

APPENDIX D
REAL ESTATE

FINAL REPORT

OKALOOSA COUNTY, FLORIDA
COASTAL STORM RISK MANAGEMENT

Integrated Feasibility Study
With Environmental Assessment

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Section 1.0 Preamble

This Real Estate Plan (REP) identifies the preliminary and conceptual real estate requirements for the proposed construction of the various project components for a Federal shore protection project in Okaloosa County, Florida. These real estate requirements are based on a project need to reduce the damaging effects of hurricanes and severe storms to real property along the coast and stabilize or restore the shoreline by eliminating long-term erosion.

The REP is tentative in nature for planning purposes only and both the final real property acquisition lines and estimates of value are subject to change even after approval of this report. The REP is written to support the Okaloosa County Coastal Storm Risk Management Study and is written to the same level of detail as the Feasibility Report. The author of this report has inspected the project area. This REP was last updated on July 15, 2021.

1.1 Study Authorization:

The authority for conducting this study is contained in House Resolution 2758 adopted June 28, 2006 which reads as follows:

“Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, in accordance with Section 110 of the River and Harbors Act of 1962, the Secretary of the Army is requested to review the feasibility of providing shoreline erosion control, beach nourishment, storm damage reduction, environmental restoration and protection, and related improvements in Okaloosa County, Florida, taking into consideration the unique characteristics of the existing beach sand and the need to develop a comprehensive body of knowledge, information, and data on coastal area changes and processes as well as impacts from Federally constructed projects in the vicinity of Okaloosa County, Florida.”

The Bipartisan Budget Act of 2018 (Public Law 115-123), Division B, Subdivision 1, Title IV, appropriates funding for the study at full Federal expense. As identified under this “Supplemental Appropriation” bill, the study is subject to additional reporting requirements and are expected to be completed within three years and for \$3 million dollars.

1.2 Official Project Designation: Okaloosa Coastal Storm Risk Management Study

1.1 Study Area:

The study location is located in Okaloosa County, Florida along the coast of the Gulf of Mexico in the northwest Florida panhandle. Okaloosa County is situated approximately 40 miles east of Pensacola, Florida and 140 miles west of Tallahassee, Florida. Eglin Air Force Base is an extensive military reservation in Okaloosa and Walton Counties

that includes lands to the west of the project area, with an additional enclave, discussed within this report. Okaloosa County beaches extend from Eglin AFB lands, to the east of the project area and the eastern portion of Okaloosa Island, to the City of Destin, Florida in Okaloosa County, to the west. A vicinity map of Okaloosa County, Florida project limits is shown below as Figure 1-2.

1.4 Reach Delineation:

Quadrilaterals with a seaward boundary that is parallel with the shoreline that contain the Lots and Damage Elements, and that are used to incorporate coastal morphology changes for transfer to the lot level. In this study, the model reaches use Florida Department of Environmental Protection (FDEP) range monuments. Each model reach is approximately 1,000 feet long.

All the reaches were divided into sub-reaches of about 1,000 feet based on the FDEP monuments. The Okaloosa Island Reach consisted of FDEP monuments R01 through R15. The West Destin Reach consisted of FDEP monuments R18 through R32 and the East Destin Reach consisted of FDEP monuments R33 through R50.

Figure 1-2 shows an aerial view of the Beach-fx model reaches.

1.5 Non-Federal Sponsor: The Non-Federal Sponsor for this Study is Okaloosa County, Florida, acting by and through its Tourism Development Council.

Section 2.0 Statement of Purpose

The purpose of this REP is to present the overall plan describing the minimum real estate requirements for the construction, operation, maintenance, repair and rehabilitation herein referred to as the Recommended Plan.

Figure 1-1: Identification of Study Area

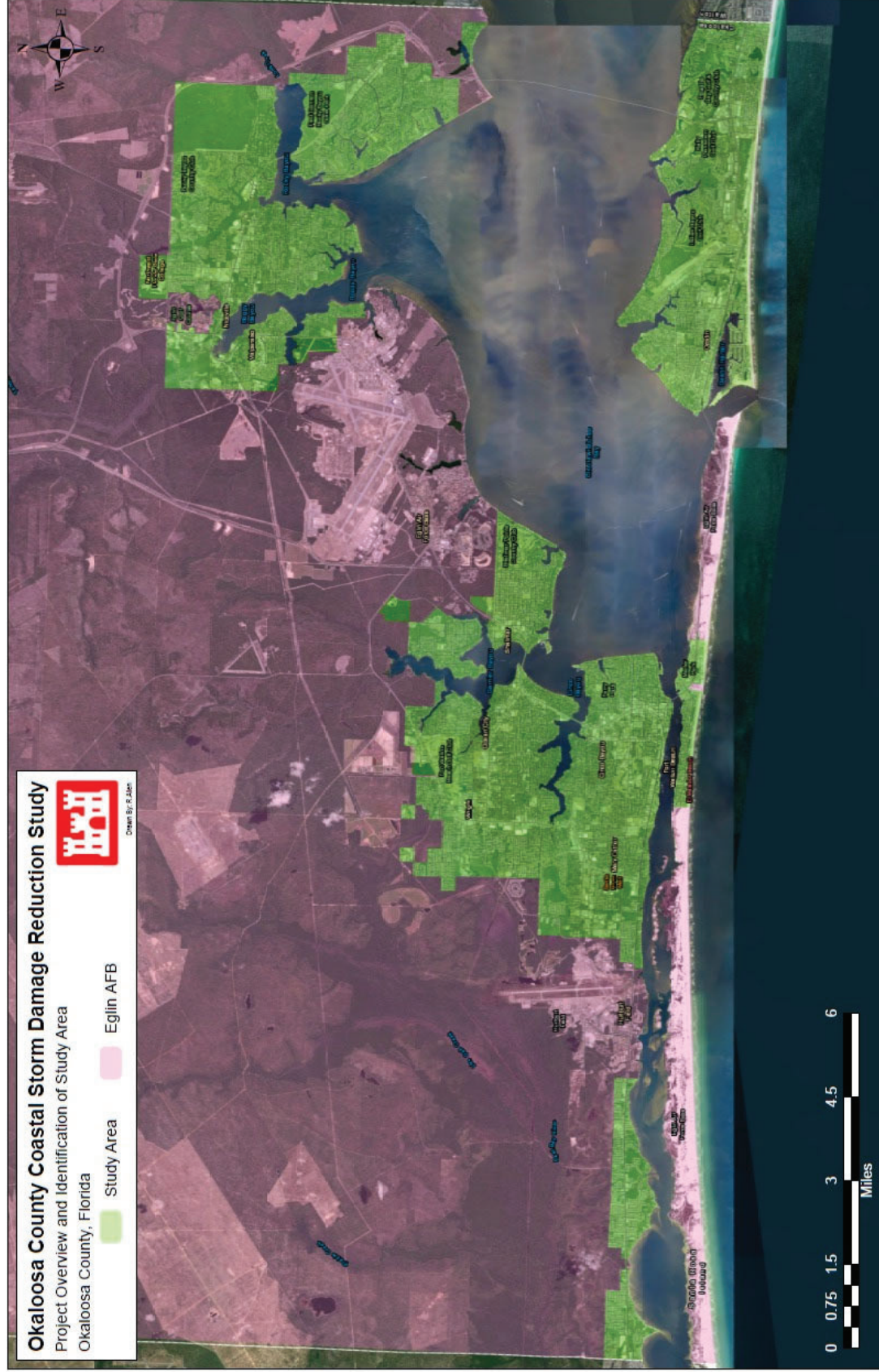
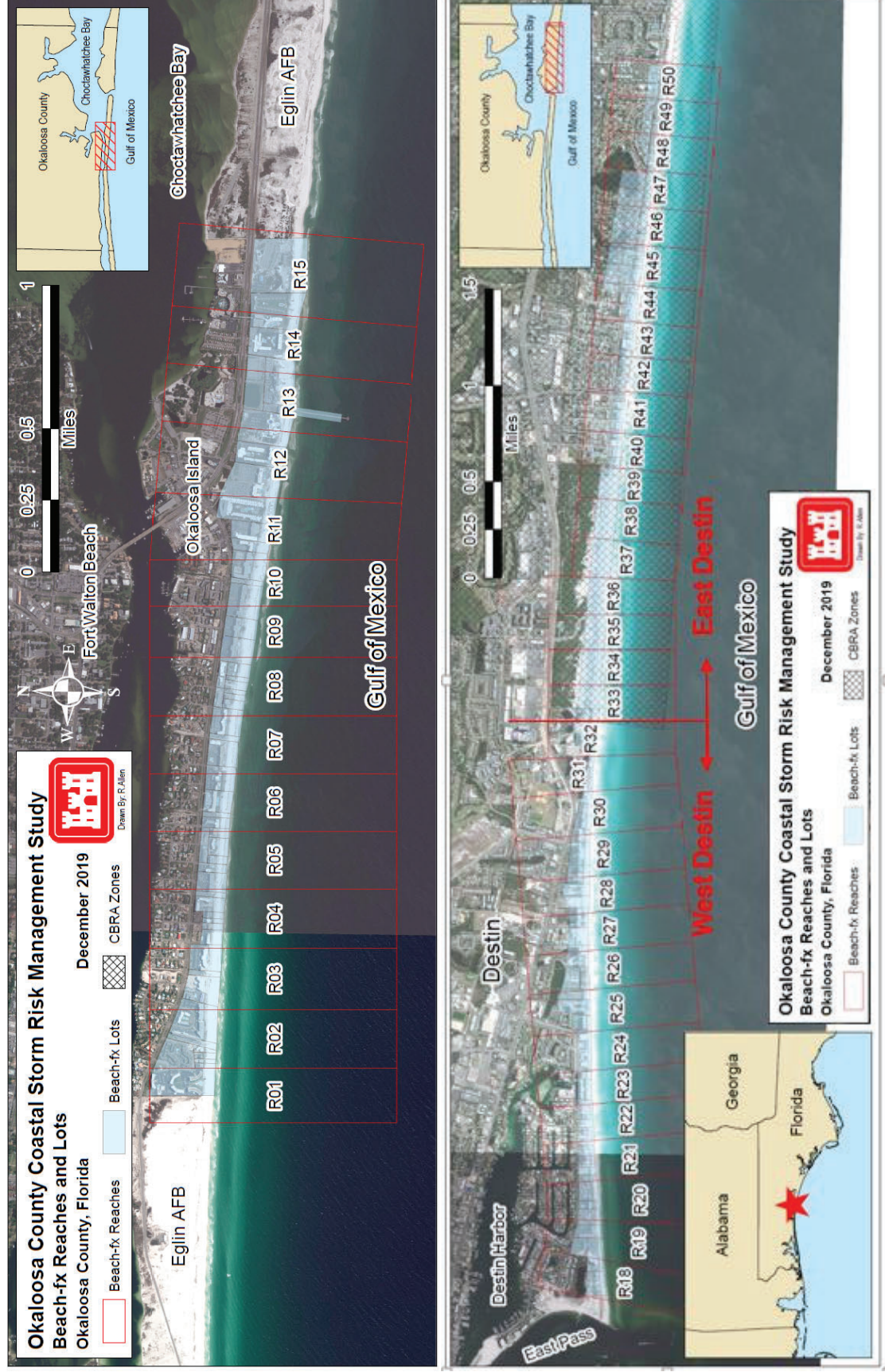


