



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

REAL ESTATE PLAN

APPENDIX F



Alaska District

NAVIGATIONAL IMPROVEMENTS

LITTLE DIOMEDE, ALASKA

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

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**NAVIGATION IMPROVEMENTS
LITTLE DIOMEDE, ALASKA**

REAL ESTATE PLAN

PURPOSE

This Real Estate Plan (REP) will be consolidated into the decision document Feasibility Report for Navigation Improvements for Little Diomed, 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, right-of-way, relocation and disposal areas (LERRD) that will be required.

PROJECT TYPE AND APPLICABILITY

The project study is authorized in partial response to the Rivers and Harbors in Alaska study resolution, adopted by the U.S. House of Representatives, Committee on Public Works, on December 2, 1970, and states in part:

Resolved by the Committee on Public Works of the House of Representatives, United States, that the Board of Engineers for Rivers and Harbors is hereby requested to review the reports of the Chief of Engineers on Rivers and Harbors in Alaska, published as House Document Numbered 414, 83rd Congress, 2nd Session....and pertinent reports with a view to determine whether any modifications of the recommendations contained therein are advisable at the present time.

The Congressional Direction source is Conference Report 106-988 for Fiscal Year 2001 Appropriations, Public Law 106-377. The General Investigations allocation table added Little Diomed Harbor, AK for investigations.

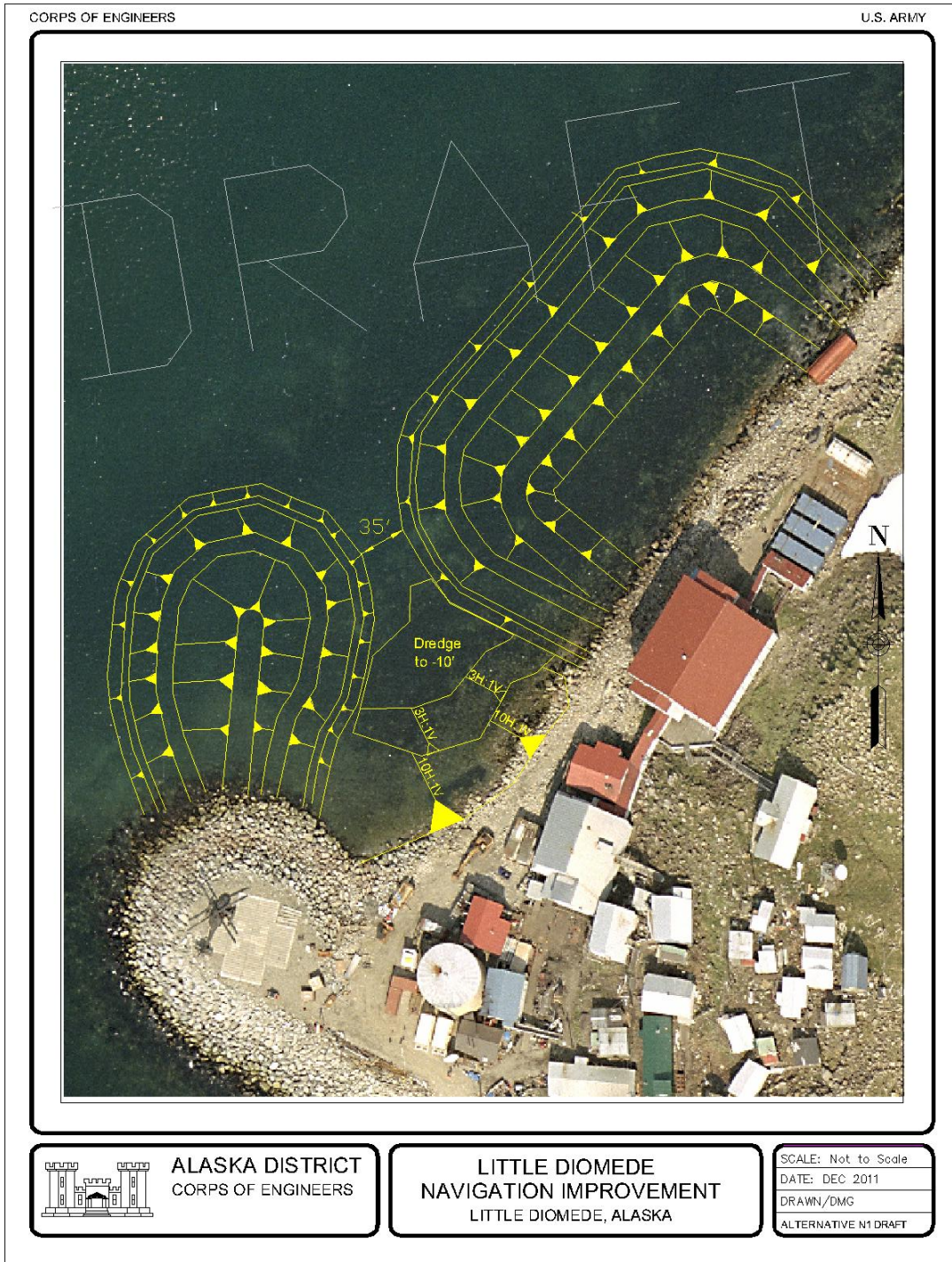
Nonfederal Sponsor for the project is the City of Little Diomed, working through the Kawerak, Inc., their Regional Non-Profit Native Corporation.

