

DEPARTMENT OF THE ARMY
Corps of Engineers, Northwestern Division
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CENWD-PDS
Regulation
No. 405-2-1

17 December 2012

Real Estate
SEASONAL CAMPING AT CORPS RESERVOIR PROJECTS

History. This publication is a revision of the Northwestern Division Regulation 405-2-1, dated 18 October 2010.

Summary. This regulation establishes Northwestern Division (NWD) Real Estate guidance for Seasonal Camping Programs (SCP) at NWD outgranted campgrounds only. The revised regulation provides additional clarity and expansion to the application process. For the purposes of this regulation, outgranted campgrounds are referred to as "Lessee(s)" and are defined as those campgrounds operating under park and recreation leases which include sub-lessees, third-party operators, and commercial concession leases. The Chief of Real Estate will approve participation in the SCP instead of the Division Commander. Appendix A provides a copy of the NWD Seasonal Camping Annual Report. The NWD Seasonal Camping Annual Report is a redesigned tillable portable document format with electronic signature and saving features. A tillable version of the annual report is available on the NWD intranet publications/forms website; the link is included in this regulation under Paragraph 3. References. The review of this regulation will be accomplished every 5 years, not biennial as accomplished previously.

1. BACKGROUND AND PURPOSE. Existing standard Corps park and recreation leases do not allow for Seasonal Camping (defined as recreation stays for periods longer than the time frame specified in the lease). These standard lease agreements can limit or prevent Corps Lessees from making a profit. To provide more flexibility to lessees and meet demonstrated public demand, the NWD SCP was implemented in October of 2010 after successful pilot programs in Kansas City and Omaha Districts. Lessees and District Real Estate Offices have complied with the numerous program eligibility requirements, criteria, goals, and reporting guidelines that were established to administer the program. The SCP has proven its success by both meeting the public's need for longer term camping and providing the lessees the ability to generate additional profits to reinvest in park infrastructure via recapitalization of assets and facility improvements.

2. APPLICABILITY. This regulation is applicable to all NWD Districts within this command. Implementation of this regulation is at the discretion of each NWD District Engineer (DE). NWD will conduct a division-wide review of this regulation every 5 years to review the applicability of the program requirements.

3. REFERENCES.

- a. ER 1130-2-550, Chapter 16, Recreation Development Policy for Outgranted Lands, 30 March 2009. http://publications.usace.army.mil/publications/eng-regs/ER_1130-2-550/toc.htm
- b. ER 405-1-12, Real Estate Handbook.
- c. Title 16 United States Code, Section 460d, Construction and Operation of Public Parks and Recreation Facilities in Water Resources Development Projects, 3 January 2007. <http://www.law.cornell.edu/uscode/text/16/460d>
- d. Title 36 Code of Federal Regulations, Part 327, Rules and Regulations Governing Public Use of Water Resources Development Projects, May 2000. <http://cfr.vlex.com/source/code-federal-regulations-parks-forests-public-property-1085/toc/03.68>.
- e. Engineer Pamphlet 1130-2-540, Appendix D; Guidelines for Implementing Corps Policy for Private Exclusive Use at Corps of Engineers Water Resource Project, 15 November 1996. http://publications.usace.army.mil/publications/eng-pamphlets/EP_1130-2-540/toc.htm
- f. Northwestern Division Seasonal Camping Annual Report. https://w3.nwp.usace.army.mil/im/r/form_lib/home.asp?type=nwd

4. APPLICATION PROCESS AND DELEGATION OF RESPONSIBILITIES.

- a. Lessees must be in full compliance with all terms of their existing lease prior to requesting participation in the SCP.
- b. Lessees must request and receive approval to apply for the SCP from their District Real Estate (RE) and Operations Division (OD) offices. Third party or sublease operators must submit their application through and work with the Corps' prime Lessee. Applications shall be submitted to the applicable District RE Office. Applications shall include:
 - (1) Documentation to support the Lessee's qualifications to apply for SCP under Paragraph 6, Program Participation Requirements.
 - (2) A site map which specifically identifies each seasonal and transient campsite.
 - (3) A copy of the Lessee's annual seasonal campsite rules, including all site specific rules and regulations.
 - (4) A detailed explanation of the rules under which the Lessee will administer the selection process for assigning camping spaces.

