Los Angeles River Ecosystem Restoration Feasibility Study

APPENDIX J
Real Estate Plan

May 2015
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1. PURPOSE

This appendix is prepared in accordance with Engineering Regulation (ER) 405-1-12, 12-16, Real Estate Plan, and presents the real estate requirements for the Los Angeles River Ecosystem Restoration Study Locally Preferred Plan (LPP), described below. The City of Los Angeles (City) is the non-Federal sponsor for the study.

1.1 Project Purpose

The primary purpose of the proposed project and alternatives considered in the study is to restore 11 miles of the Los Angeles River from approximately Griffith Park to downtown Los Angeles by reestablishing riparian strands, freshwater marsh, and aquatic habitat communities and reconnecting the river to major tributaries, its historic floodplain, and the regional habitat zones of the Santa Monica, San Gabriel, and Verdugo Mountains while maintaining existing levels of flood risk management. A secondary objective is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river. This reach is identified as the “Area with Restoration Benefits and Opportunities for Revitalization” reach, or ARBOR reach (referred to herein as ARBOR reach or study area).

The Los Angeles River, once the backbone for a vast natural system of riparian foothill and freshwater marsh habitat, carrying seasonal rains and subterranean flows to the coastal plain and the Pacific Ocean, has been degraded over time by a cycle of increasing urban development, flooding, and channelization, culminating in the mid-20th century with the Federal flood risk management project known as Los Angeles County Drainage Area (LACDA). LACDA was undertaken by the US Army Corps of Engineers (USACE) in partnership with the Los Angeles County Flood Control District (LACFCD), today known as the Los Angeles County Department of Public Works but referred to as
LACFCD throughout this real estate plan for consistency). The LACFCD, the non-Federal sponsor for LACDA, and the City of Los Angeles, the non-Federal sponsor for the restoration study, are separate governmental bodies. The LACDA project encased the river in concrete banks and a partially concrete bed which straightened the river’s course, diminishing its plant and wildlife diversity and quality, disconnecting it from its floodplain and significant ecological zones, and dramatically changing its appearance.

The ARBOR reach has the greatest potential for restoration compared to the rest of the river because it includes the Glendale Narrows, one of the few reaches in the river with a non-concrete bed with natural flows fed by underground sources, and has connections to the Verdugo Wash and Arroyo Seco tributaries that can link to significant habitat areas as well as adjacency to Griffith Park, the eastern terminus of the Santa Monica Mountains. For these reasons, the ARBOR reach is the focus of the restoration alternatives.

1.2. Study Authority

This Study is authorized as a partial response to Senate Committee on Public Works Resolution, approved June 25, 1969, reading in part:

Resolved by the Committee on Public Works of the United States Senate, that the Board of Engineers for Rivers and Harbors, created under Section 3 of the River and Harbor Act, approved June 13, 1902, be, and is hereby requested to review the report of the Chief of Engineers on the Los Angeles and San Gabriel Rivers and Ballona Creek, California, published as House Document Numbered 838, Seventy-sixth Congress, and other pertinent reports, with a view to determining whether any modifications contained therein are advisable at the present time, in the interest of providing optimum development of all water and related land resources in the Los Angeles County Drainage Area.

Section 4018 of the Water Resources Development Act of 2007 (Public Law 110-114) provided authorization for a “feasibility study for environmental ecosystem restoration,
flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles….” The Corps of Engineers (Corps) implementation guidance for this section identified that the scope and substance of the study under the Senate resolution is identical to the study mandated by section 4018 and directed that the ongoing study incorporate the section 4018 study.

1.3. Locally Preferred Plan – Alternative 20

This Real Estate Plan will focus on the real estate requirements for the locally preferred plan, Alternative 20, “ARBOR Riparian Integration via Varied Ecological Reintroduction (RIVER),” referred to herein as the Locally Preferred Plan or LPP.

Alternative 20, RIVER, includes restoration features throughout the 11-mile project reach. Alternative 20 widens the river at Verdugo Wash, Taylor Yard, and the Los Angeles Trailer and Container Intermodal Facility (LATC). Alternative 20 also restores the confluence with the Arroyo Seco tributary, restores habitat at the Los Angeles State Historic Park, and includes several daylighted streams and side channels.¹

In this Real Estate Plan, an appendix to the Integrated Feasibility Report, the Corps must, for each project purpose and feature, fully describe the lands, easements, and rights-of-way, relocations, and disposal sites (LERRD) required for construction, operation, and maintenance of the project, including the acreage, estates, number of tracts/parcels, ownership, and estimated value. The Corps must include other relevant information on sponsor ownership of land, proposed non-standard estates, existing Federal projects and ownership, required relocations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (P.L. 91-646, as amended) (“the

¹ More detailed feature descriptions are provided, relative to the LERRD required, below.
Uniform Act”), presence of contaminants, and other issues as required by ER 405-1-12. This real estate plan does not contain a comparison of LERRD requirements and costs of the LPP with the NER Plan, Alternative 13v, because the Federal share of total ecosystem restoration cost for the LPP excludes any LERRD cost and is not affected by the difference in LERRD cost between the NER and LPP, as identified in the main IFR and in Section 20 of this real estate plan. The LERRD requirements for the NER Plan are on file with the Los Angeles District. This real estate plan is tentative in nature for planning purposes only and both the final real estate acquisition lines and the estimate of value are subject to change even after approval of the report.

2. DESCRIPTION OF LANDS, EASEMENTS, RIGHTS OF WAY, RELOCATIONS AND DISPOSAL SITES (LERRD)

The Los Angeles River Ecosystem Restoration Feasibility Study is analyzing the ecosystem restoration opportunities along the ARBOR reach. The non-Federal sponsor owns lands within and adjacent to the river in several cases, discussed in Section 3, below. As noted above, the study area also overlaps with a part of the existing Federal flood risk management project on the Los Angeles River, LACDA. The interests previously provided for that project and their inadequacy to fully support the restoration project are discussed in Section 5, below.² The study area has been divided into 8 reaches based on their physical characteristics for purposes of formulation and evaluation of restoration measures and alternatives. The lands required for each reach are described below, with discussion of number of parcels, acreage, non-Federal sponsor ownership,

² Because the interests in land previously provided for the LACDA flood risk management project are not sufficient to support the proposed restoration project features, and the restoration project sponsor must provide the remaining interests needed, the lands affected by the LACDA project are identified below as “within the existing LACDA project boundary” rather than “previously provided for the LACDA project.” This complex issue is discussed in detail in Section 5 of this real estate plan.
public and private ownership, and whether the lands are within the existing LACDA project boundary. A discussion of the type of estates required for the project is also discussed for each reach. A brief discussion of non-standard estates is included for each reach and discussed in greater detail in Section 4 of this report. In addition to the lands required for specific constructed restoration features by reach, the channel bottom of the river and lower tributaries is required for the general measure of invasives removal during construction and invasives management during operation and maintenance of the project. These acreages are discussed in Section 2.2 below rather than by reach and are included in the summary table in Section 2.4.5.

2.1 Description by Reach

2.1.1 Reach 1 Pollywog Park Area of Griffith Park

Reach 1 extends from Pollywog Park/Headworks to the downstream edge of the concrete portion of the river. It is approximately 1.5 miles in length. In this reach, lands for the LPP will be used for riparian planting on the overbanks of the river, overbank of the Burbank Western Channel, and in the Pollywog Park area of Griffith Park. Overbanks are defined in the report as “…areas adjacent to the river where overland flow in flood events could occur in a natural river environment.”

There are 33 parcels needed for this reach. The 33 parcels total 48.58 acres, of which 12.87 acres are within the existing LACDA project boundary. The non-Federal sponsor owns fourteen parcels in fee totaling 35.56 acres, of which 12.01 acres are within the existing LACDA project boundary. Six other parcels in public and private ownership total 0.86 acres and are within the existing LACDA project boundary. The non-Federal sponsor would need to acquire fee interest in the six parcels that are under public and private ownership.
There are also 13 parcels totaling 12.16 acres that do not have Assessor Parcel Numbers (APNs) and do not show an owner according to county assessor data. These parcels are adjacent to and may be a part of existing road and highway rights of way. Currently, it is anticipated that, for ten parcels of land, the non-Federal sponsor will request to acquire a lesser estate (perpetual ecosystem restoration easement) since in these areas the land in question is within Caltrans right of way. The remaining three parcels appear to be adjacent to street rights of way and may already be owned by the non-Federal sponsor. The non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the underlying fee owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 1 of the LPP:

<table>
<thead>
<tr>
<th>Parcels</th>
<th>Non Federal Sponsor</th>
<th>Public other than NFS</th>
<th>Private</th>
<th>Non-APN (owner not defined in gross appraisal)</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acres outside of LACDA Boundary</td>
<td>23.55</td>
<td>0</td>
<td>0</td>
<td>12.16</td>
<td>35.71</td>
</tr>
<tr>
<td>Acres in LACDA Boundary</td>
<td>12.01</td>
<td>0.78</td>
<td>0.08</td>
<td>0</td>
<td>12.87</td>
</tr>
<tr>
<td>Total Acres needed for project including LACDA in Reach 1</td>
<td>35.56</td>
<td>0.78</td>
<td>0.08</td>
<td>12.16</td>
<td>48.58</td>
</tr>
<tr>
<td>Number of Parcels</td>
<td>14</td>
<td>4</td>
<td>2</td>
<td>13</td>
<td>33</td>
</tr>
<tr>
<td>Recommended Estates</td>
<td>Fee</td>
<td>Fee</td>
<td>Fee</td>
<td>Perpetual Easement (10 parcels) Fee (3 parcels)</td>
<td></td>
</tr>
</tbody>
</table>

2.1.2 Reach 2 Bette Davis Park Area of Griffith Park

Reach 2 begins at the midpoint of Bette Davis Park to just past the bridge crossing of Interstate 5. It is approximately ¾ miles in length. The plan in this reach would create riparian habitat corridors along the overbanks of the river similar to Reach 1. Restoration of the Bette Davis Park area of the right bank of the river and a portion of Griffith Park of the left bank will also take place in this reach. In the LPP, there will also be modifications
to the channel changing the right bank from trapezoidal to a vertical bank with overhanging vines, creating an additional 80 feet of soft bottom channel width.

