
FINAL INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT (EIS/EIR)

APPENDIX G: REAL ESTATE

PORT OF LONG BEACH DEEP DRAFT NAVIGATION STUDY Los Angeles County, California

October 2021



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TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1 STATEMENT OF PURPOSE.....	2
2 STUDY AUTHORITY	2
3 PROJECT LOCATION	2
4 PROJECT DESCRIPTION	3
5 NON-FEDERAL SPONSOR OWNED LANDS	5
6 REAL ESTATE REQUIREMENTS	5
7 NAVIGATION SERVITUDE.....	7
8 INDUCED FLOODING.....	7
9 PUBLIC LAW 91-646, RELOCATION ASSISTANCE BENEFITS	7
10 MINERAL INTEREST.....	7
11 BASELINE COST ESTIMATE FOR REAL ESTATE	7
12 ASSESSMENT OF NON-FEDERAL SPONSOR'S ACQUISITION CAPABILITY	8
13 ZONING ORDINANCE	8
14 ACQUISITION SCHEDULE	8
15 FACILITY/UTILITY RELOCATION.....	8
16 HAZARDOUS, TOXIC OR RADIOLOGICAL WASTE (HTRW).....	8
17 SPONSOR RISK NOTIFICATION.....	8

List of Figures

<u>Figure</u>	<u>Page</u>
Figure 3-1 Location Map	2
Figure 3-2 Study Area Location Map and Current Federal Project	3
Figure 4-1 Potential Project Features in Final Array of Alternatives	4
Figure 6-1 Proposed Placement Areas.....	6

List of Tables

<u>Table</u>	<u>Page</u>
Table 11-1 Baseline Cost Estimate	8

1 STATEMENT OF PURPOSE

This Real Estate Plan (REP) is prepared in accordance with the Real Estate Handbook, ER 405- 1-12. The purpose of this REP is to provide data on lands, easements, relocations, and rights-of-way (LERR) requirements necessary to support the Port of Long Beach Deep Draft Navigation Study in determining if feasible alternatives exist to reduce transportation inefficiencies and improve navigation safety at the Port of Long Beach. The non-Federal sponsor (NFS) for the study is the Port of Long Beach (Port). The NFS shall be responsible for providing all of the LERR for the proposed project.

2 STUDY AUTHORITY

This study serves as an interim response to the Resolution of the House Committee on Public Works adopted 10 July 1968 that reads as follows:

“That the Board of Engineers for Rivers and Harbors is hereby requested to review the reports on the Los Angeles and Long Beach Harbors, California, heretofore submitted to the Congress with a view to promoting and encouraging the efficient, economic, and logical development of the harbor complex. The scope will encompass investigation of current shipping problems, adequacy of facilities, delays in intermodal transfers, channel dimensions, storage locations, and capacities, and other physical aspects affecting waterborne commerce in the San Pedro Bay region, including the conduct of model studies as necessary to establish an efficient layout of the port complex and the design of navigation facilities.”

3 PROJECT LOCATION

The Port of Long Beach encompasses the eastern part of the San Pedro Bay, located in the southwestern portion of the city of Long Beach, in southern Los Angeles County, approximately 20 miles south of downtown Los Angeles. The study area includes the waters in the immediate vicinity (and shoreward) of the breakwaters through the entire port, including Outer Harbor, Inner Harbor, Cerritos Channel, West Basin, and the Back Channel. Regional access to the project site is provided by the Long Beach Freeway (Interstate 710). **Figure 3-1** provides a map of the Los Angeles region in which the Project site is located.

The Port of Los Angeles is adjacent to the Port of Long Beach. The Los Angeles and Long Beach harbor complex consists of about 1,800 acres of water in the inner navigation channels, 5,700 acres of landfill, and 6,000 acres of water sheltered anchorages and navigation channels between the landfills and the nine miles of federally constructed and maintained breakwaters (see **Figure 3-2**).



