



South Central Coast Louisiana



Hurricane Ike flooding in Delcambre, Louisiana 2008.

Appendix E – Real Estate Plan

June 2021

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Section 1

Purpose of the Real Estate Plan

This Real Estate Plan (REP) presents the real estate requirements and costs for the Final Integrated Feasibility Study with Environmental Impact Statement for the South Central Coast Louisiana (SCCL). The information contained herein is tentative in nature for planning purposes only. Design optimization and feature prioritization would be performed after project authorization; therefore, this REP may be revised upon further analysis. Detailed maps for specifics relating to project features may not be developed until the recommended plan (RP) undergoes more detailed design analysis and an implementation plan is fully developed.

1.1 PROJECT LOCATION AND PROJECT PURPOSE

St. Mary, St. Martin, and Iberia Parishes have high levels of risk and vulnerability to coastal storms, exacerbated by a combination of sea level rise and climate change over the study periods. Low elevation, proximity to the Gulf of Mexico, subsiding lands, and rising seas, are all contributing factors causing coastal flooding, shoreline erosion and loss of wetland. The people, economy, environment, and cultural heritage of coastal areas in South Central Louisiana are at risk from reoccurring damages caused by hurricane and storm surge flooding.

The SCCL study area encompasses 2,966 square miles of varying terrain in St. Martin, St. Mary, and Iberia Parishes (Figure E:1-1). The area is at risk of damages from flooding from tropical storms and hurricanes, which have continually impacted this part of the Louisiana coast over time. Approximately 177,000 people reside within the study area.

