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.