

Appendix F

Real Estate Plan

Pool 6 Dredged Material Management Plan

Upper Mississippi River
Winona County, Minnesota
Buffalo & Trempealeau Counties, Wisconsin



**US Army Corps
of Engineers**

St. Paul District

February 2020

UPPER MISSISSIPPI RIVER 9-FOOT CHANNEL NAVIGATION PROJECT
POOL 6 DREDGED MATERIAL MANAGEMENT PLAN
MISSISSIPPI RIVER MILES 714.1 - 728.5

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1.0 PURPOSE AND GENERAL PROJECT INFORMATION

1.1 PURPOSE: The purpose of this Real Estate Plan (REP) is to provide an analysis of the real estate requirements deemed necessary to support the Upper Mississippi River Pool 6 Dredged Material Management Plan (DMMP). In addition to identifying the real estate requirements that support the DMMP, this REP provides an estimate of the real estate costs associated with the Tentatively Selected Plan (TSP), as recommended by the St. Paul District. The purpose of the DMMP is to prepare a coordinated, long-term plan (20-year minimum) for managing material dredged from Pool 6 for the continued operation and maintenance of the 9-Foot Channel Navigation Project. The DMMP will update the dredged material management practices in Pool 6 that are currently implemented under the Channel Maintenance Management Plan (CMMP).

1.2 GENERAL PROJECT INFORMATION: The study is focused on the area in the vicinity of navigation Pool 6 of the Mississippi River, located between Lock and Dam Number 5A at River Mile 728.5 and Lock and Dam Number 6 at River Mile 714.1. The study area borders the city of Winona, Minnesota at the upstream end and extends downstream to the Village of Trempealeau, Wisconsin.

Pool 6 includes the 6,226-acre Trempealeau National Wildlife Refuge (NWR), which forms most of the northern border of the Pool. In addition, the Pool is located within the Upper Mississippi River National Wildlife and Fish Refuge, a large corridor of land and water that includes most of the Mississippi River and its floodplain between Wabasha, Minnesota and Rock Island, Illinois. Figure 1 shows the study area and identifies some of the landmarks and local place names for reference.

Pool 6 has seven dredge cuts with recorded maintenance dredging since 1970, four of these dredge cuts have required the most attention and have produced 98% of more than one million cubic yards of material dredged during this period. These four cuts are situated in the center of the pool, towards the downstream end of Winona, Minnesota. The locations of the dredge cuts in Pool 6 are shown on Figure 2, along with the amount of dredging that has occurred at each cut.

Almost all dredging in Pool 6 since 1970 has been conducted by mechanical dredging methods for two reasons. First, placement sites for hydraulic dredging need to be fairly large (approximately 5 acres) in order to construct berms, settlement areas, and ponding areas, as necessary. None of the sites previously or currently available in Pool 6 meet this criteria. Second, in order to be cost-effective, hydraulic dredging typically requires jobs of at least 20,000 cubic yards, and many of the dredging jobs in Pool 6 have historically been smaller.

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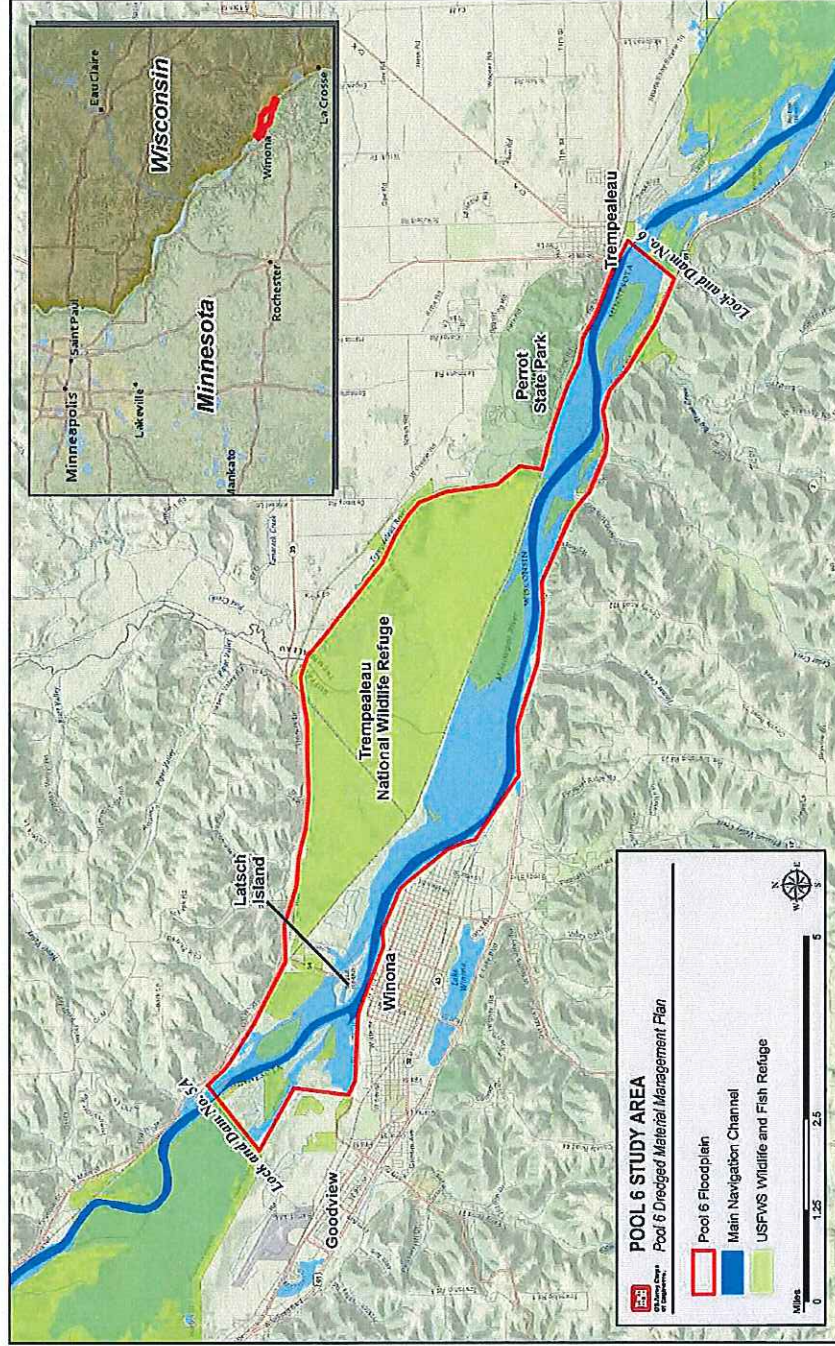


