

APPENDIX C

**ST. FRANCIS BARRACKS
SEAWALL SHORELINE EROSION PROTECTION
CAP SEC 14
ST. AUGUSTINE, FLORIDA**

**INTEGRATED FEASIBILITY REPORT AND
ENVIRONMENTAL ASSESSMENT**

REAL ESTATE PLAN

**ST. FRANCIS BARRACKS SEAWALL
SHORELINE EROSION PROTECTION
CAP SECTION 14
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REAL ESTATE PLAN

TABLE OF CONTENTS

Section	Page No
1. STATEMENT OF PURPOSE	C-4
2. STUDY AND PROJECT AUTHORIZATION	C-4
3. PROJECT LOCATION	C-5
4. PROJECT DESCRIPTION	C-6
5. REAL ESTATE REQUIREMENTS	C-6
6. ESTATES TO BE ACQUIRED	C-8
7. FEDERALLY OWNED LANDS	C-8
8. NON-FEDERAL OWNED LANDS	C-8
9. NON-FEDERAL OPERATION/MAINTENANCE RESPONSIBILITIES	C-9
10. NON-FEDERAL AUTHORITY TO PARTICIPATE IN PROJECT	C-9
11. NAVIGATION SERVITUDE	C-9
12. ATTITUDE OF OWNERS	C-9
13. MINERALS	C-9

14. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)	C-9
15. INDUCED FLOODING	C-9
16. ZONING ORDINANCES	C-9
17. RELOCATIONS ASSISTANCE (PUBLIC LAW 91-646)	C-10
18. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENTS	C-10
19. STANDING TIMBER AND VEGETATIVE COVER	C-10
20. RECREATION RESOURCES	C-10
21. CULTURAL RESOURCES	C-10
22. OUTSTANDING RIGHTS	C-10
23. MITIGATION	C-10
24. ACQUISITION/ADMINISTRATIVE COSTS	C-11
25. SUMMARY OF PROJECT REAL ESTATE COST	C-11
26. REAL ESTATE ACQUISITION SCHEDULE	C-11
27. CHART OF ACCOUNTS FOR PROJECT	C-12
EXHIBIT 1: REAL ESTATE CAPABILITY ASSESSMENT	C-13
EXHIBIT 2: RISK LETTER	C-15

APPENDIX E

ST. FRANCIS BARRACKS SEAWALL SHORELINE EROSION PROTECTION

CAP SECTION 14

ST. AUGUSTINE, FLORIDA

INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT

REAL ESTATE PLAN

1. STATEMENT OF PURPOSE

This Real Estate Plan (REP) is provided in support of the Florida Department of Military Affairs, the non-Federal sponsor, for the St. Francis Barracks Feasibility Study. The purpose of the study is to recommend a plan for streambank and shoreline protection to infrastructure located at the St. Francis Barracks, Florida National Guard Headquarters, Flagler County, which is on the western bank of the Matanzas River.

This report is preliminary and is intended for planning purposes only. Both the final real property lines and land value estimates are subject to change even after approval of this report. There may be modifications to the plans that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land costs.

