



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

CELRP-RE-T (405-10f)


25 June 2008

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, Great Lakes and Ohio River Division, ATTN: CELRD-ET-R, PO Box 1159, Cincinnati, OH 45201

Subject: Canonsburg Real Estate Plan

1. Enclosed for review and approval is a subject Real Estate Plan (REP) that details the data on the proposed project. The real estate required for the structural project consists of 52.194 acres all of which are temporary work area easements that will be used for dredging of Canonsburg Lake. The total cost for the project, including contingencies and administrative costs is **\$101,000**.
2. It is recommended that the enclosed Real Estate Plan be approved and authority be granted to acquire the land identified herein.

FOR THE COMMANDER:


Patricia Monheim
Chief, Real Estate Branch



**US Army Corps
of Engineers®**

Pittsburgh District

January 2008

**Detailed Project Report
And
Integrated Environmental Assessment**

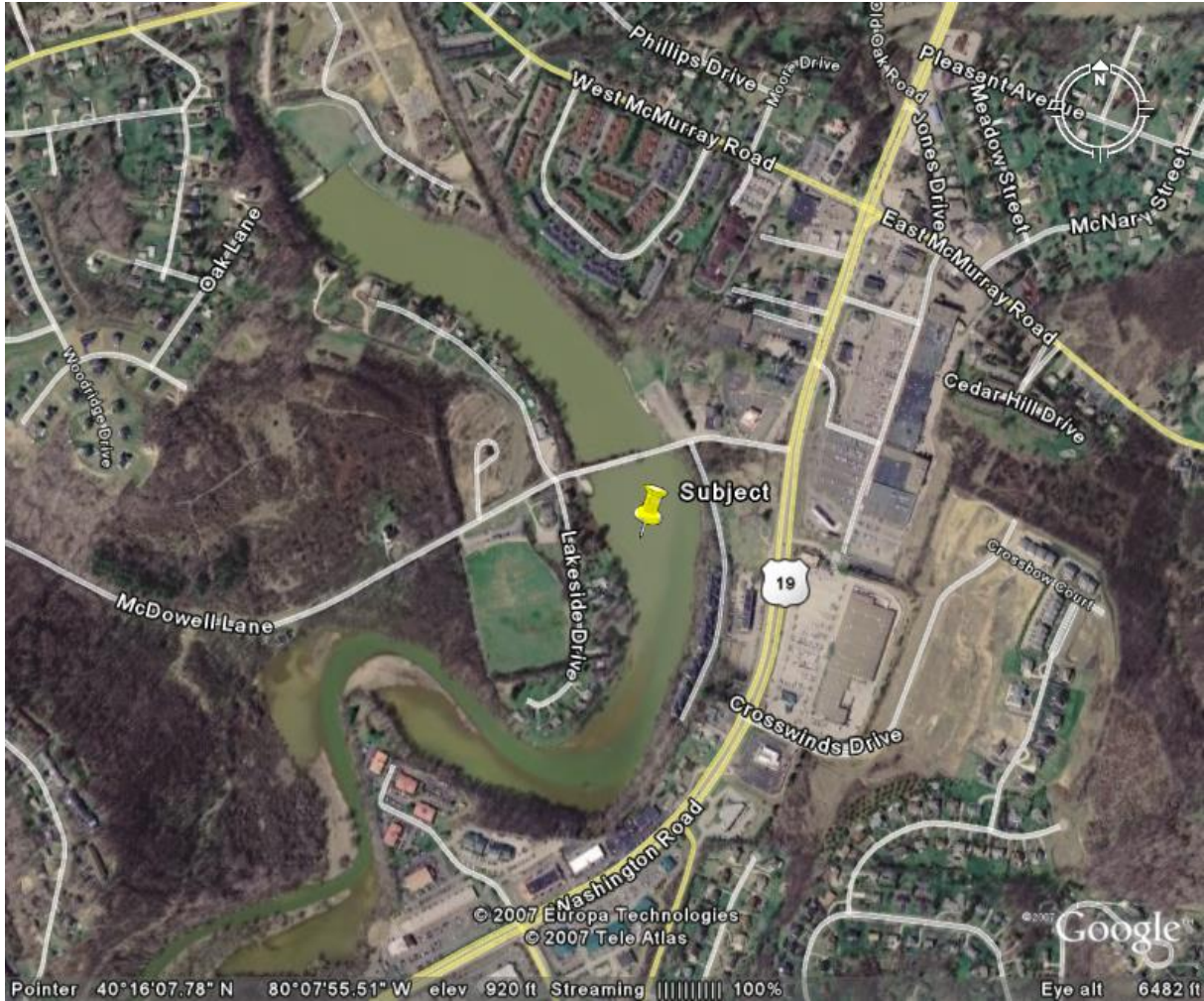
APPENDIX E

REAL ESTATE PLAN

**Canonsburg Lake
Washington County, PA
Section 206 Aquatic Ecosystem
Restoration Project**

**DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING**

**1000 LIBERTY AVENUE
PITTSBURGH, PENNSYLVANIA 15222**



CANONSBURG LAKE AQUATIC ECOSYSTEM RESTORATION PROJECT

**PETERS AND NORTH STRABANE TOWNSHIP, WASHINGTON COUNTY,
PENNSYLVANIA**

REAL ESTATE PLAN

**DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
CANONSBURG LAKE AQUATIC ECOSYSTEM RESTORATION PROJECT
REAL ESTATE PLAN**

