

CHAPTER 17

RECREATION

17-1. Authorities.

a. Section 4 of the Flood Control Act of 1944, as amended. This Act authorized the Chief of Engineers "...to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Secretary of the Army, and to permit the construction, maintenance, and operation of such facilities." It also provides that the water areas of projects shall be open to public use generally for boating, fishing, and other recreational purposes, and ready access to and exit from areas along the shores of such projects shall be maintained for general public use when in the public interest.

b. The Federal Water Project Recreation Act of 1965 (Public Law 89-72), as amended. This act established development of the recreational potential at Federal water resources projects as a full project purpose.

(1) Section 2(a) specifies that benefits for recreation should be included in the economics of a contemplated project, provided that non-Federal public entities agree (letter of intent) to participate in the recreation development. All purposes share in the savings from multiple-purpose development.

(2) Section 3(b) provides for inclusion, in recommendations for project authorization, of land acquisition to preserve the recreation potential of the project for a 10-year period, when no local sponsor can be found. (It is current policy, however, that lands will not be acquired to preserve their potential for recreation if there is not a willing local sponsor at the time of project construction.)

(3) Section 6(e) excepts certain other sections of the Act from applying to specified projects including local flood control, beach erosion, small-boat harbor and hurricane protection projects.

(4) Section 9 limits the cost allocated to recreation and fish and wildlife enhancement (excepting special types) to no more than 50 percent of the sum of the allocations to all project purposes.

(5) The Act further requires beneficiaries to bear part of the costs of installing and all the cost for managing recreation developments at Federal water resources projects. It also sanctions collection of use fees for services by non-Federal agencies administering the recreation resources of Federal projects. (ER 1130-2-400, ER 1165-2-400)

c. The Water Resources Development Act of 1986 (Public Law 99-662). This Act defines the basis for sharing the financial responsibilities in joint Federal/non-Federal development, enhancement and management of recreation and fish and wildlife resources at Federal water resource development projects.

d. The Water Resources Development Act of 1990 (Public Law 101-640). Section 313 of this Act provides that any maintenance, repair, rehabilitation, or reconstruction which results in a change in configuration of a structure should be carried out in a manner which,

to the maximum extent practicable, will not adversely affect any existing recreational use even if the recreational use was not an authorized purpose. If the recreation uses are adversely impacted, they may be restored or alternatives provided for comparable recreational use. Costs incurred shall be allocated to recreation and shall be payable by the beneficiaries of the recreation.

e. The Water Resources Development Act of 1992 (Public Law 102-580). Section 203 of this Act authorizes the Secretary of the Army to accept contributions of cash, funds, materials, and services from anyone except project sponsors for a water resources project for environmental protection and restoration or for recreation. Section 225 authorizes the Secretary of the Army to develop and implement a program to accept contributions of funds, materials, and services from non-Federal public and private entities to be used in managing recreation facilities and natural resources.

17-2. Natural Resources Management Program Mission.

a. The Army Corps of Engineers is the steward of lands and waters at Corps water resources projects. Its natural resources management mission is to manage and conserve those natural resources, consistent with ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations.

b. In all aspects of natural and cultural resources management, the Corps promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance and restoration practices.

c. The Corps manages for long-term public access to, and use of, the natural resources in cooperation with other Federal, state and local agencies as well as the private sector.

d. The Corps integrates the management of diverse natural resources components such as fish, wildlife, forest, wetlands, grasslands, soils, air, and water with the provision of public recreation opportunities. The Corps conserves natural resources and provides public recreation opportunities that contribute to the quality of American life. (ER 1130-2-540, ER 1130-2-550)