A total of 28 parcels have been identified as necessary for the implementation of the LPP. The non-Federal sponsor owns 12 parcels in this reach with a total acreage of 35.33 acres. Seven parcels totaling 0.53 acres that are located within the LACDA right of way will need to be acquired from other public agencies. Nine parcels with a total acreage of 5.82 acres do not have APNs. It is anticipated that the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) from Caltrans for five of the nine non-APN parcels that are between the existing LACDA right of way and the 134 freeway and within Caltrans right of way. The other four non-APN parcels are within city road rights of way. For those parcels, the non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the underlying fee owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 2 of the LPP:

<table>
<thead>
<tr>
<th></th>
<th>Acres outside of LACDA Boundary</th>
<th>Acres in LACDA Boundary</th>
<th>Total Acres needed for project including LACDA in Reach 2</th>
<th>Number of Parcels</th>
<th>Recommended Estates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Federal Sponsor</td>
<td>25.55</td>
<td>9.78</td>
<td>35.33</td>
<td>12</td>
<td>Fee</td>
</tr>
<tr>
<td>Public other than NFS</td>
<td>0</td>
<td>0.53</td>
<td>0.53</td>
<td>7</td>
<td>Fee</td>
</tr>
<tr>
<td>Private</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-APN (owner not defined in gross appraisal)</td>
<td>5.82</td>
<td></td>
<td>5.82</td>
<td>9</td>
<td>Perpetual Easement (5 parcels) Fee (4 parcels)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>31.37</td>
<td>10.31</td>
<td>41.68</td>
<td>28</td>
<td></td>
</tr>
</tbody>
</table>
2.1.3 Reach 3 Ferraro Fields/Verdugo Wash Area of Griffith Park

Reach 3 begins at Ferraro Fields and ends at Brazil Street. It is approximately 1 mile long. Under the LPP, the Corps will construct a side channel along Ferraro Fields to divert water from the river. A stream will also be daylighted on the right bank of the river in the Zoo Drive area. Two smaller streams will be daylighted on the left bank. Daylighted streams will support a riparian fringe, open water and freshwater marsh at their confluence. In the Verdugo Wash confluence, the channel mouth would be widened and the south slope would be sloped back to the existing overbank elevation, thus creating a combined riparian and marsh community.

A total of 49 parcels (53.18 acres) will need to be acquired for Reach 3. A total of 10 parcels, 17.87 acres, are owned by the non-Federal sponsor. Of the 17.87 acres, 7.40 acres is within the existing LACDA right of way. The non-Federal sponsor will need to acquire 28 parcels totaling 26.35 acres from other public agencies and private parties within the reach. There are also 11 non-APN parcels, totaling 8.96 acres, which are within existing highway and street right of way. Six of the 11 parcels are within the Verdugo Wash area where the LPP would widen the channel, and the remaining five are in the area where the LPP would construct a side channel to divert water flows adjacent to where the 134 freeway connects with Interstate 5. Of these parcels, eight are believed to be within Caltrans right of way. For those parcels, it is likely the non-Federal sponsor will request a non-standard estate (perpetual ecosystem restoration easement) with rights to construct, operate and maintain the project. The other three non-APN parcels are within city road rights of way. For those parcels, the non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the underlying fee
owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 3 of the LPP:

<table>
<thead>
<tr>
<th></th>
<th>Acres outside of LACDA Boundary</th>
<th>Acres in LACDA Boundary</th>
<th>Total Acres needed for project including LACDA in Reach 3</th>
<th>Number of Parcels</th>
<th>Recommended Estates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Federal Sponsor</td>
<td>10.47</td>
<td>7.40</td>
<td>17.87</td>
<td>10</td>
<td>Fee</td>
</tr>
<tr>
<td>Public other than NFS</td>
<td>0</td>
<td>4.69</td>
<td>4.69</td>
<td>4</td>
<td>Fee</td>
</tr>
<tr>
<td>Private</td>
<td>21.35</td>
<td>0.31</td>
<td>21.66</td>
<td>24</td>
<td>Fee</td>
</tr>
<tr>
<td>Non-APN (owner not defined in gross appraisal)</td>
<td>8.96</td>
<td>0</td>
<td>8.96</td>
<td>11</td>
<td>Perpetual Easement</td>
</tr>
<tr>
<td>TOTAL</td>
<td>40.78</td>
<td>12.4</td>
<td>53.18</td>
<td>49</td>
<td></td>
</tr>
</tbody>
</table>

2.1.4 Reach 4 Griffith Park

Reach 4 starts at Brazil Street and ends at Los Feliz Boulevard. It is 1.75 miles long. The restoration in this reach would daylight streams in eight areas, create a side channel through the Griffith Park Golf Course on the right side of the river, lower the Los Feliz Golf Course on the left bank to allow seasonal flooding, and provide a riparian habitat corridor. The storm drains in this reach will be opened and naturalized as tributaries within the right of way of the existing LACDA project and adjacent lands.

In this reach, 17 parcels (totaling 17.42 acres) are needed for the LPP. Eight parcels totaling 13.70 acres are already owned in fee by the non-Federal sponsor. Of those 13.70 acres, 1.59 acres is part of the existing LACDA footprint. The non-Federal sponsor will also need to acquire two parcels (0.60 acres) within the existing LACDA right of way from the LACFCD. Two parcels totaling 0.60 acres will need to be acquired in fee from private owners. In addition, a total of five parcels identified as necessary for the project do not have APNs, four within Caltrans right of way and one within the non-
Federal sponsor’s road right of way. It is anticipated the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) for the four parcels within Caltrans right of way. In this area, the LPP would divert river flows into a side channel and plant on the banks of the channel. For the non-APN parcel within existing City road right of way, the non-Federal sponsor will provide fee where it is determined to be the fee owner and acquire fee where a private entity is determined to be the fee owner; if it is determined that a public entity is the underlying fee owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 4 of the LPP:

<table>
<thead>
<tr>
<th></th>
<th>Acres outside of LACDA Boundary</th>
<th>Acres in LACDA Boundary</th>
<th>Total Acres needed for project including LACDA in Reach 4</th>
<th>Number of Parcels</th>
<th>Recommended Estates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Federal Sponsor</td>
<td>12.11</td>
<td>1.59</td>
<td>13.70</td>
<td>8</td>
<td>Fee</td>
</tr>
<tr>
<td>Public other than NFS</td>
<td>0</td>
<td>.60</td>
<td>.60</td>
<td>2</td>
<td>Fee</td>
</tr>
<tr>
<td>Private</td>
<td>0</td>
<td>.41</td>
<td>.41</td>
<td>2</td>
<td>Fee</td>
</tr>
<tr>
<td>Non-APN (owner not defined in gross appraisal)</td>
<td>2.71</td>
<td>0</td>
<td>2.71</td>
<td>5</td>
<td>Perpetual Easement (4 parcels) Fee (1 parcel)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>14.82</td>
<td>2.60</td>
<td>17.42</td>
<td>17</td>
<td></td>
</tr>
</tbody>
</table>

2.1.5 Reach 5 Riverside Drive

Reach 5 starts at the Los Feliz Boulevard Bridge and ends at the Glendale Freeway. It is approximately 1.55 miles in length and the right bank would be modified from a trapezoidal bank to a vertical bank. This would increase the width of the soft bottom of the riverbed by over 100 feet. Overhanging vines will be planted on the top of the new bank. The left bank will be terraced and planted with herbaceous vegetation. Erosion measures will be taken by installing concrete-lined beds which would then be
planted with riparian vegetation. At the downstream end of this reach, the river will also be widened.

A total of 63 parcels totaling 32.05 acres are needed for this reach of the LPP. Of the 32.05 acres, 29.34 acres are within the existing LACDA right of way. The non-Federal sponsor will need to acquire 23 parcels totaling 9.92 acres within the LACDA boundary from the LACFCD and 8 parcels from private owners which are also within the existing LACDA footprint. There are also 2.40 acres, 16 parcels, without APNs. Two of the 16 parcels are within existing Caltrans highway rights of way and it is anticipated the non-Federal sponsor will request to acquire a lesser estate (perpetual ecosystem restoration easement) to plant riparian vegetation. The remaining 14 parcels are within existing City road rights of way which are under the City’s control. The City will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee for the 14 parcels. If a public entity is determined to be the fee owner, the City may request to acquire a perpetual ecosystem restoration easement.

In this area the channel walls will be modified from trapezoidal to vertical and bioengineered.

The following table lists the acreages needed for Reach 5 of the LPP:

<table>
<thead>
<tr>
<th></th>
<th>Acres outside of LACDA Boundary</th>
<th>Acres in LACDA Boundary</th>
<th>Total Acres needed for project including LACDA in Reach 5</th>
<th>Number of Parcels</th>
<th>Recommended Estates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Federal Sponsor</td>
<td>0</td>
<td>16.47</td>
<td>16.47</td>
<td>16</td>
<td>Fee</td>
</tr>
<tr>
<td>Public other than NFS</td>
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<td>9.92</td>
<td>9.92</td>
<td>23</td>
<td>Fee</td>
</tr>
<tr>
<td>Private</td>
<td>0.31</td>
<td>2.95</td>
<td>3.26</td>
<td>8</td>
<td>Fee</td>
</tr>
<tr>
<td>Non-APN (owner not defined in gross appraisal)</td>
<td>0</td>
<td>2.40</td>
<td>2.40</td>
<td>16</td>
<td>Perpetual Easement (2 parcels) Fee (14 parcels)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2.71</td>
<td>29.34</td>
<td>32.05</td>
<td>63</td>
<td></td>
</tr>
</tbody>
</table>
2.1.6 Reach 6 Taylor Yard

Reach 6 extends from the Glendale Freeway to the Interstate 5 freeway. It is approximately 2.34 miles in length. In this reach, the LPP includes riparian corridors and widening of the soft bottom river bed by over 300 feet into Taylor Yard with additional slope back to the overbank elevation along the length of the reach. At the upstream end of the reach, a back water wetland will be developed in the Bowtie parcel at river level. There will also be a small terraced area on the downstream end of the Bowtie parcel as the channel transitions into the widening at Taylor Yard. In this reach, the entirety of the right bank and a portion of the left bank of the river will also be restructured to support overhanging vines and other vegetation.

Reach 6 contains the parcel known as Taylor Yard, a key opportunity area. The Taylor Yard area is considered an important parcel in the study because it provides an opportunity for restoration of large contiguous expanses of riparian and aquatic habitat. The Taylor Yard area is also one of the main areas in the LPP where the channel will be widened and connectivity between the river and the historic floodplain will be restored. Widening of the channel will allow the river and overbank to approach more natural dynamics, enhancing riparian and in-stream habitat for plants and wildlife.

A total of 76 parcels are needed in this reach. The total acreage needed for this reach is 94.53 acres, of which 33.01 acres are within the existing LACDA project boundary. The non-Federal sponsor has ownership of 5 parcels (6.12 acres) within the existing LACDA project boundary. The non-Federal sponsor will need to acquire 28 parcels (44.88 acres, of which 6.04 acres are within the existing LACDA project boundary) from private owners and 22 parcels (40.71 acres, of which 20.85 acres are within the existing LACDA project boundary) under public ownership from the
California State Parks, the Mountains Recreation and Conservation Authority (MRCA) and the LACFCD. Twenty-one parcels do not have APNs and are part of existing highway or street right of way. It is anticipated that the non-Federal sponsor will request approval to acquire a lesser interest (perpetual ecosystem restoration easement), for 5 State-owned parcels (17.58 acres) at the Rio de Los Angeles State Park and for two of the 21 non-APN parcels which are within Caltrans highway rights of way, as discussed in Section 4, below. The remaining 19 non-APN parcels are within the LACDA right of way and at the end of the city streets. For these parcels, the City will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the owner of the underlying fee of a non-APN parcel, the City may request to acquire a perpetual ecosystem restoration easement.

