

Headquarters
United States Forces Korea
Unit # 15237
APO AP 96205-5237

United States Forces Korea
Regulation 405-7

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Engineer

FACILITIES AND AREAS (REAL ESTATE) POLICIES AND PROCEDURES IN KOREA

***This regulation supersedes USFK Regulation 405-7, 8 July 1988.**

FOR THE COMMANDING GENERAL:

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Summary. This regulation establishes policies and procedures for the grant, use, management, and return of real estate interests (facilities and areas) for use of the US Forces in the Republic of Korea.

Summary of Change. This regulation has been substantially changed and a full review of its contents is required.

Applicability.

a. This regulation applies to all United States Forces Korea (USFK) service components, Department of Defense (DoD) organizations and agencies, and their subordinate commanders who are under the operational control of, or logistically supported by USFK.

b. Service components will not re-delegate the authorities, responsibilities, and functions, or any portion thereof, established by this regulation except as provided in USFK Regulation 10-2, Installation Management and Base Operations or as otherwise directed or approved by Commander, USFK.

c. This regulation supersedes all supplements and command policies established under USFK Reg 405-7, 8 July 1988.

Supplementation. Supplementation of this regulation and issuance of command and local forms by subordinate commands is prohibited without prior approval of the Assistant Chief of Staff (ACofS), Engineer, USFK, (FKEN), Unit #15237, APO AP 96205-5237.

Forms. USFK Forms are available at www.usfk.mil/USFK/index.html.

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2 or the applicable service regulation. Record titles and descriptions are available on the Army Records Information System website at: <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the ACofS, Engineer (FKEN). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Assistant Chief of Staff, Engineer (FKEN), Unit #15237, APO AP 96205-5237.

Distribution. Electronic Media Only (EMO).

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Chapter 1 Information

1-1. Purpose

This regulation establishes responsibilities, policies, and procedures for the grant, use, management, and return of United States Forces Korea (USFK) facilities and areas in the Republic of Korea (ROK), and implements the provisions of Articles II through V of the U.S.-ROK Status of Forces Agreement (SOFA), as revised in 1991 and 2001. It also establishes responsibilities, policies, and procedures for the identification, acquisition, management, and return of USFK facilities and areas for contingency purposes in the ROK.

1-2. References

Required and related publications are listed in Appendix A.

1-3. Explanation of Abbreviations and Terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Commander, USFK is responsible for establishing policies and procedures for USFK real estate acquisition, management, and disposal, and is the single point of contact on real estate matters between the ROK and U.S. DOD organizations entitled to real estate support by the SOFA.

b. Service components, in accordance with service regulations, directives, instructions, and policies, are responsible for managing real estate under their control and for negotiating and contracting for the acquisition of facilities to support their missions in accordance with (IAW) this regulation and appropriate service regulations. Service components are also responsible for coordinating all contingency real estate requirements with subordinate and supported commanders for purposes of coordinating rear-area protection plans.

c. The USFK Assistant Chief of Staff (ACofS), Engineer is the principal advisor to the Commander, USFK, on real estate matters. The USFK ACofS Engineer (FKEN), through the Real Estate/SOFA Division (FKEN-RE/S), is responsible for acquisition, management, use, and disposal of USFK real estate to include:

(1) Acquiring, disposing of, and reporting on real estate. This includes the authority to execute all documents for acquisition and disposal between USFK and the ROK.

(2) Coordinating facilities and areas matters with the ROK Ministry of National Defense (MND) and acting in the capacity of the U.S. Chairperson of the Facilities and Areas Subcommittee (FASC) of the Joint Committee (JC) under the SOFA.

(3) Maintaining all USFK official real estate acquisition records.

(4) Maintaining a master list of USFK contingency real estate requirements, including annual joint reviews with ROK MND concerning Republic of Korea Government (ROKG) plans to satisfy USFK contingency real estate needs.

d. Service component and installation commanders are responsible for the allocation, accountability, and administration of real estate and facilities IAW applicable service regulations.

1-5. Policy

a. The ROKG is obligated, under the U.S.-ROK SOFA, Articles II and V, to provide facilities and areas needed by the U.S. military forces for purposes of the Mutual Defense Treaty of 1953 at no cost to the U.S. Government.

b. All facilities and areas that were occupied, in use, or granted for use by the U.S. military authorities prior to 1967 (when the SOFA went into effect), and which are still in such use or under such grant, are considered USFK SOFA properties and are entitled to SOFA protections.

c. Service components will continually review their facilities and areas for holdings which are no longer needed.

1-6. Procedures

a. Service components will establish procedures to implement the provisions of this regulation.

b. Service components will ensure that all real estate obtained for USFK use and all service component improvements funded and constructed thereon are accounted for on their respective real property records IAW applicable service regulations.

c. Service components will ensure that all real estate obtained for contingency purposes is coordinated with respective installation/unit commanders.

Chapter 2

Acquisition of Real Estate

2-1. General

Facilities and areas in the ROK will only be acquired or used by USFK in compliance with this regulation.

2-2. Types of Acquisitions

An acquisition is any addition of real estate to the USFK real property inventory by an approved means, including acquisition from the ROKG through SOFA channels, leasing and construction. There are many types of acquisitions, with special provisions for each, as follows:

a. Exclusive-use acquisition. This acquisition gives the USFK authority and the right to use and control the real estate for an indefinite period on a sole-use basis. This is the highest form of acquisition possible under the SOFA. Normally, all acquisitions obtained from the ROKG under SOFA procedures should be, so far as possible, on an exclusive-use basis.

b. Easement acquisition. This acquisition provides the USFK an interest in real estate under the terms of the SOFA for the purpose(s) specified in the grant. Easements are applicable to explosive quantity-distance zones, live-fire range surface danger zones, airfield clear zones, etc. Negotiations for new easements must clearly specify what activities can and cannot take place in the easement (*e.g.*, construction, farming, etc.) and any times that such activities are restricted (*e.g.*, during live-fire exercises, munitions handling, etc.)

c. Joint-use acquisition. This acquisition is for an area or facility shared by USFK and normally the ROK military. Joint-use areas are generally specified as U.S.-controlled or ROK-controlled. Cost-sharing arrangements will be the subject of a JC SOFA Agreed Recommendation (AR). For joint-use acquisitions, the USFK is precluded from paying more than a *pro rata* share of any new construction or operation-and-maintenance costs. Therefore, cost-sharing will be based on the percentage of the sole-use area that each party controls (such as office space) or the percentage of use (such as runway or parking apron).

d. Right-of-way acquisition. This acquisition is a conveyance of an interest in real estate by the ROKG under the terms of the SOFA for utilities, fuel lines, communications, and access roads. Negotiations for new rights-of-way must clearly specify what activities can or cannot take place in the right-of-way. U.S. funds may be used to construct or perform operation and maintenance functions within a right-of-way so long as it can be shown that the primary purpose of the expenditure is in direct support of the USFK mission.

e. Temporary acquisition. SOFA Article II, subparagraph 4 (b), provides a mechanism whereby USFK can acquire facilities or areas for limited periods of time to which all the provisions of the SOFA may not apply. This allows USFK and the ROKG to enter into agreements covering such areas, specifying which provisions of the SOFA were accepted. Temporary use includes everything from temporary exclusive-use (such as a rock quarry), where the only provision that is limited is the time the area is granted to USFK, to temporary non-exclusive use (such as maneuver training areas), for which the only right granted is priority to schedule the area for training so long as civilian activities are not adversely affected.

2-3. Responsibilities

a. Service components will review all real estate acquisition requests for compliance with this regulation and will forward valid requests to FKEN-RE/S for action.

b. FKEN will validate all acquisition requests for exclusive-use real estate and will forward approved requests to MND for FASC processing. In addition, FKEN will appoint and oversee the activities of all U.S. FASC task working group chairpersons. In relation to appointing and overseeing these chairpersons, FKEN will:

(1) Obtain the name and contact information of each ROK component joint working group (JWG) chairperson and provide same to the U.S. counterpart.

(2) Provide letters of instruction (LOIs) (See Appendix E) and answer questions the U.S. component JWG chairpersons may have about their duties and responsibilities.

(3) Provide assistance and guidance to increase the likelihood an agreement is reached promptly.

(4) Provide feedback to service components concerning the activities of the U.S. and ROK component JWG chairpersons appointed within their chains of command.

c. At the request of FKEN, service components will nominate U.S. component JWG chairpersons to negotiate Agreed Recommendations (ARs) with their ROK counterparts. Service components will ensure that all U.S. component JWG chairpersons fulfill the responsibilities detailed in subparagraph d, below.

d. The U.S. component JWG chairpersons will:

(1) Contact and establish good rapport with their ROK counterparts. If the ROK component JWG chairperson cannot be contacted, refuses to meet, or will not negotiate in good faith, the U.S. component JWG chairperson will notify FKEN-RE/S.