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EXHIBITS

- Exhibit A - STANDARD EASEMENT ESTATES**
- Exhibit B - SPONSOR CAPABILITY CHECKLIST**
- Exhibit C - PRELIMINARY SEGMENT MAP**
- Exhibit D - ESTATES AND ACREAGE**

**DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
PITTSBURGH, PENNSYLVANIA 15222**

**CANONSBURG LAKE AQUATIC ECOSYSTEM RESTORATION PROJECT
REAL ESTATE PLAN**

1.0 References:

- a. *Project Management Plan for the Canonsburg Lake Aquatic Ecosystem Restoration Section 206 Project*, dated January 2008.

2.0 Authorization:

The authority for the project is funded under Section 206, Aquatic Ecosystem Restoration, of the Water Resources Development Act of 1996, as amended. Section 206 is a Continuing Authorities Program (CAP).

Appropriations are made available on a yearly needs basis. The project is fully federally funded up to signing the legally binding Project Cooperation Agreement (PCA). The sponsor is responsible for 35% of all project costs. The sponsor will be given credit for real estate acquisition.

3.0 Background:

The aquatic ecosystem of Canonsburg Lake and Little Chartiers Creek is degraded by continual sediment deposition fueled by storm water runoff from increasing suburban development in the surrounding watershed. A secondary problem is stream bank erosion along portions of Little Chartiers Creek, which contributes to the sedimentation problem within the lake itself. The ongoing sedimentation is blanketing the lake bottom, degrading benthic habitat, and slowly reducing the amount of available open water habitat.

