Mississippi Valley Division,
Regional Planning and Environment Division South

St. Tammany Parish, Louisiana Feasibility Study

Appendix G – Real Estate Plan

July 2023

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Section 1

Purpose of the 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 Revised Draft Integrated Feasibility Report and Environmental Impact Statement (RDIFR-EIS) for the St. Tammany Parish, Louisiana Feasibility Study (study).

The STPFS is a comprehensive investigation and feasibility study of both coastal storm risk management (CSRM) and 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 optimized tentatively selected plan (TSP) and the estimated LERRDs costs associated with the implementation and construction of the Optimized TSP, as described in more detail in the RDIFR-EIS.

The information contained herein is tentative and preliminary in nature, intended for planning purposes only, and is subject to change. Further design optimization and feature prioritization will be performed after project authorization; therefore, this REP may be revised upon further analysis. Detailed maps for access, staging and other specifics relating to project features may not be developed until each of the FRM and CSRM measures undergo more detailed design analysis in the planning, engineering, and design (PED) phase if the project is authorized and funded. This REP supersedes all prior draft REPs associated with the study.

Section 2

Project Description

2.1 PROJECT AUTHORIZATION

The STPFS was authorized as a part of WRDA of 2016, Subtitle B, Section 1201(14) and funded by the BBA of 2018. Subsequently, the Bipartisan Budget Act of 2018 (Public Law 115-123) Division B, Subdivision 1, Title IV, appropriated supplemental funds for the study and subsequent guidance authorized study to be conducted at full Federal expense. An exemption to the Section 1001 of WRRDA 2014, requirements was approved by the Assistant Secretary of the Army for Civil Works ASA(CW) in April 2022 in order to complete the complex feasibility study. This study has been undertaken in accordance with Sections 1001 and 1002 of WRRDA 2014, applicable existing USACE civil works regulations, policies, and guidance, and has incorporated SMART planning principles. See MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS, SUBJECT: Revised Implementation Guidance for Section 1001 of the Water Resources Reform and Development Act of 2014, Vertical Integration and Acceleration of Studies as amended by Section 1330(b) of the WRDA of 2018, dated 25 March 2019. More information regarding project authorization is provided in the RDIFR-EIS, Section 1.2.

2.2 PROJECT LOCATION

The study area encompasses all of St. Tammany Parish, which is approximately 1,124 square miles and located in southeastern Louisiana (see Figure G:2-1). St. Tammany Parish is located on the northeast shore of Lake Pontchartrain and is home to over 258,110 residents. The parish is uniquely located at the crossroads of three interstates (I-10, I-12, and I-59) and transportation waterways to the Gulf of Mexico.

The State of Mississippi, with the Pearl River, creates the eastern boundary. Lake Pontchartrain serves as the southern boundary. Tangipahoa Parish is located along the western boundary and Washington Parish is located along the northern boundary.

The Southeastern Louisiana National Wildlife Refuge Complex Headquarters in Lacombe is also located near the southern boundary of the Parish. Tangipahoa Parish is located along the western boundary and Washington Parish is located along the northern boundary. Most of St. Tammany Parish's population resides near the edge of Lake Pontchartrain, and many commute into New Orleans. The larger communities in the study area include Slidell, Mandeville, Covington, Abita Springs, Pearl River, and Madisonville. St. Tammany Parish is the fastest-growing parish in Louisiana and one of the fastest-growing communities in the nation. Major industries in the study area are health care and social assistance, retail trade, professional services, scientific and technical services, construction, finance, and insurance.

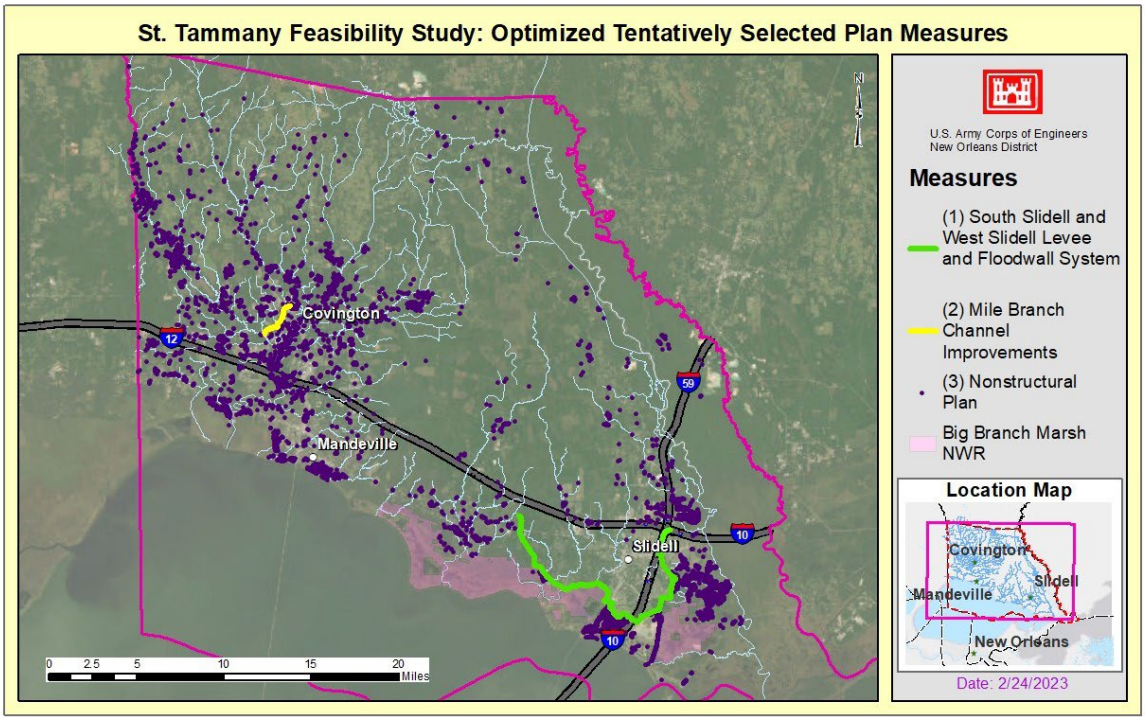

Figure G:2-1. Optimized Tentatively Selected Plan Measures

2.3 PROJECT LERRDS REQUIRED

The Optimized TSP measures with real estate requirements include: 1) the Slidell levee, 2) Mile Branch channel improvements in Covington, and 3) the nonstructural plan. Additionally, lands are required for borrow material to build the levee and to mitigate environmental impacts caused by the construction of the levee/floodwall system in Slidell and the channel improvements to the Mile Branch waterway in Covington. Below is a general overview of the Optimized TSP project features. Refer to Appendix D – Engineering Appendix for a detailed description of the structural project features and Appendix H – Nonstructural Implementation Plan for a detailed description of the nonstructural (NS) project features.

2.3.1 West and South Slidell Hurricane and Storm Damage Risk Reduction Levee/Floodwall System

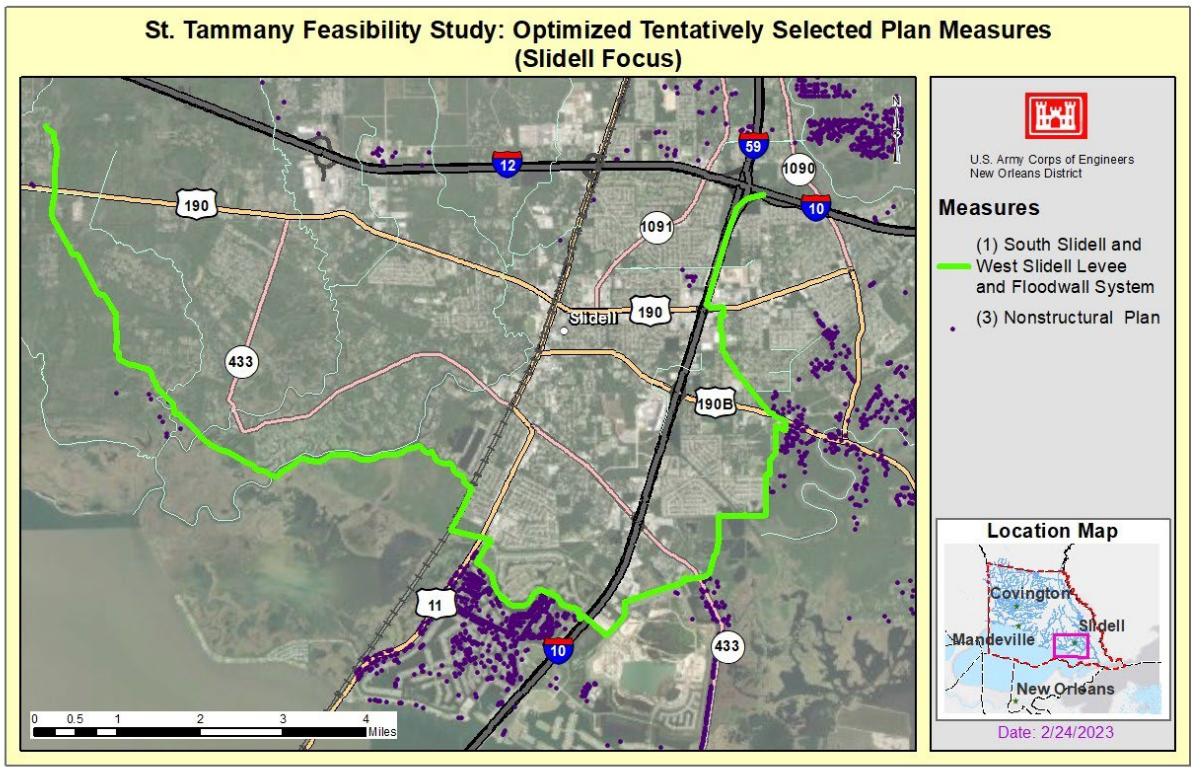

Figure G:2-2. Optimized Tentatively Selected Plan Measures (Slidell Focus)

The levee and floodwall system (18.5 miles) consists of earthen levees (15 miles), floodwalls (3.5 miles of floodwalls), pump stations (8), sluice gates/lift gates (13), vehicular floodgates (18), pedestrian floodgate (1), railroad gate (1), and road ramps (6). Appendix D: Engineering provides levee, floodwall and structure dimension and typical segments.. In addition to numerous temporary work/staging areas required for initial construction of the system as outlined below, eight areas are required in perpetuity for initial construction, future levee lifts and operation, maintenance, repair, rehabilitation, and replacement (OMRR&R). Although most areas will have access from nearby public roadways, four perpetual access roads are also required. This levee alignment would require 7,239,000cubic yards of fill (borrow material) (includes 30 percent contingency).

The system would impact approximately 162 private landowners, and, additionally, four private properties to be acquired for a proposed land exchange with United States, Department of Interior, United States Fish and Wildlife Service (USFWS) for the lands required for the project located in the Big Branch National Wildlife Refuge, and an estimated 23 structures under private ownership are located within, or are directly affected by, the right of way (ROW) required for the system.

Required land types for the levee/floodwall system include rural wetlands, submerged water bottoms, rural residential acreage, residential lots, institutional use (school), highway commercial, and lands currently encumbered and utilized for roadways, railroads, waterways, utilities, and existing flood risk reduction levees. Affected private ownership structures include single-family residences, manufactured homes, boat storage structures, a small industrial building, carwash, restaurant, and gas station/convenience store.

From west to east, the levee/floodwall system in Slidell is briefly described as follows: Starting from the western end, the levee/floodwall system begins as a levee just south of Shannon Drive in Lacombe running southeastward to US Highway 190. A vehicular ramp is utilized for the US Highway 190 crossing and the levee proceeds in southward to the Tammany Trace Bike Trail. A pedestrian gate and sluice gate are used for the Tammany Trace crossing and the levee proceeds southeastward crossing S. Tranquility Road via a vehicular gate continuing southeastward to and along CC Road converting to a floodwall near the western end of W. Doucette Road. Just southwest of W. Doucette Road the floodwall transitions back to earthen levee and proceeds in a southeastward direction to just northwest of Bayou Paquet Road where it transitions to a floodwall along the western side of 32365 Bayou Paquet Road.

Before crossing Bayou Paquet Road, the system transitions to an earthen levee using a vehicular floodgate to cross the roadway and continues as a levee to Bayou Paquet. A navigable floodgate with pumpstation is utilized for crossing the bayou connecting to a floodwall continuing southeastwardly until nearing its crossing of Mayer Drive where it transitions to an earthen levee. A vehicular gate is utilized to cross Mayer Drive and the levee continues westwardly to Bayou Liberty where a navigable floodgate with pumpstation is utilized for the crossing of the bayou.

After crossing the bayou, the system enters the Big Branch National Wildlife Refuge and continues as an earthen levee in a southeastward direction to Bayou Bonfouca just south of 1056 Peninsula Drive in Slidell. The system again utilizes a navigable gate with pumpstation to cross Bayou Bonfouca, then proceeds easterly along the south side of Bayou Bonfouca to the Norfolk Southern Railway across from Sun Valley Drive and the Delwood pumpstation.

A railroad floodgate is used for the railroad crossing, then the system transitions to a floodwall continuing southwestward and reverts back to an earthen levee integrating with an existing levee along the railway at the rear of the First Baptist Christian Church and School facility located at 4141 Pontchartrain Drive (US Highway 11) in Slidell.

