

FEDERAL NOXIOUS WEED ACT OF 1974, 7 U.S.C. § 2814, MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS

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US Army Corps
of Engineers®



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7 U.S.C. § 2814, Federal Noxious Weed Act of 1974



- Directs all Federal agencies to:
 - Manage undesirable invasive plants to protect natural resources.
 - Designate a person to develop/coordinate an undesirable plant management program and implement cooperative agreements.
 - Establish and adequately fund an undesirable plants program.
 - Establish integrated management systems to control or contain targeted undesirable plant species through cooperative agreements.
- Authorizes cooperative agreements with State agencies (or their political subdivisions) responsible for the administration or implementation of undesirable plants laws of a State.

**Undesirable plants are species that are classified as undesirable, noxious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law.*



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7 U.S.C. § 2814, Federal Noxious Weed Act of 1974



- The cooperative agreement will:
 - Prioritize and target undesirable plant species to be controlled within a specific geographic region.
 - Describe the integrated management system to be used to control or contain targeted species.
 - Define the duties of the Federal agency and the State agency.
 - Establish a timeframe for initiation and completion of tasks.
- Integrated management systems can include:
 - Education
 - Preventative measures
 - Physical or mechanical methods
 - Cultural methods
 - Land management such as livestock/wildlife grazing
 - Biological agents
 - Herbicide methods



**Catalog of Federal Domestic Assistance (CFDA) #12.012 was published Nov 2020 for this authority.*



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Delegation to Implement 7 U.S.C. § 2814



- USACE will implement the Federal Noxious Weed Act authorities as part of USACE's Invasive Species Management Program.
- On 4 August 2023, authority to implement the Federal Noxious Weed Act was given to the HQUSACE Program Manager (PM) for Land Use and Natural Resources, who oversees USACE's Invasive Species Management Program.
- The PM for Land Use and Natural Resources may delegate signature authority for cooperative agreements to USACE District Commanders after reviewing and approving a draft scope of work and draft cooperative agreement.
- The PM for Land Use and Natural Resources shall review all cooperative agreements every five years from the date of issuance to determine if the cooperative agreements are still appropriate and relevant to the execution of the Federal Noxious Weed Act authorities.
- The PM will submit a report of work completed through cooperative agreements implemented under 7 U.S.C § 2814 authority annually by 15 March to the ASA(CW).



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Implementation Procedures for 7 U.S.C. § 2814



- District Commanders wishing to execute a cooperative agreement under this authority shall submit a request via concurrence memo to the PM for Land Use and Natural Resources which includes:
 - A draft scope of work
 - A draft cooperative agreement
- The PM for Land Use and Natural Resources will approve or disapprove requests.
- Further changes in scope shall be documented in a memo to the PM for Land Use and Natural Resources for approval.
- District Commanders will ensure that any cooperative agreement awarded is administered in accordance with grant and cooperative agreement regulations and guidance, to include the Department of Defense Grant and Agreement Regulations (32 C.F.R. Part 21) and 2 C.F.R. 200.



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Implementation Procedures for 7 U.S.C. § 2814



- The district technical lead shall work with the Grants Officer in the district Contracting Division to ensure the process is implemented correctly.
- All work shall support the goals of a project Master Plan and Invasive Species Leadership Team Program Management Program.
- District Commanders participating in a cooperative agreement under this authority shall submit a report of work completed through the agreement to the PM for Land Use and Natural Resources annually by 15 January.



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What is a Cooperative Agreement?



- A legal nonprocurement assistance instrument as described by 31 U.S.C. § 63, the Federal Grant and Cooperative Agreement Act
- Where funds (or a thing of value) are being transferred to a partner
- Where substantial involvement is expected between USACE and the partner when carrying out the activities within the agreement.
- **Cooperative agreements must be executed by a certified grants officer.**



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Cooperative Agreement Process



- National SOP published on Contracting Policy page and updated April 2020
- Provides step by step instruction to set up a cooperative agreement.
- Collaborative process between Operations, Contracting (Grants Officer/Specialist), and Counsel from pre-award through closeout.
- <https://corpslakes.erdcdren.mil/employees/coopagree/coopagree.cfm> NRM Gateway page includes best management practices and sample agreements.



