

REAL ESTATE SUPPLEMENT
FISHER SCHOOL BASIN
JEAN LAFITTE, LOUISIANA

PREPARED IN THE OFFICE OF THE DISTRICT ENGINEER
U.S. ARMY ENGINEER DISTRICT, NEW ORLEANS
NEW ORLEANS, LOUISIANA

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REAL ESTATE PLAN

1. General. This Plan contains information that is tentative in nature for planning purposes only. The final real property acquisition lines and the estimate of value are subject to change even after approval of the Project Management Plan. All plates and exhibits referred to are within this plan.

2. Purpose. The purpose of this project is to provide flood protection to the Fisher School Basin in the town of Jean Lafitte. The study area is experiencing repetitive structural damages due to flooding.

3. Project Information.

a. Project Authorization. The Fisher School Basin Jean Lafitte, Louisiana project is being conducted by the New Orleans District under the authority of Section 205 of the 1948 Flood Control Act, as amended, in response to requests for Federal flood control assistance from officials of the town of Jean Lafitte.

b. Designation and Location. The designated name of the project is "Jean Lafitte, Louisiana - Fisher School Basin". The location of the project area is shown at Maps, Plate 1 - General Location and Vicinity.

4. Location of Work. The project area is located in southeastern Louisiana in the vicinity of New Orleans on the west bank of the Mississippi River. The town of Jean Lafitte is located on the eastern bank of Bayou Barataria in the southern portion of Jefferson Parish. Limits were defined based on repetitive structural flooding damages. The proposed alignment of the flood protection initiates on the east bank of Bayou Barataria at a location 1,800 feet south of the Louisiana Highway 302 Bridge. From this point, the alignment proceeds north along the natural ridge of Bayou Barataria; thence east along the bankline of the Intracoastal Waterway to intersect with Canal E1. From this point, the alignment commences south, parallel to Canal E1; thence west to tie into an existing levee at the North Canal. The alignment commences south to the Gloria Drive Pump Station; thence east and south around the rear of Oak Drive, thence west to intersect with the natural ridge of Bayou Barataria at the point of origin. The alignment encompasses both the Fisher School Basin and the Fleming Curve Basin and forms a single hydrologic basin (See Maps, Plate 2 - Plan View).

5. Description of the Project. The recommended plan involves elevating 4.7 miles of an existing earthen levee to elevation 7.0' NGVD. Approximately 3.0 miles will be raised using hauled-in fill from an off-site location. The remaining levee will consist of 1.7 miles of concrete capped sheetpile floodwall and 11 swing-type floodgates, along Barataria Bayou; Bayou Villars; and the Intracoastal Waterway in areas insufficient to construct an earthen levee. Also, along this reach there will be approximately 25 sets of stairs to maintain public access. The plan follows the existing levee alignment as much as possible to minimize project costs and adverse impacts on the natural environment, local residents, and commercial facilities. Louisiana Highway 45 (LA 45), which is a major highway through the town of Jean Lafitte, will be raised to tie into the final levee alignment. It is not anticipated that LA 45 will be faced with closure. It is expected to remain open throughout construction. (See Maps, Plate 2 - Plan View)

The construction will require approximately 5 residences to be demolished and removed. It is understood at this time that the residences are occupied rentals. The landowner is entitled to compensation for the value of the structures and the renters entitled to relocation benefits as displaced persons under Public Law 91-646, as amended. These costs have been incorporated into the real estate estimates. Along the bayou, construction will require removal of several piers/boathouses affecting approximately 60

ownerships. The landowner is entitled to compensation for the value of the structures removed and these costs have also been incorporated into the real estate estimates. In the area of Fleming Curve there are existing bulkheads and an estimated six boat slips affected by this project. The construction of the floodwalls will follow the existing bulkhead alignment wherever possible and will line the existing slips as to not disturb ownership access nor increase project cost. The floodwalls will be constructed from the waters edge using a barge and driving the sheetpile. For this work the navigational servitude will be used. Once the floodwalls are constructed, backfill will be placed. The 11 operational swing-type floodgates have been incorporated into the project along Bayou Barataria to maintain boat, vehicular, and pedestrian access to the water.

