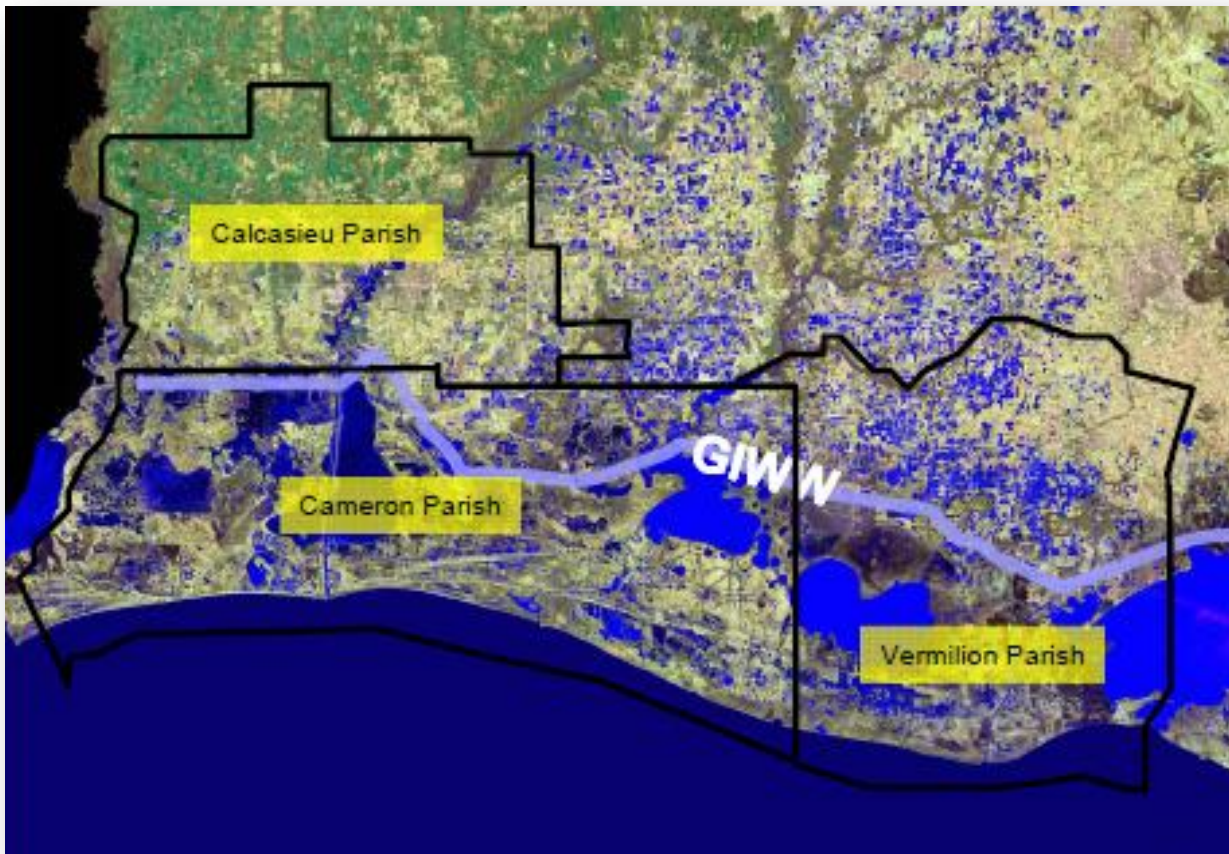




REAL ESTATE PLAN



Annex 1: Project Maps

Annex 2: Assessment of Non-Federal Sponsor's Acquisition Capability

Annex 3: Non-Material Deviation from Standard Estate Perpetual Access Easement

Annex 4: Baseline Cost Estimates/Charts of Accounts

Annex 5: Real Estate Policy Guidance Letter No. 31 Real Estate Support To Civil Works Planning Paradigm (3x3x3)



Contents

A. PURPOSE OF THE REAL ESTATE PLAN	3
B. PROJECT AUTHORIZATION	3
C. STUDY AREA AND PROJECT PURPOSE	3
D. PROJECT MAPS	4
E. NON-FEDERAL SPONSOR	4
F. NED TENTATIVELY SELECTED PLAN	5
1. NED - ESTATES	8
2. NED - UNIFORM RELOCATION ASSISTANCE (PL 91-646, TITLE II AS AMENDED)	8
3. NED - EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT	9
4. NED - NED FEDERALLY OWNED LANDS WITHIN THE LER REQUIRED FOR THE PROJECT	9
5. NED - NON-FEDERAL SPONSOR OWNED LER	9
6. NED - INDUCED FLOODING	9
7. NED - BASELINE COST ESTIMATES/CHART OF ACCOUNTS (COAS)	10
8. NED - TIMBER/MINERAL/ROW CROP ACTIVITY	10
9. NED - ZONING ORDINANCES	10
10. NED - ACQUISITION SCHEDULE	10
11. NED - FACILITY/UTILITY RELOCATIONS	11
12. NED - HAZARDOUS, TOXIC AND RADIOACTIVE WASTE	11
G. NER TENTATIVELY SELECTED PLAN	11
1. NER - LANDS, EASEMENTS & RIGHTS-OF-WAY	13
2. NER - ESTATES	18
3. NER - EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT	19
4. NER - FEDERALLY OWNED LANDS WITHIN THE LER FOR THE PROJECT	19
5. NER - NON-FEDERAL SPONSOR OWNED LER	20
6. NER - INDUCED FLOODING	20
7. NER - BASELINE COST ESTIMATES/CHART OF ACCOUNTS (COAS)	20
8. NER - UNIFORM RELOCATION ASSISTANCE (PL 91-646, TITLE II AS AMENDED)	21
9. NER - TIMBER/MINERAL/ROW CROP ACTIVITY	21
10. NER - OYSTER LEASES	21
11. NER - ZONING ORDINANCES	21
12. NER - ACQUISITION SCHEDULE	22
13. NER - FACILITY/UTILITY RELOCATIONS	22
14. NER - HAZARDOUS, TOXIC AND RADIOACTIVE WASTE	22
H. NAVIGATION SERVITUDE	22
I. LANDOWNER CONCERNS	23



A. PURPOSE OF THE REAL ESTATE PLAN

This Real Estate Plan (REP) presents the real estate requirements and costs for the Feasibility Report for the Southwest Coastal Louisiana Feasibility Study (SWC). The information contained herein is tentative in nature for planning purposes only. At the time the REP was prepared, the Project Delivery Team (PDT) had just reached the TSP milestone, and feasibility level analysis was just beginning. Footprint maps which identify locations of access, staging, borrow and other project features were not available. The information contained within this REP is based on assumptions made by the PDT, and estimated acreages of project features. This REP does not fully conform to the requirements of Chapter 12 (ER 405-1-12). Once feasibility level analysis is complete, the REP will be revised to conform to Chapter 12.

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. With the exception of the city of Lake Charles in Calcasieu Parish, most of the land is sparsely populated. However, the area is rich in natural resources and industrial infrastructure. The economy of the coastal communities is centered on fishing, shrimping, 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 (TSPs) described in this Real Estate Plan (REP): (1) The NER TSP, and (2) the NED TSP.

