

Port of New Orleans Access Channel Deepening Feasibility Study



Appendix B – Draft Real Estate Plan to the Feasibility Study

March 2020

Orleans Parish, Louisiana

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Section 1

Study Name and Purpose

1.1 STUDY NAME

This Real Estate Plan (REP) sets forth the real estate requirements and costs for the implementation and construction of the Tentatively Selected Plan (TSP) as described in more detail in the Draft Feasibility Study for Port of New Orleans Deepening Feasibility Study in Orleans Parish, Louisiana. The lands, easements, rights-of-way, relocations and disposal (LERRD) sites required for the TSP are outlined in this REP. This Draft REP is tentative in nature; it is for planning purposes only and the information contained herein is subject to change. The real estate cost estimates provided are subject to change throughout the study and even after approval of this feasibility study.

1.2 STUDY PURPOSE

The purpose of the Port of New Orleans Deepening Feasibility Study is to investigate the problems, needs and opportunities of deepening the access channel to the Port of New Orleans on the Mississippi River and make recommendations of the advisability of deepening. The Port of New Orleans (The Port) is the Non-Federal Sponsor (NFS) for the study. The potential of the ability of the Port to meet the needs of larger vessels will greatly enhance the National Economic Development (NED) of the nation. The Port of New Orleans would generate approximately \$35,000,000 in average net excess benefits if the access channel at the Port of New Orleans were dredged to a 50' depth.

The area of investigation is located along the left descending bank of the Mississippi River between Miles 98.3 and 100.6 Above Head of Passes (AHP). The harbor access channel is currently authorized at a depth that is less than the authorized depth of the MRSC deep draft channel. This results in harbor access depth issues, potentially requiring alternate cargo offloading methods, and prohibits deeper draft vessels from accessing the Port.

“Exhibit A – Study Maps” shows the project study area, current dredging locations and currently authorized project limits.

Section 2

Study Authorization

2.1 PROJECT AUTHORIZATION

The River and Harbor Act of 1938: This Act authorized the project entitled “Mississippi River at and Near New Orleans, Louisiana,” as described in the report of the Chief of Engineers, published as House Document No 597, 75th Congress. The Act provided for a 35 foot by 1,000 foot channel between the lower limits of the Port of New Orleans and Head of Passes

on the Mississippi River; a 35 foot by 1,500 foot channel through the Port of New Orleans from RM 86.7 to RM 104.5; and a 35 foot by 500 foot channel between Baton Rouge and New Orleans.

2.2 STUDY AUTHORIZATION

WRDA 2016, Section 1202(d): Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana – The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by Section 201(a) of the Harbor Development and Navigation Improvement Act of 1986 (Public Law 99-662; 100 Stat. 4090), to deepen the channel approaches and the associated area on the left descending bank of the Mississippi River between Mile 98.3 and Mile 100.6, Above Head of Passes (AHP) to a depth equal to the Channel.

Section 3

TSP Location and Description

3.1 LOCATION

This study is located in southeast Louisiana, at The Port of New Orleans on the left descending bank on the Mississippi River in the City of New Orleans within Orleans Parish. The study area is between Mississippi River Mile (RM) 98.3 and RM 100.6, Above Head of Passes (AHP).

3.2 DESCRIPTION

The Tentatively Selected Plan (TSP) is Alternative 4, to deepen the approach channel to 50' at the following location:

Station 41+22.67 to 78+49.49 – USACE will dredge to deepen the approach channel, including the interior of upstream and downstream approach angles, to a depth of 50', starting 160' out from the face of wharf to 1,500' into the Mississippi River channel. The Port will dredge the 160' wide berthing area (Nashville "C" and Napoleon "A") to a depth of 50'. Exhibit A provides maps showing the feasibility study area.