Figure 3-1 Location Map



Figure 3-2 Study Area Location Map and Current Federal Project

4 PROJECT DESCRIPTION

The Recommended Plan includes a combination of measures for container vessels (constructing the Pier J Approach Channel and Turning Basin and deepening the West Basin Channel to a new depth of -55 ft mean lower low water (MLLW)) and liquid bulk vessels (deepening the Approach Channel to -80 ft MLLW, and bend easing in portions of the Main Channel to match the currently authorized depth in the Main Channel of -76 ft MLLW) provides the greatest contribution to net benefits and has been determined as the National Economic Development (NED) Plan. When combined with the Local Service Facilities, the NED Plan has also been identified as the Recommended Plan.

General Navigation Features of the Recommended Plan for liquid bulk vessels includes:

- Deepening the Approach Channel from -76 feet MLLW to -80 ft MLLW
- Bend easing within portions of the Main Channel to -76 ft MLLW

General Navigation Features of the Recommended Plan for container ships includes:

- Constructing an approach channel to Pier J South to -55 ft MLLW
- Constructing a turning basin outside of Pier J South
- Constructing an electrical substation at Pier J South
- Deepening the West Basin from -50 ft MLLW to -55 ft MLLW

Approximately 7.1 mcy of dredged material would be placed in a nearshore site as well as 2 USEPA-designated offshore disposal sites for the General Navigation Features. **Figure 4-1** shows the location of the General Navigation Features. To support dredging by an electric clamshell dredge at the Pier J berth,

the approach channel and turning basin, a new dredge electric substation is required to be constructed. This is necessary to mitigate for air quality impacts.

Local Service Facilities include channel and berth dredging within the Pier J South Slip to -55 feet MLLW. Approximately 337,000 cy of dredged material would be placed in an USEPA-designated offshore disposal site for the Local Service Facilities. In addition, structural improvement on the Pier J breakwaters at the entrance of the Pier J Slip would be necessary to accommodate deepening of the Pier J Slip and Approach Channel to -55 feet MLLW.



Figure 4-1 Potential Project Features in Final Array of Alternatives

5 NON-FEDERAL SPONSOR OWNED LANDS

The NFS owns several parcels totaling approximately 2,900 acres within and around the proposed project footprint as depicted **within the white dashed area in Figure 4-1**. This includes the approximate 9 acres staging area required for the project and 900 square feet at Pier J which will be the site for the construction of a new electrical substation. The NFS has agreed to make these lands available for the project

6 REAL ESTATE REQUIREMENTS

The requirements for Lands, Easements, Rights-of-Way, and Relocations (LERR) are necessary to support construction, operation and maintenance for the proposed project. It is the responsibility of the NFS to acquire real estate interest required for the project. No real estate acquisition is required for the deepening/widening for any of the proposed alternatives which will entail 100% in-water construction. All dredging for the proposed project will be below Mean High Water (MHW) and are within the navigable waters of the United States and are available to the Federal government by navigation servitude.

The proposed placement areas have been identified as follows:

1. USEPA Deep Ocean Placement sites at LA-2 and LA-3: LA-2 is located 9 miles southwest of Queens Gate – maximum cumulative allowable placement per calendar year from all sources= 1 million cubic yards. LA-3 is located 22 miles southeast of Queens Gate – maximum cumulative allowable placement per calendar year from all sources = 2.5 million cubic yards. These two sites are Ocean Dredge Material Disposal Sites (ODMDS) and the Corps is required to use the designated ODMDSs for disposal of dredged sediment to the maximum extent feasible. The sites were created in 1991 and 2005 under authority 40 CFR Part 228. No real estate interest is required for use of the site.
2. Surfside Borrow Site Nearshore Placement Area: Various sites off of Surfside-Sunset Beach have been used as sources of sand for the San Gabriel River to Newport Bay Beach Nourishment project since 1964. It is estimated that approximately 2.5 million cubic yards of capacity is available for placement of material into these sites. The nearshore placement area is under the jurisdiction of the California State Lands Commission. Assuming the material is suitable for nearshore disposal, dredge material will be placed at the Surfside Borrow Site Nearshore Placement Area. The Corps would be exercising Navigation Servitude as the suitable dredged material would be placed below the MHT line and related to navigation. The Corps will coordinate with the California State Lands Commission on the use of the nearshore disposal site (shown in Figure 6-1), however an interest in real estate would not be required.

