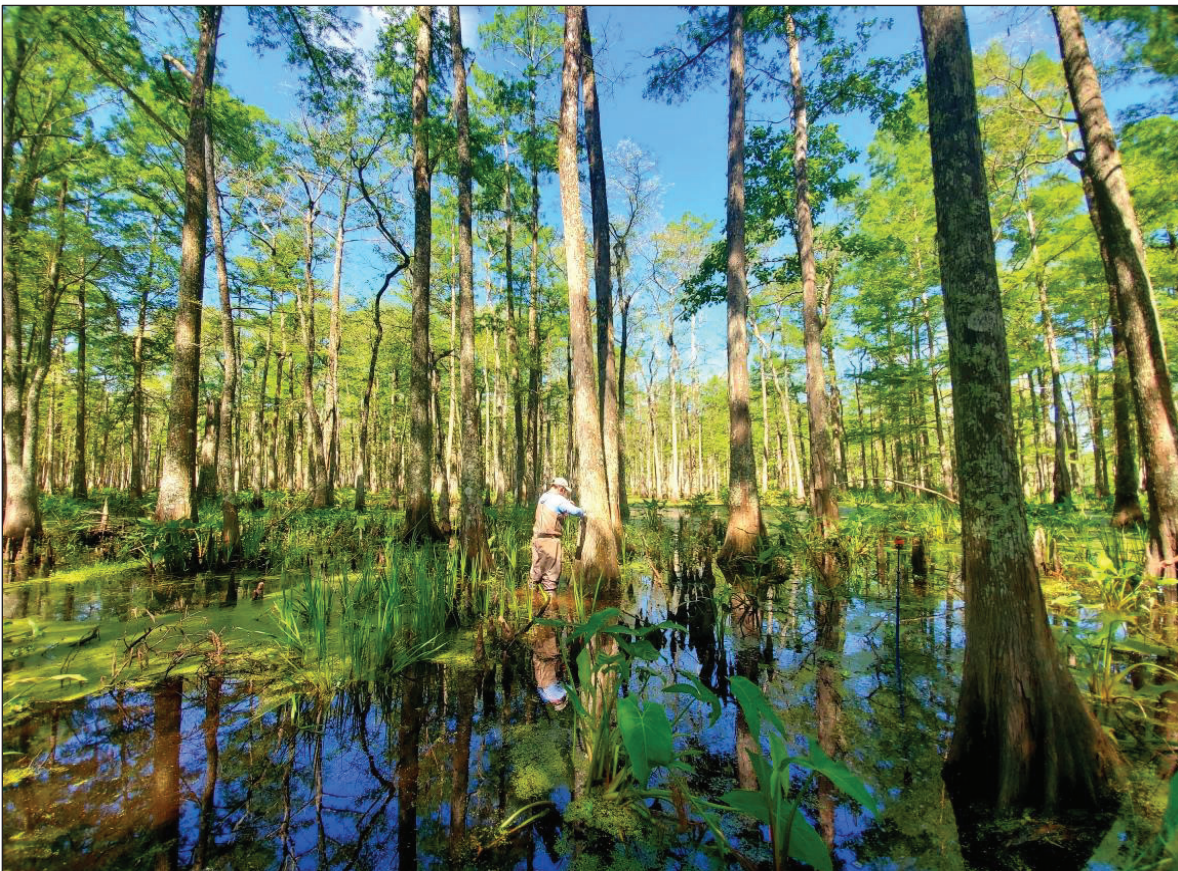




Supplemental Environmental Impact Statement to West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study



Supplemental Real Estate Plan – Appendix Q

November 2022

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Section 1

Project History and Purpose of REP

1.1 PROJECT HISTORY

This Supplemental Real Estate Plan (SREP) presents the real estate requirements and costs for the refined mitigation plan for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (WSLP). The non-Federal sponsors (NFS) for this study are the Coastal Protection and Restoration Authority Board of Louisiana, a state entity that is established, authorized, and empowered to carry out any and all functions necessary to serve as the single entity responsible for acquiring LERRD for this project and Pontchartrain Levee District. In November 2014, an REP was prepared in support of the WSLP Final Integrated Feasibility Report and Environmental Impact Statement (EIS) which addressed the real estate requirements for all project features. The mitigation plan proposed to mitigate for project impacts by purchase of mitigation bank credits and construction of mitigation sites.

In 2020, the District reevaluated the original WSLP mitigation plan as a part of a larger plan to mitigate for impacts caused by three projects authorized by the Bipartisan Budget Act of 2018 (Public Law 115-123) (BBA): WSLP, Comite River Diversion, and East Baton Rouge Flood Risk Management. The Project Delivery Team (PDT) reviewed the mitigation plans proposed in each of the feasibility studies of these three projects. The evaluation concluded that most of the originally proposed mitigation sites would be infeasible due to changes in existing conditions or other restrictions; as a result, the PDT identified new alternatives to fulfill the mitigation requirements. A plan to mitigate for WSLP impacts was identified in Environmental Assessment (EA) 576 as part of a recommended plan to mitigate for all of the impacts to BLH-Wet and Swamp habitat associated with the construction of these 3 projects. The resulting mitigation plan, known as the “BBA Alternative” is a combination of mitigation bank credit purchases, swamp restoration projects, and bottomland hardwood mitigation.

However, during review of EA 576, on January 31, 2020, the Non-federal Sponsor, the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB) submitted a letter to the New Orleans District requesting that the Maurepas Swamp Project (MSP) be considered as a compensatory mitigation project to mitigate for unavoidable impacts to swamp habitat from construction of the WSLP Project.

The CPRAB proposed that it be allowed to construct, as an in-kind contribution to the WSLP project, the Maurepas Swamp Project. By letter dated August 23, 2021, the NFS acknowledged that implementing the Maurepas Swamp Project would be more costly than the District’s Tentatively Selected Alternative and agreed to be responsible for the increased costs. In consideration of the NFS’s request, the Maurepas Swamp Alternative-2 (public lands only) has been selected to mitigate for unavoidable impacts to Swamp habitat as a result of construction of the WSLP Project. The construction of the

Maurepas Swamp conveyance channel impacts fresh marsh and bottomland hardwoods (BLH-wet) which will require additional mitigation as described in section 2.4 of this Supplemental Real Estate Plan.

This SREP is an Appendix to the Supplemental EIS (SEIS) and only addresses the lands, easements and rights-of way required to construct the Maurepas Swamp Alternative-2. All other mitigation requirements for the WSLP Project remain as addressed in EA #576.

1.2 PURPOSE OF REP

This supplemental REP describes the lands, easements, and rights-of-way (LER) required to construct the features to mitigate for the impacts to swamp incurred as a result of construction of the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project and to mitigate for impacts to bottomland hardwoods and swamp as a result of construction of the Maurepas Swamp Alternative-2. As aforementioned, a Real Estate Plan was prepared in 2014 and approved in 2016 in support of the feasibility study for this project. Due to the reformulation of the mitigation alternatives, this supplemental REP has been prepared. The information contained herein is tentative, preliminary in nature, intended for planning purposes only, and is subject to change even after approval of this SEIS.

1.3 PROJECT AUTHORIZATION

Construction of the WSLP Hurricane and Storm Damage Risk Reduction Project was authorized as part of the 2016 Water Infrastructure Improvement for the Nation Act (WIIN Act, Public Law 114-322). Construction of the WSLP Project was funded by the Bipartisan Budget Act of 2018 (BBA 2018, Public Law 115-123).

Compensatory mitigation is required by the Water Resources Development Act (WRDA) of 1986, Section 906, as amended and by the Clean Water Act Section 404(b)(1) Guidelines and is required to be consistent with the policies set forth in 33 CFR 320.4(r), 325 and 332 (REGS), the Council for Environmental Quality's (CEQ) implementing regulations for the National Environmental Policy Act (NEPA), the February 6, 1990, Memorandum of Agreement between the USACE and the Environmental Protection Agency (MOA) and WRDA 2007 §2036(a)).

Section 2

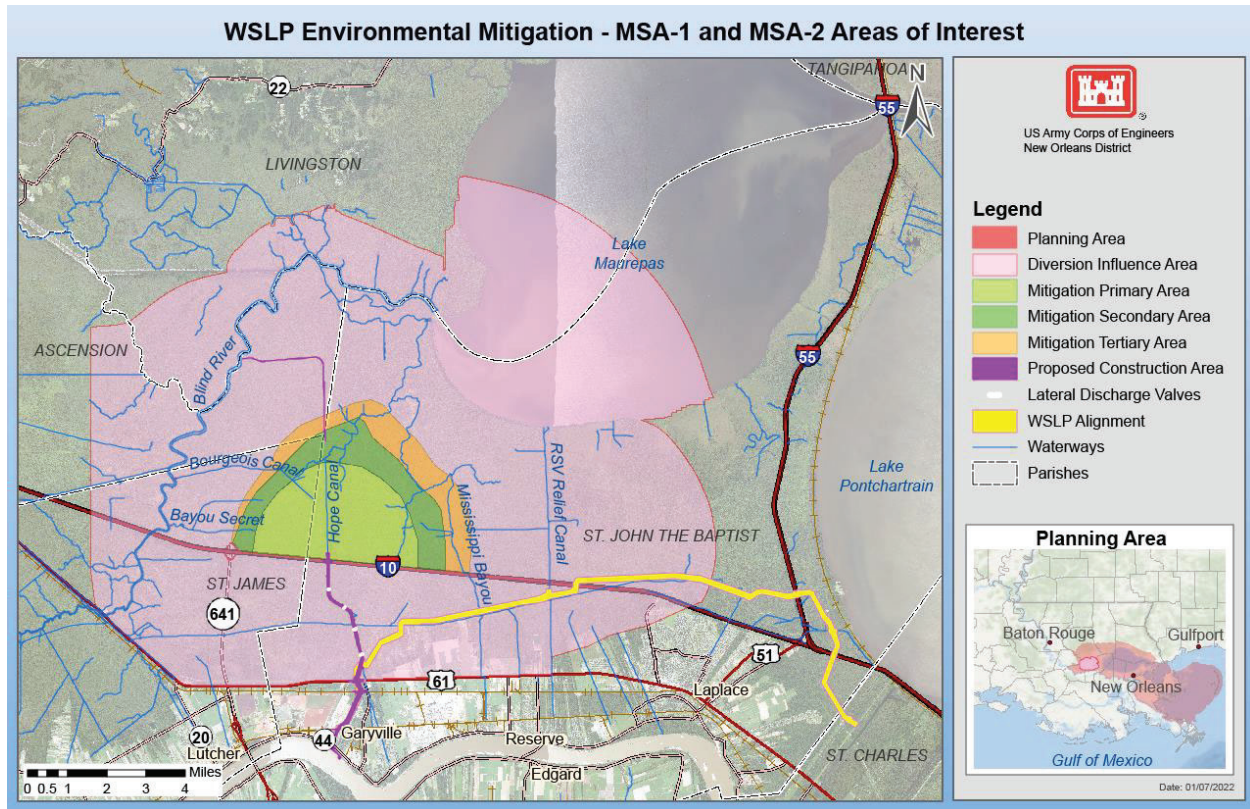
Recommended Plan Description & LERRD To Be Acquired

