

2021

West Bank & Vicinity GRR Appendix F – Real Estate



**US Army Corps
of Engineers®**
New Orleans District

U.S. Army Corps of Engineers, New Orleans
District

Non-Federal Sponsor: Coastal Protection and
Restoration Authority Board of Louisiana

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WEST BANK & VICINITY GRR

APPENDIX F – REAL ESTATE

1 STUDY NAME AND PURPOSE

1.1 STUDY NAME

The West Bank and Vicinity (WBV) Project System is part of the Greater New Orleans Hurricane Storm Damage Risk Reduction System (HSDRRS) and provides coastal storm risk management for the Greater New Orleans area. The other component of HSDRRS, the Lake Pontchartrain and Vicinity (LPV) Project System, is being re-evaluated in a separate report. The non-federal sponsor (NFS) for this study is the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB).

1.2 STUDY PURPOSE

The purpose of this General Re-Evaluation Report (GRR) with integrated Environmental Impact Statement (EIS) is to analyze alternatives to identify a recommended coastal storm risk management plan to reduce hurricane and storm risk within the WBV study area. The study purpose is to re-evaluate the performance of the WBV System given the combined effects of consolidation, settlement, subsidence and sea level rise and determine if additional actions are recommended to address the economic and life safety risks associated with flooding due to hurricanes and tropical storms. This report satisfies the requirement of the National Environmental Policy Act (NEPA) to evaluate the proposed Federal action. The National Economic Development (NED) Plan alternative reasonably maximizes net economic benefits while remaining consistent with the federal objective of protecting the environment. Alternative 2 was identified as the NED Plan and the Recommended Plan (RP).

This Real Estate Plan (REP) sets forth the real estate requirements and costs for the implementation and construction of the RP as described in greater detail in the GRR for West Bank and Vicinity, Louisiana. The lands, easements, rights-of-way, relocations, and disposal sites (LERRD) required for the Project are outlined in this REP. The information contained herein is tentative and preliminary in nature and intended for planning purposes only.

Prior reports prepared for this Project and approved are as follows:

- Original Project to construct the West Bank and Vicinity, Louisiana Project for hurricane storm damage reduction in southeast Louisiana.
- Flood Control and Coastal Emergencies (FC&CE) Supplemental Modified Original Project to reinforce or replace existing floodwalls to improve the performance.
- Accelerated completion of unconstructed portions of the Original Project. Construction Supplemental modified the Original Project to raise levee heights where necessary and enhance Original project to provide level of protection necessary to achieve the certification required for National Flood Insurance Program.

1.3 STUDY AUTHORIZATION

Section 3017 of WRRDA 2014 (Public Law 113-121) authorizes the Secretary of the Army to carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore certain federally authorized hurricane and storm damage reduction projects to their authorized levels of protection, if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified. In addition, the authority to construct measures terminates 10 years after the date of enactment of WRRDA 2014 on 10 June 2024.

The Water Resources Reform and Development Act of 2014 (WRRDA 2014) stipulates:

SEC. 3017. REHABILITATION OF EXISTING LEVEES.

(a) IN GENERAL – The Secretary shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore Federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act to the authorized levels of protection of the projects if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) LIMITATION. – This section shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

(e) TERMINATION OF AUTHORITY – The authority of the Secretary under this subsection terminates on the date that is 10 years after the date of enactment of this Act.

The Bipartisan Budget Act of 2018 (Public Law 115-123) provided funding and limits the scope to the flood and storm damage reduction.

Work required for raising levee heights, modifying, or replacing flood walls, etc. would be cost shared in accordance with WRDA 1986, as amended, for Hurricane and Storm Damage Reduction projects. The Non-Federal Sponsor (NFS) will be responsible for the acquisition of all LERRD required for construction and operation and maintenance of the Project. The NFS will also provide an Authorization for Entry to any lands required for the Project, including any lands which are owned, claimed, or controlled by local or State Governmental entities.

A complete listing of authorizations for this Project and Study are included in the main report in Sections 1.3 and 1.4.

2 RECOMMENDED PLAN

2.1 LOCATION AND DESCRIPTION

WBV is located in southeast Louisiana within the greater New Orleans metropolitan area on the west bank of the Mississippi River bound to the west by the cities of Luling and Boutte; to the north and east by the Mississippi River; to the south by Lake Cataouatche and Jean Lafitte National Historical Park and Preserve.

The location of the RP is shown on Figure 1 and Figure 2 within St. Charles, Jefferson, Orleans, and Plaquemines Parishes.

Features for WBV currently include approximately 75 miles of levees, floodwalls, floodgates, water control structures and other risk reduction features. Of these 75 miles, 49 miles consist of primary perimeter storm surge risk reduction features (including 15 miles co-located with the Mississippi River Levees or MRLs) and 26 miles of retention basin features along the Harvey and Algiers Canals. The Mississippi River and Tributaries levee (MR&T levees or MRL) provides risk reduction from riverine flow flood risks. The WBV project connects to the MRL at both the west and east end of the system.



Figure 1. West Bank and Vicinity Location

The location of the Sub-basins for WBV HSDRRS Study area are Lake Cataouatche, Harvey-Westwego, Gretna-Algiers and Belle Chasse with armored perimeter levees and floodwalls.

