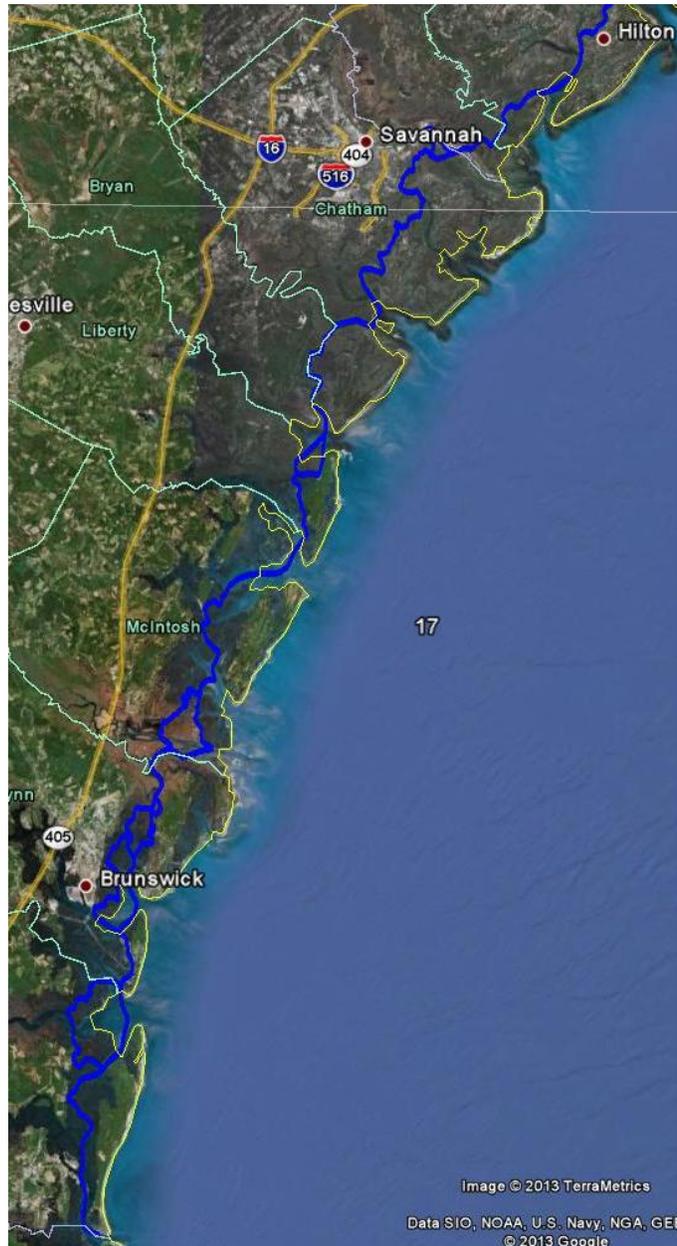

Draft Dredged Material Management Plan
Atlantic Intracoastal Waterway
Port Royal Sound, South Carolina to Cumberland Sound,
Georgia
March 2014

Appendix H: Real Estate



US Army Corps of Engineers®
South Atlantic Division
Savannah District

REAL ESTATE APPENDIX

**Dredge Materials Management Plan, Atlantic Intracoastal
Waterway, Port Royal Sound, South Carolina to
Cumberland Sound, Georgia**

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SECTION 1. THE REAL ESTATE REPORT

1.1 Statement of Purpose

This report is tentative in nature, focuses on the Tentatively Selected Plan, and is to be used for planning purposes only. There may be modifications to the plans that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land cost. The Real Estate Appendix is intended to support the Dredged Material Management Plan (DMMP) for the Atlantic Intracoastal Waterway (AIWW). The author of this report is familiar with the Project area. The state of Georgia Department of Transportation (DOT) is the non-Federal sponsor for the project. Date of this report is February 2013.

1.2 Study Authority

Authority for DMMP:

The Planning Guidance Notebook (ER 1105-2-100) requires that all Federally maintained navigation projects must demonstrate that there is sufficient dredged material disposal capacity for a minimum of 20 years.

Authority for AIWW Project:

The AIWW between Savannah, Georgia, and Fernandina, Florida, was initially authorized by the River and Harbor Act of 1882, House Document 19, 46th Congress, which provided improvements in portions of the waterway. Additional sections of the AIWW that were not included in the 1882 Act were incorporated into the project in 1892. The River and Harbors Act of 1892, House Document 41, 52nd Congress, 1st Session, provided for a 7-foot channel between Savannah and Fernandina. The AIWW between Beaufort, South Carolina, and Savannah, Georgia, was originally authorized by the River and Harbors Act of 1896, House Document 295, 53rd Congress, 3rd Session.

