



Amite River and Tributaries East of the Mississippi River, Louisiana



Appendix E: Real Estate Plan March 2025

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Section 1

Purpose of Real Estate Plan

This Real Estate Plan (REP) is prepared in support of the Final Integrated Feasibility Report and Environmental Assessment (FIFR-EA) for the Amite River and Tributaries Study East of the Mississippi River Project. It sets forth the real estate requirements and costs for the implementation and construction of the Recommended Plan (RP). The lands, easements, and rights-of-way required for the project are outlined in this REP, in accordance with the requirements of Engineering Regulation (ER) 405-1-12. The information contained herein is tentative and preliminary in nature, intended for planning purposes only, and is subject to change. This REP supersedes all prior draft REPs associated with the study.

1.1 PROJECT PURPOSE

The purpose of the Amite River and Tributaries (ART), East of the Mississippi River, Louisiana Feasibility Study (study) is to investigate flood risk solutions to reduce flood damages caused by rainfall in the Amite River Basin (ARB).

The non-Federal Sponsor (NFS) is the State of Louisiana, acting by and through, the Louisiana Department of Transportation and Development (LADOTD). A Feasibility Cost Share Agreement (FCSA) was executed between the Department of the Army and the NFS on October 3, 2018.

A Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS) was released to the public on November 26, 2019. The Tentatively Selected Plan (TSP) of the 2019 DIFR-EIS was the creation of a new large-scale dry dam with a nonstructural component. However, during review, extensive technical and policy concerns found the dam infeasible as designed. The FIFR-EA that this REP supports addresses the details of a revised RP.

1.2 PROJECT LOCATION

The study area is the ARB and its tributaries. The ARB begins in southwest Mississippi and flows southward, crossing the state line into southeastern Louisiana. The ARB includes 2,200 square miles flowing into the Amite River and its tributaries (Figure E:1-1). It includes portions of Amite, Lincoln, Franklin, and Wilkinson Counties in Mississippi, as well as East Feliciana, St. Helena, East Baton Rouge, Livingston, Iberville, St. James, St. John the Baptist, and Ascension Parishes in Louisiana.

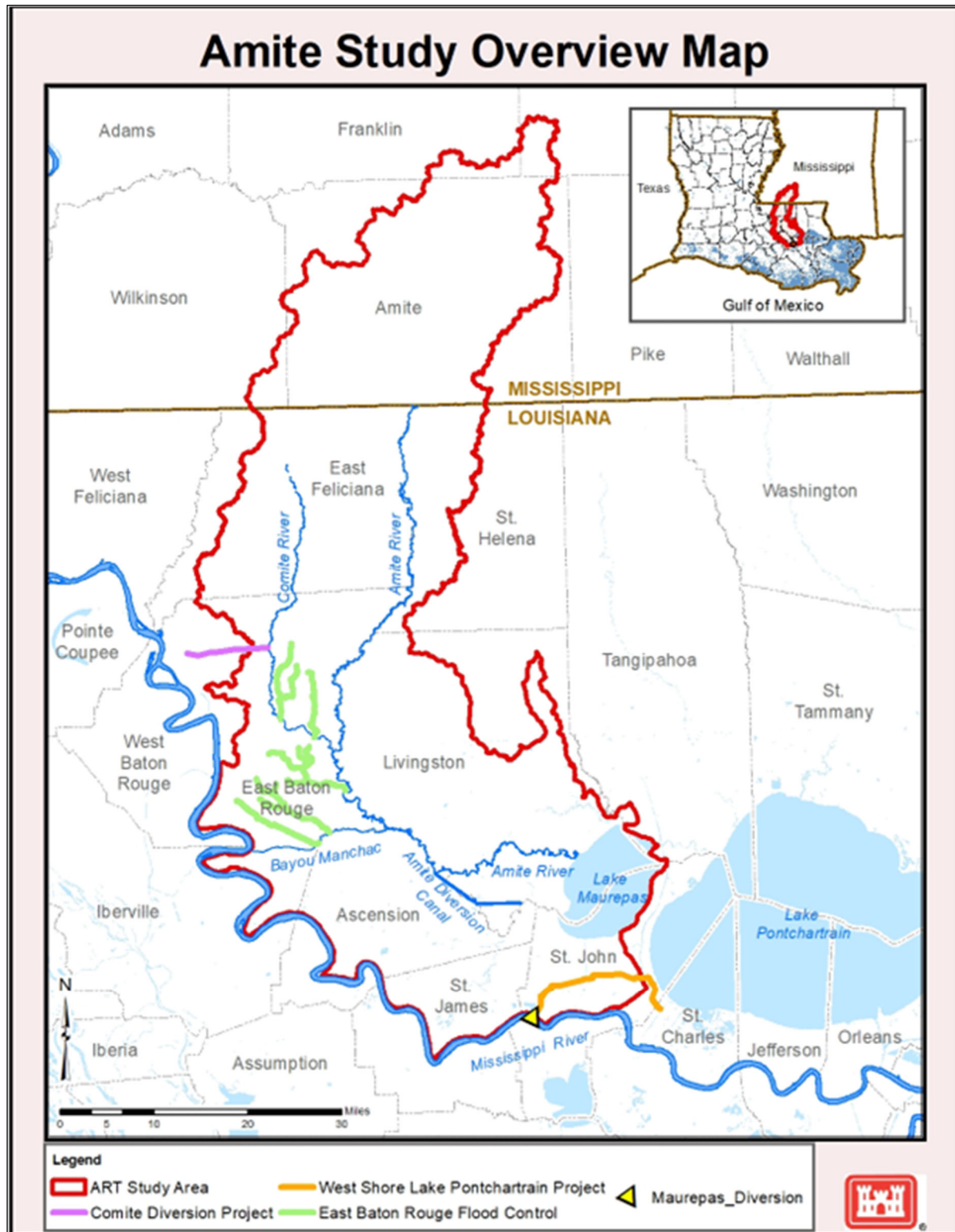


Figure E:1-1. Study Area

1.3 PROJECT AUTHORITY

The study is funded as a part of the Bipartisan Budget Act of 2018, 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 which are currently authorized or which are authorized after the date of enactment of this act, to reduce risk from future floods and hurricanes.

