

## **Appendix J**

### **Real Estate Plan**

**Real Estate Plan  
Louisiana Coastal Area Near-Term Ecosystem Restoration Plan  
Medium Diversion at White Ditch**

**1. PURPOSE**

Title VII of the Water Resources Development Act of 2007 (Public Law 110-114) authorizes the Louisiana Coastal Area Program. The authority includes requirements for comprehensive planning, program governance, implementation, and other program components.

Coastal wetlands in Louisiana are a national significant environmental and economic resource. Erosion of these wetlands threatens the long-term stability of human populations in the area as well as important fish and wildlife resources.

This Real Estate Plan (REP) has been prepared to present the real estate requirements and support the Louisiana Coastal Area Near-Term Ecosystem Restoration Plan, Medium Diversion at White Ditch, Feasibility Report. Information contained within this report is based on preliminary data and is subject to change. **THE NON-STANDARD ESTATES PRESENTED IN THIS REP ARE NOT APPROVED AS PART OF THIS REAL ESTATE PLAN AND FURTHER REVIEW, REVISION, AND APPROVAL OF SUCH ESTATES ARE REQUIRED.**

**2. DESCRIPTION OF LANDS, EASEMENTS, AND RIGHTS-OF-WAY (LER)**

**a. Description of Lands, Easements and Rights-of-Way (LER) required for the construction, operation and maintenance of the project**

The White Ditch project area is located in the Breton Sound estuary and covers the area extending north and south from just south of Belair, Louisiana, to the coastline of Louisiana and extending east and west from the Mississippi River to the Oak River. This area extends about 50 km in the NW-SE directions and about 30 km in the SW-NE direction. Subsidence, erosion, channelization, saltwater intrusion, storm damage and the absence of fresh water, sediments and nutrients from the Mississippi River have all caused significant adverse impacts to the White Ditch project area resulting in extensive wetland loss and ecosystem degradation. There is an existing siphon at the mouth of White Ditch that was built in 1963 and has not been in operation since 1991, except for two brief episodes.

The absence of a supply of fresh water, sediment, and nutrients has caused the marsh to degrade. This degradation coupled with the subsidence and sea level rise rate of approximately 1.04 cm per year has led to an increase in saltwater intrusion. The additional influx of saltwater from the Gulf of Mexico through the vast canal network in the project area has further damaged the marsh vegetation. In August and September 2005 Louisiana was hit by hurricanes Katrina and Rita. These hurricanes brought high winds and high tidal surges and destroyed thousands of acres of already weakened marsh. In September of 2008 hurricanes Ike and Gustav also hit the Gulf coast. While they did not make direct landfall in the project area, the tidal surges from these storms caused the loss of additional marsh acreage.

This restoration project would reverse the trend of habitat degradation between the Mississippi River and the River Aux Chenes Ridges through Mississippi River re-introduction. This will be accomplished by re-connecting the Mississippi River to the project area through the use of a river diversion. The material obtained through deepening/widening of the channel will be used to stabilize ridges on either side of the channel acting as containment. Dredge material will also be placed in strategic locations to build marsh. Any excess dredged material is to be used for beneficial marsh creation.

#### **b. Total LER required for each project purpose and feature**

There are thirteen (13) landowners of the twenty-two (22) parcels within the right-of-way needs for the project. All of the land needed for the project is privately owned. Landowners consist of three companies (Delacroix Corporation, Shayot Land Co, LLC, & Haspel & Davis), one church (St. John Baptist Church of Phoenix), and eight individuals in addition to State claimed water bottoms.

In the project area, lots/parcels are narrow and long extending back from the Mississippi River through the marsh. A typical parcel in the area is 40 arpents long. Because of the configuration of parcels, both the conveyance channel and the marsh creation/restoration features will affect 11 of the 13 landowners.

There is a total of 1,161.2 acres required for this project. The diversion structure will require approximately 7.2 acres, and is located within a single parcel, therefore affecting one landowner. Approximately 317.7 acres are necessary for the dredging of channels and improvement/enhancement of associated channel ridges needed to maximize the conveyance of fresh water and sediment. This feature affects 11 landowners on 15 parcels. This feature is also within NFS-owned water bottoms, and further addressed in section 3. below. Approximately 381 acres are required to accommodate marsh restoration efforts, affecting 18 parcels and 12 landowners. Approximately 3 acres are needed to install notched dike flow restrictors (canal plugs) to redirect and restrict a certain level of flow entering surrounding marshlands from the freshwater diversion. There are 6 of these features proposed for the project, two of which are located on State claimed water bottoms. Three of the plugs are proposed in canals owned by Delacroix Corporation (3 separate parcels) and one is located on property owned by a private individual. The additional 452.3 acres is required for temporary work area, which will affect all required tracts.

Construction of the project will also require the temporary relocation of State Highway 39 and a powerline adjacent to the highway. These relocations may cause temporary delays because of land records issues that are not uncommon since hurricane Katrina; right-of-way documentation no longer exists.

#### **c. Estates to be acquired.**

The Chief's Report that was approved in January 2005 for the 2004 LCA Ecosystem Restoration Study, contained several estates (both standard and non-standard) to be used for the LCA projects. The District acknowledges that it is Corps of Engineers policy to acquire fee simple title for ecosystem restoration projects in order to reduce the risk that incompatible uses on project land will occur after project construction and to ensure that ownership rights vested in the project are clear and enforceable (ER 1105-2-100, Appendix F, Amendment #2, F-20b(2)(a)). However, regulations also

indicate that a lesser interest, such as, a specific type of permanent easement, may be appropriate depending upon the operational requirements of the project and other circumstances relevant to project implementation, including landowner preference (EP 1165-2-502, 17b). Circumstances wherein the acquisition of interests less than fee may be appropriate is where only select and easily identifiable and narrow affirmative rights are required for successful implementation of the project (ER 1105-2-100, Appendix F, Amendment # 2, F-20b(2)(b)i.).

Where project features exist, the proposed permanent estate acquisition is sufficient to accomplish construction, operation and maintenance of the features. The project has specific features in defined areas, and the necessary real estate rights are narrow, affirmative rights that can easily be defined. It is believed that a real estate interest is not necessary outside the project feature areas because the estates proposed herein provide sufficient rights to the Government to construct the project and also protect the interests of the Government by prohibiting use of the surface for mineral exploration or construction of improvements. In addition, because the project area is coastal wetlands, the project features are further protected through the police powers of the Federal Government through Section 404 of the Clean Water Act which require a permit from the Corps of Engineers for any activity that could negatively impact a wetland. Lastly, due to the topography of the project area, it is highly unlikely that the benefitted marshes could be developed. These three protections combined greatly reduce the risk that incompatible uses on project lands will occur after construction.

All documentation associated with the approval request of to deviate from fee simple title acquisition is included as Exhibit E.

