



Tangipahoa Parish, Louisiana Feasibility Study



Appendix F: Real Estate Plan August 2024

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Section 1

Purpose of Real Estate Plan

The U.S. Army Corps of Engineers (USACE), Mississippi River Valley Division (MVD), New Orleans District (MVN) Real Estate Division has prepared this Real Estate Plan (REP) in support of the Draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) for the Tangipahoa Parish, Louisiana Feasibility Study (study).

The Tangipahoa Parish Feasibility Study (TPFS) is a comprehensive investigation and feasibility study of flood risk management (FRM) problems and solutions. This REP describes the lands, easements, rights-of-way (ROW), relocations, and disposal sites (LERRDs) required for the Tentatively Selected Plan (TSP) and the estimated LERRDs costs associated with the implementation and construction of the TSP, as described in more detail in the DIFR-EA.

The information contained herein is tentative and preliminary in nature, intended for planning purposes only, and subject to change. Further design optimization and feature prioritization will be performed after project authorization; therefore, this REP may be revised upon further analysis.

1.1 PROJECT PURPOSE

The purpose of the study is to investigate flood risk solutions to reduce flood damages caused by riverine and rainfall flooding in Tangipahoa Parish. The communities within Tangipahoa Parish, Louisiana are continually impacted by widespread riverine flooding from heavy rainfall events often associated with hurricanes and tropical storms. This project seeks to manage risk to public safety, reduce economic loss, and reduce economic impacts as a result of flood damage.

The non-Federal Sponsor (NFS) is the State of Louisiana, acting by and through the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB). A Feasibility Cost Share Agreement (FCSA) was executed between the Department of the Army and the NFS on November 4, 2022.

1.2 PROJECT LOCATION

The study area encompasses all of Tangipahoa Parish, which is approximately 823 square miles and located in southeastern Louisiana (see Figure F-1). Tangipahoa Parish is home to over 137,000 residents and 2,500 businesses. The parish is uniquely located at the crossroads of two interstates, I-12, and I-55, and transportation waterways to the Gulf of Mexico. The hydrology is complex, and communities experience repeated damages from flooding, including, but not limited to storm surge from coastal events, localized heavy rainfall, and riverine flooding.

The Parish extends from the Mississippi State line in the north to Lake Pontchartrain and Lake Maurepas to the south and extends from the eastern boundary with Washington and St. Tammany Parishes and St. Helena and Livingston Parish boundaries in the west. The Tangipahoa River bisects vertically the Parish and the study area. The most populated areas within the Parish include the cities of Hammond and Ponchatoula and the towns of Amite City (Parish seat), Independence, Kentwood, and Roseland.

The parish is located at the crossroads of interstates I-55 and I-12 which serves as a national transportation corridor and evacuation route for Metropolitan New Orleans, LA. Tangipahoa Parish is one of the fastest-growing parishes in Louisiana. Major industries include truck farming, dairy farming and the forestry industry.

There are 30 hydrologic sub- basins, as defined by the United States Geological Survey (USGS) 12- digit hydrologic unit delineations (WBDHUC12) within the study area. The hydrology is complex, and communities experience repeated damages from flood events, including, but not limited to, riverine flooding from localized rainfall events, coastal rainfall, high tide, wave action and storm surge from coastal storms. The term “study area” and “Tangipahoa Parish” are used interchangeably throughout this document.

The Joyce Wildlife Management Area, Tangipahoa School Board Wildlife Management Area (Loranger Tract, Husser Tract, and Lewiston Tract), and the Sandy Hollow Wildlife Management Area are located within Tangipahoa Parish.

The individual structures identified for floodproofing measures are concentrated in the southernmost area of the study near Ponchatoula and Robert, as well as along the I-55 corridor through Independence, Tickfaw, Amite City and The Village of Tangipahoa. Other structures north and east of Hammond are also identified. See Figure F-2-1 in the next section for a map of the structures.

