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Homeland Security

**United States
Coast Guard**

U. S. Coast Guard Real Property Management Manual

COMDTINST M11011.11

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United States Coast Guard

Commandant
United States Coast Guard

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COMMANDANT INSTRUCTION M11011.11

Subj: REAL PROPERTY MANAGEMENT MANUAL

Ref: (a) Financial Resources Management Manual (FRMM), COMDTINST M7100.3 (series)
(b) Information and Life Cycle Management Manual, COMDTINST M5212.12 (series)
(c) US Coast Guard Environment Liabilities Process Guide
(d) Policy on Management Of Environmental Liabilities, COMDTINST 5090.11

1. PURPOSE. This Manual addresses comprehensive programmatic policies, procedures, and standards for the administration of Coast Guard Real Property. It is designed and intended as a guide for Real Property managers and staff at Headquarters, Bases, Facility Engineering Units, Civil Engineering Units, Shore Infrastructure Logistics Center (SILC), Districts, and Area Commands, as well as the servicing legal staff and other supporting missions in the preparation of real property or planning documents. As such, questions and requests for clarification on information addressed herein should be forwarded to the servicing real property staff.

2. ACTION. Area and district commanders, commanding officers of headquarters units, assistant commandants for directorates, The Judge Advocate General and special staff offices at Headquarters shall ensure that the provisions of this Manual are followed. Internet release is not authorized.

3. DIRECTIVES AFFECTED. The Real Property Management Manual, COMDTINST M11011.9B and the Real Property Asset Management Manual, COMDTINST M11011.10 are cancelled.

4. DISCUSSION. The Real Property Management Manual, COMDTINST M11011.9B has remained largely unchanged since 1988 and the Real Property Asset Management Manual COMDTINST M11011.10 since 2001. As many new laws and policies have been enacted which necessitate an update to the Manuals, they have been revised to incorporate changes.

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5. RECORDS MANAGEMENT CONSIDERATIONS. This Manual has been evaluated for potential records management impacts. The development of this Manual has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 USC 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

   (a) The development of this Manual and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). Because this Manual contains guidance on, and provisions for, compliance with applicable environmental mandates, Coast Guard categorical exclusion #33 is appropriate. Figure 2-1. An Environmental Checklist and Categorical Exclusion Determination (CED) are not required.

   (b) This directive will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, state, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates. Due to the administrative and procedural nature of this Manual, and the environmental guidance provided within it for compliance with all applicable environmental laws prior to promulgating any directive, all applicable environmental considerations are addressed appropriately in this Manual.

7. FORMS. The forms referenced in this Manual are available in USCG Electronic Forms on the Standard Workstation or on the Internet: http://www.uscg.mil/forms, CG Portal https://cgportal.uscg.mil/delivery/Satellite/uscg and Intranet. The DOD Single Line Item Requisition System Document MILSTRIP, DD-1348, is a hard copy form that can be purchased at: http://navalforms.daps.dla.mil.

R. Rábago /s/
Rear Admiral, U. S. Coast Guard
Assistant Commandant for Engineering and Logistics

RECORD OF CHANGES			
CHANGE NUMBER	**DATE OF CHANGE**	**DATE ENTERED**	**BY WHOM ENTERED**

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CHAPTER 1: INTRODUCTION TO REAL PROPERTY MANAGEMENT

1.1 Mission

Executive Order 13327 "Federal Real Property Asset Management" requires executive branch departments and agencies to establish policies and levels of accountability in order to promote the efficient and economical use of Federal real property assets. As the technical authority of real property for the Coast Guard (CG), Commandant (CG-4) will govern the real property portfolio management and accountability in a manner that best meets the building, land, and structure needs in support of the Coast Guard's multi-mission maritime service and protector of natural resources. All unit commands of the Coast Guard are responsible for assisting Commandant (CG-4) in the proper safeguarding, management, monitoring, accounting and reporting of these assets.

1.2 Purpose

The Real Property Management Manual (RPMM) establishes a foundation for Commandant (CG-4) to conduct its mission with respect to real property accountability, actions and transactions. The RPMM, in concert with the Facilities Classification Guide, Reference (a), Civil Engineering Manual, COMDTINST CIM11000.11A (series), and Shore Facilities Project Development Manual (SFPDM), COMDTINST 11010.1 (series), are intended to guide the Shore Infrastructure Logistics Center (SILC) in the administration of real property actions and transactions.

1.3 Scope

Real property includes all land, buildings, and structures, as outlined in the General Services Administration (GSA) Guidance from the Federal Real Property Council (FRPC) rules. Real property does not include personal property, which is defined as all expendable and non-expendable, tangible assets including aircraft, vessels, boats, vehicles (including trailers), and other mobile assets. Additional information pertaining to each of the real property categories below can be found in the glossary herein and the Coast Guard's Facilities Classification Guide.

The RPMM is applicable to all real property owned, leased, under easement, permit, license or other types of use, or in the "custody and control" of the Coast Guard. Real property may be US Government-owned real property acquired on behalf of the Coast Guard; lands reserved or withdrawn from the public domain for Coast Guard purposes; real property permitted from/to other Federal agencies; Federal properties assigned to Coast Guard; non-US Government-owned real property leased by or for the Coast Guard using delegated authorities from the GSA or authorities issued to the Coast Guard by Congress. Similarly, this Manual applies to real property interests by gift, bequest, or otherwise acquired.

The RPMM is to be used to inform and educate in a broad context and lay the foundation for accountability, real property functions, actions and transactions. It outlines the fundamental

principles, roles and responsibilities for coordination and completion of the Commandant (CG-4) real property mission. The RPMM is the overarching document for the Real Property Process Guides (RPPG) that further outline, in step detail, the standard operating procedures for implementation of real property accountability, actions and transactions. The RPPG is the day-to-day handbook for the Real Property Specialists to operate and ensure actions and transactions follow the principals of the RPMM. The SILC develops and updates the RPPG, and Commandant (CG-43) reviews and approves the RPPG for Coast Guard use.

1.4 Objectives

Real property portfolio management is governed by Executive Orders, laws, regulations, policies and accounting standards. The objective of real property management is to ensure missions of the US Coast Guard are properly supported with real property assets and provide a means to protect the interests of the public by safeguarding Government property and eliminating fraud, waste and abuse; to provide the basis for achieving effective and efficient management of assets and to assure the validity of related financial records and accounts. The objectives apply from the time Coast Guard plans to acquire property to the time Coast Guard removes the property from the inventory and the appropriate assertions are captured within the objectives of each applicable RPMM chapter.

1.5 Management Controls and Tools

Appendix A of the revised Office of Management and Budget (OMB) Circular No. A-123, *"Management's Responsibility for Internal Control"* (OMB Circular A-123, Appendix A) provides specific requirements for Federal agencies to establish internal controls over financial reporting, assess those internal controls, correct internal control deficiencies and provide a specific assertion to the reliability of internal controls over operations and financial reporting. These proper internal controls over Coast Guard financial reporting and business processes are documented in appropriate procedures as outlined in the Reference (a). Real Property managers, rely on the following tools and controls to effectively manage, control and account for the assets:

A. Oracle Fixed Asset Module (OFA). Maintained by the Coast Guard Finance Center (FINCEN) for the Chief Financial Officer (CFO), and is the system of record for all real property assets throughout their life. OFA coordinates with Shore Asset Management System (SAM.)

B. Shore Asset Management System (SAM) - maintained by Commandant (CG-43) and is the system of record, internally, in real time, for real property assets and confirms the information housed in OFA.

C. Instructions. To communicate the Commandant of the Coast Guard's (CCG) approved position and instructions with respect to the topic.

D. Technical Guidance. To provide technical guidance for retention, replacement, restricted usage, and requirements for periodic inspection and maintenance.

E. Budgetary Control. To effectively meet the needs of outfitting and maintenance programs supporting operational missions by approving, disapproving, or modifying budget requests.

F. Excess Reports. To facilitate the use of existing real property when possible instead of procuring new real property out of Federal ownership.

G. Accountability Controls. Detailed accountability requirements to ensure the safekeeping and proper use of property. The degree of accountability required largely depends on the value of the property.

Units must provide or request the supplies or services necessary to maintain and provide safekeeping for their real property. Best real property management practices are achieved by coordinating and relying on the Unit/Tenants, also known as custodians to assist during occupancy of the property. Custodians help meet the responsibilities by following published instructions and guidelines, applying good judgment and common sense, and being cost-conscious.

1.6 Roles and Responsibilities

This section refers to responsibilities of the Coast Guard related to real property sequenced in an order in line with the existing chain of command.

1.6.1 Commandant

The Commandant is responsible for all Coast Guard real property assets. The Commandant has both statutory and positional authority for Coast Guard real property and delegated authority from the Secretary of Department of Homeland Security (DHS) as outlined in the Delegated Authority Memorandum dated 5 Jun 2004, and revised thereafter (promulgated). The Commandant, at times, receives delegated authorities from GSA through DHS. All authorities are further delegated within the Coast Guard as outlined herein.

1.6.2 Assistant Commandant for Engineering and Logistics (CG-4)

The Commandant (CG-4) received delegated overall responsibility for all Coast Guard real property assets, to include establishment of policy, the inventory and its accountability and management thereof, acquisitions, portfolio management and divestitures, as well as internal environmental compliance. Commandant (CG-4) develops, deploys, and requests the resources necessary to sustain the capabilities to meet operational requirements that support the Coast Guard's fundamental roles and provides technical, logistical engineering and real property support for all Coast Guard operating programs. Commandant (CG-4) further delegated all responsibilities to various divisions that are under its supervision as outlined herein.

1.6.2.1 Office of Civil Engineering (CG-43)

Commandant (CG-4) delegates authority to Commandant (CG-43). Commandant (CG-43) provides oversight and sets policy for the Coast Guard real property program and has the overall responsibility for all real property assets to include the inventory, acquisition, management, divestiture and order of priority for real property actions. Commandant (CG-43) further delegates authority to subordinate commands, as appropriate, and within the legal authority of the Commandant. Coast Guard Legal support staff at HQ, SILC, District and Legal Support Command (LSC) shall provide legal assistance for real property actions and transactions. This includes, but is not limited to, ensuring legal sufficiency of actions, transactions and legal documents, interpretations, and serves in an advisory capacity for real property and fiscal law impacts to policies, procedures, and transactions. All legal documents are reviewed and accepted for legal sufficiency prior to execution. As the liaison between field levels and other Federal, state, local agencies and private organizations or individuals, Commandant (CG-43) supports other HQ Divisions to ensure coordination and completion of the goal within their laws, regulations, policies and procedures. As the technical author, Commandant (CG-43) ensures that all established policies and procedures governing the capturing, tracking and accounting for real property acquisitions, and divestitures are followed by Coast Guard civil engineering organizations and provides templates and instructions as available. Commandant (CG-43) monitors accounting for compliance on the RPMM and the RPPG, Federal, state and local laws, and requirements and provides real property guidance and support at subordinate levels. Commandant (CG-43) works closely with Commandant (CG-84), Commandant (CG-9), and FINCEN to ensure that all acquisitions, disposals, and descriptive changes to real property assets are entered into the Coast Guard fixed asset and financial systems, specifically OFA and SAM.

1.6.2.2 Office of Environmental Management (CG-47)

Commandant (CG-47) serves as the Coast Guard environmental management and cultural resource information-clearing house and technical authority and develops programs and policy to assist in Coast Guard compliance with all applicable Federal, state, and local environmental and historic resource laws, regulations, and Executive Orders. Commandant (CG-47) provides comprehensive environmental compliance assistance and guidance on all HQ initiated actions. Commandant (CG-47) also develops and implements broad Coast Guard-wide environmental management, remediation, planning and cultural resource policy and guidance. Commandant (CG-47) works closely with Commandant (CG-84), Commandant (CG-43), SILC, and FINCEN to ensure that all environmental liabilities information is recorded in the Coast Guard fixed asset and financial systems, specifically OFA and SAM.

1.6.2.3 Commandant (DCMS-83)

Commandant (DCMS-83) is responsible for financial administration, management and reconciliation of the GSA rent security account and direct lease funds. Commandant (DCMS-83) follows up with both GSA and the benefiting unit where the rent bill differs from the

terms originally agreed upon in the OA, or other ingrant instruments, and coordinates with the program manager of real property advising of account inaccuracies.

1.6.2.4 Shore Infrastructure Logistics Center (SILC)

The SILC establishes procedures outlined in the RPPGs and modifies, as appropriate, to implement the program, policies and guidance as directed by Commandant (CG-43). The SILC is responsible for execution of priorities and provides oversight and guidance to the Civil Engineering Units and Asset Line Managers (ALM) operating a real property program within their area of responsibility. Furthermore, the SILC provides support services throughout the complete life-cycle of shore facilities ranging from property acquisition, design, construction, depot level maintenance and repair, recapitalization and eventually divestiture. SILC relies on staff with titles for Senior Real Property Officer (SRPO), Real Property Specialist (RPS), Real Property Accountable Officer (RPAO), Real Property Accountability Specialist (RPAS), Field Engineers, Warrant Officers and Unit Commanding Officers (CO), as well as supporting roles throughout the Coast Guard.

1.6.2.5 Legal Service Command (LSC)

LSC will conduct legal review for legal sufficiency of necessary actions and documents. SILC will submit documents such as Reports of Excess and Reports of Title to the LSC for legal review and consult for advice to confirm legality of intended action and purpose.

1.6.2.6 SILC Civil Engineering Units (CEU)/Product Line Managers (PLM)

Commanding Officers for CEU/Base Facility Engineers (FE) are responsible for management of Coast Guard real property in their respective geographic areas by approving and overseeing field level activities of real property. They implement policies and procedures for the life cycle of real property, to include acquisition, management, utilization, accountability and disposal in accordance with appropriate authorities and delegations to comply with relevant laws, regulations and policies. CEU/PLM support and assist the SILC Engineering Services Division, Real Property Branch during real property actions, transactions and management activities, and all real property work to ensure collaborative efforts in accordance with applicable environmental and cultural laws, Executive Orders, regulations, policies and procedures. Furthermore, CEU/PLM conduct real property site inspections, identify excess space, initiate Boards of Survey and Reports of Excess when necessary, and provide supporting documentation of asset changes to FINCEN.

1.6.2.7 Facility Design & Construction Center (FD&CC)

The FD&CC is responsible for constructing capitalized real property and informs FINCEN of all real property construction and improvement projects that meet the criteria for capitalization.

1.6.2.8 Areas/Districts/Units

Areas/Districts/Units shall obtain specific information in relation to instances of acquisition and disposal as requested by the SILC. Areas/Districts/Units inform regarding amount and types of space required and coordinate preparation of the Space Request Memorandum with servicing CEU/PLM and SILC. Areas/Districts sign the final copy of the Memorandum certifying that all information is correct, accurate, and that funding has been identified. District and Area Commanders are responsible for validating and concurring with the Unit Commander's proposal for excess and ensuring that the real property proposed for excess is not needed for operational purposes in their respective command areas. The Unit Commander shall make the preliminary determination, as appropriate within its chain of command, that there is no continuing operational need for any property for which his or her unit is responsible. Unit Commanders shall also ensure that complete and accurate documentation is prepared and forwarded to FINCEN (FR) so that updates to the real property records in OFA, SAM, and other applicable subsidiary systems can be managed and completed in accordance with disposition instructions as promulgated in Reference (b).

1.6.2.9 Housing Commandant (CG-12)

Commandant (CG-12), the Housing Division, is responsible for family housing and maintains the Housing Management Infrastructure System (HMIS) that tracks and manages the rents for the housing assets. HMIS information is coordinated with SAM to insure consistency is the capture, accounting and divesting of housing. Commandant (CG-12) will work with Commandant (CG-43) to identify housing assets that are needed or no longer needed to support the Coast Guard military family housing needs and consider them as potential candidates for divestiture to be included in the Shore Divestiture Program (SDP).

1.6.2.10 Warrant Program - Real Property Contracting Officers

As the Real Property Head of the Real Property Contracting Activity (HCA), Commandant (CG-43) issues and enforces the Real Property Warrant Program. The authority is issued to individuals via a Warrant for the sole purpose of establishing signatory authority for real property actions and transactions that are required to support the Coast Guard mission. All real property legal documents must be signed in accordance with the provisions of this program. Warrants issued must meet the criteria identified in the levels of the Training, Education, and Experience tables of the Warrant Program included herewith, undergo a Portfolio review of a transaction and receive final approval from Commandant (CG-43). The Warrant Program applies to all real property legal documents, contracts, and agreements that commit the ownership or use of real property. Documents may result from acquisitions, management, divestiture, and includes other documentation authorizing interests acquired or released. Refer to chapter 2 for further instructions.

1.6.3 Coast Guard Finance Center (FINCEN)

The FINCEN is responsible for maintaining OFA records, general ledger balances, and supporting documentation for real property. The FINCEN obtains all applicable supporting

documentation from Commandant (CG-43), CEU, or other appropriate unit and ensures asset changes are properly recorded in the OFA; reconciles property records to general ledger accounts; publishes Coast Guard financial statements and footnotes containing fixed asset disclosures and footnotes; and retains procurement, acquisition, transfer, and retirement documentation in an audit-ready status for real property assets.

1.6.4 Assistant Commandant for Resources (CG-8)

The Commandant (CG-8) develops, promulgates, and implements Coast Guard financial management policy for accounting used by Headquarters Program/Facility Managers, FINCEN, Area and District Commanders, SILC and Field Unit Commanding Officers, and Officers in Charge.

1.6.4.1 Commandant (CG-83)

Commandant (CG-83) is required to submit Budget Execution Reports and apportionment requests annually. Commandant (CG-83) works with Commandant (CG-43) to obtain information for the Budget Execution Reports.

1.6.5 Assistant Commandant for Acquisition (CG-9)

Commandant (CG-9) oversees acquisitions of specific goods and services but not normally real property. However, Commandant (CG-9) employs staff to conduct the R-21 and NAIS real property program support that exist to supply real property for the good and services contracts that support tower signal needs. Also, Commandant (CG-9) provides support to Commandant (CG-43), such as processing good and services contracts that support the functions of real property engagements. The Acquisition Directorate is responsible for the Coast Guard's current recapitalization investment portfolio of personal property, which includes more than 20 major acquisition programs and projects. Acquiring new personal property assets, upgrading legacy platforms, and mission systems are fundamental aspects of the process of recapitalization, which replaces obsolete and costly-to-maintain personal property assets in order to achieve sustainable readiness in the field. While the R-21 and NAIS program and staff with a mission of real property reside in Commandant (CG-9), the staff and program elements are subject to Commandant (CG-4) instructions, policies and guides that outline requirements to procure, manage and divest of real property. Commandant (CG-9) provides support to Commandant (CG-43), such as processing good and services contracts that support the functions of real property engagements and coordinates real property program needs and requirements.

1.7 Authorities

All personnel shall follow Federal and DHS regulations throughout the acquisition, utilization, and disposal processes. Some of the overarching and significant authorities that apply to various stages of the Real Property life cycle are noted below. Refer to each chapter for a list of relevant laws and regulations that are applicable to individual chapters.

Executive Order 13327 - Federal Real Property Asset Management
41 CFR 102: Public Contracts and Property Management
DHS MD 0560: Real Property Management Program
DHS Instruction 119 02 001: Real Property Manual

CHAPTER 2: ACQUISITION OF REAL PROPERTY

2.1 Overview

The Constitution provides Congress virtually unlimited authority over Federal lands. Congress has used this authority to enact laws governing the acquisition, management, and disposal of Federal land. Some laws are agency-specific, an example of which is the statute under which the Coast Guard acquires land for shore installations: 14 United States Codes (USC) 92. The most prevalent Federal land and property laws are the Federal Property and Administrative Services Act of 1949 (FPASA) and the Federal Land Policy and Management Act of 1976 (FLPMA).

The FPASA is the statute that created the GSA and authorized GSA to write the Federal Management Regulation (FMR), 41 Code of Federal Regulations (CFR) 102, which defines the Federal acquisition, management, and disposal regulations for all lands other than "public domain" lands. Although the Coast Guard enjoys numerous exceptions to FPASA by virtue of special agency-specific legislation, the FMR remains the fundamental Federal rulebook for real property other than "public domain" lands.

Public domain lands are lands administered by BLM under FLPMA. They are generally lands in Western part of the United States that were acquired by treaty or conquest and have never been privately owned. Many Department of Defense (DOD) and Coast Guard military installations, including Base Kodiak and Base Ketchikan, and a host of LORAN and lighthouse properties in California, Oregon, Washington, and Alaska, are situated on public domain lands that were set aside (also known as "withdrawn") by an Executive Order or by a Public Land Order specifically for the Coast Guard or DOD to use. Under EO 13327, public domain lands are not "real property" and the Federal Real Property Council Guidance for Real Property Inventory Reporting states that reporting of public domain lands as a real property asset is optional.

This chapter addresses acquisition of real property through the initial physical control when property is delivered or title is passed, whichever is earlier. Property is recognized as accountable when title passes to the Coast Guard or when substantially complete. Real property may be acquired if authorized through purchase, construction, transfer or reassignment from another agency, donation, lease or easement, but is not limited to those methods. Real property acquired must be entered into the property management system, OFA and associated subsidiary systems (e.g. SAM, ATONIS, and Housing) at the time of acquisition. The RPAS will be the responsible party entering the asset information into SAM and coordination with points of contacts for all other appropriate subsidiary systems while also providing the proper documentation to FINCEN.

2.2 Objective

The objective of acquisition of real property is to obtain property for executing the duties and functions of the Coast Guard within the limits of appropriations. Acquisitions must be made

in accordance with all applicable laws, regulations, policies and procedures, which include but are not limited to the (1) United States Code (USC); (2) CFR; (3) Department of Justice Title Standards 2001 ;(4) Department of Justice Uniform Appraisal Standards; (5) DHS Real Property Manual; (6), Field Planning for Shore Infrastructure- Field Planning Manual, COMDTINST M11000.17 (series); and, (7), Reference (a). Acquisitions must be recorded timely and properly in all appropriate property systems. The acquisition process must meet the following control objectives.

A. Proper funding authorized and received.

B. Accurately receive and record all real property with validation of received asset for intended purpose.

C. Accurately categorize and value in accordance with external laws and regulations to capitalize real property assets.

D. Properly reflect appropriate information in accordance with laws and regulations to capitalize real property assets.

E. Safeguarding of assets against misuse, misappropriation, and waste.

2.3 Federal Requirements Related to Acquisition

Below is a summarized list of the Federal requirements as they relate to general aspects of the Acquisition process:

2.3.1 Requirements Applicable to General Acquisitions

14 USC 92(f) – Secretary General Powers

40 USC 3112(b) – Federal Jurisdiction

OMB Circular A-11, Appendix A&B – Scorekeeping Guidelines; Budgetary Treatment of Lease Purchases and Lease of Capital Assets

FMR Bulletin 2008-B1 – Delegation of Lease Acquisition Authority Notification, Usage, and Reporting Requirements for General Purpose, Categorical, and Special Purpose Space Delegations

41 CFR 102-79.10 - Assignment and Utilization of Space – General Provisions

41 CFR 102-73.10 – Real Property Acquisition – General Provisions

14 USC 93(a)(14) – Commandant: General Powers

40 USC 3111 – Approval of Sufficiency of Title prior to Acquisition

2.3.2 Main Types of Acquisition (GSA Lease, Direct Lease, Categorical Lease, Title 10, Purchase, Public Domain Transfer)

49 CFR 24.102 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs – Basic Acquisition Policies

41 CFR 102-73.45 – Real Property Acquisition – Acquisition by Lease

41 CFR 102-73.150 – Acquisition by Lease – Categorical Space Delegation

41 CFR 102-79.55 – Assignment and Utilization of Space

10 USC 2696 – Real Property: Transfer between Armed Forces and Screening Requirement for other Federal Use

41 CFR 102-85.75 – Real Property Occupancy Agreements – Termination of Space Assignments

2.3.3 Other Types of Acquisition

40 USC 3113 – Acquisition by Condemnation

40 USC 3114 – Declaration of Taking

49 CFR 24.108 – Real Property Acquisitions – Donations

10 USC 2668 – Easements for Rights of Way

2.4 General Acquisition Policy

The Coast Guard must identify and justify the mission and base facility requirements to acquire real property prior to starting the acquisition process. After identifying a need, the shore facility planning and real property staff will develop a Fiscal Year ____ Military Construction Project Data, Form DD-1391, to document the request and will submit it to Commandant (CG-43) for approval. Property is acquired based on the approval. Once the acquisition process is complete and approvals are obtained, property title is passed, a copy of all applicable supporting documentation as defined by the Process Guide is forwarded to the Property Control Branch FINCEN and entered into OFA within thirty (30) days of receipt. FINCEN will work with SILC to determine if the property will be capitalized and depreciated, refer to Section 5.4 for details regarding accounting for acquisition. Units must also work with the RPAS to record the newly acquired property into SAM. Original acquisition documentation shall be retained by the SILC/CEUs real property officer for all real property acquired.

The acquisition process is outlined in the flowchart below.

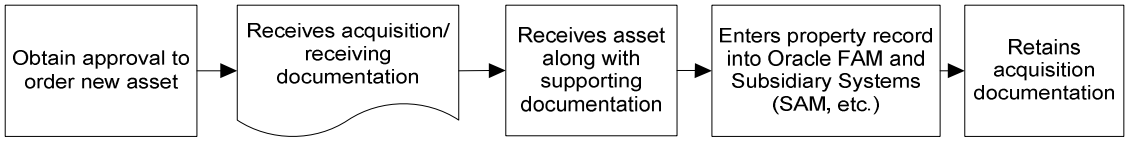

Figure 2-1: Real Property Acquisition Process Flow

2.4.1 Roles and Responsibilities

2.4.1.1 Commandant (CG-43)

The Commandant's (CG-43) responsibilities include reviewing and approving Fiscal Year ____ Military Construction Project Data, Forms DD-1391, submitted by SILC, forwarding the proposals to Commandant (CG-8) for secondary approval and requesting budget through AC&I. Commandant (CG-82) is responsible for obtaining the Real Property Pre-Acquisition Notification and forwarding it to DHS, informing of the Coast Guard's real property requirement. Commandant (CG-43) is responsible for the oversight and program management of the Coast Guard's GSA rent program and policy guidance on direct leasing. Specifically, Commandant (CG-43) will review and approve space requests and exchanges, and work with tenants to obtain budget in proper funding stream. Commandant (CG-43) responsibilities include approving leases/expansions. Commandant (CG-43) administers the Warrant Program for Real Property Contracting Officers, which establishes signatory authority for real property legal documents and other applicable real property instruments that commit real property, and monitors real property actions and transactions for compliance with the RPMM, Federal, state, and local laws, and other governing laws.

2.4.1.2 Commandant (DCMS-83)

Commandant (DCMS-83) is responsible for financial administration, management and reconciliation of the GSA rent security account and direct lease funds. Commandant (CG-8) follows up with both GSA and the benefiting unit where the rent bill differs from the terms originally agreed upon in the OA, or other ingrant instruments, and coordinates with the program manager of real property advising of account inaccuracies. Commandant (DCMS-83) will validate GSA and direct leasing budget estimates and assist Commandant (CG-43) with budget requests. Commandant (DCMS-83) coordinates the budget requests and provides quarterly reports on GSA rent accounts to Commandant (CG-43).

2.4.1.3 Shore Infrastructure Logistics Command (SILC)

The SILC is delegated limited authority to acquire real property from non-Federal entities. However, for new leases in excess of 10,000 usable square feet (USF) and existing leases expanding by more than 10,000 USF, SILC must prepare a problem statement and planning proposal or a Decision Memo for Shore Infrastructure (DMSI) for submission to

Commandant (CG-43). Once approved by Commandant (CG-43) and Commandant (CG-8), SILC procures the space, executes the lease, and ensures the acquisition is reflected in the SAM and that the legal acquisition documents are stored in the Coast Guard Information Management System (TIMS). Additionally, SILC is responsible for responding to questions/concerns from field units and Area/District/Unit planning offices in regards to GSA lease initiatives. SILC provides assistance and approves of the units Requests for Space memos.

2.4.1.4 Civil Engineering Units (CEU)/ Product Line Managers (PLM)

Prior to initiating an action to obtain space via lease, existing, available, and appropriate for mission Federal space must be considered. The CEU/PLM shall work with other Coast Guard units and other Federal entities to identify any space that may supply the requirement. When coordinating with DOD, a request by memo shall be made to Commandant (CG-43) to coordinate the request with the Departments and provide proper contacts for the SILC to proceed. Additionally, the CEU/PLM shall provide technical support for the preparation of the Space Request Memorandum.

2.4.1.5 Areas/Districts/Units

Space Request Memorandums are completed by Area/District planners or FEs as they are the first to initiate/coordinate new space requests from field units. Areas/Districts/Units shall obtain specific information regarding amount and types of space required and coordinate preparation of the Space Request Memorandum with servicing CEU/PLM or SILC office. After completion of the Memorandum, Areas/Districts sign the final copy certifying that all information is correct, accurate, and that potential funding has been identified.

2.4.1.6 Servicing Real Property Specialist (RPS)

When the acquisition is a lease, the RPS will score the lease to determine whether it is capital or operating. The RPS is also responsible for reviewing and processing Occupancy Agreements (OA), and negotiating and executing direct leases or other ingrant instruments. The RPS is responsible for providing due diligence in all aspects of sound real property practice, the Federal Management Regulations and the General Services Acquisition Manual, (i.e. market survey, sole source justification, advertisement, etc.).

2.4.1.7 Warrant Real Property Contracting Officers

Warrant Real Property Contracting Officers are issued warrants to sign. The warrant program was established to identify signatory authority for all real property and legal documents including acquisitions. Some examples of the use of authority for signatures include the acquisition of leasehold interests in real property and the acquisition of a building, structure, or land. Refer to section Coast Guard Real Property Warrant Program Policy for the education and experience requirements of the three Warrant levels (I, II, and III).

2.4.1.8 Asset Line Managers

The Asset Line Managers work at the CEU and oversee the maintenance of real property. At the end of the acquisition process, Asset Line Managers work with the RPAS to ensure assets are entered into the system of record.

2.4.1.9 Facility Design and Construction Center (FD&CC)

The FD&CC is responsible for constructing capitalized real property and informs, in concert with SILC, FINCEN of all real property construction and improvement projects meeting criteria for capitalization. FD&CC notifies the RPS/RPAS at the CEU and the RPS/RPAS notifies FINCEN when capital projects are complete to ensure recording of real property in OFA and SAM and that required supporting documentation is provided to FINCEN/RPAS in a timely manner.

2.4.1.10 Commandant (CG-8)

In regards to donated real property, only Commandant (CG-8) or a higher authority can approve acceptance of the donation of either real property assets or gratuitous services in support of real property mission.

2.4.1.11 FINCEN

Once the acquisition process is complete and real property is placed in service, a copy of all applicable supporting documentation is forwarded to FINCEN by the RPAS. FINCEN must enter the asset in OFA within thirty (30) days. FINCEN must keep record of the supporting documentation within Coast Guard guidelines. Refer to Reference (a) for further detail.

2.4.2 Identify Need for Real Property

If a need exists, RPSs are responsible for determining if there is a Federal asset (already in USA/Federal inventory) that can resolve the need an evaluation of the alternatives developed during the planning proposal process in accordance with Shore Facilities Project Development Manual (SFPDM), COMDTINST M11010.14 (series), Field Planning for Shore Infrastructure-Field Planning Manual, COMDTINST M11000.17 (series). The process to acquire property varies depending on the type of assets and the funds used to purchase the assets. Coast Guard real property can be acquired through purchase, lease, interagency transaction, construction, and other special matters.

2.4.3 Preparation of a Fiscal Year ____ Military Construction Project Data, Form DD-1391

After determining that a real property acquisition is necessary to fulfill the operational needs of the Coast Guard, acquisitions (assets acquired from state or local Government entities and commercial or private owners) require the preparation and submission of a Fiscal Year ____

Military Construction Project Data, Form DD-1391, for those acquisitions greater than 10,000 USF, which is the responsibility of the shore facility and real property planning staff. Furthermore, the Coast Guard must consider environmental and legal impacts of the transaction to assess and reduce the risk of incurring liability for contaminated and negatively impacted real property. The servicing environmental and legal staffs will assist Real Property Specialists with compliance with the National Environmental Policy Act (NEPA), Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as well as other applicable environmental laws. It is critical that the RPS consult early with and rely on the expertise of environmental and legal POCs to advise in regards to environmental and legal considerations when acquiring property. The Coast Guard shall strive to acquire new properties and facilities that result in increasing energy efficiency and reducing greenhouse gas emissions, in accordance with Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance and Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management.

A Fiscal Year ____ Military Construction Project Data, Form DD-1391, is not required for new leases less than 10,000 usable square feet (USF) or existing leases expanding by less than 10,000 USF. Additionally, easements worth less than $100,000 or easements acquired to support ongoing base operations are exempt from the planning process. Any request for a waiver from the planning process shall be submitted to, and must be approved by, Commandant (CG-43) via chain of command and SILC. If a waiver is obtained, NEPA must be done prior to being approved. For further instructions, reference Field Planning for Shore Infrastructure-Field Planning Manual, COMDTINST 11000.17 (series).

Environmental considerations are a primary concern when acquiring real property. If the proper precautions are not taken, the Coast Guard runs the risk of incurring enormous liability if it acquires contaminated property. In addition, if the decision to acquire the property is not based on an appropriate, documented NEPA analysis, the project could be halted as a result of legal actions brought against the United States under NEPA.

NEPA. The objective of NEPA is to ensure that Federal agencies conduct a complete analysis of environmental information in agency decision making—this environmental analysis must be completed and considered by the agency decision-maker before the final agency decision. NEPA also has the objective of ensuring that the public is involved in the decision making process. A detailed discussion of NEPA is set forth in the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts Manual, COMDTINST M16475.1 (series) (hereafter referred to as the NEPA Manual). By properly following the procedures set out in the NEPA Manual, the Coast Guard will have satisfied its statutory obligations under NEPA. The environmental analysis conducted pursuant to the NEPA Manual should encompass both the acquisition action itself, and the Coast Guard's intended uses of the subject real property.

Other Environmental Laws and Executive Orders. The procedures and requirements of NEPA will help to identify potential obligations under other applicable environmental laws and Executive Orders. In particular, Coast Guard acquisitions of real property, the Coast Guard's intended use(s) of such property, and any connected or related actions to either the

acquisition or the intended uses, may trigger various obligations under the National Historic Preservation Act, the Endangered Species Act, the Coastal Zone Management Act, and the Executive Orders concerning floodplains, wetlands, and environmental justice. The servicing environmental and legal staffs shall ensure compliance with all applicable laws and Executive Orders. Commandant (CG-47) and Commandant (CG-0942) are available for consultation.

Contamination Survey/Confirmation Sampling. Prior to Commandant (CG-8) approval of the submitted planning proposal, the servicing environmental staff shall conduct a contamination survey of the preferred site, and if warranted, follow-on confirmation sampling. Contamination surveys have been referred to in prior guidance as "environmental site assessments." The contamination survey (and any confirmation sampling) is a systematic procedure to evaluate the preferred site for potential environmental contamination and liability based upon the Civilian Federal Agency Task Force (CFATF) protocols. The contamination survey is intended to prevent the unintended acquisition of contaminated property without knowledge of potential environmental costs, and to establish a baseline on the property's environmental condition prior to acquisition.

