

Akutan Harbor Navigational Improvements Appendix E: Real Estate Plan

Akutan, Alaska



6 May 2024



**U.S. Army Corps
of Engineers**
Alaska District

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Appendix E: Real Estate Plan

1.0 PURPOSE:

This Real Estate Plan (REP) will be appended to the Feasibility Report for the Akutan Harbor Navigational Improvements Study – Section 203 of the Water Resources Development Act of 2000, Akutan, Alaska. The study is examining options for transporting people and freight between the City of Akutan and the Akutan airport, located seven miles away on Akun Island. The present mode of transport is by helicopter. The study is examining options, such as building a protected landing on Akun for use by a water taxi/ferry, to obtain a more practicable solution.

The primary purpose for this REP is to (1) identify and describe the real estate requirements for the lands, easements, rights-of-way, and relocations (LERR) for construction, operation and maintenance of the proposed navigational improvements and project elements described in the Feasibility Cost Sharing Agreement (FCSA); (2) outline the costs and real estate considerations associated for the proposed alternatives; and (3) assess the non-Federal Sponsor's (NFS) capabilities for LERR acquisition. The REP is tentative in nature, it is for planning purposes only, and both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after approval of the feasibility study.

The NFSs are the Native Village of Akutan (Tribe) and the Aleutians East Borough (AEB). The Native Village of Akutan is a Federally recognized tribe. The AEB is a 2nd class borough in the state of Alaska.

2.0 AUTHORITY:

This study is being pursued via Section 203 of WRDA 2000, as amended, which provides authority for the Corps in cooperation with Indian tribes and heads of other Federal agencies to carry out the Tribal Partnership Program, consisting of water-related planning activities, and activities related to the study, design, and construction of water resources development projects, that substantially benefit federally-recognized Indian Tribes and that are located primarily within Indian country or in proximity to Alaska Native Villages.

The NFS are to provide all LERR required for the project, with the cost of these real estate interests, along with any incidental administrative expenses in obtaining the LERR for the General Navigation Feature (GNF).

The cost share for the GNF is referenced in Section 7.6.1 Cost Apportionment, in Table 39 of the main report.

3.0 PROJECT LOCATION AND DESCRIPTION:

The project area is within the City of Akutan limits between the City of Akutan and Akun Island, the location of the Akutan Airport (Figure 1). Akutan is a city on the north shore of Akutan Harbor, a large bay within Akutan Island, which is one of the Krenitzin Islands

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in the Fox Island group of the Eastern Aleutians. The City of Akutan is located within the Aleutians East Borough (Borough) of the Aleutian Islands in Alaska, United States, and contains areas of both Akutan and Akun Islands. A harbor is located at the head of Akutan Harbor and is locally referred to as Akutan Harbor as well (Figure 1). The Fox Islands subgroup is the easternmost subgroup and the one closest to mainland North America in the Aleutian chain. Akun Island has a land area of 64 square miles. The Akutan Airport and nearby land features are shown in Figure 1.

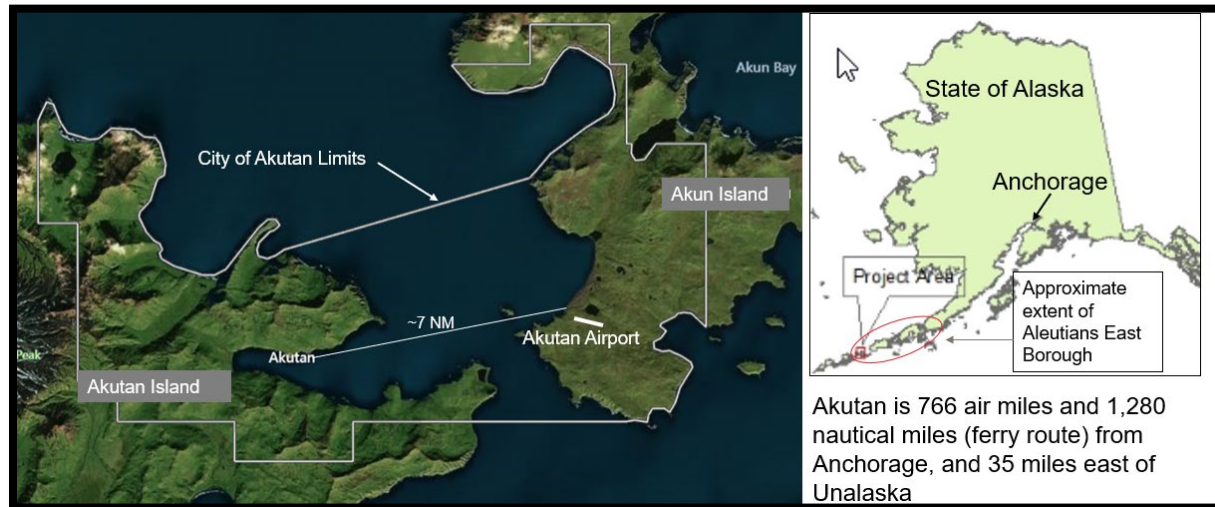


Figure 1: Project Vicinity Map - Akun Island, East Aleutian Borough

The village is not accessible by a road system and can only be accessed by boat, plane, dog team, or snowmachine during the winter season. The objective of this feasibility study is to provide the community with safe, reliable, and efficient waterborne transportation for the movement of commerce, subsistence, and recreation to support the long-term viability of the community.