This study area is being included based on the August 2016 flooding over southeast and south-central Louisiana, and is continuing investigation under the authorization provided by the Resolution of the Committee on Public Works of the United States Senate, adopted on April 14, 1967:

RESOLVED BY THE COMMITTEE ON PUBLIC WORKS OF THE UNITED STATES SENATE, That the Board of Engineers for Rivers and Harbors, created under Section 3 of the River and Harbor Act approved June 13, 1902, be, and is hereby requested to review the report of the chief of Engineers on Amite River and Tributaries, Louisiana, published as House Document Numbered 419, Eighty-fourth Congress. And other pertinent reports, with a view to determining whether the existing project should be modified in any way at this time with particular reference to additional improvements for flood control and related purposes on Amite River, Bayou Manchac, and Comite River and their tributaries. (US Senate Committee on Public Works, 1967).

Section 2

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

The RP consists of implementing nonstructural measures to reduce the risk of damages from flooding to residential and non-residential structures in the study area. The RP involves elevations of residential structures and flood proofing of nonresidential structures. To preliminarily qualify for inclusion in the Nonstructural Plan, a structure must have a First Floor Elevation (FFE) at or below the applicable floodplain based on hydrologic conditions predicted to occur in 2026 (the beginning of the 50-year period of analysis). The FFE threshold varies by location throughout the parishes.

Nonstructural flood risk management measures are techniques for reducing accountable flood damage to existing structures within a floodplain. These techniques consist of treatments to floodproof non-residential structures or raise/elevate residential structures. Floodproofing consists of constructing or installing features designed to allow water to flow in and out of a structure but prevent the contact of water to essential utilities or mechanicals of the structure. Elevations involve raising the lowest finished floor of a residential structure to a height that is above the flood level. The entire foundation of the structure will be lifted and placed on a new foundation, i.e. columns, piers, posted or raised foundation walls; and all utilities and mechanical equipment, such as air conditioners and hot water heaters, will also be elevated.

The New Orleans District received a policy exception on August 23, 2024, from the Assistant Secretary of the Army for Civil Works (ASA CW) for the following USACE Policy: ER 1105-2-103 2-4.f(5)(d) which states: “For projects requiring Congressional authorization or that are authorized subject to a determination by the Secretary, the process continues at the division and headquarters levels through subsequent reviews and approval. The final agency decision maker for these projects is the Secretary through the ASA (CW). If the district recommends a plan other than the NED plan, or NER for aquatic ecosystem restoration, an exception request must be prepared and submitted to the ASA(CW) for approval.”

Because the policy exemption was granted, the RP is Plan 4: Nonstructural Plan with additive for OSE (Other Social Effects) for positive and negative benefits because it provides flood risk reduction in terms of national economic development along with the added benefit of flood risk reduction to socially vulnerable communities, maximizing the OSE account. While this plan is not the NED Plan, it provides the best level of comprehensive flood risk reduction to the ARB study area and is the Total Net Benefits Plan for this study.

Plan 4: Nonstructural Plan with additive for OSE for positive and negative net benefits

Plan 4 was developed by integrating into the NED plan, which consisted of 1,554 residential, 189 nonresidential structures, all the additional socially vulnerable (SV) sub aggregations with the next highest aggregation regardless of economic justification with residential structures considered for elevation and nonresidential structures considered for floodproofing. While the addition of 308 preliminarily eligible structures for elevation and floodproofing is not economically justified based on NED benefits, these measures provide other social effects benefits, and more specifically, flood risk management benefits to socially vulnerable communities that justify the Federal participation in implementation. A total of approximately 2,051 structures in the study area met the requirement of having a First Floor Elevation (FFE) at or below the applicable floodplain. Of the approximate total of 2,051 structures, there are approximately 1,810 residential structures and 241 nonresidential structures. Property owner participation in the Nonstructural Plan is voluntary.

Structures included were the ones with damage above the first floor at those floodplains in the future year. Residential structures were raised to the future 100-year stage. Nonresidential structures were floodproofed to 3'.

Table E: 1-1. Number of Structures by Floodplain

	Plan 4 (RP)
10 years	850
25 years	357
50 years	258
100 years	586
Total	2,051

Floodproofing non-residential structures and elevating residential structures will be offered to property owners on a voluntary basis and implemented only with the property owner's consent. Cost estimates are based on a hypothetical 100% participation rate.

It is anticipated that implementation of the RP will occur over an approximate 8.5-year period, including 18-21 months for the initial implementation of a pilot contract (26 structures). However, the scale is highly dependent upon the number of structures receiving NS measures and the amount of funding allocated in any given year.

The Implementation Plan (Appendix I) contains the details for implementing the project.

LERRD Requirements:

The following is a general description of the process that will apply to willing owners of preliminarily eligible residential structures:

A **Right of Entry (ROE)** will be required from each landowner for eligibility determination surveys. Property owners who wish to participate must complete and submit an application for the NFS, which will include, as a separate document, a temporary ROE to USACE and the NFS to enter upon the property to conduct investigations to determine the eligibility of the property.

