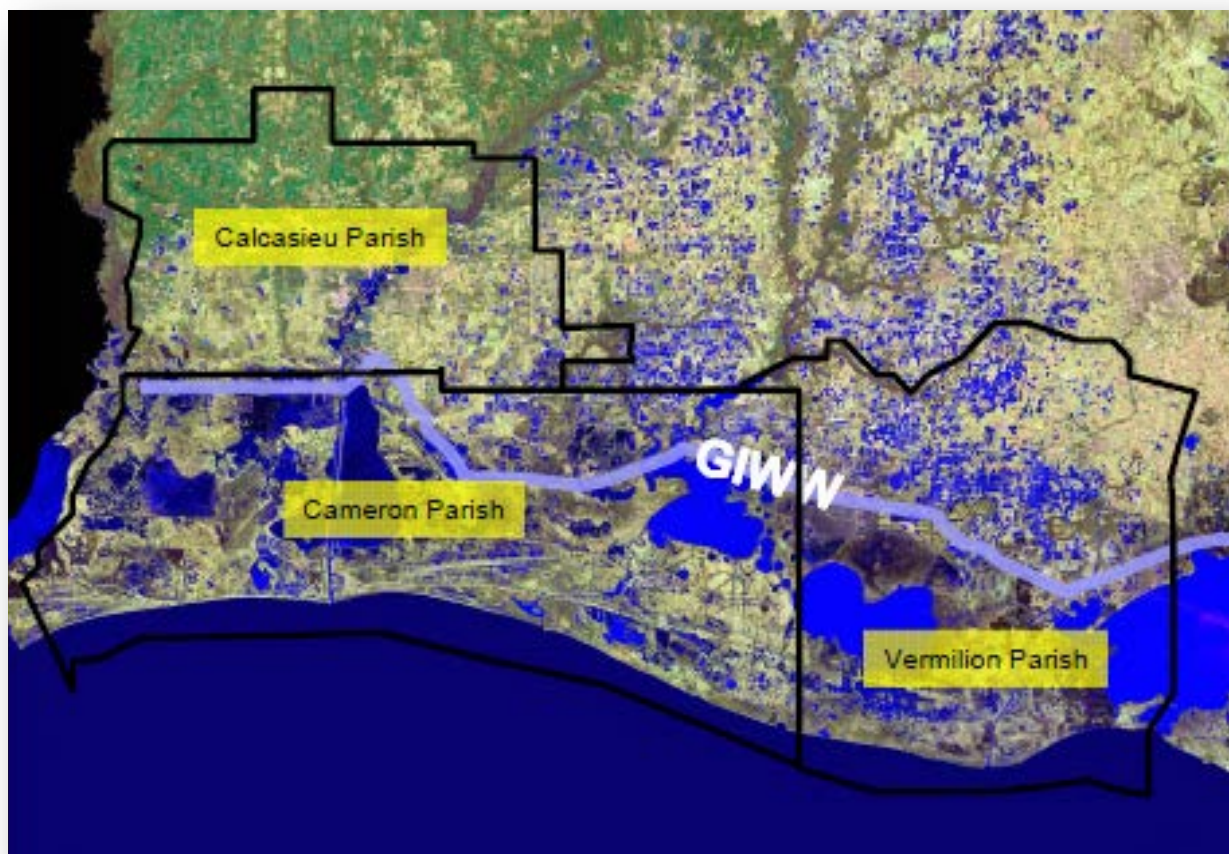




APPENDIX E
DRAFT REAL ESTATE PLAN





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A. PURPOSE OF THE REAL ESTATE PLAN

This Draft Real Estate Plan (REP) presents the real estate requirements and costs for the Feasibility Report and Environmental Impact Statement for the Southwest Coastal Louisiana Feasibility Study (SWC). 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 access, staging and other specifics relating to project features may not be developed until each restoration measure undergoes more detailed design analysis.

The study purpose is to evaluate coastal storm flood damages and coastal ecosystem degradation in Cameron, Calcasieu, and Vermilion parishes in Louisiana. The intent is to develop potential solutions to these water resource problems. The impacts described for the National Economic Development (NED) hurricane and storm damage reduction objective are programmatic in nature. Subsequent National Environmental Policy Act (NEPA) documents will analyze in detail site specific project(s) impacts prior to implementation. The National Ecosystem Restoration (NER) features have been revised and are recommended as fully constructible and fully NEPA compliant.

B. PROJECT AUTHORIZATION

The Southwest Coastal Louisiana study has both National Economic Development (NED) and National Ecosystem Restoration (NER) components. This stems from two authorizations. The development of an NED plan was authorized pursuant to a Resolution of the Committee on Transportation and Infrastructure, U.S. House of Representatives, Docket 2747, on December 7, 2005, following the impact of Hurricane Rita in 2005, and included consideration of a plan for an armored 12-foot levee along the GIWW across Calcasieu, Cameron, and Vermilion Parishes:

“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 Cameron, Calcasieu, and Vermilion Parishes with particular reference to the advisability of providing hurricane protection and storm damage reduction and related purposes to include the feasibility of constructing an armored 12-foot levee along the Gulf Intracoastal Waterway.” (December 7, 2005 – Committee on Transportation and Infrastructure, U.S. House of Representatives, Resolution Docket 2747, Southwest Coastal Louisiana)

The investigation of large scale ecosystem restoration concepts, including the Chenier Plain Freshwater Management and Allocation Reassessment Study (Chenier Plain Study), was recommended in the January 31, 2005 Chief’s Report for the Louisiana Coastal Area, Ecosystem Restoration. The Chenier Plain Study was one of six large-scale restoration concepts that were purported to have the ability to “significantly restore environmental conditions that existed prior to large-scale alteration of the natural ecosystem upon construction”. The Louisiana Coastal Area (LCA) program was authorized in Title VII of the Water Resources Development Act of 2007 (WRDA 2007). Guidance provided by the Director of Civil Works on December 19, 2008 states that “*the coastal restoration components proposed as part of the LCA Chenier Plain study will be evaluated as part of the Southwest Coastal Louisiana feasibility study*”.

C. STUDY AREA AND PROJECT PURPOSE

The overall study area is located in southwest Louisiana and includes Calcasieu, Cameron and Vermilion Parishes encompassing approximately 4,700 square miles. The area is rich in natural resources and industrial infrastructure. The economy of the coastal communities is centered on fishing, shrimp, and offshore oil services. The agricultural land located 30 to 40 miles inland is used for rice, sugar cane, and livestock production. The northern-most portion of the area is heavily forested and supports a substantial timber industry. Lake Charles, which is the population center of the region, is the home of large oil refineries, petro-



chemical plants, a deep-water port, McNeese State University, and casinos along the lakefront area. The Port of Lake Charles is a key center for international trade, and is among the top 15 busiest ports in the nation.

The low elevation of the land and proximity to the Gulf of Mexico put the area's unique environment and cultural heritage at risk due to storm surge flooding and coastal erosion. Land subsidence, combined with rising sea level, is expected to increase the potential for coastal flooding, shoreline erosion, saltwater intrusion, and loss of wetland and Chenier habitats. The NED purpose is to develop a plan to reduce damages caused by flooding associated with hurricane and storm surge in Cameron, Calcasieu, and Vermilion parishes in Southwest Coastal Louisiana. The NER purpose is to evaluate coastal restoration components and develop a plan to significantly and sustainably restore environmental conditions for the Chenier Plain ecosystem in Southwest Coastal Louisiana.

The Federal objective of water and related land resources planning is to contribute to national economic development while protecting the Nation's environment. There are two Tentatively Selected Plans described in this REP: (1) The NER TSP, and (2) the NED TSP.

D. PROJECT MAPS

Larger versions of the project maps displayed within this document, as well as additional maps showing project features, are located within Annex 1 (NED) and Annex 2 (NER).

E. NON-FEDERAL SPONSOR

A Feasibility Cost Share Agreement (FCSA) with the Coastal Protection and Restoration Authority of Louisiana ("CPRA"), now known as the Coastal Protection and Restoration Authority Board of Louisiana ("CPRAB"), was executed for this study on January 14, 2009. It is anticipated that CPRAB will be the Non-Federal Sponsor (NFS) for the design, construction, operation, maintenance, repair, rehabilitation and restoration of the project. CPRAB, as the Non-Federal Sponsor, is charged 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, operation, and maintenance of the project (LERRDs). CPRAB does not have the authority to acquire and hold lands. The Coastal Protection and Restoration Authority (CPRA) is an entity under the jurisdiction of CPRAB, which has authority to acquire and hold lands.

As the Non-Federal Sponsor for previous USACE projects, 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 (2009 LA Act 523). If condemnation becomes necessary, CPRA (having no "quick take" authority of its own) has the authority to partner with another public agency to acquire the lands needed for this project. CPRA, acting on behalf of CPRAB, feels confident in being able to meet the "public need" requirements of the quick take statutes of the State of Louisiana.

An Assessment of the Non-Federal Sponsor's Real Estate Acquisition Capability for CPRAB is attached as Annex 3. The Non-Federal Sponsor has been found to be highly capable of performing acquisition of the LER required for the project, conditioned upon its obtaining quick-take condemnation authority in the future, or its ability to enter into a Cooperative Endeavor Agreement with a state agency that has quick-take condemnation authority. The Non-Federal Sponsor has been notified in writing of the risks of acquiring LERRDs before execution of the PPA.



F. NED TENTATIVELY SELECTED PLAN

The NED Tentatively Selected Plan (TSP) consists of implementing nonstructural measures to reduce flooding risk 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 in 2025. An assessment of at-risk properties has currently identified a total of 4,952 total structures (4,219 residential, 396 commercial and 337 warehouses) eligible for participation in the Program.

The nonstructural plan consists of a variety of flood proofing measures including but not limited to:

- Elevation of the entire or habitable area of eligible residential structures to the predicted 2075, 100-year base flood elevation unless the required elevation is greater than a maximum of 13 feet above ground level based on the anticipated hydrologic conditions in the year 2075 (the year 2075 base flood elevation). The means of elevation can be use of pilings, cinder block chain walls, dirt/fill material, and other methods, as determined by Engineering during Preconstruction, Engineering and Design (PED).
- Acquisition/buyout of eligible residential structures (and underlying land) including acquisition through eminent domain. The criteria for properties that contain structures which are subject to acquisition are more specifically described in the NED TSP in the main report. Property would be acquired, structures would be demolished, and property owners relocated to another site outside of the 100 year floodplain.
- Dry flood proofing of eligible non-residential structures (excluding large industrial buildings and warehouses) for flood depths not greater than three feet above the adjacent ground by methods such as sealing the walls of structures with waterproofing compounds, impermeable sheeting (veneer walls) and other materials and covers to protect openings from floodwaters.
- Construction of small berms less than 6 feet in height around non-residential structures, (primarily industrial complexes and warehouses) to prevent the encroachment of floodwaters.

Figure 1 below shows the reaches that are included in the NED TSP. Figure 2 below shows an overview of the locations of properties that are eligible for participation in the nonstructural program within the study area. Additionally, a map demonstrating the structures located within the 25 year flood plain is located within Annex 1.

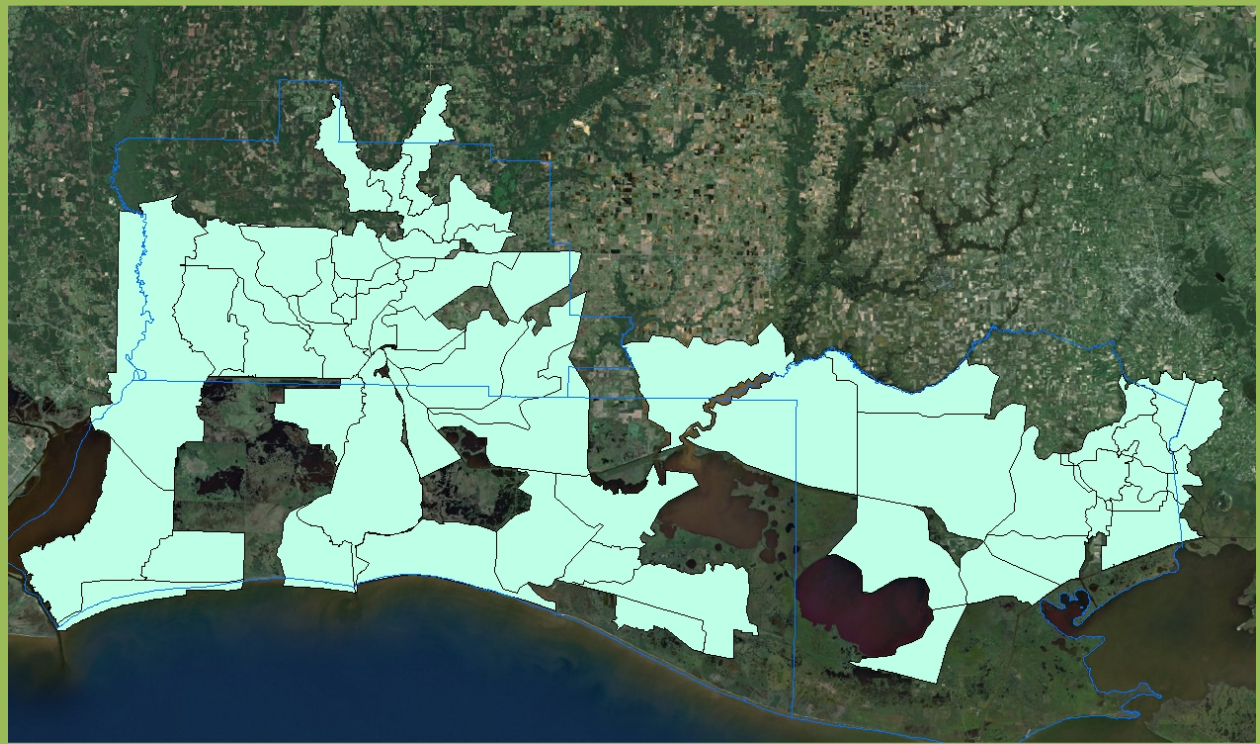


Figure 1: NED Tentatively Selected Plan reaches in the 10-25 year floodplain

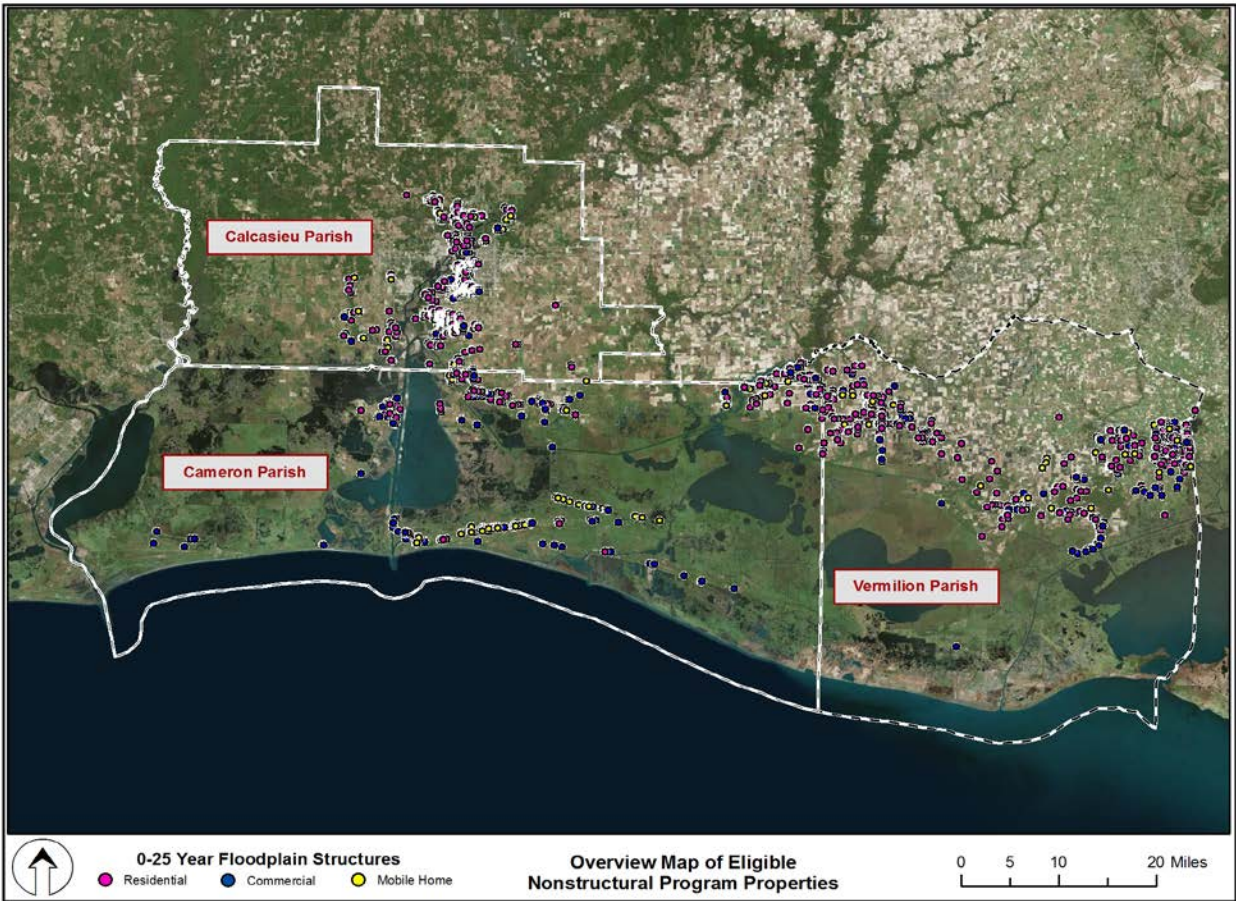


Figure 2: NED Overview Map of Eligible Nonstructural Program Properties



The District has prepared a Draft Nonstructural Implementation Plan, which provides details regarding a possible method of program implementation (Refer to Appendix L). A discussion of the Nonstructural Implementation Criteria, as discussed in Appendix L, is also included in this Real Estate Plan. There will be structures that do not fall cleanly into categories that are being defined in this Implementation Plan (for example historical structures, structures with HTRW concerns, or structures that have cultural or human remains buried on the lands upon which the structure is located). Implementing this Program will require flexibility to deal with unique situations while the NFS works to achieve success.

It is assumed that all properties have legal access by way of public streets or easements from adjacent owners. Further it is assumed that residential and commercial properties participating in the program will have sufficiently large sites to accommodate staging of material and equipment. No further real estate rights need to be acquired for access to the properties or staging.

1. RESIDENTIAL STRUCTURE ELEVATION

The following information includes excerpts of information contained in Appendix L of the Revised Integrated Draft 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). All eligible structures will be separated into two categories of implementation: voluntary and involuntary. To the maximum extent practicable, implementation will target willing participants and will be implemented as a Voluntary Program. However, for properties that meet certain criteria, eminent domain authority will be utilized to acquire property rights when warranted. Eminent domain is the power of the government to take private property for public purposes with payment of just compensation.

Within the Project area, each residential structure that is located within the 0-25-year floodplain will be considered for eligibility in the elevation Program. At a minimum, eligible structures owned by willing participants shall be raised so that the lowest habitable finished floor is at or above the 100-year Base Flood Elevation predicted to occur in 2075. All utilities and mechanical equipment, such as air conditioners and hot water heaters, must also be raised to at or above this elevation. Property owners may choose to raise the structure, utilities and/or mechanical equipment in excess of the predicted 2075 100-year Base Flood Elevation; however costs attributable to elevation in excess of the minimum requirements set forth herein are not eligible for reimbursement. All elevations shall be considered “development in the floodplain” and will require a local permit prior to any onsite construction. Failure to obtain a local permit may result in a violation against the local floodplain ordinance and the NFIP. The elevated structure must comply with the locally adopted floodplain ordinances; the local government is responsible for ensuring the structure is compliant with the NFIP. Only the costs of elevation and foundation retrofitting are eligible for reimbursement. No funds will be provided to restore, replace or repair the structure. No additions to the habitable spaces of the structure will be eligible for reimbursement. Detailed guidance on foundation construction can be found in FEMA 550, “*Recommended Residential Construction for the Gulf Coast: Building on Strong and Safe Foundations*”.

The study assumption at this time is that of the 4,952 structures identified as eligible for participation in the nonstructural program (4,219 residential, 396 commercial and 337 warehouses). Of these structures, it is assumed that 5% of eligible residential structures will be acquired. Based on this assumption, an estimated 199 structures will be acquired. All eligible residential structures will be separated into two categories of implementation: Voluntary and Involuntary.

A. Involuntary Participation

The District has defined criteria by which a structure will be placed within the involuntary category for implementation. If the landowner is unwilling to participate in the program, the Non-Federal Sponsor will utilize its eminent domain authority to acquire the property (land and structure) and then demolish the structure. This information is described in more detail in Appendix L. These criteria include:



1. Structure is designated a Severe Repetitive Loss property according to FEMA criteria (i.e. at least four National Flood Insurance Program payouts including building and contents of over \$5,000 each with a cumulative payout total of over \$20,000 OR is a residential property for which at least two separate claims (building only) have been made with the cumulative amount of the building portion of such claims exceeding the fair market value of the building. For both of the above least 2 of the claims must have occurred within any 10-year period and must be greater than 10 days apart) . Currently there are:
 - a. 358 residential properties meet the severe repetitive loss criteria.
 - b. 7 commercial properties meet the severe repetitive loss criteria.
 - c. 1 warehouse meets the severe repetitive loss criteria.
2. Structure is located in a Regulatory Floodway as established by FEMA.
 - a. 28 properties currently meet the regulatory floodway location criteria.
3. The structure constitutes a danger to public safety in that the un-remediated condition of the structure poses a substantial and certain risk of harm, death, injury or property damage if the structure is subjected to the forces, conditions, and risks typically associated with hurricanes and tropical storms and storm surge flooding.

Some or all of these criteria may be modified or eliminated and additional criteria may be added as the Implementation Plan is finalized. Maps which illustrate the FEMA floodway for the Abbeville to Erath area and Lake Charles area can be found in Annex 1.

For structures which have been categorized within the Involuntary Program, all landowners will be advised that if they are not willing to participate in the elevation program, fee acquisition will commence, with the availability of condemnation as a measure of implementation. Landowners and tenants of structures that are categorized within the Involuntary Program, as well as tenants who reside in structures categorized within the Voluntary Program, may be eligible for certain benefits in accordance with Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs of 1970, Public Law 91-646, 84 Stat. 1894 ([42 U.S.C. 4601](#)), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256; 49 Code of Federal Regulations 24; and HUD Handbook 1378 (“The URA”).

