REAL ESTATE PLAN APPENDIX C

Annex A: Project Maps

Annex B: Assessment of Non-Federal Sponsor's Acquisition Capability

Annex C: Baseline Cost Estimates/Charts of Accounts

Annex D: Non-Material Deviation from Standard Estate Temporary Access Easement

- Annex E: Perpetual Underground Piling Easement
- Annex F: Facility/Utility Relocations
- Annex G: Real Estate Policy Guidance Letter No. 31 Real Estate Support To Civil Works Planning Paradigm (3x3x3)

Contents

PURPOSE OF THE REAL ESTATE PLAN	6
PROJECT DESCRIPTION AND LOCATION	6
PROJECT AUTHORIZATION)
NON-FEDERAL SPONSOR	,
LANDS, EASEMENTS & RIGHTS-OF-WAY6	i
ACCESS	•
STAGING	į
BORROW	,
MITIGATION 8	6
INDUCED FLOODING	6
NON-FEDERAL SPONSOR OWNED LER	5
ESTATES	1
FEE EXCLUDING MINERALS (With Restriction on Use of the Surface)	
FLOOD PROTECTION LEVEE EASEMENT9	
TEMPORARY WORK AREA EASEMENT9	
TEMPORARY ACCESS EASEMENT (Non-Material Deviation from Standard Estate10	
EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT11	
FEDERALLY OWNED LANDS WITHIN THE LER FOR THE PROJECT11	
NAVIGATION SERVITUDE11	
BASELINE COST ESTIMATES/CHART OF ACCOUNTS (COAS)11	
UNIFORM RELOCATION ASSISTANCE (PL 91-646, TITLE II AS AMENDED)12	
TIMBER/MINERAL/ROW CROP ACTIVITY12	2
OYSTER LEASES12	2
ZONING ORDINANCES12	2
ACQUISITION SCHEDULE	2
FACILITY/UTILITY RELOCATIONS13	;
HAZARDOUS, TOXIC AND RADIOACTIVE WASTE14	ļ
LANDOWNER CONCERNS14	ļ.

PURPOSE OF THE REAL ESTATE PLAN

This Real Estate Plan (REP) presents the real estate requirements and costs for the Feasibility Report for the West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Project (WSLP). The information contained herein is tentative in nature for planning purposes only. At the time the REP was prepared, the Project Delivery Team (PDT) had reached the TSP milestone, and feasibility level analysis was just beginning. Footprint maps which identify locations of access, staging, borrow and other project features were not available. The information contained within this REP is based on assumptions made by the PDT, and estimated acreages of project features. This REP does not fully conform to the requirements of Chapter 12 (ER 405-1-12). Once feasibility level analysis is complete, the REP will be revised to conform with Chapter 12.

PROJECT DESCRIPTION AND LOCATION

The project is a hurricane and storm damage reduction study based on ER 1105-2-100. The project purpose is to assess the needed hurricane storm damage risk reduction measures in portions of St. Charles, St. John the Baptist, and St. James Parishes.

The project is located within portions of St. Charles, St. John the Baptist, and St. James Parishes, Louisiana. It is bounded on the east by the Bonnet Carré Spillway upper guide levee, on the north by Lakes Pontchartrain and Maurepas, on the west by the Ascension/St. James Parish line, and on the south by the Mississippi River Levee (MRL) (Figure 1-1).



Figure 1: Study Area

The tentatively selected plan (TSP) lies between the West Guide levee of the Bonnet Carré Spillway to the US-51 interchange, where it tracks north across US-51 and along a pipeline corridor. At I-10 near the Belle Terre exit, the tentatively selected plan crosses the interstate and follows the pipeline corridor through wetlands until it reaches the St. John the Baptist and St. James Parish line. At that point, the alignment turns south and extends to the location where the ground elevation is equal to or higher than the levee design crest elevation (near the MRL). Figure 1-2 below shows the alignment of the TSP with respect to the project area, and maps showing a more detailed view of the TSP alignment are located within Exhibit A (maps C1 thru C8). This Alternative will also implement non-structural measures which include elevation of structures and acquisition of structures in the western portion of the study area in the communities of Gramercy, Lutcher and Grand Point.



Figure 2: TSP Alignment

The TSP alignment consists largely of earthen levees, but does contain T-walls for crossings of roadways and pipelines. Based on the preliminary level of design, levee elevations would range from +13.5 NAVD88 on the eastern reaches near the Bonnet Carré Spillway to +7.0 NAVD88 in the western portion of the project area. Approximately 26,124 cubic yards of aggregate limestone would be used to build a road on the levee crown for operation and maintenance purposes. A conveyance canal at a depth of -10 ft. NAVD88 would be situated adjacent to the levee. The alignment is approximately 18.27 miles and includes 5,304 feet of t-wall, 208 feet of drainage gates, 288 feet of roadway gates, two railway gates, 36 pipeline crossings and four

pump stations. In addition, this Alternative will implement non-structural measures which include elevation of structures and acquisition of structures in the western portion of the study area in the communities of Gramercy, Lutcher and Grand Point.