Any activity that may have a detrimental effect to the benefits area of the project is regulated, therefore the risks over time would be minimal - aside from uncontrollable forces such as nature (hurricanes, etc.). The types of activities that could be considered risks (oil/gas surface exploration, excavation and fill activities, etc.) are currently regulated by the Louisiana Department of Natural Resources, Office of Coastal Management, under Title 43, Chapter 7 of the Louisiana Administrative Code. Specifically, Subchapter C, Section 723.A.2. requires permits for dredging or filling, urban developments, energy development activity(exploration and transmission of oil/gas), mining activities(surface & subsurface), surface water control, shoreline modification, recreational developments, industrial development, drainage projects and "any other activities or projects that would require a permit or other form of consent or authorization from the U.S. Army Corps of Engineers, the Environmental Protection Agency, or the Louisiana Department or Natural Resources." Additionally, activities in the marshes (wetlands) are regulated by Section 404 of the Clean Water Act under the purview of the USACE. Certain other activities are regulated by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the EPA, and the Louisiana Department of Environmental Quality.

There are five (5) estates proposed for use for this project; three standard and two non-standard. The recommended estates to be acquired are explained below.

#### **Temporary Work Area Easement (standard estate)**

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A )(Tract No\_\_); for a period not to exceed two (2) years, beginning with the 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 (borrow and/or deposit fill, spoil and waste material thereon) move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction the White Ditch 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.

**Fee excluding minerals (with restriction on use of the surface) (standard estate)**

The fee simple title to (the land described in Schedule A)(Tract No \_\_), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding from the taking 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 drilling and extracting therefrom said oil and gas.

**Channel improvement easement (standard estate)**

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)(Tract No) 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.

**Canal alteration easement (non-standard estate)**

A perpetual and assignable right and easement in (the land described in Schedule A)(Tract No\_\_) to deposit materials within and around the canal, to place plugs or fully close the canal, to cut gaps in the canal, or make other alterations to the canal, in order to restore the hydrology and /or to stabilize the spoil banks along the canal; 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; and expressly excepting and excluding all oil, gas and other minerals occurring naturally in liquid or gaseous form, in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil, gas and other minerals occurring naturally in liquid or gaseous form, 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, gas and other minerals occurring naturally in liquid or gaseous form; provided however, that the rights, interests and privileges, associated with the original canal right-of-way, hereinabove excepted and reserved are hereby subordinated to the right of this canal alteration easement.

**Wetland Creation and Restoration Easement (non-standard estate)**

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. -) to construct, operate, maintain, patrol, repair, renourish, and replace wetlands and associated coastal habitats, including the right to borrow and/or deposit fill; to accomplish any alterations of contours on said land; to plant vegetation on said land; to excavate, dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; to construct dikes and to install, alter, relocate, repair or plug cuts in the banks of dikes; to construct, operate and maintain pipelines for the purpose of dredge or spoil material transport and deposition; to move, store and remove equipment and supplies; to plug, fill or alter pipeline canals located within the limits of the easement; to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the easement (excepting the structures now existing on the land, described as \_\_\_\_\_), provided 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, 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, [that no vehicles shall be operated within the limits of the easement without such approval, except as may be required to operate and maintain the easement,] and that no trimming, cutting, felling or removal of trees, underbrush, and any other vegetation shall be conducted without such approval; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs,) successors and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; and expressly excepting and excluding all oil, gas and other minerals occurring naturally in liquid or gaseous form, in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil, gas and other minerals occurring naturally in liquid or gaseous form, 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, gas and other minerals occurring naturally in liquid or gaseous form.

**d. Breakdown of Acreage by Estate****Temporary Work Area Easement**

Approximately 452.3 acres are required for the temporary work area associated with the construction of this project.

**Fee excluding minerals**

Approximately 7.2 acres of fee will be required for the structure location.

**Channel Improvement Easement**

Approximately 317.7 acres of permanent easement will be required to accommodate the conveyance channel features of this project. Channels will be dredged to allow for a greater volume of water to be conveyed. The dredged material will be used to restore the ridges along the conveyance channel in order to properly stabilize and contain the channel, thereby eliminating the need for dredge disposal areas.

### **Canal Alteration Easement**

Approximately 3 acres of permanent easement will be required for placement of notched dike flow restrictors (plugs) to be placed in existing canals. These plugs will be utilized to redirect and restrict the amount of freshwater conveyed to certain locations with the project area.

### **Wetland Creation and Restoration Easement**

Approximately 381 acres of permanent easement will be required for wetland creation and restoration. Dredged material obtained from deepening/widening the conveyance channel will be used for beneficial marsh creation.

## **3. LERRD OWNED BY THE NON-FEDERAL SPONSOR**

The non-federal sponsor for this project is the Coastal Protection and Restoration Authority of Louisiana (CPRA), through the Office of Coastal Protection and Restoration. There are NFS-owned water bottoms required for this project.

A significant portion of the LERRD required for this project is located on NFS-owned water bottoms. Nearly the entire conveyance channel located east of the 40-arpent line is located within NFS-owned water bottoms, which equates to approximately half of the proposed channel improvement easement. In addition, two of the proposed channel plugs depicted in the attached Exhibit A are located on State water bottoms (the second northernmost plug, and the southernmost plug).

The above-referenced water bottoms are available for the project but not sufficient to cover the entire right-of-way necessary, therefore additional easements will be necessary. At this time, none of the right-of-way identified as NFS-owned water bottoms has been previously provided as an item of cooperation for another Federal project. Credit will be received for the required LERRD.

## **4. NON-STANDARD ESTATES DISCUSSION**

The proposed non-standard estates, Wetland Creation and Restoration Easement and Canal Alteration Easement, are included herein, 2.c. above. Approval of these non-standard estates is requested as part of document approval. All documentation associated with the approval request of the non-standard estates is included as Exhibit E.

## **5. EXISTING FEDERAL PROJECTS WITHIN THE LERRD REQUIRED FOR THE PROJECT**

There are no existing federal projects within the LERRD required for this project.

## **6. FEDERALLY OWNED LAND REQUIRED FOR PROJECT**

There is no federally owned land within the project area. Therefore, no federally owned land is required for this project.

## **7. NAVIGATION SERVITUDE**

Navigational Servitude allows acquisition of shore lands extending to the ordinary high-water mark thereof and may be exercised under statutory rights and powers without obligation for compensation to the riparian landowners. Navigational Servitude will not be exercised for this project.

## **8. MAPS**

Exhibit A contains maps of the project area. Page 1 of Exhibit A is a Project Area map showing the geographic location of the project area. Page 2 of Exhibit A is a map depicting the proposed project features, and generally conveys the anticipated LER required to accommodate those features. Page 3 of Exhibit A is a map depicting the proposed projects features in a wider view so that all plug locations are also depicted.

## **9. INDUCED FLOODING**

It is not anticipated that induced flooding will rise to the level of a taking for which just compensation will be owed. Induced flooding is largely dependent on the operation of the diversion. The proposed diversion structure is recommended to be operated by a “pulse” introduction of fresh water during seasonal high sediment loads being carried by the Mississippi River (March – May).