A **Participation Agreement (Agreement)** between the NFS and each landowner will be executed to address the plans and specifications unique to the structure, the construction process, voluntary participation, and owner obligations as to title and other project details. The Agreement includes a provision for temporary construction access by the NFS and USACE to accomplish the nonstructural treatments, consequently, a separate Temporary Work Area Easement will not be required.

It is assumed that all eligible properties have legal access by way of public streets or existing public right of way (ROW) and adequate site area to accommodate the staging of required materials and equipment. For the purposes of this REP, the assumption is that no further real estate rights need to be acquired for access to the properties or staging. Should additional ROW be necessary, standard temporary work area or access easements could be acquired.

The proposed legal mechanism to undertake the residential elevation or non-residential floodproofing measures is via a **Perpetual Restrictive Easement**. Louisiana Law and Jurisprudence requires a language variance from the model restrictive easement, and therefore a non-standard Land Use Restriction shall be requested through MVD to HQUSACE Real Estate for approval, in accordance with CECW-ZA Memorandum, Subject: Guidance for Nonstructural Project Planning and Implementation, dated 22 July 2024.

Additionally, a **Perpetual Access Easement** will be required prior to initiation of construction to allow for ingress and egress over private property to inspect and monitor the residential and non-residential structure(s) and project measures to ensure compliance with the restrictive easement.

A nonstandard estate request package will be sent up through MVD to HQUSACE Real Estate for the use of these non-standard estates in accordance with previous nonstructural projects in LA. An estate for non-residential floodproofing has not been approved as of the date of this report. A proposed non-standard estate may need to be submitted through MVD to HQUSACE Real Estate for the floodproofing of non-residential structures.

The estates will be executed between the property owner and the NFS. If a property owner elects not to have the nonstructural treatment performed on their structure and an agreement is not obtained, eminent domain will not be pursued.

The restrictive easement and access easement will be recorded in local land records to run with the land. See Section 4: Estates for additional estate information.

Once construction funds are appropriated for this project, the LADOTD, as the NFS, and the Department of the Army will enter into a project partnership agreement (PPA). After the

signing of a PPA, the NFS will acquire the necessary land, easements, and rights of way to construct the project. The NFS will be responsible for ensuring the requirements of the proposed project are met.

Since the report was prepared during a feasibility level study, the required real estate interests presented are preliminary estimates based only on existing, readily available Geographic Information System data. The LERRD requirements are subject to change with plan optimization during the PED phase when final plans, specifications, and detailed drawings are prepared. Additionally, the Plan is based on previous and on-going USACE projects and studies that contain a nonstructural component in the tentatively selected and recommended plans. Guidance for Nonstructural Project Planning and Implementation was issued on 22 July 2024 and this REP has been updated to incorporate this new guidance. The implementation of the Nonstructural Plan for this study may be modified as additional guidance is issued for the implementation of nonstructural plans and as the study progresses. Please see figure E:2-1 and E:2-2 for a map depicting the location of Preliminary Eligible Structures for the RP.