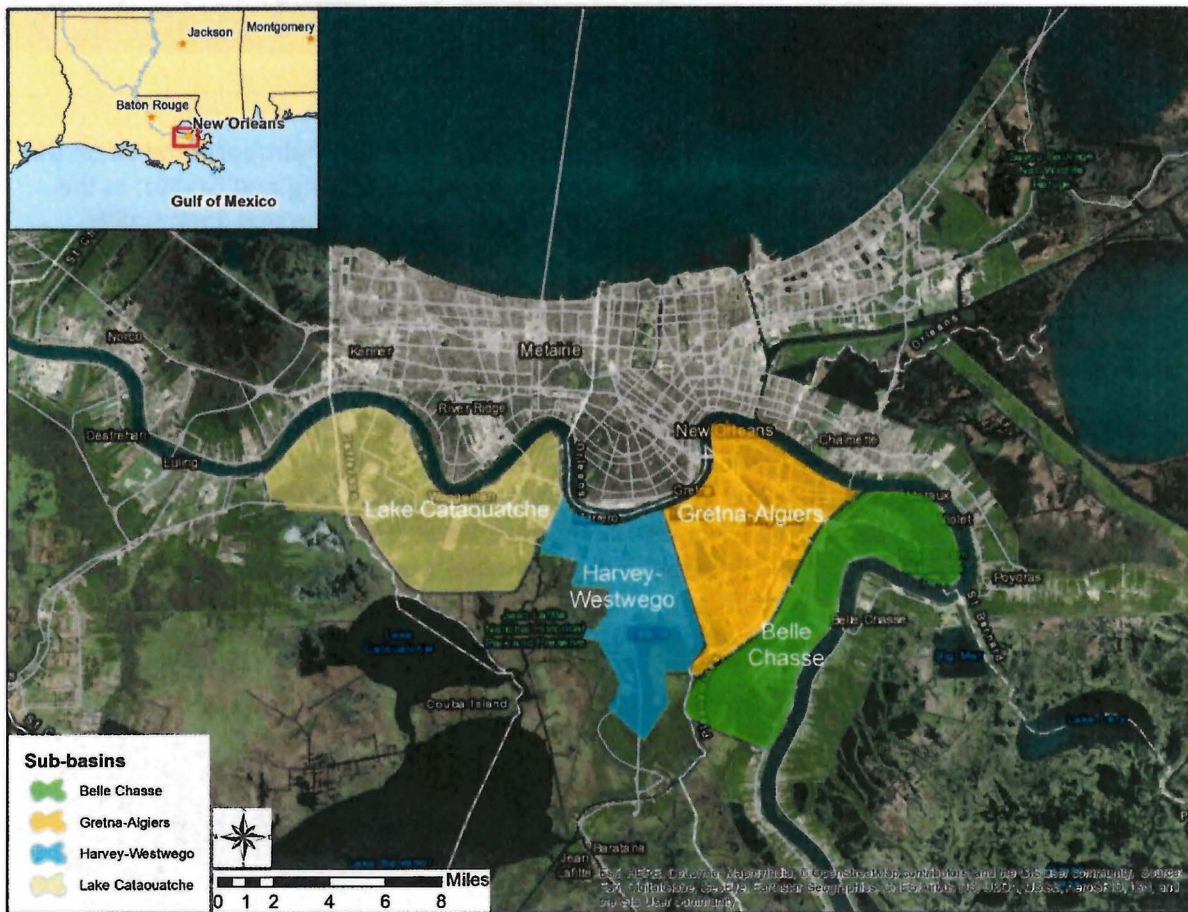


Figure 2. Sub-Basins of the WBV Study Area

2.2 RECOMMENDED PLAN DESCRIPTION

The RP for WBV is Alternative 2, System Levee Lifts or floodwall modifications or replacement to the projected one percent event through 2073 (end of 50-year analysis period) which would allow for FEMA levee certification for participation in the National Flood Insurance Program. The RP and WBV Reaches are shown on Figure 3.



Figure 3. WBV Recommended Plan and Reaches

The RP consists of 49 miles of levee lifts and 1 mile of floodwall modifications and replacements to be constructed. The project reduces the risk of flooding associated with a coastal storm surge and wave event with a one percent chance of being exceeded in any given year.

Construction of the RP would generally occur in the same footprint as the existing WBV project and existing MRL levees on existing right-of-way (ROW). The exception is the area along the MRL between the existing crossover point and the new crossover point shown on Figure 4. Additional acquisition and rights of way would be required in this area. Project implementation requirements for LERRD include approximately 16 acres for temporary road access, approximately 163 acres for temporary work areas, and approximately 60 acres for perpetual levee easements, and approximately 120 acres for borrow.

RP consists of 49 miles of levee lifts along the existing levee alignment to be constructed. In some reaches, levee lifts may need to occur more than once during the period of analysis. Additionally, the RP includes 1 mile of floodwall replacements or new floodwall along the existing alignment. Mitigation is anticipated to be required to address potential impacts to habitat along the Mississippi River.

The RP includes targeted areas of foreshore protection in reaches WBV-90 and WBV-12 placed along the GIWW and Hero Canal to bring existing foreshore protection back up to the proper

elevation for levee protection. This foreshore protection would permanently recover approximately 5.6 acres of shoreline. This will require some dredging and temporary material stockpiling to provide access to deliver and place the stone for foreshore protection. To allow construction equipment to access the shoreline, construction access channels would be dredged, and dredged material would be temporarily stockpiled adjacent to the channels. Dredging would be within the GIWW and Hero Canal, both state-claimed water bottom; therefore, no estate would be necessary for dredging and material as the NFS is a state entity. Construction access channels and stockpile areas would be brought back to original elevations after completion of construction activities. After construction, the stockpiled material would be returned to its original location. Stone for the foreshore protection would be commercially obtained and would not require the acquisition of LERRD.

Requirements for ROW will continue to be evaluated during Preconstruction, Engineering and Design (PED) to determine whether temporary or permanent easements are most advantageous to the Government.

The current and estimated new crossover points can be seen in Figure 4. The existing west bank crossover point is in black at River Mile 85.5 and the west bank Recommended Plan crossover point is in yellow at River Mile 95.5.