2.1 PROJECT AREA

The WSLP project is located in southeast Louisiana on the east-bank of the Mississippi River in St. Charles, St. John the Baptist, and St. James Parishes in Southeast LA. The WSLP project is approximately 18.3 miles in length and will be constructed in an uninhabited area of mostly virgin swamp lands; project features include 17.3 miles of levee, one mile of T-wall, four pumping stations with associated drainage structures, two additional drainage structures, one gated road crossing, two gated railroad crossings, and approximately 35 utility relocations. A Record of Decision for the 2016 WSLP EIS was signed by the Assistant Secretary of the Army in September 2016.

Maurepas Swamp Alternative-2 (MSA-2) is located directly west of the above-mentioned levee project immediately west of Garyville, Louisiana. The conveyance channel would be located at River Mile 144 AHP. The construction corridor for the conveyance channel extends from LA 44 (River Road) northwards for 5.5 miles, terminating approximately 1,000 feet north of Interstate 10 (I-10). The conveyance channel leads to the outfall or benefits area north of I-10 which is part of the Maurepas Swamp Wildlife Management Area. (See Figure 1 for an overview of the location of the WSLP, the Maurepas Swamp diversion channel and the Maurepas Swamp Wildlife Manage Area.)

Figure 1. General Location of West Shore Levee & Maurepas Swamp Diversion Channel



2.2 RECOMMENDED PLAN DESCRIPTION

The goal of the MSA-2 is to convey Mississippi River water into the Maurepas Swamp to improve the structure, function, and resilience of the coastal forest habitat through reintroduction of fresh oxygenated water, nutrients, and sediment. The MSA-2 proposes construction of a 2,000 cubic foot per second (CFS) freshwater diversion that would reconnect the Mississippi River to the Maurepas Swamp. The MSA-2 will satisfy the Swamp mitigation need generated by the WSLP project by compensating for impacts to 10,892 acres of swamp which are approximately 947 AAHU's of coastal zone swamp. Project features include an intake structure at the Mississippi River, a six-mile long conveyance channel which will carry water to the Maurepas Swamp but will also divert water to swamp areas east and west of the channel through lateral discharge pipes, and the mitigation benefits area which is located within the Maurepas Swamp Wildlife Management Area.

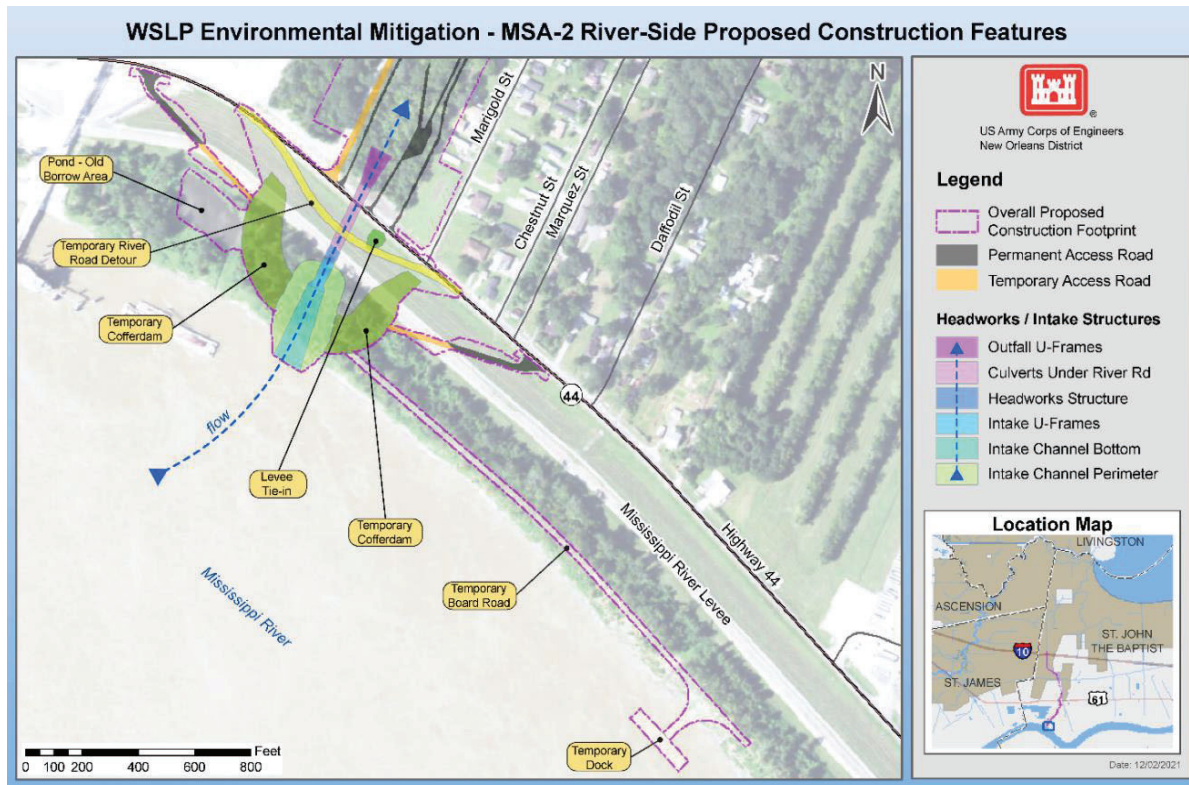
Intake Structure & Channel

The diversion or intake structure would be located on the river side of the Mississippi River and Tributaries (MR&T) Levee and would be comprised of three sluice gates which would be hydraulically actuated to control the flow of water into the intake channel. The intake channel would be roughly 400 ft long by 200 ft wide, with a bottom depth at EL (-) 4 ft NAVD88 excavated into the batture. This channel would be lined with riprap to prevent scour. The channel will cross under the MR&T Levee and LA 44 (River Road) by way of box culverts. Figure 2 identifies the river-side proposed construction features.

At the crossing of the channel with River Road, a temporary bypass road will be constructed to divert vehicular traffic during the construction of the channel which is expected to be from 1 ½ -2 ½ years . The bypass road will remain within DOTD right of way and will allow for continued traffic flow during construction. Once construction is completed, traffic will be diverted back to River Road. Water from the diversion channel will flow under River Road via culverts. No new ROW will be needed.

Construction of the intake structure and intake channel will impact approximately 1.8 acres of batture, levee and road rights-of-ways. The property used for the intake structure is owned in fee by the Port of South Louisiana, a political subdivision of the state of Louisiana. The features listed as cofferdam, board road, dock, and levee tie-in are in property owned by the Port of South Louisiana and also includes DOTD right of way for Highway 44. LADOTD will grant a permit to Pontchartrain Levee District for construction and operation of the box culvert for the conveyance channel. The Port of South Louisiana will transfer its rights to CPRA. Property rights are sufficient to construct and operate all of these project features.

Figure 2. MSA-2 River-Side Proposed Construction Features



Note, the feature shown on Figure 2 as “Temporary River Road Detour” stays within existing DOTD ROW, and no new ROW is needed for this feature.

Conveyance Channel Between LA 44 and I-10

North of LA 44, the MSA-2 includes approximately 5.5 miles of conveyance channel to divert water to the outfall area. Please refer to Figure 3 which depicts the diversion channel north of LA 44. The majority of the open conveyance channel, excluding road crossings, is 200 foot wide with a 40’ to 60’ excavated channel bottom tightly positioned between a guide levee on the west and the West Shore Lake Pontchartrain levee and I-wall system on the East. Both banks along the channel will be constructed of compacted fill material.

The first 2.25 miles of the conveyance channel would require excavation of approximately 55 acres of unimproved lands with potential use for residential, commercial and industrial uses. The channel will flow under the KCS and CN railroad lines via a combination of culverts and/or bridges. The railroad lines will maintain traffic during construction with temporary bi-pass rails that will remain within the railroad rights-of-ways. The Non-federal Sponsor will acquire a perpetual channel easement over five private ownerships and two existing railroad easements.

The remaining 3.25 miles of the conveyance channel north of US 61 (Airline Hwy) connect to the existing Hope Canal which carries the water to the outflow, north of I-10. The channel will cross under Airline Highway by way of concrete culverts. There will be a temporary bypass roads on each side of US 61 to detour traffic during construction of the diversion channel which is expected to last 1 ½ -2 ½ years. Since the highway will be temporarily relocated within existing DOTD right of way, no new right of way is needed.