Figure 1 - Pool 6 Study Area

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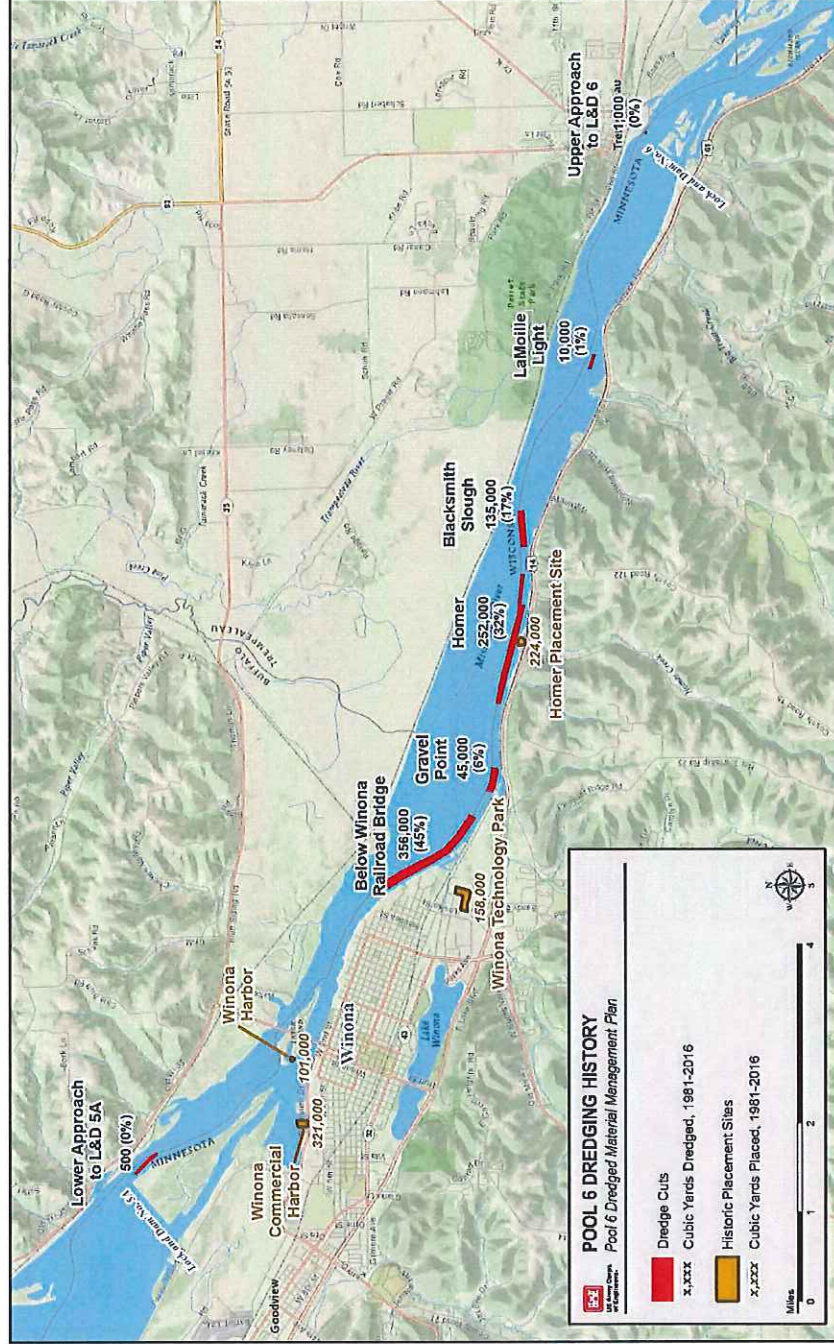


Figure 2 - Pool 6 Dredge Cuts

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1.3 AUTHORITY: The U.S. Army Corps of Engineers (Corps) is responsible for maintaining a navigable channel on the Mississippi River. Authority for continued operation and maintenance of the Upper Mississippi River (UMR) 9-Foot Channel Navigation Project is provided in the River and Harbor Acts of 1930 and 1932. In addition, pursuant to Section 1103(i) of the Water Resources Development Act of 1986 (33 U.S.C. § 652(i)), Congress authorized the Corps to dispose of dredged material from the system pursuant to the recommendations of the Great River Environmental Action Team (GREAT) I study, which were implemented, in part, in the Channel Maintenance Management Plan (CMMP). The project is authorized by the referenced legislation, and its purpose is compatible with the annual Operations and Maintenance appropriation.

