
REAL ESTATE APPENDIX

**DRAFT NORFOLK HARBOR
NAVIGATION IMPROVEMENTS
MEETING AREA
VALIDATION REPORT/
SUPPLEMENTAL ENVIRONMENTAL
ASSESSMENT**

VIRGINIA

APPENDIX E

2021



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



**THE PORT OF
VIRGINIA®**

ADDENDUM 1 TO APPENDIX C

NOVEMBER 2021

REAL ESTATE IMPACTS OF ADDING MEETING AREA 1 TO THE NORFOLK HARBOR AND CHANNELS NAVIGATION IMPROVEMENTS PROJECT

The purpose of the Norfolk Harbor Navigation Improvements Validation Study is to improve the operational efficiency of commercial vessels currently using and projected to use the Norfolk Harbor and Channels. The need for this project arises from inefficiencies currently experienced by commercial vessels within the existing Norfolk Harbor and Channels as industry adoption toward larger vessels has necessitated periodic establishment of one-way traffic within channels that normally support two-way traffic.

Updated forecasted fleet inventory and economic data is now available which warrants the reevaluation of expanding the existing, approved meeting area (Meeting Area 2) with an additional meeting area (Meeting Area 1), where two-way traffic of larger vessels can be accommodated. Compared to the forecast used during for the 2018 Norfolk Harbor and Channels Navigation Improvements General Reevaluation Report/Environmental Assessment (GRR/EA), ocean carriers have more rapidly transitioned to the ultra large container vessels than the forecast predicted, warranting a reassessment of Meeting Area 1. The proposed Meeting Area 1 would consist of a widened area of the Thimble Shoal Channels that is approximately located in a five mile (Statue)-long area west of the Chesapeake Bay Bridge Tunnel. The widening would consist of approximately 200 additional feet located north of the existing Thimble Shoal Channel and an additional 200 feet south of the existing Thimble Shoal Channel.

Expanding the project area to include Meeting area 1 (West) will not impact the identified real estate cost as outlined in the Real Estate Plan (REP). The application of Navigational Servitude is available for the Recommended Plan including Meeting area 1. Navigational Servitude is the dominant right of the Federal government under the Commerce Clause of the U.S. Constitution (Article 1, Section 8, Clause 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. Generally, the Federal government does not acquire interests in real property that it already possesses or over which its use or control is or can be legally exercised. Since navigational servitude is found to be available, then the Federal Government will exercise its right thereunder and, to the extent of such rights, will not need to acquire a real property interest in the land to which the navigational servitude applies.

Policy Guidance Letter 44 (PGL 44), Relocation and Removals at Navigation (Harbor) Projects will still apply with the addition of Meeting area 1. This guidance discusses deep draft utility relocations. Deep draft utility relocation is defined as providing a functionally equivalent facility to the owner of an existing utility serving the general public when such action is not a "relocation" and is necessary for the construction, operation, or maintenance of the general navigation features of the project, including those necessary to enable the removal of borrow material or the proper disposal of dredged or excavated material. In accordance with Section 101 (a)(4) of WRDA 86, as amended, one-half of the cost of the deep draft utility relocation shall be borne by the utility owner and one-half shall be borne by the non-Federal sponsor. Actual costs of deep draft utility relocations borne by the non-Federal sponsor up to 50 percent of the

total cost of the utility relocation will be creditable against the non-Federal sponsor's additional 10 percent share.

Where there is an obstruction to a navigation project that is within the navigation servitude, and that obstruction does not fit within the definition of a deep draft utility relocation as presented above, the obstruction will be removed at owner cost to accommodate the navigation project. Currently we have no indication that any obstructions or utilities are in the project footprint.

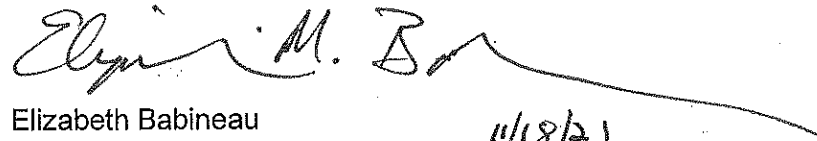
The estimated real estate costs to include the addition of Meeting Area 1 will not change. With the use of Navigational Servitude and Federally owned disposal sites no real estate interests will be required. No utilities or obstructions have been identified for Meeting Area 1, thus the estimated real estate cost will remain \$0.



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11/18/21