



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

CECW-CO

MAR 01 2018

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND
DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS

SUBJECT: Revised Policy - U.S. Army Corps of Engineers (USACE) Small Boat
Operator Training Program

1. References.

- a. ER 385-1-91 (Training, Testing, and Licensing of Small Boat Operators),
30 September 1994
- b. EP 1130-2-500, Appendix M (Corps of Engineers Motorboat License General
Requirements), 27 December 1996
- c. EM 385-1-1 (Safety and Health Requirements Manual), 30 November 2014
- d. Boat Operator Licence Examiner Course (PROSPECT Course #172)
- e. National On-Water Standards (NOWS) Program
<https://www.onwaterstandards.org/>
- f. CECW-CO memorandum (USACE Small Boat Operator Training Program),
20 October 2017
- g. Commanding General memorandum (USACE Small Boat Operator Program),
8 February 2018

2. Background. USACE policy requires all employees who operate USACE vessels less than 26 feet in length be trained, tested and licensed in accordance with ER 385-1-91. Operators must successfully complete the initial 24-hour *Boat Operators Training Course* and the 8-hour *Boat Operators Refresher Training Course* every five years to maintain licensing.

3. Purpose. The purpose of this memorandum is to provide interim revised policy to the USACE Small Boat Operator Training Program. These revisions are effective immediately and will be incorporated in the forthcoming revision to the applicable regulations. All other provisions of the training program not addressed by this memorandum remain in effect.

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4. Revisions.

a. Obstacle Avoidance Maneuver. The current obstacle avoidance maneuvers, as referenced in ER 385-1-91 as "*Obstacle Avoidance Course*" and in the Boat Operator License Examiner Course Manual as "*Evasive (or) Obstacle Avoidance Maneuver*" are hereby replaced with the U.S. Coast Guard approved National On-Water Standards (NOWS) "*Emergency Mode Stop*" maneuver. This maneuver is the industry standard collision avoidance maneuver recognized by the U.S. Powerboating Association, U.S. Power Squadron, American Boat & Yacht Council, and the National Association of State Boating Law Administrators. This action provides for the continuation of critical on-water training under a controlled environment and is especially beneficial in situations and locations where there is a high potential of collision. The maneuver is expected to reduce injuries and risk of ejection from the boat and standardizes the instruction of the obstacle avoidance maneuver. See *Enclosure 1* for guidelines and controls for proper instruction, a video link, and a diagram of this maneuver. District and project training courses can continue to teach the serpentine, slalom transition and star maneuvering courses as per the training regulations.

b. Engine Cut-Off Device. Major Subordinate Commands and District Commands must place highest emphasis in requiring all USACE small boat operators to be connected to engine cut-off devices (also known as "kill switches") and perform testing of the devices prior to each operation. The proper use of engine cut-off devices must be taught in all training courses. Each operator must be tethered via lanyard to ensure engine cut-off. Instructors at their discretion may choose to connect to the student's lanyard also, if so desired. Small boat operators may supplement the lanyard tether with additional fail safes, such as wireless devices, but a lanyard system must be used by all operators while underway. Exclusive use of wireless cut-off devices is not authorized. This action reduces the chances of accidents and injuries by ensuring engine cutoff devices are operating and used properly, at all times, while USACE small boats are underway. The Safety and Health Requirements Manual, EM 385-1-1 (Section 19.F.02.d) will be revised to provide for the proper use, operation and testing of engine cut-off devices.

c. Activity Hazard Analysis. Districts are responsible for developing and maintaining an Activity Hazard Analysis (AHA) with Risk Assessment Code (RAC) for each motorboat operator training course. See *Enclosure 2* for a model AHA with RAC. Districts must add any site specific hazards to the AHA. Review and discussion of the AHA with the students will be incorporated into the training curriculum and the AHA should be reviewed daily during training to accommodate changing conditions or activities. The model AHA clarifies and reinforces potential hazards and corrective

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measures including: correct weight distribution in the boat, one student onboard during emergency mode stop maneuver, required testing and use of engine cutoff device and auto-inflatable PFD training prior to on-water course operations. This action reduces the chance of accidents and injuries by ensuring proper safety procedures are followed.

d. Internal Controls. Districts must use the attached standard student nomination form (*Enclosure 3*) to ensure that all USACE students meet the minimum requirements for the program including: at least 5 hours in a USACE boat with a licensed operator prior to taking the 24-hour *Motorboat Operator Training Course*, ability to pass the required swim and written test, the ability to re-enter the boat from the water, and proof of completion of a state sponsored National Association of State Boating Law Administrators course. The motorboat inspection checklist has also been updated and must be used by the lead USACE instructor for each training course (*Enclosure 4*). Use of the checklist will ensure that all boats utilized in the training are in good working order and meet all the appropriate USACE and USCG safety requirements for the specific vessel. The list of USACE Small Boat Operator License Examiners has been updated with current contact information for each examiner to ensure that there is a designated lead instructor for each District and that changes and updates to the program are distributed to all the examiners for proper implementation.

e. MSC/District/Project Responsibilities.