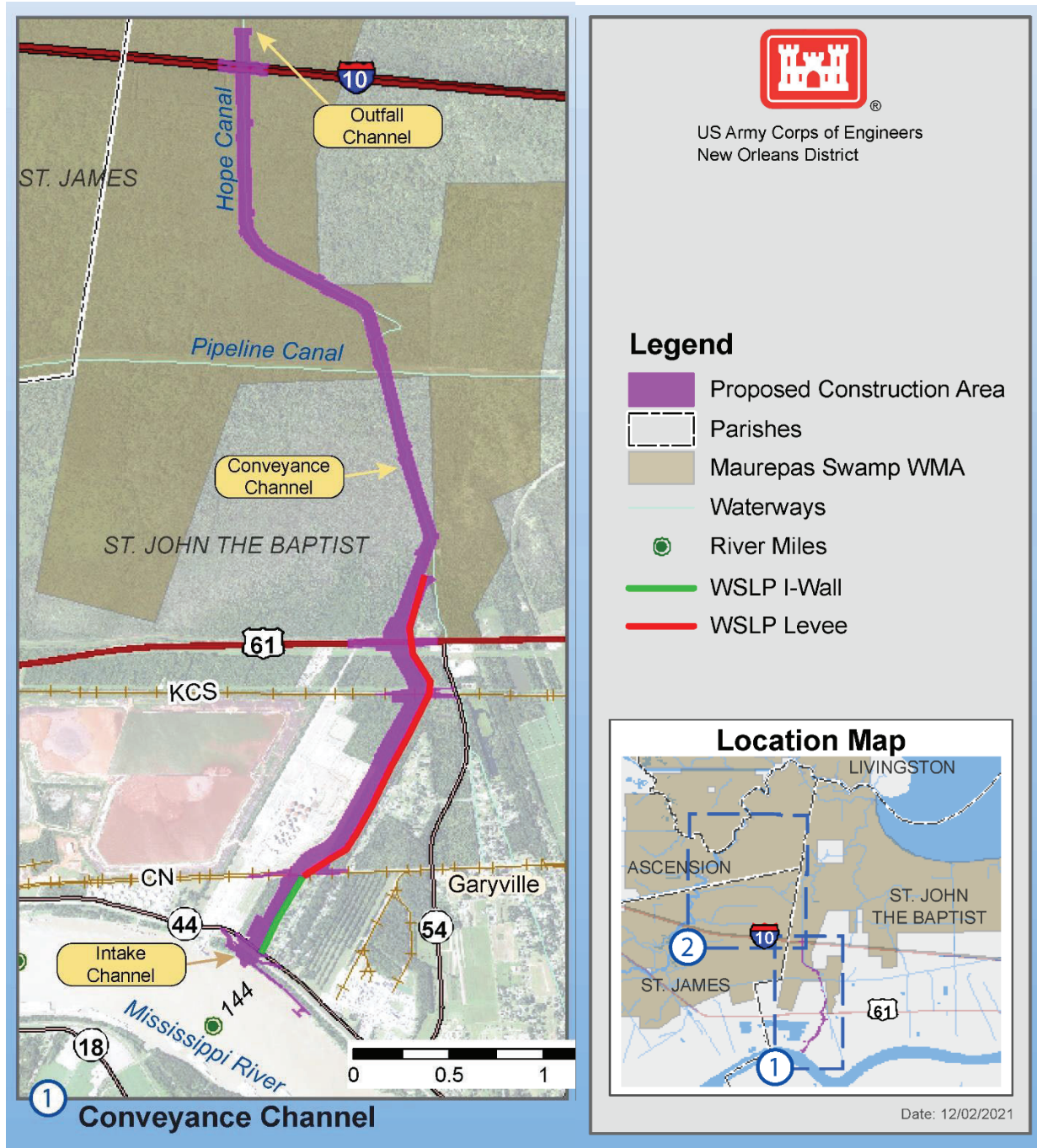
Approximately 78 acres of the existing Hope Canal will be dredged to deepen and widen the canal to convey the project water flow. Dredging operations would have a temporary adverse impact to recreational navigation during the time of construction. There is currently no commercial navigation on Hope Canal. The Hope Canal crosses a pipeline corridor; four pipelines will require relocation.

Additionally, an existing boat launch owned and operated by LDWF will be relocated to right of way already to be acquired for the diversion canal. The boat launch and adjacent parking area are currently located at the intersection of the Bourgeois Canal and the very southern portion of the Hope Canal. A replacement boat launch and parking area would be located along the western guide levee of the WSLP project just north of US 61 inside the proposed diversion right of way. This would allow for equal public access via boat into the conveyance channel (which follows Hope Canal) and to the LDWF Maurepas WMA. No additional right of way is needed for the boat launch and parking footprint. There may be between 1-2 years where the boat launch will be out of service due to construction in the area.

Dredging of Hope Canal will require that the Sponsor acquire a perpetual channel easement over six private ownerships.

See Section 16 of this report for a full discussion regarding all relocations.

Figure 3: Map of the Diversion Channel North of LA 44



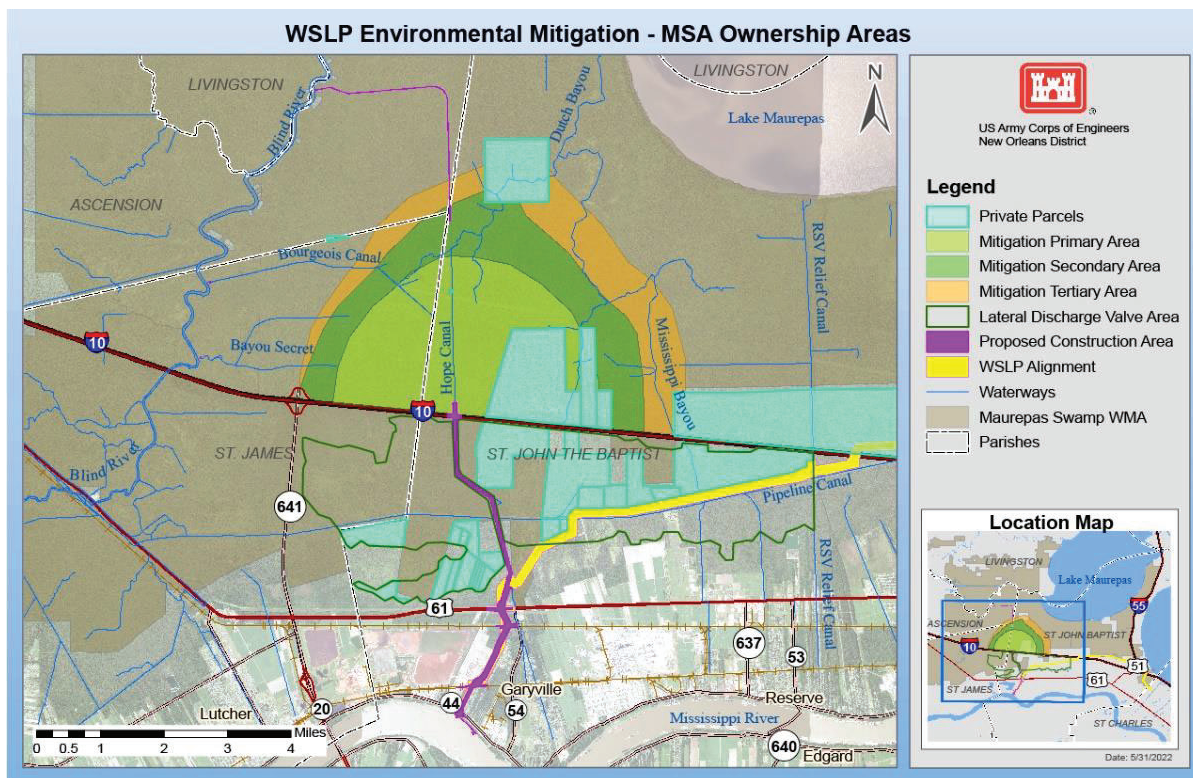
Between US 61 and I-10, the Hope Canal will be cut in approximately 32 locations (16 on each side) where lateral discharge valves (LDVs) will connect to concrete pipes approximately 80-ft long that carry water from the channel to the swamp areas east and west of the channel. The LDVs will be actively operated and bidirectional to facilitate drainage of discharged water and precipitation events to minimize potential impacts to the environment from increased inundation duration.

Based upon modeling and the current operations plan, the LDVs are expected to increase the mean water levels by .3-.9 feet for approximately 7 days after the valves are opened. After 7 days, the water levels are expected to recede, and in all areas south of Interstate 10 the water levels are expected to return to original elevations by the 14th day after opening the valves. The discharges are expected to occur twice per year over a 50-year period of operation.

It is estimated that operation of the LDVs will impact both privately and publicly owned lands. A Flowage Easement will be acquired over 3,022 acres of private lands south of Interstate 10 which will impact approximately 16 private landowners.

Figure 4 shows all privately owned lands that will require the acquisition of a Flowage Easement; those areas are shaded in teal (Note the private areas north of I-10 are impacted by the channel outflow rather than the LDVs. This is discussed in the next section entitled “Benefits Area”). The extent of the inundation due to the LDVs is shown in the map with a green line.

Figure 4: Map of Impacts of LDV's South of I-10 with Private Ownerships



Benefits Area

The outlet for the conveyance channel will be along the existing Hope Canal north of I-10. Guide levee elevations from the I-10 bridges to the termination point would gradually transition to existing grade. At that point, 2-D hydrodynamic modeling results suggest the diverted water would generally spread radially outward into the area north of I-10 and south of Lake Maurepas. Figure 5 demonstrates the overall impact and benefits areas which are delineated as primary, secondary and tertiary areas. Mitigation habitat units for the West Shore project will only be calculated based on the benefits realized in the primary, secondary and tertiary mitigation areas which are public owned lands within the Maurepas Swamp Wildlife Management Area.

The District evaluated the anticipated water level rise above normal water surface elevations due to the diversion inflows and determined that the average increase due to the diversion is 1 foot above normal surface water elevation. For the Year 50 conditions, due to the extensive inundation from normal tidal levels, the excess inundation due to the diversion is relatively small. Based on hydraulic modeling (Maurepas Modeling Report dated 2-1-21), water level rise under normal conditions (anticipating sea level rise) would be 1 foot for Year 0, and 3 feet at Year 50.

