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	Project Operations  ENVIRONMENTAL STEWARDSHIP AND MAINTENANCE GUIDANCE AND PROCEDURES	
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U.S. Army Corps of Engineers  
Washington, D.C. 20314-1000

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Change 1

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Project Operations  
ENVIRONMENTAL STEWARDSHIP OPERATIONS AND MAINTENANCE  
GUIDANCE AND PROCEDURES

1. This change 1 to EP 1130-2-540, 15 Nov 96, adds Chapter 7 to current guidance. It provides the guidance and procedures for the Stewardship Support Program.
2. Substitute the attached pages as shown below:

Chapter	Remove page(s)	Insert page(s)
Table of Contents	ii and iii	ii and iii
7		7-1 through 7-7

3. File this change sheet in front of this publication for reference purposes.

FOR THE COMMANDER:

  
JOSEPH SCHROEDEL  
Colonel, Corps of Engineers  
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CECW-CO

DEPARTMENT OF THE ARMY  
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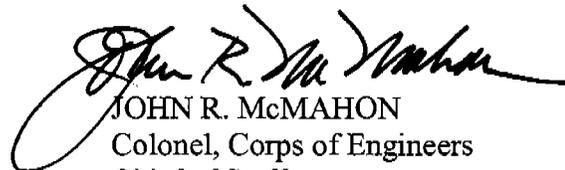
Project Operations  
ENVIRONMENTAL STEWARDSHIP OPERATIONS AND  
MAINTENANCE GUIDANCE AND PROCEDURES

1. This change 2 to EP 1130-2-540, 15 November 1996, adds Chapter 8 to current guidance. It provides the guidance, framework, and policy for the development of a project Fire Management Program.
2. Substitute the attached pages as shown below:

Chapter	Remove page(s)	Insert page(s)
Table of Contents	ii/iii	ii/iii
8		8-1/3
Appendix Q		Q-1/2
Appendix R		R-1/3
Appendix S		S-1/2
Appendix T		T-1

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Pamphlet  
No. 1130-2-540

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Project Operations  
ENVIRONMENTAL STEWARDSHIP OPERATIONS AND  
MAINTENANCE GUIDANCE AND PROCEDURES

1. This is change 3 to EP 1130-2-540, 15 November 1996 Revises Chapter 8. It provides the guidance, framework, and policy for the development of a project Fire Management Program and updates policy in accordance Section 2012 of the Water Resource Development Act of 2007.
2. Substitute the attached pages as shown below:

Chapter	Remove page(s)	Insert page(s)
8	8-1/3	8-1/3

3. File this reference sheet in front of this publication for reference purposes.

FOR THE COMMANDER:

  
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Project Operations  
ENVIRONMENTAL STEWARDSHIP OPERATIONS AND  
MAINTENANCE GUIDANCE AND PROCEDURES

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## CHAPTER 1 - INTRODUCTION

1-1. Purpose. This pamphlet establishes guidance for the management of environmental stewardship-related operations and maintenance activities at USACE civil works water resource projects and supplements ER 1130-2-540, Environmental Stewardship Operations and Maintenance Policies.

1-2. Applicability. This pamphlet applies to all USACE commands having responsibility for civil works functions.

1-3. References. See Appendix A.

1-4. Glossary.

a. Associated Records. Original records (or copies thereof) that are prepared or assembled and document efforts to locate, evaluate, record, study, preserve or recover materials from a prehistoric or historic resource. Some records such as field notes, artifact inventories and oral histories may be originals that are prepared as a result of the field work, analysis and report preparation. Other records such as deeds, survey plats, historical maps and diaries may be copies of original public or archival documents that are assembled and studied for historical research. Classes of associated records (and illustrative examples) that may be in a collection include, but are not limited to:

(1) Records relating to the identification, evaluation, documentation, study, preservation or recovery of a resource (such as site forms, field notes, drawings, maps, photographs, slides, negatives, films, video and audio cassette tapes, oral histories, artifact inventories, laboratory reports, computer cards and tapes, computer disks and diskettes, printouts of computerized data, manuscripts, reports, and accession catalog, and inventory records);

(2) Records relating to the identification of a resource using remote sensing methods and equipment (such as satellite and aerial photography and imagery, side scan sonar, magnetometer, subbottom profilers, radar and fathometers);

(3) Public records essential to understanding the resource (such as deeds, survey plats, military and census records, birth, marriage and death certificates, immigration and naturalization papers, tax forms and reports);

(4) Archival records essential to understanding the resource (such as historical maps, drawings and photographs, manuscripts, architectural and landscape plans, correspondence, diaries, ledgers, catalogs and receipts); and

(5) Administrative records relating to the survey, excavation or other study of the resource (such as scopes of work, requests for proposals, research proposals, contracts, antiquity permits, reports, documents relating to compliance with Section 106 of the National Historic Preservation Act (16 USC 470f) and National Register of Historic Places nomination and associated forms.

b. Bug Bombs and Space Sprays and Other Premixed Sprays. This includes all general use insecticides which are packaged by the manufacturer in aerosol and pump containers of small

quantities (approximately 16 ounces or less per container), and are available for purchase over the counter by any person without regard to applicator certification status.

c. A Collection. Material remains and associated records. Specifically it refers to the composite of all material remains that are excavated or removed during a survey, excavation or other study of a prehistoric or historic resource, as well as the associated records that are prepared or assembled in connection with the study.

d. Collections Management and Curation. Those curatorial services such as processing, cataloging, and accessioning, as well as application of specialized techniques necessary for conserving and maintaining collections. This includes but may not be limited to:

- (1) inventorying, accessioning, labeling and cataloging a collection;
- (2) identifying, evaluating and documenting a collection;
- (3) handling, cleaning, stabilizing and conserving a collection in order to maintain and preserve its integrity;
- (4) storing and maintaining a collection using appropriate methods, containers, environmental conditions and physically secure controls;
- (5) routinely inspecting a collection and taking such actions as may be necessary to preserve it; and
- (6) providing access and facilities to study a collection.

e. Collections Management Center. Any facility approved by the Corps under provisions of this guidance where material remains and their associated records are curated, maintained and made accessible for educational, interpretive, scientific, and ceremonial purposes.

f. Collections Management Professional. A person who possesses knowledge, experience, and demonstrable competence in collections management methods and techniques appropriate to the nature and content of the collections under the person's management and care. (Also see 36 CFR Part 79)

g. Conservation of Endangered Species. As defined in the Endangered Species Act, the use of all methods and procedures which are necessary to bring any listed species to the point where protection provided pursuant to the Act are no longer necessary.

h. Ecosystem. A biological community together with the physical and chemical environment with which it interacts.

i. Endangered Species. Any species which is in danger of extinction throughout all or a significant portion of its range, and has been so listed by the FWS/NMFS at 50 CFR 17.11 and 17.12.

j. General Use Pesticide. Any pesticide that, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, will

not generally cause unreasonable adverse effects on the environment; as determined and classified by the EPA.

k. Initial processing. Collections management functions and activities leading up to, and including the placement of a collection and its associated documentation into a management center. Such activities include, but are not limited to cleaning, sorting, stabilizing, packaging, cataloging, inventorying, accessioning, and the acquisition of all necessary supplies and materials.

l. Integrated Pest Management. A comprehensive approach to pest control or prevention in which a variety of pest control methods intended to prevent, destroy, or repel a pest are evaluated to determine their effectiveness, in combination with their degree of impact on the surrounding environment; and then selecting that management method, or combination of management methods, which causes the least amount of environmental impact while at the same time accomplishing the specific pest control goals. Examples of these methods include non-chemical habitat manipulation, mechanical control, biological control, and chemical control.

m. Historic Preservation. Refers to identification, evaluation, recordation, documentation, report preparation, curation, acquisition, protection, public interpretation, management, rehabilitation, restoration, stabilization, maintenance, and reconstruction, or any combination of the foregoing activities, in relation to historic properties.

n. Historic Properties. Refers to any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places (National Register). Such properties may be significant for their historic, architectural, engineering, archeological, or cultural values, and may be of national, regional, state, or local significance. The term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object. It may also include sites, locations, or areas valued by American Indians (as well as Native Alaskans and Hawaiians) because of their association with traditional religious or ceremonial beliefs or activities. Some religious, ceremonial, or sacred sites may not exhibit physical remains or tangible evidence of such activities.

o. Inventory. Means a systematic process to identify all historic properties located on project lands. Inventories are accomplished by means of documentary and archival review, systematic field reconnaissance, and/or survey investigation.

p. Material remains. Artifacts, objects, specimens and other physical evidence that are excavated or removed in connection with efforts to locate, evaluate, document, study, preserve or recover a prehistoric or historic resource. Classes of material remains (and illustrative examples as listed in 36 CFR Part 79) include, but are not limited to:

- (1) Components of structures and features;
- (2) intact or fragmentary artifacts;
- (3) intact or fragmentary natural objects used by humans;
- (4) by-products, waste products or debris resulting from the manufacture or use of man-made or natural materials;

- (5) organic materials;
- (6) human remains;
- (7) components of petroglyphs, pictographs, intaglios, or other works of artistic or symbolic representation;
- (8) components of shipwrecks;
- (9) environmental and chronometric specimens; and
- (10) paleontological specimens that are found in direct physical relationship with a prehistoric or historic resource.

q. Pest. The term "pest" means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Environmental Protection Agency (EPA) declares to be a pest under section 25(c)(1) of PL 92-516, The Federal Insecticide, Fungicide, and Rodenticide Act. State and local agencies may exercise their own jurisdictional authority and declare additional pest.

r. Pesticide. The term 'pesticide' means (1) any substance or mixture of substances intended for preventing, destroying, repelling any pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. This includes fungicides, herbicides, insecticides, larvicides, and rodenticides, avicides, molluscicides, piscicides, etc.

s. Proposed Endangered or Threatened Species. Any species which has been proposed by the FWS/NMFS by rule in the Federal Register for listing as endangered or threatened.

t. Restricted Use Pesticide. Any pesticide that, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator; as determined and classified by the EPA.

u. Significant Historic Property. A property which has been professionally evaluated against National Register criteria and has been included in, or determined eligible for inclusion in, the National Register. The term "eligible" for inclusion in the National Register includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet the listing criteria, regardless of whether a formal determination has yet been made. Historic properties which have been determined not eligible for the National Register need not be further considered in Civil Works activities, whereas those that are determined eligible must be considered when an undertaking is planned. All historic properties must be treated as "eligible" for the National Register until they have been professionally evaluated and determined to be "not eligible." All historic properties thus must be professionally evaluated, and their National Register status determined, before they may be affected by an undertaking.

v. Site Evaluation. The systematic, professional examination of a historic property in sufficient detail to evaluate it against National Register criteria. The criteria used to evaluate properties are found in 36 CFR Part 60.

w. Special Status Species. Any species which is listed or proposed for listing as threatened or endangered by the FWS/NMFS under the provisions of the Endangered Species Act; and any species which is listed and protected by state statute in a category implying potential endangerment or extinction.

x. Take. As defined in the Endangered Species Act, means to harass, harm, pursue, hunt, shoot, wound, capture, or collect animals; to destroy, cut, pick, remove, or transplant plants; or to attempt to engage in any such conduct.

y. Threatened Species. Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, and has been so listed by the FWS/NMFS also at 50 CFR 17.11 and 17.12.

## CHAPTER 2 - NATURAL RESOURCES STEWARDSHIP

2-1. Purpose. This chapter establishes guidance for the administration and management of environmental stewardship and natural resource management activities at USACE civil works water resource projects. The reader should also see EP 200-2-3 for additional guidance.

### 2-2. Background.

#### a. Program Mission.

" The Army Corps of Engineers is the steward of the lands and waters at Corps water resources projects. Its Natural Resources Management Mission is to manage and conserve those natural resources, consistent with eco-system management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations.

In all aspects of natural and cultural resources management, the Corps promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance and restoration practices.

The Corps manages for long-term public access to, and use of, the natural resources in cooperation with other Federal, State, and local agencies as well as the private sector.

The Corps integrates the management of diverse natural resource components such as fish, wildlife, forests, wetlands, grasslands, soil, air, and water with the provision of public recreation opportunities. The Corps conserves natural resources and provides public recreation opportunities that contribute to the quality of American life."

b. Program Objectives. The objectives of the Natural Resources Management Program are:

(1) To manage natural resources on Corps of Engineers administered land and water in accordance with ecosystem management principles, to insure their continued availability.

(2) To provide outdoor recreation opportunities on Corps of Engineers administered land and water on a sustained basis.

(3) To provide a safe and healthful environment for project visitors.

c. Implementation. The objectives stated in the preceding paragraph will be accomplished by maintaining qualified professionals at all levels of the resource management program, and by developing and fully implementing project operational management plans (OMP).

### 2-3. General Guidance.

#### a. Operational Management Plan.

(1) General. The operations element, with the coordination of the planning, real estate and safety elements will develop and implement an Operational Management Plan (OMP) for all operational projects in accordance with the approved Master Plan (MP). The OMP will include two parts: (1) Natural Resources Management and (2) Park Management. Objectives and

implementation plans will be established for each part. It is essential that the OMP be a utilitarian plan and that it be implemented fully.