Figure 4. Crossover Points on the Mississippi River Levee: Existing (red) and With-Project (yellow)

2.3 RECOMMENDED PLAN WBV REACH LOCATIONS

Table 1. Recommended Plan Reach Locations

Reach	Location	Parish
WBV 06a.2	Belle Chasse Highway to Hero Cut off West	Orleans & Plaquemines
WBV 09.a	Hero Canal to Oakville, West of Algiers Canal	Plaquemines
WBV 12	Hero Canal Reach 1	Plaquemines
WBV 14a.2	Harvey Canal West Bank Levees	Jefferson
WBV 14b.2	Orleans Village to Highway 45 Levee	Jefferson
WBV 14c.2	New Westwego PS to Orleans Village	Jefferson
WBV 14e.2	V-line Levee East of Vertex	Jefferson
WBV 14f.2	Highway 45 Levee	Jefferson
WBV 15a.2	Lake Cataouatche PS to Segnette State Park	Jefferson
WBV 17b.2	Western Tie-In Levees (East-West)	Jefferson
WBV 17b.2a	LA Hwy 90 to Lake Cataouatche	Jefferson
WBV 47.2a	West Bank Station 770+ - 977+	Jefferson
WBV 49.1	Hero Levee to Belle Chasse Hwy East	Plaquemines
WBV 71	Western Tie-In Levees (North-South)	St. Charles
WBV 90	GIWW West Closure Complex	Jefferson & Plaquemines
WBV MRL 1.2b	Augusta to Oakville	Plaquemines
WBV MRL 3.2	Belle Chasse to Oak Point	Plaquemines
WBV MRL 5.2	English Turn Blvd. to Belle Chasse	Plaquemines
WBV MRL 6.1	Parish Line to English Turn Bend	Orleans & Plaquemines
WBV MRL 7.1	West Crossover Point to Parish Line	Orleans & Plaquemines
WBV MRL 9	Algiers Lock Forebay to West Point Crossover to Parish Line	Orleans
WBV MRL 10	Algiers Lock Forebay Floodwall	Orleans
WBV MRL 11	GNO Bridge to Algiers Lock	Orleans

2.4 LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATIONS AND DISPOSAL (LERRD) TO BE ACQUIRED FROM PRIVATE LANDOWNERS FOR THE RECOMMENDED PLAN

Table 2. LERRD to be Acquired from Private Landowners for Recommended Plan

Reach	Estate	Acres	Description*
09.a	Temporary Work Area Easement	.60	Obtain easement from (1) private landowner
12	Temporary Road Easement	4.97	Obtain easement from (1) private landowner
12	Temporary Work Area Easement	32.66	Obtain easement from (2) private landowners
14c.2	Temporary Road Easement	.08	Obtain easement from (1) private landowners
49.1	Temporary Work Area Easement	1.15	Obtain easement from (2) private landowners
90	Temporary Work Area Easement	61.28	Obtain easement from (4) private landowners
MRL 1.2b	Temporary Road Easement	2.71	Obtain easement from (3) private landowners
MRL 1.2b	Temporary Work Area Easement	13.43	Obtain easement from (1) private landowners
MRL 3.2	Temporary Road Easement	1	Obtain easement from (2) private landowners
MRL 3.2	Temporary Work Area Easement	10.5	Obtain easement from (8) private landowners
MRL 5.2	Temporary Work Area Easement	50.42	Obtain easement from (6) private landowners
MRL 6.1	Temporary Road Easement	.13	Obtain easement from (1) private landowner
MRL 10	Perpetual Flood Protection Levee Easement	72	Obtain easement from (72) private landowners

*Some owners are duplicated in reaches; total number of landowners is estimated to be 85

Table 3. Total Acres Needed from Private Landowners for WBV Recommended Plan

Temp Road Access	Temp Work Area	Perpetual Levee	Fee (Borrow)	Total Acres
8.89	170.04	72	120	370.93

2.5 BORROW

Extended construction windows throughout the 50-year period of analysis would be required for implementation of multiple levee lifts associated with the project; therefore, a specific borrow source may no longer be available at time of construction. Accordingly, an analysis of borrow area impacts has been conducted for a “typical” borrow pit that could be chosen for use. This borrow information is provided for real estate cost estimate purposes and to show suitable habitats for borrow site alternatives throughout the Project areas exist as provided by U. S. Fish and Wildlife Service. This borrow source is located within haul distance acceptable for all WBV reaches.

Actual borrow sources would be identified during pre-construction engineering and design for each segment of project construction by reach and construction schedule to determine source and quantities at that time.

Requirements for borrow (location and quantity per lift) will continue to be evaluated during Preconstruction, Engineering and Design (PED) to determine whether temporary easement, perpetual easement, or fee is most advantageous to the Government. At this time, it is projected that fee estate will be acquired for each lifts’ reaches/locations, as fee estate is required for borrow sites that would be used for future levee lifts. For any borrow sites that are required but not associated with future lifts, a standard Temporary Work Area Easement for Borrow may be acquired.

Approximately 120 acres of Borrow would be sourced from crop lands in St. Charles Parish or one of the parishes within the RP. Borrow area acquisition requirements will continue to be evaluated. If a proposed borrow area contains upland bottomland hardwood forests or another significant resource that requires mitigation, a mitigation plan would be prepared in compliance with WRDA 1986, Section 906 (33 U.S.C. §2283). See Appendix A for construction schedule and estimated borrow quantity for each levee lift.

2.6 MITIGATION

Implementation of the RP includes flood side shifts to the existing Mississippi River Levees (MRL) that would extend beyond the existing rights-of-way (ROW) and the 15 foot “vegetation-free” zone from the toe of the levee. The flood side shifts would result in potential impacts to approximately 60.2 acres of Bottomland Hardwood-Wet (BLH-Wet) habitat along the co-located WBV and MRL. These impacts would be avoided to the maximum extent practicable but would be unavoidable in some locations due to avoidance of existing infrastructure on the protected side of the levees. All other features of the recommended plan for WBV are not expected to require compensatory mitigation since those actions are proposed within the existing (previously disturbed) ROW.

The proposed action in this mitigation plan consists of purchasing mitigation bank credits to mitigate 37.21 AAHUs to offset BLH-Wet impacts. Since the proposed action consists of purchasing mitigation credits, CEMVN has concluded that there would be no new direct, indirect, or cumulative impacts to any relevant resources from that action. Any changes to the proposed mitigation plan would be fully evaluated in future NEPA documents. See Main Report and Mitigation Appendix “K” for full description.

This Project would not displace residential, business, or farms within the Project boundaries; therefore, the provisions under Title II of public Law 91-646, as amended, are not applicable.

The sponsor will not receive credit for lands previously purchased as an item of cooperation.

3 LERRD OWNED BY NON-FEDERAL SPONSOR

The non-federal sponsor for this study is the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB), a state entity that is established, authorized, and empowered to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the Greater New Orleans and southeast Louisiana area. CPRAB is also mandated to develop, implement, and enforce a comprehensive coastal protection and restoration Master Plan. The Feasibility Cost Share Agreement was executed on October 9, 2018.

