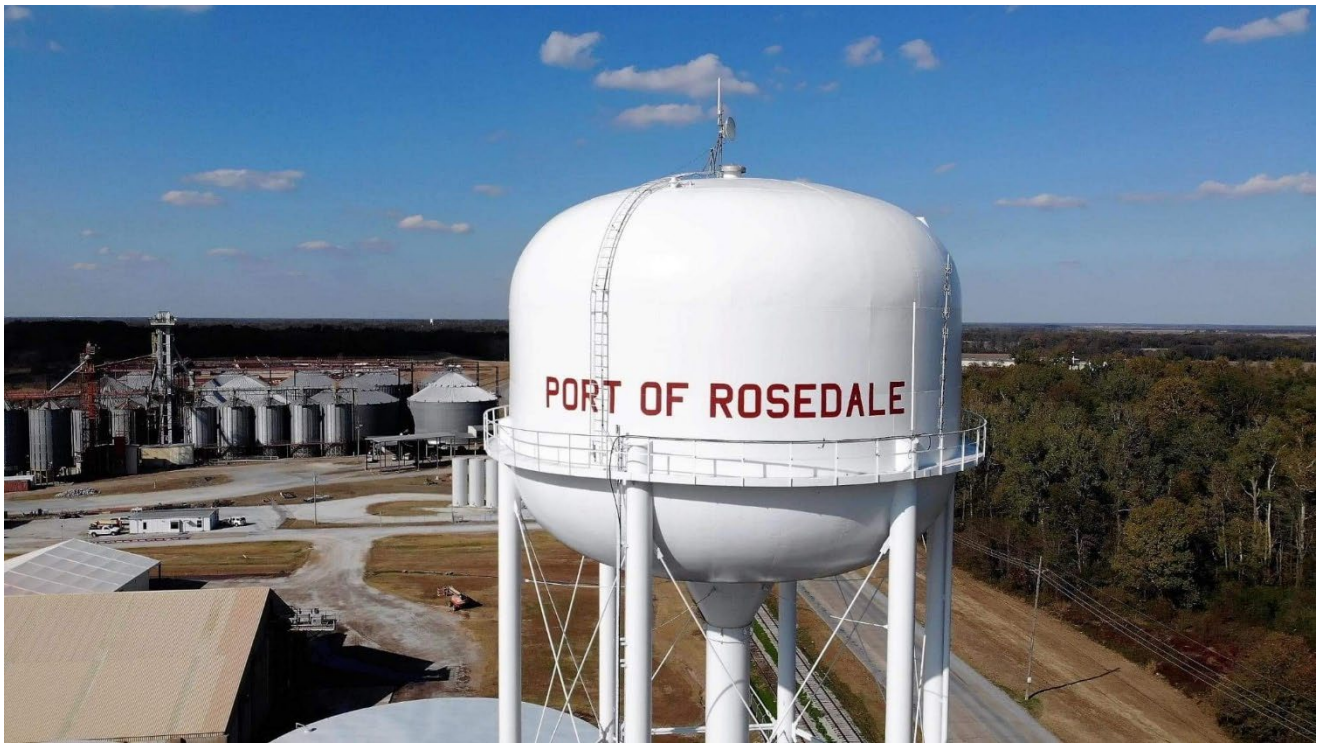
Mississippi River Valley Division,
Regional Planning and Environment Division South

Port of Rosedale Expansion Feasibility Study



Appendix C – Real Estate Plan

May 2024

REAL ESTATE PLAN
CONTINUING AUTHORITIES PROGRAM (CAP)
SECTION 107, SMALL NAVIGATION PROJECTS
PORT OF ROSEDALE, BOLIVAR COUNTY, MISSISSIPPI

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REAL ESTATE PLAN
CONTINUING AUTHORITIES PROGRAM (CAP)
SECTION 107, SMALL NAVIGATION PROJECTS
PORT OF ROSEDALE, BOLIVAR COUNTY, MISSISSIPPI

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 caption project to which this REP is appendices to. The objective of the TSP would be to expand and improve the Port of Rosedale's navigation channel and turning basin in Bolivar County, Mississippi, in order to maintain, support, and increase further interstate commerce in and along the Mississippi River and its tributaries.

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 Bolivar County in the northwest portion of the State of Mississippi and Desha County, Arkansas. The project is further described as being south of the City of Rosedale, Mississippi approximately 1/2 mile of the city limits and co-located along the east or left descending bank of the Mississippi River at RM (River Mile) 585-L (Figure 1).

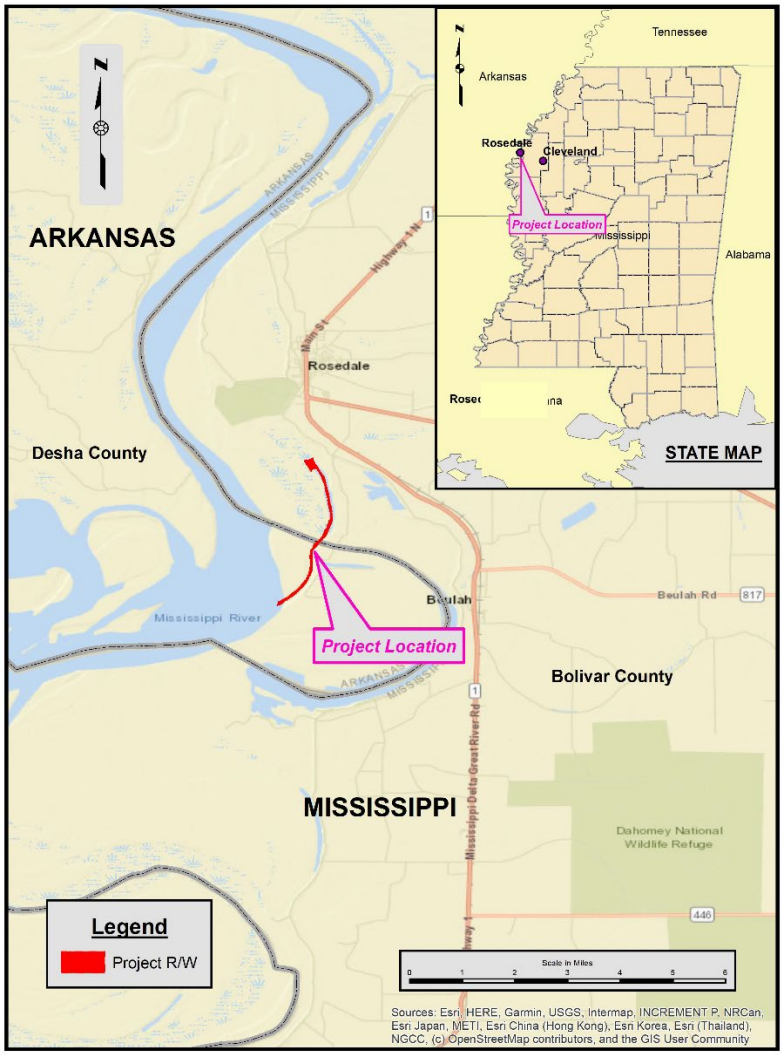

Figure 1. Vicinity Map

1.3 Authority for the project is contained in the River and Harbor Act of 1960, Section 107, dated 14 July 1960, Public Law 86-645, as amended. Work under Section 107 authority allows the U.S. Army Corps of Engineers (USACE) to develop and construct small navigation projects. The Corps adopts a project for constructions after detailed investigation clearly shows the engineering feasibility and economic justification for the improvement. Each project is limited to a federal cost of not more than $10,000,000. This Federal cost limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision, and administration.