As stated earlier in this paragraph, all borrow for the site will be hauled in from another location and is the responsibility of the contractor. The contractor is required to meet all Corps of Engineers guidelines for environmental clearances when selecting the required area. The mitigation for this project will be purchased from a mitigation bank located in Terrebonne Parish. Five acres will be required by this project for mitigation. The cost of the mitigation from the mitigation bank is \$3,500 an acre. The Corps of Engineers receives .6 credits per acre and we are in need of 3 credits for the project.

The project will be constructed under two easements: a Perpetual Flood Protection Levee Easement consisting of 17.7 acres and a Temporary Work Area Easement consisting of 3.4 acres. Included in the 3.4 acres of temporary easement is 0.52 acres for staging area and .3 acres of private road being used for access. The duration for construction is approximately 2.5 years.

The town of Jean Lafitte has a population of 1,500. It is projected that approximately 120 landowners will be affected by this project. (See Plates 3-8.)

6. Proposed Estates and Acreages.

The estates to be used for this project are a Perpetual Flood Protection Levee Easement consisting of 17.7 acres and a Temporary Work Area Easement consisting of 3.4 acres for 3 years. (See Exhibit "A1" for a description of the estates.)

7. Existing Federal Interests.

a. Structures, Facilities, and Lands. There are no existing Federal interests associated with this project.

b. Navigational Servitude. Some of the work along Bayou Barataria will be done below its ordinary high water mark. Bayou Barataria is an inland water course that is presently used in interstate or foreign commerce. Therefore, it is part of the Navigable Waters of the United States (33 CFR Part 329). The work to be performed is flood protection work. The United States Supreme Court has recognized flood control works as an aid to interstate and foreign commerce. See United States v. Appalachian Power Co., 311 U.S. 377, 61 S.Ct.291, 85 L.Ed. 243 (1940); Kaiser Aetna v. United States, 444 U.S. 164, 100 S.Ct. 383, 62 L.Ed.2d 332 (1979). Accordingly, this work will be accomplished within an area where the Federal Government can assert its superior right under the Commerce Clause of the United States Constitution to aid commerce. Therefore, the Government needs no further real estate interests to perform said work.

8. Uniform Relocation Assistance (Public Law 91-646) as amended. An estimated five residences will be affected by the project. The residences are currently occupied rental properties. The compensation for which the affected parties are entitled to by law is shown at Exhibit "B1" entitled Chart of Accounts for Fisher School Basin in Jean Lafitte, LA, line item 01R2.

9. Status of Environmental Assessment; Cultural Resources Investigations; Section 404 Evaluation; and HTRW Investigations. The draft Environmental Assessment (EA) was completed October 1998, #271. The final EA is expected to be completed by mid-December 1998 and submitted to Division for approval. The cultural resources investigations concluded that the Fleming/Berthoud Cemetery (16JE36), is located within the project area near the shoreline of Bayou Baratavia at the intersection of Bayou Villars. However, this area has been designated as a "No Work Area" and therefore, will not be impacted by the project. All Section 404 Evaluations are complete and the project is in compliance with the specified guidelines. Acquisition will not be initiated until all HTRW investigation clearances have been received.

10. Endangered Species. There is evidence of bald eagles nesting in the vicinity, over a mile from the project site. However, project impact to the bald eagles nesting in the area is unlikely. The distance to the nest from the construction site is great enough that the eagles would not be disturbed. The proposed levee would have virtually no impact on food supply for the eagles.

11. Baseline Cost Estimate/COAs. (See Exhibit "A" entitled Chart of Accounts for Fisher School Basin in Jean Lafitte, LA.)

12. Appraisal Information.

a. Highest and Best Use of Land. The highest and best uses in the project area are residential and recreational.

b. Timber. Any timber value present is included in the overall appraised value of the land.

c. Minerals. The Government will not acquire mineral rights to the property.

13. Cost Estimates. A summary of Real Estate costs using December 17, 1997 valuation date is as follows:

	<u>Acres</u>	<u>Unit Value</u>	<u>Total Value</u>
(a) Lands and Damages (Title III)			
Perpetual Flood Protection Levee Easement			
Residential (Waterfront)	5.7	\$219,150	\$1,249,155
Residential	5.4	\$ 28,227	\$ 152,424
Recreation	6.6	\$ 270	\$ 1,782
Temporary Work Area Easement (3 years)			
Residential (Waterfront)	0.9	\$ 69,626	\$ 62,663
Residential	1.3	\$ 8,970	\$ 11,661
Recreational	0.9	\$ 86	\$ 77
Road Access	0.3	N/A	\$ 1,500
Improvements			\$ 12,000
Severence Damage (Cost to Cure)			<u>\$ 165,000</u>
Total ®			\$1,656,000