4.0 ALTERNATIVE PLANS:

For this study, prior to developing alternative plans, and measures, potential harbor and/or berthing locations needed to be identified for a shuttle vessel that would be transporting passengers back and forth from Akun and Akutan islands. Potential harbor locations on the west side of Akun Island and near the City of Akutan were identified during the charette as well as a variety of measures. Nine potential harbor locations, labeled "A" through "I", were identified on the west side of Akun Island as shown on Figure 2. The recommended plan is identified as the Harbor South of Un-Named Point (with blasting) as shown in Figure 3.

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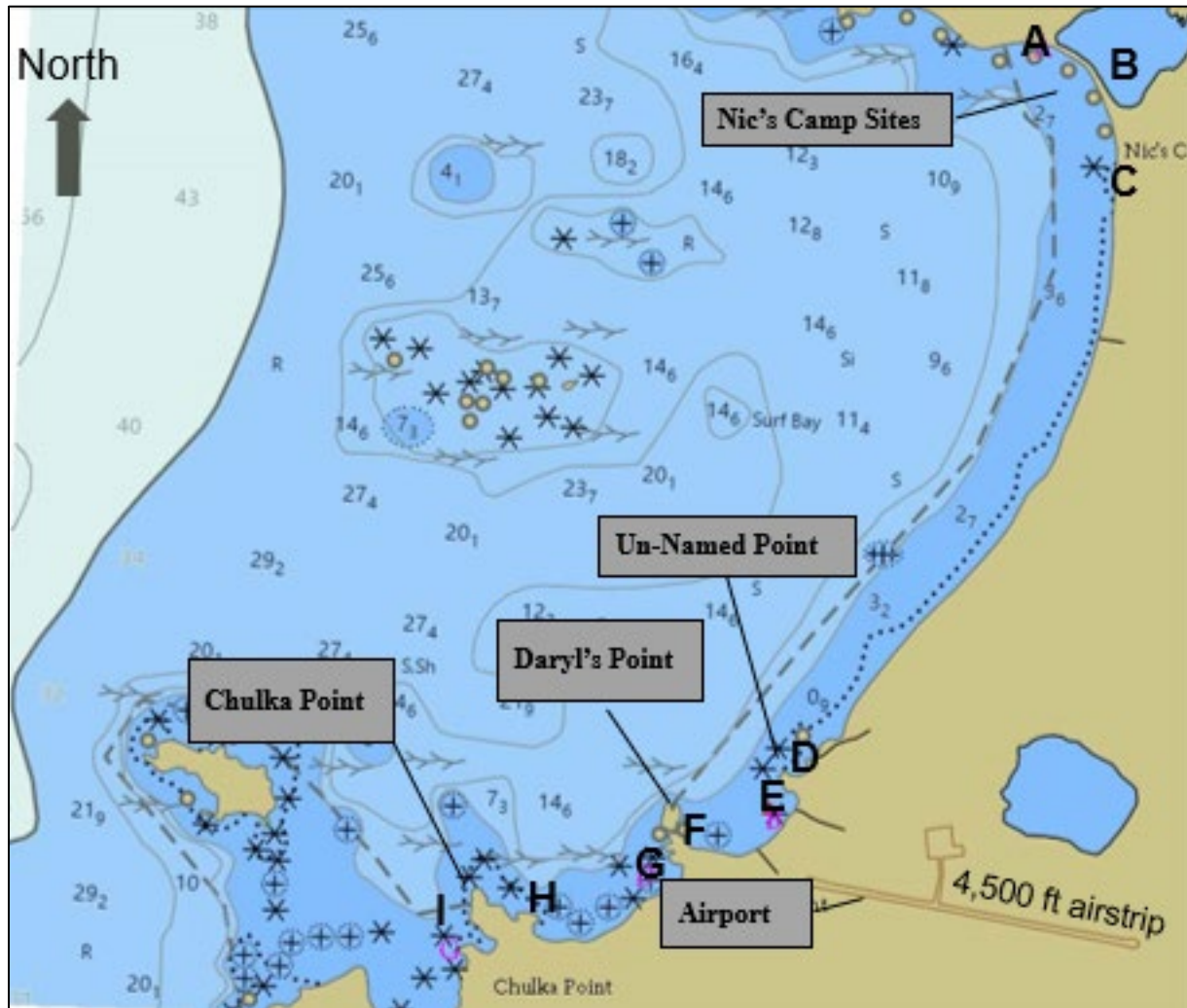


Figure 2: Screened Locations

Existing conditions in Akutan will remain the same without the development of navigation improvements. The current transportation method (helicopter) between the Akutan Airport on Akun Island and the City of Akutan will be expensive and inefficient. Residents of Akutan would continue to experience reliability concerns for airline passengers, medical supplies, and freight connecting the harbor areas with the existing pad to the south of the hotel within the city's lands.

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5.0 RECOMMENDED PLAN - ALTERNATIVE 2:



Figure 3: Recommended Concept Plan

5.1. General Navigation Features (GNF):

The harbor would be sized to accommodate a design vessel with a length of 58 feet and draft of 8 feet. The 400-foot-long rubble mound breakwater would protect a 120 foot by 120 foot turning basin. The entrance channel and turning basin dredge depths are -17 feet Mean lower low water (MLLW) and -14 feet MLLW respectively. It is anticipated that blasting would be required for the turning basin and entrance channel at this location. The entrance channel would vary from a minimum width of 60 feet to a maximum width of 120 feet. A potential temporary upland storage area has been identified to the northeast of the existing hovercraft pad, one of the non-federal sponsors, the Native Village of Akutan, has expressed an interest in the dredged and excavated material as it is usable for construction projects and there is a need for it on the island (i.e., proposed roads to Trident Bay and Lost Harbor). Placement of dredged materials in an upland site for future use by the non-federal sponsor would be a beneficial use of the material. Based on equipment and methods anticipated for initial construction, upland placement is likely cheaper than in-water placement, considering the economic benefits of providing construction material to the NFS. These factors make upland placement for beneficial use consistent with the Federal Standard. Maintenance dredging would be conducted on an estimated 10-year cycle. The entrance channel and turning basin would require dredging of approximately 900 cubic yards. A dredged material management plan would be developed for the project in which a long-term disposal option would be identified. However, O&M dredged material placement in the future may result in open water placement being the least cost method.