Figure 1-2: Delineation of Reaches



Section 3.0 Project Description

The Recommended Plan for the Okaloosa County CSRM Feasibility Study consists of berm and dune nourishment in the Okaloosa Island and West Destin reaches of the study area shown in Figures 1-1 and 1-2. In the Okaloosa Island reach, the plan consists of providing a dune with a crest design elevation of 14 feet NAVD88 and a crest width of 10 feet with seaward and landward slope of 1V:5H; and a berm having a design crest width of 10 feet at a crest elevation of 5.5 feet NAVD88 then sloping seaward at 1V:15H. The Okaloosa Island reach extends approximately 16,500 feet from FDEP monument R1 to R15 with transitions of 450 feet at each terminus. In West Destin, the plan consists of providing a dune with a design crest elevation of 14 feet NAVD88 and a crest width of 10 feet with seaward and landward slope of 1V:5H, and a berm having a design crest width of 30 feet at a crest elevation of 5.5 feet NAVD88 then sloping seaward at 1V:15H. The West Destin reach extends approximately 16,000 feet from FDEP monument R18 to R32 with transitions of 450 feet at each terminus. Reference Appendix A for the design profile for Okaloosa Island and West Destin.

The only improvements noted in the proposed easement area are access structures, such as walkways and dune crossovers. Damage to any existing structures is not compensable as this would be covered under the easement estate that is acquired by the Sponsor. Furthermore, this damage is not creditable unless an approved appraisal shows compensation due because of the structure damage. It should be noted that the Perpetual Beach Storm Damage Reduction Easement provided herein allows for landowners to “construct dune over walk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the Okaloosa County Tourist Development Council acting by and through the Okaloosa County Board of Commissioners and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project.”

The MHWL is used for estimate purposes for this project since an ECL has not been identified and recorded for the entire Okaloosa County coastline; however, recordation of the ECL will be required prior to construction. Existing ECL is attached hereto as **Exhibit B** and shall be reviewed, updated, and recorded pursuant to the Florida Department of Environmental Protection (FDEP) permitting process and during the Pre-construction, Engineering, and Design (PED) phase of the project.

Section 4.0 Required Lands, Easements, Rights-of-Way, Relocations and Disposal Areas (LERRD):

4.1 Main Construction Area: Refer to Appendix A for the design profile for Okaloosa Island and West Destin. There are 124 parcels anticipated to be impacted in the main construction area, with a preliminary estimate of 110.27 acres, more or less, required in Perpetual Storm Damage Reduction Easements for the National Economic Development (NED) plan from reaches R01 to R15 and R18 to R32. Reference **Exhibit A** to this appendix for a description of the required parcels.

The proposed perpetual beach storm damage reduction easements will be located landward of the Mean High Water Line (MHWL) or the Erosion Control Line (ECL) once the ECL is surveyed and recorded. The ECL is expected to be set by FDEP during the PED phase of the project.

Material placed upon public lands seaward of the MHWL or proposed ECL will require a Consent of Use from the State of Florida. The Consent of Use grants the rights to place material on state-owned submerged lands in accordance with the beach nourishment plans submitted with the application for an ECL.

All acreage estimations are based on the average distance from the conceptual landward toe of the proposed dune to the MHWL. The MHWL normally corresponds with the ECL and is an estimate of where the ECL will be set. For planning purposes, an easement width extending from the maximum landward baseline to the MHWL is contemplated based on typical cross sections. In addition, at this stage, the conceptual nature of project design in the design template does not provide enough detail to accurately assess the acreage requirements.

4.1.1 Okaloosa Island Segment: In the Okaloosa Island reach, the plan consists of providing a dune with a crest elevation of 14 feet, NAVD88, with a crest width of 10 feet with a side-slope of 5 horizontal (H) on 1 vertical (V), and a berm with a crest elevation of 5.5 feet, NAVD88, with a berm crest width of 10 feet with a foreslope of 15 H on 1 V.

4.1.2 West Destin Segment: In West Destin, the plan consists of providing a dune with a crest elevation of 14 feet, NAVD88, with a crest width of 10 feet with a side-slope of 5 H on 1 V, and a berm with a crest elevation of 5.5 feet, NAVD88, with a berm crest width of 30 feet with a foreslope of 15 H on 1 V.

Henderson Beach State Park is owned by the State of Florida and is adjacent to the terminus of reach R32. State-owned lands are governed by the Florida Board of Trustees of the Internal Improvement Trust Fund (TIITF). For those areas where the project construction limits transition onto State-owned lands, a Consent of Use or Temporary Work Area Easement will be required from the appropriate State agency.