PROJECT SCOPE AND CONTENT

The purpose of this study is to identify real estate and tideland interests, identify types of permits that will be needed for this project and identify easements. This navigational improvement project proposes protection of shoreline banks along the Bering Straits. The four possible alternatives being reviewed all lie within Section 7, Township 4N, Range 49W, of the Kateel River Meridian.

- A. Alternative N1 is situated on the north side of a State owned helipad. This plan consists of two rubble mound breakwaters and a large area to be dredged and filled.

Alternative N1



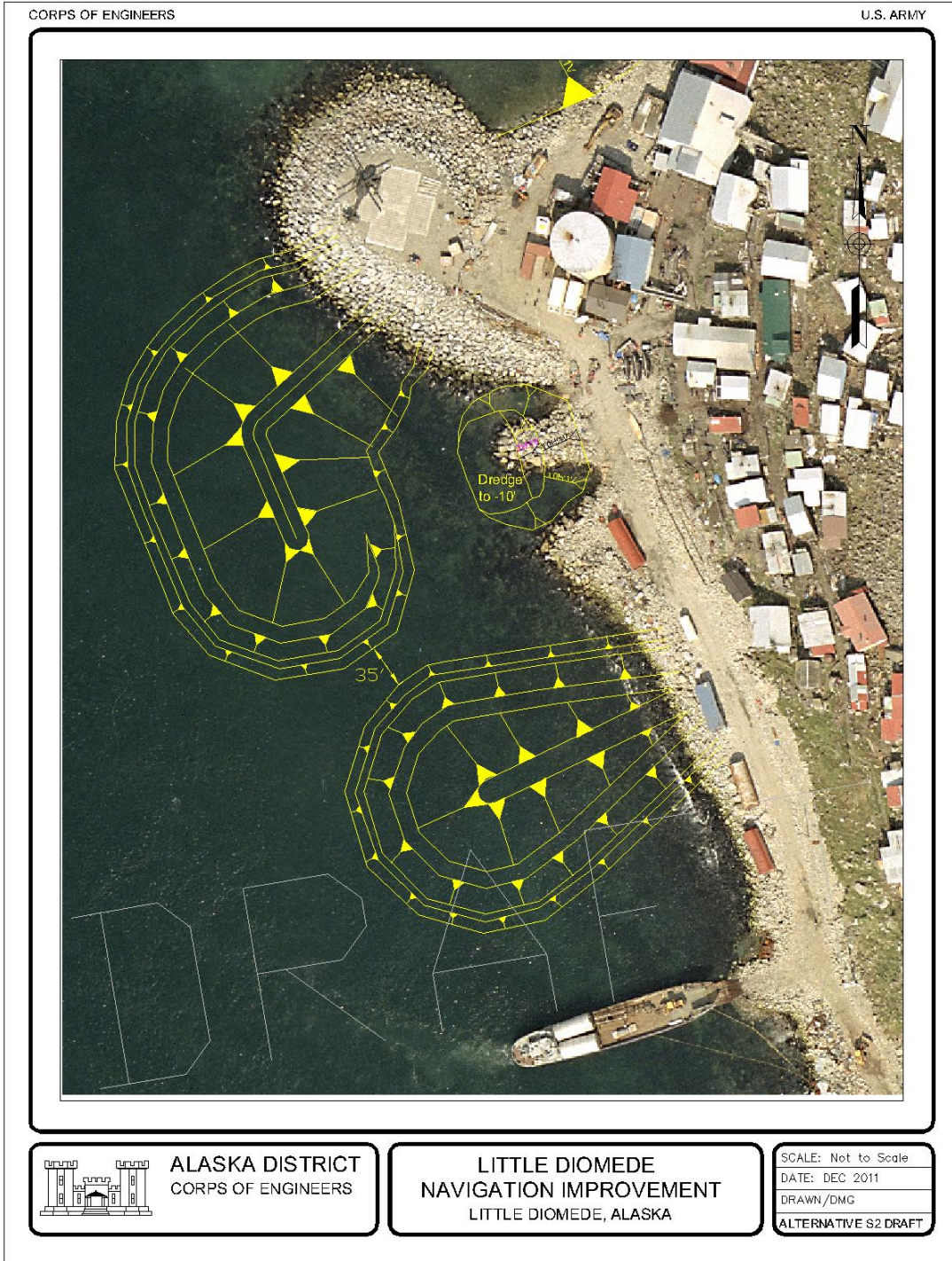
- B. There are three alternatives that are hooked on the south side of the state owned helipad. The first, Alternative S1, consists of two rubble mound breakwaters and a small dredged area.