4.0 Purpose:

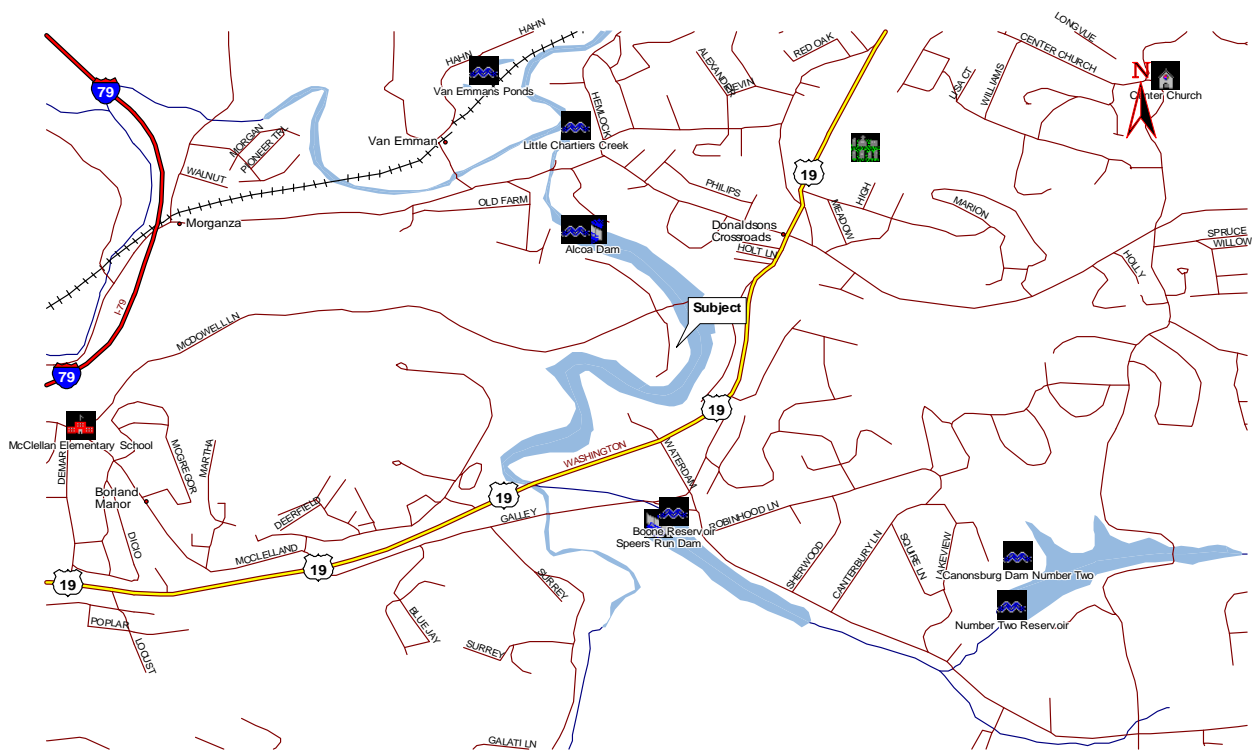
The purpose of this document is to outline the real estate interests that are required to dredge sediments from Canonsburg Lake, enhance existing wetlands in the lake, and create a sediment trap upstream in Little Chartiers Creek. The cost of the project is approximately \$6,972,258.69. There are no other Federal projects that lie in the footprint of the project. The length of the project is estimated at two years. There were thirty-seven alternatives chosen for this project and the alternative that is outlined in this REP is alternative thirty-six that includes dredging the south section of the lake and placing the dredge material within the lake using

geotubes to create wetlands. Any excess dredge material will be hauled to a commercially licensed landfill located off site and will not require acquisition of any other easements.

5.0 Location:

The lands that are the subject of this Real Estate Plan are located in a Pennsylvania Boat and Fish Commission owned land, known as Canonsburg Lake, along Little Chartiers Creek in Peters and North Strabane Townships, Washington County, Pennsylvania. This area is located in the Metropolitan Pittsburgh Area, Pennsylvania. The general project area is situated approximately thirty miles due south of the City of Pittsburgh, Pennsylvania and ten miles north of Washington, Pennsylvania along State Route 19. Little Chartiers Creek is a tributary that flows north to Chartiers Creek to the Ohio River. See the following maps for general and detailed location details.

General Location Map (NTS)



6.0 Project Lands, Easements, Rights-of-Way, Relocations and Disposal Areas (LERRD's):

There are a total of 52.194 acres for this project and they are owned in fee or will be owned in fee by the Pennsylvania Fish and Boat Commission. The Pennsylvania Fish and Boat Commission and the Washington County Watershed Alliance cosponsor this project. The Sponsor's own 47.994 acres of the land in fee and they will acquire 4.20 acres of fee through the Pennsylvania Turnpike Commission, an agency capable of acquiring lands. The Pennsylvania Turnpike Commission is in the process of acquiring neighboring lands for the Southern Expressway, a four-lane highway that goes from Elizabeth to the Pittsburgh International Airport. For crediting purposes, the acreage breakdown is as follows and the Sponsors will receive credit for these estates.

