

**WOODTICK PENINSULA  
SECTION 204 BENEFICIAL USE OF DREDGED MATERIAL  
FOR ECOSYSTEM RESTORATION PROJECT  
MONROE COUNTY, MICHIGAN  
15-APRIL-2022**

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**REAL ESTATE PLAN**

**1. PURPOSE**

This Real Estate Plan (REP), prepared in accordance with ER 405-1-12, presents the real estate requirements for the Woodtick Peninsula 204 Beneficial Use of Dredged Material for Ecosystem Restoration Project and supports the Detailed Project Report. This Plan is tentative in nature, subject to change, and is preliminary for planning purposes only. The Plan includes estimated land values and costs associated with the acquisition of lands, easements, and rights-of-way, relocations and disposal areas (LERRDs) required for construction and operation and maintenance of the recommended Plan. It also identifies any facility/utility relocations necessary to implement the project.

**2. AUTHORITY**

Section 204 of the Water Resources Development Act of 1992, as amended, authorizes the U.S. Army Corps of Engineers (USACE) to develop regional sediment management plans, in corporation with appropriate Federal, State, regional and local agencies, for sediment obtained through construction, operation, or maintenance of an authorized Federal water resources project. The regional sediment management plans will identify projects for transportation and placement of sediment to reduce storm damages to property and to protect restore and create aquatic and ecologically related habitats including wetlands. Regional sediment management plans as defined and funded under the authority of Section 204 follow the requirements for a continuing authorities decision document as outlined in EP 1105-2-58. The total Federal cost for individual projects is limited to \$10,000,000 and the national appropriations limit is \$50,000,000 per year.

**3. NON-FEDERAL SPONSOR**

The non-federal sponsor is the State of Michigan acting through the Michigan Department of Natural Resources.

**4. PROJECT DESCRIPTION**

The federal objective of Section 204 projects is to protect, restore and/or create aquatic and ecologically related habitats, including wetlands; or to reduce storm damage to property, in connection with the federal maintenance dredging at Toledo Harbor, OH. The plan includes placing dredged material from Toledo Harbor, OH on the westside of Woodtick Peninsula. Dredged material would be hydraulically placed to an elevation of 570.75 ft. Dredged material would be placed at a 1:20 slope to bottom elevation of 562 ft. The project would not extend

placement past the old channel. The project includes the creation of an artificial reef made with geosynthetic containers filled with dredged material and rip rap at the southern end of Woodtick Peninsula. These containers would be placed in roughly a curved line to an elevation of approximately 566.2 – 566.5 ft. Stone rip-rap would be placed on top of the GSCs to create fish and wildlife habitat. For the reef placed at the southern end of Woodtick Peninsula, it is likely that part of the rip-rap would be above water for a majority of the year. The reef would be approximately 450 ft in length, have a footprint of approximately 1/3 of an acre, and require approximately 1200 yd<sup>3</sup> of dredged material. The project would have a placement footprint of 115.3 acres and require approximately 156,000 yd<sup>3</sup> of dredged material.

## **5. PROJECT LOCATIONS AND MAPS**

The project area is located in Monroe County, Michigan. Woodtick Peninsula is in southeastern Michigan along the western shoreline of Lake Erie, in an area referred to as North Maumee Bay. The peninsula is located approximately 45 miles southwest of Detroit, Michigan and, at its most southern point, 5 miles north of Toledo, Ohio. The pre-European settlement Woodtick Peninsula extended south from the shoreline as an unbroken barrier beach, 19,000 feet in length and between 1,200 to 2,600 feet in width (at its maximum). Today, due to long-term erosion and human modifications to the littoral environment, the peninsula is a series of islands separated by shallow channels. The peninsula is a fine sand feature that was apparently created by littoral movements of sand from the north. In recent decades, shoreward migration of the peninsula and reduction in its size has been accelerated by high lake levels, erosion, breaching and probably starvation of sand sources from the north.

