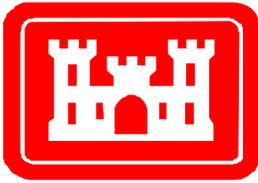


**EL PASO RIO BOSQUE WETLANDS  
Section 206 Aquatic Ecosystem Restoration  
El Paso, Texas**

**Appendix F  
Real Estate Plan  
JULY 2020**

**ALBUQUERQUE DISTRICT  
REAL ESTATE DIVISION**



**US Army Corps  
Of Engineers  
Albuquerque District**

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### **EXHIBITS**

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## 1.0 STATEMENT of PURPOSE

This Real Estate Plan (REP) was prepared under the general guidelines of ER 405-1-12, Chapter 2 and Chapter 12, and is for planning purposes in support of a Detailed Project Report. The Real Estate Plan is intended to identify the real estate requirements in support of the project, estimate associated costs using baseline cost estimates, and provide a schedule for accomplishment of real estate activities by the Non-Federal Sponsor (NFS), the City of El Paso Water Utilities (EPWU). Final real estate property lines and estimates of value are subject to change after approval of this document.

The purpose of the REP is to provide data on lands, easements, relocations, rights-of-way and disposal site (LERRD) requirements necessary to support the feasibility study for the restoration and protection of aquatic and riparian habitat at the Rio Bosque Wetlands Park; a wetland and riparian habitat area adjacent to the Rio Grande in southwest El Paso. The feasibility study solutions will address damages and comply with local, state, and federal environmental laws and regulations. This REP addresses the Recommended Plan, also referred to as the National Ecosystem Restoration (NER) Plan.

This Real Estate Plan (REP) is tentative in nature and is to be used for planning purposes only. There may be modifications to the plans that occur during Preconstruction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land cost. This REP is written to the same level of detail as the Integrated Feasibility Study it supports.

## 1.1 STUDY AUTHORITY

The El Paso Rio Bosque Wetlands Aquatic Habitat Restoration Feasibility Study documented in this Detailed Project Report/Environmental Assessment (DPR/EA) is being conducted under the authority of Section 206 of the Water Resources Development Act of 1996 (Public Law 104-303, Section 206; 22 U.S.C. 2330). This law provides the U.S. Army Corps of Engineers (USACE) with the authority to undertake aquatic ecosystem restoration and protection projects provided that each project: 1) will improve environmental quality; 2) is in the public interest; and 3) is cost effective. The authority requires that a nonfederal NFS initiate each project. The NFS for this project is the El Paso Water Utilities Board. The NFS is responsible for 35% of the project costs, including Land, Easements, Right of Way, Relocations, and Disposal/Borrow Areas (LERRDs) and planning and construction of the project. The USACE provides 65% of the project costs up to a total Federal investment of \$10,000,000.

## 1.2 PROJECT LOCATION

The project area is located in the town of Socorro, TX, to the southeast of El Paso, TX, near Mission Trail. Irrigation canals and drains on the east, south, and northern sides enclose the Park. The western boundary of the park lies adjacent to the Rio Grande, which forms the international border between the United States and Mexico in this area. **EXHIBIT "A"** shows the location of the project.

The City acquired ownership of the land where Rio Bosque Park is situated in December 1973 from the Federal government with the stipulation that the property be used for the development of a park. Over the years, the concept for the Park's development changed from one of an active recreation site to that of a natural area and wildlife refuge.

In 1995, the International Boundary Water Commission (IBWC) undertook construction of the American Canal Extension, which serves as the primary way irrigation water is passed through the City to downstream irrigators. To mitigate for the loss of wetlands due to this project, IBWC proposed

construction of wetlands at the project site. This effort resulted in the creation of three wetland cells and a water delivery channel covering 186 acres of the 372 acre park.

In 1996, the City entered into a 30-year cooperative agreement with CERM at UTEP whereby the City would retain ownership of the Park and UTEP-CERM would oversee management and development of the Park. As stipulated in this agreement, management of the Park is to be focused on restoring and enhancing valuable riparian habitat along the Rio Grande in the Chihuahuan Desert while providing public open space and educational opportunities.

