



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

Appendix A-5

Draft Real Estate Plan

**East Hagatna, Guam, Emergency Shoreline Protection Integrated Feasibility Report
Continuing Authorities Program (CAP)
Section 14 of the Flood Control Act of 1946, as amended (33 U.S.C. § 701r)**

August 2025

**Prepared for:
U.S. Army Corps of Engineers, Honolulu District**

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Date

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Date

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1 Executive Summary

The East Hagatna, Guam, Emergency Shoreline Protection Integrated Feasibility Report (Study) is authorized under Section 14 of the Flood Control Act of 1946, as amended (33 U.S.C. § 701r) for Emergency Shoreline Protection under the U.S. Army Corps of Engineers (USACE) Continuing Authorities Program (CAP).

A Tentatively Selected Plan (TSP) was selected based on cost, ecological output, economic benefits, completeness, effectiveness, efficiency, and acceptability. TSP project features include removal and replacement of an existing seawall, construction area with access, and a staging area. The minimum estate required for the seawall is a perpetual flood protection levee easement totaling 0.3 acres. The minimum estate required for staging, construction, and site access is a temporary work area easement totaling 1.00 acres. The temporary work area easement is required for one (1) year during project construction.

The NFS for the Study is the Government of Guam, as represented by the Department of Public Works. Real estate acquisition will be coordinated with the Guam Department of Public Works. The NFS is responsible for ensuring that it possesses the appropriate real estate interests for all real property required for the proposed project.

The estimated real estate cost associated with the TSP is approximately \$200,400, including all recommended lands, easements, rights-of-way, relocations, and disposals (LERRDs), administrative costs to be carried out by the NFS, and U.S. Government costs for LERRDs monitoring and certification. The NFS will be assessed on its capability to acquire and provide the LERRDs necessary for the proposed project.

2 Authority and Purpose

The East Hagatna, Guam, Emergency Shoreline Protection Integrated Feasibility Report (Study) is authorized under Section 14 of the Flood Control Act of 1946, as amended (33 U.S.C. § 701r) for Emergency Shoreline Protection under the Continuing Authorities Program. As a CAP Section 14 project, USACE policy limits federal participation to \$10 million.

The NFS for the Study is the Government of Guam, as represented by the Department of Public Works. The USACE, in partnership with the NFS, is identifying and assessing management alternatives. The purpose of this Study is to evaluate the threat to critical infrastructure posed by coastal erosion and to identify potential alternatives to Emergency Shoreline Protection to critical infrastructure in East Hagatna. The East Hagatna shoreline is subject to frequent storm wave attacks and big wave events. Due to these factors, coastal erosion puts Marine Corps Drive, a major highway in the capital city of Hagatna, Guam, at risk of imminent damage and failure. This Study documents the results of evaluating alternatives and recommends a plan as the basis for project construction authorization.

Past studies include the Guam Comprehensive Study, 1979 (identified the water resource problems and needs for the Territory of Guam), Shoreline Investigation, 1981 (described existing shoreline features, structures, and conditions), Flood Insurance Study, 1983 (investigated the existence and severity of flood hazards, developed flood risk data), Guam Comprehensive Study, 1984 (identified problems of coastal flooding in the Agana Bay area), Typhoon Stage-Frequency Analysis for Agana Bay, 1987 (determine the frequency of flood levels along Agana Bay shoreline), Agana Bayfront Storm Surge Protection Study, 1989 (identified coastal flooding problems and needs of the low-lying areas of Agana Bay), East

Agana, Territory Guam, Shore Protection Study, Reconnaissance Report, 1990 (predecessor to the 1993 feasibility phase investigation), and Draft East Agana, Territory of Guam, Detailed Project Report and Environmental Assessment, 1993 (terminated at the request of the Non-Federal sponsor).

It is assumed that an Environmental Assessment is the appropriate National Environmental Policy Act (NEPA) document for the final array of alternatives. Environmental Assessment will comply with all environmental laws as applicable. The Assessment is anticipated to be completed by relying on existing literature, remote sensing technologies, and data available from other agencies.

