

**APPENDIX D
REAL ESTATE**

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LAKE OKEECHOBEE WATERSHED RESTORATION PROJECT**Glades, Highlands, Okeechobee, St. Lucie and Martin Counties****Project Implementation Report and Environmental Impact Statement****REAL ESTATE PLAN****D STATEMENT OF PURPOSE**

The purpose of this Real Estate Plan is to identify and describe the real estate to support Lake Okeechobee Watershed Restoration Project (LOWRP). The LOWRP is included in the Comprehensive Everglades Restoration Plan (CERP). The CERP, as documented in the 1999 Central and Southern Florida (C&SF) Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement (Yellow Book), consists of 68 different components. The purpose of the CERP is to modify structural and operational components of the C&SF Project to achieve restoration of the Everglades and the south Florida ecosystem, while providing for other water related needs such as urban and agricultural water supply and flood protection. The LOWRP contains three of the 68 total CERP components.

The purpose of the LOWRP is to increase water storage capacity in the watershed to better manage Lake Okeechobee water levels for lake ecosystem health and water supply; improve the quantity and timing of fresh water flows to the St. Lucie and Caloosahatchee estuaries (collectively referred to as the “Northern Estuaries”) that adversely affect salinity and estuarine biota; restore degraded hydrologic habitat for fish and wildlife throughout the study area; and increase the spatial extent and functionality of wetlands throughout the study area.

The Real Estate Plan is tentative in nature. It is for planning purposes only and both the final real property lines and real estate cost estimates provided are subject to change even after approval of the LOWRP PIR.

D.1 Project and Study Authorization

The Water Resources Development Act of 2000 (WRDA 2000) (Public Law 106-541), Title VI, Section 601 provides for and guides modifications to the C&SF project and describes authorizations specific to the CERP. Section 601(b)(A) of the Act, “Comprehensive Everglades Restoration Plan Approval,” provides authority for CERP. Section 601(d) “Authorization of Future Projects” provides the authority for the preparation of Project Implementation Reports (PIRs). The Water Resources Reform and Development Act of 2014 (WRRDA 2014) (Public Law 113-121), Section 1001 provides that to the extent practicable, U.S. Army Corps of Engineers (USACE) final feasibility reports will be completed in a maximum of three years for a federal cost of \$3 million.

D.2 Project Location and Study Area

D.2.1 Location

The project is generally located in South Florida within the vicinity of Glades, Highlands, Okeechobee, St. Lucie, and Martin Counties. See **Figure D- 1**.



Figure D- 1. Project Location.

D.2.2 Project Area

The project area covers a portion of the Lake Okeechobee Watershed in Florida. It includes four major drainage basins: Fisheating Creek, Indian Prairie, Taylor Creek/Nubbin Slough, and portions of the Lower Kissimmee (S-65D and S-65E) totaling approximately 920,000 acres. The project area includes portions of Glades, Highlands, Okeechobee, St. Lucie, and Martin Counties, along with the Seminole Tribe of Florida (STOF) Brighton Reservation (**Figure D- 2**). The majority of the LOWRP features are located in the Indian Prairie sub-basin, although there are proposed Aquifer Storage and Recovery (ASR) wells located throughout the project area. The study area includes the project area, along with Lake Okeechobee and the Northern Estuaries, totaling approximately 1,450,000 acres.

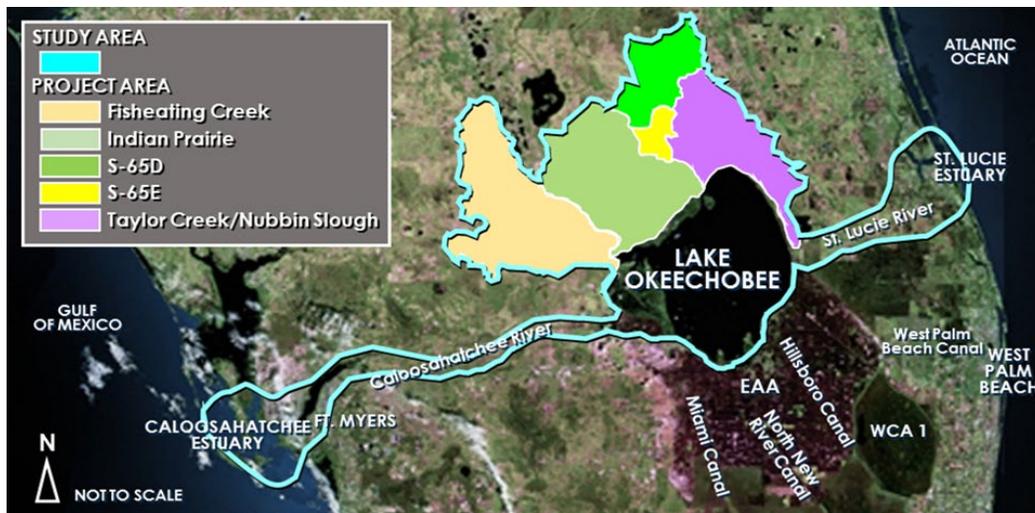


Figure D- 2. Study Area.

D.3 Project Description

The Recommended Plan, Alternative 1BW Revised (Alt 1BWR), is organized into three study area regions: Lake Okeechobee Watershed, Lake Okeechobee, and the Northern Estuaries. The Recommended Plan, Alt 1BWR, includes a wetland attenuation feature (WAF), 80 total ASR wells (55 watershed ASR wells, and 25 ASR wells co-located with the WAF), and the Paradise Run and Kissimmee River-Center wetland restoration sites. See **Figure D- 3**.

D.3.1 Wetland Attenuation Feature

The WAF will be located within the Indian Prairie sub-watershed west of the C-38 canal, north of SR 78, east of the STOF Brighton Reservation, and south of the C-41A canal. The WAF is primarily used for surface water storage to attenuate peak flows into Lake Okeechobee from the Kissimmee River Basin; however, it may also provide wetland habitat. The WAF footprint, including the embankments, seepage canals, and other perimeter features, is approximately 13,600 acres with a storage capacity of approximately 46,000 ac-ft. The WAF includes a pump station located downstream of the existing S-84 structure on the C-41A canal to serve as the water source for this feature. The pump draws water from the downstream area that is directly connected to Lake Okeechobee.

D.3.2 Aquifer Storage and Recovery Wells

Eighty ASR wells are proposed in clusters in various locations throughout the watershed and co-located with the WAF. The well clusters will utilize the Upper Floridian Aquifer and the Avon Park Permeable Zone for storage and recovery. Proposed ASR cluster locations (**Figure D- 3**.) are based upon the findings of the 2015 CERP ASR Regional Study; however, these locations are conceptual and may be adjusted based on the results of exploratory testing. Final siting will be determined during preconstruction engineering and design (PED).

- **ASR wells co-located with the WAF:** These wells can withdrawal water from the WAF, recharging the ASR wells when the WAF is full, thus providing additional storage capacity to the WAF.
 - There are three well clusters (25 wells) co-located with the WAF.

- ASR wells will recharge using water from the WAF and flows into the WAF prior to release into the Kissimmee River.
- The combination of wetland attenuation ASR wells and the WAF provides dynamic above and below ground storage.
- **Watershed ASR wells:** The remaining 55 ASR wells are located throughout the watershed in several clusters.
 - One proposed cluster is located adjacent to the C-44 canal in Port Mayaca. This would release out of the C-44 into Lake Okeechobee or to the St. Lucie River Estuary.
 - Three potential cluster areas, including refurbishments, are located in the S-191 sub-watershed. The wells would be adjacent to the L-63N, L-63S, or L-64 canals that can flow to Lake Okeechobee.
 - One cluster is located along Taylor Creek, downstream of S-192 and upstream of the S-133 pump station which releases fresh water to Lake Okeechobee.
 - There is a well cluster along C-40 canal downstream of S-72 that can flow to Lake Okeechobee.
 - Two potential clusters, including refurbishments, are located adjacent to the C-38 canal downstream of S-65E that can flow back into the C-38 canal.
 - There is a well cluster along C-41 canal downstream of S-71 that can flow to Lake Okeechobee.
 - There is a well cluster along the C-43 canal in Moore Haven that can flow to Lake Okeechobee or the Caloosahatchee River.

D.3.3 Wetland Restoration Sites

Wetland restoration includes the Paradise Run and Kissimmee River–Center features. The Paradise Run site is approximately 3,600 acres containing historic Kissimmee River channel and floodplain. The site is located downstream of S-65E on the west bank of the C-38 canal, between the C-41A canal and the Buckhead Ridge community. A pump station on the C-41A canal downstream of S-84 serves as the water source to restore natural flow to the river and hydroperiod to the floodplain wetlands. The pump station will draw water into the historic Kissimmee River channel running through the Paradise Run site. Approximately 24,500 linear feet of channel excavation will be performed. The L-59 canal will be plugged to allow overland flow over the former canal. The flow will release back into the C-38 canal by way of the WAF outlet canal and a system of culverts through the Herbert Hoover Dike on the southeast corner of the site. The Kissimmee River–Center site is approximately 1,200 acres and is located on the west bank of the C-38 canal about halfway between S-65D and S-65E. A pump station will be placed in the C-38 canal at the north end of the site to divert water to the west into a created river channel mimicking the historic Kissimmee River. About 21,500 feet of channel excavation will be performed to create riverine habitat and new floodplain wetlands.

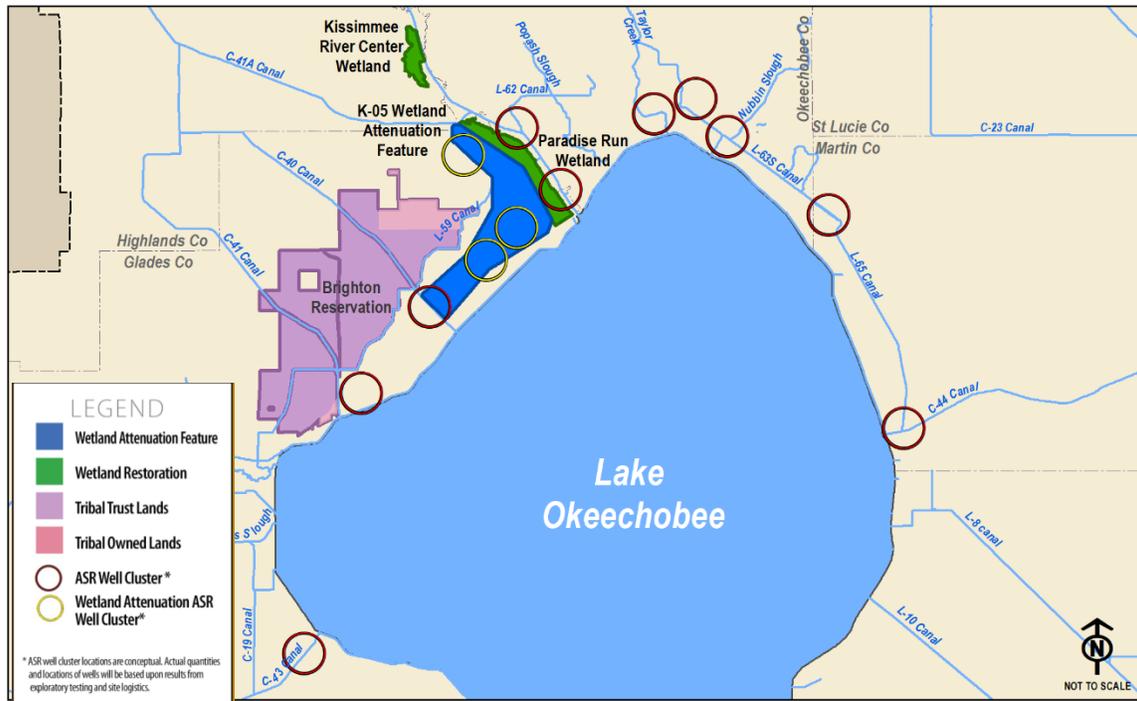


Figure D- 3. Alt 1BWR Project Footprint.