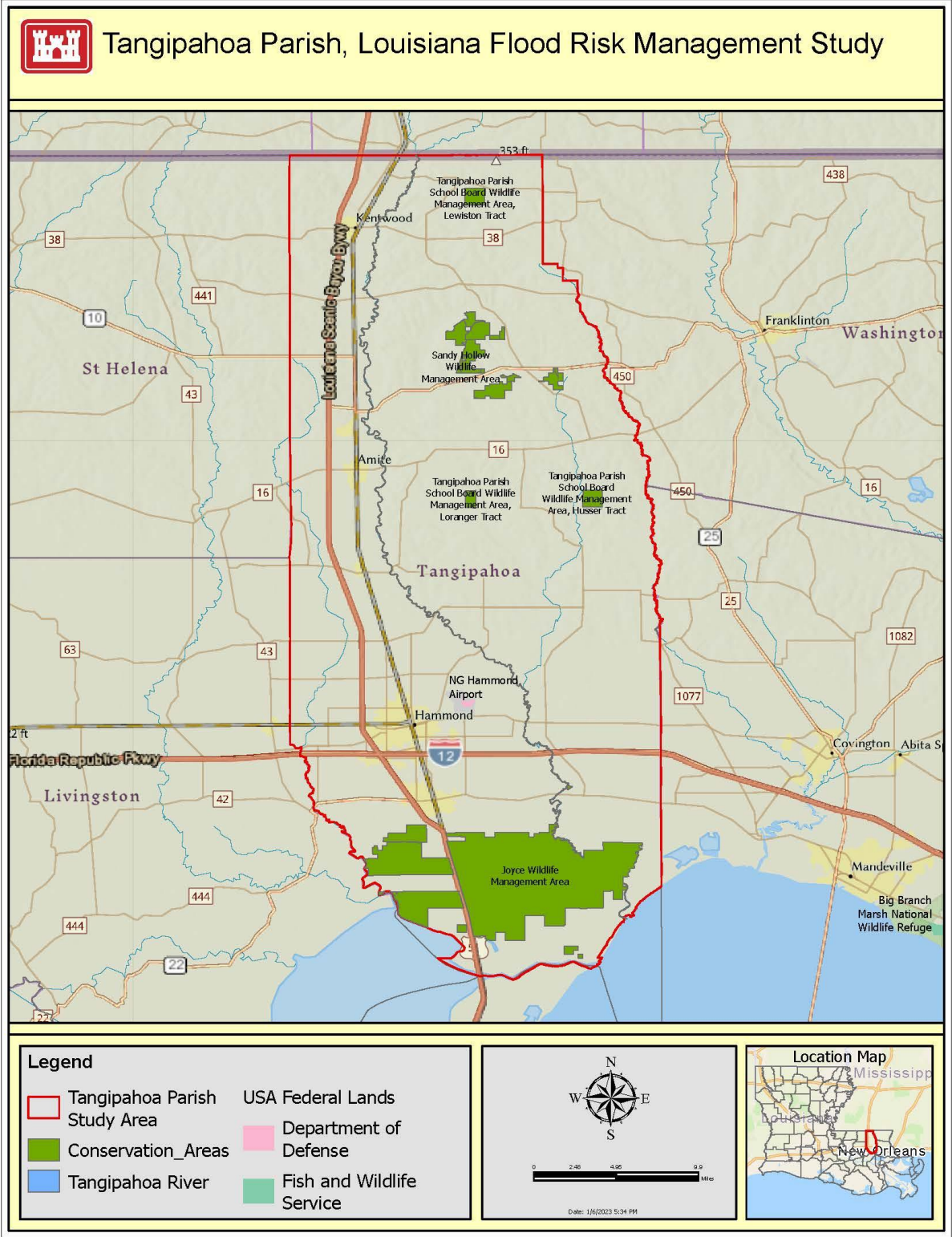


Figure F:1-1. Study Area

1.3 PROJECT AUTHORITY

This study is authorized by Subtitle B, Section 201 (14) of the Water Resources Development Act (WRDA) of 2020, the study is authorized in accordance with the annual reports submitted to the Congress in 2019, pursuant to Section 7001 of the Water Resources Reform and Development Act (WRRDA) of 2014 (33 U.S.C. 2282d). The study was funded by the Disaster Relief Supplemental Appropriations Act of 2022 (P.L. 117-43), Division B, Subdivision 1, Title IV as a high-priority study of projects in States with a major disaster declared due to Hurricane Ida pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C 5121 et seq. The study was authorized for inclusion as a DRSA 2022 study in April 2022.

On 02 September 2022, the CEMVN submitted the (model) FCSA package (with no deviations) for review and approval to the MVD Commander, together with a request that the signature authority for the FCSA be delegated to the CEMVN Commander. Pursuant to the MEMORANDUM FOR Commander, New Orleans District, SUBJECT: Approval of the Draft Feasibility Cost Share Agreement for the Tangipahoa Parish, Louisiana Flood Risk Management Study, dated 13 October 2022, the MVD Commander approved the draft FCSA and directed the CEMVN to proceed as scheduled with processing the FCSA. The FCSA was fully executed by all parties on 04 November 2022.

