



**US Army Corps
of Engineers®**

Walla Walla District

LITTLE WOOD RIVER, GOODING, IDAHO

INTEGRATED LETTER REPORT AND ENVIRONMENTAL ASSESSMENT

APPENDIX F, REAL ESTATE PLAN

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**LITTLE WOOD RIVER, GOODING, IDAHO
INTEGRATED LETTER REPORT
AND ENVIRONMENTAL ASSESSMENT**

APPENDIX F, REAL ESTATE PLAN

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1 INTRODUCTION

1.1 Project Purpose

This Real Estate Plan (REP) is presented in support of the proposed project for the Gooding Canal of the Little Wood River and prepared in accordance with Engineer Regulation (ER) 405-1-12. The project is authorized by Section 3057 of the Water Resources Development Act (WRDA) of 2007, as amended by Section 8335 of WRDA 2022, which provides for flood management in Gooding, Idaho, constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.). The purpose of the REP is to support the Integrated Letter Report and Environmental Assessment (ILR/EA) and to identify the Lands, Easements, Rights-of-Way, Relocations and Disposal sites (LERRD) necessary to support construction, operation, and maintenance of the proposed project. This REP is tentative in nature and is to be used for planning purposes only. Both the final real estate acquisition lines and the estimate of value are subject to change even after this report has been approved. The City of Gooding is the non-Federal Sponsor (NFS) for this project.

1.2 Study Authority

Implementation guidance for Section 3057 of WRDA 2007 directed U.S. Army Corps of Engineers (USACE), Walla Walla District to prepare a decision document to determine whether the rehabilitation is required as a result of improper operations and maintenance (O&M) by the NFS, and, if not, whether rehabilitation and ecosystem restoration is feasible. Economic justification of rehabilitation efforts completed under this provision is not required. The complete implementation guidance is contained in Appendix A.

Additional legislation passed in Section 8335 of WRDA 2022 raised the authorized cost from \$9 million to \$40 million and changed the cost share percentages for the project so that the NFS pays 10 percent of the costs to finalize the letter report and construct the project, while USACE will pay 90 percent of those costs. Section 8335 of WRDA 2022 also allows the reconstruction or replacement of bridges, typically a NFS responsibility, to be cost shared at the 90 percent/10 percent split. In addition, the NFS is to be provided the opportunity to finance construction costs over 30 years.

Project implementation costs will be cost shared as indicated in Section 8335 of WRDA 2022, described above, with the exception of the costs for LERRDs and future operation, maintenance, repair, replacement and rehabilitation. These costs are the responsibility of the NFS.

The costs of lands, easements, rights-of way, relocations, and disposal areas, and operation, maintenance, repair, and rehabilitation are the responsibility of the NFS. There are no prior written real estate plans for this project.

1.3 General Project Background and Description

The underlying purpose of rehabilitation of the Gooding Canal through Gooding, Idaho, is to provide localized flood risk reduction. The initial floodwall, made of lava rock, was constructed between 1937 and 1941 to provide flood control and an irrigation source for the city of Gooding residents and was funded by the Works Projects Administration. The lava rock walls are now in disrepair and in several sections have failed to a point that there is substantial erosion, flood, and public safety risk. Potential for erosion in areas where the wall has and is failing also puts public and private infrastructure at risk of damage. Lava rock that has fallen into the canal, undersized bridge culverts, and 90-degree right angles in the channel alignment are also factors that contribute to flood and safety risk in Gooding.

1.4 General Project Construction Effort

The proposed project footprint contains the channel and adjacent property as well as a laydown site. The Little Wood River will be partially rerouted away from the Gooding Canal using existing irrigation canals south of Gooding. This will enable the entire project alignment to be partially dewatered at one time, allowing equipment access to the channel. No Lands, Easements, Rights-of-Way (LER) will be necessary to divert or dewater the project area. The construction effort calls for contractors to remove the existing lava rock walls, excavating behind these walls to a depth sufficient to place in new fill to ensure the proper anchoring of pre-cast concrete panels, which will form the channel walls. These panels will be secured by anchored tendons extending outwards from the canal walls into the properties of the surrounding landowners. The City of Gooding will need to acquire additional permanent property interests for this work to be accomplished. In addition, permanent access is required for the construction, operation, and maintenance of the Gooding Canal. Temporary work area easements will be necessary for staging areas and access routes.

1.5 Project Location

Gooding is located in South Central Idaho, a few miles north of Interstate 84. Boise is 90 miles to the northwest and Twin Falls is 30 miles to the south. Gooding has a population of approximately 3,625 (U.S. Census, 2021 American Community Survey); it is the county seat and largest city of Gooding County. Gooding is located near the confluence of the Big Wood River and Little Wood River. The Little Wood River is a 90-mile-long river that originates in the Pioneer Mountains of northern Blaine County, then flows south through Little Wood Reservoir near Carey. Below the reservoir the river flows south into Lincoln County, past Richfield, and then west, past Shoshone, after which it enters Gooding County. Just to the west of the city of Gooding, the Little Wood River joins the Big Wood River, forming the Malad River, which is a tributary to the Snake River. The Little Wood River is the key source of irrigation water in the area. The river's water flow is regulated by reservoirs and affected by diversions of water into and return flows from irrigation canals.