1.4 The Port of Rosedale, hereinafter referred to as the Port, has identified a risk to navigation within the harbor channel. The original Port was designed and approved for construction in by USACE in January 1977. The Port has multiple tenants and partners that

operate business within the boundaries including, but not limited to Cives Steel, Helena Chemical, Sanders Seed, Gavilion Grain, and Jantran.

The Port relies on a clear and un-obstructed channel to maintain barge traffic. The authorized existing Port channel is currently 150 ft wide and 2.7 miles long with a turning basin 1,000 ft long by 400 ft wide. A minimum operating depth of 9 ft below the lowest water of record (102.5 ft, msl) is maintained. Several conditions have led the Rosedale-Bolivar Port Commission to believe that an expansion of the Port is needed for continued navigation and business operations within the harbor.

In subsequent years since its inception the Port has seen a dramatic increase in river traffic. Unfortunately, the Port's ability to support and maintain the increased commerce has been diminished by 3 major factors (Figure 2).

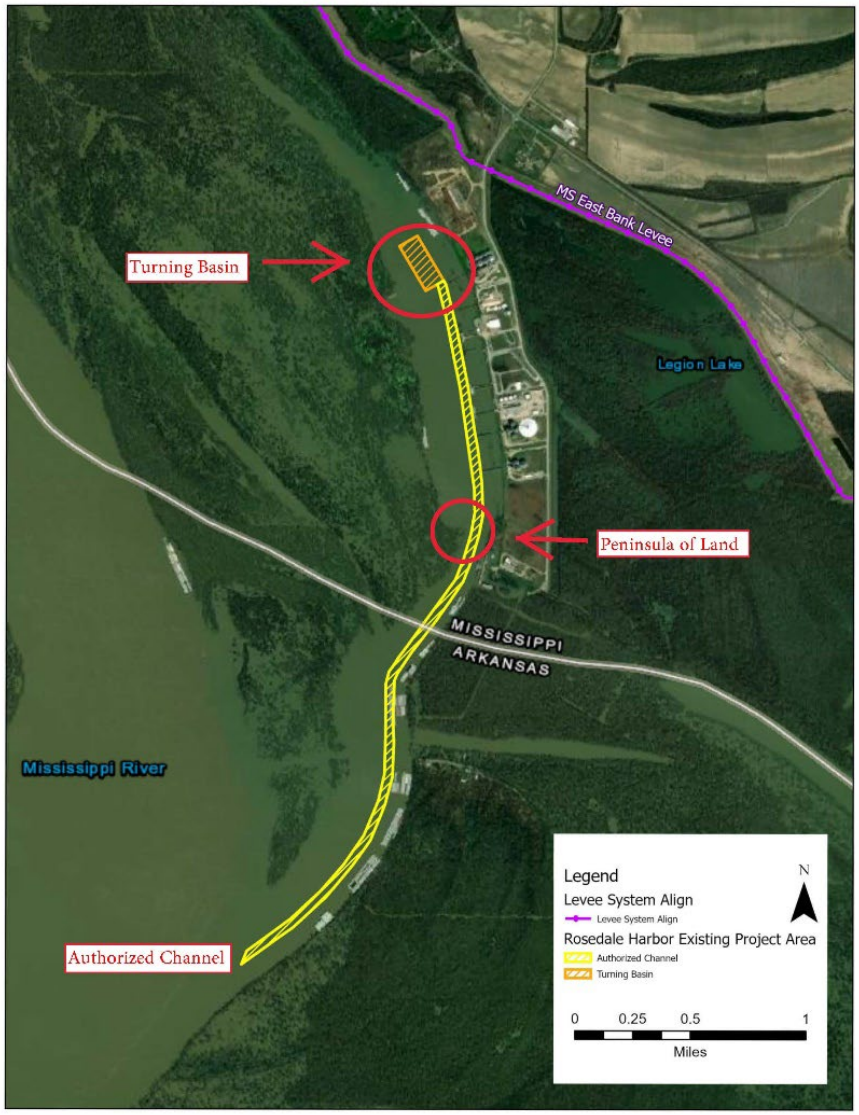

Figure 2. Active Problem Areas

1) The authorized port channel is not wide enough to support major barge traffic. Agricultural harvest season is the Port's most active time of the year. Between the months of August and November barge traffic is at an all-time high and the channel quickly becomes congested and difficult to maneuver. Inside and outside of the authorized channel silting problems have also arisen due to river fluctuations and insufficient dredging operations. A series of low water and high water events on the Mississippi River in recent years has created economic and safety concerns for the Port and the vendors that rely on free and clear river access. (Figures 3.1- 3.4)

Figure 3.1 Navigation Channel North

Figure 3.2 Navigation Channel South

Figure 3.3 Navigation Channel East

Figure 3.4 Navigation Channel at Mouth

2) Located approximately 1.85 miles into the channel and the beginning of actual harbor operations and commercial activity is a “hook” of land approximately 50 ft from the authorized channel. Over time, sediment has been deposited in and around the point of land. Barge and tugboat traffic have difficulty maneuvering around the point especially during low-water events. The peninsula is located directly across the channel from Jantran. (Figure 4.1) This company provides tugboats to shuttle barges within the harbor. During low water (which happens to coincide with peak season) the channel is only wide enough for one barge to pass at this point. Jantran is required to move its fleet of boats into the main river channel. Safety is a primary concern navigating around the bend in the channel while entering or exiting the harbor. (Figure 4.2)

Figure 4.1 Navigation Channel at Jantran

Figure 4.2 "Hook" of Land

3) The original authorized turning basin of 1000'x400' is positioned between Cives Steel and Sanders Seed. (Figure 5.1) Tugboats and barges have difficultly making a turn within the basin especially in times of low water. Silting and sedimentation once again further compounds the problem. (Figure 5.2) The turning basin has proven to be insufficient for the Port's operations as barges and river processes further expand.

