
Port of Nome Modification Feasibility Study

Nome, Alaska

Appendix F: Real Estate Plan



**US Army Corps
of Engineers**

Alaska District

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NFS Capability to Acquire Real Estate.....EXHIBIT A
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Port of Nome Harbor Modification Feasibility Study Nome, Alaska

REAL ESTATE PLAN

1. Purpose:

This Real Estate Plan (REP) will be consolidated into the Port of Nome Harbor Modification Feasibility Study, Nome, Alaska. The City of Nome, Alaska is the study sponsor and the proposed Project Partnership Agreement (PPA) sponsor. Currently, the REP does not conform to all of the requirements of ER 405-1-12 (Chapter 12) and is for planning purposes only as both the final real property acquisition lines and the real estate cost estimates provided are subject to change even after approval of the feasibility report. Following Recommended Plan selection and during feasibility level design, the REP will be revised to conform to Chapter 12.

2. Authority:

The feasibility study is authorized by Section 204 of the Flood Control Act of 1948, as amended by Section 208 of the Flood Control Act of 1950, which states:

“The Secretary of the Army is hereby authorized and directed to cause preliminary examinations and surveys for flood controls and allied purposes...to be made under the direction of the Chief of Engineers, in drainage areas of the United States and Territorial possessions, which include the following named localities:...Harbors and Rivers in Alaska, with a view to determining the advisability of improvements in the interest of navigation, flood control, hydroelectric power, and related water uses.”

In 1970, the House of Representatives passed a resolution authorizing a review of the reports of the Chief of Engineers on Rivers and Harbors in Alaska, "with a view to determining whether any modifications of the recommendations contained therein are advisable at the present time." House Document 99, 86th Congress 1st Session, was an interim report on Northwest Alaska, which specifically presented plans for improvements of Nome Harbor, but made no recommendations.

Section 105(a) of WRDA 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements. Additional study authorities include Section 2006 of WRDA 2007 “Remote and Subsistence Harbors” and national security benefits as outlined by Section 1202(c)(3) of WRDA 2016 “Additional Studies, Arctic Deep Draft Port Development Partnerships.” The former allows for the consideration of benefits to communities located within the region served by a remote and subsistence harbor when evaluating navigation improvements for the harbor. This provision allows the approval for such harbors without the need to demonstrate justification solely on national economic development (NED) benefits, if the improvements would be located in the State of Alaska, are economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the region, and if the long-

term viability of a community located within the region served by the project would be threatened without the navigation improvements.

The Non-federal Sponsor (NFS) for the project is the City of Nome, Alaska. Project cost share is:

- For the feasibility report, Federal 50 percent and NFS 50 percent.
- Preconstruction, Engineering, and Development, Federal 90 percent and NFS 10 percent
- Construction for providing depths to 20 feet below mean low water, Federal 90 percent and NFS 10 percent of the General Navigation Features (GNF).
- Construction for providing depths from 20 feet to 45 feet below mean low water, Federal 75 percent and NFS 25 percent of the GNF.
- Construction for all depths, the NFS provides an additional cash contribution equal to 10 percent of GNF, which includes dredged material disposal construction costs. These costs may be paid over a period not exceeding 30 years.

The NFS's cost for lands, easements, rights-of-way, relocations and dredged or excavated material disposal areas (LERRD), except utilities, are credited against the additional cash contribution.

3. Project Location & Description:

The City of Nome is located along the Bering Sea on southern side of Seward Peninsula, facing the Norton Sound approximately 540 air miles northwest of Anchorage, as shown in Figure 1.



