



Upper Barataria Basin, Feasibility Study



Final Appendix D – Real Estate

December 2021

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Section 1

Study Name and Purpose

1.1 STUDY NAME

The Upper Barataria Basin (UBB), Louisiana Feasibility Study is a Coastal Storm Risk Management (CSRM) study that evaluates impacts to people, the environment, and cultural resources. The results of the study are presented in an Integrated Feasibility Report and Environmental Impact Statement (IFR-EIS). The UBB Feasibility Study investigated a full range of alternatives for CSRM and established a Recommended Plan (RP). 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 the study is the investigation of coastal storm risk management options to reduce the risk of flood damage from tidal surges, storm surges, and rainfall to the area between Bayou Lafourche and the Mississippi River System, from Donaldsonville to just past U.S. Highway 90 in the Basin. The area is prone to coastal storm damages from tidal surges, storm surges, and rainfall, resulting in flood damages to industrial, commercial, agricultural facilities, as well as residential structures and critical evacuation routes.

This Real Estate Plan (REP) describes the lands, easements, rights-of-way, relocations, and disposal sites (LERRD) required for the RP and costs for the implementation and construction of the RP as described in more detail in the Final IFR-EIS for UBB. The information contained herein is tentative, preliminary in nature, intended for planning purposes only, and is subject to change.

1.3 STUDY AUTHORIZATION

The Bipartisan Budget Act of 2018 (Public Law 115-123), Division B, Subdivision 1, Title IV, (“BBA 2018”) appropriated supplemental funds that included \$135,000,000 in Supplemental Investigations Funds for Long Term Disaster Recovery Investment Plans (LDRIPs) related to the completion, or initiation and completion, of authorized flood and storm damage reduction studies, including shore protection.

MEMORANDUM FOR Deputy Commanding General for Civil and Emergency Operations, SUBJECT: Policy Guidance on Implementation of Supplemental Appropriations of the Bipartisan Budget Act of 2018, dated August 9, 2018, identified the UBB Study as a feasibility study to be funded with Supplemental Investigations funds as part of the LDRIPs. The UBB Feasibility Study was federally-authorized pursuant to a Resolution of the Committee on Transportation and Infrastructure of the United States House of Representatives, 105th Congress, Docket 2554, Donaldsonville, Louisiana to the Gulf of Mexico,” adopted May 6, 1998. This Resolution requested the Secretary of the Army review

the Report of the Chief of Engineers on the Mississippi River and Tributaries and other pertinent reports to determine whether modifications of the recommendations in the Chief's Report were advisable in the area between Bayou Lafourche and the Mississippi River System, from Donaldsonville, Louisiana, to the Gulf of Mexico.

Notwithstanding Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2216(a)), which specifies the cost-sharing requirements generally applicable to feasibility studies, this BBA 2018 Study authorizes the Government to conduct the Study at full federal expense. On October 9, 2018, the Feasibility Cost Sharing Agreement (FCSA) for the UBB Study was executed between the Department of the Army and the Coastal Protection and Restoration Authority Board of Louisiana.

Refer to Section 1 of the Final IFR-EIS for a complete description of the study authorization.

Section 2

Recommended Plan Location and Description

2.1 STUDY AREA

The study area includes communities in the parishes of Ascension, Assumption, Jefferson, Lafourche, St. Charles, St. James, and St. John the Baptist. It is bounded on the north and east by the Mississippi River Levee, on the west by Bayou Lafourche, and on the south, it extends slightly past U. S. Highway 90. This area covers approximately 800 square miles and is characterized by low, flat terrain with wetlands, numerous navigation channels, drainage canals and natural bayous. Numerous communities are located within the study area adjacent to major highways, the Mississippi River, and Bayou Lafourche. The study area is shown on Figure D:2-1.

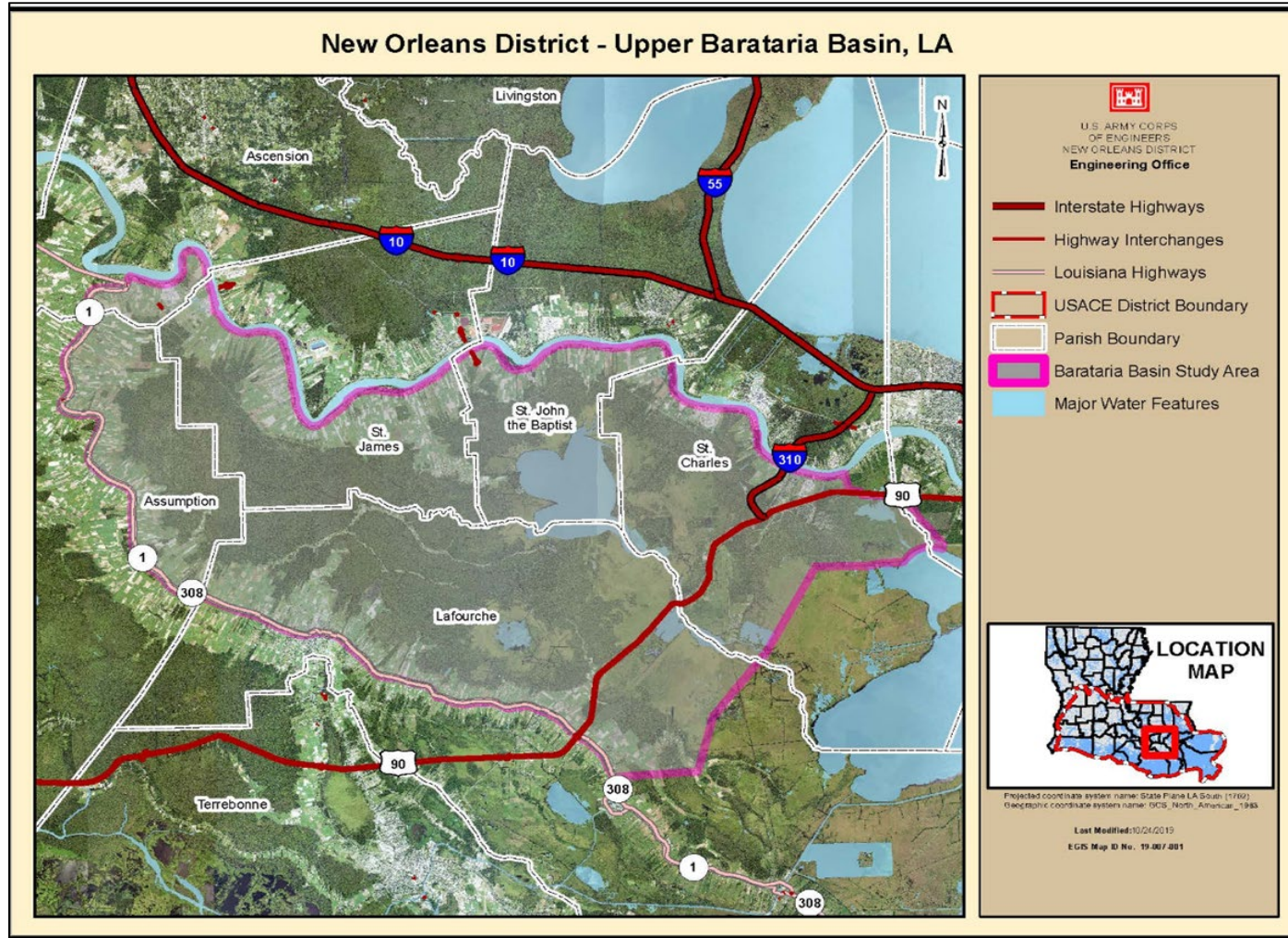


Figure D:2-1. Upper Barataria Basin Study Area

2.2 RECOMMENDED PLAN LOCATION

The RP is within the study area in Lafourche and St. Charles Parishes in southeast Louisiana. It starts in Luling, Louisiana at the Mississippi River Levee and continues south, parallel to U. S. Highway 90, travels along the Davis Pond Diversion Structure West Guide Levee, continues south improving deficiencies in the St. Charles Parish Levee, crosses Bayou Des Allemands with a barge gate structure, continues south along U. S. Highway 90 and ends near Highway 1 and Bayou Lafourche, east of Raceland where it ties into high ground across the Barataria Basin. The location of the RP is shown on Figure D:2-2.

2.3 RECOMMENDED PLAN DESCRIPTION

The RP consists of a structural alignment constructed to a 1 percent Annual Exceedance Probability (AEP) (100-year future design) totaling over 96,000 linear feet of earthen levee and floodwall (T-wall). The RP also consists of T-wall structures at existing pipelines to allow passage through the proposed levee structure, culverts with sluice gates, roller gates where T-wall crosses Highway 306 and two railroad crossings, two ramps at River Road and U. S. Highway 90, and fronting protection and tidal exchange structures at pump stations. Staging areas, access (existing, temporary, and perpetual) as well as borrow, dredging and disposal are also a part of the RP.

The proposed levees would have multiple levee lifts authorized over the initial 50 years with the first lift projected to occur in 2026 that would raise the levee to an elevation of 14 feet, except in hydraulic reaches F and H where it would be constructed to 16 feet elevation after settlement. Subsequent lifts would maintain the 1 percent AEP over the initial 50 years of the authorized project. Material settlement over this period has also been incorporated into the material quantities for each of the alignment's hydraulic reaches.

Reaches A, B, and C are located east of the cities of Luling, Boutte, and Paradis. Reaches D, E, and F are located east of the cities of Paradis and Des Allemands. Reaches G and H travel across Bayou Des Allemands and extend southwesterly past Dufrene Ponds along Godchaux Canal and Amarada Hess Road until it reaches Bayou Lafourche near Raceland. Existing levee footprints and right-of-way (ROW) would be incorporated into the proposed levee design for reaches A-F.

Figure D:2-3 (North) and D:2-4 (South) show detailed structure locations for all reaches. A detailed description of all reaches is included in Section 2.4.