Figure 5.1 Turning Basin

Figure 5.2 Turning Basin Sedimentation

1.5 The Port approached USACE, presented the problems described, and asked for a solution. Seven different alternatives were analyzed, and a TSP (Tentatively Selected Plan) was designated. (Figure 5)

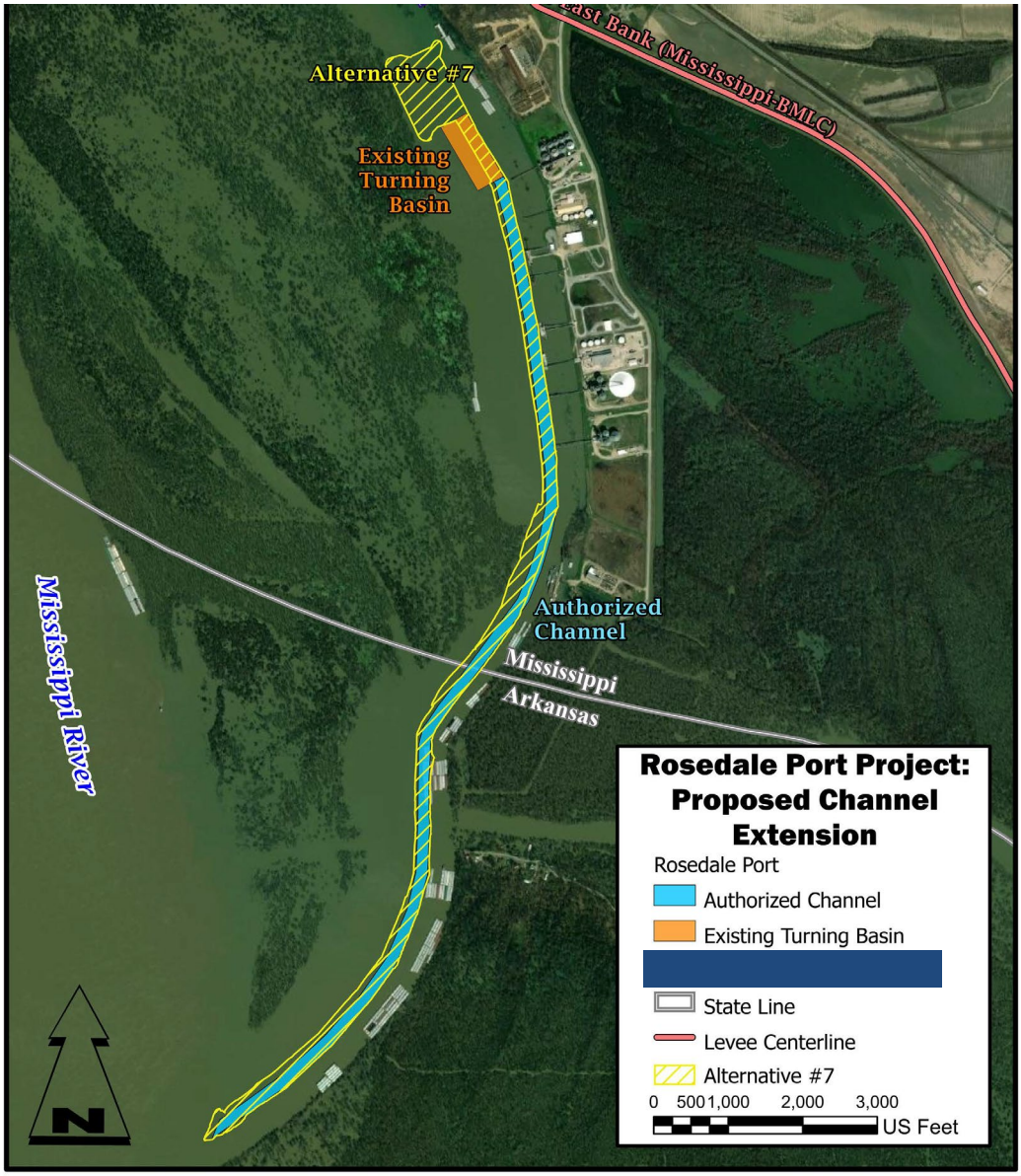

Figure 6. TSP

The TSP is a combination of two alternatives and solves the 3 major problems the Port is experiencing. The proposed plan consists of the following construction outlays:

1) At the entrance of the harbor the channel will be expanded to 200 ft wide for .68 miles.

2) The remaining 2.03 miles of channel will be expanded to 185 ft wide.

3) The existing channel will be extended at its northern boundary by 1000 ft long and 185 ft wide.

4) The existing turning basin will be relocated and expanded to 600 ft wide and 1000 ft long.

The TSP identified within the feasibility study will solve the Port of Rosedale's navigation challenges even during low water events by allowing barge and river traffic to pilot within a wider channel, remove the obligation to avoid a narrow strip of land at Jantran, and have access to a larger turning basin. A consistent depth is to be maintained throughout the new channel. In-channel disposal will be utilized for dredged material.

1.6 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 The estimated LERRD required for the construction, operation, and maintenance of the project's TSP totals 105+/- acres. This acreage consists of 98+/- acres of lands that fall under Navigational Servitude and/or previously provided NFS right-of-way and 7+/- acres of land for upland terrestrial mitigation efforts. The entirety of the project LERRD area is held in a fee title by the Rosedale-Bolivar Port Commission and Bolivar County; therefore, no LERRD acquisition is required. Any dredge/excavated material will be deposited in the channel and taken downstream, negating the need for a disposal area. To compensate for environmental impacts resulting from the construction or operation and maintenance of the project, 7 +/- acres of Port property (location to be determined) will be taken out of agricultural production and allowed to grow back naturally. The acreage will mitigate for construction efforts on upland terrestrial lands. Environmental impacts to bottomland hardwoods are considered minimal (.72 acres worth of credits) and will be offset through the purchase of mitigation bank credits.

3.0 NON-FEDERAL SPONSOR (NFS) LERRD.

3.1 The Rosedale-Bolivar Port Commission is serving as the NFS for the project. As the NFS, the Port would be required to execute formal assurances in the form of a Project Partnership

Agreement (PPA) with the Federal government. The PPA would define the roles and responsibilities of both agencies in the cost sharing and execution of work. Cost sharing of Navigation projects is dependent on the depth and maintenance of intended channels and navigable waterways. Cost sharing provisions for the Preconstruction Engineering and Design (PED) phase has been determined to be 90% federal and 10% non-federal. Cost sharing for the Construction Management and Construction phase has been determined to be 80% federal and 20% non-federal. Generally, the NFS would be required to contribute 20% of the total project implementation cost as 5% cash, work-in-kind, relocations, and/or LERRD. If the value of these contributions fails to equal or exceed 20% of the total project cost, the Port must pay additional cash in the amount necessary to attain the 20% cost sharing requirement. The Port Commission would also be responsible for the performance and cost of all relocations, alterations, or modifications to any public utilities or facilities required. Upon project completion the operation, maintenance, repair, rehabilitation, and replacement (OMRR&R) would be the responsibility of the Port.