2 DESCRIPTION OF LANDS, EASEMENTS, AND RIGHTS-OF-WAY (LER)

The local sponsors must provide the appropriate real estate interests in all lands required for the construction, operation, and maintenance of the project. Based on the current design, the interests to be provided by the NFS include a perpetual river channel interest, channel improvement easements, temporary work area easements, and channel access easements.

This project will require a perpetual Channel Improvement Easement (Standard Estate #8) over approximately 1.6 acres within the river channel, sufficient for operation and maintenance of the project features. The river channel below the ordinary high-water mark is owned by the Idaho Department of Lands (IDL). It is approximately 3,200 feet long with an average width of 22 feet. The NFS has not yet contacted the IDL to discuss the process of acquiring suitable interest in the river channel to complete the project. Because the project is to rebuild an existing channel, this is not anticipated to be a risky endeavor that would delay the project. A perpetual property interest sufficient for operation and maintenance of the project features will be required. (See Table 1.)

A perpetual Channel Improvement Easement (Standard Estate #8) is necessary along the entire length of the channel extending 15 feet outwards from the river wall, over its entire length on both sides of the channel for the channel reconstruction, placement of anchoring tendons (soil nails) wall repair and maintenance. Four parcels have been added to the project footprint that were not included in the Land Cost Estimate which have the potential of being impacted by the project, these parcels are

[REDACTED]

These parcels were excluded from the original analysis due to the section being named "Preserved for Historical Value" in one of the project footprint exhibit maps, so it was thought to exclude these particular parcels. The impact to these parcels is still yet to be determined as the need for anchoring tendons are not foreseeable. The construction elements taking place along the channel adjacent to these parcels are spot repairs along the channel walls and have the potential to not exceed past the channel walls themselves. (See Table 1.)

The work area around the bridges will require Temporary Work Area Easements (Standard Estate #15) separate of the Channel Improvement Easements. These areas will be required and temporary in nature to accommodate for staging and operability of equipment working within the channel. There are 6 road bridges and 3 pedestrian bridges within the project footprint. Existing canal walls will be secured in place and tie into existing bridge components. (See Table 2.)

For planning purposes, it was determined approximately 0.4 acres would be needed at each bridge location. The NFS owns all of the parcels anticipated to be used for this aspect of the project. (See Table 2).

Access

Access to the channel is planned to be at NFS parcels at both ends of the proposed project site. The first is proposed to be at the NFS parcel on Gooding Lane, which is where the planned staging area is located. The second location is a NFS parcel at Nevada and Senior Ave. A permanent road easement will be needed at one of these locations, because once construction is completed, permanent access to the channel is required to allow for ongoing maintenance.

Staging

Temporary Work Area Easements (Standard Estate #15) will also be required for staging. Staging will be located on NFS property around bridge locations and adjacent to the channel at Gooding Lane between Michigan and Oregon Streets.

Borrow

The source for borrow material has not been determined. It is anticipated for a final determination on this item to be addressed in the Design and Implementation phase. The most likely source will be commercially available sources in the general vicinity.

Disposal

Disposal materials would be transported to the Gooding Industrial Park, which is about .75 miles from the project site. It is anticipated that no real estate interests will need to be acquired for disposal.

Table 1. Parcels Affected by Channel Improvement Easement

PARCEL ID	Address	Owner	Total Parcel Acres	Easement Acres
Channel Improvement Easement	Little Wood River Canal	IDAHO DEPARTMENT OF LANDS	1.6	1.6
South Side of Canal from West to East				
Road Cr 80 ft	Nevada St	CITY OF GOODING		.0275
RPG1000113007A	302 Senior Ave	CITY OF GOODING	0.85	.1061
Road Cr 80 ft	California St	CITY OF GOODING		.0275
RPG1000114009A	UNK Idaho St	CITY OF GOODING	0.53	.1064
Road Cr 80 ft	Idaho St	CITY OF GOODING		.0275

