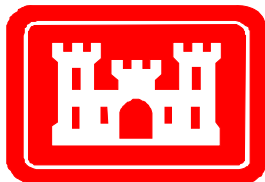


**Rio Grande, Sandia Pueblo to Isleta Pueblo, CO, NM, TX
Ecosystem Restoration Feasibility Study and
Environmental Assessment**

**Appendix I
Real Estate Plan**

LOS ANGELES DISTRICT ASSET MANAGEMENT



**US Army Corps
Of Engineers
Albuquerque District**

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Rio Grande, Sandia Pueblo to Isleta Pueblo, CO, NM, TX Ecosystem Restoration Feasibility Study

REAL ESTATE PLAN ANALYSIS

1. STATEMENT of PURPOSE

This Real Estate Plan is prepared in accordance with ER-405-1-12, and is for planning purposes in support of the Feasibility Report. This report identifies lands located along the Middle Rio Grande near Albuquerque, New Mexico, required for the construction of the Middle Rio Grande Ecosystem Restoration Project. Final real estate property lines and estimates of value are subject to change after approval of this document.

This Proposed Project is being prepared in partnership with the Middle Rio Grande Conservancy District (MRGCD), who is the non-Federal partner

2. PROJECT AUTHORITY:

The Rio Grande, Sandia Pueblo to Isleta Pueblo, CO, NM, TX Ecosystem Restoration Feasibility Study is being conducted as the first study under the Rio Grande Environmental Management Program (RGEMP) for the Rio Grande basin. The RGEMP has been authorized by Section 5056 of the Water Resources Development Act of 2007 (WRDA 2007), as amended by Section 4006 of the Water Resources Reform Development Act of 2014 (WRRDA 2014). The RGEMP is established for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program in consultation with the States of Colorado, New Mexico, and Texas, and other appropriate entities.

3. INTERESTED PARTIES AND STAKEHOLDERS:

The principal land and facility managers in the Middle Rio Grande Valley include the Middle Rio Grande Conservancy District (MRGCD), Bureau of Reclamation (BOR), and the Isleta Pueblo..

This Proposed Project is being prepared with MRGCD, who is the interested non-federal cost sharing partners and would be the signatories to a Project Partnership Agreement. The Middle Rio Grande Conservancy District (MRGCD) supports the Recommended Plan (TSP). Partnership interests follow:

MRGCD: Local sponsor responsible for obtaining and granting access and easements for all phases of levee construction which fall under their jurisdiction, consisting of approximately 261 acres, provides input to USACE and non-federal cost share. MRGCD will assume operation and maintenance of the measures which fall under their jurisdiction after construction and have done so historically using their cooperative agreement with BOR.

BOR: The Bureau is a federal stakeholder for the project and is the managing federal agency of the lands of the Rio Grande channel for a large portion of the project. The lands ownership is currently in dispute with the local sponsor, MRGCD, as explained in Section 5, paragraph 6 of this plan. As the ownership dispute is not resolved, the Bureau's approval for the project is necessary. Additionally, the Bureau accounts for all of the federal benefits on the project.

City of Albuquerque/ State of NM: a stakeholder within a portion of the bosque, was designated as the Rio Grande Valley State Park through the Park Act of 1983. It is cooperatively managed by the City of Albuquerque, Open Space Division (OSD), and the MRGCD. The bosque is offered protection as a State Park, but receives no state operating funds, and is administered cooperatively by OSD and MRGCD through formal agreements.

The U.S. Army Corps of Engineers will be responsible for all engineering design, analysis, permitting and compliance, NEPA and ESA compliance, and construction and oversight.

a. BACKGROUND:

River systems and their attendant wetland and riparian woodland communities provide significant resources for both humans and wildlife in the semi-arid western United States. In New Mexico, riparian habitats make up less than two percent of the State's land cover, yet nearly 50 percent of the vertebrate species are riparian obligates (NMDGF 2004). Although these riparian ecosystems are considered to be the most productive and biologically diverse ecosystems in the region, they are now believed to be the most threatened (Johnson and Jones 1977, Johnson *et al.* 1985, Knopf *et al.* 1988, Ohmart *et al.* 1988, Johnson 1991, Minckley and Brown 1994). Substantial impacts from human activities, beginning approximately 250 years ago, have resulted in compounding rates of change in structure and vegetation dynamics to the point that the Bosque ecosystem is now on the verge of irreversible conversion (Crawford *et al.* 1996). Open water or wet soil habitat is scarce in arid regions, by definition, and increasing demands on water further threaten this resource.

The Rio Grande's riparian ecosystem continues to provide habitat for a wide variety of wildlife species, although in a much reduced and degraded state compared to its

historic status. The Rio Grande remains a critical travel corridor for many species, especially migratory birds that include neotropical songbirds, waterfowl, raptors, and cranes. Wildlife diversity within the MRG riparian corridor is substantially higher than any upland habitats in the rest of the state. Both the degradation of the hydrologic and geomorphic character of the river and the decline in aquatic and riparian habitat value threaten this diversity. The persistence of species, however, provides the opportunity for these species to expand their occupied area or increase numbers once adjacent habitats are restored or existing habitats are improved. Water resource management activities (diversions, dams, levees, drains, channelization, jetty jacks) by Federal and other entities have significantly altered the nature of the hydrologic regime, ecological processes, water table, and sediment transport of the Rio Grande within New Mexico, contributing to the loss and attrition of the Bosque and subsequent loss of species diversity. Abiquiu, Jemez Canyon, Galisteo and Cochiti Dams, operated for flood and sediment control by the Corps, have contributed, in part, to the degradation of ecosystem functions and values.