B. Voluntary Participation

Residential structures that are eligible for elevation (and willing property owners) must meet the following eligibility criteria:

- The property owner is willing to participate in the nonstructural program;
- The structure is in a condition that is safe, decent and sanitary and otherwise suitable for human habitation;
- The property has clear title;
- The structure can be elevated to meet the required Base Flood Elevation so that the habitable floors are raised to levels which will protect the residential structures from storm surge flooding to reduce future losses from the likelihood of the 100-Year Flood Event to the extent practicable. However, in no event will a structure be raised greater than 13 ft above the ground level;
- The structure and/or land is not contaminated with hazardous, toxic or radioactive waste or materials;
- The property owner is willing to execute a Residential Structure Elevation Agreement and a Residential Structure Elevation Covenant Running with the Land;



- Based on a visual assessment, the structure does not have signs of significant structural defects, distress, or failure (i.e., no evidence of extensive corrosion of steel framing or concrete; no substantial water or insect damage to wood framing and no framing that is in obvious need of major repair or replacement; no major settlement, cracking, buckling, or collapse of the foundation; no critical damage to load bearing or masonry walls; no major unrepaired roof leaks, etc.);
- The property owner does not owe taxes or other debts to any state or local governmental entity or to the Federal government;
- The property is located in a community/parish that participates in the National Flood Insurance Program and the property owner has a current Elevation Certificate;
- The property owner has not previously received any disaster assistance for the elevation of the structure;
- The structure complies with the building code and floodplain management codes under which the structure was originally permitted;
- The property owner is willing to expend costs that *may* be necessary in connection with the elevation of the structure which are not eligible costs that are covered by the Program;
- There are no special considerations or unique circumstances which prohibit elevation.

Structures categorized within the voluntary program will be elevated or flood proofed only with the owner's consent. Eminent domain authority will not be used to require landowners in this category to participate in the program.

Note: Tenants who reside in structures being elevated may be eligible for certain benefits in the accordance with Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs of 1970, Public Law 91-646, 84 Stat. 1894 ([42 U.S.C. 4601](#)), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256; 49 Code of Federal Regulations 24; and HUD Handbook 1378. Refer to Section F-3 for more discussion.

The following process shall apply to property owners who are willing and eligible to participate in the residential structure elevation Program:

- Property owner shall complete an application for structure elevation which must be signed by all owners and lien-holders of the property and structure);
- Property must meet all eligibility criteria;
- Property owner shall submit proof of ownership and a current Elevation Certificate;
- The property has clear title and title research is completed;
- Site inspection is conducted:
 - Phase I HTRW/Asbestos investigation is completed. The property must be certified as "clean" by the appropriate State office before any Project funds may be expended. All asbestos must be abated and disposed of properly;
 - A determination of suitability for elevation is made.
- Elevation Agreement and Residential Structure Elevation Covenant Running With The Land are executed and recorded in the public records of the Parish in which the property is located.
- Elevation of the structure is completed.

2. DRY FLOOD PROOFING ON NON-RESIDENTIAL STRUCTURES

Dry flood proofing consists of activities to modify structures, their sites or contents to keep water out or to reduce the damage caused by water entry. Dry flood proofing consists of activities designed to keep water out of a structure (i.e., the inside stays dry). Some common flood proofing measures include:



- Backflow valves;
- Closures on doors, windows, stairwells and vents--they may be temporary or permanent;
- Elevating structures via landfill, walls, posts, piers, jacks and beams ;
- Rearranging or protecting damageable property--e.g., relocate or raise utilities;
- Ring walls and small berms with a maximum height of less than 6 feet constructed around structures and utilities;
- Sump pumps and sub-drains;
- Water resistant material; metal windows, doors and jambs; waterproof adhesives; sealants and floor drains.

Dry flood proofing is not recommended for flood heights above three feet, due to hydrostatic pressure (USACE, 1993). Within the Project area, each non-residential and industrial structure that is located within the 2025 0-25-year floodplain is subject to flood proofing using a 2-TIER process. To maximize the use of annual appropriations, structures owned by willing property owners will be flood proofed first. The following process will apply to property owners willing to dry-flood proof their structures for flood risk reduction.

- Property owner shall complete an application for dry flood proofing which must be signed by all owners and lien-holders of the property and structure);
- Property owner shall submit proof of ownership and a current Elevation Certificate;
- Site inspection is conducted;
- Phase I HTRW/Asbestos investigation must be performed concurrently with the verification of application. The property must be certified as “clean” by the appropriate State office before any Project funds may be expended. All asbestos must be abated and disposed of properly. Asbestos impacted by flood proofing is removed at Project cost, while HTRW impacted by flood proofing must be remediated by the property owner prior to the initiation of the flood proofing work;
- A determination of suitability for dry flood proofing and/or the construction of small barriers for flood risk reduction is made;
- Some form of easement or developmental control agreement shall be required to be executed by the property owner and recorded in the public records of the parish where the property is located to prohibit future alteration of the dry flood proofing measures and/or any barriers constructed to reduce the risk of flooding.
- Each structure that is dry flood proofed must have an approved sanitary disposal system and be in compliance with local and state health codes.
- The structure will be dry flood proofed and/or where appropriate, a berm or floodwall of a height not to exceed 6 feet may be constructed around the structure.

3. CONSTRUCTION OF FLOOD PROOFING BARRIERS

These measures are intended to reduce the frequency of flooding but not eliminate floodplain management and flood insurance requirements. Barriers or berms can be constructed of earth, concrete, masonry or steel and placed around a single structure or a contiguous group of structures. It should be noted that some local governments may have adopted floodplain management rules that exceed the minimum requirements of the NFIP, and may limit the ability of certain flood-proofing measures to be constructed if effects of the flood-proofing measure (i.e., small berms, barriers, or floodwalls) create the potential for drainage problems by displacing flood storage, elevating buildings on fill, requiring significant tree removal, etc. The following process will apply to property owners willing to construct small barriers around their warehouses for flood risk reduction.

- Property owner shall complete an application for dry flood proofing which must be signed by all owners and lien-holders of the property and structure);
- Property owner shall submit proof of ownership and a current Elevation Certificate;



- Site inspection is conducted;
 - Phase I HTRW/Asbestos investigation must be performed concurrently with the verification of application. The property must be certified as “clean” by the appropriate State office before any Project funds may be expended. All asbestos must be abated and disposed of properly. Asbestos impacted by flood proofing is removed at Project cost, while HTRW impacted by flood proofing must be remediated by the property owner prior to the initiation of the flood proofing work;
 - A determination of suitability for the construction of small barriers for flood risk reduction is made;
- Some form of easement or developmental control agreement shall be required to be executed by the property owner and recorded in the public records of the parish where the property is located to prohibit future alteration of any barriers constructed to reduce the risk of flooding.
- Each structure that is dry flood proofed must have an approved sanitary disposal system and be in compliance with local and state health codes.
- A small berm or floodwall of a height not to exceed 6 feet may be constructed around the structure(s).

4. NED PLAN - ESTATES

Residential structures that cannot be elevated will be acquired in fee, excluding minerals. Language of the estate to be acquired is shown below:

FEE, EXCLUDING MINERALS (With Restriction on Use of the Surface).

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding all oil and gas, in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil and gas, but without the right to enter upon or over the surface of said land for the purpose of exploration, development, production and removal therefrom of said oil and gas.

MVN has prepared a draft document entitled “Residential Structure Elevation Covenant Running with the Land which is included as part of the Nonstructural Implementation Plan in Appendix L. A form of such a covenant is intended to be executed by property owners participating in the residential structure elevation program, together with , a Residential Structure Elevation Agreement. It is contemplated that a Residential Structure Elevation Agreement (and the Covenant) will be executed by the property owner and the Non-Federal Sponsor or the entity administering the Nonstructural Elevation Program, and that the Agreement will set forth the terms, conditions and procedures to be followed in the elevation of the structure. Although a draft Residential Elevation Agreement has been prepared by MVN, it is not included in either this REP or as part of Appendix L, since the contents of the draft Agreement represent but one of many methods by which a residential structure elevation program may be conducted and at this time, the administration of the residential elevation program remains programmatic. The District recognizes that the Covenant included in Appendix L (and any subsequent draft Elevation Agreement) will require further review, discussion, and approval. In addition, for non-residential properties where flood-proofing and/or barriers have been utilized on for flood and storm surge risk reduction, some form of easement or developmental control agreement shall be required to be executed by the non-residential property owners and recorded in the public records of the parish where the property is located to prohibit future alteration of dry flood-proofing applied to the structure(s) any barriers constructed to reduce the risk of flooding.



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

Voluntary Program

Property owner/occupants of eligible residential structures who are 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 Non Federal Sponsor. Hotel costs would be reimbursed based on the General Services Administration per diem rates for Louisiana. Apartment costs would be based on market rents. A more detailed explanation of relocation assistance benefits for which tenants may be eligible is described under the Involuntary Program.

Involuntary Program

Property owners who are not willing to participate in the residential elevation program and who own a structure meets the criteria for the Involuntary Program are subject to having their properties condemned through eminent domain by the Non-Federal Sponsor. As such, all property owners whose property will be acquired by or under the threat of, eminent domain, are considered displaced persons and will receive relocations assistance benefits. In addition, displaced tenants of residential structures that are included in the Involuntary Program shall be provided temporary relocation assistance benefits in accordance with the URA. 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 Non Federal Sponsor. Hotel costs would be reimbursed based on the General Services Administration per diem rates for Louisiana. Apartment costs would be based on market rents.

The URA provides for different replacement housing payments based on a displaced person's occupancy status and length of occupancy. 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 all 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. 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, residential displaced persons 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 circumstances where the property is not deemed to meet the criteria for elevation and instead, must be acquired, or for cases in which the property owner is not willing to participate in the elevation or flood proofing program and the end result is acquisition, relocation assistance will be provided in accordance with the URA. The following steps represent the general process to be followed under the URA when acquiring property under threat of eminent domain:

- Notify owner of the intent to acquire the property and their protections under the URA;
- Appraise the property and invite the property owner to accompany the appraiser;
- Review the appraisal;
- Establish just compensation for the property. Just compensation is derived from the appraisal process. Typically, the approved appraisal's estimate of fair market value is the basis for the amount of just compensation offered for the property to be acquired. Just compensation cannot be less than the approved appraisal's estimate of fair market value of the property being acquired;
- Provide property owner with written offer and summary statement for property to be acquired;
- Negotiate with property owner for the purchase of property;
- If negotiations are successful, complete the sale;
- If negotiations are unsuccessful, consider an administrative settlement to complete the sale;
- If negotiations are still unsuccessful, acquire the property through the use of eminent domain.

The property owner will be offered the market value of the property. The property owner will have the opportunity to negotiate the purchase price of the acquisition and accompany the appraiser during the property inspection. The property owner shall be given a written offer of just compensation and a summary of what is being acquired. Payment for the property shall be made before possession. The property owner shall be reimbursed for expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses.

Displaced tenants and owner occupants whose properties are acquired will be eligible for relocations assistance and advisory services. A minimum of 90 days written notice to vacate shall be provided prior to requiring possession. In addition to relocation advisory services, residential displaced persons 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. "Comparable replacement dwelling" means any dwelling that is:

- a. decent, safe, and sanitary;
- b. adequate in size to accommodate the occupants;
- c. within the financial means of the displaced person;
- d. functionally equivalent;
- e. not subject to unreasonable adverse environmental conditions; and
- f. in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

Relocation assistance may include but is not limited to, advisory services, differential housing payments (the added cost of renting or purchasing comparable replacement housing), and reimbursement of costs of moving personal property. Tenant occupants may be eligible for a rental assistance payment to supplement the costs of leasing a comparable replacement dwelling, or down payment assistance payment to purchase a replacement dwelling. Owner occupants may be eligible for a price differential payment, mortgage interest differential payment, or incidental payments to supplement the costs of purchasing a comparable replacement dwelling. Occupants will be relocated outside of the 100-year floodplain and the structure will be demolished.



This report includes the costs of temporary relocations for impacted residents whose homes are elevated as well as relocations assistance benefits for those whose homes may be acquired (Refer to Section F-7 NED – Baseline Cost Estimates/Chart of Accounts). For purposes of the LER estimate, an assumption has been made that tenants whose homes are being elevated would be temporarily relocated to hotels. Per diem is based on an average family size of four persons. The total estimated cost of relocations assistance for the nonstructural project features is \$31,280,000 (this includes contingencies).

6. NED PLAN - 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 NED nonstructural project features will be located within the boundaries of an existing Federal project.

7. NED PLAN - FEDERALLY OWNED LANDS WITHIN THE LER REQUIRED FOR THE PROJECTS

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

8. NED PLAN - NON-FEDERAL SPONSOR OWNED LER

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

9. NED PLAN – INDUCED FLOODING

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

10. NED PLAN – BASELINE COST ESTIMATES; CHART OF ACCOUNTS

At the time of this report, Rough Order of Magnitude level cost estimates had been prepared based on the assumption that there are a total of 4,952 structures to be included within the plan (4,219 residential, 396 non-residential and 337 commercial). District Real Estate used a variety of assumptions in preparing the cost estimates, which are demonstrated in Figure 3 below which shows the estimated Real Estate Costs for the NED plan features:



Figure 3: NED Plan Real Estate Cost Estimates

SOUTHWEST COASTAL
NONSTRUCTURAL PLAN (0-25 YR FLOOD PLAIN)
REAL ESTATE COST ESTIMATES
3/2/2015

Total number of structures in the 0-25 yr flood plain		4952			
<u>VOLUNTARY PROGRAM</u>					
	<u>ELEVATIONS</u>	<u>COMMERCIAL FLOOD PROOFING</u>	<u>WAREHOUSES (BERMS)</u>	<u>ACQUISITIONS</u>	<u>TOTAL</u>
Estimated # of Structures	3655	389	336	186	4566
Land Values ^c	\$0	\$0	\$0	\$13,019,160	\$13,019,160
Relocation Assistance ^{d, e}	\$593,956	\$0	\$0	\$19,528,740	\$20,122,696
Administrative Costs ^g	\$36,551,120	\$3,890,000	\$3,360,000	\$3,719,760	\$47,520,880
Condemnations ^h	\$0	\$0	\$0	\$0	\$0
<u>INVOLUNTARY PROGRAM</u>					
Estimated # of Structures	359	7	1	19	386
Land Values ^c	\$0	\$0	\$0	\$1,323,000	\$1,323,000
Relocation Assistance ^{d, f}	\$2,916,875	\$0	\$0	\$1,984,500	\$4,901,375
Administrative Costs ^g	\$3,590,000	\$70,000	\$10,000	\$378,000	\$4,048,000
Condemnations ^h	\$143,600	\$0	\$0	\$189,000	\$332,600
TOTAL REAL ESTATE COSTS	\$43,795,551	\$3,960,000	\$3,370,000	\$40,142,160	\$91,267,711
CONTINGENCIES - 25%	\$10,948,888	\$990,000	\$842,500	\$10,035,540	\$22,816,928
TOTAL PROJECT REAL ESTATE COSTS	\$54,744,438	\$4,950,000	\$4,212,500	\$50,177,700	\$114,084,638

Assumptions:

Structures in the following communities will qualify for elevation: Lake Charles, Sulphur, Carlyss, Prien, Deatonville, Hackberry, Cameron, Creole, Grand Chenier, Crowley, Gueydan, Kaplan, Abbeville, Perry, Erath, Delcambre

A) Involuntary Program Acquisitions- 5% of structures proposed for elevation in the involuntary program will be acquired due to structure condition and/or the owner's refusal to participate.

B) Estimated fee value for acquisition \$70,000 per property.

C) Relocations assistance for properties acquired is estimated to be \$105,000 per property (composed of \$80,000 differential housing payment and \$25,000 moving expense).

D) Relocations assistance payments for elevations is composed of temporary relocation assistance to tenants only. It is assumed that 2% of eligible properties in the voluntary program are rental properties.

E) Relocation assistance payments for elevations in the involuntary program are composed of temporary relocation assistance to tenants and owner occupants.

F) Administrative costs - Elevations is \$10,000 per structure, Acquisitions is \$20,000 per ownership.

G) Condemnation Costs - \$20,000 per ownership. Condemnation may be for title curative issues for a willing participant or owner refusal to participate in the involuntary program.



These cost estimates are subject to revision during PED. Estimated land values (including contingencies) for the NED acquisitions total \$17,928,000, which is less than 2% of total project cost (approximately \$824,000,000). Therefore a gross appraisal was not necessary.

11. NED PLAN - 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 active oil and gas wells within the study area within the 49 justified reaches within the NED TSP. Maps of specific locations of structures to be elevated/acquired/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.

12. NED PLAN - ZONING

It is anticipated that there may be amendments to land use regulations and building codes to prohibit new construction within the NED Project area. However, there will be no application or enactment of zoning ordinances in lieu of, or to facilitate, acquisition of existing structures that qualify for the nonstructural features of this project. During feasibility level design, 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.

13. NED PLAN - ACQUISITION SCHEDULE

The nonstructural program elevations and flood proofing features will require execution of an agreement between the landowner and the NFS; in addition the following administrative functions will be required title research, HTRW analysis, and structural condition analysis. Acquisition of properties in fee would require TOD, mapping, title, appraisals, negotiations and closing for homes to be acquired as well as relocation assistance services. (Refer to Appendix J of the Revised Integrated Draft Feasibility Report and Environmental Impact Statement for discussion of the draft 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 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.

Applications for structure elevation or non-residential flood proofing	12-24 months
Title research	40-60 months
Appraisals (for acquisitions only)	12-24 months
HTRW Site Inspections	36-60 months
Landowner/Contractor Negotiations	36-48 months
Negotiation of Flood Proofing Agreement (or negotiations for acquisition)	36-48 months
Execution of Flood Proofing Agreement (Residential/Non-Residential)	12 months
Filing Flood Proofing Agreement/ Closing Acquisitions	12 months
Relocation of Displaced Owner-Occupants/ Tenants	12-24 months



Condemnation (Involuntary Program
or Title Defects)

36-48 months

14. NED PLAN - FACILITY/UTILITY RELOCATIONS

There will be no facility/utility relocations required for the NED features of the project.

15. NED PLAN - HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

Because the project is programmatic in nature, a Phase I Environmental Site Assessment has not been conducted. This assessment will be performed after additional NEPA analysis is completed. Current information suggests there will be no HTRW issues within the project area. All properties whereby owners choose to participate in the nonstructural program will undergo an HTRW/Environmental survey. At that time, the determination will be made as to whether a property can participate in the program.

G. NER TENTATIVELY SELECTED PLAN

The NER TSP consists of the following measures to be implemented in the area located south of the Gulf Intracoastal Waterway (GIWW):

- Hydrologic Restoration - 1 hydrologic and salinity control feature that will regulate the flow of water in certain areas, to inhibit salinity intrusion above a certain threshold and increase wetland productivity and create 6,100 net acres.
- Marsh Restoration and Nourishment - 9 marsh restoration features consist of delivering sediments to former marsh areas and eroding marsh areas to restore 8,600 acres and nourish 4,000 acres, resulting in an estimated net 8,700 acres.
- Shoreline Protection - 5 Gulf shoreline protection features primarily consisting of offshore breakwaters span approximately 267,000 linear feet resulting in 5,500 net acres.
- Chenier Reforestation Program – replanting of seedlings on 1,400 acres in Cameron and Vermilion parishes and removal of invasive species.

Maps showing the general location of each of the NER features are located in Annex 2. Restoration features would be constructed over a large extent of the study area across a variety of habitat types. Marsh restoration and nourishment features consist of delivering sediments to open water or eroding marsh areas in order to create new vegetated wetlands. These areas would have water levels of less than two feet and have been optimized to help preserve or restore critical geomorphologic features. The minimum acreage size per restoration site is 100 acres and dredged material for restoration could come from a variety of sources including nearby borrow sites, the Gulf of Mexico or the Calcasieu Ship Channel. Hydrologic and salinity control features serve as measures that prevent the flow of water into or out of certain areas. Their primary functions are to inhibit salinity excesses and to increase wetland productivity. Only features in this category that provided benefits of at least 500 net acres are recommended in the TSP.

Shoreline protection features have been designed to reduce erosion of canal banks and shorelines in critical areas in order to protect adjacent wetlands. Only wetland areas in excess of 100 net acres are recommended as part of the TSP. Shoreline protection primarily consists of segmented breakwaters using rock and rip-rap. Chenier restoration features consist of planting seedlings in areas greater than five feet in elevation and with low shoreline erosion rates as well as removal of certain invasive species. Features in this category are only recommended in the TSP if existing canopy coverage is less than 50% or if nearby development would prevent achieving study objectives.



1. NER PLAN - LANDS, EASEMENTS & RIGHTS-OF-WAY (LER)

Table 1 below provides descriptions of the Project features, as well as the type of ownership and proposed estate to be acquired for the construction features of the project. Refer to Section 2 below for the language of estates to be acquired for the project.

a. ACCESS

At the time of this report, access area locations/acreages are tentative in nature (refer to maps in Annex 2 for tentative locations of access areas). Exact locations will be determined once detailed design is completed. If access areas are determined to be on privately owned lands, a standard Perpetual Access Easement will be acquired for this portion of the project. (Refer to the Estates Section G-2 below for discussion regarding the Perpetual Access Easement.)

b. STAGING

Staging area locations and acreages for LER to be acquired will be located primarily on public lands. The maps located in Annex 2 demonstrate general locations for staging. Detailed maps will be prepared during PED. If staging areas are determined to be on privately owned lands, a standard Temporary Work Area Easement will be acquired for the additional right-of-way required for this portion of the project.

c. BORROW

Project features outlined in Table 1 below contain some descriptions of borrow areas identified for construction of the project. Borrow sources include the Calcasieu Ship Channel, and parts of the Gulf of Mexico. The government holds perpetual channel and disposal easements over 14,912 acres of the Calcasieu Ship Channel (Calcasieu River and Pass Channel), and the owner of the water bottom is the state of Louisiana. Borrow sources in the Gulf of Mexico are in State of Louisiana owned water bottoms. No borrow easement is necessary for these borrow sources.

Some project features will be implemented through beneficial use of dredged material associated with the ordinary maintenance dredging cycle at Calcasieu Ship Channel. Materials will be transferred via pipeline through the GIWW (Federal jurisdiction). This information is subject to change based on additional analysis. Should further analysis find that there is a need for an alternative borrow source located on private lands, a standard Temporary Work Area Easement would be acquired for borrow.

d. DREDGED MATERIAL PLACEMENT

The marsh restoration features of the NER plan require transport of sediments from borrow sites to the various marsh restoration sites, which will be done via pipeline. OMRR&R for the NER Plan features consists of marsh renourishment to maintain wetland elevations. A standard perpetual Utility and/or Pipeline Easement will be acquired over privately owned lands, and the NFS will provide Authorization for Entry over state water bottoms. Ownership of the areas to be used for pipeline placement is further described in Table 1 below.

e. MITIGATION

The intent of the NER measures are to restore ecosystems; therefore, it is not likely that wetland habitats will be destroyed. The assumption at this time is that no mitigation is necessary. If this assumption changes at a later date, revisions will be made to the REP.