(1) The MSC Commander shall appoint in writing, a Regional Motorboat Coordinator (RMC) to organize, integrate and monitor the regional boat training and licensing program and to ensure that operators of USACE boats are adequately trained, properly tested, and licensed, prior to the operation of any USACE boat through review and management of the internal controls program. The Regional Motorboat Coordinator must have received USACE certification in the 24-hour *Boat Operator Training Course*, and maintain a current motorboat operator license. To assist in the administration and management of the small boat training program, a standardized 24-hour small boat operator training course manual is being prepared.

(2) District Commanders shall appoint in writing, a District Motorboat Coordinator (DMC) to organize, integrate and monitor the boat training and licensing program. The DMC is responsible for:

-- Appointing a Lead License Examiner (LLE) for each course who will identify additional instructors, training location, schedule, training materials and curriculum.

-- Issuance and signature of the U.S Government Operator's Identification Card

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(OF 346) to personnel who meet licensing requirements. District Commanders may delegate signature of OF 346 from the DMC to the LLE, however, the LLE is responsible to provide all documentation of training records to the DMC for record keeping purposes.

-- Maintaining current training records, materials and schedules of all individuals in the training program; and update all district policies and procedures in accordance with current MSC and/or safety regulations.

-- Coordinating with non-USACE entities and with the USACE approval authority for the signing of memorandums of understanding (*Enclosure 5*) that govern any training provided to non-USACE personnel.

-- Developing and maintaining an Activity Hazard Analysis with Risk Assessment Code for each motorboat operator course. Each district will be expected to add any site specific hazards, and the AHA should be reviewed daily during training to accommodate changing conditions or activities.

-- Conducting an annual review of the District Motorboat program to be included in the management of Internal Controls Program.

(3) The District Motorboat Coordinator will issue a U.S. Government Operator's Identification Card (OF 346) to all personnel who pass the 24-hour *Boat Operators Training Course* or 8-hour *Boat Operators Refresher Training Course* and maintain a record of all licenses issued. License examiners are responsible for submitting the operator's U.S Coast Guard (USCG) or NASBLA approved safe boating course certificate and district course certificates to the DMC.

(4) The District Motorboat Coordinator, Instructors, and Examiners must have received USACE certification in the 40-hour *Boat Operator License Examiner PROSPECT Course*, maintain current certification as an instructor and have a current motorboat operator license. To maintain certification as a motorboat instructor, USACE employees must participate as an instructor in at least one 24-hour motorboat training course or 8-hour refresher course every three years.

(5) All small boat operators must have received USACE certification in the 24-hour HQUSACE-approved *Boat Operators Training Course* and be licensed prior to official operation of vessels. Additionally, all motorboat operators must attend an 8-hour refresher training course every five years to maintain certification.

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f. Authority to Train Outside Entities.

(1) USACE activities may admit employees of a United States (federal) government agency (per 5 U.S.C. Chapter 41), or of State and local governments (per 42 U.S.C section 4742), to the 24-hour *Boat Operators Training Course*.

(2) The USACE policy for admitting non-USACE government personnel to USACE training is:

a. Training to non-USACE personnel will be provided on a space-available basis only. USACE activities will not increase the size of a scheduled training course to provide training to non-USACE personnel, nor will a USACE activity hold a training course solely to train non-USACE personnel.

b. The USACE activity that provides training to non-USACE personnel will not accept reimbursement for the training, i.e. USACE will waive any costs of providing the training.

c. Before admitting State or local government personnel to USACE training, the USACE activity will conclude an agreement with the State or local governmental entity to receive the training. The agreement will contain the substantive provisions of *Enclosure 5* and will be coordinated with the local USACE office of counsel, for concurrence. Such an agreement is not required to admit non-USACE federal agency personnel to training; however, non-USACE federal agency personnel will be admitted to training on an individual, case-by-case basis only. USACE will not train personnel to satisfy the training requirements of another agency.

d. Before participating in training, all non-USACE trainees will sign an individual copy of the Acknowledgement of Risk agreement provided in *Enclosure 6*. Signed agreements will be retained in the files of the USACE activity providing the training.

5. These significant improvements to our Small Boat Operator Training Program, will allow us to continue training our work force to the highest standards while mitigating the risk to our employees. The point of contact for this action is Stephen B. Austin, at (202)761-4489 or Stephen.B.Austin@usace.army.mil.