Figure 1. Port of Nome Harbor, Alaska Vicinity Map

The study is evaluating alternatives to provide safe, reliable, resilient, and efficient waterborne transportation systems for movement of commerce, national security, subsistence, and recreation. Five primary planning objectives are listed below without respect to priority because all will need to be addressed to arrive at an effective solution:

- Reduce draft limitations to increase fuel transport capabilities to better satisfy fuel demand.
- Support multiple maritime missions: cargo transportation, search and rescue, emergency and oil spill response, natural resource exploration.
- Support access to natural resources for subsistence purposes within Nome and the region.
- Allow for sufficient development of upland facilities.
- Separate industrial traffic on the west causeway from non-industrial pedestrian traffic

Tentatively Selected Plan

Alternative #8b Dredged to a depth of either -30 feet or -40 feet: Extend the west causeway length by approximately 3,484 ft and deepen the new Deep Water Basin to a depth of approximately -30 feet mean lower low water (MLLW) or -40 feet MLLW (the final depth will be determined prior to release of the final report). Additionally, the east breakwater would be removed, a new east causeway would be constructed to aligned with F-Street, and the Outer Basin would be deepened to -28 ft MLLW, as shown in Figure 2.

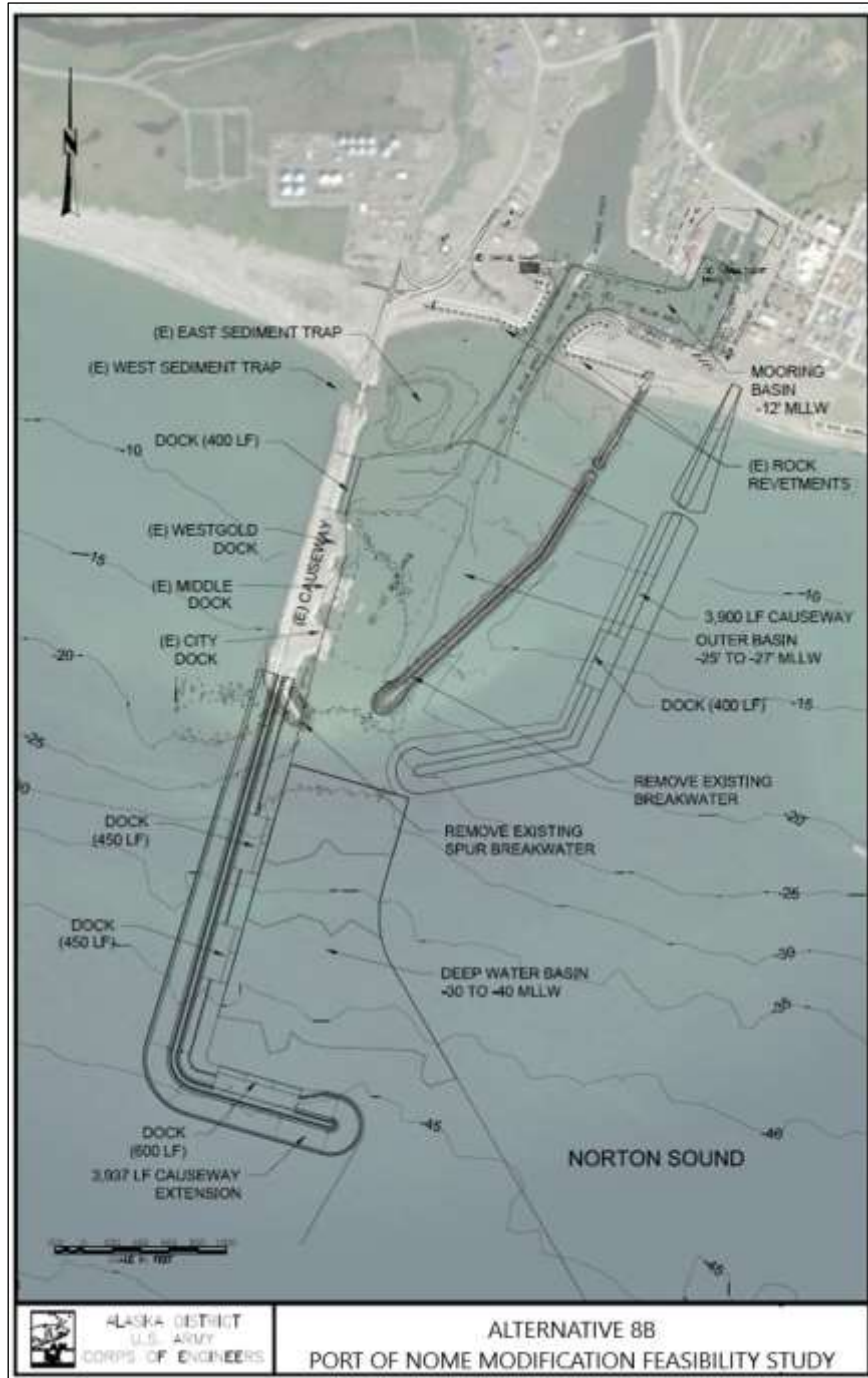


Figure 2. TSP ALTERNATIVE 8b

4. Description of Lands, Easements, and Rights-of-way (LER) Required:

Table 1 describes the Features, Owners, Acres and the Standard Estate required for the TSP, dredged to -30 feet or -40 feet.

Table 1: TSP Alternative #8b Dredged to Depth or either -30 feet or -40 feet MLLW

FEATURES	OWNERS	ACRES	Standard Estate
L-Shaped West Causeway Extension	NFS	31	Navigation Servitude
Construct New East Causeway	NFS	22	Navigation Servitude
Deep Water Basin Channel	NFS	95	Navigation Servitude
Outer Basin Channel includes removal of exiting East Breakwater	NFS	88	Navigation Servitude
Transition Channel	NFS	2	Navigation Servitude
TOTAL		238	

5. Lands, Easements, Rights-of-way Already Owned by the NFS:

The NFS owns the tidelands identified as Alaska Tidelands Survey 334.

6. Standard Estate/Non-Standard Estate:

Navigation servitude will be exercised.

7. Existing Federal Projects:

The federally authorized Nome Harbor navigation project, consisting of the inner and outer harbors, will be affected by the project footprint, shown in Figure 3.

