



South Central Coast Louisiana Study

Draft Feasibility Study with Integrated Environmental Impact Statement



Appendix E – REAL ESTATE PLAN

November 2019

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APPENDIX E- REAL ESTATE PLAN

1. PURPOSE OF THE REAL ESTATE PLAN

This Real Estate Plan (REP) presents the real estate requirements and costs for the Integrated Final Feasibility Report and Environmental Impact Statement for the South Central Coast Louisiana Feasibility Study (SCCL). The information contained herein is tentative in nature for planning purposes only. Design optimization and feature prioritization will be performed after project authorization; therefore, this Real Estate Plan may be revised upon further analysis. Detailed maps for specifics relating to project features may not be developed until the Tentatively Selected Plan undergoes more detailed design analysis and an Implementation Plan is fully developed.

A. PROJECT LOCATION AND PROJECT PURPOSE

St. Mary, St. Martin, and Iberia parishes have high levels of risk and vulnerability to coastal storms, exacerbated by a combination of sea level rise and climate change over the study periods. Low elevation, proximity to the Gulf of Mexico, subsiding lands, and rising seas, are all contributing factors causing coastal flooding, shoreline erosion and loss of wetland. The people, economy, environment, and cultural heritage of coastal areas in South Central Louisiana are at risk from reoccurring damages caused by hurricane and storm surge flooding.

The SCCL study area encompasses 2,966 square miles of varying terrain in St. Martin, St. Mary, and Iberia Parishes. The area is at risk of damages from flooding from tropical storms and hurricanes storms that have continually impacted this part of the Louisiana coast over time. Approximately 177,000 people reside within the study area.

Structure modification would be on a case-by-case basis across the 25-year floodplain.

B. PROJECT AUTHORIZATION

H.R. Docket 2767, 20 Sep 2006, Southeast Coastal Louisiana, LA, "Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that, in accordance with section 110 of the River and Harbor Act of 1962, the Secretary of the Army is requested to survey the coast of Louisiana in Iberia, St.

Martin, and St. Mary parishes with a view to determine the feasibility of providing hurricane protection and storm damage reduction and related purposes.” Southeast Coastal Louisiana, LA was effectively renamed South Central Coast Louisiana, LA to avoid confusion with the Southeast Louisiana urban flood control project covering Jefferson, Orleans, and St. Tammany Parishes.

Bipartisan Budget Act (BBA) of 2018, (Public Law 115-123), Division B, Subdivision 1, H. R. 1892—13, TITLE IV, CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY, INVESTIGATIONS:

“where funds are being made available for the expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies currently authorized or are authorized after the date of enactment of this act, to reduce risk from future floods and hurricanes. The funds are at full Federal expense and funds made available for high-priority studies of projects in States and insular areas with more than one flood related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017.”

The BBA and HR Docket 2767 authorizes the proposed South Central Coast Louisiana, Project planning and potential construction.

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

The Tentatively Selected Plan (TSP) consists of implementing nonstructural measures to reduce the risk of damages from flooding to residential and non-residential structures that have first floor elevations at or below the 0-25 year flood plain based on hydrology predicted to occur. Nonstructural measures differ from structural measures since they focus on reducing consequences of flooding instead of focusing on reducing the probability of flooding. An assessment of at-risk properties has currently identified a total of 3,463 total structures (2,629 residential, 834 non-residential) that appear to meet the preliminary eligibility criteria for participation in the Project.

- The number of homes actually getting elevated depends on their eligibility and the owners voluntarily electing to raise their home. Therefore the District assumes the total number of homes participating in the project would be



something lower than 3,463. Nonresidential structure numbers are also expected to be something less than 100% participation.

- Elevation of eligible residential structures. This measure requires lifting the entire structure or the habitable area to the predicted 2075, 100-year base flood elevation unless the required elevation is greater than a maximum of 13 feet above ground level (structures requiring elevation greater than 13 feet above ground level would be ineligible to participate due to engineering and risk related factors).
- Dry flood proofing of eligible non-residential structures. Dry flood proofing consists of sealing all areas below the hurricane storm surge risk reduction level of a structure to make it watertight and to ensure that floodwaters cannot get inside by making walls, doors, windows, and other openings resistant to water penetration.

Figure 1 below shows an overview of the location of properties that are eligible for participation in the nonstructural program within the study area.