1.3 Project Location

The portion of the Atlantic Intracoastal Waterway within Savannah District is between Port Royal Sound, South Carolina, (mile 552) on the north and Cumberland Sound (mile 713) on the South, which is located at the Georgia-Florida border. The 161-mile section of the AIWW within Savannah District is comprised of a 24-mile section in the State of South Carolina with the remaining 137 miles located in the State of Georgia. A map of the waterway is shown on through. A project location map is at Figure 1.3-1.

1.4 Project Description

The Atlantic Intracoastal Waterway is a 739-mile inland waterway system between Hampton Roads, Virginia, and St. John's River, Florida, which offers a continuous, sheltered passage between these two destinations. The AIWW is one of three waterways that span from the Florida Keys to the Manasquan River in New Jersey. The southernmost portion of the waterway is the Intracoastal Waterway that starts at the St. Johns River and connects to the Gulf Intracoastal Waterway at the Florida Keys. The northern portion, called by various smaller project names, starts at the Manasquan River and connects to the AIWW at Hampton Roads, Virginia. The portion of the AIWW within the Savannah District Civil Works boundaries is situated between Port Royal Sound, South Carolina, (mile 552) on the north and Cumberland Sound (mile 713) on the South, which is located at the Georgia-Florida border, and for the purposes of this document will be referred to as the



Figure 1.3-1 – Project Vicinity/Location Map

AIWW. Thus, Savannah District's portion of the waterway constitutes approximately 22 percent of the Atlantic Intracoastal Waterway.

The Tentatively Selected Plan incorporates a mixture of undiked but confined marsh disposal sites, open water disposal sites near the channel, and ODMDs to accomplish the goal of maintaining the AIWW at its approved 12-foot depth.

An aspect of the project under all project futures is that the Corps will be releasing disposal easements that have not been used during the life of the project or were used only during the life of the project or were used only during the construction phase of the project. The easements total 2372 acres with 1,774 acres in Georgia and 598 acres in South Carolina. Table 1.5-2 identifies the tracts proposed for disposal. No mitigation requirements are attached with releasing these easements as no impacts have occurred since the 1976 EIS for the AIWW.

1.5 Real Estate Requirements

Existing Requirements:

The existing disposal areas (Tracts numbered 9-A, 14-B, 15-A, 15-B, 32-A, 34-A, 36-A, 42-B, 42-C, 43-B and 44-A) were acquired in the 1940's in perpetuity to support the construction, operation and maintenance of the AIWW Project, Beaufort, SC to Cumberland Sound, GA. Legal review of the existing estate language concluded that any activity (such as dike construction) that assists in accomplishing the use of the property as a disposal site and does not unduly increase the burden on the servient estate, may be conducted. Table 1.5-1 identifies the Tentatively Selected Plan and the location of the existing disposal tracts in relation to the operational reaches.

Table 1.5-1 Tentatively Selected Plan with Requirements

Dredging Reach	Operational Reach	Tentatively Selected Plan	Required Issue or Action to Resolve
Port Royal to Ramshorn Creek	SAV-1	No Dredging Required; Sav Harbor DMCA 14-B if needed	None
Ramshorn Creek, SC	SAV-2	DMCA 14-B	
New River	SAV-3	No Dredging Required; Sav Harbor DMCA 14-B if needed	
Walls Cut	SAV-4	Sav Harbor DMCA14-B	
Fields Cut, SC	SAV-5		
Elba Cut - McQueens Cut	SAV-6		
St. Augustine Creek	SAV-7		
Wilmington River	SAV-8		
Skidaway River	SAV-9	No Dredging Required; DMCA 9-A if needed	None
Skidaway Narrows	SAV-10		
Burnside River to Hells Gate	SAV-11		
Hells Gate	SAV-12	Open Water (coarse); confined Tracts 15-A and 15-B (fines)	None