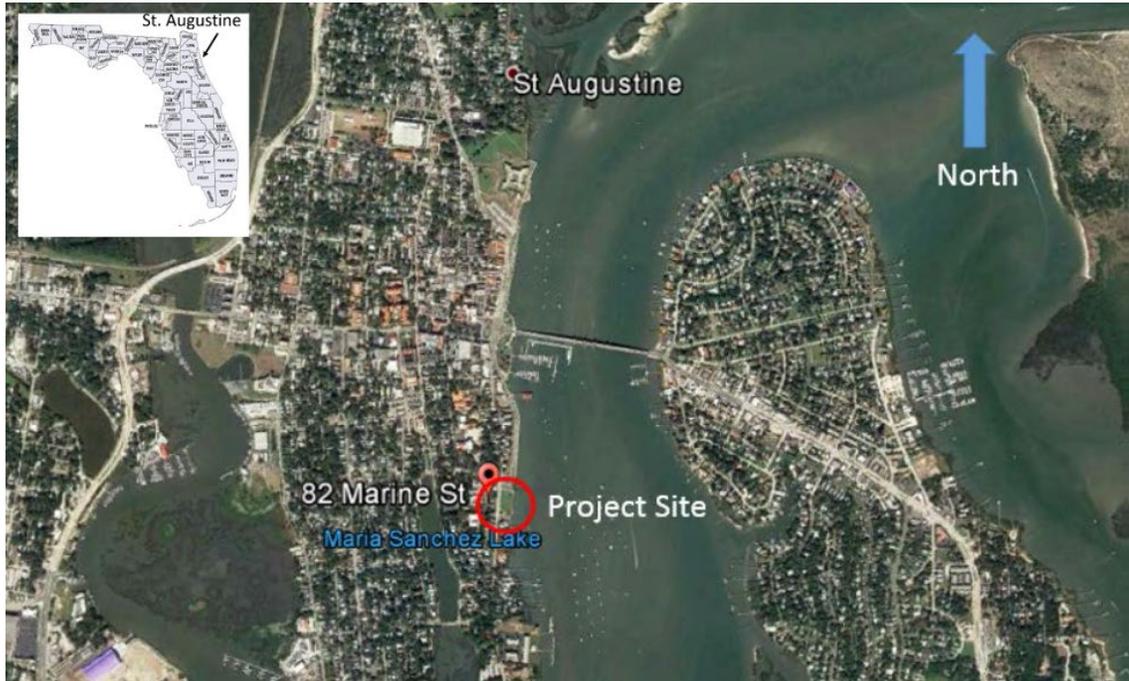
2. PROJECT AND STUDY AUTHORIZATION

The St. Francis Barracks project is eligible under the Continuing Authorities Program (CAP) Section 14, Streambank and Shoreline Erosion Protection of Public Works and Non-Profit Public Services, of the 1946 Flood Control Act, as amended.

Section 14 is designed to implement projects to protect public facilities and facilities owned by non-profit organizations that are used to provide public services that are open to all on equal terms. These facilities must have been properly maintained but be in imminent threat of damage or failure by natural erosion processes on streambanks and shorelines, and are essential and important enough to merit Federal participation in their protection.

3. PROJECT LOCATION

The project area is located in the City of St. Augustine, Florida, on the western bank of the Matanzas River, from the Castillo de San Marcos at the northern end to the St. Francis Barracks at the southern end. The study area is the property circled in red on Figure 1 and area shown in Figure 2.



(Figure 1)



(Figure 2)

4. PROJECT DESCRIPTION

The project addresses the existing state of the seawall at St. Francis Barracks of which portions of the seawall are in critical condition and at risk of failure. An evaluation of the current conditions led to a design to reinforce the existing seawall. The recommended plan has six components: grout from waterside, place flowable fill landside, install new weep holes where necessary, backfill topsoil, place revetment and apply shotcrete at South corner of existing wall.

5. REAL ESTATE REQUIREMENTS

Construction is proposed to take place primarily from the land with some construction occurring from water (refer to Figure 3). The non-Federal sponsor will acquire the lands via a temporary work area easement. The non-Federal sponsor will certify that lands are available for construction and repair of the seawall. A staging area consisting of one parking lot has been identified and the non-Federal sponsor will certify the availability of the staging area. Access will be provided via public access roads. Access to the staging area will not require exclusive use of the identified access route. The project seawall will require a temporary work area easement from property owners. Construction is estimated to take approximately four months. No borrow or disposal areas are required for the construction of subject project.



(Figure 3)

6. STANDARD ESTATES TO BE ACQUIRED

A. Temporary Work Area Easement (#15)

A temporary easement and right-of-way in, on, and over 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 United States, for use by the United States, its representatives, agent, and contractors as a work area to 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 St. Francis Barracks 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 landowner, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridge the rights and easements hereby required; subject however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

7. FEDERALLY-OWNED LAND

There are no federally owned lands within the project limits.

