

APPENDIX D - REAL ESTATE APPENDIX

**HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS
GALVESTON HARBOR CHANNEL EXTENSION
POST AUTHORIZATION CHANGE REPORT (PACR)
GALVESTON COUNTY, TEXAS**

- 1. General Background:** This report is intended to supplement the information presented in the 1995 Houston-Galveston Navigation Channels Project, Texas, Limited Reevaluation and Final Supplemental Environmental Impact Statement (SEIS) by addressing issues related specifically to the Galveston Harbor Channel, and will accompany the Project Cooperation Agreement (PCA) when it is forwarded to Congress. The original study for improving the deep-draft navigation channels within the Galveston Bay area was authorized by a resolution of the House Committee on Public Works adopted on October 19, 1967. The Feasibility study for improving the Houston and Galveston channels was completed in July 1987, and a Report and Supplemental EIS were produced. The Non-Federal Sponsor (NFS) for this Project is the Board of Trustees of the Galveston Wharves (Port of Galveston), which was purchased in 1940 by and is a separate utility of the City of Galveston.
- 2. Project Location.** The Galveston Channel is subdivided into two reaches designated as the Offshore Reach and the Galveston Channel Reach. The Galveston Channel Reach is authorized to 45 feet deep from Station 0+000 to Station 20+000. From Station 20+000 to Station 22+571 the channel is only authorized to a depth of 40-feet. As such, the NFS and facilities at the far end of the 40-foot Galveston Ship Channel (last 0.5 mile) are not able to receive deeper draft vessels at their facilities without practices such as light-loading.
- 3. Project Description.** The section of the Galveston Harbor Channel addressed in this Project begins at Station 20+000 and continues to 22+571 in Galveston, Texas, as seen in Exhibit "A" attached hereto. Once construction occurs in this reach, the channel will be deepened to 45 feet with a maximum width of 1,075 feet. All channel improvements will take place within the previously established U.S. Harbor Line. The U.S. Harbor Line, as it pertains to the subject Project boundaries, shall be defined as 537.5 feet north and 537.5 feet south of the Galveston Harbor Channel center line.

4. **Real Estate Requirements.** The Galveston Harbor Channel will be dredged to a depth of 45 feet; new work dredging will take place from Station 20+000 to Station 22+571. Galveston Harbor Channel is shown on Exhibit "A". New work dredged material and all maintenance material for this reach of the Project will be placed in the confined Pelican Island Placement Area as shown on Exhibit "B", including the associated dredge material pipeline route. This area is fee-owned by the U.S. Government. The controlling agency is the U.S. Army Corps of Engineers. These areas are currently in use for the existing Project.

Therefore, there are no new lands, easements, rights-of-way and relocations and disposal areas (LERRDs) required for the construction / implementation of the proposed Galveston Harbor Channel extension.

5. **Borrow Material.** The proposed Project does not require any borrow material.

6. **Access/Staging Area.** The proposed Project does not require any access/staging areas. All of the proposed work will be performed within the existing right-of-way of the Galveston Harbor Project. There are existing public roads to all work and placement areas.

7. **Recreation Features.** There are no recreation features for the proposed Project.

8. **Induced Flooding.** There will be no induced flooding by virtue of the construction of the Project. The proposed deepening and widening of the channel will be constructed within the existing U.S. Harbor Line.

9. **Mitigation.** Section 5.0 of EA states: "No impacts are expected to occur to natural resources or cultural resources as a result of the proposed Project." Therefore, no mitigation is needed for the proposed Project activities. This determination is consistent with the recommendations of the January 14, 2011, USFWS PAL for the Galveston Harbor Channel Extension (Appendix B)."

10. **Federally-Owned Land & Existing Federal Project.** HGNC is an existing Federal project. Exhibit "C" is the Galveston Harbor Project Real Estate Segment Map that shows all the federally-owned property within the Galveston Harbor Channel reach of the Project. Virtually all the land owned by the government within the Project limits was acquired for the Galveston Harbor. The U.S. Army Corps of Engineers is the controlling agency. Land acquired for the previously authorized Project is available for the proposed Project. However, the Non-Federal Sponsor will not receive LERRD credit

for lands made available for the Project by the Corps of Engineers or lands previously credited as a LERRD for a project with Federal funds participation.

11. Non-Federal Sponsor Owned Land. The Port of Galveston, sponsor for the Project, has no fee-owned land within the Project area.

