



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
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WASHINGTON, DC 20314-1000**

CECW-CO

MAY 10 2019

**MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND
DISTRICT COMMANDS**

**SUBJECT: Policy Guidance – U.S. Army Corps of Engineers Boundary Management
and Encroachment Resolution**

1. References.

- a. 2018-0060-IEE Prevention and Resolution of Encroachments.
- b. ER/EP 1130-2-540, Environmental Stewardship Operations and Maintenance Policies.
- c. EP 1130-2-550, Recreation Operations and Maintenance Policies, Chapter 17 Non-recreation Outgrant Policy.
- d. ER 405-1-12, The Real Estate Handbook.
- e. ER 1130-2-406, Shoreline Management at Civil Works Projects.
- f. Civil Works Land Data Migration Policy, 23 December 2013.

2. Background.

a. The U.S. Army Corps of Engineers (USACE) is responsible for the protection, integrity and stewardship of public lands and associated resources under its jurisdiction. Meeting this responsibility requires periodic surveillance and maintenance of the more than 38,000 miles of property boundary line in order to prevent encroachments and trespasses. These encroachments can have significant impacts on the Civil Works project's ability to carry out authorized purposes including life safety.

b. In Fiscal Year (FY) 2016, the Army Audit Agency (AAA) team conducted an audit of the boundary management program including boundary controls and encroachment resolution. The specific recommendations in the report stated that USACE does not have adequate controls in place to successfully manage the challenges of encroachment on fee title and flowage easement lands.

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3. Purpose. The purpose of this memorandum is to provide guidance on the boundary management and encroachment resolution process for improvement of preventing encroachments and increase efficiency of managing boundary assets. The AAA team identified three areas for improvement: prevention, management, and resolution of encroachments. This memorandum builds on those recommendations along with other internal business practices to improve USACE management of the fee and easement boundaries.

4. Prevention of Encroachments. The first aspect of managing boundary is prevention of encroachments.

a. Outreach Activities. Districts will engage the public with information on signs, markings, and boundary line conflicts. Educational materials such as brochures, maps and web-pages provide valuable information to the public. Meetings with communities, real estate agents, developers and county officials will assist when new developments present a risk of encroaching on a boundary or easement line.

b. Maintaining the integrity of the boundary. The key to preventing encroachments and achieving successful resolution is maintaining a clearly marked boundary, implementing regular boundary surveillance, coordinating with the public and applying consistent enforcement actions. Additional practices and procedures on boundary maintenance are included in Paragraph 5.a, below.

c. Civil Works Land Data Migration (CWLDM). The development of electronic geospatial information for real property and project boundaries will provide improved geospatial management of USACE property, land tracts and boundaries. Districts will continue to make progress and include budget work packages for CWLDM in the future budget cycles.

5. Management of Boundary and Encroachments.

a. Boundary Inspection and Maintenance. In accordance with ER 1130-2-540, Districts will proactively inspect and replace boundary identification such as fences, line signage, blazing, clearing, and survey monuments. These boundary features are USACE assets and as such should be evaluated for condition and risks. Projects will document inspections, condition assessments performed and discrepancies found. Additional monitoring should be completed in high density urban settings or when new construction, timber harvesting, or other activities are planned or have commenced near the government boundary.

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b. **Physical Compliance Inspections.** The boundary inspection process is an important part of maintaining the boundary and protecting project operations. Physical on the ground compliance inspections ensure the proper features are in place to identify the boundary and its integrity.

c. **Boundary Report and Plan.** An annual boundary report, with boundary Management Plan, will be maintained at the project.

Technology is an effective tool to improve inspections and surveillance. Use of Unmanned Aerial Systems, geospatial resources including satellite imagery and GPS technology will be used to efficiently locate and document potential encroachments.

6. **Reporting and Recording Encroachments.** Encroachments and trespasses of government real property shall be identified and resolved in a timely manner.

a. Simple acts of trespass may be resolved through voluntary compliance with project requests or the issuance of warnings or citations pursuant to Title 36 CFR (Code of Federal Regulations) at the project level. Acts of encroachment or complex acts of trespass, property damage involving structures, extensive placement of fill material or damage to landscapes should be carefully documented and coordinated with Real Estate and Office of Counsel, particularly where site restoration is sought.

b. **Real Estate Management Information System (REMIS),** managed by Real Estate Community of Practice (CoP), is the database of record for documenting and tracking project encroachments. Encroachments that have been identified shall be submitted to RE and placed in the REMIS database for tracking. RE shall record the encroachment in REMIS within 30 days of submittal by District Operations. Real Estate Office and Real Estate data systems of supporting District will be resourced and budgeted for as provided and approved in each Project's "Boundary Management Plan" and following Civil Works Operations and Maintenance budgetary guidance.

7. **Resolution of Encroachments.** Real Estate, with support of Operations and Office of Counsel, has the lead in resolving encroachments in accordance with ER 405-1-12. On a case by case basis, RE will evaluate the type of encroachment, history and causal factors to determine the course of action in the government's best interest.

8. **Resources and Budgeting.** Resources and funding are limited for boundary and encroachments efforts. These efforts must compete with all other activities that support USACE missions. Therefore, the funding should be risk based in accordance with Operational and Maintenance annual budgeting guidance. It is important to note that responsibilities on boundary and flowage easements cross multiple business lines. All

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flowage easement inspection, maintenance and resolution rectification will be funded under the Flood Risk Management business line. All other fee boundary inspection, maintenance and encroachment resolution will be funded under the Environmental Stewardship business line except where no Natural Resource Management element exists, then the work package shall be budgeted under the primary business line. Flowage easement and boundary activities may also be funded under joint work category codes where budgeting for joint work is authorized and activities benefit multiple business lines. Regardless of business lines funding the work, the appropriate funding level must be requested in the budget to support the required labor and resources for both Operations and Real Estate offices.

a. Work packages for all business lines should be well described and submitted within the normal budget development input to the Civil Works Integrated Funding Database. Appropriate Operations and Maintenance work category codes should be used under each business line that reflect the activity to be performed. The following phase activities codes shall be used to discern between types of work:

- (1) FE – Flowage Easement
- (2) FB – Fee Boundary
- (3) LD – Civil Works Land Data Migration

9. Metrics and performance tracking. REMIS will track encroachments and resolutions to encroachments.

a. The following will be reported from REMIS to Chief of Operations and Director of Real Estate on a semi-annual basis.

- (1) Total active USACE encroachments
- (2) Encroachments added in FY
- (3) Resolved encroachments in FY

b. Maintaining a positive rate of encroachments resolved/encroachments added will illustrate progress toward reducing backlog of encroachment. Due to expected increases in reporting of encroachments under this policy, the baseline for performance will be FY19.

c. The Natural Resources Assessment tool is the data interface for the recreation and environmental business lines and uploads into the Operations and Maintenance Business Information Link (OMBIL). OMBIL also collects additional information not found in REMIS including missing monuments and miles of boundary inspected and

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maintained. This information will be reported to the Chief of Operations and Director of Real Estate through the annual update process.

10. Summary. This memorandum directs Operations and Real Estate to move toward improved management activities related to boundary, flowage easement and encroachment management. The improved boundary management and encroachment resolution efforts will require efforts across the enterprise to improve encroachment prevention, maintenance, resolution and performance tracking.

11. The points of contact for this action are Jeremy Crossland, at (202) 761-4259 or jeremy.m.crossland@usace.army.mil for Operations and Michael Haskins at (202) 761-0441 or michael.w.haskins@usace.army.mil for Real Estate.



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