



**US Army Corps
of Engineers®**
San Francisco District

Appendix E Real Estate Plan



APPENDIX E

REAL ESTATE PLAN

Lower Colma Creek CAP Section 103 Project Feasibility Study
San Mateo County, California

PREPARED FOR THE
SAN FRANCISCO DISTRICT
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF
ENGINEERS

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Lower Colma Creek CAP Section 103 Project Real Estate Plan

1. Introduction:

This Real Estate Plan is prepared in accordance with ER 405-1-12, Section 12-16, and in support of the Lower Colma Creek CAP Section 103 Project Feasibility Study to determine Federal interest in providing flood risk protection to the South San Francisco Water Quality Control Plant (WQCP) and successfully completed the Tentatively Selected Plan (TSP) Milestone on March 31, 2022. This Real Estate Plan is tentative in nature, is to describe the Recommended Plan, Alternative 2, and is to be used for planning purposes only. There may be modifications to the plan that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area (s) and/or administrative and land costs.

Non-Federal Sponsors

A Feasibility Cost Sharing Agreement was executed on November 25, 2020 with the City of South San Francisco as the Non-Federal Sponsor (NFS). The Lower Colma Creek CAP Sec 103 Study is cost shared 50% federal and 50% non-federal.

2. Project Authority

This study is being conducted under the authority of Section 103 of the Continuing Authorities Program (CAP). Projects implemented under this authority are formulated for protecting multiple public and private properties and facilities, and single non-federal public properties and facilities against damages caused by storm driven waves and currents. Projects may be structural (e.g., seawalls, groins, breakwaters) or non-structural (e.g., beach nourishment, relocation of structures). Section 103 was authorized under the River and Harbor Act of 1962 (P.L. 87-874), as amended, also referred to as Section 103 under the Continuing Authorities Program.

3. Project Description:

The specific focus of the project is flood risk to the South San Francisco/San Bruno Water Quality Control Plant, and North Bayside System Unit Facilities (also referred to as South San Francisco Water Quality Control Plant, or abbreviated as SSF WQCP) located in the City of South San Francisco, CA (SSF), which is part of San Mateo County (Figure 1). South San Francisco is bordered by the cities of Brisbane to the north and San Bruno to the south. There have been multiple efforts that investigate (with varying levels of detail), the effects of sea level rise on areas within San Francisco Bay, including Lower Colma Creek. The primary document reviewed for the Feasibility Study was the San Bruno Creek / Colma Creek Resiliency Study Final Report (Resiliency Study). The purpose of the Resiliency Study was to assess the vulnerability of assets within the lower reaches of Colma and San Bruno Creeks to flooding from sea level rise and storms along the Bay shoreline and to develop conceptual adaptation strategies for the project area. The Resiliency Study was also intended to complement the Shoreline Protection Study that SFO recently completed to assess the vulnerability of the airport perimeter system and evaluate adaptation options for both 1%-annual-chance floods and sea level rise.

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Figure 1: Study area located in the City of South San Francisco¹

The primary problem that the project would address is the flood risk specifically at the SSF WQCP, located on the right side of Colma Creek just upstream from where the creek enters the Bay. Inundation of the WQCP would potentially cause physical damages and loss of water quality control services. Over time and with sea level change, it is expected that physical damages and service disruptions will only become greater and more frequent. The study will consider alternatives, such as floodwalls, to reduce coastal flood risk to the WQCP. The SSF WQCP is shown in greater detail in the aerial photograph in Figure 2.