The Non-Federal Sponsor does not own any lands within the Project area. However, rights-of-way for the existing Project are owned by the following agencies of the State of Louisiana which fall under the umbrella of Coastal Protection and Restoration Authority Board:

- The Pontchartrain Levee District in St. Charles Parish and Vicinity Hurricane Protection Levee System
WBV Western Tie-In Levee
- Southeast Louisiana Flood Protection Authority – West
West Jefferson Levee District (West Bank of Jefferson Parish)
Algiers Levee District (West Bank portion of Orleans Parish)
- Plaquemines Parish Levee District

The rights owned by these agencies (existing right-of-way and new areas needed for the RP) consist of perpetual levee easements/servitudes and fee. These rights are sufficient for construction of the proposed improvements to Project features. No credit will be given for lands previously provided as an item of local cooperation. The NFS provides the Authorization for Entry or Grant of Particular Use (depending on agency) to USACE Real Estate. Real Estate Division certifies to Contracting Division that Right-of-Entry is available.

The sponsor currently has Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) responsibilities associated with the existing system under an existing Project Partnership Agreement (PPA). A new PPA will be executed for the RP, which will continue those responsibilities into the future and they are expected remain largely unchanged until completion of the recommended plan, except as new reaches of co-located features are added during project construction. The sponsor will gradually accrue additional cost to annual OMRR&R for the new co-located reach along the Mississippi River. Upon project completion, the non-federal sponsor will also be required to maintain the authorized level of risk reduction to account for any future compaction, subsidence, or actual sea level rise as part of its OMRR&R responsibilities.

The cost sharing requirement for this project is 65% federal and 35% non-federal. In addition to cash, the sponsor is anticipated to receive work-in-kind credit for some design and construction work, as well as credit for LERRDs acquisition. The CPRAB has the financial capability to cost share the estimated implementation costs and are willing to sign the PPA at the appropriate time. The NFS's capability assessment is available upon request. The NFS will not receive credit for LERRD previously acquired in the past or previously provided as an item of cooperation.

The following reaches within the Project area are owned by local government entities. Acreage for new right-of-way needed for each reach is approximate and shown in Table 4 below.

Table 4. LERRD Owned by Local Government Entity

Reach	Requesting	From Local Entity	Approximate Acreage of New ROW Required
14c.2	Authorization for Entry (Temp Road)	West Jefferson Levee District	1 acre
47.2a	Authorization for Entry (Temp Road and Temp Work)	Jefferson Parish and/or other local government entity	9 acres
MRL 6.1	Authorization for Entry (Temp Road)	St. Charles Parish and City of New Orleans	1 acre
MRL9, 10 & 11	Authorization for Entry (Levee)	City of New Orleans, Port of New Orleans, Orleans Levee District, Orleans Parish School Board	To be determined

4 ESTATES

The following standard estates would be acquired from private landowners:

Temporary Road Easement

A non-exclusive and assignable, temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the location, construction, operation, maintenance, alteration replacement of road(s) and appurtenances thereto; 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, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Temporary Work Area Easement (borrow)

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, including the right to borrow and/or deposit fill, spoil and waste material thereon 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.

FEE EXCLUDING MINERALS (With Restriction on Use of the Surface) for borrow

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).

Temporary Work Area Easement (staging)

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 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 _____ 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.

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 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.

Requirements for ROW will continue to be evaluated during feasibility design to determine whether temporary or permanent easements are most advantageous to the Government.

5 EXISTING FEDERAL PROJECTS

The following Federal projects are fully or partially within the LERRD required for the WBV Project or are adjacent.

- **West Bank and Vicinity, Louisiana Project (WBV) and the Greater New Orleans Hurricane and Storm Damage Risk Reduction System (HSDRRS)** - WBV along with the Lake Pontchartrain and Vicinity, Louisiana Project are jointly referred to as being part of the Greater New Orleans HSDRRS. Following Hurricanes Katrina and Rita in 2005, the U. S. Army Corps of Engineers was authorized and funded to construct HSDRRS for southeast Louisiana. The Corps has strengthened the levees, floodwalls, gated structures and pump stations that form the 133-mile Greater New Orleans perimeter system, as well as improved approximately 70 miles of interior risk reduction structures. The West Bank and Vicinity (WBV) Project System (part of HSDRRS) will lift these existing levees or modify or replace existing floodwalls. Additional LERRD will be needed outside of existing ROW for the additional levee or floodwall footprint to extend ROW for access to the lifted levees and modified or replaced floodwalls.
- **Mississippi River and Tributaries (MR&T) or Mississippi River Levee (MRL)** - The MR&T was designed to reduce the risk of flood damage from high river flows. The WBV hurricane design grade on the reach from Oakville to English Turn, Mississippi RM 70 to 85.5, is higher than the required MRL riverine design grade. Construction contracts were completed to construct WBV features on top of and over the MRL from RM 70 to 85.5 to the WBV elevation and design guidelines. If the MR&T levees were deficient in elevation for MR&T's riverine design grade, MR&T authorities and appropriations were used to restore the MR&T to the MR&T riverine design grade and WBV funding was utilized to achieve the remaining required design height. The West Bank and Vicinity (WBV) Project System will lift these existing levees or modify or replace existing floodwalls. Additional LERRD will be needed outside of existing ROW, for the additional levee or floodwall to extend ROW for access to the lifted levees and modified or replaced floodwalls.
- **The Southeast Louisiana Project (SELA)** - SELA is a flood control project authorized by Congress to improve the rainfall drainage systems in Orleans, Jefferson and St. Tammany Parishes. On the West Bank, SELA is within the west portion of the WBV Project area and focuses on improving existing and constructing new drainage channels and stormwater pump stations. These features convey stormwater via pump stations across the WBV risk reduction perimeter and impact the interior drainage flow that WBV gates and pump stations need to handle. CPRAB has been the non-federal sponsor of SELA projects since 2009. Five SELA pump stations are located within the West Bank and Vicinity (WBV) Project System. WBV Project will lift existing levees or modify or replace existing floodwalls. Additional LERRD will be needed outside of existing ROW, for the additional levee or floodwall to extend ROW for access to the lifted levees and modified or replaced floodwalls.
- **Algiers Lock** - USACE maintains and operates the navigation locks where the Harvey and Algiers Canals meet the Mississippi River. Although these locks provide the incidental benefit (i.e. a benefit outside of the project's authorized purposes) of closure of the WBV perimeter, their purpose and function are navigation. The lock gates will remain

closed whenever Mississippi River water levels exceed the design high water levels in the Harvey and Algiers Canals. The West Bank and Vicinity (WBV) Project System (part of HSDRRS) will lift existing levees at the Algiers Lock or modify or replace existing floodwalls. Additional LERRD will be needed outside of existing ROW, for the additional levee or floodwall to extend ROW for access to the lifted levees and modified or replaced floodwalls.

