

# Appendix G

Non-Federal Letters of Support and Draft  
Real Estate Plan

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Flood Protection and Dam Safety  
625 Broadway, Albany, New York 12233-3504  
P: (518) 402-8185 | F: (518) 402-9029  
www.dec.ny.gov

January 28, 2016

Mr. Peter Blum  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Philadelphia District  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390

Re: Upper Delaware Watershed– Livingston Manor Feasibility Study

Dear Mr. Blum:

The New York State Department of Environmental Conservation (Department) is aware that the U.S. Army Corps of Engineers (USACE) Philadelphia District will be proceeding with design and implementation of the flood risk management project identified in the recommended plan of the draft feasibility report under Section 205 of the Continuing Authorities Program (CAP) as expeditiously as possible.

The Department is authorized by New York State Environmental Conservation Law to participate as the non-federal sponsor in the development and implementation of the federal flood control projects in New York State. With continued support for the project by the Town of Rockland as indicated in their December 18, 2015 letter to you, the Department remains committed to serve as the non-federal sponsor and expresses support for the plan to convert to the USACE's CAP for implementation. We are aware of cost sharing requirements for construction of the project and are capable of providing matching funds, but commitment of these funds will be determined on a yearly basis dependent upon all fiscal responsibilities.

This letter is not a commitment for funding for the next phase of the project. That commitment can only be made when a Federal Cost Share Agreement (FCSA) with the USACE is executed by the Office of the State Controller. The Department commits to providing staff resources to finalize the project design, the FCSA and the associated documents in order to move this project to implementation. The Department will also need to have a formal local cost share agreement executed with a local sponsor before entering into a FCSA with the Corps.

We look forward to our continuing work on this project with you and your staff in order to achieve the study goals. If you have any questions or need to discuss further please contact me at the above number.

Sincerely,



Alan A. Fuchs, P.E.

Director,

Bureau of Flood Protection & Dam Safety

cc: Robert Eggleton, Supervisor, Town of Rockland  
Bill Rudge, NYSDEC Region 3 - New Paltz  
S. Karimpour, NYSDEC Region 3 – White Plains  
S. Len, NYSDEC Central Office, Albany



# TOWN OF ROCKLAND

Office of the Supervisor

P.O. BOX 964 • LIVINGSTON MANOR, NEW YORK 12758

Tel. (845) 439-4399 ext. 301

Fax (845) 439-3775

December 18, 2015

Mr. Peter Blum  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Philadelphia District  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390

Re: Upper Delaware Watershed– Livingston Manor Feasibility Study

Dear Mr. Blum:

In reference to Upper Delaware Watershed– Livingston Manor Feasibility Study, we are aware that that U.S. Army Corps of Engineers (USACE) Philadelphia District will be proceeding with design and implementation of the flood risk management project identified in the recommended plan of the draft feasibility report under Section 205 of the Continuing Authorities Program (CAP) as expeditiously as possible.

The Town of Rockland wants to express support of the plan to convert to USACE's Continuing Authorities Program (CAP) for implementation. We are aware of the cost sharing requirement for construction of the project and are capable of providing matching funds, but commitment of these funds will be determined on a yearly basis dependant upon all fiscal responsibilities.

We are excited about this project and look forward to the continued partnership between the USACE, NYSDEC, Sullivan County and the Town of Rockland to achieve the study goals.

Sincerely,

A handwritten signature in cursive script that reads "Robert Eggleton".