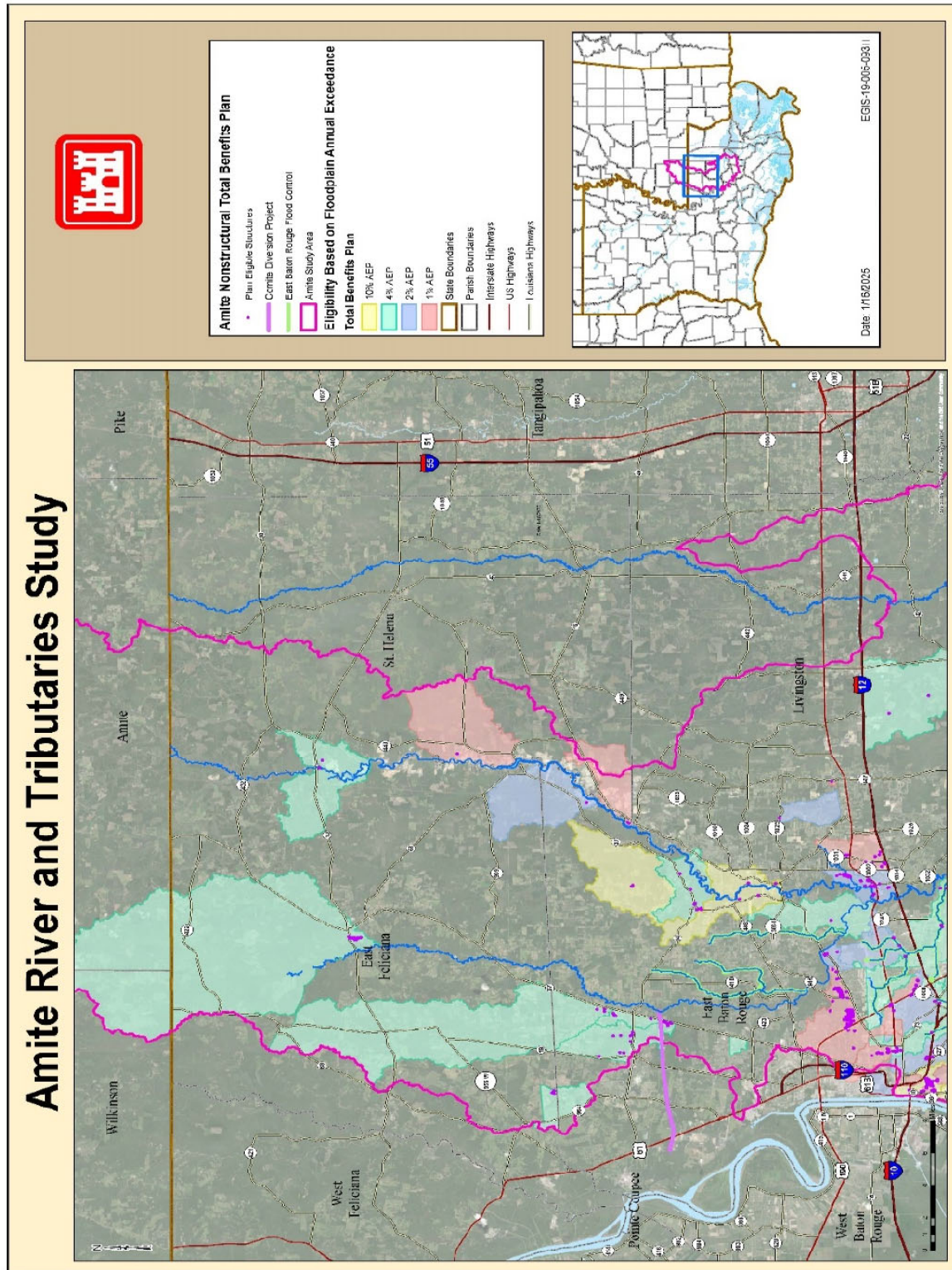


Figure E:2-1. Total Net Benefits Plan with Eligible Structures (RP) – North Section

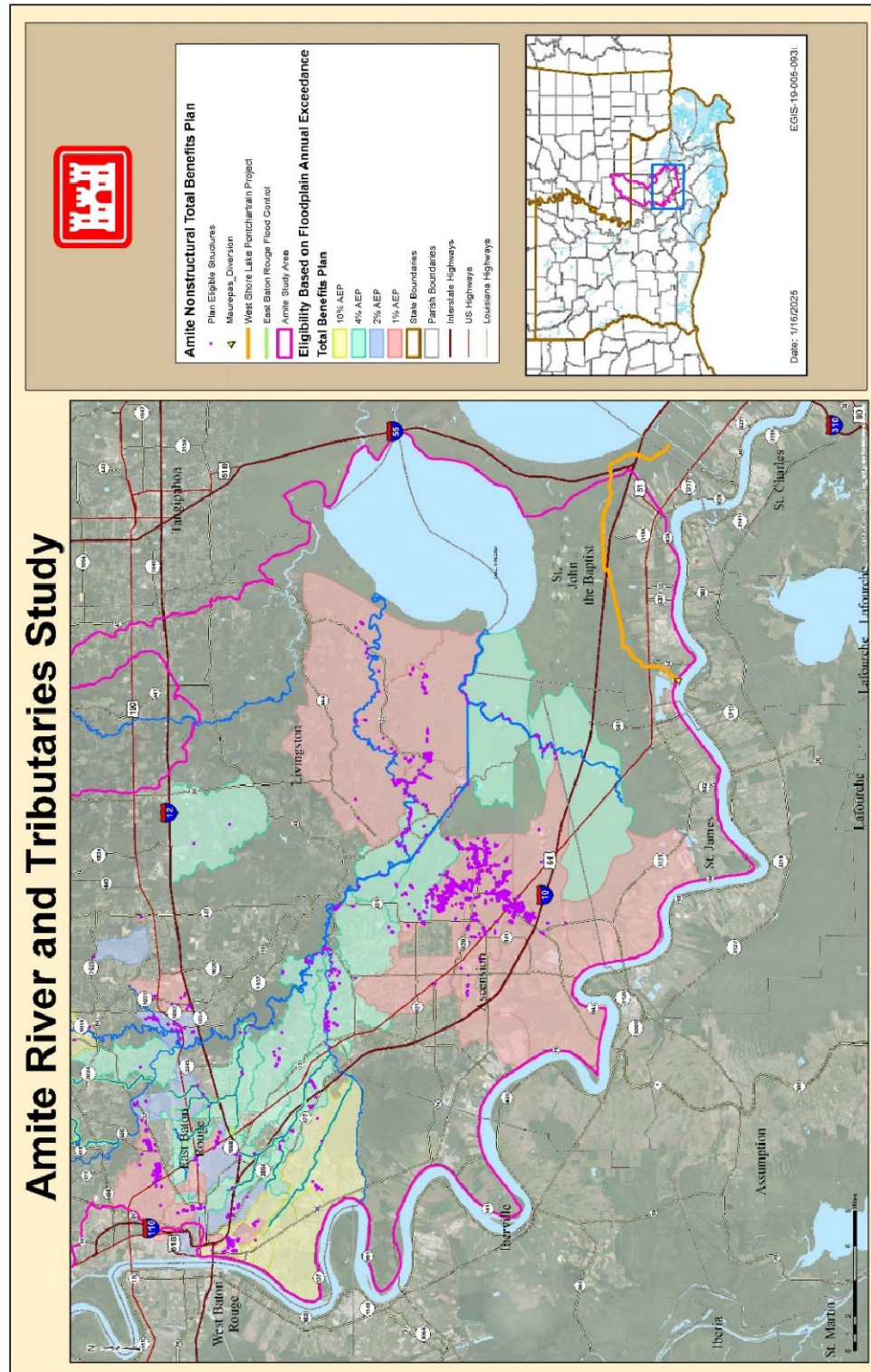


Figure E:2-2. Total Net Benefits Plan with Eligible Structures (RP) – South Section

Section 3

Non-Federal Sponsor Owned LERRD

The non-Federal sponsor (NFS) is the Louisiana Department of Transportation and Development (LADOTD). It is assumed that the NFS sponsor does not own any of the LERRD required for the project.