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5.2. Local Service Facilities (LSF):

Local service facilities required would include a 560 foot long by 12-foot-wide rubble mound causeway, 60 feet by 40 feet mooring basin with mooring dolphins, 7,000 square foot pad for loading/unloading freight, and a 1,100-foot-long road connecting the harbor areas with the existing hotel pad. The road would have an average grade of 9.4%. The road would consist of a 12-foot-wide surface with 6 inches of aggregate surface over 2 feet of borrow material. Two 6% grade shoulders would extend 2 feet from the edge of road. Two 2H:1V slope drainage ditches would extend from the shoulders before daylighting to existing ground at a 1.5H:1V slope. The 1,100-foot-long road is the primary cause of the adverse effect under Section 106 of the National Historic Preservation Act. The adverse effects will be mitigated through the development and implementation of a programmatic agreement, as stated in Section 24.0.

Concerning the LSF lands, the NSF will be able to acquire the real property interest from the City of Akutan. The lands needed for the LSF are located in the tidelands that are owned by the State of Alaska and can be acquired per Alaska Statutes (AS) 38.05.825 Conveyance of Tide and Submerged Land to Municipalities.

6.0 BASELINE COST ESTIMATE ON ACQUISITION OF LERR:

Baseline Cost Estimates for Real Estate (BCERE) was prepared by the realty specialist as a rough order of magnitude (ROM) estimate, as shown in Table 1, BCERE. The Federal and non-Federal administrative costs have also been included in the BCERE to account for project coordination, crediting, and miscellaneous expenses that may occur during the planning or implementation of the proposed project. The BCERE for LERR credit estimated is \$85,383 for the GNF.

The BCERE may be revisited during the Project Engineering & Design (PED) phase to apply additional costs if necessary. If land acquisition by the NFSs are deemed necessary in the future, additional appraisals will be prepared to offer reasonable support for unit land values, which will, in turn, be used in calculating the BCERE for the proposed project.

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Table 1: Baseline Cost Estimate for Real Estate (BCERE)

Real Estate Cost Estimates						
Project: Akutan Harbor						
Location: Akun Island, Alaska						
ACCOUNT	DESCRIPTION	LERR	CONT.		NON-LERR	CONT.
1	Land & Damages					
	Construction Contracts Documents				\$5,000	\$1,250
	Planning by Non Federal Sponsor	\$500	\$125			
	Review of Non Federal Sponsor				\$4,000	\$1,000
	Real Estate Acquisition Documents					
	Acquisitions by Sponsor	\$2,000	\$500			
	Review of Sponsor				\$500	\$125
	Real Estate Appraisal Documents					
	Appraisal by Sponsor	\$20,000	\$5,000			
	Review of Sponsor				\$1,200	\$300
	Real Estate Payment Documents					
	Payment by Sponsor (LERR)	\$45,306	\$11,326			
	Review of Sponsor				\$1,000	\$250
	LERR Credit Documents	\$500	\$125			
	Total Admin & payment	\$68,306			\$11,700	
	Total contingencies		\$17,076			\$2,925
	Total LERR + Contingencies	\$85,383			\$14,625	
	Project Grand Total	\$100,008				

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

7.0 DESCRIPTION OF LERR REQUIRED:

The NFSs will negotiate to secure and acquire all necessary real property interest LERR required for the construction of the GNF. Table 2 reflects the LERR required for the construction of the GNF and estimated value. The rubble mound causeway, the 7,000 square foot pad, and the 1,100-foot-long road is needed for the construction of the GNF, and they will ultimately be utilized for construction/development of LSF.

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Table 2: LERR Required

Tract No.	Feature	Acres	Owners Type	Minimum Estate Required	Estimated Value
1	Breakwater	1.28	State of Alaska	Navigation Servitude	NA
2	Upland Breakwater	0.05	City of Akutan	Standard Estate #8	\$430.51
3	Entrance Channel	1.73	State of Alaska	Navigation Servitude	NA
4	Turning Basin	0.46	State of Alaska	Navigation Servitude	NA
5	Causeway	0.51	State of Alaska	Navigation Servitude	NA
6	Temporary Staging Area Beach	0.19	City of Akutan	Standard Estate #15	\$1536.15
7	Temporary Haul Road to Harbor	0.48	City of Akutan	Standard Estate #11	\$5726.23
8	Temporary Staging/laydown Area	0.42	City of Akutan	Standard Estate #15	\$3,357.74
9	Temporary Haul Road - State Land	0.27	State of Alaska - DOT&PF	Standard Estate #11	\$3,193.56
10	Temporary WorkArea - Hovercraft Pad	0.85	State of Alaska - DOT&PF	Standard Estate #15	\$6,838.80
11	Temporary Water Access to WorkArea	2.17	State of Alaska - DOT&PF	Standard Estate #15	\$17,348.22
12	Temporary Haul Road to Material Stockpile Site	0.23	City of Akutan	Standard Estate #11	\$2742.78
13	Temporary Material Stockpile Site	0.52	City of Akutan	Standard Estate #28	\$4132.21

The Government's dominant right of navigation servitude will be exercised for project tidelands below the mean high water (MHW) mark for the GNF, identified in Tables 2, and displayed in Exhibit D.