D.4 Real Estate Requirements

Approximately 155 parcels are impacted by the project, consisting of 106 privately owned parcels and 68 publicly owned parcels. Some parcels cross from the WAF into the Wetland Restoration site, bringing the estimated number of parcels up to 174. However, the parcel count is reduced to 155 after adjusting for the duplicated parcels. There are 50 private landowners within the project area.

The following real estate interests and lands identified below are required for the construction, operation and maintenance of the LOWRP.

D.4.1 Wetland Attenuation Feature (WAF)

Approximately 108 parcels, which encompass approximately 13,600 acres, are required in fee. Approximately 40 landowners will be impacted. The non-federal sponsor owns 34 parcels, which encompass approximately 4,300 acres. The State of Florida owns one parcel, which encompasses three acres. Approximately 73 parcels encompassing approximately 9,300 acres are owned by private land owners.

D.4.2 Aquifer Storage and Recovery (ASR) Wells

Eighty ASR wells are anticipated to be located within the WAF and throughout the watershed. Twenty-five ASR wells are anticipated to be co-located with the WAF. The remaining 55 ASR wells are anticipated to be located throughout the watershed and are estimated to require 1.5 acres of land per well, impacting a total of approximately 83 acres.

D.4.3 Wetland Restoration Sites

Approximately 61 parcels, which encompass approximately 4,800 acres, are required in fee. Approximately 16 landowners will be impacted. The non-federal sponsor owns 25 parcels, which encompass approximately 2,200 acres. The State of Florida owns three parcels, which encompass 132 acres. Approximately 33 parcels are owned by private landowners, which encompass approximately 2,600 acres.

D.4.4 Additional Lands

The project features impact several parcels that reflect no acquisition requirement and/or partial acquisition requirement leaving a remainder parcel with a high degree of certainty for producing damages to the remainder lands. Damages can occur for reasons such as diminished access and the shape of the remainder lands. To account for the impacted parcels, 15% was added to the Real Estate Incremental cost.

D.4.5 Staging and Access

Staging areas will be within the project footprint and identified during Planning, Engineering and Design (PED) phase of this project. Access to this project area is primarily from SR78 on the south and SR70 to the north. The access from SR70 is on the opposite side of the C-41A canal and would require the use of Ruck's Dairy Road, a currently low volume roadway with a bridge across C-41A. Additional access areas will be by public roads and non-federal sponsor owned lands situated within the project area. Other access areas will be identified during PED for this project. A temporary work area easement will be required for areas identified for access outside the project area.

D.5 Non-Federally Owned Lands

The non-federal sponsor owns approximately 6,500 acres within the project footprint in fee. These lands were acquired using either South Florida Water Management District (SFWMD) or State of Florida funds, not Federal funds. Land use for those lands include mostly pasture and some small areas of wetlands. Some parcels are leased with a six-month termination clause.

D.6 Standard Estates

The following estates are required:

FEE

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.

TEMPORARY WORK AREA EASEMENT

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 United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (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 _____ 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.

D.7 Existing Federal Projects

The Central and Southern Florida Flood Control Levee 59 (L-59) Project will be partially impacted by the Lands, Easements, and Right-of-Way (LER) required for the project. The L-59 was constructed as part of the Central and South Florida Flood Control Project. The impact to the L-59 where the project overlaps will be closed and/or diverted during construction of the LOWRP. The lands for the L-59 were certified to the Federal Government granting formal permission and authority to enter upon lands in perpetuity. The SFWMD is the owner of the lands that were certified. Lands are sufficient and available for the LOWRP. The non-federal sponsor will not receive credit for the value of LER, including incidental costs for lands acquired as part of the L-59 project.

D.8 Federally Owned Lands

There are no known federally owned lands within the project area.

D.9 Navigation Servitude

The navigation servitude is not applicable to this project.

D.10 Real Estate Maps

The real estate planning map depicts the project area. See **Exhibit A**.

D.11 Induced Flooding

Preliminary analysis indicate there will be no induced flooding during the construction or the operation and maintenance of the project. During PED if it is determined that induced flooding is anticipated a Takings Analysis will be prepared to determine if the expected induced flooding would rise to the level of a taking that would require additional real estate for the project. During PED if it is determined that additional real estate is required; the additional lands impacted by induced flooding will be authorized to be acquired as part of this real estate plan for the LOWRP.

D.12 Mitigation

Cultural Resources:

The LOWRP will potentially have adverse effects to cultural resources, some of which are unavoidable and long term, and/or cannot be assessed until the detailed design phase of the project. Avoidance of adverse effects to cultural resources is the USACE preference; therefore, throughout the planning process for the LOWRP, the project archaeologist, engineers, and plan formulators have worked closely to determine alternatives and features of alternatives that reduce or eliminate impacts to cultural resources. Pursuant to 36 CFR § 800.1, where possible, the project design will be modified to avoid impacting significant

historic properties and culturally significant sites. Where avoidance is not possible, minimization and/or mitigation measures will be considered. As consulted on throughout the LOWRP, mitigation measures will be developed during the PED phase in consultation with the State Historic Preservation Office (SHPO), tribal groups and other interested parties as established in implementing regulations for Section 106 of the National Historic Preservation Act (NHPA) (see Appendix C).

D.13 Relocation Assistance (Public Law 91-646)

It is anticipated that relocation assistance benefits will be required for this project. There are seven farms that have been identified within the project footprint. Relocation costs are estimated to be approximately \$205,000 per farm or \$1,436,000 total cost.

D.14 Minerals

Preliminary assessment indicates no known present or anticipated mineral or sub-surface mineral extraction activities within the vicinity of the proposed area which may affect construction, operation, or maintenance of the project.

D.15 Non-Federal Sponsor's Authority to Participate in Project

The SFWMD is the non-federal sponsor for this project. The SFWMD is empowered and authorized to acquire the Lands, Easements, Right-of-Way, Relocations, and Disposal (LERRD) for the construction, operation, and maintenance of the project. The capability assessment of SFWMD's real estate acquisition capability is attached as **Exhibit B** of this real estate plan. The SFWMD is familiar with P.L. 91-646 requirements and the requirements for documenting expenses for credit purposes.

D.16 Zoning Ordinances

Preliminary investigations indicate that no enactments of zoning ordinances are proposed in lieu of, or to facilitate, acquisition in connection with the project.

D.17 Real Estate Acquisition Schedule

The SFWMD is responsible for certifying that lands are available for project advertisement and construction. For scheduling purposes, 18 to 24 months has been established to accomplish real estate certification, once final plans and specs have been completed, funds have been provided, and the Project Partnership Agreement (PPA) has been executed. The Project Sponsor, Project Manager, and Real Estate Technical Manager will formulate the milestone schedule upon project approval to meet the date for advertisement and award of the construction contract. The SFWMD was advised by letter of the risks associated with land acquisition prior to the execution of the PPA or prior to the Federal Government's formal notice to proceed with the acquisition. A copy of the Risk Letter is attached as **Exhibit C** of this real estate plan.

D.18 Relocations, Alterations, Vacations, and Abandonments (Utilities, Structures and Facilities, Cemeteries, and Towns).

There are expected to be service lines for occupied structures in the project area. Since these areas are to be acquired, no facility or utility relocations are expected. No facility or utility relocations are expected

for ASR sites, although some sites, when selected, may have minor relocations. See **Appendix A – Engineering** for detailed information regarding facility or utility relocations.

A preliminary Attorney’s Opinion of Compensability was not prepared; the Federal Government will make a final determination. If survey during PED identifies that utilities are required to be relocated, a Final Attorney’s Opinion of Compensability will be prepared in writing for each proposed utility relocation.

“ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY’S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.”

D.19 Hazardous, Toxic, and Radioactive Waste

Currently there are no impacts to the real estate acquisition process and LER value estimate due to Hazardous, Toxic, and Radioactive Waste (HTRW) contaminants within the project area. The environmental site assessment process will identify and provide resolution of any HTRW sites prior to certification of LER for project construction. Should remediation of HTRW contamination be required; it will be the responsibility of the SFWMD, the non-federal sponsor at their sole expense, per the EC 1165-2-132. In the event that HTRW contaminants are identified and are under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended; for crediting purposes shall follow policy per ER 405-1-12, 12-37. Special Considerations, c.(3)g. A discussion of available environmental site assessment information and other HTRW reports are provided in Appendix C.

D.20 Attitude of Landowners

There is anticipated opposition to the project by private landowners in the project area.

D.21 Real Estate Acquisition/Incidental Costs.

A Rough Order of Magnitude (ROM) was prepared in place of a gross appraisal because the anticipated cost for the real estate is expected to be less than 15% of the total project cost, as per Policy Guidance Letter No. 31 – Real Estate Support to Civil Works Planning. The ROM real estate cost estimate for the WAF feature is approximately \$67,971,000. The ROM estimate for the ASR wells is approximately \$414,000. The ROM estimate for the Wetland Restoration sites is approximately \$23,546,000. A 40% contingency is added to the overall ROM real estate estimate for the project. Combining the estimated \$1,436,000 relocation assistance cost with the ROM real estate cost estimate of lands required for the construction, operation, and maintenance to include the contingency is approximately \$130,714,000.

The estimate of the federal real estate incidental acquisition cost including a contingency is \$2,929,000. This cost includes project real estate planning, mapping, review, oversight, monitoring, administrative costs, crediting review costs, certification of lands required for project purposes, real estate analysis or other requirements that may be necessary during PED. The estimate of the non-federal sponsor incidental costs associated with the acquisition, including a contingency, is \$5,469,000.

The total real estate cost estimate, including contingencies and relocation assistance, to implement this project is approximately \$139,112,000. The non-federal sponsor will receive credit toward its share of real estate project costs incurred for certification of lands, including incidental costs.

D.22 Summary of Project Real Estate Costs

The following cost figures (**Table D-1 A**, **Table D-1 B**, and **Table D-1 C**) are subject to change prior to construction.