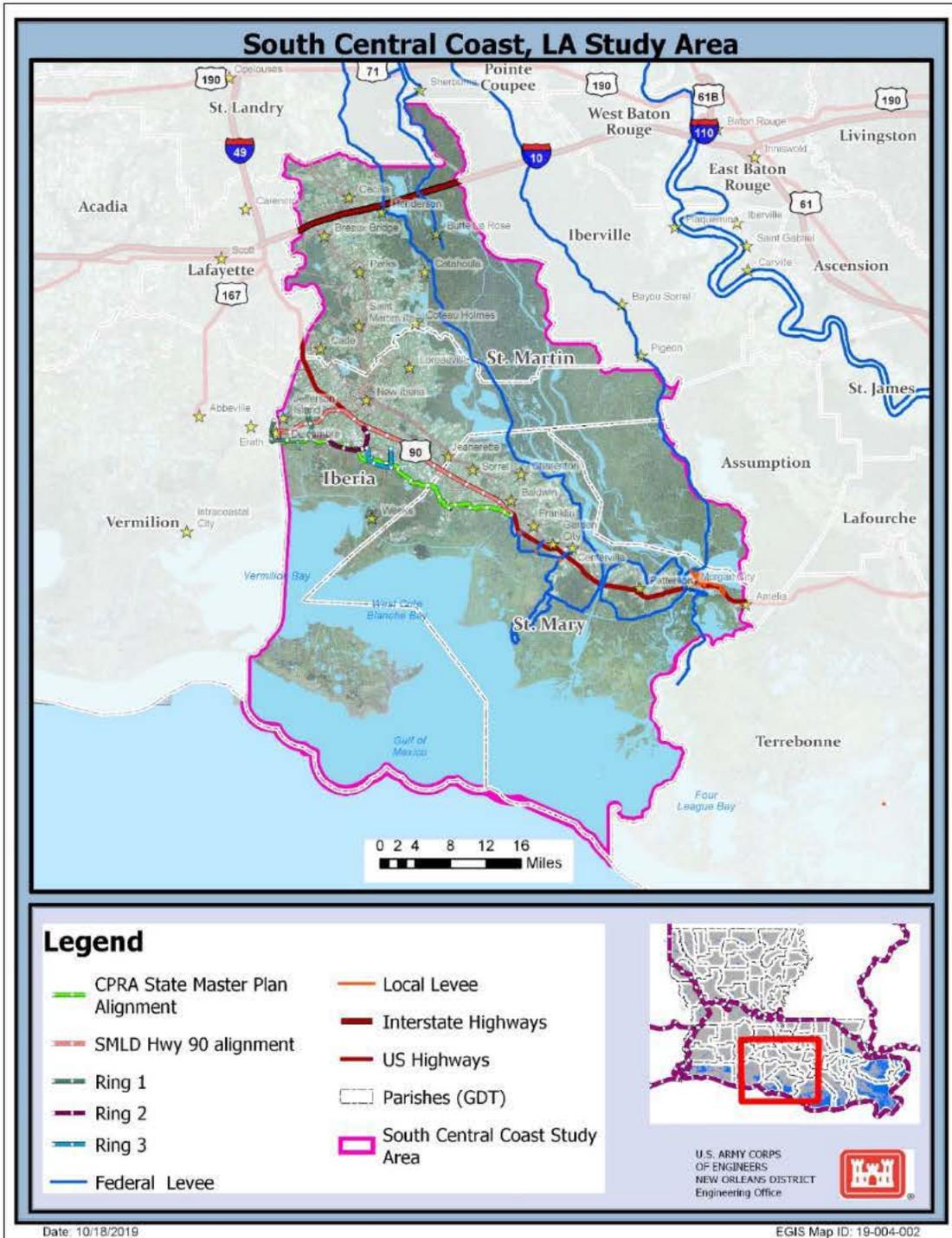


Figure E:1-1. South Central Coast Study Area Map

1.2 PROJECT AUTHORIZATION

H.R. Docket 2767, 20 Sep 2006, Southeast Coastal Louisiana, Louisiana, “Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that, in accordance with section 110 of the River and Harbor Act of 1962, the Secretary of the Army is requested to survey the coast of Louisiana in Iberia, St. Martin, and St. Mary parishes with a view to determine the feasibility of providing hurricane protection and storm damage reduction and related purposes.” Southeast Coastal Louisiana, LA was effectively renamed South Central Coast Louisiana, LA to avoid confusion with the Southeast Louisiana urban flood control project covering Jefferson, Orleans, and St. Tammany Parishes.

Bipartisan Budget Act (BBA) of 2018, (Public Law 115-123), Division B, Subdivision 1, H. R. 1892—13, TITLE IV, CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY, INVESTIGATIONS:

“where funds are being made available for the expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies currently authorized or are authorized after the date of enactment of this act, to reduce risk from future floods and hurricanes. The funds are at full Federal expense and funds made available for high-priority studies of projects in States and insular areas with more than one flood related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017.”

The BBA and H.R. Docket 2767 authorizes the proposed South Central Coast Louisiana Project planning and potential construction.

Section 2

Description of the Recommended Plan and Lands, Easements, Rights-of-Way, Relocations and Disposal Sites (LERRD)

The RP consists of implementing nonstructural measures to reduce the risk of damages from flooding to residential and non-residential structures that have first floor elevations at or below the 0-25-year flood plain based on hydrology predicted to occur. Structure modification would be on a case-by-case basis across the 25-year floodplain.

Nonstructural measures differ from structural measures since they focus on reducing consequences of flooding instead of focusing on reducing the probability of flooding. An assessment of at-risk properties has currently identified a total of 2,240 total structures (1,790 residential, 450 non-residential) that appear to meet the preliminary eligibility criteria for participation in the project (see Figure E:2-1).