Although the White Ditch diversion will increase the frequency of inundation in the interior marshes during the March-April pulse, no substantial damage to private property is anticipated to occur. The benefited area consists of low-lying marsh and shallow open water accessible only by boat and vulnerable to tidal surges. The area was once subject to inundation by the Mississippi River during spring high water events, until levees were constructed along the river by the Mississippi River and Tributaries project. The White Ditch diversion is formulated to mimic these natural, land-building flood events by reintroducing freshwater, sediment and nutrients to the marshes in the project area. Over the 50-year period of analysis, the project is anticipated to prevent the loss of approximately 13,750 acres of emergent marsh in the project area and could potentially lead to a net gain in marsh acres. The current land uses are likely to be enhanced through operation of the diversion because it will improve fish and wildlife habitat in the benefited area.

Alligator egg harvesting is the only known current land use that has the potential to be impacted by a proposed freshwater diversion. However, due to the proposed operation of the diversion, alligator life cycle requirements (courtship, mating, nest building, egg laying, hatching, and rearing of young) within the project area are not expected to be altered.

The recommended “pulse” is anticipated to “freshen” (or dramatically reduce salinity in) the project area for a period of approximately four to five months, whereas currently, the area maintains a certain level of salinity during that time frame. After the seasonal “pulse”, the diversion could be operated with a maintenance flow of 1,000 cfs. Salinity appears to be determined more by maintenance flows than by the approximate 2-month “pulse” activity. From the data evaluated up to this point, it appears that the overall salinity boundaries with the operation of the project are not drastically changed from the current salinity boundaries. However, the timing of the fresh water introduction will drive the consequence to certain crops, specifically oysters.



There are no oyster leases within the LERRDs required for this project. There are oyster leases near the outer limits of the project boundary, as depicted in Exhibit B. The alteration of salinity during the spring months may affect the production of those oyster beds. However, Louisiana law does not require the State to ensure adequate salinity levels for the leased oyster beds.

There are no structures upon lands known to be impacted by the project. In addition, it is not likely or anticipated that any induced flooding that may occur will impact any structures.

All existing viable uses of the marshlands are not expected to be detrimentally affected by the periodic change in water elevation. Therefore, flowage easements are not necessary within the project area.

## **10. BASELINE COST ESTIMATE**

A cost estimate of the real property interests required for this project is attached as Exhibit C and indicates the required interests for construction, operation and maintenance of this project. The Unit Value used to generate Total Real Estate Project Costs was derived from a Gross Appraisal that was performed in November 2009. Information used in the Gross Appraisal was obtained from the Parish Assessor's office, comparable sales, and interviews with local appraisers and landowners. The Sales Comparison Approach was used in the appraisal to derive current fair market value.

## **11. RELOCATION ASSISTANCE BENEFITS**

It is not anticipated that there will be any residents eligible for relocation benefits. There are no structures in the vicinity of the proposed project alternative impacted area. Any required relocations will be performed in accordance with the provisions of Public Law 91-646, the Uniform Relocation Act, as amended.

## **12. MINERAL ACTIVITY/TIMBER HARVESTING IN PROJECT AREA**

There is mineral activity (oil/gas wells and pipelines) within the vicinity of the proposed project area. There are two oil wells located within the proposed channel, and one oil well located within the proposed marsh creation/wetland restoration. All wells located within the right-of-way limits of the project are closed/abandoned and therefore, not productive or in use. Closed/abandoned wells within the project area are not anticipated to cause real estate issues or delays for the project.

There is also one line (believed to be formerly used for oil) that has a coastal permit. This permitted line lies across the proposed diversion channel. Although not documented within the State's system, after speaking with the Coastal Permits Section, it is believed that the line is no longer in use because the wells that previously served the line have been closed/abandoned. In fact, it is unknown whether the line has been removed because the use or abandonment of such lines is not a reporting requirement of the coastal permit. Although possible existence of the line is not anticipated to cause real estate issues, removal of the line, if necessary, may cause brief construction delays.

It is not anticipated that any merchantable timber will be impacted by the proposed project.

### **13. NON-FEDERAL SPONSOR ASSESSMENT**

The Non-Federal sponsor for this project is the Coastal Protection and Restoration Authority of Louisiana (CPRA), through the Office of Coastal Protection and Restoration. As the non-federal sponsor, CPRA must provide all real estate interests required for the project, i.e., all lands, easements, rights-of-way, relocations, and any other interest, including suitable borrow and dredged or excavated material disposal areas (LERRDs).

The Non-Federal Sponsor is assessed to be fully capable to perform all acquisition activities associated with this project. The Sponsor has the capability to acquire and hold real estate as well as the ability to contract for real estate services to supplement its staff in order to meet project schedules. However, it must be recognized herein that CPRA is the non-federal sponsor for all New Orleans District coastal restoration projects and all hurricane risk reduction projects. Therefore, if all LCA projects and several hurricane risk reduction projects are authorized for construction under concurrent schedules, there is a possibility that CPRA may not be able to accomplish LER acquisition due to the massive amount of work required for such an undertaking. If that were the case, it is possible that CPRA may request that the Federal Government accomplish acquisition of LER on their behalf.

The Assessment of the Non-Federal Sponsor's Real Estate Acquisition Capabilities is attached as Exhibit D.

### **14. ZONING IN LIEU OF ACQUISITION**

There will be no zoning ordinances enacted to facilitate acquisition of land for the project.

### **15. SCHEDULE**

A detailed schedule will be developed when the final ROW is determined. Normally, an estimate of one year is allowed to acquire ROW for a project.

### **16. FACILITY OR UTILITY RELOCATION**

A brief survey was conducted of utilities/facilities that will be impacted by the proposed project. A determination of compensable interests has not been made as of the date of this report. However, an estimate of likely utility/facility relocation costs are included. The following facilities/utilities are anticipated to be impacted by the proposed project: State Highway 39, an Entergy power line along Highway 39, and a telephone cable that appears to be in the same right-of-way corridor and share the same poles as the power line. Estimated relocation costs for the State Highway and the Entergy powerline are \$101,000 and \$107,000 respectively.

### **17. HTRW AND OTHER ENVIRONMENTAL CONSIDERATIONS**

Investigation for contaminants within the project boundaries was conducted in accordance with CERCLA, RCRA, and applicable State law, by the St. Louis District. Soil and water quality sampling is required prior to construction. It is not anticipated that any clean-up or response actions will be required.

However, if it is discovered that clean-up or response actions are necessary, in accordance with Article II. H. of the Feasibility Cost Sharing Agreement (FCSA), executed on 6 November 2008, “The non-federal sponsor shall be responsible for the total cost of developing a response plan for addressing any hazardous substances regulated under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, (codified at 42 U.S.C. Sections 9601-9675), as amended, existing in, on, or under any lands, easements of rights-of-way that the Government determines to be required for the construction, operation, and maintenance of the project. Such costs shall not be included in total study costs.”

### **18. LANDOWNER ATTITUDE**

There is a great deal of landowner support for this project. That support is driven by the fact that the area in the vicinity of the proposed project is degrading at an alarming rate and that the potential exists to not only stop, but reverse the trend of degradation with the project area.

Even though there is a great deal of support for this project, there continues to be a great deal of concern from landowners regarding current land uses and harvesting activities that take place on the affected properties. Activities of concern include, but are not necessarily limited to oyster harvesting, alligator nesting and hunting activities. The concern is based on the fact that the afore-mentioned activities have the potential to adversely impact certain landowners financially.