Consequently, the overarching goal for management of the Park is to re-create the mosaic of habitats characteristic of the Rio Grande and its floodplain in pre-settlement days. This is a realistic undertaking in the park, because in arid ecosystems, the transition from wetland species through riparian floodplain species to upland species often occurs within relatively short distances. By restoring native vegetation communities, the proposed project would provide habitat for displaced native animal communities like birds, fish, small mammals, amphibians, and reptiles.

In 2012, the City transferred management and control of the Park to the El Paso Water Utilities (EPWU). One of the first actions of the EPWU Public Service Board was to approve a resolution to pursue design and construction of a pipeline for conveying either treated effluent or reclaimed water from the Bustamante Wastewater Treatment Plant (WWTP) to enable irrigation during all seasons independent of the availability of the Riverside Drain to convey water to the park. In addition, the Public Service Board is seeking a possible contractual solution for future uses of treated effluent from all EPWU wastewater treatment plants

### 1.3 PROJECT DESCRIPTION

The tentatively selected plan (TSP), Plan 18 is the best buy plan that meets planning objectives most completely. The TSP is comprised of the following measures: riparian habitat creation, grassland planting, wet marsh creation, existing wetland deepening and lining, and wetland creation. Recreation items have also been identified for enhancement or new development. Other features, including gate replacement installation and piping for water distribution are integral to the plan. The overall plan will result in activities over approximately 186 acres of the study area. The TSP components are further described below.

**Riparian habitat creation:** Enhancement of existing riparian areas and the creation of new riparian areas would occur adjacent to existing riparian habitat or in other suitable areas. These areas would be connected to water sources as needed to help the riparian plants get established. Plantings would include cottonwood, willows, and seepwillows. The understory would be seeded with riparian grasses. Seven areas, R1 through R7, are targeted for enhancement or creating new riparian.

**Floodplain grassland planting:** Floodplain grasslands separate other habitat types. They also act as a buffer and provide for open viewing areas for visitors. This upland habitat type will be suitable for wildlife, such as small mammals and grassland birds, including burrowing owls. Floodplain grasslands would consist of a mix of native grass and forb vegetation. Four areas, G1 through G4, are targeted for establishing floodplain grasslands.

**Wet marsh creation:** Wet marsh is a shallow wetland habitat up to two feet deep. Marshes would be constructed adjacent or close to other wetland habitat or stand-alone near water sources. They can also act as a connection from the drain to the deeper wetland habitat with the water flowing through the wet marsh habitat. Shallow marshes would be planted with wetland plugs and seeding, and are expected to become completely vegetated over time. Four areas, M1 through M4, are targeted for establishing new marshes.

**Existing wetland deepening and lining:** Two areas, E1 and E2, that currently receive water during releases would be deepened to create zones of open water (5 ft. deep) surrounded by shallower edge habitat. Portions of existing wetland habitat with sandy, permeable soils would be lined. Additional topography could be created (as beneficial for waterfowl). These areas would be connected to water sources as needed – Bustamante water line, riverside drain, existing channel or other. After earthwork is complete, the shallower edge habitat areas would be planted with emergent wetland plants such as bulrushes and other plants that provide food for waterfowl.

**New Wetland creation W2:** New wetland W2 would be excavated to a similar depth as the existing wetlands, with shallow edge habitat 0.5 – 1.5 feet deep sloping down into wetland with open water 5 feet deep. Planting would occur similar to the existing wetlands. Proposed connections (either open flow or via pipe or other structure) may be required to move water from the various water sources (WWTP, Riverside Drain, Riverside Canal, or existing channel) to the new W2.

**Elevate and Line Channel:** The main channel will be elevated in order to provide a suitable gradient for water to flow by gravity to all wet habitat that it is connected to; lining of the channel will reduce seepage losses.