8.0 LERR ALREADY OWNED BY THE NFS:

The Non-Federal Sponsors do not own any of the land needed for the project.

9.0 NON-STANDARD ESTATES:

No Non-Standard Estates is required for this project.

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10.0 RECOMMENDED ESTATES:

10.1. Standard Estate #8. CHANNEL IMPROVEMENT EASEMENT:

A perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across the land described in Schedule A, for the purposes as authorized by the Act of Congress approved _____, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate: dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

10.2. Standard Estate #11. ROAD EASEMENT:

A (perpetual [exclusive] [non-exclusive] and assignable) (temporary) easement and right-of-way in, on, over and across the land described in Schedule A, for the location, construction, operation, maintenance, alteration replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land at the locations indicated in Schedule B); 10 subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

(Note 10: The parenthetical clause maybe deleted, where necessary; however, the use of this reservation may substantially reduce the liability of the Government through reduction of severance damages and consideration of special benefits; therefore, its deletion should be fully justified.)

10.3. Standard Estate #15. TEMPORARY WORK AREA EASEMENT:

A temporary easement and right-of-way in, on, over and across the land described in Schedule A, for a period not to exceed _____, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Akun Harbor Navigation Improvement Akutan Tribal Partnership Project, together.

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10.4. Standard Estate #28. STANDARD TEMPORARY WORK AREA EASEMENT (Beneficial Use By Others):

A temporary easement and right-of-way in, on, over and across the land described in Schedule A, for a period of [enter months of easement term not to exceed five (5) years], beginning with (“the date of this instrument” for purchases) (“the date possession of the land is granted to the United States” for condemnations), for use by the United States, its representatives, agents, and contractors as a dredged material placement area, including the right to deposit dredged material thereon, move, store and remove equipment and supplies, and to perform any other work necessary and incident to the use of the land for placement of dredged material from the [name the federal navigation channel and include river miles or stationing], together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

(Example has been drafted to include only those affirmative rights from the standard estate required to support placement of dredged material for beneficial use by others. This is a lesser estate (exception to fee) approved for use in the case of upland placement for beneficial use by others per CEMP-CR Memo dated 23 May 2023.)

In according with CEMP-CR Memorandum dated 27 Oct 23, subject Real Estate Policy Guidance Letter No. 35, Approved List of Standard Estate, provides Standard Estate #28. STANDARD TEMPORARY WORK AREA EASEMENT (Beneficial Use By Others).

If the dredged material management plan as described in Section 5.1 determines that in water placement is not an option, the upland placement of the dredge material will require Standard Estate #2, for the Operation and Maintenance.

10.5. Standard Estate #2. FEE EXCEPTING AND SUBORDINATING SUBSURFACE MINERALS.

The fee simple title to (the land described in Schedule A) (Tract Nos. _____, _____ and _____), subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding from the taking all (coal) (oil and gas) in and under said land and all appurtenant rights used in connection with the exploration, development, production and removal of said (coal) (oil and gas), including any existing structures and improvements; provided, however, that the said (coal) (oil and gas) and appurtenant rights so excepted and excluded are hereby subordinated to the prior right of the United States to flood and submerge the land as may be necessary in the construction, operation and maintenance of the project; provided further that any exploration or development of said (coal) (oil and gas) in and under said land shall be subject to Federal and State laws with respect to pollution of waters of the reservoir, and provided that the type and location of any structure, improvement and appurtenance thereto now existing or to be erected or constructed on said land in connection with the

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exploration and/or development of said (coal) (oil and gas) shall be subject to the prior written approval of the District Commander, U.S. Army Engineer District, Alaska, or his/her duly authorized representative.

Estimated Value \$5980 for .52 acreage Fee Estate

11.0 EXISTING FEDERAL PROJECTS:

There are no existing Federal projects that lie fully or partially within the LERR required for this Project.

12.0 FEDERALLY OWNED LANDS:

There is no other existing federal project that lies fully or partially within the LERR required for this project.

Navigation Servitude:

The navigation servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution (U.S. CONST. Art. I, §8, cl.3) to use, control and regulate the navigable waters of the United States and the submerged lands hereunder for various commerce-related purposes including navigation and flood control. In tidal areas, the servitude extends to all lands below the MHW mark. In non-tidal areas, the servitude extends to all lands within the bed and banks of a navigable stream that lie below the MHW mark.

United States v. Cress, 243 U.S. 316, 37 S. Ct. 380, 61 L. Ed. 746 (1917),

Kaiser Aetna v. the United States, 444 U.S. 164, 100 S. Ct. 383, 62 L.Ed.2d 332 (1979).

The Government's rights under the navigation servitude exist irrespective of the ownership of the banks and bed of a stream below the Mean Higher Water (MHW) mark and irrespective of western water rights under prior appropriation doctrine. As stated in Section 4 herein, the Federal Government can exercise its right of navigational servitude hereunder for the construction and maintenance improvements being proposed. In addition, USACE will follow the proper permitting process for excavating and/or disposing of material in navigable waters as required under Section 10 of the River and Harbor Act of 1899. Navigation servitude is being applied to this project.

