

MANAGING LAND USE CONTROLS IMPLEMENTING AFRPA LUC/IC MANAGEMENT GUIDANCE

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Background

Land Use Controls (LUCs) and Institutional Controls (ICs), as related to DoD environmental program restoration activities, have been a nation-wide issue since 1997. Air Force Real Property Agency (AFRPA), formerly Air Force Base Conversion Agency (AFBCA), participated in the DoD LUC Working Group from its inception in May 1998. The DoD issued general policy on LUCs in January 2001 with the expectation that each military component would issue its own guidance using criteria specified in the DoD policy. AFRPA, as the Air Force's execution Agency for BRAC, has formulated its Management Strategy, consistent with the DoD guidance, for the Implementation, Monitoring and Enforcement of Land Use Controls and Institutional Controls at Air Force BRAC installations. The fundamental concept for the AFRPA Land Use Control/ Institutional Control (LUC/IC) Management Strategy is to integrate its LUC/IC guidance into existing AFRPA's environmental restoration processes.

Methods

The AFRPA formally implemented its LUC/IC management program through an Agency Memorandum dated 30 July 2002. This memorandum provides guidance describing the AFRPA approach and process for developing an installation specific LUC/IC Management Plan. The memo explains the guidance is designed to result in a comprehensive, installation specific, LUC/IC Management Plan and further notes that it is expected the installation specific LUC/IC Management Plan will be developed in-house (i.e., by AFRPA personnel) using readily available information.

The AFRPA will produce a LUC/IC Management Plan whenever the use of property at a BRAC installation is restricted based on an environmental condition. LUC/IC Management Plans will be developed using 4 related model documents, referred to as modules: 1) Layering Strategy Worksheet, 2) Communication Plan, 3) LUC/IC Management Plan Template, and 4) IC Tracking Model. Collectively, these modules result in a single document titled "*Land Use Control/Institutional Control Management Plan*". The Layering Strategy Worksheet module identifies relevant issues and data requirements that are then used in development of the actual LUC/IC Management Plan. The Communication Plan Module and its resultant Communication Plan is the principle tool that will be used to implement the requirements identified in the LUC/IC Management Plan (i.e., the tool by which AFRPA will get the word out to effected parties). As part of this process, a new LUC/IC (data) tracking module has been developed for the AFRPA Management Information System (MIS), which allows the Agency to actively track and manage long-term compliance with all implemented LUC/ICs.

The AFRPA LUC/IC management program is an essential component of the Agency's long-term environmental program stewardship responsibilities. Each AFRPA Division is required to develop a schedule showing completion of LUC/IC Management Plans not later than 1 December 2003 for each BRAC installation requiring one. Additionally, schedules must account for the probability that some BRAC installation may need completed plans much earlier than 1 December 2003 deadline in order to address existing environmental program cleanup and BRAC property transfer schedules. Schedules will be used as a management tool at monthly Program Manager briefings to track progress towards completion of plans along with track progress toward the Agency's basic BRAC mission goals for property transfers.

Discussion

The implementation and management of LUC/ICs by AFRPA is being done through the mandatory use of four interactive modules. Each AFRPA BRAC Installation is required to use these modules in the development of their respective *Land Use Control/Institutional Control Management Plan*. Each module is presented in the form of a

model template with instructions on how to use and complete the template. A description and purpose of each module is provided below.

Layering Strategy Worksheet Module

The AFRPA is using a layering approach to maximize the effectiveness of LUC/ICs. The Layering Strategy Worksheet module is used to identify "layers" of reinforcing mechanisms which both individually and jointly help ensure the effectiveness of the land use control or institutional control being levied. The module includes a checklist of potential layering mechanisms (e.g., deed restriction provisions, zoning restrictions, permit programs, etc.) that may be an option for use at an installation, requires the user to verify their availability, and, if found valid, obtain the information necessary to integrate them into the Agency's LUC/IC management approach. The user of the module will identify the specific individual or governmental entity with responsibility for overseeing the types of actions affecting property that the Agency is concerned with, e.g., land use plan approval, construction, excavation, and business licensing/permitting. The module also includes criteria for evaluating the importance of the layering mechanisms (i.e., assigning a priority) to determine how often and how long the Agency will continue to provide notices regarding the use restriction on the property.