The LERRD requirements described in this report are conceptual maximum-extent comparisons intended to capture a range of potential scenarios and are not reflective of a detailed site-specific design drawing. Further refinement and surveys would be needed at a later date in the Pre-Construction Engineering Design (PED) phase.

4.2 Construction Access: The proposed construction access will be provided via public rights-of-way and from offshore barges.

4.3 Borrow Areas: Two offshore borrow areas are detailed in Appendix A to support implementation of the Recommended Plan, requiring a total of approximately 1,700 acres, more or less. Either a standard Borrow Area Easement or Permit/Consent agreement for sand removal from the proposed borrow areas will be required.

One primary offshore borrow area has been identified as a source of sand for this project. If required for future renourishment cycles, a secondary site has been identified to accommodate this need. A more detailed discussion on the borrow area is found in the Geotechnical Analysis and in the Sand Compatibility Analysis.

Figure 4-3 represents the location of the primary site (OK-A) and the alternate site (OK-B), which would be subject to all FDEP permitting requirements for use of sovereign submerged state lands, although it is currently anticipated that the primary site will be sufficient for initial renourishment.

FDEP permitting requirements are outlined in Form 62-330.060(1) - Joint Application for Individual and Conceptual Environmental Resource Permit/ Authorization to Use State-Owned Submerged Lands/ Federal Dredge and Fill Permit Incorporated by reference in subsection 62-330.060(1), F.A.C. (October 1, 2013).

The Submerged Lands Act (SLA) of 1953, 43 U.S.C. § 1301 et seq is a U.S. federal law that recognized the title of the states to submerged navigable lands within their boundaries at the time they entered the Union. It is generally assumed that this is 3 miles, but there is an exception for state lands in the Gulf of Mexico. According to an Attorney General's opinion issued in 1995, Opinion AGO 95-51, "Florida waters' are those waters in the Atlantic Ocean out to three (3) geographic miles from the coastline and in the Gulf of Mexico out to three (3) marine leagues, or 9 geographic miles, or approximately 10.376 statute miles, from the coastline." It is recommended that confirmation of the above-referenced requirements occur in the PED phase.



Figure 4-3: Okaloosa County Offshore Borrow Areas

4.4 Temporary Work Areas: In the event the Sponsor encounters difficulties with construction access and staging, it is recommended that the Sponsor acquire a temporary work area easement. Said temporary easement term should be required for 24 – 36 months in order to provide enough time for the project to be fully constructed unless it is determined later that the easement term can be minimized to reflect construction phases.

Section 5.0 Sponsor Owned Lands

Eleven parcels have been identified within the project area owned by the Sponsor in Fee Simple and are described in **Exhibit A**. Okaloosa County owns numerous regional beach areas, street ends which will be used for access, and parking areas that could be used for staging areas during construction.

Section 6.0 Standard Estates

The recommended estates for the Recommended Plan are listed below. It is duly noted that State of FL Consent of Use for uplands and Sovereign Submerged Lands Authorization/Consolidated Joint Coastal Permit for lands seaward of the ECL is pending HQ approval for continued use in lieu of a standard real estate interest.

Perpetual Beach Storm Damage Reduction Easement

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts No. ____), for use by the Project Sponsor, its representatives, agents, contractors and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach, a dune system, and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Okaloosa County Coastal Storm Risk Management Project, together with the right of public use and access; to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and snow fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement (except _____); (reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, the right to construct dune over walk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the Florida Department of Environmental Protection (FDEP) and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further reserving

to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

Standard Borrow Area Easement

A perpetual and assignable right and easement to clear, borrow, excavate and remove soil, dirt, and other materials from (the land described in Schedule A) (Tracts Nos. _____, _____ and _____); subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges in said land as may be used without interfering with or abridging the rights and easement hereby acquired.

Temporary Work Area Easement

In the event that the Sponsor encounters difficulties with construction access and staging, it is recommended that the Sponsor acquire a temporary work area easement. Said temporary easement term should be required for 24 – 36 months in order to provide enough time for the project to be fully constructed unless it is determined later that the easement term can be minimized to reflect construction phases.

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the Project Sponsor, for use by the Project Sponsor, its representatives, agents, and contractors as a work area, including the right to deposit backfill, move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Okaloosa County Coastal Storm Risk Management Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any 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.

Section 7.0 Existing Federal Projects

No known Federal beach renourishment projects have been identified in the project area. It is duly noted that the East Pass and Gulf Intercoastal Waterway Navigation

projects are included within the study area, but no impact to the existing Federal projects is currently anticipated.

Section 8.0 Federally-Owned Lands

Parcels 00-2S-24-0000-0001-0000 and 00-2S-24-2185-0010-0030 were identified as within the custody and accountability of the United States Air Force, Eglin Air Force Base, Site 3 A5 which lies south of the U.S. 98 Fort Walton Beach bridge. This property is currently outleased as a beachfront hotel, and project improvements would be required on the portion of said lands lying along the beach front. The other parcel entails a potential taper point of undeveloped military lands for construction of the proposed dune and berm system, within the R01 area.

A discussion was held with the Eglin Real Property Office in Spring 2021 regarding the process required for USAF permitting of work on Federal property. Generally, such processes are governed by AFI 32-9003 and will require pre-approval by the Installation Development Committee (IDC) and other appropriate committees which meet quarterly. Expenses will be required for a survey, legal processes, appraisal, and other administrative fees. Outgrants executed at the Air Force level typically require a minimum of 12-24 months and vary based on complexity.

Section 9.0 Navigational Servitude

The federal navigational servitude is an aspect of the sovereignty of the United States, grounded in the Federal Government to regulate commerce under Article I, § 8, United States Constitution, entitling the government to exert a dominant servitude in all lands below the ordinary high water mark of navigable waters. Navigational servitude relieves the Federal Government of the obligation to pay compensation for acts interfering with the ownership of riparian, littoral, or submerged lands. Federal authority that relies on the navigational servitude is limited to activities related to maintaining and improving navigation. The Federal Government's ability to exercise navigational servitude is not available for this project as the determination has been made that no nexus exists between the proposed project and commercial navigation.

Under Florida law, the boundary between private riparian or littoral property and the State's sovereign land is the Ordinary High Water Mark (also known as the Mean High Water Line which represents the intersection of the land with the water surface at the elevation of mean high water), which migrates over time as sand is added or removed by natural forces.

The State of Florida claims all submerged lands that lie seaward of the Erosion Control Line (ECL) if an ECL has been established. Florida generally defines submerged lands along the Coast as publicly owned lands below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state. Florida law also requires that an ECL be fixed before a restoration project can proceed.

Section 10.0 Maps

Due to the conceptual nature of the design, detailed acquisition maps are not currently available. However, previous ECL maps in the study area provided by Okaloosa County are attached hereto as **Exhibit B**.

Section 11.0 Induced Flooding

No induced flooding is expected as a result of the proposed storm damage reduction and beach erosion control project.

Section 12.0 Baseline Cost Estimate for Real Estate (BCERE)

The proposed coastal storm risk management project has been thoroughly reviewed by Savannah District appraiser with additional review by Jacksonville District and South Atlantic Division review appraiser. The appraiser has determined a preliminary planning level estimation, included in the Baseline Cost Estimate for Real Estate (BCERE) given the preliminary nature of engineering design and limited understanding of contributing factors to cost.

In regards to crediting the Non-Federal Sponsor for lands, easements, rights-of-way, relocations, and disposal/borrow areas (LERRDs), Chapter 12, ER 405-1-12, para. 12-37.c.(2) states the following:

“For Shore Protection Projects, lands subject to shore erosion that are required for project purposes and that must be provided by the non-Federal sponsor must be appraised for crediting purposes considering special benefits in accordance with relevant Federal statutes and Department of Justice regulations. For private land holdings, the non-Federal sponsor must receive credit for the LER value, if any, that results from application of this special benefits analysis. For public land holdings, any credit amount proposed must first be approved by HQUSACE through a request forwarded, through Division, to HQUSACE (ATTN: CERE). For additional discussion, see Memorandum from the Director of Civil Works, Revision to Policy Guidance Letter No. 11, Credit for Lands, Easements, and Rights-of-Way (LER) at Shore Protection Projects, dated 21 April 1989.”

