

Three Forks of Beargrass Creek
Ecosystem Restoration
Appendix J
Real Estate Plan

February 2022

**THREE FORKS OF BEARGRASS CREEK
ECOSYSTEM RESTORATION PROJECT
JEFFERSON COUNTY, KENTUCKY**

1. **PURPOSE:** This Real Estate Plan (REP) presents the real estate requirements for the specifically authorized Three Forks of Beargrass Creek Ecosystem Restoration Project in accordance with ER 405-1-12. This REP supports the Integrated Feasibility Report (IFR). It is tentative in nature and preliminary for planning purposes only. The plan includes estimated land values and costs associated with the acquisition of lands, easements, and rights-of-way. It also identifies any facility/utility relocations necessary to implement the project. Anticipated requirements for lands, easements, rights-of-way, relocations and disposal areas (LERRD) are based on information furnished by the project development team. The final real property acquisition lines and estimates of value are subject to change even after approval of the report.
2. **PROJECT AUTHORIZATION:** This study was specifically authorized by a Resolution adopted 5 May 1987 by the Committee on Environment and Public Works of the United States Senate. The resolution authorized the investigation of aquatic ecosystem restoration measures that could be implemented to improve the form and function of the Beargrass Creek Watershed in the metropolitan region of Louisville, Jefferson County, Kentucky.
3. **NON-FEDERAL PARTICIPATION:** The Non-Federal Sponsor (NFS) on this project is the Louisville and Jefferson County Metropolitan Sewer District (MSD). MSD is responsible for maintaining clean, safe waterways in addition to providing wastewater, drainage, and flood protection services in Jefferson County, Kentucky.
4. **PROJECT DESCRIPTION:** The Beargrass Creek watershed is located in the eastern half of Jefferson County and contains three major sub-watersheds: South Fork, Middle Fork, and Muddy Fork. The three forks converge just east of downtown Louisville before discharging into the Ohio River. The system is highly urbanized, and all three forks have been negatively impacted by increased impervious surfaces, land use changes, habitat fragmentation, channelization, and the disruption of natural ecological inputs. The objective of this project is to restore degraded ecosystem structure, function, and dynamic processes to a less degraded, more natural condition considering the ecosystem's natural integrity, productivity, stability, and biological diversity. The Recommended Plan consists of twelve project sites located throughout the watershed and covering roughly 770 acres. Details of each project site are provided below. Note that the acreage totals set forth below are approximations based on preliminary design. Site boundaries and project measures will be adjusted throughout the Pre-Construction Engineering and Design (PED) phase of the project. For detailed descriptions of the proposed project measures, reference the main section of the IFR. See Exhibit J-2 for the full tract register.

4.a. Site X2 – Confluence

Site X2 encompasses approximately 65 acres in the Butchertown neighborhood where Beargrass Creek flows into the Ohio River. Most of the site is located north of Interstate 71 and includes a portion of the Louisville/Jefferson County Metro Government-owned Eva Bandman Park. Some of the site is located south of Interstate 71, following the creek

upstream and includes a portion of the Louisville Metro Police Department’s vehicle impound lot as well as a large vacant tract of land between Mellwood Ave, Litterle Rd, and Interstate 71. Restoration measures at this site include 37.96 acres of hydrologic resurgence, 1.64 acres of restored instream habitat and floodplain connectivity, and the removal of rock vanes and a concrete slab. See Exhibit J-1.a.

ESTATE	ACRES
Fee	0.00
ERE (ecosystem restoration easement)	42.55
RDE (road easement)	2.77
TWAE (temporary work area easement)	2.68
TWAE (BORROW)	3.22

4.b. Site X10 – Alpaca Farm / Zoo Riparian

Site X10 encompasses approximately 44 acres on the South Fork in the Poplar Level neighborhood just north of the Watterson Expressway and adjacent to the Louisville Zoo. The majority of this site consists of vacant land between several residential subdivisions. Restoration measures at this site include 2.81 acres of restored instream habitat and floodplain connectivity, 32.68 acres of invasive species removal, and 36.80 acres of native plant community restoration. See Exhibit J-1.b.

