CANAVERAL HARBOR, FLORIDA

Integrated Section 203 Navigation Study Report
&
Final Environmental Assessment

Real Estate Plan
(sub-part of Volume 3)

October 2012
(last revised September 2012)

US Army Corps of Engineers ®

PORT CANAVERAL

Port Canaveral Section 203 Feasibility Study

Real Estate Appendix

Real Estate Plan (REP)

Revision: September 12, 2012

Table of Contents

List of Tables

List of Attachments

The following list of attachments augments the discussion of the feasibility study engineering appendix. Please refer to these technical attachments for further information.

A – Real Estate Exhibits 1-4
- Real Estate Exhibit 1: Property Boundaries (West)
- Real Estate Exhibit 2: Property Boundaries (East)
- Real Estate Exhibit 3: Preliminary Acquisition Map (3 sheets)
- Real Estate Exhibit 4: Excavated and Dredged Material Disposal Areas

B – Existing USAF Permit No. SPCCAN-2-99-0005 to USACE for Channel Improvement Works

C – Existing USAF Lease DACA 17-4-83-1 to USACE for Upland Disposal Site

D – USAF Memorandum and Meeting Minutes

E– Sponsor Capability Checklist

1.0 Purpose

In support of the Port Canaveral Section 203 Feasibility Study for navigation improvements to the existing Federal Canaveral Harbor, the Real Estate Plan (REP) identifies and describes lands, easements, and rights-of-way (LER) required for the construction, operation and maintenance of the proposed cost-shared project, including those required for dredged and excavated material disposal. The REP also identifies impacts to lands that are necessary to implement the project. LER values, costs, and schedule are also included. USACE publication *ER 405-1-12, Real Estate Handbook*, was consulted for plan preparation. This plan is tentative in nature and is subject to change.

The Canaveral Port Authority (CPA) is the non-federal sponsor of the existing Federal navigation project at Port Canaveral and of this project to improve the navigational improvements. CPA has prepared the feasibility study under the authority granted by Section 203 of the Water Resources Development Act (WRDA) of 1986.

The recommended plan consists of widening the main channel from 400 feet to 500 feet, expanding the West Turning Basin turning radius from 1,400 feet to 1,725 feet, and deepening several channel segments. Details of the recommended plan are located in Section 6 of the Main Report and in the Engineering Appendix.

Other than the lands previously provided for the existing Federal project, the lands required for construction, operation and maintenance of this project are the lands required for the widening of the federal navigation channel. Navigation servitude will be exercised to use, control, and regulate the needed lands below the mean high water line of lands owned by CPA and the State of Florida under the Trustees of the Internal Improvement Trust Fund (TIITF). A modification to the existing USACE permit with the USAF will be executed for the needed uplands owned by the USAF. Since all uplands are already in Federal ownership, there are no real estate costs other than administrative costs associated with negotiating and obtaining the necessary permit modifications. The following table summarizes required lands beyond the limits of the existing Federal project. These items are discussed further in the subsequent Sections.

Table 1: Summary of Required Lands Beyond the Existing Federal Project Limits

Project Purpose	Acreage	Estate	Number of Affected Tracts	Tract Ownership	Value
Widening	22	Navigation Servitude	1	State of Florida, TIITF	$ 0
Widening	50	Navigation Servitude	3	CPA	$ 0
Widening	19	Permit	2	USAF	$ 0
Excavated Material Disposal	28	Permit	2	USAF	$ 0

2.0 Lands, Easement and Rights-of-Way (LER)

2.1 Existing Ownership of Lands and Estates

The lands along and adjacent to the Canaveral Harbor and Entrance Channel are all publicly owned by the Canaveral Port Authority (CPA), the State of Florida (under the Trustees of the Internal Improvement Trust Fund (TIITF)), and the United States (USA). The lands include uplands and submerged lands as shown in *Real Estate Exhibits 1 & 2: Property Boundaries* in *Attachment A.* The lands are color-coordinated based on agency ownership.

The deed or agreement dates, parcel owners, and rights for easements, permits, and leases are shown on the Exhibits. Legal descriptions were obtained from Official Records of Brevard County, Canaveral Port Authority Agreements, the United States Air Force (USAF), and the United States Army Corps of Engineers (USACE). The legal descriptions are available upon request.

The majority of the uplands and submerged lands are owned by the project sponsor, CPA. The limits of the CPA parcels acquired by four deeds and one condemnation are illustrated with the green hatching. The CPA then conveyed the rights required for the Federal project from these parcels to the USA via seven perpetual easement agreements for the construction and maintenance of the federal navigable waters. Historically, perpetual easements were utilized to convey rights from existing manmade lands and shallow non-navigable waters of the Banana River to the USA for the Federal project. Today, those areas of the existing Federal project are now navigable tidal waters and therefore navigation servitude will be asserted as required for the changes to the Federal project.

As detailed in the Engineering Appendix, the widening of the entrance to the West Basin is referred to as the West Turning Basin Corner Cut-Off (CCO). CPA completed this work in 2011 in advance of the Section 203 project authorization. CPA seeks no compensation for CPA lands provided for the CCO, since it was completed in advance of project authorization without a prior agreement with the Secretary of the Army and is treated in the Feasibility Report as part of the without project condition. With construction of the CCO these lands are now submerged and navigation servitude can be asserted as required for project improvements to the West Turning Basin.

The State owns the submerged lands east of the Harbor entrance and has granted a perpetual easement to the CPA for the improvement and subsequent maintenance of the Canaveral Harbor. Thereafter the CPA granted a perpetual easement for these submerged lands to the USA for the federal project. The State also owns the submerged lands where the ocean dredged material disposal site (ODMDS) is located. The State provides a perpetual easement to CPA for the purpose of depositing material which may be dredged from the Canaveral Harbor, the Atlantic Ocean, and the Banana River. Thereafter the CPA granted a perpetual easement to the USA for the same rights. The State lands held by the TIITF are illustrated in blue. There are no known reasons for why the perpetual easements for ocean bottomlands were issued in the past as navigation servitude should also have applied at that time.

The USA owns the lands north of the Inner Channel in the middle of the project; these lands are utilized for the USAF at Cape Canaveral Air Force Station (CCAFS) and a Navy NOTU Command and Trident Submarine Base. These lands are illustrated with yellow hatching. In

1998, in conjunction with the last channel widening, the USAF issued Permit No. SPCCAN-2-99-0004 to the USACE for indefinite use of the described lands for the purpose of construction, operation, and maintenance of channel improvement works. This permit is provided in *Attachment B* and illustrated in pink on *Exhibits 1&2 of Attachment A.*

USAF Lease DACA 17-4-83-1 allows the USACE to utilize two upland disposal areas on CCAFS. The two areas include approximately 19 acres of land between the Middle and Trident Turning Basins and approximately 150 acres east of the Trident Turning Basin. Since 1982, these existing sites have been maintained and operated by the USACE for use of periodic maintenance dredging of the Navy Trident Basin and the Port Canaveral access channel. The permit has typically been renewed on a five-year term. The current amendment, number 5, is set to expire December 15, 2012. This lease is provided in *Attachment C* and illustrated in pink on *Exhibits 1&2 of Attachment A.*

In order of executed date, the following table summarizes the documents related to the ownership, perpetual easements, lease, and permit associated with the channel improvement project as illustrated in *Exhibits 1 & 2*.

Table 2: Existing Real Property Rights

Real Property Rights	Parcel I.D. Numbers
CPA Owned	I-4, A-39, I-10, 16, and I-95
CPA Owned, Perpetual Easement to USA	117, A-61, A-59, A-12, A-23, I-114, and 262
TIITF State of Florida Owned, Perpetual Easement to CPA	I-98, A-1
TIITF Owned, Perpetual Easement from CPA to USA	A-16, I-100
USA Owned (USAF)	A-51, Tract No. 945
Lease or Permit from USAF to USACE	Lease, Permit

Deeds for Parcels I-95, I-98, I-114, and 262 are located within the Brevard County Official Record Books. Deeds for Parcels I-4, A-39, A-10, 16, and 117 are within the Brevard County Deed Books. All other documents have no recorded file on record with the County.

2.2 Real Estate Interests and Impacts

Based on the recommended channel improvements, real estate owned by the CPA, the State, and the USA will be impacted. Navigation servitude will be exercised to use, control, and regulate the necessary submerged lands from CPA and the State for the channel widening. Real property rights for approximately 8 acres of USAF uplands required for the channel widening, approximately 11 acres of USAF uplands associated with land damages due to the channel widening, and approximately 28 acres for disposal excavated upland (above -13 MLLW) material will be sought via a modification of the existing permit. These interests and estates are detailed

below and illustrated on *Real Estate Exhibit 3: Preliminary Acquisition Map (3 pages)* in *Attachment A.*

2.2.1 Navigation Servitude

As defined in *ER 405-1-12*, navigation servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution to use, control, and regulate the navigable waters of the United States and the submerged lands thereunder for various commerce-related purposes including navigation and flood control. Because the submerged lands needed for the recommended project will aid commerce by improving navigation and is located below the mean high water mark of a tidal navigable watercourse, navigation servitude is available to exercise in this project.

As stated in *ER 405-1-12*, as a general rule, the Government does not acquire interests in real property that it already possesses or over which its use or control is or can be legally exercised and it is the policy of the USACE to utilize the navigation servitude in all situations where available.

Navigation servitude will be exercised to use, control, and regulate (1.) the CPA submerged lands adjacent to the West Turning Basin and north of the Inner and Middle Reaches for the channel widening and (2.) the TIITF State submerged lands for the Bend Widener southwest of the intersection of the Middle and Outer Reaches. The 72.4 acres associated with servitude are illustrated in brown on *Exhibit 3 of Attachment A.* The limits of these areas are from the Recommended Plan as presented in the Engineering Appendix.

2.2.2 USAF Permit Modification and Impacts to USAF

The attitude of the USAF towards the project is positive. A preliminary meeting between the Canaveral Port Authority and United States Air Force representatives was held November 22, 2005, to discuss the potential land impacts. At that time, USAF representatives indicated that ownership in the land would not be transferred but an easement would likely be granted as was done in past Federal projects along the harbor channel. Subsequent meetings between CPA and the USAF have recently been held in July, August, and December 2011. The existing lease and permit documents were obtained at these later meetings. Current USAF personnel agree that the land would not be transferred and that interests could be sought via a permit modification. A June 28, 2012, memorandum from the 45th Space Wing of the USAF to the USACE-Jacksonville District as well as meeting minutes is included in *Attachment D.* The letter provides comment from the USAF Commander acknowledging working closely with the team to work project issues and offering a continued partnership as the channel widening project moves forward. The next meeting is set for late September 2012.

For the proposed waterway improvements known as the Inner Reach Widener or the North Side Channel Widener, permanent use of approximately 8 acres of the southern strip of Parcel A-51 of the USA lands is required between the Middle Turning Basin and the Trident Turning Basin. This area, part of the yellow highlighted area on *Sheet 2 of Exhibit 3,* is needed for the reconstruction of the rock revetment along the channel slope due to the 100-foot widening of the channel and the additional 14-foot approximate width related to deepening the channel 4-feet in this area. These uplands will basically be shifted approximately 114 feet landward. Refer to the cross-section on *Exhibit 3.* Real estate interests in these lands will be sought by the USACE

through a modification to the existing USAF issued Permit No. SPCCAN-2-99-0004 to the USACE. The permit was originally issued for indefinite use of the described lands for the purpose of construction, operation, and maintenance of channel improvement works. Those described lands of the existing permit are illustrated in pink on *Exhibit 3* and described in the permit located in *Attachment B.* The modification would expand the area under the permit to include the 8 acres needed for widening the channel from 400-feet to 500-feet.

The permit modification would also include the approximately 11 acres of uplands north of reconstructed revetments. This area is also part of the yellow highlighted area on *Exhibit 3*. *Section 5, Repair of Damage*, within the existing Permit states "the Grantee shall promptly correct, repair or replace to the satisfaction of the Commander any property under the control of the Air Force that is interfered with, damaged or destroyed by the Grantee incident to the exercise of the privileges granted under this permit." Due to the North Side Channel Widener, the unimproved perimeter maintenance/security roadway, security fencing, signage, and the spoil containment dike on the USAF uplands between the Middle Turning Basin and the Trident Turning Basin will need to be reconstructed northward approximately 114 feet. An abandoned boresight tower guy foundation (concrete pile tripod) and an existing mooring dolphin (fixed structure to which a vessel may be secured) east of the U.S. Navy Poseidon Wharf will need to be removed. A new monopile dolphin (type of mooring dolphin) positioned near the new shoreline will need to be constructed. The widening also impacts the USAF property such that a new bulkhead retaining wall is required to provide the shoreline setback required by USAF regulations to the existing Bldg 1064. This bulkhead wall will also be configured to stabilize the existing boat ramp used by military security patrol boats. The USN submarine sail which is partially buried in the ground as a monument will need to be repositioned. Upon completion of the construction, the USAF will resume operation and maintenance of the items.

The permit modification would also include the 28 acres north of the spoil containment dike and south of the existing leased disposal area. This area, also part of the yellow highlighted area of *Exhibit 3*, will be utilized for the disposal of excavated materials above elevation -13 feet MLLW. The volume of excavation in this area above elevation -13 feet MLLW is estimated to be 454,069 cy. Approximately 100,000 cy of this volume is material from the existing revetment that will be reused as a component of the revetment reconstruction 114 feet landward from its current location. The remaining 354,069 cy of upland material will be transported to these 28 acres. Reuse of upland excavated material is considered likely, since the excavated material is expected to be of a quality suitable for construction fill material. The material would be stockpiled at an agreeable location on the containment site for later reuse pending formal Air Force approval for use of that area for material placement.

Air Force approval for use of the site for material placement would be based on an evaluation of competing interests and on test results of the composition of the spoils to be placed. The Sponsor is well aware that Brevard County has a beach restoration project that intends to use the USAF disposal area to stockpile beach quality sand. The beach quality sand will be hydraulically dredged from just offshore of the USAF coastline and will therefore require a competent dike system to contain the fluid spoil. The existing USAF containment dike, however, is in poor condition and will need to be restored, and possibly raised in elevation, and a new intermediate dike constructed to subdivide the containment area. Based on the previous channel widening and the Sponsor's experience with recent dredging, the project upland material above elevation -13 feet will be construction grade fill material recovered using excavation methods. This material

will be suitable for the dike modifications and the new intermediate dike needed for the Brevard County project. CPA is currently coordinating with USAF and Brevard County to insure that the one-time placement of the recovered spoil will complement the Brevard County project. Use of the recovered stockpiled material to reconstruct and improve the containment dike system would not reduce the area available for spoil.

In the unlikely event that the USAF should not approve placing the excavated material on their site, other options for reuse of the upland excavated material can be further developed, including off-site placement or existing disposal area dike upgrades requiring suitable fill. If the USAF wishes to retain ownership of the upland material (since the material is being excavated from their property), then the Sponsor could truck the material to a different site on CCAFS as designated by the USAF. These alternatives would be slightly more expensive than the recommended upland disposal plan due to additional haul distances, but would be expected to remain within the contingency allowance for upland material disposal costs estimated in this report.

2.2.4 Dredged and Excavated Material Disposal

Dredge material below -13 feet MLLW generally consists of silts and clays, and are not suitable for reuse. As stated in 6.7.3.1 of the main report, these silts and clays will be disposed in the Canaveral Offshore Dredged Material Disposal Site (ODMDS) located approximately 10 miles south of Canaveral Harbor. Approximately 3.1 million cy of dredged material below elevation -13 feet MLLW will be tested, and assuming approval, permitted for disposal at the ODMDS.

It is the responsibility of the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) to under the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972 to manage and monitor each of the Offshore Dredged Material Disposal Sites designed by the EPA pursuant to Section 102 of the MPRSA. Section 102(c)(3) of the MPRSA required the development of a Site Management and Monitoring Plan (SMMP) for each ODMDS and review and revise the SMMP not less frequently than every 10 years. The present management plan for the Canaveral Harbor ODMDS is the February 2012 SMMP. The plan is discussed further in 6.7.3.1 of the main report and is included in the Engineering Appendix as *Attachment P*.

As discussed above, the volume of excavated material above elevation -13 feet MLLW that requires disposal is 354,069 cy. The material will be placed on the USAF property as described in paragraph 2.2.2.

The disposal sites and project areas generating the material are indicated on *Exhibit 4* of *Attachment A.* The material is summarized below.

Table 3: Summary of Dredged and Excavated Material Disposal

Material Type	Current Location	Future Location	Quantity
Dredged (below -13 feet MLLW)	Federal project to be deepened and widened, State and CPA land	ODMDS	3.1 million CY
Excavated (above -13 feet MLLW)	Existing rock revetment along Inner, Reach, USAF Land	Future rock revetment along Inner Reach, USAF Land	100,000 CY
Excavated (above -13 feet MLLW)	USAF property impacted by the North Side Widener	USAF property north of the containment berm	354,069 CY

The operation and maintenance of the Recommended Plan is nearly identical to operation and maintenance of the existing Canaveral Harbor project, with the exception of an additional 69,000 cubic yards of annual maintenance dredging that is expected to occur mostly in the vicinity of the extended turn widener in the entrance channel. Material from this area has historically been suitable for placement at the ODMDS. This small volume of additional maintenance material is not projected to have a substantial impact on ODMDS capacity.

This additional maintenance volume in combination with the construction material, plus all other projected volumes as listed in the SMMP, exceed half of the remaining site capacity and will therefore require an assessment of the proposed action's impacts upon the ODMDS' capacity requirements prior to the next 10-year renewal cycle of EPA's Site Management and Monitoring Plan (SMMP). At that time, impacts on the ODMDS site capacity would be assessed through some combination of management alternatives, evaluation of capacity based on bathymetric surveys, or through an assessment using the USACE MDFATE or MPFATE modeling. At this time, it is anticipated that the ODMDS, which is the least cost dredge material disposal site, will continue to be available throughout the project life, subject to decennial development and approval of SMMPs

2.2.5 Miscellaneous Real Property Issues

No induced flooding, zoning issues, mineral interests or known contamination issues exist. The 2007 Hazardous, Toxic, and Radioactive Waste (HTRW) Assessment which is located as Attachment K of the Engineering Appendix states that no HTRW materials were located within the limits of the Recommended Plan. There are no displacements that are within the study area, hence no relocation assistance benefits are required by the projectThere are no facility or utility relocations as defined by *ER 405-1-12*. As described in Section 6.3 of the Engineering Appendix, the existing communications, gas, electrical, and CPA CCTV utility crossings under the channel are at sufficient depths and will not be impacted by the project.

2.3 Capability Assessment of Non-Federal Sponsor

The Canaveral Port Authority is the governing authority of the Canaveral Port District, a political subdivision of the State of Florida. Per Section I of Article IV, General Grant of Powers, of

Chapter 2003-335 of Laws of Florida Special Acts of 1953, "The Canaveral Harbor Port District," the Canaveral Port Authority has the power "to acquire by grant, purchase, gift, devise, condemnation, or in any other manner, all property, real or personal, or any estate or interest therein, within said Canaveral Port District." An "Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability for Canaveral Port Authority" is provided as *Attachment E*.

3.0 Baseline Cost Estimate for Real Estate

3.1 Land Value

It is anticipated that there are no costs associated with the land value of estates to be sought from the USAF. There are only administrative costs. There are no costs associated with navigation servitude related to the submerged lands from the CPA and State of Florida.

3.2 Administrative Cost

The administrative cost associated for real estate components is $99,500 as summarized in Table 6-35 of the Main Report. The cost includes review of acquisition, permitting, and any other real estate issues.

3.3 Summary of Costs

The costs associated with lands, easements, and right-of-ways are summarized below.

Table 4: Summary of LER Costs (2011 Dollars)

Description of LER	Acres	Cost $	Term
Land to be added to USA Permit SPCCAN-2-99-004 for channel widening, including land with property damage to repair and upland disposal site	47	0	Indefinite
Navigational Servitude related to submerged lands from CPA and TIITF	-	0	Indefinite
Administrative Costs	-	$99,500	-
TOTAL		$99,500	

4.0 Schedule

Steps to secure real estate interests are outlined below.

- CPA submitted the Real Estate Plan to the USAF for comment.
- A Public Meeting was conducted on May 14, 2012.
- USAF Comments on the REP were received on June 28, 2012.
- USACE South Atlantic Division approval in September 2012; PED begins.
- Local USAF and CPA to meet again to discuss the real estate process and issues.

- Based on boundary surveys and preliminary design associated with the impacts to USAF property conducted during PED, draft legal descriptions will be prepared by CPA and submitted to the USAF and USACE for review. USAF comments will be incorporated.
- Expected project approval from the Assistant Secretary of the Army is April 2013.
- USACE will review the legal descriptions. CPA will incorporate their comments.
- A Project Partnership Agreement (PPA) will be negotiated and signed.
- Negotiations between the USACE and the USAF over permit modification language, signature, and recording of the legal documents will occur.
- The Certification of Availability of Real Estate for Solicitation of Construction Contracts will then obtained from the COE District Chief of Real Estate. Construction is expected to commence July 2013 on the areas outside of USAF properties.
- Construction will commence on the areas within USAF properties upon LER certification.

