

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revision to Policy Guidance Letter No. 11, Credit for Lands, Easements, and Rights-of-Way (LER) at Shore Protection Projects

1. References:

a. Memorandum, CECW-PN, 5 February 1988, subject: Valuing Lands, Easements, and Rights-of-Way (LER) Contributed to Section 14 Projects.

b. Memorandum, CECW-RR/PM, 6 September 1988, subject: Guidance Letter No. 10, Section 111, Shore Damage Mitigation.

c. EC 1165-2-149, 15 March 1988, Project Cost Sharing for Shore protection, paragraph 8, page 5.

d. Memorandum, CECW-RP, 13 October 1988, subject: Guidance Letter No. 11, Credit for Lands, Easements, and Rights-of-Way (LER) at Shore protection Projects.

2. The purpose of this memorandum is to provide additional clarification on valuing land for crediting considerations at shore protection projects.

3. The intent of reference 1d. was to preclude credit for land needed for a shore protection project, when the increase in value of remaining lands would offset compensation for the property as well as any severance damages.

4. Private land holdings subject to shore erosion and required for project purposes must be appraised considering special benefits in accordance with the relevant statutes and Department of Justice regulations implemented by ER 405-1-12. The non-Federal sponsor should receive credit for land values, if any, resulting from this special benefits analysis, in addition to administrative and/or other costs associated with the acquisition or condemnation of the requisite interests. Public land holdings subject to shore erosion and required for project purposes must also be appraised considering special benefits, but any credit for land values developed in this analysis must be approved by HQUSACE.

FOR THE COMMANDER:

PATRICK J. KELLY
Brigadier General, USA
Director of Civil Works

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