

# **APPENDIX C**

## **REAL ESTATE PLAN**

### **Supplemental Draft Integrated General Reevaluation Report and Environmental Impact Statement**

#### **Mississippi River, Baton Rouge to the Gulf of Mexico Mississippi River-Gulf Outlet, Louisiana, New Industrial Canal Lock and Connecting Channels Project**



**MAY 2025**

**ORLEANS PARISH, LOUISIANA**

## TABLE OF CONTENTS

1. Project Purpose, Authorization, Location, and Description	1
2. Lands, Easements, Rights-of-Way, Relocations, and Disposals Required for the Project	10
2.1. Lands Owned in Fee	11
2.2. City Rights-of-Way and State Rights-of-Way	13
2.3. Privately-Owned Lands to be Acquired	13
3. Non-Federal Sponsor Owned LERRDS	17
4. Estates Required for the Project	17
5. Existing Federal Project(s) and Ownerships	18
6. Federally Owned Lands	19
7. Navigation Servitude	19
8. Induced Flooding	19
9. Baseline Cost Estimate for Real Estate	19
10. Uniform Relocation Assistance (PL 91-646, Title II, as amended)	20
11. Timber/Minerals/Row Crop Activities Impacted	21
12. Project Sponsor/Non-Federal Sponsor Capability Assessment	21
13. Zoning in Lieu of Acquisitions	21
14. Real Estate Acquisition Schedule	21
15. Utility and Facility Relocations	22
16. Hazardous, Toxic, and Radioactive Waste	24
17. Landowner Attitude	25
18. Non-Federal Sponsor Notification of Risks	26
19. Other Relevant Real Estate Issues	26
20. Review and Approval	27

## LIST OF TABLES

Table 1 – LER Required for the Recommended Plan .....	10
Table 2 - Estimated LERRDs Costs for the Recommended Plan .....	20
Table 3 – Facilities and Utilities Within Project Area.....	23

## LIST OF FIGURES

Figure 1 - Project Location.....	5
Figure 2 - Project areas previously acquired by the United States.....	6
Figure 3 - Location of existing (yellow) and proposed (red) locks within the IHNC .....	7
Figure 4 - Proposed new lock location with the existing lock removed.....	8
Figure 5 - Overall Recommended Plan .....	9
Figure 6 - Required ROW along St. Claude Avenue .....	14
Figure 7 - Required ROW along St. Claude Avenue West side of IHNC.....	15
Figure 8 - Required ROW along St. Claude Avenue East side of IHNC.....	16
Figure 9 - Proposed Bonnet Carré Borrow Sites .....	17
Figure 10 - Existing MRL Floodwalls.....	25

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### **1. PROJECT PURPOSE, AUTHORIZATION, LOCATION, AND DESCRIPTION**

The Mississippi River, Baton Rouge to the Gulf of Mexico Mississippi River-Gulf Outlet, Louisiana, New Industrial Canal Lock and Connecting Channels Project (also referenced as the Inner Harbor Navigation Canal lock or IHNC lock) is in southeastern Louisiana within the city of New Orleans. The lock and channel connect the Mississippi River with the Gulf Intracoastal Waterway (GIWW), the closed Mississippi River – Gulf Outlet (MRGO), and Lake Pontchartrain. It is a major link from the Mississippi River to the GIWW, which is an inland navigation channel connecting ports along the Gulf of America from Brownsville, Texas to Apalachicola Bay, Florida. The existing 640 feet long by 75 feet wide by -31.5 feet deep (NAVD88) lock was completed by non-Federal interests in 1923 and has been dimensionally inadequate to handle traffic since 1970. Due to increasing maintenance issues and its small size, the lock is subject to closures and congestion resulting in long delays for waterborne traffic.

A previous Real Estate Plan (REP) was prepared as part of the 1997 Evaluation Report and Environmental Impact Statement for the project: Mississippi River – Gulf Outlet New Lock and Connecting Channels Evaluation Report – Real Estate Supplement, Volume 8 of 9, Appendix F, March 1997. Real estate acquisitions (based on the 1997 approved design for a deep draft replacement lock) took place between 2000 and 2002. A reevaluation study of the lock replacement was required due to changes in the statutory authority for the lock replacement project and changes in existing conditions, including, but not limited to, impacts to the project area as a result of Hurricane Katrina, navigation industry response to the 2009 closure of the MRGO to traffic via the Gulf of America, changes to the size and types of navigation traffic using the lock and canal, forecast methodology, commodity movements and transportation costs. The reevaluation study resulted in the selection of a shallow draft lock as the Recommended Plan (RP) in the General Reevaluation report (GRR). A Draft REP prepared in 2017, in support of the Draft Integrated GRR and Supplemental Environmental Impact Statement (SEIS), described the Tentatively Selected Plan (TSP). The 2017 TSP included a temporary St. Claude Avenue Bridge to be built north of the existing St. Claude Avenue Bridge to be used for St. Claude Avenue access over the IHNC while the new permanent bridge was being built. Under the 2017 TSP, the new St. Claude Avenue Bridge would have been built in its existing location after demolition of the existing bridge. Once the new permanent St. Claude Bridge was constructed and operational, the TSP provided for the demolition of the temporary bridge. Under the 2017 TSP recommendation for St. Claude Avenue Bridge construction, no residences were to be displaced—either by construction of the permanent bridge or by the construction and demolition of the temporary bridge. This changed with the current RP, which features construction of a permanent St. Claude Avenue Bridge just north of the existing bridge and demolition of the existing bridge. The design of the permanent bridge's west ramp would necessitate the acquisition of three residential properties.

This Supplemental Draft Integrated GRR & SEIS incorporates the prior reports regarding the lock replacement by reference (the prior reports are attached to the GRR in the appendices) and presents a synopsis of the results of prior studies within the body of the main Supplemental Draft Integrated GRR & SEIS report. Additionally, the Supplemental Draft Integrated GRR & SEIS performed further analysis to address the feasibility of improving navigation between the Mississippi River in New Orleans, Louisiana and the GIWW by the construction, operation, and maintenance of a replacement lock.

This REP is submitted to outline real estate interests required for construction of the proposed project described as the RP. The information contained herein is for planning purposes only and supersedes all prior REPs for the project. This REP conforms to Chapter 12 (ER 405-1-12) requirements, CECC-R Bulletin 13-1: Preliminary Attorney's Opinion of Compensability, dated January 14, 2013, Real Estate Policy Guidance Letter No. 31- Real Estate Support to Civil Works Planning Paradigm (3x3x3), dated January 10, 2019, Regulation No. 405-1-16 Relocation Assistance Program dated January 31, 2014, and is an Appendix to the Draft Integrated GRR and SEIS.

The original authority for replacement of the existing Industrial Canal lock was enacted by Congress as an element of the MRGO feature of the Mississippi River, Baton Rouge to the Gulf of Mexico Project in Chapter 112, Public Law 455, 84th Congress, 2nd Session, approved 29 March 1956. The 1956 Act authorizing legislation provided, "...that when economically justified by obsolescence of the existing Industrial Canal lock or by increased traffic, replacement of the existing lock or an additional lock with suitable connections is hereby approved to be constructed ... with type, dimensions, and cost estimates to be approved by the Chief of Engineers ..." Section 186 of the Water Resources Development Act (WRDA) of 1976 (PL 94-587) provided that the construction of bridges associated with the construction of the MRGO channel was made a Federal responsibility. The 1956 authorization was further modified by the Water Resources Development Act of 1986 (WRDA 1986) in Section 844, to provide, among other things, for the project to be subject to an authorized cost that is subject to the limits of Section 902 of WRDA 1986.

Recognizing the impacts the construction of the lock replacement project would have on the surrounding four (4) neighborhoods, Congress authorized development of a Community Impact Mitigation Plan (CIMP) in WRDA 1996 Section 326. Due to both existing and anticipated traffic delays associated with bridge crossings of the IHNC, Congress also authorized the development of a Traffic Mitigation Program (TMP) in WRDA 2007, Section 5083. A CIMP was developed and approved in the 1997 Evaluation Report and some features of the plan were implemented prior to Hurricane Katrina.

