

Real Estate Plan

Morganza to the Gulf of Mexico, Louisiana

Morganza to the Gulf Project Vicinity

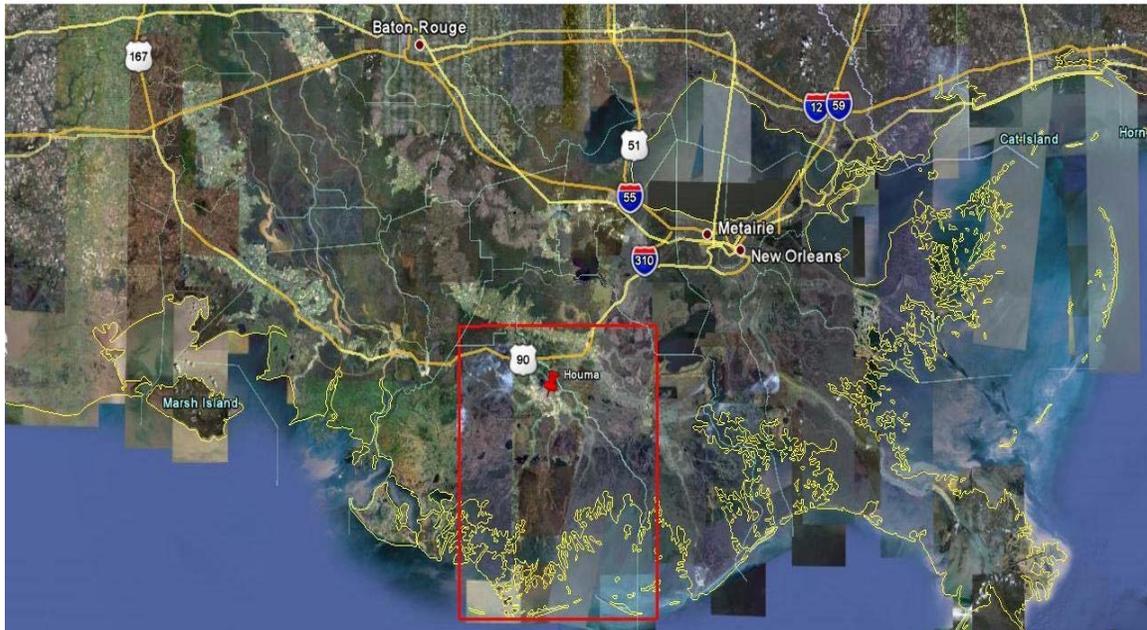


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PURPOSE OF THE REAL ESTATE PLAN AND PROJECT DESCRIPTION

This Real Estate Appendix presents the real estate requirements and costs for the Post Authorization Change (PAC) Report for the Morganza to the Gulf of Mexico, Louisiana hurricane and storm damage reduction project. The information contained herein is tentative in nature for planning purposes only.

A previous Real Estate Plan was prepared in August, 2000 in support of the Final Feasibility Report, which was approved in March, 2002.

The Water Resources and Development Act of 2007 (WRDA 2007), Section 1001 (24) authorized construction of the Morganza to the Gulf of Mexico, Louisiana hurricane and storm damage reduction project (commonly referred to as “Morganza to the Gulf”). The authorization was based on reports of the Chief of Engineers dated August 23, 2002 and July 22, 2003. The project was intended to provide for the 100-year level of risk reduction (based on a storm surge elevation that has a 1% chance of being equaled or exceeded in a given year); however, the authorized project cost estimates do not reflect post-Katrina 100-year design elevations, criteria, borrow standards, or construction costs that must now be incorporated into the Morganza to the Gulf project. Changes to the authorized project have exceeded the 20% cost increase limit specified in WRDA 1986, Section 902, and must be documented in a Post Authorization Change Report (PAC REPORT).

This project analyzes the same levee alignment at two levels of risk reduction (1% and 3% probability). The 1% Annual Exceedance Probability (AEP) Storm Surge Risk Reduction System is a hurricane levee system that provides risk reduction for water levels that have a one percent probability of occurring each year. This alternative has the same intended level of risk reduction as the pre-Katrina authorized project but is modified to be consistent with post-Katrina design standards.

The 98-mile Morganza to the Gulf levee system primarily follows existing hydrologic barriers such as natural ridges, roadbeds, and existing local levees. The western extent ties into high ground along US 90 near the town of Gibson, and the eastern extent ties into Hwy 1 near Lockport, LA. Levee elevations range from 15.5 to 24.0 feet for base year (2035) conditions and from 19.5 to 26.5 feet NAVD88 for future year conditions. Structure elevations range from elevation 17.5 to 33.0 NAVD88.

The project includes 1 lock, 22 navigable floodgates, 23 environmental water control structures, 9 road gates, and fronting protection for 6 existing pumping stations. Structures on Federally maintained navigation channels include the Houma Navigation Canal Lock Complex (and 250-ft sector gate) and two 125-ft sector gates on the GIWW east and west of Houma. In addition, fourteen (14) 56-ft sector gates and five (5) 20- to 30-ft stop log gates are located on various waterways that cross the levee system.

A summary map showing the location of the project reaches is included as Exhibit A to this Real Estate Appendix.

The levees will be constructed in lifts. There will be a maximum of four lifts in various thicknesses. (Larose C-North 1% AEP plan includes a 5th lift.) It is assumed that the lifts will be constructed between 2015 and 2071, with final settlement being reached in the year 2085.

Figure 1-1 below is a summary map of the project reaches.

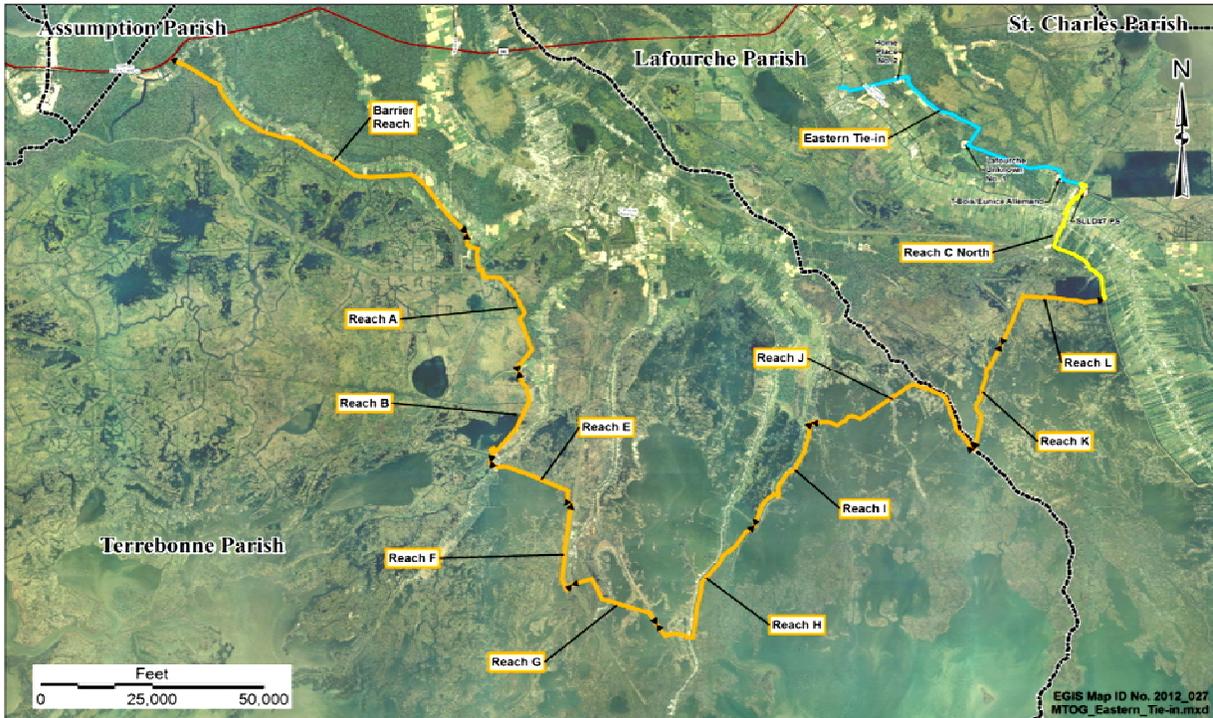


Figure 1-1 Morganza PAC Alignment

PROJECT LOCATION

The project/study area is generally located in coastal Louisiana about 60 miles southwest of New Orleans. The area includes all of Terrebonne Parish and portions of Lafourche Parish. The study area extends south to the saline marshes bordering the Gulf of Mexico and encompasses approximately 1,891 square miles. Bayou Lafourche forms the eastern study boundary and Bayou Black and Louisiana Highway 311 forms the western boundary. The Gulf Intracoastal Waterway (GIWW) passes through the northern part of the study area in an east-west direction, and the Houma Navigation Channel (HNC) extends due south from Houma to the Gulf of Mexico.

A map of the project area is located within Exhibit A. Preliminary design plates showing the location of each Reach are located in the Engineering Appendix of the Post Authorization Change Report.

PROJECT AUTHORIZATION

The Morganza to the Gulf of Mexico project was conditionally authorized in WRDA 2000 at a cost of \$550 million subject to having a favorable Chief of Engineer's Report completed by December 2000; however, the terms of this conditional authorization were not met. The PED phase on the HNC lock complex was initiated in advance of the PED phase for the Morganza to the Gulf of Mexico hurricane and storm damage reduction project. The PED Agreement for the HNC lock was signed in January 2000.

The Morganza to the Gulf feasibility study and PEIS were completed in March, 2002, and a PED agreement was signed in May, 2002. In August 2002, USACE issued a Chief of Engineers report. In July 2003, USACE issued a supplemental Chief of Engineers report, which made changes to the Non-Federal Sponsor's in-kind services. In accordance with the 2002 and 2003 reports of the Chief of Engineers, the Morganza project is authorized as a feature of the Mississippi River and Tributaries (MR&T). Section 158 of the Energy and Water Development Appropriations Act, 2004 (P.L. 108-137) authorized construction on Reach J-1, which had been previously identified as work-in-kind.

