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	Project Operations RECREATION OPERATIONS AND MAINTENANCE POLICIES	
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CECW-O

Regulation
No. 1130-2-550

1 October 1999

Project Operations
RECREATION OPERATIONS AND MAINTENANCE POLICIES

1. This Change 1 to ER 1130-2-550, 15 Nov 96, provides guidance for the administration and management of the USACE Recreation Management Support Program.

2. Substitute the attached pages as shown below:

Chapter	Remove page	Insert page
Table of Contents	iii	iii
15		15-1 and 15-2

3. File this change sheet in front of the publication for reference purposes.

FOR THE COMMANDER:


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ER 1130-2-550
Change 2

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No. 1130-2-550

1 March 2002

Project Operations
RECREATION OPERATIONS AND MAINTENANCE POLICIES

1. This Change 2 to ER 1130-2-550, 15 Nov 96, provides guidance for the Natural Resources Management Uniform Program.
2. Substitute the attached pages as shown below:

Chapter	Remove pages	Insert pages
8	8-1 through 8-4	8-1 through 8-4

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ER 1130-2-550
Change 3

CECW-O

Regulation
No. 1130-2-550

15 August 2002

Project Operations
RECREATION OPERATIONS AND MAINTENANCE
GUIDANCE AND PROCEDURES

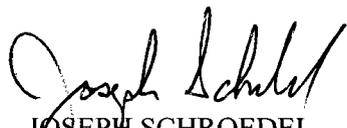
1. This Change 3 to ER 1130-2-550, 15 Nov 96, establishes guidance for the Recreation Use Fee Program.

2. Substitute the attached pages as shown below:

Chapter	Remove Pages	Insert Pages
Table of Contents	ii - iii	ii - iii
9	9-1 through 9-6	9-1 through 9-11

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ER 1130-2-550
Change 4

CECW-CO

Regulation
No. 1130-2-550

30 August 2008

Project Operations
RECREATION OPERATIONS AND MAINTENANCE POLICIES

1. This Change 4 to ER 1130-2-550, Chapter 6, 15 Nov 96, provides policy for the Visitor Assistance Program. This action combines the policies contained in EC 1130-2-212 (Visitor Assistance Vehicles), EC 1130-2-213 (Visitor Assistance Training), EC 1130-2-214 (Oleoresin Capsicum-Pepper Spray Program) and Recreation Policy Letter 97-02 (Bloodborne Pathogens).

2. Substitute the attached pages as shown below:

Chapter	Remove pages	Insert pages
6	6-1 through 6-3	6-1 through 6-4

3. File this change sheet in front of the publication for reference purposes.

FOR THE COMMANDER:


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ER 1130-2-550
Change 5

Regulation
No. 1130-2-550

30 March 2009

Project Operations
RECREATION OPERATIONS AND MAINTENANCE
GUIDANCE AND PROCEDURES

1. This change 5 to ER 1130-2-550, 15 November 1996 establishes a recreation development policy for outgranted Corps lands.

2. Substitute the attached pages as shown below:

Chapter	Remove Pages	Insert Pages
Table of Contents	iii	iii
Chapter 16	—	16-1 through 16-3
Appendix C	—	C-1
Appendix D	—	D-1

3. File this change sheet in front of the publication for reference purposes.

FOR THE COMMANDER:


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ER 1130-2-550
Change 6

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30 September 2013

Project Operations
RECREATION OPERATIONS AND MAINTENANCE
GUIDANCE AND PROCEDURES

1. This new Chapter 17, Non-Recreation Outgrant Policy, is Change 6 to ER 1130-2-550, dated 15 November 1996. The purpose of this additional chapter is to establish a consistent nationwide policy that will be applied to evaluate non-recreational Real Estate outgrant request for use of Civil Works land and waters. Appendix E, F, G, and H provide additional guidance and direction to ensure consistent application.

2. Substitute the attached pages as shown below:

Chapter	Remove Pages	Insert Pages
Table of Contents	iii	iii and iv
Chapter 17	New Chapter	17-1 through 17-5
Appendix E	New Appendix	E-1 through E-3
Appendix F	New Appendix	F-1 through F-2
Appendix G	New Appendix	G-1 through G-3
Appendix H	New Appendix	H-1 through H-4

3. File this change sheet in front of the publications for reference purposes.

FOR THE COMMANDER:

Chapter 17 and 4 Appendices
(See Table of Contents)


R. MARK TOY, P.E.
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Change 7

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Regulation
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30 January 2013

Project Operations
RECREATION OPERATIONS AND MAINTENANCE
GUIDANCE AND PROCEDURES

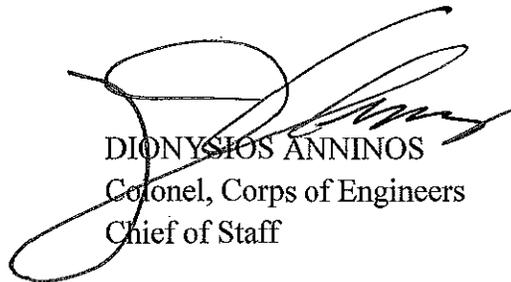
1. This Change 7 to ER 1130-2-550, Chapter 3, 15 Nov 96, provides revised guidance for Project Master Plans and Operational Management Plans. This revised chapter establishes guidelines for more efficient, time and cost savings concerning the development of master plans.

2. Substitute the attached pages as shown below:

Chapter	Remove pages	Insert Pages
Chapter 3	3-1 through 3-2	3-1 through 3-2

3. File this change sheet in front of the publications for reference purposes.

FOR THE COMMANDER:



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CECW-ON

Regulation
No. 1130-2-550

15 November 1996

Project Operations
RECREATION OPERATIONS AND MAINTENANCE POLICIES

TABLE OF CONTENTS

	Paragraph	Page
CHAPTER 1 - Introduction		
Purpose	1-1	1-1
Applicability	1-2	1-1
References	1-3	1-1
Glossary	1-4	1-4
CHAPTER 2 - Recreation Management		
Purpose	2-1	2-1
Policy	2-2	2-1
CHAPTER 3 - Project Master Plans And Operational Management Plans		
Purpose	3-1	3-1
Policy	3-2	3-1
CHAPTER 4 - Interpretive Services And Outreach Program		
Purpose	4-1	4-1
Policy	4-2	4-1
CHAPTER 5 - Visitor Center Program		
Purpose	5-1	5-1
Policy	5-2	5-1

This regulation supersedes ER 70-2-7, dated 1 April 1981; ER 1130-2-401, dated 15 February 1991; ER 1130-2-404, dated 2 July 1985; ER 1130-2-405, dated 17 January 1974; ER 1130-2-411, dated 15 November 1977; ER 1130-2-414, dated 30 December 1983; ER 1130-2-418, dated 1 February 1984; ER 1130-2-420, dated 1 November 1992; ER 1130-2-428, dated 30 September 1983; ER 1130-2-430, dated 30 August 1984; ER 1130-2-435, dated 30 December 1987; ER 1130-2-442, dated 1 October 1991; and Engineer Circular (EC) 1130-2-204, dated 15 February 1995.

ER 1130-2-550
Change 3
15 Aug 02

	Paragraph	Page
CHAPTER 6 – Visitor Assistance Program		
Purpose	6-1	6-1
Policy	6-2	6-1
CHAPTER 7 – Cooperative Agreements for Law Enforcement Services at Civil Works Water Resource Projects		
Purpose	7-1	7-1
Policy	7-2	7-1
CHAPTER 8 – Uniforms for Natural Resource Management Program Staff		
Purpose	8-1	8-1
Policy	8-2	8-1
CHAPTER 9 – Recreation Use Fees		
Purpose	9-1	9-1
Goals	9-2	9-1
Policy	9-3	9-1
General Fees	9-4	9-3
Camping Fees	9-5	9-3
Day Use Fees	9-6	9-4
Special Use Fees	9-7	9-7
Other Equipment, Facilities and Services	9-8	9-8
Discounts	9-9	9-9
Accounting	9-10	9-10
Security Measures	9-11	9-11
CHAPTER 10 – Use of Off-road Vehicles on Civil Works Projects		
Purpose	10-1	10-1
Policy	10-2	10-1
Responsibilities	10-3	10-1
CHAPTER 11 – Regulation of Seaplane Operations on Civil Works Water Resource Development Projects		
Purpose	11-1	11-1
Policy	11-2	11-1
CHAPTER 12 – Natural Resource Management System		
Purpose	12-1	12-1
Policy	12-2	12-1

	Paragraph	Page
CHAPTER 13 – Recreational Use Surveys		
Purpose	13-1	13-1
Policy	13-2	13-2
CHAPTER 14 – Natural Resources Management Maintenance Uniforms		
Purpose	14-1	14-1
Policy	14-2	14-2
CHAPTER 15 – Recreation Management Support Programs		
Purpose	15-1	15-1
Policy	15-2	15-1
CHAPTER 16 – Recreation Development Policy for Outgranted Corps Lands		
Purpose	16-1	16-1
Applicability	16-2	16-1
Policy	16-3	16-1
Definitions	16-4	16-2
Evaluation Criteria	16-5	16-2
Implementation	16-6	16-3
CHAPTER 17 –Non-Recreation Outgrant Policy		
Purpose	17-1	17-1
Applicability	17-2	17-1
Policy	17-3	17-1
Consideration	17-4	17-2
Mitigation	17-5	17-2
Administrative Expense	17-6	17-2
Storage Capacity	17-7	17-2
Definitions	17-8	17-3
Evaluation Criteria	17-9	17-4
Implementation	17-10	17-5

ER 1130-2-550
Change 6
30 Sep 13

APPENDIX A – References	A-1
APPENDIX B – Management Considerations for Recreation Areas Relinquished By Non-Federal Interest	B-1
APPENDIX C – Market Studies	C-1
APPENDIX D – Feasibility Studies	D-1
APPENDIX E – General Outgrant Application Information	E-1
APPENDIX F –NEPA Guidance	F-1
APPENDIX G –Mitigation Guidance	G-1
APPENDIX H –Additional Guidance For Specific Outgrant Applications	H-1

CHAPTER 1 - INTRODUCTION

1-1. Purpose. This regulation establishes the policy for the management of recreation programs and activities, and for the operation and maintenance of U.S. Army Corps of Engineers (USACE) recreation facilities and related structures, at civil works water resource projects.

1-2. Applicability. This regulation applies to all USACE commands having responsibility for civil works functions.

1-3. References. See Appendix A.

1-4. Glossary.

a. Interpretive Services. Communication and education processes provided to internal and external audiences, which support the accomplishment of Corps missions, tell the Corps story, and reveal the meanings of, and relationships between, natural, cultural, and created environments and their features.

b. Outreach Activities. Communication efforts involving programs that reach diverse populations such as students, teachers, organized groups such as Boy Scouts, Girl Scouts, 4-H, and the general public, beyond the physical boundaries of Corps projects and facilities.

CHAPTER 2 - RECREATION MANAGEMENT

2-1. Purpose. This chapter establishes the policy for the administration and management of USACE recreation programs and facilities at civil works water resource projects.

2-2. Policy. It is the policy of the Corps of Engineers:

a. That programs and activities related to outdoor recreation will have as their design base:

(1) the following mission statement:

"The Army Corps of Engineers is the steward of the lands and waters at Corps water resources projects. Its Natural Resources Management Mission is to manage and conserve those natural resources, consistent with ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations.

In all aspects of natural and cultural resources management, the Corps promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance and restoration practices.

The Corps manages for long-term public access to, and use of, the natural resources in cooperation with other Federal, State, and local agencies as well as the private sector.

The Corps integrates the management of diverse natural resource components such as fish, wildlife, forests, wetlands, grasslands, soil, air, and water with the provision of public recreation opportunities. The Corps conserves natural resources and provides public recreation opportunities that contribute to the quality of American life."

(2) and, the following program objectives:

(a) To provide a quality outdoor recreation experience which includes an accessible, safe and healthful environment for a diverse population,

(b) To increase the level of self-sufficiency for the Corps recreation program,

(c) To provide outdoor recreation opportunities on Corps of Engineers administered land and water on a sustained basis, and

(d) To optimize the use of leveraged resources to maintain and provide quality public experiences at Corps water resources projects.

b. To accomplish the program objectives, the Corps manages land and water resources in cooperation with other Federal, state and local agencies, quasi-public organizations and the private sector supplemented by volunteers, contributions and challenge cost sharing programs.

c. Project master plan and operational management plans will be prepared in accordance with Chapter 3 of this regulation.

d. Outdoor Recreation. Public use of project lands and water shall be on a first-come,

first-served basis. However, reservations may be accepted for the use of public use facilities.

(1) The Corps or another public agency may provide and administer facilities for use by the camping public. Campgrounds may also be provided and/or administered by commercial concessions. Camping shall be permitted only in those areas designated by district commander and such activity shall be in accordance with 36 Code of Federal Regulation (CFR) Part 327.

(2) Camping at one or more Corps operated campsites at any one water resource project for a period longer than 14 days during any 30-consecutive-day period is prohibited without the written permission of the District Commander or his/her designee.

(3) Fees for Corps-owned equipment, property, and facilities shall be in accordance with Chapter 9 of this regulation.

(4) Existing beaches and concentrated swimming areas operated by the Corps shall be maintained in a physically safe and efficient manner in accordance with Engineer Manual (EM) 1110-1-400, including maintaining appropriate gradient, beach nourishment, adequate buoys, proper signing and water quality monitoring.

e. Natural Resources Management Program Staff. A multi-disciplinary resource based approach to project personnel hiring should be used which insures that a wide range of technical expertise is present to effectively manage the full range of natural and human resources found at the project. Personnel having expertise in areas such as forestry, wildlife management, recreation management, fisheries management, parks management, landscape architecture, biology, soil, science, interpretation, visitor assistance and contract administration are often needed. Specific guidance on personnel specifications, training, and development are contained in EP 690-2-2 "Career Development Guide for Natural Resources Management Team Members."

(1) The mobility of natural resource management personnel greatly enhances the experience base of both the organization and the individual. The use of temporary mobility assignments for training and development to other offices, districts, divisions or headquarters should be maximized.

(2) In accordance with PL 98-63, volunteers may also be utilized to supplement project personnel. (See Chapter 10 of ER 1130-2-500, The Corps of Engineers Volunteer Program.)

(3) In-house training, including HQUSACE sponsored courses, shall be conducted on subjects directly related to the Natural Resources Management Program.

f. The enforcement of 36 CFR 327 cannot be contracted but must be conducted by qualified government employees.

g. Alcoholic Beverages.

(1) The sale of alcoholic beverages on Corps projects by lessees is permitted only in accordance with state and local laws. Facilities (e.g., resort type developments) which traditionally provide the sale of alcoholic beverages may do so where they are served in conjunction with other services within the establishment. Facilities with the primary purpose of selling alcoholic beverages are prohibited.

(2) District Commanders have the authorization under 36 CFR Chapter III, Part 327.13 (Title 36) to prohibit the possession or use of alcohol at selected areas on projects within their jurisdiction. To determine the need for such restrictions, periodic joint natural resource management and security assessments will be conducted at all water resources development projects, with an annual visitation of 20,000 visitor hours or more, regarding the need to ban alcohol consumption/possession on project-administered lands and waters. Commander will insure that initial assessments are completed by 30 May 1997. Additional assessments will be conducted as appropriate.

h. Cigarette Sales to Minors. Public Law 104-52 required the removal of cigarette vending machines accessible by minors from all Federal buildings and lands. This requirement applies to all Corps real estate and includes all property owned, leased or rented. All cigarette vending machines owned or operated by the government, private organizations, other elements of the Army, or their contractors are to be removed.

i. Gambling on Corps Projects. Gambling on all leased premises, including state sponsored lotteries, shall be prohibited. District commanders may permit nonprofit organizations to conduct some games of chance, such as raffles, games or sporting events, under special use permits in conjunction with special events on Corps lands only if permissible by state and local laws and regulations.

j. Public Involvement. Operations element and project personnel shall coordinate activities with the district Public Affairs office in order to maximize the use of all means to keep the public informed of Corps outdoor recreation programs and opportunities for public involvement.

k. Signs. Project signs shall conform to EP 310-1-6a and b, U.S. Army Corps of Engineers Sign Standards Manual.

l. Memorial Plaques. Memorial plaques may be provided at all projects where considered appropriate by the operations project manager.

m. Coordination. The operations element shall seek full coordination with appropriate Corps elements in the planning, design, construction, administration, and management of all projects, including those managed by other agencies. Cooperation and continuous coordination shall be maintained with other governmental agencies having collateral interests in parks, recreation, natural resources, law enforcement, and other matters which are of concern in proper management of the project.

n. Lifeguards. Lifeguard services are not provided at public use areas administered by the Corps. Planning and safety regulations, however, do require proper signing and notification to the public regarding water safety, lack of lifeguards and safety equipment. Lifeguard services may be provided by other agencies at outgranted swimming areas.

o. Safety. During work planning and management, provisions of EM 385-1-1, Safety and Health Requirements Manual, and engineer regulations in the 385 series will be applied to all activities except outgrant activities and disposals of timber.