The levee follows the existing levee eastward to Pontchartrain Drive and crosses same utilizing a vehicular gate and continues as an earthen levee along the north side of the Schneider Canal. The existing Schneider Canal pumpstation is utilized as the crossing of the canal and the system crosses Oak Harbor Boulevard using a vehicular ramp and continues as integrated with the Oak Harbor subdivision levee crossing Islander Drive using a vehicular ramp, and Mariners Cove Boulevard, Oak Harbor Boulevard, and Country Club Drive using vehicular gates, then continues southeastward as integrated with the existing levee crossing Grand Champions Lane using a vehicular ramp.

The system continues to follow the existing Oak Harbor levee alignment and makes slight jog northeastward along the west side of Interstate 10 to align with the existing Lakeshore Estates

levee on the opposite side of I-10. A vehicular ramp is utilized for the I-10 crossing and the system then integrates with the existing Lakeshore Village levee system which turns northeastward ±1,400 ft southeast of I-10. It crosses Lakeshore Village West Boulevard utilizing a roadway ramp and continues generally northeastward incorporated with the existing Lakeshore Village levee then leaves the existing levee system and briefly transitions to a floodwall then back to an earthen levee along the southern property line of 55481 LA Highway 433 (Old Spanish Trail).

The levee crosses LA Highway 433 utilizing a vehicular gate and briefly transitions to a floodwall for approximately 450 ft then transitions back to an earthen levee and continues northeastward along the west side of Nunez Road until the end of the roadway then continues northward until joining with the existing Kings Point Subdivision levee system behind 1410 and 1414 Denmark Street.

The levee briefly follows the Kings Point levee eastward then continues eastward crossing the W-14 canal using a navigable gate with pumpstation then again integrates with the Kings Point levee system and turns northward until just west of Hardin Road and the southern property lines of 57045 Hardin Road and 57042 Allen Road where a sluice gate is used were the levee turns northeastward following along the west side of Hardin Road.

Once the levee enters the property located at 57151 Hardin Road, it takes a more northward turn running along the rear of properties fronting Belair Drive to the southern property line of an electric substation along the south side of U.S. Highway 190 Business (Fremeaux Avenue). At this point, the system transitions into a floodwall and turns eastward then northward around the Cleco substation property running along the west side of Hardin Road, then northwestward along the south side of US Highway 190 Business. A vehicular gate is provided along the west side of Hardin Road for the substation access. The floodwall continues northwestward along the south side of US Highway 190-Business until utilizing a vehicular gate to cross the highway near the east side of an established Entergy overhead electric utility corridor. The floodwall continues northwestwardly, first along the north side of the highway, then along the west side of the utility corridor until just south of S. Holiday Drive.

As the floodwall approaches S. Holiday Drive, it crosses to the eastern side of the utility corridor and continues northwestward crossing S. Holiday Drive and N. Holiday Drive using vehicular gates, then follows the eastern side of Carol Drive and Yaupon Drive northward crossing Jaguar Drive, Natchez Drive, Kisatchie Drive, and Manzella Drive using vehicular gates.

After Manzella Drive, the floodwall turns eastward for a short distance along the north side of the roadway, then turns northward towards U.S. Highway 190 (Gause Boulevard) and crosses the highway utilizing vehicular gate. After crossing the highway, the floodwall turns westward along the north side of US Highway 190 crossing multiple business driveways and an Interstate 10 Service Road. Two vehicular gates will be used to cross a private road and the I-10 Service Road. Two private business access drives along the north side of Gause Boulevard will need to be eliminated.

After crossing the I-10 Service Road, the system continues as a small levee curved northward then turns west using a vehicular ramp to cross the I-10 eastbound on-ramp and connects with

the east side of the earthen I-10/Highway 190 overpass at which point is the termination of the levee/floodwall system. Additionally, two sluice gates with pumpstations are needed north of this levee/floodwall termination point; one at I-10 and the Reine Canal, and another at I-10 and the French Branch waterway.

Levee sections have ROW widths of 300 ft or 160 ft depending on the needed height of the levee in the area. Floodwall sections have ROW widths of 80 ft, save for the section along the north side of Gause Boulevard which will have a ROW width of 50 ft. The total land area required in perpetuity for the levee/floodwall system is approximately 467.25 acres and the total land area for its needed temporary work and staging areas is approximately 58.25 acres.

Temporary and permanent work/staging areas will be needed in many places along the levee/floodwall alignment. Trees may be removed, and if necessary, crushed stone may be placed in the work/staging area prior to use. After use of temporary work/staging areas, the areas will be returned to their pre-project conditions.

Additionally, potential borrow sites for the needed fill material have been identified, but a determination of exact locations has not been made. This information will be refined during PED.

Access to project areas is available using public roadways and the perpetual road easement areas to be acquired.

Within the western portion of the levee/floodwall alignment, approximately 110 acres of required ROW for the levee/floodwall is located within the boundaries of the Big Branch Marsh National Wildlife Refuge. A fee, less minerals, interest land exchange between the non-Federal sponsor (NFS) and USFWS resulting in a net benefit to the Refuge is required to offset the lands required for the project within the refuge. Refer to Section 5, Existing Federal Projects and Ownerships, for more information. The NFS would acquire authorization for entry for construction of project features upon lands owned by state, parish, or city governments. The following tables show the approximate acreages and estates comprising the LERRDs required for the structural features of the west and south Slidell levee/floodwall system. The following tables outline the real property areas and interests required from private landowners for the West and South Slidell Levee/Floodwall system and their general locations.

Table G:2-1. ROW Areas Required for West and South Slidell Levee/Floodwall

Levee/Floodwall Easement Areas	**Acres**
West Slidell Levee	270
West Slidell Floodwall	4
South Slidell Levee	120
South Slidell Floodwall	23
TOTAL	**417**

Table G:2-2. ROW Areas Required for Gates and Pumpstations

Gate Structures Required Areas (Acres)	Permanent Structure (Fee Estate)	Perpetual Work/Staging Area (Fee Estate)	Temporary Work/Staging Area Easement
Shannon Dr Sluice Gate	---	1.25	0.75
Tammany Trace Pedestrian Gate	---	1.50	0.75
Tammany Trace Sluice Gate	---	1.25	0.75
Tranquility Rd Vehicular Gate	---	---	0.75
Sluice Gate #7	---	1.25	0.75
Sluice Gate #6	---	1.25	0.75
Bayou Paquet Rd Vehicular Gate	---	---	0.75
Bayou Paquet Navigation Gate & Pumpstation	1.25	---	0.75
Mayer Dr Vehicular Gate	---	---	0.75
Bayou Liberty Navigation Gate & Pumpstation	8	---	4
Bayou Bonfouca Navigation Gate & Pumpstation	8	---	4
Sluice Gate #2	---	1.25	0.75
Railroad Gate	---	---	0.75
Hwy 11 Vehicular Gate	---	---	0.75
Mariners Cove Blvd Vehicular Gate	---	---	0.75
Oak Harbor Dr Vehicular Gate	---	---	0.75
Oak Harbor CC Vehicular Gate	---	---	0.75

Old Spanish Trail Vehicular Gate	---	---	0.75
W-14 Canal Navigation Gate & Pumpstation	1.25	---	0.75
Sluice Gate #8 & Pumpstation	1.25	---	0.75
Hardin Rd Substation Vehicular Gate	---	---	0.75
Hwy 190-B Vehicular Gate	---	---	0.75
S. Holiday Dr Vehicular Gate	---	---	0.75
N. Holiday Dr. Vehicular Gate			0.75
Jaguar Dr Vehicular Gate	---	---	0.75
Sluice Gate #10	---	1.25	0.75
Natchez Dr Vehicular Gate	---	---	0.75
Kisatchie Dr Vehicular Gate	---	---	0.75
Manzella Dr Vehicular Gate	---	---	0.75
Gause Blvd Vehicular Gate	---	---	0.50
Private Rd Vehicular Gate	---	---	0.50
I-10 Service Rd Vehicular Gate	---	---	0.50
Reine Canal Sluice Gate & Pumpstation	1.25	---	0.75
French Branch Sluice Gate & Pumpstation	1.25	---	0.75
TOTALS	**22.25**	**9.00**	**31.25**

Table G:2-3. ROW Required for Vehicular Ramps

Temporary Work/Staging Area for Road Ramps	Temporary Work/Staging Area Easement Acres
Hwy 190 Ramp	0.50
Oak Harbor Blvd Ramp	0.50
Islander Dr Ramp	0.50
Grand Champions Ln Ramp	0.50
I-10 Ramp	24[1]
Ramp for I-10 On-Ramp	0.50
TOTAL	**26.50**

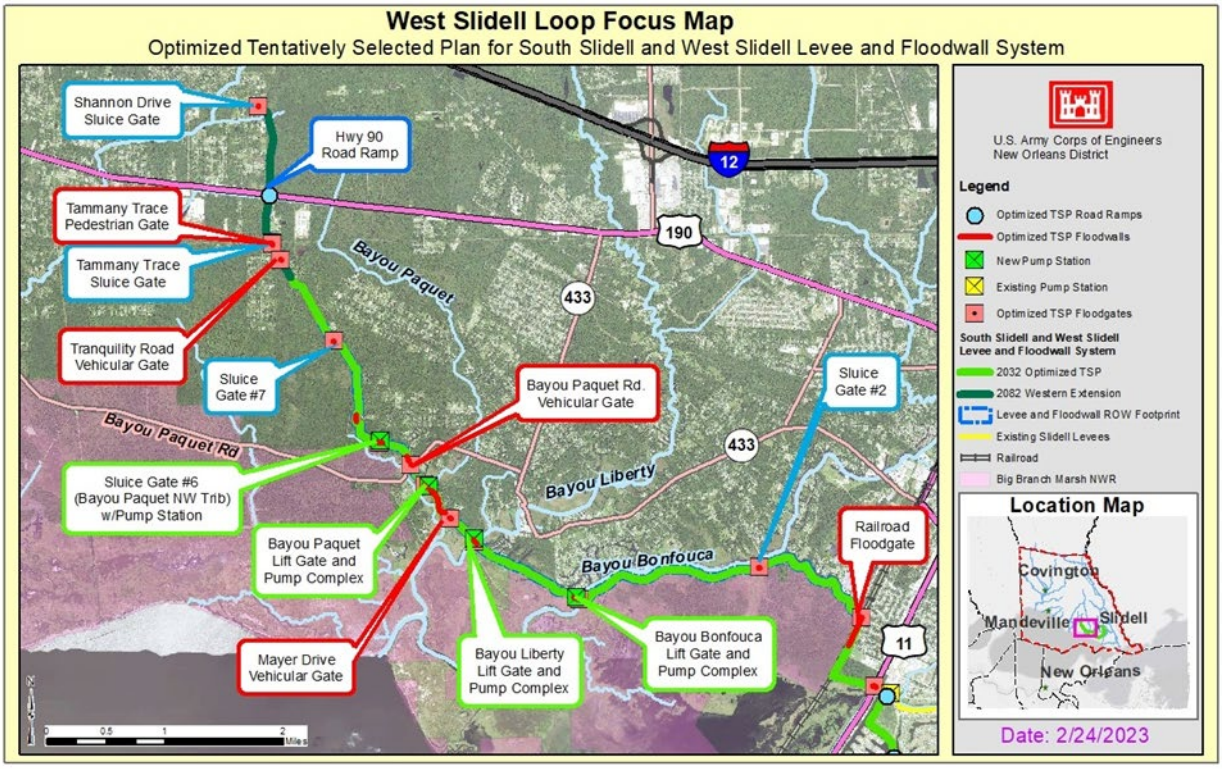

Figure G:2-3. West Focus of South and West Slidell Levee/Floodwall

[1] Within existing Interstate ROW.