Generally, the Real Estate Plan (REP) is prepared by the USACE Honolulu District (District) as an appendix to the Study. The REP presents the real estate requirements, proposes the acquisition strategy, develops a cost estimate for real estate acquisition, and incorporates an internal technical review. USACE Technical Integration Branch reviews tract ownerships and acreages to prepare exhibits for the REP. As needed for acquisitions, USACE Appraisal prepares (or contracts for) and approves a cost estimate or gross appraisal. USACE Environmental provides applicable compliance memoranda and/or documentation in accordance with NEPA, National Historic Preservation Act (NHPA), and USACE Hazardous, Toxic, and Radioactive Waste (HTRW) policy.

Project real estate requirements include a review of NFS-owned parcels as well as recommended LERRDS to be carried out by the NFS. LERRDs are requirements that the U.S. Government has determined the NFS must meet for the construction, operation, and maintenance of the project. If LERRDs are required, USACE Real Estate coordinates with the NFS and provides the NFS with a partner packet outlining the NFS's responsibilities and notice informing the NFS of the risks of early acquisition.

The information contained herein is tentative for planning purposes only. Final real property acquisition acreages, limitations, and cost estimates are subject to change after approval of a final Feasibility Report, including plan modifications that occur during the Preconstruction Engineering and Design Phase (PED).

3 Project Description and Location

Guam is an organized, unincorporated territory of the United States located in the Micronesia subregion of the western Pacific Ocean. The Territory of Guam is located approximately 3,800 miles west of Honolulu. The 209-square-mile island of Guam is approximately 30 miles long and ranges from 4 to 8.5 miles wide (Figure 3-1. Study Location). Guam is the largest island in the Western Pacific. The northern part of Guam is a result of its volcanic base covered with layers of coral reef turning into limestone and then being thrust upward by tectonic activity to create a plateau. The rugged southern part of the Island is a result of more recent volcanic activity.