In this reach the LPP calls for planting built into the walls of the channel.

As stated above, there is also one parcel within LACDA right of way owned in fee by the MRCA, a local government public entity established pursuant to the Joint Powers Act. Although the non-Federal sponsor will seek to acquire this small parcel in fee, it is possible the non-Federal sponsor may request approval of a lesser estate (perpetual ecosystem restoration easement) as discussed in Section 4.
The following table lists the acreages for Reach 6 of the LPP:

<table>
<thead>
<tr>
<th>Non Federal Sponsor</th>
<th>Acres outside of LACDA Boundary</th>
<th>Acres in LACDA Boundary</th>
<th>Total Acres needed for project including LACDA in Reach 6</th>
<th>Number of Parcels</th>
<th>Recommended Estates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public other than NFS</td>
<td>19.86</td>
<td>20.85</td>
<td>40.71</td>
<td>22</td>
<td>Perpetual Easement (5 parcels) Fee (17 parcels)</td>
</tr>
<tr>
<td>Private</td>
<td>38.84</td>
<td>6.04</td>
<td>44.88</td>
<td>28</td>
<td>Fee</td>
</tr>
<tr>
<td>Non-APN (owner not defined in gross appraisal)</td>
<td>0</td>
<td>2.82</td>
<td>2.82</td>
<td>21</td>
<td>Perpetual Easement (2 parcels) Fee (19 parcels)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>61.52</td>
<td>33.01</td>
<td>94.53</td>
<td>76</td>
<td></td>
</tr>
</tbody>
</table>

2.1.7 Reach 7 Arroyo Seco/LA State Historic Park

Reach 7 extends from the Interstate 5 freeway downstream to Main Street. It is about 1 mile in length. In this reach of the project the Arroyo Seco tributary will be restored with riparian habitat. The stream itself will have its banks and bed softened for approximately one-half mile upstream. At the confluence of the Arroyo Seco and the River a backwater riparian wetland will be established. Downstream, freshwater marsh would be restored at the LA State Historic Park, and the right bank of the river would be terraced to connect the restored area with the river. The railroad line along the bank would be trestled to allow for the terracing (further discussed in Section 16 below).

A total of 81 parcels are required for this reach. The total acreage needed for this reach is 48.11 acres, of which 28.58 acres are within the existing LACDA right of way. The non-Federal sponsor owns 23 parcels in this reach totaling 24.22 acres. Of the 24.22 acres, 22.92 acres are within the existing LACDA right of way. In this reach, 28 parcels under private ownership will need to be acquired. Approximately 1.37 acres are within the LACDA right of way, and 1.2 acres are out of the existing LACDA right of way footprint. The non-Federal sponsor will need to acquire 10 parcels totaling 12.24 acres.
from the Los Angeles County Metropolitan Transportation Authority (LACMTA), LACFCD, MRCA, and California State Parks. It is anticipated the non-Federal sponsor will contemplate a lesser estate (perpetual ecosystem restoration easement) for parcels owned by LACMTA in which we plan to plant riparian vegetation within parts of the right of way without affecting the operations of the railroad track, and to daylight a stream which will run below the tracks. Although the non-Federal sponsor will seek to acquire fee title for the two parcels owned by LACMTA where we plan to trestle the railroad track and daylight a stream on the west bank of the channel in this reach, it is possible the non-Federal sponsor may request approval of a lesser estate (perpetual ecosystem restoration easement). It is also contemplated the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) for lands owned by the California State Parks at the Los Angeles State Historic Park. Lastly, there are 20 non-APN parcels identified as being part of existing highway and road right of way. It is contemplated the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) for six of the 20 non-APN parcels, which have been identified as within Caltrans highway right of way. The remaining 14 of the 20 non-APN parcels are within existing City road right of way. The non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the owner of the underlying fee, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

Lastly, this reach also has one parcel within LACDA right of way owned in fee by the MRCA, a local government public entity established pursuant to the Joint Powers Act. Although the non-Federal sponsor will seek to acquire this small parcel in fee, it is
possible the non-Federal sponsor may request approval of a lesser estate (perpetual ecosystem restoration easement).

The following table lists the acreages required for Reach 7 of the LPP:

<table>
<thead>
<tr>
<th></th>
<th>Acres outside of LACDA Boundary</th>
<th>Acres in LACDA Boundary</th>
<th>Total Acres needed for project including LACDA in Reach 7</th>
<th>Number of Parcels</th>
<th>Recommended Estate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Federal Sponsor</td>
<td>1.30</td>
<td>22.92</td>
<td>24.22</td>
<td>23</td>
<td>Fee</td>
</tr>
<tr>
<td>Public other than NFS</td>
<td>7.95</td>
<td>4.29</td>
<td>12.24</td>
<td>10</td>
<td>Perpetual Easement</td>
</tr>
<tr>
<td>Private</td>
<td>1.2</td>
<td>1.37</td>
<td>2.57</td>
<td>28</td>
<td>Fee</td>
</tr>
<tr>
<td>Non-APN (owner not defined in general appraisal)</td>
<td>8.71</td>
<td>0.37</td>
<td>9.08</td>
<td>20</td>
<td>Fee</td>
</tr>
<tr>
<td>TOTAL</td>
<td>19.53</td>
<td>28.58</td>
<td>48.11</td>
<td>81</td>
<td></td>
</tr>
</tbody>
</table>

2.1.8 Reach 8 Los Angeles Trailer and Container Intermodal Facility (LATC)

This reach extends from Main Street to First Street. It is approximately 1 mile in length and will restore riparian habitat, restore a historic wash, and create a fresh water marsh at the Los Angeles Trailer and Container Intermodal Facility (LATC). The channel would be changed from concrete to soft bottom and the left bank of the channel adjacent to the LATC site would be removed. The marsh would extend into the LATC site 500 feet, with the riparian area extending another 1,000 feet into the property. A trestle (further discussed in Section 16 below) will be required to allow the active rail lines to remain in place and create connectivity between the river and the adjacent restored lands. In this reach, the right bank of the channel upstream of LATC and the left bank of the channel downstream of LATC will be modified to incorporate terracing and the planting of riparian vegetation.

LATC is a key opportunity area due to its location, close proximity to Downtown Los Angeles, lot size, number of owners and lack of buildings. It is also one of two
parcels identified in the LPP which provide an opportunity to restore large expanses of riparian and aquatic habitat which is rare in highly-urbanized Los Angeles. It is a key site because it allows for restoration of the historic floodplain including restoration of a historic wash marsh and riparian habitat.

In this reach, 51 parcels are required for the project (141.7 acres, of which 25.95 acres are within the existing LACDA project boundary). The non-Federal sponsor owns 8 parcels totaling 25.40 acres which are part of the existing LACDA right of way. Eleven parcels are owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA) for a total of 7.68 acres. There are active rail lines located on the 11 parcels owned by the LACMTA; currently we are assuming the non-Federal sponsor will acquire fee for two of the parcels where the river would be reconnected to the LATC, with the non-Federal sponsor trestling the active railroad tracks adjacent to the LATC. We anticipate the non-Federal sponsor will propose to acquire a lesser estate (perpetual ecosystem restoration easement) for the remaining nine parcels in Reach 8 outside of trestled railroad tracks to plant vegetation in part of the right of way. A total of 25 privately owned parcels (108.08 acres) will need to be acquired in fee. Eleven of the 25 parcels make up the area known as the LATC. There are also six non-APNs that are within existing City road right of way and one non-APN parcel that is within Caltrans right of way. It is anticipated the non-Federal sponsor will request to provide a lesser estate (perpetual ecosystem restoration easement) for the one parcel within Caltrans right of way. For the parcels in City road rights of way, the non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the owner of the
underlying fee for a non-APN parcel, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 8 of the LPP:

<table>
<thead>
<tr>
<th></th>
<th>Acres outside of LACDA Boundary</th>
<th>Acres in LACDA Boundary</th>
<th>Total Acres needed for project including LACDA in Reach 8</th>
<th>Number of Parcels</th>
<th>Recommended Estates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Federal Sponsor</td>
<td>0</td>
<td>25.40</td>
<td>25.40</td>
<td>8</td>
<td>Fee</td>
</tr>
<tr>
<td>Public other than NFS</td>
<td>7.13</td>
<td>0.55</td>
<td>7.68</td>
<td>11</td>
<td>Perpetual Easement</td>
</tr>
<tr>
<td>Private</td>
<td>108.08</td>
<td>0</td>
<td>108.08</td>
<td>25</td>
<td>Fee</td>
</tr>
<tr>
<td>Non-APN (owner not defined in gross appraisal)</td>
<td>0.21</td>
<td>0.33</td>
<td>0.54</td>
<td>7</td>
<td>Perpetual Easement</td>
</tr>
<tr>
<td>TOTAL</td>
<td>115.75</td>
<td>25.95</td>
<td>141.7</td>
<td>51</td>
<td></td>
</tr>
</tbody>
</table>

2.2 Other lands and rights of way

The LPP is designed with specific project features on the lands discussed above. In addition to the lands identified for construction and operation of specific features, the project also includes a general measure for removal of invasive species throughout the features and existing channel and lower tributary bottom areas, and the project requires management of invasives throughout the same area as part of the non-Federal sponsor’s operation and maintenance of the project. Therefore, the LERRD required for the project includes 236.66 acres within the channel and tributary bottom areas (both hard and soft bottom) that is not required for other specific restoration measures. These areas are within the existing LACDA right of way and are already subject to the LACDA project encumbrances (generally flood risk management easement), as further described below in Section 5. The existing interests are not considered sufficient to allow for the removal of
invasive species vegetation from the channel on a recurring basis to ensure restoration benefits throughout the life of the project.

2.2.1 Rights of way to be further defined during PED

Geotechnical analysis has identified that tie backs or counterforts may be determined to be needed during the detailed design (PED) phase to support features such as vertical walls. A scouring analysis and other technical evaluations are scheduled to take place during detailed design which may modify the identified right of way required to construct and maintain such features. A permanent easement (such as a flood protection levee or rock anchor easement) is the likely interest, but the interest and estate required will be determined once the feature(s) has (/have) been further designed and analyzed.

In addition, design refinements for locations of measures such as wildlife access slopes and maintenance ramps could in some cases require minor additional real estate interests within the existing LACDA right of way if they extend into areas not included in the identified restoration footprint. Although such design refinements are expected to be located within the identified restoration footprint, specific locations for such design refinements will be further developed during the detailed design phase, as they are dependent on data and hydraulic analysis to be generated during that phase to ensure they are consistent with the constraints of the restoration project, including the function and conveyance of the existing LACDA project. These refinements may require small portions of land in fee with low remaining value, as the affected lands are already subject to the LACDA project encumbrances (generally flood risk management easement), as further described below in Section 5.
2.3 Staging areas

Throughout the 8 reaches of the project, potential staging areas have been identified. In most cases, the staging areas identified are areas the non-Federal sponsor owns in fee. The LPP identifies the non-Federal sponsor already owns approximately 32 acres in various locations of the project area that would be used for staging areas.

