



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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WASHINGTON DC 20310-0108

SACW

FEB 23 2026

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS

SUBJECT: Smarter Real Estate Acquisition

1. Reference SACW memorandum (Prioritization of Effort Within Army Civil Works Program), 23 February 2025.

2. Background: Current real estate policies are rigid, complicating real estate acquisition and unnecessarily increasing project costs and implementation timelines. Timely and cost-effective acquisition of necessary real estate is crucial for the successful delivery of Civil Works projects and outdated real estate policies and practices must be modernized. Real estate accounts for approximately one-third of the Civil works program costs and, it is vitally important that modernized policy drive down costs by providing flexibility in obtaining real estate and incentivizing early real estate acquisition. Overarching, real estate acquisition needs to be more should be flexible and nimble, not inflexible and process-heavy. This will align with Administration priorities as well as recently enacted congressional direction.

3. Policy Directive: The Corps will review and update real estate policy and procedures to eliminate unnecessary bureaucracy, provide overdue flexibility and incentivize early acquisition by non-federal sponsors. The following five areas of focus encapsulates my top concerns:

a. Non-Federal Sponsor Perspectives: The Corps will consult with non-Federal Sponsors to ascertain external experiences with the Corps current real estate policies and procedures. Concurrently, the Corps will solicit recommendations for improvements that would streamline non-Federal sponsor real estate acquisition, reduce administrative burdens, and remove barriers to successful project real estate acquisition. This outreach will include a discussion on how to incentives non-Federal sponsors in early real estate acquisition.

b. Types of Real Estate Needed: The Corps will evaluate the types of real estate instruments required for the various Civil Works mission areas (e.g., flood risk management, navigation, ecosystem restoration) and identify areas for materially streamlining acquisition processes. The Corps will review flexibility in allowing for different types of real estate instruments beyond fee simple, wherever possible and balance Enterprise-wide risk with non-federal sponsor risk. Particular attention should be given to only requiring the minimum interest in real property necessary to support the water resource development project. See 33 U.S.C. § 598a(a)(addressing property

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acquisition for water resources development projects); Implementation Guidance for Section 1115, Water Resource Development Act of 2018, Property Acquisition (April 12, 2019). This can include seeking my office's approval for not requiring restrictions on human habitation in flowage easements as appropriate. See Policy Guidance Letter No. 32, Use of Corps Reservoir Flowage Easement Lands at para. 3.c. (April 1993)(outlining considerations for requesting the Assistant Secretary of the Army for Civil Works to release restrictions on human habitation in flowage easements); see also U.S. Army Corps of Engineers, Memorandum, Subject: Guidance for Induced Flooding (July 28, 2025)(addressing takings analysis for slight, temporary, or intermittent induced flooding in light of recent court decisions, including *Ideker Farms v. United States*, 71 F.4th 964 (Fed. Cir. 2023)). The Corps real estate team will reach out to the railroad industry to determine how we can reach a more mutually agreeable real estate decision in current and future agreements.

c. Timing of Acquisition and Actions: Current policy for real estate acquisition is end loaded and risk averse such that the Federal government's investment in the project is contingent on non-Federal sponsor securing property. Generally, this approach is not serving the Federal nor the non-federal governments interests. The Corps must consult with the non-federal sponsor to determine how best to manage financial and schedule risk. The Corps will analyze the current timelines for real estate acquisition and identify opportunities to accelerate the process while maintaining compliance with applicable laws and regulations. Further, the Corps will examine the feasibility of providing the non-Federal sponsor with greater flexibility in managing the real estate acquisition schedule, particularly in relation to project milestones and federal funding availability.

d. Budget and Crediting Process: The Corps will review the processes for appraisals, budgeting, and the crediting non-Federal sponsor's real estate contributions. The Corps will identify areas for increased transparency and predictability in the appraisal and crediting process. The Corps will evaluate the potential for simplified cost-sharing arrangements and innovative financing mechanisms that incentivize non-Federal sponsor participation in real estate acquisition.

4. Briefing and Implementation. The Corps will provide my office a briefing of the effort to complete this directive within 15 days of the date of this memorandum and quarterly thereafter until these measures build momentum and implementation is achieved. Updates to Engineering Regulations or other policy documents will be completed within 180 days.

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5. Questions about the policy in this memorandum should be directed to Ms. Robyn Colosimo, Deputy Assistant Secretary of the Army, Project Planning and Review at 703-614-3977 or robyn.s.colosimo.civ@army.mil.



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