JAMES C. DALTON, P.E.
Director of Civil Works

Guidelines and Controls for the Proper Instruction of the “Emergency Mode Stop Maneuver”

National On-Water Standards (NOWS) “Emergency Mode Stop Maneuver” (formally termed “Obstacle Avoidance Maneuver”

- Operator is given “port” or “starboard” direction prior to getting vessel underway
- Operator brings vessel on to plane at safe speed and heads for a buoy downrange
- Instructor will give a three second count “Ready... 3.... 2.... 1... Now!”
- Operator makes a smooth 90-degree turn **while throttling down** to idle

The major difference in this modification is when the throttle reduction occurs. Reducing throttle while making the turn will eliminate the “recoil” that took place under the old maneuver.

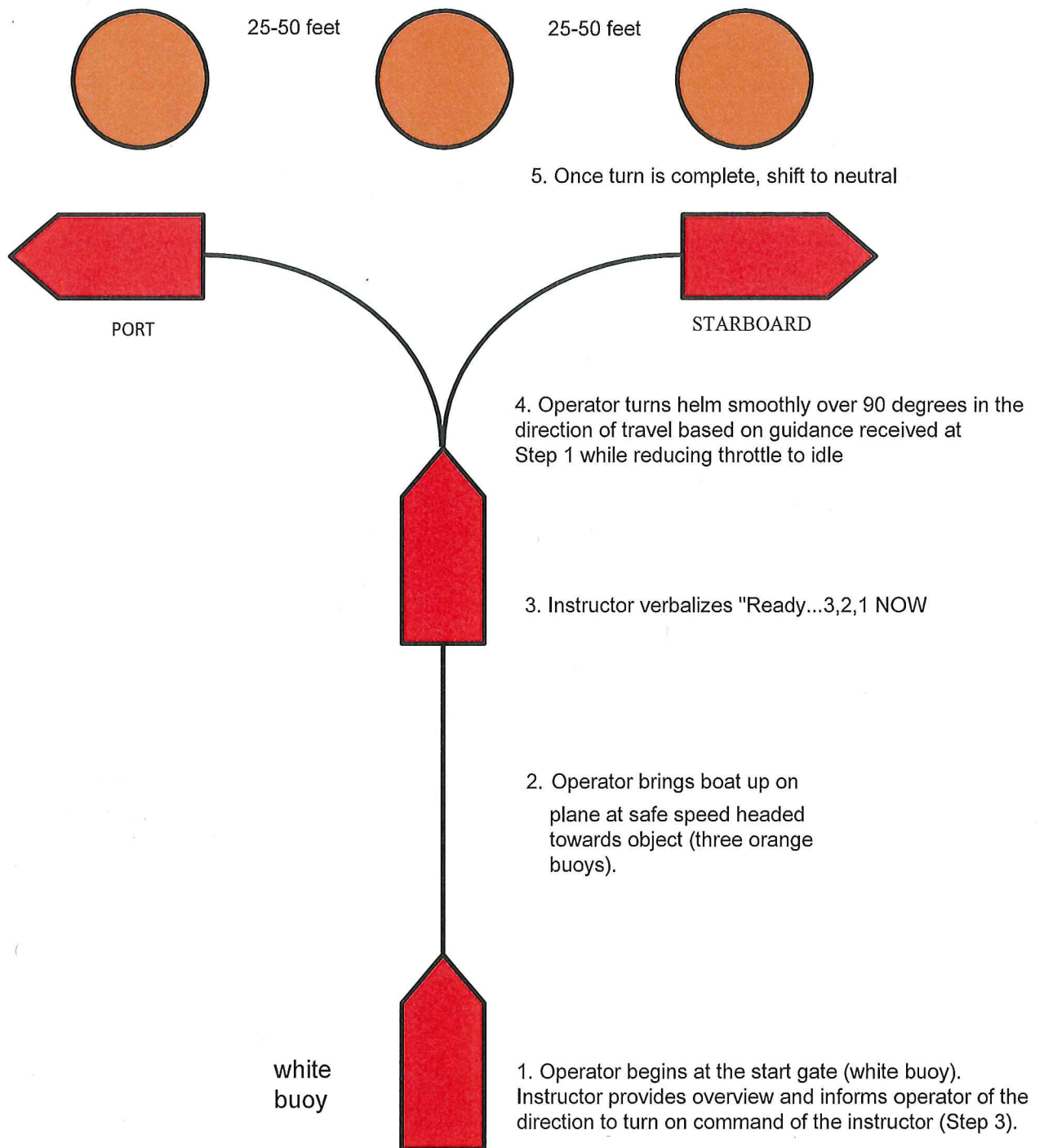
View the video at <https://www.youtube.com/watch?v=f91u5JfIEOs>