Currently, the LPP identifies the following additional staging areas to be acquired through a temporary work area easement:

- In Reach 4 and 5, three parcels (11.77 acres).
- In Reach 5, one parcel (three acres) (site known as North East Interceptor Sewer 2 Shaft Site).
- In Reach 6, parcels totaling 10 acres owned by Los Angeles Community College District, State of California, and a private owner.
- In Reach 7, four acres in private ownership.
- In Reach 8, 6.5 acres in private ownership.

Additionally, in some cases in Reaches 3, 4, and 6, the study team has identified potential to use lands to be acquired in fee for restoration as staging areas prior to construction at those sites if the timeline permits. These areas total 32.14 acres.

2.4 Borrow and Disposal Site Assumptions

No LERRD for borrow and disposal sites has been identified as required for this project.

2.4.1 Borrow sites

Borrow material for construction is expected to come from within the project footprint whenever practicable; however, to the extent that small amounts of borrow material are needed from outside the project footprint, it will be supplied by the
construction contractor through use of a commercial site or sites. Because of the urbanized character of the Los Angeles region and the length of project construction (15 years), borrow from a designated borrow site (as LERRD) is not anticipated to be practicable.

2.4.2 Borrow required for future maintenance

At this time, borrow material is not anticipated to be required for future maintenance. However, if monitoring identifies insufficient substrate being retained in the system to support aquatic habitat (e.g., sufficient cobble/gravel for native fish habitat compared), adaptive management may include import of such substrate. According to the Monitoring and Adaptive Management Plan (Appendix H), if import of substrate is required more than once during the monitoring period, adjustments to O&M may be made to require substrate import. This substrate would be anticipated to come from a commercial source as well.

2.4.3 Disposal

Project assumptions include a least-cost disposal plan that includes disposal capacity for excavated earth material exceeding quantities re-used for project purposes being provided by the contractor through use commercial facilities. Disposal facilities were limited to a 20-mile radius in part to reduce/minimize air quality impacts. The cost for commercial disposal facilities was captured in the cost appendix as a construction cost item.

2.4.4 Disposal required for future maintenance

No disposal sites are anticipated to be required for maintenance. Maintenance activities would generally gather debris and trash for commercial disposal.
All assumptions associated with borrow and disposals are captured in the risk register for the project.

2.4.5. Summary

The Figure below provides a summary of the LERRD required for the LPP.

Fig. 1 – Summary Table – acreages and ownerships

<table>
<thead>
<tr>
<th>Lands Required for Specific Restoration Measures</th>
<th>Acres Outside LACDA Boundary</th>
<th>Acres Within LACDA Boundary</th>
<th>Total Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Federal Sponsor owned</td>
<td>72.98</td>
<td>101.69</td>
<td>174.67</td>
</tr>
<tr>
<td>Public parcels to be acquired (Fee)</td>
<td>15.08</td>
<td>42.14</td>
<td>57.22</td>
</tr>
<tr>
<td>State parcels to be acquired with Ecosystem Restoration Easement (Non-Standard Estates)</td>
<td>19.86</td>
<td>0.07</td>
<td>19.93</td>
</tr>
<tr>
<td>Non-APN parcels (Owners not defined by gross appraisal)</td>
<td>38.57</td>
<td>5.92</td>
<td>44.49</td>
</tr>
<tr>
<td>Private parcels to be acquired (Fee)</td>
<td>169.78</td>
<td>11.16</td>
<td>180.94</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>322.19</td>
<td>155.06</td>
<td>477.25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lands Identified as Channel Bottom Needed for General Restoration Measures*</th>
<th>Acres Outside LACDA Boundary</th>
<th>Acres Within LACDA Boundary</th>
<th>Total Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soft Bottom Channel</td>
<td>0</td>
<td>145.64</td>
<td>145.64</td>
</tr>
<tr>
<td>Hard Bottom Channel</td>
<td>0</td>
<td>91.02</td>
<td>91.02</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>0</td>
<td>236.66</td>
<td>236.66</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staging Area</th>
<th>Acres Outside LACDA Boundary</th>
<th>Acres Within LACDA Boundary</th>
<th>Total Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Federal Sponsor owned</td>
<td>32</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>Staging areas within lands being acquired for restoration (no additional credit)**</td>
<td>32.14</td>
<td>0</td>
<td>32.14</td>
</tr>
<tr>
<td>Temporary Work Area Easement (TWAE) to be acquired</td>
<td>35.27</td>
<td>0</td>
<td>35.27</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>99.41 (67.27 for TWAE credit)</td>
<td>0</td>
<td>99.41 (67.27 for TWAE credit)</td>
</tr>
<tr>
<td>Other Rights of Way (for design refinements)</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Grand Total</td>
<td>389.46</td>
<td>391.72</td>
<td>781.18</td>
</tr>
</tbody>
</table>

* This is the channel bottom acreage required for general measures for invasives removal during construction and operation and maintenance of the project that is not otherwise required for specific restoration features.

**This acreage is included in fee acquisitions under “lands required for restoration” above and would not be additionally credited for staging area use.
3. SPONSOR-OWNED LERRD

The non-Federal sponsor for the Los Angeles River Ecosystem Restoration Study is the City of Los Angeles. The non-Federal sponsor currently owns approximately 96 parcels of land, 345.93 acres out of the 713.91 acres needed, for the Locally Preferred Plan. Of the 345.93 acres owned by the non-Federal sponsor, 272.95 acres are within the existing LACDA project boundary. The 96 parcels, although owned by the City of Los Angeles, are managed by different departments within the City. The 96 parcels do not include non-APN parcels for which the City may have fee or easement interest, as described in Section 1 and further discussed in Section 4. Ownership of these parcels will be further defined during PED.

4. PROPOSED NON-STANDARD ESTATES

The standard estate for an ecosystem restoration project is fee simple. The Los Angeles District has reviewed the capability of the non-Federal sponsor to acquire fee simple and assessed that there are instances where LER required is owned by a public entity and where acquisition of a fee simple estate may be infeasible for the non-Federal sponsor. As briefly discussed in Section 2 above, State Parks, LACMTA, Caltrans, and the MRCA are currently the fee owners of some of the LER required to implement the project.

We have reviewed the standard estates provided in exhibit 5-29 to EC 405-1-11, which have been incorporated into ER 405-1-11, and determined that the standard estates provided, other than the fee simple estate, do not include sufficient rights to establish, operate and maintain an ecosystem restoration project. Based upon preliminary discussions with the non-Federal sponsor, we understand that fee simple cannot be acquired in some locations which are owned by public entities; therefore, we anticipate
that the non-Federal sponsor will request approval to acquire a perpetual ecosystem restoration easement for cases in which fee simple estate cannot be acquired. ER 405-1-12, while indicating fee as the appropriate estate for ecosystem restoration, allows that a lesser, or easement estate, may be appropriate based on the extent of interest required for the operation or requirements of a project. An easement estate will serve the intended project purpose, and will not increase costs nor result in potential liability of the Government. A perpetual ecosystem restoration easement would provide sufficient perpetual rights necessary to construct, operate, and maintain the affected project features. Because each site is unique, we anticipate that sites may require language that takes into consideration specific site requirements. Where the lands are also required for compatible passive recreation features such as trails, the interest for construction, operation, and maintenance of those features would also be proposed as part of the specific easement language. We acknowledge that each site-specific perpetual easement would require careful legal and policy review to ensure that appropriate prohibitions on conflicting activities are included, and we are prepared to work closely with the non-Federal sponsor to ensure that project needs and the federal investment are satisfied. This REP presents the non-standard estates based upon the assumption that each perpetual ecosystem restoration easement will require separate Headquarters US Army Corps of Engineers (HQUSACE) and South Pacific Division (SPD) approval. A description of the needs and requirements for each public-entity-owned site for which a non-standard estate is proposed is below.

With respect to the lands owned by California State Parks, we anticipate that the non-Federal sponsor will request approval to acquire a perpetual ecosystem restoration easement. State Parks is a state entity established pursuant to the California Public
Resources Code, entrusted with the jurisdiction and management of public lands for the benefit of the people of the State and whose stated mission includes preservation of “...the state’s... biological diversity, protecting its most valued natural and cultural resources...” Granting of a fee simple estate to the non-Federal sponsor for LER required in Reaches 6 and 7 at the Rio de Los Angeles State Park and the Los Angeles State Historic Park would not be consistent with State Parks’ mission. Fee acquisition of these lands is not considered practicable as the state has acquired the lands for use as a state park and would not allow for the negotiated sale of the property. The non-Federal sponsor has indicated that, as a practical matter, it generally cannot condemn lands owned by or under the jurisdiction of the State of California as discussed further in Section 13.

With respect to the proposed perpetual ecosystem restoration easement, State Parks has determined that ecosystem restoration is compatible with its park land and supports the implementation of the ecosystem restoration features proposed to be constructed at the two State Park areas identified. Therefore, a perpetual ecosystem restoration easement would be the most efficient means of satisfying the real estate requirements necessary to support the project. Both the Corps and non-Federal sponsor continue to coordinate with the State Parks on specific perpetual ecosystem restoration easement language. Sample language attached to this document as Attachment “A” has been provided to State Parks for discussion purposes. As required by ER 405-1-12, the specific language of the proposed perpetual ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD.
The second proposed non-standard estate is for a site-specific perpetual ecosystem restoration easement on land owned by the LACMTA in Reaches 7 and 8. In Reach 7, the project proposes to daylight a stream to run below the LACMTA tracks outside of the trestle component, described in section 2.1.7, and in Reach 8, proposes to plant riparian vegetation. Where relocation of active rail lines to trestles at grade has been identified as required to facilitate construction of restoration features, as described in Section 17, the non-Federal sponsor will pursue acquisition of fee simple underlying LER, but may need to acquire a non-standard perpetual ecosystem restoration easement, if fee simple acquisition is too difficult to obtain through negotiated transaction. As required by ER 405-1-12, the specific language of a proposed ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD.

The third proposed non-standard estate is for a site-specific perpetual ecosystem restoration easement to be acquired on lands which, based on the best available information, we understand are owned in fee by the California Department of Transportation (Caltrans). The specific parcels at issue are located adjacent to freeway on-ramps and underneath the freeway overpasses. The areas of Caltrans ownership include parcels in all reaches, mainly needed for establishment of riparian planting. Additionally, in Reach 3, LER required includes areas for widening of the confluence of the river with the Verdugo Wash within and adjacent to existing LACDA right of way, and in Reaches 3 and 4, for diversion of tributary and river flow into small side

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3 Because the subject parcels do not have APNs assigned to them, it was not possible to identify an owner as part of development of the Gross Appraisal.
channels.\textsuperscript{4} As required by ER 405-1-12, the specific language of a proposed ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD. In limited circumstances, a perpetual ecosystem restoration easement may also be proposed for parcels without APNs that are part of existing City street right of way. For these parcels, the City may be the fee owner or hold an easement. Where the City is determined to be the fee owner, the City will provide the fee interest to the project, and where a private entity is determined to own the underlying fee, the City will acquire and provide the fee interest. However, if a public entity is determined to be the fee owner, the City may request to acquire a perpetual ecosystem restoration easement. As required by ER 405-1-12, the specific language of a proposed ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD.

