

**Brunswick Harbor Navigation Project Modifications
and Harbor Dredging Operations and Maintenance
Glynn County, Georgia**

**Final Integrated Feasibility Report and Environmental
Assessment**

APPENDIX D: REAL ESTATE

**U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401**



November 2021

REAL ESTATE SUMMARY

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SECTION 1. THE REAL ESTATE PLAN

1.1 The Real Estate Plan

This report is tentative in nature and is to be used for planning purposes only and focuses on the Tentative Selected Plan. There may be modifications to the plans that occur during Preconstruction, Engineering and Design phase, thus changing the final acquisition area(s) and/or administrative and land cost. The Draft Real Estate Appendix is intended to support the Draft Feasibility Report and is written to the same level of detail. The author of this report has viewed the project areas.

1.2 Purpose and Need for Action

The U.S. Army Corps of Engineers, Savannah District (USACE) is investigating the feasibility of navigation channel improvements in Brunswick Harbor from St. Simon's Sound to the Colonel's Island auto processing facility. The study focus is to examine harbor modifications to reduce transportation cost inefficiencies experienced by the largest ship type utilizing Brunswick Harbor. The feasibility study will analyze alternatives for navigation improvements to Brunswick Harbor, including channel widening in several areas. The study will identify and evaluate a full range of reasonable alternatives including the No-Action alternative.

1.3 Study Authority and Non-Federal Sponsor

The study authority is Section 1201 of WRDA 2016, which reads:

““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 January 29, 2015, and January 29, 2016, 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:

(12) BRUNSWICK HARBOR, GEORGIA.—Project for navigation, Brunswick Harbor, Georgia.””

Georgia Ports Authority (GPA) is the Non-Federal Sponsor (NFS) for the study. As the NFS, GPA contributes 50% of the total feasibility study costs in the form of cash or in-kind contributions. A feasibility cost share agreement was executed on April 11, 2019.

1.4 Location and Description of the Study Area

Brunswick Harbor is an existing federal navigation project located in the southeastern section of Glynn County, Georgia, adjacent to the City of Brunswick (Figure 1 Port of Brunswick). The harbor is approximately 70 miles north of Jacksonville, Florida. The project area is within the inner channels through St. Simon's Sound, Brunswick River, Turtle River, and East River to the Colonel's Island Terminal. The project area is the Brunswick Harbor Federal Navigation Channel (Figure 2). The inner channels are at a depth of -36 feet mean lower low water and at a width of 400 feet.