17-3. Development of Outdoor Recreation Facilities. Outdoor recreational facilities are provided at Corps reservoir projects and at certain non-reservoir projects subject to requirements of local cooperation. However, if a recreation feature could be built at the same location without the Corps reservoir or non-reservoir project and not lose any of its utility or value, it can "stand alone" and the Corps should not participate in its development. In formulating water resource plans for reservoir projects, consideration is given to alternative scales of recreation development ranging from minimum facilities to optimum development. In the absence of a recreation cost sharing agreement with a non-Federal sponsor, Federal provision of recreation facilities at reservoirs is limited to the minimum needed for public health and safety. Such "minimum facilities" should not exceed provision of a turnaround, guard rails, barriers, and minimum sanitary facilities at existing road ends. All costs for such minimum facilities will be allocated to project purposes and shared with non-Federal sponsors on the same basis as those purposes. No facilities are provided at non-reservoir projects or at flood control impoundments creating incidental minor pools in the absence of local

participation. Recommendations for cost shared recreation development shall not exceed the scale for which a qualified non-Federal sponsor will furnish a written letter of intent of participation. Cost shared recreation development is also limited to those facilities included in the approved facilities list contained in ER 1165-2-400. Non-Federal sponsors must furnish their share of costs during the course of development; subsequent payment over time is not acceptable. Recreation developments at Corps water resources projects shall be available for the general public use on an equal basis. (ER 1105-2-100, ER 1165-2-400)

a. Recreation Development at Non-reservoir Flood Damage Reduction and Navigation Projects. Recreation facilities at non-reservoir projects, including new non-reservoir (non-lake) structural flood control projects (i.e., channel and/or levee and floodwall projects, and dry bed reservoirs) and harbor projects, must comply with the following policies.

(1) Recreation developments must be within the lands acquired for the basic project, except for separable lands required for access, parking, potable water, sanitation and related developments for health, safety and public access. The cost of lands provided by non-Federal interests for the basic project are not included for recreation cost sharing purposes. Fee title to land is required for recreation development. However, in the case where the basic non-reservoir project and its associated lands would provide a recreation opportunity but the approved interest in the land acquired for the basic project is not sufficient to allow for recreation use of the land or to allow for development of recreation facilities, increasing the interest in real estate (e.g., from permanent easement to fee) may be included as part of a cost shared recreation development, and credit for recreation cost sharing for any incremental costs of increasing the real estate interest in land within the boundary acquired for the basic non-reservoir project is permitted. The non-Federal sponsor for the recreation development would provide the land in fee for the recreation development and receive appropriate credit for the increment of value above the value of the real estate interest approved for the basic project. This policy does not apply to the provision of increased real estate interest for recreation development for temporary construction easements or for permanent easements for disposal and borrow areas and Federal participation in the recreation development of these areas will not be recommended. Operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) costs are the responsibility of the non-Federal sponsor.

(2) Recreation will not influence formulation of the structural project which must attain a benefit/cost ratio greater than unity without recreation. Non-lake structural flood control projects are to be formulated to assure identification of the National Economic Development (NED) flood control project. Recreation features at non-lake structural flood control projects must be incrementally economically justified. However, nonstructural flood reduction projects can be justified on the basis of their combined NED effects including recreation benefits. Section 73 of Public Law 93-251 provides that all benefits associated with new uses of flood plain lands, including recreation, are to be fully considered when evaluating nonstructural measures.

(3) The level of recreation development at a structural project may not increase the Federal project cost by more than 10 percent without approval of the Assistant Secretary of the Army (Civil Works) (ASA(CW)) prior to issuance of the district commander's report. Recreation development at nonstructural projects is not limited to the above 10 percent constraint applicable to structural type projects. Separable recreation costs at nonstructural projects shall be in conformance with Section 9 of Public Law 89-72.

(4) Recreation development, including separable lands required for public access, health, and safety, are cost shared on a 50 percent basis between Federal and non-Federal public interests.

(5) Appropriate facilities for cost sharing should be in accordance with the approved list in ER 1165-2-400 which includes the approved list of recreation facilities that may be cost shared at new non-lake projects. Recreation facilities that are not on the approved list, 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, may be recommended as the locally preferred plan. The cost of planning and implementation of facilities provided as the locally preferred plan must be financed entirely by the non-Federal sponsor and cannot be included in the benefit/cost ratio, and will not be credited against the sponsor's share of cost shared facilities. In 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), the Federal Government can participate in the recreation development of the locally preferred plan but such participation will be limited to appropriate facilities shown on the approved list in ER 1165-2-400 and can not exceed ten percent of the Federal share of the cost of the structural NED flood control plan.

(6) While most recreational facilities at Corps 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 (e.g., a regional trail system) or provide access to other non-Federal recreation facilities or areas.