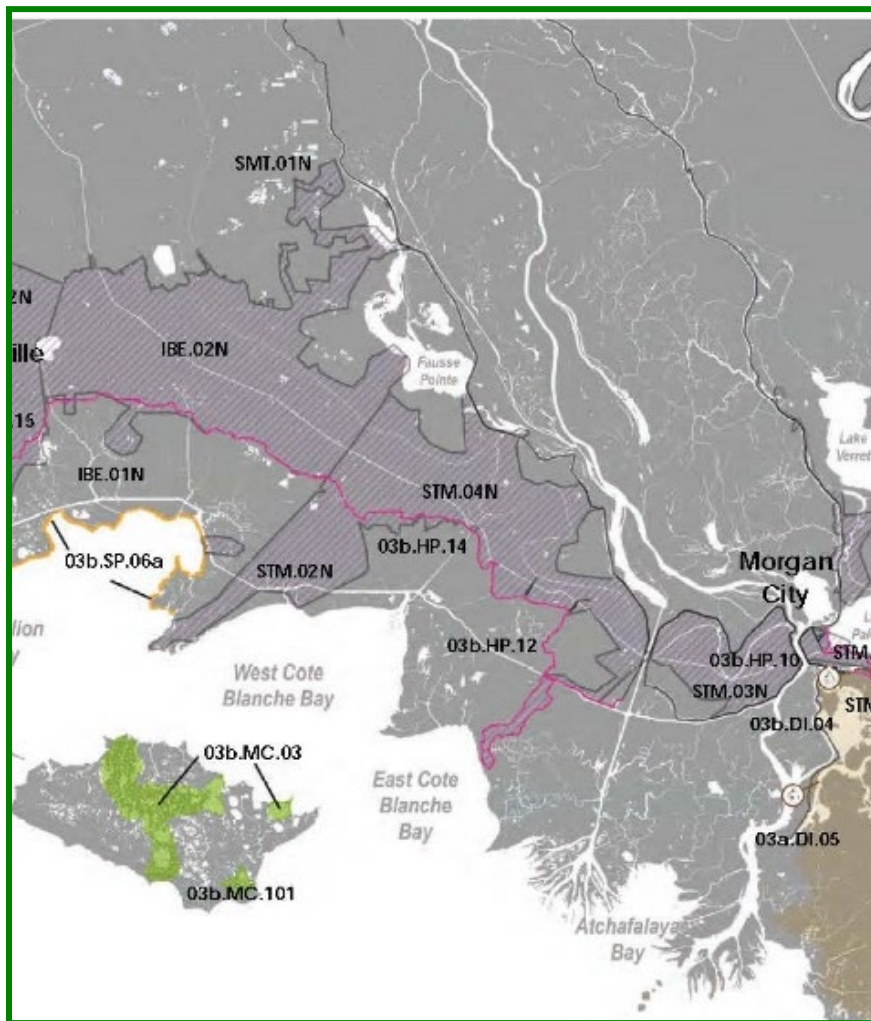


Figure 1 Area Map

The District has prepared a Nonstructural Implementation Plan, which provides details regarding a possible method of program implementation (Refer to Appendix L). An overview discussion of the Nonstructural Implementation Criteria, as discussed in Appendix L, is also included in this Real Estate Plan.

It is assumed that all properties have legal access by way of public streets or existing public right-of-way. Further it is assumed that residential and commercial properties participating in the project will have sufficiently large sites to accommodate staging of material and equipment. For the purposes of this report, the assumption is that no further real estate rights need to be acquired for access to the properties or staging. Should additional right-of-way be necessary, a standard Temporary Work Area Easement would be acquired.



1. RESIDENTIAL STRUCTURE ELEVATION

The following information is based on information contained in Appendix L of the Integrated Feasibility Report and Environmental Impact Statement. More detailed information regarding the proposed implementation plan can be found in Appendix L. Some or all of this information may be modified as the implementation plan is finalized as a part of Planning, Engineering and Design (PED).

Each residential structure that is located within the 0-25-year floodplain will be considered for eligibility for elevation of the structure in place. Elevations will be voluntary in nature and will be available to willing landowners for structures that meet the eligibility criteria detailed in Appendix L. If after completion of the investigation of the property, USACE determines that the structure is eligible for elevation, the entire foundation of the structure will be lifted and placed on a new foundation (i.e., columns, piers, posted or raised foundation walls) so that the lowest habitable finished floor is at or above the 100-year BFE predicted to occur in 2075. All utilities and mechanical equipment, such as air conditioners and hot water heaters, will also be raised to or above this elevation.