8. NON-FEDERALLY-OWNED LAND

The non-Federal sponsor owns all lands required to support construction of the proposed project. The lands owned by the non-Federal sponsor and provided are the same lands the structures being protected by the project are located. In accordance with ER 1105-2-100, Appendix F, Continuing Authorities Program, Section III, "... the non-Federal sponsor will not receive credit for the value of LERRD it provides that are part of the tract of land on which the facility or structure to be protected is located, if such tract of land is owned by either the non-Federal sponsor or the owner of the facility...". Lands and Damages cost are being shown as zero dollars in the Real Estate Project Cost Schedule as no credit is allowed.

9. NON-FEDERAL OPERATION AND MAINTENANCE RESPONSIBILITIES

The non-Federal Sponsor will be required to provide without cost to the United States the aforementioned lands, access routes for ingress/egress, and staging areas, necessary for project construction of the project. A Right-of-Entry for Authorization for Entry for Construction will be provided by the non-Federal Sponsor to USACE prior to solicitation for a construction contract in order to identify and validate that sufficient real property interests are available. Operation and maintenance is a 100% non-Federal responsibility.

10. NON-FEDERAL AUTHORITY TO PARTICIPATE IN PROJECT

The Florida Department of Military Affairs is empowered by Florida Statue, Chapter 161.51 Part III to act as the city beach and shore preservation authority.

11. NAVIGATION SERVITUDE

Navigation servitude does not have nexus to navigation so does not meet the two-step process for determination of availability.

12. ATTITUDE OF OWNERS

This project was requested by the Florida Department of Military Affairs, the non-Federal sponsor, in a letter dated 21 October 2016. Florida Department of Military Affairs fully supports the project.

13. MINERALS

There are no present or anticipated mineral activity within the project area that would affect the construction, operation, or maintenance of the project.

14. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)

Details of the environmental analysis performed for this Feasibility Study is presented in Chapters 2 and 5 of the Main Report. Phase I and Phase II Environmental Site Assessments (ESAs) will be completed during the Design and Implementation (D&I) phase.

15. INDUCED FLOODING

There will be no induced flooding directly associated with this project.

16. ZONING ORDINACES

Applications or enactment of zoning ordinances will not be used in lieu of acquisition.

17. RELOCATIONS ASSISTANCE (PUBLIC LAW 91-646 AS AMENDED)

No persons or businesses will be impacted by the project. There are no benefits anticipated under Public Law 91-646, codified in U.S.C. Title 42 – The Public Health and Welfare, Chapter 61 – Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs which are implemented in the Uniform Regulations contained in 49 Code Of Federal Regulation, Part 24 as amended.

18. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENTS

No relocations, alterations, vacations or abandonments of utilities, structures, facilities, cemeteries, or towns have been identified within the proposed construction limits of the recommended plan.

19. STANDING TIMBER AND VEGETATIVE COVER

No timber or unusual vegetative cover has been identified in the project area.

20. RECREATION RESOURCES

There are no separable recreational lands identified for the project.

21. CULTURAL RESOURCES

The project parcels include the following cultural resources, as mapped in the Florida Master Site File: the resource group SJ05558 (St. Francis Barracks), the Historic district SJ00010 (Historic St. Augustine District); the historic structures SJ0550 (Building 8), SJ05551 (Building 9), SJ05555 (Building 16), and SJ02517 (King's Bakery); and the archaeological sites SJ05696 (St. Augustine Seawall), SJ05687 (Block 41), SJ05570 (310 Charlotte St), and SJ05510 (Shoal 2 Pier).

22. OUTSTANDING RIGHTS

There are no known outstanding rights in the project area.

23. MITIGATION

Mitigation is not a proposed component of the Recommended Plan.

24. AQUISITION/ADMINISTRATIVE COSTS

The estimate of the Federal real estate administrative cost is **\$15,000.00**. This figure includes project real estate planning, mapping, review, oversight, monitoring, analysis of real estate requirements and estates. Non-Federal acquisition/administrative costs are estimated to be \$10,000.00.

25. SUMMARY OF PROJECT REAL ESTATE COSTS

The following cost figures are subject to change prior to construction. The Lands and Damages cost are being shown as zero dollars in accordance with Section 8 of this report.