4. PROJECT LOCATION:

The Proposed Project is located within the Albuquerque Reach of the Middle Rio Grande Bosque located within Bernalillo and Sandoval Counties of New Mexico. The Middle Rio Grande Bosque is a large riparian corridor extending through the middle reach of the Rio Grande, in the vicinity of the City of Albuquerque, New Mexico. The term “Bosque” commonly referred to in New Mexico, is derived from the Spanish word for woodlands or forest. The Proposed Project, consists of six (6) reaches based on hydrological breaks, but work footprint fall within three (3) reaches.

5. PROJECT DESCRIPTION:

The tentative selected plan consists of 42 Willow swales, 15 Treat-Retreat-Reveg, 5 Hi-flow Channels, 3 Wetlands, 2 Connections to River, 1 Enhance ditch for wet habitat, 1 Wet Meadow, 1 Divert outfall flows, 1 Bankline terrace, 3 Remove berms. The TSP has an approximate cost of \$22,587,023 implementing measures over approximately 261 acres. Exhibit A shows the TSP plan areas within the study area.

Current Land Uses:

Land use in the bosque is limited to a floodway with passive recreation and educational uses. Historically, the bosque had a rich legacy as a cultural landscape. Most of the historic uses such as wood cutting and agriculture have either been outlawed or displaced to adjacent areas.

As with many bottomlands on the margins of an urban area, the bosque has long functioned as an unauthorized public garbage dump or refuse disposal area. Early spoil levee construction and armoring techniques also employed the deposition of large amounts of construction debris along the river bankline; this has become part of the current bankline. Unfortunately, this use of the bosque continued until the 1980s.

Although there is a strong public awareness campaign to “Save the Bosque,” there are incidents where it is still used by the public as a refuse disposal area for household furniture and garbage.

Currently, the primary uses of land adjacent to the bosque are either residential or public in the form of the Albuquerque Biological Park (Zoo, Botanical Garden and Aquarium) or one of a number of Bernalillo County and City of Albuquerque Parks. Other land uses within land adjacent to the Proposed Project include flood control structures (such as levees and drains), bridges crossing the river, and other restoration projects. Agriculture is still a major land use in various corridors.

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

The interests that the Government will be acquiring include environmental ecosystem easements (non-standard estate), which were previously approved for another SPD project and Rights of Entry for Access, Survey and Exploration. Required lands consist of standard and non-standard estates (Table 1). The MRGCD/USBR fee owned lands are standard estates. The Pueblo of Sandia, the City of Albuquerque and the State of New Mexico owned lands are non-standard estates for which an environmental ecosystem easement will be acquired. MRGCD will not acquire the City of Albuquerque lands in fee, since they have cooperative working agreements with the City regarding the maintenance and operation of the lands and MRGCD's facilities upon the lands. The Sandia Pueblo is a sovereign nation which does not sell its lands without Department of the Interior, Bureau of Indian Affairs involvement.

Title to all works constructed by the United States under the 1951 MRG Project Act and repayment contract and to all such works shall be and continue to be vested in the name of the United States until otherwise provided by Congress, notwithstanding the transfer hereafter of any such works to the District for operation and maintenance. Title shall be deemed to be held by the United States even after full repayment until Congress acts to revert title to MRGCD. Lands are also owned and/or managed by the Sandia Pueblo, the City of Albuquerque and the New Mexico State Land Office. MRGCD has been a non-Federal sponsor on several past district projects and has expressed strong support for this project and will provide appropriate easements for desired restoration area.

All access to the sites will be by public roadway and along the levee roadway; rights-of-use will be required for use of any levee roadway. Access permits may be required from the Sandia Pueblo and the Village of Corrales in the northern portion of the project, otherwise access for surveying, staging and construction activities would be obtained from the MRGCD and the USBR. All work will occur within the Albuquerque reach levees rights-of-way, which is the Project boundary. The MRGCD/USBR own fee or easement rights for irrigation water delivery and drainage purposes; these rights would be utilized for temporary access for exploration and testing, surveying, staging,

construction and monitoring activities associated with the proposed project to avoid obtaining cost prohibitive permanent ownership of the properties.

The Recreation feature will include the formulation of bridges, trails, educational signs and Kisosques throughout the project. They will be located within the easement areas required for the ecosystem restoration. When the project construction has been completed, it will be turned over to the sponsor for maintenance. The Corps, subject to availability of funding, may monitor the project area for the first five (5) years after construction is completed.

The following acreage requirements were provided Albuquerque District Environmental Division. Maps are attached as exhibits.

