
**Draft Integrated Feasibility Report
and Environmental Assessment and Draft Finding of No Significant Impact**

APPENDIX F: REAL ESTATE

Whittier, Alaska

June 2018



**US Army Corps
of Engineers**

Alaska District



**US Army Corps
of Engineers**®
Pacific Ocean Division

DRAFT REAL ESTATE PLAN



Alaska District

APPENDIX F

NAVIGATIONAL IMPROVEMENTS

WHITTIER, ALASKA

**Real Estate Branch
Alaska District
U.S. Army Corps of Engineers**

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**NAVIGATION IMPROVEMENTS
WHITTIER, ALASKA**

DRAFT REAL ESTATE PLAN

PURPOSE:

This Real Estate Plan (REP) will be consolidated into the decision document Feasibility Report for Navigation Improvements for Whittier, Alaska. The purpose of the feasibility study is to evaluate potential navigation improvements. The REP identifies and describes the real estate requirements for the lands, easements, rights-of-way, relocations and disposal areas (LERR) that will be required.

PROJECT TYPE AND APPLICABILITY:

This feasibility study is being conducted under authority granted by Section 204 of the Flood Control Act of 1948 which states in part:

The Secretary of the Army is hereby authorized and directed to cause preliminary examinations and surveys for flood controls and allied purposes...to be made under the direction of the Chief of Engineers, in drainage areas of the United States and Territorial possessions, which include the following named localities:...Harbors and Rivers in Alaska, with a view to determining the advisability of improvements in the interest of navigation, flood control, hydroelectric power, and related water uses."

The project was authorized by Section 5007 of P.L. 119-114, the Water Resources Development Act of 2007. The authorizing language from this act is as follows.

Section 5007. Expedited Completion of Reports and Construction for Certain Projects.

The Secretary shall expedite completion of the reports and, if the Secretary determines that the project is feasible, shall expedite completion of construction for the following projects:

(1) Project for navigation, Whittier, Alaska

Additional guidance was provided in a memorandum dated 19 December 2008 of subject Implementation Guidance for Section 5007 of the Water Resources Development Act of 2007 (WRDA 2007) – Expedited Completion of Reports and Construction of Certain Projects. The memorandum contained the following guidance specific to the feasibility study.

As study funds are available, the respective Districts should complete the feasibility report following report guidelines for projects authorized without a report as specified in Appendix H of ER 1105-2-100. The Districts will review the schedule for the proposed project to identify all opportunities to expedite study completion.

Non-Federal Sponsor (NFS) for the project is the City of Whittier.

PROJECT SCOPE AND CONTENT:

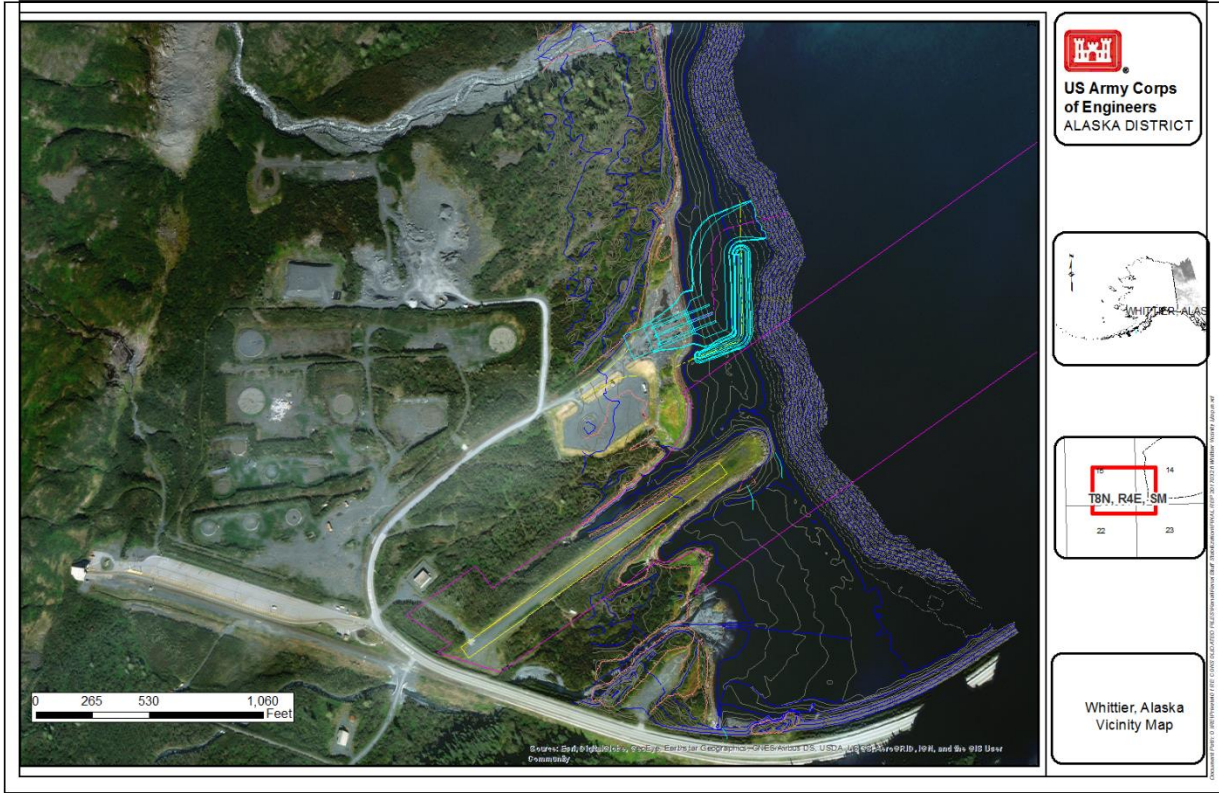
Whittier is on the northeast shore of the Kenai Peninsula, at the head of Passage Canal on the west side of Prince William Sound, 60 miles southeast of Anchorage.

