

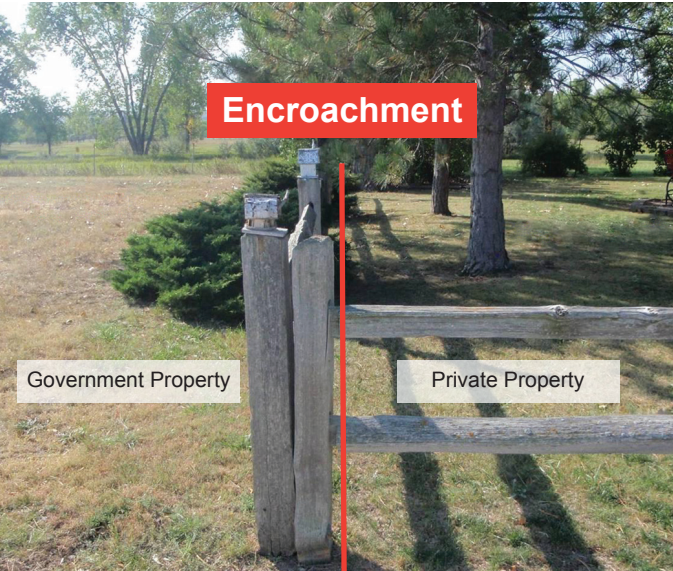
Introduction

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, the Corps relies on adjacent landowners' spirit of stewardship to manage these lands.

Corps managed public lands in the Omaha District are typically located along lakes and rivers where Corps dams and related facilities have been constructed. Although not all shoreline lands are managed by the Corps, many are. In some places, Corps land may be a narrow strip of land running along the shore and in other areas, it may include many acres of protected habitat.

It is the policy of the Omaha District to protect the natural resources base and integrity of public lands by preventing new encroachments and by resolving existing ones through fair, consistent, and timely use of all available remedies. The Corps appreciates adjacent landowners' cooperation and partnership in being responsible stewards of the natural resource areas along rivers and reservoirs in the Omaha District.

This brochure provides information and answers some common questions that are asked about Corps management policies for public lands and flowage easements.



Adjacent Land Owners

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.

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 lands or flowage easements is prohibited. Owners and prospective buyers of property located next to Corps managed lakes and rivers area are strongly encouraged to verify property boundaries before conducting any work that would disturb the ground or vegetation.

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 that public land is privately owned. Adjacent land owners may request a lease or permission for uses such as building a boat dock, mowing or other vegetation modification, establishing a fire break, constructing stairs or a path, etc., on Corps-managed lands.

All requests involving public lands or flowage easement lands should be made to the nearest Corps office. Requests are evaluated on a case-by-case basis using a number of criteria. These include, but are not limited to, compliance with applicable laws/policies; safety aspects of the proposed action; and potential impacts to land/water habitats, Corps structure, protected species, cultural/historical resources and commercial entities.

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

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.

Additional Information

For more information about lands managed by the Omaha District, contact your nearest Corps office:

- Fort Peck**
Project Office
Fort Peck, MT
(406) 526-3411

Garrison
Project Office
Riverdale, ND
(701) 654-7411
- Oahe**
Project Office
Pierre, SD
(605) 224-5862

Big Bend
Project Office
Fort Thompson, SD
(605) 245-2255
- Fort Randall**
Project Office
Pickstown, SD
(605) 487-7845

Gavins Point
Project Office
Crofton, NE
(402) 667-7873
- Tri-Lakes**
Project Office
Littleton, CO
(303) 979-4120

Missouri River
Project Office
Omaha, NE
(402) 996-3766
- Omaha District**
Real Estate Office
Omaha, NE
(402) 995-2828



US Army Corps
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Unauthorized Use/Activity

An unauthorized use or activity is covered under Title 36 of the Code of Federal Regulations, Part 327. Types of Title 36 violations that impact public property include, but are not limited to, dumping garbage or grass clippings; mowing; grazing livestock; gardening; cutting timber; spraying herbicides or pesticides; placing unattended personal property on public property, constructing buildings, roads, fences, ponds or any other facilities; placement of fill material, landscaping, septic tanks, drain fields, utility lines or irrigation systems; or planting trees, shrubs or other vegetation.

Flowage Easements

Perpetual flowage easements, 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 resources 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 local Corps office or the Omaha District Real Estate Office.



Posts, Pins and Markers...

Public lands owned in fee by the Government are defined by the U.S. boundary line. The rules of determining boundary lines are governed by individual state codes of law. Through the decades, many types of markers have been used to identify the boundaries of public lands managed by the Corps’ Omaha District.

Markers include concrete monuments, survey pins with caps of brass or aluminum, survey-marked trees, fences, shrubbery, mowed strips, signs and posts made of a variety of materials including wood, metal or synthetic polymer. Corner and brace panels are also being used for boundary monumentation.

Boundary corners throughout the Omaha District area are typically marked with a concrete monument with a brass survey cap on top. Boundary lines intersecting with adjacent non-Corps properties are marked with survey pins set in the ground or post markers.

When looking for markers set in the ground, 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 you can’t find a pin on the common boundary line, contact the nearest Corps office for help.



Frequently Asked Questions

Q: What is meant by the phrase, “private exclusive use of public land?”

A: Private exclusive use refers to the actions taken by adjacent property owners making it appear they own public land. Such actions include establishing grass lawns or landscaping, placing personal items like sheds, furniture, vehicles or trailers on public land, etc.

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

A: Owners of land subject to flowage easements may clear, plant vegetation or otherwise use the 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; this land remains subject to all the restrictions contained in the flowage easement instrument.

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

A: No. Adjacent property owners should contact the nearest Corps office for information on policies specific to their location.

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

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

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. 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 and utility lines.

Q: Does private property extend down to the shoreline?

A: Private property does not normally extend to the shoreline.

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 the project lands were acquired or the desires of a property owner selling land to the Government.

Q: There are trees on Corps land blocking my view of the river or reservoir. Can I cut them down or remove them?

A: No. Trees along a shoreline typically provide high-quality wildlife habitat and shoreline erosion protection and may not be removed without prior approval. Each request for vegetation modification is evaluated on a site-specific basis.

Q: Is there a buffer zone around buildings on land adjacent to Corps managed lands?

A: No. Public uses such as hunting, fishing and trapping are generally allowed on public lands, regardless of how close a building is to the property line.

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

A: No. Roads, improved pathways or any other access facilities may not be built on public land without a license.

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. Enough room around the building should be left to perform maintenance without impacting Government property.