There are three proposed staging areas: Pier T Echo (4.4 acres), Pier S (3.3 acres) and Pier D (1 acre) (shown in **Figure 4-1** in blue). Pier T Echo has been identified as needed for the duration of the project which is 3 years. An additional site either Pier S or Pier D would be needed for a one-year period for the staging of the hopper dredge. The NFS has fee ownership of the proposed staging areas shown in Figure 6-2. If access to the proposed project and staging area will be by public roads and the NFS-owned lands are within the proposed project area, a Temporary Work Area Easement will not be required. As previously stated, Pier T was part of the former Long Beach Naval Shipyard which was BRACed in 1997. The NFS would not be eligible for lands that were previously transferred via BRAC if the acquisition was accomplished at no cost. Also, Pier T was used as a staging area during part of the Long Beach Channel Deepening project in 2013.

Lastly, a perpetual 900 sq. ft. Utility Easement would be necessary to fulfill the construction, operation and maintenance of the electrical substation project feature occurring on Pier J. The NFS has fee ownership of Pier J and will make 900 sq. ft. available to the project for the substation. The NFS will issue a utility easement to Southern California Edison who will Operate and Maintain the substation.

UTILITY AND/OR PIPELINE EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for the location, construction, operation, maintenance, alteration; repair and patrol of (overhead) (underground) (specifically name type of utility or pipeline); together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

