



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

YAKIMA RIVER DELTA ECOSYSTEM RESTORATION

**Final Feasibility Report with
Integrated Environmental Assessment**

**Appendix F
Real Estate Plan**

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**YAKIMA RIVER DELTA ECOSYSTEM RESTORATION
FINAL FEASIBILITY REPORT WITH INTEGRATED ENVIRONMENTAL ASSESSMENT
APPENDIX F, REAL ESTATE PLAN**

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1 STATEMENT OF PURPOSE

This Real Estate Plan (REP) is prepared in accordance with Engineering Regulation (ER) 405-1-12 and presents the real estate requirements for the Yakima Delta Ecosystem Restoration Study and Environmental Assessment Recommended Plan (RP) described in Section 1.4. Washington Department of Fish and Wildlife (WDFW) is the Non-Federal Sponsor (NFS) for this project. WDFW is sponsoring the project on behalf of Yakima River Basin Watershed Enhancement Workgroup (YRBWEW), a group consisting of representatives from WDFW, U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (Corps), National Marine Fisheries Service (NOAA Fisheries), Washington Department of Natural Resources (WDNR), Washington Department of Ecology (WDOE), City of Richland, Benton Franklin Mosquito Control District, Benton Conservation District, Bonneville Power Association, Mid-Columbia Fisheries Enhancement Group, Yakama Nation, and the Confederated Tribes of the Umatilla Indian Reservation.

This REP is an appendix to the Draft Feasibility Report with Integrated Environmental Assessment and fully describes the lands, easements, rights of way, relocations, and disposal areas (LERRD) required for construction, operation, and maintenance of the proposed project, including the number of parcels, acreages, estates, ownerships, and estimated value. The REP includes other relevant information on NFS ownership of land, existing Federal projects and ownership, relocations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Public Law 91-646, as amended) (“the Uniform Act”), presence of contaminants, facility/utility relocations, a baseline cost estimate for real estate, a schedule for real estate activities, and other elements as required by Engineer Regulation 405-1-12.

The purpose of the REP is to support the Yakima Delta Section 1135 Ecosystem Restoration Study, Draft Feasibility Report and Integrated Environmental Assessment Report, dated March 2023. It 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 the report has been approved.

1.1 Project Purpose/Objective

The purpose of the feasibility study is to evaluate problems, address issues, and determine the feasibility of the potential solutions. In doing so, the study will formulate and evaluate cost effective, environmentally sensitive, and technically feasible ecosystem restoration alternatives for the Yakima River Delta and surrounding areas. The purpose of the proposed project and alternatives considered in the study is to provide ecosystem restoration benefits necessary for the migration of juvenile and adult salmon species along with providing for a self-regulating ecosystem in and around the Yakima River Delta. The project area as described is susceptible to high temperatures and poor water quality as a result of low flows and insufficient circulation.

The Federal objective of water and related land resources project planning is to contribute to National Ecosystem Restoration (NER) and maximize environmental restoration benefits in

comparison to costs. Planning objectives represent desired positive changes to the future without-project conditions. All of the planning objectives focus on activity within the study area over a 50-year period of analysis.

1.2 Study Authority

The Yakima Delta Ecosystem Restoration Feasibility Study is authorized by the Water Resources Development Act (WRDA) of 1986, Continuing Authorities Program (CAP), Section 1135. Section 1135 authorizes the US Army Corps of Engineers to modify and construct projects to restore ecosystem functions degraded by Corps projects. The Yakima River delta was dramatically changed by the construction of the McNary Dam Project and impoundment of Lake Wallula in the 1950s.

1.3 Study Area

The Yakima River Delta is located at the confluence of the Columbia and Yakima Rivers, approximately Columbia River Mile 335. It is situated near the City of Richland in Benton County, Washington. Bateman Island sits to the east of the Delta, with an earthen causeway running from the south side of the delta to Bateman Island. The zone of influence or pool from McNary Dam extends up the Yakima River to just past the Highway 240 Bridge (around Yakima River Mile 2). The Yakima River flows into the Columbia River by going under the Highway 240 Bridge, down into the Delta, and then back up around the northern tip of Bateman Island due to the causeway preventing flows around the southern portion of the island. Approximately 17 miles of Federal levees lie along the banks of the Columbia River to protect the Tri-Cities which consist of Kennewick, Richland, and Pasco, Washington. Levee 4a is located on the southern border of the project footprint starting at the Highway 240 bridge going East approximately eight tenths of a mile as shown in Figure 1.