Table 1: NER Tentatively Selected Plan LER for Construction

Feature	Description	Ownership	Estate
HYDROLOGIC & SALINITY CONTROL – 6092 TOTAL ACRES			
74a	Cameron-Creole Spillway. The measure is currently a spillway with the following dimensions: width = 204 feet; bottom elevation of +4 feet NAVD 88; and length of 1509 feet. The measure will replace a sheet pile wall with a rock-lined structure. The measure is proposed to evacuate wetland-damaging storm surge deposited water from the wetlands behind the Cameron-Creole levee and is not proposed to manage daily tidal exchange from Calcasieu Lake. Located at Cameron Prairie National Wildlife Refuge under jurisdiction of U.S. Fish and Wildlife Service.	USFWS	Special Use Permit
MARSH RESTORATION – 12,605 TOTAL ACRES			
3a1	Beneficial Use of Dredged Material from Calcasieu Ship Channel. 599 acres of marsh restoration on privately owned wetlands in an area northwest of Calcasieu Lake along the southern bankline of the GIWW. Approximately 5,300,000 cubic yards of material will be borrowed from maintenance dredging of the Calcasieu Ship Channel. Refer to paragraph 1c above for information concerning borrow. Pipeline for dredged material on state water bottoms.	Private	Fee, Excluding Minerals*
3c1	Beneficial Use of Dredged Material from Calcasieu Ship Channel. 1,765 acres of marsh restoration and 450 acres of marsh nourishment in an area east of Calcasieu Lake immediately behind the Cameron-Creole levee. A portion of the project is located at Sabine National Wildlife Refuge; the rest is on privately owned wetlands. Approximately 10,200,000 cubic yards of material will be borrowed from maintenance dredging of the Calcasieu Ship Channel. Refer to paragraph 1c above for information concerning borrow. Pipeline for dredged material on state water bottoms.	USFWS / Private	Special Use Permit / Fee Excluding Minerals*
47a1	Marsh Restoration using Dredged Material South of Highway 82. 933 acres of marsh restoration and 88 acres of marsh nourishment in a privately owned area south of Highway 82 near the town of Grand Chenier. Approximately 3,000,000 cubic yards will be borrowed from a borrow area in the nearby Gulf of Mexico (state water bottom). Refer to paragraph 1c above for information concerning borrow. Pipeline for dredged material will be located partially on private lands or state water bottoms.	Private	Fee, Excluding Minerals*/Perpetual Pipeline Easement
47a2	Marsh Restoration using Dredged Material South of Highway 82. 1,297 acres of marsh restoration and 126 acres of marsh nourishment in a privately owned area south of Highway 82 near the town of Grand Chenier. Approximately 8,800,000 cubic yards will be borrowed from a borrow area in the nearby Gulf of Mexico. Refer to paragraph 1c above for information concerning	Private	Fee, Excluding Minerals*/Perpetual Pipeline Easement



	borrow. Pipeline for dredged material will be located partially on private lands or state water bottoms.		
47c1	Marsh Restoration using Dredged Material South of Highway 82. 1,304 acres of marsh restoration and 4 acres of marsh nourishment in a privately owned area south of Highway 82 near the town of Grand Chenier. Approximately 8,600,000 cubic yards will be borrowed from a borrow area in the nearby Gulf of Mexico. Refer to paragraph 1c above for information concerning borrow. Pipeline for dredged material will be located partially on private lands or state water bottoms.	Private	Fee, Excluding Minerals*/Perpetual Pipeline Easement
124c	Marsh Restoration at Mud Lake. 1,908 acres of marsh restoration and 734 acres of marsh nourishment in a privately owned area near Mud Lake, southwest of Calcasieu Lake. Approximately 11,100,000 cubic yards will be borrowed from a borrow area in the nearby Gulf of Mexico. Refer to paragraph 1c above for information concerning borrow. Pipeline for dredged material will be located partially on private lands or state water bottoms.	Private	Fee, Excluding Minerals*/Perpetual Pipeline Easement
124d	Marsh Restoration at Mud Lake. 159 acres of marsh restoration and 448 acres of marsh nourishment in a public/private owned area near Mud Lake, southwest of Calcasieu Lake. Portions of this feature lie within Sabine National Wildlife Refuge. Approximately 1,400,000 cubic yards will be borrowed from maintenance dredging of the Calcasieu Ship Channel. Refer to paragraph 1c above for information concerning borrow. Pipeline for dredged material on state water bottoms.	Private/ USFWS	Fee, Excluding Minerals* / Special Use Permit
127c3	Marsh Restoration East Pecan Island. 832 acres of marsh restoration and 62 acres of marsh nourishment in a privately owned area east of Pecan Island and west of Freshwater Bayou. Approximately 7,300,000 cubic yards will be borrowed from a borrow area in the nearby Gulf of Mexico. Refer to paragraph 1c above for information concerning borrow. Pipeline for dredged material will be located partially on private lands or state water bottoms.	Private	Fee, Excluding Minerals*/Perpetual Pipeline Easement
306a1	Rainey Marsh Restoration - Southwest Portion (Christian Marsh). 627 acres of marsh restoration and 1,269 acres of marsh nourishment in a privately owned area within Rainey Marsh along the eastern bankline of Freshwater Bayou. Approximately 8,100,000 cubic yards will be borrowed from a borrow area in the nearby Gulf of Mexico. Refer to paragraph 1c above for information concerning borrow. Pipeline will be placed on Freshwater Bayou, a state water bottom.	Private	Fee, Excluding Minerals*



SHORELINE PROTECTION – 5509 TOTAL ACRES			
5a	Holly Beach Shoreline Stabilization. Approximately 46,000 linear feet (8.7 miles) of shoreline protection using rock breakwaters offshore along the Gulf of Mexico shoreline from the western jetty of the Calcasieu Ship Channel to just west of the town of Holly Beach. Located within state owned water bottoms.	State	Right of Entry
6b1	Gulf Shoreline Restoration: Calcasieu River to Freshwater Bayou. Approximately 58,700 linear feet (11.1 miles) of shoreline protection using reef breakwaters with lightweight aggregate core approximately 150' offshore along the Gulf of Mexico shoreline of the Rockefeller Wildlife Management Area and Game Preserve.	State	Right of Entry
6b2	Gulf Shoreline Restoration: Calcasieu River to Freshwater Bayou. Approximately 42,800 linear feet (8.1 miles) of shoreline protection using reef breakwaters with lightweight aggregate core approximately 150' offshore along the Gulf of Mexico shoreline of the Rockefeller Wildlife Management Area and Game Preserve.	State	Right of Entry
6b3	Gulf Shoreline Restoration: Calcasieu River to Freshwater Bayou. Approximately 37,900 (7.2 miles) linear feet of shoreline protection using reef breakwaters with lightweight aggregate core approximately 150' offshore along the Gulf of Mexico shoreline of the Rockefeller Wildlife Management Area and Game Preserve.	State	Right of Entry
16b	Fortify Spoil banks of GIWW and Freshwater Bayou. Approximately 81,500 combined linear feet (15.4 miles) of bankline protection with rock dikes along three separate reaches of the Freshwater Bayou Navigation Canal. USACE owns 6,000 acres channel/disposal easements at Freshwater Bayou (state water bottoms).	State	Right of Entry
CHENIER REFORESTATION – 1413 TOTAL ACRES			
416	Reforestation of approximately 252 total acres of Grand Chenier Ridge in Cameron Parish.	Private	Fee, Excluding Minerals ²
509c	Reforestation of approximately 21 total acres of Bill Ridge in Vermilion Parish.	Private	Fee, Excluding Minerals ²
509d	Reforestation of approximately 8 acres of Chenier Au Tigre in Vermilion Parish.	Private	Fee, Excluding Minerals ²
510a	Reforestation of approximately 524 total acres of Blue Buck Ridge in Cameron Parish.	Private	Fee, Excluding Minerals ²
510b	Reforestation of approximately 148 total acres of Hackberry Ridge in Cameron Parish.	Private	Fee, Excluding Minerals ²
510d	Reforestation of approximately 459 total acres of Front Ridge in Cameron Parish.	Private	Fee, Excluding Minerals ²



*A Request to Deviate from Fee Acquisition and Request for Approval of Non-Standard Estate may be developed during Preconstruction Engineering and Design (PED). Refer to Section 2 below for further discussion of Fee, Excluding Minerals estate.

2. NER PLAN - ESTATES

Non-Standard Estate

It is USACE policy to acquire fee simple title for ecosystem restoration projects. Two reasons for such requirement are to reduce the risk that incompatible uses on project land will occur after project construction, and to ensure that ownership rights vested in the project are clear and enforceable (ER 1105-2-100, Appendix F, Amendment #2, F-20b(2)(a)). However, regulations also indicate that a lesser interest may be appropriate, depending upon the operational requirements of the project and other circumstances relevant to project implementation, including landowner preference.

To deviate from the acquisition of a fee estate, the District must request approval of a waiver from the Headquarters office. It is the opinion of the NFS and the District that construction and maintenance of the NER project features can be accomplished through the acquisition of easements, rather than fee. A Request to Deviate from Fee Acquisition and Request for Approval of a Non-Standard Estate (NSE Request) will be prepared and submitted as an independent document for this project once sufficient details have been developed regarding the construction of the NER features to determine specific necessary real estate rights needed. This will occur during PED. The NSE Request will be submitted as a separate document to CEHQ thru CEMVD. For the purposes of this report, it is stated that fee (excluding minerals) will be acquired for the NER project features. It is likely that the value of the non-standard estate will be very close to fee value, and acquisition of a non-standard estate will not reduce the administrative costs of acquisition.

Standard Estates

The following estates will be required for the Project:

a. FEE EXCLUDING MINERALS (With Restriction on Use of the Surface)

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding all (coal) (oil and gas), in and under said land and all appurtenant rights for the exploration, development, production and removal of said (coal) (oil and gas), but without the right to enter upon or over the surface of said land for the purpose of exploration, development, production and removal therefrom of said (coal) (oil and gas).

This estate will be acquired for NER project features as well as for structures within the NED TSP that are acquired (refer to Section F for explanation of factors determining acquisition for NED project features). The District is of the opinion that this estate provides all the rights necessary for the project as well as protects the integrity of the project features. There are no active oil and gas wells within the project area, but it is unknown whether there are marketable minerals under the surface of the impacted properties. The District recognizes that if oil or gas were discovered, there is a possibility that the owner could develop those minerals through directional drilling. The District consulted with Louisiana Geological Survey regarding the feasibility of this process and potential impact to the surface of the project area. Because of depths involved in the drilling process (approximately 5,000 feet below the surface), directional drilling for minerals beneath the surface will have no impact on the surface. For a project of this size, directional drilling would be feasible. Given the acreages of the sites proposed for the project, the District verified that drilling to targets laterally can be achieved from up to 6 miles away. Extraction of minerals by existing conventional means would not impact the integrity of the project features.



Furthermore, the District believes that landowners may be less willing to sell the property if the mineral rights are acquired by the NFS. This in turn would require acquisition through condemnation which would increase the cost of the project. For planning purposes, we assume that the additional cost would be approximately \$20,000 in labor for each tract that requires condemnation, to include title, curative work, and preparation of condemnation assembly and assistance to Justice Department once the condemnation case is filed.

The risks to the project of not acquiring minerals are negligible; therefore, it is in the best interest of the Government to acquire Fee Excluding Minerals (with Restriction on Use of the Surface).

b. UTILITY AND/OR PIPELINE EASEMENT

A perpetual 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; repair and patrol of (overhead) (underground) (specifically name type of utility or pipeline); 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 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.

c. 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 United States of America, for use by the United States of America, 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.

d. PERPETUAL ACCESS EASEMENT (Non-Material Deviation from Standard Estate)

A perpetual and non-exclusive and assignable easement for use by the United States of America, its representatives, agents, and contractors as an access route and/or right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____); 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, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired, including the right to cross over the right-of-way as access to their adjoining land; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Approval of the Perpetual Access Easement (Non-Material Deviation from Standard Estate) is attached as Annex 4.

3. NER PLAN – EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT



Calcasieu Ship Channel

As stated in Section G(1)(c) above, borrow for some of the NER project features (3a1, 3c1, 124d) will come from the existing Calcasieu Ship Channel. The channel is a part of the Calcasieu River and Pass project, authorized under the River and Harbor Act of July 14, 1960, House Document 436, 86th Congress, 2nd Session (P.L. 86-646). The government holds perpetual channel and disposal easements over 14,912 acres of the Calcasieu Ship Channel. The project is 100% federal, and there is no Non-Federal Sponsor. The lands were not provided as an item of local cooperation. The existing perpetual easements are sufficient and available for the needs of this project.

Gulf Intracoastal Waterway (GIWW)

Portions of the project (measures 3a1 and 16b) will require use of the GIWW. The GIWW was first authorized and construction began in the 1920s. The project was authorized by the River and Harbor Act of July 24, 1946, Senate Document 242, 79th Congress, 2nd Session. The government holds perpetual channel and disposal easements over 60,000 acres for the GIWW. The project is 100% federal, and there is no Non-Federal Sponsor. The lands were not provided as an item of local cooperation. The existing perpetual easements are sufficient and available for the needs of this project.

Freshwater Bayou

Portions of the project (measure 16b) will require use of the Freshwater Bayou, a 23.1-mile navigation channel. The project was authorized under the River and Harbor Act of July 14, 1960 and constructed between 1965 and 1967. The government owns perpetual channel and disposal easements at Freshwater Bayou. The project is 100% federal, and there is no Non-Federal Sponsor. The lands were not provided as an item of local cooperation. The existing perpetual easements are sufficient and available for the needs of this project.

4. NER PLAN - FEDERALLY OWNED LANDS WITHIN THE LER FOR THE PROJECT

Portions of the NER project features lie within the Cameron Prairie National Wildlife Refuge (74a) and the Sabine National Wildlife Refuge (124d). The U.S. Department of Fish and Wildlife Services will provide a Special Use Permit to allow project construction on the Federally owned lands. A map of the Federal lands in the project area is located within Annex 2.

5. NER PLAN - NON-FEDERAL SPONSOR OWNED LER

Some of the NER features (such as shoreline stabilization along the Gulf Coast) lie within state owned lands or state claimed water bodies. It is noted that the NFS for this project is a State of Louisiana entity. The NFS will provide Authorization for Entry over all non-Federal government owned and controlled lands.

6. NER PLAN - INDUCED FLOODING

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

7. NER PLAN - BASELINE COST ESTIMATES/CHART OF ACCOUNTS (COAS)

A Chart of Accounts for the TSP is included in Figure 4 below. The estimated total cost for Real Estate Acquisition for the NER Plan is \$11,361,000.

The costs for NER features include land payments as well as administrative costs and incremental costs associated with acquiring the real estate interests, as well as costs for potential condemnations. These preliminary cost estimates do not include costs of land for access/staging over privately owned lands.



Real estate land values are \$8,088,750, which is less than 1% of total project costs; therefore a gross appraisal was not prepared for this project. LER costs are based on a cost estimate prepared by the Appraisal Branch in April, 2014.

CEMVK-RE-E
REAL ESTATE DIVISION

SOUTHWEST COASTAL LOUISIANA PROJECT
REAL ESTATE COST ESTIMATE
NER PLAN

April, 2014

BASED ON COST ESTIMATES PROVIDED IN APRIL, 2014					AMOUNT	CONTINGENCY	PROJECT COST
						ROUNDED	11,361,080
	TOTAL PROJECT COSTS				9,088,050	2,272,030	11,361,080
01	LANDS AND DAMAGES				CONTINGENCY	PROJECT COST	9,088,050 2,272,030 11,361,080
01B	ACQUISITIONS						
01B10	BY GOVERNMENT				0	0	0
01B20	BY NON-FEDERAL SPONSOR (NFS)				1,186,800	296,700	1,484,500
01B30	BY GOVT ON BEHALF OF LS				0	0	0
01B40	REVIEW OF LS				646,250	161,580	807,830
01C	CONDEMNATIONS						
01C10	BY GOVERNMENT				0	0	0
01C20	BY LS				310,000	77,500	387,500
01C30	BY GOVT ON BEHALF OF LS				0	0	0
01C40	REVIEW OF LS				0	0	0
01E	APPRAISAL						
01E10	BY GOVT (IN HOUSE)				0	0	0
01E20	BY GOVT (CONTRACT)				0	0	0
01E30	BY LS				316,000	79,000	395,000
01E40	BY GOVT ON BEHALF OF LS				0	0	0
01E50	REVIEW OF LS				158,000	39,500	197,500
01F	PL 91-646 ASSISTANCE						
01F10	BY GOVERNMENT				0	0	0
01F20	BY LS				0	0	0
01F30	BY GOVT ON BEHALF OF LS				0	0	0
01F40	REVIEW OF LS				0	0	0
01R	REAL ESTATE PAYMENTS						
01R1	LAND PAYMENTS						
01R1A	BY GOVERNMENT				0	0	0
01R1B	BY LS				6,471,000	1,617,750	8,088,750
01R1C	BY GOVT ON BEHALF OF LS				0	0	0
01R1D	REVIEW OF LS				0	0	0
01R2	PL 91-646 ASSISTANCE PAYMENTS						
01R2A	BY GOVERNMENT				0	0	0
01R2B	BY LS				0	0	0
01R2C	BY GOVT ON BEHALF OF LS				0	0	0
01R2D	REVIEW OF LS				0	0	0
	ASSUMES 158 LANDOWNERS						

Figure 4: NER Real Estate Cost Estimates

8. NER PLAN - UNIFORM RELOCATION ASSISTANCE (PL 91-646, TITLE II AS AMENDED)

At the time of this report, it was not known whether there could be any improvements, such as recreational camps, or items of personal property on the marsh restoration sites or chenier reforestation sites. The assumption made at this time, is that those sites are unimproved and that URA relocations would not be necessary for the NER project features.

9. NER PLAN - 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 although there are oil and gas wells within the study area near the NER project features, there are no active wells within the projected TSP NER alignment. This information will be reviewed and confirmed in PED. In the event that design information indicates that there are active oil and gas wells within the vicinity of the NER project, the PDT determined that oil and gas wells will not be relocation items, and the alignments would be changed during the project Plans and Specifications (P&S) phase to avoid them.

With the exception of the acquisition of the standard Fee Excluding Minerals (With Restrictions on the Use of the Surface) estate, which has the potential to impact mineral rights over certain lands, the other estates have no impact on mineral rights and the Government will not acquire mineral rights to any of the LER required for the NER project. Over lands where the fee (excluding minerals) estate is being acquired, mineral rights will be subordinated. Mineral right owners can still explore for minerals through directional drilling.

There are approximately 1,413 acres of pasture/woodlands impacted by the project. For some of the NER project elements (specifically, within the chenier ridges), farmlands may be removed from agricultural use. Refer to Chapter 3 for further discussion. Any timber present within required right of way is included in the overall appraised value of the land. In the event the pasture lands are cultivated, the owner will be allowed to harvest crops prior to acquisition. In the event that project schedules do not allow for such, the contributory value in crops will be included in the estimate of property value in the appraisal.

10. NER PLAN - OYSTER LEASES

Review of the SONRIS information provided by Louisiana Department of Natural Resources indicates there are no oyster leases within the project study area. No oyster leases will be acquired as a result of the project.

11. NER PLAN - ZONING ORDINANCES

There will be no application or enactment of zoning ordinances in lieu of, or to facilitate, acquisition of real estate rights for NER features of this project.

12. NER PLAN - ACQUISITION SCHEDULE

The following acquisition schedule for ecosystem project features is based on the premise that the project will impact approximately 158 landowners for the NER project features. It is assumed that the project will be constructed in sections. A detailed acquisition schedule will be prepared once the 95% plans and specifications are prepared for each section of the project. The schedule below provides the total amount of time to complete the acquisition of real estate rights for the construction of the ecosystem project features based on the preliminary information available at this time. This schedule is only for purposes of the feasibility study.

1)	TOD, Mapping	1 year
2)	Obtain Title & Appraisals	2 years
3)	Negotiations	3 years
4)	Closing	1 years
5)	Eminent Domain Proceedings	3 years

13. NER - FACILITY/UTILITY RELOCATIONS

There are no facility/utility relocations required for the NER 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.

14. NER PLAN - HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

At the time of this report, a Phase I Environmental Site Assessment has not been completed. This assessment will be performed during feasibility level of design. Current information suggests there will be no HTRW issues within the Project area.

H. 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 this Project.

I. LANDOWNER CONCERNS

The attitudes of the landowners who will be affected by construction of the NER Project features is not known at this time. Generally, community support for coastal restoration is high. It is expected that once further analysis is conducted for the NER Project features, landowner meetings will be held. At that time, landowner concerns and support for the NER measures will be assessed. Based on experience with other ecosystem restoration projects, it is expected that private landowners would prefer acquisition of a non-standard estate, rather than fee acquisition for the NER features.

It is anticipated that implementation of the NED non-structural portion of the Project could produce challenges (refer to Appendix J of the Revised Integrated Draft Feasibility Report and Environmental Impact Statement for more discussion). At the time of this report, the attitudes of landowners who will be affected by the Project is not known.

Prepared By:

A handwritten signature in blue ink that reads "Karen E. Vance".