(1) The River and Harbors Act of 3 July 1930, which authorized the Mississippi River 9-Foot Channel Project and which states in part:

"Mississippi River between mouth of Illinois River and Minneapolis, MN: The existing project is hereby modified so as to provide a channel depth of nine feet at low water with widths suitable for long-haul common-carrier service."

(2) 33 USC 591, which authorized condemnation, purchase, or donation of land or right-of-way for the improvement of rivers.

(3) Section 1103 of the Water Resources Development Act of 1986, 33 USC 652(i)(I), which authorized the purchase of the subject tracts in fee. It further states that:

"the Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies."

The GREAT I Study contains the following recommendation as Policy/Funding Item 6 on Page VII-23:

"The Corps of Engineers should change its policy and allow the acquisition of private land for stockpiling of dredged material to implement the channel maintenance plan and make material available for beneficial use."

1.4 CHANNEL MAINTENANCE MANAGEMENT PLAN (CMMP): In 1976, Section 117 of Public Law 94-587 authorized a cooperative Federal-State interagency study of the Upper Mississippi River to develop a comprehensive river system management plan. The resulting GREAT I study was completed in 1980 and recommended that long-term upland dredged material placement locations be identified in a subsequent report for each pool. The CMMP, dated April 1996, evaluated proposed dredged material placement sites in each pool for capacity, cost, economic, cultural, recreational, aesthetic, environmental, and hydraulic impacts. The report included the Homer and Winona Harbor sites as preferred sites.

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1.5 Tentatively Selected Plan (TSP)

The Corps is proposing to use up to 9 placement sites, some of which are incremental portions of contiguous land, to manage dredged material placement needs in Pool 6 for the next 20 or more years (Figure 3). The sites are organized into three tiers based on placement costs (Table 1). The first tier alternatives have river access for direct placement of dredged material and direct road access that will allow for the removal of material by the public for public and private use. The first tier alternatives include the two sites currently available – Homer West and Winona Harbor – as well as Homer East and the Winona Harbor Expansion sites. The second tier alternative – the Port Authority Business Park – would require material to be offloaded at a river access site and trucked to a nearby placement site. Third tier sites are permanent placement sites that would require substantial trucking from one of the river access points, and would all be permanent placement sites. These sites include the Yeadke Pit, Highway 43 Pit, and Winona Sand & Gravel Airport Pit. Under this plan, the Corps would attempt to manage as much material as possible through Tier 1 sites that will have access to the public for the removal of material for public and private use; these sites have direct river access. If dredging demands outpace the capacity provided by the Tier 1 sites, the Corps would pursue higher-cost alternatives.

Table 1 - Tentatively Selected Plan Sites

TIER	Site Name	Ownership	Acreage
Existing (No Action)	Homer West	United States of America	3.87 Acres
Existing (No Action)	Winona Harbor	City of Winona	1 Acre
1	Homer East	Private	3.2 Acres
1	Winona Harbor Expansion (Small)	City of Winona	2 Acres
1	Winona Harbor Expansion (Full)	City of Winona	8 Acres
2	Port Authority Business Park	Winona Port Authority	10.60 Acres
3	Yaedke Pit	Private	39.14 Acres
3	Highway 43 Pit	Private	60.14 Acres
3	Winona Sand and Gravel Airport Pit	Private	197.17 Acres

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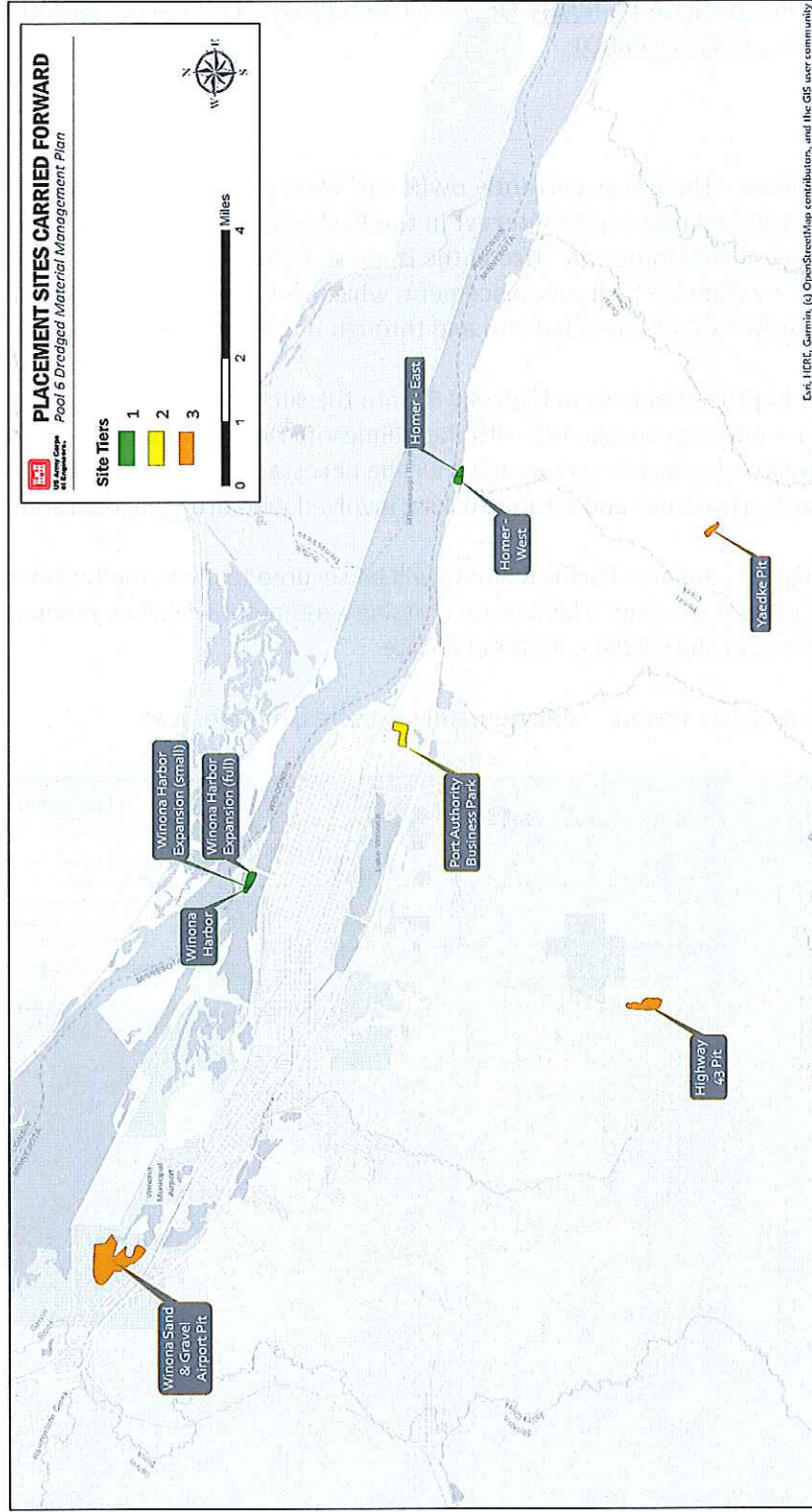


