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U.S. Army Corps of Engineers (USACE)

RIGHT-OF-ENTRY FOR USACE REGULATORY PERMITTING ACTIVITIES

For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act, the proponent agency is CECW-COR.

Form Approved - OMB No. 0710-0003 Expires 2027-10-31

The Agency Disclosure Notice (ADN)

The Public reporting burden for this collection of information, 0710-003, is estimated to average 5 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

Purpose: This form is used by members of the public to authorize the USACE to enter their property for site investigations relating to USACE project reviews. These reviews include onsite investigations needed to support application review, processing, and issuance of a Clean Water Act and/or Rivers and Harbors Act delineations, determinations, and/or permits.

This form is a component in the Corps Regulatory Request System (RRS), which is an online permitting application portal for the Regulatory Program.

ITEMS 1 THRU 4 - FOR USACE USE ONLY

1. Application Number	2. Field Office Code
3. Date Received	4. ROE Number

ITEMS 5 THRU 15 - COMPLETD BY THE PROPERTY OWNER

5. Property Owner Name (*first, middle, last*)	6. Property Owner Mailing Address:	
Company Name (*if applicable*):	City:	State:
E-mail Address:	ZIP:	Country:

7. Property Owner Phone Numbers. w/AREA CODE

a. Property Owner Phone	b. Property Owner Business Phone	c. Property Owner Fax

8. Type of USACE Regulatory Actions(s) Requested

LOCATION AND LEGAL DESCRIPTION OF PROPERTY

9. Property Street Address:				10. Location of Property (*in decimal degrees*)	
Address	City:	State:	ZIP:	Latitude: ◦N	Longitude: ◦W

11. Tax Parcel ID(s)

12. Right of Entry Agreement

This Right of Entry (ROE) agreement is made and entered into as of the date below, by and between the UNITED STATES OF AMERICA (the "Government") and the undersigned real property owner holding title (the "Owner"), to the Property described in Boxes 9 through 12 above.

This ROE is applicable solely for purposes of allowing the Government to conduct onsite assessments of site conditions as needed to support processing of USACE Regulatory Actions, such as permits, aquatic resource delineations, and jurisdictional determinations, under the Clean Water Act (CWA) and/or the Rivers and Harbors Act of 1899 (RHA). The Owner hereby grants the Government a Right of Entry on, in, over, and through the Property, as needed for the Government to carry out those purposes, subject to the terms and conditions below:

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1. Time Period: The ROE shall become effective upon the date of the Property Owner's signature to execute this ROE and, unless terminated sooner under the terms herein, shall remain effective for the duration of USACE's review period for the Regulatory Action(s) specified in Box 8 (above), but not to exceed one year, whichever is shorter, unless terminated sooner under the terms herein or the completion of processing of the Regulatory Action(s) covered under this ROE.

2. Definition of Terms: Except as otherwise specifically provided, any references to “Government,” include the Government's employees, agents, duly authorized representatives, and contractors. Any and all references to “Owner” include his/her assignees, heirs, successors, and duly authorized representatives.

3. Assessment Authorized: This ROE grants the Government a right to access the Property to assess the site conditions on the Property and/or to perform all tasks reasonably related to the review of requests for USACE Regulatory Actions related to the Property. The Owner hereby consents to the Government's sole and absolute discretion to determine the extent of onsite assessments needed to review a request for a USACE Regulatory Action at the time the onsite assessment is performed. This right-of-entry includes the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary and not otherwise conveniently available to the Government.

4. Acknowledgements: By consenting to this ROE, the Owner acknowledges and agrees that the following policies shall apply concerning the Government's onsite assessments at the Property:

a. This right-of-entry may be exercised only for the purposes of making a visual inspection of the property described above, together with the right to collect photographs, GPS information, and any such vegetation, soil, water samples, and/or other onsite information, as may be necessary to support USACE's review, processing, and/or issuance of requests for USACE Regulatory Actions under the CWA and/or the RHA.

b. This right-of-entry does not grant any right to enter into any structure or building located on the property described above.

