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

REPLY TO
ATTENTION OF

CEMP-CR

09 MAY 2013

MEMORANDUM THRU COMMANDER, South Atlantic Division, US Army Corps of Engineers, ATTN: CESAD-PDS-R (Mr. William Thompson), 9M15, 60 Forsyth Street, SW, Atlanta, GA 30303-8801

FOR COMMANDER, Mobile District, US Army Corps of Engineers, ATTN: CESAM-RE (Dr. Willie Patterson), 109 St. Joseph Street, Mobile, AL 36602-3605

SUBJECT: Implementation Guidance for Section 3054, Allatoona Lake, Georgia - Water Resources Development Act 2007

1. This implementation guidance is for section 3054 of the Water Resources Development Act 2007 and provides for the acquisition and conveyance of land at Allatoona Lake, Georgia.

2. The Corps is authorized to exchange land at fair market value that is above 863 feet in elevation, as identified in the Real Estate Design Memorandum (REDM) prepared by the Mobile District and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake. The basis for all land exchanges will be a fair market appraisal to ensure that land exchanged is of equal value.

3. Furthermore, the Corps is authorized to sell land above 863 feet in elevation that was identified in the aforementioned REDM to club site lessees, and use the proceeds, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and the protection of the water quality and overall environment of Allatoona Lake. Land acquired will be by negotiated purchase from willing sellers. The basis for the acquisitions and disposals authorized in the legislation will be a fair market value appraisal acceptable to the Corps.

4. Designated "purchasers" under this legislation include the Corps and those club site lessees at Allatoona Lake identified in the REDM. Each purchaser of land must share in the associated purchase costs, including planning, survey, mapping, appraisal, environmental review, fees and other associated expenses, in accordance with the REDM, which contemplated an equal split of those costs. The sharing of costs referenced in the REDM include those costs associated with the club site lessees purchase of land from the Corps and the costs of the Corps to purchase land from third parties on the north side of Allatoona Lake. Accordingly, the "sharing" of purchase costs will be effected as follows: the Corps will pay 100% of costs associated with the purchase of lands on the north side of Allatoona Lake and the club site lessees purchase of land at Lake Allatoona, designated in the REDM, will pay 100% of the costs associated with their purchase.

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5. The club site lessees purchasing land at Lake Allatoona may defray costs associated with their purchase by providing non-internal work products which result in a report or written document, such as appraisals, surveys, mapping, legal descriptions, suitable for recording in the local land records, and environmental, cultural and historical assessments. The Corps will review all purchaser provided work products to ensure conformance with federal requirements.

6. The District is authorized to use the proceeds from the sale of club site lessees identified in the REDM without further appropriation. The District must set up a standard operating procedure and appropriate accounts similar to the procedures established to implement Section 301 of the Water Resources Development Act of 2000 with regard to acquisition and sale of lands at the Tennessee-Tombigbee Wildlife Mitigation Project and in accordance with CECW-IP Memorandum dated 17 September 2010, Subject: Collection of Civil Works Appropriation Reimbursements. However, any reapportioned funds returning to the District may only be used to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake. Any established accounts from the sale of club site lessees must remain open until such time as all the land required for such purposes is purchased.

7. For each acquisition and conveyance, please adhere to Army Regulations and Engineer Regulations/Circulars. A Disposal Report must be completed with appropriate environmental documentation in conformance with all applicable laws. Exact acreage should be determined by survey.

8. Any questions regarding this guidance should be addressed to Ms. Tonya Bright, CEMP-CR, at 202-761-4904.

FOR THE COMMANDER:

Enclosure

SCOTT L. WHITEFORD
Chief, Real Estate Division
Directorate of Military Programs

SEC. 3054. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.