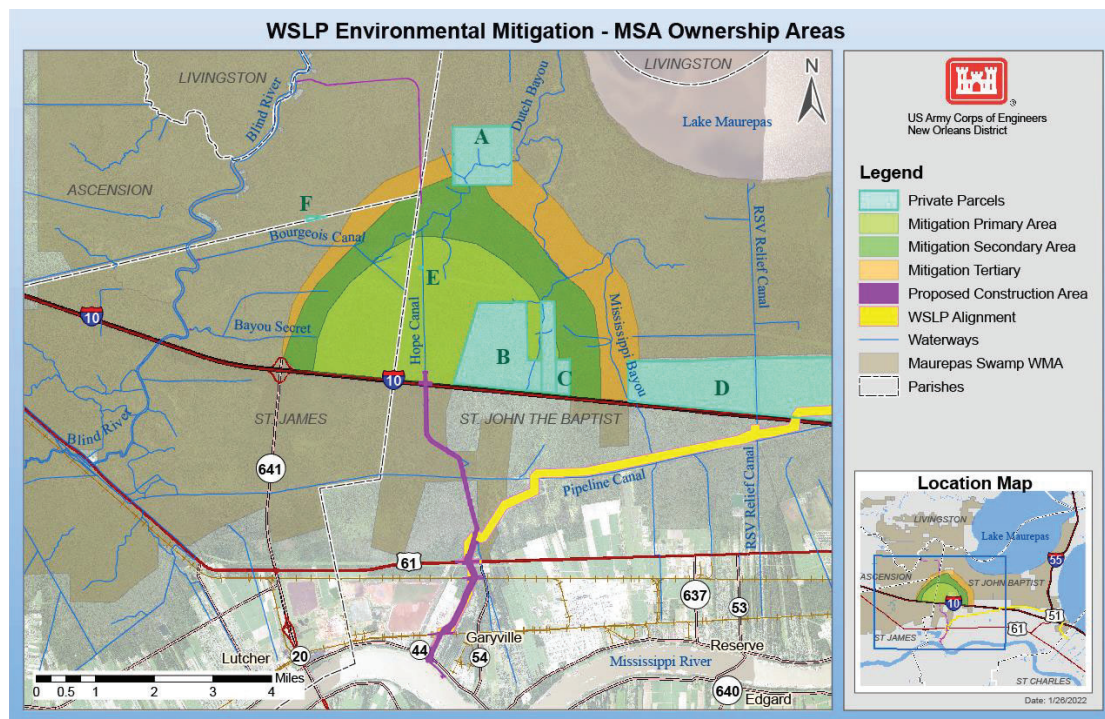
The expected annual operational period for the project will be between January 1 and July 1. The precise timing, discharge rate, and duration of the pulses will be modified to maximize benefit to the swamp. The USACE is responsible for baseline and initial success criteria monitoring and for preparing the associated monitoring reports until initial success is attained. The USACE must attain initial success within the first 10 years after the start of diversion operations, with the earliest attainment permitted after year six. Following attainment of initial success by the USACE, the responsibility for mitigation monitoring and preparing the associated monitoring reports will transfer to the CPRA. The CPRA will retain this responsibility through the remainder of the 50-year post-construction monitoring timeframe, which begins with the start of diversion operations.

In the Operations Plan (Appendix N, SEIS), it is noted that discharges may deviate from the plan under specific circumstances. Operations of the structure may occur at any time during the year to ameliorate high salinities that could be associated with events such as, but not limited to, droughts or tropical storms.

Within the Wildlife Management Area boundaries, there are inholdings that are privately owned. Because there are no physical demarcations between the privately owned lands and the publicly owned lands, flow of water from the conveyance channel will enter the private lands. Effluent from diversion flows onto private lands outside of the identified mitigation boundaries will require the purchase of Flowage Easements. It is estimated that a Flowage Easement will need to be acquired over 1,872 acres. These areas are not included in the estimation of swamp mitigation habitat units for the WSLP project.

It was determined that there are six privately-owned parcels within the expected inundation area of the MSA-2 that would be impacted. This number excludes all private properties bordering the Blind River as the current projections expect no inundation of those properties. If during subsequent modeling of this project, inundation becomes expected upon any of the excluded properties, a subsequent analysis will need to be performed to determine whether flowage easements will be needed for these properties.

Figure 5: Primary, Secondary & Tertiary Benefits Areas & Flowage over Privately Owned Lands



Project Staging & Access

Staging areas for channel construction impact 1.5 acres of privately owned land and 6.44 acres of land owned by the State of Louisiana. Three-year Temporary Work Area Easements will be acquired over the privately held land needed for staging. Road Easements will also be acquired over approximately 6.88 acres and impacting an estimate of 12 private landowners.

Ownerships Impacted by the Project

Portions of the project rights-of-way are owned by the following local parish or state agencies of the State of Louisiana: The Port of South Louisiana, Louisiana Department of Wildlife and Fisheries, State Land Office, LA Department of Transportation and Development, St. James Parish, and St. John Parish. The state owned LERRD required for the project are discussed in Section 3 of this report. The table below provides a breakdown of the acreage that is impacted by the various project features which are publicly owned.

Table D:2.4-1 Publicly Owned Lands Impacted by the Project

Public Owners	Acres	Project Feature
The Port of South Louisiana	71.56 Acres	Flowage areas South of I-10
The Port of South Louisiana	65.09 Acres	Diversion Channel
Louisiana Department of Wildlife and Fisheries	9,877.3 Acres	Outfall Area
Louisiana Department of Wildlife and Fisheries	3,814.1 Acres	Flowage areas South of I-10
Louisiana Department of Wildlife and Fisheries	12.63 Acres	Diversion Channel
State Land Office/ St. John Parish	15 Acres	Diversion Channel
LA Department of Transportation & Dev	22.53 Acres	Permanent Access Roads
DOTD/ Port of South LA	25.95 Acres	Temporary Access Roads
DOTD/ Port of South LA	6.44 Acres	Temporary Staging Areas
St. James Parish	74 Acres	Mitigation site for MSA-2

The acquisition of LERRD not owned by local government agencies is estimated to impact approximately 48 private landowners in total. The table below shows the LERRD required from private landowners.

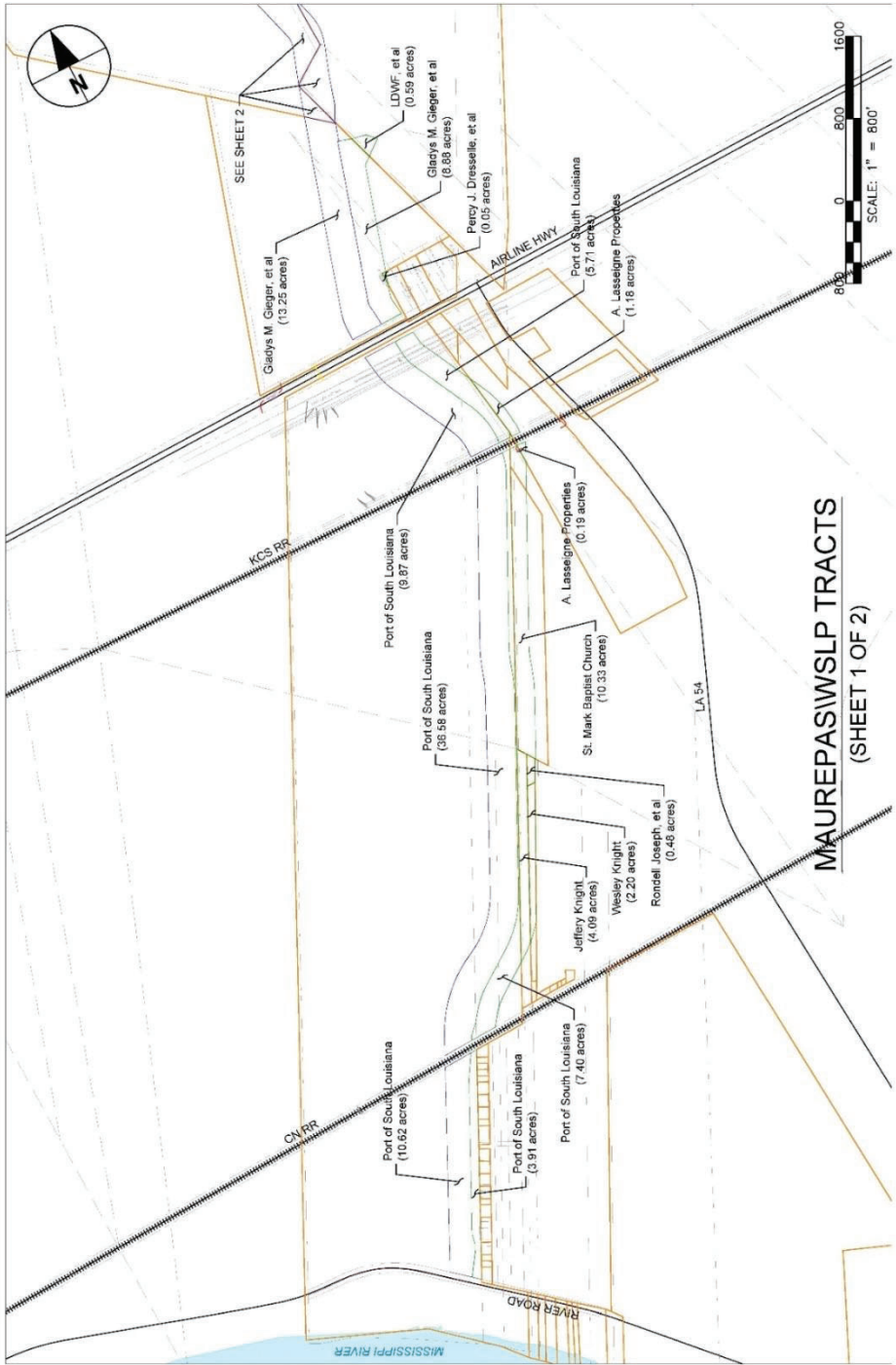
Table D:2.4-2 Privately Owned Lands, Easements, Rights-of-Way, Relocations and Disposal to be Acquired