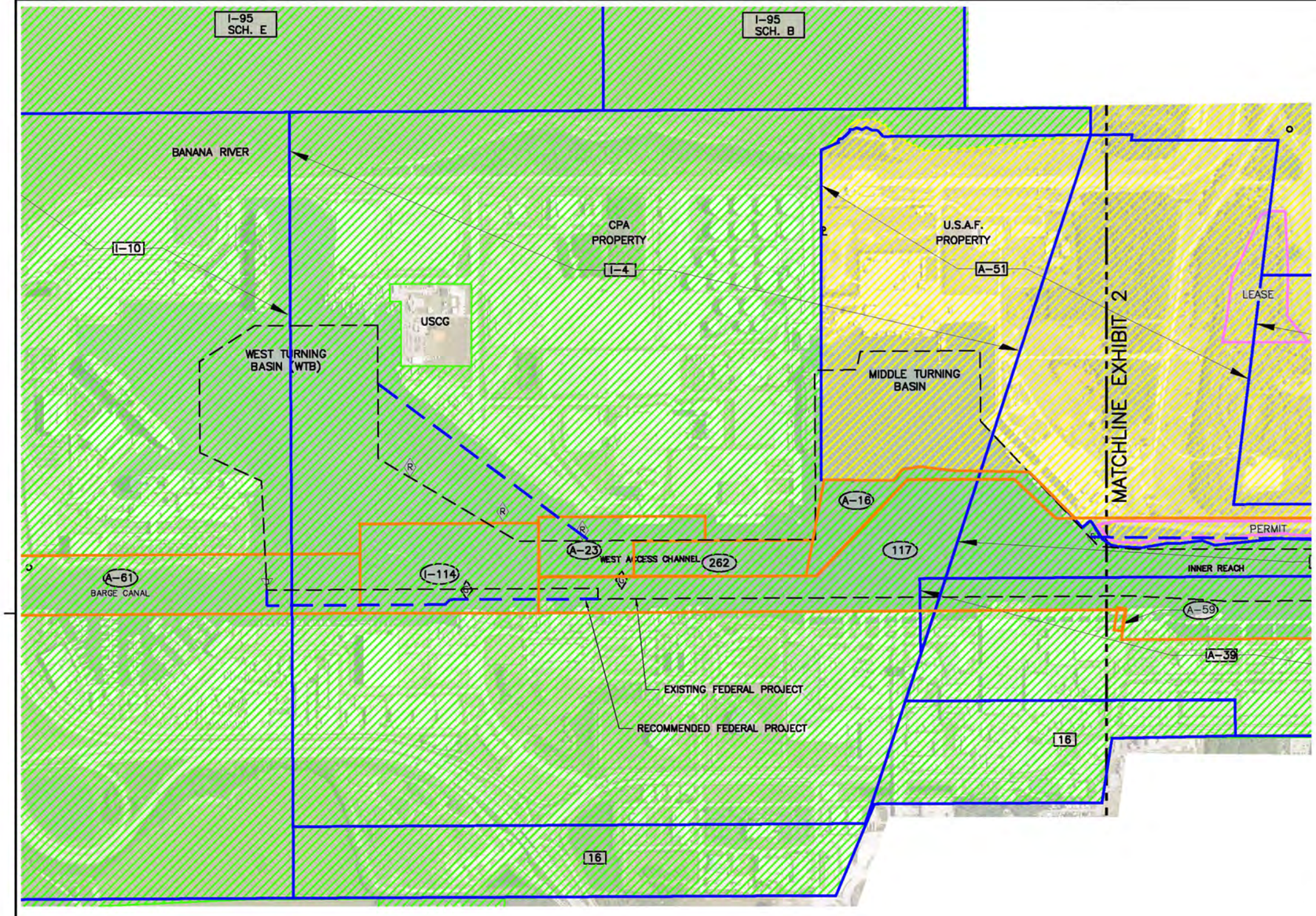
Port Canaveral Section 203 Feasibility Study

Real Estate Appendix

Attachment A

Real Estate Exhibits 1-4

Rev Date: September 12, 2012



REAL ESTATE OWNERSHIP SUMMARY

DATE	OWNER	DESCRIPTION	PARCEL I.D. #	BREVARD COUNTY RECORDS
8/31/45	CPA	DEED	I-4	DEED BOOK 286, PAGE 277
11/22/46	CPA	WARRANTY DEED	A-39	DEED BOOK 301, PAGE 452
11/23/46	CPA	DEED	I-10	DEED BOOK 302, PAGE 400
8/26/49	CPA	CONDEMNATION	16	DEED BOOK 328, PAGE 435
12/17/56	USA(AF)	PURCHASE OPTION	A-51	NO RECORDED COPY ON FILE CAPE CANAVERAL AUXILIARY AFB CONTRACT NO. DA-08-123-eng-2257
–	USA(AF)	PURCHASE OPTION	TRACT NO. 945	NO RECORDED COPY ON FILE CAPE CANAVERAL AUXILIARY AFB SOUTH EXTENSION
1/03/64	CPA	DEED	I-95	ORB 672, PAGE 559
–	TIITF	WATERS OF THE STATE	ATLANTIC OCEAN	NO RECORD FOUND

EXISTING PERPETUAL CHANNEL IMPROVEMENT EASEMENTS

DATE	OWNER	PERPETUAL EASEMENT TO	PARCEL I.D. #	BREVARD COUNTY RECORDS
2/17/50	CPA	USA	117	DEED BOOK 335, PAGE 242
3/28/62	CPA	USA	A-61	NO RECORDED COPY ON FILE P.E. TO USA
3/27/63	CPA	USA	A-59	NO RECORDED COPY ON FILE 66' WIDE P.E. TO USA
1/31/64	TIITF	CPA	I-98	ORB 672, PAGE 562, P.E. TO CPA
1/31/64	TIITF	CPA	I-100	BOOK 672, PAGE 564 P.E. TO CPA
3/25/64	CPA	USA	A-12	NO RECORDED COPY ON FILE P.E. TO USA
3/25/64	CPA	USA	A-16	NO RECORDED COPY ON FILE P.E. TO USA
3/25/64	CPA	USA	A-1	NO RECORDED COPY ON FILE P.E. TO USA
3/65	CPA	USA	A-23	NO RECORDED COPY ON FILE P.E. TO USA
2/14/68	CPA	USA	I-114	ORB 1022, PAGE 669
12/12/73	CPA	USA	262	ORB 1415, PAGE 191

EXISTING LEASE AND PERMIT

DATE	GRANTOR	GRANTEE	PARCEL I.D. #	DESCRIPTION
11/01/98	DEPARTMENT OF THE AIR FORCE	DEPARTMENT OF THE ARMY	PERMIT	INDEFINITE PERMIT SPCCAN-2-99-0004 FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF CHANNEL IMPROVEMENT WORKS.
5/13/09	DEPARTMENT OF THE AIR FORCE	CORPS OF ENGINEERS	LEASE	5-YEAR RENEWABLE LEASE DACA 17-4-83-1 FOR USE OF UPLAND SPOIL SITES. THE SPOIL FACILITIES WHICH HAVE BEEN MAINTAINED AND OPERATED BY THE CORPS SINCE 1982 RECEIVES DREDGED MATERIALS FROM PERIODIC MAINTENANCE DREDGING OF TEH U.S. NAVEY TRIDENT BASIN AND PORT CANAVERAL ACCESS CHANNELS.

LEGEND

- RED LIGHTED BOUY
- GREEN LIGHTED BOUY
- LIGHTED BEACON
- EXISTING RANGE STRUCTURE
- SIGNAGE STRUCTURE
- RED DAYBEACON

REAL ESTATE LEGEND

- UNITED STATES AIR FORCE LAND
- CPA LAND
- TIITF LAND
- PARCEL I.D. (117)
- EASEMENT I.D. (117)
- PARCEL BOUNDARY
- LEASE AND PERMIT BOUNDARY
- EASEMENT BOUNDARY
- EXISTING FEDERAL PROJECT
- RECOMMENDED FEDERAL PROJECT

GRAPHIC SCALE

500 0 250 500 1000 2000

(IN FEET)

1 inch = 500 ft.

ABBREVIATIONS

AF	AIR FORCE
CPA	CANAVERAL PORT AUTHORITY
ORB	OFFICIAL RECORD BOOK
PE	PERPETUAL EASEMENT
TIITF	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, STATE OF FLORIDA
USA	UNITED STATES OF AMERICA
USCG	UNITED STATES COAST GUARD

PRELIMINARY

NOT FOR CONSTRUCTION

DSGN	SDR
DR	ARD
CHK	LSB
APVD	

NO.	DATE	REVISION	BY	APVD
2	9/15/12	S.A.D. COMMENTS	LSB	GDL
1	7/15/11	REVISE TABLE NAME	LSB	JM

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

CH2MHILL
445 CHALLENGER RD., SUITE 130
CAPE CANAVERAL, FLORIDA 32920
LB 0002934 AA C000656

PORT CANAVERAL

CANAVERAL PORT AUTHORITY

NAVIGATION IMPROVEMENTS
SECTION 203 FEASIBILITY STUDY
REAL ESTATE EXHIBIT 1: PROPERTY BOUNDARIES (WEST)

SHEET	1
DWG	RE EX-1
DATE	11/1/07
PROJ	332981

REAL ESTATE LEGEND

- UNITED STATES AIR FORCE LAND
- CPA LAND
- TIITF LAND
- PARCEL I.D. (117)
- EASEMENT I.D. (117)
- PARCEL BOUNDARY
- LEASE AND PERMIT BOUNDARY
- EASEMENT BOUNDARY
- EXISTING FEDERAL PROJECT
- RECOMMENDED FEDERAL PROJECT

LEGEND

- R — RED LIGHTED BOUY
- G — GREEN LIGHTED BOUY
- LIGHTED BEACON
- EXISTING RANGE STRUCTURE
- SIGNAGE STRUCTURE
- RED DAYBEACON

REAL ESTATE OWNERSHIP SUMMARY

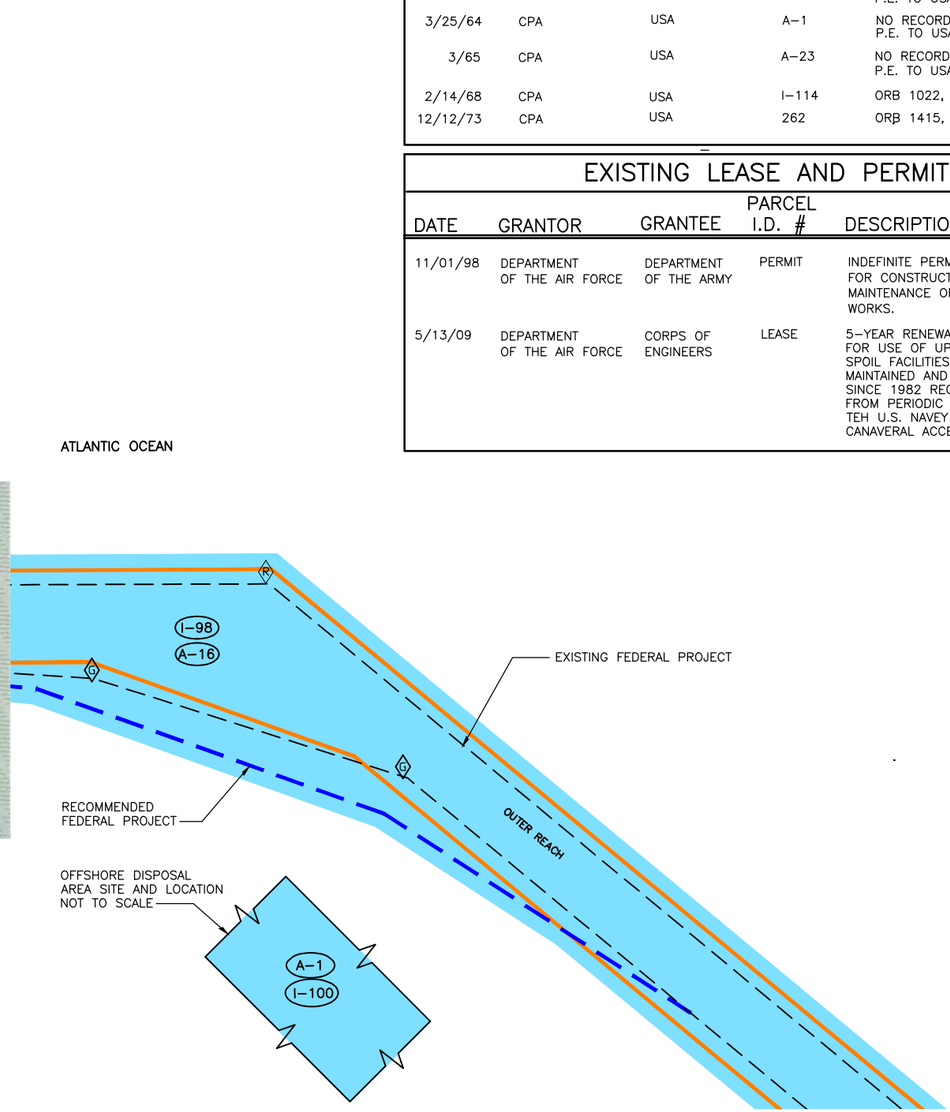
DATE	OWNER	DESCRIPTION	PARCEL I.D. #	BREVARD COUNTY RECORDS
8/31/45	CPA	DEED	I-4	DEED BOOK 286, PAGE 277
11/22/46	CPA	WARRANTY DEED	A-39	DEED BOOK 301, PAGE 452
11/23/46	CPA	DEED	I-10	DEED BOOK 302, PAGE 400
8/26/49	CPA	CONDEMNATION	16	DEED BOOK 328, PAGE 435
12/17/56	USA(AF)	PURCHASE OPTION	A-51	NO RECORDED COPY ON FILE CAPE CANAVERAL AUXILIARY AFB CONTRACT NO. DA-08-123-eng-2257
–	USA(AF)	PURCHASE OPTION	TRACT NO. 945	NO RECORDED COPY ON FILE CAPE CANAVERAL AUXILIARY AFB SOUTH EXTENSION
1/03/64	CPA	DEED	I-95	ORB 672, PAGE 559
–	TIITF	WATERS OF THE STATE	ATLANTIC OCEAN	NO RECORD FOUND

EXISTING PERPETUAL CHANNEL IMPROVEMENT EASEMENTS

DATE	OWNER	PERPETUAL EASEMENT TO	PARCEL I.D. #	BREVARD COUNTY RECORDS
2/17/50	CPA	USA	117	DEED BOOK 335, PAGE 242
3/28/62	CPA	USA	A-61	NO RECORDED COPY ON FILE P.E. TO USA
3/27/63	CPA	USA	A-59	NO RECORDED COPY ON FILE 66' WIDE P.E. TO USA
1/31/64	TIITF	CPA	I-98	ORB 672, PAGE 562, P.E. TO CPA
1/31/64	TIITF	CPA	I-100	BOOK 672, PAGE 564 P.E. TO CPA
3/25/64	CPA	USA	A-12	NO RECORDED COPY ON FILE P.E. TO USA
3/25/64	CPA	USA	A-16	NO RECORDED COPY ON FILE P.E. TO USA
3/25/64	CPA	USA	A-1	NO RECORDED COPY ON FILE P.E. TO USA
3/65	CPA	USA	A-23	NO RECORDED COPY ON FILE P.E. TO USA
2/14/68	CPA	USA	I-114	ORB 1022, PAGE 669
12/12/73	CPA	USA	262	ORB 1415, PAGE 191

EXISTING LEASE AND PERMIT

DATE	GRANTOR	GRANTEE	PARCEL I.D. #	DESCRIPTION
11/01/98	DEPARTMENT OF THE AIR FORCE	DEPARTMENT OF THE ARMY	PERMIT	INDEFINITE PERMIT SPCCAN-2-99-0004 FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF CHANNEL IMPROVEMENT WORKS.
5/13/09	DEPARTMENT OF THE AIR FORCE	CORPS OF ENGINEERS	LEASE	5-YEAR RENEWABLE LEASE DACA 17-4-83-1 FOR USE OF UPLAND SPOIL SITES. THE SPOIL FACILITIES WHICH HAVE BEEN MAINTAINED AND OPERATED BY THE CORPS SINCE 1982 RECEIVES DREDGED MATERIALS FROM PERIODIC MAINTENANCE DREDGING OF TEH U.S. NAVEY TRIDENT BASIN AND PORT CANAVERAL ACCESS CHANNELS.



ABBREVIATIONS

AF	AIR FORCE
CPA	CANAVERAL PORT AUTHORITY
ORB	OFFICIAL RECORD BOOK
PE	PERPETUAL EASEMENT
TIITF	TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, STATE OF FLORIDA
USA	UNITED STATES OF AMERICA
USCG	UNITED STATES COAST GUARD

GRAPHIC SCALE

500 0 250 500 1000 2000

(IN FEET)

1 inch = 500 ft.

N

PRELIMINARY

NOT FOR CONSTRUCTION

DSGN	SDR
DR	ARD
CHK	LSB
APVD	

NO.	DATE	REVISION	BY	APVD
2	9/15/12	S.A.D. COMMENTS	LSB	GDL
1	7/15/11	REVISE TABLE NAME	LSB	JM

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

CH2MHILL
445 CHALLENGER RD., SUITE 130
CAPE CANAVERAL, FLORIDA 32920
LB 0002934 AA C000656

PORT CANAVERAL

CANAVERAL PORT AUTHORITY

NAVIGATION IMPROVEMENTS
SECTION 203 FEASIBILITY STUDY
REAL ESTATE EXHIBIT 2: PROPERTY BOUNDARIES (EAST)

SHEET	2
DWG	RE EX-2
DATE	11/1/07
PROJ	332981

REAL ESTATE EXHIBIT 3: PRELIMINARY ACQUISITION MAP

300 0 150 300 600 1200

1 inch = 300 -. (IN FEET)

NOTE: ACREAGES ARE APPROXIMATE. FINAL AREAS WILL BE DETERMINED DURING THE DESIGN PHASE.

REAL ESTATE LEGEND

AREA OF NAVIGATION SERVITUDE RELATED TO SUBMERGED LANDS.	72.4 ACRES
APPROXIMATE LIMITS OF USAF LANDS TO USACE FOR EXISTING CHANNEL IMPROVEMENT WORKS UNDER PERMIT NO. SPCANN-2-99-0004.	14.2 ACRES
AREA OF UPLANDS TO BE ADDED TO USAF PERMIT.	47 ACRES

PRELIMINARY

NOT FOR CONSTRUCTION

DSGN	LB						VERIFY SCALE
DR	TL						BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"
CHK	JM						IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.
APVD		1	9-5-12	S.A.D. COMMENTS	LB		
		NO.	DATE	REVISION	BY	APVD	

CH2M HILL
445 CHALLENGER RD., SUITE 130
CAPE CANAVERAL, FLORIDA 32920
LB 0002934 AA C000656

PORT CANAVERAL

CANAVERAL PORT AUTHORITY

NAVIGATION IMPROVEMENTS
SECTION 203 FEASIBILITY STUDY
REAL ESTATE EXHIBIT 3: PRELIMINARY ACQUISITION MAP

SHEET	1 of 3
DWG	RE-EX-3
DATE	11-1-07
PROJ	424368

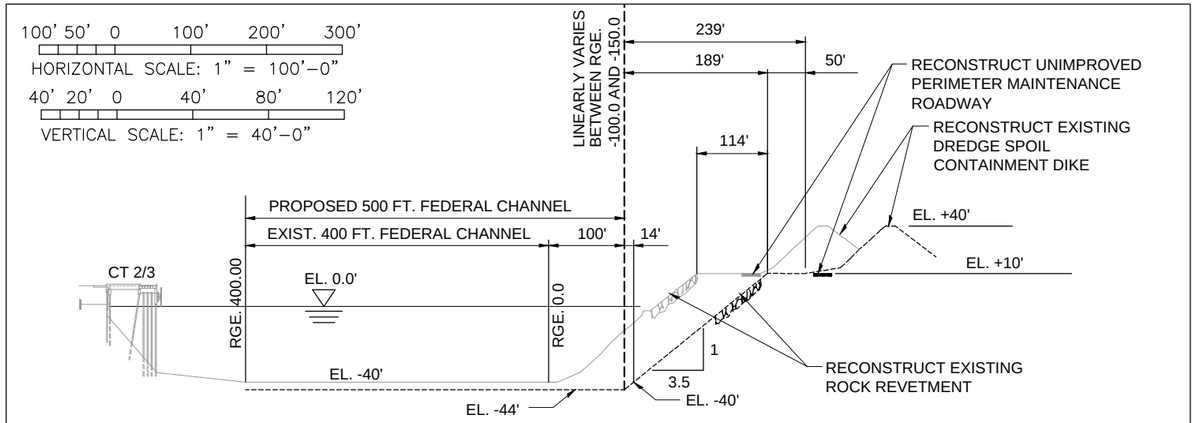
REAL ESTATE EXHIBIT 3: PRELIMINARY ACQUISITION MAP

GRAPHIC SCALE
300 0 150 300 600 1200
1 inch = 300 ft. (IN FEET)

NOTE: ACREAGES ARE APPROXIMATE. FINAL AREAS WILL BE DETERMINED DURING THE DESIGN PHASE.