12. Navigation Servitude. All lands required for the proposed channel extension Project that lie below the ordinary mean high water mark are subject to Navigational Servitude and will not require acquisition.

Navigation servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution (U.S. CONST. Art.I, §8,cl.3) to use, control and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the ordinary mean high water mark. In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the ordinary high water mark.

13. Public Law 91-646 Relocation Assistance. Public Law 91-646, Uniform Relocation Assistance, provides entitlement for various payments associated with federal participation in acquisition of real property. Title II makes provision for relocation expenses for displaced persons, and Title III provides for reimbursement of certain expenses incidental to transfer of property. There will be no relocation of persons, Title II, or Title III costs associated with the proposed Project.

14. Assessment of Non-Federal Sponsor Land Acquisition Capabilities. Should land acquisition become necessary during the PED phase, the NFS, Port of Galveston, has the authority and capability to furnish LERRDs as stated in the previous Feasibility Cost-Sharing Agreement. Due to this previous agreement and the fact that additional acquisition is not expected for this extension, a Capability Assessment and Risk Notification is not included herein.

15. **Baseline Cost Estimate for Real Estate.** The cost estimate below reflects the estimated Federal cost for the Project. These costs include team meetings, mapping of Project and administrative costs. The real estate costs for the proposed Project are \$8,750.00.

GALVESTON HARBOR CHANNEL EXTENSION
Real Estate Federal Cost Estimate

REAL ESTATE COST ESTIMATE FOR PROJECT IMPLEMENTATION					
GALVESTON HARBOR CHANNEL EXTENTION-FEDERAL COST					
GALVESTON COUNTY, TEXAS					
ACCOUNT	DESCRIPTION	ESTIMATE		CONTINGENCIES	
		TOTAL	MITIGATION	TOTAL	MITIGATION
0102	Acquisitions (Review RE Planning Documents & Mapping)	\$5,000.00		\$1,250.00	
0103	Condemnations				
0104	In-Lease				
0105	Appraisals (SWG Review Appraiser Review for 201acre expansion of PA 4)				
0106	Real Estate PL 91-646 Relocation Assistance				
0107	Temporary Permits/Licenses/R.O.W.				
0108	Audits				
0109	Encroachments and Trespass				
0110	Disposals				
0111	Real Property Accountability				
0112	Project Related Administration	\$2,000.00		\$500.00	
0113	Facility/Utility Relocations				
0114	Withdrawals (Public Domains)				
0115	Real Estate Payments				
011501	Payments by Sponsor (Land & Improvements)				
011502	Payments by Sponsor (PL 91-646)				
011503	Payments by Sponsor (Damages)				
02	Planning by Non Federal Sponsor				
02-0117	LERRD Crediting (SWG Technical, Appraisal, and Management Review plus Admin Cost)				
	Total Admin & Payments (FED COSTS)	\$7,000.00			
	Total Contingencies (FED COSTS)			\$1,750.00	
	GRAND TOTAL FED COSTS	\$8,750.00			

GALVESTON HARBOR CHANNEL EXTENSION
Non-Federal Cost Estimate

REAL ESTATE COST ESTIMATE FOR PROJECT IMPLEMENTATION					
GALVESTON HARBOR CHANNEL EXTENTION- NON-FEDERAL COST					
GALVESTON COUNTY, TEXAS					
ACCOUNT	DESCRIPTION	ESTIMATE		CONTINGENCIES	
		TOTAL	MITIGATION	TOTAL	MITIGATION
0102	Acquisitions				
0103	Condemnations				
0104	In-Lease				
0105	Appraisals				
0106	Real Estate PL 91-646 Relocation Assistance				
0107	Temporary Permits/Licenses/R.O.W.				
0108	Audits				
0109	Encroachments and Trespass				
0110	Disposals				
0111	Real Property Accountability				
0112	Project Related Administration				
0113	Facility/Utility Relocations	\$435,000.00		\$108,750.00	
0114	Withdrawals (Public Domains)				
0115	Real Estate Payments				
011501	Payments by Sponsor (Land)				
011502	Payments by Sponsor (PL 91-646)				
011503	Payments by Sponsor (Damages)				
02	Planning by Non Federal Sponsor				
02-0117	LERRD Crediting				
	Total Admin & Payments (NON-FED COSTS)	\$435,000.00			
	Total Contingencies (NON-FED COSTS)			\$108,750.00	
	GRAND TOTAL NON-FED COSTS	\$543,750.00			

16. Acquisition Schedule. There is no acquisition plan because the entire proposed Project falls within existing rights-of-way and placement areas.