- **Instructor must operate the training vessel prior to using the boat for instruction** and perform this maneuver at varying safe speeds. This will ensure familiarity with the vessels handling capabilities.
- **Instructor must know the minimum and maximum RPM range where the vessel can safely execute the maneuver.**
- **The maneuver must always be done using a fixed point of reference for the turn.**
- **One student and one instructor on the vessel** should be the only way this maneuver is trained.
- **Verify the engine cut-off device (kill switch) is operable prior to getting underway and the operator is tethered to the device.** Instructor may also choose to connect to the student’s lanyard if desired.
- **A verbal walk through of the maneuver with the student prior to demonstration** should occur to explain the mechanics of the move, how the vessel will react and the forces that will occur when the concurrent turn and throttle down happen.
- **Instructor will point out potential hazards** and identify three points of contact for stability.
- **Ensure the operator is confident, willing and able to attempt the maneuver.** Not intended to scare or intimidate operators, but to build confidence and understanding of the vessel’s capabilities. New operators with limited experience may require more boat operation before attempting this maneuver.
- **Ensure operator understands the verbal commands** that will be given to complete the maneuver. “Port or Starboard” “Ready... 3.... 2.... 1... Now!”
- The **instructor should demonstrate this maneuver multiple times at various safe speeds** and then discuss with the student the different reactions that occurred.
- When **students first operate, they will proceed on plane at the lowest RPM** where the vessel will execute the maneuver.
- **As confidence builds the RPMs can be increased as long as it is at safe speed** and they demonstrate the proper techniques to execute the maneuver.
- **After each run, conduct a review** of improvements or tips to help the operator understand the obstacle avoidance maneuver for future operation/re-certifications.

Enclosure 1 – Emergency Mode Stop Maneuver

Emergency Mode Stop Maneuver

(formally termed "obstacle avoidance maneuver")



Activity Hazard Analysis (AHA)

| | | | | | | | | | | | |
|--|--|---|------------------|--------|----------|----------|----------|----------|----------|----------|----------|
| Activity/Work Task: Boat Operators License Training Course | Overall Risk Assessment Code (RAC) (of the highest hazard): | | | | | M | | | | | |
| Project Location: | Risk Assessment Code (RAC) Matrix | | | | | | | | | | |
| Contract Number: | Probability | | | | | | | | | | |
| Date Prepared: | Frequent | Likely | Occasional | Seldom | Unlikely | | | | | | |
| Prepared by (Name/Title): | E | E | H | H | M | | | | | | |
| Reviewed by (Name/Title): | E | H | H | M | L | | | | | | |
| | H | M | M | L | L | | | | | | |
| | M | L | L | L | L | | | | | | |
| <p>Severity</p> <p>Catastrophic E E H H M</p> <p>Critical E H H M L</p> <p>Marginal H M M L L</p> <p>Negligible M L L L L</p> | | | | | | | | | | | |
| <p>Notes: (Field Notes, Review Comments, etc.)</p> <p>Step 1: Determine and enter RAC codes for each "Hazard" with safety "Controls" (E, H, M, or L)</p> <p>"Probability" is the likelihood to cause an incident, near miss, or accident and identified as: Frequent, Likely, Occasional, Seldom or Unlikely.</p> <p>"Severity" is the outcome/degree if an incident, near miss, or accident did occur and identified as: Catastrophic, Critical, Marginal, or Negligible</p> <p>Step 2: Use the highest individual RAC of the Hazards + Controls below as the overall RAC for the Activity, and enter at the top of the AHA sheet.</p> | | | | | | | | | | | |
| Job Steps | | | Controls | | | | | | | | |
| 1. Boat Operations | | | RAC Chart | | | | | | | | |
| <p>A) Maneuvering Courses (serpentine, slalom, emergency stop, star)</p> | <p>1. Personnel</p> <p>2. Drowning</p> <p>3. Collisions</p> <p>4. Falls Overboard</p> <p>5. Fires/Explosions</p> <p>6. Sun/Heat</p> <p>7. Dehydration</p> <p>8. Eye Fatigue</p> <p>9. Dust/Debris/Material in Eye</p> <p>10. Damaged/Sinking Vessel</p> <p>11. Entanglement in Lines</p> | <p>1. The emergency stop maneuvering course shall be conducted with one instructor and one student on each vessel</p> <p>2. Wear Personal Flotation Device (PFD). Know location and proper use of lifesaving devices (throw ring, throw bag, reach poles, ladder, cargo net)</p> <p>3. Follow and obey boating rules/laws, recognize aids to navigation, maintain safe speeds, keep proper lookout</p> <p>4. Wear PFD, know proper rescue procedures and wear proper footwear to maintain balance and footing. Make sure kill switch is operational and lanyard is attached to operator. Pay close attention to all other boats operating on maneuvering courses.</p> <p>5. Follow proper venting and starting procedures. Know location of fire extinguisher and proper suppression techniques.</p> <p>6. Wear proper clothing/hat to limit sun exposure. Use sunscreen and drink plenty of water.</p> <p>7. Rehydrate with water/Gatorade</p> <p>8. Wear proper eyewear/sunglasses</p> <p>9. Wear proper eye protection</p> <p>10. Obey navigation rules and heed weather warnings. Get to safe harbor as soon as possible. Stay with vessel until rescue. Wear PFD.</p> <p>11. Keep vessel deck clear and properly coil or stow dock lines. Avoid pinch points and stay clear of lines under strain.</p> | | | | L | M | L | M | L | L |

