

South Atlantic Division Land Use Evaluation Process For Fee and Easement Lands

Decision Flow Chart

The following flow chart outlines a process used to identify and evaluate the relative merits of land use requests. Such requests ask to use public lands for any number of private and public activities. Some uses are likely detrimental to the operation of our projects, some have subtle long term implications, and still others may have significant benefits. Before we can accommodate requests, we are obligated as stewards of public lands, to carefully consider the implications.

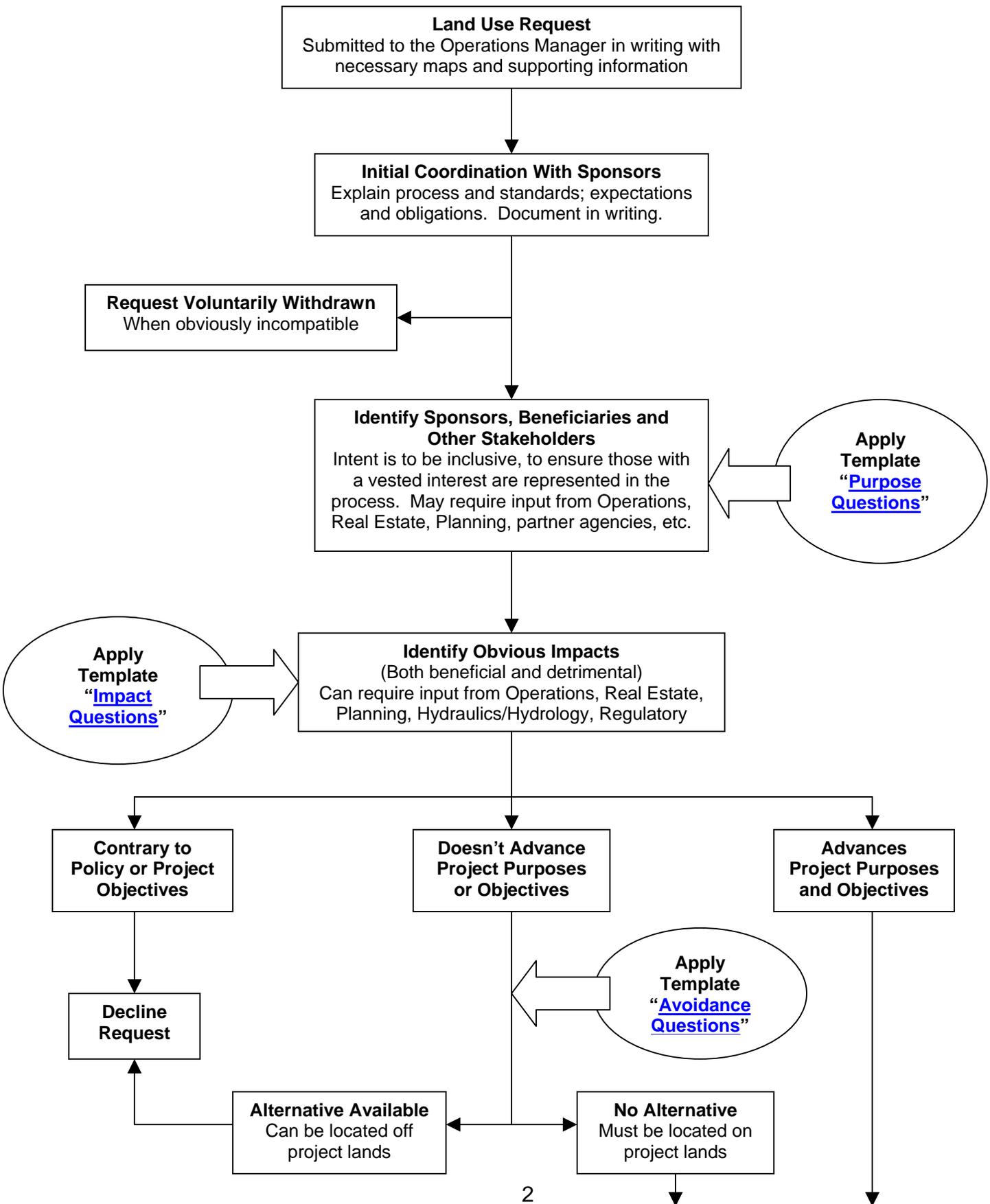
The evaluation process is centered around a long-term commitment to stewardship of each project's unique and limited resources...stewardship that is focused on making sure that we can fully execute our Congressional mandates today and in years to come. Preserving our flood storage capacity, maintaining a steadily improving natural resource base, and providing sustainable, high quality, diverse, natural resource based outdoor recreation to our visitors are among our important considerations.

