

GUIDELINES FOR IMPLEMENTING  
NATIONAL POLICY FOR PRIVATE EXCLUSIVE USE  
AT  
CORPS OF ENGINEERS WATER RESOURCE PROJECTS

1. OBJECTIVE. The objective of these guidelines is to effect national policy and the development of regional plans pertaining to private exclusive use at Corps of Engineers Civil Works projects.
2. PURPOSE. These guidelines establish a consistent base of definition, procedures and monitoring for use by division engineers in the development and implementation of regional plans for allowing or prohibiting private exclusive use at water resource projects within their jurisdiction. Guidance provided is intended to allow division engineers flexibility for establishing their program appropriate to each existing situation based on regional, project or site specific considerations.
3. DEFINITIONS. For the purpose of these guidelines, the following definitions apply:
  - a. Private Exclusive Use. The use and occupancy over an extended period of time of individually owned permanent structures for human habitation sited on public land and water areas at Corps Civil Works projects. Lesser forms of private exclusive use, such as individual boathouses, boat docks and piers, fencing, signing, landscaping, etc., are excluded from this definition, since they are the subject of concern under the lakeshore management program.
  - b. Permanent Structures. Those constructed or manufactured structures on land or water being used for human habitation as summer, semi-permanent, or permanent residences. Permanent structures normally take the form of floating cabins, cottages and non-transient mobile homes and trailers. Such developments are essentially subdivisions located on public property and have been developed at private, quasi-public, and commercial concession areas. Other forms of structures providing a short duration human habitation need on a first come, first served basis, such as lodges, motels, dormitories, cabins, etc., are not included in the definition of private exclusive use. Similarly, custodial-type quarters may be authorized at outgranted areas when justified for management or security purposes.
  - c. Floating Cabins. A floating permanent structure utilized for intermittent or extended human occupancy at a fixed mooring point. Floating cabins are usually not self-powered, and in many cases, have evolved from boathouses and do not possess the usual performance characteristics of a boat.

d. Houseboats. A self-powered flat-bottomed type vessel capable of supporting overnight occupancy. Houseboats have performance capabilities usually associated with boats and are not used for long term occupancy at a fixed mooring point.

e. Fair and Equitable. Conditions specifying the time of removal for individual or groups of private exclusive use structures which should be negotiated so that the financial and physical impact to owners will have been mitigated adequately through advance notice and extension of time to adjust to the fact of their eventual termination.

f. Regional Factors. Those natural and social conditions (i.e., climate, access, visitation (present and future), land requirements, water depth, length of recreation season, remoteness, topography, population density, etc.) used in the development of rationale for defining regions and choosing appropriate management options pertaining to private exclusive use.

g. Management Options. Planned actions by division and/or district engineers to implement established policies pertaining to private exclusive use at Corps of Engineers water resource projects.

h. Phasing. Phasing is a "step by step" approach for the eventual removal of private exclusive use structures. This is a specific type of management option that may be considered appropriate. As an example, such an approach could be implemented over time through successive negotiations of appropriate terms and conditions of a series of outgrant renewals upon expiration of each subsequent term. The objective of this approach is to provide a fair and equitable means to both the Government and the grantee for phasing out existing private exclusive uses.

i. Private Clubs. A group of individuals who associate for a common purpose, usually in an organization where benefits are limited to members of the group and not to the public generally. With respect to private clubs on Corps of Engineers project lands, such groups have taken the form of large corporate developments serving company employees, power boat clubs, sailing clubs, fishing and hunting clubs, swimming clubs, and other like organizations.

j. L/V Factor.  $L/V = \text{Land/Visitation} = \text{Fee Acres Above Normal Pool/Total Annual Visitation}$ . The most current information as contained in the Recreation Resource Management System (RRMS) will be used for calculating the L/V Factor.

#### 4. General Guidance.

a. National policy prohibits the expansion or the development of new private exclusive use; however, in some cases, permitting private exclusive use as defined may maximize use of project lands consistent

with the conservation of environmental values and the development of recreational resources for the public. Such use, however, will be considered a low priority and evaluated against existing resources and the future need for higher priority purposes. In some regions, or at specific projects where public demand for use of available project resources is not anticipated in the foreseeable future, such use could serve as an interim means to optimize utilization of public lands.

b. If it is determined that land resources are sufficiently adequate for allowing private exclusive use for the foreseeable future at a project, then guidance contained in ER 1105-2-167, dated 12 April 1978, subject, Resource Use: Establishment of Objectives, will be followed. Within the guidance provided by ER 1105-2-167, "private clubs" also will be evaluated in establishing resource use objectives. Private clubs will be considered a higher priority land use than private exclusive use in the development of master plans.

c. There is a set of definable regional factors which can be used to assist in screening projects which could afford interim opportunities for either new or expansion of existing private exclusive use. These regional factors include remoteness, experienced or projected visitation, and availability of land resources. Application of these factors in combination with each other will serve as a common baseline for evaluating the general compatibility of regional factors to allow or prohibit continuation of existing private exclusive use developments, or to allow new or expansion of such developments. It is recognized that application of such baseline information must be flexible. There may be other overriding parameters or regional factors, such as length of recreation season (climate), topography and accessibility to project areas which may otherwise influence a determination regarding the suitability for private exclusive use to be allowed or precluded at a particular project or group of projects. The intent of the definable regional factors is to provide a commonality of approach by applying a set of consistent criteria for initial assessment of project potential pertaining to private exclusive use at water resource development projects.