The Whittier Navigation Improvements study at the point of the Feasibility Scoping Meeting have identified the following objectives:

- Provide moorage for existing users and the vessels on the wait list.
- Decrease navigation delays of existing users.
- Decrease the physical damages to vessels related to upland and harbor congestion.
- Decrease in the navigation delays related to upland congestion.
- Incorporate measures to improve and protect the ecosystem.
- Decrease life and human safety risks.

The objectives identified during the Planning Charrette are the solutions and should:

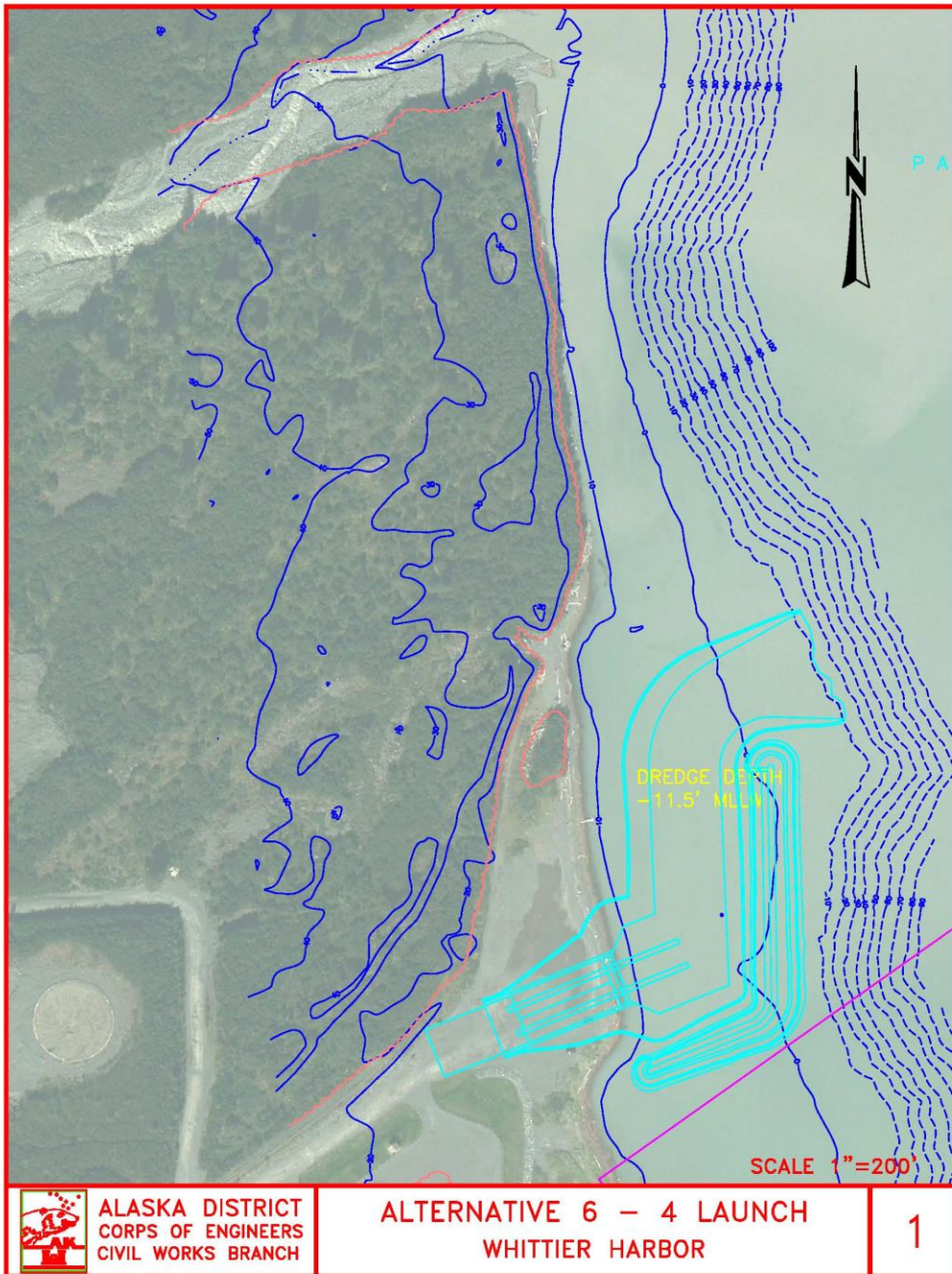
1. Address moorage availability,
2. Provide for a separation of users
3. Decrease navigation delays
4. Decrease vessel damage,
5. Promote development in Whittier
6. Provide for economic growth in Whittier