Figure 3-1 – Tentatively Selected Plan/NED Alternative 4

This alternative is to provide an authorized depth of 50' below the NAVD88 Low Water Reference Plane (LWRP) for the approach channel and berthing area between B/L Station 41+22.67 and Station 78+49.49, including the upstream and downstream approach angles. The remaining areas within the study limits will remain at the current authorized depth of 35' below the NAVD88 LWRP. An additional depth of 2' for advance maintenance and an additional depth of 2' for over depth will be included in an authorization for each depth. Since the Port has identified the structural integrity of the Nashville "B" wharf cannot accommodate a berthing depth below a depth of 39' until structural remediation of the wharf is complete, the berthing area in front of the wharfs (identified as Reach 2 on the drawing below in Figure A-3 in Exhibit A – Study Maps) will require this alternative to be a phased alternative. The scopes for Phase I and Phase II are as follows:

3.2.1 Alternative 4 Phase I

The Port Construction:

- a. Dredge the 160' wide berthing area (between B/L Station 41+22.67 and Station 78+49.49) identified as Reach 1 (Nashville "C" and Napoleon "A") to a depth of 50' below the LWRP, with 2' advance dredging and an additional 2' for over depth permitted.
- b. Dredge the 160' wide berthing area (between B/L Station 41+22.67 and Station 78+49.49) identified as Reach 2 (Nashville "B") to a depth of 35' below the LWRP, with 2' advance dredging and an additional 2' for over depth permitted.
- c. Dredge the 100' wide berthing areas within the remainder of the study limits to a depth of 35' below the LWRP with 2' advance dredging and an additional 2' for over depth permitted.

The Port Operation and Maintenance (O&M):

- a. Maintain the 100' and 160' berthing areas within the study limits in accordance with the depths, advance dredging, over depths, and limits for the Phase I - The Port Construction.

USACE Construction:

- a. Dredge to deepen the approach channel between B/L Station 41+22.67 and Station 78+49.49, including the interior of the upstream and downstream approach angles, to a depth of 50' below the LWRP, with 2' advance dredging an additional 2' for over depth permitted.
- b. Dredge the approach channels in the remainder of the study limits to a depth of 35' below the LWRP, with 2' advance dredging and an additional 2' for over depth permitted.

USACE O&M:

Maintain the approach channel between B/L Station 41+22.67 and Station 78+49.49, including the interior of the upstream and downstream approach angles, to a depth of 50' below the LWRP. The remainder of the study limits will be maintained to a depth of 35' below the LWRP. Both depths will be authorized to have an additional 2' depth for advance maintenance and an additional 2' depth for over depth permitted.

3.2.2 Alternative 4 Phase II

Assume Phase II initial construction and O&M will commence five (5) years after the completion of Phase I as follows:

The Port Construction:

Dredge the 160' wide berthing area identified as Reach 2 (Nashville "B") to a depth of 50' below the LWRP, with 2' advance dredging and an additional 2' for over depth permitted.

The Port O&M:

Annually maintain the 160' wide berthing area (between B/L Station 41+22.67 and Station 78+49.49, to a depth of 50' below the LWRP and the remainder of the study area with 100' wide berthing to a depth for 35' below the LWRP. Both depths will be authorized to have an additional 2' depth for advance maintenance and an additional 2' depth for over depth permitted.

USACE Construction: No additional construction required for Phase II.

USACE O&M: Remains the same as Phase I.

3.2.3 Study Features

The TSP consists of:

- a. Staging – Contractor's vessel within the Mississippi River shall provide the staging area needed for construction of the study.

- b. Dredging – Contractor’s vessel within the Mississippi River shall complete the dredging from Station 41+22.67 to 78+49.49. Dredge to deepen the approach channel to a depth of 50’, starting 160’ out from the face of wharf to 1,500’ into the Mississippi River channel.
- c. Disposal – Contractor will dispose dredged material in an adjacent portion of the Mississippi River at the naturally occurring (-) 55.5 ft contour in the river. At the discharge point, the dredge slurry will be carried off downstream by the river current. This is the standard practice for the New Orleans Harbor maintenance dredging.
- d. Access Landing Barge – Contractor-furnished landing barge for personnel access positioned for access from worker parking area to the barge docking. Contractor shall also provide area for worker parking.
- e. Access Barge (in case of emergency) – the NFS annually provides right-of-entry on USACE projects for workers to access land in case of emergency. Barge is located within the Port of New Orleans adjacent to the dredging area of the Mississippi River.

No acquisition of LERRD is necessary for the construction of this study. See “Section 8 – Navigation Servitude” below for further clarification of the location being within state water bottoms and navigation servitude determination.

Study Feature	Location	Owner of LERRD
Dredging	Within the Mississippi River	State/Navigation Servitude
Disposal	Within the Mississippi River	State/Navigation Servitude

Figure 3-2 – Table of LERRD Required for Study by Feature

Section 4

LERRD Owned by Non-Federal Sponsor

4.1 PORT OF NEW ORLEANS

The Port of New Orleans, by and through the City of New Orleans, is the landowner of the port/dock/facilities.