Lastly, on two small parcels within the LACDA right of way in Reach 6 and 7, the sponsor may request to acquire a site-specific perpetual ecosystem restoration easement from MRCA, the fee owner, to implement alterations to the channel wall to facilitate implanting of vegetation. MRCA provides natural resources and scientific expertise and other educational and park services, and is one of the lead agencies for the revitalization of the Los Angeles River. In the MRCA-owned areas identified as LER, lands are used primarily for pocket parks along the river, outside the LACDA right of way. The two MRCA-owned areas identified as LER required for the project are the portions of such parcels that extend into the LACDA right of way. While the non-Federal sponsor will make best efforts to acquire the standard fee estate for land owned by

\textsuperscript{4} It is anticipated that additional LER may be identified that would be necessary for sub-surface tiebacks and/or counter forts for which a standard estate, rock anchor easement, may be acquired, as identified in Section 2.2, under “Rights of way to be further defined during PED.” It is not anticipated at this time that a non-standard estate would be required for these areas.
MRCA, the non-Federal sponsor may request approval to acquire a site-specific perpetual ecosystem restoration easement in lieu of fee. MRCA is a local joint powers entity dedicated to the preservation and management of local open space and parkland, watershed, lands, trails and wildlife habitat. As a public entity managing a recreational zone in this stretch of the river, it may not support the sale of land in fee. If negotiated acquisition of fee simple is unsuccessful, the Corps will, as required by ER 405-1-12, submit the specific language of a proposed ecosystem restoration easement, once fully negotiated, for approval to HQUSACE through SPD.

5. EXISTING FEDERAL PROJECT

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 should not be included in the valuation of lands for the current project, and no credit may be afforded for such interests.5 In this case, the existing project footprint/boundary for LACDA overlaps with the lands required for the restoration project LPP. The interests previously provided for the LACDA project are not sufficient to support the full construction, operation and maintenance of the ecosystem restoration project because they are less than fee, but they do not conflict with the restoration project. The interests previously provided by the LACFCD for the flood risk management project would not be required to be provided by or credited to the City as restoration project sponsor. The underlying fee ownership would generally be needed to support the construction, operation and maintenance of restoration features of a

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5 This is the rule regardless of whether the sponsors of the existing and proposed projects are different, as they are in this case.
As described above, the study area includes part of the existing LACDA flood risk management project. The portion of LACDA within the study area was constructed by the Corps from the 1930s through the 1950s with the partnership of the LACFCD. The existing LACDA project within the study area consists of channel and levee, some reaches with stone side slopes and other reaches with concrete side slopes. A portion of the lands within the LACDA right of way within the study area would be included in the LPP features, for the specific restoration measures as well as the general measure for invasives removal and management, as discussed in Section 2, above.

The LACDA project in the study area was constructed under several authorizations with evolving requirements. Portions of the project were begun under the Emergency Relief Acts, under which the LACFCD was required to make a cash contribution and provide rights of way. The project was further authorized and expanded under the Flood Control Acts (FCAs) of the 1930s and 1940s. According to the Flood Control Act of June 22, 1936, LACFCD was responsible for acquiring all lands, easements and rights of way for the construction of the project, some of which it already held at the time of the project. Although certain lands for the LACDA project outside

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6 The credit to be afforded to the non-Federal sponsor for the value of LERRD required to be provided for the project is subject to limitations specific to this project. This project includes a policy exception allowing the sponsor to forgo reimbursement for LERRD exceeding its statutory share, and it also considers alternative cost sharing that includes a limitation on LERRD credit to be afforded to the sponsor. These issues are further described in Section 20 of this REP and in Chapter 7 of the IFR.

7 The Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRRR) Manual for the LACDA project, LADM No. 1130-2-13, summarizes the history of the real estate and operations and maintenance responsibility changes in the early years of the project. The June 22, 1936, Flood Control Act directed the local sponsor to provide all LER needed for the construction of the project. However, the action of June 28, 1938 amended this provision to direct that title to all LER should be acquired by the United States or obtained by the local sponsor and conveyed to the United States, and that the United States should operate and maintain the system. According to the manual, in response to the 1938 law, the United
the study area, such as lands within flood control basins, were acquired in fee and are owned by the United States, a lesser interest or right was generally acquired for construction and operation of channels, and the existing LACDA project area within the study area contains a patchwork of ownerships, easements, and permits.

Due to the age of the existing LACDA project, the Corps does not have detailed records showing what specific interests were required to be provided for the project as the necessary “rights of way” within the LACDA boundary in the study area. The understanding at this time is that for most parcels, LACFCD, and in a few cases both LACFCD and the United States, hold(s) an easement “for the purpose of the construction and maintenance thereon of a channel and appurtenant works to carry and confine the flood and storm waters of the Los Angeles River and its tributaries in, over and across [the described real property]” or similar language. In other cases, LACFCD is the fee owner of parcels within the existing project boundary in the study area, but based on the rest of the LACFCD ownerships in the study area and other channel reaches, it does not appear fee was required to be provided for LACDA. Where the City of Los Angeles is the fee owner of LACDA lands, as it is for a portion of the existing LACDA project area within the study area as described in Section 3 above, it granted permits for construction and long-term operation of the flood risk management project rather than an easement,

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8 If additional research during project design and implementation identifies, contrary to the current understanding, that LACFCD was required to provide the fee interest for the LACDA project in the areas where it owns fee, the non-Federal sponsor for the restoration project would not be required to acquire, nor would it be credited for, the underlying fee interest in the areas with LACFCD fee ownership within the LACDA boundary.
and committed under City ordinance that river lands shall not be transferred from City ownership. Permit language from the City to the County and United States is similar to the easement language. These ownerships and interests will be confirmed through the course of the acquisition process.

The easements and permits provided for the LACDA project by LACFCD would not be sufficient to support construction and operation of all aspects of an ecosystem restoration project. The underlying fee ownership would generally be needed to support a restoration project, and that is the interest that would be required to be provided. This remaining interest has a very low value compared to unencumbered fee. Although a detailed examination of all easements, permits, and other rights in land for existing LACDA LER has not been conducted, as noted above, the easements reviewed do not contain language that would directly conflict with an ecosystem restoration project. The Corps is in the process of a longer-term effort with LACFCD to assess rights in the portion of the river the Corps must OMRRR and ensure that the Corps has adequate assignment of rights from LACFCD. Compatibility with the purpose of the existing project as a flood risk management channel is a central constraint of the proposed project alternatives, and the two OMRRR manuals will be complementary.

The valuation of LERRD for this project excludes the value of the interests and rights in land (the easement interests and permit rights) previously provided for the LACDA project or held by the Federal government. To avoid “double-counting” lands previously provided for the LACDA project, the City, as sponsor of the restoration project, will be required to provide the underlying fee interest to support the restoration project, with LACFCD (and the United States in some limited cases) continuing to hold
the existing easements and permits. This encumbrance and previous provision of LERRD is reflected in the land valuation conducted for these parcels in the Gross Appraisal.

6. FEDERALLY OWNED LAND

Although the Corps has operation and maintenance responsibility for LACDA in all 8 reaches of the Los Angeles River within the study area, no land is owned in fee by the United States. As discussed in Section 5 above, in some cases the United States has easements that were transferred from the LACFCD. In other cases where the study non-Federal sponsor, City of Los Angeles, has ownership within the existing Los Angeles River, permits were issued to both the LACFCD and the United States to construct, operate, and maintain the LACDA, as discussed in Section 5 above. The value of interests and rights previously provided for the LACDA project or held by the United States is excluded from the LERRD cost estimate, and no credit shall be afforded for such interests and rights previously provided or held by the United States.

7. EXTENT OF NAVIGATIONAL SERVITUDE

Navigational servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution that allows use, control and regulation of navigable waters of the United States and the submerged lands.

Exercise of Federal navigational servitude is not applicable to this project and is not being invoked.
8. MAP

This map shows the overall project. More detailed maps by reach are included at the end of this Real Estate Plan as Attachment “B.”
9. EXTENT OF INDUCED FLOODING

As stated in the Hydrology and Hydraulics Appendix, the restoration project will not create induced flooding compared to existing conditions. The study screened out any alternatives that adversely impacted the water surface elevation in a way that could not be addressed through detailed design.

While initial assessment by the Hydrology and Hydraulics Branch of the Engineering Division identified that an increase in water surface elevation could occur at transition areas (areas where the channel has geometric changes (transitioning from trapezoidal to rectangular or from a widened section to a narrow section)) or changes in construction material (transitioning between soft-bottom and concrete) in the final array of alternatives, including the LPP, any change in water surface in the transition areas will be avoided through design refinements to the project modifications to channel geometry and/or avoidance of introduction of vegetation and enforcing requirements limiting vegetation growth in those areas. With implementation of such design refinements, there will be no increase in flood damages as compared to existing conditions. Therefore, no flooding would be induced by the project.

10. BASELINE COST ESTIMATE

The Baseline Cost Estimate for Real Estate (BCERE) is presented below. A gross appraisal of the LPP was completed, which forms the basis for the Lands portion of the BCERE. The BCERE also includes an estimate of administrative and incidental costs associated with the acquisition of the real estate required for the project. The incidental costs include those costs associated with title work, appraisals and their review, review of documents, review of P.L. 91-646 actions, legal support and other costs associated with acquisition and provision of LERRD required for the project. The BCERE also includes
the estimate of costs for facility/utility relocations currently expected to be required for the project.