Table 1

Project Area	Project Feature	Acreage	Current Interest held by USA/ NFS	Standard Estate	Owner
Reach 1		0	Fee	Ecosystem Restoration Easement	1USA (BOR/BLM)/ Sandia Pueblo
Reach 2	Levee	104.80	Fee	Ecosystem Restoration Easement	USA (BOR/BLM)
Reach 3	Levee	100.86	Fee	Ecosystem Restoration Easement	USA (BOR/BLM)
Reach 4	Levee	55.05	Fee	Ecosystem Restoration Easement	USA (BOR/BLM)
Reach 5	Levee	0	Fee	Ecosystem Restoration Easement	USA (BOR/BLM)
	Total	260.71			

¹ There is ongoing dispute between the BOR and the MRGCD regarding title to certain land in reaches 1 through 4 of the project. The Federal position is that the land is owned in fee by the Government. This position is disputed by the MRGCD; however, for the purposes of project planning it is assumed that title is in the United States of America as discussed below.

7. STANDARD FEDERAL ESTATES AND NON-STANDARD ESTATES:

Estates that may be required for this project are as follows: Fee Estate for Ecosystem Restoration Temporary Easements for levee, spoil/mitigation/disposal areas, construction and staging areas, and road easements for road access. There are no non-standard estates. The following estates are listed for reference at this time and may be required for the project and will be populated later.

FEE

The fee simple title to (the land described in Acquisition Schedule) (Tract Nos. ____, and ____), 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 there from 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.

BORROW EASEMENT

A perpetual and assignable right and easement to clear, borrow, excavate and remove soil, dirt, and other materials from (the land described in Schedule A) (Tracts Nos. __, __ and __); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges in said land as may be used without interfering with or abridging the rights and easement hereby acquired.

8. DESCRIPTION OF ANY EXISTING FEDERAL PROJECTS IN OR PARTIALLY IN THE PROPOSED PROJECT:

Currently the Corps, the USBR and the New Mexico Interstate Steam Commission (NMISC) are signatories of the Memorandum of Agreement to conduct the Upper Rio Grande Water Operations Review (URGWOR) and prepare a programmatic Water Operations Environmental Impact Statement. This is relevant for purposes of flood risk management.

The MRGESCP is a multi-agency organization that has funded a number of habitat restoration projects in the Proposed Project Area. The Corps, USBR and NMISC have all constructed projects within the Proposed Project Area under the MRGESCP. These projects have been planned and constructed in coordination with each other. They have been planned so that they complement one another and do not overlap. Projects include:

- a. Habitat Restoration Plan for the Middle Rio Grande
- b. Middle Rio Grande Riverine Habitat Restoration Project – ISC
- c. Rio Grande Nature Center Habitat Restoration Project
- d. City of Albuquerque Habitat Restoration Project

The City of Albuquerque has constructed a diversion dam in the Rio Grande south of Alameda to divert San Juan/Chama water into the City's water supply system. The City has also constructed water intakes and a crossing in the Rio Grande at Campbell Road.

The Corps is involved in another 1135 Ecosystem Restoration Project within the RGVSP between I-40 and Bridge Boulevard called the Ecosystem Restoration @ RT66 Project.

Under the Bosque Wildfire project, selective thinning of areas with high fuel loads and/or non native plant species populations; removal of jetty jacks and removal of debris; improvement of emergency access in the form of drain crossings, levee road improvement and construction of turnarounds; and re-vegetation of burned areas began in 2004 in and around the Albuquerque area, including the Proposed Project Area.

9. DESCRIPTION OF ANY FEDERALLY OWNED LAND NEEDED FOR THE PROJECT:

In addition to the disputed lands discussed in Section 6, there are no additional known Federal lands.

Although the Project Partnership Agreement for this cost shared project will require that the NFS to certify that sufficient property rights are owned by the NFS, to the extent land required for the project is owned or claimed by a Federal agency, the Corps will acquire from the Federal agency any federal interest necessary for the project. The Corps will acquire from the Department of Interior a license or special use permit for each parcel and for each phase of construction as well as a Memorandum of Agreement (MOA) for the entire project.

10. APPLICATION OF NAVIGATION SERVITUDE TO THE LERRDS REQUIREMENT:

Exercise of navigation servitude is not required for this project.

11. PROJECT MAP:

Exhibit A depicts maps of the project area.

12. INDUCED FLOODING:

Induced flooding is not anticipated for this project. All restoration work (and overbank inundation) will occur in the Bosque floodway between the levees through the

Albuquerque area (roughly from the north end of Corrales to the I-25 crossing of the Rio Grande). A hydraulic model was conducted for 100 year flows to insure that the project would be safe and not adversely affect the levees or otherwise place properties at risk.

13. COST ESTIMATE:

A public access road to the construction site is limited to a certain point, and a road easement will be required to get complete access to the project location. Excess material will be removed to an appropriate commercial dump site, by the construction contractor for disposal. The values depicted below are based upon an informal value estimates derived from local Municipal Tax Assessment Office, and other publicly obtained information. The values in Table 5 below are estimates only. Pre-acquisition appraisal services are not required unless if total real estate costs constitute less than 10% of the total project costs.

LERRDS	ACRES	COST
Lands and Easements ((Includes Borrow Sites) (01 Account)	261	\$ 0
Incremental RE Costs (30% contingency) (01 Account)		\$ 0
Facility/Utility Relocations Costs (Includes 23% contingency) (02 Account)		\$ 0
Relocation Assistance Program P.L. 91-646 (Includes 23% contingency) (01 Account)		\$ 0
Subtotal LERRDs		\$ 0
*Non Federal Administrative Costs (including crediting) (01 Account)		\$ 0
Total Non-Federal LERRDs		\$ 0
**Federal Administrative Costs (01 Account)		\$ 0
Total Real Estate Costs		\$ 0

Table 2 – LERRDs and Cost

***Provided by Sponsor(s)**

****Provided by Albuquerque District**

A contingency for price changes through negotiations, undervaluation due to unknown conditions, court valuation differences, and unknown ownerships. No contingency is included for the Federally Owned Lands.