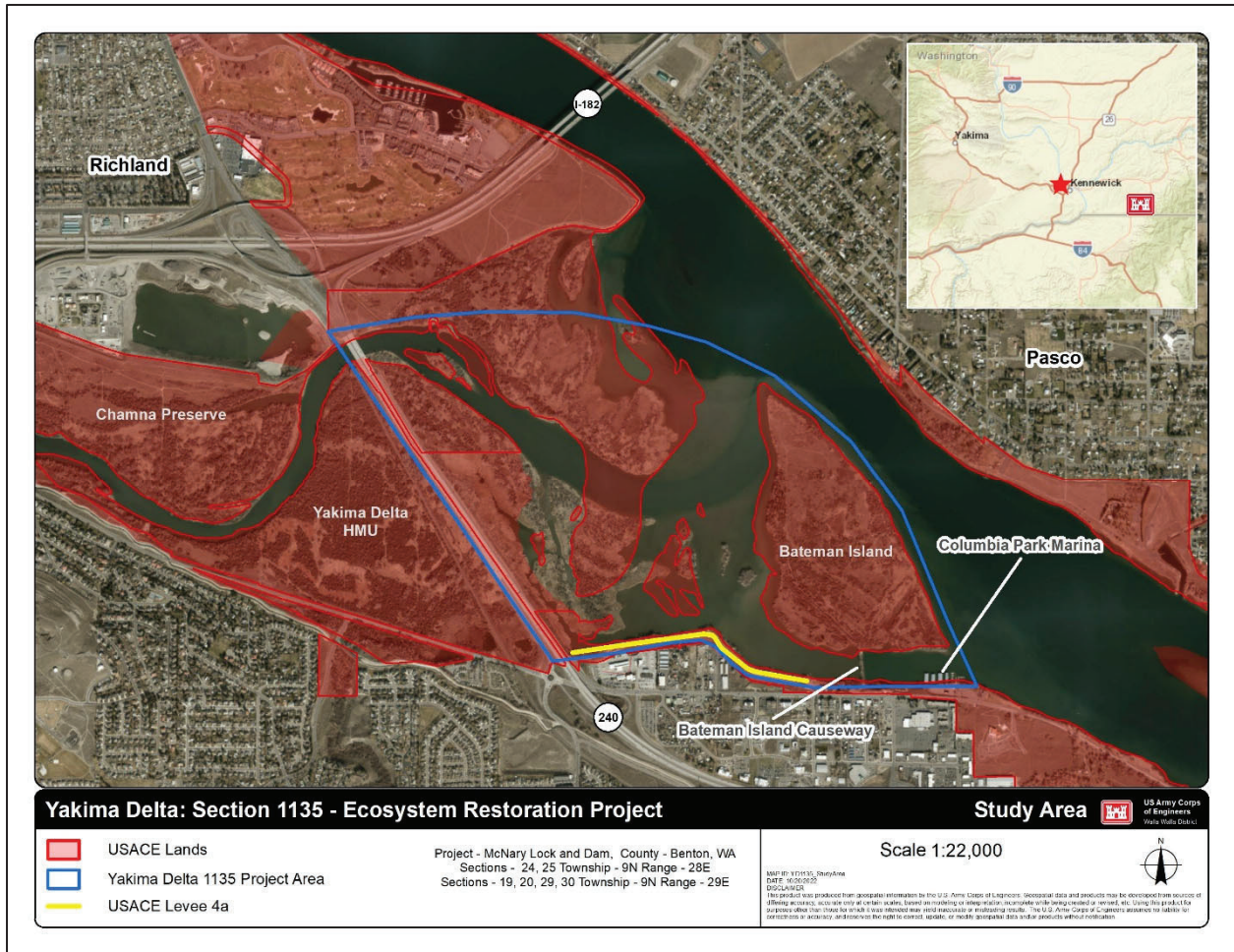


Figure 1. Yakima Delta 1135 Ecosystem Restoration Project – Study Area

1.4 Tentatively Selected Plan

This REP describes the real estate requirements for the Tentatively Selected Plan (TSP). The TSP is also the National Ecosystem Restoration (NER) Plan as it is the alternative that maximizes environmental benefits while passing tests of cost effectiveness and incremental cost analyses, significance of outputs, acceptability, completeness, efficiency, and effectiveness as required by regulation ER 1105-2-100, Planning Guidance Notebook and the Institute for Water Resources (IWR) Report 95-R-1, Evaluation of Environmental Investments Procedures Manual, Interim: Cost Effectiveness and Incremental Cost Analyses.

Alternative 3a is the selected alternative and is identified as a full removal of the causeway without riparian vegetation enhancements. The removal of the causeway will require heavy equipment to excavate approximately 500 linear feet of causeway with an estimated 37,000 cubic yards of material being mostly comprised of sand and rock.

The removal of the causeway will provide substantial ecosystem benefits by flushing the stagnant back water trapped behind the causeway. Flows from the Columbia and Yakima Rivers would mix and flow around the south side of Bateman Island pushing out the stagnant water, decreasing algae blooms, and diminishing aquatic predator habitat. These effects from the removal of the causeway will significantly increase the success of migrating salmonid species.

