

EXHIBIT A

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1299
GALVESTON, TEXAS 77553-1299



REPLY TO
ATTENTION OF: USACE-SWG-RE

**GIWW BENEFICIAL USE OF DREDGED MATERIAL CAP 204 FEASIBILITY STUDY
ARANSAS COUNTY – NON FEDERAL SPONSOR
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

b. Does the sponsor have the power of eminent domain for this project?

Yes

c. Does the sponsor have "quick-take" authority for this project?

Yes

d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary?

No

e. Are any of the lands/interests in land required for the project unable to be condemned by the sponsor?

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 Public Law 91-646 (Home Relocation Assistance), as amended?

No

b. If the answer to II.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?

No

- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule?

No

- 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?

No

III. Other Project Variables:

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

Yes

- b. Has the sponsor approved the project/real estate schedule/milestones?

Yes

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? (yes/no/not 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," provide explanation)

Fully capable

V. Coordination:

- a. Has this assessment been coordinated with the sponsor?

Yes

- b. Does the sponsor concur with this assessment?

Yes

Accepted by the Non-Federal Sponsor:



(Signature)

*Aransas County Attorney with
Felony Jurisdiction*

(Title)

2/7/2024

(Date)

Prepared by:

NEALON.BRITNEY Digitally signed by
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Date: 2024.02.16 14:07:54 -06'00'

Realty Specialist
Real Estate Division
Galveston District
US Army Corps of Engineers

EXHIBIT B



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

April 4, 2024

Elle Morales
Director of Community Development
Aransas County, Rockport TX
2840 Highway 35 N
Rockport, TX 78382-5711

Dear Ms. Morales:

The intent of this letter is to formally advise the Aransas County, as a potential Non-Federal Sponsor for the proposed Gulf Intracoastal Waterway – Beneficial Use of Dredge Material 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 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 the Comprehensive Environmental Response, Compensation, and Liability Act (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 execution and the Government's notice to commence acquisition and performance of providing lands, easements, rights-of-way, relocations, and disposals (LERRD);

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

For any questions, please contact Britney Nealon, Realty Specialist within the Galveston District Real Estate Division, at Britney.M.Nealon@usace.army.mil or 409-766-3117.

Sincerely,

Timothy J. Nelson
Chief, Real Estate Division
Galveston District
U.S. Army Corps of Engineers