

**MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS AND DISTRICT
COMMANDS**

**SUBJECT: Policy Guidance Letter No. 36, Recreation Development at (Non-Lake)
Structural Flood Control and Harbor Projects**

1. References:

- a. ER 1165-2-400, 9 August 1985, subject: Recreation Planning, Development, and Management Policies.
- b. EP 1165-2-1, 15 February 1989, subject: Digest of Water Resources Policies and Authorities.
- c. ER 1105-2-100, 28 December 1990, subject: Planning Guidance.
- d. Army Audit Report: SW 84-207, 13 June 1984
- e. Policy Guidance Letter No. 30, Recreation Cost Sharing Credit for Increased Real Estate Interest for Recreation Development at Non-Reservoir Projects.

2. Applicability. This policy guidance letter is applicable to the planning and development of outdoor recreation facilities at new non-reservoir structural flood control projects. These projects include channel and/or levee and floodwall projects, and dry bed reservoirs. This policy is also applicable to the planning and development of outdoor recreation facilities at harbor projects.

3. Background:

- a. Long established policy precludes cost sharing development of new recreation facilities at completed projects. Current budget constraints and the intense competition for Federal funds dictate austerity in the planning and design of recreation facilities at Civil Works projects.
- b. Potential recreation development at Civil Works projects depends on the type of project, the location, and demographic characteristics of the surrounding area. Since flood control projects without a permanent pool do not provide the potential for water based activities associated with a lake, the recreation potential of the project is generally associated with land-based activities. Review of recent project proposals, raised questions about the scope of recreation facilities proposed for new projects particularly at non-lake flood control projects. This experience prompted this policy statement.

4. Purpose. This guidance letter states the principles for recreation development at new Corps non-lake projects, and harbor projects. No funds are to be expended on planning or development of facilities not in compliance with this guidance. It also provides a limited checklist of recreation facilities which may be cost shared at new Corps non-lake structural flood control projects as defined in paragraph 2. This letter also contains a discussion of locally preferred plans, and presents new reporting guidelines for presentation of recreation development.

5. Principles for Recreation Development. Except for jetty sport fishing facilities, no

funds are to be spent planning or developing recreation facilities at harbor projects. At non-lake flood control projects, land base which was provided by the flood control project provides a low cost opportunity to provide recreation facilities because most of the cost of the land is a sunk cost. Planning of recreation facilities to be cost shared at new structural non-lake flood control projects must comply with three major criteria:

- (a) philosophy and inclusion on the checklist;
- (b) economic justification; and, (c) the ten percent limit rule.

a. Philosophy and Checklist.

(1) Philosophy. The understanding of Federal budgetary interest lies within the context of the benefits from a facility or activity.

(a) Formulation. Non-lake structural flood control projects are to be formulated to provide the National Economic Development (NED) flood control project. Recreation development will not influence that formulation.

(b) Vendibility. If benefits are vendible (type usually provided by private enterprise), then the facility should be provided by others.

(c) Stand-alone Principle. Simply stated, if a recreation feature could be built at the same location without the water resource project and not lose any of its utility or value, it stands alone. When facilities stand alone, the Corps should not participate in their development.

(d) Access, health and safety. While most facilities at non-lake projects would “stand-alone” the Corps will participate in facility development to provide access to and along the project features. The development of these facilities should not involve extensive structural modification of the terrain and may include rest areas and picnic facilities. Ideally these facilities would be a part of a larger non-Corps recreation plan such as a regional trail system or provide access to other non-Federal recreation facilities or areas.

(2) Check List of Recreation Facilities. Corps regulations, reference 1a and 1c, include a checklist of facilities which may be provided in recreation developments at all types of Corps water resource projects. The referenced list is all encompassing in that it includes not only facilities that can be cost shared, but those minimum facilities that may be included at lake projects as a part of the joint cost as well as those that can be constructed by others at non-Federal expense. This list is applicable, for lake projects (reservoirs) and the associated recreation experience. Provided as an enclosure to this guidance letter is a checklist of approved recreation facilities which may be cost shared at new non-lake projects as defined in paragraph 2. As indicated in paragraph 2, dry bed projects are included in this category. Certain facilities are included which may be appropriate with the larger land base provided by a dry-bed project but are not appropriate for a channel or levee type project. The scope of the development must also be appropriate. Facilities to be cost shared are limited to standard designs consistent with

the natural environment of the surrounding area but should not include embellishments such as decorative stone work planters, elaborate designs or be ostentatious. (Reference 1a, Appendix B and Reference 1c, Appendix J). Recreation development for projects covered by this guidance letter must be provided on the lands needed and acquired for the basic flood control project, except that additional recreation land may be acquired if needed for access, parking, potable water, sanitation and related development for health, safety and public access. (Reference 1b, Paragraph 17-3a(1) and Reference 1c, Paragraph 4-25b).

b. Economic Justification.

Reports recommending recreational development will clearly present the formulation and justification of the recreation plan to be recommended for Federal implementation. Incremental justification of recreation features will be demonstrated in the report. The addition of recreation to the plan will not influence formulation of the basic flood damage reduction project which must produce net NED benefits without recreation. The report will include a brief description of the competing recreation facilities and their existing and expected future use with and without the project. Recreation benefits, costs and cost sharing must be shown separately. (Reference 1b, Paragraph 17-3a(2) and Reference 1c, Paragraphs 2-12h and 4-2 Sc).

c. The Ten Percent Limit Rule.