(1) The Operations Project Manager will appoint a member of the project staff to serve as the project safety officer.

(2) Project personnel will promote, develop, and maintain public interest in recreation safety through the establishment of water safety councils or by participation in other local water safety educational opportunities.

(3) Commercial telephone for emergency use will be provided in public use areas where feasible.

(4) Adequate security lights will be provided at all Corps managed boat launching ramps when the lights are available at a reasonable cost. In areas where electrical service is not readily available, reflective type sign/markers will be installed and maintained to identify ramp locations. Battery or solar generated lights are also an alternative.

(5) Unattended Corps managed day-use areas will be closed at night, if such a restriction on public access is considered necessary by the responsible Operations Project Manager to provide adequate visitor safety and resource protection. Prior to any such closure, consideration will be given to alternatives that accommodate the continued authorized use of the facilities while providing the necessary levels of safety and protection. Users of those facilities will be fully informed concerning the details of any closure, and wherever appropriate, will be provided opportunities to input into such decisions.

p. Search, Rescue and Recovery. Search, rescue and recovery activities are properly performed by local and state authorities. Corps personnel will assist as funds/personnel permit. Coordination with local authorities is essential.

q. Boundary Surveys and Marking. (See Chapter 2, paragraph 2-2h (1)-(4) of ER 1130-2-540)

r. Outgranting of Lands. (See Chapter 2, paragraph 2-2f of ER 1130-2-540 and ER 405-1-12)

s. Areas Relinquished by Non-Federal Interests. All leased recreation areas returned to the Corps, that do not qualify for the exceptions to policy in Appendix B, will be closed. In situations where recreation areas are returned to the Corps, three basic considerations should be observed: Paramount is that the Corps must honor its obligations and legal commitments; secondly, the Corps must objectively evaluate alternatives based on existing authorities and available resources; and thirdly, good faith and credibility with the public and our non-Federal partners must be maintained.

t. Human Habitation. (See Chapter 2, paragraph 2-2(f)(7) of ER 1130-2-540)

u. Private Exclusive Use. (See Chapter 2, paragraph 2-2(f)(8) of ER 1130-2-540)

v. Fire Protection. As authorized in Title 42, USC, Section 1856a., the Corps may enter into reciprocal agreements with responsible fire organizations for fire protection of Corps properties. Such agreements will include a waiver of all claims for compensation for any losses, damage, personal injury or death resulting from the performance of the agreement. The agreement may also provide for the reimbursement for any or all costs incurred in furnishing fire protection on Corps lands. The authority to approve these agreements is delegated to the district commander.

w. Control or Access. Roads which are not maintained, outgranted or used by the Corps, or are not dedicated as public roads by a governmental entity, should be closed, obliterated and revegetated to blend with the natural environment.

CHAPTER 3 - PROJECT MASTER PLANS AND OPERATIONAL MANAGEMENT PLANS

3-1. Purpose. This chapter establishes the policy for the preparation of master plans and Operational Management Plans (OMPs) for USACE civil works water resource projects (Corps projects).

3-2. Policy. It is the policy of the Corps of Engineers (Corps) that:

a. The Master Plan (MP) is the strategic land use management document that guides the comprehensive management and development of all project recreational, natural, and cultural resources throughout the life of the water resource project. OPMs implement the resource objectives and development needs identified in the Master Plan. MP and OMP will be developed and implemented for each Corps project and are intended to work in tandem.

b. MPs will be developed and kept current for Civil Works projects operated and maintained by the Corps and will include all land (fee, easements or other interests) originally acquired for the project and any subsequent land (fee, easements or other interests) acquired to support the operations and authorized missions of the project. Preparation of the MP shall be initiated as soon as possible after congressional approval of the project, so that approved recreation and natural resource management activities can be implemented when the project becomes operational. When there is no demonstrated need or opportunity to manage project lands, they may be exempted from this requirement only with the MSC Commander's approval.

c. MPs and OMs should take national performance measures, environmental operating principles, and the civil works strategic plan into account when the plans are developed and/or revised.

d. At the discretion of the MSC Commander, master plans will be prepared for projects where lands were acquired in fee title by the Corps, but are managed by others, such as local protection projects.

e. The MP will cover a single project or several projects, depending on what is best for management of the resources. MPs using a watershed approach (encompassing several projects) are encouraged, when appropriate. This methodology can provide economic and resource management benefits. It is also appropriate to group a number of projects administratively managed as a unit and/or located in a given geographic region into a single MP. Each MSC will coordinate with their respective districts on the scope, content, and organization of each MP. The MP will cover all resources, including but not limited to water, fish and wildlife, vegetation, cultural, aesthetic, interpretive, recreational, and mineral. The plan will also consider the land (fee, easement, or other interest) acquired for project operations and outgranted lands. The funding needed for MP supplements and revisions will be addressed in the annual O&M budget preparation.

f. The District Operations Division is responsible for MP development, implementation, periodic review, and revision. Interdisciplinary master plan teams, composed of project and district personnel and appointed by district leadership, will identify information needs and means for obtaining resources, study costs, schedules, tasks, and responsibilities. When a MP revision is needed, Operations Division will coordinate the development of a Project Management Plan to address the above elements.

g. Master plans will focus on four primary components: (1) regional and ecosystem needs, (2) project resource capabilities and suitability, (3) expressed public interests that are compatible with authorized purposes, and (4) environmental sustainability elements. The MP will ensure that natural and cultural resource mandates and considerations are incorporated. The MP also will ensure that economy, quality, need, and appropriate scale be given equal attention in the management of resources and facilities. See Chapter 3 of EP 1130-2-550 for specific guidance on the format and content of a MP.

h. District commanders will be responsible for ensuring that MPs are completed for all projects and will be responsible for approving MPs, supplements and revisions which meet the criteria listed in Chapter 3 of EP 1130-2-550. A concise review of each MP will be conducted by an Operations-led interdisciplinary team every five years. This review will be brief and general in extent and shall utilize MP performance measure criteria and criteria in Chapter 3 of EP 1130-2-550 to determine if supplementation or revision is recommended. At the conclusion of the review, the District Commander or designee shall sign a brief statement explaining the status of the MP. Note: It is important to have an administrative record showing that the MP continues to be relevant even if some degree of supplementation or revision is needed.

i. Project personnel will develop and fully implement the project OMP, in accordance with the approved project MP. The OMP will be approved by the District Chief of Operations or designee. The OMP will be updated annually at the project level. Costs for annual update of the Project OMP will be included in the project's budget as a baseline item. See Chapter 3 of EP 1130-2-550 for specific guidance on the format and content of an OMP.

CHAPTER 4 - INTERPRETIVE SERVICES AND OUTREACH PROGRAM

4-1. Purpose. This chapter establishes the policy for the operation of the USACE Interpretive Services and Outreach Program (ISOP) at civil works water resource projects.

4-2. Policy. It is the policy of the Corps of Engineers that:

a. An Interpretive Services and Outreach Program (ISOP) shall be implemented at each Corps-operated project. The type and magnitude of this program shall be determined by the District Commander and shall be commensurate with the type and size of the project, project visitation, funding, and personnel resources. In addition, all ISOP efforts shall provide for universal accessibility where practical. All activities under this program shall be designed to accomplish one or more of the following goals:

- (1) Achieve management objectives using interpretive techniques.
- (2) Provide environmental education to foster voluntary stewardship of natural, cultural, and created resources.
- (3) Incorporate Corps civil works and military missions and accomplishments into interpretive programming.
- (4) Improve visitor and employee safety using interpretive techniques.
- (5) Use outreach to accomplish ISOP goals, including interpreting Corps missions, promoting stewardship, saving lives, and solving management problems. The interpretive process should also encourage interest in math and science, including career interest.
- (6) Enhance the visitors' experience and enjoyment by anticipating their needs and providing interpretive resources to meet those needs.

b. Districts shall be responsible for the administration and management of the Interpretive Services and Outreach Program. Project offices shall be responsible for implementation of the ISOP program. Each MSC and district office shall designate an ISOP coordinator. The district coordinator shall act as a liaison among all district team members involved with interpretation and outreach, and field projects. The primary responsibility of the coordinator shall be to assure that implementation of the ISOP is consistent with this regulation. Additional guidance is located in EP 1130-2- 550, and EP 1130-2-434, Volumes 1-5, JS (Job Standards), DI (Database Instructions), FS (Chittenden Award Fact Sheet).

c. Each project shall designate a point of contact (POC) whose function is to implement the ISOP at the local level. Each field project shall develop an interpretive prospectus for inclusion in the Operational Management Plan to be used as a planning document in implementation of the ISOP.

d. Projects are encouraged to use a variety of staffing sources in conducting the ISOP. This includes permanent and temporary rangers, support staff, summer aids, volunteers (see Chapter 10 of ER 1130-2-500), contractors, cooperating associations (see Chapter 9 of ER 1130-2-500), and others. See also Chapter 4 of this regulation for additional guidance on the

implementation of the ISOP at Corps visitor centers.

e. Projects shall be encouraged to make use of static communication techniques such as interpretive signs, publications, and self-guided tours where personal communication is not possible or practical.

f. Quality training in interpretation shall be made available to rangers, managers, district and division office team members, and others who have job responsibilities related to the interpretive program. All personnel with interpretive duties, including permanent, temporary, and seasonal employees as well as volunteers, should receive appropriate training. Key training and career development issues related to this topic are addressed in EP 690-2-2, Career Development Guide for Civil Works Natural Resources Management Team Members. In addition, eligible personnel shall be encouraged to investigate the applicability of the following methods of training to their individual work requirements:

(1) Formal interpretive services training. This includes Proponent Sponsored Engineers Corps Training (PROSPECT) courses, college courses and other courses as appropriate. Functional training is available through other related PROSPECT courses developed by Public Affairs, Information Management and others.

(2) Training by professional organizations. Professional organizations offer a variety of training opportunities in interpretation and environmental education.

(3) Local training. Local training may be carried out in a variety of ways. It may be implemented by offering periodical refresher courses/training sessions on topics of interest to sharpen skills, exchange and/or update information, or by entering into training partnerships with other agencies. These forms of training are especially recommended when, for reasons of cost-effectiveness, it is not feasible to procure more costly formal training.

g. The efforts of exemplary interpreters shall be recognized through the Chief of Engineers Hiram M. Chittenden Award for Interpretive Excellence.

h. Each project shall evaluate its ISOP on an annual basis to assure consistency with this regulation.

i. Limited upward reporting will be included in the Natural Resource Management System (NRMS).

CHAPTER 5 - VISITOR CENTER PROGRAM

5-1. Purpose. This chapter establishes the policy governing planning, development, management, and operation of USACE Visitor Center facilities at civil works water resource projects.

5-2. Policy. It is the policy of the Corps of Engineers to plan, develop, manage and operate Visitor Centers at water resource development projects in accordance with the following criteria:

a. The Corps of Engineers is responsible for providing information to the visiting public at every project it operates through a Type A Regional Visitor Center, a Type B Project Visitor Center, or a Type C Visitor Information Facility.

b. The interpretive objectives of Visitor Centers are to:

(1) Enhance the public's understanding of the multidimensional role of the Army and the Corps and their contributions to the Nation.

(2) Enhance the public's understanding of the purpose and operation of the project, its archeological, historic, man-made, natural, and cultural features.

(3) Develop public appreciation for the proper and safe use of project resources.

(4) Foster the spirit of personal stewardship of public lands.

(5) Orient the visitor to the project and its recreational opportunities.

(6) Aid project personnel in accomplishing management objectives.

(7) Reduce overall project operation and maintenance costs.

c. Visitor facilities must fall into one of the following categories:

(1) Type A Visitor Center. Construction of Type A Regional Visitor Centers is no longer authorized. Specific legislation is the only way a new Type A Visitor Center can be built. However, a Type B Visitor Center can be redesignated as a Type A Visitor Center with authorization by HQUSACE (CECW-ON) provided it meets the existing criteria. A Type A Visitor Center is intended to serve as a regional facility. It provides information encompassing a large geographic area such as a river basin, state, or other designated area of concern. It tells the story of the Corps from the national to the local level and the mission of the local project. It provides information on the socioeconomic development of the area, events of archeological, historical, cultural, and natural importance in the area, and other items of interest. Information shall be made available to visitors concerning rules and regulations, safety, facilities, and other recreation projects in the area. This type of facility is called a "Regional Visitor Center."

(2) Type B Visitor Center. Construction of Type B Project Visitor Centers are limited to those projects where the Corps is committed to construction through legislation, memorandum of understanding or cost sharing agreements. This type of Visitor Center, established by the MSC Commander, presents information on the project area. This can include specifics on Corps

history, the project, natural and cultural resources, and local history. In addition, information on rules and regulations, safety, facilities and project recreation opportunities should be available to visitors. This type of center is similar to the Type A Visitor Center except that its scope is local in nature. This type of facility is called a "Project Visitor Center."

(3) Type C Visitor Center. Construction of Type C Visitor Information Centers is limited to the placement of exhibits in existing buildings, or in new or rehabilitated administration buildings for which construction has been budgeted. Justification for these buildings shall be based on administrative need. Information facilities of this type are usually incorporated into existing buildings. Type C Visitor Centers shall be staffed during regular office hours, as needed, incidental to other work. They dispense information, publications and maps which assist visitors in understanding, locating, and safely using and enjoying project facilities. Displays and presentations, as space permits, cover such topics as project purpose, visitor safety, history, and natural resources. This type of facility is called a "Visitor Information Center."

(4) Projects Without Visitor Centers. If a project does not have any of these facilities available, an area shall be designated to make Corps project, regulatory, safety, and other informative materials available to the public.

d. Visitor centers and support facilities (access roads, parking, etc.) are restricted to fee lands. Acquisition of additional lands to accommodate Visitor Centers, or their support facilities is not authorized. The Master Plan (MP) or the Supplement (if necessary) shall address visitor center facilities and program requirements in general terms, including information on future construction, rehabilitation, and the interpretive prospectus.

e. Specific operating guidelines for individual visitor centers are left to the discretion of the Operations Project Manager and District staff. In addition to regular paid staff or contract services, Operations Project Managers should make full use of volunteers and cooperating associations.

f. All visitor centers and exhibits shall be reviewed for relevancy, accuracy, timeliness, and safety at least once every five years by a district level review team. The review team shall be interdisciplinary, consisting of one representative from each of the following office elements: public affairs, natural resource management, information management, engineering, safety, security and history (if available).

g. The Operations Project Manager and/or District should foster cooperation with Federal, state and local agencies, non-profit educational, or other interest groups and individuals in order to facilitate the operation of visitor centers. In addition, Visitor Center Managers may consider the development and use of Cooperative Agreements. These Agreements are between nonprofit, tax-exempt corporations established for educational, scientific and/or interpretive purposes and the Corps, acting through the District Commander.

h. Development and funding procedures for renovations, rehabilitations, new equipment, and brochures must follow those established by the District and MSC, and by HQUSACE where applicable (annual budget EC).

i. Operation. It is imperative that Visitor Centers be operational during periods of heaviest visitation and accommodate large groups. All Type A and B Visitor Centers will have

adequate staff to ensure that they are operational during these periods. Specific operating guidelines for individual visitor Centers are properly left to the discretion of the Project Manager and District staff.

(1) Permanent Personnel. It is the District's responsibility to ensure that adequate FTEs are authorized for proper operation of Regional and Project Visitor Centers. If FTEs are not available, districts should consider the use of contract personnel. Regional Visitor Centers will be staffed at a minimum with one full-time permanent position. This employee will hold the primary responsibility for operation of the facility.

(2) Contract Services. If adequate staffing cannot be maintained through permanent and seasonal personnel, districts are authorized to contract for these services with O&M funds. Control or ownership of Visitor Center facilities or contents will not be conveyed to an operating contractor. Visitor Center design and planning remain a Corps responsibility in contract operated facilities, as do management decisions such as those regarding hours and days of operation, specific operation guidelines, and visitor center objectives. Should the Corps contract for the operation of a Visitor Center, it is the Corps' responsibility to provide adequate training for contract personnel on the Corps history, operational procedures, and interpretive materials in the center.

(3) Volunteer Services. Individual or group volunteers may be used to staff Corps Visitor Centers if adequate Corps staffing is not available. However, the Corps must provide adequate training and supervision to ensure quality service to the visiting public.

j. Public Food Service facilities, including beverage, candy, and cigarette machines will not be provided by the government or be accessible to the public.

CHAPTER 6

Visitor Assistance Program

6-1. Purpose. This chapter establishes the policy for providing assistance to visitors at USACE Civil Works water resource projects, under the provisions of Section 234 of the Flood Control Act of 1970, PL 91-611. This Chapter supersedes the 15 Nov 1996 edition of ER 1130-2-550, Chapter 6; EC 1130-2-212, dated 23 Apr 1999; EC 1130-2-213, dated 1 Oct 1999; EC 1130-2-214, dated 22 Apr 2002; and Recreation Policy Letter 97-02, dated 20 May 1997.