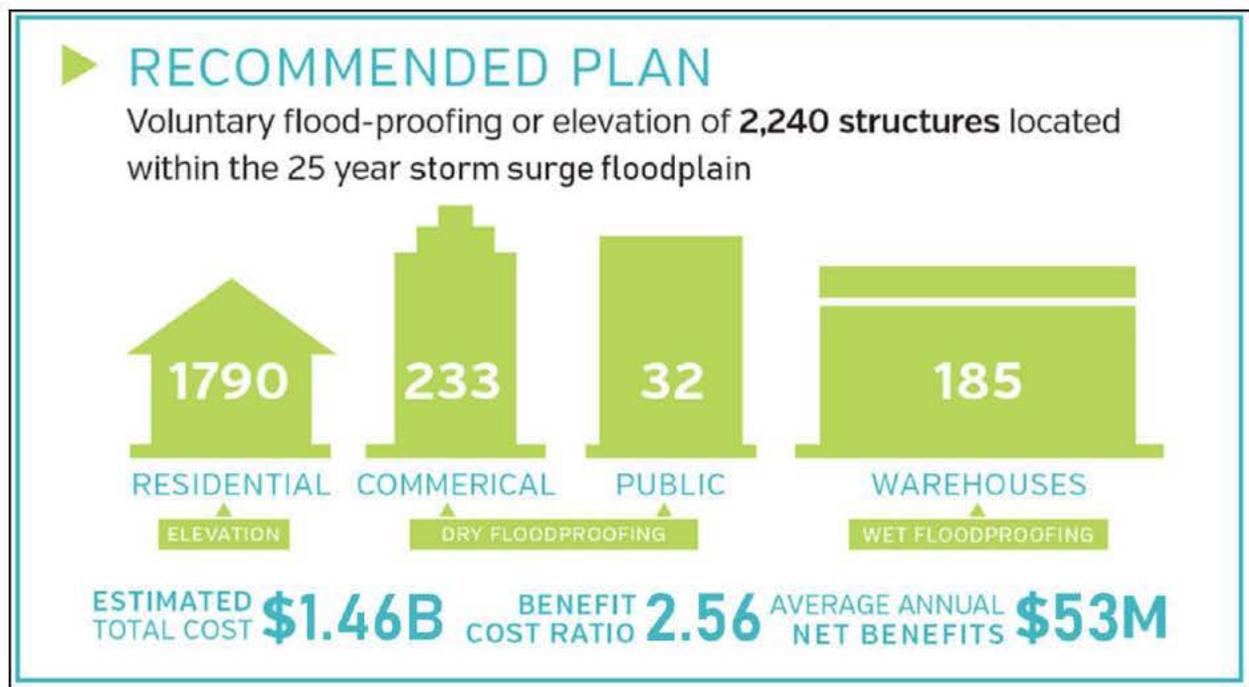


Figure E:2-1. Recommended Plan

The Nonstructural Plan consists of the following floodproofing measures:

- Elevation of eligible structures. Elevation of 1,790 structures to an elevation no greater than 13 feet above grade. Elevation of the entire structure or the habitable area of a structure would allow floodwaters to flow and recede underneath.
- Dry floodproofing of eligible structures. Dry floodproofing 265 structures to reduce flood risk. Dry floodproofing would ensure that floodwaters cannot get inside by making walls, doors, windows, and other openings impermeable to water penetration up to three feet above grade.
- Wet floodproofing of warehouses or other eligible industrial structures. Floodproofing 185 structures so that the structure is wet floodproofed up to 12 feet and the contents inside the structure are wet flood proofed up to six feet. Wet floodproofing would allow floodwaters to enter enclosed areas through vents while also protecting the structural stability of a warehouse and the contents within the building.

It is anticipated that implementation of the Nonstructural Plan will occur over an approximate 25-years. The US Army Corps of Engineers (USACE), Mississippi Valley Division, and New Orleans District (CEMVN) has prepared a Nonstructural Implementation Plan, which provides details regarding a possible method of program implementation (refer to Appendix K). An overview discussion of the Nonstructural Implementation Criteria, as discussed in Appendix K, is also included in this REP.

It is assumed that all properties have legal access by way of public streets or existing public right-of-way. Further, it is assumed that residential and commercial properties participating in the project would have sufficiently large sites to accommodate staging of material and equipment. For the purposes of this report, the assumption is that no further real estate rights need to be acquired for access to the properties or staging. Should additional right-of-way be necessary, a standard Temporary Work Area

Easement would be acquired. No borrow or disposal areas are required based on the RP. Figure E:2-2 shows the locations of structures for proposed nonstructural measures.