(b) Contingencies 25% ®	\$ 414,000
(c) Total Lands, Easements and Rights-of-Way	\$2,070,000
(d) Acquisition Costs	\$1,089,000
(e) PL 91-646 (URA), Title II payments	\$ 37,000
(f) Total Estimated Real Estate Cost ®	\$3,196,000

14. Maps. Plate 1 shows the General Location and Vicinity of the project area; Plate 2 shows Plan View; and Plates 3-8 shows the Plan View depicting the affected ownerships.

15. Relocations of Utilities and Facilities. (See Exhibit "C1" for the Attorney's Preliminary Investigation and Report of Compensable Interest.

16. Landowner's Meetings. Corps of Engineers representatives held the first landowner's meeting at Jean Lafitte Town Hall on 20 January 1998, to discuss with the residence, the impact of the project in their area. For those directly impacted by the project, the reception was generally favorable.

17. Access. Access to the sites will be by existing local and state-owned streets and one privately owned road, Radio Tower Road, that will be provided to the project under the Temporary Work Area Easement.

18. Churches/Cemetaries. There are no churches located in the immediate vicinity of the Jean Lafitte project. However, there is a cemetary within the project area. The "Fleming/Berthoud Cemetary" has been designated a "No Work Area" and therefore, will not be impacted by the project. (See Maps, Plate 7)

19. Local Sponsor. The potential non-Federal sponsor for this project is the West Jefferson Levee District (WJLD). We have also maintained close coordination with the Jefferson Parish Department of Public Works and the U.S. Fish and Wildlife Service.

The WJLD is a subdivision of the State of Louisiana. The Louisiana Legislature created the WJLD by Louisiana Revised Statute (La. R.S.) 38:291 R. Its statutory authority can be found in La. R.S. 38:328. This latter statute states that the WJLD has "the authority to establish adequate drainage, flood control, and water resources development, including but not limited to construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, and other flood control works as they relate to tidewater flooding, hurricane protection, and saltwater intrusion."

La. R.S. 38:328 gives the WJLD the authority to "enter into contracts or other agreements with any person or entity concerning the providing of lands, servitudes, rights-of-way, and relocations, and may engage jointly in the exercise of any power to include the construction, operation, and maintenance of any facilities and improvements for the purpose of the projects" which the statute authorizes, listed above. Thus, it has the authority to fulfill the responsibilities of a local sponsor for this project.

La. R.S. 38:351 gives all levee districts in Louisiana the power of "quick take":

Notwithstanding any other law to the contrary, and in addition to the methods and procedures for acquisition or utilization of servitudes for levee and related purposes by levee districts and levee and drainage districts, whenever

any levee district or levee and drainage district cannot appropriate or amicably acquire immovable property needed for levee purposes, including but not limited to flooding and hurricane protection purposes, the levee district or levee and drainage district may acquire the property by expropriation prior to judgment in accordance with the provisions of this Part. The methods of expropriation provided by this Part shall be authorized for corporeal property and servitudes and for both riparian and nonriparian property.

WJLD is the local sponsor for many projects with the Corps of Engineers. Its staff is very familiar with the laws and regulations governing the acquisition of property for Federal projects, including Public Law 91-646. The landowners for this project are aware of its objectives, and are supportive of the project. Accordingly, we anticipate that the WJLD can acquire most project real estate through negotiations. WJLD uses contractors to acquire most of its real estate, and should have no problems in fulfilling its obligations. The New Orleans District has worked closely with WJLD's contractors in the past, and found them to be very competent.

The WJLD has satisfactorily supported other local-sponsored projects with the Corps of Engineers. We anticipate the WJLD can handle the real estate acquisition for this project with full capability.

TEMPORARY WORK AREA EASEMENT

A temporary easement and right-of-way in, on, over and across Tracts No. ____, for a period not to exceed three (3) years, beginning with the date possession of the land is granted to the United States, for use by the United States, its representatives, agents and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Fisher School Basin Flood Protection 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 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; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

FLOOD PROTECTION LEVEE EASEMENT

A perpetual and assignable right and easement in Tract No. ____ to construct, maintain, repair, operate, patrol and replace a flood protection levee and/or floodwall, 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.