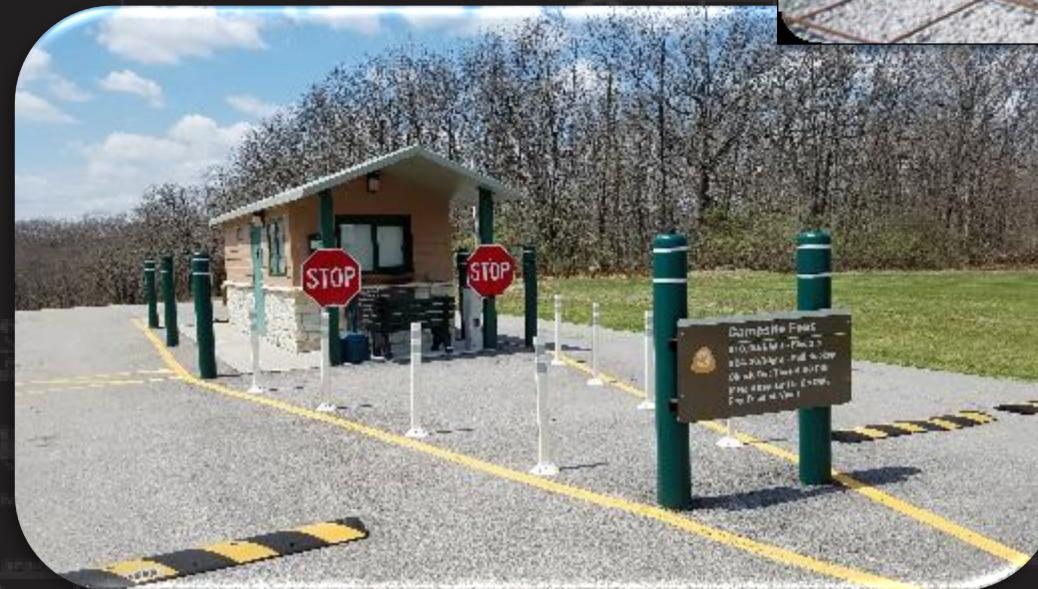


# WRDA 2016, SECTION 1155 MANAGEMENT OF RECREATION FACILITIES: CHALLENGE COST SHARING COOPERATIVE MANAGEMENT AGREEMENTS



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# Authority



Amends WRDA 1992 Section 225 (33 USC 2328) Challenge Cost-Sharing Program for the Management of Recreation Facilities (also known as Challenge Partnerships), by inserting:

- USER FEES:
  - **Collection of fees:** The Secretary may allow a **non-Federal public entity** that has entered into a challenge cost sharing agreement to collect user fees for the use of developed recreation sites and facilities, **whether developed or constructed by that entity or the Department of the Army.**
  - Use of visitor **reservation services\*\***: The non-Federal public entity may use, to manage fee collections and reservations, any visitor reservation service that the Secretary has provided for by contract or interagency agreement.
  - Use of fees: The non-Federal public entity that collects the user fees **may retain up to 100 percent** of the fees collected, and shall use any retained amount for operation, maintenance, and management activities **at the recreation site** at which the fee is collected.



# Eligibility

- Eligible non-Federal public entities for Cooperative Management:
  - State governments
  - County governments
  - Municipality or local governments
  - Public institutions of higher education
  - Indian Tribes
- Eligible areas:
  - Facilities and natural resources in Project Site Areas on Corps fee-title land (or any land on which the Corps fully operates and maintains PSAs, including Tribal lands)
  - PSAs that the Corps has historically fully operated and maintained (never outgranted)
  - Previously outgranted PSAs where the lease was terminated prior to 4 April 2018
  - PSAs that are outgranted or cooperatively managed where the lease or other agreement term ends or is otherwise terminated after 4 April 2018 must receive written approval from the ASA(CW) that the area is suitable for co-management and operation under Section 1155 before an agreement can be executed. *\*\* (Requesting approval at HQ level in ER update)*



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# Competition Requirement



- Notice to eligible non-Federal public entities:
  - Criteria and evaluation method for the notice to be developed by Operations Project Manager (OPM) with input and review by District Operations Chief and District Commander
- Notice distributed by District Commander
  - Avenues for distribution may include, but are not limited to district/project websites and social media pages, press releases through local/regional news media outlets, newsletters, PSA bulletin boards, etc.
  - Notices must be posted for a minimum of 10 calendar days
- Multiple public entities may submit a joint proposal to co-manage and operate one or more PSAs



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# Selection of Cooperating Partner Entity



- Selection
  - OPM will review proposals and make recommendations to the District Operations Chief and District Commander based on selection criteria provided in the notice
  - District Commander has the final partner selection approval and signature authority for the Challenge Cost Sharing Cooperative Management Agreement (CCSCMA)