Robert Eggleton  
Supervisor

**REAL ESTATE PLAN  
UPPER DELAWARE RIVER WATERSHED FEASIBILITY STUDY  
LIVINGSTON MANOR, NEW YORK**

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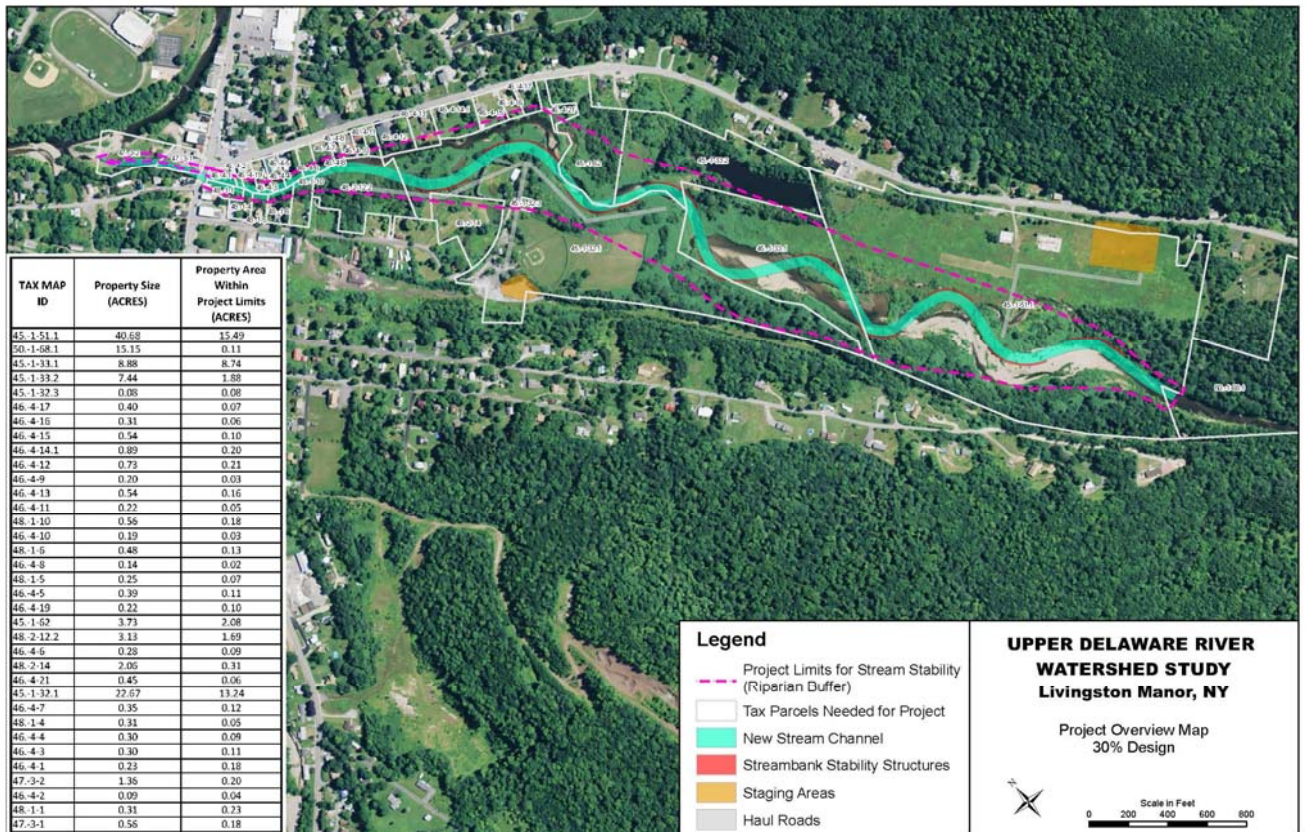


# 1. GENERAL

This Real Estate Plan is in support of the Upper Delaware River Watershed Feasibility Study, Livingston Manor, Sullivan County, New York. The purpose of the Upper Delaware River Watershed Feasibility Study is to evaluate potential solutions to frequent flooding problems within a select portion of the Upper Delaware River Watershed. The New York State Department of Environmental Conservation (NYSDEC), the Non-Federal Sponsor (NFS), requested the U.S. Army Corps of Engineers (ACE) provide technical assistance concerning a potential flood protection project in Livingston Manor, New York.

**The Tentatively Selected Plan (TSP)** includes Widening of the Little Beaver Kill floodplain below the Main Street Bridge in Livingston Manor. The Project will lower the water surface elevation of water in the downtown area during storms below the Army Corps of Engineers 10% Floodplain (10-year storm). The TSP will provide stabilization of a one mile reach of stream to allow for appropriate sediment transport in the stream through the downtown area, which is necessary to avoid sediment build up in the stream downtown and subsequent flooding from that. The TSP will also establish a 75-ft riparian buffer on either side of the stream channel at the old airport site, which will be essential for long term stream stability. The NFS and local community have also expressed an interest in including a recreational feature (pedestrian trail) in the upstream project reach at the old airport property. A key component of the upstream section of the project will be the control of Japanese knotweed (*Fallopia japonica*), an invasive plant, found throughout the project area.

**Figure 1. Project Area**



## 2. REAL ESTATE REQUIREMENTS

### a. Description of Land, Easements, Rights-of-Way and Roadway Requirements for Project

The land required for the project consists of approximately 35 parcels affected by the Project easements. LERRD acreage and the gross appraisal will be developed upon final draft of the Feasibility Study.