Figure 3 - Placement Sites Carried Forward (Tiered)

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2.0 PROJECT LANDS, EASEMENTS, RIGHT-OF-WAYS, RELOCATIONS, AND DREDGE OR EXCAVATED MATERIAL DISPOSAL AREAS (LERRD)

2.1 Tier 1 Sites:

Homer East and West - The Corps currently owns the West portion of the Homer site in fee title. The Corps has no existing real estate interest in the East portion. The East portion is the downstream portion of the Homer site. Use of the Homer site in its entirety would increase the overall function of the site by allowing hydraulic placement, which would not be possible with either portion alone. Access off Highway 61 is provided into and through Homer West to Homer East.

Deceleration Lane Improvements from Highway 61 into the site and Railroad Crossing Improvements, as shown on Figure 4 are being coordinated with the Minnesota Department of Transportation and the Canadian Pacific Railroad. These improvements will be necessary for the removal of material by the public for public and private use and future trucking involved with dredging operations.

An agreement with the Canadian Pacific Railroad will be secured to allow for improvements, as well as an agreement for private crossing. This private crossing agreement will allow access to the public for public and private use of the dredged material on site.

Ownership of Homer East: Private - Approximately 3.2 acres, more or less.



Figure 4 - Tier 1 Homer Site (East) Preferred Site Plan

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Winona Harbor Expansion - This site is directly downstream from the existing and operational Winona Harbor site, and directly upstream of the Highway 43 Bridge. The parcel 323203840, in its entirety, according to the Winona County Assessor, is approximately 38.04 acres, of which 8 acres is being identified for purposes of this report.

The Winona Harbor site, owned by the City of Winona, has been in use since 1975 and would be used and operated similarly to previous use. The site consists entirely of previously placed dredged material.

The Corps has an existing easement for this 1 acre area that will expire on 31 December 2021. The site capacity could be approximately doubled (2 acres) by a small expansion with minimal impacts or it could be significantly expanded within the full 8 acres of the identified site in order to manage a larger portion of the dredged material from Pool 6 (Figure 5). This 8 acre area is discussed in the main report as the "full expansion".

Access to this site is provided by public right-of-way.

The City of Winona is open to continued use of the 1 acre site, as well as an expansion for dredge material placement, however, based on a recent meeting with City of Winona officials, this City-owned property has a reverter clause held by the party who donated the property to the City, that restricts the land usage as parks and recreation. The Corps is not authorized to accept deeds with reverter provisions (ER 405-1-11, para. 2-10.i(1)(e) -- page 2-13 of that regulation). To acquire this property in fee from the City, the Corps will need to clear the reverter provision by acquiring that interest from the holder of the reverter rights. The continued use of this site for dredge material placement or the expansion thereof aligns with the park and recreation restriction. In accordance with the Land Use Allocation Plan, these placement sites are designated as Project Operations; however, the Corps allows recreation during non-operational time periods.

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Figure 5 - Winona Harbor and Expansion Options Preferred Site Plan

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2.2 Tier 2 Site:

Winona Port Authority Business Park (Tech Park) - This is a collection of vacant lots located on the southeast side of Winona, Minnesota. Part of the site was used for the placement of dredged material from 2014 – 2016 and 2018. The site is not adjacent to the river, so a temporary work area easement was secured from the City of Winona for use of a boat landing to transfer the material to trucks, which transported the material 1.5 miles via a city-designated truck route to the Business Park. The material placed here was used for in preparing the site for commercial development, and some material was stockpiled for other public and private uses. Ongoing recent developments of newly constructed warehouses and retail businesses are resulting in increased public use. Several of the lots where Corps dredged material was recently placed now have businesses established. The Port Authority of Winona’s desire is to sell and promote development of these lots, so these sites are likely a short-term solution (Figure 6).

Access to this site is provided by public road right-of-way, however, a temporary work area easement will be necessary from the City of Winona for use of the East Area Boat Harbor (Figure 7) as a transfer site.

Ownership: Winona Port Authority - 10.60 acres, more or less.

