

APPENDIX D
REAL ESTATE PLAN
SAINT PAUL, ALASKA

REAL ESTATE PLAN
ST. PAUL SMALL BOAT HARBOR PROJECT
ST. PAUL, ALASKA

Page 1 of 4

Revised

12 November 2004

Project Purpose: The proposed St. Paul Small Boat Harbor (SBH) project will be located within Village Cove, off English Bay and the Bering Sea, in Section 25, Township 35 South, Range 132 West, Seward Meridian, Alaska. Our Federal General Navigation Features (GNF) and related real estate requirements include the following: an entrance channel, breakwater, berm, an ocean floor riprap area, tidal pool mitigation area, an existing breakwater reconstruction area, bank stabilization area, dredge disposal area, and a staging area (to be determined). The local sponsor is the City of Saint Paul and their Local Service Facilities (LSF) consists of a mooring basin with floating docks. The SBH project is being covered under a General Reevaluation Report (GRR) for a Congressional Add under the 1999 Water Resources Development Act (WRDA).

Real Property Interests Required for the Project: The local sponsor, the City of Saint Paul, will be required to provide all Lands, Easements, and Rights-of-Way (LER) necessary for access, construction, and operation and maintenance of the project. The sponsor will have to provide the LER for the mooring basin and floating docks, a 'Channel Improvement Perpetual Easement' and a 'Temporary Work Area Easement' for the berm tie-in to a small island within Village Cove, and a yet to be determined staging area in the vicinity of the project. Project property interests are further defined in the 'Summary of Required Real Estate Interests' and are shown on the attached map.

Current Land Ownership: The City of Saint Paul has submitted an application to the State of Alaska, Department of Natural Resources, Alaska Division of Lands for the tidelands required for the LSF. Portions of the project tidelands are in dispute status pending appeals by the Tanadgusix Corporation (TDX), the Aleut Corporation, and the City of Saint Paul. The TDX and Aleut Corporations own the surface and subsurface estates respectively, which is a majority of the uplands on St. Paul Island, including those that have been identified for the project.

Federally Owned Lands Within the Project Boundary: No Federally owned lands within the project boundary have been identified, nor are any anticipated to be discovered.

Non-Standard Estates: At this time, there have been no identified non-standard estates required for the project, and none are anticipated.

**REAL ESTATE PLAN
ST. PAUL SMALL BOAT HARBOR PROJECT
ST. PAUL, ALASKA**

Page 2 of 4

Existing Federal Projects: Harbor work in St. Paul began in 1989 with construction of an entrance channel, main breakwater, maneuvering basin, and a detached breakwater. In 2000 three (3) off shore reefs along with three (3) sills were constructed as Phase I of the St. Paul Harbor Improvements Project to reduce wave action and scouring of the main breakwater. Current construction, known as Phase II, includes dredging of a second maneuvering basin, a spending beach, a small breakwater, and dredging of a sediment management area, ten (10) sills, and the Salt Lagoon Channel. Phases I and II are both within close proximity of the proposed Small Boat Harbor project, with only the small breakwater reconstruction area containing 1.47± acres falling within the LER identified for both the small boat harbor and Phase II of the harbor improvement project.

Summary of Required Real Estate Interests:

Federal General Navigation

<u>Features (GNF)</u>	<u>Acres</u>	<u>Owner</u>	<u>Interest</u>
Entrance Channel, Berm, and Breakwater <MHW*	5.79	City of Saint Paul	Navigation Servitude
Ocean Floor Riprap Area <MHW	2.52	“	Navigation Servitude
Tidal Pool Mitigation Area <MHW	2.45	“	Navigation Servitude
Breakwater Reconstruction Area <MHW	1.47	“	Navigation Servitude
Bank Stabilization Area <MHW	0.48	“	Navigation Servitude
Dredge Disposal Area <MHW	2.03	“	Navigation Servitude
Berm Tie-In Area >MHW**	0.06	TDX Corp & Aleut Corp	Channel Improvement Perpetual Easement
Berm Tie-In Construction Area >MHW	0.10	TDX Corp & Aleut Corp	Temporary Work Area Easement (3-Years)
Staging Area (to be determined)	1.00	Unknown	Temporary Work Area Easement (3-Years)
Temporary Construction Area		N/A	Navigation Servitude
<u>Local Service Facilities (LSF)</u>		State of Alaska	
Mooring Basin and Floating Docks Area	3.10	Pending Sale to City***	Fee