| | | | |
|--|---|---|-------------------------------------|
| <p>5. Using Auto Inflatable PFD's</p> | <p>1. General</p> <p>2. PFD Worn Improperly or Improperly Assembled</p> <p>3. PFD damaged from storage</p> <p>4. Drowning</p> | <p>1. Employees must be 16 years of age and weigh at least 90lbs to wear this PFD. Employee must have water tested PFD prior to everyday use and must be trained in the use, maintenance, care, storage and inspection as per manufacturer's instructions.</p> <p>2. Employees must follow manufacturer's instructions for wearing and properly installing re-charge kit. Verify indicator gauge reads "green".</p> <p>3. PFD must be thoroughly inspected by disassembling PFD and manually inflating bladder to check its integrity. Inspect arming mechanism for damage. Any deficiencies must be corrected before the PFD can be put back in service.</p> <p>4. Employees wearing this PFD must have basic ability to tread water and be physically able to swim. Employee must be trained in the manual operation of this PFD should automatic inflation fail.</p> | <p>L</p> <p>L</p> <p>L</p> <p>M</p> |
| <p>6. Using PFD's</p> | <p>1. General</p> | <p>1. Before use make sure PFD is in serviceable condition and is not ripped or torn and all buckles, zippers or other fasteners are working properly. Make sure PFD is the right size and type for the task at hand and fits snugly.</p> | <p>L</p> |
| <p>7. Self-Rescue</p> | <p>1. General</p> | <p>1. Employees must demonstrate ability to self-rescue themselves back into the vessel by one of four methods:</p> <ul style="list-style-type: none"> a. Cavitation Plate on vessel engine b. Chin bounce c. Stirrup d. Ladder | <p>L</p> |
| <p>8. Victim Rescue</p> | <p>1. General</p> | <p>1. Employees must demonstrate ability to rescue a conscious and unconscious victim back to the vessel:</p> <ul style="list-style-type: none"> A. Conscious Victim – use rescue procedure of Talk-Reach-Throw-Go and elevate procedure to the proper step depending on circumstances. B. Unconscious Victim – use any means (throw ring, cargo net, dock lines, reach pole, etc. to get victim astride of the boat. If possible retrieve victim back into boat. If not possible secure victim astride vessel until help arrives. | <p>M</p> |
| <p>9. Classroom Work</p> | <p>1. Eye Strain</p> <p>2. Tripping/ Slipping</p> <p>3. Electrical Shock</p> <p>4. Office Machinery</p> | <p>1. Provide proper lighting</p> <p>2. Maintain good housekeeping. Secure any loose cords to floor.</p> <p>3. Proper grounding and maintenance of equipment. Repair or replace any damaged cords, switches, etc. or remove from service.</p> <p>4. Heed and obey caution signs on machinery. Prevent jewelry, loose clothing and hair from getting caught in machine.</p> | <p>L</p> <p>L</p> <p>L</p> <p>L</p> |

| <p>10. Reserved</p> | | |
|---|--|---|
| <p>Equipment to be Used</p> | <p>Inspection Requirements</p> | <p>Training Requirements & Competent or Qualified Personnel name(s)</p> |
| <ol style="list-style-type: none"> 1. Motorboats less than 26' in length with outboard engines. 2. Corresponding trailer matched to the motorboat. 3. Pick-up trucks 4. Safety rescue devices such as throw rings, throw bags, reach poles, ladders, cargo net and lines, first aid kit. 5. Classroom equipment to include: computers, projector and copy machine. | <ol style="list-style-type: none"> 1. Small Boat and Equipment Checklist from ER 385-1-91 2. Small Boat and Equipment Checklist from ER 385-1-91 3. Small Boat and Equipment Checklist from ER 385-1-91 4 & 5 Requirements vary to each particular piece of equipment as outlined in US Army Corps of Engineers Safety Manual EM 385-1-1 or as per manufacturer's instructions | <p>Employees participating in this training must:</p> <ol style="list-style-type: none"> A. Have completed a NASBLA or equivalent boaters safety education course B. Be able to swim 100 yards with a PFD C. Be able to self-rescue themselves back into the vessel. D. Pass the written exam with a minimum score of 80% E. Be tethered to the kill switch via a lanyard when operating the vessel F. Wear a Type III or better inherently buoyant PFD G. Demonstrate the ability to handle the boat and operate correctly through the maneuvering courses H. Be able to trailer, launch and retrieve the boat I. Demonstrate the ability to correctly dock the boat J. Closed toed and closed heeled shoes will be worn during entire training including all water exercises <p><u>Boat License Examiners:</u></p> <ol style="list-style-type: none"> A. A minimum of two examiners are required to perform the 24 hour motorboat training course B. Must be trained and certified in CPR/First Aid/AED C. Option to use a second lanyard attached to the students kill switch lanyard when student is operating the vessel <p><u>Qualified Examiners:</u></p> |