### **19. NOTIFICATION TO THE NFS REGARDING THE RISKS ASSOCIATED WITH ACQUIRING LAND BEFORE EXECUTION OF THE PROJECT PARTNERSHIP AGREEMENT (PPA)**

As project alternatives are clearly selected, the non-federal sponsor will be issued a risk letter explaining the risk of acquiring lands prior to the execution of the PCA and advised to wait on coordination of the acquisition plan and notice to proceed with acquisition.

### **20. OTHER REAL ESTATE ISSUES RELEVANT TO THE PROJECT**

There are no other known real estate issues, other than those mentioned in this report.

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Cost Estimate – Timothy Nelson, Appraiser

**EXHIBIT A**  
**MAPS**



# LOUISIANA COASTAL AREA: MEDIUM DIVERSION AT WHITE DITCH

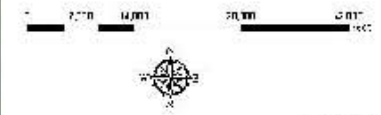


**LCA White Ditch**

- Channel Modifications/Dredging
- Marsh Creation/Restoration
- Ridge Creation/Restoration
- Notched Dikes
- White Ditch Bay
- Levee
- City



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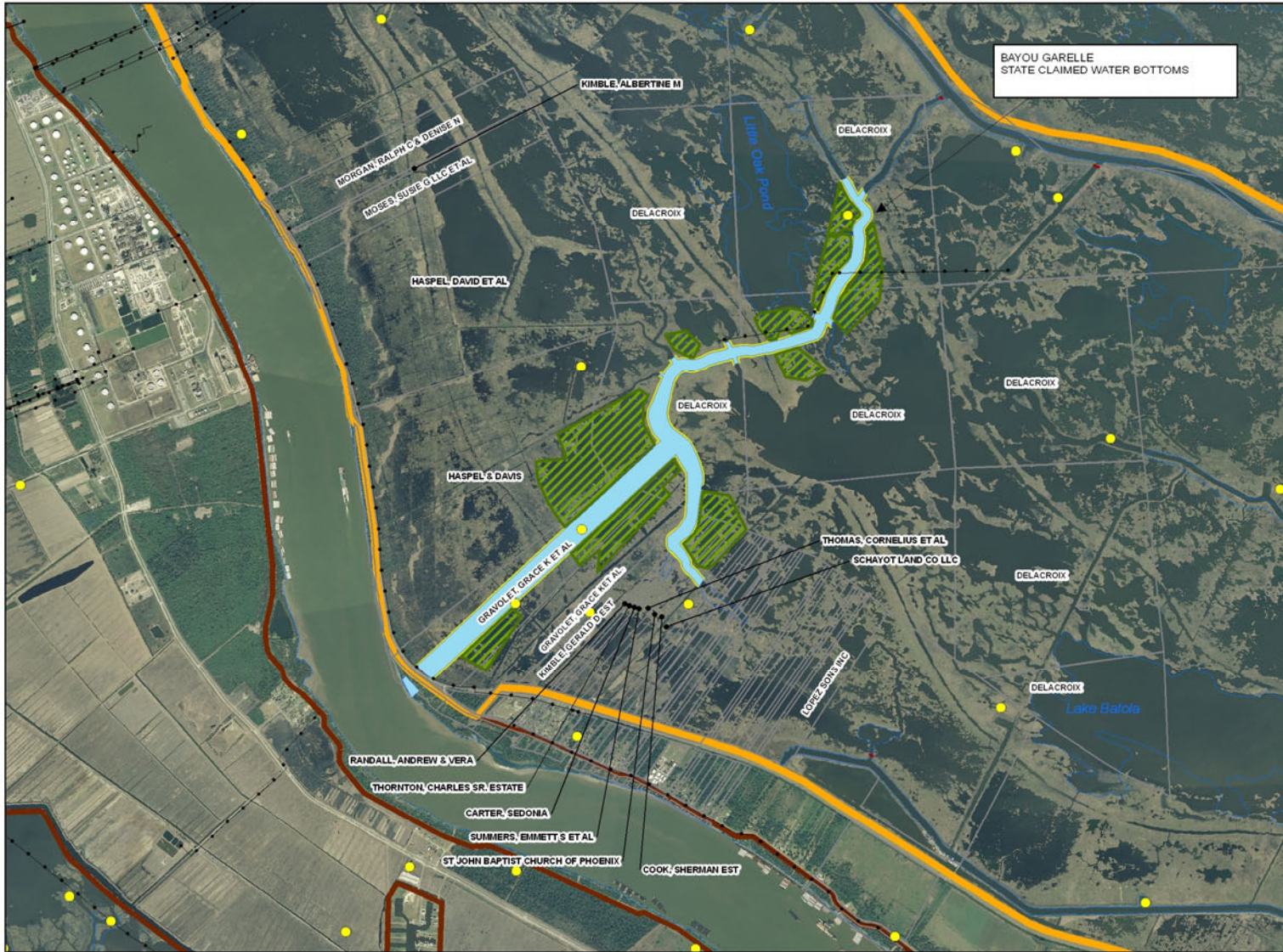


Jan 15, 2010

Exhibit A-1



# LOUISIANA COASTAL AREA: MEDIUM DIVERSION AT WHITE DITCH



## LCA WHITE DITCH

### Legend

- Oil Gas Wells
- Pipeline
- Levee
- Notched Dikes
- Channel Modifications/Dredging
- Marsh Creation/Restoration
- Ridge Creation/Restoration
- White Ditch Bdy