Table D-1 A. Baseline Cost Estimate for Real Estate: Lands.

Lands and Damages	Cost
Lands	\$91,931,000
Relocation Assistance	\$1,436,000
Lands and Damages	\$93,367,000
CONTINGENCY (40%)	\$37,347,000
Total Lands and Damages	\$130,714,000

Note: Lands and Damages cost are shown in current dollar estimates.

Table D-1 B. Baseline Cost Estimate for Real Estate: Administrative Costs.

Administrative Costs for Federal and Non-Federal Sponsor	Cost
Federal Review of NFS	\$2,092,000
CONTINGENCY (40%)	\$837,000
Total Federal Review of NFS	\$2,929,000
NFS Administrative Costs	\$3,907,000
CONTINGENCY (40%)	\$1,563,000
Total NFS Administrative Costs	\$5,469,000

Note: Lands and Damages cost are shown in current dollar estimates.

Table D-1 C. Baseline Cost Estimate for Real Estate: Total Real Estate Cost Estimate.

Category	Cost
Total Lands and Damages	\$130,714,000
Total Federal Review of NFS	\$2,929,000
Total NFS Administrative Costs	\$5,469,000
Total Real Estate Cost Estimate	\$139,112,000

Note: Lands and Damages cost are shown in current dollar estimates.

D.23 Real Estate Chart of Accounts

Table D-2 A below summarizes the chart of accounts for the project.

Table D-2 A. Chart of Accounts for the Recommended Plan.

Codes for Chart of Accounts	Lands and Damages	Federal	Non-Federal	Totals
01b20	Acquisition: By NFS	\$0	\$2,369,000	\$2,369,000
01b40	Acquisition: Review of NFS	\$1,579,000	\$0	\$1,579,000
01c20	Condemnations: By Sponsor	\$0	\$1,538,000	\$1,538,000
01c40	Condemnations: Review of NFS	\$513,000	\$0	\$513,000
01F20	PL 91-646 Relocation Assistance: By NFS	\$0	\$1,436,000	\$1,436,000
01R1	Real Estate Payments: Land Payments	\$0	\$91,931,000	\$91,931,000
N/A	Total Real Estate Cost Excluding Contingency	\$2,092,000	\$97,274,000	\$99,366,000
N/A	Contingency (40%)	\$837,000	\$38,910,000	\$39,747,000
N/A	Total Project Real Estate Cost Estimate	\$2,929,000	\$136,183,000	\$139,112,000

Note: The contingency is based on Real Estate Incremental Costs.

D.24 Signatures

DATE: 31 August 2020

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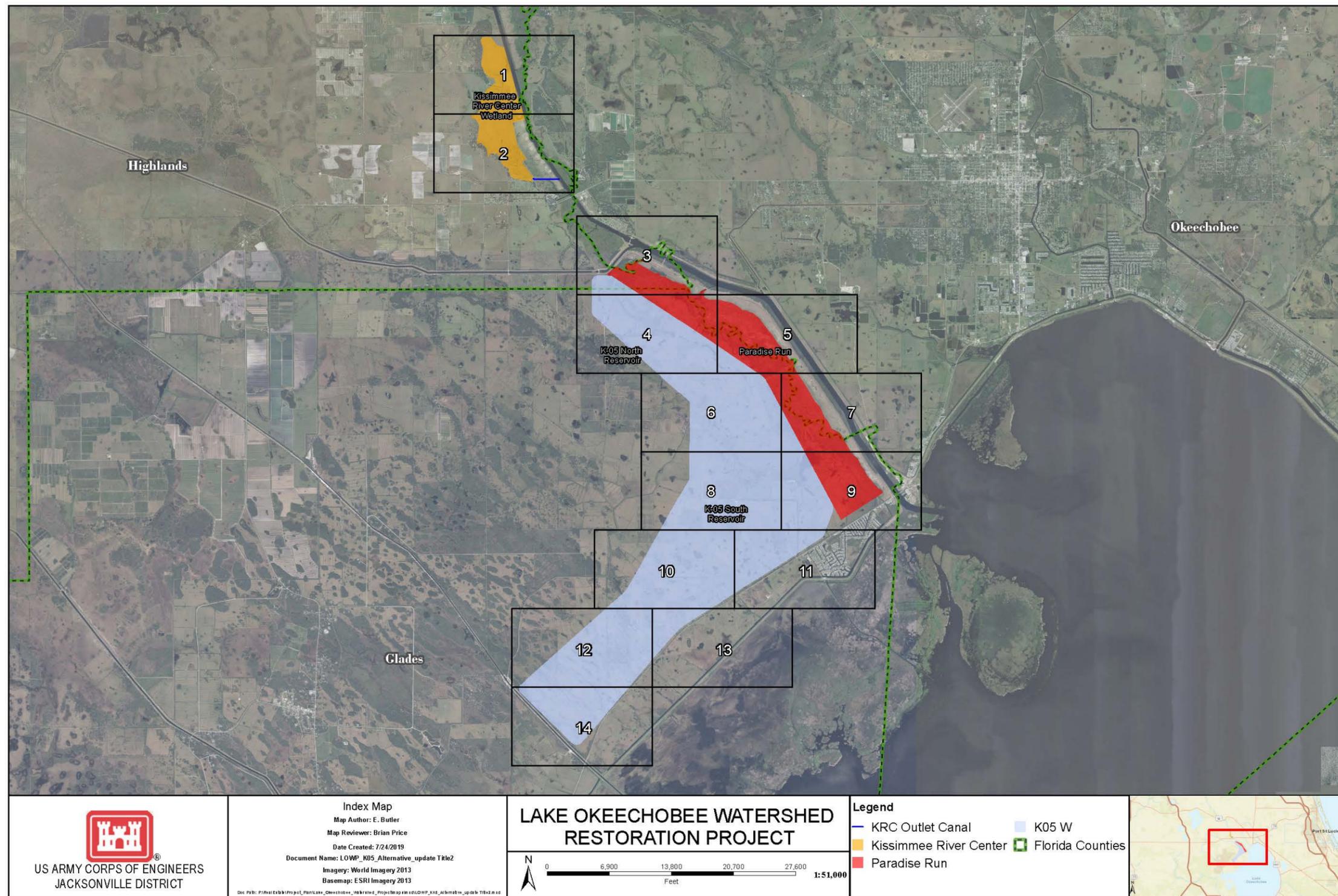
Jacksonville District