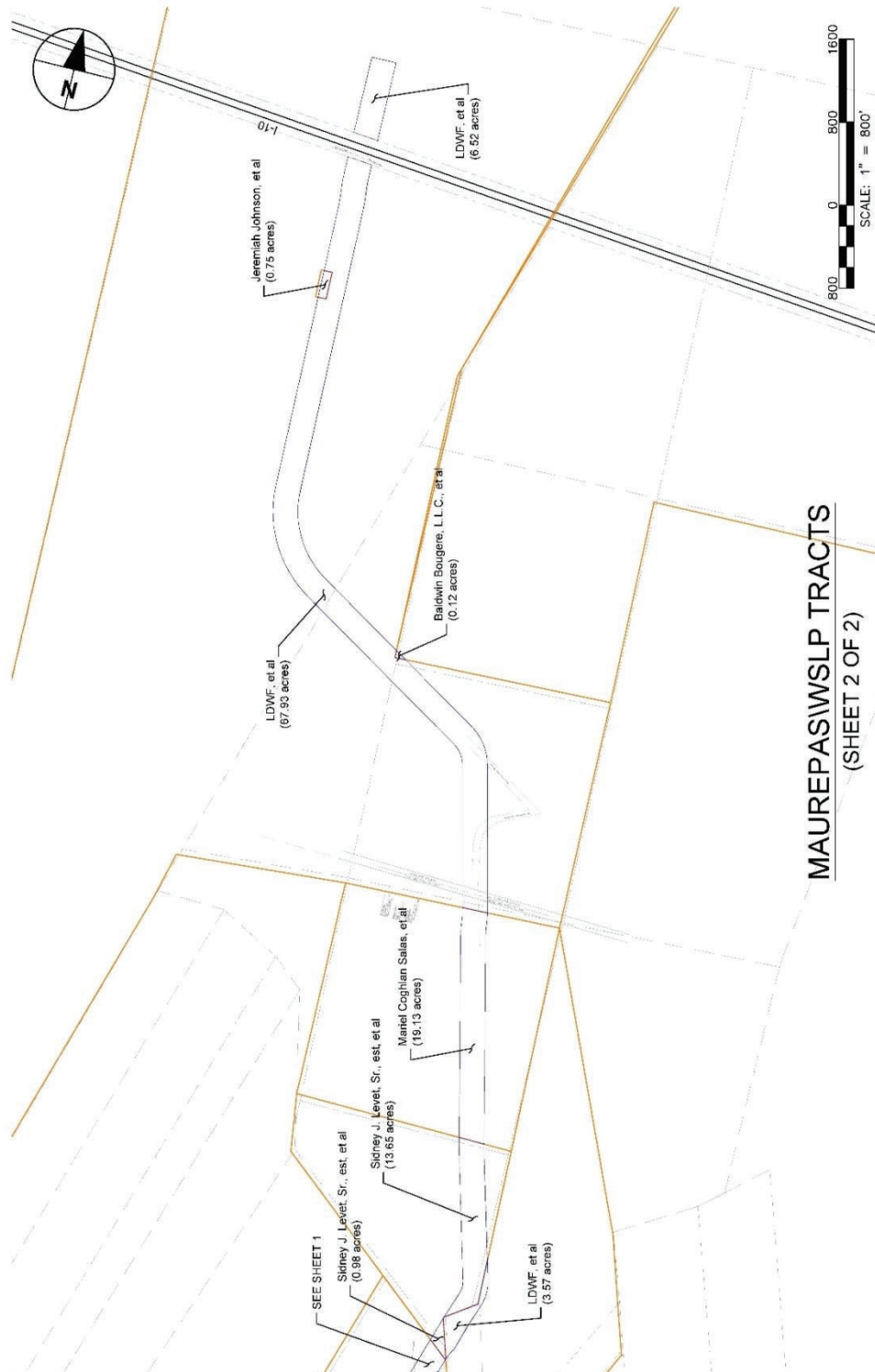
Estate	Acres	Project Feature	# Private Landowners
Flowage Easement	1,872 Acres	Outfall Area	6
Flowage Easement	3,021 Acres	LDV Area	16
Channel Improvement Easement)	57 Acres	Diversion Channel	11
Temporary Work Area Easement (3 years)	1.5 Acres	Staging Areas	(1 already included in Diversion

			count)
Fee, Excluding Minerals(see section 2.4)	75 Acres	Mitigation for MSA-2, Guste Island (See Section 2.5)	3
Road Easement	6.88	Access to project features	12

On the following pages are maps which show the ownerships impacted by the conveyance channel.

Figure 6: Conveyance Channel Ownerships Map





2.3 Borrow:

Material that is excavated for the construction of the diversion channel between the Mississippi River and U.S. 61 could be considered feasible to be used to build project features. This material has not been tested for levee standards; however anecdotal observations have shown that some of the material could be used.

The total volume to be excavated in this reach is 1,082,781 cubic yards. Of this, approximately 50% (541,390 CY) has the potential to be used to construct project features, including the guide levees for the MSP project, the stability berm between MSP and WSLP, and the WSLP earthen levee between U.S. 61 and the Mississippi River require 460,148 CY of material. All of the borrow will be placed on levee staging areas and areas within the levee right of way, not aquatic habitat.

If 50% of the excavated material from the reach between U.S. 61 and the Mississippi River is used for guide levees, stability berm, and WSLP earthen levee in the same reach then a maximum of 81,242 CY (if testing proved it could be used) would remain and be available for fill in aquatic habitats north of U.S. 61 to build project features.

Disposal areas are not needed for any additional material excavated for the conveyance channel; any excavated material that is not used for levee construction or aquatic habitats will become the property of the contractor. If the contractor keeps the material and the material has monetary value, the construction contract will include language that the contractor will pay for that material, or that the value of the material will be deducted from the contract payment. In the event that the contractor does not take the material and a disposal area is needed, the NFS will acquire a standard Temporary Work Area Easement for the duration of construction.

Borrow for the Guste Island mitigation site would be from within Lake Pontchartrain, which is a State-owned water bottom. Borrow is not needed for the St. James site.

2.4 Mitigation for MSA-2 (MSA-2) Impacts:

In addition to the mitigation necessary for the West Shore levee project, the construction of the MSA-2 channel would negatively impact wetland habitat and requires additional mitigation. MSA-2 results in approximately 95 acres of direct, negative impacts to CZ swamp habitat (approximately 52 AAHUs), approximately 79 acres of direct, negative impacts to CZ Bottomland Hardwoods habitat (approximately 29 AAHUs), and approximately 2,743 acres of indirect, negative impacts to CZ marsh (approximately 19.5 AAHUs). Marsh impacts resulting from construction and operation of MSA-2 would be mitigated through a combination of purchasing mitigation bank credits and/or construction of the Guste Island marsh creation project. Mitigation for bottomland hardwood habitat impacts would be achieved by constructing the St. James Mitigation Site. The Project would be self-mitigating for swamp habitats. Negative impacts were accounted for when assessing for overall Project benefits.

2.4.1 Guste Island:

The Guste Island intermediate marsh restoration project (Guste Island) is proposed as compensatory mitigation for the impacts to fresh marsh incurred by construction and operation of the proposed MSA-2. Approximately 75 acres would be needed to mitigate approximately 20 AAHUs impacted by the MSA-2 alternative.

The Guste Island intermediate marsh restoration project would be located near Madisonville, Louisiana on the north shore of Lake Pontchartrain, west of the Causeway Bridge. The exact location of the site has not been selected; however, figure 7 shows several potential sites that were addressed in EA576 and could be utilized as the Guste mitigation. The Guste Island project would consist of three major construction related features:

1. Marsh creation
2. Borrow
3. Access

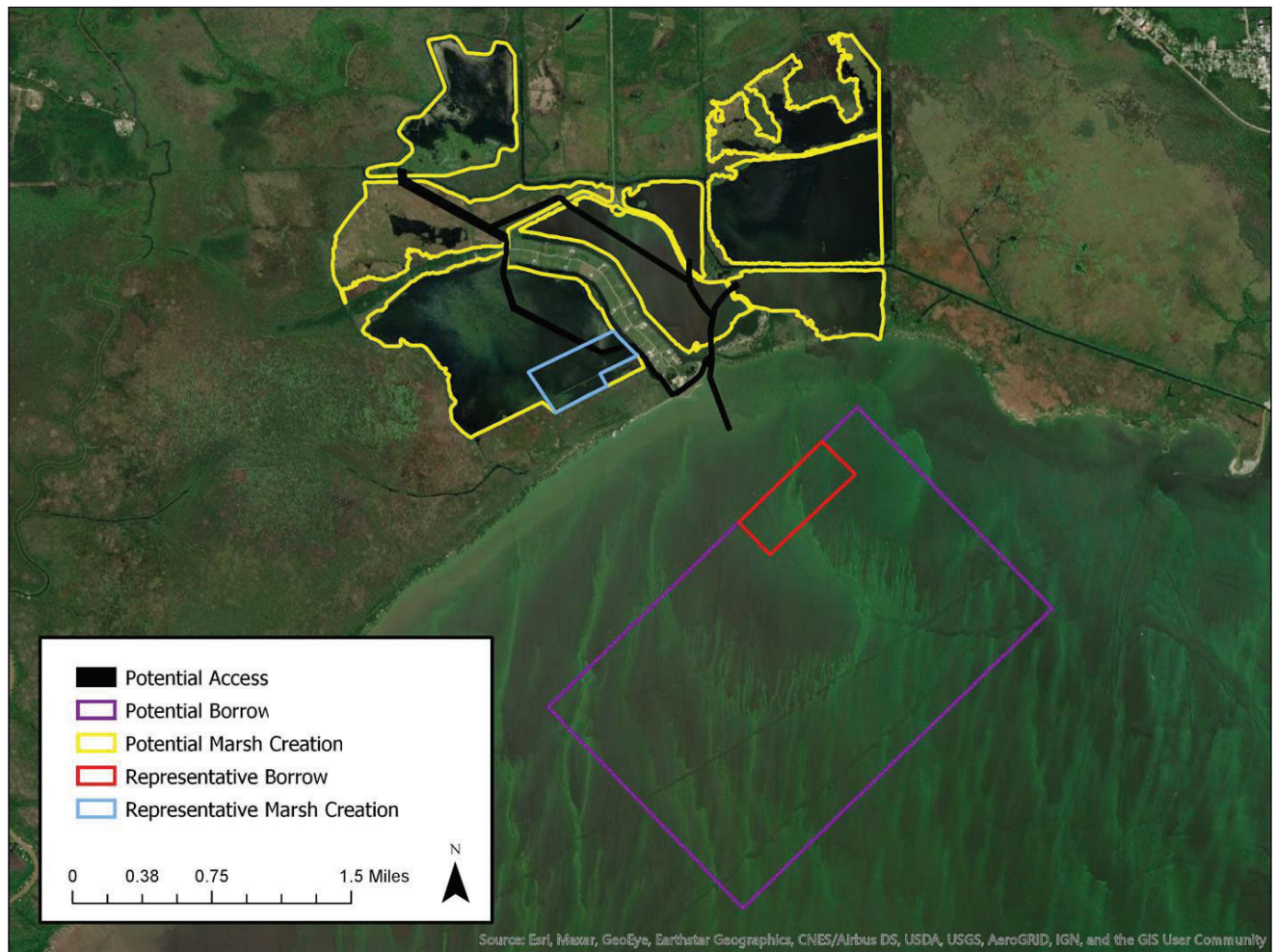
The proposed marsh creation site would be approximately (~) 75 acres and would be purchased in Fee, Excluding Minerals (With Restriction on Use of the Surface). The borrow would be taken from Lake Pontchartrain, a State-owned water bottom, approximately 100 acres would be dredged. Access for pipeline(s), watercraft, and other construction are delineated with a black line in Figure 7 and would depend upon the exact location of the mitigation site. A perpetual Road Easement would be purchased for access during construction as well as for access during operation and maintenance. Because the exact site location is unknown, the amount of acreage needed for the Road Easement is unknown at this time.