### LOCATION MAP



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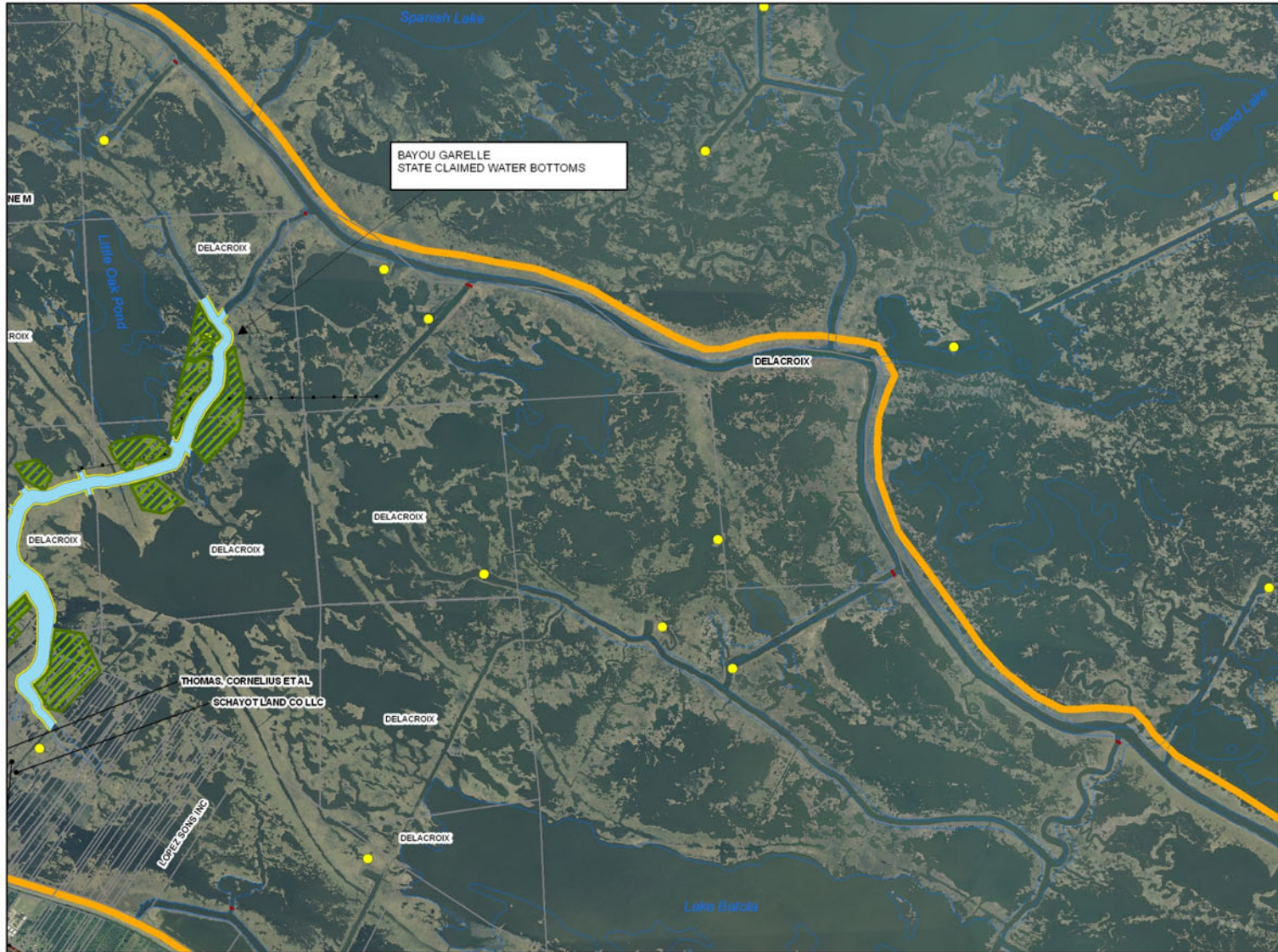


3/17/2010

Exhibit A-2



# LOUISIANA COASTAL AREA: MEDIUM DIVERSION AT WHITE DITCH



## LCA WHITE DITCH

### Legend

- Channel Modifications/Dredging
- Marsh Creation/Restoration
- Notched Dikes
- Ridge Creation/Restoration
- Oil Gas Wells
- Pipeline
- White Ditch Bdy
- Levee

### LOCATION MAP



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3/17/2010

Exhibit A-3

**EXHIBIT B**  
**OYSTER LEASE LOCATION MAP**



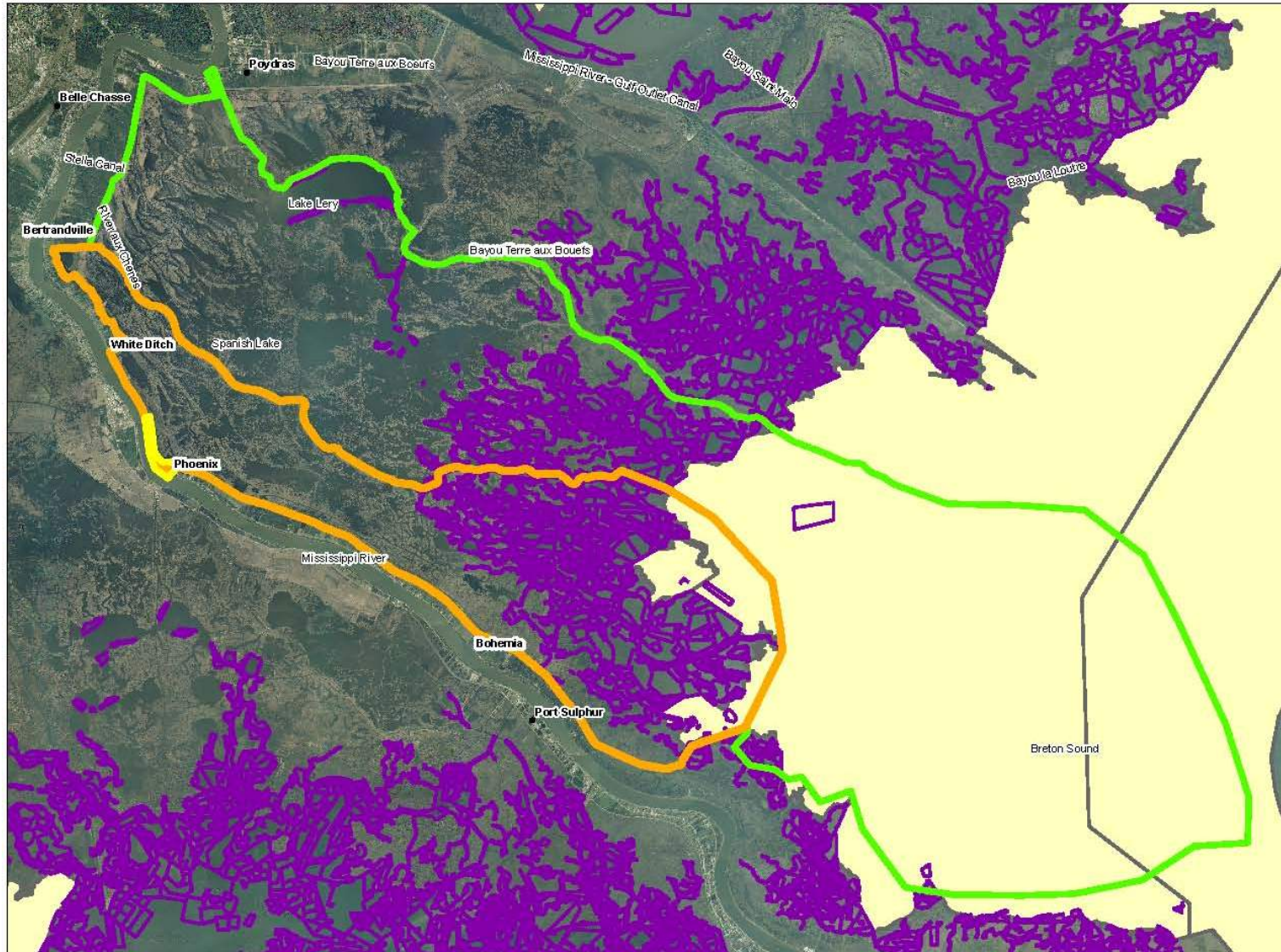


# LOUISIANA COASTAL AREA: MEDIUM DIVERSION AT WHITE DITCH

## LCA WHITE DITCH OYSTER LEASES

### Legend

-  Location 3
-  Project Boundary
-  Secondary Project Boundary
-  Oyster Lease
-  Oyster Seed Grounds
-  City



### LOCATION MAP



DISCLAIMER - While the United States Army Corps of Engineers, (hereinafter referred to USACE) has made a reasonable effort to insure the accuracy of the maps and associated data, it should be explicitly noted that USACE makes no warranty, representation or guaranty, either express or implied, as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. The USACE, its officers, agents, employees, or servants shall assume no liability of any nature for any errors, omissions, or inaccuracies in the information provided regardless of how caused. The USACE, its officers, agents, employees or servants shall assume no liability for any decisions made or actions taken or not taken by the user of the maps and associated data in reliance upon any information or data furnished here. By using these maps and associated data the user does so entirely at their own risk and explicitly acknowledges that he/she is aware of and agrees to be bound by the disclaimer and agrees not to present any claim or demand of any nature against the USACE, its officers, agents, employees or servants in any forum whatsoever for any damages of any nature whatsoever that may result from or may be caused in any way by the use of the maps and associated data.