Typical Federal Real Estate costs include preparation of all Real Estate Reports, acquisition and review of all ownerships materials, review, coordination and planning meetings, review of documents, costs of legal reviews, mapping costs, and general administrative costs associated with the project, including monitoring activities. Here, the Federal Real Estate costs also include negotiation of use permits with BOR, as necessary for each phase of construction.

14. PUBLIC LAW 91-646, RELOCATION ASSISTANCE BENEFITS:

Public Law 91-646, Uniform Relocation Assistance provides entitlement for various payments associated with federal participation in acquisition of real property. Title II

makes provision for relocation expenses for displaced persons, and Title III provides for reimbursement of certain expenses incidental to transfer of property. There are no residential, tenant, business, or farm operations impacted by this project, i.e., no relocations are required.

15. MINERAL/TIMBER ACTIVITY:

Primary mineral resources that are present in the vicinity consist of sand and gravel. Commercial excavation and developed borrow pits exist in the Region, but not within the project area. There are no Oil and Gas activities/ownership within the project area. There are other mineral resources in the area, but not within the footprint of the project.

16. HAZARDOUS, TOXIC, AND RADIOLOGICAL WASTE IMPACTS:

Multiple locations that currently store hazardous materials, hazardous wastes, and petroleum products and where there have been significant releases of these in the past are identified within a one mile and greater radius from several project areas. A review of the Environmental Data Report (EDR), 17 October 2013, was completed along with recent site visits to several of the project areas along the corridor by personnel from the US Army Corps of Engineers (USACE) Albuquerque District Environmental Engineering Section who are trained in identifying the presence of and impacts from hazardous wastes and petroleum products.

Observations by USACE personnel included surficial solid waste in small concentrations typically restricted to the terminus of storm water outfalls. This waste was typically plastic bottles, bags, cups, glass, and other household waste that were washed through the storm water drainage systems and deposited near the outfalls. Other sporadic waste as described above was observed and likely deposited by wind and users of nearby pathways.

A mixture of recreational, residential, commercial, and industrial land uses are located adjacent to the Rio Grande. In a flooding situation, some commercial and industrial properties have a potential to pose an imminent threat to the river from the release of hazardous wastes, hazardous substances, or petroleum products.

17. NON-FEDERAL SPONSOR'S ABILITY TO ACQUIRE:

Assessments of the MRGCD's experience and capability to acquire real estate interest for the project are attached as Exhibit D, respectively.

18. ZONING ANTICIPATED IN LIEU OF ACQUISITION:

There is no zoning modification proposed or anticipated at this time.

19. ACQUISITION SCHEDULE:

Acquisition Tasks	Due
Draft Real Estate Plan	June 2018
Prepare Acquisition Maps and Legal Descriptions	60 days after Plan and Specs have been finalized.
Obtain Rights-of-Entry	120 days after Plan and Specs have been finalized.
Real Estate Certificate of Sufficiency	180 days after Plan and Specs have been finalized.

The Non-Federal Sponsors will be required to acquire the required real estate interests to support the construction of the project, one phase at a time and prior to advertisement of each phase of construction.

20. DESCRIPTION OF FACILITY AND UTILITY RELOCATIONS:

There are no known facilities or utility relocations known at this time. There is no requirement for a Preliminary Attorney's Opinion of Compensability. The Government will make a final determination of the relocation(s), if any, necessary for the construction, operation and maintenance of the project after further analysis and completion and approval of the Final Attorney's Opinion of Compensability for each of the impacted utilities and facilities.

P.L. 91-646 Relocation Assistance Benefits: The project is not displacing usable or habitable structures. There is not any personal property that has been identified as a relocation requirement.

21. ATTITUDE OF LANDOWNERS:

There is no known opposition to the project.

22. RISK LETTERS

Risk letters were sent to the prospective non Federal sponsors on 05 June 2018.

Exhibit “A”