17. Mineral Activity. There is no mineral activity within the Project area.

18. Facilities/Utilities/Pipeline Relocations & Removals. Three pipelines have been identified within the proposed work area and are owned by the City of Galveston. Two of the pipelines will need to be removed and disposed of, however both pipelines are inactive and will not be relocated. The pipelines herein are described as: 12-inch waterline (-50 feet MLT) and 12-inch sewer line (-50 feet MLT) located at approximately Station 21+500 and 21+550, respectively, on the Galveston Harbor Channel within the Project area. These pipelines were originally authorized under Department of the Army (DA) Regulatory Permit Number 3427. The third pipeline is a 24-inch water main (-72 feet MLT) authorized under DA Regulatory Permit Number 14114(05)809 and does not impact the channel deepening; therefore, it does not require removal or relocation.

The recommended plan consists of a 45-foot deep navigation channel. Consequently, this Channel Improvement Project (CIP) is neither a deep-draft project as defined by Section 214(1) of WRDA 1986 nor a project authorized by Section 202 of WRDA 1986.

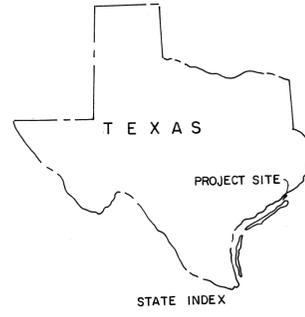
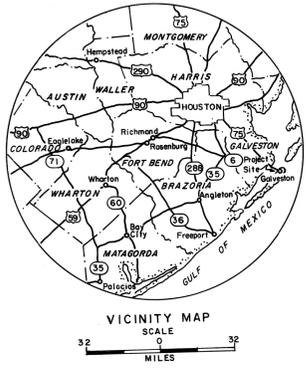
Section 214(1) of WRDA 1986, defines the term deep-draft as, "...a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title Section 101(a)(4) of WRDA 1986, as amended (33 U.S.C. 2211(a)(4)), states that the non-Federal Sponsor "...shall perform or assure performance of all relocations of utilities necessary to carry out the project, except in the case of a project for a deep-draft harbor and in the case of a project constructed by non-Federal interest under section 204..., " neither exception which apply in this instance.

Consequently, pipeline relocation costs will be borne 100% by the non-Federal Sponsor, for which it may obtain credit, pursuant to Section 101(a)(2) of WRDA 1986, as amended (33 U.S.C. 2211(a)(2)) and ER 405-1-12-35 page 12-29.

An Attorney's Opinion of Compensability (AOC) was not prepared at the time of this report. Currently SWT is coordinating with their Office of Counsel toward the preparation and approval of an AOC for the subject pipeline removals. Completion of the AOC will detail all aspects of the subject pipeline removals and ensure consistency with current guidelines. The AOC is scheduled to be completed prior to IPR and Civil Works Review Board. Changes to the REP will be required after the final AOCs for the pipelines are received. SWT RE cannot commence this work until the final executed AOCs are received.

19. HTRW or Other Environmental Contaminants. Section 3.14 of the EA in the main report states, “No visual signs of environmental contamination or recognized environmental conditions, including spills or illegal waste disposal, were observed during the site inspection.”

20. Attitudes of the Landowner. Privately-owned shipping industry companies, The Port of Galveston, and the Federal Government own the majority of lands surrounding the Project boundaries. As owners, they are supportive and in favor of the Project. No resistance to the Project by other landowners is expected.



