

# GALVESTON DISTRICT, ARMY CORPS OF ENGINEERS REAL ESTATE APPLICATION

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# GALVESTON DISTRICT, ARMY CORPS OF ENGINEERS

## REAL ESTATE APPLICATION

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### **SECTION I: INTRODUCTION**

The Real Estate Application (RE APP) is the form the Galveston District (District) requires applicants to submit for the District to consider requests to use Government controlled property, within its area of responsibility.

Use of Government controlled property is generally prohibited. When it is allowed restrictions, limitations, conditions and other requirements are imposed to assure all laws, policies, regulations and mission requirements are met and the District fulfills its obligation to protect the Federal assets in its area of responsibility.

**Requests to use Government controlled property will not be entertained until a complete RE APP is submitted.** Whether or not an RE APP submitted is **complete** is determined exclusively by the District. The RE APP has been designed to assure the base information needed to evaluate a request is provided. Additional information may be requested after an application has been accepted, but **if the RE APP is not complete at the time it is submitted it will be returned to the applicant and no further action taken by the District until all required information is provided.** This includes, but is not limited to, information about the applicant. It is the responsibility of the applicant to assure all necessary information is provided.

### **SECTION II: RE APP PROCESSING OVERVIEW**

Whether or not a request to use Government controlled property will be agreed to and under what terms and conditions requires a full District evaluation. The **time** it takes to process an application **VARIES SIGNIFICANTLY** based on the complexity of the request and a number of other factors. Typically, **no less than 6 to 12 months** is needed from the time an application is accepted (acceptance here means all required information has been received by the District it deems necessary) until an outgrant is issued. The Real Estate Division requires a minimum of 60 days from the time it receives formal notice from the Operations Division to proceed with its work to issue an outgrant. There are, however, some types of requests that take **over 24 months** to process, as the approval for these actions does not lie within the District, but with U.S. Army Corps of Engineers (USACE) Headquarters.

#### **1. THE REAL ESTATE APPLICATION:**

The starting point for requesting use of Government controlled property within the District's area of responsibility is the Real Estate Application (RE APP). The most recent version of the RE APP can be found on the RE website at:

<http://www.swg.usace.army.mil/BusinessWithUs/RealEstateDivision/Outgrants.aspx>

The applicant must complete the RE APP and submit it to the RE email box at:

[SWG-RE@usace.army.mil](mailto:SWG-RE@usace.army.mil)

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This email box is monitored on business days. It is not monitored on weekends or Federal holidays. Applications submitted on weekends or Federal holidays will be considered submitted the next business day. Submitted applications are logged and assigned a **Real Estate Intake Number (REIN)** for the application. An email identifying the assigned REIN and points of contact for the Operations and Real Estate Divisions is sent to the applicant and agent, if an agent is identified. The REIN should be used on all correspondence with the District regarding the application, once it has been assigned.

Acceptance of the RE APP and assignment of a REIN **DOES NOT** assure the ultimate approval of the application. It only means the District is willing to **review** the request.

### **2. ADMINISTRATIVE FEES AND CONSIDERATION:**

Two types of money are collected from applicants: administrative fees and consideration. One major difference between administrative fees and consideration is the timing of payment. Administrative fees are paid in advance. Consideration is paid at the time the transactional documents are executed. A more detailed description of each follows.

**Administrative fees.** Title 10 U.S.C. 2695 authorizes the collection of the administrative costs to the Government for processing requests for the use of Government controlled property. These costs include, but are not limited to, payment for work products such as environmental, cultural and historical assessments, contract preparation, determinations of value, and preparation of land surveys, maps, and legal descriptions.

Administrative fees are paid by the applicant in advance. Once an application is assigned a REIN, the assigned Realty Specialist will prepare a letter requesting administrative fees that will be sent to the applicant. Work on the application WILL NOT take place until the requested administrative fees have been paid. Please note that even when administrative fees have been paid Corps mission work takes precedence and the prioritization of applicant work is at the District's discretion. Payment of fees DOES NOT mean your application will be immediately processed. Additionally, payment of administrative fees does not assure the ultimate approval of an application.

If the actual administrative costs for processing the application are greater than the initial request, the applicant will be notified and required to pay the additional amount for processing of the application to continue. If excess funds exist at the time processing of the application is complete, the balance will be refunded to the applicant.

There are a very limited number of exceptions to the requirement that administrative fees be paid. If a specific action falls within an exception, the applicant will be notified. Currently, requests to place non-Federal dredged material, pursuant to Section 401(c) of the Clean Water Act, do not require the payment of administrative fees.

**Please note: only payments from Applicants will be accepted. Agents may not make payment on behalf of an applicant.**

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**Consideration.** Consideration is the value paid by the applicant for using the Government controlled property. For example, if Government controlled property is leased to the applicant, the consideration is the rent. If the use of the Government controlled property is for the placement of dredged material, the consideration is the value of the Federal capacity in the Dredged Material Placement Area (PLACEMENT AREA<sup>1</sup>) being used. Typically, consideration is paid by the applicant at the time the applicant executes the required transactional documents. As each application differs, the specific consideration and payment terms are contained in the transactional documents executed by the parties.