Contamination Survey-Requirements. Contamination surveys shall be conducted in accordance with the requirements of the Phase 1 Liability Assessment contained in chapter 4 of the CFATF "Guide on Evaluating Environmental Liability for Property Transfers" (CFATF Document). The CFATF Document is available through the Internet at http://epa.gov/. The Phase 1 Liability Assessment requirements include a review of existing records, visual survey of the site, appropriate interviews, and the production of a written report summarizing these actions. Alternative survey protocols are acceptable so long as they satisfy the requirements of the CFATF Document, chapter 4, Phase 1 Liability Assessment.

Confirmation Sampling-Requirements. Physical sampling (e.g., the taking of soil samples) is an additional level of environmental analysis of the subject real property. The purpose of physical sampling is to determine if actual contamination exists in the suspected areas noted in the contamination survey. If the contamination survey indicates the actual or likely presence of environmental contamination, confirmation sampling shall be conducted. When confirmation sampling is conducted, chapter 5 of the CFATF Document, "Phase II – Confirmation Sampling," shall be reviewed for guidance. The essence of confirmation sampling procedures is to take appropriate physical samples of suspected areas of contamination, conduct appropriate laboratory analysis, and generate a report. The specific characteristics of the suspected areas of contamination, and the Coast Guard's intended uses of the property, will dictate the type and scope of sampling.

Housing/Berthing. If the subject real property is to be used for housing or berthing, the contamination survey, and if necessary the confirmation sampling, should include an analysis of asbestos, lead-based paint, PCBs, radon, and contaminated drinking water.

Filing. Any reports produced in conjunction with the contamination survey and confirmation sampling shall be held in the acquisition project file. Following closing, these documents will be permanently retained in the real property records.

Acquisition of Contaminated Property/Seller's Warranties. If the environmental site assessment determines that the subject real property is contaminated, and if the Commandant (CG-8) approves the acquisition despite the contamination, then Commandant (CG-8) approval shall be conditional upon the owner of the subject real property executing certain warranties that will protect the United States from any liability arising from contamination present on the property at or prior to the date of acquisition.

2.4.4 Approval of A Fiscal Year ____ Military Construction Project Data, Form DD-1391

A Fiscal Year ____ Military Construction Project Data, Form DD-1391, must be processed and submitted in accordance with Field Planning For Shore Infrastructure-Field Planning Manual, COMDTINST M11000.17 (series). Commandant (CG-43) approves a Fiscal Year ____ Military Construction Project Data, Form DD-1391, unless valid written delegation is provided. Commandant (CG-43) determines the policies of required approvals and updates routinely in policy memos and other engineering Manuals, and delegates as determined in the best interest of the Coast Guard. RPSs are responsible for ensuring the acquisition of real property has been properly approved in accordance with guidance herein and funding identified and ready for obligation before executing in accordance with the Warrant Program. Commandant (CG-43) will seek approval from Commandant (CG-8), DHS, OMB or other Federal agencies or departments, if required.

2.4.5 Request for Funding

Upon Commandant (CG-8) approval of the funding, and upon DHS approval of the acquisition (if required), the RPS or environmental staff, as appropriate, will work with the FD&CC, and other necessary POCs to request funds for the transaction from Commandant (CG-43) by message. Costs associated with real property acquisition are normally funded from AC&I funds managed by Commandant (CG-43) (for information on proper use of AC&I funds, see Civil Engineering Manual, COMDTINST M11000.11 (series), and Reference (a).

2.4.6 Legal Description

The RPS shall ensure that they have an accurate legal description or survey of the subject real property or take the appropriate steps to procure such a legal description from a professional land surveyor registered or licensed in the state in which the subject real property is located, when the subject real property is intended for long term use. When procuring a legal description, the RPS shall contract for an American Land Title Association/American Congress on Surveying & Mapping (ALTA/ACSM) Land Title Survey that meets the Minimum Standard Detail Requirements of the ALTA/ACSM.

2.4.7 Title

A. Title Evidence

Once an accurate legal description is obtained, the RPS will obtain title evidence. All acquisitions must have either Preliminary and Final Opinion of Title or Title Insurance. Initially, title evidence is used to determine who is the fee simple owner of the real property (i.e., who holds legal title to the real property) and if the real property is subject to any encumbrances (e.g., mortgages, tax liens, easements, restrictive covenants, etc.) that may interfere with the Coast Guard’s proposed use of the real property or adversely affect the future marketability of the property. The RPS shall notify the owner of the Coast Guard's interest in acquiring the subject real property. The notice shall be in writing and shall state the Coast Guard's obligation to obtain an appraisal of the property.

Obtaining title insurance from a title insurance company is the typical method by which Federal agencies satisfy statutory requirement 40 United States Code 3111 to obtain accurate title evidence. Title insurance procured by the Coast Guard must meet the Department of Justice requirements set forth in the Title Standards 2001. The title insurance company will initially issue an ALTA Commitment Form. DOJ and the American Land Title Association (ALTA) have jointly adopted a standard form of title insurance policy to be used in all Federal real property acquisitions. The standard form requirement is stated in “ALTA U.S. Policy – 9/28/91.” This form is supplied by the issuing title company, is required for Coast Guard real property acquisitions, and includes two schedules, A and B.

2.4.8 Determining Fair Market Value (FMV)

Once the title insurance company issues the commitment or binder, the process to conduct an appraisal of the subject real property can begin. In cases where it is most advantageous to complete concurrently with other activities, the RPS may do so. The RPS is responsible for obtaining the appraisal, which shall be no older than 12 months. An appraisal is required prior to purchase unless it meets the exceptions established in 49 CFR 24.102(2). If an exception exists, the RPS will prepare a waiver valuation. The RPS shall provide a copy of the legal description and title insurance commitment or binder, if available, to the "qualified appraiser" to ensure an accurate appraisal. The appraisal establishes the Fair Market Value (FMV) and constitutes the minimum amount of just compensation to be provided to the owner of the property. The type of appraisal to be used will be determined in the following order of preference.

A. If a current certified appraisal exists, use the appraisal to determine the fair market value.

B. If the asset does not exist, use the new construction cost to determine the fair market value.

C. If the asset exists and a certified appraisal has not been completed, use the market comparables, if available

D. If market comparables do not exist, use the Department of Defense Plant Replacement Value for the year of inception.

All appraisals must have an independent Government review. A qualified review appraiser must certify that the appraisal meets the applicable requirements. The RPS may serve as a review appraiser, if qualified as an appraiser in accordance with his/her state appraisal licensure requirements. The review appraiser shall determine whether the appraisal report, including any supporting documentation, demonstrates the soundness of the appraiser's opinion of value. In making such determination, the review appraiser shall consult Section C of the Uniform Appraisal Standards for Federal Land Acquisition. The appraisal review may be either a desk review or a field review.

2.4.9 Recording of Real Property Construction

Upon completion of the construction project, the ALM or FDCC will provide the costs to the RPAS, broken out by category code, quantity and cost, so that the proper capital asset account, SAM and OFA databases of the acquisition can be properly itemized and accounted for.

2.4.10 Recording of Real Property

The last stage in the acquisition cycle is the recording of real property in Coast Guard systems. Commandant (CG-43) will ensure that the RPAS of the CEU prepares and provides documentation within their area of responsibility to support all acquisitions in accordance with Reference (b). The SILC must prepare and forward complete, accurate documentation to FINCEN so that updates to the real property records in the OFA can be completed. If the acquisition is a capital lease, the RPAS and Product Line Manager must forward leasing documentation to FINCEN. The RPAS and Asset Line Manager will ensure that the acquisition is reflected in the appropriate subsidiary systems such as the SAM and supporting documents are maintained in the Coast Guard Information Management System (TIMS) and the real property files.

2.4.11 Legislative Jurisdiction and Asset Protection

Legislative jurisdiction is the power of a Government to enact and enforce laws that apply to lands and persons within the Government's boundary. The jurisdictional status of a Coast Guard property has an impact on the protection of real property assets. It impacts the level of municipal services that the Coast Guard can lawfully receive, the criminal laws available to deter or prosecute trespassers or other criminal misconduct on the installation, and even the tort liability of the United States.

The mere fact that the Coast Guard is acquiring land for does not automatically confer Federal legislative jurisdiction over the land. Jurisdiction is obtained only if the state where the land is located gives its consent, usually by legislative act, and the consent is accepted by the Federal Government. For about 100 years, from 1841 – 1940, the Federal Government was presumed to accept the states' cessions of jurisdiction, but the law was amended in 1940

to end the presumption of acceptance and replace it with a specific procedure to be followed in order to claim concurrent or exclusive jurisdiction (although the presumption still applies to lands acquired before 1940). Now, only by following the statutory procedure found at 40 USC 3312 may exclusive, concurrent, or partial jurisdiction be claimed by the Federal Government.

2.5 Types of Acquisitions

Acquisitions of real property fall into five major categories: 1) purchase from a non-Federal entity, 2) leases/ingrants, 3) transfer or reassignment of Federal land, 4) exchanges, and 5) construction. For all acquisitions, title to the property is conveyed to, and becomes vested in, the United States of America, rather than DHS or the Coast Guard. The United States of America owns the real property, whereas the DHS/Coast Guard is the Federal agency that has administrative control and custody over the real property. Each acquisition type is described in detail below.

2.5.1 Purchase from Non-Federal Entity

After the review appraiser has approved and certified the appraisal, the RPS may initiate steps and conduct acquisition negotiations with the owner. Before the initiation of negotiations, the Coast Guard shall establish an Independent Government Estimate (IGE) that it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. Promptly thereafter, the Coast Guard shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

If the owner does not accept the initial offer, then the CO of the SILC is authorized to increase the just compensation amount up to 15% provided the amount does not exceed the amount budgeted for the acquisition. Increasing the amount of just compensation requires a finding that such an increase is reasonable, prudent, and in the public interest (consult 49 CFR 24.102(i)).

If a negotiation between the Coast Guard’s RPS and the owner result in an agreement for purchase of the property, then the parties may enter into an option agreement if desirable. The option agreement provides the Coast Guard with an exclusive right or option to purchase the property within a specified time in exchange for the payment to the owner of a sum that amounts to no more than 20% of just compensation for the real property. The option agreement does not bind the Government to acquire the property unless it is exercised within the specified term.

If the owner rejects the increase in just compensation as authorized, the RPS will consult with Commandant (CG-43) to determine whether to continue negotiations and possibly increase the amount of just compensation further, proceed with condemnation, or cancel the acquisition.

2.5.2 Leases/Ingrants

Prior to initiating an action to obtain space via lease, the unit must establish that existing Federal space is not available and other alternatives to satisfy the requirement have been exhausted, the servicing real property office, with assistance from the unit shall pursue a leasing alternative within the guidelines of 41 CFR 102, the DHS Real Property Manual, and Reference (a). There are two categories of leases: operating and capital. To the extent possible, the Coast Guard will procure operating leases to insure the most financial efficiency possible. Capital Leases require significant capital investments and put the Coast Guard at a higher risk of ownership than is desired by a tenant. While capital leases require all funds necessary for rent and termination over the life of the lease, including option years, to be obligated in the first year (upfront), operating leases are obligated on an annual basis for one year's rent and termination costs subject to appropriations. Both categories ensure financial liability is available and covered depending on risk. To determine the type, the RPS must conduct a scoring analysis to determine the type of lease. OMB Circular A-11, Exhibit B establishes the criteria for the category of capital or operating and analysis further explaining the resulting impact of scoring for budgetary purposes. Also, the Statement of Federal Financial Accounting Standard (SFFAS) No.6 establishes the criteria under which leases are scored to determine appropriate financial reporting. Refer to Financial Resource Management Manual-Procedures (FRMM-P), COMDTINST M7100.4 (series) and the GSA Desk Guide for Lease Scoring for further details on scoring.

Emergency leases, leases, licenses, permits and other use legal documents are authorized for approval and signature by the SILC when a facility or site is uninhabitable by a catastrophic event such as fire, flood, hurricane, earthquake, etc. to house displaced Units without any planning required. Terms must be for not more than 12 months, non-renewable and shall not be for space that is larger than the uninhabitable space.

A. Direct Leases

Direct leases are executed by the Coast Guard. Direct leases include those leases under Coast Guard granted authority or delegated authority. Direct leases must comply with the competition provisions of the Anti-Deficiency Act (ADA) and the Competition in Contracting Act of 1984 (CICA), When no other options exist, sole sourcing may be approved. Direct leases also include leases made under delegations from GSA, such as leases for categorical space.

The Coast Guard has limited authority in relation to leasing space, in that they are only authorized to enter a lease for a term not to exceed one calendar year without any explicit statutory authority or delegated authority. The Coast Guard may currently engage in Multi Year leasing (One-year lease with option to renew) or, upon delegated authority from GSA, Long Term leasing (lease term not to exceed 20 years). Each lease type has their benefits; however, the ability to engage in a Long Term lease is preferred if use of the space is expected to exceed one year. Funding for leases must be available and obligated to cover current fiscal year lease costs and any cost of termination provisions. The Coast Guard cannot agree to any provision

that will incur an indefinite obligation upon the Government or cause the Government to incur an obligation in advance of appropriations or in excess of the amount of available appropriations, including, but not limited, to any clause that purports to indemnify or hold harmless a lessor or any other party. Additionally, all leases shall contain provisions making any payment under the term of the lease subject to the availability of funds.

Approval for an existing lease, such as exercising an option year, will be sent to SILC. New leases and modifications to existing leases are approved by Commandant (CG-43). Leases involving at least 20,000 square feet of special use or general use space must be approved by GSA. This requirement also applies to a supplemental lease agreement intended to expand the amount of space currently under lease to greater than 20,000 square feet.

B. GSA Leases

GSA leases are executed by GSA on behalf of the Coast Guard. GSA owns the lease, and the Coast Guard occupies the space under an Occupancy Agreement. GSA leases are subject to the competition rules of certain portions of the Federal Acquisition Regulations and are governed by 40 USC 585.

Occupancy agreements (OA) for GSA leases are required to be signed by the individual with the appropriate authority to execute the document. Approval authority will normally reside with the Commander of the CEU/PLM or his designee, however, the OA must be signed by an individual who is warranted at the appropriate level for the lease. In this case, the warranted individual is analogous to the contracting officer in non-real property acquisitions where the acquisition is often approved at a higher level, but the contracting officer executes the contract. A copy of the Warrant should accompany the signature and a statement signed by the Real Property Contracting Officer that they have no personal gain in the transaction.

Majority of the responsibility of generating a complete GSA Space Request Memo falls on the Area/District planners or FEs since they are the first to initiate and coordinate new space requests from field units. Field unit requests must be accompanied by Request for Space, Standard Form (SF)-81, and submitted through the chain of command to Commandant (CG-43). Additionally, the RPS is responsible for coordinating documents related to the space request process and reviewing draft OAs.

GSA leases are normally funded with Operating Expense funds from the GSA Rent Account (AFC-36), which are one-year funds. Commandant (CG-43) is the Coast Guard program manager for the GSA Rent Account. As program manager, Commandant (CG-43) manages the GSA leased space program including planning, utilization monitoring, and evaluation of field requests for changes and budgeting aspects of the space rental program. Commandant (DCMS-83) serves as the budget execution funds account manager for the GSA Rent Account.

C. Prospectus

The Prospectus is a formal document sent to OMB and Congress to receive funding authorization. Acquisitions require approval by the Senate and the House of Representatives if the dollar value of a project exceeds the prospectus threshold, which is set annually. If approved, the Coast Guard shall receive results in authorization letters from both the House and Senate that approve the project which shall be filed in the real property file for said acquisition. An Appropriations bill will be enacted to actually fund the project. Refer to 41 CFR 102-73 for more details on the Prospectus.

2.5.3 Interagency Transactions

To facilitate an interagency transfer, as authorized by 10 USC 2696(a) (commonly referred to as a Title 10 transfer), a Coast Guard Unit or SILC will identify specific excess real property that is currently being held by another Federal agency. The Coast Guard can only acquire real property for which it has an operational or other mission-related need. This need shall be identified and described in the documents developed through the Coast Guard's shore facility planning process. Before submitting proper documentation to Commandant (CG-43), the project manager shall consider whether the operational or mission-related need can be met through improved utilization of any real property presently controlled by the Coast Guard and whether the interagency transfer is the most economical solution to fulfill the real property need. In general, transferor agencies offer property "as is." Thus, in accepting the subject real property, the Coast Guard becomes responsible for, or "inherits," any damage to the property and any existing environmental contamination, as noted in 41 CFR 102-75.670. That said, nothing precludes the Coast Guard from commencing negotiations with the transferor to obtain the best position for the Coast Guard. This may include negotiating site studies and remediation prior to transfer to avoid potential costly environmental liabilities for the Coast Guard. The interagency transfer or interagency use of property must be documented for purposes of agency record keeping. In most cases, a letter signed by both authorized agency head officials, a prepared Secretarial Letter of Transfer, and a standard agency form (e.g. Transfer and Acceptance of DOD Real Property, Form DD-1354) is sufficient. The Transfer and Acceptance of DOD Real Property, Form DD-1354, provides the RPS with the real property inventory asset information, which must be entered into OFA, SAM, and other subsidiary systems, by proper POCs.

The Coast Guard may allow other Federal agencies to use Coast Guard-controlled real property for the mission purposes of other agencies provided that such use does not interfere with present or planned Coast Guard operations. Interagency use of Coast Guard controlled property for short term use of 30 days or less shall be documented by use of Permit For Use of Real Property by other Federal Agents, Form CG-4122, a revocable permit. If the interagency use of Coast Guard controlled property is intended to be for a term longer than 30 days, it should be documented through use of the long form permit. In these instances, the Coast Guard still maintains Federal custody and control of the property.

2.5.4 Exchanges

Through authorization granted under 14 USC 92(g), the Coast Guard has the ability to exchange real property with a non-Federal party for other real property. The real property interests exchanged must be equal in value, the same. The statutory authority restricts exchange transactions to real property for real property, no other form of consideration may be accepted in exchange. If, however, the appraised value of the real property to be acquired is greater than that of the real property to be conveyed, then the Coast Guard may expend appropriated funds to satisfy the balance or the non-Federal party can donate the balance.

2.5.5 Construction

The construction of new facilities and improvements to existing facilities are typically funded with AC&I multi-year funds. Commandant (CG-43) ensures that all established policies and procedures governing the tracking and accounting for real property construction are followed by the FD&CC. Additionally, the FD&CC informs FINCEN of all real property construction and improvement projects meeting criteria for capitalization.

2.5.6 Other Acquisition Types

The following subsections describe other acquisition types used by the Coast Guard.

2.5.6.1 Condemnation

Acquisition by negotiation is the preferred method of acquisition. Acquisition by negotiation must be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act. Every reasonable effort shall be made to acquire the property without resorting to condemnation. Per the U.S. Constitution, condemnation is a judicial process by which the United States takes the real property of a non-Federal entity under the power of eminent domain. The method by which the Coast Guard normally seeks condemnation is a request for a Declaration of Taking, which is made to the U.S. Attorney in whose district the subject real property is located. The U.S. Attorney initiates and conducts the condemnation proceeding for the United States. The owner of the subject real property is compensated for the taking as determined by the court. Condemnation proceedings may be used only if negotiations fail or if the legal title to the subject real property is defective (e.g., the true owner of the real property cannot be determined from the local land records), or if the involved parties agree on the transaction but not on the price.

2.5.6.2 Donation

The Coast Guard will only accept gifts of real property when the property will clearly satisfy operational requirements. The Coast Guard shall not actively solicit gifts of real property. In general, the Coast Guard will follow the standard acquisition procedures when acquiring real property by donation, except that option agreements do not apply. The RPS shall take the necessary steps to obtain the appropriate legal instruments for the donation. Gifts may also include services that support real property mission such as donation of services to complete

environmental cleanup activity or removal of personal property to another Federal location. Commandant (CG-43) shall coordinate with Commandant (CG-0944) to draft and finalize a Gratuitous Service Agreement that shall be signed by both parties to solidify the intent and understanding**.** Commandant (CG-43) and the intended party sign before submittal to Commandant (CG-0944) for approval of Commandant (CG-8). Only the Commandant or Commandant (CG-8) can accept gifts of real property or goods and services. Commandant (CG-43) shall coordinate with Commandants (CG-94) and (CG-8) to insure all considerations of financial impacts have been made and appropriate budgets requested. The servicing real property and legal staffs shall ensure compliance with the requirements and procedures set forth in Reference (a). Gifts shall be valued at fair market value through appraisal, but if the owner acknowledges in writing that no appraisal is needed, approximate fair market value shall be established through historical documents. A Gratuitous Service Agreement shall be signed by both parties to solidify the intent and understanding.

2.5.6.3 Reversionary Interests

A fee simple acquisition of real property subject to a reversionary interest (also known as a defeasible fee) is generally prohibited unless it meets the certain criteria. If the acquisition of a defeasible fee meets the criteria of at least one of the acceptable exceptions, the real property may be acquired, subject to approval by the Attorney General of the United States. Refer to the process guides for the acceptable exceptions of reversionary interests.

2.5.6.4 Easement Interests

When acquiring an easement, title to the subject real property will remain with the non-Federal fee simple owner. The easement holder has the right to use the subject real property for a specific, limited purpose. Generally, the easement holder does not have the legal right to exclude the fee simple owner or third parties from the area covered by the easement, but the easement holder has the legal right to prevent the owner or third party from interfering with the use permitted by the easement.

In general, the Coast Guard shall only acquire easement interests that are of a permanent nature and that have no restrictions on the ability of the United States to assign or convey the easement interest to a non-Federal party (or to transfer the administrative control of the easement from one Federal agency to another). In those circumstances in which the acquisition of a temporary easement or an easement with assignment or conveyance restrictions is desirable, the servicing legal staff should consult with Commandant (CG-094) before any commitment is made. Any easement is considered a temporary easement if it is for a term less than a year. Temporary easements are considered minor and will be approved by SILC. Permanent easements are for all easements for a term greater than one year and regardless of easement value. Permanent easements must be approved by Commandant (CG-43).

2.5.6.5 GSA Relocation Authority

The GSA relocation authority, which is exercised at GSA's discretion, offers Federal agencies funding to relocate from antiquated, functionally obsolete, or underutilized properties to properties better suited for that agency's needs. Property must not be vacant to enter into this program. GSA and OMB must approve both the relocation proposal and the amount of funding. If approved, GSA will fund or reimburse the relocation expenses, and then sell the property. GSA will normally only consider a project for the relocation authority program if the estimated proceeds from the sale of the vacated property are at least twice the amount of the estimated relocation costs.

2.5.6.6 Housing

Planning and acquisition to purchase housing shall occur when private sector and other Government sources cannot meet the housing requirements. Commandant (CG-43), along with Commandant (CG-12), serves as the process owner for planning and acquisition of housing. Acquisition, Construction and Improvement (AC&I) funds will always be used to acquire land for family housing or to purchase or construct family housing. Housing rehabilitation may use AC&I or Operating Expense (OE) funding, depending on the cost of repairs and the degree of facility renewal. Under 221 of the Coast Guard Authorization Act of 2010, the Coast Guard has the authority to sell any excess real property on its own accord and has been granted the right to retain all proceeds from the sale. All proceeds from this type of sale will be retained by the Coast Guard and must be deposited into the Coast Guard housing account with the stipulation that the proceeds be used for Coast Guard housing identified needs only. An appropriation must be made to use the funds deposited in the account. Refer to the Coast Guard Authorization Act of 2010, along with Reference (a), and Coast Guard Housing Manual, COMDTINST M11101.13 (series), for additional guidance.

2.5.6.7 Public Domain Lands

The Coast Guard may acquire jurisdiction over public domain lands as necessary for the accomplishment of its missions and functions through the process of obtaining a "withdrawal" of jurisdiction over the land. A withdrawal is a formal mechanism under which BLM jurisdiction over an area of public lands is transferred by the Secretary of Interior to another Federal agency.

As with other interagency transfers of jurisdiction over property, title to the land remains with the United States so there is no deed and the right, title, and interest of the United States remains the same. The main difference between obtaining a withdrawal and obtaining jurisdiction from, for example, a military-military transfer, is that the procedures for a withdrawal have been promulgated in the CFR and more formal and more detailed. The procedures are found in Title 43 of the CFR at section 2310.

2.5.6.8 Navigational Servitude

The Coast Guard may construct, improve, repair or erect aids to navigation or other improvements (e.g., bulkheads, piers, etc.) upon submerged lands covered by the navigable waters of the United States through the exercise of the United States' navigational servitude. The exercise of the navigational servitude creates a Federal interest in the submerged land that is similar to an easement. The right of Federal exercise of the navigational servitude upon submerged lands is not considered the use of condemnation and the owner of the submerged lands is not entitled to any compensation. The Coast Guard may not enter into any real property transaction without consideration of whether the Federal navigational servitude applies, either to the entire transaction or a portion of it. The exercise of the navigational servitude upon state owned submerged lands is covered by the Submerged Lands Act, 43 USC 1313(c) and 1314.

2.6 Coast Guard Warrant Program

The authority granted by Commandant (CG-43) and issued to individuals through a Warrant is for the sole purpose of establishing signatory authority for real property actions, real estate transactions and any document committing real property that is required to support the Coast Guard mission, pursuant to the authorities vested in the Commandant. All real property and legal real estate documents must be signed in accordance with the provisions of this program.

Warrants issued must meet the criteria identified in the levels of the Training, Education, and Experience tables, undergo a Portfolio review of a real estate transaction conducted by the Warrant candidate that demonstrate the candidate's ability to lead and serve a predominant role in the outcome. Once a Warrant is issued, the annual maintenance requirements will be implemented beginning the current fiscal year provided there are 7 months or more remaining in the year. Less than 7 months remaining in the fiscal year requires maintenance compliance to begin in the following fiscal year.

SILC is responsible for establishing the organizational structure of Warranted support such as the desired number of Warranted staff necessary at each support office, and Warrant levels of those staff necessary to efficiently carry out execution of real property and real estate documents. The SILC Commanding Officer shall establish a published structure that supports its execution mission and permits professional development, as well as offers an effective and timely service to Units for their shore facility requirements. A request for a Warrant must originate from the candidate's Commanding Officer and be submitted through the chain of command to Commandant (CG-43). The immediate supervisor of the candidate is responsible for insuring the accuracy and completeness of the application package.

Commandant (CG-437) is responsible for oversight and Warrant program management. Recommendations may be made to the HCA for substitutions of the Education & Experience Requirements outlined in Table 2-5, provided experience and the portfolio submission clearly outline the individual's ability to act on behalf of the Coast Guard. An approved portfolio with supporting documentation will render an individual "warrantable" and a memo will be issued stating the warrantable status and provide feedback from the Panel's review of the

portfolio. Actual Warrants issued by Commandant (CG-43) and the Chief of Real Property will be based on mission need and in accordance with the published warranting program organizational structure.

The Warrant Program applies to all real property and real estate legal documents, contracts and agreements that commit the ownership or use of real property. Documents may result from acquisitions, management thereof, or disposals, and includes any other documentation authorizing interests obtained or released. Some examples of documents requiring a real property warranted signature include, but are not limited to, leases, outgrants, easement, permit, deed, right-of-way, license, Transfer and Acceptance of DOD Real Property, Form DD-1354, occupancy agreement, exchange agreement, memorandum of agreement or understanding involving real property, and Report of Excess Real Property, SF-118.

2.6.1 Warrant Program Requirements

Required courses, maintenance, education and experience are outlined in the following tables below:

**Basic Warrant Courses	Basic Warrant Course Hours
Federal Real Property Leasing or Basic Contracting	40
Real Estate Law or Federal Real Property Lease Law	40
Lease Administration	40
Maintenance Requirements	16 hrs every year

Table 2-1: Basic Warrant - *$25,000

*Annual dollar value of transaction, annual rent or current fair market value, as applicable

**The basic warrant for real property is for processing, authorizing, and signing necessary documents associated with increased rent based on CPI adjustment or escalation clauses and making tax payments or withholds based on tax clauses, all of which are already agreed to in an active and executed lease contract. A Basic Warrant does not authorize an individual to procure space or services or amend terms and conditions of existing lease or contract.

Simplified Acquisition Warrant Courses	Simplified Warrant Course Hours
All Basic Warrant Courses	120
Cost and Price Analysis of Lease Proposals	40
Real Estate Appraisal Principals	30
Techniques of Negotiating Federal Real Property Leases	40
Utilization & Disposal of Federal Real Property	30
Appropriations	40
**Commercial Real Estate Law	40
**Commercial Real Estate Basics	60
Maintenance Requirements	40 hrs every year

Table 2-2: Simplified Warrant (Level I) -* Up to $250,000

*Annual dollar value of transaction, annual rent or current fair market value, as applicable

**An active, inactive real estate license or other commercial real estate certification (sales/lease of commercial property) may substitute for both courses; provided any continuing education requirements of the license or certification are fulfilled annually.

Intermediate Warrant Courses	Intermediate Warrant Course Hours
All Basic & Simplified Acquisition Warrant Courses (Tables 2-1 & 2-2)	400
Advanced Negotiation	16
Real Estate Appraisal Practices	40
Maintenance Requirements	40 hrs every year

Table 2-3: Intermediate Warrant (Level II) - *Up to $750,000

*Annual dollar value of transaction, annual rent or current fair market value

Senior Acquisition Warrant Courses	**Senior Warrant Course Hours**
All Basic, Simplified Acquisition and Intermediate Courses (Tables 2-1, 2-2 and 2-3)	456
Environmental & Historic Preservation Requirements	40
Advanced Business Solutions for Mission Support**	80
Maintenance Requirements	40

Table 2-4: Senior Warrant (Level III) - *Unlimited

*Annual dollar value of transaction, annual rent or current fair market value.

**Most vendors will waive prerequisites. It is the student's responsibility to coordinate with vendor and instructor to clear any prerequisites.

	Simplified Acquisition Level I Certification	Intermediate Level II Certification	Senior Level III Certification
EDUCATION	Baccalaureate degree OR at least 24 hours in any of the following disciplines: Accounting, law, business, finance, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management.	Baccalaureate degree OR at least 24 hours in any of the following disciplines: Accounting, law, business, finance, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management.	Baccalaureate degree AND at least 24 hours in any of the following disciplines: Accounting, law, business, finance, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management.
EXPERIENCE	4 years of real property/real estate experience	6 years of real property/real estate experience.	8 years of real property/real estate experience.

Table 2-5: Education & Experience Requirements

A. A request for a Warrant must originate from the candidate's Commanding Officer and be submitted through the chain of command to Commandant (CG-43). The immediate supervisor of the candidate is responsible for insuring the accuracy and completeness of the application package. The request must include all proof of compliance and credentials as noted herein as well as a portfolio of an action the individual led to fruition that clearly articulates his/her ability to represent and sign on behalf of the Coast Guard. The candidate shall clearly define his/her role, skills relied upon, steps taken, and laws complied with. The portfolio will be submitted using the attached format and be accompanied by a copy of the transactional legal document signed and represented in the portfolio as well as other supporting documentation to show compliance with real property laws, regulations and policies. Recommendations may be made to the HCA for substitutions of the Education & Experience Requirements outlined in Table 2-5, provided experience and the portfolio submission clearly outline the individual's ability to act on behalf of the Coast Guard.

B. Portfolio submissions will be reviewed by a Headquarters panel consisting of the Chief of Real Property and other Division Chiefs representing various disciplines that are considered interested stakeholders. Panel members will review individually using

a Transaction Portfolio Review document. Portfolio responses shall be sent to the candidate and include an analysis of the work and material presented as well as recommendations and guidance for skill enhancements in the future. Portfolio reviews and feedback should provide the individual with information that is intended to be incorporated into future actions and transactions.

C. Each Warrant Level must be requested separately and can be no less than 1 year from the date of the previous issuance of a Warrant. Any submission, including a new Portfolio, for a next level warrant should clearly demonstrate the individual's growth and understanding of the guidance based on the panel's analysis and results from the previous warrant request and issuance of a warrant.

D. Maintenance courses may be fulfilled by a variety of methods. The overall concept of maintenance is to insure knowledge, skills and abilities are current with the changing environment that is inherent to Federal and private real property practices. Some examples of acceptable maintenance activities are as follows: real estate conferences, real property lectures, Project Management courses, monthly meetings with the local or National Board of Realtors, or Federal or private real property/real estate courses. Activities whereby a Warranted individual is a speaker or considered the expert in the field is not considered maintenance.

2.6.2 Issuance of Warrants

A. Commandant (CG-437) is responsible for oversight and Warrant program management. An approved package and portfolio with supporting documentation will render an individual "warrantable" and a memo will be issued stating the warrantable status and provide feedback from the Panel's review of the portfolio. Actual Warrants will be issued by Commandant (CG-43) and the Chief of Real Property based on mission need and in accordance with the published warranting program organizational structure.

B. Signatory of Deeds for divestiture of real property must be signed by an individual holding a Senior Warrant-Level III.

C. Contractors are not eligible to receive Warrants.

D. Military Personnel are eligible to receive Warrants provided they meet the Warrant Program criteria; and, will be effective so long as there is a need for them to hold a Warrant and they are occupying a billet in which real property is a specified responsibility.

E. Warrants issued must be displayed in the Real Property Contracting Officer's work environment. In addition, a copy of the Warrant authorizing the signature of documents must be included in each transaction file for audit purposes, as well as the approval document by the proper approval authority per the RPMM.

F. Completed actions and transactions must also include a signed statement from the signing Warranted individual that they have not received personal gain from the real property/real estate action or transaction executed.

2.6.3 Ratification

The signing of real property/real estate documents by individuals without Warrant authority from Commandant (CG-43) is illegal and prohibited. Documents by those without authority are not binding on the Government, and may constitute violations of law. Commandant (CG-43) may seek to ratify documents executed without the proper level of warranted authority, if ratification is in the best interest of the Government. The unauthorized individual must submit the unauthorized document through his/her chain of command and SILC to Commandant (CG-43) requesting a formal ratification. The request for ratification must include an explanation of the circumstances as well as the consequences of non-ratification.

2.6.4 Warrant Hold or Cancellation

The Coast Guard Warrant Program and Warrants issued are specific for Coast Guard purposes. The HCA may place a hold or cancel a Real Property Warrant issued if there is a violation of the Warrant Program or it is determined to be in the best interest of the Coast Guard programs. The HCA may renew or reinstate Real Property Contracting Warrants provided that the Contracting Officer has continued to meet the criteria outlined herewith.

2.7 Documentation

The real property documentation for real estate transactions must be complete, well researched, contain quantitative and qualitative analysis and be factually correct. Documentation of acquisition, management and divestiture is critical in order to ensure the accuracy of agency inventory records, and properly establish responsibility for administration over, and liability for, Federal lands. Original documents shall be kept in the RPS's Commanding Unit in an RP file located in an RP filing system and copies of all supporting documentation shall be forwarded to FINCEN. All documents shall be retained for a period as specified in Reference (b).

CHAPTER 3: UTILIZATION AND MANAGEMENT OF REAL PROPERTY

3.1 Overview

This chapter addresses the activities related to monitoring and accounting for maintenance requirements, utilization, and inventory of real property. This pertains to information on unique guidance as well as general information on use of real property. Federal agencies are required by a variety of laws, regulations and Executive Orders to properly manage and account for both Government-owned and leased property with the goal of maximizing the value extracted from the asset while preserving mission capabilities.