Figure D:2-2. Recommended Plan Location

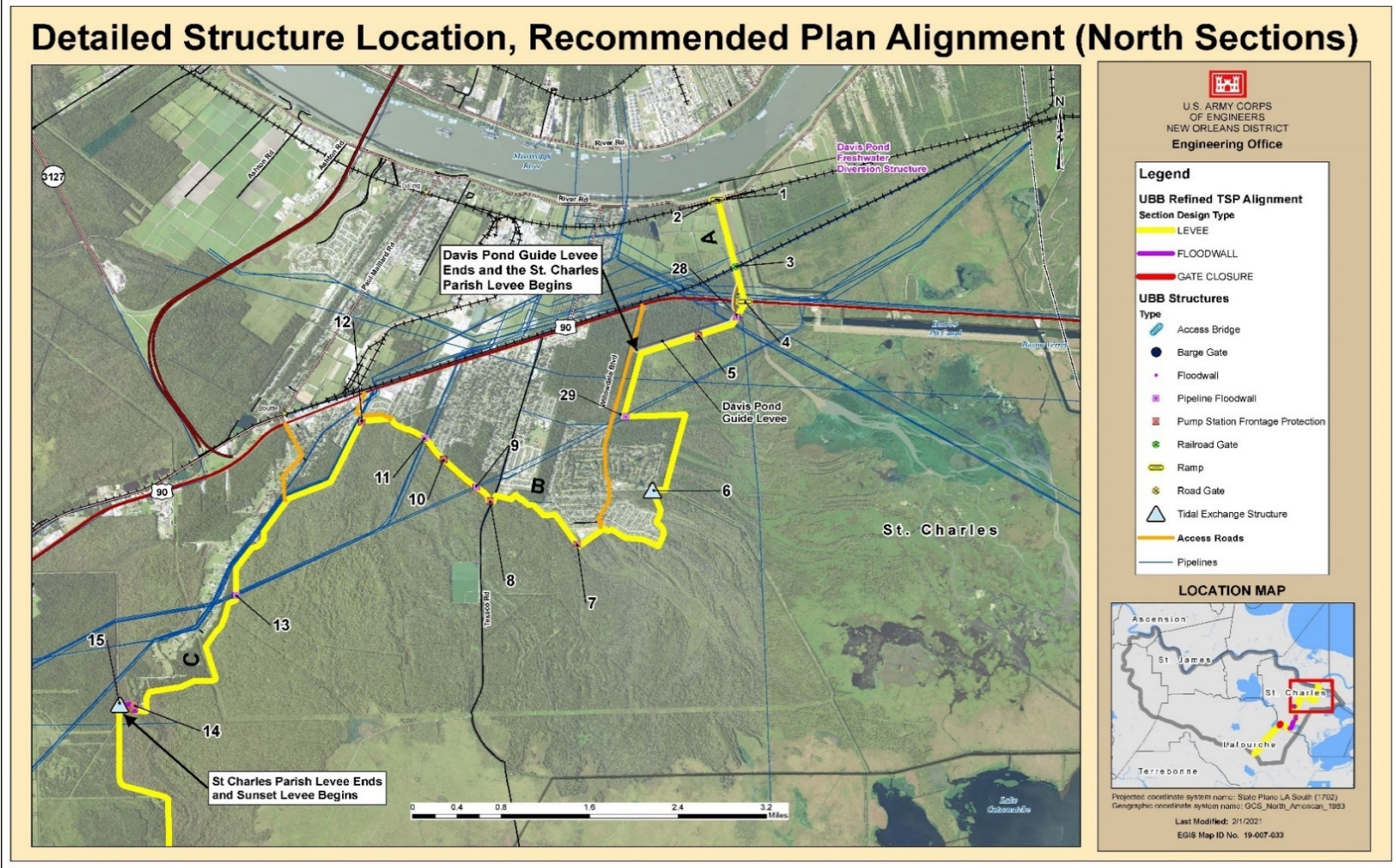


Figure D:2-3. Detailed Structure Locations North Alignment of Recommended Plan

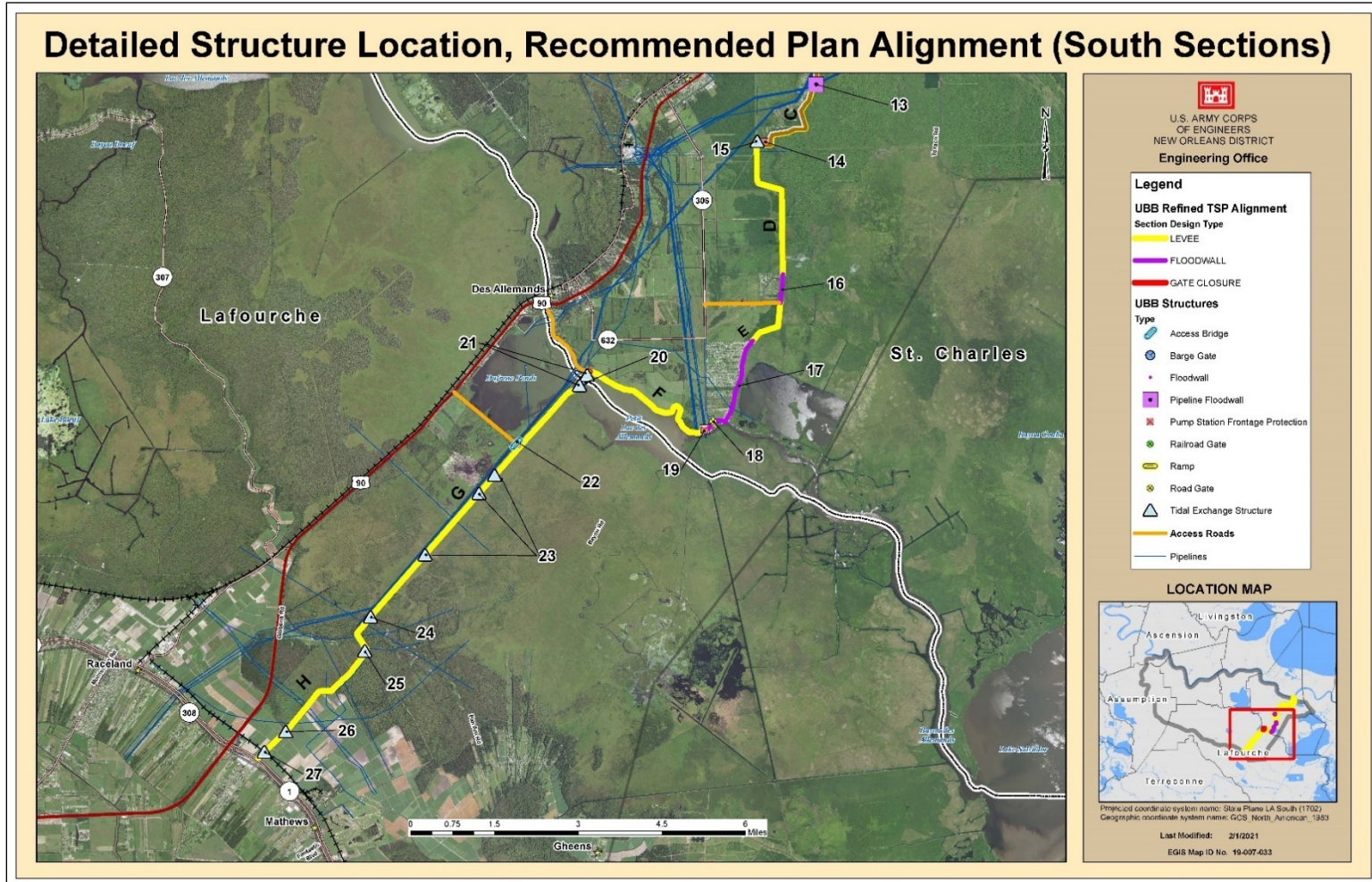


Figure D:2-4. Detailed Structure Locations South Alignment of Recommended Plan

2.4 DESCRIPTION OF REACHES

2.4.1 Reach A

Reach A (Figure D:2-5) is a proposed earthen levee that begins at the Mississippi River Levee and extends approximately 24,700 feet south, building off the existing Davis Pond Diversion Structure West Guide Levee (A-1) and the existing St. Charles Levee (A-2). The proposed earthen levee would be elevated with the centerline shifted away from the canals. This reach would initially be constructed to a height of 14 feet in 2026. A second lift, proposed in 2054, would be constructed to a height of 16 feet, in order to maintain the 1 percent AEP design elevation.

U.S. Highway 90 and River Road are impacted by the proposed flood protection. These roads would most likely be raised using the direct contact method. The alignment crosses River Road, Union Pacific Railroad Track, the BNSF Railroad Track and U. S. Highway 90. Ramps would be constructed for the two road crossings (Figure D:2-3, #1 and 4). Similar to the pipelines, the roadways are placed on the surface of the new constructed earthen levee outside of the levee design section. Roller gate structures would be constructed for the two railroad tracks (Figure D:2-3 #2 and 3).

Further south, the existing Davis Pond Pump Station would receive new frontage protection (Figure D:2-3, #5). Two existing tidal exchange structures (Figure D:2-3, #6) on either side of the Willowdale Pump Station would be replaced. New T-wall sections (152 feet and 298 feet) would be constructed to allow four pipelines to pass through the levee alignment (Figure D:2-3, #28 and 29).

Access would be from existing roads, U. S. Highway 90 to Willowdale Boulevard and then Lafayette Drive. Three staging areas are proposed for use during construction located next to River Road (1 acre) to be utilized for construction of ramps and railroad gate structures, along Highway 90 (1 acre), and at Willowdale Boulevard (.07 acres). See Figure D:2-5 for Access and Staging areas.

Facility/utility relocations identified for this reach include two roads to be raised, four pipelines to be covered by protective material, and sleeves to be constructed to allow four pipelines to pass through levee/T-wall alignment. Facility/Utility relocations are described further in Table D:16-1 of Section 16 of this REP.

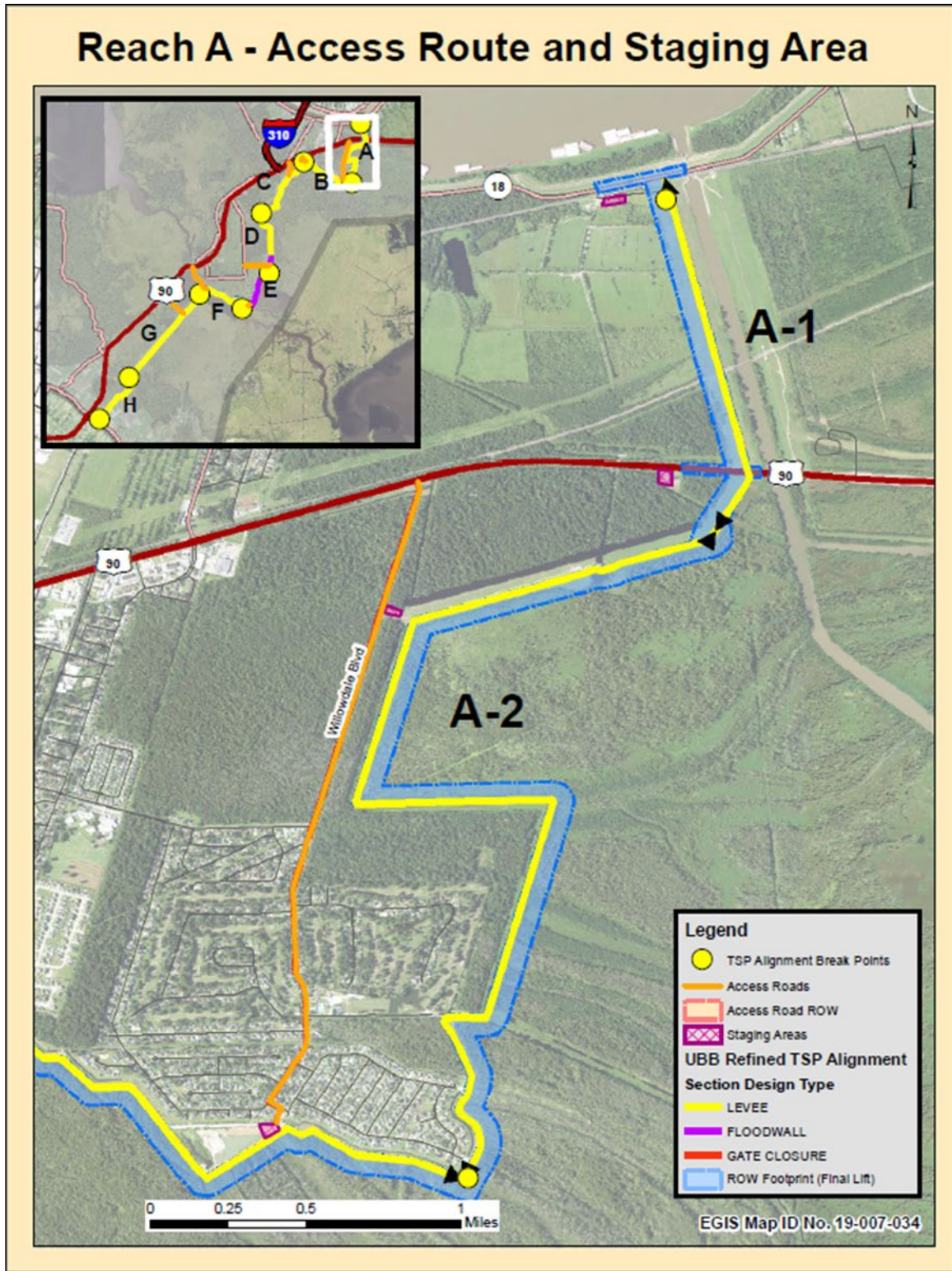


Figure D:2-5. Reach A

2.4.2 Reach B

Reach B (Figure D:2-6) is a proposed earthen levee that begins at Willowdale Pump Station and travels along the St. Charles Parish Levee approximately 16,526 feet in length. The proposed earthen levees would be elevated with the centerline shifted away from the canal. This reach would initially be constructed to a height of 14 feet in 2026. A second lift, proposed in 2054, would be constructed to a height of 16 feet, in order to maintain the 1 percent AEP design elevation.