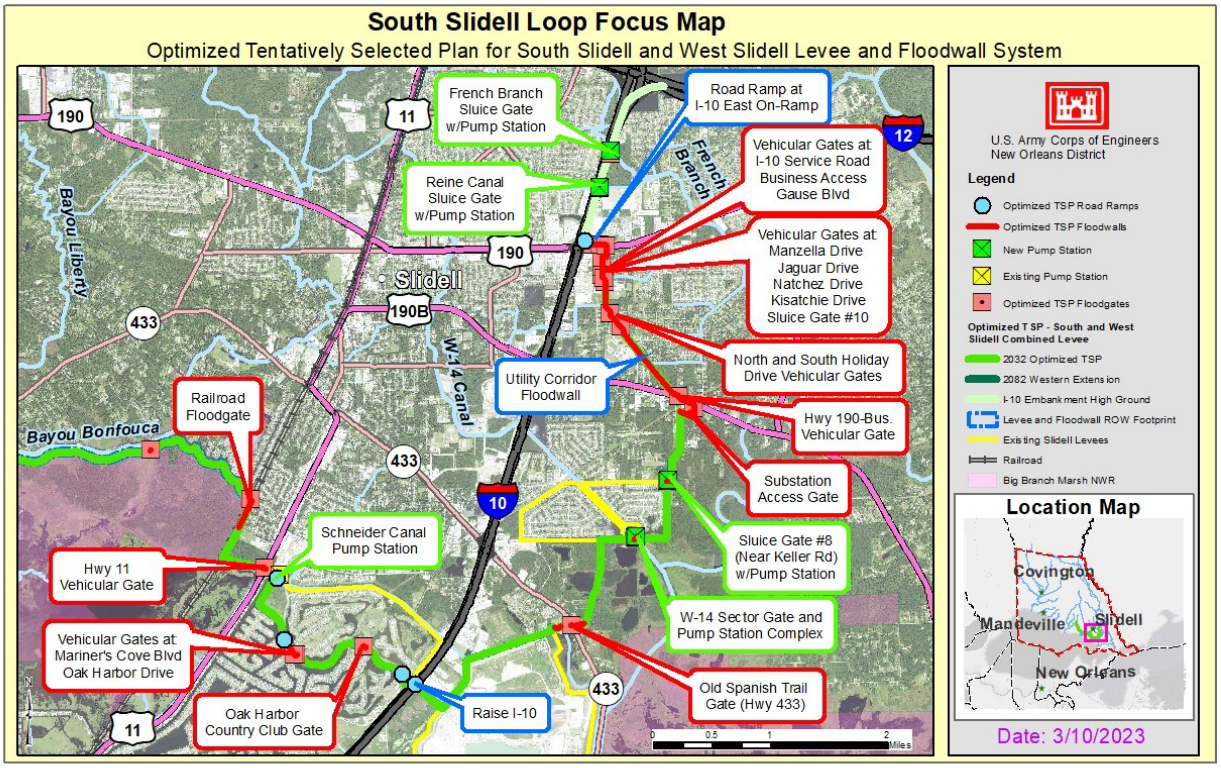

Figure G:2-4. East Focus of South and West Slidell Levee/Floodwall

Table G:2-3. Perpetual Work and Staging Areas Required for Slidell Levee/Floodwall System

Perpetual Work/Staging Areas	Acres (Fee Interest)
Western Extension	2.00
West Slidell Work/Staging Area	2.12
Bayou Paquet/ Liberty Levee	2.05
Between Bayou Liberty and Bayou Bonfouca	2.14
Along Bayou Bonfouca/Southside levee	2.00
Oak Harbor	2.00
South Slidell Work/Staging Area #1	2.00

South Slidell Work/Staging Area #2	2.10
TOTAL	**16.41**

Table G:2-4. Perpetual Access Roads Required for Slidell Levee/Floodwall System

Perpetual Access Roads	**Perpetual Road Easement Acres**
Sluice Gate #6	0.50
Bayou Paquet Navigation Gate & Pumpstation	0.24
Railroad Gate & Southshore of Bayou Bonfouca	0.10
W-14 Canal Navigation Gate & Pumpstation	1.75
TOTAL	**2.59**

Table G:2-5. Additional Temporary Work/Staging Area Required for Slidell Levee/Floodwall System

Floodwall Temporary Work/Staging Area	**Temporary Work/Staging Area Easement Acres**
Utility Corridor	0.50

Table G:2-6. Areas and Estates required for Slidell Levee/Floodwall System

Levee/Floodwall System Features	**Estate**	**Acres**
Levee/Floodwall	Perpetual Flood Protection Levee/Floodwall Easement	417
Flood Gates & Pump Stations	Fee, Excluding Minerals	22.25
Permanent Work/Staging Areas	Fee, Excluding Minerals	25.41
Temporary Work/Staging Areas	Temporary Work Area Easement	58.25

Borrow Areas[2]	Temporary Work Area Easement (Borrow)	290
Permanent Access Roads	Perpetual Road Easement	2.59
Mitigation Areas (2)	Fee, Excluding Minerals	266
	TOTAL	**1,081.50**

There are existing improvements located within the preliminary ROW required for the levee/floodwall system or construction and maintenance of same. Efforts will be made to avoid existing improvements in PED of the system. Residential and non-residential relocations are anticipated. The following table identifies most of the existing improvements identified as being impacted and potentially needing to be relocated within the required ROW for the levee/floodwall system, listed from west to east along the alignment, by improvement type, municipal address, and parcel number.

Table G:2-7. List of Affected Improvements within ROW for Slidell Levee/Floodwall

Improvement Type	Address	Street	Assessment Number
Single-family Residence (SFR)	31344	S Tranquility	128-062-5884
Manufactured Home	Unkn	S Tranquility	128-062-5884
Manufactured Home	32271	Dumas	128-068-5267
SFR	32366	Bayou Paquet	128-069-2824
Boat Storage	57355	Mayer	128-065-4345
Boat Storage	57184	Mayer	128-065-1777
SFR	Unkn	Mayer	128-062-0823
Boat Storage	none	Peninsula	128-118-9476
Single-family Residence	206	E Augusta	137-138-6190
Parish Warehouse Building	Unkn	near pump station	126-059-2307
SFR, Unkn/Storage	57045	Hardin	126-137-3196
Manufactured Home	57101	Hardin	126-059-3141
SFR	57151	Hardin	126-090-2981
SFR	57264	Belair	126-060-6367
SFR	57276	Belair	126-059-4695
SFR	576	Northshore	110-136-8699

[2] Based on estimated fill material required for the project.

SFR	102	S Holiday	110-815-5713
SFR	1804	Jaguar	123-819-3169
Carwash	1725	Gause	123-016-6251
Misc. Site Improvements	1736	Gause	123-137-5946
Restaurant	1728	Gause	123-116-0494
Gas Station/Convenience Store	1720	Gause	123-116-0451

2.3.2 Mile Branch Channel Improvements

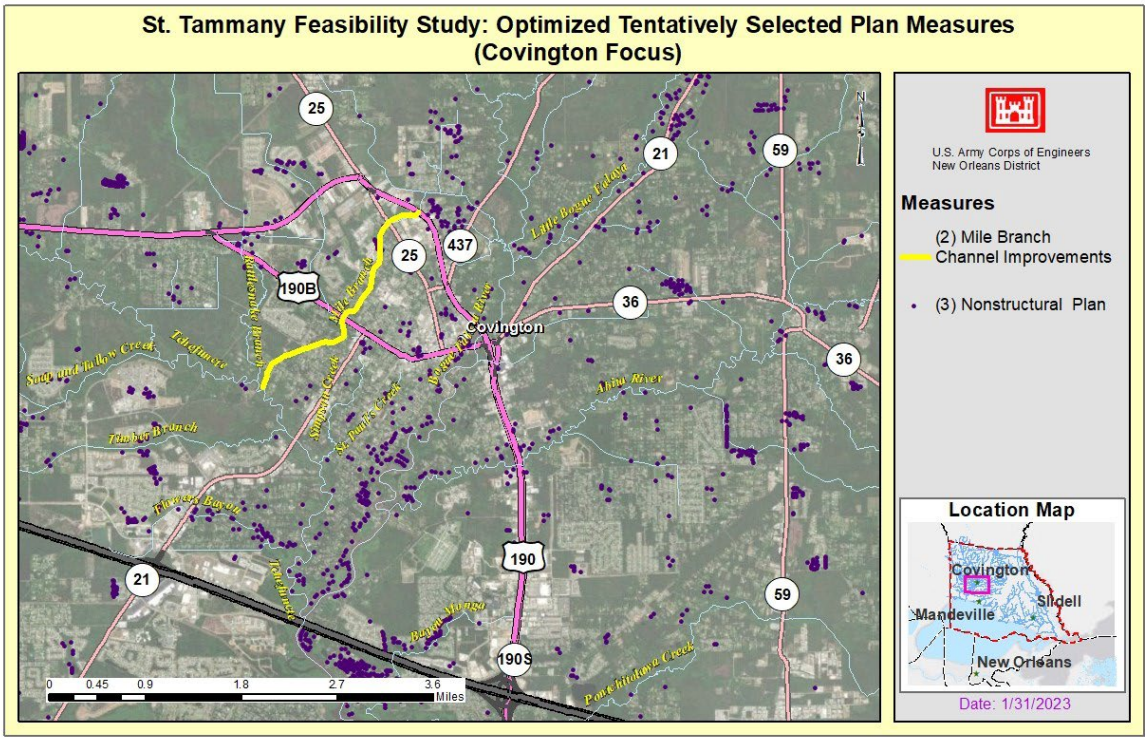

Figure G:2-5. Location of Mile Branch Channel Improvements Measure of Optimized TSP

The proposed Mile Branch Channel Improvements include widening and deepening approximately 2.15 miles (11,341 feet) of the existing Mile Branch waterway in Covington from US Highway 190 (N. Collins Blvd.), between Gratitude Drive and E. 35th Avenue, generally southwestward to the Tchefuncte River between Mile Branch Court and Brooke Hollow Lane. The preliminary design requires a ROW width of 130 ft, being 65 ft of channel centerline including 25 ft for access along both sides of the channel. The design assumes an existing bank elevation of 1 ft and a 10-ft bottom width at elevation -5 ft. The bank will have a 1V:3H slope. The channel improvements include clearing and grubbing and mechanical dredging of the channel. The channel bottom will be lowered by 5 feet. An assumed maximum of 130,000

cubic yards of material may be mechanically dredged from the channel. Dredged and other removed materials to be trucked from site and disposed at a nearby landfill or facility licensed to handle the material. Scour protections may be added as needed.

Approximately 21 acres of channel will be cleared and grubbed prior to mechanical dredging. The channel improvements will require seven bridges crossing the waterway to be replaced or modified including the W. 29th, W. 28th, W. 25th, W. 23rd, W. 21st, and W.19th Avenues vehicular bridges and a pedestrian bridge at W. 27th Avenue. The bridges at W. 21st and W. 19th Avenues include culverts to be replaced.

Approximately 20 acres of channel ROW is required within the Mile Branch Channel. Approximately 13 acres of ROW of the Mile Branch Channel is owned by St. Tammany Parish or the City of Covington. The parish and/or city would provide Authorization for Entry for construction to the NFS.

Seventeen temporary work/staging areas are required for five years for this portion of the project. An additional ≈4.81-acre work/staging area site may be acquired in fee and utilized as a nature-based backwater area after completion of the channel improvements. Temporary work/staging areas are assumed to be dry land. After use of temporary work/staging areas, the areas will be returned to their pre-project conditions.

Access to project areas is available using public roadways and the perpetual road easement areas to be acquired. The estates and approximate acreages required for the Mile Branch channel improvements portion of the Optimized TSP are identified in Tables G:2-8, G:2-9, and G:2-10 below.

Table G:2-8. Temporary Work/Staging Areas required for Mile Branch Bridges

Temporary Work Areas (Bridge Modifications or Replacements)	**Temporary Work Area Easement Acres**
W 29th Ave	0.37
W 28th Ave @ N. Pierce St	0.35
W 27th Ave Tammany Trace	0.38
W 25th Ave	0.20
W 23rd Ave	0.21
W 21st Ave (Hwy 190-B)	0.36
W 19th Ave	0.36
TOTAL	**2.23**

Table G:2-9. Temporary Work/Staging Areas required for Mile Branch Channel Clearing/Grubbing

Temporary Work Areas (Channel Clearing and Grubbing)	Temporary Work Area Easement Acres[3]
N Collins (190-B)	0.80
Hwy 437	0.45
W 31st Ave	0.45
W 29th Ave	0.30
N Pierce St	0.06
Hope Ln	0.15
S Taylor St	0.45
W 15th Ave	1.60
President Dr	0.60
Brook Hollow Ln	0.24
TOTAL	**5.10**

Table G:2-10. ROW Areas and Estates Required for Mile Branch Channel Improvements

Channel Improvement Project Features	Acres±	Estate
Channel Improvements (Clearing & Grubbing)	21[4]	Perpetual Channel Easement
Access Roads Adjoining Channel	13	Perpetual Road Easement
Subtotal	34	---
Temporary Work/Staging Areas	7.33	Temporary Work Area Easement
Backwater Mitigation Site	4.81	Fee with Restrictive Easement
TOTAL	**46.14**	

Approximately 120 private landowners would be affected by the project and there are existing improvements located within the preliminary ROW required for the channel improvements and/or construction and OMRR&R of same. Efforts will be made to avoid existing

[3] 17 total Temp Work Areas for Mile Branch (excluding the backwater area)
[4] Approximately 13 acres of the 21 acres are owned by city/parish.

improvements in PED of the system. Residential and non-residential relocations are anticipated. The following table identifies most of the existing improvements identified as being within the required ROW for the channel improvement portion of the Optimized TSP, listed from north to south along the channel, by improvement type, municipal address, and parcel number, and it will be determined at PED which ones will need to be relocated.