(2) Develop and actively negotiate an AR that is agreeable to both the ROK and U.S. sides. Meetings with the ROK-component JWG chairpersons should be as frequent as needed. The U.S. component JWG chairpersons should take the lead to produce draft ARs in the format provided in the LOI.

(3) Determine which staff agencies are affected by the action and obtain their input.

(4) Staff the draft AR, first with FKEN-RE/S, and then obtain concurrence on sufficiency from applicable agencies.

(5) Provide at least quarterly updates on the status of actions, including new draft ARs presented and copies of minutes/notes of any meetings, to FKEN-RE/S. For high-interest issues or when problems arise, more frequent status updates will be required. Interim telephone reports in such cases are encouraged.

(6) Promptly refer any problems or need for assistance to FKEN-RE/S.

(7) Forward any AR signed by the ROK JWG chairperson and the U.S. JWG chairperson to FKEN.

2-4. Policy

a. Service components will not submit requests for new real estate acquisitions until the availability of real estate controlled by other USFK activities and other U.S. agencies in the local area has been fully considered. If no existing U.S.-controlled area is available, a request for new real estate must be validated by FKEN before being submitted to the ROKG through SOFA channels. This includes requests for new joint-use areas, temporary use areas, and easements (except minor utility rights-of-way), in addition to new exclusive-use areas.

b. Within the Republic of Korea, certain areas are set aside and are not generally available for development. Acquisition requests will not be made for these areas unless demanded by military necessity; all requests for real estate in such areas must be accompanied by a detailed justification, including alternative areas that were considered and the compelling reasons for choosing the site. These sites and areas include:

(1) Agricultural Development Region. Approximately 46.3% of all current farmland in Korea has been designated as an "agricultural development region" by the ROKG. Use of such land for any other purpose requires Ministry for Food, Agriculture, Forestry and Fisheries approval.

(2) Greenbelt Zone. Certain areas within urban centers have been designated as greenbelt zones by the ROKG. Use of such land for any purpose other than parkland requires Ministry of Land, Transport and Maritime Affairs approval and Presidential concurrence. Construction within the confines of existing USFK installations located within a greenbelt zone is not restricted by ROKG policy.

(3) Burial grounds and residential, commercial, industrial, park, or school property.

c. To ensure the availability of real estate required to support new military construction, service components will notify FKEN-RE/S promptly when any project associated with a real estate acquisition is identified.

d. Requests for acquisition of real estate must be submitted as far in advance as possible. Guidelines for lead time on submission of acquisition requests are given below. Requests submitted with less lead time must clearly explain any military urgency that justifies more expeditious handling by the ROKG.

<u>ACTION</u>	<u>LEAD TIME</u>
Renewal of temporary-use acquisitions	6 months
Minor utility rights-of-way	1 year
Joint-use	18 months
Easements	2 years
Exclusive-use	3 years

2-5. Procedures

a. Service components will submit requirements for additional real estate, including a site map of the proposed acquisition, to FKEN-RE/S. All acquisition requests must be complete and accurate when submitted. Specifically, acquisition requests must include all necessary drainage structure requirements, access roads, utilities and communications rights-of-way, and easements for explosives safety/clear-zones, etc.

b. Acquisition requests will include the following:

- (1) Name of nearest town with map coordinates.
- (2) Description of present use, total acreage, acreage under cultivation, forest land, roads, and other data fully describing land and facilities thereon.
- (3) Period for which property is required.
- (4) Estimated number of civilians, if any, to be relocated.
- (5) A statement regarding the availability of funds and program sources for any construction to be accomplished, including project number and estimated start date, as appropriate.
- (6) A statement fully justifying the requirement for the acquisition. The justification should clearly define the contribution to readiness and war-fighting and why the requirement cannot be satisfied by real estate already granted to USFK. If a justification includes classified information, a ROKG-releasable version of the justification will be included as an enclosure to the acquisition request to allow general administrative handling of the request by ROKG personnel. Personnel without proper clearances should not be handling classified material.
- (7) An indication of whether the requested real estate is required for a new installation or for an addition to an existing installation.

(8) Description of type of use required (*i.e.*, indefinite exclusive, temporary non-exclusive, temporary exclusive, restrictive easement, or right-of-way, as defined in paragraph 2-3).

(9) Number of graves, if any, to be relocated. (Locate on attached map.)

(10) Amount and description of indigenous facilities to be altered or removed. (Locate on attached map.)

(11) Number and size of existing trees to be cut or removed. (Locate on attached map.)

(12) A metes and bounds survey plot plan (1 reproducible and 11 copies) showing proposed property lines, types of use required (exclusive, easement, etc.), existing land use including structures, graves and trees, and a vicinity map indicating the proximity of requested areas to other USFK real estate. This plot plan will have a signature block in the lower right corner that includes the following information:

(a) Name of the individual preparing the request and date of preparation.

(b) Name of the commander of the using organization certifying the requested area is adequate.

(c) Name of the installation or component safety officer certifying the request meets explosives safety, clear zone, surface danger zone, and other safety restrictions.

(d) The certification of the engineer responsible for siting, programming, designing, and maintaining facilities to be acquired or constructed.

(e) For all acquisitions where the Corps of Engineers is the design agent, a certification by the Chief of Engineering Division, U.S. Army Corps of Engineers, Far East District (FED), that the requested area is adequate for the proposed facilities and includes all required easement and rights-of-way for a complete and usable facility.

c. Upon receipt of an acquisition request, FKEN-RE/S will ensure the request is in accordance with the theater master plan, prior to initiating action to acquire the real estate through SOFA channels.

Chapter 3 Exchange of Real Estate

3-1. Responsibilities

a. FKEN-RE/S is responsible for coordinating with applicable service components and other interested parties to prepare USFK proposals for all major exchange actions.

b. Service components are responsible for preparing a listing, with appropriate supporting data, of all replacement land and facilities that will be required due to the loss of facilities and land to be released. At a minimum, this data will include a site plan, single-line floor plans, estimated cost of all facilities, and desired design characteristics. For exchange actions, the affected commands will work with the FKEN-RE/S staff to prepare USFK proposals.

c. Each side (ROK/U.S.) of the JWG has a chairperson. The U.S. component chairperson is appointed by FKEN. Members of the JWG for such actions are appointed by the U.S. component JWG chairperson and will normally include representatives from affected service components, FED, affected Director of Public Works (DPW), Base Civil Engineer (BCE), Public Works Officer (PWO); and FKJA. Other specialists may be appointed as required. Responsibilities of the U.S. component JWG chairperson include, but are not necessarily limited to:

(1) Negotiating equitable agreements concerning the scope of replacement facilities and areas to be provided. Preparing memorandums for record for all U.S.-only discussions and joint negotiations related to the projects. Based on the negotiations, the chairperson will prepare a formal AR; obtain approval of the draft AR from FKEN-RE/S; obtain the ROK-component JWG chairperson's signature on the AR; execute the AR himself/herself; and provide the AR to FKEN-RE/S, for submission through formal SOFA channels.

(2) Monitoring the progress of the joint administrative committee (JAC) established by an approved AR to execute a major exchange, and assisting in resolving disputes that cannot be settled by the JAC.

(3) Negotiating applicable modifications to the AR, known as agreed understandings (AUs), and preparing and providing documentation similar to the AR, if difficulties arise that are not resolved by the JAC or if changes to the AR become necessary due to changed conditions or requirements.

(4) Coordinating release of existing facilities and areas after the new facilities and areas have been accepted and occupied, unless specified otherwise in the approved AR.

3-2. Policy

When FKEN receives a ROK request for the release of real estate, FKEN will request information from the applicable service component concerning feasibility of release. If the service component determines the requested release is feasible only if replacement facilities are furnished by the ROK, then the service component makes a recommendation to FKEN to establish an exchange project. If approved by FKEN, a JWG may be formed and a specific proposal prepared and presented to MND via the JWG chairperson.

Chapter 4 Outgrants

4-1. General

Instruments granting the use of USFK-acquired real estate from one U.S. military service to another, to a U.S. federal agency, or to an approved private organization or private association, will be completed by the service component IAW applicable service regulations, except that permanent use of USFK-acquired real estate by tenant ROK units must be based on a written agreement approved by the SOFA Joint Committee. The explanation of special terms like '**Outgrant**', '**License**' and '**Permit**' is in the glossary.