(7) Except for jetty sport fishing facilities, no funds are to be spent planning or developing recreation facilities at harbor projects.

b. Shore Protection Projects. Federal participation in shore protection projects is limited to construction and sharing in the costs of construction for hurricane and storm damage reduction (HSDR) measures, based on ownership of shorefront properties and the extent of public use (see Chapter 14). In connection with these projects, any associated recreation facilities developments are entirely non-Federal responsibilities except on Federally-owned shores. (ER 1165-2-130)

c. Facilities at Jetties, Groins and Breakwaters. Corps policy is to operate and maintain (O&M) these structures for their navigation and shoreline protection functions in a manner that does not enhance or encourage recreational or other public use, unless a non-Federal entity has sponsored recreation. Where non-Federal

interests do not choose to sponsor and cost share in related recreation facilities, the Corps is authorized to provide "minimum facilities for public health and safety." (ER 1130-2-520)

d. Facilities at Completed Projects. When available, funds for cost shared recreation development at completed projects and correction of sanitary deficiencies are obtained from the Operations and Maintenance General (O&MG) account. Currently, priority is not accorded to budgeting O&MG funds for new cost shared recreational developments. Under Section 926(b) of WRDA 1986 (Public Law 99-662), the Corps has sufficient authority to acquire additional lands for public park and recreation purposes. Were such lands provided by local interests, the value of those lands would be credited towards the local share of development costs. Just as for recreation developments in connection with initial project implementations, expenditure of Federal funds for the addition of recreation at completed projects would require that a non-Federal public agency enter into an agreement with the Corps to pay for not less than 50 percent of the cost of development and assume operations, maintenance and replacement responsibility for the new facilities. Upgrading sanitary facilities to meet Federal and state health standards may be undertaken at 100 percent Federal cost where existing recreation areas are managed directly by the Corps.

e. Reallocation of Reservoir Storage for Recreation. Many projects, including those for which recreation facilities may have been included under general provisions of the Flood Control Act of 1944, as amended, do not have separable storage costs for recreation. In these circumstances recreation is an authorized project purpose but it is secondary, as far as storage operation is concerned, to project functions for which the storage was formulated. Any reallocation of reservoir storage to provide more stable recreation levels that would have a significant effect on other authorized purposes, or that would involve major structural or operational change, requires Congressional authorization. Costs reallocated to recreation will be established as the highest of the benefits or revenues foregone, replacement costs, or the updated cost of the storage, will be treated as a separable cost, and will be subject to non-Federal cost sharing. (ER 1105-2-100)

f. Plan for Future Recreation Facilities. Optimally, each primary or major recreation area is initially developed to a level of two-thirds of its expected ultimate potential. Master plans are maintained and updated showing facilities planned for future development to meet the ultimate project recreation potential, to achieve maximum consistency with authorized plans, and to insure that planned future development is fully responsive to current recreation and resource management policies. Lands designated for future recreation development may be utilized for appropriate interim uses until needed. (ER 1130-2-550, ER 1165-2-400)

g. Recreation Development at Ecosystem Restoration Projects. The Corps may participate in the provision of cost shared outdoor recreation facilities at single purpose ecosystem restoration projects and projects under the authorities of Section 1135 of WRDA 1986 (Project Modifications for Improvement of the Environment), Section 204 of WRDA 1992 (Projects for Protection, Restoration, and Creation of Aquatic and Ecologically Related Habitats, including Wetlands), and Section 206 of WRDA 1996 (Aquatic Ecosystem Restoration Projects), subject to compliance with three major criteria: (1) philosophy and checklist; (2) economic justification; and, (3) the ten percent limit rule.

(1) Philosophy and Checklist.

(a) Philosophy. The Federal interest, for the purpose of Federal investment, is determined from the nature of the benefits derived from a facility or activity. Recreation at ecosystem restoration projects should not only be compatible, but also enhance the visitation experience by taking advantage of the natural values. The social, cultural, scientific, and educational values should be considered within the framework of the ecosystem restoration project purpose. For example, while educational values, through such things as nature study and interpretive signs, can be an integral part of ecosystem restoration projects, this does not mean it is appropriate to build recreation/visitor facilities that overwhelm the natural values. The recreational experience should build upon the ecosystem restoration objective and take advantage of the restored resources rather than distract from them.