d. In terms of the set of criteria indicated in paragraph c, a project or site is considered remote if it is located in excess of 100 miles from a Standard Metropolitan Statistical Area (SMSA). Visitation becomes a factor when the ultimate visitation at a project has not been obtained or when it is not projected to be reached in the foreseeable future. Foreseeable future will be measured in increments of not less than five year or more than 25 year periods. The availability of land resources for interim use is a function of demonstrated or anticipated public use and the compatibility of the available resources to support such uses based on good planning principles and the establishment of sound resource use objectives. Regional plans permitting interim development of private exclusive use must recognize that it is subject to removal when a higher priority need becomes evident. In addition to the

remoteness criteria, if a project's visitation exceeds 2,000,000 visitor days annually, or when the L/V factor is less than .010, division engineers will consider that project as no longer remote even though it meets otherwise the above distance criteria from an SMSA. Since visitation at a project is the only dynamic factor in this set of criteria, these changes in the definition of remoteness should alert division engineers on an annual basis to public use being experienced at projects under their jurisdiction. These indicators should be used to implement modifications to approved regional plans for private exclusive use as may be determined necessary by the division engineer.

e. When it is determined that available land resources are limited and will be needed for higher priority purposes in the reasonably foreseeable future, existing private exclusive use should be precluded. In this event, where commitments for private exclusive use have been made, a phase out program of existing private exclusive use developments will be implemented. Such a program should be established on a fair and equitable basis based on regional, individual project or site specific considerations.

f. An exception exists to the policy allowing for private exclusive use as provided in paragraph a. This exception pertains to floating cabins and the existing requirement to phase out such developments by 31 December 1980. This date for removal of all floating cabins is specified in ER 1130-2-400 dated 28 May 1971. Such removal will continue to be pursued as part of all division engineers' regional plans. The reason for this exception is that suitable, safe or protected docking areas are believed more limiting than the land resources at Corps of Engineers water resources projects. The 31 December 1980 cutoff date still applies.

5. Procedures. The following procedures will be applied by division engineers for the development of regional plans for allowing or prohibiting private exclusive use at projects under their jurisdiction. Implementation of approved regional plans pertaining to private exclusive use, including the review and approval of annual inventory reports and program monitoring, rests with the division engineer.

a. As an initial step, division engineers are charged with the preparation and issuance of detailed guidance to district engineers for implementing the objective and purpose of these guidelines. Regional plans for either allowing or prohibiting private exclusive use will be based on informed judgment consistent with approved project Master Plans or studies for establishment of resource use objectives conducted in accordance with ER 1105-2-167. In either case, the more current information should be used.

b. Based upon information provided by district engineers, the division engineer will prepare a divisionwide summary report of existing private exclusive use. A summary table by type (i.e. floating cabins, cottages, non-transient mobile homes and trailers, etc.) per district and

additional tables by projects which would indicate name of grantees, current expiration dates, outgranted acreages and the number and type of private exclusive use at each outgranted area will be furnished HQDA, DAEN-CWO, by 1 May 1980. These summary inventory tables will serve as a common baseline for all existing private exclusive uses as of that date. In this regard, an annual inventory report will be furnished HQDA, DAEN-CWO, beginning 1 May 1981. Format for this annual inventory report will be furnished by DAEN-CWO after the summary report and inventory tables required above have been evaluated.

c. Division engineers will assure that regional plans for private exclusive use developed for projects under their jurisdiction will conform with the guidance contained in these guidelines. Format for regional plans is at the discretion of division engineers. As a minimum, regional plans will identify those projects where private exclusive use may be permitted now, and in the foreseeable future, in addition to those projects or sites where it is deemed necessary to establish phase out programs for existing private exclusive use. Rationale and supporting justification for either favoring or rejecting private exclusive use (new and/or continued) will be incorporated in the regional plan report. Regional plans should be based on associated regional, individual project or site specific considerations. All regional plans will be submitted to HQDA (DAEN-CWO) WASH DC 20314 for approval. Prior approval of a regional plan which includes private exclusive use which would either permit new such developments or allow expansion at existing sites is a prerequisite prior to the division engineers' approval of a Master Plan, Master Plan update or supplements thereto.

d. Consideration for phasing out existing private exclusive use will be contained in the regional plan. Such recommended actions should clearly stress the considerations within the definition of the term "fair and equitable." Development of phase out plans should consider a full spectrum of management options, including "phasing." Division and district engineers are encouraged to be resourceful and imaginative when considering management options. However, it is emphasized that careful, accurate and continued documentation dealing with the phase out program and its implementation must be maintained.

6. OCE Monitoring. The purpose of OCE monitoring is to trace the progress of division engineers' implementation of regional plans and programs as pertains to private exclusive use at Corps of Engineers water resources projects. The information requested in paragraph 5 of these guidelines will facilitate OCE's review of project master plans and approval of real estate outgrants as may be required in conformance with approval regional plans developed for private exclusive use.