D. PROJECT MAPS

Larger versions of the project maps displayed within this document are located within Annex 1. At this phase of the study, very preliminary general mapping has been prepared. Detailed maps of each NER site as well as maps for the NED plan will be prepared during the feasibility phase.

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 CPRAB, which has authority to acquire and hold lands.

As the Non-Federal Sponsor for previous projects and the anticipated non-Federal sponsor for this project, 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.



Assessment of the Non-Federal Sponsor's Real Estate Acquisition Capability for CPRA is attached as Annex 2. The Non-Federal Sponsor has been found to be fully 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 will be notified in writing of the risks of acquiring LERRDs before execution of the PPA.

F. NED TENTATIVELY SELECTED PLAN

The NED TSP (Alternative 7 – Nonstructural Justified Reaches) consists of nonstructural measures throughout eleven economically justified reaches, involving a variety of actions including but not limited to:

1. Elevation of eligible (residential) structures up to a maximum 13 feet (the year 2075 base flood elevation or BFE). Means of elevation can be use of pilings, cinder block chain walls, dirt/fill material, and other methods. . (Examples of residential structures that are not eligible for elevation include, but are not limited to, those structures that require significant elevation or which cannot be elevated due to their physical condition.)
2. Acquisition/buyout of eligible residential structures (and underlying land) that would require raising over 13 feet, are too fragile for elevation, or whose value is less than the cost of elevation. Structures would be demolished, property evacuated and property owners relocated to another site outside of the 100 year floodplain. Property owners would receive fair market value for the property acquired.
3. Physical relocation (lifting and moving) structures (i.e., historic structures) to another location outside of the floodplain.
4. Construction of small floodwalls, ring levees, and berms (3-7 feet high) are constructed and located away from the structure(s) to be protected to prevent the encroachment of floodwaters.
5. Dry flood proofing of eligible commercial and public structures (excluding 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 (vener walls) and other materials and covers to protect openings from floodwaters. Note: Warehouses are large structures that store or distribute their contents and industrial facilities are large buildings that contain heavy equipment (wet flood proofing was not considered during this study phase).
6. Non-Federal Sponsor/Governmental promulgation and enforcement of building code requirements that are consistent with and supportive of the purpose and objectives of the NED TSP.

During preliminary analysis, a total of 3,915 structures were identified as potentially eligible for the non-structural alternative: 3,665 residential structures were potentially identified for structure elevation; 247 commercial structures for potential flood proofing; and 3 residential structures for potential acquisition. The criteria for inclusion of structures in the project is that the first floor elevation is below the 100 year flood plain elevation. This information will be further analyzed during feasibility level design, and results of detailed analysis will be included within the final report.



Figure 1 below shows the reaches that are included in the NED TSP. An additional map of these reaches is shown within Annex 1. At the time of this report, detailed maps showing the size of the individual reaches and further demonstrating the number of structures located within each reach were not available. This information will be developed during feasibility level design, and finalized maps will be included within the final report.

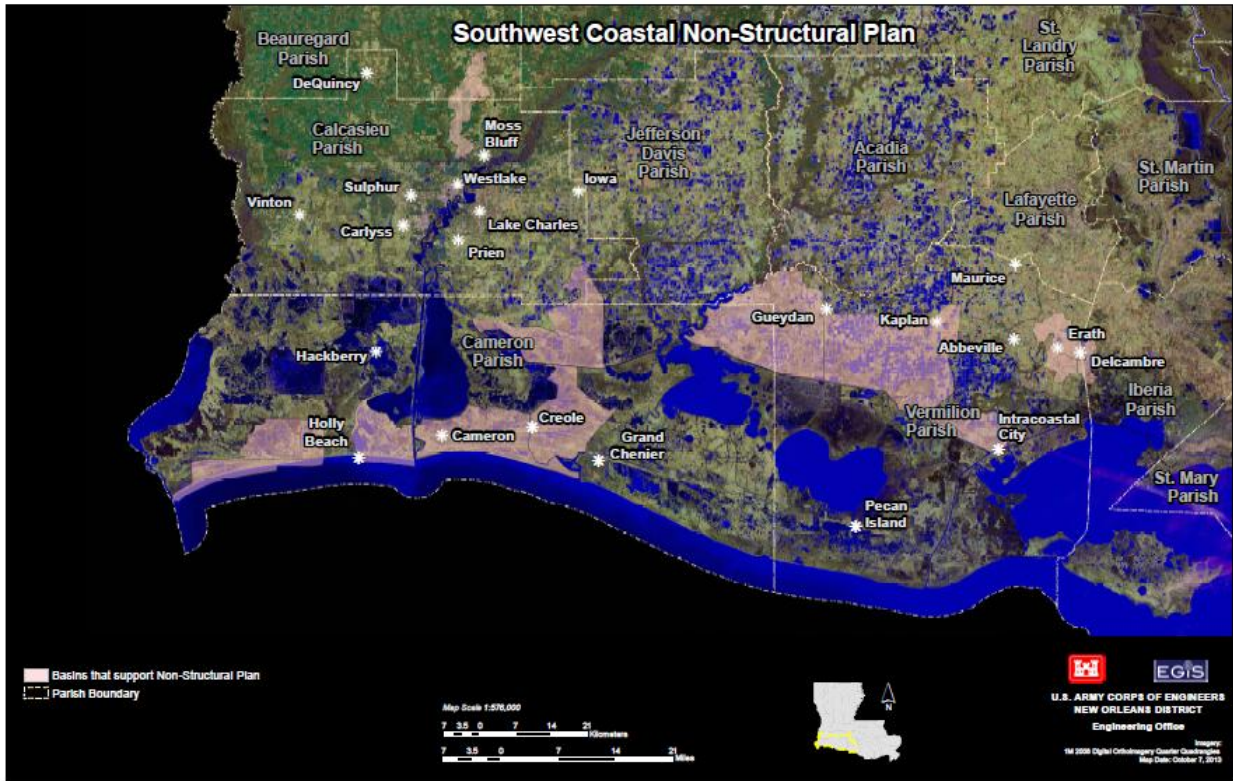


Figure 1: NED TSP Justified Non-structural Reaches

Planners analyzed elevating structures, flood proofing and acquisition over the period of analysis. Non-residential structures are generally not suitable candidates for structure-raising, and thus were considered for flood proofing. Non-structural measures were not applied to warehouses and industrial structures.

Property owner participation in the non-structural measures is completely voluntary. Details regarding how the program will be implemented have not been developed at this time. However, generally the program will require that property owners submit an application for structure elevation. Owners will need to submit proof of ownership. At that time, title will be researched and an appraisal of the property will be prepared. The implementing agency will also conduct a site inspection to complete a phase I HTRW/Asbestos investigation, determine condition and suitability of the structure for elevation, and determine the disposition/treatment of any non-habitable structures on the site. Landowners will obtain bids from local contractors experienced with structure elevations. A non-standard easement will be acquired by the NFS over the property allowing the NFS and the Government to enter and inspect the property and prohibiting future alteration or new construction of a structure at an elevation lower than the 100 year flood elevation. The language of this estate will be developed during feasibility level design.



