

**APPENDIX D  
REAL ESTATE PLAN  
EMERGENCY BANK STABILIZATION  
DILLINGHAM, ALASKA**



**REAL ESTATE PLAN:  
Emergency Bank Stabilization, Dillingham, Alaska**

**Project Summary:** The project is located along the bank of the Nushagak River in Dillingham, and will include uplands and the riverbank below Mean High Water (BMHW), and an access route. Located within Section 20, Township 13 South, Range 55 West, Seward Meridian. The preferred stabilization plan is to build a rock revetment structure to protect the west (Westside) and east side (City Dock Side) of the existing Dillingham Small Boat Harbor entrance channel and harbor.

**Real property interests required for the project:** The Non-Federal sponsor, the City of Dillingham, will be required to provide all Lands, Easements, and Rights-of-Way (LER) necessary for access, construction, and operation and maintenance of the project. The Government's right of Navigation Servitude will be exercised for tidelands BMHW. The project is being constructed at full-Federal expense; therefore the sponsor will not be afforded credit for the value of the LER provided.

The local sponsor will need to obtain on the **Westside** of the harbor: two perpetual road easements and one channel improvement easement. There is one tideland area, 1.52 acres, which the Corps has navigational servitude. The privately owned Scandinavian Creek Road, which is not a platted public right of way, will be used for the main access to the project area. From this road, access to the proposed rock revetment will be a proposed exclusive perpetual road easement across private land, then the access will continue across a parcel owned by the city from a existing Federal Project then to the proposed rock revetment where the staging and construction of the rock revetment..

The local sponsor will need to obtain on the **City Dock Side** (east side) of the harbor: temporary 2 year work area easements, a perpetual channel improvement easement, a perpetual road easement and a 2 year temporary staging area. A portion of each acquisition is owned by the city. This portion of the erosion project includes a rock revetment which runs along the eastside of the harbor just above mean high water. There is a proposed and private access road which connects the rock revetment to the main public road. Both the staging area and temporary construction areas will be used for two years during the project.

See Attachment 1 Map

<b>Land Interests Required for Essential Portions of Project</b>			
<b>WEST SIDE FEATURE</b>	<b>ACRES</b>	<b>OWNERS</b>	<b>INTEREST REQUIRED</b>
Above Mean High Water Line # B * Rock revetment Channel Improvement	2.02	Bristol Fuels	Perpetual Channel Improvement Easement
Below Mean High Water # A * Rock Revetment Channel Improvement	1.52	Bristol Fuels City of Dillingham	Navigational Servitude
Access Road # D *	0.04	Bristol Fuels	Perpetual Road Easement
Access Road # C *	0.32	Bristol Fuels	Nonexclusive Perpetual Easement
Prior Federal Harbor Project # E & F *	2.71	City of Dillingham	Perpetual Channel Easement

See Attachment II Map

CITY DOCK SIDE FEATURE	ACRES	OWNERS	INTEREST REQUIRED
Temporary 2 Year Work Easement #G, K*	1.34	City of Dillingham	Temporary Work Easement
	4.78	Peter Pan Seafoods	
Rock revetment #H, L*	0.43	City of Dillingham	Perpetual Channel Improvement Easement
	1.44	Peter Pan Seafoods	
Road Access #I, M*	0.82	City of Dillingham	Perpetual Road Easement
	0.16	Peter Pan Seafoods	
2 year Storage/staging Area #J, N*	0.51	City of Dillingham	Temporary Work Easement
	1.59	Peter Pan Seafoods	

\* As Noted On Map

**Current Ownership:** The WEST SIDE Bristol Express Fuels, Inc. owns a portion of the required uplands, while the City of Dillingham owns the remainder of the required real estate which is part of an existing Federal Harbor Project. The tidelands BMHW on the Nushagak River and the entrance channel to the Dillingham Small Boat Harbor are owned by Bristol Express Fuels, Inc., and the State of Alaska, respectively. The Corps of Engineers has a Perpetual Right of Way Easement for the Small Boat Harbor entrance channel.

The CITY DOCK SIDE: Peter Pan Seafoods owns the most eastern portion of the project, while the City of Dillingham owns the land and road along the east side of the Harbor. This portion of the project appears to be above the MHW, so no tidelands are involved.

**Map:** A map depicting the real estate required for the WEST SIDE project is shown in Attachment 1. The CITY DOCK SIDE (Eastside) is shown in Attachment 2.