Generally, feasibility studies funded by DRSA 2022 are conducted for not more than \$3 million and are completed within 36 months, consistent with Section 1001 of WRRDA 2014. If a cost exemption is approved for a study, those additional costs may be funded from remaining supplemental investigations funds. On 26 April 2024, the Assistant Secretary of the Army (Civil Works) (ASACW) approved an exemption request in the amount of \$280,000 and an additional 8 months.

Section 2

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

The TSP consists of implementing nonstructural measures to reduce the risk of damages from flooding to residential and non-residential structures in the study area. The TSP 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 2033 (the beginning of the 50-year period of analysis). The FFE threshold varies by location throughout the parish.

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 USACE St. Louis District (CEMVS) is presently pursuing a policy exception for the following USACE Policy: ER 1105-2-100 2-3(f)(1) stating: "The National Economic Development (NED) Plan. For all project purposes except ecosystem restoration, the alternative plan that reasonably maximizes net economic benefits consistent with protecting the Nation's environment, the NED plan, shall be selected. The Assistant Secretary of the Army for Civil Works (ASA (CW)) may grant an exception when there are overriding reasons for selecting another plan based upon comprehensive benefits or other Federal, state, local, and international concerns."

Currently, the TSP is Plan 3b: Nonstructural Plan with additive for other social effects (OSE) 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 vulnerable, economically burdened populations, and disadvantaged communities, maximizing the OSE account. While this plan is not the NED Plan, it provides the best level of comprehensive benefits for flood risk reduction to the Tangipahoa Parish study area and is the Total Benefits Plan for this study. If the policy exception is not granted, the TSP will default to Plan 1: Nonstructural NED Plan.

The federal TSP is Plan 3b, the Total Benefits Plan, which includes nonstructural elevation and dry floodproofing measures on a total of 1,088 structures.

The NED Plan includes floodproofing or elevation of 597 structures.

The nonstructural elevations and floodproofing are voluntary; property owners who have preliminarily eligible structures that wish to participate in the flood proofing measures will be required submit an application and provide a right-of- entry for their structure to undergo site assessment and other inspections and evaluations to determine the final eligibility of the structure.

TSP Plan 3b : Total Net Benefits Plan (Comprehensive Benefits)

Plan 3b includes the same structures as the NED Plan but was incrementally expanded for the socially vulnerable (SOVI) communities, critical infrastructure, and community cohesion buildings to be inclusive of similar flood hazard characteristics and not be reliant upon the homes' value. Each aggregation group was evaluated to determine if comparable flooding occurred within the aggregation group and was included within the plan. Floodproofing or elevation of 1088 structures located in the 1% AEP (100-year), 4% (25-year), or 2% AEP (50-year) floodplain. Plan 3b would include the elevation of 1,006 residential structures and floodproofing of 82 nonresidential structures.

Plan 1: Nonstructural NED Plan

The initial Nonstructural NED plan involves the floodproofing or elevation of 597 structures located in the floodplain. These structures met the requirement of having a First Floor Elevation (FFE) at or below the applicable floodplain. Of the approximate total of 597 structures, there are approximately 539 residential structures and 58 nonresidential structures. Property owner participation in the Nonstructural Plan is voluntary.

Plan Comparison: The difference between the two plans is the number of structures included: Plan 3b includes the SOVI structures and Plan 1 does not. Plan 1 (NED Plan) has approximately 597 structures: 539 residential structures and 58 non-residential structures. Plan 3b has approximately 1,088 structures: 1,006 residential structures and 82 nonresidential structures. This presents a difference of 467 residential structures and 24 non-residential structures between the two plans.

In both plans, the 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'.

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

Table F: 2-1. Number of Structures

Plan	Plan 2 (NED Plan)	Plan 3b (RP)
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Total	597	1,088
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LERRD Requirements:

A Right-of-Entry for Survey will be needed from each landowner in order 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 residence, 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 Owner to accomplish the structural elevations. 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.

USACE has approved the following standard estate for a nonstructural residential elevation measures. This Standard Permanent Restrictive Easement was developed for the construction, operation, and maintenance of the nonstructural treatment.

Perpetual Restrictive Easement for Residential (Elevation/Basement In-Fill) See Section 4: Estates for additional estate information.