PARCEL ID	Address	Owner	Total Parcel Acres	Easement Acres
Road 300 linear ft	9TH AVE W	CITY OF GOODING		.1033
Road Cr 80 ft	Main St	CITY OF GOODING		.0275
Road 475 linear ft	9TH AVE E	CITY OF GOODING		.1635
		PRIVATE	0.1085	.0301
		PRIVATE	0.155	.0215
		PRIVATE	0.186	.0258
		PRIVATE	0.2632	.0366
		PRIVATE	0.3099	.043
		PRIVATE	0.186	.0258
		PRIVATE	0.124	.0172
		PRIVATE	0.124	.0172
		PRIVATE	0.124	.0492
Road Cr 80 ft	Montana St	CITY OF GOODING		.0275
		PRIVATE	0.14	.042
		PRIVATE	0.2354	.0637
Road Cr 80 ft	Wyoming St	CITY OF GOODING		.0275
		PRIVATE	0.2445	.0448
		PRIVATE	0.2255	.0386
Road Cr 70 ft	Oregon St	CITY OF GOODING		.0241
		PRIVATE	0.632	TBD
		PRIVATE	1.15	TBD
		PRIVATE	1.04	TBD
		PRIVATE	2.01	TBD
North Side of Canal from West to East				
RPG1000111024A	9TH AVE W	CITY OF GOODING	0.03	.0103
Road Cr 80 ft	Nevada St	CITY OF GOODING		.0275
Road 940 linear ft	9TH AVE W	CITY OF GOODING		.3237
Road Cr 80 ft	Main St	CITY OF GOODING		.0275
		PRIVATE	0.8742	.0534
		PRIVATE	2.0838	.1963

PARCEL ID	Address	Owner	Total Parcel Acres	Easement Acres
RPG1000134T03A	P.O. Box 417	COUNTY OF GOODING	1.1763	.0844
RPG1000134T02A	P.O. Box 417	COUNTY OF GOODING	1.6851	.062
Road 180 linear ft	7th Ave E	CITY OF GOODING		.062
Road Cr 80 ft	Montana St	CITY OF GOODING		.0275
Road 310 linear ft	Locke St Seg. 1	CITY OF GOODING		.1067
Road Cr 80 ft	Wyoming St	CITY OF GOODING		.0275
Road 250 linear ft	Locke St Seg. 2	CITY OF GOODING		.0861
Road Cr 70 ft	Oregon St	CITY OF GOODING		.0241

Table 2. Temporary Work Areas and the Perpetual Road Easements

Parcel ID	Address	Owner Name	Parcel Acres
Temporary Work Area Easements			
Nevada St Bridge			
Nevada St. R/W 80 Ft wide	Nevada St.	CITY OF GOODING	.2
9 th Ave. West R/W 28 Ft. effective width in this location, R/W extends 40' each side of centerline of canal	Adjacent to work area on north side of canal	CITY OF GOODING	.2
Main St Bridge			
9 th Ave. West	9 th Ave. West	CITY OF GOODING	.2
9 th Ave. East	9 th Ave. East	CITY OF GOODING	.2
Idaho St Bridge			
Idaho St. R/W 80 Ft wide	Idaho St.	CITY OF GOODING	.2
9 th Ave. West R/W 28 Ft. effective width in this location, R/W extends 40' each side of centerline of canal	Adjacent to work area on north side of canal	CITY OF GOODING	.2

Parcel ID	Address	Owner Name	Parcel Acres
Montana St Bridge			
Montana St. R/W 80 Ft wide	Montana St.	CITY OF GOODING	.2
7 th Ave. East R/W is 50 ft effective width in this location, R/W extends 80' from south wall of canal	Adjacent to work area on north side of canal	CITY OF GOODING	.2
Wyoming St Bridge			
Wyoming St. R/W 80 Ft wide	Wyoming St.	CITY OF GOODING	.2
Locke Ave. R/W is 50 ft effective width in this location, R/W extends 80' from south wall of canal.	Adjacent to work area on north side of canal	CITY OF GOODING	.2
Oregon St Bridge			
Oregon St. R/W 70 Ft wide	Oregon St.	CITY OF GOODING	.2
Locke Ave. East R/W is 40 ft effective width in this location, R/W extends 70' from south wall of canal.	Adjacent to work area on north side of canal	CITY OF GOODING	.2
California St. Pedestrian Bridge			
California St. R/W 80 Ft wide	California St. South of existing canal	CITY OF GOODING	.2
9th Ave. West R/W 28 Ft.		CITY OF GOODING	.2
Idaho Street Pedestrian Bridge			
RPG1000114009A	UNK Idaho St, south of existing canal	CITY OF GOODING	.2
9th Ave. West R/W 28 Ft.	9 th Ave. West	CITY OF GOODING	.2
9th Avenue East Pedestrian Bridge			
		PRIVATE	.1
9 th Ave. E ROW		CITY OF GOODING	.05

Parcel ID	Address	Owner Name	Parcel Acres
Temporary Work Area Easement – Staging			
RPG1000084001A	GOODING LN	CITY OF GOODING	0.57
Disposal Site			
REPG00000321206	GOODING PARK	GOODING URBAN RENEWAL AGENCY	1.0

2.1 Estates to Be Acquired

The required estates for implementation of the proposed project alternative include the following:

Channel Improvement Easement (Standard Estate #8)

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) (Tract 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 (Standard Estate #15)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract 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.