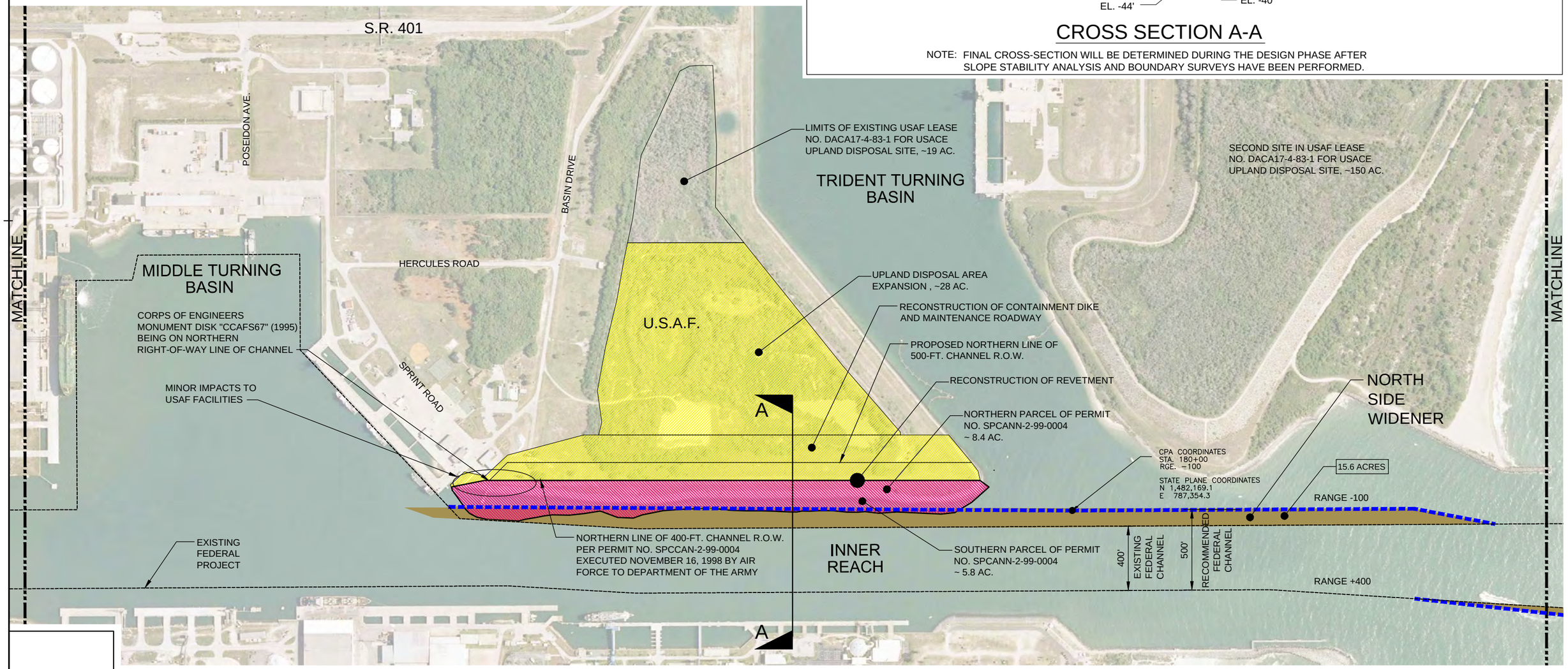
REAL ESTATE LEGEND

AREA OF NAVIGATION SERVITUDE RELATED TO SUBMERGED LANDS.	72.4 ACRES
APPROXIMATE LIMITS OF USAF LANDS TO USACE FOR EXISTING CHANNEL IMPROVEMENT WORKS UNDER PERMIT NO. SPCANN-2-99-0004.	14.2 ACRES
AREA OF UPLANDS TO BE ADDED TO USAF PERMIT.	47 ACRES



CROSS SECTION A-A

NOTE: FINAL CROSS-SECTION WILL BE DETERMINED DURING THE DESIGN PHASE AFTER SLOPE STABILITY ANALYSIS AND BOUNDARY SURVEYS HAVE BEEN PERFORMED.



PRELIMINARY
NOT FOR CONSTRUCTION

DSGN	LB
DR	TL
CHK	JM
APVD	

NO.	DATE	REVISION	BY	APVD
5	9-5-12	S.A.D. COMMENTS	LB	
4	7-30-12	ADDED 100' + 14' DIMENSIONS TO A-A AND SHADED PINK	LB	
3	10-10-11	ADDED PERMIT INFO PROVIDED BY USACE	LB	
2	7-28-11	ADDED PERMIT INFO PROVIDED BY USAF	LB	
1	7-13-11	EDITS PER CPA	LB	

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

CH2MHILL
445 CHALLENGER RD., SUITE 130
CAPE CANAVERAL, FLORIDA 32920
LB 0002934 AA C000656

PORT CANAVERAL

CANAVERAL PORT AUTHORITY
NAVIGATION IMPROVEMENTS
SECTION 203 FEASIBILITY STUDY
REAL ESTATE EXHIBIT 3: PRELIMINARY ACQUISITION MAP

SHEET	2 OF 3
DWG	RE-EX-3
DATE	11-1-07
PROJ	424368

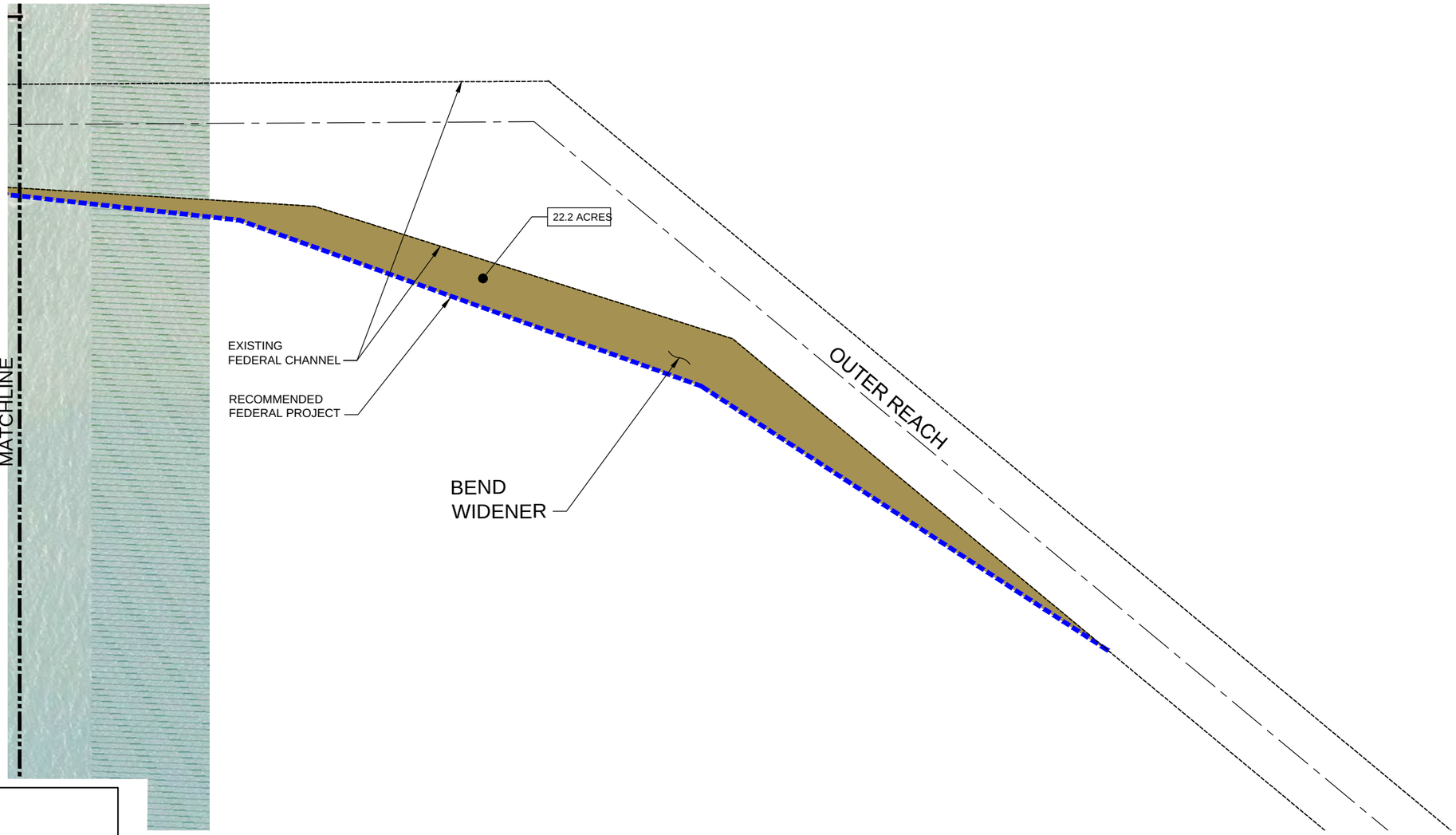
REAL ESTATE EXHIBIT 3: PRELIMINARY ACQUISITION MAP

REAL ESTATE LEGEND		
AREA OF NAVIGATION SERVITUDE RELATED TO SUBMERGED LANDS.		72.4 ACRES
APPROXIMATE LIMITS OF USAF LANDS TO USACE FOR EXISTING CHANNEL IMPROVEMENT WORKS UNDER PERMIT NO. SPCANN-2-99-0004.		14.2 ACRES
AREA OF UPLANDS TO BE ADDED TO USAF PERMIT.		47 ACRES

300 0 150 300 600 1200

1 inch = 300 ft.

NOTE: ACREAGES ARE APPROXIMATE. FINAL AREAS WILL BE DETERMINED DURING THE DESIGN PHASE.



PRELIMINARY

NOT FOR CONSTRUCTION

DSGN	LB
DR	TL
CHK	JM
APVD	

NO.	DATE	REVISION	BY	APVD
1	9-5-12	S.A.D. COMMENTS	LB	

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING. 0 1"

IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

CH2M HILL

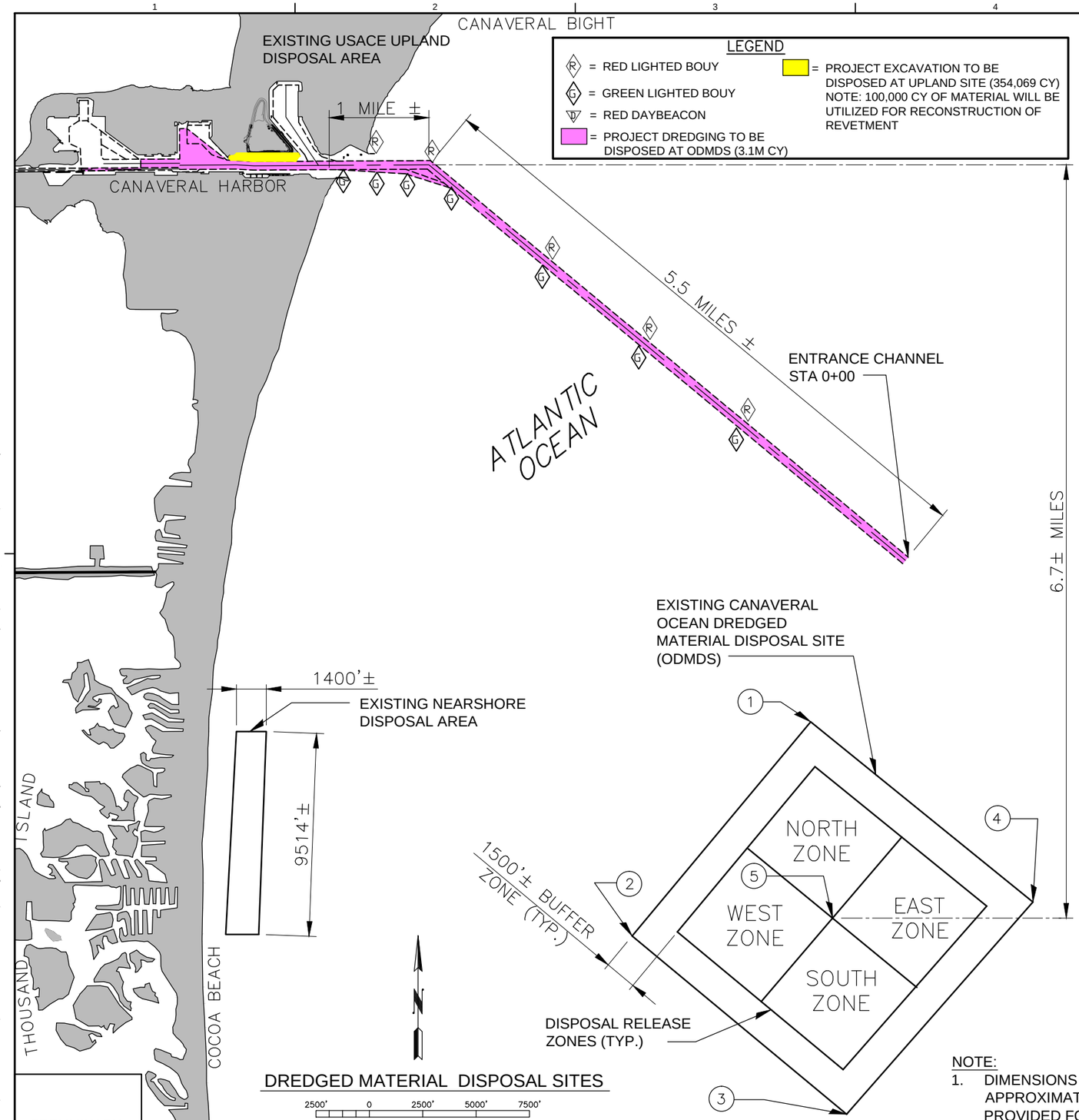
445 CHALLENGER RD., SUITE 130
CAPE CANAVERAL, FLORIDA 32920
LB 0002934 AA C000656

PORT CANAVERAL

CANAVERAL PORT AUTHORITY

NAVIGATION IMPROVEMENTS
SECTION 203 FEASIBILITY STUDY
REAL ESTATE EXHIBIT 3: PRELIMINARY ACQUISITION MAP

SHEET	3 of 3
DWG	RE-EX-3
DATE	11-1-07
PROJ	424368



LEGEND

- = RED LIGHTED BOUY
- = GREEN LIGHTED BOUY
- = RED DAYBEACON
- = PROJECT DREDGING TO BE DISPOSED AT ODMDS (3.1M CY)
- = PROJECT EXCAVATION TO BE DISPOSED AT UPLAND SITE (354,069 CY) NOTE: 100,000 CY OF MATERIAL WILL BE UTILIZED FOR RECONSTRUCTION OF REVETMENT

DREDGED MATERIAL DISPOSAL SITES

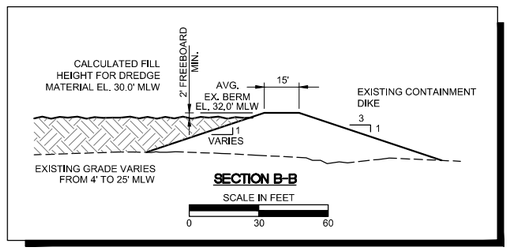
2500' 0 2500' 5000' 7500'

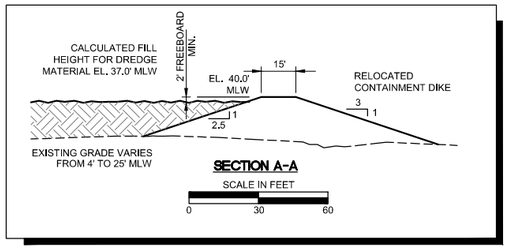
1" = 2500'-0"

USACE UPLAND DISPOSAL AREA ON USAF PROPERTY

0 800' 1600'

SCALE: 1" = 800'-0"





ODMDS COORDINATES

CONTROL POINTS	PLANE COORDINATES (NAD83) X (FT)	Y (FT)
POINT ①	810734.00	1455819.00
POINT ②	802376.00	1445788.00
POINT ③	812416.00	1437446.00
POINT ④	821139.00	1447378.00
POINT ⑤	811757.00	1446630.00

NOTE:
1. DIMENSIONS TO ODMDS ARE APPROXIMATE. THIS DRAWING IS PROVIDED FOR INFORMATION ONLY.

PRELIMINARY

NOT FOR CONSTRUCTION

DSGN	LB
DR	TL
CHK	LB
APVD	

NO.	DATE	REVISION	BY	APVD
1	9/6/12	FEBRUARY 2012 ODMDS REVISION	LSB	GDL

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

CH2MHILL
445 CHALLENGER RD., SUITE 130
CAPE CANAVERAL, FLORIDA 32920
LB 0002934 AA C000656

PORT CANAVERAL

CANAVERAL PORT AUTHORITY

NAVIGATION IMPROVEMENTS, SECTION 203 FEASIBILITY STUDY
REAL ESTATE EXHIBIT 4:
EXCAVATED AND DREDGED MATERIAL DISPOSAL AREAS

SHEET	1
DWG	RE-EX-4
DATE	10/10/11
PROJ	424368

File Name: i:\PortCanaveralPortAut\424368Section 203 Phase 4\Drawings\Exhibit-RE-4.dwg Layout Name: Layout Plot Time: Wednesday, September 12, 2012 - 2:33pm Plotted by: deabreuar

Port Canaveral Section 203 Feasibility Study

Real Estate Appendix

Attachment B

Existing USAF Permit No. SPCCAN-2-99-0004
to COE for Channel Improvement Works

Rev Date: October 2011

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SPACE COMMAND

04 DEC 1998

MEMORANDUM FOR ARMY CORPS OF ENGINEERS
Jacksonville District/CESAJ-RE-A
P.O. Box 4970
Jacksonville FL 32232-0019

FROM: HQ AFSPC/CEPR
150 Vandenberg Street, Suite 1105
Peterson AFB CO 80914-4150

SUBJECT: Permit for Channel Improvement Works, Cape Canaveral AS FL

The attached Permit No. SPCCAN-2-99-0004 has been executed by the Air Force, and a copy is forwarded for your files. Our POC is Ms. Sandi Brown, DSN 692-5241.

David Winkler
DAVID R. WINKLER, Major, USAF
Chief, Resources Branch

Attachment:
Permit No. SPCCAN-2-99-0004

cc:
AFREA/DR
45 CES/CELO

PERMIT NO. SPCCAN-2-99-0004

DEPARTMENT OF THE AIR FORCE
PERMIT TO OTHER FEDERAL DEPARTMENT OR AGENCY
TO USE PROPERTY ON
CAPE CANAVERAL AIR STATION, BREVARD COUNTY, FLORIDA

The SECRETARY OF THE AIR FORCE ("Grantor") hereby grants to the DEPARTMENT OF THE ARMY, acting by and through the United States Army Engineer District Jacksonville ("Grantee"), a permit for an indefinite term beginning November 1, 1998, for the purpose of construction, operation and maintenance of channel improvement works on, over and across the land identified and described on Exhibits A and B ("Permitted Premises") and for such other purposes as may be required in connection therewith. Both exhibits are attached hereto and made a part of this Permit.

THIS PERMIT is granted subject to the following conditions:

1. General Supervision. The use, occupation and maintenance of the Permitted Premises and exercise of the privileges hereby granted shall be without cost or expense to the Department of the Air Force ("Air Force") and shall be subject to the general supervision and control of the Commander, 45 SW, Patrick Air Force Base, Florida ("Commander"), and such reasonable rules and regulations as

the Commander may prescribe from time to time. Any reference to "Commander" shall include the Commander's duly appointed successors and authorized representatives.

2. Authorized Activities. The Permitted Premises shall be used only for the purpose of conducting activities related to construction, operation and maintenance of the channel improvement works, and for such other purposes as may be required in connection therewith, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom and to excavate, dredge, cut away, and remove any or all of the land and to place thereon dredge or disposal material.

3. Condition of the Permitted Premises. The Grantee has inspected and knows the condition of the Permitted Premises. It is understood that they are permitted in an "as is," "where is" condition and without any representation or obligation on the part of the Air Force to make any alterations, repairs, or improvements.

4. Protection and Maintenance. The Grantee shall, at all times, protect, repair and maintain the Permitted Premises in good order and condition (including erosion prevention and repair) at its expense and without cost or expense to the Air Force. The Grantee shall exercise due

diligence in protecting the Permitted Premises against damage or destruction by fire, vandalism, theft, weather, or other causes.

5. Repair of Damage. The Grantee shall promptly correct, repair or replace to the satisfaction of the Commander any property under the control of the Air Force that is interfered with, damaged or destroyed by the Grantee incident to the exercise of the privileges granted under this Permit.