ESTATE	ACRES
Fee	0.00
ERE	40.32
RDE	0.89
TWAE	1.01

4.c. Site X19 – South Fork / Newburg Riparian

Site X19 encompasses approximately 24 acres on the South Fork in the Newburg neighborhood between Newburg Rd and Shepherdsville Rd. The site is made up of two large areas of vacant land connected by the stream as it runs through the middle of a residential subdivision. Restoration measures at this site include 11.69 acres of hydrologic resurgence and 3.07 acres of in-stream habitat improvements. See Exhibit J-1.c.

ESTATE	ACRES
Fee	17.95
ERE	4.77
RDE	0.19
TWAE	0.74

4.d. Site X20 – Brown Park Wetland / Riparian

Site X20 encompasses approximately 30 acres on the Middle Fork in the City of St. Matthews, a small city within Jefferson County, at the intersection of Browns Ln and Kresge Way. The majority of the site is within the boundaries of Brown Park, a public park owned by the City of St. Matthews. A small portion of the project site is located on 2 acres of privately owned vacant land between two apartment complexes across Browns Ln from Brown Park. Restoration measures at this site include 0.42 acres of restored instream habitat and floodplain connectivity, 21.61 acres of invasive species removal, and 24.62 acres of native plantings. See Exhibit J-1.d.

ESTATE	ACRES
Fee	0.00
ERE	27.75
RDE	0.18
TWAE	2.82

4.e. Site X21 – Arthur Draut Park Wetland / Riparian

Site X21 encompasses approximately 27 acres on the Middle Fork in the City of St. Matthews directly upstream from Site X22 along Bowling Blvd. The entirety of this site is located within an existing City of St. Matthews owned public park, Arthur Draut Park. Restoration measures at this site include 0.79 acres of restored instream habitat and floodplain connectivity, 18.70 acres of invasive species removal, and 22.73 acres of native plantings. See Exhibit J-1.e.

ESTATE	ACRES
Fee	0.00
ERE	22.73
RDE	0.17
TWAE	0.49

4.f. Site X22 – Concrete Channel

Site X22 encompasses approximately 13 acres on the South Fork. The site consists of three subsites along a concrete channel from Eastern Pkwy in the south to E Chestnut St in the north. The project measure at this site includes 6.4 acres of hydrologic resurgence. The most upstream of the subsites is in the Tyler Park neighborhood and consists of roughly 3 acres of privately owned vacant land behind the Medical Arts office building on Eastern Pkwy, abutting the St. Michael Cemetery. The next downstream subsite is located in the Smoketown neighborhood and consists of one 6-acre tract on the southeast corner of Logan St and Breckinridge Ln. The last subsite is in the Phoenix Hill neighborhood about 1000 feet downstream from the third subsite and consists of 4.25 acres of vacant land along E Chestnut St. See Exhibit J-1.f.

ESTATE	ACRES
Fee	0.03
ERE	10.09
RDE	0.30
TWAE	2.83

4.g. Site X29 – Catholic Mile

Site X29 encompasses approximately 114 acres on the South Fork in the Poplar Level neighborhood between Norton Audubon Hospital and Calvary Cemetery, following the stream behind residential neighborhoods to the east of the hospital and behind the St. Xavier High School athletic fields to the north. Project measures at this site include 2.77 acres of sculpted riverine establishment, 85.95 acres of invasive species removal, and 96.21 acres of native plantings. See Exhibit J-1.g.

ESTATE	ACRES
Fee	4.65
ERE	96.23
RDE	2.15
TWAE	12.81

4.h. Site X30 – Beargrass Creek State Nature Preserve / Joe Creason Park

Site X30 encompasses approximately 109 acres on the South Fork in the Poplar Level neighborhood directly upstream from site X29 and across Newburg Rd from Bellarmine University. This site includes the Louisville/Jefferson County Metro Government-managed Joe Creason Park as well as the Beargrass Creek State Nature Preserve. Project measures at this site include 2.28 acres of sculpted riverine establishment, 87.95 acres of invasive species removal, and 100.65 acres of native plantings. See Exhibit J-1.h.