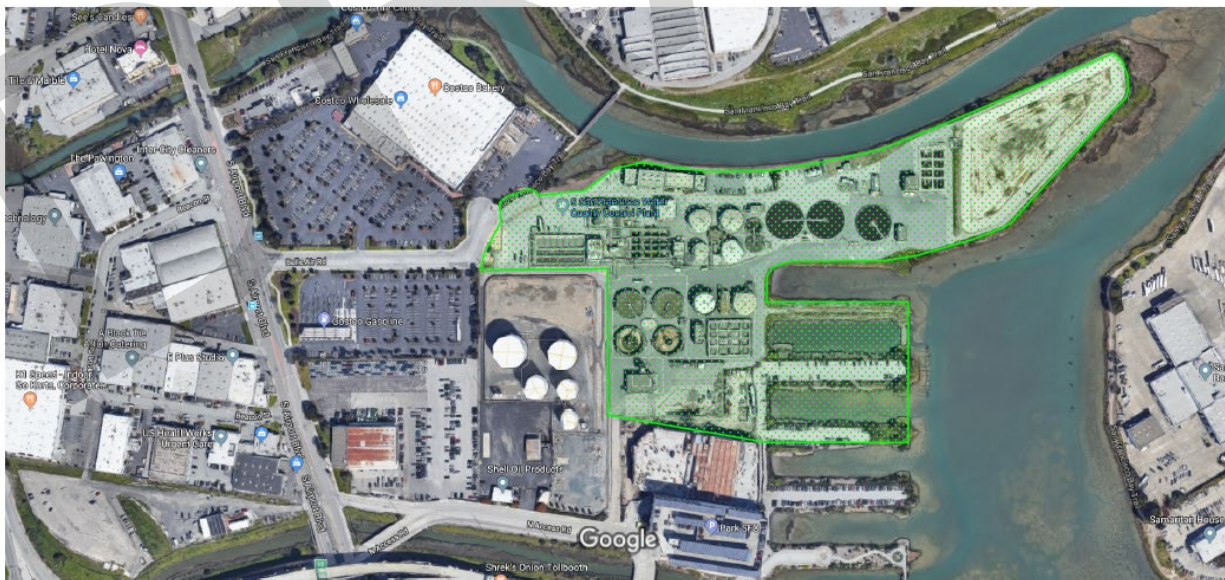


Figure 2:

South San Francisco Water Quality Control Plant, outlined in green²

¹ Source: Google Maps

² Source: Google Maps, 2019

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The Tentatively Selected Plan (TSP) is Alternative 2. This alternative is the Pump Station #4 perimeter floodwall, and floodwalls along the north and south boundaries of the Treatment Plant. The alignment would be, Floodwall S, Floodwall 1A N, Floodwall 1A B, and the Pump Station 4A Floodwall.

4. Description of Land, Easements, Rights-of-Way, Relocation, and Disposal Areas (LERRDs):

The project is located in the City of South San Francisco, CA (SSF), which is part of San Mateo County on the western side of San Francisco Bay. Lands include the WQCP and Pump Station #4 facilities.

The real estate cost estimate for the TSP was developed in accordance with ER 405-1-12 and based upon footprints delineating project requirements developed for feasibility level design by the San Francisco District Engineering Division. The two variations were reviewed for LERRDs requirements and include the types of acquisition as follows:

An estimated 0.33 acre is required for staging.

An estimated 0.27 acre is required for construction.

The non-Federal sponsor will acquire the minimum interests in real estate to support the construction and subsequent operation and maintenance of the future USACE project. We anticipate Permanent and Temporary Easement acquisition will be required.

Once the project partnership agreement (PPA) process is complete, the San Francisco District Engineering Division will prepare the final design for advertisement and construction. During this process the tract register, and tract maps will be updated to reflect any modifications to include final staging areas, access requirements, construction haul routes, and recreation features. This information will be used for future crediting purposes.

5. LERRDs Owned by the Non-Federal Sponsor and Crediting:

The project proposes to build conventional concrete T-type and/or sheet pile I-type floodwalls with concrete cap for areas with limited space 1) along the right bank of Colma Creek, on the north bank of the SSF WQCP, and 2) on the south bank of the SSF WQCP, and 3) perimeter areas of SSF WQCP Pump Station #4. The NFS is currently believed to have ownership to lands located at the SSF WQCP. Any existing ownership and existing real estate easements would have to be reviewed and verified for sufficiency to meet project requirements.

Credit will only be applied to LERRDs owned and/or held by the sponsors that fall within the “project footprint,” namely the LERRDs required for the TSP. Lands outside of the project requirements and that may be acquired for the sponsor’s own purposes which do not support the minimum interests necessary to construct, operate and maintain the Project would not be creditable LERRDs. Only land deemed necessary to construct, operate and maintain the plan would be creditable. The value of potentially creditable lands owned by the sponsors is included in the TSP’s cost estimate.