**Please note: only payments from Applicants will be accepted. Agents may not make payment on behalf of an applicant.**

### **3. TECHNICAL REVIEW:**

Each application must undergo an in-depth technical analysis. The technical review begins in the Operations Division. The Operations Division will work directly with each applicant to request all necessary information for its technical evaluation. What information beyond that which is requested in the RE APP can vary greatly and each applicant must work with the Operations Division to assure what is needed is provided. For example, a request seeking to horizontally directionally drill through a flood protection levee will be required to submit geotechnical information for evaluation. An applicant seeking to place dredged material in a Federal placement area will need to submit a soil testing plan for approval, as well as the testing report, when testing is complete.

When the Operations Division completes its technical review, it submits a written report to the Real Estate Division. This report identifies all the technical terms, conditions, restrictions, etc., to be imposed if the Government controlled property is to be utilized as requested.

### **4. REAL ESTATE DIVISION REVIEW**

Once the Real Estate Division receives the Operations Division's written technical report, it can begin its work processing the application for outgrant purposes. The Real Estate review includes, but is not limited to, meeting all due diligence requirements for the transaction, evaluation of the real estate interests involved, establishing all requirements associated with those interests, determining the application of a broad range of real estate policies, assuring survey requirements are met, establishing the fair market value to be paid, and preparing all appropriate transactional documents. This review typically takes a minimum of 60 days from receipt of the Operations Division technical report.

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### **SECTION III: OUTGRANT ISSUANCE**

The next step in RE APP processing is the issuance of the transactional documents. It is at this time that consideration must be paid by the applicant. The applicant will receive a letter requesting the consideration for the action authorized, if applicable, along with copies of the transactional documents for execution. The applicant must execute the transactional documents returning the originals, along with a check for the consideration, to the Real Estate Division. Once the check for consideration and executed original documents has been received, the documents will be given to the Real Estate Contracting Officer for execution. Applicants will receive only one original of each transactional document unless multiple originals are requested in advance. **Only when the fully executed original is received by the applicant is the activity authorized.**

**Please note: only payments from Applicants will be accepted. Agents may not make payment on behalf of an applicant.**

### **SECTION IV: OUTGRANT MANAGEMENT**

The final step in outgrant processing is outgrant management. The RE Division is responsible for outgrant management and it lasts for the term of the outgrant, whether that is 30 days, 5 years or any other length of term. Applicants are responsible, pursuant to Title 10 U.S.C. 2695, for payment of administrative fees for outgrant management for term of the outgrant in advance.

### **SECTION V: FREQUENTLY ASKED QUESTIONS**

#### **1. HOW LONG WILL IT TAKE FOR ME TO GET MY OUTGRANT?**

Whether or not a request to use Government controlled property will be agreed to and under what terms and conditions requires a full District evaluation. The time it takes to process an application VARIES SIGNIFICANTLY based on the complexity of the request and a number of other factors. Typically, no less than **6 to 12 months** is needed from the time an application is accepted (acceptance here means all required information has been received by the District it deems necessary) until an outgrant is issued. The Real Estate Division requires a minimum of 60 days from the time it receives formal notice from the Operations Division to proceed with its work to issue an outgrant. There are, however, some types of requests that take **over 24 months** to process, as the approval for these actions does not lie within the District, but with U.S. Army Corps of Engineers Headquarters.

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### 2. **HOW SHOULD MAPPING INFORMATION BE SUBMITTED?**

#### RE Cadastral Data and Format Requirements

Applicants must submit their GIS data in either the equivalent or lesser version of the following: AutoCAD 2012 (.dwg) or ESRI Arc Map 10.2 (.shp) file. To better assist us in determining your entire project footprint and how your project could potentially impact Government controlled land and or waters of the United States, when submitting GIS data ensure that you annotate a Regulatory Permit number and indicate the coordinate system, as well as what datum that the drawing is currently in. The design data should consist of simple lines and polygons indicating the limits of the project and proposed construction only.

If a CADD drawing is provided label each layer in a way that describes the specific feature. If the layers are named using acronyms a legend must be provided, or shoe boxes with leader lines identifying each feature class within the drawing can be used. All areas must be created in real-world (model space) with an assigned coordinate system. Do not send drawings with XREFs or reference files; simply insert all needed files or feature layers into one design file. Cut-sheet or plate layouts in CADD are not needed however, PDF's of propose project plans and/or as-built would be greatly appreciated for any further review.

If a GIS shape file is provided, again the same applies about assigning a proper name sequence to describe that specific feature or it can also be defined in the spatial data within the shape file.

To help keep file sizes to the minimum imagery and USGS Quads do not need to be provided.

#### PERFERED PROJECTED COORDINATE SYSTEM

Datum: North American 1983 Feet

Projection: State Plane

Zone: Texas South Central

### 3. **WHY CAN'T REAL ESTATE USE THE INFORMATION SUBMITTED TO REGULATORY?**

Regulatory Permits control the activities of the applicant to be performed in the Waters of the United States, including wetlands, pursuant to applicable laws and regulations, such as Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act. The Regulatory Division's review of permit requests is LIMITED to their jurisdictional authority.

Regulatory Permits **DO NOT and CANNOT** authorize any activity within the Government controlled property of a Federal Navigation Project. **Only the Real Estate Division** can authorize an applicant to access Government controlled property. Government controlled property includes uplands and submerged lands over which the United States exercises Navigation Servitude, such a in a Federal navigation channel.