In June 2010, the President released an official memorandum: Disposing of Unneeded Federal Real Estate - Increasing Sales Proceeds, Cutting Operating Costs, and Improving Energy Efficiency, which directs all executive departments to implement real property cost reduction initiatives, including the following, which are specific to the utilization of real property:

A. Eliminating costly lease arrangements;

B. Pursuing consolidation opportunities among common asset types (i.e. warehouses); and

C. Increasing space utilization through innovative alternative workplace arrangements.

3.2 Objective

The Coast Guard is responsible for the safety, security, maintenance, and recordkeeping of all Coast Guard controlled real property. The Coast Guard is obligated to properly account for any changes to both the financial and inventory records in accordance with disposition instructions in references outlined herein. SILC in concert with Commandant (CG-61) shall develop a schedule on a Request for Records Disposition Authority, SF-115, for the records generated in support of the Real Property Program and maintenance of electronic information systems. Proper utilization of property shall comply with all applicable laws, regulations, policies and procedures, which include but are not limited to the applicable, (1) United States Code (USC) references; (2) CFR; and (3) Executive Order 13327. Real property, analyzed for effectiveness and efficiency relative to mission priorities, provides the following key benefits such as:

A. Cost reductions; in general and through improved component collaboration, co-location and consolidation, where practical.

B. Portfolio strategy that supports evolving workplace requirements like flexible workplace and telework;

C. Capability to align the real property strategy in response to maturing emergency management mission;

D. Improvements in sustainability via energy cost savings; and

In addition, the utilization of real property must adhere to the following control objectives:

A. Monitor changes in asset values, quantities, asset locations, and types;

B. Assess property condition and perform or defer required maintenance, and report all maintenance costs to the RPAS;

C. Determine property accountability (e.g., property custodian and/or the accountable organization, current user), and user status; and

D. Safeguard assets against misuse, misappropriation, and waste.

3.3 Federal Requirements Related to Utilization

Below are additional laws applicable to Utilization of Real Property:

3.3.1 Requirements Related to Overall Utilization Responsibilities

Executive Order 13327 – Federal Real Property Asset Management

14 USC 93 – Commandant: General Powers

32 CFR 643.27 – Real Property – Policy Environmental Considerations

3.3.2 Requirements Related to Overall Utilization Activities

41 CFR 102-84.15 – Real Property – Annual Real Property Inventories

41 CFR 102-79.15 – Real Property – Assignment and Utilization of Space

18 USC 1382 – Entering Military, Naval or Coast Guard Property

3.4 Overall Responsibilities

The Coast Guard is responsible for the safety, security, maintenance, and recordkeeping of all Coast Guard controlled real property. The Coast Guard is obligated to properly account for any changes to both the financial and inventory records covering the land, buildings and other structures or facilities attached to and made part of the land comprising an installation/site. These facilities are types of real property assets and each of the assets has a corresponding General Ledger Account within the chart of accounts used by the FINCEN to track the value of real property assets. All Coast Guard real property assets must remain current within the DHS's Real Property Information System as well as OFA, SAM, and other Coast Guard subsidiary systems. The purpose is to comply with laws, accounting principles and regulations governing the care, custody, and safekeeping of public property (refer to chapter 5 for specific guidance).

All persons entrusted with the management of Government property shall comply with the following:

A. Possess and continually demonstrate an appropriate level of competence and proficiency in property management and accountability, as well as a working knowledge of related fields such as logistics, supply, physical inventory management, security, law, safety, environmental protection, demilitarization, financial accounting, administration, and business management in accordance with current laws and regulations.

B. Be held to the highest ethical standards.

C. Be responsible for the proper use, care, and physical protection of all Government-owned, borrowed or leased property, including:

   1. Utilizing Government property For Official Use Only (FOUO).

   2. Complying with all applicable regulations.

   3. Contacting and reporting to the appropriate authority if Government property is subjected to undue risk of loss, damage, destruction, theft, fraud, waste, abuse and or mismanagement.

   4. Recognizing that failure to comply may result in disciplinary action.

D. Ensure system integrity by accurately reporting each transaction as it occurs. To reconcile property records and financial accounts, conduct independent and accurate physical inventories of all property on-hand.

E. Initiate and/or prepare a Report of Survey or Statement of Charges on missing or damaged property to determine responsibility and take disciplinary action where appropriate.

F. Utilize OFA, SAM, and other appropriate and authoritative data systems, which are designed to achieve the highest degree of automation, integration, and consistency with cost benefit considerations.

Commanding Officers of units occupying real property will be accountable for the proper utilization of that property. The Coast Guard will manage all real property holdings and related personal property (real property installed equipment) in the most efficient manner possible to ensure space required is the minimum amount necessary to perform assigned missions and functions. The Coast Guard will look for opportunity to completely utilize space. Utilization of real property will be according to space planning criteria established in Shore Facilities Standards Manual (SFSM), COMDINST 11012.9 (series). Land and facilities will be allocated and managed so that requirements are satisfied effectively and economically. Concurrent use (i.e., agricultural leases, training, and recreation) of real property, where possible and practical, will be optimized.

3.5 Overall Utilization Activities

Proper utilization of real property pertains to monitoring the use of property, including performing routine maintenance and a periodic physical inventory. The RPS at the unit should be cognizant of all vacant land and coordinate with the unit in maintaining and managing that land as well. Once an asset has been acquired and the record has been entered into SAM, units are required to maintain property in compliance with Federal requirements. In addition, the Coast Guard must track utilization and other data elements for real property assets and report them as required. Repairs to assets that extend the life, capability, or value of the asset shall be capitalized in accordance with Reference (a). In addition, the Coast Guard must track utilization and other data elements for real property assets and report them quarterly to DHS. See chapter 5 Accounting for Real Property and SILC Process Guide, and Facilities Classification Guide for additional information.

In order to remain compliant with the management of Government real property, staff accountable for real property assets must adhere to the following:

A. Physical Inventories - Servicing Real Property Offices will conduct a complete physical inventory of all real property within their respective areas of responsibility on an annual basis. Real property data reports will be submitted to DHS and others, as appropriate. Refer to chapter 6, Section 6.3.1.1 for additional details.

B. Marking and Tagging - All Coast Guard real property assets must be labeled with a unique asset identifier number and must clearly state that the asset is property of the Coast Guard.

C. Space Utilization Management - Each Coast Guard Unit must maximize the efficient use of all Coast Guard controlled land, facilities, and space to support assigned missions.

D. Maintenance and Upkeep - Modifications or improvements to facilities, which materially change the character of the facility or the value of the facility, such as capital improvements, must be documented.

These processes are outlined in the flowchart below.

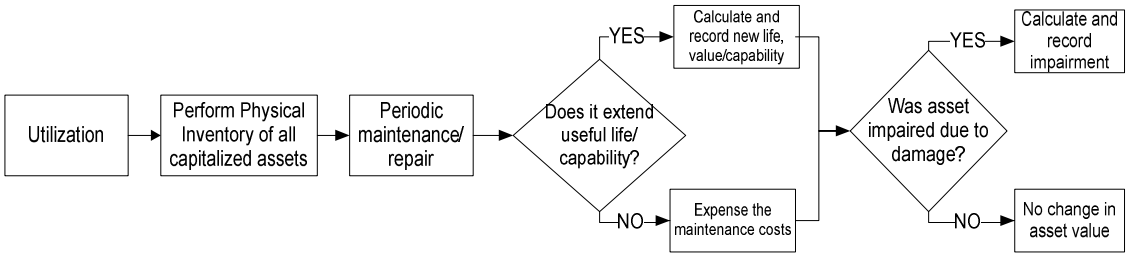

Figure 3-1: Utilization Activities

3.5.1 Physical Inventories

An inventory is a physical count of assets and their characteristics for verifying the actual assets on hand and the data supporting them against those assets recorded in the real property system of record.

Reconcile and adjust the data records with subsidiary system records; and ensures the real property and financial records are reconciled with the actual property on hand, providing confidence that assets listed in the real property records exist and remain in use. A comparison of assets between the financial system of record and the subsidiary systems shall be completed for each asset category. The Coast Guard executes a complete physical inventory for all capitalized real property and revalidate every two years. Refer to the Financial Resource Management Manual-Procedures (FRMM-P), COMDTINST M7100.4 (series), Section 10.3.7.29, Capitalized Property Inventory Procedures, for further guidance.

The following requirements apply to the physical inventories of all asset categories of capitalized real property and involve the following:

A. Items are physically located and identified by sight and touch. The unique identification number is used to validate the item during the initial locating process

B. The physical condition of the asset is evaluated;

C. Items are tagged or marked with unique identification number, if not already performed;

D. Mandatory data fields that are null are completed;

E. Exceptions found during the inventory are resolved;

F. Edits and other updates are recorded in OFA, SAM, and other subsidiary systems, as appropriate;

G. Changes to a fixed asset file are properly authorized, tracked, and logged in accordance with policies and procedures;

H. Inventory completion is recorded in OFA and reported;

I. Reconciliation of data for capitalized assets between OFA, SAM and other subsidiary systems, as appropriate;

Refer to the Financial Resource Management Manual-Procedures (FRMM-P), COMDTINST M7100.4 (series), Section 10.3.7.29, Capitalized Property Inventory Procedures, for additional details. Also, refer to Section 5.4.1.1 for the real property capitalization threshold table.

3.5.1.1 Physical Inventory Roles and Responsibilities

A. Commandant (CG-43) is responsible for issuing guidance and providing quality assurance of the inventory, utilization and accountability processes.

B. The SILC/Base CO's/FEs are responsible for inventory, utilization and accountability, as well as performing oversight and quality control over these functions.

C. The Servicing Real Property Office shall prepare an annual statement certifying that the annual inventory has been made and that any necessary changes have been made to the real property records.

D. RPAS will be responsible for overall management oversight of the physical inventory at a unit.

E. Unit COs/OICs/Unit-level Supervisors will use the existing financial system of record OFA as the basis for proper accountability as prescribed by the Headquarters program responsible for each real property asset category.

F. The unit's Facilities Engineer or RPAS at the local CEU/PLM shall provide unit site plans and other pertinent information for real property assets to the Commanding Officer at the Unit and be available to assist in obtaining additional asset information.

G. A Count Team (CT) shall consist of two independent persons who have no direct interest in the outcome of an inventory and are responsible for following the Coast Guard Physical Inventory Procedures, including 1) locating, identifying, and reconciling assets during the physical inventory process; 2) conducting Record-to-Floor and Floor-to-Record inventories; 3) recording findings on the Physical Inventory Report during the inventory for assets found, but not listed on the Physical Inventory Report and annotating any assets that cannot be located but listed on the Physical Inventory Report; and 4) reconciling OFA and subsidiary systems.

H. A Property Administrator is assigned to make adjustments within OFA and responsible for entering all adjustments (edits, additions, deletions and transfers) into the official financial system of record (OFA) for asset categories for which they have access; and reconciling OFA and subsidiary systems.

I. The Real Property Accountable Officer (RPAO) is assigned to the SILC whose responsibilities include inventory management, assets accounting of real property. The Commanding Officer of the SILC may re-delegate RPAO authority by appointment in writing to qualified realty persons within the SILC or the CEUs. Appointed RPAOs are responsible for the maintenance, upkeep and up to date real property records in SAM for Coast Guard real property defined by the Area of Responsibility, Installations or Sites identified in their appointment memorandum.

J. The RPAS are assigned to a CEU/PLM whose responsibilities include inventory management, asset accounting, and real property within their assigned AOR. Authority to manage the RPI in their AOR is delegated from the Branch Chief for real property at SILC.

K. FINCEN is responsible for updating, approving, and recording the inventory date, property additions, deletions, and edits necessary for capitalized assets once the required supporting documentation has been received.

L. Commandant (CG-844) is responsible for the overall management of the physical inventory of capitalized property, planning all phases of the physical inventory, and providing all participants with detailed instructions and guidance for conducting the inventory. All physical inventory related documentation shall be forwarded by Commandant (CG-844) to FINCEN to properly record inventory date and any asset changes.

Physical inventory documents shall be retained for a minimum of three years. Documents pertaining to any given asset will be retained in accordance with Reference (b), and the Financial Resource Management Manual-Procedures (FRMM-P), COMDTINST M7100.4 (series), which is the life of the capitalized asset or as long as Coast Guard holds the asset.

3.5.2 Marking of Property

All Coast Guard owned real property must be specifically identified and appropriately marked with a Real Property Unique Identifier (RPUID) placard in a visible location. The marking "Property of the Coast Guard" or “U.S. Government” is preferred but not mandatory. Use of the letters "US COAST GUARD" at a minimum is mandatory.

Marking of heritage property having historical value or significance must be accomplished with meticulous care and in such a way as to not detract from its value or significance. Prior to marking and tagging any heritage assets, the involved party shall contact the appropriate State Historical Preservation Officer (SHPO) of their state for a determination on whether the RPUID placard can be attached directly to the asset or whether the placard must be attached to a post next to the asset.

3.5.2.1 Marking of Property Roles and Responsibilities

The RPAS is responsible for verifying that the asset is in SAM with a RPUID and ensuring it is accurately and properly tagged. The FE is responsible for verifying that the asset is on the official plot plan and accurately and properly tagged. The RPAS is responsible for enrolling all assets not listed in SAM and official plot plan. The RPAS will forward all asset enrollment documentation to the SILC for approval. SILC will forward approved asset enrollment documents to Commandant (CG-844) who work with FINCEN to update the capitalized assets in OFA.

The RPAS is responsible for validating (i.e. quality control) that assets have been accurately and properly tagged. Refer to Financial Resource Management Manual-Procedures (FRMM-P), COMDTINST M7100.4 (series), Section 10.3.7.14, Tagging/marking and Identification of Assets, for additional details.

3.5.2.2 Marking of Real Property Instruments

It is a Coast Guard requirement that all real property instruments other than deeds will follow a standard numbering system. Standardized numbering of these instruments is intended to facilitate accountability and responsiveness to data calls and to eliminate duplication of real property instruments within the databases. SILC is the owner of the process for establishing the standard numbering system and is published in the Process Guides for reference.

3.5.3 Space Utilization Management and Reporting

On February 4, 2004, the President signed E.O. 13327 to promote "efficient and economical use of America's real property assets and to assure management accountability for implementing Federal real property management reforms." This initiative directs executive agencies to "recognize the importance of real property resource through increased management accountability, and other appropriate action." To reach this goal, the following actions are necessary:

A. Efficient Use: Use existing real properties in an efficient manner, thus reducing the need to construct, rent, lease, or otherwise acquire additional land and facilities.

B. Determine Requirements: Determine the actual requirements, and then determine any shortfalls or excesses of assigned land, facilities, and space consistent with the requirements and take action to deal with shortfalls or excesses. Refer to Shore Facilities Standards Manual (SFSM), COMDINST 11012.9 (series), for additional details.

C. Disposal: Dispose of real property that is excess to Coast Guard needs.

3.5.3.1 Roles and Responsibilities

A. Commandant (CG-43) is responsible for reviewing the list of all Coast Guard real property assets in SAM and validating that all of the FRPC required data fields are populated. Upon reviewing the asset listing, the Real Property Specialist (RPS) within Commandant (CG-43) submits the report to the DHS Property Office, as required.

B. Commandant (CG-43) coordinated with SILC is responsible for monitoring the agency's real property assets so that its assets are managed in a manner that is consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan.

C. The RPAS for each CEU/PLM is responsible for working with Coast Guard personnel at the units and monitoring and tracking the status and reporting of assets within their area of responsibility. The RPAS is also responsible for updating the data in SAM to record asset changes, disposals, and new asset additions.

D. The Commanding Officer at the Unit and Facilities Engineer of each unit are responsible for working with their RPAS to ensure that asset changes and required maintenance records are updated in SAM.

E. Unit Commanding Officers/Officers-in-Charge are responsible for using the existing management systems as the basis for property accountability for all categories of real property. To avoid waste, fraud, and abuse units shall use caution to safeguard against acquisition of items in excess of units needs.

3.5.3.2 Space Utilization Standards

While numerical standards are no longer mandated by GSA, certain standards for space utilization will apply within Coast Guard. Shore Facilities Standards Manual (SFSM), COMDTINST 11012.9 (series), provides space standards for new construction of Coast Guard facilities. These standards will be utilized for all Coast Guard space whether constructed by the Coast Guard or acquired for occupancy through purchase or lease.

If new Government-wide standards are established by GSA, or agency standards are established by the DHS, the Coast Guard shall utilize whichever standard (GSA, DHS, or Coast Guard) is the most stringent. When no standard exists, (e.g. when the space is unique and no standard exists in Shore Facilities Standards Manual (SFSM), COMDTINST 11012.9 (series), sizing will be according to comparable and current practical commercial standards to the extent practicable.

The Coast Guard shall survey real property under its control (i.e., property reported on its financial statements) quarterly to identify property that is not utilized, underutilized, or not being put to optimum use. When other needs for the property are identified or recognized, the agency must determine whether continuation of the current use or another use would better serve the public interest, considering both Coast Guard's needs and the property's location. The Coast Guard is required to maintain its inventory of real property at the absolute minimum consistent with economical and efficient conduct of the affairs of the agency.

The Coast Guard shall also assess current real property utilization against valid future requirements; enabling proper use of funds, resources, determination of availability and acquisition planning. Refer to Shore Facilities Standards Manual (SFSM), COMDTINST 11012.9 (series), Manual, for details regarding space standards for new construction of Coast Guard facilities. Space facility shall be optimized by use of a benchmarking tool, to assess space against commercial and or practical standards.

Coast Guard held vacant space will be considered first priority for future requirements. The available space shall meet mission goals and operational requirements. The SILC and the

CEU shall identify and analyze available space. Routine inspections, coordination with programs, and consideration of future requirements, are essential for optimum space use. Coast Guard Space Guidelines determine appropriate space per classification, category and rank/level of the workforce.

3.5.3.3 Tracking and Recording

EO 13327 also directs each executive agency to appoint a Senior Real Property Officer (SRPO) and participate in an interagency Federal Real Property Council (FRPC). The SRPO shall develop and implement an agency asset management process in accordance with guidelines developed by the FRPC.

Real property records, which are accurate and regularly updated, are essential to the planning and budgeting functions, and required by EO 13327, the FRPC, and the President's Management Agenda. All Coast Guard real property must be entered and recorded in SAM. In addition, all capitalized real property must be entered into OFA, the Coast Guard financial management system.

The Coast Guard shall maintain accurate and up-to-date real property inventory and accountability records both electronically and in a written file according to the FRPC standards. It is essential that real property records be created or updated as necessary upon the occurrence of actions, which affect the Coast Guard's interest in real property. Changes that affect the ownership, character, or value of real property will primarily be documented by use of the Report of Changes to Federal Real Property, form CG-3652, or other Real Property instruments that will be assigned a serial number, which consists of the fiscal year followed by a sequential number. The servicing real property office shall maintain a log of all Transfer and Acceptance of DOD Real Property, Form DD-1354, deeds, Report of Changes to Federal Real Property, form CG-3652, ingrants, outgrants, and other documents used to input changes (additions, deletions, improvements, etc.) to the real property inventory database for quick reference and audit purposes. The RPAS shall provide a copy of all executed documents to SILC. SILC will forward such documents to Commandant (CG-844) who works with FINCEN to update the capitalized assets in OFA. The RPAS shall ensure that all asset changes are updated in SAM.

3.5.3.4 Reporting

On a quarterly basis, Commandant (CG-43) shall obtain a report from SAM that lists all real property data elements and contains all FRPC mandatory data fields. After reviewing the report for completeness, Commandant (CG-43) shall submit the consolidated report containing all Coast Guard real property assets and data elements to DHS Property Specialist. Upon receiving the consolidated report, the DHS Property Specialist inputs the data into the DHS Real Property Inventory System (RPIS).

In addition, DHS establishes performance measurements for the Coast Guard to monitor in the DHS Performance Plan. The Coast Guard annually completes forms for DHS exposing Coast Guard's performance of those measurements for the attributes requested. This includes

the FRPC data elements but may also include other data and information. The RPS responsible for the inventory shall assist with meeting or exceeding the measurements and reporting the information to DHS.

3.5.4 Maintenance and Upkeep of Assets

The Coast Guard is required to perform periodic maintenance and repairs on real property assets that they own or have custody and control of; or, are contractually obligated, to keep them in operable condition to execute mission requirements. Any approved work to be completed shall be funded in accordance with Reference (a), contracts, OAs, leases, or other agreed upon use legal documents. RWA's, MIPRs, or other approved budget documents shall be used to transmit funding externally, as appropriate.

3.5.4.1 Roles and Responsibilities

A. The RPAS at each CEU/PLM is responsible for working with personnel at each unit, such as the Commanding Officer at the Unit and Facilities Engineer, to identify and record maintenance and repair costs in SAM. The RPAS also must track capitalized improvements and submit documentation to FINCEN.

B. The Commanding Officer and Facilities Engineer at each Unit are responsible for performing periodic assessment of real property assets to determine if maintenance and repairs are required and shall work with the RPAS and RPS of their local CEU/PLM to report assets requiring repairs.

C. FDCC will provide supporting documentation to the RPAS who will enter capitalized improvements or depreciation and ensure a copy is provided to FINCEN.

The Commanding Officer at the Unit or Facilities Engineer at each unit is required to perform periodic assessments of real property assets to determine if maintenance and repairs are required and shall work with the RPAS of their local CEU/PLM to report assets requiring repairs. Full facility condition assessments also allow the Coast Guard to accurately estimate its maintenance backlog and the tracking annual operating costs and cost streams at the building level (i.e. capture the costs of janitorial services and landscaping at the building level).

When the Coast Guard is a tenant agency, the Coast Guard shall use services (e.g. utilities, grounds keeping, snow removal, etc.) provided by other Federal agencies when practical, economical, and advantageous to the Coast Guard. The unit concerned and the servicing real property staff (e.g. Commanding Officer at the Unit, Facilities Engineer, and RPS) shall prepare proper legal documentation for use of the real property and an Inter-Service Support Agreement (ISSA) as the budget document for the funding of the services with another Federal agency. Refer to 31 USC 1535 for additional requirements for entering into an ISSA.

3.5.4.2 Leases

The Coast Guard may receive delegated authority from GSA to manage and perform maintenance and ancillary repair for the leased building.

The Coast Guard shall establish the existence of a bona fide need to be satisfied through this Reimbursable Work Authorization (RWA), GSA, Form 2957, and otherwise satisfy all internal requirements of the RA regarding documentation of the requirement. The Reimbursable Work Authorization, Form 2957, provides written documentation of a formal agreement between GSA and a customer whereby GSA agrees to provide goods and/or services and the customer agrees to reimburse GSA's direct and indirect costs. The individual who has the authority to order services and commit payment by the agency (e.g. District/Area Planner) shall sign the Reimbursable Work Authorization, Form 2957, and submit to the local GSA Service Representative.

Most agreements with GSA carry cancellation rights. The OA may be terminated prior to expiration, and the unit may vacate the space without incurring severe financial penalties if the space is marketable and GSA is provided with four months' notice. If the unit elects to take advantage of GSA's cancellation policy, it is relieved of the obligation to pay the shell rent and most other charges associated with the space. In most cases, the sole financial obligation is to pay GSA for the portion of the tenant improvement allowance that has not yet repaid through amortization in the rent, plus, in the case of leased space, any unearned free rent given at the inception of the assignment. This amount is due and payable as a lump sum by Reimbursable Work Authorization, Form 2957.

For buildings that the Coast Guard leases from GSA, the Coast Guard shall, at all time, protect, repair, and maintain the premises in good order and condition. The Coast Guard shall immediately report accidents involving personal injury or property damage, which result from building system or maintenance deficiencies, to the Federal agency building manager.

3.5.4.3 Coast Guard Owned Property

If the improvement extends the asset's capability, capacity, or service life, and the amount of the improvement costs exceed the capitalization threshold; the improvement costs shall be capitalized and depreciated over the periods when the increased benefit is expected to occur. Refer to Section 5.4.2 of Reference (a) for specific requirements for capitalizing improvements.

3.5.5 Transfers

3.5.5.1 Transfers Roles and Responsibilities

A. Commandant (CG-43) is responsible for oversight and management of real property assets and approving the disposition method of property.

B. SILC is responsible for management of real property assets and assists in determining if the real property asset can be utilized within the Coast Guard prior to recommending the asset as a candidate for divestiture through the Shore Divestiture Program.

C. Unit Commanders are responsible for identifying real property assets that are no longer needed at their unit.

D. RPAS' are responsible for recording the real property asset information within SAM.

E. FINCEN is responsible for recording changes in OFA.

3.5.5.2 Intra Coast Guard Transfers

Prior to identifying an asset for disposal, Unit Commanders shall work with the SILC and Commandant (CG-43) to determine if the asset can be used by other Coast Guard entities.

3.5.5.3 Interagency Transfers

The Coast Guard real property assets that are transferred to other DHS components are identified during the Shore Divestiture Program, in which the CEU/PLM, SILC, and Commandant (CG-43) recommend and determine the proper method of disposal for real property assets. If the transfer is approved, Commandant (CG-43) will notify the Real Property Specialists and instruct them to obtain a letter signed by authorized head officials of both transferring agencies, a prepared Secretarial letter of Transfer, and complete a Transfer and Acceptance of DOD Real Property, Form DD-1354 (refer to chapter 4 for specific guidance on the Interagency Transfer process).

3.5.6 Outgranting of Property

Subject only to higher authority, specific Federal law applicable in a given circumstance or applicable at a particular location, the Coast Guard officer in command of any facility or installation has the discretion to approve or deny requests to use any land, building, or structure under his or her command, bearing in mind the best interests of the command at the time of the request, the responsibility of the Coast Guard for good stewardship of the property now and in the future, the demands on the Coast Guard for property real property asset accountability, Coast Guard Standards of Conduct, the potential liability for personal injury and property damage arising from the requested use, and the potential applicability of Federal environmental planning laws or environmental remediation laws.

Decisions regarding outgrants will include considerations of economy, efficiency, and achieving the best value for the Coast Guard while continuing to meet operational requirements. The Report of Availability (ROA) is the central document used to analyze and review the information pertinent to the transaction including environmental and legal impacts in the outgrant decision-making process. The ROA should contain all the data necessary to

make an informed decision about whether the property should be made available for outgrant, and the consequences, benefits, and liabilities that will arise from the outgrant.

Outgrants of real property shall be performed to advance the overall missions and strategic goals of the Coast Guard and the DHS (refer to the Real Property Process Guides for further guidance). Outgranting cannot interfere with or delay the planned disposition date of the asset or cost the Coast Guard valuable resources. Section 9701 of Title 31, United States Code, and OMB Circular A-25 are the authorities, which provide the Coast Guard the ability to charge fair market value for outgranted property and to assess a fee to recover direct and indirect costs. The Coast Guard does not have authority to retain the rent, and as such, shall be sent to the Treasury less administrative costs. Specifically, the Coast Guard may outgrant non-excess real property over which it has administrative control under the following circumstances and for the following reasons:

A. When the outgrant will promote the national defense, national or local economy, or serve the public interest.

B. When the use is compatible with holding unit's and the Coast Guard's mission.

C. For the purpose of caring for and protecting Coast Guard real property with a minimum expense while required to be retained for a purpose.

D. For the purpose of saving costs of operating and maintaining the property or facilities to be outgranted.

E. For the purpose of obtaining the maximum cash return to the United States consistent with accomplishing goals.

3.5.6.1 Excess Property

Real property, deemed excess or not needed for occupancy, will not be retained solely for outgranting. However, real property waiting to be divested may be outgranted for interim use. With the exception of those properties that have already been declared excess and are awaiting disposal, properties to be outgranted shall consistently be identified as non-excess properties.

3.5.6.2 Priorities and Preferences

Use the following priorities and preferences in outgranting real property:

A. Other DHS agencies.

B. Other military services or DOD agencies.

C. Other Federal agencies.

D. State or local Governmental entities.

The Coast Guard may issue licenses without limit as to term, so long as the license is in the public interest, and the interests of the United States in the property will not be injured. As a matter of policy, licenses to state and local Governments shall be for no more than 30 years. Licenses to non-Governmental entities shall be limited to five years. A request and justification to exceed these terms shall be included with the ROA when submitted to the approving authority. Easements granted under this authority may be terminated for non-use for two years, abandonment or at will.

3.5.6.3 Competition

Every effort shall be made to make outgrants through a competitive process when practical. Competition is not necessary when an outgrant is being made to another Federal agency, a state or local Governmental entity, or a local utility company where there is no competing utility. Waiver of competition may be approved when competition is impractical or when outgranting to one particular outgrantee will be in the public interest or promote national defense. Waivers of competition will be granted by the next level of authority above the outgrant signature authority, when the need for the waiver is conclusively and convincingly demonstrated.

The Notice of Availability to Lease (NOL) is a document that announces the Government's intent to make real property available to lease, and is used whenever an outgrant will be issued competitively. There is no standard format for the Notice of Availability to Lease. The notice must contain sufficient information for interested parties to understand what is available, the requirements and obligations of the lease, and the criteria for selecting the lessee.

3.5.6.4 Non-Discrimination

Outgrants of Coast Guard real property will be made without regard to race, creed, color, religion, sex, age, handicap or national origin. The Coast Guard will include a non-discrimination clause in all outgrants requiring that outgrantees not discriminate on these bases. The following non-discrimination clause will be included whether the outgrant is for fair market consideration or not.

"The lessee will not discriminate against any person or persons or exclude any persons from participation in the lessee's operations programs, or activities conducted on the lessee's premises, because of race, color, age, sex, handicap, national origin, or religion. The lessee, by acceptance of this lease, gives assurance that the provisions of Title VI of the Civil Rights Act; and the Age Discrimination Act of 1975; the Rehabilitation Act of 1973."

3.5.6.5 Consideration

Fair market value (FMV) consideration must be obtained for outgrants except when the primary purpose of the outgrant is to directly support the Coast Guard mission or directly

benefit the installation, or when the specific authority under which the outgrant is issued calls for consideration other than fair market value. Generally, if it is a lease, fair market value shall be obtained. Exceptions may be made when the lease is made to a Governmental entity, such as state or local Government, for a public purpose, such as parks or recreation.

A. In addition to FMV, administrative costs based on the term of the outgrant must be obtained from the outgrantee when the outgrant is for the primary benefit of the outgrantee. Basic consideration for administrative costs shall include additional, but not limited to, charges permitted for monitoring compliance, renewals not based upon original conditions, costs of environmental reviews on specific applications prerequisite to certain licenses, and property surveys.

B. Consideration will be payable in advance, except for Federal agencies who will pay in arrears, and the outgrant instrument shall specify the amount due, due date, requirement that payment be received not later than due date, frequency (in full for term, annually, semi-annually, quarterly, etc.). If consideration was based on other special calculations, indicate clearly in the payment clause and show method of calculation, period covered and when payment(s) is due.

3.5.6.6 Short Term, Long Term and Emergency Outgrants

A. Short term outgrants are for a term of less than one year.

B. Long term outgrants are for a term of one year or more.

C. Emergency outgrants are authorized when Coast Guard facilities are in need due to a catastrophic event such as fire, flood, hurricane, earthquake, etc. SILC is authorized to approve and sign the appropriate legal use instrument.

3.5.6.7 Environmental Risks

Every effort shall be made to avoid outgranting property which may have existing environmental issues such as contamination, or which would create future environmental issues.

3.5.6.8 Inspections

All outgrants shall be inspected on a regular basis for compliance with the terms of the outgrant. The interval between inspections will vary depending on the nature, length and size of the outgrant. Major outgrants must be inspected on an annual basis. Minor outgrants will be inspected at least once during the term of an outgrant. Certain outgrants, such as those for commercial use or those which may give rise to safety and health issues, may require inspection on a more frequent basis.

When the compliance inspection reveals an outgrant compliance issue which jeopardizes the health, safety or welfare of the public or those who have access to the outgranted property.

When there is imminent danger to the public, action will be taken to close all or part of the outgrant until the dangerous condition is corrected. Imminent danger is defined as a condition, which poses a danger that could reasonably be expected to cause death or severe physical injury before action correct the danger can be eliminated through normal procedures.

The servicing real property staff shall assist the unit concerned in its protection and maintenance responsibilities. Guidelines for protection and maintenance of excess and surplus real property, including the safeguarding of the public from any conditions upon the property, are set forth in GSA regulations at 41 CFR 101-47.4913. In particular, the unit concerned shall secure the subject real property in a manner that will prevent access by and possible injury to, children and curiosity seekers. Further, the unit concerned shall provide adequate safeguards for or otherwise render innocuous any dangerous conditions upon the subject real property (e.g., posting warning signs, erecting fences, turning off electrical power, removing certain personal property that may be dangerous, etc.).

3.5.6.9 Insurance / Liability

Outgrantees of improved real property shall be required to assume all risk of loss or damage thereto. The extent of liability shall be limited to the amount of insurance required or actually carried whichever is greater. If the insurance requirement is waived, the space on the lease form provided for the insurance coverage shall so state. If Grantee is a non-appropriated fund instrumentality of the United States or is authorized to and does maintain insurance coverage, it shall continue to maintain insurance coverage of the types and in the amounts typically carried for its operations. Grantee shall require its contractors of any tier performing work on the Premises to carry and maintain insurance coverage of the types and in the amounts specified.

3.5.7 Encroachment

Encroachments usually occur because the boundaries of the Government's property interests are not clearly marked and, therefore, adjacent landowners inadvertently construct prohibited permanent or semi-permanent structures on land in which the Government has an interest. The Coast Guard will require removal of encroachments, restoration of the premises and collection of appropriate administrative costs and fair market value for the term of the unauthorized use. Removal of encroachments will be achieved, to the extent possible, by negotiation with the encroaching party. So long as the encroachment does not create an immediate hazard or impact on the Coast Guard's operational abilities, every attempt will be made to resolve an encroachment in a cooperative manner. Consultation with Counsel is essential prior to any encroachment resolution effort. Only after all cooperative efforts have been exhausted shall equitable (judicial) remedies be sought. Exceptions to this legal staff policy may be considered for unintentional encroachments after a determination that the area involved is no longer required, either temporarily or permanently, for mission or operational purposes. If an encroachment is exempt from removal, the interest upon which the encroachment exists shall be disposed of to the encroaching owner via a negotiated sale.

This can be done either through the normal disposal process to GSA, or via special delegation from GSA. Encroachment resolution via disposal must be approved by the Commandant. Violations shall be addressed immediately upon discovery and documented. While encroachment removal is the first option, other remedies such as outgrant, disposal or exchange, and boundary line agreements may be more appropriate. Resolution efforts will depend on the nature of encroachment and trespass, whether intentional, and shall follow process and procedures as outlined in the Real Property Process Guides (RPPG) for the type of action.

3.5.7.1 Intentional Encroachments

Removal action will be pursued for those encroachments, which are intentional in nature. In making the determination that the encroachment is intentional, the following criteria may be considered:

A. The encroaching party constructed without obtaining the proper surveys or title evidence.

B. The encroaching party continued to build with knowledge or actual notice of the Government boundary line or property interest.

C. The Government boundary was surveyed and marked prior to the construction date, even if no marker is at this particular spot.

3.5.7.2 Unintentional Encroachments

In making the determination that the encroachment was unintentional, the following factors may be considered:

A. The encroaching party acted on the basis of a private survey, which was performed before the Government boundary line was surveyed and marked on the ground.

B. The encroaching party acted on the basis of an erroneous Government survey.

C. The encroaching party acted on erroneous information provided by the Government for which official documentation is available, and granting an exception to removal will not result in an unacceptable adverse impact.

D. The encroaching party can establish by affidavit or other credible evidence that the bounds of the land upon which the encroachment is located was reasonably thought to be a part of that party's ownership by historically accepted monumentation, e.g. old fences, hedgerow, roads.

E. The encroaching party can establish by court degree, affidavit, or other credible evidence that the land was claimed by adverse possession, which ripened into title prior to the Government's acquisition or that title is in dispute.