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JILL E. STIGLICH
 Director of Contracting



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District Grants/ Agreements Officers



Grants and Agreements Officers/Specialists						
Division	District	Point of Contact First Name	Point of Contact Last Name	Email	Phone	Grants Officer or Specialist
LRD	LRB	Jeff	Ernest	jeffrey.g.ernest@usace.army.mil	716-879-4173	Officer
	LRC	None				
	LRE					
	LRH					
	LRL					
	LRN					
	LRP					
MVD	MVK	None				
	MVP					
	MVR					
	MVS					
NAD	NAB	Jeff	May	Jeffrey.B.May@usace.army.mil	410-962-5617	Officer
	NAE	None				
	NAP	None				
NWD	NWK	Kris	Huber	Kris.a.huber@usace.army.mil	(816) 389-3766	Officer
		Lacy	Kay	lacy.kay@usace.army.mil	816-389-3509	Officer
		Gwendolyn	Miller	gwendolyn.l.miller@usace.army.mil	816-389-3665	Officer
	NWO	Lee	McCormick	lee.m.mccormick@usace.army.mil	402-995-2084	Officer
		Stephanie	Rostermundt	stephanie.a.rostermundt@usace.army.mil	402-995-2083	Officer
		Lisa	Sirois	lisa.a.sirois@usace.army.mil	402-995-2072	Officer
	NWP	Patrick	Collins	patrick.p.collins@usace.army.mil	503-808-4594	Officer
	NWS	R. David	Williams	roger.d.williams@usace.army.mil	206-764-3772	Officer
		Cam	Allen	camilla.allen@usace.army.mil	206-764-4481	Officer
NWW	None					
POD	POA	Kimberly	Tripp	kimberly.d.tripp@usace.army.mil	(907) 753-5690	Officer
	POH	None				



District Grants/ Agreements Officers



SAD	SAJ	Griselle	Gonzalez-Aquino	Griselle.Gonzalez@usace.army.mil	(904) 232-3972	Officer
	SAM	Chris	Vaniver	john.c.vandiver@usace.army.mil	(251) 441-5447	Officer
	SAS	Elisha	Kamau	eliisha.r.kamau@usace.army.mil	912-652-6123	Officer
	SAW	None				
SPD	SPA	Karen	Irving	karen.k.irving@usace.army.mil	505-342-3356	Officer
	SPK	None				
	SPL	None				
	SPN	None				
SWD	SWF	Alice	Austin	alice.m.austin@usace.army.mil	(817) 886-1267	Officer
		Sandra	Justman	sandra.k.justman@usace.army.mil	(817) 886-1073	Specialist
		Stone	Paige	paige.e.stone@usace.army.mil	817-886-1124	Officer
		Robin	Prince	robin.g.prince2@usace.army.mil	817-357-7073	Officer
	SWG	Traci	Robicheaux	traci.d.robicheaux@usace.army.mil	409-766-6306	Officer
		Maria	Rodriguez	maria.e.rodriguez@usace.army.mil	409-443-6810	Officer
	SWL	None				
SWT	None					
ERDC	ERDC	Davita	Baloue	davita.s.baloue@usace.army.mil	601-634-1748	Officer
		Tim	Black	timothy.d.black@usace.army.mil	601-634-3296	Officer
		Andrea	Thomas	andrea.j.thomas@usace.army.mil	217-373-6746	Officer
		Chelsea	Whitten	chelsea.m.whitten@usace.army.mil	601-634-4679	Officer
HNC	HNC	Eric	Horcick	Eric.S.Horcick@usace.army.mil	(256) 895-8247	Officer
Updated Sep 2022						



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Concurrence Memo Example



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, [INSERT DIVISION]
[INSERT ADDRESS]
[INSERT ADDRESS]

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[OFFICE ORG CODE]

MEMORANDUM FOR Program Manager for Land Use and Natural Resources (CECW-CO/ Mr. Michael Richards)

SUBJECT: Request Approval of Cooperative Agreements for Management of Undesirable Plants on USACE lands in [INSERT DISTRICT]

1. References:

- a. Federal Noxious Weed Act of 1974 (7 U.S.C. § 2814)
- b. Executive Order 13112, entitled Invasive Species, dated February 3, 1999
- c. Executive Order 13751, entitled Safeguarding the Nation from the Impacts of Invasive Species, dated December 5, 2016
- d. Memorandum, SACW, 4 August 2023, Subject: Delegation to Implement Authorities under the Federal Noxious Weed Act of 1974, 7 U.S.C. § 2814, Management of Undesirable Plants on Federal Lands
- e. Memorandum, SACW, 4 August 2023, Subject: Implementation Guidance for 7 U.S.C. § 2814, Federal Noxious Weed Act of 1974, Management of Undesirable Plants on Federal Lands
- f. Memorandum, SACW, 21 February 2023, Subject: U.S. Army Corps of Engineers Invasive Species Policy

2. [INSERT DISTRICT] District requests approval from the Headquarters USACE Program Manager for Land Use and Natural Resources to pursue cooperative agreements with State agencies, or political sub-divisions thereof, under the authority of 7 U.S.C. 2814 to perform management of undesirable plants on USACE lands within [INSERT DISTRICT].

