

PUERTO RICO COASTAL

DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT

APPENDIX E

Real Estate Plan



June 2023



**US Army Corps
of Engineers®**
Jacksonville District

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REAL ESTATE PLAN

1. STATEMENT OF PURPOSE

This Real Estate Plan (REP) is in support of the Puerto Rico Coastal Storm Risk Management Study (CSRMS) Integrated Feasibility Report and Environmental Assessment. The purpose of this study is to determine whether there is economic justification and Federal interest in a plan to reduce the risk of damages to structures, properties and critical infrastructure as a result of erosion, wave attack, and flooding from coastal storms and hurricanes along specific areas of the Puerto Rico coastline.

The study area is at risk of damages during coastal storms both now and as sea level rises. This vulnerability is evidenced by the extensive storm damages across the Commonwealth caused by Hurricane Irma on September 6, 2017 (Presidential Disaster Declaration FEMA-4336-DR) and Hurricane Maria on September 20, 2017 (Presidential Disaster Declaration FEMA-4339-DR). Hurricane Irma caused minor flooding; however, wind damages were significant in Puerto Rico. Hurricane Maria caused extensive coastal storm surge, erosion, and stream flooding in many areas of Puerto Rico (FEMA, Puerto Rico Advisory Data and Products 2018). Other damaging storm events recorded in Puerto Rico include Hugo (1989), Georges (1998), Irene (2011), Matthew (2016), Irma (2017), and extra-tropical storm Riley (2018) and Fiona (2022).

This Real Estate Plan is tentative in nature and is intended for planning purposes only. Both the final real property lines and estimates of value are subject to change even after approval of this report.

2. FEDERAL PROJECTS NEAR THE STUDY AREA

San Juan Harbor Federal Navigation Project

San Juan Harbor is in the north coast of the Commonwealth of Puerto Rico. It is the island's principal port, handling over 75 percent of all the Commonwealth's nonpetroleum waterborne commerce. San Juan Harbor is 3 miles long and varies in width from 0.6 to 1.6 miles; the project was completed in 1965.

The Puerto Rico Port Authority is the non-federal sponsor for authorized modifications to the existing Federal Navigation Project. The San Juan Harbor navigation improvements feasibility study report was approved in August 2018. The recommended plan includes deepening of channels with associated channel widening and turning basins.

Highway 187 at Piñones, Puerto Rico, Section 103 Shore Protection Project

The project provides shore protection by elevating and armoring a 4,077-foot reach of coastal highway east of Punta Maldonado and a 477-foot reach west of Punta Maldonado. In addition, a 240-foot impervious revetment was constructed at Punta Maldonado. To mitigate for the impacts to mangroves, the project included a mitigation plan constructed in 2012. The shore protection project features were turned over to the Sponsor in Aug 1999.

3. PROJECT AND STUDY AUTHORIZATION

Authority for this study is granted under Section 204 of the Rivers and Harbors Act of 1970, Public Law 91-611, which authorizes the Secretary of the Army, acting through the Chief of Engineers, to prepare plans for the development, utilization and conservation of water and related land resources of drainage basins and coastal areas in the Commonwealth of Puerto Rico.

SEC. 204:

- (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with the Commonwealth of Puerto Rico, political subdivisions thereof, and appropriate agencies and instrumentalities thereof, in the preparation of plans for the development, utilization, and conservation of water and related land resources of drainage basins and coastal areas in the Commonwealth of Puerto Rico, and to submit to Congress reports and recommendations with respect to appropriate participation by the Department of the Army in carrying out such plans. Such plans that may be recommended to the Congress shall be harmonious components of overall development plans being formulated by the Commonwealth and shall be fully coordinated with all interested Federal agencies.
- (b) The Secretary of the Army, acting through the Chief of Engineers, shall consider plans to meet the needs of the Commonwealth for protection against floods, wise use of flood plain lands, improvement of navigation facilities, regional water supply and waste management systems, outdoor recreational facilities, the enhancement and control of water quality, enhancement and conservation of fish and wildlife, beach erosion control, and other measures for environmental enhancement.

Study funds were appropriated under Title IV, Subdivision B of the Bipartisan Budget Act (BBA) of 2018, P.L. 115-123.

4. PROJECT LOCATION AND STUDY AREA

Location

Puerto Rico is an archipelago located between the Caribbean Sea and the North Atlantic Ocean, east of the Dominican Republic and west of the U.S. Virgin Islands.

The archipelago of Puerto Rico is composed of 143 islands, with three main inhabited islands, Puerto Rico, Vieques, and Culebra. The most inhabited of the three, Puerto Rico, has a land area of 3,515 square miles, almost three times the size of Rhode Island. Puerto Rico has approximately 800 miles of shoreline distributed in 44 coastal municipalities. The beaches are one of the principal economic engines of the hotel/tourism industry and are a very important source of recreation for the Puerto Rican population. Over 24% of the 800 miles of coastline are occupied or developed.



Figure E-1 Project Location Map

Study Area

The Puerto Rico Coastal Study initial study area considered over 12 locations around the island coastline identified by the Department of Natural and Environmental Resources (DNER), the non-federal sponsor, as having coastal damages and warranting investigation via a feasibility study. These areas are located in San Juan, Vega Baja, Arecibo, Aguadilla, Aguada, Rincón, Anasco, Mayaguez, Cabo Rojo, Loiza, Luquillo, and Humacao.

The refined study area approved during the 3x3x3 exception request included four focus areas: Condado, Ocean Park, Isla Verde and Rincón, which we subsequently delineated into planning reaches. Modeling showed little to no damages or

associated risk in Condado and Isla Verde planning reaches. The study now focuses on finding CSRM solutions in the Ocean Park and Rincón planning reaches.