### **Recreation Improvements:**

New trails will be added to complement existing trails at the park. New ADA accessible trails will be added to allow the physically disadvantaged segment of the population access to areas previously inaccessible. Approximately 1,950 linear feet of new trail will consist of compacted crusher fines and base and would spur off the existing ADA trail and lead to the existing wetland (E2) on the southwest side of the site. Approximately 145 linear feet of new trail consisting of compacted crusher fines and base will spur off an existing trail to provide access to a new shelter adjacent to existing wetland E1. Approximately 200 linear feet of existing and deteriorating concrete curb borders will be replaced with new ones. The decking on three existing footbridges will be replaced. Trails will incorporate a uniform signage system with trail and mile markers at designated intervals as well as a system of interpretive signage.

With environmental educational opportunities for grade school groups being a priority for the NFS, park enhancements will build upon the existing educational facilities. A park orientation kiosk is planned near the visitor center and entrance to the focal trail. There will be two shelters placed near the existing wetland areas and equipped with benches and viewing scopes, to allow visitors observe the flora and wildlife with minimal disturbance.

Quick response (QR) codes connecting visitors to websites with information about the flora and fauna found in the park will be considered.

Additional site furnishings include a trash can and a picnic table at the visitor center.

## **2.0 REAL ESTATE REQUIREMENTS – DESCRIPTION OF LANDS, EASEMENTS, AND RIGHTS-OF-WAY REQUIRED FOR THE PROJECT**

The NFS must provide fee interest for the project footprint.

There are no private landowners that lie within the project area. All land required for this project, including staging and disposal areas, are owned by the City of El Paso. The Project Area consists of approximately 185.7 acres and is owned in Fee by the City of El Paso. The NFS, El Paso Water Utility District is the NFS for this project. Additional steps may be required prior to the NFS providing these lands for the project as EPWU is not specifically named on the deed. The NFS has indicated that staging will be either on-site at El Paso Rio Bosque Park or at the adjacent Bustamante WWTP. However, they also identified the old Socorro WWTP as the preferred area to stockpile excavated material. The access roads required for ingress/egress are either owned in Fee by the City of El Paso for public access.

### **2.1 OWNERSHIP OF LERRDS REQUIRED FOR THE PROJECT**

Below is a breakdown of ownership:

**Table 1**

<b>Feature</b>	<b>Ownership</b>	<b>Interest Acquired</b>	<b>Acres</b>
Riparian habitat creation areas	City of El Paso	Fee Simple Title (Standard Estate #1)	45
Grassland creation areas	City of El Paso	Fee Simple Title (Standard Estate #1)	15.3
Wet marsh creation areas.	City of El Paso	Fee Simple Title (Standard Estate #1)	34.3
Existing wetland deepening and lining	City of El Paso	Fee Simple Title (Standard Estate #1)	55.1
Saltcedar thinning areas	City of El Paso	Fee Simple Title (Standard Estate #1)	31.1
Wetland creation areas	City of El Paso	Fee Simple Title (Standard Estate #1)	4.9
Staging & Disposal areas	City of El Paso	Temporary Work Area Easement (Standard Estate #15)	TBD

### **3.0 STANDARD ESTATES**

The property interests to be provided for the El Paso Rio Bosque Wetlands Aquatic Habitat Restoration Feasibility Study are fee estates. Estates to be used are:

- a. Fee Simple Title (Standard Estate #1)  
The fee simple title to the land described in Table 1 subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.
- b. Temporary Work Area Easement (Standard Estate #15)  
A temporary easement and right-of-way in, on, over and across lands yet to be determined, for a period not to exceed 5 years, 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 work area, including the right to 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.

### **3.1 NON-STANDARD ESTATES**

The use of Non-Standard Estates is not required for this project. If project requirements change and a Non-Standard Estate is proposed, it will be vetted by the District, Division and Headquarters for approval before use.

### **4.0 EXISTING FEDERAL PROJECTS THAT LIE WITHIN LER REQUIRED FOR THE PROJECT**

There are no existing Federal projects within the LERRDs required for this project.

### **5.0 EXISITING FEDERALLY-OWNED LAND WITHIN THE LERRD REQUIRED**

There is no Federally-owned land within the LERRDs required for the project.

### **6.0 NAVIGATIONAL SERVITUDE**

Exercise of navigational servitude is not required for this project.

### **7.0 PROJECT MAP**

Please see Exhibit A.

