

# Appendix D – Real Estate

## Galveston Coastal Erosion Galveston, Texas

Continuing Authorities Program, Section 204  
Beneficial Use of Dredged Material

May 2022



**US Army Corps  
of Engineers®**  
Galveston District

DRAFT

**(NOTE: This page intentionally left blank.)**

## Table of Contents

<b>1</b>	<b>General Background.....</b>	<b>7</b>
<b>2</b>	<b>Project Type and Purpose.....</b>	<b>7</b>
<b>3</b>	<b>Study Scope.....</b>	<b>7</b>
<b>4</b>	<b>Authority .....</b>	<b>7</b>
<b>5</b>	<b>Study Area and Project Location.....</b>	<b>7</b>
<b>6</b>	<b>Non-Federal Sponsors, Partners and Acquisition Responsibilities.....</b>	<b>11</b>
<b>6.1</b>	<b>Non-Federal Sponsor .....</b>	<b>11</b>
<b>6.2</b>	<b>Other Study Participants.....</b>	<b>11</b>
<b>6.3</b>	<b>NFS Acquisition Responsibilities and Capabilities.....</b>	<b>11</b>
<b>7</b>	<b>NFS Notification of Risk .....</b>	<b>12</b>
<b>8</b>	<b>Alternative Formulation Process and Recommended Plan.....</b>	<b>12</b>
<b>8.1</b>	<b>Alternatives Considered.....</b>	<b>12</b>
<b>8.2</b>	<b>Tentatively Selected Plan.....</b>	<b>15</b>
<b>9</b>	<b>Existing Real Estate Interests .....</b>	<b>15</b>
<b>9.1</b>	<b>Existing Federal Real Estate Interests.....</b>	<b>15</b>
<b>9.2</b>	<b>Coastal Barrier Resource Act (CBRA) .....</b>	<b>16</b>
<b>9.3</b>	<b>Existing NFS Real Estate Interests .....</b>	<b>18</b>
<b>9.4</b>	<b>Texas GLO Real Estate Interests .....</b>	<b>18</b>
<b>9.5</b>	<b>Privately-Owned Vacant Land .....</b>	<b>21</b>
<b>10</b>	<b>New Real Estate Requirements.....</b>	<b>22</b>
<b>10.1</b>	<b>Alternative 2 - TSP.....</b>	<b>22</b>
<b>10.2</b>	<b>Alternative 3.....</b>	<b>22</b>
<b>10.3</b>	<b>Access/Staging Areas.....</b>	<b>23</b>
<b>10.4</b>	<b>Mitigation.....</b>	<b>23</b>
<b>10.5</b>	<b>Estates.....</b>	<b>23</b>
<b>10.5.1</b>	<b>Standard Estate.....</b>	<b>23</b>
<b>11</b>	<b>Borrow Material.....</b>	<b>24</b>
<b>12</b>	<b>Recreation Features.....</b>	<b>24</b>
<b>13</b>	<b>Timber Rights and Mineral/Energy Activity .....</b>	<b>24</b>
<b>14</b>	<b>Facility/Utility/Pipeline Relocations.....</b>	<b>24</b>
<b>15</b>	<b>Zoning.....</b>	<b>25</b>

<b>16</b>	<b>Hazardous, Toxic, and Radioactive Waste (HTRW) or Other Environmental Contaminants .....</b>	<b>25</b>
<b>17</b>	<b>Navigation Servitude .....</b>	<b>26</b>
<b>18</b>	<b>Induced Flooding.....</b>	<b>26</b>
<b>19</b>	<b>Attitudes of the Landowner.....</b>	<b>26</b>
<b>20</b>	<b>Public Law (PL) 91-646 Relocations.....</b>	<b>26</b>
<b>21</b>	<b>Real Estate Costs.....</b>	<b>26</b>
<b>22</b>	<b>Acquisition Schedule.....</b>	<b>28</b>
<b>23</b>	<b>Other Real Estate Issues .....</b>	<b>28</b>
<b>24</b>	<b>References.....</b>	<b>28</b>

**List of Figures**

Figure 1: Study Area in Relation to the State of Texas..... 8

Figure 2: Study Area in Relation to Houston, TX..... 9

Figure 3: Project Location on Galveston Island..... 10

Figure 4: Project Location Zoomed In..... 11

Figure 5: Alternative 2 ..... 13

Figure 6: Alternative 2 and 3 Overlap..... 14

Figure 7: Alternative 3 ..... 15

Figure 8: Federal RE Interests on Galveston Island..... 16

Figure 9: CBRS Unit on Galveston Island..... 17

Figure 10: City of Galveston Properties in the Project Alignments..... 18

Figure 11: Texas Public Beach ..... 19

Figure 12: Public Beach Access Points..... 20

Figure 13: Undeveloped Private Land - Alternative 2..... 21

Figure 14: Undeveloped Private Land - Alternative 3..... 22

Figure 15: Walkovers..... 25

**List of Tables**

Table 1: Public Beach Access Points ..... 20

Table 2: Estates Required ..... 23

Table 3: Baseline Cost Estimate (BCE) for Real Estate ..... 27

Table 4: Acquisition Schedule..... 28

**List of Exhibits**

Exhibit A: Risk Letter .....29

## List of Acronyms

BCE	Baseline Cost Estimate
BU	Beneficial Use
CAP	Continuing Authorities Program
CBRA	Coastal Barrier Resource Act
CBRS	Coastal Barrier Resource System
CSRM	Coastal Storm Risk Management
GLO	Texas General Land Office
HQUSACE	U.S. Army Corps of Engineers Headquarters
HTRW	Hazardous, Toxic, and/or Radioactive Waste
LERRD	Lands, Easements, Rights-of-Way, Relocations, and Disposals
NFS	Non-Federal Sponsor
OBA	Open Beaches Act
OPA	Otherwise Protected Area
ODMDS	Ocean Dredged Material Disposal Site
PCA	Project Cooperation Agreement
PDT	Project Delivery Team
PGL	Policy Guidance Letter
PL	Public Law
PPA	Project Partnership Agreement
REP	Real Estate Plan
ROM	Rough Order of Magnitude
ROW	Right-of-way
TSP	Tentatively Selected Plan
USACE	U.S. Army Corps of Engineers
WRDA	Water Resources Development Act