13.0 FLOODING INDUCED BY PROJECT:

No flooding will be induced by the construction or the operation and maintenance of the proposed project. As such, no Physical Takings Analysis is required.

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14.0 UTILITIES & FACILITIES RELOCATION:

There are no known utilities or facilities requiring relocation that are impacted by the proposed project footprint.

15.0 RELOCATION ASSISTANCE BENEFITS (P.L. 91-646):

Public Law 91-646, Uniform Relocation Assistance provides an entitlement for various payments associated with Federal participation in the acquisition of real property. Title II makes provision for relocation expenses for displaced persons, and Title III provides for reimbursement of certain expenses incidental to the transfer of property. There will be no relocations required for this project. As such, no Title II or Title III costs are associated or identified herein.

ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERR RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY'S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.

16.0 HAZARDOUS, TOXIC, AND RADIOLOGICAL WASTE (HTRW) IMPACTS:

There is no real estate avoidance anticipated due to known or suspected HTRW located in, on, under, or adjacent to the LERR required for the construction, operation, or maintenance of the project, including LERR that is subject to navigational servitude. The project will not impact any HTRW sites.

17.0 MINERAL ACTIVITY IMPACTED PRESENT/FUTURE:

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

18.0 PROJECT MAP:

The Project Map is enclosed as Exhibit D.

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19.0 ASSESSMENT OF NFS REAL ESTATE ACQUISITION CAPABILITY:

The NFSs are fully capable sponsors for acquiring the required lands, easements, and rights-of-way (See Exhibits A and B - Sponsor Real Estate Acquisition Capability Assessment). The non-Federal sponsor Points of Contact are:

Robin Stepetin
Tribal Administrator
Native Village of Akutan
P.O. Box 89
Akutan, Alaska 99553-0089

Anne Bailey
Borough Administrator
Aleutians East Borough
3380 C Street, Suite 205
Anchorage, Alaska 99503

20.0 ADVANCE ACQUISITION:

The non-Federal sponsors have 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 of the lands needed for the project.

21.0 ZONING ORDINANCES CONSIDERED IN SUPPORT OF LERR REQUIREMENTS:

No zoning ordinances are proposed in lieu of, or to facilitate acquisition in connection with the project.

22.0 SCHEDULE:

The anticipated project schedule, unless revised after coordination with the non-Federal sponsor, as shown in Table 3.

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Table 3: Project Schedule

Task	Start
NFS – Receipt of the final real estate drawing from the Alaska District, Engineers.	2-4 weeks after PPA execution.
COE – Formal transmission of right of way drawing and instructions to acquire LERR.	4-8 weeks after PPA execution.
COE/NFS – Certify all necessary LERR available for construction.	6-12 months after transmitting the drawing and instructions to acquire LERR..
COE – Certifies/verifies the NFS has acquired the real interest required and sufficiency for contract advertisement, etc.	Prior to advertising for bids and proposals.
NFS – Prepare and submit credit requests.	As soon as possible, but no later than on an annual basis or within 180 days after the NFS provides the Government with the Authorization for Entry for Construction.
COE – Review/approve or deny credit requests.	As soon as possible after the NFS submission.

23.0 CULTURAL RESOURCES:

In accordance with Section 106 of the National Historic Preservation Act, USACE has consulted with the Alaska State Historic Preservation Officer (SHPO) and other stakeholders on the Recommended Plan. USACE determined that the proposed undertaking has the potential to have an adverse effect on historic properties on 17 June 2023. The SHPO concurred with this finding on 12 July 2023. A Programmatic Agreement (PA) to minimize and mitigate the potential adverse effect was developed in consultation with the SHPO, the Native Village of Akutan, and Aleutians East Borough, the City of Akutan, the Akutan Corporation, the Aleut Corporation, the Aleutian Pribilof Islands Association, the Museum of the Aleutians, and other stakeholders in accordance with 36 CFR § 800.14(b)(1)(ii). The PA has been executed. Stipulations to minimize or mitigate adverse effects of the proposed undertaking include archaeological monitoring of upland ground-disturbing activities, and, if buried subsurface cultural materials associated with historic properties are identified, and archaeological data recovery effort at the Sanağan site.

24.0 MITIGATION:

No mitigation features will have any real estate implications.

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25.0 VIEWS OF FEDERAL, STATE AND REGIONAL AGENCIES:

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

26.0 LANDOWNERS OPPOSITION:

Public meetings have been conducted with the USACE, NFSs, the principal landowner for adjacent project lands, and village residents. The residents of Akutan are generally in favor of the project. Further coordination will be ongoing between USACE, NFSs, City, State and Federal resource agencies, Akutan Corporation, and residents of the area.

27.0 OTHER REAL ESTATE ISSUES:

The NFSs have been advised of P.L. 91-646 requirements; and they have been advised of the requirements for documenting expenses for LERR crediting purposes.