Staging of equipment for initial dike construction activities would be via barge(s) on or near the Lake Pontchartrain shoreline. Staging of materials for the initial planting event are anticipated to be within the mitigation areas themselves.

Mitigation features would include the marsh platform, containment dikes, and containment dike borrow areas (within the marsh creation site or open water adjacent to the dike alignment). Additionally, fish dips would be constructed within the marsh creation site to allow for the exchange of water and access for aquatic organisms. The dredge pipeline would be floated and or submerged within the access corridor to the shoreline.

Three private landowners are estimated to be impacted by the Guste Island mitigation project.

Figure 7: Guste Island Mitigation Site



“Potential areas” show areas that would be considered for the Guste Island Mitigation Project. Representative Areas are included to indicate approximate sizing based on MSA-2’s mitigation need and are not intended to represent the precise location of project features.

2.5.2 St. James:

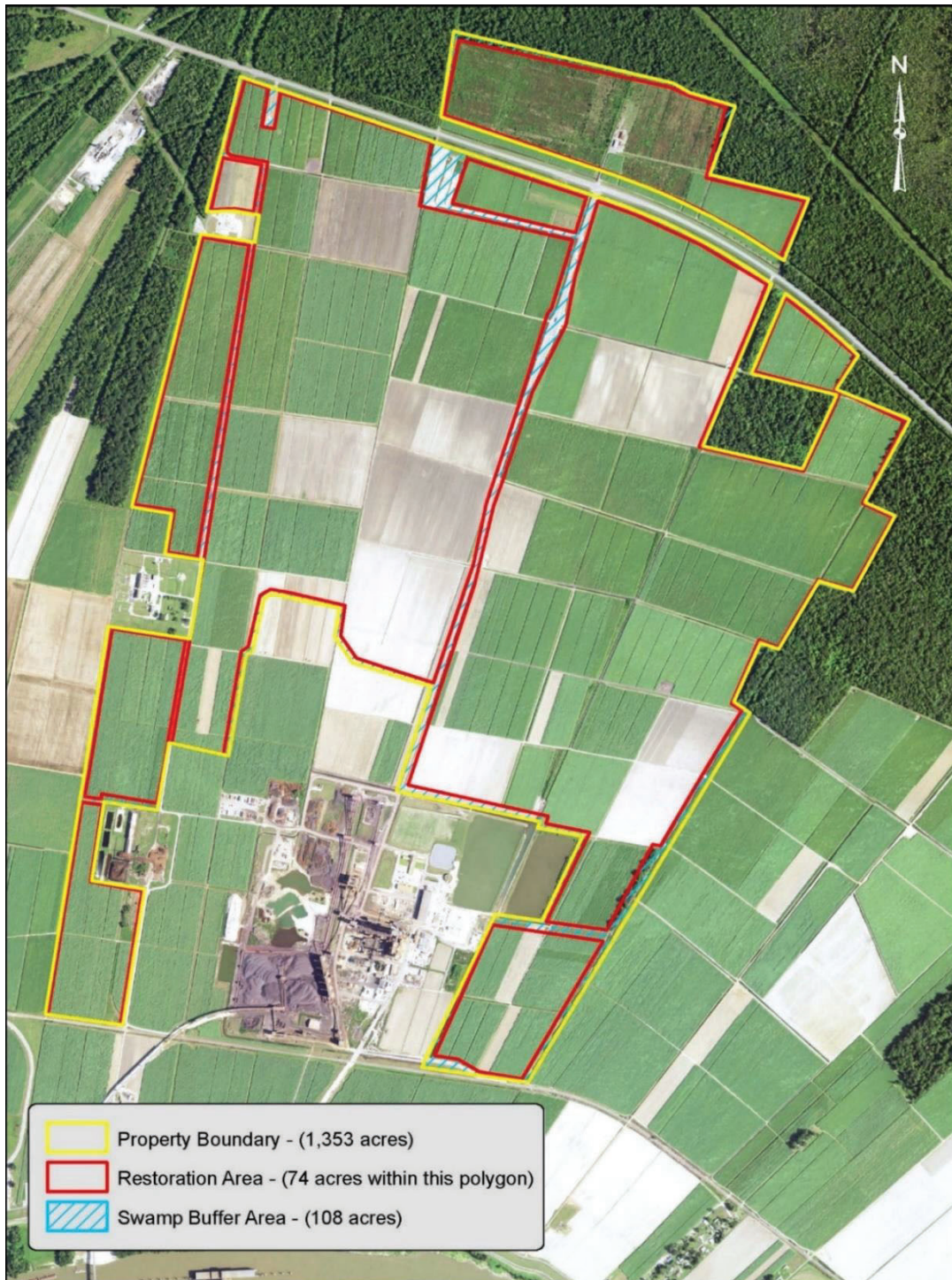
The proposed project involves restoration of up to approximately 74 acres of wet bottomland hardwoods (36 AAHU BLH-wet) as compensatory mitigation for coastal zone BLH impacts resulting from construction of the MSA-2. The BLH restoration area (mitigation area) would be located in an agricultural field at the previously approved St. James mitigation area as described in EA #576. This site is located off the Mississippi River between the towns of Romeville and Union, LA around the Nucorp Plant in St. James Parish.

This site is owned by St. James Parish-State of Louisiana; therefore, it would not be purchased in fee, only a Grant of Particular Use would be needed between agencies. The property is currently leased for agricultural use. The leases would need to be extinguished and the lessee would be allowed to harvest crops prior to construction. Figure 8 illustrates the total property boundary. Only 74 acres are needed to mitigate for MSA-2. The mitigation site can be selected from any of the red outlined areas within the property since the entire parcel has been environmentally cleared and included in EA 576. The site would likely be located along the northern boundary, as it is preferred to be near other forested areas.

Acreage for staging has not been determined, but staging areas would be in an adjacent area to the selected mitigation site. Access to the project work limits would through public streets and roads. Access to the northern boundary of the property is by way of LA-3125 which leads to Helvetia Street and Wilton Road. Each of these roads run through the site north/south and would be preserved. From the south, access to the site can be made via route LA-44 which leads to Helvetia Street. Dirt maintenance/access roads within the proposed mitigation property would be approximately 15 feet wide would be established around the perimeter of each of the mitigation areas.

The main earthwork activities required prior to planting the mitigation areas would include degrading (scrapping) portions of the site, removal of undesirable drainage ditches and culverts, removal of undesirable earthen berms, establishing dirt access roads, establishing a project staging area, and tillage of areas to be planted. All debris resulting from clearing and grading operations at the site would be disposed of at a Parish solid waste and landfill. Some of the degraded soil may be used on-site if such fill is required. To maximize water flow into the site, any existing dikes/berms within the property boundary which prevent water flow into the site would be degraded as long as this effort does not harm or adversely affect outside properties/water sources. The mitigation areas would then be planted with native canopy and midstory species typical of BLH-wet habitats.

Figure 8: St. James Mitigation Site



Section 3

LERRD Owned by Non-Federal Sponsor

The non-Federal sponsors (NFS) for this study are the Coastal Protection and Restoration Authority Board of Louisiana, a state entity that is established, authorized, and empowered to carry out any and all functions necessary to serve as the single entity responsible for acquiring LERRD for this project and Pontchartrain Levee District. CPRA does not own any lands within the project area. PLD holds a levee easement for the Mississippi River Levee and has sufficient real property rights to provide Authorization for Entry for the diversion channel to cross under the levee.

Portions of the project rights-of-way are owned by the following local parish or state agencies of the State of Louisiana: The Port of South Louisiana, Louisiana Department of Wildlife and Fisheries (LDWF), St. James Parish, LA Department of Transportation (LADOTD), and State Land Office. The Louisiana State Land Office will issue a Grant of Particular Use to the NFS allowing the use of State-owned water bottoms (Lake Pontchartrain) for this project. The St. James mitigation site is owned by St. James Parish. The Port of South Louisiana and St. John the Baptist Parish own areas where the diversion channel will be constructed. The Port of South Louisiana, St. James Parish and St. John Parish will enter into an Intergovernmental Agreement (IGA) with the NFS to allow construction of this project over lands under their jurisdiction. The LADOTD will issue a permit to the NFS to allow construction of the channel under LA 44, Airline Highway and I-10.

