
Lowell Creek Flood Diversion Seward, Alaska Appendix F: Real Estate Plan



April 2021



**US Army Corps
of Engineers®**
Alaska District

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Appendix F: Real Estate Plan
Integrated Feasibility Report and Environmental Assessment
Lowell Creek Flood Diversion
Seward, Alaska
Prepared By:
U.S. Army Corps of Engineers
Alaska District
April 2021

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1.0 PURPOSE

The purpose of the Real Estate Plan (REP) is to support the Lowell Creek Flood Diversion Integrated Feasibility Report and Environmental Assessment (IFR/EA), Seward, Alaska, Main Report dated April 2021. The REP describes the real estate requirements for the lands, easements, rights-of-way, relocations, and disposal areas (LERRD) for construction, operation, and maintenance. It outlines the costs and real estate considerations associated with the recommended plan and assesses the non-Federal sponsor's capabilities for LERRD acquisition. No other REP has been located. A USACE Report, titled "Flood Damage Reduction, Revised Reconnaissance Report, Seward, Alaska, Lowell Creek," was prepared in September 1992; it included a Real Estate section. The City of Seward, Alaska, is the study sponsor and the proposed Project Partnership Agreement (PPA) sponsor. This REP is tentative; 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 General Investigation study.

2.0 AUTHORITY

This IFR/EA is being conducted under the authority granted by Section 5032 of the Water Resources Development Act (WRDA) of 2007 (Public Law (P.L.) 110-114). The legislation reads as follows:

SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA

(a) LONG-TERM MAINTENANCE AND REPAIR. —

(1) MAINTENANCE AND REPAIR. — The Secretary shall assume responsibility for the long-term maintenance and repair of the Lowell Creek tunnel, Seward, Alaska.

(2) DURATION OF RESPONSIBILITIES. — The responsibility of the Secretary for long-term maintenance and repair of the tunnel shall continue until an alternative method of flood diversion is constructed and operational under this section or 20 years after the date of enactment of this Act, whichever is earlier.

(b) STUDY. — The Secretary shall conduct a study to determine whether an alternative method of flood diversion in Lowell Canyon is feasible.

(c) CONSTRUCTION. —

(1) ALTERNATIVE METHODS. — If the Secretary determines under the study conducted under subsection (b) that an alternative method of flood diversion in Lowell Canyon is feasible, the Secretary shall carry out the alternative method.

(2) FEDERAL SHARE. — The Federal share of the cost of carrying out an alternative method under paragraph (1) shall be the same as the Federal share of the cost of the construction of the Lowell Creek tunnel.

Implementation Guidance provided by United States Army Corps of Engineers (USACE) Headquarters for Section 5032 states that the feasibility study should be conducted in accordance with current budgetary policy and procedural guidance contained in Engineer Regulation (ER) 1105-2-100, the Planning Guidance Notebook, for projects authorized without a report. Because construction authority is included in Section 5032, the final product of this study will be a Report of the Director of Civil Works.

The City of Seward is the Non-Federal Sponsor (NFS) identified on the Feasibility Cost Sharing Agreement executed on 12 August 2016. The design and construction of the approved plan shall be accomplished at Federal expense, and the NFS shall provide, at no cost to the Government, all LERRD.

3.0 PROJECT LOCATION & DESCRIPTION

The Lowell Creek Flood Diversion System is located at the end of Lowell Creek in Seward, Alaska, 125 miles south of Anchorage at the head of Resurrection Bay (Figure 1). The project reroutes Lowell Creek through Bear Mountain and around the City of Seward to Resurrection Bay. The project was completed in 1940 and responsibility for operation and maintenance was transferred to the City of Seward in 1946. Structures consist of an upstream diversion dam with an emergency spillway, inlet structure, tunnel, and outlet structure. The relocated flood control project had long been evident as necessary.



Figure 1. Project Location in Seward, Alaska

3.1. Alternative Plans

An array of six alternatives including the No Action Alternative were evaluated. The alternatives included improving or enlarging the existing tunnel, constructing a new tunnel, and constructing an upstream retention basin, along with nonstructural measures; two different tunnel sizes were evaluated for Alternatives 3 and 4, while four variations were considered for Alternative 6. No alternative produced positive National Economic Development (NED) benefits. The initial alternatives considered were:

- Alternative 1: No Action
- Alternative 2: Improve Existing Flood Diversion System
- Alternative 3: Enlarge Current Flood Diversion System to Convey Larger Flow:
 - (3A) 18 ft Tunnel
 - (3B) 24 ft Tunnel
- Alternative 4: Construct New Flood Diversion System:
 - (4A) 18 ft Tunnel
 - (4B) 24 ft Tunnel
 - (4C) 14 ft Tunnel
 - (4D) 16 ft Tunnel
- Alternative 5: Construct Debris Retention Basin
- Alternative 6: Floodplain Relocation
 - (6A) Floodway Through the City
 - (6B) Relocation of All Structures in Lowell Canyon
 - (6C) Relocation of All Structures in Lowell Canyon, Except the Hospital
 - (6D) Relocation of Residential Structures in Lowell Canyon

3.2. Recommended Plan

The recommended plan is Alternative 4A: Construct New Flood Diversion System. Structural components of this alternative would include a new 18-ft diameter tunnel upstream from the existing tunnel, refurbishing the existing tunnel, extending the outfall 150 ft to take flow and debris over the road, protecting both the new and existing tunnel inlets from landslide with a canopy, and improving the low flow diversion system. Nonstructural components would include selected tree removal and installation of a stream gauge within the tunnel.