For Non-Residential Structures

A standard temporary work area easement will be required for the duration of construction of any improvements. A separate perpetual non-standard easement in the form of a "Land Use Restrictions Easement and Perpetual Access for Inspection and Project Monitoring Easement" (perpetual easement) which provides the necessary rights and restrictions to protect the federal investment will also be required. Such a non-standard estate will likely be proposed by CEMVN and submitted for approval by HQUSACE in accordance with the USACE regulations later in the study process. The contemplated perpetual easement will prohibit the grantors, heirs, successors, assigns, and all others from engaging in other uses of the structure or the land that would impair, contravene, or interfere with the integrity of the structure. Further, the perpetual easement would contain a reservation of rights and privileges in favor of the grantor(s), heirs, successors and assigns, of all such rights and privileges that can be made of the property without interfering with or abridging the rights, and restrictions imposed, but subject to existing easements for public roads and highways, public utilities, railroads, and pipelines. The easement would also include a right of ingress and egress over and across the land by the NFS for inspection and monitoring of the structure and land for the enforcement of the rights and prohibitions contained in the easement.

The proposed standard or nonstandard 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 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 CPRAB, 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; however, the implementation of the Nonstructural Plan for this study may be modified when new USACE guidance is issued for the implementation of nonstructural plans and as the study progresses. Please see figure F:2-1 for a map depicting the location of Preliminary Eligible Structures for the TSP.

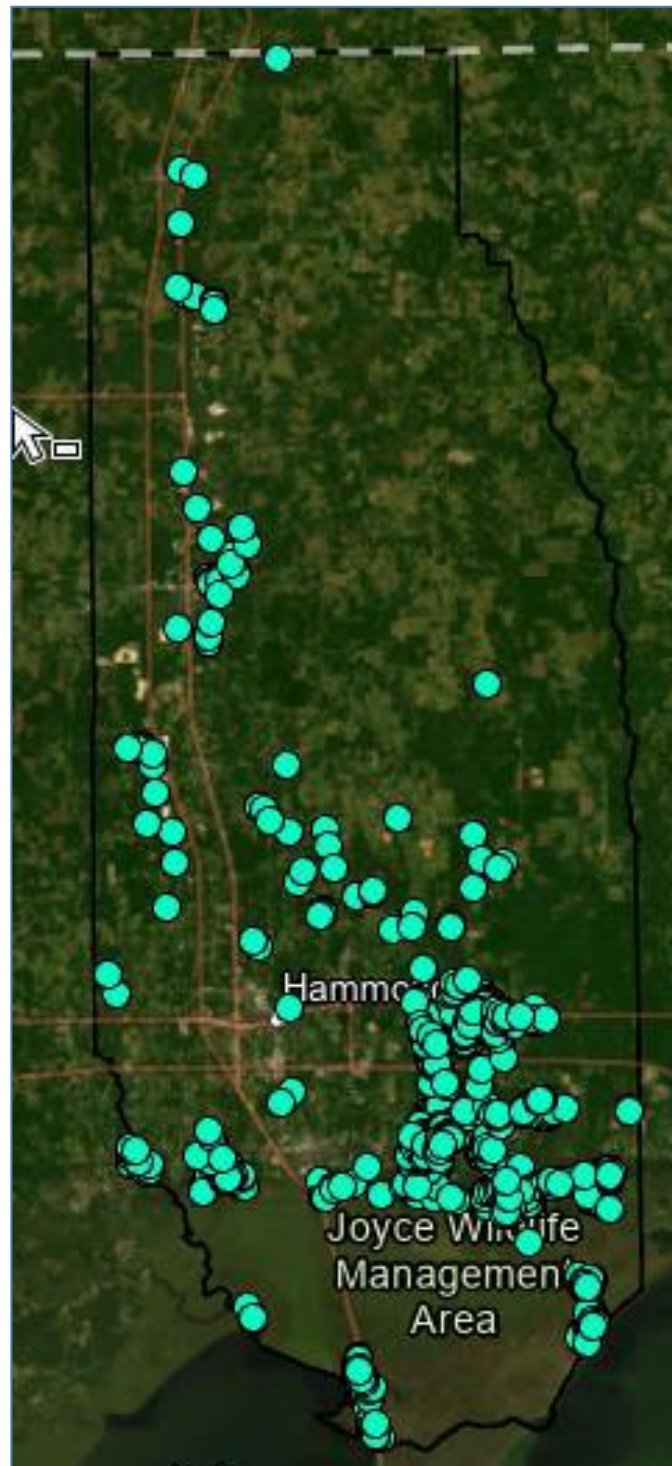


Figure F: 2-1. Preliminary Eligible Structures for the Total Net Benefits Plan (Comprehensive Benefits) (TSP)

Section 3

Non-Federal Sponsor Owned LERRD

The non-Federal sponsor (NFS) is the State of Louisiana, acting through and by, the Coastal Protection and Restoration Authority Board (CPRAB). 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 in order 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 residence, 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 Owner to accomplish the structural elevations. 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.