3.2 Authorized under Section 107 of the River and Harbor Act of 1960 as amended the original Rosedale Harbor Study published January 31,1977 called for 377 required acres for the project. Approximately 298 acres were provided to USACE as ROW for construction. Since the original acquisition the Rosedale-Bolivar Port Commission has acquired additional acreage. Today the Port maintains over 1400 acres in and along the channel.

The entirety of the project LERRDS used for construction (98+/- acres) of the proposed solution falls under the United States doctrine of Navigational Servitude and is therefore non-creditable to the NFS. Navigational Servitude will be further detailed below in this report.

The 7 +/- acres of environmental upland terrestrial mitigation of previously acquired land is considered creditable towards the NFS's total cost share effort. This report provides a Baseline Cost Estimate for Real Estate (BCERE); however, the actual monetary amount considered creditable will be determined by appraisal and invoicing of LERRD crediting activities.

4.0 ESTATES TO BE ACQUIRED.

4.1 There is no LERRD acquisition required for the project, as all project LERDDs either fall within Navigational Servitude or have been previously acquired by the NFS.

5.0 EXISTING FEDERAL OR OVERLAPPING PROJECTS.

5.1 The original Rosedale Harbor is an existing Federal project. Due to fluctuating river conditions and economic considerations the original Federal project is being revised with this study.

6.0 FEDERALLY OWNED LANDS OR OTHER INTEREST.

6.1 There are no known Federally owned lands or lesser interest that lie fully or partially within the proposed project area.

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.
In order to apply Navigational Servitude, 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

2) The land required for project purposes must be located below the mean or high ordinary water mark of the navigable waterway.

The project is clearly capable and currently used for interstate commerce. The LERRD area of the project falls under the ordinary high water mark. The Port of Rosedale channel is therefore considered “Navigable Waters.” 98+/- acres of the project LERRD is subject to Navigation Servitude and considered non-creditable.

8.0 PROJECT MAP.

8.1 A map depicting the preliminary project LERRD can be found in Exhibit A.

9.0 INDUCED FLOODING.

9.1 There would be no induced flooding as a result of implementing of the project.

10.0 BASELINE COST ESTIMATE FOR REAL ESTATE (BCERE).

10.1 The total Federal and NFS real estate cost for the implementation of the TSP has been estimated to be $78,750. Federal costs are estimated at $10,000 and NFS at $68,750. The cost includes land payments and all other administrative cost affiliated with providing the necessary real estate interest to support construction, operation, and maintenance of the project (i.e., surveys, mapping, title, appraisal, NFS review/oversite, LERRD crediting, etc.). As per guidance put forth in CEMP-CR memorandum dated January 11, 2019, SUBJECT: Real Estate Policy Guidance Letter No. 31-Real Estate Support to Civil Works Planning, the value for the real estate (lands, improvements, and severance damages) are not expected to exceed 15 percent of the total project cost, consequently no type of gross appraisal was required. Therefore in lieu of, a rough order of magnitude (ROM) estimate for the land payments was prepared. The ROM estimate is suitable for feasibility phase general planning

purposes only and should not be construed to be an accurate appraisal to determine market value, and furthermore should not be perceived as the final amount of credit the Port may, or may not, be entitled for providing the project LERRD as part of their cost sharing responsibilities. The estimated real estate cost represented above also is inclusive of a 25% incremental/contingency to account for any potential changes in design and/or unforeseen issues that may potentially arise while providing the required LERRD. Table 1 provides an overall summary of the total estimated real estate cost. A more comprehensive breakdown of the cost by Chart of Accounts is provided in a BCERE included as Exhibit B.

Table 1
Summary of Estimated Real Estate Cost

1. Real Estate Land Payments (NFS)	$ 43,750.
2. Public Law 91-646 Payments (NFS)	$ 0.
3. Acquisition Cost (Federal & NFS)	$ 35,000.
Total Estimated Real Estate Cost	$ 78,750.

Note: The total real estate cost estimated is suitable for feasibility phase general planning purposes only and does not necessarily constitute the final amount of credit the NFS may or may not be entitled to for providing the project LERRD's as part of their costing sharing responsibilities.

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 would be 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 There is no merchantable timber located within the project LERRD

.

13.0 NFS REAL ESTATE AQUISITION CAPABILITIES ASSESSMENT.

13.1 Although all project LERRDs are under control of the Port, an assessment of the Rosedale-Bolivar Port Commission real estate acquisition capabilities has been completed

(Exhibit C). In case future design modifications may or may not require LERRD acquisition the results of this assessment show that the Port has the legal authority, professional capability, and in-house or outside contract resources to acquire and make available all LERRD required for the project. The Port has is considered as "Highly Capable" of fulfilling the responsibility of securing all the necessary LERRD for the projects TSP in accordance with Public Law 91-646.

14.0 ZONING ORDINANCE REQUIREMENTS.

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

15.0 PROJECT SCHEDULE.

15.1 Table 2 shows the primary milestones and estimated durations for providing the projects LERRD. Total acquisition duration is estimated to be approximately 135 days (4.5 months). All LERRDs needed for the project are already owned by the NFS negating the need for negotiations and closing activities; however, in order to receive credits towards the NFS's total cost share, certain activities (i.e. mapping, appraisal, and proving sufficient title) will need to be performed and documented. Any needed adjustments to these tentative milestones because of the finalization of the right-of-way requirements and acquisition lines established during the Pre-Construction Engineering and Design (PED) activities will be fully coordinated with the NFS.

Table 2
Real Estate Milestones

Task	Duration
Mapping & Tract Descriptions	45 Days (1.5 Months)
Tract Appraisal	60 Days (2 Months)
Title	Concurrent With Appraisal
NFS Authorization of Entry for Construction	30 Days (1 Month)

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. In the event that 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 Port.

"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 Hazadarous, Toxic, and Radioactive Waste (HTRW) assessment was performed and prepared by USACE employees and is included in this overall study (Appendix A). The purpose of the assessment was to evaluate if any potential hazardous, toxic, or radioactive wastes (HTRW) concerns are present that require further evaluation and remediation. The assessment was conducted in conformance with “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.”

A review of EPA’s environmental databases of known facilities permitted to handle, treat, store, or dispose of hazardous waste was performed. Three facilities were identified in the port area and within the databases; however, only one facility, Cives Steel Company, fell within the proposed work area and was reviewed under the TRI Explorer database. The 2021 National Analysis Dataset did not provide evidence of any on-site disposal of problem substances.

An on-site inspection was also performed by USACE personnel. Samples were taken of water within the harbor. The results of testing, site reconnaissance, and records review contained with the HTRW Appendix are as follows:

“The results of the record search identified three facilities within a 1-mile radius of the project area, none of which appear to pose a significant HTRW risk to the project. Site reconnaissance did not reveal any findings that would appear to pose a significant HTRW risk to the project. Sample collection and analysis was conducted of the proposed soil to be removed as part of the preferred alternatives within the project area for organics, inorganics, and pesticides, and no findings from the sample appear to pose a significant HTRW risk to

the project. Follow-up supplemental water quality analysis will be conducted at the request and to the satisfaction of the governing environmental agencies of the project area. At this time, there is little reason to believe there exists a significant HTRW risk to the intended use of this proposed area."