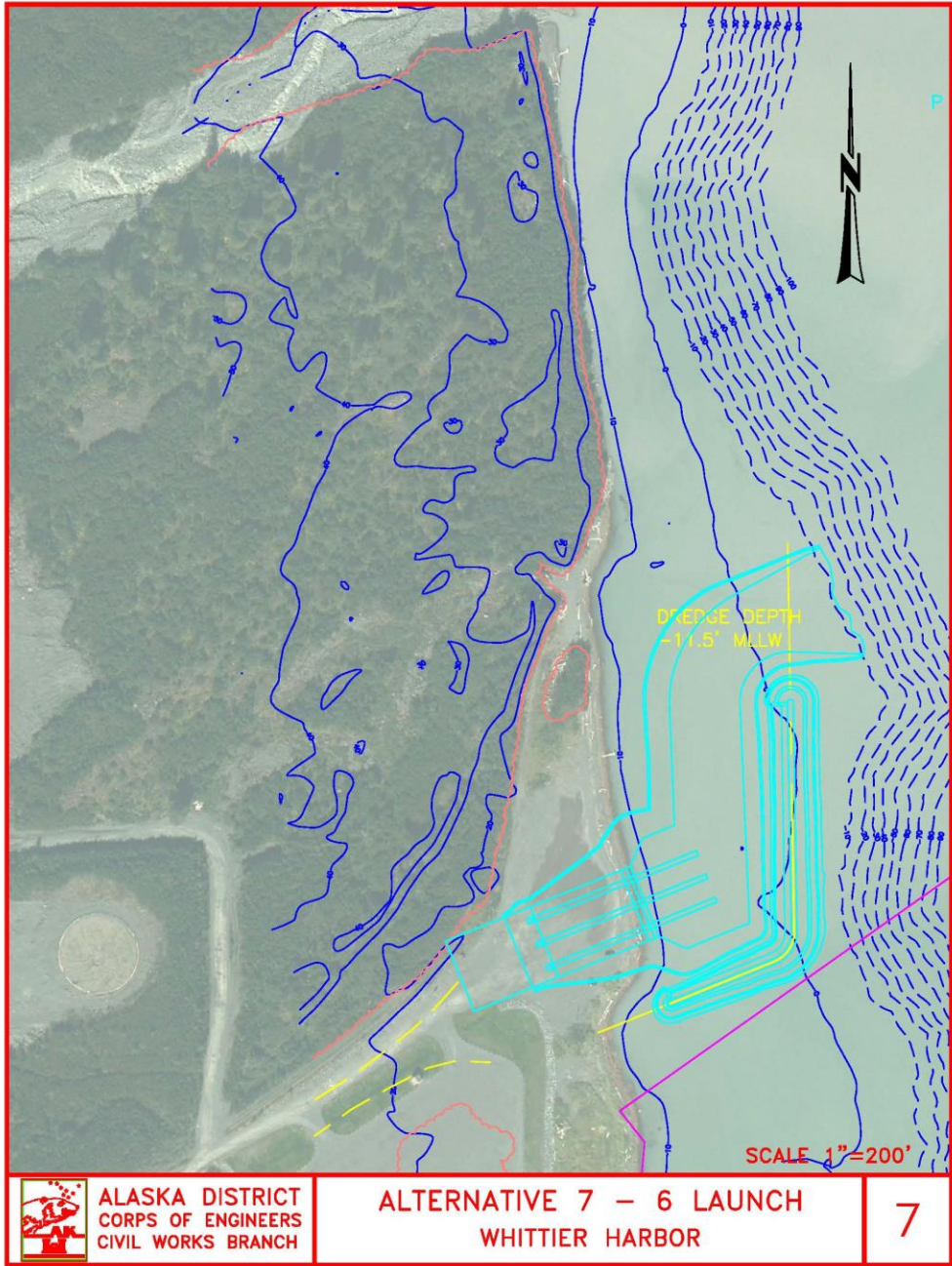
Whittier, Alaska
Vicinity Map

ALTERNATIVES 1 through 5 were removed from consideration by the Project Delivery Team.