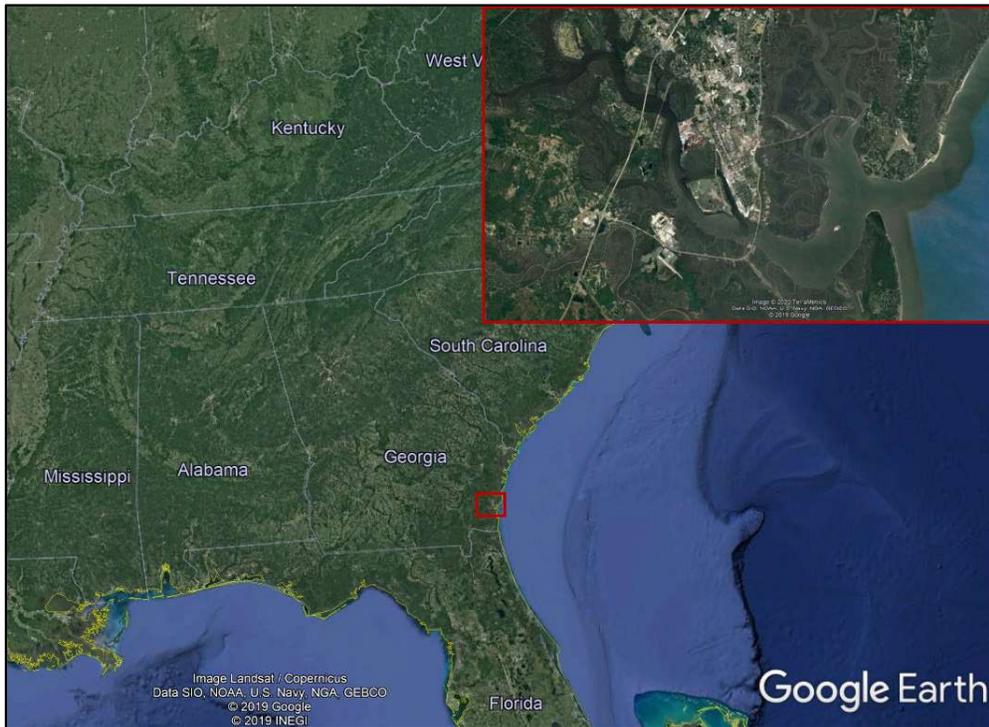


Figure 1 - Port of Brunswick

Brunswick Harbor consists of three terminals: Colonel's Island, Mayor's Point, and East River (Figure 3). The East River Terminal and Mayor's Point Terminal are located along the East River close to downtown Brunswick. The East River terminal is used for dry and liquid bulk shipping. Wood pellets are the main commodity shipped from the East River Terminal. Commodities received at the East River Terminal include fertilizers, salt from the Bahamas, pearlite, kitty-litter, and bulk liquids. Mayor's point terminal specializes in paper and pulp products. Smaller vessels (less than 40,000 dead weight tons) service these two terminals.

Colonel's Island is the largest terminal in Brunswick Harbor and the focus of this feasibility study. It handles all of Brunswick Harbor's "roll-on/roll-off" (RO/RO) traffic, which is non-containerized freight such as automobiles and construction equipment. RO/RO vessels are large ships that transport wheeled vehicles. By area, Colonel's Island is the largest auto port in the U.S. (650 acres) and the second busiest in the Nation (annual throughput capacity is over 800,000 car-equivalent units). As the westernmost port on the U.S. Eastern seaboard, the Port of Brunswick is a natural gateway to move cargo to the large population centers in the Southeast (Figure 4). The Colonel's Island RO/RO terminal is within 2.5 miles of Interstate 95 (I-95) and is also served by two Class 1 railroads.



Figure 2 - Brunswick Harbor Existing Entrance Channel Configuration



Figure 3 - Brunswick Harbor Existing Inner Harbor Channel Configuration



Figure 4 - Colonel's Island Terminal looking southwest.

Source: Georgia Ports Authority

1.5 Project Description and Tentative Selected Plan

The feasibility study identified and evaluated a full range of reasonable alternatives including the No-Action alternative. The Tentative Selected Plan (TSP) is Alternative 8. The non-Federal sponsor supports this plan and there is no Locally Preferred Plan.

Alternative 8: Bend Widener, Turning Basin Expansion, and Meeting Area at St. Simon's Sound.

Alternative 8 is a combination of the bend widener (Alternative 2), turning basin expansion (Alternative 3), and the meeting area at St. Simon's Sound (Alternative 5). (See Figures 5 and 6). The disposal site will be Andrew's Island Dredged Material Confinement Area (DMCA). Dredged material will be placed on Andrews Island which is owned by the Georgia Department of Transportation (GDOT).



Figure 5 – Alternatives 2 Turning Basin and 3 Bend Widener



Figure 6 – Alternative 8 Bend widener, turning basin expansion, and meeting area at St. Simons Sound

1.6 Real Estate Requirements

As the NFS, the GPA is responsible for acquiring all necessary real estate interests required for the project. The project consists of widening the channels in Brunswick Harbor to help reduce the difficulty maneuvering and turning of larger shipping vessels. Brunswick Harbor is a natural navigable, tidal harbor and all lands below the mean high water belong to the State of Georgia. All material excavated is located below mean high water and subject to the government’s power of navigational servitude which is described in more detail in section 1.15 of this report.