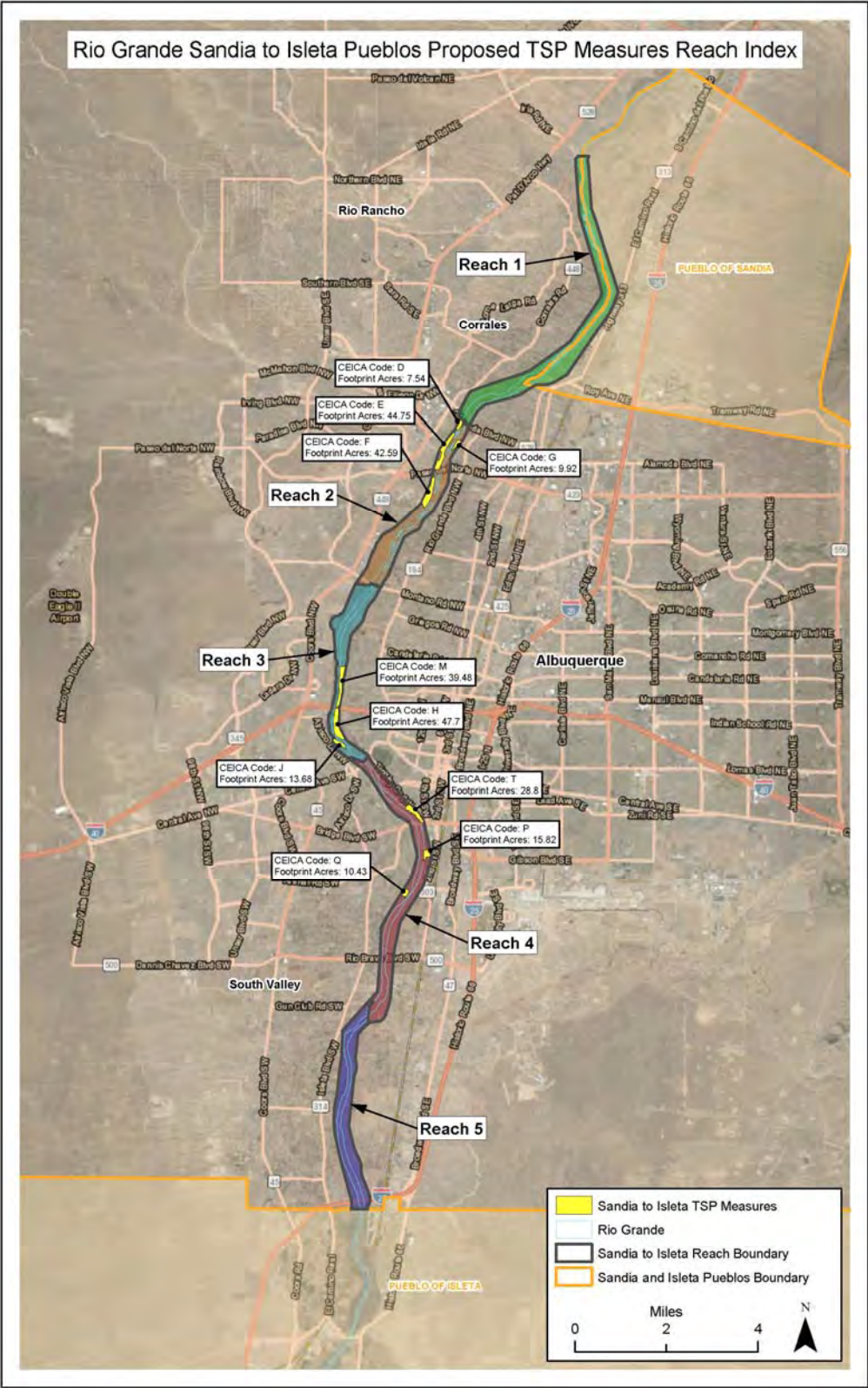
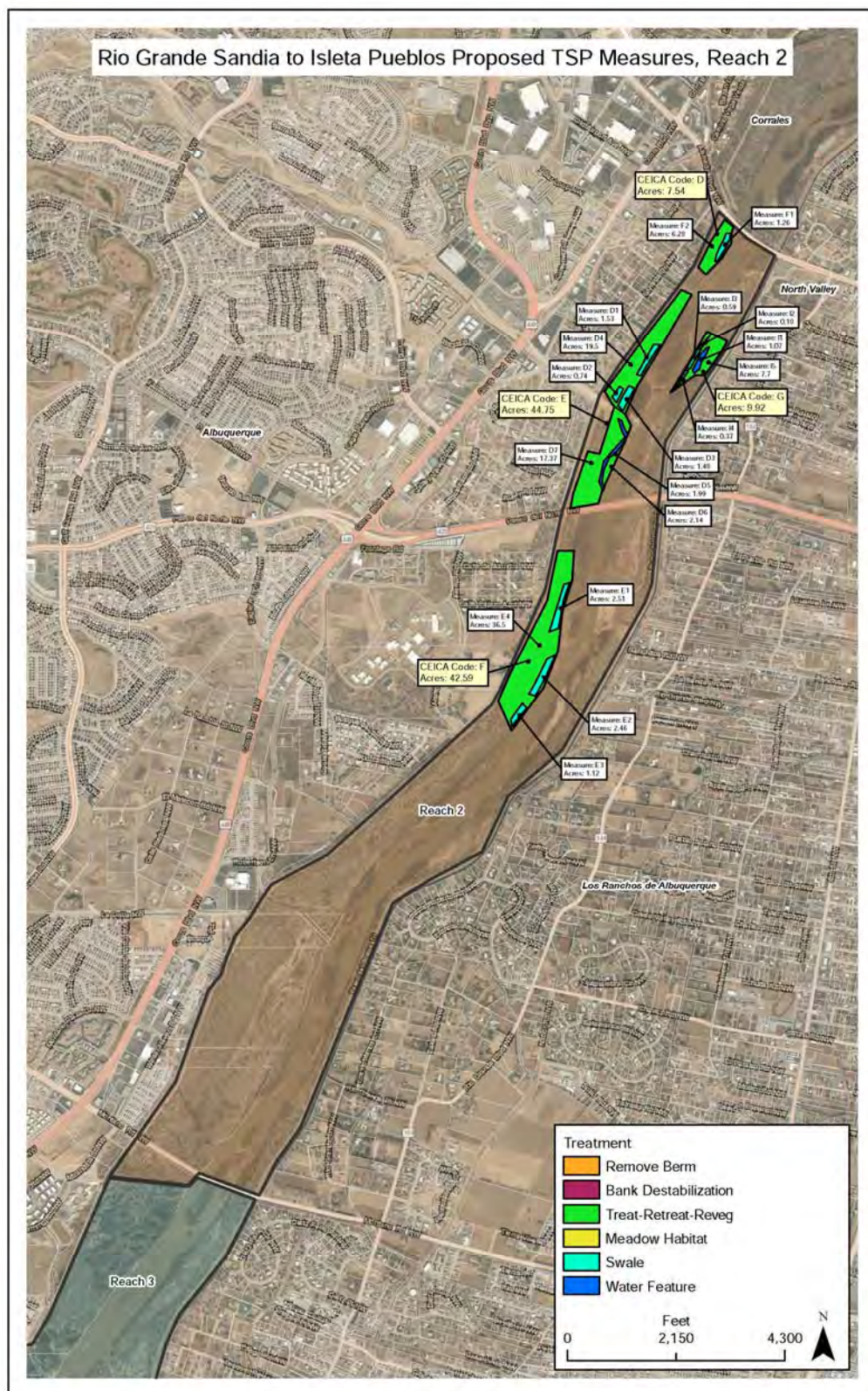
