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# **REAL ESTATE APPENDIX**

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## **Elizabeth River and Southern Navigation Improvements Draft Integrated General Reevaluation Report and Environmental Assessment**

### **APPENDIX C**

**12 December 2017**



**U.S. Army Corps  
of Engineers  
Norfolk District**



**THE PORT OF  
VIRGINIA®**

**REAL ESTATE PLAN**

**7 December 2017**

**ELIZABETH RIVER AND SOUTHERN BRANCH  
NAVIGATION IMPROVEMENTS  
NORFOLK HARBOR CHANNEL AND DEEPENING  
GENERAL REEVALUATION REPORT  
NORFOLK, VIRGINIA**

# REAL ESTATE PLAN

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- B Project Map (Figure 3: Segment 2, Norfolk Southern Lift Bridge to Gilmerton Bridge)
- C Elizabeth River and Southern Branch Navigation Improvements Project Dredged Material Placement Sites Map

# REAL ESTATE PLAN

## **1.0 STATEMENT OF PURPOSE**

This Draft Real Estate Plan (REP) supports the General Reevaluation Report for the Norfolk Harbor and Channel Deepening Study, Norfolk, Virginia, on behalf of the prospective Project non-federal sponsor (NFS), the Commonwealth of Virginia, acting through its agent, the Virginia Port Authority (VPA). The VPA entered into a feasibility cost sharing agreement as the NFS on 15 June 2015. The purpose of this Draft REP is to identify and describe the lands, easements, rights-of-way, relocation and disposal areas (LERRD), as well as navigation disposal areas required for the construction, operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) and assess the minimum real estate requirements to support the Norfolk Harbor Channel Deepening Study which is currently in the feasibility phase. This plan is intended only for use as a supplement to the Feasibility Report and is not considered to be useable as an independent document.

## **2.0 REFERENCES**

- a. ER 405-1-12 Chapter 12
- b. Elizabeth River Southern Branch Navigation Improvements Project, General Reevaluation Study – Interim Progress Review #2, 04 August 2016
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## **3.0 AUTHORIZATION**

Section 201 of the Water Resources Development Act (WRDA) of 1986 (Public Law 99-662) authorized the construction of the 55-foot Norfolk Harbor and Channels, Virginia, Project, as described in House Document 99-85, dated July 18, 1985, entitled “Norfolk Harbor and Channels, Virginia.” The authority states, as follows:

*“The project for navigation, Norfolk Harbor and Channels, Virginia: Report of the Chief of Engineers, dated November 20, 1981, at a total cost of \$551,000,000, with an estimated first Federal cost of \$256,000,000 and an estimated first non-Federal cost of \$295,000,000, including such modifications as the Secretary determines to be necessary and appropriate for mitigation of any damage to fish and wildlife resources resulting from construction, operation, and maintenance of each segment of the proposed project.*”

## **4.0 BACKGROUND**

### **Elizabeth River and Southern Branch**

The Elizabeth River and Southern Branch of the Elizabeth River are authorized under the Norfolk Harbor and Channels, Virginia, Project is a single purpose deep draft navigation project located in Hampton Roads, a 25 square mile natural harbor serving the port facilities in the cities of Norfolk, Newport News, Portsmouth, Chesapeake, and Hampton in southeastern Virginia. Since its authorization in 1986, the Project has been constructed in separable elements based on the needs of the port community and the financial capability of the non-federal sponsor. The Elizabeth River and Southern branch of the Elizabeth River components of the Norfolk Harbor and Channels authorized project are authorized to depths ranging from 45 to 35 feet and maintained to depths ranging from 40 to 35 feet.

The purpose of this investigation is to identify whether the authorized plan is still in the federal interest and to evaluate measures which would improve the operational efficiency of commercial vessels currently using the federal navigation channel at the Elizabeth River and Southern Branch of the Elizabeth River and commercial vessels projected to use the federal navigation channel in the future.

The need for this investigation arises from inefficiencies currently experienced by commercial vessels in the Elizabeth River and Southern Branch of the Elizabeth River. These inefficiencies are projected to continue in the future.

## **5.0 OPERATIONS AND MAINTENANCE**

The NFS shall have Operation, Maintenance, Repair, Replacement, and Rehabilitation, (OMRR&R) responsibilities after Project construction completion. Operations and maintenance will be performed by the NFS. The Secretary, in conjunction with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of each segment of the proposed project will have on fish and wildlife resources and the need for mitigation of any damage to such resources resulting from such construction, operation, and maintenance.”

The management measures identified were developed with information gathered during discussions and interviews with Elizabeth River and Southern Branch of the Elizabeth River operations and management personnel, the Norfolk Harbor Pilots Association, terminal operators, shipping agents, and tugboat operators that work in Norfolk Harbor and the Elizabeth River and its Southern Branch. The PDT compiled a list of measures for this study during a meeting held on September 16<sup>th</sup>, 2015.

## **6.0 LOCATION/PROJECT AREA**

The Elizabeth River is approximately 20 miles long and is situated within Norfolk Harbor along the Cities of Chesapeake, Norfolk, and Portsmouth. Norfolk Harbor is located in the southeastern part of the Commonwealth of Virginia at the southern end of Chesapeake Bay, midway on the Atlantic Seaboard, approximately 170 miles south of Baltimore, Maryland, and 220 miles north of Wilmington, North Carolina. The harbor is formed by the confluence of the James, Nansemond, and Elizabeth Rivers. The Project is located in Virginia's 3<sup>rd</sup> United States Federal Congressional District.

The Elizabeth River federal navigation channel abuts the Craney Island reach of the Norfolk Harbor and Channels navigation project and extends from Lambert's Point on the main branch of the Elizabeth River to a point 0.8 mile upstream (south) of the Interstate 64 highway bridge on the Southern Branch of the Elizabeth River, ending at the Chesapeake Extension, a total length of 10.5 miles. Within these 10.5 miles are three authorized project depths: (1) The authorized 45-foot project depth, the (2) authorized 40-foot project depth, and (3) the authorized 35-foot project depth.

Table 1 presents the authorized and constructed dimensions of the Elizabeth River and Southern Branch of the Elizabeth River component of the Norfolk Harbor and Channels project. It is important to note that within the same footprint as the Norfolk Harbor and Channels project the U.S. Navy has deepened the channel to a depth of 50 feet from the Craney Island Reach of the Norfolk Harbor and Channels project through Lambert's Bend and a depth of 47 feet from Lambert's Bend to the Norfolk Naval Shipyard at the southern end of the Southern Branch Lower Reach to meet U.S. Navy operational needs (Figure 1).