### **8.0 POTENTIAL FLOODING INDUCED BY CONSTRUCTION, OPERATION, OR MAINTENANCE OF PROJECT**

No induced flooding is anticipated other than the planned wetland creation.

## 9.0 REAL ESTATE BASELINE COST ESTIMATE

A public access road to the project site is available. All contractor staging is to be within the lands owned by the City of El Paso. 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 2 below are estimates only. Pre-acquisition appraisal services are not required unless the total real estate costs constitute less than 10% of the total project costs.

**Table 2**

<b>LERRDS</b>	<b>COST</b>
Lands and Easements (01 Account)	<b>\$ 637,000</b>
Incremental RE Costs (20% contingency) (01 Account)	<b>\$ 127,400</b>
<b>Subtotal LERRDs</b>	<b>\$ 764,400</b>
*Non Federal Administrative Costs (including crediting) (01 Account)	<b>\$ 50,000</b>
<b>Total LERRDs</b>	<b>\$ 814,400</b>
**Federal Administrative Costs (01 Account)	<b>\$ 10,000</b>
<b>Total Real Estate Costs</b>	<b>\$ 824,400</b>

## 10.0 P.L. 91-646 RELOCATION ASSISTANCE BENEFITS

No relocations are required for the project. However, the NFS is aware of the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), and if circumstances change and relocation or relocations is/are required, the NFS will proceed in accordance with the Act.

## 11.0 MINERAL/TIMBER ACTIVITY

There is no known mineral activity currently occurring inside the project area. There is no known timber harvesting within the project boundary that would affect the project.

## 12.0 NFS'S LEGAL AND PROFESSIONAL CAPABILITY AND EXPERIENCE TO ACQUIRE AND PROVIDE LERRDS

The NFS's experience and capability to acquire real estate has NOT been evaluated. An Acquisition Capability Checklist needs to be sent to the NFS, filled out and approved by Real Estate. The NFS has been advised of the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) and the requirements to document expenses for LERRDs crediting purposes. **A SAMPLE assessment of the NFS's experience and capability to acquire real interest for the project is attached as Exhibit "B."**

### 13.0 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.

### 14.0 REAL ESTATE ACQUISITION SCHEDULE

The following table is shown with Real Estate activities projected for Fiscal Years 2020/21.

**TABLE 3**

<b>Acquisition Tasks</b>	<b>Due</b>
Real Estate Personnel meet with NFS	MAY 2020
Real Estate Plan	JUL 2020
Obtain Right of Entries	Ongoing throughout life of project if needed
Prepare Real Estate Cost Estimate	JUL 2020
Send Take Letter to NFS for Proof of LERRDs Ownership	After PPA is executed
Obtain Preliminary title Report (NFS)	After PPA is executed
Provide proof of ownership LERRDs (NFS)	After PPA is executed
Order Appraisals (NFS)	After final acquisition maps are prepared
Prepare and Submit Credit Requests	After Project is complete
Review/Approve/Deny Credit Requests	60 day after request is received

The NFS is aware that prior to advertisement of the construction contract, they will have to provide the Corps with a certification package that includes authorization for entry for construction, in the format provided in ER 405-1-12, Chapter 12.

### 15.0 FACILITY/UTILITY RELOCATIONS

No relocations are required for this project as of now. The project boundary curves around leeching ponds for water/sewage treatment. There are discharge pipes that have been identified from these ponds that are in the project footprint, but according to the plan, the project should not interfere with them. Current plan is to protect the utility in place.

### 16.0 IMPACT ON REAL ESTATE ACQUISITION DUE TO SUSPECTED OR KNOWN CONTAMINANTS

There are no known hazardous, toxic or radioactive waste (HTRW) materials present in the project area as defined and regulated under CERCLA. If contamination is encountered during construction, work will cease in the vicinity of the contaminated area until the extent and the type of contamination has been determined.

The NFS fully understands their responsibilities for assessing the properties for any potential presence of hazardous waste materials as defined and regulated under CERCLA. There are no known "Superfund" sites or sites presently under CERCLA remediation or response orders identified in the project area. The LERRDs estimate is predicated on the assumption that all lands and properties are clean and require no remediation. The model Project Partnership Agreement (PPA) conditions shall be followed in assigning responsibility and cost allocation for such matters.