Alternative S1



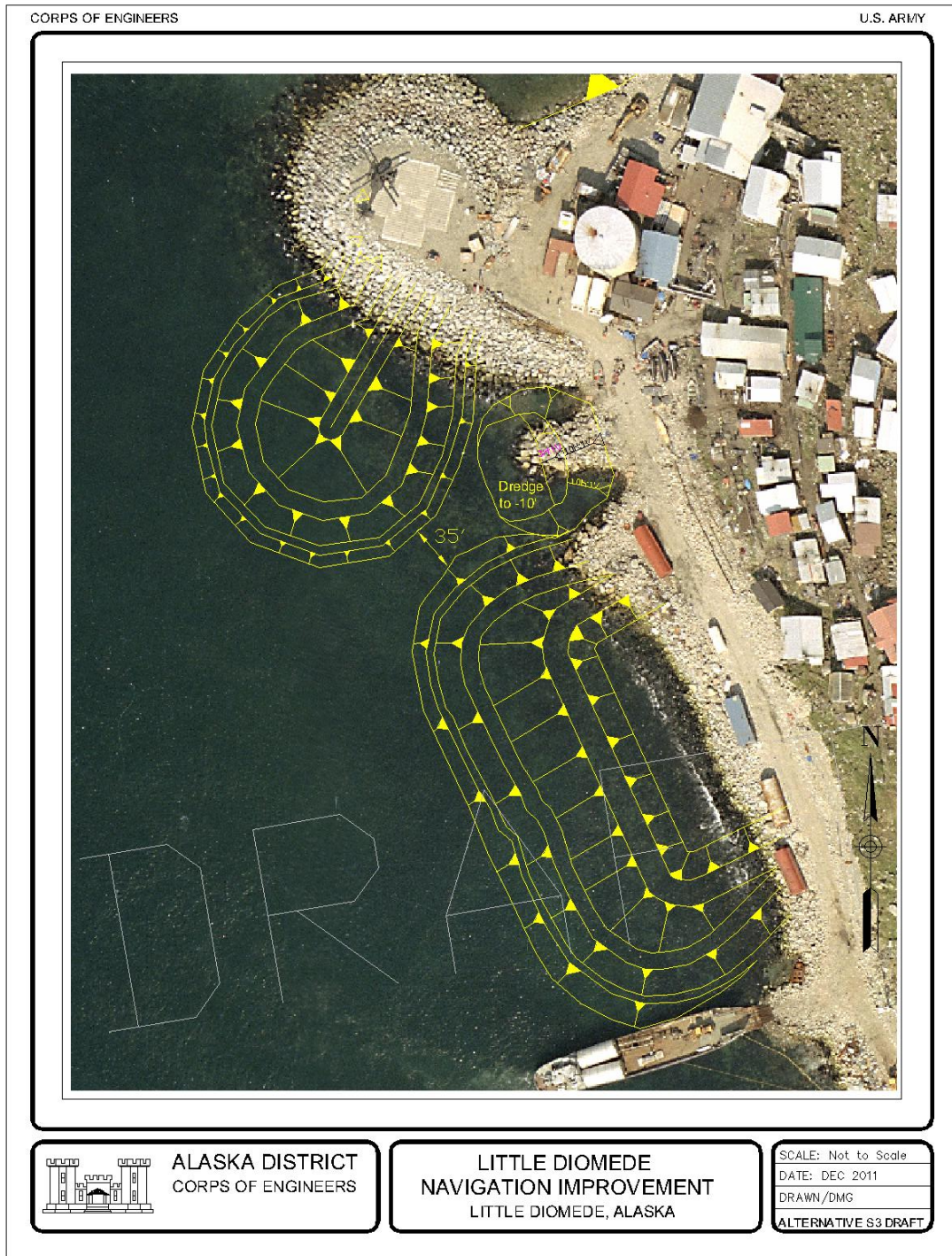
The second, Alternative S2, consists of two rubble mound breakwaters and a small dredged area to the shore.