The New Orleans District Corps of Engineers (CEMVN) recognizes the continued need for the CIMP and the TMP. Because the neighborhoods surrounding the IHNC are much changed since the CIMP was originally developed and because the RP has also changed, the previously approved CIMP has been revised and updated. If the RP identified in this GRR and SEIS is approved and funded, both the CIMP and the TMP would be finalized and/or amended contemporaneously with final lock design actions and would be implemented concurrent with project construction. Funding of the RP depends on both Congressional and administrative action to provide project funds to the CEMVN, and action by the Inland Waterways Users Board to allocate Federal funds from the Inland Waterways Trust Fund. Based on existing navigation infrastructure demands and priorities, allocation of funding may not occur for several years after the final approval of the final GRR/SEIS. Refining and implementing the CIMP and TMP after allocation of funding and concurrently with

final lock design activities ensures that decisions regarding those plans would accurately account for current conditions closer to the time of construction regarding existing and project-related traffic patterns/volumes and the current CIMP-related needs/conditions in the statutorily designated CIMP neighborhoods.

The Real Estate Division would continue to be involved in the additional analyses and refinement of the CIMP and TMP during Preconstruction Engineering and Design (PED). It is possible that an amendment to this REP would be necessary to address the real estate requirements which may arise due to the refined plans developed during those efforts. The finalized CIMP and TMP, when implemented, may require further action by the Real Estate Division.

There are currently no identified NFSs for this project. Construction of the project including the St. Claude Avenue bridge relocation and implementation of the CIMP and TMP features would be 100% federal costs. The cost allocations for this project were set forth in the WRDA of 1986 requiring one-half of the federal cost to be paid from the Inland Waterways Trust Fund and one-half to be paid from the Congressional appropriations and programming of funds to USACE for this project.

While there is no Non-Federal Sponsor (NFS) for the construction and Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) of the lock replacement structure and canal, many of the CIMP and TMP features would require designations of NFSs for the features to be implemented, and for OMRR&R after construction. If the project is authorized and funded, the USACE would execute Project Partnership Agreements (PPAs) with identified NFSs prior to implementation of the CIMP and TMP features. Because the Port of New Orleans currently has the responsibility to operate and maintain the existing St. Claude Ave. bridge, prior to construction of the new bridge, the Government will enter into an agreement with the Port of New Orleans outlining the Port's continued responsibility to operate and maintain the new St. Claude Ave. bridge.

See Chapter 1, Introduction of the main report for a full description of the authorities for the project.

Located in Orleans Parish, the IHNC is situated between the St. Claude and Bywater Historic District neighborhoods to the West of the canal and the Lower Ninth Ward and Holy Cross Historic District neighborhoods to the East of the canal. These neighborhoods are among the oldest in New Orleans with two designated as historic districts listed on the National Register of Historic Places (Bywater and Holy Cross neighborhoods). The Florida Avenue Bridge forms the northern border of the IHNC lock complex, and the project is on the east bank (left descending) of the Mississippi River. Figure 1 – Project Location depicts the area of the project within the City of New Orleans. The existing lock is located just north of the St. Claude Avenue Bridge and south of the Claiborne Avenue Bridge. The proposed new lock location is just north of the Claiborne Avenue Bridge and south of the Florida Avenue Bridge. Both the existing and proposed lock locations are shown in Figure 3.

The 2025 RP described in this REP involves replacing the existing lock with a cast-in-place, shallow-draft navigation lock, 900 feet long by 110 feet wide by -22 feet (NAVD88), to be located north of the current lock and the existing Claiborne Avenue Bridge. The RP also includes a new, low-level double bascule bridge at St. Claude Avenue just north of the existing St. Claude Avenue Bridge, bypass channels at the new lock site during construction and at the existing lock during demolition, a

cofferdam at the new lock location, and disposal of dredged material suitable for aquatic disposal into the Mississippi River via a pipeline. Material not suitable for discharge into the Mississippi River would be bucket dredged and disposed in a solid waste commercial landfill. The RP also includes plans for the realignments of portions of the Mississippi River and Tributaries, Mississippi River Levee (MR&T, MRL) system for flood risk reduction and the Lake Pontchartrain and Vicinity, Louisiana Hurricane Storm Damage Risk Reduction project structures that are adjacent to the existing lock to accommodate and tie into the new lock north of the existing lock. Borrow material required for the project has been preliminarily identified as being sourced from the Bonnet Carré Spillway owned in fee by the Government. Demolition and removal of the existing lock and bridge are also included in the RP, along with implementation of the revised CIMP and TMP.

See Chapter 4, RP of the main report for a full description of the proposed project.



Mississippi River, Baton Rouge to the Gulf of Mexico Mississippi River-Gulf Outlet,  
Louisiana, New Industrial Canal Lock and Connecting Channels Project