Residential structures in the 100 year flood plain may qualify to be raised up to 13 feet above ground elevation. If a residential structure must be elevated above 13 feet, it will be considered for acquisition. Likewise, a residential structure whose physical condition would not allow safe elevation would be purchased. Further, a structure, whose market value is less than the cost of elevation, will likely be purchased. There may be additional unique properties or circumstances which will require special considerations; those circumstances will be addressed during the feasibility phase and further discussion will be included in the final REP.

For residential structures, the cost of raising the structure must be less than the cost of acquiring the property. It is noted that if an owner-occupant requires special access to the property due to physical handicap, it is possible that the property will be purchased rather than elevated if the cost of elevation and special features exceed the market value of the structure. Properties for which structures do not meet the required criteria for elevation will be acquired in fee, excluding minerals (land and structure). Acquisitions of properties will be performed in accordance with Public Law 91-646; the owner will be offered the market value of his/her property. The owner will have the opportunity to negotiate the purchase price of the acquisition. However, because this is a voluntary program, there will be no condemnation if the Government and the landowner cannot reach an agreement as to price. Further information regarding the implementation of the non-structural plan will be developed during feasibility level design, and will be reflected within the final report.

Upon preliminary analysis, the cost per square foot to raise a residential structure was multiplied by the footprint square footage to compute the costs to elevate the structure. Administrative costs were also included in the total costs. These administrative costs include, but are not limited to, cost estimate preparation by the agency implementing the plan, property inspections, HTRW investigations, title search, appraisals, negotiations, the filing of the easement with the clerk of court, etc. This information was prepared by CEMVN Economics Branch, with input from Real Estate Division, and the estimated costs prepared are included in the main Report and Economics Appendix as construction costs. These estimated costs may be refined in the final feasibility report.

Non-residential commercial structures in the 100-year floodplain were considered for flood proofing measures, which generally reduce the flooding risk up to 3 feet above the first floor elevation. Further detailed analysis of the flood proofing techniques to be included within the TSP will be developed during feasibility level design. This information is subject to change, and the results of detailed analysis will be included within the final report. The administrative process and costs for accomplishing flood-proofing of non-residential structures is similar to that described for residential structures.

The non-structural features of the project will be voluntary in nature. As previously indicated, it will be the landowners' responsibility to apply to participate in the program. However, for cost estimating purposes, the study has assumed 100% participation of eligible structures both residential and non-residential.

This information is subject to change. The non-structural project features will be discussed in further detail during feasibility level analysis.



1. NED - ESTATES

At the time of this report, details regarding implementation of the NED TSP nonstructural project features had not been finalized. During feasibility level design, appropriate real estate interests to be acquired for the nonstructural features will be determined, and this information will be included within the final REP. It is anticipated that a non-standard estate will be prepared to be executed between the Non-Federal Sponsor and the owners of structures to be elevated or flood proofed. The Request for Approval of a Non-Standard Estate will be submitted to CEHQ thru CEMVD. The draft non-standard estate will be a legal instrument that is recorded with the Parish Clerk of Court that runs with the land and will control future development on the property. More specific details regarding the non-standard estate will be developed during feasibility level design, and will be provided in the final REP.

Residential structures that cannot be elevated and are to be acquired 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 (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).

Specific residences to be acquired have not been identified, but it is not likely that residences would be adjacent to each other. Therefore, it is not likely that the lots could be put to any use, and rather, the lots would likely become green space. Lots could be sold by the NFS to adjacent landowners, but a building restriction to the 100 year elevation would be required for the property.

At this time, 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.

Further information regarding estates to be acquired for the NED plan will be included within the final REP.

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

As participation in the non-structural project feature is voluntary, the landowners are not eligible for relocation assistance benefits, in accordance with the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs, as promulgated by 49 CFR Part 24, paragraphs 24.2(a)(9)(ii)(D), (E), (H), 24.101(a)(2), and applicable sections in Appendix A. However, the displacement of any tenants is subject to certain relocation assistance benefits. Below is an excerpt of the applicable portions of 49 CFR Part 24:



49 CFR Part 24:

(1) Subpart A, paragraph 24.2(a)(9)(ii)(E), Persons Not Displaced definition, states that an owner-occupant who moves as a result of an acquisition of real property that will not be acquired if an agreement cannot be reached, or as a result of rehabilitation of the real property, is not a displaced person. However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or Federally-assisted project is subject to the URA as a displaced person; and (H) states that an owner-occupant who conveys his or her property...after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the URA as a displaced person; and

(2) Subpart B, paragraphs 24.101(a)(2), (b)(1)(iii), & (b)(2)(i), Applicability of Acquisition Requirements, states that if the agency will not acquire a property because negotiations fail to result in an agreement, the owner of such property is not a displaced person and as such, is not entitled to relocation assistance benefits. However, tenants on such properties may be eligible for relocation assistance benefits;

During the feasibility phase, the team will consider whether or not to request that Congress consider providing project specific authorization for this project which would allow provision of relocation assistance to owner occupants of residential structures that are elevated or acquired.

3. NED – 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. During feasibility level design, the TSP will be refined to provide more details of the locations of structures for the NED plan. This information will be reviewed and revised for the final REP.

4. NED – FEDERALLY OWNED LANDS WITHIN THE LER FOR THE PROJECT

It is not anticipated that structures identified for the NED nonstructural project features will be located on Federally owned lands. During feasibility level design, the TSP will be refined to provide more details of the locations of structures for the NED plan. This information will be reviewed and revised for the final REP.

5. NED – 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. During feasibility level design, the TSP will be refined to provide more details of the locations of structures for the NED plan. This information will be reviewed and revised for the final REP.

6. NED – INDUCED FLOODING

It is not anticipated that there will be induced flooding as a result of the NED tentatively selected plan.



7. NED – BASELINE COST ESTIMATES/CHART OF ACCOUNTS (COAS)

At the time of this report, Rough Order of Magnitude level cost estimates had been prepared based on the assumption of 100% participation in the nonstructural plan, and assuming a total of 3,915 structures to be included within the plan (3,665 structure elevations, 247 structures for flood proofing, and 3 acquisitions). The costs assumed that all structures identified for elevation would qualify for such and would not need to be acquired. These estimated costs were included as construction costs within the main report and Economics Appendix. Estimated real estate costs for this feature are composed of administrative costs associated with elevation of structures and flood proofing, the costs associated with acquisition of three residential properties, and possible costs associated with acquisition of the non-standard estate.

During feasibility level design, the nonstructural plan will be re-evaluated, and cost estimates will be refined. A Chart of Accounts will be included within the final REP.

8. NED – TIMBER/MINERAL/ROW CROP ACTIVITY

The Louisiana Department of Natural Resources provides a Strategic Online Natural Resources Information System (SONRIS), which contains up-to-date information on oil & gas activity in the state of Louisiana. Review of this information indicated that there are oil and gas wells within the study area near the eleven NED project reaches. 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 feasibility level design, maps will be provided showing oil and gas activity within the project area.

Nonstructural project features are not expected to affect timber or crop activity within the project area.