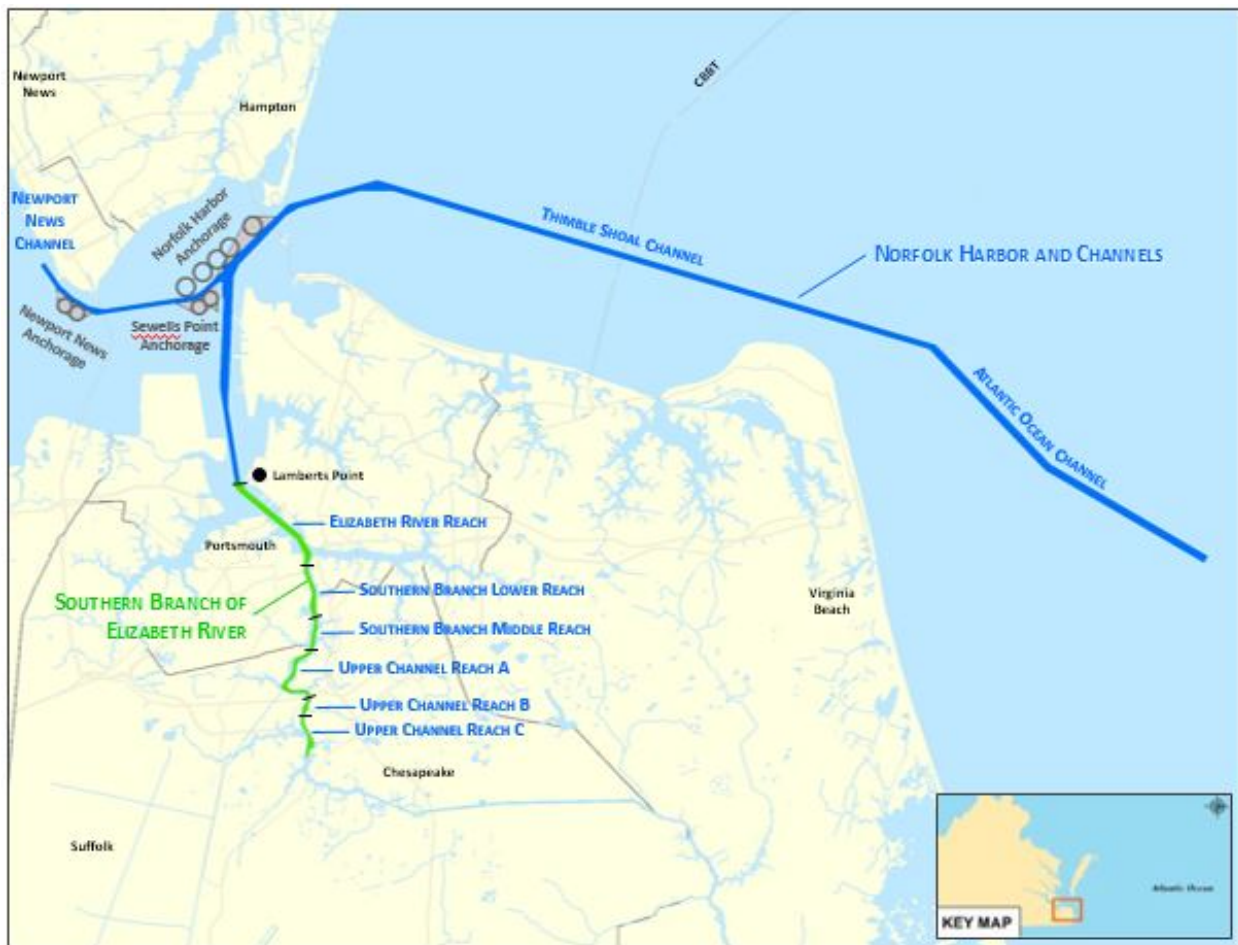


Figure 1: Elizabeth River and Southern Branch of the Elizabeth River Channel Reaches

TABLE 1: ELIZABETH RIVER AND SOUTHERN BRANCH OF THE ELIZABETH RIVER AUTHORIZED AND CONSTRUCTED CHANNEL DIMENSIONS

| Planning Segment  | Channel Reach                | Channel Depth Authorized/Constructed (feet) | Channel Width Authorized/Constructed (feet) | Length (miles) |
|---|------------------------------|---|---|----------------|
| Segment 1<br>(Lamberts Bend to Norfolk Southern Lift Bridge)    | Elizabeth River Reach        | 45/40                                       | 750/750                                     | 3.0            |
|   | Southern Branch Lower Reach  | 45/40                                       | 750/450                                     | 2.0            |
|   | Southern Branch Middle Reach | 45/40                                       | 375/375                                     | 1.0            |
| Segment 2<br>(Norfolk Southern Lift Bridge to Gilmerton Bridge) | Upper Channel Reach A        | 40/35                                       | 250-500/250-500                             | 2.4            |
| Segment 3<br>(Gilmerton Bridge to Chesapeake Extension)         | Upper Channel Reach B        | 35/35                                       | 300/300                                     | 0.6            |
|   | Upper Channel Reach C        | 35/35*                                      | 250/250*                                    | 1.5            |

Note: All depths are Mean Lower Low Water (MLLW);\* not maintained

The Elizabeth River and Southern Branch of the Elizabeth River channel reaches are heavily industrialized, providing marine access to numerous industrial facilities and Norfolk Naval Shipyard (NNSY). The following lists the active terminals and maritime facilities located on the channel reaches. Note that there are no currently active terminals along Upper Channel Reaches B, although the reach does include the site of a former coal fired Dominion Generation Corporation power generation facility.

Port Facilities/Terminal Operators adjacent to the Elizabeth River Reach are:

- Portsmouth Marine Terminal: containers, break-bulk, and roll on – roll off cargo;
- NASSCO-Earl Industries: Naval shipyard; and

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Lower Reach are:

- Tidewater yacht marine: marina and boatyard.
- Ocean Marine Yacht Center: Marina and boatyard;
- BAE Systems – Norfolk Ship Repair: Naval shipyard
- General Dynamics: Naval shipyard;
- U.S. Gypsum: Aggregates, sand, stone;
- Arc Terminal: Petroleum products;
- Kerneos Aluminate Technologies: high alumina cement production; and

- Norfolk Naval Shipyard: Naval shipyard and Navy Base.

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Middle Reach are:

- Apex Oil Terminal: Petroleum products; and
- Perdue Farms: Grains.

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Upper Channel Reach A are:

- Enviva Wood Pellet Terminal: Wood pellets;
- Hess Oil: Petroleum products;
- Kinder Morgan Money Point Terminal: Aggregates, sand, stone;
- DCP Midstream Propane Terminal: Propane and other natural gas liquids; and
- Elizabeth River Recycling: Scrap metal.

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Upper Channel Reach C include:

- Precon Marine: Heavy marine construction and waterfront construction contractor; and
- Tri-port Fuel Pier.

The Elizabeth River and Southern Branch of the Elizabeth River channels are grouped into three planning segments (Table 1). Segment 1 includes the Elizabeth River Reach, the Southern Branch of the Elizabeth River Lower Reach, and the Southern Branch of the Elizabeth River Middle Reach (Figure 2). This segment is identified as “Lamberts Bend to Norfolk Southern Lift Bridge.”



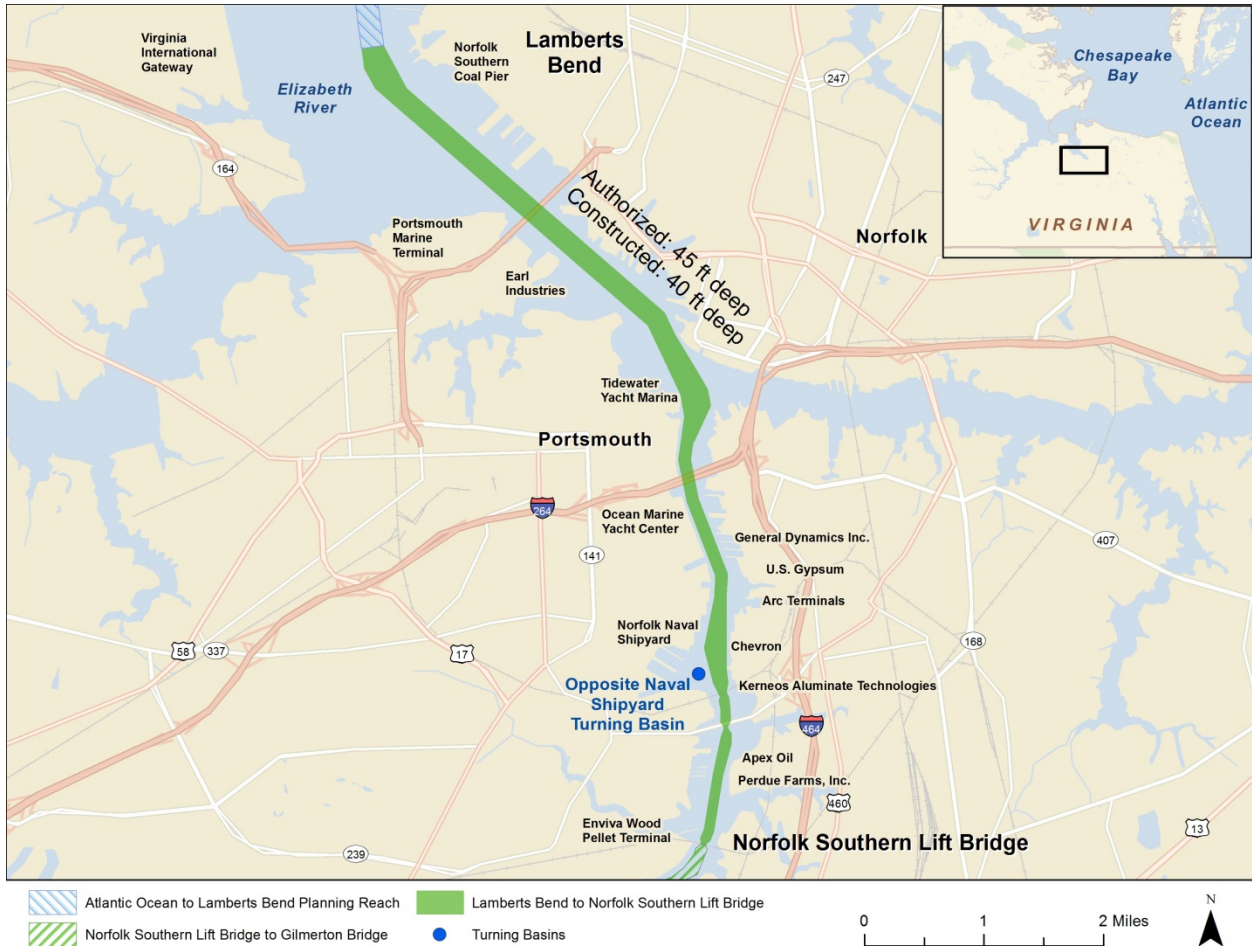


Figure 2: Segment 1, Lamberts Bend to Norfolk Southern Lift Bridge

Segment 2 includes the Southern Branch of the Elizabeth River Upper Channel Reach A (Figure 3). This segment is identified as “Norfolk Southern Lift Bridge to Gilmerton Bridge.”