Karen E. Vance
Realty Specialist, Planning & Appraisal Branch
Real Estate Region South Division
March 10, 2015

Recommended for Approval By:

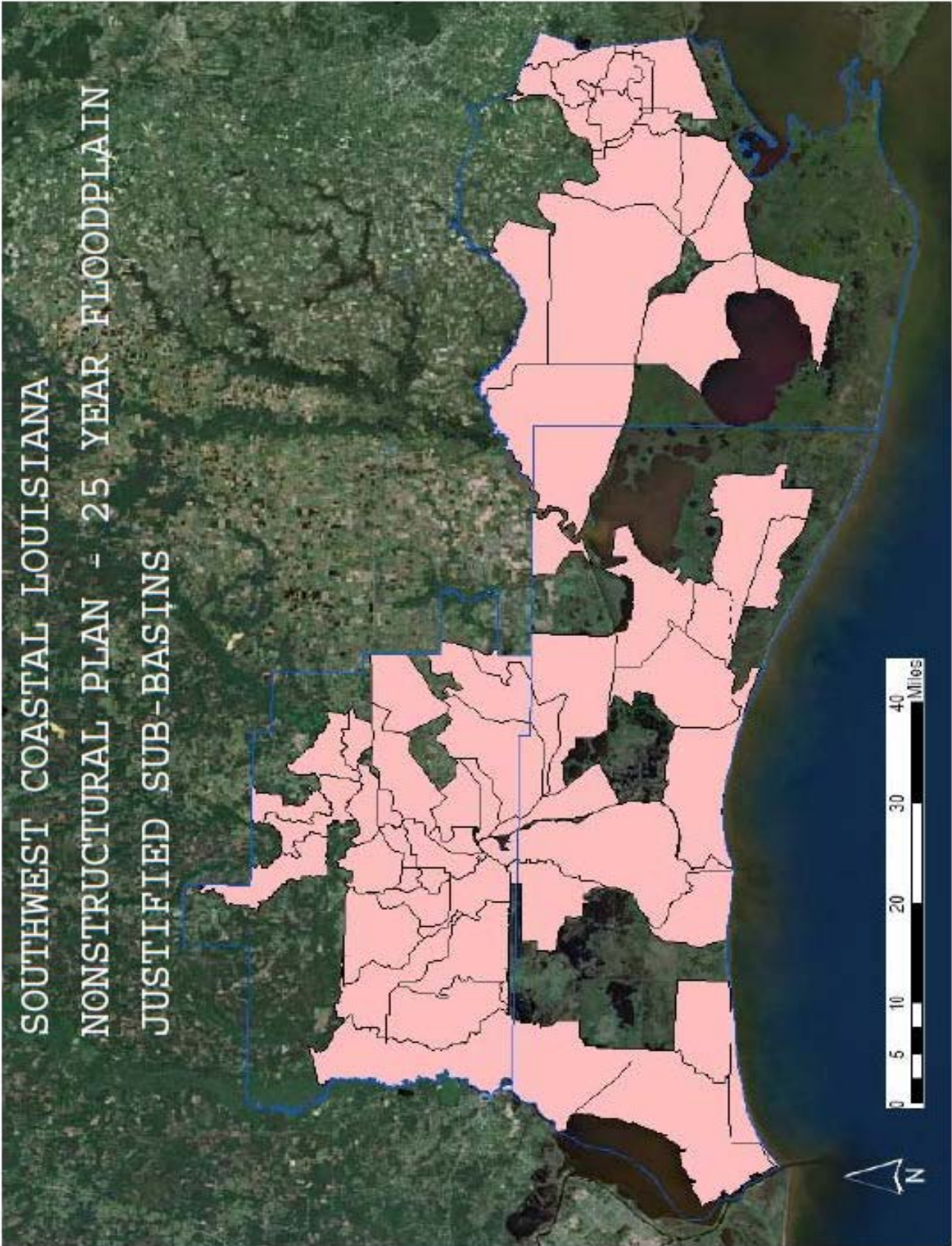
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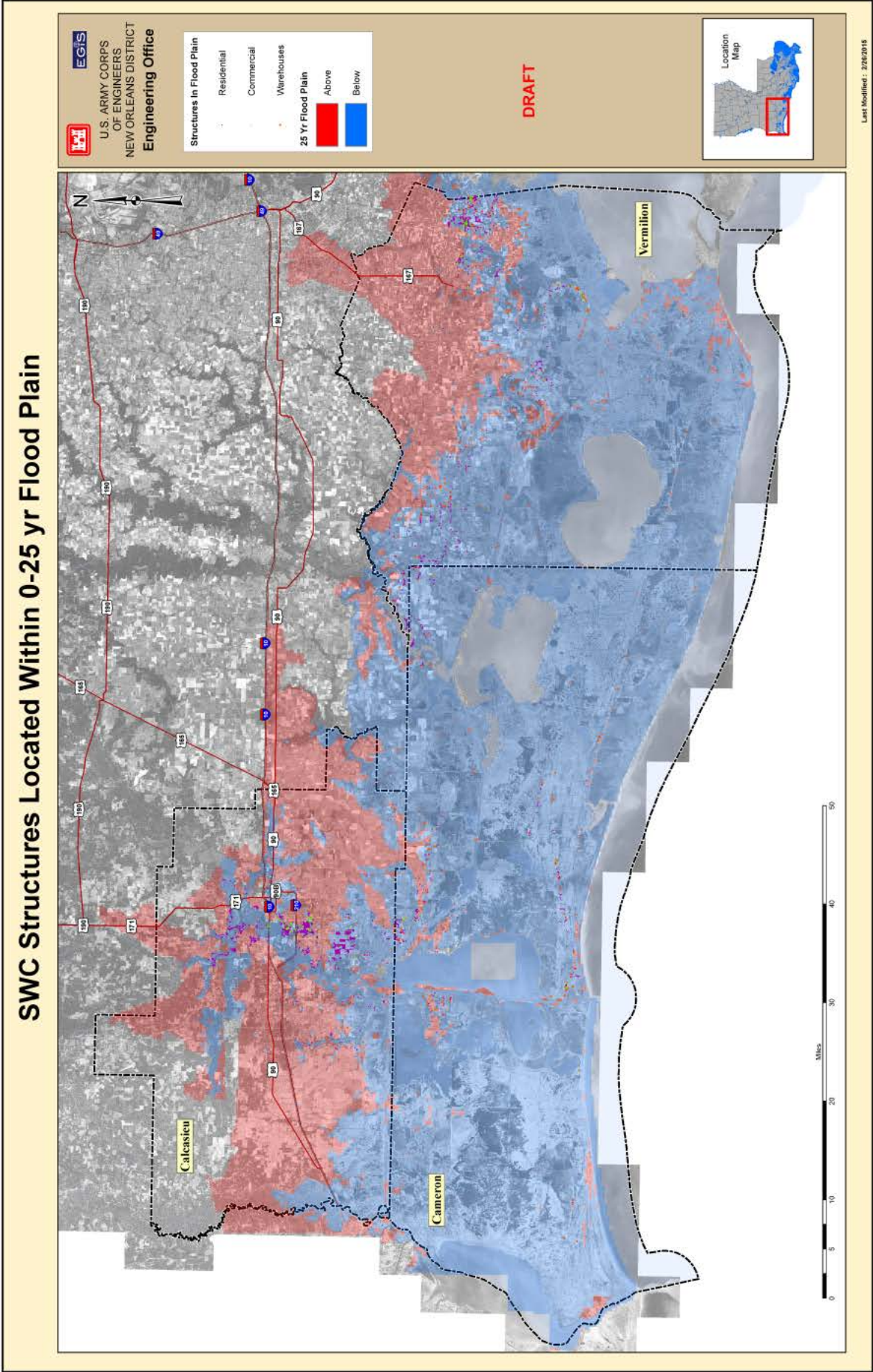
Judith Y. Gutierrez
Chief, Appraisal & Planning Branch
Real Estate Region South Division
March 10, 2015



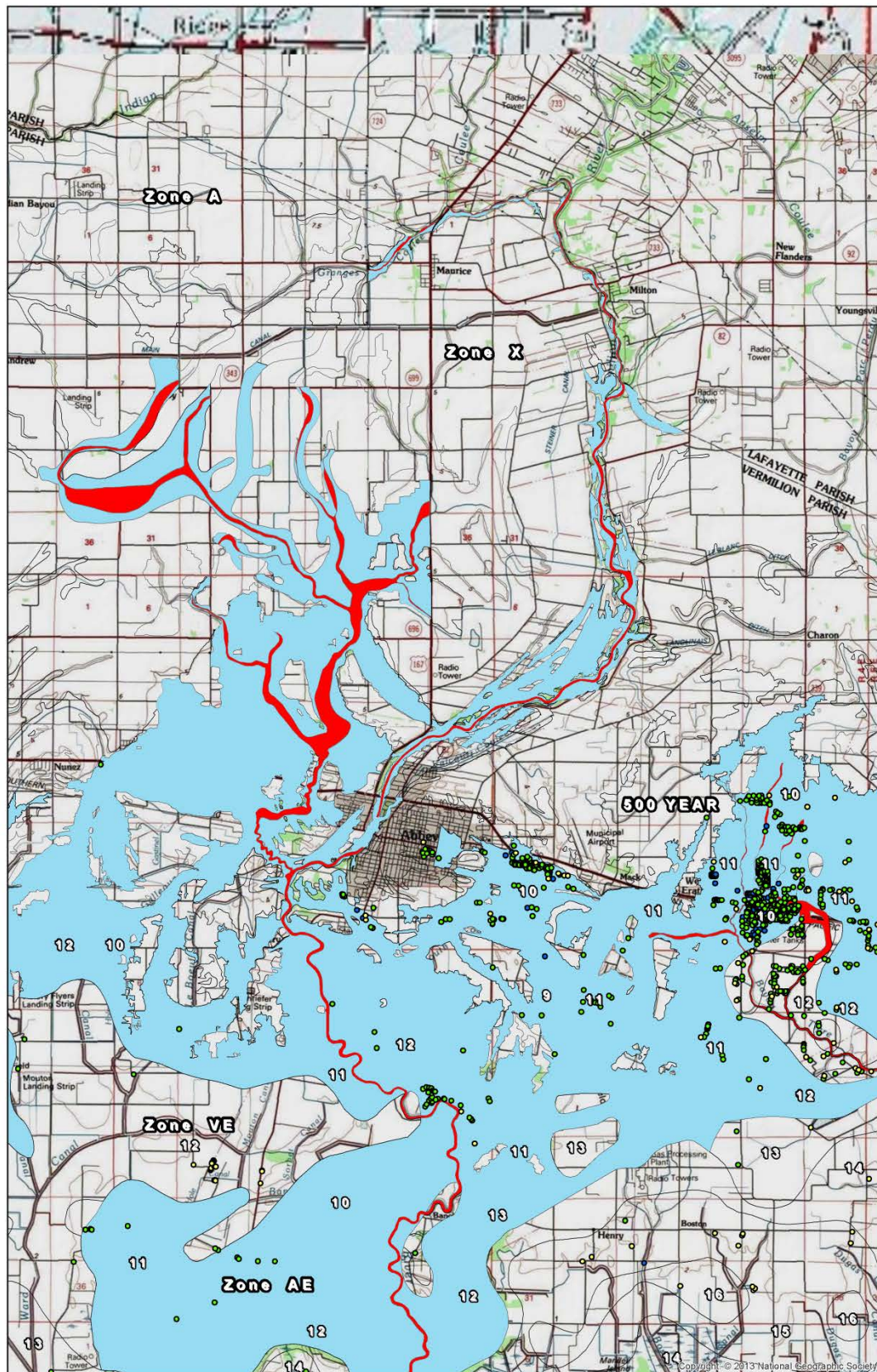
ANNEX 1
PROJECT MAPS
NED PLAN



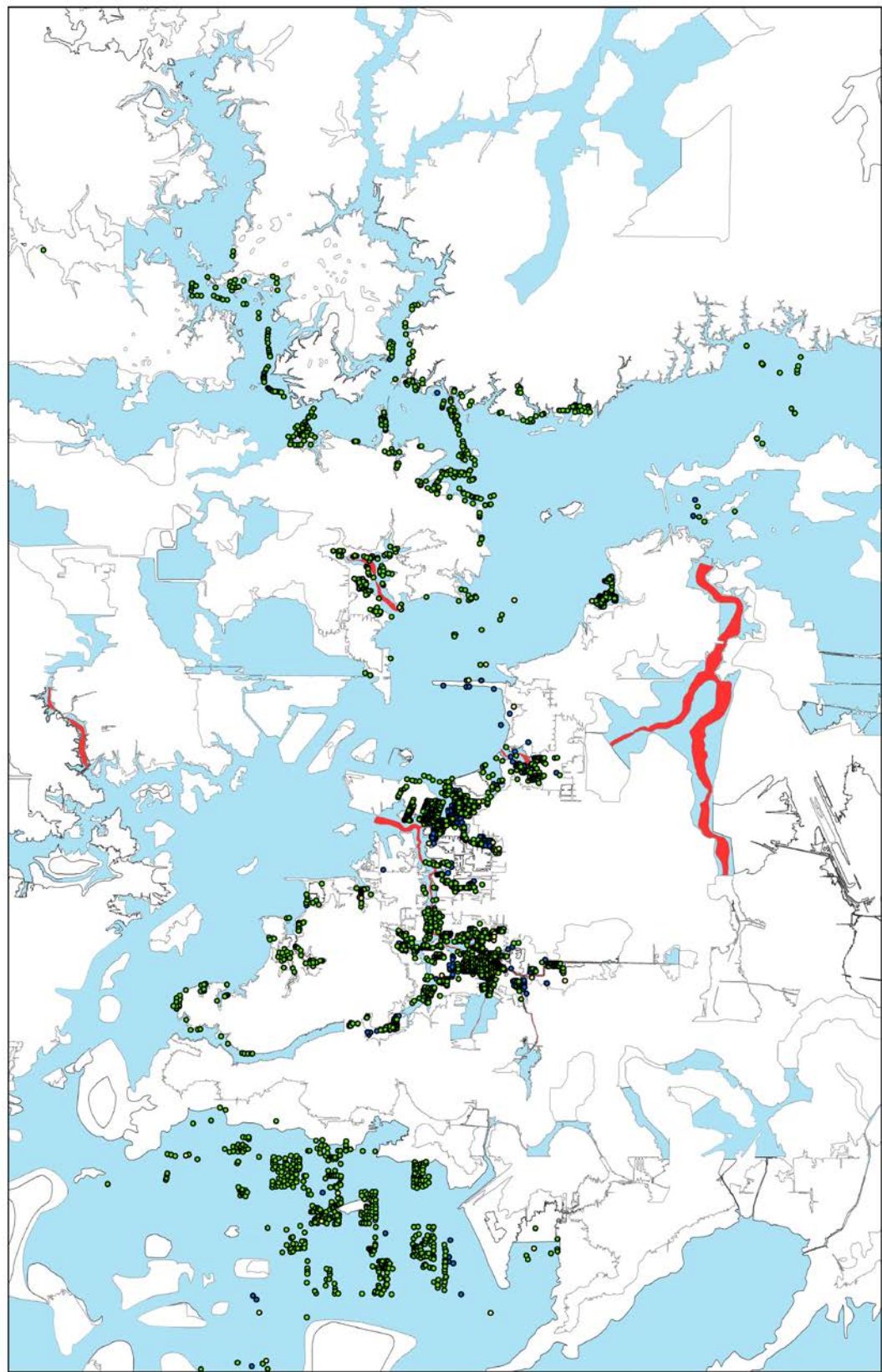




FEMA FLOODWAY ABBEVILLE TO ERATH (Area designated in red)

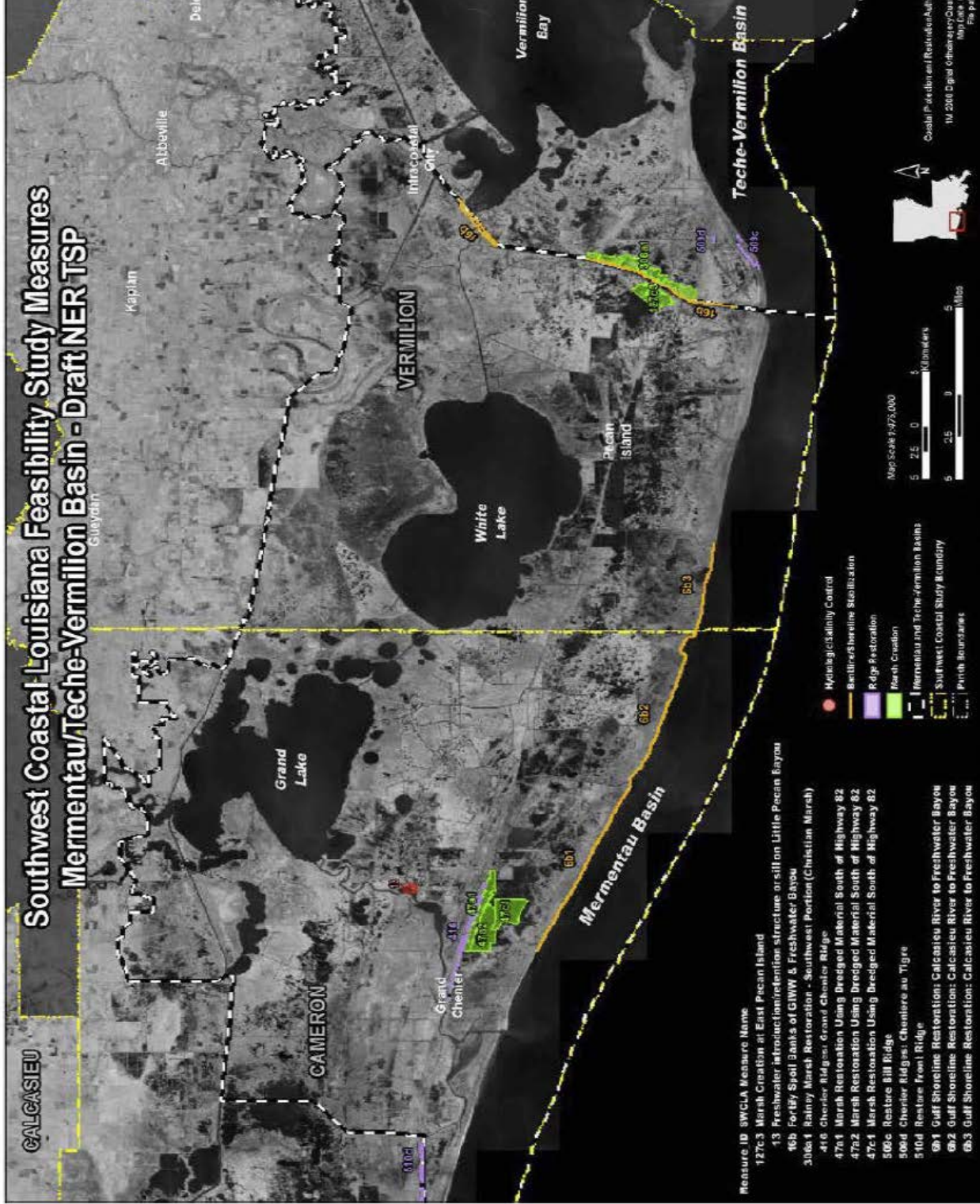


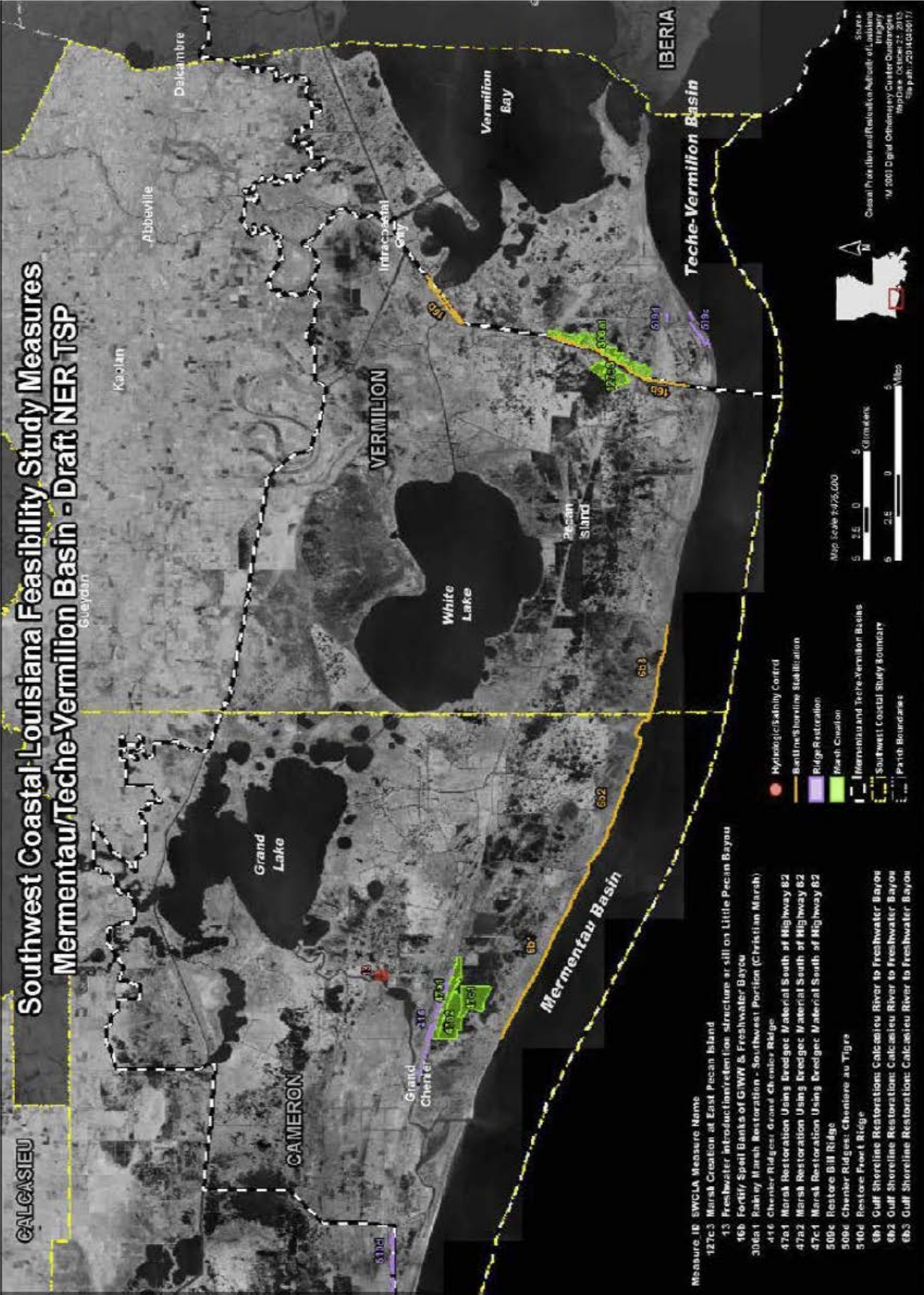
FEMA FLOODWAY LAKE CHARLES AREA (Area designated in red)