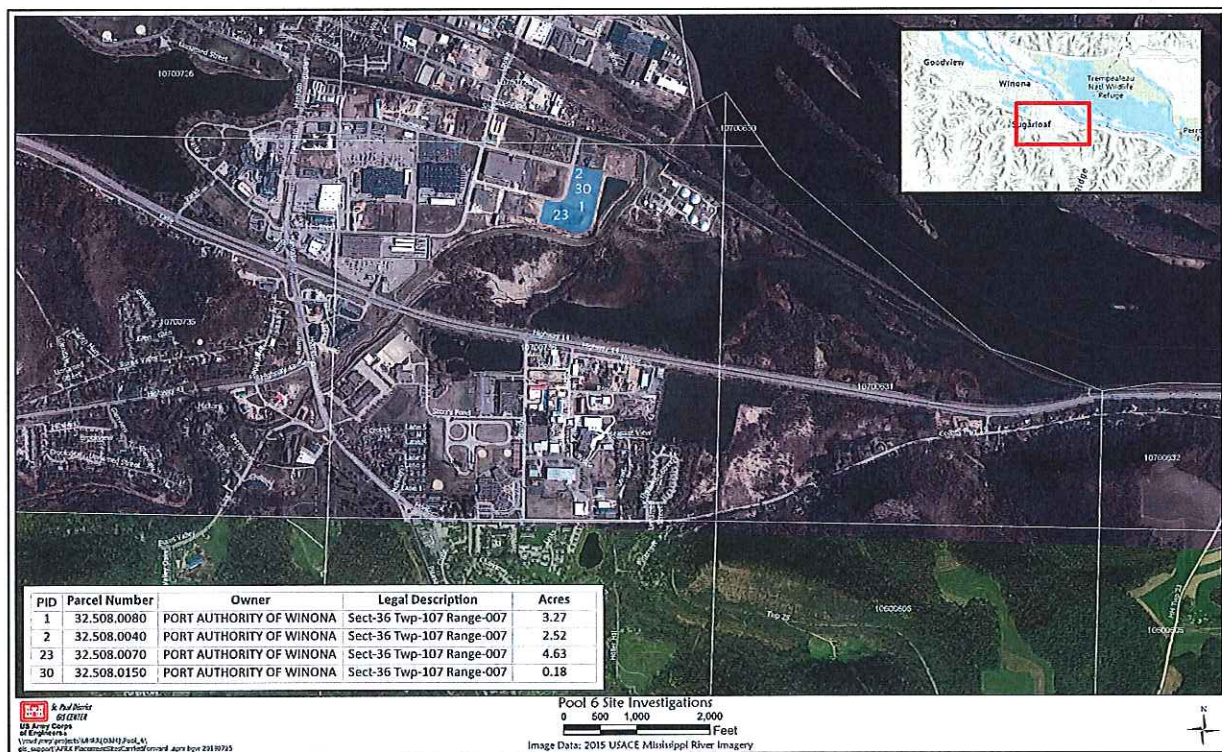


Figure 6 - Tier 2 Winona Port Authority (Technology Park)

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Figure 7 - Tier 2 Transfer Site (East End Boat Harbor) - City of Winona Property

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2.3 Tier 3 sites:

Winona Sand & Gravel Airport Pit - This is a large, ponded pit created by an active sand and gravel mine. The site is offset from the river and located slightly upstream of Lock and Dam 5A, which means dredged material from Pool 6 would need to be offloaded at a site with river access such as Homer West and Winona Harbor, and then trucked to the pit. Access into this site is provided by public road right-of-way off County Road 32 (figure 7).

Ownership: Private - 197.17 acres, more or less.