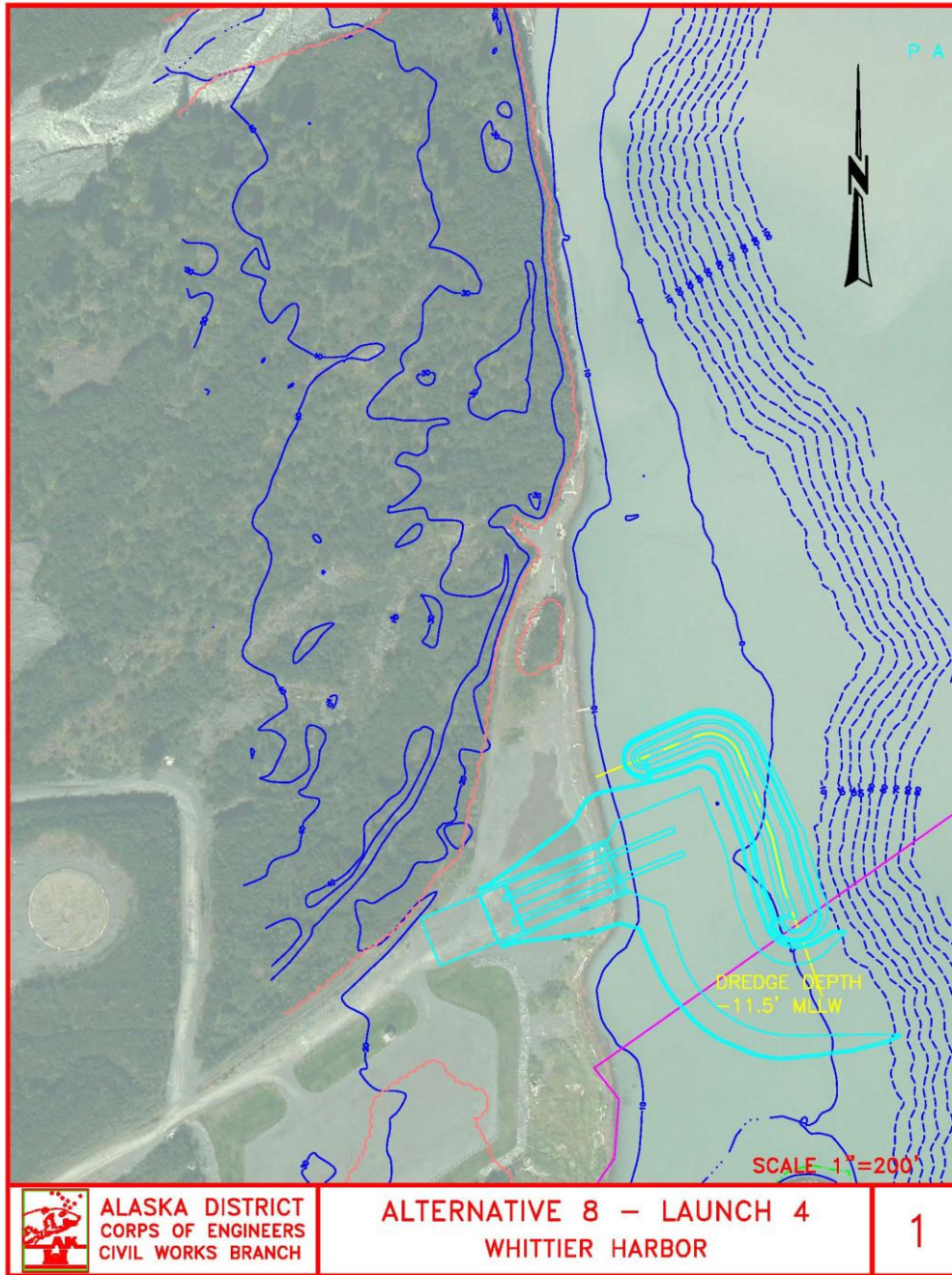
ALTERNATIVE 6: 4 LAUNCH WITH ENTRANCE CHANNEL FROM THE NORTH



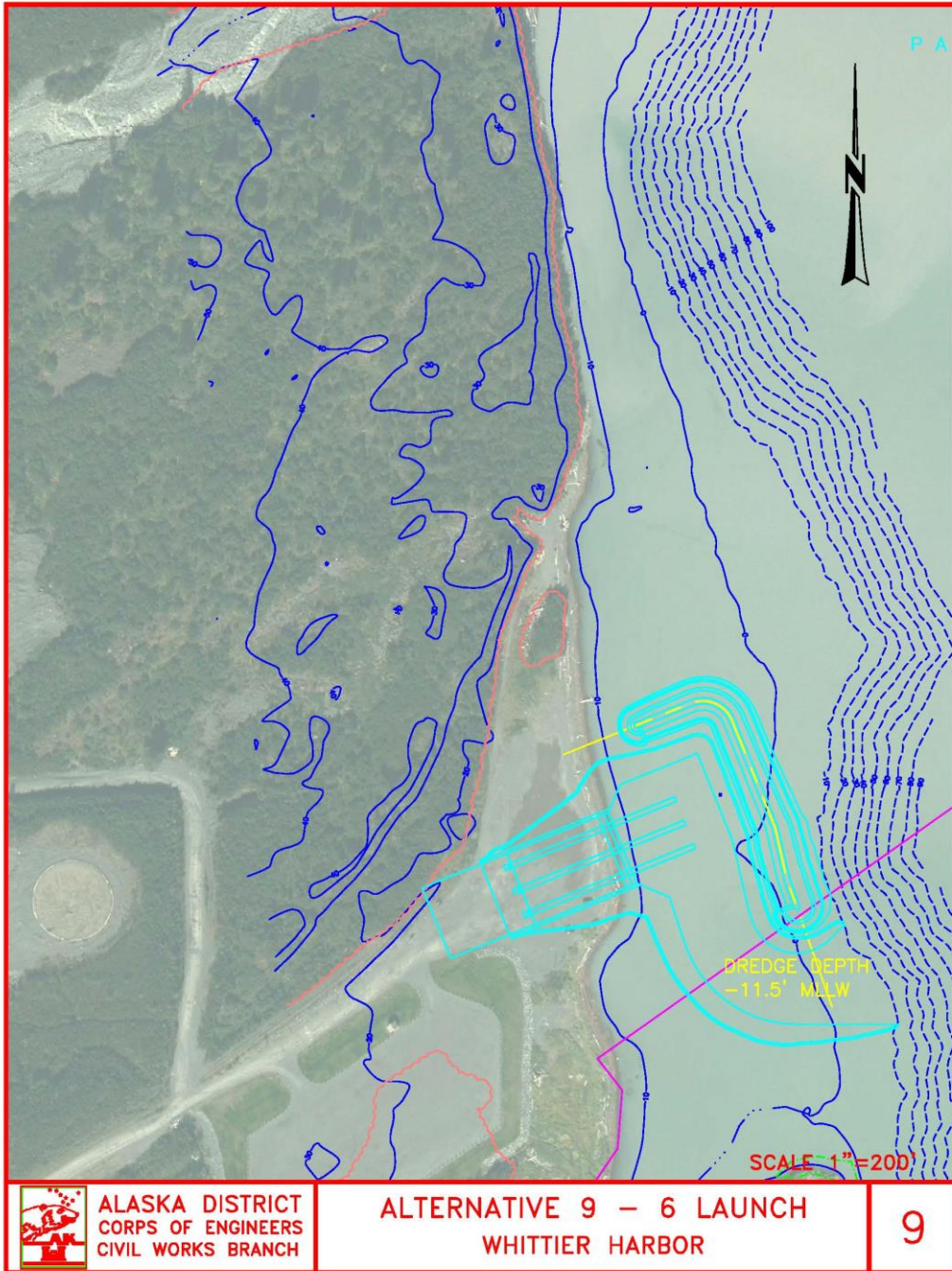
ALTERNATE 7: 6 LAUNCH WITH ENTRANCE CHANNEL FROM THE NORTH



ALTERNATE 8: 4 LAUNCH WITH ENTRANCE CHANNEL FROM THE SOUTH



ALTERNATE 9: 6 LAUNCH WITH ENTRANCE CHANNEL FROM THE SOUTH



DESCRIPTION OF LANDS, EASEMENTS, RIGHTS-OF-WAY, RELOCATION and DISPOSAL (LERRD):