4.0 DESCRIPTION OF LANDS, EASEMENTS, RIGHTS-OF-WAY AND DISPOSAL AREAS REQUIRED

The features, owners, acres, and the standard estates required for the Recommended Plan are shown in Table 1. There will be two staging areas. The Upper Staging Area will be accessed from the Lowell Canyon Road and the Staging Area will be accessed from the Lowell Point Road.

Table 1. LERRD Required for the Project.

Tract ID	Feature	Owner	Acres	Minimum Estate Required
1	Tree Removal	State of Alaska	45.51	Estate # 15, Temporary Work Area Easement
2	Tree Removal	NFS	32.41	*Temporary Work Area Easement
3	Dam and Tunnel Canopy	NFS	21.7	Fee
4	Outfall Area	Federal Government	0.01	Public Domain
5	Outfall	NFS	0.19	Fee
6	Upper Staging Area	NFS	1.55	*Temporary Easement
7	Refurbish Existing Tunnel	NFS	13.55	Fee
8	Staging Area	NFS	2.5	Fee
9	Material Placement Site	NFS	2	Fee
		Total Acres	119.42	
*NFS owns the land in fee estate and meets the minimum estate requirements. The project is a federal project with the LERRD being provided by NFS at no cost to the government, thus no costs were associated with this table.				

4.1. Lands, Easements, Rights-of-way, and Disposal areas Already Owned by the NFS

The NFS owns US Survey (USS) 703, Mining Survey (MS) 981, Tract C, Fourth of July Creek, and Alaska Tideland Survey (ATS) 174 are owned by the NFS and are sufficient and available for the project as identified in Table 2.

For disposal of the rocks and gravel materials generated by the project, the NFS owns a rock quarry approximately 6 miles from the site, as identified in Table 1, Tract ID 9. The rock quarry is 56.7 acres and only 1-2 acres are estimated to be necessary for the project.

Table 2. LERRD Already Owned by NFS.

Project Tract ID	Feature	Tract Description	Conveyance Documents
2	Tree Removal	USS 703	Superior Court for State of Alaska Decree #63-1795.
3 and 7	Dam and Tunnel, Existing Dam and Tunnel and Canopy	Mineral Survey No. 981 USS 703	Superior Court for State of Alaska Decree #63-1795.
5 and 8	Outfall and Staging Area	Tideland Survey 174	State of Alaska Tideland Patent 232.
6	Upper Staging Area	USS 703	Superior Court for State of Alaska Decree #63-1795.
9	Material Placement Site	Tract C, Fourth of July Creek, according to the official plat filled in the Seward Recording District, Third Judicial District, State of Alaska, as Plat #84-6.	Quitclaim Deed from the Kenai Peninsula Borough to the City of Seward. Dated May 15, 1984. Recorded Seward Recording District, Alaska, Book 33 Page 282.

4.2 Lands, Easements, Rights-of-way, and Disposal areas to be Acquired by the NFS

The NFS will negotiate to secure and acquire all necessary real estate interests in the lands for the project. Land values are expected to be nominally based on land acquisition for the original project. The NFS needs to acquire a temporary easement to access the State of Alaska land for tree removal. The State of Alaska has indicated that, given the current parameters set for tree removal and the size of the section, the State will not seek reimbursement for the timber. Due to the topography and location, the number of trees removed will be negligible. The land to be acquired is identified as Tract ID 1 within Table 1, and in Schedule A and Schedule A, Exhibit A.

5.0 STANDARD ESTATE

Estate #1: FEE

The fee simple title to Tract Numbers 3, 5, 7 and 8, Subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

Estate #15. TEMPORARY WORK AREA EASEMENT.

A temporary easement and right-of-way in, on, over, and across the land described in Schedule A, Tract Number 1, for a period not to exceed three years, 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 work area, including the right to deposit spoil and waste material thereon to perform any other work necessary and incident to the construction of the Lowell Creek Flood Diversion Project, 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.

6.0 EXISTING FEDERAL PROJECTS

The Lowell Creek Flood Project is the existing Federal project, authorized by the Flood Control Act of 1936, and shown in Figure 1 above. The sponsor provided without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project. The recommended plan proposes to refurbish the existing tunnel and construct a canopy to protect the tunnel inlet from landslide.

7.0 FEDERALLY OWNED LANDS

Under the supervision of the Chief of Engineers, as authorized by the Act of August 25, 1937 (Session 1, Chapter 773, 50 Statute 806). The Federally owned lands include all un-surveyed public land between the Mineral Survey No. 981, Alaska and Resurrection Bay, lying northeast of a line drawn through U.S. Location Monument No. 726, running S. 34°28' E. and N. 34°28' W. containing less than an acre. Executive Order 8330, dated January 24, 1940, temporarily withdrew public land from settlement, location, sale, or entry, and reserved for flood control purpose in connection with the Lowell Creek Flood Control Project. The USACE is the managing Federal agency.

8.0 NAVIGATION SERVITUDE

The Federal Navigational Servitude doctrine arises from two related components: (1) navigation power, which is derived from the commerce clause of the U.S. Constitution giving Congress regulatory power over navigable waters; and (2) navigation servitude, which provides that certain private property may be taken, without compensation to the landowner, if the taking is necessary to exercise the navigation power. Private ownership of land below navigable or tidal waters is acquired and held subject to the dominant public right of navigation. This dominant public right may be exercised by Congress without giving rise to a compensable taking. Navigation servitude may only

be exercised by the Federal Government for Congressionally authorized projects or measures that are related to navigation or pursuant to regulatory authorities to protect navigation. Navigation servitude is not being applied to this project. The Government's right to navigational servitude will not be exercised in connection with the recommended plan.