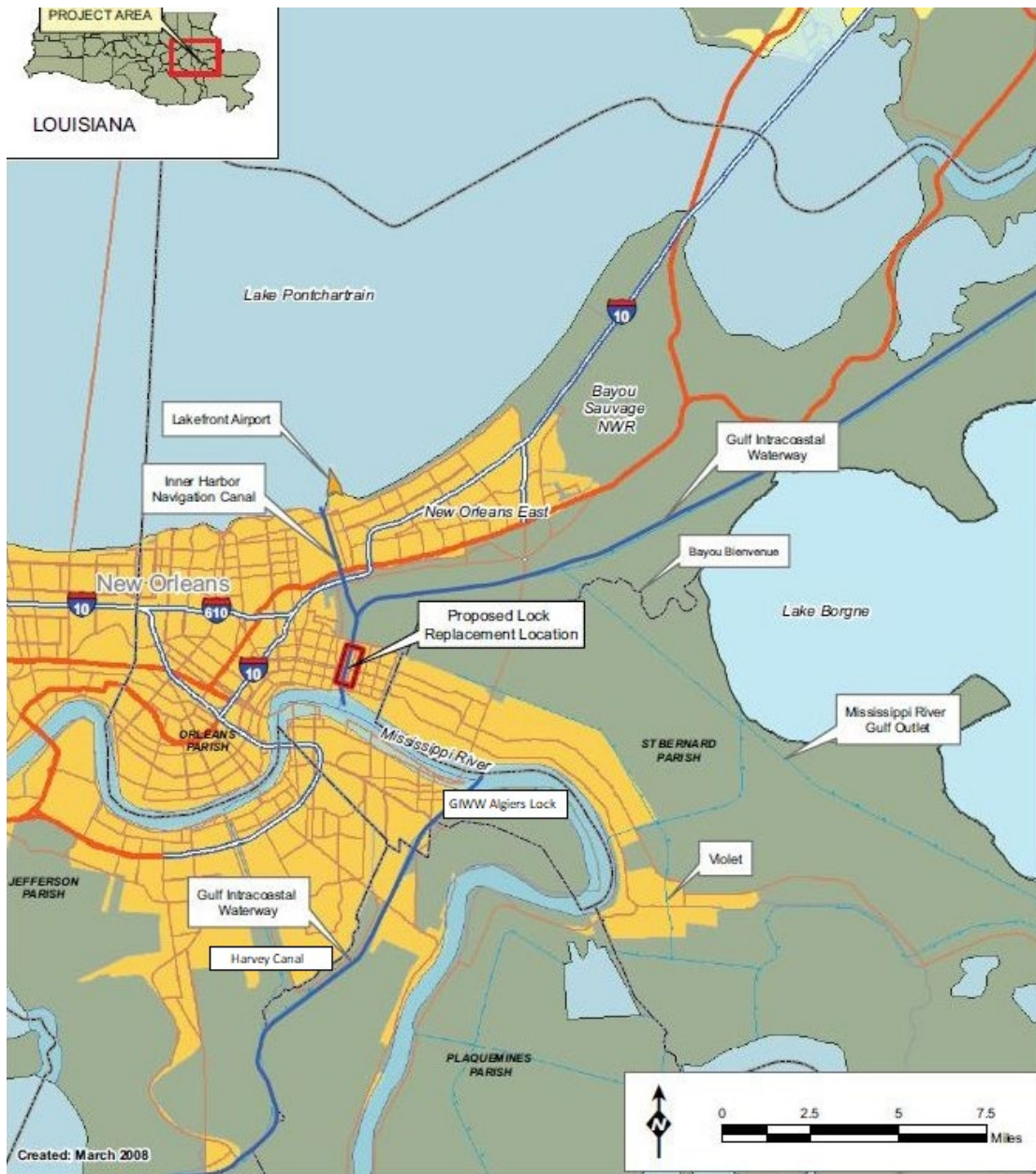


Figure 1 - Project Location



Mississippi River, Baton Rouge to the Gulf of Mexico Mississippi River-Gulf Outlet,  
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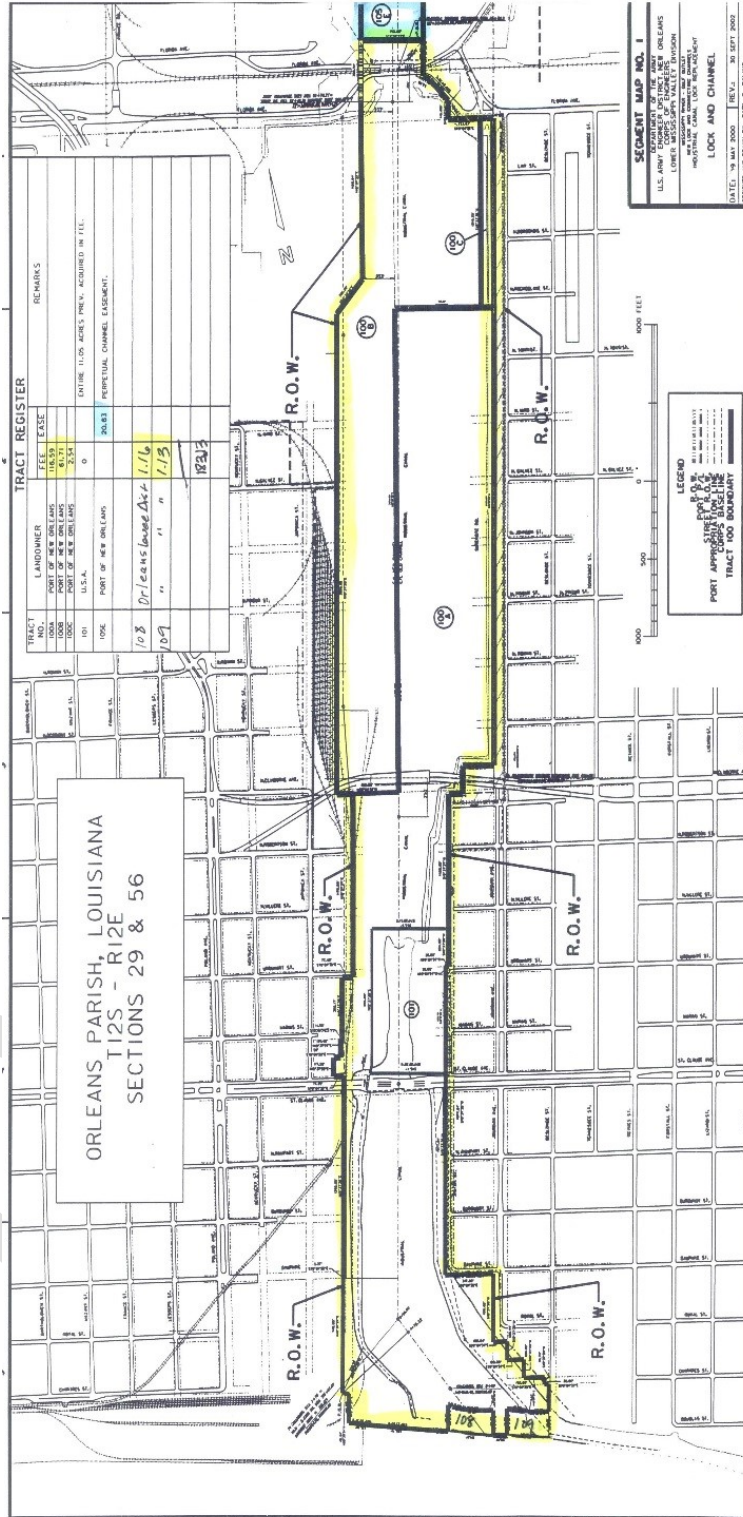


Figure 2 - Project areas previously acquired by the United States (yellow indicates fee acquisition and blue is easement acquisition)



Figure 3 - Location of existing (yellow) and proposed (red) locks within the IHNC



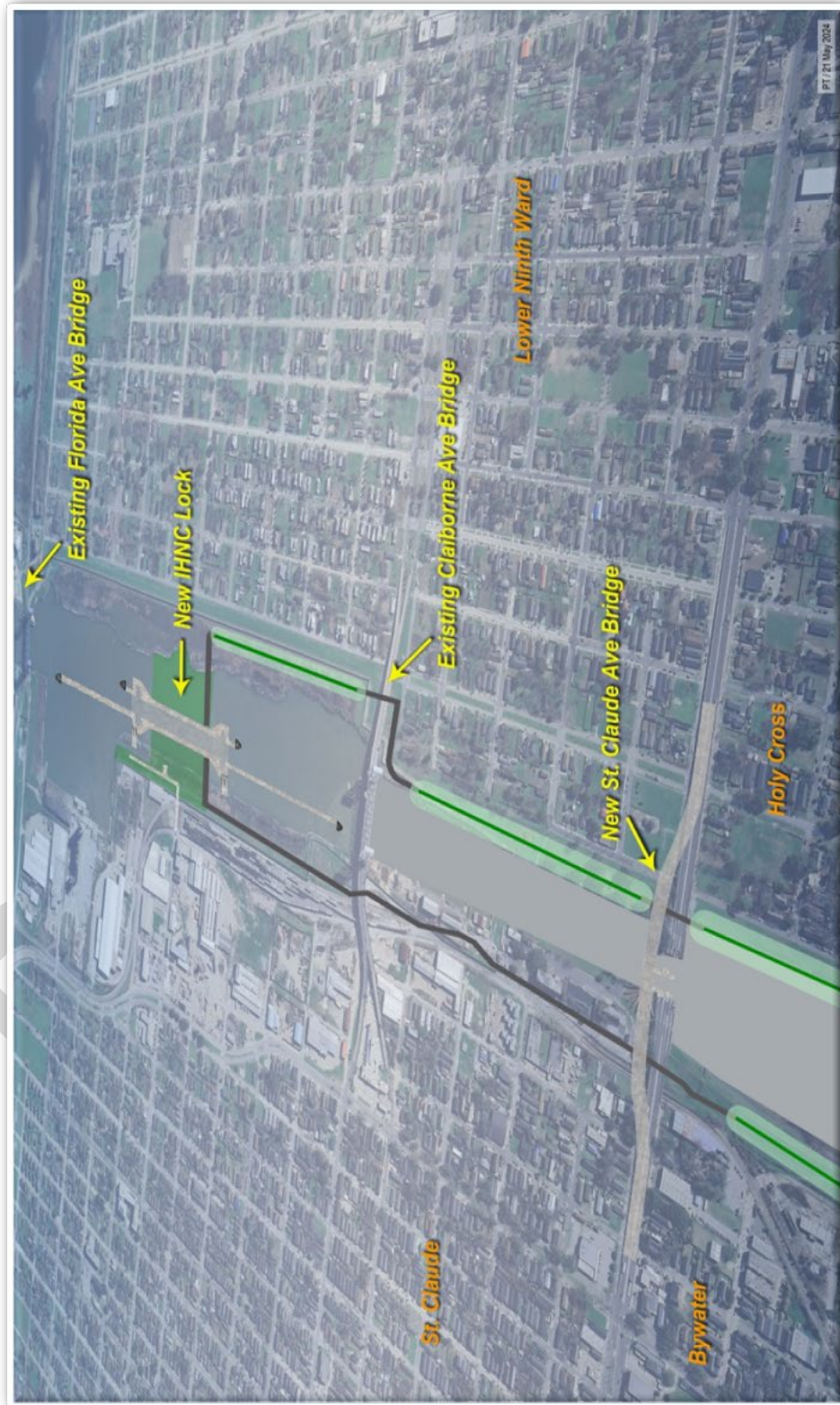


Figure 4 - Proposed new lock location with the existing lock removed





## 2. LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATIONS, AND DISPOSALS REQUIRED FOR THE PROJECT

The majority of the IHNC Project area, approximately 135 acres (levee/floodwall on the west side, the waterway (channel), lock structure, and the levee/floodwall on the east side; and from the Mississippi River on the south end to the northern most point of the project near Florida Avenue Bridge) is owned in fee by the United States (Section 2, Figure 2). A portion of the channel north of Florida Avenue ( $\pm 25.8$  acres adjacent to the fee-owned area) is encumbered with a perpetual channel easement in favor of the United States, which was granted by the Port of New Orleans to the Corps of Engineers. The St. Claude Avenue Bridge (LA 46) is operated and maintained by the Port of New Orleans.