PROJECT AUTHORIZATION

Two Congressional resolutions authorize the Study. The first was adopted on July 29, 1971, by the U.S. House of Representatives Committee on Public Works. The resolution reads:

"RESOLVED BY THE COMMITTEE ON PUBLIC WORKS OF THE HOUSE OF REPRESENTATIVES, UNITED STATES, that the Board of Engineers for Rivers and Harbors is hereby requested to review the report of the Chief of Engineers on Lake Pontchartrain and Vicinity, Louisiana, published as House Document No. 231, 89th Congress, First Session, and other pertinent reports, with a view to determining whether modifications to the recommendations contained therein are advisable at this time, with particular reference to providing additional levees for hurricane protection and flood control in St. John the Baptist Parish and that part of St. Charles Parish west of the Bonnet Carré' Spillway."

The second resolution was adopted by the U.S. Senate Committee on Public Works on September 20, 1974. The resolution reads:

"RESOLVED BY THE COMMITTEE ON PUBLIC WORKS OF THE UNITED STATES SENATE, that the Board for Rivers and Harbors is hereby requested to review\ the report of the Chief of Engineers on Lake Pontchartrain and Vicinity, Louisiana, published as House Document No. 231, 89th Congress, First Session, and other pertinent reports, with a view to determining whether modifications to the recommendations contained therein are advisable at this time, for hurricane protection and flood control in St. James Parish."

NON-FEDERAL SPONSOR

In 1998, the USACE and the Pontchartrain Levee District (PLD) executed a Feasibility Cost Sharing Agreement and Project Study Plan for the study. An amendment was executed in 2008. The Louisiana Coastal Protection Restoration Authority Board (CPRAB), will be required to serve as the Non-Federal Sponsor (NFS) for construction and Operation, Maintenance, Repair, Rehabilitation and Replacement (OMRR&R) if this project is authorized.

The Coastal Protection and Restoration Authority Board (CPRAB) is an agency for the State of Louisiana that was created by LA Act 8 (2005) for multiple purposes, one of which is the provision of hurricane storm damage risk reduction measures. The Coastal Protection and Restoration Authority (CPRA), also a State agency, is the implementing agency of CPRAB, which has been given the authority to acquire and hold these lands.

CPRAB, as the Non-Federal Sponsor, is charged with responsibility for the provision of all lands, easements, and rights-of-way, including those required for relocations, the borrowing of material, and the disposal of dredged or excavated material; performing or ensuring the performance of all relocations; and constructing all improvements required on lands, easements, and rights-of-way to enable the disposal of dredged or excavated material all as

determined by the Government to be required or to be necessary for the construction, operation, and maintenance of the project (LERRDs).

While CPRAB has condemnation authority, it does not, at this time, possess quick-take condemnation authority. If that condition continues when the Real Estate acquisition process commences, CPRAB will have to reach agreement with another state agency that has quick-take condemnation authority in order to have that agency perform any quick-take condemnation measures on behalf of CPRAB that may be necessary for construction of the project.

Assessment of the Non-Federal Sponsor's Real Estate Acquisition Capability for CPRAB is attached as Exhibit B. The Non-Federal Sponsor has been found to be fully capable of performing acquisition of the LER required for the project, conditioned upon its obtaining quick-take condemnation authority in the future or its ability to enter into a Cooperative Endeavor Agreement with a state agency that has quick-take condemnation authority.

LANDS, EASEMENTS & RIGHTS-OF-WAY

The TSP structural alignment primarily impacts wetlands. A large portion of the project alignment lies within state owned lands. An estimated 120 private landowners will be affected by this project feature.

The PDT worked to locate the right-of-way limits for the proposed levee sections to coincide with existing rights-of-way from highways, pipelines, etc. in order to avoid remainder parcels that were non-functional to the landowners.

The TSP alignment consists largely of earthen levees, but does contain T-walls for crossings of roadways and pipelines. Based on the preliminary level of design, levee elevations would range from +13.5 NAVD88 on the eastern reaches near the Bonnet Carré Spillway to +7.0 NAVD88 in the western portion of the project area. Approximately 26,124 cubic yards of aggregate limestone would be used to build a road on the levee crown for operation and maintenance purposes. A conveyance canal at a depth of -10 ft. NAVD88 would be situated adjacent to the levee. The alignment is approximately 18.27 miles and includes 5,304 feet of t-wall, 208 feet of drainage gates, 288 feet of roadway gates, two railway gates, 36 pipeline crossings and four pump stations.

This alternative will also implement a non-structural project feature, which includes elevation of an estimated 1,481 structures and acquisition of an estimated 90 structures. More detailed information regarding the non-structural features will be provided once feasibility level analysis is complete.

A standard perpetual levee easement will be acquired for the construction of the levee and Twalls as well as the right of way necessary for the gates associated with T-walls. A nonstandard underground piling easement will also be acquired for the T-wall (this estate was approved by Headquarters in 2006 for the HSDRRS project and future floodwall projects, as shown in Exhibit F). A standard Drainage Ditch Easement will be acquired for the conveyance channel. A standard temporary work area easement will be acquired for staging areas. Mitigation areas will be acquired in fee, excluding minerals (with restrictions on use of surface). A non-material deviation will be made to the standard road easement to provide for the temporary, non-exclusive rights necessary for temporary access routes (refer to Exhibit D).

