

Regulation  
No. 1130-2-40

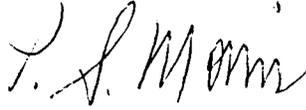
17 June 1997

Project Operations  
PROCEDURES FOR EVALUATING PARK LEASE REQUESTS

1. Purpose. This memorandum provides specific policies and procedures for evaluating formal proposals concerning potential park lease requests submitted by commercial concessionaires and private entrepreneurs.
2. Applicability. This memorandum applies to all Little Rock District projects operating parks and recreational facilities.
3. Exceptions to Procedures. This policy is applicable to requests submitted for park leases. Similar requests for leasing parks by non-federal public entities (states, counties, and cities) are not subject to the provisions contained herein.
4. References.
  - a. ER 405-1-12 dated 30 September 1994.
  - b. EP 1130-2-550 dated 15 November 1996.
5. General. It has been determined that a standard operating procedure (SOP) is needed to properly and equitably evaluate requests for leasing of parks currently operated and maintained by the U.S. Army Corps of Engineers. This SOP, which outlines the District's operating policies, is furnished below.
  - a. Park Leasing Guidelines (Appendix A).
  - b. Park Analysis Criteria (Appendix B).
  - c. Report of Availability (Appendix C).
  - d. Bid Selection Criteria (Appendix D).
6. Processing Requests for Park Leases. All requests to lease district parks other than those referenced in Paragraph 3 above will be considered in accordance with the Park Leasing Guidelines in Appendix A. At the completion of this process, the applicant will be notified regarding the success of his/her application package.
7. Review of Policy. This policy along with applicable criteria will be reviewed in fiscal year 2000.

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8. Public Involvement. Public involvement will be a key component of the park leasing process. Workshops and comment periods will be conducted for all parks that are considered for leasing to anyone other than non-federal public entities.



P.S. MORRIS  
Colonel, Corps of Engineers  
District Engineer

Appendix A - Park Leasing Guidelines  
Appendix B - Park Analysis Criteria  
Appendix C - Report of Availability  
Appendix D - Bid Selection Criteria

DISTRIBUTION A

APPENDIX A  
LITTLE ROCK DISTRICT PARK LEASING GUIDELINES

1. All parks will be considered for legitimate leasing opportunities.
2. Receive request from interested party to lease park.
3. Determination of eligibility/feasibility study.
  - a. Apply EP 1130-2-550 (eligibility criteria) to request.
  - b. Apply ER 405-1-12 (report of availability) to park.
  - c. Public review and comment.
    - (1) If eligible, go to next step-evaluated at project, reviewed in District with decision furnished by DE.
    - (2) Not eligible-process ends.
4. Eligibility Acknowledged (proposal warrants evaluation).
5. Develop application package.
  - a. Establish time frame for completion and return.
  - b. Advise applicants that competition is required.
6. Advertised by Real Estate Div. for competition or seek waiver of competition.
7. Receive detailed proposals with fee from applicants w/market analysis.
8. Apply evaluation criteria to proposal (panel consisting of Real Estate, Natural Resources and project personnel evaluates).
  - a. Proposal passes.
  - b. Proposal fails.
9. Notify applicants of decision results.
10. Award lease of park or deny same.
11. Administer lease (Real Estate Div.).

## APPENDIX B

**Little Rock District Park Leasing Criteria****Determination of eligibility/feasibility**

A. Cost/revenue-per-visitor hour analysis (service contract costs less revenue using 3 year vh average). (30 points)

Cost of 5 cents or more	30
Cost of .01 to 4.99 cents	20
Revenue of .01 to 5 cents	10
Revenue of 5.1 cents or more	0

B. Park location and accessibility by a majority of the using public (determination is occupancy rate during prime season). (20 points)

14% or less	20
15 - 24	15
25 - 34	10
35 - 49	5
50% or greater	0

C. Park's percentage contribution to total recreation area visitation (3 year average of visitor hours). (20 points)

Less than or equal to 5%	20
6 - 10	15
11 - 15	10
16 - 20	5
21% or greater	0

D. Visitor, ranger and contractor safety. (10 points)

.5 serious incidents per year (murder, rape, armed robbery, drug deals)	10
1 law enforcement action per 50,000 visitor hours	7
1 law enforcement action per 100,000 visitor hours	5
Safety concerns due to heavy visitation relative to capacity/design	3
No inordinate safety concerns	0

NOTE: Economic considerations and impact that leasing this park would have on other Corps campgrounds will be considered during the evaluation of criteria submitted by applicant's proposals.