5. Termination: The Owner may request a termination of this ROE by one of the following methods. Instructions are provided on the enclosed Request for Termination form. No termination request shall be effective until 24 hours from receipt of the request by the Government. Termination requests may be submitted to the applicable USACE Regulatory District Office (see https://regulatory.ops.usace.army.mil/offices/), via any of the following means:

· Mail or In-Person:
· Telephone: Termination may be requested by contacting the USACE Regulatory District Office by telephone.
·Regulatory Request System (RRS): Requests for Termination may also be submitted through USACE's RRS at: https://rrs.usace.army.mil/rrs.

6. Waiver of Liability: The Owner acknowledges and agrees that the Government's decisions regarding when, where, and how to conduct onsite assessments of site conditions as needed to support processing of USACE Regulatory Actions pursuant to the ROE are discretionary functions. The Owner acknowledges and accepts that this ROE does not obligate the Government to perform any act or function. The Government hereby makes no representations or warranties regarding any work, assessment or inspection performed. The Owner agrees to hold harmless and indemnify the Government, its employees, agents, contractors and/or representatives from any and all liability, damage, or loss whatsoever directly or indirectly arising out of, caused by, related to, or otherwise resulting from, in whole or in part the acts or omissions of the Government, its employees, agents, contractors and/or representatives, however negligent, in performing actions associated with conducting onsite assessments of site conditions as needed to support processing of USACE Regulatory Actions. This indemnification and hold harmless provision extends to any damage or liability of any type whatsoever to the Property or to personal property and fixtures situated thereon, or for bodily injury or death to any persons on the Property, arising out of the assessment of the Property. The Owner discharges and waives any and all actions, either in law and/or equity, Owner has, or ever might have, for any Government act or omission in any way associated with assessing the Property.

7. Prohibition on Fraud, Intentional Misstatements: An individual who fraudulently or willfully misstates any fact in connection with this ROE may be subject to penalties under state and federal law, including civil penalties, imprisonment for not more than five years, or both, as provided under 18 USC § 1001.

Privacy Act Statement: Owner acknowledges receipt of the Privacy Act statement shown below and consents to release of the information contained in this ROE in accordance with the purposes therein stated:

PRIVACY ACT STATEMENT
Legal Authority: 10 USC Sec. 3013 Principal Purposes and Probable Routine Uses: Information is collected to make it possible for the Government, its employees, agents, contractors and/or representatives to enter your property and carry out all actions required to respond to requests for USACE Regulatory Actions under the CWA and/or the RHA. Information provided to the Government may be shared with other government agencies, federal and nonfederal, and may be made available as part of a public notice or Freedom of Information Act request as required by federal law. Submission of the requested information is voluntary, however, failure to disclose the information requested may prevent the Government from effectively responding to your request for a USACE Regulatory Action under the CWA and/or the RHA.

13. Property Owner Certification
By signing below, I authorize representatives of the USACE to enter upon the property described above for the purpose of conducting on-site investigations, if necessary, and issuing a jurisdictional determination pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. I, the undersigned, am a duly authorized owner of record of the property identified herein. By consenting to the terms and conditions contained herein, I certify that I am the Owner of the Property and I am authorized to grant this right of entry.

14. Signature of Property Owner	15. Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both.

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REQUEST FOR TERMINATION

To request termination of this ROE, sign this form and deliver it to your local U.S. Army Corps of Engineers (USACE) office located at: (see https://regulatory.ops.usace.army.mil/offices) , where it must be acknowledged by an authorized USACE employee. This form may also be used to terminate the ROE at the Property site ***by obtaining the signature of the senior USACE employee present when the crew appears for work.*** Due to scheduling constraints, USACE may not be able to provide specific dates and times when they will be available at the Property site to accept a termination.

It is recommended that the Owner make a copy of the signed request for termination prior to giving this form to the authorized USACE representative. USACE will keep the original signed copy for its records. Reproduction capability may not be available at the USACE field office.

I have read and understand the foregoing statement concerning termination procedures and hereby request termination of this ROE.

Name	Date	Signature

I hereby acknowledge receipt of the foregoing request for termination:

USACE Representative Title

Name	Date	Signature