6. Utilities and Services.

a. The Grantee shall pay the cost, as determined by the Commander, of producing and/or supplying any utilities and other services furnished by the Air Force or through Air Force facilities for the use of the Grantee. Such costs shall include the Grantee's proportionate share of the operation and maintenance cost of the Air Force facilities.

b. If for any reason The Air Force shall deem it necessary or expedient for the Air Force to perform any functions and/or render any services which are the responsibility of the Grantee, the Commander may, in lieu of reimbursement, require the Grantee to furnish the personnel and/or materials required for the performance of the

functions and/or the rendering of the services. In addition to furnishing personnel and/or materials, the Grantee shall reimburse the Air Force for any costs it incurs in connection with performance of functions and/or rendering of services. Selection of such personnel will be subject to the approval of the Commander.

7. Additions and Alterations. No additions or improvements to or alterations of the Permitted Premises shall be constructed or made without the prior written consent of the Commander. All costs of any additions, improvements or alterations shall be funded by the Grantee.

8. Compliance with Applicable Laws.

a. The Grantee shall at all times during the existence of this Permit, promptly observe and comply, at its sole cost and expense, with the provisions of all applicable Federal, state and local laws, rules, regulations, orders, ordinances, and other governmental standards, and in particular those provisions concerning the protection of the environment, occupational safety and health, pollution control and abatement, safe drinking water, and solid and hazardous waste.

b. Responsibility for compliance with such laws, rules, regulations, orders, ordinances and standards rests

exclusively with the Grantee. The Air Force assumes no enforcement or supervisory responsibility except for matters committed to its jurisdiction. The Grantee shall assume responsibility for and pay all costs required to comply with applicable laws, rules, regulations, orders, ordinances and other governmental standards, or associated with compliance, defense of enforcement actions or suits, payment of fines, penalties, or other sanctions and remedial costs.

9. Environmental Protection and Natural Resources.

a. The Grantee will be solely responsible for compliance with all applicable environmental laws and other legal requirements in conjunction with its exercise of the privileges granted under this Permit, including any taxes, fees, permits, fines, penalties, or other costs associated with any environmental compliance or violations related to its activities and operations under the Permit. This does not affect the Grantee's right to contest their validity or applicability.

b. The Grantee shall promptly take all steps necessary to clean up, abate, remove, or remediate any contamination for which it is responsible, including proper notification to regulatory authorities, and shall promptly notify the Commander of such events.

c. The Grantee shall be solely responsible for and obtain at its cost and expense and without any cost or expense to the Government any environmental permits required for its activities and operations under the Permit, independent of any existing Cape Canaveral Air Station permits. All contact with Federal, state and local regulatory agencies shall be coordinated with and approved by the Commander.

d. The Grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, vestiges, remains or objects of antiquity. In the event such items are discovered on the Permitted Premises, the Grantee shall immediately notify the Commander and protect the site and the material from further disturbance until the Commander gives written clearance to proceed.

e. The Grantee shall comply with the Cape Canaveral Air Station spill prevention control and countermeasure plan and hazardous materials/wastes plan, or in the alternative, its own such plans for activities and operations on the Permitted Premises, provided the plans have been approved by the appropriate regulatory authorities and are acceptable to the Commander.

f. The Grantee will use all reasonable means

available to protect the environment and natural resources. Where damage to natural resources nonetheless occurs from activities of the Grantee, the Grantee shall be solely liable therefor (including any requirement to restore the damaged resources).

g. The Grantee shall strictly comply with the hazardous waste permit requirements under the Resource Conservation and Recovery Act, or its Florida equivalent. Any hazardous waste permit shall be limited to generation and transportation. Storage and/or disposal of toxic or hazardous materials/wastes within the Permitted Premises are specifically prohibited. The Grantee must provide at its own expense such hazardous waste management facilities, complying with all laws and regulations. Air Force hazardous waste management facilities will not be available to the Grantee.

10. Termination.

a. This Permit may be terminated by the Grantor upon on hundred twenty (120) days' written notice to the Grantee in the event of a formal, written determination by the Air Force that the land covered by the Permit is excess to the needs of the Air Force. The Grantor's right to terminate this Permit may be exercised only at the level of Deputy Assistant Secretary of the Air Force (Installations)

or higher.

b. This Permit will terminate automatically, subject to paragraphs 9 and 11, in the event the Canaveral Harbor Project, Florida, is deauthorized by an Act of Congress.

11. Vacation of Permitted Premises. On or before the date of any termination of this Permit pursuant to paragraph 10a above, the Grantee shall vacate the Permitted Premises, remove its personal property therefrom, and restore the Permitted Premises to a condition satisfactory to the Commander, ordinary wear and tear and damage beyond the control of the Grantee excepted. If this Permit terminates automatically pursuant to paragraph 10b above, the Grantee shall vacate the Permitted Premises, remove its personal property therefrom, and restore the Permitted Premises to the aforesaid condition within ninety (90) days, or such longer time as the Commander may designate.

12. Liability. The Air Force shall not be responsible for damages to property or injuries to persons which may arise from or be attributable or incident to the condition or state of repair of the Permitted Premises, or its use and occupation or conduct of activities by the Grantee. The Grantee agrees to assume all risks of loss or damage to property and injury or death to persons by reason of or

incident to the possession and/or use of the Permitted Premises, or the activities conducted under this Permit. The Grantee shall, at its expense, settle and pay any claims arising out of the use and occupancy of the Permitted Premises.

13. Notices. No notice, order, direction, determination, requirement, consent or approval under this Permit shall be of any effect unless it is in writing. Written communications shall be addressed, if to the Air Force to: Commander, 45 SW, 1201 Edward H. White II Street, MS 7100, Patrick Air Force Base, Florida 32925-3299; and if to the Grantee, to: United States Army Engineer District Jacksonville, Attn: CESAJ-RE-A, P.O. Box 4970, Jacksonville, Florida 32232-0019; or at such other address or addresses as the Air Force or the Grantee may from time to time designate. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

14. This Permit may not be transferred or assigned.

15. This Permit may only be modified or amended by mutual agreement of the parties in writing.

16. This Permit is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Air Force this 30th day of November, 1998.

GILBERT T. PERRY JR., Colonel, USAF
Deputy Civil Engineer

THIS PERMIT, together with all terms and conditions thereof, is hereby accepted and executed by the Grantee this 16th day of November, 1998.

BART J. WIVELL
CHIEF, REAL ESTATE DIVISION
UNITED STATES ARMY ENGINEER
DISTRICT JACKSONVILLE

DESCRIPTION:

ALL THAT PROTION OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AT CAPE CANAVERAL AIR FORCE BASE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF STATE ROAD NO. 401 (HAVING A 60 FOOT RIGHT-OF-WAY AS NOW EXISTS) AND THE WESTERLY LINE OF SECTION 11, TOWNSHIP 24 SOUTH, RANGE 37 EAST; THENCE RUN S 00°29'00" E, ALONG SAID WESTERLY LINE OF SAID SECTION 11, A DISTANCE OF 1247.81 FEET TO A POINT; THENCE RUN N 89°41'32" E, A DISTANCE OF 157.58 FEET TO A POINT; THENCE RUN N 38°11'48" E, A DISTANCE OF 100.64 FEET TO A POINT; THENCE RUN N 89°38'55" E, A DISTANCE OF 445.16 FEET TO A POINT; THENCE RUN S 00°19'02" E, A DISTANCE OF 73.88 FEET TO A POINT; THENCE RUN S 46°38'07" W, A DISTANCE OF 132.71 FEET TO A POINT; THENCE RUN S 43°26'14" E, A DISTANCE OF 1188.58 FEET TO A POINT; THENCE RUN N 47°01'45" E, A DISTANCE OF 124.62 FEET TO A POINT; THENCE RUN S 87°16'39" E, A DISTANCE OF 223.08 FEET TO THE POINT OF BEGINNING, SAID POINT ON THE PERMANENT NORTHERN RIGHT-OF-WAY LINE OF THE NEW CHANNEL; THENCE RUN N 89°52'05" E, ALONG SAID PERMANENT NORTHERN RIGHT-OF-WAY LINE OF THE NEW CHANNEL, A DISTANCE OF 3049 FEET, MORE OR LESS, TO A POINT ON THE BANK OF THE OLD CHANNEL; THENCE LEAVING SAID PERMANENT NORTHERN RIGHT-OF-WAY OF THE NEW CHANNEL, AND MEANDERING IN A SOUTHERLY DIRECTION ALONG THE BANK OF THE NEW CHANNEL A DISTANCE OF 3434 FEET, MORE OR LESS, TO A POINT ON SAID PERMANENT NORTHERN RIGHT-OF-WAY OF THE NEW CHANNEL; THENCE RUN N 76°14'32" E, ALONG SAID PERMANENT NORTHERN RIGHT-OF-WAY OF THE NEW CHANNEL, A DISTANCE OF 176 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 8.40 ACRES, MORE OR LESS.

Exhibit C'

PROJECT: Canaveral Harbor Turning Basin
North Bank Boundary Survey
LOCATION: Cape Canaveral, Florida
TRACT NO: A Portion of Tract 4
ACREAGE: 5.82

DESCRIPTIONS:

All that portion of section 11, Township 24 South, Range 37 East, Brevard County, Florida, at Cape Canaveral Air Force Base, and being More particularly described as follows:

For a point of Reference, Commence at the Intersection of the centerline of state road no. 401 having a 60 foot right-of-way as now exists) and the westerly line of section 11, Township 24 South, Range 37 East;
thence, run S 00°29'00" E, along said Westerly line of said section 11, a distance of 1247.81 feet to a point;

Thence, run N 89°41'32" E, a distance of 157.58 feet to a point;
Thence, run N 38°11'48" E, a distance of 100.64 feet to a point;
Thence, run N 89°38'55" E, a distance of 445.16 feet to a point;
Thence, run S 00°19'02" E, a distance of 763.88 feet to a point;
Thence, run S 46°38'07" W, a distance of 132.71 feet to a point;
Thence, run S 43°26'14" E, a distance of 1188.58 feet to a point;
Thence, run N 47°01'45" E, a distance of 124.61 feet to a point;
Thence, run S 87°16'39" E, a distance of 223.08' to a Corps of Engineers Monument with a disk stamped CCAFS67 (1995), said Monument being on the permanent Northern right of way line of the channel;

Thence, S 78°00'02" W 167.53 feet to a point on the Northeast corner of a bulk head, this being the point of beginning;

Thence, Southwesterly along the bulk head 43 feet, more or less, to where it meets the top of the new bank of the channel;

Thence, Southeasterly along the Meanders of the new bank of the channel 3,434 feet, more or less, to a point on a bulk head;

Thence, along the bulk head in a northerly direction 25 feet, more or less, to a point on the end of the bulk head;

Thence, in a Southeasterly direction and along the bulk head 90 feet, more or less, to a point where the bulk head and the old top of bank meet;

Thence, meandering in a Southwesterly direction along the old bank 3,436 feet, more or less, to a point on a bulk head;

Thence, in a Northeasterly direction and along the bulk head to the point of beginning;

The above described parcel contains 5.82 acres, more or less, and is a portion of Tract #4 of the Canaveral Air Force Station Project.

Exhibit B-2

Port Canaveral Section 203 Feasibility Study

Real Estate Appendix

Attachment C

Existing USAF Lease DACA 17-4-83-1 to COE for Upland Disposal Site

Rev Date: October 2011

RCVD 40CT 94, 1FAE

REQUEST FOR ENVIRONMENTAL IMPACT ANALYSIS

REQUEST

FOR ENVIRONMENTAL PLANNING USE ONLY AUG 11 1994

1. TO: (Environmental Planning Function)
45th CES/CEV

2. FROM: (Organization and Office Symbol)
JCWS/JCPEC

3. CONTROL NUMBER
WON 80316

5. REQUESTOR (Name, Office Symbol and Phone No.)
[redacted]. Dull, CESAJ-RE-M (904) 232-1174

4. ESTIMATED COMP DATE

6. TYPE OF ANALYSIS NEEDED

X	CATEX DETERMINATION	X	PRELIMINARY ENVIRONMENTAL SURVEY		ENVIRONMENTAL ASSESSMENT		ENVIRONMENTAL IMPACT STATEMENT

7. TITLE OF PROPOSED ACTION
RENEWAL OF LEASE DACA 17-4-83-1, CAPE CANAVERAL AFS

II PROPOSED ACTION AND ALTERNATIVES

8. PURPOSE OF AND NEED FOR ACTION (Continued on Sheets)

PURPOSE: The purpose of the proposed action is to extend Air Force Lease DACA 17-4-83-1 for a five-year period to expire on 15 December 1997. This outgrant permits the U.S. Army Corps of Engineers (COE) to utilize two upland spoil disposal areas on CCAFS.

NEED: The existing upland spoil sites on CCAFS have been maintained and operated by the COE since 1982. These spoil facilities receive dredged materials from periodic maintenance dredging of the U.S. Navy Trident Basin and Port Canaveral access channels. The existing

9. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES (DOPAA) (Continued on Sheets)

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES: The proposed action consists of extending existing Air Force Lease DACA 17-4-83-1 for a period of five years, to expire on 15 December 1992. This outgrant includes two upland spoil disposal facilities totaling ± 169 ac located at the southern terminus of CCAFS. The existing spoil disposal facilities will continue to be managed by the COE and will support periodic maintenance dredging of the CCAFS Trident basin. The proposed action will not require alteration of the existing disposal facilities or surrounding environment; nor will additional Air Force lands be required for outgrant extension.

ALTERNATIVES: No Action. The only feasible alternative to the proposed action is to do nothing. No action will result in expiration of lease DACA 17-4-83-1 on December 15, 1992. Consequently, lease expiration could delay future COE dredging operations within the Trident basin and possibly impact the CCAFS mission.

10. ORGANIZATIONAL APPROVAL (Name and Grade of Commander)	SIGNATURE	DATE
Mr Geroge Rodriguez 45CES/CECR	George Rodriguez	AUG 12 1994

ENVIRONMENTAL PLANNING RESPONSE

RESPONSES ATTACHED

Preliminary Environmental survey (AF Form 814) attached

Proposed action qualified for Catex (Appropriate Documentation attached)

Proposed action does not quality for Catex, assessment required

REMARKS

Considering that the proposed action supports a continuation of existing operations without significant alteration of the environment, a Categorical Exclusion (CATEX) in accordance with AFR 19-2 (Attachment 7, Class Action 2.r) applies.

Additional environmental comments are provided on the attached AF Form 814.

Attached drawing applies.

MAM/jlc/11-3-92

ENVIRONMENTAL PLANNER CERTIFICATION (Name and Grade)	SIGNATURE	DATE
Virginia J. Crawford GS-12	V. J. Crawford CG	AUG 12 1994
[redacted] IMENTAL PROTECTION COMMITTEE APPROVAL (Name and Grade) Olin C. Miller GM-14	SIGNATURE Olin Miller	DATE 8/23/94

FORM 813 MAY 82 PREVIOUS EDITION IS OBSOLETE.

*U.S.GPO:1988-0-151-115

813.II.8 - Continued...

ou[redacted]rant is due to expire on 15 December 1992. Continued maintenance dredging opera-t[redacted] and subsequent spoil disposal will be required throughout the life of these po[redacted] facilities. Consequently, renewal of AF lease DACA 17-4-83-1 is essential. As this is a lease renewal with no significant changes as Environmental Baseline Survey is not required.

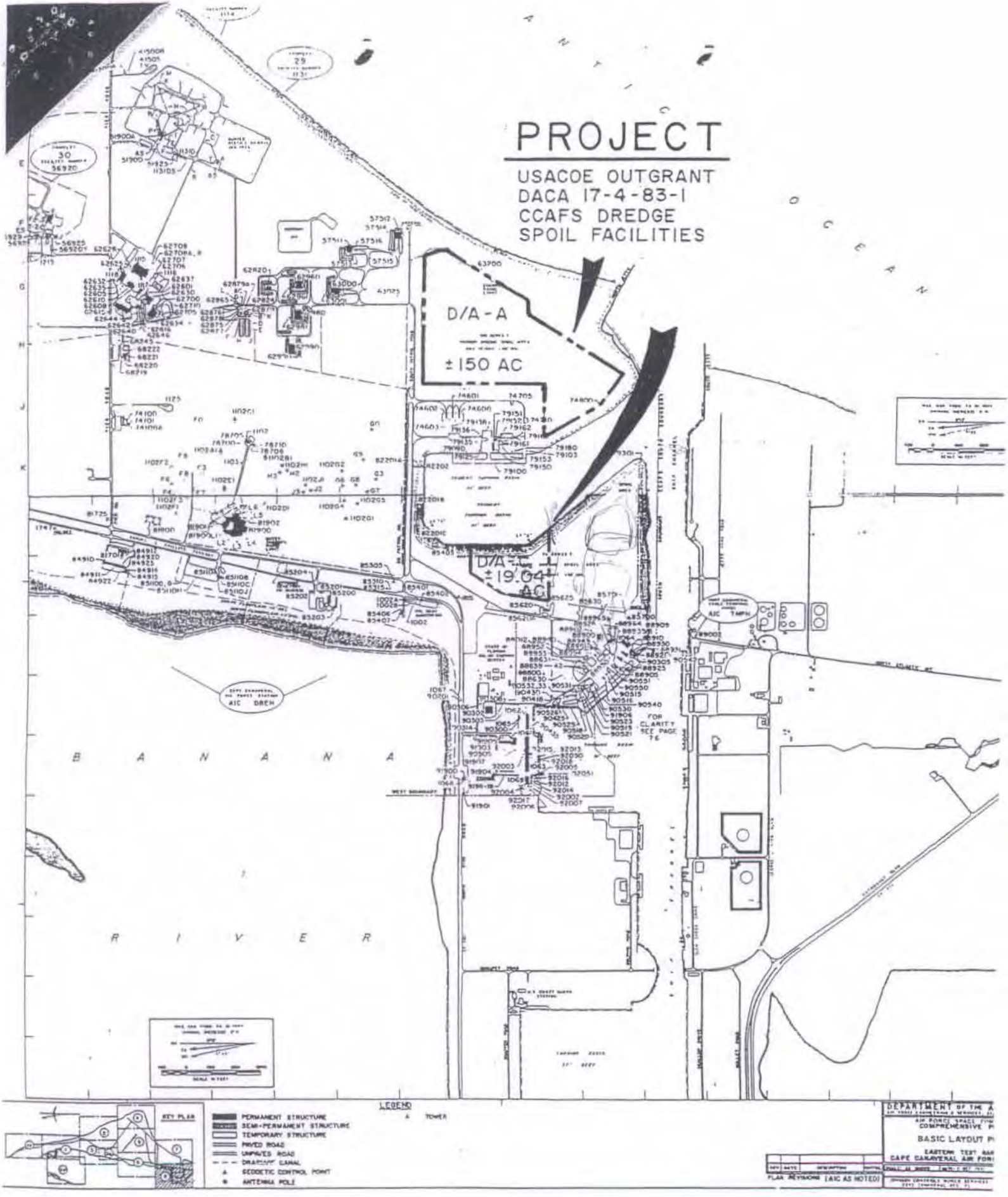


Figure 1 SITE PLAN

Amendment No. 2
Department of the Air Force
Permit No. DACA17-4-83-1
Cape Canaveral Air Force Station,
Brevard County, Florida

WHEREAS, by authority of the Secretary of the Air Force, the Department of the Army was granted Permit No. DACA17-4-83-1, beginning 2 December 1982 and ending 15 December 1987, but revocable at will by the Secretary of the Air Force, to use and occupy certain land at Cape Canaveral Air Force Station, Brevard County, Florida, as more particularly described in the said permit; and

WHEREAS, by Amendment No. 1, dated 8 March 1988, the term of the said permit was extended to 15 December 1992.

WHEREAS, the permittee has a requirement for the continued use of the permitted property and the appropriate authority has approved the further extension of the said permit for another five (5) years, and

NOW THEREFORE, effective as of 15 December 19~~87~~ 92, Department of the Air Force Permit No. DACA17-4-83-1, as amended, is hereby further amended as follows:

The term of the permit is extended to 15 December 1997.

Except as herein provided, all other terms and conditions of the said permit shall remain unchanged.

This amendment is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Air Force this 19 day of April 1995.

Charles A. Jackson

CHARLES A. JACKSON, Colonel, USAF
Assistant to The Civil Engineer

Amendment No. 3
Department of the Air Force
Permit No. DACA17-4-83-1
Cape Canaveral Air Force Station,
Brevard County, Florida

WHEREAS, by authority of the Secretary of the Air Force, the Department of the Army was granted Permit No. DACA17-4-83-1, beginning 2 December 1982 and ending 15 December 1987, but revocable at will by the Secretary of the Air Force, to use and occupy certain land at Cape Canaveral Air Force Station, Brevard County, Florida, as more particularly described in the said permit; and

WHEREAS, by Amendment No. 1, dated 8 March 1988, the term of the said permit was extended to 15 December 1992, and

WHEREAS, by Amendment No. 2, dated 19 April 1995, the term of said permit was extended to 15 December 1997, and

WHEREAS, the permittee has a requirement for the continued use of the permitted property and the appropriate authority has approved the further extension of the said permit for another five (5) years.

NOW THEREFORE, Department of the Air Force Permit No. DACA17-4-83-1, as amended, is hereby further amended as follows:

The term of the permit is extended to 15 December 2002.

Except as herein provided, all other terms and conditions of the said permit shall remain unchanged.

This amendment is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Air Force this 5th day of January 1998.