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Furthermore, the information the Regulatory Division needs to perform its work is not the same as that which is required for a Real Estate clearance. **Therefore, applicants must assure they work through BOTH the Regulatory and Real Estate clearance processes to obtain full authorization for any given activity.**

#### **4. HOW DO REGULATORY PERMITTING AND WRDA 408 CLEARANCE REQUIREMENTS FIT INTO THE PROCESSING OF THE RE APP?**

Regulatory, 33 U.S.C. 408, and Real Estate clearances are **3 separate types of clearances** that may apply to a request to use Government controlled property. Depending on the use requested, even more laws or regulations may apply. For example, if a party seeks to place non-Federal dredged material in a Federal placement area, Section 401(c) of the Clean Water Act applies. A more detailed explanation of each follows.

#### **REGULATORY CLEARANCE**

Regulatory Permits control the activities of the applicant to be performed in the Waters of the United States, including Wetlands, pursuant to applicable laws and regulations, such as Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act. The Regulatory Division's review of permit requests is LIMITED to their jurisdictional authority. The Regulatory Division does not have authority over Government controlled property.

To inquire as to the Regulatory permits requirements, please see the SWG-Regulatory Division web page at: <http://www.swg.usace.army.mil/BusinessWithUs/Regulatory.aspx>.

#### **33 U.S.C. 408 CLEARANCE**

33 U.S.C.408 makes it unlawful for any person or persons to build upon, alter, or deface work built by the United States to prevent floods, unless the Secretary of the Army grants permission. For permission to be granted it must be shown that the proposed activity will a) not be injurious to the public interest, and b) not impair the usefulness of the Federal project.

To inquire as to 33 U.S.C. 408 requirements, please see the Operations Division web page at: <http://www.swg.usace.army.mil/BusinessWithUs/OperationsDivision.aspx>.

#### **REAL ESTATE CLEARANCE**

The District is responsible for the use of Government controlled property in its area of operation. The Real Estate Application (RE APP) is the form the Galveston District (District) requires applicants to submit for the District to consider requests to use Government controlled property, within its area of responsibility.

Use of Government controlled property is generally prohibited. When it is allowed restrictions, limitations, conditions and other requirements are imposed to assure all laws, policies, regulations and mission requirements are met and the District fulfills its obligation to protect the Federal assets in its area of responsibility.



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The starting point for requesting use of Government controlled property within the District's area of responsibility is the Real Estate Application (RE APP). The most recent version of the RE APP can be found on the RE website at:

<http://www.swg.usace.army.mil/BusinessWithUs/RealEstateDivision/Outgrants.aspx>

The applicant must complete the RE APP and submit it to the RE email box at:

[SWG-RE@usace.army.mil](mailto:SWG-RE@usace.army.mil)

### **NO DUPLICATION OF REVIEW**

It is during the technical review that the Operations Division will verify that Regulatory permits and 33 U.S.C. 408 clearances have been obtained, if required. Three situations can occur:

- a. **NO REGULATORY OR SECTION 408 CLEARANCE REQUIRED:** If the activity presented does not require Regulatory or Section 408 clearances, then the Operations Division will begin its Technical Review.
- b. **REGULATORY AND/OR SECTION 408 CLEARANCES REQUIRED AND COMPLETE:** If the Regulatory and Section 408 clearances are already complete, the Operations Division will not duplicate the work performed under the Regulatory and Section 408 clearance processes. Instead, the Operations Division will incorporate the work performed through these clearances into its technical review.
- c. **REGULATORY AND/OR SECTION FOR CLEARANCES NEEDED BUT NOT COMPLETE:** If Regulatory and/or Section 408 clearances are needed but not complete, then the Operations Division cannot begin its Technical Review. Once these clearances are complete, the Operations Division will incorporate the work performed through these clearances into its technical review.

**NOTE:** Neither a permit from SWG-Regulatory or a 33 U.S.C. 408 clearance authorizes the applicant to access to Government controlled property. **Only the Real Estate Division can grant access** to Government real estate interests within the District area of responsibility. Part of the Real Estate Division's determination of whether or not to grant access is based on whether all permitting and 408 clearance requirements have been met. A Real Estate clearance cannot be processed until all Regulatory permitting and 408 clearance requirements have been met.

### **5. DO I NEED A REAL ESTATE CLEARANCE TO PUT A PIPELINE UNDER A FEDERAL CHANNEL? **YES!****

The District is responsible for the operation and maintenance of the Federal navigation channel. This includes assuring that structures within and under the channel do not interfere with the operation of the Federal Navigation Projects. Through the Federal Government's right of Navigation Servitude, the District has the authority to control the placement of pipelines under the Federal navigation channels. Submission of a RE App is required. Successful applicants will be issues a Letter of Permission with specific requirements that must be followed.