The Woodtick Peninsula is a natural shoreline feature located within the Erie Marsh Preserve and Erie State Game Area. As recently as 1915 (based on existing maps), Woodtick Peninsula was more-or-less continuous along its entire 3.75-mile length and ranged from 500 to 1,500 feet in width for a total area of about 550 acres. Today, due to shoreline recession and erosion, the peninsula is comprised of a series of broken islands at about 50% of its 1915 size. Erie Marsh, 2,149 acres in size, is located west of Woodtick Peninsula, and represents 11% of the remaining marshland in southeastern Michigan and is one of the largest marshes on Lake Erie. The area also contains critical habitat for migratory birds. Thousands of ducks, geese, swans, shorebirds, and other birds utilize this area as an important stopover during their spring and fall migrations. The North American Waterfowl Management Plan has identified the western Lake Erie region as one of 34 unique habitat areas in the United States and Canada. The area is included as a Regional Shorebird Reserve by the Western Hemispheric Shorebird Reserve Network. Additionally, Woodtick Peninsula's shallow water habitat and associated coastal wetlands are important habitat for spawning, nursery, and feeding habitat for a wide variety of game fish and forage fish species which assist in making western Lake Erie one of the most attractive sport fishing areas in the Midwest.

(A real estate map is attached to this plan and is identified as "Exhibit A")

**6. STANDARD ESTATES**

**Fee**

**115.3 Acres**

The fee simple title to (the land described in Exhibit A), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Michigan Department of Natural Resources is the Non Federal Sponsor for this project. All 115.3 acres of land needed for the construction of the Project are owned by the Non Federal Sponsor in Fee.

Should it later be determined that an additional real estate interest is required for the project, the Non Federal Sponsor is responsible for providing the lands, easements, and rights-of-way (LERRD) required to implement the project.

**7. NON-STANDARD ESTATES**

There will be no non-standard estates for this Project.

**8. INDUCED FLOODING**

There will be no induced flooding in the Project area or as a result of the Project.

**9. NAVIGATION SERVITUDE**

The use of Navigation Servitude is not required for this Project as the Non-Federal Sponsor owns the 115.3 Acres of land to complete this project in Fee.

**10. EXISTING FEDERAL PROJECTS**

There are no existing federal projects within the project footprint.

**11. FEDERAL-OWNED LAND**

There is no federally owned land within the project footprint

**12. SPONSOR-OWNED LAND**

The non-federal sponsor owns all 115.3 acres of land in Fee within the project footprint.

**13. ENVIRONMENTAL CONSIDERATIONS**

All applicable laws, executive orders, and regulations were considered in the evaluation and coordination with appropriate agencies has been identified or begun. The project was reviewed with respect to the Regulatory Framework for the project, including the 17 Points of Environmental

Quality. Implementing the selected plan would not result in significant cumulative or long-term adverse environmental effects. The project would cause no or insignificant minor adverse impacts to cultural and natural resources, would not adversely impact navigation, water quality, federally listed threatened or endangered species and their habitat, nor be injurious to the public interest.

Review of the project indicates that no significant adverse environmental impacts are likely to result from the proposed plan. Implementation of the plan would not be expected to impact or alter the local or regional climate at or near Woodtick Peninsula, due to the relatively small scale of the project, and the measures being implemented. Federal and State listed species that may occur in the project area are likely rare, capable of moving away from the project area and construction activity, and not reliant on the project area for their continued survival.

A limited Phase I Environmental Site Assessment revealed no evidence of HTRW impacts.

The assessment of the environmental consequences of the Project concludes that the proposed plan:

- a. Would have no significant cumulative or long-term adverse environmental impacts associated with project actions of the Project;
- b. Is not likely to adversely affect any Federal or State listed species or critical or significant habitat;
- c. Will produce benefits that outweigh the minor, temporary impacts that may result, and;
- d. Does not constitute a major Federal action significantly affecting the quality of the human environment.

**14. RELOCATION ASSISTANCE BENEFITS (P.L. 91-646)**

There are no relocations anticipated for this Project.

**15. MINERAL/TIMBER ACTIVITY**

The State of Michigan will retain all mineral rights.

**16. UTILITY/FACILITY RELOCATIONS**

Currently there are no utilities/facilities identified that will need to be relocated.

**17. ZONING**

The enactment of zoning ordinances will not be required for this Project.

**18. SCHEDULE**

<b>Activity</b>	<b>Timeframe</b>
Project Partnership Agreement Signed by NFS	Day 0

Real Estate Map Complete	PPA Agreement + 1 month
Notice to Acquire Sent To NFS	Real Estate Map + 2 weeks
Certification of Real Estate	Real Estate Acquisition Complete + 1 Month
Construction Contract Ready To Advertise Date	Certification of Real Estate + 1 Week
<b>Total</b>	<b>2 Months + 3 Weeks</b>

## 19. BASELINE COST ESTIMATE

The estimated costs for this Project are as follows:

<b>Estate</b>	<b>Acres</b>	<b>Costs</b>
Fee	115.3 Acres	\$12,000
	Total Lands	\$12,000
	Total Lands Incremental Costs (10%)	\$1,200
	Sponsor Admin Costs	\$10,000
	LERRD Costs	\$22,000
	Federal Admin Costs	\$10,000
	Total Real Estate Costs	\$33,000

The value of the lands required for the Project was determined by an IVE by the U.S. Army Corps of Engineers Great Lakes District Branch Chief on or about 14 April 2022. The type of valuation was determined in accordance with Planning Guidance Letter No. 31.