Table G:2-11. List of Affected Improvements within ROW for Mile Branch Channel Improvements

Improvement Type	Address	Street	Assessment Number
Commercial	1745	Colins	107-008-4891
Commercial	1655	Colins	106-007-3687
SFR	1218	W 33rd	106-006-9779
SFR	1217	W 33rd	106-009-3424
SFR	1201	N Buchman	106-116-6840
SFR	1023	W 30th	106-821-0344
SFR	1019	Joes Aly	106-210-0343
SFR	1017	Joes Aly	106-009-0069
SFR	1021	W 29th	106-821-0339
SFR	Unkn	W 29th	106-008-5545
SFR	810	N Pierce	106-119-2698
Multi-family	916	W 25th	106-009-6466
SFR	1003	W 25th	106-009-4625
SFR	919	W 25th	106-140-0158
SFR	916	W 24th	106-140-0159
SFR	Unkn	W 24th	133348
SFR	1008	W 23RD	106-007-0912
Multi-family	1003	W 23RD	106-009-6830
SFR	929	W 23RD	106-008-0616
Multi-family	1016	W 22ND	106-009-6202
SFR	940	W 22ND	106-008-5847
SFR	959	W 22ND	106-007-2389
Business	1016	W 21ST	106-109-8829
Small apt/Garage	203	S Tyler	106-009-3777
SFR	320	S Tyler	106-008-1469
SFR	921	W 18TH	106-006-2952

SFR	1108	W 16TH	106-140-7549
SFR	1319	W Presidents	106-007-5973
SFR	1216	W Magnolia	106-008-9265
SFR	1215	W Magnolia	106-007-6724
Pool	1223	W 11TH	106-120-6257

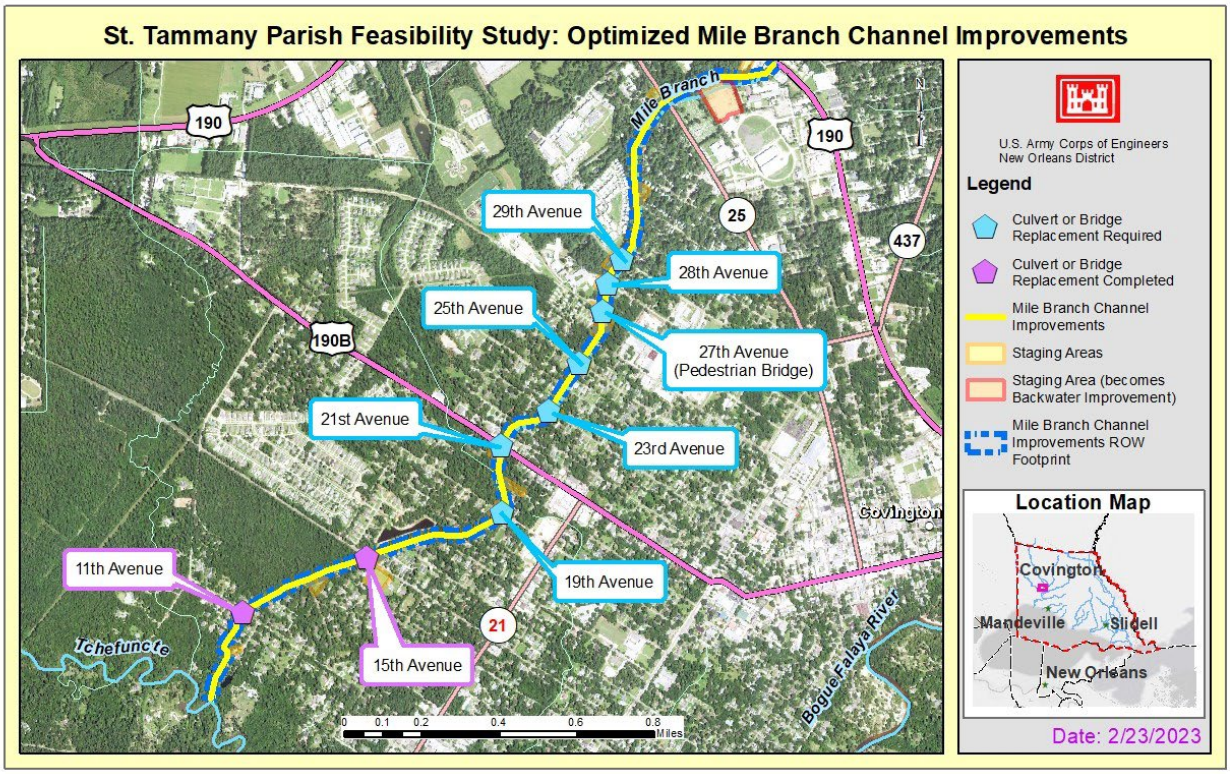

Figure G:2-6. Mile Branch Channel Improvement Areas

2.3.3 Structure Elevations and Floodproofing (Nonstructural)

USACE, MVD, and MVN have prepared a NS implementation plan, which provides details regarding the method of program implementation (Refer to Appendix H). An overview of the Nonstructural plan and implementation criteria, as discussed in Appendix H, is also included below in this REP.

The NS measure of the Optimized TSP consists of implementing floodproofing measures to reduce the risk of flood damages to residential and non-residential structures caused by riverine, rainfall, hurricane, and storm surge in St. Tammany Parish, Louisiana (both FRM and CSRM). Detailed plans and specifications for implementing NS measures are still in development as of this writing and will be finalized as part of the PED phase of the project. The PED phase occurs after Congress authorizes the Recommended Plan. Private landowner participation in the NS plan is 100 percent voluntary.

Floodproofing means any combination of structural and nonstructural additions, changes, or modifications to structures which reduce or eliminate the risk of flood damage to an improved real property, its related mechanical systems, and contents. The primary goal of the NS plan is to reduce flood risk for structures that are outside of the influence area of the structural features proposed as part of the Optimized TSP and have a first-floor elevation at or below the 50-year floodplain, based on hydrologic conditions predicted to occur in 2032 (the beginning of the 50-year period of analysis).

Using National Structure Inventory version 2.0 for the portions of the study area impacted by CSRM and FRM, an assessment of at-risk properties has identified a total of 6,410 total structures (5,583 residential, 827 non-residential) that appear to meet the preliminary eligibility criteria for participation in the project. Additional structure-specific analysis will be performed during PED to determine final eligibility and the most appropriate and cost-effective floodproofing measures to be employed including analysis of elevations and floodproofing alternatives. Property owners who have preliminarily eligible structures that wish to participate in the floodproofing measures will be required to apply for the program and provide a right-of-entry to their property.

The NS plan consists of the following flood damage risk reduction measures, which may be refined as additional data is developed or becomes available. Additional information regarding other NS measures may be added, as appropriate, as the NS plan is refined.

1. Elevation of eligible residential structures to the 100-year base flood elevation (BFE) based on year 2082 hydrology. Elevations will not exceed 13 feet. If after completion of the investigation of the property, USACE determines that the structure is eligible for elevation, the entire foundation of the structure will be lifted and placed on a new foundation (i.e., columns, piers, posted or raised foundation walls) so that the lowest habitable finished floor is at or above the 100-year BFE. All utilities and mechanical equipment, such as air conditioners and hot water heaters, will also be raised to or above this elevation. Property owners may choose to raise the structure, utilities, and/or mechanical equipment in excess of the predicted 2082 100-year BFE; however, costs attributable to elevations in excess of the minimum requirements set forth herein are not eligible and must be born solely by the property owner. Tenants of structures that will be elevated, who are temporarily displaced by the project implementation, are eligible for certain benefits in accordance with Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Projects of 1970, Public Law 91-646 (P.L. 91-646). Property owner/occupants of eligible residential structures who willingly participate in the residential elevation program are not considered displaced persons, and therefore, are not entitled to receive relocations assistance benefits.

2. Dry floodproofing of eligible non-residential structures to make the structure watertight below the BFE to prevent flood waters from entering, which may include one or more of the following methods: Sealing all areas of a structure up to a maximum of approximately 3 feet above ground level to reduce damage caused by flooding by making walls, doors, windows, and other openings resistant to penetration by water. Walls are coated with sealants, waterproofing compounds, or plastic sheeting. Back-flow from water and sewer lines is prevented by installing mechanisms such as drain plugs, standpipes, grinder pumps, and back-up valves. Openings, such as doors,

windows, sewer lines, and vents, may also be closed temporarily with sandbags or removable closures, or permanently sealed. Dry floodproofing will be completed on eligible structures at or below 3 feet depth in based on hydrologic conditions predicted to occur in 2032 (the beginning of the 50-year period of analysis).

Figure G:2-7 below shows an overview of the locations of properties that may be preliminarily eligible for participation in the nonstructural program within the study area.

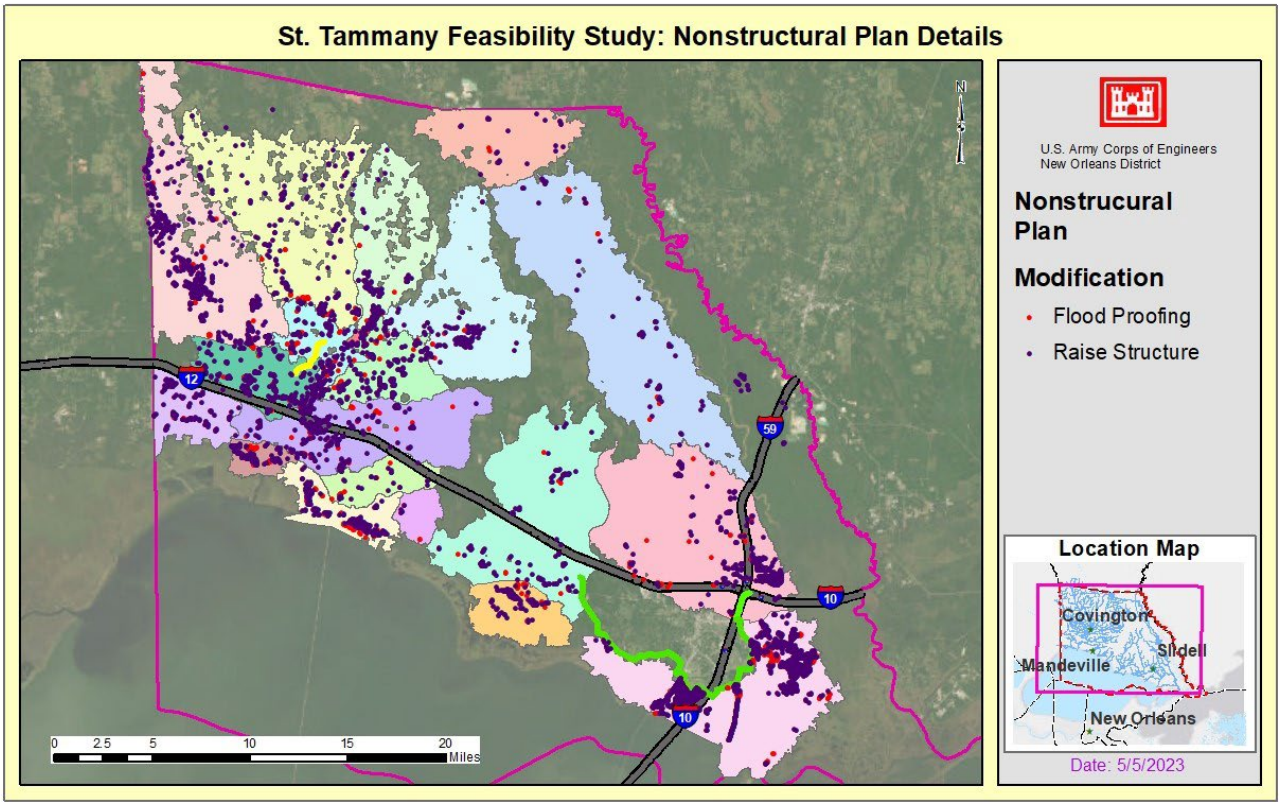

Figure G:2-7. Nonstructural Measure Locations

It is assumed that all eligible properties have legal access by way of public streets or existing public 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.

It is anticipated that implementation of the NS plan will occur over an approximate 12-year period. However, the time frame is highly dependent upon the number of eligible structures, the number of landowners electing to receive NS measures, and the amount of funding allocated in any given year.

Further assessments will be performed on the NS component during the PED as the engineering modeling is refined, which will include further assessment of the buyout and relocation measures. The NS analysis was based on the portions of the study area impacted by CSRM and FRM associated with the future without project condition.

2.3.4 Borrow and Mitigation

Material obtained from borrow sources would be from five sites. Two sites in Mississippi (MS-1 and MS-2) are commercially-operating borrow pits. The remaining three sites are STP-5, STP-6, and STP-9. More information regarding the selection of borrow sources can be found in Appendix C: Environmental.

The proposed plan to satisfy mitigation requirements resulting from the construction of the two structural features of the Optimized TSP includes restoration of degraded wet Long-leaf Pine Savanna Forest within the Big Branch National Wildlife Refuge (PSR-001), marsh restoration on private ownerships within the Refuge boundary (M2), and the purchase of mitigation bank credits.The PSR-001 Pine Savanna Forest restoration is planned for an approximately 50-acre site within the Big Branch National Wildlife Refuge located near the south side of Bayou Bonfouca, approximately 1.25 miles west of the Norfolk Southern railway and Pontchartrain Drive (US Highway 11), and north of the Lake Pontchartrain shoreline in Slidell. The restoration includes eradication of invasive species, removal of undesirable hardwood species, and reintroduction of fire across the entire site. An access road would be established to the site either from Sun Valley Drive crossing the railway, or from US Highway 11 and the existing Slidell-Oak Harbor levee and across the railway. A 15-foot wide perimeter access road around the site would also be constructed. Once across the railroad, access to the mitigation site will be via an existing dirt road generally traversing in a westerly direction approximately 1.8 miles. A staging area may be established within an existing gravel area just east of the railroad crossing, or in a location of lesser real estate or environmental impacts. An estimated one private ownership and two (2) public ownerships will be impacted. A special use permit from the USFWS would be needed for the work and access on the BBNWR. A road easement and a work area temporary easement would be required of the other affected ownerships.