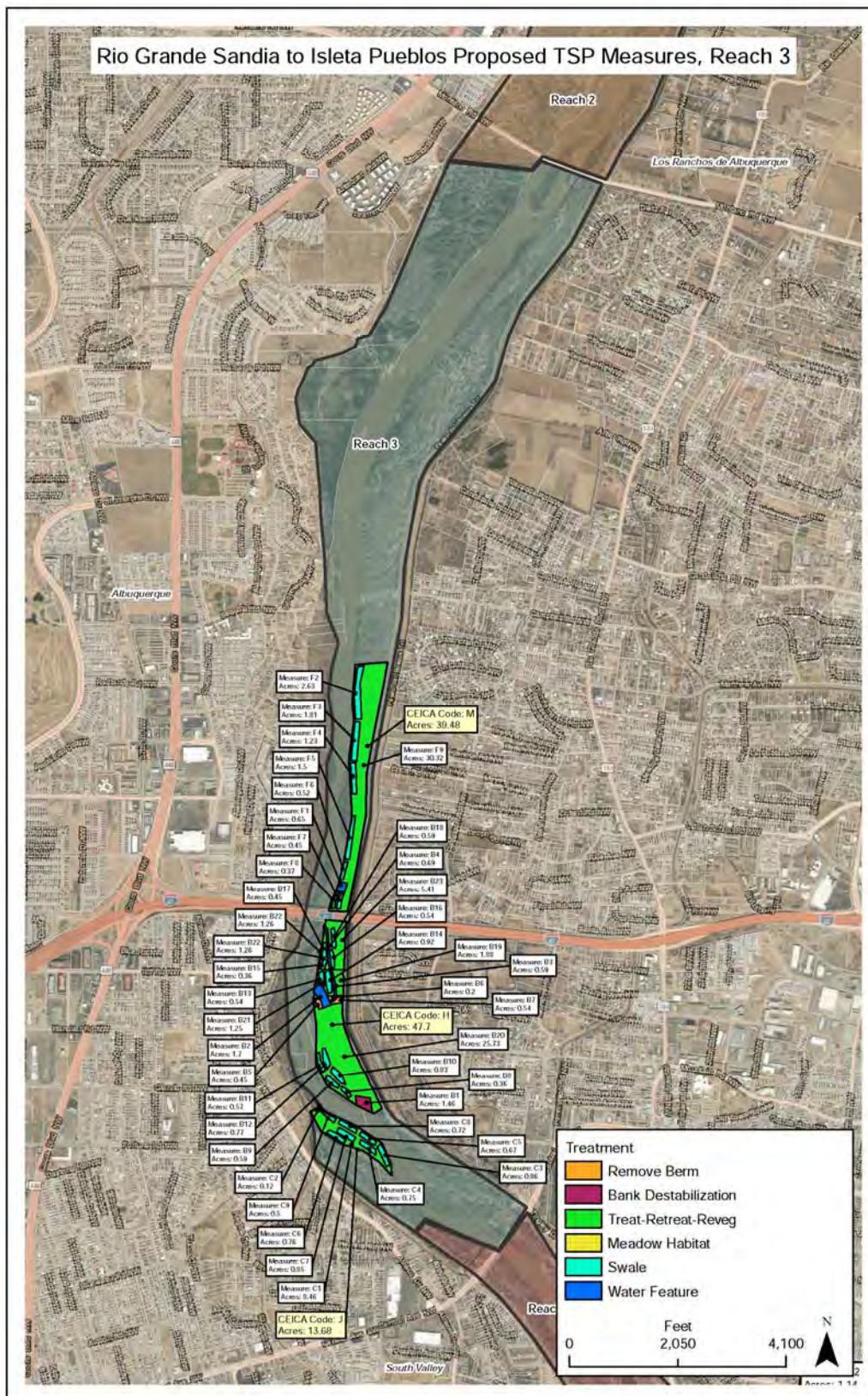