Frontage protection would be constructed for three pump stations, Willowridge, Kellogg, and Cousins (Figure D:2-3, #7, 8, and 10). New T-wall sections would be constructed in order to allow five pipelines to pass through the alignment (Figure D:2-3, #9 and 11).

Access would be from the same existing roads for Reach A, as well as a second access from existing roads U. S. Highway 90 to River Ridge Drive to Primrose Street. One staging area (1 acre) would be off Lafayette Drive next to the levee alignment. See Figure D:2-6 for Access and Staging areas.

Facility/utility relocations identified for this reach include sleeves to be constructed to allow nine pipelines to pass through levee/T-wall alignment. Facility/utility relocations are described further in Table D:16-1 of Section 16 of this REP.

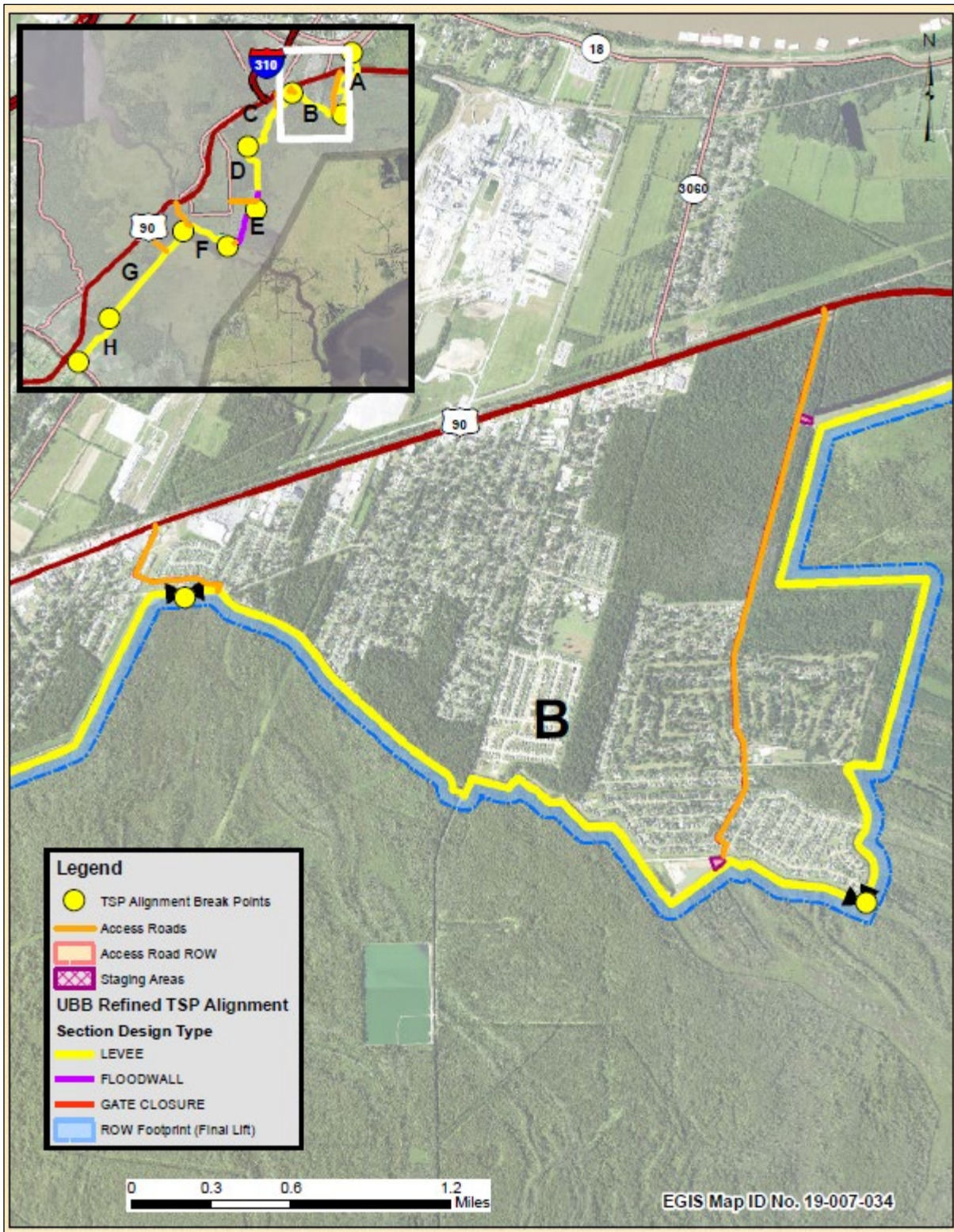


Figure D:2-6. Reach B

2.4.3 Reach C

Reach C (Figure D:2-7) is a proposed earthen levee that begins at the Ellington Pump Station and travels along the St. Charles Parish Levee approximately 22,600 feet in length. The proposed earthen levee would be elevated with the centerline shifted away from the existing canal. This reach would initially be constructed to a height of 14 feet in 2026. A second lift, proposed in 2054, would be constructed to a height of 16 feet, in order to maintain the 1 percent AEP design elevation.

Frontage protection would be placed at the Ellington Pump Station (Figure D:2-3, #12). A new T-wall section (135 feet) would be constructed to allow three pipelines to pass through the alignment (Figure D:2-3, #13).

Access would be from existing roads, U. S. Highway 90 to Magnolia Ridge Road. One staging area (1.6 acres) would be located off Magnolia Ridge Road. See Figure D:2-7 for Access and Staging areas.

Facility/utility relocations identified for this reach include sleeves to be constructed to allow three pipelines to pass through levee/T-wall alignment. The action for three other pipelines that run parallel to the levee alignment will be determined during PED. Facility/utility relocations are described further in Table D:16-1 of Section 16 of this REP.

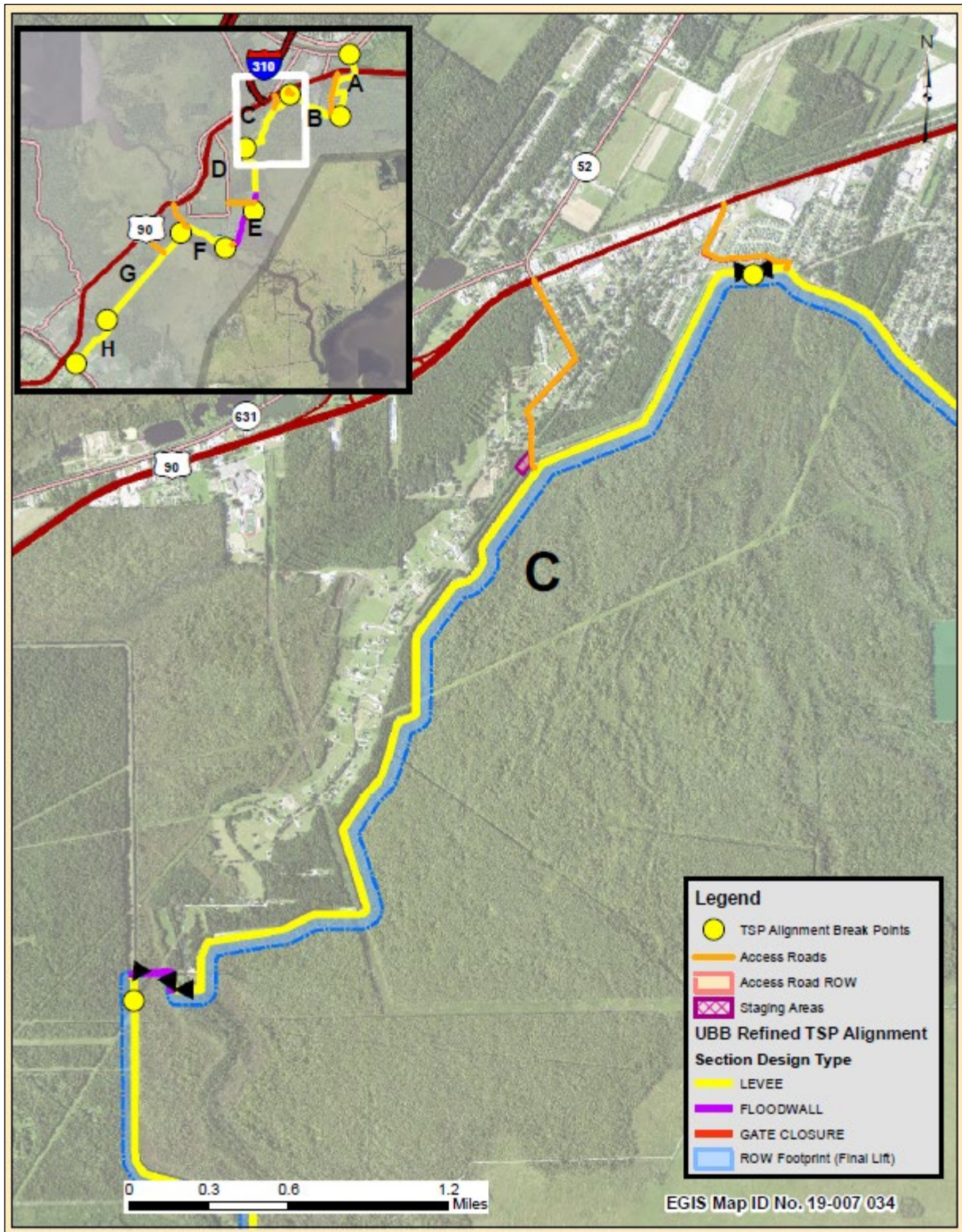


Figure D:2-7. REACH C

2.4.4 Reach D

Reach D (Figure D:2-8) is a proposed combination earthen levee (16,300 feet) and T-wall (2,700 feet) that begins just south of the Paradis Control Structure and travels approximately 19,000 feet to be constructed on top of the Sunset District Levee. The proposed earthen levee would be elevated with the centerline shifted away from the existing canal and would initially be constructed to a height of 14 feet in 2026. A second lift proposed in 2054 would be constructed to a height of 16 feet, in order to maintain the 1 percent AEP design elevation.

The one section of T-wall, ending at Grand Bayou Road (Figure D:2-4, #16), would be constructed to avoid existing houses and utilities along the existing levee alignment. The T-wall would be constructed to a 15 feet elevation within ROW from the landside.

Access would be from existing roads Bayou Gauche Road (Highway 306) to Grand Bayou Road. A 1,527 feet temporary access road would be constructed across a field to the alignment. One staging area (2.2 acres) would be located off Grand Bayou Road. See Figure D:2-8 for access and staging areas.

Facility/utility relocation identified for this reach includes one pipeline to be covered by protective material. Facility/utility relocations are described further in Table D:16-1 of Section 16 of this REP.