For the new St. Claude Avenue Bridge, approximately 0.53 acre of new, fee simple, excluding minerals (with restrictions on use of the surface) ROW is required along the north side of the existing western St. Claude Avenue Bridge ramp. This would require  $\pm 0.39$  acre of private land within three (3) ownerships and would impact three (3) residential structures containing a total of four (4) residential units. An additional  $\pm 2.79$  acres would be required as temporary work area easement within existing City and State ROW for the western bridge ramp. Approximately 0.83 acre of new, fee simple, excluding minerals (with restrictions on use of the surface) ROW is required from a site owned by the City of New Orleans along the north side of the eastern St. Claude Avenue Bridge ramp. An additional  $\pm 3.61$  acres would be required as temporary work area easement within existing City and State ROW for the eastern bridge ramp. Additionally, approximately 47 acres of vacant land would be required for the borrow material needed for the levee construction. Preliminarily, the required borrow area(s) would be sourced from two borrow sites identified within the Bonnet Carré Spillway containing 45 and 18.5 acres owned in fee by the United States.

Table 1 – LER Required for the Recommended Plan

Feature	Description	Interest to be Acquired
New Lock Site/Control House, Maint. & Admin. Bldg., Machinery Bldg. w/emergency generators, Paint Shed, parking lot & access road(s)	Cast-in-place, shallow-draft lock, and miscellaneous site improvements	N/A-Owned in Fee
Cofferdam – North (new lock)	In immediate area of new lock	N/A-Owned in Fee
Temporary Bypass North	East of the new lock	N/A-Owned in Fee
Existing Lock Site - Demo	Existing lock and associated buildings and support facilities would be demolished once the new lock is fully operational	N/A-Owned in Fee
Temporary Bypass South	East of existing lock	N/A-Owned in Fee
Re-alignment MR&T Flood Risk Reduction and LPV HSDRRS	Re-alignment of MR&T levees/floodwalls along the IHNC between new lock and Mississippi	N/A-Owned in Fee. Authorizations for Entry (AFE) from

	River and LPV levees/floodwalls to tie into the north side of the replacement lock	NFSs for LPV & MR&T projects may be required.
Access, Staging, and Parking	Immediately adjacent to the IHNC within existing ROW	N/A-Owned in Fee
Dredging Pipeline (from both lock sites and temporary bypass channels)	For material suitable for disposal into the Mississippi River	N/A-Owned in Fee
St. Claude Ave. Bridge (new)	A low-level double bascule bridge would be constructed north of existing bridge	N/A-Owned in Fee
St. Claude Ave. Bridge (existing)	Existing bridge operated and maintained by the Port of New Orleans; St. Claude Avenue (LA Highway 46) is part of the LA Highway System and maintained by the LA Department of Transportation and Development (LaDOTD)	GPU (Port of New Orleans / State)
New Eastern St. Claude Ave. Bridge Ramp - $\pm 0.83$ acre	$\pm 0.83$ acre required within area owned by the City of New Orleans' Sewerage & Water Board (S&WB)	Fee, excluding minerals
New Western St. Claude Ave. Bridge Ramp $\pm 0.53$ acre	$\pm 0.53$ acre required including $\pm 0.39$ acre of private land required from three (3) ownerships with three (3) residential structures to be acquired. Potential relocation benefits for four (4) residential units in accordance with P.L. 91-646	Fee, excluding minerals
St. Claude Ave. Corridor: West 2.79 acres East 3.61 acres (Temporary Work Areas)	St. Claude Ave. (LA Highway 46) LA Highway System maintained by LaDOTD, and the St. Claude Avenue Service Road, a City of New Orleans roadway	GPU from the State and City
Borrow Material - $\pm 47$ acres	Borrow material required for construction of the new levees and modification of the existing levees	N/A-Owned in Fee (Bonnet Carré Spillway)

## 2.1. Lands Owned in Fee

**New Cast-In-Place, Shallow-Draft Lock, Control House, Maintenance & Administrative Building, Machinery Building with Emergency Generators and Paint Shed, Cofferdam and Temporary Bypass Channel** – A bypass channel would be dredged east of the new lock site to reroute marine traffic during construction of the new lock. Some of the east bank may need to be removed but would be within existing ROW. A cofferdam would be built around the area of the new lock (See red area in Figure 3) with water collected by the unwatering going into the IHNC. The new lock would be 900 feet long by 110 feet wide by -22 feet deep.

During the PED phase of the project, the CEMVN Engineering Division (ED) would design and layout in further detail the various buildings to be constructed as part of the new lock. CEMVN-ED would work with CEMVN Operations Division (OD) to determine the logistics and suitable locations for the proposed structures. The structures and buildings include a Control House, Maintenance & Administration Building, Machinery Building with Emergency Generators, and Paint Shed. These buildings (and additional associated structures and facilities as determined necessary during PED) are required to maintain the operation and functionality of the lock. In addition, site access roads would be constructed for ingress and egress to these structures.

Most of the project site area was previously acquired in fee by the United States from the Port of New Orleans. (Section 2, Figure 2 - Project areas previously acquired by the United States).

**Existing lock demolition and new flood risk reduction measures** – Once the new lock becomes operational and all new levees and floodwalls are constructed, the old lock would be put into pass-through mode. It is expected that it would take approximately 18 months to demolish the old lock with associated support structures and facilities, and the structural material hauled away to be salvaged or scrapped. Some materials would be hauled away and salvaged/scrapped while some elements may be retained and preserved for future use in the History Center or in an interpretive effort. Flood risk reduction levees and floodwalls would be extended on the IHNC between the new lock location and the Mississippi River to allow the existing MR&T, MRL feature structures to tie into the river-facing (south) side of the replacement lock at its new location. The realignment is necessary to ensure the continued provision of the authorized level of flood risk reduction by flood risk reduction features of the MR&T MRL. The Lake Pontchartrain and Vicinity (LPV) project levees and floodwalls on the lake-facing (north) side would be reduced due to the northward shift of the lock and would tie into the lake facing side of the new lock. The lands required for the extension of the levees/floodwalls would be within the area owned by the United States in fee.

**Access, construction staging areas, and parking** – The majority of the access, construction and staging areas, and parking areas would be within United States fee-owned land. Access to the project would be through public streets. A portion of the access and staging for the St. Claude Bridge alignment is described below in Section 3.3, Privately Owned Lands to be Acquired.

**Dredging pipeline** – Dredged material suitable for aquatic disposal would be dredged from the canal and transported via a pipeline to be disposed of in the Mississippi River, used as backfill, or for construction. The pipeline would run from the lock/channel site south to the Mississippi River. Material not suitable for aquatic disposal would be transported to a solid waste commercial landfill in another part of the city. There is no real estate acquisition associated with disposing material in a landfill.

**Borrow** – Approximately 47 acres of vacant land is required for the borrow material needed for the new levee construction and modification of the existing levees. The ±47 acres required for borrow has been preliminarily identified within the Bonnet Carré Spillway owned in fee by the United States (Figure 9 - Proposed Bonnet Carré Borrow Sites).



## 2.2. City Rights-of-Way and State Rights-of-Way

**St. Claude Avenue Bridge:** The existing St. Claude Avenue Bridge would be replaced with the construction of a new, low-level, double bascule bridge located just north of the existing bridge to meet U.S. Coast Guard and LaDOTD requirements and the existing St. Claude Avenue Bridge would be demolished. Approximately 7.37 acres required for the new bridge, ramps and staging or construction areas are either within City of New Orleans owned lands (including Department of Public Works Street rights-of-way and/or the S&WB), or lands owned by the state (including the Port of New Orleans and the LaDOTD).  $\pm 0.14$  acre would be acquired in fee, excluding minerals from the Port and  $\pm 0.83$  acre would be acquired in fee, excluding minerals from the S&WB. An Authorization for Entry (AFE) would be requested from the City, and a Grant of Particular Use (GPU) shall be obtained from the State for the remaining areas required as temporary work areas. The GPU allows use, entry, access, and construction for a specific project footprint on state-owned lands. A  $\pm 0.39$ -acre portion of land for the western bridge ramp falls within privately owned lands as described in Section 2.3 of this appendix.

**All Construction:** An AFE/GPU would also be required from the City and State, affecting various City and State properties and ROWs within the project areas for lighting improvements prior to construction as well as for street re-surfacing, repairs, and maintenance prior to and during construction due to construction related traffic.

## 2.3. Privately-Owned Lands to be Acquired

**St. Claude Bridge Ramp, Access, and Construction Staging Areas** – a portion of the new St. Claude Avenue Bridge access ramp and a staging area for construction would take place within privately owned lands. Three (3) residential homes located on the north side of St. Claude Avenue, west of the IHNC are within the work/ramp area for the new St. Claude Avenue Bridge. The combined site area of the three private ownerships is approximately 16,965 square feet or  $\pm 0.39$  acre. Two of the homes are potentially eligible as contributing elements to the Bywater National Register Historic District. If the structures are determined to be eligible and if moving the structures is practicable, funding may be provided to move these homes to other locations, potentially within the historic district, in which event sites would have to be purchased for placement of the two historic structures. It has not been determined whether these structures would be moved or demolished. The determination would be made during PED. Figures 6-8 show the new ROW required for the project.