The PED Amendment 1 executed in March 2005 combined the two PED efforts into one and allowed the non-Federal sponsor to advance funds on the combined PED effort. WRDA 2007 authorized the Morganza to the Gulf of Mexico, Louisiana project for hurricane and storm damage reduction at a total cost of \$886.7 million. The PED Amendment 2 executed in January 2011 increased the funding ceiling and changed the name of the Non-Federal Sponsor from Louisiana Department of Transportation and Development (DOTD) to the Louisiana Coastal Protection and Restoration Authority Board (CPRAB).

The Morganza to the Gulf Project was authorized by WRDA 2007 (P.L. 110-114, Section 1001(24)) on November 9, 2007. In accordance with the project authorization contained in Section 1001(24) of WRDA 2007, construction of the project requires a 65 percent cost share by the Federal government and a 35 percent cost share by the non-Federal sponsor. The operation, maintenance, repair, rehabilitation, and replacement of the HNC lock complex and the GIWW floodgate features of the project that provide for inland waterway transportation are a Federal responsibility in accordance with section 102 of WRDA 1986 (33 U.S.C. 2212). The Operation and Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) of all other project features is the Non-Federal Sponsor's responsibility.

NON-FEDERAL SPONSOR

The Louisiana Coastal Protection and Restoration Authority (CPRAB) and the Terrebonne Levee and Conservation District (TLCD) intend to be the non-Federal co-sponsors for the Morganza to the Gulf project (hereafter referred to as the Non-Federal Sponsor). Section 1001(24) of WRDA 2007 specifies Federal responsibility for OMRR&R of the HNC lock complex and the GIWW floodgate features that provide for

inland waterway transportation in accordance with Section 102 of WRDA 1986, as amended. The Non-Federal Sponsor is responsible for OMRR&R of all other project features.

CPRAB and TLCD, as the Non-Federal Sponsors, are 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).

While CPRAB has condemnation authority, it does not, at this time, possess quick-take condemnation authority. If that condition continues when the Real Estate acquisition process commences, TLCD will have responsibility for the acquisition of real estate interests necessary for construction of the project.

There may be areas which the TLCD does not have the authority to acquire (lands located in Lafourche Parish). If that is the case, CPRAB will enter into third party agreements with the South Lafourche Levee District (SLLD) and the North Lafourche Conservation, Levee and Drainage District (NLCLDD) to acquire real estate rights in Lafourche Parish on behalf of CPRAB. Although neither NLCLDD nor SLLD will be a party to the Project Partnership Agreement, they will utilize their statutory authority on behalf of CPRAB. For that reason, an Assessment of the Non-Federal Sponsor's Real Estate Acquisition Capability has been obtained for NLCLDD and SLLD, as well as CPRAB and TLCD.

Due to the need for a Post Authorization Change Report and Congressional reauthorization of the project, no PPA has been developed at this time. At such time as the project is reauthorized and funds appropriated for the construction of the project, MVN District will commence the PPA development and negotiation process.

Assessments of the Non-Federal Sponsor's Real Estate Acquisition Capability for CPRAB, TLCD, SLLD, and NLCLDD are attached as Exhibit B. The assessment for SLLD has not been signed by the director. However, the assessment has been informally discussed with the Levee District. Final approved assessment will be included in the final version of this report. The Non-Federal Sponsors have been found to be fully capable of performing acquisition of the LER required for the project.

In order to receive credit for in-kind work, the Non-Federal Sponsor must sign a PPA with the Department of the Army prior to the work being undertaken by the project sponsor. A PPA has not been signed by the sponsor and the Army. The TLCD has started work on reaches that were initially proposed to be a part of the Morganza to the Gulf project, at their own expense, acknowledging that there is no signed PPA in place. In the absence of an executed PPA, the locally constructed levees do not form an integral part of the Morganza to the Gulf Project, and the work performed by the TLCD is not eligible for consideration and approval of work-in-kind credit, nor are the LERRDs

acquired by the Non-Federal Sponsor in support of those levees eligible for credit consideration.

While the locally constructed levees and structures may be eligible for inclusion in the Federal Rehabilitation Inspection Program, as local levees in accordance with ER 500-1-1, Congressional action will be required in order for the levees to be eligible for consideration and approval by the Corps as levees that are integral to and compatible with the Morganza to the Gulf Project. Equally, in order for the Non-Federal Sponsor to be eligible to receive a credit for levee construction and LERRDs acquisition performed in advance of the execution of the PPA, Congress would have to enact express authority authorizing the Corps to consider and approve such a credit upon a finding that the levees meet USACE engineering criteria, are economically justified and environmentally acceptable. The sponsor has substantially completed approximately 9 miles of first lift levees and a few floodgates, which are located along to the proposed Morganza to the Gulf project. Discussion of those features is included in section 2 of the PAC Report.

LANDS, EASEMENTS & RIGHTS-OF-WAY

The majority of the acreage affected by the project consists of marsh or wooded wetlands. Other lands impacted include woodland, agricultural (cane land), industrial waterfront on the GIWW, residential waterfront lots at the community of Waterproof, and mixed-use waterfront lots on Bayou Petite Caillou and Bayou du Large. (Mixed-use refers to recreational “camps” or residential waterfront lots.) The Right-of-Way in Lafourche Parish consists mostly of marsh and open water, with the exception of 3 acres of industrial property along the GIWW at the location of a proposed floodgate in the town of Larose. These 3 acres consist of industrial property that appears to be vacant. It is not anticipated that a business relocation will be necessary in this area.

This report references LERRDs for three different types of acquisitions: 1) The LERRDs required for construction and OMRR&R of the project, 2) the LERRDs required for future lift borrow, and 3) the LERRDs required for induced flooding (refer to the Section entitled Induced Flooding below). Because the location of future lift borrow sites has not yet been determined, and this project feature will be addressed in the future, this acquisition was not included in the LERRDs required for project construction (first lift). The LERRDs required for potential induced flooding are an assumed mitigation feature, and not a part of project construction. The PDT determined that these LERRDs should be included for cost purposes, should it be determined in the PED phase that it is necessary to acquire these properties for mitigation purposes. The chart below shows the estimated number of ownerships affected by each acquisition:

| | <u># Ownerships</u> |
|-------------------------|---------------------|
| Project/Levee Alignment | 580 |
| Future Lift Borrow | 325 |
| Induced Flooding | 1,010 |

PROJECT LEVEE ALIGNMENT

The project will affect approximately 580 ownerships*. Project features and proposed estates by Reach are shown on Table 1.1 below:

Table 1.1 Project Features, Proposed Estates and Estimated Acres

| Reach | Land Class | Est. Owners | Miles | Fee Exc. Minerals Acres | Perpetual Levee Easmt. Acres | Temp. Work Area (Borrow) Acres | Temp. Work Area (Access) Acres | Temp. Work Area (Staging) Acres | Temp. Work Area (Staging) HNC Acres |
|--------------------|---------------|-------------|-------------|-------------------------|------------------------------|--------------------------------|--------------------------------|---------------------------------|-------------------------------------|
| Barrier Alignment | W/F/C/WFR/R/I | 75 | 15.7 | | 732 | 434 | 5 | 20 | |
| A | M/W/F/C/WMA | 26 | 8.2 | | 373 | 226 | 7 | | |
| B | M | 33 | 5.1 | 259 | 398 | 118 | | 2 | |
| E-2 | M/R | 10 | 2.3 | 120 | 207 | 68 | 0.25 | | |
| E-1 | M | 10 | 2.1 | 151 | 253 | 93 | 0.25 | 2 | |
| F-2 | M | 3 | 1.9 | | 139 | 77 | | | |
| F-1 | M/C | 18 | 2.2 | 1287 | 75 | 51 | 1 | 16 | 298 |
| G-1 | M | 5 | 2.2 | 0 | 158 | 57 | 0.25 | | |
| G-2 | M | 5 | 1.7 | 150 | 88 | 25 | | 2 | |
| G-3 | M | 5 | 1.9 | 0 | 87 | 23 | 0.25 | | |
| H-1 | M/W/C/WFR | 15 | 1.9 | 99 | 120 | 68 | | 2 | |
| H-2 | M | 20 | 2.6 | 142 | 205 | 100 | | | |
| H-3 | M | 35 | 3.4 | 212 | 253 | 142 | | | |
| I-1 | M | 10 | 1.7 | | 156 | 61 | | | |
| I-2 | M/C/WFR | 33 | 2.1 | 161 | 164 | 105 | 0.25 | | |
| I-3 | M | 43 | 1.9 | 175 | 170 | 117 | | | |
| J-2 | C/WMA | 15 | 4.9 | 632 | 488 | 194 | | | |
| J-1 | WMA | 13 | 3.1 | 389 | 292 | 126 | | | |
| J-3 | W/WFR | 10 | 1.3 | 183 | 132 | 49 | | 2 | |
| K | M/C/WMA/WFR | 12 | 5.1 | 782 | 418 | 308 | | | |
| L | M/C/WMA | 2 | 5.9 | 0 | 499 | 184 | | 2 | |
| Larose Floodgate | I | 2 | | 3.5 | | | | 2 | |
| Lockport to Larose | M/W/F | 75 | 14 | | 412 | | | | |
| Larose C North | M/F/R/I | 105 | 7 | | 166 | | | | |
| TOTALS: | | 580 | 98.2 | 4,746 | 5,985 | 2,626 | 14.25 | 50 | 298 |

M=Marshland, W=Woodland, F=Farmland, C=Canals, WMA=Wildlife Management Areas, WFR=Water Front Residential, R=Residential, I=Industrial

ACCESS

Access to the construction area will be over existing public roads and navigable waters throughout the project area. In some areas, access will be via existing levee Right-of-Way. However, Temporary Access Easements are proposed in small areas where access is needed on privately owned lands. Table 1.1 shows the acreages over which a Temporary Access Easement is proposed. Access areas for Larose to Lockport and Larose C North will be determined during PED.

