

Can land acquisition be a part of future restoration projects?

The short answer is yes, though there are some limitations.

Our regulations state that environmental projects that consist primarily of land acquisition are not appropriate. However, the “limit” to which a project can include land acquisition is not specifically defined. Projects where land acquisition is the only action probably would not be appropriate. Other projects that include land acquisition and some type of action within that area may well be acceptable. For example, purchasing property and performing some form of wetland restoration on that property would likely be acceptable, assuming the benefits would be appropriate for the total cost of the project.

Another important note about property purchase. Our regulations state that:

“Non-Federal sponsors shall provide 100 percent of the lands, easements, rights-of-way, utility or public facility relocations, and dredged or excavated material disposal areas (LERRDs), and operation, maintenance, repair, rehabilitation, and replacement (OMRR&R). The value of LERRD shall be included in the non-Federal 35 percent share. Where the LERRD exceeds the non-Federal sponsor’s 35 percent share, the sponsor will be reimbursed for the value of LERRD which exceeds their 35 percent share.”

What does this mean? For any project requiring land purchase the non-federal sponsor would be required to acquire the property – the Corps of Engineers would not do this. However, this property purchase would be counted toward your cost-share contribution. If the property value was greater than the total required cost-share contribution, the sponsor can be reimbursed by the government for this additional cost.

More info on this contained in: Engineering Regulation 1165-2-501.

<http://www.usace.army.mil/inet/usace-docs/eng-regs/er1165-2-501/entire.pdf>