18.0 LANDOWNER OPPOSITION.

19.1 There is no known landowner or public opposition to the project. Implementation of the TSP would be beneficial to all adjacent landowners, tenants, and Port partners.

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

No LERRD Acquisition is required for this project, therefore a letter warning the NFS of acquisition prior to the execution of the Project Partnership Agreement is not needed.

20.0 OTHER RELEVANT REAL ESTATE ISSUES.

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

20.2 A quality control plan checklist for the REP is included in Exhibit D.

Prepared By:

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Real Estate Division

Submitted By:

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Patrick M. White
Chief, Acquisition Branch
Real Estate Division

Approved By:

Digitally signed by LISTER.WILLIAM.W.1391434421 Date: 2024.06.03 14:42:53 -05'00'

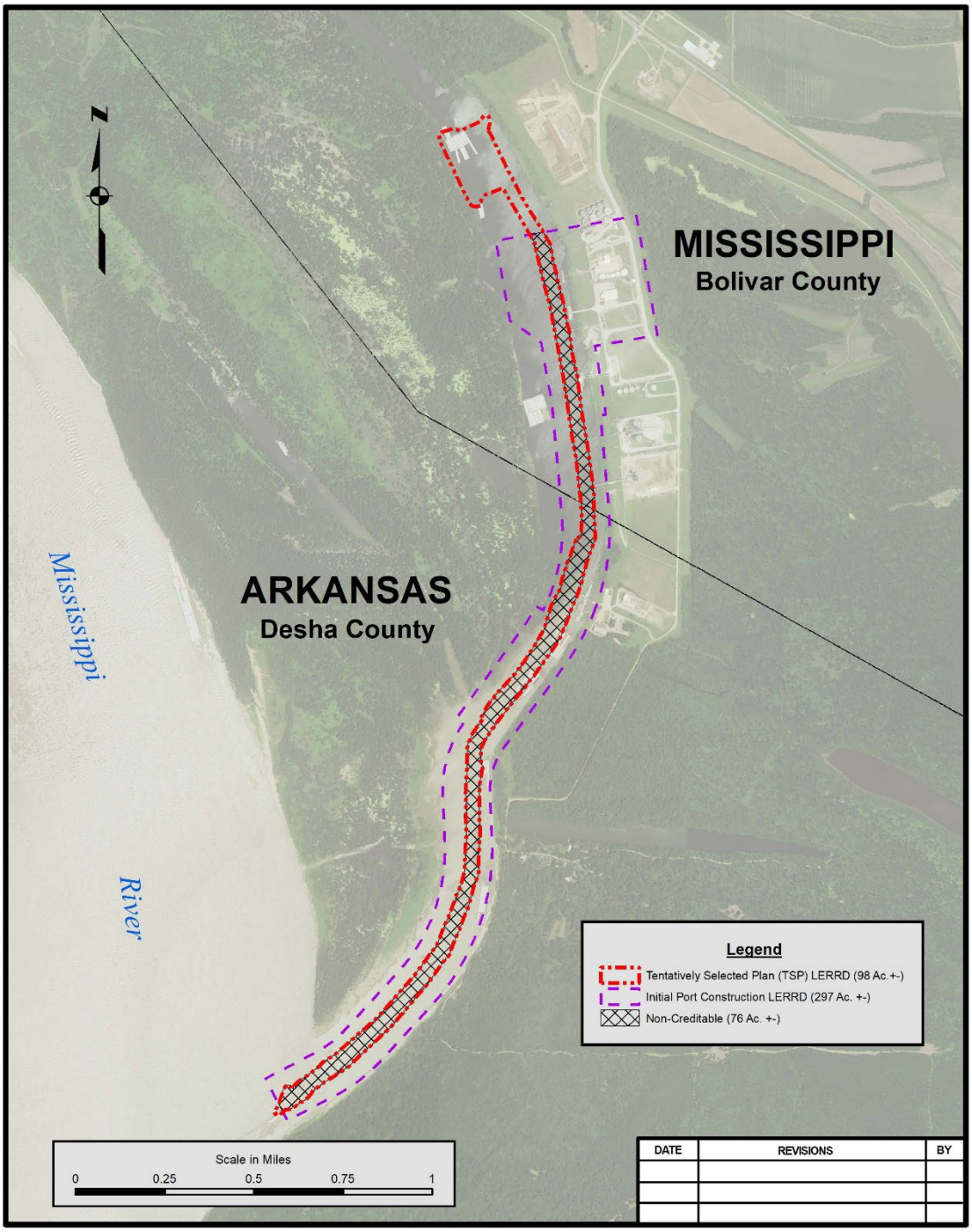
W. Warren Lister
Acting District Chief of Real Estate, Vicksburg
Real Estate Contracting Officer

CONTINUING AUTHORITIES PROGRAM (CAP)
SECTION 107, SMALL NAVIGATION PROJECTS

PORT OF ROSEDALE EXPANSION
BOLIVAR COUNTY, MISSISSIPPI

EXHIBIT A
PROJECT MAP

REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
21 May 2024



DEPARTMENT OF THE ARMY US ARMY ENGINEER DISTRICT, VICKSBURG 4155 CLAY STREET VICKSBURG, MS 39183-3435	File Name:	L:\CAP\PortOfRosedalExpansion\ESRI\PortOfRosedal01.mxd	CONTINUING AUTHORITIES PROGRAM (CAP) SECTION 107, SMALL NAVIGATION PROJECTS	US Army Corps of Engineers® Vicksburg District
REAL ESTATE DIVISION ACQUISITION BRANCH	Plot Scale:	1:24,000	PORT OF ROSEDALE EXPANSION	
	Sheet Size:	A4(Letter)	BOLIVAR COUNTY, MISSISSIPPI & DESHA COUNTY ARKANSAS	
	Date:	08 June 2022		
	File No.:	XX-XXX-XXX		

CONTINUING AUTHORITIES PROGRAM (CAP)
SECTION 107, SMALL NAVIGATION PROJECTS

PORT OF ROSEDALE EXPANSION
BOLIVAR COUNTY, MISSISSIPPI

EXHIBIT B
BASELINE COST ESTIMATE
FOR REAL ESTATE (BCERE)

REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
21 May 2024

Continuing Authorities Program (CAP)
Section 107, Small Navigation Projects
Port of Rosedale Expansion, Bolivar County, Mississippi
Baseline Cost Estimate For Real Estate (BCERE)
May 2024

1) 01R1B REAL ESTATE LAND PAYMENTS - BY LOCAL SPONSOR:

Item	Amount
a. Estimated Land Value:	$ 35,000
b. Improvements:	$ 0
d. Severance Damage:	$ 0
e. Sub Total:	$ 0
Incremental Cost (25%):	$ 8,750
Total Estimated Real Estate Land Payments:	$ 43,750