Alternative S2



The third, Alternative S3, consists of two rubble mound breakwaters and a small dredged area to the shore.

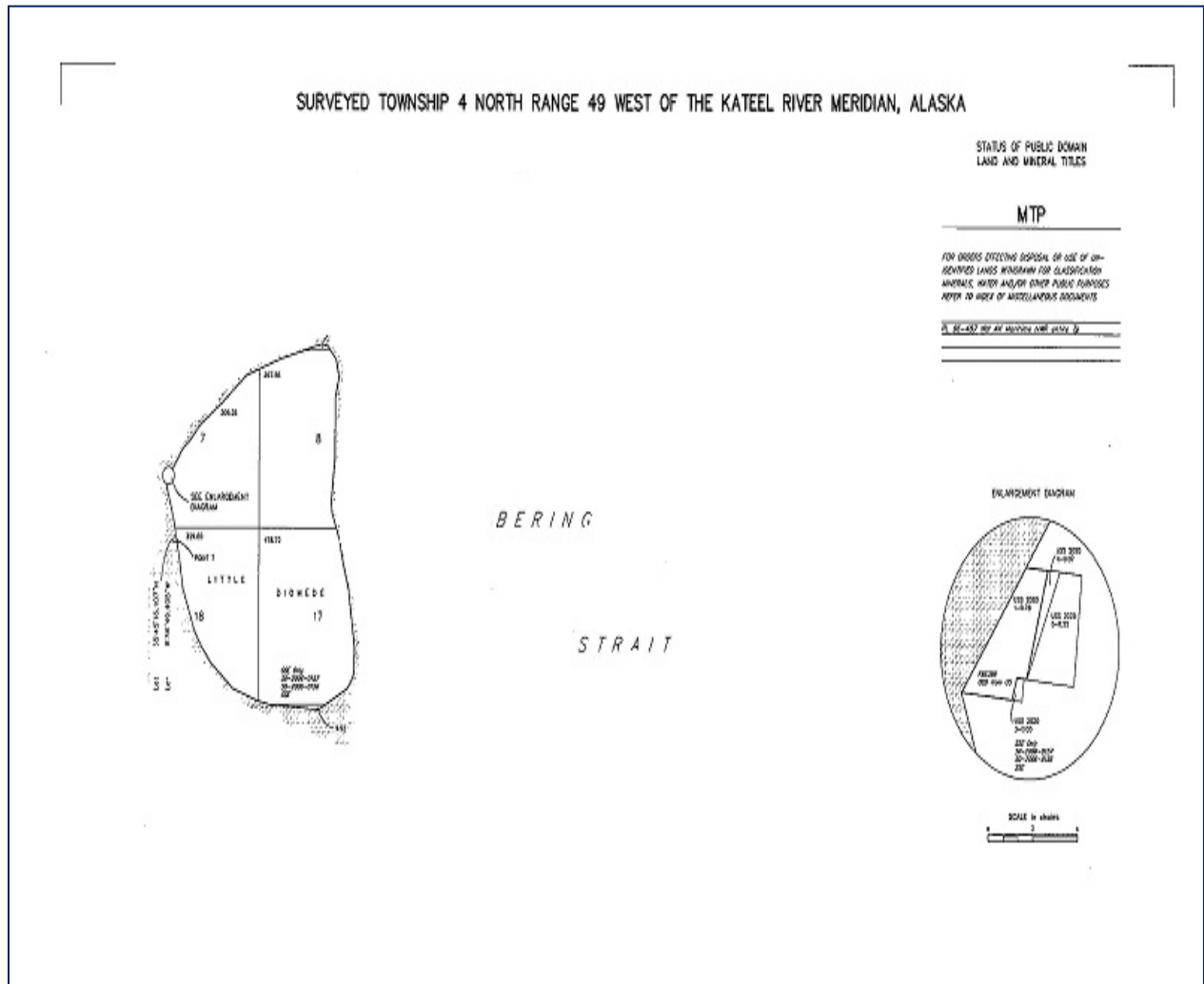
Alternative S3



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

This project area lies along the shoreline of the Bering Strait, within Section 7, Township 4 North, Range 49 West, USS 2020, Kateel River Meridian. The City owns all the land in Section 7, with the exception of Lot 1 owned by the Bering Strait School District, and the Helipad area owned by the State of Alaska which has an Interagency Land Management Assignment (ILMA) that extends into a large portion of the project area.

The lands identified below have been conveyed to Bearing Straights Native Corporation (SSE) and Inalik Native Corporation (SE) and are subject to PL 96-487, Alaska National Interest Lands Conservation Act. This Act, ([16 USC 410hh-3233](#), [43 USC 1602-1784](#)) Public Law 96-487, approved December 2, 1980, (94 Stat. 2371) designated certain public lands in Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, National Wilderness Preservation and National Forest Systems, resulting in general expansion of all systems. Should the land revert back to the United States they would then be subject the provisions of the act incorporating them into the Alaska Maritime National Wildlife Refuge.



Real estate requirements are as follows:

TABLE 1- LERRD REQUIREMENTS

FEATURES	OWNERS	ACRES	INTEREST	GNF* LOCAL
Entrance Channel, Breakwater, Portions Below Mean High Water (BMHW)	State of Alaska	2.39 AC	Nav Serv	GNF
Breakwater, Above Men High Water (AMHW)	State of Alaska	1.09 AC	Nav Serv	GNF
