



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON DC 20314-1000

SEP 29 2008

CEMP-CR/CECC-R

MEMORANDUM FOR CESWD-PDS-R and CECC-SWD

SUBJECT: Implementation Guidance for Sections 3182(j) and (k) of WRDA 2007 – Land Conveyances - Denison, Texas

1. This memorandum provides implementation guidance on Sections 3182(j) and (k) of WRDA 2007. The Corps is authorized to offer to convey, at fair market value, approximately 900 acres of land located in Grayson County, Texas to the City of Denison, Texas ("City"). This land is currently subject to an application by the City for a lease for public park and recreational purposes dated August 17, 2005. The exact acreage and legal description for this conveyance shall be determined by a survey that is satisfactory to the Army. Only land subject to the City's application for a public park and recreation lease can be conveyed under these Sections and no other project lands may be conveyed under this authority.
2. Deed restrictions, including the retention of a flowage easement, will be required for all land conveyed below the 645-foot elevation to assure that the project can be operated and managed in accordance with all of its authorized purposes (flood control, water supply, hydropower, fish and wildlife and recreation) and to assure compliance with Federal environmental and other laws. Final deed restrictions on the conveyance, including land above elevation 645, are dependent on the review of the land use development plan and the outcome of the National Environmental Policy Act (NEPA) process. The Army is committed to the minimum possible deed restrictions on lands above 645 feet.
3. A Disposal Report shall be completed with appropriate environmental documentation to support NEPA; the Comprehensive Environmental Response, Compensation, and Liability Act; and other applicable laws. The NEPA compliance for this conveyance requires an Environmental Impact Statement (EIS) analyzing all direct, indirect and cumulative impacts associated with the conveyance and must reflect a thorough examination of existing conditions at Lake Texoma, as well as reasonably foreseeable development, and afford public participation in the process. This must include any changes in the Shoreline Management Plan (SMP) that may be needed to make the zoning in the conveyed area compatible with intended uses. A comprehensive update of the lake-wide SMP will not be required to complete the transaction, and will be pursued as a separate action by the Corps. The NEPA analysis and review for the land conveyance will be done in advance of the NEPA analysis and review required for the update of the lake-wide SMP.
4. No land can be conveyed until it is surveyed and mapped, appraised to determine its fair market value and all environmental requirements are met. Upon completion of these activities,

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the City may accept the offer of conveyance, which has been made. Within 90 days of the acceptance of the offer by the City the land will be conveyed to the City by quitclaim deed.

5. In accordance with Section 3182(k)(4), the City is responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

6. In accordance with Section 3182(k)(5), the City 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. Screening for further federal use is not required. In addition, the Army may require additional terms and conditions considered appropriate and necessary to protect the interests of the United States.

7. Any questions regarding this guidance should be addressed to Laura Ouverson Norman at 202-761-0023 or Clayton Redmond at 202-761-1548.

FOR THE COMMANDER:



SCOTT L. WHITEFORD

Acting Chief, Real Estate Community of Practice
Directorate of Military Programs