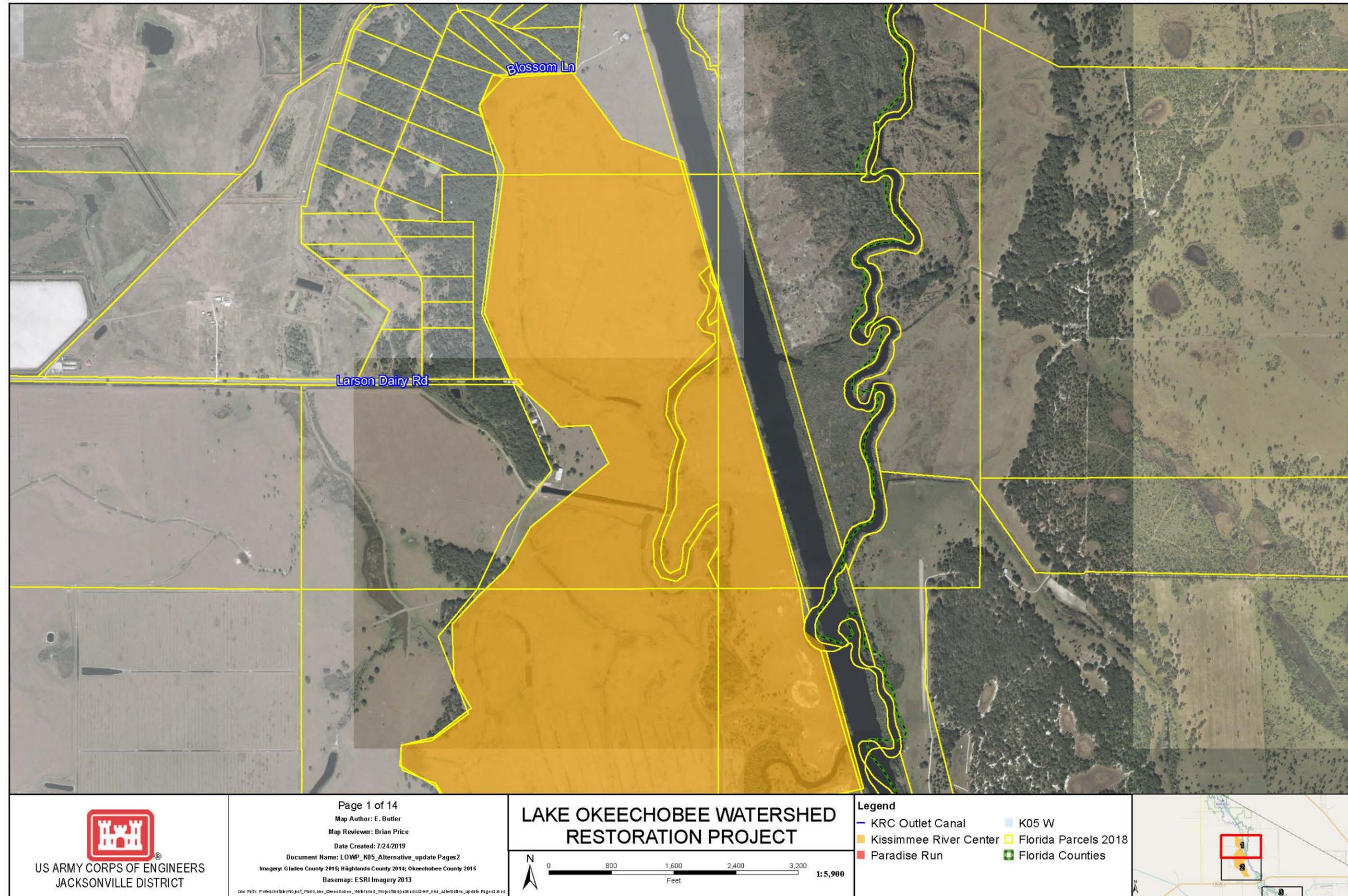
D.25 Exhibits A, B, and C

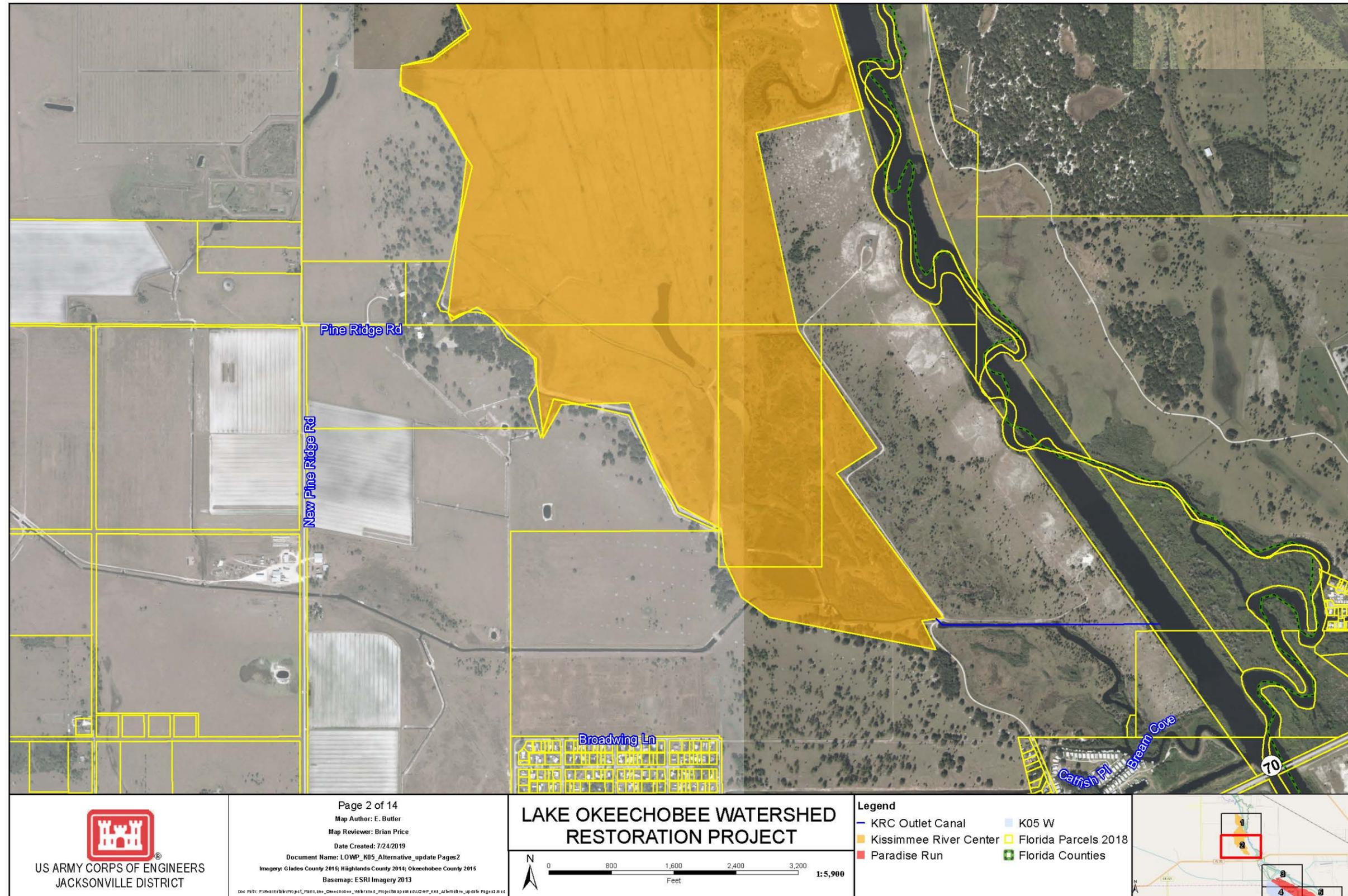
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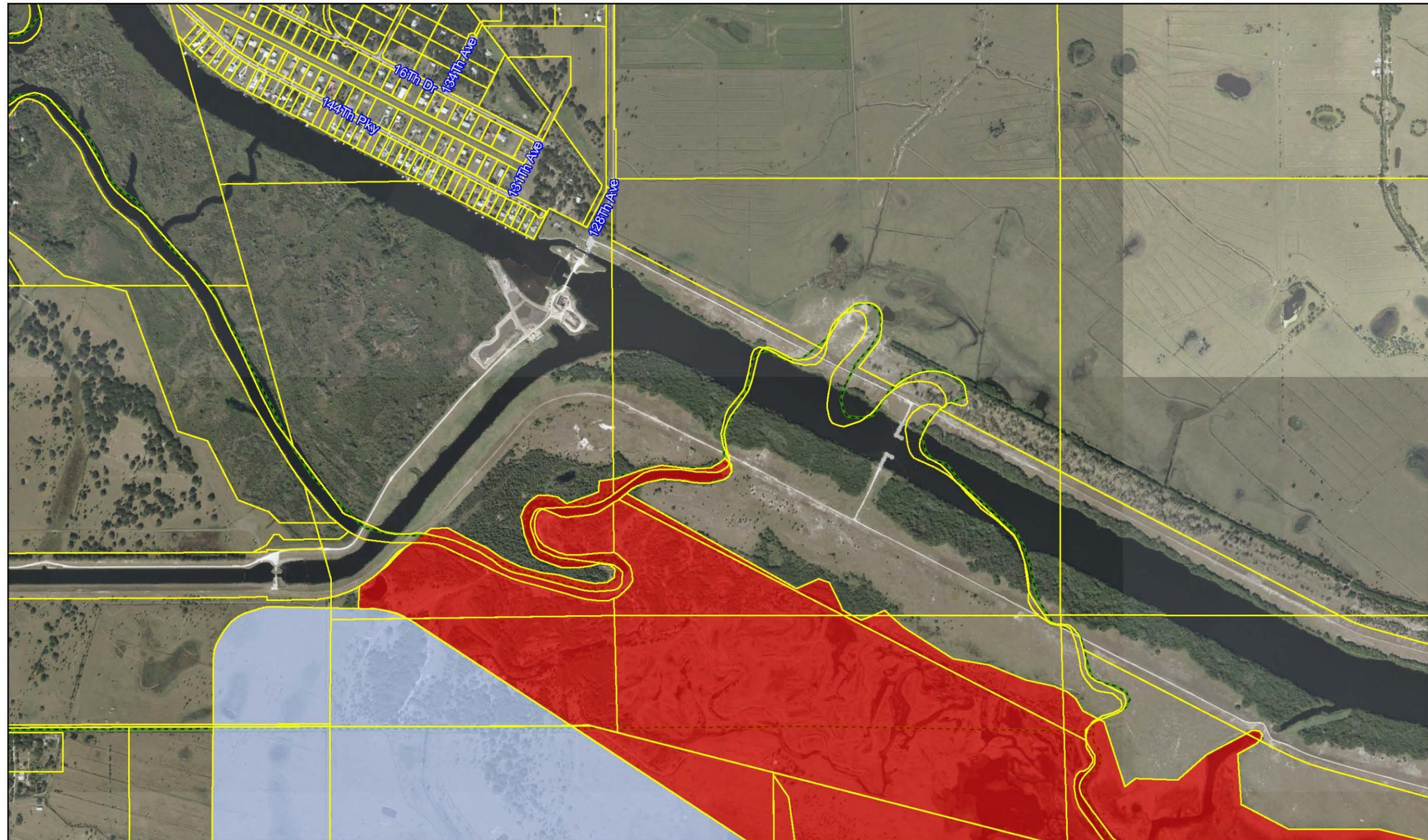
Real Estate Map

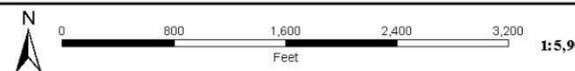
Exhibit A Real Estate Maps

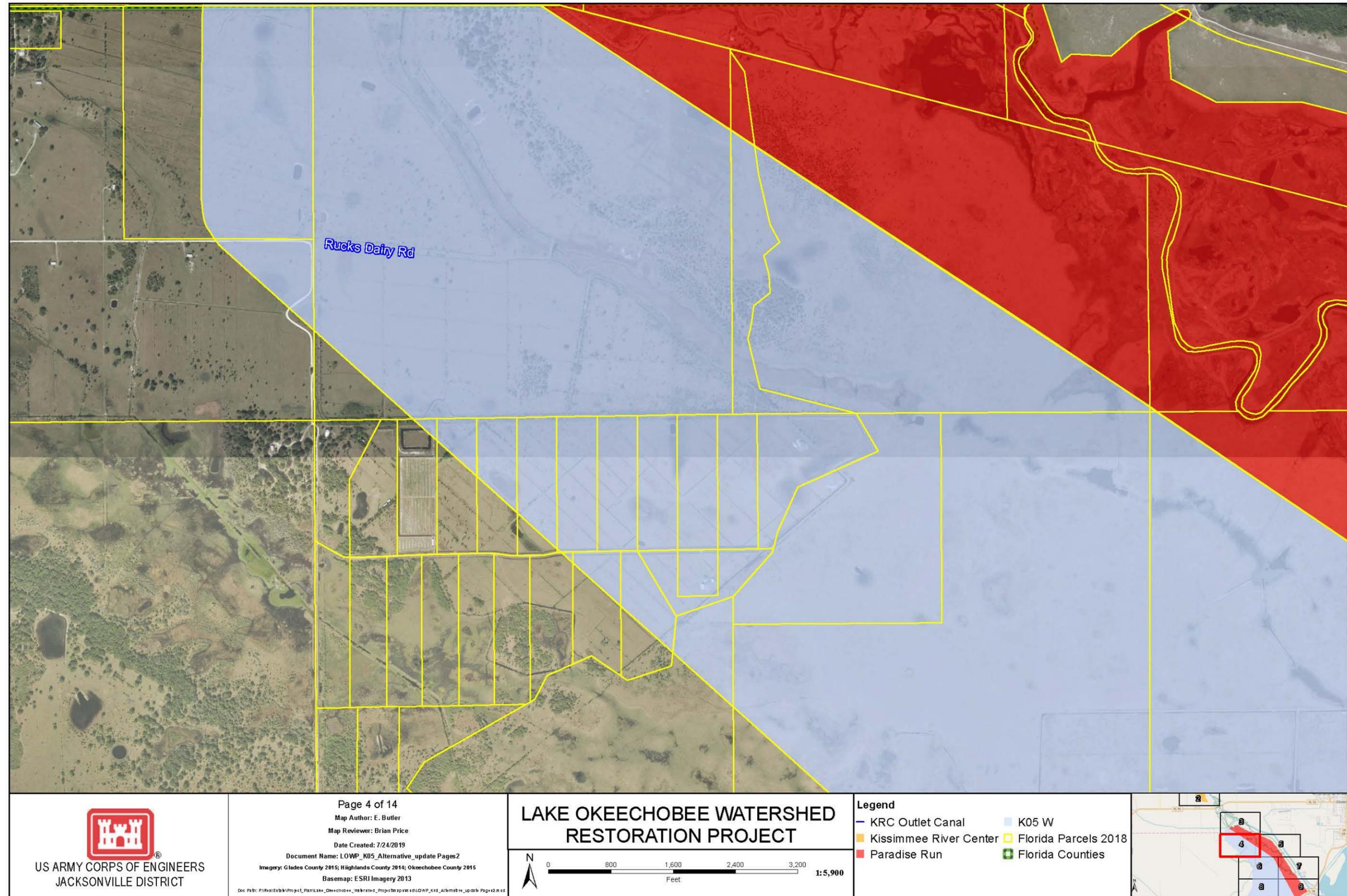






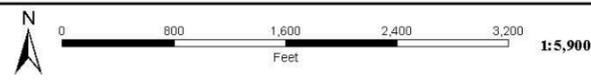


 <p>US ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT</p>	<p>Page 3 of 14 Map Author: E. Butler Map Reviewer: Brian Price Date Created: 7/24/2019 Document Name: LOWP_K05_Alternative_update Pages2 Imagery: Glades County 2015; Highlands County 2014; Okeechobee County 2015 Basemap: ESRI Imagery 2013</p>	<p>LAKE OKEECHOBEE WATERSHED RESTORATION PROJECT</p> 	<p>Legend</p> <ul style="list-style-type: none"> — KRC Outlet Canal Kissimmee River Center Paradise Run K05 W Florida Parcels 2018 Florida Counties 	
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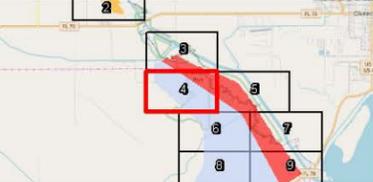