## **1 General Background**

This Real Estate Plan (REP) is the real estate work product of the U.S. Army Corps of Engineers (USACE), Galveston District, Real Estate Division that supports the Galveston Coastal Erosion Continuing Authorities Program (CAP) 204 Study. It identifies and describes the lands, easements, rights-of-way, relocations, and disposals (LERRD) required for the construction, operation and maintenance of the proposed project, including those required for relocations (i.e., Public Law 91-646 relocations and utility/facility relocations), borrow material, and dredged or excavated material disposal. Furthermore, the REP describes the estimated LERRD value, together with the estimated administrative and incidental costs attributable to providing LERRD, and the acquisition process.

This report is prepared based on specific data from the USACE, Galveston District Project Delivery Team (PDT) for the Galveston Coastal Erosion CAP Study. However, this plan is tentative in nature and intended for planning purposes only. Modifications to the recommended plan could occur and change the determinations of real property lines, estimates of values, and rights required for the project, etc. as outlined in this plan, even after final report approval. The level of detail provided in this REP is understood to be equivalent to the other PDT disciplines.

## **2 Project Type and Purpose**

The island of Galveston loses between eight to 12 feet of beach annually due to natural erosion. The erosion narrows the gap between the developed city of Galveston and the shoreline, reducing the protection from hurricanes and tropical storms that frequently impact the area. Three major hurricanes and five lesser storms have caused destruction to Galveston, each taking years to recover. The reduction in beach surface may potentially have negative impacts to the environment including sea turtles and other sea life due to reduced nesting areas.

The Galveston Coastal Erosion CAP 204 project seeks to beneficially use material dredged from the Galveston Entrance Channel to renourish approximately 1.75 miles of beach on Galveston to reduce the expected annual damages for public infrastructure in the study area through the period of analysis.

## **3 Study Scope**

This feasibility study will focus on measures and alternatives, which simultaneously meet the criteria for inclusion within the CAP 204 study and address the problems, opportunities, and constraints set forth by the study authority. Specifically, this project's scope is to beneficially utilize the dredged material from the Galveston Entrance channel to renourish 1.75 miles of beach on Galveston island.

## **4 Authority**

The authority for this project is Section 204 of the 1992 Water Resources Development Act (WRDA), as amended, administered under the U.S. Army Corps of Engineers Continuing Authorities Program (CAP).

## **5 Study Area and Project Location**

Galveston, Texas is located on Galveston Island along the Gulf Coast in Galveston County, Texas, which is the southeast portion of the state near Houston, Texas (Figure 1 and Figure 2).



Figure 1: Study Area in Relation to the State of Texas

(The remainder of this page intentionally left blank.)



Figure 2: Study Area in Relation to Houston, TX

(The remainder of this page intentionally left blank.)

The project location is situated in the center of Galveston Island, running parallel to FM 3005 stretching from 8 Mile Road southwest to Thirteen Mile Road (Figure 3 and Figure 4).



**Figure 3: Project Location on Galveston Island**

(The remainder of this page intentionally left blank.)



**Figure 4: Project Location Zoomed In**

## **6 Non-Federal Sponsors, Partners and Acquisition Responsibilities**

### **6.1 Non-Federal Sponsor**

The Park Board of Trustees of the City of Galveston (Park Board) served as the Non-Federal Sponsor (NFS) from the project’s inception until May 2022. The Park Board is a governmental entity created by a special act of the Texas Legislature in 1962 for the purpose of directing all tourism efforts for Galveston. The Park Board actively participated in the feasibility portion of the project, attending site visits and PDT meetings. In May 2022, the City of Galveston took over as the Non-Federal Sponsor (NFS) for this project.

### **6.2 Other Study Participants**

The Texas General Land Office (GLO) has also actively participated in the feasibility portion of the project by attending PDT meetings. It is the intention of the GLO and the City of Galveston to enter into a Project Cooperation Agreement (PCA) to facilitate the construction of this project. Further details are available in Section 9.4.

### **6.3 NFS Acquisition Responsibilities and Capabilities**

The NFS is responsible for providing all LERRD required for the project. An evaluation of the NFS's acquisition capabilities assessment was not completed as the City of Galveston will not be providing LERRD directly for this project. The City of Galveston does not have the authority and capability to furnish the private lands, easements, and rights-of-way for this project. Instead, the LERRD will be provided by the GLO, in cooperation with the City of Galveston through a PCA signed between the GLO and the City of Galveston, as well as a supporting agreement with USACE. The PDT has determined this to be of minimal risk to the project and further details are outlined in Section 9.4.

## **7 NFS Notification of Risk**

Even though the NFS does not have the authority or capability to furnish the LERRD for this project, Real Estate will notify the NFS of the risks in acquiring land prior to the signing of the Project Partnership Agreement (PPA) upon confirmation of the Tentatively Selected Plan (TSP). An example of the risk letter that will be sent is shown in Exhibit A.

