

ROLE OF REAL ESTATE IN PLANNING STUDIES

Judi Gutierrez
Realty Specialist
USACE Headquarters
Real Estate Division
23 February 2023



US Army Corps
of Engineers®



AGENDA



- Role of Real Estate in Planning Studies
- PDT Membership
- Responsibilities of RE PDT Members
- RE Work Products for Feasibility Studies
- PMP/Risk Register
- LERRD Cost Estimates
- Real Estate Plan
- Estates/Policy Deviations
- REP/Feasibility Review (DQC/ATR)
- Communication with Non-Federal Sponsors
- HOT TOPICS



WHY DO YOU THINK REAL ESTATE NEEDS TO PARTICIPATE IN THE STUDY TEAM?

Feasibility Studies are interdisciplinary and PDBP requires Real Estate participation.

Real Estate is an integral part of a project and it needs to be appropriately addressed in feasibility.

Issues associated with real estate acquisition are relevant to selection of a TSP.

Click on the Annotation option  in the top right-hand corner of your screen (to the left of the participant list if open) and then use the Pencil Tool or checkmark to mark your response.



ROLE OF RE IN PLANNING STUDIES



- Provide guidance to team regarding the impacts of project features on real estate.
- Conduct project alignment inspection to identify significant obstacles to project construction.
- Prepare real estate cost estimates which are an integral part of MCASES/TRACES.
- Determine appropriate estates needed for construction, operation and maintenance of the project in consultation with OC & PDT.
- Seek approval for non-standard estates if applicable (Policy is to use standard estates as much as possible).
- Determine NFS capability to acquire and hold interest to property in support of project.
- Develop LERRD acquisition schedule in coordination with NFS.
- Prepare the Real Estate Plan (Draft & Final) based on requirements set by PDT for design, construction and O&M of the project.
- Inform NFS of risk associated with acquisition of real estate prior to Congressional authorization and signing of PPA.
- Attend Study public meetings to discuss impact of project to private landowners and explain acquisition process.
- Conduct DQC.
- Conduct ATR.



NOW THAT YOU HAVE HEARD THE ROLE OF REAL ESTATE, DURING WHAT PHASE OF THE STUDY SHOULD REAL ESTATE FIRST BECOME INVOLVED?

Scoping/ Charette

Alternatives
Milestone

TSP Milestone

Agency Decision
Milestone

Final Feasibility
Report/Chief's
Report



RESPONSIBILITIES OF RE PDT MEMBERS



STUDY INPUT

REALTY SPECIALIST

- Attends PDTS/IPRs
- Prepares PMP Input
- Prepares input to risk register
- Prepares REP
- Prepares requests for NSE
- Attends public meetings

APPRAISER

- Prepares real estate cost estimates

REVIEW APPRAISER

- Reviews gross appraisal if applicable

REVIEW & APPROVAL

BRANCH CHIEF

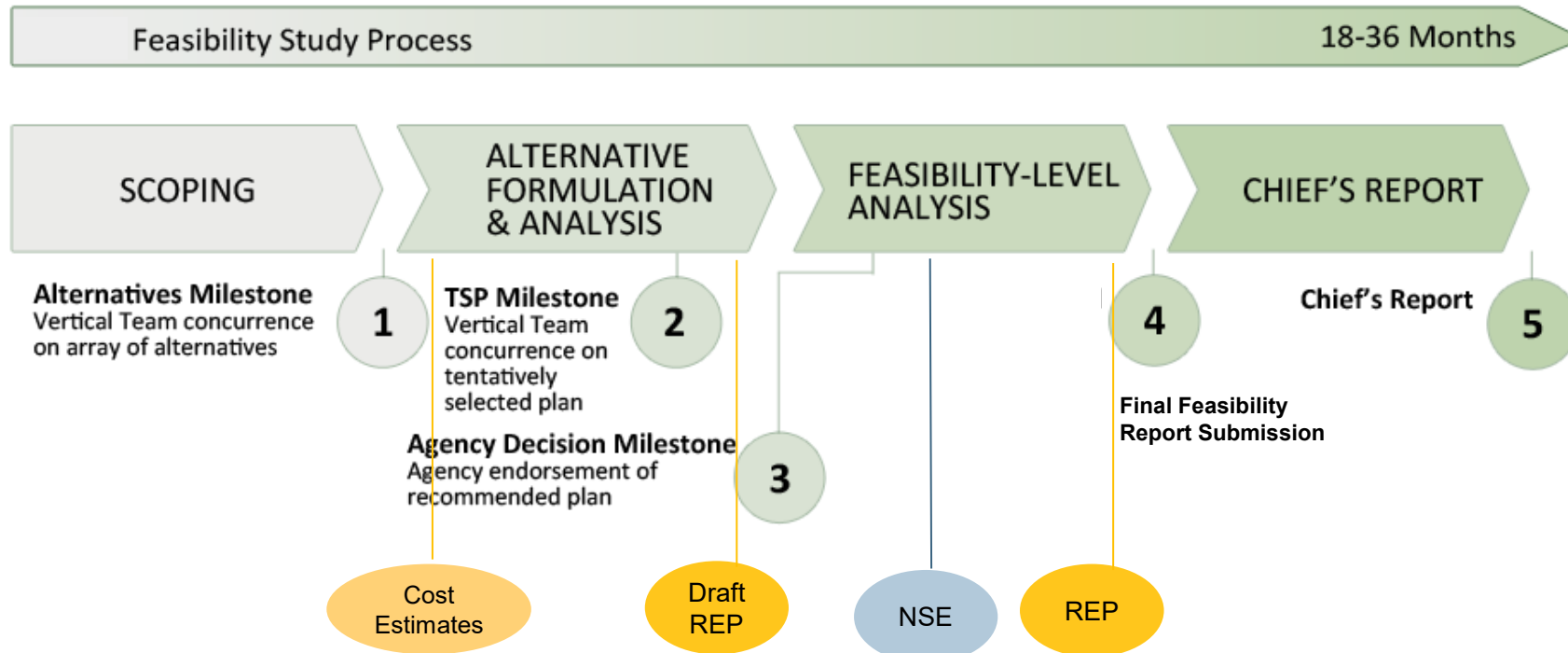
- Provides technical guidance
- Reviews REP
- Performs DQC