Charles A. Jackson

CHARLES A. JACKSON, Colonel, USAF
Deputy Civil Engineer

ORIGINAL

AMENDMENT NO. 4
DEPARTMENT OF THE AIR FORCE
PERMIT NO. DACA17-4-83-1
Cape Canaveral Air Force Station
Brevard County, Florida

WHEREAS, by authority of the Secretary of the Air Force, the Department of the Army was granted Permit No. DACA17-4-83-1, beginning 16 December 1982 and ending 15 December 1987, but revocable at will by the Secretary of the Air Force, to use and occupy certain land at Cape Canaveral Air Force Station, Brevard County, Florida, as more particularly described in said permit; and

WHEREAS, by Amendment No. 1 dated 8 March 1988, the permit was amended to extend the term for an additional five (5) years to 15 December 1992; and

WHEREAS, by Amendment No. 2 dated 19 April 1995, the permit was amended to extend the term for an additional five (5) years to 15 December 1997; and

WHEREAS, by Amendment No. 3 dated 5 January 1998, the permit was amended to extend the term for an additional five (5) years to 15 December 2002; and

WHEREAS, the permittee has a requirement for the continued use of the permitted property and the appropriate authority has approved the further extension of the said permit for another five (5) years.

NOW THEREFORE, Department of the Air Force Permit No. DACA17-4-83-1 as amended, is hereby further amended as follows:

The term of the permit is extended to 15 December 2007.

Except as herein provided, all other terms and conditions of the said permit shall remain unchanged.

This amendment is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand by authority of the Secretary of the Air Force this 13 day of FEBRUARY, 2004.

Bart J. Wivell
Chief, Real Estate Division
U.S. Army Corps of Engineers
Jacksonville, Florida District
On behalf of the permittee
Date 5/19/2003

Willie L. Patterson
Chief, Real Estate Division
U.S. Army Corps of Engineers
Mobile, Alabama District
on behalf of the Department of
The Air Force

AMENDMENT NO. 5

DEPARTMENT OF THE AIR FORCE
PERMIT NO. DACA17-4-83-1
Cape Canaveral Air Force Station
Brevard County, Florida

WHEREAS, by authority of the Secretary of the Air Force, the Department of the Army was granted Permit No. DACA17-4-83-1, beginning 16 December 1982 and ending 15 December 1987, but revocable at will by the Secretary of the Air Force, to use and occupy certain land at Cape Canaveral Air Force Station, Brevard County, Florida, as more particularly described in said permit; and

WHEREAS, by Amendments No. 1, 2, 3 and 4, the permit was amended to extend the term for additional periods of five (5) years each to 15 December 2007; and

WHEREAS, the permittee has a requirement for the continued use of the permitted property and the appropriate authority has approved the further extension of the said permit for another five (5) years.

NOW THEREFORE, Department of the Air Force Permit No. DACA17-4-83-1, as amended, is hereby further amended as follows:

The term of the permit is extended to 15 December 2012.

Except as herein provided, all other terms and conditions of the said permit shall remain unchanged.

This amendment is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand by authority of the Secretary of the Air Force this 13th **day of** May, **2009.**

Date 5/13/09

Derrick D. Moton
Chief, Military Branch
Real Estate Division

Port Canaveral Section 203 Feasibility Study

Real Estate Appendix

Attachment D

USAF Memorandum and Meeting Minutes

Date: July 2012

DEPARTMENT OF THE AIR FORCE
45th SPACE WING (AFSPC)

JUN 28 2012

MEMORANDUM FOR US ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
ATTN: MR. JASON SPINNING (CESAJ-PD-EC)

FROM: 45 SW/CC
1201 Edward H. White II St.
Patrick AFB FL 32925-3299

SUBJECT: Review of Integrated Section 203 Report/EA (your memo, 10 Apr 12)

1. We appreciate the opportunity to formally review the Integrated Section 203 Report and Draft Environmental Assessment (EA) on improvements to the existing Federal Navigation Project at Port Canaveral, FL. Since last summer, we have been working closely with the Canaveral Port Authority (CPA) and your representatives to work issues, initiate government approval processes and provide informal comments relating to this project. Attached are the 45th Space Wing's formal comments to the current 203 Report/EA.

2. We look forward to our continued partnership as this channel widening project moves ahead. Our point of contact for any questions is Mr. Scott Cook, 45 SW/XPE, DSN 854-2377, Scott.Cook@patrick.af.mil.

ANTHONY J. COTTON
Brigadier General, USAF
Commander

Attachment:
45 SW Comments

cc:
45 MSG/CC
45 SW/XP
Canaveral Port Authority

Attachment -- 45th Space Wing Comments to 203 Study for Channel Widening Project

ORG	Page #	Para #	Line #	Comments
45 SW	General			**Comment:** Add in the appropriate location, "A plan will be created by the CPA and/or US Army Corps of Engineers to address how vessel movements in and out of the middle turning basin will be achieved during construction. The 45 SW will request Explosive Site Plan (ESP) approval from the Department of Defense Explosives Safety Board (DDESB) as required to account for any changes in configuration to the channel adjacent to Air Force Property." **Rationale:** Safety and ensuring no impacts to DoD ops
45 SW	General			**Comment:** We are still finalizing a new property boundary survey so the acreage calculations in the report may not be accurate but that can be worked/updated as part of the formal request for use of AF property after funding for the project has been approved. **Rationale:** Current surveys will drive update to report
45 SW	Main Report, p 6-51 Real Estate Plan, p. 4	Para 6.7.3.2. Para 2.2.3		**Comment:** Modify the study/EA language to indicate that "while the USACE upland containment site on the USAF property may be the preferred site for spoil disposal, the USAF has not agreed to use of that area for that purpose and would have to further evaluate that option in light of other competing interests for that same disposal area as well as test results on the composition of the spoil to be disposed of." **Rationale:** Clarification--caveat
45 SW	Engineering Annex; pgs. 56-57	Para 1.8.2. Middle Turning Basin sub-para		**Comment:** Add the following to end of the paragraph, "Work performed near under-channel communications lines, and related communications manholes will require careful coordination with the 45th Space Wing and AT&T to avoid service interruptions. This channel widening project will bear the cost to mitigate, replace, or relocate any impacted federal structure, utilities, or communications infrastructure. **Rationale:** Wing won't be responsible for bearing cost of funding impacts due to project
45 SW	Engineering Annex; pgs. 56-57	Para 1.8.2. Middle Turning Basin sub-para		**Comment:** This same portion of the report does mention the need to comply with the shoreline setback distance required by USAF regulations to the existing Bldg 1064 and the CPA previously produced site sketch showing how that setback distance could be achieved. Since then our regulations have been changed and now require an 86 foot set-back (versus 85 feet as shown in the previous CPA-provided site sketch), measured from the building to the mean high-water mark **Rationale:** Updated requirement

ENVIRONMENTAL ASSESMENT-SPECIFIC COMMENTS				
ORG	**Page #**	**Para #**	**Line #**	**Comments**
45 SW	1-10	Sec 1.5		**Comment:** The NEPA specific sections are noted with an asterisk. Recommend Chap 5 "Formulation and Evaluation of Alternative Plans" and Chap 8 "Public Involvement, Review, and Consultation" be marked with asterisks as well. **Rationale:** These sections contain NEPA specific information by providing the rationale for selection of alternatives and compliance with public scoping/consultation requirements.
45 SW	Chap 1 & 2	Fig 1-1/ 2-1 and Fig 1-2/ 2-2		**Comment:** The referenced figures are duplicative. **Rationale:** Edit
45 SW	2-4	Sec 2.1.5		**Comment:** The water quality discussion is based on information that is now 6 yrs old, although the section reports that ongoing water quality monitoring is being performed. Recommend updating section to reflect current condition, particularly since that information is presumably available. **Rationale:** NEPA analysis should utilize current available data.
45 SW	2-47	Sec 2.6.1		**Comment:** There is a statement in this section, "Concentrations of metals in the samples were typical of coastal waters, although some concentrations were above those of reference stations (Anamar 2005)" Please indicate the significance of this statement: for example, that regulatory standards were exceeded. **Rationale:** Clarification of statement
45 SW	Chap 5	Sec 5.1.3 and 5.2		**Comment:** Planning Objectives and Plan Formulation Criteria are presented in the referenced sections. Which criteria were used to select the preferred alternative? **Rationale:** Clarification
45 SW	6-5+	Fig 6-1 to 6-3		**Comment:** The legend identifying the alternatives on the figures do not match the names of the alternatives in the text. Recommend not using terms "Plan A" or "Plan B" because the text refers to Plan 1 and Plan 2. Please rectify on the figures which widening plan is Plan 1 and which is Plan 2. **Rationale:** Clarification and edit
45 SW	6-43	Sec 6.7.1		**Comment:** Recommend providing an explanation that the "Recommended Plan" referred to in Sec 6 is equivalent to the "Preferred Alternative" in Sec 7. This provides a link between the formulation of alternatives in Sec 6 and the final alternatives selected to be carried forward for analysis in Sec 7. **Rationale:** Clarification

45 SW	7-7 and 7-12	Sec 7.2.8.2 and 7.2.14.2		**Comment:** Mitigation measures are generally referred to in the text for potential construction effects to sea turtle hatchlings and to offset turbidity. Please specify the specific mitigation measures. **Rationale:** Clarification
45 SW	7-13	Sec 7.2.16.1		**Comment:** There is a statement in this section, "Brevard County is *not* classified by EPA as an attainment/maintenance area…" Should this read "Brevard County is classified by EPA as an attainment/maintenance area…" **Rationale:** Correction
45 SW	7-24	Sec 7.2.35.4		**Comment:** There is a reference to "Section 10 consultation" having been initiated in accordance with the NHPA. Shouldn't this be Sec 106? **Rationale:** Edit
45 SW	General			**Comment:** Recommend chart or table listing permits, licenses, and authorizations that need to be obtained to accomplish the project to ensure compliance with 40 CFR 1502.25 **Rationale:** Clarification
45 SW	General			**Comment:** Occupational safety and health impacts have not been assessed in accordance with 32 CFR 989.27 **Rationale:** Completeness
45 SW	General			**Comment:** Please delete references in the document to the US Air Force being a cooperating agency. **Rationale:** The US Air Force intends to participate in this planning process as a stakeholder.
45 SW	FONSI			**Comment:** The Proposed Action is not specifically defined in the FONSI. Please define the proposed action. **Rationale:** Clarification

Port Canaveral 203 Feasibility Study: Real Estate Meeting

ATTENDEES: David Stone, 45 SW/XPE
Cecil O'Bryan, 45 CES
Miccich Amick, 45 CES
Robert Fowler, 45 CES/CEAO
Scott Cook, 45 SW/XP
John Walsh, CPA
Linda Batz, CH2M HILL

PREPARED BY: Linda Batz

DATE: July 24, 2012

PROJECT NUMBER: 424368

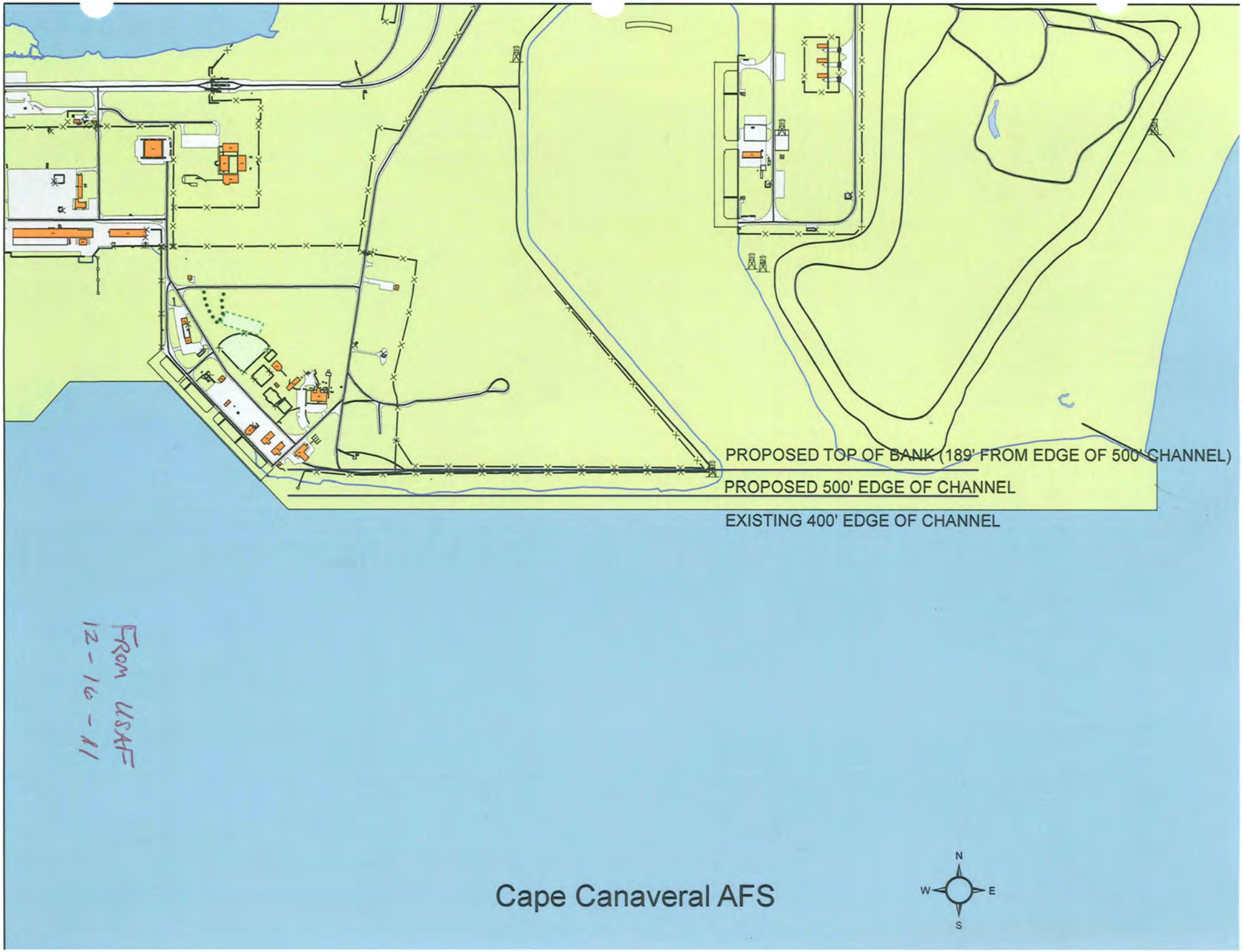
The USAF representatives had received and reviewed the October 2011 Real Estate Plan Appendix to the Canaveral Harbor Integrated Section 203 Navigation Study Report and Draft Environmental Assessment.

All agreed that either the existing permit SPCCAN-2-99-005 could be modified or an easement could be issued to the USACE for the required land for the widening. The attached sketch was provided by the USAF as their understanding of the project. The sketch essentially simplifies Exhibit 3.

The primary issue at this time is defining the existing property line between the USAF and the CPA. Some discrepancies in the legal descriptions of Tract No. 945, the legal from the permit, and the legal description from the July 22, 2005 survey by Land and Sea Surveying commissioned by the USAF were discussed. USAF stated that it appeared some land interests across the Trident Basin may need to be also conveyed. CH2M HILL agreed and stated that when the final legal descriptions are developed during the PED phase that will need to be addressed. USAF also stated that when more accurate survey is available, it will need to be provided in order to update the Explosive Site Plans.

USAF Contact Information:

David Stone, 45 SW/XPE	David.Stone@patrick.af.mil	321-494-7402-
Cecil O'Bryan, 45 CES	Cecil.Obryan@patrick.af.mil	321-853-5445
Miccich Amick, 45 CES	Miccich.Amick@patrick.af.mil	321-853-5449
Robert Fowler, 45 CES/CEAO	Robert.Fowler@patrick.af.mil	321-853-0917
Scott Cook, 45 SW/XP	Scott.Cook8@us.af.mil	321-494-2377



FROM USAF
12-16-11

Minutes of Section 203 Environmental Meeting
8-25-11 at 11:00 am
Canaveral Port Authority Commission Room

(prepared by C.S. Noble 8-25-11)

- Attendee list attached.
- Agenda attached.
- John Walsh opened the meeting a few minutes after 11:00 am and welcomed everyone. No prior minutes were reviewed since this is the first environmental related meeting. The next surge study follow-up meeting is schedule for Weds. Sept. 7 at 9:30.
- Lee Swain of Dial Cordy gave an overview of the Section 203 environmental sections. He indicated that the NEPA portions are included in the Feasibility study as one integrated document. The descriptions and alternatives are included in the report. Comments were received from the AFB in April 2011 from the Corps offices, which are being finalized into the draft EA, along with any additional comments received at this meeting. The updated draft is anticipated for late Sept. This is the draft that, after Corps approval, will be released to the public.
- Dave Stone indicated that the USAF will have schedule input mid- to late next week.
- John Walsh indicated that, if possible, he would like to have it before the next Corps. vertical meeting (Weds)
- Lee Swain asked that any comments for revision to the report be sent in written memo format
- Don George initiated a discussion about whether the AF is going to be considered as a cooperating agency. Considering that there is real estate involved, who is to sign the FONSI
- Oz indicated that the Corps will be signing the FONSI. The Corps is reviewing the issue of the AF as a cooperating agency and anticipated to make a decision next week.
- Lee Swain asked, who from the AF will sign off on the FONSI, if they are a cooperating agency and the AF replied that it would be Space Command
- Don asked if the Corps is doing a FONPA (Finding of no practical alternative)
- The Corps indicated they will look into it further that it is not typically done
- AF reps indicated that it's an AF requirement for the land transfer
- Oz indicated there was an existing easement
- Dave indicated he had information on the '98 easement.
- The AF indicated that an environmental baseline survey (similar to a Phase 1) must be addressed as part of real property transfer and that it is a stand-alone document. The EA in the report is used for the NEPA
- Aubree indicated that there are 2 types of cooperating agencies, one without jurisdiction and one with jurisdiction. Without jurisdiction means they provide guidance but no agency action. With jurisdiction means they would provide agency action separate from the Corps.
- The AF discussed that, in this circumstance, the USAF may sign FONSI and have NONPA done at the same time.
- Mike indicated they would check with HQ and get back with us by Weds.
- John introduced a consultant sketch that shows the (-)13 and up elevation disposal plan going landside in the SE of the corner of the middle basin and that includes the berm movement for upland disposal, which could have potential for spoil reuse
- Lt. Maples indicated concern that the capacities may not allow enough for the mid-reach project
- Jim indicated that depending on the capacity requirements, the berms could be raised to to increase the storage capacity

- Lt. Maples asked for the review to address when this may be done and with which project (Section 203 or mid-reach)
- Dave Stone brought up there is approx. 14 acres in permitted area-why not use that area
- Jim says the drawing showed a likely, practical location but would like to have that location also considered and Dave indicated they will provide that location and permit to JW and CH2
- The Corps also recommended looking on the east side
- John would like consideration of hydraulic dredge for harbor work
- Lt. Maples said he did not want to digress too much from the subject, but the Corps is expected to send a MOA about the mid-reach project-will this project impact that letter
- Oz indicated that the letter is in review by consultant Kevin Bodge, who is addressing some additional AF coordination and letter is expected to go out early next week.
- Lt. Maples recalled that the mid-reach disposal capacity was greater than 600k CY and it seems that the capacity may not cover both projects. Should the letter address the capacity impact?
- Oz indicated that the Corp just found out about the CPA upland disposal yesterday and will be addressing this
- Don asked if the survey can include Trident storage area to determine what capacity is there-that there is a large borrow area available from what was removed for LC37.
- AF indicated that the environmental baseline will also need to cover the disposal area and the disposal area needs to be permitted
- Mike also indicated that the capacity for the maintenance dredging of Trident needs to be considered
- John indicated that hydraulic dredging should be considered
- Dave asked about the access right of entry timeframe and John responded soonest.
- Dave and Don brought up that scrub jay or eagles are non issues (no habitat) and will be removed from AF consideration for this area.
- Lee indicated they will remain in the Corps report to cover the Corps reporting requirements, although subsequent to the document, eagles have been removed from the endangered list
- Dave and Don indicated that Tom Penders, AF Archeologist, considers cultural issues a non-issue at the disposal areas
- Don indicated that the environmental baseline would be a draft staff review, then final going to 45SW for review and signature. He indicated that he will assist / meet on site with the biologist after they get the visitor badges.

ACTION ITEMS

- USAF will review the protocol for the FONSI/FONPA for this and provide answer by Weds.
- Dave will provide a copy of Poseidon permit to JW and CH2
- Dave indicated they will be providing a memo to John for timelines/review
- USAF will expedite the access for the Poseidon storage survey and consider expansions for Trident area
- Corps will provide input on the USAF as cooperating agency, i.e. what type (with or without jurisdictional action)
- Oz will check on the easements prior to '98
- CPA will review disposal options

SECTION 203 NAVIGATION IMPROVEMENTS, PORT CANAVERAL, FL

Environmental Study Discussions

MEETING AGENDA

August 25, 11:00

1. Review Draft of Minutes from prior
2. Overview and reminder on what the section 203 study is. and its role. This is an economic feasibility study and not a construction document.
3. Update that Modeling Final Plan Under way and updates will be discussed again 9/7/11 at 9:30 am at the next surge meeting
4. Dial Cordy update on Environmental reports completed
5. Open and environmental reports still to be completed
6. Any added Mission Partner input on AF property environmental impacts reviewed
7. Other items:
8. Next meeting 9/7 9:30 am on Surge follow up 9/21/11 for any environmental issues need follow up.