2) 01R2B PUBLIC LAW 91-646 ASSISTANCE PAYMENTS – BY LOCAL SPONSOR:

a. Title II (49 CFR, Part 24, § 24.106)	$ 0
b. Title III (49 CFR, Part 24, § 24.301)	$ 0
Sub Total	$ 0
Contingencies (25%)	$ 0
Total PL 91-646 Assistance Payments	$ 0

3) ACQUISITION COST:

Federal:

01A40 - Attorneys Opinions of Compensability	$ 0
01B40 – Acquisitions-– Review of Local Sponsor	$ 0
01C40 - Condemnations-Review of Local Sponsor	$ 0
01E50 - Appraisals – Review of Local Sponsor	$ 0
01F40 - PL 91-646 – Review of Local Sponsor	$ 0
01G40 - Permits-Review of Local Sponsor	$ 0
01M00 - Project Related Administration	$ 2,000

ACQUISITION COST (Continued)	
01N00 - Facility/Utility Relocations–Review of Local Sponsor	$ 0
01T -- - LERRD Crediting	$ 6,000
Sub Total	$ 8,000
Contingencies (25%)	$ 2,000
Total Federal Acquisition Cost	$ 10,000
Non-Federal Sponsor:	
01B20 - Acquisitions – By Local Sponsor	$ 15,000
01C20 - Condemnations – By Local Sponsor	$ 0
01E30 - Appraisals – By Local Sponsor	$ 5,000
01F20 - PL 91-646 – By Local Sponsor	$ 0
01G20 - Permits – By Local Sponsor	$ 0
01N00 - Facility/Utility Relocations–By Local Sponsor	$ 0
Sub Total	$ 20,000
Contingencies (25%)	$ 5,000
Total Non-Federal Acquisition Cost	$ 25,000

4) Total Estimated Real Estate Cost:	
Federal:	$ 10,000
Non-Federal Sponsor:	$ 68,750
Total:	$ 78,750

Note: The total real estate cost estimated is suitable for feasibility phase general planning purposes only and does not necessarily constitute the final amount of credit the NFS may or may not be entitled to for providing the project LERRD's as part of their costing sharing responsibilities.

CONTINUING AUTHORITIES PROGRAM (CAP)
SECTION 107, SMALL NAVIGATION PROJECTS

PORT OF ROSEDALE EXPANSION
BOLIVAR COUNTY, MISSISSIPPI

EXHIBIT C
NON-FEDERAL SPONSOR REAL ESTATE ACQUISITION CAPABILITY ASSESSMENT CHECKLIST

REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
21 MAY 2024

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY

PROJECT NAME: Continuing Authorities Program (CAP) Section 107, Small Navigation Projects, Port of Rosedale, Bolivar County, Mississippi

NON-FEDERAL SPONSOR: Rosedale-Bolivar Port Commission

I. Legal Authority:

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **(YES/NO)**
b. Does the sponsor have the power of eminent domain for this project? **(YES/NO)**
c. Does the sponsor have "quick-take" authority for this project? **(YES/NO)**
d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? **(YES/NO)**
e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **(YES/NO)**

II. Human Resource Requirements:

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91- 646, as amended? **(YES/NO)**
b. If the answer to II.a. is "YES," has a reasonable plan been developed to provide such training? **(YES/NO/ NOT APPLICABLE)**
c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **(YES/NO)**
d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **(YES/NO)**
e. Can the sponsor obtain contractor support, if required in a timely fashion? **(YES/NO)**
f. Will the sponsor likely request USACE assistance in acquiring real estate? **(YES/NO)** (If "YES," provide description)

III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site? **(YES/NO)**
b. Has the sponsor approved the project/real estate schedule/milestones? **(YES/NO)**

IV. Overall Assessment (To be completed by the USACE, Vicksburg District):

a. Has the sponsor performed satisfactorily on other USACE projects? **(YES/NO/ NOT APPLICABLE)**
b. With regard to this project, the sponsor is anticipated to be: **(HIGHLY CAPABLE/FULLY CAPABLE/MODERATELYCAPABLE/MARGINALLY CAPABLE/INSUFFICIENTLY CAPABLE)**. (If sponsor is believed to be "insufficiently capable," provide explanation)

V. Coordination:

a. Has this assessment been coordinated with the sponsor? **(YES/NO)**
b. Does the sponsor concur with this assessment? **(YES/NO)** (If "NO," provide explanation)

Prepared by:

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Realty Specialist, Acquisition Branch
Real Estate Division

Reviewed and approved by:

W. Warren Lister
District Chief of Real Estate, Vicksburg
Real Estate Contracting Officer

CONTINUING AUTHORITIES PROGRAM (CAP)
SECTION 107, SMALL NAVIGATION PROJECTS

PORT OF ROSEDALE EXPANSION
BOLIVAR COUNTY, MISSISSIPPI

EXHIBIT D
QUALITY CONTROL PLAN CHECKLIST

REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
21 MAY 2024

Quality Control Plan Checklist
Real Estate Plans
And other similar Feasibility-Level Real Estate Planning Documents
ER 405-1-12, Section 12-16, Real Estate Handbook, 1 May 1998

A Real Estate Plan (REP) is prepared in support of a decision document for full-Federal or cost shared specifically authorized or continuing authority projects. It identifies and describes lands, easements and rights-of-way (LER) required for the construction, operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of a proposed project including requirements for mitigation, relocations, borrow material, and dredged or excavated material disposal. It also identifies and describes facility/utility relocations, LER value, and the acquisition process. The REP does not just cover LER to be acquired by the non-Federal sponsor (NFS) or Government. The report covers all LER needed for the project, including LER already owned by the NFS, Federal Government, other public entities, or subject to the navigation servitude.

The REP must contain a detailed discussion of the following 20 topics, as set out in Section 12-16 of the ER, including sufficient description of the rationale supporting each conclusion presented. If a topic is not applicable to the project, this should be stated in the REP. The pages of a REP should be numbered.

PROJECT CONTINUING AUTHORITIES PROGRAM (CAP)
SECTION 107, SMALL NAVIGATION PROJECTS, PORT OF ROSEDALE EXPANSION, BOLIVAR COUNTY, MISSISSIPPI

REPORT TITLE Port of Rosedale Expansion

Date of Report MAY 2024 **Date of REP** MAY 2024

1. Purpose of the REP √

a. Describe the purpose of the REP in relation to the project document that it supports.
b. Describe the project for the Real Estate reviewer.
c. Describe any previous REPs for the project.

2. Describe LER √

a. Account for all lands, easements, and rights-of-way underlying and required for the construction, OMRR&R of the project, including mitigation, relocations, borrow material and dredged or excavated material disposal, whether or not it will need to be acquired or will be credited to the NFS.

b. Provide description of total LER required for each project purpose and feature.

c. Include LER already owned by the Government, the NFS and within the navigation servitude.

d. Show acreage, estates, number of tracts and ownerships, and estimated value.

e. Break down total acreage into fee and the various types and durations of easements.

f. Break down acreage by Government, NFS, other public entity, and private ownership, and lands within the navigation servitude.