3.5.7.3 Methods of Curing an Encroachment

There are four basic methods of curing an encroachment: removal, outgrant, disposal, or exchange. The method of cure to be pursued will depend on the nature of the encroachment, whether the encroachment was intentional, the impact of the encroachment on Coast Guard operations, and the cost of resolution.

A. Voluntary Removal: Every effort shall be made to have the encroaching party voluntarily remove the encroachment following the RPPG. When the party demonstrates a willingness to cooperate, a reasonable period of time shall be allowed for voluntary removal. However, even in a cooperative situation, it is essential that all discussions and communication with the encroaching party be documented in case further action is required to satisfactorily resolve the issues. The nature of the encroachment, the expected outcome, and the time period for resolution must be communicated clearly and in writing the encroaching party as soon as practicable, but no less than 30 days, after the encroachment is discovered.

B. Involuntary Removal: If a voluntary removal cannot be achieved, and other encroachment remedies are exhausted, the servicing real property office will request that the legal staff refer the case to the U.S. Attorney for civil action and a court order for removal. The servicing real property office will provide all necessary assistance to the legal staff in investigating and pursuing these cases.

C. Outgrant: When an encroachment is: (i) unintentional, (ii) does not have an immediate impact on the operational abilities of the Coast Guard; and (iii) not amenable to resolution by removal; then the servicing real property office may consider resolution via outgrant. A lease, easement or license may be appropriate depending on the nature of the encroachment. In easement areas, consent to structure, if applicable under the easement estate, may be issued after the fact. Refer to Section 3.5.6 for additional details pertaining to outgranting.

3.5.7.4 Disposal or Exchange

Encroachment can be cured by disposal or exchange but either method must be approved by Commandant (CG-43). Refer to chapter 4 – Disposals for further instructions.

3.5.7.5 Boundary Line Agreements

Errors in surveying or mapping at the time of acquisition, or the use of metes and bounds descriptions with mutable monuments, may result in later confusion regarding precise boundary lines. These uncertain boundaries have resulted in technical encroachments by adjoining private owners and possible encroachment by the United States, which could lead to a taking claim. Resolution by written boundary line agreements between the adjacent landowner and the United States may be appropriate.

A. States Where Not a Conveyance: Some state laws provide that boundary lines between adjoining owners may be established or changed by mutual agreement between them; that these agreements may be recorded and that such agreements are binding upon all successors in interests and privities to the parties. Under the laws of other states, however, the boundary line agreement is not a conveyance, but merely an agreement between the United States and the affected landowner to make certain a line, which has been disputed or uncertain. In these cases, the boundary line does not constitute a conveyance. Boundary line agreements must be approved and executed by Commandant (CG-43).

B. States Where Agreement Constitutes a Conveyance: In the laws of states where a boundary line agreement must be in the form of a conveyance deed to bind future parties, the agreement/quitclaim deed must be done in accordance with negotiated disposal procedures or an exchange.

C. Format: There is no standard format, since formats vary from state to state. All boundary line agreements will be approved by LSC and Commandant (CG-43) for legal sufficiency prior to execution.

3.5.8 Control of Access to Base

Federal law provides commanders of Coast Guard bases full authority to control access to their base. Entry onto a Coast Guard property for an illegal purpose or reentry after being ordered to leave the base by any officer or person in command is a violation of 18 USC 1382, and punishable by a fine, imprisonment for up to six months, or both.

3.5.8.1 Bar Letters

If the Commanding Officer of the SILC, District Commander, Commanding Officer of a Headquarters unit, or the Commanding Officer of a holding unit determines that an individual must be barred from entering Coast Guard-owned property to protect the health and safety of any person, to prevent damage to Government property, or to preserve good order and discipline, a letter may be issued to such individual ordering them to depart the installation and not to return. The duration of the debarment should fit the circumstances and the individual should be provided the opportunity to submit written materials for the Commanding Officer's consideration, either in rebuttal or to supplement the facts, particularly if the individual is a dependent or retiree who would otherwise be entitled to use the clinic, exchange, MWR, etc.

3.5.8.2 Written Order

The SILC Commander, District Commander, Commanding Officer of a Headquarters unit, or Commanding Officer of a holding unit will personally issue the order not to re-enter, and the order shall be in writing.

3.5.9 Annexation

Annexation of Federal lands is governed by individual State laws. Depending on provisions of the law of the State where the land lies, the annexation may or may not require the prior consent of the Federal Government. Even when consent is not required, every annexation attempt shall be brought to the attention of Commandant (CG-43), so that a Commandant position on the annexation can be established. Generally, the Coast Guard will not approve an annexation proposal if the annexation is opposed by another political subdivision of the State. Depending on the circumstances of annexation, SILC shall complete an annexation assembly package with pertinent information as described in the RPPG for decision-making.

Annexation does not alter existing Federal jurisdiction over the land being annexed and does not result in any interference with official Coast Guard activities. However, upon annexation of lands, the annexing State political subdivision assumes the responsibility of providing a number of Governmental functions and services, which it may not legally be authorized to offer where exclusive legislative jurisdiction exists over the lands involved. This element will be fully explored and explained to the community proposing annexation. The Coast Guard shall cooperate with municipalities desiring to annex in those instances where local statutes provide, except in those instances where the Commandant, or his designee, determines that such action would not be in the best interest of the Government.

CHAPTER 4: DISPOSAL OF REAL PROPERTY

4.1 Overview

This chapter addresses the disposal of real property, which is the final phase in the property life cycle. Property moves from the utilization phase to the disposal phase when the Coast Guard determines that an asset is damaged, obsolete, has served its useful purpose, is underutilized, or is otherwise excess to the needs of the organization. During the disposal process, property may be sold, donated, transferred to other agencies, abandoned, destructed, or disposed by other types of removal. The disposition of real property is dictated by specific Federal regulations and involves being either classified as a divestiture and sold by the Coast Guard to retain the proceeds or reported as excess to GSA. This includes the use of standardized forms and documentation that are required for each disposition type.

Federal agencies are responsible for identifying obsolete or underutilized real property assets and disposing the assets that are not required for mission purposes. Federal agencies are required to adopt real property cost reduction initiatives, including accelerating cycle times for disposing of surplus assets.

4.2 Objective

The objective of the disposal of real property is to permanently remove assets out of the Coast Guard's real property inventory portfolio, which are no longer required or able to achieve their intended mission. Upon disposal, all real property assets must be removed from the Coast Guard's record of report. It is important to accurately record all property upon disposal, assess property condition prior to disposal to determine appropriate disposition method, correctly calculate gain/loss at time of disposal, and to safeguard assets against misuse, misappropriation and waste. Disposals must be made in accordance with all applicable laws, regulations, policies and procedures, which include but are not limited to 41 CFR 102-75 and Section 221 of the Coast Guard Authorization Act of 2010.

4.3 Federal Requirements Related to the Disposal

Below is a summarized list of the major Federal requirements as they relate to general aspects of the Acquisition process, but, are not limited to this list for complete compliance:

4.3.1 Requirements Related to the General Disposal Process

Section 221 of the US Coast Guard Authorization Act of 2010 (Housing Authority)

41 CFR 102-75.15 – Real Property Disposal – General Provisions

41 CFR 102-75.25-80 – Real Property Disposal – Utilization of Excess Real Property

41 CFR 102-75.115 – Real Property Disposal – Reports of Excess Real Property

41 CFR 102-75.255 – Real Property Disposal – Surplus Real Property Disposal

41 CFR 102-75.1220-1290 – Real Property Disposal – Screening of Federal Real Property

4.3.2 Requirements Related to the Methods of Disposal

Shore Divestiture Plan - Section 221 of the US Coast Guard Authorization Act of 2010

14 USC 92(g) – Secretary: General Powers – Exchange Authority

10 USC 2696 – Real Property: Transfer between Armed Forces and Screening Requirements for other Federal Use

40 USC 1303 – Disposition of Surplus Real Property

4.3.3 Requirements Related to Environmental Considerations

42 USC 9601-9675 – Comprehensive Environmental Response, Compensation and Liability Act

42 USC 4321-4370 – National Environmental Policy Act

16 USC 469 - Archeological and Historic Preservation Act (AHPA)

16 USC 1456 – Coastal Zone Management Act

P.L. 93-205 / 16 USC 1531, et seq., Endangered Species Act of 1973 (ESA) P.L. 89-665 / 16 USC 470 et seq., National Historic Preservation Act of 1966 (NHPA)

4.4 General Disposal Process

The Coast Guard must first identify real property assets that are excess and obsolete to the Coast Guard in carrying out their intended mission. Once excess and obsolete real property assets have been identified as excess to the Coast Guard, the assets are internally and, as necessary, externally screened in order to determine if they can be further utilized. The Coast Guard disposes its excess real property in various ways, generally in the way deemed most appropriate and of the greatest benefit to the Coast Guard. Upon obtaining approval of the intended action, a copy of all applicable supporting documentation will be forwarded to FINCEN in order to be reviewed and physically remove or retire the assets from OFA and subsidiary systems. Refer to Figure 4-1 below for a process flow of the disposal process.

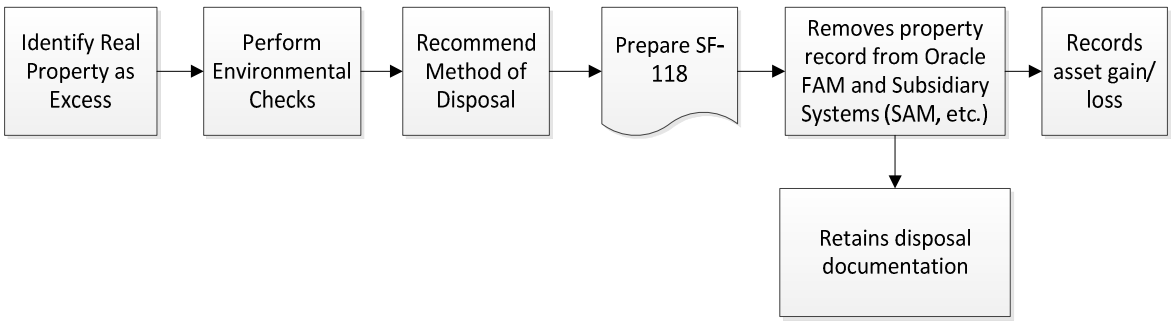

Figure 4-1: General Disposal Process

4.4.1 Responsibilities for Reporting Excess Real Property

4.4.1.1 Commandant (CG-43)

Commandant (CG-43) is charged with the overall responsibility for managing the disposal of Coast Guard real property. Commandant (CG-43) is tasked with establishing policy and procedures for the various disposal processes and functions while also establishing an evaluation team made up of decision makers, subject matter experts and support personnel to assist in the disposal process. Commandant (CG-43) reviews and approves the submitted Report of Excess Real Property, SF-118, and other disposal related documents prior to forwarding them to GSA. Commandant (CG-43) also works closely with Commandant (CG-84) and FINCEN to ensure that all necessary documentation is provided for disposals, and descriptive changes to real property assets, and that every disposal or asset change is entered into the Coast Guard fixed asset and financial systems correctly. Commandant (CG-43) is responsible for making the final determination of facility need, and whether the subject real property will be disposed. Commandant (CG-43) will make final determinations of excess after obtaining concurrent clearances from other interested staff elements.

4.4.1.2 Commandant (CG-47)

Commandant (CG-47), Office of Environmental Management, is responsible for working with Commandant (CG-43) and SILC to provide comprehensive environmental management support for all Coast Guard initiated disposal actions by assisting in identifying environmental liabilities and remediating the liabilities, as necessary, prior to disposal. Early identification of responsible agency for environmental compliance and environmental planning for actions taken by the Coast Guard to ready properties for divestiture whether the disposal authority belongs to the Coast Guard, GSA or another Federal agency is required.

4.4.1.3 Shore Infrastructure Logistics Center (SILC)

The SILC is responsible for providing quality assurance and control for form Report of Excess Real Property, SF-118, and accompanying documentation. SILC also executes the disposal, and works with Commandant (CG-43) and Commandant (CG-47) to provide comprehensive environmental management support for all Coast Guard initiated disposal

actions by identifying environmental liabilities and remediating the liabilities, as necessary, prior to disposal. The Real Property Asset Line Manager at the CEUs will review the Report of Excess Real Property, SF-118, for completeness and accuracy, and ensure that the Area and District commanders have concurred, prior to forwarding the Report of Excess to Commandant (CG-43) for consideration and recommendation for approval. SILC also works with the CEU/PLM under the 5 year Shore Divestiture Program (SDP) and is responsible for consolidating the updated templates received from the CEU/PLM. Once the templates are reviewed by the Real Property Product Line Manager at the CEUs, the consolidated templates will be submitted to Commandant (CG-43) for the annual SDP data call. SILC will also ensure that all real property disposals, and descriptive changes are promptly entered into the OFA and that required supporting documentation is provided to FINCEN in a timely manner.

4.4.1.4 Legal Support Command (LSC)

LSC will conduct legal review for necessary documents. SILC will submit documents such as Reports of Excess and Reports of Title to the LSC to be reviewed for legal sufficiency.

4.4.1.5 Civil Engineering Units (CEU) / Product Line Managers (PLM)

CEU/PLM have a responsibility of working alongside the SILC when conducting the annual review of real property and determining what is considered to be excess to the needs of the Coast Guard throughout its Area of Responsibility (AOR). The CEU/PLM will obtain, from the SILC, the 5-year Shore Divestiture Program (SDP) template during the annual data call. CEU/PLM will review this template in accordance within each of their districts real property records and update the listing with the real property that has been determined to be disposed, while also recommending the method of disposal to be used. The template will be returned to the Real Property Asset Line Manager of the SILC once updated.

4.4.1.6 District and Area Commanders

District and Area Commanders are responsible for validating and concurring with the Unit Commander’s proposal for excess and ensuring that the real property proposed for excess is not needed for operational purposes in their respective command areas.

4.4.1.7 Unit Commanders

The Unit Commander shall make the preliminary determination, as appropriate within its chain of command, that there is no continuing operational need for any property for which his or her unit is responsible. Once this determination has been made, the Unit Commander shall notify the Servicing Real Property Staff, and provide assistance to that staff in preparing the Report of Excess Real Property, SF-118. Unit Commanders shall also ensure that complete and accurate documentation is prepared and forwarded to FINCEN (FR) so that updates to the real property records in the OFA, SAM, and other applicable subsidiary systems can be completed.

4.4.1.8 Servicing Real Property Staff

Upon approval, the servicing real property staff at the CEU/PLM is responsible for preparing the Report of Excess Real Property, SF-118, including the necessary environmental clearances received from Commandant (CG-47), obtaining approval from District and Area commanders, and forwarding the Report of Excess Real Property, SF-118, through the SILC to Commandant (CG-43).

4.4.1.9 Commandant (CG-12)

Commandant (CG-12), the Housing Division, will work with SILC and the CEU's to identify housing assets that are potential candidates for disposal and include them in the SDP.

4.4.1.10 FINCEN

FINCEN will ensure to obtain all necessary supporting documentation, provided from the SILC/CEU's, in relation to each instance of a real property asset disposal, prior to their removal of that real property asset from the OFA. FINCEN also holds the responsibility for recognizing any gain/loss on disposal of the real property asset as well as removing the asset's associated depreciation account.

4.4.2 Identification of Excess Real Property

Real property is identified as excess primarily through the annual SDP submission to Commandant (CG-43). Real property may also be identified as excess as the result of special events such as mission, equipment, or operational changes. Special legislation directs that the Coast Guard disposal of property be considered a legislative determination that the property is excess.

Real property that is no longer required for current, validated missions, or established and authorized future missions, will be identified on the SDP and will include a recommended disposal method. Disposals of real property shall be performed to advance the overall mission and strategic goals of the Coast Guard and DHS. In addition to validated mission requirements and goals, decisions regarding disposal of real property will include considerations of economy, efficiency, and achieving the best value for the Coast Guard while continuing to meet operational requirements. If a foreseeable future requirement exists for a real property asset, that asset should not be included on the SDP. However, real property shall not be retained for speculative future missions.

Once excess real property is identified or a determination the asset would be more advantageous to the Government to be monetized, the disposal of real property will be evaluated for inclusion in the 5 Year Shore Divestiture Program (SDP). SILC develops a 5 year forecast of all property identified by the Units, Districts, Commandant (CG-12), and other stakeholders for candidates to be included in the SDP. The CEU/PLM will recommend the method of disposal for each proposed divestiture and ensure a business case analysis supports it. Commandant (CG-43) will process a concurrent clearance to insure applicable

HQ Units and Commands are aware of the proposed decision prior to Commandant (CG-43) approval of the SDP.

Real property, which would otherwise be considered excess, may be retained when the costs of disposal would exceed any benefits, which would accrue from the disposal. In such cases, every effort shall be made to seek compatible reuse, which will generate value and/or reduce the Coast Guard's continuing maintenance costs for the property. Leased property will be retained when the Coast Guard cannot obtain Government-owned real property to meet mission requirements.

Until the final determination of excess is made by Commandant (CG-43), and the Report of Excess has been forwarded to appropriate agency disposing, the Coast Guard staff shall not openly communicate to any congressional staff, other Federal agency or non-Federal entity or individual, that the subject real property is excess to the needs of the Coast Guard or DHS, unless it is being inquired upon by those entities. In those instances in which a Fiscal Year ____ Military Construction Project Data, form DD-1391, is required, see section 4.4.2, the communication restriction is not intended to prevent public outreach requirements of NEPA. Any such public outreach must clearly communicate; however, that no official decision has been made and that it is the practice of the Coast Guard to consider multiple alternatives, as appropriate, and to receive any necessary approvals from higher authority, prior to making any decision.

4.4.3 Divestiture Methods for SDP

There are many different divestiture methods as outlined below and including special legislation transfers, relinquishment of public domain lands, termination of agreements or contracts, expiration of agreements or contracts with no intent or option to renew, and disposals through the 1949 Federal Property Administrative Act administered by GSA who declares the property "surplus" after the agency in custody and control of the property determines it is excess or in the best interest for them to dispose. SILC is required to consider all the options, unless legislatively mandated to transfer, and analyze for the most advantageous method both financially and otherwise before recommending inclusion in the SDP.

4.4.3.1 Sales Under 14 USC Section 685 (Original Housing Authority Amended in Section 221, 2010 Coast Guard Authorization Act)

Under 14 USC section 685, the Coast Guard is authorized to dispose of Federal real property under Coast Guard administrative control at fair market value and retain the proceeds for the purpose of acquisition and construction of new military housing. Pre-conveyance compliance with all applicable environmental laws is mandatory, but the Coast Guard is exempt from screening the property among DOD, DHS, other Federal agencies, and McKinney Act prior to disposal. The Coast Guard is responsible for encumbering the property if necessary to preserve continuing operational needs on or over the property, such as ATON access easements or arc of visibility easements, and health and safety needs, including a covenant against use of property for residential purposes if the property is in

proximity to an ATON fog signal that registers 60db or higher. Net proceeds of sales must be deposited into the Coast Guard housing fund with the stipulation that the proceeds be used for Coast Guard housing identified needs only and requires a further appropriation to use them. The Coast Guard also has the responsibility of assuring that all necessary conveyance documents are accounted for appropriately in relation to the sale, as well as, ensuring proper competition is obtained during the selling process and preparation of any explanatory statements are completed as necessary."

4.4.3.2 Exchange Authority

Through authorization granted under 14 USC 92(g), the Coast Guard has the ability to exchange real property with a non-Federal party for other real property. The real property interests exchanged must be the same. The statutory authority restricts exchange transactions to real property for real property, no other form of consideration may be accepted in exchange. If, however, the appraised value of the real property to be acquired is greater than that of the real property to be conveyed, then the Coast Guard may expend appropriated funds to satisfy the balance or the non-Federal party can donate the balance.

4.4.3.3 Disposal of Historic Lighthouses under NHLPA

Historic lighthouse properties, which are excess and obsolete to the Coast Guard, can be considered for disposal under the authority of the National Historic Lighthouse Preservation Act of 2000, Public Law 106-355 (NHLPA), an amendment to the National Historic Preservation Act. Historic lighthouse properties are those properties that are either included in or eligible for inclusion in the National Register of Historic Places. NHLPA permits lighthouse properties to be transferred at no cost to Federal agencies, state and local Governments, nonprofit corporations and community development organizations for educational, cultural, recreational, or historic preservation use. Lighthouses located upon public domain lands must first be offered for relinquishment to the Bureau of Land Management (BLM). If BLM makes a determination that the site is unsuitable for return to the public domain, the disposal shall occur under the provisions of the NHLPA. Non-historic lighthouses are treated as any other excess property and the provisions of the Property Act for GSA Disposals apply. A Report of Excess must be prepared for NHLPA disposals in the same manner as other excess property.

4.4.3.4 Reassignment within DHS/ Interagency Transfers from Coast Guard

The transfer of real property between the armed forces of the United States, without compensation, is authorized by 10 USC 2696(a) (commonly referred to as a Title 10 transfer). If DHS determines that another DHS entity has a need for excess Coast Guard controlled property, DHS will reassign the property. The reassignment will normally be documented by a letter executed by a duly authorized DHS official. Such a reassignment will transfer administrative control, custody, and accountability of the property to the other DHS entity. If any real property is requested by a DOD entity, the Commander of the unit concerned shall determine whether the Coast Guard has a continuing operational or mission support need for the real property. If the Commander determines that the Coast Guard no

longer has an operational or other mission support need for the property or if the need can be supported as a tenant command upon the property, then the Commander will notify the chief servicing real property staff of the real property request.

4.4.3.5 Demolition

The disposal of improvements through demolition in accordance with 40 USC 1303(c) has been delegated to the Coast Guard by GSA for improvements that have no commercial value. Priority attention will be given to disposal of structures used as justification to Congress for new construction, to avoid prejudicing future construction programs. The Coast Guard structures slated for demolition against a new construction project will be promptly disposed of upon acceptance of new construction for beneficial occupancy.

Commandant (CG-43) shall coordinate with the SILC in identifying real property to be disposed of through demolition. Once a facility has been determined to be demolished per receipt of a SILC memo or a Request For Approval of Disposal Of Buildings And Improvements, Form DA 337, the Servicing Real Property staff will prepare a Report of Changes to Federal Real Property, form CG-3652, and submit it for approval to the approving authority. The level of approval will be the same as for the Report of Excess Real Property, SF-118. The office approving the Report of Changes to Federal Real Property, form CG-3652, will be recommending the method of disposal (e.g. demolition by contract, controlled burn, demolition by in-house personnel, etc). Upon completion of the disposal the Report of Changes to Federal Real Property, form CG-3652, will provide supporting documentation to remove the property from the Real Property Inventory database for accountability purposes. The Report of Changes to Federal Real Property, form CG-3652, will identify major items of installed building equipment that are to be disposed of with buildings and improvements, and describe any effort made to reuse the equipment elsewhere. Installed equipment, which is to be disposed of with the facility, will be physically marked to indicate its excess status.

On receipt of an approved Report of Changes to Federal Real Property, form CG-3652, the servicing real property staff will complete the action, note completion on the form (backside), enter the Request For Approval of Disposal Of Buildings And Improvements, Form DA 337 into the voucher log, note the voucher number on the form, and input disposal/removal data into SAM. The servicing real property office will notify FINCEN upon completion of the disposal/demolition. The final Request For Approval of Disposal Of Buildings And Improvements, Form DA 337, and any supporting documentation will be placed in the real property file and retained as required.

4.4.4 Screening of Excess Real Property

Screening is the process of determining whether the property that is proposed for divestiture can be used for other purposes by other organizations. The Coast Guard conducts three basic types of screening for real property: internal agency screening, DOD and DHS screening, and McKinney Act screening. Property that is being disposed of pursuant to special legislation generally will not be subject to internal agency or DHS screening, but may still be subject to

McKinney Act screening depending on the wording of the special legislation. The authorization used to divest should be interpreted Coast Guard wide to determine the requirements for screening. RPSs should work with their servicing LSC and Commandant (CG-43) for interpretation.

4.4.4.1 Coast Guard Screening

Any real property, which is proposed for reporting as excess to GSA, shall first be screened within the Coast Guard. Internal screening will be performed prior to submission of a Draft Disposal Report to the Commandant. At a minimum, property shall be screened within the District, although wider screening with the CEU/PLM area or SILC area may be desirable for larger or more versatile properties and facilities. The SILC shall ensure that screening is conducted within the Districts and CEU.

4.4.4.2 DOD and DHS Screening

Screening with DOD and DHS will be performed after the Draft Disposal Report is submitted to the Commandant for review and approval. Commandant (CG-43) will notify GSA and DHS of the availability of the property for screening with GSA and DHS elements. Unless otherwise specified by DOD or DHS, notification of available properties may be performed via email. If DOD or DHS notifies the Commandant of the need for the property elsewhere within their department, Commandant (CG-43) will notify the SILC and Servicing Real Property Office to prepare the appropriate documentation for transfer of accountability.

4.4.4.3 McKinney Act Screening

In general, GSA will perform McKinney Act screening as part of its disposal responsibilities. However, for properties not disposed of by GSA, and not otherwise exempt from the McKinney Act requirements, the Coast Guard must review the availability of real property for use to assist the homeless in accordance with the procedures developed by Housing and Urban Development (HUD) and GSA to meet the Stewart B. McKinney Homeless Assistance Act requirements. The Coast Guard, as holding agency, must also report to HUD on a quarterly basis any excess or obsolete land, buildings, or other real property facilities identified by the installation in the normal course of performing routine inventory, survey or disposal activities. Once property has been listed by HUD, 20 days for unsuitable property or 60 days for suitable property, the holding organization may proceed with the disposal after requesting that HUD remove the property from the McKinney Act listings. The Coast Guard is required to submit a Title V Suitability Checklist to HUD in order for HUD to make a determination whether the property is suitable for homeless use. HUD has 30 days to make this determination based on the information the Coast Guard provides in the McKinney Act Checklist.

Certain properties are exempt from the requirements of the McKinney Act. The types of property that are generally not subject to the McKinney Act can be located within 41 CFR 102-75.1165.

4.4.4.4 GSA Screening

Upon being notified that no other DHS agency has a need for the subject real property and after obtaining any required DHS approval or determination, the subject real property shall be deemed "excess real property". At this point, Commandant (CG-43) will direct the Servicing Real Property Staff to prepare a Report of Excess Real Property, SF-118, along with its accompanying schedules and submit the same to the proper GSA regional office. A Report of Excess Real Property, SF-118, is required by GSA regulations and serves as the DHS's notification to GSA of the excess or obsolete subject real property.

GSA shall notify the Coast Guard within 15 days after receipt of the Report of Excess Real Property, SF-118, by letter that GSA either has accepted the report or has determined that the report is insufficient. Any delay caused by the report's insufficiency may extend the period for which the Coast Guard will be responsible for protection and maintenance expenses and as such, delay the date that GSA will begin to defray such expenses from its own appropriation. The applicable GSA regulations are set forth at 41 CFR 102-75.145-155.

Subject to GSA's approval, the Coast Guard may withdraw a Report of Excess, for either the entire subject real property or a portion thereof, at any time prior to the property's transfer to another Federal agency or prior to the execution of a legally binding agreement to convey the subject real property to a non-Federal entity (see 41CFR 101-47.203-10). Any request to withdraw a Report of Excess Real Property, SF-118, shall be made to the Servicing Real Property Staff. The Servicing Real Property Staff will forward this request to Commandant (CG-43) for approval. If approved, Commandant (CG-43) will direct the servicing real property staff to forward the withdrawal request to the appropriate regional office of GSA.

Following GSA acceptance of the Report of Excess Real Property, SF-118, and GSA will screen the subject real property for use by other Federal agencies in accordance with 41 CFR 102-75. Upon GSA's transfer of the subject real property, administrative control, custody, and accountability for the subject real property will pass from the Coast Guard to the other Federal agency. The title to the subject real property, however, will remain with the United States of America. GSA will notify the holding agency by circulating a Memo for record showing that the custody and accountability has been transferred, and Servicing Real Property Office shall include this Memo for record in the property file.

If another Federal need for the subject real property is identified in the screening process, GSA will transfer the property to the Federal agency in question. GSA will notify the holding agency by Memo for record that the custody and accountability has been transferred, and servicing real property office will include this notice in the property file. The Coast Guard, per the applicable GSA regulations 41 CFR 102-75.125 is responsible for providing the transferee agency with a copy of the contamination survey report and if applicable, the results of any confirmation sampling. Per the Economy Act Agreement, the Coast Guard is permitted to pay GSA to conduct the disposal action. Any request to enter into an Economy Act Agreement with GSA must be approved by Commandant (CG-43). No other action is required by the Coast Guard concerning the transfer of the administrative control of the property to another Federal agency.

4.4.4.5 Reporting of Excess Real Property

The purpose of the Report of Excess Real Property, SF-118, is to notify GSA that neither the Coast Guard nor any agency of DHS has any further mission need for the subject real property. GSA acceptance of the Report of Excess Real Property, SF-118, does not result in a transfer of administrative control, custody, and accountability over the subject real property to GSA. The Coast Guard remains the holding agency and as such, continues to have administrative control, custody, and accountability over the property until GSA either conveys the property to a non-Federal entity or transfers administrative control to another Federal agency. Except for those instances in which a planning proposal is required, the Servicing Real Property Staff, in coordination with the unit concerned and the servicing environmental staff, shall document the rationale for disposal. The documentation shall include a draft of the Report of Excess Real Property, SF-118, which describes the subject real property and any related personal property, as well as addressing the requirements in 41 CFR 102-75.115 and in accordance with documentation requirements as provided within Reference (a).

4.4.4.6 Protection and Maintenance

Upon GSA acceptance of the Report of Excess, GSA becomes responsible for disposing of the subject real property by either transferring it to another Federal agency or if no further Federal need for the property is identified, by conveying it to a non-Federal entity. The Coast Guard retains administrative control, custody, and accountability of the subject real property (whether excess or surplus property), and shall be responsible for the subject real property's protection and maintenance pending its transfer to another Federal agency or disposal to a non-Federal entity.

Per the applicable GSA regulations, 41 CFR 102-75.970, the Coast Guard shall remain responsible for the expenses of protection and maintenance of the subject real property pending disposal for not more than 12 months, plus the period to the first day of the succeeding quarter of the fiscal year after the date that the property is available for immediate disposition (approximately 15 months). The date that the property is available for immediate disposition shall be the date that GSA receives the Report of Excess, unless GSA deemed the Report of Excess insufficient (see 41 CFR 102-75.150-155). Under such circumstances, the date that the property is available for immediate disposition would then shift to the date that GSA determined the Report of Excess to be sufficient. The GSA Notice of Availability will determine the date that GSA will pay directly, or reimburse the Coast Guard, the expenses of protection and maintenance, or alternatively, GSA will indicate that such date is not determinable because of insufficiencies in the Report of Excess.

The period following the Coast Guard responsibility for protection and maintenance expenses, GSA will become responsible for such expenses (see 41 CFR 102-75.975). At GSA's discretion, the protection and maintenance expenses will be paid either directly by GSA or by reimbursement to the Coast Guard.

Although GSA may pay or reimburse the protection and maintenance expenses after the period, the ultimate responsibility for conducting the actual protection and maintenance remains with the Coast Guard (specifically, the unit concerned) until the subject real property is transferred to another Federal agency or disposed by conveyance to a non-Federal entity. The Field Engineers shall assist the unit concerned in its protection and maintenance responsibilities. Guidelines for protection and maintenance of excess and surplus real property, including the safeguarding of the public from any conditions upon the property, are set forth in GSA regulations at 41 CFR 102-75.965.

4.5 Supporting Documentation for Disposal

The key to all Federal real property transactions is documentation that is thorough, well researched, contains well-reasoned analysis of issues, and is factually correct and complete. Documentation of disposal is particularly critical in order to ensure the accuracy of agency inventory records, and properly establish responsibility for administration over, and liability for, Federal lands. All supporting documentation shall ultimately be forwarded to FINCEN where it will be retained for a period of time as specified within Reference (b).

4.5.1 Report of Excess

The Report of Excess Real Property, SF-118, is the key document in the disposal process and is used to identify the property to be disposed of, and provide all the information and analysis necessary for decision-makers to declare real property is excess to Coast Guard needs or more advantageous to monetize. A Memorandum and GSA checklist accompany the form with a series of questions, addressing all the supplemental informational requirements for a complete report including environmental condition.

4.5.2 Planning Proposal

Certain proposed disposal actions require the preparation and submission of planning documents in accordance with the Field Planning for Shore Infrastructure-Field Planning Manual, COMDTINST M11000.17 (series). Step by step instructions for preparing planning documents as well as templates will be located in the Process Guides. The Servicing Shore Facility Planning Staff, in coordination with the Unit with the requirements and the real property, legal and environmental support shall prepare the planning documentation. Commandant (CG-43) shall be the approving authority.

4.5.3 Notice of Proposed Disposal

Under 41 CFR 102-75.280, upon request, a disposal agency must promptly provide information to the Attorney General that would be useful in determining whether a proposed disposition or surplus real property violates or would violate any of the antitrust laws.

4.5.4 Appraisal for Disposal Transactions

As noted through 41 CFR 102-75.300, appraisals are generally required for all disposals of real property except when an appraisal will serve no useful purpose to the transaction or when the estimated fair market value of the real property does not exceed $300,000.

4.5.5 Notice of Intent to Relinquish

Withdrawn public domain lands no longer needed by the Coast Guard shall be reported, through use of a Notice of Intent to Relinquish, to the Bureau of Land Management (BLM), Department of Interior and the Federal Agency that manages the public lands as in accordance with 43 2370.

4.6 Environmental Considerations

Environmental considerations are a primary concern when disposing of real property. This section discusses, generally, the environmental laws and Executive Orders that may be applicable in property disposals, and explains the environmental issues that arise in all disposals of Coast Guard property. Many environmental requirements differ, however, depending on the "regime" or authority under which a particular disposal action is being carried out. For further explanation of the environmental issues that arise in disposals of property refer to the SILC Process Guides. RPSs are required to coordinate and consult with the environmental and legal POCs early to insure legal sufficiency with intention and actions to be undertaken, required documentation, and text.

4.6.1 CERCLA and NEPA Requirements

There are two Federal statutes that impact all of the Coast Guard's real property disposal actions the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 USC 9601-9675, and the National Environmental Policy Act (NEPA), 42 USC 4321-4370e. CERCLA focuses on property contamination from hazardous substances (as that term is defined by CERCLA (42 USC 9601(14)). The objective of NEPA is to ensure that Federal decision makers and the public are aware of the potential environmental impacts of Federal actions and projects prior to making final decisions and taking final agency action. A detailed discussion of NEPA is set forth in the NEPA Implementing Procedures and Policy for Considering Environmental Impacts Manual, COMDTINST M16475.1 (series) (hereafter referred to as the NEPA Manual). The Coast Guard is required to follow the procedures set out in the DHS Manual and the NEPA Manual.

In general, if the subject real property is contaminated by hazardous substances (as defined under CERCLA, 42 USC 9601(14)), the Coast Guard must perform all remedial action necessary to protect human health and the environment before the property can be conveyed to a non-Federal entity. CERCLA allows the conveyance of real property to non-Federal entities prior to the completion of any required environmental remediation under Early Transfer Authority (ETA), if certain approvals are obtained. The use of ETA does not fulfill the Coast Guard's remediation obligation; rather, it merely allows the Coast Guard (or GSA)

to convey title to the property before the completion of remediation. Remediation is not required for transfer to another Federal agency, but may be negotiated between the transferring parties.

