

22 Jan 82

2/73

MEMORANDUM OF AGREEMENT BETWEEN THE SECRETARIES OF THE ARMY AND THE INTERIOR RELATIVE TO MANAGEMENT OF LAND AND WATER RESOURCES AT EXISTING OR PROPOSED PROJECTS OF THE CORPS OF ENGINEERS LOCATED WITHIN OR PARTLY WITHIN AREAS OF LANDS UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT

Section 1 -- Purpose. This agreement sets forth the principles and procedures for coordination of Corps of Engineers and Bureau of Land Management (BLM) programs where the Corps of Engineers, Department of the Army (Corps) constructs and operates water resource projects in and adjacent to lands administered by the Bureau of Land Management (BLM lands).

Section 2 -- Authority. The Secretary of the Army is authorized and directed to provide for public access and the recreational use of reservoirs and other water controlled projects constructed by the Corps and to do this directly or through Federal, State or local agencies. The Secretary of the Interior is authorized and directed to manage BLM lands under principles of multiple use and sustained yield. The Secretary of the Army and the Secretary of the Interior are authorized to transfer an appropriate interest in lands either by permit or withdrawal order under their respective jurisdictions to facilitate their programs.

Section 3 -- Planning. When the Corps undertakes planning studies and investigations of any type, the consequences of which result in an impact on lands administered by BLM, BLM will be invited to cooperate during all stages of the planning process. The Corps and BLM will coordinate plans to the fullest extent possible for the preservation, protection, use, management and development of the land resources involved for access facilities, roads and trails, for public recreation, wildlife and fish propagation, and the conservation of scenic and esthetic values.

To accomplish these objectives the Corps and BLM will coordinate their planning, beginning with the survey report and continuing through the successive planning stages. BLM will provide pertinent information, recommendations and impact reports to the Corps. These impact reports will evaluate the effects of proposed projects on BLM lands and programs and of BLM programs on the proposed project, and provide basic data for management responsibility decisions. The survey report will adequately and specifically deal with the identified impacts. If jurisdiction is not established in the survey report, it will be reached as soon as possible during the project planning stage.

Section 4 -- Supplemental Land Management Agreements. Supplemental agreements may be drafted by field officials of the Corps and BLM for existing and proposed projects. Recreation management arrangements will not be considered for change where already established and in operation. Agreements will cover specific procedures and responsibilities for administration of the project area and adjacent or otherwise related BLM lands.

3. In areas where the adjacent public lands are proper for classification for multiple use management, or where they are so classified, and where BLM is operating a multiple use management program, BLM may be assigned related land management responsibilities on the Corps project. The following guidelines will be used to determine proper assignment of such responsibilities:
  - (a) Range, Timber, Watershed, and Wildlife. If BLM is operating management programs for these resources on the adjacent public lands, and if these programs are closely interrelated with similar resources on the project, BLM may be assigned management of such resources on the project including both public domain and acquired land portions, in accordance with the Corps Forest Management Plan.
  - (b) Recreation. It is the objective of the two agencies to provide recreational management that will best serve the public interest. Recreation management and development of project lands will be undertaken by the BLM on those reaches of land adjoining the Corps reservoirs in which it has the predominant Federal interest and by the Corps in those reaches of adjoining lands in which the Corps has the predominant Federal interest, unless the two agencies mutually agree otherwise in the interest of efficient and effective management. Reaches are defined as segments or areas which are major geographical features comprising a substantial portion of the shoreline and recognized as separate geographical entities, and considered as the end destination of the majority of recreation users. In the determination of the predominant Federal interest in adjoining reaches of lands, the following factors, individually and in combination, will be taken into account:
    - (1) The amount of lands usable for public use withdrawn from the public domain for the project compared to the amount of land acquired by the Corps, by purchase, condemnation, donation and transfer from agencies other than BLM;
    - (2) The impact of the project on BLM lands, programs, and uses, including recreation generated thereby and project related roads and highways;

Section 6 -- Protection of Resource Values. During project construction, the Corps will take all reasonable precautions to prevent and suppress forest and range fires and prevent any unnecessary damage to lands and resources in the area. To this end, the Corps will consult with BLM and will formulate fire prevention and control plans and programs and will provide for resource and environmental protection in location of access roads, and relocation of transportation facilities, land clearing and other construction matters.

Section 7 -- Land Transfers. The Corps will determine, consistent with the land acquisition policy of the Secretary of the Army, the BLM land required for the construction, operation, and maintenance of water resource projects. The Department of the Army, after consultation with the Department of the Interior, will file an application for withdrawal under the regulations in 43 CFR 2311.1-1.

The Corps where possible will file request for withdrawal well in advance of its need for the land. BLM will protect the public domain requested by the Corps from further entry. If withdrawal has not been completed at the time public domain is needed by the Corps for construction, the Corps will request right of entry for construction and BLM will promptly process such request.

Consistent with the Departmental Manual 603, BLM will complete action on the land withdrawal application after, or subject to, the supplemental agreement provided for in Section 4 above. Such supplemental agreements will also be prerequisite to transfers of land by the Corps to BLM pursuant to applicable law.

The Corps will retain in any transfer of land the rights of use necessary for unrestricted operation and maintenance of the project for its primary purpose, including the right to construct facilities or structures which are essential to the operation of the project. BLM likewise will retain such rights of use and access for multiple use management purposes, subject to Corps approval of structures located within Corps project boundary.

Section 8 -- Transfer of Obligations and Commitments. Under PL 87-874, approved October 23, 1962 (16 U.S.C. 460d) and under the project definition of the authorizing document (i.e., survey reports) the Corps has certain obligations and commitments with respect to land management. The Corps will identify these land management obligations and their estimated cost in its project survey reports or master plans. Where BLM assumes jurisdiction over land management of a water resource project under this agreement, it accepts these obligations and commitments and the responsibility to pursue them diligently in its programming and budgeting procedures. Any receipts will be deposited in accordance with authorizations cited in the supplemental agreement.