(5) District specific Acceptable Use Criteria in addition to those in Paragraph 7 of this regulation and documentation that the Lessee has been provided a copy of all SCP Acceptable Use Criteria.

(6) Documentation indicating the Lessees previous participation in the Long Term/SCP program, the time-frame of participation, and a statement verifying that the Lessee operated in compliance with all previous program requirements.

(7) A copy of the lease under which the Lessee is operating.

c. District RE and OD offices will review applications for completeness and submit the Lessee's application to CENWD-RE and CENWD-PDS (Program Support Division) for review and determination of eligibility to enter into the SCP.

d. The NWD Chief of Real Estate, under the authority of Real Estate Handbook, ER 405-1-12, Chapter 8, Section 1, Paragraph 8-2 (Applicability) and Section XII, Paragraph 8-149 (Transient Use), has the authority to authorize exceptions in the length-of-stay policy at outgranted campgrounds.

e. If authorized by the NWD Chief of Real Estate, CENWD-RE will notify the applicable District RE that the Lessee has received approval for a length-of-stay exemption to participate in a 3-year trial SCP. Lessee performance under the requirements of the program and specifically under the requirements of the Standards, Goals and Objectives criteria in Section 8 of this regulation will be annually evaluated. At the end of that 3-year trial, Lessees meeting those requirements may apply for exceptions to the length-of-stay policy.

f. Exceptions to the length-of-stay policy may only be granted for a period of up to 10 years. All Lessees participating in the SCP must annually meet all performance criteria in Section 8 of this regulation to be eligible for continued participation in the SCP program.

g. Lessee participation in the SCP shall not exceed the term of the prime lease. Should a lease be transferred or reassigned, the new Lessee must reapply for participation in the SCP.

h. Lessees should be aware that there is no commitment by the Corps to authorize exemptions or to continue the SCP after the 3-year pilot program or 10-year exception period. The Corps reserves the right to terminate any SCP agreement at any time should local conditions change, the program no longer be in the public's best interest, or as a result of operational requirements.

5. IMPLEMENTATION AND COORDINATION.

a. Lessees participating in SCP shall be responsible for program management and enforcement of all terms and conditions of the approved SCP. District RE and project office personnel shall conduct periodic inspections of seasonal sites, but primary enforcement is the responsibility of the Lessee. Lessees must maintain and submit annual records, as shown in Paragraph 9b, Reporting Requirements, within timeframes established by their District.

b. When implementing any SCP, each District will develop additional guidance under this regulation to address specific local requirements. Districts will also develop “Acceptable Use Criteria” that provides local specific use conditions for each participating Lessee.

c. District Real Estate, Operations Division, and Project Office personnel shall be responsible for the formulation, implementation, and enforcement of individual site-specific SCP to include review and verification of the Lessee Program Administration Requirements in Paragraph 9, site conditions, periodic inspections, and reporting requirements.

6. PROGRAM PARTICIPATION REQUIREMENTS.

a. The Lessee operates a land-based campground.

b. Project L/V Factor of 0.010 or greater. L/V Factor is defined by Engineer Pamphlet 1130-2-540, Appendix D. (L/V = Land/Visitation = Corps Project Fee Acres Above Normal Pool/Total Amount of Corps Project Fee Lands Visits.)

c. Site Management – A copy of the most recent compliance inspection report and rating that provides documentation that the lessee has an established record of professionally managing their recreation-related facilities per lease requirements and is in substantial compliance with their development plan.

d. Emergency Operations – the campground proposed for the SCP is either entirely above maximum pool elevation or the lessee can demonstrate a capability to remove all privately owned recreation equipment within a specified timeframe to prevent property damage and not hinder flood/emergency operations.

e. Justification for Participation—a written justification signed by the District Chief of Real Estate that clearly states the Lessee need for participation in the program.

f. Need for economic viability – documentation that clearly indicates that revenue generated by participation in the SCP is necessary for the Lessee to sustain overall facility operations and the terms of the existing real estate lease requirements.