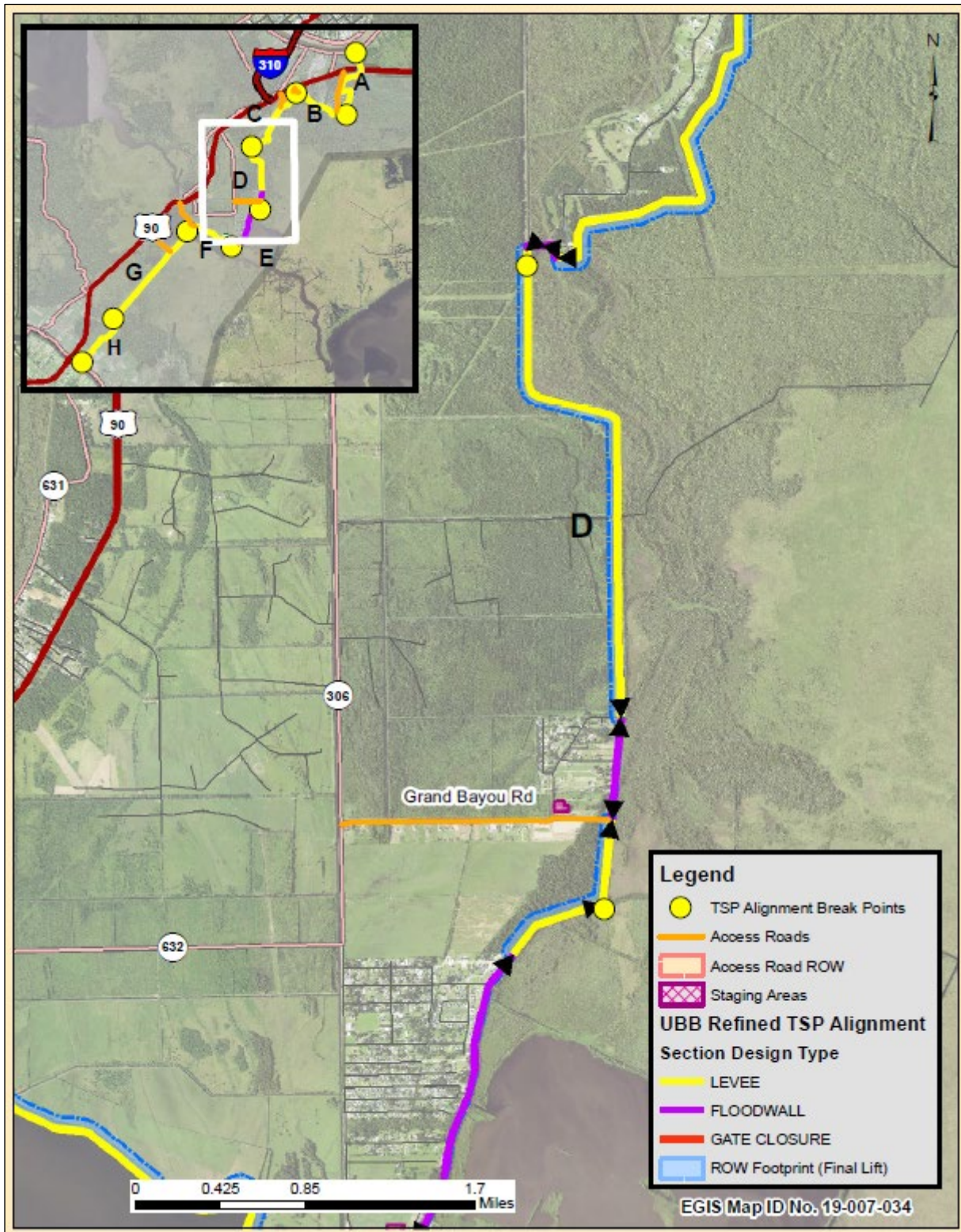


Figure D:2-8. Reach D

2.4.5 Reach E

Reach E (Figure D:2-9) is a proposed combination earthen levee and floodwall that begins just south of Grand Bayou Road and travels approximately 14,600 feet. The proposed earthen levee measures approximately 3,340 feet in length and would be constructed on top of the Sunset District Levee, elevated with the newly proposed centerline shifted away from the existing canal. The earthen levee would initially be constructed to a height of 14 feet in 2026 with a second lift proposed in 2038 to be constructed to a height of 16 feet, and a third and final lift proposed in 2059 to be constructed to a height of 18.5 feet, in order to maintain the 1 percent AEP design elevation.

A proposed floodwall portion (T-wall) would be constructed to an elevation of 18.5 feet with a 10 – 20 feet wide concrete slab at the base due to the minimal area available for construction between the canal and existing structures (Figure D:2-4, #17). A roller gate would be installed within the T-wall section where the alignment crosses Highway 306 (Figure D:2-4, #18). One 400 foot section T-wall would be constructed to allow six pipelines (just west of Crawford Canal where Reach E ties into Reach F) to pass through the alignment (Figure D:2-4, #19).

Access would be directly from existing Bayou Gauche Road (Highway 306). A new permanent access road would be constructed for a portion of Beau Estates Subdivision near Bayou Des Allemands, as the newly constructed floodwall would cut off access. The new permanent route would be just outside of the newly constructed T-wall from Highway 306 and allow access to this area. One staging area (2 acres) would be located off Bayou Gauche Road. See Figure D:2-9 for access and staging areas.

Facility/utility relocations identified for this reach include sleeves to be constructed to allow six pipelines to pass through levee/T-wall alignment and the new permanent access road at Beau Estates Subdivision. Facility/utility relocations are described further in Table D:16-1 of Section 16 of this REP.

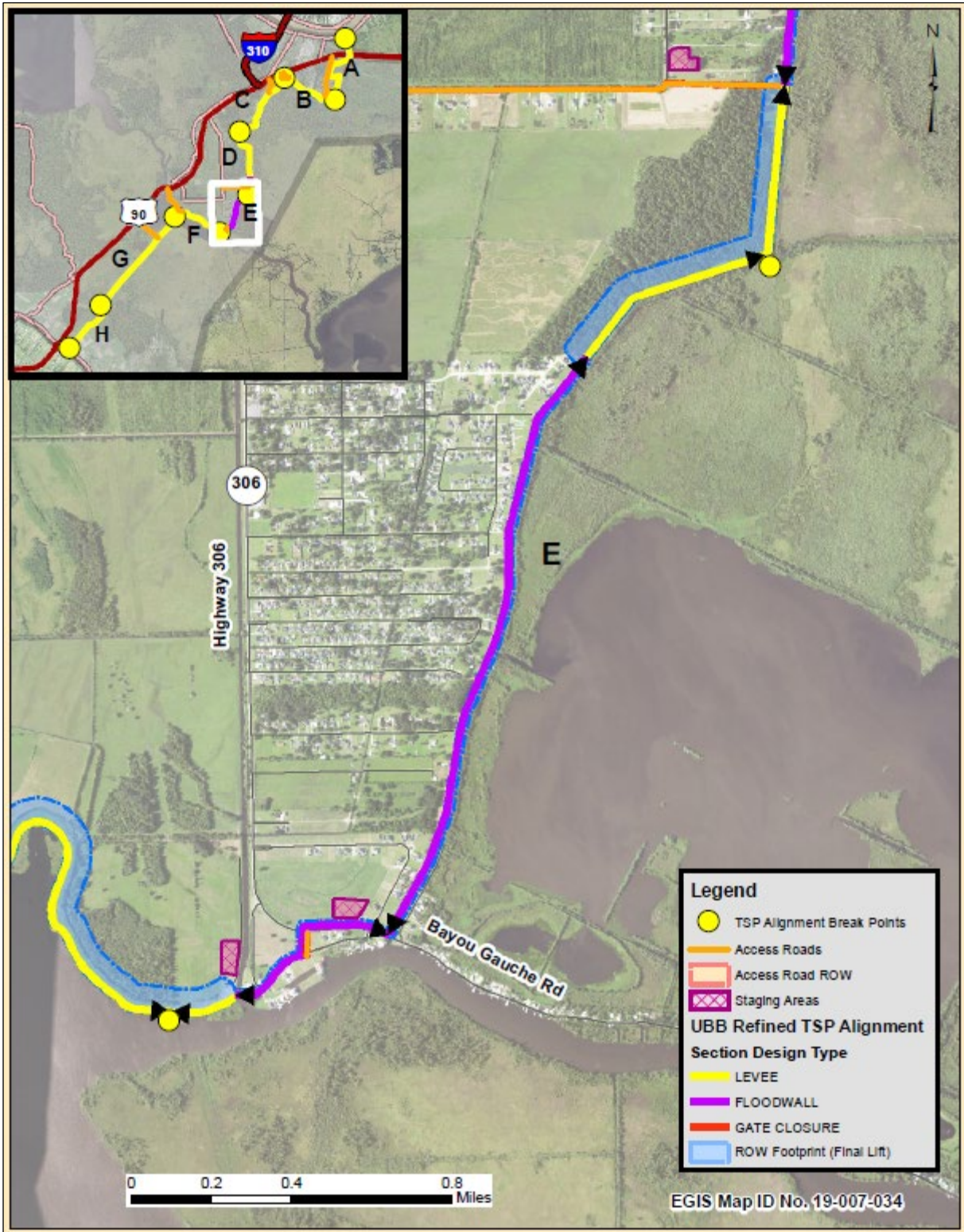


Figure D:2-9. Reach E

2.4.6 Reach F

Reach F (Figure D:2-10) is a proposed earthen levee that begins just past Crawford Canal Pump Station and measures approximately 15,400 feet in length. The proposed earthen levee would be constructed on top of existing Sunset District Levee, elevated with the centerline shifted away from the existing bayou. This earthen levee would initially be constructed to a height of 16 feet in 2026, and a second lift proposed for 2044 constructed to a height of 18.5 feet to maintain the 1 percent AEP design elevation.

A 270 feet barge gate structure would be constructed across the Bayou Des Allemands (Figure D:2-4, #20). A total of twelve culverts with sluice gates (six 15 feet by 20 feet box culverts on each side of the gate) would be incorporated into the gate structure. The channel where the structure would be placed would require dredging to achieve a sill depth of approximately negative 14 – 19 feet. Dredge material would be disposed of downstream in potential sites stable enough for marsh creation (Refer to the Dredge Disposal Plan in Appendix E). The gate structure construction, dredge, and disposal would take place within state water bottoms.

Access would be by existing U. S. Highway 90 on the eastern side of Bayou Des Allemands to Down the Bayou Road near the proposed barge gate placement site. A temporary access road approximately 40 feet wide and approximately 4,575 linear feet in length for temporary access to staging area and construction would start at the end of Down the Bayou Road and travel to the barge gate crossing on top of the existing Sunset District Levee. This temporary access road would be removed once construction is completed, and the area returned to pre-construction conditions. Future access would be via the top of the existing levee. Two staging areas are proposed for this reach, one located west of the Crawford Canal Pump Station (2.2 acres) and another on the east bank of Bayou Des Allemands where the alignment crosses the Bayou (2.2 acres). See Figure D:2-10 for access and staging areas.

There were no facility/utility relocations identified for this reach.