The M2 marsh restoration site is planned for an area within the acquisition boundary of the BBNWR and consists of approximately 190 acres of mostly open water located west of Lake Road and north of Lake Pontchartrain in the Lacombe area of St. Tammany Parish. An estimated five (5) private ownerships and one public ownership will be impacted. This marsh creation work will require approximately 2,200,000 cubic yards of borrow material sourced from within Lake Pontchartrain approximately 2,000 feet off the northern shoreline southwest of the end of Lake Road. A corridor containing approximately 6.75 acres (7,340-ft by 40-ft) located mostly within Lake Pontchartrain and the Lake Road borrow canal, will be used to pipe the needed borrow material to the marsh creation site area and for water access to the project areas. A temporary work area easement and/or pipeline easement will be required of the other affected ownerships for the corridor. The temporary work area/pipeline corridor will be accessible from the west side of Lake Road. The M2 site is to be acquired by the NFS, as the NFS is responsible for acquiring all LERRDs.

During PED, more precise wetland value assessments (WVAs) will be performed in coordination with the USFWS to refine mitigation requirements and specific mitigation project

designs will be completed. The estimated real estate costs for mitigation herein include only the two restoration sites and not the costs of purchasing mitigation bank credits. Mitigation bank credits will be purchased for riparian habitat and private Pine Savanna habitat impacts. Preliminary estimates indicate the need for mitigation bank credits to offset 23 average annual habitat units (AAHUs) of riparian impacts and 67 AAHUs of Pine Savanna impacts.

The PDT has preliminarily identified multiple borrow sites which could be used as sources for the material required for the Slidell levee/floodwall system portion of the Optimized TSP. Specific borrow sites to be utilized will be selected after more investigations into the borrow sites can be completed during PED. Acreages and costs for borrow easement lands have been estimated based on the quantity of material needed for the project and an approximate average acreage value of the identified sites. See Appendix B – Plan Formulation for additional details on the potential borrow sites identified for the project.

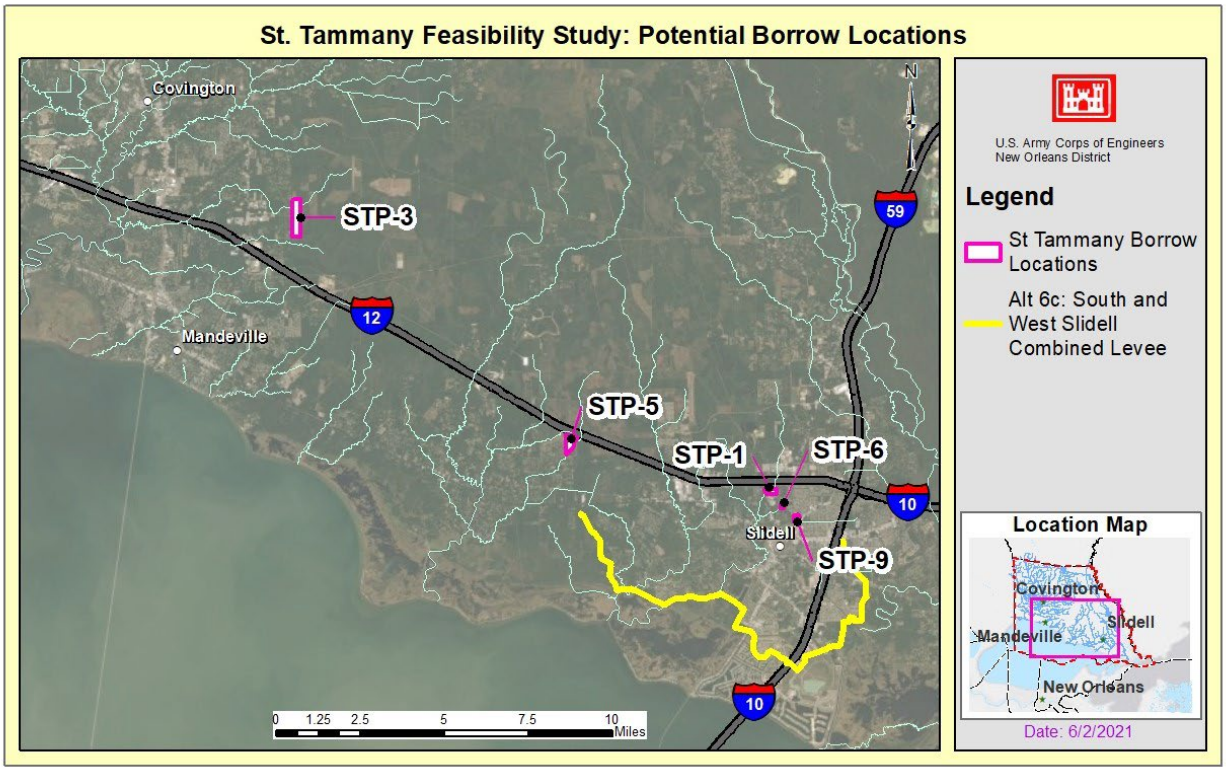

Figure G:2-8. Potential Borrow Locations

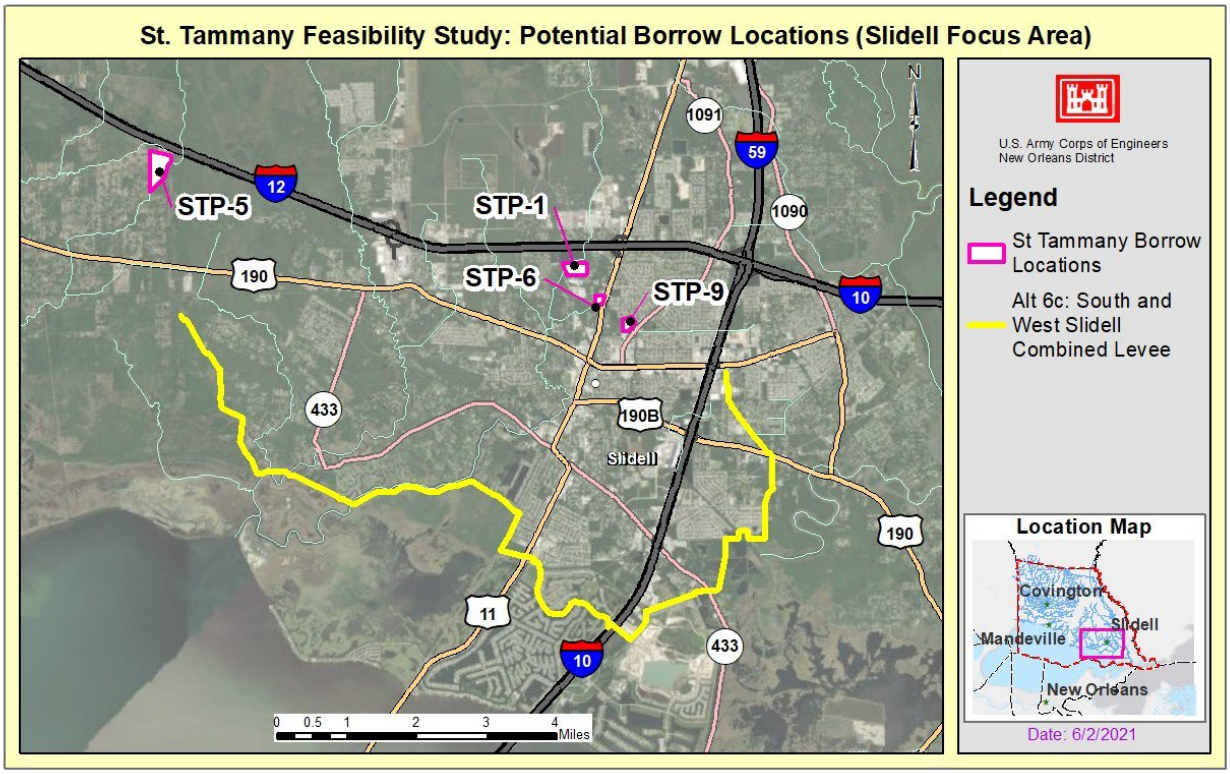

Figure G:2-9. Additional Potential Borrow Locations

Figure G:2-10. M2 Marsh Mitigation Site

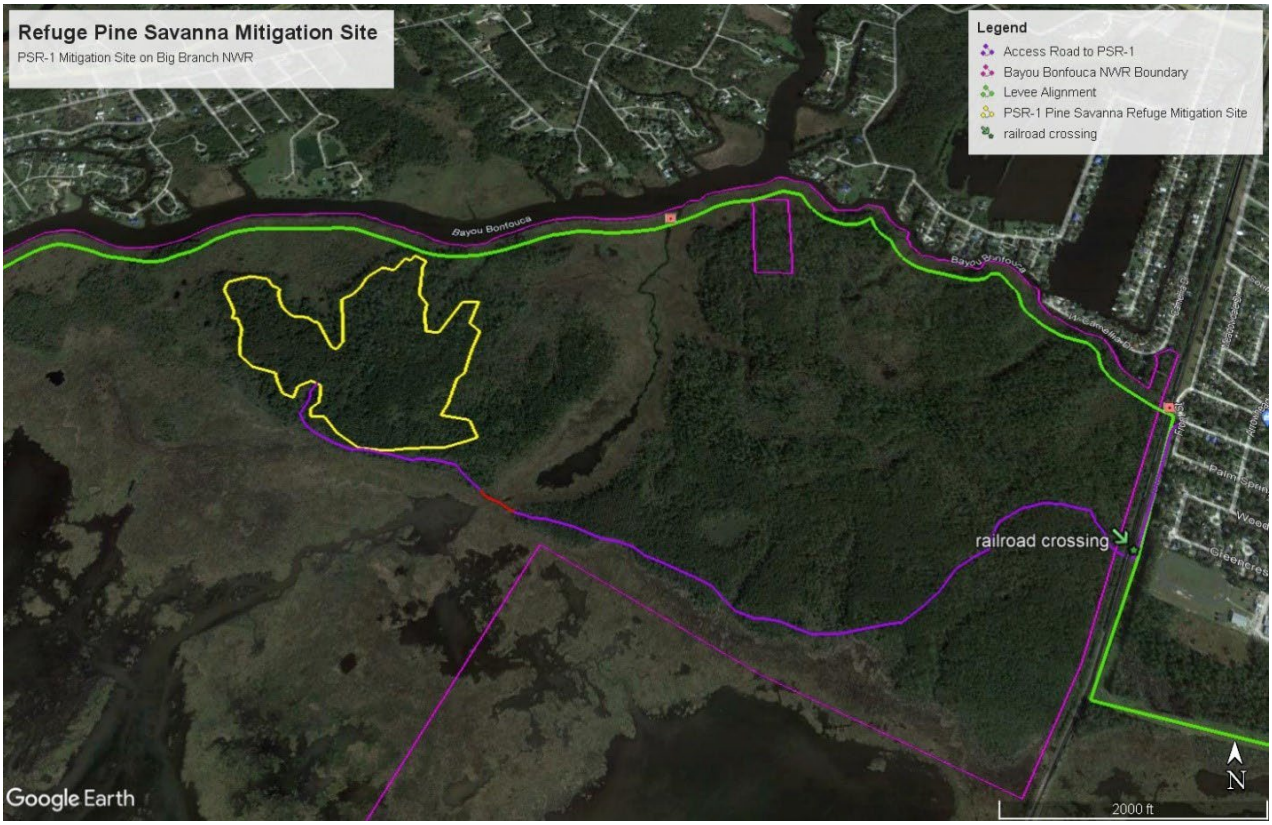

Figure G:2-11. PSR-1 Pine Savanna Mitigation Site

Section 3

Non-Federal Sponsor

The NFS for the project is the Coastal Protection Restoration Authority Board of Louisiana (CPRAB). CPRAB will be the NFS for the design, construction; and OMRR&R of the project. CPRAB as the NFS, is charged, among other things, with responsibility for the provision of all LERRDs, including those requiring relocations under P.L. 91-646, the borrowing of material, and the disposal of dredged or excavated material; performing or ensuring the performance of all utility/facility relocations; and constructing all improvements required on LERRDs as determined by the Government to be required or to be necessary for the construction and OMRR&R of the project. Although CPRAB does not have the authority to acquire and hold lands, its implementation and enforcement arm, the Coastal Protection and Restoration Authority (CPRA) has authority to acquire and hold immovable property and other property rights.

As the NFS for previous and current USACE projects, CPRAB, acting through CPRA, has been found to be fully capable of acquiring LERRDs, based on its authority to perform acquisitions, as well as its authority to partner with local agencies (*See*: La R.S. 49.214.1, *et seq*.).

Section 4

Estates Required for the Project

4.1 STANDARD ESTATES FOR SLIDELL LEVEE/FLOODWALL SYSTEM

The following standard estates would be required from public and private landowners. Temporary estates have been estimated as required for 5 years.

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

The NFS shall acquire 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 oil and gas in and under said land and all appurtenant rights for the exploration, development, production and removal of said 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 said oil and gas.

4.1.2 Flood Protection Levee/Floodwall Easement

A perpetual and assignable right and easement in (the land described in Schedule A) (Tracts Nos. ___, ___ and ___) to construct, maintain, repair, operate, patrol and replace a flood protection levee, floodwall, or gate closure, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

4.1.3 Road Easement[5]

A perpetual [exclusive] [non-exclusive] and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving; however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

[5] The easement estate may be limited as to time, depending upon project requirements.

4.1.4 Temporary Work Area Easement

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed five (5) years, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the 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.