The GPA as the NFS will provide a staging area at the port facility during construction. The staging area is shown on Figure 7 and 8 and consists of 9.55 Acres (part of 14.53 Acre parcel), located at 615 Bay Street and is owned in fee by the NFS. This staging area is the same area used for the Operation and Maintenance of the harbor and as previously provided for in the 2004 federal deepening project and therefore, credit for these lands will not be afforded.

All dredged material will be disposed of in the existing DMCA on Andrews Island as shown on Figure 7, as Andrews Island remains subject to the Corps’ navigational servitude. Navigational servitude is further addressed in Section 1.15.



Figure 7 - Brunswick Harbor Staging Area and Andrews Island Disposal Area

1.7 Utility/Facility Relocation

There are no utility/facility relocations associated with this project

1.8 Existing Projects

There are no existing projects that overlap the BHMS project.

1.9 Environmental Impacts

All environmental impacts are addressed in the Environmental Resources Section of the Main Report. Based on early design of this study, there are no real estate acquisition of mitigation lands expected to be required for the project.

1.10 Project Sponsor Responsibilities and Capabilities

Based on the information provided, no new real estate acquisition is required for the project. The NFS has the responsibility to provide 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. Operation and maintenance responsibilities will be cost shared between the NFS and USACE after construction is completed. The NFS will provide an existing staging area at the port facility during construction. This staging area is shown on Figure 7 and 8 and is the same area used for Operation and Maintenance of the harbor and was acquired by the NFS for previous federal project, therefore, no crediting for these lands, easements, or rights of way (LER).

Title to any acquired real estate will be retained by the NFS and will not be conveyed to the United States Government. Prior to advertisement of any construction contract, the NFS shall furnish to the government an Authorization for Entry for Construction (Exhibit "A") to include all lands, easements, and rights of way as necessary. The NFS will also furnish to the government evidence supporting their legal authority to grant rights-of-entry to such lands. The NFS shall comply with applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, approved 2 January 1971, and amended by Title IV of the Surface Transportation Uniform Relocation Assistance Act of 1987, Public Law 100-17, effective 2 April 1989, in acquiring real estate interests for the Project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act(s). An Assessment of the Non-Federal Sponsor's Capability to Acquire Real Estate is at Exhibit "B" to the Real Estate Appendix.

The non-Federal sponsor is entitled to receive credit against its share of project costs for the value of lands it provides and the value of the relocations that are required for the project. Generally, for the purpose of determining the amount of credit to be afforded, the value of the LER is the fair market value of the real property interest, plus certain incidental costs of acquiring those interests, that the non-federal sponsor provided for the project as required by the Government.

1.11 Government Owned Property

There are no federally owned lands within the areas proposed for construction of the project.

1.12 Historical Significance

No known cultural resources existed in the project area according to a state database, but that a 1997 survey at the existing turning basin area showed two anomalies that may or may not be of historical significance. A cultural resources survey including diving would be completed during the PED phase. Based on previous investigations and results of those investigations it is unlikely that any anomalies would require data recovery mitigation. Historical and Cultural significance is addressed in the Main Report.

1.13 Mineral Rights

According to the State of Georgia, there are no known mineral activities within the footprint of the proposed project.

1.14 Hazardous, Toxic, and Radioactive Waste (HTRW)

See the Main Report Section 2.15 HTRW for a summary of reported spills, clean-up sites and sediment testing in the vicinity of Brunswick Harbor. Study analysis resulted in no significant impacts to existing channel sediments or to proposed dredged sediments are expected.

No significant changes have been made in Brunswick Harbor since the last major sediment evaluation that would impact channel sediments. No new berths or terminals have been added. The majority of changes in the harbor have been minor to moderate improvements to existing docks, infrastructure, and parking facilities.

1.15 Navigational Servitude

The navigational 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 and flood control. In tidal areas, the servitude extends to all lands below the mean high water mark. In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the ordinary high water mark.