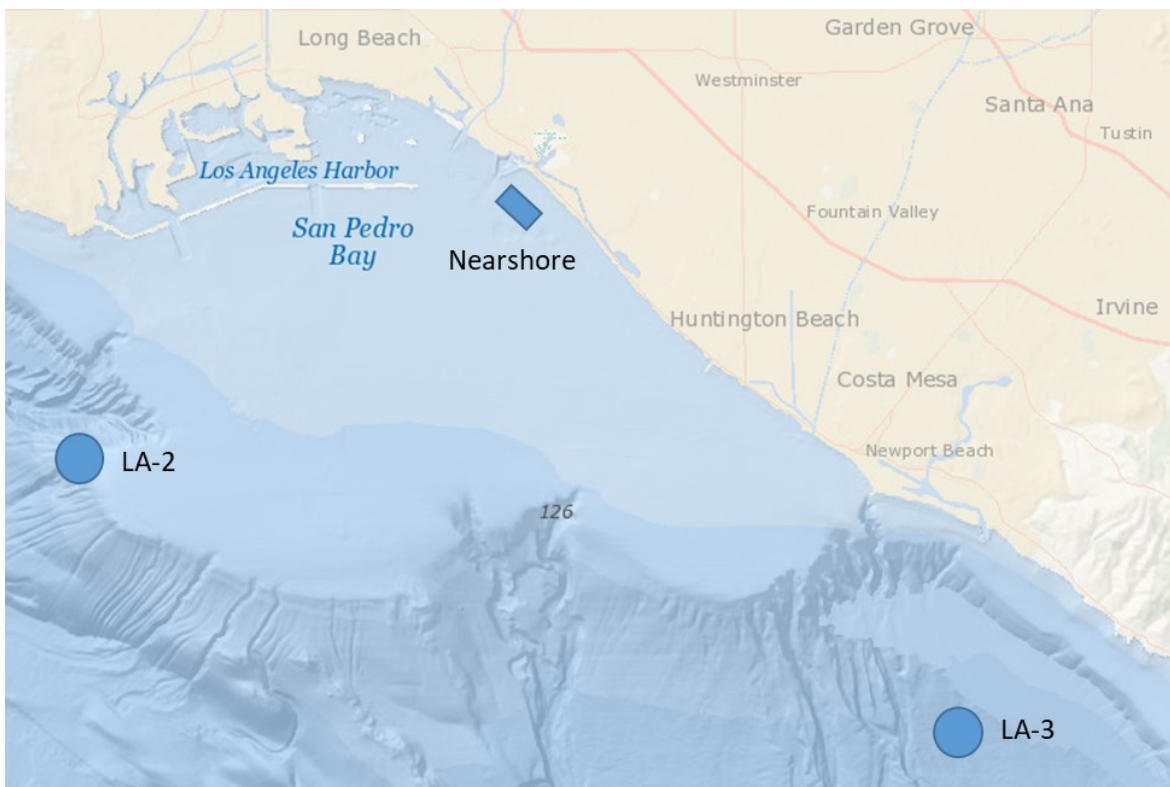


Figure 6-1 Proposed Placement Areas

7 NAVIGATION SERVITUDE

All deepening/widening for the proposed project will be below Mean High Water (MHW) and are within the navigable waters of the United States and are available to the Federal government by navigation servitude.

The Office of Counsel, Los Angeles District, has confirmed that the exercise of the navigation servitude for this project, for both dredging and for disposal at nearshore areas, is appropriate.

The Corps is not applying its navigation servitude for the use of offshore disposal sites LA-2 and LA-3 described above. According to the Final Rule in the Federal Register, under the authority of 40 CFR 228, the sites were designated as dredge material disposal sites under the jurisdiction of USEPA. The Corps is to use these sites as much as possible. Use of these sites does not require acquisition of an interest in land.

The project identifies the potential for beneficial reuse of material should good quality sand be identified. In the event good quality sand is identified, as described in the IFR Section 4.5.1, the Corps would further evaluate beneficial reuse through placement at a nearshore site.

8 INDUCED FLOODING

There will be no flooding caused by the proposed project.

9 PUBLIC LAW 91-646, RELOCATION ASSISTANCE BENEFITS

Preliminary investigations indicate that there will be no persons, farms or businesses displaced during the acquisition of lands required for any of the proposed alternatives. If necessary, the sponsor will be required to certify compliance with the requirements of PL 91-646, including landowners being properly advised of their rights under the program and appropriate benefit determinations, if any.

10 MINERAL INTEREST

There are no known outstanding mineral interests or active mining operations in the project area that may affect implementation of the project.

11 BASELINE COST ESTIMATE FOR REAL ESTATE

The baseline cost estimate includes the acquisition of a temporary work area easement for the deposition of nearshore materials at the site discussed above near surfside-sunset beach. It also includes the value for the temporary work area easements which are currently held in fee by the NFS and were not previously part of the Long Beach Naval Shipyard. Lastly, a value for the 900 sq. ft. parcel needed for the construction of an electrical substation is included, along with the administrative cost associated with the evidence needed to support the certification of Real Estate for the project and documentation needed for LERRs crediting.

Table 11-1 Baseline Cost Estimate

Baseline Cost for Real Estate			
	Federal	Non-Federal	Totals
a. Lands and Damages		\$994,200	\$994,200
b. Administrative Cost			
Acquisitions by NFS (01 Account)		\$100,000	\$100,000
District Review of LERR Crediting	\$75,000		\$75,000
Contingency 25%	\$18,750	\$273,550	\$292,300
		Total	\$1,461,500

12 ASSESSMENT OF NON-FEDERAL SPONSOR'S ACQUISITION CAPABILITY

An assessment of the Non-Federal Sponsor Real Estate Acquisition Capability and experience to acquire and provide the Lands, Easements and Rights of Way has been completed with input from the NFS. Based on the information provided by the NFS the Corps has determined the sponsor to be a "highly capable" sponsor. The assessment has been included to this report as Exhibit A.

13 ZONING ORDINANCE

No enactments of zoning ordinances are being proposed in lieu of or to facilitate acquisition in connection with the project.

14 ACQUISITION SCHEDULE

The NFS is responsible for acquiring any real estate interests required for the proposed project. The NFS is the fee owner of the proposed staging area and the site where the electrical substation will be constructed. They will make the lands available for the project when provided the acquisition letter for the project.

15 FACILITY/UTILITY RELOCATION

There are no relocations of utilities or facilities anticipated for the proposed project.

16 HAZARDOUS, TOXIC OR RADIOLOGICAL WASTE (HTRW)

There are no known HTRW in the proposed project area.

