

Appendix C

Real Estate

Brazos Island Harbor, Texas Channel Improvement Project Cameron County, Texas

**U.S. Army Corps of Engineers, Galveston District
2000 Fort Point Road
Galveston, Texas 77550**

December 2013

APPENDIX C - REAL ESTATE APPENDIX

BRAZOS ISLAND HARBOR CHANNEL IMPROVEMENT PROJECT CAMERON COUNTY, TEXAS

1. **Statement of Purpose:** This report is intended to supplement the integrated feasibility study-environmental assessment for channel improvements of the Brazos Island Harbor (BIH), Texas deep-draft navigation channel. This study is being conducted in order to help to determine if there is a Federal interest in making channel improvements to the existing BIH.

The Real Estate Plan is tentative in nature; it is for planning purposes only and both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after approval of this report.

2. **Project Authorization:** The Congress (Senate and/or House Committees) authorized the US Army Corps of Engineers (USACE) to conduct a study of BIH, Texas to determine whether the project should be modified in any way, particularly with a view to widening and deepening the existing channels, pursuant to a resolution of the Committee on Public Works, U.S. House of Representatives, dated May 5, 1966. The current Project dimensions were authorized by the Water Resources Development Act of 1986 (Section 201, Public Law 99-662). The Feasibility Cost Sharing Agreement for the feasibility study was signed on June 28, 2006, with the Brownsville Navigation District (BND), who is the non-federal sponsor (NFS) on this Project.

3. **Project Location & Description:** The BIH Channel is a navigational channel located in Cameron County, Texas, approximately three miles from the Texas and Mexico border. The BIH currently provides for 42-foot deep navigation on the inland portion of the channel and a 44-foot depth in the offshore entrance channel.

This plan will address the deepening of the main stem of the BIH Channel, which is currently 42 feet deep, 250-300 feet wide, and approximately 19.4 miles in length. The project area includes upland placement areas (PAs), as well as Ocean Dredge Material Disposal Sites (ODMDSs) and a nearshore feeder berm. There are 10 PAs available for the placement of dredged material from the BIH Project – two existing ODMDSs, one nearshore feeder berm which can be used for the Entrance Channel, and seven upland PAs for containment of material from the Main Channel (PAs 2, 4A, 4B, 5A, 5B, 7, and 8), as shown on Exhibit “A”. The three PAs for material from the Entrance Channel are within the navigable waters of the U.S. and are available to the Federal Government by

navigation servitude, are all dispersive, and by their nature have unlimited capacity. The seven upland PAs are provided through a 50-year easement from the NFS to the U.S. Government, which was signed in January 1994.

The Tentatively Selected Plan (TSP) is to deepen the offshore portion of the channel from the existing 44 foot depth to the new 54 foot depth and the inland portion of the channel from the existing 42 foot depth to the new 52 foot depth, with no widening of the main channel.

4. Real Estate Requirements. The offshore portion of the BIH Channel will be dredged to a depth of 54 feet. This dredging will occur from Station -17+000 to Station 0+000. From Station 0+000 to Station 84+200 dredging will be to a depth of 52 feet. New work dredged material, and all maintenance material for this reach of the Project, will be placed in the existing placement areas.

As previously mentioned, 7 of the existing PAs are provided through a 50-year easement from the NFS to the U.S. Government. This easement was issued on January 26, 1994. The required estate for this project is a perpetual easement with language as follows:

“A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across (Tracts Nos. _____, _____ and _____) for the purposes as authorized by the Act of Congress approved _____, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate: dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.”

The extension of this easement should be completed prior to the first contract being awarded. The only LERRD expense that may be creditable is the administrative fee to convert/extend the existing easement estate from a 50-year easement to a perpetual easement. No new lands, easements, rights-of-way, relocations, or disposal areas (LERRDs) are required for the construction / implementation of the proposed Project.

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

6. **Access/Staging Area.** All of the proposed work will be performed within the existing right-of-way of the BIH Project. Access for construction will be by barge from the channel and existing access corridors will be utilized. All land that will be crossed is owned by the NFS and is available for this project.
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 proposed Project.
9. **Mitigation.** Section 6.0 of the main report states: “No environmental mitigation will be required for the tentatively selected plan (TSP).”
10. **Federally-Owned Land & Existing Federal Project.** There is no federally-owned land within the project area. This proposed Project lies within the footprint of a former cost-shared project and sponsor-owned land will be utilized for all project purposes. The NFS 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 previous project with Federal funds participation.
11. **Non-Federal Sponsor Owned Land.** The Brownsville Navigation District owns all land required for the proposed Project, as shown on Exhibit A. The easement for the PAs is currently a 50-year easement and must be converted/extended to a perpetual easement. In order to credit the NFS for the administrative fees to complete this transaction, the NFS must furnish proper documentation.
12. **Navigation Servitude.** The channel itself, the two existing ODMDs, and the nearshore feeder berm are within the navigable waters of the United States and are available to the Federal Government via navigation servitude.
13. **Public Law 91-646 Relocation Assistance.** There are no persons or businesses that will need to be relocated due to project implementation.
14. **Assessment of Non-Federal Sponsor Land Acquisition Capabilities.** Should land acquisition become necessary during the PED phase, a Capability Assessment and Risk Notification of the NFS’s capabilities has been completed and is attached as Exhibit “B”.