5/06/2010

**EXHIBIT C**  
**REAL ESTATE COST ESTIMATE**

White Ditch Bayou Restoration Project  
 Plaquemines Parish, Louisiana  
 Real Estate Cost Estimate  
 Alternate 3F

20-Jan-10

	Area (Acres)	Unit Value (per Acre)	Percent of Fee Value	Value
Fee Simple	7.2	\$ 350	1	\$ 2,520
Canal Alternation Easement	3	\$ 350	1	\$ 1,050
Channel Improvement Easement	317.7	\$ 350	0.25	\$ 27,799
Wetland Creation and Restoration Easement	381	\$ 350	0.25	\$ 33,338
Temporary Easement (Two year term)	440.3	\$ 350	0.2	\$ 30,821
Temporary Easement (Two year term) (plugs)	12	\$ 350	0.2	\$ 840
<b>SUBTOTAL</b>				<b>\$ 96,367</b>

Improvements	Number of Structures	
Single Family Residences	0	\$ -
Commercial Improvements	0	\$ -
<b>SUBTOTAL</b>		<b>\$ -</b>

Severance Damages	(20 Percent of land cost, rounded)	\$ 19,273
Contingencies	(25 Percent, rounded)	\$ 28,910
Total Real Property Costs		\$ 144,551
	<b>CALL</b>	<b>\$ 145,000</b>

Acquisition Costs @ \$15,000 per ownership (13 Owners)	\$ 195,000
Relocation Assistance Cost (PL91-646)	
Supplement Replacement Housing	\$ -
Business Moving Expenses	\$ -
Title III expenses	\$ 6,000
<b>TOTAL PROJECT REAL ESTATE COST</b>	<b>\$ 346,000</b>

EXHIBIT D  
NON FEDERAL SPONSOR ASSESSMENT

**ASSESSMENT OF NON-FEDERAL SPONSOR'S  
REAL ESTATE ACQUISITION CAPABILITY  
Coastal Protection Restoration Authority (CPRA)  
through the  
Office of Coastal Protection and Restoration (OCPR)**

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 - But limited to expropriation.**
- c. Does the sponsor have "quick-take" authority for this project? **NO - Although the sponsor does not have quick take authority, if this should be needed for the project, the sponsor may partner with a Levee District or Parish Government who has this authority (Act 225 RS38:301.1 and Act 320) if they agree.**
- 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? **Unknown**

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?  
**The office of OCPR is staffed with 3 Land Specialists and one Manager. Given current and projected workload, the in-house staff is not sufficient to accomplish acquisition of realty interests for this project.**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **Unknown, no schedule has been drafted. Contracting typically takes 12 to 18 months.**

- f. Will the sponsor likely request USACE assistance in acquiring real estate?  
**Yes it is likely, but ultimately depends on the responsibilities as agreed upon in the PPA yet to be developed.**

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?

**"A detailed schedule will be developed when the final ROW is determined. Normally, an estimate of one year is allowed to acquire ROW for a project." Once project designs are finalized, the sponsor will be requested to provide an acquisition schedule.**

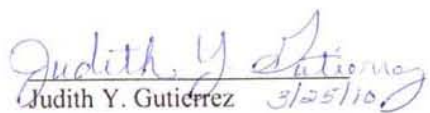
IV. Overall Assessment:

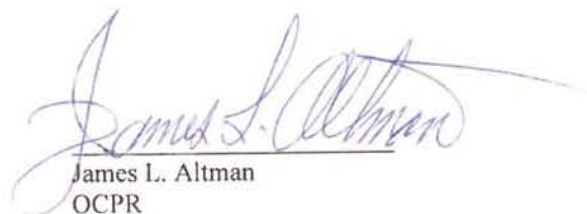
- a. Has the sponsor performed satisfactorily on other USACE projects? **YES**
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable.  
**Fully capable**

V. Coordination:

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

Prepared By:

  
Judith Y. Gutierrez 3/25/10  
USACE  
Chief, Appraisal. & Planning Branch

  
James L. Altman  
OCPR  
Land Manager

Approved-By:

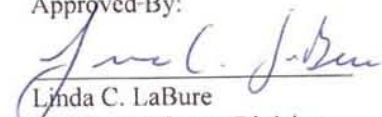
  
Linda C. LaBure  
Chief, Real Estate Division

EXHIBIT E  
DEVIATION FROM FEE TAKING AND  
NON-STANDARD ESTATES APPROVAL REQUEST

LCA: MEDIUM DIVERSION AT WHITE DITCH  
REQUEST FOR APPROVAL TO DEVIATE FROM FEE TAKING AND  
REQUEST FOR APPROVAL OF NON-STANDARD ESTATE

1. This is a request for approval to deviate from acquisition of the Fee estate for the LCA Medium Diversion at White Ditch project and request for approval to acquire a Channel Improvement Easement (standard estate), a Canal Alteration Easement (non-standard estate), and a Wetland Creation and Restoration Easement (non-standard estate) to accomplish the project.
2. The detailed project purpose and description is contained within the Real Estate Plan. The project entails re-connecting the Mississippi River to the project area through the use of a river diversion. The material obtained through deepening/widening of the channel will be used to stabilize ridges on either side of the channel acting as containment. Dredge material will also be placed in strategic locations to build marsh. Any excess dredge material is to be used for beneficial marsh creation.
3. Maps depicting the locations of project features are included in the Real Estate Plan as Exhibit A, pages 2 and 3.
4. The District acknowledges that it is Corps of Engineers policy to acquire fee simple title for ecosystem restoration projects in order to reduce the risk that incompatible uses on project land will occur after project construction and to ensure that ownership rights vested in the project are clear and enforceable (ER 1105-2-100, Appendix F, Amendment #2, F-20b(2)(a)). However, regulations also indicate that a lesser interest, such as, a specific type of permanent easement, may be appropriate depending upon the operational requirements of the project and other circumstances relevant to project implementation, including landowner preference (EP 1165-2-502, 17b). Circumstances wherein the acquisition of interests less than fee may be appropriate is where only select and easily identifiable and narrow affirmative rights are required for successful implementation of the project (ER 1105-2-100, Appendix F, Amendment # 2, F-20b(2)(b)i.).
5. It is the opinion of the Non-Federal Sponsor, The Coastal Protection and Restoration Authority (CPRA), and the District that construction of this project can be accomplished through the acquisition of perpetual easements rather than fee. The project has specific features in defined areas, and the necessary real estate rights are narrow, affirmative rights that can easily be defined. The standard Channel Improvement Easement would allow the Government sufficient rights to construct the cuts necessary to form the conveyance channel. District Office of Counsel has prepared a non-standard Wetland Creation and Restoration Easement that would allow the Government necessary rights to place dredged material in the marsh to improve the habitat and would protect the environment by prohibiting construction of structures, excavation of the property or placement of fill without approval by the United States. The estate also prohibits use of the surface to explore for minerals. District Office of Counsel has also prepared a non-standard Canal Alteration Easement which would allow the placement of plugs in existing canals, to redirect and restrict freshwater flow, and specifically prohibits the use of the surface for mineral exploration in addition to prohibiting any activity that interferes with the rights of the easement.
6. It is the opinion of the District that the estates proposed herein provide sufficient rights to the Government to construct the project and also protect the interests of the Government by prohibiting use



