



Wilmington District

LAND USE REVIEW

A STEWARDSHIP PROCESS



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IS THERE A NEED TO RE-EVALUATE OUR APPROACH TO STEWARDSHIP OF PUBLIC LANDS?

- During the 50's, 60's and 70's:
 - Reservoir lands were considered underutilized for recreational purposes.
 - Natural resources considered ample to accommodate most any type use
 - Development on public lands encouraged
 - Public lands made available for a variety of private and semi-public uses
- Today:
 - Dramatic increase in requests for use of our public lands
 - Better understanding of the importance of open space and natural areas
 - Water quality and water supply issues
 - Economic and quality of life values



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LAND USE REVIEW

- ✍ **Makes Public Lands Available for New or Expanded Private and Public Uses**
- ✍ **Process Requires Fair, Careful and Consistent Consideration**
- ✍ **Decisions Must be Documented and Defensible**



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HISTORICAL APPROACH ACCOMMODATING LAND USE REQUESTS

- **Sponsors Asked to Avoid or Minimize by Moving Off-Site or Co-Locating**
- **If Not Appealing to Sponsor, Impacts to Project Resources Accommodated**
- **Accommodation Viewed as Serving a Public Need**



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QUESTIONS WE ASKED OURSELVES

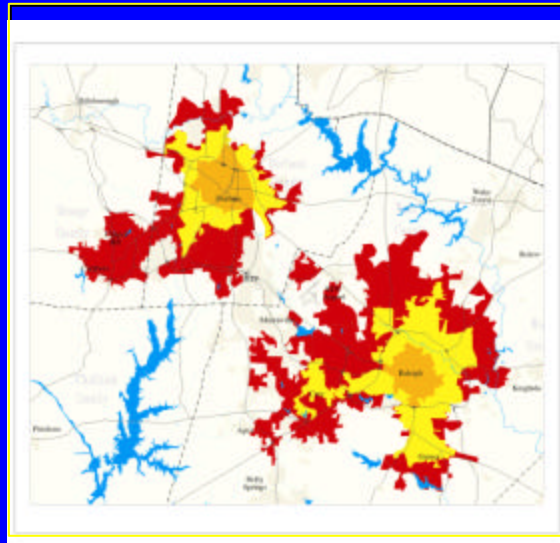
- As Stewards of these Public Lands,
What are the Long Term and Cumulative
Impacts of Accommodation on our
Limited Resources?
- We May Be Acting as “Good Neighbors”,
but Are We Really Serving the
Resources’ Best Interest?



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OUR WORLD HAS CHANGED

Research
Triangle Region
Urbanized Area,
1950 and 1990





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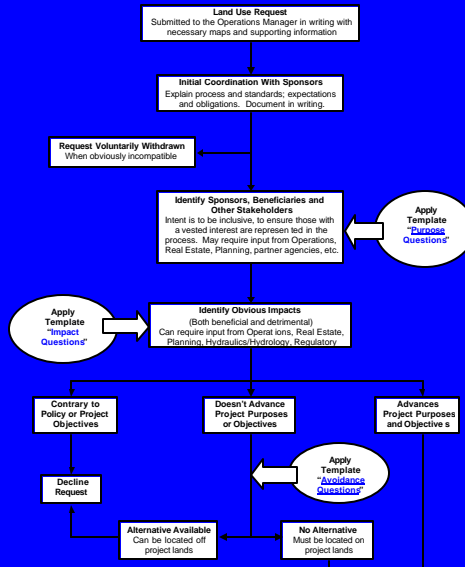
REVIEW TEMPLATE

- ✍ **A Set of Guiding Questions**
- ✍ **Applied at Multiple Points in the Evaluation Process**
- ✍ **Provides Consistent Criteria**
- ✍ **Ensures a Thorough Review**
- ✍ **Establishes the Relative Merits of a Proposed Use**



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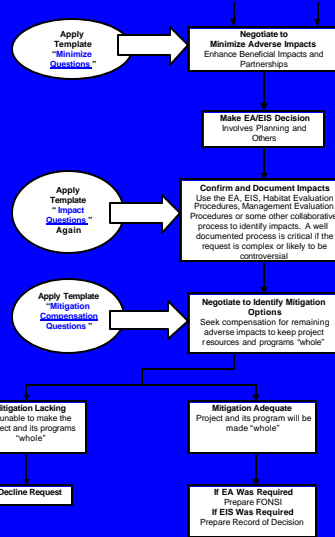
REVIEW PROCESS





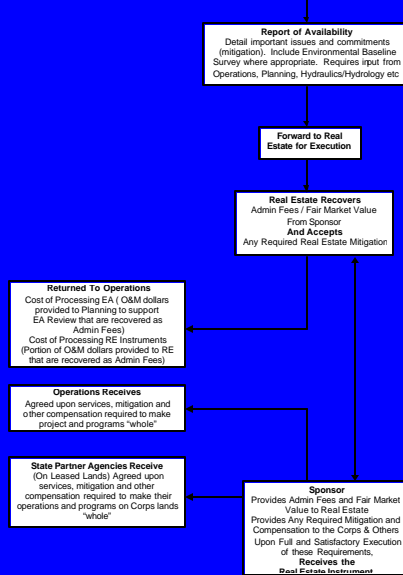
REVIEW PROCESS

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REVIEW PROCESS

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Land Use Template

PURPOSE

- Consistent with District, NRM and Real Estate policies?
- ? Consistent with the project's authorized Purposes?
- Who are sponsors and beneficiaries?
- Consistent with the easement estates?



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Land Use Template

IMPACTS

Identify and quantify (environmental, flood storage, recreational, etc.)

