

Guidelines for Property Owners Adjacent to Public Lands

**BOUNDARY LINE**



**US Army Corps
of Engineers**
Walla Walla District

Introduction It is the responsibility of the U.S. Army Corps of Engineers to manage and protect the natural resources of public lands now and in the future. To help accomplish this task, we rely on adjacent landowners' spirit of stewardship for these beautiful lands – lands managed by the Corps for everyone to enjoy.

Corps-managed public lands in the Walla Walla District are typically located along lakes and rivers where our dams and related facilities have been constructed. While not all shoreline lands contain Corps-managed areas, much of it does. In some places, it's a narrow strip of land running along the shore; in other areas, it includes many acres of protected habitat.

Often, adjacent private lands for sale are advertised as "waterfront property," creating the impression that the property boundaries include the shoreline. Unauthorized use of public or flowage easement lands is prohibited. Owners and prospective buyers of property located next to Corps-managed lakes and rivers are strongly encouraged to verify property boundaries before conducting any work that would disturb the ground or vegetation.

This pamphlet provides information and answers some common questions that adjacent property owners ask about Corps management policies for public lands and flowage easements.

Your rights as an adjacent land owner

Property owners adjacent to public lands have the same rights and privileges as other citizens. However, adjacent property owners have no additional or implied rights by virtue of the location of their property.

It is the policy of the Walla Walla District to protect the natural resource base and integrity of public lands by preventing new encroachments and by resolving existing ones by fair, consistent and timely use of all available remedies.

The District acknowledges instances of inconsistent enforcement of this policy in the past because of lack of available resources and/or funding. Inaction in the past, however, shall not provide a basis to deviate from appropriate enforcement and/or resolution actions in the future.

Corps policy generally prohibits private exclusive use of public land by adjacent private property owners or any member of the public which leads the public to believe public land is privately owned. Adjacent land owners may request permission for uses such as mowing or other vegetation modification, building a boat dock, establishing a fire break, constructing stairs or a path, etc., on Corps-managed public lands.

All requests involving public or flowage easement lands should be made to the nearest Corps office. Requests are evaluated on a case-by-case basis under a number of criteria: compliance with applicable laws/policies, private exclusive use considerations, safety aspects of the proposed action, and potential impacts to land/water habitats, Corps structures (levees), protected species, cultural/historical resources, navigation and commercial entities.

Depending upon the details of a request, other federal and state agencies' policies may apply and require consideration in the evaluation process.

Unauthorized uses/activities of public property are defined by Title 36 of the Code of Federal Regulations, Part 327, as "destruction, injury, defacement, removal or any alteration of public property". Types of Title 36 violations that impact public property include, but are not limited to, dumping garbage or grass clippings, mowing, grazing livestock, gardening, timber cutting, spraying herbicides or pesticides, placing unattended personal

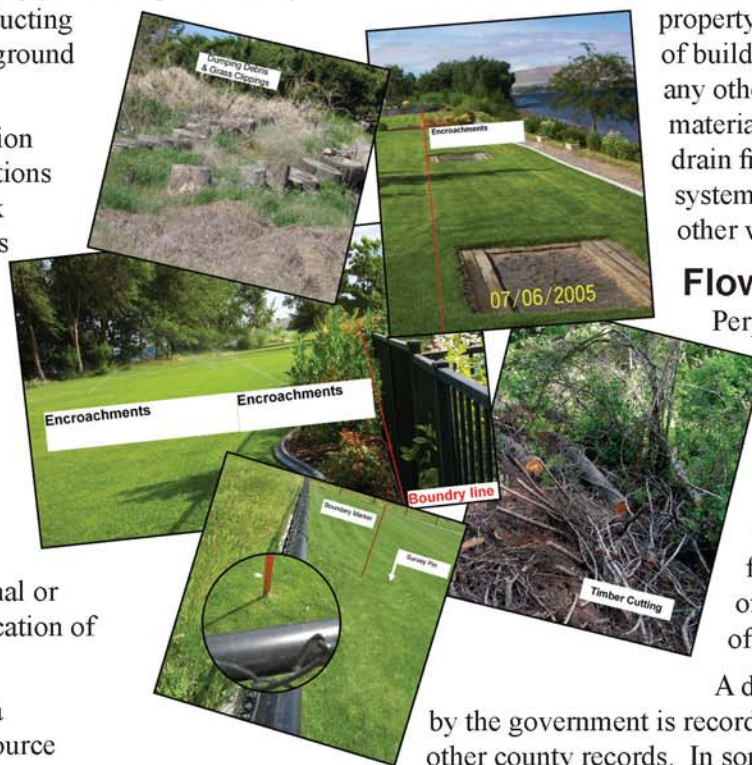
property on public property, construction of buildings, roads, fences, ponds, or any other facilities, placement of fill material or landscaping, septic tanks, drain fields, utility lines or irrigation systems or planting trees, shrubs or other vegetation.