A total of 49.76 acres of permanent channel improvement easement is located in the lakebed and will be used for dredging of the lake. The channel will be dredge so that it will be restored to its original depth.

A total of 0.701 acres of temporary work area easements will be required for staging, and support areas. The easement will be for two years. There is an estimated total of 54,370 cubic yards that will be placed in Geo Tubes and located throughout the lake area. Any excess sediment will be disposed at the Arden Landfill 9.1 miles away.

A total of 1.733 acres of permanent road easement for access to the lake and for maintenance during the life of the project.

Therefore, the estates needed for crediting purposes are permanent channel improvement easement, temporary work area easement, and a permanent road easement and these estates will be what the Sponsor's are given credit for the Project. Therefore, only a right of entry for construction will be needed prior to certifying real estate.

See attached Exhibit "A" for the definition of standard estates, and Exhibit "C" for mapping of the project area, to include the estates needed. The estates acquired are the standard estates as prescribed in EC 405-1-11. Based on the current plan, this project will be for a two-year period. The mapping is for illustrative purposes only. There are no non-standard estates for this project. The sponsor will be required to appraise the value of the lands for crediting purposes.

7.0 Mapping:

Mapping is included in the exhibit C section of this report and the map is a draft map outlining the lake and tracts of land that are needed for the project. Final mapping will be provided by the Sponsor prior to certifying the real estate. The Pittsburgh District no longer has mapping capabilities in Real Estate so the Sponsor will provide the final map prior to real estate certification.

8.0 Federally Owned Land:

The U.S. Government has no federal ownership of land involved within the project and no federal funds were provided to the Sponsor when this project was constructed. All of the lands are or will be owned in fee by the Pennsylvania Fish and Boat Commission. The Pennsylvania Fish and Boat Commission currently own the entire lake area and it consists of 76.0 acres. They are the primary Sponsor who will be acquiring land through the Pennsylvania Turnpike Commission and whose name the property will be deeded into.

9.0 Navigational Servitude:

The entire project area is classified as non-navigable and is used for recreation.

10.0 Public Law 91-646:

There are no persons, farms, or businesses that will be relocated. Title II (Uniform Relocation Assistance) Public Law 91-646, is not applicable.

11.0 Induce Flooding:

The intended use of these easements will not cause any flooding in this area.

12.0 Real Estate Cost Estimate:

Administrative		Estimated Cost
Mapping and Legal Descriptions		\$5,000
Acquisition (10 owners)		\$45,000
Total		\$50,000
Land Costs		
Permanent Channel Improvement Easement	49.76 acres	\$34,832
Temporary Work Area Easement	0.701 acres	\$393
Permanent Road Easement	1.733 acres	\$5,459
Contingency		\$10,171
SUB-TOTAL	52.194	\$51,000
	Grand Total	\$101,000

¹ Derived from Appraisal Report.

13.0 Zoning Enactments:

There are no zoning changes or enactments that are needed for this project.

14.0 Mineral Activity:

Permanent channel improvement easements, permanent road easement and temporary work area easements are the proposed estates for acquisition. This project only involves dredging of the lake and the acquisition of temporary easements and permanent easements. Mineral interests retained by the fee owner or those that are retained by third parties in the form of leases, easements, etc., will have no detrimental effect on the project, as no permanent project features will be constructed; therefore, mineral interests will not be acquired.

15.0 Public Facility Relocations:

There are no public facilities located in the project area that will be relocated.

16.0 NEPA, NHPA & HTRW Considerations:

The Phase I HTRW analysis has been completed for the proposed project with a conclusion that there are no major sources of potential contamination, nor evidence of incurring CERCLA liability, and no Phase II investigation being recommended.¹

The requirements of the National Environmental Policy Act (NEPA) have been fulfilled through preparation and public circulation of a draft Finding of No Significant Impact (FONSI) and Environmental Assessment (EA). The EA was integrated into the body of the Main Report. The requirements of the National Historic Preservation Act (NHPA) were fulfilled through consideration of the impacts of the project on identified extant cultural resource sites as discussed in the Main Report and through coordination with the Pennsylvania Historic Preservation Officer as documented in the appendix section to the Main Report. It was determined that the recommended plan, if implemented, would cause no significant adverse environmental or cultural resource impacts.

