

J. Bennett Johnston Waterway 12-FT Channel

APPENDIX D – REAL ESTATE



**REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
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J. BENNETT JOHNSTON WATERWAY 12-FT CHANNEL

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1.0 PURPOSE AND GENERAL PROJECT INFORMATION.

1.1 This Real Estate Plan (REP) has been prepared to put forth the overall real estate requirements to include estimated real estate cost for the Tentatively Selected Plan (TSP) identified within the Feasibility Report and Integrated Environmental Assessment prepared for the above project to which this REP is appended to. The objective of the TSP would be to improve the dikes in and along the J. Bennett Johnston Waterway (JBJWW) in the following Parishes: Bossier, Caddo, Red River, Winn, Natchitoches, Grant, Rapides, Avoyelles, Catahoula, and Concordia, Louisianna, in the interest of raising the draft of the Red River from 9 feet to 12 feet, from Shreveport, Louisiana, to the Mississippi River in order to allow vessels with a deeper draft to traverse the waterway in order to increase the trip tonnage of each vessel in a safe manner.

Information provided within this REP is based on preliminary data, suitable only for planning purposes, and is subject to change even after approval of the REP and feasibility report.

1.2 The proposed project is located in the following parishes: Bossier, Caddo, Red River, Winn, Natchitoches, Grant, Rapides, Avoyelles, Catahoula, and Concordia in the central and northwestern portion of the State of Louisianna. The project is further described as being bound on the north and east by the Mississippi River Levee, on the west by Bayou Lafourche, and on the south it extends slightly past U.S. Highway 90 (Figure 1).



Figure 1. Vicinity Map

1.3 Authority for the project authorized by Water Resources Development ACT (WRDA) 2018, section 201(3) The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress: (3) J. BENNETT JOHNSTON WATERWAY, LOUISIANA.—Project for navigation, J. Bennett Johnston Waterway, Louisiana.

1.4 The portion of the Red River stretching from the mouth of the Mississippi River to Shreveport, Louisiana, also referred to as the J. Bennett Johnston Waterway, hereinafter referred to as JBJWW is limiting the tonnage barges can carry up and down river. The current authorized navigation channel for the JBJWW is 9 ft by 200 ft. Connecting water routes currently maintain a depth of 12-FT. However, currently, barges moving from the Mississippi River to the Red River through JBJWW must be light loaded for 9-FT. Increasing the channel depth from 9-FT to an authorized 12-FT depth would allow barges to carry over 30% more per trip, which achieves a transportation savings, a National Economic Development (NED) benefit.

The main feature of the TSP is stonework to bolster the existing dikes in 8 dike field locations. The first location is RM 35 through RM 38; Lorran Lake Realignment at River Marker (RM) 35 which will require approximately 116,100 tons of Stone, Lorran Dikes at RM 37.5 which will require approximately 28,800 tons of stone, and Joffrion Dikes at RM 38.2 which will require approximately 62,200 tons of stone (Figure 2).



Figure 2. RM 35 through RM 38 Lorran Lake Realignment, Lorrain Dikes, and Joffrion Dikes Maintenance

The next location will be RM 39 through RM 42. This location is the Larto Revetment and will require approximately 116,100 tons of stone (Figure 3).



Figure 3. RM 39 through RM 42 Larato Revetment Maintenance

The next location will be RM 64. This location is the Bringol Revetment and will require approximately 45,800 tons of stone (Figure 4).



Figure 4. RM 64 Bringol Revetment Maintenance

The next location will be RM 192. This location is the Westdale Revetment and will require approximately 39,500 tons of stone (Figure 5).



Figure 5. RM 192 Westdale Revetment Maintenance

The Final location will be RM 194. This location is the East Point Revetment and will require approximately 59,900 tons of stone (Figure 6).



Figure 6. RM 194 East Point Revetment Maintenance

In all, the total project will require approximately 361,100 tons of stone. This work will reduce O&M dredging by 50% in comparison to the construction dredging Alternative 3 discussed in the study report. Annual O&M dredging will still be required primarily in locations where the existing dikes have not been bolstered. Annual dredging at the sill will still be required. Draft restrictions will continue to be utilized during periods of extreme drought and low water.

1.5 No prior REP has been prepared for the project.

2.0 PROJECT LANDS, EASEMENTS, RIGHT-OF-WAYS, RELOCATIONS, AND DREDGE OR EXCAVATED MATERIAL DISPOSAL AREAS (LERRD).

2.1 No additional acquisition of Lands, Easements, Rights-of-Way, Relocations, or Disposal Areas (LERRD) are anticipated to support the construction, operation, or maintenance of the TSP, including any land needed for environmental mitigation. All right-of-way required for the proposed dike maintenance will either be located below the Ordinary High Water Line (OHWL) of the Red River, thus subject to navigation servitude (as determined by Office of Counsel), or will fall within areas previously acquired as LERRD by the Red River Waterway Commission (RRWC), the Non-Federal Sponsor (NFS), for the existing JBJWW project, or a combination of both. All access to the project sites will be by the Red River or previously acquired NFS LERRD.

