

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)).