ESTATE	ACRES
Fee	3.65
ERE	101.52
RDE	0.26
TWAE	1.66

4.i. X33 – MSD Basin

Site X33 is the most upstream site on the South Fork. The site encompasses approximately 4.4 acres of vacant land along Breckenridge Ln about a half mile south of Hikes Ln. The restoration measure at this site consists of 3.13 acres of hydrologic resurgence. See Exhibit J-1.i.

ESTATE	ACRES
Fee	3.82
ERE	1.02
RDE	0.00
TWAE	0.56

4.j. X34 – 1-64 Corridor / Cherokee Park

Site X34 is by far the largest site encompassing nearly 280 acres in the Cherokee Park neighborhood on the Middle Fork. The majority of this project site is located within the Louisville/Jefferson County Metro Government-owned parks, Cherokee Park and Seneca Park. Project measures at this site include 8.69 acres of restored instream habitat and floodplain connectivity, 185.89 acres of invasive species removal, and 230.99 acres of native plantings. See Exhibit J-1.j.

ESTATE	ACRES
Fee	0.00
ERE	230.99
RDE	0.11
TWAE	6.02

4.k. X35 – Muddy Fork and Tributaries

Site X35 is located in the City of Indian Hills, a small city within Jefferson County, and is the only site located on the Muddy Fork. This site encompasses roughly 34 acres and follows the Muddy Fork through a residential area with most project measures taking place on vacant land that is either private backyards or open space in the floodplain. Project measures at this site include 2.45 acres of restored instream habitat and floodplain connectivity, 7.04 acres of hydrologic resurgence, and the addition of riffles to eliminate barriers at seven locations along the stream. See Exhibit J-1.k.

ESTATE	ACRES
Fee	0.60
ERE	9.39
RDE	1.27
TWAE	3.05

4.l. X38 – Cave Hill Corridor

Site X38 is located on the Middle Fork in the Irish Hill neighborhood, just downstream from site X34. The site encompasses approximately 27 acres between Interstate 64 and Lexington Rd along the backside of Cave Hill Cemetery. Restoration measures at this site include 2.07 acres of restored instream habitat and floodplain connectivity, and 5.64 acres of hydrologic resurgence. See Exhibit J-1.l.

ESTATE	ACRES
Fee	5.28
ERE	7.12
RDE	0.10
TWAE	1.00

5. **NON-FEDERAL SPONSOR LANDS:** The NFS owns roughly 35 acres of the approximately 700 acres needed to implement the project at sites X19, X22, X29, X30, X33, X35, and X38. Acquisitions will be necessary at all twelve sites as the NFS does not own any sites entirely in fee. The remaining acreage required for project features will be acquired through the non-standard estate detailed below. Road easements and temporary work area easements (for both borrow and access/staging) will also be acquired.

6. **ESTATES:** The following standard estate language will be required to be included in all real estate acquisition instruments, as appropriate:

Fee Simple

The fee simple title to (the Land described in Schedule A) (Tracts Nos. _____, _____ and _____), Subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Road Easement (RDE)

A (perpetual [exclusive] [non-exclusive] and assignable) easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Temporary Work Area Easement Access/Staging (TWAE)

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the _____ Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving,

however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Temporary Work Area Easement Borrow (TWAE)

A temporary easement and right-of-way in, on, over, and across the described land in Exhibit A, attached hereto, for a period not to exceed _____ () months, beginning with date construction commences, is granted to _____, its representatives, agents, and contractors as a borrow area, including the right to borrow material therefrom and to perform any other work necessary and incident to the construction of the _____ Project, together with the right to trim, 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.

