



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20314

REPLY TO  
ATTENTION OF:

DAEN-CWR-R

26 February 1980

SUBJECT: Private Exclusive Use at Corps of Engineers Civil Works Projects

SEE DISTRIBUTION

1. This letter establishes Corps of Engineers policy regarding utilization of land for private exclusive use at water resource projects.

2. You are all aware that a wide variety of usage has occurred in the past. On 28 May 1971, ER 1130-2-400 was issued. This regulation, paragraphs 13, 14 and 15, formalized overall policy guidance for private exclusive use. In essence, guidance provided by this regulation precludes new developments for such purposes on project areas. It further recognized the need to phase out such existing uses. Subsequently, limited isolated situations have occurred resulting in new developments of this type. The phase out of existing non-conforming areas, however, continues to be a problem within the Corps of Engineers, particularly as individual outgrants for such use approach their expiration date.

3. I have reviewed your responses to General Heiberg's letter of 26 October 1979 on this subject. I concur that the land and natural resource base available at projects under our jurisdiction should be for the benefit of the general public. However, I am convinced that at some projects exceptions for allowing private exclusive use may be an appropriate management option. This may be particularly true, as an example, at a large project remote from population centers resulting in low visitation at the project. In some cases, such situations can be anticipated to prevail over a projected period of time. In these instances, private exclusive use may be determined a compatible use of the existing project resources and may provide a means to maximize utilization until it is evident that the available resource base will be needed for higher priority purposes. Conversely, I am convinced that at other projects, by allowing private exclusive use, prime development sites needed for recreation which could serve a wider demonstrated public or group use need may be preempted. In these instances, it may be appropriate to preclude private exclusive use and where existing such uses now occur a phase out program should be initiated.

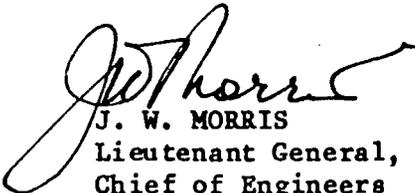
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4. I am, therefore, initiating a procedural policy for addressing private exclusive use which should ultimately result in assuring project resources for the public benefit in the future. This approach recognizes the need for the Corps of Engineers to be fair and equitable as a result of previous commitments entered into with owners of existing private exclusive use developments. Also, it envisions that in certain instances limited new or expansion of some existing developments may be permitted based on regional factors or site specific considerations. Essentially, this is a national policy which can be implemented on a regional basis. This will require you to submit to OCE for approval regional plans and recommendations addressing private exclusive use for Civil Works projects under your jurisdiction. I am requesting that your regional plans be submitted by 1 June 1980. I realize this is a short suspense, but I desire to have this policy in full implementation by 1 July of this year. Guidelines for implementing this policy are contained in Inclosure 1.

5. In OCE, approval of your regional plans and monitoring of your programs will be handled in DAEN-CWO. In addition, I request that an inventory of existing private exclusive uses be prepared and submitted to DAEN-CWO by 1 May 1980. Thereafter, annual reports will be submitted based on action taken, status and accomplishments. Also, I have asked Civil Works to coordinate with the Real Estate Directorate to ensure consistent revisions to pertinent regulations are in accord with the inclosed guidelines.

6. I feel certain that this approach and your efforts in implementing these guidelines will help resolve a difficult problem in a reasonable and equitable manner.

1 Incl  
Guidelines



J. W. MORRIS  
Lieutenant General, USA  
Chief of Engineers

DI STRIBUTION:

Division Engineer, New England  
Division Engineer, North Atlantic  
Division Engineer, South Atlantic  
Division Engineer, Ohio River  
Division Engineer, North Central  
Division Engineer, Southwestern  
Division Engineer, Lower Miss. Valley  
Division Engineer, Missouri River  
Division Engineer, North Pacific  
Division Engineer, South Pacific  
Division Engineer, Pacific Ocean