

# Appendix G

## Real Estate Plan

### **Pool 5 Dredged Material Management Plan**

Upper Mississippi River

Wabasha and Winona Counties, Minnesota

Buffalo County, Wisconsin



**US Army Corps  
of Engineers**

St. Paul District

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POOL 5 DREDGED MATERIAL MANAGEMENT PLAN  
MISSISSIPPI RIVER MILES 752.8 - 738.1

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## **1.0 PURPOSE AND GENERAL PROJECT DESCRIPTION**

**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 5 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 Recommended Plan, as recommended by the St. Paul District. The purpose of the DMMP is to prepare a coordinated, long-term plan to manage material dredged in Pool 5 and this REP supports and complements that plan and is intended to be used for long-term planning purposes, and as a Real Estate Decision Document for the purposes of meeting the pre-acquisition criteria set forth in ER 405-1-11, para. 3-14.

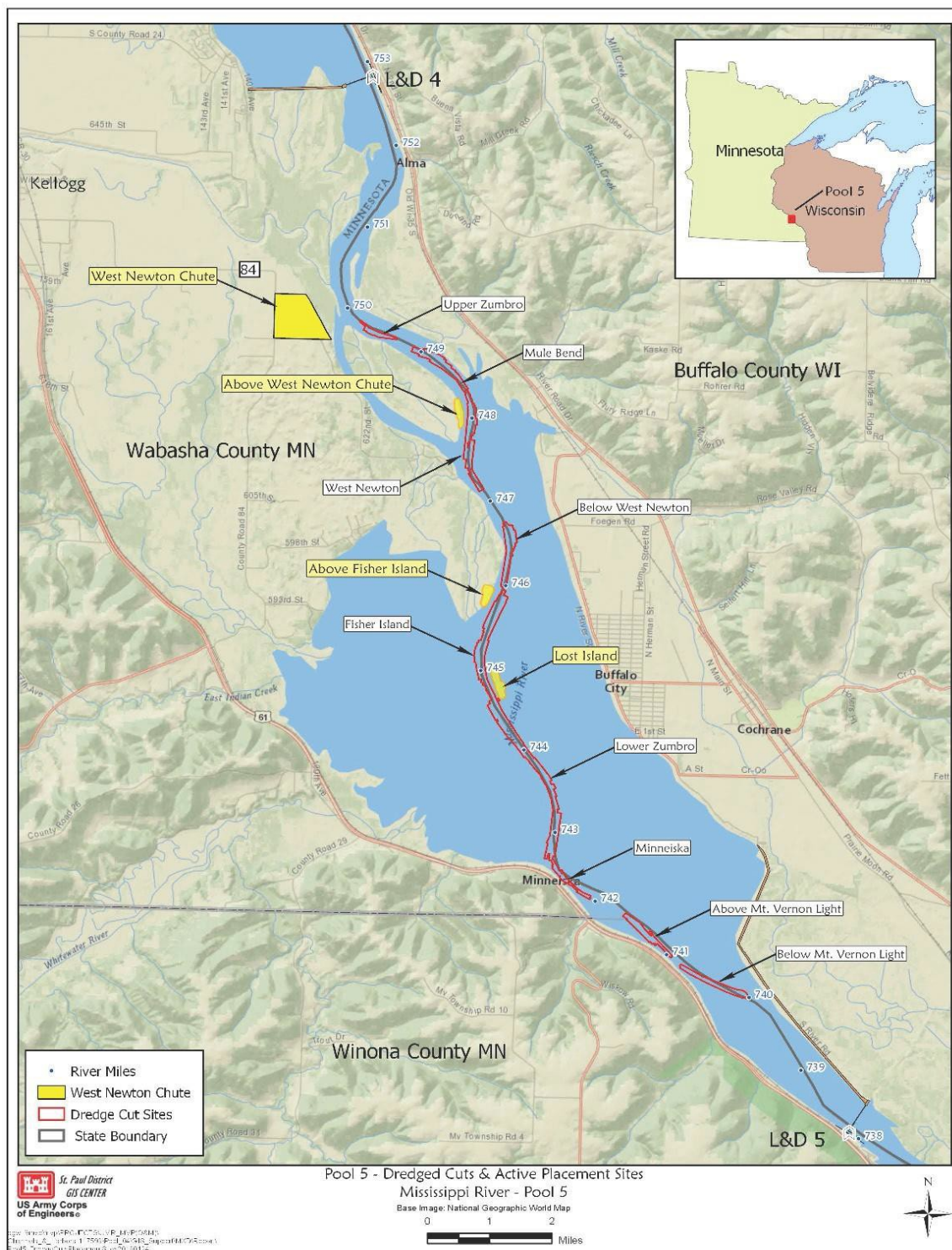
**1.2 GENERAL PROJECT INFORMATION:** The DMMP was initiated because existing permanent dredged material placement sites are nearing capacity coupled with the increased cost associated with managing dredged material over the past 15-20 years. Dredged material placed at temporary island transfer sites eventually needs to be offloaded to permanent sites. Therefore, additional permanent placement sites are needed to accommodate the U.S Army Corps of Engineers (Corps) dredging needs in Pool 5 over the next 40-years. The selected plan must comply with the policy for managing dredged material pursuant to the Federal Standard. The Federal Standard (33 CFR Part 335.7) for dredged material placement sites is defined as: “the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.”

