

## NATURAL AND CULTURAL RESOURCES

To your knowledge,

- Does the property required in the action have any historic significance?
- Are you aware of any cultural or historic resource studies that have been conducted on the property?
- Are you aware of any endangered species on the property?
- Have any environmental studies been performed on the property?
- Are you required to perform any of the above studies by state law?

## REGULATORY INFORMATION

- Will the proposed action impact a wetland, a stream, or river?
- Will the proposed action require a regulatory permit?
- Status of Permit, if applicable.

Official copies of the Non-Recreation Outgrant Policy and the Recreation Development Policy are available upon request at your local Corps office or by contacting (304) 399-5292.

**Depending on the nature of the proposal and work to be accomplished, permission may be required under both the Outgrant and the Regulatory Program.**

In addition to the requirement to obtain an outgrant to perform work on federal land, some actions are governed by laws that require the applicant to obtain other permits. The applicant is responsible for obtaining all necessary permits. Work cannot begin until all permissions have been obtained in writing.

Please see the Regulatory Program Section for additional information.

## REGULATORY PROGRAM

Corps of Engineers regulatory authorities and responsibilities are based on the following laws:

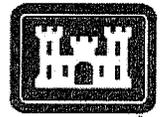
- **Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)** prohibits the obstruction or alteration of navigable waters of the United States by requiring a permit from the Corps of Engineers for any work conducted in, under, or over navigable waters.
- **Section 404 of the Clean Water Act (33 U.S.C. 1344)** Section 301 of this Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.

Other laws may affect the processing of applications for Corps of Engineers permits. Among these are the National Environmental Policy Act, the Coastal Zone Management Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Deepwater Port Act, Federal Power Act, Marine Mammal Protection Act, Wild and Scenic Rivers Act, and the National Fishing Enhancement Act of 1984.

For additional information on permitting and the Regulatory Program, please contact the appropriate Corps regulatory office shown below:

Kentucky	502-315-6675
Ohio	304-399-5210
West Virginia	304-399-5710
Virginia	276-206-8347

FOR ADDITIONAL INFORMATION, CONTACT  
U.S. Army, Corps of Engineers, Huntington District ,  
Real Estate Division  
502 Eighth Street  
Huntington, WV 25701  
(304) 399-5292 Office  
(304) 399-5218 Fax



**US Army Corps  
of Engineers.**

Huntington District

# Outgranting Federal Land



A Real Estate guide of the outgrant process to assist individuals interested in using federal land.

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## WHAT IS AN OUTGRANT?

An outgrant is a written, legal document that authorizes the right to use real property managed by the Corps of Engineers and establishes the time-frame, consideration, conditions and restrictions of its use. There are three basic types of outgrants:

A *lease* is a written agreement for the possession and profits of land for a specified period of time, in return for consideration, generally in the form of rent. Leases may contain express conditions limiting the use of property for a specific purpose.

An *easement* is a right of one party to use land for a specific purpose that is not inconsistent with the general property rights of the Government. Easements, which are generally for linear rights-of-way, convey an interest in real estate that is limited to a specific purpose. Consideration may be in the form of cash or in-kind services.

A *license* is the authority of one party to enter upon land to do a particular act, or series of acts, without possessing any interest in the land. Consideration may or may not be reserved in cash or in-kind services. Licenses convey no real estate interest and limits the action to a specified use. A license authorizes temporary use of the land and is revocable at will.

## FEES AND ADMINISTRATIVE COSTS

The applicant is responsible for the administrative costs associated with evaluating a proposal and any studies that may be needed to determine viability of the proposal. Consideration for the outgrant and mitigation, if required, are also the responsibility of the applicant. An estimate of all administrative costs and fees will be provided to the applicant in writing. Administrative costs must be paid before review of the proposal can begin.

## THE OUTGRANT PROCESS

Proposals for use of federal property should be submitted to the Resource or Facility Manager at the project where the proposed action is to take place. The Manager will provide the initial review of the request, identify project concerns, and provide special conditions to apply if the proposal is approved.

The request package is forwarded to Management Branch, Real Estate Division, where it is assigned to a Realty Specialist. The Realty Specialist will serve as the primary point of contact for the applicant as the proposal is evaluated by the Corps' Regulatory, Planning, and Engineering Divisions to determine the availability of the property for an outgrant. In some instances, it may be necessary to coordinate the request with an existing grantee to assure there are no conflicts in use with previously outgranted areas.

All requests for use of government property are evaluated based on criteria established by policy. The use of project lands is generally not available for non-governmental facilities except in cases where it is the only reasonable option or the use provides a direct benefit to the government. All requests submitted for recreational developments must support the authorized project purposes, meet recreational demands, and be dependent on the project's natural or other resources.

The Realty Specialist will contact the applicant throughout the process to provide status and when a decision is made. If the request is denied, the basis for the decision will be shared with the applicant. If approved, the appropriate outgrant will be prepared and the Realty Specialist will discuss the standard terms and conditions, consideration, and the special stipulations with the applicant. When the outgrant is signed and executed by all parties, and all required permits have been obtained, work may begin in accordance with the agreement.

## SUBMITTING A PROPOSAL

The following guidelines are provided to help you prepare a request package that is accurate and complete. This data will assist the Realty Specialist in reviewing the proposal and providing you feedback, additional information and guidance. The following information should be provided:

### GENERAL INFORMATION

- Name, address, and phone numbers of applicant, including the legal entity to whom the outgrant will be assigned.
- Point of contact for processing.
- A detailed description of the purpose, need, and objective of the request.
- A preliminary site plan on a USGS topographic or a Corps of Engineers map identifying location and estimated acreage of proposed area.
- A description of the existing site characteristics and conditions (i.e., existing roadbed, forest land, overgrown hill side with timber, meadow, etc.)
- Preliminary plans and specifications for the proposed outgrant, including structures, if any.

### CONSTRUCTION INFORMATION

- Right-of-way limits for temporary construction and duration of time needed.
- Right-of-way limits for permanent construction.
- Dimensions of item to be installed (i.e., 900' of 8" pipeline, 12' x 10' underground storage tank, etc.)
- Complete installation and/or construction details.
- Construction start and completion dates, as well as deadlines or tight schedules.