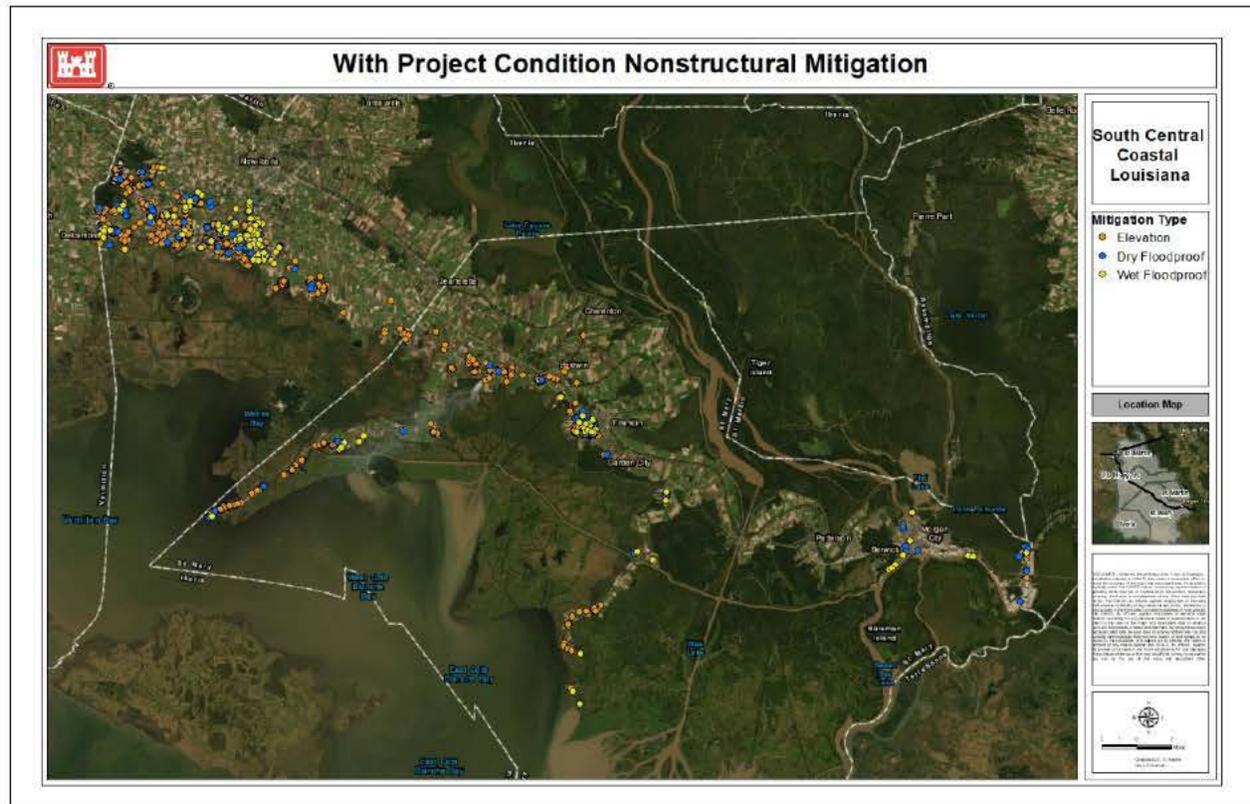


Figure E:2-2. Location of Structures for Proposed Nonstructural Measures

Section 3

Residential Structure Elevation

The following information is based on information contained in Appendix K of this Integrated Feasibility Study and Environmental Impact Statement. More detailed information regarding the proposed implementation plan can be found in Appendix K. Some or all of this information may be modified as the implementation plan is finalized as a part of the Planning, Engineering, and Design (PED) phase.