Given the Coast Guard's unique inventory, which includes historic lighthouses and small boat stations, as well as other properties located in coastal areas, the following two laws are of particular note:

A. National Historic Preservation Act (NHPA). The NHPA, as amended, establishes as Federal policy for the protection of historic sites and values in cooperation with state, local, and tribal Governments. The NHPA is a procedural law and as such, imposes no ultimate preservation requirement or result provided that the mandated procedures are followed. The NHPA established the National Register of Historic Places (NRHP). The NRHP lists sites, districts, buildings, structures, and objects of significance in American history, architecture, archeology, engineering, and culture. NRHP resources may be of national, state, or local significance. Section 106 of the NHPA requires Federal agencies to consider the effects of their undertakings on properties eligible for or listed in the NRHP. Pursuant to the NHPA, each state, the District of Columbia, and the various territories of the United States have designated an official to act as the state's or territory's representative for historic preservation matters, commonly referred to as the State Historic Preservation Officer (SHPO). In addition, the NHPA allows each recognized Indian tribe and other respective Native American entities to appoint a Tribal Historic Preservation Officer (THPO). Compliance with NHPA typically requires consultations with the requisite SHPO or THPO.

B. Coastal Zone Management Act of 1972, 16 USC 1456 (CZMA). The CZMA requires each Federal agency conducting or supporting activities directly affecting a designated coastal zone to conduct or support those activities in a manner that is consistent with approved State coastal zone management programs. In general, a mere change in ownership or control of real property does not affect any land or water use or natural resource of the coastal zone. Therefore, the Federal consistency provisions of the CZMA are not triggered by property disposals unless the Coast Guard intends to continue a project on the property after the transfer. In such a case, the consistency determination will consider only those Coast Guard activities on the property after disposal as they relate to enforceable policies of the state coastal plan. Though the subsequent activities of the property recipient may affect land or water use or natural resources of the coastal zone, this will occur after the property has passed from Coast Guard control. The activities of the recipient will either be subject to state and local law or, if the recipient is another Federal agency, the consistency provisions of the CZMA. That Federal agency, as opposed to the Coast Guard, will be responsible for determining consistency.

The procedures and requirements of NEPA will help to identify potential obligations under other applicable environmental laws and Executive Orders. In particular, the disposal of real property and any connected or related actions to the disposal (e.g., closure and/or

decommissioning of stations, removal of personal property from the subject real property, reduction in maintenance levels, etc.) may trigger various obligations under the National Historic Preservation Act, the Endangered Species Act, the Coastal Zone Management Act, and the Executive Orders concerning floodplains and wetlands.

4.6.2 Determining Existence of Hazardous Substance Contamination

The servicing environmental staff must determine whether hazardous substances contaminate the subject real property. This determination enables the Coast Guard to comply with section 120(h) of CERCLA (42 USC 9620(h)), which must be satisfied before the United States can convey real property to a non-Federal entity. The servicing environmental staff makes this determination by conducting a contamination survey. In general, if the subject real property is contaminated by hazardous substances (as defined under CERCLA, 42 USC 9601(14)), the Coast Guard must perform all remedial action necessary to protect human health and the environment before the property can be conveyed to a non-Federal entity. There are some instances when property may be conveyed prior to completion of remediation—these are described below in subsection II.C. Remediation is not required for transfer to another Federal agency. While petroleum is specifically excepted from the CERCLA definition of hazardous substance, the hazardous constituents of petroleum products (gasoline additives, petroleum storage tank bottom residue and separated chemical components) do fall within the definition. Therefore, the contamination survey process described below should include petroleum products and their constituents within the list of hazardous substances being surveyed.

Prior to the disposal of the subject real property, the servicing environmental staff shall conduct a contamination survey to determine the presence of CERCLA hazardous substances. Contamination surveys have been referred to in prior guidance as "environmental site assessments." A contamination survey is a systematic procedure to evaluate potential CERCLA hazardous substance contamination. If the survey identifies any contamination, the resulting information will assist in determining what, if any, remedial actions are required by CERCLA 120(h) prior to conveyance to a non-Federal entity. Conversely, if no evidence of contamination is discovered through the survey process, the results may be used to satisfy criteria established in CERCLA 120(h)(4) (42 USC 9620(h)(4)) for identification of uncontaminated property. The survey also establishes a baseline on the property's environmental condition prior to disposal that serves to protect the United States from liability for any hazardous substance contamination that occurs after the conveyance (i.e., after title transfers from the United States to the non-Federal entity). Similarly, the survey may protect the Coast Guard in an inter-Federal agency transfer in the event the transferee Federal agency contaminates the property. The following requirements apply to Coast Guard contamination surveys:

A. A contamination survey and, if appropriate, any confirmation sampling (see paragraphs II.B.3.-5.), shall be conducted on each real property prior to disposal (i.e., prior to the property's conveyance to a non-Federal entity or to the property's transfer to another Federal agency).

B. Contamination surveys shall be conducted in accordance with the informational requirements for the Phase 1 Liability Assessment set forth in chapter 4 of the "Civilian Federal Agency Task Force, Guide on Evaluating Environmental Liability for Property Transfers" Document (CFATF Document). This document can be found on the Internet at http://epa.gov/. Alternative survey protocols are acceptable so long as they satisfy the basic requirements of a Phase 1 Liability Assessment.

C. A Phase 1 Liability Assessment shall include a review of existing records, visual survey of the site, appropriate interviews, and a report in any reasonable format sufficient to meet the information requirements in the CFATF Document. Sampling is not performed for a contamination survey.

Physical sampling (e.g., the taking of soil samples) is an additional level of environmental analysis of the subject real property. As described in paragraph B.4., physical sampling may be mandatory, discretionary, or not required, depending on the results of the contamination survey and the nature of any structures on the property. The purpose of physical sampling is to determine if actual contamination exists in the suspected areas noted in the contamination survey. If the sampling results indicate that there is no existing contamination, the disposal process may proceed. If the sampling results indicate contamination, remediation may be necessary prior to disposal. Physical sampling is required if the contamination survey indicates that disposal or a release of a CERCLA hazardous substance may have occurred. The sampling must be conducted before the disposal action may proceed. If the contamination survey does not disclose any release, then sampling is not normally required. Sampling, however, may be appropriate, even if there is no indication of a release, if certain types of structures, such as lighthouses or towers, are located upon the subject real property. Maintenance procedures for such structures, or the weathering of such structures, may have resulted in releases of lead or solvents. In such cases, professional judgment must be exercised in determining whether it is in the Coast Guard's interest to conduct sampling. Factors to consider include:

A. The desirability of establishing a baseline to protect the United States, and specifically the Coast Guard, against liability for possible future release of CERCLA hazardous substances by the recipient of the subject real property;

B. The possibility of employing land use controls (see paragraph C.5.) at the time of conveyance to avoid soil treatment or removal that might otherwise be required;

C. The potential for complication of any existing contamination, e.g., the possibility that lead present in the soil may ultimately leach into groundwater/drinking water and exacerbate what may have been a fairly simple removal action; and

D. The possibility that the use of the property may change in the future and result in more stringent regulation of lead levels (e.g., the recipient will use the property as the site for a school or daycare center).

Confirmation sampling shall be conducted in accordance with chapter 5 of the CFATF Document, "Phase II – Confirmation Sampling." The essence of confirmation sampling procedures is to take appropriate physical samples of suspected areas of contamination, conduct appropriate laboratory analysis, and generate a report. The specific characteristics of the suspected areas of contamination will dictate the type and scope of sampling.
If a release of hazardous substances is discovered through the contamination survey or confirmation sampling, the notification of appropriate authorities may be required. Substance releases requiring notification include those defined as hazardous substances under EPCRA (Emergency Planning and Community Right-to-Know Act) as well as CERCLA. For additional information on release notification see Commanding Officer's Environmental Guide, COMDTPUB P5090.1 (series).

A. CERCLA Release. If a CERCLA hazardous substance has been released into the environment in a quantity equal to or greater than its reportable quantity (listed at 40 CFR 302.4) within a 24-hour period, the National Response Center must be notified immediately (http://www.nrc.uscg.mil).

B. EPCRA Release. If a EPCRA hazardous substance has been released into the environment in a quantity equal to or greater than its reportable quantity (listed both in Emergency Planning and Community Right-to-Know Act and Pollution Prevention Manual, COMDTINST M16455.10 (series) (EPCRA Manual) and at 40 CFR 355) within a 24-hour period, the National Response Center must be notified immediately (http://www.nrc.uscg.mil). For additional information on release notification see the EPCRA Manual.

C. Consultation with Servicing Legal Staff. T he servicing environmental staff shall consult with the servicing legal staff in those instances in which it is uncertain whether an identified release of a CERCLA or EPCRA hazardous substance occurred within a 24-hour period in a reportable quantity.

4.6.3 Remediation of Hazardous Substance Contamination

A. General. Except as described in paragraphs C.3.5. below, if the contamination survey indicates contamination by CERCLA hazardous substances, the Coast Guard must perform all remedial action necessary to protect human health and the environment before the subject real property can be conveyed to a non-Federal entity. Such remediation generally involves cleaning up or removing the hazardous substances from the subject real property. This remedial action is required, and must be conducted by or arranged for by the Coast Guard, regardless of whether GSA or the Coast Guard disposes of the property.

B. Transfers to Other Federal Agencies. There is no requirement to complete or conduct any remedial action if the subject real property is being transferred to another Federal agency (as the United States of America continues to hold the property's legal title).

C. Demonstration of Approved Remedial Design. Pursuant to CERCLA, the subject real property may be conveyed to a non-Federal entity, although contaminated, if the construction and installation of an approved remedial design has been completed, and the remedy has been demonstrated to the Environmental Protection Agency (EPA) to be operating properly and successfully. Prior to demonstrating the proposed remedial design to the EPA, Commandant (CG-8) approval (via Commandant (CG-47)) is required if the proposed remedial design obligates or has the possibility of obligating future fiscal year funds.

D. Early Transfer Authority (ETA). CERCLA allows the conveyance of real property to non-Federal entities prior to the completion of any required environmental remediation under ETA, if certain approvals are obtained. The use of ETA does not fulfill the Coast Guard's remediation obligation, rather, it merely allows the Coast Guard (or GSA) to convey title to the property before the completion of remediation.

1. ETA Requirements. The Federal agency controlling contaminated real property must satisfy several requirements before conveying the property, including obtaining the concurrence of the governor of the state in which the property is located. If the subject real property is listed on the National Priorities List (NPL), the approval of the EPA Administrator is required in addition to that of the governor. The servicing environmental staff, in consultation with the servicing legal staff, shall determine whether a given property is a viable candidate for ETA.

2. ETA Approvals. Prior to seeking approval from the state governor (and the EPA Administrator in the case of NPL property), Commandant (CG-8) must approve all Coast Guard requests to use ETA. Commandant (CG-8) approval (via Commandant (CG-4)) is required because of the necessary commitment, subject to the availability of funds, to expend Coast Guard funds in future years. ETA requests shall be submitted to Commandant (CG-4) as early as possible during the disposal process. Commandant (CG-4) shall consult with Commandant (CG-094) before seeking Commandant (CG-8G-CCS) approval.

3. ETA/Commandant (CG-4) Action. If approved by Commandant (CG-8), the servicing environmental staff will proceed to seek ETA approval from the state governor and if necessary, the EPA Administrator.

E. Land Use Controls (LUCs).

1. General. One acceptable method of "remediation" for any particular property may include controls, or restrictions, on use of the property, designed generally to reduce risk to human health by reducing potential exposure of humans to contaminants. In some contamination scenarios, CERCLA compliance may actually be more effective if the contamination is left undisturbed and the Coast Guard takes actions to reduce the possibility of individuals coming into contact with the contamination. Examples of LUCs may be limiting future use of the site

to specific purposes (e.g., industrial uses) or prohibiting certain uses (e.g., not allowing the property to be used for residential purposes), or requiring the recipient to take specific measures to reduce or eliminate human contact (e.g., installing fences around the contaminated site).

2. Requirements. Commandant (CG-8) approval (via Commandant (CG-4)) is required if the proposed LUC obligates or has the possibility of obligating future fiscal year funds. The proposed LUC must be accepted as adequate by the environmental regulator(s) concerned. The LUC must "run with the land" in order to be enforceable (i.e., encumber the land regardless of who owns it) and as such, must be included in the quitclaim deed conveying the property as a restrictive covenant. In the case of transfers under the GSA system, GSA must also approve of such restrictions (GSA would then place the restrictions in the quitclaim deed). In specific legislative conveyances, GSA approval may be required depending on GSA's role, if any, in the disposal action (typically, the potential for the use of LUCs will be a matter for negotiation among the Coast Guard and/or GSA, the regulators, and the identified recipient). If the Coast Guard is responsible for disposing of the property, the servicing legal staff must ensure that the LUCs are adequately described within the quitclaim deed.

4.6.4 Asbestos-Containing Materials (ACM)

A. General. Asbestos is a CERCLA hazardous substance and, to the extent it has been released into the exterior environment as determined by the contamination survey and any confirmation sampling, it must be remediated in accordance with the procedures set forth in subsection C. ACM that is incorporated into structures, however, is not subject to CERCLA remediation requirements although the type, location, and condition of the ACM, to the extent that these can be reasonably ascertained, must be reported to GSA or BLM, as appropriate, or directly to the recipient of the property if the Coast Guard is acting as the disposal agency.

B. Friable and Nonfriable ACM. Friable ACM contains more than one percent (1%) asbestos by weight and can, by hand pressure, be crumbled, pulverized or reduced to powder. It is Coast Guard policy that damaged friable asbestos, that is, ACM that has in fact been crumbled, pulverized or reduced to powder, allowing for the release of fibers into the air, shall be abated prior to disposal of the property. Nonfriable and undamaged friable ACM shall remain undisturbed.

4.6.5 Lead Based Paint (LBP)

A. Exterior LBP. Lead is a CERCLA hazardous substance. Generally, LBP on exterior surfaces may suggest the possibility that lead has been released into the environment (usually by entry into the soil). If the contamination survey and any confirmation sampling (see subsection B.) indicate lead contamination in the soil, then CERCLA regulations are triggered and the contamination may require remediation. Any such

remediation should also address abatement of the immediate source of any continuing release, for example, peeling or damaged LBP on exterior surfaces.

B. Toxic Substance Control Act (TSCA), 15 USC 2601, 2688. If lead contaminated soil is near a residential area, then TSCA rather than CERCLA remediation regulations may apply. The servicing environmental staff shall consult the servicing legal staff for advice in determining which regulatory requirements apply.

C. Interior LBP/General. LBP located in the interior of structures is not subject to any CERCLA requirements. Other legal requirements, however, may arise if the Coast Guard conveys housing to non-Federal entities. Additionally, the sovereign immunity of the United States has been waived for LBP hazards at Federal facilities pursuant to the TSCA. Therefore, applicable state and local requirements regarding interior LBP must also be satisfied prior to conveyance. These state and local requirements are not discussed here, and must be researched independently. The nature of the Federal requirements for interior LBP varies for residential and non-residential properties.

D. Interior LBP in Non-Residential Structures. Notice to recipients of the potential existence of interior LPB in non-residential structures is required in all cases. "Potential existence" occurs in any structure on the property that was built before 1978. No testing is required, but if the location of LBP and/or LBP hazards are known, then the recipient of the property must be notified of such location (via GSA if GSA is the disposal agency).

E. Interior LBP in Coast Guard Controlled Housing/General. If housing is present upon the subject real property, and if the property is being conveyed to a non-Federal entity, then the servicing environmental staff must determine if the regulations HUD, at 24 CFR Part 35, Subparts B and C apply. In general, these HUD regulations apply to properties that have housing constructed prior to 1978. The HUD regulations do not apply to zero-bedroom dwellings (e.g., a military barracks) unless occupied by a child under 6 years of age nor do they apply to housing that is going to be demolished. Also, the HUD regulations do not apply to a transfer of housing to another Federal agency. If HUD regulations apply, then the servicing environmental staff shall follow the procedures set forth in paragraphs E.5.-6. below.

F. Interior LBP in Coast Guard Controlled Housing/Timing. The HUD regulations impose lead hazard inspection, risk assessment, abatement, and disclosure requirements on a Federal agency conveying housing to a non-Federal entity. When the Coast Guard notifies GSA that it no longer has a need for the subject housing via the report of excess, it is generally not known if the subject housing will be transferred to another Federal agency or conveyed to a non-Federal entity. Thus, the actions described in paragraph E.6., below, are required at different times, if at all, depending on whether the property is conveyed to a non-Federal entity, and whether the disposal action is conducted under the GSA system or other authority.

1. GSA System. As it is not known whether GSA will transfer the subject housing to another Federal agency or convey it to a non-Federal entity, any and all inspection, risk assessment, and abatement that may be required by the HUD regulations will not be conducted until and unless the housing is screened for Federal interest and declared surplus by GSA.

2. Specific Legislative Conveyances. When the subject housing is to be conveyed pursuant to a specific authority, all inspection, risk assessment, abatement, and disclosure actions required shall be accomplished by the Coast Guard as necessary to allow timely conveyance of the property.

3. Interior LBP in Coast Guard Controlled Housing/Procedures. If the HUD regulations apply, then the following actions are required before the subject real property may be conveyed to a non-Federal entity:

   a. State Law LBP Requirements. I n addition to the responsibilities discussed below, the servicing environmental staff shall ensure compliance with all relevant state laws and local requirements for interior LBP, including disposal of LBP debris resulting from abatement. These state and local requirements are mandatory as the Toxic Substance Control Act (TSCA) waives sovereign immunity (i.e., allows the United States to be sued under state and local laws) for LBP hazards at Federal facilities (see TSCA, 15 USC 2688). If state or local requirements address the same matter(s) as the Federal requirements discussed below, the servicing environmental staff shall comply with whichever requirement is more stringent.

   b. LBP Inspection and Risk Assessment. General. Both a LBP inspection and risk assessment must be conducted before the property may be conveyed (see 24 CFR 35.210(a) or 35.215). An appropriately certified individual must conduct the LBP inspection and risk assessment in accordance with 40 CFR 745.227 (unless such inspection and risk assessment were conducted prior to 1 March 2000). For LBP inspections and risk assessments conducted prior to 1 March 2000, the servicing environmental staff shall refer to the HUD standard of conduct requirements in 24 CFR 35.165(a) and (b).

   c. Provided to Recipient. The results of both the LBP inspection and risk assessment must be provided to the recipient—in a disposal conducted under the GSA system, the servicing real property staff shall forward the results to GSA; in a disposal conducted under a specific authority, the servicing real property staff shall forward the results to the servicing legal staff. If a Coast Guard Environmental Risk Assessment (ERA) report exists for the subject real property, the ERA results can be submitted to the recipient.

   d. One-Year Requirement. If abatement is to be conducted, the risk assessment may not be older than one year at the commencement of the abatement.

e. Abatement. General. Abatement is required for interior LBP hazards identified in housing constructed before 1960 if the subject real property is to be conveyed to a non-Federal entity. It is Coast Guard policy that abatement will normally be completed by the Coast Guard prior to the conveyance (see clause (3) of this subparagraph for exceptions.) An appropriately certified individual must conduct the abatement in accordance with 40 CFR 745.227 (unless conducted prior to 1 March 2000). For abatement conducted prior to 1 March 2000, the servicing environmental staff shall refer to the HUD standard of conduct requirements in 24 CFR 35.165(d) to determine compliance with the abatement requirement. The abatement work must pass a clearance test conducted in accordance with 40 CFR 745.227.

f. Abatement/Resource Conservation and Recovery Act (RCRA). EPA has opined that lead debris resulting from LBP abatement falls under the RCRA household waste exemption even if a contractor performs the abatement work. Abatement lead debris, therefore, is not subject to RCRA Subtitle C requirements. The Coast Guard must comply with state law disposal requirements, if more stringent.

g. Alternatives to Abatement.

i. Approvals. Any alternative to abatement must be approved by Commandant (CG-47).

ii. Demolition. Demolition of structures may be considered as an alternative to abatement. However, demolition debris, unlike abatement debris, is subject to RCRA Subtitle C unless a toxicity characteristic test shows otherwise. For conveyances conducted under the GSA system, GSA's concurrence is required (see 41 CFR 101-47.503-1(c)).

iii. Historic Preservation Interim Controls. If requested by the State Historic Preservation Office (SHPO), interim controls, imposed in accordance with 24 CFR 35.1330 and 35.1355, may be substituted for abatement at properties determined to be eligible for listing in the National Register of Historic Places or contributing to a National Register Historic District (see 24 CFR 35.115(a)(13)).

iv. Abatement By Property Recipient. The HUD regulations allow for property recipients to abate lead hazards in residential structures constructed before 1960 if such activities are concluded prior to further residential occupancy. However, the HUD regulations require the "Federal agency" to assure that the recipient carries out the abatement work (a monitoring obligation). GSA considers it the responsibility of the holding agency, i.e., the Coast Guard, to ensure that such a recipient's commitment is fulfilled. Only in unusual circumstances, e.g., Governors

Island, will it be advantageous for the Coast Guard to assume responsibility for monitoring the recipient's performance.

4. Disclosure. The HUD regulations require that recipients of housing containing LBP and/or LBP hazards receive certain general information, including an EPA lead hazard information pamphlet or state equivalent, as well as specific information concerning the LBP and/or LBP hazards present in the subject housing. If GSA is the disposal agency, GSA shall be responsible for transmitting the requisite information to the recipient; the servicing environmental and real property staffs shall ensure that GSA receives all the necessary information to satisfy this requirement. If the Coast Guard is the disposal agency, then the servicing environmental staff shall ensure compliance with the procedures set forth in this manual.

4.6.6 Other Considerations

Given the Coast Guard's unique inventory, which includes historic lighthouses and small boat stations, as well as other properties located on coastal areas, the following three laws are of particular note, the National Historic Preservation Act (NHPA), the Noise Pollution Control Act, and the Coastal Zone Management Act of 1972, 16 USC 1456 (CZMA) Manual.

4.6.7 Reporting of Environmental Issues

Documentation submitted along with the Report of Excess Real Property, (SF-118), shall include the results of the proper NEPA analysis. The servicing environmental staff shall prepare the requisite NEPA documentation in accordance with the NEPA Manual. The NEPA analysis shall focus on the Coast Guard action of reporting the subject real property as excess property to GSA and any connected action(s), such as redeployment of assets from the property to other sites, as well as any contemplated alternatives to reporting the property excess. Where the disposal action is part of a larger action, such as building replacement or unit relocation, the NEPA analysis of the larger action shall include analysis of the real property disposal action. The NEPA analysis shall not focus on the ultimate disposal action, which would either be the conveyance of the property to a non-Federal entity or the transfer of administrative control over the property to another Federal agency—GSA is responsible for conducting that NEPA analysis.

Public Law 111-83 DHS and 14 USC Sec. 685, Conveyance of real property gives the Coast Guard direct real property disposal authority. When disposing of Coast Guard controlled real property under these two authorities, the Coast Guard, not GSA, is responsible for NEPA compliance and compliance with all other applicable environmental laws for such disposals. Additionally, Coast Guard NEPA analysis for such disposals must cover the reasonably foreseeable reuse of the real property.

The servicing environmental staff shall document, determine or otherwise satisfy the environmental and historic preservation requirements. Upon satisfaction of these requirements, the servicing environmental staff will forward its findings, a copy of the

contamination survey report, and if applicable, the results of any confirmation sampling, and any other necessary documentation to the servicing real property staff for inclusion within the Report of Excess.

The Coast Guard must plan to remediate any required environmental contamination before GSA conveys the subject real property to a non-Federal entity, unless ETA under CERCLA section 120(h) is secured, and will record a liability for any anticipated environmental cleanup costs within OFA, SAM and other applicable subsidiary systems for financial statement purposes. It is the responsibility of FINCEN to work with Commandant (CG-43) to ensure real property records, in accordance with the FRPC guidelines, in OFA and SAM are updated. Remediation is not required to be completed before the Report of Excess is submitted to GSA.

CHAPTER 5: ACCOUNTING FOR REAL PROPERTY

5.1 Overview

This chapter addresses how all real property shall be recorded at cost, which includes all costs incurred to bring the property to a form and location suitable for its intended use such as amounts paid to vendors, transportation charges, handling and storage, and labor or direct and indirect production costs. An asset shall be accounted for in OFA when title passes to the Coast Guard, through purchase.

The Coast Guard's real property accounting and control policies must be compliant with Federal Accounting Standards Advisory Board (FASAB) Statement of Federal Financial Accounting Standards (SFFAS). In addition, the policies much adhere to the CFR, Government Accounting Office (GAO), OMB, and DHS requirements.

Real property includes all land, building, and structures, and improvements to these assets. Additional information pertaining to each of the categories can be found in the Coast Guard's Facilities Classification Guide.

5.2 Objectives

The objectives of accounting for real property is to properly classify, inventory, and record all assets and their appropriate values accurately in the financial system of record. Additional objectives of accounting for real property are:

A. To monitor and account for all changes in asset values, quantities and asset locations.

B. To accumulate depreciation (amortization, depletion) expense for each asset or group of assets after accurately calculating the utilization method.

C. To correctly calculate gain or loss at time of disposal or retirement, sale, exchange, donation.

5.3 Responsibilities

The following subsections describe Coast Guard responsibilities.

5.3.1 Commandant (CG-43)

Commandant (CG-43), in coordination with Commandant (CG-8), will provide guidance and quality assurance for real property accountability. Commandant (CG-43) will designate Real Property Accountability Officers in writing for real property accountability.

5.3.2 Shore Infrastructure Logistics Center (SILC)

SILC will provide oversight and quality control of real property accountability. The senior realty specialist works with units, CEU/PLM, and Commandant (CG-43) to provide FINCEN with appropriate supporting documentation for assets.

5.3.3 Senior Real Property Officer (SRPO)

The SRPO is responsible for developing and implementing agency asset management plans. The SRPO is responsible for ensuring that the asset management plan: (1) identifies and categorizes real property owned, leased, or managed by the agency; (2) identifies and pursues goals with appropriate deadlines for real property and measure agency progress; (3) prioritizes actions to be taken to improve the operational and financial management of the agency's real property inventory and make life cycle estimations associated with the prioritized actions; (4) identifies and pursues goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measures progress against such goals; and is responsible for monitoring the agency's real property assets so that its assets are managed in a manner that is consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan.

5.3.4 Real Property Accountable Officer (RPAO)

RPAO(s) assigned by the SILC whose duties include inventory management and assets accounting are also responsible for the maintenance of the accountable records, SAM, and other appropriate subsidiary systems for all Coast Guard real property.

5.3.5 Real Property Accountability Specialist (RPAS)

The RPAS' responsibilities include inventory management, assets accounting, assigning space, and space utilization within their assigned area of responsibility The RPAO may delegate authority to manage the real property inventory in their assigned area. The RPAS is responsible for entering each real property asset into SAM.

5.3.6 Asset Line Manager

The Asset Line Manager works with the RPAS to provide support for managing real property assets and obtaining supporting documentation.

5.3.7 FINCEN

FINCEN is responsible for recording additions, deletions, and edits to asset line items within OFA. Commandant (CG- 842) and FINCEN (FR) shall ensure that all real property asset transactions and records are established and maintained in accordance with this Manual. FINCEN must record the capital lease using the determined asset and liability values.

5.4 Accounting for Real Property During the Asset Life Cycle

When a real property asset is acquired, it shall be recorded and tracked in Coast Guard property systems (OFA and appropriate subsidiary systems) from the time it is acquired to when it is disposed of. Asset records shall be updated throughout the fiscal year if there are any changes, such as location. Asset improvement or impairment might affect the useful life of the asset, therefore adjusting the net book value. When an asset is disposed or retired, the property record status is changed in the appropriate property systems, and any associated gain or loss resulted from asset disposal shall be recognized. The accounting for real property process is outlined in the flowchart below, Figure 5-1. Further description of each category can be found in the respective chapters.

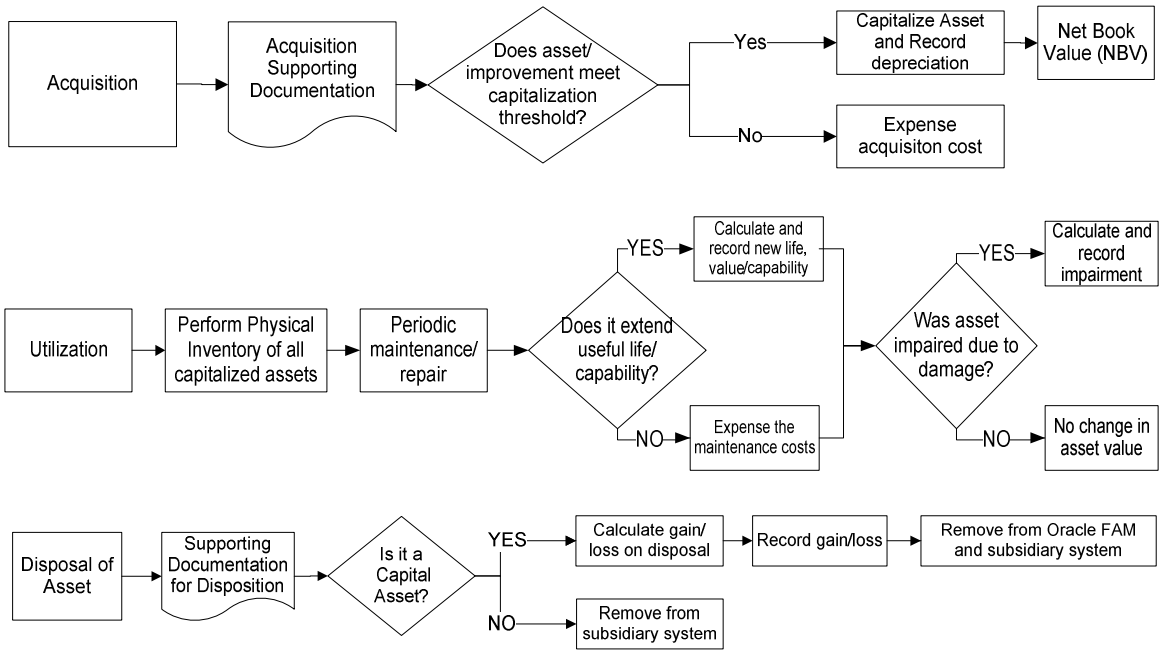

Figure 5-1: Accounting for Real Property

The asset life cycle process depicted above applies to all real property under the control of Coast Guard units. OFA is the Coast Guard's primary real property management system of record in which all capitalized real property must be entered. The values of the real property are reflected in the Coast Guard general ledger and financial reports. The real property management systems currently in use are outlined in the following Table 5-1.

Major Property Category	Financial System of Record	Subsidiary/Operational System(s) of Record
Lighthouses	OFA- Oracle Fixed Asset Module	ATONIS - Aids to Navigation Information Systems SAM - Shore Asset Management System
Buildings, Land, or Structure	OFA- Oracle Fixed Asset Module	SAM - Shore Asset Management System
Housing Buildings	OFA- Oracle Fixed Asset Module	HMIS - Housing Management Information System SAM - Shore Asset Management System

Table 5-1: Real Property Systems

With the exception of the Coast Guard Yard Fund Property, the Core Accounting System that includes the OFA & Projects module is the only authorized integrated property accountability system for Coast Guard capitalized real property management and asset tracking. All capitalized property shall be recorded in OFA. SAM, Aids to Navigation Information Systems (ATONIS), and Housing Management Information System (HMIS) are operational and subsidiary databases of record. All real property assets must be recorded in SAM. These systems do not have a direct feed to OFA, but do house all of Coast Guard's property information.

The RPAS' at the CEU/PLM are the owners of the data and are responsible for ensuring that data is accurate. The Inventory Count Team shall perform periodic reviews between OFA and the subsidiary systems to ensure that unit records in OFA and subsidiary systems contain the same asset listing. Any discrepancies shall be reconciled directly. For specific system reconciliations and approvals, refer to the physical inventory procedures in chapter 3.

For system identifying characteristics for real property see Table 5-2 below.

Asset Type	System Identifying Character	General Ledger Account
Building	RPFN/RPUID	1730
Land	RPFN/RPUID	1711
Structures	RPFN/RPUID	1740

Table 5-2: System Identifying Character/GL Account

5.4.1 Accounting for Acquisition

Any real property, including improvements and additions, owned by the Coast Guard with historical cost of $200,000 or more shall be entered into OFA. Regardless of the dollar amount, land will be recorded as a capitalized real property asset. When units obtain

supporting documentation, they shall submit it to their RPAS and they will work with their OFA to obtain all documentation and submit it to FINCEN. FINCEN shall input asset data into OFA, identifying each item of real property that satisfies reporting requirements. Additionally, the RPAS shall enter the asset into SAM and other subsidiary systems.

All real property acquisitions, regardless of method of acquisition, will be provided to the RPAS to update the RPIS, to ensure the Coast Guard maintains an accurate inventory of all real property assets.

5.4.1.1 Capitalization

The Coast Guard shall capitalize the acquisition, construction, or improvement of Building, Structure, Shore, and Waterways projects with a total unit cost (per asset cost) of $200,000 or greater. All Coast Guard capitalization thresholds are applied to individual assets. For example, if two buildings are being constructed at the same location via the same vendor, and one building costs $100,000 and the second building costs $250,000, only the $250,000 building will be capitalized – the other building will be expensed. Any activity resulting in a total unit cost below that threshold will be expensed.

Capitalization Thresholds – Real Property	
Property Type	**Threshold**
Land	Capitalize All
Buildings	$200,000
Improvements	$200,000
Structures	$200,000

Table 5-3: Capitalization Thresholds

5.4.1.2 Recording Real Property Obtained through Acquisitions

Buildings and structures obtained through acquisition shall be valued at the net book value. The original acquisition date shall be deemed the date the United States first acquired or if constructed, the date the asset is substantially complete. If the acquisition cost is not available, assets shall be valued at their fair market value at date of acquisition. Land shall be valued at historical cost as documented on deeds or other pertinent documents.

5.4.1.3 Recording Real Property Obtained through Transfers

Buildings and structures transferred from other Government agencies shall be valued at the transferring agency's net book value. If the net book value is not provided, calculate the net book value by depreciating the original acquisition cost to the date of transfer. The original acquisition shall be deemed the date the United States first acquired or if constructed, the date

the asset is substantially complete. If the acquisition cost is not available, assets shall be valued at their fair market value at date of transfer to the Coast Guard. Land shall be valued at historical cost as documented on deeds or other pertinent documents. If historical cost is not available, the land shall be valued by a professional appraisal conducted at the time of acquisition. Land transferred from another Federal agency shall be valued at the original cost to the United States.

5.4.1.4 Recording Real Property Obtained through Leases

All Coast Guard leases are classified as an operating or capital lease.

A. Capital Lease

Real property acquired through a capital lease shall be recorded as a capital asset on the Coast Guard balance sheet and shall be depreciated. Commandant (CG-844) and FINCEN (FR) shall ensure that the following accounting requirements are met for capital leases:

1. Capital leases shall be accounted for as property purchased and shall be recorded at the lower of the property's FMV or the computed net present value (NPV) of the minimum lease payments. The minimum lease payment must exclude executor costs (taxes, insurance, and maintenance). The difference between the total lease obligations/payments and the amount recorded as the capital asset is the interest in the contract. A portion of each lease payment shall be allocated to interest expense, and the balance of the payment shall be applied to reduce the lease liability.

2. All capital leases and appropriate leasehold improvements shall be recorded in a GL Account within OFA.

3. Value and amortize the capital lease liability in accordance with FASAB including the discount rate to be used and the allocation of the payment between the obligation and interest expense as provided in SFFAS No. 5 and No. 6.