2 REAL ESTATE REQUIREMENTS: DESCRIPTION OF LANDS, EASEMENTS, AND RIGHTS-OF-WAY REQUIRED FOR THE PROJECT

The lands, easements, and rights of way (LER) required to be provided for the proposed project (Alternative 3a), including the requirements for staging areas, ingress/egress routes, and borrow and disposal sites, are described below:

Construction for Ecosystem Restoration Elements

Construction of Alternative 3a would require 0.583 acres of a Temporary Work Area Easement (Standard Estate #15). Construction activity to remove the Bateman Island Causeway will be primarily on WDNR land as the causeway itself has been determined to be affixed to the riverbed thus making it WDNR property. All other project lands to gain access to the causeway are owned in Fee by the Corps, the description of the tracts can be viewed in Table 1.

Staging Areas

Staging areas would require Temporary Work Area Easements (Standard Estate #15). There is currently 1 staging area identified occupying a total of 0.377 acres.

Ingress/Egress

Ingress/egress routes would require Temporary Work Area Easements (Standard Estate #15). There are 0.206 acres of ingress/egress routes identified for this project. Currently, two access points have been identified, one is direct access to the site via the staging area, we are still researching this option as the grade along this route may be too steep for construction vehicles. The other is an access along a bike/walking path, this option will be used for ingress/egress if the other option is not feasible.

Disposal Sites

Alternative 3a is estimated to produce 37,000 cubic yards of material that will need to be disposed. There are many existing disposal locations in the local area to include material handling yards, landfills, and local and state government owned lands. Disposal sites are currently being researched with the NFS, no long-term storage of disposed materials requiring a temporary work area easement is anticipated. The NFS is aware that disposal sites are a part of the LERRD requirements for the project which is the sole responsibility of the NFS.

Borrow Sites

Alternative 3a would not require the need for a borrow site. All fill material if needed will be extracted from the causeway or from a locally sourced offsite location.

Table 1. Breakdown of Ownership

Feature	Ownership	Interest to be acquired/provided	Approx. acres to be acquired/provided
Ecosystem Restoration	N/A	N/A	0.00
Staging and Access	USACE Tracts: R-1401 R-1419 Q-1289	Temporary Work Area Easement Standard Estate #15	0.583