Pool 5 encompasses the area between Lock and Dam (L/D) 4 at river mile (RM) 752.8 down to L/D 5 at RM 738.1. The cities or communities of Buffalo City and Alma, Wisconsin, and Kellogg, Minneiska and Weaver, Minnesota are located within the Pool 5 study area. Buffalo City is located on the Wisconsin mainland off the main channel at river mile 744, while Alma is located at the upstream end of the study area near river mile 752 at L/D 4. Minneiska is located on the Minnesota mainland at river mile 742 and Kellogg is located approximately 3.5 miles east of river mile 751, south of the Old Zumbro River. There is considerable residential development along the Wisconsin shorelines in Pool 5.

State Hwy 35 parallels the floodplain on the Wisconsin side of the river and U.S. Hwy 61 on the Minnesota side. On the Wisconsin side, the Burlington Northern railroad tracks lie riverward of State Hwy 35 and on the Minnesota side, the Canadian Pacific railroad tracks lie riverward of U.S. Hwy 61. A coal fired electrical power station is located on the river near Alma, Wisconsin in Buffalo County, near RM 751. There are no interstate bridge crossings in Pool 5. The closest upstream crossing is the Wabasha-Nelson Bridge in Pool 4 at approximate RM 760.2 and the

closest crossing downstream of Pool 5 is the Minnesota State Hwy 43 and the Wisconsin State Hwy 54 Bridge at RM 725.9. Alma, Buffalo City and Cochrane, Wisconsin have populations of 781, 1,023, and 450, respectively and Minneiska and Kellogg, Minnesota have populations of approximately 456 and 110, respectively. All population numbers were derived from the 2010 census.

This REP addresses the real estate needs for Pool 5's permanent upland dredged material placement sites. Specifically, it addresses the Pool's dredge cuts that currently include: Upper Zumbro, Mule Bend, West Newton Chute, Below West Newton, Above Fisher Island, Lower Zumbro, Minneiska, Above Mt. Vernon Light, and Below Mt. Vernon Light (Figure 1). The study area includes not only all of Pool 5 but also dredge cuts and placement sites that are outside the geographical boundaries of the Pool. This is intentionally being done to support projected multi-pool dredging activities and placement sites that shall be needed for at least the next 40-years.



### 1.3 AUTHORITY:

The U.S. Army Corps of Engineers (Corps) is responsible to maintain a navigable channel on the Mississippi River. Authority for continued operation and maintenance of the Mississippi River 9-Foot Channel project is provided in the Rivers and Harbors Acts of 1930 and 1932. Original authority for the Corps of Engineers to work on the Mississippi River was provided in the Rivers and Harbors Act of 1878. 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 proposed 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.