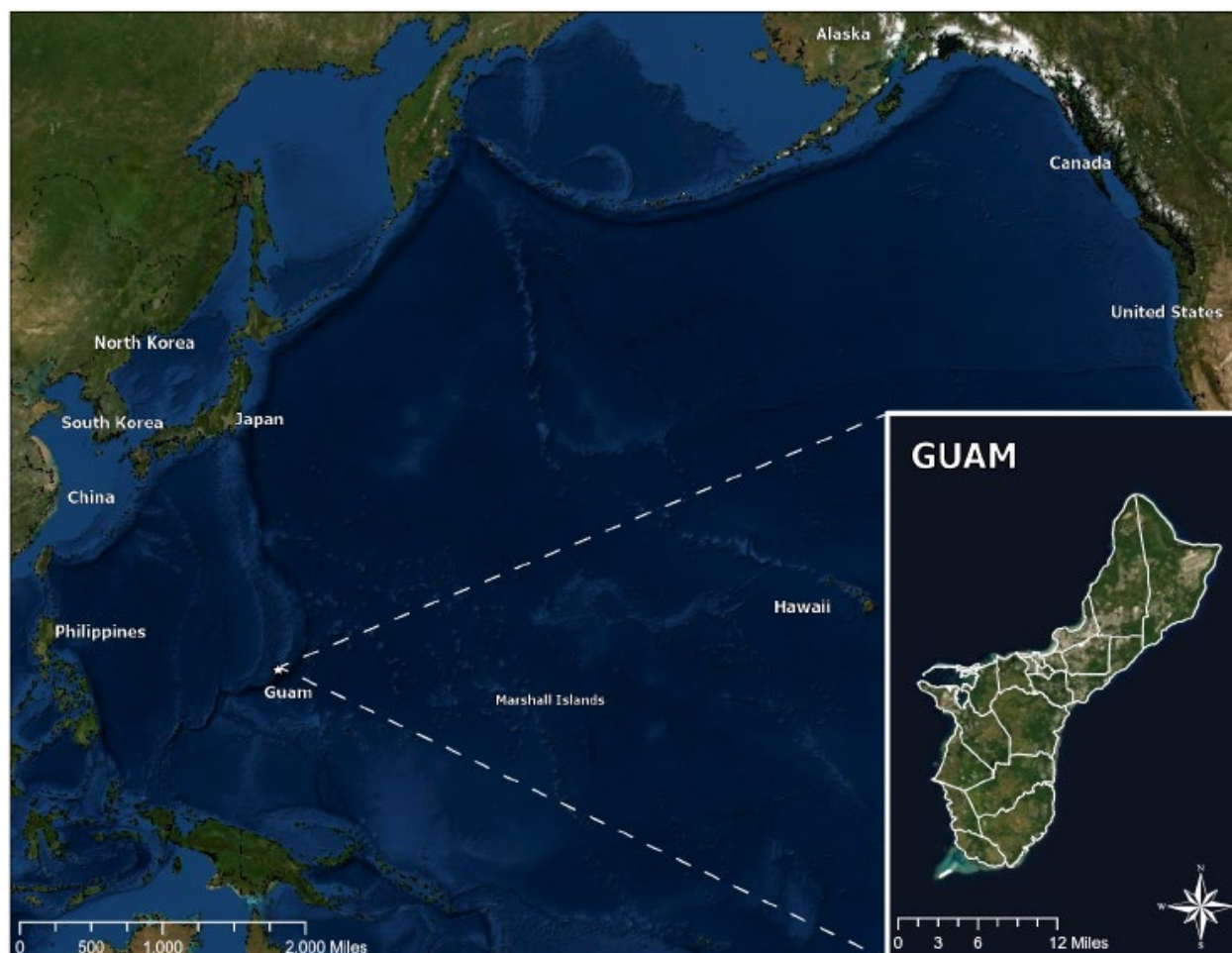


Figure 3-1. Study Location

Hagatna, the capital of Guam, is located at the mouth of a river and associated wetlands form the eastern boundary of the city. The Study area is centrally located on the west central Guam coast along Hagatna Bay. The Study area encompasses approximately 2,100 feet of Trinchera Beach along Hagatna Bay, which runs parallel to South Marine Corps Drive/Highway 1. On the western side, the Study area is bounded by a strip mall parking lot that has an access ramp through the seawall down to the beach. The existing seawall ranges from approximately three to 10 feet in height and is composed of large volcanic rocks cemented together (Figure 3-2. Study Area).



Figure 3-2. Study Area

Guam is located in close proximity to a breeding ground for tropical storms and typhoons. The low-lying coastline of East Hagatna is subject to frequent storm wave attacks. During severe storm periods, high wave heights reaching the shoreline have caused erosion to the beach, resulting in the undermining of the existing seawall. This damage to the existing shore protection has put South Marine Corps Drive, and public utilities in the immediate vicinity of the project area, at imminent risk. Future sea level rise is expected to continue to exacerbate erosion.

A final array of structural alternative plans was formulated through combinations of screened management measures. Final Study alternatives included:

- Alternative 1: No Action Alternative
- Alternative 2: Rock Revetment
- Alternative 3: Precast Concrete Seawall
- Alternative 4: Concrete Rubble Masonry (CRM) Wall

3.1 Tentatively Selected Plan: Precast Concrete Seawall

Alternative 3: Alternative 3, Precast Concrete Seawall, was selected as the TSP. Under CAP Section 14 project authority, the least cost and environmentally acceptable alternative is selected as the TSP. Alternative 3 involves removal and replacement of 1,600 feet of failing sections of critically damaged portions of the existing seawall with concrete panels. Excavation of existing soils will take place to allow for placement of the precast concrete panels. Existing soils will be reused or disposed of at a commercial disposal site. The area will then be regraded to the elevation of the existing ground surface. A splash apron made of formed concrete over

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gravel will be placed to provide scour protection and tie the structure to the ground surface.
TSP project features include:

1. Precast Concrete Seawall: 1,600 linear feet (8 feet wide)
2. Construction Area/Access: 1,600 feet alongside project feature (average 20 feet wide)
3. Staging Area: 0.2 acres



Figure 3-3. Project Feature Map



Figure 3-4. Project Detail Map 1



Figure 3-5. Project Detail Map 2

3.2 Structures in the Area

As the proposed project footprint is located along the shoreline, project features are not anticipated to affect structures in the area.