The determination of the availability of the navigational servitude is a two-step process. First, the Government must determine whether the project feature serves a purpose which is in the aid of commerce. Such purposes recognized by the courts include navigation, flood control and hydro-electric power. If it is so determined, then the second step is to determine whether the land at issue is located below the mean or ordinary high water mark of a navigable watercourse.

As a general rule, the 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. Therefore, if the navigational servitude is found to be available as a result of application of the process described above, then the Government will generally exercise its rights thereunder and, to the extent of such rights, will not acquire a real property interest in the land to which the navigational servitude applies. Generally, it is the policy of the U.S. Army Corps of Engineers (USACE) to utilize the navigational servitude in all situations where available, whether or not the project is cost shared or full Federal.”

The project area is located within the Brunswick Harbor Federal Navigation Channel (Figure 2) and serves as a gateway for transport of commodities to the U.S. Eastern seaboard. The power of navigational servitude will continue to be applied to the TSP Alternative 8 in support of the excavation of harbor material below Mean High Water.

All dredged material will be disposed of in the existing DMCA on Andrews Island as shown on Figure 7, as Andrews Island remains subject to the Corps' navigational servitude. Originally the marsh elevations on Andrews Island were below Mean High Water as Andrews Island was comprised entirely of marsh and tidal estuaries and had no visible lands above mean high water. Andrews Island has remained subject to the servitude even after being raised above mean high water, due to the placement of dredged material during various Federal projects and operation and maintenance dredging cycles.

1.16 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.

1.17 Induced Flooding

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

1.18 Public Law 91-646, Relocation Assistance Benefits

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

1.19 Attitude of Property Owners

There are no known objections and the project is fully supported by the Georgia Ports Authority, as the Non-federal Sponsor. There are no private property owners associated with the project area.

1.20 Real Estate Estimate

There is no real estate acquisition required for this project. Minimal administrative costs will be required for execution of a new Authorization for Entry and Construction and real estate certifications.

| | | | |
|-----------------------------|-------------------|----------------|--------------------|
| a. Lands | | | |
| | Fee | | \$ - |
| | Easement | | \$ - |
| | Permit | | \$ - |
| | Disposal/Staging | | \$ - |
| b. Improvements | | | \$ - |
| | Residential | | \$ - |
| | Commercial | | \$ - |
| c. Mineral Rights | | | \$ - |
| d. Damages | | | \$ - |
| e. P. L.. 91-646 | | | \$ - |
| f. Acquisition cost - Admin | | | \$ 3,500.00 |
| | Federal | \$ 1,500.00 | |
| | Non-Federal | \$ 2,000.00 | |
| | | \$ 3,500.00 | |
| Sub-Total | | | \$ 3,500.00 |
| | 25% contingencies | | \$ 875.00 |
| TOTAL | | | \$ 4,375.00 |
| | | ROUNDED | \$ 4,400.00 |

1.21 Real Estate Code of Accounts

| | | FEDERAL | NON-FEDERAL | TOTALS |
|-------|--|-------------|----------------|--------------------|
| 01A | PROJECT PLANNING | | | |
| | Other | | | |
| | Project Cooperation Agreement | \$ - | \$ - | \$ - |
| 01AX | Contingencies (25%) | \$ - | \$ - | \$ - |
| | Subtotal | \$ - | \$ - | \$ - |
| 01B | LANDS AND DAMAGES | | | |
| 01B40 | Acq/Review of PS | \$ 1,500.00 | \$ - | \$ 1,500.00 |
| 01B20 | Acquisition by PS | \$ - | \$ 2,000.00 | \$ 2,000.00 |
| 01BX | Contingencies (25%) | \$ 375.00 | \$ 500.00 | 875.00 |
| | Subtotal | \$ 1,875.00 | \$ 2,500.00 | \$ 4,375.00 |
| 01H | AUDIT | | | |
| 01H10 | Real Estate Audit | \$ - | | \$ - |
| 01HX | Contingencies (15%) | \$ - | | \$ - |
| | Subtotal | \$ - | | \$ - |
| 01R | REAL ESTATE LAND PAYMENTS | | | |
| 01R1B | Land Payments by PS PL91-646 Relocation Pymt by | \$ - | \$ - | \$ - |
| 01R2B | PS | \$ - | \$ - | \$ - |
| 01R2D | Review of PS | \$ - | \$ - | \$ - |
| 01RX | Contingencies (26%) | \$ - | \$ - | \$ - |
| | Subtotal | \$ - | \$ - | \$ - |
| | TOTALS | \$ 1,875.00 | \$ 2,500.00 | \$ 4,375.00 |
| | | | Rounded | \$ 4,400.00 |