USACE has approved the following standard estate for a nonstructural residential elevation measures. This Standard Permanent Restrictive Easement was developed for the construction, operation, and maintenance of the nonstructural treatment.

Perpetual Restrictive Easement for Residential (Elevation/Basement In-Fill)

A perpetual and assignable easement for the establishment, maintenance, operation and use of a restricted area in, on, over and across only that portion of land occupied by a residential structure(s) as described (in Schedule C or Exhibit A), said residential structure(s) to be elevated in connection with the construction, operation, maintenance, repair, replacement, and rehabilitation of the (Project Name and Authorization), consisting of the right to *(prohibit human habitation between the ground level and the first floor of the elevated structure, to prohibit construction or placement of any enclosure or permanent obstruction or impairment of the flow of water between the ground level and the first floor of the elevated structure, and to prohibit other uses of the elevated structure or the land that would impair, contravene, or interfere with the integrity of the elevated structure)* *(to prohibit the enclosure of flood vents to the infilled basement); (together with the right of ingress and egress, with advanced owner notification, over and across other portions of the property for the purpose of inspecting and monitoring the residential structure and project measures located on said land, and for the purpose of enforcing the rights, land use restrictions, and prohibitions set forth herein);* reserving to the grantor(s), heirs, successors and assigns, all such rights and privileges as may be used without interfering with or abridging the rights, easement, and restrictions hereby acquired, including the right to *(utilize the area between the ground level*

and the elevated structure for parking and storage;) to demolish and rebuild the structure with a first floor elevation that is three (3) feet above the community Base Flood Elevation requirement; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; 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.

Since there is currently no USACE-approved standard estate for a nonstructural non-residential floodproofing measure, a non-standard permanent Restrictive Easement is being developed for the construction, operation, and maintenance of the non-residential nonstructural treatment.

A standard temporary work area easement will be required for the duration of construction of any improvements. A separate perpetual non-standard easement in the form of a “Land Use Restrictions Easement and Perpetual Access for Inspection and Project Monitoring Easement” (perpetual easement) which provides the necessary rights and restrictions to protect the federal investment will also be required. Such a non-standard estate will likely be proposed by CEMVN and submitted for approval by HQUSACE in accordance with the USACE regulations later in the study process. The contemplated perpetual easement will prohibit the grantors, heirs, successors, assigns, and all others from engaging in other uses of the structure or the land that would impair, contravene, or interfere with the integrity of the structure. Further, the perpetual easement would contain a reservation of rights and privileges in favor of the grantor(s), heirs, successors and assigns, of all such rights and

privileges that can be made of the property without interfering with or abridging the rights, and restrictions imposed, but subject to existing easements for public roads and highways, public utilities, railroads, and pipelines. The easement would also include a right of ingress and egress over and across the land by the NFS for inspection and monitoring of the structure and land for the enforcement of the rights and prohibitions contained in the easement. The restrictive easement will be recorded in local land records to run with the land.

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.

The proposed standard or nonstandard 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 draft easement language for the non-standard restrictive easement will be submitted through CEMVD to CEHQ-RE as a request for approval of Non-Standard Estates. A draft Participation Agreement will also need to be approved by CEHQ-RE.

Section 5

Existing Federal Projects within LERRD Required for the Project

There are no federal projects within the study area. Projects near the study area include:

- Louisiana Watershed Initiative (LWI): Floodplain issues in Louisiana have historically been managed within political jurisdictions, often without the mechanisms to consider the effects on other jurisdictions or the surrounding watershed. Furthermore, agencies often operate with numerous mandates and responsibilities related to floodplain management that are outlined in codes, statutes or Federal laws. In 2018, Executive Order JBE18-16 was issued in Louisiana, creating the Council on Watershed Management comprising the Office of Community Development, Coastal Protection and Restoration Authority, Governor's Office of Homeland Security and Emergency Preparedness, Department of Transportation and Development (LaDOTD), and the LDWF.

The State of Louisiana is developing the statewide Louisiana Watershed Initiative to address FRM with a coordinated, coherent and long-term vision for sustainability and resilience. The Louisiana Watershed Initiative is developing computer models to better understand flood risk and help with the selection of projects best suited for investment in each watershed region as well as ongoing efforts to address compound flooding (surge and rain). The USACE has been engaged in the ongoing efforts to address compound flooding.

