

**Recreation Development Outgrant Request
Applicant Information
Wilmington District, US Army Corps of Engineers**

Proposals for the development of new recreation facilities, additions to existing facilities, and revisions to approved development plans must be submitted in writing to the Operations Project Manager. Applicants should coordinate with USACE project staff prior to submitting a written request. Please review this document and the USACE Recreation Development Policy for Outgranted Corps Lands (ER 1130-02-550 Chapter 16) prior to contacting USACE staff.

When submitting a request, please be aware of the time necessary for review. Review times listed below are estimates, actual times may vary. Applicants are responsible for administrative costs incurred by the government for the evaluation of their request and issuance real estate documents. Depending on the nature and complexity of the request, the applicant may be asked to pay the administrative cost prior to the start of the review. Requests for new facilities in leased areas must be submitted by/through the lessee.

Requests to alter USACE Civil Works Projects are reviewed pursuant to 33 USC 408 (Section 408) to determine if the proposed alterations would be injurious to the public interest or impair the usefulness of the USACE Project. The review of a land use request, conducted in compliance with the Non-Recreation Outgrant Policy, may satisfy the requirements of Section 408. Applicants will be notified if a separate Section 408 evaluation process is required.

Initial Request:

The initial request should include at a minimum the information listed below:

1. Documentation that the proposed recreation facility:
 - a. Is consistent with USACE project purposes
 - b. Meets public recreation demands (anticipated use/visitation)
 - c. Is dependent on the USACE project's natural or other resources
 - d. Is consistent with the USACE project master plan
 - e. Is economically viable
2. Description of the proposed structures, facilities, and any phased development
3. Preliminary site plan based on survey, drawing, aerial photograph etc. depicting acreage, dimensions, and location of facilities relative to government property boundary and other significant features.
4. Describe anticipated impacts such as removal of vegetation, ground disturbance, wetland impacts, cut and fill impacting reservoir storage, activities in the floodplain, etc.

The preliminary information provided will be evaluated to determine if the proposal is appropriate for location on Government property. Additional information may be requested.

Review of the initial request may take 30 days or longer after receipt of a complete submittal. The applicant will be notified in writing when a determination is made.

Detailed Request:

If upon review of the initial request USACE determines that the proposed recreation facilities may be appropriate for location on public lands, further detailed information may be requested to complete the review. Additional information may include, but is not limited to:

1. Market Study – reference Appendix C of the Recreation Development Policy
2. Feasibility Study – reference Appendix D of the Recreation Development Policy
3. An Environmental Assessment (EA) or Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA).

4. Development plan including:
 - a. Detailed site plan depicting acreage, dimensions, and location of facilities relative to government property boundary and other significant features.
 - b. Schedule of phased development.
 - c. Construction cost estimate.
 - d. Operations and maintenance plan including cost estimates.
5. List of required permits: storm water, sewer, sedimentation and erosion, wetlands, building, etc.
6. List of utility services (electric, water, gas, sewer, cable, etc.) to be added and the providers. Utility providers will need to request their own easements.
7. Volumes of cut and fill material within the project's water storage pool.

Review of the detailed proposal may take 60 days or longer after receipt of a complete submittal. If preparation of an EA is necessary, the review process may take 180 days or longer. If an EIS is required, the review process would be expected to take a year or longer.

Approval or Denial of Requested Activities

Applicants will be notified of the approval or denial of their request in writing. If an activity is authorized, issuance of the necessary real estate documents may take 90 days or longer.

Wilmington District Water Resources Development Project Contact Information

B. Everett Jordan Dam and Lake and the Cape Fear River Locks and Dams

Mailing Address:

US Army Corps of Engineers
 Piedmont Operations Project Manager
 Post Office Box 144
 Moncure, North Carolina 27559

Street Address:

Jordan Lake Visitor Assistance Center
 2080 Jordan Dam Road
 Moncure, North Carolina 27559
 Phone: 919-542-4501

Falls Lake

US Army Corps of Engineers
 Piedmont Operations Project Manager
 11405 Falls of Neuse Road
 Wake Forest, North Carolina 27587
 Phone: 919-846-9332

John H. Kerr Dam and Reservoir

US Army Corps of Engineers
 Operation Project Manager
 1930 Mays Chapel Road
 Boydton, Virginia 23917
 Phone: 434-738-6101

Philpott Dam and Lake

US Army Corps of Engineers
 Operations Project Manager
 1058 Philpott Dam Road
 Bassett, Virginia 24055
 Phone: 276-629-2703

W. Kerr Scott Dam and Reservoir

US Army Corps of Engineers
 Operations Project Manager
 499 Reservoir Road
 Wilkesboro, North Carolina 28697
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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.

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.