9.0 PROJECT MAPS

Recommended Plan – Concept Plan Drawing is identified as Exhibit B, and Real Estate Project Map is identified as Exhibit C.

10.0 FLOODING INDUCED BY PROJECT

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

11.0 BASELINE COST ESTIMATE FOR REAL ESTATE

The 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 3. The value of the RE is not expected to exceed 15% of the total project cost and therefore a ROM estimate approach was acceptable. Federal and non-Federal administrative costs have also been included in the BCERE, to account for project coordination, and miscellaneous expenses that may occur during the planning or implementation of the proposed project. The BCERE may be revisited during the PED phase to apply additional costs and value of trees, if necessary. If additional land acquisition by the NFS is 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.

Table 3. Baseline Cost Estimate for Real Estate (BCERE).

Baseline Cost Estimate for Real Estate (BCERE)			
	FEDERAL	NON-FEDERAL	TOTALS
LANDS AND DAMAGES (01 account designation)			
Acquisition by the NFS	-	\$6,000	\$6,000
Acquisition/Review of NFS	\$1,000	\$0	\$1,000
Total 01	\$1,000	\$6,000	\$7,000
RELOCATION COST (02 account designation)			
Facility/Utility Relocation	-	\$719,000	\$719,000
Note: This real estate cost estimate is then incorporated into the Total Current Working Estimate. Values in the BCERE are estimates and not a final LERRD value. The \$7,000 LERRD Cost includes 20% contingency. The \$719,459 Facility/Utility Relocation cost includes the cost to prime and 45% contingency			

12.0 RELOCATION ASSISTANCE BENEFITS (P.L. 91-646)

There will be no relocations required for this project.

13.0 MINERAL OR TIMBER ACTIVITY IMPACTED PRESENT/FUTURE

13.1. Mineral

There is no current or anticipated mineral 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 area.

13.2. Timber

The removal of selective trees exhibiting a 48 inch or greater diameter at breast height or multiple trunks of 30 inch in diameter at breast height in a portion of the upper watershed will occur. This measure has the objective of removing trees that are large enough to cause blockage in the tunnel(s) if they fall and are swept into the tunnel(s) during a storm event. However, the select tree removal specifications will be re-evaluated during PED because the tree specifications reported here were developed for the existing 10-ft diameter tunnel and the new 18-ft diameter tunnel may tolerate larger trees and still avoid blockage issues. The USACE will coordinate via telephone with the Alaska Department of Fish and Game regarding selective tree removal. The State of Alaska Kenai Kodiak Area Forester, by an email dated September 2, 2020, stated that, given the current parameters set for tree removal and the size of the section, the State of Alaska (SOA) will not seek reimbursement for the timber. Due to the topography and location, the number of trees removed will be negligible. The USACE will provide the SOA the number trees selected for removal during PED. The SOA will determine the tree's marketability and value.

14.0 ASSESSMENT OF NON-FEDERAL SPONSOR LEGAL CAPABILITY

The City of Seward 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's point of contacts are:

Scott Meszaros
City Manager of Seward
P.O. Box 167
Seward, AK 99664
Email: smeszaros@cityofseward.net

Doug Schoessler
Public Works Director
City of Seward
PO Box 167
Seward, AK 99664
Email: doug@cityofseward.net

15.0 ZONING ORDINANCES CONSIDERED IN SUPPORT OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATION REQUIREMENTS

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

16.0 REAL ESTATE SCHEDULE

The anticipated project schedule, unless revised after coordination with NFS, is shown in Table 4. At the time of this report, the USACE Project Manager, the NFS, and USACE Real Estate Division concur with the schedule.

Table 4. Project Schedule.

Entity	Task	Schedule
NFS	Receipt of the final real estate drawing from the Alaska District, USACE.	2–4 weeks after PPA execution.
USACE	Formal transmission of right-of-way drawing and formal notice to proceed with acquisition.	4–6 weeks after PPA execution.
NFS	Certify all necessary LERRD available for construction.	180 days after PPA execution.
USACE	Certify/verify the NFS has acquired the real interest required and sufficiency for contract advertisement, etc.	180 days after PPA execution.

NFS=Non-Federal Sponsor, USACE=U.S. Army Corps of Engineers

17.0 FACILITY/UTILITY RELOCATION

The relocation cost estimates provided in Table 5 are subject to change even after approval of the General Investigation study. The owners of the facilities/utilities have a duty to continue the operation of the utility or facility during construction. It will be determined during the PED phase if these facilities will be impacted by the construction, either temporarily or permanently. These are potential utility relocations. As such, an Attorney’s Opinion of Compensability has not yet been performed. The facility/utility relocation cost estimate has been presented to the Alaska District’s Cost Engineers. The cost engineers had no further comment at this planning stage. Utility/Facility relocations are properly RE costs and the NFS’s requirement to carry out.

Table 5. Facility/Utility Relocation Cost.

FACILITY	UTILITY	COST
TelAlaska, Inc.	Fiber Line	\$20,000
TelAlaska, Inc.	Copper Conduit	\$20,000
City of Seward	Water Line	\$80,000
City of Seward	Sewer Line	\$80,000
City of Seward	Overhead Electric Line	\$30,000
Alaska SeaLife Center	Power Conduit, parallel to TelAlaska Conduit	\$20,000
Alaska SeaLife Center	Fresh Water Line	\$50,000
Alaska SeaLife Center	Fresh Water Line Power	\$50,000
Total Estimated Utilities Relocation Cost:		\$350,000

17.1. Water and Sewer Facilities/Utilities

The City of Seward is the owner of the water and sewer facilities located in the project footprint, identified in Figure 2. The relocation cost estimate for these lines (see Table 5) were provided by the City’s Public Works Director by an email dated February 16, 2021.