3. **NFS-Owned LER** __√____

a. Describe NFS-owned acreage and interest and whether or not it is sufficient and available for project requirements.

b. Discuss any crediting issues and describe NFS views on such issues.

4. Include any proposed Non-Standard Estates __√____

a. Use Standard Estates where possible.

b. Non-standard estates must be approved by HQ to assure they meet DOJ standards for use in condemnations.

c. Provide justification for use of the proposed non-standard estates.

d. Request approval of the non-standard estates as part of document approval.

e. If the document is to be approved at MSC level, the District must seek approval of the non-standard estate by separate request to HQ. This should be stated in the REP.

f. Exception to HQ approval is District Chiefs of RE approval of non-standard estate if it serves intended project purposed, substantially conforms with and does not materially deviate from the standard estates found in the RE Handbook, and does not increase cost or potential liability to the Government. A copy of this approval should be included in the REP. (See Section 12-10c. of RE 405-1-12)

g. Although estates are discussed generally in topic 2, it is a good idea to also state in this section which standard estates are to be acquired and attach a copy as an appendix. The duration of any temporary estates should be stated.

5. **Existing Federal Projects** __√____

a. Discuss whether there is any existing Federal project that lies fully of partially within LER required for the project.

b. Describe the existing project, all previously-provided interests that are to be included in the current project, and identify the sponsor.

c. Interest in land provided as an item of local cooperation for a previous Federal project is not eligible for credit.

d. Additional interest in the same land is eligible for credit.

6. **Federally-Owned Lands** __√____

a. Discuss whether there is any Federally owned land included within the LER required for the project.

b. Describe the acreage and interest owned by the Government.

c. Provide description of the views of the local agency representatives toward use of the land for the project and issues raised by the requirement for this land.

7. **Navigation Servitude** __√__

a. Identify LER required for the project that lies below the Ordinary High Water Mark, or Mean High Water Mark, as the case may be, of a navigable watercourse.

b. Discuss whether navigation servitude is available

c. Will it be exercised for project purposes? Discuss why or why not.

d. Lands over which the navigation servitude is exercised are not to be acquired nor eligible for credit for a Federal navigation or flood control project or other project to which a navigation nexus can be shown.

e. See paragraph 12-7 of ER 405-1-12.

8. **Map** __√__

a. An aid to understanding

b. Clearly depicting project area and tracts required, including existing LER, LER to be acquired, and lands within the navigation servitude.

c. Depicts significant utilities and facilities to be relocated, any known or potential HTRW lands.

9. Induced Flooding can create a requirement for real estate acquisition. __√__

a. Discuss whether there will be flooding induced by the construction and OMRR&R of the project.

b. If reasonably anticipated, describe nature, extent and whether additional acquisition of LER must or should occur.

c. Physical Takings Analysis (separate from the REP) must be done if significant induced flooding anticipated considering depth, frequency, duration, and extent of induced flooding.

. d. Summarize findings of Takings Analysis in REP. Does it rise to the level of a taking for which just compensation is owed?

10. Baseline Cost Estimate as described in paragraph 12-18. __√__

a. Provides information for the project cost estimates.

b. Gross Appraisal includes the fair market value of all lands required for project construction and OMRR&R.

c. PL 91-646 costs

d. Incidental acquisition costs

e. Incremental real estate costs discussed/supported.

f. Is Gross Appraisal current? Does Gross Appraisal need to be updated due to changes in project LER requirements or time since report was prepared?

11. Relocation Assistance Benefits Anticipated. __√__

a. Number of persons, farms, and businesses to be displaced and estimated cost of moving and reestablishment.

b. Availability of replacement housing for owners/tenants

c. Need for Last Resort Housing benefits

d. Real Estate closing costs
e. See current 49 CFR Part 24

12. Mineral Activity _√_____

a. Description of present or anticipated mineral activity in vicinity that may affect construction, OMRR&R of project.
b. Recommendation, including rationale, regarding acquisition of mineral rights or interest, including oil or gas.
c. Discuss other surface or subsurface interests/timber harvesting activity
d. Discuss effect of outstanding 3rd party mineral interests.
e. Does estate properly address mineral rights in relation to the project?

13. NFS Assessment__√____

a. Assessment of legal and professional capability and experience to acquire and provide LER for construction, OMRR&R of the Project.
b. Condemnation authority
c. Quick-take capability
d. NFS advised of URA requirements
e. NFS advised of requirements for documenting expenses for credit.
f. If proposed that Government will acquire project LER on behalf of NFS, fully explain the reasons for the Government performing work.
g. A copy of the signed and dated Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability (Appendix 12-E) is attached to the REP.

14. Zoning in Lieu of Acquisition_√_____

a. Discuss type and intended purpose
b. Determine whether the proposed zoning proposal would amount to a taking for which compensation will be due.

15. Schedule _√_____

a. Reasonable and detailed Schedule of land acquisition milestones, including LER certification.
b. Dates mutually agreed upon by Real Estate, PM, and NFS. _N/A_

16. Facility or Utility Relocations__√____

a. Describe the relocations, identity of owners, purpose of facilities/utilities, whether owners have compensable real property interest.
b. A synopsis of the findings of the Preliminary Attorney's Investigation and Report of Compensable Interest is included in the REP as well as statements required by Sections 12-17c.(5) and (6).
c. Erroneous determinations can affect the accuracy of the project cost estimate and can confuse Congressional authorization.

d. Eligibility for substitute facility

1. Project impact
2. Compensable interest
3. Public utility or facility
4. Duty to replace
5. Fair market value too difficult to determine or its application would result in an injustice to the landowner or the public.

e. See Sections 12-8, 12-17, and 12-22 of ER 405-1-12.

17. HTRW and Other Environmental Considerations __√__

a. Discussion the impacts on the Real Estate acquisition process and LER value estimate due to known or suspected presence of contaminants.

b. Status of District's investigation of contaminants.

c. Are contaminants regulated under CERCLA, other statues, or State law?

d. Is clean-up or other response required of non-CERCLA regulated material?

e. If cost share, who is responsible for performing and paying cost of work?

f. Status of NEPA and NHPA compliances

g. See ER 1165-2-132, Hazardous, Toxic, and Radioactive Waste (HTRW) Guidance for Civil Works Projects.

18. Landowner Attitude. __√__

a. Is there support, apathy, or opposition toward the project?

b. Discuss any landowner concerns on issues such as condemnation, willing seller provisions, estates, acreages, etc.?