## **8 Alternative Formulation Process and Recommended Plan**

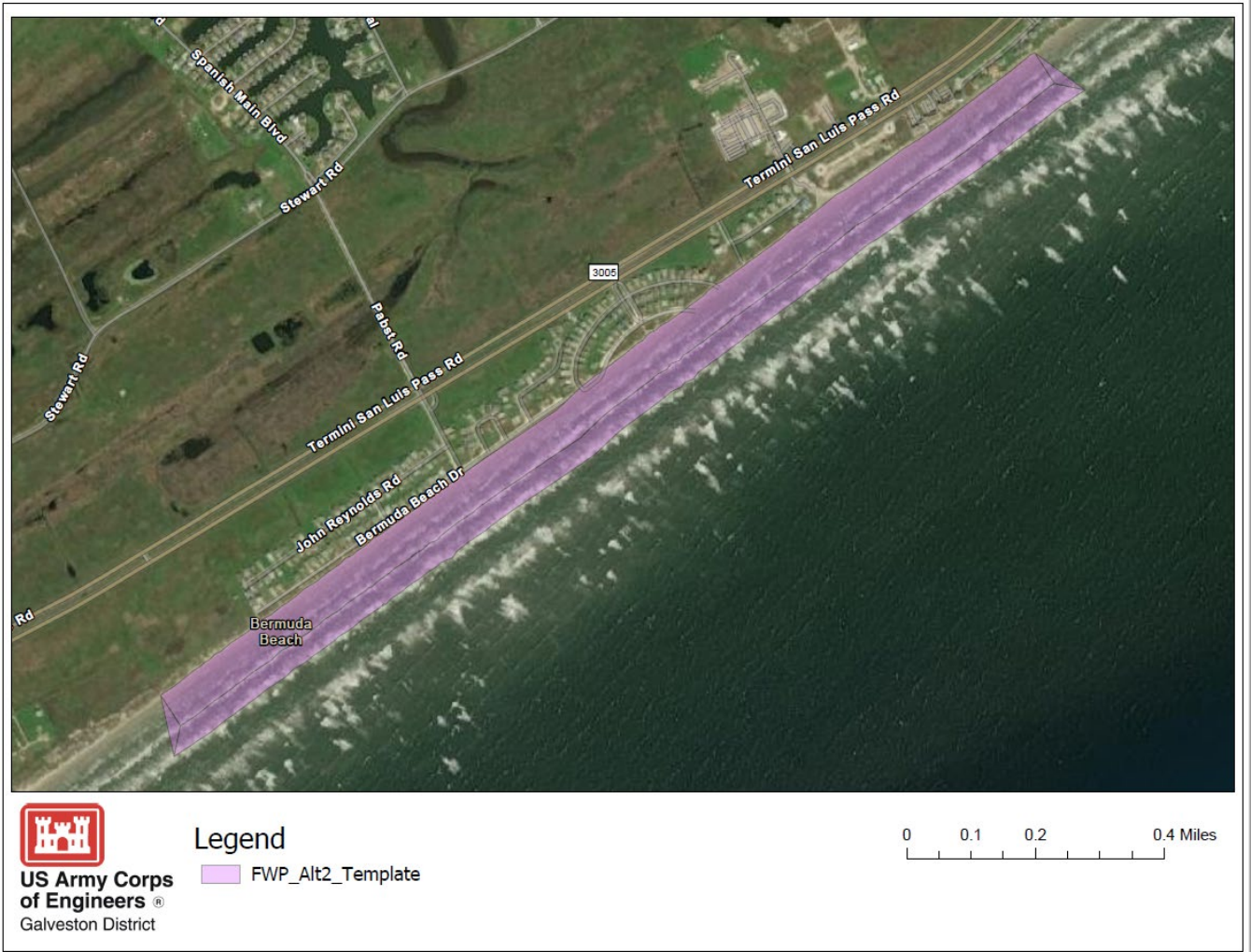
The Galveston Coastal Erosion CAP 204 project seeks to beneficially use material dredged from the Galveston Entrance Channel to renourish approximately one mile of beach on Galveston to reduce the expected annual damages for public infrastructure in the study area through the period of analysis. The PDT evaluated three alternatives.

### **8.1 Alternatives Considered**

The PDT considered the following alternatives:

- Alternative 1/No Action/FWOP – Traditional placement of dredge material into a placement area. In this case, the material would be placed in an offshore, Ocean Dredged Material Disposal Site (ODMDS).
- Alternative 2 – Placement on the beach, seaward of the vegetation line along a 1.75 mile stretch beginning just south of Sunbather Lane stretching southwest, stopping just short of 11 Mile Road (Figure 5).
- Alternative 3 – Alternative 3 partially overlaps Alternative 2 and involves placement on the beach, seaward of the vegetation line along a 1.75 mile stretch beginning at Hersey Beach Drive stretching southwest to Fidler Crab Lane (Figure 6 and Figure 7).

(The remainder of this page intentionally left blank.)