Motorboat Operator Training Nomination Form

Name: _____

Duty Station: _____

Position Title: _____

Phone: _____

Number of hours of USACE boat operation in past five years: _____

(Note: Students in the 24-hour initial training course need a minimum of 5 hours in a USACE boat with a certified operator prior to training. Students in the 8-hour refresher training course are required to have operated a USACE boat a minimum of 20 hours during the past 5 years.)

Student is capable of swimming 100 yards while wearing a PFD: _____

Student is physically able to re-enter a boat from the water without assistance: _____

Student holds a valid NASBLA approved state boat operators' permit or certificate: _____

Which State: _____

What are your boat operating responsibilities at your duty station? _____

What type of vessel(s) will you be operating?

I certify that the above information is true.

Students Name (print): _____ Date: _____

Students Signature: _____

Supervisors Name(print): _____ Date: _____

Supervisors Signature: _____

*This form must be completed and returned to instructor prior to attending class.

| | |
|---|---|
| Daily Boat Operator Inspection/Checklist | Each block must be filled in before operation. Each block must be filled Yes – Y / No – N / or N/A |
| Boat Name/ID | |

| FLOAT PLAN | | | | | | | | | | |
|---|------|--|--|--|--|--|--|--|--|--|
| Inspection Criteria | Date | | | | | | | | | |
| Form is filled out and filed in Supervisor's Office? (4+ hours) | | | | | | | | | | |
| Float Plan is updated for departure? | | | | | | | | | | |
| BOAT/MOTOR – BEFORE OPERATIONS | | | | | | | | | | |
| Inspection Criteria | Date | | | | | | | | | |
| Inspect boat and motor(s) for damage, securely mounted, bilge dry and cleanliness. | | | | | | | | | | |
| Is boat drain plug secure? | | | | | | | | | | |
| Are all fluids levels full? | | | | | | | | | | |
| Is the boat motor equipped with an operational kill switch? | | | | | | | | | | |
| Motor is full of fuel and oil? Fuel and oil lines good condition? | | | | | | | | | | |
| Raise lower unit and check water intake, prop, and prop nuts? | | | | | | | | | | |
| Return lower unit to water and start engine if all OK. Check for proper operation of: | | | | | | | | | | |
| Exhaust water discharge? | | | | | | | | | | |
| Oil and water pressure? Gauges operational? | | | | | | | | | | |
| Water/fuel/oil leaks? | | | | | | | | | | |
| Check forward and reverse gears, turn wheel lock to lock. | | | | | | | | | | |
| Extra fuel/oil is on board and secure? | | | | | | | | | | |
| Is the ignition key on board and does the operator have their license in their possession? | | | | | | | | | | |
| Paddle and oars are on board and in good condition? | | | | | | | | | | |
| Boat is equipped with anchor and sufficient anchor line? | | | | | | | | | | |
| Is a personal floatation device (PFD) provided to each boat passenger and to operator and do PFDs have reflective tape and a whistle attached and inspected? | | | | | | | | | | |
| Is the boat equipped with dedicated bow and stern lines? | | | | | | | | | | |
| Is boat equipped with fire extinguishers of at least the size and rating specified and inspected? | | | | | | | | | | |
| Batteries are fully charged, secure and have good connections? | | | | | | | | | | |
| Navigation, anchor lights, and horn working properly? | | | | | | | | | | |
| Tool box has necessary equipment, including: spark plug, wrench, prop wrench and screwdriver, spare spark plugs and fuel filter, spare prop nuts and cotter pins, and spare prop? | | | | | | | | | | |