In gross appraisal report dated August 1, 2020, it was stated that "It is the professional opinion of the undersigned that there are no Special Benefits in the case of the subject properties based on the project as described at this time." Crediting for land acquisition subject to review based on appraisal, actual costs and RE review of the Sponsor's credit package.

The administrative costs include project real estate planning, mapping, oversight, crediting review, certification of lands required for project purposes, real estate analysis or other requirements that may be necessary during the PED phase. The Sponsor will receive credit towards its share of creditable real estate administrative project cost

incurred for certification which will be based upon documentation furnished by the Sponsor.

For this particular project, the Sponsor administrative costs are those costs incurred for verifying ownership of lands, certification of those lands required for project purposes, legal opinions, title insurance, appraisals, condemnations, property analysis and/or other requirements to secure the land interests that will be necessary during the Preconstruction, Engineering and Design (PED) Phase. Table 12-1 is an itemized breakdown of the estimated real estate costs as of December 2020.

ER 1105-2-100 specifies requirements for Federal participation in Shore Protection projects. Reference the main report for further information regarding access and parking requirements for Federal participation.

Table 12-1. Baseline Cost Estimate for Real Estate

Chart of Accounts				
01A	PROJECT PLANNING	FEDERAL	NON-FEDERAL	TOTALS
	Other	\$62,000	\$ -	\$62,000
	Project Partnership Agreement (OC)	\$ -	\$ -	\$ -
01AX	Contingencies	\$ -	\$ -	\$ -
	<u>Subtotal</u>	\$62,000	\$ -	\$62,000
01R	LANDS AND DAMAGES			
01R1A	By Government	\$ -	\$ -	\$ -
01R1B	LERRD Payments by NFS	\$ -	\$14,449,389	\$14,449,389
01R1E	LERRD Admin by NFS	\$ -	\$1,240,000	\$1,240,000
01R2B	PL 91-646 Relocation Payments by NFS	\$ -	\$ -	\$ -
01R2E	PL 91-646 Admin by NFS	\$ -	\$ -	\$ -
01RX	Contingency – Less LERRD Payment	\$ -	\$787,611	\$787,611
	<u>Subtotal</u>	\$ -	\$16,477,000	\$16,477,000
02	RELOCATIONS			
02100	Relocation Roads/Bridges	\$ -	\$ -	\$ -
02200	Relocation RR/Bridges	\$ -	\$ -	\$ -
02300	Relocation Cemetery/Utility/Structure	\$ -	\$ -	\$ -
	<u>Subtotal</u>	\$ -	\$ -	\$ -
	TOTALS	\$62,000.00	\$16,477,000	\$16,539,000

Note: Contingency removed from LERRD Payment because contingencies had already been factored in within the gross appraisal report.

Section 13.0 Compliance with Public Law 91-646

Relocations under the Uniform Act are not anticipated to be necessary for the Recommended Plan; nevertheless, the Sponsor will be responsible for complying with provisions of the Uniform Relocations Assistance and Real Property Acquisition Policies Act (P.L. 91-646), as amended, and the uniform regulations contained in 49 Code of Federal Regulations, Part 24.

Section 14.0 Minerals and Timber Activity

Mineral and timber activities have not been identified at the project's beachfront locations, and are not anticipated to impact the real estate requirements for the Recommended Plan.

Section 15.0 Land Acquisition Experience and Capability of the Sponsor

An assessment of the Sponsor's professional and legal capability to provide the requisite LERRD requirements for construction, operation, and maintenance of the project is attached hereto as **Exhibit C**.

The Sponsor has been notified of the risks involved upon acquiring lands required for the project prior to execution of the PPA. Should the Sponsor 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 ER 405-1-12.

Section 16.0 Zoning

Application or enactment of zoning ordinances is not anticipated for this beachfront renourishment project.

Section 17.0 Acquisition Schedule

Given the nature of this project, completion of the real estate phase hinges on completion of several overall project milestones. Specifically, the projected fiscal budget appropriations, anticipated approval of the Chief's Report and ultimately the finalization of a Project Partnership Agreement (PPA). In the PED phase, a detailed Engineering design will allow the development of the Sponsor's Notice to Proceed with Real Estate Land Acquisition per ER 405-1-12.

The Sponsor has been notified of the risks involved as provided for in **Exhibit D – Formal Risk Notification Letter**. However, the real estate schedule ultimately centers on

the placement and recordation of an updated ECL which is anticipated for the vast majority of the project coastline. Due to the large number of impacted lands, a minimum of 24 to 36 months for the acquisition process is estimated for this project, but the schedule could be protracted by certain issues (for example, FDEP permitting requirements). It is recommended that the project be constructed in phases to mirror the acquisition timeline. The Sponsor, USACE Project Manager, and Real Estate Technical Manager will further formulate the milestone schedule upon project approval to allow adequate time to complete real estate acquisition phase in order to meet the advertisement for construction date(s).

It is critical to note some issues that have an impact on acquisition schedules are landowner attitudes, funding concerns, manpower resources, and title defects. Depending on the nature of some title defects, significant time and efforts should be expected to impact acquisition milestones. In some cases, curative efforts may require condemnation to identify and provide legal notice to all affected landowners. Where negotiations fail and condemnation is required, the Sponsor should use their quick-take authority in order to expedite the condemnation process and allow for possession of the property for project purposes. The Sponsor has documented in **Exhibit C** attached hereto that quick-take authority is available for this project.

Section 18.0 Facility and/or Utility Relocations

There are no known facilities or utility relocations within the scope of the proposed project.

Section 19.0 Hazardous, Toxic, and Radioactive Waste (HTRW)

There is no known or suspected presence of Hazardous, Toxic, and Radiological Waste (HTRW) located in, on, under, or adjacent to the LERRDs required for the construction or operation and maintenance of the proposed project.

Section 20.0 Anticipated Landowner Support or Opposition to the Project

Based on past meetings with the Non-Federal Sponsor, it appears the majority of landowners within the project area are receptive to the proposed coastal storm risk management project since this project will provide much needed protection to upland structures and real property, with some limited potential opposition noted.

For historical reference, in 2004, a small group of landowners challenged the establishment of an Erosion Control Line in Florida (applied under the Beach and Shore Preservation Act) claiming that this acquisition affected an unconstitutional taking of their property without just compensation. The importance of citing this case is to point

out the possible procedural effects on real estate acquisition for this proposed project.

After the Florida Supreme Court decision was issued on 29 September 2008 with an Opinion holding that the Beach and Shore Preservation Act achieves a reasonable balance between public and private interests, this case was further elevated to the Supreme Court of the United States (No. 08-1151), argued December 2, 2009 and decided June 17, 2010. The Supreme Court affirmed the lower court's decision.

Another separate case, focused on enforcement of trespass laws was reviewed in the United States Court of Appeals for the Eleventh Circuit, D.C. Docket No. 3:10-cv-00157-MCR-EMT, between the Crystal Dunes Owner Association Inc, et al versus the City of Destin Florida, Okaloosa County Sheriff's Office, et al.. Pursuant to City policy, the Sheriff's Office would not enforce trespass laws within twenty feet of the wet sand's edge. The court affirmed the District Court's dismissal of the Owners' claims due to failure to establish an equal protection clause violation, and further citing that the manner in which the City and Sheriff's Office choose to enforce Fla. Stat. Ann. § 810.09(2)(b) remains subject to their discretion."

Section 21.0 Notifications to the Sponsor

The Sponsor has been notified via email and supplied with a formal notification of the risks involved in acquiring land for the proposed prior to the execution of the PPA and the Government's formal notice to proceed with acquisition. The Sponsor's acknowledgment of these risks is attached hereto as **Exhibit D**.