Flowage easements

Perpetual flowage easement interests, which the government holds on property owned by others, grant the government full, complete and perpetual right, power and privilege to overflow, flood and submerge lands as part of the operation and maintenance of water resource projects.

A description of the rights acquired by the government is recorded in the appropriate deed or other county records. In some instances, the reference to a flowage easement restriction is omitted during the preparation of new deeds with changes in property ownership. This omission does not diminish the legality or validity of flowage easement restrictions over the property involved. When proposing to purchase land that you think may be subject to a Corps' flowage easement or is adjacent to Corps-managed land, you should contact the Walla Walla District Real Estate Office or the local Corps office.

The Corps is engaged in preserving and/or restoring the natural scenic beauty of the lands we manage for the public. We appreciate adjacent landowners' cooperation and partnership in being responsible stewards of the flood prevention structures that protect our communities and some of the most beautiful, natural resource areas along rivers and reservoirs in the Walla Walla District.



Posts, pins and markers...

The U.S. Army Corps of Engineers' development and stewardship of water-resource projects and associated public lands in the Mid-Columbia region and Snake River basin predate the 1948 establishment of the Walla Walla District.

Public lands owned in fee by the government are defined by the U.S. Reservation boundary line. Through the decades, many types of markers were used to identify the boundaries of public lands managed by the Corps' Walla Walla District.

These markers include concrete monuments, survey pins with caps of brass or aluminium, survey-marked trees in forested areas, fences, shrubbery, mowed strips, signs and posts made of a variety of materials: wood, metal or synthetic polymer.

Boundary corners throughout the Walla Walla District are typically marked with a concrete monument with a brass survey pin on top. In many locations, boundary lines intersecting with adjacent non-Corps properties are usually marked with survey pins set in the ground or post markers.

When looking for markers set in the ground, first refer to your property map to direct you to the general location of your corner boundary. Do not dig on Corps-managed lands in an attempt to locate the boundary markers. If vegetation growth or displaced dirt is concealing a survey pin on public lands, contact the nearest Corps office for help.



Photos of boundary markers
in the Walla Walla District
(types not limited to those shown)

For more information about lands managed by the Walla Walla District, contact our nearest Corps office:

Lower Granite Natural Resources Management

100 Fair Street
Clarkston, WA 99403
(509) 751-0240
ClarkstonNaturalResources@usace.army.mil

Ice Harbor Natural Resources Management

1215 E. Ainsworth
Pasco, WA 99301
(509) 547-2048
IceHarborParks&Recreation@usace.army.mil

Dworshak Natural Resources Management

P.O. Box 48
Ahsahka, ID 83520
(208) 476-1261
DworshakRecreation-NaturalResources@usace.army.mil

McNary Natural Resources Management

P.O. Box 1230
Umatilla, OR 97882
(541) 922-2268
McNaryParks&Recreation@usace.army.mil