**Figure 5: Alternative 2**

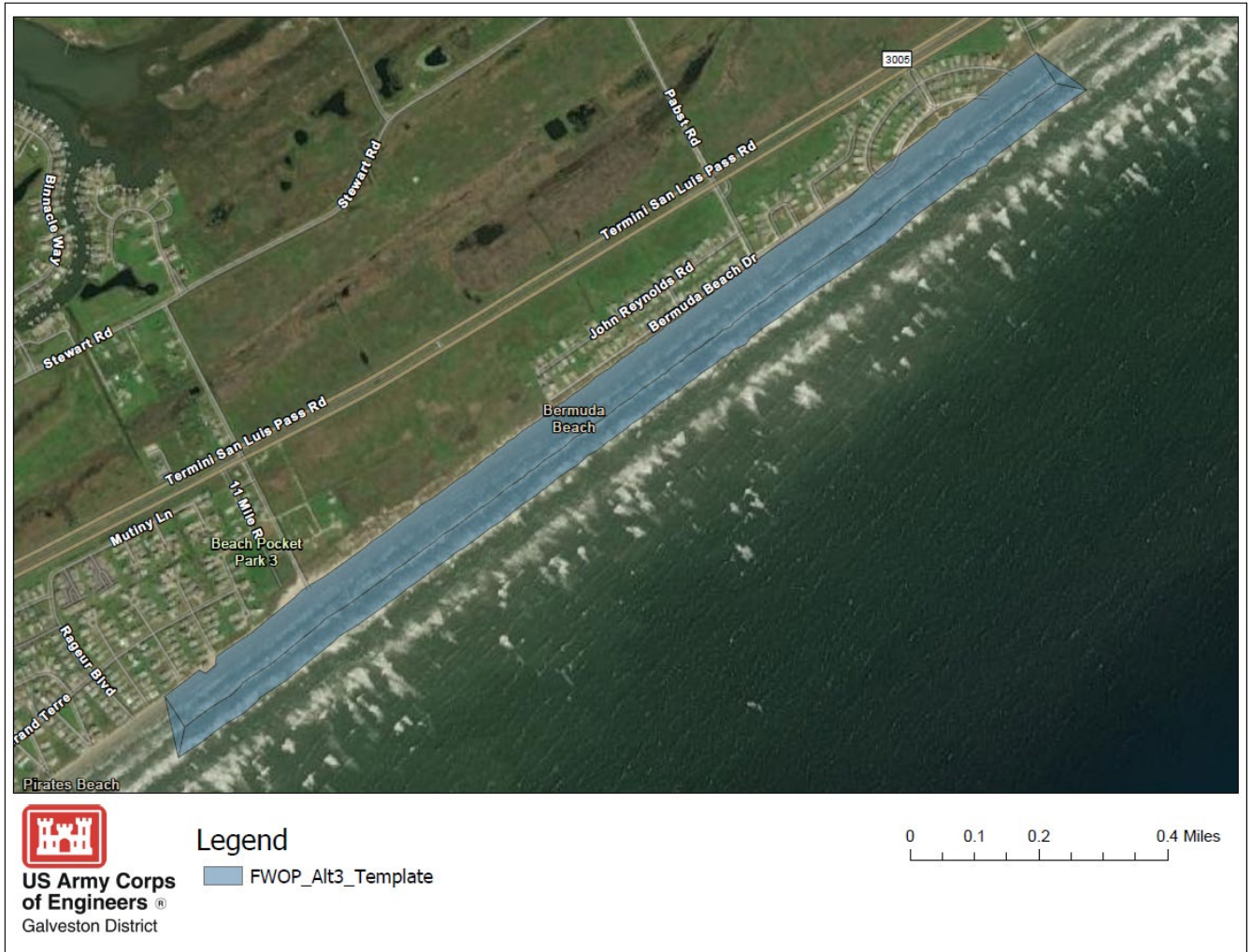
(The remainder of this page intentionally left blank.)



**Figure 6: Alternative 2 and 3 Overlap**

(The remainder of this page intentionally left blank.)





**Figure 7: Alternative 3**

## 8.2 Tentatively Selected Plan

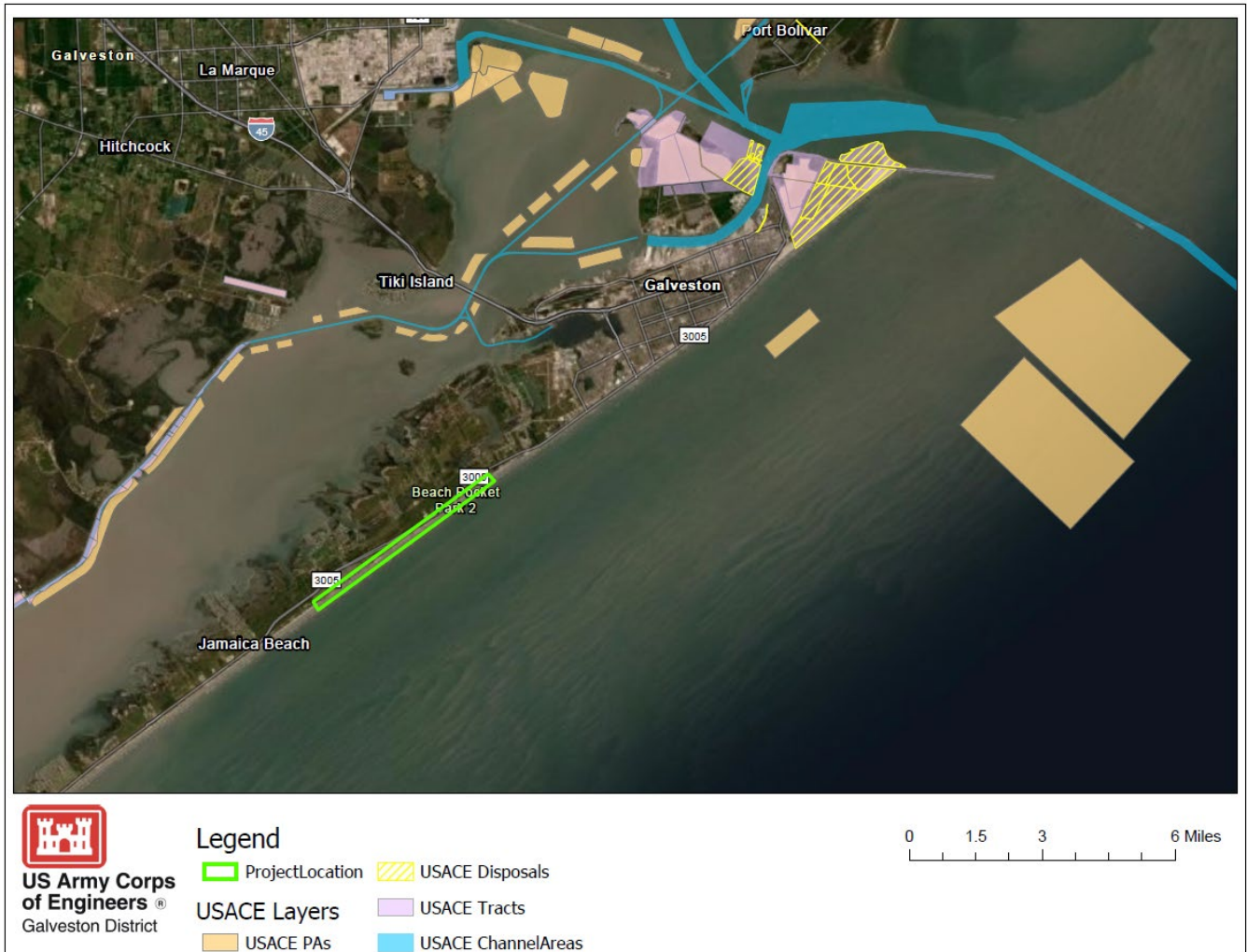
This TSP is Alternative 2 as discussed in Section 12 and shown in Figure 5 above.