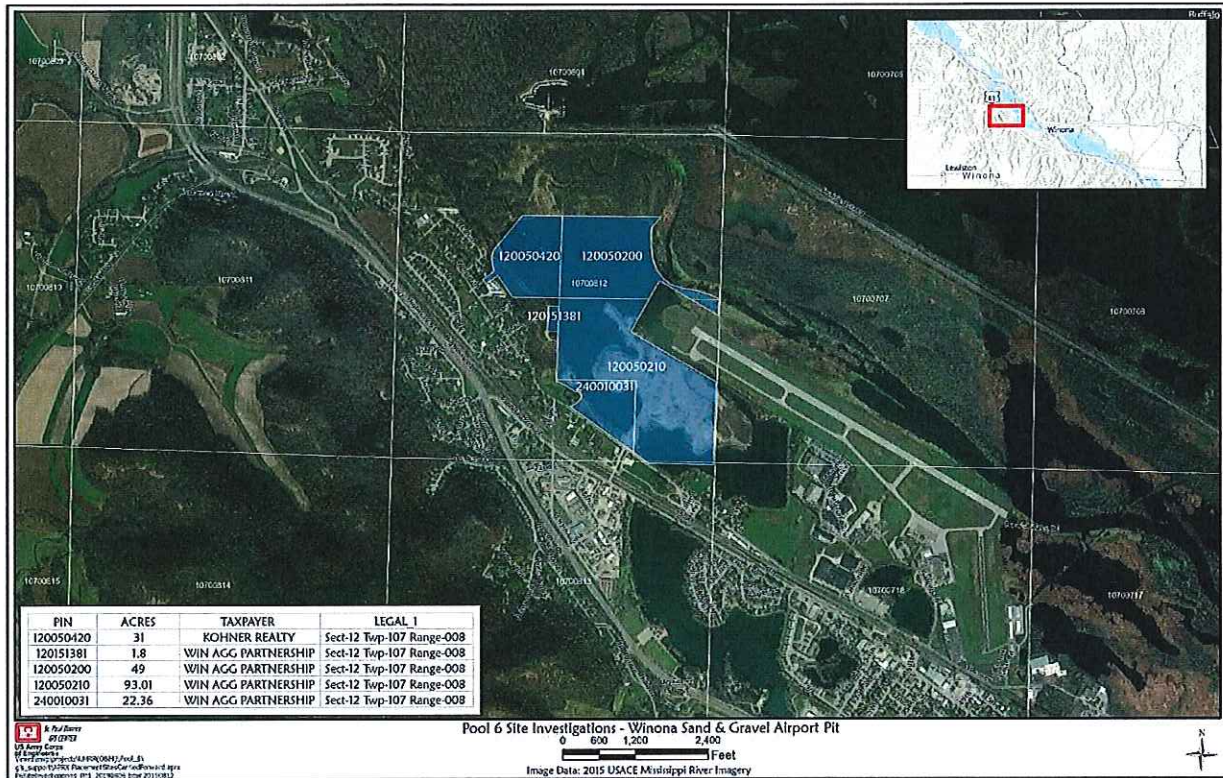


Figure 8 - Tier 3 Wabasha Sand & Gravel Airport Pit

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Yaedke Pit - This is an inactive mining pit identified from aerial imagery, drive-by observation, and discussions with the site owner. Material would be trucked into this site; access is provided by public road right-of-way off of County Road 15 (Figure 8).

Ownership: Private - According to Winona County Assessor's office, this is one parcel, 060003071, approximately 39.14 acres. The actual pit itself at present is roughly 15 acres, more or less, and is what is reflected in the main report as the desired site area.

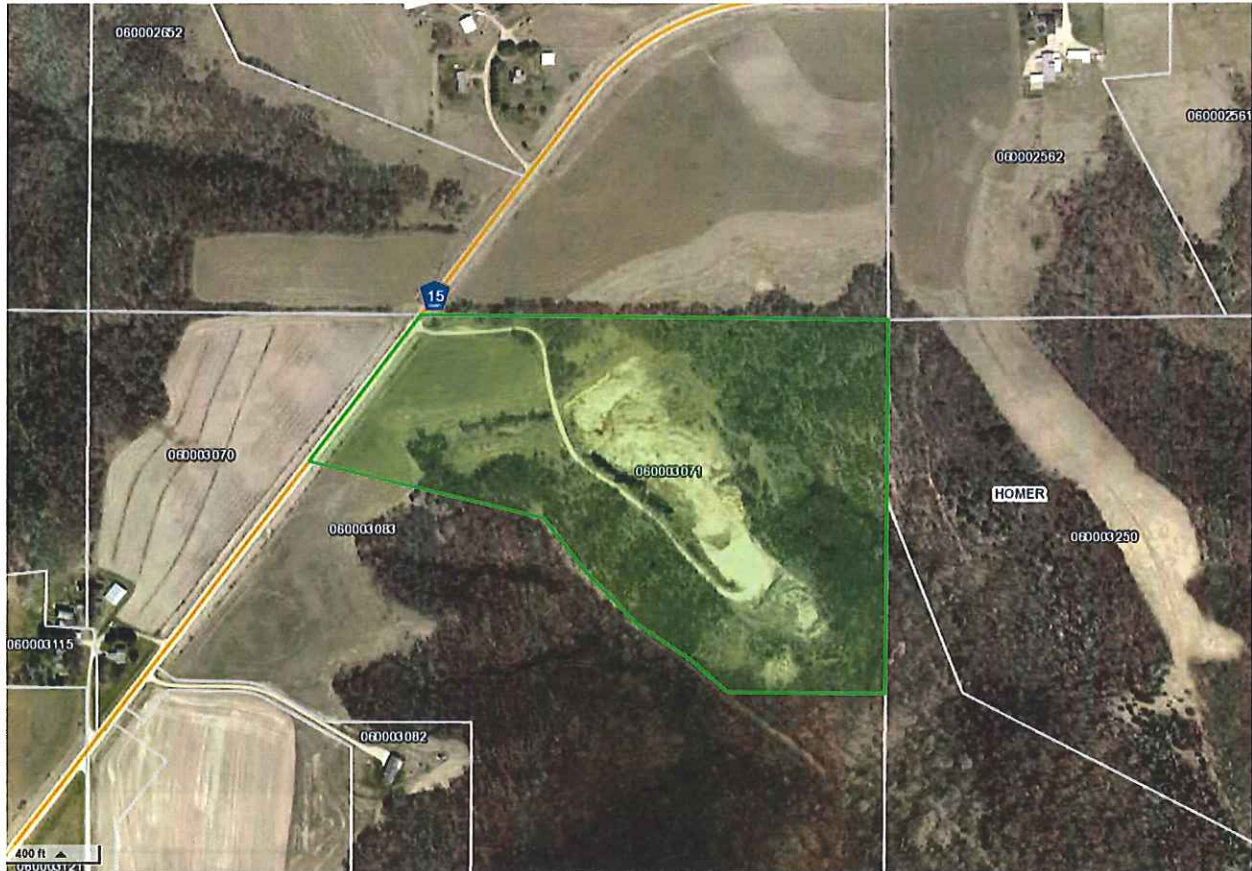


Figure 9 - Tier 3 Yaedke Pit

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Highway 43 Pit - This is a mine that was identified using aerial imagery. It appears to be active, with no apparent areas ready for reclamation at this time. An area approximately 15 acres in size, has been identified in the main report, however, this area contains 4 separate parcels that make up approximately 60.14 acres, more or less. Material would be trucked into this site; public access is available off of U.S. Highway 43 public road right-of-way (figure 9).

Ownership: Private - Approximately 60.14 acres, more or less.