ON RETURN – AFTER OPERATION

| Inspection Criteria | Date |
|--|------|
| Fuel and oil in motor and full? | |
| Spare fuel and oil containers are full? | |
| Wheel blocks are in place? | |
| Trash is removed? | |
| Boat cleaned (in same or better condition than prior to your use)? | |
| Equipment secure in proper locations? | |
| Life jackets (PFDs) and throw bags are dried out? | |
| Inspect/report damage and needed maintenance | |
| Boat key and credit card turned in? | |
| Flush out lower unit as needed? | |
| Float Plan is updated for return and completed? | |
| Float Plan is turned in and filed? | |

Comments

| | |
|------------------|-----------------|
| Print Name _____ | Signature _____ |
| Print Name _____ | Signature _____ |
| Print Name _____ | Signature _____ |
| Print Name _____ | Signature _____ |
| Print Name _____ | Signature _____ |
| Print Name _____ | Signature _____ |
| Print Name _____ | Signature _____ |

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF THE ARMY,
U.S. ARMY CORPS OF ENGINEERS,
[USACE DISTRICT OR ACTIVITY]
AND
[FULL NAME OF NON-FEDERAL ENTITY]
FOR
SMALL BOAT OPERATIONS TRAINING

THIS MEMORANDUM OF UNDERSTANDING entered into this _____ day of _____, _____, by and between the Department of the Army, U.S. Army Corps of Engineers, [USACE DISTRICT] (“[USACE DISTRICT]”), and the [FULL NAME OF THE NON-FEDERAL ENTITY] (“Non-Federal Entity”) (collectively, the “Parties”).

WHEREAS, Section 4742 of Title 42 of the United States Code authorizes a federal agency to admit State and local government employees and officials to agency training programs; and

WHEREAS, the Non-Federal Entity exercises [TYPE OF JURISDICTION] over certain federally owned, U.S. Army Corps of Engineers (“USACE”)-managed lands within the responsibility of the [USACE DISTRICT]; and

WHEREAS, the Non-Federal Entity requests the [USACE DISTRICT] provide the employees and officials of the Non-Federal Entity with small boat operations training (“training”);

NOW THEREFORE, the parties memorialize their mutual understanding that the Non-Federal Entity may request, and the [USACE DISTRICT] may provide, training as follows:

1. Request for Training: A representative of the Non-Federal Entity may contact the District Motorboat Coordinator to request that training be provided to Non-Federal Entity personnel.
2. Admittance to Training: The District Motorboat Coordinator may admit personnel of the Non-Federal Entity to any available training. Admittance of Non-Federal Entity personnel to training will be on a space-available basis only, at the sole discretion of the District Motorboat Coordinator or an authorized [USACE DISTRICT] representative. The [USACE DISTRICT] will not increase the size of any training course to admit Non-Federal Entity personnel nor conduct training for Non-Federal Entity personnel only.
3. Course Prerequisites and Conduct: Trainees must be in good health to participate in the training and must satisfy the training prerequisites. The [USACE DISTRICT] will make available information on the training prerequisites, or other training policies or procedures, upon the request of the Non-Federal Entity. However, the Non-Federal entity, and not USACE, is responsible to ensure its personnel meet all course prerequisites and are in good health before attending training. Non-Federal Entity personnel will comply with all applicable laws, regulations, policies, and procedures, including any policies or procedures as set forth by the District Motorboat Coordinator, while participating in the training.

4. Assumption of Training Risks: The Non-Federal Entity acknowledges that the training involves the exercise of considerable discretion by the training instructor and other USACE personnel in conducting the training. Furthermore, the Non-Federal Entity acknowledges that the training involves substantial risks, including the risk of injury to, or the death of, any participants in the training, and that neither USACE nor any person employed by USACE has any duty to protect any Non-Federal Entity personnel from any such risks. Non-Federal Entity personnel participating in the training assume the risks of the training.

5. Training Agreement: Prior to participating in the training, each Non-Federal Entity person to be trained will sign a training agreement, to be provided by the [USACE DISTRICT].

6. Personnel: Each Party is responsible for all costs of its personnel, including pay and benefits, support, and travel. Each Party is responsible for the supervision and management of its personnel.

7. Points of Contact: The following points of contact will be used by the Parties to communicate in the implementation of this MOU. Each Party may change its point of contact upon written notice to the other Party.

1. For [USACE DISTRICT] –
 1. Primary: [Name and e-mail]
 2. Alternate: [Name and e-mail]
2. For the Non-Federal Entity –
 3. Primary: [Name and e-mail]
 4. Alternate: [Name and e-mail]

8. Funds and Manpower: This MOU does not document nor provide for the exchange of funds or manpower between the Parties, nor does it make any commitment of funds or resources. This MOU does not obligate the [USACE DISTRICT] to expend, exchange, or reimburse funds, services, or supplies, or to transfer or receive anything of value. Further, no provision of this MOU will be interpreted to require obligation or payment of funds in violation of 31 U.S.C. § 1341.