Prepared By:

Reviewed and Approved By:

RONALD J. GREEN
Realty Specialist

MATTHEW J. DES FORGE
Chief, Real Estate Division

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SCHEDULE A

Tract ID	Parcel Description	Acres	GNF Feature	Estate Required
2	A portion of Section 1, Township 70 South, Range 111 West Seward Meridian, between Tract 2 and Tract 1, of Plat 2017-7, Aleutian Island Recording District, as shown on D.	0.05	Breakwater Upland	Standard Estate #8
6	A portion of Section 1, Township 70 South, Range 111 West Seward Meridian, between Tract 2 and Tract 1, of Plat 2017-7, Aleutian Island Recording District, as shown on Exhibit D.	0.19	Temporary Staging Area Beach, 4 Year term	Standard Estate #15
7	A portion of Section 1, Township 70 South, Range 111 West Seward Meridian, between Tract 2 and Tract 1, of Plat 2017-7, Aleutian Island Recording District, as shown on Exhibit D.	0.48	Temporary Haul Road, 4 Year term	Standard Estate #11
8	A portion of Section 1, Township 70 South, Range 111 West Seward Meridian, between Tract 2 and Tract 1, of Plat 2017-7, Aleutian Island Recording District, as shown on Exhibit D.	0.42	Temporary Staging/Laydown Area, 4 Year term	Standard Estate #15
9	A portion of Tract 2 of Plat 2017-7, Aleutian Island Recording District, as shown on Exhibit D.	0.27	Temporary Haul Road on State Land (DOT), 4 Year term	Standard Estate #11
10	A portion of Tract 2 of Plat 2017-7, Aleutian Island Recording District, as shown on Exhibit D.	0.85	Temporary Work Area on State Land (DOT), 4 Year term	Standard Estate #15
11	A portion of Tract 4 of Plat 2017-7 Aleutian Island Recording District, as shown on Exhibit D.	2.17	Temporary Work Area on State Land (DOT), 4 Year term)	Standard Estate #15
12	A portion of Section 1, Township 70 South, Range 111 West Seward Meridian, north of Tract 2 of Plat 2017-7, Aleutian Island Recording District, as shown on Exhibit D.	0.23	Temporary Haul Road to Temporary Material Placement Area, 4 Year term	Standard Estate #11
13	A portion of Section 1, Township 70 South, Range 111 West Seward Meridian, north of Tract 2 of Plat 2017-7, Aleutian Island Recording District, as shown on Exhibit D.	0.52	Temporary Material Placement Area, 4 Year term	Standard Estate #28

ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
NATIVE VILLAGE OF AKUTAN (TRIBE)
AKUTAN, ALASKA

1. **LEGAL AUTHORITY:**
 - a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? YES ☒ NO ☐
 - b. Does the sponsor have the power of eminent domain for this project? YES ☐ NO ☒
 - c. Does the sponsor have "Quick-Take" authority for this project? YES ☐ NO ☒
 - d. Are any of the lands/interests in land required for this project located outside the sponsor's political boundary? YES ☐ NO ☒
 - e. Are any of the lands/interests in land required for this project owned by an entity whose property the sponsor cannot condemn? YES ☐ 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 ☒ NO ☐
 - b. If the answer to 2a is "YES" has a reasonable plan been developed to provide such training? YES ☐ NO ☒
 - c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? YES ☐ NO ☒
 - d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule? YES ☐ NO ☒
 - e. Can the sponsor obtain contractor support, if required in a timely fashion? YES ☒ NO ☐
 - f. Will the sponsor likely request USACE assistance in acquiring real estate? YES ☒ NO ☐
3. **OTHER PROJECT VAIABLES:**
 - a. Will the sponsor's staff be located within reasonable proximity to the project site? YES ☒ NO ☐

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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? N/A
YES _____ 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 _____ NO X

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

Justification for Sponsor Non-concurrence:

SPONSOR: Native Village of Akutan


(Signature)

Robin Stegert, Tribal Administrator
(Printed Name and Title)

REPAIRED BY:
GREEN. RONALD.JON Digitally signed by GREEN. RONALD.JON. DN: cn=RONALD.JON. THAN.1202579147, o=USACE, ou=USACE, email=ronald.jon.than@usace.army.mil, c=US
ATHAN.1202579147
RONALD J. GREEN
Realty Specialist

REVIEWED AND APPROVED BY:
HAZARD. BRINDA.L. Digitally signed by HAZARD. BRINDA.L. DN: cn=BRINDA.L. HAZARD, o=USACE, ou=USACE, email=brinda.l.hazard@usace.army.mil, c=US
LEE.1177416700
BRINDA L. HAZARD
Chief, Real Estate Branch

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ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY ALEUTIANS EAST BOROUGH AKUTAN, 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 NO X
 - 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 NO X
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 NO X
 - 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 VAIABLES:**
 - a. Will the sponsor's staff be located within reasonable proximity to the project site? YES NO X

EXHIBIT B: NFS Acquisition Capability – Aleutians East Borough

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- b. Has the sponsor approved the project/real estate schedule/milestones?

YES X NO

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: ALEUTIANS EAST BOROUGH


(Signature)

Anne Bailey, Administrator
(Printed Name and Title)

PREPARED BY:

GREEN. RONALD.JON Digitally signed by
GREEN. RONALD.JON.12/05
79147
Date: 2023.05.17 14:08:27 -0800
ATHAN.1202579147
RONALD J. GREEN
Realty Specialist

REVIEWED AND APPROVED BY:

HAZARD. BRINDA. Digitally signed by
HAZARD. BRINDA. LEE.1177416700
Date: 2023.05.18 08:13:18 -0800
LEE.1177416700
BRINDA L. Hazard
Chief, Real Estate Branch

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

MAY 4, 2023

CEPOA-RE

Annie Bailey
Assistant Borough Administrator
Aleutians East Borough
3380 C Street, Suite 205
Anchorage, AK 99503

Dear Ms. Bailey:

This letter is to formally advise the Aleutians East Borough of the risk associated with the Borough choosing to acquire land it anticipates will be required for the project prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition after PPA execution. The Borough assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition efforts. Generally, these risks include, but may not be limited to, the following:

- (1) Congress may not appropriate funds to construct the proposed project;
- (2) the proposed project may otherwise not be funded or approved for construction;
- (3) a mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- (4) the non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
- (5) the non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
- (6) the non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition PPA until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and
- (7) the non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the

EXHIBIT C: Risk Letters

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Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

Also enclosed is a copy of the "A Guide to Real Property Acquisition". The purpose of this booklet is to provide general information and to advise of the real estate requirements and procedures involved in the planning process and subsequent acquisition of the necessary interest in real estate for the project. The Aleutians East Borough will need to certify that all the real estate required for the project has been acquired.