The BCERE includes contingencies for lands and relocations. A contingency was added to the estimated land costs pursuant to information provided by the Corps appraiser during the gross appraisal process. The estimate and contingency for the sponsor’s costs of constructing facility/utility relocations was provided by the Corps’ Engineering Division. The costs of preconstruction engineering and design (PED) and construction management for relocations were calculated separately and are thus displayed as a sub-line item in the table below. Note that the cost shown below is the Estimated Cost using 2014 year price levels rather than the First Cost of LERRD (including PED and Construction Management) shown in the IFR’s cost apportionment tables. The table below includes references to the different accounting codes the Corps uses to organize cost estimates for Civil Works. Those accounting codes are known as the “Work Breakdown Structure” (WBS).
<table>
<thead>
<tr>
<th>Locally Preferred Plan</th>
<th>(LERRDs)</th>
<th>Contingency%</th>
<th>Contingency Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land and Damages (01)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lands</td>
<td>$402,649,086</td>
<td>15.1%</td>
<td>$60,939,573</td>
</tr>
<tr>
<td>PL 91-646 Entitlements</td>
<td>$22,617,000</td>
<td>15.1%</td>
<td>$3,423,006</td>
</tr>
<tr>
<td>Non-Federal Admin</td>
<td>$16,141,875</td>
<td>15.1%</td>
<td>$2,443,018</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>$441,407,961</td>
<td>15.1%</td>
<td>$66,805,597</td>
</tr>
<tr>
<td>Facility/Utility Relocations (02)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relocations Facility/Utility</td>
<td>$165,624,000</td>
<td>35.5%</td>
<td>$58,746,000</td>
</tr>
<tr>
<td>PED - Relocations</td>
<td>$10,412,422</td>
<td>36.7%</td>
<td>$3,821,359</td>
</tr>
<tr>
<td>Construction Management - Relocations</td>
<td>$5,419,549</td>
<td>36.6%</td>
<td>$1,983,555</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>$181,455,971</td>
<td></td>
<td>$64,550,914</td>
</tr>
<tr>
<td>Total Non-Federal Cost</td>
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</tr>
<tr>
<td>Federal Cost</td>
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<td></td>
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<tr>
<td>Federal Admin.</td>
<td>$5,380,625</td>
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<td>$814,339</td>
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<tr>
<td>Total Federal Cost</td>
<td>$6,194,964</td>
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<td></td>
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<tr>
<td>Total Real Estate</td>
<td>$760,415,407</td>
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<td></td>
</tr>
</tbody>
</table>

9 BCERE shows the estimated cost for LERRD and Federal administrative cost using 2014 year price levels. According to ER 405-1-12, Section 12-18, a Baseline Cost estimate for Real Estate (BCERE) is the estimated cost for LERRD. The BCERE includes Fair Market Value of LER required for the project, cost of PL 91-646 entitlements, incidental cost for both the Federal government and the sponsor, and estimated risk based contingencies.

10 Contingencies are rounded to the tenth of a percent for the table. The actual contingency used to come up with the contingency is 15.1346608% for the Lands and Damages (01) account and 35.4694971% for the Relocations (02) account.

11 This cost is shown in the 30 account in the cost tables by WBS in the IFR and Cost Appendix.

12 This cost is shown in the 31 account in the cost tables by WBS in the IFR and Cost Appendix.

13 Federal administrative costs are part of the overall real estate costs and part of the 01 account but not part of sponsor LERRD requirements.
11. PL 91-646 RELOCATION ASSISTANCE BENEFITS

Currently, the LPP identifies displacement of businesses in Reaches 3, 7, and 8 of the project. In Reach 3, where the project calls for the widening of the Verdugo Wash confluence with the river, 11 businesses have been identified as being displaced due to the project features. These businesses currently consist of a recycle plant, yogurt manufacturer, window and door manufacturing plant, entertainment lighting company, film industry rental equipment business and a large scale printer. In Reach 7, two buildings have been identified for acquisition, and the businesses they house would be displaced in order to create connectivity between the river and Los Angeles State Historic Park. Reach 8 has land that is leased out for a concrete recycling plant and windshield repair shops, which would be displaced in addition to the LATC facility discussed in facility relocations below.

The non-Federal sponsor is aware of and will comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Act of 1970, Public Law 91-646, as amended, in acquiring the lands, easements and rights-of-way and performing relocations. According to Public Law 91-646, each business is entitled to search expense payments not to exceed $2,000, reestablishment expenses not to exceed $25,000, moving costs, and lost revenue. Preliminary relocation costs for Reach 3, 7, and 8 total approximately $26,032,000. These estimates were based on information provided for Reaches 3 and 7 by contract appraisers hired by the non-Federal sponsor and data acquired by the Corps for Reach 8. A preliminary inventory was put together by internet and visual research (driving past the businesses), as well as moving-companies providing average costs for moving office and specialized equipment. Databases were also used in formulating the final PL 91-646 entitlements estimates.
12. DESCRIPTION OF PRESENT OR ANTICIPATED MINERAL ACTIVITY

There are no present or anticipated mineral activities in the proposed project area.

13. PROJECT SPONSOR’S LAND ACQUISITION ABILITY

A thorough assessment of the non-Federal sponsor’s legal and professional capability and experience to acquire and provide the LER has been completed through the Assessment of Non-Federal Sponsor’s Real Estate Acquisition Capability, which is in the format prescribed in ER 405-1-12, Chapter 12 & Appendix 12-E. Based on the information provided by the non-Federal sponsor, the District’s overall assessment is that the non-Federal sponsor is “anticipated to be highly capable.” The assessment was coordinated with the non-Federal sponsor and is attached to the real estate plan as Attachment C. The District’s assessment is based upon the overall capability to acquire the LER required and perform the necessary relocations. The District supports this assessment, acknowledging that the non-Federal sponsor is limited in its capacity to acquire the fee simple estate for LER required for the project on certain lands.

The non-Federal sponsor has limited condemnation authority that does not extend to all lands. The eminent domain provisions of the California Code of Civil Procedure do not contain specific authority that would allow the non-Federal sponsor to acquire for ecosystem restoration purposes land owned by the State of California, including parcels owned by Caltrans or State Parks, and they create presumptions that the non-Federal sponsor has accurately concluded would preclude it from being able to take a fee estate in these parcels.

Section 1240.610 of the California Code of Civil Procedure permits generally that the power of eminent domain may be exercised to acquire property that is already appropriated to public use “if the use for which the property sought is to be taken is a
more necessary public use than the use to which the property is appropriated.” Other provisions of the Code further limit the exercise of this authority by creating presumptions affecting the burden of proof. Section 1240.640 states that “[w]here property has been appropriated to public use by the state, the use thereof by the state is presumed to be a more necessary use than any other use to which such property might be put by any person.” Section 1240.660 creates a similar presumption in favor of a local public entity which has already appropriated the property sought to public use. Section 1240.680 states that “property is presumed to have been appropriated for the best and most necessary public use” if used as “(1) A state park, regional, county, or city park, open space, or recreation area. . . . (3) A historic site included in the National Register of Historic Places or state-registered landmarks.”

Where property is sought to be taken under section 1240.610, section 1240.630 provides that “the defendant is entitled to continue the public use to which the property is appropriated if the continuance of such use will not unreasonably interfere with or impair, or require a significant alteration of the more necessary public use as it is then planned.” If the taking is contested and the court determines that the defendant is entitled to continue use of the property, the court will direct the parties to “make an agreement determining the terms and conditions” concerning, among other things, “the manner and use of the property by each party.” The non-standard estates that the non-Federal sponsor proposes for acquiring interests in land appropriated to public use by other public entities is the type of agreement that a court would likely direct if the non-Federal sponsor brought a successful condemnation action to acquire these parcels.

As discussed in Section 4, the Corps and non-Federal sponsor have evaluated the potential for acquiring a lesser estate, a site-specific perpetual ecosystem restoration
easement, and found that acquisition of this estate would support the project purposes and protect the federal investment. The continued use of the land by the current public owner which would be permitted by such an easement will not unreasonably interfere with, impair, or require a significant alteration of the project as planned. Initial discussions with State Parks about the proposed restoration and passive recreation features that would occupy State Parks lands at the Rio De Los Angeles State Park and Los Angeles State Historic Park have been successful to the extent that State Parks understands and supports the construction, operation and maintenance of the proposed ecosystem restoration and passive recreation features on their land. The Corps and non-Federal sponsor have been and are closely coordinating with State Parks, to ensure that the proposed ecosystem restoration and passive recreation features of the Federal project are consistent with State Parks’ general plans for these areas. We anticipate that an acceptable perpetual ecosystem restoration easement would be proposed for review and approval as a non-standard estate and that the non-Federal sponsor is capable of acquiring sufficient real estate interests from State Parks.

With respect to Caltrans, as noted in Section 4, the lands required for restoration are largely for riparian planting, although some lands in Reach 3 are required for the widening of the Verdugo Wash confluence and construction of a combined riparian and marsh community. Caltrans generally does not support sale of lands it holds in fee, but a review of Caltrans general plans indicate that the proposed planting and improvements would be compatible with Caltrans use of these areas. The non-Federal sponsor has indicated in the “Assessment of Non-Federal Sponsor’s Real Estate Acquisition Capabilities” that it is unlikely it would pursue fee acquisition or condemnation of lands owned by Caltrans and would seek a non-standard estate. Based upon past dealings with
Caltrans, we anticipate that an easement could be acquired through a negotiated transaction. As stated in Section 4, a perpetual ecosystem restoration easement would adequately address the needs of the project. The Corps and non-Federal sponsor will coordinate closely with Caltrans during design, as Caltrans requires design plans in order to review grants of rights of way. We anticipate that an acceptable perpetual ecosystem restoration easement would be proposed for review and approval as a non-standard estate and that the non-Federal sponsor is capable of acquiring sufficient real estate interests from Caltrans.

In addition, with respect to active railroad lines and facilities, the provisions of the Interstate Commerce Commission Termination Act (ICCTA) preempt state law allowing the City to condemn property. One railroad facility owned by UPRR and two rail lines owned by the LACMTA would be affected by the LPP, as discussed in Sections 2 and 16. The City would work with UPRR on relocation of the existing LATC site functions to a new location within the Los Angeles Basin, as described in Section 16.5. UPRR has expressed willingness to cooperate with the City in a sale or exchange of the property subject to relocation of the site functions to a comparable facility, as discussed in Section 18. Although we anticipate a negotiated transaction based upon discussions with UPRR, if the City cannot reach agreement with UPRR, the City may apply to the Surface Transportation Board for abandonment and relocation of the facility. Based upon our assessment, the non-Federal sponsor is capable of acquiring sufficient real estate interests through the two options described above.

Two active rail lines owned by the LACMTA would be affected by the project, along the right bank of the channel in Reach 7 and along the left bank of the channel in Reach 8. To allow terracing of the channel bank in Reach 7 and to allow restoration of
more natural water movement and habitat between the river and the LATC site in Reach 8, the existing rail lines would have to be removed for lengths of 500 ft. and 1500 ft., respectively. As identified in Section 16, these lines would be relocated at grade on trestles. The project has taken into account design considerations such as maintaining the grade of the existing lines and will minimize effects on rail service during physical relocation. Coordination between the Corps and non-Federal sponsor and the LACMTA during the study period has identified no issues with the relocation of the lines to trestles at grade, and other LACMTA needs, such as those outlined above, have been incorporated into the planning for the restoration project. Although we anticipate a negotiated transaction based upon discussions with LACMTA, if the City cannot reach agreement with LACMTA, the City may apply to the Surface Transportation Board for abandonment and relocation of the lines if necessary. Based upon our assessment, the non-Federal sponsor is capable of acquiring sufficient real estate interests through the two options described above.

The non-Federal sponsor is aware of and will comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Act of 1970, Public Law 91-646, as amended, in acquiring the lands, easements and rights-of-way and performing relocations. The non-Federal sponsor has been advised of the requirement to document expenditures and maintain records for LERRD valuation and crediting purposes.