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### **SECTION VI: SUBMISSION REQUIREMENTS OVERVIEW**

1. The “applicant” is the entity in whose favor the transactional documents will be issued. Applications that fail to provide the true “applicant” information will be rejected. ***If an application is submitted in the name of an agent and the agent later attempts to request the transactional documents be issued in the name of another entity, the application will be terminated and a new application will be required.***
2. All maps need to be submitted in a format compatible with the District’s GIS. SEE FAQs for more information.
3. Funds for payment of administrative fees or consideration will only be accepted from the applicant (the applicant is the entity in whose favor the transactional documents are issued). Payments from agents cannot be accepted. **Please note: only payments from Applicants will be accepted. Agents may not make payment on behalf of an applicant.**
4. ***FILLING OUT RE APP:*** The RE APP has been divided into sections to make it easier to complete.
  - All applicants must complete **Section VII**.
  - **Completing the questions in Section VII will direct the applicant to the other Sections of the RE APP that must be completed based on the type of activity being requested.** RE APPS will be returned without processing for the following:
    - All applications **must** include a **specific start date** and duration for the requested activity. Applicants that enter “as soon as possible” or other non-specific language in this field of the application will have the application returned as incomplete.
    - Applications **must** be submitted with the **Articles of Incorporation** or other formation documents for the applicant, except when the applicant is an individual. If the applicant is an individual a social security number is required.
    - Applications submitted on behalf of businesses **must** provide a **W9** with the RE APP.
    - **Incomplete** RE APPs will be returned. Answer ALL the questions asked.
    - Any other **deficiency** identified by the Real Estate Division.
5. ***CERTIFICATE OF ACCOUNT STATUS:*** Business applicants will be required to provide a Certificate of Account Status from the Texas Comptroller of Public Accounts executed within 30 days of the execution of the outgrant transactional document. The Realty Specialist assigned to your file will advise you when it is time to obtain the Certificate of Account Status. For more information on Certificates of Account Status go to [www.sos.state.tx.us/corp/copies.shtml](http://www.sos.state.tx.us/corp/copies.shtml).

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## SECTION VII: GENERAL INFORMATION TO BE COMPLETED BY ALL APPLICANTS

### 1. BUSINESS APPLICANT INFORMATION:

(Business) Name: \_\_\_\_\_  
POC: \_\_\_\_\_  
POC Title: \_\_\_\_\_  
Physical Address: \_\_\_\_\_  
P.O. Box \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Phone: \_\_\_\_\_

- **Articles of Incorporation or Formation Documents - Attach copies**
- **W-9 - Attach copies**
- **Please note: only payments from Applicants will be accepted. Agents may not make payment on behalf of an applicant.**

### 2. BUSINESS AGENT INFORMATION (IF APPLICABLE):

(Business) Name: \_\_\_\_\_  
POC: \_\_\_\_\_  
POC Title: \_\_\_\_\_  
Physical Address: \_\_\_\_\_  
P.O. Box: \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Phone: \_\_\_\_\_

### 3. INDIVIDUAL APPLICANT INFORMATION:

Name: \_\_\_\_\_  
Physical Address: \_\_\_\_\_  
P.O. Box \_\_\_\_\_  
E-Mail: \_\_\_\_\_  
Phone: \_\_\_\_\_  
**Social Security #** \_\_\_\_\_

**4. PERMITTING INFORMATION:** Do you hold a current authorizing Regulatory document (i.e., Section 404, Section 10, Nationwide permit(s) or Letter of Permission) for the requested activity?

**YES, Enter # \_\_\_\_\_ VERY IMPORTANT**     **NO**

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If YES, **ATTACH COPIES** of all authorizing permits and amendments.

**Note: If your requested activity/action requires a Regulatory permit, no work on the request can be performed until proof of permitting is provided.**

**5. PREVIOUSLY ISSUED OUTGRANT:** Do you hold a previously issued outgrant for the requested activity?

YES, Enter # \_\_\_\_\_ **VERY IMPORTANT**       NO

If YES, **ATTACH COPY**

**6. What Federal Project(s) will your request involve? CHECK ALL THAT APPLY**

- |   |   |
|---|---|
| <input type="checkbox"/> Gulf Intracoastal Waterway                                       | <input type="checkbox"/> Houston Ship Channel         |
| <input type="checkbox"/> Corpus Christi Ship Channel                                      | <input type="checkbox"/> Freeport Harbor Project      |
| <input type="checkbox"/> Galveston Harbor and Channel Project                             | <input type="checkbox"/> Brazos Island Harbor Project |
| <input type="checkbox"/> Sabine Neches Waterway   | <input type="checkbox"/> Wallisville Lake Project     |
| <input type="checkbox"/> Sargent Beach  | <input type="checkbox"/> Cedar Bayou                  |
| <input type="checkbox"/> Buffalo Bayou and Tributaries Flood Control Project, Addicks Dam |   |
| <input type="checkbox"/> Buffalo Bayou and Tributaries Flood Control Project, Barker Dam  |   |
| <input type="checkbox"/> Other (Enter X,Y Coordinate or address): _____                   |   |

**7. PLEASE ANSWER THE FOLLOWING QUESTIONS TO ASSIST IN COMPLETING ONLY THE REQUIRED SECTIONS OF THE REST OF THIS APPLICATION**

a. Does your request include the use of a Federal PLACEMENT AREA for the disposal of non-Federal dredged material?

YES     NO

If YES **AND** your request involves activities/actions *in addition* to the use of a Placement Area(s) for the disposal of non-Federal dredged material, **complete Section VIII AND answer 7(b)** to determine what other sections to complete.