9. NED – 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.

10. NED – ACQUISITION SCHEDULE

At the time of this report, a schedule for non-structural project feature implementation has not been determined. This will be re-evaluated during feasibility level analysis. The nonstructural program elevations and flood proofing features will require execution of an agreement between the landowner and the NFS, title and surveys, appraisals, HTRW analysis, and other administrative functions to be developed during feasibility level design. Nonstructural acquisitions will require TOD, mapping, title, appraisals, negotiations and closing for homes to be acquired.

This information will be re-evaluated during feasibility level design, and an acquisition schedule will be included within the final REP.



11. NED – FACILITY/UTILITY RELOCATIONS

Relocation data is collected and detailed by the USACE New Orleans District, Engineering Division, Design Services Branch Relocations Team. At the time of this report, it was anticipated that there will be no facility/utility relocations required for the project. The conclusions are 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.

12. NED – HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

At the time of this report, a Phase I Environmental Site Assessment has not been conducted. This assessment will be performed during feasibility level of design. 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 this time, a determination has not been made as to whether a property would be eligible for flood-proofing, elevation or acquisition if HTRW were found on a site.

G. NER TENTATIVELY SELECTED PLAN

The NER TSP consists of the following 5 measures to be implemented in the area located south of the Gulf Intracoastal Waterway (GIWW).

- Hydrologic Restoration - 2 hydrologic and salinity control features 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.
- Sabine Lake Oyster Reef Preservation - reef will be preserved through the enforcement of perpetual oyster harvesting restrictions.

A map showing the general location of the NER features is shown in Figure 2 below:

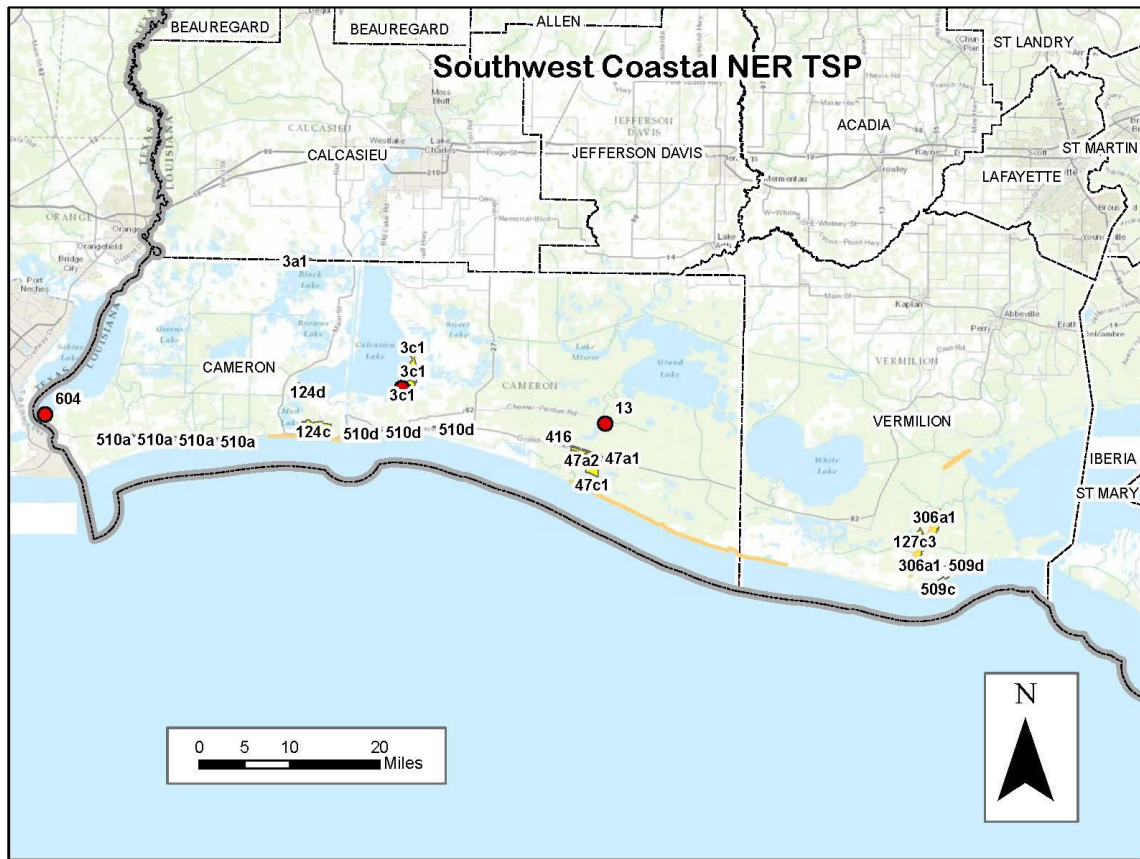


Figure 2: NER TSP Location

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.



The preservation of oyster reef areas is an effective technique to help control salinity and limit saltwater intrusion into sensitive wetland areas using a natural feature. Several natural reef areas were considered but only preservation of the historic reefs in Sabine Lake have been recommended in the TSP. The reef will be preserved through the enforcement of perpetual oyster harvesting restrictions.

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 - LANDS, EASEMENTS & RIGHTS-OF-WAY

Table 2 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. Further analysis will be conducted during feasibility level design and revisions will be included within the final REP. 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 have not yet been determined. This information will be developed during feasibility level design. A standard Perpetual Access Easement will be acquired for this portion of the project.

b. STAGING

Staging area locations and acreages for LER to be acquired will be determined during feasibility level design. 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 2 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). If this is not possible, an alternative source of borrow will need to be located. At this time, a possible alternative borrow source has not been identified. This information will be reviewed and revised during feasibility level design and will be included within the final REP. Should the alternative borrow source be 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 a Grant of Particular Use will be acquired over state owned water bottoms. Ownership of the areas to be used for pipeline placement is further described in Table 2 below.

The placement of dredged material will cause discharge of effluent in adjacent wetlands. During feasibility, the team will evaluate this further and decide whether a takings analysis needs to be prepared and whether an estate needs to be acquired over these adjacent lands.

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 during the feasibility phase, revisions will be made to the REP.

f. RECLAMATION RIGHTS

There is potential that some of the marsh restoration features of the project will create emergent lands, which could lead to reclamation claims. State law provides that landowners whose land became state water bottom as a result of erosion, subsidence, sea level rise, compaction, etc. may have the right to reclaim the lands. During feasibility level design, the marsh restoration features will be analyzed in further detail, to determine whether landowners adjacent to state water bottoms may have reclamation rights, and to address possible real estate interests which may be required for the project as a result.