**14. ENACTMENT OF ZONING ORDINANCE**

After consulting with the project delivery team and the non-Federal sponsor it was determined that at this time there are no foreseen enactments of zoning ordinances to facilitate acquisition of real property.
15. LAND ACQUISITION SCHEDULE AND MILESTONES

Currently, the study is anticipated to be implemented in phases by reach; thus the acquisition of rights of way needed for the LPP will be accomplished over an 11-year period. The following is a preliminary acquisition schedule for each reach:

<table>
<thead>
<tr>
<th>REACH</th>
<th>CALENDAR YEAR</th>
<th>LERRDS ACQUISITION NUMBER OF MONTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>REACH 6</td>
<td>February 2017- August 2018</td>
<td>18 MONTHS</td>
</tr>
<tr>
<td>REACH 5</td>
<td>May 2019 – November 2020</td>
<td>18 MONTHS</td>
</tr>
<tr>
<td>REACH 4</td>
<td>May 2020 – October 2021</td>
<td>17 MONTHS</td>
</tr>
<tr>
<td>REACH 7</td>
<td>June 2022 – November 2023</td>
<td>17 MONTHS</td>
</tr>
<tr>
<td>REACH 3</td>
<td>May 2023 – October 2024</td>
<td>17 MONTHS</td>
</tr>
<tr>
<td>REACH 1 &amp; 2</td>
<td>June 2026- November 2027</td>
<td>17 MONTHS</td>
</tr>
<tr>
<td>REACH 8</td>
<td>May 2027 – November 2028</td>
<td>18 MONTHS</td>
</tr>
</tbody>
</table>

16. DESCRIPTION OF FACILITY/UTILITY RELOCATIONS

A preliminary assessment of the utilities within the LPP has been completed using a desktop survey of utilities within the study area in the design appendix and guidance set forth in Real Estate Policy Guidance Letter No. 31. Based on the preliminary assessment of the utilities, Reaches 6, 7 and 8 have been identified as having potential facility and/or utility relocations. The total potential relocations are more than 30% of the estimated total project cost; therefore, preliminary opinions of compensability have been prepared. The identified utilities or facilities are generally of the type eligible for compensation under the substitute facilities doctrine, and the District has consulted data or evidence that demonstrates that it has identified an owner with a compensable interest in the property.
16.1 Electrical Transmission Towers

There are six electrical transmission tower structures identified in Reach 6 of the LPP that will be impacted by the project as they are situated on parcels identified for restoration. The LPP plans to widen the channel in this section of the river (thus removing the existing channel wall where the transmission tower structures are located) and expand the channel to create marsh/wetland on the property. Based on the Corps’ assessment, the transmission towers are of the type eligible for compensation and LADWP has been identified as having a compensable interest in the property. Four out of the six towers identified as requiring relocation are on parcels owned in fee by the LADWP. The other two transmission towers that will need to be relocated in Reach 6 are on land owned by the non-Federal sponsor with an easement to the LADWP.

The second area identified as having utility towers requiring relocation is Reach 7. There are two electrical transmission towers identified for relocation on the west bank of the channel. These structures are also of the type generally eligible for compensation. Based on aerial photography, the two towers sit on land owned by the non-Federal sponsor and the Los Angeles County Metropolitan Transportation Authority (LACMTA). The LADWP is believed to have an easement for the transmission towers in this reach. The LPP would require these towers be moved to allow restructuring of the banks of the river to create a terraced connection between the LA State Historic Park’s restored freshwater marsh and the river.

The third area identified with transmission tower relocations is the left bank of the channel in Reach 8. The non-Federal sponsor owns the real estate on which the transmission towers are located, with the LADWP possessing an easement. Similar to
Reach 6, these towers must be moved to allow widening of the channel into the LATC site, restoring the connection to the historic floodplain.

16.2 Railroad lines

A portion of the active rail lines in Reaches 7 and 8 have also been identified as requiring relocation in order to create connectivity between restored habitat and the river. LACMTA owns the property where the active rail lines are located and has use agreements with Metrolink, Union Pacific, and Amtrak. LACMTA holds a compensable interest. To allow construction and operation of project features planned in these reaches, the rail lines will be placed on trestles at grade for a length of approximately 500 ft in Reach 7 and approximately 1,500 ft in Reach 8.

16.3 Sewer lines

Two LADWP sewer lines running parallel to the river on the left bank, along the LATC site in Reach 8, would require relocation in order to create connectivity between marsh land and the river. These lines would otherwise be affected by flows from the river into the historic floodplain once restored. The land is owned by Southern Pacific Railroad, with an easement to LADWP for the two sewer lines. It has been determined that the sewer lines are of the type generally eligible for compensation and LADWP has a compensable interest. One of the sewer lines is in regular use, while the other is a backup/emergency line for recurring use during maintenance and emergency situations.

16.5 LATC

Lastly, the Union Pacific Railroad’s LATC has been identified as a facility subject to relocation to implement the LPP. Union Pacific Railroad is the fee owner of the land and operator of the LATC facility. According to the Los Angeles County Assessor, the LATC facility is approximately 141.67 acres, of which 102.67 acres of the
LATC site will be required for the project for conversion to restored habitat. Under the LPP, the majority of the LATC site would be restored to a historic wash with braided channels and fresh water marsh connecting to the Los Angeles River. According to correspondence received from Union Pacific Railroad, the LATC was described as follows:

“UP first established its rail maintenance facility at the LATC in the early 1900s. Today, UP’s modern 120 acre intermodal, i.e., truck to rail and rail to truck container facility receives, sorts and distributes approximately 240,000 cargo containers per year, ninety-five percent of which are domestic (UP Operating Data, October 2013). Activities at the LATC include receiving inbound trains, switching cars, loading and unloading intermodal trains, storing intermodal containers and chassis, building and departing outbound trains, and repairing freight cars and intermodal containers and chassis. The LATC also provides forty-seven percent of California car transport…serves as a relief valve for the Port of Los Angeles traffic…”

According to published UPRR documents, LATC is one of four intermodal facilities operated by UPRR in the Los Angeles Basin. The other facilities are East Los Angeles, City of Industry, and the Intermodal Container Transfer Facility (ICTF) in Long Beach. Relocation of the site functions is anticipated to occur within the Los Angeles Basin at a site within an industrial zone, with proximity to existing rail lines, able to host equivalent functions. The IFR analyzes the relocation impacts in Chapter 5, “Evaluation of Alternative Plans and Environmental Consequences,” by resource area. Prior to site selection, the lead CEQA agency would conduct a detailed CEQA analysis of the relocation of site functions. Should any additional NEPA documentation be required, it would be undertaken by the NEPA lead agency.
Relocation cost for purposes of the feasibility phase was based on relocation of equivalent site functions, including improvements and fixtures, to a parcel of similar size within the parameters identified above. Because only a portion of the LATC site would be required for the project and the remainder of the existing parcel was determined to be an economic unit with access, no severance damages were estimated or included in the cost estimate.

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 LERRD responsibilities is preliminary only. The government will make a final determination of the relocations necessary for the construction, operation, or maintenance of the project after further analysis and completion and approval of final attorney’s opinions of compensability for each of the impacted utilities and facilities.

17. KNOWLEDGE OR SUSPECTED PRESENCE OF CONTAMINANTS

The study area is located in a highly urbanized corridor that has been home to industrial development, with associated Hazardous, Toxic, and Radioactive Waste (HTRW) contamination and petroleum product contamination. The District has identified HTRW sites in accordance with ER 1165-2-132 (26 Jun 92) and is avoiding them wherever practicable. Where HTRW-contaminated lands cannot be avoided, the appropriate procedures and requirements as described in ER 1165-2-132 will be applied.

A preliminary assessment of HTRW sites has identified three known HTRW sites that cannot be avoided by any proposed project alternative, including the LPP. These sites are the Taylor Yard G1 and G2 parcels, in Reach 6, and the San Fernando Valley
Superfund Site (SFVSS), a groundwater plume that runs underneath the majority of the study area. For sites with soil contamination, the sponsor must undertake or ensure the remediation of the sites to the standards necessary to support the restoration project prior to providing the lands to the project for construction. This cost is 100 percent sponsor cost and not a project cost. The sponsor understands its responsibility to ensure the remediation of the sites prior to providing the lands to the project.

The SFVSS is currently being remediated through pumping and treatment under the oversight of Los Angeles Department of Water and Power. However, the project would be unable to avoid all contact with the plume during construction activities such as dewatering, and the sponsor would be responsible for ensuring the proper treatment, handling and disposal of contaminated groundwater during construction at 100% non-project cost.

One additional site within the project footprint, LATC, has undetermined levels of HTRW contamination, but based on the similarity of historical use at this site to Taylor Yard, some HTRW contamination can reasonably be anticipated. Further information on the nature and extent of contamination, remediation status, and impacts to the restoration project alternatives is contained in Appendix K, HTRW Survey Report. Like the Taylor Yard sites, any contamination at the LATC would be required to be remediated to the level required for the project prior to the lands being provided to the project. The sponsor understands its responsibility to ensure the remediation of the site at 100% non-project cost prior to providing the land to the project.

The survey of HTRW sites identified 19 smaller sites within 500 feet of the LPP footprint that would be avoided by the LPP. However, remaining contamination on these sites may have some indirect impacts to the LPP if groundwater contamination from
these sites enters the LPP area. If localized groundwater contamination is identified, such contamination would require an approach similar to addressing ancillary SFVSS contamination during dewatering activities, but the HTRW impacts of these sites on the project are likely to be more limited because none of these sites are included in the LERRD required for the project. These sites are in various stages of remediation, and there are groundwater monitoring wells in several locations to provide information on the location and levels of contamination. A fuller discussion of these issues is contained in Appendix K and the IFR.

18. SUPPORT/OPPOSITION FOR PROJECT

The project is supported by Federal, State, and local governmental entities and several non-profit organizations, as well as the public, and it has strong Congressional support. Several local non-profit organizations have an active involvement in the river from organizing cleanups to building pocket parks. Both residents and non-residents are in favor of a restored Los Angeles River. One such group that advocates for a restored River is Friends of the Los Angeles River (FOLAR). FOLAR has been instrumental in bringing people out to the river for cleanups, walking tours and studying adjacent parcels that can connect to the river. FOLAR has won six planning awards for the work it did in studying restoration potential at LATC, a key location for this restoration study. Another group involved in working for a natural restored river is North East Trees. North East Trees has been instrumental in building pocket parks affording passive recreation, removal of non-native vegetation and planting native vegetation. Currently, North East Trees and FOLAR are working together on the Forest Lawn-Sennett Creek Los Angeles River Greenway. According to the project description this project aims to create a public park and green space on an 8.3-acre parcel just above where the Los Angeles River
Ecosystem Restoration Study begins. Along with creating recreational opportunities on this site both FOLAR and North East Trees plan to plant native vegetation, create a riparian area that will capture and treat urban runoff and create an inviting healthy environment for birds and other wildlife. A further discussion of public and institutional support for the project is contained in the main IFR.

By letter dated November 18, 2013, received during the public comment period on the Draft IFR, Union Pacific Railroad (UPRR) indicated that it currently has no intention of moving the LATC. The November letter expressed UPRR’s opposition to the action alternatives “... to the extent they impact the LATC.” In a subsequent letter dated March 28, 2014, UPRR stated that it has a long history of working cooperatively with the City of Los Angeles on a variety of matters and that a future sale or exchange agreement for the LATC could be reached if the City were to acquire, in cooperation with UPRR, a suitable replacement facility with all necessary permits and approvals necessary for UPRR’s use as a rail yard fully comparable to the current facility at LATC. This represents a modification of UPRR’s previous position as expressed in its letter of November 18, 2013.