The information developed through the use of the layering worksheet module is summarized in a table, which is integrated into the Communications Plan, the LUC/IC Management Plan and the LUC/IC database that will be used to track LUC/ICs.

Communications Plan Module

Communicating information regarding the use restrictions to the right individuals and/or governmental entities (stakeholders) is an essential element of implementing LUC/IC's using the Agency's layering approach. The Communication Plan, developed through use of the Communications Plan module, describes the use restrictions, identifies confirmed layering mechanisms and stakeholders, and the information to be communicated to the identified stakeholders specific to the installation. The Communication Plan includes templates for the initial contact letter, reinforcing notice, and termination letter that will be sent to the grantees, the regulators and other stakeholders. The completed Communication Plan becomes part of the developed LUC/IC Management Plan as an appendix.

LUC/IC Management Plan Module

The LUC/IC Management Plan module is where module integration occurs. The LUC/IC Management Plan will describe how the LUC/ICs will be identified, implemented, monitored and enforced. It will be a document that a user can reference in future years to identify the restrictions and determine what was done and what needs to be done to implement, monitor, and enforce LUC/ICs at an installation. Additionally, the Management Plan will include the criteria for determining when implemented LUC/ICs can be terminated (removed) and a description of the processes to terminate the LUC/ICs.

The monitoring section of the LUC/IC Management Plan describes two separate "monitoring tracks" for LUC/ICs the Agency will be using; layering mechanism reinforcement monitoring through letters and notices to individuals and entities responsible for implementing the specific layering mechanisms identified for the site (property area); and AFRPA visual site inspections (VSIs) for compliance with specific land use controls implemented at the site (property area). The frequency of reinforcement monitoring of layering mechanisms is determined through the importance assigned to individual layering mechanisms (i.e., its priority), while the frequency of VSIs is determined by using the IC Classifications (i.e., consequences of violating the IC) for the particular IC levied.

IC Tracking Module

The January 2001 DoD Policy on Land Use Controls Associated with Environmental Restoration Activities requires DoD components to develop and maintain a LUC database and specifies individual LUC attributes that must be tracked. AFRPA has created a web accessible database for Air Force BRAC installation on its Agency website. This external database can be used by the general public, regulators, or other interested parties for accessing information about LUC/ICs at any Air Force BRAC installation. The external database will be linked to the Agency's internal MIS and periodically updated based on updates to the MIS. In addition, AFBCA is adding a new module to the MIS specifically to use in managing LUC/ICs. This new module to the MIS will have the capability to schedule and generate required reports and grantee and stakeholder recurring notice and

termination letters. Both systems will contain the basic information required by the DoD policy to include a description of the LUC/IC, the affected property, information on maintenance of the LUC/IC, and points of contact for the associated grantees, regulators and other stakeholders.

Plan Completion

A BRAC Installation specific *Land Use Control/Institutional Control Management Plan* is the resultant integrated product from the merger of the above four interaction modules. Below is a graphical presentation of how a LUC/IC Management Plan is developed or “integrated” from these 4 modules. In summary; the development effort begins with completing the Layering Strategy Worksheet module. Information collected in the Layering Strategy worksheet feeds into development of both the Communication Plan and LUC/IC Management Plan. The IC Classification worksheet, a previously completed effort by Agency personnel, feeds into the LUC/IC Management Plan. The Communication Plan and LUC/IC Management Plan are completed concurrently with the Communication Plan becoming an appendix to the LUC/IC Management Plan. The completed LUC/IC Management Plan will be used by AFRPA for management of LUC/ICs for the life cycle or term of the implemented LUC/ICs. AFRPA BRAC installation specific LUC/IC Management Plans will be “living documents” that will be revised periodically when information indicates that changes in environmental site conditions warrant new, modified, different, or termination of LUC/IC controls.