19. A statement that the NFS has been notified in writing about the risks of acquiring LER before the execution of the PPA. If not applicable, so state. __√__

20. Other Relevant Real Estate Issues. Anything material to the understanding of the RE aspects of the project. __√__

A copy of the completed Checklist is attached to the REP. __√__
(Draft REPs must contain a draft checklist and draft Technical Review Guide)

I have prepared and reviewed the REP and all information, as required by Section 12-16 of ER 405-1-12, is contained in the Plan.

MOLLER.STORY.DAVIDSON.1547868826 Digitally signed by MOLLER.STORY.DAVIDSON.1547868826 Date: 2024.06.03 14:05:58 -05'00'

Preparer

I have reviewed the REP and all information, as required by Section 12-16 of ER 405-1-12, is contained in the Plan.

MILLER.RICHARD.WESLEY.JR.1115044911 Digitally signed by MILLER.RICHARD.WESLEY.JR.1115044911 Date: 2024.06.03 14:11:02 -05'00'

RE Internal Technical Reviewer

The REP has been signed and dated by the Preparer and the District Chief of Real Estate __√____

REAL ESTATE INTERNAL TECHNICAL REVIEW GUIDE FOR CIVIL WORKS DECISION DOCUMENTS

Real Estate Guide for Review of Civil Works Decision Documents

1. Initially, read the entire Real Estate Plan (REP). After reading the REP:

   a. Do you have a good idea of the scope of the project?

   b. Did you note any omissions?

   c. What questions do you have regarding the project?

   d. Were all the elements of an REP as listed in Chapter 12 covered?

   e. Do you have a completed Quality Control Plan for the REP?

2. Next, read the main body of the decision document (including the chapter on the recommended plan), paying particular attention to the overall scope of the project, proposed facility relocations, environmental investigations, mitigation requirements, navigational servitude, and possibility of induced flooding.

3. Then, read the REP again, noting any discrepancies between the REP and the main report. Pay particular attention not only to what the report says, but also to what the report does not say. Many review comments are due to items being omitted or not discussed in enough detail in the REP.

4. Finally, ask yourself specific questions about the project such as the following. You should be able to answer them by reading the REP.

   a. What is the project's purpose and have there been prior real estate planning documents for this project?

   b. Is the purpose of the report to gain Congressional authorization (e.g., a Feasibility Report)? If not, what is the real estate acquisition authority for the project and is the proper authority cited in the report?

   c. Who is the sponsor that will execute the PPA? Has an assessment of the sponsor's capability been completed and included in the report? Does the sponsor have eminent domain and quick take authority? If not, does the report address how acquisition will be accomplished if condemnation is required? Does the sponsor currently own any lands required for the project? If so, were any of these lands obtained as part of another Federal project or funded with Federal funds in whole or in part?

d. Are there any lands currently owned by the Federal government involved in this project? If so, has it been coordinated with the respective agency?

e. Does the project involve a navigable waterway and could the navigational servitude be utilized for purposes of the project? If the project is not a navigation project and asserting navigational servitude is proposed, does the report state the legal basis for asserting navigational servitude?

f. Is there a possibility of induced flooding, and has a taking analysis been completed? What was the outcome of that analysis? Are flowage easements required because the anticipated flooding will rise to the level of a taking?

g. Are the interests and estates sufficient to provide for construction, operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of the project? Do the estates not only grant the interest needed for construction and maintenance, but do they prohibit practices that might interfere with the project in the future? Is the term for any temporary easements defined and are they for an appropriate duration?

h. How do we physically access the project site? Is an additional real estate interest required for construction access and/or OMRR&R access?

i. Is there a need to dispose of borrow material? If so, are these areas included in the report as LERRD items or, if proven cost efficient, contractor provided items? Are the environmental issues associated with borrow/disposal effectively addressed?

j. Will a contractor's staging area be required?

k. Are any persons being displaced from their homes as a result of the project? If so, how many? Is replacement housing available? Will standard PL 91-646 benefits be provided? Will any businesses require relocation assistance? Has a replacement housing survey been accomplished?

l. Are there any public facilities to be altered or relocated? Do the below relocations meet all of the following five tests?

(1) The project design requires the facility to be moved in whole or in part (temporarily or permanently), or the project will negatively impact the ongoing function or operation of the facility.

(2) The owner of the facility has a compensable real property interest in the land on which the impacted portion of the facility is located.

(3) The facility serves a public purpose.

(4) The owner of the facility has a duty to replace the facility as a result of legal or factual necessity (continuing need).

(5) The fair market value of the interest that must be acquired due to project impact is too difficult to ascertain, or payment of fair market value instead of providing a substitute facility would result in

manifest injustice to the owner or the public. Have preliminary opinions of compensability be completed for each facility? If the REP is part of a decision document that will serve as the basis for Congressional authorization, does it contain the disclaimer language required by ER 405-1-12, para. 12-17c(6)?

m. Are any cemeteries in the project area? If so, how will they be impacted? If they are allowed to remain in place, how will permanent access be provided? If they are to be relocated, the report should address the preparation of a cemetery relocation plan.

n. Does the report address the types of ownership, number of tracts and acres, and estates to be acquired? Does the report address mineral activity and whether the minerals will be acquired, subordinated, or left outstanding?

o. Does the report state if any nonstandard interest or estate will be utilized? If so, is a copy of the estate in the report?

p. Do the acres, values, and estates contained in the baseline cost estimate agree with those contained in an approved gross appraisal for the project? If not, any discrepancy should be discussed with the Appraisal Branch and reconciled. Does the acreage and cost presented in the REP agree with real estate acreage and costs shown elsewhere in the main report or MCACES estimate? Does the cost estimate show the estimated cost by estate, contingency, administrative cost, and relocation assistance? The cost should be shown for both Federal and non-Federal, where appropriate.

q. Does the report address the status of all environmental considerations and approvals, HTRW assessments, NEPA compliance, and NHPA compliance? If any land required for the project is contaminated, is it CERCLA or non-CERCLA regulated material?

r. Does the report contain a reasonable schedule for acquisition, and has the schedule been coordinated with the sponsor? Is the project to be accomplished in more than one phase?

s. Does the report contain a map depicting all of the tracts and estates to be acquired? Does it show any known or potential HTRW lands?

t. Obviously, all of the above items will not apply to every project; however, if the REP fails to address an item, the reviewer does not know if it is considered. If the individual preparing the document is aware that an item is not applicable, but fails to include that information in the REP, the report should contain a statement that this item is not applicable.

u. The Reviewer should verify that the real estate requirements shown in the REP are in consort with the latest design drawings.

v. The Reviewer should consult with the other team members and Real Estate employees, as necessary, to resolve questions or misunderstandings prior to preparing comments to the Report Preparer.

I have reviewed the update REP for the Port of Rosedale Expansion and have considered all of the above.

MILLER.RICHARD.WESLEY.JR.1115044911 Digitally signed by MILLER.RICHARD.WESLEY.JR.1115044911 Date: 2024.06.03 14:12:41 -05'00'

Real Estate Internal Technical Reviewer