

CHAPTER 14 - AQUATIC PLANT CONTROL PROGRAM

14-1. Purpose. This chapter establishes guidance for research, planning and operations for the USACE Aquatic Plant Control Program.

14-2. Background.

a. An Aquatic Plant Control (APC) Program is maintained by the Corps to control specific types of aquatic plant infestations of major economic significance, or weed infestations that have, or potentially may, reached such economic significance, in navigable waters, tributaries, streams, connecting channels and all allied waters. The APC Program is authorized under Section 104 of the Rivers and Harbors Act of 1958 (PL 85-500), as amended, and Sections 103, 105, and 712 of the Water Resources Development Act of 1986 (PL 99-662).

b. Initial problem appraisal is to be directed toward investigation of the specific aquatic plant problem, not generalized surveys of aquatic vegetation. The common indigenous submersed, floating, and emergent species do not generally meet the program criteria merely because they may qualify as "obnoxious aquatic plants" under the language of the authorizing legislation.

c. Work Not Eligible Under This Program. The APC Program authorized by Section 104 of PL 85-500, as amended, and as modified by Sections 103, 105, and 712 of PL 99-662, is not an Operation and Maintenance (O&M) program. Aquatic plant control necessary for O&M of authorized reservoirs, channels, harbors, or other water areas under the jurisdiction of the Corps of Engineers or other Federal agencies, will not be undertaken as part of this program except as such areas may be used for experimental purposes. Subordinate commands will fund aquatic plant control work required for O&M of Corps operating projects through the normal O&M budget process.

d. Intergovernmental Review. The APC Program is specifically included under the purview of EO 12372, Intergovernmental Review of Federal Programs (para 3). This executive order requires Federal agencies to provide opportunities for consultation by those State and local governments which provide non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development.

14-3. Guidance.

a. Authorization of Planning Studies. The Office of the Assistant Secretary of the Army (Civil Works) authorizes reconnaissance and feasibility studies. Upon authorization, HQUSACE (CECW-ON) approves work allowances and allocates funds based on district requests. Districts may request funds for these studies in annual budget submissions or by special request through division to HQUSACE (CECW-ON).

b. Planning Studies. Planning studies determine if sufficient justification exists for Federal (Corps) involvement with an aquatic plant problem and identify the most efficient means of aquatic plant management. Consult ER 1105-2-100, Guidance for Conducting Civil Works Planning Studies, for specific details on policies and procedures for conducting these planning studies. The three planning studies and associated reports are (1) initial appraisal (Letter

Report); (2) reconnaissance studies (Reconnaissance Report); and (3) feasibility studies (Detailed Study Report).

(1) Initial Appraisal. Conducted at 100 percent Federal cost, the initial appraisal is a brief analysis conducted in response to the receipt of a State request for investigation of a new aquatic plant problem or additional problems not covered by previously approved control agreements. The district identifies the type, location, magnitude and impact(s) of the aquatic plant problem and documents the district determination of need for further study. If further study is justified, a request for authorization and funding for a reconnaissance study is forwarded through division and HQUSACE (CECW-ON) to the OASA(CW) in the Letter Report.

(2) Reconnaissance Studies. Conducted at 100 percent Federal cost and cost normally restricted to no more than \$15,000, reconnaissance studies are limited to 12 months in duration, with possible extension to 18 months under unusual circumstances. Studies are confined to readily available information required to determine Federal interest and should include, but not be limited to, the information described in Appendix V. These studies also determine the potential for an environmentally and economically feasible management program, and identify a sponsor willing to cost-share the feasibility studies. Where findings and conclusions of the reconnaissance study are unfavorable to undertaking feasibility study, a brief follow-up to the Letter Report summarizing the problem and findings will be submitted through division and HQUSACE (CECW-ON) to the OASA(CW). If the findings indicate advancement to the feasibility study phase, the report is submitted through division and HQUSACE (CECW-ON) to the OASA(CW) for review and approval. Reconnaissance Reports will include an analysis of the cost of preparing the Detailed Study Report (DSR), a negotiated Detailed Study Cost-Sharing Agreement (DSCSA) wherein the sponsor agrees to contribute 50 percent of the study cost of the DSR, and a letter from the local sponsor indicating willingness and intent to sign the agreement upon approval. The model DSCSA is at Appendix W. If the model is utilized as a form contract, the District Commander may execute it without additional HQUSACE clearance provided no modifications, additions, or deletions are made to the form contract. If the conditions of the agreement vary from the form contract, review and approval by HQUSACE and the OASA(CW) must take place prior to execution by the District Commander. The DSCSA shall identify the time necessary to complete the DSR.