Section 22.0 Other Issues

Pursuant to Resolution No. 17-123 of the Okaloosa County Board of County Commissioners, a procedure was set up for conversion of those demonstrating to possess 100 percent leasehold interests pursuant to the original 99-year lease established by the Okaloosa Island Authority, in order to obtain a Quitclaim Deed from the County, notwithstanding certain stipulations set forth in the Resolution. An analysis of these leasehold interests may be required in conjunction with the Sponsor's title evidence review in order to ensure that perpetual beach storm damage reduction easement interests, acquired from public and private entities, are not abrogated.

Section 23.0 Report Recommendation

This report has been prepared in accordance with Chapter 12, ER 405-1-12 (Real Estate Planning for Civil Works Projects). It is recommended that this report be approved.

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District Chief of Real Estate
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USACE-SAM-RE-A

Exhibits

- A – Conceptual Real Estate Parcel List
- B – Okaloosa County Erosion Control Line Data
- C – Sponsor Real Estate Acquisition Capability Assessment
- D – Real Estate Risk Notification Letter
- E – USAF Outgrant Process for Eglin AFB Lands

EXHIBIT A - PARCEL LIST

Okaloosa Island - Fort Walton Beach		Parcel	Street Address	Building Improvement	Zoning	Size (Ac)	Preliminary Estimate of Acq. Area (SF)	
Block								
09	-	00-25-24-2185-0000-00A0	-	Beachfront	B-2	66.64	2,902,838.4	
	09	00-25-24-0800-0000-0000	909 Santa Rosa Blvd	Condominium Units	B-2	10.98	352.4	
	09	00-25-24-2185-0009-8C00	Santa Rosa Blvd	10' wide access	B-2	0.03	62.1	
	09	00-25-24-2185-0009-0547	940 Santa Rosa Blvd	Apartment Units	B-2	5.20	610.3	
	09	00-25-24-2185-0009-0547	925 Whisk Court	Condominium Units	B-2	0.27	660.1	
	09	00-25-24-3095-0000-0000	926-A Whisk Court	SF Townhouse	B-2	0.11	283.9	
	09	00-25-24-0222-0000-0010	926-B Whisk Court	SF Townhouse	B-2	0.07	156.9	
	09	00-25-24-0222-0000-0020	926-C Whisk Court	SF Townhouse	B-2	0.07	158.6	
	09	00-25-24-0222-0000-0030	926-D Whisk Court	SF Townhouse	B-2	0.15	698.8	
	09	00-25-24-0222-0000-0040	927 Whisk Court	Condominium Units	B-2	0.46	675.7	
	County Land - 7th Beach Parking							2.43
	08	00-25-24-2185-00TH-ROAD	874 Venus Court	Condominium Units	B-2	1.14	0.0	
	08	00-25-24-2215-0000-0000	Santa Rosa Blvd	10' wide access	B-2	0.03	0.0	
	08	00-25-24-2185-0008-8C11	866 Santa Rosa Blvd	Condominium Units	B-2	2.10	0.0	
	08	00-25-24-2183-0000-0000	Santa Rosa Blvd	10' wide access	B-2	0.10	0.0	
	08	00-25-24-2185-0008-8C00	826 Scallo Court	Condominium Units	B-2	0.90	0.0	
	08	00-25-24-1279-0000-0000	858 Scallo Court	Condominium Units	B-2	2.12	0.0	
County Land - 6th Beach Parking							2.47	
07	00-25-24-2185-00TH-ROAD	790 Santa Rosa Blvd	Condominium Units	B-2	1.13	0.0		
07	00-25-24-1299-0000-0000	790 Santa Rosa Blvd	Condominium Units	B-2	1.98	0.0		
07	00-25-24-1297-0000-0000	760 Sundial Court	Condominium Units	B-2	1.19	0.0		
07	00-25-24-1283-0000-0000	777 Sundial Court #1	SF Townhouse	B-2	0.15	0.0		
07	00-25-24-2185-0007-428E	777 Sundial Court #2	SF Townhouse	B-2	0.06	0.0		
07	00-25-24-2185-0007-428D	777 Sundial Court #3	SF Townhouse	B-2	0.06	0.0		
07	00-25-24-2185-0007-428C	777 Sundial Court #4	SF Townhouse	B-2	0.05	0.0		
07	00-25-24-2185-0007-428B	777 Sundial Court #5	Condominium Units	B-2	0.12	0.0		
07	00-25-24-2185-0007-428A	776 Sundial Court	Condominium Units	B-2	0.34	0.0		
07	00-25-24-2195-0000-0000	774 Sundial Court	Condominium Units	B-2	0.77	817.5		
07	00-25-24-2722-0000-0000	772 Sundial Court	Vacant Lot	B-2	0.29	754.4		
07	00-25-24-2185-0007-0424	770 Sundial Court	Condominium Units	B-2	1.30	1,121.7		
County Land - 5th Beach Parking							2.30	
06	00-25-24-2185-00TH-ROAD	Santa Rosa Blvd	Condominium Units	B-2	1.87	3,650.2		
06	00-25-24-127A-0000-0000	670 Santa Rosa Blvd	Condominium Units	B-2	0.68	267.2		
06	00-25-24-1708-0000-0000	671 Naxillus Court	Condominium Units	B-2	0.25	65.9		
06	00-25-24-2074-0000-0000	670 Naxillus Court	Condominium Units	B-2	0.45	0.0		
06	00-25-24-4993-0000-0000	668 Naxillus Court	MF Duplex	B-2	0.21	0.0		
06	00-25-24-2185-0006-0347	667 Naxillus Court	Condominium Units	B-2	0.72	0.0		
06	00-25-24-0965-0000-0000	663 Naxillus Court	Condominium Units	B-2	0.60	0.0		
06	00-25-24-2201-0000-0000	660 Naxillus Court	Condominium Units	B-2	1.49	3,874.0		
County Land - 4th Beach Parking							2.07	
05	00-25-24-2180-0000-0000	590 Santa Rosa Blvd	Condominium Units	B-2	2.63	0.0		
05	00-25-24-2185-0005-0263	573 Santa Rosa Blvd	Hotel	B-2	2.72	149.4		
05	00-25-24-2650-0000-0000	556 Coral Court	Condominium Units	B-2	0.27	0.0		
05	00-25-24-3099-0000-0000	554 Coral Court	Condominium Units	B-2	2.30	47.7		
05	00-25-24-2185-0005-0282	540 Santa Rosa Blvd	Hotel	B-2	0.99	0.0		
County Land - 3rd Beach Parking							2.37	
04	00-25-24-2185-01RD-ROAD	520 Santa Rosa Blvd	Condominium Units	B-2	3.41	8.5		
04	00-25-24-4193-0000-0000	468 Abalone Court	MF Small Condo	B-2	0.25	0.0		
04	00-25-24-5073-0000-0000	467 Abalone Court	MF Small Condo	B-2	0.26	0.0		
04	00-25-24-5110-0000-0000	466 Abalone Court	Condominium Units	B-2	0.30	27.5		
04	00-25-24-2184-0000-0000	465 Abalone Court	MF Small Condo	B-2	0.28	307.9		
04	00-25-24-2185-0004-0189	464 Abalone Court	MF Small Condo	B-2	0.31	682.7		
04	00-25-24-2185-0004-0188	463 Abalone Court	SF Residence	B-2	0.33	1,213.1		
04	00-25-24-2185-0004-0187	462 Abalone Court	Condominium Units	B-2	0.30	1,527.4		
04	00-25-24-5660-0000-0000	461 Abalone Court	Condominium Units	B-2	1.18	0.0		
04	00-25-24-2185-0004-0209	460 Abalone Court	Condominium Units	B-2	0.70	5,738.1		
County Land - 2nd Beach Parking							2.06	
03	00-25-24-2185-02RD-ROAD	381 Santa Rosa Blvd	Condominium Units	B-2	2.89	9,090.2		
03	00-25-24-0059-0000-0000	Santa Rosa Blvd	Condominium Units	B-2	2.80	7,260.7		
03	00-25-24-0062-0000-0000	380 Santa Rosa Blvd	Hotel	B-2	1.41	2,383.1		
03	00-25-24-1093-121A	376 Santa Rosa Blvd	Condominium Units	B-2	1.41	1,042.9		
03	00-25-24-2187-0000-0000	376 Santa Rosa Blvd	Condominium Units	B-2	1.84	25.8		
County Land - 1st Beach Parking							2.72	
11	00-25-24-2185-01ST-ROAD	Santa Rosa Blvd	Condominium Units	B-3	4.26	0.0		
11	00-25-24-2209-0000-0000	Santa Rosa Blvd	Condominium Units	B-3	2.08	0.0		
11	00-25-24-2185-0011-0010	1112 Santa Rosa Blvd	Hotel	B-3	2.51	0.0		
11	00-25-24-2182-0000-0000	1111 Santa Rosa Blvd	Condominium Units	B-3	2.04	0.0		
11	00-25-24-2400-0000-0000	1110 Santa Rosa Blvd	Condominium Units	B-3	9.40	27.3		
County Land - Rec & Tour							17.61	
RADAR	00-25-24-2185-0010-0030	1299 Miracle Pkwy	Gov't Land - Hotel	U6G	17.06	122,038.8		
10	00-25-24-2185-0010-0010	1297 Miracle Pkwy	Gov't Land - Hotel	U6G	9.12	63,942.1		
10	00-25-24-2185-0010-0020	1325 Miracle Pkwy	Hotel	B-3	9.12	122,999.2		
County Land - 1st Beach Parking							3.77	
15	00-25-24-2185-0015-0010	1450 Miracle Pkwy	County Land - Rec & Tour	Park	17.61	190,210.2		
15	00-25-24-2185-0015-0020	1500 Miracle Pkwy	Hotel	B-3	11.52	97,308.4		
15	00-25-24-2188-0000-0000	1515 Miracle Pkwy	Condominium Units	B-3	3.29	38,127.2		
15	00-25-24-2188-0000-0000	1452 Miracle Pkwy	Condominium Units	B-3	9.02	109,200.3		
15	00-25-24-2185-0015-0040	1540 Miracle Pkwy	Public Parking	B-3	21.29	212,923.5		