The estimated value of LERRD is a preliminary estimate which may decrease or increase upon completion of an appraisal. In addition to the limitations of the valuation processes and methods used to develop the estimates, there are areas of risk identified that potentially could impact the estimates significantly. To the extent possible, these risk items have been quantified and added as incremental costs.

The Federal administrative costs are estimated to be \$10,000. This includes funds for NFS oversight, landowner's meetings, and review of utility relocation agreements. This amount is an estimate and may increase or decrease based on actual acquisition and oversight needs.

## 20. SPONSOR CAPABILITY

The NFS has been determined to be a Fully Capable Sponsor. A copy of the signed and dated Assessment of non-Federal Sponsor's Real Estate Acquisition Capability.

(A Sponsor Capability Assessment has been completed for the Project and is identified as "Exhibit B")

## 21. PROJECT SUPPORT AND OWNER ATTITUDE/ISSUES

There is no known opposition to the Project.

**22. SPONSOR NOTIFIED OF RISK OF ADVANCED ACQUISITION**

The Non-Federal Sponsor has been notified of the risk of advanced acquisition along with the Real Estate/Non-Federal Sponsor Package on the 14<sup>th</sup> of July, 2021.

**23. OTHER RELEVANT REAL ESTATE ISSUES**

There are no cemeteries within the Project area. No special aquatic sites including wetlands are impacted by the project.

The Detroit District Real Estate Division will coordinate, monitor, and assist with all real estate activities undertaken by the non-Federal Sponsor. If any acquisition activities are required by the non-Federal Sponsor, the Real Estate Division will assure that the acquisition process is conducted in compliance with Federal and State Laws, specifically, the requirements under the Federal Uniform Relocation and Acquisition Act (P.L. 91-646). The Real Estate Division will attend district team meetings, and also review and provide input into draft and final reports prepared by the district team.

**Prepared By:**

*Michael Buckley*

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Michael Buckley  
Realty Specialist  
Buffalo, Chicago, & Detroit Districts

**Approved By:**

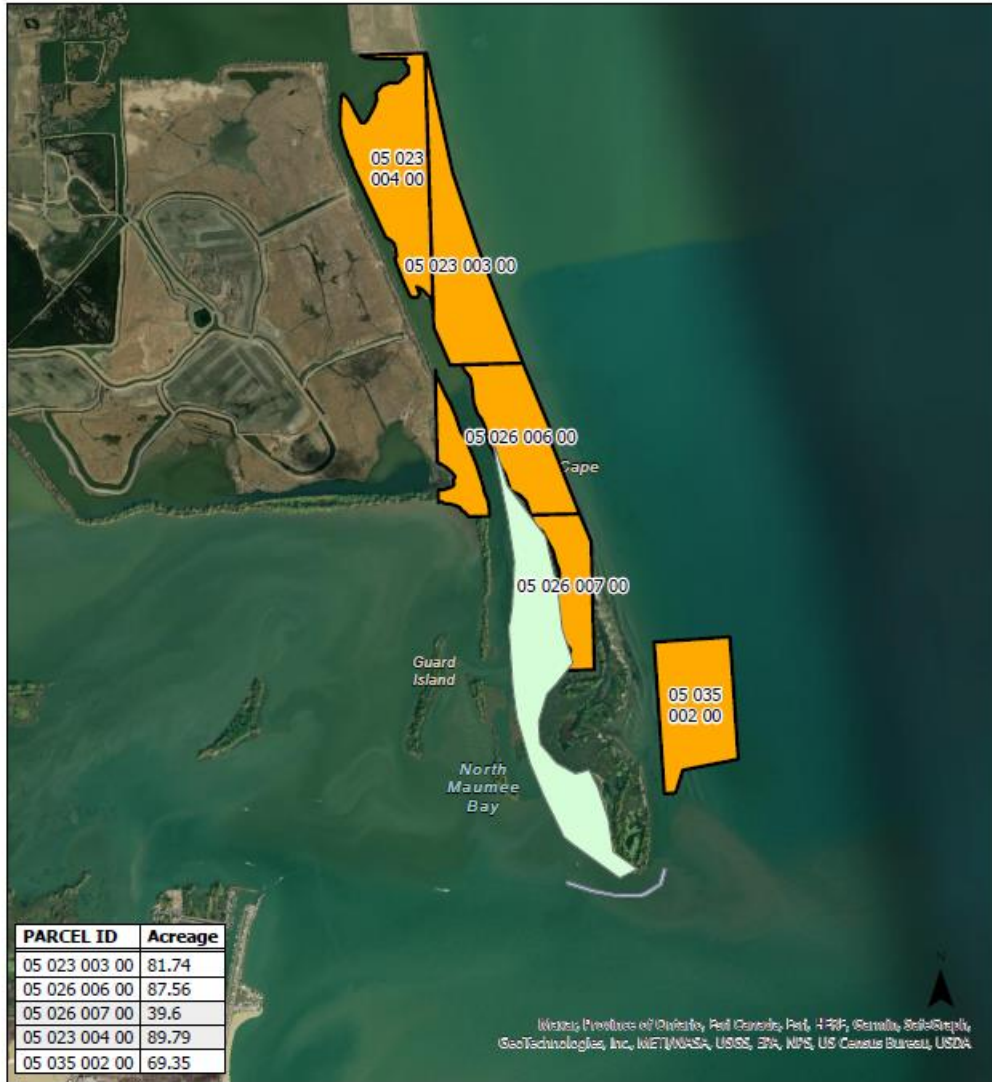
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Michael Rohde  
Chief, Real Estate  
Buffalo, Chicago, & Detroit Districts