CANAVERAL PORT AUTHORITY

MEETING SIGN-IN SHEET

PROJECT: SECTION 203 ENVIRONMENTAL

MEETING DATE: 8/25/2011 11:00 AM

FACILITATOR: Canaveral Port Authority

PLACE/ROOM: COMMISSION ROOM

Initials (For Attendance)	Name	Company	Title	Phone	Fax	Cell	E-Mail
DDS	Dave Stone	45SW/XPE	Planner	321-454-7402			David.Stone@patrick.af.mil
MSE	Mike Camardese	45~~CGS/LEAD~~ CES/LEAD	Biologist	321-853-0810			Michael.Camardese@patrick.af.mil
JW	John Walsh	Canaveral Port Authority	Deputy Exec Dir	321-783-7831 x217	321-783-1063	321-505-6930	jwalsh@portcanaveral.com
	Doug Mutter	Canaveral Port Authority	Sr Harbormaster	321-783-7831 x280	321-783-0027		dmutter@portcanaveral.com
	Donna Greenslade	Canaveral Port Authority	Sr Exec Assistant	321-783-7831 x232			dgreenslade@portcanaveral.com
LAP tele	Lee Ann Pfister	CES (Cape)	PM	321-853-0961			LeeAnn.Pfister@patrick.af.mil
	Jim Moore	CH2M Hill	PM	321-799-1236			Jim.Moore@ch2m.com
	Linda Batz	CH2M Hill	PE	321-799-1236			Linda.Batz@ch2m.com
	Pam Gillespie	Cong. Bill Posey	Dir. Comm. Rel	321-632-1776			Pam.Gillespie@mail.house.gov
	LaBranche, Robert	Cong. Bill Posey					robert.labranche@mail.house.gov
	Gavin, Patrick	Cong. Bill Posey					Patrick.Gavin@mail.house.gov
tele	David Miller	DMA					dmiller@dma-us.com
	Jerry Diamantides	DMA					jdiamantides@dma-us.com
GDL	Gary Ledford	Halcrow	Vice President	321-784-5784	321-784-5462		LedfordGD@halcrow.com
	Sandy Rice	Halcrow	Engineer	321-255-0821			srice@sdrmaritime.com
	Silver, Andrew L	NAVY					andrew.silver@navy.mil
	Lang, Gerritt E	NAVY					gerritt.lang@navy.mil
	Gregov, John	NAVY	MSC Port Canaveral				john.gregov@navy.mil
	Paul Kopp	NAVY					Paul.Kopp@navy.mil
	McCoy, John	NAVY					john.d.mccoy@navy.mil
	Cole, Frank	NAVY					frank.cole@navy.mil
	Matthew Maples	NOTU	Port Ops	321-853-1120		321-536-1884	Matthew.maples@ssp.navy.mil
	Babchyck, Bruce	NOTU					Bruce.Babchyck@ssp.navy.mil
	Gitzen, Paul LT	NOTU					Paul.Gitzen@ssp.navy.mil
	Westermeyer, James	NOTU	LCDR				James.Westermeyer@ssp.navy.mil
	Carol Noble	CPA	Dir Env	783 783 N 256		749 3379	cnoble@portcanaveral.com

Port Canaveral & Foreign Trade Zone 136
445 Challenger Road Suite 301 Cape Canaveral FL 32920 USA 321.783.7831 888.PORTCAN www.portcanaveral.com

CANAVERAL PORT AUTHORITY

MEETING SIGN-IN SHEET

PROJECT: SECTION 203 ENVIRONMENTAL

MEETING DATE: 8/25/2011 11:00 AM

FACILITATOR: Canaveral Port Authority

PLACE/ROOM: COMMISSION ROOM

Initials (For Attendance)	Name	Company	Title	Phone	Fax	Cell	E-Mail
	LaPrade, Michael	NOTU	CDR (XO)				Michael.LaPrade@ssp.navy.mil
	McDonald, Kimberly	NOTU					Kimberly.McDonald@ssp.navy.mil
	James Kuzma	NOTU					james.kuzma@ssp.navy.mil
	Ben Borgie	Pilot	Co-Chairman	321-223-8766			benborgie@aol.com
	Mark Bontrager	Space Florida					mbontrager@spaceflorida.gov
	Murphy, Jerry T	USACE					Jerry.T.Murphy@usace.army.mil
tclp	Osvaldo Rodriguez	USACE					Osvaldo.Rodriguez@usace.army.mil
	Don George	USAF	Nat. Resources	321-853-6823			Donald.George@patrick.af.mil
	Joven Williams	USAF	PM	321-730-6328			Joven.williams@patrick.af.mil
	Dale Hawkins	USAF					Dale.Hawkins@patrick.af.mil
	Jones, Lance M	USAF	LtCol				Lance.Jones@patrick.af.mil
	Shauna Follo	USAF					shauna.follo@patrick.af.mil
	Trump, William	USAF					William.Trump@patrick.af.mil
	Donn Sardella	USAF/SSLS	Env Eng	321-730-6312			Donn.Sardella.ctr@patrick.af.mil
	Robinson, Danilo	USARMY					danilo.robinson@us.army.mil
	Michael J. Lesinski	USCG	CE Planner	305-278-6748			Michael.j.Lesinski@uscg.mil
	Cliff Harder	USCG	Supervisor	321-784-6781			Cliff.J.Harder@uscg.mil
	Marie Byrd	USCG	Sector Jax PDA				Marie.B.Byrd@uscg.mil
	Robert S. Butts	USCG	Sector Jax	904-564-7563		904-591-7254	Robert.s.butts@uscg.mil
ES	Ed See	USCG	LT	321-784-0797			Edward.G.See@uscg.mil
	Andy Blomme	USCG	Capt				Carlyle.A.Blomme@uscg.mil
	Eddy Pauley						eddypauley@aol.com
SPC	Cook, Scott	45 SW/XP	Civ	321 494-2877			
	LEE SWAIN	DIAL CORDY	V.P.	904-241-8821			
tclc	Aubree Hershorin PMD	Corps	Bio I	904-232-2136			Aubree.G.Hershorin@usace.army.mil

Port Canaveral & Foreign Trade Zone 136
445 Challenger Road Suite 301 Cape Canaveral FL 32920 USA 321.783.7831 888.PORTCAN www.portcanaveral.com

Section 203 Navigation Improvements, Port Canaveral, Florida
Vessel Surge Study Meeting
July 13, 2011

Attendees:

Sandra Rice	Halcrow	srice@sdrmaritme.com
Gary Ledford	Halcrow	ledforgd@halcrow.com
Michael Lesinski	U.S. Coast Guard	michael.j.lesinski@uscg.mil
Dave Stone	45th Space Wing	david.stone@patrick.af.mil
Jim Westermeyer	NOTU	james.westermeyer@ssp.navy.mil
Dave Dahl	Navy Reg SE	david.a.dahl@navy.mil
Linda Batz	CH2M Hill	linda.batz@ch2m.com
Jim Moore	CH2M Hill	jim.moore@ch2m.com
Doug Mutter	Canaveral Port Authority	dmutter@portcanaveral.com
Lt. Cliff Harder	U.S. Coast Guard	cliff.j.harder@uscg.mil
Doug Brown	Canaveral Pilots	captlima@aol.com
Don George	45 CES/CEAN	donald.george@patrick.af.mil
Dale Hawkins	45 CES/CEAN	dale.hawkins@patrick.af.mil
Matthew Maples	NOTU	lt.matthew.maples@ssp.navy.mil
Capt. James Kuzma	NOTU CO	james.kuzma@ssp.navy.mil
Kimberly McDonald	NOTU	kimberly.mcdonald@ssp.navy.mil
Joe Hellebrand	Canaveral Port Authority	jhellebrand@portcanaveral.com
Robert LaBranche	Congressman Posey	robert.labranche@mail.house.gov
Patrick Gavin	Congressman Posey	patrick.gavin@mail.house.gov
Eddy Pauley	Pauley Management	eddypauley@aol.com
John Walsh	Canaveral Port Authority	jwalsh@portcanaveral.com
William Trump	USAF 45RMS/RMRA	william.trump@patrick.af.mil

Via teleconference:

Paul Kopp	NSWC Carderock	paul.kopp@navy.mil
Frank Cole	NAVFAC	frank.cole@navy.mil
John McCoy	NAVFAC SE	john.d.mccoy@navy.mil
Jerry Diamantides	David Miller & Associates	jdiamantides@dma-us.com

John Walsh of the Canaveral Port Authority called the meeting to order at 10:04 a.m.

Mr. Robert LaBranche, Community Relations Director, spoke on behalf of Congressman Posey's office. Mr. LaBranche conveyed the importance of this project to the local economy and noted that Congressman Posey would like everyone involved to work together to see it happen.

Ms. Sandra Rice, with the use of visual aids, began her presentation.

Sandra Rice - My name Sandy Rice and I am representing the engineering portion of the navigation project Feasibility theme today and we're going to talk about, as John mentioned, the Surge Study

modeling and what we plan to do there, as well as a few slides at the end about the impact on the Air Force side property, issues, and what not.

For those of you that maybe aren't as familiar with the project our overall 203 navigation project purpose is to increase the safety and efficiency of cargo vessel, commercial ship operations, and to accommodate the larger vessels that are now using the federal navigation project to Port Canaveral.

The purpose of the Surge Study is to demonstrate that the recommended navigation project and the present and foreseeable future ship traffic will not adversely impact any of the operations at middle basin or trident basin.

Our Canaveral harbor has a main southeast to northwest ocean approach channel and a main east/west channel through Canaveral Harbor that has three basins to the north side; Trident, Middle and West Basin and the Cape Canaveral Air Force Station borders the north side of the Port, the northeast side.

As far as the Port facilities on the north side, those Port facilities that are part of the Cape Canaveral Air Force Station are located within the Trident Basin and the Middle Basin, we have identified those as the Trident Wharf, Poseidon Wharf, the Boeing EELD Berth and the Air Force Berth.

As far as the surge modeling a lot of technical information was provided and supporting technical papers and what not were provided with the meeting announcement and that certainly can convey in a lot more detail the approach that we are using as far as a numerical model approach to looking at surge effects in the basins. This is going to be a study by Coast and Harbor Engineering using their time domain models that predict harbor dynamics, water surface level changes and current velocity changes, as well as the affects of passing vessel loads on vessels that are at berths of interest. The long wave unstudied model calculates those water level, the basic harbor dynamic response, in terms of water levels and current velocities as a vessel moves through the channel.

Jerry Diamantides joined the meeting via teleconference

Ms. Rice continued, so the transmission of those velocities not only around the vessel and the pressure effects as it moves through the water but those velocities transfer out to the entire aquatic domain of the harbor, so the modeling will capture all of that. There could be points of interest that are not only at berth, for example, it could also be at a certain location in the basin, it doesn't necessarily have to be at a berth. The long wave load model then basically takes…it predicts a segment forces on a haul or it could be a structure basically an object that's taking up space in the water and it comes up with the forces on that and a certain format and those are converted into what become the time history of loads on the moored vessel in terms of the surge, the sway and the all rotation. The surge is in the direction along the berth, the sway is on or off the berth and the all rotation direction forces the starboard to that vessel.

The modeling has been validated in different manners. There have been field measurements of water level draw downs and water level fluctuations at various locations. That's been tested. Then there is also tank model testing on moored vessels where the passing ship forces have been determined, and that part has been used to validate that part of the model. Coast and Harbor continually looks for opportunities to validate and verify their modeling technique but everything I know about it, it is a very good technique it's being used widely now. It has been used in support of a few federal navigation projects as well, in this case out in California.

So input to the modeling includes vessel hull grid models, 3-D models, of the hull basically from the water surface down. The modeling is terrific because it can handle very complex boundary conditions. It can model odd geometries of the basins and the orientation of the basins relative to the channel. It can model the presence of the bulkhead, the flat surface, the shoal and the banks. It takes all that into consideration in the transmission of these forces and how the water levels and velocities change.

Then the passing vessel can modeled. We have a passing vessel scenario basically that has to be developed that we would work on; that was with the pilots, taking let's say a cruise ship, for example, based on a certain settling wind conditions that cruise ship may translate down the channel in a certain manner, in a certain position, with a certain attitude, with a certain speed plan. That is what we would capture in the model. It would set-up some different plans, it would have do with some possibly high wind and normal wind, varying those kind of things.

So the vessel model input would look something like this. The cruise ship is on the left here. That's what it's model might look like. This happens to be the Grandeur of the Seas, not one of the ships that is here, but certainly representative. We have a submarine hull grid model here on the right and we have the computer generated view of what the water contours look like, the contours below the hull.

As far as the hydrodynamic modeling this top left figure basically shows you the domain boundary conditions, how the model is set-up for those boundary conditions. The different colors represent the deepwater versus the shoals or where there is solid areas where its blue right up to the bulkhead. There are various output figures, graphics, plots, information that can be provided. A couple of examples here on the lower left, we have a velocity color condor plot that represents a particular time step in the simulation period where the colors will denote what the current velocities are in the water and how they are moving and changing with the vessel depending on what the time step is selected to look at.

The one on left here is showing the water surface elevations, in this case it's an outbound vessel and you can see the bow wave there is a little bit of a higher water surface elevation in front of the vessel. There is some draw down towards the stern of the vessel and more or less, still water levels further to the stern and what not. The other kind of plots that can be generated if there is a particular point of interest in a basin we can do a whole time series plot for the entire simulation how the water level changes or how the current velocity, depth average to current velocity changes in that location over time for the whole course of simulation.

This is an example of an animation with the passing vessel coming through and coming adjacent to. . . .as you can see the colors will change water surface elevations as the ship moves through and we can pick up passing vessel load affects, time histories on any vessels moored at any location that we select. In this particular position and the moored ship here along the bank that's one of its worst surge positions, for surge loading on that particular vessel.

Question - Does that show that the moored ship would be pulled down because there is low water there?

Sandra Rice - Yes, exactly. There would be a drop in water level.

This is an example of what the passing vessel time history looks like that we would output for any particular simulation were on FX, FY and the moment there, that's surge sway and the all direction. We have taken all and divided it by the length of the ship to get it in the force form instead of the moment form.

So what we are looking for today is, we would like to hear from you what your expectations are of the modeling effort, what outcomes you are looking for, and can you identify for us the points of interest that we should be focusing on, what vessels should be at what berth, is it all four of the berths that are of concern, two of the berths, certain ships, certain submarines, and we would need whatever information you would give we would like to have IGES 3-D models for the vessel. We have the capability of scaling some models that we have, commercial type vessels, submarine of course would be ***inaudible*** the cruise ship models we can come up with those for the passing vessel information but whatever ship you might select for Poseidon Wharf we'll look at, we are hoping you can provide us with those models. As far as the passing vessels and scenarios based on the information you give us about the models and what you want to see then we can put together a draft matrix of passing vessel scenarios. ***inaudible***

What we are planning for the execution of the study as far as the schedule is we would like to between now and the end of the month try and coordinate the information that was input in this modeling effort, which means coordinating our effort with you to get the information we need and deciding having to buy in on the simulation runs ***inaudible*** if we can do that then we ought to be able to present the results of this to you by the end of next month.

That concludes my part about the surge modeling. I think Gary Ledford would like to go over a few slides.

Mr. Gary Ledford, with the use of visual aids, began his presentation.

Gary Ledford with Halcrow. I'm just going to go over some of the impacts on the north side. To give you a little bit of history, I was with Gee & Jenson back in the mid 90's when we worked on the impacts for the first channel widening. I was responsible for moving that Navy dolphin back to where it is today and also replacing the Air Force communications duct. We made it deeper and wide enough to allow for future widening such as this project and it's interesting watching the Air Force suddenly have to advance themselves from nineteenth century cooper to twenty-first century fiber.

Question - Gary what was that project?

Gary Ledford - That was the first channel widening from 300 to 400 feet.

Question - What year was that?

Gary Ledford - That was probably 1994 or 1995, I think.

Gary Ledford - And we basically modeled the expansion of this project as that project was done by just advancing the north side another 100 feet to the north and basically duplicating what was done back then by moving the north channel embankment at a 3 1/2 to 1 slope to the north and then replicating and moving everything to the north to the existing dike, patrol road, fences, those sort of things. We have identified some of the items in the study and also some have been recently added. We realize that there is an impact on the boat ramp, Building 1064, the mooring dolphin again, the

submarine sail, which wasn't there back when we started this, and of course the rip rap embankment, the cable crossing sign, the security signage as I mentioned the security fence, patrol boat and all those things. And like the other channel widening project we would look for an easement to be able to utilize that part of the property and also there would be a temporary easement, during the construction, primarily to get the dike moved.

Some of the items that were recently brought to our attention, of course the boat ramp, which we were aware of, the dolphin, but we did not know about Building 1064. We understand the Air Force has a requirement for an 85 foot setback to the high water line. In this case one solution would be to put a section of bulkhead wall and give you hard structure, I think it might be more comfortable for 85 foot and then we would just meld in the new embankment to that wall, providing 100 feet to the high water mark. Now according to the NOAA site, in fact they measured there in the Trident Basin, high water is like +3.7 or something, I just rounded it up to 4 feet and worked from there. But again we can make adjustments depending on what you really want to see.

We are showing a new dolphin moved back along that wall and we have what I call a cut-off wall to maintain existing boat ramp as it is today and we can then widen the top of that wall and make it into a catwalk so that you have access to the dolphin. We probably will use a ***inaudible*** dolphin, which is typically how we do things around these.

We do need to talk about the fact that we may have an issue with offshore disposal of some of the clays, materials. EPA actually manages the offshore disposal site via the MDS. They are in the process of revising or taking a new look at managing that site and if our project time table is such that we cannot wait for them to come up with their new management plan then there is possibility that we may be looking for improving the existing dike and using that area for dredged disposal. We are hoping we do not have to do that but we just wanted to bring it out on the table and make you all aware of that.

Comment - And that was brought up previously. The issue was whether or not, what's the impact or the potential happen to some of the entrance to the Trident Basin based on the study.

Gary Ledford - The Surge Study will tell us a lot about the entrance.

Comment - I believe there is another activity ***inaudible***

Comment - The Army Corps has been talking to the County about the possibility of using that area for beach sand storage.

Gary Ledford - So what we really need to stay on schedule is July 22nd and 29th dates we need to get information back on the vessels, points interest and those sorts of things and the 3-D models of the vessels if possible. We need coordinate basically all the simulation scenarios that we come to agreement that we want to see run. It is a pretty tight time table but we have to keep the project moving and with that we are going to open it up for discussion.

***Jerry Diamantides* -** From the perspective of one of the guys that is pulling together the entire study, if you will, and of course this is a Feasibility Study for partnered projects between the Corps of Engineers and the Port Authority, we have a draft document that has been through Corps of Engineers review and is getting through as a draft one of the major hurdles of the Corps of Engineers review process and the plan is to have this document go out for public review, as a draft, in the next

month. One of the things that we are hoping for is that the group that is assembled today and the agreements and the understandings that we get to today will allow us to have that draft go out to the public without show stopping comments relative to these issues coming up during that time. Again this is a Feasibility Study so we are only talking a 35% design, if you will, so we do not need to finalize all the details on all the items and this is only a draft, this is not the final, the final won't be for months yet but we are hoping that by this kind of coordination we won't be hitting a speed bump in the road in moving the draft through and getting it out to the public without some major open ended items with this group. That's our hope, that's what we would like to accomplish in part with this meeting and with whatever resolutions that we come up with and a path forward. I just wanted to lay that out there from kind of the 30,000 foot perspective, I'm not the engineer and I'm not in any of the decisions that you folks are making around the table but I just wanted you to see some of the larger picture of where we are.

Captain Kuzma - I'm a little confused by that, only from the fact that at the executive level meeting with Stan Payne, myself, Capt. Bloom as well as General Wilson, we talked about putting a master schedule together so everybody could understand what the process was. This seems to be a part of that process but I don't know what part of that process it is. I'm obviously probably one of the guys that is not experienced with this whole process but it seems that if we are putting something out that includes data from the study that appears to be a little ahead of some schedule and I still have not seen a draft of the schedule as to how we are going to get to the 26th. This is the first time I have seen this particular schedule of the 26th of August and I have committed to Stan Payne as well as Representative Posey and General Wilson to make sure the Navy folks will be involved. I'm glad we have a schedule to talk about I just cannot commit for the folks who are on the other end because they have other jobs to do too. I'm a little concerned but I'm going to ask Stan, "Where is the schedule?", "Tell us what the targets are so we can insure the resources we need to apply to this to make sure it's efficient and effective to go through."

Jerry Diamantides - I understand that, and that's one of the reasons we are having this discussion today. We need to firm up that schedule and make sure that it is something that everyone can work with. I concur.