4-2. Policy

a. Use of service component real estate by any other organization, unit, or individual should be approved by the service component IAW applicable service regulations. Outgrant documents will normally be approved for use of real estate by the following activities:

- (1) Other U.S. military services.
- (2) Non-service DOD agencies.
- (3) Non-DOD Federal Government agencies.

b. Real estate outgrants are generally not required for use of USFK-controlled real property utilized by the following activities:

- (1) Other elements of the same military service (space allocation).
- (2) Non-appropriated fund activities.
- (3) Contractors or concessionaires of appropriated or non-appropriated fund activities if such use is specifically authorized under the terms of the contract.
- (4) Authorized private organizations/private associations/non-federal entities when space is not assigned for exclusive and full-time use (e.g., room used only for monthly meetings).
- (5) Private organizations/private associations/non-federal entities with which an installation commander has entered into a written logistical support agreement involving real estate in accordance with DODI 1000.15 and DODD 4165.06, and any private organization/private association/non-federal entity entitled to real estate support by other applicable law (See DODI 1000.15, Enclosure 3, for references).

c. Private construction firms may, under the provisions of applicable service regulations, erect temporary structures incident to a U.S. military contract for construction. Structures suitable for military use may be transferred to the service component, in lieu of removal, when so stated in the construction contract.

d. Licenses/permits granting use of USFK SOFA-acquired real estate will not provide for monetary consideration. However, in licenses, provisions shall be made for reimbursement or payment of, utilities, maintenance, operation, repairs and improvements, and all other costs to the US Government in accordance with the requirements of the DoD Financial Management Regulation (Volume 11A, Chapter 4) and OMB Circular No. A-25. Reimbursement from other services and/or USG users will be determined in accordance with DODI 4000.19. Interservice support agreements will be executed where permits to another service or to another USG agency provide for such support, but such agreements are not used with private organizations or private associations. Licensees or permittees utilizing outgranted property may not assign their real estate rights or interests to third parties.

e. Outgrants of U.S.-leased property will provide for proportionate charges if the facility is granted in whole or in part to another authorized entity.

f. Unless specifically authorized, an outgrant will not be made for property intended for permanent use. USFK property may be outgranted as follows:

- (1) Permits may be issued to other U.S. military departments and USG agencies for mutually agreeable periods.

(2) Licenses may be issued to authorized private organization or private association, individuals, and civilian corporations in support of USFK missions, for a period reasonably necessary to accomplish the purpose for which granted, but not to exceed 5 years.

4-3. Procedures

a. IAW applicable service regulations, requests for outgrants will contain, at a minimum, the following information:

(1) Name of applicant and date of request (*e.g.*, other military service, USG agency, or private organization/private association/non-federal entity). Include title and address of responsible individual.

(2) If a private organization/private association/non-federal entity, a statement that an approved constitution, bylaws, or article of agreement has been or will be executed. Copies of such approved documents will be forwarded to the applicable office/individual for service component's review and concurrence prior to issuance of a license for real estate use.

(3) Detailed purpose for which the use is intended (*e.g.*, sale of merchandise (type), office space, meetings, storage, billeting, etc.).

(4) Building number(s), including square-footage and room number, if applicable (Provide drawings showing the area concerned). If a portion of a building is to be used, a floor plan showing the space requested should be submitted; if an entire building is to be used, a plot plan should be submitted.

(5) Extent and frequency of use (*e.g.*, exclusive, weekly, or other). From and through dates will be specified in all cases.

(6) If land is involved, a plot plan of the installation, indicating area involved.

(7) If a private organization/private association/non-federal entity, a statement that the real estate to be used is not presently used for military purposes, and that the requested use will be directly beneficial to the U.S. Cite the reasons why the use will be beneficial and who specifically will benefit.

(8) The present functional category code of building(s) involved, indicating if extensive alterations/modifications are planned that would constitute a conversion or diversion. If so, indicate present and new category codes applicable to the proposed use, the estimated cost of conversion/diversion, and the source of funds.

b. In addition to standard provisions of term and purpose, outgrant instruments will incorporate, as applicable, the following stipulations:

(1) Structures will not be erected or constructed without prior written approval of the service component. Modifications and alterations will similarly require service component's approval.

(2) Ownership of structures constructed or improvements made, other than with appropriated funds, will be determined, in writing, prior to construction.

(3) Any structure considered suitable for military use may, in place of removal, be relinquished to the host installation at the termination/expiration of the outgrant. Such stipulation will also be included in the construction contract.

(4) Licenses to private individuals or organizations will hold the U.S. harmless for damages and/or injury resulting from use of the premises by the licensee, his guests, or any third party.

(5) The amount of reimbursement, if any, as determined by appropriate authority.

(6) A pre-inspection of the condition of the facility, in writing, signed by the responsible individual.

(7) Satisfactory restoration of damages to the premises, or payment in lieu thereof, upon termination of the outgrant. Said restoration or payment is to be determined by the individual having immediate jurisdiction over the property.

(8) The outgrant is revocable at will by the service component.

Chapter 5 Release of Real Estate and Indigenous Facilities

5-1. General

This chapter addresses the complete or partial release of buildings, facilities or areas that have been granted to USFK under the SOFA. Specific details for exchanges of real estate are found in Chapter 3, above. This chapter also covers the demolition of indigenous facilities, which constitutes a partial release of facilities granted under the SOFA.

5-2. Policy

a. Service components will continually review real estate holdings and, when appropriate, notify FKEN-RE/S of holdings in excess of current requirements and future programs. Transfer or abandonment will not be accomplished without prior approval of FKEN.

b. FKEN-RE/S will process requests/notifications and initiate approved disposals through SOFA channels. No installation or part of an installation will be processed for release unless approved by FKEN and the Chief of Staff, USFK.

c. ROKG requests for release of USFK-controlled real property will be submitted to FKEN.

d. When an anticipated contingency requirement exists for use of the facilities and areas to be released, USFK will negotiate with the ROKG for specific reentry rights as a condition of the release, which will be further handled as a contingency real estate requirement.

e. Following approval of the request and execution of appropriate SOFA documentation (SOFA CJ FL 7 - Release of Real Estate by United States Forces, Korea. See Appendix F), service components will adjust real property records to reflect disposal of the real estate.

f. The service component is responsible for the physical security of real estate, facilities, and/or installations under its control until actual turnover has been completed, unless interim use has been arranged through SOFA channels.

g. Actual turnover will be accomplished immediately following a joint inspection by MND and service component representatives.

5-3. Indigenous Facilities

a. The ROKG maintains real estate accountability for the facilities and areas granted to the U.S. under the SOFA. The U.S., as an accommodation to the ROKG, has agreed to notify and consult with the ROKG to demolish, abandon-in-place, or substantially alter indigenous facilities to enable the ROKG to record the change to their real property records. For this reason, indigenous facilities will not be modified, converted, and/or demolished without prior written approval from FKEN-RE/S. FKEN must obtain MND concurrence prior to approving such requests from the service components.

b. Requests to alter or demolish indigenous facilities must be submitted to FKEN-RE/S at least 120 days prior to advertising any contract requiring the alteration or demolition of indigenous facilities, or at least 180 days prior to the desired alteration or demolition start date if no contract is involved. However, requests should not be submitted more than 12 months prior to the intended demolition date since MND will not take action that far in advance. USFK will initiate an annual FASC task requesting approval from MND to demolish indigenous facilities for each calendar year.

c. Any salvageable materials resulting from the demolition of indigenous facilities must be returned to the ROKG unless otherwise directed by FKEN.

5-4. Procedures

a. Notification that an installation or area, or a portion of an installation or area is excess to the needs of the concerned service component must be submitted by letter FKEN-RE/S at least 180 days prior to any plans to withdraw U.S. forces from the installation or area. This lead time is required to adequately screen the action and, if approved for unconditional release, provide the ROKG with 90 days notice for their administrative actions.

(1) The responsible public works officer/civil engineer will prepare and submit notification letters which include the following:

- (a) Acquisition number and inventory number (if any).
- (b) Description (include information on present/former use).
- (c) Type of release (partial or complete) and date available for release.
- (d) A determination concerning requirements for the facilities and areas for release in support of contingency plans. If contingency requirements exist, reentry rights must be included in the release action.
- (e) Any required special condition of the proposed release, such as easements, access, etc.
- (f) A complete inventory of indigenous and USFK-constructed facilities to be returned or released through abandonment (in-place), including all accountable installed property to be released.

(g) A reproducible copy and 11 additional copies of a plot map showing the area and facilities proposed for a release or disposal, with a vicinity map showing the relationship of the area proposed for release to other USFK real estate.

