

## **FUTURE LAND USE POLICY: CHARTING THE REGULATORY PROCESS**

*When required to reduce their real property holdings, federal agencies must make wise decisions with regard to land reuse. Reuse decisions are made in the context of property and environmental laws and regulations, environmental concerns, public policy issues, long-term liabilities, and public involvement. EAD has developed targeted, comprehensive guidance to assist policy makers with their land reuse decisions.*

### **■ PROBLEM/OPPORTUNITY**

Many federal agencies must reduce their real property holdings by “excessing” properties no longer needed for their missions and turning the land to other productive uses. One federal agency, the U.S. Department of Energy (DOE), also has the option of allowing other parties to temporarily use property that is not now needed by the Department but that may be needed in the future. Many federal properties need to be remediated or decontaminated before they are suitable for reuse. To make the most judicious property remediation and reuse decisions, federal real property and site managers and potential users of the property require accurate, clearly presented information on applicable legal and policy issues. EAD has extensive experience in regulatory research and analysis, policy assessment and development, environmental and regulatory trend analysis, and other federal agency issues. In recognition of this expertise, DOE asked EAD to address the information needs of DOE site property managers and potential users of DOE property.

### **■ APPROACH**

EAD identified and analyzed the laws, regulations, and policies applicable to real property use and determined how they apply to different federal properties. Federal lands fall into two major categories: acquired land or withdrawn land. Those categories can be further divided

into subcategories: excess property and property that is temporarily not needed. Some of the property laws apply to both categories and subcategories of land but allow different transactions depending on the land category; some laws apply to only one type of property. EAD prepared handbooks that guide DOE real property managers and parties interested in acquiring DOE real property through the applicable legal requirements and issues and lead to a process resulting in successful reuse of property.

### **■ RESULTS**

Handbooks on the resourceful reuse of DOE real property were developed for two audiences: program and real property managers, and prospective users of real property. The handbooks list legal requirements, describe options and processes for reuse, and relay principles of real estate planning. The interaction of laws and land categories in making reuse decisions is quite complicated. The handbooks clearly convey this information by presenting the reuse options available for each category of land and describing real-world case studies demonstrating the option in actual practice. Key information needs, decision makers, and decision points were integrated into processes for expediting future land reuse planning. Common-sense principles of real estate planning, such as

determining property marketability, bundling attractive and less attractive parcels to avoid a patchwork of transferred and nontransferred property on a site, and marketing properties, were also included. The handbooks were distributed to real property managers and members of the public and posted on the DOE Environmental Management Web page.

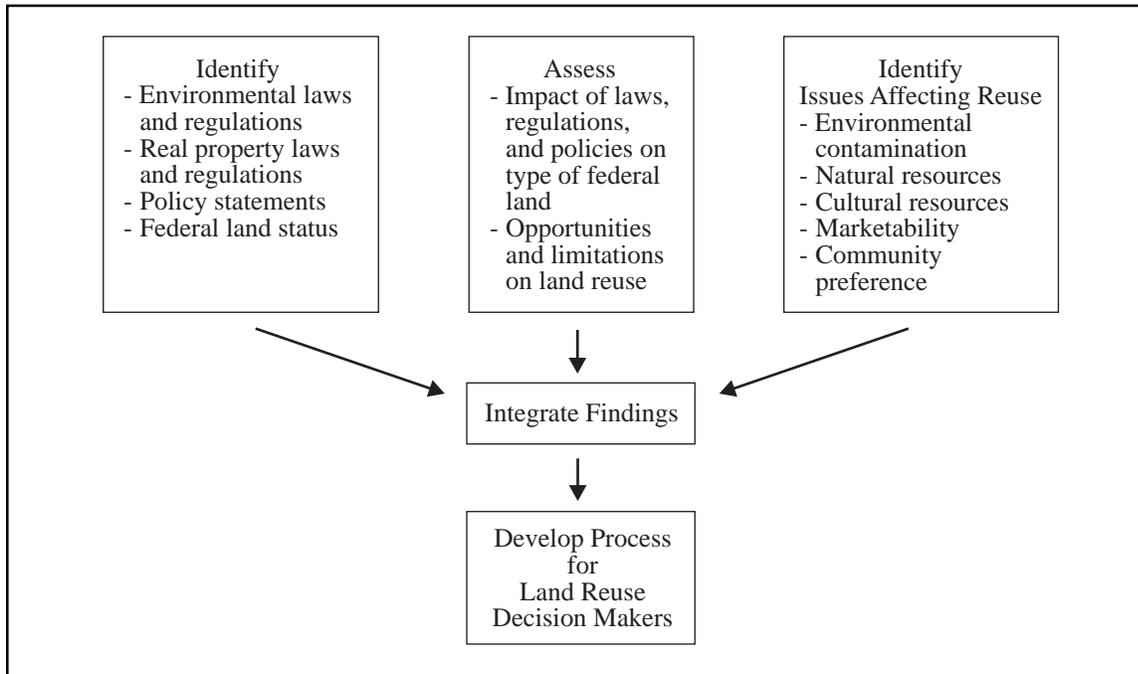
## ■ FUTURE

EAD plans to continue to assist DOE and other federal agencies in developing land reuse policies. This effort naturally extends into the area of long-term residual risk management and the use of institutional controls at sites with residual contamination. Certain land reuses may

be possible at some of these sites as long as they are properly planned and monitored.

## ■ COMMUNICATION OF RESULTS

EAD has prepared three reports on this subject: *Resourceful Reuse: A Guide to Planning Future Uses of Department of Energy Sites – Program and Real Property Managers*, *Resourceful Reuse: A Guide to Planning Future Uses of Department of Energy Sites – Prospective Real Property Users*, and *Department of Energy Small Sites: Summary Guide to Closeout Requirements*. In addition, EAD is currently developing a handbook on using institutional controls at DOE sites.



EAD applies regulatory and policy analysis expertise to future land use planning.

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