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If **YES**, but your request **DOES NOT** involves any other activity/action you need only complete **Section VIII**.

If **NO**, go to question 7(b) to determine what other sections to complete.

- b. Do your actions/activities include the installation, operation and or maintenance of a pipeline?

YES    NO

If **YES**, complete **Section IX**.

If **NO**, go to 6(c).

- c. Do your actions/activities include the construction of facilities **other than** a pipeline?

YES    NO

If **YES**, complete **Section X**.

If **NO** go to 7(d).

- d. If your activities/actions do not include any of the items identified in sections 7(a) through (c) immediately preceding, complete **Section XI**.

## **SECTION VIII: TO BE COMPLETED BY APPLICANTS SEEKING TO USE A FEDERAL PLACEMENT AREA FOR THE DISPOSAL OF NON-FEDERAL DREDGED MATERIAL**

**IMPORTANT NOTE:** Applicants will only be authorized the use of a Federal Placement Areas for the disposal of non-Federal dredged material for one specific event at a time and for a duration of no longer than one year from the date the activity is authorized or when the dredging activity is complete, whichever comes first. Please submit separate applications accordingly.

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1. **PROJECT DESCRIPTION:** Please provide complete scope of work along with maps showing area to be dredged and placement areas to be used. Note: All maps need to be submitted in a format compatible with the District's GIS. See Section V, FAQs, for more information
  
2. **HYDROGRAPHIC SURVEY:** Please provide a hydrographic survey showing the area to be dredged.
  
3. **PLACEMENT AREAS:** Per your Regulatory Permit, identify the Federal placement Area(s) you are requesting to use. Please list Placement Area(s) in order of preferred use. Use of Placement Area(s) is based on our District mission requirements. \_\_\_\_\_.

**Note: If you list Placement Area(s) for which you DO NOT have a Regulatory Permit, your application will be canceled and you will need to re-apply once a permit for the relevant Placement Area(s) has been obtained.**

**Note: If time is an issue selection of a private Placement Area for use rather than a Federal Placement Area means a Real Estate clearance is not required.**

4. **NEW OR MAINTENANCE MATERIAL/CYs:** Is this request for maintenance dredging of existing facilities or new work material? Please provide estimated cubic yard quantities for each type dredging (i.e., maintenance material and new material).

**Maintenance Dredging of Existing Facilities**  
Estimated Cubic Yards \_\_\_\_\_  
Placement Area Requested \_\_\_\_\_  
Federal Navigation Project \_\_\_\_\_

**Dredging of New Work Material**  
Estimated Cubic Yards \_\_\_\_\_  
Placement Area Requested \_\_\_\_\_  
Federal Navigation Project \_\_\_\_\_

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**NOTE:** If you are requesting placement into **multiple Placement Areas** based on one dredging activity, please submit the information requested in #4 immediately above for each Placement Area for which you are seeking authorization.

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5. **SEDIMENT TESTING REQUIREMENT:** Approval of sediment testing plans and reports prior to issuance of a Real Estate clearance is required for ALL applicants requesting to use a Federal Placement Area(s) for the disposal of non-Federal dredged material. Contact the Operations Division to obtain information on sediment testing requirements. Email: [SWG-NB@usace.army.mil](mailto:SWG-NB@usace.army.mil); phone: 409-766-3973.

6. **SCHEDULE.** What is your proposed start date and duration? Note: If you enter "as soon as possible" in the field your application will be returned as incomplete \_\_\_\_\_.

7. **MEMORANDUM OF AGREEMENT.** Applicants seeking to use a Federal Placement Area(s) for the placement of non-Federal dredged material are required to enter into a Memorandum of Agreement (MOA) for the payment of disposal fees.

The MOA requires a **primary signatory** on behalf of the Applicant/Company AND a **certifying signatory (who must be a "principal legal officer" for the applicant)**. **The two signatories CANNOT be the same person.** The purpose of the Certificate of Authority is to have an attorney, who is the "**principal legal officer**" of the company, certify that the primary signatory for the company has the legal right to sign the MOA on behalf of the Company and bind the Company to the MOA terms and conditions. The person signing the certificate of authority **MUST** be an attorney for the Company and be willing to attest that he or she is the "principal legal officer" of the company.

The MOA for allowing the disposal of non-Federal dredged material into a Federal Placement Area(s) has been approved by USACE Headquarters (USACE HQ). Please be advised the District does not have the authority to change the MOA language. Any proposed change will have to be submitted in writing to the USACE HQ Office of Counsel for approval in advance. A request alter the language of the MOA can add anywhere from 6 to 12 months to the processing of a request.

For this purpose, please provide the following information:

- a. The name and title of the person who will be signing the MOA on behalf of the Applicant as the primary signatory.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

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**Note: The agent of an applicant CANNOT sign on behalf of the Applicant. This is typically is a corporate officer.**

b. The name of the signing as the Applicant's Principal Legal Officer.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

## **SECTION IX: TO BE COMPLETED BY APPLICANTS SEEKING APPROVAL TO INSTALL, OPERATE, AND/OR MAINTAIN A PIPELINE.**

**Note: Applicants seeking to replace existing pipelines must present copies of all permits filed with the Texas Railroad Commission (Form T4), and legal documents (i.e. easements) granted by the surface owner.**

**1. PROJECT DESCRIPTION:** Please provide a complete narrative of the project. The narrative should include the pipeline starting and finish points and route, channel crossings, tie-ins, valve stations, access roads, ingress, egress, ROW needed, etc., for pipeline. The goal is to make it as easy as possible for someone reviewing the mapping provided to tie the maps to the work being requested.

