

APPENDIX B
REAL ESTATE PLAN

REAL ESTATE PLAN:

Replace and Upgrade Kake Dam, Kake, Alaska

Project Summary: The land for this project is located within and along the banks of Gunnuk Creek, and also includes uplands, an access road, and disposal, construction, and staging areas, located within Sections 26 and 35, Township 56 South, Range 72 East, Copper River Meridian. The plan is to replace and upgrade the dam for water supply and to provide for potential hydroelectric power use. The previous dam was built in the 1950's and was severely damaged and eventually collapsed during a flood event in July 2000. The new dam will supply drinking water for the City, and also supply water for the Gunnuk Creek Fish Hatchery.

Real property interests required for the project: The Non-Federal sponsor, City of Kake, will be required to provide all lands, easements, and rights-of-way (LER) necessary for access, construction, and operation and maintenance of the project. Temporary two-year estates will be required for access, construction, staging, and disposal. The project is being constructed at full-Federal expense under the Energy and Water Development Appropriations Act, 2001; therefore, the City will not be afforded credit for the value of the LER provided. Any lands acquired for the project will be accomplished in compliance with Public Law 91-646, as amended.

Current Ownership: The Kake Tribal Corporation and Sealaska Corporation currently own the surface and subsurface estates, respectively, of the lands required for the project, including the bed and bank of Gunnuk Creek. The City of Kake, the Non-Federal sponsor, has requested conveyance of the required project lands under Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). A Deed of Conservation Easement from the Kake Tribal Corporation and the Sealaska Corporation to the Southeast Alaska Land Trust, (SEAL Trust), exists for all of the project lands. Deed language provides for the protection and management of the municipal watershed, and further allows for the construction and maintenance of dams, power lines and electrical utilities within the watershed upon SEAL Trust review and approval. Non-standard estates will be required due to deed encumbrances and will be prepared and submitted under separate cover.

Summary of Required Real Estate Interests:

<u>Feature</u>	<u>Acres</u>	<u>Interest</u>
Dam	<u>1.13</u>	Non-standard Fee Estate
Pool	<u>2.47</u>	Non-standard Flowage Estate
Construction, Staging & Disposal Areas	<u>1.23</u> <u>0.76</u>	Non-standard Temporary Work Estate
Utilities	<u>0.03</u>	Non-standard Utility Estate
Roads	<u>3.20</u>	Non-standard Road Estate

Map: A map showing the project lands is shown as Attachment 1.

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Improvements: The remnants of the collapsed dam, and outdated and unsafe structures that are owned by the City will be demolished and removed under the contract awarded for the project.

Potential flooding, induced by construction, operation or maintenance of project: A reservoir pool will be created behind the new dam at approximately 91 feet above sea level with a maximum pool depth of 16.5 feet. The estimated width of the pool will be 67+ feet and runs upstream for approximately 1,600 feet. The lines of taking have been established to cover the lands impacted by the project. Flooding beyond the lines of taking is not anticipated.

Relocation assistance benefits: No relocation assistance benefits under IAW Public Law 91-646 will be required for this project.

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

Relocation of roads and utilities: The utility line from the collapsed dam pump house building will be lengthened to allow for continuous electrical service. There are no plans to relocate any roads. Roads may be contoured and graded to meet safety requirements. A runout ramp and turn out area will be added to the upper road near the temporary gabion dam for safety purposes. No other utility or road relocations are anticipated for this project.

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

Baseline Cost Estimate: A gross appraisal was not performed for this report. If an appraisal were prepared, the values provided herein could substantially change. The project is 100 percent Federally funded and no crediting will be provided to the local sponsor for the value of LER furnished. An informal value estimate for lands and related costs is shown below.

	<u>Federal</u>	<u>Non-Federal</u>
Lands		\$3,600.00
Administrative Costs	\$5,000.00	\$5,000.00
TOTAL Real Estate Costs	\$5,000.00	\$8,600.00

Schedule: The acquisition and certification of project lands is anticipated to take 90 days.

Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability: Is shown as Attachment 2.

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

**REPLACE AND UPGRADE KAKE DAM:
CITY OF KAKE:**

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 a "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? Yes
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? No

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended? Yes
- b. If the answer to IIa is yes, has a reasonable plan been developed to provide such training? Yes, materials will be provided and Corps staff will be available to advise and assist.
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? The City has limited acquisition experience and plans to have the Southeast Alaska Land Trust (SEAL Trust) assist them with their land acquisition. Corps staff will be available to advise and assist, if needed.
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load if any, and the project schedule? No, the City has indicated that they will use the services of the SEAL Trust to acquire the necessary lands.
- e. Can the sponsor obtain contractor support, if required, in a timely fashion? Yes, the SEAL Trust will provide the required support to the City.
- f. Will the sponsor likely request USACE assistance in acquiring real estate? No

ATTACHMENT 2

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

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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? The City participated in a harbor project recently, but no land acquisition was required. Project lands were available under Navigational Servitude.
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully capable/moderately capable/marginally capable/insufficiently capable.