Section 4

Estates

ESTATES TO BE ACQUIRED

A **Right-of-Entry** for Survey will be needed from each landowner to determine structure eligibility. The ROE is necessary to conduct such property and structural investigations deemed necessary for USACE to determine final eligibility of the structure for participation in the project. These investigations may include structural inspections, surveys, limited environmental testing and site assessments, inspections to verify current elevation and determine elevation requirements.

A **Participation Agreement (Agreement)** between the NFS and each landowner will be executed to address the plans and specifications unique to the structure, the construction process, voluntary participation, and owner obligations as to title and other project details. The Agreement includes a provision for temporary construction access by the NFS and USACE to accomplish the nonstructural treatments. Consequently, a separate Temporary Work Area Easement will not be required to perform the work. The Agreement includes a provision of access to the NFS, their agents and assigns, and contractors to enter in and upon the property to perform construction.

It is assumed that all eligible properties have legal access by way of public streets or existing public right of way (ROW). Further, it is assumed that residential and non-residential properties participating in the program will have adequate site area to accommodate the staging of required materials and equipment. For the purposes of this REP, the assumption is that no further real estate rights need to be acquired for access to the properties or staging. Should additional ROW be necessary, standard temporary work area or access easements could be acquired.

On 22 July 2024, a standard estate was approved for the construction, operation, and maintenance of the nonstructural elevation of residences. Louisiana Law and Jurisprudence requires a language variance from the model restrictive easement, and therefore a non-standard Land Use Restriction shall be requested through MVD to HQUSACE Real Estate (CEHQ-RE) for approval, in accordance with CECW-ZA Memorandum, Subject: Guidance for Nonstructural Project Planning and Implementation, dated 22 July 2024.

A non-standard permanent Restrictive Easement, which has already been approved for other CEMVN nonstructural projects is proposed for the construction, operation, and maintenance of the nonstructural treatment for residential structures. This non-standard **Perpetual Land Use Restrictions Easement** will outline the elevation or floodproofing treatment, identify restrictions owners must take or abstain from to ensure the long-term performance of elevation and floodproofing measures, and contain restrictions and covenants that would run with the land.

The non-residential floodproofing measures also will need a non-standard restrictive easement. The draft easement language for the non-standard restrictive easement for non-residential floodproofing will be submitted through CEMVD to CEHQ-RE as a request for approval of Non-Standard Estate. The Participation Agreement will follow the model participation agreement which was provided with the 22 July 2024 guidance.

Additionally, a nonstandard **Perpetual Access Easement** will be required prior to initiation of construction. Approval for the use of this estate will also need to be requested through CEMVD to CEHQ-RE. The perpetual access easement will allow for ingress and egress over private property for the purpose of inspecting and monitoring the residential and non-residential structure(s) and project measures located on the land to ensure compliance with the restrictive easement.

The estates will be executed between the property owner and the NFS. If a property owner elects not to have the nonstructural treatment performed on their structure and an agreement is not obtained, eminent domain will not be pursued.

Section 5

Existing Federal Projects within LERRD Required for the Project

Federal projects within the study area include:

- Bayou Manchac-Clearing and snagging on Bayou from mouth to below Ward Creek, mile 7.81.
- Comite River-Channel enlargement and realignment on Comite from its mouth to Cypress Bayou at mile 10.
- Blind River-Intermittent Clearing/snagging on Blind River below Lake Maurepas.
- Amite River-Enlargement/realignment between Bayou Manchac (35.75) to control weir at (25.3); intermittent clearing/snagging from mouth Comite (mile 54) to Bayou Manchac (35.75).
- Amite Diversion Channel-Construct weir and diversion 19 miles long from mile 25.3 on the Amite to mile 4.8 on the Blind River. Weir org. design 1,500' at sea level divided into 1,000 & 500' sections and then modified to include 5x20' boat way.

Two authorized USACE construction projects, Comite River Diversion, and the East Baton Rouge Flood Control, are located in or adjacent to the study area and will impact the hydrology of the Amite River Basin when construction is completed. The impacts of these projects are being considered during the feasibility study and the Preconstruction Engineering & Design phase.

Section 6

Federally-Owned Lands within LERRD Required for the Project

None of the LERRD identified in the Recommended Plan is within or overlaps existing Federally owned lands.

Section 7

Federal Navigation Servitude

The navigation servitude is the dominant right of the Federal 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 including navigation and flood control. In 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. There are no project elements proposed within such waters and the project serves no navigation purpose.

Section 8

Project Maps

Located throughout report:

Figure E:1-1. Study Area

Figure E:2-1. Total Net Benefits Plan with Eligible Structures (RP) – North Section

Figure E:2-2. Total Net Benefits Plan with Eligible Structures (RP) – South Section

Section 9

Induced Flooding

The proposed project includes nonstructural solutions only and will not induce flooding in new areas or increase flooding in existing flood-prone areas.

Section 10

Baseline Cost Estimate

The Baseline Cost Estimate for Real Estate (BCERE) establishes the estimated financial costs that are attributed to the RP's real estate requirements. It includes the LERRD acquisition costs, incidental acquisition costs (e.g., surveys, title work, relocation assistance benefits, coordination meetings, etc.), and a risk-based contingency. These estimates are preliminary and may be refined during PED. For planning purposes, the real estate cost estimate is based upon 100% participation. Additionally, it is assumed that 30% of the residential structures are tenant occupied in order to calculate temporary relocation costs for eligible tenants.