3 NON-FEDERAL SPONSOR-OWNED LANDS, EASEMENTS, AND RIGHTS-OF-WAY

Sponsor-owned lands that lie within the project area are generally associated with existing public works (e.g., roads, etc.) and are delineated in Tables 1 and 2. The proposed disposal site is owned by an entity named Gooding Urban Renewal Agency. This agency is operated by the City council and falls under the jurisdiction of the City. Sponsored-owned lands are planned to be used for the channel access sites and temporary staging areas at either end of the channel.

Necessary real estate interests will not be purchased with funds from another Federal program or project. The existing right of way for streets and bridges owned by the NFS were dedicated at the original platting of the townsite, none were acquired as a requirement of, or with the use of funds from another Federal program or project. Any NFS-owned interests that were previously provided as an item of local cooperation for a prior project will not be eligible for crediting.

4 NON-STANDARD ESTATES

The use of non-standard estates is not anticipated for this project. If it is later determined that non-standard estates are necessary, a request for approval of the non-standard estate will be submitted to USACE Headquarters for approval through Northwestern Division separate from this REP.

5 EXISTING FEDERAL PROJECTS

The Gooding Canal itself is considered an existing Federal project. The project was authorized under the Unemployment Relief Act of March 31, 1933, Public Law 73-5, 48 Stat 22. Construction of the project began in 1937 and was completed in 1941 by the Civilian Conservation Corps (CCC). Operation and maintenance of the canal is the responsibility of the NFS and has been since completion of the constructed works. An O&M manual was never provided to the NFS by the CCC.

6 FEDERALLY OWNED LAND

There is no federally owned land within the project footprint.

7 NAVIGATIONAL SERVITUDE

Exercise of Federal navigational servitude is not being invoked for this project. Per 33 CFR § 329.4, navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. None of the waterbodies involved in this project fall within the

definition of Federal navigable waters cited above. However, the Little Wood River is navigable water as defined by the State of Idaho Department of Lands and is subject to its jurisdiction below the ordinary high-water mark.

8 PROJECT MAP

Exhibit A contains a proposed project map depicting the project study footprint to include impacted parcels owned by both private parties and local governments, the project staging area, and the location of the Gooding Canal.

9 INDUCED FLOODING

Induced flooding for this project is not anticipated because the purpose of the project is to rehabilitate the degrading channel walls that currently exist. The proposed project does not significantly change the geometry of the channel, so increases in velocities and volume within the channel will not be a result of the construction of the project.

10 REAL ESTATE BASELINE COST ESTIMATE

The baseline cost estimate for real estate (BCERE) presented below provides a breakdown of the estimated costs for project LERRD as well as estimated NFS administrative costs and Federal review and assistance costs associated with LERRD certification. The development of the Baseline Cost Estimate assumes that the NFS will acquire the full interests (i.e., Channel Improvement Easement, Temporary Work Area, and Perpetual Road Easement) required for the project. The Gooding County Appraiser prepared an estimate of LERRD based on local market values in the city of Gooding, Idaho. The Estimate was reviewed and approved for use in this Real Estate Plan by USACE Seattle District Review Appraiser on December 10, 2019, see Exhibit F.

Table 3. Baseline Cost Estimate for Lands, Easements, Rights-of-way, Relocations, and Disposal (LERRD)

Estate	Acres	Cost	NFS administration	Federal Administration	Total LER
Channel Improvement Easements (private)	.86	77,817	121,000		
Channel Improvement Easements (County)	.15	12,754	16,000		
Channel Improvement Easements (NFS)	1.39	164,988	11,000		

Estate	Acres	Cost	NFS administration	Federal Administration	Total LER
Channel Improvement Easements (state of Idaho)	1.6	13,939	8,000		
Temporary Work Area Easements for 12 month-term	4.92	65,096	5,000		
NFS LER cost subtotal	8.06	334,594	161,000		495,594
10% contingency					49,559
NFS Lands & Damages total					545,153
Utility/ Facility Relocations		600,000			600,000
Federal Review & Assistance Cost				35,000	
20% contingency				7,000	
Federal Review & Assistance Total				42,000	42,000
NFS and Federal LER Cost TOTAL					1,187,153

11 P.L. 91-646 RELOCATION ASSISTANCE BENEFITS

The NFS has been advised of P.L. 91-646 requirements and they have been advised of their documentation requirements for LERRD crediting purposes.

The Sponsor is knowledgeable about Public Law 91-646 and is aware of the obligation to ensure compliance. If relocations are required, the NFS will proceed in accordance with the Act. Currently, the Recommended Plan does not identify the displacement of any residences, businesses, or farms that are eligible for relocation assistance benefits under the Act.

12 MINERAL/TIMBER ACTIVITY

There are no known outstanding mineral interests or active mining operations in the project area that may affect implementation of the project.