STAGING

The majority of staging areas for construction of this project will be located within the Right-of-Way for the levee footprint or existing Right-of-Way. Additional Right-of-Way will be required within a few reaches. Table 1.1 shows the acreages over which a Temporary Work Area Easement is proposed for staging.

BORROW

Borrow material for the first lift will be obtained adjacent to the levees in several of the Reaches. Table 1.1 demonstrates the anticipated acreage for the adjacent borrow areas. A Temporary Work Area Easement (Borrow) will be acquired in these reaches.

Borrow areas for the levee extensions (Lockport to Larose and Larose C North) have not yet been identified. As noted in the Project Description Section, additional refinement of designs and costs will need to continue through PED if the project is re-authorized.

Future Lift Borrow

Material for the remaining lifts will be hauled in from remote locations which have not yet been identified. A separate Chart of Accounts was prepared for the acquisition of LERRDs for borrow for future lifts.

Although sites have not yet been identified, the Chart of Accounts (Exhibit D) shows acquisition costs for estimated future lift borrow, assuming 325 landowners affected over 3,250 acres. A Temporary Work Area Easement (Borrow) will be acquired over these areas. While these costs are accounted for, they are estimates and the actual number of ownerships/acres will not be known until future lift borrow sites are identified.

**The 580 ownerships referred to in Table 1.1 is an estimate for the proposed features within the chart, and does not include the 325 landowners assumed for future lift borrow. The actual number of landowners affected by the future lift borrow feature is not known, and this rough estimate was not added to the number of landowners referenced in the chart. Total number of affected landowners including future lift borrow (a rough estimate) is 905.*

MITIGATION

There will be additional real estate required for mitigation. As noted in Table 1.1, approximately 4,700 acres** of Fee, Excluding Minerals will be acquired for mitigation areas. Please refer to this table for acres required in Fee by Reach. Costs for lands required for mitigation acres are included in costs for land payments in Exhibit D, Chart of Accounts. Real estate costs for mitigation lands are eligible for LERRD credit.

***The estimate of 4,700 acres was based on a preliminary mitigation analysis. Actual acreage may be less for this feature. A detailed mitigation plan and acreage for each of the programmatic features will be developed in the future.*

INDUCED FLOODING

Existing pump stations are used to drain the project area. These pump stations, along with water control structures and navigation structures, will be operated so that the construction of the project features will not induce flooding on the protected side of the project.

Induced Flooding – Larose to Golden Meadow Project Area

Figure 2-2 below demonstrates the Larose to Golden Meadow project reaches:

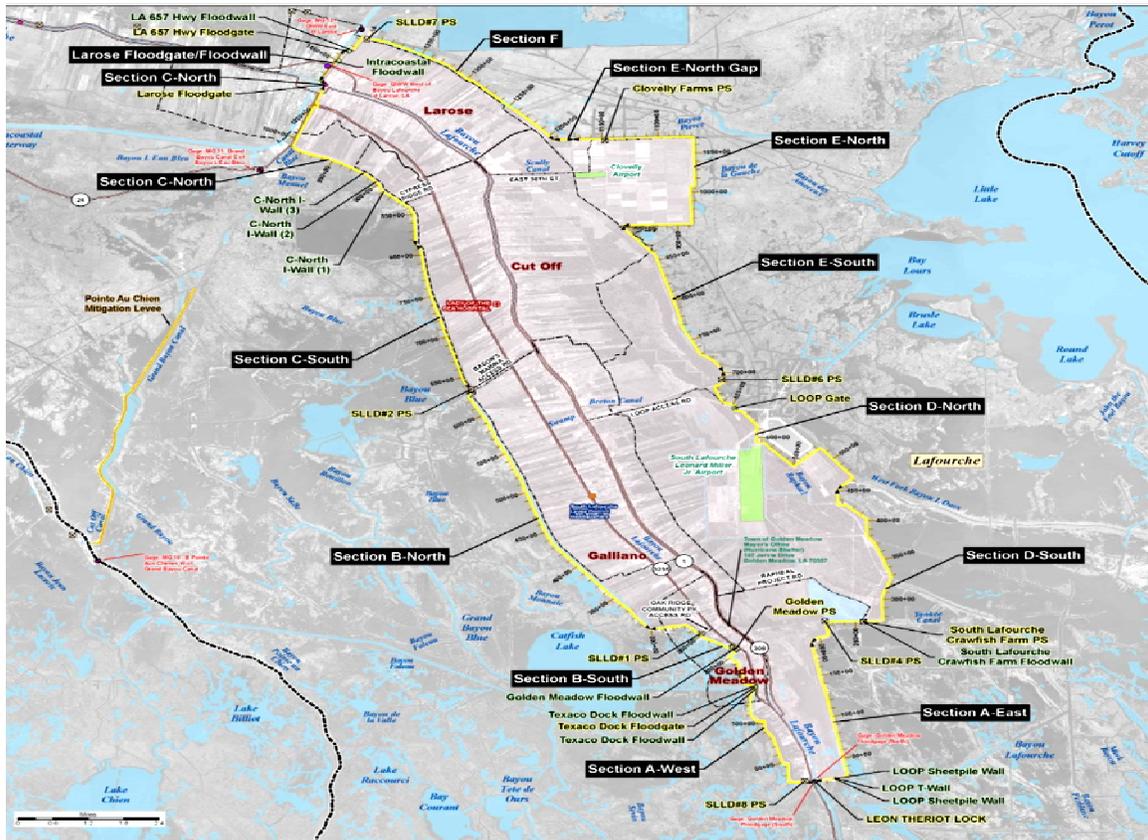


Figure 2-1 Larose to Golden Meadow Project Reaches

It was determined that there would be inducements in Larose levee Sections C-South, B-North, B-South and A-West (Refer to Figure 1.1). The existing levee would be raised in increments varying from 1-3 ft elevation. The impacts on the Larose to Golden Meadow project are discussed in greater detail in Section 6.5.2 of the PAC Report. It is assumed that the lifts in these sections could be constructed within existing Right-of_Way, and no additional LERRDs will be required for those sections.

Induced Flooding - Areas Outside of Levees

Construction of the levee system has the potential to raise water levels in areas immediately outside the levees by several feet during storm events. These areas include portions of the communities of Gibson, Bayou Dularge, Dulac, and Cocodrie. The impacts outside the risk reduction system are discussed in greater detail in **Section 6.5.1** of the PAC report. At the current time, information is not available regarding the differences in frequency, depth, and duration of the flooding between the Future Without Project (FWOP) and Future With Project (FWP) conditions. This detailed information typically would be assessed in light of the uses to which the particular land is zoned, and the appropriate mitigation methods, if any, would be implemented to address the effects of the Federal project. Hydrologic modeling estimates that the Future With Project conditions could potentially increase the level of flooding to approximately 1,010 structures. Because of the vast scope of this project and the limited amount of available information at this time, the PDT was not able to look at each affected parcel individually to determine what the level of impact will be, and whether that impact would be categorized as a taking of property rights. To ensure that the public is informed of all potential impacts of the project and to prevent future delays to project schedule, the PDT, for purposes of this report, has assumed the worst case scenario (most expensive option), a 100% buy-out of all of the structures in the impacted areas.

This cost has been incorporated into the total project cost. These costs were not included as a part of the Gross Appraisal for this project, as they are based on an estimated average cost and not an actual appraisal of the properties involved.

The potential induced damages and mitigation for economic damages would be further addressed during detailed design and supplemental NEPA documents. Individual investigation and devising mitigation for each structure, if appropriate, will be done during Pre Construction Engineering & Design (PED).

Additional factors (height of structures vs. induced stages, type of residential structure, social concerns, etc.) would have to be investigated under PED. Each structure would have to be evaluated under PED to determine if mitigation is appropriate. Further modeling will be performed during PED to determine whether there is a potential taking. A Takings Analysis will be prepared during PED to address this issue, and at that time, it will be determined what real estate interest, if any, will be acquired.

For the purposes of this PAC report, it is assumed that there would be a taking, and that the properties will be acquired in fee excluding minerals. This acquisition will impact 876 residential structures and 134 non-residential structures. The estimate of acquisition costs for residential structures includes the value of the improvement, the value of the land,

moving costs, differential housing payment, payment of last resort, and administrative costs. The estimate of acquisition for the non-residential structures includes the depreciated value of the improvements, land value, moving costs, re-establishment costs, necessary and reasonable incidental costs, and administrative costs. Administrative costs associated with acquisition include the costs of preparing/conducting the following for each ownership: maps and legal descriptions, title, appraisals, negotiations, relocations, closings and condemnation. The total real estate cost associated with this acquisition is estimated to be \$305,115,300. These costs/assumptions are broken out in the chart below:

| | # Owners | Cost Per Owner (Rounded) | Subtotal | 25% Contingency | TOTAL |
|-----------------------------------|----------|--------------------------|----------------------|---------------------|----------------------|
| Acquisition by LS | 1,010 | 9,500 | 9,595,000 | 2,398,750 | 11,993,750 |
| Review of LS Acq | 1,010 | 5,000 | 5,050,000 | 1,262,500 | 6,312,500 |
| Condemnations | 500 | 10,000 | 5,000,000 | 1,250,000 | 6,250,000 |
| Appraisal by LS | 1,010 | 3,000 | 3,030,000 | 757,500 | 3,787,500 |
| Review of Appraisal | 1,010 | 1,000 | 1,010,000 | 252,500 | 1,262,500 |
| P.L. 91-646 Assistance | | | | | |
| Commercial | 134 | 80,300 | 10,760,200 | 2,690,050 | 13,450,250 |
| Residential | 876 | 48,011 | 42,057,800 | 10,514,450 | 52,572,250 |
| Improvement/Land Value (Average)* | 1010 | 165,430 | 167,084,240 | 41,771,060 | 208,855,300 |
| LERRD Crediting Admin Cost | 1010 | 500 | 505,000 | 126,250 | 631,250 |
| TOTAL | | \$322,741 | \$244,092,240 | \$61,023,060 | \$305,115,300 |

*For purposes of the Chart of Accounts, total improvement and land value was divided by the number of structures to yield an average cost per owner.