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# Challenge Cost Sharing Cooperative Management Agreement (CCSCMA)



- Must use model agreement template
  - Model specifies areas where the Corps and partner have discretion to determine their respective operation and management responsibilities and contributions via negotiation
  - Any substantive deviations from all other provision of the model must be approved by the ASA(CW)
- Signed by District Commander (cannot be further delegated)
- Term:
  - Limited to an initial term of 5 years, with additional 5 option years without need for further competition
  - Option years must be executed within 30 days of initial term expiration
  - Beyond 10 years, partner must re-compete for opportunity



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**CHALLENGE COST-SHARING COOPERATIVE MANAGEMENT AGREEMENT  
(CCSCM)  
FOR RECREATION FACILITY  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
(ENTER NON-FEDERAL PUBLIC ENTITY HERE)**

THIS AGREEMENT, entered into this day of \_\_\_\_, 20\_\_, by and between the Department of the Army (hereinafter the "Government"), represented by the District Commander, U.S. Army Engineer District \_\_\_\_, and \_\_\_\_, (hereinafter the "Partner"), represented by \_\_\_\_.

WITNESSETH, THAT:

WHEREAS, the Partner is a non-Federal public entity that desires to assist the Government in the operation and management of *[insert Project Site Area(s)]* at *[Insert Corps project name]* (hereinafter referred to as the "Project Site Area") by providing goods and services specified herein at no cost to the Government;

WHEREAS, Section 225 of the Water Resources Development Act (WRDA) of 1992, P.L. 102-580, as amended, authorizes the Government to enter into agreements with non-Federal public entities to provide for the operation and management of recreation facilities and natural resources at civil works projects where such facilities are being maintained at complete Federal expense and permit the non-Federal public entities to collect and utilize user fees for the operation, maintenance, and management activities at such sites, and,

WHEREAS, the Government and the Partner have the full authority and capability to perform as hereinafter set forth and intend to cooperate in accordance with the terms of this Agreement;

NOW THEREFORE, the Government and the Partner agree as follows:

ARTICLE I – SCOPE



# CCSCMA Required Template



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# Partner Operations Plan



- Required document developed by the OPM and partner (no national template) that outlines the respective operations, management, and development activities to be undertaken by the Corps and the partner(s) over a specified period of time
- May span the entire duration of agreement or a shorter period of time agreed upon by parties
- Annual budget: Partner must submit a proposed annual budget to OPM for review and approval
- Partner is limited to activities and funding limits set forth in the Partner Operations Plan and Annual Budget.





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# Fee Collection and Fiscal Management



- Partner may collect Recreation Use Fees and Special Use Permit Fees (as defined by ER 1130-2-550 Chapter 9)
- Partner may retain up to 100 percent of the fees for Operation, Maintenance, Management activities at the PSA at which the fees were collected
- Sites/facilities where fees are collected can be developed by the partner or the Corps
- May only charge fees according to Chapter 9 guidance, utilizing Corps fee schedule
- Partner must accept ATB and Corps Annual Day Use passes and discounts



# Fee Collection and Fiscal Management

- Partner may charge fees for outdoor recreation equipment and services provided for visitor use (i.e firewood, ice, laundry, shower, dump station, rent-a-tent, kayaks)
- All monies received must be used by the partner in accordance with the Partner Operations Plan and approved annual budget
- Partners may use fees to fund contractors and partner staff (term, temporary, seasonal or permanent)
- Partner must provide annual statement of receipts and expenditures to District Commander (via the OPM and District Operations Chief)



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# Construction and Equipment

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- Partner may construct facilities and acquire equipment to operate/maintain the PSA, as approved in the Partner Operations Plan
- All partner constructed facilities and equipment funded from user fees will become property of the Corps
- The Corps may provide/loan equipment, materials, and supplies to the partner to operate and maintain the PSA
- Partner staff may operate Government-owned vehicles, vessels, and equipment with proper training/licensing according to Corps standards
- Partner may procure and manage contracts for services as required under the CCSCMA and the Partner Operations Plan



# Other Key Points

- **Use of R1S reservation service: Need to get new legislative authority to handle the fee collection and disbursement to the partner or Booz Allen Hamilton needs to handle all fees.** In the meantime, partner can use their own reservation system (with information and link/phone number on Rec.gov website) or collect fees on first come-first served/no-reservation basis.
- **CCSCMAs do not** require a partner to receive an outgrant or other form of real estate interest
  - The Corps reserves the right to grant real estate interests within the co-managed PSA and it is the Corps' sole responsibility to administer requests, make awards, and manage grants for real estate interests within the co-managed area.
  - If the partner desires to receive a real estate interest from the Corps to perform activities beyond the scope of the CCSCMA (such as a concessionaire lease), districts and project offices will handle those requests in accordance with existing real estate regulations. The partner will not receive preference or an advantage as a result of a CCSCMA.
- No fixed rate of cost share. Percentages are determined by mutual agreement between the Corps and the partner(s). The roles of each entity are flexible. At the very minimum, the Corps must continue to provide visitor assistance ranger patrols.