13 NON-FEDERAL SPONSOR'S LEGAL AND PROFESSIONAL CAPABILITY TO ACQUIRE AND PROVIDE LANDS, EASEMENTS, AND RIGHTS-OF-WAY

The NFS Acquisition Capability Assessment has been completed and is included as Exhibit D to this REP. The NFS is granted the legal authority to acquire and hold real property and the power of eminent domain under Title 50 Chapter 3 of the Idaho State Legislature. Section 50-301 grants Cities the right to acquire, hold, lease, and convey property, and Section 50-311 grants Cities the right to take private property for such purposes when deemed necessary and shall be in accordance with Title 7, Chapter 7 of Idaho State Code.

14 APPLICATION OR ENACTMENT OF ZONING ORDINANCES

There are no known zoning ordinances currently proposed in lieu of acquisition, or to facilitate acquisition in connection with this project. Current zoning of affected lands is a mix of residential single family, commercial, and residential duplex maximum. There are no specific city restrictions on how close to the river properties may be built. NFS has stated that the river boundary would be treated the same as other boundaries with a setback of 5 feet.

15 REAL ESTATE ACQUISITION SCHEDULE

The following acquisition schedule is based on the premise that the project will impact approximately 15 landowners and that no condemnation will be required. A deviation from this assumption will affect the schedule.

Table 4. Real Estate Acquisition Schedule Milestones

Final Project Plans and Specifications Submitted to NFS	30 days after Construction Drawings finalized
Obtain Surveys	60 days after plans and specs submitted
Obtain Title Evidence	30 days
Obtain Appraisals and Reviews	60 days after surveys are complete
Prepare Offer Letters	10 days
Conclude Negotiations	75 days
Conclude Closings	60 days
NFS Attorney Certify Availability of LERRD	30 days after concluding closings
USACE RECO Certify LERRD	15 days after NFS Attorney Certifies LERRD
Review LERRD Credit Request	30 days after receiving LERRD documents
Approve or Deny LERRD Credit Request	10 days after concluding LERRD review

In the event that condemnation is necessary, the schedule may require an additional 6 months or more before construction can begin.

16 FACILITY/UTILITY RELOCATIONS

For cost-shared projects, the NFS is responsible for performing facility and utility relocations in support of the project. The term “relocation” generally means providing a functionally equivalent facility to the owner of an existing utility, cemetery, highway, or other public facility, and railroad when such action is authorized in accordance with applicable legal principles of just compensation.

In accordance with Policy Guidance Letter 31 (PGL-31), the total facility/utility relocation cost for this project does not exceed 30 percent of total project costs, so the PDT has completed a real estate assessment in lieu of a preliminary attorneys opinion of compensability. The real estate assessment described in this REP for the relocation of utilities is based upon information gathered by the PDT, the NFS, and the companies who own, operate, and maintain the utilities.

Details of Proposed Relocated Utilities

1. Intermountain Gas Company

Type – 4”, 2”, and ¾” natural gas lines

Name – Commercial and private gas connections; no specific name

Ownership Type – Easement

Description – The relocation of the 4-inch steel main is a pipe that is sub-surface running north/south and is 17 feet below road grade and 4 feet below the canal bottom. An additional 4-inch pipe branches off and runs perpendicular to the canal wall for approximately 80 feet along the road south of the canal between Main and Idaho Streets. Two service replacements are also required at this location. The estimated cost for this relocation is \$52,300. The 2-inch steel main relocation is a pipe located under Locke Avenue that starts at the alley way between Michigan and Nebraska Streets and terminates along Nebraska Street, with an estimated length of 250 feet. There is one service line replacement required at this location. Estimated cost for the relocation of the 2-inch line is \$18,000. The relocation of the ¾-in service line to the City of Gooding, located at 308 Senior Avenue, runs perpendicular to the canal for an estimated 70 feet, but it is approximately 30 feet from the canal wall, so this line is likely to not impact the project footprint. The estimated cost for the relocation of this line is \$2,300. Total estimated costs for relocation of gas lines within the project footprint are \$72,600.

2. Idaho Power

Still waiting on estimates from the power company. Preliminary discussions identified two locations where the probability of relocating of power lines and poles is likely. These areas are along the canal adjacent to Montana Street and along the canal between

Montana and Nebraska Streets. There are also a few overhead crossings but depending on powerline height might not impact constructions activities.

3. Idaho Transportation Department (ITD)

Still waiting on estimates from ITD. We have identified a storm drain near Main Street that ITD is looking into it to determine whether it is their storm water pipe.

Although more work remains in locating utilities and facilities within the project footprint, the PDT feels that the estimated cost for relocations of \$600,000 is reasonable and realistic for this project.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT REPORT, THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LER RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

17 IMPACT ON REAL ESTATE ACQUISITION FROM SUSPECTED OR KNOWN CONTAMINANTS

There are no hazardous, toxic, and radioactive waste (HTRW) sites of interest identified within the Little Wood River Gooding Canal Rehabilitation Project area. A Level 1 HTRW assessment of the Little Wood River Gooding Canal Rehabilitation Project was completed in September 2023.