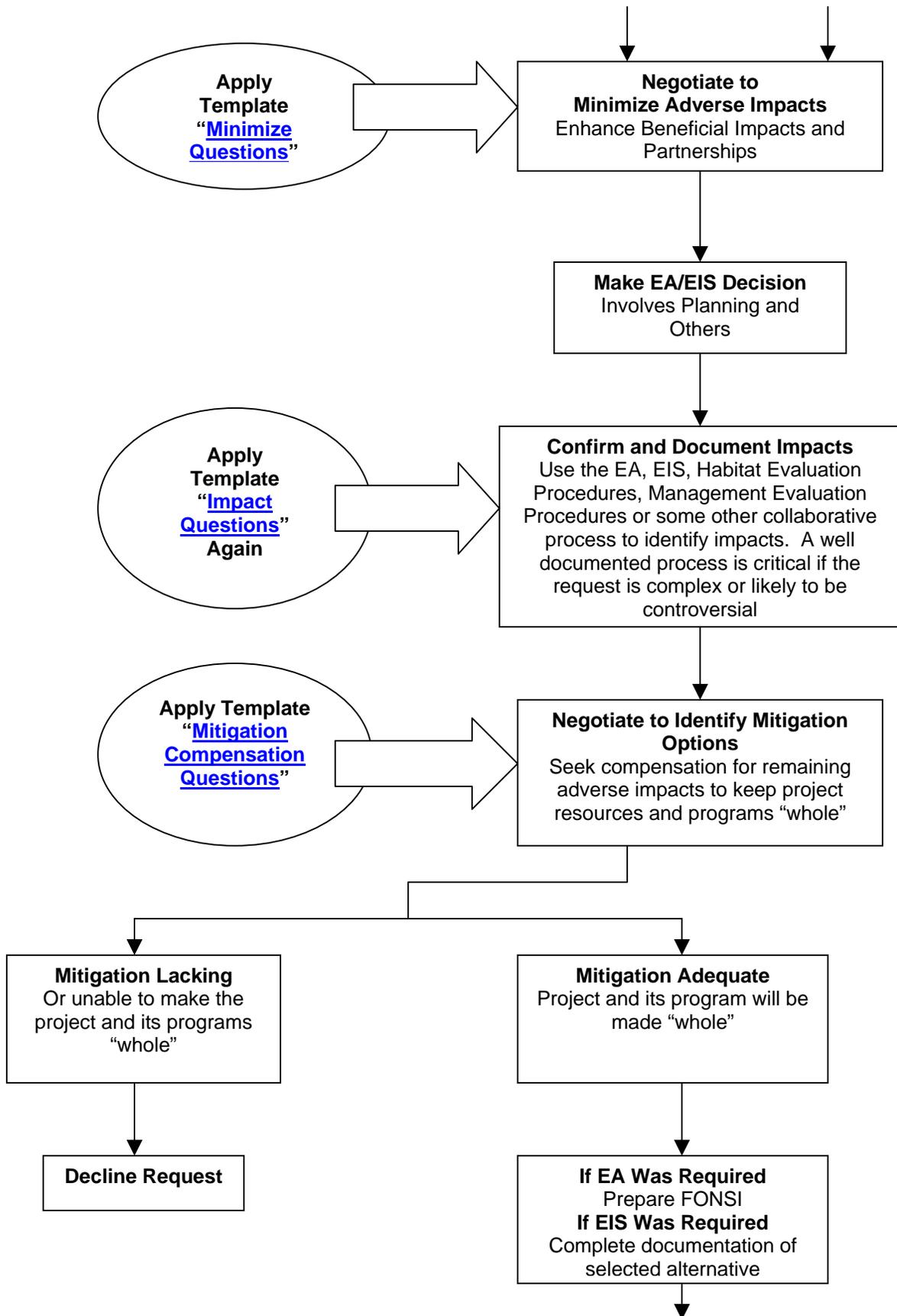
To be successful each evaluation must be thorough, fair, consistent, transparent, inclusive and well documented.