-- Formulation. Ecosystem restoration projects should be formulated to address significant resources and must be justified through a determination that the combined monetary and non-monetary value of the last increment of benefits or losses prevented or replaced exceeds the combined monetary and non-monetary cost of the last added increment of the ecosystem restoration measure. Recreation development will not influence that formulation. Ecosystem and recreation projects proposed for construction at existing Corps projects should be consistent with the approved Master Plan.

-- Recreation Development. Recreation development at an ecosystem restoration project should be totally ancillary (see paragraph 5-8.e). Recreation facilities may be added to take advantage of the education and recreation potential of the ecosystem project, but the project cannot be specifically formulated for a recreation purpose. The recreation potential may be satisfied only to the extent that recreation does not diminish the ecosystem restoration purpose. Where an ecosystem restoration project provides critical habitat for a Federally listed threatened or endangered species, recreation facilities at that project should be precluded in the critical habitat and limited to only those facilities needed for minimum health and safety and/or natural resources interpretation. Where appropriate, recreation at ecosystem restoration projects should be designed for day use only, precluding the need of extensive night lighting. Whenever conflicts occur between the ecosystem restoration purpose and recreation, ecosystem restoration shall have priority. Plans should seek to optimize public use in harmony with the objectives of the restoration project over the period of analysis. Without a non-Federal sponsor to cost share recreation, ecosystem restoration projects should not encourage public use.

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

-- Stand-alone Principle. Simply stated, if a recreation feature could be built at the same location without the ecosystem restoration 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.

-- Access, Health and Safety. While most facilities at ecosystem restoration projects would "stand-alone" (without Corps

participation) 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.

(b) Check List of Recreation Facilities. Corps regulations, ER 1165-2-400 and ER 1105-2-100, 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 and 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. Approved recreation facilities which may be cost shared at new ecosystem restoration projects will also be identified on the aforementioned checklist when the ERs are updated. Exceptions to the approved recreation facilities must be fully justified and approved by CECW-P prior to submitting the project report. The scope of the recreation 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. Recreation development for projects identified in paragraph 17-3.g above must be provided on the lands needed and acquired for the basic ecosystem restoration 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.

(2) Economic Justification. Reports recommending recreation development will clearly present the formulation and justification of the recreation plan to be recommended for Federal implementation. Federal participation should be limited to support development that capitalizes on the recreation potential afforded by the ecosystem restoration project. 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 ecosystem restoration project which must produce monetary and/or non-monetary benefits which justify the monetary and/or non-monetary costs without recreation. The report will include a description of the competing recreation facilities, their existing and expected future use with and without the project, and the unfulfilled demand for the recreation facilities as identified in such documents as the Statewide Comprehensive Outdoor Recreation Plan. Recreation benefits, costs and cost sharing must be shown separately.

(3) 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 ecosystem restoration project by more than ten percent without prior approval of the ASA(CW). The policy to limit the Federal share in recreation development was first established in a 2 June 1996 memorandum from the ASA(CW). The purpose of the policy is to allow concentration of scarce Civil Works funds on high priority features rather than recreation development. The ten percent limit should be viewed as an upper limit on Federal cost sharing and not as a goal for expenditures. The cost of recreation facilities to be cost shared would normally be less than the ten percent limit.

(4) Locally Preferred Plan. A non-Federal sponsor for recreation development may desire to include recreation facilities that are not on the 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 ecosystem restoration project, or cannot be economically justified. Such facilities may be recommended as the locally preferred plan only if they are compatible with the ecosystem restoration purpose. Cost of planning and implementation of facilities provided as the locally preferred plan must be financed by the non-Federal sponsor, 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 ecosystem restoration plan that includes a greater land base than required by the recommended ecosystem restoration plan, extending the project beyond the real limits of the ecosystem restoration plan. In this case, the Federal Government can participate in recreation development of the locally preferred ecosystem restoration plan. However, Federal participation in recreation development will be limited to those facilities shown on the checklist and cannot exceed ten percent of the Federal share of the cost of the recommended ecosystem restoration plan, and all lands must be provided by the non-Federal sponsor.