Exhibit "B"





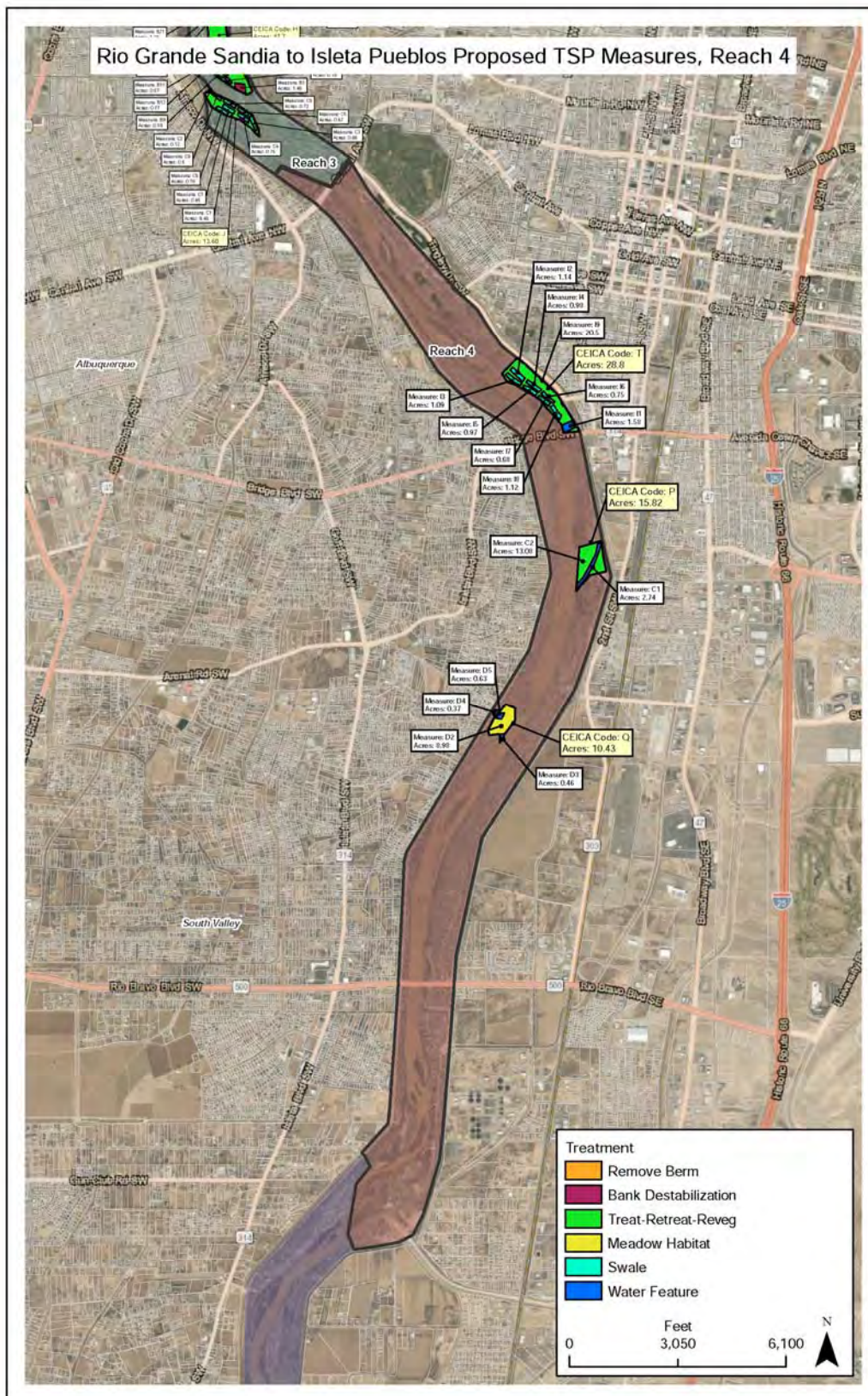


Exhibit "C"



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE NM 87109-3435

June 5, 2018

CESPL-REN
New Mexico/Colorado Branch

Mike A. Hamman
Chief Engineer
Middle Rio Grande Conservancy District
P.O. Box 581
Albuquerque, NM 87103-0581

Subject: Middle Rio Grande Ecosystem Restoration Project, Sandia to Isleta, New Mexico

Dear Mr. Hamman:

During the planning and feasibility phase of civil works projects, the U. S. Army Corps of Engineers identifies the estimated need and extent of real estate interests required for the proposed project. My staff and I have been working on the Middle Rio Grande Sandia to Isleta Ecosystem Restoration Project real estate requirements and have come up with some initial estimates.

When real estate requirements are determined, Government regulations require us to send a letter advising the sponsor of the risks involved in acquiring necessary real estate interests prior to execution of the Project Partnership Agreement ("PPA").

This letter constitutes official notice of the risks involved with acquiring property rights for the proposed Ecosystem Restoration project located in the Middle Rio Grande Floodway from the south property boundary of Sandia Pueblo, to the north property boundary of Isleta Pueblo, prior to the signing of the PPA. As one of the non-Federal sponsors, the Middle Rio Grande Conservancy District assumes full and sole responsibility within the ownership footprint for any and all costs, responsibility, or liability arising out of the acquisition effort. Generally, 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. A PPA, mutually agreeable to the non-Federal sponsor 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 CERCLA as mentioned;

5. The non-Federal sponsor may acquire interests or estate that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
6. The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform lands, easements, rights-of-way, relocations, and disposal areas (LERRD) activities in advance of the executed PPA and the Government's notice to proceed which might not be creditable under the provisions of Public Law 99-662 or the PPA; and

The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD.