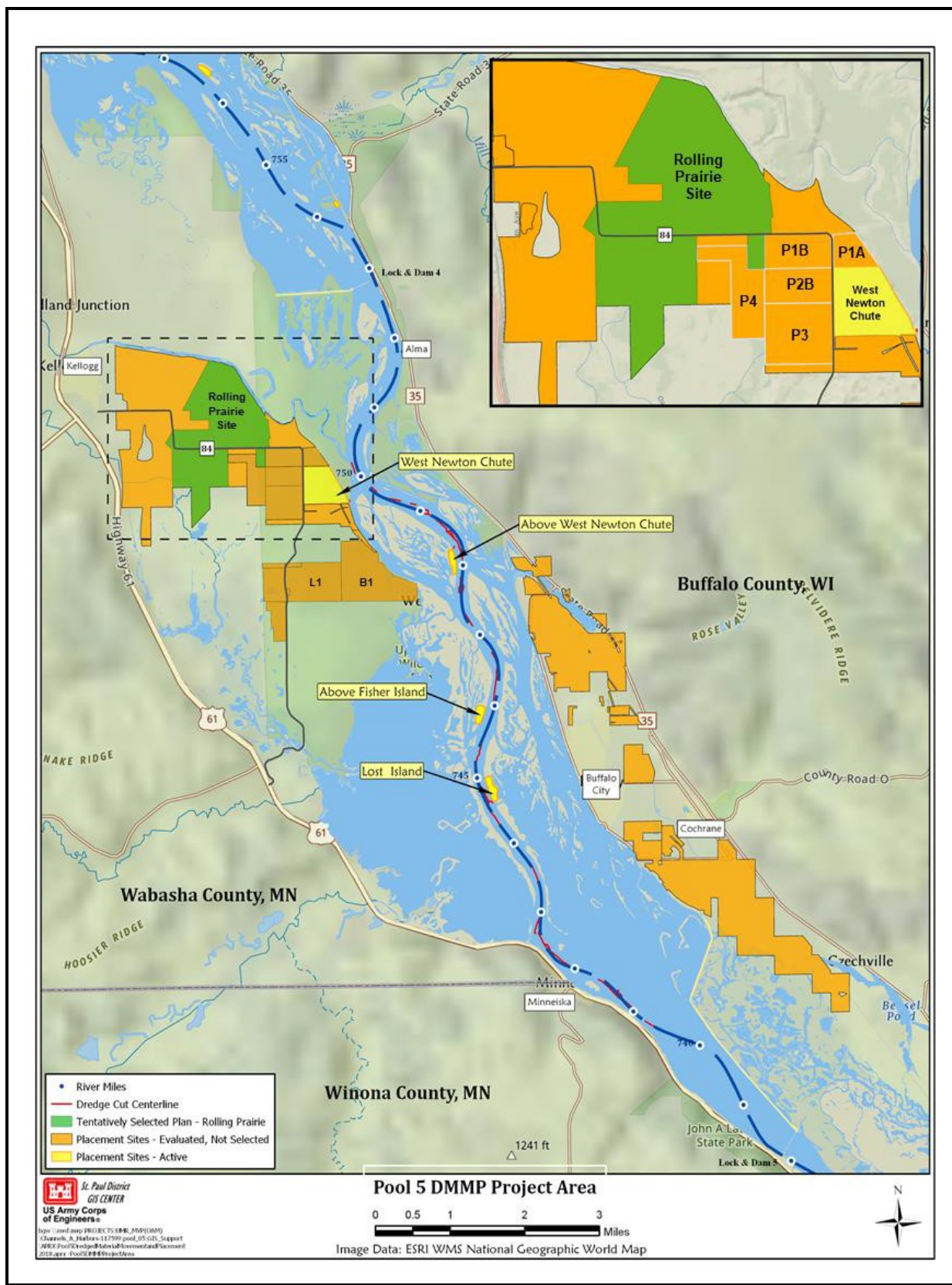
(3) Section 1103 of the Water Resources Development Act of 1986, 33 USC 652(i)(I), which authorized the purchase of the subject tracts in fee. It further states that:

*"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."*





**Figure 2.** Pool 5's Map of Active, Evaluated and Recommended Placement Sites.

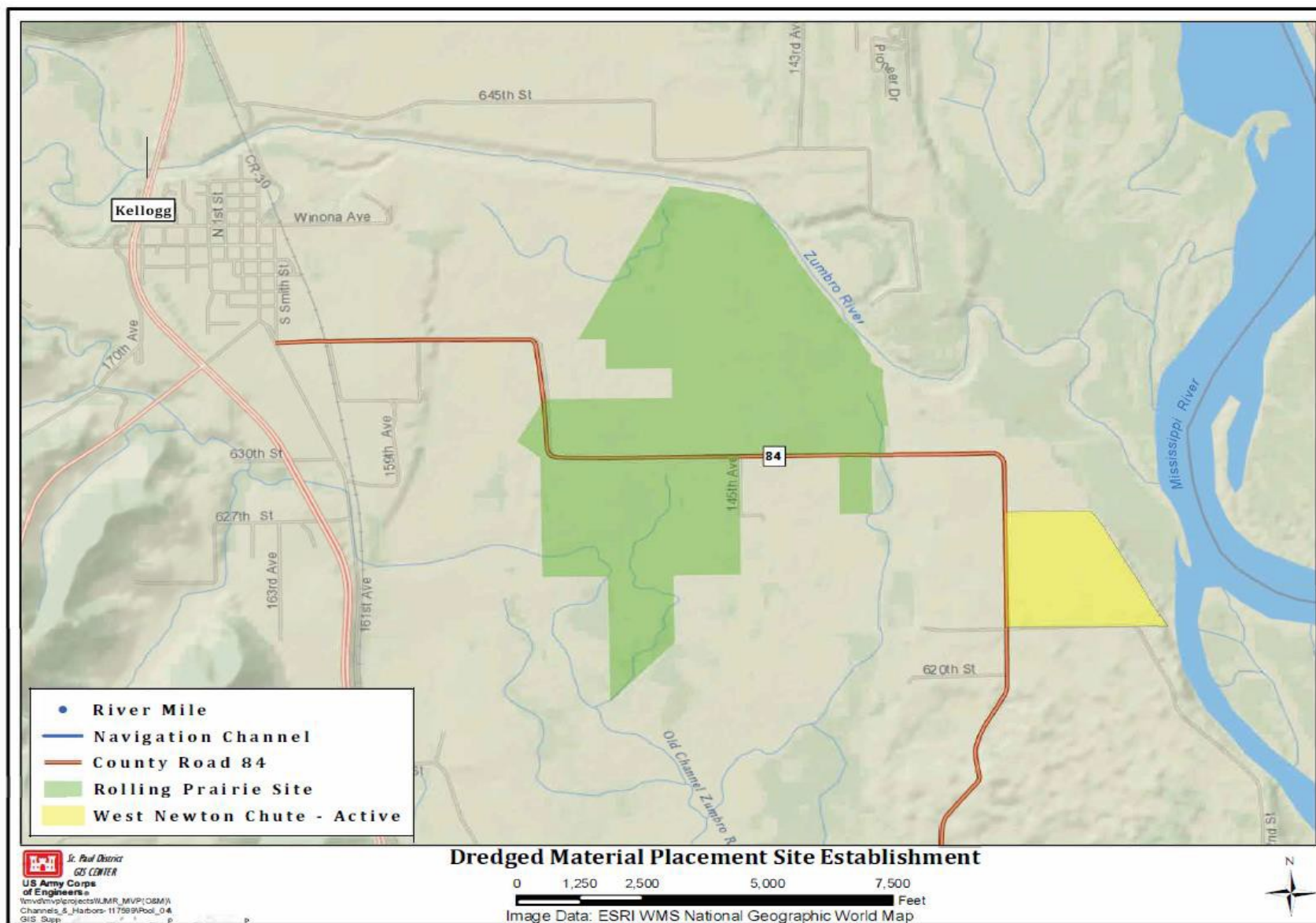
## **2.0 PROJECT LANDS, EASEMENTS, RIGHT-OF-WAYS, RELOCATIONS, AND DREDGE OR EXCAVATED MATERIAL DISPOSAL AREAS (LERRD)**

### **2.1 FEE ACQUISITION OF ROLLING PRAIRIE:**

The Corps proposes to acquire the Rolling Prairie permanent dredged material placement site in fee through a direct purchase from the land owners (Figure 3).

### **2.2 RECOMMENDED PLAN:**

In addition to selecting the Rolling Prairie Site, to be purchased in fee simple, as part of the Recommended Plan, West Newton Chute (currently the only Corps owned onshore transfer/permanent placement site in Pool 5) was also selected as part of the plan (Figure 4). The three Corps owned islands in Pool 5 will likewise be retained as part of the recommended plan. The combination of the sites selected meet the planning objectives for the Pool 5 DMMP.



**Figure 3.** Recommended Plan for Long-Term Placement Dredged Material in Pool 5.





**Figure 4. West Newton Chute - Permanent Placement Site**

### **3.0 SPONSOR OWNED LANDS**

**3.1** This is a full Federal Project and there is no involvement of a local non-federal sponsor.

### **4.0 ESTATES TO BE ACQUIRED**

**4.1** The District proposes to acquire fee title for the Rolling Prairie placement Site.

**4.2 FEE SIMPLE:** The fee simple title to (the land described in (Schedule A)(Tracts Nos. , and), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

### **5.0 FEDERALLY-OWNED LANDS OR OTHER INTEREST**

**5.1** West Newton Chute is the only upland-based site currently being used for Pool 5's permanent upland placement while Above West Newton, Fisher Island, and Lost Island are active temporary island placement sites. Fee title is held in the name of the United States for all of these properties.