(3) Feasibility Studies. When authorized by the OASA(CW), the district will conduct a feasibility study addressing details of the aquatic plant problem and a proposed plan of action. Conducted at 50 percent Federal/50 percent sponsor cost (at least half of which must be cash), the study determines whether an APC program is justified; if so, plans of sufficient detail will be developed to assure a comprehensive management program. Feasibility studies will consider physical, mechanical, chemical, biological and integrated control technology. Priority will be given to biological control where feasible. A negotiated Local Cooperative Agreement (LCA) for Operations wherein the local sponsor agrees to contribute 50 percent of the cost of control operations, and a letter from the sponsor indicating willingness and intent to sign the agreement upon approval will accompany the findings in the Detailed Study Report (DSR). Upon completion, the DSR will be reviewed by the division and then forwarded to HQUSACE (CECW-ON) for review and approval.

(4) National Environmental Policy Act (NEPA) Requirements. The feasibility study phase includes preparation of an Environmental Assessment (EA) and, if needed, an Environmental Impact Statement (EIS). These studies are also cost-shared. The EA will conclude with either a Finding of No Significant Impact (FONSI) or a recommendation for preparation of an EIS. The EA or EIS may either be a self supporting document combined with and bound within the feasibility report (Detailed Study Report) or integrated into the text of the

feasibility report. The EIS should be integrated into the text unless complex environmental impacts preclude this alternative. Appendix Y contains information that must be addressed in the EA or EIS.

(5) **Criteria for Recommending Federal Involvement.** A recommendation favorable to initiation of an APC program under legislative authority will be warranted when:

(a) There is a clear and definite Federal interest for participation under the purview of Section 104 of PL 85-500, as amended, as modified by Sections 103, 105, and 712 of PL 99-662.

(b) Analysis based on sound ecological principles clearly indicates that the program will effect satisfactory management of the target aquatic plants.

(c) Each separable element of the project, as well as the entire project, is economically justifiable.

(d) The state is legally and financially able and willing to fully meet all local cooperation requirements.

(e) The work involved is not the type normally provided by local entities or private interests as a local responsibility.

14-4. Management Operations.

a. Where Federal involvement is indicated, management operations are cost-shared 50/50 with the sponsor in accordance with an approved DSR, LCA and Annual Work Plan (AWP). The LCA for management operations shall be for a duration of one year. District Commanders may amend the LCA for the succeeding year without resubmission to HQUSACE for approval provided there are no changes in the basic LCA conditions. Each amendment will be for one year duration and shall include an AWP and cost estimate for the period covered by the amendment. Appendix Z provides information guidelines for the AWP. The State will be the signatory on the LCA; however, the State may, by separate agreement, delegate its financial responsibilities to local governmental interests. Operations can be done by Federal, state, and/or private sector entities, under an AWP specifying the details and standards of work to be performed and requiring compliance with all applicable Federal and State laws and regulations.

b. **Herbicide Applications.** All herbicide applications are to be performed in compliance with applicable Federal and state laws, including the Federal Insecticide, Fungicide and Rodenticide Act of 1972, as amended, and the Occupational Safety and Health Act of 1970. All Federal pesticide applicators and their supervisors must comply with the reporting requirements, safety provisions, training and certification requirements outlined in ER 1130-2-540, Chapter 3, Pest Control Management for Civil Works Projects. Questions concerning the safe application of herbicides should be referred to the District Safety Officer.

14-5. Reviews and Reports.

a. A research and operations review will be held each year to provide for professional presentation and review of current research projects and operations activities, conduct of the Civil Works R&D Program Review, and to review new research proposals to provide input for planning the future APC Program. APC Program managers of operating districts and divisions are authorized to attend the meetings.

b. The APCOSC will present an annual report of operations at the Annual Research and Operations Review (paragraph 14-5.a. above). The report will describe the activities of the Center by major categories (planning, operations, research, and training), the Center's function and overall APC program trends.

c. The APC Program is a continuing activity funded under Construction, General, and subject to an annual expenditure ceiling of \$12,000,000. Recommendations and supporting data will be submitted in accordance with ER 11-2-240 (RCS CECW-B-13). The amounts requested should be the minimum necessary to meet essential program needs. Funds should be within the district's capability to utilize within the budget year, taking into account the foreseeable availability of local cost-sharing funds for planning purposes or management operations.