18 SUPPORT/OPPOSITION FOR THE PROJECT

The local community, neighborhood residents, and other public stakeholders appear to be supportive of the proposed project. There have been no reports of public opposition to the project. A 15-day public review period was conducted in 2016. An additional 15-day public review will take place beginning in November 2023 to address changes from the original project plan.

19 NON-FEDERAL SPONSOR NOTIFICATION OF RISKS OF PRE-PPA ACQUISITION

The NFS has been advised in writing of the risks associated with acquiring land prior to the execution of the Project Partnership Agreement. A copy of this letter is displayed as Exhibit E of this report.

20 OTHER REAL ESTATE ISSUES RELEVANT TO THE PROJECT

The project will adversely impact a National Register of Historic Places structure. Coordination with the Idaho State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation and other interested parties is required. USACE has started consultation with the Idaho SHPO and has drafted a Memorandum of Agreement (MOA) to address project impacts.

There are three homeowners whose lands and/or improvements on their lands will be more impacted than most other private citizens due to their proximity to the canal, the construction activities proposed throughout these sections, and the required lands needed by the NFS in support of the project. [REDACTED]
[REDACTED] It is possible they will not be supportive of the project when they understand the full impact of the project on their land and outbuildings. Additionally, construction in the vicinity of bridges will utilize the full extent of dedicated rights-of-way for streets and bridges. Over time, adjoining landowners have allowed grass, gardens, etc. to encroach on the rights-of-way. NFS staff have indicated they continually educate the public about NFS-owned dedicated rights-of-way.

21 RECOMMENDATION

Prepared by:

Jon McNulty
Realty Specialist

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Reviewed by:

Allison Needham
Chief, Real Estate Division

NEEDHAM.ALLIS
ON.D.1397745275

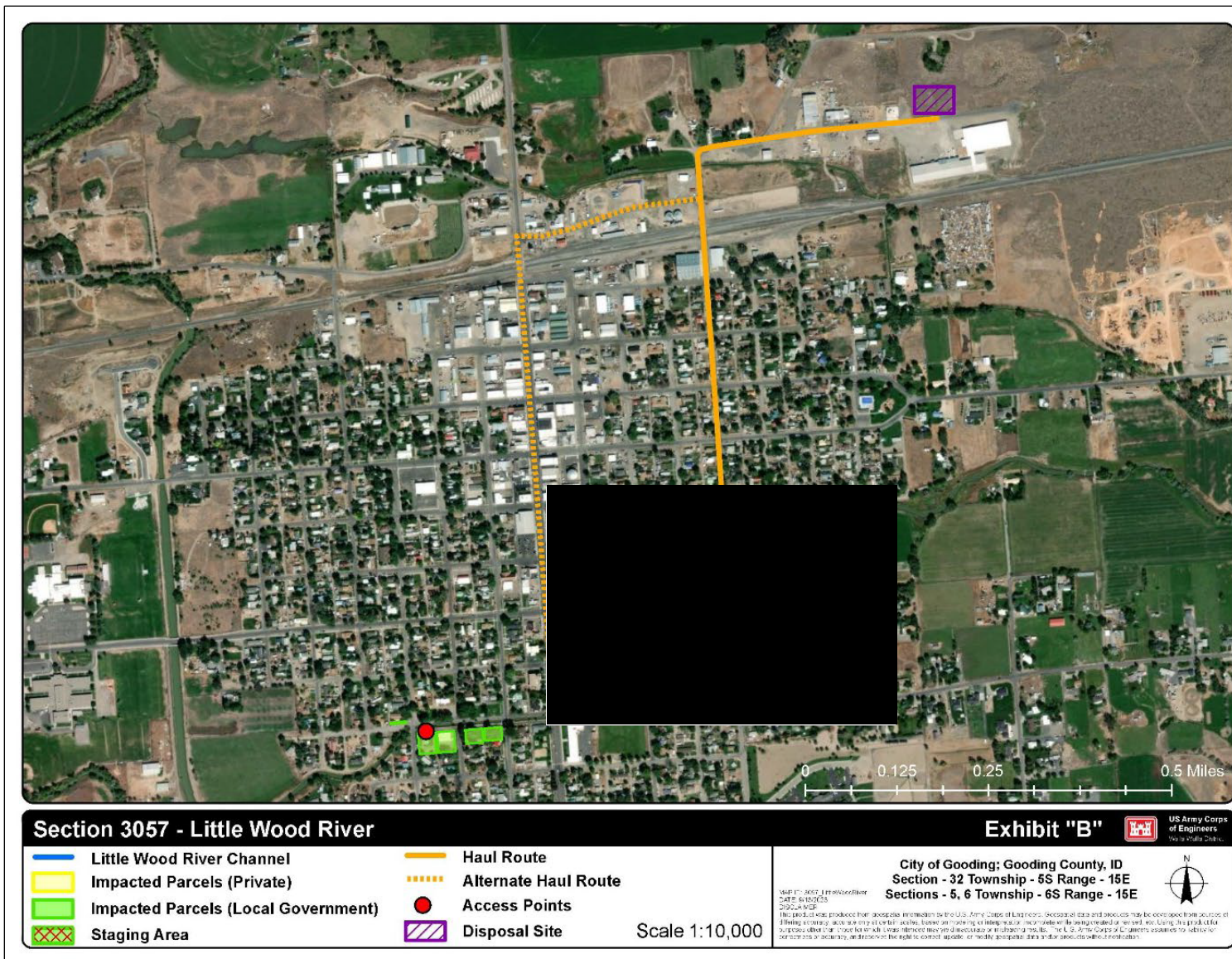
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EXHIBIT A, PROJECT AREA MAP