Sincerely,

Brinda L. Hazard
Brinda L. Hazard
Interim Chief, Real Estate Division

Enclosure

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

MAY 4, 2023

CEPOA-RE

Richard Stepetin
President
Native Village of Akutan
P.O. Box 89
Akutan, AK 99553-0089

Dear Mr. Stepetin:

This letter is to formally advise the Village of Akutan of the risk associated with the Village choosing to acquire land it anticipates will be required for the project prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition after PPA execution. The Village assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition efforts. Generally, these risks include, but may not be limited to, the following:

- (1) Congress may not appropriate funds to construct the proposed project;
- (2) the proposed project may otherwise not be funded or approved for construction;
- (3) a mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- (4) the non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
- (5) the non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
- (6) the non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition PPA until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and
- (7) the non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the

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Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

Also enclosed is a copy of the "A Guide to Real Property Acquisition". The purpose of this booklet is to provide general information and to advise of the real estate requirements and procedures involved in the planning process and subsequent acquisition of the necessary interest in real estate for the project. The Village of Akutan will need to certify that all the real estate required for the project has been acquired.

Sincerely,

Brinda L. Hazard

Brinda L. Hazard
Interim Chief, Real Estate Division

Enclosure

Akutan Harbor Navigational Improvements Appendix E: Real Estate Plan

6 May 2024

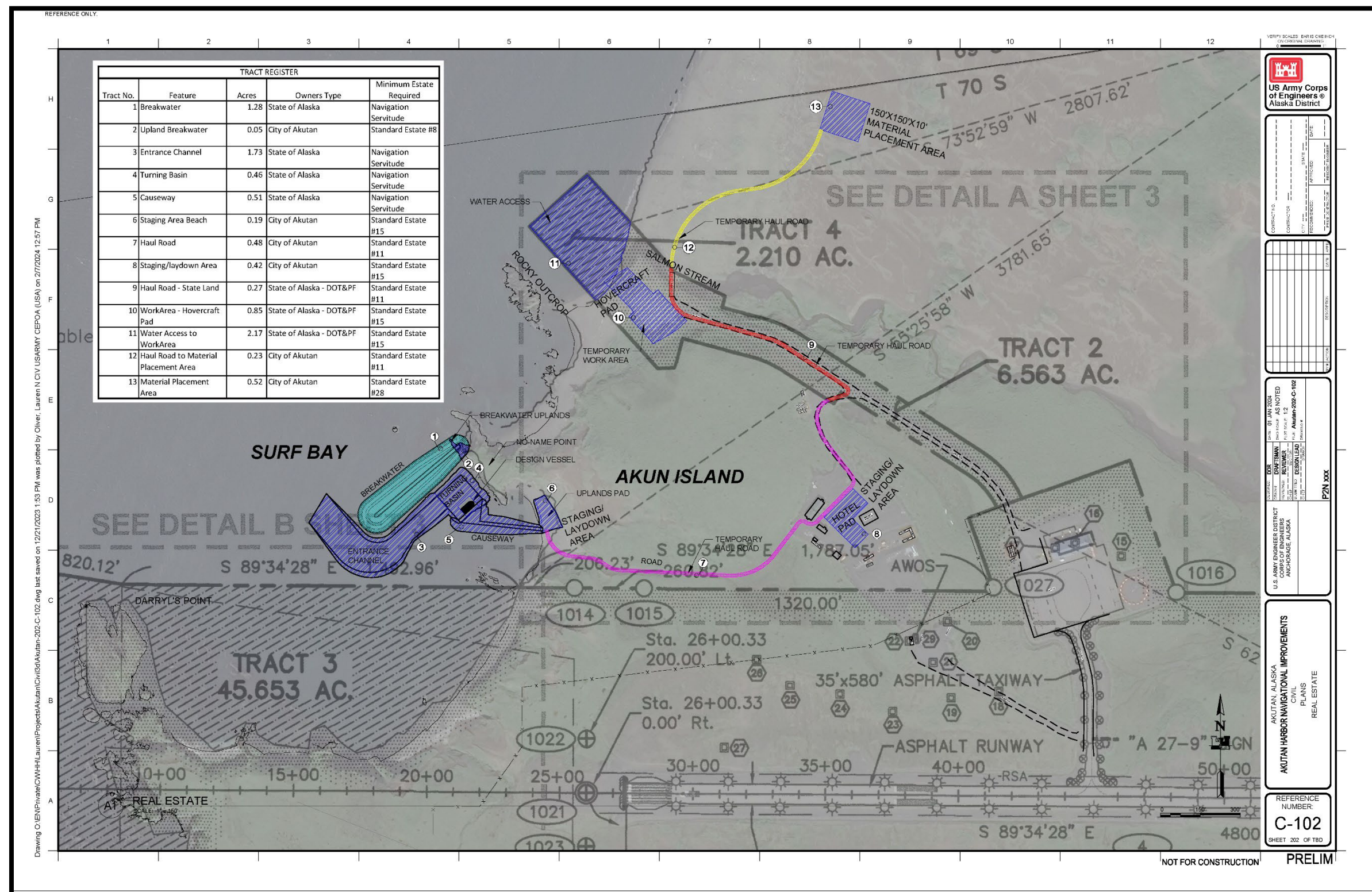


EXHIBIT D: Project Map

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Appendix E: Real Estate Plan