A. Lands and Damages:			\$0.00
B. Acquisition Administrative Cost			\$25,000.00
	Non-Federal	\$10,000.00	
	Federal	\$15,000.00	
C. Public Law 91-646			\$0.00
D. Condemnations			\$0.00
E. Total Estimated Real Estate Cost			\$25,000.00
F. Contingency (15%)	Non-Federal		\$1,500.00
G. Contingency (15%)	Federal		\$2,250.00
H. Total Real Estate Costs			\$28,750.00

26. REAL ESTATE ACQUISITION SCHEDULE

The Florida Department of Military Affairs, as the non-Federal sponsor is responsible for certifying that lands are available for project advertisement and construction. Lands required for the project fall under State properties. Acquisition of the required interests in real estate is not anticipated to take a long time. For scheduling purposes, six months has been established to accomplish real estate acquisition. Once final plans and specs have been completed and the Project Partnership Agreement has been executed, the Project Sponsor, Project Manager and Real Estate Technical Manager will formulate the milestone schedule upon project approval to meet date for advertisement and award of the construction contract.

27. CHART OF ACCOUNTS FOR PROJECT

01 - Lands & Damages		\$0.00
01B-- Acquisitions Administrative cost		\$25,000.00
01B20 - Non-Federal	\$10,000.00	
01B40 – Federal	\$15,000.00	
01B10 - By Govt	\$ 0	
01B20 - By Local sponsor	\$ 0	
01E10 - By Govt (In-House)	\$ 0	
01M00 – Contingency (15%)		\$1,500.00
30 – Planning, Engineering & Design Acquisition Administrative Fee <u>Contingency (15%)</u>		\$2,250.00
Total Estimated Real Estate Cost:		\$28,750.00

Exhibit 1

REAL ESTATE CAPABILITY ASSESSMENT

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

FOR ST. FRANCIS BARRACKS (CAP SEC 14) SEAWALL SHORELINE EROSION PROTECTION

- I. Legal Authority:
 - a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?
 - b. Does the sponsor have the power of eminent domain for this project?
 - c. Does the sponsor have "quick-take" authority for this project?
 - d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary?
 - e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

- II. Human Resource Requirements:
 - a. Will the sponsor's in-house staff require technical training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?
 - b. If the answer to a. is "yes," has a reasonable plan been developed to provide such training?
 - c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?
 - d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule?
 - e. Can the sponsor obtain contractor support, if required in a timely fashion?
 - f. Will the sponsor likely request USACE assistance in acquiring real estate?

- III. Other Project Variables:
 - a. Will the sponsor's staff be located within reasonable proximity to the project site?
 - b. Has the sponsor approved the project/real estate schedule/milestones?

- IV. Overall Assessment:
 - a. Has the sponsor performed satisfactorily on other USACE projects?
 - b. With regard to this project, the sponsor is anticipated to be: highly capable/fully.

- V. Coordination :
- a. Has this assessment been coordinated with the sponsor?
 - b. Does the sponsor concur with this assessment?

Date:

Prepared by:

Realty Specialist, Acquisition Branch
Real Estate Division

Reviewed by:

Chief, Acquisition Branch
Real Estate Division

Reviewed and approved by:

Chief, Real Estate Division
Real Estate Division



DEPARTMENT OF THE ARMY
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Real Estate Division

Mr. William Harding, P.E.
Construction, Planning and Design Manager
Florida Department of Military Affairs
28 Marine Street
St. Augustine, Florida

Dear Mr. Harding:

The intent of this letter is to formally advise the Department of Military Affairs, as the non-Federal sponsor for the St. Francis Barracks Seawall Shoreline Erosion Protection Feasibility Study, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

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

1. Congress may not appropriate funds to construct the proposed project;
2. The proposed project may otherwise not be funded or approved for constructions;
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 include liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
5. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;

6. The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

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

We appreciate the Department of Military Affairs' participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Mrs. Angela Huggins at: Angela.F.Huggins@usace.army.mil or 904-232-1939.

Sincerely,

Timothy H. McQuillen
Chief, Real Estate Division