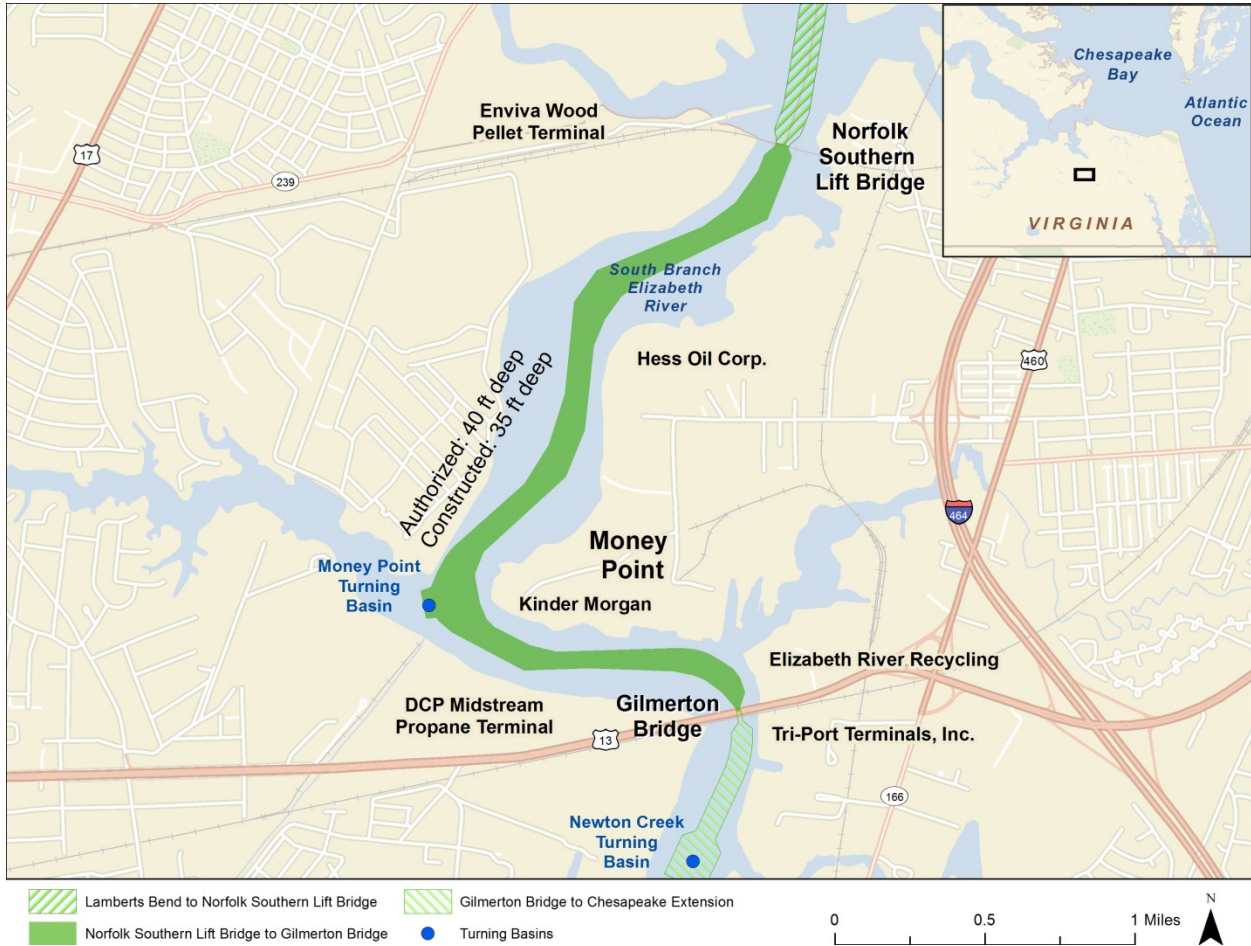


Figure 3: Segment 2, Norfolk Southern Lift Bridge to Gilmerton Bridge

Segment 3 includes the Elizabeth River Upper Channel Reach B and Reach C (Figure 4). This planning segment is identified as the “Gilmerton Bridge to the Chesapeake Extension.”

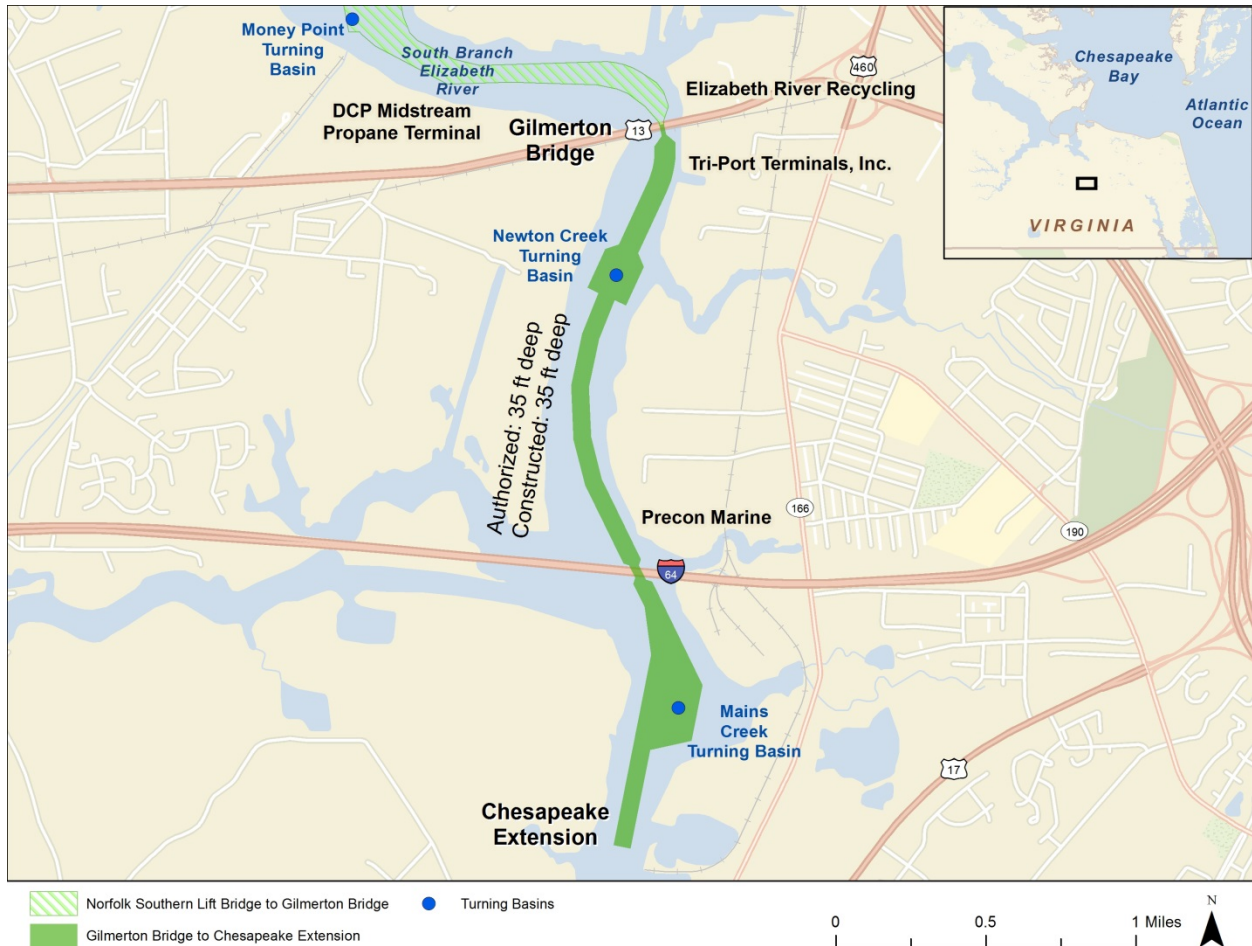


Figure 4: Segment 3, Gilmerton Bridge to Chesapeake Extension

## **7.0 DESCRIPTION OF WORK**

The major components of the Project include:

- (1) Increasing the depth of the Elizabeth River and the Southern Branch of the Elizabeth River between Lamberts Point (river mile 9) and the Norfolk and Western Railway Bridge (river mile 15) from 40 feet to 45 feet over its existing 375 to 750 foot width.
  
- (2) Increasing the depth of the Southern Branch of the Elizabeth River between the Norfolk and Western Railway Bridge (river mile 15) and the US Routes 460 and 13 highway crossing (river mile 17.5) from 35 feet to 40 feet over its existing 250 to 500 foot width, and providing a new 800 foot turning basin at the terminus of the channel improvement.

(3) Placing suitable dredged material resulting from Project construction in a designated ocean placement site and unsuitable material in the Craney Island Dredged Material Management Area (CIDMMA) site.