3.3 Staging and Construction

Storage of material and equipment will be required, and a staging area has been identified adjacent to the seawall. Any material stored in the staging area would be covered to reduce the loss of material due to erosion and avoid impacts to the adjacent environment. The staging area would be restored upon construction completion.

Construction of the precast concrete seawall will consist of excavating approximately 2 feet to 3 feet of coastal soils and placing the individual wall panels on the limestone shelf. Following the construction of the precast concrete seawall, the area will be regraded to the elevation of the existing ground surface. It is anticipated that precast concrete panel walls will be installed within the same footprint as the existing wall. The final footprint will be approximately 8 feet at its widest (with 6 feet underground). The total disturbed area is estimated at approximately 20 feet due to excavation and backfill of the existing soils. In addition to the approximately 20 feet of disturbed area, a minimal additional 30 feet will be needed landward of the disturbed area for the working platform of the construction equipment. Construction is anticipated for one (1) year.

3.4 Site Access

It is anticipated that personnel, equipment, and imported materials would access project construction along Marine Corps Drive parallel to the project area. Access points identified within the public roadways can be used without additional perpetual real estate interests for operations and maintenance. Access points identified adjoining construction areas outside of the public roadway will be included in the temporary work area easement.

3.5 Ownership by Project Feature

The following table summarizes the land areas and real estate interests by project feature and ownership.

Table 3-1. Real Estate Interest Required by Project Feature

Project Feature	Lot Number	Approximate Area (Acres)	Owner	Zoning/ Property Class	Interest Required
1. Precast Concrete Seawall	Public	0.3	Public	Recreation	Flood protection levee easement (perpetual)
2. Construction Area/Access	Public	0.80	Public	Recreation	Temporary work area easement (1 year)
3. Staging Area	Public	0.2	Public	Recreation	Temporary work area easement (1 year)

See Figures 3-3 to 3-6.

1. Precast Concrete Seawall: 1,600 linear feet (8 feet wide)

2. Construction Area/Access: 1,600 linear feet alongside project feature (average 20 feet wide)
3. Staging Area: 0.2 acres

4 Sponsor's Real Estate Interests

Based on a review of information from the Guam Department of Land Management and 2020 real property tax assessment rolls provided by the Guam Department of Revenue and Taxation, the Government of Guam holds title to the project features. Therefore, no acquisition is anticipated for:

1. Precast Concrete Seawall: 1,600 linear feet (8 feet wide)
2. Construction Area/Access: 1,600 linear feet alongside project feature (average 20 feet wide)
3. Staging Area: 0.2 acres

5 Estates Required

The NFS will provide all LERRDs required for the construction, operation, and maintenance of the project. The NFS is instructed to acquire the minimum real estate interests necessary for the project. The LERRDs required for the proposed project include:

5.1 Flood Protection Levee Easement

1. Precast Concrete Seawall: 0.3 acres.

The minimum estate required for the precast concrete seawall is a perpetual flood protection levee easement totaling approximately 0.3 acres.

Flood Protection Levee Easement Standard Estate

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos. _____, _____ 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.

5.2 Temporary Work Area Easement

2. Construction Area: 0.80 acres
3. Staging: 0.2 acres

The minimum estate required for construction and staging, including access, is a temporary work area easement totaling approximately 1.0 acres. The temporary work area easement is estimated to be required for one (1) year during project construction.

Temporary Work Area Easement Standard Estate

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 of possession the land is granted to the United States, 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.

6 Federal Projects/Ownership

Any interest in land provided as an item of local cooperation for a previous Federal project is not eligible for credit. There are no current proposed project features with prior Federal project credit. Additionally, there are no Federally owned lands within the LERRDs required for the proposed project.

7 Navigation Servitude

The navigation servitude is the dominant right of the U.S. Government under the Commerce Clause of the U.S. Constitution (U.S. CONST. art.I, §8, cl.3) to use, control, and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the mean high-water mark. In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the ordinary high-water mark.