## 9 Existing Real Estate Interests

Existing federal real estate interests and existing non-federal sponsor real estate interests are outlined below.

### 9.1 Existing Federal Real Estate Interests

The federal government has no existing interests within the project footprint or within the immediately adjacent areas. Federal interests on Galveston Island are limited to the north eastern end of the island as indicated in Figure 8.



**Figure 8: Federal RE Interests on Galveston Island**

## 9.2 Coastal Barrier Resource Act (CBRA)

The Coastal Barrier Resource Act (CBRA) established the John H. Chafee Coastal Barrier Resource System (CBRS) in 1982. Galveston Island has one CBRS unit, classified as an Otherwise Protected Area (OPA), consisting of 1.5 miles of shoreline, 2,627 wet acres, and 812 acres of emergent land. The Galveston Island CBRS OPA unit is located 1.3 miles from the southernmost point of Alternative 3 and 1.92 miles from the southernmost point of Alternative 2. There are no CBRS units within the project footprint.

(The remainder of this page intentionally left blank.)

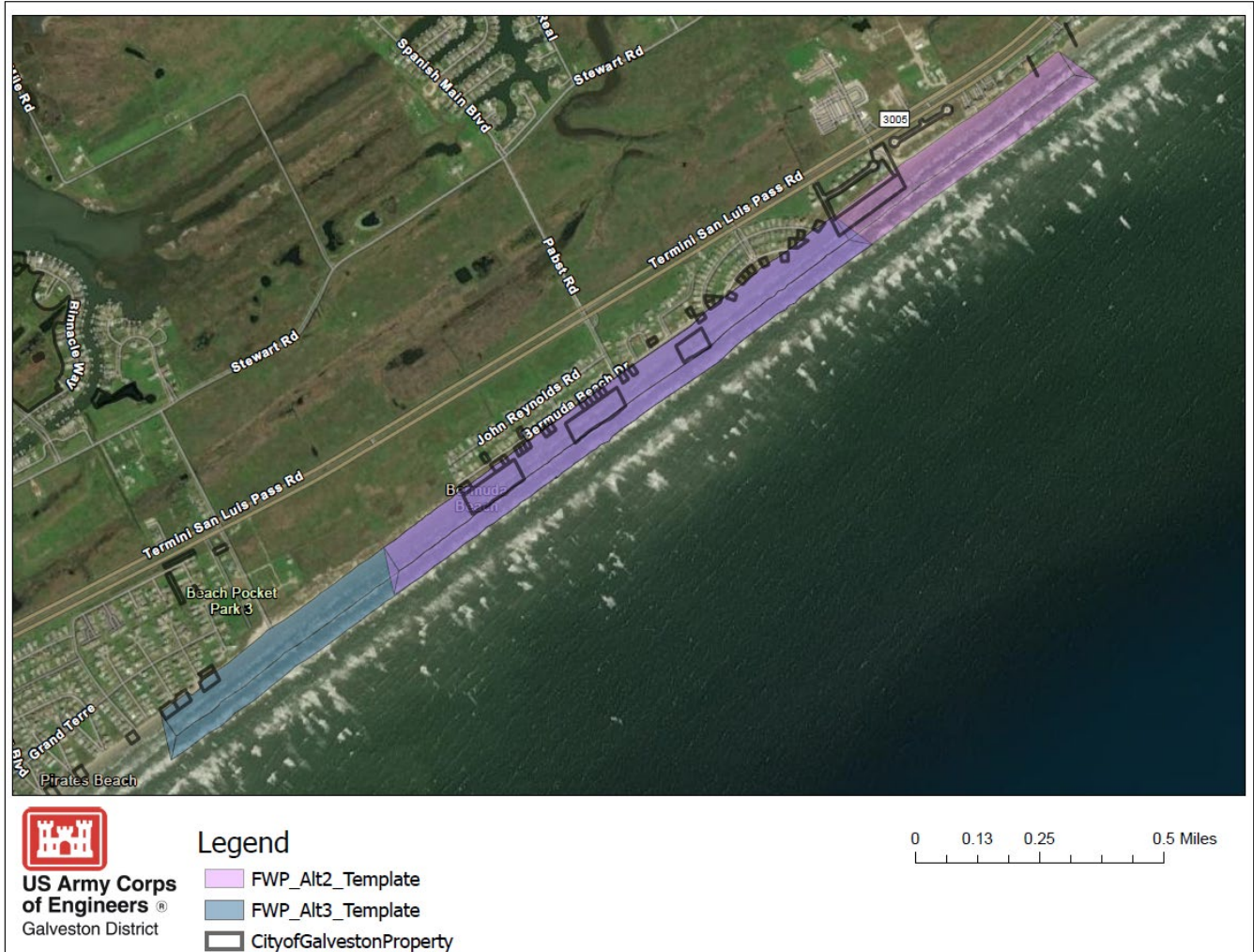


**Figure 9: CBRS Unit on Galveston Island**

(The remainder of this page intentionally left blank.)

### 9.3 Existing NFS Real Estate Interests

The City of Galveston, however, does have property interests in the project vicinity and intersecting with the project footprints (Figure 10). Alternative 2 intersects with 40 parcels owned by the City of Galveston. Alternative 3 intersects with 42 parcels owned by the City of Galveston.