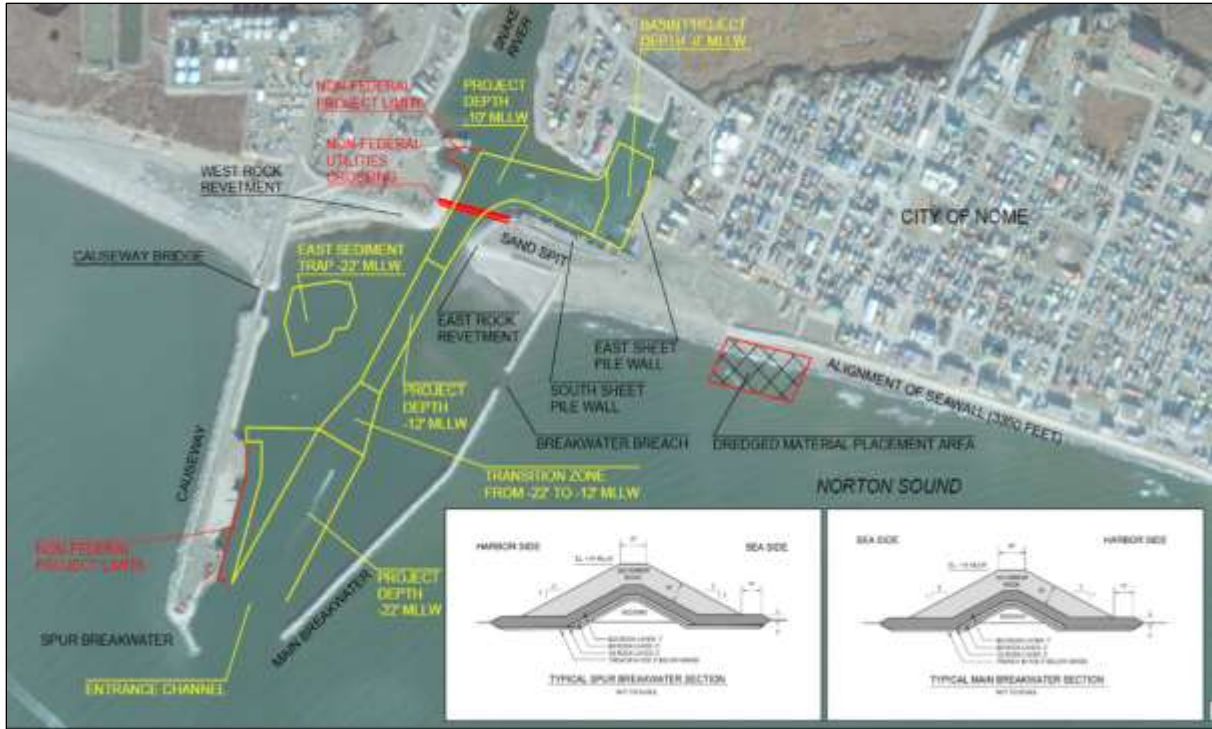


Figure 3. Nome Harbor Project

8. Federally Owned Lands:

There are no federally owned lands affected by the project footprint.

9. 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 Alaska District Office of Counsel has determined the application of Navigation Servitude is appropriate for construction of the breakwaters. Navigation Servitude will apply laterally over the entire surface of the water-body and is not extinguished by later actions or events that impede or destroy navigable capacity. The Government's dominant right of navigation servitude will be exercised for project tidelands below the Mean High Water (MHW) line.

10. Project Maps:

Project Map is identified as Exhibit B.

11. Flooding Induced by Project:

Flooding is not expected as a result of the project.

12. Baseline Cost Estimate for Real Estate (BCERE):

The NFS will negotiate to secure and acquire all necessary real estate interest in the lands for the project. Land values are expected to be nominal based on land acquisition by navigational servitude for this project.

- 01.23.03.01 Real Estate Planning Documents
(25% based on reasonable cost estimates)
- 01.23.03.02 Real Estate Acquisition Documents
(25% based on reasonable cost estimates)
- 01.23.03.03 Real Estate Condemnation Documents
(10% based on the normal risks of court actions)
- 01.23.03.05 Real Estate Appraisal Documents
(20% based on reasonable contract costs)
- 01.23.03.06 Real Estate PL 91-646 Asst. Documents
(10% based on reasonable cost estimates)
- 01.23.03.13 Real Estate Facility/Utility Relocation Documents
(\$ amount provided by Cost Engineering + contingency)
- 01.23.03.15 Real Estate Payment Documents
(based on contingencies 20% - assigned by the Appraiser in the Gross Appraisal)
- 01.23.03.17 Real Estate LERRD Accounting Documents
(20% based on reasonable cost estimates relative to accounting requirements)

Table 2, displays the Baseline Cost Estimates for Real Estate. The estimates are presented in the standard Code of Accounts from M-CACES II Model Database.

Table 2: Baseline Cost Estimates for Real Estate

ACCOUNT	DESCRIPTION	LERRD	CONT.		NON-LERRD	CONT.
1	Land & Damages					
1.23	Construction Contracts Documents					
01.23.03	Real Estate Analysis Documents					
01.23.03.01	Real Estate Planning Documents					
	Planning by Non Federal Sponsor					
	Review of Non Federal Sponsor				\$15,000	\$1,000