(2) Preparation. The OMP should replace existing master plan appendices within one year of the date the appendices are due for revision. At projects without approved appendices, the OMP should be prepared as soon as possible. However, actual preparation time will be dictated by the availability of funds based on priorities outlined in the annual budget guidance. Guidance on the preparation of the OMP is contained in Appendix B. Requirements for detailed information within the general format specified in Appendix D is at the discretion of the MSC Commander. (For information on project master plans, see ER 1130-2-550, Chapter 3, Preparation of Master Plans.)

(3) Approval. The OMP will be approved by the district Commander. Two copies of the approved plan will be forwarded to CDR HQUSACE (CECW-ON) WASH, DC 20314-1000.

(4) Updating of Plans. The district element responsible for updating the master plan on existing projects will be determined by the District Commander. The MP and OMP will be updated as required and when funds are available through the budget priority process. The OMP will be updated by the operations element.

b. Boundary Surveys and Marking.

(1) Fee Lands. Permanent type survey markers shall be placed at all angle points of the project boundary. Fee boundary lines shall be delineated in a clear but unobtrusive manner approved by the District Commander and in accordance with the project master plan and operational management plan. Physical or natural features may obviate the need for delineating the boundary line itself; however, all corners should be monumented.

(a) New Projects. At new projects, boundary lines shall be monumented and delineated on the ground during land acquisition. Techniques for delineating the boundary line may include, but are not limited to, signs and posts, fencing, painting trees, vegetative plantings and/or plowing fire breaks. Both the monumentation and delineation of the boundary line will be completed as part of the initial project construction.

(b) Existing Project. District commanders shall assure an ongoing program at each project where the boundary monumentation is not complete. Early completion of boundary monumentation followed by a clear, positive delineation of the line on the ground is essential to protect the integrity of the project. On completed projects, funds required for surveys, monumentation and boundary marking will be programmed from maintenance funds based on budget priorities. These projects should be monumented as expeditiously as possible.

(c) Exceptions. District commanders should recognize that surveying and monumentation of certain projects, or portions of project boundaries, may not be practical or desirable. MSC commanders will exercise approval authority for requested exceptions and will provide information copies of such action to CDR USACE (CECW-ON) WASH, DC 20314-1000.

(2) Flowage Easement Lands. The policy concerning the monumenting of fee boundary lines shall be applicable also to perpetual flowage easements lands, where encroachments may

reasonably be expected from private development of adjoining lands. Landowner permission is necessary to monument.

(3) Surveillance and Prevention. Project personnel will check fee boundaries as often as is feasible to insure that the line is adequately marked and to check for unauthorized use or encroachments. The frequency of inspections and the amount of control attempted on flowage easement lands will depend upon whether the line is monumented and the individual deed restrictions. However, all boundary lines should be checked at least once every three years. The intent of this is to provide the field project manager with flexibility to determine what areas of the boundary require more frequent inspections because of potential encroachment or heavy vegetative growth that might obscure the boundary. Aerial recognizance may be a low cost per mile method to cover extensive boundaries where there is little or no activity. Records will be maintained of missing monuments. Annually, a report will be forwarded to the engineering element requesting replacement of missing monuments. The operations project manager will annually budget O&M funds to cover costs of remonumentation.

(4) Boundary Fencing. Fencing should be used as a management tool to delineate project boundaries where alternative management practices are not sufficient to ensure the safety of project employees and visitors. Fencing to meet management objectives other than such necessities as project employee and visitor safety will be done only when economically justified from an operation and maintenance standpoint. Where economically justified, fencing may be used to prevent unauthorized use and trespass, to protect against environmental degradation and to preserve desirable wildlife habitat. The extent and type of boundary fence to be used will be determined on a project by project basis. Where fencing is used to delineate project boundaries, adequate provision for pedestrian access from adjacent land must be provided except where such pedestrian access will create user conflicts in developed areas, user fee areas or where access is restricted by other management requirements.

(1) Resource Manager/Ranger Training Program.

(a) Each district will establish and maintain a formal resource manager/ranger training program. As a minimum, the training program will span 18 months and will include assignments to the district office and one lake project. A training manual outlining the program will be submitted to the division commander for approval.

(b) In establishing trainee positions, a sufficient total number of vacancies must be projected to exist (not necessarily specifically identified) within a reasonable time in a district to provide positions for trainees to progress to the GS-9 grade level. Positions at the GS-5 and GS-7 levels are to be established for developmental purposes only. After completion of the formal training period, trainees normally will be selected for a permanent GS-9 resource manager or ranger position.

(2) Conference and Seminars. Judicious management of attendance and participation in various professional conferences, seminars and training schools is necessary to obtain maximum benefits from minimum expenditures. The importance of staying abreast of current information and discussing issues of mutual interest with various local, state, and Federal government, and private sector representatives demands expenditure of some resources.

(3) Park Practice Program. Complete series of Park Practice publications ("Guidelines," "Trends," and "Grist") published by the National Recreation and Parks Association in

cooperation with the National Park Service, will be maintained in division, district and area offices. All projects should receive "Grist" on a regular basis for use by all employees. The publications should be made available for use by natural resources management personnel at all levels of responsibility and such personnel should be encouraged to utilize them fully. Contributions by all Corps personnel of material suitable for publication in these publications are encouraged. Contributions need not be in finished form for publication. The main objective is to get the complete idea of the submission across to the publishing staff. Drawings or photographs should accompany the contribution where practicable. All material for publication should be sent by the contributor directly to Park Practice, National Park Service, Department of the Interior WASH, DC 20240.

c. Outgranting of Lands. At the conclusion of the negotiations for an outgrant and prior to construction and/or operation, the Operations Project Manager and the district real estate representative who negotiated the outgrant shall meet with the grantee (preferably at the project) and go over the terms and conditions of the outgrant. There will be coordination with operations on the final draft of the instrument prior to execution.

(1) Compliance Inspections by Project Personnel. These inspections will be performed during the term of the outgrant at least once every five years and more often if circumstances dictate. On the outgrants to be inspected by project personnel, the district real estate element will forward through operations channels to the Operations Project Manager a list of properties to be inspected along with a schedule of when the inspections should be made. Reports of the inspection will be forwarded through operations channels to the real estate element. Instances of unsatisfactory outgrantee performance will be reported immediately. Also, project personnel should perform interim inspections on all outgrants in such a way as to not be onerous or burdensome to the outgrantee. Immediate corrective action will be taken at the project level if emergency health and safety is involved. All correspondence concerning inspection of outgrants will be coordinated with the operations and real estate elements of the district. Project personnel will charge to the real estate compliance inspection cost account only that time on site devoted specifically to assisting the real estate compliance inspection effort.

(2) Compliance Inspections by Real Estate. The Operations Project Manager will be notified in advance of an inspection and will be invited to accompany real estate personnel. The Operations Project Manager should evaluate each outgrant prior to renewal and if warranted, furnish a written recommendation for extending or terminating the outgrant through the operations channels to the real estate element. A copy of the inspection report will be furnished to the operations element. The Operations Project Manager will be furnished a copy of all outgrants and pertinent correspondence.

(3) Human Habitation. Actions to remove those trailers currently on concessions and club sites at Corps projects should be terminated unless the conditions set forth in Section 1134(d) of PL 99-662 are not being met. Existing leases may be modified as needed to provide for continuation of trailer uses as long as there is compliance with the conditions of Section 1134(d).

(4) Private Exclusive Use. Water and land areas at Corps projects are maintained for the benefit of the general public. Since the early 1960's, the permanent siting of floating cabins, cottages and non-transient mobile homes and trailers for private exclusive use at projects areas has been discouraged. Guidelines for implementing the policy on private exclusive use, as well

as for timeshare units, are contained in Appendix B to this chapter. These established procedures are applicable to all new, expanded or existing private exclusive use developments.

#### 2-4. Natural Resource Management Activities.

a. The Corps of Engineers is the steward of nearly 12 million acres of land and water held in public trust at Corps civil works water resources projects. This acreage includes diverse natural resources such as fish, wildlife, forests, wetlands, rangelands, grasslands, soil, air and water, all of which are components of larger communities and encompassing ecosystems. Consistent with the Civil Works Natural Resources Management Program Mission, the Corps stewardship responsibility is to manage, conserve, and protect these natural resources for sustained use by future generations.

b. Natural resources inventories are to be conducted at Corps civil works projects, to provide quantitative and qualitative data for use in determining resource management needs. There are two types of inventories, Level One and Level Two.

(1) Level One inventories are of a general nature and will be conducted to provide baseline information for Master Plan purposes. Level One inventory data will be used to support the resource objectives and land use classifications for the Master Plan. In the absence of identified resource objectives and/or existing inventory data, the Level One inventory will be conducted. The Level One inventory will be conducted in sufficient detail to determine general plant and animal composition, acreage of dominant vegetative types (such as grasslands, woodlands, and wetlands among others), soil types, land use capabilities, and the presence of "special status species" and/or their critical habitat occurring on project lands and waters. "Special status species" include any species which is listed, or proposed for listing, as threatened or endangered by the U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS), under the provisions of the Endangered Species Act; any species covered by the Migratory Bird Treaty; any species designated by the FWS as "Candidate" species or "Sensitive" species; and any species which is listed and protected by state statute in a category implying potential endangerment or extinction. The Level One inventory will be, in most cases, accomplished using available existing information, which is readily available from a variety of sources (e.g., U.S. Geological Survey Maps, county soil surveys, aerial photography, U.S. Fish and Wildlife Service, Corps project feasibility documents, etc.). (A Level One wetlands map can be constructed based on Level One soils and vegetation inventory data to determine potential wetland areas.)

(2) Level Two inventories are prepared in support of the resource objectives and/or land use classifications identified in the project Master Plan and the Operational Management Plan. Level Two inventories are required for the effective development, execution and evaluation of specific natural resources management prescriptions. Detailed inventories for "special status species," for example, are Level Two, and these inventories will be conducted at frequencies necessary to determine the existence of any new populations of "special status species" occurring on project lands or to determine significant changes in the existing population levels of these species. (Level Two inventories for wetlands designations will be based not only on soils and vegetation inventory data, but also on other critical factor information such as hydrology and hydraulics, and will be determined by expert wetland professionals.)

c. Prepare and approve Master Plans in accordance with ER 1130-2-550, Chapter 3, Preparation of Master Plans. The Master Plan is the document that organizes Congressionally

authorized activities (i.e., established by project specific authorities as well as general authorities for stewardship responsibilities) which are to be conducted on the project. Master Plans will reference the legal authorities and responsibilities which guide the project's role within the region, watershed, and ecosystem. Natural resources related interpretive programs, such as Watchable Wildlife, will be identified in Master Plans by either a specific resource objective and/or land use classification.

d. Prepare and approve Operational Management Plans (OMP) in accordance with paragraph 2-4c above: a summary of natural resources inventories and evaluations; the inventory methodologies used; resource objectives; and site specific prescriptions for the management of the resources. Specific (Level Two) inventories are developed and conducted to support approved resource objectives and determine the existence of any "special status species" occurring on project lands. General (Level One) inventories should be described in the OMP and conducted in the absence of resource objectives and/or existing inventory information.

e. Prepare and approve General Plans for Fish and Wildlife Management (General Plans) pursuant to the Fish and Wildlife Coordination Act. General Plans are prepared when existing project lands and waters are to be used for fish and wildlife purposes under the administration of other agencies, and for lands acquired specifically for wildlife mitigation, whether managed by the Corps or other agency. General Plans are not necessary for other lands and waters managed by the Corps in the interest of good stewardship and where it has been determined that fish and wildlife would share the use of project lands with other uses such as general recreation or where interim use is contemplated. The U.S. Fish and Wildlife Service (FWS) and the Corps have mutually agreed upon procedures for developing General Plans and the formats for General Plans. These model formats are found in Appendix C of this EP.

(1) Procedures for Developing General Plans. The August 1954 agreement between the FWS and the Corps, provides that General Plans for Fish and Wildlife Management, as specified in Section 3 of the Coordination Act (PL 732, August 14, 1946) shall be developed jointly by the Corps and the FWS, and the appropriate State agency for all project lands and waters where management for fish and wildlife purposes is proposed. General Plans are prepared for the purpose of designating the type of use, as between the national migratory bird management programs of the Department of the Interior and the wildlife programs of the respective states, and therein to define lands and waters to be administered by each. Such General Plans should be only as detailed in those respects as may be necessary to indicate the agencies, the areas, and the general purpose to be accomplished under each assignment. The General Plan should not be burdened with operating details which are properly a part of the cooperative agreements understood to be necessary between the Corps and the FWS or the State in making areas available to the latter two agencies subsequent to the completion of the General Plans. In accordance with Section 8 of the August 1954 agreement, the following procedures for the development of General Plans for Fish and Wildlife Management have been developed jointly by the Corps and the FWS.

(a) Reports prepared by the Fish and Wildlife Service in cooperation with the appropriate State fish and game agency, in accordance with Section 2 of the Act of August 14, 1946, shall specify, when appropriate, the necessity for a General Plan for Fish and Wildlife Management in the recommendations of the reports. In accordance with previously established procedures, the reports will be transmitted to the District Commander.