Exhibit A (Map)



Woodtick Section 204



Legend

- Dredged material placement area - 115 Acres (Fee)
- Offshore reef - 0.3 Acres (Fee)
- Parcels

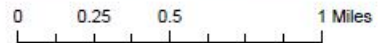


Exhibit B (Capability Assessment)

WOODTICK PENINSULA, SECTION 204 PROJECT  
ASSESSMENT OF NON-FEDERAL SPONSOR'S  
REAL ESTATE ACQUISITION CAPABILITY

Sponsor(s): Michigan Department of Natural Resources

Authority: Section 204 of the Water Resources Development Act of 1992

Non-Federal Sponsor Real Estate Contact:

Scott D. Goeman  
DNR Real Estate Manager

I. Legal Authority

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

Yes  No

Non-Federal Sponsor is authorized to acquire and own land by authority of  
Act 149 of 1911.

*Note: No acquisition is planned for this project, unless land access is later deemed to be required for the initial construction or for operations, maintenance, repair, rehabilitation, and replacement of project features.*

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

Yes  No

The use of eminent domain is authorized by Act 236 of 1911.

*Note: The use of eminent domain is not anticipated for this project*

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

Yes  No

Non-Federal Sponsor's "quick-take" authority is authorized by The Uniform Condemnation Procedures Act of 1980

*Note: The use of "quick-take" should not be necessary for this Project, as all required lands thus far are owned by the State of Michigan.*



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- d. **The non-Federal Sponsor has reviewed the project maps and confirmed that all of the lands/ interests in land required for the project are located inside of their political boundary.**

Yes  No

*Note: All Project lands fall within the State of Michigan*

- e. **Are any of the lands/ interests in land required for the project owned by an entity whose property the non-Federal Sponsor cannot condemn?**

Yes  No

- f. **The non-Federal Sponsor was provided the Local Sponsors Toolkit on 07 / 20 / 2021, [http://www.lrd.usace.army.mil/Portals/73/docs/RealEstate/Non-Federal\\_Sponsor\\_Package.pdf](http://www.lrd.usace.army.mil/Portals/73/docs/RealEstate/Non-Federal_Sponsor_Package.pdf)**

**II. Financial Capability**

- a. **The non-Federal Sponsor has reviewed and concurs with the real estate cost estimates.**

Yes  No

*Note: Only administrative real estate costs are anticipated for this Project.*

- b. **It has been established by the responsible district element that the non-Federal Sponsor is financially capable of fulfilling all requirements identified in the Project Partnership Agreement (PPA).**

Yes  No

**III. Willingness To Participate**

- a. **The non-Federal Sponsor has stated in writing its general willingness to participate in the project and its understanding of the general scope of the project and its part of the project.**

Yes

**Letter of Intent from the NFS dated 12 / 07 / 2020.**

- b. **The non-Federal Sponsor is agreeable to signing a project partnership agreement and supplying funding as stipulated in the agreement.**