**EXAMPLE:** Pipeline Company 123, LLC, proposes to install six pipelines divided into two separate bundle configurations. The first bundle consists of a 16" ethane and 10" C5+, and 16" multiuse pipeline. The second bundle includes four 12" crude oil pipelines; all of which extend a total of 24 miles.

The pipeline route begins approximately 4 miles southwest of Sweeny, TX and 5.45 miles south of old Ocean, TX, proceeding in a southeasterly direction and terminating at the Freeport facility on Old Quintana Road. The proposed route lies entirely within Brazoria County, TX.

Pipeline company 123, LLC, intends to Horizontally Directionally Drill across the following three waters of the US; Brazos River (North crossing), Brazos River (South crossing), and Oyster Creek. The temporary construction workspace needed for the installation of the pipeline measures approximately 125 feet in width, of which approximately 55 feet would occur outside the maintained portion of the pipeline ROW.

Access to the project would be gained utilizing the existing ROW and existing public roads at points where the pipeline ROW crosses those public roads with one exception. Pipeline Company 123, LLC proposes the construction of a permanent access road approximately 800 yards south of the "New



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PA-8” (see map exhibit A-3). Lastly, according to proposed project timelines the construction will be approaching US controlled lands or waters between June – August of 2016.

Also, see Section V, FAQs for information regarding mapping requirements.

**2. PROJECT IMPACTS:** If a pipeline crosses a Federal Channel, Placement Area(s) or Placement Area Levee, Hurricane Levee, or Tributary waters, the Applicant must provide cross section diagrams depicting depth, entry, and exit points for each crossing. Applicants must also provide any and all standoff distances between the pipeline any of the features listed above, including other pipelines.

**3. PIPELINE INFORMATION:** Identify diameter of each pipeline, type of fuel being transported, and pipeline configuration for each bundle

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**4. BUILDINGS, UTILITIES, ROADS, ETC.:** If applicable, provide scale drawings to include building size, specific locations, all utilities and roads or driveways, whether permanent or temporarily needed.

**5. GROUND DISTURBANCE:** Will there be ground disturbance (e.g. trenching, excavation)?

a. If so, what are the dimensions (i.e., length, width, depth) of each type of ground disturbance (e.g., trench, fence post hole, leveling, etc.)?

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b. Will more than an acre of ground surface be disturbed? How much?

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c. What kind of equipment will be used? How will work be done?

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d. Will access across Government property in addition to the area identified for the requested activity be required for equipment?

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e. Will there be a staging and/or storage areas? If so, where are they located and what are their dimensions? Will staging/storage areas be at locations different than the site of the proposed action?

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6. **CULTURAL RESOURCES:** Are there any cultural resources known to exist in the area?

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7. **LIFE OF CONSTRUCTED STRUCTURES:** What is the estimated life of the constructed structures?

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8. **GEOTECHNICAL STUDY:** Has a geotechnical study been prepared for this activity? If yes, please provide.

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9. **ALTERNATIVES:**

a. Describe other reasonable alternative routes or locations considered.

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b. Why were these alternatives not selected?

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c. Give an explanation of why it is necessary to utilize Government controlled property.

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10. **SCHEDULE.** What is your proposed start date and duration? Identify project timeline when applicant proposes to cross a Federal Channel or Government controlled land. **Note: If you enter as “soon as possible” or other similar language in this field, your application will be returned as incomplete.** \_\_\_\_\_

11. **T-4.** Please provide a copy of the Texas Railroad Commission Pipeline Registration Form (T-4) for the proposed pipeline that clearly identifies the owner.

12. **TRANSACTIONAL DOCUMENTS.** Applicants seeking to use a Government controlled property will have to execute transactional outgrant documents. Examples of outgrant documents are easements, licenses, leases, etc. These documents require a primary signatory on behalf of the Applicant/Company AND a certifying signatory. The two signatories CANNOT be the same person. The certifying signatory executes a Certificate of Authority. The Certificate of Authority is to be executed by an individual, usually a corporate officer, who can attest that the primary signatory for the

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company has the legal right to sign the transactional documents on behalf of the Company and bind the Company to the terms and conditions contained therein.

The transactional documents have been approved by USACE HQ. Please be advised the District does not have the authority to change the language of these documents. Any proposed change will have to be submitted in writing to the USACE HQ Office of Counsel for approval in advance. A request alter the language of the transaction documents can add anywhere from 6 to 12 months to the processing of a request.

For this purpose, please provide the following information:

**a. Pipeline Owner Information:**

Owner Name: \_\_\_\_\_  
Physical Address1: \_\_\_\_\_  
Physical Address2: \_\_\_\_\_  
City, State & ZIP: \_\_\_\_\_

Note: Post Office Box addresses cannot be used.

**b. Pipeline Owner Signatory:** Please provide the name and title of the person who will be signing the transactional documents on behalf of the Pipeline Owner.