17 SPONSOR RISK NOTIFICATION

The Early Risk of Acquisition Letter to the NFS was sent on December 7, 2016 (see Exhibit B)

Reviewed by:

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ARIE. [REDACTED] Digitally signed by
SANDOVAL.LISA.MARIE [REDACTED]
Date: 2021.08.06 08:47:20 -07'00'

Lisa Sandoval
Supervisory Realty Specialist
Real Estate Division
Los Angeles District
U.S. Army Corps of Engineers

Approved by:

GATTI.JOSEPH.MIC
HAEL. [REDACTED] Digitally signed by
GATTI.JOSEPH.MICHAEL. [REDACTED]
Date: 2021.08.06 08:52:18 -07'00'

Joseph Michael Gatti
Deputy Chief, Real Estate Division
Los Angeles District
U.S. Army Corps of Engineers

Exhibit A: Assessment of Non-Federal Sponsor's Acquisition Capability

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITIES**

I. Legal Authority:

- a. Does the Sponsor have legal authority to acquire and hold title to real property for project purposes? (Yes/No) **Yes**
- b. Does the Sponsor have the power of eminent domain for this project? (Yes/No) **Yes. Please note property acquisition (temporary or otherwise) and/or any eminent domain action would not be required for this project.**
- c. Does the Sponsor have "quick-take" authority for this project? (Yes/No) **Yes.**
- d. Are any of the lands/interests in land required for the project located outside the Sponsor's political boundary? (Yes/No) **Yes. The portion of Pier J approach channel and turning basin is outside of the City of Long Beach Harbor District boundary. However, this area is part of the City's trust with the State Lands Commission.**
- 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) **No. As stated above, property acquisition will not be required for this project.**

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) **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/No) **Yes**
- d. Is the Sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule? (Yes/No) **Yes**
- e. Can the sponsor obtain contractor support, if required in a timely fashion? (Yes/No) **Yes**
- f. Will the sponsor likely request U. S. Army Corps of Engineers assistance in acquiring real estate? (Yes/No) **No**

III. Other Project Variables:

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

(Yes/No) **Yes, the sponsor has reviewed and approved the milestones for the project and will make the lands necessary for the project available when needed.**

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other U. S. Army Corps of Engineers projects? (Yes/No/Not Applicable) **Yes**
- b. With regard to this project, the sponsor is anticipated to be: (HIGHLY CAPABLE/FULLY CAPABLE/MODERATELY CAPABLE/MARGINALLY CAPABLE/INSUFFICIENTLY CAPABLE.) (If the sponsor is believed to be “insufficiently capable”, provide explanation) **HIGHLY CAPABLE**

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? (Yes/No) **Yes**
- b. Does the sponsor concur with this assessment? (Yes/No) (If “no,” provide and explanation) **Yes**

Coordinated with:

Eamonn Killeen

Prepared by:

Lynette Ulloa

Lynette Ulloa
Real Estate Specialist

Reviewed and Approved by:

Cheryl L. Connett

Cheryl L. Connett
Chief, Real Estate Division

EXHIBIT B – Early Risk of Acquisition Letter to Sponsor



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

December 7, 2016

Office of Chief
Asset Management Division

Subject: Port of Long Beach Deep Draft Navigation Study

Mr. Duane L. Kenagy, P.E.
Interim Chief Executive Officer
Port of Long Beach
925 Harbor Plaza
Long Beach, California 90802

Dear Mr. Kenagy:

The intent of this letter is to formally advise the Port of Long Beach, as the potential non-Federal sponsor (NFS) for the proposed Port of Long Beach Deep Draft Navigation Study, 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 NFS deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the NFS assumes full and sole responsibility for any and all cost, 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 mentioned;
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 incur costs or expenses in connection with its decision to acquire or perform LERRD (lands, easements, rights-of-way, relocations, disposal areas) activities in advance of the executed PPA and the Government's notice to proceed which might not be creditable under the

-2-

provisions of Public Law 99-662 or the PPA; and 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.

If you have any questions please contact Vicki Stephens-Allen at (213) 452-3398 or via email at vicki.k.stephens-allen@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl L. Connett".

Cheryl L. Connett
Chief, Asset Management Division
Real Estate Contracting Officer