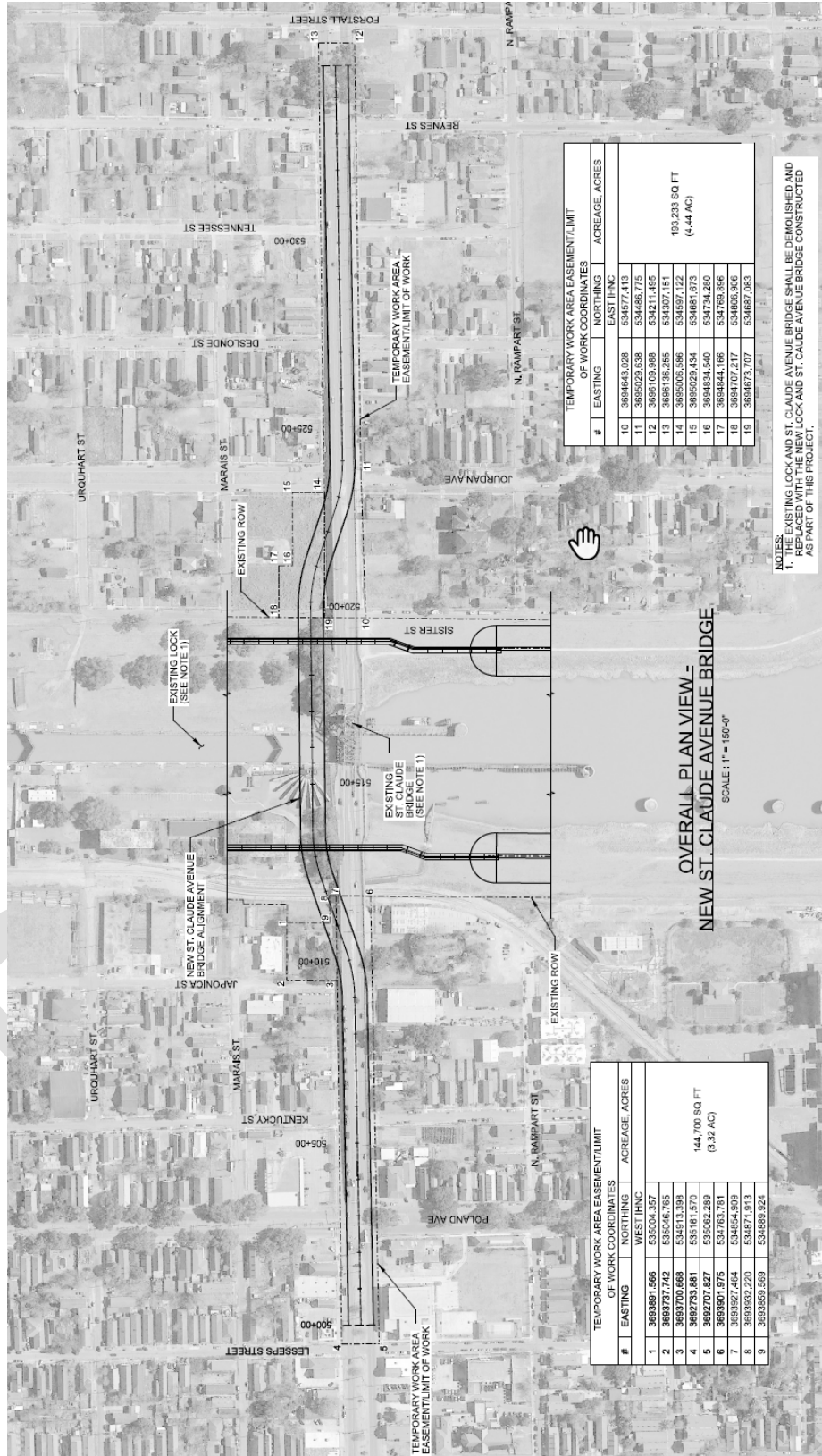


Figure 6 - Required ROW along St. Claude Avenue

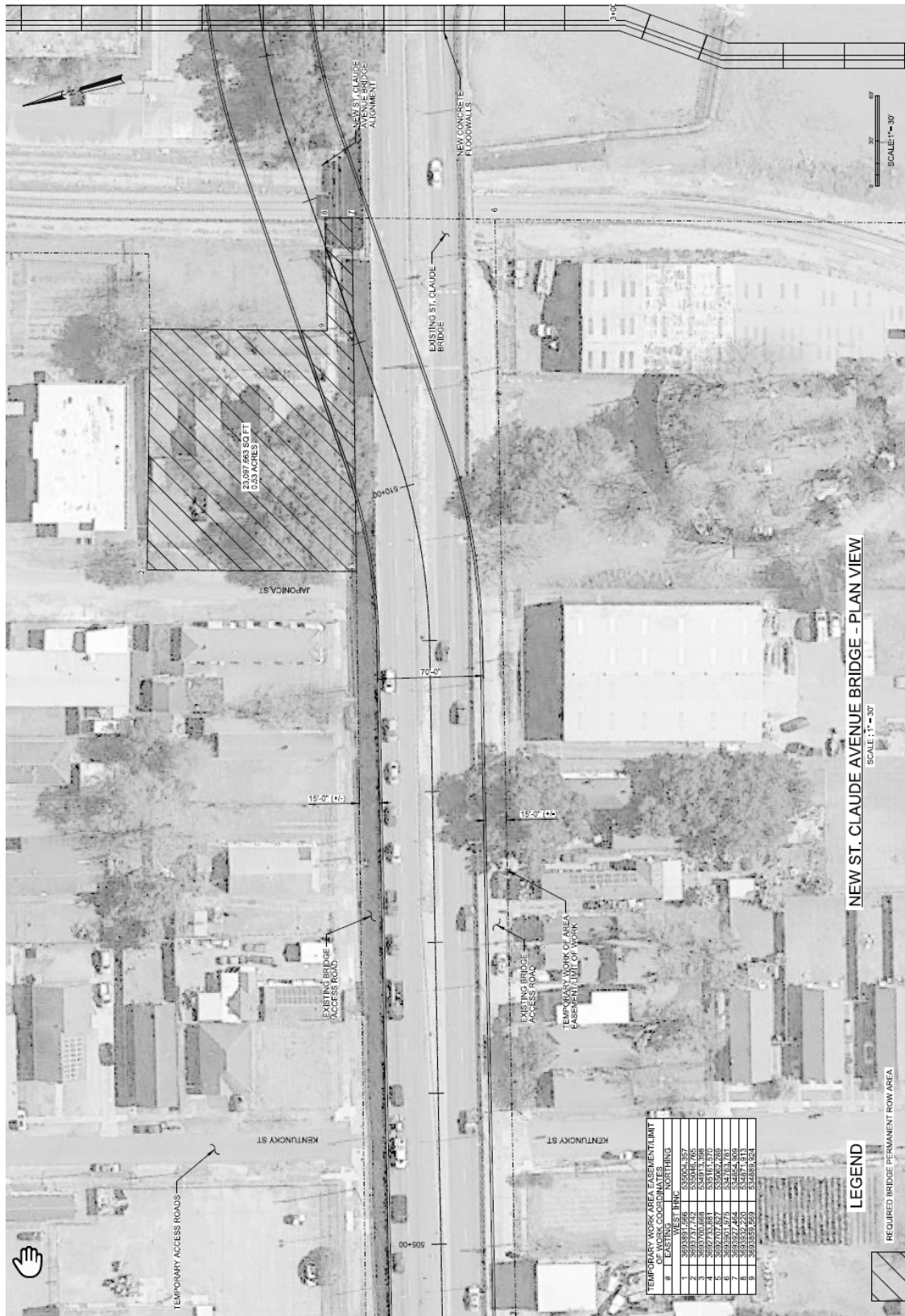


Figure 7 - Required ROW along St. Claude Avenue West side of IHNC



Figure 8 - Required ROW along St. Claude Avenue East side of IHNC



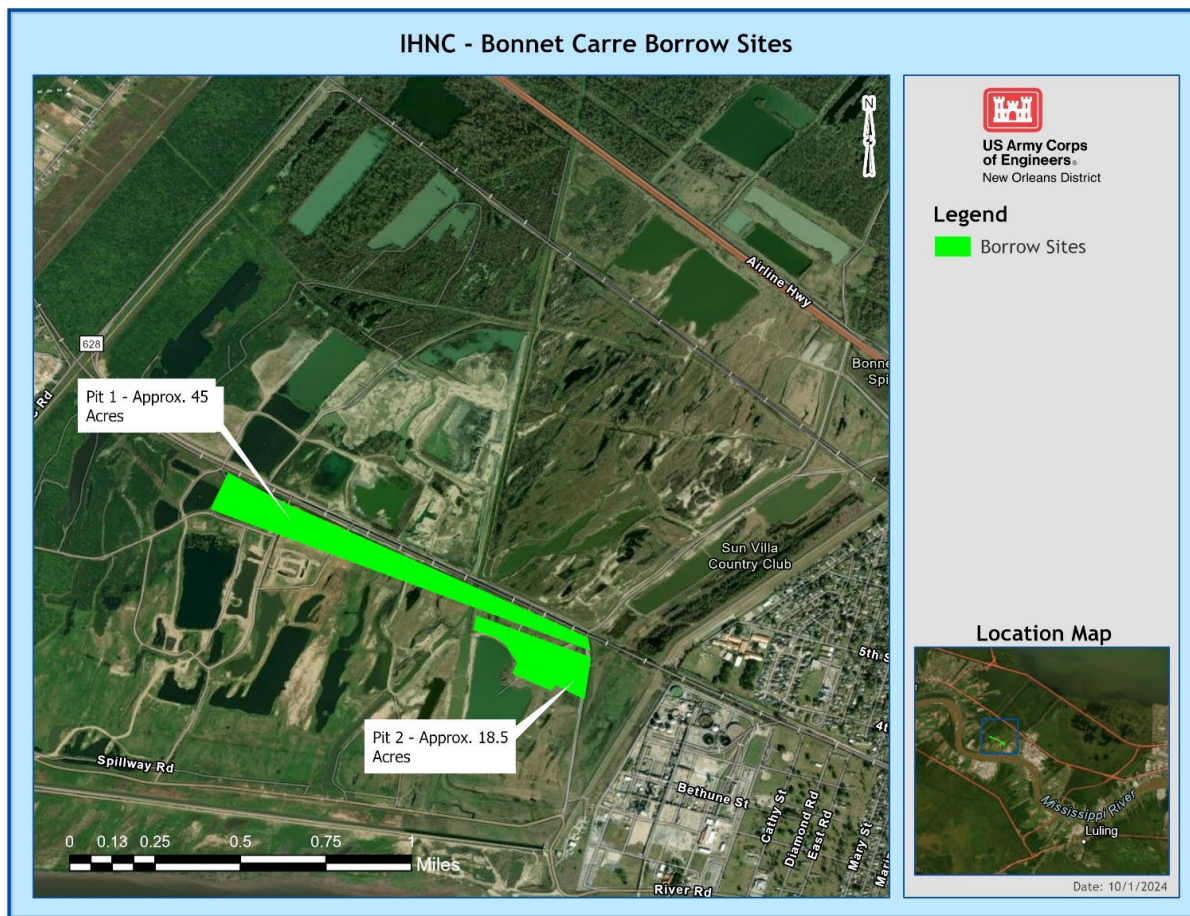


Figure 9 - Proposed Bonnet Carré Borrow Sites

### 3. NON-FEDERAL SPONSOR OWNED LERRDS

There are currently no identified NFSs for this project and therefore, no NFS owned LERRDS applicable to this project. However,  $\pm 0.97$  acre of new, fee simple, excluding minerals (with restrictions on use of the surface) ROW is required from the City of New Orleans and  $\pm 6.4$  acres of temporary work area within the St. Claude Avenue corridor would be required from the LaDOTD and/or the City of New Orleans for the new St. Claude Avenue Bridge and ramps. AFEs from NFSs for LPV & MR&T projects may be required for realignment of the levees and floodwalls to the new lock.

### 4. ESTATES REQUIRED FOR THE PROJECT

No non-standard estates are proposed to be acquired. A standard Fee, Excluding Minerals (With Restriction on Use of the Surface) estate would be acquired in the residential areas on the north side of St. Claude Avenue, east and west of the IHNC between Japonica Street and Jourdan Avenue. Other than the area previously identified in Section 2, no other areas outside of existing ROW have

been identified. Additional temporary work area easements outside of existing ROW areas may be required for construction activities.

### **Fee Excluding Minerals (With Restriction on Use of the Surface)**

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 purpose of exploration, development, production and removal therefrom of said (coal) (oil and gas).

### **Temporary Work Area Easement**

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for a period not to exceed \_\_\_\_\_, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the \_\_\_\_\_ Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Except for privately-owned property to be acquired as described previously, the Government, City of New Orleans, Port of New Orleans, and State of Louisiana are vested with sufficient ownership interests in the immovable property necessary to demolish the existing St. Claude Avenue Bridge and replace the existing bridge with the construction of a new, low-level double bascule bridge located just north of the existing bridge. The City and State would grant an AFE and GPU, respectively, for access and demolition/construction of the bridge structures, and for lighting improvements prior to construction, as well as for street re-surfacing, repairs, and maintenance prior to and during construction due to construction related traffic.

## **5. EXISTING FEDERAL PROJECT(S) AND OWNERSHIPS**

The United States owns approximately 135 acres in fee and 71 acres in channel improvement easement for the project described in this REP (See Section 2, Figure 2 showing Federal lands owned in fee).

Other Federal Projects that lie partially within the IHNC Project footprint include the following:

- Mississippi River and Tributaries Project (MR&T) – The Mississippi River Levee feature of the MR&T project ties into river-facing side of the existing lock. The RP provides for the construction of the new lock at a location that is further away from the Mississippi River than the existing lock. This plan of construction for the new IHNC Lock would require the