7. **NON-STANDARD ESTATES:** In accordance with E.R. 405-1-12 Chapter 12, a fee title interest is required to support ecosystem restoration projects. However, the regulation does account for circumstances where a lesser easement interest may be appropriate based on the extent of the interest required for operation and maintenance of a project. It is the policy of the USACE to require NFSs to acquire the minimum interest necessary to support a given project. In the case of the proposed Project, the NFS owns only 3% of the required lands in fee. More than half of the remaining land is owned by public entities that will not serve as cosponsors and for whom it is not practical to convey fee title. The vast majority of that land is designated public park land, and most of that land is owned by Louisville/Jefferson County Metro Government (Metro) and under jurisdiction of and management by its Parks Department and Olmsted Parks Conservancy. Other public park land is owned by the City of St. Matthews. It is not reasonable to imagine that these public entities are willing to convey fee title interest of their established, well-used and, in the case of Cherokee and Seneca Parks, historically significant parks. Even if Metro were willing to sell fee title to its park land, since that land is not presently declared surplus or offered for sale, it would be required to go through Metro's onerous surplus process, which would not guarantee sale to any particular buyer. The surplus process is not required for Metro to convey easements. While the NFS has the authority to own lands for ecosystem restoration purposes, and has done so in the past, it is unwilling to acquire title to designated public park land when a lesser estate is sufficient. Further, the NFS's condemnation authority does *not* extend to public land.

LRL has recommended the use of the non-standard estate Ecosystem Restoration Easement. Such an easement would provide the necessary interests for the NFS to construct, operate, maintain, and protect the project without causing significant increases in acquisition costs that would be needed should fee title be required. Conceptual approval for use of the non-standard estate was granted by HQ-RE on 28 January 2022. The specific non-standard estate language set forth below has been

previously utilized in Ecosystem Restoration projects within the Lakes and Rivers Division and is provided as an example. Final approval of the easement language as well as the use of the non-standard estate will need to be granted by HQ-RE during the Planning, Engineering, and Design phase of the Project.

Ecosystem Restoration Easement (ERE)

A perpetual, assignable, right, power, privilege and easement, beginning with the date of this instrument, to enter upon, construct, operate, maintain and carry out aquatic and terrestrial ecosystem restoration and protection works and appurtenances thereto for the improvement of the environment in, on, over and across the lands described in Exhibit A, in connection with the _____ Ecosystem Restoration Project, together with the rights to control erosion and sedimentation; conduct dredging; stabilize shoreline; develop green space and wetlands; control or remove invasive species; plant native species; prohibit human habitation; clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions there from; perform controlled burning and/or mowing of vegetation on the lands; post signs indicating the nature and extent of the (land restrictions) control; subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their successors and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; provided that construction or other activities that may cause damage to the project lands or project features shall not be conducted without prior approval of the (NFS) ; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

8. RECREATION FEATURES: In addition to the ecosystem restoration project features, the NFS is planning to include recreation features at some sites. Several areas of recreational opportunity have been identified, but no specific recreation plan has been formulated or specific sites/recreation features identified. Any recreation features that are included in the final design must be located on land owned in fee by the NFS. The only exception to this would be recreation features located on land owned by another government entity that is already open to the public, such as the public parks identified in section 4 above. While ER405-1-12 Chapter 12 states that fee title is generally required for the installation of recreation features, it also notes that “lesser interests may be appropriate depending upon the purposes of the project or other circumstances relating to project requirements or a particular acquisition.” The recreation features located in existing public parks meet this requirement for a lesser interest. Such land can be acquired as permanent ecosystem restoration easements as that estate provides the minimum interest required to construct, operate, maintain, and protect the recreation feature while still permitting public access given the land’s existing and future use as public parks.

Recreation features were not included in the baseline cost estimate because they are currently unknown. Recreation features will be located on land within the existing sites’ footprints and are expected to have a negligible impact on real estate costs.

9. **EXISTING FEDERAL PROJECTS/LANDS:** Several United States-owned flowage easements associated with the McAlpine Locks & Dam are located at Site X2. No lock and dam operation activities occur within the project area, and the proposed project is not expected to interfere with the US flowage easements. LRL-RE will review the final design for Site X2 to determine whether the NFS will need to obtain Consents to Easement from the USACE prior to implementation of the project. No other known Federal projects or lands are located within any other project site.

10. **NAVIGATION SERVITUDE:** The proposed work is not located on navigable waters. Navigation servitude does not apply.

11. **PROJECT AREA MAPS:** Real Estate mapping is attached as Exhibit J-1. Utility relocations are anticipated but will not be determined until the PED phase. See section 18 of this appendix for utility relocation information. No HRTW concerns were identified at any project sites. See Appendix F for HRTW details.