Generally, it is the policy of the USACE to utilize the navigation servitude in all available situations, whether or not the project is cost-shared or fully Federally funded. Lands over which the navigation servitude is exercised are not to be acquired nor eligible for credit for a Federal navigation or flood control project or another project to which a navigation nexus can be shown. Navigation servitude is not applicable to this Study.

8 Maps

Maps are intended as a preliminary tool to illustrate the Study area and required LERRDs. During the Planning, Engineering, & Design (PED) phase, detailed real estate drawings will be provided to the NFS in a Notice to Acquire (NTA) LERRDs. For the Study location and Study area, refer to Figures 3-1 and 3-2. For LERRDs requirements, refer to Figures 3-3 to 3-5.

9 Induced Flooding

It is not anticipated that the proposed project would cause any induced flooding.

10 Baseline Cost Estimate for Real Estate

The baseline cost estimate for all project LERRDs is estimated at \$200,400, which includes required interests, relocation assistance, incremental real estate contingency, and incidental acquisition costs for both the NFS and U.S. Government.

Table 10-1. Baseline Cost Estimate for Real Estate

Real Estate Requirement	Size (Acres)	Cost Estimate
Flood Protection Levee Easements	0.3 acres	\$112,000
Temporary Work Area Easements	1.0 acres	\$65,400
Improvements		\$0
Hazard Removals		\$0
Mineral Rights		\$0
Damages		\$0
Facility/Utility Relocations		\$0
Uniform Relocation Assistance		\$0
Incremental Real Estate Costs		\$8,900
Incidental Acquisition Costs: NFS		\$8,000
Incidental Acquisition Costs: Government		\$6,100
TOTAL		\$200,400

The values for structural features of the baseline cost estimate were obtained from a Land Cost Estimate Report prepared by a licensed USACE appraiser, Northwestern Division, effective September 1, 2022, and updated March 12, 2024, by the Realty Specialist to reflect changes in TSP and reduction in project scope. In accordance with USACE Real Estate Policy Guidance Letter 31, Real Estate Support to Civil Works Planning, a cost estimate is sufficient for projects in which the value of LERRDs is not expected to exceed 15 percent of total project costs. A cost estimate is not an appraisal as defined by the Uniform Standards Professional Appraisal Practice (USPAP); however, it conforms to USACE regulations. Cost is an estimate of fact, not an opinion of value, based upon land planning and engineering design parameters at a specific level of detail. As the design parameters are refined, the engineering and land planning facts may change necessitating a change in the cost estimate.

Incremental real estate costs are estimated at 5% of required real estate costs (flood protection levee easements and temporary work area easements) for risk-based contingencies.

Incidental acquisition costs are estimated to include NFS costs incurred for title work, appraisals, review of appraisals, coordination meetings, review of documents, legal support, and other costs that are incidental to project LERRDs as well as U.S. Government costs for staff monitoring and reviewing and approving LERRDs.

11 Public Law 91-646 Relocation Benefits

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, as amended, commonly called the Uniform Act, is the primary law for acquisition and relocation activities on Federal or federally assisted projects and programs. The NFS is required to follow the guidance of PL 91-646.

No displacement of towns or persons will occur, and there will be neither habitable nor commercial structures affected as a result of the proposed project. The proposed project is not eligible for the provisions of PL 91-646 related to relocation expenses.

12 Minerals, Timber, and Crop Activity

There are no known surface or subsurface minerals that would impact the proposed project. Additionally, no known timber or crops are anticipated to be affected by the proposed project.

13 Assessment of Sponsor's Acquisition Capability

An Assessment of the NFS's Real Estate Acquisition Capability will be conducted jointly with the NFS in preparation for the final Real Estate Plan. A sample Sponsor's Acquisition Capability Assessment is included in Attachment 1.

14 Zoning

According to the Guam Department of Land Management, Planning Division, all lands required for the project's features are zoned Recreational. Preliminary investigations indicate that no enactments of zoning ordinances are proposed in lieu of, or to facilitate, acquisition in connection with the proposed project.

15 Acquisition Milestones

Allowing for NFS verification of all required LERRDs and any potential changes to the project alignment during PED, the following preliminary schedule estimates twelve (12) months for NFS LERRDs planning and acquisition. The planned timeline below will be mutually agreed upon by USACE Real Estate, Project Management, and the NFS.