2. DRY FLOOD PROOFING OF NON-RESIDENTIAL STRUCTURES

Dry flood proofing consists of sealing all areas from the ground level up to approximately 3 ft. of a structure to reduce the risk of damage from storm surge resulting from hurricanes of a certain magnitude, as described in this report, by making walls, doors, windows and other openings resistant to penetration by storm surge waters. Walls are coated with sealants, waterproofing compounds, or plastic sheeting is placed around the walls and covered, and back-flow from water and sewer lines prevention mechanisms such as drain plugs, standpipes, grinder pumps, and back-up valves are installed. Openings, such as doors, windows, sewer lines and vents, may also be closed temporarily, with sandbags or removable closures, or permanently. Some common flood proofing measures include:

- Backflow valves;
- Closures on doors, windows, stairwells, and vents--they may be temporary or permanent;

- Rearranging or protecting damageable property--e.g., relocate or raise utilities;
- Sump pumps and sub-drains; and
- Water resistant material; metal windows, doors and jambs; waterproof adhesives; sealants and floor drains.

3. NON-FEDERAL SPONSOR OWNED LERRD

It is not anticipated that residential structures identified for the nonstructural project features will be located on NFS owned lands. However, there may be public buildings identified for flood proofing, or commercial buildings/warehouses that are located on public property, and the NFS will be required to obtain the rights necessary for construction.

A Feasibility Cost Share Agreement (FCSA) with the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB), was executed for this study on October 9, 2018. It is anticipated that CPRAB will be the Non-Federal Sponsor (NFS) for the design, construction, operation, maintenance, repair, rehabilitation and restoration (OMRR&R) of the project. CPRAB as the NFS, is charged, among other things, with responsibility for the provision of all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; performing or ensuring the performance of all relocations; and constructing all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as determined by the Government to be required or to be necessary for the construction and OMRR&R of the project (LERRDs). Although CPRAB does not have the authority to acquire and hold lands, its implementation and enforcement arm, the Coastal Protection and Restoration Authority (CPRA) has authority to acquire and hold immovable property and other land rights.

As the NFS for previous USACE projects, CPRAB, acting through CPRA has been found to be fully capable of acquiring LERRDs, based on its authority to perform acquisition, as well as its authority to partner with local agencies (See: La. R.S, 49:214.1, *et seq.*). Because the TSP recommends voluntary participation by structure owners, it is not anticipated that CPRA will be required to exercise its condemnation authority for any of the LERRDs required for the TSP. However, if condemnation becomes necessary for acquisition of LERRDs for the TSP, it is noted that CPRA does not have “quick take” authority for acquisition of a real property interests for coastal restoration or creation of coastal wetlands, except with regard to the limited quick take authority provided under La. R.S. 49.214.61 relative to barrier island restoration, creation and protection which does not apply to the TSP features. CPRA does have the authority to partner with another



public agency, including but not limited to a levee district or parish government, pursuant to La. R.S. 38:301, La. R.S. 38:301.1 and La. R.S. 49:214.5.2, to acquire the lands needed for this project.

An Assessment of the NFS's Real Estate Acquisition Capability for CPRAB will be attached to the REP by the final report. In other studies, the NFS has been found to be highly capable of performing acquisition of the LER required for the project, conditioned upon its ability to enter into a Cooperative Endeavor Agreement with another public agency, political subdivision, or political entity that has quick-take condemnation authority, should it be necessary to acquire any LERRDs for the TSP features through condemnation proceedings. In the event that quick-take authority should be necessary, the NFS has indicated its willingness to partner with another agency. The NFS will be notified in writing of the risks of acquiring LERRDs before execution of the PPA.

4. ESTATES

For properties that are eligible for elevation or dry flood proofing, an Agreement will be executed between the NFS and the landowner, which will serve as Right-of-Entry for the NFS and the U.S. for construction, inspection and OMRR&R of the Project. The agreement, as well as any required curative documents, subordination or release agreement(s), shall be recorded by the NFS in the public records of the Parish in which the property is located prior to commencement of the nonstructural improvements on the property. This Agreement is discussed in more detail in Appendix L. During PED, the necessary real estate rights for each of the measures will be determined, and if there is no standard estate applicable to the project, the rights required for construction will be drafted as non-standard estates (rights for residential elevations, dry flood proofing of eligible non-residential structures). The draft estates will be submitted through CEMVD to CEHQ-RE as a Request for Approval of a Non-Standard Estate.

5. EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT

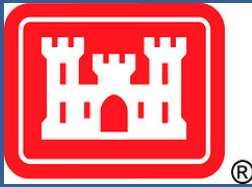
There are numerous Federal projects located within the project study area. However, it is not anticipated that the structures identified for the nonstructural project features will be located within the boundaries of an existing Federal project.