The CEMVN and Vicksburg Districts have been in coordination with the State of Louisiana Council on Watershed Management and entered into a Memorandum of Understanding between USACE and the State of Louisiana, Council on Watershed Management on 3 December 2020, to allow for USACE collaboration and technical assistance as part of the local, state, and Federal agency and stakeholder effort to create a Comprehensive Statewide Watershed-Based Floodplain Management Plan. Additionally, the PDT coordinated with the Louisiana Watershed Initiative (LWI) through the NFS to ensure coordination regarding the Watershed Initiative activities in Tangipahoa Parish. To date, there have been no products developed from the initiative that could be incorporated into this study, and no projects are currently identified in Tangipahoa Parish, but the PDT will continue coordination efforts as the study and the LWI progress. If new data becomes timely available, it would be incorporated into the FIFR-FEA. The PDT is in coordination with the NFS regarding allocation and implementation of these nonstructural projects and how this work supplements the efforts of this study.

- Coastal Protection and Restoration Authority: Following Hurricanes Katrina and Rita in 2005, the Louisiana legislature created the Coastal Protection and Restoration Authority (CPRA) and tasked it with coordinating the local, state, and Federal efforts to achieve comprehensive coastal protection and restoration. To accomplish these goals, CPRA was charged with developing a coastal master plan. Louisiana's Comprehensive Master Plan for a Sustainable Coast (Master Plan), updated in 2023. The 2023 Master Plan sets forth a path to create a more sustainable coastal Louisiana landscape. The Master Plan includes protection and restoration goals for reducing coastal flood risk, promoting sustainable ecosystems by providing habitats for a variety of commercial and recreational activities, and support for regional and national business and industry. The 2023 Master Plan recommends a diversity of projects to build land and reduce flood risk to balance short-term needs with long-term goals. The PDT has been in contact with the CPRA Master Plan team to better ensure coordination and consistency between this study and the 2023 Master Plan.

Only one candidate project is located in Tangipahoa Parish and was not selected for the 2023 Master Plan:

- Manchac Wetland Restoration and Maurepas Landbridge (ID# 312)
- Candidate project for the creation of marsh within a footprint of approximately 25,000 acres in the Manchac Landbridge Area including restoration of approximately 46,000 feet of historic ridge along Eastern Lake Maurepas.

The PDT is also coordinating with other governmental entities on flood risk reduction studies in the Parish.

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 F: 1-1. Study Area

Figure F: 2-1. Preliminary Eligible Structures for the Total Net Benefits Plan (Comprehensive Benefits) (TSP)

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 TSP's real estate requirements. It includes the LERRD acquisition costs, incidental acquisition costs (e.g., land surveys, appraisals, 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 total estimated real estate cost for nonstructural measures is \$33,124,000. 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 1,006 structures) and floodproofing (approximately 82 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 1, if a waiver is not obtained, is \$20,281,600. This plan would involve elevating approximately 539 structures and floodproofing approximately 58 structures.

Because nonstructural floodproofing measures are optional, and there will likely be a net benefit to the raised or floodproofed structure after the work is complete, landowners will not be compensated for the real property instruments required to be eligible for the project.

Because the estimated costs of the LERRDs required for the project do not exceed 10 percent of the estimated total project costs, a gross appraisal was not prepared for this project. LERRDs costs are based on cost estimates prepared by the MVN Appraisal & Planning Branch in July 2024.

Table F: 10-1. Account Costs

Account	Cost
30 Account: Federal Administrative Costs for oversight of NFS Acquisitions	\$8,160,000
01 Account: NFS Administrative Costs for Acquiring Real Property Interests	\$24,964,000

Section 10

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 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 TSP 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 11

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, as well as mining activity within the project area. However, there does not appear to be any mining or drilling activity that may affect project purposes and the operation thereof. Several crude oil pipelines, natural gas pipelines, and several plugged and abandoned oil/gas wells were found within the boundaries of the study area.

There are no known present or anticipated timber harvesting activities within the LERRD required for the TSP.

Construction of the TSP is not expected to have any potential impacts to prime and unique farmland.

Section 12

Non-Federal Sponsor Capability Assessment

The project requires the acquisition of a standard estate for the residential structures and a non-standard estate for the nonresidential measures. The non-standard estate must be approved by USACE-HQ prior to any work being done on non-residential structures.