**17.0 KNOWN OPPOSITION TO THE PROJECT**

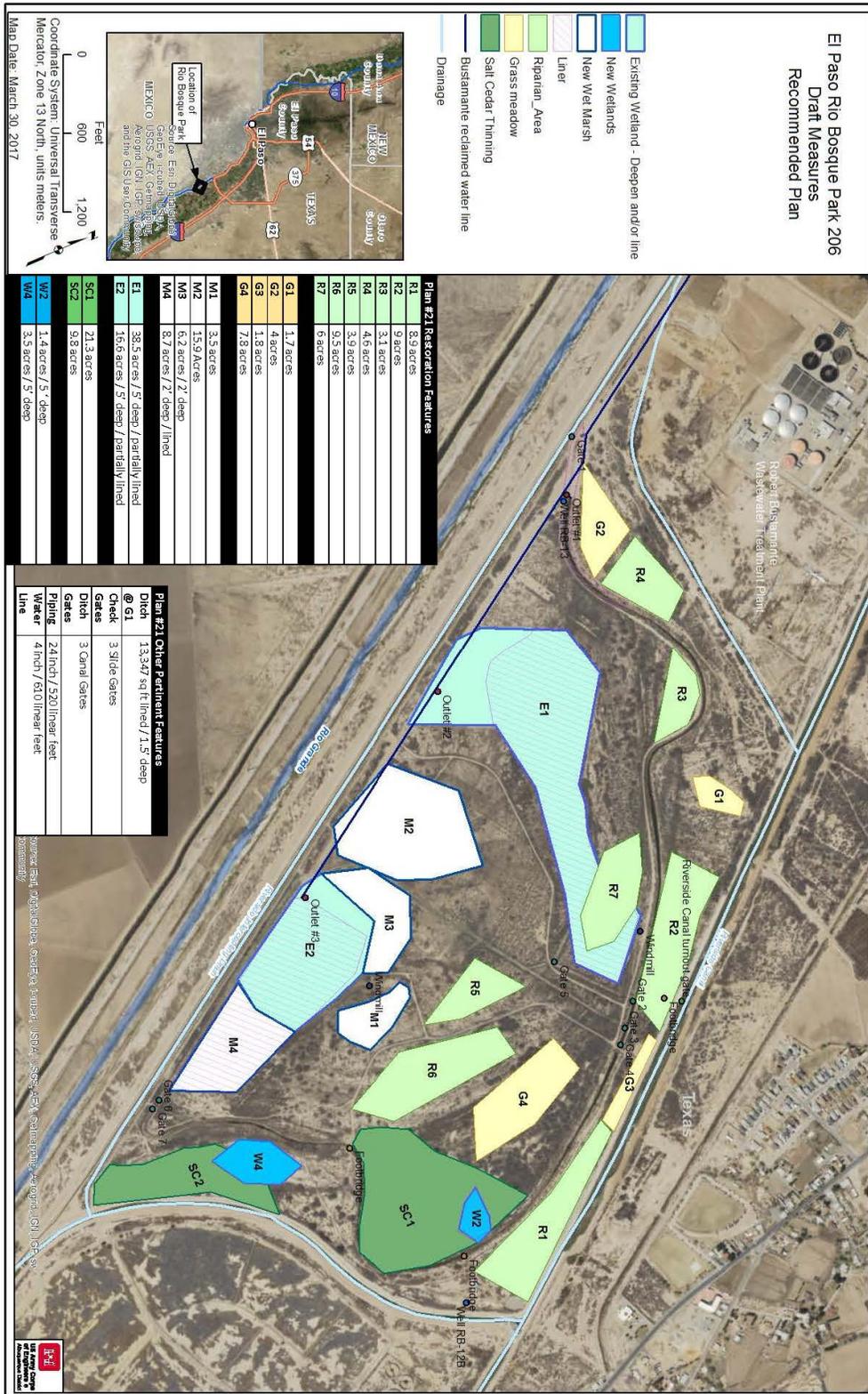
There is no known opposition to this project by any landowners in the vicinity that would impact the project.