APPENDIX C  
REPORT OF AVAILABILITY

**A. GENERAL:**

1. Project:
2. Tract No :
3. Type of Outgrant:
4. Proposed use:
5. Recommended Term of Outgrant: Proposed for \_\_\_\_\_ years.  
Start date: \_\_\_\_\_
6. Use requested by:
7. General property description/ characteristics of the property:  
Acreage \_\_\_\_\_; Land character \_\_\_\_\_.
8. Are Government buildings and improvements included in the area:  No  Yes . If yes give details on buildings and improvements and attach copy of floor plan, if applicable:  
  
Building Identification No. \_\_\_\_\_; Square footage outgranted/percentage of building \_\_\_\_\_; Condition of the facilities \_\_\_\_\_.
9. If building space only and land is not included in grant, explain why the improvement is not excess: \_\_\_\_\_.
10. United States property interest:  fee simple title,  easement  in lease; or  other.
11. Army jurisdiction:  primary jurisdiction  permit from a Federal Agency,  withdrawn from the public domain.
12. If land is made available for a public road, show type of access, governmental entity, any restrictions: \_\_\_\_\_  
Is jurisdiction to be relinquished  Yes  No
13. Are utilities available ?  Yes  No. Will utilities or other support services be provided by Army on reimbursable basis?  Yes  No
14. Destruction, relocation, and replacement of Government facilities:  
  
 I certify the proposed use will not require the destruction, relocation or replacement of any Government facilities.

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[ ] The following information is provided with regard to the destruction, relocation, or replacement of any Government facilities: \_\_\_\_\_

15. I certify that the grant of the proposed use will not interfere with operation of the project, or with contemplated development and other.

16. The following site specific recommendations are made as to limitations, restrictions, or conditions to be included in the grant to make the proposed use compatible with the operations of the project:  
\_\_\_\_\_

17. Safety issues and concerns if any: \_\_\_\_\_

18. REMARKS: - include any legal, policy, or mission factors you are aware of that may affect the proposed use of the property:  
\_\_\_\_\_

19. BASED ON THE INFORMATION PROVIDED ABOVE, I RECOMMEND THE OUTGTGRANT BE [ ] APPROVED [ ] DENIED.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE  
TITLE

**REPORT OF AVAILABILITY**

**B. ENVIRONMENTAL AND CULTURAL CONSIDERATION:**

**1. COASTAL ZONE MANAGEMENT (CZM):**

CZM is not applicable.

CZM is applicable and the proposed use is /will be consistent with the approved state CZM Plan.

**2. CLEAN WATER ACT (FEDERAL WATER POLLUTION CONTROL ACT):**

This action will not involve the discharge of any pollutants into the waters of the United States or less than one million gallons of discharge per day will be made.

This action will entail the discharge of more than one million gallons of pollutants into the waters of the United States per day.

The applicant has applied for and received a NPDES Permit from the EPA/appropriate state agency. If not received, state circumstances: \_\_\_\_\_

The Grantee is complying with the requirements of a NPDES Permit and the Grantee has a monitoring and reporting procedure.

Subsequent requests for expansion or additional construction should be reviewed to assure the Grantee is in compliance with the five acre rule.

**3. FLOODPLAIN:**

This property is not located within the 100 year floodplain and does not fall under the purview of Executive Order 11988.

This property is located within the 100 year floodplain and does fall under the purview of Executive 11988 and (circle the appropriate):

a. The proposed occupancy or modification will not adversely impact the floodplain.

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b. There is no other practicable alternative available for this intended use.

c. The proposed occupancy or modification may be allowed subject to the following restrictions being incorporated in the outgrant document: \_\_\_\_\_

4. WETLANDS:

[ ] This property is not located within a wetlands area and, therefore, does not fall under the purview of Executive Order 11990.