For state owned lands within the project alignment, the state will issue a Grant of Particular Use to the government. Refer to the section entitled "State Owned LER" below for more details regarding the Grant of Particular Use.

For the non-structural project features, the PDT has not performed detailed analysis on the acquisitions or elevations. At this time, there has not been sufficient evaluation to determine specific structures to be included in this feature. A detailed evaluation of the work entailed in structure raising will be accomplished during feasibility level design. At that time, appropriate real estate interests to be acquired for the non-structural features will be determined, and the real estate costs will be refined and included within the final REP. Full coordination will take place with the vertical team.

Table 1 below demonstrates the acreage, ownerships affected, and proposed estate for each project feature. This information is tentative in nature and will be revised following feasibility level design:

Project Feature	#	#	Proposed Estate
-	Acres	Tracts/Ownerships	-
Access	3	1*	Temporary Access Easement
Levee/T-wall	856	120	Perpetual Levee Easement/
			Perpetual Underground Piling
			Easement
Conveyance Canal	**	120*	Drainage Ditch Easement
Gates	50	4*	Fee, Excluding Minerals
Pump Stations	5	4*	Fee, Excluding Minerals
Staging	TBD	TBD	Temporary Work Area
			Easement
Mitigation	774	TBD	Fee, Excluding Minerals
Nonstructural		1571	TBD
Acquisition			
Borrow	TBD		Refer to discussion of Borrow
Conveyance Canal Gates Pump Stations Staging Mitigation Nonstructural Acquisition Borrow	** 50 5 TBD 774 TBD	120* 4* 4* TBD TBD 1571	Drainage Ditch Easement Fee, Excluding Minerals Fee, Excluding Minerals Temporary Work Area Easement Fee, Excluding Minerals TBD Refer to discussion of Borry within LER descriptions be

Table 1: Acreage

*Landowners shown with an asterisk are assumed to be the same landowners that will be affected by the levee/t-wall features. Total estimated landowners affected by the structural features is 120. **Acreage for the conveyance canal is calculated within the acreage for the Levee/T-Wall. The Final REP will separate this acreage.

Note: Acreages and number of ownerships above are estimates, and will be revised following feasibility level of design.

ACCESS

Access for construction of the project will be directly from the right-of-way of the Upper Guide Levee, US-51, US-61 and La. 44. No additional right-of-way will be required at these access points. One access point at Airport Road will require 3 acres of additional right-of-way. A Temporary Access Easement will be acquired for this portion of the project.

STAGING

The majority of staging areas for construction of this project will be located within the Right-of-Way for the levee footprint or existing Right-of-Way. Additional Right-of-Way will be required within a few reaches. Staging area locations and acreages for LER to be acquired will be determined during feasibility level design. A standard Temporary Work Area Easement will be acquired for the additional right-of-way required for this portion of the project.

BORROW

Borrow material for the project would come from the Bonnet Carré Spillway, which is owned in fee by the federal government, or from alternative borrow sources not yet identified. A borrow analysis will be prepared to identify potential borrow sources. The CPRAB will be required to acquire all LER for borrow.

MITIGATION

Alternative C (TSP) would directly impact a total of approximately 719 acres of wetlands including primarily forested wetlands/swamp along the reach of the alignment located north of US Highway 61, and approximately 55 acres of dry and/or wet BLH located along the reach of the alignment located south of US Highway 61.

The standard Fee, Excluding Minerals (With Restriction on Use of Surface) estate would be acquired for mitigation areas. The specific location of mitigation areas will be determined during feasibility level design.

It is anticipated that a large portion of the mitigation areas may fall within state owned lands.

INDUCED FLOODING

Modeling is currently underway as a part of feasibility level design. Pump stations will be used to drain the project area. These pump stations will be operated so that the construction of project features will not induce flooding on the protected side of the project. In the event that modeling results indicate there could be induced flooding outside the protected area, a takings analysis will be prepared and a determination will be made as to whether additional real estate interests need to be acquired.

NON-FEDERAL SPONSOR OWNED LER

Portions of the levee footprint and potential mitigation sites lie within lands owned by the State of Louisiana.

The State of Louisiana is prohibited by Constitutional mandate from granting easements over its property or selling the property in fee interest. The Grant of Particular Use is the instrument executed by the State which allows the Federal government to enter its property and construct the project (in Federal terms, this would be called Right-of-Entry). The document discusses the work to be performed on the land and the duration of occupancy. The state will issue a Grant of Particular Use for the project area which lies within state owned water bottoms. The rights delineated in the Grant of Particular Use issued by the State will be similar to the language in the standard perpetual levee easement.

The Non-Federal Sponsor will be notified in writing of the risks of acquiring LERRDs before execution of the PPA.

