

APPENDIX Z

MINIMUM WORK REQUIREMENTS

Z-1. General. Aquatic plant control operations conducted under Local Cooperation Agreements (LCAs) are authorized by Section 104 of the Rivers and Harbors Act of 1958, codified as amended at 33 USC 610, the Aquatic Plant Control (APC) program. Work performed under the LCA shall be in conformance with all applicable Federal, State and local laws, regulations, and ordinances. All operations carried out, or caused to be carried out, by the State pursuant to the LCA shall conform as a minimum to the requirements in this Appendix which shall be attached and made a part of the LCA. The State shall, within 60 days of the effective date of the LCA, submit to the Corps for approval a Program Management Plan which demonstrates how these minimum requirements will be met by the State in operations and management of the program.

Z-2. Eligibility. Water bodies eligible for treatment under the program are navigable waters (including waterbodies navigable within themselves) that demonstrate a federal interest and a positive benefit/cost ratio. Reservoirs, channels, harbors, and other waterbodies managed under the Operations and Maintenance program of the Corps of Engineers or other Federal Agencies are not eligible for inclusion under this program other than for experimental work. Federal interest and navigability will be determined by the availability of the water body for use by the general boating public. The specific eligibility criteria are:

a. The water body must have unrestricted access to the boating public by way of an established boat ramp or directly navigable to, or from, another eligible waterbody.

b. The water body must have a sign at each boat ramp stating that it is a public boat ramp or use area.

c. The water body must have at least one public directional sign on the nearest paved road or main thoroughfare indicating the way to the area.

d. The boat ramp must have sufficient space to safely turn a vehicle and trailer around and then park with enough room to avoid being struck by the next backing trailer.

e. There shall be no intimidating conditions in the boat ramp area which could be construed as being threatening to the user (no trespassing signs, pillars with chains, etc.)

Z-3. Control Methods. Environmental manipulation, mechanical, chemical, biological, snagging methods, or an integrated mixture of these methods may be used in accordance with this appendix and the approved Annual Work Plan (see Appendix 14-F). The methods selected for use and approval thereof will consider the demonstrated effectiveness, economic justification, selectivity to target species, and potential adverse environmental effects. Research or unproven methods are not allowable under the LCA except as they may be used to provide operational benefits.

a. Environmental Manipulation. Alteration of the physical environment of the target species through dredging, water level manipulation, shading or other similar procedures may be used to manage plants susceptible to these methods. Amortization over the anticipated period of control may be used in the computation of benefit/cost ratio.

b. Mechanical Control. Mechanical devices such as floating booms, underwater cutters and mechanical harvesters may be used where their justification is economically justifiable. Mechanical control can also be used in special areas where water use restriction or environmental considerations select for this method of control.

c. Chemical Control. Herbicides used must be registered for the intended use by the U.S. Environmental Protection Agency. The products must have full EPA registration, Special Local Needs registration, Specific Exemption, or Experimental Use Permit, in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (PL 92-516), as amended. Spray mixture additives (adjuvants) are allowed when required by the product label or when the benefits to be derived exceed the additional cost of the additive. Herbicides shall be used in a manner consistent with label instructions and precautions and manufacturers Material Safety Data Sheets. Herbicide selection will include consideration of the potential environmental damage, the label water use restrictions and consistency with primary water usage. The public shall be notified of any water use restrictions due to treatment and the dates the restrictions are to be in effect. Herbicide application shall be controlled at all times to prevent drift onto non-target areas or species of plants. No application will be made when prevailing winds make such operations hazardous to non-target areas or plants. The use of aircraft for the application of herbicides will be restricted to specific areas and weather conditions to prevent any possible hazard from drifting chemical.

d. Biological Control. Biological control agents such as insects, fish, bacterial or plant pathogens may be used as they are proven to effectively assist in the control of aquatic plants and have proven their ability to perform this task without undue harm to the ecosystem.

e. Snagging. Removal of physical obstructions such as wind fall timber to gain access to pockets of target plants that are significant to the overall control effort or otherwise benefit the program are allowable. Snagging operations specifically for the purpose of assisting APC operations which require less than one day for a typical work crew to perform in one general area may be undertaken without prior approval. More extensive snagging work must be agreed upon by the Corps and the State whether in the Annual Work Plan or supplement thereof prior to performance to be eligible under the LCA. Extended work periods of snag removal for the general benefit of navigation are beyond the authority of the APC program.

f. Integrated control.

Z-4. Levels of Control. The level of control will vary with the growth potential and mobility of the species, the potential impact on navigation, flood control, hydropower, protection of environmental resources, and the benefit(s) accrued from the proposed control effort. Methods of control that select for beneficial, native species will be used whenever possible. Treatment of native species will normally be performed only when unavoidable or as a necessary part of the control of problem exotic species.

Z-5. Public Notification. The State will inform residents adjacent to control areas and potential users of the areas of the nature of the control program and any necessary restrictions.

Z-6. Inspection and Acceptance. APC program activities will be conducted in accordance with the LCA and the Annual Work Plan. All operations are subject to normal inspection by the Government to ensure that the work is accomplished as planned and the results obtained are satisfactory. In addition, the State shall comply with inspection requirements as specified in the

LCA for Control Operations and the Annual Work Plan. The Government shall have the right to inspect the work to be performed at any time during its progress and to make final inspection upon completion thereof. Failure of the Government to object within 20 days after final inspection shall constitute satisfactory performance of the contract by the State.

Z-7. Procurement. Any materials and supplies used by the State or designated representatives on that portion of the work assigned to it will be purchased by the State or designated representative. Accepted methods of procurement will be followed and current inventories will be maintained.

Z-8. Plant and Equipment. If the State or its designated representatives furnish the plant and equipment to perform that portion of the work coming under the State's contribution, the initial purchase cost of said plant and equipment shall not be included as an integral part of the State's contribution. However, an equitable rental charge for the plant and equipment (based on the initial cost of the item, anticipated economic life, reasonable maintenance charges, and amortization costs) may be included in the State's cost-sharing contribution. The same rental arrangement shall be applied concerning any additional work assignments. Rental charges will be made only on a daily use basis and will be applicable only to those items approved for the work. Plant and equipment furnished by the State may be increased or decreased to meet existing needs of the work by agreement of all parties concerned.

Z-9. Safety. Safety requirements, as a minimum, will be in accordance with Corps of Engineers Manual EM 385-1-1, revised October 1993, and future revisions, entitled "Safety and Health Requirements Manual."

Z-10. Reporting. The Corps and the State shall each provide to the other the number and types of reports set forth below for their respective operations within the time frame specified.

a. Annual Work Plan. The State shall provide a draft Annual Work Plan of operations for the next year to the Corps during the third quarter of the Federal fiscal year. A description of the Annual Work Plan is provided in Appendix 14-F.

b. Weekly Schedule of Operations. At the beginning of each week, a schedule identifying proposed operations for the week will be submitted to the Contracting Officer for any work conducted or contracted by the State or the Government. The schedule will list the proposed sites of work for the work crew or crews, and the type of control activities to be performed.

c. Weekly Report of Operations. This weekly report, which includes a daily log of operations shall be maintained for each work crew. Information included in the log will describe the treatment area, any chemicals or equipment used, the weather conditions, and any pertinent observations. This report, as well as daily time sheets and vehicle operation logs shall be kept for the use of Government inspectors in certifying completion of the job.

d. Survey/Inspection Reports. Surveys of waterbodies to determine extent of plant growth for planning purposes or inspections of work performed will be recorded in a format and level of detail agreeable to the Corps and the State.