

DRAFT APPENDIX D

REAL ESTATE

BRUNSWICK HARBOR MODIFICATION STUDY

BRUNSWICK, GEORGIA

MAY 2020



Prepared by:  
Acquisition Branch  
U.S. Army Corps of Engineers, Savannah District

## REAL ESTATE SUMMARY

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Figure 1 - Port of Brunswick  
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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. The date of this report is May 2020.

## 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:

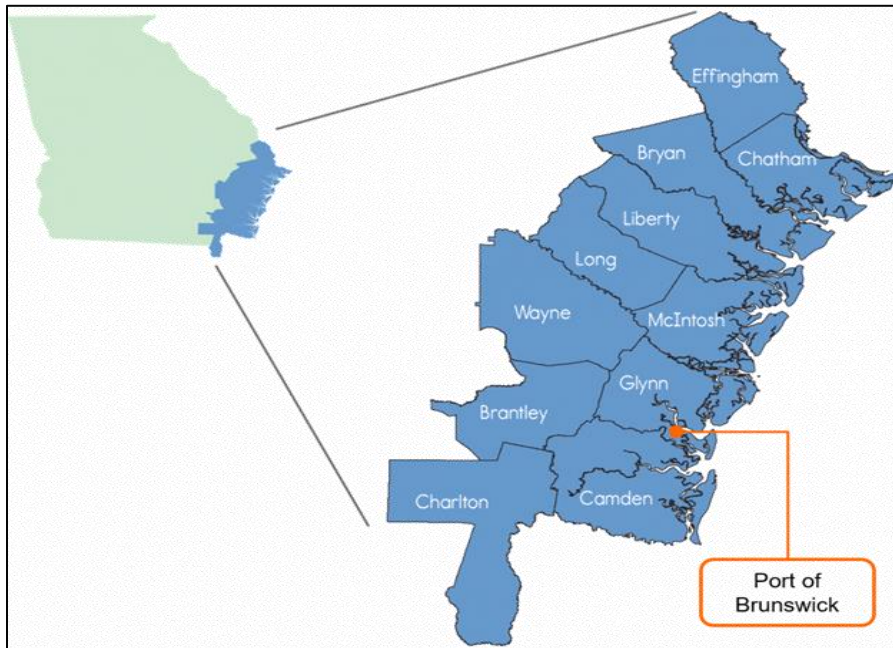
““The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress on January 29, 2015, and January 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). 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**



**Figure 2 - Brunswick Harbor Navigational Channels**

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, perlite, 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 3 - Brunswick Harbor Terminals**





**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 material dredged from the project will first be considered for beneficial use placed on the existing Bird Island to address ongoing erosion concerns. Otherwise, dredged material will be placed on Andrews Island which is owned by the Georgia Department of Transportation (GDOT). Bird Island was constructed by the Corp of Engineers in 2007 and is owned by the Georgia Department of Natural Resources (GDNR) is described in section 1.6 of this report.







**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. All material excavated is located below mean high water and subject to the governments right of Navigational Servitude which is described in more detail in section 1.15 of this report. All dredge material will be disposed of in two existing disposal areas, Andrews Island and Bird Island shown on Figure 7. Bird Island is owned by the GDNr and was developed by the Corps of Engineers in 2007 with the placement of beneficial use material dredged from Brunswick Harbor. Andrews Island is owned by the Georgia Department of Transportation (GDOT). Andrews Island is currently used as the disposal area to support the construction, operation and maintenance of the Brunswick Harbor. The NFS will need to acquire inter-agency agreements with the GDNr and GDOT for beneficial use and disposal of dredged material from the harbor project. 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 is the same area used for the Operation and Maintenance of the harbor and was provided for previous federal projects and credit for these lands will not be afforded. This Realty Specialist has reviewed the sponsor's existing interests in the land and are considered sufficient for the proposed project. No further real estate is required for the project.



Should it be determined that additional real estate is required for the project after completion of the plans and specifications, the non-Federal Sponsor will be responsible for providing the additional lands identified



**Figure 7 - Brunswick Harbor Staging and Disposal Areas**

## **1.7 Utility/Facility Relocation**

There are no utility/facility relocations associated with this project

## **1.8 Existing Projects**

Noyes Cut, Georgia - Section 1135, Ecosystem Restoration Study is located just north of Brunswick, Georgia. The GDNr is the Non-Federal Sponsor for this nearby USACE 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**

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. 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.