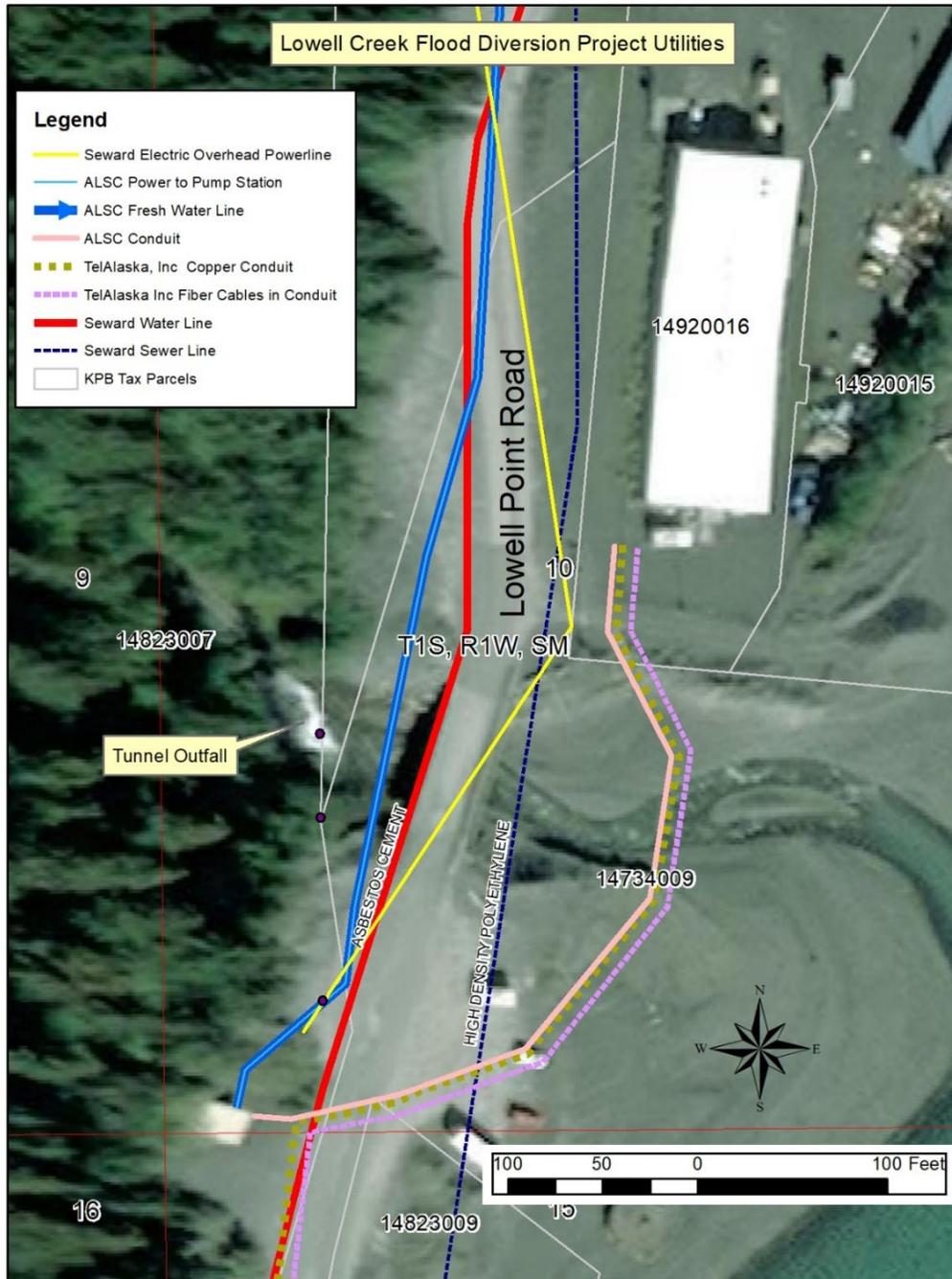


Figure 2. Utilities.

17.2. Overhead Power Lines

The City of Seward is the owner of the electrical facilities located in the project footprint, identified in Figure 2 above. The relocation cost estimate for this line (see Table 5) was provided by the City's Electric Field Engineer by an email dated February 3, 2021.

17.3. TelAlaska, Inc. Lines

TelAlaska, Inc. is the owner the Copper and Fiber Cables in Conduit, identified in Figure 2 above. The relocation cost estimate for these lines (see Table 5) were provided by the TelAlaska, Inc.'s OSP Engineer by an email dated February 19, 2021. This may be considered a private utility, pending the Attorney's Opinion of Compensability.

17.4. Alaska SeaLife Center Facilities

The Alaska SeaLife Center operates as a private, non-profit research institution and public aquarium, with wildlife response and education. The Seward Association for the Advancement of Marine Science (Alaska SeaLife Center) is the owner of the freshwater line, with power line running parallel and a power conduit running parallel to the TelAlaska's conduit, identified in Figure 2 above. The relocation cost estimate for the freshwater and power lines (see Table 5) were provided by Metco Alaska, the contractor for the Alaska SeaLife Center. Per a conversation with Metco Alaska on February 18, 2021, because of the limited information the USACE provided, they estimated the cost to relocate freshwater and power lines to be at least \$100,000. The water line provides fresh water to Alaska SeaLife Center. This may be considered a private utility, pending the Attorney's Opinion of Compensability.