West Destin - Holiday Isle // Gulf Resort						
Block	Parcel	Street Address	Building Improvement	Zoning	Size (Ac)	Preliminary Estimated Aq. Area (Sf)
HI	00-25-24-0000-0024-0000	Destin West End	Gulf front	CON	20.35	N/A
	00-25-24-0110-0000-1490	51 Lands End Drive	SF Residence	HDR	0.11	85
	00-25-24-0110-0000-1500	53 Lands End Drive	SF Residence	HDR	0.14	70
	00-25-24-0110-0000-1510	55 Lands End Drive	SF Residence	HDR	0.21	70
	00-25-24-0110-0000-1520	57 Lands End Drive	Vacant Lot	HDR	0.26	63
	00-25-24-0110-0000-1530	59 Lands End Drive	SF Residence	HDR	0.25	61
	00-25-24-0110-0000-1540	61 Lands End Drive	SF Residence	HDR	0.19	51
	00-25-24-0110-0000-1550	63 Lands End Drive	Vacant Lot	HDR	0.18	51
	00-25-24-0110-0000-1560	65 Lands End Drive	SF Residence	HDR	0.17	51
	00-25-24-0110-0000-1570	67 Lands End Drive	SF Residence	HDR	0.11	35
	00-25-24-0110-0000-1580	69 Lands End Drive	SF Residence	HDR	0.10	35
	00-25-24-0110-0000-1590	71 Lands End Drive	SF Residence	HDR	0.10	35
	00-25-24-0110-0000-0000	74 Lands End Drive	SF Development HOA	HDR	10.72	134
	00-25-24-1295-0000-0000	500 Gulf Shore Drive	Condominium Units	HDR	6.16	728
	00-25-24-1300-0000-0000	502 Gulf Shore Drive	Condominium Units	HDR	3.55	115
	00-25-24-4575-0000-0000	506 Gulf Shore Drive	Condominium Units	HDR	4.88	357
	00-25-24-1185-0004-0002	510 Gulf Shore Drive	Condominium Units	HDR	5.25	423
	00-25-24-1093-0000-0000	514 Gulf Shore Drive	Condominium Units	HDR	2.92	240
	00-25-24-0063-0000-0000	520 Gulf Shore Drive	Condominium Units	HDR	6.03	500
	00-25-24-0620-0000-0000	600 Gulf Shore Drive	Condominium Units	HDR	2.16	195
HI	00-25-24-0000-0019-0000	Gulf Shore Drive	Res Common Area	LDR-HI	0.21	20
	00-25-24-2186-0008-0130	602 Gulf Shore Drive	Vacant Lot	LDR-HI	1.07	100
	00-25-24-2186-0008-0120	604 Gulf Shore Drive	Vacant Lot	LDR-HI	1.04	100
	00-25-24-2186-0008-0110	606 Gulf Shore Drive	SF Residence	LDR-HI	1.03	100
	00-25-24-2186-0008-0100	608 Gulf Shore Drive	SF Residence	LDR-HI	1.02	100
	00-25-24-2186-0008-0090	610 Gulf Shore Drive	SF Residence	LDR-HI	1.00	100
	00-25-24-2186-0008-0080	612 Gulf Shore Drive	SF Residence	LDR-HI	1.01	100
	00-25-24-2186-0008-0070	614 Gulf Shore Drive	SF Residence	LDR-HI	1.01	100
	00-25-24-2186-0008-0060	616 Gulf Shore Drive	SF Residence	LDR-HI	1.01	100
	00-25-24-2186-0008-0050	618 Gulf Shore Drive	SF Residence	LDR-HI	1.02	100
	00-25-24-2186-0008-0040	620 Gulf Shore Drive	SF Residence	LDR-HI	1.02	100
	00-25-24-2186-0008-0030	622 Gulf Shore Drive	Vacant Lot	LDR-HI	1.02	100
	00-25-24-2186-0008-0020	624 Gulf Shore Drive	SF Residence	LDR-HI	1.01	100
	00-25-24-2186-0008-0010	626 Gulf Shore Drive	SF Residence	LDR-HI	0.99	100
	00-25-24-0000-0018-0000	628 Gulf Shore Drive	Beach Access	LDR-HI	1.01	100
	00-25-24-2186-0004-0050	630 Gulf Shore Drive	Vacant Lot	LDR-HI	1.21	128
	00-25-24-2186-0004-0040	632 Gulf Shore Drive	SF Residence	LDR-HI	1.01	110
	00-25-24-2186-0004-0030	634 Gulf Shore Drive	SF Residence	LDR-HI	1.00	110
	00-25-24-2186-0004-0020	636 Gulf Shore Drive	SF Residence	LDR-HI	1.01	110
	00-25-24-2186-0004-0010	638 Gulf Shore Drive	SF Residence	LDR-HI	0.86	74
HI	00-25-22-1555-0000-0000	700 Gulf Shore Drive	Condominium Units	HIMU	0.91	102
	00-25-22-1888-0000-0000	720 Gulf Shore Drive	Condominium Units	HIMU	5.05	583
	00-25-22-1139-0000-0000	770 Gulf Shore Drive	Condominium Units	HIMU	2.20	251
	00-25-22-0701-0000-0000	Harbor Boulevard	Condominium Units	HIMU	38.44	1,092
GR	00-25-22-2170-0000-5042	830 Gulf Shore Drive	Condominium Units	GRMU	5.06	393
	00-25-22-217A-0000-0000	Gulf Shore Drive	Condominium Units	GRMU	3.57	441
GR	00-25-22-4200-0000-0000	Highway 98E	Condominium Units	GRMU	9.86	296
						33,223
						38,953
						31,040

MEAN HIGH WATER LINE SURVEY
AND PROPOSED WESTERN DEST N EROSION CONTROL LINE
FOR FDEP RANGE MONUMENTS R-17 TO R-25.5
OKALOOSA COUNTY, FLORIDA