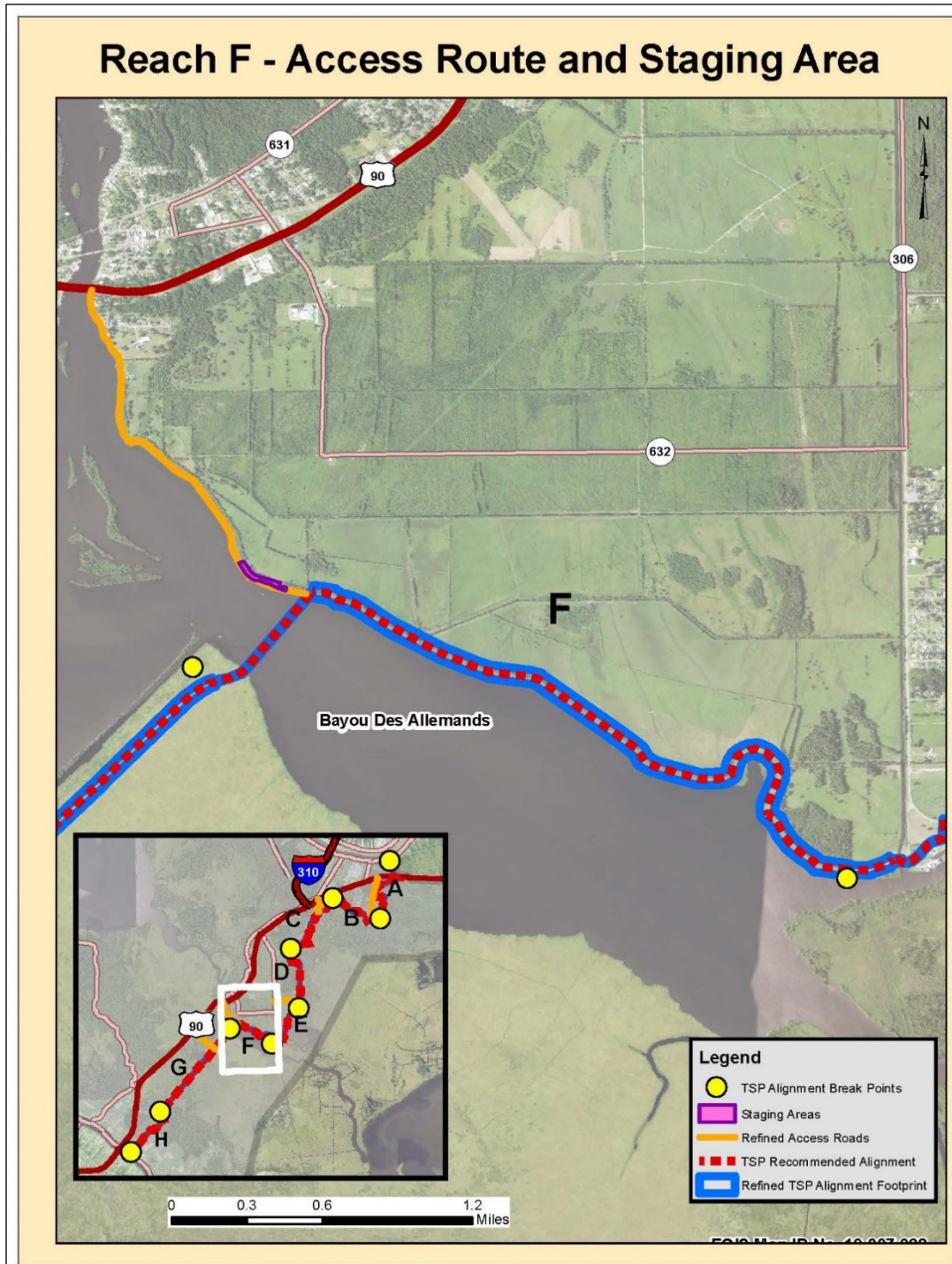


Figure D:2-10. Reach F

2.4.7 Reach G

Reach G (Figure D:2-11) would include the construction of a new levee with berms, beginning on the southern bank of Petit Lac Des Allemands running parallel to U. S. Highway 90 through the marsh. The earthen levee would measure approximately 31,000 feet in length. The proposed earthen levee would initially be constructed to a height of 14 feet in 2026 with a second lift proposed in 2054 to be constructed to a height of 16 feet, in order to maintain the 1 percent AEP design elevation.

The newly constructed levee would incorporate five sets of 6 by 6 feet box culverts with sluice gates (Figure D:2-4, #21, 23, and 24), which are needed to maintain the hydraulic flow in and out of the marsh.

Access would be from existing U. S. Highway 90 via a newly constructed permanent access route just southwest of Dufrene Ponds. This new road would measure approximately 7,925 feet in length and would include the construction of a permanent bridge across the Godchaux Canal (Figure D:2-4, #22). Another access route would be along the alignment within existing right-of-way using Amarada Hess Road for access to a portion of Reach G. One staging area (2.3 acres) would be located on the northeast corner where Godchaux Canal intersects the new permanent access route. See Figure D:2-11 for access and staging areas.

Facility/utility relocations identified for this reach include one pipeline to be covered by protective material. The action for four other pipelines that run parallel to the levee alignment will be determined during PED. Facility/utility relocations are described further in Table D:16-1 of Section 16 of this REP.

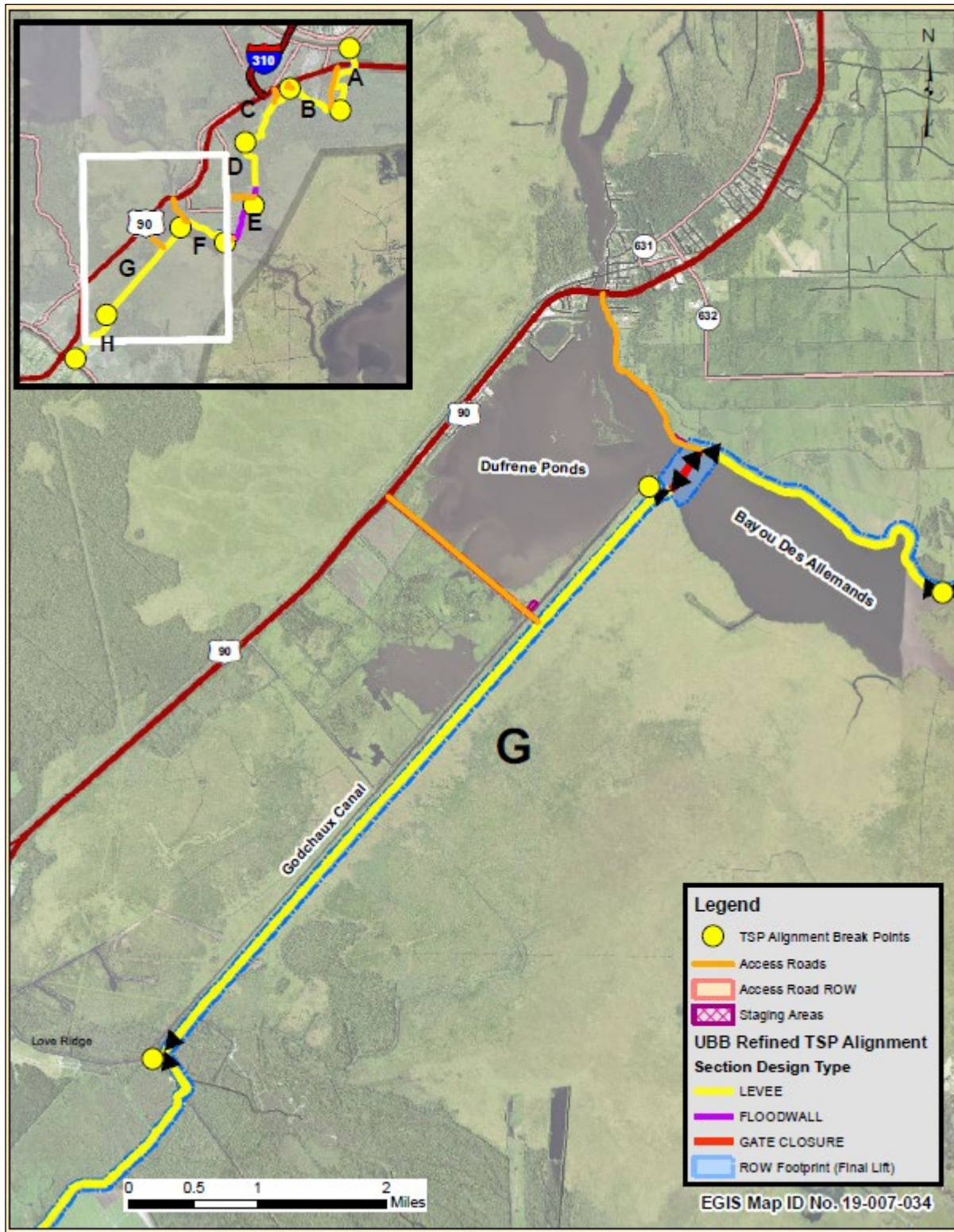


Figure D:2-11. Reach G

2.4.8 Reach H

Reach H (Figure D:2-12) begins where Gibbens Road meets the alignment and continues to parallel U. S. Highway 90 through the marsh and follows Amarada Hess Road. This proposed new earthen levee measures approximately 16,900 feet in length and would be constructed where there is no existing levee. The proposed earthen levee would be constructed to an elevation of 16 feet with one lift in 2026, in order to maintain the 1 percent AEP design elevation.

The newly constructed levee would incorporate two 84 inch in diameter culverts with sluice gates and one 60 inch in diameter culvert with sluice gates for hydraulic exchange, which are needed to maintain the hydraulic flow in and out of the marsh (Figure D:2-4, #25, 26, and 27).

Access would be from existing Amarada Hess Road, a farm road, from Highway 308 that runs along the levee ROW on the flood side until the road crosses the canal and turns south. Permanent access would be from existing U. S. Highway 90 via a newly constructed permanent access route just southwest of Dufrene Ponds and bridge across the Godchaux Canal. One staging area (2 acres) would be located on Highway 308 at Amarada Hess Road. See Figure D:2-12 for access and staging areas.

Facility/utility relocations identified for this reach include six pipelines to be covered by protective material and one abandoned pipeline to be removed. The action for four other pipelines that run parallel to the levee alignment will be determined during PED. Facility/utility relocations are described further in Table D:16-1 of Section 16 of this REP.

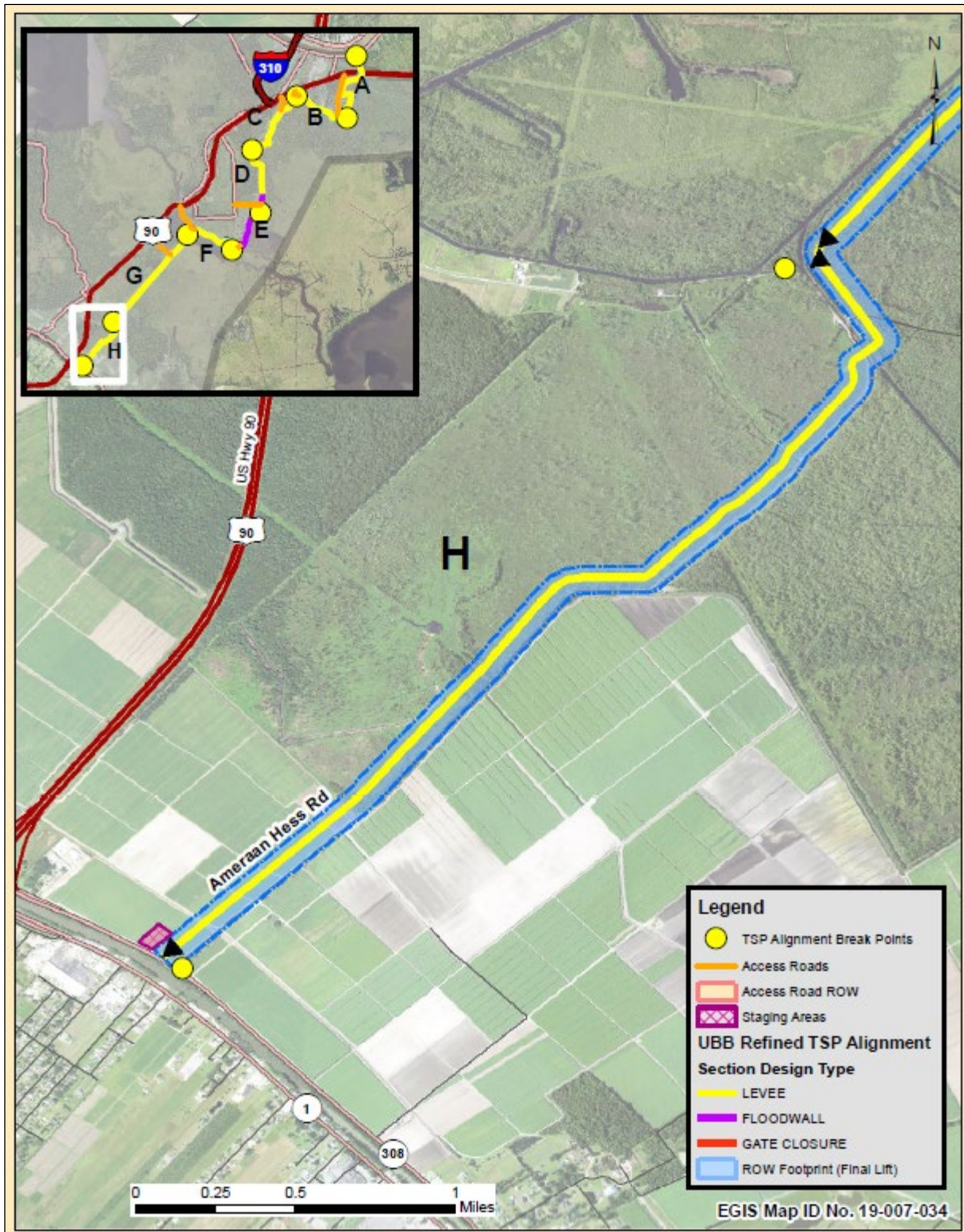


Figure D:2-12. Reach H

2.5 LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATIONS, AND DISPOSAL TO BE ACQUIRED

In total, this RP includes approximately 84,158 linear feet of earthen levee, 12,253 linear feet of floodwall (T-wall) east of Des Allemands along the Paradis Canal, one 45 linear feet roller gate structure at Bayou Gauche, and one 270 linear feet barge gate structure across Bayou Des Allemands. The acquisition of LERRD not within existing ROW or owned by local government agencies is estimated to impact approximately 75 private landowners. Tables D:2-1 and D:3-1 show the LERRD required from private landowners and local government entities, respectively.