## **8.0 PROJECT AND PLACEMENT AREAS AND OWNERSHIP**

The Project areas are contained exclusively on the Elizabeth River and the Southern Branch of the Elizabeth River and Norfolk Harbor Channel, as delineated in Exhibits “A”, “B” and “C”, Project Site Map, Project Map and Dredged Material Placement Sites Map. Commonwealth of Virginia owns the Project area in fee. The suitable dredged material resulting from Project construction in the Outer Channel (reference Exhibit “C”), will be placed in the Dam Neck Ocean Disposal Site (DNODS) and the material from the Inner Channel (reference Exhibit “C”), will be placed in CIDMMA site (reference Exhibit “C”). All the material deemed unsuitable for offshore placement will be placed in CIDMMA site.

## **9.0 PROJECT LANDS, EASEMENTS, RIGHTS OF WAY, RELOCATIONS AND DISPOSAL AREAS (LERRD)**

Project Area owned in fee by NFS. Because the entire Project will be constructed and is located on the Elizabeth River and the Southern Branch of the Elizabeth River bottoms/bottomlands, Navigational Servitude will be exercised. The disposal sites at CIDMMA and (DNODS) are owned in fee by the Federal Government; therefore, no acquisition of real property interests will be required of the NFS for the 'construction' phase of this Project.

No construction rights or interests needed. Increasing the depth of the Elizabeth River and the Southern Branch, does not require any rights-of-entry or temporary easements because all construction, as well as operation and maintenance and monitoring are either owned and operated by the NFS or the Federal Government.

However, an ocean placement site for some of the dredging material may also be needed, but such site has not yet been identified and is not considering in this Draft REP. No upland sites are anticipated.

### Other related information:

Based on the description outlined in Description of Work in Section 7.0 of the Real Estate Plan, LERRDs credits are not authorized.

## **10.0 MAPPING**

Mapping is provided in Exhibits “A”, “B” and “C”, Project Site Map, Project Map and Dredged Material Placement Sites Map.

## **11.0 NAVIGATIONAL SERVITUDE**

The Commerce Clause of the Constitution confers upon the Federal Government a dominant right to use, control and regulate the navigable waters of the United States for various commerce-related purposes, including navigation and flood control. This applies to all lands below the MHWL of tidal navigable waterways. This Project is a navigation and channel improvement project. Therefore, Navigational Servitude is available for this Project, including for entry and construction on lands below the MHWL.

## **12.0 NO FLOODING INDUCED BY PROJECT CONSTRUCTION**

The intended effects of this Project are not expected to cause flooding in this area, which is already subaqueous.

## **13.0 FUTURE MINERAL ACTIVITIES AND TIMBER ACTIVITIES**

There are no known outstanding mineral interests, active mining operations or timber harvesting operations in the Project area that may affect implementation of the Project.

## **14.0 FEDERALLY OWNED LANDS**

There is no Federally-owned land in the areas required for the construction of the Project. However, CIDMMA and the DNODS are Federal Fee simple land. Its use for this Project is the placement and disposal of dredged material.

## **15.0 UNIFORM RELOCATION ACT**

No residences and/or businesses and/or farms will be displaced by the proposed Project and thus there are no relocations anticipated under the Uniform Relocation Act (formerly Public Law 91-646), as implemented in 49 CFR Part 24.

## **16.0 ZONING ENACTMENTS**

There are no zoning ordinances currently proposed in lieu of or to facilitate acquisition in connection with this Project.

## **17.0 PUBLIC FACILITIES RELOCATIONS**

No LERRD relocation of public utilities or public facilities is anticipated.

## **18.0 NEPA, NHPA & HTRW**

Pursuant to the environmental report prepared for the Project indicated there are no hazardous, toxic or radioactive waste known to exist on the real property needed for the Project. Under the National Environmental Policy Act, an environmental assessment will be an integrated report and not yet ready for review.

## **19.0 REAL ESTATE COST ESTIMATE**

The NFS owns the Project area in fee simple. There is no associated Real Estate cost in this Project.

## **20.0 ASSESSMENT OF NON-FEDERAL SPONSOR**

The NFS owns the Project property that will be dredged, no real estate acquisition capability assessment of the NFS was performed.

**21.0 PROJECT SCHEDULE**

**Project**

| Task                                      | Baseline          | Revised          |
|---|-------------------|------------------|
| Feasibility Cost Sharing Agreement Signed | 15 June 2015      | Actual           |
| In-Progress Review                        | 28 October 2015   | Actual           |
| Alternatives Milestone                    | 09 December 2015  | 11 December 2015 |
| In-Progress Review                        | 15 July 2015      | 21 July 2016     |
| In-Progress Review                        | N/A               | 12 January 2017  |
| Tentatively Selected Plan Milestone       | 06 December 2016  | 21 August 2017   |
| Release of Draft Integrated Report        | 25 April 2017     | 8 December 2018  |
| Agency Decision Milestone                 | 01 June 2017      | 8 February 2018  |
| Division Engineer Transmittal             | 14 August 2017    | 09 April 2018    |
| Senior Panel Review Board                 | 14 September 2017 | 15 April 2018    |
| Signed Director's Report                  | 01 June 2018      | 05 June 2018     |

**Real Estate**

There is no Real Estate acquisition, management or disposal anticipated to be needed at this time for the Project. Navigational Servitude may be applicable to this Project. Please reference #11 above under Navigational Servitude.

**22.0 RECOMMENDATION**

This Draft Real Estate Plan has been prepared in accordance with Corps of Engineers Regulation 405-1-12, Chapter 12. It is recommended that this Draft REP be accepted for the purposes stated herein.

Prepared by:

\_\_\_\_\_  
Keith A. McDonald  
Senior Realty Specialist

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Donna L. Carrier-Tal  
Chief, Real Estate Office  
Real Estate Contracting Officer

\_\_\_\_\_  
Date

Legal Sufficiency:

\_\_\_\_\_  
Todd Waldman  
Office of Counsel

\_\_\_\_\_  
Date

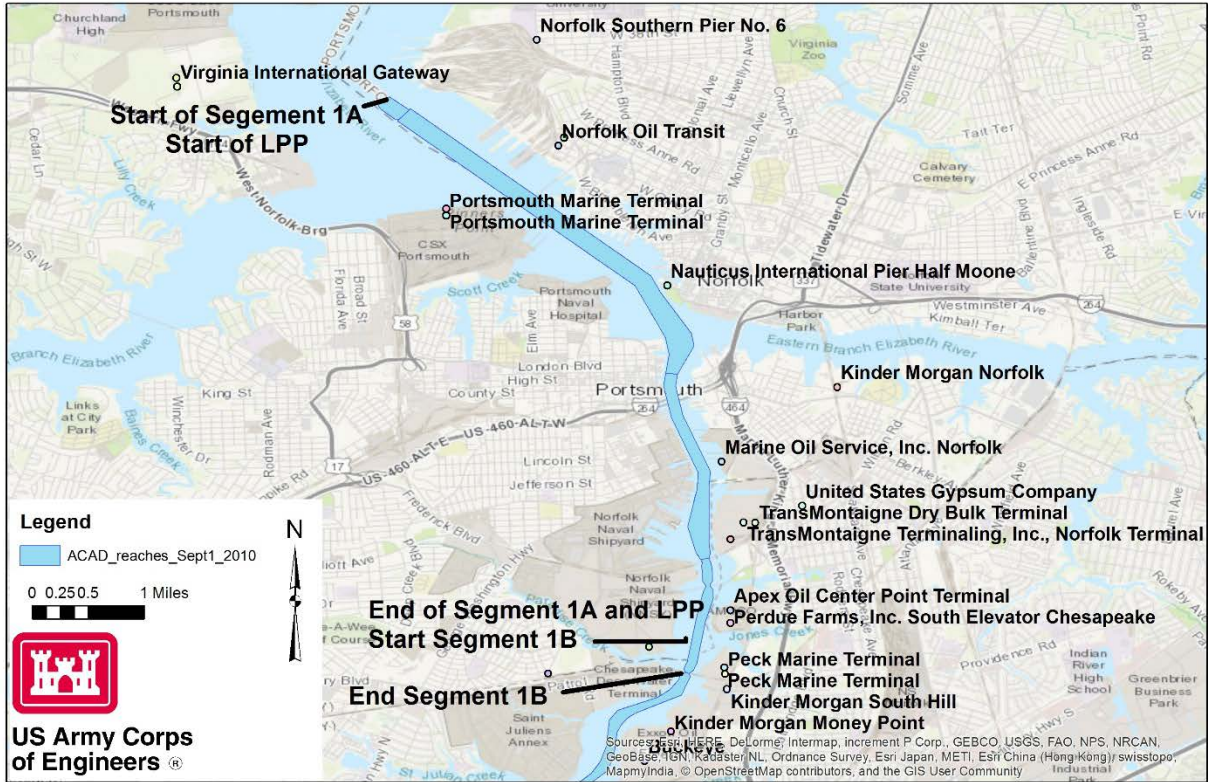
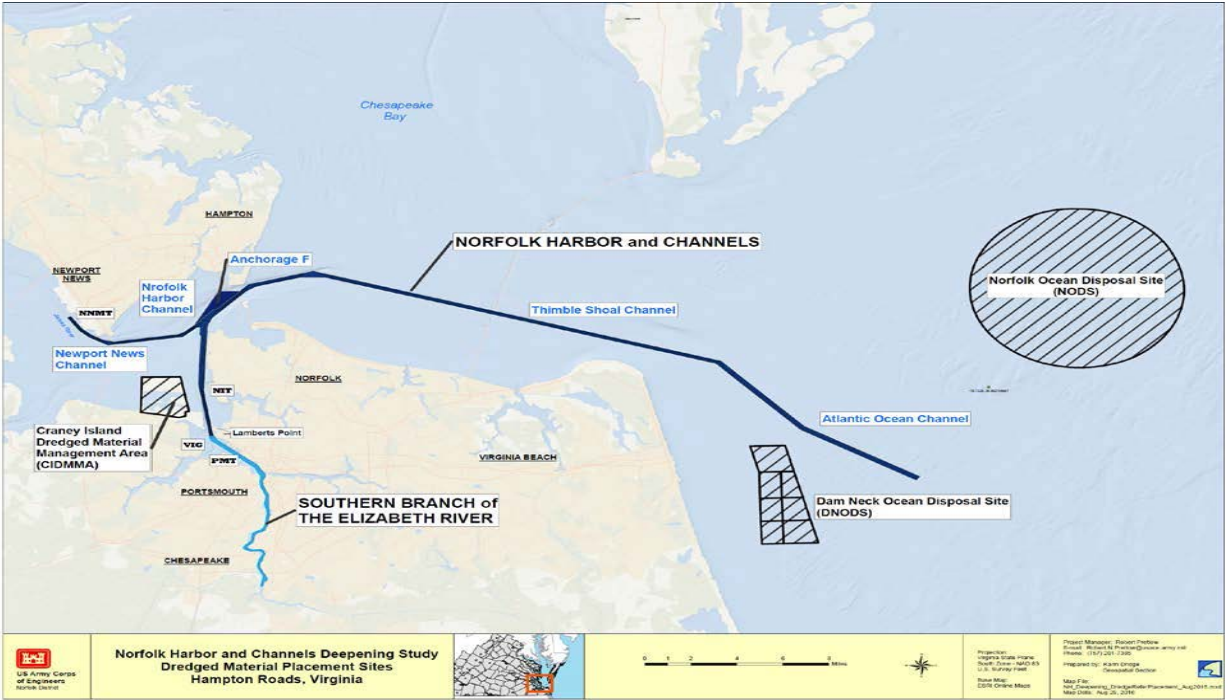