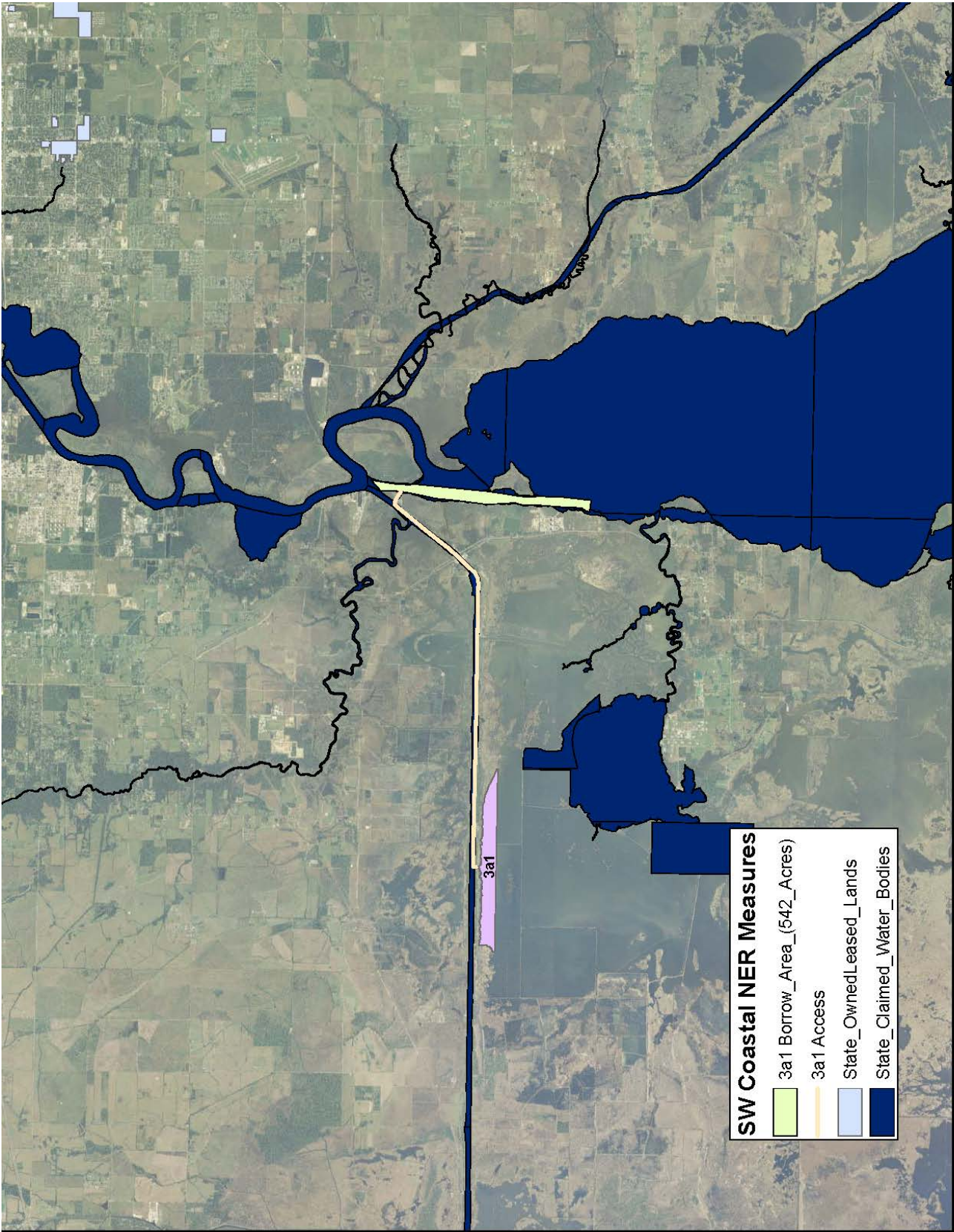


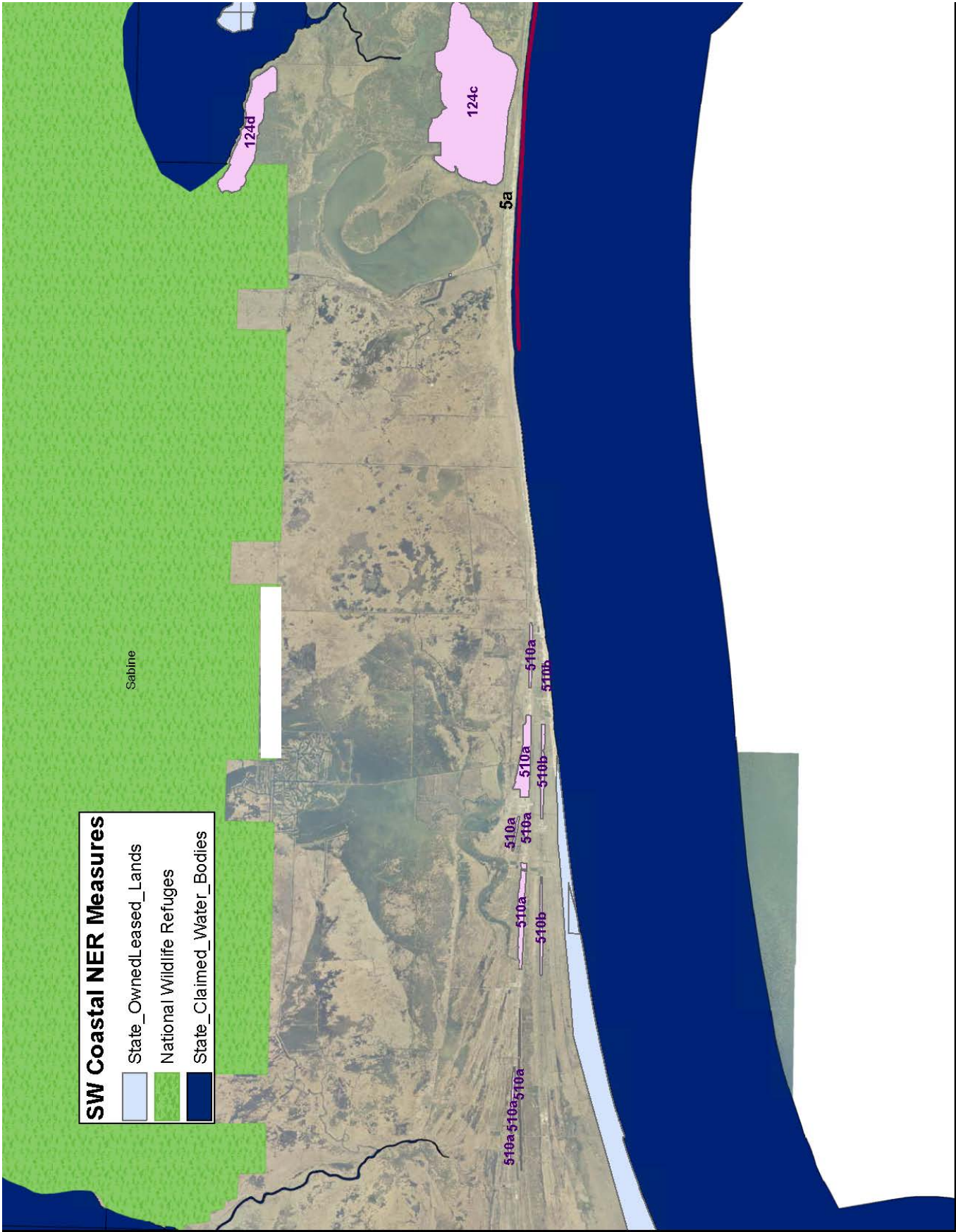


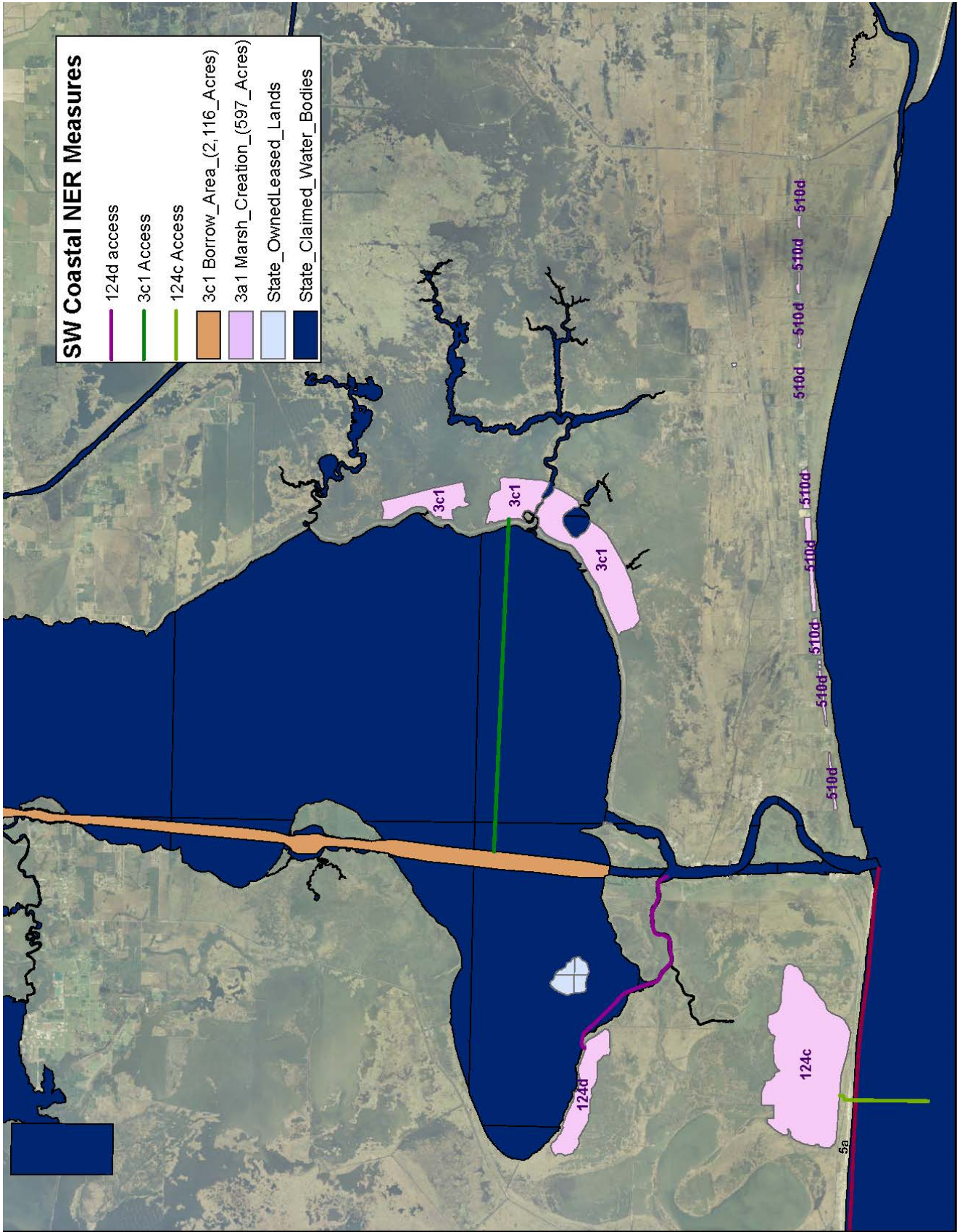
ANNEX 2
PROJECT MAPS
NER PLAN

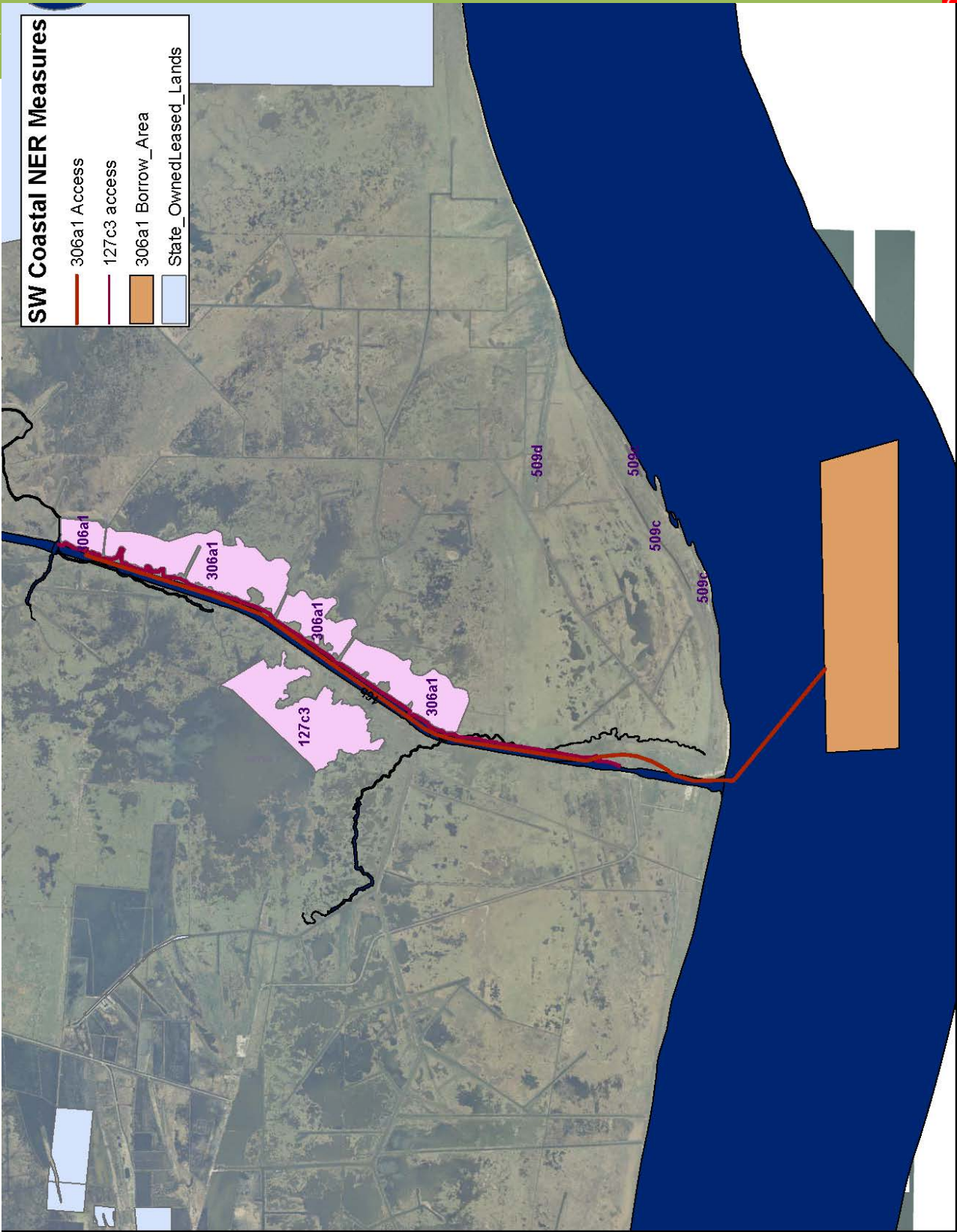


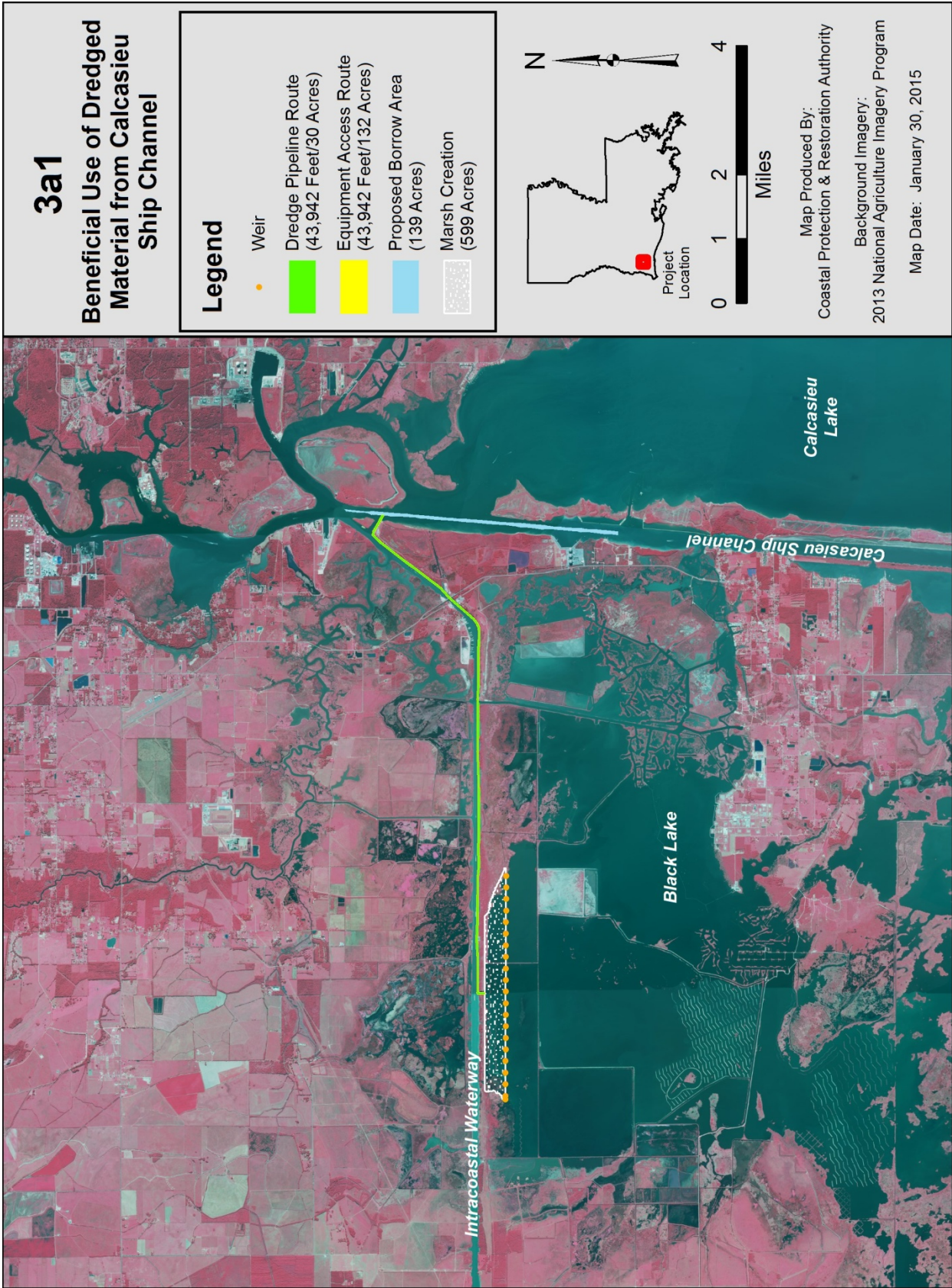


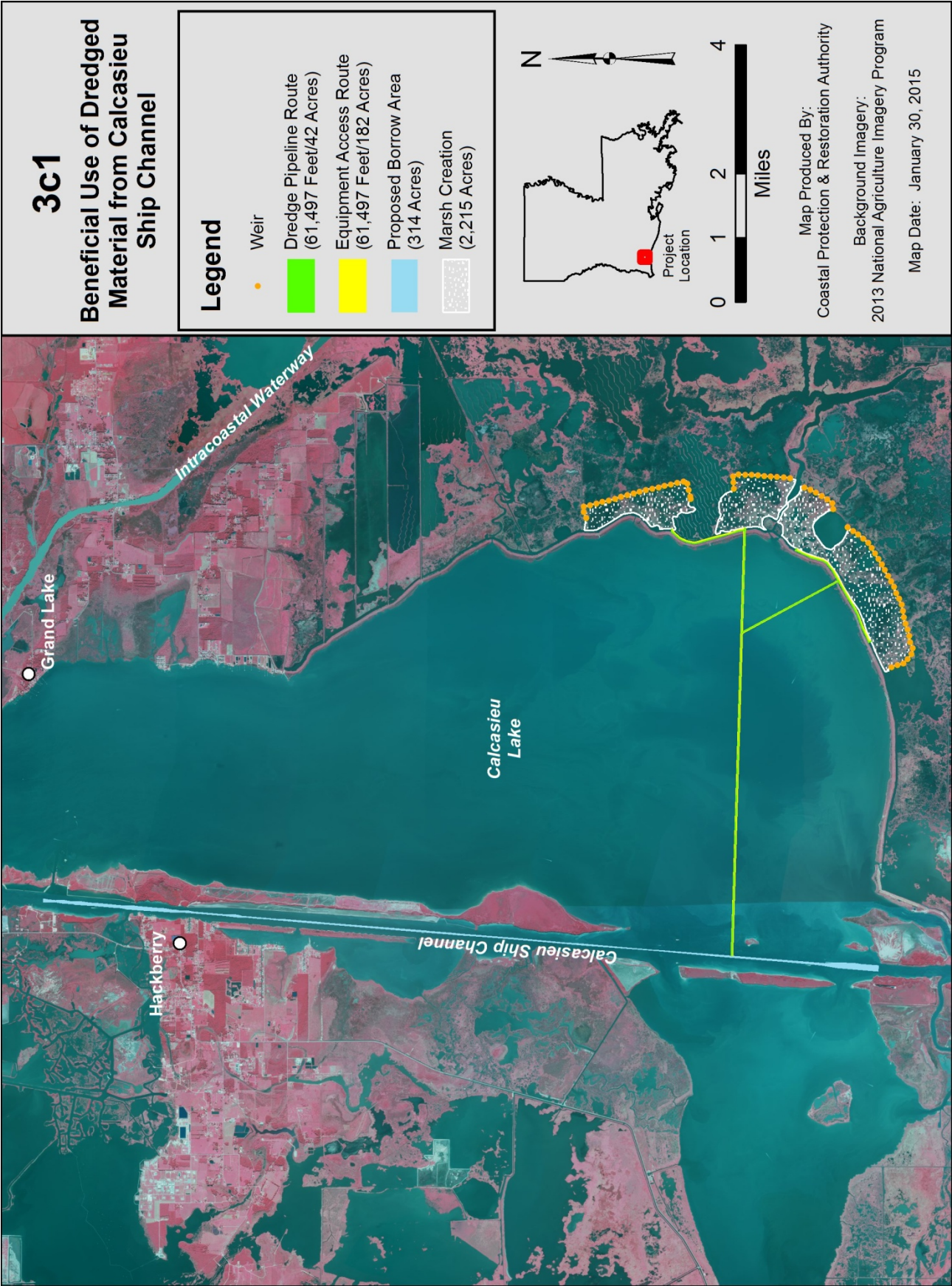


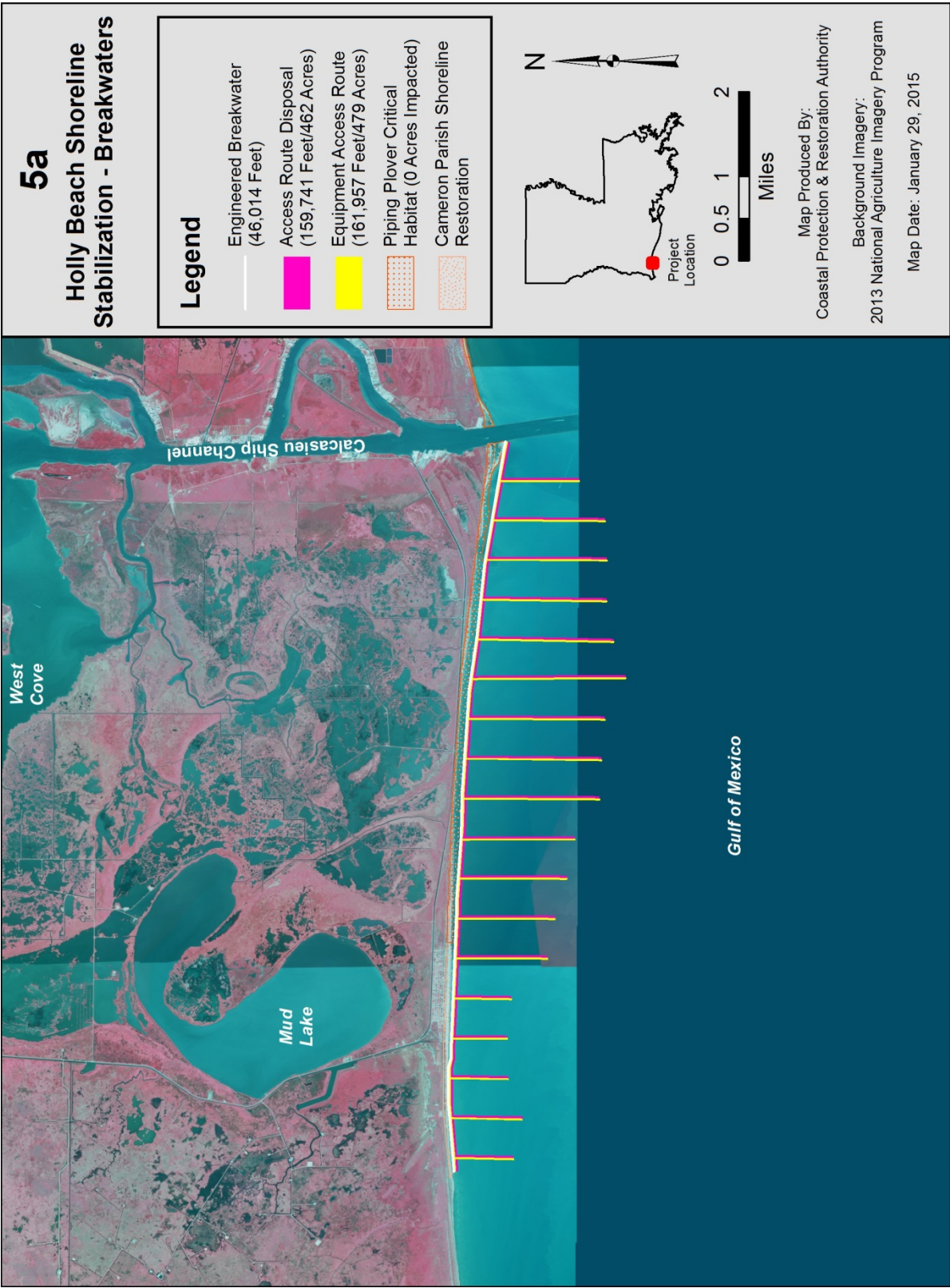


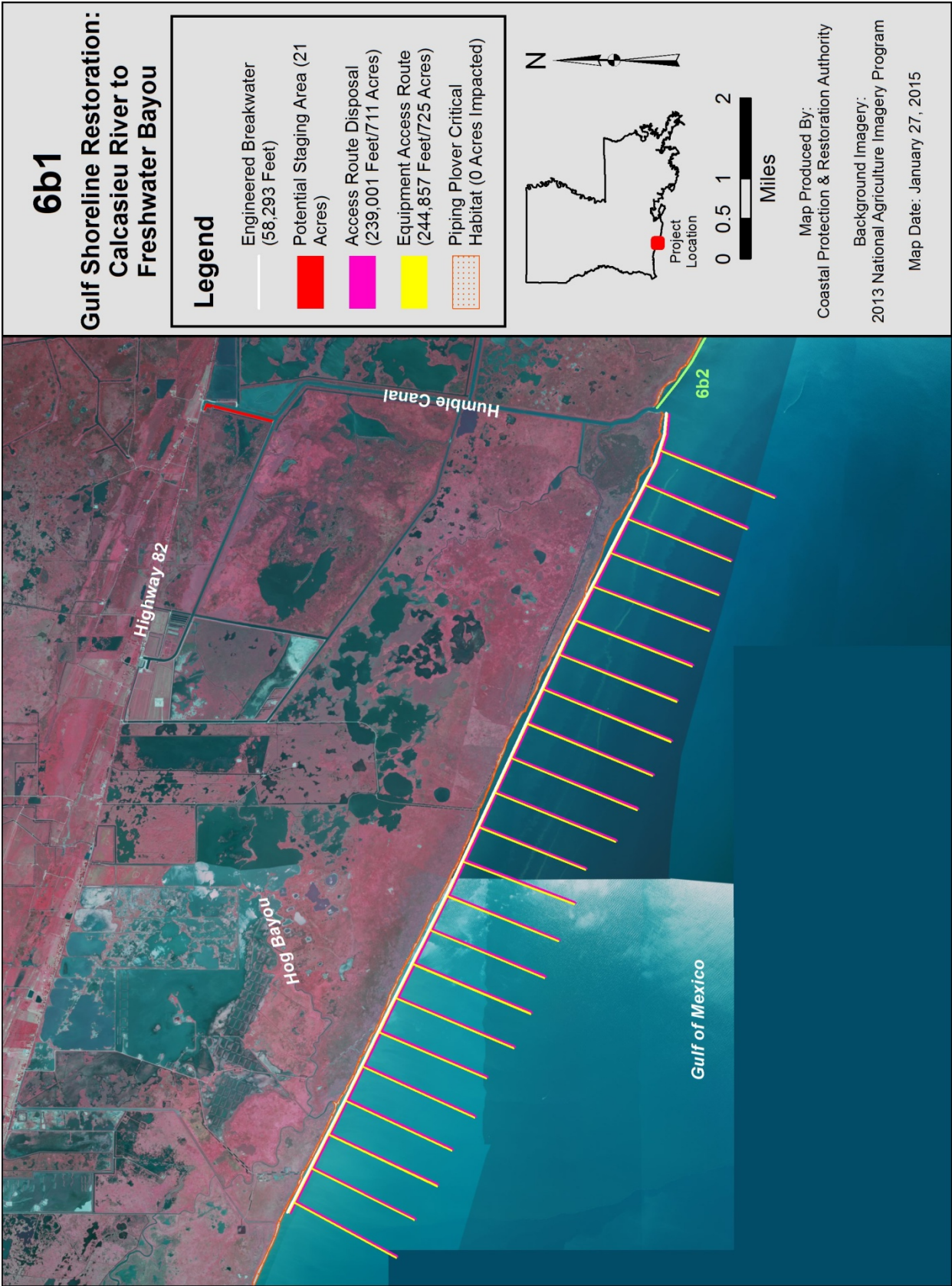


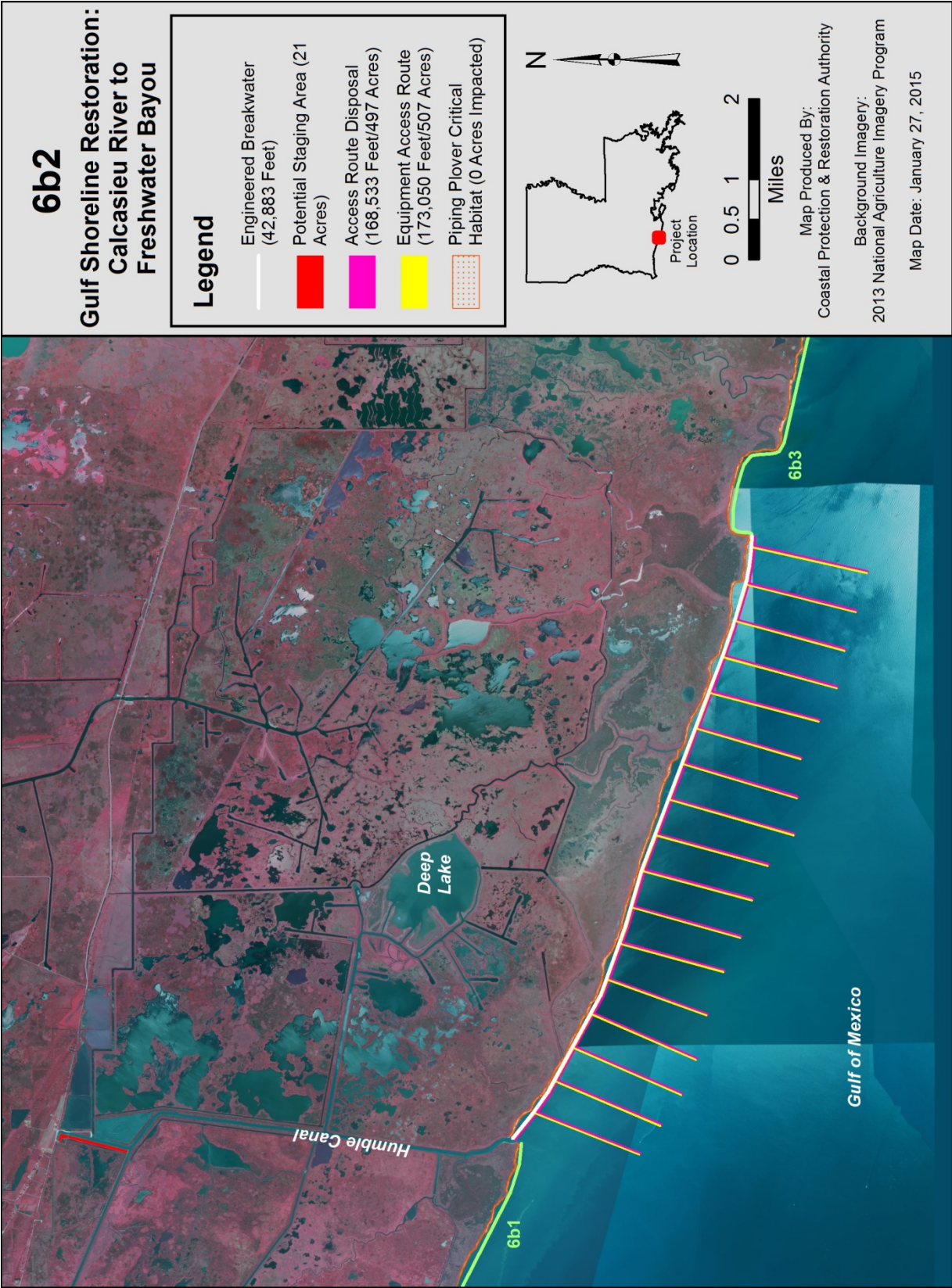


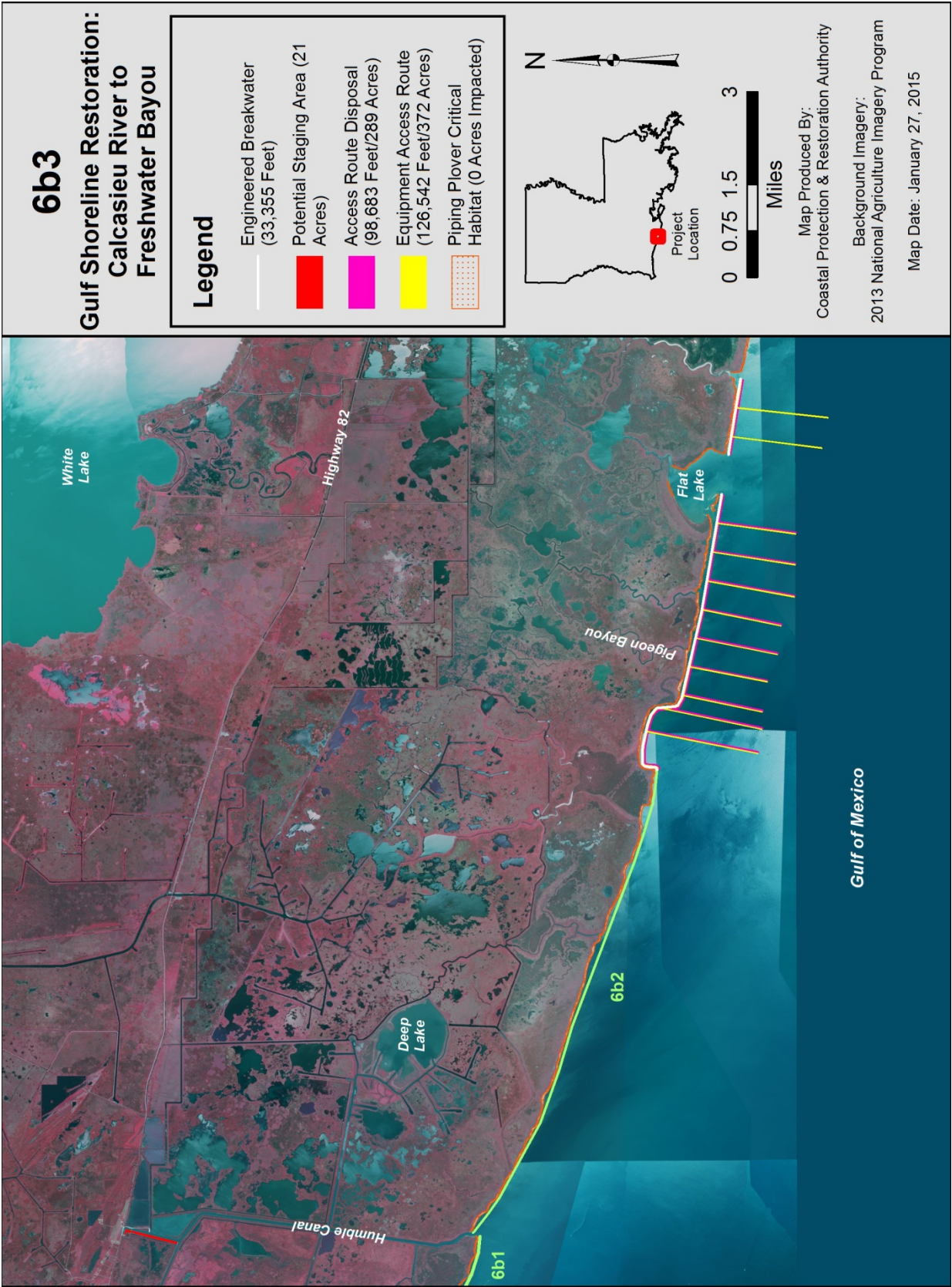


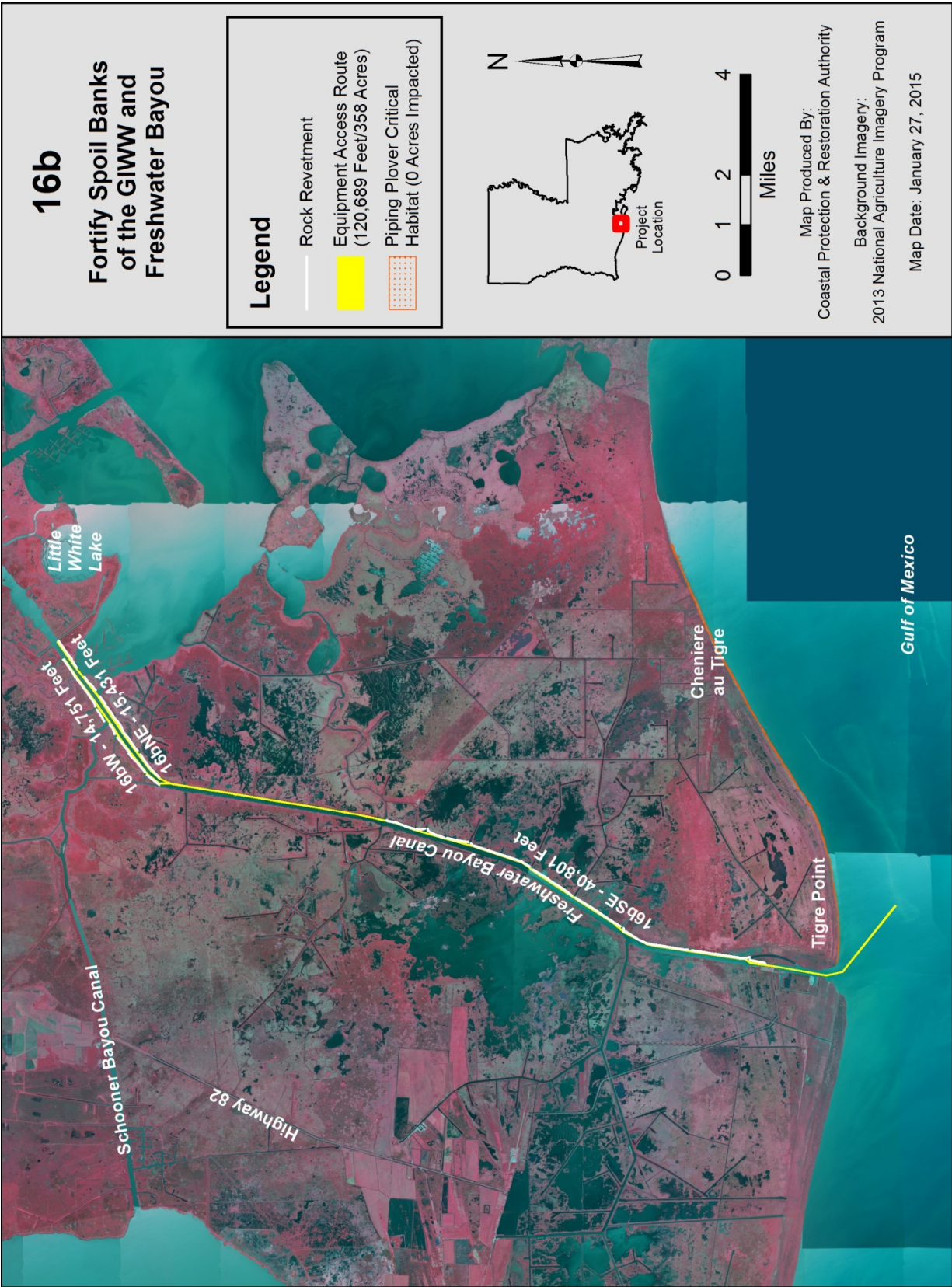


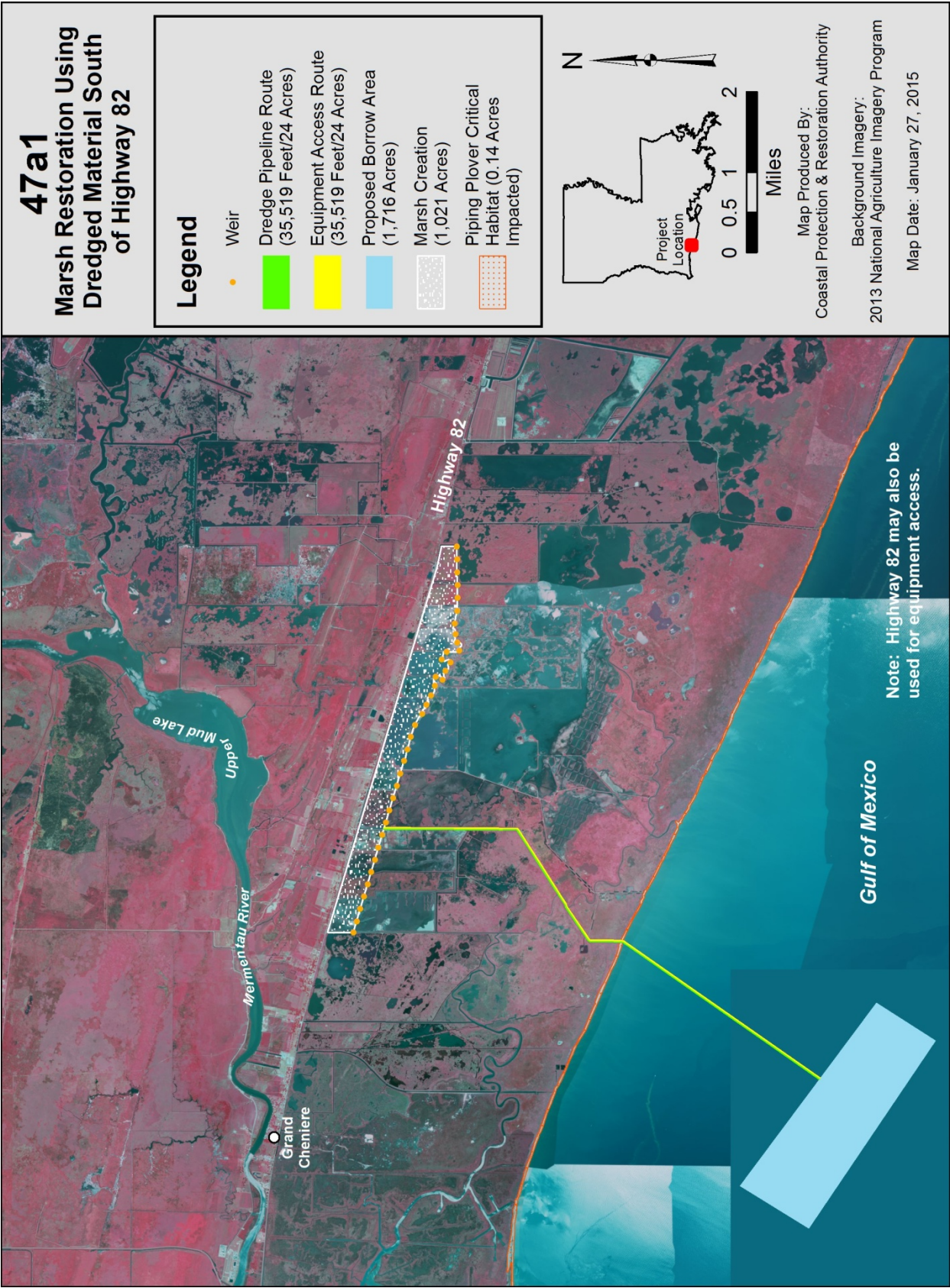


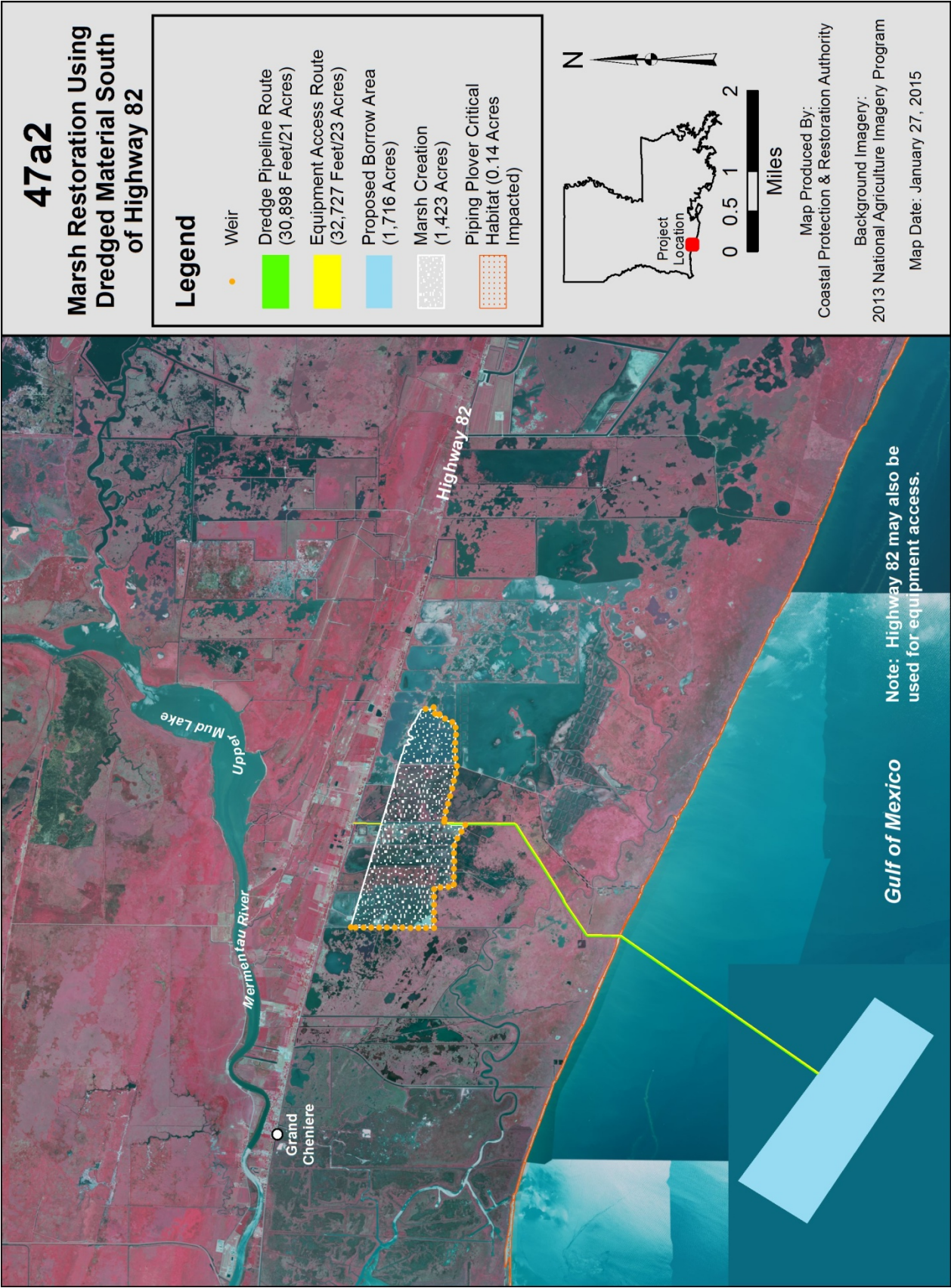


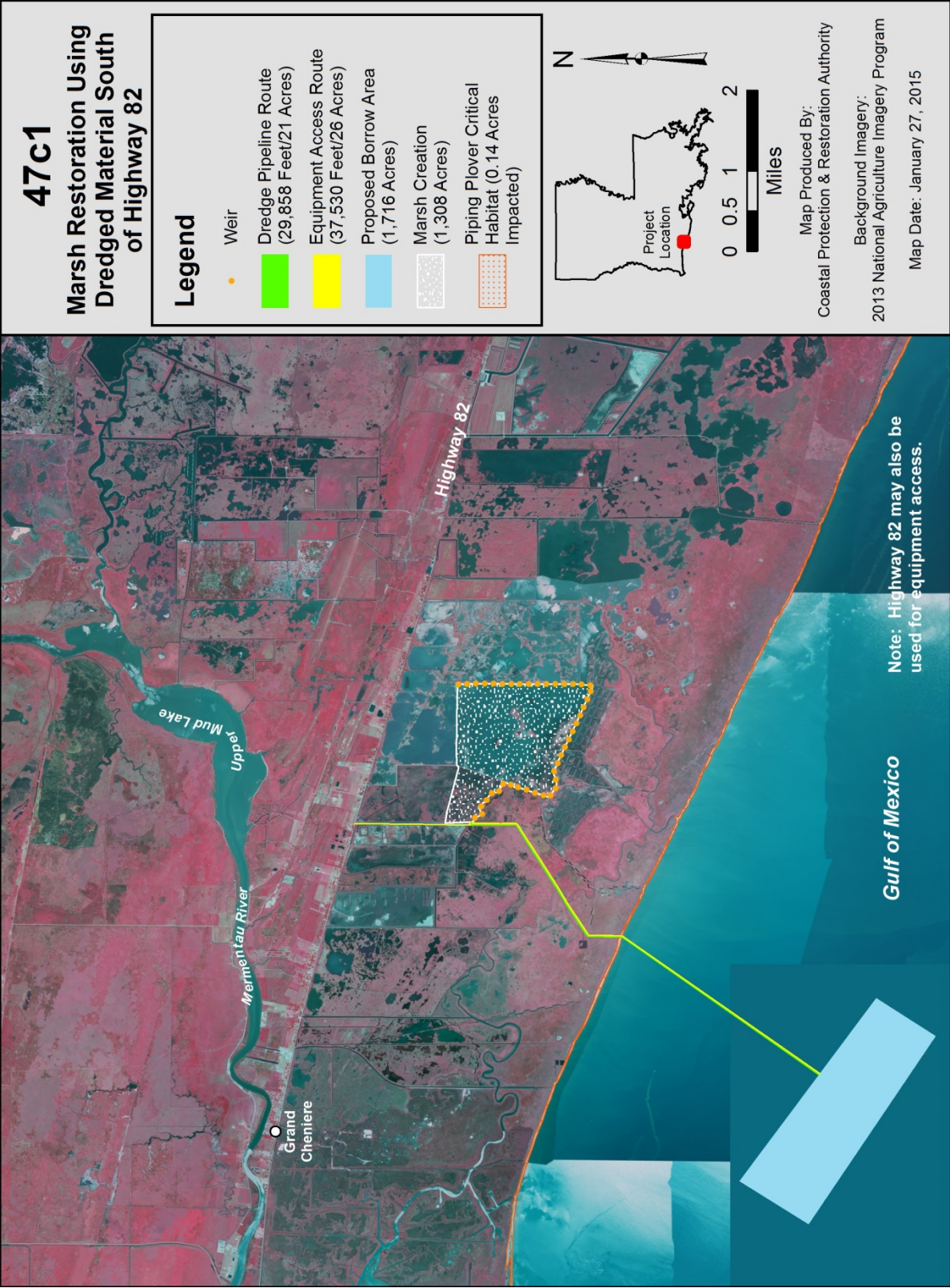


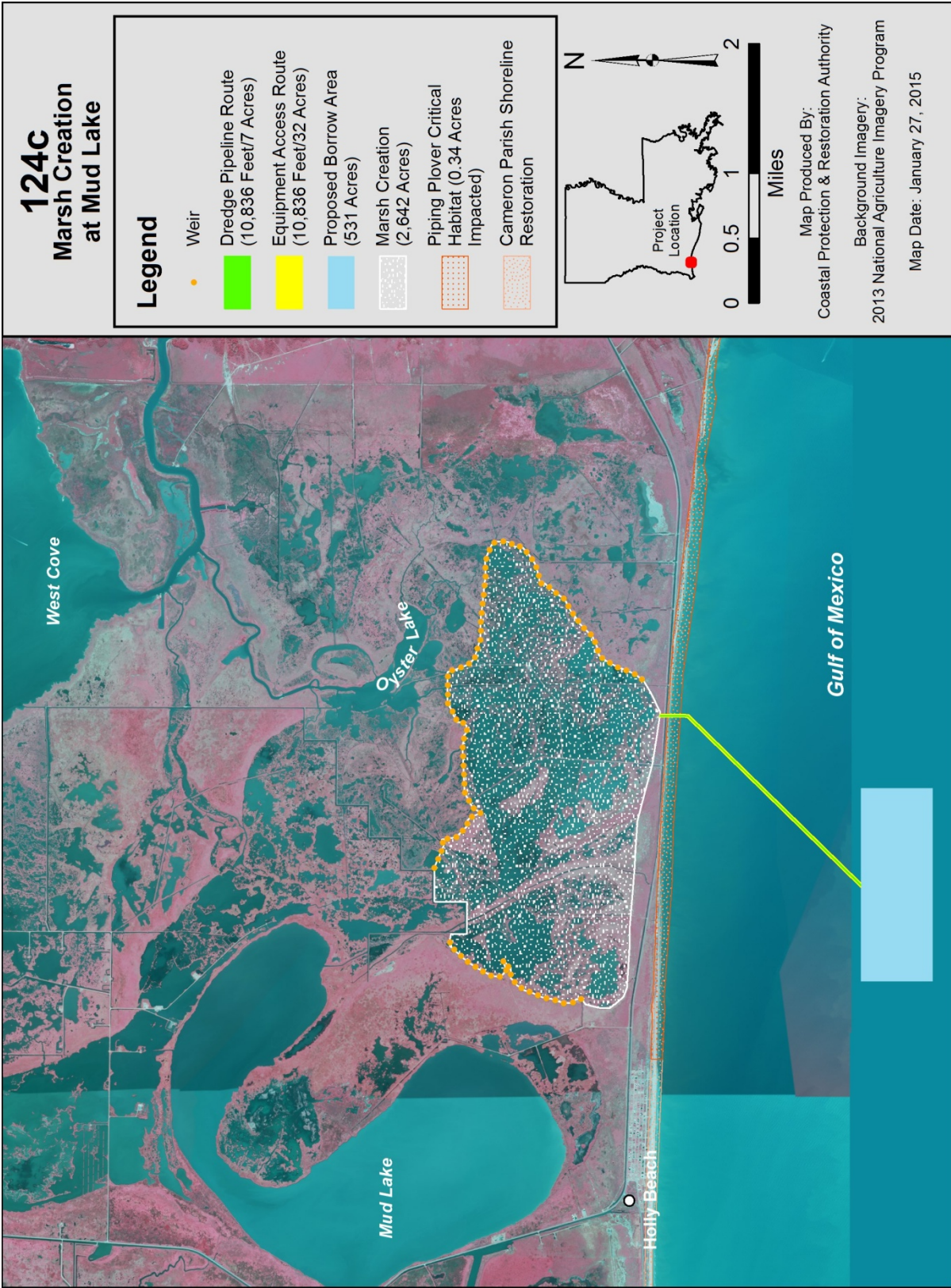


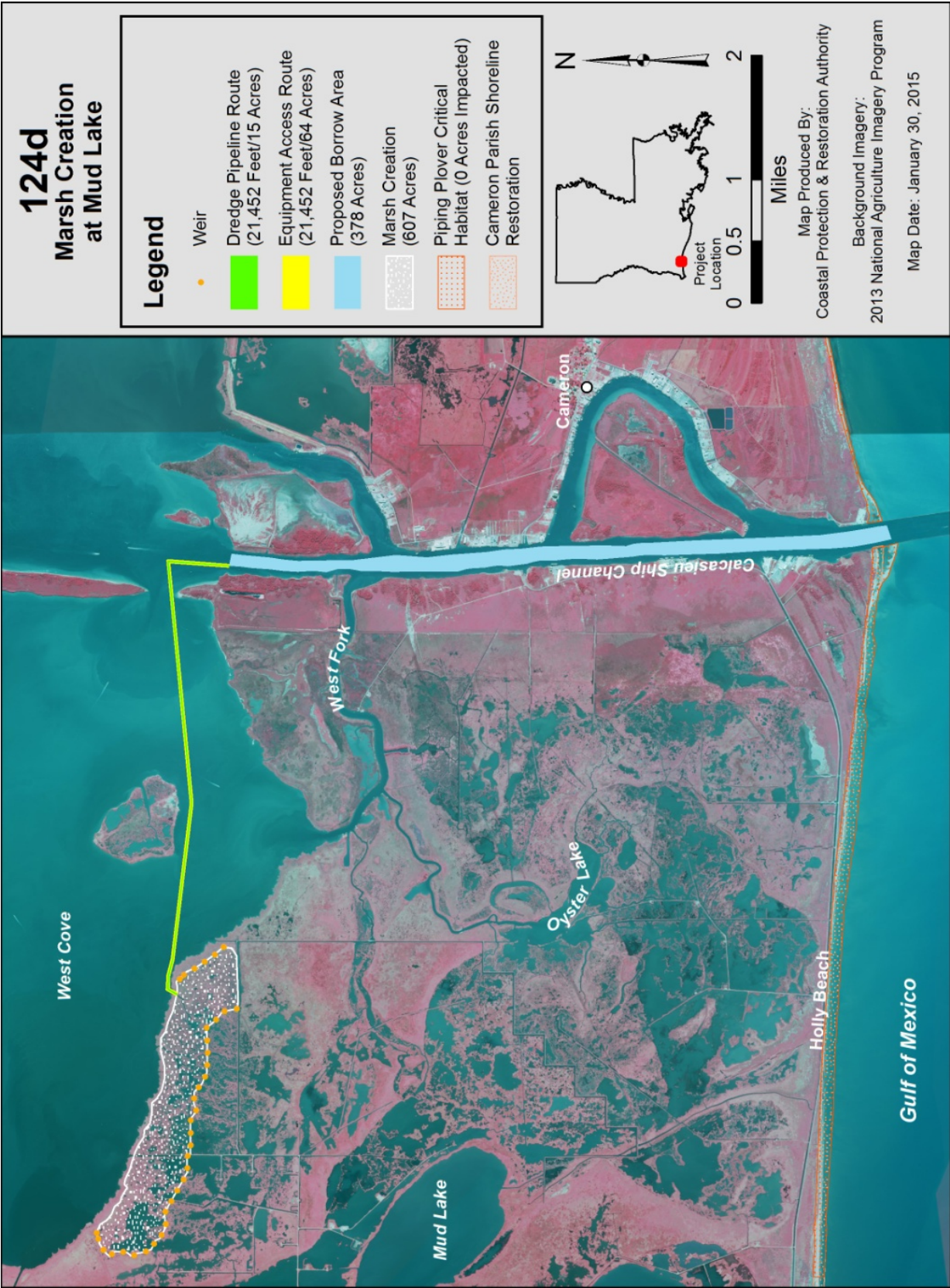


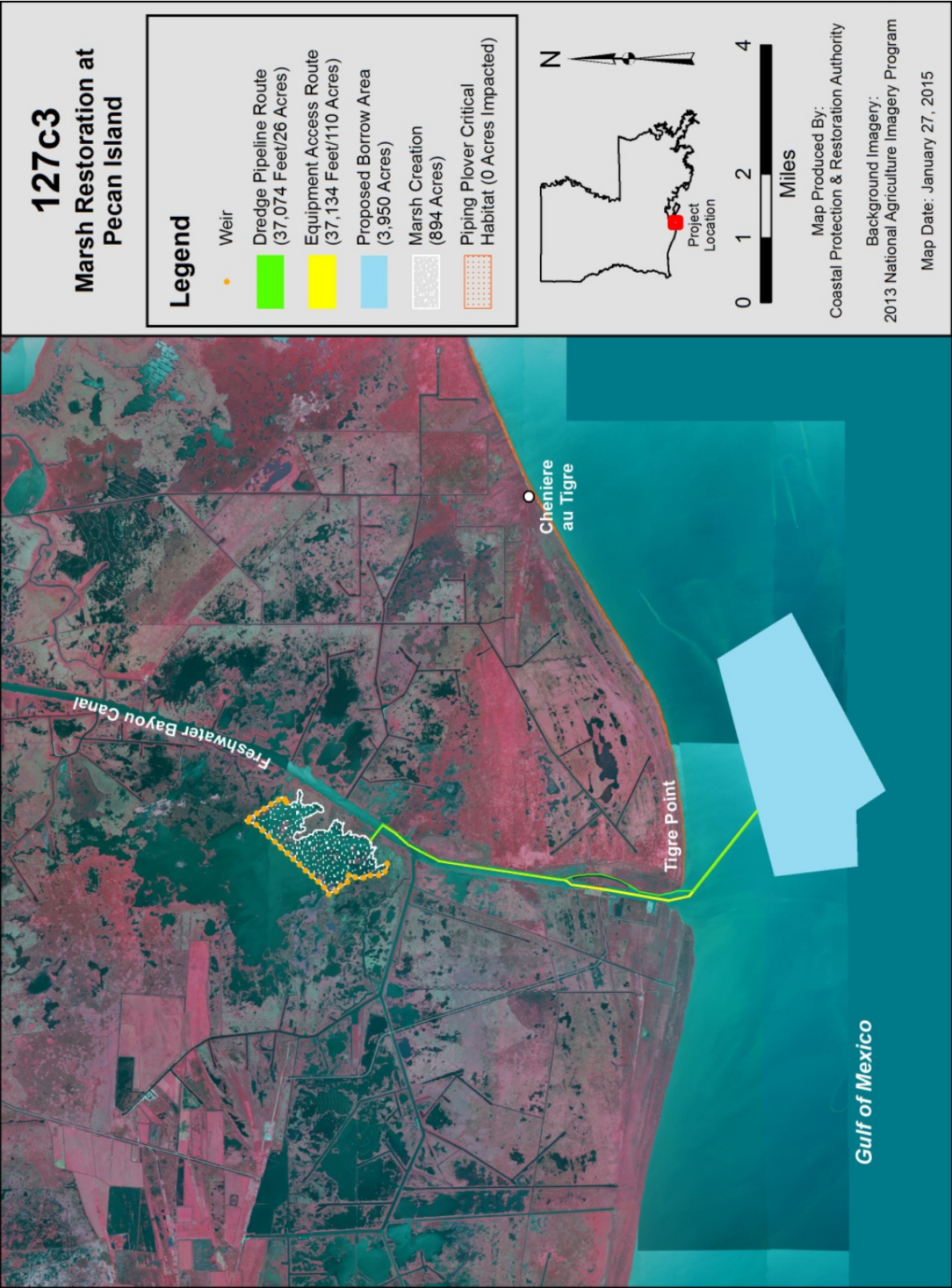


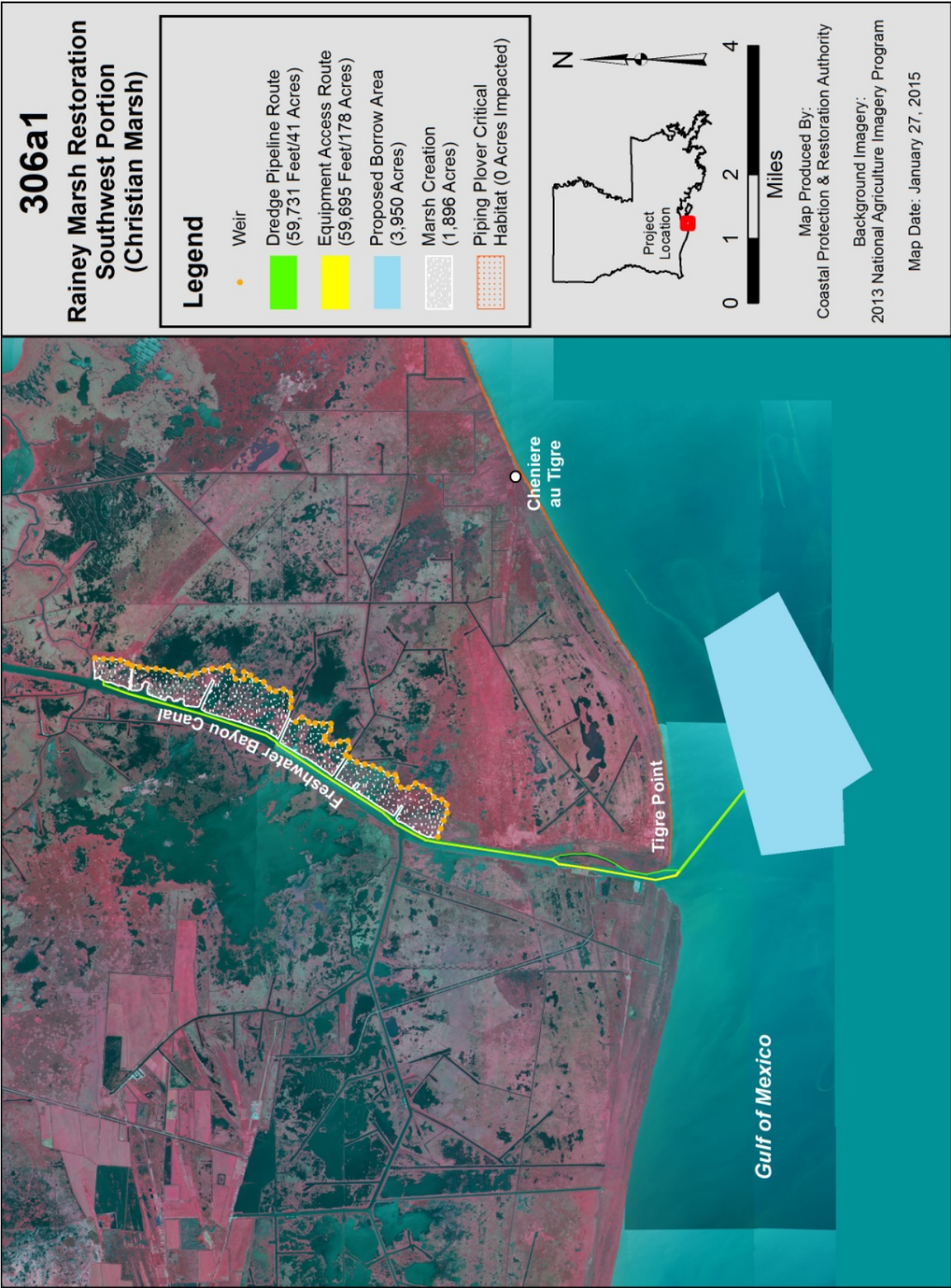


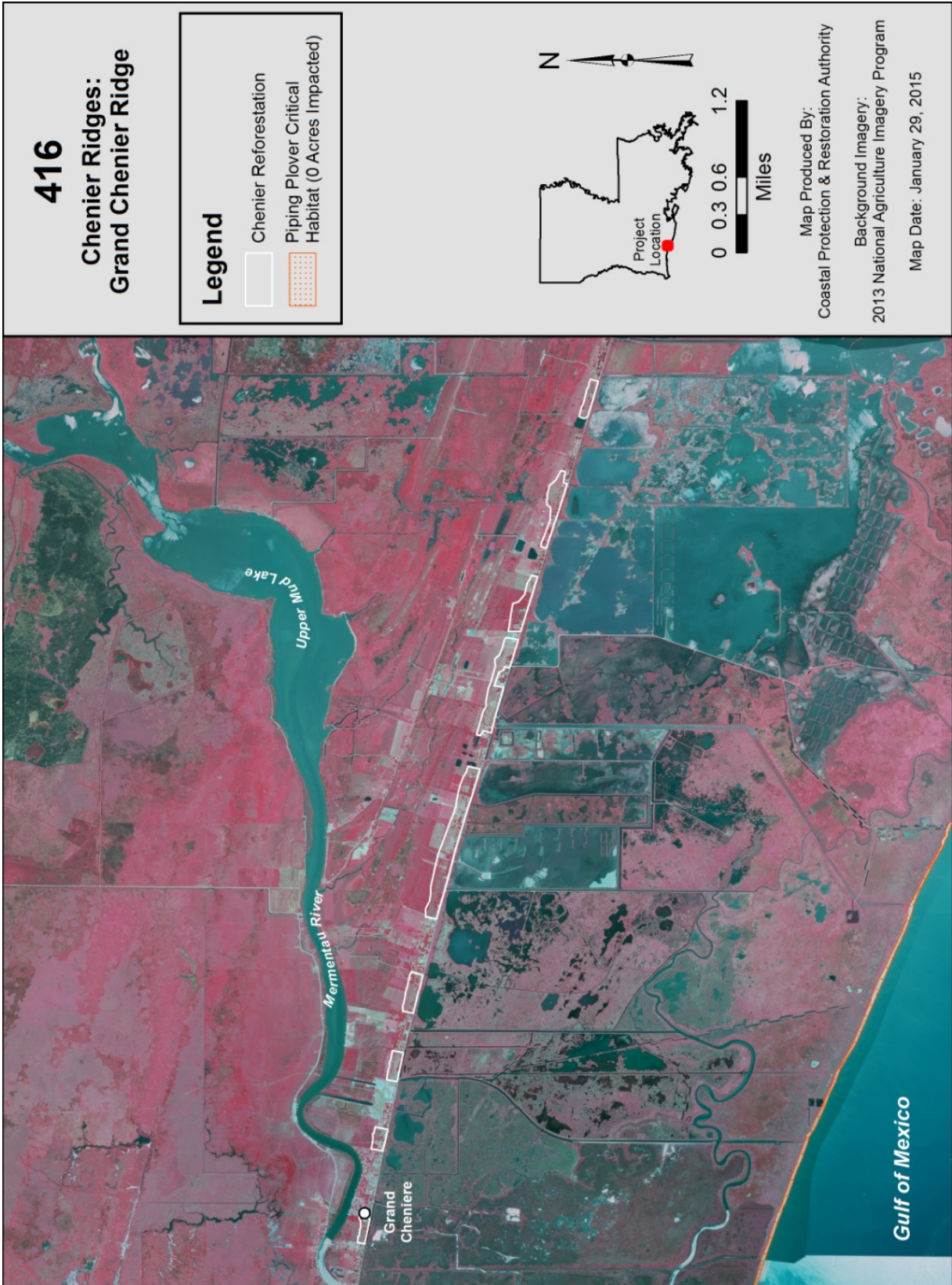




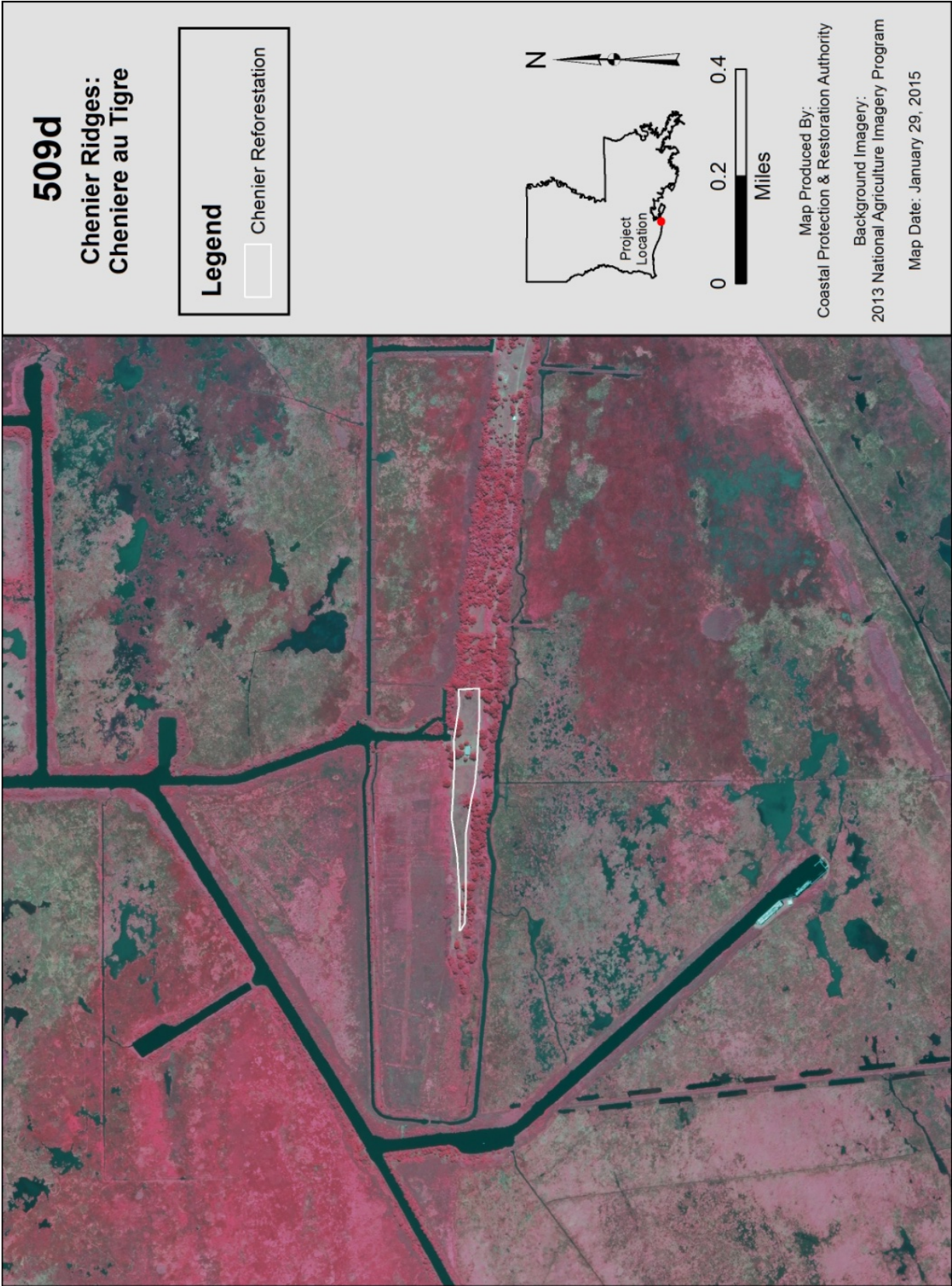


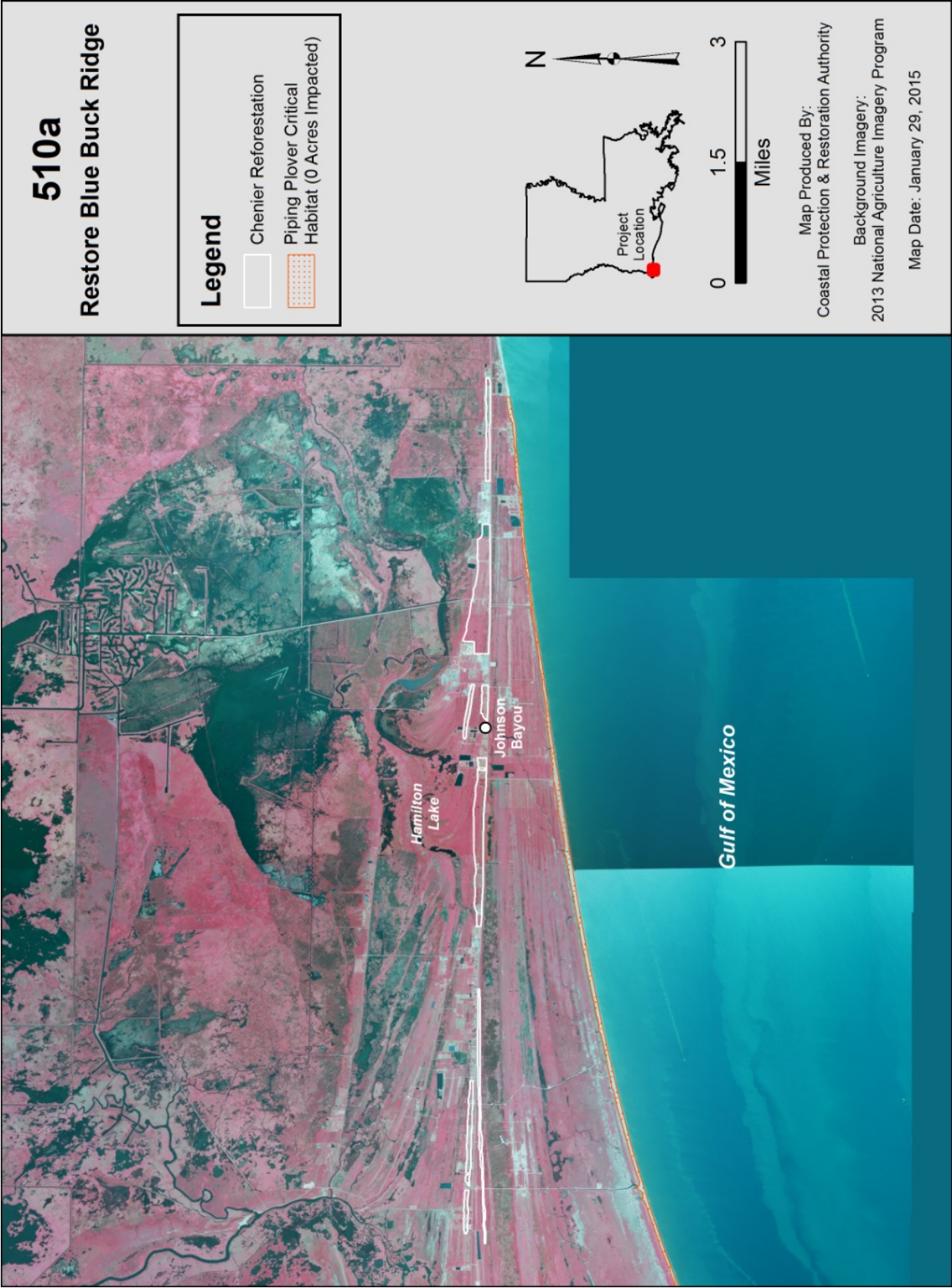


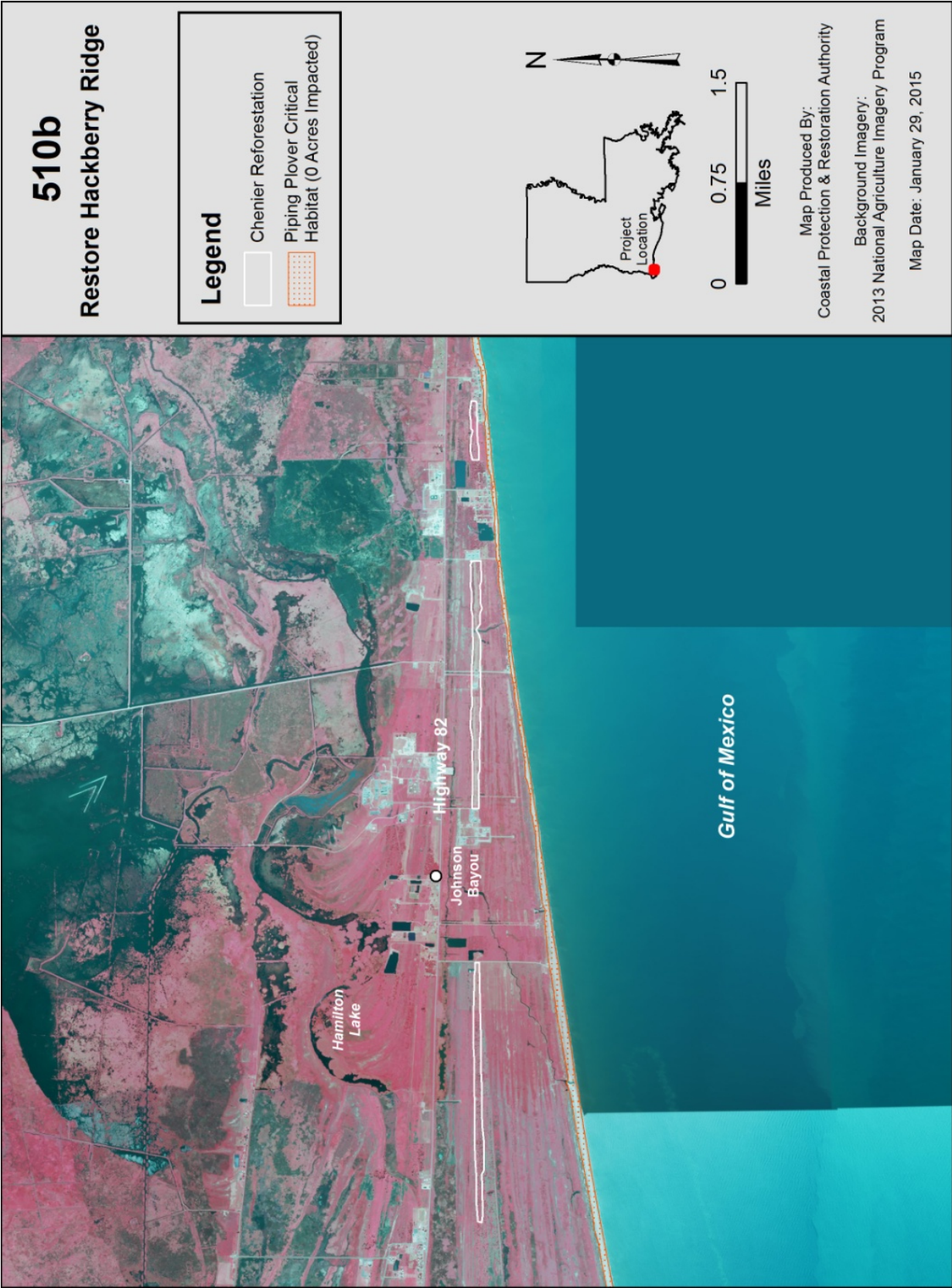


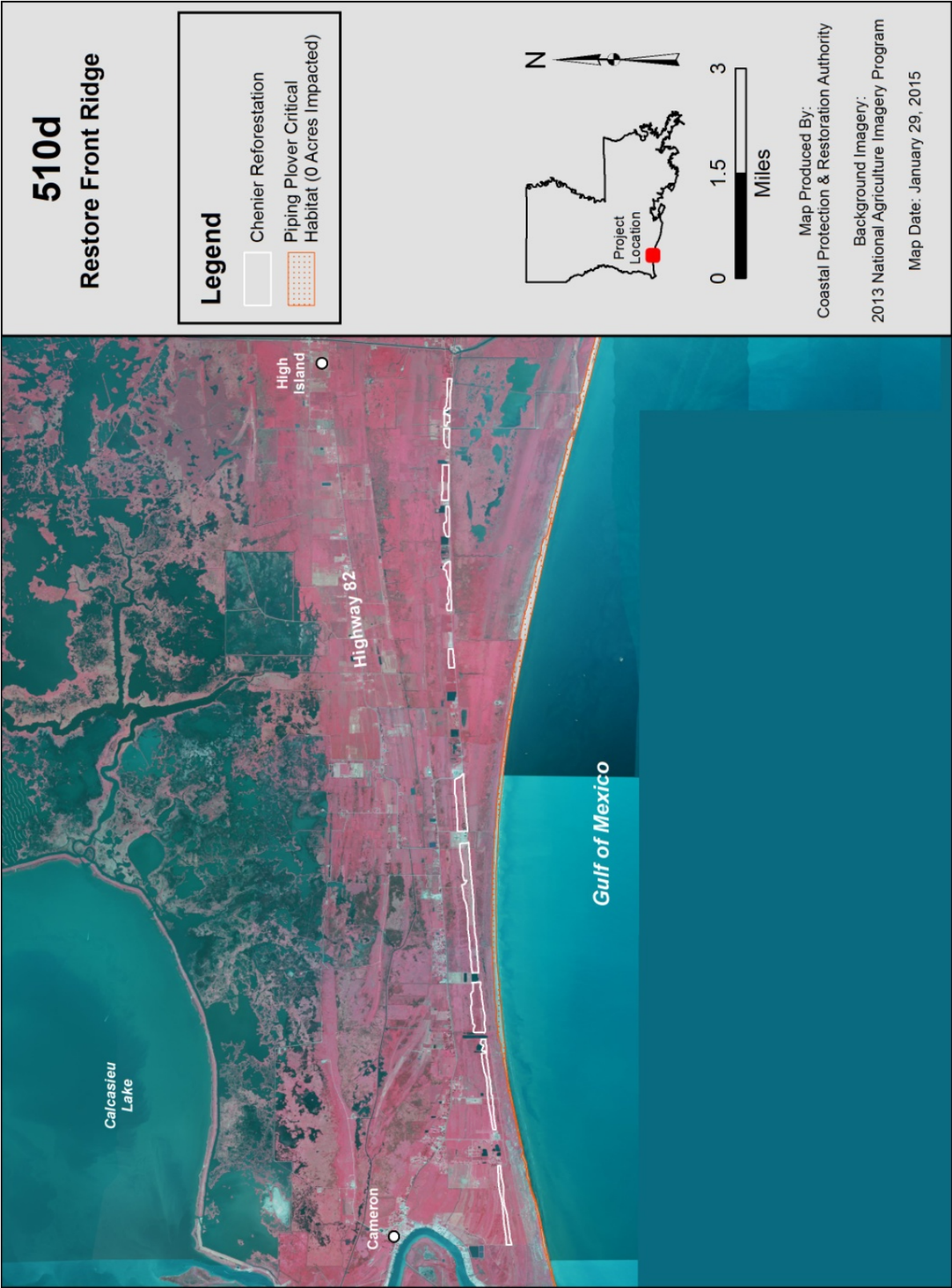














ANNEX 3
ASSESSMENT OF NON-FEDERAL SPONSOR'S
ACQUISITION CAPABILITY



WSLP

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

**COASTAL PROTECTION AND
RESTORATION AUTHORITY ("CPRA"), IMPLEMENTATION ARM OF THE
COASTAL PROTECTION AND RESTORATION AUTHORITY BOARD