The decision to buyout the 1,010 structures was made within two weeks of the deadline for the final report. That time frame is not sufficient for the preparation of a feasibility level cost estimate. Given the urgency to have the report completed by the deadline, the District real estate office decided to use existing data for real estate costs associated with this acquisition.

The value of the improvements was prepared by URS Group, Inc. under contract with the Corps of Engineers for the economic analysis. URS is mainly an engineering firm. For this assignment, they hired cost estimators to estimate the value of the improvements. URS used similar methodology to estimate the value of improvements as what Corps appraisers would utilize at the feasibility level. The company physically inspected the exterior of each structure, took photographs and cataloged the structure's physical characteristics including the effective age, quality of construction, and condition of structure. URS estimated the size of each structure utilizing an aerial photograph on which the structure's width and length were measured. The value was then estimated by the use of Marshall & Swift Valuation Service and Residential Handbook.

The estimate of land value for each structure is based on an average lot value for residential land and for commercial/industrial land. The estimate of land value is consistent with the values estimated in the gross appraisal for similar properties that will be acquired for the construction of the levee.

The value of the improvements and land value associated with this acquisition is not included in the gross appraisal for this project given that the information utilized to estimate the improvement values was not prepared by an appraiser. The District recognizes that this is not the conventional way to estimate value and that the inclusion of these costs in the REP is contrary to Corps regulations. However, in order to meet the required deadline this was the only alternative. The costs are included in this real estate plan in order to ensure that Congressional authorization of this project includes the necessary funds to construct the project. Once the project is authorized, a relocation plan will be prepared. In accordance with Public Law 91-646, each ownership to be acquired due to potential induced flooding will be appraised individually prior to acquisition of the property.

Estimated costs for this acquisition are included in the Chart of Accounts in Exhibit D to this Real Estate Plan.

NON-FEDERAL SPONSOR OWNED LER

Portions of Reach J-2, J-3, K and L are located within the Point Aux Chenes State Wildlife Management Area, which is owned by the Louisiana Department of Wildlife and Fisheries. Pointe Aux Chenes Wildlife Management Area encompasses 35,000 acres in Terrebonne and Lafourche Parishes, approximately 15 miles southeast of Houma. The state will issue a Grant of Particular Use to CPRAB for the lands required for the Morganza to the Gulf Project.

Several of the structures proposed for the project are located within state claimed water bodies. The State of Louisiana will provide authorization for entry for construction of these features. Below is a list of these structures:

| <u>Reach</u> | <u>Structure/Location</u> |
|--------------|--|
| BA | 56-ft sector gate on Bayou Black |
| B | 56-ft sector gate on Bayou Du Large |
| F-1 | 56-ft sector gate on Bayou Grand Caillou |
| G | 30-ft sector gate on Bayou Four Points |
| H-1 | 56-ft sector gate on Bayou Petit Caillou |
| I-1/I-2 | 56-ft sector gate on Bayou Terrebonne |
| J-3/K | 56-ft sector gate on Bayou Pointe Aux Chenes |
| L | 56-ft sector gate on Grand Bayou |

As discussed in Section 1.8 of the PAC Report, the Non-Federal Sponsors have constructed or plan to construct several portions of a levee which follows the alignment of this project. If the real estate interests acquired for the levee are necessary for the construction of the Morganza to the Gulf project, the Non-Federal Sponsor may be entitled to a credit for that interest. TLCD is also acquiring property, relocating pipelines, and building environmental mitigation projects that will be required for the Federal project.

The advanced property acquisition and relocation details have been provided to USACE for review and consideration. The Non-Federal Sponsor plans to request credit for the acquisition. However, for the purpose of providing the estimated total real estate costs for the project, the current LER acquisition being performed by TLCD is not included or accounted for in this Real Estate Plan. In other words, real estate costs are based on acquisition of the entire project alignment. The PPA states that after it has been signed, the Non-Federal Sponsor will be eligible for credit for lands that were acquired and necessary for the project, plus any incidental costs that were spent in acquiring these lands, within 5 years of the date the PPA is signed. Once the PPA is signed and the Non-Federal Sponsor submits a credit package for review, USACE will determine what credit they are entitled to receive.

The Non-Federal Sponsor has been notified in writing of the risks of acquiring LERRDs before execution of the PPA.

ESTATES

The following standard estates will be required for the project:

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 for the purpose of exploration, development, production and removal therefrom of said (coal) (oil and gas).

FLOOD PROTECTION LEVEE EASEMENT

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos, ____, ____ and ____) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) (floodwall)(gate closure) (sandbag closure), including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

TEMPORARY WORK AREA EASEMENT

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.

TEMPORARY ACCESS EASEMENT (Non-Material Deviation from Standard Estate)

A non-exclusive and assignable temporary easement for a period not to exceed _____ years 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 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 Temporary Access Easement (Non-Material Deviation from Standard Estate) is attached as Exhibit C.

EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT

Gulf Intracoastal Waterway

The Gulf Intracoastal Waterway (GIWW) crosses the northern portion of the project area. The proposed flood protection system will require two floodgates across the GIWW. The eastern floodgate will be in the town of Larose and will cross the Harvey Canal No. 2 segment of the GIWW, approximately 35.2 miles west of Harvey Lock (WHL). The Government has Fee ownership of the channel at this location. The western floodgate will be located about two miles west of the city of Houma, and will cross the Bourg Canal to Bayou Chene segment of the GIWW at mile 62 WHL. The Government owns a perpetual channel and disposal easement at this location. These Federal interests are sufficient for the construction of the floodgates. A small amount of additional fee land will be required on each side of the channel at the eastern floodgate.

Coastal Wetlands Planning Protection Restoration Act (CWPPRA)

CWPPRA Project TE-41, Mandalay Bank Protection Demonstration Project, lies within the footprint of Reach A of the Morganza to the Gulf Project. The sponsors for TE-41 are U.S. Fish and Wildlife Service and Louisiana Department of Natural Resources. The shoreline protection project is located within the boundaries of the Mandalay National Wildlife Refuge, which is owned by the U.S. Fish and Wildlife Service. The project was complete in 2003. Refer to the Federally Owned Lands Section below for more information.

Other Federal Projects in Planning Phase

As mentioned in the PAC Report, there are numerous other Federal projects which are being proposed within the Morganza to the Gulf Project area, including Coastal Wetlands Planning, Protection, Restoration Act (CWPPRA), Coastal Impact Assistance Program (CIAP) projects, the Houma Navigation Canal Lock, and the Larose to Golden Meadow project. These projects are currently in the planning phase, and LER has not yet been acquired for the projects. For most of these projects, except the Larose to Golden Meadow project, LER required is not expected to lie within or overlap the Morganza to the Gulf project footprint.

FEDERALLY OWNED LANDS WITHIN THE LER FOR THE PROJECT

The United States owns fee title to lands within the Mandalay National Wildlife Refuge, located within Reach A. The U.S. Fish and Wildlife Service is the managing agency for these lands. Some of the LER required for the project within Reach A is located within this area. A Special Use Permit will be issued by the U.S. Fish and Wildlife Service over approximately 80 acres required for the project.

NAVIGATION SERVITUDE

Portions of the project water control structures lie within the navigable waters of the United States, and therefore the Federal Navigational Servitude will be invoked for those portions of the project.

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. The applicability of the navigation servitude depends on both legal and factual determinations. First, it must be determined whether the project feature serves a purpose which is in the aid of commerce. Because this is a hurricane and storm damage risk reduction project, it would serve such a purpose. Secondly, it must be determined whether the land required for the project is located below the mean high water mark (in tidal areas), or below the ordinary high water mark of a navigable watercourse (in non-tidal areas).

The project requires crossing several navigable watercourses. Water control structures will be built within these streams to provide the hurricane and storm damage risk reduction measures for those openings. These portions of the project right-of-way lie below the ordinary high water mark in an inland watercourse that interstate or foreign commerce has either used, is presently using, or is susceptible to use. Therefore, it is within the Navigable Waters of the United States (33 CFR, Part 329). The Federal Navigational Servitude is available for those portions of the project.

BASELINE COST ESTIMATES/CHART OF ACCOUNTS (COAs)

A Chart of Accounts for each Reach is included in Exhibit D of this Real Estate Plan. The total cost for Real Estate Acquisition by Reach is listed below:

| Reach Name | Total Real Estate Costs |
|---------------------------------|-------------------------|
| Barrier Alignment | \$ 3,702,000 |
| A | \$ 896,000 |
| B | \$ 1,045,000 |
| E-1 | \$ 435,000 |
| E-2 | \$ 565,000 |
| F-1 (includes HNC Lock Complex) | \$ 1,139,000 |
| F-2 | \$ 150,000 |
| G-1 | \$ 198,000 |
| G-2 | \$ 233,000 |
| G-3 | \$ 154,000 |
| H-1 | \$ 2,929,000 |
| H-2 | \$ 611,000 |
| H-3 | \$ 1,088,000 |
| I-1 | \$ 322,000 |
| I-2 | \$ 1,901,000 |
| I-3 | \$ 1,203,000 |
| J-1 | \$ 0 |
| J-2 | \$ 0 |
| J-3 | \$ 1,120,000 |
| K | \$ 1,136,000 |
| L | \$ 282,000 |
| Larose Floodgate | \$ 159,000 |
| Future Lift Borrow | \$ 17,424,000 |
| Induced Damages Flood Side | \$305,115,000 |
| Lockport to Larose | \$ 2,931,000 |
| Larose C North | \$ 10,088,000 |
| TOTAL ALL REACHES | \$354,826,000 |

As noted above, costs for the HNC Lock Complex are included in Reach F-1.