(b) Whenever the use of project lands and waters for fish and wildlife management purposes is proposed, the Service or the appropriate state agency may request the preparation of a General Plan for Fish and Wildlife Management. The formulation of a General Plan shall be a joint cooperative endeavor by the District Commander, Regional Director of the FWS, and the head of the appropriate state agency, by mutual exchange of information pertaining thereto, discussions, and agreement. Normally, the Corps will initiate the preliminary draft of the General Plan after determining the views of the other agencies. Such draft of a General Plan will be submitted concurrently for comment to the other two agencies. Such draft of a General Plan will be subject to approval of the Assistant Secretary of the Army for Civil Works (ASA(CW)), the Assistant Secretary of the Interior for Fish, Wildlife and Parks (ASI(FWP)), and the head of the agency exercising administration over the wildlife resources of the State wherein the lands and waters lie.

(c) After the field offices of the Corps (with ASA(CW) concurrence), the state and the Regional FWS have reached agreement as to the form and context of the General Plan, signature in triplicate by the appropriate state official will be obtained thereto signifying concurrence, and the signed copies thereof will be forwarded by the Corps through channels to higher authority for approval and execution by the ASA(CW) and ASI(FWP).

(d) After completion, conformed copies of the General Plan shall be supplied by the ASA(CW) to each of the three respective parties.

(2) General Provisions for Preparation of General Plans.

(a) Every reasonable effort will be made to reach mutual agreement at an early date with respect to the provisions of General Plan for Fish and Wildlife Management for a project. Where a General Plan is to be prepared, wildlife agencies of the affected states and the FWS will be consulted by the Corps on wildlife matters with a view to reaching tentative agreement on lands and waters to be utilized for wildlife management purposes prior to published hearings on Master Plans.

(b) Project lands and waters of particular value for the conduct of the national migratory bird management program made available to the FWS may, subsequently through a cooperative agreement, be administered by a state in accordance with Section 4 of the Coordination Act, if such action appears to be in the public interest.

(c) Federal and state agencies managing the project lands for wildlife may utilize same for the production of food for the wildlife involved.

f. Natural Resources Management Concepts. Natural resources management activities shall be accomplished through the use of one or more of the following management concepts: stewardship, mitigation, or enhancement.

(1) Stewardship. Natural resources management through a stewardship concept ensures the conservation, preservation, or protection of those resources for present and future generations. Stewardship focuses on sustaining ecosystems. Stewardship shall be applied in a biological community context, thereby providing protection for the existing species populations, communities, habitat types and ecosystems. "Special status species" and their habitats shall be identified and accommodated in the Master Plan and OMP. The application of the stewardship concept within ecosystems and their component biological communities (such as forests and

woodlands, range and grasslands, and wetlands), including fish and wildlife and soils, is described in the following paragraphs.

(a) Ecosystem Management. An ecosystem is a dynamic community of biological organisms, including humans, and the physical environment in which they interact. Ecosystem management by the Corps is a proactive, goal-driven approach to sustaining ecosystems and their values. The Corps will manage communities to promote regional environmental values occurring on project lands toward sustaining ecosystems in which the project lands and waters occur. Such ecosystems and communities will be identified in resource objectives and/or land use classifications contained in the Master Plan and the OMP. Preferential treatment will be given to the management of ecosystems, communities, and habitats identified as having special status species.

(b) Forest and Woodland Management. The Forest Cover Act provides a statutory mandate for multiple use forest management, or other vegetative cover management, on project lands and waters. Forest and woodland management will be applied to develop, maintain, protect and/or improve vegetation conditions for timber, fish, soils, recreation, water quality and other beneficial uses. The Master Plan will provide for multiple use forest management wherever practicable and compatible with other uses of project land. Where applicable, OMPs will provide for the continued production and harvest of forest products through sustained yield programs, reforestation and accepted conservation practices. Where applicable, the OMP will provide site specific prescriptions for forest and woodland management.

(c) Fish and Wildlife Habitat Management. Section 2 of the Forest Cover Act provides authority for the Corps to manage project lands and waters for any or all conservation purposes, including fish and wildlife conservation. The Corps will conduct fish and wildlife management activities which seek to maintain populations of targeted wildlife species through the manipulation and management of habitat. These activities will normally be in conjunction with other Federal, state, and local agencies using a variety of techniques including the placement of artificial structures and other practices. Where not managed by other Federal, state or local agencies, the Corps will conduct fish and wildlife management programs on all project lands and waters which are identified by land classification and/or resource objective for fish and wildlife management. The Master Plan and OMP will identify and document the fish and wildlife species that inhabit project lands and waters. Those species that are to receive management emphasis will be special status species, and those species specified by laws and national focus plans and agreements such as the Endangered Species Act and the North American Waterfowl Management Plan. The OMP will include site-specific prescriptions for the management of fish and wildlife habitat, or for management of a specific species or species group.

(d) Grassland Management. Grassland (including rangeland) management is within the mandate of the Forest Cover Act. The Corps will provide for the protection and development of vegetative cover other than forests and woodlands as well as establish conservation measures for its maintenance. Grassland management techniques will be applied whenever the opportunity exists to protect native grasslands or prairie, and/or improve vegetative conditions as a soil conservation, watershed protection, fish and wildlife habitat, or range management practice. Livestock grazing, haying, crop production and other agricultural activities are tools that may be used in the manipulation of vegetation and should not be used, or should be discontinued, where they may be reasonably expected to destroy or significantly alter plant and animal communities occupying a project. The grassland management program will comply with the resource

objectives and/or land use classifications stated in the Master Plan and OMP. Where applicable, the OMP will provide site specific prescriptions for grassland management.

(e) Wetlands Management. The Forest Cover Act provides for the development of vegetative cover, such as wetlands, so as to yield maximum benefit and otherwise improve such areas. Wetlands are those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands will be assigned a resource objective or wetlands land classification in the Master Plan and the OMP. Existing wetlands will be protected, conserved and maintained with one goal being "no net loss" of wetlands at any one project. On hydric soils (indicating previous wetland conditions) consideration and management emphasis should be given to returning, operating, and/or maintaining wetlands for wetland plant communities. Consideration should be given to buffering the wetland within an adequate amount of land to prevent abuse or loss from adjacent land uses. The development and maintenance of wetlands should integrate the needs of fish and wildlife and support national programs and efforts associated with the Endangered Species Act, Section 307 of PL 101-640, EO 11990, and the North American Waterfowl Management Plan. Wetlands management objectives and practices should be featured in the Master Plan and OMP.

(f) Soils Management. All land management prescriptions developed for use at water resources development projects will integrate the constraints and favorable characteristics associated with specific soil types and land use capabilities. Land uses and conservation practices recommended by the Natural Resources Conservation Service for each land use capability class should be carefully considered during the development of Master Plans and OMPs. Where available, an inventory of soil survey maps will be maintained at project offices and referenced in management prescriptions contained in the OMPs. Constraints associated with the soils and land use capabilities of a particular site will be identified and incorporated into Master Plans and OMPs. The OMP will provide site specific prescriptions for soils management including erosion control, sediment management and bank stabilization.

(2) Mitigation. Mitigation measures authorized by Congress or approved by Headquarters compensate for ecological resources unavoidably and adversely affected by a Corps project. Mitigation includes stand-alone projects; work undertaken concurrently with project construction; and operation, maintenance and management of mitigation measures. The species, habitat, and/or measures identified as mitigation are contained in feasibility reports and design memoranda submitted as supporting documentation for the project authorization and in other supporting documents identified as special reports to Congress. Mitigation measures that are cost shared with a local sponsor shall have the appropriate ratio of shared costs identified in the above reports and documents. Approved mitigation plans and associated measures shall be incorporated into the Master Plan and OMP.

(3) Enhancement. PL 89-72 provides for consideration of fish and wildlife enhancement opportunities at Corps water resources development projects. Enhancement measures/activities are those measures/activities taken above a stewardship level (i.e., level required to sustain fish and wildlife resources for the life of the project), and those measures/activities which produce an increase or concentration of animal numbers for the purpose of recreational benefits. Enhancement measures/activities are subject to cost-sharing or total funding by others, in accordance with administrative guidance provided by the Assistant Secretary of the Army for Civil Works.

g. Natural Resources Protection.

(1) Management activities designed to prevent destruction of, or to minimize the degradation of natural resources due to harmful effects of soil erosion and resultant sedimentation, wildfire, insects and disease shall be specified in the OMP. Remedial actions to correct over utilization will be identified in the Master Plan and OMP. Particular attention should be given to carrying capacities for domestic livestock and human use. Where economically justified, fencing may be used as a management tool to prevent unauthorized use and trespass, to protect against environmental degradation and to preserve desirable wildlife habitat.

(2) OMPs will stipulate wildfire control measures. The Corps may enter into reciprocal agreements with appropriate public organizations or agencies for the protection of property from fire. The agreement may provide for the reimbursement of any or all costs incurred in furnishing fire control on Corps lands. Such agreements will include a waiver from claims for compensation of any loss, damage, personal injury or death resulting in the performance of the agreement. Authority to approve fire control agreements is delegated to district commanders.

(3) OMPs will provide for monitoring project lands to determine unacceptable pest populations. OMPs will reference the requirements in ER 1130-2-540, Chapter 3, Pest Control Program for Civil Works Projects, for annual pest control plans and for documentation of pesticide use. See also EP 1130-2-540, Chapter 4.

h. Natural Resources Disposal and Removal.

(1) Forest Products. The operations element will prepare the determination of availability for forest products to be sold on project lands. The sale of forest products will be administered by the real estate element, in accordance with ER 405-1-12. Minor sales may be accomplished by the operations project manager on water resources development projects under the general guidance (ER 405-1-12) issued by the real estate element. Project-wide salvage contracts may be used to dispose of forest products resulting from insect and storm damage or recurring activities which require small-scale removal of forest products. Determinations of availability will contain as a minimum:

- (a) A statement of the purpose of the proposed sale.
- (b) An estimate of the volume of the various products made available and the basis for the estimate.
- (c) A statement on the accuracy of the estimate to serve as the basis for a lump sum sale (if forest products are intended to be sold on lump sum basis).
- (d) A listing of voluntary Best Management Practices (BMPS) published by state forestry agencies will be included in the sales contract. Examples of BMPS include seasonal harvesting requirements, riparian protection zones, maximum log lengths, and allowable equipment size.
- (e) Provisions for a final joint operations element-real estate element compliance inspection before release of the contractor at completion of the contract, as required.

(2) Agricultural Crops and Activities. A determination of availability will be prepared by the operations element for hay, grazing, crops and other agricultural activities to be disposed of by sale or removed from lease. All hay, grazing, crops and other agricultural sales or leases will be administered in accordance with applicable sections in ER 405-1-12.

(3) Minerals. ER 405-1-12 sets out policy and procedures on mineral exploration and leasing. Instruments authorizing mineral exploration or production activities shall include requirements to protect natural resources identified in the resource objectives and/or land use classifications presented in Master Plans and OMPs.

(4) Sand, Gravel and Embedded Stone. Sand, gravel, and embedded stone, which are generally referred to as common variety minerals are defined as real property (41 CFR Part 101-47.103-12 (c)). The Secretary of the Army has authority to dispose of these items without disposing of the underlying Government-owned lands under Department of the Army control. Determinations of availability prepared by the operations element will contain conditions to protect natural resources identified in the resources objectives and/or land use classifications presented in Master Plans and OMPs. Guidance for sale of such products is contained in ER 405-1-12.

i. Pollution Abatement.

(1) Solid Waste Disposal. Solid waste disposal will be by contract with off-project licensed sanitary collectors when such a method is economically and administratively feasible. Where practical, arrangements shall be made for disposal of solid wastes off the project. Where this is not feasible, disposal shall be accomplished on the project in accordance with Federal, state and local laws.

(2) Water Pollution Control. Continuous vigilance for sources of pollution in the reservoir, and in stream tributaries thereto, will be maintained. Periodic real estate compliance inspection reports of all outgrants require specific comments regarding the possibility of pollution as a result of activities of the grantee. Surveillance of industrial, agricultural, and other operations which are potentially harmful to reservoir waters shall also be maintained in cooperation with the Environmental Protection Agency (EPA) and other Federal, state or local interested agencies. The District Commander will assure control of all waste discharges originating on Federal property under his jurisdiction and will provide assistance to Federal, state and local agencies in controlling waste discharges originating outside Federal lands which are polluting federally owned areas. Any request for use of shoreline lands will include information concerning the sewage disposal facilities and health and safety measures to be provided by parties requesting the proposed outgrant.

(3) Air Pollution Control. The resource manager will maintain surveillance of activities near the project that the potential producers of air pollution which may affect the quality of the project with regard to aesthetics or public health and safety. Project activities, such as prescribed burning which might contribute to air pollution shall be coordinated with proper authorities.

(4) Visual Pollution Control. Unauthorized signs, abandoned watercraft and floating facilities, buildings, and other developments which have encroached on Corps property, or any obtrusive, unsightly item that presents an environmental intrusion, is a form of visual pollution. In order to preserve the natural characteristics of land, water and shorelines of Corps projects, steps will be taken to prevent or eliminate visual pollutants on land or water under Corps control.