A Capability Assessment of the NFS has been completed and is included as an appendix: please refer to Annex F-1. The NFS, CPRAB, was contacted to determine scheduling and if they have any concerns inherent to a non-structural project, as this is different from typical project acquisition efforts. The NFS is currently active in other Non-Structural projects in the state and did not have any concerns at this time.

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 13

Zoning Ordinances

No zoning ordinances are proposed in lieu of, or to facilitate, acquisition in connection with the project. The nonstructural measures are voluntary in nature and would be available only to existing eligible structures as defined within the TSP.

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 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 14

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.

Subject to project authorization, appropriation and availability of funding, full environmental compliance, and execution of a binding agreement with the NFS, construction is currently scheduled to begin in 2033 (Appendix H: Nonstructural Implementation Plan). Tasks shown below would likely vary by property. Considering the vast number of structures estimated to be eligible for elevation/flood proofing, 10 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 H of the DIFR/EA for a more detailed discussion of the nonstructural implementation plan.

Estimated Schedule per structure:

Right of Entry for Inspections / Owner Registration	1 month
Preliminary Investigations (i.e. HTRW, structural, surveys, etc.)	2-3 months
Title research/ Review of Title	3-6 months
Obtain a signed Participation Agreement	1 month
Acquisition of permanent easements & subordinations	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.

Section 15

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 16

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.

Section 17

Landowner Attitude

Under this study a NEPA formal scoping process was followed which was intended to get the lead and cooperating agencies and other interested groups together early in the project development process to determine the scope of the issues to be addressed, and identify any important issues related to the study. By properly using the early coordination process, agencies could avoid conflicts later, and could assure the full input from the various interests.

The points at which public, stakeholder and agency input was gained to inform the study process are summarized below.

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

- During the early phases of project planning, CEMVS held two public information meetings within 90 days after the commencement of the study: (1) 15 February 2023, at the Hammond Police Union Hall, and (2) 16 February 2023, at the Kentwood First Baptist Church.
- Two additional meetings were held after the Alternatives Milestone Meeting to gain additional input on the problems, opportunities, objectives, constraints, and alternative formulation: (1) 13 September 2023, at the Amite Community Center and (2) 14 September 2023, at the Hammond Tangipahoa Parish Government Building.
- There is ongoing coordination between the CEMVS, CEMVN, CPRAB, and key stakeholders, such as the Tangipahoa Parish Government, U.S. Fish and Wildlife Service, Choctaw Nation of Oklahoma, other local municipalities, and others that have expressed interest in the project. Ongoing meetings with key stakeholders will continue to ensure that they are informed of the study progress.
- On 01 February 2023 the CEMVS sent out letters to tribal, Federal, state, and local government entities inviting them to become a cooperating agency with USACE in preparation of the environmental compliance documentation. The cooperating agencies for this study are the USFWS and the Choctaw Nation of Oklahoma.
- In September 2023, two additional public meetings were held after the Alternatives Milestone Meeting (AMM) to gather public input on the problems, opportunities, objectives, constraints, and alternative formulation: (1) 13 September 2023, at the Amite Community Center and (2) 14 September 2023, at the Hammond Tangipahoa Parish Government Building. These meetings included expanded outreach to inform residents in areas of Environmental Justice (EJ) concern. Feedback from residents in

disadvantaged communities is critical to the process. Additional EJ outreach is anticipated to be held after release of the report for public review.

Section 18

Risk Notification

A risk notification letter was sent to the NFS. 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 F-2 for a copy of the Risk Letter.

Section 19

List of Acronyms and Abbreviations

USACE	U.S. Army Corps of Engineers
CEMVS	St. Louis District (USACE)
CEMVN/MVN	New Orleans District (USACE)
CEMVD/MVD	Mississippi Valley Division (USACE)
USGS	U.S. Geological Survey
CPRAB	Coastal Protection and Restoration Authority Board
AEP	Annual Exceedance Probability
PDT	Product Delivery Team
FRM	Flood Risk Management
REP	Real Estate Plan
DIFR-EA	Draft Integrated Feasibility Report and Environmental Assessment
TPFS	Tangipahoa Parish Feasibility Study
LERRDs	Lands, Easements, Rights-of-Way, Relocations, and Disposal Sites
TSP	Tentatively Selected Plan
NFS	Non-Federal Sponsor
FCSA	Feasibility Cost Share Agreement
WRDA	Water Resources Development Act
WRRDA	Water Resources Reform and Development Act
DRSAA	Disaster Relief Supplemental Appropriations Act
ASACW	Assistant Secretary of the Army (Civil Works)
FFE	First Floor Elevation
NED	National Economic Development
OSE	Other Social Effects
SOVI	Socially Vulnerable
ROW	Right of Way
PPA	Project Partnership Agreement
CEHQ-RE	Corps of Engineers Head Quarters – Real Estate