6-2. Policy. It is the policy of the U.S. Army Corps of Engineers that:

a. Major Subordinate Commands (MSC) and District Commands are delegated authority to implement the citation authority regulatory provisions at Civil Works installations set forth in PL 91-611. The district commander is responsible for ensuring adequate order, discipline and protection of resources at Corps projects. For the purposes of this regulation, the title park ranger applies to all individuals having visitor assistance responsibilities and/or authorized to have citation authority. The term operations project manager (OPM) includes natural resources manager, lake manager and park manager titles throughout the course of this text for consistency.

b. The protection of facilities or the enforcement of rules shall always be secondary to the safety of Corps personnel, contract employees and visitors. Operations project managers and park rangers shall strive to be visible to the public, primarily to help and assist them, and secondarily, to enforce 36 CFR Chapter III, Part 327 (Title 36). In no case shall this enforcement portray an aggressive law enforcement image.

c. In the acquisition of land at Civil Works installations, the Corps of Engineers obtains proprietary interests only. Individual states and their political subdivisions retain the statutory authority, and inherent responsibility, to enforce state and local laws. State and local agencies establish, regulate and enforce all state and local laws. The role of the park ranger is defined as a regulation enforcer with full citation authority of Title 36. Available enforcement options include visual presence, verbal warnings, written warnings, collateral forfeiture citations and mandatory appearance citations. Available use of force options are limited to verbal persuasion/verbal detention and self defense measures, including unarmed self defense and, where authorized, the use of an approved chemical aerosol spray (Oleoresin Capsicum).

d. The authority of operations project managers and park rangers is limited to the enforcement of rules and regulations as designated in Title 36, and does not extend to arrest authority or the enforcement of state and local laws, including game laws. This authority is applicable to:

- (1) All water areas of any water resource development project administered by the Chief of Engineers, without regard to ownership of underlying land;
- (2) All lands owned in fee by the Federal Government; and
- (3) All facilities of any such water resource development project.

e. Operations project managers and park rangers are employed as natural resource, recreation, environmental, and public relations specialists, and are not law enforcement officers.

(1) They cannot arrest, search or seize individuals or their property in the course of these duties. An operations project manager or park ranger may request visitors to stop but cannot physically detain them.

(2) Corps employees are prohibited from carrying, transporting or using weapons, stun-guns, nightsticks, or other similar equipment normally associated with law enforcement.

(3) Park rangers, and other qualifying employees, may be authorized to carry and use Oleoresin Capsicum (Pepper Spray) for self-defensive purposes as stipulated in Chapter 6 of EP 1130-2-550 and Appendix K. Implementation of this policy is at the option of the Major Subordinate Commander who may delegate this authority to the District Commands.

(4) Corps employees within the Natural Resources Management (NRM) Program may purchase and wear protective body vests at their own discretion and at their own expense, so long as it is discreet, worn inside the clothing, and is in accordance with all uniform guidelines.

(5) The use of light bars, radar guns, speed detectors and chasing vehicles or using hot pursuit techniques against alleged violators, on or off Corps property, is prohibited.

(6) Major Subordinate Commands and District Commands may purchase and authorize the use of tactical utility belts on an optional basis for Corps employees authorized to wear the Natural Resources Management (Park Ranger) uniform. Utility belts must be nylon, black in color and not exceed 2 1/2 inches in width. Any equipment carrying devices placed on the belt must be black, match the style of the utility belt and be approved by the operations project manager. Leather utility belts are not authorized. Utility belts are not furnished under the NRM Uniform Program contract and should be purchased using district or project Operations and Maintenance (O&M) funds.

f. The use of Title 36 citation authority shall be considered one of many tools for use in management of water resource development projects. The lowest level of enforcement shall be used to resolve a problem. Maximum use of oral and written warnings shall be made for minor infractions. Employees with citation authority shall, in order of priority, attempt to resolve the problem by effective communication, verbal warning, written warning, collateral forfeiture citation, and mandatory appearance citation. Normal citation procedures are provided in Chapter 6 of EP 1130-2-550. Alternative management techniques, in addition to the issuance of citations, should be considered in the implementation of the Visitor Assistance Program. A list of alternative management techniques that have proven effective at reducing visitor problems are included in Appendix G of EP 1130-2-550.

g. Natural Resource Management program staff shall receive training in accordance with Chapter 6 of EP 1130-2-550, Appendix E and EP 690-2-2, Career Development Guide for Civil Works Natural Resources Management Team Members. Operations project managers are responsible for ensuring that permanent, seasonal and temporary park rangers with Visitor Assistance responsibilities receive the prescribed training. Temporary employees who perform Visitor Assistance duties and enforce Title 36 must receive the same Visitor Assistance training provided to permanent and seasonal park rangers with similar duties.

h. All personnel with operations project manager, park ranger and/or visitor assistance managerial duties shall normally have citation authority (optional for operations project managers). Authorized personnel will be issued ENG Form 5036-R, Certificate of Authority to Issue Citations, in accordance with Chapter 6 of EP 1130-2-550. A new ENG Form 5036-R and badge must be issued (with a revised date) to employees who transfer to a permanent position in another district to maintain citation authority. Badges are accountable property and must be returned to the appropriate supervisor when the employee leaves the district. A new ENG Form 5036-R and badge are not required for permanent and seasonal employees who transfer within the same district. Districts must revoke ENG Form 5036-R and badge for any employee who leaves employment within the district upon transfer or termination. No individual shall be given authority to issue citations or written warnings without completion of the required training. Corps personnel who violate the policies of this regulation or abuse their authority shall, at a minimum, have their citation authority suspended.

i. It is a federal criminal offense to forcibly assault, resist, oppose, impede, intimidate, interfere with, attempt to kill or kill any civilian official or employee of the Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions while in the performance of his/her official duties (18 USC 1114.) Procedures to follow in the event of an assault are identified in Chapter 6 of EP 1130-2-550.

j. Cooperative law enforcement contracts and agreements, as prescribed in Chapter 7 of this regulation, shall be used to the maximum extent practical. Maximum use of local law enforcement services, within resource limitations, shall be made at areas which have a history of excessive violations and during those periods when rangers are not readily available.

k. Corps personnel, while on duty, shall not be deputized by law enforcement agencies. Corps personnel who are deputized or commissioned by any law enforcement agency may not perform the duties of that office on or off Civil Works installations during duty hours or while wearing the Corps uniform. Corps personnel are also prohibited from performing the duties of a deputized or commissioned law enforcement officer on Civil Works installations during their off-duty hours.

l. Personnel performing duties associated with the Visitor Assistance Program will wear the complete uniform as prescribed in Chapter 8 of this regulation including the park ranger badge if citation authority has been granted. A citation authority identification card (ENG Form 4710) or a reduced copy of ENG Form 5036-R, Certificate of Authority to Issue Citations, will be carried while on duty by all persons with designated citation authority. MSC commanders will requisition badges from HQUSACE (CECW-CO-N). Personnel who issue citations while out of uniform will be considered to be working within the scope of their duties, regardless of their on-duty or off-duty status at the time. Any enforcement action taken out of uniform will be reported to the immediate supervisor within 24 hours.

m. Vehicle, radio and equipment requirements shall be in accordance with Chapter 6 of EP 1130-2-550.

n. A public information program, implemented by the operations project manager, shall be maintained to notify and ensure public understanding and support of the Visitor Assistance Program. Title 36 shall be posted on appropriate bulletin boards at Civil Works installations and made available to the public. News releases, interpretive programs, off-site outreach programs and other information systems shall be utilized to inform and educate the public of significant changes in rules and regulations, including project restrictions. As part of the Operational Management Plan (OMP) each project

shall outline a plan of action regarding public relations as a continuation of communications with the public.

o. Preventive vaccination, education and exposure treatment for blood-borne pathogens as governed by EM 385-1-1 and 29 CFR 1910.1030 is highly recommended for park rangers and other personnel with visitor assistance responsibilities, as detailed in Chapter 6 of EP 1130-2-550. Preventive vaccinations, education and exposure treatment will be provided by the Corps at no cost to the employee, and are not a condition of employment.

p. All USACE commands having responsibility for Civil Works functions are authorized to participate in the "Corps Watch" property protection program as stipulated in separate guidance. This program is designed to reduce and deter property damage at Civil Works projects through the use of a national toll-free property protection hotline. Witnesses who provide information leading to the arrest and prosecution of perpetrators may be eligible for a monetary award.

CHAPTER 7 - COOPERATIVE AGREEMENTS FOR LAW ENFORCEMENT SERVICES AT CIVIL WORKS WATER RESOURCE PROJECTS

7-1. Purpose. This chapter establishes the policy for the implementation and management of cooperative agreements for increased law enforcement services at USACE civil works water resource projects.

7-2. Policy. In accordance with Section 120, PL 94-587, (90 Stat. 2917), Water Resources Development Act (WRDA) of 1976, as amended by PL 96-536, (94 Stat. 3166), it is the policy of the Corps of Engineers that:

a. District commanders are delegated the authority to contract and/or enter into cooperative agreements with states and their political subdivisions to obtain increased law enforcement services at civil works water resource projects to meet needs during peak visitation periods and to augment the citation authorities granted to the Corps under 36 CFR Chapter III, Part 327 (Title 36). Specific guidance on the establishment of these agreements and the reporting thereof is provided in Chapter 7 of EP 1130-2-550.

b. In addition to the enforcement of state or local laws, Cooperative Agreements for law enforcement services may be used for other related activities such as, but not restricted to, patrols in remote areas, serving bench warrants, fee collection and other services as determined by the Operations Project Manager. The activities included in an agreement depend on what can be negotiated with the law enforcement agency. In no case will agreements include the provision of water safety patrols or the enforcement of state boating laws.

c. Cooperative agreements for increased law enforcement shall be for those projects, or portions of projects, that are operated and maintained by the Corps, and shall be executed in order to supplement Corps staff in performing certain law enforcement activities as defined by the Visitor Assistance Program, per Chapter 6 of this regulation and PL 95-224, (92 Stat. 3), Federal Grant and Cooperative Agreement Act of 1977. Law enforcement services shall not be provided under this program to those outgrant areas operated and maintained by a non-Federal sponsor.

d. In order to provide reimbursement for law enforcement services supplied by a state or local enforcement agency, a cooperative agreement, in conformance with the law enforcement cooperative agreement format specified in Chapter 7 of EP 1130-2-550, shall be executed and approved by the District Commander prior to the provision of such services. Once the agreement is signed, it shall be the Operations Project Manager's responsibility to ensure that the services are administered, managed, and inspected in the same manner and to the same level of quality as any other service-type contract.

e. Cooperative agreements shall be consummated only with those public law enforcement agencies legally empowered to enforce state and local criminal and civil laws on the projects for which increased law enforcement is being sought. Non-Federal law enforcement personnel employed to fulfill the conditions of cooperative agreements for increased law enforcement shall meet all the qualifications, including minimal law enforcement training, required by state and local laws and regulations.

f. The cooperator shall provide personnel, equipment and supplies which are required to

provide the increased law enforcement services agreed upon with the Corps. The Corps shall not reimburse the cooperator for the purchase of any equipment or supplies desired by the cooperator for use under this program. However, the Corps shall reimburse the cooperator for the reasonable costs incurred in the rental or use of such equipment which is allocated to the work performed under the agreement. Such costs may include: (1) a depreciation or use allowance for such equipment as determined by the service life evaluation system used by the cooperator, and (2) the costs of necessary maintenance and repair of the property which neither adds to its permanent value nor appreciably prolongs its intended life, but keeps it in efficient operating condition.

g. State and local law enforcement agencies generally have the same authorities and law enforcement responsibilities on lands administered by the Corps as they do elsewhere in their respective jurisdictions. Because of this, requests by a District Commander, or authorized representatives of the commander, for emergency or unanticipated law enforcement assistance shall normally be considered nonreimbursable. Corps project management authority in no way diminishes or otherwise limits existing law enforcement responsibilities of the state or local government.

h. Non-Federal law enforcement personnel shall not be given Federal citation authority for enforcement of regulations contained in Title 36. Enforcement of Title 36 regulations shall remain the responsibility of the Corps.

i. Funding requests for law enforcement agreements shall be included as part of the O&M budget submittal for each fiscal year. HQUSACE (CECW-ON) shall issue MSC funding authority ceilings annually. Section 120(b) of PL 94-587, as amended, authorizes a maximum appropriation of \$10,000,000 per fiscal year for cooperative agreements for increased law enforcement.

j. Fiscal year data will be compiled and entered into the Natural Resource Management System (NRMS) as defined in Chapter 12 of EP 1130-2-550.

CHAPTER 8 - UNIFORMS FOR NATURAL RESOURCES MANAGEMENT PROGRAM STAFF

8-1. Purpose. This chapter establishes the policy on uniforms for Natural Resources Management (NRM) personnel, and authorizes an initial uniform allowance and replacement allowances for personnel required to wear the uniform. Uniforms for NRM Maintenance Personnel and Lake Contract Maintenance Inspectors are specified in Chapter 14 of this regulation. This Chapter supersedes the 15 November 1996 edition of ER 1130-2-550, Chapter 8 and Appendices J, K and L.

8-2. Policy.

a. The following NRM personnel are authorized to wear the uniform and shall wear the prescribed uniform components on a daily basis when performing NRM duties:

- (1) Park Rangers
- (2) Park Aides, visitor center staff and guides.
- (3) Park/Resource/Lake Managers (unless authorized to wear appropriate civilian attire by the Chief, Operations Division).

b. The following NRM personnel are also authorized to wear the uniform:

(1) NRM specialists including but not limited to: foresters, fishery and wildlife biologists, outdoor recreation planners, environmental compliance coordinators and landscape architects working at water resource projects.

(2) District Office NRM staff as determined by the Chief, Operations Division.

(3) Administrative personnel at water resource projects who perform receptionist duties as determined by the Chief, Operations Division.

(4) Operations Managers who have citation authority and are performing NRM duties, as determined by the Chief, Operations Division.

c. Volunteers, contractors or Corps of Engineers personnel assigned to positions not included in the above list are not authorized to wear, and shall be prohibited from wearing all or any portion of the uniform.

d. Temporary personnel shall be provided the class of uniform (B, C, D) that is appropriate for their primary work assignment.

e. Uniform classes shall be designated B, C, and D in accordance with the following descriptions. See EP 1130-2-550, Chapter 8 for complete description of all uniform components and wear requirements for each uniform class. All Corps of Engineers NRM uniform items, badges, insignia, and patches are for official use, and only by persons authorized to wear the uniform. Personnel requiring or wanting a method to identify themselves as Corps of Engineers employees, and who are not authorized to wear the

ER-1130-2-550
Change 2
1 Mar 02

uniform may obtain a Corps of Engineers nameplate through the uniform contractor by local purchasing procedures.

(1) Class B - Duty Uniform. The Class B Duty Uniform is the prescribed daily uniform to be worn by authorized NRM personnel as identified in paragraph 8-2a and 2b. The Duty Uniform is divided into the following four categories: Daily Wear, Formal Wear, Ceremonies and Court, Maternity.

(2) Class C - Work Uniform. The Class C Work Uniform may be worn by NRM personnel at field office areas, only during special work situations, which are approved in advance on a case-by-case basis by the Park/Resource/Lake Manager. This uniform shall not be worn when meeting the public is the principal duty assignment. It is not to be considered as the daily uniform.

(3) Class D - Special Use Uniform. The Class D Special Use Uniform may be worn by NRM personnel at field areas only when engaged in the following specific work situations: boat patrol, beach patrol, bicycle patrol, and beach/boat interpretive programs, which are approved in advance on a case-by-case basis by the Park/Resource/Lake Manager.

f. Uniform procurement shall be by means of a centralized uniform distribution contract which provides a single source of uniform supply. The uniform supply contract shall be reviewed annually and updated as necessary by Headquarters, Natural Resource Management Branch (CECW-ON). Detailed guidelines on uniform procurement, accounting and other administrative requirements are contained in EP 1130-2-550, Chapter 8.

g. Uniforms shall be supplied through a credit allowance system managed by the centralized uniform distribution contractor. The allowance may or may not be sufficient to defray all uniform costs. Supervisors may require that personnel procure additional official uniform items from the approved supplier at their own expense. Initial and replacement allowances shall be provided in accordance with the provisions of PL 98-63, as amended.

h. Personnel authorized to wear the NRM uniform under this regulation are prohibited from wearing uniform components from other uniform programs, including the Operations and Maintenance Uniform Program as prescribed in Chapter 14 of this regulation. Outdated NRM uniform items are also prohibited. As uniform items are replaced, personnel will be notified by Headquarters, Natural Resource Management Branch (CECW-ON) when the replaced items are no longer authorized for wear.

i. Certain items of apparel such as shoes and safety equipment are not furnished or covered by uniform allowances. The field office, either through local purchase or District office central procurement, will provide those individuals authorized to wear the uniform with the following approved items or services as needed for the performance of their duties:

(1) Black, plain toe, polished, safety dress shoes or boots (suitable for both office and all weather field applications).