(5) Noise Pollution Control. The making of continuance of excessive noises at any time or any place and by any means is prohibited when it interferes with an authorized use or project purpose.

(6) Pest Control. The MSC Commander is responsible for implementation of the pest control program, providing for training of pest control personnel, safe use of highly toxic materials and the proper application of restricted-use pesticides. District programs will include control agents, up-to-date and economical methods of control, and the proper use and maintenance of pest control equipment. Field operating activities will designate a single point of contract for pesticide matters. ER 1130-2-540, Chapter 3, Pest Control Programs for Civil Works Projects, assigns responsibilities and prescribes procedures concerning the use of chemicals in the Corps pest control program at all civil works projects. It also presents guidance for the preparation and submission of an annual pest control summary report.

## 2-5. Conservation of Federally-listed Endangered and Threatened Species on Existing Corps Project Lands.

a. This section provides guidance for the conservation of federally-listed endangered and threatened species as well as proposed to be listed endangered and threatened species, occurring on all project lands and waters including outgranted lands. An additional specific purpose is to provide guidance for participation in the US Fish and Wildlife Service/National Marine Fisheries Service (FWS/NMFS) endangered and threatened species recovery plan efforts.

b. The Endangered Species Act states that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of the Act. The purposes of the Endangered Species Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved and to provide a program for the conservation of such federally-listed species.

c. Civil works project lands and waters will be managed in a manner which assists in the overall conservation of federally-listed endangered and threatened species, and the ecosystems upon which they depend. Species which are candidates for listing will also be given consideration. Conservation methods and procedures will be utilized which will enable the inventory and protection of these species of special concern and their habitat, as well as the participation in their recovery.

(1) Inventory. An inventory of all federally-listed endangered and threatened species and proposed species which are candidates for listing, known to occur on project lands and waters will be accomplished. These inventories will be kept current with the listing of species by the FWS/NMFS and the individual states.

(2) Protection. The protection of federally-listed endangered or threatened species that occupy lands and waters under the control of the Corps is mandated by the Endangered Species Act. It is the policy of the Corps to insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any federally-listed endangered and threatened species, "take" species, or result in the destruction or adverse modification of the habitat of such species which is determined by the FWS/NMFS to be critical. Species that are proposed for Federal listing as endangered or threatened species are not protected under the ESA. However, because proposed species may be listed in the future, the Corps will consider proposed species in

making decisions that may affect them, and will avoid taking actions that result in the need to list proposed species.

(3) The Endangered Species Act mandates Federal agencies to utilize their authorities to carry out programs for the conservation and survival of federally-listed endangered and threatened species. The Act also requires the FWS/NMFS to develop and implement recovery plans as a program for the conservation and survival of endangered and threatened species. Therefore, it is the policy of the Corps, in balance with other Corps priority missions, to participate in the implementation of FWS/NMFS recovery plan efforts involving civil works project lands and waters.

(4) Inventory Requirements and Procedures. A baseline inventory (see paragraph 2-4.b(1) above for Level 1 inventory for Master Planning purposes) of federally-listed endangered, threatened, and proposed species occurring on Corps project lands and waters will be completed, documented, and annually updated in the Operational Management Plan (OMP).

(a) Prepare Screening Lists. A screening list of federally-listed endangered, threatened, and proposed species that potentially could occur on project lands and waters shall be obtained from the appropriate FWS Ecological Services field office. Where appropriate, Federal lists of endangered, threatened, and proposed marine and anadromous species shall be obtained from the NMFS regional offices. Requests for these lists should be made in writing. Screening lists shall be updated on an annual basis.

(b) Map Species Distributions. The historic distribution and habitat requirements of each species on the screening lists will be obtained. This information should be readily available at FWS, NMFS, or State natural resource agency offices. Information can also be extracted from files where project construction or operational activities have recently undergone consultation under Section 7 of the Endangered Species Act. The information will then be summarized into the text and maps of Master Plans as an update in accordance with ER 1130-2-550, Chapter 3, Preparation of Master Plans. Only broad habitat types where a species is known to occur or its habitat requisites are readily known to be met are to be mapped. Any habitat occurring on project lands or waters and designated by the FWS/NMFS as critical habitat will be so mapped. Once personnel have a good working knowledge of the species of concern and their habitat requirements, observations made in the field during the course of a year will be documented in the annual OMP update.

(c) Determine Which Species Occur Regularly. Each species on the screening lists shall be carefully reviewed each year for its known occurrence on project lands and waters. The main objective of this effort is to determine which species on the screening lists occur on a regular seasonal basis. Presence and abundance of federally-listed endangered and threatened species will be determined by the procedure identified in the OMP. The FWS and NMFS can provide some information on each species current locations known to the agencies. Project Office field observations can supplement the provided information. State natural resource agencies and Natural Heritage offices, colleges and universities, organizations such as the Nature Conservancy, and other fish and wildlife oriented organizations should also be contacted for any available information. Based on the information received and past field observations, a determination shall be made, and the rationale documented, of each species type of occurrence (e.g., resident species, uncommon resident species, wintering species, common migrant, uncommon migrant).

(5) Consultation and Conference Requirements and Procedures. Conference and consultation are processes by which interagency (Corps and FWS/NMFS) cooperation is achieved pursuant to Section 7 of the Endangered Species Act. The Corps will confer with the FWS/NMFS on actions that may affect proposed species, or habitat proposed for designation as critical. The Corps will consult with FWS/NMFS on any natural resources management action that may affect a federally-listed species or its designated critical habitat. The procedures for carrying out this consultation or conferencing are contained in 50 CFR Part 402, and are required by Section 7 of the Endangered Species Act. A permit shall be obtained from the FWS/NMFS for any action taken for scientific purposes or to enhance the propagation or survival of the affected species.

(6) Recovery Requirements and Procedures. The development and implementation of progressive programs for the conservation and management of fish and wildlife resources on Corps project lands has long been a requirement. A component of this requirement is the Corps' participation in the development and implementation of effective recovery plans for federally-listed endangered and threatened species. The recovery of Federally-listed endangered and threatened species is necessary to reverse the decline of each listed species and ensure its long-term survival. When this goal is met, the FWS/NMFS can take steps to delist the species. The recovery effort requires a long-term commitment of the Corps.

(a) Identify Corps Projects Targeted for Recovery Efforts. Within the FWS, regional directors are responsible for implementing recovery plans for species that occur in their regions. The FWS designates a lead Region to coordinate recovery activities for species which occur in more than one Region. Within the NMFS, the Office of Protected Resources and the appropriate NMFS regional office(s) coordinate recovery plan implementation. FWS/NMFS regional offices will be contacted to determine which existing recovery plans, or recovery plans under development, target Corps project lands and waters in the recovery effort. Copies of applicable plans will be obtained for review.

(b) Review Applicable Recovery Plans. Recovery plans delineate site-specific actions which are believed by the FWS/NMFS to be required to recover and/or protect a species. Recovery plans do not necessarily represent the views nor the official positions or approvals of any agencies other than the FWS. Approved recovery plans are subject to modification as dictated by new findings, changes in species status, and the completion of recovery tasks. An assessment will be made of the needed Corps natural resource management actions identified in each applicable recovery plan. A determination will be made of the reasonableness of each action. Alternative designs will be developed and evaluated for major cost items prior to Corps acceptance of the item. Those actions found unreasonable will be brought to the attention of the FWS/NMFS for resolution.

(c) Determine Recovery Priorities. The FWS has a recovery activity priority system based upon the degree of threat confronting the species, recovery potential, genetic distinctiveness, and conflict with economic activities. The system ranks the tasks within each species' plan. A priority 1 task is an action that must be taken to prevent extinction or to prevent the species from declining irreversibly in the foreseeable future. A priority 2 task is an action that must be taken to prevent a significant decline in a species population/habitat quality, or some other significant negative impact short of extinction. A priority 3 task is any other action necessary to provide for full recovery of the species. The NMFS system is modeled after the FWS system and differs in only a few respects. The primary difference is that the NMFS system does not take taxonomy into account. An assessment will be made of the prioritization of natural

resource management tasks in each applicable recovery plan for implementation and budgeting purposes.

(d) **Implement Recovery Action Items.** Applicable recovery action will be incorporated into OMPs as an update in accordance with this pamphlet. Also, the Endangered Species Act requires that each Federal agency, prior to implementation of a new or revised recovery plan, consider all information presented during the public review of the recovery plan.

(e) **Participate on Recovery Teams and in the Development of Recovery Plans.** When invited by the FWS/NMFS to participate on recovery teams for the purpose of developing or revising recovery plans, Corps natural resource management experts will be encouraged to do so within manpower constraints. When any Corps project lands and waters are targeted for a significant role in the recovery of a species, a request will be made to the FWS/NMFS for the involvement of qualified Corps personnel in the development of the recovery plan. The objectives of this involvement will be to ensure the development of a well-coordinated plan, and to facilitate implementation of the plan.

(7) **Budgeting Requirements.** All conservation activities identified will be accomplished when funds are available through the budget priority process presented in the Annual O&M Budget Guidance.

## CHAPTER 3 - PEST CONTROL PROGRAM FOR CIVIL WORKS PROJECTS

3-1. Purpose. This chapter establishes guidance for the management of pest control programs, including contracted services, at civil works projects.

3-2. Guidance.

a. The MSC Commander shall be responsible for providing guidance on Federal policies and regulations on pest control, including close coordination with the Environmental Protection Agency.

b. Where practicable pest control services should be accomplished through service contracts. All contracts for pest control services must receive technical review and approval from trained and/or certified applicator of general-use or restricted-use pesticide (commensurate with the work to be performed), prior to advertisement of the contract and procurement of services.

c. Corps of Engineers policy on vector control is to respond whenever a duly authorized public health agency declares an emergency health hazard involving Corps managed property. The commonly accepted condition for declaring an emergency health hazard is when a vector-borne disease organism is identified in a scientifically established percent of vectors or blood samples of animals that act as the natural reservoirs of such a disease. In addition, declarations of vector emergency health hazards are normally for a duration of one vector breeding season, based upon findings of monitoring activities in that season.

d. Information on pesticide spills (location, date, amount, type and cleanup action) shall be collected at the time of the spill. These records and reports as well as follow-up studies, maps, and inventories shall be maintained as part of the permanent project land record. (See ER 200-2-3, Chapter 5, Oil and Hazardous Substances Spill Incidents.)

(1) Immediate assistance for emergency-type pesticide spills which threaten life or gross contamination of the environment may be obtained by contacting Chemical Transportation Emergency Center (CHEMTREC) toll-free at 1-800-424-9300.

(2) Information on decontamination of non-emergency type pesticide spills also may be obtained by dialing the CHEMTREC number given above. The operator must be told immediately that no emergency exists and the call is a request only for decontamination information. Guidance for decontamination of minor spillage or leakage will be obtained from the appropriate district element.

e. Endangered Species Protection. The Endangered Species Act (ESA) requires that all Federal agencies ensure their actions will not jeopardize endangered or threatened species and associated habitat. Districts should review their pest control programs to ensure they do not impact endangered species and their designated critical habitat. An updated list of endangered species can be obtained from the U.S. Fish and Wildlife Regional Offices.

### 3-3. Personnel Actions.

a. Standards of Supervision. Personnel whose duties include supervision of pesticide applicators or administration of pesticide service contracts must have a practical knowledge of Federal and state supervisory requirements.

b. Personnel Requirements. Pest control duties shall be identified in applicable job descriptions, performance standards, and job hazard analyses whether they constitute a major duty or not. Such job descriptions will also note the employee's responsibility for using personal protective equipment and clothing provided, note the requirement for training and/or certification under PL 92-516 and 40 CFR 171; and for following established health and safety practices and procedures, including the requirement for periodic medical examinations, as per paragraph c below.

c. Medical Surveillance. Each district will provide a minimum medical surveillance program for (government) personnel applying pesticides other than bug bombs, space sprays, and no-pest strips. The minimum program will consist of a base-line, annual, and pre-termination physical exam. Major elements for a physical exam are outlined in Appendix F. Prescribed preplacement medical examinations will be provided as part of the personnel action process before anyone is permitted to handle pesticides.

d. Training and Certification. All personnel directly involved in pesticide (other than bug bombs and other pre-mixed sprays and no-pest strips) applications must be properly trained and/or certified prior to making any applications by satisfactory completion of training as listed below. Under the provisions of Section 4, PL 92-516 and 40 CFR 171, the Environmental Protection Agency is responsible for certification of Federal personnel applying restricted-use pesticides. To meet this requirement, the Department of Defense has developed an Agency Plan which satisfies the training and certification required by EPA. Records of such training and/or certification will be maintained in official personnel files. Retraining/recertification of personnel shall occur within three years or in accordance with requirements of state or Federal certification programs.

(1) General-Use Pesticide Training. Personnel involved in the application of general-use pesticides must be properly trained. The current plan for training of personnel, for general-use pesticides only, requires the satisfactory completion of applicable state, or state-approved, training in safe methods of application of general-use pesticides.