(2) The responsible public works officer/civil engineer will also prepare and submit appropriate disposal requests IAW instructions contained in applicable service regulations.

b. When FKEN-RE/S receives a request for release or notification of excess property, it will screen other service components as to their possible need for the property and will prepare a recommended disposition IAW the theater master plan.

c. FKEN-RE/S will notify service components by letter of approval to dispose/release real estate. EUSA, United States Air Force – Korea (AFKOR), Commander, United States Naval Forces—Korea (CNFK), United States Marines--Korea (MARFOR), and Installation Management Command – Pacific (IMCOM-P) will advise FKEN-RE/S within 30 days after an approved disposal or release action has been completed and they will reflect such action in the next update of their real property inventory report.

Chapter 6 Management

6-1. General

a. Real estate acquired for USFK use will be occupied and used only by USFK units, agencies, and/or organizations in strict compliance with the SOFA, FASC JC-approved agreements, outgrants, or licenses.

b. Service components are responsible for ensuring that USFK real estate under their control is being used IAW applicable service regulations, existing outgrant documents, existing support agreements, and conditions authorized by the FASC process.

6-2. Construction

a. Installation real estate accountable officers will participate in the design review for all new construction. The accountable officer will sign the design drawings, certifying that the project, as designed, and including all utility rights-of-way, access roads, drainage relocations, safety easements, etc., will be completely situated on real estate already granted to USFK, or on additional real estate that has been requested from the ROKG for the project. No contract will be advertised prior to such certification.

b. If a project is planned on real estate that is granted to USFK but which is encroached, the real estate accountable officer will notify FKEN-RE/S. The notification will reference the applicable encroachment report (see subpar 6-4.c, below), note the fiscal year the project is planned to begin, locate the alternative sites that were considered, give reasons for selecting this site, and state the impact on mission if the project is not built.

c. Design agents will ensure that design architects and engineers use existing U.S.-controlled real estate or U.S.-requested real estate, as appropriate, as an absolute design constraint. Project grading limits, including all necessary utilities, safety easements, etc., will never extend beyond real estate boundaries.

d. Construction agents will ensure that no construction change order is authorized before it is certified that the project, as changed, will still be completely situated on U.S.-controlled real estate. The construction agent will also ensure that no construction contract is awarded if the project site is encroached.

6-3. Petitions

In consideration of military and security requirements, use of USFK real estate by private individuals, organizations, or local government agencies will not normally be approved. In any case, requests received at the local level for either use or release of USFK real estate will be processed as follows.

a. Petitions for release, farming, and/or other uses of USFK real estate received by any USFK activity will be handled without comment on the substance of the request except to advise that the request must be submitted through MND. An approved letter format for responding to such petitions is at appendix C. A copy of any petitions received, together with a copy of the reply, will be forwarded to FKEN-RE/S.

b. Petitions for recovering treasure from USFK real estate will be handled without comment on the substance of the request. An approved letter format for responding to such petitions is at appendix D. A copy of the petition, together with a copy of the reply, will be provided FKEN-RE/S.

6-4. Encroachments

a. Installation commanders will physically inspect all real estate under their control for possible encroachments on a continuing basis. Specific and positive measures, such as guards or fencing, will be taken to prevent encroachment; no action, however, will be taken to physically remove established encroachers or restrict their access without specific prior approval of FKEN.

b. A written warning will be issued to trespassers in military areas (both exclusive-use and restrictive easement) by installation commanders when encroachments occur (see appendix B for sample format). Delivery of the warning will be accomplished by the MND real estate representative in conjunction with the concerned installation commander and concerned local ROKG officials, if possible.

c. After reasonable efforts have been exhausted at the local level to remove the encroachment, the matter will be referred to FKEN-RE/S, for resolution through SOFA channels and procedures. Such referrals will be in the form of an Encroachment Report, which will include the following:

- (1) An encroachment site map that shows the exclusive-use boundary, installation perimeter fence, and all areas of encroachment.
- (2) Statement of when encroachment started.
- (3) Statement of type and degree of encroachment.
- (4) Statement of what actions have been taken to date to prevent or remove encroachers.
- (5) Fully captioned and dated photographs of encroachment (aerial, if available).
- (6) A recommendation on disposition of the real estate (e.g., retention, release, removal of encroachers, etc.).

d. After the initial submission of the Encroachment Report, the report will thereafter be updated semiannually on 30 April and 31 October.

6-5. Resolution of Problems

The formal procedures established under the SOFA may be employed for the resolution of problems concerning the utilization of USFK-controlled real estate or the joint use of U.S. and/or ROK facilities and areas. Problems of this general nature which cannot be resolved at the local level should be referred to FKEN-RE/S for possible action through SOFA procedures. In certain cases it may be necessary to establish a JWG to negotiate an equitable resolution. The JWG is composed of a U.S. and a ROK chairperson and as many other U.S. and ROK members as the chairpersons determine are necessary to provide required expertise. The JWG is tasked to hold negotiations and prepare an AR to resolve the issue. US FASC Chairman will assign the U.S. JWG chairperson, provide assistance during negotiations, assist with the preparation of documents, and process applicable documents through SOFA channels.

6-6. Trimming, Transplanting, and Removal of Trees

a. Forestry management is a matter of vital concern to the ROKG and must be carefully considered in construction and installation improvement programs. Service components are authorized to take the following actions regarding routine tree trimming, transplanting, and removal. This regulation does not prohibit the service components from delegating this authority to the installation level.

(1) Routine trimming and transplanting of trees consistent with established forestry management practices.

(2) Minor tree removal programs in improved areas (e.g., administrative, billeting, and housing areas), provided such removal does not adversely impact the environmental or aesthetic quality of the area. Significant tree removal programs in such areas must be coordinated with the ROK military real estate authority.

b. Removal of trees in unimproved areas, such as training areas or ranges, requires the prior approval of FKEN. Accordingly, requests to remove trees in such areas will be forwarded to FKEN-RE/S for review, coordination, and approval. Requests must include justification for the removal and two copies of a location map (seven copies if a Greenbelt Zone) showing the tree locations. Reasonable effort will be made to transplant the trees. When approved, removal will be accomplished IAW any reasonable conditions requested by MND. Residual wood resulting from tree removal may be used or disposed of within the confines of the military compound at the discretion of the service component. The removal, however, of such residual wood from the confines of the military compound involved must be coordinated with the ROK military real estate authority. Diseased, decaying, or dead trees (or even healthy trees) that constitute a clear and present danger to life and property, may be removed from any area without prior coordination or approval. There is no restriction on the removal of bushes and shrubs (*i.e.*, secondary growth not ordinarily classified as trees).

6-7. Claims

a. If any claims are filed involving USFK real estate in Korea, they will be settled IAW the SOFA, Article XXIII, and other pertinent laws, regulations, and agreements entered into between the ROK and the U.S.

b. Matters involving real estate claims should be documented immediately and forwarded to FKJA-Claims, with a copy to FKEN-RE/S for review and appropriate handling.

6-8. Graves

a. Extreme caution must be exercised at all times to insure graves are not desecrated. Graves will not be moved by USFK agencies unless directed in writing by FKEN. Relocation of graves must conform to ROK culture and procedures, and will be accomplished at US expense. Any grave relocation must be coordinated with the MND real estate representative and should be requested as soon as identified.

b. The grave relocation process and procedures are as follows:

(1) The Area/Installation Commanders will forward a memo thru command channels to FKEN-RE/S identifying graves to include the location, maps and photographs of the sites. This memo will include review comments from a designated local U.S. Cultural Resource Manager, along with a designated local U.S. Action Officer and a summary explaining the purpose of the grave removal.

(2) After the above information is received, FKEN-RE/S will then forward the memo to ROK MND along with the information of the designated local U.S. Action Officer. A copy of the memo will be furnished to the designated local U.S. Action Officer as well.

(3) ROK MND will identify and coordinate necessary local administrative details with the family/grave custodian.

(4) A ROK MND representative and a local U.S. Action Officer will conduct a joint site survey.

(5) The Area/Installation Commanders will be responsible for providing funding to support grave relocations for US construction projects if grave sites are identified within their existing U.S. installations.

(6) ROK MND will provide a cost estimate and banking information to the local U.S. Action Officer.

(7) The Area/Installation Commanders will provide funding for settlement by using the approved SF 1034.

(8) ROK MND will relocate the grave.

(9) The local Action Officer will notify FKEN-RE/S in writing when grave relocations have been completed.

c. ROK MND is obligated to remove all graves before granting new land to USFK.

6-9. Naming Installations

The official names of all installations are shown in the Annual Schedule of Facilities and Areas report produced by FKEN-RE/S. Service components will advise FKEN-RE/S of any name changes that have been made IAW service regulations.

Chapter 7 Utilization

Effective and efficient utilization of real estate is a command responsibility that follows normal command channels.

