DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

CECW-CO

DEC 17 2009

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Guidance on Authorities for Project Specific Restrictions to Manage the Introduction of Invasive Species

1. References:

   a. Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers, 36 C.F.R. pt. 327 (2009).

   b. Memorandum, HQUSACE, CECW-ZA, 2 June 2009, Subject: U.S. Army Corps of Engineers Invasive Species Policy.

2. Background. In executing the U.S. Army Corps of Engineers mission to provide public outdoor recreation opportunities and protect natural resources, Corps projects are faced with escalating problems concerning the introduction of invasive species by infested recreational equipment and firewood being brought into Corps lands and waters.

3. Purpose. The purpose of this memorandum is to establish guidance that can be applied in a consistent manner, nationwide, to manage the introduction of invasive species on Corps projects.

4. Authority. Under 36 C.F.R. §327.12 (a), "the District Commander may close or restrict the use of a project . . . when necessitated by reason of . . . maintenance [and] resource protection." The District Commander must post any restrictions on public use. 36 C.F.R. §327.12 (a) (2009).

5. Policy. A District Commander's posted restrictions on the introduction of invasive species is consistent with the authority cited in paragraph 4. A few examples of restrictions are: (1) The project could restrict any firewood from being brought into campground; (2) The project could restrict boats from launching that are infested with invasive aquatic plants (trailer, bilge system, etc.) or evidence of mussels on boat, etc.; or (3) The project could restrict access if evidence of invasive contamination is found on other types of recreational equipment. Each project should craft their restrictions to the particular threat(s) they are seeking to control and coordinate with their district NRM and Legal Offices for approval.

6. Education. A key element of any plan to manage the introduction of invasive species to our projects is educating our users about invasive species. The project should also post educational material and institute an educational campaign for the targeted invasive species.

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Introduction of Invasive Species

7. Enforcement. Once posted, the project could restrict access to users unwilling to comply with the posted restrictions and issue warnings or citations as provided at 36 C.F.R. § 327.25(a) (2009). Eradicating invasive species can be time consuming and expensive; therefore projects should carefully document citations and any evidence of damages directly caused by these violations. In particularly egregious cases, in addition to fines, projects should consider asking the local United States Attorney's Office to seek restitution of damages (cleanup of infestation, replacement of trees, etc.) that are directly attributable to violator's conduct. Enforcement activities should be conducted in close coordination with the responsible district's Office of Counsel.

8. Effective Date. This policy is effective immediately and will remain in effect until incorporated into appropriate Engineer Regulations.

FOR THE COMMANDER:

MICHAEL G. ENSCH
Chief, Operations
Directorate of Civil Works

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