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

REPLY TO
ATTENTION OF

FEB 2 7 2015

CEMP-CR

MEMORANDUM THRU COMMANDER, U.S. Army Corps of Engineers, Northwestern Division, ATTN: CENWD-PDS (Mr. Todd Czarnecki), 1125 N.W. Couch Street, Portland, Oregon 97209

FOR COMMANDER, U.S. Army Corps of Engineers, Portland District, ATTN: CENWP-RE (Ms. Amanda Dethman) 333 SW First Ave, Portland, Oregon 97204

SUBJECT: Implementation Guidance for Sections 6005(d) and (g) of the Water Resources Reform and Development Act (WRRDA) 2014, Hammond Boat Basin Warrenton, Oregon

1. This memorandum provides implementation guidance on Sections 6005(d) and (g) of WRRDA 2014. The Corps is authorized to convey by quitclaim deed approximately 59 acres of land together with any improvements thereon, including the Hammond Marina to the city of Warrenton ("City"), located in Clatsop County, Oregon, without consideration. The land shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service. A copy of Sections 6005(d) and (g) is enclosed.

2. As a condition of the conveyance under this subsection the City shall assume full responsibility for operating and maintaining the channel and the breakwater. If the Army determines that the land conveyed ceases to be owned by a public entity, all right, title, and interest in and to the land shall revert, at the discretion of the Army, to the United States. This reversionary clause should reflect state law and be in the deed reviewed by District and Division offices and coordinated with CEMP-CR, which will be further coordinated with CECC-R. After the land is conveyed, the land shall no longer be a portion of the Hammond Small Boat Basin project for navigation as authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

3. WRRDA 2014 expressly exempts this conveyance from the screening provisions of Title 10 USC Section 2696. All other applicable Federal Statutes, Code of Federal Regulations, Army Regulations, Engineer Regulations/Circulars, Real Estate Policy Guidance Letters, and state laws will be followed. CENWD-PDS will submit a disposal package to CEMP-CR for review and approval. The disposal package will include a CENWP-OD disposal approval memo, a draft of the Determination Approving Disposal of Real Property prepared for Chief of Operations and Regulatory signature, and a draft quitclaim deed for disposal tracts prepared for Director of Real Estate signature. In addition, a Disposal Report must be completed with appropriate

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environmental documentation in conformance with all applicable laws. The City shall be advised that HQUSACE will have final approval of the conveyance documents and terms of the disposal.

4. The City 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.

5. In accordance with Section 6005(g)(3), additional necessary and appropriate terms and conditions may be placed in conveyance documents to protect the interests of the United States.

6. In accordance with Section 6005(g)(4), the City shall be responsible for all reasonable and necessary costs, including real estate transaction, legal survey, environmental and historic/cultural documentation costs, associated with the conveyance.

7. Any questions regarding this guidance should be addressed to Theodore Nettles, CEMP-CR, at 202-761-5542.

FOR THE COMMANDER:

Encl

BRENDA M. JOHNSON-TURNER
Chief, Real Estate Division
Directorate of Military Programs

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SEC. 6005 of WRRDA 2014

(d) HAMMOND BOAT BASIN, WARRENTON, OREGON.—

(1) DEFINITIONS.—In this subsection:

(A) CITY.—The term ''City'' means the city of Warrenton, located in Clatsop County, Oregon.

(B) MAP.—The term ''map'' means the map contained in Exhibit A of Department of the Army Lease No. DACW57–1–88–0033 (or a successor instrument).

(2) CONVEYANCE AUTHORITY.—Subject to the provisions of this subsection, the Secretary shall convey to the City by quitclaim deed, and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (3).

(3) DESCRIPTION OF LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the land referred to in paragraph (2) is the parcel totaling approximately 59 acres located in the City, together with any improvements thereon, including the Hammond Marina (as described in the map).

(B) EXCLUSION.—The land referred to in paragraph (2) shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service.

(C) AVAILABILITY OF MAP.—The map shall be on file in the Portland District Office of the Corps of Engineers.

(4) TERMS AND CONDITIONS.—As a condition of the conveyance under this subsection, the Secretary may impose a requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.

(5) REVERSION.—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public, all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(6) DEAUTHORIZATION.—After the land is conveyed under this subsection, the land shall no longer be a portion of the project for navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

(g) 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.

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(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 necessary and appropriate 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.

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