
Port of Nome Modification Feasibility Study

Appendix F: Real Estate Plan

Nome, Alaska

January 2020



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

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1. PURPOSE

The Port of Nome Harbor Modification Feasibility Study, Nome, Alaska will include the Real Estate Plan (REP). The primary purpose for this REP is to identify and describe the real estate requirements for the lands, easements, rights-of-way, relocations and disposal areas (LERRD) for construction, operation and maintenance of the proposed navigational improvements, outline the costs and real estate considerations associated for the Tentatively Selected Plan (TSP), and assess the non-Federal sponsor's (NFS) capabilities for LERRD acquisition. The City of Nome, 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. AUTHORITY

This General Investigations study is conducted under authority granted by Section 204 of the Flood Control Act of 1948, which authorizes a study of the feasibility for development of navigation improvements in various harbors and rivers in Alaska. This project is also utilizing the authority of Section 2006 of the Water Resources Development Act (WRDA) of 2007, Remote and Subsistence Harbors, as modified by Section 2104 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) and further modified by Section 1105 of WRDA 2016. This authority states that the Secretary may recommend a project without demonstrating that the improvements are justified solely by National Economic Development (NED) benefits if the Secretary determines that the improvements meet specific criteria detailed in the authority. Additionally, national security benefits as outlined by Section 1202(c)(3) of WRDA 2016 "Additional Studies, Arctic Deep Draft Port Development Partnerships" allows for the consideration of transportation cost-savings benefits to national security vessels in communities located within the region served by a remote and subsistence harbor when evaluating navigation improvements for the harbor. The proposed project would improve navigation efficiency to reduce the costs of commodities critical to the viability of communities in the region. This study has been cost-shared, with 50 percent of the study funding provided by the NFS, which is the City of Nome, per the Federal Cost Share Agreement. The NFS's cost for LERRD, except utilities, are credited against the additional cash contribution.

3. PROJECT LOCATION & DESCRIPTION

The Port of Nome is a regional hub port located on the Seward Peninsula and adjacent to the Norton Sound, which is centrally located along the Western Alaska coast, as shown in Figure 1.



Figure 1. Port of Nome Harbor, Alaska Vicinity Map

The purpose of this study is to identify a feasible solution that provides safe, reliable, and efficient navigation and mooring for vessels serving the hub community of Nome, Alaska. The project is needed to alleviate existing vessel restrictions that are imposed by insufficient channel depths and harbor area. Ship transportation into the Port of Nome, also referred to as the Nome Harbor, is presently limited by existing depths in the Outer Basin that are inadequate to safely accommodate vessels with drafts exceeding minus 22 feet (ft.) mean lower low water (MLLW). Vessel traffic in the Arctic, coupled with limited marine infrastructure and available draft in Nome and the region, results in operational inefficiencies, vessel damages and decreased safety, increased costs of goods and services, and threats to the long-term viability of surrounding communities.

4. TENTATIVELY SELECTED PLAN (TSP)

The TSP identified by this Study is Alternative 8b. This plan modifies the existing Outer Basin, creates a new Deep Water Basin, and requires dredging sediments to deepen and maintain each basin and the associated navigation channels. A summary