**Figure 10: City of Galveston Properties in the Project Alignments**

### 9.4 Texas GLO Real Estate Interests

Texas Natural Resource Code, Section 61.001 defines “public beach” as “any beach area, whether publicly or privately owned, extending inland from the line of mean low tide to the vegetation bordering on the Gulf of Mexico to which the public has acquired the right of use or easement to or over the area by prescription, dedication, presumption, or has retained a right by virtue of continuous right in the public since time immemorial, as recognized in law and custom.” The “public beach” includes the state-owned beach, commonly referred to as the “wet beach,” extending seaward from the line of mean high tide (or mean higher high tide in areas where the land was patented prior to 1840) and may also include the “dry beach.” The dry beach extends landward from the line of mean high tide to the line of vegetation. The “public beach” includes both the state-owned wet beach and the areas of the dry beach seaward of the vegetation. The “public beach” area is subject to a public easement. Therefore, it is understood the State of Texas, managed by the GLO, owns the portion of the beach seaward of the vegetation. Figure 11 below depicts all lands seaward of the red CSR (Coastal Storm Risk

Management) line as the “public beach”. For the purposes of this project, the CSRSM line serves as the project’s landward construction limit. serves as the project’s landward construction limit.

Texas Natural Resource Code, Section 61.011 states the Commissioner of the Texas GLO “shall promulgate rules” on the matter of “(2) protection of the public easement from erosion or reduction caused by development or other activities on adjacent land and beach cleanup and maintenance.”

In a prior PCA dated October 1, 2020 between the Park Board and the GLO for a similar beneficial use (BU) project at Babe’s Beach in Galveston utilizing material from the Galveston Ship Channel, the work plan within the PCA specifically identified GLO’s responsibilities. Those responsibilities included identifying, documenting, and conferring with USACE on the exact location and extent of the project area, as well as contracting with USACE to utilize dredged material to renourish an extent of beach identified and agreed upon between USACE, GLO, and the Park Board by executing a Supporting Agreement with USACE.



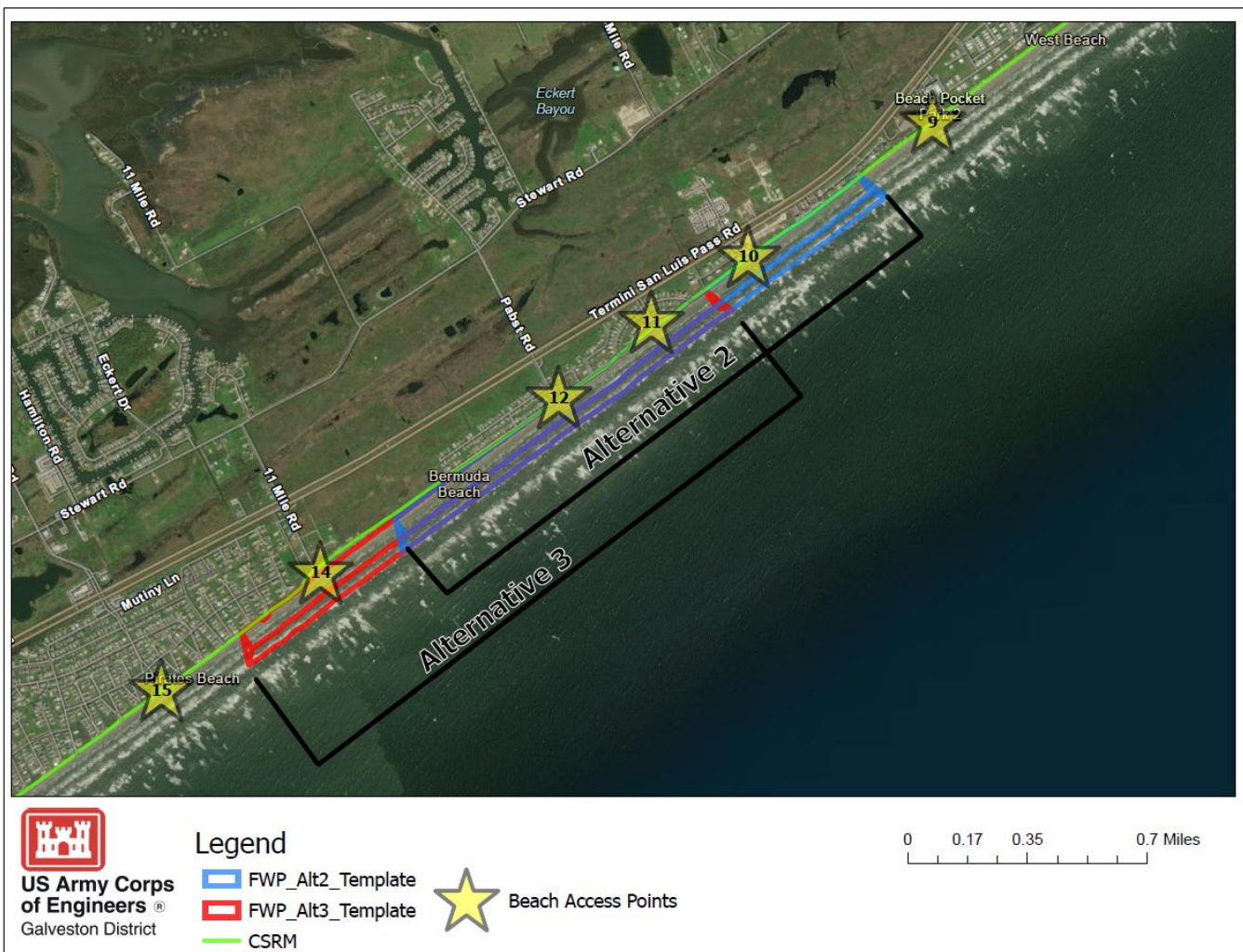
**Figure 11: Texas Public Beach**

Galveston Island boasts 40 open and operating public beach access points along the shore. Of the 40 access points, six are located within or directly adjacent to the proposed project footprints. Both Alternative 2 and Alternative 3 contain three access points directly within the footprint. Table 1 and Figure 12 outline the public access points in the project vicinity. According to the City of Galveston,

Pocket Park #3 (Beach Access Point #13), which is located between the access point 12 (Bermuda Beach) and 14 (11 Mile Road) with the footprint of Alternative 3 is currently closed.