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 LERRD 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.

18.0 HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)

No real estate avoidance is anticipated due to known or suspected hazardous, toxic, and radioactive waste (HTRW) located in, on, under, or adjacent to the LERRD required for the construction, operation, or maintenance of the project, including LERRD that is subject to the navigational servitude.

In addition, no impacts to HTRW sites are expected. The Alaska Department of Environmental Conservation contaminated site mapping tool was utilized to verify no HTRW sites are within the project footprint.

19.0 LANDOWNER OPPOSITION

The project has been described at several public meetings since the 25–26 October 2016 Charrette. The public gave feedback about their concerns but had no opposition.

20.0 ADVANCE ACQUISITION AND RISK NOTIFICATION

The Alaska District, Real Estate Division, by an email dated April 22, 2020, notified the NFS about risks associated with acquiring land before the execution of the PPA and the Government's formal notice to proceed with an acquisition. The City of Seward has been advised of P.L. 91-646 requirements and they have been advised of the requirements for documenting expenses for LERRD.

21.0 CULTURAL RESOURCES

The Lowell Creek Diversion Tunnel was listed on the National Register of Historic Places on November 23, 1977 (National Archives Identifier 75325568). The tunnel will not be affected by the preferred alternative.

22.0 OTHER REAL ESTATE ISSUES

A risk analysis was performed for the real estate portion of this project and is shown in Exhibit D. It is determined that risk level for project cost and schedule impacts are considered low, likelihood of occurrence is unlikely, and impact/consequence of occurrence is unlikely. Under Lands and Damages for Real Estate, known and unknown utility impacts there is a medium risk, because it is unknown how many of the lines will need to be moved until a final design is put forward. However, the cost risk is low because it is unlikely all of the lines will need to be moved. It is likely the cost will go down.

23.0 RECOMMENDATION AND SIGNATURE

This report has been prepared in accordance with Chapter 12 of the Real Estate Handbook, USACE Engineer Regulation (ER) 405-1-12. It is recommended that this report be approved.

PREPARED BY:

REVIEWED AND APPROVED BY:

RONALD J. GREEN
Realty Specialist

GARY C. HANSON
Chief, Real Estate Division

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SCHEDULE A

LERRD to be Acquired				
Tract ID	Acres	Owner	Feature	Legal Description
1	45.51	State of Alaska by US Patent No. 50-84-0326	Tree Removal	A portion of Tract A, Township 1 South, Range 1 West, Seward Meridian, as identified in Schedule A, Exhibit A, attached.

Lowell Creek Flood Diversion
Appendix F: Real Estate Plan



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**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
LOWELL CREEK FLOOD DIVERSION
SEWARD, 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 _____ NO x
 - 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 x 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 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 _____
 - 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 _____
N/A

3. **OTHER PROJECT VAIABLES:**
 - a. Will the sponsor's staff be located within reasonable proximity to the project site? YES ✓ NO _____

Exhibit A: Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability

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

4. **OVERALL ASSESSMENT:**

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

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

HIGHLY CAPABLE FULLY CAPABLE
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: CITY OF SEWARD


(Signature)

Scott W. MESZAROS
(Printed Name and Title)

REPAIRED BY:

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ATHAN.1202579147
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RONALD J. GREEN
Realty Specialist

REVIEWED AND APPROVED BY:

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GARY HANSON
Chief, Real Estate Branch