The costs include land payments as well as administrative costs and incremental costs associated with acquiring the real estate interests. These estimates include costs of acquiring mitigation lands. The gross appraisal for LER was reviewed and approved at the Division level. However, a revised gross appraisal is currently under review.

Refer to Exhibit D for the Baseline Cost Estimate/Chart of Accounts estimate for each Reach.

Note: The cost estimates do not reflect the costs for facilities/utilities relocations. Refer to the section entitled "Facility/Utility Relocations" for more information.

UNIFORM RELOCATION ASSISTANCE (PL 91-646, Title II as amended)

The benefits of Title II of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. 91-646), as amended, are applicable for this project. Title II requires that persons and businesses displaced by a Federal project be given advisory services and assistance in the location of replacement dwellings and businesses.

Under Title II, displaced persons are entitled to reimbursement for actual and reasonable moving of personal property, differential housing payment, and incidental costs associated with the relocation. Differential housing payment is a payment made by the Government when the compensation paid for the property being acquired is not sufficient to cover the costs of a replacement dwelling for the displaced persons. Differential payments are capped at \$22,500 for homeowners and \$5,280 for tenants. However, in cases where the difference between the compensation and the cost of a replacement dwelling is greater than that specified in the regulation, the agency may request approval for payment of last resort. Payment of last resort is calculated on a case by case basis and has no predetermined amount. For this study, the estimate of Title II payment assumes that all displaced persons are homeowners and that the agency will need to request approval for payment of last resort. This assumption is made because there is not sufficient time to survey residents in order to determine their residency status, and it allows for a higher estimate of Title II payments. Title II costs were estimated to be approximately \$60,000 per displaced family (including contingencies).

The benefits of Title II for displaced businesses are not as lucrative as they are for displaced persons. Businesses are entitled to receive advisory services, reimbursement for actual reasonable moving costs, re-establishment costs which are capped at \$10,000 and certain reasonable and necessary incidental costs associated with the relocation. For purposes of this study, the estimate of relocation for business includes all of these costs and was estimated to be approximately \$100,000 per business (including contingencies).

The chart below demonstrates the estimated number of displaced landowners within the levee alignment and the type of property to be displaced. The estimate of relocation assistance benefits are included within the Chart of Accounts provided for each Reach within Exhibit D of this document.

| Reach | # Displaced | Type of Property to be Displaced |
|---------------------------------------|-------------|--------------------------------------|
| H | 7 | Residential |
| I-2 | 1 | Residential |
| J-3 | 1 | Residential |
| K | 1 | Residential |
| Flood-side Potential Induced Flooding | 1010 | 134 Non-Residential, 876 Residential |
| Larose C North | 51 | 51 Residential |

It is likely that comparable dwellings will be available to relocate persons displaced as a result of the levee alignments. However, the team recognizes the difficulty associated with relocating 1,010 displaced families and business impacted by the potential induced flooding. It is likely that there will not be sufficient replacement dwellings and business establishments on the market to meet the demand. It may be necessary for homeowners to construct new dwellings and for businesses to construct new buildings or to move to areas that are 25 miles from their current location. The project area is rural, and there is ample vacant land to accommodate new construction. Relocations will be accomplished in phases along with project construction and every effort will be made to relocate displaced persons and business as close to the current communities as possible. The Non-Federal Sponsor will perform these relocations as a part of its responsibility under the project authority. These relocation costs are eligible for LERRD credit. These conclusions are preliminary only.

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 several active oil and gas wells within the vicinity of the project. The PDT determined that oil and gas wells will not be relocation items, and the levee alignment would be changed, or T-walls used, 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, the Government will not acquire mineral rights to any of the LER required for the project. Over lands where the fee estate is being acquired, mineral rights will be subordinated. Mineral right owners can still explore for minerals through directional drilling. The timber on most of the wooded right-of-way has little or no value. Any timber present is included in the overall appraised value of the land. For properties impacted by the project which are in agricultural use, the owner will be allowed to harvest crops prior to acquisition.

OYSTER LEASES

Southern Terrebonne and Lafourche Parishes are abundant with oysters. Several oyster leases exist within the project study area. For the Tentatively Selected Plan, seven (7) oyster leases will be impacted by the project. The table below provides information regarding the oyster leases within the project footprint:

| REACH | STATIONS | LOCATION | LEASE # | STATUS |
|---------|-----------|-------------------|---------|-------------------------------------|
| H-3 | 4040-4050 | MIT/BORROW/LEVEE | 2980904 | EXPIRES 2019, TERRY NETTLETON |
| H-3 | 4055-4070 | BORROW AREA | 3041904 | EXPIRES 2019, NETTLETON OYSTERS |
| I-1 | 4250-4275 | MITIGATION AREA | 3127005 | EXPIRES 2020, BAY NEGRESSE, INC. |
| I-2 | 4345-4350 | MITIGATION AREA | 3303408 | EXPIRES 2023, BAY NEGRESSE, INC. |
| I-2/I-3 | 4385-4400 | MITIGATION/BORROW | 2757100 | EXPIRES 2015, SANDRA & TERRY, INC. |
| I-3 | 4400-4405 | MITIGATION AREA | 3234007 | EXPIRES 2022, TERRY'S SEAFOOD, INC. |
| I-3 | 4435-4465 | MIT/BORROW/LEVEE | 3366109 | EXPIRES 2024, COON OYSTERS, LLC |

In accordance with State statute (LA R.S. 56:432.1 and Act 523 (2009)), all oyster lease acreage determined to be directly impacted by a project feature shall be acquired. The area of impact to oyster leases is generally considered to be the footprint of the project feature plus an approximately 150 foot buffer. Considering State statute, it is anticipated that at least a portion of seven (7) oyster leases will need to be acquired. The total estimated cost of acquisition of these oyster leases is \$316,300 (these costs are included in the Chart of Accounts Section above).

At this time, no estimate is included for possible business relocation costs associated with oyster lease acquisition. It is, however, anticipated that minimal moving costs may be associated with the moving of markers (personal property) that delineate the leased areas.

ZONING ORDINANCES

There will be no application or enactment of zoning ordinances in lieu of, or to facilitate, acquisition in connection with this project.

ACQUISITION SCHEDULE

The following acquisition schedule is based on the premise that the project will impact approximately 580 landowners for the levee alignment. 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 mitigation and for the construction of the levee alignment based on the preliminary information available at this time. This schedule is only for purposes of the feasibility study.

- | | | |
|----|---|----------|
| 1) | TOD, Mapping | 3 years |
| 2) | Obtain Title & Appraisals (begin 1 year after mapping begins then run concurrently with mapping) | 6 years |
| 3) | Negotiations (begins 1 year after title and Appraisals begin and then run concurrently with those tasks) | 10 years |
| 4) | Closing/Condemnation (begins 1 year after negotiations begin and runs concurrently with negotiations) | 10 years |
| 5) | Eminent Domain Proceedings (begins 1 year after negotiations begin and ends 1 year after the end of negotiations) | 12 years |

The following acquisition schedule is for the acquisition of the areas potentially impacted by induced flooding. This schedule assumes acquisition of 1,010 properties. The time frame indicated below is in addition that calculated for acquisition of properties impacted by construction of the levee.

- | | | |
|----|---|----------|
| 1) | TOD, Mapping | 5 years |
| 2) | Obtain Title & Appraisals (begin 1 year after mapping begins then run concurrently with mapping) | 10 years |
| 3) | Negotiations (begins 1 year after title and Appraisals begin and then run concurrently with those tasks) | 15 years |
| 4) | Closing/Condemnation (begins 1 year after negotiations begin and runs concurrently with negotiations) | 15 years |
| 5) | Eminent Domain Proceedings (begins 1 year after negotiations begin and ends 1 year after the end of negotiations) | 15 years |

FACILITY/UTILITY RELOCATIONS

Relocation data was collected and detailed by the USACE New Orleans District, Engineering Division, Design Services Branch Relocations Team, to a feasibility level of design. A separate Relocations Report, containing relocations costs, was submitted as a reference to the Engineering Appendix of the PAC Report. Maps of potential relocations are located within Annex 4. Those relocation costs represent a feasibility level of design and will be further refined during the development of the project P&S.

The project is traversed by numerous crude oil and natural gas pipelines, and by utilities and minor public highways. These facilities are listed and discussed in detail in the “Preliminary Attorney’s Investigation and Report of Compensable Interest” (CIR), which was prepared on March 12, 2012 for the Post Authorization Change Report by District Office of Counsel. Based on the limited information available, all of the relocations within Annex 4 (Relocations Report) were found to be compensable.

The Non-Federal Sponsor will perform these relocations as a part of its responsibility under the project authority. 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, and completion and approval of the Final Attorney’s Opinion of Compensability for each of the impacted utilities and facilities.

There are numerous schools, cemeteries and churches within the project area, but none will be adversely impacted by this project. It is not known at this time whether areas impacted by induced flooding include schools, cemeteries and churches.

HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

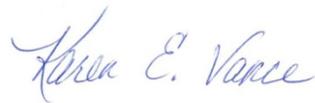
As the result of project changes such as larger levee footprints, all project-related benefits and impacts must be reviewed, including benefits and impacts to environmental habitat, navigation and industry, commercial and recreational fishing, salinity intrusion, and freshwater and sediment diversion. A Final Phase I Environmental Site Assessment was conducted in May, 2011 for the Morganza to the Gulf Project. A Revised Programmatic Environmental Impact Statement (RPEIS) was prepared to document the environmental changes. In summary, there is a low probability that HTRW would alter the project design or alignment in the PAC levee reaches. No environmental studies have been completed for the additional levee features associated with Larose to Lockport or Larose C-North. Based on the land types/uses impacted by the additional right-of-way (wetlands, agricultural, woodlands and residential), HTRW is not suspected. If the project is re-authorized, Phase I studies would be conducted in these areas. There is one area in the Larose C-North which is industrial. If the project is re-authorized, Phase II investigations would be conducted in this area during PED.

Environmental studies have not been conducted over areas to be acquired as a result of induced flooding. These studies will be conducted during PED phase.