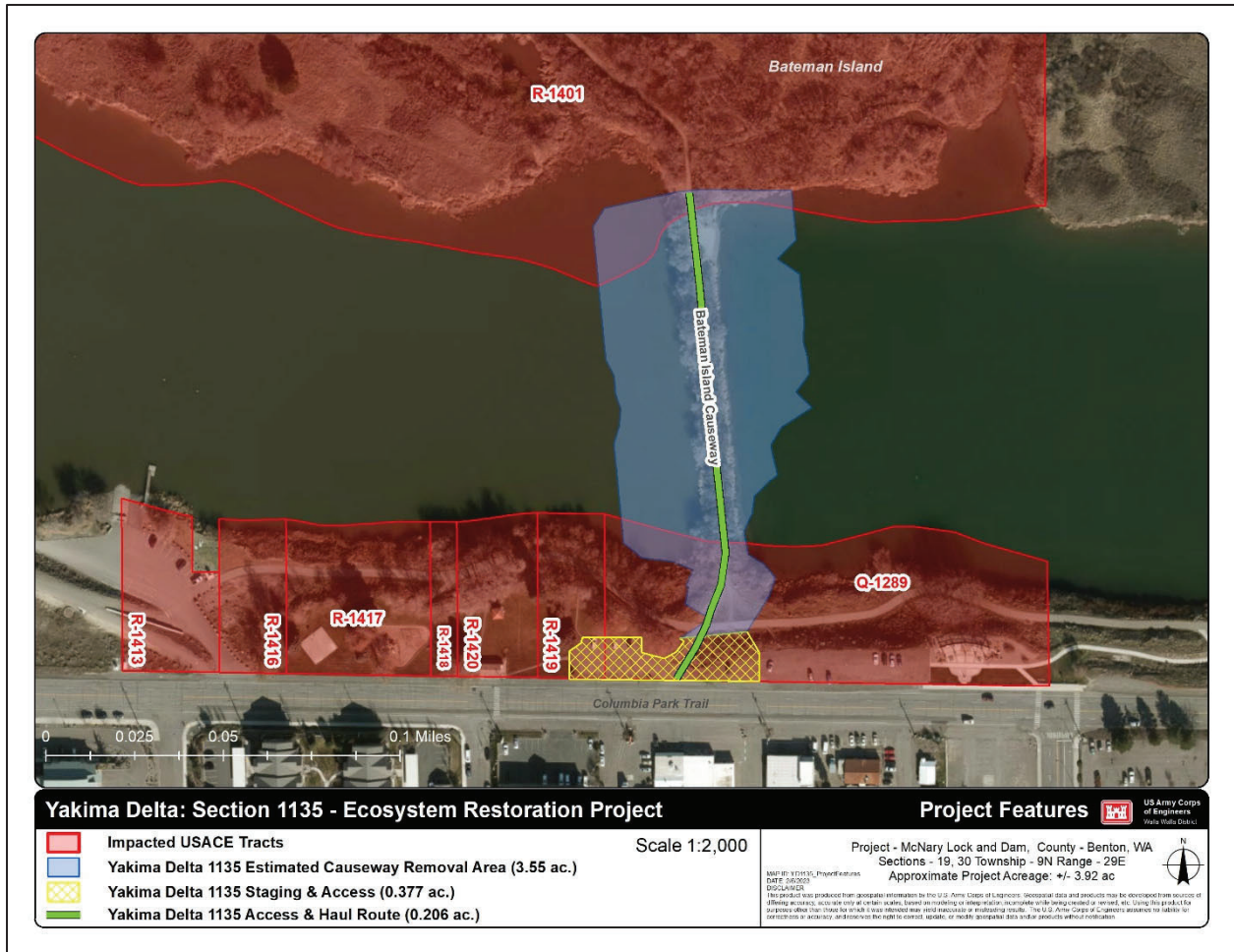


Figure 2. Yakima Delta Ecosystem Restoration Project – Impacted Tracts & Project Features

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

The NFS does not hold fee ownership over any lands within the project area. The NFS is an agency of the state and must provide an interest in the lands which is compatible with ecosystem restoration. The land within the project footprint is either owned by the Corps, or the State of Washington for any submerged lands. For any Corps owned lands within the project footprint, the Corps will make lands available to the NFS by lease agreement if necessary for project purposes. For the submerged lands owned by the state, the NFS will likely need to provide an agreement between the two state agencies (WDFW & WDNR) that allows the NFS to conduct construction activities on submerged lands.

4 NON-STANDARD ESTATES

The use of non-standard estates is not anticipated to be required for this proposed 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 Corps Headquarters for approval through Northwestern Division separate from this REP.

5 EXISTING FEDERAL PROJECTS

Where there is an existing Federal project within the area proposed for a new project, such lands must be identified, and the sufficiency of those lands for the proposed project must be evaluated. In addition, the value of lands provided as an item of local cooperation for a previous Federal project are not included in the valuation of lands for the current proposed project, and no credit may be afforded for such interests.

The McNary Lock and Dam project was authorized by the River and Harbor Act of 1945 [Public Law 79-14]. The Act authorized the McNary Project for the purposes of navigation, power development, and irrigation. The construction of the project began in 1947, was completed in 1953, and all power units were operational by 1957. The project consisted of the Dam, Lake Wallula, the powerhouse, the navigation lock, two fish ladders and a system of levees and pumping plants around the Tri-cities (Richland, Pasco, Kennewick) area, which provides for slackwater navigation, hydroelectric power generation, recreation, wildlife habitat, and irrigation.

McNary Lock and Dam is located in Umatilla County, Oregon, at Columbia River mile 292. The area occupied by the project at normal operating pool is approximately 38,000 acres, of which 15,000 acres are utilized for public recreation purposes, wildlife habitat and mitigation, and water connected industrial use and development by Port districts. An additional 2,400 acres are leased to either state or local agencies for parks and recreation purposes, including 8 commercial concessionaires and 14 public boat launching facilities.