Dredging Reach	Operational Reach	Tentatively Selected Plan	Required Issue or Action to Resolve
Hells Gate to Florida Passage	SAV-13	No Previous Dredging Required; Savannah ODMDS if needed	103 Sediment Analysis, Revise Site Material Management Plan (SMMP)
Florida Passage	SAV-14	Proposed ODMDS @ Sapelo Sound	Designate Sapelo Sound ODMDS
Bear River	SAV-15		
St. Catherines Sound - North Newport River	SAV-16	No Dredging Required; Proposed ODMDS @ Sapelo Sound if needed	
North Newport River	SAV-17	Proposed ODMDS @ Sapelo Sound	
Johnson Creek	SAV-18		
Sapelo Sound - Front River	SAV-19		
Front River	SAV-20		
Creighton Narrows	SAV-21	No Dredging Required; Proposed ODMDS @ Sapelo Sound	
Old Teakettle Creek	SAV-22		
Doboy Sound	SAV-23	Proposed ODMDS @ Altamaha Sound	
North River Crossing	SAV-24		
Rockedundy River	SAV-25		
South River	SAV-26		
Little Mud River	SAV-27		
Altamaha Sound	SAV-28	Open Water Sites 32 and 34 (coarse); confined Tracts 34-A and 36-A (fines)	None
Buttermilk Sound	SAV-29	Open Water Sites 43 and 44 (coarse), Silt confined Tracts 42-B and 42-C (fines)	None
Mackay River	SAV-30	No Dredging Required; Andrews Island DMCA if Needed (GDOT must approve this action before use)	Perform Capacity loss analysis for Andrews Island DMCA
Frederica River	SAV-31		
St. Simon Sound	SAV-32		
Jekyll Creek	SAV-33	Brunswick ODMDS (interim solution)	103 Sediment Analysis, Revise Site Material Management Plan (SMMP)
Jekyll Creek to Cumberland River	SAV-34	No Dredging Required; Brunswick ODMDS if needed	
Cumberland River to Cumberland Sound	SAV-35	Diked Disposal in tract 1700L (Crab Island)	None
Cumberland River to Cumberland Sound	SAV-36	Dredged by the Navy	

Tract 200E, Brunswick Harbor Project, known as Andrews Island, Brunswick, GA is identified as a possible disposal site. It is owned by Georgia Department of Transportation and is routinely used for placement of dredge material for the Brunswick Harbor Project. The easement is in perpetuity. Availability of this site depends on capacity and dredge schedule of Brunswick Harbor.

Open water near shore sites 32, 34, 43, and 44 have been used for prior dredging and disposal for the AIWW. A permit was acquired from the Georgia Department of Natural Resources for use of the open water sites. No further permitting is required as long as future disposal in open waters remains within the intent and requirements set forth in the original permit. Navigation servitude is the dominate right of the Government to use these open water disposal sites for project purposes.

Sapelo Sound Ocean Dredge Material Disposal Sites (ODMDS) and Altamaha Sound ODMDS have been used for dredge disposal for other Corps projects. Permits for these sites were issued by EPA and a site materials management plan will be required. Navigation servitude is the dominate right of the Government to use these ODMDS for project purposes.

Ongoing Requirement/New Requirements:

Tract 1700L (Crab Island) is owned by Department of the Navy. License No.N69450-11-RP-00048 between USACE and Department of the Navy was effective 1 June 2011 and expires 31 May 2016. The License provides the right to use Crab Island as a Dredge Material Containment Area in support of the AIWW. Use of Crab Island will require permit renewals from the Navy to allow continued use of the site. Because this permit is between Federal Agencies, the NFS is not responsible for license renewal. Cost of permit renewal will be factored into the Government cost in the real estate cost estimate.

Two new (ODMDS) have been identified as new requirements to support the project. The sites are identified as Brunswick ODMDS and Savannah ODMDS. As stated above navigation servitude is the dominant right of the Government to use these ODMDS for project purposes.

The transportation and disposal of dredged material in ocean waters, including the territorial sea, is regulated under the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) (Public Law 92-532, 86 Stat. 1052, 33 U.S.C. §§1041 et seq.) as amended by Title V of the Water Resources Development Act of 1992 (WRDA 92; Public Law 102-580). Section 102(a) of MPRSA authorizes the U.S. Environmental Protection Agency (EPA) to establish and apply regulations and criteria for ocean dumping activities. Consequently, the EPA issued in October, 1973, and revised in January, 1977, Ocean Dumping Regulations and Criteria (40 CFR 220-238). These regulations establish control of ocean dredged material disposal primarily by two activities, designation of sites for ocean dumping and the issuance of permits for dumping.

The transportation of dredged material for the purpose of disposal into ocean waters (i.e. the actual use of the designated site) is permitted by USACE (or authorized in the case of federal projects) under MPRSA Section 103(e) applying environmental criteria established in EPA's Ocean Dumping Regulations and Criteria. The MPRSA Section 104(a)(3) provides that ocean disposal of dredged material can occur only at a designated site and Section 103(b) requires the USACE to utilize dredged material disposal sites designated by EPA to the maximum extent feasible. Prior to issuing a dredged material permit or authorizing a federal project involving the ocean disposal of dredged material, the USACE must notify EPA, who may disapprove the proposed disposal.