12. **POSSIBLE INDUCED FLOODING:** Avoiding induced flooding was a constraint placed on the project from its outset. Induced flooding is not anticipated as a result of project construction or maintenance.

13. **BASELINE COST ESTIMATE:** The baseline cost estimate was prepared by LRL’s realty specialist and approved by LRL’s staff appraiser. A summary of the results is below.

<i>01 Lands & Damages</i>			
Lands	188 Acquisitions		\$21,750,000
Damages			\$2,160,000
P.L. 91-646 Relocation Benefits			\$0
Non-Fed Sponsor Incidental Costs	Acquisitions	188 @ \$3,000	\$564,000
Contingency (<i>varies by site</i>)		18-25%	\$4,465,000
		Subtotal	\$28,939,000
Federal Real Estate Admin Costs			\$282,000
<i>02 Relocations (Utility/Facility)</i>			TBD
Structural Real Estate Total			\$29,221,000*

**The Total Project Cost Summary (TPCS) sheet in Attachment C of Appendix C (Cost Engineering Appendix) lists Lands & Damages of approximately \$31.7 million calculated in FY2022 price dollars.*

A breakdown of the cost estimate by project site is in the table below.

PROJECT SITE	COST ESTIMATE
X2 – Confluence	\$2,530,000
X10 – Alpaca Farm / Zoo Riparian	\$1,174,000
X19 – South Fork / Newburg Riparian	\$425,000
X20 – Brown Park Wetland / Riparian	\$1,395,000
X21 – Arthur Draut Park Wetland / Riparian	\$94,000
X22 – Concrete Channel	\$920,000
X29 – Catholic Mile	\$3,221,000
X30 – Beargrass Creek State Nature Preserve / Joe Creason Park	\$1,802,000
X33 – MSD Basin	\$100,500
X34 – I-64 Corridor / Cherokee Park	\$15,550,000
X35 – Muddy Fork and Tributaries	\$1,063,000
X38 – Cave Hill Corridor	\$952,000
TOTAL	\$29,226,500*

**The amounts in the Lands & Damages table were rounded overall, the totals in this table have been rounded by site, leading to a slight difference in the combined rounded totals.*

14. RELOCATION ASSISTANCE BENEFITS (P.L. 91-646): The Non-Federal Sponsor (and its representatives and contractors) shall comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 C.F.R. Part 24 (the “Uniform Act”), in acquiring lands, easements, and rights-of-way required for the construction, operation, and maintenance of the Project, including those necessary for relocations, and shall inform all affected persons of applicable benefits, policies, and procedures in connection with said Act. The only anticipated relocations are for public utilities which will be determined during PED. See section 18 of this appendix for information about utility relocations.

15. MINERAL/TIMBER ACTIVITY: There is no mineral or timber activity in the project areas.

16. SPONSOR CAPABILITY: The Non-Federal Sponsor has been determined to be fully capable of acquiring the necessary real estate for project purposes. The Sponsor Capability Assessment was completed on 2 February 2021 and is attached as Exhibit J-3.

17. ZONING ORDINANCES ENACTED: No rezoning is likely to be necessary to support the project.

18. ACQUISITION SCHEDULE: Due to the scope of this project and the number of project sites, a phased approach to real estate acquisition is expected. LRL anticipates 12 to 36 months for

acquisitions to be complete once the process begins. Acquisitions at some sites will be uncomplicated due to the anticipated cooperation and support of the landowners, while other sites will require dozens of small acquisitions from many individual landowners who may or may not support the project. The NFS is experienced at acquiring property throughout Jefferson County and has the means to complete the necessary acquisitions. While a timeline with specific dates is unavailable at this time, the NFS is expected to be able to adhere to the following timeline.