extension of the Mississippi River Levee structure alignment to a point where the structures would tie into the river-facing side of the new replacement lock to provide the authorized level of flood risk reduction under the MR&T authority. Lands required for the MR&T levee project extension in this area are owned in fee by the United States.

- Lake Pontchartrain and Vicinity (LPV) – Part of the Greater New Orleans Hurricane and Storm Damage Risk Reduction System Project. The LPV project levees and floodwalls on the lake-facing side would be reduced due to the northward shift of the lock and would tie into the lake facing side of the new lock.

## **6. FEDERALLY OWNED LANDS**

The existing lock structure and surrounding lands are owned in fee by the United States. The Lock Replacement area is within the boundaries of the existing IHNC. The United States (Government) owns 135+/- acres of the subject in fee. The United States also owns a Perpetual Channel Easement over 25.80 acres to the north of the fee area, but this easement area is not required for the lock replacement work. The St. Claude Avenue bridge replacement is also located mostly within the land owned in fee by the United States. See Figure 2 in Section 2 showing project areas previously acquired by the United States.

## **7. 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.

During construction of the project, dredged material suitable for aquatic disposal would be dredged from the canal and transported via a dredged material pipeline (over lands owned in fee by the U.S.) to be disposed of in the Mississippi River. Disposal in the Mississippi River would take place within navigable waters of the United States under the Navigation Servitude.

## **8. INDUCED FLOODING**

Construction of this project would not induce flooding.

## **9. BASELINE COST ESTIMATE FOR REAL ESTATE**

The cost of real estate acquisitions for the project is \$5,795,000. This estimate includes the land payments for the three (3) residential structures from three (3) landowners, relocation costs for the displaced persons, and administrative costs associated with the land acquisitions and utility/facility relocations. Costs to secure necessary agreements from the City of New Orleans, the Port of New Orleans and the Louisiana Department of Transportation and Development are also included, as well as costs for authorizations for entry which may be required from the NFSs of the MR&T and LPV projects to tie these projects into both ends of the new lock facility. The Baseline Cost Estimate includes a 30% contingency (incremental cost).



Administrative costs include tract/ownership data research, mapping, title research and insurance, appraisal and appraisal review, negotiations, potential condemnations, relocations, and closing costs. Costs for construction of noise mitigation measures, potential noise related temporary relocations, and the associated administrative costs are included in the CIMP cost estimate and have not been included as herein as real estate costs.

Because the estimated costs of the real estate required for the project do not exceed 30% of the estimated total project costs, a gross appraisal was not prepared for this project. Real estate costs are based on cost estimates prepared by the CEMVN Appraisal & Planning Branch in April 2025.

Utility and facility relocation costs are estimated to be \$735,629,000 including contingencies. Refer to Section 15, Facility and Utility Relocations, and Chapter 4 of the GRR for more information regarding the costs associated with these utility and facility relocations. The utility/facility relocations identified, and their associated relocation cost estimates are preliminary and would be refined in PED if the RP is authorized for construction and funded.