**Table 1: Public Beach Access Points**

Beach Access Point #	Name	Beach Access Point #	Name
9	Pocket Park #2	12	Bermuda Beach
10	10 Mile Road (Hershey Beach)	14	11 Mile Road
11	Spanish Grant	15	Palm Beach/Pirates Beach



**Figure 12: Public Beach Access Points**

(The remainder of this page intentionally left blank.)

## 9.5 Privately-Owned Vacant Land

Engineering Regulation (ER) 1165-2-130, Federal Participation in Shore Protection, states “all costs assigned to the prevention of losses of undeveloped private lands are non-Federal, even though the beach may be public.” However, SWG Office of Counsel has determined that if the PDT can make a determination that placement of material in front of privately owned vacant land would better protect adjacent/nearby developed properties, the PDT may recommend the placement be cost-shared in the same manner as the remaining placement. Undeveloped privately-owned lands within the project area are shown in Figure 13 and Figure 14. This section will be updated as more information is made available.



Figure 13: Undeveloped Private Land - Alternative 2

(The remainder of this page intentionally left blank.)



Figure 14: Undeveloped Private Land - Alternative 3

## 10 New Real Estate Requirements

The new real estate requirements are outlined below, segmented by alternative.

### 10.1 Alternative 2 - TSP

The TSP, Alternative 2, impacts 182 parcels, of which the City of Galveston owns 40. However, the entire footprint of Alternative 2 falls seaward of the CSR line and within the GLO public beach. Therefore, the real estate requirements to accomplish the dredged material placement for BU will include securing an Authorization of Entry for Construction from the Texas GLO on approximately 102 acres of beach as shown in Figure 5.

### 10.2 Alternative 3

Alternative 3, impacts 179 parcels, of which the City of Galveston owns 42. However, the entire footprint of Alternative 3 falls seaward of the CSR line and within the GLO public beach. Therefore, the real estate requirements to accomplish the dredged material placement for BU will include securing an Authorization of Entry for Construction from the Texas GLO on approximately 101 acres of beach as shown in Figure 7.



### 10.3 Access/Staging Areas

The assumption is that no access and/or staging areas beyond the limits of the project footprint will be required. This will be confirmed during the Design & Implementation (DI) phase. At the conclusion of the DI phase, when the project reaches 95% design, determinations can be finalized and the REP will be updated to include this information, as well as the duration for any temporary work area easements (Standard Estate #15), if determined to be necessary as described in Section 10.5.

### 10.4 Mitigation

There is no mitigation required for this project.

### 10.5 Estates

The NFS in cooperation with the Texas GLO through the PCA is responsible for securing and maintaining the minimum real estate interests required for the project prior to USACE awarding the contract for construction. Construction of the complete project may require a variety of real estate interests as outlined below and in Table 2.

CESWG-RE is proposing the use of a temporary Authorization of Entry for Construction to cover the placement of dredged material and pipeline placement to move dredged material. CESWG-RE used the same interest for a BU project on Babe's Beach on Galveston Island, which also utilized dredged material from the Galveston Ship Channel to renourish the beach. The most recent nourishment of Babe's Beach kicked off on July 12, 2021. A similar project was completed on Babe's Beach in 2019 and 2015.

Should any access/staging areas be identified outside of the limits of the project footprint, standard estate #15, Temporary Work Area Easement would apply. This easement is outlined in Section 10.5.1 below.

**Table 2: Estates Required**

Project Feature	Estates
Dredged Material Placement	Authorization of Entry for Construction
Access/Staging Areas	Standard Estate #15 – Temporary Work Area Easement

#### 10.5.1 Standard Estate

##### Standard Estate #15 – 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.*

## **11 Borrow Material**

All material necessary for the project will be obtained during normal maintenance cycles or from new work construction from the Galveston Entrance Channel. No additional sources of borrow are planned.

## **12 Recreation Features**

There are no recreation features proposed for this project.

## **13 Timber Rights and Mineral/Energy Activity**

There is no known timber activity within the project area.

Oil and gas exploration and production activities are prevalent in the southeast Texas area, however there are no wells or pipelines in the vicinity of the project location.

## **14 Facility/Utility/Pipeline Relocations**

There are no pipelines in the vicinity of the project location or within the project footprint.

There are 11 suspected walkovers and/or existing pathways that provide access to the beach within the project footprints, with all 11 falling within the TSP (Alternative 2) and 7 falling within the Alternative 3 footprint. It is not anticipated that any relocations of these structures will be required, as the placement of dredged material on the wet beach is not expected to impact the structures (Figure 15).

(The remainder of this page intentionally left blank.)



**Figure 15: Walkovers**

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, AND 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.

## 15 Zoning

Zoning ordinances will not be enacted to facilitate acquisition for the proposed project.

## 16 Hazardous, Toxic, and Radioactive Waste (HTRW) or Other Environmental Contaminants

This section will be updated as more information is known about possible HTRW concerns.

## **17 Navigation Servitude**

Navigation Servitude stems from the Commerce Clause of the Constitution of the United States (U.S. CONST. art.I, Sec.8, cl.3), and is defined as the dominant right of the Federal Government to use, control, and regulate the navigable waters of the United States and submerged lands thereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the mean high-water mark, whereas in non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the ordinary high-water mark.

Navigation servitude is not applicable to this project.

## **18 Induced Flooding**

There will be no induced flooding by virtue of the construction of the project.

## **19 Attitudes of the Landowner**

This section will be updated as more information is provided through the final draft.

## **20 Public Law (PL) 91-646 Relocations**

There are no residential, commercial, industrial, or farm properties that would be subject to relocation pursuant to PL 91-646.