LANDOWNER CONCERNS

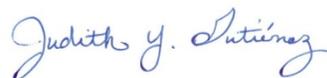
There have been many public meetings regarding the original PAC alignment, and the project has received wide-spread support from the community; however, the attitudes of the landowners who will be directly affected by its construction is not known. The Non-Federal Sponsor is confident that landowner support will be high, and they will be able to acquire the LER required for the project. However, it is anticipated that there will not be strong landowner support for acquisition of properties outside the levee areas, as a result of induced flooding nor for the acquisition of areas impacted by Larose C-North which displace residences.

Prepared by:



Karen E. Vance
Realty Specialist
Real Estate Region South Division
December 20, 2012

Recommended for Approval By:

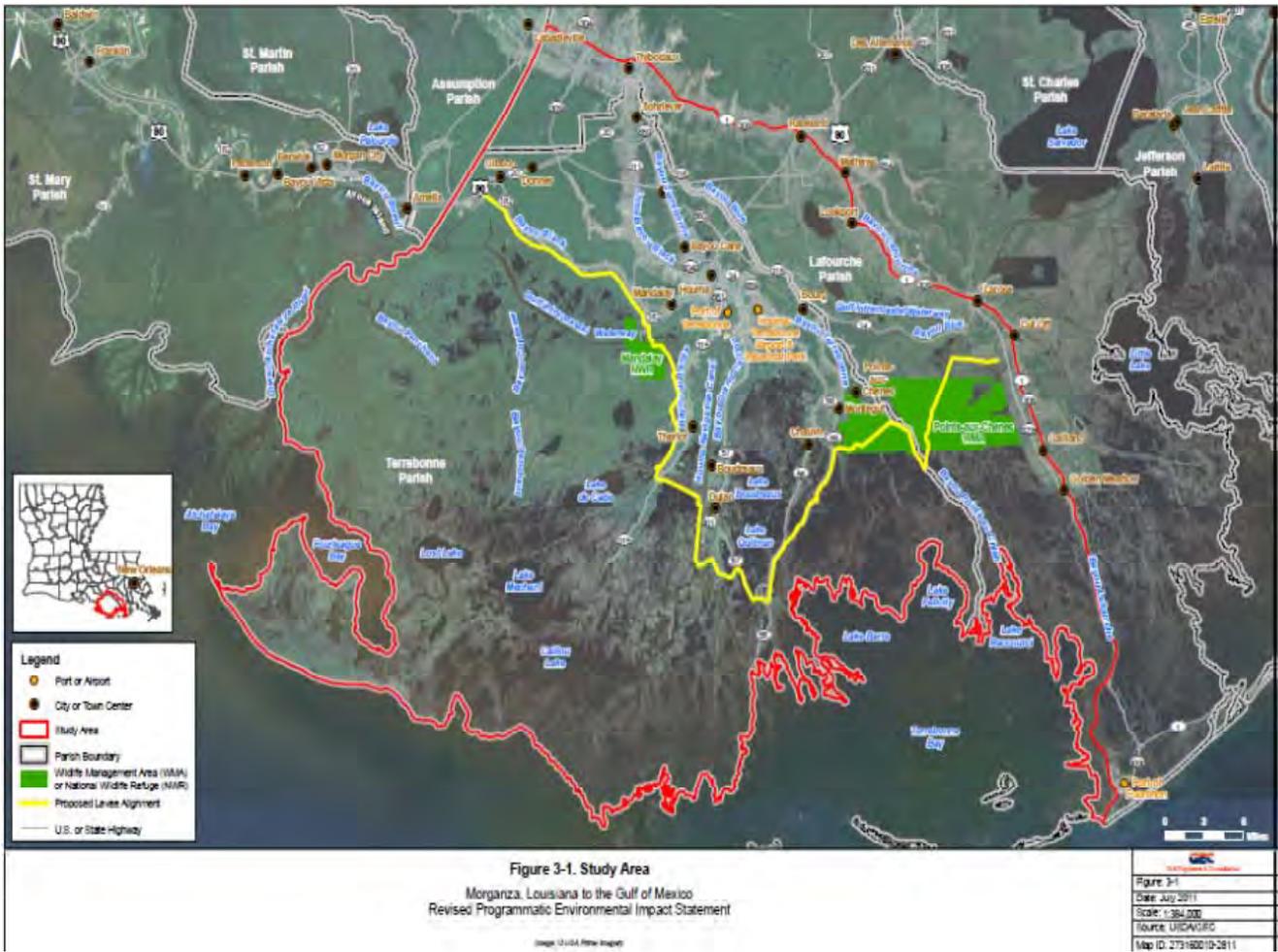


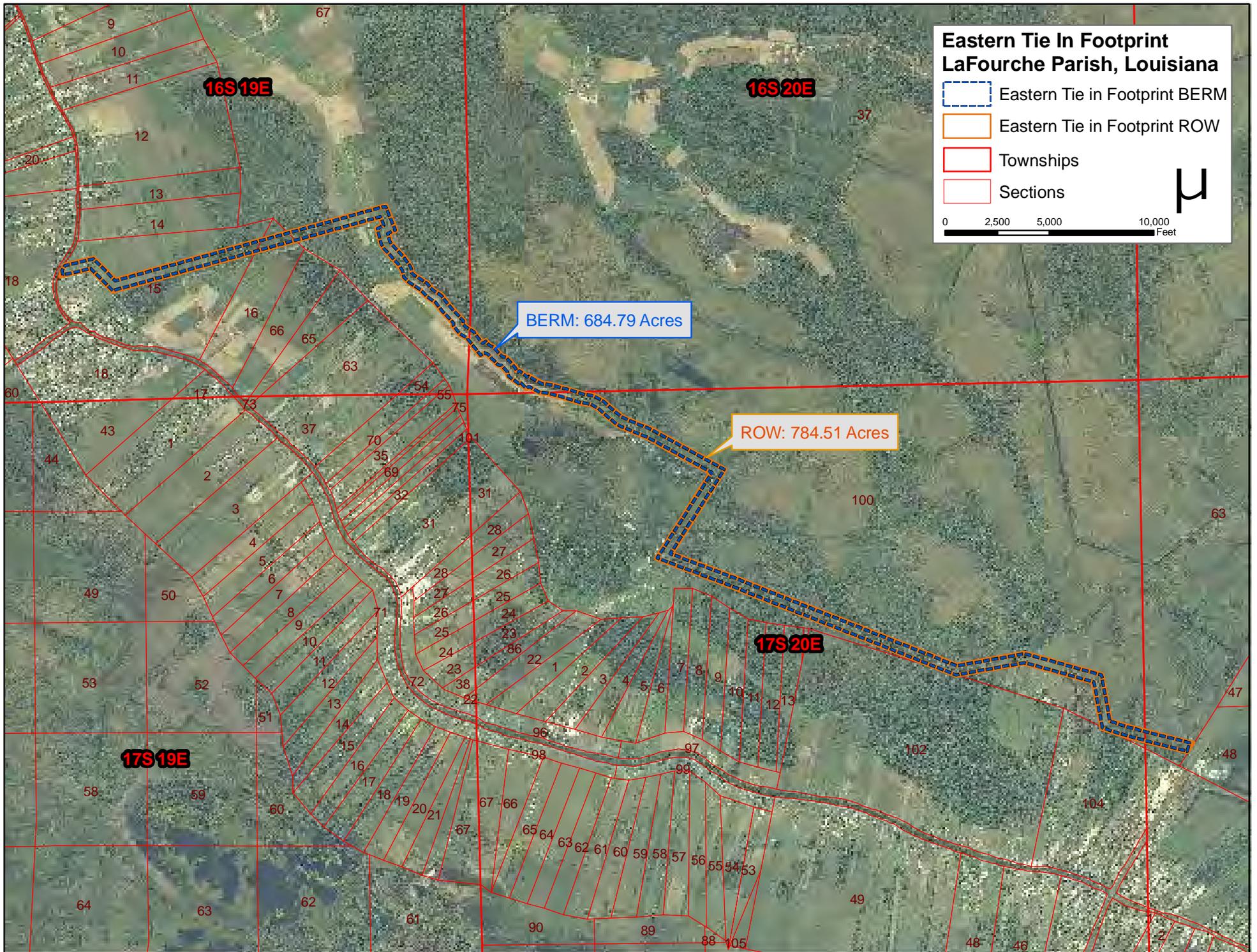
Judith Y. Gutierrez
Chief, Appraisal & Planning Branch
Real Estate Region South Division
December 20, 2012