(2) Restricted-Use Pesticide Training. Personnel applying restricted-use pesticides are required to complete restricted-use pesticide training and certification as given at Navy facilities at Jacksonville, Florida; Alameda, California; or the Army Health Services Command, Fort Sam Houston, Texas.

(3) State Training. Training which results in state certification of pesticide applicators in either general-use or restricted-use pesticides may be used in lieu of the training described in paragraph 3-3d(1) or 3-3d(2), whichever is applicable. However, in order for state-restricted-use training to be substituted for the DoD training provided in paragraph 3-3d(2), the state training must meet minimum curriculum requirements of the DoD Certification and Recertification. (See DoD 4150.7-M, Plan for Certification of Pesticide Applicators of Restricted Use Pesticides.) State general-use certification may not be substituted for restricted-use certification.

### 3-4. Pesticide Use.

a. General. Pesticides will be handled in accordance with Federal regulations (40 CFR 165). Vehicles with lockable storage suitable for safe transportation of pesticides, personnel, and supplies, will be assigned for control operations. (See Appendix F for preventive safety measures.)

b. The availability and use of a certified applicator must be directly related to the hazard of the situation. During general-use pesticide applications, where a certified applicator is not required to be physically present, "supervision" shall include verifiable instruction to the competently trained applicator, as follows: (1) detailed guidance for applying pesticide properly, and (2) provisions for contacting the certified applicator in the event he/she is needed. Restricted-use pesticides will be applied only by, or under the direct supervision, of a certified restricted-use applicator. "Direct supervision" shall include the restricted-use applicator being at the specific location where the work is conducted and maintaining a line-of-sight view of the work performed.

c. Exposure To and Protection From Pesticide Hazards. Basic health and safety practices and procedures, including personal protective equipment and clothing, work area layouts, storage and application considerations, are identified in Appendix F of this guidance. Additional guidance is contained in Section II and Appendix A of the U.S. Army Environmental Hygiene Agency, "Guide for Medical Surveillance of Pest Controllers, Technical Information Manual (TIM) 21". Face shields, respirators, gloves, and protective clothing, as required (AR 385-32), will be obtained through normal supply channels. All outer clothing worn by government personnel during pesticide application will be furnished at government expense. Pesticide contaminated clothing will be disposed of in an appropriate manner (Army Technical Information Manual 21). The use of disposable protective clothing is encouraged (see Appendix F). In case of pesticide poisoning, follow the project accident management procedure, which may include calling the Chemical Transportation Emergency Center (CHEMTREC) toll-free at 1-800-424-9300 for immediate assistance if required and/or the regional poison control center. Material Safety Data Sheets (MSDS) shall be obtained from the manufacturer or distributor for each pesticide and adjuvant used and be readily available to employees at the work place.

d. Recordkeeping Requirements. Certified applicator personnel and safety and fire prevention officers will perform and record inspections in accordance with their criteria. Records shall be kept on each application, whether performed by hired labor or contract, and retained at the project office. Federal regulations (40 CFR 171) describe the type of data to be collected and require retention of this information for a minimum of two years. State regulations may require additional data and a longer retention time. In these cases the additional requirements will be complied with. Instructions for maintaining these records can be found in AR 25-400-2. The purpose of this record is to assure that there is adequate data available to document the facts surrounding each application. Records of employee exposure, personal monitoring, medical surveillance, and other occupational health records shall be maintained in accordance with requirements specified in 5 CFR Part 293. A sample data format detailing the minimum data to be collected is included in Appendix F. Districts may modify the sample format to fit their actual needs.

e. Annual Pest Control Plans. Field Offices will prepare and submit to their District Office, by 15 December of each year, their anticipated use of pesticides during the upcoming calendar year for review and approval by the designated District POC. Field Offices will prepare

and submit to the designated district POC, by 30 January of each year, an accounting of the actual pesticide usage during the previous calendar year. In areas where there is minimal winter pest control activity, both annual reports may be submitted by 15 December. Appendix G contains suggested format for these plans including the minimum information required. Districts may develop a list of certain chemical products which are widely and routinely available "over the counter" to the general public, and preapprove these products thus making them exempt from the requirement to secure preapplication approval prior to their use. Such chemical control agents may include products such as ant and roach sprays, bee sprays, bug bombs, no-pest strips, rodent poisons, weed and feeds, and all other general use premixed weed killers or insecticides sold in small, ready to use quantities. The requirement for end of the year accounting of actual pesticide usage to the district office and post-application documentation will be retained for these products with the exception of bug bombs, space sprays, and no-pest strips.

3-5. Pesticide Storage. Pesticides must be stored in a manner which is consistent with Federal regulations (40 CFR 165 Subpart C). Appendix F and Army Technical Information Manual 21 contain information on proper storage practices. Storage of pest control agents shall be in accordance with applicable Federal and state regulations. Inspection of stored pesticides will be made on at least a quarterly basis. Certified applicator personnel and safety and fire prevention officers shall perform and record inspections in accordance with their criteria.

3-6. Pesticide Disposal.

a. General. Consultation on proper disposal procedures should be accomplished with the appropriate State and Federal Agencies. Records shall be maintained permanently on any pesticide disposal. Refer to 40 CFR 165 Subpart C and Army Technical Information Manual 21 for information on proper disposal methods. Project facilities will not accept storage or disposal of pesticides collected by the civilian community.

b. Repacking. Pesticides in deteriorated containers will be transferred to approved clean containers which are lined to protect against chemical reaction. Different formulations of the same pesticide will not be placed in the same container. Replacement containers will be labeled to include the name and strength of the pesticide formulation, the registration number, and other pertinent manufacturing data (e.g., lot number, date of manufacture, and expiration date, and all hazard warning information including hazards, exposure symptoms, control measures, emergency medical procedures and the manufacturer's point of contact in case of an emergency, from the original label (See also 40 CFR 165.10 and Army Technical Information Manual 21).

c. Disposal. Permissible disposal methods for excess pesticides will vary from one location to another based on availability of approved pesticide incinerators and specially designated landfills.

3-7. Procedures for Obtaining Exemptions for Registered Use of Pesticide. Pesticides approved in the annual plan (paragraph 3-7e) must be applied according to the pesticide label. Pesticide uses which are different from the uses identified on the label must be approved by the Environmental Protection Agency. Appendix H details procedures for acquiring that approval. This procedure may be used for emergency and nonemergency conditions.

## CHAPTER 4 - FOREST SERVICE PEST SUPPRESSION ASSISTANCE AT CIVIL WORKS WATER RESOURCES DEVELOPMENT PROJECTS

4-1. Purpose. This chapter establishes guidance for consistent U.S. Army Corps of Engineers (civil works) involvement under the Memorandum of Agreement (MOA) between the U.S. Department of Agriculture (USDA) and U.S. Department of Defense (DoD) for the conduct of forest insect and disease suppression on lands administered by the U.S. Department of Defense.

### 4-2. Guidance.

a. Memorandum of Agreement (MOA). Under the MOA signed in 1990 by the USDA Forest Service and the DoD, the signers agreed to cooperate fully to prevent and suppress damaging forest insect and disease outbreaks. The MOA is Appendix I to this guidance.

(1) Cooperation shall be in accordance with the MOA. The requirements are mandatory for those districts seeking pest suppression funding support from the USDA Forest Service. Program participation remains, however, voluntary.

(2) The Secretaries of the USDA and the DoD have authorized their respective agencies concerned with the suppression of forest insects and diseases to develop and execute coordinated work programs and projects.

(3) In order to accomplish the responsibilities assigned by this MOA, Corps MSCs and Districts are encouraged to seek technical assistance from the USDA Forest Service, Forest Pest Management (FPM) Office that services their particular area. See Appendix J for the appropriate FPM Office.

### b. District Coordination.

(1) District Point of Contact (POC). Each participating district shall designate a POC to address all matters relating to forest pest surveillance and suppression on civil works projects. The POC shall coordinate with higher authority and with regional representatives of the USDA Forest Service on all forest pest problems which may require suppression of forest insect infestations and diseases, including gypsy moth, douglas fir, tussock moth, spruce budworm, hemlock wooly adelgid, dutch elm bark beetle, southern pine beetle, and others. All MOA reports associated with forest pest surveillance and suppression programs at civil works projects shall be prepared and submitted in accordance with the guidelines provided in the paragraph 4-3 below.

(2) The district POC shall request assistance in a timely manner from the nearest Forest Service Regional FPM Office, if the need for forest pest or disease suppression under this program is anticipated in the upcoming year. The criteria outlined in section 4.b.(4) of the MOA shall determine whether suppression activity is appropriate. Suppression may consist of biological, chemical, or mechanical treatments or techniques, or combinations of these. Procedures for developing a "Pest Management Project Plan," using Forest Service Form FS-3400-2 are presented in Appendix K.

c. Training.

Under the terms of the MOA, the USDA Forest Service is responsible for providing training opportunities for DoD personnel in techniques for the prevention, detection and suppression of destructive forest insects and diseases. The district POC is responsible for determining USACE personnel training needs on an annual basis. Personnel involved in managing forest resources at civil works projects should be selected for training. This training should be listed in the employee's Individual Development Plan. The district POC shall request such training from the Regional FPM Office of the Forest Service far enough in advance that it may be included in the District Annual Training Needs Survey. Guidance on requesting and funding of training is provided in Appendix I; general pest management program guidance is provided in ER 1130-2-540, Chapter 3, Pest Control Program for Civil Works Projects.

4-3. Reporting.

a. The district POC shall:

(1) Prepare a "Forest Pest Management Project Proposal" (FS-3400-2) for each civil works project where support for suppression activity under this program is requested. These forms are available from the FPM Office and a sample may be found at Appendix K to this guidance. Include in each proposal the results of USDA Forest Service field evaluations, if these are available. If not available, then Corps provided biological evaluations (see paragraph d. below) supporting the proposals for suppression should be attached to the FS-3400-2 forms, when the Corps has the expertise to conduct such evaluations.

(2) Submit District prioritized project proposals (on forms FS-3400-2) to MSC offices not later than 1 September of the year preceding the fiscal year in which suppression is planned. A courtesy copy of these proposals should be forwarded to the appropriate FPM Office.

(3) Provide the results of any forest pest suppression activities undertaken as part of this program during the current fiscal year using the "Forest Pest Suppression Accomplishment Form", Appendix L to this pamphlet. These forms should be submitted to MSCs concurrently with the project proposals forms and not later than 1 September.

b. MSCs shall review and consolidate District proposals, and submit proposals and prior year accomplishment results to HQUSACE (CECW-ON), not later than 15 October.

c. HQUSACE (CECW-ON) will submit a Corps-wide prioritized list of project proposals to the Armed Forces Pest Management Board (AFPMB) for funding consideration, by 1 November.

d. Biological Evaluation. This appraisal assesses current pest infestation significance, and projected significance with and without suppression activities. The Biological Evaluation also includes a discussion of alternative pest management tactics.

4-4. Funding. The Cooperative Forestry Assistance Act of 1978, PL 95-313, authorizes the USDA Forest Service to allocate funds to other Federal land management agencies for suppression of forest insect infestation and disease epidemics.

a. Corps suppression project proposals will be prioritized by the AFPMB along with other DoD components' requests. A single DoD funding request will then be presented to the Forest Service by 15 November each year.

b. Funds will be allocated to DoD agencies based on USDA Forest Service evaluation, DoD prioritization and available funding.

c. The USDA Forest Service will then transfer funds through the Treasury Department into "no year" accounts for administration by the participating DoD agencies. Funds will be transferred in January of each year.

d. When HQUSACE is notified that pest suppression funds have been placed in the Corps of Engineers Treasury account, the Corps Districts will be notified of their allotment with a "Work Allowance Letter." Appendix M to this guidance contains a sample letter. Actual receipt of funds by the District will be accomplished with a "Funding Authorization Document (FAD)" through Resource Management Office channels.

e. Districts may then accomplish the approved pest suppression activities either by contract, as part of a state administered program, or in some cases by transferring funds to a local USDA Forest Service organization.

f. Lack of USDA Forest Service funding for a particular Corps suppression project does not prohibit Corps funding of the project using Operation and Maintenance, General funds if good stewardship practices so dictate. An example would be a sudden forest insect infestation or outbreak of disease requiring immediate suppression. In such cases, Operation and Maintenance, General funds may be used in lieu of USDA Forest Service funds.

g. Appendix N lists the milestones for Forest Pest Suppression Projects as established by the Armed Forces Pest Management Board.

CHAPTER 5 - SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS

Reserved

## CHAPTER 6 - CULTURAL RESOURCES MANAGEMENT

6-1. Purpose. This chapter establishes guidance for the management of collecting, preserving and curating archeological and historical materials at civil works water resource projects, as well as establishing a Historic Preservation Program for construction, operations, and maintenance activities at these locations. It unifies Corps historic preservation activities by the consistent and uniform application of policy administered for the public benefit.

### 6-2. Applicability.

a. This chapter applies to all USACE commands having responsibility for civil works functions, including construction.

b. USACE requirements for the protection of historic properties in the Regulatory Program are found at 33 CFR Part 325, Appendix C. This engineer pamphlet also applies to all elements and offices involved with the construction, operation, and maintenance of civil works projects under the jurisdiction and control of the Corps of Engineers. This guidance is not applicable to the Corps regulatory program.