4.2 MISSISSIPPI RIVER

The TSP proposes dredging and disposal of material within the Mississippi River, a navigable, state-claimed water bottom. Refer to “Section 8 – Navigation Servitude” below for further discussion of this topic.

Section 5

Estates

There is no acquisition of LERRD anticipated for this study; therefore no estates will be acquired.

Section 6

Existing Federal Projects

The Gulf Intracoastal Waterway (GIWW) links deep-water ports, tributaries, rivers and bayous and stretches for more than 1,300 miles from the Mexican border at Brownsville, Texas to Apalachicola, Florida. The GIWW connects waterways to the Mississippi River and within the Mississippi River Ship Channel, there are three locks within the GIWW - Algiers, Harvey and Inner Harbor Navigation Canal Locks in the New Orleans area.

Mississippi River and Tributaries Project (MR&T), the largest flood risk reduction project in the world, provides flood risk reduction to the 36,000 square-mile lower Mississippi Valley. The four major elements are levees, floodways, channel improvement and stabilization and tributary basin improvements. MR&T Projects East Bank Levee alignment is between river miles 70 and 127 along the Mississippi River Ship Channel.

Section 7

Federally Owned Land

There are no federal owned lands within the study footprint.

Section 8

Navigation Servitude

The navigation servitude is the dominant right of the Government under the Commerce Clause of the U. S .Constitution (Art. I, §8, cl.3) 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.

For authorized Federal navigation improvements, the Corps has the power, under the Federal navigation servitude, to utilize navigable waters and lands below the ordinary or mean high water mark. This power is superior to any private property rights in the navigable waters or in the underlying land.

The study, within the Mississippi River Ship Channel, would be a navigation project; therefore the study purpose meets the first test. Dredging will take place below the ordinary high water mark within the banks of the Mississippi River (navigable watercourse). The Mississippi River is considered both a water bottom of the State of Louisiana and a navigable waterway of the United States. As such, dredging of the River can be accomplished under the Navigation Servitude for study purposes. Per paragraph 12-7 of ER 405-1-12, “It is the policy of USACE to utilize the navigation servitude in all situations where available.”

The NFS is responsible for providing an authorization for entry for all areas under the jurisdiction of the State of Louisiana that are not in the ownership or jurisdiction of USACE or another Federal agency.

Section 9

Study Maps

SEE “EXHIBIT A” FOR STUDY MAPS

Section 10

Induced Flooding

Construction of this study will not induce flooding.

Section 11

Summary of Real Estate Costs

No acquisition of LERRD is necessary for this study, therefore a Baseline Cost Estimate for Real Estate is not required.

Section 12

Mitigation

This study would involve dredging and disposal within the Mississippi River, a state claimed water bottom and located within the navigable waterway of the United States; therefore mitigation for this project is not anticipated.

Section 13

P.L. 91-646 Relocation Assistance

This study does not displace residential, commercial, industrial or habitable structures within the study boundaries; therefore, the provision under Title II of Public Law 91-646, as amended, is not applicable.

Section 14

Minerals/Crops

Work for this study would be within the Mississippi River. Dredged material will be placed within adjacent areas in the Mississippi River. Mineral rights would not be impacted. There is no timber or row crop activity within the banks of the Mississippi River.

A search on Strategic Online Natural Resources Information System (SONRIS) of the study area shows no oil and gas wells or oyster leasing areas within the study boundaries.

Section 15

Non-Federal Authority to Participate

The NFS is responsible for providing an authorization for entry for all areas under the jurisdiction of the State of Louisiana that are not in the ownership or jurisdiction of USACE or another Federal agency. It is not anticipated at this time that the NFS will be required to acquire LERRD in support of the construction of the TSP.

The NFS's capability assessment is not required as it is not anticipated that any LERRD would be acquired for the construction of this study.

Section 16

Zoning Ordinances

Zoning ordinances will not be enacted to facilitate the acquisition of real estate interests in connection with this study.

Section 17

Acquisition Schedule

No acquisition of LERRD is required for this study. The dredging of the River and disposal of material will be accomplished by invoking the Navigation Servitude.