Owner Name: \_\_\_\_\_  
Physical Address1: \_\_\_\_\_  
Physical Address2: \_\_\_\_\_  
City, State & ZIP: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

***Note: The agent of an applicant CANNOT sign on behalf of the Applicant. The signatory is typically is a corporate officer.***

**c. Pipeline Owner Certifying Officer:**

Name: \_\_\_\_\_  
Physical Address1: \_\_\_\_\_  
Physical Address2: \_\_\_\_\_  
City, State & ZIP: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

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### **SECTION X: TO BE COMPLETED BY APPLICANTS SEEKING APPROVAL TO CONSTRUCT OPERATE AND/OR MAINTAIN A FACILITIES OTHER THAN A PIPELINE.**

**1. PROJECT DESCRIPTION:** Please provide a complete narrative of the project. The narrative should include a description of the proposed temporary and permanent project site and features. (e.g. boathouse, docks, bulkhead, uncovered deck, mooring dolphins, rock revetment, access roads, ingress, egress, etc.)

**Example:**

The applicant proposes to construct a crude condensate storage and marine loading terminal. Primary project features include a dual vessel berthing area capable of mooring and loading barges and ships, two docks, an onsite Dredged Material Placement Area (DMPA) located in uplands, and various landside support infrastructure, such as storage tanks, roads, parking areas, and administrative buildings that would be constructed in uplands.

The proposed vessel berth would be dredged to -45 feet Mean Low Tide (MLT) plus 2 feet advanced maintenance and 2 feet allowable over depth. Approximately 2.6 million cubic yards of stiff clay would be dredged using both mechanical and hydraulic methods in association with the approximately 40-acre basin proposed for the berthing area. A rock revetment would be constructed along the side slopes of the proposed berth, with approximately 20,000 cubic yards of rock material placed across approximately 2 acres below the annual high tide line (AHT). The two proposed docks and associated marine structures would be 130 feet wide and 185 feet long. Construction (dredging and excavation) of the proposed berthing area would result in impacts to 2.87 acres of submerged aquatic vegetation (SAV) and 0.67 acre of salt marsh wetlands located on the La Quinta Channel shoreline. In addition, 0.04 acre of SAV and 0.1 acre of salt marsh in close proximity to the proposed top of slope may be impacted by equipment accessing the construction area or by long-term sloughing along the top of slope. The applicant's plans are enclosed in 16 sheets.

**2. BUILDINGS, UTILITIES, ROADS, ETC.:** If applicable, provide scale drawings to include building size, specific locations, all utilities and roads or driveways, whether permanent or temporarily needed.

**3. GROUND DISTURBANCE:** Will there be ground disturbance (e.g. trenching, excavation)?

- a. If so, what are the dimensions (i.e., length, width, depth) of each type of ground disturbance (e.g., trench, fence post hole, leveling, etc.)?
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b. Will more than an acre of ground surface be disturbed? How much?

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c. What kind of equipment will be used? How will work be done?

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d. Will access across Government property in addition to the area identified for the requested activity be required for equipment?

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e. Will there be a staging and/or storage areas? If so, where are they located and what are their dimensions? Will staging/storage areas be at locations different than the site of the proposed action?

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**4. CULTURAL RESOURCES:** Are there any cultural resources known to exist in the area?

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**5. LIFE OF CONSTRUCTED STRUCTURES:** What is the estimated life of the constructed structures?

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**6. GEOTECHNICAL STUDY:** Has a geotechnical study been prepared for this activity? If yes, please provide.

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**7. ALTERNATIVES:**

a. Describe other reasonable alternative routes or locations considered.

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b. Why were these alternatives not selected?

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c. Give an explanation of why it is necessary to utilize Government controlled property.

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**8. SCHEDULE.** What is your proposed start date and duration? Identify project timeline when applicant proposes to cross a Federal Channel or Government controlled land. **Note: If you enter as “soon as possible” or other similar language in this field, your application will be returned as incomplete.** \_\_\_\_\_

**9. TRANSACTIONAL DOCUMENTS.** Applicants seeking to use a Government controlled property will have to execute transactional documents. Examples of the documents are easements, licenses, leases, etc. These documents require a primary signatory on behalf of the Applicant/Company AND a certifying signatory. The two signatories CANNOT be the same person. The certifying signatory executes a Certificate of Authority. The Certificate of Authority is to be executed by an individual, usually a corporate officer, who can attest that the primary signatory for the company has the legal right to sign the transactional documents on behalf of the Company and bind the Company to the terms and conditions contained therein.

The transactional documents have been approved by USACE HQ. Please be advised the District does not have the authority to change the language of these documents. Any proposed change will have to be submitted in writing to the USACE HQ Office of Counsel for approval in advance. A request alter the language of the transaction documents can add anywhere from 6 to 12 months to the processing of a request.

For this purpose, please provide the following information:

a. **Primary Signatory:** Please provide the name and title of the person who will be signing the transactional documents on behalf of the Applicant.