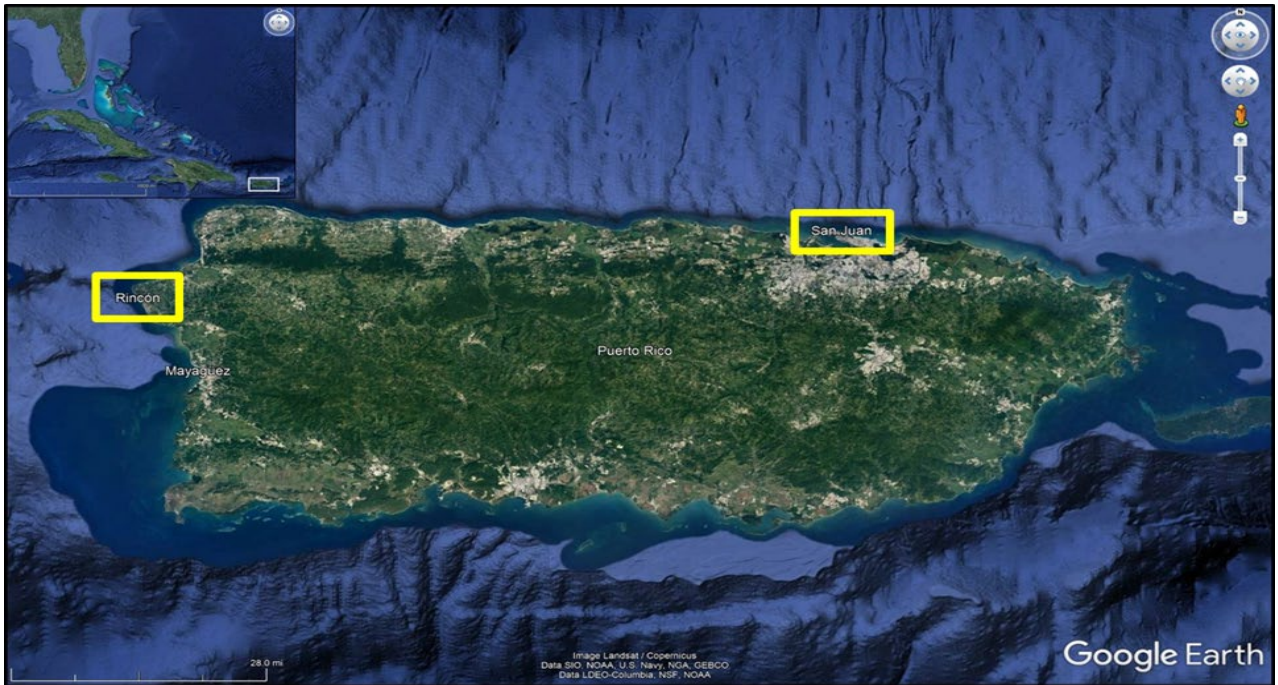


Figure E-2 Project Study Area Map

Initially, the Puerto Rico Coastal Study assessed the shoreline problems along approximately 30 miles of coastline island wide. The initial scoping resulted in the following areas showing the most vulnerable areas with the most potential for Federal Interest: The San Juan (Condado, Ocean Park, Isla Verde, and Carolina) and Rincón coastlines; and a segment of the major hurricane/tsunami evacuation routes in Mayaguez (PR-102) and Humacao (PR-3).

Further investigations during the forecasting of existing and future without project conditions led to the screening out of all focus areas except for Rincón, Condado, Ocean Park and Isla Verde due to the lack of potential for economic justification.

A Draft Integrated Feasibility Report and Environmental Assessment was released for public and agency review in November 2020. After consideration of public and agency comments, as well as the need for updated environmental surveys, the Jacksonville District, with the support of the vertical team, made the CHAPTER 1: INTRODUCTION 1-6 Puerto Rico Coastal Study DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT decision to request more time and funding to allow the team to reassess technical and environmental aspects of the study area. The study team requested an additional 31 months and \$3.3M, and this additional time and funding was approved by the

Assistant Secretary of the Army, Civil Works (ASA-(CW)) on October 20, 2021 which effectively restarted the study. Post exception, the study delineated new planning reaches and focused on re-modeling remaining planning reaches of Condado, Ocean Park, Isla Verde and Rincón. Modeling showed little to no damages or associated risk in Condado and Isla Verde planning reaches. The study now focuses on finding CSRM solutions in the Ocean Park and Rincón planning reaches.

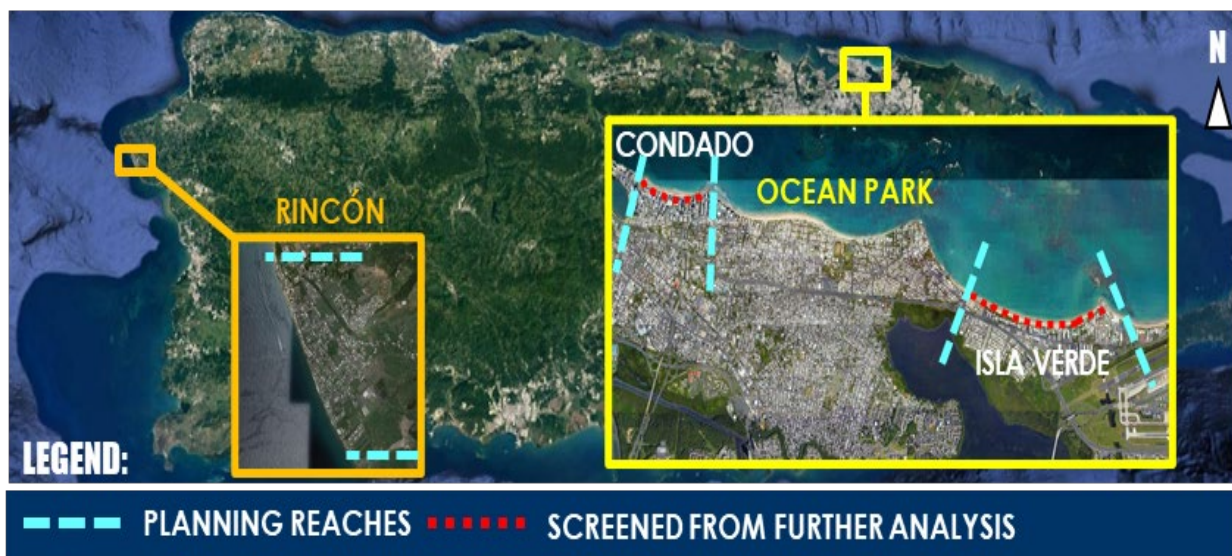


Figure E-3 – San Juan and Rincon Planning Reaches/Study Area

5. PROJECT DESCRIPTION

Tentative Selected Plan (TSP)

In the previous TSP, structural management measures that were initially considered included: seawalls/floodwalls, revetments (rock), groins, and breakwaters. In addition, there were Non-structural management measures initially considered included: relocation of critical infrastructure, wet floodproofing, elevation of structures, acquisition of land and structures, as well as recommending measures that could be employed by the non-federal sponsor to include coastal regulatory program, re-zoning, improving public outreach, improved evacuation plan and notification. Natural and nature-based features initially considered included: beach with vegetated dune, vegetated dune, and artificial reefs.

The combined results from the two economic life-cycle models indicate a TSP for the Condado and Isla Verde planning reaches is no-action. The TSP within Ocean Park is the alternative that reasonably maximizes the net benefits, Alternative 2. Alternative 2 is focused shoreline armoring at the inundation focal points: Barbosa

E-6

Park and Marias Skate Park. The model results for the Rincón project area indicate no-action is the NED Plan, but analyses of all four P&G planning accounts show this area may be underrepresented by just the NED Plan. When considering the other P&G accounts for Rincón, environmental quality, regional economic development, and other social effects, the only alternative that gained benefits holistically is Alternative 4. Therefore, the TSP within Rincón is t acquisition. The TSP for both Ocean Park and Rincón is further described below.

In conjunction with the TSP, it is recommended the NFS pursue measures such as local outreach and evacuation plan/notification improvements. To maintain life safety, with or without the project, it is important that residents continue to understand evacuation plans, receive notification of evacuation orders, and follow evacuation orders. Additionally, the acquisition should also be accompanied by the local government establishing and enforcing a coastal regulatory program to regulate current and future coastal development, which would ensure the reasonable use of private property and protects the natural beaches and dunes.