- USFK will not attempt to acquire any additional real estate to fulfill any military requirement until every effort has been made to maximize efficient use of available property already granted under the SOFA or an existing lease.
- Service components are responsible for ensuring that USFK real estate under their control is being used in accordance with this regulation, applicable service regulations, existing outgrant documents, and any conditions contained in the approved SOFA acquisition document.
- Real estate for which no immediate need exists, but for which future permanent peacetime needs exist, will be identified to FKEN-RE/S for interim use by other U.S. services in Korea or possible interim use by ROK nationals IAW SOFA, Article II 4(a).
- Real estate not needed to support any present or future permanent peacetime requirement, but required to support a contingency, will be identified to FKEN-RE/S for possible release with specific reentry rights.
- Real estate not needed to support any known requirement will be identified FKEN-RE/S for possible exchange or release IAW Chapters 3 or 5, respectively, of this regulation.

Chapter 8 Records and Reports

8-1. General

FKEN-RE/S constitutes the central office of official records for USFK real estate granted by and returned to the ROKG. Queries relating to USFK real estate rights, real estate boundary maps, plot plans, and related supporting information will be directed to FKEN-RE/S for official opinions, interpretations, or determinations.

8-2. Records

a. Service components will maintain real estate records IAW their service regulations and as otherwise provided herein.

b. Source records maintained by service components will, at a minimum, contain the following information, consistent with service regulations:

(1) A copy of all correspondence authorizing acquisition and the document transferring the land to the accountable office.

(2) In cases of acquisition, construction, modification, transfer, ingrants, and/or outgrants of real property, a DD Form 1354 (Transfer and Acceptance of DoD Real Property) or other appropriate document attesting to the transfer and acceptance of the real property.

(3) Recorded changes of increases or decreases to base data, including appropriate acquisition, release, and disposal documents.

(4) Real property records, including installed real property, building equipment, and building accountable officers.

(5) Maps, plans, drawings, photographs, specifications, and vouchers which relate to the real estate of the installation.

c. FKEN-RE/S will maintain a central file which will, at a minimum, contain the following:

(1) FASC and JC approved and pending actions.

(2) Correspondence and documents approving and otherwise concerning the acquisition, utilization, and disposal/release of USFK real estate.

(3) USFK real property inventory reports and data.

(4) Maps, diagrams, plot plans, photos, and other data pertinent to the control and use of USFK property.

d. Real property accountable officers assigned physical security and financial responsibility for real property at the installation level will establish and maintain files showing current building layouts, utilization, and any conversion/diversion from the assigned use, including approval thereof.

e. Service components will maintain and dispose of real property records IAW their service regulations.

8-3. Reports

a. Service components will submit the following reports to FKEN-RE/S.

(1) An Encroachment Report (subparagraph 6-4c. above) will be submitted whenever new encroachment is noted and thereafter semiannually on 30 April and 31 October IAW paragraph 6-4d., above.

(2) An Annual Schedule of Facilities and Areas, reflecting holdings as of 31 December, will be submitted NLT 10 January of the following year. This report is maintained by the JC, SOFA, and comprises a current listing of USFK facilities and areas.

(3) Commander, AFKOR, will provide an information copy of the USAF Real Property Inventory Details List (RCS: HAF-PRE (SA) 7115) each time the publication is updated.

(4) Commander, CNFK, will provide database summary report from Internet Navy Facility Assets Data Store (iNFADS) annually on schedule as directed by USFK.

(5) Commander, IMCOM-P, will provide an information copy of the Army Military Real Property Inventory Details List each time the publication is updated.

(6) Commander, MARFORK, will provide database summary report from Internet Navy Facility Assets Data Store (iNFADS) annually on schedule as directed by USFK.

b. Service components will provide FASC Task updates to FKEN-RE/S, during the first month of every quarter (January, April, July and October).

Appendix A References

Section I. Required Publications

United States of America-Republic of Korea Status of Forces Agreement.

DOD Directive 4165.06 (Real Property)

DOD Instruction 1000.15 (Procedures and Support for Non-Federal Entities Authorized to Operate on DOD Installations)

DOD Instruction 4000.19 (Interservice and Intragovernmental Support)

USFK Reg 10-2 (Installation Management and Base Operations)

USFK Reg 10-10 (Organizations and Functions) Joint Committee and Subcommittees under the United States of America - Republic of Korea Status of Forces Agreement (SOFA)

DoD Financial Management Regulation (Volume 11A, Chapter 4)

OMB Circular No. A-25

Section II. Related Publications

Minutes of the Fifth Joint Committee Meeting on 11 April 1967, Enclosure 2 (Facilities and Areas Subcommittee Procedures).

Minutes of the 179th Joint Committee Meeting on 17 December 1999, Enclosure 39 (Subcommittee Procedures for Submitting Recommendations - Agreed Recommendations (AR)) P16294-16299.

Section III. Related Forms

DD Form 1354 (Transfer and Acceptance of DoD Real Property)

Appendix B
Warning to Trespassers in Military Areas

SUBJECT: Warning to Trespassers in Military Areas

TO: Unauthorized Personnel in _____ Area

You are occupying real estate which the Republic of Korea has made available for the exclusive use of the United States Armed Forces. You are not authorized to be on this property, and you are therefore trespassing.

This area is used by the United States Armed Forces, which are assisting in the security of the Republic of Korea. Accidental damage to your property or injury to you may easily occur in this area.

As a trespasser, you are warned to leave and not to use this military area for any purpose. The United States will not pay any claims for accidental damage to your property or injury that you may suffer on this property.

If you have any questions concerning this notice, you should inquire at the local ROK Ministry of National Defense.

Signature and Rank
Position and Organization

Appendix C
Petition for Release/Use

Dear Mr./Mrs. _____:

This is in reply to your letter of _____ (date) concerning
_____.

I regret that this headquarters cannot take action on your request. Under terms of the United States--Republic of Korea Status of Forces Agreement, such matters are handled on a Government-to-Government basis. May I suggest that you submit your request to the ROK Ministry of National Defense, Installations Bureau, for its consideration and possible action through established Status of Forces Agreement channels.

Sincerely,

Signature and Rank
Position and Organization

Appendix D
Petition for Excavation for Treasure Trove

Dear Mr./Mrs. _____:

This is in reply to your letter of _____, (date) concerning your request to excavate for buried materials at our _____ installation.

It is the policy of this headquarters to prohibit excavation on USFK-controlled real estate for the purpose of recovering treasure trove. This policy is necessitated by the fact that such excavation would create or involve USFK in additional responsibility and/or liability that we can neither assume nor waive (for example, installation security, possible damage to United States Government property, or the risk of personal injury). In view of the foregoing, I regret to advise you that your request cannot be approved.

Sincerely,

Signature and Rank
Position and Organization

Appendix E

E-1. Letter of Instruction (LOI) for JWG Chairperson



FACILITIES AND AREAS SUBCOMMITTEE
UNDER
THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA
JOINT COMMITTEE, STATUS OF FORCES AGREEMENT

Chairman, United States Component
Joint Working Group
Under the Facilities and Areas Subcommittee

SUBJECT: LETTER of INSTRUCTION (LOI)

1. PURPOSE: This LOI defines the responsibilities, objectives and procedures for personnel appointed as the United States (U.S.) Chairman of a U.S. and Republic of Korea (ROK) Joint Working Group (JWG).
2. SCOPE: This LOI is applied to any person assigned to serve as a U.S. Chairman of a JWG for the purpose of resolving a task under consideration by the Facilities and Areas Subcommittee (FASC) of the Joint Committee established by the U.S. - ROK Status of Forces Agreement (SOFA).
3. GENERAL:
 - a. In accordance with Article XXVIII of the U.S. - ROK SOFA, the Joint Committee was established as a means for consultation between the Government of the U.S. and the Government of the ROK on all matters requiring mutual consultation regarding the implementation of the SOFA. In particular, the Joint Committee serves as the means for consultation in determining the facilities and areas in the ROK that are required for use by the U.S. in carrying out the purpose of the SOFA.
 - b. The FASC was established to consult and give advice and recommendations on matters concerning facilities and areas referred by the Joint Committee; on SOFA Articles II, III, IV, and V; and on other matters as deemed expedient and proper by the U.S. - ROK SOFA Joint Committee.
 - c. A JWG may be appointed by the FASC for tasks that are of an unusual or complicated nature. FASC tasks that might require forming a JWG include ROK requested releases of U.S. granted real estate, especially those involving the ROK providing replacement facilities to the U.S., or tasks where facilities and areas are to be jointly used by the U.S. and the ROK. Appointment of a U.S. JWG Chairman becomes necessary due to the level of knowledge and expertise on specific operational issues that might be needed to resolve the FASC task.
 - d. The primary mission of the U.S. JWG Chairman is to develop and conclude a mutually Agreed Recommendation (AR) signed by both U.S. and ROK JWG Chairmen that can be provided to the FASC to resolve the task assigned. A sample AR (format) is provided at Enclosure 1 to this LOI. This enclosure should be used as a guide for the JWG to follow in accomplishing its assigned task. The sample AR highlights some of the more common, mandatory language, which may be used to address specifics peculiar to the assigned FASC tasks (*Italics*).