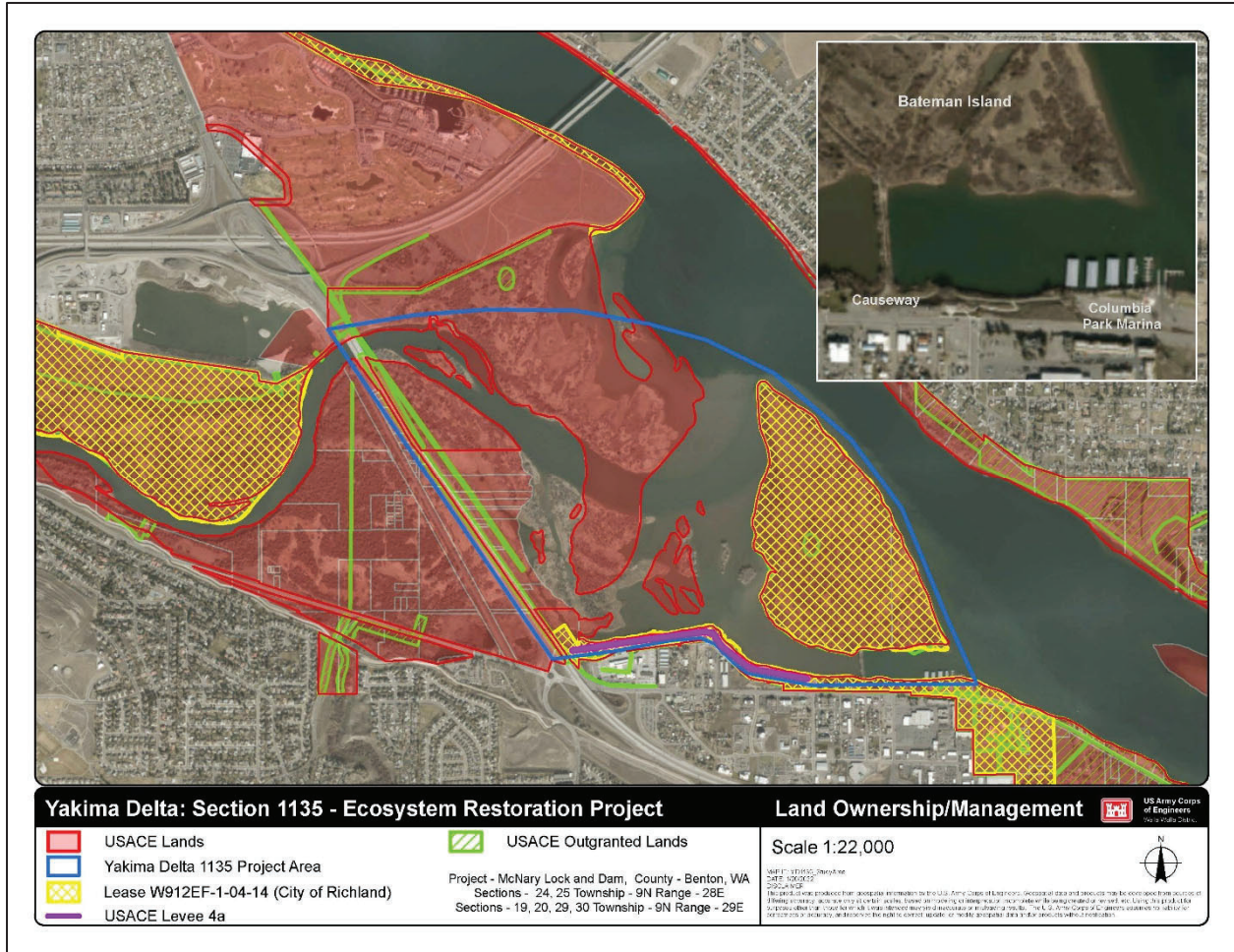


Figure 3. Yakima Delta 1135 Ecosystem Restoration Project – Ownership Details

6 FEDERALLY OWNED LAND

All lands within the project footprint are owned in Fee by the Corps with the exception of submerged lands which are owned by the State of Washington. A portion of the lands impacted by the Project are leased to the City of Richland under Parks and Recreation Lease W912EF-1-04-14. A description of the tracts that are impacted by the project are included in Table 1, a map identifying these impacted tracts is shown in Figure 2, and a map providing details on land ownership and management is shown in Figure 3.

The plan of removing the causeway should not impact the tracts of land the causeway is attached to (Q-1289 & R-1401), the construction process would be to excavate the causeway material from the bed of the river while provide gradual grading to the connection points to provide a more natural transition from shoreline to riverbed.

7 NAVIGATIONAL SERVITUDE

Exercise of Federal navigational servitude is not applicable to this proposed project and is not being invoked. Although a large portion of the project includes excavating below the ordinary high-water mark, no permanent features or structures are being placed within the footprint of where the causeway currently sits. The NFS will not require navigation servitude to be invoked as the NFS is an agency of the State which has jurisdiction over submerged lands.

8 PROJECT MAP

Please see Exhibit A for proposed project maps depicting the project study footprint and construction area.

9 POTENTIAL FLOODING INDUCED BY CONSTRUCTION, OPERATION, OR MAINTENANCE OF PROJECT

There is no potentially induced flooding as a result of the construction, operation, and maintenance of the proposed project.

10 REAL ESTATE BASELINE COST ESTIMATE

In accordance with Engineering Circular (EC) 405-1-4 and Real Estate Policy Guidance Letter (PGL) No. 31, for projects in which the value of real estate (including lands, improvements, and severance damages) is not anticipated to exceed 15 percent of total project cost, a cost estimate or rough order of magnitude is acceptable for purposes of the feasibility phase. In the event where the value of real estate exceeds the 15 percent threshold, but is not greater than 30 percent, a brief gross appraisal will be acceptable. When the value of the real estate exceeds 30 percent, a full gross appraisal will be required.

The values in Table 2 will be further derived from a Land Cost Estimate (LCE) prepared by a licensed appraiser by final report. An LCE is not an appraisal and is intended for internal planning purposes only. Pre-acquisition appraisal services to determine the current actual market value of LER may be obtained if total real estate costs constitute more than 15 percent of the total proposed project costs. A contingency of approximately 20 percent has been added into this estimate due to factors that cannot be evaluated at this time, such as the proposed project being delayed, differences in the Preconstruction Engineering and Design, and potential unforeseen changes in land use or zoning practices. Closing costs and title work costs, which in Washington average approximately 10 percent of the total cost of acquisition, have also been added into the estimate.