B. Operating Lease

Commandant (CG-844) and FINCEN (FR) shall ensure that the following accounting requirements are met for operating leases:

1. Rental or lease costs of property acquired under an operating lease are recorded as an operating expense in the accounting period in which the costs are incurred.

2. Real property acquired with an operating lease shall be recorded in OFA under the proper major/minor category with a two-dollar value.

C. Recording Asset

To ensure proper accountability and financial reporting of acquired real property, the RPAO and receiving personnel must establish local procedures to ensure that all documentation is received, receipt date is documented, and the item is marked, tagged, and entered into OFA and the real property subsidiary systems within thirty calendar days. Refer to the OFA User Guide for the specific inputs required for each asset type. The proper supporting documentation is provided to the FINCEN for each new-leased asset and FINCEN is responsible for properly updating OFA with the new records for the new lease.

5.4.1.5 Method of Depreciation

The Coast Guard shall use the Straight-Line Depreciation Method for all capitalized real property and begin to calculate depreciation using the estimated useful life of the asset starting on the date of receipt/date in service. The useful life is broken out by real property asset category below:

A. Buildings: 40 years

B. Land: Indefinite

C. Structures: 20 years

Land is not depreciated. Buildings and Structures are depreciated over the useful life of the asset, using the straight-line method with no salvage value. Changes in service lives resulting from improvements shall be determined by Commandant (CG-43) and reported to Commandant (CG-84) and FINCEN (FR) with appropriate capitalization documentation when the improvement is completed. Improvements that extend the useful life of an asset are capitalized and depreciated if they meet the capitalization threshold. Additional details for parent-child relationships can be found in Reference (a).

Depreciation will not be calculated while an asset is being constructed or costs accumulate for asset improvements. Those costs accumulate in CIP OFA project accounts until the asset is accepted and is in use or available for use.

Depreciation expenses are calculated based on the cost of the asset and the number of years the asset has been in use, or available for use relative to its estimated service life/useful life. Depreciation expenses will be accumulated in contra-asset accounts.

5.4.1.6 Source Documentation

Units shall retain acquisition or source documentation (i.e. deed to support the rights to the land) for the life of the asset. The corresponding document number shall be entered into the appropriate field within the formal tracking system. For all real property assets, a copy of the

source documentation shall be filed with FINCEN and retained for the life of the asset, plus three (3) years beyond disposition. Units should refer to the Information Lifecycle Management Manual, COMDTINST M5212.12 (series) for more details.

5.4.1.7 Missing Documentation/Alternative Methods

If the original source documentation (i.e., project order, purchase order, vendor invoice, and receiving report) is not available, then the Asset Line Manager must work with the RPAS' to obtain the missing documentation certifying the price paid. If this is not possible, then a credentialed appraiser could be consulted for capitalized assets, however the appraisal fees will be a unit expense. Other reasonable estimates may be used to establish the historical cost of the property and shall be based on:

A. Cost of similar assets at the time of acquisition, or

B. Current cost of similar assets discounted for inflation since the time of acquisition (i.e., deflating current costs to costs at the time of acquisition by general price index), or

C. Other reasonable methods, including those estimation methods specified in SFFAS 35: Estimating the Historical Cost of General Property, Plant and Equipment.

The OFA and RPAS shall work in conjunction to send the appropriate supporting documents to FINCEN.

Refer to Financial Resource Management Manual - Procedures (FRMM-P), COMDTINST M7100.4 (series), Procedure #10.3.7.20.

5.4.2 Accounting for Maintenance, Improvements, and Impairments

All real property files/records will follow a standard management plan in accordance with the FRPC guidelines and GSA Real Property Inventory Guidance published annually. Records to account for maintenance and improvements will be established and maintained in accordance with Reference (b). The standardization of the real property records will facilitate accountability and responsiveness to data calls and improve the management of our realty records.

5.4.2.1 Deferred Maintenance

Deferred maintenance is maintenance and repairs that was not performed when it shall have been or was scheduled to be performed but was delayed until a future financial reporting period. This includes preventive maintenance, replacement of parts, systems, or components, and other activities needed to preserve or maintain the asset. Per Statement of Federal Financial Accounting Standards (SFFAS) No.14, deferred maintenance excludes activities aimed at expanding the capacity of an asset or otherwise upgrading it to serve needs different from, or significantly greater than, those originally intended.

Deferred maintenance will be reported, as required, up to and within the fiscal year of disposal and is recorded as a liability in OFA. Amounts reported for deferred maintenance may be measured using condition assessment surveys or life-cycle cost forecasts. Once the asset is fully retired from the unit's records, no further deferred maintenance shall be recorded.

Capitalized assets that have sustained signs of damage rendering them inoperable for their intended mission (i.e. landing gear failure) and the Coast Guard usually has no intention to repair, shall be reported to Commandant (CG-844) within sixty (60) days and/or prior to fiscal year end.

5.4.2.2 Improvement

Improvements that result from a necessary repair or projects that either enlarge an asset's capacity or improve its capability shall be capitalized and depreciated over the remaining useful life of the base asset. If the improvement project extended the life of the base asset, then the cost of the improvement shall be recorded in OFA. Refer to Reference (a) for specific guidance.

5.4.2.3 Impairment

Real property assets may become impaired due to damage, faulty construction, deterioration, or engineering flaws. Impairments can be identified through physical inventory checks and periodic maintenance. If an impaired asset remains in use, the loss due to impairment is measured as the difference between the book value and either:

A. The cost to acquire an asset that would perform similar remaining functions; or,

B. The portion of the book value attributable to the remaining functional elements of the asset.

The RPAS' shall be responsible for determining the amount of the impairment. The RPAS analyzes the asset and makes the final determination for impairment. They determine the value and send supporting documentation to FINCEN and the Commandant (CG-844). Commandant (CG-844) and FINCEN shall ensure that the impairment adjustment is properly recorded in OFA. The loss must be recognized upon impairment, and the book value of the asset reduced accordingly. If neither (A) or (B) can be determined, the book value continues to be depreciated over the remaining useful life of the asset. If the impaired asset is to be removed from use, the gain/loss due to impairment is measured as the difference in the book value and the expected net realizable value (NRV) and shall be recognized as a gain or a loss in the period of adjustment. The expected net realizable value shall be adjusted at the end of each accounting period and any further adjustments in value shall be recognized as a gain or a loss. However, no additional depreciation/amortization shall be taken once such assets are removed from general PP&E in anticipation of disposal, retirement, or removal from service. The net book value, if any, must transfer to an Equipment-Pending Retirement Account, until the asset is disposed.

Capitalized assets that have sustained signs of damage rendering them inoperable for their intended mission (i.e. landing gear failure) and the Coast Guard usually has no intention to repair, shall be reported to Commandant (CG-844) within sixty (60) days and/or prior to fiscal year end.

5.4.3 Accounting for the Disposal of Real Property

Assets may be disposed, transferred, impaired, or abandoned for various reasons such as obsolescence, damage/loss, or surplus real property. The retirement of an asset relinquishes ownership of an asset by sale, transfer, involuntary conversion, abandonment, or donation. Retirement of an asset withdraws an asset from normal usage or service. In any of these events, the disposition of an asset must be recorded and tracked in the Coast Guard property system (OFA and appropriate subsidiary system). For properties that require environmental cleanup costs, the Coast Guard shall establish an environmental liability for the estimated cleanup costs.

FINCEN must ensure that all real property is removed from the asset accounts along with the associated accumulated depreciation/amortization in a timely manner to ensure the integrity of the financial statements. Any difference between the book value of the property and amounts realized must be recognized as a gain or a loss in the period of disposal. The gain or loss must be recorded in an appropriate asset accounts and shall be reviewed for accuracy at the time of disposal. Commandant (CG-844) and FINCEN will ensure that the gain or loss is properly recorded in OFA.

5.4.4 Financial Reporting Requirements

FINCEN (FR) and Commandant (CG-844) are responsible for preparing the footnote disclosures and required supplementary stewardship information for the Coast Guard's financial statements and will work with Commandant (CG-09), Commandant (CG-43), and Commandant (CG-47) for obtaining the necessary information. The footnote disclosures pertaining to real property are listed below:

A. The minimum general PP&E disclosure requirements are; the cost, associated accumulated depreciation, and book value by major class; the estimated useful lives for each major class; the method(s) of depreciation for each major class; capitalization threshold(s) including any changes in threshold(s) during the period; and restrictions on the use or convertibility of general PP&E.

B. The heritage assets' fair value, if known and material, shall be disclosed in the footnotes of net cost in the year received. If fair value is not known or reasonably estimable, information related to the type and quantity of assets received shall be disclosed.

C. The capital lease footnote shall state the acquisition value, accumulated amortization, and include a brief description of asset leases along with ownership transfer information at the expiration of the lease, as well as the estimated future costs for

capital and operating leases that are received each fiscal quarter, inflated as per OMB guidance are disclosed.

D. The deferred maintenance disclosure relates to the condition and the estimated cost to remedy deferred maintenance of PP&E.

E. The liability for cleanup costs related to the operation of general PP&E would be recognized in a systematic and rational manner over the periods that the associated general PP&E is in use.

F. Although deferred maintenance is not sufficiently measurable to support recognition or disclosure as basic information, it is nonetheless a cost and has thereby been required to be required to be reported as required supplementary information (RSI).

CHAPTER 6: MANAGEMENT REPORTS

6.1 Overview

This chapter outlines the internal and external reporting requirements and their relative due dates pertaining to the reports required for real property.

6.2 Objective

The objective of these reporting requirements is to establish a uniform reporting system, which provides:

A. Management data required to fill statutory and other Government inquiries reporting requirements mandated by the DHS.

B. Complete, timely, and most up to date statistical data necessary for management evaluation of the Coast Guard's Utilization and Property Disposal program.

C. Data that is in compliance with the CFR, Federal Accounting Standards Advisory Board (FASAB) Statements of Federal Financial Accounting Standards (SFFAS), and OMB guidance.

6.3 Required Reports

The following subsections describe required reports for the Coast Guard.

6.3.1 Coast Guard External Real Property Reports

The following subsections describe external real property reports for the Coast Guard.

6.3.1.1 Commandant (CG-43) Annual Reports on Real Property

A. Annual Real Property Inventories: Commandant (CG-43) is required to conduct complete annual physical inventories of real property and report the data using the online Federal Real Property Profile (FRPP) system. All real property assets require a review every two years. The types of real property required to be reported includes all land, buildings, and other structures and facilities owned by the Coast Guard, leased by the Coast Guard, or real property otherwise managed by the Coast Guard. The property required to be reported includes, but is not limited to:

1. Real property acquired by purchase, construction, donation, eminent domain proceedings, or any other method;

2. Real property in which the Government has a long-term interest considered by the reporting agency as being equivalent to ownership. This would include land

acquired by treaty or long-term lease (e.g., 99-year lease), and that your agency considers equivalent to Federally-owned land;

3. Buildings or other structures and facilities owned by or leased to the Government, whether or not located on Government-owned land;

4. Excess and surplus real property;

5. Leased real property (including leased land, leased buildings, leased other structures and facilities, or any combination thereof);\

6. Real property leased rent free or for a nominal rental rate, if the real property is considered significant by the reporting agency; and

7. Real property where title is held by a State or foreign Government, but rights for use has been granted to a Federal entity in an arrangement other than a leasehold

The inventory data must be reported by submitting an XML file in a predetermined format or by entering the data manually into the FRPP system. This inventory data must be submitted no later than December 15th. DHS mandates additional reporting dates prior to the GSA deadlines to review proposed submission and those dates must be adhered to. Assets shall be broken down by category and information for each asset as outlined in the GSA Guidance published annually identifying the data fields required for population will include:

1. Asset category;

2. Cost;

3. Service date;

4. Property ID; and

5. Description of the asset.

Reporting for leased assets acquired through GSA delegation shall include, but is not limited to the following data elements:

1. Agency/Bureau name;

2. Size;

3. Location;

4. Type of space; and

5. Whether the leased asset was acquired through a General Purpose, Categorical, or Special Purpose space delegation..

For detailed information regarding exclusions to the annual real property inventories reporting requirements, please refer to 41 CFR 102-84.55.

B. Report of Excess Real Property: Commandant (CG-43) is responsible for conducting utilization surveys on an annual basis to identify property that is not utilized, underutilized, or not being put to optimum use. The property utilization information required to be reported to the GSA Regional Office includes:

1. Property identification;

2. Space data;

3. Land;

4. Cost to the Government; and

5. Leasehold data;

Additional required data fields can be found on the Report of Excess Real Property, SF-118, and accompanying Schedules A, B, and C. When other needs for the property are identified or recognized, the agency must determine whether continuation of the current use or another use would better serve the public interest. In cases where land is reported excess, Commandant (CG-43) must include a title report, prepared or approved by an appropriate official of the landholding agency, documenting the Government's title to the property. In addition to the title report forms identified above, Commandant (CG-43) must submit the following:

1. A legible, reproducible copy of all instruments in possession of the agency that affect the United States' right, title, or interest in the property reported;

2. Any appraisal reports indicating or providing the fair market value or the fair annual rental of the property; and

3. A certification by a responsible person that the property does or does not contain polychlorinated biphenyl (PCB) transformers or other equipment regulated by EPA under 40 CFR 761.

6.3.1.2 Commandant (CG-43) Quarterly Reports on Real Property

A. Energy Consumption: Commandant (CG-43) is required to report energy consumption in buildings, facilities, vehicles, and equipment to the Department of Energy within 45 calendar days after the end of each quarter. Please refer to 41 CFR 102-74 for additional information.

B. Real Property Data Elements: On a quarterly basis, Commandant (CG-43) shall obtain a report from SAM that lists all real property data elements and contains all FRPC mandatory data fields. After reviewing the report for completeness, Commandant (CG-43) shall submit the consolidated report containing all Coast Guard real property assets and data elements to DHS Real Property Office. Upon receiving the consolidated report, DHS inputs the data into the DHS Real Property Inventory System (RPIS) and transmits to GSA.

6.3.1.3 Commandant (CG-12) Annual Reports on Real Property

A. Coast Guard Housing Authority Report: Commandant (CG-12) is required to include as part of the annual materials the Secretary submits to Congress in support of the budget:

1. A report on each contract or agreement for a project for the acquisition or construction of military family or military unaccompanied housing units that the Secretary proposes to solicit describing the project and the method of participation of the United States in the project and providing justification of such method of participation;

2. A report describing each conveyance or lease proposed under title 14 USC 685;

3. A methodology for evaluating the extent and effectiveness of the use of the authorities under this chapter during such preceding fiscal year; and

4. A description of the objectives of DHS for providing military family housing and military unaccompanied housing for members of the Coast Guard.

6.3.1.4 Commandant (CG-83) Annual Reports on Real Property

A. Budget Execution Reports: Commandant (CG-83) is required to submit Budget Execution Reports and apportionment requests annually. Commandant (CG-83) works with Commandant (CG-43) to obtain information for the Budget Execution Reports. These reports shall include the following information related to leases:

1. Up-front budget authority (asset cost);

2. Outlays;

3. Annual budget authority;

4. Outlays over the lease payment period; and

5. Agency debt.

6.3.1.5 Commandant (CG -43) Contributions to FINCEN Annual Report

FINCEN is responsible for submitting the following real property reports:

A. General Property, Plant, & Equipment (PP&E) Footnote Disclosure: FINCEN must prepare the general PP&E footnote for the Coast Guard's financial statements in accordance with OMB Circular A-136, which includes the following fields:

   1. Cost, associated accumulated depreciation, and book value;

   2. Use and general basis of any estimates used;

   3. Estimated useful life;

   4. Method of depreciation;

   5. Capitalization threshold(s), including any changes in threshold(s) during the period; and

   6. Restrictions on use or convertibility of general PP&E.

   If adjustments are required to existing PP&E in the period that the standards are implemented, the adjustments will be made and disclosed by major class in accordance with the standard. Additional guidance on the recognition and measurement criteria for general PP&E can be found in FASAB SFFAS No. 6, as amended by SFFAS Nos. 10, 23, and 35.

   Commandant (CG-43) works with FINCEN to prepare the general PP&E footnote disclosure.

B. Leases Footnote Disclosure: FINCEN must prepare the leases footnote for the Coast Guard's financial statements in accordance with OMB Circular A-136, which includes the following fields:

   1. Summary of assets under capital lease. This includes the gross assets under capital lease, by major asset category, and related total accumulated depreciation;

   2. Description of lease arrangements. This includes the major asset categories and associated lease terms, including renewal options, escalation clauses, contingent rentals, restrictions imposed by lease agreements, and the amortization period;

   3. Future payments due for all non-cancellable leases with terms longer than one year; and

4. For capital leases, deductions for imputed interest and executor costs must be reported. Additionally, disclose separately, the portions of capital lease liability covered by budgetary resources and not covered by budgetary resources.

OMB Circular A-11, Appendix B contains additional guidance for the budgetary treatment of purchases and leases of capital assets.

FINCEN works with Commandant (CG-1) and Commandant (CG-43) to prepare the leases footnote disclosure.

C. Heritage Assets for Financial Statement Footnote: FINCEN must prepare the heritage assets footnote for the Coast Guard's financial statement in accordance with OMB Circular A-136, which includes the following fields:

1. A statement explaining how heritage assets relate to the mission of the entity;

2. A description of the entity's stewardship policies;

3. A description of major categories;

4. Physical unit information for the end of the reporting period;

5. Physical units added and withdrawn during the fiscal year;

6. A description of the methods of acquisition and withdrawal; and

7. A condition report noting the condition of each heritage asset (ratings are not valid for more than 5 years).

FINCEN must complete the footnote on an annual basis to be included in the Coast Guard's financial statements.

FINCEN works with Commandant (CG-09) and Commandant (CG-43) to prepare the heritage assets footnote disclosure.

D. Environmental Liabilities Footnote Disclosure: FINCEN must prepare the general PP&E footnote for the Coast Guard's financial statements in accordance with OMB Circular A-136, which includes the following fields:

1. Sources of cleanup requirements;

2. Method for assigning estimated total cleanup costs to current operating costs;

3. Unrecognized portion of estimated cleanup costs to current operation periods;

4. Material changes in total estimated cleanup costs due to changes in laws, technology, or plans, and the portion of the change in estimate that relates to prior period operations; and

5. Nature of estimates and the disclosure of information regarding possible changes due to inflation, deflation, technology, or applicable laws and regulations.

Additionally, Technical Bulletin 2006-1, *"Recognition and Measurement of Asbestos-Related Cleanup Costs"* requires the Coast Guard to disclose liabilities related to friable and nonfriable asbestos cleanup costs deemed probably but not reasonably estimable for all tangible PP&E that contains asbestos.

FINCEN works with Commandant (CG-47) to prepare the environmental liability footnote disclosure for shore facilities.

E. Deferred Maintenance Required Supplementary Information (RSI): FINCEN must prepare the deferred maintenance RSI for the Coast Guard's financial statements in accordance with the Exposure Draft, *"Definitional Changes Related to Deferred Maintenance and Repairs: Amending SFFAS 6, Accounting for Property, Plant and Equipment,"* which includes the following fields:

1. Identification of each major class of asset for which maintenance and repairs have been deferred;

2. Method of measuring deferred maintenance and repairs for each major class of PP&E;

3. If the condition assessment survey method of measuring deferred maintenance and repairs is used, the following shall be presented for each major class of PP&E:

   a. Description of requirements or standards for acceptable operating condition;

   b. Any changes in the condition requirements or standards, and asset condition and a range of or a point estimate of the dollar amount of maintenance and repairs needed to return assets to their acceptable operating condition.

4. If the total life-cycle cost method is used the following shall be presented for each major class of PP&E:

   a. The original date of the maintenance and repairs forecast and an explanation for any changes to the forecast;

   b. Prior year balance of the cumulative deferred maintenance and repairs amount;

c. The dollar amount of maintenance and repairs that was defined by the professionals who designed, built, or manage the PP&E as required maintenance and repairs for the reporting period;

d. The dollar amount of maintenance and repairs actually performed during the period;

e. The difference between the forecast and actual maintenance and repairs;

f. Any adjustments to the scheduled amount deemed necessary by the managers of the PP&E; and

g. The ending cumulative balance for the reporting period for each major class of asset experiencing deferred maintenance and repairs.

FINCEN works with Commandant (CG-43) to prepare the deferred maintenance RSI.

6.4 External Annual Reporting Schedule on Real Property

This table represents a summary of all the external annual reports on real property listed above:

Commandant	Reference	Name of Requirement	Submit to Agency	Report Due Date
CG-43	41 CFR 102-84.55, GSA FMR Bulletin 2008-B1	Annual Real Property Inventories	DHS	Nov. 15
	41 CFR 102-75.60, 100, 115, 140	Report of Excess Real Property	DHS	* Annually
	41 CFR 102-74.200	Energy Consumption	DOE	45 calendar days after the end of each quarter
	EO 13327	Real Property Data Elements	DHS	Quarterly
CG-83	OMB Circular A-11	Budget Execution Reports	OMB	*Annually
CG-12	14 USC 688	Housing Authority Report	Congress	*Annually
FINCEN	OMB Circular A-136, Note 10	General PP&E Footnote Disclosure	DHS	*Annually

Commandant	Reference	Name of Requirement	Submit to Agency	Report Due Date
	OMB Circular A-136, Note 18	Lease Footnote Disclosure	DHS	*Annually
	OMB Circular A-136, Note 11	Heritage Assets Footnote Disclosure	DHS	*Annually
	OMB Circular A-136, Note 16	Environmental Liabilities Footnote Disclosure	DHS	*Annually
	Exposure Draft, *"Definitional Changes Related to Deferred Maintenance and Repairs: Amending SFFAS 6"*	Deferred Maintenance Required Supplementary Information	DHS	*Annually

Table 6-1: External Annual Reports on Real Property

*Refer to the description of the report included in sections above for guidance on due dates as reports may be required to be submitted on other than annual basis (e.g. semi-annual, as needed, etc).

Appendix A. Acronyms

AC&I	Acquisition, Construction, and Improvement
ACM	Asbestos-Containing Materials
ACSM	American Congress on Surveying & Mapping
ALM	Asset Line Manager
ALTA	American Land Title Association
AROT	Attorney's Report of Title
ASTM	American Society for Testing & Materials
ATON	Aids to Navigation
BLM	Bureau of Land Management
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CEU	Civil Engineering Unit
CFR	Code of Federal Regulations
CG	Coast Guard
CIP	Construction in Progress
CO	Commanding Officer
CT	Count Team
CZMA	Coastal Zone Management Act
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
DTIC	Defense Technical Information Center
EPCRA	Emergency Planning and Community Right-To-Know Act
EPO	Engineering Property Officer

ETA	Early Transfer Authority
FAR	Federal Acquisition Regulations
FASAB	Federal Accounting Standards Advisory Board
FD&CC	Facility Design and Construction Center
FE	Facility Engineer
FINCEN	Finance Center
FMR	Federal Management Regulations
FMRV	Fair Market Rental Value
FMV	Fair Market Value
FOOT	Final Opinion of Title
FOUO	For Official Use Only
FRPC	Federal Real Property Council
FRMM	Financial Resource Management Manual
FRMM-P	Financial Resource Management Manual - Procedures
FRPP	Federal Real Property Profile
GAO	Government Accounting Office
GSA	General Services Administration
GSAM	General Services Administration Acquisition Manual
HCA	Head of the Contracting Activity
HMIS	Housing Management Information System
HUD	Housing and Urban Development
ISSA	Inter-Agency Support Services Agreement
LBP	Lead Based Paint
NEPA	National Environmental Policy Act
NHLPA	National Historic Lighthouse Preservation Act

NOL	Notice of Availability to Lease
NPV	Net Present Value
OA	Occupancy Agreement
OE	Operating Expense
OFA	Oracle Fixed Asset Module
OMB	Office of Management and Budget
PCB	Polychlorinated Biphenyl
POOT	Preliminary Opinion of Title
PP&E	Property, Plant & Equipment
RCRA	Resource Conservation and Recovery Act
ROE	Report of Excess
RPAO	Real Property Accountable Officer
RPAS	Real Property Accountability Specialists
RPIS	Real Property Inventory System
RPMM	Real Property Management Manual
RPPG	Real Property Process Guides
RPS	Real Property Specialists
RPUID	Real Property Unique Identifier
RSF	Rentable Square Feet
RSI	Required Supplementary Information
RWA	Reimbursable Work Authorization
SAM	Shore Asset Management System
SAP	Simplified Acquisitions Procedures
SDP	Shore Divestiture Program
SF	Standard Form

SFFAS	Statement of Federal Financial Accounting Standards
SILC	Shore Infrastructure Logistics Command
SRPO	Senior Real Property Officers
TIMS	Technical Information Management System
TJAG	The Judge Advocate General
UCMJ	Uniform Code of Military Justice
USC	United States Code
USCG	United States Coast Guard
USF	Usable Square Feet

Appendix B. Glossary

Abandon

To permanently surrender property rights to another with no intention of reclaiming rights.

Abstract of Title (also see Chain of Title)

A summary of the conveyances, transfers, encumbrances and other facts appearing of record and relied upon as evidence of title to real property.

Accountability

Is the formal obligation of a person to give an accounting that substantiates any changes to both the financial and inventory records covering the land, buildings and other structures or facilities attached to and made part of the land comprising an installation/site. These facilities are collectively called real property assets and each of the assets has a corresponding General Ledger Account within the chart of accounts used by the Finance and Accounting Center (FINCEN) to track the value of real property assets. The purpose is to comply with laws, accounting principles and regulations governing the care, custody, and safekeeping of public property obtained with appropriated funds. Accountability is both for the accounting purposes of financial reporting associated with existence and completeness and input/quantitative units of measure for planning (realty specialists work closely with master planners) and inventory use. It includes personal liability for losses and a responsibility to ensure that the property is maintained and put to its highest and best use. Accountability is also the obligation of an individual, officially designated with respect to a specific activity (real property), to maintain records of item balances and/or dollar values in accordance with a prescribed system showing authorized debits, credits, and available balances on hand or in use by such activity. "Records of Accountability" are maintained in accordance with Reference (b).

Accountable Property Officers (APO)

An individual responsible for:

- Overall management oversight of the physical inventory at a unit
- Maintaining an effective administration program for the property accountability and control system within his/her area of responsibility
- Designating custodial areas and property custodians to manage the personal property within a specified area
- Ensuring all custodians are properly trained in the local processes and procedures

- Providing custodians with current records for assets within their area
- Ensuring reports for lost, missing or damaged (beyond normal wear and tear) items are properly and promptly reported on a report of survey
- Evaluating the local system performance and program effectiveness\
- Establishing controls to ensure locally acquired assets meeting the accountable thresholds (mandatory tracking requirements) are met
- Designating personnel to enter property acquisitions, transfers and disposals into the designated fixed asset system
- Developing procedures for custodians to conduct annual physical inventories of accountable property and all discrepancies are reconciled.

Accreted Land

An increase of land along the shores of a body of water either slowly added by deposition of water-borne silt sediments, constructed earthen materials, or hydraulic dredged fills in a manner where the land created remains above the mean low water line of the adjacent water way. Any parcel of land formed by accretion becomes the property of the adjacent landowner.

Acquired Lands

Lands owned by the United States, obtained by purchase, donation, transfer, or condemnation

Acquisition

Real Property acquired by purchase, condemnation, donation, new construction, transfer, exchange, or assignment/reassignment by GSA or DHS.

Acre

A measure of land, equaling 160 square rods; 10 square chains; 4,840 square yards; or 43,560 square feet in any shape.

Action to Quiet Title

A suit to remove a defect, cloud on title, or suspicion regarding legal rights of an owner to a certain parcel of real property; a proceeding to establish a plaintiff's title to land by compelling the adverse claimant to establish a claim or be forever estopped from asserting it. (Also termed *quiet-title action)*.

Active

Installation/Site is currently assigned a mission by the reporting agency. Currently assigned a mission by the reporting agency.

Active Installation

A facility or group of facilities in use by an active organization(s).

Actual Cost of Demolition

The actual costs for demolition of a facility. It includes demolition costs, relocation costs to a new facility, and environmental inspection and remediation costs.

Administrative Space

Federally controlled space in facilities and structures (permanent, semi-permanent) that provides an acceptable environment for the performance of agency administrative mission requirements by employees or by other persons occupying it. It is further classified as office space, storage space, or special space.

Advisory Council on Historic Preservation (ACHP)

The Council was established by Title II of the National Historic Preservation Act to advise the President and Congress, to encourage private and public interest in historic preservation, and to comment on Federal agency actions under Section 106 of the National Historic Preservation Act.

Agency

An agency relationship is one in which one person is empowered by law or by agreement to act on behalf of another, and who is subject to the control and consent of the person being represented; a fiduciary relationship created by express or implied contract or by law, in which one party (the *agent*) may act on behalf of another party (the *principal*) and bind that other party by words or actions. Also, an agency can be a Government organization (Federal, state, or local), a non-Government organization (such as a utility company), or a private person using Federal financial assistance for a program or project that acquires real property or displaces a person.

Agent

A person who is authorized to act for another (the agent's principal) through employment, by contract or apparent authority.

Agreement of Sale

Purchase Agreement or Land Contract for real property.

Air Rights

The right to use all or a portion of the air space above real property. Such right is vested by grant (e.g., fee simple, lease, or other conveyance).

Aircraft Maintenance Hanger

A building that provides consolidated multipurpose space for the maintenance, repair, and major overhaul of military aircraft and may include maintenance bays, tech supply, production control, and quality control areas directly related to the maintenance and supervision of aircraft, component and assembly rebuilding, and quality control of aviation maintenance. Use this category for organizational, installation, or depot-level maintenance, including aviation unit maintenance and aviation intermediate maintenance.

Airport

Any area of land or water that is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Allowance Document

The allowance document transfers the appropriated funds to the region.

Alteration

Remodeling, improving, extending, or making other tenant requested changes to a facility, exclusive of maintenance repairs that are preventive in nature. The term includes planning, engineering, architectural work, execution and other similar actions.

Alternative Work Environment

Approved off-site work environments, such as telecommuting centers and flexiplace (work at home) arrangements.

American Indian Religious Freedom Act (AIRFA)

Statute which states that the policy of the United States is to protect and preserve for American Indians their inherent rights of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians. These

rights include, but are not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremony and traditional rites.

Annexation

An action in which a local Government, such as a city or county, extends its boundaries to encompass Government owned land. A procedure by which a municipality, such as a city, town, or village, incorporates land within the corporate limits of the municipality. Procedures vary depending on state law.

Annual Operating Costs

Consist of recurring maintenance and repair costs, Utilities (includes plant operation and purchase of energy), cleaning and/or janitorial costs (includes pest control, refuse collection and disposal to include recycling operations), and roads/grounds expenses (includes grounds maintenance, landscaping and snow and ice removal from roads, piers, and airfields).

Antenna

A metallic aerial for sending and receiving electromagnetic waves. A transmitting antenna coverts electrical signals from a transmitter into an electromagnetic wave, which it then emanates. A receiving antenna intercepts an electromagnetic wave and converts it back into electrical signals that can be decoded by a receiver. Central television, pole and wire, and switching station antennas, as well as satellite dishes, are also included within this category code (132200).

Antiquities Act of 1906

Provides for the protection of historic and prehistoric ruins and objects of antiquity on Federal lands, and authorizes scientific investigation of antiquities on Federal lands, subject to permits and other regulatory requirements.

Appraisal

An independently and impartially prepared written statement by a qualified appraiser, estimating the fair market value of the subject real property as of a specific date, supported by the presentation and analysis of relevant market information.

Appraised Value

A fair market value of a property at a given time, based on facts regarding the location, improvements of the property and surroundings.

Appropriated Costs (Cost to US Government)

Cost associated with or the result of a capital improvement or capital decrease, expressed in dollars and cents, that the U.S. Government expended for the purchase, construction, modification, or disposal of an item of real property. The cost will be estimated if actual costs cannot be determined from installation/site records.

Appurtenance

Anything incidental to or belonging to land considered a part of the real property.

Archaeological Resource

Any material of human life or activities which is at least 100 years of age, and which is of archaeological interest (32 CFR 229. 3(a)).

Archaeological Resources Protection Act (ARPA) of 1979

Prohibits the removal, sale, receipt, and interstate transportation of archeological resources obtained illegally (without permits) from public or Indian lands and authorizes agency permit procedures for investigations of archeological resources on public lands under the agency's control.

Area of Potential Affect (APE)

The geographic area or areas within which a NHPA Section 106 undertaking may cause changes in the character or use of historic properties, if any such properties exist there. This area always includes the actual site of the undertaking, and may also include other areas where the undertaking will cause changes in land use, traffic patterns, or other aspects that could affect historic properties.

Arrears

Payments due and paid after services have been rendered.

Asset (Real Property)

Any land, building, or structure.

Asset Management

The process whereby real property is acquired, accounted for, efficiently allocated and utilized, periodically reviewed and analyzed, and appropriately disposed in a manner that ensures excellent facilities at a cost-effective price. Asset Management considers the financial, maintenance, and suitability implications of real property actions but does not generally oversee day-to-day facility management.

Administrative Target Unit (ATU)

The Coast Guard unit that receives administrative operating targets (funds) from HQ Appropriations Managers.

Automatic Data Processing Area

Area having special features such as environmental controls of humidity and temperature and special wiring, i.e., computer room and closet, telecommunication and office automation facility and support area and tape vaults.

Average Operating Cost per Person

An indicator of the cost to house employees in building space. May include rent, operating costs, facilities management costs, etc.

Beneficial Occupancy

Stage which owner/tenant can occupy for its intended purpose before final completion.

Binder

A written agreement to issue within a specified time, a policy of title insurance. Contract to insure.

Buffer Zones

An unimproved or semi-improved tract of land usually located along the perimeter of Government land to maintain separation from adjacent state, local Government, or private landowners. These zones are typically required for either environmental, safety, or security reasons due to the ongoing operation or mission being conducted on all or a portion of the Government's site.

Building

A fully enclosed structure, typically affixed to the ground through mechanical means or a structural foundation, with walls, floor(s), and a roof, accessible through either doors, windows, ingress/egress panels or other openings, consisting of one or many levels, in which personnel work or dwell, equipment is maintained or stored, or other authorized activities are conducted. Buildings are further classified as either Permanent or Temporary, and are identified by the major category code of "Buildings" in accounting systems. Portable Facilities, often used for storage, resemble Buildings, but are not classified as Real Property because they are not affixed to the ground. For accounting purposes, Buildings fall within the "Buildings, Improvements, and Renovations" account, numbered 1730 in the General Property, Plant, and Equipment balance sheet.

Building Inventory

Structures owned, leased or otherwise used by the Federal Government.

Bulkhead

A structure consisting of a retaining wall made of wood or stone that is along a waterfront. It is used as a landing place for ships and boats.

Capital Asset

Capital assets are land, structures, equipment, and intellectual property, including software that are used by the Federal Government and have an estimated useful life of two years or more. Capital assets exclude items acquired for resale in the ordinary course of operations or held for the purpose of physical consumption such as operating materials and supplies. The acquisition cost of a capital asset includes both its purchase price and all other costs incurred to bring it to a form and location suitable for its intended use. Capital assets may be acquired in different ways: through purchase, construction, or manufacture; through capital lease, transfer, or through exchange.

Capital Improvements

The physical improvements to an existing real property asset that include additions or major renovations/moderations that are intended to increase capacity or “unit of measure,” increase material worth of the facility, improve performance, or extend the useful life of the asset.