Figure 2. Tentatively Selected Plan – Concept Plan View Drawing

Table 1. Tentatively Selected Plan Components

<p>Port of Nome Modification Description- Alternative 8b</p>
<p><u>Outer Basin Modification Components:</u></p> <ol style="list-style-type: none"> Remove the existing breakwater spur from the south end of the current West Causeway to allow the extension of this causeway to deep water and increase the entrance width to Outer Harbor. Remove the existing East Breakwater and reuse the generated materials as applicable in other project features that will be constructed (e.g., causeways and/or breakwaters). Construct a new East Causeway/Breakwater combination approximately aligned with F-Street that extends to approximately -25 ft. MLLW with a total length of approximately 3,900 ft. (2,400 causeway/1,500 breakwater). This concept design results in an Outer Basin entrance width of approximately 650 ft. Add a 400-foot long dock to the West Causeway north of the West Gold Dock Add a 400-foot long dock to the new East Causeway Add two moorage dolphins at each new dock for a total of four. Deepen Outer Basin from -22 ft. MLLW to the dredge depth limit of -28 ft. MLLW (max pay depth of -29 ft. MLLW) which is required to protect the existing sheet pile docks in the Outer Basin.
<p><u>Deep Water Basin Components</u></p> <ol style="list-style-type: none"> Extend the West Causeway by approximately 3,484 ft. by constructing a “L”-shaped causeway to approximately -40 ft. MLLW (north-south section is 2,100 ft. long and the west-east section is 1,384 ft. long). Add two 450 ft. docks to the north-south section and one 650 ft. dock west-east section Dredge the Deep Water Basin to -40 ft. MLLW (max pay depth of -42 ft. MLLW) Add two moorage dolphins at each new dock for a total of six Extend utilities to the new docks (fuel marine header, water, sewer with associated piping, and electrical service)
<p><u>Dredge Methods and Material Management</u></p> <ol style="list-style-type: none"> New work dredging: USACE is assuming the contractor will use a mechanical dredge and barge with near-shore placement of the dredged material in front of the city seawall at depths ranging between -15ft –30 ft. MLLW. The total dredge quantity estimate is 2,015,800 cubic yards from the Outer Basin and 517,600 cubic yards from the Deep Water Basin. Maintenance dredging: The current method of using a hydraulic dredge to remove material and then pumping it for direct placement on the beach in front of the city seawall is expected to continue. The annual dredge quantities are estimated at 88,000 cubic yards for the Outer Basin and 16,000 cubic yards for the Deep Water Basin.

5. DESCRIPTION OF LERRD REQUIRED

LERRD required for the project includes area below Mean High Water (MHW) line, identified in Table 2. The Construction Staging area requires a minimum interest of a temporary work easement and approximately 32 acres, as identified in Exhibit B.

6. LANDS, EASEMENTS, RIGHTS-OF-WAY ALREADY OWNED BY THE NFS

The NFS owns the tidelands identified as Alaska Tidelands Survey (ATS) 334 in Exhibit B. These tidelands were conveyed by State of Alaska Tidelands Patent No. 333, excepts and reserves to the State of Alaska, the right to hold an offshore lease sale for locatable minerals within the tide and submerged lands offshore. The five construction staging areas are owned by the NFS in fee.

7. STANDARD ESTATE/NON-STANDARD ESTATE

TEMPORARY WORK AREA EASEMENT.

A temporary easement and right-of-way in, on, over and across (to be determined) (Tracts Nos. _____, _____ and _____), 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 _____ 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.

.8. EXISTING FEDERAL PROJECTS

The propose project includes approxiately 3 acres, utilized for the federally authorized Nome Harbor navigation project, consisting of the inner and outer harbors. The existing project is shown in Figure 3.