LWI	Louisiana Watershed Initiative
EO	Executive Order
LaDOTD	Louisiana Department of Transportation and Development
LWI	Louisiana Watershed Initiative
FIFR-FEA	Final Integrated Feasibility Report - Final Environmental Assessment
BCERE	Baseline Cost Estimate for Real Estate
SONRIS	Strategic Online Natural Resources Information System
NFIP	National Flood Insurance Program
PED	Pre-Construction Engineering and Design
HTRW	Hazardous, Toxic and Radioactive Waste
USFWS	United States Fish and Wildlife Service
AMM	Alternatives Milestone Meeting
EJ	Environmental Justice

Section 20

Other Real Estate Issues

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

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USACE-MVN

Reviewed By:

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Approved By:

Todd M. Klock
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Real Estate Contracting Officer
USACE-MVN

ANNEX F-1: NFS Capability Assessment

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

TANGIPAHOA PARISH FEASIBILITY

COASTAL PROTECTION AND RESTORATION AUTHORITY (CPRA), IMPLEMENTATION ARM OF THE COASTAL PROTECTION AND RESTORATION AUTHORITY BOARD (CPRAB)

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?
YES
- b. Does the sponsor have the power of eminent domain for this project? **Yes, however Louisiana Revised Statute 214.5.5 limits the power of eminent domain; it states that “no full ownership interest in property shall be acquired for integrated coastal protection through any method by the state of Louisiana, the Coastal Protection and Restoration Authority, a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, including but not limited to compensatory mitigation and ecosystem restoration purposes, unless such interest is voluntarily offered and agreed to in writing by owners with at least seventy-five percent ownership in the property or such entity seeking to acquire the property proves by clear and convincing evidence in a court of competent jurisdiction that a full ownership interest is the minimum interest necessary to carry out the purposes of integrated coastal protection for the specific project for which it is acquired.” Furthermore, access rights, rights of use, servitudes, easements, or other property interests for coastal protection projects shall only be for fixed terms and shall not be acquired in perpetuity unless such acquisition is offered voluntarily by owners with at least seventy-five percent ownership in the property.**
- c. Does the sponsor have "quick-take" authority for this project? **NO. CPRAB does not directly have quick take authority for this project. However, pursuant to La. R.S. 49:214.5.2 and 38:301.1, CPRAB may enter into an agreement to use the authority of a coastal area levee district or parish governing authority to use the quick take authority of those entities to acquire real property interests for project purposes. (There is a co-sponsor for the Tangipahoa Parish Non-Structural project – the Tangipahoa Parish Government).**
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **NO**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **See “b” above.**

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? **NO**
- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? **N/A**
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**
- d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? **YES**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **NO**

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? **YES**
- b. Has the sponsor approved the project/real estate schedule/milestones? **YES**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? **YES**
- b. With regard to this project, the sponsor is anticipated to be: (highly capable/fully capable/moderately capable/marginally capable/insufficiently capable) **The NFS is anticipated to be highly capable of acquiring the real estate interests required for the project.**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? **YES**
- b. Does the sponsor concur with this assessment? **YES**

Prepared by:

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Date: 2024.08.09 09:51:50 -05'00'

Gary P. Albarez
Review Appraiser
US Army Corps of Engineers

Approved by:

Chris Barnes
General Counsel
Coastal Protection and Restoration Authority

ANNEX F-2: NFS Risk Letter



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

August 5, 2024

REPLY TO
ATTENTION OF

Real Estate Division

SUBJECT: Risk Letter for TANGIPAHOA PARISH, LOUISIANA FEASIBILITY REPORT

Mr. Gordon E. Dove, Chairman
Coastal Protection and Restoration Authority (CPRA)
150 Terrace Avenue
Baton Rouge, LA 70802

Dear Mr. Dove,

This letter serves to ensure the Coastal Protection and Restoration Authority (CPRA) 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 CPRA 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 Mr. Gary P. Albarez at (504) 862-1025 or gary.p.alvarez@usace.army.mil.

Sincerely,

KLOCK.TODD.MICH
AEL.1266412467

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Todd M. Klock
Chief Real Estate Division
US Army Corps of Engineers, New Orleans District
7400 Leake Avenue
New Orleans, LA 70118

cc at CPRA:

Mr. Glenn Ledet Jr.

Ms. Michelle Feltermann