



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

CEMP-CR

07 FEB 2014

MEMORANDUM FOR COMMANDER, NORTHWESTERN DIVISION (CENWD-RE)

SUBJECT: Implementation Guidance for Sections 3182 (g) and (k) of the Water Resources Development Act (WRDA) 2007 - Land Conveyances, Boardman, Oregon

1. This memorandum provides implementation guidance for Sections 3182(g) and (k) of WRDA 2007 that amended Section 501(g) of WRDA 1996 and authorized the Corps to convey land acquired for the John Day Lock and Dam Project currently under lease to the Boardman Park and Recreation District to said District. A copy of these provisions are enclosed.
2. This conveyance is subject to such terms and conditions as the Secretary of the Army (Secretary) considers appropriate and necessary to protect the interests of the United States. The exact acreage for conveyance shall be determined by a survey that is satisfactory to the Secretary. The Boardman Park and Recreation District shall hold the United States harmless from any liability with respect to any activities carried out on or after the date of the conveyance of any property, and the United States shall remain responsible for any liability with respect to activities carried out before the date of conveyance of the real property.
3. Subject to the availability of funds, the Corps is authorized to convey the approximately 126 acres currently under lease to the Boardman Park and Recreation District to be retained in public ownership and used for public park and recreation purposes subject to a reversionary interest if such property is no longer used for public park and recreation purposes. Actual reverter language for the deed will reflect state law and should be reviewed by District and Division Real Estate and Counsel Offices and coordinated with CEMP-CR and CECC-R. The conveyance is also subject to retention of a flowage easement over portions of the property the Secretary determines necessary for the operation of the project.
4. Properties that will be retained in public ownership and used for public park and recreation purposes will be conveyed without consideration. Should the Boardman Park and Recreation District request that property not be retained in public ownership and be used for purposes other than public park and recreation, the Corps will review such request. If this request is approved, it shall be conveyed at fair market value. An appraisal report must be prepared to establish the fair market value. The Boardman Park and Recreation District is responsible for all reasonable and necessary costs, including the real estate transaction and environmental documentations costs, associated with this conveyance.
5. This conveyance is subject to Public Law 100-581, Title IV, Columbia River Treaty Fishing Access Sites, Section 401(e). Accordingly, the Secretary of the Interior is vested with the right of first refusal with regard to the property to be conveyed to the Boardman Park and Recreation District.

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6. The District should complete a Disposal Report with appropriate environmental documentation to support the National Environmental Policy Act; the Comprehensive Environmental Response, Compensation, and Liability Act; and other applicable laws. Screening for further federal use of any of the land to be conveyed is not required. This conveyance will be by quitclaim deed and will be executed by the Director of Real Estate.

7. Any questions regarding this guidance should be addressed to Tonya Bright, CEMP-CR, at 202-761-4904 or Laura Ouverson Norman, CECC-R, at 202-761-0023.

FOR THE COMMANDER:



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

Enclosure

**SEC. 501 (g) of WRDA 1996 amended by SEC. 3182 (g) and (k) of WRDA 2007**

**SEC. 501. LAND CONVEYANCES**

(g) BOARDMAN, OREGON.—

(1) *IN GENERAL.*—The Secretary shall convey to the city of Boardman, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of such city currently under lease to the Boardman Park and Recreation District.

(2) *CONSIDERATION.*—

(A) *PARK AND RECREATION PROPERTIES.*—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to such property shall revert to the Secretary.

(B) *OTHER PROPERTIES.*—Properties to be conveyed under this subsection and not described in subparagraph (A) shall be conveyed at fair market value.

(3) *CONDITIONS CONCERNING RIGHTS AND EASEMENT.*—The conveyance of properties under this subsection shall be subject to existing first rights of refusal regarding acquisition of the properties and to retention of a flowage easement over portions of the properties that the Secretary determines to be necessary for operation of the project.

(4) *OTHER TERMS AND CONDITIONS.*—The conveyance of properties under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

**SEC. 3182. LAND CONVEYANCES**

(g) BOARDMAN, OREGON.—Section 501(g)(1) of the Water Resources Development Act of 1996 (110 Stat. 3751) is amended—

(1) by striking “city of Boardman,” and inserting “the Boardman Park and Recreation District, Boardman,”; and

(2) by striking “such city” and inserting “the city of Boardman”.

(k) *GENERALLY APPLICABLE PROVISIONS.*—

(1) *SURVEY TO OBTAIN LEGAL DESCRIPTION.*—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) *APPLICABILITY OF PROPERTY SCREENING PROVISIONS.*—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) *ADDITIONAL TERMS AND CONDITIONS.*—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(4) *COSTS OF CONVEYANCE.*—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) *LIABILITY.*—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out before such date, on the real property conveyed.