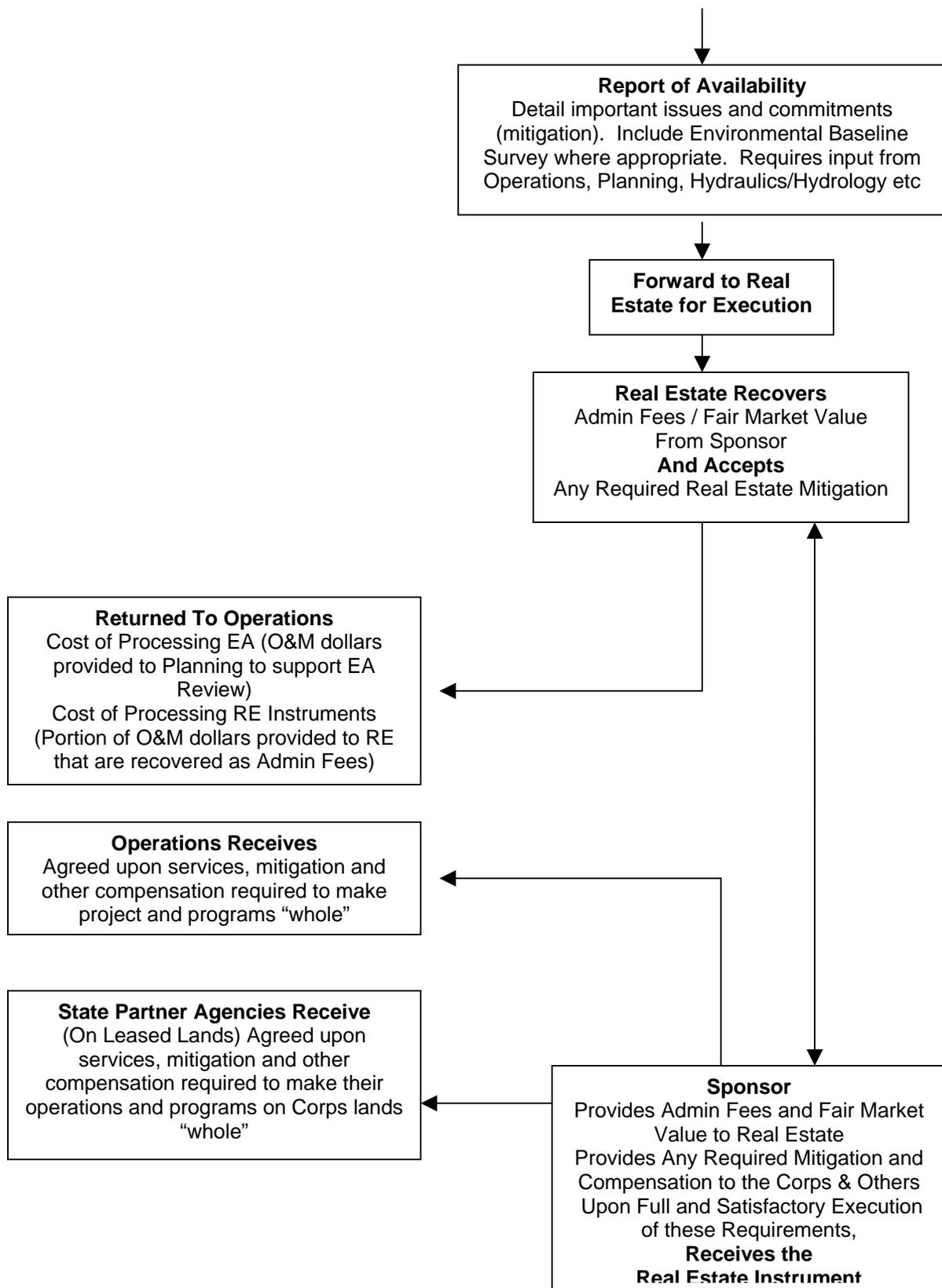
This process is well grounded in existing Corps' regulations. Those regulations are outlined at the end of this document.

