

Corps of Engineers, Dept. of the Army, DoD

§211.145

and conditions, as the Chief of Engineers or the Director of Civil Works consider necessary for the operation of the project or in the public interest.

[37 FR 15372, Aug. 1, 1972]

CONVEYANCES FOR PUBLIC PORT OR INDUSTRIAL FACILITIES

AUTHORITY: Sections 211.141 through 211.147 issued under sec. 108(d), 74 Stat. 487; 33 U.S.C. 578.

SOURCE: 26 FR 2117, Mar. 11, 1961, unless otherwise noted.

§211.141 Statutory provisions.

Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

§211.142 Definitions.

(a) *This Act.* The term "this Act" shall mean Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

(b) *Land.* Any land under the jurisdiction of the Department of the Army acquired for a project which was authorized for water resource development purposes.

(c) *Project.* Any project under the jurisdiction of the Department of the Army which was authorized for water resource development purposes.

(d) *Agency.* The term "agency" shall mean any state, political subdivision thereof, port district, port authority, or other body created by a state or through a compact between two or more states for the purpose of developing or encouraging the development of public port or industrial facilities.

(e) *District Engineer.* The term "District Engineer" shall mean the District Engineer of the United States Army Engineer District having immediate jurisdiction over the land available for conveyance.

§211.143 Delegations.

(a) The Chief of Engineers and/or the Director of Civil Works (Assistant to the Chief of Engineers for Civil Works) is hereby delegated authority to determine:

(1) That the development of public port or industrial facilities on land within a project will be in the public interest;

(2) That such development will not interfere with the operation and maintenance of the project;

(3) That disposition of the land for these purposes under this Act will serve the objectives of the project;

(4) If two or more agencies file applications for the same land, which agency's intended use of the land will best promote the purposes for which the project was authorized; and

(5) The conditions, reservations and restrictions to be included in a conveyance under this Act.

(b) The District Engineer is hereby delegated authority to:

(1) Give notice of any proposed conveyance under this Act and to afford an opportunity to interested eligible agencies in the general vicinity of the land to apply for its purchase as hereinafter provided; and

(2) Determine the period of time in which applications for conveyances may be filed.

§211.144 Notice.

The District Engineer shall give notice of the availability of any land for conveyance under this Act and afford an opportunity to eligible agencies in the general vicinity of the land to apply for its purchase (a) by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within the State in which the available land is located and, if any agency of an adjoining State or States may have an interest in the development of such land for public port or industrial facilities, by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within such State or States, and (b) by letters to all agencies who may be interested in the development of public port or industrial facilities on the available land.

§211.145 Filing of application.

Any agency interested in the development of public port or industrial facilities upon the available land shall file a written application with the District Engineer within the time designated in the public notice. The application shall state fully the purposes for which the land is desired and the scope of the proposed development.