



REPLY TO
ATTENTION OF

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

FEB 27 2015

CEMP-CR

MEMORANDUM THRU COMMANDER, U.S. Army Corps of Engineers, North Atlantic Division, ATTN: CENAD-PDS-R (Mr. John Brown), 302 General Lee Ave, Brooklyn, New York 11252

FOR COMMANDER, U.S. Army Corps of Engineers, Norfolk District, ATTN: CENAO-RE (Ms. Donna Carrier-Tal) 803 Front Street, Norfolk, Virginia 23510

SUBJECT: Implementation Guidance for Sections 6005(e) and (g) of the Water Resources Reform and Development Act (WRRDA) 2014, Craney Island Dredged Material Management Area, Portsmouth, Virginia

1. This memorandum provides implementation guidance on Sections 6005(e) and (g) of WRRDA 2014. The Corps is authorized to convey by quitclaim deed two parcels consisting of approximately 307.82 acres and 13.33 acres of land, respectively both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia to the Commonwealth of Virginia, without monetary consideration. The land may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, which includes the provision of road and rail access and the construction of a shipping container terminal. A copy of Sections 6005(e) and (g) is enclosed.
2. If the Army determines that the land conveyed ceases to be used for a public purpose, 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.
3. WRRDA 2014 expressly exempts this land exchange 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. CENAD-PDS-R will submit a disposal package to CEMP-CR for review and approval. The disposal package will include a CENAO-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 the Director of Real Estate signature. In addition, a Disposal Report must be completed with appropriate environmental documentation, to include a completed Environmental Condition of Property Report 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.

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4. In accordance with Section 6005(g)(4), the Commonwealth of Virginia shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance. Reasonable and necessary costs may include costs incurred prior to the enactment of Section 6005(e), as well as costs incurred due to requests from the Commonwealth of Virginia for additional analysis or documentation.
5. In accordance with Section 6005(g)(5), the Commonwealth of Virginia 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. The quitclaim deed will include the reversionary clause as well as appropriate hold harmless and "As Is" clauses. The deed shall be reviewed by District and Division offices and coordinated with CEMP-CR, which will further coordinate with CECC-R.
6. Any questions regarding this guidance should be addressed to Theodore Nettles, CEMP-CR, at 202-761-5542.

FOR THE COMMANDER:



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

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SEC. 6005 of WRRDA 2014

**(e) CRANEY ISLAND DREDGED MATERIAL MANAGEMENT AREA,
PORTSMOUTH, VIRGINIA.—**

(1) **IN GENERAL.**—Subject to the conditions described in this subsection, the Secretary may convey to the Commonwealth of Virginia, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land situated within the project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia, authorized by section 1001(45) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1057), together with any improvements thereon.

(2) **LANDS TO BE CONVEYED.**—

(A) **IN GENERAL.**—The 2 parcels of land to be conveyed under this subsection include a parcel consisting of approximately 307.82 acres of land and a parcel consisting of approximately 13.33 acres of land, both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia.

(B) **USE.**—The 2 parcels of land described in subparagraph (A) may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, including the provision of road and rail access and the construction of a shipping container terminal.

(3) **REVERSION.**—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public or is used for any purpose that is inconsistent with paragraph (2), all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(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.

(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.

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(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.