7. SEASONAL CAMPING PROGRAM ACCEPTABLE USE CRITERIA AND MINIMUM GENERAL REQUIREMENTS.

a. For the purpose of this regulation, the term recreation vehicles (RVs) includes, but is not limited to, all truck-mounted campers, camp trailers, fifth-wheel camp trailers, pop-up tent trailers, motor homes, and motor coaches. Tents are not permitted.

b. RVs will at all times comply with state license/registration requirements and will have wheels attached with tires that contain sufficient air pressure to support the weight of the RV at all times.

RVs must be maintained in a state of ready mobility at all times, and nothing may be added to or removed from RVs which would impede this mobility. Temporary blocking for stability is permitted.

c. All items creating the appearance of a permanent residence including, but not limited to, permanent foundations, roofing, decking, outbuildings, shade shelters, windbreaks, and permanent trailer skirting, are prohibited. Tie-downs and temporary skirting are prohibited unless approved in writing by the local project.

d. Items permitted under the Acceptable Use Criteria must be removed from the campground and/or seasonal site when not occupied. If the Lessee maintains an authorized designated storage area within the leased campground, said acceptable items may be moved to and stored at that area.

e. Seasonal Camping shall be defined as all stays exceeding the Lessee's 14-consecutive-day or 30-consecutive-day camping limitations. Due to the varying length of recreation seasons throughout NWD, Districts/Projects will designate the length of the seasonal term (for example, 1 April to 31 October, 1 March to 30 November, 90 days, or 120 days.) Non-occupancy dates must be established for all seasonal sites for a minimum of three consecutive months each year (for example, 1 December through 28 February). All RVs and permitted items must be completely removed from all seasonal sites during the non-occupancy dates and those sites must remain empty for the duration of the non-occupancy period.

f. Campsite occupancy requirements will be determined by each District/Project (for example, once or twice a month).

g. The allowable percentage of seasonal campsites shall not exceed 75% of total campsites. Flexibility is allowed to provide for high/low use areas as well as the off season/peak season. The remaining campsites, termed transient sites, must be available to users on a first-come, first-served basis or through a public reservation system for camping stays as specified in the lease. Transient sites must be equal in quality to the approved seasonal sites. The designation of seasonal and transient campsites must be coordinated, reviewed, and approved by the District Real Estate and Project Operations Office.

h. All seasonal sites shall be maintained and mowed to the same degree as transient sites.

i. All sanitary wastes must be disposed of at a dump station or via connection to a camp-ground sewage disposal system. Additional loading of Corps-operated sanitary systems as a result of Seasonal Camping operation is the responsibility of the Lessee. The Corps will not upgrade or expand its' sanitary system. Portable sewage and grey water holding tanks of a capacity no larger than 30 gallons may be used while the seasonal site is occupied. No portable holding tanks will be permitted to remain connected to and/or outside the RV when the site is unoccupied.

j. Only one RV and vehicle will be allowed per seasonal campsite. Guest RVs and vehicles will be required to utilize the campground's transient sites or other parking facilities. The placement of tents or other overnight occupancy facilities for use by visitors to the site is not permitted.

k. The Seasonal Camping program shall be operated to ensure fair application and equal opportunity to applicants. Sites shall be chosen and assigned annually through a selection process where the outcome is dependent upon chance or otherwise ensures equitable assignment of spaces. The Lessee, in conjunction with the District/Project office, shall develop a selection process that is appropriate for the campground involved and the public demand for that facility. The Lessee shall notify the District/Project office in advance of the selection process to allow for potential observation.

l. The use of all seasonal campsites must be incidental to recreation; no residential occupancy is permitted.