The estimated total cost for Real Estate for Plan 4 is \$69,494,000. These costs include administrative costs associated with implementation of the plan and temporary residential relocations of tenants during structure elevation. Real estate tasks associated with elevating (approximately 1,810 structures) and floodproofing (approximately 241 structures) could include such items as obtaining a signed Participation Agreement, title work, preparation, execution, and recordation of the estates and any needed curative documents, residential relocation costs for tenants, and subsequent inspections to ensure the work was performed in accordance with the Project Partnership Agreement (PPA). These costs, which include a contingency, are estimated to be approximately \$34,400 per residential structure and \$30,000 per non-residential structure. Costs of elevating and floodproofing the structures are construction costs and are not included as real estate costs.

The estimated total cost for Real Estate for Plan 2, if a waiver is not obtained, is \$59,128,000. This plan would involve elevating approximately 1,554 structures and floodproofing approximately 189 structures.

Due to the voluntary participation of owners in nonstructural projects, participating owners are not considered displaced persons and are not entitled to compensation for real property interests acquired to protect the integrity of the project feature. As a condition of voluntary participation in a nonstructural project, the owner will release the NFS from any requirement or obligation under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, and its implementing regulations, to be informed of the market value of the restrictive easement and the access easement. USACE believes this approach to be fair and efficient since the owner is not entitled to compensation, the design and construction work is specific to the owner's structure, and the owner is receiving a direct benefit as a result of the project measure being constructed at no cost to them. In essence, the owner is voluntarily granting the easement in exchange for the construction of the nonstructural measure. Therefore, the NFS will not need to acquire a valuation for the easements.

Table E: 10-1. Real Estate Costs

30 Account: Federal Administrative Costs for oversight of NFS Acquisitions	\$13,086,000
01 Account: NFS Administrative Costs for Acquiring Real Property Interests	\$56,408,000

Section 11

P.L. 91-646 Relocation Assistance Benefits

Public Law 91-646 provides uniform equitable treatment of persons and businesses displaced by a Federal or Federally assisted project. PL 91-646 and its implementing regulations at 49 CFR Part 24 (Uniform Act) requires the NFS to provide assistance and certain benefits to be paid to all persons and businesses that are displaced and must be relocated from their residence or place of business due to a Federally funded project.

Participation in a nonstructural plan is voluntary. Property owners who elect to participate are not considered displaced persons and are not entitled to receive relocation assistance benefits (per 49 C.F.R. Section 24.2.a(9)(ii) (E) and 49 C.F.R. Section 24.101(a)(2)). However, tenants who must temporarily relocate because property owners elect to participate may be eligible for relocation assistance benefits. It is unknown at this time how many tenant-occupied properties there are among those properties identified for elevation, however, for planning purposes it is estimated that 30% of the residential structures are tenant occupied. This is in line with what other non-structural studies have used based on market inventory. Tenants who are required to temporarily relocate will be afforded relocation assistance benefits in accordance with Public Law 91-646 guidelines. Relocation assistance costs are included in the estimated BCERE provided in Section 10.

The RP proposes flood-proofing of non-residential buildings. Public records indicate that most of these structures are occupied by one or more businesses. At this time, the floodproofing scope of work is not expected to interrupt business operations and no temporary business relocations of tenant business are expected.

Section 12

Mineral Activity/Timber/Crops

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 project area, but there does not appear to be any present or anticipated mining and drilling activity that may affect project purposes and the operation thereof. There are no known present or anticipated timber harvesting activities within the LERRD required for the RP.

Section 13

Non-Federal Sponsor Capability Assessment

The project requires the acquisition of a non-Standard Perpetual Restrictive Easement and Access easement for residential elevations and non-residential structure measures. All non-standard estates must be approved by CEHQ-RE prior to any NFS acquisitions.

A Capability Assessment of the NFS has been completed and is included as an appendix: please refer to Annex E-1. The NFS, DOTD, has expressed concerns surrounding the uncertainty inherent to a non-structural project, as this is different from typical project acquisition efforts. Many of the NFS's answers in the Capability Assessment are contingent upon what will be written in the OMRR&R Manual and the PPA. The NFS has been highly capable at performing NFS real estate duties in previous projects but has concerns with staffing and financial obligations without knowing the details of the OMRR&R Manual and the PPA.

The NFS is aware of Public Law 91-646 requirements and the requirements for documenting expenses for credit purposes.

If the Recommended Plan is authorized for construction, funded, and implemented, the NFS will be required to execute a PPA with the Department of the Army. The PPA shall outline the items of local cooperation required of the NFS. The PPA requires, among other things, that the NFS provide all real property interests (LERRDs) required for construction, operation, and maintenance of the project. The NFS must also prevent obstructions or encroachments on the project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) that might reduce the level of flood risk reduction the project affords, hinder operation and maintenance of the project, or interfere with the project's proper function.

Section 14

Zoning Ordinances

The nonstructural measures are voluntary in nature and would be available only to existing eligible structures as defined within the RP.

