



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

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MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: U.S. Army Corps of Engineers Invasive Species Policy

1. Purpose. The Secretary shall periodically update the Invasive Species Policy Guidance, developed under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), in accordance with the most recent National Invasive Species Council Management Plan developed pursuant to Executive Order 13112, as provided by Section 501 of the Water Resources Development Act (WRDA) of 2020 (Enclosed). This policy memorandum provides an updated Invasive Species Policy Guidance in fulfillment of Section 501 of WRDA 2020.

2. Applicability. This policy memorandum is applicable to Headquarters and all Divisions, Districts, and Field Offices of the U.S. Army Corps of Engineers (USACE) with civil works responsibilities.

3. References:

a. Section 501 of the Water Resources Development Act of 2020 (Public Law 116-220). Update on Invasive Species Policy Guidance.

b. Section 7001 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116-9). Wildlife habitat and conservation

c. Section 1108 of the Water Resources Development Act of 2018, as amended (33 U.S.C. § 2263a). Aquatic invasive species research.

d. Section 1109 of the Water Resources Development Act of 2018 (Public Law 115-270). Harmful algal bloom technology demonstration.

e. Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, as amended (Public Law 113-124).

f. Section 1039(b) of the Water Resources Reform and Development Act of 2014, as amended (16 U.S.C. § 4701 note). Aquatic Invasive Species Prevention.

g. Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. § 4701 et seq.).

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h. Section 104 of the River and Harbor Act of 1958, as amended (33 U.S.C. § 610). Control of aquatic plant growths and invasive species.

i. Fish and Wildlife Coordination Act, as amended (16 U.S.C. § 661 et seq.).

j. Executive Order 13112, as amended by Executive Order 13751, Safeguarding the Nation from the Impacts of Invasive Species, December 8, 2016.

k. Chief of Engineers' Environmental Advisory Board Subcommittee Report, Addressing Invasive Species Risks for a Sustainable National Outcome with U.S. Army Corps of Engineers Infrastructure, Operations, and Ecosystem Restoration, dated June 2, 2020.

l. National Invasive Species Council 2023 National Invasive Species Management Plan, dated October 29, 2022. <https://www.doi.gov/sites/doi.gov/files/final-nisc-fy2023-wp-10-20-2022.pdf>

4. This policy memorandum rescinds and replaces the USACE Invasive Species Policy dated June 12, 2009.

5. The USACE Invasive Species Leadership Team (ISLT) will continue to operate, meet and function to provide oversight of the USACE Invasive Species Program and this policy. The ISLT will also provide support for the exchange and sharing of information and to develop and provide strategic recommendations to USACE, including ERDC. Applicable regulations and authorities will be updated as needed. Team members are encouraged to support interagency coordination by participating in national and regional invasive species councils such as their respective Aquatic Nuisance Species (ANS) Regional Panels as schedules and budgets allow. Information concerning ISLT team members, responsibilities, and activities can be found at <https://corpsslakes.ercd.dren.mil/employees/islt/islt.cfm>.

6. Measures to either prevent or reduce establishment of invasive and non-native species will be a component of all USACE Civil Works projects and will be applied to invasive species issues in the execution of all Civil Works programs. The intent is to integrate the Invasive Species Policy into all projects and programs to effectively and efficiently manage invasive and nonnative species, including harmful algal blooms.

a. Operating projects will include strategies for invasive species management in their project Operation and Maintenance (O&M) responsibilities and ensure these strategies are addressed in Master Plans and Operational Management Plans (OMPs) as appropriate. These strategies will be coordinated, as required by law, with other Federal agencies, Tribal Nations, State and local governments, non-government organizations, stakeholders, and partners, as applicable.

b. Civil Works planning documents will appropriately address invasive species concerns in their analysis of project impacts. Similarly, consideration for invasive species issues shall be appropriately included in the project design and the associated O&M manuals that are transmitted to the non-Federal interest. Collaboration with Federal agencies, Tribal Nations,

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State and local governments, non-government organizations, stakeholders, non-Federal Sponsors, and partners, as applicable, will occur in developing those analyses.

c. Construction activities creates the opportunity for the introduction, spread, and establishment of invasive species. Engineering and Construction shall consider and implement practices to reduce the introduction and spread of invasive species during the design and construction of Civil Works projects.