Table 2: NER TSP LER for Construction

Feature #	Description	Ownership	Estate
HYDROLOGIC & SALINITY CONTROL – 6092 TOTAL ACRES			
13	Freshwater introduction/retention structure or sill on Little Pecan Bayou. The measure is currently a 60-foot wide sill with a bottom elevation of -7.25 feet. The measure is proposed to reduce saltwater intrusion and tidal flux from the lower Mermentau River into the wetlands adjacent to Little Pecan Bayou south of Grand Lake. Located in state water bottoms. Exact acreage TBD upon feasibility level design.	State	Grant of Particular Use
74a	Spillway structure at East Calcasieu Lake. 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	USFWS	Special Use Permit



	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.		
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. 88 acres of marsh restoration and 933 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 on private lands.	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 borrow. Pipeline for dredged material will be on private lands.	Private	Fee, Excluding Minerals*/Perpetual Pipeline Easement



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 on private lands.	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. Some pipeline for dredged material will be on private lands.	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 privately owned area near Mud Lake, southwest of Calcasieu Lake. 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	Fee, Excluding Minerals*
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. Some pipeline for dredged material will be on private lands.	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 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	State	Grant of Particular Use



	the town of Holly Beach. Located within state owned water bottoms.		
6b1	Gulf Shoreline Restoration: Calcasieu River to Freshwater Bayou. Approximately 58,700 linear feet of shoreline protection using reef breakwaters with lightweight aggregate core along the Gulf of Mexico shoreline of the Rockefeller Wildlife Management Area and Game Preserve.	State	Grant of Particular Use
6b2	Gulf Shoreline Restoration: Calcasieu River to Freshwater Bayou. Approximately 42,800 linear feet of shoreline protection using reef breakwaters with lightweight aggregate core along the Gulf of Mexico shoreline of the Rockefeller Wildlife Management Area and Game Preserve.	State	Grant of Particular Use
6b3	Gulf Shoreline Restoration: Calcasieu River to Freshwater Bayou. Approximately 37,900 linear feet of shoreline protection using reef breakwaters with lightweight aggregate core along the Gulf of Mexico shoreline of the Rockefeller Wildlife Management Area and Game Preserve.	State	Grant of Particular Use
16b	Fortify Spoilbanks of GIWW and Freshwater Bayou. Approximately 81,500 combined linear feet 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	Grant of Particular Use
CHENIER REFORESTATION – 1413 TOTAL ACRES			
416	Reforestation of approximately 252 total acres of Grand Chenier Ridge in Cameron Parish.	Private	Fee, Excluding Minerals*
509c	Reforestation of approximately 21 total acres of Bill Ridge in Vermilion Parish.	Private	Fee, Excluding Minerals*
509d	Reforestation of approximately 8 acres of Cheniere Au Tigre in Vermilion Parish.	Private	Fee, Excluding Minerals*
510a	Reforestation of approximately 524 total acres of Blue Buck Ridge in Cameron Parish.	Private	Fee, Excluding Minerals*
510b	Reforestation of approximately 148 total acres of Hackberry Ridge in Cameron Parish.	Private	Fee, Excluding Minerals*
510d	Reforestation of approximately 459 total acres of Front Ridge in Cameron Parish.	Private	Fee, Excluding Minerals*
OYSTER RESTORATION			
604	Preservation of the historic Sabine Oyster Reef located in the southern end of Sabine Lake near Sabine Pass. This	State	Grant of Particular



	will be accomplished via revision to state policy to enforce perpetual restriction on oyster harvesting.		Use
--	--	--	-----

*A Request to Deviate from Fee Acquisition and Request for Approval of Non-Standard Estate may be developed during feasibility level design. Refer to Section 2 below for further discussion of Fee, Excluding Minerals estate.

2. NER - 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 feasibility level design prior to the submittal of the final report. The NSE Request will be submitted as a separate document to CEHQ thru CEMVD, and will be included within the final REP. 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).

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

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

A perpetual and 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.

Approval of the Perpetual Access Easement (Non-Material Deviation from Standard Estate) is attached as Annex 3.

3. **NER - EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT**

There are numerous Federal projects located within the project study area, and it is expected that a small portion of the LER required for the TSP features will lie within the boundaries of an existing Federal project. During feasibility level design, the TSP alignments will be refined to provide more details of the locations of project features. At that time, further analysis will be conducted to determine any previously-provided interests that are included within the TSP alignments, and whether there are any lands provided as an item of local cooperation for a previous Federal project, which are not eligible for LER credit.

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

Portions of the NER project features lie within the Cameron Prairie National Wildlife Refuge and the Sabine National Wildlife Refuge. 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 1.



5. NER - NON-FEDERAL SPONSOR OWNED LER

Some of the NER features (such as shoreline stabilization along the Gulf Coast) may lie within state owned lands or state claimed water bodies. For state owned lands within the project alignment, the state will issue a Grant of Particular Use to the Government. The State of Louisiana is prohibited by Constitutional mandate from granting easements over its property or selling the property in fee interest. The Grant of Particular Use is the instrument executed by the State which allows the Federal government to enter its property and construct the project (in Federal terms, this would be called Right-of-Entry). The document discusses the work to be performed on the land and the duration of occupancy. The state will issue a Grant of Particular Use for the project area which lies within state owned water bottoms. The rights delineated in the Grant of Particular Use issued by the State will be similar to the language in the standard estates described in Section 2 above. A map of NFS owned lands within the project area is included within Annex 1.

6. NER - INDUCED FLOODING

Within the two hydrologic/salinity control measures, sediment transport at salinity control structure sites would likely be altered. Sediment delivery to the coast may be reduced. Water control structures may lead to minimal local increased water levels landward (drainage) and seaward (tidal and storm surge) when closed. These two project features (13 and 74a) are located within state and Federal lands. However, it is possible that adjacent landowners would be affected. In addition, disposal of dredge materials on marsh restoration sites may cause discharge of effluent. At the time of this report, sufficient information was not available to determine whether there would be induced flooding as a result of these project features. Further analysis will be conducted during feasibility level design, and if it is found that there will be induced flooding, a Takings Analysis will be prepared. This information will be refined and revised in the final REP.

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

A Chart of Accounts for the tentatively selected plan is included in Annex 4 of this Real Estate Plan. The estimated total cost for Real Estate Acquisition for the NER Plan is \$21,609,000.

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 or possible administrative costs which could be incurred by the non-federal sponsor associated with reclamation rights. Cost estimates will be revised after completion of feasibility level design.

During preliminary analysis, real estate total land costs were not expected to exceed 10% of total project costs, therefore a gross appraisal was not prepared for this project (refer to Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3) dated January 10, 2013, attached as Annex 5). LER costs are based on a cost estimate prepared by the Appraisal Branch in October 2013. This information will be revised during feasibility level design, and if total land costs exceed 10% of total project costs, a gross appraisal will be prepared.



8. NER - 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. This will be further investigated during feasibility and revised in the final REP if necessary.

9. NER - 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 following feasibility level design. In the event that design information indicates that there are several 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 over certain lands, an estate which has the potential to impact mineral rights, 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 in areas to be acquired in fee (excluding minerals) 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.

10. NER - 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.

One of the NER project features (Feature 604) recommends the preservation of the historic Sabine Lake Oyster Reef located in the southern end of Sabine Lake. The government will acquire a Grant of Particular Use from the state for this feature. There are no active state oyster leases in the area of the Sabine Lake Oyster Reef.

11. NER - 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 with the exception of the oyster reef preservation. The oyster reef is located on State of Louisiana water bottoms and the State will enforce restrictions on harvesting of oysters.



12. NER - ACQUISITION SCHEDULE

The following acquisition schedule for ecosystem project features is based on the premise that the project will impact approximately 260 landowners for the NER project features. It is assumed that the project will be constructed in sections. A detailed acquisition schedule will be prepared during PED 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, and will be updated following feasibility level of design.