Table 2. Real Estate Baseline Cost Estimate

NFS Cost (Alternative 3a)	ACRES	COST
(01) Lands, Easements and Rights-of-Way *disposal site(s) not provided by NFS as required	*1.7	*\$23,264.00
(02) Facility/Utility Relocations (None anticipated)	0	\$0
Incremental RE Costs (20% contingency)	-	\$4,653.00
Subtotal LERRDs (\$23,264 + \$4,653)	-	\$27,917.00
NFS Administrative Costs	-	\$20,000.00
Total NFS LERRDs	-	\$47,917.00
Federal Cost	-	-
(30) Federal Administrative Costs (cost to coordination w/ Lessee and letter).	-	\$10,000.00
	-	-
Total Real Estate Costs		\$57,917.00

11 PUBLIC LAW 91-646 RELOCATION ASSISTANCE BENEFITS

The NFS is aware of the requirements of the Uniform Act (Public Law 91-646) and if relocations are required, the NFS will proceed in accordance with the Act. Currently, the RP does not identify the displacement of any businesses or residences that are eligible for relocation assistance benefits under the Act.

12 MINERAL/TIMBER ACTIVITY

There is no known mineral activity currently occurring inside the proposed project area. There is no known timber harvesting within the proposed project boundary. A check of the existing easements for the current levee shows no mineral or timber rights to any of the existing easement owners or outside interests. It is recommended that a title search be done to determine if any mineral/timber rights exist on parcels being acquired for this proposed project.

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

A thorough assessment of the NFS’s legal and professional capability and experience to acquire, provide, and perform LER has been completed through the assessment of the NFS’s real estate acquisition capability, which is in the format prescribed in ER 405-1-12, Appendix 12-E. As described above in Section 11, the NFS has been advised of the requirements of P.L. 91-646 as well as the requirement for providing documentation on expenses for crediting purposes. Based on the information provided by the NFS, the Walla Walla District’s overall assessment is that the NFS is anticipated to be “fully capable.”

14 APPLICATION OR ENACTMENT OF ZONING ORDINANCES

At this time there are no foreseen enactments of zoning ordinances to facilitate acquisition of real property in connection with this proposed project.

15 REAL ESTATE ACQUISITION SCHEDULE

Currently, the proposed project is anticipated to be implemented in one phase, with construction beginning at the shoreline of Bateman Island and progressing south along the causeway toward the shoreline of Columbia Park. However, because the proposed project is only at a preliminary design, the construction timelines have not yet been determined. The acquisition of Temporary Work Area Easements, and Rights of Entry for Construction needed for the TSP would be accomplished over several months, with the acquisition of all of the real estate interests required completed in advance of contracting for construction activities. The schedule below reflects an approximate realistic timeline to complete the acquisition activities.

Table 3. Real Estate Acquisition Schedule Milestones

Final Project Plans and Specifications Submitted to NFS	30 days after PPA signed.
Obtain Surveys	30 days after plans and specs submitted. If necessary.
Obtain Title Evidence	15 days after obtaining surveys. If necessary.
Obtain Appraisals and Reviews	30 days after obtaining title evidence.
Prepare Offer Letters	10 days after obtaining appraisals. If necessary.
Conclude Negotiations	15 days after start of negotiations. If necessary.
Conclude Closings	30 days after concluding negotiations. If necessary.
Attorney Certify Availability of LERRD	30 days after concluding closings.
Review LERRD Credit Request	30 days after receiving LERRDs documents.
Approve or Deny LERRD Credit Request	10 days after concluding LERRD review.

16 FACILITY/UTILITY RELOCATIONS

Based on the current project footprint, no relocations for utilities or facilities are anticipated for this project. The causeway is comprised of dirt and rock and there is no infrastructure attached or embedded to or within in it.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS 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 OPINION OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

17 IMPACT ON REAL ESTATE ACQUISITION DUE TO SUSPECTED OR KNOWN CONTAMINANTS

The NFS fully understands their responsibilities for assessing the properties for any potential presence of hazardous waste materials as defined and regulated under CERCLA. The LER estimate is predicated on the assumption that all lands and properties are clean and require no remediation. A Phase I Environmental Site Assessment was conducted for this project in accordance with ER 1165-2-132, the investigation into regulatory databases, historic information, and other commonly accessible environmental records resulted in no recognized environmental conditions within the project area and one REC in the vicinity of the project area that should be avoided.