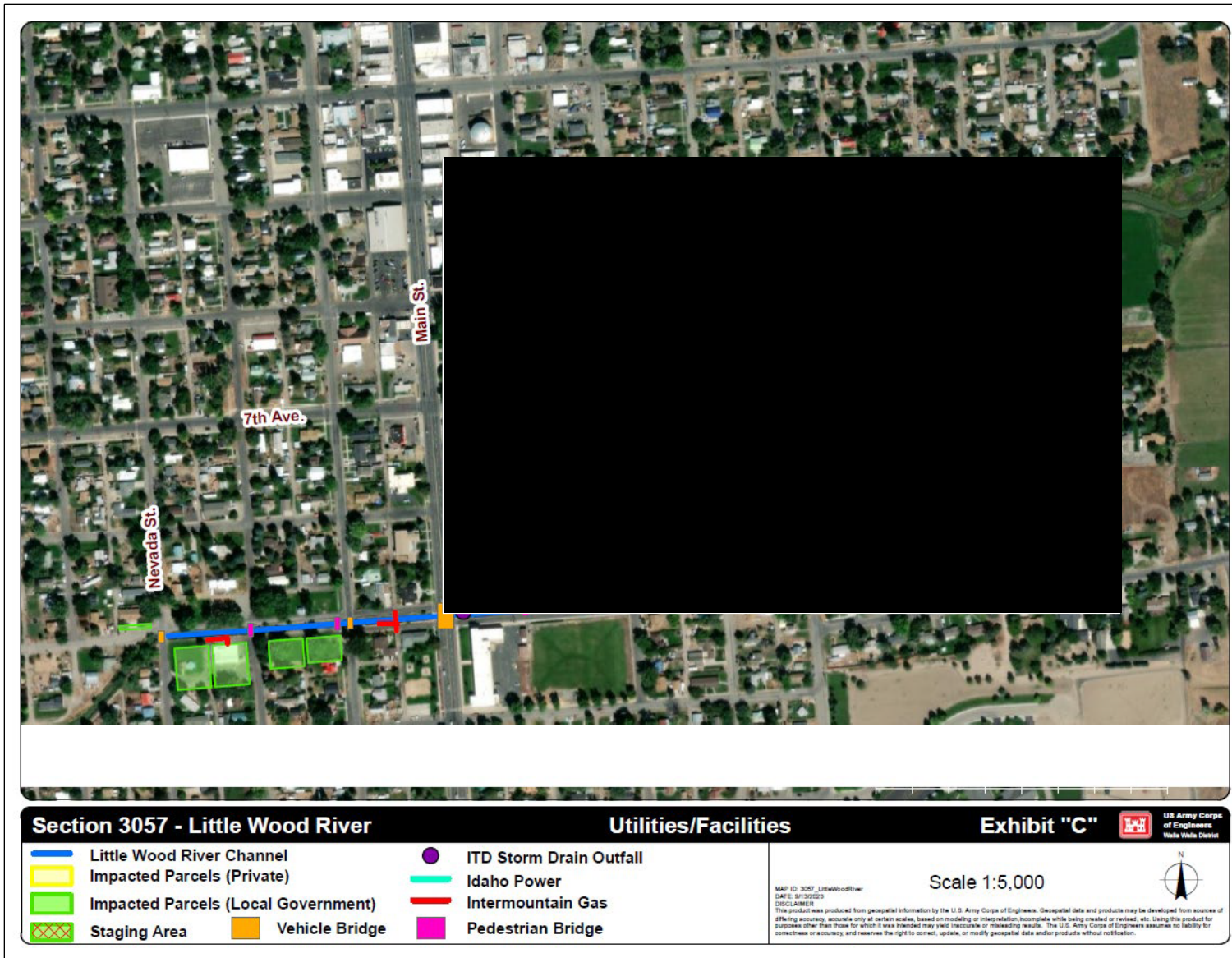
Project Area Map

EXHIBIT B, INGRESS/EGRESS AND HAUL ROUTE MAP



Haul Route Map

EXHIBIT C, UTILITY/FACILITY RELOCATION MAP



Utilities/Facilities Relocation Map

**EXHIBIT D, ASSESSMENT OF NON-FEDERAL SPONSOR'S
ACQUISITION CAPABILITY**



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
201 NORTH THIRD AVENUE
WALLA WALLA, WA 99362-1876

