

3. BOUNDARY MANAGEMENT.

a. REFERENCES.

1) ER & EP 1130-2-540 Chapter 5, \* Shoreline Management at Civil Works Projects\* , dated 15 Nov 96.

2) ER & EP 1130-2-550, Chapter 2, "Recreation Management," dated 15 Nov 1996.

3) ER & EP 1130-2-550, Chapter 10, "Use of Off-Road Vehicles on Civil Works Projects", dated 15 Nov 1996.

4) ER 405-1-12, the "Real Estate Handbook", Chapter 8, Change 30, dated 30 September 1994.

5) Title 36, CFR, Part 327.

6) "Operational Management Plan", project specific.

b. BOUNDARY POLICY AND GUIDELINES. It is the policy of the St. Louis District to permanently mark and maintain fee land boundaries. Permanent type survey markers shall be placed at all angle points or corners of project lands. As the administrators of these public lands, the Corps has the final responsibility of assuring that all monuments are maintained.

1) Annual Boundary Inspection and Maintenance.

(a) Perform maintenance on one-third of the total project boundary per year. Ranger personnel responsible for boundary line inspection will keep a log and map of missing monuments. Within a one-month period following the boundary inspection, the Operations Manager will prepare a memorandum through CO-T to the Survey Branch of Engineering Division stating what monuments are missing and requesting replacement for the following fiscal year. The manager will request that the missing positions are resurveyed and monuments replaced by registered surveyors. A cost code will be provided for the work and will request the survey work to be accomplished during the fall or winter. The Operations Manager will assure that money is requested in his annual budget request to cover a realistic amount of boundary resurvey work each year. Managers should see that a contract is awarded during the fall-winter to post boundaries during the time of resurvey work.

(b) Boundary Delineation. In addition to maintenance of boundary corners, boundary lines must be clearly delineated so that the using public and adjacent landowners are well aware as to where private land ends and public land begins.



Techniques for delineating the boundary may include, but are not limited to the following: signs and posts, tree and shrub plantings, paint, etc.

2) Surveillance. It is the responsibility of all rangers to insure that unauthorized usage or encroachments are not occurring and that the boundary line is adequately marked. Although not all rangers are assigned to boundary inspection and management duties, each ranger has the responsibility to perform minimal stewardship duties, including but not limited to, taking action when individuals are found performing encroachments such as mowing or agricultural activities, cutting trees, or other unauthorized uses of public, project lands.

3) Outgranted Lands.

(a) The Corps has the responsibility for monumentation of the project boundaries. This includes monumentation of outgranted lands.

(b) Outgrantees are required to delineate public lands administered by them with their own organizational signs. In addition, the Corps will provide various Corps boundary signs which are to be posted with theirs. Existing supplies of boundary signs are to be used until they have been exhausted. As older signs deteriorate they are to be replaced with boundary signs that comply with sign manual regulations.

(c) Operations Managers are to coordinate with Illinois and Missouri Department personnel in charge of managing outgranted lands to insure that they are carrying out this policy. Managers of outgranted lands should be advised 3 months prior to the due date for the monument replacement request, that they are to provide the Corps Operations Manager a list and maps of missing monuments which are to be included in his annual report to CO-T.

C. ENCROACHMENT CONTROL; POLICY AND GUIDELINES. It is the policy of the St. Louis District to protect all resources, natural, historical, developed and cultural on public lands administered by the Corps and maintain the integrity of public lands by preventing encroachments. The term encroachment applies to all unauthorized land uses whether they are encroachments, trespasses, or any other violation applicable to the entry and/or use of public fee lands.

1) Responsibilities.

(a) Construction-Operations Readiness Division is the action office for all encroachments. The authority in turn



has been re-delegated to each Operations Manager. It is the Operations Manager's responsibility to resolve all encroachments with assistance from other Corps Divisions and Federal agencies.

(b) Operations Managers are to establish and maintain a viable working relationship with other state and Federal governmental agencies having an interest in parks, recreation, conservation, law enforcement and other matters which are of concern in properly managing the project.

2) Identification and Reporting. All lake personnel shall familiarize themselves with the property lines, flowage easement elevations, contour lines, and the various types of encroachments which can occur. When an encroachment is discovered, every possible means will be attempted to resolve it at the field level. The corrective action to be taken is a discretionary matter. When an encroachment cannot be resolved at the field level, project personnel shall complete a Report of Trespass memorandum, with appropriate exhibits (segment maps, surveys, sketches, and photographs) attached, and forward to CO-T, for coordination with OC, if necessary. A copy of the form should be kept on file at the lake office.