If you have any questions please contact Ben Miranda at 505-342-3224 or Benjamin.C.Miranda@usace.army.mil or feel free to contact me at 213-452-3118 or Cheryl.L.Connett@usace.army.mil.

Sincerely,

CONNETT.CHERY
L.L.1231861358

Digitally signed by
Cheryl L. Connett, L.L.1231861358
DN: cn=Cheryl L. Connett, o=USACE, ou=USACE, email=CONNETT.CHERY@USACE.ARMY.MIL, c=US

Cheryl L. Connett
Chief, Real Estate Division
Los Angeles District
US Army Corps of Engineers

Exhibit "D"

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

**PROJECT NAME: Middle Rio Grande Ecosystem Restoration Project,
Sandia to Isleta, New Mexico**

NON-FEDERAL SPONSOR: Middle Rio Grande Conservancy District (MRGCD)
(Blue are Sponsors answers, Black are Corps answers)

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes, The Middle Rio Grande Conservancy District's (MRGCD's) Board's power and authority is clearly established by the Conservancy Act of New Mexico at New Mexico State Statutes Annotated (NMSA) 1978 § 73-14-39 (1927). This Act authorizes and empowers the MRGCD to protect life and property within the district from flooding by constructing the necessary works either within or outside of the district. The Board was given authority through the Conservancy Act to acquire real or personal property, public or private, either within or outside of the district, through donation, purchase, or condemnation.
- b. Does the sponsor have the power of eminent domain for this project? Yes, Please refer to I.a., above
- c. Does the sponsor have a "quick-take" authority for this project? Yes, The New Mexico State Statutes Annotated 42A-I-22, Condemnation Proceedings, " ... court may make an order within 30 days of the condemnation filing authorizing the condemner to take immediate possession of the property ... ", and 42-2-6, Special Alternative Condemnation Procedure, Preliminary Order of Entry, " ... petitioner may obtain a preliminary order permitting the political subdivision to immediately enter and occupy the premises sought to be condemned pending the action and to do such work thereon as may be required."
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? No, all land/interests are within the sponsors boundary.
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? Yes, The Sponsor cannot condemn any land owned by the City of Albuquerque. Lands would be permitted to the sponsor by the corresponding agency.

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? No, The Army Corps of Engineers real estate staff will facilitate MRGCD obtaining a contracted real

estate service provider familiar with the real estate requirements of the federal project including P.L. 91-646 as amended.

- b. If the answer to II a is yes, has a reasonable plan been developed to provide such training?
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? *Yes*
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load if any, and the project schedule? *Yes*
- e. Can the sponsor obtain contractor support, if required, in a timely fashion? *Yes. The Corps will facilitate MRGCD in obtaining Acquisition services for the project. Acquisition services are readily available within the New Mexico area.*
- f. Will the sponsor likely request USACE assistance in acquiring real estate? *No. The partner will utilize contracted real estate services as necessary for acquiring real estate.*

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site?
Yes
- b. Has the sponsor approved the project/real estate schedule/milestones? *The Sponsor is aware of the status of the project and continues to support project development. MRGCD has reviewed and approved the phases of the project*

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects?
Yes, The sponsor currently is working with the Corps on the Rio Grande Floodway San Acacia project. The Sponsor is a well-established, long-standing state service provider to the inhabitants of the area and is empowered under the Conservancy Act of New Mexico at NMSA 1978 § 73-14-39 (1927), New Mexico State Statutes Annotated, which states in part:

“ . . .the board is authorized and empowered . . . in or out of said district . . . to construct and maintain main and lateral ditches, . . . canals, . . . levees, . . . retarding basins, floodways, . . . and any other works and improvements deemed necessary to construct, preserve, operate or maintain the works in or out of said district; to construct, reconstruct or enlarge or cause to be constructed, reconstructed or enlarged, any and all bridges that may be needed in or out of said district; . . . to construct, reconstruct any and all of said works and improvements in or out of said district; . . . and shall have the right to acquire by donation, purchase or condemnation to construct, own, lease, use and sell, to hold,

encumber, control and maintain any easement, water right, acequias, well, railroad right-of-way, canal, sluice, flume, reservoir site, reservoir or retarding basin, mill dam, water power, franchise, park, cemetery or any other public way or place or any real or personal property, public or private in or out of said district, for rights-of-way and such other things, or for materials of construction or for any other use not inconsistent with the purposes of this act; . . .”

b. With regard to this project, the sponsor is anticipated to be: Highly Capable

V. Coordination:

a. Has this assessment been coordinated with the sponsor?

Yes, additionally the Corps will coordinate with the Sponsor during the upcoming conduct of the Technical Appendix prepared for the Tentative Selected Plan Report.

b. Does the sponsor concur with this assessment? **Yes**

Date: 5 June 2018

Prepared by: Benjamin Miranda, Realty Specialist

Reviewed and Approved by:

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Cheryl L. Connett
Chief, Real Estate Division
Los Angeles District