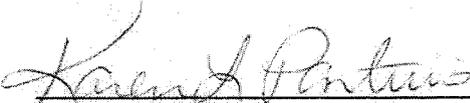
V. Coordination:

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

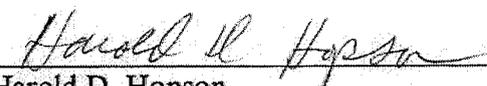
SOURCE:

Paul Reese, Mayor
City of Kake
City Office 907-785-3804
Work 907-785-3333
Fax 907-785-4815

Prepared By:

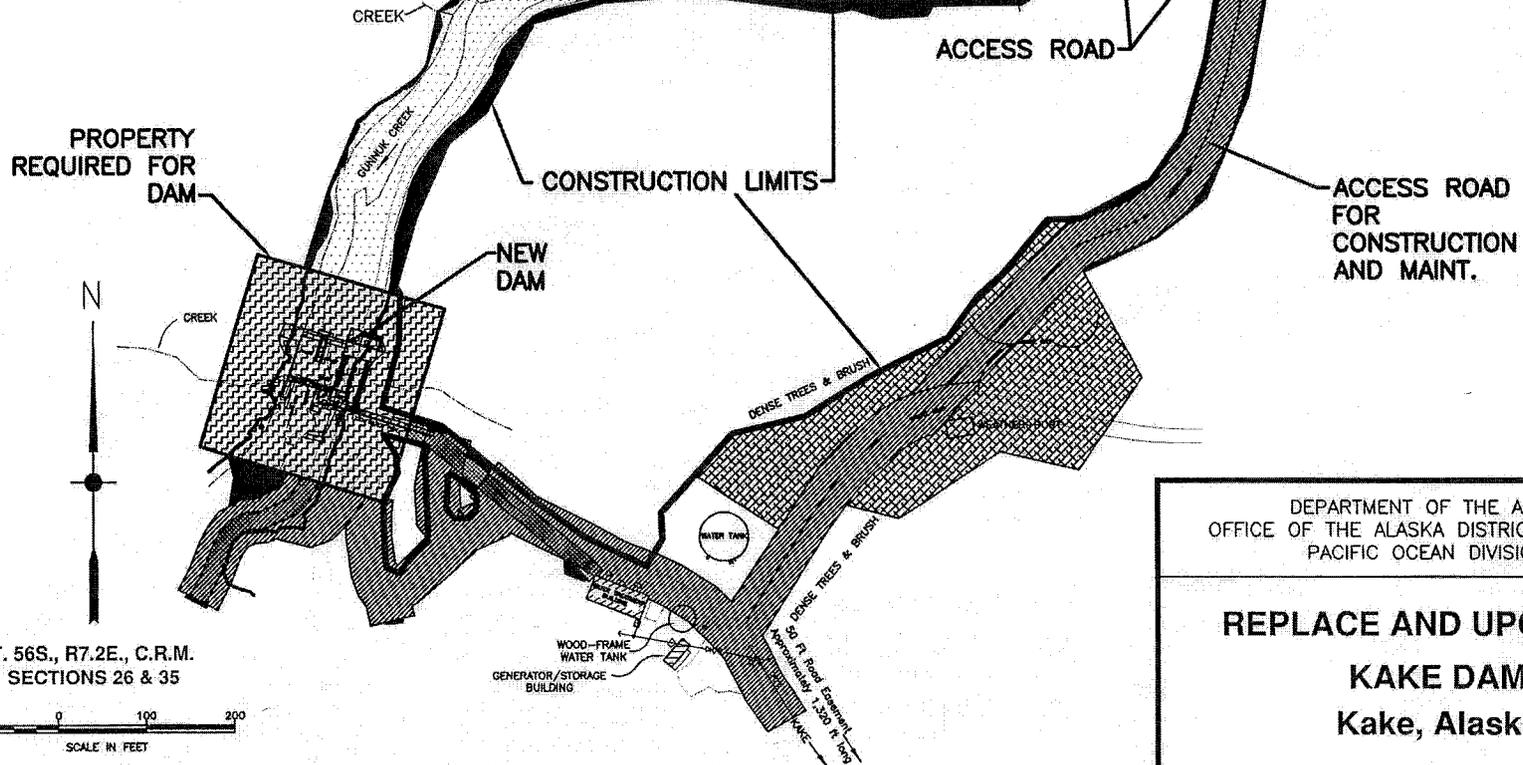
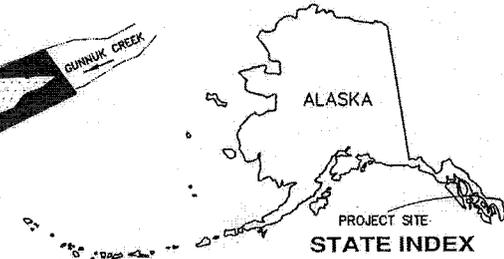

Name: Karen L. Pontius
Title: Realty Specialist/
Acquisition Section
Date: 6 March 2002

Reviewed and approved by:

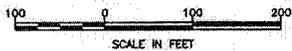

Harold D. Hopson
Acting Chief, Real Estate Division

-  ROAD EASEMENT 50 FT WIDE
3.20 ± ACRES
-  TEMPORARY WORK AREA EASEMENT FOR CONSTRUCTION AND STAGING
0.76 ± ACRES
-  UTILITIES EASEMENT
0.03 ± ACRES
-  FLOWAGE EASEMENT
2.47 ± ACRES
-  TEMPORARY WORK AREA EASEMENT FOR DISPOSAL, CONSTRUCTION AND STAGING
1.23 ± ACRES
-  FEE SIMPLE TITLE
1.13 ± ACRES
-  CONSTRUCTION AND FLOWAGE EASEMENT

CONSTRUCTION AND FLOWAGE EASEMENT



T. 56S., R7.2E., C.R.M.
SECTIONS 26 & 35



DEPARTMENT OF THE ARMY
OFFICE OF THE ALASKA DISTRICT ENGINEER
PACIFIC OCEAN DIVISION

**REPLACE AND UPGRADE
KAKE DAM
Kake, Alaska**