(2) Black, plain toe, all weather safety work boots for wear with Class C uniforms.

(3) Black deck/athletic shoes suitable for wear with Class B, C and D uniforms while on boat, beach, or bicycle patrol.

- (4) Black or white bicycle helmets for wear during bicycle patrol.
 - (5) High-visibility orange vests (snap-on, tie-on, etc.).
 - (6) U.S. Coast Guard approved flotation coat and/or life vests, high visibility orange color.
 - (7) Belt type key holder.
 - (8) Badge holder.
 - (9) Personal Protective Equipment (hard hats, ear protection, work gloves, etc.)
 - (10) Alterations of uniforms as deemed necessary by the supervisor and only when the employee has been unable to obtain a properly fitted uniform from the uniform supplier.
- j. New personnel who are required to wear the prescribed uniform shall obtain, or be furnished, the necessary uniform items as soon as practical after entering on duty. Applicants who are applying for a uniformed position shall be made aware of the uniform requirements prior to hiring.
- k. Uniformed individuals are responsible for their professional appearance and shall wear the uniform in a manner that commands respect for both themselves and the Corps of Engineers. Supervisory personnel are responsible for the enforcement of appearance standards as prescribed in this regulation and in EP 1130-2-550, Chapter 8. Wearing the uniform in accordance with these standards is a condition of employment, and shall be included as an element in the uniformed employee's Total Army Performance Evaluation System (TAPES) individual performance standards. The supervisor's enforcement responsibilities and personal uniformed appearance shall be included as evaluation elements on his or her TAPES performance standards.
- (1) Exceeding the element can be accomplished by consistently wearing the uniform in compliance with the regulation, and/or going beyond the standard. Examples of exceeding the standard include: regularly ironing and/or starching the uniform, consistently having polished shoes and wearing proper uniform components, and consistently presenting a professional uniformed ranger image.
 - (2) Meeting the element can be accomplished by regularly wearing the uniform in compliance with the regulation. All items are worn correctly and in the appropriate situations. Examples of meeting the standard include: occasionally having unpolished shoes, wrinkled shirts, and/or trousers without creases.
 - (3) Needs Improvement would result when the employee is often out of compliance with the uniform regulation. Examples include: Mixing of the different classes of uniforms (i.e. wearing the baseball cap with the duty uniform when not on boat patrol), failing to wear a tie with the long sleeve shirt when in formal situations and/or often having unpolished shoes, wrinkled or shabby uniforms.
 - (4) Failing the element would result when the employee is regularly out of compliance with the uniform regulation. Examples include: wearing unauthorized items with the uniform, wearing Class C or D uniforms on a daily basis, consistently wearing torn, soiled or shabby uniform components.

ER-1130-2-550
Change 2
1 Mar 02

l. The badge will be centrally procured and transferred from CECW-ON to each Major Subordinate Command/Division (MSC) and Division NRM office. Major Subordinate Commands and District offices shall maintain property records to assure the accountability of all assigned and unassigned badges. Individuals who are transferred to other positions outside of the MSC/District, or no longer have citation authority, shall return their badges to the issuing office. Badges that become unduly tarnished or scratched may, within local procurement procedures, be taken to a local vendor for refinishing. The cost of this service will be charged to the project.

m. The National Uniform Committee of the NRM Program shall function as an advisory committee. The committee shall provide field input and program recommendations to CECW-ON, submit draft regulation changes, and revise contract specifications.

(1) Each CONUS MSC (Continental United States Major Support Command) shall be represented on the committee. A mixture of MSC, District and Project personnel is required. Meetings shall be called on an as-needed basis. The committee members shall serve for a period of time determined by mutual agreement between the chairman and CECW-ON or for a period of six years. Replacement shall be on a rotational basis to avoid a large turnover of membership at any one time. The uniform committee chairman shall forward all nominations to CECW-ON for consideration and approval. The committee chairman shall serve for an indefinite period, with the length of duty to be determined by mutual agreement between the chairman and CECW-ON.

(2) Substitutions or deviations from the uniform specifications prescribed in EP 1130-2-550, Chapter 8 require prior approval of CECW-ON. Natural Resource Management personnel may recommend program changes, regulatory changes, specific substitutions or new uniform items to the District Uniform Coordinator. District Uniform Coordinators shall forward all appropriate comments to the division uniform committee representative for consideration at the next scheduled uniform committee meeting. After proper review, the proposal may be forwarded to CECW-ON for consideration.

CHAPTER 9 - RECREATION USE FEES

9-1. Purpose. This chapter establishes the Recreation Use Fee Program at civil works water resource projects.

9-2. Goals. The goals of the recreation use fee program are:

- to recover a portion of the cost of administering, operating, maintaining and improving specialized recreation facilities, services, or supplies;

- to distribute public use more effectively to preserve resources and reduce overcrowding;

- to support the national economy through the provision of quality recreational experiences;

- to control facility use to deter incidences of vandalism and other disruptive behavior;

- to foster a responsible user ethic among recreation users.

9-3. Policy. It is the policy of the U.S. Army Corps of Engineers that fees shall be charged for the use of specialized recreation sites, facilities and services provided by the Corps.

a. Setting Fees. 16 USC 4601-6a provides that users of specialized sites, facilities, equipment, or services provided at Federal expense shall be assessed fair and equitable fees, with consideration for the following:

- (1) Direct and indirect amount of Federal expenditure.

- (2) Benefit to the recipient.

- (3) Public policy or interest served.

(4) Comparability with recreation fees charged by other Federal and non-Federal public agencies and the private sector within the service area of the management unit at which the fee is charged.

(5) Economic and administrative feasibility of fee collection.

(6) Other pertinent factors such as improved security, reducing vandalism, protection of resources, and improving visitor contact.

b. Signage. All areas designated as recreation use fee areas shall be marked with appropriate signs that provide necessary instructions to users of the area with regard to collection of fees. The official U.S. Fee Area symbol shall be displayed at the entrance to designated "use fee areas."

c. Failure to Pay. Persons failing to pay established fees will be subject to citation under 36 CFR 327.23, Recreation Use Fees.

d. Entrance Fees. Section 210 of the flood Control Act of 1968 (16 USC 460d-3) provides that no fee will be charged for entrance to any Corps operated area. The Corps of Engineers does not sell or accept Golden Eagle Passports, the National Park Pass, or any State or local park passes.

e. Special Recreation Use Fees (SRUF). All recreation use fees collected will be deposited into the special account in the Treasury established for the Corps of Engineers under the Land and Water Conservation Fund Act. Subject to appropriations, funds shall be returned to the water resources development project at which the fees were collected. Funds generated from collecting recreation use fees are returned in O&M, General appropriations for operation, maintenance and improvement of recreation sites and facilities. The construction of new recreation facilities in existing areas or renovation and/or improvement of existing facilities may be accomplished with these funds if the goal of providing quality public recreation experiences with the most cost efficient management of water resource development projects can be met. New recreation areas may not be constructed without a cost share sponsor.

f. Public Relations. District Commanders will notify congressional representatives, as appropriate, of the use fee program in their congressional districts. In the interest of

informing the public of the use fee program, public relations activities will be conducted to disseminate information regarding this program before collection of fees begin.

g. Increasing Campsite Use. It may be appropriate to offer limited free camping at non-reservable campsites. The purpose of offering free camping is as a short-term promotional effort that will provide long-term benefits to both the Corps and the public by increasing the use of Federal facilities. Written documentation should include rationale for providing the free camping and number of coupons distributed. Free camping should be limited so as to avoid any perception that distribution involves a major give-away of Government resources.

9-4. General Fees.

a. Fee Schedules. District recommendations for proposed use fees for the next two years will be submitted to the Major Subordinate Command (MSC) Commander no later than 1 August each year. District commanders shall assess seasonal visitation patterns of individual fee areas to determine the period during which a fee program shall be in effect. It is anticipated that fees shall be charged at some areas throughout the summer months, while at other areas fees shall be collected throughout the year. The MSC Commander will review and approve or disapprove the recommendations.

b. Guidance. Comparability studies will be conducted annually. Fees charged shall be based upon distinguishable differences between Corps facilities and services and those facilities and services provided by other Federal agencies, non-Federal agencies, and the private sector in the same service area. Specific guidance and criteria for researching and evaluating fees at other local recreation sites, for evaluating and determining fees for Corps sites, and for approving, reviewing, and auditing annual district fee schedules is found in Chapter 9, paragraph 9-3.c. of EP 1130-2-550.

c. Volunteers. Volunteers may be provided campsites at projects where their volunteer service occurs and not be required to pay a use fee. Day use fees may be waived for volunteers conducting recognized volunteer service on the day it is performed.

9-5. Camping Fees.

a. Applicability. A fee will be charged and a permit issued for single user unit campsites, group camp areas and specialized facilities in accordance with Appendix M of EP 1130-2-550. Camping fees will be charged on a per-site basis. Each campsite shall be rented to a single user/unit party, which does not exceed the established carrying capacity for

persons, vehicles, or camping equipment for that site. These facilities shall be available on a first-come, first-served basis unless they are currently reserved through the NRRS™.

b. Carrying Capacity. Using a comparison of all components necessary, the Operations Manager shall determine the carrying capacity, in numbers of persons, vehicles, and camping equipment, for each campsite under his/her management. Except in unusual circumstances, this carrying capacity shall not be exceeded.

c. Variable Pricing. Variable pricing of fee campsites within a single campground shall be permitted based on documented differences in the quality or desirability of certain sites due to location or campsite amenities. Variable pricing for camping use shall also be permitted based on time differences, such as different days of the week, different seasons, or holidays.

d. Utilities. At sites with utility hookups, a charge for the utilities shall be included in the use fee regardless of whether they are used. No free utility services shall be provided.

e. Visitors. Visitors to registered campers in fee campgrounds may be charged use fees for use of specialized facilities. If charged, the fee shall not exceed 50 percent of the single user unit campsite fee and will also entitle the holder to use any or all day use facilities without paying additional use fees at the same project, on any day for which the permit is valid.

f. Camping Permit. The camping permit entitles the holder to use a designated campsite and related support and recreation facilities within the boundaries of the camp area where the designated campsite is located. It will also entitle the holder to use any or all Corps-operated day use facilities without paying additional use fees at the same project, on any day for which the permit is valid.

9-6. Day Use Fees.

a. Criteria. Day use fees may be collected at developed recreation areas and facilities including swimming beaches and boat ramps but not at areas which include only a boat ramp and courtesy dock. Fees will not be charged for the use or provision of visitor centers, drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shoreline, or general visitor information.

(1) Day use fees will be charged where there is reasonable expectation that revenue will exceed costs of collection, to include implementation costs. Managers may choose to assess their fee collections programs, revenue and collection costs on a per project basis rather than a per park basis. The cost to collect includes (a) direct, on-project costs incurred for fee collection and remittance and (b) implementation costs amortized over the design life of the improvements. Cost and revenue estimates should be reviewed periodically by MSC commanders to assist in determining appropriate adjustments to the project fee collection program.

(2) No day use fee will be charged for children 12 years of age or younger.

b. Annual Day Use Passes. An Annual Day Use Pass may be purchased for \$30.00. This pass permits the holder and all accompanying passengers in the vehicle to use any or all boat launch ramps and/or designated, developed swimming beaches at any Corps operated recreation area at any Corps project for that calendar year, except at facilities located within a fee campground and reserved exclusively for the use of campers. The annual pass is a decal, which is affixed to the back of the interior rear view mirror. On vehicles having no interior rear view mirror, the decal may be affixed at an alternate location, such as the left front bumper, the back of the left exterior rear view mirror, or the left front windshield, if permitted by the state Department of Motor Vehicles. Golden Age/Golden Access 50 percent discounts apply to the purchase of Annual Day Use Passes.

(1) Sales of Annual Day Use Passes and Golden Age Passports at outdoor recreation shows, special events, fairs, etc. is encouraged.

(2) The selling of annual passes utilizing agreements, such as Challenge Partnerships with local businesses, cooperative associations or vendors is encouraged. Accounting procedures must be established at the local level to account for all sold and unsold passes as well as fee collections. Vendors are required to sell passes without markup.

(3) Annual Day Use Passes may be sold through the mail. Golden Age/Access discounts may be applied to annual passes purchased by mail, phone or fax if the applicant furnishes a photocopy of their Golden Age/Access Passport. Cash will not be accepted as payment for Annual Passes purchased by mail. Under no circumstances will a customer be asked to provide a credit card number via email.

(4) An additional annual pass may be purchased by the same individual for a reduced fee of \$15.00 for a second vehicle. Only one duplicate pass may be purchased at the \$15.00 fee for each full price Annual Day Use Pass purchased. The duplicate pass may be purchased

at the same time as the original pass or at a later date if proof of original purchase is presented and no duplicate has been issued. The duplicate will be identified at the time of purchase by punching a hole or marking an "x" in the box marked "D".

(5) Annual Day Use Passes removed from vehicles that have been sold or destroyed will be replaced at no charge if the original pass is returned. In the absence of a returned pass, the full fee will be charged for a new annual pass. Passes lost due to vehicle theft will be replaced at no cost if proof of theft, such as police report or insurance document is provided.

c. Day Use Fee Alternatives. Fees will be assessed either on a per facility basis or a per recreation area basis at any particular area. Only one alternative will be used within a single area. Fees assessed on a per facility basis allow for more detailed tracking of revenues.

(1) Per Facility - Boat Launching / Swimming.

(a) A day use fee of \$3.00 will be charged to use a boat launch ramp in a Corps operated day use recreation area. The fee will be charged at recreation areas having a boat ramp and one or more of the following facilities: restrooms, picnicking facilities, swimming facilities, or other developed recreation facilities. The boat launch fee will not be charged at boat ramps located in recreation areas which are exclusively campgrounds and reserved exclusively for the use of campers, or in recreation areas which provide only a boat ramp and courtesy dock. Payment of this fee entitles the user to launch a boat at any Corps operated recreation area at any Corps project on that day, except at boat ramps located within a fee campground and reserved exclusively for the use of campers.

(b) A day use fee of \$1.00 per person for each person over the age of 12, whether walk-in or in a vehicle, up to \$4.00 per vehicle, will be charged for the use of a designated, developed swimming beach in a Corps operated day use recreation area. However, if a vehicle has more than eight passengers over the age of 12, there will be a fee of \$1 for each additional individual over the age of 12. The swimming beach fee will be charged at Corps-operated, designated, developed swimming beaches, with the exception of swimming beaches located in recreation areas which are exclusively campgrounds and reserved exclusively for the use of campers. A designated, developed swimming beach is properly signed, buoyed and delineated in accordance with established design and safety requirements and may have one or more of the following attendant facilities: restrooms, change houses, picnicking facilities, or other developed recreation facilities. Payment of this fee entitles the user to use any developed beach at any Corps operated recreation area at any Corps project on that day, with the exception of swimming beaches located within fee campgrounds and reserved exclusively for the use of campers.

(2) Area Fees.

(a) The option of charging a single fee for the use of all day use facilities in an area is simpler to administer and enforce. This option may be utilized where a boat ramp and/or a swimming beach exist in the same fee area. It expedites the fee collection process and reduces customer delays.

(b) The area fee is a facility use fee, not an entrance fee. Golden Age and Golden Access Passports 50 percent discounts apply. Golden Eagle Passports do not apply.

(c) The area fee will not exceed \$4 per vehicle or \$1 per person, if walking into the area.

d. Native American Indian Tribes. The District Commander may waive all day use fees for boat launching or swimming beaches for Federally recognized Native American Indian Tribal members consistent with rights reserved to the Tribes under law or treaties.

9-7. Special Use Fees.

a. Applicability. The charging of a day use fee at a recreation area does not preclude the charging of a fee for the reservation of a specialized facility or for a special event within the area. Neither does the charging of a fee for the reservation of a specialized facility or special event preclude the collecting of the established day use fee for the recreation area. Operations Managers should consider local situations when determining fee applicability.

b. Special Facility Use Fee. A fee may be charged for the use of specialized recreation facilities (e.g., group picnic shelters, multipurpose courts, amphitheaters, athletic complexes, etc.). Since this is a use fee, Golden Age and Golden Access discounts may apply.

c. Special Event Permit Fee. A basic fee of \$50 will be charged for each special event permit issued. Additional fees may be assessed in accordance with EP 1130-2-550, Appendix N. Activities for which special event permits may be required include, but are not limited to, water carnivals, boat regattas, music festivals, fishing tournaments and dramatic presentations. Since this is a permit fee, Golden Age and Golden Access discounts do not apply.