Breakwater (AMHW)	City of Diomedes	0.23 AC	Channel Improvement Easement	Local
Mooring Basin (BMHW)	State of Alaska Diomedes City of	0.19 AC	Nav Serv	GNF
Dredged Material Disposal Site	Dredge material disposal will be within the Breakwater GNF	0.0 AC	Nav Serv	GNF
Access Road and Staging Area	All work is anticipated to be accomplished from the barge. No access road or staging area will be required.	0.0 AC	None	None
TOTAL PROJECT BOUNARY	UNK	3.05 AC		

PROJECT COMPONENTS:

See Baseline Cost Estimate Section.

STANDARD ESTATES:

The required standard approved estates for this project may include Navigational Servitude and Channel Improvement Easement.

NON-STANDARD ESTATES:

Non-standard estates will not be utilized for the purposes of implementing the proposed project.

RELOCATION:

There are no relocation actions required for this project.

FEDERAL LANDS

There are no Federal Lands affected by this project. The entire township is subject to PL 96-487, the Alaska National Interest Lands Conservation Act. This Act, ([16 USC 410hh-3233](#), [43 USC 1602-1784](#)) Public Law 96-487, approved December 2, 1980, (94 Stat. 2371) designated certain public lands in Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, National Wilderness Preservation and National Forest Systems, resulting in general expansion of all systems. The lands identified have been conveyed to Bearing Straights Native Corporation, sub-surface estate (SSE) and Inalik Native Corporation, surface estate (SE). Should the land revert back to the United States they would then be subject the provisions of the act incorporating them into the Alaska Maritime National Wildlife Refuge.