of the surface for mineral exploration or construction of improvements. In addition, because the project area is coastal wetlands, the project features are further protected through the police powers of the Federal Government through Section 404 of the Clean Water Act which require a permit from the Corps of Engineers for any activity that could negatively impact a wetland. Lastly, due to the topography of the project area, it is highly unlikely that the benefitted marshes could be developed. These three protections combined greatly reduce the risk that incompatible uses on project lands will occur after construction.

7. The District proposes the acquisition of easements rather than fee considering that this project is one of 15 Louisiana Coastal Area (LCA) projects which collectively encompass thousands of acres. The decisions regarding which estates to acquire for ARTM will impact the other 14 LCA projects. The non-federal sponsor, The Coastal Protection Restoration Authority, is not in favor of owning fee interest over the project area for ARTM. The mission of the non-federal sponsor is to oversee all hurricane risk reduction projects and all coastal restoration projects in south Louisiana. The sponsor is willing to acquire a fee estate when it is absolutely necessary for the project. However, owning fee lands for public access is not within the authorized missions of the non-federal sponsor.
8. Approval of the non-standard Wetland Creation and Restoration Easement is requested because there is no standard easement that includes the real estate rights necessary for construction of certain project features. The project includes using dredged material for stabilization of ridges on either side of the conveyance channel and disposal of additional dredged material in designated areas to use it beneficially to enhance existing marsh and to propagate the growth of marsh in waterbottoms
  - The Wetland Creation and Restoration Easement provides all the necessary rights to protect the marsh as well as the marsh that will naturally propagate in the project areas. The only potential use of the property, given its location and physical characteristics, is for recreation (fishing and hunting) and mineral development. Recreational uses will not impact the viability of the project. The Wetland Creation and Restoration Easement prohibits the construction of structures, operation of vehicles, excavation of the land, disposal of material, cutting of trees, and the use of the surface for mineral exploration without prior approval by the United States
  - The cost of acquiring the Wetland Creation and Restoration Easement is less than the cost of acquiring Fee. For the purposes of this project the Wetland Creation and Restoration Easement is valued at 25% of Fee value
  - The Wetland Creation and Restoration Easement was written using language from several standard estates such as the Perpetual Beach Nourishment Easement, the Perpetual Beach Storm Damage Reduction Easement, the Fee Excluding Minerals (with restrictions on use of the surface), and the Flowage Easement (Permanent Flooding).
  - For ease of review, attached as Exhibit A is a highlighted version of the Wetland Creation and Restoration Easement indicating which language was taken from standard estates and which language is non-standard. Also attached as Exhibit B is a final version of the estate. Exhibit C is a written statement from Office of Counsel (MVN), indicating the legal sufficiency of the Non-Standard Estate.

9. Approval is also requested for a non-standard Canal Alteration Easement because there is no standard easement that includes the real estate rights necessary for the construction of certain project features. The project includes placing plugs in designated areas/canals to redirect freshwater within surrounding marshlands.
  - The Canal Alteration Easement provides all the necessary rights to construct, operate and maintain the plugs as well as adaptively manage the water restriction and conveyance associated with the project. The potential uses of the property given the location and physical characteristics are recreation (hunting and fishing) and mineral development. The Canal Alteration Easement specifically prohibits the use of the surface for mineral exploration in addition to prohibiting any activity that interferes with the rights of the easement.
  - For ease of review, attached as Exhibit D is a highlighted version of the Canal Alteration Easement which indicates which language was taken from standard estates and which language is non-standard. Also attached as Exhibit E is a final version of the estate. Exhibit F is a written statement from Office of Counsel (MVN), indicating the legal sufficiency of the Non-Standard Estate.
10. Similar non-standard Wetland Creation and Restoration Easement and Canal Alteration were previously included in the approved 2004 LCA Project Report.
11. Also enclosed as Exhibit G is a Quality Control Checklist, Request to Deviate from Guidance as to Appropriate Interest to Acquire and/or Request for Approval of Use of Non-Standard Estate.
12. Point of contact for this request is Ms. Lynn Hoerner, 314-331-8157.

Prepared by:

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Lynn Hoerner, Realty Specialist

Approved by:

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Anne Kosel  
Chief, Real Estate Division  
St. Louis District

## WETLAND CREATION AND RESTORATION EASEMENT

(based on the standard Perpetual Beach Nourishment Easement and other standard estates)

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. -) to construct, operate, maintain, patrol, repair, renourish, and replace wetlands and associated coastal habitats, including the right to borrow and/or deposit fill; to accomplish any alterations of contours on said land; to plant vegetation on said land; to excavate, dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; to construct dikes and to install, alter, relocate, repair or plug cuts in the banks of dikes; to construct, operate and maintain pipelines for the purpose of dredge or spoil material transport and deposition; to move, store and remove equipment and supplies; to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the easement (excepting the structures now existing on the land, described as \_\_\_\_\_); provided that no structures for permanent 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, 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, and that no trimming, cutting, felling or removal of trees, underbrush, and any other vegetation shall be conducted without such approval; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs,) successors and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; and expressly excepting and excluding all oil, gas and other minerals occurring naturally in liquid or gaseous form, in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil, gas and other minerals occurring naturally in liquid or gaseous form, 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, gas and other minerals occurring naturally in liquid or gaseous form.

## WETLAND CREATION AND RESTORATION EASEMENT

(based on the standard Perpetual Beach Nourishment Easement and other standard estates)

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. -) to construct, operate, maintain, patrol, repair, renourish, and replace wetlands and associated coastal habitats, including the right to borrow and/or deposit fill; to accomplish any alterations of contours on said land; to plant vegetation on said land; to excavate, dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; to construct dikes and to install, alter, relocate, repair or plug cuts in the banks of dikes; to construct, operate and maintain pipelines for the purpose of dredge or spoil material transport and deposition; to move, store and remove equipment and supplies; to plug, fill or alter pipeline canals located within the limits of the easement; to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the easement (excepting the structures now existing on the land, described as \_\_\_\_\_), provided 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, 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, [that no vehicles shall be operated within the limits of the easement without such approval, except as may be required to operate and maintain the easement,] and that no trimming, cutting, felling or removal of trees, underbrush, and any other vegetation shall be conducted without such approval; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs,) successors and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; and expressly excepting and excluding all oil, gas and other minerals occurring naturally in liquid or gaseous form, in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil, gas and other minerals occurring naturally in liquid or gaseous form, 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, gas and other minerals occurring naturally in liquid or gaseous form.