6. Standard Federal Estates and Non-Standard Estates:

The non-Federal sponsor will be required to acquire the minimum interest in real estate that will support the construction and subsequent operation and maintenance of the proposed USACE project.

The following standard estates (with definitions) are identified as required for the project:

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Flood Protection Levee Easement (FPLE): A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos. ____, ____ and ____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land 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 (TWAE): 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, Sonoma County Water Agency, for use by the United States, State Coastal Conservancy and/or Santa Clara Valley Water District, its representatives, non-Federal sponsors, 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.

Non-standard estate for a perpetual easement:

A non-standard estate for lands on State of California/State Lands Commission property for the floodwall features may be required as California Code of Regulation does not currently allow State Lands Commission to grant perpetual interests over lands held in public trust. The non-standard estate, once determined, will be forwarded to SPD and HQ's for review and approval.

7. Description of any Existing Federal Projects in or Partially in the Proposed Project:

There have been no improvements to reduce flood risk in the area surrounding the plant and no existing Federal Projects in or partially in the proposed project area.

8. Description of any Federally owned Land Needed for the Project:

There are no federally owned lands needed for this project, although Navigational Servitude will be employed.

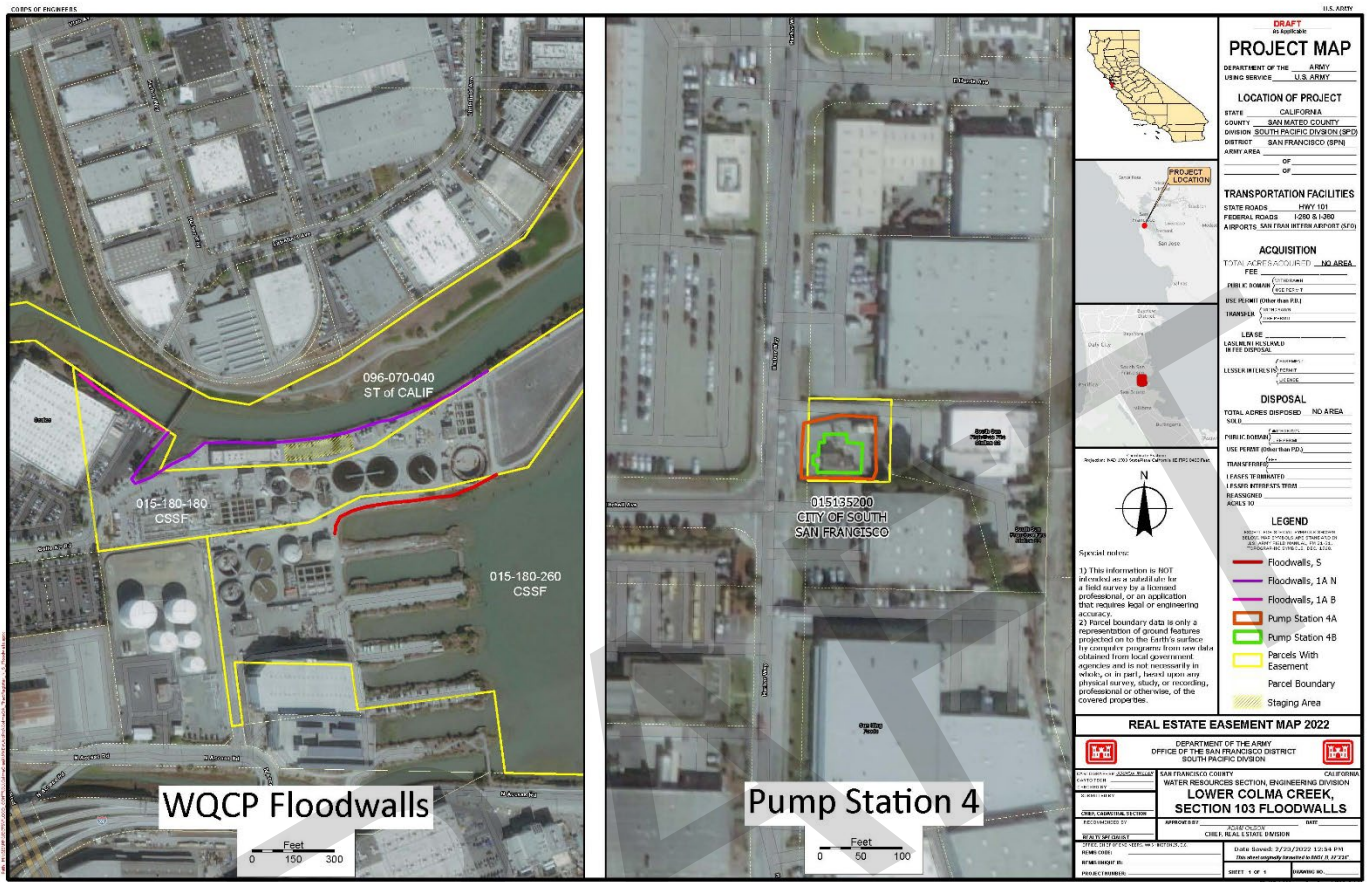
9. Application of Navigational Servitude to the LERRDs Requirement:

Determinations made by legal analyses showed that buildings/structures affected by construction in this area are above the mean high-water mark (MHWM) and therefore do not fall within the rights of Navigation Servitude. Real estate requirements for the proposed Tentatively Selected Plan includes approximately 0.60 acres of permanent easements and temporary work area easements.

An assessment of the project was completed with these criteria and it was determined that permanent and temporary easements would provide sufficient real estate interests to successfully construct and maintain the project while protecting the Federal investment.

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10. Project Maps:



11. Anticipated Increased Flooding and Impacts:

There are no known anticipated flooding impacts from the proposed project. Any updates to H&H modeling will be included later.

12. Cost Estimate:

Alternative	# Acres	# of Ownerships	Proposed Estate
2	0.60	2	Permanent /Temporary Easements

TOTAL REAL ESTATE W/O CONTIGENCIES – \$1,344,000

TOTAL REAL ESTATE COSTS W/5% CONTINGENCIES - \$1,411,200

13. Relocation Assistance Benefits:

The non-Federal sponsors must comply with the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 *et seq.* (P.L. 91-646, “the Uniform Act”) and provide relocation assistance to qualifying residences and businesses within the project area that are displaced, as defined in the Uniform Act, because of USACE project implementation. Possible displacements will be required for the TSP.

The sponsor has also been advised of PL 91-646 requirements to pay Fair Market Value for property as part of the acquisition necessary for the project and the requirements for documenting expenses for credit purposes.

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14. Mineral / Timber Activity

There are no valuable minerals impacted by this project. There was no enhancement for mineral deposits included in the cost estimate.

15. Non-Federal Sponsor's Ability to Acquire:

The non-Federal sponsor has a real estate staff to acquire the necessary real estate. Most of the real estate required for the project is already owned by the NFS, under the City of South San Francisco, except for the portion owned by State of California.

16. Hazardous, Toxic, and Radiological Waste (HTRW):

Possible HTRW conditions could impact construction activities at the WQCP facility. Further evaluation of the area is needed to make a final determination.

17. Real Estate Acquisition Schedule:

No construction schedule has been provided at this time.

REAL ESTATE ACQUISITION SCHEDULE				
Project Name: Lower Colma Creek CAP Section 103 Project	USACE Start	USACE Finish	NFS Start	NFS Finish
Receipt of preliminary drawings from Engineering/PM (Conceptual, 10%, 30% Designs)	October 2023			
Receipt of final drawings from Engineering/PM (60%, 90%, 99%, 100%)		October 2025		
Execution of PPA	December 2025			
Formal transmittal of final drawings & instruction to acquire LERRDS ("Take Letter")				
Conduct landowner meetings (if applicable, NFS responsibility)				
Prepare/review mapping & legal descriptions				
Obtain/review title evidence				
Obtain/review tract appraisals				
Conduct negotiations				
Perform closing				
Prepare/review condemnations				
Perform condemnations				
Obtain Possession				
Complete/review PL 91-646 benefit assistance				
Conduct/review facility and utility relocations.				

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Certify all necessary LERRDS are available for construction				
Prepare and submit credit requests (3 months)				
Review/approve or deny credit requests (2 months)				
Establish value for creditable LERRDS in F&A cost accounting system				

18. Description of Facility and Utility Relocations:

There are no impacted utilities/facilities identified at this time. Updates will be provided.