Whittier is on the northeast shore of the Kenai Peninsula, at the head of Passage Canal on the west side of Prince William Sound, 60 miles southeast of Anchorage

LERRD necessary to implement this project consist of Navigation Servitude, and Fee lands. The fee land is currently owned by the Department of the Army (DA) and have been directed by Congress to be conveyed to the City of Whittier. The City of Whittier owns the tideland and submerged lands (ATS 1545) lying within Navigation Servitude. The Alaska Railroad Corps (ARRC) owns the uplands needed for the Local Sponsor Facility (LSF), but has been leased to the City of Whittier.

Real estate requirements are as follows:

TABLE 1- LERR REQUIREMENTS

FEATURES	OWNERS	ACRES	INTEREST	GNF/ LOCAL
Entrance Channel, Breakwater, (Portions Below Mean High Water)	City of Whittier	5 AC	Navigation Servitude	GNF
Disposal Site (Water)	City of Whittier	TBA	Navigation Servitude	GNF
Disposal Site (upland)	U.S. Army, Alaska	12 AC	Fee	GNF
All Launch Alternatives	Alaska Railroad Corps	2 AC	Lease	LSF
TOTAL PROJECT BOUNDARY		19 AC		

PROJECT COMPONENTS:

See Baseline Cost Estimate Section.

STANDARD ESTATES:

FEE

NON-STANDARD ESTATES:

None

FEDERAL LANDS:

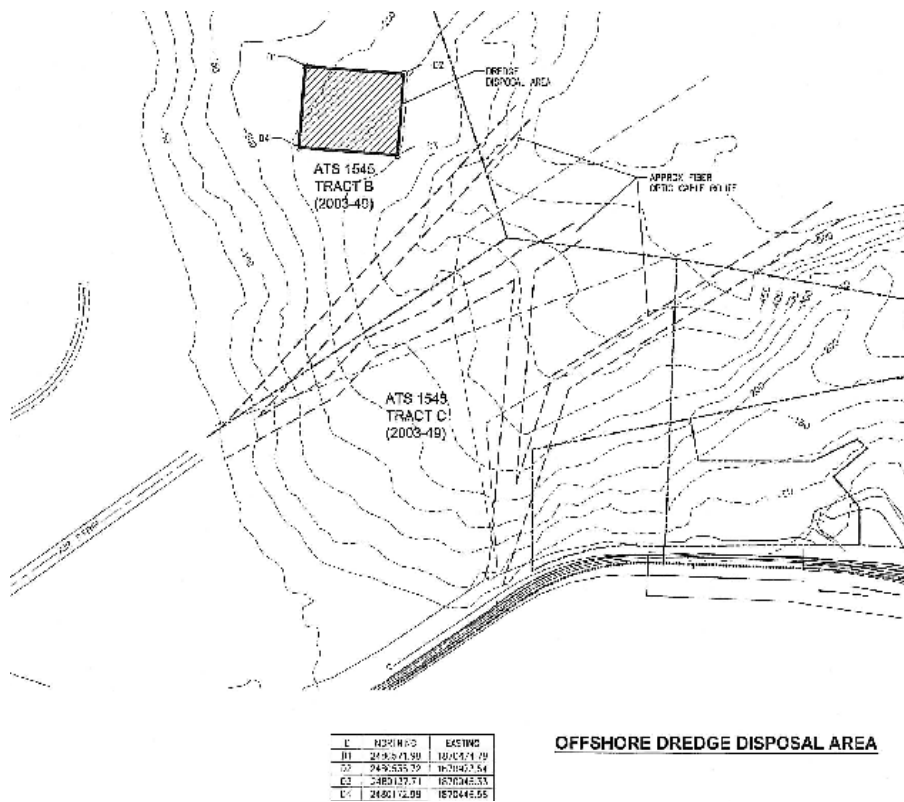
Yes. DA land to be conveyed to the City of Whittier. See Page 8, Description of Lands, Easements, Rights-of-way, Relocation and Disposal, above.

NEAREST OTHER EXISTING FEDERAL PROJECT:

There are no other existing Federal Projects that will be affected by the project footprint.