ESTATES

The following standard estates will be required for the project:

FEE EXCLUDING MINERALS (With Restriction on Use of the Surface)

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding all (coal) (oil and gas), in and under said land and all appurtenant rights for the exploration, development, production and removal of said (coal) (oil and gas), but without the right to enter upon or over the surface of said land for the for the purpose of exploration, development, production and removal therefrom of said (coal) (oil and gas).

FLOOD PROTECTION LEVEE EASEMENT

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

DRAINAGE DITCH EASEMENT

A perpetual and assignable easement and right-of-way in, over and across (the land described in Schedule A) (Tracts Nos. _____, ____ and _____) to construct, maintain, repair, operate, patrol and replace a drainage ditch, reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

TEMPORARY WORK AREA EASEMENT

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

interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

TEMPORARY ACCESS EASEMENT (Non-Material Deviation from Standard Estate)

A non-exclusive and assignable temporary easement for a period not to exceed _____years beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as an access route and/or right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, ____ and _____); 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, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired, including the right to cross over 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.

Approval of the Temporary Access Easement (Non-Material Deviation from Standard Estate) is attached as Exhibit D.

Perpetual Underground Piling Easement

Currently designed T-wall type floodwalls require a non-standard Perpetual Underground Piling Easement in addition to the standard Perpetual Flood Protection Levee/Floodwall Easement for construction, operation and maintenance. A copy of the Perpetual Underground Piling Easement which was approved in 2006 for HSDRRS projects and any future floodwall projects is attached as Exhibit E.

The typical T-wall type floodwall includes an underground battered piling supported foundation. To accommodate construction, a standard Perpetual Flood Protection Levee/Floodwall Easement will extend out from the centerline of the sheetpile floodwall, providing surface and underground rights to construct and maintain the floodwall, including the sheetpile wall and the initial segment of the underground support piles extending out from the sheetpile. A non-standard Perpetual Underground Piling Easement will allow for construction and maintenance of the remaining segment of the underground pilings that extend out beyond the outer limits of standard levee/floodwall easement on both the flood and protected sides of the floodwall. This underground easement will not unnecessarily restrict the surface use of these areas as would the standard Perpetual Flood Protection Levee/Floodwall Easement and will significantly reduce potential landowner relocations requiring payments for certain improvements (structures) and P.L. 91-646 Title II benefits. Avoiding unnecessary perpetual surface restrictions will preserve the ordinary surface rights of residential property owners. Acquiring the non-standard Perpetual Underground Piling Easement also adheres to the policy set forth in ER 405-1-12 (Section 12-9) of acquiring the minimum interest in real property necessary to support the project.

EXISTING FEDERAL PROJECTS WITHIN THE LER REQUIRED FOR THE PROJECT

Reintroduction of Mississippi River Water Into Maurepas Swamp Project (Hope Canal)

The project is located within the WSLP project alignment. However, the project is currently in the engineering and design phase, and no LERRDs have been acquired.

FEDERALLY OWNED LANDS WITHIN THE LER FOR THE PROJECT

Borrow material for the project would come from the Bonnet Carré Spillway, which is owned in fee by the federal government. USACE is the managing agency over this land.

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 submerged lands thereunder.

The project does not require LER within any navigable watercourses. Therefore, the Federal Navigational Servitude will not be invoked for this project.

BASELINE COST ESTIMATES/CHART OF ACCOUNTS (COAs)

A Chart of Accounts for the tentatively selected plan is included in Exhibit C of this Real Estate Plan. The estimated total cost for Real Estate Acquisition is \$84,700,000. This includes \$3,283,000 for the structural features and \$81,417,000 for non-structural features.

The costs for structural features include land payments as well as administrative costs and incremental costs associated with acquiring the real estate interests, as well as costs for potential condemnations. Cost estimates will be revised after completion of feasibility level design.

Costs for the non-structural features are ROM level estimates which will be refined once the appropriate real estate interests are determined. Displaced persons and business may be entitled to relocation assistance benefits (P.L. 91-646, Title II as amended).

Because real estate costs did not exceed 10% of total project costs, a gross appraisal was not prepared for this project (refer to Real Estate Policy Guidance Letter Non. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3) dated January 10, 2013, attached as Exhibit G). LER costs are based on a cost estimate prepared by the Appraisal Branch in April 2013. It is noted that a large percentage of total estimated real estate costs include consideration of URA relocations costs, and the value of actual land to be acquired is well below 10% of total project costs.

Note: The cost estimates do not reflect the costs for facilities/utilities relocations. Refer to the section entitled "Facility/Utility Relocations" for more information.

UNIFORM RELOCATION ASSISTANCE (PL 91-646, Title II as amended)

Approximately 1,571 landowners may be impacted by the non-structural project features. Relocation assistance benefits to residents may be applicable, including storage of household goods, moving costs, lodging, incidentals, differential payments, etc. Businesses could be entitled to receive advisory services, reimbursement for actual reasonable moving costs, reestablishment costs which are capped at \$10,000, and certain reasonable and necessary incidental costs associated with the relocation.

TIMBER/MINERAL/ROW CROP ACTIVITY

The Louisiana Department of Natural Resources provides a Strategic Online Natural Resources Information System (SONRIS), which contains up-to-date information on oil & gas activity in the state of Louisiana. Review of this information indicated that although there are oil and gas wells within the study area, there are no active wells within the projected TSP alignment. This information will be reviewed and confirmed following feasibility level design.