- **Davis Pond Freshwater Diversion** - The levee on the east of the Davis Pond Freshwater Diversion channel provides the western edge of the WBV. This channel was constructed in 1997 under a cooperation agreement between the state of Louisiana and USACE. It is authorized to divert Mississippi River water into the Barataria Bay estuary, as part of the program to reverse the loss of coastal wetlands. The diversion structure on the bank of the Mississippi River has four 14-foot square reinforced concrete box culverts with sluice gates. The gates can be operated to pass up to 10,650 cfs into the 9,300-acre ponding area. The Davis Pond Diversion Structure lies outside the boundaries of the WBV, and no special operation is required in response to storm surge other than the normal monitoring of water levels in the channel and controlling the gates to prevent flooding. CPRA has the operations, maintenance, rehabilitation, and replacement (OMRR&R) responsibilities of the Davis Pond Diversion eastern levee, which provides the incidental benefit of risk reduction to the WBV.
- **GIWW Harvey Canal No. 1 Harvey Lock Bayou Perot** – USACE-maintained levees/floodwalls along the GIWW are an integral part of the HSDRRS required for reducing the risk of flooding caused by precipitation. Reaches WBV 47.2 and 49.1 are within this area of the GIWW.
- **GIWW Harvey Canal No. 1 Harvey Lock Bayou Perot and GIWW Harvey Canal No.1 to Hero Cut-Off** – USACE-maintained levees/floodwalls along the GIWW are an integral part of the HSDRRS required for reducing the risk of flooding caused by precipitation. Reach WBV 90 is within this area of the GIWW.

There are also several Gulf Intracoastal Water Way (GIWW) locks which provide navigation connections to the Mississippi River and as such provide MR&T riverine flood risk reduction at those points. There are numerous complex structures, levees lining interior navigable and drainage retention areas, and interior drainage infrastructure situated within the LPV, WBV, and MRL perimeter alignments.

6 FEDERALLY OWNED LANDS

Sections of the following reach has LERRD required for this Project within Federally owned land. A special use permit would be obtained by the NFS from a Federal agency.

Table 5. LERRD within Federally Owned Lands

Reach	Owned by United States	Acres within Reach
MRL 6.1	Mississippi River Levee	.13 ac for temporary road

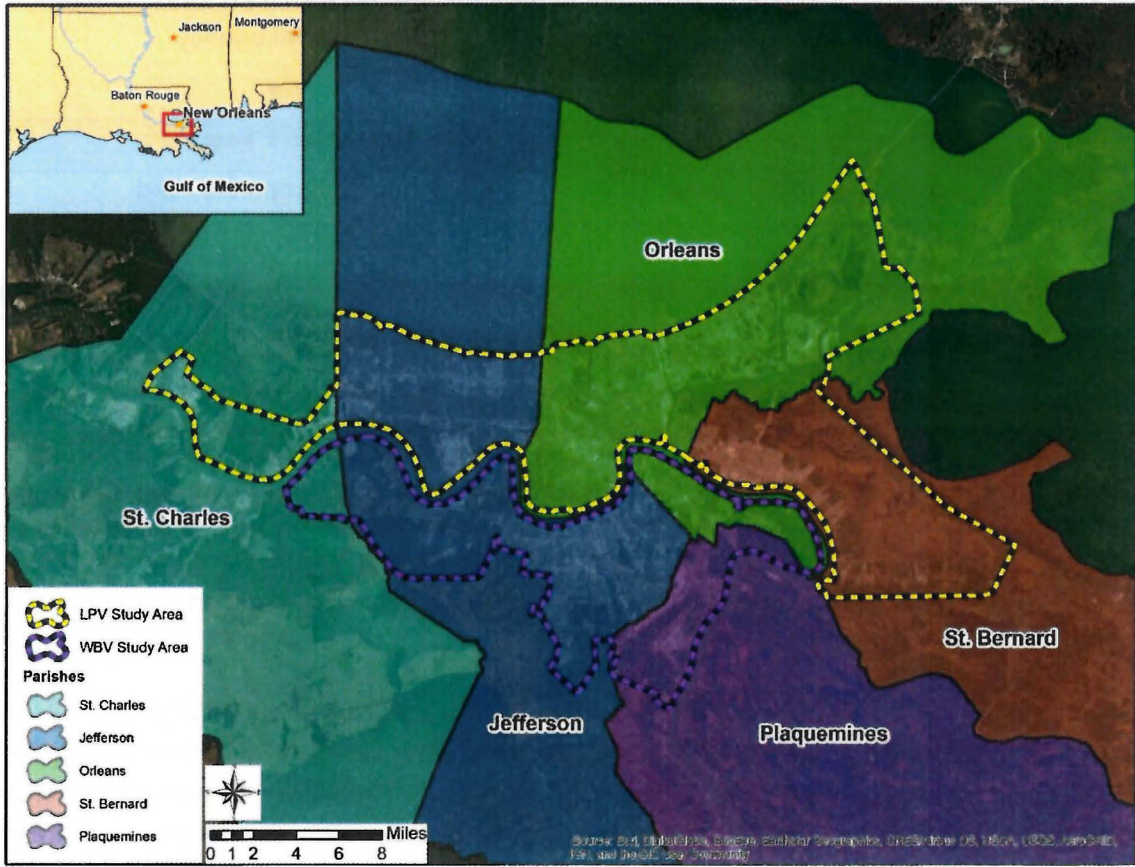
7 NAVIGATION SERVITUDE

The navigation servitude is the “dominant right of the Government under the Commerce Clause of the U.S. Constitution to use, control and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the mean high-water mark. In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the ordinary high-water mark.” This power is superior to any private property rights in the navigable waters themselves or in the underlying land. The Mississippi River is considered both a water bottom of the State of Louisiana and a navigable waterway of the United States.

