

REAL ESTATE

A GUIDE FOR PROJECT PARTNERS

SPONSORS' GUIDE TO CORPS GUIDANCE

INTRODUCTION

This guide is a reference to Corps Civil Works guidance that may be of interest to you as a study or project sponsor. It is intended to answer the question: what rules will guide the development and management of our project? It includes a synopsis of most generally applicable Corps guidance and an index.

In addition to the guidance listed here, you should be generally familiar with legislation applicable to your study or project, particularly the authorizing legislation (varies from case to case; see your Project Manager), and the Water Resources Development Act of 1986, which is the basis for many of the current Corps policies and practices.

TYPES OF GUIDANCE

This guide includes three types of Corps guidance documents: regulations, pamphlets and circulars.

- Regulations - Engineer regulations (ER) provide the required 'thou shalt' instructions and policy and procedural guidance about what to do on a particular topic.
- Pamphlets - Engineer pamphlets (EP) provide "how to" guidance in support of regulation requirements, or good-to-know information about a particular topic.

- Circulars - Engineer circulars (EC) are short term documents usually with a one-year life, that provide guidance on short-term topics, interim guidance on a topic that will soon be included in a regulation, or guidance that is updated annually.

Also included are selected regulations of other agencies that are published in the Code of Federal Regulations (CFR).

BEST REFERENCES

You are encouraged to obtain and look through the "Digest of Water Resources Policies and Authorities" (Corps pamphlet number EP 1165-2-1, dated 15 February 1989) as the Most Comprehensive single source about the Corps and the way we conduct business. The "Index of USACE/OCE Publications" (Corps pamphlet number EP 25-1-1, dated 1 March 1989) is a complete list of all official formal Corps guidance and may be consulted for additional references to topics of interest.

NEED MORE INFORMATION

Your Project Manager can provide copies and answer questions about the documents described in this guide. References to more detailed guidance contained in design guides and technical letters can also be provided as needed in individual cases.

GUIDANCE SUMMARIES

The following provides summaries of basic guidance documents that govern the development and management of our water resource projects. Each document is described by its title, number, date, and a brief summary of its contents. The documents are listed alphabetically by title within the following general categories:

General Information
Project Management
Planning and Environment
Engineering and Design
Real Estate
Construction, Operations and Maintenance
Financing and Budgeting

Please keep in mind that circulars (EC's) have expiration dates, and some of the listed documents are in draft and could be revised before being finally published. In addition, our guidance is periodically updated to include new policies and requirements. You should check with your Project Manager for the latest version of any document.

GENERAL INFORMATION

“Accounting for Cost Shared Projects” (Corps circular number EC 37-2-119, dated 30 August 1990) - Provides accounting policy, guidance and procedures for non-Federal contributions for cost shared studies and projects pursuant to the Water Resources Development Act of 1986.

“Accounting and Reporting Civil Works Activities” (Corps regulation number ER 37-2-10, dated 1. April 1969) Provides policy, guidance and procedures for all aspects of

financial accounting in the Corps of Engineers.

“Digest of Water Resources Policies and Authorities” (Corps pamphlet number EP 1165-2-1, dated 15 February 1989; also called the Policy Digest") - Provides an overview of general policies and the guidance applicable to the various stages of project development and project purposes, including navigation and flood damage reduction.

“Index of USACE/OCE Publications” (Corps pamphlet number EP 25-1-1, dated 1 March 1989) Lists engineer regulations (ER's), pamphlets (EP's) ' circulars (EC's), manuals (EM's), technical letters (TL's), and office memoranda (OM's), by number and alphabetically by key words; updated annually.

“Support for Others: Reimbursable Work” (Corps regulation number ER 1140-2-211, dated 7 January 1988) - Provides guidance on Corps reimbursable work for other Federal agencies, States (including commonwealths and territories) and local governments.

PROJECT MANAGEMENT

“Civil Works Construction Cost Estimating” (Corps circular number EC 1110-2-263, dated 28 February 1989) - Provides guidance on cost estimating for civil works projects.

