



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON DC 20314-1000

CECW-CO

March 4, 2026

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND  
DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS

SUBJECT: Execution of Section 1113 of the Water Resources Development Act of  
2024, Non-Recreation Outgrant Policy

1. Purpose: To provide enterprise-wide implementation guidance for Section 1113 of the Water Resources Development Act of 2024 (WRDA 2024). This memorandum establishes a consistent process and standard criteria for the review, evaluation, and approval of requests for non-recreational outgrants related to broadband and telecommunications infrastructure on USACE-managed lands and projects.
2. References:
  - a. Section 1113 of the Water Resources Development Act of 2024.
  - b. Engineer Regulation (ER) 405-1-12, Real Estate Handbook, Chapter 8, Real Property Management.
  - c. ER 1130-2-550, Chapter 17, Non-Recreation Outgrant Policy.
3. Section 1113 of WRDA 2024 requires inclusion in guidance of the evaluation and approval of nonrecreational real estate outgrant requests for the installation, on lands and waters operated and maintained by the Secretary, of infrastructure for the provision of broadband services. The guidance in this memorandum will be incorporated into ER 1130-2-550, Chapter 17, Non-Recreation Outgrant Policy when revised and is applicable to Headquarters and all Divisions, Districts, and Field Offices of the U.S. Army Corps of Engineers (Corps) with civil works responsibilities.
4. Section 1113 of WRDA 2024 requires that the benefits to the public be considered in evaluating a request for a nonrecreational real estate outgrant for broadband infrastructure. Districts should document these considerations in their evaluation in addition to the evaluation criteria which will be updated to incorporate this change in ER 1130-2-550, Chapter 17.9(b).
5. This provision requires financial factors to be considered when determining if there is a viable alternative to the installation of the broadband infrastructure on public lands. When evaluating whether a viable alternative exists, Districts will consider the financial information provided by the requestor regarding the cost of the various alternatives.

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Districts will consider viable alternatives to the utilization of public lands and waters. The objective is to assess whether an alternative is practically and economically feasible.

6. This provision requires a request to be expeditiously approved or denied after the submission of a completed application for such request and for any denial to include a detailed justification for the denial. In accordance with ER 450-1-12, Chapter 8, Districts should review an application and notify the applicant that the application is complete, or, in circumstances where it is not complete, the information needed to make it complete. Districts will review completed applications and render a decision expeditiously, subject to requirements of other applicable laws and regulations (e.g., National Environmental Policy Act). Use of applicable categorical exclusions should be used to the maximum extent possible. Any anticipated delays and their cause should be communicated promptly to the applicant with an anticipated decision date.

7. Nothing in this memorandum affects or alters the Corps' responsibility to carry out the water resource development project consistent with the purposes the project is authorized and to sustain and protect the natural resources of lands and waters operated and maintained by the Corps.

8. Questions regarding the execution of this provision should be directed to Mr. Michael Richards, National Land Management Program Manager, at Michael.G.Richards@usace.army.mil or 202-913-4070.

Enclosure

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SEC. 1113. NONRECREATION OUTGRANT POLICY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall update the policy guidance of the Corps of Engineers for the evaluation and approval of nonrecreational real estate outgrant requests for the installation, on lands and waters operated and maintained by the Secretary, of infrastructure for the provision of broadband services.

(b) REQUIREMENTS.—In updating the policy guidance under sub- section (a), the Secretary shall ensure that the policy guidance—

(1) requires the consideration of benefits to the public in evaluating a request described in subsection (a);

(2) requires the Secretary to consider financial factors when determining whether there is a viable alternative to the installation for which approval is requested as described in subsection (a);

(3) requires that a request described in subsection (a) be expeditiously approved or denied after submission of a completed application for such request; and

(4) requires the Secretary to include in any denial of such a request detailed information on the justification for the denial.

(c) SAVINGS CLAUSE.—Nothing in this section affects or alters the responsibility of the Secretary—

(1) to sustain and protect the natural resources of lands and waters operated and maintained by the Secretary; or

(2) to carry out a water resources development project consistent with the purposes for which such project is authorized.