d. The evaluation process for Department of the Army (DA) permits may consider, through the appropriate public interest review factors (e.g., conservation, general environmental concerns), invasive species concerns in their analysis of impacts at the project site and any associated compensatory mitigation projects. An appropriate level of coordination with Federal agencies, Tribal Nations, State and local governments, non-government organizations, stakeholders, and partners will be used to develop those analyses. A DA permit may include special conditions to require the permittee to control the introduction or spread of invasive species at these sites.

e. The Engineering Research and Development Center (ERDC) will serve as the research lead for the Invasive Species Program. The Invasive Species Program includes the Aquatic Plant Control Research Program. ERDC will maintain representatives on the ISLT to support the team and USACE decisions concerning invasive species. ERDC will also share information concerning their activities and solicit input for future research and development work units.

f. Upon request through the Military Programs Directorate of USACE for reimbursable support under an applicable authority, Civil Works may provide, on a reimbursable basis to military installations, support and/or services related to the prevention of introduction and/or spread of invasive species. The Armed Forces Pest Management Board (AFPMB) provides support to Department of Defense (DoD) personnel on any pest management issue in any situation and the Army will continue to be invited to have a representative on the ISLT to facilitate the exchange of knowledge and resources throughout DoD.

7. Preventing the introduction, controlling the spread, and eradication of invasive species into the United States and onto USACE lands and waters requires continuous collaboration across USACE and with Federal, Tribal, State, and local governments, non-government organizations, and partners. USACE focus will be guided by the following in a coordinated effort:

a. Executive Order 13751 directs action to continue coordinated Federal prevention and control efforts related to invasive species. The Order maintains the National Invasive Species Council (NISC). The NISC is responsible for the development and implementation of the National Invasive Species Management Plan (NISMP) which serves as a blueprint for USACE actions on aquatic and terrestrial invasive species. The NISMP is updated annually.

b. Section 7001(b)(2) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act amends the Fish and Wildlife Coordination Act to call for increased coordination across agencies and stakeholders to improve prevention, early detections,

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eradication efforts, and control and containment. Further, the Act requires the development of a strategic plan for the implementation of the invasive species program. The USACE strategic plan is currently under development and the draft plan will be utilized in the interim in accordance with this policy when finalized until such date as the strategic plan will be incorporated by reference in a future iteration of this policy.

c. The Aquatic Plant Control Program (33 U.S.C. § 610) supports prevention, early detection, monitoring, and research to reduce the impact of invasive species across Civil Works projects through watercraft inspection stations, monitoring programs, and research. These efforts support strategic initiatives from the NISC Annual Work Plan and the NISMP.

d. The USACE Invasive Species Program Management Plan (PgMP) defines the direction and objectives for the ISLT and Invasive Species Management Community of Practice (CoP). Actions proposed, permitted, or submitted for authorization, either within existing authorities or by way of Congressional action by the ISLT and Invasive Species Management CoP, will follow the concepts and guidance provided by paragraphs 7a-c. The ISLT will use the Natural Resources Management Gateway Invasive Species webpage¹ to house updated versions of the PgMP, USACE Strategic Plan, ISLT membership, and NISMP.

8. Under no circumstances shall this policy be modified, supplemented, amended, or rescinded, directly or indirectly, nor shall the USACE take action not in accordance with the direction herein, without the express written approval from the ASA(CW). This guidance shall be transmitted to the appropriate USACE Division and District Commanders and posted to the USACE WRDA website within five business days of receipt (written or electronic) from this office. Guidance shall be transmitted and posted as is and without additional guidance attached.

9. Questions regarding this implementation guidance should be directed to Gib Owen, Office of the ASA(CW), at gib.a.owen.civ@army.mil or 703-695-4641.

Encl

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Assistant Secretary of the Army
(Civil Works)

CF:
DCG-CEO
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¹ <https://corpslakes.ercd.dren.mil/employees/invasive/invasive.cfm>

SEC. 501. UPDATE ON INVASIVE SPECIES POLICY GUIDANCE.

(a) IN GENERAL. — The Secretary shall periodically update the Invasive Species Policy Guidance, developed under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) and the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), in accordance with the most recent National Invasive Species Council Management Plan developed pursuant to Executive Order 13112.

(b) INCLUSION. — The Secretary may include in the updated guidance invasive species specific efforts at federally authorized water resources development projects located in

- (1) high-altitude lakes; and
- (2) the Tennessee and Cumberland River basins.