The NFS's preliminary acquisition planning is estimated at five (5) months as follows:

Survey/Map/Title	60 Days
Legal Description	30 Days
Appraisal	60 Days

The NFS's LERRD acquisition is estimated at seven (7) months as follows:

Documentation	60 Days
Negotiation	90 Days
Payment	30 Days
LERRD Certification	30 Days

16 Public Facility or Utility Relocations

A preliminary review of the Civil Engineering Appendix and aerial maps indicate, at this phase of design, there are no utility or facility relocations anticipated for the proposed project. Additional utility and facility review will occur as project feature design is refined. The minimal risk of facility/utility relocations is included in the current cost estimate contingency.

17 Environmental Impacts

Potential environmental impacts resulting from the proposed project are being considered, including investigation under the National Environmental Policy Act (NEPA), Hazardous, Toxic, and Radioactive Waste (HTRW) Policy, National Historic Preservation Act (NHPA), Clean Water Act, Endangered Species Act, Coastal Zone Management Act, Fish and Wildlife Coordination Act, and Magnuson-Stevens Fishery Conservation and Management Act.

National Environmental Policy Act (NEPA)

It is assumed that an Environmental Assessment is the appropriate NEPA document for the final array of alternatives. Environmental analysis will comply with all environmental laws applicable. Analysis will be completed by relying on existing literature, remote sensing technologies, and data available from other agencies.

Hazardous, Toxic, and Radioactive Waste (HTRW) Policy

In Guam, Unexploded Ordinance (UXO) is a danger with any ground disturbance beneath or outside the current wall base.

National Historic Preservation Act (NHPA)

In accordance with Section 106 of the National Historic Preservation Act (NHPA), USACE will consult with the Guam Historic Preservation Division, indigenous groups, and other interested individuals during the feasibility study process. Formal NHPA Section 106 consultation was initiated in February 2022.

18 Landowner Concerns

No landowner concerns are anticipated at this time. Discussions between the NFS and landowners are ongoing as the plan is refined. The Government of Guam supports Alternative 2 as the TSP. Alignment for the support was coordinated with the Governor of Guam. Concurrent with the draft decision document release, the study team expects to coordinate a site visit to Guam to complete necessary outreach with the public, local agencies, and stakeholders, including the Guam Department of Planning and Development, Department of Land Management, Guam EPA, Department of Public Works, Guam Restoration & Development Authority, and Bureau of Statistics & Plans.

19 Notification to Sponsor

The NFS, Government of Guam, represented by the Guam Department of Public Works, is involved in the planning process. The NFS will be provided a Local Sponsor Toolkit and advised of the risks of acquiring LERRDs before the execution of the PPA. A Sample Letter Advising Against Early Acquisition is included in Attachment 2.

Additionally, once the LERRDs are finalized, a Notice to Acquire Letter will be transmitted to the NFS. The Notice to Acquire Letter serves as the formal instruction for the NFS to acquire the real estate interests needed for the proposed project. A Sample Notice to Acquire Letter is included in Attachment 3.

20 Other Relevant Real Estate Issues

There are no other known relevant real estate issues in the Study area.

21 References

Guam Department of Land Management, Planning Division, "Zoning Maps," retrieved February 2021.

Guam Department of Land Management, Survey Division, "GIS Maps," retrieved July 2022.

U.S. Army Corps of Engineers, Honolulu District. *East Hagatna, Guam, Emergency Shoreline Protection Integrated Feasibility Report*, July 2022.

U.S. Army Corps of Engineers, Northwestern Division. *Land Cost Estimate*, effective September 1, 2022.