[ ] This property is located within a wetlands area and does fall under the purview of Executive Order 11990, accordingly, the following restrictions must be incorporated in the outgrant document:

\_\_\_\_\_ (Status of 404 Permit Process \_\_\_\_\_)

5. ENDANGERED SPECIES:

[ ] This action will not jeopardize the habitat of any endangered species of fish, wildlife, or plants pursuant to the Endangered Species Act.

[ ] This action jeopardizes the habitat of endangered species of fish, wildlife, and/or plants identified on an attached map. Accordingly, the following restrictions must be incorporated in the outgrant document to protect the habitat: \_\_\_\_\_

6. FISH AND WILDLIFE COORDINATION ACT:

[ ] This action will not jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA.

[ ] This action will jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA. Impact description: \_\_\_\_\_

RECOMMENDED ACTIONS PRIOR TO AVAILABILITY:

\_\_\_\_\_

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## 7. HISTORICAL AND CULTURAL RESOURCES:

The area has been surveyed for historical and cultural resources and there have been none identified on this property, and this action is in compliance with the National Historic Preservation Act and other relevant laws; Executive Order 11593, Protection and Enhancement of the Cultural Environment; or any MOA's related thereto.

A survey has identified historical and /or cultural resources on this property. This action has been coordinated with the State Historic Preservation officer and the Advisory Council on Historic Preservation in accordance with 36 CFR 800. The following restrictions must be incorporated into the outgrant document to protect the resource: \_\_\_\_\_

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Native American graves or artifacts have been identified on this property. Refer to requirements of the American Indian Religious Freedom Act and Native American's Graves Protection and Repatriation Act.

Archaeological sites or resources have been identified on this property. Refer to the Antiquities Act; Archaeological and Historical Preservation Act; and Archaeological Resources Protection Act.

## 8. MISCELLANEOUS PROVISIONS:

The proposed outgrant activity will involve the use of pesticides, e.g. Agricultural, golf courses, restaurants. Refer to the Federal Insecticide, Fungicide, and Rodenticide Act and state pesticide regulations, as necessary.

The proposed outgrant activity will impact an area designated under the Wild and Scenic Rivers Act. Attach any site specific restrictions to protect the area.

The proposed outgrant activity will include fuel burners, incinerators, gas pumps, solvent or other volatile compounds. Refer to the Clean Air Act and state and local regulations. Give status of state and local permits.

The proposed outgrant activity will include substances covered by the Toxic Substances Control Act.

Other special purpose environmental laws, as follows:

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9. NEPA REQUIREMENTS:

This action falls under one of the Categorical Exclusions (CX) contained in AR 200-2 or ER 200-2-2 (Procedures for Implementing NEPA). The environmental affect of the action has been considered. A Record of Environmental Consideration (REC) is attached.

The impact of this action is considered to be minimal, or insignificant. An Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) is attached.

The impact of this action is considered to be significant. An Environmental Impact Statement (EIS), or supplement thereto, is attached/ is being prepared.

10. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Environmental Baseline study (EBS) or Preliminary Assessment Screening (PAS):

An EBS /PAS has been conducted and no HTRW substances were identified as released, stored, or disposed on the property in the threshold quantities. Copy is attached.

A EBS/PAS has been conducted which indicates HTRW substances were released, stored, or disposed on the property in the threshold quantities. The CERCLA notice should be included in the outgrant document. Copy is attached containing the details. Choose one:

a. Remedial actions have been taken so that the property is considered safe for the proposed use.

b. Remedial actions have not been taken. Provide details and justifications for outgranting in the current condition.

11. Real Property Contaminated with Ammunition, Explosives or Chemicals.

The property has been decontaminated using the most appropriate technology consistent with the proposed use of the property.

Transfers is to another Federal agencies for compatible use of surface de-contaminated real property, subject to the following limitations, restrictions and prohibitions concerning the use of the property, to ensure personnel and environmental protection: \_\_\_\_\_

Access rights are reserved to implement any monitoring plan.

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Coordination with HQDA, DACS-SF and DAMO-SWS attached with the Land Disposal Site Plan (LDSP). Reference AR 385-64, "U.S. Explosives Safety Program".

12. WASTE DISPOSAL (The Solid Waste Recovery Act, as amended; Resource Conservation and Recovery Act (RCRA)).

The applicant will not generate hazardous waste or will not treat, dispose or store waste defined by EPA as having the following characteristics -corrosivity, ignitability, reactivity, or toxicity.