OCEAN PARK REACH

The Tentative Selected Plan (TSP) in Ocean Park is Alternative 2, which proposes a floodwall with rock armor for toe protection. -This alternative would reduce the risk of coastal flooding entry at the most critical areas, Barbosa Park and the “Skate Park”. This alternative is preferred by the non-federal sponsor.

At Barbosa Park, the proposed floodwall is in the general vicinity of the eastbound lane of Park Boulevard and includes removal of the existing roadway and sidewalks along the northern portion of Barbosa Park and installing the wall within the landward portion of the existing roadway (Park Blvd). Utilities within the existing road footprint will be relocated landward of the proposed wall alignment and a new sidewalk (like the existing sidewalk) will be constructed immediately landward of the wall.

The removed roadway and sidewalk infrastructure will be replaced with beach-quality sand and a small dune feature (approximately 12,000 cy total) to provide increased recreational beach area and reduce the potential for adverse impacts to the coastal system from the wall. The dune feature will provide approximately 3 feet of cover above the rock armor. The sand placement is not anticipated to impact nearshore resources due to the placement location along the upper beach area and the small volume of sediment. The sidewalk along the landward side of the proposed wall will provide similar recreation opportunities and connectivity as the existing sidewalk, however, will be set back further landward from the increased beach area. The two parking areas along the northern limit of Barbosa Park will remain and additional access points to those parking areas will be provided from the adjacent streets (Calle Coldado Serrano and Av. Las Americas).

The wall will tie-in with higher elevation topography and/or existing structures meeting the intended design elevation (roughly 7 feet PRVD02) along the eastern

limit of Barbosa Park, near the existing rock and seawall fronting Park Blvd. West of Barbosa Park, the wall will run along the northern road right of way of Calle Espana and the eastern road right of way of Calle Rampla del Almte. The preliminary wall alignment is along the edge of the road right of way in the vicinity of the existing sidewalks, immediately adjacent to the current private property.

The wall will include removable flood gates to provide access to the existing parcels (two per parcel, similar number of accesses to existing conditions) and are anticipated to generally consist of engineered planks that will slide and lock into a structural anchor (jamb) on either side of the wall. The removable flood gates are currently proposed to be approximately 15 feet wide x 4 feet high and will only be installed during major storm events. Some temporary easements would be required during construction and a permanent easement and the acquisition in Fee of one property would be required to provide necessary land to construct and maintain the floodwall and flood gates. The NFS will be responsible for deploying/operating the flood gates. Final engineering designs and details will be determined during PED.

The Marias Skate Park floodwall is also a steel sheet pile wall with a concrete cap. Due to the floodwall's proximity to the water it will consist of a rock protection feature that is more robust than the Barbosa Park location with the intent to dissipate wave energy and provide scour protection. A marine mattress will serve as the underlayer bed for the rock armor and extend beyond the toe of the armor stone for additional stability. The rock armor at this location will not be covered by a dune feature. The alternative at this location will consist of demolition and removal of debris with replacement of sand for backfill up to the floodwall top elevation.

In the Skate Park location, temporary easements would be required during construction and a permanent easements and the acquisition in Fee of three properties would be required to provide necessary land to construct and maintain the floodwall. Approximately 1 removable floodgate is proposed to allow property access to current residents during non-flooding events or prior to flooding events.

Based on this alternative's work limits, there would be no significant overlap with existing natural habitats. Avoidance planning was conducted to eliminate or minimize direct effects to aquatic habitats, and to maintain existing beach habitat conditions post construction. Prescribed conservation measures and monitoring would be implemented and environmental mitigation would not be required. Ongoing coordination of study alternatives with the NMFS and USFWS indicates concurrence.

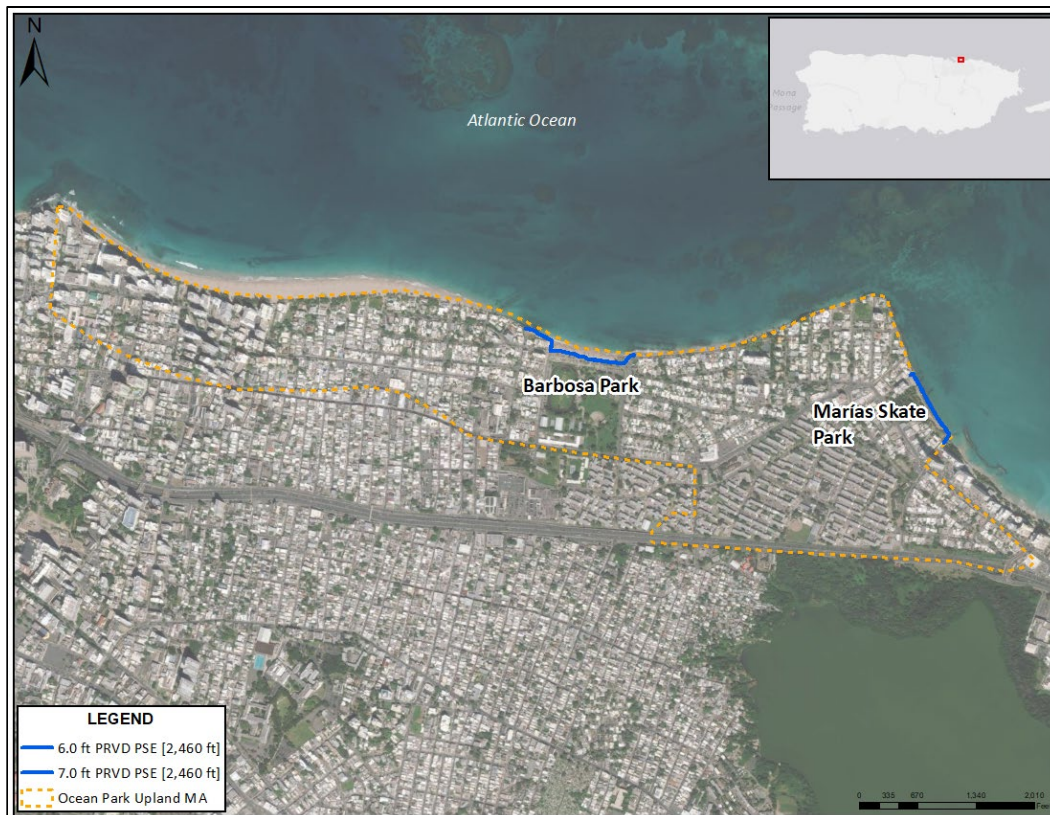


Figure E-4 – Ocean Park Reach/Barbosa and Skate Park Area

RINCON REACH

The TSP in Rincón is Alternative 4, which proposes acquisition. With this plan, high-risk structures along approximately 1.1 miles of shoreline would be included for acquisition and residents would be relocated. The structures would be demolished, and the land would be returned to its natural sandy state which may involve revegetation with native species.

Approximately 61 parcels would be acquired and following demolition of the existing structures approximately 30,000 cy of sand fill would be placed to return the coastline to its natural state. The parcels currently estimated for acquisition were selected based on numerous factors, including but not limited to, predicted structure damage(s) from planning models, their physical location in relation to the existing water line, potential impacts to natural coastal processes (at present and into the future), and environmental resources. In general, structures that are not setback from the shoreline have and will continue to experience increased damages and were shown to have an adverse effect on the coastal system and are recommended to be included within the acquisition.