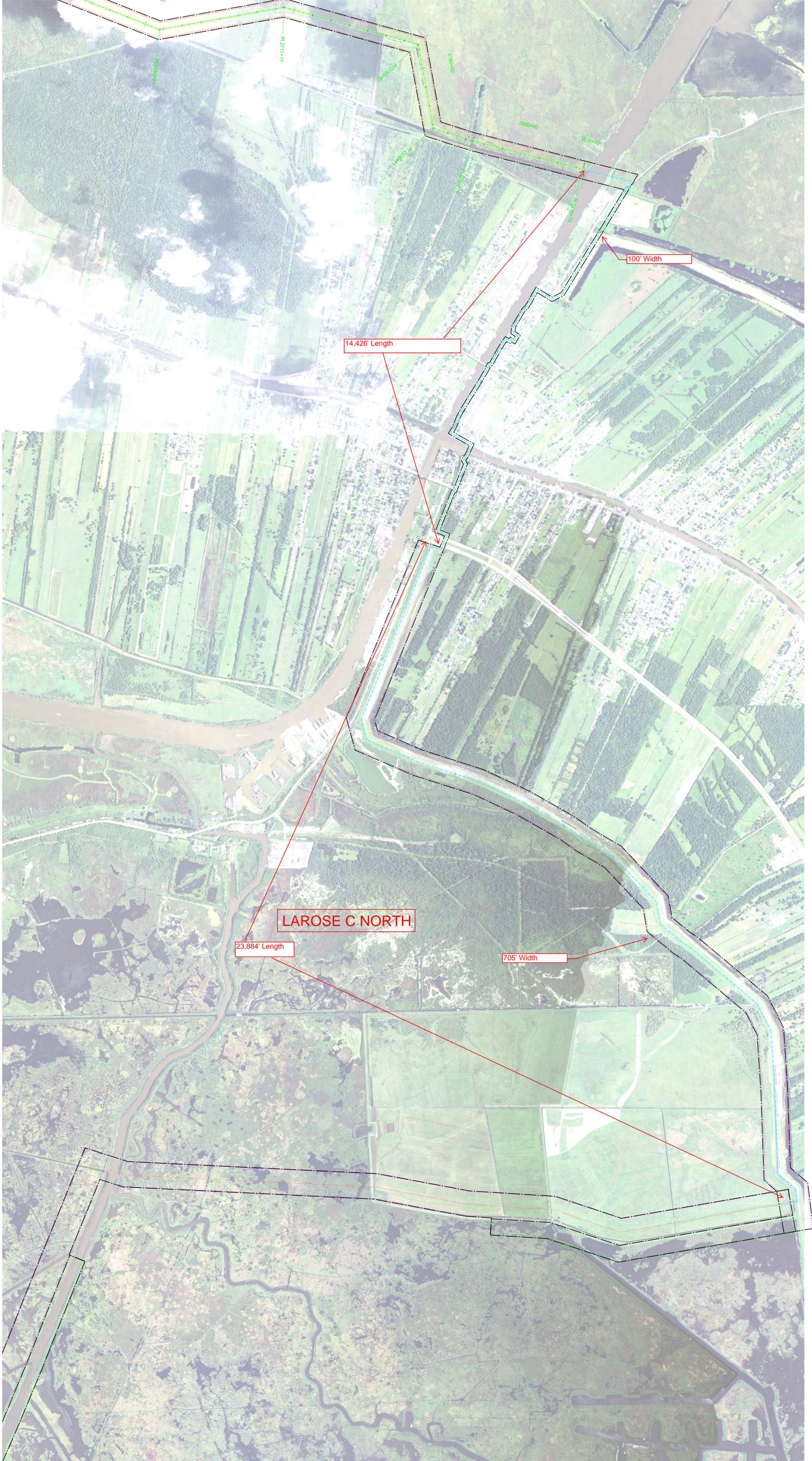
EXHIBIT A

PROJECT MAPS

PROJECT STUDY AREA







LAROSE C NORTH

14,426' Length

23,884' Length

705' Width

100' Width

PI 2717+17

PI 2884+01

PI 2822+16

2700+00

2800+00

2816+70

PI 2922+16

PI 2822+16

PI 2816+70

EXHIBIT B

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

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
TERREBONNE LEVEE AND CONSERVATION DISTRICT**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? (yes/no)

Yes

- b. Does the sponsor have the power of eminent domain for this project? (yes/no)

Yes

- c. Does the sponsor have "quick-take" authority for this project? (yes/no)

Yes

- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary (yes/no)

No

- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (yes/no)

No

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? (yes/no)

No

- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? (yes/no)

N/A

- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? (yes/no)

Yes

- d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? (yes/no)

Yes

- e. Can the sponsor obtain contractor support, if required in a timely fashion? (yes/no)

Yes

- f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes/no – If yes provide description)

No

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? (yes/no)

Yes

- b. Has the sponsor approved the project/real estate schedule/milestones? (yes/no)

Yes

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? (yes/no/not applicable)

Yes

- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. (If sponsor is believed to be “insufficiently capable,” provide explanation.)

Fully Capable

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? (yes/no)

Yes

b. Does the sponsor concur with this assessment? (yes/no)

Yes

3-11-11
Date

Prepared by:

Karen Vance
Karen Vance
Realty Specialist

3-11-11
Date

Reviewed by:

Al J. Levron
Al Levron
Parish Manager
Terrebonne Parish Consolidated Govt.

3-17-11
Date

Approved by:

Linda C. LaBure
Linda C. LaBure
Chief, Real Estate Division

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

**Coastal Protection and Restoration Authority (CPRA)
Through the
Office of Coastal Protection and Restoration (OCPR)**

June 2012

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.**

- 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 & 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?

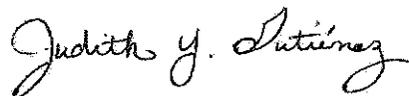
YES

b. Does the sponsor concur with this assessment?

YES

Prepared by:

Approved by:



Judith Y. Gutierrez
Chief, Appraisal & Planning Branch
Real Estate Region South Division
USACE

Cynthia Wallace
Chief, Real Estate/Land Rights Division
Office of Coastal Protection & Restoration

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

North Lafourche Conservation, Levee & Drainage District

June 2012

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES**
- b. Does the sponsor have the power of eminent domain for this project? **YES**
- c. Does the sponsor have "quick-take" authority for this project? **YES**
- 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? **NO**

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? **NO**

- 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.

Fully capable

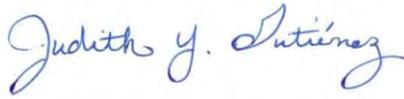
V. Coordination:

- a. Has this assessment been coordinated with the sponsor?
YES

- b. Does the sponsor concur with this assessment?
YES

Prepared by:

Approved by:



Judith Y. Gutierrez
Chief, Appraisal & Planning Branch
Real Estate Region South Division
USACE

Dwayne Bourgeois
Executive Director
North Lafourche Conservation,
Levee & Drainage District

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

South Lafourche Levee District

June 2012

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES**
- b. Does the sponsor have the power of eminent domain for this project? **YES**
- c. Does the sponsor have "quick-take" authority for this project? **YES**
- 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? **NO**

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? **NO**
- 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.
Fully capable

V. Coordination:

a. Has this assessment been coordinated with the sponsor?

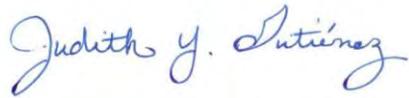
YES

b. Does the sponsor concur with this assessment?

YES

Prepared by:

Approved by:



Judith Y. Gutierrez
Chief, Appraisal & Planning Branch
Real Estate Region South Division
USACE

Windell Curole
General Manager
South Lafourche Levee District

EXHIBIT C

NON-MATERIAL DEVIATION FROM
STANDARD ESTATE

TEMPORARY ACCESS EASEMENT

TEMPORARY ACCESS EASEMENT

A non-exclusive and assignable temporary easement for a period not to exceed ____ years 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 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.

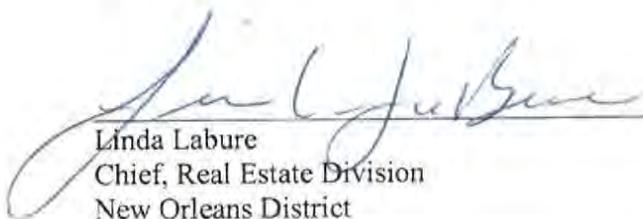
In accordance with paragraph 12-9 c. of ER 405-1-12, the District Chief of Real Estate may approve a non-standard estate if it serves the intended project purpose, substantially conforms with and does not materially deviate from a corresponding standard estate, and does not increase the costs or potential 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, adding language for a temporary term and replacing the word "road" with the words "access route and/or right of way."

Reviewed by:



Marco Rosamano
Assistant District Counsel
New Orleans District

Approved by:



Linda Labure
Chief, Real Estate Division
New Orleans District

EXHIBIT D

**BASELINE COST ESTIMATES/
CHARTS OF ACCOUNTS**

| REACH H-1 | | | | | AMOUNT | CONTINGENCY | PROJECT COST |
|------------------|--------------------------------------|-----------|---------|--------------------------|-----------|-------------|------------------|
| | | | | | | ROUNDED | 2,929,000 |
| | TOTAL PROJECT COSTS | | | | 2,343,200 | 585,800 | 2,929,000 |
| 01 | LANDS AND DAMAGES | | | CONTINGENCY PROJECT COST | 2,343,200 | 585,800 | 2,929,000 |
| 01B | ACQUISITIONS | | | | | | |
| 01B10 | BY GOVERNMENT | 0 | 0 | 0 | | | |
| 01B20 | BY LOCAL SPONSOR (LS) | 89,250 | 22,310 | 111,560 | | | |
| 01B30 | BY GOVT ON BEHALF OF LS | 0 | 0 | 0 | | | |
| 01B40 | REVIEW OF LS | 47,250 | 11,810 | 59,060 | | | |
| 01C | CONDEMNATIONS | | | | | | |
| 01C10 | BY GOVERNMENT | 0 | 0 | 0 | | | |
| 01C20 | BY LS | 45,000 | 11,250 | 56,250 | | | |
| 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 | 45,000 | 11,250 | 56,250 | | | |
| 01E40 | BY GOVT ON BEHALF OF LS | 0 | 0 | 0 | | | |
| 01E50 | REVIEW OF LS | 15,000 | 3,750 | 18,750 | | | |
| 01F | PL 91-646 ASSISTANCE | | | | | | |
| 01F10 | BY GOVERNMENT | 0 | 0 | 0 | | | |
| 01F20 | BY LS | 21,000 | 5,250 | 26,250 | | | |
| 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 | 1,430,000 | 357,500 | 1,787,500 | | | |
| 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 | 643,200 | 160,800 | 804,000 | | | |
| 01R2C | BY GOVT ON BEHALF OF LS | 0 | 0 | 0 | | | |
| 01R2D | REVIEW OF LS | 0 | 0 | 0 | | | |
| 01T | LERRD CREDITING | | | | | | |
| 01T20 | ADMINISTRATIVE COSTS | 7,500 | 1,880 | 9,380 | | | |
| | ASSUMES 15 OWNERS | | | | | | |