Table D:2-1. Lands, Easements, Rights-of-Way, Relocations and Disposal Required from Private Landowners

Estate	Acres	Estimated Number of Landowners Impacted	Project Feature /Description
Flood Protection Levee Easement (Perpetual)	748.50	69	Earthen levees (all reaches), floodwalls (Reaches D and E), roller gates at two railroad crossings (Reach A), and box culverts and sluice gates (Reaches G and H)
Fee Excluding Minerals (with Restriction on Use of the Surface) (Borrow)	500	6	Borrow – All Reaches
Road Easement (Perpetual)	9	3	Perpetual Road for Reaches E and G (These owners are also included in levee feature)
Road Easement (Temporary)	1.35	1	Temporary Road for Reach D (These owners are also included in levee feature)
Temporary Work Area Easement (Staging)	15.40	6	Staging – All Reaches (These owners are also included in levee feature)

2.5.1 Borrow

Borrow material for construction is proposed to come from sites estimated to be within 15 miles of where US Highway 90 crosses Bayou Des Allemands. At this time, it is not known if existing Government-owned borrow sites located within the designated distance would have sufficient material at time of construction. Potential borrow sites on farmlands (avoiding swamp and marsh lands) were identified near Raceland and can be seen in Figure D:2-13. Not all lands from the potential borrow sites are intended to be used. A total of 5,200,400 cubic yards of soil is needed for the first lift in 2026 and a total of 8,812,700 cubic yards is needed over the entire authorized 50-year period to sustain the 1 percent AEP design elevations out to year 2076. It was assumed that 10-15 feet of usable material could be found in these sites.

The quantity of area needed for borrow would be approximately 500 acres of agriculture lands. This cost is included in the real estate cost below in Section 10, within Paragraph 10.1 Summary of 01 Real Estate Costs for Recommended Plan - Structural.

Requirements for borrow will continue to be evaluated during Preconstruction, Engineering and Design (PED) to determine quality of material and quantity available in each proposed site to determine whether acquisition of temporary easement, perpetual easement, or fee interest would be most advantageous to the Government. At this time, it is projected that fee excluding minerals estate will be acquired for each borrow site.

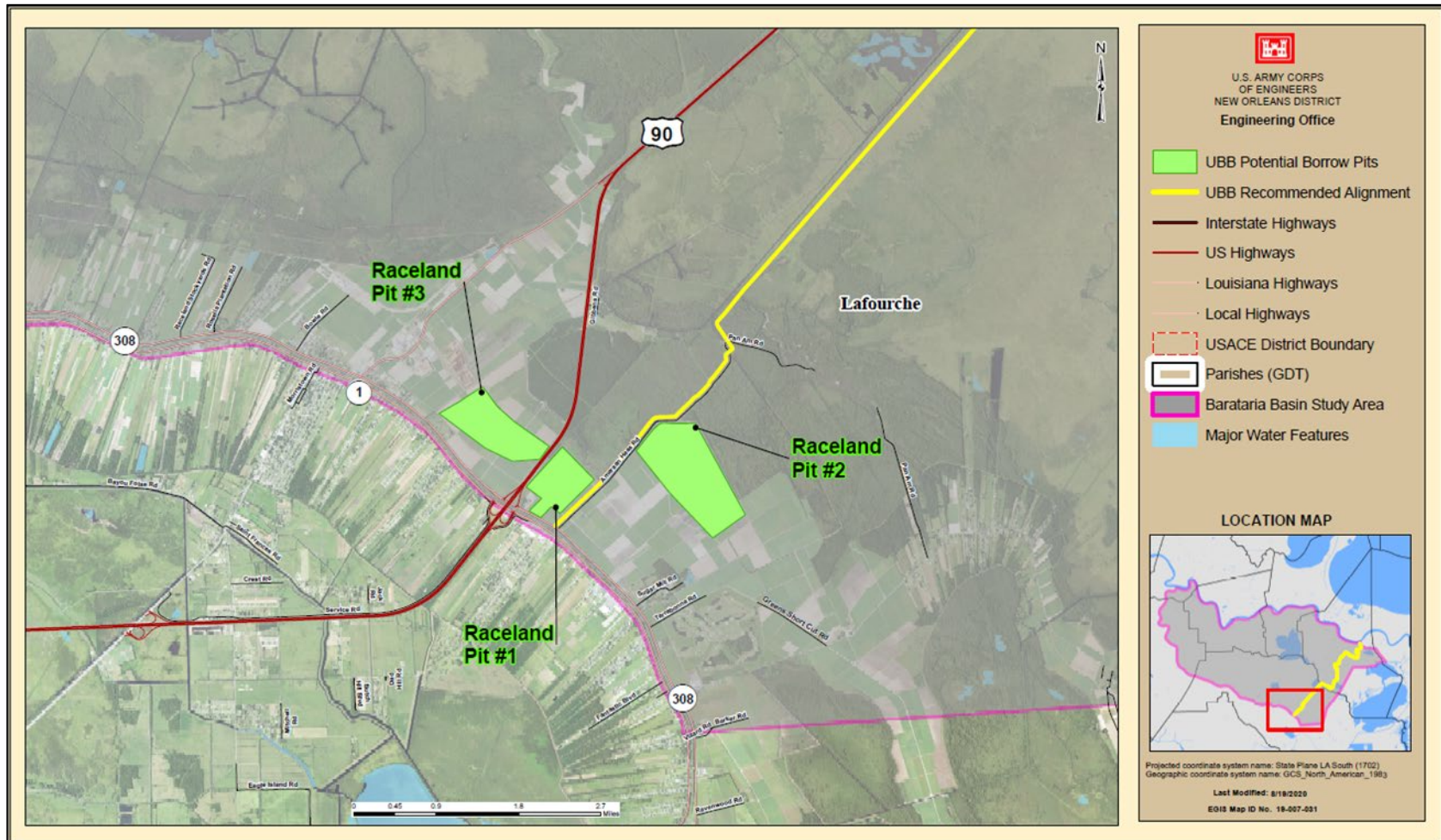


Figure D:2-13. Potential Borrow Locations

2.5.2 Mitigation Plan for Potential Induced Flooding

In order to mitigate for potential induced flooding, 64 residential structures in Bayou Gauche may need to be acquired. Currently, it is estimated that 173 residential structures may need to be acquired in Gheens and 33 residential structures and 5 commercial structures may need to be acquired in Mathews. Residents and businesses displaced by acquisition of their property would be eligible for relocation assistance under Title II of Public Law 91-646. These benefits are explained in section 11 of this REP.

Due to the presence of existing or proposed non-federal flood risk reduction measures in Gheens and Mathews, the extent of potential induced flooding in those communities is more uncertain and will be investigated further in Preconstruction, Engineering and Design (PED) phase of the study. During PED other mitigation alternatives such as elevation of structures and floodproofing will be evaluated. Acquisition of a flowage easement over improved residential properties may not be an acceptable mitigation action. The properties are not necessarily contiguous, and a flowage easement may not be the appropriate estate to acquire. Most importantly, the standard flowage easements prohibit structures for human habitation from remaining on the land. Residents would need to be relocated to areas that are not prone to flooding. Similar to displacement that occurs upon fee purchase of a property by the Government, residents may be entitled to receive relocation benefits under Title II of Public Law 91-646. The team will evaluate whether acquisition of a flowage easement is the appropriate estate for vacant properties.

The costs to acquire structures for the mitigation plan for potential induced flooding in all three areas are captured in Section 10, Paragraph 10.2, "Summary of 01 Real Estate Costs for Mitigation Plan for Potential Induced Flooding."

2.5.3 Fish and Wildlife Mitigation

It has been determined that implementation of the recommended plan would result in potential impacts to bottomland hardwood (wet), swamp and fresh marsh. These impacts would be avoided to the maximum extent practicable but would be unavoidable in some locations due to the avoidance of existing infrastructure.

Currently the proposed mitigation action solely includes the purchase of mitigation bank credits, which requires no LERRD acquisition responsibility on the NFS. The proposed action consists of purchasing mitigation bank credits to mitigate approximately 94.94 AAHUs of Bottomland Hardwood Wet (BLH-Wet), 111.4 AAHUs of Swamp, and 126.64 AAHUs of Fresh Marsh impacts. If, based on credit availability or following evaluation of the mitigation bank proposals, it becomes apparent that purchasing bank credits is not cost effective or feasible (including due to lack of satisfactory bids), CEMVN will complete its evaluation of Mitigation Plan Alternative 2 which would evaluate Corps-constructed mitigation projects within the UBB watershed, possibly in combination with a credit purchase. If construction of a mitigation project involves an acquisition of real estate, the RE plan would be amended at that time. This implementation risk has also been captured in the final overall cost included in the engineering

appendix. As stated in the engineering appendix, the final mitigation cost, was part of the full Cost and Schedule Risk Analysis to develop contingencies.

This fish and wildlife mitigation 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.

Section 3

LERRD Owned by Non-Federal Sponsor

The non-Federal sponsor (NFS) 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 for acquiring LERRD for this project. The NFS does not own any lands within the study area. However, portions of the study area rights-of-way are owned by the following local parish or state agencies of the State of Louisiana, which fall under the umbrella of Coastal Protection and Restoration Authority Board: St. Charles Parish, West Jefferson Levee District (a levee district of Southeast Louisiana Flood Protection Authority West), and State-owned water bottoms, roads, and lands.

The Louisiana State Land Office will issue a Grant of Particular Use to the NFS allowing the use of State-owned water bottoms for this project. The St. Charles Parish Government and West Jefferson Levee District will grant an Authorization for Entry to the NFS over its real estate interests for construction of this project. The NFS in turn will provide an Authorization for Entry to USACE Real Estate. Real Estate Division certifies to Contracting Division that Right-of-Entry is available. The rights owned by these State agencies consist of perpetual levee easements/servitudes and fee. These rights are sufficient for construction of the proposed improvements to project features. The NFS will not receive credit for LERRD previously acquired in the past for Federal projects or previously provided as an item of local cooperation.

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 attached to this REP as Exhibit A.

The following reaches within the project area are owned by a city/parish/levee district/state (local government entity). Acreage for each reach is estimated in Table D:3-1 below or will be determined during PED.

Table D:3-1. Lands, Easements, Rights-of-Way, Relocations and Disposal Required from Local Government Entities

From Parish/State	NFS to Request	Reach	Approximate Acreage of LERRD Required
St. Charles Parish Government	Authorization for Entry	Reach A – Portion of levee, the frontage projection, tidal exchange structures, T-wall for (2) pipelines, (1) staging area.	92
		Reach B – Portion of levee, the frontage protection (3) and T-wall for (2) pipelines.	33
		Reach C – Portion of levee, the frontage protection, T-wall for (1) pipeline.	65
		Reach D – Portion of levee and floodwall.	31
		Reach E – Portion of levee and floodwall, the T-wall for (1) pipeline and portion of the staging area.	12
		Reach F – Portion of levee and temporary access road.	27.5
		Reach G – Access along existing alignment ROW.	N/A
		Reach H – Temporary access within existing alignment ROW.	N/A
West Jefferson Levee District	Authorization for Entry	Reach B – Portion of levee.	TBD
State of Louisiana (State water bottoms, LA DOTD, and LA DNR)	Grant of Particular Use	Reach A – Ramp (road portion) on River Road and U.S. Highway 90. (Also see Section 16, Facility/Utility Relocations	TBD
		Reach A – Levee tie-in to existing Davis Pond Guide Levee	.50
		Reach E – Roller gate at Highway 306	.7
		Reach F – Barge gate, culverts, sluice gates, dredging and deposit of material within state water bottoms	9

Section 4

Estates

The following standard estates would be acquired from private landowners. The use of non-standard estates is not anticipated. Temporary estate duration would be 5 years.

Road Easement (temporary [five years] and perpetual)

A (perpetual [exclusive] [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 (a) 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.