8. STANDARDS, GOALS AND OBJECTIVES.

a. The Lessee maintains compliance with all terms of both the prime lease and the approval that authorizes participation in the SCP.

b. The Lessee provides increased levels of maintenance to existing facilities and/or makes notable improvements to any portion of the Lessee's overall infrastructure as approved by RE and/or specified in the lease development plan.

c. The campground utilized by both seasonal and transient campers is maintained to levels identified in all lease agreements.

d. The operation of the SCP results in an increase in the overall facility campsite occupancy.

e. The operation of the SCP results in an increase in the Lessee's gross revenue.

9. PROGRAM ADMINISTRATION REQUIREMENTS.

a. Management. The Lessee shall request approval from the District RE Office for any updates, changes or any revisions to seasonal campsite locations, numbers or campground rules. This could result in a new approval agreement.

b. Annual Reporting Requirements. Lessees participating in the SCP will be required to submit the following information not later than 1 May each year to the District Chief of Real Estate:

(1) Campsite occupancy rates for both the seasonal and transient campsites.

(2) Campsite fee structure for both seasonal and transient campsites.

(3) Yearly income from seasonal campsites.

(4) A written explanation of the seasonal campsite selection process.

(5) A detailed description of site improvements funded by additional revenues generated via the SCP.

(6) A ledger or reservation system spreadsheet showing the SCP campsite number and the associated state license plate number of vehicle/RV occupying that site.

(7) A copy of the SCP Acceptable Use Criteria.

c. The District RE Office will gather the annual reports from each participant in the SCP and submit each SCP report to the NWD Chief of Real Estate by 1 June each year. Appendix A, Northwestern Division Seasonal Camping Annual Report may be used for this requirement. The SCP annual reporting will be requested in conjunction with any other existing annual reporting requirements such as water and sanitary certifications, insurance, annual management plans, and development plans to establish a regular and routine cycle for receipt.

d. Enforcement. At a minimum, one annual inspection of all approved seasonal campgrounds shall be conducted by representatives of the RE Division and/or the Operating Project office. Additional inspections may be conducted when Corps personnel are in the vicinity. The ultimate responsibility of compliance with all aspects of the SCP is the primary duty of the Lessee.

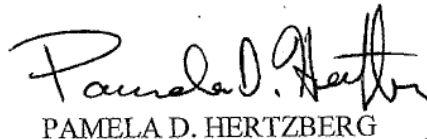
e. Non-Compliance:

(1) If SCP compliance issues occur, the District RE office, the Operating Project office and the Lessee will attempt to resolve the situation immediately. Non-compliance will be documented and written notice given to the Lessee through the applicable District Real Estate Office. If the non-compliance cannot be resolved with an on-the-spot correction, written notice will be provided to the Lessee defining the non-compliance item(s) and requirements for correction to be resolved by a specific date. A follow-up inspection will then be set up and conducted to insure that the non-compliance item(s) have been corrected.

(2) If the non-compliance item(s) have not been resolved by the specified date, the Lessee will be given final notice that they have breached the terms of the SCP and that a revocation letter will be forthcoming if the non-compliance has not been resolved to the Corps' satisfaction by a final specified date.

(3) If the resolution is not reached by the final specified date, a formal letter of revocation which terminates the Lessee's participation in the SCP will be issued to the Lessee.

Appendix A
NWD Seasonal Camping Annual Report


PAMELA D. HERTZBERG
Executive Officer

Distribution:
<http://www.nwd.usace.army.mil>
NWD Districts DE, OD, RE
NWD-RE, PDS (Senior Natural Resource Manager)
CEIT-OPI-OA

Appendix A

NWD Seasonal Camping Annual Report

Provided as an attachment and also located at the NWD Intranet website identified:

https://w3.nwp.usace.army.mil/im/r/form_lib/home.asp?type=nwd