SUBJECT: LETTER of INSTRUCTION (LOI)

4. RESPONSIBILITIES of U.S. JWG CHAIRMAN:

- a. Contact and establish good rapport with the ROK JWG Chairman.
- b. As required and/or directed, draft a proposed AR in accordance with this LOI and the enclosed sample AR.
- c. Determine staff agencies affected by the action and obtain their input. If the action involves construction of facilities, coordinate with the U.S. Army Corps of Engineers, Far East District (ATTN: CEPOF-PP at DSN721-7429).
- d. Consult with Environmental Subcommittee (FKEN-EP/DSN 723-6122) on requirement to conduct an environmental survey. If a survey is required, the Environmental Subcommittee will identify a U.S. Environmental Joint Working Group (EJWG) co-chair. Keep EJWG informed as you develop the FASC AR to ensure environmental concerns are considered.
- e. Submit a monthly written report which includes the status of drafting the proposed AR, copies of minutes or notes of any meetings, and the current status of negotiations to the Assistant Chief of Staff (ACofS), Engineer, ATTN: Real Estate/SOFA Division (FKEN-RE/S), Unit #15237, APO AP 96205-5237, DSN 723-6122. In some instances, a status report will be required more frequently on high interest issues or when problems arise. In many cases, interim telephone reports are acceptable and encouraged.
- f. Refer any problems or need for assistance to FKEN-RE/S.
- g. Staff the draft AR in accordance with component guidelines to obtain concurrence from garrison/base/installation commander and the service component. Then forward the draft AR to FKEN-RE/S, for staffing with USFK OJA (legal sufficiency), FKDC-SA (SOFA review), and other agencies in accordance with USFK Regulation 550-51.
- h. Prepare the draft AR in English only. If the ROK JWG Chairman insists on a bilingual AR, forward the draft AR to FKEN-RE/S indicating this ROK demand. (Note: If it is decided that a Korean language version is needed, FKEN-RE/S will coordinate with FKDC-SA for a translation including the certificate of translation which is necessary by USFK Regulation 550-51.)
- i. After receiving approval of the draft AR from FKEN-RE/S, negotiate an AR acceptable to both the ROK and U.S. sides.
- j. After tentative agreement is reached, forward the proposed final version of the AR to FKEN-RE/S for final USFK staffing and approval to sign the AR for submission to the FASC.
- k. Following receipt of approval to sign the AR, forward the original AR signed by both the ROK and U.S. JWG Chairmen to FKEN-RE/S for review and development of a FASC recommendation to the Joint Committee. (Note: The U.S. JWG Chairman will not sign two original AR. There should be only one original signed copy of the AR. This original copy must be forwarded to the FASC for inclusion in the official U.S. - ROK SOFA Joint Committee minutes).

SUBJECT: LETTER of INSTRUCTION (LOI)

I. Enclosure 2 depicts the FASC process. It identifies the actions required to complete a FASC task.

Enclosures
as

Jay S. Mallery
Colonel, U.S. Army
Chairman, United States Component
Facilities and Areas Subcommittee

E-2. Enclosure 1: Sample AR Memo



**FACILITIES AND AREAS SUBCOMMITTEE
UNDER
THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA
JOINT COMMITTEE, STATUS OF FORCES AGREEMENT**

MEMORANDUM FOR Chairmen, Facilities and Areas Subcommittee (FASC)

SUBJECT: Agreed Recommendation (AR) of the Joint Working Group (JWG) Concerning FASC Task (*number*)

1. Reference. Joint Committee Memorandum: (*title of FASC task*), Task (*number*) assigned by the Joint Committee (*date*).

2. This AR responds to the tasking in reference, paragraph (*number*) to present a recommendation to the Joint Committee concerning the [ROK]/[U.S.] (*select one*) request, (*title of FASC task*). This AR recommends the (*outline real estate action such as grant or return*).

3. Joint Working Group Members:

U.S. Component

(*List all U.S. JWG members*)

ROK Component

(*List all ROK JWG members*)

4. Recommendation:

a. Mutually Agreed Conditions (*as determined by the JWG*):

(1) (*If joint or shared use of facilities and areas is involved, the AR may reference a separate administrative agreement which will be concluded between the two local Commanders who will be jointly using the facility or area. An administrative agreement may address procedures and details of use such as which floor space is U.S. exclusive use, which is ROK exclusive use and which is shared use, what notice must be provided for use of shared use space, how each side's share of utility bills are paid, etc.*)

(2) (*If the ROK request return of USFK facilities and areas and/or to replace facilities, the AR must address conditions for return of the parcel of SOFA real estate, the funding of replacement facilities, and the standards and procedures for design and construction of replacement facilities.*)

(3) (*If appropriate, include some statement as to who will bear the costs for this action. The bulk of the costs attributed to completing action on a ROK request will normally not be borne by the United States Government [USG] or USFK. However, care must be taken to avoid requiring ROK payment of the normal U.S. administrative costs of processing/negotiating the FASC task itself.*)

(4) There will be no degradation of operational capability, combat readiness, or quality of life of the U.S. armed forces in Korea as a result of this action.

SUBJECT: Agreed Recommendation (AR) of the Joint Working Group (JWG) Concerning FASC Task (*number*)

(5) Grant and return of facilities and areas will be in accordance with the SOFA. (*If a return of real estate is envisioned, it will take place “only after the replacement facilities are furnished to and accepted by USFK and the facilities and areas to be returned are cleared of USFK liability, involvement, and responsibility”.*)

(6) (*If an environmental review is required for this AR, add following statement “See Appendix - {Insert appropriate letter of alphabet} for the Environmental Subcommittee’s recommendation”. Environmental Subcommittee will provide a recommendation in memorandum format for the Appendix.*)

b. Republic of Korea (*and/or ROK entity*):

(1) (*List tasks to be completed as determined by the JWG.*)

(2) (*Will ensure the safety and security of USFK personnel and facilities.*)

(3) (*If liability to the U.S. is an issue, the following statement will be used: “Will hold harmless the USG, USFK, military members of USFK, civilian employees of USFK and USFK contractors and their employees, against any claims or court judgments arising in connection with this project. This provision should not preclude application of SOFA Article XXIII for an action solely caused by USFK outside of this project.”*)

c. United States Forces, Korea (*and/or USFK entity*):

(1) (*List tasks to be completed as determined by the JWG.*)

(2) (*If construction is envisioned, include provisions for design, design review, surveillance of construction, and construction as appropriate.*)

(3) (*If a return is envisioned, describe conditions when the return might take place.*)

(4) (*If ROK funds are involved, include the following: “USFK will ‘prudently and economically manage the use of ROK funds, including the return of any unused ROK funds and accrued interest.”*)

5. Miscellaneous

a. Implementing Appendices (*If appropriate; not required for all ARs.*): All Appendices and Annexes to this AR are integral parts of this AR. (*If used, some examples include Appendices for Engineering and Funding for tasks involving construction of replacement facilities.*)

b. Joint Administrative Committee (JAC) (*If appropriate; not required for all ARs*): A JAC shall be established to coordinate implementation of U.S. and ROK responsibilities specified. The JAC co-chairs may be the same individuals named as the JWG co-chairs, but are more likely to be local Commanders involved with implementing an administrative agreement that needs to be continued in force after the AR is approved by the Joint Committee and the FASC Task is completed [see 4.a.(1.) above]. Such an agreement may need to be periodically amended to some minor extent

SUBJECT: Agreed Recommendation (AR) of the Joint Working Group (JWG) Concerning FASC Task (*number*)

for operational reasons by the JAC, but not to the extent that Joint Committee involvement would be necessary. The JAC shall be composed as follows:

(1) (*Name of U.S. co-chair*), or his designee, shall be the chairman of the U.S. component of the JAC.

(2) (*Name of ROK co-chair*), or his designee, shall be the chairman of the ROK component of the JAC.

(3) Additional members appointed by the U.S. and the ROK to their respective components.

c. Point of Contact (POC) (*If appropriate; not required for all ARs.*): POC for this matter shall be: (*the two chairmen of the JAC as listed above, or as determined by the subcommittee or JWG.*)

d. Disagreements (*If appropriate; not required for all ARs.*): Disagreements concerning implementation of this AR that cannot be resolved by the JAC will be referred to the Facilities and Areas Subcommittee. (*If an issue could develop about the quality of construction, included a statement the USFK shall have the authority to stop construction until such time as the dispute in question is resolved.*)

e. Effective Date: This AR shall not become effective unless approved by the U.S. – ROK SOFA Joint Committee, and may be revised or amended by the Joint Committee. Proposed changes may be submitted to the Joint Committee, through the FASC.