Exhibit B. Recommended Plan – Concept Plan Drawing

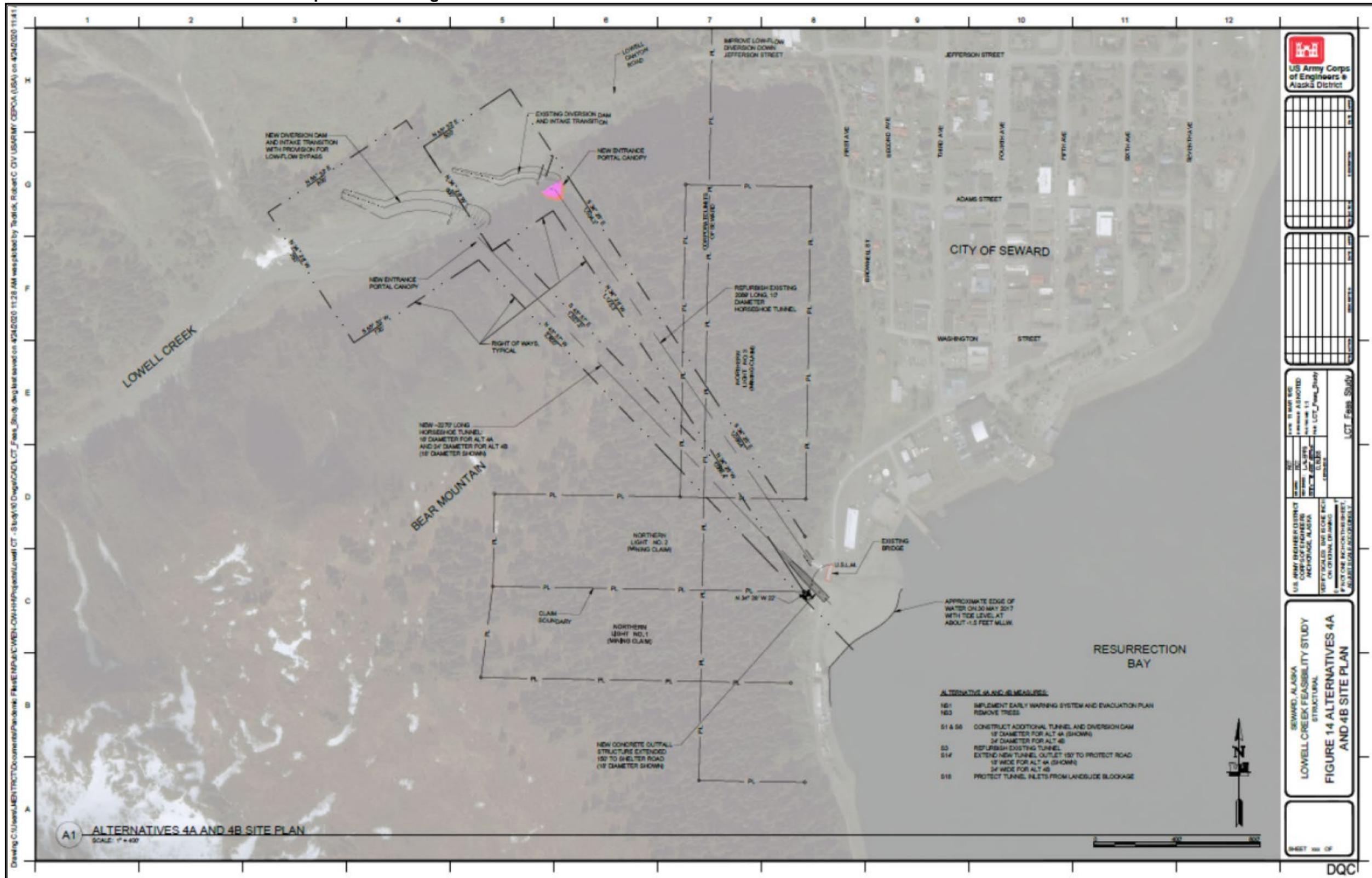
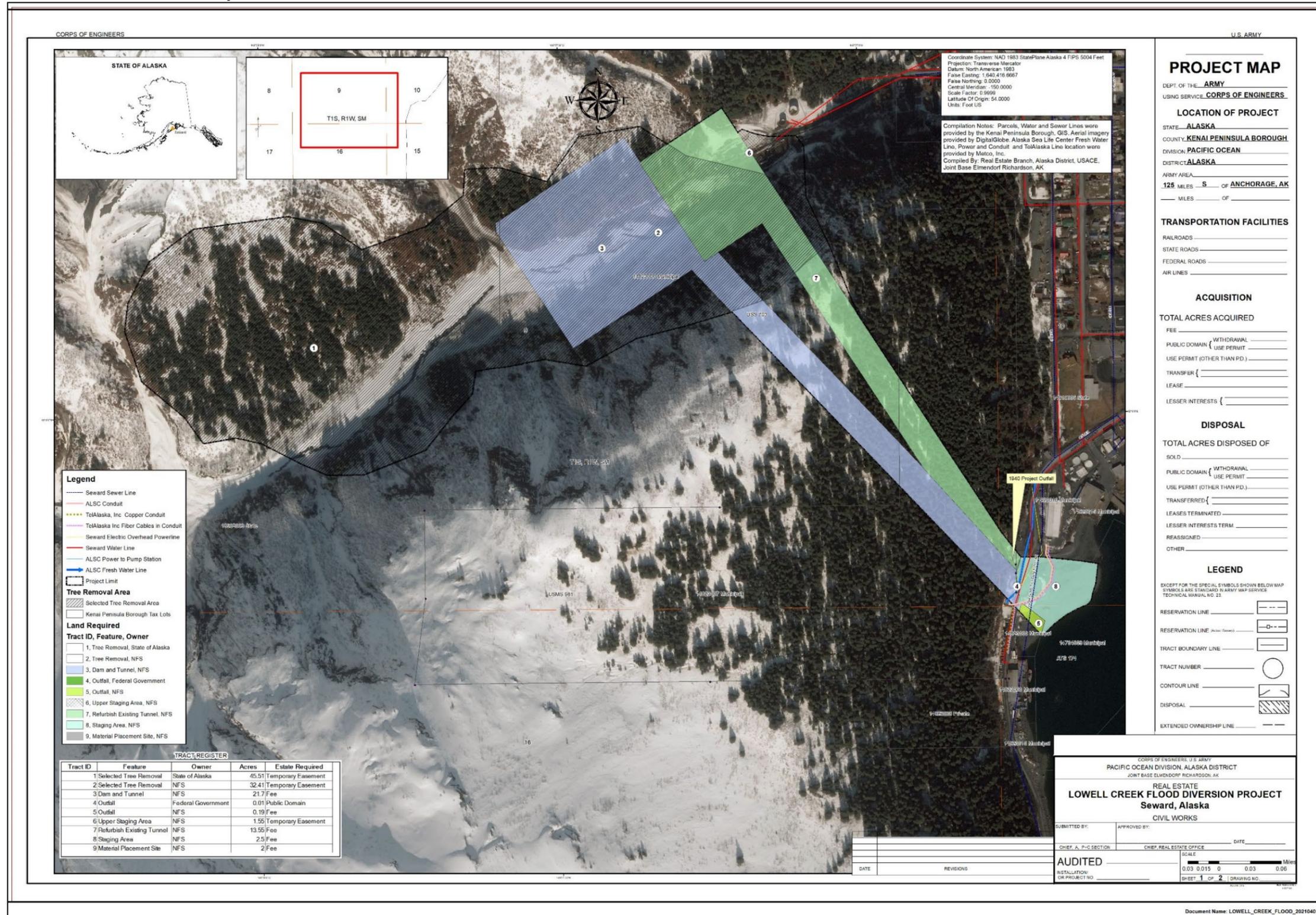