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Yes  No \_\_\_\_\_

- c. **The non-Federal Sponsor understands that it may be necessary to utilize eminent domain authority in order to acquire lands required for this project.**

Yes  No \_\_\_\_\_

*Note: Although the Sponsor has the power of eminent domain, it is not anticipated that this will be required*

**IV. Acquisition Experience and Capability**

- a. **Taking into consideration the project schedule and complexity, the non-Federal Sponsor has the capability with in-house staffing or contract capability, to provide the necessary services such as surveying, appraising, title, negotiating, condemnation, closings, and relocation assistance that will be required for the acquisition of properties for this project.**

Yes  No \_\_\_\_\_

*Note: The Sponsor has the capability to contract out such actions, but most are not anticipated to be necessary for Project requirements.*

- b. **The non-Federal Sponsor's staff is familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended.**

Yes  No \_\_\_\_\_

*Note: No relocations are anticipated for this Project*

- c. **The non-Federal Sponsor can obtain contractor support and meet project schedules.**

Yes  No \_\_\_\_\_

- d. **The non-Federal Sponsor's staff is located within a reasonable proximity to the project site.**

Yes  No \_\_\_\_\_

- e. **Will USACE assistance likely be requested by the non-Federal Sponsor in acquiring real estate?**

Yes \_\_\_\_\_ No

**V. Schedule Capability**

**The non-Federal Sponsor has approved the tentative project/ real estate schedule/ milestones and has indicated its willingness and ability to incorporate its financial, acquisition, and condemnation capability to provide the necessary project LERRDs in accordance with proposed project schedules so the Government can advertise and award the construction contract as required by overall project schedules and funding limitations.**

Yes  X

*Note: Schedule is still under development, however USACE and the Sponsor will coordinate with each other to reach mutually acceptable milestones*

**VI. LERRD Credits**

**The sponsor has indicated its understanding of LERRD credits and its capability and willingness to gather the necessary information to submit as LERRD credits in within six months after possession of all real estate and completion of relocations in order that the project can be financially closed and there can be a final financial accounting with a proper settlement with the non-Federal Sponsor.**

Yes  X

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Yes  X

**VII. Capability**

**With regard to this project, the non-Federal Sponsor is anticipated to be: fully capable.**

*Note: Choices are: fully capable, moderately capable, marginally capable, and insufficiently capable.*

- a. Fully Capable: *Previous experience. Financially capable. Authority to hold title. Can perform, with in house staff, the necessary services (survey, appraisal, title, negotiation, closing, relocation assistance, condemnation & "quick-take" authority) required to provide LERRD.*
- b. Moderately Capable: *Financially capable. Authority to hold title. Can provide, with contractor support, the necessary services (survey, appraisal, title, negotiation, closing, relocation assistance and condemnation authority) required to provide LERRD. Quick-take authority will be provided by \_\_\_\_\_.*
- c. Marginally Capable: *Financially capable. Authority to hold title. Will rely on approved contractors to provide the necessary services (survey, appraisal, title, negotiation, closing, and relocation assistance). Quick-take authority and authority to condemn will be provided by \_\_\_\_\_.*
- d. Insufficiently Capable: *Financially capable. Will rely on approved contractors to provide the necessary services (survey, appraisal, title, negotiation, closing, and relocation assistance). Quick-take authority and authority to condemn will be provided by \_\_\_\_\_.*  
*Will rely on \_\_\_\_\_ to hold title.*

*Note: The sponsor has worked with USACE on many projects, and is fully capable of performing the requested actions.*

**VIII. Coordination**

**This assessment has been coordinated with the non-Federal Sponsor and it concurs with the assessment.**

Yes X

This assessment has been coordinated with:

Name: Scott D. Goeman  
Title: DNR Real Estate Manager

**Prepared by:**

*Michael Buckley*

Realty Specialist

Considering the capability of the non-Federal Sponsor and the ancillary support to be provided by N/A, and identified above, it is my opinion that the risks associated with LERRD acquisition and closeout have been properly identified and appropriately mitigated.

*Michael Buckley*  
Digitally signed by  
MICHAEL BUCKLEY  
40357  
Date: 2022.04.27 10:34:34  
-05'00'

Chief, Real Estate Division  
Great Lakes Region

Non-Federal Sponsor Representative:

Signature: *Scott D. Goeman*

Name: Scott D. Goeman  
Title: DNR Real Estate Manager

Date: 04 / 27 / 2022