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

Relocation data is collected and detailed by the USACE New Orleans District, Engineering Division, Design Services Branch Relocations Team. At the time of this report, it was anticipated that there will be no facility/utility relocations required for the NER features of the project. The conclusions are 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.

14. NER - HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

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

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 project is not known at this time. It is expected that once more information is developed for the NED project features, landowner meetings will be held. At that time, landowner concerns and support for this project feature 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.

Prepared By:

Karen E. Vance
Realty Specialist, Planning & Appraisal Branch
Real Estate Region South Division
December 12, 2013

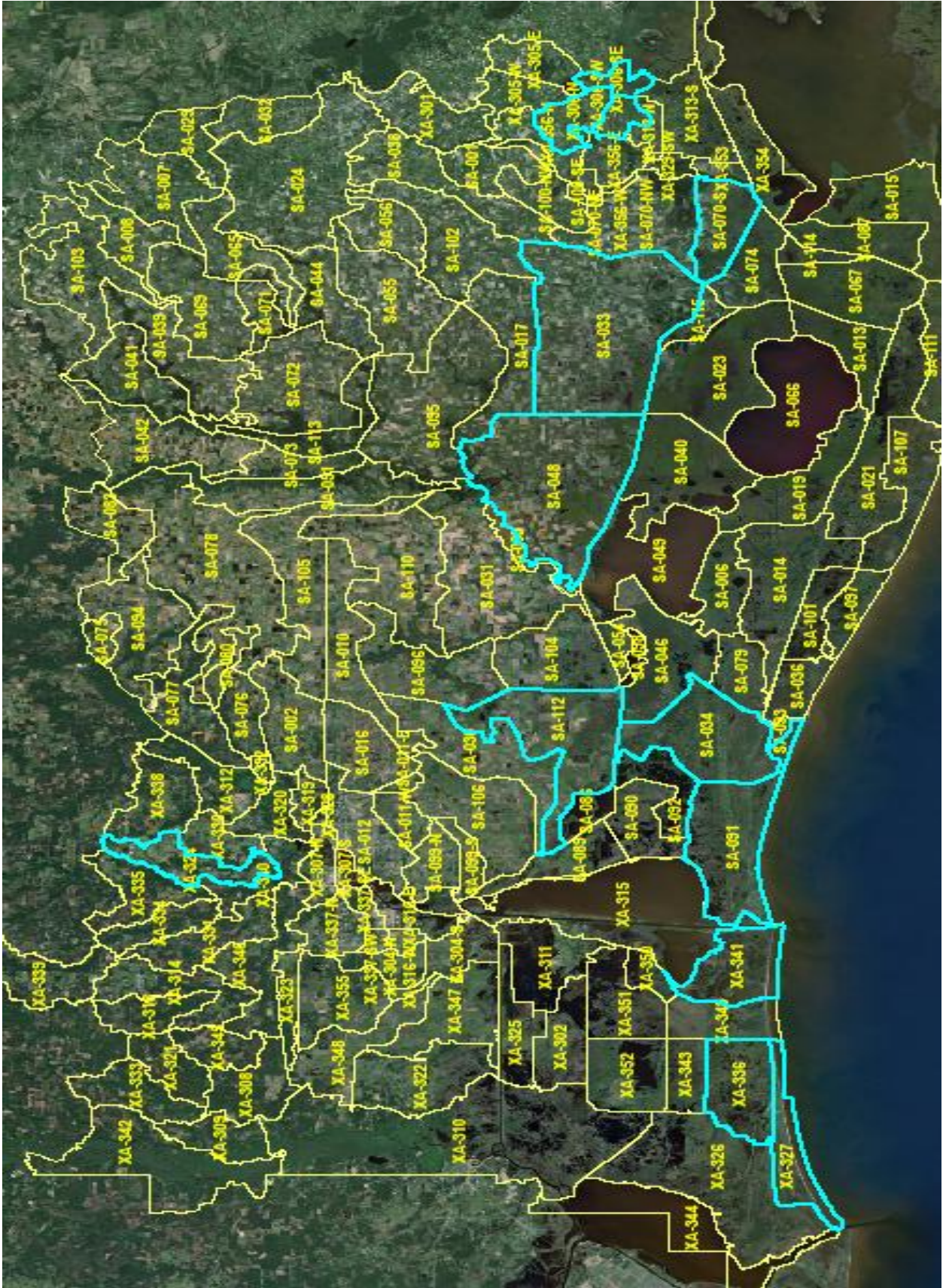
Recommended for Approval By:

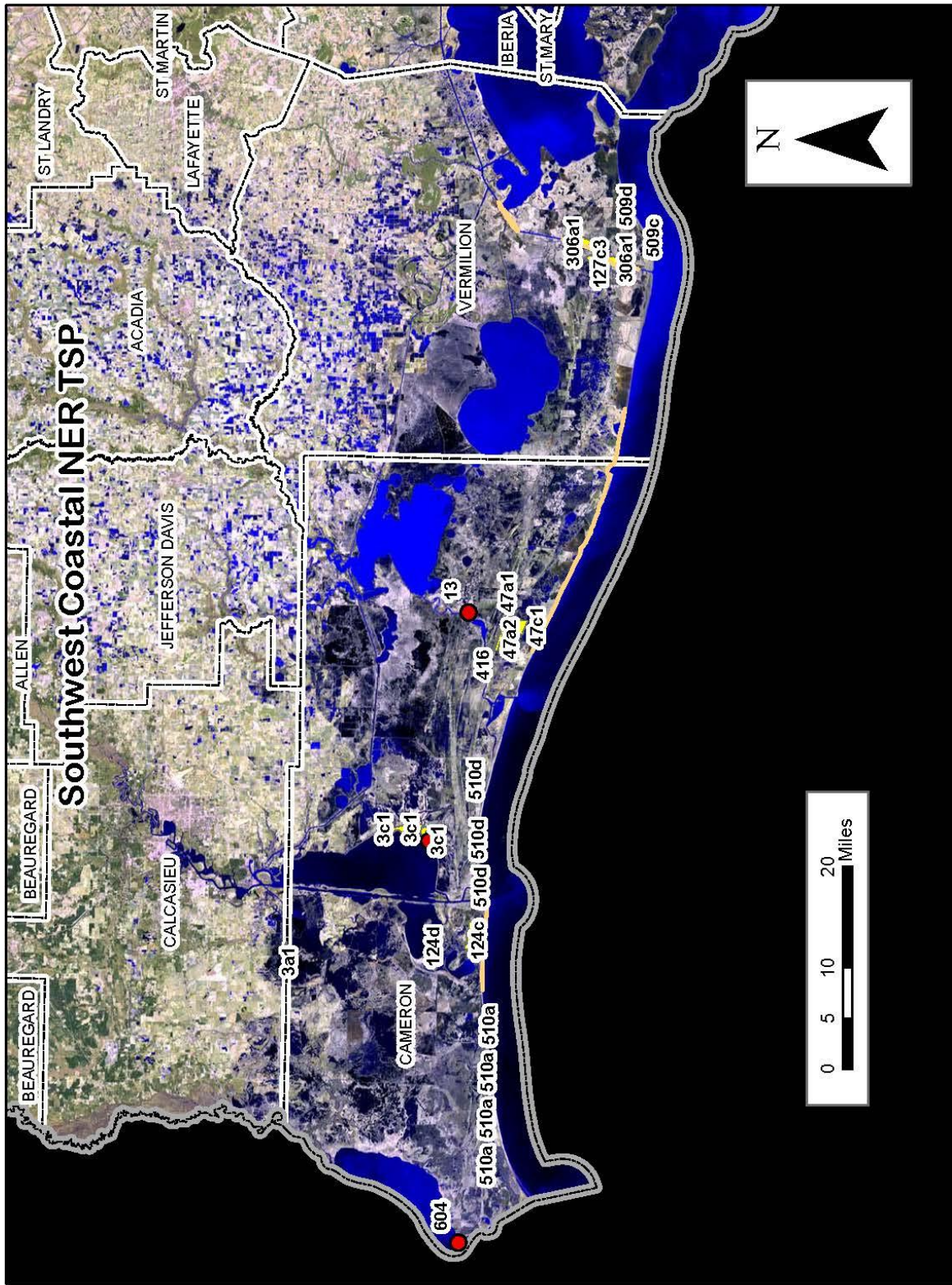
Judith Y. Gutierrez
Chief, Appraisal & Planning Branch
Real Estate Region South Division
December 12, 2013

