

U.S. Department of
Homeland Security

**United States
Coast Guard**



Commanding Officer
United States Coast Guard
Civil Engineering Unit Juneau

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11000
August 30, 2023

City of Saint Paul
Attn: Phillip A. Zavadil
City Manager
PO Box 901
Saint Paul Island, Alaska 99660

Dear Mr. Zavadil:

I am writing to inform you of the status of the Polovina Turnpike, formerly Airport Road, as it runs through the United States Coast Guard (USCG) facility on St. Paul Island.

In performing our due diligence to comply with federal law mandating the USCG to convey portions of Tract 43 to the Alaska Native Village Corporation for St Paul Island, Tanadgusix Corporation, we have studied the current status of real property easements that burden the facility.

Based on a review of our real estate files and those of the Department of Commerce, our real estate experts on staff and staff legal counsel can verify that the section of the Polovina Turnpike that passes through the USCG facility is documented as being within a 60-foot wide ANCSA 17(b) public easement, EIN 8Z C4, and an easement issued by the Department of Commerce directly and solely to the City of St Paul for an expansion of the road and drainage improvements.

As to utility lines, our staff have verified the existence of an easement for the City's electrical power line running to the SSXB building. However, no easement was established for the City line running to the SSX building on Tract 43. This is an oversight, and we hereby offer to draft an easement complete with a legal description and a metes and bounds survey prepared by the Bureau of Land Management, Anchorage Office, on our behalf.

Regretfully, there is one more issue to discuss. In 2019, the Commanding Officer of Civil Engineering Unit Juneau, acting in his official capacity, signed a plat entitled Tower Subdivision of BLM Tract 43, Recorded 04 Sept 2019 (Plat No. 2019-6, Aleutian Islands) (Plat). The Plat identified two dedications to the City of St Paul. One for the Airport Road/Polovina Turnpike as it crosses through Tract 43, and a second dedication for an electric distribution easement that connects the City power line in Lot 2 with a building in Lot 4.

Coast Guard legal counsel has identified a potentially significant legal error in deviating from the limited real property authority Congress provided to the Commandant of the Coast Guard for

granting easements and rights of way—such as the easements granted to the City by the Department of Commerce in 2001. Another potentially significant legal error was engaging in a dedication process that is intended to result in vesting the City of St. Paul Island with a fee interest in a portion of Tract 43. The USCG had no legal authority to convey a fee interest to the City of St. Paul in 2019 because the special legislation enacted in 2016 requires the USCG to convey all rights and ownership interests in Tract 43 to the Alaska Native Village Corporation for St. Paul Island. However, the City of St. Paul ordinance by definition demands a dedication to include the conveyance of a fee interest in the dedication area to the City. In 2019, the USCG had no legal authority to provide a fee interest in any portion of Tract 43 to the City of St Paul.

By law, Federal officers cannot transfer fee ownership in federal land to any person, state, municipality except to the extent they are authorized to do so. The Commanding Officer was not fully apprised of the federal and state legal authorities prior to signing the Plat. We have discovered other discrepancies in the Plat, and have engaged with the Bureau of Land Management, Anchorage Office, for assistance given their expertise in cadastral surveying, including the preparation of metes and bounds surveys and legal descriptions, and preparation of a superseding plat.

We regret the error, and regret the loss of your time and resources in going through the dedication process. We stand ready to participate in any process necessary to retract or cancel the Plat recorded on 04 September 2019.

Sincerely,



Tracey L. Torba
Commanding Officer
Civil Engineering Unit Juneau
U. S. Coast Guard