“Civil Works Project Cost Estimating - Code of Accounts” (Corps circular number EC 1110-2-538, dated 28 February 1989) - Provides guidance on t standard format for civil works project cost estimates.

“Life Cycle Project Management System” (Corps regulation number ER 5-2-1, advance

draft dated 31 July 1989) - Provides guidance on project management features; District, Division and Headquarters roles and responsibilities; and reporting requirements.

“Project Cooperation Agreements for New Start Construction Projects” (Corps regulation number ER 1165-2-131, dated 15 April 1989) - Provides guidance on Project Cooperation Agreements (PCA) for specifically authorized new construction starts.

PLANNING AND ENVIRONMENT

“Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies” (dated March 10, 1983, issued by the- U.S. Water Resources Council) Provides guidance for formulation and evaluation studies of the major Federal water resources development agencies; see Corps regulation titled "Planning Guidance" for the Corps guidance on Ws subject.

“Federal Participation in Shore Protection” (Corps regulation number ER 1165-2-130, dated 15 June 1989) - Provides guidance for determining Federal participation in shore protection projects.

“Guidelines for Specification of Disposal Sites for Dredged or Fill Material” (Federal regulation number 40 CFR 230, dated December 24, 1980, issued by the Environmental Protection Agency) Provides the criteria used to evaluate discharges of dredged or fill material under Section 404 of the Clean Water Act (also called the '404(b)(1) Guidelines").

“Planning Guidance” (Corps regulation number ER 1105-2-100, dated 15 September 1990; also called the “Planning Guidance

Notebook” or PGN) Provides guidance on planning programs (including the feasibility cost sharing agreement, FCSA), the continuing authorities program, project purposes, planning principles, economic considerations, environmental considerations, and Washington level review. The "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies' (also called the "Principles and Guidelines', or P&G) are included in this regulation.

“Procedures for Implementing NEPA” (Corps regulation number ER 200-2-2, dated 4 Much 1988) - Provides guidance for implementing the procedural provisions of the National Environmental Policy Act (NEPA) for civil works projects, including the preparation of environmental assessments (EA's) and environmental impact statements (EIS's).

“Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” (Federal regulations numbers 40 CFR 1500-1508, dated November 29, 1978, issued by the Council of Environmental Quality) - Provides Federal agencies with guidance on what they must do to comply with the procedures and achieve the goals of the National Environmental Policy Act; see ER 200-2-2 for the Corps regulation that supplements the Council's regulation.

ENGINEERING AND DESIGN

“Engineering and Design for Civil Works Projects” (Corps circular number EC 1110-2-265, dated I September 1989) - Provides guidance on engineering responsibilities, requirements, and procedures during the

planning, design, construction and operations of Civil Works projects.

REAL ESTATE

“Real Estate Handbook” (Corps regulation number ER 405-1-12, dated 20 May 1985) - Provides guidance on real estate requirements and procedures for civil works projects, including guidance on appraisals, acquisitions, relocation assistance, homeowners' assistance, real estate claims, audits, and recording and reporting.

“Real Estate Handbook, Chapter 12” (Corps regulation number 405-1-12, dated 1 May 1998) - Provides guidance on real estate requirements and procedures for local cooperation projects.

“Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs” (Federal regulation number 49 CFR 24, dated 2 March 1989, issued by the U.S. Department of Transportation) - Provides Federal agencies and other entities with guidance on what must be done to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

CONSTRUCTION OPERATIONS AND MAINTENANCE

“Biddability, Constructibility and Operability” (Corps regulation number ER 415-1-11, dated 1 June 1988) - Provides guidance to ensure that the abilities to bid on, construct and operate a project are considered during project design and integrated into construction procurement documents.

“Construction Quality Management” (Corps regulation number ER 1180-1-6, dated 16 May 1988) - Provides guidance on procedures to achieve the project quality that is defined by construction contract requirements.