ANNEX 1
PROJECT MAPS



NED NON-STRUCTURAL ECONOMICALLY JUSTIFIED REACHES





ANNEX 2
ASSESSMENT OF NON-FEDERAL SPONSOR'S
ACQUISITION CAPABILITY



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

**COASTAL PROTECTION AND
RESTORATION AUTHORITY BOARD (CPRAB) THROUGH
THE COASTAL PROTECTION AND RESTORATION AUTHORITY**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES, if property title is required for the purpose of this project it will be acquired by the Coastal Protection and Restoration Authority (CPRA), the implementation and enforcement arm of the CPRAB.**
- b. Does the sponsor have the power of eminent domain for this project?
NO. Although the Sponsor does not have eminent domain authority, if this should be needed for the project, the Sponsor may partner with a Levee District or Parish Government which has that authority (Act 225 RS38:301.1 and Act 320), if they agree.
- c. Does the sponsor have "quick-take" authority for this project?
NO. Although the Sponsor does not have quick take authority, if this should be needed for the project, the Sponsor may partner with a Levee District or Parish Government which has that authority (Act 225 RS38:301.1 and Act 320), if they agree.
- 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**

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 which provide ample resources.**



CPRA is presently under development. It is expected that the staff will continue to grow in the upcoming months/years, provided sufficient budget and proper legal authorities.

- 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 Sponsor 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**

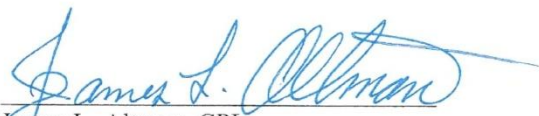
Prepared by:



Karen E. Vance
Realty Specialist
Appraisal & Planning Branch
Real Estate Region South Division
USACE

9/3/2013
Date

Approved by:



James L. Altman, CPL
Land Manager, Real Estate/Land Rights Division
Coastal Protection and Restoration Authority
on behalf of the
Coastal Protection & Restoration Authority Board

9/3/2013
Date



ANNEX 3
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

ANNEX 4
BASELINE COST ESTIMATES / CHART OF ACCOUNTS

CEMVK-RE-E
REAL ESTATE DIVISION

SOUTHWEST COASTAL LOUISIANA PROJECT
REAL ESTATE COST ESTIMATE
NER PLAN

October, 2013

BASED ON COST ESTIMATES PROVIDED IN OCTOBER, 2013					AMOUNT	CONTINGENCY	PROJECT COST
						ROUNDED	21,609,000
	TOTAL PROJECT COSTS				17,287,900	4,321,500	21,609,400
01	LANDS AND DAMAGES		CONTINGENCY	PROJECT COST	17,287,900	4,321,500	21,609,400
01B	ACQUISITIONS						
01B10	BY GOVERNMENT	0	0	0			
01B20	BY NON-FEDERAL SPONSOR (NFS)	1,547,000	386,750	1,933,750			
01B30	BY GOVT ON BEHALF OF LS	0	0	0			
01B40	REVIEW OF LS	819,000	204,750	1,023,750			
01C	CONDEMNATIONS						
01C10	BY GOVERNMENT	0	0	0			
01C20	BY LS	2,340,000	585,000	2,925,000			
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	520,000	130,000	650,000			
01E40	BY GOVT ON BEHALF OF LS	0	0	0			
01E50	REVIEW OF LS	260,000	65,000	325,000			
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	11,801,900	2,950,000	14,751,900			
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 260 LANDOWNERS						



ANNEX 5

REAL ESTATE POLICY GUIDANCE LETTER NO. 31

REAL ESTATE SUPPORT TO CIVIL WORKS PLANNING PARADIGM (3X3X3)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEMP-CR

JAN 10 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

1. References.

- a. Memorandum, CECW-CP, 8 February 2012, Subject: U.S. Army Corps of Engineers Civil Works Feasibility Study Program Execution and Delivery
- b. ER 5-1-11, USACE Business Process, 1 November 2006
- c. EC 405-1-04, Appraisal, 30 Dec 2003
- d. ER 1105-2-100, Planning Guidance Notebook, 22 Apr 2000
- e. ER 405-1-12, Chapter 12, Real Estate Roles and Responsibilities for Civil Works, Cost Shared and Full Federal Projects, Change 31, 1 May 1998

2. Purpose. In accordance with reference a, this memorandum provides interim policy and guidance for real estate efforts associated with feasibility studies under the new Planning Paradigm, "SMART Planning," and the 3x3x3 rule. In accordance with the 3x3x3 rule, all feasibility studies should be completed within three years, at a cost of no more than \$3 million, utilize three levels of vertical team coordination, and be of a "reasonable" report size.

3. Background. Real Estate has been fully engaged in the implementation of the 3x3x3 by actively participating in each webinar, the planning modernization workshop, and serving as part of the HQ Transition Team. In accordance with references b-e, Real Estate involvement is essential to the development and implementation of any pre-authorization project. Paragraph 12-16 of reference e. outlines the significant topics that must be covered in a real estate plan (REP). The level of detail necessary to apply the requirements of real estate policy and guidance will vary depending on the scope and complexity of each project.

As outlined in Chapter 12, the minimum interests in real property necessary to support various types of projects must be identified. As projects are scoped at the beginning of the feasibility phase (via a Charette or other forum), it is essential that Real Estate become familiar with the project authority and purposes to make a determination of the minimum interests and estate(s), both standard and non-standard, necessary as projects are scoped and alternatives evaluated. If a



CEMP-CR

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

non-standard estate will be needed, this should be discussed with MSC and HQ Real Estate as early as possible to ensure that the justification is sound and will serve the project purpose.