Activity	Duration
Notice to proceed with real estate acquisitions issued	Upon PPA execution
Real estate acquisitions	12 to 36 months
Certification of real estate interests	1 month
Process LERRD reimbursement requests	On-going throughout the acquisition phase

19. UTILITIES / FACILITIES TO BE RELOCATED: An extensive investigation of potential utility impacts at each site was not possible at the time of report writing. Only a preliminary analysis of existing utility information provided by the NFS was completed. This analysis revealed potential utility conflicts with proposed project features at all project sites except for Site X19. The table below lists the type of utility suspected to be present at each site. The NFS is the owner of all the sanitary and storm sewer lines and appurtenant infrastructure, Louisville Gas & Electric Company owns the natural gas and electric lines, and Louisville Water Company owns the water lines within the project area.

Site#	Sewer	Gas	Water	Electric
X10	X			
X19				
X20	X			
X21	X	X		
X22	X			
X29	X			
X30	X			
X33	X	X	X	
X34	X	X	X	X
X35	X		X	
X38	X			

Determinations will be made as to whether utilities will be avoided or relocated during the PED phase with emphasis placed on avoiding relocation wherever possible. It is expected that at least a portion of the utilities will require relocation thus necessitating the acquisition of new utility rights-of-way. In comparison to the overall project cost estimate, the relocation costs of the utilities and acquisition costs of any additional rights-of-way are anticipated to be minimal and do not increase overall project risk. For all utility relocations required to implement the project, Attorney's Opinions of Compensability will be prepared, the NFS will execute relocation contracts with the

utility owners, and the utilities will be relocated either by the owner or as part of the Government construction contract. The potentially impacted utilities are all of the type that are typically found to possess a compensable interest.

Sites X22, X29, and X38 are located adjacent to cemeteries. No project measures are planned on any cemetery lands and no disturbance or relocation of cemetery facilities are anticipated.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT 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.

20. HTRW CONSIDERATIONS: USACE policy requires appropriate investigation to identify potential Hazardous, Toxic and Radioactive Waste (HTRW) concerns early in planning and development of a civil works project. Several actions were conducted to address the existence of, or potential for, HTRW contamination on lands in and adjacent to the proposed project sites, including structures and lands which could impact, or be impacted by project implementation.

Multiple environmental databases and related records were searched and reviewed for information regarding current and former land use indicating storage, disposal or use of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulated substances toxic chemical releases, water discharge permit compliance, hazardous waste handling processes, and Superfund status. Sanborn Fire Insurance Maps were accessed to identify the historic uses of the sites nearer to downtown Louisville. The assessment did not indicate significant concerns from HTRW contamination at any of the proposed restoration sites, therefore no Phase II environmental site assessment are anticipated. Reports for each site are located in Appendix F.

21. OWNER ATTITUDE / ISSUES: Two public meetings were held early in the planning phase of this project to gain input from local stakeholders and the general public on problems and opportunities surrounding the effort to restore Beargrass Creek. A Stakeholder Engagement Meeting was held in October 2019. Attendees at this meeting included the NFS, Kentucky Waterways Alliance, Beargrass Creek Alliance, Louisville/Jefferson County Metro Government (Metro), University of Louisville, River City Paddle Sports, Kentucky Division of Water, and National Resources Conservation Service. A Public Scoping Charrette was held in November 2019. This meeting included over 50 members of the general public, academic institutions, non-profit entities, and local government officials. At the time of these meetings, no specific sites had been identified and so the attitudes of affected property owners could not be assessed. However, community support for restoring Beargrass Creek was expressed. Since the project has been narrowed down to the final twelve sites, no effort has been made to gage the attitude of every affected property owner. Metro is the largest non-NFS landowner impacted by the project, and has been consulted regarding their participation. Metro representatives have expressed their support

for the project and willingness to work with the NFS regarding the availability of necessary lands. No other public meetings are planned or anticipated.

22. **SPONSOR NOTIFIED OF RISKS OF ADVANCE ACQUISITION:** The NFS was notified in writing of the risks of advanced acquisition on 19 October 2020.

23. **ANY OTHER REAL ESTATE ISSUE:** None at time of report writing.

Prepared by:

Carrie Fry
Realty Specialist
Louisville District

This REP is in compliance with applicable regulations, policy, and delegations.

Ashley N. Klimaszewski
Acting Chief, Real Estate
Louisville District