Portions of the Diversion Channel and LDV impact areas are owned by LDWF, as well as most of the outfall area which is within the Maurepas Wildlife Management Area. Any mitigation benefits for the project are realized over this publicly owned area. Louisiana Department of Wildlife and Fisheries will issue a Letter of Authorization to the NFS to allow for construction of the channel and the flowage of water over approximately 9,877 Acres of the Maurepas Wildlife Management Area.

CPRA and PLD will issue Authorization for Entry to the USACE for all rights of ways owned or controlled by State of Louisiana government agencies. The rights owned by these State agencies consist of perpetual levee easements/servitudes and fee. The NFS will not receive credit for LERRD previously acquired for Federal projects or previously provided as an item of local cooperation. Furthermore, BBA18 authorization does not permit credit to the NFS for property rights obtained from other government agencies.

Section 4

Estates

The following standard estates would be acquired from private landowners.

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 of said oil and gas.

Temporary Work Area Easement (staging) [three years]

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 three years, beginning with date possession of the land is granted to the Coastal Protection and Authority Board and/or Pontchartrain Levee District, for use by the NFS, 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.

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 for public roads and highways, public utilities, railroads and pipelines.

ROAD EASEMENT

A (perpetual) (temporary) 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 and pipelines; 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 subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

FLOWAGE EASEMENT (Occasional Flooding)

The perpetual right, power, privilege and easement occasionally to overflow, flood and submerge (the land described in Schedule A) (Tracts Nos. _____, _____ and _____).in connection with the operation and maintenance of the project as authorized by the Act of Congress approved _____, together with all right, title and interest in and to the structure; and improvements now situate on the land, except the structure(s) now existing on the land, described as elevated recreational habitable structures, which may be maintained on the land provided that portion of the structure(s) located below elevation _____ feet, mean sea level, shall be utilized for human habitation to the extent that sleeping accommodations will be maintained therein; provided that no other structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject 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 and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further that any use of the land shall be subject to Federal and State laws with respect to pollution.

Note: As individual properties are identified, further discussions may occur to determine whether the above Flowage Easement would be sufficient for project purposes or would need non-material deviations.

Section 5

Existing Federal Projects

The Mississippi River and Tributaries Project is a federal project which lies within a portion of the Maurepas Swamp Project. The MR&T project was authorized by the 1928 Flood Control Act with the purpose of providing flood risk management to areas bordering the Mississippi River. The Maurepas Swamp project diversion channel crosses under the Mississippi River Levee by the construction of a box culvert. The Non-federal Sponsor for the MR&T in this section of the project is the Pontchartrain Levee District which is also a sponsor of the Maurepas Swamp project. The MR&T levee right of way was acquired by the sponsor under Agreements of Local Assurance between the PLD and the USACE. The PLD will provide authorization for entry for the right of way encumbered by the MR&T levee without the ability to seek LERRD credit for such.

The West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project borders the Maurepas Swamp Project in the section of the channel to be constructed between LA 44 and Airline Highway. The floodwall of the West Shore project will also act as the floodwall for that portion of the Maurepas Swamp project. The Non-federal Sponsor for the West Shore project is Pontchartrain Levee District which is also a sponsor of the Maurepas Swamp project. The PLD is currently acquiring flood protection levee/floodwall easements for the West Shore project. The Sponsor has been advised that the costs associated with acquisition of real property rights for the floodwall will be credited towards the NFS's cost share of the West Shore project and that the NFS cannot seek credit for such costs for the Maurepas Swamp project.

Section 6

Federally Owned Land

There is no federally owned land within the right of way of the project footprint.

Section 7

Navigation Servitude

The navigation servitude is the “dominant right of the Government under the Commerce Clause of the U.S. Constitution to use, control and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes including navigation and flood control. 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.”

The MSA-2 project mitigates for negative impacts to the environment as a result of the West Shore Lake Pontchartrain project which is a flood control project. However, the only MSA-2 project feature that is located in navigable waters is the borrow area for the Guste Island mitigation site which is in Lake Pontchartrain. The Hope Canal is not a navigable waterway used for commerce and would therefore not qualify. Lake Pontchartrain is a State of Louisiana claimed water bottom which will be brought to the project without the benefit of credit. As previously stated, the BBA18 authorization does not allow credit for rights of ways owned by government agencies. Therefore, there is no necessity to invoke the navigational servitude for this project.

Section 8

Maps

* Maps are located throughout the report.

Section 9

Induced Flooding

The MSA-2 would slightly increase water levels in already inundated properties during operation. There are no inhabited communities in flowage areas and there are no expected impacts on public health and safety to areas within federal levee systems during periods when the diversion is operating above base flow.

The proposed Maurepas Diversion has an expected annual operational period between January 1 and July 1. This operational period will consist of two separate discharges: the first lasting three months, and the second occurring about 45 days later and lasting about 45 days. For the first three years, the discharge rate for these discharges will vary throughout the course of the operational period, ranging from 250-cfs to 2,000-cfs. For the remaining lifetime of the project, the discharge will be set at 2,000-cfs throughout the operational period. The outfall area does include several private landowners where water from the diversion will increase the frequency, duration, and stage of water levels. Therefore, flowage easements will be acquired over the 1,872 acres of private lands flooded by the project. This will impact an estimate of six private landowners.

As a result of the Lateral Discharge Valves (LDV's), some flooding will occur south of I-10 but north of Airline Hwy. Up to 32 LDV's will potentially be placed along the diversion channel releasing water to the east and west of the diversion channel. Based on the current operations plan, these valves are projected to be open for the final seven days of each "operation" of the diversion and will remain open while the diversion is not actively discharging. The valves will then close when diversion is restarted. Because these discharges are currently expected to occur twice per year over a 50-year period of operation, the expected inundation of the area being analyzed would be .3-.9 feet for 22-28 days per year over the course of 50 years. Therefore, flowage easements will be acquired over approximately 3,021 acres of private lands as a result of the LDV's. This will impact an estimate of 16 private landowners.

Section 10

Summary of Real Estate Costs

10.1 SUMMARY OF 01 REAL ESTATE COSTS FOR RECOMMENDED PLAN

The estimated total cost of 01 Real Estate Costs for Recommended Plan for the LERRD required for the implementation and mitigation of the Project is \$3,509,000. This cost reflects real estate interest acquisition costs required for the construction of the project as well as other costs associated with acquiring LERRD. These other costs include, but are not limited to, appraisals, surveys, title research, NFS oversight, and other administrative costs. The structural features of the project do not require the acquisition of residences, businesses, or farms, and therefore no relocations assistance benefits (P.L. 91-646) would be required. (Costs for a campsite improvement buy out are included as a worst-case scenario, but relocations costs are not applicable as this is not a permanent residence.)

A Rough Order of Magnitude cost estimate was prepared for restricted use and not intended to comply with Uniform Standards of Professional Appraisal Practice (USPAP). Inspection of the property was made by aerial photography and appraiser utilized online information from local assessor offices. Real Estate costs will not exceed 10% of total project costs; therefore, a cost estimate was provided by CEMVN, Appraisal Branch in lieu of a gross appraisal. Real estate interest acquisition costs include a 25 percent contingency (rounded) to account for any minor changes during Preconstruction Engineering and Design. The NFS will not receive credit for LERRD owned by State government agencies, LERRD previously acquired or previously provided as an item of cooperation for another federal project.

In consideration of the results of the alternative analysis, the significance of the Maurepas Swamp in the watershed and the NFS request, on November 4, 2021, the New Orleans District Engineer and Commander supported the NFS preferred alternative (MSA-2) as the TSA with the understanding that the NFS would be responsible for the increased cost above the BBA Alternative. Although the BBA alternative was determined to be the least environmentally damaging practicable alternative, the MSA-2 was recommended as the TSA since it meets the swamp mitigation requirements for the WSLP project for the same federal investment and is expected to provide additional benefits beyond what is required for mitigation.

While the CEMVN District Engineer and Commander recommended MSA-2 as the TSA, the ultimate decision on which mitigation plan to implement as the recommended plan is forthcoming and will be made by the MVD Commander. Total LERRD costs for the BBA Alternative is approximately \$1,937,000. **Total LERRD costs for the MSA-2 alternative is approximately \$3,509,000.**

The Saint James mitigation site is owned by St. James Parish; therefore, approximately \$10,000 for administrative costs for coordination between agencies is allocated. Note, administrative costs for coordination between agencies is not a creditable cost.

The Guste Island mitigation site is privately owned, and it is estimated to impact approximately 3 private landowners. The acquisition costs and LERRD costs for acquiring 75 acres in fee as well as the access areas are approximately \$200,000.

10.2 SUMMARY OF 02 RELOCATIONS COSTS FOR FACILITIES/UTILITIES

The CPRAB and their contractors researched public facilities and utilities located within the proposed project area through the National Pipeline Database, State Online Natural Resources Information System (Louisiana Department of Natural Resources) and the National Pipeline Mapping System data as well as HTST-HIS and Penwell.

It is estimated that seven pipelines cross the MSP. Three pipelines are to remain and will be marked as “Do Not Disturb”; the remaining four pipelines are anticipated to require relocation. LA 44 and US 61 will have temporary detour roads during the time of construction of the conveyance channel. Canadian Railroad and Kansas City Railroad will construct temporary shoeflies within their existing railroads during the construction of the diversion channel. An existing boat launch owned by LDWF will be relocated to right of way already to be acquired for the diversion canal.

The total for 02 Relocations Costs for Facilities/Utilities: \$20,050,000.

Further details on the Facility/Utility Relocations can be found in Section 16 of this report. This information is preliminary in nature and is subject to change as designs are further refined.

Summary of Costs are as follow:

MSA-2	\$3,509,000
Guste Island Mitigation	200,000
Relocations	\$20,050,000
Total	\$23,759,000

Section 11

P.L. 91-646 Relocation Assistance Benefits

Implementation of the MSA-2 would not displace residential, business, or farms within the project boundaries, therefore, the provisions under Title II of Public Law 91-646, as amended would not apply.

These requirements apply to the relocation of any displaced person as defined at § 24.2(a)(9) 49 C.F.R. Any person who qualifies as a displaced person must be fully informed of his or her rights and entitlements to relocation assistance and payments provided by the Uniform Act and this regulation.