* Below Mean High Water (< MHW)

** Above Mean High Water (> MHW)

*** Alaska Division of Lands Tidelands Sale 227190 Application Pending (SAL TDL ADL 227190 APN)

**REAL ESTATE PLAN
ST. PAUL SMALL BOAT HARBOR PROJECT
ST. PAUL, ALASKA**

Page 3 of 4

Navigation Servitude: The Government's dominant right of Navigation Servitude will be exercised for project tidelands below the Mean High Water (MHW) Line for the Federal GNF and real estate related portions of the project. Only a small portion of a project feature is above MHW.

Real Estate Map: A map depicting the real estate required for the St. Paul Small Boat Harbor Project is shown as Attachment 1.

Potential Flooding, Induced by Construction, Operation or Maintenance of the Project: No potential flooding is anticipated due to construction, or operation and maintenance of the harbor project.

Baseline Cost Estimate: An informal value estimate for lands and related costs is shown below. Administrative costs are for mapping, title work, surveying, appraisal, and the final crediting process.

	<u>Federal</u>	<u>Local Sponsor</u>
Lands		\$04,000.00
Administrative Costs	\$15,000.00	\$15,000.00
TOTAL Real Estate Costs	\$15,000.00	\$19,000.00

Relocation Assistance Benefits: No persons or businesses are anticipated to be displaced by this project. Therefore, no assistance benefits under Public Law 91-646 should be required.

Mineral Activity: There is no known mineral activity occurring within the lands required for the project.

Local Sponsor's Real Estate Acquisition Capability Assessment: Is shown as Attachment 2.

Application or Enactment of Zoning Ordinances: No enactments or applications for zoning have been located that affect the project.

REAL ESTATE PLAN
ST. PAUL SMALL BOAT HARBOR PROJECT
ST. PAUL, ALASKA
Page 4 of 4

Schedule: A detailed schedule for the SBH project real estate actions has not been developed at this time. Acquisition and certification of project lands is anticipated to take four (4) to six (6) months.

Relocations of Facilities, Roads and Utilities: No utilities, roads, or facilities have been identified that will require relocations.

Hazardous, Toxic and Radioactive Waste (HTRW): There are no known hazardous and/or toxic and radioactive waste on the land required for the project.

Known or Anticipated Support or Opposition to the Project: There is strong support for the small boat harbor from the local community. However, there is controversy amongst the City, TDX Corporation and the Tribal Government of St. Paul over who will control the SBH after it is constructed and how it will be managed. The City of Saint Paul anticipates opposition from TDX Corporation regarding the perpetual and temporary work area easements for the berm tie-in required for the project. The City may request the Corps assistance if they are unable to acquire the necessary interests from the TDX Corporation.

Planning Real Estate Issues: Project design and implementation of the project are not anticipated to create any further planning issues.

This Real Estate Plan was prepared, written and revised by Karen L. Pontius, Acquisition Realty Specialist.

**NON-FEDERAL SPONSOR'S REAL ESTATE
ACQUISITION CAPABILITY ASSESSMENT
CITY OF SAINT PAUL
SMALL BOAT HARBOR PROJECT**

Page 1 of 2

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? No. The City would have to obtain such authority by ordinance that is submitted to and approved by the voters at a general election or special election called for that purpose. [AS 29.35.030(a)].
- c. Does the sponsor have a "quick-take" authority for this project? No
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? No
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? Yes, State of Alaska Tidelands below Mean High Water. The City's application for ownership of the tidelands required for the project is pending final approval.

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? No
- b. If the answer to IIa is yes, has a reasonable plan been developed to provide such training?
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? 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? No

ATTACHMENT 2

**NON-FEDERAL SPONSOR'S REAL ESTATE
ACQUISITION CAPABILITY ASSESSMENT
CITY OF SAINT PAUL
SMALL BOAT HARBOR PROJECT
Page 2 of 2**

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? A real estate schedule has not been determined at this time, however, the City is aware of the process for approval, acquisition and certification of project lands.

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? Yes, the City has participated on other Corps projects.
- b. With regard to this project, the sponsor is anticipated to be: highly capable/
fully capable/moderately capable/marginally capable/insufficiently capable.

V. Coordination:

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

SOURCE:

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