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

There are approximately 80 acres of agricultural land impacted by the project. Any timber present is included in the overall appraised value of the land. For properties impacted by the project which are in agricultural use, the owner will be allowed to harvest crops prior to acquisition.

OYSTER LEASES

There are no oyster leases located within the project study area.

ZONING ORDINANCES

There will be no application or enactment of zoning ordinances in lieu of, or to facilitate, acquisition for structural features of this project. As the plans are developed for non-structural features during feasibility level design, it is possible that there will be certain building restrictions in areas where elevations or floodproofing measures are proposed, and in areas where there may be buy-out acquisitions.

ACQUISITION SCHEDULE

The following acquisition schedule for structural project features is based on the premise that the project will impact approximately 120 landowners for the levee alignment. It is assumed that the project will be constructed in sections. A detailed acquisition schedule will be prepared during PED once the 95% plans and specifications are prepared for each section of the project. The schedule below provides the total amount of time to complete the acquisition of real estate rights for mitigation and for the construction of the levee alignment and other project features

based on the preliminary information available at this time. This schedule is only for purposes of the feasibility study, and will be updated following feasibility level of design.

1)	TOD, Mapping	1 year
2)	Obtain Title & Appraisals	2 years
3)	Negotiations	4 years
4)	Closing	2 years
5)	Eminent Domain Proceedings	6 years

At this time, a schedule for non-structural project feature implementation has not been determined. This will be re-evaluated during feasibility level analysis.

FACILITY/UTILITY RELOCATIONS

Relocation data is collected and detailed by the USACE New Orleans District, Engineering Division, Design Services Branch Relocations Team. At the time of this report, information was not available to a feasibility level of analysis.

There are an estimated 36 pipeline relocations as part of the tentatively selected plan. A preliminary list of pipeline relocations is attached as Exhibit F. The estimated cost of pipeline relocations is \$28,080,000.

Real Estate Guidance issued for 3x3x3 studies indicates that if the costs of relocation of facilities and utilities is less than 30% of project costs, a preliminary compensable interest report should not be prepared (refer to Real Estate Policy Guidance Letter Non. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3) dated January 10, 2013, attached as Exhibit G). Because the estimated cost of relocations does not exceed 30% of total project cost, an Attorney's Preliminary Opinion of Compensable Interest was not prepared for this project. Rather, once feasibility level of design is complete, a Relocations Report will be prepared and the Real Estate Plan will include a relocations assessment indicating which relocations are covered by the substitute facilities doctrine. A Final Attorney's Opinion of Compensability will be prepared once the PPA is signed.

A separate Relocations Report, containing relocations costs, will be submitted as a reference to the Engineering Appendix. Maps of potential relocations can be referenced in that appendix. Those relocation costs represent a preliminary level of design and will be further refined during the development of the project P&S.

The Non-Federal Sponsor will perform these relocations as a part of its responsibility under the project authority. The conclusions are 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 the Final Attorney's Opinion of Compensability for each of the impacted utilities and facilities.

HAZARDOUS, TOXIC AND RADIOACTIVE WASTE

At the time of this report, a Phase I Environmental Site Assessment has not been conducted. This assessment will be performed during feasibility level of design. Current information suggests there will be no HTRW issues within the project area.

LANDOWNER CONCERNS

The project has received wide-spread support from the community; however, the attitudes of the landowners who will be directly affected by its construction is not known. The Non-Federal Sponsor is confident that they will be able to acquire the LER required for the project. However, it is anticipated that there may not be strong landowner support for acquisition of properties outside the levee areas, should there be induced flooding.

Prepared By:

Haren E. Varce

Karen E. Vance Realty Specialist, Planning & Appraisal Branch Real Estate Region South Division August 14, 2013

Recommended for Approval By:

Judith y. Jutiénez

Judith Y. Gutierrez Chief, Appraisal & Planning Branch Real Estate Region South Division August 14, 2013

APPENDIX C ANNEX A PROJECT MAPS

















APPENDIX C ANNEX B ASSESSMENT OF NON-FEDERAL SPONSOR'S ACQUISITION CAPABILITY

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

COASTAL PROTECTION AND RESTORATION AUTHORITY (CPRA)

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? YES, if property title is required for the purpose of this project.
- b. Does the sponsor have the power of eminent domain for this project? NO. Although the Sponsor does not have eminent domain authority, if this should be needed for the project, the Sponsor may partner with a Levee District or Parish Government which has that authority (Act 225 RS38:301.1 and Act 320), if they agree.
- 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 which has that 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? Not at this time. However, CPRA has numerous contracts in place which provide ample resources.

CPRA is presently under development. It is expected that the staff will continue to grow in the upcoming months/years, provided sufficient budget and proper legal authorities.

- e. Can the sponsor obtain contractor support, if required in a timely fashion? YES, contracts are in place now.
- f. Will the sponsor likely request USACE assistance in acquiring real estate? It is not likely that the Sponsor will request assistance.