**18.0 NFS NOTIFICATION OF RISKS OF PRE-PPA ACQUISITION**

The NFS is aware that no Federal funds will be made available for this project prior to the execution of the Project Partnership Agreement (PPA). The NFS was directed to begin real property acquisitions for the project only after the PPA is fully executed. The NFS was notified in writing of the risks of initiating the acquisition process in advance of the PPA being executed. This letter is displayed as **Exhibit C** of this document.

Exhibit "A"





**EXHIBIT "B"****EL PASO RIO BOSQUE  
ASSESSMENT OF NFS'S  
REAL ESTATE ACQUISITION CAPABILITY****I. Legal Authority:**

- a. Does the NFS have legal authority to acquire and hold title to real property for project purposes?  
Yes
- b. Does the NFS have the power of eminent domain for this project?  
Yes; However, eminent domain authority will not be exercised in connection with the Project.
- c. Does the NFS have "quick-take" authority for this project? N/A
- d. Are any of the lands/interests in land required for the project located outside the NFS's political boundary?  
No
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the NFS cannot condemn?  
No, eminent domain authority will not be exercised in connection with the Project.

**II. Human Resource Requirements:**

- a. Will the NFS'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; No displacement or relocation will occur as a result of the Project.
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training?
- c. Does the NFS's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?  
Yes
- d. Is the NFS's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule?  
Yes
- e. Can the NFS obtain contractor support, if required in a timely fashion?

Yes

- f. Will the NFS likely request USACE assistance in acquiring real estate? No

III. Other Project Variables:

- a. Will the NFS's staff be located within reasonable proximity to the projectsite?  
Yes

- b. Has the NFS approved the project/real estate schedule/milestones?  
Yes

IV. Overall Assessment:

- a. Has the NFS performed satisfactorily on other USACE projects?  
Yes
- b. With regard to this project, the NFS is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/ insufficiently capable. (If NFS is believed to be "insufficiently capable" provide explanation)

Highly capable

V. Coordination:

- a. Has this assessment been coordinated with the NFS?  
Yes
- b. Does the NFS concur with this assessment?  
Yes

Prepared by:

SIMPSON.DI  
ANE.MARIE. RIE.1513090800

Digitally signed by  
SIMPSON.DIANE.MA

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**Diane M. Simpson Acting Real  
Estate Chief Albuquerque  
District USACE**

**EXHIBIT “C”**



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

12 JUN 2020

CESPA-RE

El Paso Water  
 Attn: Javier Dominguez Jr.  
 Project Manager  
 1154 Hawkins Blvd  
 El Paso, TX 79925

Subject: El Paso Rio Bosque Section 206 Aquatic Ecosystem Restoration Project

Dear Mr. Dominguez:

During the planning and feasibility phase of civil projects, the U. S. Army Corps of Engineers (USACE) identifies the estimated need and extent of real estate interests required for the proposed project. The USACE, Albuquerque District, Real Estate Team has been developing the real estate acquisitions and initial estimates for the El Paso Rio Bosque Aquatic Ecosystem Restoration project.

When real estate requirements are determined, Government regulations require us to send a letter advising the non-federal sponsor (NFS) 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 in the acquisition of real estate interests prior to execution of the PPA. As the NFS, El Paso Water assumes full and sole responsibility for any and all costs, 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 NFS and the Government, may not be executed and implemented;
4. The NFS 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 NFS may acquire real estate interests that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
6. The NFS may incur costs or expenses in connection with its decision to acquire real estate interests in advance of the executed PPA and the Government's notice to proceed which might not be creditable under the provision of Public Law 99-662 or the PPA; and
7. The NFS may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under Public Law 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~~

Draft Integrated Report acquisition and performance of LERD (lands, easements, rights-of-way, relocations, disposal areas). August 2020

If you have any questions please contact Ben Miranda at 505-342-3224 or Diane Simpson at 505-342-3221.

Sincerely,

**SIMPSON.DIANE.MA**  
**RIE.1513090800**

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Diane M. Simpson  
Acting Real Estate Chief  
Albuquerque District

U. S Army Corps of Engineers