### 6-3. Background.

a. The Congress and the President, as expressed through various statutes and administrative actions, have declared that the protection and preservation of significant archeological and historic resources is in the broad public interest. In carrying out the provisions of law and policy the Corps investigates, evaluates, and recovers data and material from historic properties that could be impacted as a result of civil works undertakings. The historic preservation process does not conclude with the recovery and interpretation of archeological and historical data, but includes long-term curation and management of collections and associated documentation. Unless collections are accessible for scientific research and other appropriate uses, the resources themselves have not been properly managed.

b. Historic preservation is an equal and integral component of resource management at operating civil works projects. As such, historic preservation should be given just and equal consideration along with other resource objectives in preparation and implementation of Master Plan and Operational Management Plan (OMP) documents. It is the responsibility of all Corps elements to coordinate the historic preservation activities outlined in this guidance and other regulations to ensure an integrated natural and historic resources management program. The Corps of Engineers will manage federally owned, administered, or controlled historic properties in a spirit of stewardship for the inspiration and benefit of present and future generations.

c. The recovery of archeological and historic data has generated vast amounts of material remains and associated records. These collections often comprise the only remaining evidence of past human lifeways and will become more valuable for future generations. Preservation of this cultural heritage requires that these recovered materials and their associated records be properly curated and managed. In past years, universities, museums, and other publicly and privately owned institutions have accepted storage and curatorial responsibilities for federally-owned collections at no explicit cost to the government. However, because of plant, personnel, and financial constraints, many institutions can no longer continue to accept these unfunded responsibilities.

6-4. Guidance - Collections Access and Use.

a. USACE collections are to be available for scientific and educational uses by qualified professionals, including access for study, loan and use for such purposes as in-house and traveling exhibits, teaching, public interpretation, scientific analysis and scholarly research. At the discretion of the MSC Commander, collections may also be loaned for religious uses by interested groups with a demonstrated affiliation to the materials in the collection.

b. Collections recovered under cost shared or multi-agency projects shall be managed in accordance with the standards and procedures in this guidance.

c. Collection use is subject to such terms as are necessary to protect and preserve the condition, integrity and research potential of the collection. Collections users granted access to a collection shall be required to adhere to all rules established by the collections management center to protect the collection.

d. To gain access to a collection, or to arrange for the loan of a collection, users shall be required to submit a written request. The request should give the user's qualifications, state user objectives, proposed methods of use, and identify those materials or portions of the collections to be requested. The USACE field commander having primary control of a collection will evaluate the request and determine whether access will be allowed.

e. No collection (or a part thereof) shall be loaned to any person, institution or religious group without a written agreement between the collections management center and the borrower that specifies the terms and conditions of the loan. The agreement shall be subject to approval by the USACE field commander having primary control of a collection. The loan agreement shall specify the material being loaned, the purpose of the loan, the length of the loan, the security and environmental provisions for materials during the period of the loan, and any restriction on scientific, educational or religious uses, including whether any object may be altered, damaged or destroyed.

f. Any exhibits or publications resulting from use of government controlled collections shall acknowledge the collections center as the repository of the collection and the U.S. Army Corps of Engineers as the collection owner or administrator, as appropriate.

g. In accordance with Section 9 of the Archaeological Resources Protection Act (16 USC 470 hh) and Section 304 of the National Historic Preservation Act (16 USC 470 w-3), the District Commander shall restrict access to associated records that contain information relating to the nature, location or character of a prehistoric or historic resource unless the commander determines that such disclosure would not create a risk of harm, theft or destruction to the resource or to the area or place where the resource is located.

6-5. Guidance - Collection Management.

a. To ensure the integrity of material remains and associated records, it is preferable to house collections from a given historic property at a single repository. However, due to such variables as research needs and limitations of space or funding, it may be appropriate to separate parts of collections and use multiple facilities. If a collection is separated, a complete collection catalog shall be maintained at each collections center.

b. Securing Collections Management Services. USACE Commanders may secure collections management services using a variety of methods, subject to Federal procurement and property management statutes. USACE Commanders are advised that contractual arrangements providing for one-time, lump sum payments for longterm collections management are prohibited by 31 USC 3324. Methods that may be used by USACE Commanders include, but are not limited to:

(1) Placing the collection in a collections management center that is owned, leased, or otherwise operated by the U.S. Army Corps of Engineers;

(2) Using a purchase order or entering into a contract with a collections management center which meets the standards of this guidance. Normally such contracts or purchase orders should be of relatively short duration and should apply to initial processing or accessioning.

(3) Entering into a Cooperative Agreement with a state, regional, local, or Native American tribal repository; a university, museum, or other scientific or educational institution that operates or manages a collections center meeting the standards of this guidance.

(a) Cooperative Agreements outline the conditions, duties and responsibilities of all parties for long-term curation and management of collections. These agreements should include preambles, appropriate articles, signature blocks for the USACE field Commander having primary control of a collection and Cooperator(s), and any attachments or appendices.

(b) Cooperative Agreements shall always contain an article entitled Obligations of the Cooperator. This shall detail the collections management services to be provided by the Cooperator.

(c) Cooperative Agreements shall always contain a subsequent article entitled Obligations of the Government. This article shall include the following statement:

"Subject to the availability of funds, the Corps agrees to pay the Cooperator for the total cost of collections management and curation services to be provided in accordance with the obligations agreed to be undertaken by the Cooperator in Article including the applicable costs of operation and maintenance of such facilities and equipment as are required for the provision of such Cooperator services. At the request of the Cooperator, partial payments may be made as the curation and collections management services are performed based on a billings schedule identified in this Agreement and approved by the Corps."

(4) Entering into an interagency agreement with another Federal agency or intra-agency agreement with another USACE Command for collections management services.

(5) Transferring collections to another Federal agency for management, in compliance with the management requirements of 36 CFR Part 79.

c. Procedures for the Assessment and Evaluation of Existing Collections.

(1) The USACE field commander having primary control of a collection shall conduct an assessment of existing collections that are owned or controlled by the Corps of Engineers.

Although the conduct of these investigations may vary between USACE Commands, the following procedures shall be initiated:

(a) All collections and records which were generated by a Corps undertaking and/or removed from Corps project lands shall be identified.

(b) The collections management center where each collection is housed shall be identified. If a collection has been divided, all collection centers, institutions, tribal groups, and/or individuals that retain any portion of the collection shall be identified. When appropriate, collections shall be coalesced.

(c) If a collection or portion of a collection is on loan from the collections management center, the borrowing institution or individuals, the specific loan items, and terms of the loans shall be identified.

(d) If a collection is determined to be missing in whole or in part, with no account of its whereabouts, the assessment and subsequent report shall estimate what materials are missing.

(2) A report containing the assessment findings and a description of the condition of each collection shall be made. Information categories should include, but are not limited to:

(a) The quantity, preservation condition, and cultural affiliation, of all material, including human skeletal remains;

(b) the condition of all associated records;

(c) the degree to which a collection has been prepared cataloged, treated, accessioned, and stored;

(d) the physical state of the collection

(e) a list of all reports and articles generated by the analysis of the collection and its associated records; and

(f) an estimate for each collection specifying the funding and time necessary to attain the collection standards contained in this guidance.

(3) The questionnaire in Appendix O of this guidance should be used to collect the information on existing collections.

d. Standards for Processing and Placing Collections Into Collections Management Centers. The following are standards for the processing, management, and curation of all collections recovered by the Corps of Engineers. The goal of these standards is to ensure that collections will be properly processed, documented, and managed. The standards have been divided into two major categories: material remains and associated records.

(1) When a collection is turned over to a collections management center, an inventory shall accompany the material remains and associated records. The form and content of the inventories may vary between the USACE Commands, however, Appendix P provides sample formats for various types of material remains and records inventories.

(2) Material Remains.

(a) Material remains should be cleaned, stabilized, or conserved as appropriate so as not to preclude specialized analysis.

(b) Material remains shall be cataloged and labeled with the state or Smithsonian-type site numbers and provenience. Items can be grouped by material type, placed in bags with the exterior permanently labeled, and a mylar strip or acid-free paper label with the appropriate provenience information placed within the bag.

(c) In most cases, material remains shall be stored in perforated polyethylene, zip-lock type plastic bags at least 2 millimeters in thickness. Non-acidic or curatorial quality cloth bags are an acceptable alternative, provided they can be securely closed and labeled with the appropriate information, including provenience. For those items requiring special packaging, archivally stable materials shall be used.

(d) All material remains shall be placed in appropriate storage specified by the collections management center. All artifacts shall be housed by material class, artifact type and provenience when possible.

(e) Each box shall contain an inventory listing of its contents keyed to a master inventory of the collection which shall be filed with the collection records.

(f) All artifact storage boxes shall have a label conforming to the specifications of the collections management center. It is required that each box have a clear invoice label holder which protects the box label. Each label or box shall be identified with "U.S. Army Corps of Engineers."

(g) Ancestral human skeletal remains and reasonably acknowledged sacred objects may be provided to affected Indian tribes for reinternment or the Federal government will provide proper treatment and reburial of ancestral skeletal remains and acknowledged sacred objects following consultation with affected Indian tribes and prompt archeological evaluation. Human skeletal remains and objects recognized by appropriate experts as sacred to an identified community shall not be placed on public display.

(3) Associated Records.

(a) Two copies of a project's final report shall accompany each collection. It is recommended that these copies be produced on acid-free paper.

(b) A duplicate set of all field documentation and laboratory analysis shall be produced. One set, on acid-free paper, shall be submitted to the collections management center. These two sets of documentation shall be stored at separate locations within the designated collections management centers.

(c) All pertinent maps used and generated by an archeological project shall accompany each collection. This includes, but may not be limited to, USGS maps, regional and project area maps, survey and excavation maps, collection grid maps, and excavation unit profiles. An inventory of all maps and profiles shall accompany the collection.

(d) Archival and working sets of slides and prints shall be produced for each collection. All photographic materials shall be stored in archivally stable containers or other appropriate method specified by the collections management center.

(e) When appropriate, the collection shall be accompanied by, and inventories shall include:

- A catalog of computer tapes, disks, diskettes, and any other automated data processing materials.

- A list of conserved material remains and associated records with a description of conservation treatments. The list shall also indicate which objects require future conservation treatment.

- A photograph catalog. Photographic materials should be organized by film type (e.g. roll film, sheet film, 35 mm slides, prints, video media) and in chronological sequence.

e. Standards for Collections Management Centers. To ensure that material remains and associated records are preserved in a manner facilitating their future use by the public and scientific researchers, the USACE field commander having primary control of a collection shall ensure that all collections and records are curated at collections management centers which conform to the standards outlined below:

(1) Accession, label, catalog, store, maintain, inventory and conserve collections on a long-term basis using professional archival practices and maintain complete and accurate records of the collection, including but not limited to:

- (a) records on acquisitions;

- (b) catalog and artifact inventory lists;

- (c) descriptive information, including field notes, site forms and reports;

- (d) photographs, negatives, slides, video tapes, audio tapes, computer tapes, disks, diskettes;

- (e) locational information, including maps;

- (f) information on the condition of the collection, including any conservation treatments;

- (g) approved loans and other uses;

- (h) inventory and inspection records, including any environmental monitoring records;

- (i) records on lost, deteriorated, damaged or destroyed property; and

- (j) records on any deaccessions and subsequent transfers, repatriations or discards, as approved by the government.

(2) Dedicate the requisite facilities, equipment and space in the physical plant to properly store, study and conserve the collection.

(3) Keep the collection under physically secure conditions within storage, laboratory, study and any exhibition areas by:

(a) Having a physical plant meeting appropriate electrical, fire, building, health and safety codes;

(b) having an appropriate and operational fire detection and suppression system;

(c) having an appropriate and operational intrusion detection and deterrent system;

(d) having an appropriate emergency management plan;

(e) providing additional security for fragile or extremely valuable collections;

(f) limiting and controlling access to keys, the collection and the physical plant; and

(g) inspecting the physical plant for possible security weaknesses, environmental or pest control problems, and taking necessary actions to maintain the integrity of the collection.

(4) Require staff and any consultants who are responsible for managing and preserving the collection to be qualified collections professionals.

(5) Handle, store, clean, conserve and if exhibited, exhibit the collection in a manner that:

(a) Is appropriate to the nature of the material remains and associated records;

(b) Protects it from breakage and possible deterioration from adverse temperature and humidity, visible light, ultraviolet radiation, dust, soot, gases, mold, fungus, insects, rodents and general neglect; and

(c) Preserves data that may be studied in future laboratory analyses.

(6) Store site forms, field notes, artifact inventory lists, computer disks and tapes, catalog forms and a copy of the final report in a manner that will protect them from theft, fire or other damage such as:

(a) Storing the records in an appropriate insulated, fire resistant location;

(b) Storing a duplicate set of records in a separate location.

(7) Inspect the collection for possible deterioration and damage, and perform those actions as are necessary to stabilize the collection and rid it of any agents of deterioration.

