

Instructions

SWG-RE Form 701i

Part I - Business/Company Applicant Information

1a - The “Applicant” is the entity in whose favor the transactional documents will be issued. Agent information should be entered in Part 2 of the form. The applicant may be as follows:

- An Individual provide the legal name of the individual.
- An Individual Trading as a Firm or Doing Business Under a Firm or Trade Name.
- A Partnership. The name of all the partners or the name of the partnership by one partner who signs as one of the firm.(see notes on Partnerships)
- A Corporation or Association. The name of the corporation and the name of the officer with official capacity signing on its behalf;
- State or local governmental entities. The name of the entity and the name of the officer with official capacity signing on its behalf

1b Customer # - First time applicants must submit Articles of Incorporation or other formation documents and a W9. Returning customers may omit these documents.

For pipeline applications the owner should be placed in Part I, if there is no additional agent the operator may be place in Part II, (please note “operator” after business name in block 2a). In cases where there is an agent and operator; please provide operator information within the Summary of Project section (5f).

Part II – Agent Information

The agent of an Applicant cannot sign on behalf of the Applicant. A signatory is typically a corporate officer. Funds for payment of administrative fees or consideration will only be accepted from the Applicant. Agents may not make payment on behalf of an Applicant.

Part III - Legal Officer / Certifying Officer Information

For Legal Officer and Certifying Officer requirements refer to notes which are applicable to your type of entity.

Notes on Partnerships

The signer will be required to furnish, for filing with the outgrant, extracts from the Partnership agreement, which indicates the names of the general partners. In order to expedite the application, please include this with the initial submission. In lieu of this evidence, the signer may furnish a Partnership Certificate, certifying that the signer has authority to bind the partnership as follows:

I, (Partner X) certify that I am a General Partner in the Partnership named as Grantee the attached outgrant, I certify further that (Partner Y), who signed said outgrant on behalf of the Partnership, is also a General Partner and has the authority to bind the Partnership by virtue of the powers vested in him/her in the Partnership agreement.

Notes on Corporations or Associations

The corporation seal will be affixed on the final outgrant documents prior to execution by USACE. The signer will furnish, for filing

with the outgrant, extracts from the articles of incorporation (also known as Formation documents), the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records, under the corporate seal (if there is one), which properly vest the signer with authority to bind the corporation. In lieu of this evidence the grantee may furnish a certificate signed by an appropriate corporate officer, other than the person executing the outgrant, as follows:

CORPORATE CERTIFICATE

I ___(Name)___ certify that I am the (Secretary) of _____, Inc., that who signed the foregoing instrument on behalf of the corporation was then of the corporation. I further certify that the said officer was acting within the scope of powers delegated to this officer by the governing body of the corporation in executing said instrument.

Corporate Secretary or Appropriate Officer

(AFFIX CORPORATE SEAL)

Notes on State or Local Governmental Entities

The signer will furnish, for filing with the outgrant, an extract from the minutes of the entity indicating that the outgrant was approved by the governing body of the of the entity and authorizing a named individual to execute the outgrant on its behalf. In lieu of the minutes, the grantee may furnish a certificate signed by an appropriate official, other than the person executing the outgrant, as follows:

CERTIFICATE OF AUTHORITY

I ___ (Name) ___ certify that I am the ___(Clerk)___ of _____ that who signed the

foregoing instrument on behalf of the grantee was then_____ of _____. I further certify that the said officer was acting within the scope of powers delegated to this governing body of the grantee in executing said instrument.

Part IV – Regulatory Permits

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 Real Estate Division cannot issue an outgrant without the applicant first obtaining the proper regulatory permit.

Part V - Project Description

The project description is the most critical part of the application, for a multi-faceted project please check all required activities box 5a and complete boxes for corresponding activities. Provide a detailed description of the project and include GIS and/or CADD files with the application (see Cadastral Data and Format Requirements). The following sections detail additional requirements for Dredging and Pipeline activities:

Dredging

Please provide complete scope of work along with maps showing the area to be dredged, placement areas to be used and location or alignment of temporary dredge pipelines.