Captain Kuzma - I have a couple questions. The information that is going to be discussed will actually be available so people can actually look at that and have effective, efficient discussions, especially when you are looking for a decision or an input by a certain date. The first Feasibility Study was rushed for folks to take a look at on the government side of the house. Is there going to be some sort of formal minutes that can be reviewed and to document the action items taken by folks or to make sure we are all on the same page, or how does that plan on working?

John Walsh - Noted that minutes will be taken for today's meeting and sent out and before we leave today we will set another meeting date so that we have regular periods and we want to make all stakeholders have communication and know what the expectations are from today forward.

Captain Kuzma - The beginning of this is to talk about increase safety and efficiency, both for the present and foreseeable future and the ship impacts. One of the items that is in the 203 Study talks about an option for one Genesis cruise ships into 500-550 foot channel. As I brought up with the executive level group we have the horsepower to go through and do the right thing and take a long term view. I'm not very good a crystal ball, but an expansion and making sure the Port is competitive and that we hit that safety margin is great. At the first meeting the pilots talked about basically a zero safety margin now and with the 500 foot channel if the bigger cruise ships came here we would be

back down to a zero safety margin. In talking with Representative Posey's office it would be very bad to come back in 3-4 years and say we now have to expand the channel again and not have used the horse power that is in the room and dedicated to study to look at all the options for a 15-20 year view. If someone can guarantee whether it is a CO NOUTU is the emissary for region southeast that the larger cruise ships are not coming here and we are not going to get into this situation again, I would certainly like to get that documented in some minutes, as well as whether or not a 550 foot option won't be investigated for some period of time.

David Dahl - Our organization does the facility support for Captain Kuzma at NOTU. Back to the schedule. Is there a written process chart or written flow chart with dates and actions on it, somewhere written down because I'm confused. For instance on the public comment issue that we spoke of 5 minutes ago, that was a public comment on the draft plan for the study, not on the study but on the plan for the study, is that correct?

Jerry Diamantides - The schedule is being revised because we are in the process of responding to some Corps of Engineers headquarters comments and when we do respond to those comments and Corps of Engineers headquarters is satisfied with those responses, the next step is to have the document, which is not just the plan but the entire Feasibility Study be available for public comment and public comment includes other government agencies as well federal and state local. That schedule is being revised at the moment, so I do not have an updated schedule that I can provide today but we were looking at a trying to keep this project moving and to trying to, to the best that we can, solidify the plan that we have and stop that plan from changing while we are in the approval process. Again this not plans an specs, we are not identifying exactly what will be built. For the civil works part of the Corps of the Engineers we are looking at getting approval to proceed with plans and specs from something that is approximately 35% designed and there is a 20% cost lead way allowed in there as well. So we want to move this Feasibility Study through the public review process as a draft, move it through a final process where we have the final NEPA document and the final Feasibility Study, which then can get authorized by Congress at which point we can do the plans and specs that are the final detailed plan for the project. That is the way we are looking to move this through and we were looking on a schedule that would move this through in the next few months but that is going to change slightly and I do not have an updated schedule at the moment. Once we do we will certainly share that information.

Sandra Rice - I can make a couple statements about the schedule that we have regarding the Surge Modeling Component. We can certainly be more flexible on the dates noted if they do not work. We would just like to accomplish it in a timely a manner as possible in the next few months. We will be looking at a Genesis class vessel only in the proposed future recommended plan, we are not evaluating that in the existing plan as we do not see that ever as being a vessel that will commonly operate here in the existing conditions. It would be evaluated in the future conditions. That is not say it couldn't come in here on some emergency basis or there's a big hurricane down in South Florida and they need to go somewhere and we have an opportunity to bring it in here for a day to get people off the ship.

Inaudible conversation

Captain Kuzma - In Section 5.4 of the Feasibility Study it talks about extended channel 550 was eliminated from analysis because of consideration for existing land use on both sides of the channel, particularly talking about the Air Force, it's typically vacant, minimized by usage lands for navigation purposes preferred. The channel extension to 550 was excluded from analysis because of the

potential impacts and minimizing encroachment on Air Force property. There is no discussion as to whether or not the rest of the study talks about future growth, which clearly includes Genesis classes, as well as that discussion of 550 feet and that's my concern is that it appears to have not been looked at because of potential impact. This current study has a potential impact, current mission, today and you would go through the same thing I would assume if we were looking to make another incremental widening. That is my concern, so I'm not looking at any of my documents but the actual Feasibility Study and that's the concern.

Jerry Diamantides - I very much understand your concern. It is quite a reasonable concern and one that is not necessarily a problem but it is certainly one of the criterion that we need to address here when we are doing the planning, is what is the most likely future condition. As we have been discussing with the Corp of Engineers at a regional level and at a headquarters level we got a lot of push back for having the a larger Genesis class vessel being without project condition, meaning that the most likely foreseeable future would be the Genesis class coming to Port Canaveral on a regular basis. We got a lot of push back from the Corps of Engineers Headquarters and their economists and their planning folks saying that we can not substantiate that as a study team as the most likely future without project condition and therefore we were looking at vessels the next class size down from the Genesis in order to design the channel and we have been through this ship simulation to show that the vessels that we do identify as being within our project condition can effectively use the channel. I agree with you that it does not address the potential for the larger vessels which could someday in the near future want to come to Port Canaveral but the Corps of Engineers at the regional and the headquarters level doesn't feel that is the likely future with our project conditions, so we have not designed for the Genesis class vessel as the design vessel. Let me add thought that is an excellent comment and one that I believe you are not alone in putting forward.

Sandra Rice - We are open to discussing this in a little more detail now or however you would like to proceed from here.

John McCoy - I provided NOTU with some comments on my thoughts on the study and I have a couple more to add if I could. In the study you did not talk about changing water levels, mean low water and behind water levels, are you going to look at those as well?

Sandra Rice - Typically when I have worked on these studies I've looked at everything just at mean low/low water, which would be conservative.

John McCoy - My concern is Poseidon Wharf the utility trench right there is at or near B high water and I do not know if you can get a couple beta points along that utility trench?

Sandra Rice - Sure.

John McCoy - For the Surge Study you are just going to look at vessel surge at the Poseidon and Trident sway are you going to do anymore inline arrangements looking at tensions or anything like that or is that going to be somebody else's responsibility?

Sandra Rice - Certainly once all the ***inaudible*** vessel loads are figured out for a particular ship of interest at a berth of interest whether operations would take that information and evaluate it on the Navy or Air Force side or you guys want us to do it, it can be done many ways. We are going to be providing those histories in a form that provide the direct comparison between the existing conditions channel versus the recommended planned channel that is deepened and widened. So that is going

to provide some level of. . .a good indication right there of what the results will be, but yes on taking it to the mooring analysis level then specifically operations at those berths of interest can be looked at as well.

We definitely need to prioritize and focus on things that are our biggest concern for the Surge Study to put our dollars to the most effective use. Same thing at the Air Force wharf I haven't heard that there are issues necessarily.

Dave Stone - Certainly the Delta Mariner Pier is an area of interest for us and I think we would be interested in knowing and having the Surge Study characterize differences that would be experienced at that location between what's happening now and the kind of surge that might be experienced in the future so they can evaluate that against their offloading tolerances and those kind of things. I will be working with our launch squadron folks to try to get that hull data that your needing for the study, so that will be one thing that I will be tracking.

And just to piggyback on some of the earlier comments I certainly would like to echo Capt. Kuzma's comments about the need for an integrated master schedule, that is one thing that our senior leadership is very interested in because there is a lot of dates that get thrown out for discussion and I think we need to see it on paper and understand all of the touch points for the Air Force and all the other parties involved so we understand where we have inputs and when those are needed so that we can muster the resources that are needed to make sure that we keep everything on schedule because our intent is to certainly not be a road block in that regard.

With respect to comments on the impacts on the land and facilities I'm very pleased to see that you have already taken a look at that setback line for Building 1064 and come up with some mitigating options, that is really good and also just the fact that there is a general awareness if not a personal past involvement on your part Gary for the com line that goes under the water and we also have com manholes and utilities in that same general area that would need to be looked at closely to make sure that their not disturbed as well or if there is any mitigations needed. We'll keep you connected as we move forward.

Bill Trump - I would like to get with Gary Ledford to find out a little bit of his involvement in the 1994 or 1995 timeframe of the widening and what he believes is going to be the effect on our current cable under the Port. Further, one of the comments that I had made to Dave was that back in 1994 AT&T are the owners of the cable under the Port and at some point we need to engage AT&T and the fact that their termination point. . .

Gary Ledford - I have the as-built profile of the directional drill that I did under the channel.

Bill Trump - It appeared to me that the manhole 604, I believe it was, is right near the area that is being demo.

Gary Ledford - Right, they need to take a look at that.

Dave Stone - For general awareness there are some explosive safety plans that Poseidon and Trident areas that project out onto the channel and just as a matter of update and approval required by our defense department explosive safety board once the channel width limits are established and we have the GIS data to allow us to project those accurately on plans that can move forward we would have a need to go forward and update those plans to of course to reflect the any new

configurations there. I do not see that as any kind of show stopper but it's an update item that would be on a master schedule that we would need to complete.

Don George - Who is doing the NEPA documentation and when would we get an opportunity to review that prior to it going final?

Jerry Diamantides - The NEPA documentation is being done by the study team there is the ***inaudible*** and David Miller & Associates and Dial Cordy. As it stands right now we are looking at an environment assessment and a finding of no significant impact at this point. That draft will be available for you in the upcoming month or so, or months, weeks the draft document goes out for public review.

Don George - I understand that in the not so distant future we'll get a crack at the draft NEPA document because there were a few things on there that we had concerns about when we saw it before with regards to wildlife and potential impacts certainly with moving the dike back in the spoil area and all and I know that US Fish, FWCC and all those folks have concerns with regards to the rock revetment and things like that, so we want make sure all that was addressed appropriately.

Is there going to be a plan developed for the Surge Study that we can review before it actually takes place?

Jerry Diamantides - Before Sandy addresses the Surge Study let me say we would be happy to take your comments now, we will take those comments now and we will address the comments and fold them into the draft that will be coming out for public review. If you can make them available. You can send those to us through John Walsh at the Port.

Sandra Rice - We would have the written plan that basically contain the things that we have agreed to as far as what vessels we want to model, what are the points of interest at berths, what results we are looking at each location, what the passing vessels are, what the passing scenarios are, so yes we need your information to coordinate exactly what we are putting in the plan and make sure it is what everybody wants.

Don George - On the west side of the Army out-port bulkhead we've got some serious erosion around behind that bulkhead, that would be site we would want to have as a point of interest down the road. Also, undermining some of the rock revetments that we got over there. We've noticed a lot of destabilization in some of that, that actually moves those granite boulders out and that has been a concern of the Port's back during the previous widening that actually some of those sloughed off. I assume they are going to do some monitoring, ground truthing of their model.

Sandra Rice - I do not know. I'll have to ask them about that. They do some quality assurance review on the model.

Don George - I didn't know if they were going to be putting out some instrumentation, doing some measurements of what's happening right now and bounce that off what their model projects for the future and that kind of thing.

Sandra Rice - No there will be no plans to do that. Actually, at the beginning of the 203 Study we did a hydraulic type study where we actually put out current meters and we did truth, if you will, the existing conditions and the current meter. We used that to build ***inaudible*** model, a Corps of the Engineers type software, and then with the larger, recommended project we evaluated what the

affects would be of that widening and deepening as far as changing any current speeds or flows and what not through the Port. That is already documented in the 203 Report, if you want to look at that. The surge modeling is really intended to capture the passing ship effects. I wouldn't expect if there is a high degree of erosion at a certain spot I wouldn't expect that to be possibly more associated with tug thruster, ship thruster or stern compulsion then something to do with the surge modeling.

Don George - This is on the west side of the whole thing there is a little bit of sandy area of there on that west side where NOTU had a pavilion and everything. We moved facilities out of the way because of that, really not a lot of ship movement or anything going on in there and I'm just wondering how if that is directly related to the current ship surge that we experience.

Sandra Rice - We can certainly use that as a point of interest. We look to see what happens when a ship goes by.

Don George - You mentioned that they look for opportunities to check the. . .

Sandra Rice - We can do that but there will not be any equipment placed at that location to try to verify that the models are giving us the same numbers. This is strictly on numerical modeling and the validation of the modeling has come from many other sources and many other projects as of data.

Don George - I hope they would do something to validate here to and that would be a good point of interest to look at, especially with the Delta Mariner pulling in there the way it backs up to that thing and it could be doing one of these kind of deals. I know they had looked at some of the that with regards to opening and closing the locks and the hydrology. . .you know. . . the movement of the water through there, eroding bulkheads and things like that. So I was just kind of hoping that they would toss that into their modeling too.

Sandra Rice - We can talk about that. If there is a way to some how easily incorporate something like that, we'd be happy to do it.

Lt. Cliff Harder - I'm the supervisor of the Coast Guard Marine Safety Detachment here in Port Canaveral. I have a copy technical questions regarding the capabilities of the Surge Study, I will follow that with some specific expectations from the Coast Guard regarding the capabilities of the Surge Study and points of interest that you have asked for and also I will restate what the Coast Guard's position is on the overall 203 project in general.

First off regarding the technical questions. I'm curious on whether or not the modeling will be able to include multiple ship transits or ship transits that are made one right after the other, in particular, Port Canaveral being a cruise ship port we have several cruise ships that leave one right after another and will the modeling be able to basically calculate and account for this compounded effect created by one ship leaving directly after the other?

Sandra Rice - I believe the answer to that is, no but I will ask that question.

Lt. Cliff Harder - I bring that point up one because I am curious but it is definitely going to be a concern with the particular project because that is a reality here in Port Canaveral. I will mention to the group that a few weeks ago we had an incident at NCP-2 we had two cruise ships outbound Port Canaveral the last one being the Freedom of the Seas, one of our larger cruise ships, there was a loaded tank ship transferring cargo at Seaport Canaveral at NCP-2 and that ship was surged 11

minutes after the last cruise ship left or passed by the NCP. It surged approximately 40 feet and it parted several lines including wire rope cables that were used to attach the vessel to the pier. So that particular scenario is going to be very concerning to us. We like to make sure that we understand that and that is part of the modeling study.

The second question I have is sort of related to the first one regarding the technical capabilities. Based on what I have seen here today that the passing, the event, and the water levels, and the movement of water and velocities will be captured in the immediate vicinity of the vessel but will the modeling be able to capture the holistic effect of the water movement out of the Port and into the Port prior to and after a significant time after the ships have already transit out of the Port, well out of the Jetty area as water starts to flow back into the Port especially during outbound transits. Will the model be able to capture that?

Sandra Rice - I believe it will, I shall pose that question exactly as you have asked it to the modeling folks.

Lt. Cliff Harder - I think the last point I would like to make is to the validation comment that was made earlier I think is also valid. I think it will be important in some way to validate the results of the study and how that gets accomplished, there are probably several ways to do that and I'm certainly not the person to propose it but I think it will be important to validate that.

Sandra Rice - I will ask that question.

Lt. Cliff Harder - As far as expectations go regarding the study at points of interest. You know the Coast Guard is interested in the Port as a whole and our specific points of interest include all the commercial deep draft berths here in the Port. We need to understand what the effects will be at all these deep draft berths, so we do not exclude any of those deep draft berths and although the Department of Defense, Navy and Air Force they are well represented here and their representing their interests we are interested in all commercial deep draft berths being looking at and being a part of this study and the mooring analysis that you mention regarding the strains on the lines and the impacts on the mooring lines are an important part of that to us as well and I would it would be to the Port also. To that end, we do not have any of the 3-D modeling data that you are asking for, for those deep draft berths. I would see that this would need to be a collaborative effort between the Port and its commercial partners that are bringing the ships to those berths to develop those models with the current commercial vessels that are coming to each one of those berths and the expectation would be that the modeling also not just include the vessels that are currently calling on Port Canaveral at those commercial berths but also any expected future vessels that the Port includes in having here call into the Port whether it be Genesis class cruise ships or larger tankers to Seaport Canaveral or otherwise.

Sandra Rice - Understood. John do you want to address the commercial interest in this.

John Walsh - We are interested. We have reached out to each of the major cruise lines that sends ships here to get their whole data. We have reached out to Seaport Canaveral for each of their cargo vessels that will be calling on them as well as new carriers, like Bluewater and ASI to get as many different pieces as possible. As you are aware we are going to be temporarily berthing the Carnival Ecstasy as CT-3, which could have a potential high impact in its temporary home but as well on NCP-3 and NCP-4 are of particular concern and some of the south cargo piers as well as just mentioned. We plan to take advantage of making this as comprehensive a study as we can throughout the Port

so we are committed to knowing which areas are safe, which areas can accommodate larger vessels as well as the proposed North Cargo Berth 5 and 6 as they come out. Probably less effect in that West Turning Basin with still some effect in those new areas we plan to construct.

Lt. Cliff Harder - Will there be a baseline study utilizing the current conditions of the channel and the current traffic, and the current commercial vessels at the deep draft berths to provide a comparison to, so there will be a baseline and then a future state?

Sandra Rice - Yes, it would be two boundary condition models built, if you will, one reflecting the existing conditions as they are today, and the other will reflect the future recommended planned conditions and the same runs would be performed in both runs.

Lt. Cliff Harder - I just want to kind of restate the scope of today's meeting to be basically the Surge Study and it appears to be more also to include the actual 203 project and particularly the movement with the public comments. We concur with the Air Force and the Navy's comments regarding the master schedule. It was our understanding that a master schedule would be produced to basically demonstrate how we were going to proceed so that we would have a timeline and expectations so our resources could understand what was happening and when and when they would need to be providing input.

Aside from the Surge Study the Coast Guard currently has a letter in routing that will be provided to document the concerns that were mentioned at the original 203 Feasibility Study meeting and they include other concerns regarding the impact of the new West Turning Basin on the federal channel and there is a number of factors that go into that. We are looking forward to a collaborative effort to study the impacts there and understand how frequently the ships will be turning in there. How long the obstructions and impacts will be of the federal channel, the effects of prop wash, propeller thruster wash and things like that will have on the small vessel traffic community as well as the marinas located on the south side of the channel as well.

We also have some aids in navigation matters that the Coast Guard will be responsible for in relation to this project and that also will be documented in the letter.

With the widening of the channel we mentioned at the last meeting that the generally I think that one could conclude that deeper channel and wider channel would generally translate to safer vessel traffic transits. The other side to that is that it will allow the vessels that are transiting the channel, large vessels, passenger vessels, cruise ships, tankers laden with dangerous cargos it will physically put them closer to the other vessels that are moored at the north and south side or the Poseidon Wharf and those are one of the areas that we want to make sure that we fully understand.

And again we are looking forward to collaborative effort there with the Port and all the stakeholders that are affected by that to ensure that we understand we have the safety margin that is needed to insure that although we are creating more and deeper areas to navigate vessels in and out of the channel but we are not having a counter effect in that we are putting vessels closer to each other and having potential collisions and elisions as a result of that.

In general, the Coast Guard supports the deepening and widening of the channel. We think that we can work through these issues collaboratively with the rest of the stakeholders and as I have said our official letter will be forthcoming.

I do have a representative from the Coast Guard Civil Engineering Unit in Miami, one of the issues that was also represented in that letter deals with the relocation of the Coast Guard and the Coast Guard assets potentially to the south side of the channel and what I would like to do is turn that over to Mr. Michael Lesinski so he can speak specifically to that particular issue.

Michael Lesinski - The Coast Guard is ready to discuss with the Port any options for relocating Station Port Canaveral. I believe you have our requirements and anything that satisfies those operational requirements the Coast Guard will be happy to work with you. At this time I don't think we have any specific proposals so I don't think there is any specific points of interest to be looked at under the Surge Study. Just one other question, who should our input be addressed to?

John Walsh - Ideally, directly to Sandra Rice and copy John Walsh.

Kimberly McDonald - Your information on the vessels. Sandy did I hear you correctly at the beginning that you do not have the modeling for the submarines or did I miss that in translation?

Sandra Rice - No, we are looking for a 3-D model, which is called IGES file format it's a CAD compatible type format that can be. . .it is the language that is needed to go into the numerical levels.

Kimberly McDonald - Is this something that Carderock would have because I know they do a lot of developmental testing on submarines?

Sandra Rice - I would think that they could provide it, or the shipyards, it would come from the shipyards maybe.

Kimberly McDonald - Is that something you are expecting NOTU to run to ground or do you already have points of contact for that.

Sandra Rice - The only point of contact or resource I would use to try to get that would be Bill Sealy.

Kimberly McDonald - I may have his e-mail and I'll see if I can get a hold of him but I was just interested in that.

Paul Kopp - We probably do have some format of submarine hull definitions that could be used. Either in Rhino 3-D, we most certainly have the Ohio, I don't know if we would have the Vanguard class. I could also probably come up with sort of generic commercial ships that could be used if you have problems getting the geometry for some of those other commercial deep draft ships.

Sandra Rice - We just need for the Navy folks to decide what is the primary ships of interest. We don't have the capability to evaluate every ship, we need to pare this down to a manageable level to what we can evaluate and select things that are representative of the operations.