Table 2 - Estimated LERRDs Costs for the Recommended Plan

<b><u>FEATURE</u></b>	<b><u>FEDERAL COSTS</u></b>
<b>REQUIRED LAND, EASEMENTS &amp; RIGHTS-OF-WAY</b>	<b>\$5,795,000</b>
<b>MITIGATION</b>	<b>N/A</b>
<b>BORROW/DISPOSAL SITES</b>	<b>\$0</b>
<b>SUB-TOTAL</b>	<b>\$5,795,000<sup>1</sup></b>
<b>UTILITY/FACILITY RELOCATIONS (Including construction costs of the new St. Claude Ave. bridge)</b>	<b><u>\$735,629,000<sup>2</sup></u></b>
<b>TOTAL REAL ESTATE PROJECT COSTS (Including construction of the new St. Claude Ave. bridge)</b>	<b>\$741,424,000</b>

These cost estimates are preliminary and subject to revision during PED. Property values were estimated based on available real estate sales data and listings at the time of this REP, as well as discussions with active market participants. These value estimates should not be misconstrued as appraisals. The costs for facility and utility relocations were estimated by the CEMVN-ED.

## **10. UNIFORM RELOCATION ASSISTANCE (PL 91-646, TITLE II, AS AMENNDDED)**

This project permanently displaces the occupants of four (4) residential units due to the required acquisition of three residential structures located at 4547, 4563-65, and 4569 St. Claude Avenue and within the right-of-way required for the western St. Claude Avenue Bridge approach ramp. Relocation assistance benefits would be available in accordance with P.L. 91-646 which include advisory services, procurement of four (4) comparable replacement dwellings, assistance

<sup>1</sup> 01 Account

<sup>2</sup> 02 Account (Includes the cost of replacing St. Claude Ave. Bridge)

coordinating and moving personal belongings, and assistance with procurement of financing and all closing activities on the replacement dwellings. Estimates of benefits assume that the residences are owner occupied with one tenant also located in the structure at 4563-65 St. Claude Avenue. At this time, differential housing payments may be necessary; however, payments for last resort housing do not appear necessary due to the availability of replacement dwellings nearby. If the two residences are eligible as contributing resources to the Bywater National Register, and if moving the structures is practicable, funding may be provided to move these homes to other locations, potentially within the historic district, in which event relocation assistance would include the procurement of vacant lots, structure moving, the moving of personal belongings, and reestablishment costs.

Residents and businesses along the St. Claude Avenue corridor within the project area would likely not have vehicular access to the street right-of-way in front of their residences/businesses for extended periods. Vehicular access for residents and businesses with driveways/parking lots with access to a side street would not be affected. Because the residents and business owners/patrons would continue to have pedestrian access, they are not considered displaced persons/businesses and are not eligible for relocation assistance. Additional investigations would be undertaken during PED to determine if any occupants are entitled to P.L. 91-646 benefits due to handicap access requirements or other issues. All displaced households would be sent a general information notice with a request for a face-to-face meeting in which the relocation process would be explained and personal information regarding each household would be gathered. Any potential temporary relocations that are covered by the CIMP are authorized by that unique authorization and not P.L. 91-646.

## **11. TIMBER/MINERALS/ROW CROP ACTIVITIES IMPACTED**

There is no current or anticipated timber, mineral, or row crop activity in the project area or affected by the project.

## **12. PROJECT SPONSOR/NON-FEDERAL SPONSOR CAPABILITY ASSESSMENT**

There are no NFSs currently identified for this project. It would be 100% federally funded. However, some CIMP and TMP measures require a NFS for implementation and OMRR&R after completion of construction. During PED, the USACE would identify and appropriately engage NFSs for implementation and OMRR&R of those features of the CIMP and TMP. Additionally, based on the Port of New Orleans' current responsibility to operate and maintain the St. Claude Ave. bridge, the Port would assume OMRR&R of the new St. Claude Avenue Bridge after construction.

## **13. ZONING IN LIEU OF ACQUISITIONS**

New zoning ordinances would not be enacted to facilitate the acquisition of the real property interests required for the project.

## **14. REAL ESTATE ACQUISITION SCHEDULE**

The required acquisitions would be performed by the USACE using standard estates (permanent and temporary) for the lands required for the project. The required acquisitions are estimated to take

two and one-half (2.5) years to complete once ROW plans are finalized and the acquisition process begins.

The following acquisition schedule is based on the premise that the project would impact approximately three (3) private landowner(s). A phased approach may be utilized for the required acquisitions allowing acquisitions and construction work in other areas to be performed concurrently. A detailed acquisition schedule would be prepared once the 95% plans and specifications for the project are prepared. The schedule below provides the estimated total amount of time to complete the acquisition of the real property rights required for the construction of the project based on the information available to date. These estimates are preliminary and subject to change.

TOD, Mapping	2 months
Obtain Title and Appraisals	4 months
Negotiations with Landowners	3 months
Closings	3 months
Eminent Domain Proceedings (if necessary)	18 months
Relocations	<u>12 months<sup>3</sup></u>
Total - 30 months or 2.5 years	

Additionally, it is estimated that six (6) months would be needed to obtain the required real property rights from the City of New Orleans Department of Public Works, the New Orleans Sewerage & Water Board, the LaDOTD, and the Port of New Orleans. These actions may run concurrently with the items above once the ROW plans are complete.

## 15. UTILITY AND FACILITY RELOCATIONS

The CEMVN ED Relocations Team performed an investigation of the existing utilities located within the proposed project area, while considering the current design requirements for the RP. The estimated cost of the required relocations relative to the estimated total construction cost is approximately 12 percent. The required relocations are outlined on Table 3 on the following page.

For this analysis, reference is made to two memorandums: CECC-R Bulletin 13-1: Preliminary Attorney's Opinion of Compensability, dated January 14, 2013, and Real Estate Policy Guidance Letter No. 31- Real Estate Support to Civil Works Planning Paradigm (3x3x3), dated January 11, 2019.

The above cited Real Estate Guidance (Policy Guidance Letter No. 31) issued for civil works planning indicates that if the costs of required relocations of utilities and facilities are less than 30% of total project costs, the District Office of Real Estate may, in lieu of an attorney's opinion of compensability, prepare a real estate assessment. The assessment addresses the following two questions:

- a) Is the identified facility or utility generally of the type eligible for compensation under the substitute facilities doctrine (school, highway, bridge, water and sewer systems, parks, etc.)?  
Answer: Yes, the utilities affected by the project are sewer and water lines/pipelines owned

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<sup>3</sup> Begins concurrent with negotiations.

by the city sewerage and water department; power and communications lines in conduits and a gas pipeline owned by communications and utility companies; and a vehicular bridge integrated with the lock operated and maintained by the Port of New Orleans.

- 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? Answer: Yes, the CEMVN-ED Relocations Team performed an investigation of the existing facility and utility owners located within the proposed project area.

For a commercial navigation project, a third question must also be addressed:

- c) Is the project a navigation project with a channel depth of 45 feet or less? Answer: Yes, the new lock would be 900 feet long by 110 feet wide by -22 feet deep.

Since the answers to the above questions are yes, the estimated costs of providing a substitute facility/utility are included below. A final Attorney's Opinion of Compensability would be prepared during final design of the project.

The proposed relocations for the impacted utilities would be addressed by directional drilling. It is assumed that no new rights-of-way would be needed during the directional drilling operations for the utilities. It is also assumed that no temporary construction easements would be needed for directional drilling purposes. Additional investigations would be made during PED to determine if any permanent or temporary ROWs are required for the performance of relocations. Any ROWs required for directional drilling are expected to be minimal; therefore, contingencies should be sufficient to cover any such costs.

The St. Claude Avenue Bridge replacement component of this project could also be considered a compensable facility relocation even though it has been categorized as a feature of the authorized project and a Federal responsibility.

Note that the area immediately south of the existing St. Claude Avenue Bridge, where the project ties into the existing levee, does not currently have any utilities in place. Also, the RP design should not impact the New Orleans Public Belt Railroad located along the west side of the project area and traversing under the St. Claude Avenue Bridge.