There is one recreational camp that is within the footprint of the project that for planning purposes has been included as needing to be purchased. However, because this is a recreational camp and not a primary residence, the owner would not be considered displaced, and would not receive relocations assistance benefits (49 CFR Part 24). It is anticipated that the landowner will apply for a waiver to allow the structure to remain and would simply subordinate their rights to the Flowage & Deposition Easement.

Section 12

Minerals/Crops

Mineral activity within the right-of-way of the project has been plugged and abandoned as researched online through Department of Natural Resources site Strategic Online Natural Resources Information System. Outstanding mineral rights held by third party would not be acquired for the Guste Island mitigation site.

There is no merchantable timber that would be affected by this project, but there are pasture lands that would be affected.

The 74 acres owned by St. James Parish which would be utilized as mitigation for BLH impacts from MSA-2 is currently leased for agricultural use. The leases over the area eventually selected for mitigation would need to be extinguished and the lessee would be allowed to harvest crops prior to construction. There may be additional costs associated with terminating the leases. This site is owned by St. James Parish, which is an entity of the State of Louisiana. The NFS intends to purchase fee from the sister agency and compensate that agency for the rights acquired. The Department of the Army, Office of the Assistant Secretary Policy Guidance on Implementation of Supplemental Appropriations in the Bipartisan Budget Act of 2018, dated 9 August 2018, states that non-federal sponsors will be afforded reimbursement or credit for the value of LER acquired from private owners (paragraph 5.c.(3)(a)). Further this is also stated in the Project Partnership Agreement signed between the Department of the Army, State of Louisiana, and Pontchartrain Levee District on 10 February 2019 (Article V, paragraph A). Therefore, although the non-federal sponsor may compensate St. James Parish for the value of the rights acquired, since St. James Parish is not a private owner, no credit can be granted to the NFS for the value of those rights, or the incidental costs associated with acquiring those rights.

Section 13

Non-Federal Sponsor Authority to Acquire LERRD

An assessment of the NFS' legal and professional capability and experience to acquire and provide the LERRD for the construction, operation, and maintenance of the project, including its condemnation authority and quick-take capability has been received and is included in this SREP as Exhibit A.

CPRAB and PLD have acted as project Non-federal Sponsors on numerous other USACE projects. CPRAB has in-house staff with sufficient real estate acquisition experience to meet its responsibilities and is highly capable of performing the responsibilities of LERRD acquisition and management. PLD is currently acquiring the real property rights for the West Shore Lake Pontchartrain levee project and has contractor capability.

The CPRAB has the legal authority to acquire and hold title to real property for this project's purpose but does not directly have quick take authority. However, pursuant to Louisiana revised statutes (49:214.5.2 and 38:301.1), they 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. PLD is a co-sponsor for the project and has quick-take authority.

The NFS has been advised of the requirement to follow Public Law 91-646 and of the need to document expenses relative to the acquisition of LERRD for credit purposes.

Section 14

Zoning Ordinances

No application or enactment of zoning ordinances has been proposed in lieu of, or to facilitate, LERRD acquisition in connection with the project.

Section 15

Acquisition Schedule

The acquisition schedule below shows the tasks and duration for acquisition of all the LERRD required for the Project by the NFS. The implementation of the project would affect approximately 48 private landowners. The acquisition schedule has been coordinated and approved by the NFS.

Table D:15-1 Acquisition Schedule

Task/Duration	Time Accumulation
Mapping (1 month)	1 month
Title (1 month); Appraisals (4 months)	5 months
Negotiations: Prep (1 month); Offer (1 month);	7 months
Signing/Acceptance (3 months)	10 months
Negotiation of compensable relocation agreements with facility/utility owners (12 months)	22 months
Expropriation (4 months)	26 months
Notice to Proceed (2 months)	28 months

Section 16

Facility/Utility Relocations

Most facility/utility relocations have already been covered by the original WSLP project as a portion of the levee alignment is adjacent to the diversion canal and are therefore not a project cost for the Maurepas Swamp Project. However, as designs are finalized for both MSA-2 and the WSLP levee alignment, there may be apportionment required to identify whether relocations are for the MSA-2 or the WSLP project.

Preliminary findings, have determined that the existing pipelines listed below, which are within the project right of way, would be impacted, either requiring relocation of the facility/utility or providing pipeline protection over the utility during construction.

Based on Real Estate Policy Guidance Letter (PGL) 31- Real Estate Support to Civil Works Planning, if the cost of utility/facility relocations are less than 30% of total project costs, a Real Estate Assessment can be prepared during feasibility in lieu of an Attorney's Opinion of Compensability. The cost of facility/utility relocations for this project is \$20,050,000 which is less than 30% of project cost.

An attorney's compensability analysis and opinion of compensability for each of the impacted facilities and utilities will be completed during Preconstruction, Engineering and Design (PED). The Government will then make a final determination of the relocations necessary for the construction, operation, or maintenance of the project after further analysis, and completion then approval of final attorney's opinions of compensability for each of the impacted facilities and utilities.

As required by PGL 31, a preliminary Real Estate Assessment addresses the following two questions.

(a) Is the identified utility facility generally of the type eligible for compensation under the substitute facilities doctrine?

(b) Does the District have some valid data or evidence that demonstrates that it has identified an owner with a compensable interest in the property?

Table D:16-1 Real Estate Assessment of Utility Relocations

UTILITY/FACILITY OWNER	UTILITY/FACILITY PURPOSE	SUBSTITUTE FACILITY	COMPENSABLE INTEREST
Air Liquide	Common Carrier Petroleum	Yes	Yes
Air Liquide	Common Carrier Petroleum	Yes	Yes
Air Products	Common Carrier Petroleum	Yes	Yes
Maurepas Pipeline (Do Not Disturb)			
Maurepas Pipeline (Do Not Disturb)			
Phillips 66	Common Carrier Petroleum	Yes	Yes
DOTD (US61)	US Highway	Yes	Yes
DOTD (LA 44)	State Highway	Yes	Yes
LDWF	Boat Launch	Yes	Yes
KCS	Railroad	Yes	Yes
CNR	Railroad	Yes	Yes
Praxair (Do Not Disturb)			

The total for 02 Relocations Costs for Facilities/Utilities: \$20,050,000.

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

Section 17

Hazardous, Toxic, and Radioactive Waste and Other Environmental Considerations

In accordance with the Project Partnership Agreement, the NFS is responsible for the reasonable identification and evaluation of all HTRW contamination within the vicinity of proposed actions.

A Phase 1 Environmental Site Assessment (ESA) was completed for the Maurepas Diversion Project on September 2, 2021 and an update ESA was done on November 8, 2022 . No recognized environmental conditions (REC) were identified during the site visits and database searches. Based on the results of the site visits and database searches, there is a low probability of encountering HTRW during construction.

Should a REC be identified in relation to the proposed construction area, the Government and the NFS will initiate consultation with each other as to whether to initiate, or to continue, suspend, or terminate construction, and the NFS will not proceed with the acquisition of a real property interest until the Government and the NFS agree that the NFS should proceed, in accordance with the Project Partnership Agreement.

Section 18

Landowner Attitude

A project kick-off meeting and two public scoping meetings were organized and hosted in accordance with NEPA to gather input from interested parties, agencies, and the public to reevaluate alternatives to compensate for unavoidable impacts to swamp habitat associated with the construction of the WSLP project.

Public scoping meetings were held virtually on October 5 and 6, 2021 at the CEMVN District Office, to obtain potential compensatory mitigation measures from the general public.

In general, comments during the public scoping period expressed support for the MSA-2 as mitigation for the WSLP levee construction in that it would provide a critical line of defense to protect the levee and communities within the levee. Support was also expressed for the NFS to pay the additional costs required to utilize the MSA-2 as mitigation for WSLP.

Section 19

Risk Letter

By letter dated 1 November 2021, the NFS, the Coastal Protection and Restoration Authority Board of Louisiana and the Pontchartrain Levee District, were given notification of the risks of acquiring real property interest prior to the amendment of the Project Partnership Agreement, as the preliminary project design may change. Premature acquisition may result in insufficient or excessive real property acreage, as well as additional expense and delay to acquisition schedule. The NFS were informed that acquisition of real property interests in advance of the execution of a revised PPA may result in the NFS not receiving full credit for the cost associated with those advanced acquisitions.

Section 20

Other Real Estate Issues

There are no other anticipated Real Estate issues.

Date: November 16, 2022

Real Estate, New Orleans District

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ERIN C. ROWAN
Appraiser & Planner

Approved by:

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JUDITH Y. GUTIERREZ
Chief, Real Estate Division
Real Estate Contracting Officer

EXHIBIT A

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

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
WEST SHORE LAKE PONTCHARTRAIN
MAUREPAS SWAMP PROJECT

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

I. Legal Authority:

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

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Erin C. Rowan
Appraiser
US Army Corps of Engineers

Approved by:



David A. Peterson
General Counsel
Coastal Protection and Restoration Authority

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
WEST SHORE LAKE PONTCHARTRAIN
MAUREPAS SWAMP PROJECT**

PONTCHARTRAIN LEVEE DISTRICT

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? **YES (There is a co-sponsor for the West Shore Lake Pontchartrain project – the CPRAB).**
- 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. The NFS will utilize consultants who are familiar with real estate requirements of Federal projects, including P.L. 94-646, or the co-NFS the CPRAB, if necessary.**
- 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. The NFS will utilize experienced real estate consultants to assist in-house staff in meeting project needs, if necessary.**
- 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 fully 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**

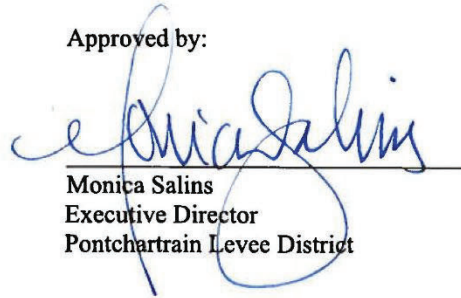
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Erin C. Rowan
Appraiser
US Army Corps of Engineers

Approved by:



Monica Salins
Executive Director
Pontchartrain Levee District