This Alternative would not require mitigation and additionally would re-establish 4.14 AAHU within the acquisition footprint (eventually creating 17 acres of beach habitat

for nesting Sea Turtles and shoreline birds.). The sandy shoreline would be naturally restored and would ensure that the tourism-based regional economy could thrive into the future by maintaining \$3,548,000 (AAEQ) worth of local tourism spending. It uses nature-based and non-structural solutions and is also supported by the Governor of Puerto Rico, the Mayor of Rincón, and the Secretary of DNER. This study would positively affect the city of Stella, which is identified as an Economic Justice community. This plan will be a model of coastal resiliency for Puerto Rico, and the Nation, allowing communities in vulnerable areas to prepare, absorb, recover, and adapt, using best management practices for long-term sustainability of the shoreline. This is the most effective plan of all the comprehensive plans considered.

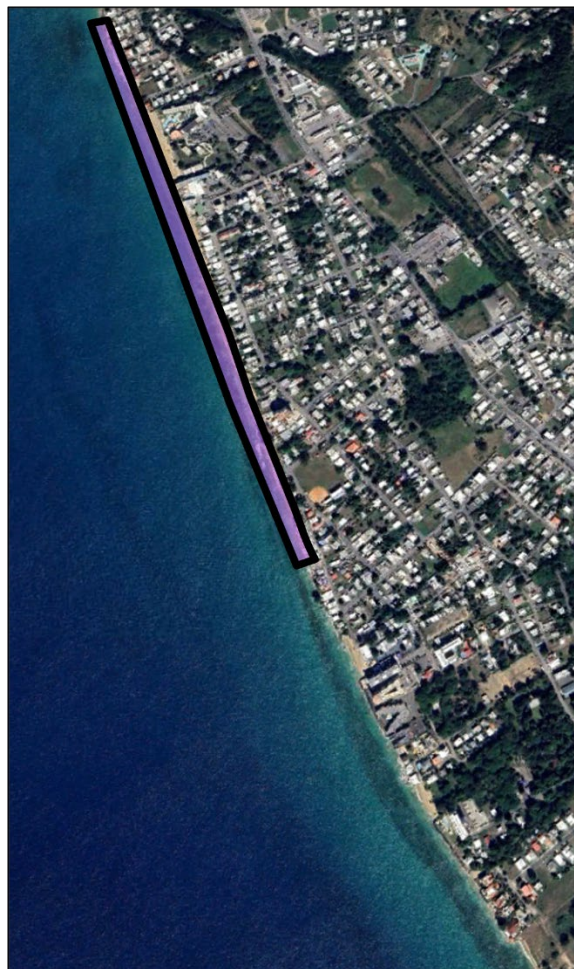


Figure E-5 – Rincon Reach

6. REAL ESTATE REQUIREMENTS

E-10

This Real Estate Plan (REP) is prepared in accordance with applicable Engineering Regulations and the Real Estate Policy Guidance Letter No. 31 – Real Estate Support to Civil Works Planning Paradigm (3x3x3). It presents preliminary and estimated real estate requirements for the Puerto Rico Coastal Storm Risk Management project, based on the information and resources available at this time with multiple assumptions.

This REP is an appendix to the Feasibility Study and describes the lands, easements, rights of way, relocation, and disposal areas (LERRD) anticipated, identified or estimated at this time, that appear to be required for construction, operation and maintenance of the proposed Project; including estimated acreage, estates, ownerships, and preliminarily and roughly estimated values and identified assumptions. The Puerto Rico Department of Natural and Environmental Resources is the non-Federal sponsor (NFS) for the study and shall provide the LERRDs.

The following Project features have related real estate requirements that are necessary to provide adequate construction room to build proposed shore protection management features and secure lands needed for Operations, maintenance, repair, rehabilitation and replacement (O&MMR):

Acquisition/Building Removal or Relocation. Buildings may be removed from vulnerable areas by acquisition, subsequent demolition, and relocation of the residents. Often considered a drastic approach to storm damage reduction, property acquisition and structure removal are usually associated with frequently damaged structures. Implementation of other measures may be effective but if a structure is subject to repeated storm damage, this measure may represent the best alternative to eliminating risks to the property and residents. Removal of a structure requires acquisition of the entire property, demolition of the structure, removal of debris, excavation of underground utilities (if warranted), and restoration of the site to natural conditions. Acquired properties are usually deed restricted from further development.

Total area for the acquisition is 1.1 miles of shoreline and the real estate interests required is Fee Interest with Restrictive Easements. Properties to be acquired are mostly by private owners, so the NFS will be responsible for acquiring the real estate interests.

Floodwall and Seawall - The engineering team determined the implementation of either floodwalls or seawalls at various locations within each model area using design elevations and local geology. Seawalls are vertical structures, constructed parallel to the shoreline that separate land and water areas, and are primarily designed to prevent erosion and other damage due to wave action and flooding. Floodwalls are vertical structures usually built of concrete, masonry, or a combination of both and are reinforced and anchored to withstand a flood load. There are three types: T-Walls, L-Walls, and I-Walls. All of these structures in

general have a smaller bottom width footprint and could be beneficial in areas which do not have a large footprint of available real estate, such as in urban settings which are developed. Total area consists of 13.80 acres. The minimum real estate interest required would be a Flood Protection Levee Easement to be acquired by the NFS.

Beach/Vegetated Dune. Beach restoration, also commonly referred to as beach nourishment or beach fill, typically includes the placement of sand fill to either replace eroded sand or increase the size (width and/or height) of an existing beach, including both the beach berm and dunes. Material similar to the natural sand is artificially placed on the eroded part of the beach. Beach restoration might reduce risk not only the beach where it is placed and infrastructure landward of the beach but also downdrift stretches by providing an updrift point source of sand. Dimensions of the beach fill would be based on economic optimization of benefits provided with consideration to cost, as well as the potential environmental impacts. Beach nourishment material is anticipated to be available in adequate quantities from offshore and/or upland borrow areas.

Total area for Beach/Dune Nourishment will be determined during PED and the minimum real estate interest required would be Perpetual Beach Storm Damage Reduction Easements over any privately-owned lands. The lands are located within the Maritime Terrestrial Zone (MTZ) which is owned or controlled by the NFS (See paragraph 12 below for further information regarding TMZ lands) so no additional lands will need to be acquired by the NFS for those properties.

Staging/Work Areas - Five staging and storage areas have been identified for the Project, comprising a total of 2.64 acres. The required real estate interests are Temporary Work Area Easements. Of the five staging areas, three are owned by municipalities and two by private owners, so the NFS will have to acquire the easements.

Disposal – At this feasibility phase, no disposal area for ground or marsh material has been determined as required. If later during the Planning, Engineering and Design (PED) phase, it's determined that disposal of material is needed, local landfill will be identified for this purpose. Lands would not need to be acquired by the NFS.