EXHIBIT A  
ELIZABETH RIVER AND SOUTHERN BRANCH NAVIGATION IMPROVEMENTS PROJECT  
PROJECT SITE MAP



EXHIBIT B  
ELIZABETH RIVER AND SOUTHERN BRANCH NAVIGATION IMPROVEMENTS PROJECT  
PROJECT MAP





**EXHIBIT C**  
**ELIZABETH RIVER AND SOUTHERN BRANCH NAVIGATION IMPROVEMENTS PROJECT**  
**DREDGED MATERIAL PLACEMENT SITES MAP**

**REAL ESTATE PLAN**

**11 December 2017**

**ELIZABETH RIVER AND SOUTHERN BRANCH  
NAVIGATION IMPROVEMENTS  
NORFOLK HARBOR CHANNEL AND DEEPENING  
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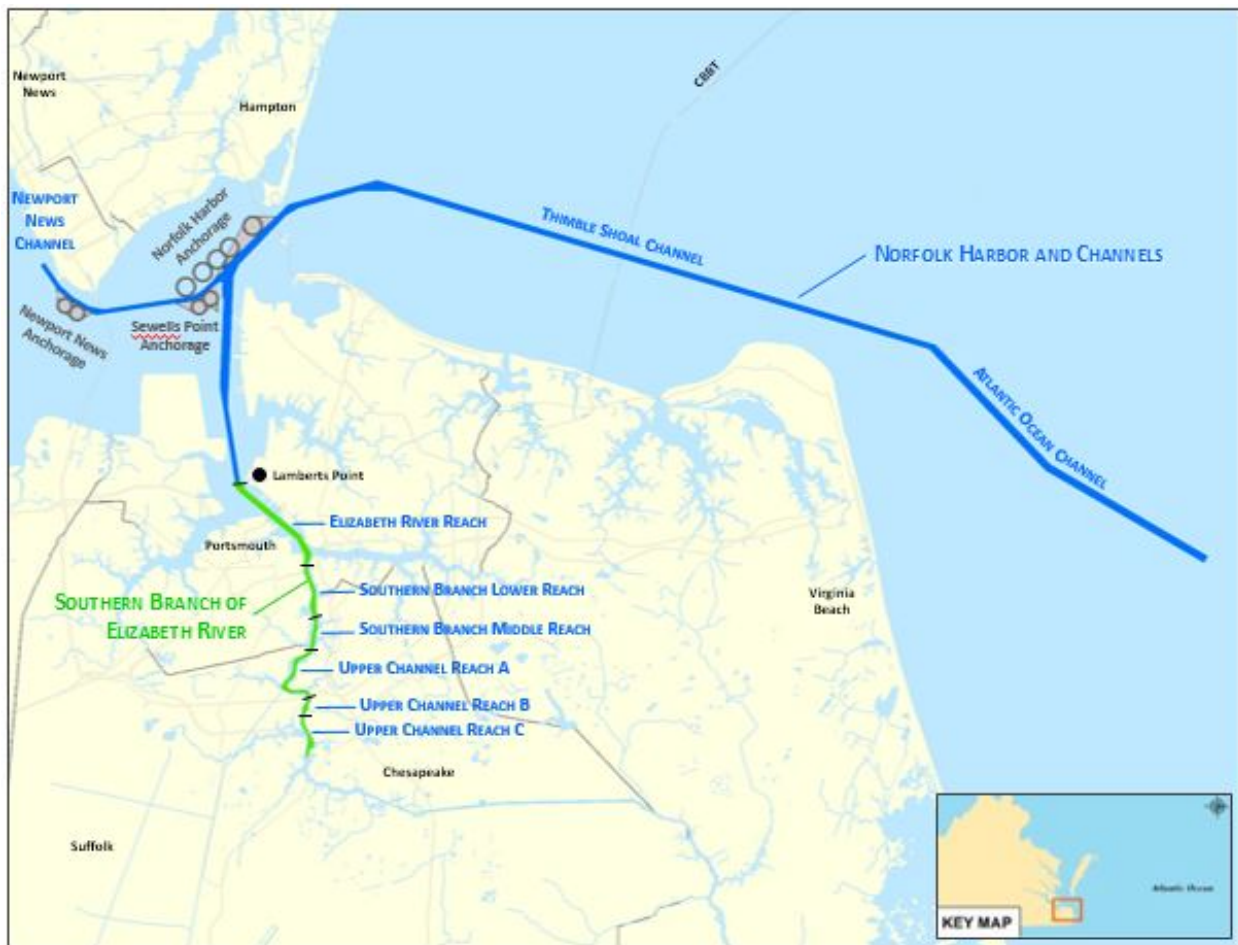


Figure 1: Elizabeth River and Southern Branch of the Elizabeth River Channel Reaches

TABLE 1: ELIZABETH RIVER AND SOUTHERN BRANCH OF THE ELIZABETH RIVER AUTHORIZED AND CONSTRUCTED CHANNEL DIMENSIONS

| Planning Segment  | Channel Reach                | Channel Depth Authorized/Constructed (feet) | Channel Width Authorized/Constructed (feet) | Length (miles) |
|---|------------------------------|---|---|----------------|
| Segment 1<br>(Lamberts Bend to Norfolk Southern Lift Bridge)    | Elizabeth River Reach        | 45/40                                       | 750/750                                     | 3.0            |
|   | Southern Branch Lower Reach  | 45/40                                       | 750/450                                     | 2.0            |
|   | Southern Branch Middle Reach | 45/40                                       | 375/375                                     | 1.0            |
| Segment 2<br>(Norfolk Southern Lift Bridge to Gilmerton Bridge) | Upper Channel Reach A        | 40/35                                       | 250-500/250-500                             | 2.4            |
| Segment 3<br>(Gilmerton Bridge to Chesapeake Extension)         | Upper Channel Reach B        | 35/35                                       | 300/300                                     | 0.6            |
|   | Upper Channel Reach C        | 35/35*                                      | 250/250*                                    | 1.5            |

Note: All depths are Mean Lower Low Water (MLLW);\* not maintained

The Elizabeth River and Southern Branch of the Elizabeth River channel reaches are heavily industrialized, providing marine access to numerous industrial facilities and Norfolk Naval Shipyard (NNSY). The following lists the active terminals and maritime facilities located on the channel reaches. Note that there are no currently active terminals along Upper Channel Reaches B, although the reach does include the site of a former coal fired Dominion Generation Corporation power generation facility.