19. LAND ACQUISITION PRIOR TO PPA

The non-Federal sponsor has been advised in writing of the risks associated with acquiring land prior to the execution of the project partnership agreement. A copy of the letter has been attached to this appendix as Attachment D.

20. OTHER RELEVANT REAL ESTATE ISSUES

One relevant real estate issue for the study is that of high land costs. In addressing the issue of high land costs and high LERRD percentage of total project costs, the study team has undertaken several efforts, including (1) a sequenced search of public lands
within the study area to ensure all lands are adequately considered and the reasons for not including them well-documented, and (2) submittal of a request by the non-Federal sponsor to the Assistant Secretary of the Army (Civil Works) (ASA (CW)) to allow it to forgo reimbursement for LERRD value above its required share of ecosystem restoration costs. The ASA(CW) granted the requested policy exception on August 8, 2013, and directed that the IFR document the offer and grant of waiver of reimbursement.

Although land acquisition was minimized as part of the planning process, the high land values unavoidable in urban Los Angeles resulted in each alternative having LERRD costs that substantially exceeded 35 percent of the total ecosystem restoration plan costs, with higher LERRD percentages for the smaller alternatives. Lands outside the existing LACDA flood risk management channel boundary, including high-cost private lands at critical opportunity areas (Taylor Yard, Verdugo Wash, and LATC), are essential to meeting the planning objectives. Because of these issues, the District was unable to identify best buy plans or highly cost effective plans that would have LERRD percentages under 35 percent of total ecosystem restoration costs. As part of its commitment to the study and the proposed project, the non-Federal sponsor offered to waive reimbursement of LERRD. The policy exception for waiver of reimbursement for LERRD has been approved, and the sponsor’s request letter and the ASA (CW)’s approval of the policy exception are included as part of Appendix P, “Letters and Guidance Memoranda.”

Subsequent to the circulation of the Draft IFR, the City of Los Angeles requested that Alternative 20 be the plan recommended to Congress for authorization and proposed cost sharing different from that generally applicable to ecosystem restoration projects under WRDA 1986. The ASA (CW) granted consideration of Alternative 20 as a Locally
Preferred Plan and granted the Corps permission to consider recommending alternative
cost sharing to Congress, subject to certain restrictions, including a limitation that no
reimbursement or credit shall be given for LERRD costs exceeding 35 percent of total
ecosystem restoration costs. The IFR therefore outlines two cost sharing options: one
consistent with statutory cost sharing applicable to Locally Preferred Plans, and one
consisting of a non-standard cost sharing option in response to a request by the non-
Federal sponsor. As stated above, the highly effective plans, including the NER Plan and
LPP, all had LERRD percentages exceeding 35 percent of the total ecosystem restoration
cost including the NER and LPP; therefore the Federal share of total ecosystem
restoration cost of the LPP is not affected by the difference in LERRD cost between the
NER and LPP.
Attachment A: Estates
STANDARD ESTATES

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 City of Los Angeles or the United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the ________________ Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

ROCK ANCHOR EASEMENT

A perpetual and assignable right and easement to construct, operate and maintain underground anchors or tie-backs under and through Tract Nos. ___, ___ and ___, where needed, as part of the ________________ Project, with such anchors or tie-backs installed from (name of stream or river) located at a minimum, ___ feet below ground level; limited, however, to such rights and easement hereby acquired as may be used without disturbing the surface of the land and without interfering with or abridging the surface owner's right to use the surface of the land except to the extent the surface owner's use does not include removal, excavating or constructing around the anchor or tie-back; subject however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

NON-STANDARD ESTATES

PERPETUAL ECOSYSTEM RESTORATION EASEMENT (PERE)

A perpetual and assignable right, easement, and right-of-way in, on, over and across the land described in Appendix A attached hereto (Tract No(s). ____; hereinafter the “Easement Area”), to construct, operate, maintain, repair, rehabilitate, and replace aquatic ecosystem restoration features, and appurtenances thereto, including: [features], which structures are illustrated generally on Exhibits(s) __attached hereto, to [do what], all for the purposes of providing for aquatic ecosystem restoration and protection in connection with the Los Angeles River Ecosystem Restoration Project, Los Angeles County, California, implemented under the authority of [insert authority once authorized] and otherwise conserving, restoring, and managing the use of natural resources; TOGETHER WITH the right to plant vegetation in the Easement Area and to trim, cut, fell, and remove therefrom all trees, underbrush, and other vegetation; to remove and dispose of any and all obstructions, structures, debris, or obstacles within the Easement Area; to excavate and place soil, stone, rock, and other materials within the Easement
Attachment A

Area that may be required in connection with said features; to post signs and Easement Area boundary markers; and TOGETHER WITH the right to construct, install, maintain, repair, rehabilitate, and replace: [other features] all in the approximate locations as depicted on Exhibit __ attached hereto; and TOGETHER WITH the right of ingress and egress over and across the Easement Area for the purpose of exercising the rights set forth herein; subject, however, to existing easements for [are there any existing easements].

The Grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, reserves unto (itself) (themselves) all such other rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired. However, any activity on or use of the Easement Area inconsistent with the purposes of this easement is prohibited. Without limiting the generality of the foregoing, the following uses by Grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, agents or third parties are expressly prohibited in or on the Easement Area:

(a) constructing, locating, placing, or installing any building or structure of any kind, whether permanent or temporary, or any signage of any type including billboards;
(b) removal, destruction, cutting, or altering of trees, shrubs, or other vegetation by mechanical, chemical, manual or other means;
(c) filling, excavation, or other alteration to the surface or subsurface including, without limitation, the excavation or removal of soil, sand, gravel, rock, peat, or sod;
(d) dumping or other disposal or storage of rubbish, garbage, debris, hazardous or other waste material; and
(e) agricultural use or activities including grazing or watering of livestock; except that watering of livestock may occur at constructed livestock stream crossings and off-stream oxbow areas that are depicted on Exhibit __ attached hereto.
Attachment B: Parcel Ownership Mapping
Attachment C: Assessment of Non-Federal Sponsor’s Real Estate Acquisition Capabilities
Attachment C

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

January 27, 2015

I. Legal Authority:

a. Does the Sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes

b. Does the Sponsor have the power of eminent domain for this project?

Yes

c. Does the Sponsor have "quick-take" authority for this project?

Yes

State of California law gives a public entity authority to seek immediate possession of a condemned property by depositing probable compensation with the court; under the California Code of Civil Procedure 1255.410 and 1255.450.

For example: (Mt. San Jacinto Community College Dist. v. Superior Court (2007) 40 Cal.4th 648, 653 [54 Cal.Rptr.3d 752, 151 P.3d 1166]

d. Are any of the lands/interests in land required for the project located outside the Sponsor's political boundary?

Yes

A relatively small portion of the project area is within the City of Glendale. The land in the City of Glendale’s political boundary includes two parcels for only approximately 2 acres of restoration at the Verdugo Wash confluence with the Los Angeles River.

The City of Glendale has been supportive of Los Angeles River Revitalization and has improved its riverfront with the Glendale Riverwalk project, providing public access and recreational space to its citizens. On October 29, 2013, the Glendale City Council passed a resolution in support of the project and identifying Alternative 20 is its preferred alternative. Alternative 20 includes the land that falls within the City of Glendale’s political boundary.
Attachment C

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITIES
Page 2

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 project area includes land owned by or under the jurisdiction of the State of California, including California State Parks (State Parks) and the California Department of Transportation (Caltrans). State Parks has been a strong supporter of Los Angeles River Revitalization and is specifically supportive of their land in the project area being used for this project. It is extremely unlikely that any sort of condemnation action would be necessary for inclusion of State Parks land in the project area.

The project area includes land alongside and beneath Caltrans freeways. It is unlikely that the City would pursue fee acquisition or condemnation of that land. Rather, a lesser estate, such as a restoration easement or encroachment permit is the likeliest scenario for the City to provide that land to the project.

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

b. If the answer to IIa. is "yes", has a reasonable plan been developed to provide such training?

N/A

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 workload, if any, and the project schedule?

Yes

e. Can the sponsor obtain contractor support, if required in a timely fashion?

Yes
f. Will the sponsor likely request U. S. Army Corps of Engineers assistance in acquiring real estate?

No

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?

Yes

The City has been an integrated member of the project team and has participated fully in discussions regarding the project schedule and the real estate milestones for the Study. The Study milestones as included in the Project Management Plan have been approved by the City. Formal approval of the implementation schedule and real estate actions will follow the Feasibility Phase.

IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other U. S. Army Corps of Engineers projects?

Yes

The City regularly works with the Army Corps on projects that involve Army Corps property and or property over which the Army Corps has jurisdiction. These projects are planned and with Army Corp participation in the review and approval of plans project scope.

Among these projects are bridge rehabilitations that have taken place over the Los Angeles River, and projects that involve the Tillman plant such as; the Berm Improvements Project, the Multi-Purpose and Office Building Exhibits, the In Plant Storage; and the Advanced Water Purification Facility.

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
b. Does the sponsor concur with this assessment?

Yes

Prepared by:

[Signature]

Uriel Jiménez
Chief, Real Estate Officer
City of Los Angeles

Reviewed by:

[Signature]

Lisa Sandoval
Real Estate Specialist
US Army Corps of Engineers

Reviewed and Approved by:

[Signature]

Theresa M. Kaplan
Chief, Real Estate Division
US Army Corps of Engineers
Attachment D: Risk of Early Acquisition Letter to Sponsor
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Attachment D

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

March 25, 2015

Office of the Chief
Asset Management Division

SUBJECT: Los Angeles River Ecosystem Restoration Study- Real Estate Acquisition

Mr. Gary Lee Moore, P.E. City Engineer
City of Los Angeles
Department of Public Works Bureau of Engineering
1149 South Broadway Suite 700
Los Angeles, California 90015-2213

Dear Mr. Moore:

The intent of this letter is to formally advise the City of Los Angeles as the non-Federal sponsor for the proposed project, of the risk associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government’s formal notice to proceed with acquisition. If a non-federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include but may not be limited to, the following:

a. Congress may not appropriate funds to construct the proposed project;

b. The proposed project may otherwise not be funded or approved for construction;

c. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;

d. 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 amended;

e. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project.
f. 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; and

g. The non-Federal sponsor may incur costs or expenses in connection with its
decision to acquire or perform LERRD in advance of the executed PPA and the
Government's notice to proceed which may not be creditable under the provisions of
Public Law 99-662 or the PPA otherwise not required for the project.

We appreciate the City's participation in this project. Should you have questions or
concerns pertaining to this letter please feel free to contact Ms. Lisa M. Sandoval at
(213) 452-3147 or by email at lisa.m.sandoval@usace.army.mil.

Sincerely,

Theresa M. Kaplan
Chief, Asset Management Division
Real Estate Contracting Officer