4.1.5 Borrow Easement[5]

A perpetual and assignable right and easement to clear, borrow, excavate and remove soil, dirt, and other materials from (the land described in Schedule A) (Tracts Nos. _____, _____ and _____);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 in said land as may be used without interfering with or abridging the rights and easement hereby acquired.

4.2 STANDARD ESTATES FOR MILE BRANCH CHANNEL IMPROVEMENTS

The following standard estates would be required from public and private landowners. Temporary estates have been estimated as required for 5 years.

4.2.1 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 oil and gas in and under said land and all appurtenant rights for the exploration, development, production and removal of said 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 said oil and gas.

4.2.2 Channel Improvement Easement

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the purposes as authorized by the Act of Congress approved_____, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate: dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, 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 far public roads and highways, public utilities, railroads and pipelines.

4.2.3 Road Easement

A (perpetual [exclusive] [non-exclusive] and assignable) (temporary) easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving; however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

4.2.4 Restrictive Easement

A perpetual and assignable easement for the establishment, maintenance, operation and use for a (restricted) (safety) area in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), consisting of the right to prohibit human habitation; the right to remove buildings presently or hereafter being used for human habitation; the right to prohibit gatherings of more than twenty-five (25) persons; the right to post signs indicating the nature and extent of the Government's control; and the right of ingress and egress over and across said land for the purpose of exercising the rights set forth herein; 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.

4.2.5 Temporary Work Area Easement

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed . _____, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the 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.

4.3 STANDARD ESTATES FOR MITIGATION AND BORROW

The following standard estates would be required from public and private landowners. A special use permit from USFWS would be required for the work and access upon the BBNWR.

The NFS is not required to obtain an easement from the State of Louisiana to dredge material from the bottom of Lake Pontchartrain.

4.3.1 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 oil and gas in and under said land and all appurtenant rights for the exploration, development, production and removal of said 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 said oil and gas.

4.3.2 Pipeline Easement[5]

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____,_____ and _____), for the location, construction, operation, maintenance, alteration; repair and patrol of (overhead) (underground) (specifically name type of utility or pipeline); together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the 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

4.3.3 Road Easement[5]

A perpetual [exclusive] [non-exclusive] and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____) for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving; however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

4.3.4 Temporary Work Area Easement

A temporary easement and right of way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a work area, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the 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.Borrow Easement5

A perpetual and assignable right and easement to clear, borrow, excavate and remove soil, dirt, and other materials from (the land described in Schedule A) (Tracts Nos. _____, _____ and _____); 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 in said land as may be used without interfering with or abridging the rights and easement hereby acquired.

4.4 NON-STANDARD ESTATE – NONSTRUCTURAL PROJECT FEATURE

For properties that are eligible for elevation or floodproofing, Standard Right of Entry granted would be executed between the NFS and the landowner, which would serve as right-of-entry for the NFS and the USACE for construction, inspection, and OMRR&R of the project. Any agreements/estates, as well as any required curative documents, subordination or release agreement(s), shall be recorded by the NFS in the public records of the parish in which the property is located prior to commencement of the nonstructural improvements on the property.

The Temporary Work Area Easement would authorize USACE, the NFS, or their contractors to enter the property for purposes of implementing the flood proofing action, for inspection and enforcement purposes, and an estate running with the land shall be executed by all owners of the property.

Elevation and floodproofing of eligible structures would require that the NFS acquire a Right of Entry for Survey and Exploratory Work, Right of Entry for Construction, and a permanent easement for OMRR&R. A standard Temporary Work Area Easement will be acquired for the duration of construction on any improvements. Additionally, CEMVN will propose a non-standard easement which runs with the land, and includes the perpetual rights and restrictions for construction, operation and maintenance of the project. For residential structures, the project requires an easement which prohibits conversion or occupancy of any part of the structure located below the lowest habitable finished floor for human habitation and prohibits the alteration of the structure in any way to impede the movement of flood waters under the structure. The easement language included would also prohibit the construction of any other structure in a manner that would impede the movement of floodwaters under the structure. For non-residential flood proofing of structures, a separate non-standard easement would be required, which provides the necessary rights and restrictions to protect the federal investment. In each case, the draft easement language would be submitted through CEMVD to USACE CEMP-CR as a request for approval of a Non-Standard Estate. The ability to require a hold harmless in the easement may need to be further researched and coordinated with MVD and HQ OC.

Additionally, the NFS would obtain subordination agreements for any outstanding encumbrances that would interfere with the rights obtained in the permanent easement or that would interfere with the project.

Section 5

Existing Federal Projects and Ownerships

5.1 USACE SOUTHEAST LOUISIANA URBAN FLOOD CONTROL PROJECT

Seven projects were authorized under USACE's Southeast Louisiana Urban Flood Control Project (SELA) program in St. Tammany Parish in 1996 pending a study (known as a 533d report) to confirm they are technically sound, environmentally acceptable and economically justifiable, and include: Schneider Canal Hurricane Protection; Mandeville Hurricane Protection; Lacombe Area Plan; Abita Area Plan; Mile Branch Plan; Bayou Chinchuba Plan; and Slidell Area Plan (W-13, W-14, and W-15 Canals).

Figure G:5-1 shows these seven projects within St. Tammany Parish.

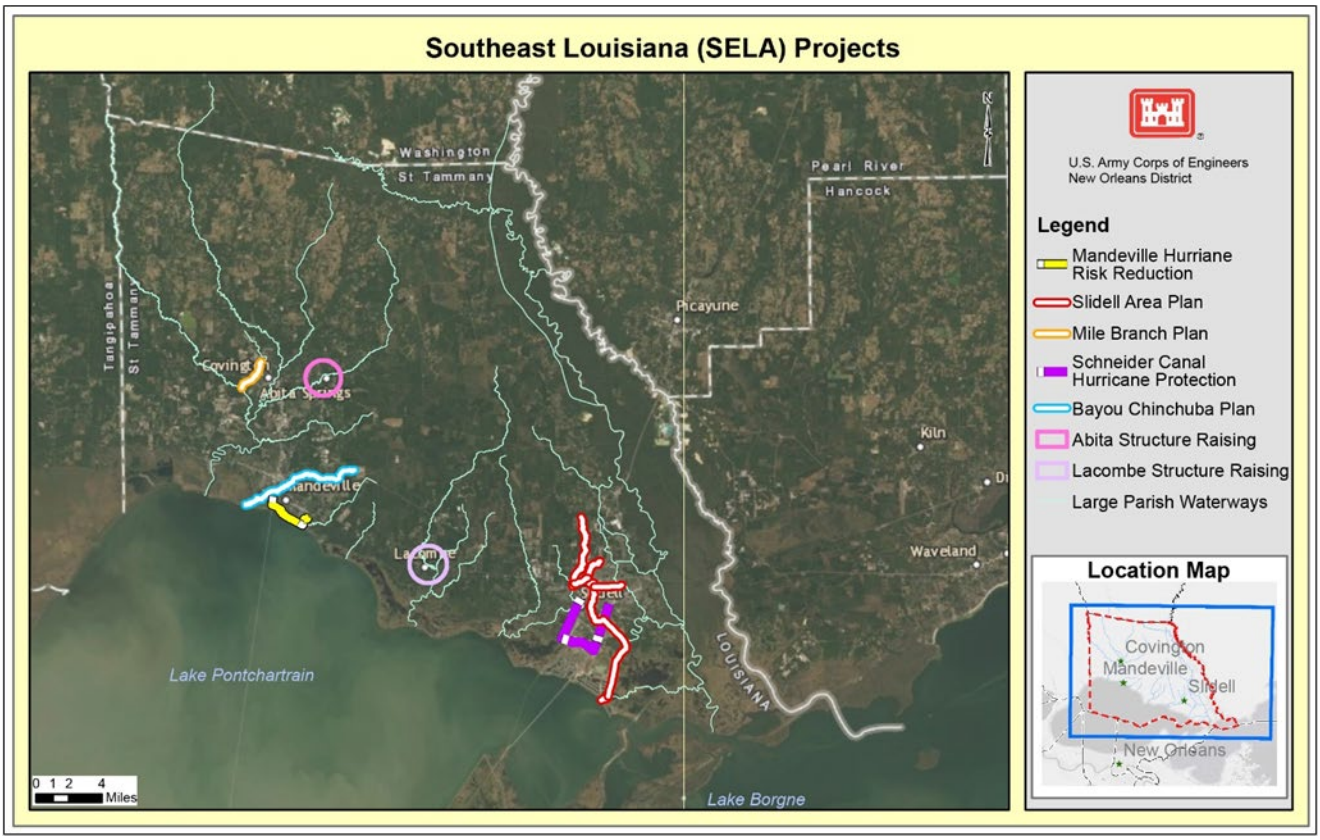

Figure G:5-1. Identified SELA projects in St. Tammany Parish

Only the W-14 canal project in Slidell has an approved report from March 2012 confirming it is technically sound, environmentally acceptable, and economically justifiable (533d report). Because the W-14 project had an approved 533d report it was excluded from plan formulation under this study. Analyses of the other six projects were included as part of plan formulation

because the original SELA projects were over 30 years old and it was expected that conditions in the study area might have changed.

After this study was underway, efforts to develop a 533d report for the SELA Schneider Canal hurricane protection project were initiated but is currently without funding to proceed. There is significant overlap in the larger St. Tammany study area with the smaller SELA Schneider Canal study area. This study evaluated a comprehensive plan for the parish, whereas, the SELA Schneider Canal 533d study is much more limited in scope and study area. If funding is received, the SELA Schneider Canal study PDT would evaluate the recommended alignment included in the Schneider Canal Hurricane Protection Reconnaissance Report dated May 1990. Coordination between the two study PDTs, Office of Counsel, and leadership would continue to determine the linkages between the two studies if the SELA Schneider Canal 533d study moves forward.

Section 6

Federally Owned Lands

The United States owns fee title to lands within the Big Branch Marsh National Wildlife Refuge, located on the western reach of the levee alignment for Measure 1. USFWS is the managing agency for the lands. The NFS would acquire from the USFWS the necessary real estate interests required for the project, and USFWS has indicated interest in doing a land exchange with the NFS to provide LERRDs needed for this project.

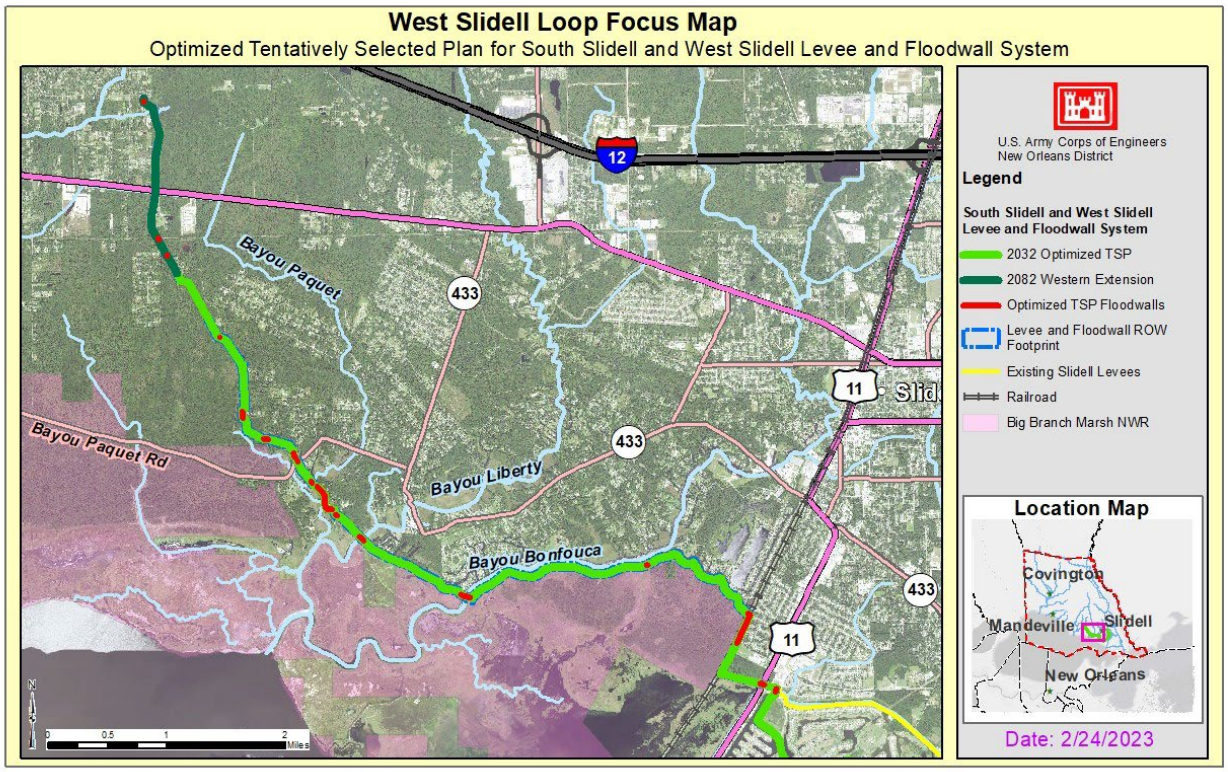

Figure G:6-1. Map Showing Western Portion of Slidell Levee/Floodwall and BBNWR

Approximately 110 acres of the Big Branch National Wildlife Refuge (BBNWR), generally along the south side of Bayou Bonfouca westward of the railroad, is required from the USFWS for the Slidell Levee/Floodwall feature of the Optimized TSP. The USFWS is authorized to exchange property with the NFS. Accordingly, property determined to be suitable and desirable by USFWS in a location where it is authorized to acquire property for the Big Branch National Wildlife Refuge would be identified by USFWS, then the identified property may be acquired by the NFS and exchanged with USFWS for the LERRDs required within the Refuge. The exchange of Refuge lands is authorized under the National Wildlife Refuge System Administration Act administered by the National Wildlife Refuge System. In the case of an exchange, an Exchange Agreement is to be executed between the NFS and USFWS. The

process by which the land required of the Refuge may be acquired by the NFS for the project and their estimated durations is generally as follows:

1. Preliminary assessments of the land to be divested by the USFWS for the project, and potential properties for acquisition by the NFS to exchange with the USFWS for said land, will be made, including land size, location, ownership, value, and environmental quality. Work to begin in PED (six months).