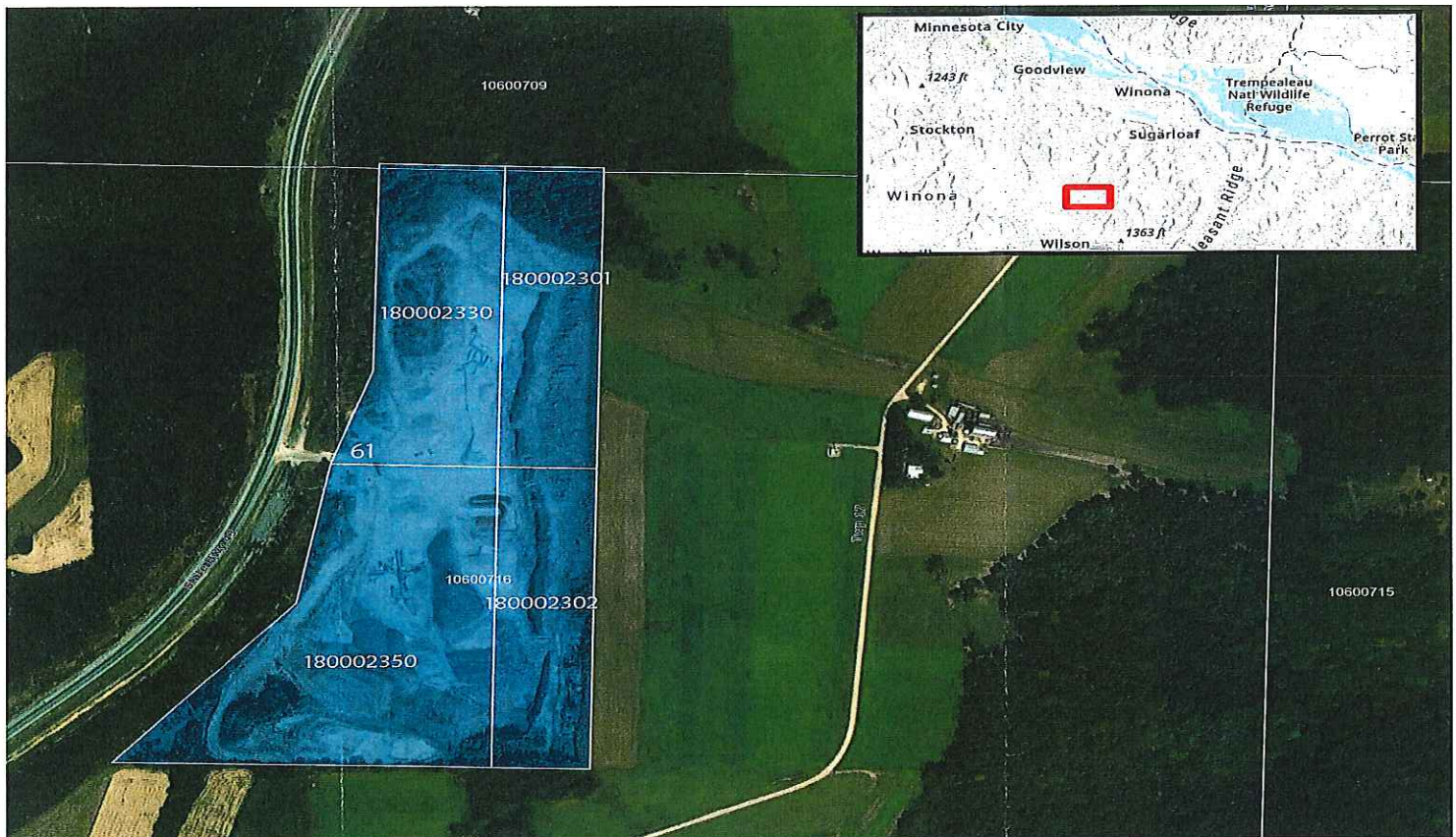


Figure 10 - Highway 43 Pit

2.4 Prior Real Estate Plans: Numerous Real Estate Design Memorandums (REDM) have been completed for Pool 6. The most recent REDM was completed in August, 2016, in support of acquisition of the real estate interests for the Homer Placement Site 6-720-.5-RMP. This is the upstream portion of a privately-owned site that was selected as part of the GREAT I study, reference GREAT I Vol. 8-Part IV, site identification number 6.11. The site identification number was changed to 6-720-.5-RMP in the CMMP. The site is located a few miles downstream from Winona, Minnesota, directly adjacent to the river, and is within the floodplain and the floodway. The Homer site is composed of two parcels, referred to in this report as Homer West and Homer East; the United States is now fee owner of Homer West.

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3.0 ESTATES TO BE ACQUIRED

3.1 ESTATES:

The Corps will be initiating the acquisition of the Tier 1 sites in fee. There is no immediate plan to acquire the Tier 2 and Tier 3 sites, however, they are being carried forward as sites for potential future use, if needed.

In accordance with Engineer Regulation 405-1-12, paragraph 12-9(b)(7), Determining the Appropriate Interest to Acquire, Fee Title is generally required for disposal areas located on fast land that are required for commercial navigation.

FEE SIMPLE:

The fee simple title to . . . and described in (Schedule A) (Tracts Nos. , and), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

4.0 FEDERALLY-OWNED LANDS OR OTHER INTEREST: The Homer West site is owned by the United States, managed by the Corps of Engineers. The Corps of Engineers currently holds a temporary easement, granted by the City of Winona, for placement of dredged material on a 1-acre parcel at the Winona Harbor site. The easement will expire 31 December 2021. This easement provides for ingress and egress on other lands owned by the Grantor.