6. FEDERALLY OWNED LANDS WITHIN THE LER REQUIRED FOR THE PROJECTS

None of the structures identified for the nonstructural project features will be located on Federally owned lands.

7. NAVIGATION SERVITUDE

The navigation servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution to use, control and regulate the navigable waters of the United States and submerged lands thereunder for various commerce-related purposes. The navigation servitude will not be asserted for any features of this Project.



8. PROJECT MAPS



Figure 2 & 3: Location of non-structural measures

9. INDUCED FLOODING

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

10. BASELINE COST ESTIMATES

Rough Order of Magnitude level cost estimates were prepared based on the assumption that there are a total of 3,463 structures to be included within the plan (2,629 residential, 834 non-residential). Real estate costs for the TSP include administrative costs for execution of the agreement between the NFS and landowner, for elevations of residential structures and flood proofing of non-residential structures, and estimated relocation assistance costs for tenants. Costs of elevations and flood proofing are construction costs, and are not included as real estate costs. The table below shows the estimated real estate costs for the TSP:

RESIDENTIAL ELEVATIONS AND OTHER NONSTRUCTURAL FEATURES

| | RESIDENTIAL ELEVATIONS | NON- RESIDENTIAL FLOOD PROOFING | TOTAL |
|--------------------------------|---------------------------|--|---------------------|
| ESTIMATED # OF STRUCTURES | 2629 | 834 | 3463 |
| Land Values | \$0 | \$0 | \$0 |
| Relocation Assistance * | \$7,887,000 | \$0 | \$7,887,000 |
| Administrative Costs | \$26,290,000 | \$8,340,000 | \$34,630,000 |
| Condemnations | \$0 | \$0 | \$0 |
| REAL ESTATE COSTS | \$34,177,000 | \$8,340,000 | \$42,517,000 |
| CONTINGENCIES - 25% | \$8,544,000 | \$2,085,000 | \$10,629,000 |
| TOTAL REAL ESTATE COSTS | \$42,721,000 | \$10,425,000 | \$53,146,000 |

* Relocation assistance is estimated for tenants.

Note: this cost estimate is a worst-case scenario estimate, and assumes 100% participation. It is possible that the number of participating structures will be less, due to compliance with eligibility criteria requirements and based on the voluntary nature of participation.



These cost estimates are subject to revision during PED.

11. UNIFORM RELOCATION ASSISTANCE (P.L. 91-646, TITLE II AS AMENDED)

Residential Elevations

Property owner/occupants of eligible residential structures who willingly participate in the residential elevation program are not considered displaced persons (in accordance with 49 CFR Part 24), and therefore are not entitled to receive relocations assistance benefits. However, displaced tenants of eligible residential structures to be elevated are eligible for temporary relocations assistance benefits. Eligible tenants that temporarily relocate would be reimbursed for the cost of temporary alternate housing, meals and incidentals (such as laundry services), and the fees for disconnection and connection of utilities at the temporary residence. Alternate housing could be hotels or apartments, depending upon availability in the community. All temporary housing costs would need to be approved in advance by the NFS after first obtaining the prior written approval of USACE. Hotel costs would be reimbursed based on the General Services Administration per diem rates for Louisiana. Apartment costs would be based on market rents. All conditions of temporary relocation must be reasonable. Temporary relocation should not extend beyond one year before the person is returned to his or her previous unit or location. Any residential tenant who has been temporarily relocated for more than one year must be offered permanent relocation assistance which may not be reduced by the amount of any temporary relocation assistance previously provided. At a minimum, tenants shall be provided the following: reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing, and any increase in monthly rent or utility costs at such housing. Tenants are entitled to receive appropriate advisory services, including reasonable advance written notice of the following:

- Date and approximate duration of the temporary relocation;
- Address of the suitable decent, safe, and sanitary dwelling to be made available for the temporary period;

- Terms and conditions under which the tenant may lease and occupy a suitable decent, safe and sanitary dwelling in the building/complex upon completion of the project; and
- Provisions of reimbursement for all reasonable out of pocket expenses incurred in connection with the temporary relocation as noted above.
- In addition to relocation advisory services, displaced tenants may be eligible for other relocation assistance including relocation payments for moving expenses and replacement housing payments for the increased costs of renting or purchasing a comparable replacement dwelling.

All temporary housing costs must be approved in advance by the NFS. In order for the NFS to receive credit towards their cost-share obligations, USACE must provide prior written approval for those expenditures.