Section 18

Facility/Utility Relocations

18.1 FACILITIES/UTILITIES WITHIN THE STUDY DREDGING FOOTPRINT

Facility/Utility	Owner	Mile (approx.)	Elevation (feet)
Telephone line	AT&T	99.2	-84 MLW
Abandoned elec.power lines	Entergy	99.2	unknown
Telephone lines	AT&T	98.3	-100 MLW

18.2 FACILITIES/UTILITIES IN STUDY AREA (OUTSIDE OF DREDGE FOOTPRINT)

Facility/Utility	Owner	Mile (approx.)	Elevation (feet)
Electric power line	Entergy	101	-147 MLG
Electric power trans. cable	Entergy	100.8	-148 MLW
Telephone lines	AT&T	95.4	-64 to -133 MLW
Telephone lines	AT&T	94.9	-28 to -133 MLW
Telephone lines	AT&T	94.8	-20 to -139 MLW
Two electrical power cables	Sewerage & Water Board of New Orleans	94.7	-55 MLG

18.3 FACILITY/UTILITY RELOCATIONS

Facilities/utilities listed above will not need relocation. All are located beyond the proposed dredging depth.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF AN FINAL ATTORNEY'S OPINION OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

Section 19

HTRW and Other Environmental Considerations

19.1 HTRW

The discharge of dredged material into waters of the United States is regulated under the Clean Water Act (CWA). In the absence of a known Hazardous, Toxic, and Radioactive Waste (HTRW) concern, the Proposed Action would not qualify for an HTRW investigation.

The USACE Engineer Regulation, ER 1165-2-132, Hazardous, Toxic, and Radioactive Waste for Civil Works Projects, states that dredged material and sediments beneath navigable waters proposed for dredging qualify as HTRW only if they are within the boundaries of a site designated by the EPA or a state for a response action (either a removal or a remedial action) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or if they are a part of a National Priority List (NPL) site under CERCLA (NPL is also known as Superfund). No portion of the study area proposed for dredging and disposal is included in the NPL.

19.2 OTHER ENVIRONMENTAL CONSIDERATIONS

A Tier 1 review as specified in the Inland Testing Manual (EPA-823-B-98-004 February 1998) was completed for the proposed action. CEMVN has no reason to believe the proposed dredged material to be unsuitable for open water disposal.

Environmental Compliance –The following requirements will be addressed prior to finalization of the feasibility report:

- Section 404(b)(1) Evaluation; Sec. 401 WQC; Coastal Zone Consistency; Section 7 ESA; EFH and Sec. 106. Compensatory mitigation would not be required for any alternatives.
- Fish and Wildlife Coordination Act – The USFWS has indicated that the proposed study is not likely to affect trust resources. CEMVN expects to have a letter prior to finalization of Draft Report.
- The extent of impacts on important resources appear to be insignificant. All relevant resources will be evaluated in the Environmental Assessment. A FONSI is anticipated.
- National Historic Preservation Act – There are no historic properties identified in the Area of Potential Effect.

Section 20

Landowner Attitude

The NFS, The Port of New Orleans, is the sole Landowner impacted by the study. The NFS is supportive of this study as the deepening of the Port of New Orleans would give the Port the ability to meet the needs of larger vessels. This will generate additional considerable benefits for the NFS and the nation.

Work within the Mississippi River is anticipated to be performed in areas subject to the navigation servitude and is considered a water bottom of the State of Louisiana. Therefore, there are no landowners concerns. We anticipate support for this study from a range of stakeholders including maritime businesses.

Section 21

Real Estate Chart of Accounts

There are no real estate acquisition costs for this study. The Port owns the port, dock, and facilities. The Mississippi River is a state-claimed water bottom and navigable waterway.