Capital Lease

Capital leases are leases that transfer substantially all the benefits and risks of ownership to the lessee. If, at its inception, a lease meets one or more of the following four criteria, the lease should be classified as a capital lease by the lessee. Otherwise, it should be classified as an operating lease.

- The lease transfers ownership of the property to the lessee by the end of the lease term.
- The lease contains an option to purchase the leased property at a bargain price.
- The lease term is equal to or greater than 75 percent of the estimated economic life of the leased property.
- The present value of rental and other minimum lease payments, excluding that portion of the payments representing executory cost, equals or exceeds 90 percent of the fair value of the leased property.

Capitalization

The cost of actions which increase or decrease (demolition only) the material worth of an item of real property. Each instance of a capital improvement (increase or decrease) is vouched against the facility by separate voucher. When a facility is completely demolished, the final voucher will bring the final cost to the Government to zero.

Capitalization Posting Date

Date capitalization cost information was entered into the automated system. Date format will be as follows: DDMMYYYY.

Categorical Exclusion Determination (CATEX)

Under the National Environmental Policy Act, CATEXs apply to preapproved categories of action that have been determined not to have a significant effect on the human environment either individually or cumulatively and normally do not require the preparation of either an EIS or EA. A list of approved CATEXs, and screening criteria for their application, can be found in National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts

Categorical Space - Delegation from GSA

As specified in Federal Management Regulation (FMR) 102-73.145 through 102-73.155, a categorical space delegation is a standing delegation of authority from the Administrator of General Services to a Federal agency to acquire a type of space, such as antennas, depots, piers, and greenhouses. The full list of space included in the categorical space delegation can be found at FMR 102-73.155.

Category Code

Code assigned to a facility (building, structure, utility) or land as outlined by categories in the Coast Guard Shore Facilities Classification Code Guide.

Central Business District (CBD)

The area of a municipality officially designated as the core of commercial activity and development. CBDs consist of space near the historical urban core, commonly associated with traditional Government and financial districts.

Certified Copy

A true copy, attested to be true by the officer holding the original.

Cession

Ceding or yielding by a state of its legislative jurisdiction over Government-controlled real property to the Federal Government.

Chain of Title (also see Abstract of Title)

The chronological order of conveyance of a parcel of land from the original owner to the present owner; the ownership history of a piece of land, from its first owner to the present one. Also termed *line of title*; *string of title*.

Change Order Rate

Dollars spent on project scope changes compared to the overall project cost.

Chattel

Personal property; movable or transferable property; especially, a physical object capable of Manual delivery and not the subject matter of real property.

Churn Rate

The turnover of occupants in building space annually.

Cloud on Title

An encumbrance on real property that negatively affects the rights of the owner; a defect or potential defect in the owner's title to a piece of land arising from some claim or encumbrance, such as a lien, an easement, or a court order.

Coastal Waters

Coastal waters generally include the following:

- Those U.S. waters navigable by or established for Government-owned, pleasure, or commercial vessels;
- The contiguous zone (see glossary entry below); and
- Other waters subject to tidal influences.

Collocation

The process of establishing or retaining the housing of two or more agencies in a collocated configuration.

Commercial Growth Rate

A measure of commercial tenants and space over time.

Commercial Value

The estimated value of real property, including related personal property, which has a reasonable prospect of being disposed in the open market. See 41 CFR 102-71.20.

Comparables

Properties used as comparisons to determine the value of a specified property.

Compliance Inspection

An inspection of outgranted asset(s) to ensure that grantee is complying with all of the terms and conditions of the outgrant. Inspections are typically conducted by personnel from the servicing real property office and are conducted on a regular basis, but not less than once every three years.

Condemnation

A judicial or administrative proceeding in which the Coast Guard exercises the power of eminent domain, taking property from a non-Federal or private owner in return for just compensation. A judicial proceeding started by the Government through the Department of Justice for the purpose of exercising it right of eminent domain. Condemnation results in passage of title and land to the Government with or without the consent of the landowner, but with just compensation paid to him/her.

Condition

The physical state of the real property asset and its ability to satisfy the requirement. Indicates whether a facility is/is not serviceable for a useful purpose.

Condition Index

A general measure of the constructed asset's condition at a specific point in time. It is calculated as the ratio of Repair Needs to Plant Replacement Value and is reported to FRPC as a "percent condition" on a scale of 0% to 100% (positive whole numbers; if the calculation results in a negative number, the % should be reported as zero).
(*CI = (1-$repair needs/$PRV) x 100).*

Conference and Training Areas

Area used for conferences, training, and hearings with special equipment that may have supplemental heating, ventilation, and air conditioning, exhibit areas, and small courtrooms (no structural changes).

Congressional District

A 20-character Alpha/Numeric identifier associated with the reported location where the site is located.

Consideration

Compensation or an equivalent (such as money, material, or services) that is given for something acquire or promised. This may be the appraised fair market value of the real property; or may include protection of the real property against loss by fire, water, or other causes; or any mutually agreeable arrangement that does not conflict with governing statutory limitations.

Construction

Defined as the following:

- The erection, installation, or assembly of a new facility;
- The acquisition, expansion, extension, alteration, conversion, or replacement of an existing facility or a portion thereof;
- The relocation of a facility from one installation or location to another; or
- Installed equipment made a part of the facility, related site preparation, excavation, filling, landscaping, or other land improvements.

Contamination

Presence of conventional unexploded ordinance; presence of biological, radioactive, toxic-chemical, or hazardous substances at levels that may present a public hazard or exceed applicable regulatory standards.

Contiguous Zone

The entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous zone. This zone, contiguous to the territorial sea, extends 200 miles seaward from the baseline from which the territorial sea is measured.

Contingency

A provision in a contract or agreement providing that some or all of the terms of the contract will be altered or voided by the occurrence or non-occurrence of a specific event.

Contracting Officer (KO)

"Contracting Officer" (Note: the acronym used is KO, otherwise CO would be too easily confused with “Commanding Officer”) means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. These individuals have been appointed through a warranting process to legally execute the requirements of their position. The limits of a contracting officer are defined on the face of their warrant.

Contracting Officer’s (Technical) Representative (COTR)

A COTR is appointed by a Contracting Officer and the letter details their authorities. Contracting Officer (Technical) Representatives (COTRs) do not have obligation authority. They can only act within the boundaries of the Scope of Work (SOW). They cannot change the SOW and they cannot direct the contractor to perform anything outside of the SOW. They are vital eyes and ears of the Contracting Officer.

Conversion

A permanent change in the functional use of all or part of a building or structure. The building or structure category code is changed to reflect the conversion category code.

Count Team (CT)

Two independent persons who have no direct interest in the outcome of an inventory and are responsible for:

- Locating, identifying, and reconciling assets during the physical inventory process
- Conducting Record-to-Floor and Floor-to-Record inventories
- Recording findings on the Physical Inventory Report during the inventory for 1) assets found, but not listed on the Physical Inventory Report and 2) annotating any assets that cannot be located but listed on the Physical Inventory Report
- Reconciling Oracle FAM and subsidiary systems.

County

A division within a state, usually encompassing one or more cities or towns.

Cultural Resource Restrictions

Legally enforceable restrictions placed on the use of real property by the owner of the property to protect and preserve historic or Tribal resources deemed worthy of preservation giving a Government agency or preservation organization the right to review and approve changes to the historically or culturally significant property before they are undertaken.

Cultural Resources

Historic properties as defined by the NHPA, cultural items as defined by NAGPRA, archeological resources as defined by ARPA, sacred sites as defined in EO 13007 to which access is afforded under AIRFA, significant paleontological items as described by 16 USC 431–433 (Antiquities Act of 1906), and collections and associated records as defined in 36 CFR 79.

Current Design Capacity

The maximum capacity at which an asset, facility, or system can operate, regardless of statutory, regulatory, contractual, or other conditions or restrictions.

Current Use Category Code

The current use category code is the category code currently assigned for the current use of a facility. The current use category code will be equal to the design use category code unless the facility has been diverted to another use.

Defective Title

An apparent title to real property by claimed by prior holders of the title that cannot be proven as a fact by the recorded instruments in the public records; or, material information that contains errors causing title to the real property to be faulty.

Delegated Building Operations

Refers to situations where GSA delegates its operational responsibilities for building services to the Federal agency occupying the building.

Demolish

To remove a facility or structure.

Demolition

Destruction of facilities and improvements.

Depreciation

Decrease in value to real property improvements caused by deterioration or obsolescence.

Depreciation Costs

Facility costs associated with the decreasing value over time for those facilities and installations operating under depreciation guidelines. Calculation of these costs is not a real property responsibility. The net book depreciated value is calculated as directed by the Chief Financial Officer's (CFO) Act to show the financial worth of an item of real property over time. Both the calculations and the business rules that govern them are the responsibility of Commandant (CG-8) and FINCEN. The automated accountability system used by FINCEN for real property reporting will make this calculation for CFO Act reporting purposes.

Design Use Category Code

A series of numerical codes used to classify and categorize Real Property. These code numbers are based on nine basic functional classes coded by the Department of Defense. The Coast Guard generally uses a five-digit code to plan, program, and budget, design and construct, inventory, and maintain its facilities. Some agencies add digits to refine the functional description. See the Coast Guard Facilities Classification Guide for authorized category codes.

- The category codes in the Coast Guard Facilities Classification Guide will be used for identifying and classifying each item of real property.

- Space in multi-purpose buildings or structures will be reported as follows:

    - Each functional use of 1,000 gross square feet or more of contiguous area that is identifiable by a specific five-digit category code will be reported under that category code. If deemed necessary by major area command (MACOM) or installations, this may be a cumulative total rather than contiguous space within a building.

    - Space, as described above, with area less than 1,000 gross square feet and considered by the installation or higher headquarters to be important to the management of real property will also be reported.

    - Space assigned to a non-Coast Guard agency must be identified regardless of size and function.

Determination of Excess

The decision document approving the real property as excess to the Coast Guard. See also Report of Excess.

Developmental (Improvements) Restrictions

Legally enforceable restrictions on land use to protect the health, safety, and welfare of the community, such as the kind of buildings that can be built on the property, what size the buildings may be, and which materials can be used in their construction.

Direct Lease

Direct leases are executed by the Coast Guard Real Property Warranted Officers. Direct leases are those leases made under Coast Guard leasing authorities that are granted directly to the Commandant by Congress, or the Secretary of Homeland Security, or delegated to the Commandant by GSA (for categorical or special space) or other Federal entity with the right to delegate their authorities.

Discharge of Pollutant

A term that includes, but is not limited to, the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a substance, into or on any land or water (40 CFR 260.10).

Disposal

Any authorized method of permanently divesting the Coast Guard of control of and responsibility for real estate.

Disposal by GSA

A removal of the real property asset from the inventory by utilizing authorities granted to the Coast Guard, GSA, or any other entity the Coast Guard authorizes to dispose on their behalf.

Disposal Agency

The Executive agency designated by the Administrator of General Services or directly granted authority by Congress to dispose of real or personal property.

Disposal Area Total

Represents the gross square footage of a facility that is associated with a disposed facility. The value must be less than or equal to gross area.

Disposal Fund Type Code

A code used to denote the source of funds used in facility demolition projects.

Disposal Other Measure Total

Represents the other unit of measure total quantity that is associated with a disposal facility. For the same category code, the value must be less than or equal to other measure total.

Diversion

A temporary change, not to exceed three years, in the functional use of all or part of a building or structure. No major structural changes or modifications will be made. The original construction category code on the Real Property record is not changed, only current use. The facility can be returned to its original purpose without significant use of labor or funds.

Dominant Estate

The land benefiting from an easement. See also Servient Estate.

Donation

The voluntary transfer or conveyance of an interest in real property without payment or consideration of any kind.

Due Diligence

"Environmental due diligence" is a term that describes the responsibilities of a landowner, such as GSA, to conduct an appropriate inquiry prior to the purchase or development of a parcel of commercial real estate and ensure that all "recognized conditions" have been identified.

Dwelling Unit

The real property space used by single individuals or one family unit.

Early Transfer Authority (ETA)

Early Transfer Authority — the authority granted under 120(h)(3)(C) of CERCLA to EPA and state governors to approve the transfer of Federal property prior to all remedial action being taken and to defer, until after transfer, the requirement for issuance of a covenant warranting that all remedial action was taken.

Easement

A non-possessory interest in another's real property. The easement holder has the right to use the subject real property for a specific, limited purpose. Easements are generally permanent interests, although they can be extinguished by operation of law. "Negative" easements are those which prescribe the fee simple owner's use of the subject real property.

Unlike a lease or license, an easement may last forever, but it does not give the holder the right to possess, take from, improve, or sell the land. The primary recognized easements are:

- A right-of-way;
- A right of entry for any purpose relating to the dominant estate;
- A right to the support of land and buildings;
- Aright of light and air;
- A right to water;
- A right to do some act that would otherwise amount to a nuisance; and
- A right to place or keep something on the servient estate.

Efficiency

Actual rate of use of land or facilities relative to the maximum possible. Rates may be expressed in a variety of units of measure, depending on type of facility or method for determining maximum possible use.

Eminent Domain

The inherent power of a Governmental entity to take privately owned property, especially land, and convert it to public use, subject to reasonable compensation for the taking.

Encroachment

Construction onto the property of another, i.e., building, wall, fence; an infringement of another's rights; and an interference with or intrusion onto another's property.

Encumbrance

Any right, interest or claim against property that is used to secure a monetary obligation such as mortgages and liens, real property interests less than a fee simple, such as easements and leaseholds, and restrictions on the use of real property, such as restrictive covenants. Encumbrances prevent transfer of ownership free and clear of any claims; however, they may be transferred or sold to another, subject to the outstanding claim or claims. By their nature, encumbrances restrict the scope of the fee simple.

Environment

The term "environment" includes water, air, and land and the interrelationship that exists among and between water, air, and land and all living things (see 42 USC 11049, Designation of Hazardous Substances). Environment includes all of the following:

- Navigable waters;
- Near-shore and open waters and any other surface water;
- Groundwater;
- Drinking water supply;
- Land surface or subsurface area;
- Ambient air;
- Vegetation;
- Wildlife.

Environmental Agreement

Any agreement between a regulatory agency with authority to enforce environmental laws and one or more regulated parties.

Environmental Assessment (EA)

The EA is a concise public document that is prepared pursuant to the National Environmental Policy Act (NEPA) to determine whether a Federal action would significantly affect the environment and thus require preparation of a more detail environmental Impact Statement. It also briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or a fining of No Significant Impact (FONSI). A document, occurring early in the planning process, for evaluating the potential environmental impact of a proposed action. An assessment covers the same topical areas as an Environmental impact Statement (EIS), but with less detail. An assessment results in a decision that an EIS is necessary, or that the proposed action will have non-significant effect.

Environmental Awareness

Environmental knowledge or understanding of the importance of performing normal job skills in accordance with appropriate environmental requirements, and of consulting with environmental staff and the Coast Guard or local compliance publications to determine specific procedures. Environmental awareness training is environmental knowledge provided by written information or presentations.

Environmental Compliance Agreement

Any negotiated agreement between regulatory agency and one or more regulated parties for the purpose of settling an enforcement action or attaining or maintaining compliance. The agreement must be entered into upon consent of all parties.

Environmental Impact Statement (EIS)

The National Environmental Policy Act requires that Federal agencies prepare an EIS for major projects or legislative proposals that significantly affect the environment. It is a decision-making tool that describes the positive and negative effects of the undertaking and lists alternative actions. An EIS is a detailed study that leads to a Record of Decision (ROD). It records decisions made and mitigation measures that relate to the environmental impacts of a project. A detailed full disclosure report which, pursuant to the National Environmental Policy Act (NEPA) of 1969, (42 USC 4321-4347), identifies and analyzes the anticipated environmental impact of a proposed action and discusses how the adverse effects will be mitigated.

Environmental Restrictions

Legally enforceable restrictions placed on the use of real property or any of its natural resources (e.g., surface water or ground water) due to the presence of hazardous substances, pollutants, or contaminants (as defined in CERCLA, 42 USC 9601 (14) and (33)), and the need to protect human health and the environment from exposure to such hazardous substances, pollutants, or contaminants or the presence of petroleum, a type of contaminant not regulated by CERCLA but instead, typically, by the Solid Waste Disposal Act, 42 USC 6991, et seq. These restrictions can be temporary, or permanent.

Environmental Site Assessment (ESA)

A study of a property's past use, the environmental conditions at the site and adjoining sites, and the likely presence of hazardous substances. An ESA can contribute to the "innocent landowner" defense under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Equipment-in-place

Equipment-in-place is a special category of personal property. It consists of capital equipment and other nonexpendable supplies of a movable nature that are not affixed as an integral part of the facility and may be removed without destroying or reducing the usefulness of the facility.

Estates

Interests in real property.

Excess Real Property

Any real property under the control of any Federal agency which the head of the agency determines is not needed for the discharge of agency responsibilities. Property formally identified as having no further program use by the landholding agency.

Excessing

(Noun) The process of determining that real estate is not needed by the Coast Guard. (Verb) Reporting excess property to the disposal agency for disposal.

Exchange

A method of acquiring an interest in real property in exchange for another piece of property currently in the Coast Guard inventory. The property acquired must be of equal or greater value than the property disposed.

Exclusive Use

The right of the occupant to maintain fulltime control and prohibit the use of the premises by any other party. A lease grants exclusive use but a license does not.

Executive

A Government employee with management responsibilities who, in the judgment of the employing agency head or his/her designee, requires preferential assignment of parking privileges.

Executive Agency

An Executive department specified in section 101 of title 5; a military department specified in section 102 of such title; an independent establishment as defined in section 104(1) of such title; and a wholly owned Government corporation fully subject to the provisions of chapter 91 of title 31.

Executive Order 11593

Directs Federal agencies to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the Nation; to ensure the preservation of cultural resources; to locate, inventory, and nominate to the National Register all properties under their control that meet the criteria for nomination; and to ensure that cultural resources are not inadvertently damaged, destroyed, or transferred before the completion of inventories and evaluation for the National Register. The intent of EO 11593 has been integrated into the NHPA Section 110 through the 1980 amendments to that statute.

Executive Order 13007 on Indian Sacred Sites

Directs Federal agencies to consider Indian sacred sites in planning agency activities.

Facility

A facility in this technical directive, is an individual building, structure, utility system or other real property improvement other than land, or land improvements. A building or structure facility includes the occupiable space it contains, and any utility or mechanical system improvements including installed equipment in direct support of those systems, and pavements necessary to support the functions of a Coast Guard activity or mission contained within a five (5) foot off-set perimeter of the facility.

Facility Acquisition Code

A code used to identify the method of acquisition. The Facility Acquisition Code has been added to track additions not necessarily construction (new construction lease, transfer, etc) to the real property database/inventory.

Facility Activity Code (FAC)

An aggregation of one or more real property assets that have like functional purpose and the same unit of measure. Each FAC is defined by the makeup of the category codes it contains**.**

Facility Category Group (FCG)

An aggregation of one or more real property category codes that have like functional purpose and the same unit of measure. The rollup of category codes into FCGs maintains consistency with the system presently used for accounting and provides planners with a sufficiently detailed analysis to support the decision process without creating an unnecessarily complex tool. Each FCG is defined by the makeup of the category codes it contains.

Facility Complex

One or more facilities consolidated into a single identifiable land use area to support a single installation activity (i.e; the Academy).

Facility Management Cost

Dollars expended to provide management expertise and support services (overhead) for a facility.

Facility Type

A single letter code (B, S, or L) that identifies the facility type at the facility use level of detail. For example; a building =B, structure = S, Land = L. This field is auto-populated

once a CATCODE is assigned. Appropriate codes are provided in FRPC Guidance for Inventory Reporting.

Fair Market Rental Value

The rental value under the proposed terms and conditions that the use of the real property commands in a competitive market.

Fair Market Value (FMV)

Fair market value as defined in the Uniform Appraisal Standards for Federal Land Acquisition, Interagency Land Acquisition Conference 1992, as the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable purchaser, who desired but is not obligated to sell, to a knowledgeable purchaser, who desired but is not obligated to buy. Further defined as what a willing buyer would pay a willing seller for a parcel of real property. Also called simply market value. In ascertaining that figure, consideration should be given to all matters than might be brought forward and reasonably be given substantial weight in bargaining by persons of ordinary prudence, but no consideration whatever should be given to matters not affecting market value. Fair market rental value would be what a knowledgeable tenant would pay as rent from a knowledgeable landlord. Determined by an appraisal or other approved method for the type of transaction.

Family Housing Net Area

Net area for family housing is defined as space inside exterior or party walls, excluding only vertical circulation, unfinished attic, unfinished basement (or bulk storage space, laundry space, and utility space in lieu of basement), and garage.

Feasibility Study

GSA uses this study to evaluate Prospectus-level proposed projects to ensure that they meet tenant agency space needs and Government-owned facility requirements. This study also determines the preferred alternative and basis for preparing a Prospectus Development Study, which will meet the housing needs of the customer agency.

Federal Agency

Any Executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his or her direction).

Fee Simple Absolute

Acquisition by GSA or the Coast Guard with the complete bundle of rights and interests in real property from a non-Federal or private owner.

Fee Title

An ownership interest which may be less than absolute, i.e., the property may be subject to other encumbrances such as easements or leases.

Fixed Crane

A stand-alone real property structure (not equipment) consisting of a crane and movable boom to hoist heavy objects at a ship repair or related facility.

Fixture

Personal property that is so related to real property that a real property interest arises in it (e.g., installed furnace), including items which are affixed to the property either permanently or semi-permanently. Fixtures which have been severed from the real property become personal property.

Foreign Excess Real Estate

Any excess real property interest located outside the United States, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. Real property overseas may not include timber, installed building equipment, and so forth.

Federal Real Property Council (FRPC)

Created according to provisions in Executive Order 13327, "Federal Real Property Asset Management," signed by President George W. Bush on February 4, 2004. Council consists of Senior Real Property Officers (SRPO) the Controller of OMB, the Administrator of General Services Administration, and any other officials or employees permitted by the chair of the Council. The Deputy Director for Office of Management and Budget is the chair of the Council, and OMB provides funding and administrative support to the Council. Major provisions of the order include: Establish the position of a SRPOs at all major landholding agencies; Direct the Senior Real Property Officers to develop and implement agency asset management plans; Create interagency Federal Real Property Council (FRPC); Authorize the development of a single and descriptive database of Federal real properties.

Full Disclosure

Revealing all the known facts which may affect a decision of a buyer or tenant.

Funding Appropriation

Funding provided by Congress for a specific purpose, generally through enactment of a public law (funds must be appropriated before becoming available for Coast Guard use).

Funding Authorization

Funds authorized by Congress for a specific purpose. (Funds need not be authorized before becoming available for Coast Guard use).General Property Plant & Equipment (G-PP&E) PP&E Tangible assets that: (1) have an estimated life of two or more years, (2) are not intended for sale in the ordinary course of business, and (3) are intended to be used or available for use by the entity. Used to provide general Government services or goods. (For CFO Act reporting only.)

General Purpose Space

General purpose space is categorized by GSA as office, storage, or special. It is synonymous with the term, administrative space. The physical characteristics are the basis for determining the property space category.

General Storage Space

Storage in administrative facilities including, basements, attics and other spaces not finished to office standards, such as closets, supply rooms, and storerooms

Grantor and/or Grantee

A provider or recipient of any real estate grant. The individual or organization that is associated with the granted property.

Gross Square Footage (GSF)

All floor area (including all openings in floor slabs) measured to the outer surface of exterior or enclosing walls. It includes full areas of all basements, on-grade and above grade floors, service and equipment rooms, boiler plant and heater rooms, mezzanines, penthouses, halls, vestibules, stairwells, enclosed passages and walks, finished usable space with sloping ceilings, such as attic space having 7 feet or more headroom, and appended covered shipping or receiving platforms at truck or railroad car height. Also include in gross floor area, but calculated on one-half of actual floor area, are covered open porches, passages and walks, with appended uncovered receiving and shipping platforms at truck or railroad car height.

GSA Lease

Leases negotiated and executed by GSA on behalf of the Coast Guard. GSA owns the leases, and then manages space leasing to other Federal tenants and issues Occupancy Agreements (OA) for the use. The Coast Guard has negotiation capability with GSA for terms and conditions in the OA. GSA has legal rights to the property and the lease can be reassigned to any Federal tenant upon relinquishment of space by the Coast Guard.

Hanger Shop Space

A building or area of a hangar for activities such as component repair, weapons repair, administration and flammable storage. This category should be used for stand-alone facilities where the shop facility is physically separate from the remainder of the maintenance activity or to delineate functional areas within the aircraft maintenance hangar.

Hazards

Presence of conventional unexploded ordinance; presence of biological, radioactive, toxic-chemical, or hazardous substances (as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980) at levels that may present a hazard to public health or the environment or exceed applicable regulatory standards. Also includes operational hazards such as firing ranges, cranes and boat lifts.

Heritage Assets

- Heritage assets are PP&E that are unique for one or more of the following reasons:
    - Historical or natural significance;
    - Cultural, educational or artistic (for example; aesthetic) importance;
    - Significant architectural characteristics.
- Heritage assets are generally expected to be preserved indefinitely. One example of evidence that a particular asset in nature is that it is listed on the National Register of Historic Places.
- Heritage assets may in some cases be used to serve two purposes; as a heritage function or as a Government operation. In cases where a heritage asset serves two purposes, the heritage asset shall be considered a multi–use heritage asset if the predominant use of the asset is in general Government operations (for example; the main Treasury building which is a heritage asset used as an office building). Costs of acquisition, betterment, or reconstruction of multi–use heritage assets shall be capitalized as general PP&E and depreciated.

Highest and Best Use

The most likely use to which a property can be put, which will produce the highest monetary return from the property, promote its maximum value or serve a public or institutional purpose. The highest and best use determination must be based on the property's economic potential, qualitative values (social and environmental) inherent in the property itself, and other utilization factors controlling or directly affecting land use (e.g., zoning, physical characteristics, private and public uses in the vicinity, neighboring improvements, utility

services, access, roads, location, and environmental and historical considerations). Projected highest and best use should not be remote, speculative, or conjectural.

Historic Property or Historic Resource

As defined by the NHPA, is any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. The term includes artifacts, records, and remains that are related to and located in such properties. The term includes properties of traditional religious and cultural importance (traditional cultural properties) which are eligible for the National Register because of their association with the cultural practices or beliefs of an Indian tribe or Native Hawaiian organization. The term "eligible for inclusion in the National Register" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria.

Historical Lease

A written contract between the Coast Guard (the lessor) and another party (lessee) that transfers the right to exclusive possession and use of historic Coast Guard property for a specified period of time and for a stated consideration (rent).

Hold Harmless Agreement

Provides an indemnification whereby a private party agrees to be financially liable for damages resulting from injuries to persons or damages to property arising from Governmental activities or other causes performed by the grantee during the approved use of Government land / facilities.

Holding Agency

The Federal agency assigned with accountability for property. Required to meet its authorized missions, programs, and operations.

Holdover Tenant

A tenant who retains possession after the expiration of a lease or an estate at will has been terminated.

Improvement

An addition to land amounting to more than repair or replacement and costing labor and/or capital (e.g., buildings, pavements, pipelines, and other structures more or less permanently attached to the land).

Improvement Cost on Leased or Rent Free Land

The appropriated costs, expressed in hundreds of dollars, the U.S. Government expended for the purchase or construction of an item of real property on leased or rent-free land. Changes will be the result of a capital improvement or capital decrease. The cost will be estimated if actual costs of constructed or modified facilities paid for by appropriated costs and owned by a foreign Government.

Inactive Installation

Installation/Site not currently being used may have a future need. Includes real property in a caretaker status and closed installations/sites with no assigned current Federal mission or function. The property will be retained in the historic file for record keeping. The ingrant will not show up on reports when one is produced. A query done on inactive ingrants should bring up the ingrant information.

Independent Statutory Authority

Authority to acquire leased space that originates in a statute enacted into law. This may be an agency-wide standing authority to acquire leased space or it may be singular authority granted to acquire leased space for a specific activity of a Federal agency.

Industrial Installation

Industrial facility held by the Coast Guard in active or inactive status as a reasonable reserve of departmental controlled production capacity and potential. Installations retained and used in their entirety or in part or maintained in idle status for production of military weapons, systems, munitions, components, and supplies.

Ingrant

Property acquired for Coast Guard use by a less than fee interest type of lease, license, permit or easement.

Inlease

Property acquired for Coast Guard use by which possession rights to use are leasehold.

Input Document

Any document, study, or report that is required or used to complete a Feasibility Study.

Inside Parking Areas

Garage space undercover that is used for the parking of motor vehicles including garages, parking areas, and motor pool parking areas.

Installation

Defined as the following:

- Land, buildings, other structures, or any combination of these;
- An aggregation of contiguous or near contiguous real property having a common mission and supporting real property holdings under the jurisdiction of the Coast Guard or a state, territory, commonwealth, or possession, controlled by and at which a Coast Guard unit or active is permanently assigned;
- A grouping of facilities, located in the same general vicinity, over which the IC has authority; and
- An aggregation of real property holdings, under the jurisdiction of the Coast Guard, with one or more permanently assigned units or activities and a military service staff to provide operations support.

Installation Name

The name given to a contiguous property which makes up an installation or site or can be the building name in the case of a single building installation.

Installation/Site Identification (ID)

An individual, unique 24-digit alphanumeric code identification number assigned by the reporting agency. When one has not already been assigned, contact the local RPAS coordinate obtaining a new ID for a new installation/site.

Installed Facility Equipment

Equipment that is affixed and/or built into the facility as an integral part or the facility, which if removed would destroy or reduce the usefulness of the facility, and is included in the cost of construction and/or renovation. Examples include HVAC mechanical, plumbing, and electrical systems and their equipment components (i.e; pumps, compressors, motors, transformers, etc).

Institutional control

A legal measure that protects human health and the environment in cases where risk-based cleanups have resulted in residual contamination being left on site. Installation Commanders minimize the potential for human exposure to residual contamination by restricting activity, use, and access. Also called Land Use Controls.

Interest

A right, title, or legal share in something. People who share in the ownership of real property have an interest in the property.

International Acquisition

The acquisition of real property through purchase, direct lease or assignment outside the continental United States. This will normally be coordinated through the DHS Office of International Affairs or Department of State.

Interservice, Interdepartmental, and Interagency Service Support Agreement (ISSA)

A formal budget agreement in a document that defines recurring services to be provided by one supplier to one or more receivers, and defines the basis for calculating reimbursement charges for the services. A budget agreement between the Coast Guard and another agency, which defines financial terms and conditions under which the using agency of the real property is subject to make payment such as payment of utilities and maintenance.

Inventory of Record

Also called Real Property Database of Record, it is the "Official" Coast Guard inventory of shore facilities information. The official record is currently maintained by FINCEN.

Inventory Surveys and Reports

Periodical surveys, inventories or reports regarding real property assets, actions, and conditions.

Inventory Value

The acquisition value, updated value or actual value as shown on property records, but not the replacement cost.

Joint Use Space

Occupiable space (such as conference rooms, cafeterias, credit unions, snack bars, restrooms) that is available for common use by personnel of any Federal agency that is a tenant of the building.

Jurisdiction

An act in which a governing body authorizes a subordinate agency to enforce laws over land it holds title to. Proprietary, Concurrent, and Exclusive are the 3 types of Legislative Jurisdiction. Title 10 USC 2683 provides general authority for relinquishment of legislative jurisdiction.

Just Compensation

The price an agency must pay to acquire real property. An agency official must make the estimate of just compensation to be offered for the property needed. That amount may not be less than the amount established in the approved appraisal report as the fair market value for the property.

Land

The solid part of the surface of the earth (including that part covered by water). Dependant upon transferred title, natural resources may be excluded from fee rights and written into deeds as restrictions or reservations (i.e. the sub-surface natural resources and / or mineral rights are owned and deeded to another entity). Land is identified by the major category code "Land" in accounting systems. For accounting purposes, land falls within the "Land and Land Rights" account, numbered 1711 in the General Property, Plant, and Equipment financial balance sheet. Includes land acquired by purchase, condemnation, donation, transfer, or other means and reclaimed or accredited lands if title is vested in the Federal Government and such lands are under custody and accountability of the Coast Guard.

Landholding Agency

The Federal agency that has accountability, custody and control for the property. The Federal agency is required to report the real property on its financial statements and inventory records.

Layaway/Mothball

Maintenance and repair procedures necessary to preserve a facility for eventual reuse or divestiture while in inactive/unoccupied status. Includes both initial and recurring facility preservation measures Also includes those measures needed to secure facilities identified for demolition or remediation under a Site/Installation/Base environmental restoration plan. The term mothball is often used synonymously with the term layaway.

Lease

A lease is a written agreement which conveys a possessory interest in real property, usually exclusive, for a period of time for a specified consideration. A lease carries a present interest and estate in the land for the period specified. The estate of the lessee, or tenant, is called the term and the estate of the Lessor, or landlord, is the reversion. Generally, the lessee may occupy and use the premises for any lawful purpose not injurious to conditions restricting the use of the property. (1) Ingrant: A written contract between a non-Federal landlord (the Lessor) and the C (lessee) that transfers the right to exclusive possession and use of the landlord's property for a specified period of time and for a stated consideration (rent). Direct leases are executed by the Coast Guard. (2) Outgrant: A written contract between Coast Guard (the Lessor) and another party (lessee) that transfers the right to excusive possession and use of Coast Guard property for a specified period of time and for a stated consideration

(rent). The rights to use the real property asset have been assigned to the Federal Government by a private entity or a non-Federal entity for a defined period of time in return for rental payments.

Lease Expansion

Lease expansion occurs when additional space is desired and it is within the general scope of the original lease. A lease expansion is an increase in space under the same terms, conditions, and requirements.

Lease Extension

A lease extension provides the ability to remain in the same space when there is a short-term need of 12 months or less, under the same terms, conditions and requirements via a Supplemental Agreement.

Lease Management

Process of managing financial and legal obligations of a real property lease.

Lease Purchase

A lease-purchase is a type of lease in which ownership of the asset is transferred or may transfer to the Government upon expiration of the lease term.

Lease Renewal

A renewal of a lease occurs when the parties exercise an option for an additional lease term when there is a continuing need for the leased space under the same terms, conditions and requirements.

Leased Real Property

Real property that the Federal agency contracted for its use. Leased real property is required to be reported in the inventory.

Legal Description

A description by which property can be definitely located by reference to surveys or recorded maps.

Legal Interest

Identifies ownership of a property.

License

An instrument permitting a bare authority to an individual, an organization, corporation, state or local Governmental entity, or another Federal agency, to do a specified act or series of acts on the licensor's property without acquiring any estate therein, and authorizes an act which would otherwise constitute a trespass. Use is not exclusive and there is no alienation of title, ownership, or control of Government property. Licenses are usually revocable. A license is not a real property interest and should not be used in lieu of granting one. The license instrument provides written evidence of the permission granted and of the obligations, responsibilities, and liabilities imposed on the licensee. A license may be issued pursuant to specific authority, as a lesser right under lease or easement authorities, or pursuant to the general administrative powers of the Secretary of Homeland Security or the Coast Guard Commandant.

- Ingrant: A grant of official and legal permission to the Coast Guard for use of real property belonging to a non-Federal owner, which may be revoked on short notice.

- Outgrant: The Coast Guard grant of official and legal permission for the temporary use of Coast Guard real property to a non-Federal entity, which may be revoked on short notice.

Lien

A lien is a charge against a property in which the property is the security for payment of a debt. A mortgage and taxes are considered liens.