ROK Chairman, JWG
FASC Task No. (0000)
Date: _____
Place: _____, Korea

U.S. Chairman, JWG
FASC Task No. (0000)
Date: _____
Place: _____, Korea

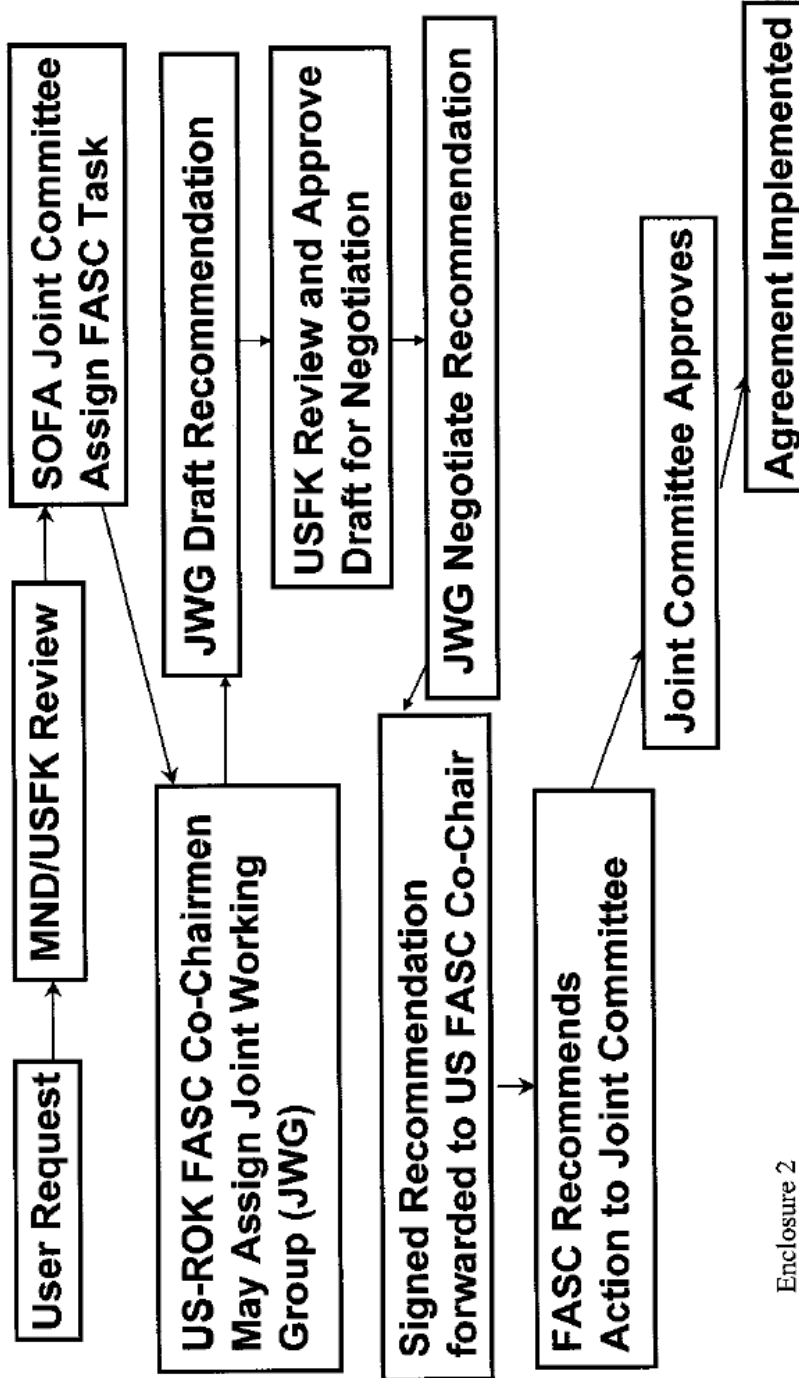
(The JWG Chair's signature block, of the component that requested the FASC task is to go on the left of the signature page.)

(APPENDIX A – ENGINEERING)
Annex – Scope
Annex – Site Map

(APPENDIX B – FUNDING)

(APPENDIX C – Environmental Subcommittee's Recommendation)

FASC PROCESS



Enclosure 2

Appendix F
SOFA CJ FL 7 (Release of Real Estate by USFK)

JOINT COMMITTEE UNDER THE REPUBLIC OF KOREA
AND UNITED STATES STATUS OF FORCES AGREEMENT

한미 군대지위 협정 합동위원회

ACQUISITION NR.
취득 번호
Type of Acquisition:
취득 종류
Indefinite Exclusive
영구 전용
Easement
지역권

SUBJECT: Release of Real Estate by United States Forces, Korea

제목: 주한미군 부동산 해제

TO: Minister of National Defense
Republic of Korea
Seoul, Korea

수신: 대한민국 국방부 장관

1. In accordance with the Republic of Korea-United States of America Status of Forces Agreement, 한미 군대지위협정에 의거, 한미 합동위원회는 the ROK-US Joint Committee on _____ approved release to the Republic of Korea of real 소재 부동산을 대한민국에 명도함을 _____ 년 _____ 월 _____ 일에 승인함. estate located at

2. This property is described in detail in the following enclosures.

본 재산은 하기 첨부물에 상기되어 있음.

Signatures appearing below attest to the accuracy of these enclosures.

하기 서명으로 첨부물의 정확함을 증명함.

a. Enclosure 1 - Record of Property Released

첨부 1 해제 재산 기록

b. Enclosure 2 - Inventory of Buildings and Facilities Released

첨부 2 해제 건물과 시설목록

c. Enclosure 3 - Plat Map

첨부 3 약도

3. United States Forces, Korea hereby releases the property hereon described in accordance with the 주한미군은 군대지위 협정 조항에 의거 명기된재산을 명도함. provisions of the Status of Forces Agreement between the Republic of Korea and the United States of America.

SOFA CJ FL 7
8 Jun 67

SUBJECT: Release of Real Estate by United States Forces, Korea

3 Encls

첨부 3

- 1. Record of Property Released
해제 재산 기록
- 2. Inventory of Buildings and Facilities Released
해제 건물 및 시설 목록
- 3. Plat Map
약도

CERTIFIED CORRECT
정확함을 확인함

CERTIFIED CORRECT
정확함을 확인함

Signature/Grade/Assignment of
Authorized Representative of the
United States Government
미국 정부 공인 대표
서명/계급/직위

Signature/Grade/Assignment of
Authorized Representative of the
Ministry of National Defense, ROK
대한민국 국방부 공인 대표
서명/계급/직위

Property described herein is released by the United States Forces, Korea to the Republic of Korea as of
여기에 기록된 내용과 조건에 의하여 _____년 _____월 _____일부로
____ day of _____.
대한민국에 명도함.