The NFS will be required to undertake certain flood event risk reduction actions to comply with Section 402 of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 701b-12) (Section 402). These actions, include but are not limited to, actions to ensure the NFS government, and municipal and local governments within the parishes develop, comply, monitor, and enforce floodplain management plans, regulations, building codes, land use and zoning regulations, and any other developmental controls that are consistent and compliant with the requirements of Section 402 and the regulations promulgated thereunder. In addition, the NFS shall:

- Inform affected interests of the extent of protection afforded by the authorized plan not less than once each year.
- Participation in and compliance with applicable Federal floodplain management and flood insurance projects.
- Compliance with Section 402 of the WRDA of 1986, as amended (33 U.S.C. 701b-12), including the preparation of a floodplain management plan within one year after the date of execution of the PPA; implementation of such plan not later than one year after completion of construction of the project, or functional elements of the project. The final authorized plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by non-Federal interests to preserve the level of flood risk reduction provided by the completed project. The NFS will provide an informational copy of the plan to USACE once the plan is finalized.
- Publication of floodplain information and provision of the information to zoning and other regulatory agencies for use in adopting regulations, or taking other actions, to prevent unwise future development and to ensure compatibility with the completed project.

Additionally, the NFS will be obligated to prevent obstructions or encroachments on the properties that have been flood proofed (including prescribing and enforcing regulations to prevent such obstructions or encroachments). Presently, many communities within the project area participate in the National Flood Insurance Program (NFIP) (See FEMA Community Status Book, Louisiana, August 2023 [fema.gov/cis/LA.html](https://www.fema.gov/cis/LA.html)). 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 to prevent future flood losses to life and real property. The NFS will be required to coordinate these matters with the local planning commissions.

Section 15

Acquisition Schedule

The nonstructural measures include residential elevations and flood proofing of non-residential structures. Such work would require a right-of-entry, the execution of a Participation Agreement between the landowner and the NFS, and the acquisition of the restrictive easement and access easement. The following administrative functions, among others, would be required: title research, HTRW analysis, and structural condition analysis, and additional property inspections to determine eligibility.

Tasks shown below would likely vary by property. Considering the vast number of structures estimated to be eligible for the nonstructural plan, 8.5 years is estimated as the overall anticipated implementation time required for the total number of structures. This estimate assumes an overlap of the required tasks and this time frame is dependent upon a finalized nonstructural implementation plan, the availability of contractors to perform the elevations and floodproofing measures and assumes that project funding will be available every year. This estimated schedule, which has been coordinated with the NFS, is expected to be refined as more information becomes available during PED and implementation of the authorized project. Refer to Appendix I of the FIFR-EA for a more detailed discussion of the nonstructural implementation plan.

Estimated Schedule per structure:

Right of Entry for Survey	1 month
Obtain a signed Participation Agreement	1 month
Title research/ Review of Title	1 month
Preliminary Investigations (i.e. HTRW, structural, surveys, etc.)	2-3 months
Acquisition of permanent easements	3 months
Filing of easements between landowner & NFS	1 month
Relocation of Displaced Tenants	1 month
Residential elevation or non-residential floodproofing	2 months

The proposed schedule has been coordinated with the NFS, however, the NFS would like additional information from the PPA before agreeing the meet schedule milestones.

Again, the enforcement of the restrictive easements is the sole responsibility of the NFS. The NFS will prepare mass mailings to project participants every ten years providing notice that the structure on the property was elevated by USACE and providing a copy of the perpetual restrictive easements that were acquired. On a rotating schedule, every five years, the NFS will conduct physical inspections of 10% of the structures that have participated in the project.

Section 16

Facility/Utility Relocations

There are no utility or facility relocations anticipated or currently required within the proposed project footprint.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

Section 17

HTRW and Other Environmental Considerations

Investigations will be conducted during the PED Phase to identify the presence of HTRW such as lead paint, friable asbestos and asbestos-containing materials. If any HTRW is identified and the property owner elects to participate in the project, the property owner shall be obligated, at its sole cost and expense, to conduct all necessary response and remedial activities in full compliance with all applicable local, state, and federal regulations and provide proof of same before the nonstructural treatment is performed on their property. No environmental impacts were considered in the LERRD estimate.

The application will include an acknowledgement by the owner that should HTRW be found on the property, the owner understands that until remediation of such contamination is completed, the property will not be eligible to participate in the project. If a Phase I environmental site assessment (ESA) and asbestos investigation report indicates the potential presence of HTRW on the property, the property owner must be notified in writing that the property has been identified as potentially being contaminated with HTRW. The notice must also request the property owner execute a separate right-of-entry for the HTRW investigations and the performance of the Phase II ESA. The notice must advise the property owner that if contamination is found, the property will be removed from the nonstructural project until the contamination is remediated.

Section 18

Landowner Attitude

Generally, there is local support for a project that reduces flood risk and damage. There is no anticipated opposition for the RP since it consists of a nonstructural plan that is 100 percent voluntary. Below is a list of public meetings that have been held:

- A NEPA stakeholder meeting was conducted by USACE on December 3, 2018, at the USGS Baton Rouge, Louisiana office. A subsequent reconnaissance meeting was conducted on December 10, 2018, with the NFS and resource agencies at the at CPRA's Baton Rouge, Louisiana office. Federally-Recognized Tribes were invited but were unable to attend. A follow up meeting was held on January 7, 2019. Additionally, a public scoping meeting was conducted on January 10, 2019, at CEMVN with Facebook live streaming, where feedback was requested as well. Feedback from the public scoping meeting resulted in the identification of three additional measures.
- Three public scoping meetings were conducted within the study area on April 24 and 25, 2019 with Facebook live streaming.
- A meeting was conducted on June 18, 2019, with collaborative stakeholders, the NFS, resource agencies, and Federally-Recognized Tribes to present the preliminary final array of alternatives and the screening rationale of the alternatives that were screened.
- Two public meetings were conducted within the study area Dec. 17 and 18, 2019 seeking feedback on the TSP and Draft Report. These meetings were also streamed live on the MVN Facebook account.
- After the additional resources were approved to reassess the dry dam and further evaluate nonstructural alternatives, community outreach meetings were conducted on February 28, 2023, and March 1, 2023, to inform and engage residents about the flood risk reduction measures, which included the Nonstructural Plan.
- Additional community outreach was conducted for general public meetings on January 16 and 17, 2024 that focused on the second draft report release.