III. Other Project Variables:

- Will the sponsor's staff be located within reasonable proximity to the project site? YES a.
- b. Has the sponsor approved the project/real estate schedule/milestones? At the feasibility level, there are too many unknowns to develop a definite project schedule. Once project designs are finalized, the Sponsor will be requested to provide an acquisition schedule.

IV. Overall Assessment:

- Has the sponsor performed satisfactorily on other USACE projects? YES a.
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. Highly capable.
- V. Coordination:
 - Has this assessment been coordinated with the sponsor? YES a.
 - b. Does the sponsor concur with this assessment? YES

Prepared by:

Approved by:

Karen E. Vance Realty Specialist Appraisal & Planning Branch Real Estate Region South Division USACE

1/13/13 Date

Cynthia Wallace Chief, Real Estate/Land Rights Division Coastal Protection & Restoration Authority

1/9/13

APPENDIX C ANNEX C BASELINE COST ESTIMATES/ CHARTS OF ACCOUNTS Insert new revised COAS dated 8-7-13

APPENDIX C ANNEX D NON-MATERIAL DEVIATION FROM STANDARD ESTATE TEMPORARY ACCESS EASEMENT

TEMPORARY ACCESS EASEMENT

A non-exclusive and assignable temporary casement for a period not to exceed _____years beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as an access route and/or right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, ____ and _____); 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, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired, including the right to cross over 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.

In accordance with paragraph 12-9 c. of ER 405-1-12, the District Chief of Real Estate may approve a non-standard estate if it serves the intended project purpose, substantially conforms with and does not materially deviate from a corresponding standard estate, and does not increase the costs or potential liability of the Government. The foregoing estate complies with those requirements as it achieves the project purpose in as narrow a manner as practical, and is a minor modification of the standard Road Easement, adding language for a temporary term and replacing the word "road" with the words "access route and/or right of way.

Reviewed by:

Marco Rosamano Assistant District Counsel New Orleans District

Approved by:

Linda Labure

Chief, Real Estate Division New Orleans District

APPENDIX C ANNEX E PERPETUAL UNDERGROUND PILING EASEMENT

PERPETUAL UNDERGROUND PILING EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract Nos. _____, ____, and _____), to locate, construct, operate, maintain, alter, repair, replace and patrol the underground appurtenances for a flood control wall, including but not limited to steel or concrete pilings, 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.

Estate was approved by Monroe L. Lesser on July 10, 2006 to accommodate construction of T-wall type floodwalls in south Louisiana as authorized and funded under: (1) P.L. 84-99 (Task Force Guardian Repair and Rehabilitation); (2) Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006, Public Law 109-148, (3rd Supplemental); (3) Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery 2006, Public Law 109-234 (4th Supplemental); and (4) any future floodwall projects.

APPENDIX C ANNEX F FACILITY/UTILITY RELOCATIONS

COMPANY	PRODUCT	SIZE
MARATHON ASHLAND PIPELINE LLC	CRUDE OIL	30″
SHELL PIPELINE COMPANY	REFINED PRODUCTS LINE	24"
UNKNOWN	GAS	24"
ST JOHN THE BAPTIST PARISH POTABLE WATER		24"
SHELL PIPELINE COMPANY LP	AREA WIDE MAINTENANCE	24"
MARATHON ASHLAND PIPELINE LLC	PETROLEUM PRODUCT	20"
WILPRISE (ENTERPRISE) PIPELINE COMPANY	PIPELINE	12.75″
SOUTHERN STATES PIPELINE COMPANY	GAS	12.75″
WILPRISE (ENTERPRISE) PIPELINE COMPANY	NATURAL GAS LIQUID	12"
SHELL PIPELINE COMPANY LP	PIPELINE AREA WIDE	12"
	MAINTENANCE	
WILPRISE (ENTERPRISE) PIPELINE COMPANY	NATURAL GAS LIQUID	12"
WILPRISE (ENTERPRISE) PIPELINE COMPANY		12"
AIR PRODUCTS	HYDROGEN DUPONT MAINLINE	12″
GULF LIQUIDS NEW RIVER		12″
GULF INTERSTATE/BIG THREE INDUSTRIES	NITROGEN	12″
GULF INTERSTATE/BIG THREE INDUSTRIES	OXYGEN	12″
WILPRISE (ENTERPRISE) PIPELINE COMPANY		12″
GULF LIQUIDS NEW RIVER		12″
TEXACO PIPELINE LLC	EXISTING PIPELINE	8″
	MAINTANENCE	
BRIDGELINE GAS DISTRIBUTION LLC	SURVEY LINE	8″
ENTERPRISE PIPELINE COMPANY	PROPANE	8″
SORRENTO (ENTERPRISE) PIPELINE COMPANY		8″
ENTERPRISE – WILPRISE	NGL PROPANE	6.629″
WILPRISE PIPELINE COMPANY	PIPELINE MAINTENANCE –	6″
	CLEAR ROW	- "
WILPRISE PIPELINE COMPANY	PIPELINE MAINTENANCE –	6″
	CLEAR ROW	- "
BRIDGELINE GAS DISTRIBUTION LLC	BUTANE	6″
NICOR EXPLORATION GAS	GAS	6″
CHEVRON TEXACO	AREA WIDE FLOWLINE	6″
	MAINTENANCE & REPAIR	
	(SS01)	<i>c</i> "
BRIDGELINE GAS DISTRIBUTION LLC		6" C"
SHELL PIPELINE COMPANY LP	FLOWLINE INSPECT/REPAIR	0 4″
	GAS	4
SHELL OIL COMPANY	CONNECTION	4
SHELL PIPELINE COMPANY LP	EXISTING PIPELINE	4"
I.P. PETROLEUM COMPANY	PIPELINE	4"
ENTERPRISE PIPELINE COMPANY	LIQUIFIED PETROLFUM GASES	-
	(PROPANE)	