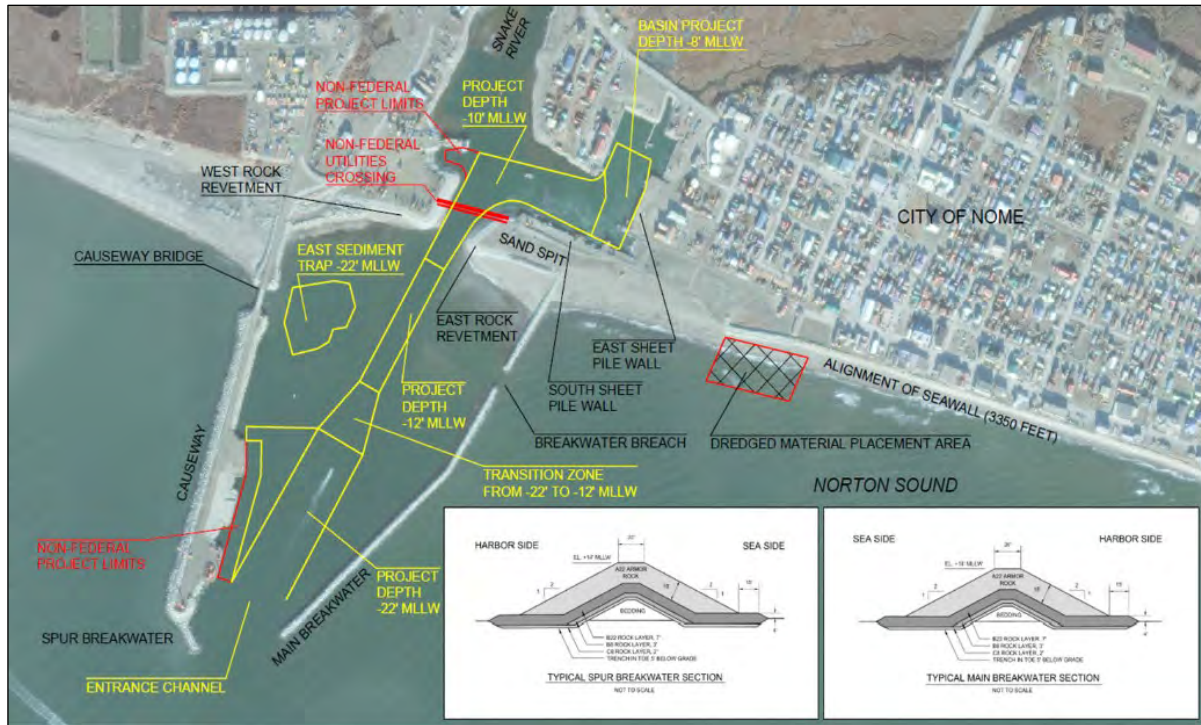


Figure 3. Nome Harbor Project (Existing Federal Project)

9. FEDERALLY OWNED LANDS

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

10. 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 the 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, as identified in Table 2. and Exhibit B.

Table 2. Exercised Navigation Servitude

TRACT ID	FEATURES	OWNERS	ACRES
1	Dredge Material Shore Placement Site	NFS	31
2	Construct New East Causeway	NFS	4
3	Transition Channel	NFS	2
4	Outer Basin Channel remove East Breakwater	NFS	91
5	Construct New East Causeway	NFS	15
6	L-Shaped West Causeway Extension	NFS	24
7	Deep Water Basin Channel	NFS	82
8	Dredge Material Offshore Disposal Site (Beyond the 3 Nautical Mile Limit)	United State of American (USA)	155
9	Dredge Material Near Shore Placement Site	NFS	241

11. PROJECT MAPS

Project Map is identified as Exhibit B.

12. FLOODING INDUCED BY PROJECT

Flooding is not expected as a result of the project.

13. 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)

The NFS Baseline Cost Estimates for Real Estate is displayed in Table 3. The estimates are presented in the standard Code of Accounts from M-CACES II Model Database.

Table 3. NFS's BCERE

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
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					

ACCOUNT	DESCRIPTION	LERRD	CONT.		NON-LERRD	CONT.
	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.

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

There will be no relocations required for this project.

15. MINERAL OR TIMBER ACTIVITY IMPACTED PRESENT/FUTURE

There are no anticipated timber activities within the vicinity of the proposed project that will affect construction, operation, or maintenance of the proposed project.

In accordance with AS 38.05.035 and AS 38.05.250 in 2011, the State of Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW) produced the Final Finding and Decision to hold an offshore lease sale for locatable minerals for tide and submerged lands offshore of Nome, Alaska. The conclusion of the finding and decision found that it was in the best interest for the State of Alaska and its residents to offer a portion of the proposed area for competitive bidding, providing time to monitor the environmental effects of mining and reserving portions of the sale area for possible future lease sales. DNR will be having a lease sale for an offshore lease tract within the footprint of the project. The future lease will be modified to reflect the needs of the proposed project and will not affect the construction, operation, or maintenance of the proposed project.

16. 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:

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

17. 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.

18. SCHEDULE

The anticipated project schedule, unless revised after coordination with NFS, is shown in Table 4.

Table 4. 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

19. MITIGATION

No mitigation will be required.

20. FACILITY/UTILITY RELOCATION

The existing docks on the causeway and no known utilities or facilities located in the project footprint will be impacted by the construction, either temporarily or permanently.

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.

21. 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.

22. LANDOWNER OPPOSITION

The project has been described at several public meetings since the charrette (April 20, 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.

23. 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.

24. 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 Sitnasuaqmiut Qunjuwit Cemetery (NOM-00264). For a more in-depth evaluation of the historical context of the Nome area, please refer to the USACE's letter to the Alaska State Historic Preservation Officer (SHPO) in Appendix G.