(8) Conduct inventories to verify the location of the material remains, associated records and any other property that is furnished to the collections center by USACE Commanders.

(9) Provide access to the collection by qualified researchers whose proposals have been approved by USACE Commanders.

6-6. Reports and Inspections.

a. Annual reports shall be required of all collections management centers for updating the status of respective collections. Details required in the reports may vary at the discretion of USACE Commanders, depending upon the nature of the collections. The report should include:

- (1) Any changes made to the collections management center.
- (2) Any changes, additions, or alterations of the material remains or to associated records (including loans).
- (3) Problem areas.
- (4) Names and purposes of individuals or organizations having access to the collections in the previous year.
- (5) Citations of any reports, manuscripts, theses, or dissertations resulting from use of the collections.

b. Reports resulting from completion of the existing collections assessments required in paragraph 6-6 of this guidance shall be submitted by the District Commander through the MSC to CDR USACE ATTN: CECW-P no later than four (4) years from the publication date of this guidance. Those reports will be used by the appropriate USACE Command as the basis for determining cost estimates for subsequent budgetary preparations.

c. USACE Commanders shall conduct an on-site inspection of collections management centers at least once every three years. Inspections may be conducted more frequently if deemed necessary to assure maintenance of management standards.

d. Annual reports prepared by collections management centers and all inspection reports prepared by the District Commander shall be submitted for information purposes to the MSC.

6-7. Guidance - Historic Preservation.

a. General.

(1) District commanders should encourage the public use and enjoyment of historic properties under their jurisdiction through such means as restoration and public visitation to historic buildings and properties, archeological sites, educational displays, media shows, interpretive programs and brochures, or through similar means.

(2) Information relating to the location or character of historic properties on project fee or easement lands shall not be released to the public whenever it is determined that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such properties or to the area or place where such properties are located. Commanders must ensure that documents and reports prepared pursuant to this and other Engineer Regulations, including Historic Property Management Plans (HPMP), Master Plans (MP), Operational Management Plans (OMP), and

others have such information excised or removed from them if they are to be released to the public. Exceptions to this policy are authorized by Section 9 of the Archeological Resources Protection Act (ARPA) of 1979 (PL 96-95) upon the written request of the Governor of any state and with specified conditions. This information is specifically exempt from release under the Freedom of Information Act, as specified in 5 USC, 552(b)(3) and 16 USC, 470hh.

(3) On lands held in fee by the Federal government under the administration and jurisdiction of the Corps of Engineers, district commanders shall ensure that historic properties are given full consideration in all management and construction activities. The District Commander has full responsibility within existing statutes, administrative guidelines and policy to protect, preserve, manage, and/or mitigate damage to historic properties on project lands. These responsibilities include but are not limited to the following actions: real estate grants and land disposals, recreational development, wildlife management, construction, and operation and maintenance.

(4) Master and Operational Management Plans. The Master Plan is the document that guides the use, development and management of the natural and manmade resources of a given project. The OMP describes in detail how resource use objectives and concepts prescribed in the Master Plan will be implemented and achieved. Information in the HPMP will be incorporated and implemented through the project OMP. However, pursuant to the requirements of the NHPA, exact location and disposition of historic properties on project fee and easement lands shall not be identified in the Master Plan and OMP if those documents are released to the public (see paragraph 6-7a(2) above).

(5) Paleontological Resources. Treatment and management of natural resources, such as paleontological, geological, scenic, and scientific resources, are not included within the scope of this pamphlet except where paleontologic resources are associated with human activity. When unusual paleontological remains such as fossilized bone-beds or unusual deposits of invertebrate fossils are found on Corps lands, authority to expend funds for recovery or preservation activities may be sought by special request from the District Commander through channels to CECW-ON. While neither vertebrate nor invertebrate fossils are protected under any historic properties legislation, they are protected under 36 CFR 327 and 43 CFR 3.

b. Historic Property Inventories/Site Evaluation. Historic property inventories and site evaluations, where not previously accomplished, should be conducted so that these resources are not inadvertently damaged or destroyed. Inventories are required in order that Corps controlled historic properties can be managed in a systematic and cost effective manner that meets Corps and public needs while ensuring compliance with the NHPA. In addition, completed inventories and evaluations of Corps controlled lands should:

(1) provide resource managers with a complete inventory of historic properties to be managed;

(2) reduce land use conflicts;

(3) eliminate the need to examine, on a case-by-case basis, each individual land parcel to be affected by a management activity or agency undertaking;

(4) provide data needed for preparation of Historic Properties Management Plans, Master and Operational Management Plans, and other management documents;

(5) provide basic data needed for evaluations of archeological and other research proposals;

(6) provide current data on culturally and historically related research topics in order to prevent redundancy in future project planning activities.

c. Construction at Civil Works Projects.

(1) Historic Properties Feature Design Memorandum. When the construction of new features, or major modification of existing features, at civil works projects will result in major impacts on significant historic properties, a Feature Design Memorandum (FDM) shall, at the discretion of the District Commander, be required. It is expected that a Historic Properties FDM may be required only in the event of one or more of the following:

(a) a Historic Property Management Plan has not been previously prepared;

(b) the project will require mitigation of an unusually large number, or a number of unusually complex, historic properties beyond that previously anticipated; or

(c) a significant Post-Authorization Change (PAC) in the project which dramatically alters the anticipated number or type of historic properties to be affected; or dramatically increases the estimated cost or scope of the anticipated historic properties mitigation plan; or increases mitigation costs above the one percent limitation such that specific congressional authorization or waiver of the one percent limitation is required.

(2) The FDM, if required, should address, but not be limited to, such topics as:

(a) rationale for preparation of the FDM;

(b) relevant background data and findings from earlier investigations;

(c) the basis for determining which cultural resources are significant and eligible for inclusion on the National Register of Historic Places;

(d) any proposed mitigation plan for historic properties, and cost estimates for preparation of budget documents (PB-3);

(e) investigations required to complete the historic properties mitigation plan;

(f) historic properties to be preserved;

(g) coordination with the SHPO, the Advisory Council on Historic Preservation (ACHP) and other appropriate groups, agencies, individuals, or affected Indian tribes;

(h) a schedule of preservation activities;

(i) curation of materials;

(j) relationship to the General Design Memorandum (GDM), Real Estate Design Memorandum (DM), Burial Relocation DM, etc;

(k) real estate interest needed to conduct the historic preservation activities.

(3) The Historic Properties FDM, if required, must be initiated as soon as the need for it is recognized. The FDM may form the basis for negotiation of the initial, or renegotiation of any prior, Memorandum of Agreement (MOA) with the SHPO and ACHP pursuant to 36 CFR Part 800. The FDM will be prepared and approved by the District Commander. When approved, it may be submitted to the SHPO, ACHP, or other interested persons for information purposes or compliance with 36 CFR Part 800. Upon approval of the FDM, the District Commander should implement its provisions so as to avoid conflicts between design, construction, real estate, historic preservation, and other project needs and commitments.

(4) If a FDM for historic properties is not required, upon the availability of Construction, General funding the District Commander should informally assess the status of and necessity for implementing, resuming, or altering previous coordination or agreements with the SHPO, ACHP, and other interested persons pursuant to the NHPA and the compliance process specified in 36 CFR Part 800. The District Commander should immediately initiate whatever remedial steps may be required by the vagaries of the particular project to ascertain full compliance with the NHPA and 36 CFR Part 800. When it is determined that full compliance has been effected, the District Commander should implement the mitigation plan.

(5) Responsibility for implementing mitigation plans for historic properties during the construction period in accordance with the FDM and MOA will rest primarily with the Planning element. However, it is the responsibility of Engineering, Construction, Real Estate, and other elements to coordinate with and inform the Planning element of changes in project design and construction, real estate requirements, etc., which may affect historic properties. There may be a need to develop within the district office a formal plan or operating procedure specifying the manner in which historic property mitigation and site preservation will interface with other construction period activities. If such a plan or protocol is determined to be necessary, the District Commander should determine the necessary mechanisms, participating organizational elements, specific element responsibilities, and other necessary details, and determine an appropriate form of documenting such agreements and responsibilities (e.g., formal plan, operating procedure, protocol, intra office memo, etc.).

(6) If individual historic properties require long term maintenance, restoration, or preservation of a specialized nature (i.e., historic buildings, interpretive facilities for historic properties, etc.) a supplemental FDM or letter report should be prepared for the district commander's approval which will include a schedule of necessary maintenance, restoration, or preservation activities.

d. Properties Discovered During an Undertaking.

(1) When a previously unrecorded cultural resource is discovered in the course of construction or while implementing other undertakings, including routine operation and maintenance, the contracting officer or other appropriate official shall, to the maximum extent practicable in the discretionary judgement of the contracting officer, require that any work in the immediate vicinity be halted until the situation is properly evaluated. Every reasonable and prudent effort should be made to avoid or minimize harm to the resource until it is professionally evaluated and the effects on it determined. If the property is determined to be significant, compliance with 36 CFR Part 800.11 must be initiated.

(2) District commanders are urged to include in Memoranda of Agreement and/or Programmatic Agreements with the ACHP provisions for the expedited coordination and disposition of properties discovered during the implementation of undertakings in accordance with 36 CFR Part 800.11.

e. Real Estate Grants. In the event that real estate grants are proposed for lands that have not been surveyed for historic properties, the responsibility for compliance with ER 405-1-12 rests with the Corps. However, the District Commander may allow or require the grantee to conduct necessary surveys at his own convenience and expense. Where the grantee assumes responsibility for conducting such surveys, the proposed plan of action and choice of investigator shall be approved by the District Commander.

#### 6-8. Inventory/Site Evaluation Priorities at Operational Projects.

a. This and subsequent paragraphs guide district commanders in their treatment of historic properties at operational projects, most of which were completed prior to the passage of present day historic preservation legislation.

(1) Many projects contain cultural resources which have not been adequately and systematically inventoried and evaluated, or have been investigated on a haphazard or sporadic basis only. It is the intent of this pamphlet, where not already accomplished, to systematically and in orderly fashion accomplish inventory, evaluation, and any required mitigation studies to achieve full compliance with NHPA and related statutes.

(2) Budgetary and manpower constraints dictate that this undertaking may not be immediately accomplished. However, district commanders are to implement a program, upon availability of funds, to accomplish an inventory of cultural resources and site evaluation at each civil works water resource project under his jurisdiction and administration in order to comply with Congressional mandate, to prevent or reduce land use conflicts, and to ensure protection of historic properties. It is the responsibility of district commanders, in consultation with MSC commanders, to prioritize and schedule these investigations in accordance with the particular needs and requirements of each district and operational project.

(3) Volunteer Services. In some circumstances it may be mutually beneficial to the government and the public to utilize the services of volunteers pursuant to PL 98-63, implemented by ER 1130-2-500, Chapter 10. Volunteer services may be particularly useful in alleviating budgetary, time, or personnel constraints by conducting cultural resource investigations, including laboratory work. Volunteers should at all times be closely supervised by qualified Corps staff or contractors. In addition, guidelines and requirements should be developed for each volunteer project performed. Programmatic guidelines can be prepared for large scale or long term efforts. Corps staff preparing these volunteer guidelines should consult other agencies for assistance. The National Park Service's Volunteers in the Park (VIP) and the U. S. Forest Service's Passport in Time programs are excellent.

b. Establishing Priorities. The District Commander should establish a program to assess priorities and needs to complete historic properties inventories at each operational water resource project. Priority should be given to inventory and evaluate sites and areas that are being directly impacted or affected. The following criteria, listed in no particular order of importance, are suggested for use in determining project specific priorities. This listing is not all inclusive; district commanders should use these or other criteria as appropriate to the situation.

- (1) Imminence and degree of project related impacts.
  - (a) pool fluctuation
  - (b) outgrants and real estate requirements
  - (c) minor construction
  - (d) recreation development
  - (e) rate and nature of site erosion
  - (f) visitor and public use impacts
  - (g) fish and wildlife management activities
- (2) Adequacy of existing inventory and evaluation data.
- (3) Significance of known historic properties.
- (4) Public or institutional interest or concern.
- (5) Master Plan needs/update and schedules.
- (6) Redundancy of data collection.
- (7) Imminence of natural impacts.
- (8) Vandalism.
- (9) Views of the SHPO, ACHP and the affected Indian tribes.

c. District-wide Priority Plan. To accomplish inventories and site evaluations in an orderly and cost effective manner, district commanders should prepare for in-house use, a brief district wide plan for meeting historic preservation objectives at all operational projects under his jurisdiction. This plan should briefly assess and summarize problems and requirements, establish broad priorities, and identify gross estimated funding requirements by project(s) and year(s) to accomplish necessary inventory and site evaluations. This plan must consider such work already accomplished, and may benefit from input from the appropriate SHPO(s). This is to be a flexible and dynamic "working" document, intended to assist the district in organizing, planning, and structuring future efforts. As such, it should be changed and updated as required to aid the overall planning effort. Copies should be provided to the MSC Commander for review and comment. CENED and CEPOD shall submit plans to CECW-ON for review and comment.

d. Letter Reports. Not later than one year after final publication of this guidance, each District Commander should prepare an initial Letter Report on Historic Preservation objectives to include all operational projects within his jurisdiction. The purpose of this Letter Report is to provide a systematic and comprehensive long-term plan to complete historic property inventories and site evaluations required for each operational project in order to prepare the Historic Property Management Plan (HPMP) for each project. Smaller units or sub elements of a single, larger

project (such as a large navigation system) may be treated as a single project for this purpose, at the discretion of the District Commander. The Letter Report should build upon and expand the information included in the district wide priority plan, and present a clear and defensible plan of action for each project, including implementation schedules and gross estimated funding requirements by project and year. The Letter Report may be updated and revised, as required by the District Commander to reflect changing project activities and priorities, work accomplished, or other circumstances. Draft Letter Reports should be coordinated with appropriate SHPO(S) for review and comment. Final Letter Reports will be approved by the District Commander, RCS exempt: AR 335-15, paragraph 5-2i.

e. Corps projects with limited or no real estate interests. Previous paragraphs refer primarily to operational projects with large government landholdings, particularly reservoir projects that are managed and operated by the Corps or leased to and managed by other Federal, state or local agencies. Other Corps projects may require no or only limited post construction historic property activities, unless conditions change or new work is proposed such as under Section 1135.