Section 19

Risk Notification

A risk notification letter was sent to the NFS on 22 February 2024. The NFS was notified in writing about the risks associated with acquiring real property rights before the execution of the Project Partnership Agreement and the Government's formal notice to proceed with acquisition. Please refer to Annex E-2 for a copy of the Risk Letter.

Section 20

Other Real Estate Issues

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

Prepared By:

Erin C. Rowan
Review Appraiser
USACE-MVN

Approved By:

Todd M. Klock
Chief, Real Estate Division Acquisitions Branch
Real Estate Contracting Officer
USACE-MVN

20.1 ANNEX E-1: NFS CAPABILITY ASSESSMENT

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

AMITE RIVER AND TRIBUTARIES EAST OF THE MISSISSIPPI RIVER, LA

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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? N/A This project requires voluntary participation by property owners.
- c. Does the sponsor have "quick-take" authority for this project? N/A, see "1.b." above.
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? No, based on information furnished.
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? N/A, see "1.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? Unknown until further details of the project requirements are known including specifics of the OMRR&R Manual and the PPA.
- d. Is the sponsor's projected in-house staffing level sufficient considering its other

workload, if any, and the project schedule? No.

- e. Can the sponsor obtain contractor support, if required in a timely fashion?
Unknown until further details of the project requirements are known including specifics of the OMRR&R Manual and the PPA.
- f. Will the sponsor likely request USACE assistance in acquiring real estate? It is possible that USACE assistance will be needed in acquiring real estate. This will be determined once further details of the project requirements are known including specifics of the OMRR&R Manual and the PPA.

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site?
Until further details of the project requirements are known including specifics of the OMRR&R Manual and the PPA the location of available staff cannot be determined.
- b. Has the sponsor approved the project/real estate schedule/milestones? No. Estimates of the project/real estate schedule/milestones cannot be made until further details of the project requirements are known including specifics of the OMRR&R Manual and the PPA.

Estimates Below:

Estimated Schedule per structure:

Right-of-Entry for Investigations (To Determine Eligibility)	1 month
Obtain a signed Participation Agreement	1 month
Title research/ Review of Title	1 month
Preliminary Investigations (i.e. HTRW, structural, surveys, etc.)	2-3 months
Acquisition of permanent easements & subordinations	3 months
Filing of easements between landowner & NFS	1 month
Relocation of Displaced Tenants	1 month

Based on approximately 2,051 structures: approximately 1,810 residential structures and 241 nonresidential structures for a total duration of 8.5 years.

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. Highly Capable but not staffed to meet project timelines and workload.

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? Yes.

b. Does the sponsor concur with this assessment? (yes/no) Yes.

Prepared by:



Erin C. Rowan
Review Appraiser
US Army Corps of Engineers

Approved by:



Charles McBride
Right of Way Administrator
LA Department of Transportation

20.2 ANNEX E-2: NFS RISK LETTER



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118-3651

February 21, 2024

REPLY TO
ATTENTION OF

Real Estate Division

SUBJECT: Risk Letter for AMITE RIVER AND TRIBUTARIES, EAST OF THE MISSISSIPPI
RIVER, LOUISIANA
SUPPLEMENTAL SECOND DRAFT INTEGRATED FEASIBILITY REPORT WITH
ENVIRONMENTAL ASSESSMENT

Mr. Terrence J. Donahue
Secretary, LA Department of Transportation
and Development
DOTD Headquarters
1201 Capitol Access Road
Baton Rouge, LA, 70802

Dear Mr. Donahue,

This letter serves to ensure the LA Department of Transportation and Development (DOTD) is fully informed should they decide to move forward with the acquisition of right-of-way (ROW) for the above referenced project prior to a Project Partnership Agreement (PPA) and an official request for an Authorization for Entry (AFE) to the ROW required for the construction of the project.

If LADOTD deems it necessary to commence acquisition of Land, Easements, Rights-of-Way, Relocations, and Disposal (LERRD) prior to an executed PPA and the Government's notice to proceed with acquisition of required ROW, the Non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort. 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 Non-Federal sponsor and the Government may not be executed and implemented;
- d. The Non-Federal sponsor 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 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended;

- e. The Non-Federal Sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient or otherwise not required for the project;
- f. The Non-Federal Sponsor may incur costs or expenses in connection with its decision to acquire or perform acquisition in advance of the Government's notice to proceed, which may not be creditable under the provisions of P.L. 99-662 or the PPA.

Pursuant to all that is stated above, the United States Army Corps of Engineers (USACE) does not have official guidance on the Non-Standard Estate (NSE) for the proposed Non-Structural project at this time. The NSE is being sent to USACE Headquarters and is not yet approved for this project. Further guidance will be forthcoming.

If you have any questions or need additional information, please contact Mrs. Erin Rowan at (504) 862-2183 or erin.a.clark@usace.army.mil.

Sincerely,

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HAEL.1266412467

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Todd M. Klock
Chief, Acquisition Branch
Real Estate Division
Real Estate Contracting Officer

cc at DOTD:

Mr. Chuck McBride

Mr. Billy Williamson

Ms. Heather Corsentino

Ms. Donna Stinson

Mr. Edward Knight