2. The NFS and the USFWS will coordinate to select a suitable exchange site(s). The selection of an alternate site is recommended should negotiations fail with the first selected site. The proposed land exchange needs to be a net conservation gain compared to the expected loss of the lands divested by the USFWS to the NFS; and of similar value, although equalization or differential payments at time of exchange may be required of the NFS or USFWS. 342 FW 5, Non-Purchase Acquisition, section 5.7 FWS, states “(1) that the exchange be of benefit to the United States (intent is for benefit of FWS), and (2) that the value of the lands or interests in lands be approximately equal or that values may be equalized by the payment of cash by the grantor or by the United States.” USFWS Regional Directors must approve in writing proposed land exchanges valued below $500,000. The USFWS Director must approve in writing proposed land exchanges valued at $500,000 or more. In addition, the House and Senate Committees on Appropriations must be given advance notice of exchanges valued between $500,000 and $2,000,000. For land exchanges where the estimated value of the Federal lands to be exchanged is greater than $2,000,000, the House and Senate Committees on Appropriations must be afforded 30 days to examine the proposed exchange before it is consummated (six months).

3. The NFS/USACE will obtain plats or surveys, legal descriptions, title binders, environmental assessments, real estate appraisals and appraisal reviews of the lands proposed to be exchanged including an alternate site (if any). Reports to be reviewed by appropriate personnel of the parties to the land exchange (12 months).

4. Once there is agreement as to the acceptable terms for the exchange of the identified properties, the NFS shall negotiate and acquire fee interest in the property to be exchanged based on appraised value and subsequently exchange the property for the lands required of the USFWS along with any required differential or equalization payment which may be required by the NFS or the USFWS as dictated by the terms of the agreement (12 months).

All appraisals and appraisal reviews may be required to be performed and reviewed by the Department of Interior’s Appraisal and Valuation Services Office, which can reportedly be a lengthy process. However, based on past projects involving USACE and another Federal Agency, current USACE appraisers may be approved for some, or all, of these assignments, which could shorten the time needed for fulfill these requirements.

Section 7

Navigation Servitude

The Federal 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 below the mean high-water mark. In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the ordinary high-water mark. It is not anticipated that the navigation servitude would be exercised for this Project, since the State of Louisiana claimed the water bottom of Lake Pontchartrain, where borrow would come from for the project. Legal analyses during PED will determine if the federal navigation servitude is available for use in the implementation of the Optimized TSP,and would have to establish a nexus to navigation in order to assert the servitude. This justification would be required to go to HQ Counsel for approval.

Section 8

Induced Flooding

Based on the ADCIRC modeling of the proposed structural CSRM levee system, it is estimated that increases of one to three inches for the 1 percent Annual Exceedance Probability (AEP) water level will result on the flood side of the proposed levee/floodwall system in Slidell. Additionally, HEC-RAS modeling for the Mile Branch Channel Improvements project indicate no increases in water levels in the floodplain for the 1 percent AEP.

The potential for induced flooding will be further investigated during PED. If induced flooding rising to the level of an acquisition or taking is confirmed by a Takings Analysis, the Optimized TSP would be refined to appropriately mitigate the issue(s) which could include things such as additional nonstructural actions, buyouts, or refinement of the Optimized TSP measures. See Section 6.6.5 of the main report for additional details on induced flooding.

Section 9

Baseline Cost Estimates

The financial costs for the acquisition of the lands required for the construction, operation, and maintenance, for all three of the Optimized TSP measures, including lands required for mitigation sites and borrow sites, although specific borrow sites have yet to be determined, have been estimated (shown in the 01 – Lands and Damages account). The Facility/Utility Relocations costs have also been estimated. These estimates are preliminary and may be refined during PED. The financial costs estimates are distinct from the economic costs for National Economic Development Costs, referenced in ER 1105-2-100.

The estimated total cost for Real Estate Acquisitions is $252,240,000, including incremental costs. This includes $74,718,000 for the structural features, $576,500 for mitigation, $6,182,000 for borrow sites, and $170,764,000 for administrative costs associated with the residential and non-residential floodproofing measures. The costs associated with acquiring the required LERRDs for the structural features includes land payments.

Costs for the NS floodproofing measures of the Optimized TSP include administrative costs associated with implementation of the Optimized TSP. This could include such items as obtaining rights-of-entry, title work, preparation, execution, and recordation of the estates and any needed curative documents, any valuation work, residential and non-residential relocation costs for tenants, and subsequent inspections to ensure the work was performed in accordance with the Project Partnership Agreement (PPA). Administrative costs for these real estate tasks (to be performed by the NFS) were estimated at $25,400 per structure. Costs of elevating and floodproofing the structures are construction costs, so are not included as real estate costs.

Because the estimated costs of the LERRDs required for the project do not exceed 10% 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 Appraisal & Planning Branch in January 2023.

Relocations costs are $17,456,600. Refer to Section 15 entitled “Facility/Utility Relocations” and the Engineering Appendix D for more information regarding the costs associated with these relocations.

Table G:10-1. Estimated Real Estate Costs for the Optimized TSP - Structural

01 Real Estate Total Structural	**$238,872,000**
02 Facility & Utility Relocations Total	**$17,456,600**

Table G:10-2. Estimated Real Estate Costs for the Optimized TSP - Nonstructural

	RESIDENTIAL ELEVATIONS	NON-RESIDENTIAL FLOOD PROOFING	TOTAL
ESTIMATED # OF STRUCTURES	5,800	884	6,684
TOTAL NS REAL ESTATE COSTS			**$13,368,000**

These cost estimates are subject to revision during the 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 Engineering Division of USACE.

Section 10

Uniform Relocation Assistance (PL 91-646, Title II as Amended)

The availability of relocation assistance benefits for persons within the structural and NS features of the Optimized TSP have been preliminary determined pursuant to P.L. 91-646 and its implementing regulations at 49 CFR Part 24, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs” (Uniform Act).

Approximately 16 residential and non-residential structures are located within or affected by the right-of-way footprint for the Slidell levee/floodwall system. Approximately 30 residential and non-residential structures are located within or affected by the right-of-way footprint for the Mile Branch channel improvements. Additionally, approximately 5,800 residential and 884 non-residential structures are preliminarily determined eligible for the elevations and floodproofing within the NS feature of the Optimized TSP. Uniform Act relocation assistance will be available to all affected structure ownerships within the Slidell levee/floodwall system plan and the Mile Branch channel improvements plan. A different situation exists for the NS plan because participation in the NS plan is voluntary, so the owner-occupants are not eligible for relocation assistance benefits. However, if the owner of a leased residential property participates in the structure elevation, the tenant is considered displaced and is eligible for relocation assistance under the Uniform Act. Tenants would be eligible for reasonable out-of-pocket reimbursement for expenses incurred during the temporary relocation.

Below are excerpts of the applicable portions of 49 CFR Part 24, as they relate to owner-occupants and tenants:

49 CFR Part 24:

> (1) Subpart A, paragraph 24.2(a)(9)(ii)(E), Persons Not Displaced definition, states that an owner-occupant who moves as a result of an acquisition of real property that will not be acquired if an agreement cannot be reached, or as a result of rehabilitation of the real property, is not a displaced person. However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or Federally-assisted project is subject to the URA as a displaced person; and (H) states that an owner-occupant who conveys his or her property...after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the URA as a displaced person; and
>
> (2) Subpart B, paragraphs 24.101(a)(2), (b)(1)(iii), & (b)(2)(i), Applicability of Acquisition Requirements, states that if the agency will not acquire a property because negotiations fail to result in an agreement, the owner of such property is not a displaced person and as such, is not entitled to relocation assistance benefits. However, tenants on such properties may be eligible for relocation assistance benefits.

(*Note the above paragraph is intended to stress that if an agency will not use condemnation as an acquisition tool, then an owner-occupant is not considered a displaced person; conversely, even if an agency does not utilize condemnation as an acquisition tool, tenants may be considered displaced persons. It is understood that if an owner does not participate in the program, then a tenant would not be displaced and would not qualify for relocation assistance.)*

The replacement housing stock within the project areas of St. Tammany Parish appears adequate to absorb displaced residents and businesses. Payments for housing of last resort are likely, considering some of the affected improvements are manufactured homes and/or the individual circumstances of the displaced persons. The estimated costs for the relocation assistance benefits are $29,417,800.

Section 11

Mineral Activities Impacted

11.1 OIL AND GAS ACTIVITY

The Louisiana Department of Natural Resources provides a Strategic Online Natural Resources Information System (SONRIS) which contains up-to-date information on oil and gas activity in Louisiana. Review of this information indicated that although there are oil and gas wells within the study area, there are no active wells located within the footprints of the Optimized TSP alignments. However, the Slidell levee/floodwall system alignment crosses a subsurface petroleum pipeline owned by ExxonMobil Corporation and operated by Collins Pipeline Company. The pipeline spans from Meraux, LA to Collins, MS. The levee crossing of the pipeline occurs near the south side of CC Road, approximately 2,100 feet south of Ned Avenue in Slidell. Additional information regarding the pipeline crossing is located in Section 15 of this appendix. A separate Relocations Report, containing relocations details and costs, will be submitted as a reference to the Engineering Appendix D.

With the exception of the acquisition of the standard Fee, Excluding Minerals Estate (With Restrictions on the Use of the Surface), which has the potential to impact mineral rights over certain lands, the other estates have no impact on mineral rights and USACE and/or the NFS will not acquire mineral rights to any of the LERRDs required for the Project. Over lands where the fee, excluding minerals estate, is being acquired, mineral rights will be subordinated. Mineral right owners can still explore for minerals through directional drilling.

11.2 TIMBER/MINERALS/ROW CROP ACTIVITY

No agricultural lands have been identified as being affected by the proposed alignments of the Optimized TSP. Furthermore, the contributory value of any merchantable timber located within the structural feature alignments of the Optimized TSP has been included in the estimated overall value of the LERRDs required for the project.

11.3 OYSTER LEASES

There are no oyster leases within the project study areas. As such, no oyster leases will be affected by the proposed structural features of the Optimized TSP.

Section 12

Non-Federal Sponsor Authority to Participate

The required acquisitions will be performed by the NFS using USACE standard estates (permanent and temporary) for the land required for the structural, nonstructural and mitigation components of the project, as well as non-standard estates needed for nonstructural features of the project.

An assessment of the legal and professional capability of the NFS, and its experience to acquire and provide the LERRDs for construction, operation, and maintenance of the Optimized TSP has been included herein as **Annex A**. The NFS has worked with USACE on numerous other projects and has been capable of performing the responsibilities of LERRDs acquisition. CPRAB also has the authority to partner with another public agency to more expeditiously acquire the lands required for this project, including, but not limited to, a local levee district or parish government. The NFS has been advised of P.L. 91-646 requirements and the requirements for documenting expenses for credit purposes, as well as risks associated with acquiring land before PCA. The fee lands required from USFWS are to be acquired by the NFS via an exchange of desirable substitute land authorized for the BBNWR.

If the Optimized TSP is authorized for construction, funded, and implemented, the NFS will be required to execute a combined structural and non-structural 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. In addition, the NFS is responsible for undertaking any investigations to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601-9675), that may exist in, on, or under the LERRDs required for construction, operation, and maintenance of the project. The NFS shall be considered the operator of the project for purposes of CERCLA liability.

Because the Optimized TSP contains both structural and nonstructural measures, and the structural measures may require real property acquisitions from unwilling landowners, CPRAB may be required to utilize a partner's condemnation authority for any of the LERRDs required for structural measures of the Optimized TSP. If condemnations become necessary for the acquisitions of the required LERRDs for the project, it is noted that CPRAB does not have "quick take" authority for acquisition of real property interests, except as provided under La. R.S. 49.214.61 relative to barrier island preservation, restoration, or creation for coastal wetlands purposes, which does not apply to the Optimized TSP features. However, CPRAB

does have the authority to partner with another public agency to more expeditiously acquire the lands required for this project, including but not limited to, a local levee district or parish government, pursuant to La. R.S. 38:301, La. R.S. 38:301.1 and La. R.S. 49:214.5.2.