4. Policy. Typically, the attorney's preliminary opinion of compensability and gross appraisals are two areas that require more detail than may be readily available during the start of the feasibility phase, and are critical to determination of accurate estimates for real estate and total project costs. Due to the focus on 3 years or less for study duration, it will be essential for Real Estate to be adaptable and scale its requirements, decision making, and risk management in proportion to the significance of total project costs.

a. Gross Appraisals:

Specific to gross appraisals, EC 405-1-04 provides that cost estimates are utilized for preliminary planning of projects and in other cases, brief gross appraisals are acceptable. For purposes of the feasibility phase, the detail will vary as outlined below.

- (1) For projects in which the value of real estate (lands, improvements, and severance damages) are not expected to exceed ten percent of total project costs (total cost to implement project), a cost estimate (or rough order of magnitude) will be acceptable for purposes of the feasibility phase.
- (2) For projects in which the value of real estate (lands, improvements, and severance damages) do not exceed 30 percent of total project costs (total cost to implement project), a brief gross appraisal will be acceptable for purposes of the feasibility phase. A brief gross appraisal will follow format issued by Chief Appraiser.
- (3) For projects in which the value of real estate (lands, improvements, and severance damages) exceed 30 percent of total project costs (total cost to implement project), a full gross appraisal will be prepared in accordance with the appraisal regulation and guidance provided by EC 405-1-04 and the Chief Appraiser.

b. Attorney's Opinion of Compensability:

As described in paragraph 12-17 of Chapter 12, utility/facility relocations may require preliminary attorney's opinions of compensability. While the practice of obtaining preliminary attorney's opinions of compensability provides a high degree of certainty with regard to project costs during the feasibility phase, such opinions can be time consuming and may provide more certainty than may be optimal for feasibility purposes when potential utility/facility relocation costs do not constitute a large percentage of total project costs. In support of the goals set out in the new planning paradigm described in reference a., Districts shall adhere to the following guidance:



CEMP-CR

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

- (1) Where the estimated total cost to modify all project utility facility relocations, including the value of any additional lands that may be required to perform the relocations does not exceed 30 percent of estimated total project costs, the District Office of Real Estate shall, in lieu of an attorney's opinion of compensability prepare a real estate assessment. Such a real estate assessment, will address the following questions:
 - (a) Is the identified utility facility generally of the type eligible for compensation under the substitute facilities doctrine (e.g., school, highway, bridge, water and sewer systems, parks, etc.)
 - (b) Does the District have some valid data or evidence that demonstrates that it has identified an owner with a compensable interest in the property

If the answer to both questions is yes, then the District Office of Real Estate shall reflect the cost of providing a substitute facility in the Real Estate Plan (REP) and all other feasibility study cost estimates. If the answer to either or both questions is no, the District shall not reflect the cost of a substitute facility in the REP or other feasibility study cost estimates. However, the REP narrative should still include a discussion on the facility with results of analysis and project impact. For cost shared projects, the non-federal sponsor must be advised that the inclusion of substitute facilities costs in the REP or other use feasibility study estimates is for planning and budgeting purposes only and does not constitute a preliminary or final determination of compensability by the agency regardless of whether the cost of substitute facilities are reflected in the feasibility study documents. Using a real estate assessment does not eliminate the need to obtain a final attorney's opinion of compensability prior to execution of the PPA.

- (2) Where the estimated total cost to modify all project facility relocations, including the value of any additional lands that may be required to perform the relocations, has public or political significance or the costs exceed 30 percent of estimated total project costs, a preliminary opinion of compensability shall be prepared for each owner's facilities. The level of documentation for each relocation item should be based on the significance of the relocation item to project formulation and estimated project costs.

Real Estate products, such as the REP, must be adaptable and scaled based on the project scope. Additionally, Real Estate must utilize the risk register to highlight areas where cost, schedule or uncertainty is greater in order to manage risk. Going forward, the Real Estate Division will continue to work closely with the Planning and Policy Division, Engineering and Construction Division, the Programs Integration Division and the National Law Firm on the Planning SmartGuide. This SmartGuide will provide more on procedures, tips, techniques and tools for



CEMP-CR

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works
Planning Paradigm (3x3x3)

specific types of planning projects to aid in implementation of the new Planning Paradigm. All bulletins and updates on the SmartGuide can be found at:
<http://planning.usace.army.mil/toolbox/>.

5. Duration. The policies stated herein will remain in effect until amended or rescinded by Policy Memorandums, Policy Guidance Letters, Engineers Circulars or Engineer Regulations.

FOR THE COMMANDER:

SCOTT L. WHITEFORD
DIRECTOR OF REAL ESTATE

DISTRIBUTION:

COMMANDER,
GREAT LAKES AND OHIO RIVER DIVISION (CELRD-PDS-R)
MISSISSIPPI VALLEY DIVISION (CEMVD-TD-R)
NORTH ATLANTIC DIVISION (CENAD-PD-E)
NORTHWESTERN DIVISION (CENWD-PDS)
PACIFIC OCEAN DIVISION (CEPOD-RE)
SOUTH ATLANTIC DIVISION (CESAD-PDS-R)
SOUTH PACIFIC DIVISION (CESPD-ET-R)
SOUTHWESTERN DIVISION (CESWD-ET-R)

CF:

COMMANDER,
DETROIT DISTRICT (CELRE-RE)
HUNTINGTON DISTRICT (CELRH-RE)
LOUISVILLE DISTRICT (CELRL-RE)
NASHVILLE DISTRICT (CELRN-RE)
PITTSBURGH DISTRICT (CELRP-RE)
MEMPHIS DISTRICT (CEMVM-RE)
NEW ORLEANS DISTRICT (CEMVN-RE)
ROCK ISLAND DISTRICT (CEMVR-RE)
ST. LOUIS DISTRICT (CEMVS-RE)
ST. PAUL DISTRICT (CEMVP-RE)
VICKSBURG DISTRICT (CEMVK-RE)
BALTIMORE DISTRICT (CENAB-RE)
NEW ENGLAND DISTRICT (CENAE-RE)
NEW YORK DISTRICT (CENAN-RE)
NORFOLK DISTRICT (CENAO-RE)



CEMP-CR

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works
Planning Paradigm (3x3x3)

KANSAS CITY DISTRICT (CENWK-RE)
OMAHA DISTRICT (CENWO-RE)
PORTLAND DISTRICT (CENWP-RE)
SEATTLE DISTRICT (CENWS-RE)
WALLA WALLA DISTRICT (CENWW-RE)
ALASKA DISTRICT (CEPOA-RE)
HONOLULU DISTRICT (CEPOH-PP-RE)
JACKSONVILLE DISTRICT (CESAJ-RE)
MOBILE DISTRICT (CESAM-RE)
SAVANNAH DISTRICT (CESAS-RE)
ALBUQUERQUE DISTRICT (CESPA-RE)
LOS ANGELES DISTRICT (CESPL-RE)
SACRAMENTO DISTRICT (CESPK-RE)
FORT WORTH DISTRICT (CESWF-RE)
GALVESTON DISTRICT (CESWG-RE)
LITTLE ROCK DISTRICT (CESWL-RE)
TULSA DISTRICT (CESWT-RE)
CECC-R