Although the Brunswick and Savannah ODMDS are listed as "new requirements" there is no real estate cost involved. Permits for use of the ODMDS will be coordinated between Corps Environmental Division and the EPA.

Easement Disposal:

The easements identified at Table 1.5-2 are proposed for release. These subject sites have never been used for disposal as they are in reaches that have not been dredged. Additionally the sites are too far in distance to be viable sites for disposal for other reaches. The current environmental regulations restrict the materials that can be placed on open marsh sites. Use of the open water near shore and ODMS sites cause less environmental impacts than would disposal on the marsh sites. In order to retain these sites in Government inventory a cultural resource survey of each site would have to be conducted. Based on the above factors it is concluded that the sites are no longer needed for project purposes.

Table 1.5-2

Easements Recommended for Release

Tract	Acquisition Cost	Date Acquired	Owner	Acreage for Release
8A	\$0.00	1/18/1940	State of Georgia	46.6
9B	\$0.00	1/18/1940	State of Georgia	126.0
10C	\$0.00	1/18/1940	State of Georgia	57.6
105E-11B	\$0.00	1/18/1940	State of Georgia	48.8
11H	\$0.00	1/18/1940	State of Georgia	19.5
11K	\$0.00	1/18/1940	State of Georgia	24.7
11L	\$0.00	4/8/1940	Floride S. Liederman et al.	39.6
12A	\$0.00	1/18/1940	State of Georgia	67.9
13A	\$0.00	1/18/1940	State of Georgia	162.1
14A	\$0.00	1/18/1940	State of Georgia	44.5
14B	\$0.00	1/20/1940	State of Georgia	32.8
21A	\$0.00	1/18/1940	State of Georgia	34.6
26A	\$0.00	2/27/1940	State of Georgia	31.0
27A	\$0.00	1/24/1940	State of Georgia	80.2
108E-27B	\$0.00	1/24/1940	State of Georgia	101.9
42C	\$0.00	1/24/1940	State of Georgia	14.5
45B	\$0.00	1/24/1940	State of Georgia	167.6
45C	\$0.00	1/24/1940	State of Georgia	59.5
46A	\$0.00	1/24/1940	State of Georgia	96.7
47A	\$0.00	1/24/1940	State of Georgia	167.3
48A	\$0.00	1/24/1940	State of Georgia	59.5
48B	\$0.00	1/24/1940	State of Georgia	52.1
49A	\$0.00	1/24/1940	State of Georgia	69.5
49B	\$0.00	1/24/1940	State of Georgia	103.5
49C	\$0.00	1/24/1940	State of Georgia	66.2
Total Acreage in Georgia				1774.2

Tract	Acquisition Cost	Date Acquired	Owner	Acreage for Release
Ramshorn-3	\$0.00	2/9/1939	State of SC	278.0
Ramshorn-2	\$0.00	4/25/1925	State of SC	58.6
100E-1	\$0.00	2/9/1939	State of SC (a portion of 480 acres)	262.0
Total Acreage in South Carolina				598.6
Total Acreage				2372.8

Easements are shown in REMIS as having been donated and deeds have a \$1 consideration. There are no Government owned improvements on the easements proposed for release. The request for release of these easements is not from the underlying fee owners for the tracts but rather from the Corps District. All tracts are owned by the State sponsors with the exception of Tract 11L which was granted by an individual to the United States of America. Other than the deed the audit file provides no specifics of the conveyance or any information as to why this tract was deeded to the USA rather than to the sponsor and then conveyed to the USA.

Release of easements can be executed by the District Chief of Real Estate under the authority given to landholding agencies in the Federal Management Regulations, 41 CFR 102-75.296 and 41 CFR 102-75.937, to dispose of easements. When the use, occupancy or control of an easement is no longer needed, agencies may release the easement to the owner of the land subject to the easement (servient estate). Policy and guidance at ER 405-1-12, Chapter 11, 11-125b and 11-28 will be followed in the proposed release of easements. One easement release document containing multiple tracts can be prepared for each underlying fee owner. At release the easements will have a value of \$0. The estimated real estate cost for the release of the easements includes legal, mapping, real property management and disposal and environmental documentation (i.e. Record of Consideration).

1.6 Utility/Facility Relocation

There are no utility/facility relocations with this project.

1.7 Existing Projects

Savannah Harbor Project and Brunswick Harbor Project are part of the AIWW.