17-4. Recreation Use Projection and Benefit Evaluation.

a. Projections. Projected recreation attendance is based upon regional use models, specific site use models, attendance at similar projects and/or the capacity of the project where excess demand can be demonstrated. The same methods are used to estimate recreation use displaced by the project. (See P&G paragraph 2.8.9)

b. Benefit Evaluation. Benefits arising from recreation opportunities created are measured in terms of willingness to pay for each increment of supply provided and considers both recreation gains and losses. There are three generally acceptable procedures to evaluate proposed projects: travel cost; contingent valuation; and unit day values. The procedure used depends upon the size of the recreation benefit created, displaced, or transferred by the project and the nature of the recreation activities affected. (See P&G paragraphs 2.8.2 and 2.8.10). When the unit day value method is applied, for activities such as swimming, picnicking, hiking, bicycling, skiing, boating, and most warm water fishing, the range of values for "general recreation activities" should be used. Certain specialized activities may be assigned higher values. Examples of such "specialized activities" include big game hunting, white water canoeing, specialized nature photography, wilderness pack trips and similar activities for which opportunities are limited and intensity of use is low. Values for both the "general recreation activities" and the "specialized activities" are updated annually (and made available in Economic Guidance Memorandums issued by HQUSACE).

17-5. Cost Participation. Non-Federal participation is required in the development and administration of recreation opportunities provided at Corps projects. Public Law 89-72, as amended, and as supplemented by WRDA 1986 defines the basis for sharing of financial responsibilities in joint Federal/non-Federal development, enhancement, and management of recreation and fish and wildlife resources of Federal multipurpose water projects. Long established policy precludes cost sharing development of new recreation facilities at completed water resources projects. (ER 1165-2-400, ER 1105-2-100) However, new recreation facilities or improvements to existing

facilities to increase visitation may be added at existing Corps owned and operated reservoir and lock and dam projects where such recreation work is on Corps-owned project lands (or on project lands dedicated to this purpose) and is an authorized purpose of, but not a separable element of, a project for which construction was initiated between June 9, 1965 and April 30, 1986. In implementing the aforementioned recreation facilities under the Construction General (CG) Program, the model Project Cooperation Agreement (PCA) for Recreation Cost-Shared in Accordance with Public Law 89-72 must be used, but only after construction funds have been appropriated and allocated for the planned recreation features.

a. Cost Allocation. Recreation costs for multiple-purpose reservoirs, including reservoirs created by navigation improvements, are allocated by using the Separable Costs-Remaining Benefits (SCRB) method. Costs allocated to recreation at non-reservoir projects are confined to the specific incremental costs of the added lands and facilities. The added cost of modifying the design for maintenance, repair, rehabilitation, or reconstruction to protect recreational uses at Civil Works projects, or for alternative provision of recreation facilities, will be allocated to recreation and will be cost shared in accordance with Section 103 of WRDA 1986.

b. Cost Apportionment.

(1) Reservoirs. The Federal Government assumes joint costs allocated to recreation and not more than one-half of the separable first costs of construction of recreation facilities, including one-half of the cost of any project lands acquired specifically for recreation. The non-Federal entity must assume: a) at least one-half of the separable first cost of post-authorization planning and construction of recreation facilities, including project land acquired specifically for recreation and b) all costs and full responsibility for the operation maintenance, replacement, and management of recreation lands and facilities.

(2) Non-Reservoir Projects. Reports proposing recreation facilities in accordance with paragraph 17-3.a will recommend that the non-Federal entity provide fee title (other than for access roads, for which easements may suffice) to project lands required for development and control of the recreation areas. If these are lands needed to support the basic project functions, they are not allocated to recreation. However, any separable lands (that is, additional lands needed for public access, health and safety), or increase in real estate interest in land within the boundary acquired for the basic non-reservoir project (e.g., from permanent easement to fee), are credited towards the non-Federal sponsor's 50 percent share of the recreation development costs. Where the appraised value of separable lands or increase in real estate interest so provided amounts to less than 50 percent of the total first cost of the recreation development, the non-Federal sponsor must make additional contributions sufficient to bring the non-Federal share to at least that level. This additional contribution may consist of the actual cost of carrying out an agreed-upon portion of the development, a cash contribution at the time of construction or a combination of both. The non-Federal entity must OMRR&R without expense to the Federal Government the recreational areas and all installed facilities.