**Improvements:** There are no known improvements that will be affected by the project.

**Potential flooding, induced by construction, operation or maintenance of project:** No potential flooding is anticipated due to construction of the project.

**Relocation assistance benefits:** There are no relocation assistant benefits anticipated for this project.

**Mineral activity:** There is no known mineral activity occurring within the lands required for the project.

**Relocation of roads and utilities:** There are no relocations of utilities or roads anticipated for this project.

**Hazardous and Toxic Waste (HTW):** There are no known hazardous and/or toxic waste on the land required for the project.

**Baseline Cost Estimate:** A gross appraisal was performed for this report.. The project is not cost shared and the City of Dillingham will not receive any credit for the value of LER furnished.

**West Bank**

	<u>Federal</u>	<u>Non-Federal</u>
Lands		\$ 66,480.00
Administrative Costs	\$15,000.00	\$ 05,000.00
<b>TOTAL Real Estate Costs</b>	<b>\$15,000.00</b>	<b>\$ 76,480.00</b>

**City Dockside**

	<u>Federal</u>	<u>Non-Federal</u>
Lands		\$ 70,659.00
Administrative Costs	\$10,000.00	\$ 05,000.00
<b>TOTAL Real Estate Costs</b>	<b>\$10,000.00</b>	<b>\$ 075,659.00</b>

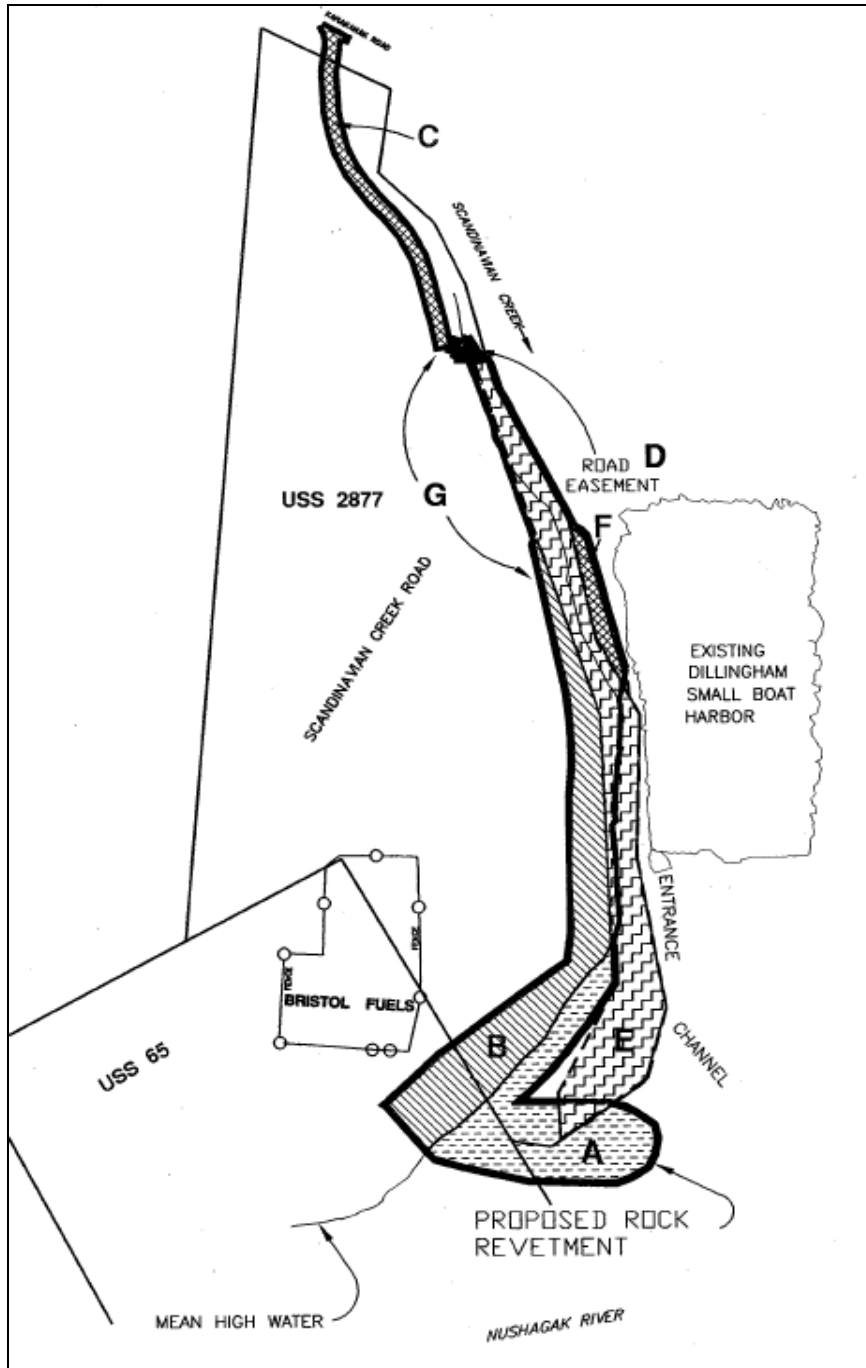
**Schedule:** The acquisition and certification of project lands is anticipated to take 60-90 days.