Each residential structure that is located within the 0-25-year floodplain would be considered for eligibility for elevation of the structure in place. Elevations would be voluntary in nature and would be available to willing landowners for structures that meet the eligibility criteria.

If after completion of the investigation of the property, USACE determines that the structure is eligible for elevation, the entire foundation of the structure would be lifted and placed on a new foundation (e.g., columns, piers, posted or raised foundation walls) so that the lowest finished floor is at or above the 0.004 AEP flood stage predicted to occur in 2076. All utilities and mechanical equipment, such as air conditioners and hot water heaters, would also be raised to or above this elevation. Property owners may choose to raise the structure, utilities, and/or mechanical equipment in excess of the predicted 2075 0.004 AEP flood stage; however, costs attributable to elevations in excess of the minimum requirements set forth herein are not eligible and must be borne solely by the property owner. Due to engineering and risk related factors, in no situation would a structure be elevated greater than 13 feet above ground level.

Section 4

Dry Floodproofing of Non-Residential Structures

Dry floodproofing consists of sealing all areas from the ground level up to approximately 3 feet of a structure to reduce the risk of damage from storm surge resulting from hurricanes of a certain magnitude, by making walls, doors, windows and other openings resistant to penetration by storm surge waters. Walls are coated with sealants, waterproofing compounds, or plastic sheeting is placed around the walls and covered, and back-flow from water and sewer lines prevention mechanisms such as drain plugs, standpipes, grinder pumps, and back-up valves are installed. Openings, such as doors, windows, sewer lines, and vents, may also be closed temporarily with sandbags or removable closures or permanently.

Some common floodproofing measures include:

- Backflow valves;
- Closures on doors, windows, stairwells, and vents--they may be temporary or permanent;
- Rearranging or protecting damageable property--e.g., relocate or raise utilities;
- Sump pumps and sub-drains; and
- Water resistant material; metal windows, doors and jambs; waterproof adhesives; sealants and floor drains.

Section 5

Wet Floodproofing of Warehouse Structures

Wet floodproofing prevents or provides resistance to damage from flooding while allowing floodwaters to enter the structure or area and equalize pressures on foundation walls or lower-level walls. A key feature associated with wet floodproofing are openings to allow floodwaters in, consisting of engineered flood vents in the structure walls. Per FEM TB, 7-93:

Flooding of a structure's interior is intended to counteract hydrostatic pressure on the walls, surfaces, and supports of the structure by equalizing interior and exterior water levels during a flood. Inundation also reduces the danger of buoyancy from hydrostatic uplift forces. Such measures may require alteration of a structure's design and construction, use of flood-resistant materials, adjustment of building operation and maintenance procedure, relocation and treatment of equipment and contents, and emergency preparedness for actions that require human intervention.

Wet floodproofing of warehouse structures must be performed in accordance with FEMA TB 1-93, Openings in Foundation Walls for Buildings Located in Special Flood Hazard Areas, and FEMA 259, Engineering Principles and Practices for Retrofitting Flood Prone Residential Buildings, FEMA 348. Protecting Building Utilities from Flood Damage, and the requirements pertaining to floodproofing of structures found in 44 C.F.R. §§ 60.3(b)(5) and (c)(4).

Section 6

Non-Federal Sponsor Owned LERRD

It is not anticipated that residential structures identified for the nonstructural project features would be located on NFS owned lands. However, there are 32 public buildings which may be considered for elevation, or commercial buildings/warehouses that are located on public property, and the NFS would be required to obtain the rights necessary for construction.

Section 7

Estates

For properties that are eligible for elevation or wet/dry floodproofing, an agreement would be executed between the NFS and the landowner, which would serve as right-of-entry for the NFS and the U.S. for construction, inspection and OMR&R of the project. The agreement, as well as any required curative documents, subordination or release agreement(s), shall be recorded by the NFS in the public records of the parish in which the property is located prior to commencement of the nonstructural improvements on the property.