Borrow Area/Sand Sources - Offshore sand sources and upland sand mines were identified for both study areas (See Figures E-6 and E-7 for near and offshore sand sources). Puerto Rico has no specific requirements for the beach fill quality. However, from an environmental and sustainability point of view, the sand placed on the beach should be similar to the sand of the existing beach and free of foreign matter, like rock, debris, toxic material. Near shore and offshore sand sources are on submerged lands owned or controlled by the NFS. In case Upland sand sources (privately owned sand mines) are used, sand material will be purchased from the mine. No lands will need to be acquired by the NFS, though there could be a need to obtain temporary easements to allow for trucking this sand for purposes of placement over any privately-owned property.

Mitigation – Mitigation areas are anticipated to be used as remediation for Projects impacts on submerged lands owned or controlled by the NFS; however, the exact location and size of the areas will be determined later during the PED phase. The real estate interest required is fee. The mitigation areas will be located within submerged lands owned or controlled by the NFS so no additional lands will need to be acquired by the NFS.

Access – Most of the access to the Project for construction would be over public roads and Temporary Work Area Easements. However, in the Ocean Park Reach, Skate Park area, permanent easements will be required for the maintenance of the floodwall. Total area consists of 0.41 acres. The LERRDs requirement calls for a Flood Protection Levee Easement and Road Easement to be acquired by the NFS.

Operation and Maintenance – After construction is completed, O&M of the Project features will be conducted within lands owned or controlled by the NFS.