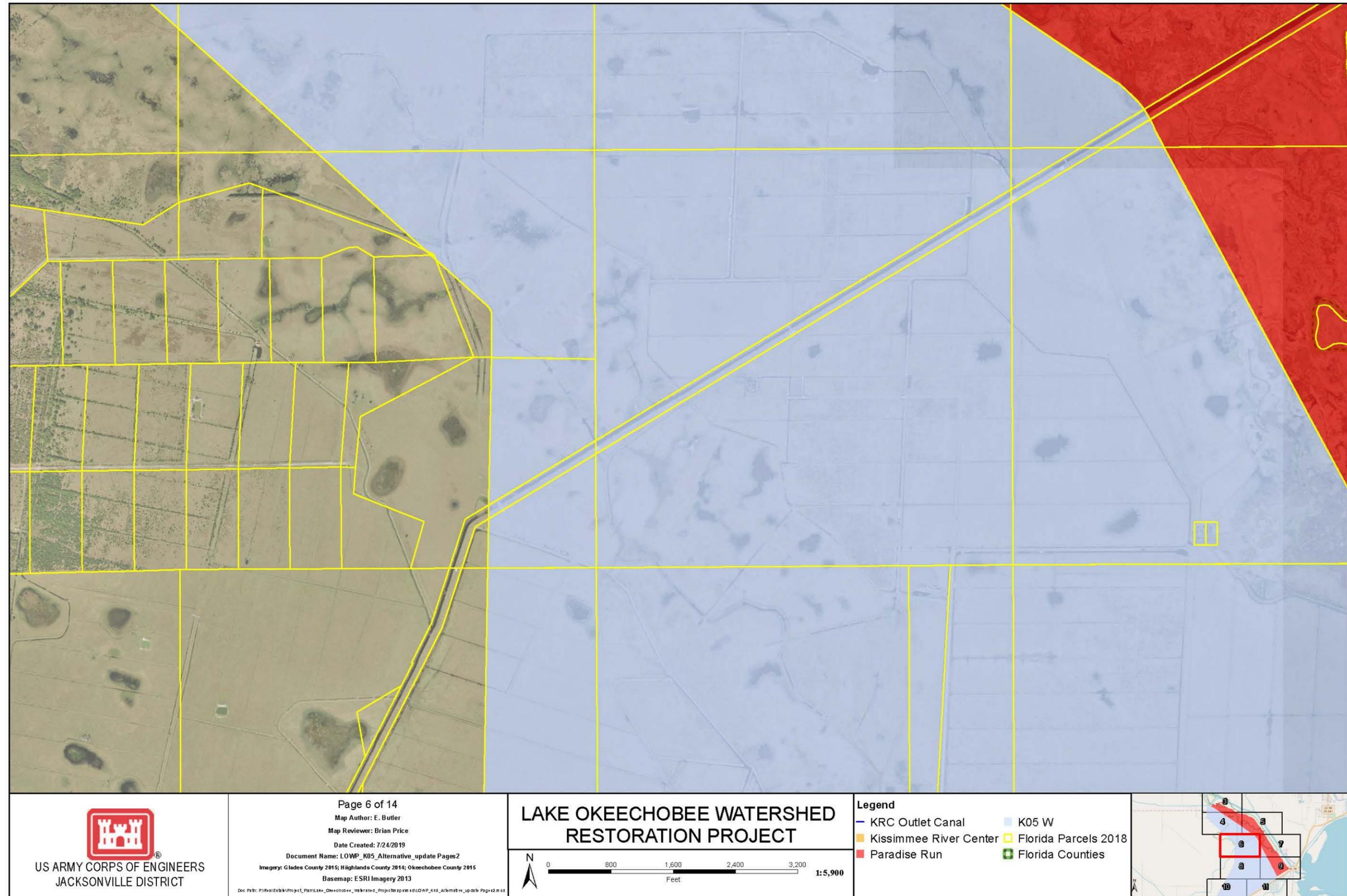
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 Map Author: E. Butler
 Map Reviewer: Brian Price
 Date Created: 7/24/2019
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 Basemap: ESRI Imagery 2013

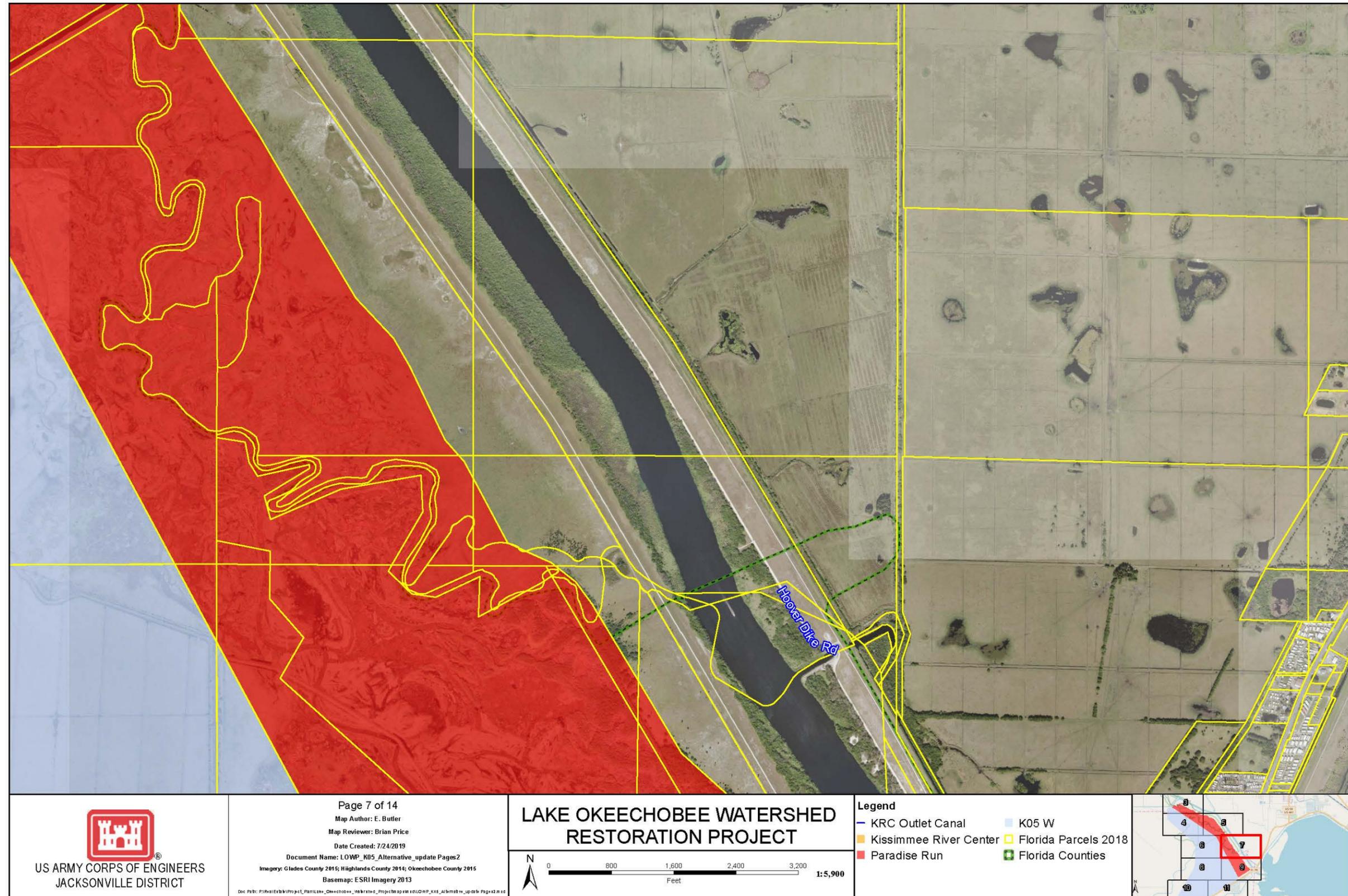
LAKE OKEECHOBEE WATERSHED RESTORATION PROJECT