Areas of the WBV MRL reaches on the flood side shift would include areas within the Mississippi River below the ordinary high-water mark within the banks of the Mississippi River (navigable watercourse). The study is a flood control project. Therefore, this meets the first and second tests to determine availability of navigation servitude. As such, construction of the WBV MRL reaches in the areas below the ordinary high-water mark can be accomplished under the Navigation Servitude. Per paragraph 12-7 of ER 405-1-12, “It is the policy of USACE to utilize the navigation servitude in all situations where available.”

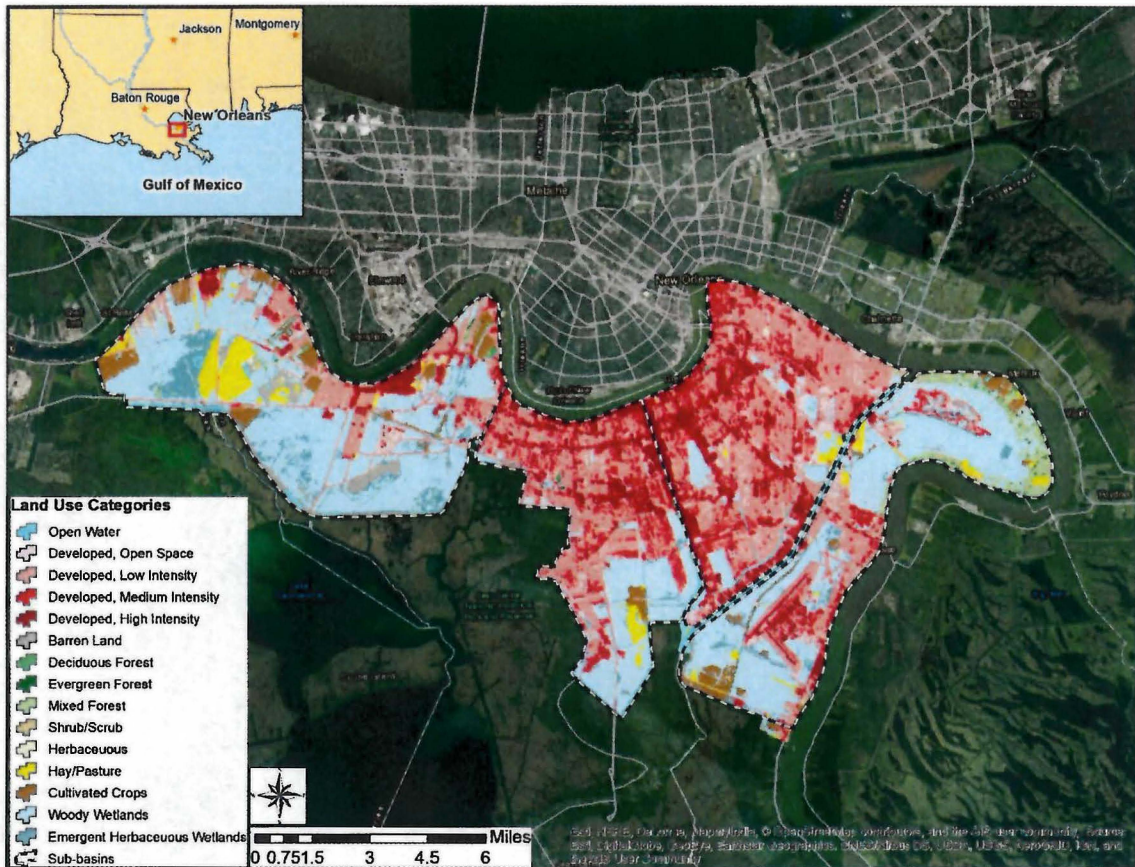
The Mississippi River is a state-claimed water bottom; therefore, the NFS has access for future O&M within these areas below the ordinary high-water mark within the banks of the Mississippi River.

8 MAPS



Map 1 – General Study Area





Map 3 – West Bank and Vicinity Study Area Land Use Categories



Map 4 – West Bank and Vicinity Recommended Plan

Detailed maps showing tracts within each reach are not available and will be developed during PED.

9 INDUCED FLOODING

Based on the study's analysis, increasing the levee and floodwall heights may result in increased flood depths on areas exterior to the system.

For the future without-project condition, the preliminary modeling indicates that the 1% AEP event produces flood depths to elevations between 4.5 and 17 feet (NAVD88) in the area to the south of the WBV system. For the with-project condition, the preliminary modeling indicates that these 1% AEP flood depths may increase by less than six inches in most areas and up to one foot in areas immediately adjacent to the system. Much of this area of potential induced flooding is undeveloped. In the one developed area there are approximately 40 structures; all but six of these structures have first-floor elevations that are above the potential induced stage.

These flood depths and potential induced flooding conclusions will be confirmed or revised during the design phase with the updated ADCIRC model when the final system design heights are determined. At that time, a determination will be made regarding whether any significant induced flooding is reasonably anticipated, and the additional actions needed to address any potential induced flooding.

10 SUMMARY OF REAL ESTATE COSTS

The estimated total cost of 01 Real Estate Costs for Recommended Plan for the LERRD required for the implementation of the Project is \$17,263,000.00. This cost reflects real estate interest acquisition costs required for the construction of the Project as well as other costs associated with acquiring LERRD. These other costs include, but are not limited to, appraisals, surveys, title work, NFS oversight, and other administrative costs. Real estate interest acquisition costs include a 25 percent contingency (rounded) to account for any changes during Preconstruction, Engineering, and Design.

The construction of the RP does not require the acquisition of residences, businesses, or farms, and therefore no relocations assistance benefits (P.L. 91-646) would be required.