Exhibit C. Real Estate Map



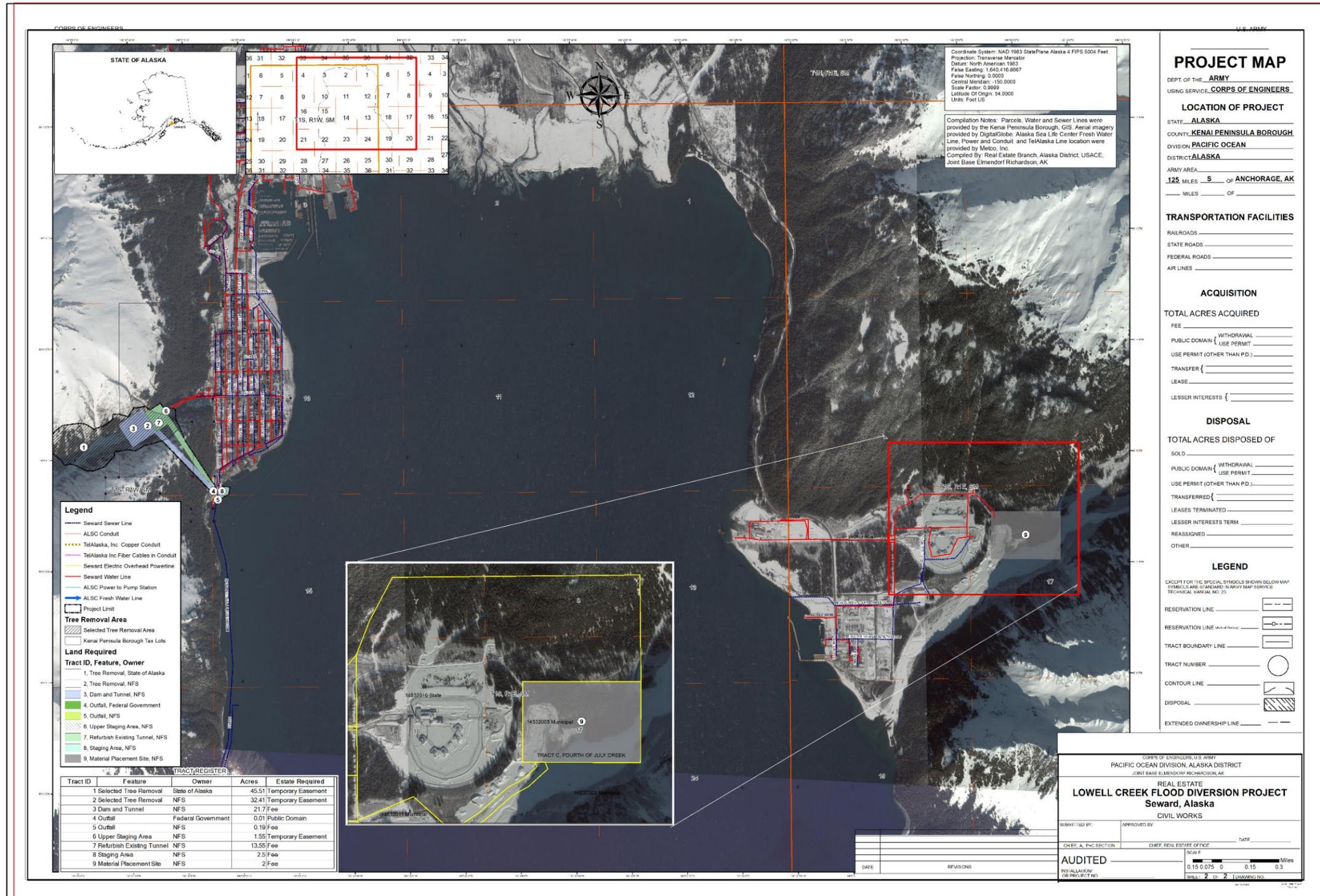
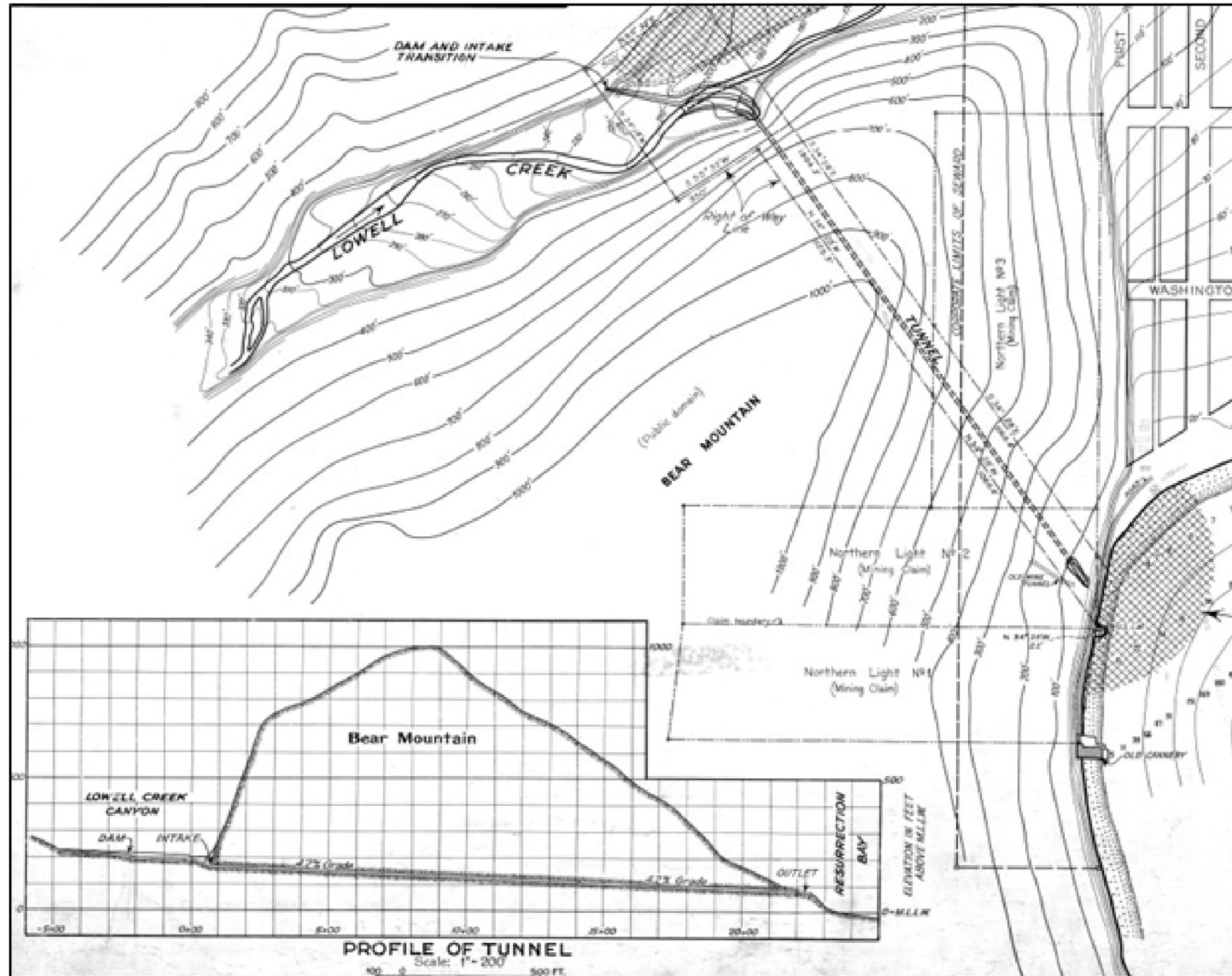