(1) Special Event Permits shall include the prohibition relating to discrimination (see Appendix N of EP 1130-2-550 for text). Requests for special events permits citing "special circumstances" for participation requiring gender or age discrimination must be well justified. If the Operations Manager considers the justification adequate, he/she shall forward the request to the District Commander or higher authority for approval.

(2) Specific procedures for issuing Special Event Permits are included in Appendix N of EP 1130-2-550.

d. Special Activity Permit Fee. A Special Activity Permit for recreational activities on Corps land may be issued in accordance with Chapter 9, paragraph 9-6.d. of EP 1130-2-550. A permit fee may be charged to cover the administrative cost of the program. Since this is a permit fee, Golden Age and Golden Access discounts do not apply.

9-8. Other Equipment, Facilities and Services. Fees may be charged for outdoor recreation related equipment and services provided at government expense for visitor use. Examples include firewood, ice, laundry machine use, shower use, dump station use, parking, and equipment rentals, such as rent-a-tent.

a. Discretion should be used in charging fees for other equipment and services to assure visitors aren't charged more than once for the same services. For instance, paying campers using services such as showers and dump stations should not be charged separate fees for these services. In such cases, the availability of these services is appropriately considered when the camping fee is established. Separate shower or dump station fees may be charged for day users or transient visitors not paying camping fees.

b. Parking fees in campgrounds may be charged for users' vehicles parked in designated, improved parking spaces other than the campsite. No separate parking fees may be charged for user vehicles parked on the campsite in accordance with the established vehicle carrying capacity.

c. Fees should be established under this section only when a discrete, separate service is offered to visitors at government expense. This service must be directly and clearly related to the visitor's recreation experience.

d. Care should be taken to avoid a multiplicity of fees, to assure the costs to provide the service and collect the fees are not prohibitive, and to avoid the appearance of excessive fee collection.

9-9. Discounts.

a. Applicability. Golden Age and Golden Access Passports shall be made available to the public at all projects where use fees are charged. Projects without fee areas and districts or division offices may also issue these passports. Both passports are available to Corps offices from the USACE Publications Depot. The Corps does not issue or honor Golden Eagle Passports or National Park Passes.

(1) Lifetime Golden Age Passports are available for a fee of \$10.00 to all United States citizens and permanent residents 62 years of age and older. Applicants must appear in person and sign the Passport upon receipt, in the presence of the fee collector. Deteriorated cards will be replaced free of charge provided the old card is returned in exchange. Replacement of lost cards will require payment of the \$10.00 fee.

(2) Free, lifetime Golden Access Passports are available to United States citizens or permanent residents of the United States who have been medically determined to be blind or permanently disabled and are eligible to receive benefits under Federal law. Applicants must appear in person and sign the Passport upon receipt, in the presence of the fee collector. Complete procedures may be found in Chapter 9 paragraph 9-8.c. of EP 1130-2-550.

(3) A Golden Age or Golden Access Passport shall entitle the permittee and any person accompanying him/her in a single, private, non-commercial vehicle (or alternately, the permittee and his/her spouse, children, and parents where entry to the area is by any means other than a private, non-commercial vehicle) to a rate of 50 percent of the established use fees such as fees for swimming, boat launching, camping, and other equipment, facilities and services as described in paragraph 9-8 above. This 50 percent reduction is also applicable to use fees assessed passport holders who are visitors of registered campers and shower and dump station users. The reduction does not apply to group use fees unless all members of a group have such passports. Golden Age Passport or Golden Access discounts do not apply to Special Event or Special Activity fees. The reduction does not apply to fees charged by leaseholders or concessionaires.

(4) One original and one duplicate annual day use pass decal may be purchased by each Golden Age/Golden Access Passport holder. The decals will be identified at the time of purchase as discount Passport by punching a hole or marking an "x" in the box labeled "G". The duplicate will also be marked with an "x" in the box labeled "D".

b. Documentation. Offices that issue Golden Age and Golden Access Passports shall maintain the required documentation.

(1) ENG Form 4468-R, Golden Age Passport Record (shown in Appendix P of EP 1130-2-550), shall be used to record the recipient's name, evidence of eligibility (drivers license, fishing license, disability card, etc.), Golden Age or Golden Access Passport number, the issuing official, and the date of issue. Information recorded on ENG Form 4468-R will serve as a record of accountability for the passports issued and shall be maintained for one year.

(2) In accordance with the Privacy Act of 1974, each individual from whom this information is requested must be provided a Privacy Act statement, ENG Form 4468A (shown in Appendix P of EP 1130-2-550).

(3) ENG Form 4840, Golden Age Passport and Golden Access Passport Eligibility Statement, shall be completed for each passport issued if the applicant fails to provide documentation. Specific guidance on completing these forms is provided in Chapter 9, paragraph 9-8.b. of EP 1130-2-550.

9-10. Accounting.

a. Cost of Remittances. Various options exist to pay for cashier's checks, bank drafts, and money orders to remit fees. Further guidance may be found in Chapter 9, paragraph 9-9.e. of EP 1130-2-550 and in ER 37-2-10.

b. NRRS™ Parks. In parks using NRRS™, fee collections will be transmitted using procedures established in the NRRS™ Operating Procedures Manual.

c. Districts shall provide for the acceptance of credit cards for fee collection whenever feasible.

d. Refunds. Refunds for recreation use fees may be authorized for legitimate reasons at the Operations Manager's discretion. No refunds may be made at the project. No refund will be given for day use fees; fees for other equipment, facilities and services, as described in paragraph 9-8 above; or for annual passes.

(1) Refunds within the NRRS™ are processed according to the current NRRS™ Operating Procedures Manual.

(2) Other refunds may be requested upon presentation, either in person or by mail, of the recreation use fee receipt. If approved, the Operations Manager will forward the request to the servicing finance and accounting office, which will issue the refund. Details on refund request procedures are found in Chapter 9, paragraph 9-9.d.(2) of EP 1130-2-550.

e. Credit Vouchers. Credit vouchers are used to minimize the need to issue refund checks. Vouchers will not be given for day use fees (boat launching or swimming beach). Credit vouchers are not given for fees collected through the NRRS™. Procedures for issuing credit vouchers are covered in Chapter 9, paragraph 9-9.f. of EP 1130-2-550.

9-11. Security Measures. Managers will comply with Engineer regulations governing the security and storage of funds, particularly ER 37-2-10, Accounting and Reporting Civil Works Activities. Options for enhancing the security of personnel handling funds as well as safeguarding funds themselves are found in appendix O and Q and Chapter 9, paragraph 9-10 of EP 1130-2-550.

CHAPTER 10 - USE OF OFF-ROAD VEHICLES ON CIVIL WORKS PROJECTS

10-1. Purpose. This chapter establishes the policy for off-road vehicles (ORV) operations on USACE civil works project lands.

10-2. Policy. It is the policy of the Corps of Engineers that:

a. All lands and waters of civil works water resource projects administered by the Chief of Engineers shall be closed to recreational and commercial off-road vehicle use, except those areas and trails specifically designated for such use by the District Commander in accordance with this regulation and EO 11644. "Off-road vehicles" are any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (1) any registered motorboat, (2) any military, fire, ambulance or law enforcement vehicle when used for emergency purposes and (3) any vehicle whose use is authorized by the Chief of Engineers, or his properly designated representative, under a permit, lease, license or contract. ORVs operated for "Official Use" by project personnel and/or contractors performing assigned USACE-project related tasks may utilize areas and trails not designated for ORV use by permission of the District Commander.

b. The environmental impacts of such designation for off-road vehicle use shall be assessed, and an environmental assessment or impact statement, as appropriate, shall be prepared in accordance with the National Environmental Policy Act (NEPA).

c. Action regarding persons who abuse the privilege of using designated areas and trails and operating conditions prescribed for the project under these regulations shall be taken under the citation authority program and in accordance with 36 CFR, Chapter III, Part 327. Cooperative agreements with State or local governments for the enforcement of laws and regulations relating to off-road vehicle use shall be entered into where appropriate.

10-3. Responsibilities. District commanders shall:

a. Establish appropriate procedures for evaluating, assessing and designating areas and trails where off-road vehicle use shall, and shall not, be permitted on project lands under their respective jurisdiction. Such designation shall be made utilizing, but not limited to, relevant Corps and other Federal and state guidelines and criteria.

b. Incorporate areas or trails which are designated for off-road use into the project master plans. Supplements to the Master Plan shall be prepared when final designations are made and promptly submitted for approval.

c. Establish procedures to provide the opportunity for full participation by the general public, off-road vehicle user groups, conservation organizations, and other interested public in the selection, designation, and uses of project lands for off-road vehicle use.

d. If necessary, establish additional operating conditions or rules consistent with 36 CFR, Chapter III, specifically for each project, which could include items such as opening and closing dates of areas and trails, daily opening and closing times, and areas which may have unique conditions or hazards.

CHAPTER 11 - REGULATION OF SEAPLANE OPERATIONS ON CIVIL WORKS WATER RESOURCE DEVELOPMENT PROJECTS

11-1. Purpose. This chapter establishes the policy for seaplane operations at civil works water resource projects.

11-2. Policy. It is the policy of the Corps of Engineers that:

a. Seaplane operations may be prohibited or restricted at water resource projects, or portions thereof. Prohibiting or restricting seaplane operations in certain portions within a project in no way implies that safety hazards to seaplane operations or to other recreation users may not exist in other portions of such project.

b. The operation of a seaplane at Corps projects is at the risk of the plane's owner, operator, and passenger(s). The responsibility to ascertain whether seaplane operations are permitted, prohibited or restricted at such projects, and portions thereof, is incumbent upon the person(s) contemplating the use of, or using, such waters.

c. The decision to permit operation of a seaplane on any part of a Corps water resource project shall take all safety, environmental, regulatory, and aesthetic aspects into consideration. Consultation with appropriate other Federal, state, and local agencies, including the Federal Aviation Administration (FAA), and local citizens groups shall be conducted during the decision-making process.

d. All operations of the Aircraft while upon the water shall be in accordance with the marine rules of the road for power boats or vessels.

e. No commercial operation of seaplanes from project waters will be allowed without written approval of the District Commander following consultation with and the necessary clearance from the FAA and other appropriate public authorities and affected interests.

f. If seaplane operations are permitted, the Operations Project Manager shall be responsible for ensuring that appropriate procedures are developed in accordance with Chapter 11 of EP 1130-2-550 and implemented at the project. These procedures shall be developed to ensure the safe operations of seaplanes within specific designated project areas.

CHAPTER 12 - NATURAL RESOURCE MANAGEMENT SYSTEM

12-1. Purpose. This chapter establishes the policy for the Natural Resource Management System (NRMS), which is a system designed for collecting and analyzing annual USACE recreation facility and natural resource management information.

12-2. Policy. It is the policy of the Corps of Engineers that:

a. An electronic database of project-based natural resource and recreation management data shall be operated and maintained by CECW-ON. This database shall be referred to as the Natural Resource Management System.

b. Each project having an annual visitation of 20,000 visitor hours of use or more shall submit the NRMS data to CECW-ON annually. Specific data descriptions and requirements, as well as guidance on the content, format, and reporting schedules for NRMS data, is provided in Chapter 12 of EP 1130-2-550.

c. The updated NRMS database shall annually be made available to FOAs, and to other official users upon request.

d. Adding new recreation areas, splitting exiting recreation areas into multiple areas, combining multiple recreation areas into one area, deleting a recreation area or changing the name of a recreation area requires MSC-approval with justification prior to incorporating the change into the NRMS. A copy of the MSC approved request and justification will be forwarded to HQUSACE and a second copy forwarded to the national database manager (NDBM) as notification. The district office will assign all new NRMS area numbers.

CHAPTER 13 - RECREATION USE SURVEYS

13-1. Purpose. This chapter establishes the policy on the conduct of recreation use surveys at civil works water resource projects.

13-2. Policy. It is the policy of the Corps of Engineers that:

a. Recreation use surveys shall be conducted at water resource projects in order to maintain and report accurate visitation and public use information.

b. Recreation use surveys shall be funded, conducted, and analyzed in accordance with Chapter 13 of EP 1130-2-550.

CHAPTER 14 - NATURAL RESOURCE MANAGEMENT MAINTENANCE UNIFORMS

14-1. Purpose. This chapter establishes the policy on uniforms for Natural Resources Management (NRM) Lake Maintenance Personnel and Lake Maintenance Contract Inspectors, and authorizes an initial uniform allowance and subsequent replacement allowances to maintenance personnel required to wear the uniforms.

14-2. Policy. It is the policy of the Corps of Engineers that:

a. Supplying maintenance uniforms is optional at the MSC and district level. However, MSCs and districts that elect to supply maintenance uniforms must furnish the standard uniform identified herein to all projects within a participating district.

b. A standard uniform shall be used for Corps Lake Maintenance Personnel and Lake Maintenance Contract Inspectors working at lake/river projects in the NRM element, Operations Division when on duty under any of the following conditions:

- (1) When performing routine or emergency maintenance work.
- (2) When ready identification of maintenance personnel will facilitate the performance of their duties.
- (3) When required to have frequent contact with the public and identification as a Corps employee is desirable.
- (4) Personnel assigned to positions not identified in this paragraph including employees working at the MSC or district levels are prohibited from wearing all or portion of the maintenance uniform.

c. The prescribed uniform is specified in Appendixes T and U (Class B/C Duty/Work Uniforms) and Appendix V (Maternity Uniform) of EP 1130-2-520. Personnel authorized to wear the maintenance uniform under this regulation are prohibited from wearing uniform components from other uniform programs including the Natural Resources Management (Park Manager/Ranger) Uniform, as prescribed in Chapter 8 of this regulation.

d. New maintenance personnel required to wear the prescribed uniform shall obtain, or be furnished, the necessary uniform items as soon as practical after entering on duty. Applicants who are applying for a uniformed position shall be made aware of the uniform requirements prior to hiring. The proper wearing of the uniform shall be a condition of employment and shall be a performance evaluation element for all individuals authorized to wear the uniform. Supervisory personnel shall be responsible for the enforcement of uniform wear standards as prescribed by Chapter 7 of EP 1130-2-520. Individuals shall wear the uniform in a manner that commands respect for both themselves and the Corps of Engineers.

e. Procurement.

(1) Uniforms shall be supplied through a credit allowance system, per Section 164 of Public Law (PL) 98-63. This allowance may or may not be sufficient to defray all uniform-connected costs. District commanders may, at their discretion, require that personnel procure

ER 1130-2-550
15 Nov 96

additional uniform items from an approved supplier at their own expense. The credit allowance system regulations, current allowance dollar values, and a listing of items covered and not covered by the allowance are documented in Chapter 7 of EP 1130-2-520.

(2) Uniform procurement shall be by means of a centralized uniform distribution contract which provides a single source of uniform supply. The uniform supply contract shall be reviewed annually and updated as necessary by CECW-OD.

(3) Detailed guidelines on uniform procurement and accounting are contained in Chapter 7 of EP 1130-2-520 which includes the prescription of ENG Form 4891 -R, Uniform Allowance, which shall be used to assess and authorize appropriate uniform allowances.

(4) Substitutions or deviations from the uniform specifications prescribed in Chapter 7 of EP 1130-2-520 require prior approval of HQUSACE (CECW-ON) WASH DC 20314-1000. Supervisors and managers may recommend specific substitutions or new uniform items through the district uniform coordinator. After proper review, the proposal may be forwarded to CDR, HQUSACE (CECW-ON) for consideration.

f. MSC Commanders may approve the wearing of uniforms for selected personnel while on duty, and shall have the discretionary authority to:

(1) Determine the specific projects at which personnel will be required to wear the uniform and determine what "class" uniform will be worn by each employee. However, to provide uniformity, all employees in like positions on the same projector site shall be required to wear the same class uniform.

(2) Redelegate this authority to the District Commander.

g. Nothing in this chapter shall be interpreted as overriding applicable Federal, state, and local safety regulations. When there is any question, the safety regulation shall take precedent. Safety shoes, high visibility vests, life jackets, hard hats, and other safety and protective gear are not provided as part of the uniform program. These items are to be provided and worn as stipulated in Engineer Manual (EM) 385-1-1, Safety and Health Requirements Manual, and other applicable regulations.

FOR THE COMMANDER:

2 Appendixes
See Table of Contents



OTIS WILLIAMS
Colonel, Corps of Engineers
Chief of Staff

CHAPTER 15 - RECREATION MANAGEMENT SUPPORT PROGRAM

15- 1. Purpose. This chapter establishes policy for the administration and management of the USACE Recreation Management Support Program (RMSP).

15-2. Policy. It is the policy of the Corps of Engineers that:

a. The RMSP shall provide a mechanism for identifying CE national recreation program priorities and address those priorities through valid research, management support, and technical information transfer.

b. The RMSP is designed to provide support for recreation issues or initiatives that have a broad applicability to many Corps Civil Works projects. Reimbursable work is not within the scope of the RMSP. However, issues or initiatives that are limited in applicability can be addressed on a reimbursable basis with funding provided by the local project. The three basic components of the RMSP are:

(1) Management Studies. Management studies are generally long-term activities (greater than or equal to one year) and of regional or national significance.