- What are the public and private benefits and detriments?
- What problems does the land-use solve or create?
- Will the Corps, the project or the publics we serve benefit from the proposed land use?
- What's the scope and severity of impacts?



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Land Use Template

IMPACTS

- Are there likely to be cumulative impacts from similar land-use requests?
- What are the implications for other projects or the District? Is this action establishing a precedent or varying from established protocols?
- Is there likely to be significant political interest in the outcome?



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Land Use Template

AVOIDANCE

- What can be done to accomplish the purpose and avoid the impacts?
- Are there alternatives that avoid using public lands?
- Are there alternatives that avoid one or more of the identified impacts?



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Land Use Template

MINIMIZATION

- **What can be done to minimize the impacts?**
- **Can the land-use proposal be modified to reduce the scope or severity of adverse impacts?**
- **Can special conditions, considerations or requirements be incorporated into the proposal to reduce the impacts?**



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Land Use Template

MITIGATION/COMPENSATION

What can be done to make the project whole?

- **For our project, our programs and our partners?**
- **Actions, programs, access, lands, money or other?**
- **Do the considerations specifically address and resolve unavoidable adverse impacts?**
- **Are those considerations consistent with Corps policies and regulations?**



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How Does Process Help??

- **Consistent & Collaborative**
- **Repeatable Results**
- **Saves Time**
- **Complete & Focused Evaluation**
- **Defensible**
- **Sets Clear Expectations**
- **Everybody's Singing from the Same Sheet of Music!**



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IS THE PROCESS SUPPORTED BY CURRENT POLICY?

ER 1130-2-540

- ✍ **Stewardship to Sustain Healthy Ecosystems and Biodiversity**
- ✍ **Left in a Condition Equal To or Better Than When Acquired**
- ✍ **Resources Available to Present and Future Generations**



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MORE REGULATIONS...

WHAT DO THEY SAY?

ER 405-1-12

Chapter 8

- ✍ 8-44 Site Specific Environmental Conditions Can Be Added**
- ✍ 8-53 Comply with NEPA**
- ✍ 8-57 Outgrant Won't Conflict With Environmental Policy & Legislation**
- ✍ 8-69 Outgrant Won't Interfere With Project Operations**



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AND MORE...

FROM CHAPTER 8

- ✍ 8-81 Seek Fair Market Value, Recover Admin Costs**
- ✍ 8-170 Easements Not Available for Non-Government Facilities if Suitable Private Land is Available**
- ✍ 8-180 Pipeline Easements may Include Site Specific Environmental & Operational Requirements**



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MITIGATION

WHAT'S THE OBJECTIVE?

- ✍ **Conserve Natural Resources for the Long Term**
- ✍ **Ensure Authorized Project Purposes Are Not Compromised**
- ✍ **Ensure Partners Programs Are Not Adversely Affected**
- ✍ **Ensure the Project's Natural Systems and Programs Are Functioning As Well or Better Than Prior to the Impacts**



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SUMMARY

- ✍ **Recognize there are Impacts to our Programs and Public Resources**
- ✍ **Look First for Viable Off-Site Alternatives**
- ✍ **Explore Creative Ways to Minimize Impacts**
- ✍ **Identify Remaining Unavoidable Impacts**
- ✍ **Explore Creative Ways to Mitigate Impacts and Make Our Projects and Programs Whole**
- ✍ **Ask for Compensation for Expenses Incurred**
- ✍ **Encourage RE to Pursue FMV & Admin Costs**



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Town of Cary / Amberly Sewer



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MITIGATION EXAMPLES

Town of Cary/Amberly Sewer

- ✍ **Mitigation Required to Compensate State Agency for Impacts to Public Lands & Management Programs**
- ✍ **3:1 Ratio - Acres of Land of Comparable Value Donated for Each Acre of Easement Granted**



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MITIGATION EXAMPLES

Town of Cary/Amberly Sewer

- ✍ **50 Foot Buffer Along Boundary**
- ✍ **Beneficial Plantings and Vehicle Barriers**
- ✍ **7 Acres Easement Mitigated by 22 Acres Donated**



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MITIGATION EXAMPLES

Town of Cary/Amberly Sewer

- ✍ **NCWRC Loss of Hunting Opportunities Mitigated by \$140,000 Donation to Wildlife Endowment Fund**
- ✍ **Reimburse Admin Costs for EA/FONSI and Real Estate**



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Cardinal Pipeline



**DIRECTIONAL DRILLING IN
PIPELINE CORRIDOR**



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Cardinal Pipeline



**CO-LOCATION OF
PIPELINE UTILITIES**



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MITIGATION EXAMPLES

Cardinal Pipeline

- ✍ **Temporary Construction License**
 - \$1,500 Fair Market Rental Value
 - \$1,500 Admin Costs RE

- ✍ **Right of Entry/Easement**
 - \$13,400 Fair Market Value for ROW
 - \$15,000 Admin Cost of EA/FONSI
 - \$5,000 Admin Cost RE



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MITIGATION EXAMPLES

Cardinal Pipeline

- ✍ **Mitigation Required to Compensate State Agencies for Impacts to Public Lands & Management Programs**

- ✍ **3:1 Ratio - Acres of Land of Comparable Value Donated for Each Acre of Easement Granted**



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MITIGATION EXAMPLES

Cardinal Pipeline

- ✍ **NCDNR 5.9 Acres Impacted**
 $5.9 \times 3 \times \$3,500/\text{Acre} = \$61,950$
- ✍ **NCWRC 1.1 Acres Impacted**
 $1.1 \times 3 \times \$6,000/\text{Acre} = \$19,800$
\$500 Lost Timber Value
- ✍ **Replant Disturbed Areas to Agency Specifications**