The Floodproofing Agreement would authorize USACE, the NFS, or their contractors to enter the property for purposes of implementing the floodproofing action and for inspection and enforcement purposes, and would include the agreement of the property owners to hold harmless the NFS and USACE for any damages arising from the floodproofing work, and a covenant running with the land shall be executed by all owners of the property.

Elevation and floodproofing of eligible structures would require that the NFS acquire an easement as a part of the agreement, which runs with the land, and prohibits conversion or occupancy of any part of the structure located below the lowest habitable finished floor for human habitation and prohibits the alteration of the structure in any way to impede the movement of flood waters under the structure. The easement language included would also prohibit the construction of any other structure in a manner that would impede the movement of floodwaters under the structure. The draft easement language would be submitted through CEMVD to USACE CEMP-CR as a request for approval of a Non-Standard Estate.

This agreement is discussed in more detail in Appendix K.

Section 8

Existing Federal Projects within the LERRD Required for the Project

There are numerous Federal projects located within the project study area. However, it is not anticipated that the structures identified for the nonstructural project features would be located within the boundaries of an existing Federal project.

Section 9

Federally Owned Lands within the LERRD Required for the Project

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

Section 10

Navigation Servitude

The navigation servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution to use, control and regulate the navigable waters of the United States and submerged lands thereunder for various commerce-related purposes. The navigation servitude would not be asserted for any features of this project.

Section 11

Induced Flooding

There would be no induced flooding as a result of the RP.

Section 12

Baseline Cost Estimate

Rough Order of Magnitude level cost estimates were prepared based on the assumption that there are a total of 2,240 structures to be included within the plan (1,790 residential, 450 non-residential). Real estate costs for the RP include administrative costs for execution of the agreement between the NFS and landowner, administrative costs associated with the elevation of residential structures and floodproofing of non-residential structures, and estimated relocation assistance costs for tenants. Some associated administrative requirements would be for obtaining right-of-entry, title research, execution of Floodproofing Agreements and curative documents, filing of the Floodproofing Agreements and easements, and coordination and oversight of relocations. Costs of elevation and floodproofing of the structures are construction costs, and are not included as real estate costs. Table E:12-1 shows the estimated real estate costs for the RP:

Table E:12-1. Estimated Real Estate Costs for the RP

RESIDENTIAL ELEVATIONS AND OTHER NONSTRUCTURAL FEATURES			
	RESIDENTIAL ELEVATIONS	NON-RESIDENTIAL FLOODPROOFING	TOTAL
ESTIMATED # OF STRUCTURES	1790	450	2240
Land Values	\$0	\$0	\$0
Relocation Assistance *	\$7,887,000	\$0	\$7,887,000
Administrative Costs	\$17,980,000	\$4,500,000	\$22,480,000
Condemnations	\$0	\$0	\$0
REAL ESTATE COSTS	\$25,867,000	\$4,500,000	\$30,367,000
CONTINGENCIES - 25%	\$6,466,750	\$1,125,000	\$7,591,750
TOTAL REAL ESTATE COSTS	\$32,333,750	\$5,625,000	\$37,958,750
*Relocation assistance is estimated for residential tenants. It is not anticipated that tenants of commercial or warehouse structures would need to relocate during construction of floodproofing measures.			
Note: This cost estimate is a worst-case scenario estimate and assumes 100% participation. It is possible that the number of participating structures would be less, due to compliance with eligibility criteria requirements and based on the voluntary nature of participation.			

These cost estimates are subject to revision during PED.

Section 13

Uniform Relocation Assistance (P.L. 91-646, Title II as Amended)

The availability of relocation assistance benefits for persons within nonstructural features of this project would be determined pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (“Uniform Act”), and its implementing regulations at 49 C.F.R. Part 24 (“Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs”). The estimated costs for the relocation assistance benefits are included within the Baseline Cost Estimate in Section 12. In order for the NFS to receive cost-share credit for these expenses, USACE must provide prior written approval for these expenditures.