Date: March 25, 2020, Revised 9 April 2020

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EXHIBIT A – STUDY MAPS



Figure A-1 – Study Area Map

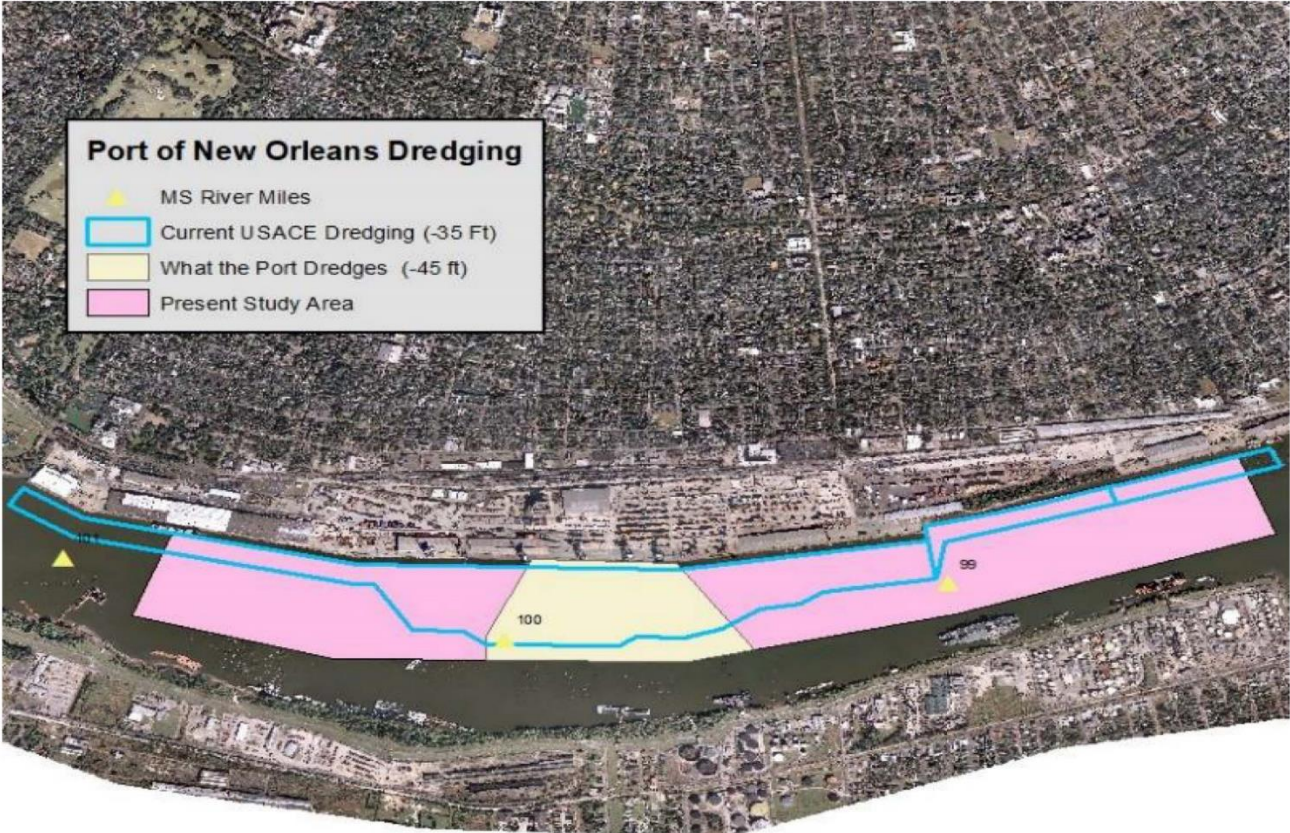
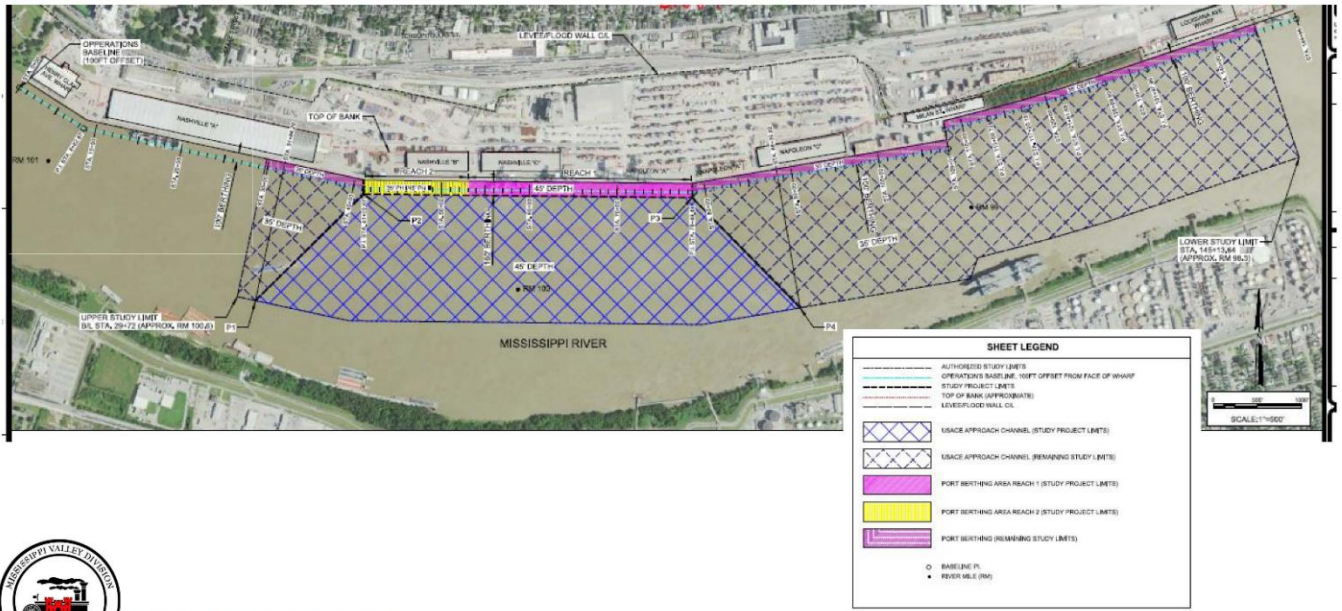