9. Enforcement: Nothing in this MOU may be construed to obligate the United States to any current or future expenditure of resources. Each Party will use its own resources, including the expenditure of its own funds, in pursuing the objectives enumerated in this MOU. Each Party will carry out its activities as consistent with any applicable laws, regulations, or policies. Nothing in this MOU is intended to alter, limit, or expand the Parties' statutory or regulatory authorities. Nothing in this MOU is intended to create any substantive or procedural right or benefit enforceable at law by any party against the United States, its agencies, its officers, or any person.

10. Exclusivity: This MOU in no way restricts USACE from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals. Nothing in this MOU shall be construed as affording the Non-Federal Entity any preferential treatment or exclusive rights or privileges.

11. Trademarks and Promotion: USACE does not permit the use, reproduction, copying, or redistribution of its brands, trademarks, and logos without written permission from the Department of

the Army. The Non-Federal Entity will obtain prior approval of all press releases, published advertisements, or other statements intended for the public, that refer to this agreement or to the agencies or to the name or title of any employee of the agencies, in connection with this agreement or the activities conducted under this agreement.

14. Modification of MOU: This MOU may be modified only by the written mutual agreement of the Parties, duly signed by their authorized representatives. This MOU will be reviewed annually on or around the anniversary of its effective date.

15. Disputes: Any disputes relating to this MOU will, subject to any applicable law, Executive order, directive, or instruction, be resolved by consultation between the Parties.

16. Termination: This MOU may be terminated at will by either Party. Termination will be effective upon the receipt of written notice by the representative of the non-terminating Party.

17. Transferability: This MOU is not transferable except with the written mutual consent of the Parties.

18. Entire Understanding: It is expressly understood and agreed that this MOU embodies the entire understanding between the Parties regarding the subject matter of the MOU.

19. Severability: Nothing in this MOU is intended to conflict with current law, regulation, or USACE policies. If a term of this MOU is inconsistent with such authority or policy, then that term shall be invalid, but the remaining terms and conditions of this MOU shall remain in full force and effect.

20. Effective Date: This MOU takes effect beginning on the day after the last Party signs.

21. Expiration Date: This MOU expires on **[insert date, not to exceed 9 years (a period of 5 years or less is recommended)]**.

APPROVED: [Approval authority signature will never be alone on a blank page]

For the U.S. ARMY CORPS OF ENGINEERS

For the **[Non-Federal Entity]**

DATE: _____

DATE: _____

ACKNOWLEDGEMENT OF RISK AGREEMENT – U.S. ARMY CORPS OF ENGINEERS
SMALL BOAT OPERATIONS TRAINING

This agreement provides for the acknowledgement of the risks of the U.S. Army Corps of Engineers (“Corps”) small boat operations training (“training”). By signing this agreement, I agree that I participate in the training at my own risk. I agree that the Corps has no duty to protect me from any risks of the training. Such risks include, but are not limited to the risks set forth below. Furthermore, I agree that the Corps has no duty to protect me from the conduct of any instructors or participants in the training, including from my own conduct, which conduct would otherwise be reckless or negligent.

The training involves the operation, by myself and by an instructor, of a vessel on the water. As part of the training curriculum, I will be asked to perform activities that involve all types of inherent risks and man-made risks, including risks that could result in serious injury or death. These risks include, but are not limited to, any injury or death resulting from:

- Operation, by an instructor or student (including myself) of a vessel on the water;
- Collision with objects or hazards in or on the water (such as debris, vessels or other watercraft);
- Falling overboard the vessel or within the vessel, due to any cause, including sudden movements of the vessel;
- Physical contact with objects inside the vessel, or with the vessel itself; and
- Failure or malfunctioning of any equipment, including safety equipment (such as life preservers) provided to me by the Corps.

I acknowledge that the Corps is providing training to me for my own benefit or for the benefit of the agency that employs me, and that the Corps does not receive any compensation from providing the training. The training involves the exercise of discretion by a training instructor and other Corps personnel, who determine how to execute the training and also make inherently subjective judgments based on conditions on the water and elsewhere. On-water conditions vary due to weather events; obstacles or other hazards encountered on the water; other persons, vessels, or watercraft on the water; the features of the vessel used for the training; the reactions of the vessel and the vessel operator to events and conditions on the water; and, various other occurrences.

By signing below, I agree that I participate in the training at my own risk. I understand that the Corps is under no obligation to protect me from any risk. I certify that I am in good health and that I have no physical limitations which might preclude my participation in the training. I understand that it is my duty to satisfy the training course prerequisites before participating in the training and that my failure to satisfy any prerequisite of the training places me at an increased risk for injury or death. I voluntarily assume all risks of the training.

Name (please print): _____ Agency: _____

Signature: _____ Date: _____