Captain Kuzma - Sandy do you have a catalog of existing models that you have used in other Navy Port?

Sandra Rice - No, I have not had the opportunity. I have commercial.

Captain Kuzma - We will identify the ships and provide the information and look at what we can.

Sandra Rice - We are looking to you to try and decide what your primary operations ***inaudible***

Captain Kuzma - I was just looking if you already had something we wouldn't have to go find those.

Paul Kopp - The channel widening back in the mid 90's did that include a deepening of the channel at the time?

Gary Ledford - Yes, it did include deepening all the back out to just a little bit west of North Cargo Pier 4.

Paul Kopp - So, that was set to the 46 Foot project depth at that time?

Sandra Rice - No. Right now I don't know what particular area you are interested in but right now the outer reach, the approach channel and the first second of the east/west channel is at ***inaudible*** as is the Trident area, and then moving in from there the inner reach is 40 foot project depth, middle basin area and west access channel is a 39 foot project depth, so now this deepening is fairly significant, we would be going to a 46 foot in the approach channel in the first section of the east/west channel and the inner reach would go from 40 to 44 foot and then in the area of Middle Basin all of that would be changing from 39 to 43 foot and back in the West Basin area, in the project that remains unchanged, however, I think John is looking at whether or not will be leaving that for cargo and commercial vessels that are coming that the berths are being built for.

John Walsh - Correct.

Paul Kopp - And then there is on top of that the more or less standard 2 foot over dredge. With the study that was done back in the mid 90's was there a surge or wake wash study that was performed at that point?

Gary Ledford - No, in fact we were warned by the Corps specifically not to use that Feasibility Study as a model.

Paul Kopp - I was more interested in if there was any sort of validation from the results of that study.

Sandra Rice - No this would be. . .I have done some desk top type parallel passing ship studies at some of the commercial berths, NCP 3 and 4 and south side berths the Cruise Terminals there and that is in the 203 Study, that using empirical modals and their more geared for open water situations which we really don't have here. . .it gives you an indication of what those. . .a ballpark order of magnitude of what the forces are it's not as nearly as accurate at this modeling would be. It takes into account all the real boundary conditions.

Paul Kopp - The NOAA tide gauge that is installed at the Trident Pier. . . there is probably not going to be any impact on the operation of that, however, that sensor might be able to provide some information that could be used to sort of qualitatively validate the model for the existing configuration.

Sandra Rice - Yes, it certainly could. That was in the other Hydraulic Study that I mentioned that was done. . .that was sort of a look to see how normal currents in the Port may change and what not. That information was utilized and validated in that modeling along with the current measurements that were taken at the point and time. That was back in 2006 or 2007. That data is great to have and that certainly will get real time access to that and that will be utilized as necessary for the modeling.

Kim McDonald - The drawings that were provided that show the changes at the Poseidon Wharf have those been developed also to show the changes at the opening to the Trident? A picture speaks a thousand words and we would like to kind of see what the impacts are going to be at the mouth of the Trident as far as changes. . . so that you know. . . we can look at. . .you know. . if we see any impacts to it.

Gary Ledford - We can certainly do that. The problem with the Feasibility Study is where do you stop? We're not into full blow design at this point. Just looking at it briefly we didn't see any impact but we can certainly do that.

Kim McDonald - John also brought up going back to the plans around the Poseidon. He has a concern that the wave action at the southern bridge at the Poseidon might create a problem at the sheet pile under the bridge, right there at that corner, and he wanted to know if there are going to be any consideration to providing more rip rap at that area right there underneath the southern bridge at the concrete wall in the modifications that you have proposed here.

Gary Ledford - Again another design detail, but we can certainly look at that. The concept that we have come up with so far of putting that, what we call a cut-off wall on the east side of the boat ramp may in turn mitigate that. We wanted to get some primarily buy in from you folks, or comments, etc. on what we are showing there because that would be put into the surge model as part of the boundary conditions. So if you totally don't like that or if you want to see something else now is the time to tell us.

Kim McDonald - Ok, that is why I am asking the question. The concern would be at that wall and we would like to. . .John's suggestion would be to provide rip rap under that. . .at the bulkhead wall underneath the wharf.

Gary Ledford - It's been a couple years since I have been over there, and incidentally we are the ones who designed those panels where the Yokohama or seaward fenders are on there but anyway, it's kind of shoaled in back there, if I remember. Are we talking about the right. . .right next to the. . .

Kim McDonald - Where the end bridge, the east bridge crosses the land transitions to the bridge. . .I believe the area that he is talking about is that concrete sheet pile wall there that is part of the structure of the wharf itself. I know it's shoaled or sanded. . .my nautical terms are lacking.

Gary Ledford - If I remember correctly that wall is designed for zero depth anyway. That is what we call shallow wall. It's been a long time since I have looked at drawings but definitely it needs to be looked at.

Kim McDonald - Ok, that would probably be one of the key points that we would identify. I just wanted to throw that out there.

He also actually wanted to bring the point up that while we have this cut-off wall and we have the boat ramp there the impacts that are going to be to the floating ramp there and basically the impact maybe with the surge and the waves that may not be usable anymore, so that will need to be addressed in the modifications as to whether or not we can keep the floating pier at boat ramp. Perhaps that would be one of those key points. . .when I came here today I wasn't sure what we were looking for, nor the

schedule, so certainly we can go back and revisit that and identify it in the key points. It is just some of the questions that he put out there.

Sandra Rice - Right. We can consider that as points of interest.

Kim McDonald - Currently, that is our only boat ramp.

Sandra Rice - Yes.

Kim McDonald - The Navy agrees with the 45 Space Wing and the Coast Guard about the validation of the model. There is interest on our part in knowing how the model is going to be validated.

Sandra Rice - Specifically at the Port Canaveral site.

Kim McDonald - Yes.

Doug Mutter - To go back to the commercial side of it. On this study I assume the studies are the vessels going by at 5-5 1/2 knots. Is that correct?

Sandra Rice - We would probably look at what we would say the condition is associated with normal conditions and then maybe a high wind event. We are primarily talking about outbound cruise ship transits. We don't expect and have been made aware of any issues with tug assisted displacement vessel transits either inbound or outbound to have being detrimental in any way or cause surge issues.

Doug Mutter - The reality of it is not all the time is it normal conditions. Probably half the time we have high wind events, and you are trying to keep a cruise ship on its normal schedule, as the Pilots can attest too, that they have to speed up in the channel in order to maintain their position to keep from getting out of shape.

Sandra Rice - We would be looking at those more extreme type. . .

Doug Mutter - And the other thing with the timing like Lt. Harder said once that vessel was passed it was 11 minutes after it passed when that ship got surged. Right now there is supposed to be 30 minutes between ships transiting the channel. That does not always happen to try and keep cruise ships on track. The usually are 15 minutes behind each other. Once it barely calms down you have another one that goes by and creates another surge. This is just my view of the reality of it. It is not always a normal condition. Take for today, we are going to have two ships at north one and north two both large vessels, one overhanging north two kind of the same way the surge happened a couple weeks ago and we will have a couple cruise ships transiting right by those. Just saying if you keep that in some of scenarios instead of it being 5 1/2 knots it maybe it maybe 7 knots.

Sandra Rice - Again we will be working with the Pilots to establish what we are going to call normal versus higher level wind condition ***inaudible*** I certainly am very interested in the talking to Coast and Harbor about this idea that. . the close transit. . .that is something we can accommodate. I'll just have to report back on that.

Dave Dahl - I have a couple questions about the minutes. Who is going to keep the minutes for this meeting? With the contractor?

John Walsh - No, with the Port, so the Port will be issuing minutes for each of the meetings. I would like to suggest John that when the meetings come out we get a drop on the draft so that we can validate all the points and make sure all the issues, for instance the Coast Guard had some outstanding points today that should absolutely be in the minutes as did the Port.

John Walsh - I agree. One of the items we put in, obviously the meeting is taped so we are able to go back through, so we will be able to go back and pick up each point. I've made notes as we have gone through but we will be able to do a full transcript of everything that everyone brought up today. Those calling in as well as those individuals that are here, so I don't think we will miss any key items but we always do a draft ahead of time so this is as we have seen it, but if there are some items, and occasionally people want to also add a few items they forgot but are important to distribute in a process like this.

Dave Dahl - That's outstanding. Thank you sir. Is there a master schedule someplace?

John Walsh - There has been a master schedule prepared with David Miller & Associates going through but the whole surge piece is a new impact of that. Originally the surge was something that in prior command, in prior discussions, was prior to my time coming to the Port, that is was not something that was going to need to be done, so it has had an impact. I have heard the message loud and clear today. I come from a construction background so schedules how much and when are the two aspects that I live by, so you can expect that by mid next week there will be a master schedule submitted to everyone, prior to our next meeting, people will have opportunity to review minutes as well as the master schedule as we see it today, understanding that there are certain impacts that we may not anticipate but at least when those impacts then come we can show what the impact is on the schedule and we will try to build in all the anticipated delays, so we will do an ideal and show where there is float in particular items off the idea. . .

Dave Dahl - A place to start and we modify as we go.

John Walsh - Correct.

Captain Kuzma - The one thing that the master schedule with talking to Mr. Payne and Coast Guard was the authorities don't necessarily reside with myself from a Navy point of view and some of that was to allow us to make sure that we could get the information to our respected chain of commands through the authoritative decision makers to do that. It was meant to allow us to really make sure our processes did not stand in the long term discussions of the project.

John Walsh - Ok. We appreciate that.

Dave Dahl - The ship models. . .from the little bit I know about this whole project we have commercial vessels, we have Coast Guard vessels, we have Army vessels, we have Air Force vessels, we have Navy vessels, and we have a variety of the big commercials and seemed like Sandy said that what we are going to do was take a look at that universe of potential vessels in the Port and identify the ones that would be the high interest items and model those. Is that correct?

Sandra Rice - Yes, in the interest of making this a study that we can manage and get through. . .
Dave Dahl - Right, you have to pare down to a certain number.

Sandra Rice - Right.

Dave Dahl - Are we going to have a meeting to do that or are you going to propose a group that we will model or how exactly is that process going to happen?

Sandra Rice - I think that we would first need to see from you what you think your universal high interest vessels looks like.

Dave Dahl - Ok. So we would submit those to you and copy the Port?

John Walsh - Yes we would like to be copied so we are aware of that.

Dave Dahl - Is that the universe there? There are Army ships that use the Port commercial, the cruise ships, the Navy ships and then there are some Air Force vessels as well, correct? I'm not trying to make it unmanageable I heard you loud and clear that we have to pare it down, but I'm just wondering how we are going to get to the ones we want to model because it be sad to miss some we really wanted to model.

Sandra Rice - And by looking at the list we can possibly decide that this one is more important than this one.

Dave Dahl - Perfect. Public Comment on the draft review, I'm not sure I understood that.

John Walsh - That is a process of the Army Corps of Engineers and they have several of those, but essentially the draft is then distributed as general public comments as the draft goes out or the draft is posted on David Miller's site so that people can download that, review the draft and then all stakeholders of the Port, local government agencies, other municipal functions, US Fish and Wildlife, FDEP, Florida Fish and Wildlife, so any and all stakeholders, Propeller Club, groups that may use the Port for recreational boating or fishing, so it allows everyone that would like to have an input, to bring input there are public meetings that would be a part of that as well.

Dave Dahl - That draft is a draft of our proposed study. . .

John Walsh - The entire study, so. . .the surge is a part this pile here is essentially the draft as it sits today of the Section 203 Study, so it is allowing people to look at this document, as it exists, which will eventually will go up to the Atlanta office of the Corps to have approvals at that level and then move from Atlanta to Washington.

Dave Dahl - So the surge is a subset of that?

John Walsh - The surge is a subset that will become another binder to go in this set of information that is the economic analysis, the engineering analysis, the environmental analysis, being done by Dial Cordy.

Dave Dahl - Thanks Mr. Walsh.

Kim McDonald - I hate to go back to schedule again, but so essentially the data that we are talking about, the ship data, the key points of interest, you need those all within 9 days. Correct?

Sandra Rice - I had to put something on paper.

John Walsh - Ideally, yes, if I could speak for Mr. Payne it would be 3 days but. . .

Kim McDonald - Since I have the engineer side, when we are talking key points how many are you looking for? Like the ship thing, we can provide thousands points or do you want ten points. Never mind that didn't filter down to me.

So basically you are looking for in a week to a little over a week to get that information to dial into the next process to get to that 35%.

John Walsh - This is correct.

Sandra Rice - Right, we just want to move, collecting the information and processing the information to get a plan together that everyone is in agreement with. . .

Kim McDonald - And then that's the 35% review that everyone. . .that is where you lost me, because by August we are supposed to have a 35% design level completed, or they will. . .

Sandra Rice - My focus is on the surge model I'm not. . .

John Walsh - Yes, there is concurrency David Miller & Associates is working on the overall Section 203, when we say 35% it's 35% design drawings that the Corps requires at that point but the Port is committed to saying if we can identify points that we know are a problem now one of the things I was going to bring up is obviously there are specifics as we talk about the communication utilities, we would like to engage a surveyor and coordinate with the Air Force and the base to bring a surveyor in and lets specifically pinpoint those. They're going to be part of moving to the 60%, moving to the 100% drawings, so if we start collecting that data now concurrently we don't necessarily need to wait to a 35% point to collect data that we know we are going to need in the future, so we would like to expedite some of those steps, they will actually help us pinpoint potential areas of conflict, take a look at the grades in the angles in those areas that will help Gary look at potential solutions and if the Surge Study brings back that there is a particular impact then we will be asking him to look from a marine structural engineering standpoint to say, "How can we mitigate this effect, if we build this particular structure or seawall or whatever is necessary?", would that mitigate then an effect that the study says could be impacted. We are hopeful, but the study will show that the widening and deepening that there would be already a lesser impact, it doesn't mean that we can cure everything that currently exists out there, but it may be the opportunity to make incremental improvements to say not only will the widening and deepening make things less of a problem we can also take that opportunity if we have to change a particular structure to do it in the most prudent way we can to reduce the impact even as it exists today lower than it is on the particular vessel, on top of the standards that have been used, with getting notices out, proper linehandling and proper seamanship techniques, which will always be first and foremost one of the things that we as a Port and various stakeholders at the Port need to make very real every day. That is the number one effect. The ship that came away, the Captain admitted that it was old lines and that it was tied up at high tide and they weren't tending those properly, so that is a simple effort that we can all do as stakeholders to make sure that it doesn't happen on a regular basis.

Dave Stone - Sandy could you provide information on the specific format that you want the whole data in, so that I can effectively pass that to the Delta Mariner folks in a way that you need it. I

understand that you are trying to collect that whole data by the 22nd of July, so I'm wondering what is the 29th date for, once you get that whole date what will happen on the 29th?

Sandra Rice - First we have to know the vessels and the points of interest and then from that we can determine what are reasonable passing scenarios. . .after the hulls are figured out what vessels we want to put where, we will be able to develop good passing scenarios.

Dave Stone - So the 29th is to look at passing scenarios?

Sandra Rice - Well, yes, if we got the information say on the 22nd then between the 22nd and 29th we can work to put together the draft passing scenarios and provide them to you as draft report. . .to change something, add something.

Dave Stone - When this goes out, the Feasibility Study goes out for public and federal review, how do the federal entities get notified that it is available for their review?

John Walsh - There are a group of stakeholders, David Miller has already but it is broad notice but there also will be newspaper publication, Federal Register is where a lot of the agencies will. .

Dave Stone - I guess that is what I was getting at, do you have to watch the Federal Register and that's your opportunity. . .

John Walsh - We will reach out to as many individuals and groups that we know have continued interest in the Port. It will be announced at Port meetings, as well put onto our website, as well as probably ads in local publications as well, so that local constituents and groups know to look for that data, but in general a reach out in e-mail attempt of all of those groups that we know have a stake or a interest here in the Port. The Army Corps has a regular cast as well as they go through any of these studies that they know that they need to locate, we're working obviously with the Jacksonville Army Corps office and they work very closely on these throughout the country, throughout our region on those studies.

Dave Stone - Just one last point, I know when we were looking at the draft Feasibility Study it was sometimes very difficult to access servers from a .mil site to get them. It may be a good idea to have those available via CDs that we could pick-up as well. We eventually got to that, but sometimes with some of our computer firewalls it's hard to get to them.

John Walsh - Ok, we will do that.

Sandra Rice - After today I can e-mail people the more specific information, vessel particulars, possibly a picture, whatever. If there is a certain point of contact within each group, so I am not broadcasting to everybody, I don't know if I can pare down who would be good points of contact in each group to get this information.

Captain Kuzma - I would like to thank everybody for lots of discussion and great work. When the leadership talked we talked about the kind of process that over higher view is kind of study impact and then mitigation, so we all have kind of talked about that in different terms of whatever. The Navy, like the Coast Guard, were looking for growth compatible with the current mission understanding that there is probably some discussion down the line. I would ask that if there is something that comes out that the group wants someone to look at to really push it directly to the respective points of

contact. We are really looking forward to step through this but we do have concerns and we have responsibilities on our side of the mission as we move forward. I don't think my team has any further comments.

John Walsh - Anyone else? On behalf of the Port the one item we did want to go over today is to keep this on a regular basis. Do we want to decide today to do an every two week or every three week rotation, so as this data moves forward it gives people the opportunity we would not have to have all stakeholders but if each group had at least representative, or their particular concerns. . .we found in the past that if we don't set those regular meetings and deadlines then things can slip very quickly. Every two weeks? The 27th?

Captain Kuzma - I would recommend that you set that as a starting pointing and if there is an issue then when the folks get back. . .certainly there will be different people.

John Walsh - Ok, we will set that today for the 27th at 10:00 and then that if there are particulars or if people have additional questions after leaving today at least we have that platform to address them and bring them forward and keep things moving on a very pressured point forward, and we do appreciate the input that we have received today. We know this has an impact on groups and we are looking for it to be a very successful project for all stakeholders and we do appreciate your time coming today and through the process. Thank you.

The meeting was adjourned at a 11:52 a.m.

Tara Carroll
Recording Secretary
July 26, 2011

Port Canaveral Channel Widening, Section 203 Feasibility Study

Real Estate Issues – Meeting at CPA Offices

ATTENDEES:

Bob Fowler, USAF Real Property 853-0917, Robert.Fowler@patrick.af.mil

Jeannen Baker, USAF Real Property, 853-0967 Jeannen.Baker@patrick.af.mil

Jeannie Adame, CPA Director of Environmental Plans & Programs, Project Manager, 783-7831x256 JAdame@PortCanaveral.org

Susan Cossey, Director of Tenant Development and FTZ 136, 783-7831x257 SCossey@PortCanaveral.org

Suzie Norris, CH2M Hill, Project Engineer, 799-1236x222 Suzanna.Norris@CH2M.com

Linda Batz, CH2M Hill, Project Engineer, 799-1236x211 Linda.Batz@CH2M.com

FROM: Linda Batz

DATE: November 22, 2005 (1400)

CC: Attendees, Sandy Rice, and Gary Ledford

Jeannie and Linda introduced the channel widening project and study process. The widening will affect the USAF uplands adjacent to the harbor between the Middle Turning Basin and the Trident Turning Basin. Bob was aware of the project and remembered a meeting approximately 4-5 years ago that Gary Ledford had attended.

A task in the first phase of the study is to identify all property owners and adjacent property owners and to verify ownership of those lands. Bob provided a copy of the legal description of the USAF parcel named "Tract No. 945." This parcel is 198.50 acres and is identified under the G.T. Gwathmey, Et Al Schedule "A" document. It appears this parcel is north of the parcel identified in Contract DA-08-123-eng-2257 (GJ ID#A-51) and includes uplands between the Middle Turning Basin and the Trident Turning Basin. Bob had a preliminary property map prepared by Land & Sea Survey that the USAF had commissioned. Once the map is final, a copy could be provided to CPA.

Another task in the first phase of the study is to determine the optimal width of the widening based on economic and engineering analyses. Once the width is determined and the impact to the USAF land is known, Jeannie will submit a letter explaining the proposed impact to Jack Gibson, Deputy Commander, 45 CES/CD with a copy to CES/CEL.

Jeannen and Bob noted that the USAF would probably not give up interest (ownership) in the land, but would probably grant the easement to the COE. The procedure utilitized in the last widening should be researched. /end

Port Canaveral Section 203 Feasibility Study

Real Estate Appendix

Attachment E

Sponsor Capability Checklist

Date: July 2012

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY FOR CANAVERAL PORT AUTHORITY

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, but portions for the widening are on the Air Force property.*

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? *Yes, United States of America, 45th Space Wing.*

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? *Yes.*

b. If the answer to II.a is "yes", has a reasonable plan been developed to provide such training? *In process now in conjunction with USACE.*

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

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

e. Can the sponsor obtain contractor support, if required in a timely fashion? *Yes.*

f. Will the sponsor likely request USACE assistance in acquiring real estate? *Yes.*

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.*

b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable. *highly capable*

V. Coordination:

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

Date: 12/15/11

Prepared by:

John E. Walsh
Deputy Executive Director, Infrastructure
Canaveral Port Authority

Reviewed and approved by:

J. Stanley Payne
Chief Executive Officer
Canaveral Port Authority