1.8 Environmental Impacts

There are no environmental impacts affecting the preferred plan.

1.9 Project Sponsor Responsibilities and Capabilities

The Georgia Department of Transportation (DOT) is the non-Federal sponsor for the project (NFS). The NFS has the responsibility to acquire all real estate interests required for the Project. The NFS shall accomplish all alterations and relocations of facilities, structures and improvements determined by the government to be necessary for construction of the Project.

No new land acquisition is required for this DMMP. Consequently the usual requirements of the NFS pertaining to real estate acquisition are not applicable. The non-Federal sponsor is entitled to receive credit against its share of project costs for administrative costs incurred for the proposed release of easements for the DMMP.

1.10 Government Owned Property and Sponsor Owned Property

With the exception of the ODMS and the open water near shore sites, the Federal Government holds an easement interest in the disposal sites. The States of Georgia and South Carolina have fee ownership of the disposal sites.

1.11 Historical Significance

There are no known cultural or historical resources that will be affected by the project.

1.12 Mineral Rights

There are no known mineral activities within the scope of the proposed project.

1.13 Hazardous, Toxic, and Radioactive Waste (HTRW)

There are no known HTRW contaminants in the project area.

1.14 Navigation Servitude

The 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 hereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the mean high water mark.

1.15 Zoning Ordinances

Zoning ordinances are not of issue with this project. Application or enactment of zoning ordinances is not to be used in lieu of acquisition.

1.16 Induced Flooding

There will be no flooding induced by the construction or the operation and maintenance of the project.

1.17 Public Law 91-646, Relocation Assistance Benefits

There are no relocations of individuals, businesses or farms for this project.

1.18 Attitude of Property Owners

The project is fully supported. There are no known objections to the project from landowners within the project area.

1.19 Acquisition Schedule

No acquisition is anticipated for this project.

1.20 Estates for Proposed Project

There are no new estates required for this project. Existing easements are perpetual with the exception of Tract 1700L which is a temporary license. No issues are anticipated with the renewal of this license.

1.21 Real Estate Estimate

The estimated real estate cost, all of which is administrative, includes the cost for release of existing easements. The estimate is based on the assumption that all of the easements will be released at the same time. If easements are released separately, the administrative cost will increase accordingly. Administrative costs are those costs incurred for verifying ownership of lands, certification of those lands required for project purposes, legal opinions, analysis or other requirements that may be necessary during this process. The estimate is based on historical cost for this type action within the District and there is low risk of complicating factors. Therefore a 15% contingency is applied to the estimated cost for this disposal action. Table 1.21-1 is a summary of the real estate cost for release of easements.

Table 1.21-1.

Real Estate Estimate

a. Lands		0
b. Improvements		0
(Residential)		0
(Commercial)		0
c. Mineral Rights		0
d. Damages		0
e. P.L. 91-646 Relocation costs		0
f. Disposal Cost - Admin (3 Ownerships)		34,500
Federal	30,000	
Non-federal	<u>4,500</u>	
	34,500	
Permit (Navy)	2,500	2,500
Sub-Total		37,000
Contingencies (15%)		5,550
TOTAL		42,550
ROUNDED		43,000

1.22 Chart of Accounts

The cost estimate for all Federal and non-Federal real estate activities necessary for implementation of the project after completion of the feasibility study for land acquisition, construction, LERRD, and other items are coded as delineated in the Cost Work Breakdown Structure (CWBS). This real estate cost estimate is then incorporated into the Total Current Working Estimate utilizing the Microcomputer Aided Cost Engineering System (MCACES).

Table 1.22-1.

Chart of Account

01G	Temporary Permits/Lic/ROEs			
01G10	By Govt	2,500		2,500
01G20	By NFS			
01G30	By Govt on Behalf of NFS			
01GX	Contingencies (15%)	375		375
	Subtotal	2,875		2,875
01H	AUDIT			
01H10	Real Estate Audit			
01HX	Contingencies (15%)			
	Subtotal			
01K	DISPOSAL			
01K10	By Govt	30,000	4,500	34,500
01K20	By NFS			
01KX	Contingencies (15%)	4,500	675	5,175
	Subtotal	34,500	5,175	39,675
01R	REAL ESTATE LAND PAYMENTS			
01R1B	Land Payments by NFS			
01R2B	PL91-646 Relocation Pymt by NFS			
01R2D	Review of NFS			
01RX	Contingencies (15%)			
	Subtotal			
	TOTALS	37,375	5,175	42,550
	ROUNDED TO			\$43,000