Figure A-2 – USACE Current Dredging (Blue outline) and Port of New Orleans Deepening Feasibility Study Area (Pink)



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Figure A-3 – Port of New Orleans Study Footprint

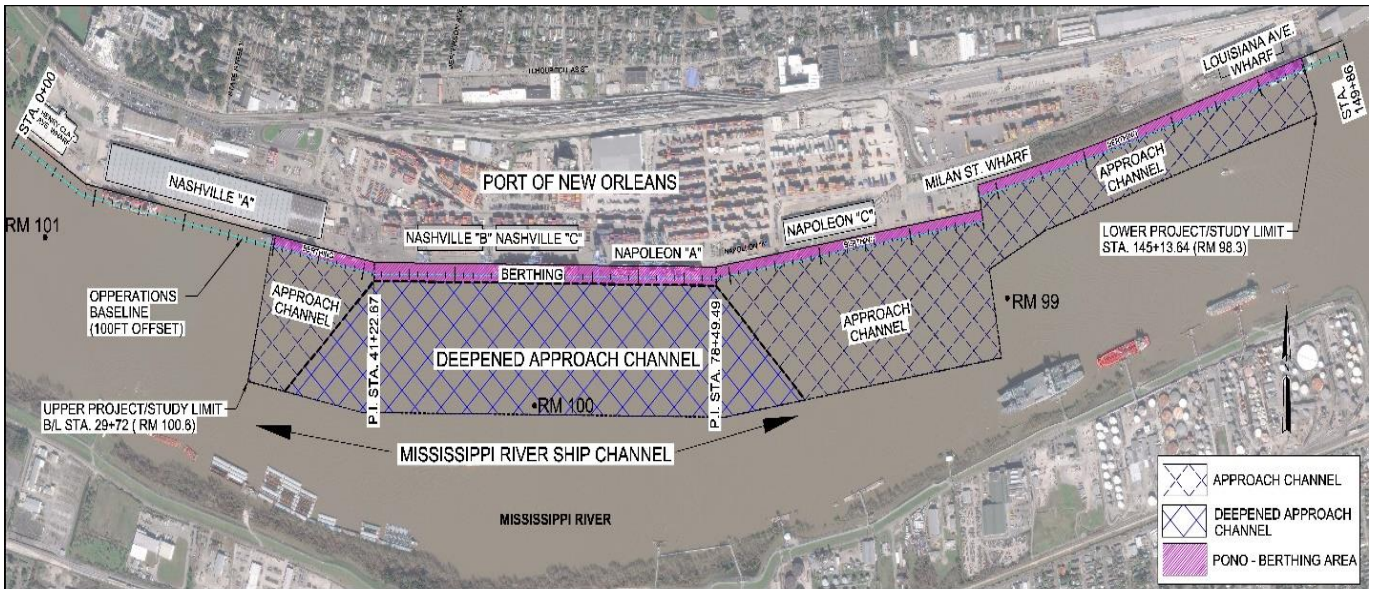


Figure A-4 – TSP/NED Alternative 4