(3) Revenue Producing Facilities. There is no apportionment to the Federal Government for revenue producing facilities such as golf courses, swimming pools, riding stables, and marinas.

c. Payment. Traditionally, non-Federal interests have been afforded the option of furnishing their share of separable recreation costs by cash payment during construction, provision of lands or facilities, by long-term payment with interest (at reservoirs), or a combination of these. Currently, up front financing (payment during the course of development) is required for any part of the local share of responsibility that is to be contributed in cash.

d. Use Fees and Day Use Fees. 16 USC 4601, as amended, provides that fair and equitable fees will be assessed the users of specialized sites, facilities, equipment or services provided at substantial Federal expense. Entrance or admission fees are not charged at Corps projects. Use fees are charged for the use of single user unit campsites, group use campsites, developed day use facilities, special facilities (e.g., group picnic shelters, amphitheaters, multipurpose courts, etc.), special event permits, and reservation services. Fees will be charged for the use of certain boat launching ramps and designated, developed swimming beaches in Corps operated day use recreation areas. Fees will not be charged for drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shore land, or general visitor information. Day user fees will not be charged for the use of visitor centers. Use fees are comparable with fees charged by other Federal and non-Federal agencies for similar facilities or services. Fee revenues collected at Corps projects are deposited into the Corps special account in the U.S. Treasury for use in authorized recreation activities. All persons 62 years of age or older, bearing a Golden Age Passport, receive a 50 percent reduction in the normal use fee at Corps projects. Golden Age Passports are issued for a one time \$10 fee and are valid during the lifetime of the bearer. Facilities provided at Corps projects are to be open to all on equal terms and require a uniform fee schedule to all users. Persons eligible to receive Federal disability benefits may be issued a Golden Access Passport, which also provides a 50-percent reduction in use fees. (ER 1130-2-550)

17-6. Special Recreation Facility Considerations.

a. Commercial Concessions. Concessions are planned where warranted. Development is accomplished through lease arrangement with non-Federal interests.

b. Trails.

(1) Project planning shall consider the incorporation of trails for nature study, hiking, self-propelled bicycle, horseback riding, snowshoe, cross-country ski, and access by fisherman and hunters. When practicable, such trails are located to tie into existing hiking trails and metropolitan bicycle trails. (EM 1110-2-410) Also see "National Trails System" in Chapter 24.

(2) Trails For Use by Off-Road Vehicles. Executive Order (EO) 11644, "Use of Off-Road Vehicles on the Public Lands", dated 8 February 1972 as amended by EO 11989, dated 24 May 1977 established policies and provides for procedures to ensure that the use of off-road vehicles on public land is controlled to protect the resources, promote safety of all users, and minimize conflicts among

the various uses. Where a demand exists, consideration is given to providing separate specific trails for snowmobiles, trail bikes, and similar motorized vehicles. Such trails are located to minimize damage to soil, vegetation, or other resources of the public lands, to minimize harassment of wildlife or disruption of wildlife habitats, and to minimize conflicts with other existing or proposed recreation uses. Full public participation is sought through public meetings in the process of designation of areas or trails for off-road vehicles. (ER 1130-2-550, EP 1130-2-550)

c. Private Exclusive Use. Water and land areas at Corps projects are maintained for the benefit of the general public. Since the early 1960's, the permanent siting of floating cabins, cottages and non-transient mobile homes and trailers for private exclusive use at project areas has been discouraged. However, Section 6 of Public Law 97-140 established a moratorium until 31 December 1989 on enforced removal of certain existing private exclusive use type structures and Section 1134 of the WRDA of 1986 (Public Law 99-662) extended the moratorium, indefinitely, for all such leased or permitted structures that existed on 17 November 1986 (date of the Act) if certain conditions (detailed in the Act) are met. Present policy stresses procedures for management based on regional, project or site specific considerations. These established procedures are applicable to all new, expanded or existing developments. Division commanders' regional plans pertaining to private exclusive use are in effect for each respective division. (ER 1130-2-540)

d. Alcoholic Beverages. The sale of alcoholic beverages on Corps projects by lessees is permitted only in accordance with state and local laws and regulations in those facilities where such service is traditionally found. Bar facilities are permitted only if offered in connection with other approved activities. Advertising of such beverages outside of buildings is not permitted. Carry-out package sales of hard liquor is prohibited. (ER 1130-2-550)

e. Gambling. It is the policy of the Corps to prohibit gambling on all leased premises, such as slot machines, video gambling machines, or other casino-type devices that would detract from a family atmosphere. However, District Commanders may allow the sale of state lottery tickets, in accordance with state and local laws and regulations, as long as the sale of tickets constitutes a collateral activity, rather than primary activity of the lessee. In addition, nonprofit organizations may be allowed to conduct some games of chance, such as raffles, games or sporting events, under special use permits in conjunction with special events on Corps lands, if permissible under state laws and regulations. (ER 1130-2-550)