5.0 NAVIGATION SERVITUDE: Navigation servitude will not be exercised for this project as the sites identified are above the ordinary high water mark of the Mississippi River.

6.0 INDUCED FLOODING: The Port Authority Business Park site, Yaedke Pit, Highway 43 Pit, and Winona Sand and Gravel Pit are all outside of the 100-year floodplain limits, and placement of dredged material at these locations would therefore have no effect on the one-percent flood profile.

Correspondence between the Corps of Engineers and the Minnesota Department of Natural Resources has indicated that the newest version of the floodway mapping indicates that the Homer site is outside of the floodway. The Winona Harbor site is within the floodway, but is accounted for in the current floodway mapping. The use of these sites under the TSP would have no effect on the one-percent flood profile.

Additional hydraulic analysis and coordination with the appropriate floodplain regulators will take place prior to using the full Winona Harbor Expansion.

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7.0 REAL ESTATE BASELINE COST ESTIMATE: The estimated cost for real estate and improvement/alterations to U.S. Highway 61 and the Canadian Pacific Railroad is \$7,089,700.00. Although targeted areas may have been identified in the main report, in particular for the Tier 3 permanent placement sites, for purpose of this cost estimate, the parcels, in their entirety, were considered and reflected on the site maps.

8.0 MINERAL & TIMBER ACTIVITY:

8.1 HOMER EAST: There is no present or anticipated oil/gas/mineral extraction activities occurring that will impact the acquisition, operation, or maintenance of the Homer East site.

8.2 WINONA HARBOR: There is no present or anticipated oil/gas/mineral extraction activities occurring that will impact the acquisition, operation, or maintenance of the Winona Harbor site.

8.3 WINONA PORT AUTHORITY: There is no present or anticipated oil/gas/mineral extraction activities occurring that will impact the acquisition, operation, or maintenance of the Winona Port Authority site.

8.4 YAEDKE PIT: This is an inactive mining pit identified from aerial imagery, drive-by observation, and discussions with the site owner.

8.5 HIGHWAY 43 PIT: This is a mine that was identified using aerial imagery. It appears to be active, with no apparent areas ready for reclamation at this time.

8.6 WINONA SAND & GRAVEL AIRPORT PIT: This is a large, ponded pit created by an active sand and gravel mine.

8.7 There are no timber resources located on any of the parcels.

9.0 ZONING ORDINANCE REQUIREMENTS: No application or enactment of zoning ordinances is proposed.

10.0 ACQUISITION SCHEDULE: Major acquisition milestones are identified in Table 2. Total acquisition duration is estimated to be between 18 to 24 months per parcel. A more defined acquisition schedule will be developed as acquisition is initiated for each site.

TASK	Duration
Survey and Mapping	90 Days
Tract Appraisal	120 Days
Secure Title Commitment(s)	30 Days
Preliminary Title Opinion	30 Days
Offer to Purchase / Negotiations	180 Days
Title Curative	120 Days
Closing / Conveyance of Title	30 Days
Condemnation (if necessary)	18 – 24 Months

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11.0. PUBLIC UTILITY OR FACILITY RELOCATIONS, ALTERATIONS, OR REPLACEMENT:

As mentioned in section 2.1 of this real estate plan, access improvements will be necessary for removal of the material from the Homer site by the public for public and private use. Coordination is currently ongoing with the Minnesota Department of Transportation for deceleration lane improvements to U.S. Highway 61, and the Canadian Pacific Railroad for improvements to the existing railroad crossing. See the full report for more detail on these proposed improvements.

12.0 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)

A preliminary desktop exercise was conducted to assess evidence of any HTRW concerns, this initial screening resulted in the following:

Tier 1 sites: Homer (East) and Winona Harbor and Expansions - No known contaminants were found.

Tier 2 Winona Port Authority Business Park (Technology Park) site - No known contaminants were found.

Tier 3 sites (Winona Sand & Gravel (Airport Pit), Highway 43 Pit, Yaedke Pit) - No known contaminants were found.

A full Phase I analysis will be conducted on these sites prior to the commencement of acquisition activity.

13.0 RELOCATION ASSISTANCE BENEFITS, PUBLIC LAW 91-646: No relocation assistance benefits are anticipated for the proposed acquisitions.

14.0 NON-FEDERAL SPONSOR REAL ESTATE ACQUISITION CAPABILITIES ASSESSMENT: Not applicable, this is a full-Federal project.

15.0 LANDOWNER CONCERNS

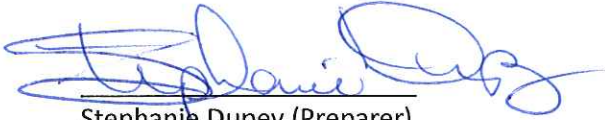
15.1 Homer East: The landowner of this parcel, approximately 3 acres, more or less, has verbally expressed opposition to conveying fee title to the United States at this time. The United States holds fee title to the land immediately adjacent to the west border of this parcel, known as Homer West.

Additionally, concerns have been expressed by a local resident in regard to airborne sand particulates and personal safety.

15.2 A public meeting was held on February 21, 2019, there was a general opposition to acquiring private lands for the placement of dredged material.

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16.0 OTHER RELEVANT REAL ESTATE ISSUES: All roads leading to the sites are public. If these sites are acquired in fee, they would likely include the parcels in their entirety, for this purpose the site maps and related costs have been taken into account.



Stephanie Dupey (Preparer)
Realty Specialist




Date



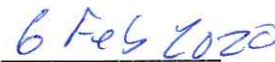
Penny Caldwell (Reviewer)
Realty Specialist



Date



Kevin Sommerland (Approver)
Chief of Real Estate
St. Paul District



Date