Section 14

Timber/Mineral/Row Crop Activity

The Louisiana Department of Natural Resources provides a Strategic Online Natural Resources Information System (SONRIS), which contains up-to-date information on oil & gas activity in the state of Louisiana. Review of this information indicated that there are oil and gas wells within the study area. However, it is not anticipated that there would be active mineral activity on lands where floodproofing measures would take place. Nonstructural project features would not be expected to affect timber or crop activity within the project area.

Section 15

Non-Federal Sponsor Assessment

A Feasibility Cost Share Agreement (FCSA) with the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB), was executed for this study on October 9, 2018. It is anticipated that CPRAB would be the Non-Federal Sponsor (NFS) for the design, construction, operation, maintenance, repair, rehabilitation and restoration (OMRR&R) of the project. CPRAB is charged, among other things, 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 and OMRR&R of the project (LERRDs). Although CPRAB does not have the authority to acquire and hold lands, its implementation and enforcement arm, the Coastal Protection and Restoration Authority (CPRA) has authority to acquire and hold immovable property and other land rights.

As the NFS for previous USACE projects, CPRAB, acting through CPRA has been found to be fully capable of acquiring LERRDs, based on its authority to perform acquisition, as well as its authority to partner with local agencies (See: La. R.S., 49:214.1, *et seq.*). Because the RP recommends voluntary participation by structure owners, it is not anticipated that CPRA would be required to exercise its condemnation authority for any of the LERRDs required for the RP. However, if condemnation becomes necessary for acquisition of LERRDs for the RP, it is noted that CPRA does not have “quick take” authority for acquisition of a real property interests for coastal restoration or creation of coastal wetlands, except with regard to the limited quick take authority provided under La. R.S. 49.214.61 relative to barrier island restoration, creation and protection which does not apply to the RP features. CPRA does have the authority to partner with another public agency, including but not limited to a levee district or parish government, pursuant to La. R.S. 38:301, La. R.S. 38:301.1 and La. R.S. 49:214.5.2, to acquire the lands needed for this project.

An Assessment of the NFS’s Real Estate Acquisition Capability for CPRAB is attached as Exhibit A. In other studies, the NFS has been found to be highly capable of performing acquisition of the LER required for the project, conditioned upon its ability to enter into a Cooperative Endeavor Agreement with another public agency, political subdivision, or political entity that has quick-take condemnation authority, should it be necessary to acquire any LERRDs for the RP features through condemnation proceedings. In the event that quick-take authority should be necessary, the NFS has indicated its willingness to partner with another agency. The NFS has been notified in writing of the risks of acquiring LERRDs before execution of the PPA.

Section 16

Zoning Ordinances

There would be no application or enactment of zoning ordinances in lieu of, or to facilitate, the nonstructural features of this project. The nonstructural measures are voluntary in nature and would be available only to existing eligible structures as defined within the RP. During PED, planning and zoning regulations would be further reviewed and discussions would be conducted with the NFS regarding the development and adoption of land use regulations for future activities within the project area. The NFS would be required to coordinate these matters with local planning commissions.

Section 17

Acquisition Schedule

The nonstructural project elevations and floodproofing features would require execution of an agreement between the landowner and the NFS. In addition, the following administrative functions, among others, would be required: title research, HTRW analysis, and structural condition analysis, and additional property inspections to determine eligibility. Temporary rights of entry would have to be obtained from the owners in order to perform some of these administrative duties. (Refer to Appendix K of the Integrated Feasibility Report and Environmental Impact Statement for more detailed discussion of the non-structural implementation plan.)

Tasks shown below would likely vary by property; therefore, the schedule shown is the overall anticipated time for the total number of structures and assumes an overlap of tasks. The schedule is dependent upon a defined nonstructural implementation plan and assumes that project funding would be available every year. Therefore, this estimated schedule is expected to be refined as more information becomes available during PED and implementation of the RP.