17.0 Assessment of Non-Federal Sponsors Capability:

There are two Sponsors for the project. One is the Pennsylvania Fish and Boat Commission and the other is the Washington County Watershed Alliance. The Pennsylvania Fish and Boat Commission will be responsible for acquiring lands and holding title to them. The Sponsor (Pennsylvania Fish and Boat Commission) is capable of providing legal and professional services based on discussions with the sponsor. They have mapping, legal, and operational and maintenance capabilities for their current operations of the area. An assessment

capability of the Pennsylvania Fish and Boat Commission is being completed by the Office of Council and will be available when it is completed and forwarded to the ITR team.

18.0 Project Schedule:

<i>Task</i>	<i>Start</i>	<i>Finish</i>
Real Estate Plan	14 Jan 2008	31 May 2008
ITR Review	01 July 2008	30 July 2008
Division Approval	01 August 2008	31 August 2008
Acquisition of Lands	01 Feb 2009	01 April 2009
Certify Real Estate	01 May 2009	01 June 2009

19.0 Public Support or Opposition:

Public meetings were held and there was no major opposition to this project that would prevent the project from moving forward.

20.0 Recommendation:

a. It is recommended that this report be approved and acquisition of the lands be granted after the project is funded and the PCA is executed.

b. This REP is tentative in nature, for planning purposes only and both the final real property acquisition lines and the estimate of value are subject to change even after the approval of this REP.

EXHIBIT A

STANDARD

ESTATES

CHANNEL IMPROVEMENT EASEMENT

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the purposes as authorized by the Act of Congress approved _____, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate; dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

TEMPORARY WORK AREA EASEMENT

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 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.

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 B); ¹ subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

For Standard Estate Language, reference “Real Estate Engineering Circular” EC 405-1-11,

¹ The parenthetical clause maybe deleted, where necessary; however, the use of this reservation may substantially reduce the liability of the Government through reduction of severance damages and consideration of special benefits; therefore, its deletion should be fully justified. Also, access may be restricted to designated points as in Estate No. 12.

EXHIBIT B

SPONSOR CAPABILITY CHECKLIST

APPENDIX 12-E

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

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (yes/no)
- b. Does the sponsor have the power of eminent domain for this project? (yes/no)
- c. Does the sponsor have "quick-take" authority for this project? (yes/no)
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? (yes/no)
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (yes/no)

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? (yes/no)
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? (yes/no) *NA*
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (yes/no)
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? (yes/no)
- e. Can the sponsor obtain contractor support, if required in a timely fashion? (yes/no)
- f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes/no) (If "yes," provide description)

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? (yes/no)
- b. Has the sponsor approved the project/real estate schedule/milestones? (yes/no) *NA*

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? (yes/no/not applicable)
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. (If sponsor is believed to be "insufficiently capable," provide explanation)


NR 405-1-12
Change 31
1 May 98

APPENDIX 12-B

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? (yes/no)
b. Does the sponsor concur with this assessment? (yes/no) (If "no," provide explanation)

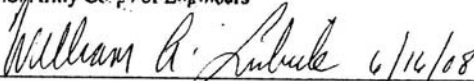
Prepared By:

 3/20/08
Bernard J. Kiesnoski Date
Chief of Real Estate
PA Fish & Boat Commission

Reviewed & Approved By:

 3/20/08
Mark H. Mitchell, PLS Date
Chief of Property Services
PA Fish & Boat Commission

Patricia A. Monheim Date
Chief of Real Estate - Pittsburgh District
U.S. Army Corps of Engineers

for  6/16/08
Alicia J. Holland
Attorney Advisor
U.S. Army Corps of Engineers

12-B-2

EXHIBIT C

PROJECT MAP (Segment 1)



EXHIBIT D

ESTATES AND ACREAGE

Estate	Acreage
Channel Improvement	49.76
Temporary Work	0.701
Permanent Road	1.733
Total	52.194