Dry Flood-Proofing of Non-Residential Structures

It is assumed that for these measures, there will be no requirements for temporary relocation. In the event that relocations are required, in accordance with 49 CFR Part 24 (Subpart A, Section 24.2(a)(9)(ii)(D), property owner/occupants of non-residential structures who willingly participate in the program are not considered displaced, and therefore are not entitled to receive relocations assistance benefits. Additionally, businesses will not receive benefits for temporary loss of operation during construction. Business owners who are tenants of the structure, and who must relocate temporarily during construction, could receive relocation assistance advisory services and moving expenses, in accordance with 49 CFR Part 24.

12. TIMBER/MINERAL/ROW CROP ACTIVITY

The Louisiana Department of Natural Resources provides a Strategic Online Natural Resources Information System (SONRIS), which contains up-to-date information on oil & gas activity in the state of Louisiana. Review of this information indicated that there are oil and gas wells within the study area. Maps of specific locations of structures to be elevated/ flood proofed were not available at the time of this report. As this information is developed during more detailed design, research will be conducted to verify that mineral activity is not impacted by the project. It is not anticipated that there will be active mineral activity on lands where flood proofing measures will take place. Nonstructural project features are not expected to affect timber or crop activity within the project area.

13. NON-FEDERAL SPONSOR ASSESSMENT



**Mississippi River Valley Division,
Regional Planning and Environment Division South**

A non-federal sponsor capability assessment will be attached as an Exhibit to this REP by the final report.

14. ZONING ORDINANCES

There will be no application or enactment of zoning ordinances in lieu of, or to facilitate, the nonstructural features of this project. During PED, planning and zoning regulations will be further reviewed and discussions will be conducted with the NFS regarding future land use regulations. The NFS will be required to coordinate these matters with local planning commissions.

15. ACQUISITION SCHEDULE

The nonstructural project elevations and flood proofing features will require execution of an agreement between the landowner and the NFS. In addition, the following administrative functions, among others, will be required: title research, HTRW analysis, and structural condition analysis, and additional property inspections to determine eligibility. Temporary rights of entry will have to be obtained from the owners in order to perform some of these administrative duties. (Refer to Appendix L of the Integrated Feasibility Report and Environmental Impact Statement for more detailed discussion of the non-structural implementation plan.)

Tasks shown below would likely vary by property; therefore the schedule shown is the overall anticipated time for the total number of structures and assumes an overlap of tasks. The schedule is dependent upon a defined nonstructural implementation plan and assumes that project funding will be available every year. Therefore, this estimated schedule is expected to be refined as more information becomes available during PED and implementation of the TSP.

| | |
|--|--------------|
| Obtain Right-of-Entry for Investigations (To Determine Eligibility) | 6-12 months |
| Title research | 40-60 months |
| Preliminary Investigations (i.e. HTRW, structural, surveys, etc.) | 36-60 months |
| Execution of agreement between landowner/NFS & curative documents for elevations or non-residential flood proofing | 12-24 months |
| Filing Agreement between landowner and NFS | 12 months |
| Relocation of Displaced Tenants | 12-24 months |



16. FACILITY/UTILITY RELOCATIONS

At the time of this report, no facility/utility relocations have been identified, therefore no relocations are anticipated to be required for these nonstructural features of the project.

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. HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

Current information suggests there will be no HTRW issues within the project area. An ASTM Phase I HTRW Environmental Site Assessment (ESA) and Asbestos Investigation (and a Phase II ESA, if necessary) will be conducted by the non-Federal sponsor for all participating properties during the PED/project implementation phase. At that time, a determination will be made as to whether this element of the eligibility criteria has been met for each given property.

18. LANDOWNER CONCERNS

Public outreach efforts for the SCCL began early in the planning process and was done in compliance with 33 CFR § 385.18. Due to intense public, political, and media interest in flood risk management in southern Louisiana, public participation is a critical component of the development of the feasibility report.

It is anticipated that implementation of the TSP could produce challenges. Public meetings were held prior to selection of the TSP. The overall attitude during the public meetings was positive and supportive of the project.

19. RISK LETTER

The Coastal Protection and Restoration Authority Board, through its implement arm, the Coastal Protection and Restoration Authority, will be notified by letter of the risks associated with acquisition of real estate interests prior to project authorization by Congress and execution of the Project Partnership Agreement. However, no acquisitions are anticipated for the project.

20. OTHER RELEVANT REAL ESTATE ISSUES

It is not anticipated that there will be any other real estate issues for this Project.

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