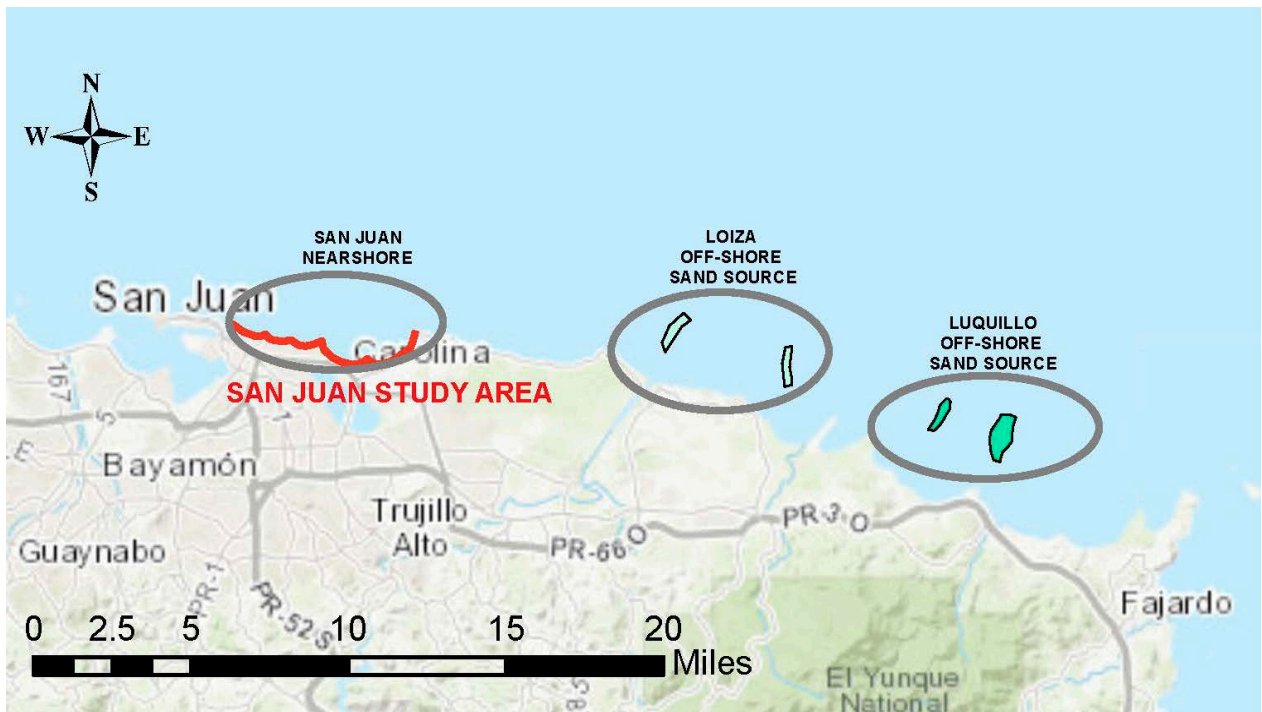


Figure E-6 – Borrow/Sand Sources (San Juan, Loiza, and Luquillo Area) Map

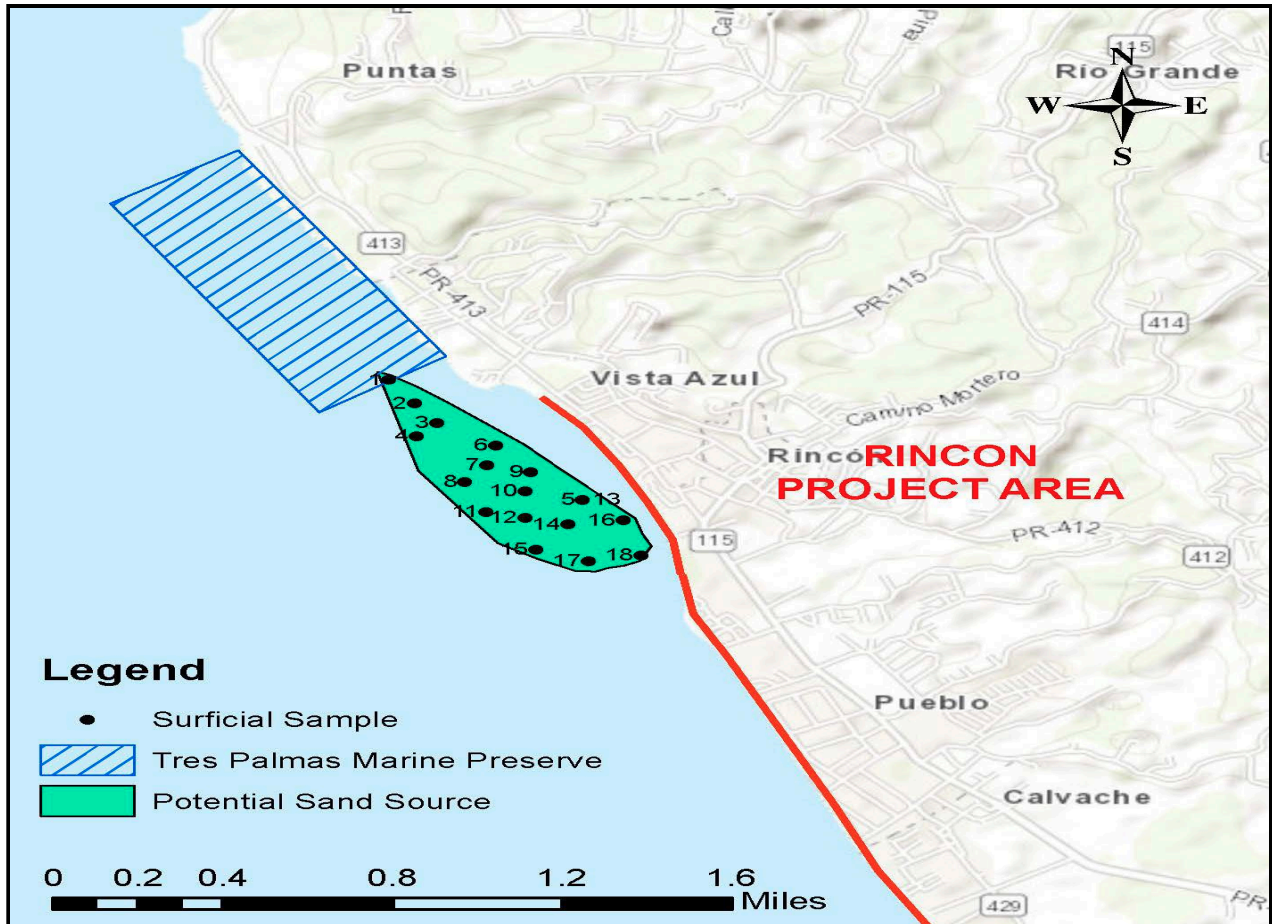


Figure E-7 – Borrow/Sand Sources (Rincon Area) Map

List of Tracts Required for the Project

Real Estate Interest	Acreage	# Private tracts	# Public tracts
Temporary Work Area Easement	3.71	5	2
Flood Protection Levee Easement	.56	9	1
Fee	1.64	119	1
Road Easement	.40	1	0
Total	6.31	134	4

7. STANDARD ESTATES

The following estates are required:

FEE

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

RESTRICTIVE EASEMENT

A perpetual and assignable easement for the establishment, maintenance, operation and use for a (restricted) (safety) area in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), consisting of the right to prohibit human habitation; the right to remove buildings presently or hereafter being used for human habitation; the right to prohibit gatherings of more than twenty-five (25) persons; the right to post signs indicating the nature and extent of the Government's control; and the right of ingress and egress over and across said land for the purpose of exercising the rights set forth herein; 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 as may be used without interfering with or abridging the rights and easement hereby acquired.

FLOOD PROTECTION LEVEE EASEMENT

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts No's, _____, _____ 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.

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 ____); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

UTILITY AND/OR PIPELINE EASEMENT

A perpetual and assignable 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, repair and patrol of (overhead)(underground)(specifically name type of utility or pipeline); 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 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.

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

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. __) for use by the (Project Sponsor), its representatives, agents, contractors, and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach, a dune system and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the (Project

Name), together with the right of public use and access; to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement (except _____); reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, the right to construct dune overwalk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the designated representative of the Project Sponsor and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further reserving to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

8. NON-STANDARD ESTATES

Based on preliminary information, non-standard estates will not be needed for the Project. If it is determined that a non-standard estate is needed during the PED phase, the District Real Estate Office will seek a waiver of the standard estates and approval for the non-standard estate or measure from HQ USACE through the USACE South Atlantic Division (SAD).

9. FEDERALLY GOVERNMENT-OWNED LAND

There are no known Federal Government lands in the Project area.

10. NON-FEDERALLY OWNED LAND

The non-Federal lands are owned by the NFS, municipalities of San Juan and Rincon, private homeowners, and commercial landowners. NFS owned lands mainly consist of coastal trust lands, maritime terrestrial zone, rivers, territorial waters, and submerged lands (See Paragraph 12 for additional information on MTZ and submerged lands)

Regarding the submerged lands of Puerto Rico, 48 U.S. Code § 749. Harbors and navigable waters transferred, definitions states:

"The harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Puerto Rico and the adjacent islands and waters, owned by the United States on March 2, 1917, and not reserved by the United States for public purposes, are placed under the control

of the government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in sections 747 and 748 of this title."...

11. NON-FEDERAL OPERATION AND MAINTAINANCE RESPONSIBILITIES

The NFS will be responsible for all costs of operation, maintenance, repair, rehabilitation, and replacement of Project features.

The NFS should be prepared to carry out maintenance activities on all flood control structures every year. Regular maintenance is critical because many types of problems will escalate exponentially when left unchecked. The NFS should be aware of many ongoing requirements. For example, debris and unwanted growth need to be removed from completed floodwalls, rock armor, and the areas adjacent to floodwalls. Metal gates and other flood gate components need to be painted and greased periodically. Road easements will be required and acquired for that purpose.

12. NON-FEDERAL SPONSOR'S AUTHORITY TO PARTICIPATE IN PROJECT

The Puerto Rico Department of Natural and Environmental Resources (DNER) is a legally constituted public body with the authority and capability to satisfy the sponsor's responsibilities under a project partnership agreement. DNER is responsible for the administration of Puerto Rico's coastal trust lands, the maritime terrestrial zone (MTZ), territorial waters and submerged lands thereunder through Puerto Rico Laws, 23 LPRA 5046. DNER also serves as the lead agency for the implementation of the Puerto Rico Coastal Zone Management Program (PRCZMP). The PRCZMP was adopted in 1978 as the coastal element of the Island-wide Land Use Plan.

This Plan is a partnership between the United States Federal Government through the National Oceanic and Atmospheric Administration (NOAA) and the Government of Puerto Rico (DNER and PR Planning Board). Authorized by the Coastal Zone Management Act (CZMA) of 1972 to address national coastal issues, this plan provides the basis for protecting, restoring, and responsibly developing the United States' diverse coastal communities and resources. The principles of the PRCZMP include developing guidance for public and private development within the coastal zone, active management of coastal and marine resources, promoting scientific research, education and public participation, as well as coordinating state and federal actions.

The DNER has jurisdiction over the coastal maritime zone out to its jurisdictional limit and has promulgated guidelines through Regulation No. 4860, as amended.

13. NAVIGATION SERVITUDE

In accordance with CECC-R Bulletin 14-05, Availability of the Navigation Servitude for Coastal Storm Damage Reduction Projects dated April 9, 2014, navigation servitude is not applicable to this project.

14. ATTITUDE OF STAKEHOLDERS AND LANDOWNERS

Stakeholders consist of the communities in the municipalities of San Juan, Carolina and Rincón; the non-Federal sponsor Department of Natural and Environmental Resources (DNER), as well as Federal environmental agencies, state and local agencies, and Non-Governmental Organizations (NGO). Throughout the study, team has met with affected communities, DNER, National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS).

A public scoping letter was sent in October 2018, which outlined the USACE Jacksonville District's intent to gather information to prepare an Environmental Assessment (EA) for evaluation of the feasibility of providing hurricane and storm damage reduction, and related purposes, to the Puerto Rico shoreline. The initial scoping period for the study was conducted from October 16 to November 16, 2018. Public and interagency meetings were held on November 6, 2018, in Aguadilla; November 8, 2018, in San Juan, Puerto Rico; and with participation from the DNER, USFWS, NMFS, Puerto Rico Planning Board (PRPB), Office of Permits General (OGPe), NGOs, Instituto de Cultura Puertorriqueña (ICP), and the public. An additional public meeting to provide study updates was held on June 18, 2019, in Rincón. On June 22, 2020, the team met via webinar to brief representatives of the municipalities of San Juan and Carolina, DNER, and environmental agencies on the alternatives and receive feedback. Public webinars were held in December 2020 to present the recommendations of the November 2020 Integrated Draft Report and Environmental Assessment.

