DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
601 E. 12TH STREET, 635 FEDERAL BLDG
KANSAS CITY, MO 64106-2824

CENWK-ODF-R (200-1n1)

MEMORANDUM FOR RECORD

SUBJECT: Proposed Cooperative Agreement for Management of Undesirable Plants on United States Army Corps of Engineers Lands in Support of the Missouri River Bank Stabilization and Navigation, Fish and Wildlife Mitigation Project

1. Synopsis of Requirement: This agreement represents an opportunity for the Missouri Department of Conservation, with the responsibility for the administration or implementation of undesirable plant laws of the State, to perform management of undesirable plants on United States Army Corps of Engineers (USACE) lands in the Kansas City District (NWK) in support of the Missouri River Bank Stabilization and Navigation Project (BSNP), Fish and Wildlife Mitigation Project (Mitigation Project). A cooperative agreement with the Missouri Department of Conservation is vital for the Missouri River Mitigation Project to implement the integrated management plans to control noxious and invasive weeds, particularly in sensitive areas requiring special expertise.

2. Public Purpose: Invasive species, including noxious weeds and other undesirable plants, degrade the quality of public land, threaten agricultural production, interfere with ecosystem processes, and can be injurious to human health. These species cannot be managed piecemeal, and various public laws and orders (*e.g.* Executive Order 13112 of February 3, 1999) recognize the need to coordinate and integrate their management across jurisdictional boundaries. Interagency coordination is the only way to effectively control noxious weeds on a watershed or ecosystem scale, and efforts on USACE land must be consistent with those on other jurisdictions. This agreement enables USACE and the recipient to contribute to the planning and implementation of regionally agreed efforts to control noxious weeds and other undesirable plants.

3. Historical data: the Missouri River Mitigation Project has cooperated with the Missouri Department of Conservation on noxious weed management for many years. The partnership has delivered substantial benefits to project, regional, and national invasive species management goals. Benefits to USACE-managed land and watershed function have been substantial in terms of both control and cross-boundary cooperation. Cooperative efforts have included education, outreach, inventory, and treatment (including biological agents) to control noxious weeds threatening USACE-managed ESA species; cross-jurisdictional projects with multiple partners; Early Detection and Rapid Response efforts to address state-listed priority species; and coordination through membership of the Missouri River Mitigation Project.

4. Bona Fide Need: USACE, NWK requires assistance with land management for mitigation sites in Missouri in support of the Missouri River Mitigation Project. The Mitigation Project sites are river-adjacent lands that have been acquired and are managed with a focus on certain protected species. Undesirable plants, including invasive species and noxious weeds, degrade the quality of public land, threaten protected species, and interfere with ecosystem processes. This action is using FY26 Civil O&M funds to perform management of undesirable plants for mitigation sites in support of the BSNP, Mitigation Project.

5. Statutory Authority and CFDA Number: The applicable Catalog of Federal Domestic Assistance (CFDA) number is 12.012, Management of Undesirable Plants on Federal Lands, as authorized by the Federal Noxious Weed Control Act of 1974, Title 7, Section 2814(c), Public Law 93-629, 88 Stat. 2148, 7 USC 2814.

a. The provisions of 7 USC 2814 provide authority for a cooperative agreement stating Cooperative agreements with State agencies:

(1) In general: Federal agencies, as appropriate, shall enter into cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal lands.

(2) Contents of plan A cooperative agreement entered into pursuant to paragraph 1 shall:

(a) prioritize and target undesirable plant species or group of species to be controlled or contained within a specific geographic area;

(b) describe the integrated management system to be used to control or contain the targeted undesirable plant species or group of species; and

(c) detail the means of implementing the integrated management system, define the duties of the Federal agency and the State agency in prosecuting that method, and establish a timeframe for the initiation and completion of the tasks specified in the integrated management system.

b. A State agency is defined as a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

6. Applicability of Statutory Authority: The Missouri Department of Conservation will assist USACE with the management of undesirable plants on federal lands through professional land management services and stewardship of natural resources. The integrated management system will consist of activities focused on management of undesirable plants, including invasive species and noxious weeds, located on multiple mitigation sites throughout Missouri. The Missouri Department of Conservation is responsible for the administration or implementation of undesirable plants laws of the State.