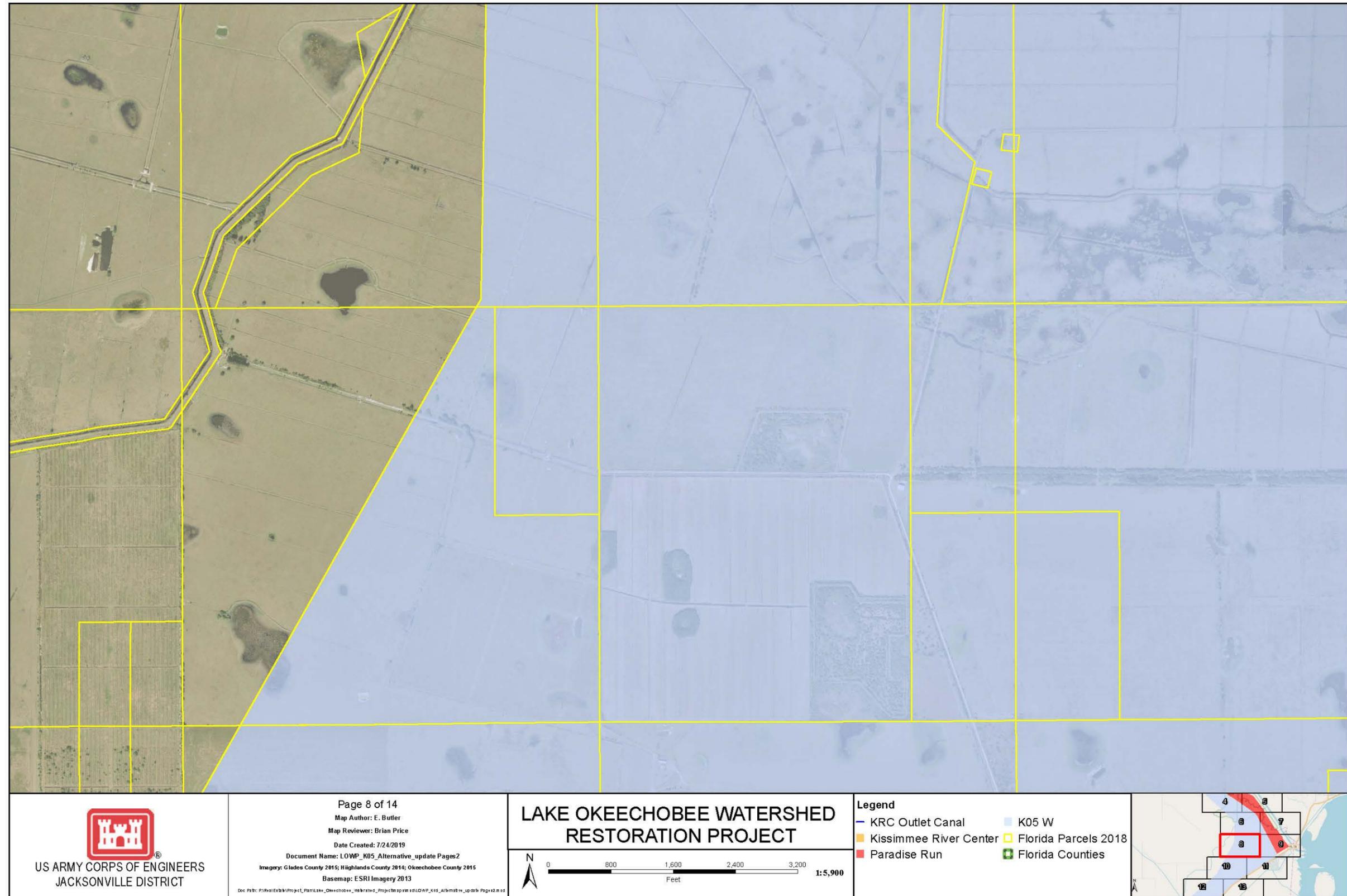


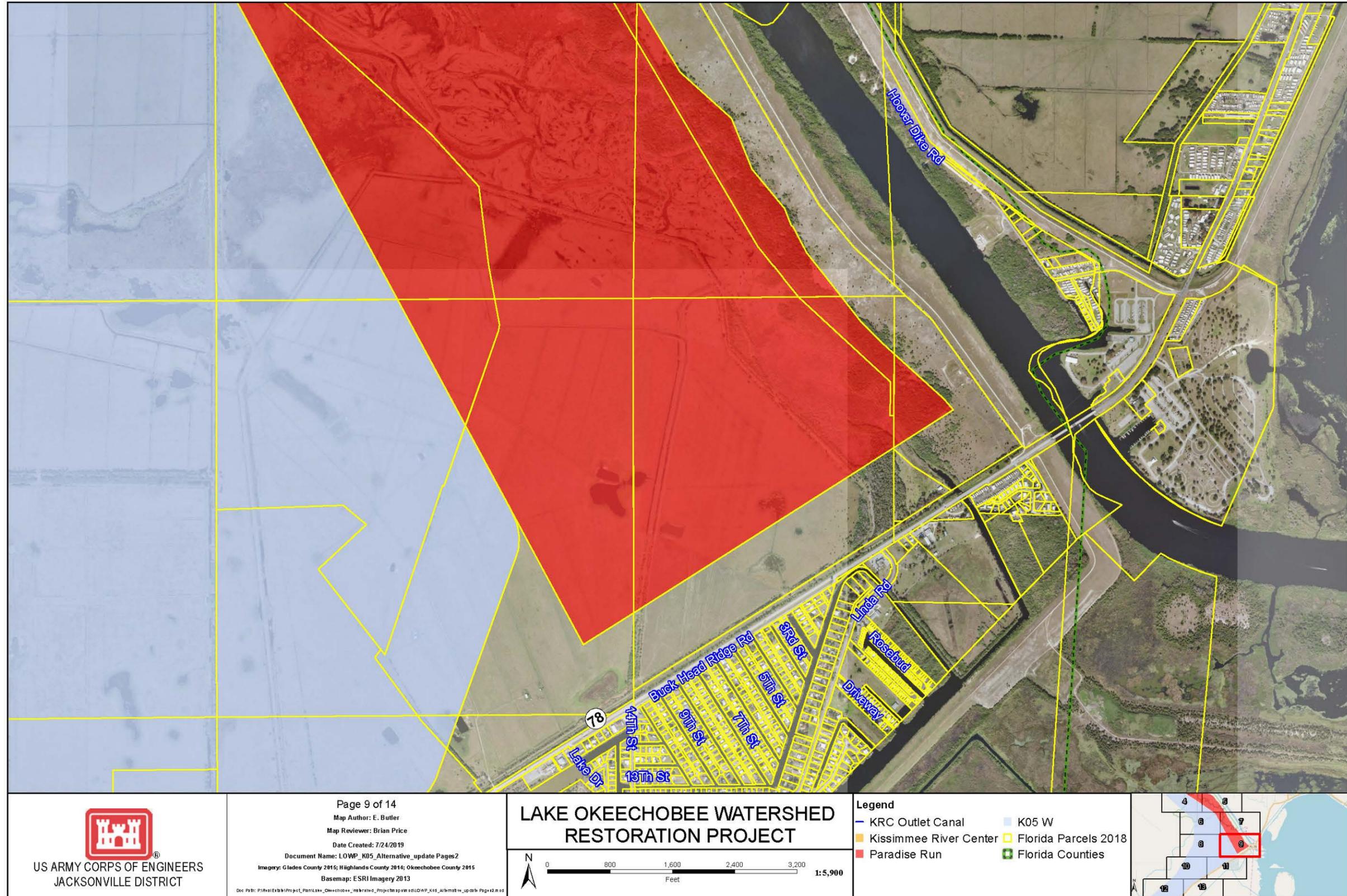
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- KRC Outlet Canal
 - Kissimmee River Center
 - Paradise Run
 - K05 W
 - Florida Parcels 2018
 - Florida Counties





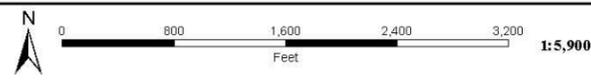




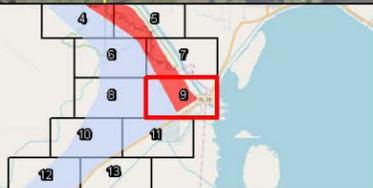


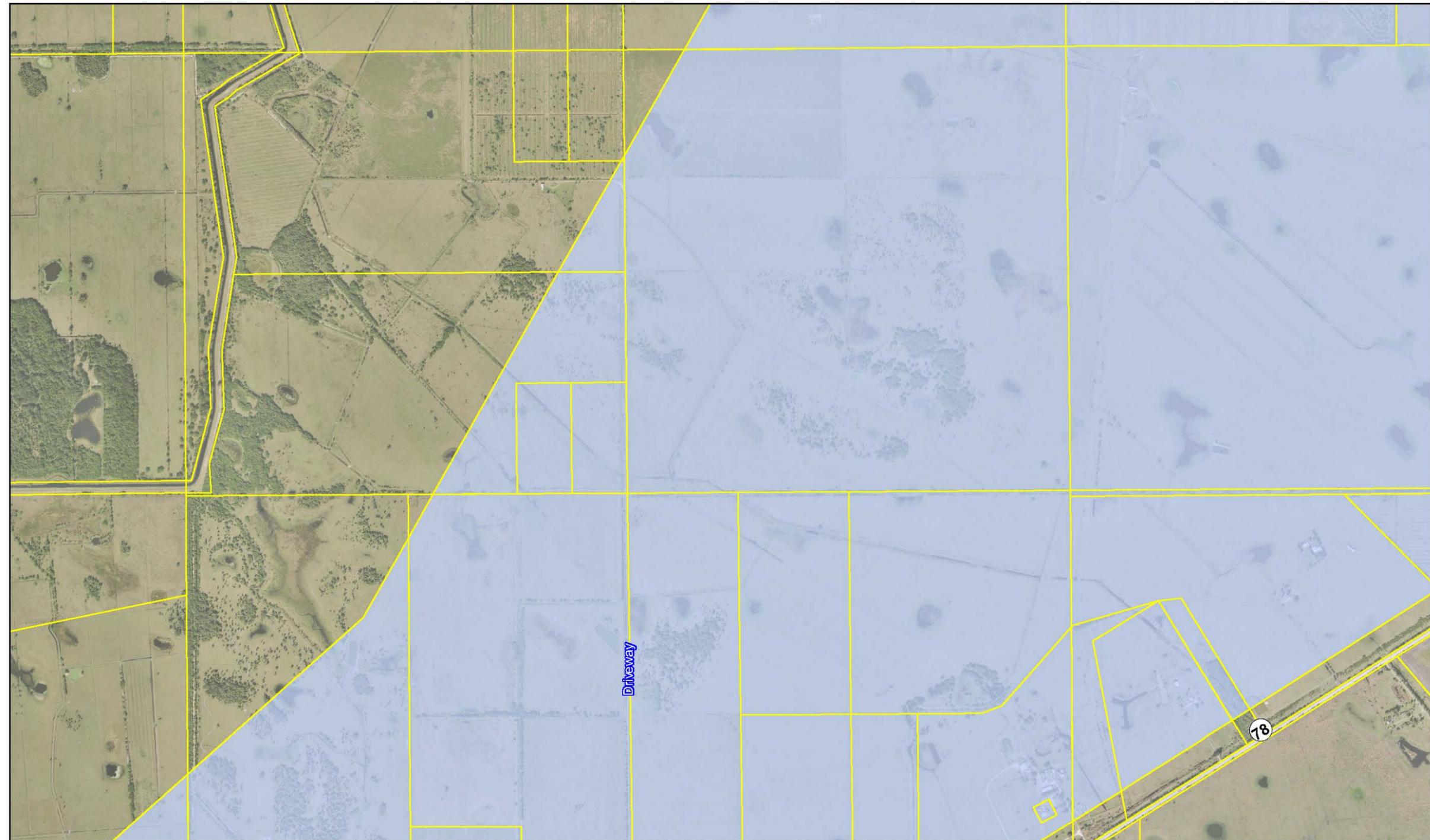
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 Map Reviewer: Brian Price
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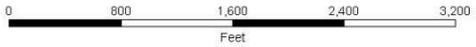
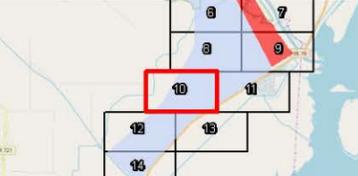
LAKE OKEECHOBEE WATERSHED RESTORATION PROJECT