Consideration and care have been taken by the team in recommending the tentatively selected plans. The team held open house meetings in both Rincón and Ocean Park in September 2022, where the team presented the focused array of alternatives and obtained feedback from members of the community and other agencies. During this time, the team also met with the Secretary of DNER, and her staff, as well as the Mayor of Rincón. The team continued to work on the study with those valuable insights, which lead to the final array of alternatives.

The team then met with the Governor of Puerto Rico and the Secretary of DNER of November 20 2022. At that meeting, the team recommended potential TSPs for consideration of support by DNER, the non-federal sponsor.

At that meeting, the Governor requested that his staff hold meetings with landowners, and with USACE staff to present key technical information, in order to

gage feedback on the most likely set of alternatives to recommend as the TSPs for each planning reach.

A series of meetings were held by the Governor's staff on December 12, 2022 and December 14 2022. A letter was sent on 27 December 2022 by the Secretary of DNER on behalf of the Governor of Puerto Rico, expressing her support of Ocean Park Alternative 2 and Rincón Alternative 4.

15. MINERALS

Preliminary assessment indicates no known present or anticipated mineral or sub-surface mineral extraction activities within the vicinity of the proposed area which may affect construction, operation, or maintenance of the project. In Puerto Rico, the Commonwealth owns all subsurface mineral rights.

16. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)

No hazardous or toxic materials or waste have been identified within the project footprint. No known hazardous, toxic, or radioactive waste has been encountered or released in the project area.

Using an EPA web mapper (<https://www.epa.gov/superfund/search-superfund-sites-where-you-live>), the proposed project is not expected to encounter HTRW. No HTRW would be released in the project area during or after construction. The project should not impact existing sediment conditions. None of the construction areas would be affected by HTRW. The proposed project would not change or affect the ability for Federal regulations, U.S. Customs, and Port Security to continue to address the transportation of any HTRW. It is anticipated additional investigations would be conducted in PED prior to construction to ensure no HTRW exists within the project area.

17. INDUCED FLOODING

There is no anticipated induced flooding directly associated with this project.

18. ZONING ORDINANCES

Preliminary investigations indicate that no enactments of zoning ordinances are proposed in lieu of or to facilitate, acquisition in connection with the project.

The lands subject to acquisition, at the moment of acquisition will have a restrictive easement to prohibit future development. In addition, these lands will become part of the "Maritime Terrestrial Zone", which converts lands to Public Domain Lands.

19. RELOCATION ASSISTANCE (PUBLIC LAW 91-646, as amended)

The purpose of PL 91-646 is to ensure that owners of real property to be acquired for Federal and federally assisted projects are treated fairly and consistently and that persons displaced as a direct result of such acquisition will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

It is estimated that approximately 115 private unit acquisitions (with approximately 60 structures) will be included in the non-structural relocation in Rincon. It includes single-family residences, small residential income properties (1-4 units), multifamily (more than 5-units), residential condominium units, hotel, and vacant tracts. Estimates of all costs to comply with P.L. 91-646 totals \$93,000,000 which represents estimated costs for the lands to be acquired along with the expenses incurred for recording fees, transfer taxes and costs for prepayment of pre-existing mortgages, incident to conveying real property to the local sponsor and the estimated costs associated with providing displaced persons with comparable decent, safe, and sanitary housing. Availability of replacement housing as the result of the project is generally located within the Municipality of Rincon or the neighboring communities such as Aguadilla, Aguada, Anasco, Mayaguez, and Cabo Rojo and there are no concerns with finding existing housing.

20. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENTS (UTILITIES, STRUCTURES AND FACILITIES, CEMETERIES, AND TOWNS).

The proposed design included a preliminary review of known utilities in the proposed project area in the Ocean Park Reach; however, unknown utilities may exist. Utility surveys will be performed during PED to document the presence of existing utilities that may affect the proposed design and/or need to be relocated. At this moment, no utilities will be relocated.

In the Ocean Park Reach, Barbosa Park area, utilities within the existing road footprint will be relocated landward of the proposed wall alignment and a new sidewalk (like the existing sidewalk) will be constructed immediately landward of the wall. The sidewalk relocation will be within public lands (municipality owned), no private land acquisitions will be required.

21. STANDING TIMBER AND VEGETATIVE COVER

Based on current design level, there are no future mineral/timber activities or other subsurface minerals identified within the scope of the study area.

22. RECREATION RESOURCES

There are no separable recreational lands identified for this project.

23. CULTURAL RESOURCES

Cultural resources include prehistoric and historic sites, structures, districts, or any other physical evidence of human activity considered important to a culture, a subculture, or a community for scientific, traditional, religious, or any other reason.

Documentation of historic properties and cultural resources is important for this project, as the cultural resources in the Rincon and San Juan area are significant to the history of Puerto Rico, the broader Caribbean, the United States, and the world in general. The area is rich in precolonial and historic human activity with the potential for significant resources from the last several thousand years.

The analysis of impacts to cultural resources relies on existing information primarily from documents prepared by the Puerto Rico State Historic Preservation Officer (SHPO), GIS data of resources from SHPO, and properties listed in the National Register of Historic Places (NRHP). The area of potential effects (APE) for cultural resources is defined as the areas where structural measures are implemented, and non-structural measures are applied to historic properties as defined in 36 C.F.R. §800.16(l). An effect is an alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (36 CFR 800.16(i)). Effects may be direct or indirect.

Though background research documented no cultural resources and historic properties within the areas for direct effects, a full inventory has not yet been conducted. Each of the alternatives has the potential to affect cultural resources. The direct footprint of construction may disturb archaeological sites, be a visual intrusion in historic districts, or alter the appreciation of historic structures. The potential exists for archaeological sites in submerged areas, shipwrecks, and additional visual intrusion altering the character of historic districts or structures. The conceptual nature of the plans, lack of clear staging and access areas, and planning timeline prevent a full accounting of effects to cultural resources.

The improvement of resiliency of these areas may serve to protect cultural resources, such as historic structures, as well as the continued use of areas. By protecting the infrastructure and housing, Rincon may remain a haven for surfing and Condado a key arts and tourism area.

As project designs are refined and optimized, impacts to cultural resources be minimized and avoided where possible. Consultation with SHPO and coordination with the Instituto de Cultura Puertorriqueña and interested parties is ongoing, including review of the APE prior to TSP and SHPO concurrence on the use of a programmatic agreement (PA). The Corps has initiated a survey of the offshore sand areas to assess if it is feasible to use the areas identified in Figure E-10. These efforts are ongoing. Due to the lack of detailed project designs during the current

feasibility stage, it will not be possible to conduct fieldwork to identify and evaluate cultural resources or to determine the effects of the TSP on historic properties. In consultation with SHPO, pursuant to 54 USC 306108, 36 CFR 800.4(b)(2), and 36 CFR 800.14(b)(1)(ii), USACE is deferring final identification and evaluation of historic properties until after project approval, when additional funding and design details are available. Because the USACE cannot fully determine how the project may affect historic properties prior to finalization of this feasibility study, a PA will be used to ensure compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). Specifically, the scope and diversity of potential effects of the project and constraints of the USACE planning policy make a PA for compliance with Section 106 essential. The PA will allow the USACE to complete the necessary archaeological surveys during the follow on Preconstruction Engineer and Design (PED) phase of the project, and it will also allow for the identification of historic properties, assessment of effects, and inclusion of measures to avoid, minimize, and mitigate effects to historic properties to be completed after project features have been clearly defined and sited.