[\(Go to Reference Regulations\)](#)

(This Flow Chart contains active links highlighted in color that connect to more detailed information on the particular highlighted subject. Click on the colored link to go directly to that resource.)







Land Use Evaluation Template

Making public lands available for new or expanded private and public uses requires fair, careful and consistent consideration. The following categories and questions are intended to prompt such review. The template can be applied at different points in the evaluation process, provides consistent criteria and helps ensure a thorough review. The answers establish the relative merits of a proposed land use, and help provide a record of our decision process

PURPOSE

Consistent with District, NRM and Real Estate policies?

Consistent with the project's authorized Purposes?

Who are sponsors and beneficiaries?

Consistent with the easement estates?

[\(Back to Identify Stakeholders\)](#)

IMPACTS

Identify and quantify (environmental, flood storage, recreational, etc.)

What are the public and private benefits and detriments?

What problems does the land-use solve or create?

Will the Corps, the project or the public we serve benefit from the proposed land use?

What's the scope and severity of impacts?

Are there likely to be cumulative impacts from similar land-use requests?

What are the implications for other projects or the District? Is this action establishing a precedent or varying from established protocols?

Is there likely to be significant political interest in the outcome?

[\(Back to Identify Obvious Impacts\)](#)

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AVOIDANCE

What can be done to accomplish the purpose and avoid the impacts?

Are there alternatives that avoid using public lands?

Are there alternatives that avoid one or more of the identified impacts?

[**\(Back to Alternatives\)**](#)

MINIMIZATION

What can be done to minimize the impacts?

Can the land-use proposal be modified to reduce the scope or severity of adverse impacts?

Can special conditions, considerations or requirements be incorporated into the proposal to reduce the impacts?

[**\(Back to Minimization\)**](#)

MITIGATION/COMPENSATION

What can be done to make the project whole?

For our project, our programs and our partners?

Actions, programs, access, lands, money or other?

Do the considerations specifically address and resolve unavoidable adverse impacts?

Are those considerations consistent with Corps policies and regulations?

[**\(Back to Mitigation\)**](#)

Supporting Regulations

1. ER 1130-2-540

1-2. Policy - Environmental stewardship shall include both passive and proactive management to sustain healthy ecosystems and biodiversity, and conserve natural resources, such that Corps lands and waters are left in a condition equal to or better than their condition when acquired, and such that those natural and cultural resources are available to serve the needs of present and future generations.

2. ER 200-2-2 Procedures for Implementing NEPA

Guidance on application of NEPA on Corps projects

3. ER 405-1-12 Real Estate Handbook Chapter 8 Real Property Management

8-53. Compliance with NEPA

a. Depending on the impacts of the proposed action, the environmental review required by NEPA will result in either: (i) A Record of Environmental Consideration (REC); (ii) An Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI); or (iii) an Environmental Impact Statement (EIS). There may also be cases where both an EA and an EIS are prepared.

8-57 protection and enhancement

a. " AR 405-80, "... Department of Army will not authorize use of real estate, water or natural resources when the use conflicts with the goals and intent of Federal policy and legislation on overall environmental quality."

b. ...the District Engineer will carefully consider the proposed use of the property by the grantee and the report of availability conditions and will supplement the general conditions to assure adequate protection of the environment.

8-170. General. Generally, Army and Air Force real property should not be made available for non-governmental facilities such as powerlines, pipelines or roads if suitable privately owned land is available.

4. DOT Act of 1966 Section 4(f)

“ After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, States, or local significance as determined by the Federal, State, or local officials having Jurisdiction therefore any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation areas, wildlife and waterfowl refuge, or historic sites resulting from such use.”

5. FHWA Section 4(f) Policy Paper June 7, 1989

“When Federal lands, which are needed for highway projects are not subject to Section 4(f), there is still a need for close coordination with the Federal agency owning or administering the land in order to develop a mitigation plan that would satisfy any other requirements for a land transfer.”

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