NAVIGATION SERVITUDE:

Per 33 CFR § 329.4, navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability was discussed with our office council and it was determined that the application of navigational servitude is appropriate for construction of the breakwaters. Navigational servitude will apply laterally over the entire surface of the water-body, and is not extinguished by later actions or events which impede or destroy navigable capacity.



INDUCED FLOODING:

In the recent past, the unnamed creeks emanating from Learnard Glacier reportedly overflowed its channel allowing floodwater to temporarily drain further to the south in the general vicinity of the project's alternatives. The flooding potential needs to be considered for each alternative.

BASELINE COST ESTIMATE FOR REAL ESTATE:

The NFS will acquire all necessary real estate interest in the lands necessary for the project. (See Exhibit “A” -Real Estate Map). The City of Whittier is a Second Class city and is not subject to taxation, therefore, baseline cost estimates are being calculated on samples of properties assessed value provided by Dyanna Pratt, Tax Administrator of the City of Whittier.

01.23.03.05 Real Estate Appraisal Documents

01.23.03.15 Real Estate Payment Documents

01.23.03.17 Real Estate LERRD Accounting Documents

(20% based on reasonable cost estimates relative to accounting requirements)

Cost estimates for this project are presented in the following tables. The estimates are presented in the standard Code of Accounts from M-CACES II Model Database, July 1, 2004.

TABLE 2: BASELINE COST ESTIMATES FOR LAND, EASTMENTS, RIGHTS-OF-WAY

ACCOUNT	DESCRIPTION	LERRD	CONT.		NON-LERRD	CONT.
01.23.03.05	Real Estate Appraisal Documents					
	Appraisal by Sponsor	\$15,000.00			\$0.00	\$0.00
	Review of Sponsor	\$0.00	\$0.00		\$5000.00	\$0.00
01.23.03.15	Real Estate Payment Documents					
	Payment by Sponsor(LERRD)	\$208,800.00	\$0.00		\$0.00	\$0.00
	Review of Sponsor	\$0.00	\$0.00		\$500.00	\$100.00
01.23.03.17	Real Estate LERRD Credit Documents	\$500.00	\$100.00			
	Total Admin & payment	\$224,300.00			\$5,500.00	
	Total contingencies		\$100.00			\$100.00
	Total LERRD + Contingencies	\$224,400.00			\$5,600.00	
	PROJECT GRAND TOTAL	\$230,000.00				

Values in the Baseline Cost Estimate are estimates and not a final LERRD value for crediting purposes.

UTILITIES & FACILITIES RELOCATIONS:

No known utilities or facilities are located in this area and no relocations are required.

RELOCATION ASSISTANCE BENEFITS:

There are no P.L. 91-646 businesses or residential relocation assistance benefits required for this project.

HTRW IMPACTS:

There are no known information pertaining to hazardous, toxic and radioactive wastes or materials, within the project footprint.

MINERAL/TIMBER ACTIVITY:

There are no current or anticipated mineral or timber activities within the vicinity of the proposed project that will affect construction, operation, or maintenance of the proposed project. Nor will any subsurface minerals or timber harvesting take place within the project.

REAL ESTATE MAP:

The Real Estate Map will be produced by Alaska District.

SPONSORSHIP CAPABILITY:

The City of Whittier is a fully capable sponsor for acquiring the required lands, easements, and rights-of-way (See Exhibit "A" - Sponsor Real Estate Acquisition Capability Assessment). The Sponsor has professional experienced staff and legal capability to provide all lands, easements, and rights-of-way required for project purposes. The city has been advised of P.L. 91-646 requirements; and they have been advised of the requirements for documenting expenses for LERRD crediting purposes. The Sponsor's point of contact information is:

Annie Reeves
City Manager
P.O. Box 608
Whittier, Alaska 99693

NOTIFICATION OF SPONSOR AS TO PRE-PROJECT PARTNERSHIP AGREEMENT (PPA) LAND ACQUISITION:

The non-Federal sponsor has been notified in writing about the risks associated with acquiring land before the execution of the PPA and the Government's formal notice to proceed with acquisition.

ZONING ORDINANCES ENACTED:

No zoning ordinances will be enacted to facilitate the proposed ecosystem restoration activities. Therefore, no takings are anticipated as a result of zoning ordinance changes. No zoning ordinances are proposed in lieu of, or to facilitate acquisition in connection with the project.

SCHEDULE:

The anticipated project schedule, unless revised after coordination with NFS, as

shown in Table 3.