3. Enclosed are draft scope(s) of work and draft cooperative agreement(s) for approval.

4. Point of contact for additional information is [INSERT POC name, title, phone number and email address].



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EXAMPLE
Statement of Work
[INSERT PROJECT NAME] in [INSERT COUNTY/STATE]

DESCRIPTION OF SERVICES:

Recipient will provide professional services to assist the US Army Corps of Engineers (USACE) with the Integrated Vegetation Management (IVM) of undesirable plants affecting federal lands and waters managed by the Natural Resource Management section associated with [INSERT PROJECT NAME] in [INSERT STATE and COUNTIES]. 7 USC 2814 states that the recipient of this funding assistance must be a State agency, or political subdivision thereof, responsible for the administration and implementation of undesirable plants laws of the state.

1. Coordination

Assist in interagency coordination through participation and leadership in Cooperative Weed Management Areas and other cross-boundary groups to manage undesirable plants from a strategic regional perspective. Manage and coordinate the actions of this Agreement with relevant County Weed Boards, Soil and Water Conservation Districts and other political subdivisions of the state. Specifically, in the [INSERT PROJECT NAME] region, the recipient will coordinate, to the maximum extent possible, in the [INSERT AREA].

2. Planning

Assist in the development of a USACE-approved annual plan of work, identifying target species for inventory and management, prioritizing treatment based on regional plans, site location and level of infestation. Provide consultation to USACE on regional 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.

3. Surveying

Assist with the inventory, survey, monitoring, and/or mapping of exotic, noxious, invasive, or undesirable native vegetation potentially affecting [INSERT PROJECT NAME] lands and waters. Maps, location descriptions, data and/or GIS information will be provided to USACE Project Natural Resource Section that will aid in the management of areas under Project management. USACE may provide a USACE-operated vessel for survey activities. In [INSERT PROJECT NAME], targets for early detection include, but are not limited to:

- a. [INSERT SPECIES AND INFORMATION ABOUT EXTENT OF IMPACT].
- b. [INSERT SPECIES INFO].
- c. [INSERT SPECIES INFO].

4. Implementation

Assist in the implementation of the appropriate integrated treatment method as prescribed or approved by USACE biologists, natural resource specialists, or natural resource managers. Implementation will be aligned with the [INSERT DISTRICT] operational plans. Additionally, treatments will be aligned with Project plans and goals, and coordinated with Project IVM staff. Treatments may employ prevention, mechanical, cultural, biocontrol or herbicide methods. USACE may provide a USACE-operated vessel for treatment activities. Specific targets in [INSERT PROJECT NAME] will include:

- a. [INSERT TREATMENT METHODS AND TARGET SPECIES]
- b. [INSERT TREATMENT METHODS AND TARGET SPECIES]

5. Reporting

If chemical methods are planned during the Period of Performance, an "Anticipated Pesticide Use" report will be submitted by the recipient to the USACE Project Natural Resource Management Section, prior to implementation. An "Actual Pesticide Use" report will then be

Scope (Statement) of Work (SOW) Example

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SOW = Government prepared document that states the overall performance objective or services to be performed.



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Cooperative Agreement Template



