in a nonstandard Project Cooperation Agreement presently being negotiated among agencies.

For the selected plan the Miner Slough and ship channel levees would be breached and stabilized with rock revetments. Remaining levees would be protected with bio-technical plants. Interior islands and channels would be constructed within the project area to create habitat for waterfowl, shorebirds, and target fish species.

2. Real Estate Requirements. The project's real estate acquisition strategy is atypical for a Civil Works project. The greater project area, which would normally be acquired in fee by the non-Federal sponsor, is owned by the Bureau. The DWR will obtain a joint use permit from the Bureau to incorporate this area into the project. The approximate size of this area is 1,228 acres. The permit will allow construction by the Corps and perpetual operation and maintenance by the DWR exclusively through the Service. The Bureau will provide this area at no cost to the project, (approximate value \$2,366,000). The DWR will also acquire, in fee, the island's west levee road area. The land area is owned by the Port of West Sacramento and is approximately 88 acres in size.

The breaching of the Miner Slough and ship channel levees will permanently sever available access to Solano County Assessor Parcel Number 42-240-30, (309.99 acres), and somewhat damage, (70 percent), that of 42-230-01, (9.00 acres). The DWR will be responsible for the severance damage payments.

3. Estates. The DWR will acquire the minimum interest in real estate that will support the construction and subsequent operation and maintenance of the project. The standard estate is Fee Simple for the 88 acres of land owned to be acquired from the Port of West Sacramento.

4. Baseline Cost Estimate. The feasibility-level, land cost estimate was prepared by Ms. Leslie Tornatore, District Appraiser. Date of Value: 1 October 1997. The non-Federal administration costs were prepared by the DWR, Division of Land and Right of Way. The Federal estimate to review the sponsor's acquisition process was prepared by the District.

BASELINE COST ESTIMATE FOR PROSPECT ISLAND
 (DATE OF VALUE: 1 OCTOBER 1997)

	Description (Acres)	Non- Federal	Federal
Fee	88.00	\$165,000	\$0
Damages	318.99	\$490,185	\$0
Admin Cost to Acquire		\$111,590	\$50,200
Total		\$766,775	\$50,200

5. Facility/Utility Relocations: The Pacific, Gas, and Electric Corporation, (PG&E), has owned an easement for above ground power utilities across the island since the year 1918. The easement was acquired from the former Prospect Farms, Limited Partnership. PG&E ostensibly has a compensable interest for those portions of the existing electrical power utilities where it owns the distribution system and has obtained title to an interest. The amount of compensation, if any, must be based on a complete analysis of the actual necessity for the continued requirement for the electrical service prior.

6. Sponsor: The DWR, the non-Federal partner, can acquire the necessary rights in real estate for the project. It has the power of an eminent domain pursuant to Civil Procedure Sections. It also has an experienced right-of-way staff which has acquired lands for several flood control projects since the application of the Water Resources Development Act of 1986. The experience of working on other cost-shared projects with the Corps will be an asset in securing a joint use permit for this project.

The non-Federal sponsor has prepared its estimate of acquisition costs based on its knowledge of the project requirements and anticipated staffing and resource levels. The *Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability* checklist for the project is attached to this appendix.

7. Public Law 91-646 Relocations: The relocation of people or improvements does not apply to this project.

8. Contamination and Toxic Concerns: Based on a recent survey by the Bureau, the potential for Hazardous Waste Contamination at the project site is negligible.

9. Special Features: No marketable resource or mineral extraction activities were noted on the project.

10. Project Map: A general project map of the area can be found at the end of this report.

11. Acquisition Schedule. A detailed acquisition schedule for the complete project follows. Similar schedules will be developed for each segment as required.

REAL ESTATE MILESTONES FOR PROSPECT ISLAND

	COE Start	COE Finish	DWR Start	DWR Finish
Receipt of Final Drawings from Engineering/Project Manager				
Execution of PCA		9/99		
Formal Transmittal of Final ROW Drawings and Instruction to Acquire LERRDs		8/99		
Conduct Landowner Meetings				
Prepare/Review Mapping and Legal Descriptions				
Obtain/Review Title Evidence				
Obtain/Review Tract Appraisals				
Conduct Negotiations				
Perform Closings				
Prepare/Review Condemnations				
Perform Condemnations				
Obtain Possession				
Complete/Review PL 91-646 Benefit Assistance				
Conduct/Review Facility and Utility Relocations				
Certify All Necessary LERRDs for Construction	8/99 *	8/99 *	8/99 *	8/99 *
Prepare and Submit Credit Requests			10/99	11/00
Review and Approve or Deny Credit Requests	10/99	11/00		
Establish Value for Creditable LERRDs in F&A Cost Accounting System	10/99	11/00		

COE - Corps of Engineers

NFS - Non-Federal sponsor

* Certification will be by phased contracts, Phase I will be for USBR lands only. Certification for Phase II construction will occur prior to advertisement of contract in year 2000.

Revised: 15 July 1999

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

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 an eminent domain for this project? Yes
- c. Does the sponsor have "quick-take" authority for this project? Yes
- 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? No

II. Human Resource Requirements:

- a. Will the sponsor's in-house staffs require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? No
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training?
- 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 project 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: Capable

V. Coordination:

a. Has this assessment been coordinated with the sponsor? Yes

b. Does the sponsor concur with this assessment? Yes

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