This Real Estate Appendix has been prepared in accordance with policy and guidance set forth in ER 405-1-12, Chapter 12, Real Estate Planning and Acquisition Responsibilities for Civil Works Projects.

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Ralph J. Werthmann
Chief, Real Estate Division
Savannah District

EXHIBITS

Exhibit A - Authorization For Entry For Construction and Attorney's Certificate of Authority

Exhibit B – Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability

Exhibit A. - Authorization for Entry for Construction

AUTHORIZATION FOR ENTRY FOR CONSTRUCTION

I _____, _____ for the

(Name of accountable official) _____ (Title)

(Sponsor Name) _____, do hereby certify that the _____ (Sponsor Name) has acquired the real property interest required by the Department of the Army, and otherwise is vested with sufficient title and interest in lands to support construction for (Project Name, Specifically identified project features, etc.). Further, I hereby authorize the Department of the Army, its agents, employees and contractors, to enter upon

(Identify tracts)

to construct (Project Name, Specifically identified project features, etc.) as set forth in the plans and specifications held in the U. S. Army Corps of Engineers' (district, city, state)

WITNESS my signature as _____ for the

(Title)

(Sponsor Name) this _____ day of _____, 20____.

BY: _____
(Name)

(Title)

ATTORNEY'S CERTIFICATE OF AUTHORITY

I, _____, _____ for the
(Name) (Title of legal officer)

(Sponsor Name), certify that _____ has
(Name of accountable official)

authority to grant Authorization for Entry; that said Authorization for Entry is executed by the proper duly authorized officer; and that the Authorization for Entry is in sufficient form to grant the authorization therein stated.

WITNESS my signature as _____ for the
(Title)

(Sponsor Name), this _____ day of _____, 20____.

BY: _____
(Name)

(Title)

Exhibit B – Assessment of Non-Federal Sponsor’s Real Estate Acquisition Capability

**Georgia Ports Authority
Assessment of Non-Federal Sponsor’s
Real Estate Acquisition Capability**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? **YES - 2010 Georgia Code TITLE 52 - WATERS OF THE STATE, PORTS, AND WATERCRAFT CHAPTER 2 - GEORGIA PORTS AUTHORITY § 52-2-9**
- b. Does the sponsor have the power to eminent domain for this project? **YES § 52-2-9**
- c. Does the sponsor have “quick-take” authority for this project? **YES § 52-2-9**
- d. Are any of the land/interests in the land required for this project located outside the sponsor’s political boundary? **NO**
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? **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? **NO**
- b. If the answer to II.a. is “yes”, has a reasonable plan been developed to provide such training? (yes/no)
- c. Does the sponsor’s in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? **YES**
- d. Is the sponsor’s projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? **YES**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? **YES**
- f. Will the sponsor likely request USACE assistance in acquiring real estate? **YES - only in advisory capacity**

III. Other Project Variables:

- a. Will the sponsor’s staff be located within reasonable proximity to the project site? **YES**
- b. Has the sponsor approved the project/real estate schedule/milestones? **NO – Project Milestone will be developed during PED; will be joint effort between RE, PM and NFS**

Exhibit B - 1st page

IV. Overall Assessment:

- a. Has the sponsor performed satisfactory on other USACE projects?
YES
- b. With regard to the project, the sponsor is anticipated to be: **Highly capable**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? **YES**
- b. Does the sponsor concur with this assessment? **YES**

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Exhibit B - 2nd page