### b. Standard Estate

The minimum estates required for this project are a Channel Improvement Easement for a permanent right-of-way on approximately 46.49 acres of land (Estate No. 8) and a Temporary Work Area Easement for staging, work and disposal areas (Estate No. 15).

#### CHANNEL IMPROVEMENT EASEMENT (Estate No. 8)

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over, and across (that land described in Schedule A) (Tract Nos. \_\_\_\_\_) for the purposes as authorized by the Act of Congress approved \_\_\_\_\_, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate, dredge, cut away and remove any or all said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, 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.

#### TEMPORARY WORK AREA EASEMENT (Estate No.15)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. \_\_\_\_\_), for a period not to exceed one (1) year, 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 Upper Delaware River Watershed Flood Risk Reduction Project, together with the right to trim, cut, fell and remove there from 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

There are no non- standard estates required for this project.

#### d. Current Ownership

The attached spreadsheet shows affected parcels, including a list of current land owners affected by the 30% design shown on Exhibit B.

#### e. Real Estate Mapping

General maps of the parcels at 30% design are as shown in Figure 1 above, as well as on the attached Exhibit A.

### 3. EXISTING FEDERAL PROJECTS

There are no known existing federal projects within this project area.

### 4. EXISTING FEDERALLY OWNED LANDS

There are no known existing federally owned lands within this project area

### 5. LANDS OWNED BY THE NON-FEDERAL SPONSOR

There is one parcel owned by the NFS, this parcel includes 0.08 acres inside the project footprint.

### 6. NAVIGATIONAL SERVITUDE

Navigational servitude is not applicable to this project.

### 7. INDUCED FLOODING

No induced flooding is anticipated at this time for this study project area.

### 8. BASELINE COST ESTIMATE FOR REAL ESTATE

No detailed Real Estate Cost Estimate in MCACES format is available during this phase to determine the value of lands, easements and rights-of-way. This will be developed upon determining the final selected alternative and shown as Exhibit C.

### 9. PUBLIC LAW 91-646 RELOCATIONS

No relocations are anticipated for this study project area.

### 10. MINERAL ACTIVITY

There is no present or anticipated mining and drilling activity in the vicinity of the project that may affect the operation thereof.

### 11. TIMBER RIGHTS



There is no present or anticipated timber harvesting activity in the vicinity of the project that may affect the operation thereof.

## 12. NON-FEDERAL SPONSOR

The New York State Department of Environmental Conservation (NYSDEC) is the NFS. The NYSDEC will primarily be responsible for acquisition of the real estate interests. The NYSDEC has the necessary experience and resources, including quick take authority, to acquire the real estate interests required for the project. The assessment of the NFS's real estate acquisition capability is included in Exhibit D.

## 13. ZONING

The enactment of zoning ordinances is not proposed to facilitate acquisition.

## 14. ACQUISITION SCHEDULE

A schedule based on the NFS's continued and frequent dialogue with property owners in preparation for the beginning of the actual acquisition has not been established at this phase. A tentative schedule is as follows:

	<u>End Date</u>
a. PPA Execution	Start Date
b. Forward Maps to Sponsor	Within 1 week of Start Date
c. Plats and Owner Verification	Within 12 weeks of sponsor map receipt
d. Informal Value Estimates receipt	Within 8 weeks of plats/owners
e. Review Value Estimates	Within 4 weeks of Estimate receipt
f. Negotiations	Within 8 weeks after Value Estimate review
g. Closings	Within 6 weeks of completion 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
Approximate Total	1 year
j. Condemnation/Eminent Domain	Within 1 year of failure of Negotiations

## 15. UTILITY AND FACILITY RELOCATIONS

There are no relocations of utilities or facilities anticipated for this project at this time.

## 16. ENVIRONMENTAL CONCERNS

There are some potential environmental concerns with chromium in the soil, in which testing is still currently being conducted. At this point in the study no environmental concerns have been confirmed.

## 17. ATTITUDES OF THE LANDOWNERS

At this time the content of the information presented to the public has been conceptual and general in nature. It is reasonable to suggest that the general public is in favor of flood risk reduction and environmental restoration projects; however, until more detailed alignments are available, which will more definitively determine which landowners are impacted; attempting to realize actual landowner attitudes at this time is premature.

#### 18. NOTIFICATION TO NON-FEDERAL SPONSOR

The NFS will be given notice of their responsibilities for cost sharing, real estate acquisition, crediting requirements under PL 91-646, and operation and maintenance for the project.

#### 19. RISK ANALYSIS

There appears to be low real estate risks associated with this project.