(2) Management Assistance. Management assistance may be a short-term study (less than one year) or may be on-going assistance in managing a recreation component (e.g., the National Recreation Reservation Service).

(3) Information Exchange. Information exchange includes not only technology transfer but also the distribution of research results to bring about program enhancement.

c. An eighteen member Recreation Leadership Advisory Team (Team) shall be established to provide oversight of the RMSP. Voting members of the Team will consist of representatives from MSC (8), District (4) and Project (4) offices. Two non-voting members will represent HQUSACE and the US Army Engineer Research and Development Center (ERDC). The Team will evaluate all proposals for funding within the RMSP and will recommend funding priorities to HQUSACE (CECW-ON). The Team will meet semi-annually during each fiscal year, preferably during the months of October and April. HQUSACE and ERDC will participate in all team meetings. Specific information on the duties, organizational composition and nomination process is provided in Chapter 15 of EP 1130-2-550.

ER 1130-2-550

Change 1

1 Oct 99

d. The Team will support strategic planning for the CE recreation business program and will serve in an active advisory role to the Chief, Natural Resources Management Branch in HQUSACE.

e. Duties of RMSP Team members will be included as an element in each member's annual performance plan.

f. The RMSP is funded by the O&M General appropriation. HQUSACE will provide conceptual approval (subject to the availability of funds) for all new starts and other program funding adjustments by July of each year. The final approval of the actual work plan will be provided by HQUSACE following the Fall Team Meeting.

g. The ERDC will provide program management support, although studies may be performed by other USACE elements, other agencies, or the private sector.

CHAPTER 16 – RECREATION DEVELOPMENT POLICY FOR OUTGRANTED CORPS LANDS

16-1. Purpose. This guidance establishes a consistent, nationwide policy that will be applied to evaluate requests for recreation development at Corps water resources development projects and was developed jointly by the Real Estate and Operations Communities of Practice. The Corps intent is to provide public outdoor recreation opportunities that support project purposes and meet the recreation demands created by the project itself while sustaining our natural resources. Depending on specific project legislation, project purposes may also include navigation, hydropower, flood control, and or water supply. Additional statutes can assign missions responsibilities such as fish and wildlife management, and endangered species.

16-2. Applicability. This policy applies to all existing recreation outgrants issued after 6 December 2005 and all new requests for recreation development by Federally recognized Indian Tribes, public (Federal, state and local), private sector and quasi-public entities and individuals at Civil Works water resources development projects. Previously approved development plans for land currently outgranted for recreation development are grandfathered under this policy. When proposed development is not specifically addressed in a previously approved development plan for an existing outgrant instrument, the proposed development will be treated as a new request; however, land availability will not have to be reevaluated. New or existing sublessees that propose recreational development outside the terms and conditions of the current outgrant instrument are considered as a new request. All new requests require a conceptual development plan in sufficient detail to evaluate the proposed recreation development.

16-3. Policy.

a. The primary rationale for any future recreation development must be dependent on the project's natural or other resources. This dependency is typically reflected in facilities that accommodate or support water-based activities, overnight use, and day use such as marinas, campgrounds, picnic areas, trails, swimming beaches, boat launching ramps, and comprehensive resort facilities. Examples that do not rely on the project's natural or other resources include theme parks or ride-type attractions, sports or concert stadiums, and stand alone facilities such as restaurants, bars, motels, hotels, non-transient trailers, and golf courses. Normally, the recreation facilities that are dependent on the project's natural or other resources and accommodate or support water-based activities, overnight use, and day are approved first as primary facilities followed by those facilities that support them. Any support facilities (e.g., playgrounds, multi-purpose sports fields, overnight facilities, restaurants, camp stores, bait shops, comfort stations, boat repair facilities) must also enhance the recreation experience, be dependent on the resource-based facilities, be secondary to the original intent of the recreation development and the land base occupied by the outgrant. The Corps will not support private exclusive use of any type of facility.

b. Corps policy is to provide outdoor recreation opportunities to the public where there is an unfulfilled demand and a corresponding deficit of those facilities. This shortfall is fulfilled by either the Corps constructing the facilities itself or allowing Federally recognized Indian Tribes, other public (Federal, state and local), private sector, quasi-private entities or individuals to do so on project lands through an outgrant. Accordingly, outgrants that the Corps enters into should not unfairly compete with other established private or public recreational facilities. Existing outgrants with proposed facilities in development plans should be given priority to develop similar facilities within a reasonable timeframe before issuing a new outgrant for like facilities.

16-4. Definitions.

a. Comprehensive Resort – Typically, multi-faceted developments with facilities such as marinas, lodging, conference centers, golf courses, tennis courts, restaurants, and other similar facilities.

b. Conceptual Development Plan – Requestor's or existing lessee's plan for an area of Corps land that shows existing and or proposed facilities, services, and acreage necessary to meet the current and potential public demand and the management and development activities to be undertaken.

c. Master Plan - A conceptual document guiding Corps responsibilities pursuant to Federal laws and regulations to manage the project lands, waters, associated resources, and preserve, conserve, develop, restore and maintain those resources. The primary goals of a Master Plan are to prescribe an overall land and water management plan, resource objectives, land use classifications, and associated design and management concepts. The plan addresses all resources including but not limited to fish and wildlife, vegetation, cultural, aesthetic, interpretive, recreational, mineral, commercial, and outgranted lands, easements and water.

d. Outgrant – Authorizes the right to use Army-controlled real property. It is a written legal document that establishes the timeframe, consideration, conditions and restrictions on the use of Army property. For the purposes of this policy, an outgrant is typically a lease or license authorized by 16 USC 460d, 10 USC 2667 and the general administrative authority of the Secretary of the Army (reference ER 405-1-12, Chapter 8 (Real Property Management) and the forthcoming EC 405-1-80 (Management and Outgrant Programs).

e. Project Level Representative – Person responsible for operations at a project or area level such as lake manager, operations project manager, resource manager, etc.

16-5. Evaluation Criteria.

a. All new requests for recreation development must be in writing and will be reviewed by a district team. At a minimum, the team will consist of a project level representative, Real Estate, Operations, and other district legal/technical elements as appropriate (Engineering, Planning, Regulatory, etc.). Final authority to approve recreation development rests with the District Commander. In the rare circumstance that exceptions to this policy may be warranted,

proposals for recreational developments may be forwarded to the Director of Civil Works through the Division Commander for review on a case by case basis.

b. Although these evaluation criteria are integral to any land availability determination, the preparation of the Report of Availability (ROA) will follow the processes established in ER 405-1-12, Chapter 8 (Real Property Management) and the forthcoming EC 405-1-80 (Management and Outgrant Programs), ER 200-2-2 (Procedures for Implementing NEPA) and ER 200-2-3 (Environmental Quality-Environmental Compliance Policies). In addition, the evaluation will be consistent with ER 1130-2-540 (Environmental Stewardship Operations and Maintenance Policies), ER 1130-2-550 (Recreation Operations and Maintenance Policies), and ER 1130-2-406 (Shoreline Management at Civil Works Projects.)

c. The team will evaluate requests for recreation development using the following criteria:

- (1) Consistent with project purposes
- (2) Reasonable connection to the project's natural and other resources
- (3) Consistent with land use classifications and resource management objectives in the Project Master Plan (or supplement thereto)
- (4) In the public interest
- (5) Justified by public demand (market study- See Appendix C)
- (6) Economically viable (feasibility study- See Appendix D)
- (7) Meets the recreation demands created by the project itself while balancing natural resources requirements

d. Routine, minor expansions/requests of previously approved facilities within the lease footprint such as additional campsites at an existing campground, additional marina boat slips, enlargement of a restaurant, additional picnic sites or parking spaces may warrant a streamlined evaluation in accordance with established District procedures.

16-6. Implementation. This policy is effective immediately and supersedes any existing project, district, or MSC policy on evaluating proposed recreation development.

CHAPTER 17

NON-RECREATION OUTGRANT POLICY

17-1. Purpose. The purpose of this guidance is to establish a consistent, nationwide policy that will be applied to evaluate non-recreational real estate outgrant requests for use of Civil Works lands and waters operated and maintained by the Corps. This guidance was developed jointly by the Operations and Real Estate Communities of Practice. The Corps intent is to meet legitimate needs for the use of project lands and waters operated and maintained by the Corps while sustaining natural resources and protecting authorized project purposes. Depending on specific project legislation, project purposes may include navigation, hydropower, flood control, recreation, water supply, and low flow augmentation. Additional statutes can assign mission responsibilities, such as fish and wildlife and endangered species management.

17-2. Applicability. This policy applies to all new non-recreational outgrant requests for use of Corps fee owned lands and waters by the public (Federal, State and local), federally recognized Indian tribes, private sector, quasi-public entities, or individuals at Civil Works water resources projects operated and maintained by the Corps. All requests submitted prior to the effective date of this policy will be processed in accordance with current District policies. Existing outgrants are grandfathered under this policy. Proposals to modify or renew existing outgrants will also be evaluated for policy compliance under this guidance. All new proposals must comply with paragraph 17- 9 - Evaluation Criteria, Appendix E - General Outgrant Application Information, and as applicable, Appendix F - National Environmental Policy Act Guidance, Appendix G - Mitigation Guidance, and Appendix H - Additional Guidance For Specific Outgrant Applications. It is recommended that designated corridors be established in Project Master Plans where feasible and new proposals should utilize these corridors where they exist. This policy is not applicable to oil, gas, or mineral exploration or extraction. This policy is also not applicable to the licensing of hydropower facilities by non-federal interests on Corps administered Civil Works Projects. That program is regulated by the Federal Energy Regulatory Commission. However, full compliance with the associated non-federal hydropower requirements defined in ER 1110-1-1454 (Corps Responsibilities for Non-federal Hydroelectric Power Development under the Federal Power Act) is required. Specific guidance for evaluating antenna siting requests is contained in 41 CFR 102-79.70-79.100. The type of outgrant (license, lease, or easement) to be issued in association with the request will depend on the proposed use of the Federal property (i.e. whether a tower or other facilities will be constructed on Federal property; or solely placement of an antenna).

17-3. Policy. The primary rationale for authorizing any future non-recreational outgrant request for use on Corps lands or waters will be one of two reasons: there is no viable alternative to the activity or structure being located on Civil Works land or waters; or, there is a direct benefit to the government. Examples of instances of no viable alternative include but are not limited to: cross-country utilities, pipelines, or roadways that must cross projects, public water intakes, or

commercial mooring cells in a navigable waterway. If a request meets one of these two criteria, it must be evaluated in light of compatibility with authorized project purposes, compliance with statutory and regulatory requirements, including environmental and cultural resource laws, cumulative impacts, and overall long-term public interest factors. The impacts associated with an individual action or the accumulated impact of a series of actions must not adversely impact the capability of the project to generate the benefits for which the project was congressionally authorized, constructed, and is operated. The Corps shall coordinate and/or consult with federally recognized Indian tribes, when reservation lands are involved. Public or private structures or activities that are not dependent on use of, or location on, Civil Works lands and waters, such as schools, fire houses, and hospitals are prohibited unless no viable alternative is proven available. Permanent commercial ventures and private residences are prohibited. Any private exclusive use of Civil Works lands and waters not specifically authorized by ER 1130-2-406 is prohibited.

17-4. Consideration. In most instances, an applicant will be required to pay the fair market value or consideration for use of Civil Works lands and or waters: however, consideration may be waived for outgrants that benefit the general public or the Corps if not explicitly mandated by statute. Consideration may be monetary or non-monetary. However, in-kind consideration is not authorized for leases or licenses granted under 16 U.S.C. §460d.

17-5. Mitigation. Mitigation guidelines can be found in Appendix G. Wherever possible, applicants requesting use of Corps fee-owned lands or waters generally will be required to mitigate for adverse impacts to ensure that public resources suffer no net loss of value, post-construction. This may include statutory and/or non statutory mitigation actions. However, only non-statutory mitigation may be waived as defined in Appendix G, paragraph 4. Where required, a Mitigation Plan must be prepared and approved by the District Engineer prior to issuance of the outgrant instrument. Approved mitigation plans shall become a condition of and added as an addendum to the applicable real estate instrument.

17-6. Administrative Expense. In addition to consideration and mitigation, the applicant will be required to pay administrative expenses for the outgrant as authorized under 10 U.S.C. §2695 and further detailed in the Real Estate regulations. Any administrative fees received at the project will be handled in accordance with Civil Works Policy Memorandum, "Collection of Civil Works Appropriations," dated 17 September 2010.

17-7. Storage Capacity. By law, every Corps water resource project has designated missions (e.g., flood control, hydropower, navigation, water supply, etc.). To ensure compliance with law, the Corps is required to maintain the ability to store water to support these missions. The amount of water storage availability for each mission is identified in a congressionally approved Water Allocation Report. Changes to these amounts may not be done without a re-allocation study and an approved amended Water Allocation Report. Proposals that

impact water storage availability for any mission will be required to offset the impact. This includes impacts up to the maximum storage of the reservoir (see Definitions Section 17-8d.).

17-8. Definitions.

a. Consideration - The fair market value received for the outgrant (monetary and non monetary, such as in-kind improvements or services). Administrative expenses and mitigation requirements cannot be applied towards consideration. Administrative expenses and mitigation cost are considered as an additional expense to the fair market value of the outgrant.

b. Designated Corridors - A parcel of land with fixed boundaries that has been identified in the Project Master Plan or Operational Management Plan as being the preferred location for future outgrants (e.g., public utilities, roadways, pipelines, etc.) or proposed modifications to existing outgrants suitable to accommodate compatible types of outgrants.

c. Freeway - A road that has controlled access and is designed to link urban areas. Freeways are designed for high volumes of traffic, use grade separations at all intersections, have design speeds of 50-65 miles per hour, and no median access. Freeways include expressways, interstates, and toll-roads.

d. Maximum Storage - The total storage space in a reservoir (in acre feet) below the maximum attainable water surface elevation (crest of the dam or top of the flood pool), including any surcharge storage (capacity above the maximum operating level of reservoir).

e. Operational Management Plan - A separate document from the Project Master Plan that outlines in detail the specific operation and administration requirements for natural resources and park management consistent with the approved Project Master Plan. Management strategies consistent with authorized project purposes, approved resource use objectives, and land designations will be established in the document. The document will be used as a working tool for the overall management of the project on a day to day basis.

f. Non-Statutory Mitigation - The definition of mitigation is broadened to include "all measures necessary to make the Corps project whole." While specific statutes may not address these measures, when project damages are incurred, appropriate mitigation actions should be provided to address those damages/impacts. Non-statutory mitigation actions may take the form of actions to restore project value, such as replacing trees, soil/bank stabilization, and providing new, relocated, or replacement facilities.

ER 1130-2-550
Change 6
30 Sep 13

g. Outgrant - Authorizes the right to use Army controlled real property. It is a written legal document that establishes the timeframe, consideration, conditions, and restrictions on the use of Army property. For the purposes of this policy, an outgrant is typically a lease, easement, or license authorized by 16 U.S.C.460d, 10 U.S.C. 2667, 10 U.S.C. 2668, 30 U.S.C. 185 or other statutes and the general administrative authority of the Secretary of the Army (reference ER 405-1-12 Chapter 8 (Real Property Management) and the forthcoming ER 405-1-80 (Management and Outgrant Programs)).

h. Project Level Representative - Person responsible for day-to-day operations at a project or area level, such as Lake Manager, Operations Project Manager, Park Manager, Resource Manager, etc.

i. Project Master Plan - A conceptual document guiding Corps responsibilities pursuant to Federal laws and regulations to preserve, conserve, develop, restore, maintain, and manage project lands, waters, and associated resources. The primary goals of a Master Plan are to prescribe an overall land and water management plan; to include, resource use objectives, land use classifications, and associated design and management concepts. The plan addresses all resources including, but not limited to, water, fish and wildlife, vegetation, cultural, aesthetic, interpretive, recreational, and mineral. The Master Plan also considers the land (fee, easement, or other interest) acquired for project operations and outgranted lands.

j. Regional Arterial Road - A road that links multiple communities within two or more counties, and provides continuous and mostly uninterrupted traffic flow. Regional arterial roads are designed for high volumes of traffic, design speeds of 45-50 miles per hour, and use partially controlled access, grade separation at isolated intersections and limited curb and median access controls to facilitate traffic flow.

k. Statutory Mitigation - Statutory mitigation is driven by statutes, executive orders, and regulations that require mitigation to correct negative impacts to the environment based on a proposed action. For example, § 33 CFR 320.4(r) and 33 CFR 332 detail the required mitigative actions when wetlands or navigable waterways (e.g., discharge of dredged or fill material into the water) are impacted.

l. Viable Alternative – Other lands and/or waters (not under Corps management) that can meet the intended objective of the request. Factors such as cost impacts (e.g. escalation) to the request or the perceived availability underutilized or unused Corps lands or waters will not have bearing on the determination of viability.