3.0 NON-FEDERAL SPONSOR (NFS) LERRD.

3.1 The Red River Waterway Commission (RRWC) and co-sponsor Louisiana Department of Transportation and Development (LDOT) are identified as the NFSs for the project. Although no additional LERRD acquisition is currently required, the RRWC would ultimately be responsible for any such acquisition, in coordination with and supported by LDOT.

In previous years, the RRWC acquired LERRD in fee and through perpetual easements to support the initial navigation project, specifically in and around the locations of the existing dikes. Based on currently available information, these interests are expected to provide the necessary rights to carry out improvements to the existing dikes. However, a detailed assessment of the existing LERRD will be necessary following the completion and submission of the final design, which will define the specific LERRD requirements. The RRWC will be required to provide all previously acquired LERRD that falls within the right-of-way boundaries established by the final design. Any previously acquired LERRD made available for this project will not be eligible for credit, as it was originally provided as part of another item of local cooperation, specifically the existing navigation project.

Funding for construction will be provided by the Inland Waterways User Board through the Inland Waterways Trust Fund, which is dedicated to financing the construction, rehabilitation, and modernization of the nation's inland waterways system.

4.0 ESTATES TO BE ACQUIRED.

4.1 No non-standard estates will be required to accommodate the construction, operation, and maintenance of the project.

5.0 EXISTING FEDERAL OR OVERLAPPING PROJECTS.

5.1 There are no other known federal projects that lie fully or partially within the proposed project area other than the existing navigation project.

6.0 FEDERALLY OWNED LANDS OR OTHER INTEREST.

6.1 There are no other known federally owned lands or lesser interest that lie fully or partially within the area of the dikes to be improved.

7.0 NAVIGATION SERVITUDE.

7.1 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, flood control, and hydro-electric power. In tidal areas, the servitude extends to all lands below the mean high-water mark or the ordinary high-water line (OHWL). In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the OHWL. To apply uses of navigational servitude rights, the following two criteria must be met: 1) The project must serve as an aid to commerce, such being recognized as navigation, flood control, and hydro-electric power; and 2) The land required for project purposes must be located below the mean or high ordinary water mark of the navigable waterway.

The existing navigation project is clearly operational and actively being used to support interstate commerce. Additionally, some LERRD needed for the TSP are located below the OHWL. Therefore, navigation servitude rights under the Commerce Clause would apply for project construction. While no additional LERRD acquisition is currently anticipated, if it becomes necessary to acquire any LERRD for construction, no acquisitions below the OHWL would be required and would be considered non-creditable to the NFS. The application of Navigation Servitude will be a determination made by Office of Counsel based on the OHWL.

8.0 PROJECT MAP.

8.1 Figure 7 below is a general overview map of the TSP.

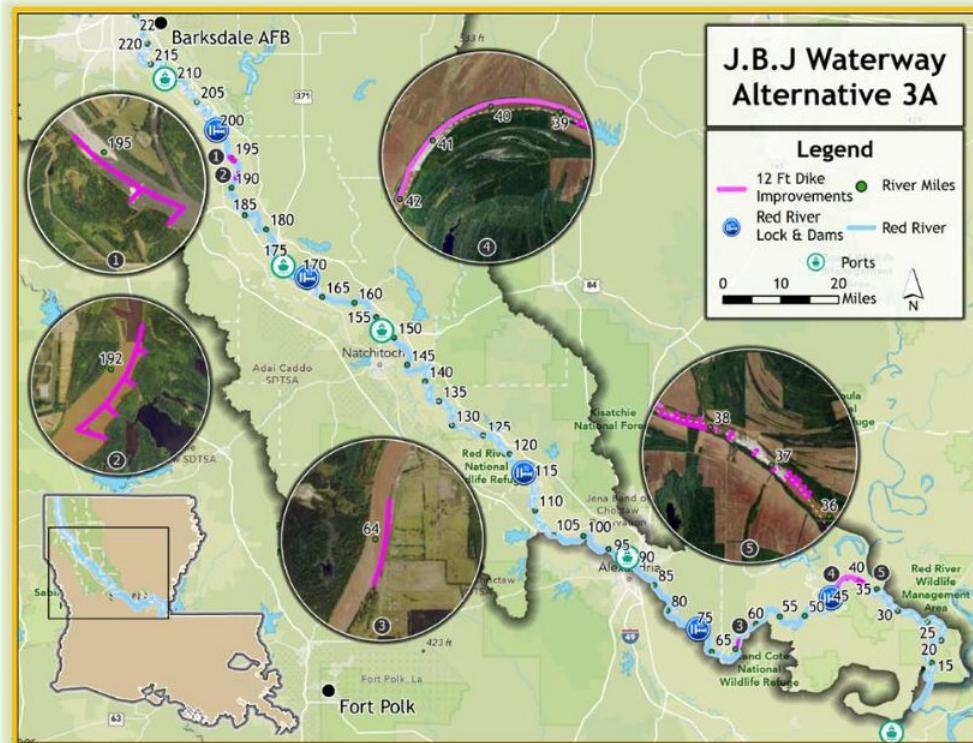


Figure 7. Project Map

9.0 INDUCED FLOODING.

9.1 Although the draft is being raised by 3 feet, the hydraulic modeling indicates the Red River will remain within the current banks. Therefore, there would be no induced flooding caused by the implementation of the project and no flowage easements are required.