| REACH - LAROSE TO LOCKPORT - 1% ALTERNATIVE | | | | | AMOUNT | CONTINGENCY | PROJECT COST |
|--|--------------------------------------|---------|-------------|--------------|-----------|-------------|------------------|
| | | | | | | ROUNDED | 2,931,000 |
| | TOTAL PROJECT COSTS | | | | 2,345,000 | 586,260 | 2,931,260 |
| 01 | LANDS AND DAMAGES | | CONTINGENCY | PROJECT COST | 2,345,000 | 586,260 | 2,931,260 |
| 01B | ACQUISITIONS | | | | | | |
| 01B10 | BY GOVERNMENT | 0 | 0 | 0 | | | |
| 01B20 | BY LOCAL SPONSOR (LS) | 712,500 | 178,130 | 890,630 | | | |
| 01B30 | BY GOVT ON BEHALF OF LS | 0 | 0 | 0 | | | |
| 01B40 | REVIEW OF LS | 375,000 | 93,750 | 468,750 | | | |
| 01C | CONDEMNATIONS | | | | | | |
| 01C10 | BY GOVERNMENT | 0 | 0 | 0 | | | |
| 01C20 | BY LS | 300,000 | 75,000 | 375,000 | | | |
| 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 | 225,000 | 56,250 | 281,250 | | | |
| 01E40 | BY GOVT ON BEHALF OF LS | 0 | 0 | 0 | | | |
| 01E50 | REVIEW OF LS | 75,000 | 18,750 | 93,750 | | | |
| 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 | 620,000 | 155,000 | 775,000 | | | |
| 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 | | | |
| 01T | LERRD CREDITING | | | | | | |
| 01T20 | ADMINISTRATIVE COSTS | 37,500 | 9,380 | 46,880 | | | |
| | ASSUMES 75 OWNERS | | | | | | |

EXHIBIT E

QUALITY CONTROL CHECKLIST

Quality Control Plan Checklist

MISSISSIPPI RIVER AND TRIBUTARIES MORGANZA TO THE GULF OF MEXICO HURRICANE PROTECTION PROJECT TERREBONNE AND LAFOURCHE PARISHES, LA

REAL ESTATE PLAN

1. **Purpose of the REP.**

- a. Describe the purpose of the REP in relation to the project document that it supports.
- b. Describe the project for the Real Estate reviewer.
- c. Describe any previous REPs for the project.

2. **Describe LER.**

- a. Account for all lands, easements, and rights-of-way underlying and required for the construction, OMRR&R of the project, including mitigation, relocations, borrow material and dredged or excavated material disposal, whether or not it will need to be acquired or will be credited to the NFS.
- b. Provide description of total LER required for each project purpose and feature.
- c. Include LER already owned by the Government, the NFS and within the navigation servitude.
- d. Show acreage, estates, number of tracts and ownerships, and estimated value.
- e. Break down total acreage into fee and the various types and durations of easements.
- f. Break down acreage by Government, NFS, other public entity, and private ownership, and lands within the navigation servitude.

3. **NFS-Owned LER.**

- a. Describe NFS-owned acreage and interest and whether or not it is sufficient and available for project requirements.
- b. Discuss any crediting issues and describe NFS views on such issues.

4. **Include any proposed Non-Standard Estates.**

- a. Use Standard Estates where possible.
- b. Non-standard estates must be approved by HQ to assure they meet DOJ standards for use in condemnations.
- c. Provide justification for use of the proposed non-standard estates.
- d. Request approval of the non-standard estates as part of document approval.
- e. If the document is to be approved at MSC level, the District must seek approval of the non-standard estate by separate request to HQ. This should be stated in the REP.
- f. Exception to HQ approval is District Chiefs of RE approval of non-standard estate if it serves intended project purposed, substantially conforms with and does not materially deviate from the standard estates found in the RE Handbook, and does not increase cost or potential

liability to the Government. A copy of this approval should be included in the REP. (See Section 12-10c. of RE 405-1-12)

g. Although estates are discussed generally in topic 2, it is a good idea to also state in this section which standard estates are to be acquired and attach a copy as an appendix. The duration of any temporary estates should be stated.

5. Existing Federal Projects.

a. Discuss whether there is any existing Federal project that lies fully or partially within LER required for the project.

b. Describe the existing project, all previously-provided interests that are to be included in the current project, and identify the sponsor.

c. Interest in land provided as an item of local cooperation for a previous Federal project is not eligible for credit.

d. Additional interest in the same land is eligible for credit.

6. Federally-Owned Lands

a. Discuss whether there is any Federally owned land included within the LER required for the project.

b. Describe the acreage and interest owned by the Government.

c. Provide description of the views of the local agency representatives toward use of the land for the project and issues raised by the requirement for this land.

7. Navigation Servitude.

a. Identify LER required for the project that lies below the Ordinary High Water Mark, or Mean High Water Mark, as the case may be, of a navigable watercourse.

b. Discuss whether navigation servitude is available

c. Will it be exercised for project purposes? Discuss why or why not.

d. Lands over which the navigation servitude is exercised are not to be acquired nor eligible for credit for a Federal navigation or flood control project or other project to which a navigation nexus can be shown.

e. See paragraph 12-7 of ER 405-1-12.

8. Map

a. An aid to understanding

b. Clearly depicting project area and tracts required, including existing LER, LER to be acquired, and lands within the navigation servitude.

c. Depicts significant utilities and facilities to be relocated, any known or potential HTRW lands.

9. Induced Flooding can create a requirement for real estate acquisition.

a. Discuss whether there will be flooding induced by the construction and OMRR&R of the project.

b. If reasonably anticipated, describe nature, extent and whether additional acquisition of LER must or should occur.

c. Physical Takings Analysis (separate from the REP) must be done if significant induced flooding anticipated considering depth, frequency, duration, and extent of induced flooding.

d. Summarize findings of Takings Analysis in REP. Does it rise to the level of a taking for which just compensation is owed?

10. **Baseline Cost Estimate** as described in paragraph 12-18.

- a. Provides information for the project cost estimates.
- b. Gross Appraisal includes the fair market value of all lands required for project construction and OMRR&R.
- c. PL 91-646 costs
- d. Incidental acquisition costs
- e. Incremental real estate costs discussed/supported.
- f. Is Gross Appraisal current? Does Gross Appraisal need to be updated due to changes in project LER requirements or time since report was prepared?

11. **Relocation Assistance Benefits** Anticipated.

- a. Number of persons, farms, and businesses to be displaced and estimated cost of moving and reestablishment.
- b. Availability of replacement housing for owners/tenants
- c. Need for Last Resort Housing benefits
- d. Real Estate closing costs
- e. See current 49 CFR Part 24

12. **Mineral Activity**.

- a. Description of present or anticipated mineral activity in vicinity that may affect construction, OMRR&R of project.
- b. Recommendation, including rationale, regarding acquisition of mineral rights or interest, including oil or gas.
- c. Discuss other surface or subsurface interests/timber harvesting activity
- d. Discuss effect of outstanding 3rd party mineral interests.
- e. Does estate properly address mineral rights in relation to the project?

13. **NFS Assessment**

- a. Assessment of legal and professional capability and experience to acquire and provide LER for construction, OMRR&R of the Project.
- b. Condemnation authority
- c. Quick-take capability
- d. NFS advised of URA requirements
- e. NFS advised of requirements for documenting expenses for credit.
- f. If proposed that Government will acquire project LER on behalf of NFS, fully explain the reasons for the Government performing work.
- g. A copy of the signed and dated Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability (Appendix 12-E) is attached to the REP.

14. **Zoning in Lieu of Acquisition**

- a. Discuss type and intended purpose
- b. Determine whether the proposed zoning proposal would amount to a taking for which compensation will be due.

15. **Schedule**

a. Reasonable and detailed Schedule of land acquisition milestones, including LER certification.

b. Dates mutually agreed upon by Real Estate, PM, and NFS. _____

16. **Facility or Utility Relocations**

a. Describe the relocations, identity of owners, purpose of facilities/utilities, whether owners have compensable real property interest.

b. A synopsis of the findings of the Preliminary Attorney's Investigation and Report of Compensable Interest is included in the REP as well as statements required by Sections 12-17c.(5) and (6).

c. Erroneous determinations can affect the accuracy of the project cost estimate and can confuse Congressional authorization.

d. Eligibility for substitute facility

1. Project impact

2. Compensable interest

3. Public utility or facility

4. Duty to replace

5. Fair market value too difficult to determine or its application would result in an injustice to the landowner or the public.

e. See Sections 12-8, 12-17, and 12-22 of ER 405-1-12.

17. **HTRW and Other Environmental Considerations**

a. Discussion the impacts on the Real Estate acquisition process and LER value estimate due to known or suspected presence of contaminants.

b. Status of District's investigation of contaminants.

c. Are contaminants regulated under CERCLA, other statutes, or State law?

d. Is clean-up or other response required of non-CERCLA regulated material?

e. If cost share, who is responsible for performing and paying cost of work?

f. Status of NEPA and NHPA compliances

g. See ER 1165-2-132, Hazardous, Toxic, and Radioactive Waste (HTRW) Guidance for Civil Works Projects.

18. **Landowner Attitude.**

a. Is there support, apathy, or opposition toward the project?

b. Discuss any landowner concerns on issues such as condemnation, willing seller provisions, estates, acreages, etc.?

19. A statement that the **NFS has been notified in writing about the risks of acquiring LER before the execution of the PPA.** If not applicable, so state.

20. **Other Relevant Real Estate Issues.** Anything material to the understanding of the RE aspects of the project.

A copy of the completed Checklist is attached to the REP.

(Draft REPs must contain a draft checklist and draft Technical Review Guide)

I have prepared and thoroughly reviewed the REP and all information, as required by Section 12-16 of ER 405-1-12, is contained in the Plan.

Karen Vance
Preparer

1-24-12
Date

A copy of the Real Estate Internal Technical Review Guide for Civil Works Decision Documents is attached and signed by me as the Reviewer

Judith R. R. R.
RE Internal Technical Reviewer

1/24/12
Date

The REP has been signed and dated by the Preparer and the District Chief of Real Estate.

√