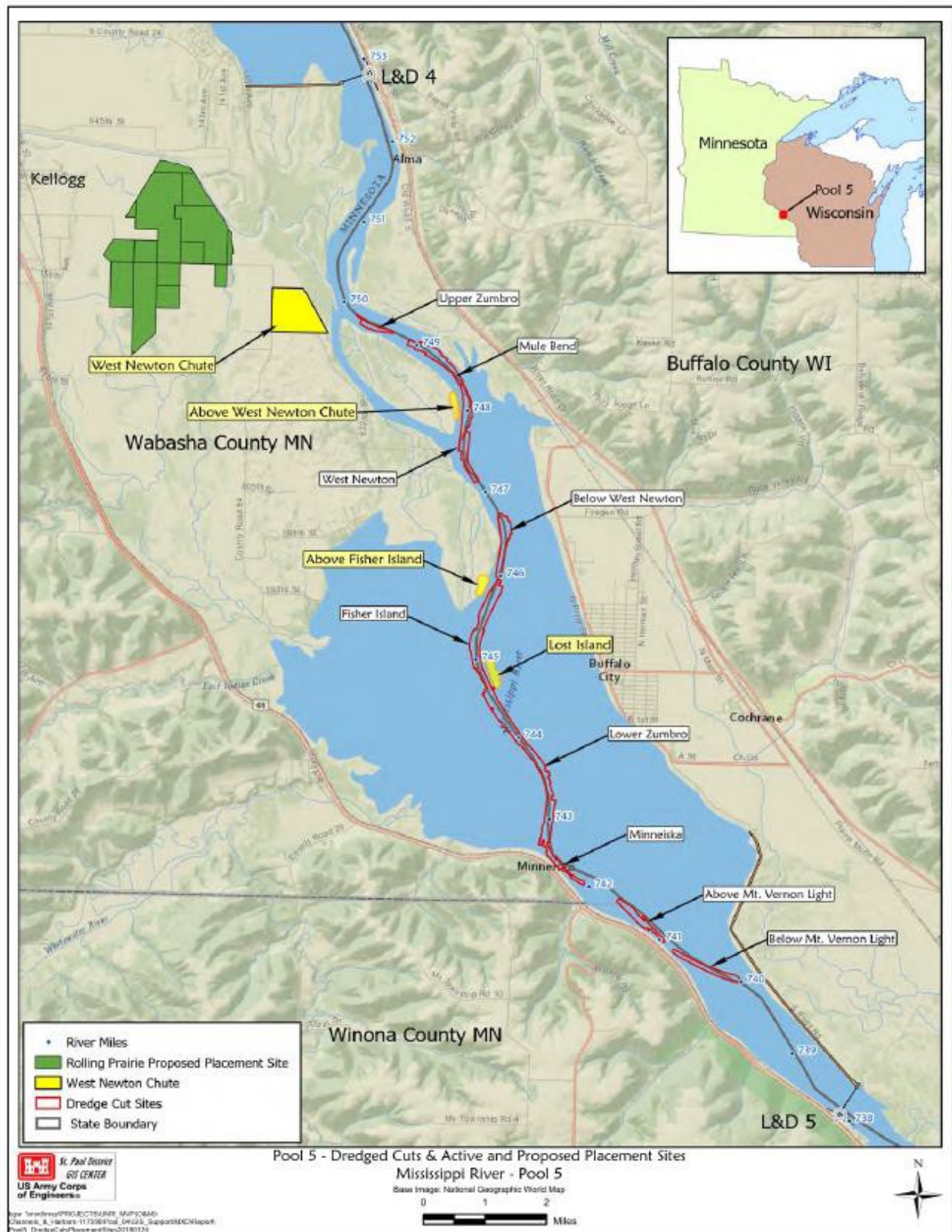
### **6.0 NAVIGATION SERVITUDE**

**6.1** Navigation Servitude is not applicable to this project. Dredging operations will be conducted within the river, however the material will be placed on upland sites.

### **7.0 PROJECT MAPS**

**7.1** Location of Pool 5's Dredge Cuts, West Newton Chute upland permanent placement site, the temporary island placement sites and the newly proposed Rolling Prairie upland permanent placement site are depicted on the following map (Figure 5).