“Dredging Policies and Practices” (Corps regulation number ER 1130-2-307, draft dated June 1900) Provides guidance on dredging performed by the Corps.

“Inspection of Local Flood Protection Projects” (Corps regulation number ER 1130-2-339, dated 29 October 1973) - Provides guidance for the inspection of local protection projects, and reporting procedures-for projects where sponsor maintenance is deficient.

“Maintenance Guide” (Corps regulation number ER 1130-2-303, dated 15 December 1967) - Provides guidance on maintenance standards and maintenance frequency for completed projects.

“Modifications to Completed Projects” (Corps regulation number ER 1165-2-119, dated 20 September 1982) - Provides guidance on- authorities and policies for modifications of completed projects to respond to changed conditions and needs.

“Natural Disaster Procedures” (Corps regulation number ER 500-1-1, dated 21 December 1983) Provides guidance on Corps involvement in emergency operations in response to natural disasters.

“Navigation Regulations” (Federal regulation number 33 CFR 207, dated July 1, 1987, issued by the Corps of Engineers) - Provides the guidelines and procedures for transiting locks and dams.

“Policies and Practices - Clearing” (Corps regulation number ER 415-2-1, dated 3 April 1978) - Provides guidance on clearing project reservoir areas.

“Recreation Planning, Development and Management Policies” (Corps regulation number ER 1165-2-400, dated 9 August 1985) - Provides guidance on the planning, development and management of outdoor recreation facilities and enhancement of fish and wildlife resources at Corps projects.

“Regulatory Programs of the Corps of Engineers” (Federal regulations numbered 33 CFR 320-330, dated November 13, 1986, issued by the Corps of Engineers) - Provides guidance on authorities, processing, enforcement, public hearings, and other policies related to Corps permits for dams and dikes in navigable waters, structures or work in or affecting navigable waters, discharge of dredged or Fill material, or ocean dumping of dredged material.

FINANCING AND BUDGETING

“Acceptance and Return of Required, Contributed or Advanced Funds for Construction or Operation” (Corps regulation number ER 1165-2-30, dated 15 September 1988) - Provides guidance on the acceptance, use and return of funds from private parties, states and political subdivisions for use in civil works projects.

“Annual Program and Budget Request for Civil Works Activities, Corps of Engineers, Fiscal Year XXXX” (Corps circular number EC 11-2-XXX, issued annually) - Provides guidance for the formulation and submittal of the civil works ten fiscal year program and annual budget request. The guidance for fiscal year (FY) 1992 was in Corps circular number EC 11-2-157 (31 March 1990).

“Flood Control Cost Sharing Requirements Under the Ability to Pay Provision” (Corps regulation number ER 1165-2-121, dated 23 September 1987) Provides guidance on reducing the non-Federal cost share for a flood control project under an ability to pay determination.

“General Credit for Flood Control” (Corps regulation number ER 1165-2-29, dated 18 November 1987) - Provides guidance on the use of Section 104 for crediting non-Federal local interests for their work that is compatible with authorized Federal flood control projects.

“Reimbursement for Advance Non-Federal Construction of Authorized Federal Harbor and Inland Harbor Improvements” (Corps regulation number ER 1165-2-120, dated 15 June 1988). Provides guidance on the use of Section 204(e) for reimbursement of a non-Federal interest for construction of an authorized Federal harbor.

“Reimbursement for Non-Federal Participation in Civil Works Projects” (Corps regulation number ER 1165-2-18, dated 1 August 1988) - Provides guidance on the use of Section 215 to reimburse a non Federal public body for construction of part of an authorized Federal project.

INDEX

The following index contains two listings. First, the documents included above are listed in the order of their document number, beginning with Corps circulars (EC), then Corps pamphlets (EP), then Corps regulations (ER), and concluding with regulations of other agencies (CFR). Second, topics of interest to sponsors are alphabetically listed with references to the

documents included above that provide guidance on those topics. In many cases these are not the only sources of guidance on the topics, but are basic overviews on the topics and good places to start when looking for more detailed information.