



Important Information for Adjacent Property Owners



This information is designed to acquaint adjoining property owners and others with the rules regarding use of lands and easements owned by the United States of America (hereinafter "Government" or "U.S.") that are managed by the U.S. Army Corps of Engineers Tulsa District (hereinafter "Corps"). The primary goals of the Corps when making land management decisions are to ensure management consistent with the Congressionally authorized project purposes, promote the authorized operational integrity of a project, promote safe use by the public, safeguard natural resources and items of historical and cultural significance, and support environmental stewardship.

U.S. FEE OWNED LAND vs. EASEMENTS

The U.S. purchased lands necessary to operate water resource development projects for specific authorized purposes which differ from project to project and can include one or a combination of the following: flood risk management, navigation, hydropower, fish and wildlife, recreation, water quality control, and water supply. There are two primary Government ownership interests at Corps projects, fee, and easements (sometimes referred to as "flowage easements"). Where the U.S. owns the fee interest it owns all rights to the surface use of the land. Where the U.S. owns an easement, it owns the right to use the surface of the land for the specific purposes outlined in the easement deed.

Most people are familiar with fee ownership interest because these are the ownership rights people enjoy when they buy a piece of land or a house.

Easement interests are unique because the easement limits the fee landowner's ability to use the surface of the land for purpose. For example, where the U.S. owns a flowage easement over privately owned land, the private landowner cannot build a retaining wall to block the water from flowing onto the private property because that act interferes with the U.S. right to store and flow water across the private property. The fee owner may install a chain link fence or a flower garden at ground level without concern because these items do not block the flow of water across the land. Fee owners are allowed to use the land encumbered by a U.S. easement if their use does not violate the terms of the easement or otherwise interfere with the rights of the Government to use its easement.

Easement rights can vary, but generally at our water resource development projects, the U.S. acquired flowage easements that allow it to store and flow water across privately owned real property and prohibits anyone from constructing habitable structures (e.g., houses) or other structures that impair the ability to store and flow water on the land. You should always consult the easement deed in your chain of title or court records to confirm any limitations on using your fee-owned property.

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PROHIBITED, UNAUTHORIZED USES OF U.S. FEE OWNED LAND

The United States has the same ownership rights as any other owner of real property to include the freedom to use the property, decide how to manage it, and to protect it against unauthorized uses. Examples of unauthorized or prohibited use include, but are not limited to the following:

1. Any private exclusive use.
2. Restricting public access in any way to include using physical barriers or signs.
3. Clearing vegetation, mowing, and planting food plots.
4. Placing or constructing structures, buildings, decks, swimming pools, hunting blinds, septic systems, lateral lines, improved pathways, retaining walls, stairways, fill material, etc.
5. Disposal of any garbage, waste, construction debris, or other refuse.
6. Using Government land for grazing livestock or other agricultural purposes.

ENCROACHMENTS

Encroachments are of particular concern given that Corps projects are seeing extensive development along many project boundary lines. An "encroachment" is simply a structure or other improvement that is built, installed or placed on, in, over, across, or upon Government land without the Government's authorization. Any structure built or placed on Government land without prior authorization is referred to as an encroachment and considered private exclusive use of Government lands. "Structure" or "improvement" can be permanent or semi-permanent. Examples of encroachments include, but are not limited to a habitable dwelling, building, fence, deck, porch, barn, storage building, road, garden, gazebo, leach field, septic tank, propane tank, utility line, pool, deck, placement of fill material (soil or another fill), retaining wall, etc.

The fee boundaries of Government land are marked with monuments, signs, or pins. Temporary stakes may also be used. The Corps must review and authorize all activities on its land to ensure detrimental actions are not taken that impact the ability to operate the project in accordance with its authorized purposes; to ensure compliance with laws, regulations and policies; to ensure public safety; to prohibit private, exclusive, unauthorized use; and to maintain clear title in the name of the United States of America.

Once an encroachment is identified, Corps personnel will contact the responsible party, typically the adjacent property owner and notify them about the encroachment. The next step is to seek resolution of the encroachment which is most often removal of the encroaching structure(s). There can be other options, but those are limited and typically only apply in special circumstances. Removal can be a costly, time consuming, and a frustrating process which is why prevention is key.

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WHY ENCROACHMENTS MATTER

One of the primary project purposes at Corps Lakes within the Tulsa District is flood risk reduction. When private individuals build habitable structures on Government owned land and flowage easements it can directly endanger human life and property by virtue of their exposure to rising flood waters. Likewise, unauthorized private construction of impermeable structures and placing fill within areas reserved (by easement) for storing water displaces that water which may cause it to go elsewhere. While that may protect the home with the retaining wall, it may endanger another home or structure that has no retaining wall. By enforcing the Government's real property rights in both fee owned lands and flowage easements, the Corps reserves the land for its intended use, facilitates operation of the projects as they were designed, and helps the Corps preserve its most important assets those people who love our lakes as much as we do.

PREVENTING ENCROACHMENTS

The easiest way to prevent encroachments is to know where the fee property boundary lines and the flowage easement boundary lines are located on your property. Check the land records, your deed, the flowage easement language, and hire a professional land surveyor to survey those boundary lines **before** you start your project. Ultimately, prevention is your responsibility, but we are here to help. We welcome questions from the public. We have a team of real estate and operations experts available to answer your questions about the U.S. ownership interests, but our advice will always include that you should get a survey before starting construction.

WHO TO CALL

If you have questions or concerns about the location of the Government boundary line or flowage easement, or if you have a known encroachment, please contact the local lake office for assistance. Contact information for every lake office within the Tulsa District can be found on our [website](#) or you are welcome to email the Tulsa District Office at ceswt-od-nr@usace.army.mil.