Exhibit D. Seward Flood Control Works



Intentionally left blank.

REAL ESTATE RISK CHECKLIST

LOWELL CREEK FLOOD DIVERSION INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT

(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 – Low Risk
- Project schedule in question (accelerated or protracted) – Low Risk
- Project competing with other projects for funding and resources – Low Risk
- Inexperienced or inadequate staff assigned – Low Risk

Technical Design Risks impacting Real Estate

- Land Surveys.– Yes, low risk
- Sufficiency/availability of as-built data/base map data – Data made available & sufficient
- Borrow/fill sources identified/secured – Not Applicable to this project
- Sufficiency/condition of borrow / fill sites – Not Applicable to this project
- Project Access has been defined and located – Yes, low risk.
- Locations for Plants /Equipment /Staging – Yes, staging areas are located within the lands already owned by NFS.

Regulatory and Environmental Risks impacting Real Estate

- 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 – Low Risk

Exhibit E. Real Estate Risk Checklist

- Political factors change at local, state, or Federal – Low Risk
- Late surprises, Scope changes – Low Risk
- New stakeholders emerge and demand new work – Low Risk
- Influential stakeholders request additional needs to serve other purposes – Low Risk
- Political opposition/threat of lawsuits – Low Risk

Lands and Damages – Real Estate

- Real Estate plan defined / Study definition – Yes, Low Risk
- Status of real estate/easement acquisition – Low Risk,
- Age of real estate estimate/potential to change over time – Low Risk
- Potential uneconomic remnants; – Low Risk
- Hidden or unforeseen aspects of property and improvements due to inability to physically inspect the project; – Low Risk
- Potential development pressures in the immediate area; – Not Applicable to this project
- 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) – Not Applicable to this project
- Relocations adequately identified – Low Risk
- Relocations may not happen in time – Low Risk
- Records / as-built availability / inaccuracies – Low Risk
- Known and unknown utility impacts – Medium 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 – Low Risk

Estimate already includes certain contingencies / Incremental Costs – Low Risk

RISK SUMMARY

Based on the above Risk Checklist, the above risk were summarized in Project Risk Register as LD1, after discussions with the cost estimator, that the Cost and Schedule Risk Analysis (CSRA) using USACE approved software will quantify the Real Estate concerns including mitigation risks. Real estate refers to the 20% 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. All potential risks/opportunities have been addressed.

The accompanying Real Estate Plan (REP) makes the following key assumptions based on the current project scope:

- 1) Permanent easements needed for the dam and tunnel and outfall, and temporary work area easements needed for the tree removal, refurbishing tunnel and construction of a canopy are the LERRD anticipated to be acquired for the proposed project.
- 2) The Primary Overhead Conductor relocation will be required.
- 3) All other facilities/utilities relocations will be determined during the PED phase, if the facilities/utilities will be impacted by the construction, either temporarily or permanently.