Attachment 1: Sponsor's Acquisition Capability Assessment

Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability		
Project: East Hagatna, Guam, Emergency Shoreline Protection Project Project Authority: Continuing Authorities Program (CAP) Project, as authorized under Section 14 of the Flood Control Act of 1946, as amended (33 U.S.C. § 701r) Non-Federal Sponsor: Government of Guam Guam Department of Public Works Name, Title Address Phone, email		
Legal Authority	Yes	No
1. Does the NFS have legal authority to acquire and hold title to real property for project purposes? (statutory citation)		
2. Does the NFS have the power of eminent domain for the project (statutory citation)		
3. Does the NFS have "quick-take" authority for this project?		
4. Are there any lands/interests in land required for the project that are located outside the NFS's authority boundary?		✓
5. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?		
6. Will the NFS's in-house staff require training to become familiar with the real estate requirements of Federal projects, such as PL 91-646, as amended?		
7. If #6 is yes, has a reasonable plan been developed to provide training?		NA
Willingness to Participate	Yes	No
8. Has the NFS stated its general willingness to participate in the project and its understanding of the general scope and role?		
9. Is the NFS agreeable to signing a Project Partnership Agreement and supplying funding as stipulated in the agreement?		
10. Was the NFS provided the Local Sponsor Toolkit? Date		
Acquisition Experience and Capability	Yes	No
11. Taking into consideration the project schedule and complexity, does the NFS have the capability, with in-house staffing or contract support, to provide the necessary services, including surveying, appraisal, title, negotiation, condemnation, closing, and relocation assistance, as required for the project?		
12. Is the NFS's projected in-house staffing level sufficient considering its workload?		
13. Can the NFS obtain contractor support, if required, in a timely manner?		
14. Is the NFS's staff located within reasonable proximity to the project site?		
15. Will the NFS likely request USACE assistance in acquiring real estate?		
Schedule Capability	Yes	No
16. Has the NFS approved the tentative project real estate schedule and indicated its willingness and ability to utilize its financial, acquisition, and condemnation capabilities to provide the necessary project LERRDs in accordance with the proposed project schedule so the U.S. Government can advertise and award a construction contract as required by overall project schedules and funding limitations? The anticipated NFS real estate acquisition timeframe for the project is twelve (12) months.		
NFS Initials:		

LERRD Crediting	Yes	No
17. Has the NFS indicating its understanding of LERRD credits and its capability and willingness to gather the necessary information to submit LERRD credits within six (6) months after possession of all real estate and completion of relocations so the project can be financially settled? NFS Initials:		
Past Action and Coordination	Yes	No
1. Has the NFS performed satisfactorily on other USACE projects?		
2. Has the assessment been coordinated with NFS?		
3. Does the NFS concur with the assessment? (provide explanation if no)		
With regard to the project, the NFS is anticipated to be:	Select One	
Fully Capable: previous experience; financial capability; authority to hold title; in-house staff can perform necessary services (survey, appraisal, title, negotiation, closing, relocation assistance, condemnation) as required by the LERRDs.		
Moderately Capable: financial capability; authority to hold title; can perform, with contract support, necessary services (survey, appraisal, title, negotiation, closing, relocation assistance, condemnation) as required by the LERRDs.		
Marginally Capable: financial capability; authority to hold title; will rely on approved contractors to provide necessary services (survey, appraisal, title, negotiation, closing, relocation assistance, condemnation) as required by the LERRDs.		
Insufficiently Capable (provide explanation): financial capability; will rely on another entity to hold title; will rely on approved contractors to provide necessary services (survey, appraisal, title, negotiation, closing, relocation assistance, condemnation) as required by the LERRDs.		
USACE Prepared by:	NFS Reviewed by:	
Christopher Kelly Realty Specialist USACE Honolulu District	Name Title Office	
Date:	Date:	
USACE Approved by:		
Considering the capability of the NFS and the ancillary support to be provided by contract services, it is my opinion that the risks associated with LERRDs acquisition and closeout of the project have been properly identified and mitigated.		
Erica Labeste Chief, Real Estate Division U.S. Army Corps of Engineers Honolulu District	Date:	

Attachment 2: Sample Letter Advising Against Early Acquisition



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

August 17, 2022

Real Estate Division

SUBJECT: East Hagatna, Guam, Emergency Shoreline Protection Project, Risks of Early Acquisition

Name
Title, Office
Address
City, State

Dear xx:

Reference is made to the East Hagatna, Guam, Emergency Shoreline Protection Integrated Feasibility Report, Continuing Authorities Program (CAP) Project, as authorized under Section 14 of the Flood Control Act of 1946, as amended (33 U.S.C. § 701r). The Guam Department of Public Works on behalf of the Government of Guam, as the Non-Federal Sponsor, is responsible for ensuring that it possesses the authority to acquire and hold title for all real property required for the proposed project. The Non-Federal Sponsor shall provide one hundred percent (100%) of the lands, easements, rights-of-way, utility or public facility relocations, and dredged or excavated material disposal areas (LERRDs) as well as operation, maintenance, and repair required by the project.