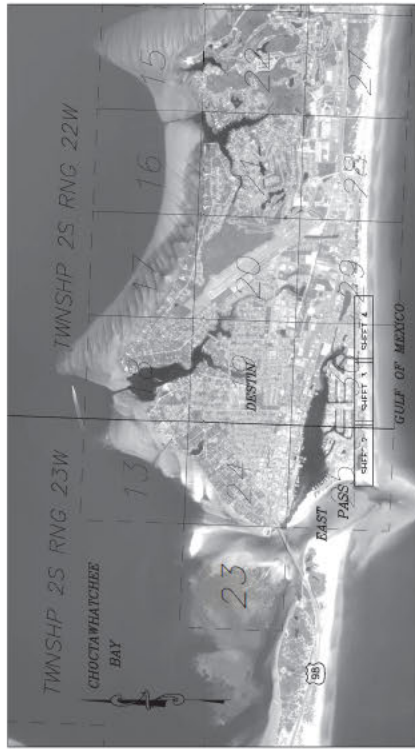
- BEARING AND COORDINATES SHOWN HEREON ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM OF 1983. ELEVATIONS SHOWN HEREON ARE REFERENCED TO MEAN HIGH WATER. ALL DATA ARE BASED ON MONUMENTATION AS SHOWN IN THE CONTROL TABLE.
- ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM, MEAN HIGH WATER. ALL DATA ARE BASED ON MONUMENTATION AS SHOWN IN THE CONTROL TABLE.
- MEAN HIGH WATER ELEVATION OF 0.77 FEET NAVD83 IS BASED ON POINT D 100279 OBTAINED FROM THE LAND REFORM INFORMATION SYSTEM INTERNET WEBSITE. THE DATE OF THE LAST MEAN HIGH WATER MEASUREMENT WAS APPROXIMATELY 10/04/2009.
- THE INFORMATION PRESENTED ON THESE DRAWINGS REPRESENTS THE RESULTS OF A SURVEY CONDUCTED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION AND CAN ONLY BE CONSIDERED AS REPRESENTATIVE OF THE CONDITIONS AT THE TIME OF THE SURVEY.
- THE MEAN HIGH WATER LINE AS DEPICED HEREON SHALL ALSO BE KNOWN AS THE DESIGN CONTROL LINE.
- THE FLORIDA DEPARTMENT OF TRANSPORTATION, 2007 AND WAS PROVIDED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.
- THE LOCATION OF LOT LINES AND SECTION LINES IS APPROXIMATE, AND BASED ON INFORMATION PROVIDED BY THE FLORIDA COUNTY 6'S DEPARTMENT.
- THE MEAN HIGH WATER SURVEY DEPICED HEREON COMPLEES WITH CHAPTER 172, SECTION 10, FLORIDA STATUTES.
- FLORIDA DEPARTMENT OF SURVEY AND MAPPING AS MEAN HIGH WATER LINE. XXXX
- THE MEAN HIGH WATER LINE WAS LOCATED HEREONALLY AND VERTICALLY USING A TABLE 8-DUAL FREQUENCY REAL-TIME KINEMATIC GPS SYSTEM WITH A RESULTANT

LENGTH: 185 MILES ±

SECTIONS 29 & 30, TOWNSHIP 2 SOUTH, RANGE 22 WEST
SECTION 25, TOWNSHIP 2 SOUTH, RANGE 23 WEST



PROJECT LOCATION



LOCATION MAP

MONUMENT	NAD 83 NORTH		SPCS 83		ELEVATION	HAND	SS	US SURVEY		REMARKS
	COORDINATE	COORDINATE	EASTING	NORTHING				UNIT	FEET	
R-17	5126548.85	1320248.47	-----	-----	14.19	-----	-----	USDA	CENTER 1992	R-17 OK 95
R-21	5092776.75	1340130.89	9.39	-----	9.39	-----	-----	USDA	R-21 OK 10/18/2	R-21 OK 95
R-22	5025074.78	1341153.82	8.48	-----	8.48	-----	-----	USDA	R-22 OK 95	R-22 OK 95

CONTROL TABLE

LEGEND

- | | |
|-------|--|
| RUP | FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION |
| USACE | U.S. ARMY CORPS OF ENGINEERS |
| DNR | FLORIDA DEPARTMENT OF NATURAL RESOURCES |
| FWS | FEDERAL WILDLIFE MANAGEMENT SERVICE |
| MFL | MINI LOCATION POINT NUMBER |
| PCL | PARCEL NUMBER |
| PMNT | PARCEL MANAGEMENT |
| PRPT | PROPERTY BOUNDARY LINES |
| WTR | MEAN HIGH WATER LINE |
| LW | LANDWARD LIMITS OF CONSTRUCTION |
| HGH | POST CONSTRUCTION MEAN HIGH WATER LINE |
| PRE | PRE-CONSTRUCTION MEAN HIGH WATER LINE |
- 9-8-76-000
X

LEGAT	DESCRIPTION
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[illegible]

DATE OF SURVEY		COUNT SHEET NO 537A.15	SHEET 1 OF 4
DRIVER BY CAG	CHECKED BY JRM	ZONE N/A	



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

EXHIBIT C
Risk Notification Letter

REPLY TO
ATTENTION OF:

CESAM-RE-A

6 June 2019

Okaloosa County
Tourist Development Council
ATTN: Mr. Greg Kisela
1540 Miracle Strip Parkway SE
Fort Walton Beach, Florida 32548

Subject: Okaloosa County Coastal Storm Risk Management Study, Okaloosa County, Florida
- Non-Federal Sponsor Risk Notification Letter

Dear Mr. Kisela,

The intent of this letter is to formally advise Okaloosa County, as Non-Federal Sponsor for the proposed project, of the risks associated with land acquisition prior to the execution of a 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 be 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;

(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 PCA as referenced in *ER 405-1-12 (Change 31; 1 May 98) Section 12-31 Acquisition Prior to PCA Execution*.

Please acknowledge that the Non-Federal Sponsor for the proposed project accepts these terms and conditions.

For any questions, the point of contact is Mr. John J. Tetreau, USACE Mobile District, Real Estate Division at (251) 694-3682.

Accepted on behalf of the Non-Federal
Sponsor:

 (Signature)

Charles K. Windes, Jr., Chairman
_____(Title)

Prepared by:



Russell W. Blount III
Acting Chief
Technical Services Branch
Real Estate Division
Mobile District
U.S. Army Corps of Engineers



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

EXHIBIT D
NFS RE Acquisition
Capability Assessment

REPLY TO
ATTENTION OF:
USACE-SAM-RE-A

6 June 2019

**OKALOOSA COUNTY COASTAL STORM RISK MANAGEMENT STUDY
OKALOOSA COUNTY, FLORIDA**

OKALOOSA COUNTY, FLORIDA – NON FEDERAL SPONSOR

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

1. LEGAL AUTHORITY:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes. Pursuant to section 125.355, Florida Statutes, Okaloosa County is authorized to acquire and hold title to real property.
- b. Does the sponsor have the power of eminent domain for this project? Yes. Pursuant to section 127.02, Florida Statutes, Okaloosa County may exercise its power of eminent domain.
- c. Does the sponsor have “quick-take” authority for this project? Yes. Pursuant to section 74.011, Florida Statutes, Okaloosa County is authorized to pursue a quick-take proceeding.
- d. Are any of the lands/interests in land required for the project located outside the sponsor’s political boundary? No
- e. Any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?
 - i. Private Property: No

ii. State-Owned Property: Yes

**SUBJECT: ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE
ACQUISITION CAPABILITY**

2. 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
- b. If the answer to 2(a) is "yes", has a reasonable plan been developed to provide such training? Not at this point but County staff has experience with acquiring right of way using eminent domain for road projects.
- 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 workload, 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? (If "yes", provide description). No. The County may need USACE assistance in justifying the necessity of the taking of private property if this is required.