ACCOUNT	DESCRIPTION	LERRD	CONT.	NON-LERRD	CONT.
01.23.03.02	Real Estate Acquisition Documents				
	Acquisitions by Sponsor				
	Review of Sponsor				\$1,000
01.23.03.03	Real Estate Condemnation Documents				
	Condemnation by Sponsor				
	Review of Sponsor				
01.23.03.05	Real Estate Appraisal Documents				
	Appraisal by Sponsor				
	Review of Sponsor				
01.23.03.06	Real Estate PL 91-646 Asst Documents				
	PL 91-646 Asst by Sponsor				
	Review of Sponsor				
01.23.03.13	Real Estate Facility/Utility Relocation				
	Payment by Sponsor				
	Review of Sponsor				
01.23.03.15	Real Estate Payment Documents				
	Payment by Sponsor(LERRD)				
	Payment by Sponsor (PL 91-646)				
	Review of Sponsor				
01.23.03.17	Real Estate LERRD Credit Documents			\$1,000	\$200
	Total Admin & payment			\$16,000	
	Total contingencies				\$2,200
	Total LERRD + Contingencies				
	PROJECT GRAND TOTAL			\$18,200	

*Submerged lands identified will be acquired via Navigational Servitude.
Values in the Baseline Cost Estimate are estimates and not a final LERRD value for crediting purposes.

13. Relocation Assistance Benefits (P.L. 91-646):

There will be no relocations required for this project.

14. Mineral Activity Impacted Present/Future:

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.

15. Assessment of Non-Federal Sponsor Legal Capability:

The City of Nome is the 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 LERRD required for project purposes. The Sponsor’s point of contact information is:

Joy L. Baker
Port Director
City of Nome
Email: JBaker@nomealaska.org

16. Zoning Ordinances Considered in Support of LERRD Requirements:

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

17. Schedule:

The anticipated project schedule, unless revised after coordination with NFS, is shown in Table 3.

Table 3: Project Schedule

ACTION	START
NFS - Receipt of final project drawings from USACE, AK District - Engineering	2-4 weeks after PPA execution
COE - Formal transmission of project drawing and instructions to acquire LERRD	4-6 weeks after PPA execution
COE - Certify all necessary LERRD are available for construction.	6-9 Months after PPA execution
NFS -Prepare and submit crediting request.	6-8 Months after completion of Project
COE- Review, approve or deny crediting request.	6 Month after Sponsor submission

18. Mitigation:

No mitigation will be required.

19. Facility/Utility Relocation:

There are no known utilities or facilities located in this area that would be impacted by the propose project footprint.

20. Environmental Impact

This project is supported by Federal, state, and regional agencies. The USACE has met with representatives of the NFS, City of Nome, 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 and public notices will transpire within the project vicinity.

21. Landowner Opposition:

The project has been described at several public meetings since the charrette (April 20 Mar 2018). The public gave feedback about their concerns, but had no opposition to the project. Public comments will again be solicited during the upcoming concurrent review. Further coordination will be ongoing between the City of Nome, USACE, state and Federal resource agencies, and residents in the area; public notices will transpire within the project vicinity.

22. Advance Acquisition:

The NFS has 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.

23. Cultural Resources:

There are 21 known cultural resources in the vicinity of the Port of Nome (AHRs 2019). These include above-ground structures, such as the Old St. Joseph’s Catholic Church (NOM-00040); trails, such as the Samuelson Trail (NOM-00244); and subsurface sites, such as the Snake River Sandspit Site (NOM-00146). Another important cultural resource in the area is the Sitnasuanmiut Qunjuwit Cemetery (NOM-00264). For a more in-depth evaluation of the historic context of the Nome area, please refer to the USACE’s letter to the Alaska State Historic Preservation Officer (SHPO) in Appendix G.

24. Other Real Estate Issues:

The City of Nome has been advised of P.L. 91-646 requirements and they have been advised of the requirements for documenting expenses for LERRD crediting purposes.