10.0 BASELINE COST ESTIMATE FOR REAL ESTATE (BCERE).

10.1 As outlined in various sections of this REP, no acquisition of new LERRD is anticipated. However, administrative costs are expected totaling approximately \$170,000, \$50,000 in federal costs and \$120,000 in non-federal costs. These costs are typical for projects where the NFS is responsible for acquiring LERRD. They generally cover coordination between the Federal Government and the NFS regarding the LERRD requirements identified on the final engineering drawings. The NFS will review those plans and make any previously acquired rights-of-way for the existing navigation project within the project limits available for construction, and the Federal Government will certify and make those rights-of-way available for construction purposes.

11.0 RELOCATION ASSISTANCE BENEFITS, PUBLIC LAW 91-646 (PL 91-646).

11.1 No homes, businesses, or farms would be displaced as a result of the proposed work; therefore, no relocation assistance payments are required.

12.0 MINERAL ACTIVITY.

12.1 There are no known mineral recovery activities currently ongoing or anticipated, or oil/gas wells present on the project LERRD and the immediate vicinity that would impact the construction, operation, or maintenance of the project. No acquisition of any mineral interest from the surface owner or rights outstanding in third parties will be required.

12.2 No standing timber or any other vegetative cover will be impacted by project construction.

13.0 NFS REAL ESTATE ACQUISITION CAPABILITIES ASSESSMENT.

13.1 As previously noted, no LERRD acquisition is anticipated for this project. Therefore, no acquisition capability assessments have been prepared. The RRWC and LDOT have served as the NFS for the existing navigation project as well as various other types of projects. Both agencies have demonstrated a high level of performance and are considered as highly capable in acquiring and providing all necessary LERRD for project implementation.

14.0 ZONING ORDINANCE REQUIREMENTS.

14.1 No application or enactment of zoning ordinances is proposed are required. in lieu of, or to facilitate, LERRD acquisition in connection with the project.

15.0 PROJECT SCHEDULE.

15.1 The total estimated duration to certify and make the LERRD available for dike improvement construction is approximately 365 working days.

16.0. PUBLIC UTILITY OR FACILITY RELOCATIONS, ALTERATIONS, OR REPLACEMENT.

16.1 No alterations, modification or relocation to any public utilities or facilities are anticipated. If final project design identifies the need for such, an attorney's opinion would be prepared to determine compensability. Any alterations, modification or relocation to any public utilities or facilities would be the responsibility of the NFS.

"ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REAL ESTATE PLAN, OR ELSEWHERE IN THIS PROJECT REPORT, THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS 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 FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES."

17.0 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW).

17.1 A Preliminary Assessment/Site Investigation (PAS) for Hazardous, Toxic, and Radioactive Waste dated 25 July 2025 to evaluate if any potential hazardous, toxic, or radioactive wastes (HTRW) concerns are present that require further evaluation and or likely remediation activities. The assessment is consistent with the following guidelines and procedures referenced in regulation; "Hazardous, Toxic, and Radioactive Waste Guidance for Civil Works Projects," Engineer Regulation 1165-2-132 (U.S. Army Corps of Engineers, 1992), Lower Mississippi Valley Regulation 1165-2-132, "Water Resources and Authorities for Hazardous, Toxic and Radioactive Waste for Civil Works Projects" (14 June 1996), and the American Society for Testing and Materials, E1527-13, "Environmental Site Assessments: Phase I Environmental Site Assessment Process".

The PAS generally consisted of a review of the U.S. Environmental Protection Agency (USEPA) environmental databases, the Louisiana Department of Natural Resources (LDNR) Strategic Online Natural Resources Information System, and review of available historical images. A site reconnaissance was not incorporated into this feasibility level assessment. A follow up HTRW Assessment shall be conducted during the PED phase of the project.

The findings of the PAS concluded that due to the results of the environmental records search and the nature of the proposed work on the Red River, it is believed that no HTRW concerns will be encountered. Furthermore, a follow-up HTRW assessment should be conducted during the PED process for the TSP.

18.0 LANDOWNER OPPOSITION.

18.1 Presently, there is no known landowner or public opposition to the project. The RRWC and LDOT are highly supportive of the project.

19.0 LERRD ACQUISITION PRIOR TO PROJECT PARTNERSHIP AGREEMENT (PPA) EXECUTION.

19.1 Since no LERRD acquisition is required, a letter has not been sent to the NFS regarding the risks associated with acquiring LERRD for the project prior to the execution of a PPA. and receipt of formal written notice from the Federal Government to proceed.

20.0 OTHER RELEVANT REAL ESTATE ISSUES.

20.1 There are no other real estate issues to report at this time.

Prepared By:

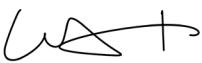
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