Port Facilities/Terminal Operators adjacent to the Elizabeth River Reach are:

- Portsmouth Marine Terminal: containers, break-bulk, and roll on – roll off cargo;
- NASSCO-Earl Industries: Naval shipyard; and

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Lower Reach are:

- Tidewater yacht marine: marina and boatyard.
- Ocean Marine Yacht Center: Marina and boatyard;
- BAE Systems – Norfolk Ship Repair: Naval shipyard
- General Dynamics: Naval shipyard;
- U.S. Gypsum: Aggregates, sand, stone;
- Arc Terminal: Petroleum products;
- Kerneos Aluminate Technologies: high alumina cement production; and

- Norfolk Naval Shipyard: Naval shipyard and Navy Base.

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Middle Reach are:

- Apex Oil Terminal: Petroleum products; and
- Perdue Farms: Grains.

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Upper Channel Reach A are:

- Enviva Wood Pellet Terminal: Wood pellets;
- Hess Oil: Petroleum products;
- Kinder Morgan Money Point Terminal: Aggregates, sand, stone;
- DCP Midstream Propane Terminal: Propane and other natural gas liquids; and
- Elizabeth River Recycling: Scrap metal.

Port Facilities/Terminal Operators adjacent to the Southern Branch of the Elizabeth River Upper Channel Reach C include:

- Precon Marine: Heavy marine construction and waterfront construction contractor; and
- Tri-port Fuel Pier.

The Elizabeth River and Southern Branch of the Elizabeth River channels are grouped into three planning segments (Table 1). Segment 1 includes the Elizabeth River Reach, the Southern Branch of the Elizabeth River Lower Reach, and the Southern Branch of the Elizabeth River Middle Reach (Figure 2). This segment is identified as “Lamberts Bend to Norfolk Southern Lift Bridge.”



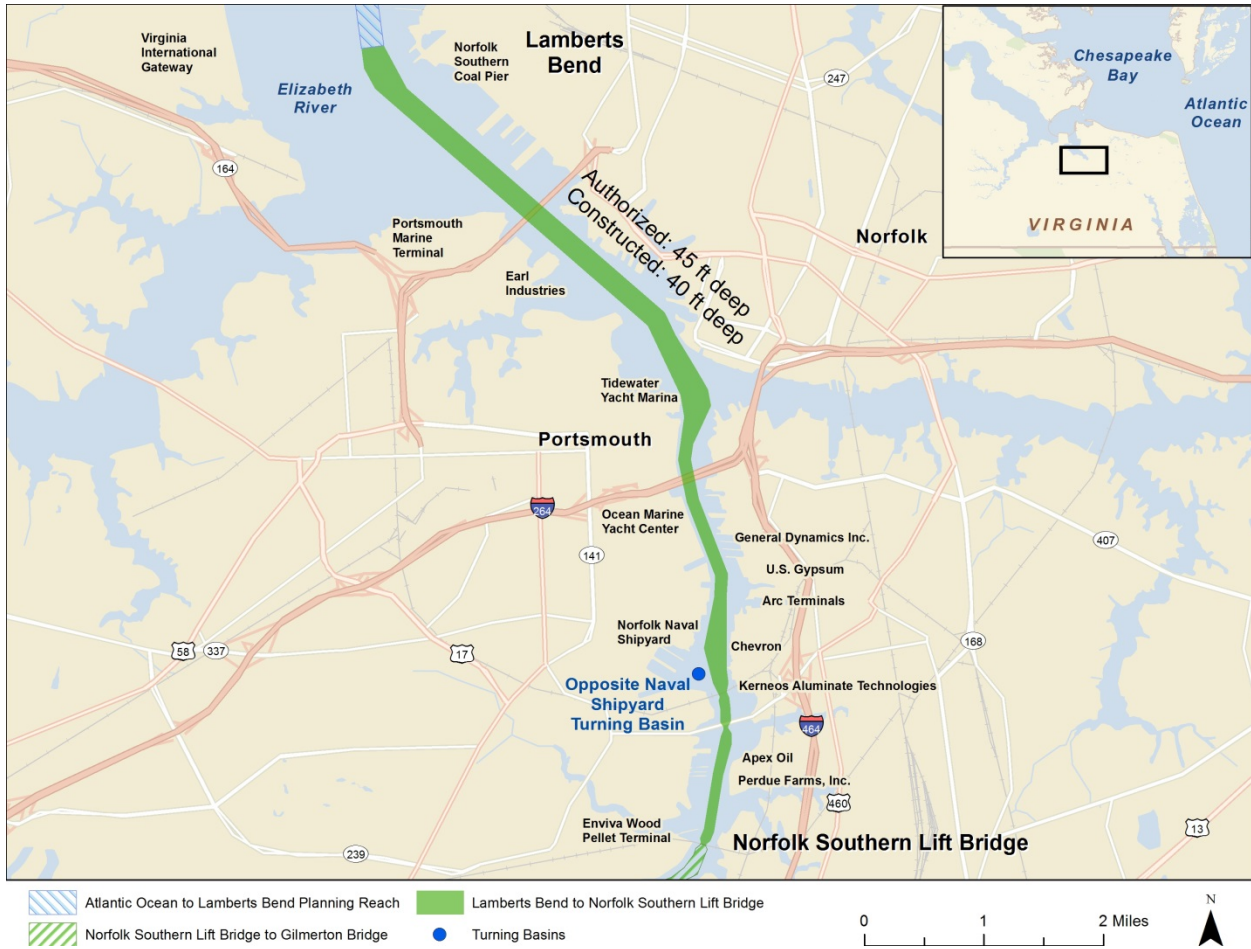


Figure 2: Segment 1, Lambert's Bend to Norfolk Southern Lift Bridge

Segment 2 includes the Southern Branch of the Elizabeth River Upper Channel Reach A (Figure 3). This segment is identified as “Norfolk Southern Lift Bridge to Gilmerton Bridge.”

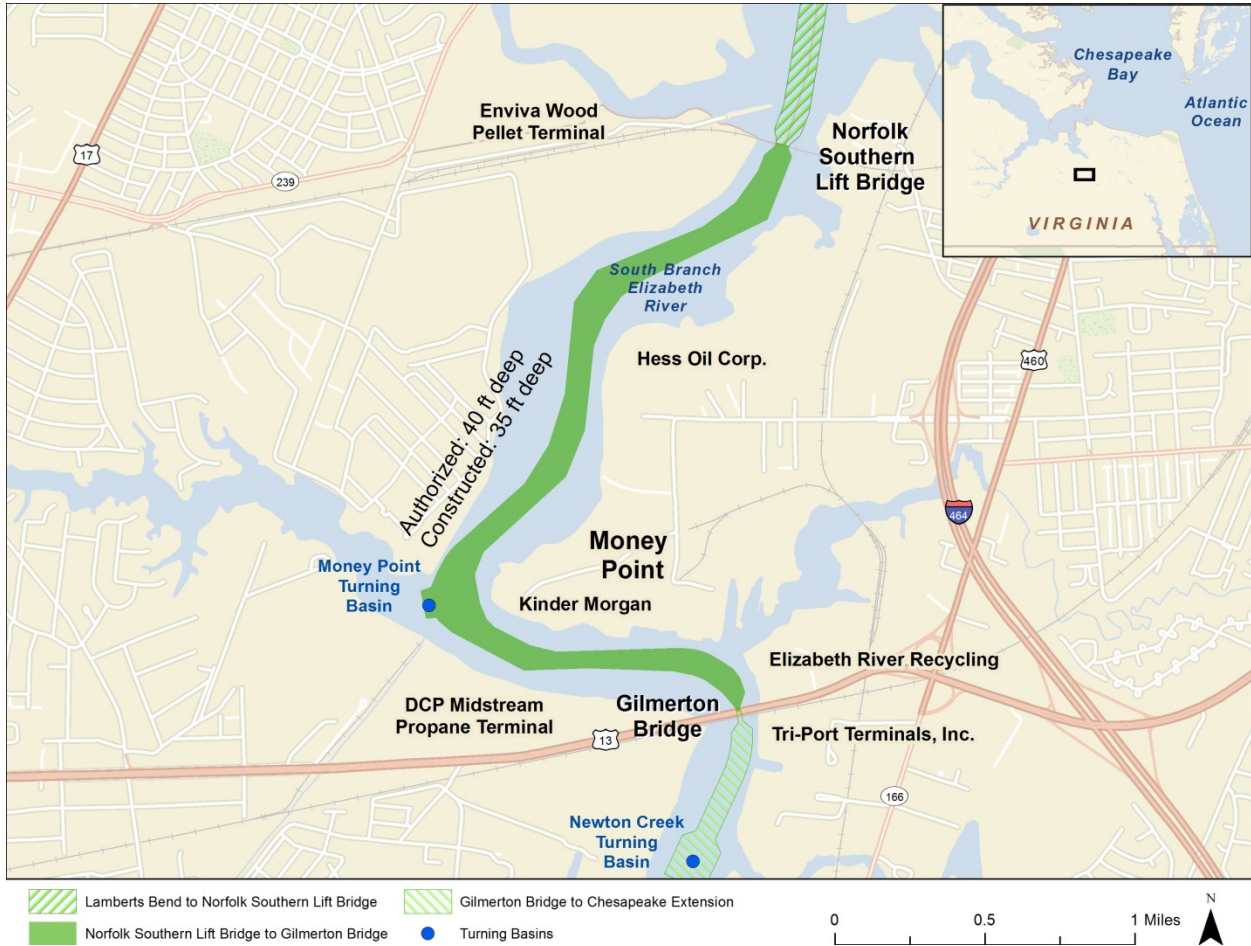


Figure 3: Segment 2, Norfolk Southern Lift Bridge to Gilmerton Bridge

Segment 3 includes the Elizabeth River Upper Channel Reach B and Reach C (Figure 4). This planning segment is identified as the “Gilmerton Bridge to the Chesapeake Extension.”