**Known or Anticipated Support or Opposition to the Project:** Support for the project is good, only one known objection, the owner of Bristol Fuels, whose land is needed for the project. The owner indicated, he would not cooperate unless he got full access from his property to the harbor, and a rock revetment would stop any use which would financially benefit him..

**Prior Federal Projects:** The city owned portion of this project is part of an existing federal harbor project.

**Non-Federal Sponsor's Real Estate Acquisition Capability Assessment:**  
Is shown as Attachment 3.

ATTACHMENT I



**A** 

1.52 ± Acres – Rock Revetment and Habitat  
Fill Area Below Mean High Water  
Navigation Servitude

**B** 

2.02 ± Acres – Perpetual Channel Improvement Easement  
Above Mean High Water  
for Construction, Staging, Maintenance

**C** 

0.32 ± Acres – 20 Ft Wide Perpetual Nonexclusive Road  
Easement

**D** 

0.04 ± Acres – 20 Ft Wide Perpetual Road Easement

**E** 

2.52 ± Acres Tract 101 Existing Federal Harbor Project  
Owned By City Of Dillingham (1.16 ± Acres Within Project  
Boundaries)

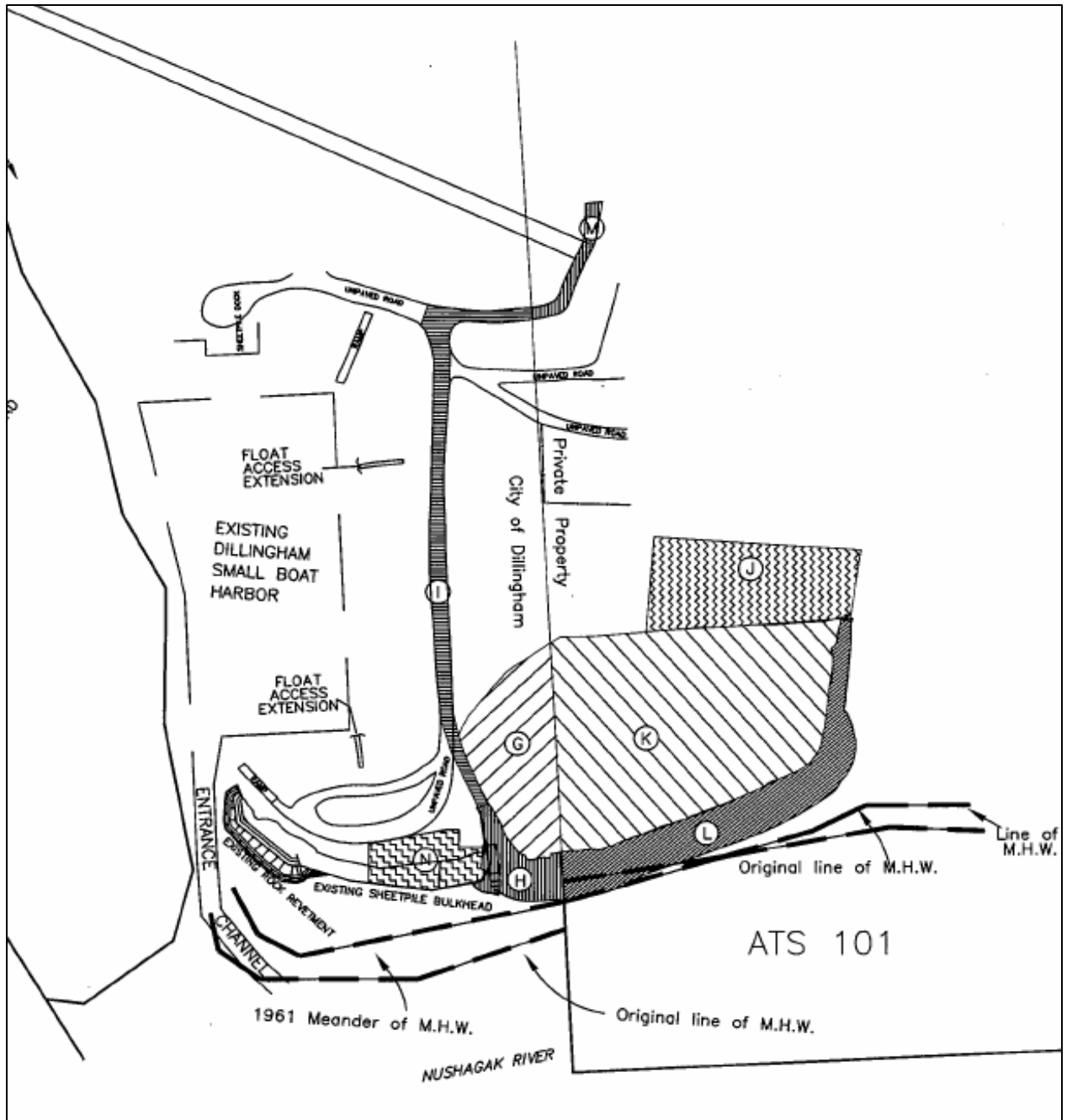
**F** 

0.19 ± Acres Below Mean High Water Existing Federal  
Harbor Project Owned By City of Dillingham

**G** 

5.25 ± Acres Project Boundary





ATTACHMENT II







LEGEND NEXT PAGE



CITY OWNED

- (G)  Temporary 2 year Work Area Easement  
1.34 ± Acre
- (H)  Perpetual Channel Improvement Easement  
0.43 ± Acre
- (I)  Perpetual Road Easement  
0.82 ± Acre
- (J)  2 Year Temporary Staging Area  
0.51 ± Acre

PRIVATELY OWNED

- (K)  Temporary 2 year Work Area Easement  
4.78 ± Acre
- (L)  Perpetual Channel Improvement Easement  
1.44 ± Acre
- (M)  Perpetual Road Easement  
0.16 ± Acre
- (N)  2 Year Temporary Staging Area  
1.59 ± Acre

## ATTACHMENT III

### ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY EMERGENCY BANK STABILIZATION PROJECT DILLINGHAM, ALASKA:

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#### I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes
- b. Does the sponsor have the power of eminent domain for this project? Yes
- c. Does the sponsor have a "quick-take" authority for this project? Yes
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? Yes
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn? Yes, the bed and bank of the Nushagak River below Mean High Water is owned by the State of Alaska.

#### II. 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
- b. If the answer to IIa is yes, has a reasonable plan been developed to provide such training? Yes, materials will be provided and Corps staff will be available to advise and assist.
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? Yes
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load if any, and the project schedule? No, recent staffing cuts by the City limit its capability to respond.
- e. Can the sponsor obtain contractor support, if required, in a timely fashion? Yes
- f. Will the sponsor likely request USACE assistance in acquiring real estate? No

## ATTACHMENT 2

**ASSESSMENT OF NON-FEDERAL SPONSOR'S  
REAL ESTATE ACQUISITION CAPABILITY  
EMERGENCY BANK STABILIZATION PROJECT  
DILLINGHAM, ALASKA:**

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III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? Yes
- b. Has the sponsor approved the project/real estate schedule/milestones? Yes

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? Yes, the City has participated in obtaining land rights for dredge disposal sites.
- b. With regard to this project, the sponsor is anticipated to be: highly capable/  
fully capable/moderately capable/marginally capable/insufficiently capable.

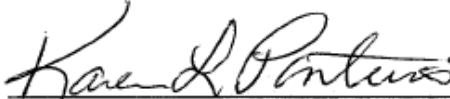
V. Coordination:

- a. Has this assessment been coordinated with the sponsor? Yes
- b. Does the sponsor concur with this assessment? Yes

SOURCE:

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