STATEMENT OF REVIEW AND APPROVAL  
LCA MEDIUM DIVERSION AT WHITE DITCH  
WETLAND CREATION AND RESTORATION EASEMENT  
NON-STANDARD ESTATE

This is to certify that the Wetland Creation and Restoration Easement, a non-standard estate, has been reviewed and is legally sufficient for the requirements of the above referenced project.

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Attorney Name, Title

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Date

## CANAL ALTERATION EASEMENT

A perpetual and assignable right and easement in (the land described in Schedule A)(Tract No\_\_\_) to deposit materials within and around the canal, to place plugs or fully close the canal, to cut gaps in the canal, or make other alterations to the canal, in order to restore the hydrology and /or to stabilize the spoil banks along the canal; 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; and expressly excepting and excluding all oil, gas and other minerals occurring naturally in liquid or gaseous form, in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil, gas and other minerals occurring naturally in liquid or gaseous form, 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, gas and other minerals occurring naturally in liquid or gaseous form; provided however, that the rights, interests and privileges, associated with the original canal right-of-way, hereinabove excepted and reserved are hereby subordinated to the right of this canal alteration easement.

## CANAL ALTERATION EASEMENT

A perpetual and assignable right and easement in (the land described in Schedule A)(Tract No\_\_\_) to deposit materials within and around the canal, to place plugs or fully close the canal, to cut gaps in the canal, or make other alterations to the canal, in order to restore the hydrology and /or to stabilize the spoil banks along the canal; 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; and expressly excepting and excluding all oil, gas and other minerals occurring naturally in liquid or gaseous form, in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil, gas and other minerals occurring naturally in liquid or gaseous form, 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, gas and other minerals occurring naturally in liquid or gaseous form; provided however, that the rights, interests and privileges, associated with the original canal right-of-way, hereinabove excepted and reserved are hereby subordinated to the right of this canal alteration easement.

STATEMENT OF REVIEW AND APPROVAL  
LCA MEDIUM DIVERSION AT WHITE DITCH  
CANAL ALTERATION EASEMENT  
NON-STANDARD ESTATE

This is to certify that the Canal Alteration Easement, a non-standard estate, has been reviewed and is legally sufficient for the requirements of the above referenced project.

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Attorney Name, Title

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Date



## Quality Control Checklist

### Request to Deviated from Guidance as to Appropriate Interest to Acquire and/or Request for Approval of Use of Non-standard Estate

ER 405-1-12, paragraphs 12-9 and 12-10

It is the policy of USACE to either acquire or to require a non-Federal sponsor to provide the minimum interest in real property necessary to support a project. The interests described in paragraph 12-9 of ER 405-1-12, have been determined to represent the minimum interest generally required to support the described purposes or features and must be utilized unless otherwise approved. Greater or lesser interests may be appropriate depending on the purposes of a project or a particular acquisition.

Standard estates approved for use in either full Federal or cost shared projects are contained in the RE Handbook. Once the appropriate interest needed is identified, the corresponding standard estate must be used as found in the regulations. Where there is no corresponding standard estate for the interest to be acquired or where changes to the corresponding standard estate are desired, a non-standard estate (NSE) must be drafted and approved. For all NSEs not within the scope of District's approval authority, or requests to deviate from guidance as to appropriate interest to acquire, approval may be obtained either by placing the language of the NSE, or request to deviate, in the Real Estate Plan (REP) of a feasibility report or other study decision document that is to be approved by HQUSACE or by request for approval by memorandum forwarded through MVD to HQ, Real Estate Community of Practice, for appropriate coordination, review, and final determination.

PROJECT: LCA – MEDIUM DIVERSION AT WHITE DITCH

Title and date of Decision Document which contains the REP requesting approval of estate deviation or NSE approval: LCA – Medium Diversion at White Ditch Feasibility Study

Subject line and date of memorandum requesting approval of estate deviation or NSE approval  
N/A – requested as an exhibit in the Real Estate Plan

1. Does the proposed estate, whether standard or non-standard; provide sufficient interest for the construction, operation, and maintenance of the project? YES
2. Coordination has been made with the following and they concur with use of the proposed estate:

Project Management	<u>X</u>	E&C	<u>X</u>
Operations	<u>N/A</u>	Office of Counsel	<u>X</u>

Coordination was made with the following other functional groups. Environmental

3. A statement of legal sufficiency from OC is attached to the REP or memo requesting approval by HQ \_\_\_\_Yes\_\_\_\_.

4. Is the cost to acquire the proposed estate more than the cost of acquiring a standard interest with a standard estate? \_\_\_\_NO\_\_\_\_ Is this discussed in the request? \_\_\_\_Yes\_\_\_\_

5. Did the Non-Federal Sponsor (NFS) propose the deviation from appropriate interest or use of a NSE? \_\_\_\_NO\_\_\_\_

If so, why? \_\_\_\_\_

If not, was the deviation or NSE coordinated with the NFS? \_\_\_\_\_YES\_\_\_\_\_

6. Can the non-standard estate be approved by the district Chief of RE? \_\_\_\_\_NO\_\_\_\_\_

If so, it must:

Serve the intended project purpose \_\_\_\_\_

Substantially conform with and not materially deviate from the corresponding standard estate

\_\_\_\_\_ Does not increase the costs no potential liability of the Government? \_\_\_\_\_

7. Does the NSE conform to format of standard estate \_\_\_\_\_YES\_\_\_\_\_?

8. Does the request for approval which goes through MVD to HQ contain a detailed explanation of a justification for the deviation as to interest to be acquired? \_\_\_\_Yes\_\_\_\_

9. Does the request contain a detailed explanation of each non-standard clause in the estate? \_\_\_\_Yes\_\_\_\_. The request must detail the need for the language in relation to project requirements. Each non-standard right to be acquired, restriction/prohibition placed on fee owner's interest and/or reservation to the fee owner must be fully discussed. Is the acquisition or reservation of mineral rights held by the fee owner or outstanding 3<sup>rd</sup> party mineral rights fully discussed in relation to the estate language and project requirements? \_\_\_\_Yes\_\_\_\_

If there are clauses found in the corresponding standard estate which have been deleted, is there an explanation of the deletion? \_\_\_\_N/A\_\_\_\_

10. Has the district deviated as to the appropriate interest on similar projects in the past? \_\_\_\_Yes\_\_\_\_. If so, which project(s)? The Wetland Creation and Restoration Easement and Canal Alteration Easement is proposed for approval for other LCA projects.

11. Has the proposed NSE been previously approved by HQ for use for a project in your district? \_\_\_\_NO\_\_\_\_. If so, which project(s)? \_\_\_\_\_

Provide a copy of the previous approval.

A copy of this Checklist is attached to the REP or memorandum requesting a deviation as to interest to be acquired or approval of a NSE. \_\_\_\_Yes\_\_\_\_

\_\_\_\_\_  
Realty Specialist or Appraiser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Branch or Section Chief

\_\_\_\_\_  
Date