24. OUTSTANDING RIGHTS

There are no known outstanding rights in the Project Area.

25. MITIGATION

Currently no mitigation is anticipated based on the TSP. Therefore, no lands will be needed to be acquired.

26. ACQUISITION/ADMINISTRATIVE COSTS

Acquisition for the Project will involve an estimated 138 tracts. The acquisition includes approximately 6.31 acres in Ocean Park and approximately 1.1 miles in Rincon for a total cost, including contingency (40%), of **\$109,070,000**. This amount includes an estimated combined Federal/Non-Federal administration cost to acquire these lands \$15,421,000.

The purpose of this preliminary cost estimate is to estimate the real estate values for the alternatives associated with the Project. The scope of work for this estimate is commensurate with that of a reconnaissance level study. It does not comply with USPAP and should not be construed to be an appraisal. This estimate is made in accordance with USACE Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3) dated January 10, 2013.

Due to a short suspense time, physical inspection of the sites was not possible. Inspection of the Project areas was made using aerial photography with project alignments; Google Earth and PDF project maps that are on file and available for review. It is assumed that project features will be altered such that only vacant land, and no improvements, will be acquired for construction of the Project. Temporary

staging and access areas are valued for an assumed term of 4.5 years. It is further assumed that all lands within the MTZ, submerged lands, water bottoms, etc., will be made available to the Project at no cost.

27. SUMMARY OF PROJECT REAL ESTATE COSTS

Lands and Damages:

1) Rincon:		
a) Fee	\$ 58,066,000	
b) Temporary Work Area	\$ 30,000	
c) Access	\$ 0	
2) Ocean Park (Barbosa and Skate Park)		
a) Fee	\$ 6,345,000	
b) Temporary Work Area (0.74 acres)	\$ 2,386,000	
c) Access	\$ 65,000	
Sub Total Lands & Damages		\$66,892,000
Contingency 40%		\$26,757,000
Total Lands & Damages		\$93,649,000

Administrative Costs:

1) Federal	\$3,347,000	
2) Non-Federal	\$7,668,000	
Sub Total Adm. Costs	\$11,015,000	
Contingency 40%	\$ 4,406,000	
Total Adm. Costs		\$ 15,421,000
Total Real Estate Costs:		\$ 109,070,000

***Note: Access to project area will be from public roads.

-Perpetual Beach Storm Damage Reduction Easements are within Maritime Terrestrial Zone which are owned or controlled by Non Federal Sponsor.

28. ACQUISITION SCHEDULE

At the completion of the Puerto Rico Coastal Study and upon approval by the Chief of Engineers of the United States Army, the Recommended Plan would be provided to Congress for authorization and appropriation. If authorized and funded by

Congress, subsequent phases of the project would include PED, construction, and operations and maintenance.

Completion of PED and construction of the Recommended Plan, specifically the phase of construction, is highly dependent on Congressional approval and funding. Assuming an ample funding stream, the Recommended Plan for the San Juan area could be designed and then constructed over a period of 5 to 7 years. Construction sequencing will be dependent on completion of supplemental engineering and environmental studies, however, both floodwalls (Barbosa Park and Marías Skate Park) are recommended to be completed at the same time (under a single contract and mobilization). The construction schedule for the Rincón project area is dependent on many other factors, primarily the large-scale acquisition, and much more difficult to predict. The Rincón project area will likely be a separate contract from the San Juan work.

The NFS is responsible for certifying that lands are available for Project advertisement and construction. For scheduling purposes, 12 months has been established to accomplish real estate certification for the Ocean Park Reach and 48 months for the Rincon Reach, after final plans and specs have been completed, funds have been provided, and the Project Partnership Agreement (PPA) has been executed.

The NFS, Project Manager and Real Estate Technical Manager will formulate the milestone schedule upon Project approval to meet the date for advertisement and award of the construction contract. The NFS will be advised by letter of the risks associated with land acquisition prior to the execution of the PPA or prior to the Federal Government's formal notice to proceed with the acquisition. A copy of the Risk Letter is attached as Exhibit C of this REP.

29. REAL ESTATE CHART OF ACCOUNTS

Codes for Chart of Accounts	Lands and Damages	Federal	Non-Federal	Totals
01b20	Acquisition: By NFS	\$0	\$7,668,000	\$7,668,000
01b40	Acquisition: Review of NFS	\$3,347,000	\$	\$3,347,000
01c20	Condemnations: By NFS	\$0	\$0	\$0
01c40	Condemnations: Review of NFS	\$0	\$0	\$0
01F20	PL 91-646 Relocation Assistance: By NFS, if any	\$0	\$0	\$0

01R1	Real Estate Payments: Land Payments	\$0	\$66,892,000	\$66,892,000
N/A	Total Real Estate Cost Excluding Contingency	\$3,347,000	\$74,560,000	\$77,907,000
N/A	Contingency (40%)	\$1,338,800	\$29,824,000	31,162,800
N/A	Total Project Real Estate Cost Estimate			\$109,070,000

EXHIBIT A

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY FOR PUERTO RICO COASTAL STORM RISK MANAGEMENT FEASIBILITY STUDY AND ENVIRONMENTAL ASSESSMENT

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, Eminent domain must be exercised through a sister Commonwealth agency.**
- 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 staff require technical 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 IIa. 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 workload, if any, and the project schedule? **No**, acquisition work is outsourced to a contractor.
- 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: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. **HIGHLY CAPABLE**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? **YES/NO**
- b. Does the sponsor concur with this assessment? **YES/NO**

Date: _____

Prepared by:

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Deputy Chief
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Jacksonville District

Reviewed and approved by:

Timothy H. McQuillen
Chief, Real Estate Division
Real Estate Division
Jacksonville District
Real Estate Division

EXHIBIT B

Hon. Anais Rodriguez Vega
Secretary
Government of Puerto Rico
Department of Natural and Environmental Resources
P. O. Box 366147
San Juan, Puerto Rico 00936

Dear Secretary Rodriguez Vega:

The intent of this letter is to formally advise the Department of Natural and Environmental Resources as the non-Federal sponsor for the Puerto Rico Coastal Storm Risk Management Feasibility Project, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

- a. Congress may not appropriate funds to construct the proposed project;
- b. The proposed project may otherwise not be funded or approved for construction;
- c. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- d. 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 CERCLA, as amended;
- e. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
- f. 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 and performance of LERRD; and

g. The non-federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD 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.

We appreciate the Government of Puerto Rico participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Mr. Hansler Bealyer at (904) 232-1178.

Sincerely,

Timothy H. McQuillen
Chief, Real Estate Division

Signatures:

Appendix E prepared by:

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