TRACT NO.	LAND OWNER	ACREAGE		REMARKS
		FEE	ESM'T	
A	DEPT. OF THE ARMY (Military)	939.10	0.37	Formerly Pelican Spit Military Reservation, transferred Jul 54
BE	DEPT. OF THE ARMY			Perp. Pipeline Esm't Formerly Pelican Spit Military Res. transferred 2 Jul 54
301	MITCHELL DEVELOPMENT CORP.	1341.45		Dead dtd 28 Jun 74 (includes 340ac overlap of Tr. A100E-2 & A100E-3 of project C-869)
302 E-1	MITCHELL DEVELOPMENT CORP.		2.85	Perp. Pipeline Esm't Deed dtd 28 Jun 74
302 E-2	MITCHELL DEVELOPMENT CORP.		7.26	Perp. Road Esm't Deed dtd 28 Jun 74 (includes 1.45ac overlap of Tr. 302E-3)
302 E-3	MITCHELL DEVELOPMENT CORP.		1.83	Perp. Pipeline Esm't Deed " " (additional 1.45ac included in Tr. 302E-2)
302 E-4	MITCHELL DEVELOPMENT CORP.		2.74	Perp. Pipeline Esm't Deed " " " "
303 E	MITCHELL DEVELOPMENT CORP.		1.84	Perp. Pipeline Esm't Deed dtd 15 May 74 Reserved in fee disposal of part of Tr. A
304 E	CITY OF GALVESTON		304.67	Revoc. Spoil Esm't. Deed dtd 23 June 65 (additional 5.25ac incl. in Tr. 302E-2,3,4)