("BOARD")**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **NO, however, CPRA, the implementation and enforcement arm of the Board, has the ability to acquire, own, administer, alienate, and otherwise dispose of all kinds of property, movable and immovable, corporeal and incorporeal for projects authorized by the CPRA Board. (RS 49:214.6.2)**
- b. Does the sponsor have the power of eminent domain for this project?
YES. Through CPRA, the implementation arm of the Board, the Sponsor does have conventional eminent domain authority under RS 49:214.6.2(D)(2) and RS 19:2.
- c. Does the sponsor have "quick-take" authority for this project?
NO. CPRA, the implementation and enforcement arm of the Board, does not have quick take authority however, should this be needed for the project, CPRA or the CPRA Board may partner with a Levee District or Parish Government which has that authority pursuant to La. R.S. 38:301.1, La. R.S. 49:214.5.2(7) and (11), and 49:214.6.2(D)(1) and (2), pursuant to an intergovernmental agreement.
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **NO**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **Unknown at this time however, there are rail roads located in the vicinity of 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 II.a. 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? **Not at this time. However, CPRA has numerous contracts in place**



- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES, contracts are in place now.**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **It is not likely that the Sponsor will request assistance.**

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? **At the feasibility level, there are too many unknowns to develop a definite project schedule. Once project designs are finalized, the CPRA will be requested to provide an acquisition schedule.**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? **YES**
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. **Highly capable.**

V. Coordination:

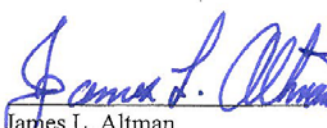
- a. Has this assessment been coordinated with the sponsor? **YES**
- b. Does the sponsor concur with this assessment? **YES**


Prepared by:


Approved by:

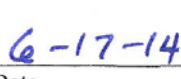
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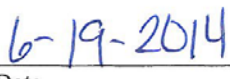

Karen E. Vance
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Real Estate Region South Division
USACE


James L. Altman
Land Manager
Legal/Real Estate Division
Coastal Protection &
Restoration Authority


Jerome Zeringue
Chairman
Coastal Protection &
Restoration Authority Board


Date


Date


Date



ANNEX 4
NON-MATERIAL DEVIATION FROM STANDARD
PERPETUAL ACCESS EASEMENT

**PERPETUAL ACCESS EASEMENT**

A perpetual non-exclusive and assignable easement for use by the United States, its representatives, agents, and contractors as an access route and/or right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____); 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, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired, including the right to cross over the right-of-way as access to their adjoining land; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

In accordance with paragraph 12-9 c. of ER 405-1-12, the District Chief of Real Estate may approve a non-standard estate if it serves the intended project purpose, substantially conforms with and does not materially deviate from a corresponding standard estate, and does not increase the costs or potential liability of the Government. The foregoing estate complies with those requirements as it achieves the project purpose in as narrow a manner as practical, and is a minor modification of the standard Road Easement, replacing the words "for the location, construction, operation, maintenance, alteration replacement of a road and appurtenances thereto" with the words "for use by the United States, its representatives, agents, and contractors as an access route".

Reviewed by:

Marco Rosamano
Assistant District Counsel
New Orleans District

Approved by:

Linda Labure
Chief, Real Estate Division
New Orleans District