APPENDIX C ANNEX G REAL ESTATE POLICY GUIDANCE LETTER NO. 31 REAL ESTATE SUPPORT TO CIVIL WORKS PLANNING PARADIGM (3X3X3)



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS 441 G STREET NW WASHINGTON, D.C. 20314-1000

REPLY TO ATTENTION OF:

CEMP-CR

JAN 1 0 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

1. References.

a. Memorandum, CECW-CP, 8 February 2012, Subject: U.S. Army Corps of Engineers Civil Works Feasibility Study Program Execution and Delivery

b. ER 5-1-11, USACE Business Process, 1 November 2006

c. EC 405-1-04, Appraisal, 30 Dec 2003

d. ER 1105-2-100, Planning Guidance Notebook, 22 Apr 2000

e. ER 405-1-12, Chapter 12, Real Estate Roles and Responsibilities for Civil Works, Cost Shared and Full Federal Projects, Change 31, 1 May 1998

2. <u>Purpose</u>. In accordance with reference a, this memorandum provides interim policy and guidance for real estate efforts associated with feasibility studies under the new Planning Paradigm, "SMART Planning," and the 3x3x3 rule. In accordance with the 3x3x3 rule, all feasibility studies should be completed within three years, at a cost of no more than \$3 million, utilize three levels of vertical team coordination, and be of a "reasonable" report size.

3. <u>Background</u>. Real Estate has been fully engaged in the implementation of the 3x3x3 by actively participating in each webinar, the planning modernization workshop, and serving as part of the HQ Transition Team. In accordance with references b-e, Real Estate involvement is essential to the development and implementation of any pre-authorization project. Paragraph 12-16 of reference e. outlines the significant topics that must be covered in a real estate plan (REP). The level of detail necessary to apply the requirements of real estate policy and guidance will vary depending on the scope and complexity of each project.

As outlined in Chapter 12, the minimum interests in real property necessary to support various types of projects must be identified. As projects are scoped at the beginning of the feasibility phase (via a Charette or other forum), it is essential that Real Estate become familiar with the project authority and purposes to make a determination of the minimum interests and estate(s), both standard and non-standard, necessary as projects are scoped and alternatives evaluated. If a

CEMP-CR SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

non-standard estate will be needed, this should be discussed with MSC and HQ Real Estate as early as possible to ensure that the justification is sound and will serve the project purpose.

4. <u>Policy</u>. Typically, the attorney's preliminary opinion of compensability and gross appraisals are two areas that require more detail than may be readily available during the start of the feasibility phase, and are critical to determination of accurate estimates for real estate and total project costs. Due to the focus on 3 years or less for study duration, it will be essential for Real Estate to be adaptable and scale its requirements, decision making, and risk management in proportion to the significance of total project costs.

a. Gross Appraisals:

Specific to gross appraisals, EC 405-1-04 provides that cost estimates are utilized for preliminary planning of projects and in other cases, brief gross appraisals are acceptable. For purposes of the feasibility phase, the detail will vary as outlined below.

- (1) For projects in which the value of real estate (lands, improvements, and severance damages) are not expected to exceed ten percent of total project costs (total cost to implement project), a cost estimate (or rough order of magnitude) will be acceptable for purposes of the feasibility phase.
- (2) For projects in which the value of real estate (lands, improvements, and severance damages) do not exceed 30 percent of total project costs (total cost to implement project), a brief gross appraisal will be acceptable for purposes of the feasibility phase. A brief gross appraisal will follow format issued by Chief Appraiser.
- (3) For projects in which the value of real estate (lands, improvements, and severance damages) exceed 30 percent of total project costs (total cost to implement project), a full gross appraisal will be prepared in accordance with the appraisal regulation and guidance provided by EC 405-1-04 and the Chief Appraiser.

b. Attorney's Opinion of Compensability:

As described in paragraph 12-17 of Chapter 12, utility/facility relocations may require preliminary attorney's opinions of compensability. While the practice of obtaining preliminary attorney's opinions of compensability provides a high degree of certainty with regard to project costs during the feasibility phase, such opinions can be time consuming and may provide more certainty than may be optimal for feasibility purposes when potential utility/facility relocation costs do not constitute a large percentage of total project costs. In support of the goals set out in the new planning paradigm described in reference a., Districts shall adhere to the following guidance:

CEMP-CR

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

- (1) Where the estimated total cost to modify all project utility facility relocations, including the value of any additional lands that may be required to perform the relocations does not exceed 30 percent of estimated total project costs, the District Office of Real Estate shall, in lieu of an attorney s opinion of compensability prepare a real estate assessment. Such a real estate assessment, will address the following questions:
 - (a) Is the identified utility facility generally of the type eligible for compensation under the substitute facilities doctrine (e.g., school, highway, bridge, water and sewer systems, parks, etc.)
 - (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

If the answer to both questions is yes, then the District Office of Real Estate shall reflect the cost of providing a substitute facility in the Real Estate Plan (REP) and all other feasibility study cost estimates. If the answer to either or both questions is no, the District shall not reflect the cost of a substitute facility in the REP or other feasibility study cost estimates. However, the REP narrative should still include a discussion on the facility with results of analysis and project impact. For cost shared projects, the non-federal sponsor must be advised that the inclusion of substitute facilities costs in the REP or other use feasibility study estimates is for planning and budgeting purposes only and does not constitute a preliminary or final determination of compensability by the agency regardless of whether the cost of substitute facilities are reflected in the feasibility study documents. Using a real estate assessment does not eliminate the need to obtain a final attorney s opinion of compensability prior to execution of the PPA.

(2) Where the estimated total cost to modify all project facility relocations, including the value of any additional lands that may be required to perform the relocations, has public or political significance or the costs exceed 30 percent of estimated total project costs, a preliminary opinion of compensability shall be prepared for each owner s facilities. The level of documentation for each relocation item should be based on the significance of the relocation item to project formulation and estimated project costs.

Real Estate products, such as the REP, must be adaptable and scaled based on the project scope. Additionally, Real Estate must utilize the risk register to highlight areas where cost, schedule or uncertainty is greater in order to manage risk. Going forward, the Real Estate Division will continue to work closely with the Planning and Policy Division, Engineering and Construction Division, the Programs Integration Division and the National Law Firm on the Planning SmartGuide. This SmartGuide will provide more on procedures, tips, techniques and tools for CEMP-CR

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

specific types of planning projects to aid in implementation of the new Planning Paradigm. All bulletins and updates on the SmartGuide can be found at: <u>http://planning.usace.army.mil/toolbox/</u>.

5. <u>Duration</u>. The policies stated herein will remain in effect until amended or rescinded by Policy Memorandums, Policy Guidance Letters, Engineers Circulars or Engineer Regulations.

FOR THE COMMANDER:

how T. when

SCOTT L. WHITEFORD DIRECTOR OF REAL ESTATE

DISTRIBUTION: COMMANDER, GREAT LAKES AND OHIO RIVER DIVISION (CELRD-PDS-R) MISSISSIPPI VALLEY DIVISION (CEMVD-TD-R) NORTH ATLANTIC DIVISION (CENAD-PD-E) NORTHWESTERN DIVISION (CENWD-PDS) PACIFIC OCEAN DIVISION (CEPOD-RE) SOUTH ATLANTIC DIVISION (CESAD-PDS-R) SOUTH PACIFIC DIVISION (CESPD-ET-R) SOUTHWESTERN DIVISION (CESWD-ET-R)

CF:

COMMANDER. DETROIT DISTRICT (CELRE-RE) HUNTINGTON DISTRICT (CELRH-RE) LOUISVILLE DISTRICT (CELRL-RE) NASHVILLE DISTRICT (CELRN-RE) PITTSBURGH DISTRICT (CELRP-RE) MEMPHIS DISTRICT (CEMVM-RE) NEW ORLEANS DISTRICT (CEMVN-RE) ROCK ISLAND DISTRICT (CEMVR-RE) ST. LOUIS DISTRICT (CEMVS-RE) ST. PAUL DISTRICT (CEMVP-RE) VICKSBURG DISTRICT (CEMVK-RE) BALTIMORE DISTRICT (CENAB-RE) NEW ENGLAND DISTRICT (CENAE-RE) NEW YORK DISTRICT (CENAN-RE) NORFOLK DISTRICT (CENAO-RE)

CEMP-CR

SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning Paradigm (3x3x3)

KANSAS CITY DISTRICT (CENWK-RE) OMAHA DISTRICT (CENWO-RE) PORTLAND DISTRICT (CENWP-RE) SEATTLE DISTRICT (CENWS-RE) WALLA WALLA DISTRICT (CENWW-RE) ALASKA DISTRICT (CEPOA-RE) HONOLULU DISTRICT (CEPOH-PP-RE) JACKSONVILLE DISTRICT (CESAJ-RE) MOBILE DISTRICT (CESAM-RE) SAVANNAH DISTRICT (CESAS-RE) ALBUQUERQUE DISTRICT (CESPA-RE) LOS ANGELES DISTRICT (CESPL-RE) SACRAMENTO DISTRICT (CESPK-RE) FORT WORTH DISTRICT (CESWF-RE) GALVESTON DISTRICT (CESWG-RE) LITTLE ROCK DISTRICT (CESWL-RE) TULSA DISTRICT (CESWT-RE) CECC-R