7. Substantial Involvement: The USACE National Invasive Species Policy memo dated 21 February 2023 established nationwide policy on managing invasive plant species at the Project-level. This Policy is applicable to all Civil Works projects and meets the goals of the National Invasive Species Management Plan. Included in the policy are requirements to coordinate and partner with State and other agencies at the project and regional level. Michael Richards at HQUSACE is the designated program manager for Invasive Species Management. Every project across the Kansas City District actively manages their invasive species program. This Cooperative Agreement will support the Missouri River Mitigation Project for those efforts within their area of responsibility (AOR) in the State of Missouri. There are five (5) key elements of invasive species management associated with this Cooperative Agreement in which USACE has substantial involvement: Coordination, Planning, Surveying, Implementation and Reporting.

a. Coordination: USACE is an actively manages multiple Mitigation Sites as part of the Missouri River Mitigation Project. In conjunction with this management, the Projects and the recipient will coordinate input on regional priorities and participate in multi-agency efforts. The Project and the recipient will actively coordinate efforts to ensure Best Management Practices (BMP) are being met from the regional, cross-jurisdictional perspective.

b. Planning: The Project and the recipient will co-develop an annual plan of work in order to address invasive plant species within the Project's AOR. The Project and the recipient will consult on regional and State-specific Best Management Practices including Early Detection and Rapid Response (EDRR) targets, quarantine initiatives, biological control releases, and new designations or shifts in state-listed species.

c. Surveying: The Project and the recipient will perform surveying, inventory and monitoring of invasive plant species on all USACE property within their AOR, both

concurrently and independently. Independent survey efforts conducted by the Project may be done from a vehicle, a vessel and/or on foot. Concurrent efforts may include vessel transport, where the Project are operating the vessel and the recipient is actively surveying for invasive species.

d. Implementation: There are five (5) levels of integrated management of invasive species: prevention, mechanical, cultural, biocontrol and herbicide. The Project and the recipient may implement treatment concurrently or independently. Independent efforts conducted by the Project are typically done at all treatment levels with in-house labor. Concurrent efforts may include vessel transport, where the Projects are operating the vessel and the recipient is actively employing a treatment method. All decision making including the methods and timing of the implementation of the appropriate treatment is retained by USACE.

e. Reporting: The Project will provide reporting templates to the recipient that will be used to submit “anticipated use” and “actual use” reports when herbicide treatment methods are employed.

8. Period of Performance: The cooperative agreement will be in effect for one year from the date the cooperative agreement is signed, followed by four (4) one-year option periods to be exercised at the discretion of the government. At any time prior to the completion of a performance period, the parties may agree to bilaterally exercise a one-year option period, extending the cooperative agreement period by one year, so long as funds remain available for continued performance. The parties have no obligation to continue and may elect to cease performance.

9. Competition: The authority cited above requires the recipient to be “a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State”. The Missouri Department of Conservation is a State entity, per Missouri Revised Statutes and Rules for Noxious Weeds 263.458. Although submission of an application is limited to the Missouri Department of Conservation, the funding opportunity announcement will be posted on grants.gov for 30 days.

10. Funding: The maximum estimated annual funding is $275,000.

11. Recommendation: Authorize pursuit of a cooperative agreement for management of undesirable plants on USACE lands at the Missouri River Mitigation Project. The

undersigned, have reviewed the contents of this MFR and concur that the above cooperative agreement strategy should be pursued.

12. Point of contact for additional information is John Skelton, Natural Resource Manager, at 816-389-3968, or john.a.skelton@usace.army.mil.

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