RE DIVISION CHIEF

- Signs all REPs
- Signs request for approval of NSE
- Signs feasibility report
- Signs project cost summary
- Participates in briefings to MSC/HQ



REAL ESTATE WORK PRODUCTS FOR FEASIBILITY REPORTS





RE PARTICIPATION IN PMP & RISK REGISTER



PMP

- Who, What, When
- Fund all RE functional PDT
- Prevent study cost overrun

RISK REGISTER

- Lesser estates
- LERRD schedule/Landowner unpredictability
- NFS Capability to Acquire/ Hold Real Estate Interests
- Public opposition to project



WHAT CHALLENGES HAVE YOU ENCOUNTERED THAT SHOULD BE INCLUDED IN RISK REGISTERS?

Click on the Annotation option *N* in the top right-hand corner of your screen (to the left of the participant list if open) and then use the Pencil Tool or checkmark to mark your response.



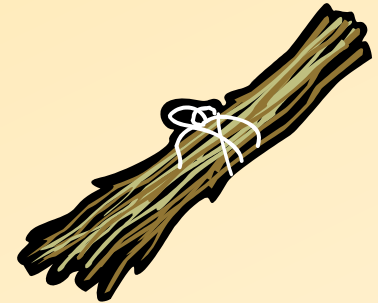
LERRD COST ESTIMATES



Components:

1. Estimates the value of real estate interests to be acquired in fee or through easements to allow construction, operation and maintenance of the project.

- Value of LER < 15% total project cost – cost estimate
- Value of LER 16%-30% total project cost – brief gross appraisal
- Value of LER >30% total project cost – gross appraisal



2. Estimates the administrative costs of the NFS to acquire real estate rights and of the federal Gov't to provide oversight and review of NFS.

Where they are captured:

- 01 account in MCASES – Lands and Damages
- 02 account in MCASES – Relocations
- 30 account in MCASES – Federal Costs of NFS Oversight



REAL ESTATE PLAN



- The Real Estate Plan is the authorizing document for real estate acquisitions. It is approved at the same level as the decision document.
- It is an appendix to the Project Decision Document
 - Feasibility Report
 - Continuing Authorities Program Studies (CAP)
 - Post Authorization Change Reports
 - General Re-evaluation Report
 - Limited Re-evaluation Report
 - Design Documentation Report
 - Environmental Assessment/Supplemental Environmental Impact Statement
 - Issue Evaluation Studies / Modification Studies (Dam Safety)
- 408 Decisions may require REPs if additional LERRD for the federal project needs to be acquired.
- REP must meet the requirements of ER 405-1-12 , Chapter 12 and PGL No. 31.
- Draft REP prepared after TSP milestone/REP prepared towards the end of feasibility level analysis milestone.



REAL ESTATE PLAN





ESTATES/REQUEST FOR APPROVAL TO DEVIATE FROM POLICY (NON-STANDARD ESTATE)



- The responsibility to decide which estate is appropriate for a project lies in Real Estate Division.
- Estate is selected based on project features and serve to allow for construction, operation and maintenance of the project features.
- The Real Estate Handbook contains a list of 26 standard estates that are adequate for the majority of USACE civil works projects (structural flood risk management projects, navigation projects/channel improvement, hydropower projects, water supply projects, beach nourishment projects, recreation & mitigation).
- If a unique project feature is proposed for which a standard estate does not provide adequate rights, Real Estate will request approval for a non-standard estate.
 - Approval is at Headquarters level
 - Must obtain concurrence from the MSC
 - It is a cooperative effort with the PDT, RE, & OC



REP/FEASIBILITY REVIEW



District Quality Control (DQC)

Who – Branch Chief / Senior RE Specialist / Appraiser

When – Feasibility study is complete

What – Needs to review full feasibility report including addenda

Agency Technical Review (ATR)

Who – RE Specialist approved by HQ

Limited Number of Reviewers Nationwide



COMMUNICATION WITH NFS



Importance of Real Estate establishing communications with NFS during feasibility:

Inform not to proceed with acquisition of R/W in advance of Congressional Authorization

Assess capability of NFS to acquire and hold land for project/ Prepare a detailed schedule for LERRD acquisition

Discuss proposed language of non-standard estates (if applicable)

Establish relationship in preparation for teamwork after project is authorized

HOT TOPICS

- Nonstructural Flood Risk Management Projects
 - No uniform policy regarding how to implement non-structural projects
 - No uniform policy regarding real estate interest to be acquired
 - Right of entry for construction vs Permanent Easement
 - Instrument to be utilized to convey rights
- Ecosystem Restoration Projects
 - Real Estate regulations require acquisition of Fee
 - BUDMAT Projects – one time disposal of dredge material





QUESTIONS