Flood Protection Levee Easement (Perpetual)

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos. ____, ____, and ____) to construct, maintain, repair, operate, patrol and replace a flood protection levee, floodwall, gate closure, 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.

FEE EXCLUDING MINERALS (With Restriction on Use of the Surface) for borrow and for mitigation plan acquisition if needed for potential induced flooding.

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) [five years]

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 Five years, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as 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 **Upper Barataria Basin, Louisiana** 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.

Section 5

Existing Federal Projects

The following Federal projects are fully or partially within or in the immediate area of the footprint of the RP.

- Mississippi River & Tributaries Project – Levee system between New Orleans and Baton Rouge. The system provides risk reduction from the vast expanse of the developed alluvial valley from periodic overflows of the Mississippi River. This levee system includes 3,787 miles of authorized embankments and floodwalls along the Mississippi River, backwater, tributary and floodways. This project is within Reach A of the RP.
- West Bank and Vicinity Levees – This project runs parallel to the Davis Pond Diversion Structure West Guide Levee (Reach A-1), located on the east side of Davis Pond, but is not within the footprint of the UBB RP. This project consists of risk reduction features on the west bank of the Mississippi River in St. Charles, Jefferson, Orleans, and Plaquemines Parishes, starting at the Mississippi River Levee in Ama in St. Charles Parish and ending at the Mississippi River levee in Oakville, Plaquemines Parish.
- The Davis Pond Diversion Project started diverting water into the basin from the Mississippi River in July of 2002. It is located on the east border of the RP. The project consists of a gated 14 feet by 14 feet reinforced concrete culvert with corresponding inflow and outflow channels, approximately 19 miles of guide levees, 1.8 miles of rock weir, a 570 cfs pumping station and a ponding area. The project area is 10,084 acres. The purpose of the diversion is to divert fresh water, with its accompanying nutrients and sediments, from the Mississippi River into the Barataria Basin in turn reducing saltwater intrusion and establishing favorable salinity conditions in the area, thus combating land loss. U. S. interests were transferred to Louisiana Department on Natural Resources.

Section 6

Federally Owned Land

There is no federally owned land located within the project footprint. The information listed below is in the vicinity of the RP footprint and for information purposes.

Disposal easements encompassing 21,871.30 acres for the Bayou Lafourche Spoil Disposal Area within Lafourche Parish have an eastern border located along the Reach H levee area on the southwestern end near Raceland and Bayou Lafourche. These easements held for the Bayou Lafourche Project do not provide the necessary rights for the RP. Appropriate rights would be obtained from the local levee district as stated in Table D:3-1. Lands, Easements, Rights-of-Way, Relocations and Disposal Required from Local Government Entities in Section 3 of this REP.

The Davis Pond Diversion West Guide Levee is on the east border of the proposed earthen levee at the first section of Reach A (A-1). The tracts previously owned by the United States Government for the Davis Pond Diversion Project have been transferred to the Louisiana Department of Natural Resources. Appropriate rights would be obtained from the state agency as stated in Table D:3-1. Lands, Easements, Rights-of-Way, Relocations and Disposal Required from Local Government Entities in Section 3 of this REP.

Section 7

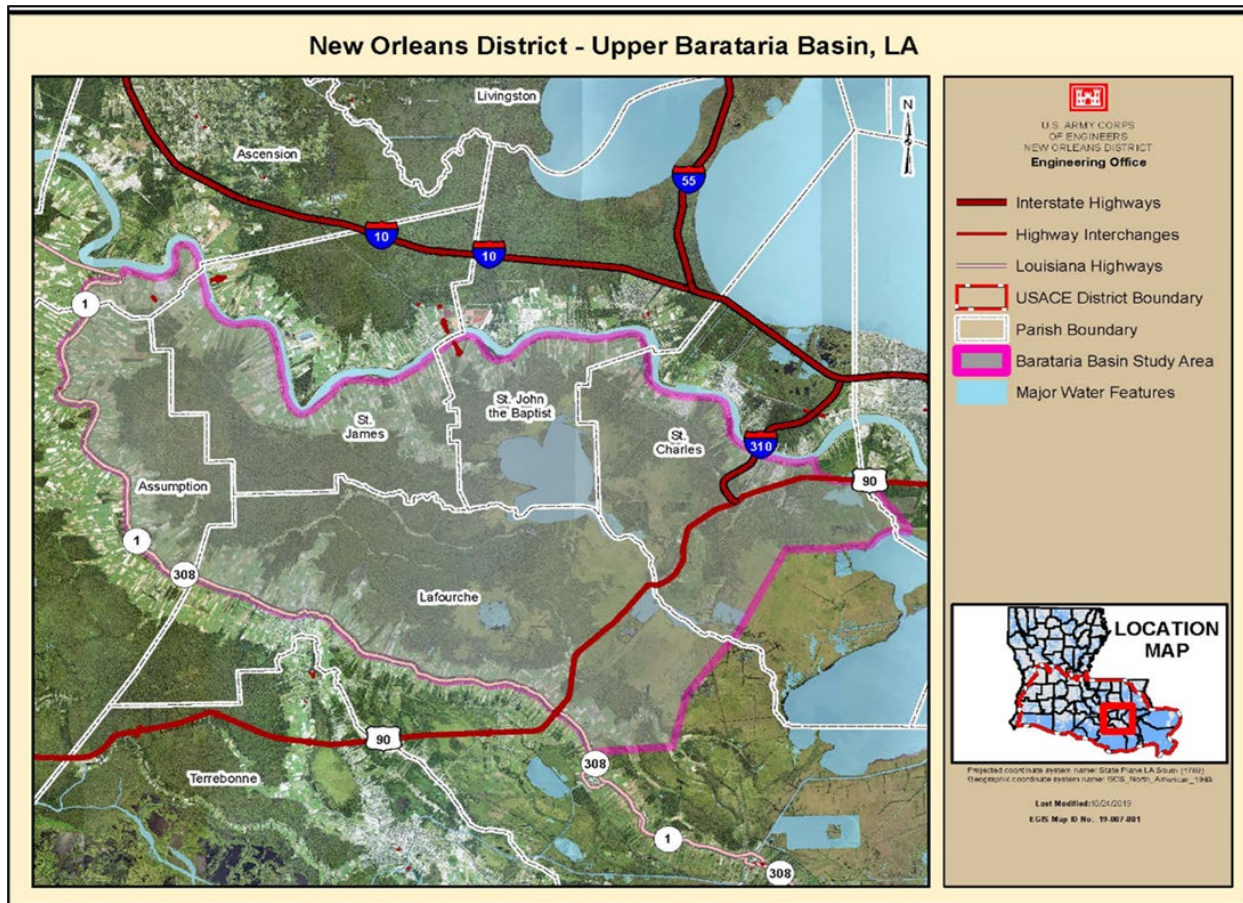
Navigation Servitude

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.”

The navigation servitude will not be invoked for this project, as the project features located below the mean high-water mark in Reach F are within Bayou Des Allemands, a state-claimed water bottom. The State of Louisiana Land Office will provide a grant of particular use to the NFS, who in turn will provide an Authorization for Entry to USACE. Real Estate Division certifies to Contracting Division that a Right-of-Entry is available.

Section 8 Maps

UPPER BARATARIA BASIN STUDY AREA



UPPER BARATARIA BASIN RECOMMENDED PLAN



Section 9

Induced Flooding

The 1 percent AEP design levee is estimated to potentially induce flooding in the communities of Bayou Gauche, Gheens, and Mathews, which are located outside of the system on the east side of the levee. The potential for induced flooding is greatest within the community of Bayou Gauche, which is directly adjacent to the levee. This area could potentially receive 1 to 1.5 feet of induced flooding under existing conditions and 2 to 4 feet under future conditions.

In order to mitigate for potential induced flooding, 64 residential structures in Bayou Gauche may need to be acquired. Currently, it is estimated that 173 residential structures may need to be acquired in Gheens and 33 residential structures and 5 commercial structures may need to be acquired in Mathews. Residents and businesses displaced by acquisition of their property would be eligible for relocation assistance under Title II of Public Law 91-646. These benefits are explained in section 11 of this REP.

The costs to acquire structures for the mitigation plan for potential induced flooding in all three areas are captured in Section 10, Paragraph 10.2, “Summary of 01 Real Estate Costs for Mitigation Plan for Potential Induced Flooding.”

Section 10

Summary of Real Estate Costs

10.1 SUMMARY OF 01 REAL ESTATE COSTS FOR RECOMMENDED PLAN – STRUCTURAL

The estimated total cost of 01 Real Estate Costs for Recommended Plan for the LERRD required for the implementation of the Project is \$11,866,000 (FY 2021). 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. The structural features of the project do not require the acquisition of residences, businesses, or farms, and therefore no relocations assistance benefits (P.L. 91-646) would be required.

This Rough Order of Magnitude cost estimate is restricted use and not intended to comply with Uniform Standards of Professional Appraisal Practice (USPAP). Inspection of the property was made by aerial photography and appraiser utilized online information from local assessor offices. Appraiser studied 20+ land sales of potentially comparable properties. Real Estate costs will not exceed 10% of total project costs; therefore, a cost estimate was provided at this point of the study by CEMVN, Appraisal Branch in lieu of a gross appraisal. Real estate interest acquisition costs include a 25 percent contingency (rounded) to account for any minor changes during Preconstruction, Engineering and Design. NFS will not receive credit for LERRD previously acquired in the past or previously provided as an item of cooperation.

10.2 SUMMARY OF 01 REAL ESTATE COSTS FOR MITIGATION PLAN FOR POTENTIAL INDUCED FLOODING

The estimated total cost for 01 Real Estate Costs for the LERRD required for the implementation of the Mitigation Plan for Potential Induced Flooding is \$84,213,000 (FY 2021). This cost reflects real estate interest acquisition costs required for the construction of the mitigation plan project as well as other costs associated with acquiring LERRD for a mitigation plan for potential induced flooding. These other costs include, but are not limited to, appraisals, surveys, title work, NFS oversight, and other administrative costs. The mitigation plan for potential induced flooding may require the acquisition of improved structures, and therefore cost are included to provide relocations assistance benefits (P.L. 91-646) to displaced residents.

10.3 SUMMARY OF 02 RELOCATIONS COSTS FOR FACILITIES/UTILITIES

The estimated total cost for the relocations for Facilities/Utilities as fully discussed in Appendix A, Sections 1.11 Relocations is \$32,405,000.

The Relocations Branch of Engineering at the New Orleans District researched public facilities and utilities located within the proposed project area through the National Pipeline Database, State Online Natural Resources Information System (Louisiana Department of Natural Resources) and the National Pipeline Mapping System data as well as HTST-HIS and Penwell.

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.

This information is preliminary in nature and is subject to change during feasibility level design.

Section 11

P.L. 91-646 Relocation Assistance Benefits

Although the implementation of the RP (structural) would not displace residential, business, or farms within the project boundaries, the mitigation plan for potential induced flooding could potentially displace residences, businesses, and farms and, thus, require the application of the provisions under Title II of Public Law 91-646, as amended.

Planning for Federal and federally-assisted programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and developing solutions to minimize the adverse impacts of displacement would be accomplished during the early stages of development.

These requirements apply to the relocation of any displaced person as defined at § 24.2(a)(9) 49 C.F.R. Any person who qualifies as a displaced person must be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and this regulation.

The costs for potential relocations are included in Summary of Real Estate Costs for mitigation plan for potential induced flooding in Section 10, Paragraph 10.2.

Section 12

Minerals/Crops

Mineral activity within the right-of-way of the RP has been plugged and abandoned as researched online through Department of Natural Resources site Strategic Online Natural Resources Information System. Outstanding mineral rights held by third party would not be acquired. Louisiana laws prohibit drilling for minerals within 300 feet of a flood risk reduction levee feature; therefore, these outstanding mineral rights do not pose any risks to the project.

There is no merchantable timber or row crop activity that would be affected by this RP, but there are pasture lands that would be affected.

Additional information is included in Section 16 Facility/Utility Relocations.

Section 13

Non-Federal Sponsor Authority to Participate

An assessment of the NFS' legal and professional capability and experience to acquire and provide the LERRD for the construction, operation, and maintenance of the RP, 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 involved 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.