The United States Army Corps of Engineers, Honolulu District, advises your office that there are risks associated with the acquisition of LERRDs prior to the execution of a Project Partnership Agreement (PPA) or Local Cooperation Agreement (LCA). The Government of Guam will assume full and sole responsibility for any and all costs and liabilities arising out of premature acquisition. Project risks generally include, but are not limited to:

- 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/LCA mutually agreed to by the Non-Federal Sponsor and the Government may not be executed;
- 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 the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended;
- e. The Non-Federal Sponsor may acquire interest or estates that are later determined by the Government to be inappropriate, inefficient, or otherwise not required for the project;
- f. The Non-Federal Sponsor may initially acquire insufficient or excessive real property acreage, which could result in additional negotiations and or/benefit payments under Public Law 91-646 or additional payment of fair market value to affected landowners;

g. The Non-Federal Sponsor may incur costs or expenses in connection with its decision to acquire LERRDs in advance of the executed PPA/LCA and the Government's Notice to Acquire (NTA).

If you have further questions, please contact the USACE Honolulu District, Real Estate Division, at (808) 835-4055.

Sincerely,

Erica Labeste
Chief, Real Estate Division
U.S. Army Corps of Engineers
Honolulu District

Attachment 3: Sample Notice to Acquire Letter



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

August 17, 2022

Real Estate Division

SUBJECT: East Hagatna, Guam, Emergency Shoreline Protection Project, Notice to Acquire

Name
Title, Office
Address
City, State

Dear xx:

This letter serves as your Notice to Acquire the real estate interests needed from the Government of Guam for the East Hagatna, Guam, Emergency Shoreline Protection, Continuing Authorities Program (CAP) Project, as authorized under Section 14 of the Flood Control Act of 1946, as amended (33 U.S.C. § 701r). Enclosed are the final Authorization for Entry for Construction, Attorney's Certificate of Authority, and project real estate drawings. Also enclosed is the standard language to be used for the Flood Protection Levee Easement and Temporary Work Area Easement conveyance documents between the Government of Guam, as the Non-Federal Sponsor, and private landowners.

In accordance with the Project Partnership Agreement (PPA) dated xx, the Government of Guam is responsible for xx% of project costs and shall provide the real property interests and relocations required for the construction, operation, and maintenance of the project. As required by the PPA, the U.S. Government has determined the Flood Protection Levee Easements and Temporary Work Area Easements as shown on the real estate drawings are required for project implementation. The PPA also requires the Government of Guam to comply with the Uniform Relocations and Assistance and Real Property Acquisition Policies Act. 42 U.S.C. § 4601, et. seq., and the Uniformed Regulations, 49 C.F.R. part 24. More information can be found at <http://www.fhwa.dot.gov/realstate/realprop>.

After acquisition of the required real estate interests, the Government of Guam shall complete and sign the Authorization for Entry for Construction and Attorney's Certificate of Authority. Please return the original signed authorization documents to the Corps of Engineers, Honolulu District Real Estate Division, by mail to the address contained in the letterhead. In addition, the Government of Guam shall provide copies of all conveyance documents for required real estate acquisitions to the Corps of Engineers. The Corps of Engineers requires the conveyance documents prior to advertising a construction contract. Copies of conveyance documents may be scanned and submitted electronically to the contact person below.

If you have any questions, please contact Christopher Kelly, Realty Specialist, at (808) 835-4053 or christopher.f.kelly@usace.army.mil.

Sincerely,

Erica Labeste
Chief, Real Estate Division
U.S. Army Corps of Engineers
Honolulu District

Enclosures