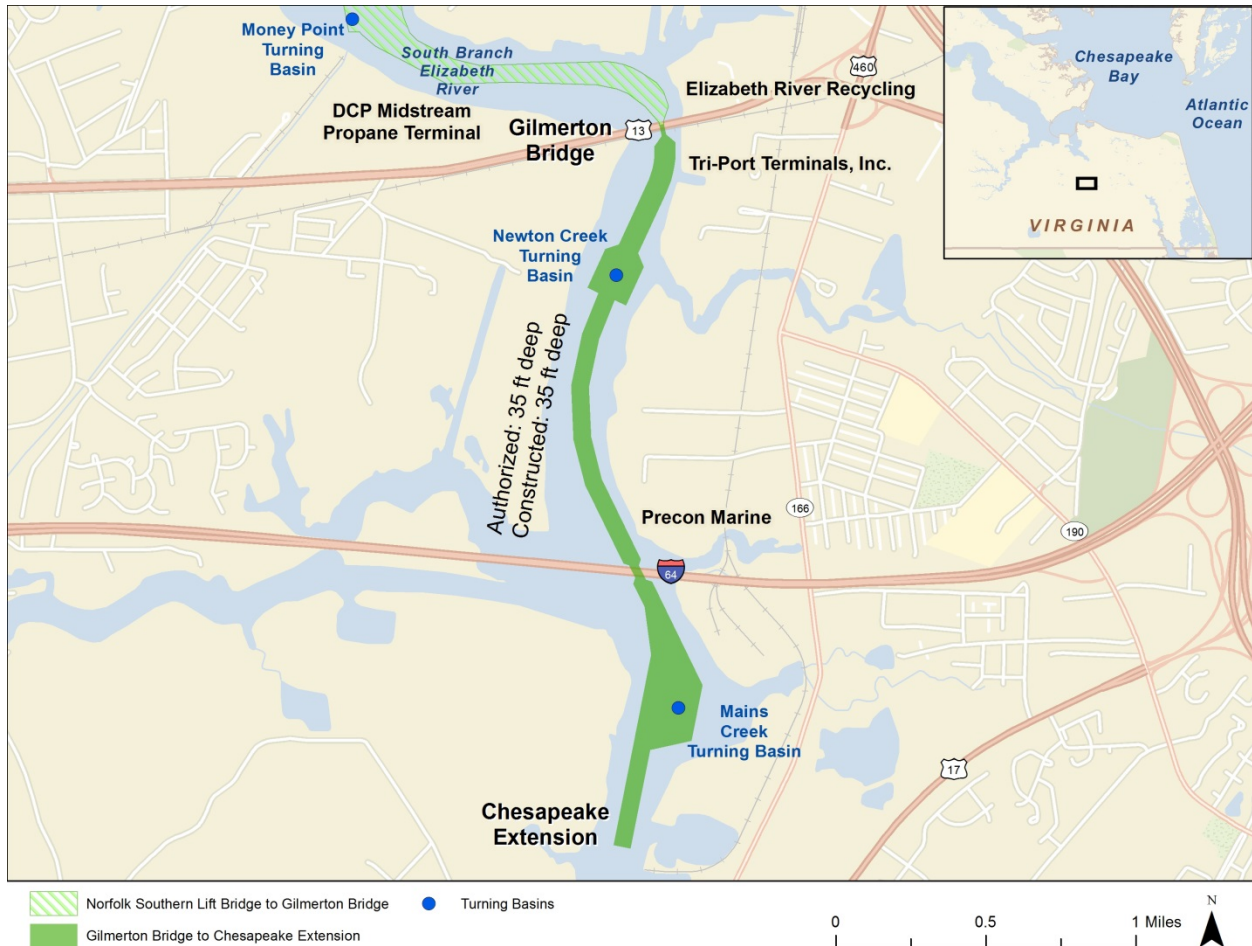


Figure 4: Segment 3, Gilmerton Bridge to Chesapeake Extension

## **7.0 DESCRIPTION OF WORK**

The major components of the Project include:

- (1) Increasing the depth of the Elizabeth River and the Southern Branch of the Elizabeth River between Lamberts Point (river mile 9) and the Norfolk and Western Railway Bridge (river mile 15) from 40 feet to 45 feet over its existing 375 to 750 foot width.
  
- (2) Increasing the depth of the Southern Branch of the Elizabeth River between the Norfolk and Western Railway Bridge (river mile 15) and the US Routes 460 and 13 highway crossing (river mile 17.5) from 35 feet to 40 feet over its existing 250 to 500 foot width, and providing a new 800 foot turning basin at the terminus of the channel improvement.

(3) Placing suitable dredged material resulting from Project construction in a designated ocean placement site and unsuitable material in the Craney Island Dredged Material Management Area (CIDMMA) site.

## **8.0 PROJECT AND PLACEMENT AREAS AND OWNERSHIP**

The Project areas are contained exclusively on the Elizabeth River and the Southern Branch of the Elizabeth River and Norfolk Harbor Channel, as delineated in Exhibits “A”, “B” and “C”, Project Site Map, Project Map and Dredged Material Placement Sites Map. Commonwealth of Virginia owns the Project area in fee. The suitable dredged material resulting from Project construction in the Outer Channel (reference Exhibit “C”), will be placed in the Dam Neck Ocean Disposal Site (DNODS) and the material from the Inner Channel (reference Exhibit “C”), will be placed in CIDMMA site (reference Exhibit “C”). All the material deemed unsuitable for offshore placement will be placed in CIDMMA site.

## **9.0 PROJECT LANDS, EASEMENTS, RIGHTS OF WAY, RELOCATIONS AND DISPOSAL AREAS (LERRD)**

Project Area owned in fee by NFS. Because the entire Project will be constructed and is located on the Elizabeth River and the Southern Branch of the Elizabeth River bottoms/bottomlands, Navigational Servitude will be exercised. The disposal sites at CIDMMA and (DNODS) are owned in fee by the Federal Government; therefore, no acquisition of real property interests will be required of the NFS for the 'construction' phase of this Project.

No construction rights or interests needed. Increasing the depth of the Elizabeth River and the Southern Branch, does not require any rights-of-entry or temporary easements because all construction, as well as operation and maintenance and monitoring are either owned and operated by the NFS or the Federal Government.

### Other related information:

Based on the description outlined in Description of Work in Section 7.0 of the Real Estate Plan, LERRDs credits are not authorized.

## **10.0 MAPPING**

Mapping is provided in Exhibits “A”, “B” and “C”, Project Site Map, Project Map and Dredged Material Placement Sites Map.

## **11.0 NAVIGATIONAL SERVITUDE**

The Commerce Clause of the Constitution confers upon the Federal Government a dominant right to use, control and regulate the navigable waters of the United States for various commerce-related purposes, including navigation and flood control. This applies to all lands below the MHWL of tidal navigable waterways. This Project is a navigation and channel improvement project. Therefore, Navigational Servitude is available for this Project, including for entry and construction on lands below the MHWL.

## **12.0 NO FLOODING INDUCED BY PROJECT CONSTRUCTION**

The intended effects of this Project are not expected to cause flooding in this area, which is already subaqueous.

### **13.0 FUTURE MINERAL ACTIVITIES AND TIMBER ACTIVITIES**

There are no known outstanding mineral interests, active mining operations or timber harvesting operations in the Project area that may affect implementation of the Project.

### **14.0 FEDERALLY OWNED LANDS**

There is no Federally-owned land in the areas required for the construction of the Project. However, CIDMMA and the DNODS are Federal Fee simple land. Its use for this Project is the placement and disposal of dredged material.

### **15.0 UNIFORM RELOCATION ACT**

No residences and/or businesses and/or farms will be displaced by the proposed Project and thus there are no relocations anticipated under the Uniform Relocation Act (formerly Public Law 91-646), as implemented in 49 CFR Part 24.

### **16.0 ZONING ENACTMENTS**

There are no zoning ordinances currently proposed in lieu of or to facilitate acquisition in connection with this Project.