The applicant will generate hazardous waste or will produce waste defined by EPA as having the following characteristics: corrosivity, ignitability, reactivity, or toxicity. Choose the appropriate:

a. The applicant has obtained a hazardous waste identification number from EPA and, if applicable, the state.

b. The applicant has established records, waste management requirements, and a Spill Prevention Plan.

13. Underground/ Other Storage Tanks.

There are no UST on the property and the applicant will not be installing tanks.

There are no above ground storage tanks for fuel or other regulated substances and the applicant will not be installing tanks.

There are UST on the property and/or the applicant will be installing tanks. Existing tanks are in compliance with current laws and regulations: \_\_\_\_\_ Yes \_\_\_\_\_ No. Construction of proposed tanks have been certified for such compliance: \_\_\_\_\_ Yes \_\_\_\_\_ No.

There are above ground storage tanks for fuel or other regulated substances on the property and/or the applicant will be installing tanks. Existing tanks are in compliance with current laws and regulations: \_\_\_\_\_ Yes \_\_\_\_\_ No. Construction of proposed tanks have been certified for such compliance: \_\_\_\_\_ Yes \_\_\_\_\_ No.

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14. ADDITIONAL COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE  
Title

REPORT OF AVAILABILITY

C. PRELIMINARY PROCEDURES:

1. STEWART B. MCKINNEY HOMELESS REQUIREMENTS:

Mckinney Act requirements do not apply to this action.

Mckinney Act requirements apply, necessary screening has been completed, and no interest was expressed.

2. INVENTORY AND CONDITION REPORTS:

No Government improvements are included in the proposed outgrant, so an inventory and condition report is not required.

Government improvements are included and an inventory and condition report is required/attached.

3. CONSIDERATION:

There is a monetary consideration required for this action.

Consideration is the greater of the administrative costs of \$\_\_\_\_\_ or the FAIR MARKET RENTAL value for the property of \_\_\_\_\_. Give source of value (i.e. appraisal, estimate).

Offsets (In-kind amounts) for the improvement, maintenance, protection, repair or restoration of the property leased will be provided in lieu of rent in the amount of \$\_\_\_\_\_. Offsets to be provided are attached. N\A

Consideration is less than fair market value and the outgrant document must contain assurances for Civil Rights Act non-discrimination and the Rehabilitation Act. N\A

4. WAIVER OF COMPETITION:

A waiver of competition is not required.

A waiver of competition is recommended/ not recommended. Provide full justification and proposed grantee, if waiver is recommended.

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5. Other applicable laws, regulations, MOA's, etc. requiring consideration for processing this action: \_\_\_\_\_

6. TECHNICAL SPECIFICATIONS: (Attach a copy here or indicate where a copy is available.) (Conservation plan for A&G Leasing; Project technical information, e.g. flood control, hydroelectric, navigation; any water level fluctuations; environmental data etc.) ; Safety requirements; Master plan data, if necessary to potential outgrantee. Where additional areas for similar development are shown in the Master Plan, all interested parties should be advised of the Government's tentative plans for these sites.)

7. Additional information that will assist in processing this application/ action: \_\_\_\_\_

8. BASED ON THE INFORMATION PROVIDED ABOVE, I RECOMMEND THE OUTGRANT BE [ ] APPROVED [ ] DENIED. If the outgrant is recommended for denial, state the reasons: \_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
LEROY P. HILTON  
Deputy Chief,  
Real Estate Division

APPENDIX D  
BID SELECTION CRITERIA

1. Diversity of Recreation Opportunities/Operation Proposed
  - a. Proposed operation and development.
  - b. Design.
  - c. Quality and nature of development.
  - d. Consistency with lake setting/mobilization or installation mission.
  - e. Proposed construction sequencing/phasing.
2. Experience and Background.
  - a. Business experience and training.
  - b. Comparable experience.
  - c. Current or previous work with Federal government.
  - d. Business and personal references.
3. Financial Capability.
  - a. Bank references.
  - b. Financial Statement.
  - c. Financial Plan for first 3 years.
  - d. Last two years income tax returns.
4. Credit and Criminal Background Check.
5. Plan of Operations and Development.