Obtain Right-of-Entry for Investigations (To Determine Eligibility)	6-12 months
Title research	40-60 months
Preliminary Investigations (i.e. HTRW, structural, surveys, etc.)	36-60 months
Execution of agreement between landowner/NFS & curative documents for elevations or non-residential floodproofing	12-24 months
Filing Agreement between landowner and NFS	12 months
Relocation of Displaced Tenants	12-24 months

Section 18

Facility/Utility Relocations

At the time of this report, no facility/utility relocations have been identified; therefore, no relocations are anticipated to be required for these nonstructural features of the project.

Any conclusion or categorization contained in this report that an item is a utility or facility relocation to be performed by the NFS as part of its LERRD responsibilities is preliminary only. The government would 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.

Section 19

Hazardous, Toxic and Radioactive Waste

Current information suggests there would be no HTRW issues within the project area. An ASTM Phase I HTRW Environmental Site Assessment (ESA) and Asbestos Investigation (and a Phase II ESA, if necessary) would be conducted by the non-Federal sponsor for all participating properties during the PED/project implementation phase. At that time, a determination would be made as to whether this element of the eligibility criteria has been met for each given property.

Section 20

Landowner Concerns

Public outreach efforts for the SCCL began early in the planning process and was done in compliance with 33 CFR § 385.18. Due to intense public, political, and media interest in flood risk management in southern Louisiana, public participation is a critical component of the development of the feasibility report.

It is anticipated that implementation of the RP could produce challenges. Public meetings were held prior to selection of the RP. The overall attitude during the public meetings was positive and supportive of the project.

Section 21

Risk Letter

The CPRAB, through its implement arm, the Coastal Protection and Restoration Authority, has been notified by letter (attached as Exhibit B) of the risks associated with acquisition of real estate interests prior to project authorization by Congress and execution of the Project Partnership Agreement.

Section 22

Other Relevant Real Estate Issues

It is not anticipated that there would be any other real estate issues for this project.

Prepared

By: Recommended By:



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Appraiser, Chief Appraisal & Planning Branch

Approved By:

Judith Y. Gutierrez
Chief, Real Estate Division
Real Estate Contracting Officer

Exhibit A

Non-Federal Sponsor Capability Assessment

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
SOUTH CENTRAL COASTAL LOUISIANA PROJECT

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? **The nonstructural features of the project are voluntary in nature. Perpetual rights to be acquired for voluntary elevations or flood proofing measures should not require condemnation, and would not be contrary to state law.**

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 real estate interest required for the project will be a servitude which prohibits conversion or occupancy of any part of the structure located below the lowest habitable finished floor for human habitation and the alteration of the structure in any way to impede the movement of flood waters under the structure. The easement language included will also prohibit the construction of any other structure in a manner that would impede the movement of floodwaters under the structure. 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:



Karen Vance-Orange
Realty Specialist
US Army Corps of Engineers

Approved by:



David Peterson
Attorney
Coastal Protection and Restoration Authority

Exhibit B

Non-Federal Sponsor Risk Letter



DEPARTMENT OF THE ARMY
REAL ESTATE REGION SOUTH DIVISION, CORPS OF ENGINEERS
NEW ORLEANS DISTRICT REAL ESTATE OFFICE
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

August 27, 2020

REPLY TO:
ATTENTION OF

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:

As you are aware, the South Central Coast Louisiana Flood Risk Management Feasibility Study is nearing completion. The Final Feasibility Report With Integrated Environmental Impact Statement is scheduled to be complete in January 2021. The report contains preliminary maps, 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 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 LERRDs.

However, 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 [REDACTED] or Todd Klock, Chief, Local Sponsor Acquisition Branch at [REDACTED]

Sincerely,

GUTIERREZ.JUDITH.Y
MA.1230839561 [REDACTED]
Judith Y. Gutierrez
District Chief of Real Estate, New Orleans
Real Estate Contracting Officer