3) Resolving Encroachments. Field offices shall keep a record of the steps taken to resolve encroachments, including records of telephone calls, letter correspondence with the violator, and personal conversations with the violator.

(a) Informal Persuasion. This is the most desirable method for removing an encroachment. A reasonable effort will be expended to make this method work.

(b) Formal Persuasion. Informal persuasion failing, encroachments will be handled by established Visitor Assistance procedures.

(1) Sending a violator, by certified mail, a cease and desist letter stating the unauthorized use and ask that the violation be corrected within a specified time period.

(2) A citation may be written under Title 36 to all violators who fail to comply with a request to cease and desist. Other options may include civil prosecution by the U.S. Attorney's office.

(3) Summary Removal: Section 327.20 (Unauthorized structures), Title 36, Chapter III, Code of Federal Regulations provides that structures not under permit are subject to summary removal by the District Engineer. Consider summary removal only after a violator has been placed on notice by



certified mail, and given sufficient time to remove the structure. After a violator's failure to respond to such notice, field personnel will inspect the structure, its foundation, and the contents therein to determine if they are likely to be damaged or destroyed by removal to private property, and a recommendation made to the Operations Manager. The only exception to this procedure pertains to items such as building materials and other miscellaneous personal property obviously belonging to an adjacent property owner. These items may be removed and placed across the property line, exercising caution to avoid trespass, by field personnel, if the violator is not present when such items are discovered, and if no damage or injury will occur to the property involved. Examples include fence posts, wire, playground equipment, portable grills, furniture, etc.

(4) Impoundment: Impoundment is a form of summary removal and may be used under certain conditions to cure an encroachment. Follow the same procedure as that for abandoned personal property. Notify the violator of his violation by certified mail and give 30 days to remove it. After this period, that facility may be impounded in place or removed to a storage area, whichever is more feasible. Collect the appropriate impoundment fee when the property is reclaimed or delivered to owner, where permitted under Title 36. Sale or disposal will be in accordance with the provisions of Sections 327.15, Title 36, Part 327.

(c) External Removal Actions. Remedial or preventive actions from sources outside the District Office are classified as "external action." Examples of external sources include the State Health Department, County Health Officials, County Judge or Commissioners, State Water Quality Board, local public officials, and local civic organizations.

The essential point is the protection of public lands from degradation, and assuring that public lands remain open to the general public. If an encroachment is of such a nature that immediate degradation of the public lands will take place if it is not stopped, a citation should be written for a mandatory court appearance without prior notice to the violator.

#### 4) Policy on Flagpoles Located on Public Lands.

a. All flagpoles existing on fee owned lands prior to the formation of this policy, whether intentional or unintentional on the part of the owners, will be permitted to remain in place. Owners of existing flagpoles will be issued permits, at no charge for an indefinite period. Conditions of the permit will limit the use of the flagpole to the display of

the American flag. If a flagpole constitutes a safety hazard, as defined by the Operations Manager, the owner will be directed to remove the structure.

5) Policy on Public Land Disposal as a Result of Boundary Line Resurvey. Enclosed.



ST. LOUIS DISTRICT POLICY ON  
PUBLIC LAND DISPOSAL AS A RESULT OF BOUNDARY LINE RESURVEY

1. The resurvey of the Lake Shelbyville fee boundary has shown the need for a firm set of guidelines when considering disposal of public lands to adjacent landowners. These guidelines will pertain to all District lands affected by a boundary resurvey.
2. No public lands will be considered available for disposal except those claimed by the District as a result of a resurvey performed by a registered land surveyor.
3. Once a parcel of land has met this requirement, it may be considered for disposal providing one or more of the following is met:
  - a. The new on-ground boundary line takes all or part of a non-movable structure for human habitation or major permanent outbuilding such as a barn or garage.
  - b. The now on-ground boundary line would effectively prevent the use of the remaining property by its owner. Examples include but are not limited to the following:
    1. Loss of road access.
    2. Reduction of the remaining property to a size where local building codes would prevent its development.
    3. Loss of structures or facilities such as a pond or well which effectively prevents the use of the remaining property.
  - c. The adjacent landowner has made a determined effort to locate his property through the use of a private survey, prior to any development on his land. This condition will not be considered when the adjacent remaining lands are being used for wood lots, grazing, farming, or open areas. Structural development must have taken place.
4. In all instances, disposals of public lands will be held to the minimum necessary to make the adjacent landowner whole.
5. No lands will be disposed of which would adversely affect the future operations of the project.

/s/  
ROBERT J. DACEY  
Colonel, CE  
Commanding