**ASSESSMENT OF NON-FEDERAL
SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY
GOODING FLOOD CONTROL PROJECT
FOR THE LITTLE WOOD RIVER
GOODING, IDAHO
(Capability Assessment Checklist)**

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**
County and State (Idaho Department of Lands) property

II. Human Resources 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**

- 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 staff 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**
- g. If "yes," to II.f. provide a description below:

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**
No Schedule has been proposed

***Sections IV/V to be completed jointly by NFS and USACE Real Estate Specialist**

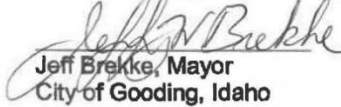
IV. **Overall Assessment:**

- a. Has the sponsor performed satisfactorily on other USACE projects? **YES/NO**
- 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).

V. **Coordination:**

- a. Has this assessment been coordinated with the sponsor? ☒ YES ☐ NO
Conference call held with NFS rep., Larry Bybee, Public Works Director on November 25, 2019
- b. Does the sponsor concur with this assessment? ☒ YES ☐ NO
(If "no," provide explanation).

Authorized Signature for Sponsor:

 **Date:** 11/20/2019
Jeff Brekke, Mayor
City of Gooding, Idaho

Prepared by:

Digitally signed by
NEEDHAM.ALISSON.D.1397745275
Date: 2019.11.26 14:59:21 -0800

Allison Needham
Realty Specialist

Date: 11/26/2019

Reviewed and Approved by: HUFFMAN.RODNEY.C.1043080284
EY.C.1043080284
Digitally signed by
HUFFMAN.RODNEY.C.1043080284
Date: 2019.12.10 18:15:20 -08'00'

Date: _____
Rodney C. Huffman
Chief, Real Estate
Real Estate Contracting Officer

**EXHIBIT E, NON-FEDERAL SPONSOR NOTIFICATION OF RISKS OF
PRE-PPA ACQUISITION**



CERTIFIED MAIL

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WALLA WALLA DISTRICT
201 NORTH 3RD AVENUE
WALLA WALLA, WA 99362-1876

September 5, 2019

Real Estate Division

SUBJECT: Section 3057- Gooding Flood Control Project, Little Wood River, Gooding, Idaho

Honorable Jeff Brekke, Mayor
City of Gooding
Mayor
308 5th Ave W
Gooding, Idaho 83330

Dear Honorable Brekke:

This letter is to notify the city of Gooding, hereinafter referred to as the non-Federal sponsor, that should the non-Federal sponsor acquires lands or real estate interest in lands for the subject project, prior to the signing of the Project Partnership Agreement (PPA), it does so at its own risk and bears full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort. We are required by U.S. Army Corps of Engineers, Engineering Regulation 405-1-12, to inform you in writing of the risks associated with advance land acquisition. These risks include, but are not limited to the following:

- (1) Congress may not appropriate funds to construct the proposed project;
- (2) The proposed project may otherwise not be funded or approved for construction;
- (3) The PPA mutually agreeable to the city and the Government may not be executed and implemented;
- (4) 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;
- (5) The non-Federal sponsor may acquire interest or estates that are later determined by Government to be inappropriate, insufficient, or otherwise not required for the project;
- (6) The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and or benefit payments

N:\Planning and Acquisition\Section 3057\Little Wood River- Gooding Channel Rehab Project\Risk Letter\Risk Letter- Certified.docx

under Public Law 91-646 (covering relocations of families, farms and or businesses) as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after the PPA execution and the Government's notice to commence acquisition and performance of Lands, Easements, Rights-of-Way, Relocations and Disposals (LERRDs); and

(7) The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRDs in advance of the execution of the PPA and the Government's notice to proceed which may not be creditable under the provisions of the Public Law 99-662 or the PPA.

Upon execution of a PPA, you will receive written notice to proceed with the real estate acquisition. All land acquisition for the project must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646.

If you have any questions or need additional information, please contact Realty Specialist, Allison Needham, at 509-527-7325 or by email at Allison.D.Needham@usace.army.mil.

Sincerely,



Rodney C. Huffman
Chief, Real Estate
Real Estate Contracting Officer

cc:
CENWW-PPL-P (Walters, Boen)

NEEDHAM/bkd

MCNULTY/RE

BOEN/PPL-P

WALTER/PPL-P

RCH 9/4/2011

HUFFMAN/RE

9/5/13

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RE

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