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. The Office Counsel has determined 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

Flooding is not expected as a result of the project.

BASELINE COST ESTIMATE FOR REAL ESTATE

The NFS will negotiate to secure and acquire all necessary real estate interest in the lands for the project. A Real Estate cost for the land value is expected to be nominal based on prior projects.

Table 2: Baseline Cost Estimates for Land, Easements, Rights-of-Way, and Disposal Area

ITEM	FEDERAL	LOCAL	TOTAL
Admin Costs	\$8,000	\$12,000	\$20,000
Land Acquisition Costs (To be Determined)	0*	\$1,000*	\$1,000*
Subtotal	\$8,000	\$13,000	\$21,000
20% Contingency - Crediting	\$3,000	\$2,600	\$5,600
PROJECT TOTALS	\$11,000	\$15,600	\$26,600

*Lands identified will be acquired via Navigational Servitude for submerges lands. Uplands are less than ½ acre with an estimated value of \$2,000 per acre. Values in the Baseline Cost Estimate are representative of all four options presented; the majority of the costs involved are administrative and not likely to differ greatly. These costs 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 was provided.

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 POA, in collaboration with the City of Little Diomed and the Kawerak, Inc.

SPONSORSHIP CAPABILITY

The City of Little Diomed is working in concert with their Regional Non-Profit Native Corporation, the Kawerak, Inc., and they are 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:

Loretta Bullard, President, Kawerak, Inc
P.O. Box 948
Nome, Alaska 99762

NOTIFICATION OF SPONSOR AS TO PRE-PCA LAND ACQUISITION

The non-Federal sponsor has been notified in writing about the risks associated with acquiring land before the execution of the PCA 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, is as follows:

<p style="text-align: center;">NAVIGATION IMPROVEMENTS LITTLE DIOMEDE, ALASKA</p>	<p style="text-align: center;">COE START</p>
<p>RECEIPT OF FINAL PROJECT DRAWINGS FROM ENGINEERING</p>	<p>2-4 weeks after PPA execution</p>
<p>FORMAL TRANSMISSION OF PROJECT DRAWINGS & INSTRUCTIONS TO ACQUIRE LERRD</p>	<p>4-6 weeks after PPA execution</p>
<p>CERTIFY ALL NECESSARY LERRD AVAILABLE FOR CONSTRUCTION</p>	<p>6-9 Months after PPA execution</p>
<p>PREPARE & SUBMIT CREDIT REQUESTS</p>	<p>6-8 Months upon completion of Project</p>
<p>REVIEW/APPROVE OR DENY CREDIT REQUESTS</p>	<p>6 Month of Sponsor submission</p>

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 NFS, City of Little Diomed, State of Alaska, and other pertinent parties to discuss aspects of the proposed action. Further coordination will be ongoing. In compliance with NEPA 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 Little Diomed 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 Little Diomed, US Army Corps of Engineers, State and Federal resource agencies, and residents in the area.

ANY OTHER RELEVANT REAL ESTATE ISSUES

None.

PREPARED BY:

REVIEWED AND APPROVED BY:

JOHN J. SMITH
Realty Specialist
Acquisition Team Lead

THOMAS R. KRETZSCHMAR
Chief, Real Estate

EXHIBIT A

NAVIGATIONAL IMPROVEMENTS

LITTLE DIOMEDE, ALASKA

ASSESSMENT OF NON-FEDERAL SPONSOR'S

REAL ESTATE ACQUISITION CAPABILITY

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?
Does the sponsor have "Quick-Take" authority for this project?
YES X NO _____
YES X NO _____
- c. Are any of the lands/interests in land required for this project located outside the sponsor's political boundary? YES _____ NO X
- d. 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 _____ NO X
- 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 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 X NO _____

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 _____ NO _____

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

Justification for Sponsor Non-concurrence:

SPONSOR:

(Signature)

(Printed Name and Title)
City of Little Diomed

REPAIRED BY:

JOHN J. SMITH
Realty Specialist
Acquisition Team Lead

REVIEWED AND APPROVED BY:

THOMAS R. KRETZSCHMAR
Chief, Real Estate