18 SUPPORT/OPPOSITION FOR THE PROJECT

There is no known opposition by local, state, and tribal stakeholders at this time. This proposed project enjoys popular broad-based support from Federal agencies (USFWS, NMFS, BPA), State agencies (WDFW, WDNR, WDOE), Local agencies, the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, along with environmental conglomerate groups such as the Yakima River Basin Watershed Enhancement group which consists of many of the agencies noted above and special interest groups like the Audubon Society. The public review period for the Feasibility Study/Environmental Assessment report will take place January - February 2023, and a public meeting will be held at a date to be determined. All pertinent real estate information gathered from the public review period and public meeting has been included in this REP.

19 NON-FEDERAL SPONSOR NOTIFICATION 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. The letter was mailed by Certified Mail on April 5, 2022.

20 OTHER REAL ESTATE ISSUES

As the PDT continues to develop the recommended plan, there is some uncertainty on how the Columbia Park Marina will be addressed as a result of the project. Current analysis shows that the Marina owner is a sub-lessee of the City of Richland where their proposed sub-lease agreement for the marina has unilateral termination rights without cause. The most current agreement has been expired since 2017, the Corps has since reviewed the most recent submission from the City of Richland and have decided to deny the sub-lease renewal in favor of a month-to-month tenancy allowing the Corps to align their marina agreement with WDNR's marina agreement. WDNR has a stake in these conversations as they are the other agency that issues a lease agreement to the City of Richland for the area outside the Corps boundary and allows the marina to operate within the channel. The lease agreement between WDNR and the

City of Richland is in hold over status and is also currently a month-to-month agreement. WDNR has stated the City of Richland and the Marina owner will need to come into compliance with WDNR requirements before they will negotiate terms for an extension of their current lease.

21 RECOMMENDATION

Prepared by:

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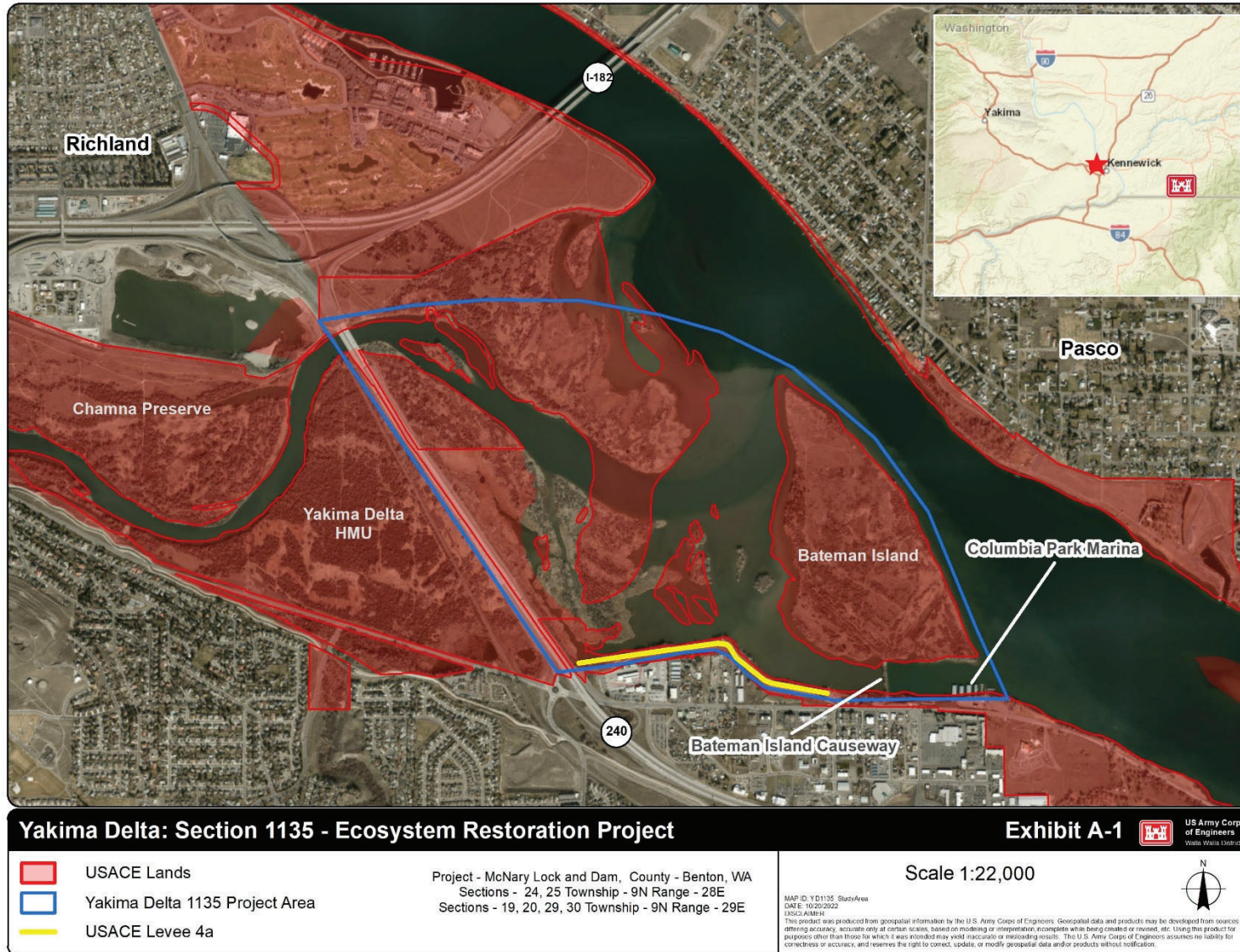
End of Service Date 23 March 2024