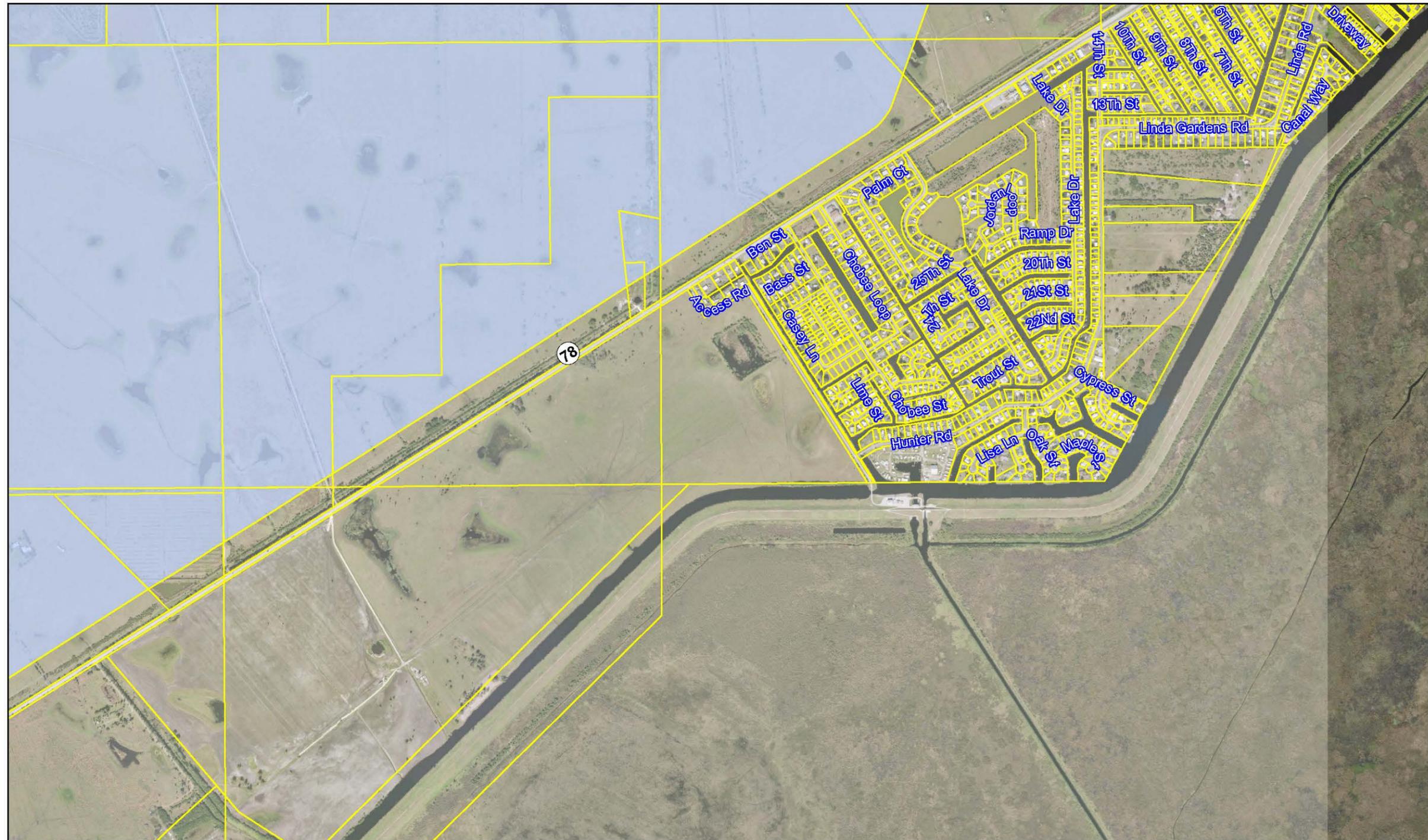


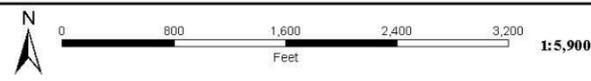
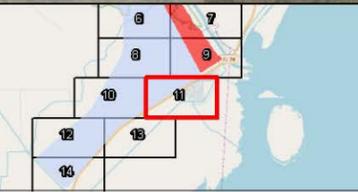
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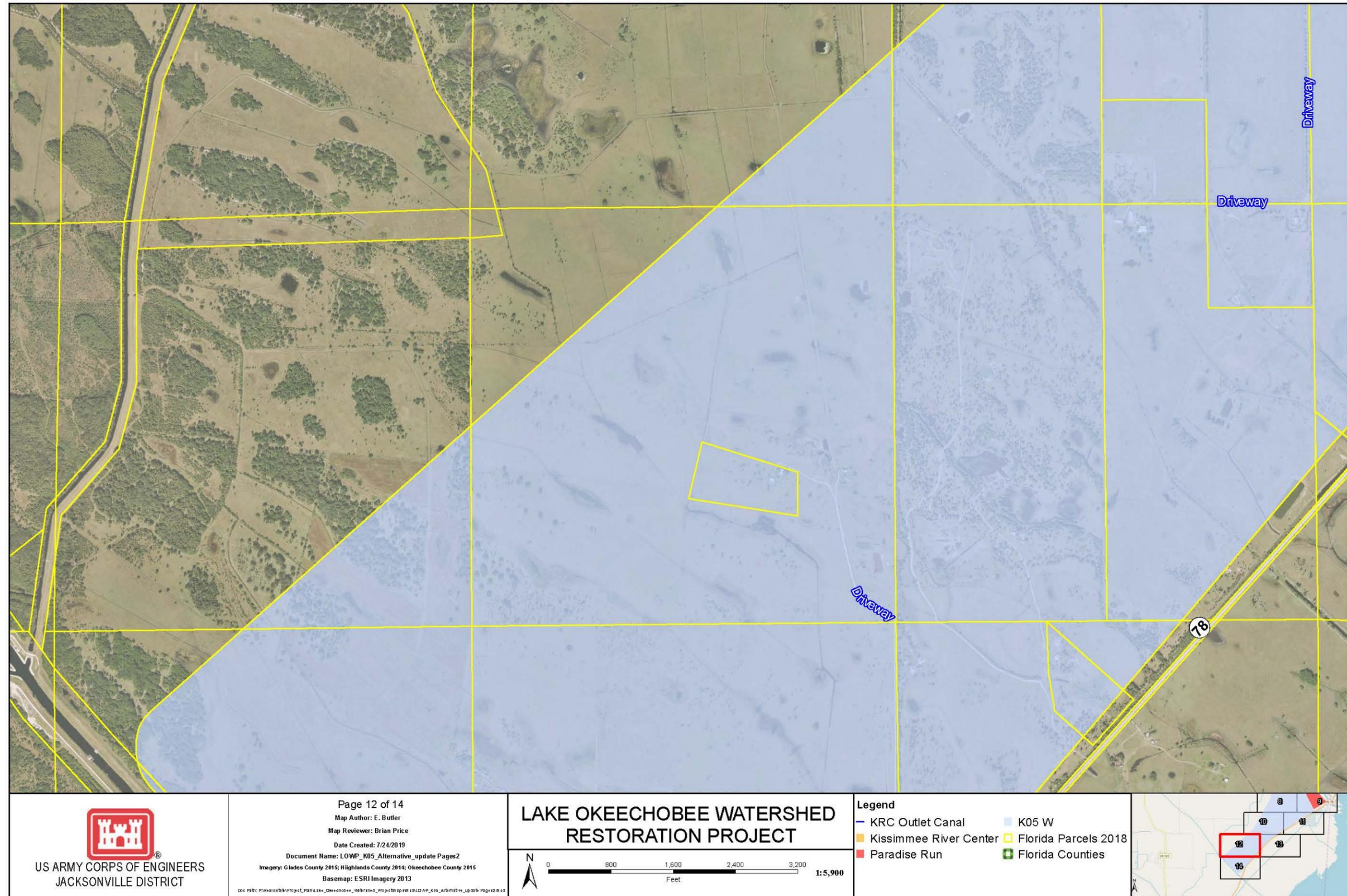




 <p>US ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT</p>	<p>Page 10 of 14 Map Author: E. Butler Map Reviewer: Brian Price Date Created: 7/24/2019 Document Name: LOWP_K05_Alternative_update Pages2 Imagery: Glades County 2015; Highlands County 2014; Okeechobee County 2015 Basemap: ESRI Imagery 2013</p> <p><small>Doc Path: P:\Real Estate\Project_Plan\Lake_Okeechobee\Rebate\Project\Map\LOWP_K05_Alternative_update\Page10.mxd</small></p>	<h3 style="text-align: center;">LAKE OKEECHOBEE WATERSHED RESTORATION PROJECT</h3> <div style="display: flex; align-items: center;">   1:5,900 </div>	<p>Legend</p> <ul style="list-style-type: none"> — KRC Outlet Canal Kissimmee River Center ■ Paradise Run K05 W Florida Parcels 2018 Florida Counties 	
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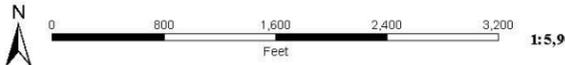
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US ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT

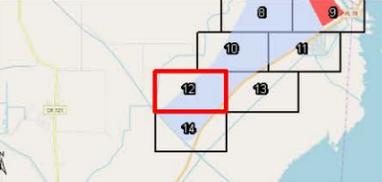
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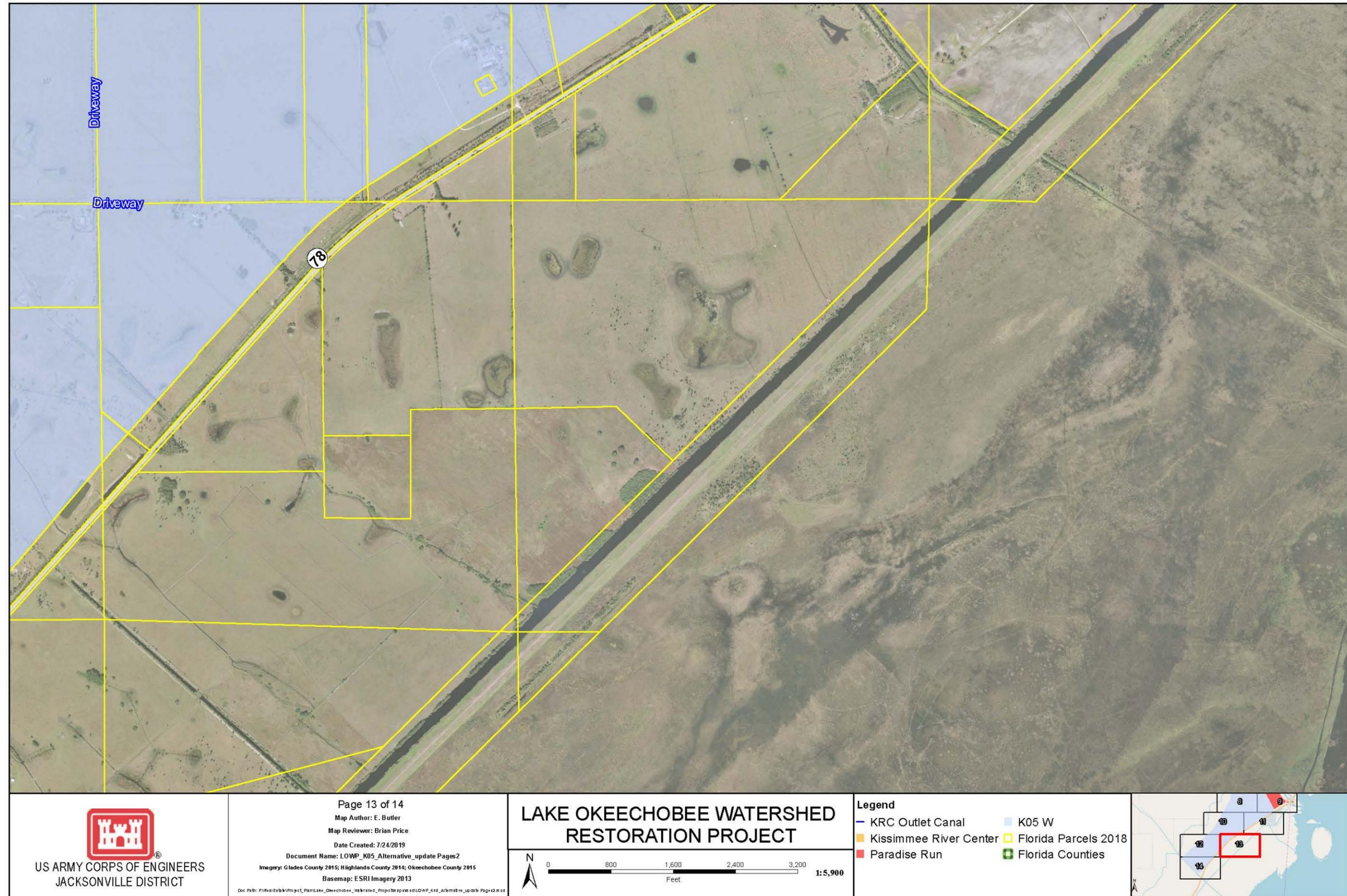
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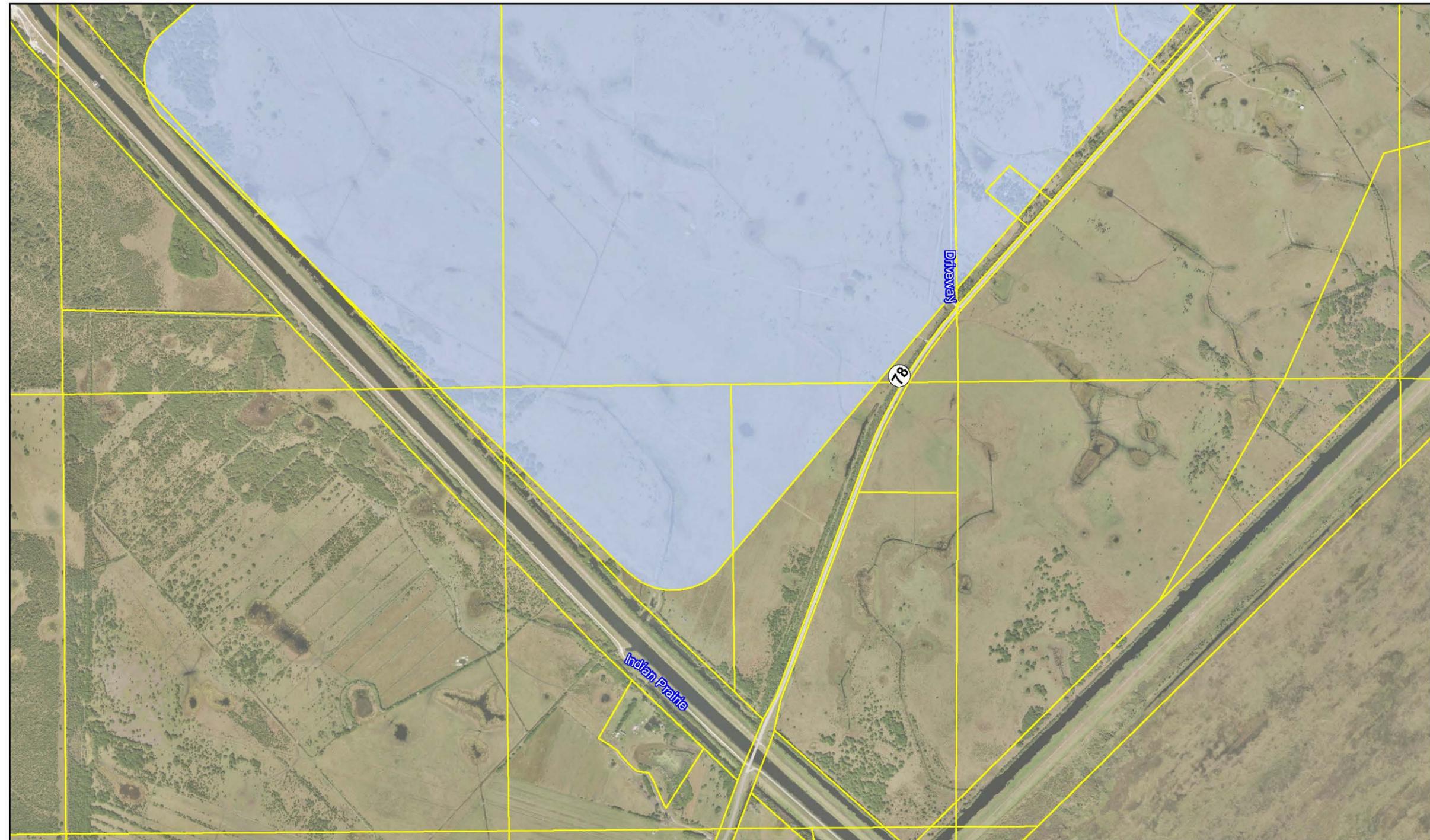


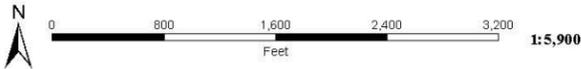
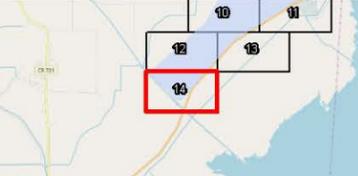
Legend

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 <p>US ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT</p>	<p>Page 14 of 14 Map Author: E. Butler Map Reviewer: Brian Price Date Created: 7/24/2019 Document Name: LOWP_K05_Alternative_update Pages2 Imagery: Glades County 2015; Highlands County 2014; Okeechobee County 2015 Basemap: ESRI Imagery 2013</p>	<h3 style="text-align: center;">LAKE OKEECHOBEE WATERSHED RESTORATION PROJECT</h3> 	<p>Legend</p> <ul style="list-style-type: none"> — KRC Outlet Canal — Kissimmee River Center — Paradise Run K05 W Florida Parcels 2018 Florida Counties 	
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Exhibit "B"
Assessment of Non-Federal Sponsor's
Real Estate Acquisition Capability

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

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?
(yes/no)

Yes, per Section 373.139(2), Florida Statutes

"The governing board of the district is empowered and authorized to acquire in fee or less than fee title to real property, easements and other interests or rights therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes. Eminent domain powers may be used only for acquiring real property for flood control and water storage or for curing title defects or encumbrances to real property owned by the district or to be acquired by the district from a willing seller."

- b. Does the sponsor have the power of eminent domain for this project?
(yes/no)

Yes, per Section 373.139(2), Florida Statutes, as stated above. Section 373.1501, Florida Statutes, South Florida Water Management District as local sponsor gives authority to act as local sponsor on Federal projects.

- c. Does the sponsor have "quick-take" authority for this project? (yes/no)

Yes, if a "quick take" as opposed to a "slow take" is the method by which the District pursues the condemnation, it takes approximately six months to a year depending on the county.

d.

Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? (yes/no)

No.

- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? (yes/no)

No.

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? (yes/no)

No.

- b. If the answer to II.a. is "yes," has a reasonable plan been developed to provide such training? (yes/no)

- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

Exhibit B

(yes/no)

Yes. SFWMD Real Estate staff have successfully acquired many acres of land for Federal CERP projects and pre-CERP projects.

- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? (yes/no)

Yes. However, the current workload is high and SFWMD needs to review the project acquisition schedule once it is developed.

- e. Can the sponsor obtain contractor support, if required in a timely fashion? (yes/no)

Yes, if a contractor is needed we can hire.

- f. Will the sponsor likely request USACE assistance in acquiring real estate? (yes/no) (If "yes," provide description)

No but coordination with USACE during the process will be key.

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? (yes/no)

Yes.

- b. Has the sponsor approved the project/real estate schedule/milestones? (yes/no)

No. SFWMD will review the schedule once it has been developed.

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? (yes/no/not applicable)

Yes. Examples include Kissimmee River Restoration, C-111, C-44, Broward County Water Preserve Areas.

- 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," provide explanation)

Highly Capable.

V. Coordination:

- a. Has this assessment been coordinated with the sponsor? (yes/no)

Yes.

- b. Does the sponsor concur with this assessment? (yes/no) (If "no," provide explanation)

Yes.

Prepared by:

FREEMAN.EMMANUEL
JOSEPH.1068891813

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Date: 2018.06.14 11:12:49 -0400

**Emmanuel Freeman
Realty Specialist**

Reviewed by:

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**Hansler A. Bealyer
Chief, Acquisition Branch**

Reviewed and approved by:

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Y.HART.1050583305

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Date: 2018.06.14 13:06:26 -0400

**Timothy H. McQuillen
Chief, Real Estate Division**

Exhibit "C"

Risk Letter



REPLY TO
ATTENTION OF

Real Estate Division

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
701 San Marco Boulevard
JACKSONVILLE, FLORIDA 32207-8175

June 15, 2018

Subject: Lake Okeechobee Watershed Restoration Project

Ms. Marcy A. Zehnder
Section Leader - Real Estate
Lands Resources Bureau
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Ms. Zehnder:

The intent of this letter is to formally advise the South Florida Water Management District (SFWMD) for the project, 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:

- a. Congress may not appropriate funds to construct the proposed project;
- b. The proposed project may otherwise not be funded or approved for construction;
- c. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- d. 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;
- e. 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;
- f. 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

Exhibit C

-2-

execution and the Government's notice to commence acquisition and performance of LERRD; and

g. 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 your participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Emmanuel Freeman at (904) 232-1636.

Sincerely,

MCQUILLEN.TIMOTHY.HART.1050583305
Y.HART.1050583305

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Timothy H. McQuillen
Chief, Real Estate Division

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