# Other Key Points

- CCSCMAs may involve multiple public partners
- Although WRDA 1992 Sec 225 uses the term 'cooperative agreement', CCSCMAs are NOT cooperative agreements as that term is used under the Federal Grant and Cooperative Agreement Act of 1977
  - Not subject to Department of Defense Grant and Agreement Regulations
  - Not executed by a certified grants officer
  - Does not transfer a thing of value from the Corps to a non-Federal entity
- CCSCMAs do not involve a contract. The required paperwork includes the CCSCMA and Partner Operations Plan, which are developed by the OPM/District Operations Chief, and coordinated with Office of Counsel for review, and signature by the District Commander



# Potential Benefits of CCSCM Agreements



## To the Corps:

- Cost savings: Partner takes over some of the O&M costs
- Less contracts: Partner can potentially take over some/all contracts within the PSA
- Better services/longer seasons: Diminished budgets = diminished services/park closures. This may be a way to keep areas open that are at risk of closure or shorter seasons.
- Visitation: In contrast to a full outgrant, the Corps gets to count their visitation at a co-managed PSA
- Fee retention: Partner collected fees get reinvested into the PSA for operations and upgrades

## To the Partner:

- Fee collection/retention: Can use to pay for more staff, increase operational capacity of their organizations
- Partners that might not be able to afford O&M of a full outgrant, might be able to co-manage a PSA with the Corps
- Similar mission: Desire to provide quality recreation opportunities for the public beyond what they already own, operate and maintain
- Hands on experience: If a public university partners to co-manage, provides recreation students real life experience and funds their salaries.

## To the Public:

- Park improvements
- Longer seasons, better services, open parks



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# What's Next?

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- Seek new legislation to allow full use of reservation system by the partner (or work with BAH to change internal operations/handling of funds), expansion to nonprofits and ability to enter into agreements for multiple PSAs
  - *LAKES Act of 2023: if passed, will address all three issues*
- Update procedures in ER 1130-2-550, Chapter 9 Recreation Use Fees related to fee collection and retention by entities cooperatively managing Corps parks
- Get ASA approval for new ER chapter for CCSCMA program

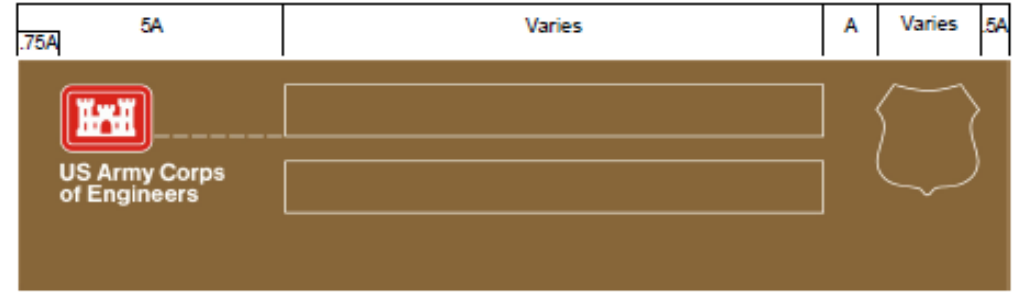


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# EP 310-1-6A Sign Manual Guidance for Co-Managed PSAs



## Section 5: Standard ID Signs



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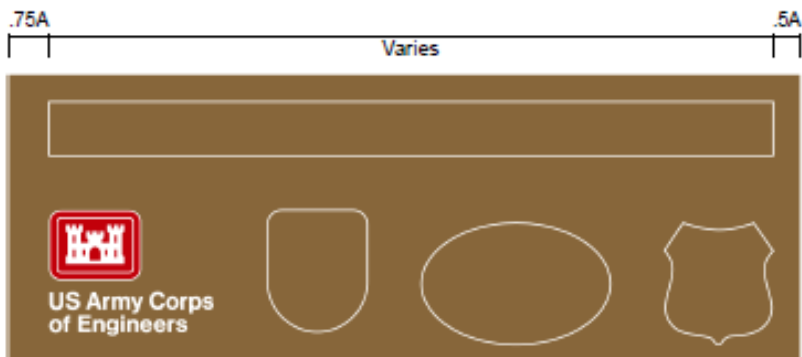
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