FINAL

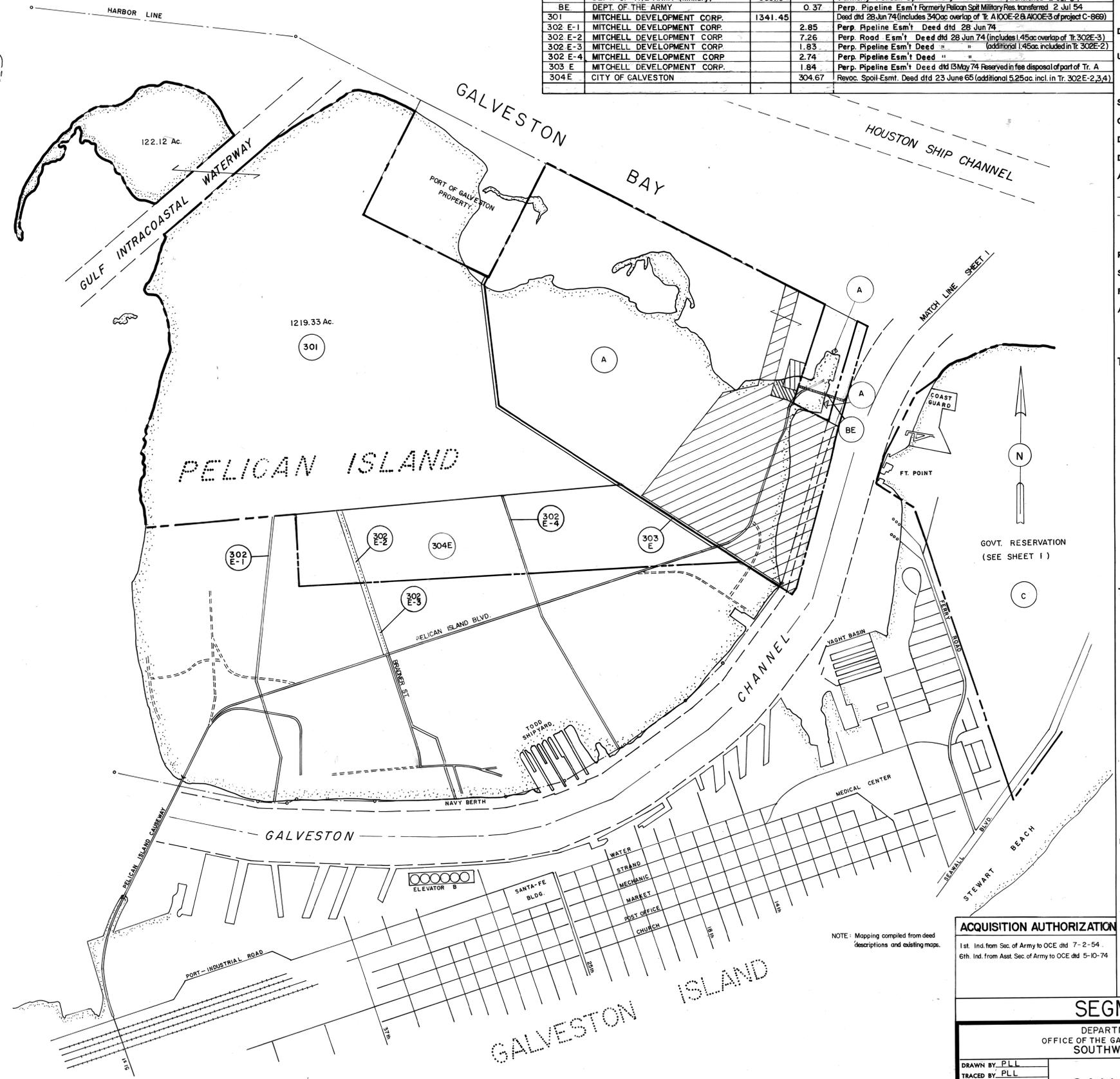
PROJECT MAP

DEPT. OF THE ARMY
 USING SERVICE CORPS OF ENGINEERS

LOCATION OF PROJECT

STATE TEXAS
 COUNTY GALVESTON
 DIVISION SOUTHWESTERN
 DISTRICT GALVESTON
 ARMY AREA 5th
 IN CITY LIMITS OF GALVESTON
 MILES OF

- 264.61 Acres Fee Conveyed to Mitchell Development Corp. by Deed Dated 13 May 74 in Exchange for Tract 301
- 5.39 Acres Fee & 0.37 Acres Easement Reported Excess on SF 118 to General Services Administration 17 Mar 70, who Conveyed to City of Galveston by Deed Dated 23 Feb 71
- 3.55 Acres Fee Reported Excess on SF 118 to General Services Administration on 6 Aug 73; Conveyed by Dept. of Interior to the City of Galveston by QCD dtd. 16 May 74



TRANSPORTATION FACILITIES

RAILROADS
 STATE ROADS
 FEDERAL ROADS
 AIR LINES

ACQUISITION

TOTAL ACRES ACQUIRED

FEE

PUBLIC DOMAIN WITHDRAWAL
 USE PERMIT

USE PERMIT (OTHER THAN P. D.)

TRANSFER SEE SHEET 1

LEASE

LESSER INTERESTS

DISPOSAL

TOTAL ACRES DISPOSED OF

SOLD

PUBLIC DOMAIN WITHDRAWAL
 USE PERMIT

USE PERMIT (OTHER THAN P. D.)

TRANSFERRED SEE SHEET 1

LEASES TERMINATED

LESSER INTERESTS TERM.

REASSIGNED

OTHER

LEGEND

EXCEPT FOR THE SPECIAL SYMBOLS SHOWN BELOW MAP SYMBOLS ARE STANDARD IN ARMY MAP SERVICE TECHNICAL MANUAL NO. 23.

RESERVATION LINE

RESERVATION LINE (Actual Survey)

TRACT BOUNDARY LINE

TRACT NUMBER

CONTOUR LINE

DISPOSAL

EXTENDED OWNERSHIP LINE

ACQUISITION AUTHORIZATION

1st. Ind. from Sec. of Army to OCE dtd 7-2-54
 6th. Ind. from Asst. Sec. of Army to OCE dtd 5-10-74

SEGMENT 3

DEPARTMENT OF THE ARMY
 OFFICE OF THE GALVESTON DISTRICT ENGINEER
 SOUTHWESTERN DIVISION

REAL ESTATE
GALVESTON HARBOR AND CHANNEL PROJECT

DRAWN BY P.L.L.
 TRACED BY P.L.L.
 CHECKED BY P.L.L.

SUBMITTED BY:
 J. M. ROOPE
 J. M. ROOPE
 Realty Specialist

RECOMMENDED BY:
 J. M. ROOPE
 Realty Specialist

APPROVED BY:
 J. M. ROOPE
 Realty Specialist

DATE 1 JAN 1974

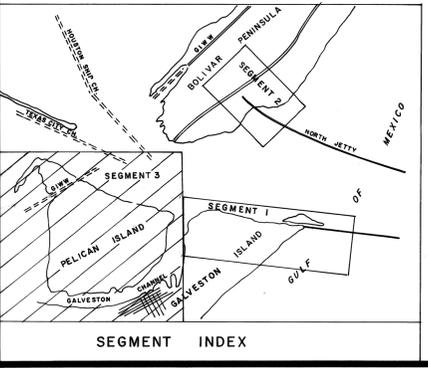
OFFICE, CHIEF OF ENGINEERS, WASHINGTON 25, D. C.

AUDITED

INSTALLATION OR PROJECT NO GALV-2-Q008

Scale 1 in Feet
 0 1000 2000

SHEET 3 OF 3 DRAWING NO.



DATE AUDIT APPROVED	DATE	REVISIONS	BY
9-27-84	FINAL AUDIT		J.M.R.