17-9. Evaluation Criteria. All new requests for use or revisions to existing outgrants must be in writing and reviewed by a interdisciplinary district team consisting, at a minimum, of a Project Level Representative, Real Estate, and Operations. Other legal/technical elements should be

included as appropriate (Counsel, Engineering, Planning, Regulatory, etc.). Final approval rests with the District Commander unless such authority is specifically delegated to an appropriate subordinate level to accommodate a minor request. In the rare circumstance that exceptions to this policy may be warranted, proposals for non-recreational use will first be forwarded to the MSC Commander. If the exception is not resolved at the MSC level, as a last resort, the request will be forwarded to HQUSACE (CECW-CO-N and appropriate Regional Integration Team) for resolution and the Director of Civil Works (if needed).

a. Although these evaluation criteria are integral to any land availability determination, the preparation of the Report of Availability (ROA) will follow the processes established in ER 405-1-12, Chapter 8 (Real Property Management), AR 405-80 (Management of Title and Granting Use of Real Property), the forthcoming ER 405-1-80 (Management and Outgrant Programs), ER 200-2-2 (Procedures for Implementing NEPA) and ER 200-2-3 (Environmental Quality-Environmental Compliance Policies). In addition, the evaluation will be consistent with ER 1130-2-540 (Environmental Stewardship Operations and Maintenance Policies), ER 1130-2-550 (Recreation Operations and Maintenance Policies), and ER 1130-2-406 (Shoreline Management at Civil Works Projects).

b. The team will evaluate requests using all of the following criteria:

- (1) Consistent with project purposes
- (2) Viable alternatives to utilization of public lands and waters
- (3) Consistent with complete land use classifications and resource objectives identified in the approved Project Master Plan (or supplement thereto)
- (4) Consistent with applicable evaluation contained in the enclosures
- (5) In the public interest
- (6) Demonstrated need
- (7) Technical capabilities
- (8) Financial capabilities (consideration, mitigation and administrative expenses)

17-10. Implementation. This policy is effective immediately and supersedes any existing project, district, or MSC policy on evaluating proposed outgrants for non-recreation purposes. District policies may be developed that supplement this policy in order to further define evaluation roles and responsibilities within the district. However, district policies will not be in conflict with this policy.

ER 1130-2-550
Change 6
30 Sep 13

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APPENDIX A
REFERENCES

- a. PL 88-578, Land and Water Conservation Act of 1965, as amended, (16 USC 4601).
- b. PL 89-72, Federal Water Project Recreation Act of 1965.
- c. PL 91-190, The National Environmental Policy Act (NEPA) of 1969 (42 USC 4321).
- d. PL 91-611, Flood Control Act of 1970, Section 234 (84 Stat. 1833).
- e. PL 94-587, Section 120 (90 Stat. 2917), Water Resources Development Act of 1976, as amended by Public Law 96-536, (94 Stat. 3166).
- f. PL 95-224, (92 Stat. 3), Federal Grant and Cooperative Agreement Act of 1977.
- g. PL 98-63, Section 164 (5 USC 5901), Supplemental Appropriations Act of 1983.
- h. PL 102-580, Water Resources Development Act of 1992, (106 Stat. 4838, 33 USC 2328, Sec. 203).
- I. PL 103-66, Omnibus Budget Reconciliation Act of 1993.
- j. EO 11644, "Use of Off-Road Vehicles on the Public Lands," February 8, 1972 (37 FR 2877, February 9, 1973).
- k. 5 CFR, Part 1320.
- l. 36 CFR, Part 71, Recreation Fees.
- m. 36 CFR, Chapter III, Part 327, Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers (38 FR 75520, 23 March 1973).
- n. AR 335-15, Management Information Control System.
- o. Supplement 1 to AR 190-40, Serious Incident Report (SIR), (RCS CSGPA-1340 (R1)).
- p. ER 25-1-90, Visual Information Management.
- q. ER 37-2-10, Accounting and Reporting Civil Works Activities.
- r. ER 190-1-50, Law Enforcement Policy, U.S. Army Corps of Engineers.
- s. ER 360-1-1, Public Affairs.
- t. ER 385-1-1, Safety and Health Requirements Manual.
- u. ER 405-1-12, Real Estate Handbook.

ER 1130-2-550
15 Nov 96

- v. ER 1110-2-400, Design of Recreation Sites, Areas and Facilities.
- w. ER 1130-2-500, Work Management Policies.
- x. ER 1130-2-520, Navigational Dredging Operations and Maintenance Policies.
- y. ER 1130-2-540, Environmental Stewardship Policies.
- z. ER 1165-2-30, Acceptance and Return of Contributed or Advanced Funds.
- aa EP 310-1-6, Graphics Standards Manual.
- ab. EP 310-1-6a, Corps of Engineers Sign Standards Manual, Vol 1.
- ac. EP 310-1-6b, Corps of Engineers Sign Standards Manual, Vol 2.
- ad. EP 690-2-2, Career Development Guide for Civil Works Natural Resources Management Team Members.
- ae. EP 1130-2-434, Volume 1-5, JS, DI, FS, Interpretive Services and Outreach Program.
- af. EP 1130-2-500, Work Management Procedures.
- ag. EP 1130-2-550, Recreation Operations and Maintenance.
- ah. EM 385-1-1, Safety and Health Requirements Manual.
- ai. EM 1110-1-400, Recreation Planning and Design Criteria.

APPENDIX B

MANAGEMENT CONSIDERATIONS FOR RECREATION AREAS RELINQUISHED BY NON-FEDERAL INTERESTS

B-1. Policy. The policy of the Corps is to close leased recreation areas turned back to the Corps.

B-2. Purpose. The guidelines establish procedures and guidance to follow if a leased recreation area is turned back to the Corps. This policy pertains only to those situations when an area is relinquished other than by breach of contract. Legal means will be pursued in breach of contract instances with HQUSACE guidance provided on a case-by-case basis.

B-3. Exceptions to Policy. An exception to the above stated policy may be considered if each of the following criteria is met:

a. An efficient and feasible management alternative can be effected or implemented by Corps.

b. Total Corps O&M responsibilities including both funds and manpower requirements are reduced or prevented from increasing.

B-4. Selection of Course of Action. The MSC Commander may elect a course of action, other than closure, within the policy constraints stated herein.

B-5. General Guidance. Once it is established that a lessee plans to relinquish a recreation area, an analysis of the impacts likely to result from such action must be made. Once all impacts are known and evaluated from the Corps perspective, the results should be discussed with the lessee, preferably before its contemplated action is formally taken. Following are considerations which should be addressed in the impact analysis:

a. History of use during last five years as compared to design load of area.

b. Analysis of use of the area compared to other project recreation sites.

c. Analysis from both a local and regional perspective of other areas affording visitors similar type of outdoor recreation facilities and experiences within the zone of influence of the project area.

d. The availability of another non-Federal public entity or commercial concessionaire that might assume operation and maintenance under a new lease arrangement.

e. Assuming potential qualified lessees are unattainable, are there alternative actions to complete closure considering available manpower and budget constraints consistent with the above criteria as:

(1) Partial closure.

(2) Reduction of services provided.

(3) Closure or partial closure of other in deference to direct management of the area by the Corps.

(4) Combination of the above

f. Cost and manpower analysis of:

(1) Permanent closure versus current operational status under management.

(2) Permanent closure versus other viable alternative actions considered.

g. The social, economic or environmental impacts that would result if the area were closed or services reduced.

h. Other factors having a direct bearing on the situation.

B-6. Procedures.

a. After having identified and analyzed what impacts will be associated with the various courses of action available, the results should be discussed with the lessee. The value of coordinating with the lessee is to make the lessee aware of what consequential action the Corps is contemplating. The lessee should realize that the Corps has no obligation to keep the relinquished area opened. In fact, the Corps may have to close the area due to manpower and funding restrictions.

b. The reason for relinquishment should be determined. If the reason for relinquishment is short term in nature, the lessee should be apprised that any future lease, if desired, would need to be negotiated under the prevailing conditions. Therefore, modified services or partial closure may offer a more favorable alternative than lease terminations in some situations. Those possibilities should be considered to the fullest extent possible. However, there is no authority for granting funds, manpower or equipment to entice the lessee to continue operation and maintenance of the leased area. Corps assistance in this form is precluded from consideration.

c. Information and insights gained through discussions with the lessee should promote understanding and facilitate cooperation in the final plans for subsequent use of the relinquished area. Possible local assistance includes:

(1) Potential influence to assist in obtaining other qualified non-Federal sponsors to lease the area.

(2) Postpone termination to the end of the current recreation season or through the following recreation year. This would allow additional time to cope with the situation and may favorably effect final disposition action.

(3) Development with the Corps of joint strategies to inform the public about the upcoming reduction of services or closure of the area. The importance of mutually supportive positions in such actions should not be overlooked.

d. The necessary details and arrangements for the actual turn back of the leased area also should be discussed by the lessee. Acceptance by the Corps should be in accordance with the

appropriate conditions of the specified lease document unless otherwise waived by the District Commander as being in the best interest of the government.

e. A master plan revision is required only if the approved land use designation for the relinquished site needs changing to accommodate a different land use of the area.

f. All of the potential management options will be considered in finalizing recommendations to the MSC Commander. The necessary environmental documentation, as determined appropriate, will be in accordance with ER 200-2-2. The selected course of action should be that alternative which will afford the greatest public service within the constraints of the MSC Commanders' existing personnel and budget allocations. Such considerations should be realistic.

g. A public relations program should be developed and implemented by the MSCs and districts where recreation area closures are scheduled. The public information program should be designed to insure public understanding of the reasons necessitating such action. Information on alternative areas available for public use should be included. A public relations program is also appropriate when major changes in the operation affecting one or more sites is contemplated.

h. Action taken by a lessee, such as a state, may involve relinquishment of areas affecting more than one district or MSC. In the event such concurrent action by a lessee has been initiated, it is essential that coordination between the affected Corps commands be effected. If it is determined that the situation warrants attention at the Washington level HQUSACE will be available for assistance.

B-7. HQUSACE Monitoring. All recreation lease termination actions will be monitored by CECW-ON. Each FOA should report telephonically to CECW-ON once it is verified that a lessee is contemplating termination of its lease. After discussions with the lessee have been completed, a narrative report, even if the area is to be closed, should be forwarded to HQUSACE for information. This report should summarize the analysis of the situation including cost and manpower savings based on the course of action selected by the MSC Commander. Coverage of the coordination discussions held with the lessee should be included. If additional manpower or funds are required to implement the selected course of action, a MSC Commander may assume HQUSACE concurrences with his/her selected course of action if he/she has not heard to the contrary within two weeks after forwarding his/her report, and he/she has insured timely receipt through the appropriate assistant director, Civil Works Directorate. (RCS exempt: AR 335-15, paragraph 5-2c (3)).

APPENDIX C

Market Studies

C-1. Market Study.

a. A market study is contingent upon developing an inventory of the supply of existing types of recreational resources within a given area. The study must also include a recreational demand analysis that provides an indication of what people do, feel and want concerning recreational facilities (e.g., public demand). By comparing the inventory and the demand analysis it is possible to determine the types and amount of additional recreational facilities that are needed now or in the future. At a minimum, proposed recreation development by Federally recognized Indian Tribes, public (Federal, state and local), private sector and quasi-public entities and individuals will demonstrate a demand for the type of facilities proposed and a current or near future need for the type of facility being proposed.

b. Proposed demand studies shall contain data on the regional population and future projections, demographic characteristics and an inventory of similar types of recreational facilities (e.g., campgrounds, picnic areas, marinas, etc.) and their resources (e.g., 125 camping spurs, 150 picnic tables, etc) within a 30-mile radius of the proposed site requested for development. The study should demonstrate that the demand analysis was done through one or a combination of methods. General categories of methods include but are not limited to, public input gathered through surveys and or workshops, using recreational standards (e.g., 1000 camping spurs per 50,000 people), participation levels/rates (e.g., 2.4 million people participate in picnicking, which is 56 percent of the regional population), and trend analysis (e.g., extrapolating historical use statistics for those similar types of facilities over a ten to 20 year period).

c. The availability of information described above for use in the study will vary from region to region. Federally recognized Indian Tribes, public (Federal, state and local), private sector and quasi-public entities and individuals should consult with State Census Bureaus, State Departments of Commerce, State and Federal Recreational Agencies, and travel bureaus for this information and to minimize study cost. Each state has a State Comprehensive Outdoor Recreation Plan that contains analysis criteria referenced above. In addition there are numerous Federal recreational studies such as the National Survey of Recreation and Environment that contain this type of information. Regional universities with outdoor recreational departments may also be a source for information and assistance.

d. All costs associated with a market study, NEPA documents, land surveys, preparation and review of the ultimate lease by the Corps as well as any other administrative costs associated with Corps review and approval of any proposed development are the responsibility of the entity proposing the recreation development.

APPENDIX D

Feasibility Studies

D-1. Feasibility Study.

a. The intent in requiring a private sector or individual to provide a feasibility study is to demonstrate that the entity can make a reasonable return of profit on a yearly basis for the proposed recreational development and that such development is economically viable. Factors such as the input of capital to develop the facility(s), maintenance cost, insurance, labor, etc. should be addressed. The type and size level of the facility(s) (e.g., 250 camping spurs vs. 100 spurs, 200 marina boat slips vs. 100) should also be addressed to demonstrate a reasonable rate of profit would occur. The numbers of visitors needed and the associated fee for these services should also be addressed. Detailed charts, graphs, and projections are not required; however, enough data must be provided to demonstrate such factors have been considered and that a profit can be generated.

b. Feasibility studies for Federally recognized Indian Tribes, public (Federal, state and local), or quasi-public entities will also be required. However the content of the analysis is limited to the types and size of the facility and evidence that yearly profits of the facility will offset or nearly offset the yearly operational cost of the proposed facility(s). Private sector or individuals working through a public entity for a development request (third party) will be required to furnish a feasibility study that complies with the requirements for a private requestor or individual as referenced above.

c. All costs associated with a market study, NEPA documents, land surveys, preparation and review of the ultimate lease by the Corps as well as any other administrative costs associated with Corps review and approval of any proposed development are the responsibility of the entity proposing the recreation development.

APPENDIX E

General Outgrant Application Information

E-1. Preliminary Information. The applicant must provide the preliminary information requested below (a-h) to the Project Level Representative. The initial submission will be evaluated by the Project Level Representative and district team to determine if a proposal is appropriate for location on Government property. Administrative cost for the evaluation of any application documents (preliminary, detailed, supporting) will be paid by the applicant prior to the start (up front) of the review process by project and District personnel. Any administrative fees received at the project will be handled in accordance with Civil Works Policy Memorandum, "Collection of Civil Works Appropriations," dated 17 September 2010.

a. Identify Applicant:

(1) Name, address, and phone number of applicant. The application must be submitted by the entity to whom the outgrant will be assigned.

(2) Point of contact for processing (e.g. City Manager, Mayor, Commissioner, etc)

b. Describe the structure or facility.

c. Identify the purpose, need and objective (benefits, enhancements, statutory requirements) for the structure or facility.

d. Justify placement of structure or facility on government property. The justification should include a description of all alternative locations and routes that were investigated, including routes and locations off of project lands. The description will also include rationale for why the other alternatives were not selected. Cost factors alone will not affect the determination of viability.

e. State the duration for which the proposed outgrant is requested. Include the duration of the temporary license if one is needed (usually 1 year).

f. Generally describe the location and dimensions of the requested outgrant area to include a preliminary site plan. NOTE: Outgrants should be placed in the footprint of existing project outgrants or within designated corridors where possible.

g. Provide basic construction methods and timeline.

h. Anticipated impacts (environmental, cultural resource, social, etc.).

ER 1130-2-550
Change 6
30 Sep 13

E-2. Detailed Information. If upon review of an initial request, the Corps determines that the requested activity may be feasible and will be considered further, the information below must be provided as required. This information will be provided to the Project Level Representative and be evaluated by the district team. Additional information may be requested based on the nature of the proposed activity. A Corps determination will be made as to what environmental documentation is required for the proposed action. Preliminary information concerning administrative fees, consideration and mitigation will be provided to the applicant.

a. Coordination.

(1) Provide concurrence from third parties who may be affected by the structure or facility (e.g. other existing outgrants).

(2) Provide other agency concurrence regarding legal or regulatory requirements where necessary (e.g. responsible State natural resources and utility entities).

NOTE - A temporary real estate instrument will be required prior to conducting any on-the-ground activities (for surveys, ground disturbance, soil and groundwater testing). An Archeological Resources Protection Act (ARPA) permit may also be required.

b. Description of Proposal.

(1) Provide preliminary plans and specifications for the proposed outgrant. Include construction areas, if applicable.