EXHIBIT E: Real Estate Risk Checklist

(Risk: Any issue that could cause a cost or schedule variance)

Project Management Risks impacting Real Estate

- ☐ Project scope definition unclear, impacting real estate needs – Construction from the land is the most cost effective, but may be impacted by the agreement between the City of the Akutan and the Akutan Corporation. Low Risk.
- ☐ Project schedule in question (accelerated or protracted) – Low Risk
- ☐ Project competing with other projects for funding and resources – Medium Risk, the community have other projects being planned and started within the next year. Land availability seen like an issue.
- ☐ Inexperienced or inadequate staff assigned –The NFS, Aleutians East Borough is a 2nd class borough in the state of Alaska. The AEB has experience in acquiring lands for federal civil works projects.

Technical Design Risks impacting Real Estate

- ☐ Land Surveys late, unclear, in question – Yes, Low Risk
- ☐ Sufficiency/availability of as-built data/base map data – Data made available & sufficient Low Risk
- ☐ Borrow/fill sources identified/secured – Yes, Low Risk
- ☐ Sufficiency/condition of borrow / fill sites – Low Risk
- ☐ Project Access has been defined and located – Project is considering access to the project area from the uplands, which would require a laydown yard, material placement area and access road from Alaska Department of Transportation lands. The Hovercraft is not being used. Low Risk.
- ☐ Locations for Plants /Equipment /Staging – Yes, the community is preparing construction of a warehouse in the area of the purposed laydown/staying area. Low Risk

Regulatory and Environmental Risks impacting Real Estate

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☐ Historical/Cultural site, endangered species, or wetlands present – Low Risk

☐ Hazardous waste preliminary site investigation required – Low Risk

☐ Mitigation requirements clear – Low Risk

External Risks impacting Real Estate

☐ Adequacy of project funding (incremental or full funding) – Low Risk

☐ Local communities' support/opposition – The local community supports the project but have projects in the area. Low Risk,

☐ Political factors change at local, state or federal – Low Risk

☐ Late surprises, Scope changes – The Akutan Corporation have been working on acquiring funding for replanting grass on the sand dunes, summer of 2024. The sand dunes are needed for the material stockpile. Medium Risk

☐ New stakeholders emerge and demand new work – The Akutan Corporation and the City have agreement that would return lands to the Akutan Corporation. The Akutan Corporation has communicated that the project would get the lands needed. Low Risk

☐ Influential stakeholders request additional needs to serve other purposes –. City may be planning to construction a warehouse at the purposed laydown yard. Medium Risk ☐ Political opposition/threat of lawsuits – Low Risk

Lands and Damages – Real Estate

☐ Real Estate plan defined / Study definition – Have determine construction should be from land base. Medium Risk.

☐ Status of real estate/easement acquisition –There is an issue with previous agreement between the Akutan Corporation and the City of Akutan. The city is to convey back to the Akutan Corporation the lands needed for the project. The Akutan Corporation has no objection to the project and plans to provide the Akutan Corporation lands to the City of Akutan so the NSF's would be able to acquire the appropriate real property interest. Low Risk

☐ Age of real estate estimate/potential to change over time – Low Risk

☐ Potential uneconomic remnants; – Low Risk

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- ☐ Hidden or unforeseen aspects of property and improvements due to the inability to physically inspect the project; – Low Risk
- ☐ Potential development pressures in the immediate area; – The local government have intention to construct warehouse in the area of purposed laydown area. - Low Risk
- ☐ Potential zoning changes; negotiation latitude beyond estimated market value; – Not Applicable to this project.
- ☐ Potential for condemnation awards and interest; and potential natural resources within the project area – Low Risk
- ☐ Objections to right-of-way appraisal – Low Risk
- ☐ Ancillary owner rights, ownerships in question – Not Applicable to this project
- ☐ Other Agency Involvements (freeway, city, railroad, navigation) – BIA funding for the Village of Akutan road project, which include a road to the purposed harbor. Low Risk
- ☐ Relocations adequately identified – Not Applicable to this project
- ☐ Relocations may not happen in time – Not Applicable to this project
- ☐ Records / as-built availability / inaccuracies – Low Risk
- ☐ Known and unknown utility impacts – Low Risk
- ☐ Vagrancy, loitering issues – Not Applicable to this project
- ☐ Quality of L&D estimates as “most likely” case – Low Risk
- ☐ Appraisal confidence with the volatile market over time – Due to lack of market activity value changes are not likely to occur. Low Risk
- ☐ Estimate already includes certain contingencies / Incremental Costs Low Risk

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RISK SUMMARY

Based on the above Risk Checklist, the above risk was summarized in Project Risk Register. Real estate defers to the 25% contingency for the administrative expenses detailed in the Baseline Estimate for Real Estate (BCERE). Cost and schedule impacts of the mentioned Real Estate concerns are captured in the contingency of the costs. Potential risks/opportunities have been addressed.

The accompanying REP makes the following key assumptions based on the current project scope: 1) a permanent easement is needed for the Breakwater. The team is considering construction land base, which require cost estimation for acquiring land for laydown yards, material placement area, and road easement for the construction of the GNF. 2) No facility/utility relocations will be required for the proposed navigation project.