Mill Creek Dam and Bennington Lake

3211 Reservoir Road
Walla Walla, WA 99362
(509) 527-7160
MillCreek@usace.army.mil

Lucky Peak Dam and Lake


9723 East Highway 21
Boise, ID 83716-9393
(208) 343-0671
LuckyPeakLake@usace.army.mil

Natural Resources Management

Operations Division
Walla Walla District Headquarters
201 N. 3rd Avenue
Walla Walla, WA 99362
(509) 527-7131
corpsoutdoors@usace.army.mil

Real Estate Division

Walla Walla District Headquarters
201 N. 3rd Avenue
Walla Walla, WA 99362
(509) 527-7320
cenww-re@usace.army.mil



Frequently Asked Questions

Q - What is meant by the phrase, “create the appearance of private ownership?”

A - That phrase refers to actions taken by adjacent property owners making it appear they own public land. Activities creating the appearance of private ownership include establishing grass lawns or landscaping, placing personal items like sheds, furniture, vehicles or trailers on public land, etc. Corps policy generally prohibits private exclusive use of public land by adjacent private property owners or any member of the public which leads the public to believe public land is privately owned.

Q - Does private property extend down to the shoreline?

A - Private property does not usually extend to the waterline. Even if private property lines extend into the water, this does not exempt landowners from complying with the laws and regulations regarding Waters of the United States.

Q - Since my property adjoins public land, can I mow or cut brush beyond my boundary line?

A - On Lake Wallula, upstream of McNary Lock and Dam, you may apply for a shoreline use permit to modify vegetation as defined in the McNary Shoreline Management Plan and administered by the Ice Harbor Natural Resources Management Office. At all other District locations, adjacent property owners should contact the nearest Corps office for information on policies specific to their location.

Q - There are trees on Corps land blocking my view of the river – can I cut them down or remove them?

A - Trees along a shoreline typically provide high-quality wildlife habitat and shoreline erosion protection and may not be removed. In some cases, trees considered to be invasive species or on a state noxious weed list might be allowed to be removed, but only with full replacement mitigation and not for purely aesthetic reasons. Each request for vegetation modification is evaluated on a site-specific basis.

Q - May I construct a road or trail to provide lake access?

A - Roads, improved pathways or any other access facilities may not be built on public land without a license. Access licenses are typically granted only if such would benefit the general public or serve an operational purpose.

Q - May I construct a fence along my boundary to mark my property line?

A - Fences and shrub rows may be constructed by adjacent landowners *on their property* to delineate their boundary.

Q - Are there any restrictions on the type of buildings or other facilities that can be constructed on flowage easements?

A - As an owner of land subject to flowage easements, you may not construct or maintain any structure for human habitation, permanent or temporary, on the flowage easement land. Generally, you may not place or raise a structure within the easement area by use of piling or other type of foundation or raise the site through use of fill. Owners of land subject to flowage easements may request, in writing, permission from the District Engineer to build any structure, other than those designed or intended for human habitation. These structures include, but are not limited to, buildings, ramps, ditches, channels, dams, dikes, wells, ponds, roads and utility lines.

Q - How far away from the government property line on my property should I construct a building?

A - Check your city and county zoning laws and setback requirements to ensure compliance with local laws. Regardless of municipal code, federal policy requires buildings on adjacent lands be constructed so that no part of it is built on or overhangs government property. You should also leave enough room around the building to perform maintenance without impacting government property.

Q - What type of activities are allowed on flowage easement lands?

A - Owners of land subject to easements may clear, plant vegetation, or otherwise use the flowage easement property as desired, if not in conflict with the terms or rights acquired by the government. Owners also have the right to sell or lease the flowage easement land to others, subject to all the restrictions contained in the flowage easement instrument.

Q - Why does the distance from the government boundary line to the shoreline vary?

A - The distance from the government boundary line to the shoreline varies based on the local topography, the acquisition policy in place when project lands were acquired or the desires of a property owner selling land to the government.

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To request additional copies, contact:

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