Section 13

Zoning Ordinances

There will be no application or enactment of zoning ordinances in lieu of, or to facilitate, acquisition of real estate interests in connection with structural features, or in implementation of the nonstructural features for this project. The nonstructural measures are voluntary in nature and would be available only to existing eligible structures as defined within the Optimized TSP. 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 R322.2.1; Elevation Requirements of the Louisiana Uniform Construction Code states that “Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above base flood elevation or the design flood elevation. Article V, Division 4 Sec 105-470 of the Home Rule Charter and Code of Ordinances of St. Tammany Parish requires “Minimum finished floor elevations for residential structures in flood zone "C" shall be no less than12 inches above the centerline of street or top of curb fronting the home, whichever is greater. For residential structures located in flood zone “A,” the minimum finished floor elevation shall be at the base flood elevation or 12 inches above the centerline of street or top of curb fronting the home, whatever is greater. For residential lots less than 90 feet wide in all flood zones, structures shall be raised if more than 24 inches of fill is required to satisfy this section. Elevations shall be tied to NAVD88 vertical datum.”

Section 14

Real Estate Acquisitions Schedule

14.1 STRUCTURAL FEATURES ACQUISITIONS SCHEDULE

The required acquisitions will be performed by the NFS using USACE standard estates (permanent and temporary) for the lands required for the structural, mitigation, and borrow areas components of the project. The required acquisitions are estimated to take approximately four and one-half (4.5) years to complete once ROW plans are finalized and the acquisition process can begin.

The following acquisition schedule is based on the premise that the structural features of the project would impact approximately 294 private landowner(s). A detailed acquisition schedule will be prepared once the 95 percent plans and specifications for the project are prepared. The schedule below provides the estimated total amount of time to complete the acquisition of real estate rights required for the construction of the project based on the information available to date and is preliminary and subject to change.

• TOD, Mapping	9 months
• Obtain Title & Appraisal, and Appraisal Reviews	12 months
• Negotiations	12 months
• Closings	9 months
• Eminent Domain Proceedings (if needed)	12 months
Total:	**54 months or 4.5 years**

14.2 NONSTRUCTURAL PROJECT FEATURES ACQUISITIONS SCHEDULE

The nonstructural project elevations and floodproofing features would require execution of a right of entry between the landowner and the USACE/NFS. In addition, the following administrative functions, along with their estimated durations, which can be concurrent, would be required for each structure:

• Obtain Right-of-Entry for Investigations	1 month
• Title research/review of title	1 month
• Preliminary Investigations (i.e., HTRW, structural, surveys, etc.)	2 months
• Execution of agreement between landowner/NFS & curative documents for elevations or non-residential floodproofing	1 month
• Filing Agreement between landowner and NFS including NSE(s)	1 months
• Relocation of Displaced Tenants	2 months
• Residential elevation or non-residential floodproofing	2 months

Tasks shown above would likely vary by property. Considering the vast number of structures estimated to be eligible for the nonstructural plan, 12 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 and assumes that project funding would be available every year. This estimated schedule is expected to be refined as more information becomes available during PED and implementation of the Optimized TSP. Refer to Appendix H of the RDIFR-EIS for a more detailed discussion of the non-structural implementation plan.

Section 15

Facility/Utility Relocations

The Slidell levee/floodwall system alignment crosses a subsurface petroleum pipeline owned by ExxonMobil Corporation and operated by Collins Pipeline Company. The pipeline spans from Meraux, LA to Collins, MS. The levee crossing of the pipeline occurs near the south side of CC Road, approximately 2,100 feet south of Ned Avenue in Slidell. The pipeline is to be rerouted up and over the levee at this location.

The system also crosses the Norfolk Southern railway just west of the eastern end of Sun Valley Drive in Slidell. A floodgate will be utilized at the railroad crossing. Windows of time with no rail traffic at the crossing and floodgate location will be coordinated with the railroad operators to allow for railroad gate construction and railroad crossing for the construction of the levee along the south side of Bayou Bonfouca. It also crosses Interstate 10, which will raised to the preliminary design elevation of 15 feet to ramp over the new levee system. The existing elevation of I-10 at this location is approximately 12.8 feet per the LIDAR raster dataset. This proposed location is the highest elevation of the I-10 in the vicinity of the alignment. During construction to raise I-10 at this location, traffic will be rerouted within the existing I-10 ROW and required temporary work area easement area. For the additional roadway crossings, traffic will be rerouted within the existing ROW and/or temporary work area required for the crossing.

In addition to the above, the Slidell levee/floodwall system affects roadways, bridges, underground water and sewerage lines, overhead and underground power and communication lines, power and light poles, drainage culverts, and drainage lines, as detailed in Appendix D.

The Mile Branch channel improvements work will affect several minor and one major roadways, underground water and sewerage lines, overhead and underground power and communication lines, power and light poles, drainage culverts, and drainage lines, as detailed in Appendix D.

The total estimated cost of facility/utility relocations is $17,456,600. These costs are reflected as relocations (02-Relocations) within the Baseline Costs Estimate herein and would be 100% borne by the NFS. The estimated costs for relocations represent a preliminary level of design and will be further refined during the PED. The NFS will perform these relocations as a part of its responsibility under the terms of a PPA.

Real Estate Guidance issued for 3x3x3 studies indicates that if the costs of relocations of facilities and utilities is less than 30% of project costs, an Attorney's Preliminary Opinion of Compensable Interest report need not be prepared. Because the estimated cost of relocations does not exceed 30% of total project cost, an Attorney's Preliminary Opinion of Compensable Interest was not prepared for this REP. This information will be reviewed during PED, and a Final Attorney's Opinion of Compensability will be prepared prior to execution of the PPA. Until that opinion is prepared, the compensability of each of the facilities/utilities is unknown.

Any conclusion or categorization contained in this report that an item is a utility or facility relocation to be performed by the NFS as part of its LERRDs responsibilities 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 a Final Attorney's Opinion of Compensability for each of the impacted utilities and facilities.

See Sections 10.12 and 10.23 of the Engineering Appendix for more detailed information on the facility/utility relocations required for the structural features of the Optimized TSP (Appendix D).

Section 16

Hazardous, Toxic, and Radioactive Waste

A Phase I Environmental Site Assessment was conducted October 1-22, 2021, to assess the potential for Hazardous, Toxic, and Radioactive Waste (HTRW) materials within the Optimized TSP footprints for each of the proposed structural measures. As a result of this investigation, it was determined that the probability of encountering HTRW during construction would be low. Due to limited availability of right of entry, additional surveys will be required prior to construction. However, it is not anticipated that there will be impacts to the real estate acquisition process and the LERRDs value estimate due to the presence of any HTRW within the LERRD required for project construction. Further discussion of these environmental investigations and findings can be found in Section 3.2.1.7 of the RDIFR-EIS.

Section 17

Landowner Concerns

Two landowner outreach meetings on the proposed project have been held to date. One was held on March 22, 2023 in Slidell, and another on March 22, 2023 in Covington. However, they were not well attended and the attitudes of most landowners who will be affected by construction of the structural features of the project are not known at this time. Some landowners have expressed concern and opposition to the specific locations of the proposed ROW on their property. Generally, however, local community support for flood risk mitigation projects is high. It is expected that once further analysis is conducted for the structural project features, additional landowner meetings will be held. At that time, specific landowner concerns and support for the structural features of the plan will be further assessed. Based on experience with other flood risk mitigation projects, it is expected that the majority of affected private landowners will be amenable to the proposed plan.

Because the required estate (if any) for the non-structural feature of the plan remains in question, this REP is unable to assess landowner concerns related to same. However, local parish and State officials have indicated that many of their residents have expressed interest in and are highly supportive of structure elevations.

Section 18

Risk Letter

The NFS has been sent a notification of the risks of acquiring real property interests prior to the PPA, as the preliminary information in the feasibility study may change once completed. Premature acquisition may result in insufficient or excessive real property acreage, as well as additional expense and delay schedule to complete acquisition. A copy of the letter discussion risk with early acquisition of real property interests in included in the REP as Annex 2.

Section 19

Review and Approval

Date: 5 May 2023

Prepared by:

Zachary J. Derbes, MAI, R/W-AC
Real Estate Appraiser
USCAE MVN

Reviewed by:

Erin C. Rowan
Real Estate Appraiser
USACE MVN

Reviewed and approved by:

Todd M. Klock
Chief, Real Estate Division
(Acting)
USCAE MVN

ANNEX 1

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
ST TAMMANY PARISH FEASIBILITY STUDY**

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, Act No. 199 (HB 144) signed by the Governor of the State of Louisiana on 6/14/2017, limits the power of eminent domain; it states that** ***"no full ownership interest in property shall be acquired for integrated coastal protection through any method by the state of Louisiana, the Coastal Protection and Restoration Authority, a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, including but not limited to compensatory mitigation and ecosystem restoration purposes, unless such interest is voluntarily offered and agreed to in writing by owners with at least seventy-five percent ownership in the property or such entity seeking to acquire the property proves by clear and convincing evidence in a court of competent jurisdiction that a full ownership interest is the minimum interest necessary to carry out the purposes of integrated coastal protection for the specific project for which it is acquired."*** **Furthermore, access rights, rights of use, servitudes, easements, or other property interests for coastal projection projects shall only be for fixed terms and shall not be acquired in perpetuity unless such acquisition is offered voluntarily by owners with at least seventy-five percent ownership in the property.**

c. Does the sponsor have "quick-take" authority for this project? **NO** CPRAB does not directly have quick take authority. However, pursuant to La. R.S. 49:214.5.2 and 38:301.1, CPRAB may enter into an agreement to use the authority of a coastal area levee district or parish governing authority to use the quick take authority of those entities to acquire real property interests for project purposes.

d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **NO**

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **See "b" above.**

II. Human Resource Requirements:

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? **NO**

b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? **N/A**

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**

d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? **YES**

e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**

f. Will the sponsor likely request USACE assistance in acquiring real estate? **NO**

III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site? **YES**

b. Has the sponsor approved the project/real estate schedule/milestones? **YES**

IV. Overall Assessment:

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

V. Coordination:

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

Prepared by:

Karen Vance-Orange
Realty Specialist
US Army Corps of Engineers

Approved by:

David A. Peterson
General Counsel
Coastal Protection and Restoration Authority

ANNEX 2

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LA 70118-3651

May 16, 2023

Real Estate Division
Appraisal & Planning Branch

Mr. Kyle "Chip" R. Kline, Jr., Chairman
Coastal Protection and Restoration Authority Board of Louisiana
P.O. Box 44027
Baton Rouge, LA 70804-4027

Dear Mr. Kline:

The St. Tammany Parish, Louisiana Feasibility Study (Study or Project) is authorized by subtitle B, Section 1201 (14) of the Water Resources Development Act of 2016, as included in the Water Infrastructure Improvements for the Nation Act (P.L. 114-322). The Study was authorized in accordance with the annual reports submitted to Congress in 2015 and 2016, pursuant to Section 7001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) (Public Law 113-121), (33 U.S.C. 2282d). The New Orleans District (CEMVN) of the U.S. Army Corps of Engineers (USACE) is nearing the completion of the revised integrated Draft Feasibility Report and Environmental Impact Statement (Draft Report and EIS) for this Study.

The revised Draft Report and EIS contains preliminary information, which may change once a greater level of design for the Project features are completed by USACE during later stages of the feasibility phase. Consequently, CEMVN is providing this notice of risk letter to advise CPRAB of the risks associated with the early acquisition of real estate interests and rights prior to the execution of a Project Partnership Agreement (PPA).

In the event that CPRAB elects to proceed with any acquisition of lands, easements, rights-of-way, relocations and disposal (LERRDs), that may be needed for the construction, operation, maintenance, repair, replacement and rehabilitation of this Project prior to the execution of a PPA, CPRAB will thereby assume full and sole responsibility for any and all costs, or liability arising out of all such acquisitions and attempts to acquire LERRDs for the Project. Generally, these risks include, but are not limited to, the following:

a. Congress may not approve the Chief's Report for this Project;

b. Congress may not appropriate funds to construct the proposed Project;

c. The proposed Project may otherwise not be funded or approved for construction;

d. A PPA mutually agreeable to CPRAB and the Government may not be executed and implemented;

e. CPRAB may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended;

f. CPRAB may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the Project;

g. CPRAB may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act (P.L. 91-646), as amended, as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until the PPA execution and the Government's notice to commence acquisition and performance of LERRDs, and

h. CPRAB may incur costs or expenses in connection with its decision to acquire or perform LERRDs in advance of the executed PPA and/or the Government's notice to proceed, which may not be creditable under the provisions of P.L. 99-662 and/or the PPA.

Should CPRAB decide to proceed with acquisition of real estate interests, it is hereby notified that acquisition activities must conform to P.L. 91-646, which describes the rights of landowners impacted by a federally funded project and the responsibilities of government agencies performing acquisition of real estate interests for such projects. Furthermore, in order to ensure that you receive the maximum possible credit once the project alignment is finalized, we suggest that you send for your review the resume and proposed fees of your intended contractors, as well as the following real estate products once completed: ownership plat and legal descriptions, appraisal reports, title reports, proposed negotiated settlements, and relocations assistance payments, if applicable.

If you have questions regarding the acquisition and crediting process, please call Todd Klock, Acting District Chief of Real Estate, New Orleans District at (504) 862-1920.

Sincerely,

Todd Klock,
Acting District Chief of Real Estate

cc:
Mr. David Peterson

cc (Continued):
Deputy General Counsel
Coastal Protection and Restoration Authority
150 Terrace Ave.
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