### **17.0 PUBLIC FACILITIES RELOCATIONS**

No LERRD relocation of public utilities or public facilities is anticipated.

### **18.0 NEPA, NHPA & HTRW**

Pursuant to the environmental report prepared for the Project indicted there are no hazardous, toxic or radioactive waste known to exist on the real property needed for the Project. Under the National Environmental Policy Act, an environmental assessment will be an integrated report and not yet ready for review.

### **19.0 REAL ESTATE COST ESTIMATE**

The NFS owns the Project area in fee simple. There is no associated Real Estate cost in this Project.

### **20.0 ASSESSMENT OF NON-FEDERAL SPONSOR**

The NFS owns the Project property that will be dredged, no real estate acquisition capability assessment of the NFS was performed.

### **21.0 PROJECT SCHEDULE**

## Project

| Task                                      | Baseline          | Revised          |
|---|-------------------|------------------|
| Feasibility Cost Sharing Agreement Signed | 15 June 2015      | Actual           |
| In-Progress Review                        | 28 October 2015   | Actual           |
| Alternatives Milestone                    | 09 December 2015  | 11 December 2015 |
| In-Progress Review                        | 15 July 2015      | 21 July 2016     |
| In-Progress Review                        | N/A               | 12 January 2017  |
| Tentatively Selected Plan Milestone       | 06 December 2016  | 21 August 2017   |
| Release of Draft Integrated Report        | 25 April 2017     | 8 December 2018  |
| Agency Decision Milestone                 | 01 June 2017      | 8 February 2018  |
| Division Engineer Transmittal             | 14 August 2017    | 09 April 2018    |
| Senior Panel Review Board                 | 14 September 2017 | 15 April 2018    |
| Signed Director's Report                  | 01 June 2018      | 05 June 2018     |

## Real Estate

There is no Real Estate acquisition, management or disposal anticipated to be needed at this time for the Project. Navigational Servitude may be applicable to this Project. Please reference #11 above under Navigational Servitude.

### **22.0 RECOMMENDATION**

This Draft Real Estate Plan has been prepared in accordance with Corps of Engineers Regulation 405-1-12, Chapter 12. It is recommended that this Draft REP be accepted for the purposes stated herein.

Prepared by:

\_\_\_\_\_  
Keith A. McDonald  
Senior Realty Specialist

\_\_\_\_\_  
Date

Approved by:

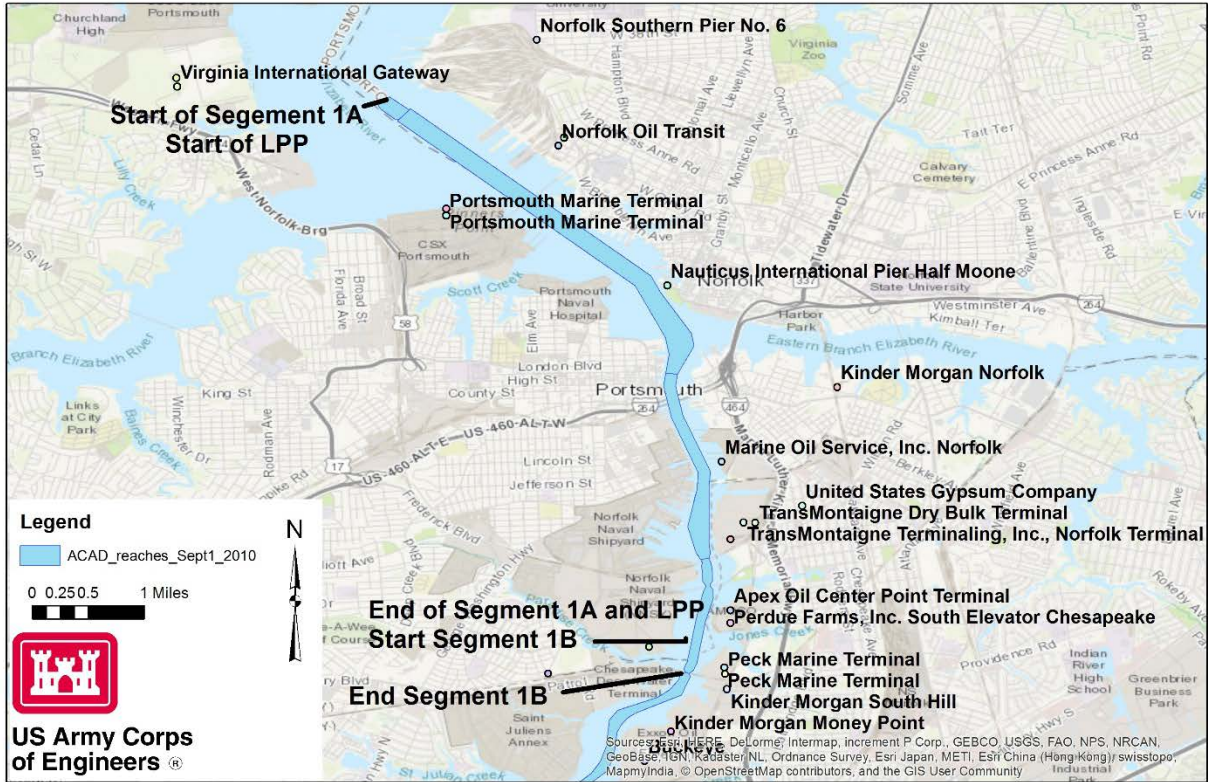
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Donna L. Carrier-Tal  
Chief, Real Estate Office  
Real Estate Contracting Officer

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Date

Legal Sufficiency:

\_\_\_\_\_  
Todd Waldman  
Office of Counsel

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Date

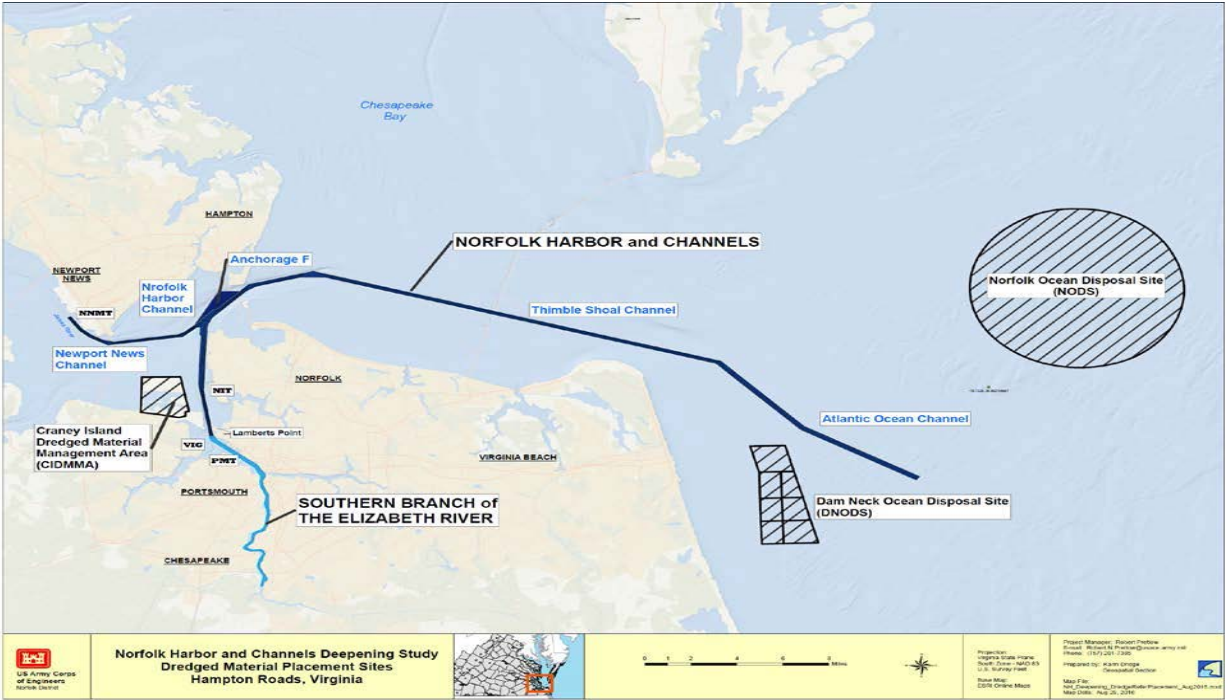


**EXHIBIT A**  
**ELIZABETH RIVER AND SOUTHERN BRANCH NAVIGATION IMPROVEMENTS PROJECT**  
**PROJECT SITE MAP**



EXHIBIT B  
ELIZABETH RIVER AND SOUTHERN BRANCH NAVIGATION IMPROVEMENTS PROJECT  
PROJECT MAP





**EXHIBIT C**  
**ELIZABETH RIVER AND SOUTHERN BRANCH NAVIGATION IMPROVEMENTS PROJECT**  
**DREDGED MATERIAL PLACEMENT SITES MAP**