Reviewed by:

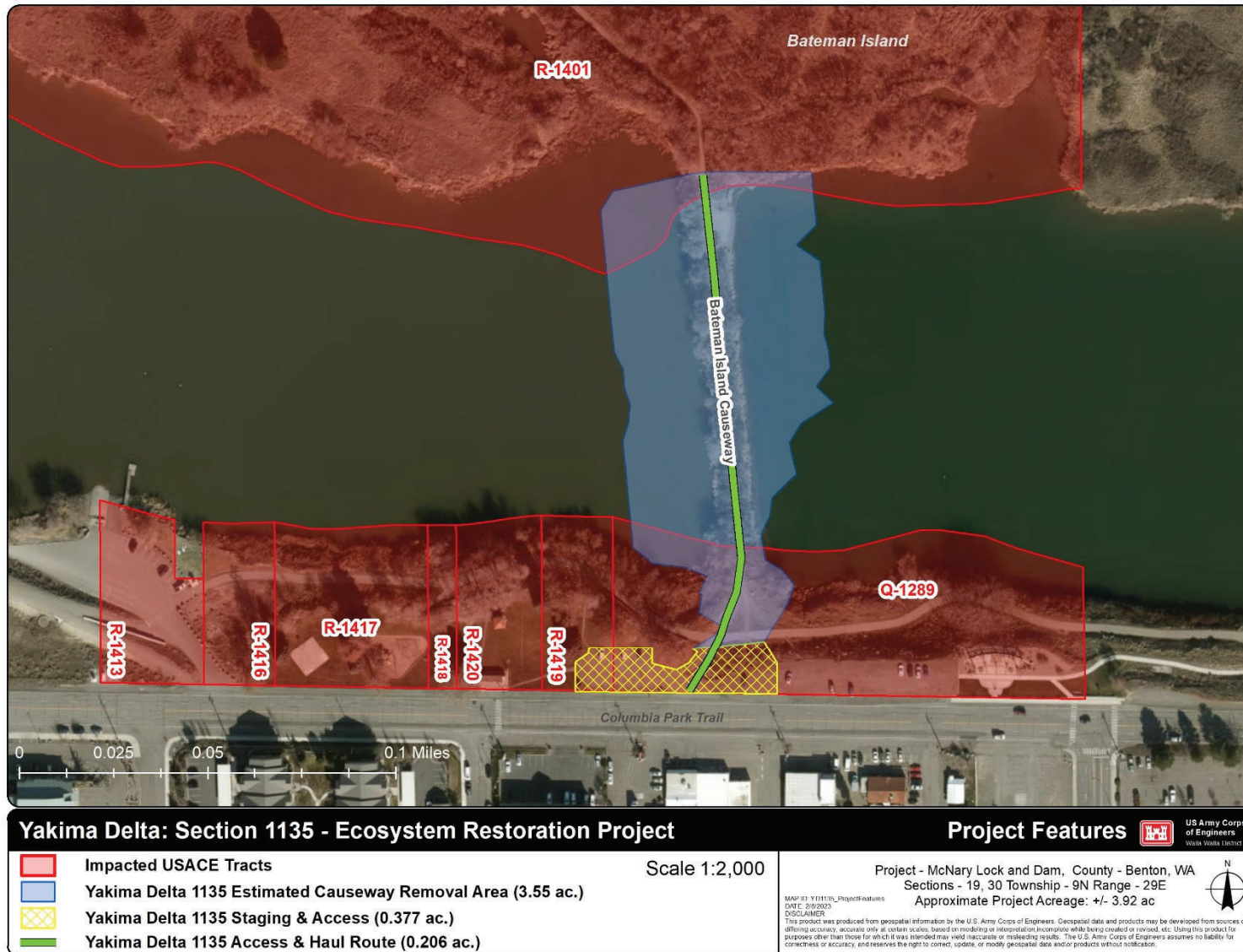
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EXHIBIT A, PROJECT MAPS



Map 1. Yakima Delta 1135 Ecosystem Restoration Project – Study Area



Map 2. Yakima Delta 1135 Ecosystem Restoration Project – Project Features and Impacted Tracts