**Figure 5. Pool 5 Dredge Cuts & Active and Proposed Placement Site**

## **8.0 INDUCED FLOODING**

**8.1** Flooding will not be induced by the Recommended Plan.

## **9.0 REAL ESTATE BASELINE COST ESTIMATE**

**9.1** The Real Estate Baseline Cost Estimate has been prepared based on an appraisal of the Rolling Prairie property. Administrative expenses have been estimated based on knowledge of past acquisitions. Real Estate costs for acquisition activities are estimated to be a total of \$10,237,000.00.

## **10.0 MINERAL ACTIVITY**

**10.1** There is no present or anticipated oil/gas/mineral extraction activities occurring that will impact the acquisition, operation, or maintenance of the Rolling Prairie upland placement site in particular or any current or proposed temporary and/or permanent Pool 5 placement site in general.

## **11.0 RELOCATION ASSISTANCE BENEFITS "PL91-646" ANTICIPATED**

**11.1** There are no Public Law 91-646 Relocation Assistance Benefit payments anticipated for this acquisition.

## **12.0 ZONING ORDINANCE REQUIREMENTS**

**12.1** No application or enactment of zoning ordinances is proposed.



### **13.0 ACQUISITION SCHEDULE**

<b>TABLE 4 REAL ESTATE LAND ACQUISITION MAJOR MILESTONES</b>	
<b>TASK</b>	<b>Duration</b>
Survey and Mapping	90 Days
Tract Appraisal	60 Days
Secure Title Commitment(s)	60 Days
Preliminary Title Opinion	30 Days
Offer to Purchase / Negotiations	120 Days
Title Curative	120 Days
Closing / Conveyance of Title	30 Days

**13.1** Major acquisition milestones (Table 4) will be more accurately identified and timelines set once potential sellers within the Recommended Plan have identified which specific parcels they would like to sell.

### **14.0. PUBLIC UTILITY OR FACILITY RELOCATIONS, ALTERATIONS, OR REPLACEMENT**

**14.1** There will be no public utility or facility relocations, alterations, or replacements associated with the proposed placement sites.

### **15.0 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)**

**15.1** A preliminary Phase I HTRW assessment, to include site reconnaissance of the Recommended Plan placement sites, was completed. No obvious indicators of the presence (historic or current) of HTRW were observed at that time.

**15.2** Once the snow cover dissipated and the ground thawed, a Phase II HTRW inspection along with a cultural assessment was conducted to further investigate the recognized environmental condition (REC) observed on land parcel 5 of the Rolling Hills property in Wabasha County, MN. The REC was defined as intermittent black soil staining, distressed vegetation, and a chemical odor within an area of 75 sf. A 500 gallon Petroleum Aboveground Storage Tank (AST) and fuel pump were believed to be the source of contamination. Both the diesel range organics (DRO) and gasoline range organics (GRO) were detected at concentrations exceeding screening levels developed by the Minnesota Pollution Control Agency. Although DRO and GRO concentrations were elevated, their spatial extent was limited, and localized to an area of <75 sf. Further, the source (AST and fuel pump) have been removed. The potential for exposure of GRO and DRO to human health and the environment is de minimis. This study recommends that the contaminated soil is left in place to naturally attenuate.

## **16.0 NON-FEDERAL SPONSOR REAL ESTATE ACQUISITION CAPABILITIES ASSESSMENT**

**16.1** Not applicable, this is a full Federal project.

## **17.0 LANDOWNER ATTITUDE(S)**

**17.1** Local land owners approached USACE about the acquisition of the Rolling Prairie property and have been very cooperative throughout the real estate process. A public meeting was held on 26 September 2019, during which there was some concern expressed by the attendees on the loss of tax revenue to the county due to the Federal acquisition of nearly 1000 acres of farmland. These comments were addressed and information regarding the payment in lieu of taxes (PILT) program was provided.

**18.0 RISK OF ACQUIRING LANDS BEFORE EXECUTION OF THE PPA**

**18.1** N/A

**19.0 A DESCRIPTION OF ANY OTHER REAL ESTATE ISSUE RELEVANT TO PLANNING, DESIGNING OR IMPLEMENTING THE PROJECT**

**19.1** The contents of this REP provide the reader with all relevant real estate related issues. There are no other known real estate issues at this time.

Date: 16 April 2019

Peter Crary

Prepared by:

Peter Crary  
Realty Specialist  
Planning & Acquisition  
Branch St. Paul District

Date: 16 April 2019

Penny Caldwell

Reviewed by:

Penny Caldwell  
Realty  
Specialist  
Planning & Acquisition  
Branch St. Paul District

Date: \_\_\_\_\_

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Approved by:

Kevin Sommerland  
Chief of Real Estate  
St. Paul District