Table 3 – Facilities and Utilities Within Project Area

<b>IHNC Facilities and Utilities Requiring Relocation</b>	<b>Relocation Cost</b>
<b>South of Florida Avenue Bridge</b>	
NOSWB – Siphon, Florida Avenue Canal	Do Not Disturb
NOSWB – 54" sewerage force main	Do Not Disturb
NOSWB – 48" water main	Do Not Disturb
NOSWB – 66" sewerage force main	Do Not Disturb
Cox Communications – 5" communication cable	\$2,353,500
Cox Communications – communication cable	\$2,353,500

Entergy Distribution – Approximately 1110' of 2 – 6" conduits with 3-750al mcm cables in each conduit	\$2,574,000
AT&T – 20" cable	\$23,931,000
AT&T – fiber	\$2,353,500
AT&T – 10" fiber	\$7,425,000
<b>South of North Claiborne Avenue Bridge</b>	
Entergy Gas - (2) 16" Natural Gas pipelines	\$14,355,000
<b>North of St. Claude Avenue Bridge</b>	
NOSWB – 20" waterline	\$6,210,000
NOSWB – (2) 30" Reinforce concrete pipelines	\$27,036,000
NOSWB – 20" C.I. pipeline	\$6,210,000
Entergy Distribution – (Under Lock) approximately 400' of 12-3.5" conduits 6 conduits with 1-750al mcm 25kv cables in them	\$11,016,000
Entergy – 4-6" conduits	\$5,148,000
St. Claude Avenue Bridge	\$487,106,000
Total	\$598,072,000
PE&D (23%)	\$137,557,000
TOTAL RELOCATIONS COST (2024 costs based upon directional drill and 75% project contingency)	\$735,629,000

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 UTILITIES AND FACILITIES.

## 16. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

There are two areas that have been identified through prior hazardous, toxic, and radioactive waste (HTRW) environmental site assessment investigations where contamination is known to exist. Sampling at these two areas indicated that total petroleum hydrocarbons as diesel, total petroleum hydrocarbons as oil, and some polycyclic aromatic hydrocarbons (benz(a)anthracene, benzo(a)pyrene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene, and benzo(a)pyrene) remained at elevated concentrations in both areas (including under a diesel aboveground storage tank). The two areas of interest (AOIs) are on property previously owned by the Port of New Orleans and previously occupied by the U.S. Coast Guard located on the west side of the IHNC near the ends of N. Villere and N. Robertson Streets and was acquired in fee by USACE for the lock replacement project in 2001. The Louisiana Department of Environmental Quality (LDEQ) has determined that these site areas must be remediated.

While the actual construction of the IHNC lock replacement facilities is not anticipated to disturb these areas, the realignment of the MR&T and LPV floodwalls could disturb the sub-surface contaminated material that is situated beneath approximately 900 feet of existing LPV floodwall located west of and adjacent to the previous U.S. Coast Guard facility. That section of LPV

floodwall is planned to be incorporated into the MR&T system and tied-in to the southward portion of the replacement lock.

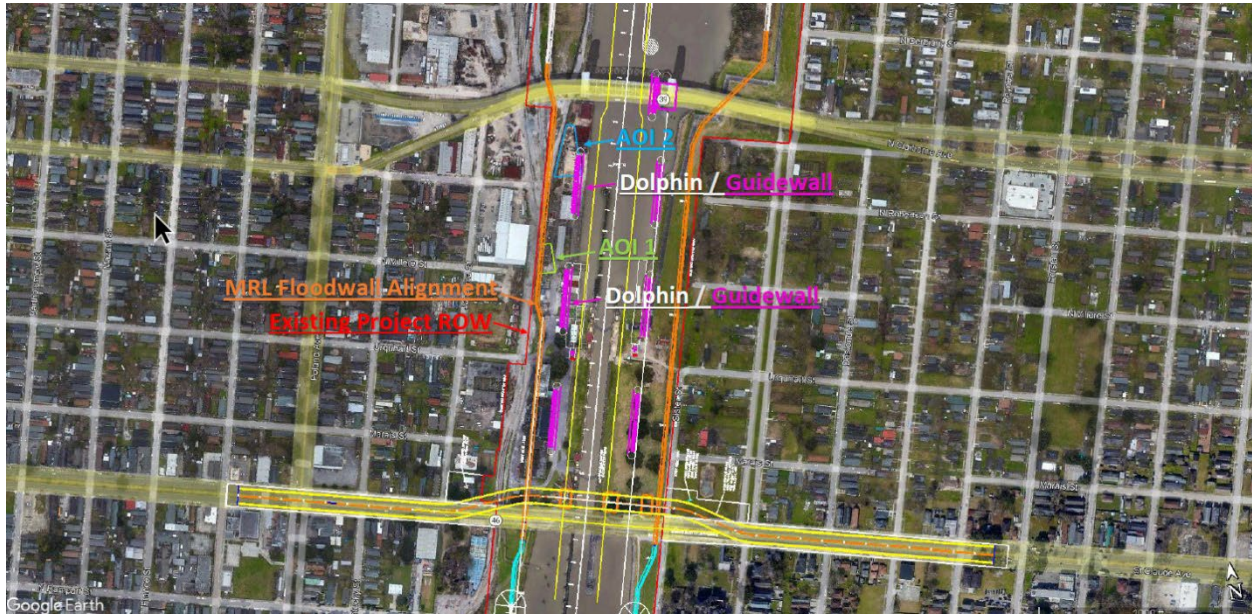


Figure 10 - Existing MRL Floodwalls

USACE ER 1165-2-132 dated, June 26, 1992, titled, “Hazardous, Toxic and Radioactive Waste (HTRW) Guidance for Civil Works Projects” provides that construction of Civil Works projects in HTRW-contaminated areas should be avoided where practicable. Where HTRW contaminated areas or impacts cannot be avoided, response actions must be acceptable to EPA and applicable state regulatory agencies (i.e., LDEQ). CEMVN has performed a preliminary examination of the physical constraints of the HTRW sites as it relates to the floodwall and levee realignments. During PED, CEMVN would re-examine the plan of construction to determine if there is a practicable, cost-effective way to avoid disturbance of the affected section of affected LPV floodwall.

During PED, if it is determined that there is no practicable, cost-effective way to avoid disturbance of the affected section floodwall, CEMVN would perform additional coordination with LDEQ, and a Corrective Action Plan would be prepared for LDEQ approval to determine the appropriate remediation actions.

## 17. LANDOWNER ATTITUDE

Most land areas needed for construction of the Project are owned by the United States; however, the IHNC is surrounded by older residential neighborhoods. CEMVN representatives have held several public meetings to discuss the impact of the IHNC Lock Replacement. There is strong opposition to the project for several reasons, including, but not limited to: construction noise, construction activities (possible damage to historic area homes), delays caused by traffic detours and congestion, increased risk for water pollution and potential lost revenue to businesses from reduced access and traffic, opposition to acquisition of the three residential properties, and displacement of the owners and occupants.

If the RP is approved, three residential homes located at 4547, 4563-65 and 4569 St. Claude Avenue would need to be acquired for construction of the new St. Claude Bridge (west) ramp north of the existing bridge. If the RP is approved and the project is funded, the Government would immediately notify the affected landowners and any other occupants and explain all their rights under P.L.91-646.

## **18. NON-FEDERAL SPONSOR NOTIFICATION OF RISKS**

There is currently no NFS on this project. It would be 100% federally funded with all required LERRDs acquired by the Government. NFSs would be required for implementation and OMRR&R of the CIMP and TMP features.

## **19. OTHER RELEVANT REAL ESTATE ISSUES**

Currently, the project design is preliminary. However, an estimated of 515,000 cubic yards (cy) of borrow material would be needed for the levee construction and modifications, and the lock chamber. Approximately 47 acres of vacant land is required for the borrow material needed and the corresponding acreage required has been preliminary identified within the Bonnet Carré Spillway within two sites containing 45 and 18.5 acres owned in fee by the United States.

Real Estate regulations (ER 405-1-12, paragraph 12-9d(3)) allow for small quantities of borrow material such as these to be supplied by the construction contractor using readily available commercial borrow sites and there are commercial borrow sources in the vicinity of the project. During the PED phase of the project, the PDT would conduct an analysis to determine whether it is more advantageous to the project to obtain the borrow material through commercial borrow pits, utilizing the Spillway, or the acquisition of LERRDs. The analysis would compare the cost of obtaining and transporting borrow from each source and their impacts to the environment and project schedule. Historically, it has been more advantageous to utilize commercial borrow sites when the project only requires a small quantity of borrow material. Therefore, although additional borrow analyses would be performed during PED, this report assumes the required borrow material would be obtained using material sourced from the Government's Bonnet Carré Spillway.



## 20. REVIEW AND APPROVAL

This Real Estate Plan has been prepared in accordance with the requirements of ER405-1-12, Chapter 12, dated 1 May 1998, and Policy Guidance Letter 31- Real Estate Support to Civil Works Planning, dated 11 January 2019.

Prepared by:

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