Life Cycle Cost

The total cost of ownership, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative buildings systems; except that in the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

Light Industrial Areas

Areas that provide for light industrial functions not normally directly associated with office space and attendant storage requirements including: records storage (with humidity control), storage type space (with air conditioning), printing plants, product classifying laboratories, motor pool service areas, swing rooms, locker rooms, mailing vestibules and platforms, lock box lobbies, shops other than base operations, loading docks and shipping platforms, and canopy areas. Records storage with humidity control must meet the standards of 36 CFR 1228.228 through 1228.232 available at http://www.archives.gov/about/ regulations/part-1234.html#fac

Maintenance

Ordinary maintenance means routine recurring work that is incidental to everyday operations; preventive maintenance means work programmed at scheduled intervals. Per 41 CFR 102–74, entitled "Facility Management," maintenance is preservation by inspection, adjustment, lubrication, cleaning, and the making of minor repairs. Per 41 CFR 102–75, entitled "Real Property Disposal," maintenance is the upkeep of property only to the extent necessary to offset serious deterioration; also such operation of utilities, including water supply and sewerage systems, heating, plumbing, and air-conditioning equipment, as may be necessary for fire protection, the needs of interim tenants, and personnel employed at the site, and the requirements for preserving certain types of equipment.

Management

The safeguarding of the Government's interest in property, in an efficient and economical manner consistent with the best business practices.

Market Value

Market value is the sale price that a willing and informed seller and a willing and informed buyer agree to for a particular property. See also Fair Market Value.

Memorandum of Agreement (MOA)

A document that defines roles and of responsibilities between two or more parties. MOAs that establish responsibilities for providing recurring support should be supplemented with an ISSA that specifies the services and defines the basis for reimbursement. An MOA is not a legal real estate/ instrument and must be accompanied by a legal real estate/ instrument that's executed in conjunction with the MOU between the parties for a lawful and enforceable agreement.

Memorandum of Understanding (MOU)

A document that defines a mutual understanding between two or more parties. MOUs that identify expectations of recurring support should be supplemented with an ISSA that specifies the services and defines the basis for reimbursement. An MOU is not a legal real estate/real property instrument; therefore, a legal real estate/real property instrument must be executed between the parties for a lawful and enforceable agreement.

Mezzanine

Partial, intermediate level between the floor and the ceiling of a building. Typically Mezzanines do not cover the entire floor space below and are usually open or a mix of open and enclosed space.

Mineral Interests

An interest in subsurface minerals in land, with or without ownership of the surface of the land, and the right to take minerals or a right to receive a royalty.

Mission Critical

Agency/unit mission would be/is compromised without the constructed asset or parcel of land.

Mission Dependency

Value an asset brings to the performance of the mission as determined by the governing agency.

Mission Dependent, Not Critical

Constructed asset or parcel of land does not fit into Mission Critical or Not Mission dependent categories.

Move Costs

Cost to relocate personnel and furnishings from one building or space to another building or space.

National Environmental Policy Act of 1969 (NEPA)

Public Law 91-190; 42 USC 4321-4347, states that the policy of the Federal Government is to preserve important historic, cultural , and natural aspects of our national heritage and requires consideration of environmental concerns during project planning and execution. This act requires Federal agencies to prepare an Environmental Impact Statement (EIS) for every major Federal action that affects the quality of the human environment, including both natural and cultural resources. It is implemented by regulation issued by the Council on Environmental Quality (40 CFR Parts 1500-08) that are incorporated into AR200-2, Environmental Effects of Army Actions.

National Historic Landmark (NHL)

This is a special category of historic property designated by the Secretary of the Interior because of its national importance in America n history, architecture, archeology, engineering, or culture. Section 800.10 of the Council’s regulations (36 CFR 800) and Section 110(f) of the NHPA specify some special protections for NHL’s.

National Historic Preservation Act (NHPA) of 1966

Establishes historic preservation as a national policy and defines it as the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or engineering.

Section 106
Under the National Historic Preservation Act, Section 106 requires Federal agencies to take into account the affects of undertakings on historic properties listed, or those eligible for listing on the National Register and afford t h e ACHP an opportunity to comment on such undertakings. Section 106 requirements are implemented by regulations (36 CFR 800) issued by the ACHP.

Section 110
Under the National Historic Preservation Act, Section 110 outlines overall agency responsibilities with respect to historic properties.

Section 111
Under the National Historic Preservation Act, Section 111 addresses leases and exchanges of historic properties. It allows the proceeds of any lease to be retained by the agency for use in defraying the costs of administration, maintenance, repair, and related expenses of historic properties.

Section 402
Under the National Historic Preservation Act, Section 402 describes Federal agency responsibilities for historic properties in other nations and requires the head of the Federal agency to take into account the effect of an undertaking on property which is on the World Heritage List or on the applicable country's equivalent of the National Register to avoid or mitigate any adverse effect.

National Park Service (NPS)

An agency of the Department of the Interior to which the Secretary has delegated the authority and responsibility for administering the national historic preservation program.

National Register of Historic Places (National Register)

A nationwide listing of districts, sites, buildings, structures, and objects of national, state, or local significance in American history, architecture, archeology, or culture that is maintained by the Secretary of the Interior, and the NPS.

Natural Resource Restrictions

Legally enforceable restrictions placed on the use of real property or any of its natural resources to protect a given resource from harm (e.g., an endangered species or its habitat), or

to protect activities on the real property or the use of any of its natural resources from the harms caused by outside, natural forces (e.g., floodplains).

Navigational Servitude

The right of the sovereign to exercise power over the real property of others for the purpose of facilitating commerce. The servitude is a property right; however, it cannot be conveyed as it can only be exercised by the sovereign. The Federal servitude (right to traverse) generally encompasses bottomlands and riparian or coastal land to the ordinary high water mark.

Negotiation

Negotiation is the process used by an agency to reach an amicable agreement with other parties and stakeholders to posture an outcome in the best interest of the agency.

Net Operating Income

Gross income less operating expenses, vacancies, and collecting losses.

Net Proceeds

The final realized value that can be reinvested, assuming it is not less than zero, after all expenses have been extracted.

Net Square Footage

The area defined as gross square footage minus the space occupied by outside walls, interior partitions, stair towers, elevator shafts and machinery, toilets, telephone and communications, closets, basement and attic space unsuitable for use, permanent hallways and corridors, and rooms (mechanical) housing machinery or equipment for heating, ventilating or air conditioning, and for furnishing light, power, and water supply for the building.
Net to Gross Multiplier

Net Usable Area

The usable space in a room or the usable space on a floor or in a building. The Net Usable Area (NUA) of a room is the product of its interior length and width. The NUA of a building is the sum of the NUA of its rooms.

Non-Appropriated Funds

Funding from a non-appropriated source (e.g. The Coast Guard Exchange System (CGES)) expended for the purchase or construction of an item of real property on Government-owned land that solely supports CGES or Morale, Welfare, and Recreation operations. Changes to

these assets could be the result of a capital improvement or capital decrease. The cost will be estimated if actual costs cannot be determined from real property records.

Non-Excess Property

Property required for a Coast Guard operational mission or serves a useful purpose.

Non-Exclusive Use

Owner retains the right to authorize concurrent or joint occupancy of the premises. This term includes the intermittent, recurring use of the premises.

Nonprofit Organization

An organization identified in 26 USC 501(c), such as corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

Non-Usable Condition

A facility that is unserviceable because it has deteriorated to the extent that it needs extensive restoration or is a danger to the health and safety of personnel or equipment.

Not Mission Dependent

Agency/unit mission would be, or is, unaffected by retention of asset.

Not Utilized

When an entire property or portion thereof, with or without improvements, is not occupied for the current program purposes, operations of the accountable executive agency, designated for other purposes, or, is occupied in a caretaker status only.

Notice of Intent (NOI)

The NOI describes the proposed Federal action, possible alternatives, and is used to notify the public when public notification is required by law.

Number of Floors

The number of floors that exist in a building to include basement and attic where the ceiling is seven feet or higher and the space is usable.

Occupancy Agreement (OA)

An agreement between GSA and a Federal agency tenant that establishes the rent payments, terms and conditions, and space use allocation and assignment over the term of occupancy.

Occupancy Rate

Percent of building space occupied by tenants.

Occupiable Area

The portion of the area that is available for use by personnel or furnishings. Occupiable area does not include space in the building that is devoted to its operations and maintenance, including craft shops, gear rooms and building supply, storage, and issue rooms. Ceiling-high corridors solely serving a single space assignment are occupiable. Occupiable area is computed by measuring from the occupant's side of ceiling-high corridor partitions or partitions enclosing mechanical, toilet, and or custodial space to the inside finish of permanent exterior building walls or to the face of the convector if the convector (ventilation duct, radiator, heating pipe, and so forth) occupies at least 50 percent of the length of the exterior wall. When computing occupiable areas separated by partitions, measurements are taken from the center line of the partitions.

Office Space

This space, which is a component of administrative space, provides an environment suitable in its present state for an office operation with the major functional area being a workstation.

Off-site Removal

Off-site removal means dismantling in place and removal or moving off-site.

Operating Lease

An operating lease is a lease that meets all of the criteria as outlined in the OMB Circular A-11, Exhibit B. Leases deemed operational need budget authority required for the first year of the contract in the amount sufficient to cover the Government's obligations and termination costs, consistent with the requirements of the Anti-Deficiency Act.

Operational Facility Code (OPFAC)

An OPFAC is a Coast Guard unit or facility, including assigned boats and aircraft. The listing of all OPFACs in the Coast Guard is found at the G-CPA Intranet site. By definition, an OPFAC is a manned facility, thus having personnel resources allocated to accomplishing the assigned missions. This intranet OPFAC listing outlines the command relationships for every unit and sub-unit in the Coast Guard. OPFACs have unique identification numbers that are integrated in the assignment, pay, and logistics systems of the Coast Guard. The PAL on G-CPA's Intranet site has been modified so that Direct Access \"Department IDs\" can be cross-referenced with OPFAC numbers.

Optimum Use

A property is of optimum use when the entire property or portion thereof, with or without improvements is used for current operations, of such nature or value, or is in such a location that it could be used for a different, significantly higher and better purpose, and the costs of occupying are reasonable. Considerations should be given to property values as well as costs of moving, occupancy, efficiency of operations, environmental effects, regional planning, and employee morale.

Option to Renew

Provides the Coast Guard with an exclusive right to continue the current lease with previously agreed upon changes.

Otherwise Managed

Properties that are state or foreign Government-owned properties where a U.S. state or foreign Government hold title to the real property, but rights for use have been granted to a Federal Government entity in an arrangement other than a leasehold.

Outgrant

A lease, license, easement, or permit which authorizes the temporary use of Coast Guard real property to other military departments, Federal agencies, state and local Governmental agencies and private organizations or individuals.

Outleases

Contractual arrangements used to grant use and occupancy in Government-controlled space.

Overhead Factor

Costs that are associated with construction, such as planning and design, historic factor, supervision, inspection, and other overhead costs.

Over-Utilized

Defined as when an asset's utilization rate (percent utilization) is greater than 100.

Owned Facilities

Real property for which the United States holds title. The Federal agency that holds custody and control is responsible for accounting and reporting the asset.

Owned to Leased Ratio

Relative percentage of Government-owned to leased space.

Perc Test (Percolation)

The test to determine the capability of the soil to absorb liquid, both for construction and septic systems.

Permanent Facility (Building)

Facilities designed to serve a specific function or combination of functions based on operational requirements and intended to last at least forty (40) years. Permanent Buildings are typically constructed of durable materials such as heavy gauge steel, concrete/masonry, and/or stone, are generally fixed to land through a foundation, and are connected to utilities (electric, water, sewer). Permanent Buildings are Real Property.

Permanent Facility Construction

Facility designed and constructed to serve a life expectancy of five years or more.

Permit

A temporary right of exclusive or nonexclusive use of real property. It is generally applicable to granting another Federal agency the right to use property.

Person

An individual, partnership, corporation, or association.

Personal Property

Movable items, which are not permanently affixed to or considered to be an integral part of the real property. Generally, but with exceptions, items remain personal property if they can be removed without serious injury either to the real property or to the items themselves.

Planned Disposition Code

A code used to identify a facility that has been identified for future disposal, replacement, planned future use, or rehabilitation. Gross area that is "vacant" will be reported in the vacant area field. If a facility is vacant, planned for disposal, not currently used or being rehabilitated, it must have a planned disposition code.

Plant Replacement Value (PRV)

The value estimated to be needed to completely replace the asset not including the land or personal property occupying it.

Portfolio Management

The act of making decisions for real property assets individually and as a whole by looking corporately across all real property programs, using strategy and development of elements for effecting visions and goals. Portfolio management controlled by the Real Property Program

Predominant Use Code

The use to which the greatest portion of real property asset (land, building, or structure) is currently assigned. For example, buildings used primarily for office purposes are classified as "office", even though certain portions of them may be used for storage or research. A real property asset must have one predominate use code. Code used in the RPI to highlight.

Program of Requirements (POR)

Defines the scope of the project and the tenant improvements or reimbursables associated with a project, including size, operations, and requirements.

Program or Project

An activity or series of activities undertaken by an agency where Federal financial assistance is used in any phase of the activity.

Programmatic Agreement (PA)

Any agreement pursuant to any regulatory scheme/requirement which applies to a class of actions or properties, rather than an individual circumstance.

Prospectus

A formal document sent to the Office of Management and Budget and Congress to receive funding authorization for a project that exceeds a threshold established by Congress. It includes project scope information, budget, schedule, and housing plan. If approved, results

in authorization letters from both the House and Senate that approves the project, and an appropriations bill actually funds the project.

Protection

The provisions of adequate measures for prevention and extinguishment of fires, special inspections to determine and eliminate fire and other hazards, and necessary guards to protect property against thievery, vandalism, and unauthorized entry.

Public building

Any building that is suitable for office and/or storage space for the use of one or more Federal agencies or mixed-ownership corporations, such as Federal office buildings, post offices, customhouses, courthouses, border inspection facilities, warehouses, and any such building designated by the President. It also includes buildings of this sort that are acquired by the Federal Government under the Administrator's installment-purchase, lease-purchase, and purchase-contract authorities.

Public Domain Land

Land or interest in land owned by the United States and administered by the Secretary of the Interior, through the Bureau of Land Management, without regard to how the United States acquired ownership, except lands located in the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts, and Eskimos. Also called Public Land.

Public Land

Lands in which title and interest are vested in the Federal Government and administered through the Secretary of Interior. Also called Public Domain.

Public Land Order

Land may be withdrawn, reserved or set-aside from the public domain for the Coast Guard. When done, the Coast Guard must formally relinquish its right to use a parcel of land and then BLM determines whether it is suitable or unsuitable for the return to the public domain. Public Land Orders are issued by the Bureau of Land Management and published in the Federal Register.

Quit Claim Deed

An instrument that transfers any right, title, interest, or claim the grantor may have in the real property, without a warranty that such right, title interest, or claim is valid. Also known as a deed without warranty. It does not guarantee clear title and is not acceptable to convey property on which the Government intends to make permanent improvements, absent a waiver from DOJ or legislated exception from Congress.

Real Estate

Land and interests therein, leaseholds, buildings, and appurtenances thereto, piers, docks, warehouses, rights-of-way and easements, whether temporary or permanent, and improvements permanently attached to. It does not include machinery, equipment, or tools, which have been affixed to, or which may be removed without destroying the usefulness of the facility (equipment-in-place).

Real Property

Refer to the CFR 41, 101-47.103.12. Generally, Real Property consists of lands and land rights, buildings, and structures, including improvements and additions, and installed utility systems. The Coast Guard's definition of Real Property includes the intention of an Asset as being permanent in its nature (such as Land) or being permanently affixed to the land throughout its useful life (such as with Buildings and Structures). It includes equipment affixed and built into a Facility as an integral part of the Facility (Installed Equipment; such as heating systems), but not movable equipment (such as plant equipment). In many instances this term is synonymous with real estate.

Real Property Accountable Officer (RPAO)

Person appointed and assigned to account and be responsible to the agency for the capturing of inventory for land, buildings and structures, assets accounting, assignment and utilization of space.

Real Property Facility

A separate and individual building, structure, utility system, or other real property improvement identifiable in the category codes listed in the Coast Guard Shore Facility Classifications Manual.

Real Property Facility Number (RPFN)

A unique number identifying a single, individual facility.

Real Property Inventory

Listing of real property assets that identifies details of the asset such as acquisition information, current space characteristics by physical location, area, quality, functional use, occupancy, ownership and suitability, and divest plans.

Real Property Inventory (RPI) Condition Code

A code that identifies facilities to the degree of serviceability, condition, and completeness in terms of readiness for meeting its intended mission.

Real Property Records

Documents and the pertinent data captured in a database identifying all assets under the ownership and/or custody and control of the agency. Examples of real property records are Transfer and Acceptance of DOD Real Property, Form DD-1354, Report of Changes to Federal Real Property, form CG-3652, deeds, realty instruments (leases, licenses, permits, easements), negotiation reports, correspondence, records of telephone calls, inter-service support agreements, and an engineering data file consisting of maps, plans and specifications that relate to real property, and the official database of the required information as outlined in Executive Order 1337.

Real Property Unique Identifier

An auto-generated code in the SAM database that is unique to a real property asset that will allow for linkages to other information systems. Real Property Unique Identifier is assigned by the Reporting Agency and can contain up to 24 alpha-numeric digits. Note: The RPUID must remain unchanged for each asset from year to year.

Real Estate Warrants

An authorization via a Warrant issued to a qualified individual as a Real Property Contracting Officer to execute real estate legal instruments and documents securing, managing or divesting of real property on behalf of the Coast Guard. Warrants issued are in accordance with approved financial thresholds.

Reassignment

Change in Command, Control, Accountability and jurisdiction over real property of a site(s) from one command or agency to another within DHS.

Regression Analysis

A statistical tool used to predict the expected value (when data is missing or unknown) of one variable (e.g. a lease rate) for a given level of another variable (e.g. small city). In the given example, the value can be predicted based on the known relationship between lease rates and large metropolitan areas.

Rehabilitation Cost

Estimate of funding needed to restore a real property facility to its former condition.

Reimbursable Accounts

A contractual arrangement between GSA and a Federal agency where GSA performs work above the standard level that is reimbursed by the agency. The standard level covers those GSA building services and build out provided as part of the basic rental consideration.

Reimbursable Work Authorization (RWA) General Services Administration, Form 2957

A budget document that transmits funding from one Federal agency to GSA for reimbursable services. It is approved by a warranted RPS and signed by a budget POC.

Related Personal Property

Any personal property that is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and which, if removed, would significantly diminish the economic value of the real property. Normally, common use items (including general purpose furniture, utensils, office machines, office supplies, or general purpose vehicles) are not considered to be related personal property that the GSA Administrator determines to be related to the real property.

Relocatable Building

A building designed for the purpose of being readily moved, erected, disassembled, stored, and reused (e.g. trailer type building but not mobile trailer). Considered personal property unless building is affixed to the ground and considered real property.

Rentable Square Feet

The total amount of space a tenant can occupy or use within a building and the respective share of common area related to the usable area. This includes lobbies, shared restrooms, mechanical spaces, etc. Rentable area is simply used to determine how much a tenant will pay.

Repair Needs

The amount necessary to ensure that a upon renovation of a constructed asset it is restored to a condition substantially equivalent to originally intended and designed use, capacity, efficiency, or capability.

Repairs

Additions or changes that are necessary for the protection and maintenance of property to deter or prevent excessive or rapid deterioration or obsolescence, and to restore property damaged by storm, flood, fire, accident, or earthquake.

Replacement Costs (also called Plant Replacement Value)

The value estimated to be needed to completely replace the asset not including the land or personal property occupying it.

Report of Availability (ROA)

A document to outline the request for use and provides the appropriate command authority the information necessary to determine whether real property can be considered for use by a non-Coast Guard entity. The detailed report contains environmental, cultural, historical reviews; site specific restrictions and other information needed to prepare an outgrant.

Report of Excess

A document that provides the appropriate command authority pertinent information necessary to determine whether real property can be considered excess to the Coast Guard. The detailed report contains environmental, cultural, historical reviews, site specific restrictions and other information needed to prepare a disposal.

Reportability Code

A code used to identify the reportable status of a facility. A code used to denote that a facility is or is not to be included in real property reporting.

Restrictions

Limitations on the use of real property.

Retrocession

The act of relinquishing all or part of the Federal legislative jurisdiction formerly enjoyed by the Government to the state in which the land resides.

Return on Investment

The ratio of net income to owners' equity.

Reversion/ Reversionary Clauses from Deed

An interest the Grantor reserves in the deed or other disposal document which is not conveyed to the grantee and is a condition of use which provides for redemption or repossession of real property upon conclusion of occurrence of an event. Such conditions provide subsequent title to the property returns it to the original owner. Reversions retained by the United States are to the United States and not the Coast Guard, unless specifically authorized and set out.

Right-of-Entry

A right to access real property owned by another for a specified purpose and is for a short period of time. Examples include a right of entry for construction (pending obtaining permanent rights), or for drilling or other testing purposes. Rights-of-entry are not

considered an outgrant (unless for a period equal to or greater than 12 months), but are merely a short-term permission to enter the property. In Federal practice, right-of-entry is used almost exclusively for construction purposes. A license would be issued for almost any other purpose.

Right-of-Way Easement

A right belonging to a party to pass over land of another. The interest is the same as an easement with the owner of the soil retaining all other rights and benefits of ownership consistent with the easement. The phrase is also used to describe that strip of land upon which railroad companies construct their roadbed and, when so used, the term refers to the land itself, not just the right of passage over it.

Rural

When the property is located in a city, town, or unincorporated area that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city, town or unincorporated area that has a population in excess of 50,000 inhabitants, as specified in the Rural Development Act, as amended.

Sale

The divesting of the United States of America of all title to real property for valuable consideration and usually by Deed.

Screening

The process of circulating real property availability notices to determine if there is a requirement for use by another organization or agency.

Section 106

Under the National Historic Preservation Act, Section 106 requires Federal agencies to take into account the affects of undertakings on historic properties listed, or those eligible for listing on the National Register and afford t h e ACHP an opportunity to comment on such undertakings. Section 106 requirements are implemented by regulations (36 CFR 800) issued by the ACHP.

Security Cost

Expenditures for all types of security measures provided for a facility divided by the gross area of the building. Used to assess the cost efficiency of provided security services.

Security Interest

An interest in personal property or fixtures that someone obtains to ensure payment owed or performance of an obligation, such as a mortgage or lien.

Semi-Active Installation

An installation/site, which is not in continuous use by the Coast Guard organizations other than, an active Coast Guard unit required to support intermittent use of reserve Component or field exercise requirements. An installation which is in custody of a non-Coast Guard agent charged with support of Reserve Component training and/or maintenance of the installation as a mobilization base.

Semi-Permanent Facility (Building)

Facilities designed to meet various operational requirements depending on current mission assignments and intended to last between five (5) and twenty-five (25) years. Semi-Permanent Buildings are typically constructed of less durable materials such as wood, light masonry, light gauge steel, vinyl, and even fabric (tensile fabric structures), and may or may not be fixed to land. Utility connections are common, but may not provide full service (electric installed, but no water/sewer, etc.). Examples of Semi-Permanent Buildings include trailers which can be removed from the site, but have been temporarily placed on blocks and “skirted” with the intent of remaining in place throughout their useful life. Semi-Permanent Buildings are considered Real Property if constructed/purchased through the use of construction funds (AFC43/AC&I)

Senior Real Property Officer (SRPO)

A senior-level manager who develops and implements agency asset management plans. The SRPO is responsible for ensuring that the asset management plan: (1) Identifies and categorize real property owned, leased, or managed by the agency; (2) Identifies and pursues goals with appropriate deadlines for real property and measure agency progress; (3) Prioritizes actions to be taken to improve the operational and financial management of the agency's real property inventory and make life cycle estimations associated with the prioritized actions; (4) Identifies and pursues goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measure progress against such goals; and is responsible for monitoring the agency's real property assets so that its assets are managed in a manner that is consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan.

Septic System

A sewage system whereby pipes run to the septic tank and then to the tile field.

Service Contract

A Federal Acquisition Regulation (FAR) procurement contract to perform work for the Government for payment by the Government under which space may be provided to the execution of the contract.

Servient Estate

The land burdened by an easement.

Set Back Ordinance

Regulates the distance from the lot line to the point where improvements may be constructed.

Site

A Site is a geographical location. At this location, it is the sum of all real property assets (Land Parcels and Facilities) whether owned, leased, or otherwise managed within a specific geographic boundary delineated by metes and bounds or other survey methods.

Size

Refers to the size of the real property asset according to the appropriate unit of measure as dictated by the category code of the asset.

Space

An area or volume of a building, facility, or land incidental to the use thereof, that is under the custody and control of a Federal agency.

Space Efficiency

The amount of usable area compared to total gross building area.

Special Purpose Space - Delegation from GSA

As specified in FMR 102-73.160 through 102-73.255, an agency special purpose space delegation is a standing delegation of authority from the Administrator of General Services to specific Federal agencies to lease their own special purpose space. The full list of agencies that have special purpose space delegations and the types of special purpose space they may lease can be found at FMR 102-73.170 through FMR 102-73.225.

Special Space

This space, which is a component of administrative space, has unique architectural features, requires the installation of special equipment, and is not, sized based on normal administrative personnel and equipment requirements. It is space that is required for special functions within the general construct of administrative space (for example, laboratory and clinic areas, food service areas, structurally changed areas, automatic data processing areas, conference and training areas, light industrial areas; see inclusive definitions within glossary).

Square Meter

Basic unit of space measurement in the Metric System consisting of an area measuring one meter by one meter and equivalent to 10.76 square feet.

State

The fifty States, political subdivisions thereof, the District of Columbia, the Commonwealths of Puerto Rico and Guam, and the territories and possessions of the United States.

State Historic Preservation Officer (SHPO)

Under the NHPA, the SHPO has been designated in each State to administer the State historic preservation program, including identifying and nominating eligible properties to the National Register.

Storage Space

This space, which is a component of administrative space, generally consisting of concrete, wood block, or unfinished floors, bare block or brick interior walls, unfinished ceilings, and similar construction containing minimal lighting and heating. It includes attics, basements, sheds, parking structures, and other unimproved building areas. Storage space will be classified under subparts of "general storage areas" and "inside parking areas".

Storage Space Volume

The sum of the actual cubic space (cubic feet) enclosed within the inner surfaces of the outside or enclosing walls and contained between the inner surfaces of the structural members (roof, trusses, rafters or ceiling, whichever is lower) and the finished surfaces of the lowest floors. This definition is for inventory and space utilization survey purposes only.

Structurally Changed Areas

Areas having architectural features differing from normal office or storage areas, such as sloped floors, high ceilings, and increased floor loading including : auditoriums gymnasiums,

libraries (with special stacks and floor loading), target ranges, security vaults, courtrooms, US Postal Service workrooms, and arms rooms.

Structures

Per Facilities Classification Guide, any construction affixed to the ground through a structurally supportive foundation that does not meet the definition of a building. Examples include, but are not limited to; helicopter landing pads, towers, platforms, equipment pads, docks, pavilions, open-sided storage facilities, flagpoles, swimming pools, monuments, and piers. Linear structures are a subset of structures and include, but are not limited to utility systems such as water, electric power, and gas distribution systems, as well as other structures (i.e., fences, retaining walls, bulkheads, etc.) that have a UoM of LF or MI. Structures are identified by the type code “S” and linear structures are identified by the type code “LS” in accounting systems. For accounting purposes, both structures and linear structures fall within the “Other Structures and Facilities” account numbered 1740 on the general property, plant, and equipment financial balance sheet.

Sub Installation/Sub Site

Part of an installation/site identified by a different geographic location code than that of the headquarters installation. An installation must be separated into sub-installations (and reported separately) when the installation is located in more than one state or county. An agency will separate an installation into sub-installations if the installation is not contiguously located to the headquarters installation or is located in another location.

Sublease

A sublease is any lease in which the Coast Guard leases from another lessee rather than the owner of property.

Succeeding Lease

A succeeding lease is a new lease when there is a continuing need for occupancy under an expiring lease without a break in tenancy, with new terms and conditions.

Successor Grant Instrument

The instrument number for a renewal action to replace an existing lease or other type ingrant or outgrant.

Superseding Lease

A superseding lease is a new lease that replaces the existing lease prior to its expiration with new terms, conditions, and requirements. One of the terms of the new lease is the mutual agreement of the parties that the existing lease is terminated and is replaced with the new, or superseding, lease.

Surplus Real Estate

Any real property that has been screened by GSA and has been determined to be excess to the needs of the U.S. Government.

Temporary

Facilities typically purchased/leased with the intent to serve a specific purpose in support of a temporary/interim operational requirement for no more than five (5) years, or for purely storage purposes. Utility connections are not common, but if installed, are typically only temporary (overhead power and above ground water/sewer connections). Although they may be resting on a concrete slab, they are not affixed to the slab, nor anchored to the ground through other means thus enabling them to be easily moved/relocated. Examples of temporary facilities include CONEX boxes, office trailers, storage sheds, and equipment huts. Temporary buildings are typically not considered Real Property.

Tenant

Any occupying body that does not own or have custody and control of the real property.

Termination Date

The date realty instrument is terminated and the Grantor obtains full possessionary rights in the real property. May or may not be at the end of the term.

Tenant Improvements (TI)

Improvements to a finished component of an interior block of space allowable by the owner of the property to build out a property for specific use and occupancy by the tenant. TIs represent additions to or alterations of the building shell that adapt the workspace to the specific uses of the customer. TIs may be funded by the owner/lessor as a benefit or the tenant and include such items as walls, new carpet, paint, IT infrastructure. If made at initial occupancy, the TIs are known as initial space alterations or ISAs.

Title

Often used interchangeably with the word ownership. It indicates the accumulation of all rights in property by the owner and others.

Title 10 (Title X) Transfer

Acquisition or transfer of property between the Coast Guard and another DOD military service, via transfer. Typically accomplished through Secretariat Memo and Transfer and Acceptance of DOD Real Property, Form DD-1354.

Title Insurance

An insurance policy which protects the insured (purchaser and lender) against loss arising from defects in title.

Total Building Area

Total area of a building, measured in gross square feet or square meters, based on exterior perimeter dimensions.

Transfer

Change of custody, accountability and jurisdiction over Real Property from one Federal agency or department to another, including DOD Military departments.

Triple Net Lease

A type of commercial leasing agreement that the lessee pays taxes, insurance, and maintenance in addition to the rent.

Undertaking

As defined by the NHPA is a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out or on behalf of the agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency. If a proposed activity or action is determined to be an undertaking, Section 106 compliance and the procedures in 36 CFR 800 must be followed.

Underutilized

- An entire property or portion thereof, with or without improvements, that is not used or fully occupied for current program purposes of the agency. A property is considered“underutilized” when the entire property or portion thereof, with or without improvements, is used:at irregular periods or intermittently and not put to optimum use if allowable or justified.

- For a purpose that can be satisfied with only a portion of the property.

Unimproved Land

Land with no buildings or structures erected on it.

Unit of Measure (UoM)

A standard of basic quantity or increment by which something is divided, counted, or described, such as linear foot, acre, gallon, square foot, etc. CATCODES assignments determine UoM to use for each asset type.

Urban

A statistical geographic area defined by the Census Bureau, consisting of a central place(s) and adjacent densely settled territory that together contain at least 50,000 people, generally with an overall population density of at least 1,000 people per square mile (41 CFR 102-83.60).

Usable Square Feet (USF)

The square footage that is used exclusively by the tenant. Includes the main office area and other areas such as private rest rooms, closets, etc. It does not include common area.

Utility System

Network, which provides a service or a commodity necessary to keep a facility operational, i.e., water, electricity, sewage, etc.

Utilization

The state of having been made use of, i.e., the rate of utilization.

Utilization Planning

Process of developing management strategies that ensure the best use of assets consistent with plans and missions. The strategies ensure compatibility between the composition of the asset portfolio and the requirements of the agency.

Utilization Rate

Average area of workspace (including circulation, support and pro-rata share of special space) used by each person, measured in square feet or square meters.

Vacancy Rate

Percentage of building area not occupied or obligated compared to total building area leased or owned.

Vacant Area

All land, buildings, and facilities that are not programmed or committed for use during the next twelve months and are not occupied. Vacant areas do not include areas outgranted.

Vacant Space

Space that is not currently occupied or used to perform an agency's mission but is retained for future use.

Vacated Premises

Property from which all military and supporting personnel and missions have been vacated.

Value

The cost of replacing the existing land and constructed asset at today's standards. FRPC shows value as Plant Replacement Value (PRV) or functional Replacement Value (FRV) absent the land and recommends using the formula shown here to calculate value:
Value = Unit x Unit Cost x Overhead Factor.

Value Comparison

Comparison of building sale revenue to building fair market value.

Value Engineering

An organized effort directed at analyzing the functions of systems, equipment, facilities, services, and supplies for the purpose of achieving the essential functions at the lowest lifecycle cost consistent with required performance, reliability, quality, and safety. These organized efforts can be performed by both in-house agency personnel and by contractor personnel.

Voucher Number

This number is sequentially assigned by fiscal year by the real property office to indicate the sequential occurrence that the property transaction was accepted and/or vouched.

Voucher Register/Log

A serial-numbered document register, maintained by the Real Property Accountable Officer, to record all transactions that affect real property.

Waiver Valuation

The term waiver valuation means an administrative process for estimating fair market value for relatively low-value, non-complex acquisitions. A waiver valuation is prepared in lieu of an appraisal.

Water Rights

A legal right to use the water of a natural stream or water furnished through a underground aquifer, ditch, waterway, or canal, for general or specific purposes, such as irrigation, mining, power, or domestic use, either to its full capacity or to a measured extent or during a defined period of time.

Wetlands

Areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as mud flats, nature ponds, potholes, river overflows, sloughs, and wet meadows. Wetlands may be, but are not necessarily, located in flood plains.

Withdrawn Land

Public land that has been set aside or designated for a specific public purpose, such as a national park, wildlife refuge, or national defense use. Withdrawal of public lands generally has the effect of segregating such land from lease, sale, settlement, or other dispositions under the public land laws.

Withdrawn Public Domain

Public land that has been set aside or designated for a specific public purpose, such as a national park, wildlife refuge, or national defense use. Withdrawal of public lands generally has the effect of segregating such land from lease, sale, settlement, or other dispositions under the public land laws.

Work Plan

A key tool used to manage the site selection process. The Work Plan includes information relating to intended occupants, schedule, scope, budget, approval, controls, and communications.

Workspace

Space in facilities and structures (permanent, semi-permanent, or temporary) that provides an acceptable environment for the performance of agency mission requirements by employees

or by other persons occupying it. It is further classified as office space, storage space, or special purpose space.

Workstation

A location within an office space assignment that provides a working area for one or more persons during a single 8-hour shift.

World Heritage List

A list developed by the World Heritage Committee containing properties forming part of the cultural heritage and natural heritage which the committee considers as having outstanding universal value based on different criteria. The list is generally updated every 2 years.

Year Acquired by Coast Guard

The year that the Coast Guard accepted the real property into the inventory with official legal, executed documentation such as a Transfer and Acceptance of DOD Real Property, Form DD-1354, deed, lease or other legal real estate document representing custody and control.

Year Built

The year construction of a facility was physically completed and a certificate of occupancy issued. Renovated facilities retain the original year built date.

Zoning Restrictions

Municipal regulations determining structural and architectural design rules of buildings and prescribing the use to which buildings within designated districts may be constructed and operated.