Real Estate costs will not exceed 10% of total Project costs; therefore, a cost estimate was provided at this point of the study by the CEMVN, Appraisal Branch in lieu of a gross appraisal. Real estate interest acquisition costs include a 25% contingency (rounded) to account for any minor changes during Preconstruction, Engineering and Design.

The NFS will not receive credit for LERRD previously acquired in the past or previously provided as an item of cooperation.

The estimated total cost of 02 Relocations Costs for Facilities/Utilities (discussed in detail in Appendix A, Section 5.1 Utility Relocations and cost reflected in Appendix I) is \$0.00. Due to the existing MR&T project and previous facilities/utilities identified for MR&T, it is assumed the facilities/utilities listed in Section 16 below are allowed by permit; therefore, relocation cost would not be project cost. Facility/utility relocations would be at the expense of the facility/utility owner, not the NFS or the U S Government.

The Relocations Branch of Engineering at the New Orleans District researched public utilities and facilities located within the proposed project area through the National Pipeline Database and the State Online Natural Resources Information System (Louisiana Department of Natural Resources).

This REP does not include any real estate costs to acquire LERRD for Fish and Wildlife Mitigation, as it is anticipated the impacted wetlands would be offset through the purchase of mitigation bank credits.

11 P.L. 91-646 RELOCATION ASSISTANCE BENEFITS

This Project will not displace residential, business, or farms within the Project boundaries; therefore, the provisions under Title II of Public Law 91- 646, as amended, are not applicable.

12 MINERAL ACTIVITY/CROPS

Mineral activity within the right-of-way of the Project has been plugged and abandoned. Outstanding mineral rights held by third parties would not be acquired. If during design any mineral activity is identified, it will be avoided. There is no merchantable timber or row crop activity affected by this Project.

13 NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT

An assessment of the non-Federal sponsor's legal and professional capability and experience to acquire and provide the LERRD for the construction, operation, and maintenance of the Project, including its condemnation authority and quick-take capability has been received and is included in this REP as Exhibit A.

Coastal Protection and Restoration Authority Board of Louisiana (CPRAB) has been the non-Federal sponsor on numerous other USACE projects. CPRAB has in-house staff with sufficient real estate acquisition experience to meet its responsibilities and is highly capable of performing the responsibilities of LERRD acquisition and management.

This NFS has the legal authority to acquire and hold title to real property for this project's purpose but does not directly have quick take authority. However, pursuant to Louisiana revised statutes (49:214.5.2 and 38:301.1), they may enter into an agreement to use the authority of a coastal area levee district or parish governing authority to use the quick take authority of those entities to acquire real property interests for project purposes.

14 ZONING ORDINANCES

No application or enactment of zoning ordinances has been proposed in lieu of, or to facilitate, acquisition in connection with the Project.

15 ACQUISITION SCHEDULE

The following schedule shows the tasks and duration for acquisition of the LERRD required for the Project, which will affect approximately eighty-four private landowners. This Study is anticipated to be constructed in four separate first year lifts (2024, 2025, 2040, and 2069). Acquisition schedule below is for each lift year’s reaches only – not for all LERRD’s required for the entire project.

Table 6. Acquisition Schedule

Task/Duration	Time Accumulation
Mapping (3 months)	3 months
Title (6 months); Appraisals (9 months)	12 months
Negotiations (24 months)	36 months
Closing (6 months); Condemnations (if necessary-12 months)	48 months
Issue Right of Entry, Right-of-Way (2 months)	50 months

16 FACILITY/UTILITY RELOCATIONS

This Project consists of straddle lift levees and modifying or replacing floodwalls over what was previously constructed. A description of the facilities / utilities and the identity of the owners are listed below for WBV-MRL-9, MRL-10, and MRL-11. Because all lifts would generally straddle the footprint of a previous lift, it is assumed that no utility relocations would be required. If relocation of any existing utility that crosses the levees as permitted is required, the utility would need to be lifted by and at the expense of, the utility owner at no cost to the Government.

The estimated total cost of 02 Relocations Costs for Facilities/Utilities (discussed in Appendix A, Section 5.1 Utility Relocations and cost reflected in Appendix I) is \$0.00.

Any conclusion or categorization contained in this report that an item is a utility or facility relocation is preliminary only. CEMVN Relocations Branch will incorporate the relocations process towards compensability and coordinate with utility owners throughout the design and development of the Plans & Specification process for this RP. An attorney’s compensability analysis and opinion of compensability for each of the impacted utilities and facilities will be completed during Preconstruction, Engineering and Design (PED). The Government will then make a final determination of the relocations necessary for the construction, operation, or maintenance of the project.

Table 7. Facilities / Utilities for WBV-MRL-9, 10, and 11

Utility Owner	Width Thickness	Diameter	Action
NO Sewerage & Water Board	.05	42"	Local sponsor owned, relocation in project feature cost
Harbor Towing and Fleeting	0.375	1"	Owner to Relocate
Harbor Towing and Fleeting	0.375	1"	Owner to Relocate
Bridgeline	0.5	12"	Owner to Relocate
Bridgeline	0.5	12"	Owner to Relocate
Boardwalk	0.5	12"	Owner to Relocate
Entergy Gas	0.5	6"	Owner to Relocate
Entergy Gas	0.5	6"	Owner to Relocate
Entergy Distribution		Powerline	Owner to Relocate

Any conclusion or categorization contained in this report that an item is a utility or facility relocation is preliminary only. The Government will make a final determination of the relocations necessary for the construction, operation, or maintenance of the project after further analysis and completion and approval of final attorney’s opinions of compensability for each of the impacted utilities and facilities.

17 HAZARDOUS, TOXIC RADIOACTIVE WASTE AND OTHER ENVIRONMENTAL CONSIDERATIONS

During this feasibility phase, an abridged Phase I Environmental Site Assessment (ESA) was conducted to determine the potential for HTRW problems which could impact or be impacted by potential project features. This abridged Phase I ESA was conducted in the current HSDRRS levee and floodwall ROW. The risks of encountering HTRW in the Project area is low, and no impacts from HTRW are anticipated. Oil and gas wells within the project footprint are closed.