PREPARED BY:

REVIEWED AND APPROVED BY:

RONALD J. GREEN
Realty Specialist

ALEX deRAVEL
Chief, Real Estate Branch

**EXHIBIT A
ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
PORT OF NOME MODIFICATION
NOME, 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 x NO
- 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
- 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 _____ NO x

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: CITY OF NOME



(Signature)

John K. Handeland - City Manager (Interim)

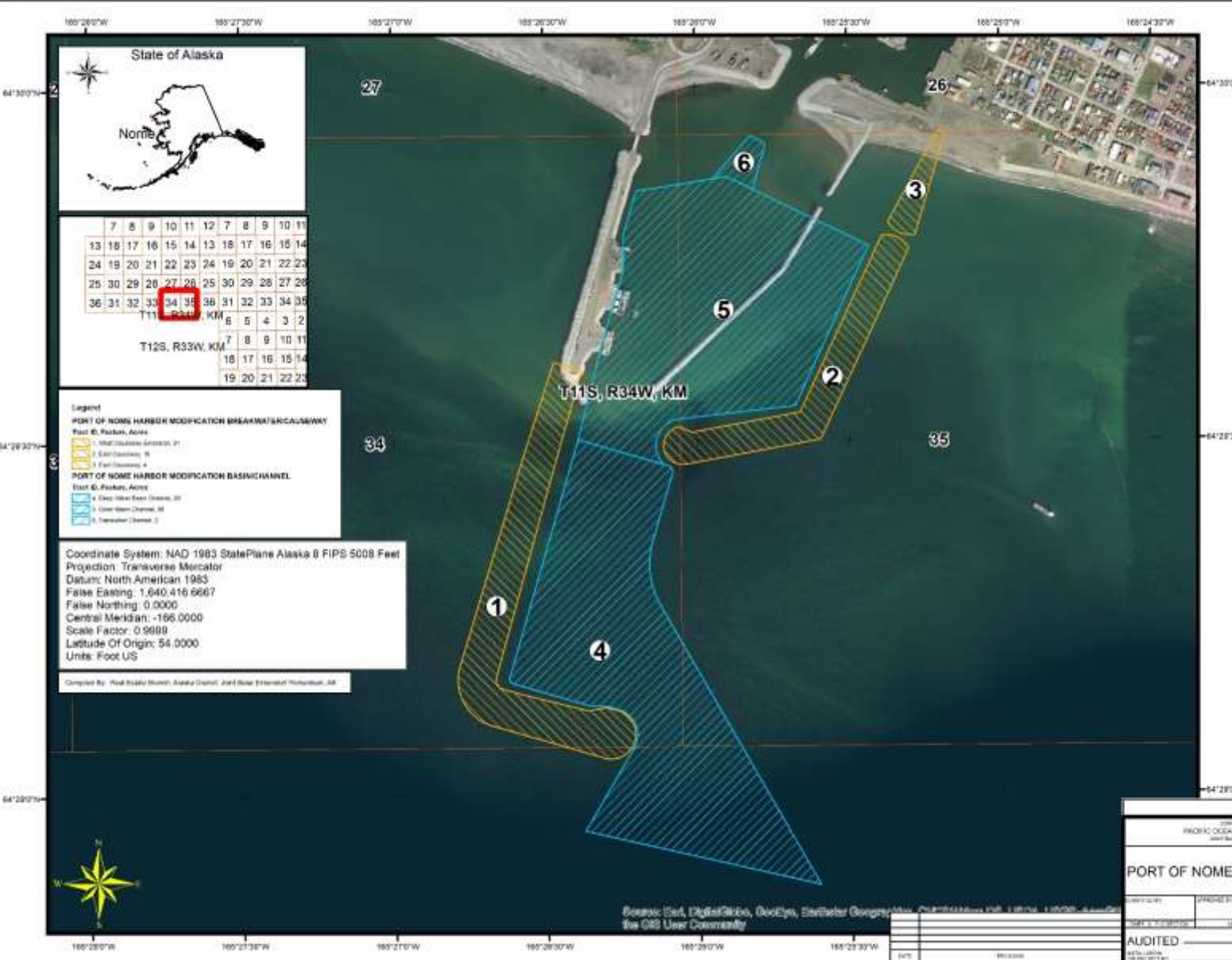
(Printed Name and Title)

PREPARED BY:

REVIEWED AND APPROVED BY:

RONALD J. GREEN
Realty Specialist

ALEX deRAVEL
Chief, Real Estate Branch



7	8	9	10	11	12	7	8	9	10	11	
13	18	17	16	15	14	13	18	17	16	15	14
24	19	20	21	22	23	24	19	20	21	22	23
25	30	29	28	27	26	25	30	29	28	27	26
36	31	32	33	34	35	36	31	32	33	34	35
T11S, R34W, KM 6 5 4 3 2											
T12S, R33W, KM 7 8 9 10 11											
18 17 16 15 14											
19 20 21 22 23											

Legend
PORT OF NOME HARBOR MODIFICATION BREAKWATER/CAUSEWAY
 Foot ID, Feature, Area
 1. Breakwater (Green, 21)
 2. Causeway (W) (Blue, 10)
 3. Pier (Orange, 4)
PORT OF NOME HARBOR MODIFICATION BASIN CHANNEL
 Foot ID, Feature, Area
 4. Deep Water Basin (Green, 30)
 5. Outer Basin Channel (W) (Blue, 10)
 6. Transition Channel (L) (Blue, 10)

Coordinate System: NAD 1983 StatePlane Alaska 8 FIPS 5008 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 1,640,416.6667
 False Northing: 0.0000
 Central Meridian: -166.0000
 Scale Factor: 0.9999
 Latitude Of Origin: 54.0000
 Units: Foot US

Compiled By: Fred Healy, Alaska District, and Steve Stewart, Houston, AK

PROJECT MAP

DEPT OF THE ARMY
 CORPS OF ENGINEERS
LOCATION OF PROJECT
 STATE: ALASKA
 COUNTY: UNORGANIZED BOROUGH
 LOCATION: PACIFIC OCEAN
 DISTRICT: ALASKA
 MAP AREA: 340 0000 350 0000 ANCHORAGE AK
 SHEET NO. OF

TRANSPORTATION FACILITIES
 AIRWAYS: _____
 STATE ROADS: _____
 FEDERAL ROADS: _____
 AIR LINES: _____

ACQUISITION
 TOTAL ACRES ACQUIRED
 FEET: _____
 PUBLIC DOMAIN (W/FRANCH) _____
 USE PORTAL _____
 USE PORTAL OTHER THAN FE _____
 TRANSFERS _____
 STATE _____
 PRIVATE RIGHTS _____

DISPOSAL
 TOTAL ACRES DISPOSED OF
 FEET: _____
 PUBLIC DOMAIN (W/FRANCH) _____
 USE PORTAL _____
 USE PORTAL OTHER THAN FE _____
 TRANSFERS _____
 PRIVATE RIGHTS _____
 PRIVATE RIGHTS TO BE _____
 REACQUIRED _____
 OTHER _____

LEGEND
 DESCRIPTION LINE _____
 DESCRIPTION LINE _____
 TRACT BOUNDARY LINE _____
 TRACT BOUNDARY LINE _____
 CONVEYOR LINE _____
 CONVEYOR LINE _____
 CONVEYOR LINE _____
 CONVEYOR LINE _____

PORT OF NOME HARBOR MODIFICATION
 PACIFIC OCEAN DIVISION, ALASKA DISTRICT
 REAL ESTATE
PORT OF NOME HARBOR MODIFICATION
 SHEET NO. OF
 PROJECT NO. _____
 PROJECT NAME _____
 PROJECT LOCATION _____
 PROJECT DATE _____
 PROJECT SCALE _____
 PROJECT STATUS _____
 PROJECT OWNER _____
 PROJECT CONTACT _____
 PROJECT PHONE _____
 PROJECT FAX _____
 PROJECT EMAIL _____
 PROJECT WEBSITE _____
 PROJECT ADDRESS _____
 PROJECT CITY _____
 PROJECT STATE _____
 PROJECT ZIP _____
 PROJECT COUNTRY _____

EXHIBIT B

EXHIBIT B