The 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.

The NFS has been advised of the requirement to follow Public Law 91-646 and of the need to document expenses relative to the acquisition of LERRD for credit purposes.

Section 14

Zoning Ordinances

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

Section 15

Acquisition Schedule

The acquisition schedule below shows the tasks and duration for acquisition of the LERRD required for the Project by the NFS. The Implementation of the RP would affect approximately 75 private landowners.

This project is anticipated to be constructed in separate first year lifts. Acquisition schedule below is for each lift year's reaches only – not for all LERRD's required for the entire project.

Table D:15-1. 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

Section 16

Facility/Utility Relocations

The results of the CEMVN Engineering Division's Design Services Relocations Branch investigations of facilities and utilities located within the project area that are expected to be impacted by the RP Reaches are set forth in Table D:16-1. These were researched from databases including the National Pipeline Database, State Online Natural Resources Information System (SONRIS), Louisiana Department of Natural Resources (LADNR), HTST-HIS, Penwell, and the National Pipeline Mapping System (NPMS) data. A site visit was not conducted.

Based on the preliminary findings, it was determined that the existing pipelines and roadways within the project area of the RP would be impacted, either requiring relocation of the facility/utility or providing pipeline protection over the utility during construction. The facilities/utilities are the lines shown in Figure D:16-1 along with Highway 90 and River Road.

U.S. Highway 90 and River Road in Reach A are impacted by the proposed flood protection. These roads would most likely be raised using the direct contact method. The alignment crosses River Road and U. S. Highway 90. Ramps would be constructed for the two road crossings at these roads, raising them using the direct contact method. Similar to the pipelines, the roadways are placed on the surface of the new constructed earthen levee outside of the levee design section. Roller gate structures would be constructed for the two railroad tracks.

A new permanent access road in Reach E would be constructed for a portion of Beau Estates Subdivision near Bayou Des Allemands. A proposed newly constructed floodwall would cut off access at the existing road location. The new permanent road would be just outside of the newly constructed T-wall from Highway 306 and allow access to this area.

Any conclusion or categorization contained in this report that an item is a facility or utility 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.

The estimated cost of relocations is \$32,405,000. This estimated cost is below 30 percent of the total estimated project cost. An attorney's compensability analysis and opinion of compensability for each of the impacted facilities and utilities 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 after further analysis, and completion then approval of final attorney's opinions of compensability for each of the impacted facilities and utilities. As required by Real Estate Policy Guidance Letter No. 31 - Real Estate Support to Civil Works Planning, a preliminary

Real Estate Assessment addresses the following two questions under the corresponding letters in Table D:16-1 below (Y-Yes; N-No).

- A. Is the identified facility/utility generally of the type eligible for compensation under the substitute facilities doctrine?
- B. Does the District have some valid data or evidence that demonstrates that it has identified an owner with a compensable interest in the property?

Table D:16-1. Facilities/Utilities in Recommended Plan Footprint

REACH	OWNER	DIAMETER	PRODUCT	ACTION	A	B
A	Louisiana DOTD		River Road	Raised, ramps constructed	Y	Y
A	Atmos		Gas	Lay on design section; covered	N	N
A	Enterprise Pelican	26"	Natural Gas	Lay on design section; covered	N	N
A	Nustar	6"	Anhydrous Ammonia	Lay on design section; covered	N	N
A	Shell	6"	Propylene	Lay on design section; covered	N	N
A	Louisiana DOTD		Highway 90	Raised, ramps constructed	Y	Y
A	Enterprise	10"	Natural Gas Liquid	Sleeve through sheet pile of T-wall	N	N
A	Shell	20"	Crude	Sleeve through sheet pile of T-wall	N	N
A	Shell	24"	Crude	Sleeve through sheet pile of T-wall	N	N
A	Enlink	12.75"	Natural Gas	Sleeve through sheet pile of T-wall	N	N
B	St. Charles Parish	12"	Sewer Force Main	Sleeve through sheet pile of T-wall	Y	N
B	St. Charles Parish	16"	Waste Water Discharge	Sleeve through sheet pile of T-wall	Y	N
B	St. Charles Parish	8"	Force Main	Sleeve through sheet pile of T-wall	Y	N
B	St. Charles Parish	12"	Force Main	Sleeve through sheet pile of T-wall	Y	N
B	Enlink	12.75"	Natural Gas	Sleeve through sheet pile of T-wall	N	N
B	Enlink	8"	Natural Gas	Sleeve through sheet pile of T-wall	N	N
B	Enlink	14"	Natural Gas	Sleeve through sheet pile of T-wall	N	N

REACH	OWNER	DIAMETER	PRODUCT	ACTION	A	B
B	Phillips 66	14"	Liquid Carbon Dioxide	Sleeve through sheet pile of T-wall	N	N
B	Columbia Gulf	16"	Natural Gas	Sleeve through sheet pile of T-wall	N	N
C	Gulf South	12"	Natural Gas	Parallel; will determine during PED	N	N
C	Atmos	24"	Natural Gas	Parallel; will determine during PED	N	N
C	Gulf South	30"	Natural Gas	Parallel; will determine during PED	N	N
C	Phillips 66	14"	Liquid Carbon Dioxide	Sleeve through sheet pile of T-wall	N	N
C	Columbia Gulf	16"	Natural Gas	Sleeve through sheet pile of T-wall	N	N
C	Enlink	16"	Natural Gas	Sleeve through sheet pile of T-wall	N	N
D	Enlink	22"	Natural Gas	Lay on design section; covered	N	N
E	Phillips 66	6"	Natural Gas Liquids	Sleeve through sheet pile of T-wall	N	N
E	Phillips 66	6"	Natural Gas Liquids	Sleeve through sheet pile of T-wall	N	N
E	Williams Energy	10"	Liquid	Sleeve through sheet pile of T-wall	N	N
E	Phillips 66	14"	Natural Gas Liquids	Sleeve through sheet pile of T-wall	N	N
E	Phillips 66	20"	Natural Gas Liquids	Sleeve through sheet pile of T-wall	N	N
E	Enlink	30"	Natural Gas	Sleeve through sheet pile of T-wall	N	N
E	Beau Estates		Access Road	T-wall would block existing road to subdivision; New permanent road from Hwy 306	Y	Y
G,H	Gulf South	30"	Natural Gas	Parallel; will determine during PED	N	N
G,H	Gulf South		Natural Gas	Parallel; will determine during PED	N	N
G,H	Gulf South		Natural Gas	Parallel; will determine during PED	N	N
G,H	Gulf South		Natural Gas	Parallel; will determine during PED	N	N

REACH	OWNER	DIAMETER	PRODUCT	ACTION	A	B
G	Phillips 66	8"	Natural Gas Liquids	Lay on design section; covered	N	N
H	Transcontinental Gas	10"	Natural Gas	Lay on design section; covered	N	N
H	Gulf South	12"	Natural Gas	Lay on design section; covered	N	N
H	Abandoned	6"	Gas	Will verify if abandoned & remove	N	N
H	Texas Eastern Trans.		Natural Gas	Lay on design section; covered	N	N
H	LOOP LLC	48"	Crude Oil	Lay on design section; covered	N	N
H	Crimson Gulf	12.75"	Crude	Lay on design section; covered	N	N
H	Crimson Gulf	16"	Crude	Lay on design section; covered	N	N

Utility Action Description:

- Lay on design section; covered. No relocation or construction necessary. Lay protection on top of pipeline.
- Sleeve through sheet pile of T-wall. Construct sleeve to allow pipeline to pass through levee alignment being lifted/constructed.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A FACILITY OR UTILITY 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 FACILITIES AND UTILITIES.



Figure D:16-1. Map of Facilities/Utilities in Recommended Plan Footprint

Section 17

Hazardous, Toxic, and Radioactive Waste and Other Environmental Considerations

CEMVN is obligated under ER 1165-2-132 to assume responsibility for the reasonable identification and evaluation of all HTRW contamination within the vicinity of proposed actions. The NFS, would be responsible for planning and accomplishing any HTRW response measures and would not receive credit for the costs incurred.

A preliminary investigation was conducted on February 26, 2019 for the UBB Feasibility Study. Several crude oil pipelines and natural gas pipelines were found to be within the footprint of the proposed RP. Several oil and gas wells also noted within the project area have been closed out. The pipelines and wells may be considered as potential recognized environmental conditions (REC) and caution must be exercised during construction to avoid breakage of or damage to the pipelines. An American Society for Testing and Materials (ASTM) E1527-13 Environmental Site Assessment (ESA) was completed on January 27, 2021, for the RP. The Phase I ESA did not reveal any REC within the RP footprint.

Additionally, two previous Phase I ESAs were conducted. On February 7, 2019, the southern alignment of the RP was subject to a Phase I ESA. The Phase I ESA did not reveal any RECs within the proposed southern alignment footprint. On April 30, 2010, MVN published an HTRW Investigation entitled: HWY 90 Alignment. The proposed project area in the 2010 HWY 90 Alignment HTRW Investigation overlays the same general area as the RP as well as additional areas farther to the south. Review of the 2010 HWY 90 Alignment HTRW Investigation indicated that there were no areas of concern or RECs that fell within the proposed project area at that time.

An ASTM E 1527-13 Phase I ESA, HTRW investigation has been completed for the RP. Based on the recent 2021 HTRW investigation and previous HTRW investigations conducted in this area, there is a low risk for finding HTRW issues with the RP. Given the alignments are generally next to subdivisions/undeveloped areas and not industrial areas and given existing levees have already received environmental clearance and undergo regular maintenance, a low risk classification has been assigned.

If a REC is identified in relation to the project area, MVN would take the necessary measures to avoid the REC, so that the probability of encountering or disturbing HTRW would continue to be low. Because a Phase I ESA is valid for 1 year, another Phase I ESA may be required prior to construction. More information regarding Hazardous, Toxic and Radioactive Waste Can be found in the Final Integrated Feasibility Report with Environmental Impact Statement in Section 8.

Section 18

Landowner Attitude

USACE held general scoping meetings within 90 days of the start of the study. Landowners in these low-lying areas generally seem agreeable to more protection from flooding.

Landowners with direct access to water (Proposed Reach E) voiced opposition to the construction of a floodwall blocking their access. This floodwall in Reach E would not allow landowners direct access to Paradis Canal and Grand Bayou Canal.

Section 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 discussing risk with early acquisition of real property interests is included in the REP as Exhibit B.

Section 20

Other Real Estate Issues

The 1 percent AEP design levee is estimated to potentially induce flooding in areas located outside of the levee system on the east side of the levee. A Mitigation Plan for Potential Induced Flooding may be facilitated to mitigate for potential increased flooding associated with the RP in the Bayou Gauche, Gheens, and Mathews communities. Further research would be performed during PED Phase to conclude if potential measures are needed in a portion or all communities. Costs for acquiring all structures within the flood prone areas of Bayou Gauche, Gheens, and Mathews (outside of the protection) are included in this REP (Section 10, Paragraph 10.2 Summary of 01 Real Estate Costs for Mitigation Plan for Potential Induced Flooding).

Date: May 26, 2021

Revised July 19, 2021 and July 29, 2021

Revised October 26, 2021 and November 4, 2021

Real Estate, New Orleans District

Prepared By:

Reviewed by:

Approved by:

Pamela M. Fischer
Realty Specialist

Karen Vance-Orange
Realty Specialist

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

EXHIBIT A

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

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

Approved by:



David A. Peterson
General Counsel
Coastal Protection and Restoration Authority



EXHIBIT B

LETTER INFORMING NON-FEDERAL SPONSOR OF RISK ASSOCIATED WITH ACQUISITION OF REAL ESTATE RIGHTS PRIOR TO SIGNING THE PROJECT PARTNERSHIP AGREEMENT



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
NEW ORLEANS DISTRICT REAL ESTATE OFFICE
7400 LEAKE AVE
NEW ORLEANS, LOUISIANA 70118

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:

The Upper Barataria Basin, Louisiana Feasibility Study is nearing completion. The Final Integrated Feasibility Report and 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

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,

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