Generalized Borrow Areas: Should new borrow site excavation be needed, these sites would need environmental compliance to ensure that no recognized environmental conditions or HTRW issues would be encountered at these borrow sites. Therefore, although the location and number of new borrow sites are unknown, no direct or indirect impacts would be expected from HTRW.

18 LANDOWNER ATTITUDE

Most of the LERRD required for this Project has been previously acquired or is owned by local/state/U. S. Government entities. Landowners within reaches requiring acquisition of perpetual levee easement are anticipated to be agreeable due to the Project improving the level of hurricane and storm damage risk reduction. The road and work area easements needed would be temporary; therefore, we do not expect opposition to this Project from landowners.

19 RISK LETTER

The NFS, Coastal Protection and Restoration Authority Board of Louisiana (CPRAB), has been given notification of the risks of acquiring real property interest prior to the Project Partnership Agreement, as the preliminary information in the feasibility study may change once completed. Premature acquisition may result in insufficient or excessive real property acreage, as well as additional expense and delay schedule to complete acquisition.

A copy of the letter discussion risk with early acquisition of real property interests is included in the REP as Exhibit B.

20 OTHER REAL ESTATE ISSUES

Other real estate issues that may be relevant to the Project will be further investigated during PED.

Date: March 2021, Revised July 13, 2021

Real Estate, New Orleans District

Prepared By:

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Pamela M. Fischer
Realty Specialist

Reviewed by:

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Karen Vance-Orange
Realty Specialist

Approved by:

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JUDITH Y. GUTIERREZ
Chief, Real Estate Division
Real Estate Contracting Officer

Exhibit A – Capability Assessment

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
Lake Pontchartrain and Vicinity and West Bank and Vicinity
General Re-evaluation Report with Integrated Environmental Assessment

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

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, however Louisiana Revised Statute 214.5.5 limits the power of eminent domain; it states that “no full ownership interest in property shall be acquired for integrated coastal protection through any method by the state of Louisiana, the Coastal Protection and Restoration Authority, a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, including but not limited to compensatory mitigation and ecosystem restoration purposes, unless such interest is voluntarily offered and agreed to in writing by owners with at least seventy-five percent ownership in the property or such entity seeking to acquire the property proves by clear and convincing evidence in a court of competent jurisdiction that a full ownership interest is the minimum interest necessary to carry out the purposes of integrated coastal protection for the specific project for which it is acquired.” Furthermore, access rights, rights of use, servitudes, easements, or other property interests for coastal projection projects shall only be for fixed terms and shall not be acquired in perpetuity unless such acquisition is offered voluntarily by owners with at least seventy-five percent ownership in the property.**
- c. Does the sponsor have "quick-take" authority for this project? **NO** CPRAB does not directly have quick take authority. However, pursuant to La. R.S. 49:214.5.2 and 38:301.1, CPRAB may enter into an agreement to use the authority of a coastal area levee district or parish governing authority to use the quick take authority of those entities to acquire real property interests for project purposes.
- 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? **See “b” above.**

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? **YES**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **NO**

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? **YES**

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). **The NFS is anticipated to be highly capable of acquiring the real estate interests required for the project.**

V. Coordination:

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

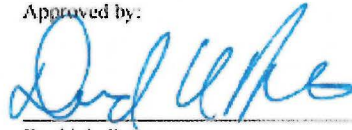
Prepared by:

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Pamela Fischer
Realty Specialist
US Army Corps of Engineers

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Approved by:



David A. Peterson
General Counsel
Coastal Protection and Restoration Authority

Exhibit B – Risk Letter



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

May 27, 2021

Real Estate Division

Mr. Kyle R. Kline, Jr, Chairman
Coastal Protection and Restoration
Authority Board
P. O. Box 44027
Baton Rouge, LA 70804-4027

Dear Mr. Kline:

The Lake Pontchartrain & Vicinity and West Bank & Vicinity, Greater New Orleans Hurricane Storm Damage Risk Reduction System, General Re-Evaluation Report (GRR) with integrated Environmental Impact Statement is scheduled to be completed soon. The report contains preliminary information, which may change once the detail design of the project is completed. For this reason, in accordance with Corps of Engineers Regulation 405-1-12, Chapter 12, dated May 1, 1998, we are hereby formally advising you of the risks associated with acquisition of real estate rights prior to signing of the Project Partnership Agreement (PPA) and receiving a request from our agency for right of entry for construction.

Should you decide to proceed with acquisition of realty interests needed for construction of the subject project prior to the government's request for commencement of acquisition of required right-of-way, the CPRAB will assume full and sole responsibility for any and all costs, responsibility, or liability arising out of such efforts. Generally, these risks include, but may not be limited to the following:

- a. Congress may not appropriate funds to construct the proposed project;
- b. The proposed project may otherwise not be funded or approved for construction;
- c. A PPA mutually agreeable to the CPRAB and the government may not be executed and implemented;
- d. The CPRAB may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state or Federal laws or regulations, including liability arising out of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended;
- e. The CPRAB may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the

CEMVN-RE-E

project, thus incurring costs or expenses which may not be creditable under the provisions of Public Law 99-662 or the PPA; and

- f. The CPRAB may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under Public Law 91-646, as amended, as well as the payment of additional fair market value to affected landowners, which could have been avoided by delaying acquisition until the PPA execution and the government's notice to commence acquisition and performance of lands, easements, rights-of-way, relocation and disposal (LERRD).

Should you decide to proceed with acquisition of real estate interests, you are hereby notified that acquisition activities must conform to Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Uniform Act describes the rights of landowners impacted by a federally funded project and the responsibilities of government agencies performing acquisition of real estate interests for such projects. Furthermore, in order to ensure that you receive the maximum possible credit once the project alignment is finalized, we suggest that you send for our review the résumé and proposed fees of your intended contractors as well as the following real estate products once completed: ownership plat and legal descriptions, appraisal reports, title reports, proposed negotiated settlements, and relocations assistance payments, if applicable.

If you have questions regarding the acquisition and crediting process, please call Huey J. Marceaux, Chief Appraiser at (504) 862-1175 or Todd Klock, Chief, Local Sponsor Acquisition Branch at (504) 862-1920.

Sincerely,

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Judith Y. Gutierrez
District Chief of Real Estate, New Orleans
Real Estate Contracting Officer