## **21 Real Estate Costs**

Total project costs for the recommended plan are estimated to be at least \$21.7 million. Pursuant to Policy Guidance Letter (PGL) 31 dated 11 January 2019, “for projects in which the value of real estate (lands, improvements, and severance damages) are not expected to exceed 15% of total project costs (total costs to implement project), a cost estimate (or rough order of magnitude) will be acceptable for purposes of the feasibility phase.” Real estate costs are estimated to be less than 1% of total project costs.

The baseline cost estimate (BCE) provided in this report (Table 3) is based on feasibility-level design and assumes no land costs due to the use of a temporary Authorization of Entry for Construction. It accounts solely for the administrative costs of providing LERRD. The BCE also includes a small contingency to resolve any concerns with individual landowners with respect to ownership of the beach within the project area as it relates to the Texas Natural Resources Code 61 or the Texas Open Beaches Act (OBA).

(The remainder of this page intentionally left blank.)

**Table 3: Baseline Cost Estimate (BCE) for Real Estate**

<b>NON-FEDERAL COSTS</b>		<b>Alternative 2 - TSP</b>	<b>Alternative 3</b>
<b>Account</b>	<b>Description</b>	<b>Cost</b>	<b>Cost</b>
01	Authorization of Entry for Construction (40 hrs. x \$150/hr)	\$6,000.00	\$6,000.00
01	Project Related Administration (40 hrs. x \$150/hr)	\$6,000.00	\$6,000.00
01	Contingency for Additional Landowner Coordination (150 hrs. x \$150/hr)	\$22,500.00	\$22,500.00
	Total Admin and Payments	\$34,500.00	\$34,500.00
	Contingencies (25%)	\$8,625.00	\$8,625.00
	<b>Non-Federal Total</b>	<b>\$43,125.00</b>	<b>\$43,125.00</b>
<b>FEDERAL COSTS</b>			
<b>Account</b>	<b>Description</b>	<b>Cost</b>	<b>Cost</b>
01	Project Related Administration (120 hrs. x \$125 per hour)	\$15,000.00	\$15,000.00
01	Federal Review of NFS Additional Landowner Coordination (75 hrs. x \$125 per hour)	\$9,375.00	\$9,375.00
	Total Admin and Payments	\$24,375.00	\$24,375.00
	Contingencies (25%)	\$6,093.75	\$6,093.75
	<b>Federal Total</b>	<b>\$30,468.75</b>	<b>\$30,468.75</b>
<b>GRAND TOTAL</b>		<b>\$73,593.75</b>	<b>\$73,593.75</b>

There are no costs associated with the 02 Relocations account.

(The remainder of this page intentionally left blank.)

## 22 Acquisition Schedule

The proposed plan is to secure a temporary Authorization of Entry for Construction from the Texas GLO to restore approximately 1.75 miles of public beach. Timeline for implementation of this project is heavily dependent upon the Operations Division dredging of the Galveston Entrance Channel, as well as the execution of a PCA between the City of Galveston and the GLO. As such, the acquisition schedule below is based not only on the signing of the PPA, but also the dredging and execution of the PCA. A timeline for execution of a PCA between the City of Galveston and the GLO is not available at this time. The REP will be updated when a timeline has been identified.

The acquisition schedule in Table 4 below outlines the milestones and approximate durations for the acquisition of LERRD for this project, which can be expected to be completed within five months. The durations shown below are the estimated average durations, however milestones may move quicker if preceding tasks are completed sooner than expected. The acquisition schedule does not include timelines for condemnations, as condemnation will not be necessary for this project.

**Table 4: Acquisition Schedule**

Milestone	Predecessor	Average Duration
Transmittal of Right-of-Way (ROW) drawings and instruction to proceed with acquisition along with required estate(s)	Immediately after PPA signed and PCA is executed	30 days
Obtain Surveys	Upon transmittal of ROW drawings	60 days
NFS Attorney Certifies Availability of LERRD	Upon obtainment of surveys and review of ROW drawings.	30 days
Corps Certifies Availability of LERRD	Upon Attorney Certification of LERRD	30 days
Review LERRD Credit Request	Upon completion of the project and NFS submission of LERRD documentation	90 days
Approve or Deny LERRD Credit Requests	Upon conclusion of LERRD credit documentation review	10 days

## 23 Other Real Estate Issues

There are no additional real estate concerns at this time.

## 24 References

2021. Galveston County Appraisal District. Online GIS Viewer.

2021. Railroad Commission of Texas. Online GIS Viewer.

2021. Texas General Land Office. Online GIS Viewer.

Texas Natural Resources Code, Section 33

Texas Natural Resources Code, Section 61

**Exhibit A: Risk Letter**



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

May 27, 2022

Mr. Brian Maxwell  
City Manager  
City of Galveston  
P.O. Box 779  
Galveston, TX 77553

Dear Mr. Maxwell:

The intent of this letter is to formally advise the City of Galveston, as a potential Non-Federal Sponsor for the proposed Galveston Coastal Erosion CAP 204 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:

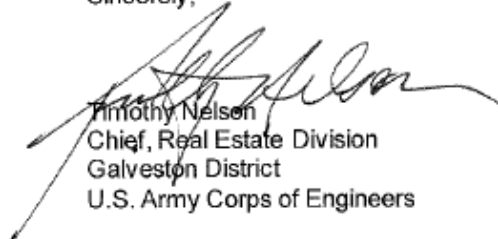
- a. Congress may not appropriate funds to construct the proposed project;
- b. The proposed project may otherwise not be funded or approved for construction;
- c. A PPA mutually agreeable to the Non-Federal Sponsor and the Government may not be executed and implemented;
- d. The Non-Federal Sponsor 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 Nichole Schlund, Realty Specialist within the Galveston District Real Estate Division, at [Nichole.L.Schlund@usace.army.mil](mailto:Nichole.L.Schlund@usace.army.mil) or 409-766-3146.

Sincerely,



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