Name: \_\_\_\_\_  
Physical Address1: \_\_\_\_\_  
Physical Address2: \_\_\_\_\_  
City, State & ZIP: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**Note: The agent of an applicant CANNOT sign on behalf of the Applicant. This is typically is a corporate officer.**

b. **Certifying Officer:**

Name: \_\_\_\_\_  
Physical Address1: \_\_\_\_\_  
Physical Address2: \_\_\_\_\_  
City, State & ZIP: \_\_\_\_\_

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Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

## **SECTION XI: TO BE COMPLETED BY APPLICANTS SEEKING APPROVAL FOR ANY ACTIVITY NOT IDENTIFIED IN SECTION VII, QUESTIONS 6(a) – (c).**

**1. PROJECT DESCRIPTION:** Please provide a complete narrative of the project. The narrative should include the pipeline starting and finish points and route, channel crossings, tie-ins, valve stations, access roads, ingress, egress, ROW, etc., needed for pipeline. The goal is to make it as easy as possible for someone reviewing the mapping provided to tie the maps to the work being requested.

**2. BUILDINGS, UTILITIES, ROADS, ETC.:** If applicable, provide scale drawings to include building size, specific locations, all utilities and roads or driveways, whether permanent or temporarily needed.

**3. GROUND DISTURBANCE:** Will there be ground disturbance (e.g. trenching, excavation)?

a. If so, what are the dimensions (i.e., length, width, depth) of each type of ground disturbance (e.g., trench, fence post hole, leveling, etc.)?  
\_\_\_\_\_

b. Will more than an acre of ground surface be disturbed? How much?  
\_\_\_\_\_

c. What kind of equipment will be used? How will work be done?  
\_\_\_\_\_

d. Will access across Government property in addition to the area identified for the requested activity be required for equipment?  
\_\_\_\_\_

e. Will there be a staging and/or storage areas? If so, where are they located and what are their dimensions? Will staging/storage areas be at locations different than the site of the proposed action?  
\_\_\_\_\_



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4. **CULTURAL RESOURCES:** Are there any cultural resources known to exist in the area?

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5. **LIFE OF CONSTRUCTED STRUCTURES:** What is the estimated life of the constructed structures?

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6. **GEOTECHNICAL STUDY:** Has a geotechnical study been prepared for this activity? If yes, please provide.

---

7. **ALTERNATIVES:**

a. Describe other reasonable alternative routes or locations considered.

---

b. Why were these alternatives not selected?

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c. Give an explanation of why it is necessary to utilize Government controlled property.

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8. **SCHEDULE.** What is your proposed start date and duration? Identify project timeline when applicant proposes to cross a Federal Channel or Government controlled land. **Note: If you enter as “soon as possible” or other similar language in this field, your application will be returned as incomplete.**

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9. **TRANSACTIONAL DOCUMENTS.** Applicants seeking to use a Government controlled property will have to execute transactional documents. Examples of the documents are easements, licenses, leases, etc. These documents require a primary signatory on behalf of the Applicant/Company AND a certifying signatory. The two signatories CANNOT be the same person. The certifying signatory executes a Certificate of Authority. The Certificate of Authority is to be executed by an individual, usually a corporate officer, who can attest that the primary signatory for the company has the legal right to sign the transactional documents on behalf of the Company and bind the Company to the terms and conditions contained therein.

The transactional documents have been approved by USACE HQ. Please be advised the District does not have the authority to change the language of these documents. Any proposed change will have to be submitted in writing to the USACE HQ Office of Counsel for approval in advance. A request alter the language of the transaction documents can add anywhere from 6 to 12 months to the processing of a request.

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For this purpose, please provide the following information:

**a. Primary Signatory:** Please provide the name and title of the person who will be signing the transactional documents on behalf of the Applicant.

Name: \_\_\_\_\_  
Physical Address1: \_\_\_\_\_  
Physical Address2: \_\_\_\_\_  
City, State & ZIP: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

***Note: The agent of an applicant CANNOT sign on behalf of the Applicant. This is typically is a corporate officer.***

**b. Certifying Officer:**

Name: \_\_\_\_\_  
Physical Address1: \_\_\_\_\_  
Physical Address2: \_\_\_\_\_  
City, State & ZIP: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

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**STOP AND CHECK ✓ BEFORE YOU SIGN!**

\_\_\_\_\_ **Have you included your business' Articles of Incorporation or other formation documents?**

\_\_\_\_\_ **Have you included your SS# or W-9?**

\_\_\_\_\_ **I have included a copy of all applicable Regulatory permits to this RE App**

**OR**

\_\_\_\_\_ **I attest that no Regulatory permit is required.**

\_\_\_\_\_ **Have you attached T-4, if applicable?**

\_\_\_\_\_ **Have you signed the Real Estate Application as indicated below?**

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**Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.**

**You may submit an electronic copy of this document, but a signed and dated hard copy must also be submitted to officially make application to use Federal land.**

**I HEREBY CERTIFY that I am of legal age and authorized to do business in the State of Texas and that I have personally examined the information contained in this application and believe that the information submitted is correct to the best of my knowledge.**

\_\_\_\_\_  
**PRINT APPLICANT BUSINESS NAME**

\_\_\_\_\_  
**PRINT NAME OF PERSON SUBMITTING APPLICATION  
ON BEHALF OF APPLICANT**

\_\_\_\_\_  
**PRINT TITLE OF PERSON SUBMITTING APPLICATION  
ON BEHALF OF APPLICANT**

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**