(2) Provide a map(s) which includes the following:

(a) A legal description (location, identification of parcel) of the proposal (reference to a known Corps of Engineers property monument is encouraged). This description can also be provided separately;

(b) The upper guide contours and elevation intervals appropriate to the terrain as applicable, if available

(c) Identification of the project property line (Federal government property line) in relation to the proposal;

(d) Any structures that will be affected (e.g.: fences, roads, monuments, gates, intake structures, natural and environmental resources, etc.); and

(e) The estimated acreage of the proposed outgrant.

(3) Stake/flag the boundary or centerline of the outgrant if requested

c. NEPA - If NEPA documentation is required from the applicant, see Appendix F.

d. Mitigation. Non-statutory mitigation is generally required for impacted public resources. Mitigation often requires, but is not limited to, wildlife habitat improvement and vegetative plantings on the area of actual disturbance and on additional areas or other forms of restitution. Statutory mitigation may also be required if the proposed work involves applicable statutes, executive orders, regulations, and guidance concerning impacts of a proposed action. For example, a discharge of dredged or fill material into waters of the U.S typically requires a Section 404 permit (Clean Water Act) and associated mitigation. See Appendix G for additional mitigation guidance.

e. Storm Water Requirements. In accordance with State, County and/or local laws, various Districts within the Corps do not allow outgrants for storm water facilities. For those Districts that allow outgrants for storm water facilities, the applicant must also contact the applicable State, County and/or local agency responsible for storm water permits. The applicant must provide documentation of the contact, a Notice of Intent and evidence that a permit is being pursued (if required). In addition, the applicant shall provide a Storm Water Pollution Prevention Plan when required if earth-disturbing activities are to be performed. This plan shall include the means by which erosion and sedimentation will be controlled and monitored to protect the drainage courses.

f. Storage Capacity. In general, Corps policy is no net loss of maximum storage capacity. This generally includes calculating amounts of cut and fill which could impact storage capacity.

g. Landscaping and Revegetation. As part of site stabilization and restoration, the applicant in most cases will be required to reestablish vegetation after construction. The applicant must demonstrate that the seed and vegetative plantings proposed for revegetation are native species to the area and not listed as an invasive species on a Federal or applicable State list.

NOTE: Applicants, please review Appendix H for guidance addressing additional requirements for specific types of outgrants.

ER 1130-2-550
Change 6
30 Sep 13

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APPENDIX F

National Environmental Policy Act (NEPA) Guidance

F-1. Policy. Comprehensive guidance on the implementation of NEPA for the Civil Works Program is found in ER 200-2-2 and the NEPA implementing regulations are found at 40 CFR Parts 1500-1508. Generally, outgrant proposals will require an Environmental Assessment (EA) to comply with NEPA, however each proposal should be assessed in light of ER 200-2-2 and the NEPA implementing regulations to determine the correct level of analysis. In some cases the action may qualify for a categorical exclusion and others may require an Environmental Impact Statement. Additional information concerning NEPA can be found at <http://ceq.hss.doe.gov/>.

F-2. Preparation of Environmental Compliance Documents. Environmental compliance documents, including those required for NEPA, may be completed by the Corps or the applicant. If completed by the Corps, the applicant must pay for the expenses to be incurred prior to the work being initiated. If completed by the applicant, the applicant must pay for the expenses to be incurred by the Corps prior to the Corps review by project and district personnel. Any administrative fees received will be handled in accordance with Civil Works Policy Memorandum, "Collection of Civil Works Appropriations" dated 17 September 2010 and the Real Estate regulations. Regardless of what entity prepares the environmental compliance documentation, the Corps is responsible for its content and must independently review all information contained therein.

F-3. Content. For outgrant proposals requiring an Environmental Assessment (EA) the following information is generally required by NEPA. Additional information may be requested depending on the nature of the proposal. An EA facilitates the decision process regarding the proposed action and alternatives.

a. SECTION 1. Authority, Purpose, And Scope provides the authority for the proposed action, summarizes the project purpose, provides relevant background information, and describes the scope of the EA.

b. SECTION 2. Alternatives examines alternatives for implementing the proposed action.

c. SECTION 3. Proposed Action describes the recommended action.

d. SECTION 4. Affected Environment describes the existing environmental and socioeconomic setting.

e. SECTION 5. Environmental Impacts Of The Proposed Action identifies the potential environmental and socioeconomic effects of implementing the proposed action and alternatives.

ER 1130-2-550
Change 6
30 Sep 13

f. SECTION 6. Mitigation Plan summarizes mitigation actions required to enable a Finding of No Significant Impact for the proposed alternative.

g. SECTION 7. Federal, Tribal, State, And Local Agency Coordination provides a listing of individuals and agencies consulted during preparation of the EA.

h. SECTION 8. References provides bibliographical information for cited sources.

i. SECTION 9. Applicable Environmental Laws And Regulations provides a listing of environmental protection statutes and other environmental requirements.

j. APPENDICES:

A Correspondence

B Section 404 Permit (if required)

C Fish and Wildlife Coordination/Correspondence

D Cultural Resources Coordination/Correspondence

E Public Comments (if applicable)

F Newspaper Public Notice (if applicable)

G Other

APPENDIX G

Mitigation Guidance

G-1. Statutory Mitigation. Statutory mitigation must be done in accordance with applicable statutes, executive orders, regulations and guidance. Statutory mitigation is generally defined as actions that reduce the severity or intensity of adverse impacts of other actions, to include:

a. Avoiding the impact by not taking a certain action or parts of an action or by moving the project location. Applicants are encouraged to consider avoidance as the preferred mitigation measure.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, for example, by adjusting site layout.

c. Rectifying the impact by repairing, rehabilitating, relocating, or restoring the affected public resources.

d. Reducing or eliminating the impact over time by monitoring, maintaining, and/or replacing equipment or structures to prevent future degradation from equipment or structural failure over the life of the action.

e. Compensating for the impact by replacing or providing substitute resources or environments. With the exception of unique habitats under imminent threat of destruction, a mere change in ownership of existing habitat is generally not considered mitigation. Habitat improvement must be implemented in addition to long-term protection of the habitat.

f. Statutory Mitigation requirements vary somewhat under the environmental laws, regulations, and executive orders. For Corps of Engineers Regulatory Program mitigation guidance see 40 CFR Part 230 "Compensatory Mitigation for Losses of Aquatic Resources", 33 CFR 320.4 paragraph R, and 33 CFR 332. It is recommended that for actions on Civil Works lands and waters that require mitigation under these regulations, the mitigation occur on site where feasible.

G-2. Non-Statutory Mitigation. The definition of mitigation is broadened to include "all measures necessary to make the Corps project whole". Not all of the adverse impacts to a site will be required to be mitigated by a federal statute or regulation, but for outgrants, all adverse impacts must be mitigated unless a waiver is issued (see paragraph G-4). The applicant for the outgrant will be advised of the impact and required mitigation. An example of impacts that may not be covered by existing authorities is a proposal that is categorically excluded from NEPA

ER 1130-2-550
Change 6
30 Sep 13

documentation but may still result in the destruction of a small wooded area containing twenty trees. There are no threatened or endangered species or any wetlands involved. Another instance may entail the destruction of 20 campsites resulting from a road expansion. In each case, the impacted resources must be restored or otherwise mitigated.

G-3. Real Estate Outgrant Documentation.

a. Where mitigation is required as a result of an outgrant, it will be addressed as a condition of the real estate instrument. A copy of the mitigation plan, use restrictions, and/or Memorandum of Agreement (MOA) will be included as an attachment to the outgrant document. If a mitigation plan, use restrictions, or an MOA is required, the outgrant instrument must be modified to incorporate compliance with the terms of the plan, use restrictions, or MOA as a condition of the outgrant. The outgrant instrument must be modified to incorporate a specific termination clause to address failure to comply with mitigation requirements.

b. In addition, action may also be required under the specific statute(s) that required the mitigation. A clear timetable must also be provided if mitigation requirements extend beyond the execution date of the outgrant agreement. Coordination with the office(s) which are responsible for these requirements must be completed to ensure the requirements are in place before the outgrant document is executed.

G-4. Waiver of Non-Statutory Mitigation Requirements. When only "Non-Statutory Mitigation" is required, the Corps may choose to waive this mitigation requirement in cases where the requested activity will further an authorized project purpose and/or meet a public demand that the Corps is unable to meet. However, the Corps does not have the authority to waive mitigation requirements when such mitigation is required by a law, regulation, or statute.

G-5. Responsibility for Expenses. In most cases, all costs associated with processing the mitigation aspect of the outgrant and initiating and maintaining mitigation requirements over the life of the mitigation action are the responsibility of the outgrant applicant and will be agreed upon and documented in the real estate outgrant instrument. These mitigation costs are in addition to the fair market value consideration, if applicable, of the property to be outgranted and any other purely administrative expenses incurred as a result of an outgrant request under 10 U.S.C. §2695. Any administrative fees received at the project will be handled in accordance with Civil Works Policy Memorandum, "Collection of Civil Works Appropriations," dated 17 September 2010 and the Real Estate regulations.

G-6. Future Ownership and Management of Mitigation Properties. On-site mitigation should be achieved wherever possible. If on-site mitigation is not possible, off-site mitigation should be undertaken, as follows:

a. Acquisition of Real Property. To the maximum extent possible, any additional lands or other real property interest required to be purchased by the applicant for mitigation purposes will be contiguous with existing project lands or waters. The NEPA decision document will clearly address any requirement for the acquisition of non-statutory mitigation lands. In no instance will the Corps take title to real property prior to receiving approval of the Director of Civil Works. Management of mitigation properties will be accomplished in accordance with 33 CFR 332.7. Typically, a Real Estate Plan (REP) will be prepared to support this type of action. However, there may be circumstances that require the preparation and approval of a Real Estate Design Memorandum (REDM) where acquisition of the land is tantamount to implementation of the project and approval of a decision document is required prior to commencement of the acquisition effort (e.g., some fish and wildlife mitigation projects). In addition, an REDM may be appropriate when there is a new acquisition requirement for an existing project for which a REDM was previously utilized.

b. Other Mitigation Services. Other types of mitigation services include but are not limited to:

(1) Mitigation services generally consists of restoration, creation, relocation, or improvements of the same type (i.e., three acres of existing wildlife habitat destroyed and replaced with three or more acres of new wildlife habitat lands) to offset the damaged resource base. In other circumstances, it may be more appropriate to accept other types of services (i.e., three acres of existing wildlife habitat destroyed and mitigated by rip rapping 1,000 linear feet of shoreline to protect nearby wildlife habitat). Entering into agreements for the replacement of impacted wildlife habitat with recreation facilities is generally not appropriate.

(2) In the absence of specific authority, the Corps may not accept cash in lieu of mitigation services. In some limited instances, however, it is possible for the Corps to directly perform the mitigation work by entering into agreements with states or others and then to be reimbursed by the state or others for such work. Approval from the Assistant Secretary of the Army (Civil Works) (ASA-CW) may be necessary prior to entering into such an agreement. In some cases, a real estate instrument or a management plan may be required in accordance with 33 CFR 332.7 if a land acquisition is part of the mitigation service.

ER 1130-2-550
Change 6
30 Sep 13

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APPENDIX H

Additional Guidance For Specific Outgrant Applications

H-1. Requirements for Specific Structures and Applicable Legal Compliance. In addition to the requirements listed in Enclosures 1 through 3, the following information may be required as appropriate for specific types of outgrants. This list is not intended to be all inclusive but an illustrative example of additional requirements that exist for specific types of outgrants. The construction, operation and safety of these outgrants will require compliance with all applicable Federal, state, and local laws, codes, and standards. While it is not the responsibility of the Corps to inspect these facilities for safety compliance, the Corps reserves the right to halt the construction and or operation of the structure if a safety issue creates a danger to the life of project visitors or the ability of the Corps to carry out project missions. All of these specific outgrant applications must include a safety point of contact. Also note that the application must be submitted by the entity to whom the outgrant will be assigned.

a. Electric Power and Communication Lines, and Structures and Facilities for Radio, Television, and other Communication Services.

(1) Specify line heights, voltage, cutoff locations and elevations.

(2) Submitted plans must be certified by a state certified professional engineer as being in compliance with the National Electric Safety Code requirements, ER-1110-2-4401, 30 May 97 (Clearances For Electric Power Supply Lines and Communication Lines Over Reservoirs), American National Standard ANSIC2, National Electric Safety Code (NESEC), American National Standard ANSI/NFPA 70, and the National Electric Code NEC.

b. Sewer Lines.

(1) A state certified professional engineer must certify plans as being in compliance with all applicable Federal, State, and local government regulations.

(2) Additional requirements may apply pertaining to flood-proofing and impacts to public resources.

c. Water Lines

(1) A state certified professional engineer must certify plans as being in compliance with all applicable Federal, State, and local government regulations.

ER 1130-2-550
Change 6
30 Sep 13

(2) Additional requirements may apply pertaining to flood-proofing and impacts to public resources.

(3) Please note that prior to the execution of any outgrant for withdrawal of water or use of storage at a Corps reservoir, the applicant will be required to execute a water supply agreement with the Corps pursuant to Real Estate Policy Guidance Letter No. 26, June 10, 2008 and any applicable updates or additional guidance. The applicable Corps of Engineers District Real Estate Office should be consulted for details on this matter

d. Water Intake Structure.

(1) Submit plans and specifications showing any effects on Corps facilities, as well as current and future water volume needs that may impact water storage/surplus water contracts, etc.

(2) Please note that prior to the execution of any outgrant for withdrawal of water or use of storage at a Corps reservoir, the applicant will be required to execute a water supply agreement with the Corps pursuant to Real Estate Policy Guidance Letter No. 26, June 10, 2008 and any applicable updates or additional guidance. The applicable Corps of Engineers District Real Estate Office should be consulted for details on this matter.

(3) Provide written documentation showing permission has been procured from the water contract holder if required.

(4) Provide approval/permit from appropriate regulatory agency (state/local) if applicable. Also provide water supply contract, authorizing document, or decision document based on statute, for authorizing a water supply intake.

(5) Provide documentation of review and approval from Corps of Engineers Dam Safety Committee.

e. Outfalls (e.g. stormwater, sewage, etc.).

(1) A copy of the National Pollutant Discharge Elimination System (NPDES) permit must be provided for approval of any outfall that is placed on Corps administered lands and waters. Also furnish any other state/local approvals as applicable.

(2) A plan to prevent erosion, and to prevent litter, trash, and pollutants from being deposited on Corps administered lands and waters must be provided.

(3) Submitted plans must be certified by a state certified professional engineer.

(4) Submitted plans must be in compliance with Project Shoreline Management Plan if applicable.

f. Oil, Natural Gas and Fuel Carrying Pipelines (Under 30 U.S.C. § 185).

(1) Disclosure of Ownership - If a partnership, corporation, association, or other business entity applies for an easement, the application shall disclose, where applicable:

(a) Name and address of each partner.

(b) Name and address of each shareholder owning 3 percent or more of the shares; the number and percentage of any class of voting shares of the entity; and

(c) Name and address of each affiliate of the entity. If the entity controls the affiliate, include the number of shares and percentage of any class of voting stock of that affiliate; if, however, the affiliate controls the entity, include the number of shares and percentage of any class of voting stock of the entity.

(2) If this information is already on file, and current, in the District Engineer's office, or local Bureau of Land Management or Federal Energy Regulatory Commission offices, references may be made to it; the applicant need not file repetitious disclosure documents with successive applications.

g. Roads.

(1) Generally, Civil Works lands will only be made available for roads that are considered regional arteries or freeways (See Definitions in the Regulation). All other types of roads, including driveways and alleys, are generally not permitted on these lands. The expansion of existing roads on Civil Works lands will be considered on a case by case basis.

(2) Indicate whether or not Federal Highway Administration funds are being used for this road.

(3) A state certified professional engineer must certify plans as being in compliance with all applicable Federal, State, and local government Regulations.

ER 1130-2-550

Change 6

30 Sep 13

h. Telecommunications. Authorities applicable to issuing outgrants for telecommunication purposes depending on the type of instruments desired are referenced in the Telecommunications Act of 1996, which is codified at 47 U.S.C. §332 and implementing regulations are provided in 41 CFR 102-79.70 to 79.100. In addition the applications must be in compliance with forthcoming Engineering Regulation 405-1-80 (Management and Outgrant Programs). Chapter 12, Telecommunications Facilities. Proposals must include documentation to ensure the outgrant would not create the following problems:

(1) Impair, interfere, or degrade the Federal missions of the project or its operations.

(2) Interfere with existing radio frequency (RF) activities.

(3) Documentation of coordination with Federal Aviation Administration (FAA) and/or Department of Defense (DoD) and sitting approval for any proposed telecommunication facility that will be located within proximity to an existing FAA facility or DoD system.

i. Hydropower facilities. Each request to construct/develop hydropower facilities is unique and will be handled on a case by case basis per ER 1110-2-1454 as amended.