TABLE 3: PROJECT SCHEDULE

NAVIGATION IMPROVEMENTS WHITTIER, ALASKA	COE START
RECEIPT OF FINAL DRAWINGS FROM ENGINEERING	2-4 weeks after PPA execution
FORMAL TRANSMISSION OF ROW DRAWINGS & INSTRUCTIONS TO ACQUIRE LERR	4-6 weeks after PPA execution
CERTIFY ALL NECESSARY LERR AVAILABLE FOR CONSTRUCTION	6-9 months after PPA execution
PREPARE & SUBMIT CREDIT REQUESTS	6-8 months upon completion of Project
REVIEW/APPROVE OR DENY CREDIT REQUESTS	6 months of Sponsor submission

VIEWS OF FEDERAL, STATE, AND REGIONAL AGENCIES:

This project is supported by Federal, State, and Regional agencies. The Corps has met with representatives of the City of Whittier and other pertinent parties to discuss aspects of the proposed action. Further coordination will be ongoing. In compliance with the National Environmental Policy Act rules/regulations, letters will be sent to resource agencies and residents in the area; public notices will transpire within the project vicinity.

VIEWS OF LOCAL RESIDENTS:

The City of Whittier has conducted public meetings concerning this project. Local residents are in favor of the project with funding remaining an issue to be resolved. Further coordination will be ongoing between the City of Whittier, U.S. Army Corps of Engineers, State and Federal resource agencies, and residents in the area.

ANY OTHER RELEVANT REAL ESTATE ISSUES:

Access to project area is by public road to Parking Area under Master Lease to the City of Whittier from the Alaska Railroad Corporation.

In accordance with the Decision Document for the Defense Fuels Support Point – Whittier, Alaska, Final, November 2015, ERM Project # 0190489, paragraph 2.14.5 *Proprietary Institutional Controls on the DFSP – Whittier Property*: The new property owner shall grant the DLA, Department of the Army, ADEC, and their designated representatives the right to enter the property at reasonable times to evaluate compliance with the institutional controls, conduct additional remediation, or perform monitoring. The new property owner shall prohibit activities on the site that might

interfere with the site cleanup, operation and maintenance, monitoring, or other response actions. Additionally, the new property owner shall provide the Department of the Army with access to any environmental monitoring or remediation reports that they prepare and any pertinent environmental data. The location of the monitoring wells are identified in Exhibit B.

PREPARED BY:

REVIEWED AND APPROVED BY:

RONALD J. GREEN
Realty Specialist

MICHAEL D COY
Chief, Real Estate

EXHIBIT A

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY NAVIGATIONAL IMPROVEMENTS WHITTIER, ALASKA

1. LEGAL AUTHORITY:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? YES X NO _____
- b. Does the sponsor have the power of eminent domain for this project? YES X NO _____
- c. Does the sponsor have "Quick-Take" authority for this project? YES X NO _____
- d. Are any of the lands/interests in land required for this project located outside the sponsor's political boundary? YES _____ NO X
- e. Are any of the lands/interests in land required for this project owned by an entity whose property the sponsor cannot condemn? YES X NO _____

2. HUMAN RESOURCE REQUIREMENTS:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? YES X NO _____
- b. If the answer to 2a is "YES" has a reasonable plan been developed to provide such training? YES _____ NO X
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? YES X NO _____
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? YES X NO _____
- e. Can the sponsor obtain contractor support, if required in a timely fashion? YES X NO _____
- f. Will the sponsor likely request USACE assistance in acquiring real estate? YES _____ NO X

3. OTHER PROJECT VAIRABLES:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? YES X NO _____

EXHIBIT A

b. Has the sponsor approved the project/real estate schedule/milestones?
YES _____ NO X

4. **OVERALL ASSESSMENT:**

a. Has the sponsor performed satisfactorily on other USACE projects?
YES X NO _____

b. With regard to this project, the sponsor is anticipated to be:

HIGHLY CAPABLE _____ FULLY CAPABLE X
MODERATELY CAPABLE _____ MARGINALLY CAPABLE _____
INSUFFICIENTLY CAPABLE _____

Justification for Insufficient Capability:

5. **COORDINATION:**

a. Has this assessment been coordinated with the sponsor?
YES X NO _____

b. Does the sponsor concur with this assessment?
YES X NO _____

Justification for Sponsor Non-concurrence:

SPONSOR: CITY OF WHITTIER



(Signature)

ANNIE REEVES / ACTING CITY MANAGER

(Printed Name and Title)

REPAIRED BY:

GREEN.RONALD.JON
ATHAN.1202579147

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RONALD J. GREEN
Realty Specialist

REVIEWED AND APPROVED BY:

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MICHAEL D. COY
Chief, Real Estate
Real Estate Contracting Officer

EXHIBIT B