- A hydrographic survey showing the area to be dredged must also be submitted.
- List placement areas identified in Regulatory Permit in order of preference.
- If both new and maintenance dredging are required please select new in the form and

discuss maintenance portion within the project description.

- Include detailed timelines for as well as completing line 5e of form.

Sediment Testing Requirement: Approval of sediment testing plans and reports prior to issuance of a Real Estate clearance is required for all Applicants. Contact the Operations Division to obtain information on sediment testing requirements. Email: SWG-NB@usace.army.mil; phone: 409-766-3973.

Pipelines

Please provide a complete narrative of the project. The narrative should include the pipeline starting and ending points, route, channel crossings, tie-ins, valve stations, access roads, ingress, egress, ROW needed, etc., for the pipeline.

If available please submit:

- Railroad commission of Texas T-4 form which identifies the pipeline owner.
- Railroad commission of Texas PS - 8000A Form
- Geotechnical study

If a pipeline crosses a Federal Channel, Placement Area(s) or Placement Area Levee, Hurricane Levee, or Tributary waters of the United States, the Applicant must provide cross section diagrams depicting depth and entry and exit points for each crossing. Applicants must also provide any and all standoff distances between the pipeline and any of the features listed above, including other pipelines. Identify diameter of each pipeline, type of fuel or product being transported, and pipeline configuration for each bundle. If there will be ground disturbance (e.g. trenching, excavation) please address the following:

- What are the dimensions (i.e., length, width, depth) of each type of ground disturbance (e.g., trench, fence post hole, leveling, etc.)?
- Will more than an acre of ground surface be disturbed? How much?
- What kind of equipment will be used? How will the work be done?
- Will access across Government controlled property in addition to the area identified for the requested activity be required for equipment? If so, where?
- Will there be a staging and/or storage areas required? 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?

Additionally please address the following:

- Are there any cultural resources known to exist in the area? If so, what?
- Describe other reasonable alternative routes or locations considered and reasons not selected

Note: Pipelines 24-inches in diameter or larger, which impact fee simple land owned by the United States require Congressional approval. Applicants should anticipate a delay in processing such outgrants.

Administrative Fees & Consideration

Two types of funds are collected from Applicants, administrative fees and consideration. Administrative fees are paid in advance. Consideration is paid at the time the transactional documents are executed.

Administrative fees. Title 10 U.S.C. 2695 authorizes the collection of the administrative fees to cover the 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.

After initial screening, the Realty Specialist assigned to the application performs a scope of work analysis for the purpose of developing an administrative fee cost estimate. Once a cost estimate is established an administrative fee letter will be sent to the Applicant requesting payment of administrative fees. Payment of administrative fees is required before further work can occur.

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.

Cadastral Data & Format Requirement

Applicants must submit their GIS data in either the equivalent or lesser version of the following: AutoCAD 2016 (.dwg) or ESRI ArcMap 10.4.1 (.shp) file to help us in this endeavor. Upon receiving a design CADD or a GIS file we will better determined the location of projects interest and limits. We ask that you please include the Regulatory Permit Tracking Number/Application Number and also indicate the coordinate system and datum that the drawing is currently in. The design data should consist of simple lines and polygons indicating the limits of the completed project.

If a CADD drawing is provided, please ensure that all layers are properly named to describe that specific feature. If the layers are named using acronyms we would need a legend or shoe boxes with leader lines, identifying each feature class within the drawing. All areas must be created in real-world (model space) with an assigned coordinate system. Please 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 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.

Preferred Projected Coordinate System

- Datum: North American 1983 (Survey Feet)
- Projection: State Plane
- Zone: Texas South Central

If you have any questions pertaining to Cadastral requirements please contact Carlos Hidalgo at (409) 766-3169.