17-7. Protection of Recreational Uses at Civil Works Projects. A project may have been constructed to serve only one purpose, but over the years, recreational use of the structures may have evolved. As the project ages, maintenance, repair, rehabilitation or reconstruction may become necessary. The cost effective method of rehabilitation may result in a structure unsuited to the recreation which has evolved. Section 313 of WRDA 1990 provides that any maintenance, repair, rehabilitation, or reconstruction which results in a change in configuration of a structure should be carried out in a manner which, to the maximum extent practicable, will not adversely affect any existing recreational use even if the recreational use was not an authorized purpose. If recreational uses are adversely impacted they may be restored or alternatives provided for comparable recreational use. Costs incurred shall be allocated to recreation and shall be payable by the beneficiaries of the recreation.

a. Work Under Major Rehabilitation Program. For work proposed under the Major Rehabilitation Program, the rehabilitation report required by ER 1130-2-500 should contain a discussion of any recreation use associated with the project structures and impact of the proposed work. If recreation use would be lost, alternative plans to accommodate the recreation may be considered. If recreation benefits are greater than the added costs, and there is a non-Federal sponsor willing to provide the required cost sharing, provision for the recreation use may be recommended as part of the rehabilitation to be undertaken. The report will be forwarded to HQUSACE for review and approval, and will include a letter of intent from a non-Federal sponsor, a financing plan, and a draft PCA. The PCA will be prepared for signature of the ASA(CW). If a sponsor is unwilling to provide the required project cooperation, the rehabilitation report should be submitted recommending the most economical rehabilitation without the provision for recreation. the required analysis will be funded as a part of the Major Rehabilitation Program.

b. Recurring Maintenance Work. For recurring maintenance work, submission of the report required by ER 1130-2-500 is not normally required. If recreation use associated with the project structures would be impacted by the proposed work, submit a letter report which provides the required information concerning the recreation use. The report should be accompanied by a letter of intent from a non-Federal sponsor, a financing plan, and a draft PCA. The letter report should be prepared with O&M General funds and submitted for review and approval to CECW-0.

c. Cost Sharing. The added cost of modifying the design for maintenance, repair, rehabilitation or reconstruction, or for alternative provision of recreation facilities, will be allocated to recreation and will be cost shared in accordance with Section 103 of WRDA 1986, which requires the non-Federal sponsor to pay 50 percent of the separable cost allocated to recreation, and to pay the cost of OMRR&R of the recreation facilities. A PCA will be required containing the standard requirements for recreation cost sharing and responsibilities. The PCA and financing plan will be reviewed by CECW-A and submitted to the ASA(CW) for approval.

d. Mitigation. If a potential non-Federal sponsor at a project for which maintenance, repair, rehabilitation or reconstruction was initiated since 1 May 1988, requests mitigation for recreation use lost, the district will submit a written request to undertake a study to CECW-0. The request will describe briefly the extent of the proposed analysis and, if known, the extent of effort which may be required, as well as the cost of the analysis. The analysis should not exceed a cost of \$10,000. If approved by HQUSACE, an analysis will be undertaken to determine whether the maintenance, repair, rehabilitation, or reconstruction caused a loss of recreation use. If a plan to mitigate the loss of recreation use is economically justified and supported by a non-Federal sponsor who is willing to provide the required cost sharing, it may be recommended for undertaking as a new start under this authority. A report, including a financing plan and PCA, will be submitted to CECW-0 for review and approval by the ASA(CW). Costs for work undertaken for such mitigation will be funded from O&M General, and will be monitored at HQUSACE to ensure that expenditures are within the limit of \$2,000,000 per year.