Title to any acquired real estate will be retained by the NFS and will not be conveyed to the United States Government. The NFS is responsible for providing the lands, easements, and rights of way (LER) required to implement the project. 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-entry, 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.

The NFS should not acquire lands required for the project prior to execution of the Project Partnership Agreement (PPA). Should the NFS proceed with acquisition of lands prior to execution of the PPA, it is at the risk of not receiving credit or reimbursement for any costs incurred in the connection with the acquisition process should the PPA not be signed. There is also risk in acquiring lands either not needed for the project or not acquired in compliance with requirements for crediting purposes in accordance with 49 CFR Part 24, dated March 2, 1989.

### **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**

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

### **1.14 Hazardous, Toxic, and Radioactive Waste (HTRW)**

There are no known hazardous, toxic, or radioactive waste located within the project area.

### **1.15 Navigation 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 ordinary 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. It is a power, not a property right, and the owner of the underlying land is not entitled to compensation, as the ownership interest was always subject to this right.

### **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 Acquisition Schedule**

The project sponsor is responsible for acquiring the inter-agency agreements with GDNr and GDOT required for the project. It is projected that 60 to 90 days will be required for the acquisition and can begin when final plans and specs have been completed and the PPA has been executed. The NFS, Project Manager and Real Estate Technical Manager will formulate the milestone schedule upon project approval to meet dates for advertisement and award of a construction.

### **1.21 Estates for Proposed Project**

Two interagency agreements will be required from the GDNr and GDOT for the placement of material in the existing disposal areas.



There is no real estate acquisition required for this project. The real estate estimates are based upon administrative fees for the two interagency agreements required between the NFS, GDNR and GPA as well as the execution of the Authorization for Entry and Construction and real estate certifications.

*DRAFT Real Estate Appendix D  
Brunswick Harbor Modification Study BRER*

### 1.23 Real Estate Code of Accounts

01A	PROJECT PLANNING	FEDERAL	NON-FEDERAL	TOTALS
	Other			
	Project Cooperation Agreement	\$ -	\$ -	\$ -
01AX	Contingencies (25%)	\$ -	\$ -	\$ -
	Subtotal	\$ -	\$ -	\$ -
01B	LANDS AND DAMAGES			
01B40	Acq/Review of PS	\$ 2,500.00	\$ -	\$ 2,500.00
01B20	Acquisition by PS	\$ -	\$ 10,000.00	\$ 10,000.00
01BX	Contingencies (25%)	\$ 625.00	\$ 2,500.00	\$ 3,125.00
	Subtotal	\$ 3,125.00	\$ 12,500.00	\$ 15,625.00
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	\$ 3,125.00	\$ 12,500.00	\$ 15,625.00
			<b>Rounded</b>	<b>\$ 15,600.00</b>

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.

Prepared by:

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Dorothy Steinbeiser  
Senior Realty Specialist

Reviewed by:

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John S. Hinely  
Savannah District  
Real Estate Division  
Chief, Acquisition Branch



## **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 C – Sponsor Risk Letter

**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**
- b. Does the sponsor have the power to eminent domain for this project? **YES**
- c. Does the sponsor have “quick-take” authority for this project? **YES**
- d. Are any of the land/interests in the land required for this project located outside the sponsor’s political boundary? **YES, Bird Island is responsibility of GNRP and Andrews Island is owned by the GDOT.**
- 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**

Prepared by:

\_\_\_\_\_  
Dorothy Steinbeiser  
Senior Realty Specialist

Reviewed and approved by:

\_\_\_\_\_  
John S. Hinely  
Chief, Acquisition Branch

**Exhibit B - 2nd page**

**Exhibit C – Sponsor Risk Letter**



**DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3640**

Real Estate Division

Subject: Brunswick Harbor Modification Project – Real Estate Acquisition

Georgia Ports Authority

Dear :

The intent of this letter is to formally advise the Georgia Ports Authority, as the potential non-Federal sponsor for the proposed project, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

- (1) Congress may not appropriate funds to construct the proposed project;
- (2) The proposed project may otherwise not be funded or approved for construction;
- (3) A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- (4) The non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
- (5) The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
- (6) The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

Exhibit C – 1st Page

(7) The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

We appreciate the Georgia Ports Authority participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact at (912) 652-XXXX.

Sincerely,

Savannah District  
Chief, Acquisition Branch  
Real Estate Contracting Officer

Exhibit C – 2<sup>nd</sup> Page