APPROVED
승인 함

APPROVED
승인 함

For UNITED STATES REPRESENTATIVE
JOINT COMMITTEE
합동위원회
미합중국 대표

For REPUBLIC OF KOREA REPRESENTATIVE
JOINT COMMITTEE
합동위원회
대한민국 대표

RECORD OF PROPERTY RELEASED

해제 재산 기록

ACQUISITION NR.: 취득 번호	DATE OF PREPARATION: 작성 일자																																										
1. THE FOLLOWING DESCRIBED REAL ESTATE WAS RETURNED BY THE UNITED STATES FORCES, 하기 부동산은 주한미군에 의해 _____년 _____월 _____일에 KOREA TO THE REPUBLIC OF KOREA ON THE _____ DAY OF _____ . 대한민국에 반환되었음.																																											
LOCATION: 위치	COORDINATES: 좌표																																										
<table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center; padding: 5px;">OWNERSHIP 소유권</th> </tr> <tr> <td style="width: 30%; padding: 5px;">GOVERNMENT</td> <td style="width: 30%; padding: 5px;">_____</td> <td style="width: 40%; padding: 5px;">ACRES</td> </tr> <tr> <td style="padding: 5px;">국유</td> <td></td> <td style="padding: 5px;">에이카</td> </tr> <tr> <td style="padding: 5px;">PRIVATE</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">ACRES</td> </tr> <tr> <td style="padding: 5px;">사유</td> <td></td> <td style="padding: 5px;">에이카</td> </tr> <tr> <td style="padding: 5px;">TOTAL</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">ACRES</td> </tr> <tr> <td style="padding: 5px;">총</td> <td></td> <td style="padding: 5px;">에이카</td> </tr> </table>	OWNERSHIP 소유권			GOVERNMENT	_____	ACRES	국유		에이카	PRIVATE	_____	ACRES	사유		에이카	TOTAL	_____	ACRES	총		에이카	<table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center; padding: 5px;">DESCRIPTION (재산) 설명</th> </tr> <tr> <td style="width: 30%; padding: 5px;">ARABLE</td> <td style="width: 30%; padding: 5px;">_____</td> <td style="width: 40%; padding: 5px;">ACRES</td> </tr> <tr> <td style="padding: 5px;">경작지</td> <td></td> <td style="padding: 5px;">에이카</td> </tr> <tr> <td style="padding: 5px;">NON-ARABLE</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">ACRES</td> </tr> <tr> <td style="padding: 5px;">비경작지</td> <td></td> <td style="padding: 5px;">에이카</td> </tr> <tr> <td style="padding: 5px;">TOTAL</td> <td style="padding: 5px;">_____</td> <td style="padding: 5px;">ACRES</td> </tr> <tr> <td style="padding: 5px;">총</td> <td></td> <td style="padding: 5px;">에이카</td> </tr> </table>	DESCRIPTION (재산) 설명			ARABLE	_____	ACRES	경작지		에이카	NON-ARABLE	_____	ACRES	비경작지		에이카	TOTAL	_____	ACRES	총		에이카
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FORMER USE: 전 사용																																											
ACREAGE: 에이카 EXCLUSIVE USE 전용 EASEMENT 지역권 TOTAL 총	NR. OF BUILDINGS RELEASED BY THIS DOCUMENT: 본 문서로 해제되는 건물 수	NR. OF FACILITIES RELEASED BY THIS DOCUMENT: 본 문서로 해제되는 시설수																																									
REMARKS: 비 고																																											

INVENTORY OF BUILDINGS AND FACILITIES RELEASED
해제건물과 시설의 목록 조사

ACQUISITION NR.: 취득번호	DATE OF PREPARATION: 작성 일자			
1. THE FOLLOWING BUILDING AND FACILITY INVENTORY WAS CONDUCTED 하기 건물과 시설물의 목록 조사는 _____년 _____월 _____일에 BY _____ _____에 의해 ON THE _____ DAY OF _____ 실시한 것임.				
FACILITY NO. 시설 번호.	UTILIZATION & DESCRIP 이용 시설 내용	AREA/CAPACITY 구역/용량	YEAR CONST 건축 연도	CONDITION 상태

SOFA CJ FL 7-2
8 Jun 67

PLAT MAP
약도

ACQUISITION NR. : 취득 번호	DATE: 일자
<p>1. ATTACHED IS A PLAT MAP OF AREA RETURNED BY THE UNITED STATES FORCES KOREA TO 첨부된 것은 주한 미군이 _____년 _____월 _____일, THE REPUBLIC OF KOREA ON THE _____ DAY OF _____ . 대한민국에 반환한 구역의 약도임.</p>	

SOFA CJ FL 7-3
8 Jun 67

Glossary

Section I. Abbreviations

ACofS	Assistant Chief of Staff
AR	Agreed Recommendation
AU	Agreed Understanding
CNFK	Commander, United States Naval Forces--Korea
COMAFKOR	Commander, United States Air Forces—Korea
COMMARFORK	Commander, United States Marines Forces Command- Korea
DPW	Director of Public Works
BCE	Base Civil Engineer
DOD	Department of Defense
FKEN	USFK Assistant Chief of Staff (ACofS), Engineer
FKEN-RE/S	USFK ACofS, Engineer, Real Estate/SOFA Division
EUSA	Eighth United States Army
FASC	Facilities and Areas Subcommittee
IMCOM-P	Installation Management Command – Pacific
JC	Joint Committee
JCC	Joint Coordinating Committee
JCS	Joint Chiefs of Staff
JWG	Joint Working Group
LOI	Letter of Instruction
ASCC	Army Service Component Command
MARFOR-K	Marine Forces Command - Korea
MILCON	Military Construction
MND	Ministry of National Defense
MOA	Memorandum of Agreement

MSC	Major Subordinate Command
O&M	Operation and Maintenance
PO	Private Organization
ROK	Republic of Korea
ROKG	Republic of Korea Government
SOFA	Status of Forces Agreement
USG	U.S. Government
USFK	United States Forces Korea
WHNS	Wartime Host Nation Support

Section II. Terms

Acquisition. Adding real estate to the real property inventory by an approved means, including obtaining it from the ROK Government through SOFA channels, leasing, or construction.

Agreed Understanding. Applicable amendments or modifications to the basic AR.

Common-use facilities/areas. A separate building, structure or area in which space is used in common by two or more organizations.

Contingency Real Estate. Real estate which is not required during peacetime to support the USFK mission. The ROK facilities and areas approved for access by U.S. forces under WHNS must be reported through the service component through the chain of command to FKEN-RE/S for processing to ensure accountability for U.S. liability and that SOFA protections are enacted.

Disposal. For purposes of this regulation, removal of real estate from the real property inventory by demolition, abandonment, or formal survey. Except for indigenous facilities, disposal is a service responsibility (See Chapter 5, above).

Easement acquisition. This acquisition provides the USFK an interest in real estate under the terms of the SOFA for the purpose(s) specified in the grant. Easements are applicable to explosive quantity-distance zones, live-fire range surface danger zones, airfield clear zones, utility and communications lines, etc.

Encroachment. The act of ROK civilians or the ROK military, without proper authority, using or otherwise exercising dominion or control over real estate that has been granted to USFK under terms of the SOFA.

Exclusive-use acquisition. A type of acquisition that gives the USFK the right to use and control a piece of real estate for an indefinite period on a sole-use basis. This is the highest and best form of acquisition possible for USFK under the SOFA.

Greenbelt zone. Designation given to certain areas within urban centers by the ROKG. Use of greenbelt zones for any purpose other than parkland requires approval of the Ministry of Land, Transport and Maritime Affairs, and presidential concurrence. Construction within the confines of existing USFK installations located within a greenbelt zone is not restricted by this ROKG policy.

Improvements. Additions, alterations, and/or modifications made to adapt premises to a specific use. May or may not increase the value or change the function of the property.

Indigenous Facilities. Buildings or structures in their original state which were constructed by the ROKG and existed on an area of land prior to its use or occupancy by the United States.

Installation. A base, camp, post, station, yard, center, or other activity, including leased facilities, under the jurisdiction, custody, or control of the Secretary of Defense or the Secretary of a Military Department or, in the case of an activity in a foreign country, under the operational control of the Secretary of Defense or the Secretary of a Military Department, without regard to the duration of operational control. An installation may include one or more sites.

Interim-use. When facilities and areas are temporarily unused and the ROKG is so advised, the ROKG may make, or permit ROK nationals to make, interim use of such facilities and areas, provided that it is agreed between the two governments through the Joint Committee that such use would not be harmful to the purpose for which the facilities and areas are normally used by the U.S. Armed Forces. Since such interim use is akin to an outgrant, certain provisions normally associated with outgrants may be applicable to or be included in the interim use (temporary release) document (e.g., provision for annual renewal by mutual consent of the parties, revocation at will by the U.S. based on military need or military urgency, etc.).

Joint-use acquisition. A type of acquisition that describes an area or facility shared by USFK and normally the ROK military, but can also be shared with other ROKG agencies.

License. Bare authority granted by USFK to do a specified act or acts upon USFK land without the Licensee possessing or acquiring any real estate interest therein.

Outgrant. A special purpose document issued for a specified period of time authorizing use and/or occupancy of USFK-controlled facilities that are temporarily not required for the host installation's military use; normally revocable at the will of the grantor or as otherwise provided in the agreement. Types of documents used include licenses and permits.

Permit. Temporary authority conferred on one U.S. Government (USG) agency to use real property under the jurisdiction of another USG agency

Real Estate (also known as Real Property). Land and interests therein, leaseholds, buildings, and improvements and appurtenances thereto. Piers, docks, warehouses, rights-of-way, easements, underground conduits and associated manholes, utility systems and parts thereof, and all other improvements permanently attached to a piece of land are ordinarily considered real estate.

Release. Removal of real estate from the real property inventory by returning it to the ROKG through SOFA channels. If real estate is being released for which USFK has an anticipated future requirement, USFK will reserve its right of re-entry to the real estate.

Right-of-Entry. Authorization to enter real estate for a particular purpose and for a specific period of time.

Right-of-Way Acquisition. A conveyance of an interest in real estate by the ROKG under the terms of the SOFA for utilities, fuel lines, communications and access roads.

Temporary Acquisition. Mechanism provided by, Article II, subparagraph 4(b), of the SOFA that allows USFK to acquire, for limited periods of time, facilities or areas which are not subject to all the provisions of the SOFA.