3. OTHER PROJECT VARIABLES:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? Yes

**SUBJECT: ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE
ACQUISITION CAPABILITY**

- b. Has the sponsor approved the project/real estate schedule milestones *(answer is contingent upon whether the real estate milestones have been defined at this point in the project)?* To be determined based on anticipated approvals, project approval, appropriation. Not at this point.


4. OVERALL ASSESSMENT:

- a. Has the sponsor performed satisfactorily on other USACE projects (if 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 sponsor is believed to be insufficiently capable, please provide explanation). Fully capable

5. COORDINATION:

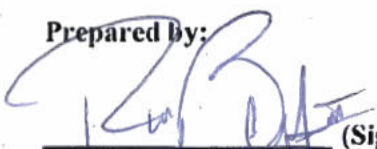
- a. Has this assessment been coordinated with the sponsor? Yes
- b. Does the sponsor concur with this assessment? Yes

Accepted by Non-Federal Sponsor:



Charles K. Windes, Jr.

Chairman (Title)

Prepared by:


(Signature)
RUSSELL W. BLOUNT, III
ACTING CHIEF
TECHNICAL SERVICES BRANCH
REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT

Reviewed and Approved by:


(Signature)
DERRICK D. MOTON
DEPUTY CHIEF
REAL ESTATE DIVISION
U.S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT

Tetreau, John J CIV USARMY CESAM (USA)

From: HAZZARD, MELINDA A NH 03 USAF AFMC 96 CEG/CEIAP
Sent: Thursday, September 2, 2021 9:43 AM
To: Tetreau, John J CIV USARMY CESAM (USA)
Cc: Paine, Joseph W CIV USARMY CESAM (USA); Blount, Russell W III CIV CESAM CESAD (USA); HAZZARD, MELINDA A NH 03 USAF AFMC 96 CEG/CEIAP; SCHWENDT, KELI S GS 12 USAF AFMC 96 CEG/CEIAP
Subject: RE: Okaloosa County Coastal Storm Risk Management Study Coordination

Mr. Tetreau,

Yes, Eglin's Real Property Office had a meeting with your office to discuss the outgrant process for the areas on Eglin AFB. The outgrant is contingent on Okaloosa County obtaining approval for an outgrant with the Air Force via the outgrant process.

Thank you,

Melinda Hazzard
96 CEG/CEIAP



From: Tetreau, John J CIV USARMY CESAM (USA)
Sent: Wednesday, September 1, 2021 1:18 PM
To: HAZZARD, MELINDA A NH-03 USAF AFMC 96 CEG/CEIAP
Cc: Paine, Joseph W CIV USARMY CESAM (USA); Blount, Russell W III CIV CESAM CESAD (USA)
Subject: Okaloosa County Coastal Storm Risk Management Study Coordination

Melinda,

Good afternoon - USACE leadership is asking for an e-mail confirming that our offices previously had discussed the Eglin AFB outgrant process in regards to the transition points for the Okaloosa dune & berm improvements. You responded with the attached outgrant process that will need to be followed by Okaloosa County, when the project officially takes off the ground.

Your confirmation that we discussed in that teleconference, and you shared this outgrant process specifically regarding the above project would be greatly appreciated. They are at a decision point whether or not to provide final approval of the feasibility recommendations.

Thanks,

John J. Tetreau
Realty Specialist



U.S. Army Corps of Engineers

Mobile District, Real Estate Division (CESAM-RE),



Tetreau, John J CIV USARMY CESAM (USA)

From: HAZZARD, MELINDA A NH-03 USAF AFMC 96 CEG/CEIAP
Sent: Wednesday, April 21, 2021 1:13 PM
To: Tetreau, John J CIV USARMY CESAM (USA)
Subject: Outgrant Process
Attachments: New Outgrant Process (2021).pdf

John,

Attached is our outgrant process for your review.

Melinda Hazzard





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 96TH TEST WING (AFMC)
EGLIN AIR FORCE BASE FLORIDA

16 December 2016

FROM: Eglin Air Force Base Real Estate Office

TO: Grantee

SUBJECT: New Outgrant Process

Step 1 Request for Use of Air Force Real Property

Please submit your outgrant request to the Eglin Real Estate Office that includes a detailed explanation of your intended use, a description of the requested federal property, and a map/drawing depicting the location of the land parcel or facility. An AF Realty Specialist will be assigned to process your request and will be your point of contact throughout the process to answer questions and provide status updates. Point of contact is Marja Murray (850) 882-1348.

Step 2 – Pre-Approval

Your request will be submitted to the appropriate committee for pre-approval. Requests for property within the Eglin cantonment areas must be pre-approved by the Installation Development Committee (IDC) which meets quarterly. Requests for use of property on Eglin ranges must be pre-approved by the Range Control Configuration Committee (RC3) (meets bi-monthly) which in some cases can be elevated to the Range Development Executive Steering Committee (RDESC) which also meets quarterly. Requests for property on Hurlburt Field must be pre-approved by the 1st Special Operations Wing (1SOW) Facilities Board which meets quarterly.

Step 3 Facilities Board Approval

Once your request has been pre-approved by the appropriate committee, your Realty Specialist will submit it to the 96th Test Wing Facilities Board (FB) (meets quarterly) for installation approval.

Note: You will incur expenses for a survey, legal description, applicable environmental processes, appraisal, and/or other administrative fees for steps 4 through 7 below.

Step 4 Outgrant Processing Phase

Once your request is approved by the FB, your Realty Specialist will notify you and request a new survey which you will be required to fund. A metes and bounds survey (signed and sealed) is required and must include one hard copy and one digital copy. Ensure the digital survey is in Adobe PDF format. In addition, provide one hard copy and one digital copy (traverse file format) of the legal description. See the attached examples.

Step 5 Environmental Review

Once the survey is provided, your Realty Specialist will submit an AF Form 813 to the 96 CEG/CEVSP (Environmental Analysis Office) to initiate the National Environmental Policy Act (NEPA) process for your outgrant request including the map/drawing you provided. The AF

Form 813 process determines the level of environmental study required by NEPA. This is typically at least a two-week process.

Step 6 – Environmental Analysis

An environmental review by the base Environmental Manager will determine whether the NEPA review (Step 5) supports eligibility for a categorical exclusion or if further analysis is required through an Environmental Assessment or an Environmental Impact Statement. You will be required to fund the analysis if required. 96 CEG/CEIE will initiate an Environmental Baseline Survey (EBS) or a waiver if the area is covered by a previous EBS. If an EBS is required, you will be required to hire a contractor to complete the EBS and fund the requirement. If you select a contractor that is not familiar with the Federal NEPA process (Air Force specific), it could create additional delays in the processing of the documents. When the necessary environmental processes are complete, copies of the final documents will be provided to you and they will also become part of the outgrant. This is typically, at minimum, a three-month process.

Step 7 – Fair Market Value (FMV) Determination

With very few exclusions, Federal law requires that the USAF receive FMV for outgrants, both new and renewal. Most outgrants require an appraisal to begin rent negotiations, which you will be required to fund. The Air Force will order the appraisal through the General Services Administration (GSA) or the Corps of Engineers (CoE) once you provide the funds. The appraisal will be the property of the Federal Government and is not releasable to you. There are few exceptions to the FMV requirement; we will inform you if an exception applies to you. Rent may be paid in cash or through in-kind considerations (i.e. goods and/or services.)

Step 8 – Staffing and Execution

Once the environmental analysis and FMV determinations are complete, the outgrant will be prepared and sent to you for signature with three original signature pages and applicable exhibits. After you return the signed package, it will be forwarded to the appropriate AF level for execution.

Note: The overall timeline for a new outgrant varies based on the type of request. Outgrants executed at the base level normally require a minimum of 6 to 12 months. Outgrants executed at the Air Force level typically require at minimum of 12 to 24 months and vary based on complexity. These are estimates only. Also, please understand that Eglin AFB is an active duty base, and there may be times when mission-essential duties take precedence, which may result in additional delays.

Step 9 – Completion

An executed original outgrant will be sent to you which completes the new outgrant process.



MELINDA A. HAZZARD, NH-03, DAF
Real Property Accountable Officer