The level of financial participation in recreation development by the Corps at an otherwise justifiable project may not increase the Federal cost of the structural NED flood control project by more than ten percent without prior approval of the Assistant Secretary of the Army (Civil Works) . (Reference 1b, Paragraph 17-3a(3) and Reference 1c, Paragraph 4-25b). The policy to limit the Federal share in recreation development was first established in a 2 June 1996 memorandum from the Assistant Secretary of the Army (Civil Works). The purpose of the policy is to allow concentration of scarce Civil Works funds on flood damage reduction features rather than recreation development. The ten percent criteria should be viewed as an upper limit on Federal cost sharing and not as a goal to be achieved. It would normally be assumed that the cost of recreation facilities to be cost shared would be well under the ten percent limit.

6. Cost Sharing.

The cost of recreation facility development is shared on a 50 percent basis between the Government and non-Federal sponsors. Separable lands required for public access, health, and safety, are the responsibility of non-Federal sponsors, with crediting toward the sponsor's 50 percent share of development costs. The cost of lands provided by non-Federal sponsors for the basic project are, not included for recreation cost sharing purposes. Established policy permits credit towards recreation cost sharing for incremental costs of increasing the real estate interests in land within the boundary acquired for the basic non-lake project. Additional guidance is provided in reference 1e. Operation, maintenance, replacement, repair and rehabilitation costs are the responsibility of the local sponsor. (Reference 1a, Paragraph 7; Reference 1b, Paragraph 17-3a, and

Reference 1c, Paragraph 4-26b).

7. Locally Preferred Plan.

A recreation sponsor may desire to include recreation facilities that are not on the enclosed checklist, are more elaborate than permitted, do not meet the “stand alone” principle, exceed the ten percent limit rule, are not on lands required for the basic flood control project, or cannot be economically justified. Such facilities may be recommended as the locally preferred plan. Cost of planning and implementation of facilities provided as the locally preferred plan must be financed by the non-Federal sponsor and cannot be included in the benefit/cost ratio, and will not be credited against the sponsors’ share of cost shared facilities. Another application of this principle concerns the case where there is a locally preferred flood control plan that includes a greater land base than required by the NED flood control plan, extending the project beyond the real limits of the NED flood control plan. In this case, the Federal Government can participate in recreation development of the locally preferred flood control plan. However, Federal participation in recreation development will be limited to those facilities shown on the enclosed check list and can not exceed ten percent of the Federal share of the cost of the structural NED flood control plan.

8. Reporting Guidelines.

The scope of the recreation development approved at the Feasibility Review Conference should be carried through to project completion. Any increase or deviation in the type or scope of cost shared facilities following the Feasibility Review Conference must be reported to HQUSACE (CECW-P) for approval prior to any expenditure of either Federal or non-Federal funds on that recreation feature.

FOR THE COMMANDER:

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CHECKLIST OF FACILITIES WHICH MAY BE COST SHARED IN RECREATION DEVELOPMENTS AT NEW CORPS NON-LAKE STRUCTURAL LOCAL FLOOD CONTROL PROJECTS I

I Access and Circulation

Roads
Turnarounds
Trails (multiple-use)

- Parking
- Bridges and Culverts
- Walks
- Steps/ramps
- Footbridges²

II Structures

- Sanitation
 - Vault Toilets
 - Comfort Stations
- Shelters
 - Picnic
 - Trail
- Camping³
 - Camping Pads
 - Outdoor Cooking

III Utilities

- Water Supply
 - Municipal System⁴
 - Wells
 - Drinking Fountains and Faucets Sewage and Waste
- Water Disposal
 - Municipal System
 - Septic Tanks and Tile Fields Storm Drainage
- Public Telephone

IV Site Preparation/Restoration

- Clearing and Grubbing
- Grading and Land Form
- Vegetative restoration - includes native trees, shrubs and turf establishment

V Park Furniture

- Picnic Tables
- Grills and Fireplaces
- Trash Receptacles/holders
- Benches

VI Play Activities

- Play Area (open space) (grading only)

Play Equipment (standard)
(basic climbing, swinging and sliding
apparatus)

VII Signs

Entrance-Directional-Marker
Traffic Control
(Vehicular and Pedestrian)
Instructional
(Includes Fire Danger Notices)

VIII Interpretive Guidance and Media

Display Boards
Interpretive Markers
(Natural, Historical, Archeological, etc.)
Bulletin Board

IX Protection, Control, Health and Safety

Protection and Control
Gates and Barricades
Cattle Guards
Walls and Fencing
Guardrails
Entrance Stations
Health and Safety
Lighting
Handrails

1. Facilities to be cost shared are limited to standard designs consistent with the natural environment of the surrounding area but should not include embellishments, elaborate designs, or be ostentatious.
2. Footbridges are to be austere and used only when other crossings methods are impractical. Footbridges which are the center of recreation experience are to be a non-Federal cost. Pedestrian bridges at highways or railroads are to be a non-Federal cost.
3. Allowable only at dry-bed reservoirs.
4. Connection to an existing municipal system.