15. **Baseline Cost Estimate for Real Estate.** The cost estimate below reflects the estimated Federal cost for the proposed Project. These costs include team meetings, mapping of Project and administrative costs. The estimated federal real estate costs for the proposed Project are \$11,250.00. The estimated non-federal real estate costs for the proposed Project are \$5,000.00.

BRAZOS ISLAND HARBOR, TX
CHANNEL IMPROVEMENT PROJECT
Real Estate Federal Cost Estimate

REAL ESTATE COST ESTIMATE FOR PROJECT IMPLEMENTATION					
BRAZOS ISLAND HARBOR, TX – CHANNEL IMPROVEMENT PROJECT					
CAMERON COUNTY, TEXAS					
ACCOUNT	DESCRIPTION	ESTIMATE		CONTINGENCIES	
		TOTAL	MITIGATION	TOTAL	MITIGATION
0102	Acquisitions (Review RE Planning Documents & Mapping)	\$2,000.00		\$500.00	
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	\$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 (Technical, Appraisal, and Management Review plus Admin Cost)	\$5,000.00		\$1,250.00	
	Total Admin & Payments (FED COSTS)	\$9,000.00			
	Total Contingencies (FED COSTS)			\$2,250.00	
	GRAND TOTAL FED COSTS	\$11,250.00			

BRAZOS ISLAND HARBOR, TX
CHANNEL IMPROVEMENT PROJECT
Non-Federal Cost Estimate

REAL ESTATE COST ESTIMATE FOR PROJECT IMPLEMENTATION					
BRAZOS ISLAND HARBOR, TX – CHANNEL IMPROVEMENT PROJECT					
CAMERON 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	\$2,500.00		\$625.00	
0113	Facility/Utility Relocations				
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	\$1,500.00		\$375.00	
	Total Admin & Payments (NON-FED COSTS)	\$4,000.00			
	Total Contingencies (NON-FED COSTS)			\$1,000.00	
	GRAND TOTAL NON-FED COSTS	\$5,000.00			

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

17. **Minerals.** According to Section 2.3.10 of the main report, there is mineral activity near the proposed project area. Minerals will not be acquired or subordinated for this Project; therefore, there was no investigation of mineral ownerships.

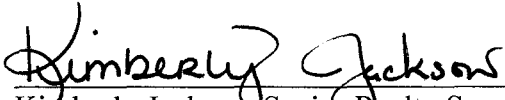
18. **Facilities/Utilities/Pipeline Relocations & Removals.** Two pipelines located within or near the proposed Project area were identified and investigated. The first pipeline located near the project area is a 4-inch gas gathering pipeline that runs parallel to the channel. This pipeline does not cross the main channel or any of the PAs, where the proposed dredging will take place; therefore it will not be affected by this Project. The second pipeline is a 10-inch refined products pipeline (-75 feet MLLW) located in the vicinity of Station 80+000 approximately 2.5 miles northeast of Brownsville, Cameron County, Texas. This pipeline was originally authorized under Department of the Army (DA) Regulatory Permit 14114(05) and is also covered by USACE Consent No. DACW64-9-06-03, which was issued by Galveston District, Real Estate in October 2005. The channel deepening will not impact this pipeline; therefore, it does not require removal or relocation.

19. **HTRW or Other Environmental Contaminants.** Section 2.3.8 of the main report states, “No sites currently under corrective action were identified along the Main Channel, and recent chemical analyses of sediments in the channel indicate no cause for concern for either the Main or Entrance Channels.”

20. **Landowner Opposition.** There is no known opposition to the Project. Public input was solicited via a public scoping meeting held in 2007. The attendees were overwhelmingly in favor of the Project because of the economic benefits it would apparently generate.

21. **Zoning.** There are no special zoning ordinances proposed to be enacted in connection with this Project.

This Real Estate Plan was prepared by Real Estate Division, Tulsa District Corps of Engineers in August 2013 and updated in October 2013 by:


Kimberly Jackson, Senior Realty Specialist
Real Estate Division, Tulsa District Corps of Engineers

This Real Estate Plan was approved by:


Rhonda M. Sallee, Chief, Acquisition and Realty Services Branch
Real Estate Division, Tulsa District Corps of Engineers