25. 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:

RONALD J. GREEN
Realty Specialist

REVIEWED AND APPROVED BY:

GARY HANSON
Chief, Real Estate Division

**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 VAIRABLES:**

- a. Will the sponsor's staff be located within reasonable proximity to the project site? YES x NO

EXHIBIT A

- 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:

Ronald J. Green Digitally signed by Ronald J. Green
Date: 2019.12.11 13:23:03 -09'00'

RONALD J. GREEN
Realty Specialist

REVIEWED AND APPROVED BY:



STANLEY WHARRY
Acting Chief, Real Estate Branch

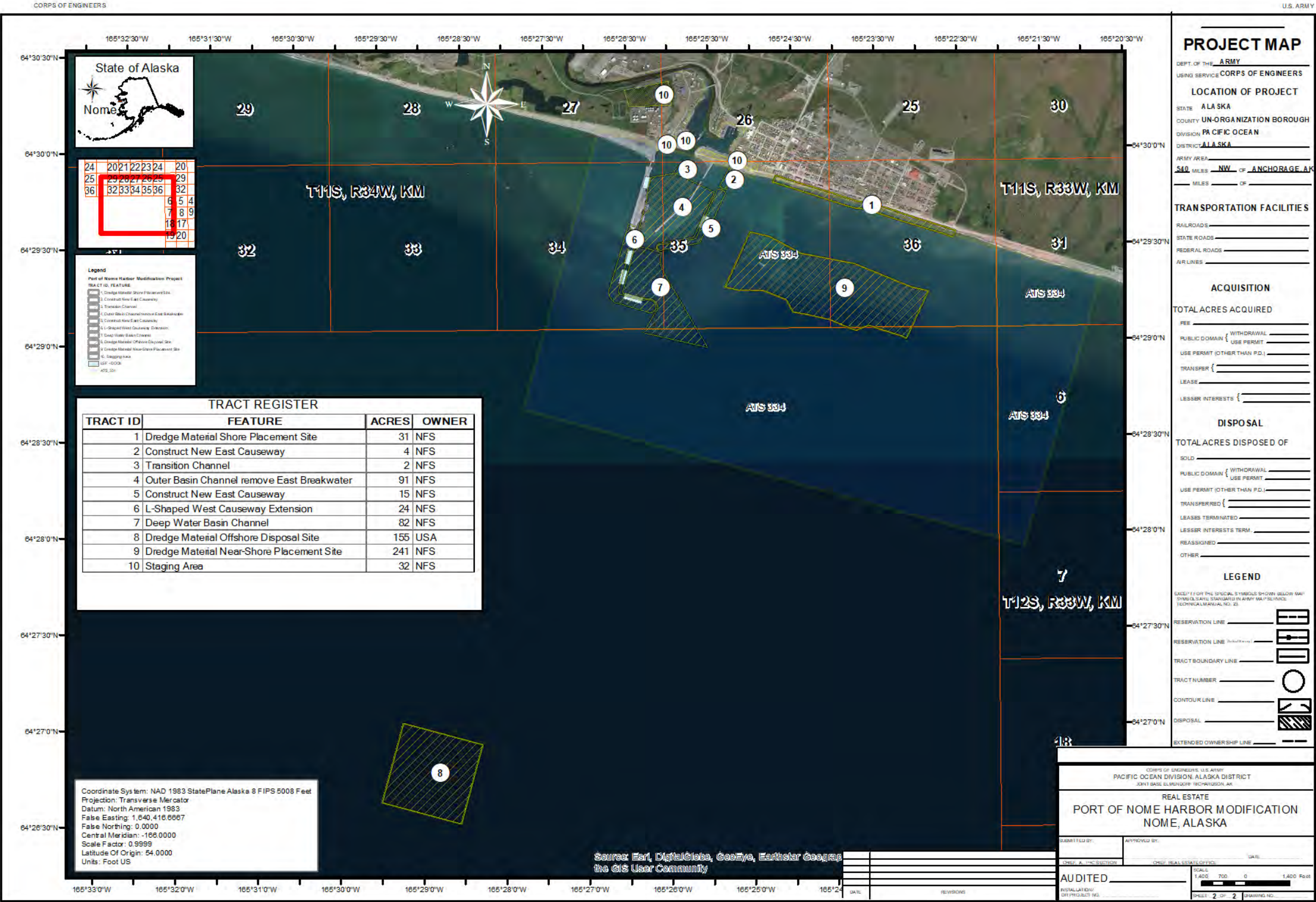


EXHIBIT B

EXHIBIT B