AGREEMENT NUMBER: District/Center-XX-2-XXXX		EFFECTIVE DATE: XX Month XXXX	
ISSUED BY: The United States of America US Army Corps of Engineers, XXXX District Street Address City, State, Zip		ISSUED TO: [Recipient Name and Address]	
CONCERNING:			
AUTHORIZED BY:		Accounting Citation:	
CFDA NUMBER:		DUNS NUMBER:	
RECIPIENT TYPE: <input type="checkbox"/> Government Entity <input type="checkbox"/> Non-Profit Organization <input type="checkbox"/> Hospital <input type="checkbox"/> University <input type="checkbox"/> Indian Tribe _____ <input type="checkbox"/> Other (specify):			
AMOUNT: \$		COST SHARE:	
PERIOD OF PERFORMANCE:			
ADMINISTERED BY: Name (XXX) XXX-XXXX Email address			
TABLE OF CONTENTS			
<u>Section</u>	<u>Title</u>	<u>Section</u>	<u>Title</u>
1	Administrative Information	5	Property Management
2	Programmatic Requirements	6	Claims, Disputes, and Appeals
3	Term	7	Compliance with Laws
4	Financial Matters	8	Indemnification
<small>NOTICE OF ELECTRONIC FUNDS TRANSFER (EFT): Pursuant to 32 C.F.R. § 22.810, it is a Governmentwide requirement to use EFT in the payment of any grant or cooperative agreement for which an application or proposal was submitted or renewed on or after 28 July 1998, unless the recipient has obtained a waiver by submitting to the head of the pertinent Federal agency a certification that it has neither an account with a financial institution nor an authorized payment agent. To be paid, recipient must submit a Payment Information Form (Standard Form 3F-3881) to the responsible DoD payment office.</small>			
<p>IN WITNESS WHEREOF, the parties by their authorized representatives execute this Cooperative Agreement and agree to the terms and conditions contained herein, all assurances and certifications made in the application, and all applicable federal statutes, regulations, and guidelines. The Recipient agrees to administer the funded program in accordance with the approved application and budget(s), supporting documents, and other representations made in support of the approved application.</p>			
UNITED STATES OF AMERICA (SIGNATURE OF GRANTS OFFICER)			
SIGNATURE OF RECIPIENT		DATE	
NAME AND TITLE OF SIGNATORY			

* Located in the Cooperative Agreements SOP



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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, [INSERT DISTRICT]
[INSERT ADDRESS]
[INSERT ADDRESS]

[OFFICE ORG CODE]

DATE

MEMORANDUM FOR RECORD

SUBJECT: Proposed Cooperative Agreement for management of undesirable plants on United States Army Corps of Engineers (USACE) lands at (INSERT PROJECT NAME)

1. **Synopsis of Requirement:** This agreement represents an opportunity for (INSERT RECIPIENT NAME), with the responsibility for the administration or implementation of undesirable plant laws of the state, to perform management of undesirable plants on USACE lands under their jurisdiction. A cooperative agreement with (INSERT RECIPIENT NAME) is vital for (INSERT PROJECT NAME) 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:** (INSERT PROJECT NAME) has cooperated with (INSERT RECIPIENT NAME) 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 (INSERT COOPERATIVE WEED MANAGEMENT AREA NAME, as applicable).

4. **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.

District Commander MFR Example



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This can be used by the DE since they do not have authority to sign the cooperative agreement itself. (The CA can only be signed by a grants officer.)

This is the first thing done before the Funding Opportunity Announcement is placed on Grants.gov and is the District approval to move forward.



Resources: NRM Gateway

<https://corpslakes.erdcdren.mil/employees/coopagree/coopagree.cf>



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Natural Resources Management Gateway

to the future . . .

- Home
- Visitors
- Lake Discovery
- Recreation
- Env Compliance
- Env Stewardship
- Partners
- News/Events
- People
- Forums
- Learning
- GETS
- Tools
- New Postings
- Submit
- Index/Search

Cooperative Agreement

[Headquarters POC](#)

The [Federal Grant and Cooperative Agreement Act of 1977 \(FGCAA\)](#) sets forth the requirements for using cooperative agreements and grants to transfer funds to non-federal entities. However, use of cooperative agreements must be specifically authorized, and the FGCAA does **not** provide such authority. There is no general authority for the Corps to use cooperative agreements.

A cooperative agreement is a legal instrument as described by 31 USC 63, the Federal Grant and Cooperative Agreement Act where funds are being transferred to a partner, which is used to enter into the same kind of relationship as a grant, except that substantial involvement is expected between the U.S. Army Corps of Engineers and the partner when carrying out the activities within the agreement. Substantial involvement may include collaboration, participation, or intervention in the program or activity to be performed under the cooperative agreement. These agreements must be executed by a certified grants officer. Procedures for administering these agreements must comply with Department of Defense Directive 3210.06 (Defense Grant and Agreement Regulatory System (DGARS)).

USACE authority for cooperative agreements is limited to the following specific types/purposes:

- Management of Undesirable Plants
- Educational and training activities
- Research and development
- Agreements with Indian Tribes
- Cooperative Ecosystem Studies Units (CESU)

- [Policy & Procedures](#)
- [News / Current Issues](#)
- [Authorized Cooperative Agreement Types](#)
- [Existing Cooperative Agreements](#)
- [Cooperative Agreement Forms and Templates](#)
- [District Grants and Agreements Officers](#)

Task Force
Cooperative Agreement



QUESTIONS?