

DEPARTMENT OF THE ARMY
 Little Rock District, Corps of Engineers
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Office Memorandum
 No. 1-1-25

24 November 1992

Administration
 COORDINATION OF CIVIL WORKS REAL ESTATE ACTIONS

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1. Purpose. This document will establish policy and procedures for the coordination of new and non-routine Construction-Operations Division real estate actions. Typical examples of new actions include requests for leases, licenses, easements, consents to easement, and rights of way. Non-routine actions include assistance in resolving encroachments and unauthorized use; lessee/licensee non-compliance; expediting requests for acquisitions, disposals, and exchanges; coordinating actions with other agencies; and other issues which require Construction-Operations Division assistance for resolution. To further clarify the purpose of this policy, items not included are: routine transmission of compliance inspections (commercial, resort, campground, agricultural and grazing), transfers of ownership (commercial concessions, resort leases), outgrant renewals, and timber and material sales. The above routine actions may be forwarded directly to Chief, Real Estate Division.

2. Applicability. This regulation applies to all Construction-Operations Division Branches and field offices.

3. Reference. This regulation was prepared in response to a need recognized by both the Chief, Construction-Operations Division, and Chief, Real Estate Division, to improve the coordination of public requests for real estate actions.

4. Objective. The objective of this regulation is to establish a policy for improved coordination and timeliness in processing real estate actions in the District Office. Assistance to Resident Engineers/Managers will be provided by quicker response to the public, reduced effort, better tracking of requests, consistent policy guidance and sound resolution of new and non-routine real estate actions.

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5. Definitions.

a. Real Estate Outgrant. Any contract between the Corps of Engineers Real Estate Division and an individual, corporation, or public entity which authorizes the use of public lands or easements through lease, license, right-of-way, easement, consent to easement, and permit to another Federal agency.

b. Request for Outgrant. This will include, as a minimum, the following: A letter from the individual, corporation, or public entity completely stating the need and justifying the use of Corps lands, a sketch of building details of any facility to be placed there, a location map indicating the Corps tract of land planned for use, and an area map showing the general site relative to the Corps project. All maps must be referenced to Corps boundary monuments. If the request is submitted through the Resident Office, this information will be accompanied by Resident Engineer/Manager comments, recommendations and conditions for use.

c. Commercial Concession Lease. An instrument issued by the Real Estate Division authorizing commercial activities on public lands.

d. Limited Motel/Resort/Campground Lease. An instrument issued by the Real Estate Division authorizing limited commercial activities relating to motel/resort/campground operations on public lands.

e. Compliance inspection. An inspection performed by Park Managers/Rangers in the field required by Real Estate Division to compare actual usage of real estate outgrants and compliance with terms of agreement.

f. Annual Management Plan. A plan submitted each year by operators of state and locally managed recreational facilities and resource management lands leased/licensed from the Corps of Engineers, providing a statement of past performance and a plan for future operations.

g. Department of Army Permit. An authority under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act of 1973 investigated by the Regulatory Branch and granted at the District Office level for work in navigable waters of the United States and on wetlands.

h. Encroachment. The unauthorized use of public lands and/or waters by an individual, corporation, or public entity.

i. Project Manager for Real Estate Actions. This person is designated by the Chief, Natural Resources Management Branch, to be the point of contact in the branch for coordinating actions involving Real Estate Division and Regulatory Branch, to include all provisions of this policy.

6. Policy.

a. Natural Resources Management Branch is the Construction-Operations Division point of contact for real estate actions as identified in the purpose of this policy. A request for real estate outgrant or resolution of a situation requiring action by the Chief, Real Estate Division, will be forwarded by memorandum from the Resident Engineer/Manager through Chief, Construction-Operations Division, to the Chief, Real Estate Division. Courtesy copies of all correspondence to applicants or grantees originating in resident/project offices pertaining to real estate matters will be furnished to Chief, Real Estate Division. A draft of the outgrant will not be mailed to applicant until all concerned District elements are in agreement. The Project Manager for Real Estate Actions will contact the Resident Engineer/Manager to assure final coordination on key matters of a sensitive nature. After the document has been executed by the Chief, Real Estate Division, a copy will be furnished to the appropriate Resident Engineer/Manager.

b. Regulatory Branch personnel will comment on all pertinent real estate requests involving regulatory authorities and will indicate in their comments if a Department of Army permit is required for the requested work. If a permit is required, the public notice and permitting review process will proceed, and all related actions will be completed before the final real estate action is executed. However, extenuating circumstances may require that the Chief, Construction-Operations Division, request the Chief, Real Estate Division, to complete the real estate action before a Department of Army Permit is issued. If no Department of Army Permit is required, Regulatory Branch will so indicate and the comments of the Chief, Construction-Operations Division, will reflect that fact when consolidated information is provided to the Chief, Real Estate Division.

c. When a request is sent to the Chief, Real Estate Division, as part of a multiple submittal or directly from the public, coordination of the request may begin in the Real Estate Division by making distribution of the request to Chief, Construction-Operations Division. Any necessary coordination with the field or other Construction-Operations Branches will be accomplished by the Project Manager for Real Estate Actions in the Natural Resources Management Branch.

d. The above described procedure will apply to the routing of a request for real estate outgrant or resolution of a situation requiring action by the Chief, Real Estate Division, received by a Resident Engineer/Manager and forwarded to the Chief, Real Estate Division, from the Real Estate Specialist assigned to the Beaver and Table Rock Resident Offices as well.

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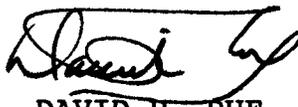
e. Scheduled reports of compliance inspections made on ENG Form 3131 for agricultural and grazing leases and ENG Form 3560 for minor easements, licenses, and permits will be routed directly to the Chief, Real Estate Division. However, should there be remedial or corrective action recommended by memorandum from the Resident Engineer/Manager due to grantee noncompliance and involving an aggravated situation, that correspondence will be routed through the Chief, Construction-Operations Division, to the Chief, Real Estate Division, for action.

f. Reports of encroachments and unauthorized uses of Government property will be forwarded by the Resident Engineer/Manager and routed through the Chief, Construction-Operations Division, for informational purposes and to the Chief, Real Estate Division, for action.

g. Actions related to Commercial Concessions and Limited Motel/Resort Leases will continue to be processed in the Real Estate Division. This will pertain to all actions including the coordination with Construction-Operations Division to make public lands available for such marina activities. The approving of modifications to the marina or concession, reporting of price list information, and marina inspections would all be addressed to Real Estate Division. However, special problem items requiring that they be directed to the attention of the Chief, Real Estate Division, by memorandum from the Resident Engineer/Manager will be routed through the Chief, Construction-Operations Division, for informational purposes.

h. The Chief, Real Estate Division, will request the grantee to furnish a copy of the Annual Management Plan to the respective Resident Engineer/Manager when the plan is submitted to Real Estate Division. The Chief, Real Estate Division, will furnish a copy of the plan to Construction-Operations Division for review and comment. The Resident Engineer/Manager will furnish comments through Chief, Natural Resources Management Branch. Comments received from the field will be consolidated with those from Construction-Operations Division and forwarded to Real Estate Division.

7. Responsibilities. It is the responsibility of the Chief, Construction-Operations Division, and the Chief, Real Estate Division, or their designated representatives, to meet at least once quarterly to discuss the progress of requests and to alter any process identified to be an impediment to timely and quality responses to the public.



DAVID R. RUF
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