(1) Navigation projects. No post construction investigations are required unless the Corps retains lands, easements, structures, or there are impacts to historic properties attributable to Corps operations. Where the Corps owns locks, dams, other structures and appurtenances, as well as adjacent lands, these properties should be subjected to cultural resources investigations. New disposal areas should be investigated in accordance with 33 CFR Part 336.

(2) Local Flood Protection Projects. When local sponsors furnish lands, easements, and rights-of-way, or disposal areas for construction, and retain land ownership and project maintenance after construction is completed, no post construction investigations are required.

(3) Beach Erosion Control, Beach Nourishment. These projects are subject to the provisions of ER 1105-2-100 during the planning and construction periods. The Corps has no responsibility or authority to conduct cultural resource investigations unless it retains a real estate interest or unless there exist project induced impacts to historic properties.

f. Historic Properties Management Plan.

(1) General. Each Corps District should develop a Historic Properties Management Plan (HPMP) for each operational project under its jurisdiction and control and incorporate it into the project OMP. The purpose of this document(s) is to provide a comprehensive program to direct the historic preservation activities and objectives at each project, and to effectively manage and protect each historic property. The HPM element will work in close coordination with other district elements, project and field managers, SHPOs, and the interested public to ensure an integrated approach to the management of all project resources. Periodically, it may be necessary to update the HPMP by integrating new data collected through subsequent investigations. This, too, is intended to be a dynamic, "working" document, which may go through several or many iterations as circumstances and Operational Management Plans (OMP) change and evolve.

(2) Required Elements. Minimally, each HPMP should include the following elements and/or activities:

(a) A list of identified historic properties, either in descriptive or tabular form, that includes data pertinent to the purposes of the HPMP. Detailed supporting documentation need not be included in the HPMP, but may be appended as necessary. Exact details are at the district's discretion.

(b) Maps showing site locations, as well as surveyed and unsurveyed portions of project lands. (Maps may be kept separate, or prepared as an overlay to the project OMP compartment maps. Site locations must generally not be released to the public).

(c) A description of field investigations conducted and methods used to identify and evaluate cultural resources.

(d) A discussion of existing or potential impacts on identified historic properties and unsurveyed portions of project land. This will include a description of past, present, and future land use, recognizing resource management capabilities and limitations.

(e) The National Register status of all identified historic properties.

(f) Identification of site ownership (fee or easement property) and site management (Corps managed, leased, or outgrant property).

(g) A ranking and scheduling of historic preservation priorities and activities for identified resources. Management decisions may require absolute exclusion of any activity on the site and/or specialized types of preservation techniques to prevent, reduce, or mitigate impacts due to natural or project related impacts. In circumstances where investigations result in data which may be of particular interest to the public, historic preservation activities should include the preparation, by staff and/or contract, of brief but informative brochures, slide shows, or other media documentation for public presentation.

(h) A preliminary cost estimate necessary to accomplish remaining activities.

(i) The views of the SHPO.

(j) Relationship between HPMP and the SHPOs Statewide Comprehensive Historic Preservation Plan, if available.

(k) Relationship to the Master Plan and OMP for the project.

(l) Discussion and prioritization of investigations yet to be completed.

(m) Evidence of consultation with affected Indian tribes.

(3) Implementation.

(a) As with other resources on Corps managed lands, the management, preservation, and protection of historic properties rests with the Operations element acting on behalf of the District Commander. The operations element is thus responsible for the budgeting of funds, preparation and coordination of all necessary reports and documentation, and all other required activities. However, it is expected that much or most technical guidance and support will be provided by planning element archaeologists or historic property specialists, Intergovernmental Personnel Act

(IPA) personnel, and/or contracting with qualified firms, institutions, or persons. Operations and Planning elements will closely coordinate and cooperate in these undertakings. If necessary, the District Commander will assign specific implementation responsibilities in accord with the needs and demands of their particular organization.

(b) Project and Resource managers are urged to designate one or more project staff members as a liaison between the District and field office regarding all historic preservation matters. Designees should become trained and knowledgeable of historic properties at their projects. District commanders are urged to provide opportunities for training of personnel in the areas of historic preservation laws, regulations, historic property identification, and/or evaluation.

(c) Emergency Activities. In the event of a major natural disaster or an imminent threat to the national security, the Chief of Engineers is empowered to waive, in accordance with 36 CFR Part 78, the requirements of Section 110 of the NHPA. Compliance with Section 106 of the NHPA may be obtained by district commanders in such Emergencies by notifying, within seven days, the ACHP and appropriate SHPO in accordance with 36 CFR Part 800.12(b). These waivers do not apply to undertakings that will not be implemented within 30 days after the disaster or emergency.

g. Excess Lands.

(1) When lands identified for potential excess have not been subjected to historic properties inventory or evaluation studies in accordance with the NHPA, such studies must be undertaken to determine whether such significant properties are present and would be adversely impacted by declaring those lands to be excess. These studies will be conducted under the authority of the NHPA using O&M funds. These costs will be included in determining whether the disposal action would provide a net return to the Treasury.

(2) All excessing actions must be in compliance with Section 106 of the NHPA and with 36 CFR Part 800.

6-9. Enforcement Actions.

a. District commanders may utilize Title 36, Part 327, 14(a), which provides protection for historic properties and public property or the Archeological Resources Protection Act of 1979 (ARPA), whichever is appropriate.

(1) Enforcement under 36 CFR Part 327. The maximum fine for the offense, if convicted under Title 36, is \$500.00 and/or six months imprisonment. Since the value of historic properties and associated costs resulting from unauthorized activities usually exceeds the maximum fine under Title 36, the enforcement actions necessary to investigate, prepare cases, and apprehend violators may be more appropriately handled by others under provisions of the Archeological Resources Protection Act.

(2) Archeological Resources Protection Act of 1979 (ARPA), ARPA provides for criminal penalties up to \$100,000 and/or five years imprisonment, and allows for forfeiture to the Federal government of equipment and vehicles used in unauthorized activities. In addition, civil penalties may be assessed to recover federal costs in repairing or restoring historic properties, accomplishing research and preparing reports. District commanders shall follow procedures

outlined in ER 190-1-50 to obtain services of the Criminal Investigation Command (CID) for such investigations.

b. District commanders shall follow procedures outlined in ER 190-1-50 to obtain services of the Criminal Investigation Command (CID) for such investigations. Commanders may also obtain services of the appropriate U.S. Marshal for immediate attention to suspected or known felony acts.

6-10 Funding.

a. Costs for collections management and curation associated with all Federal historic preservation activities at water resources development projects operated and maintained by the Corps of Engineers are full Federal costs. Funding requests shall be included as part of the Operation and Maintenance budget submittal for each fiscal year.

b. Costs for collections management and curation associated with existing collections recovered from non-Corps or previously owned Corps lands, but retained under Corps control, are a full Federal expense.

c. For completed Corps of Engineers projects the statutory one percent limit established by Section 7 of PL 93-291 has been categorically waived by the Secretary of the Interior. This waiver applies to all completed Corps projects, regardless of the date such project reaches the "completed" status.

d. Funds for historic preservation must be budgeted in accordance with the guidance set forth in the Annual Program and Budget Request for Civil Works Activities Engineer Circular.

FOR THE COMMANDER:

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OTIS WILLIAMS  
Colonel, Corps of Engineers  
Chief of Staff

## CHAPTER 7 – STEWARDSHIP SUPPORT PROGRAM

7-1. Purpose. This chapter establishes guidance for the administration and management of the U.S. Army Corps of Engineers Stewardship Support Program (SSP).

7-2. Background. The Stewardship Support Program was initiated in FY 2002. The SSP is funded by the Operations and Maintenance General appropriation and encompasses activities previously conducted by the Natural Resources Management Initiative Task Force, as well as other support activities as appropriate. The SSP consists of the following three elements: the Stewardship Advisory Team (SAT), the Headquarters, U.S. Army Corps of Engineers (HQUSACE), and the U.S. Army Engineer Research Development Center (ERDC). Temporary task forces, field working groups, or other elements may be created to assist in the development and/or implementation of policy as needed.

7-3. SSP Mission and Goal.

a. Implementation of the Stewardship Support Program will be consistent with the Natural Resources Stewardship Mission Statement as specified in Chapter 2 of ER 1130-2-540.

b. The SSP will support the goal of the Environment-Stewardship Business Program which is to manage, protect and restore the nation's water and related resources within ecosystem, watershed, regional, river basin, and coastal zone management frameworks and principles.

7-4. SSP Purpose. The purpose of the SSP is to provide broad support to the natural resources management function at operating projects by assisting in the identification of national program needs, the development of new national program activities, strategic program planning, the identification and prioritization of research needs, and the recommendation of national program funding priorities.

7-5. SSP Organizational Focus. The SSP will address natural resources stewardship issues or develop and support initiatives that have a broad applicability to multiple USACE Civil Works projects. This support is conducted through recommendation and development of management actions, policy and research that assist in accomplishing the Environment-Stewardship Business Program goals.

a. Management Actions. Management actions are any activities to implement a course of action or practice within field office activities, a region, or nationwide. Examples of management actions might include developing/ assembling an array of management practices for establishing riparian habitat, or creating a forum to share common experiences, build teams, and disseminate information.

b. Policy. Policy is any activity relating to development and/or implementation of guidance. Examples of policy actions might include recommending and formulating policy guidance to facilitate cooperative agreements with stewardship non-governmental organizations, or amending the annual Budget Engineer Circular to provide emphasis on conducting inventories of regionally or nationally significant resources.

c. Research. Research is any activity necessary to determine new information of regional or national significance. Examples of research might include the U.S. Fish and Wildlife Service Toxicology Lab research on Avian Vacuolar Myelinopathy, riparian corridors research conducted by ERDC, or assembling studies on the management of threatened and endangered species.

#### 7-6. Stewardship Advisory Team (SAT).

a. A Stewardship Advisory Team (SAT) provides oversight of the Stewardship Support Program. The SAT evaluates all proposals within the SSP and recommends priorities to HQUSACE, Natural Resources Management Branch (CECW-ON). The SAT also supports the strategic planning for the USACE Environment-Stewardship Business Program and serves in an active advisory role to the Chief, CECW-ON. The ERDC member of the SAT provides support for execution of approved SSP activities.

b. The Stewardship Advisory Team will consist of eighteen members. Each Division Office will be represented on the SAT. In addition, four District Offices will be represented and four Project Offices will be represented. The SAT will have 16 voting members, two from each Division. Two additional non-voting members of the SAT will include an ERDC representative and a HQUSACE representative. (Exception: The HQUSACE representative will cast the deciding vote in the case of a tie vote among the voting SAT members.) Every two years, one member of the SAT will be selected to serve as Chairperson. The Chairperson will facilitate the SAT meetings, may participate in the annual HQUSACE briefings associated with the Stewardship Support Program, and oversee the voting associated with the SAT decision-making process.

c. Division Office members will serve indefinite terms on the SAT. Division Office members will be those individuals who have regional natural resources program management/ environmental stewardship job responsibilities. District and Project Office members of the SAT will normally serve four-year terms. Terms for the initial District/ Project Office members of the SAT will be staggered with some serving two, three, or four years respectively in order to establish a continuous rotational membership. Two new District/ Project Office members will rotate onto the SAT each year. Nominations for SAT membership will be submitted to CECW-ON, as needed.

d. SAT members are expected to attend and participate in all SAT meetings. Substitute representation will not be permitted on any actions requiring a vote by the SAT. Centralized funding for salary, travel and per diem will not normally be provided for SAT members.

e. On any and all issues requiring a vote by the SAT, a simple majority vote is necessary to carry a decision.

7-7. Responsibilities.

a. Stewardship Advisory Team. The SAT activities and functions include the following:

- (1) Serves as an ad-hoc advisory body to HQUSACE on issues of national significance.
- (2) Provides input and makes recommendations to the strategic planning vision for the USACE overall Environment-Stewardship Business Program.
- (3) Evaluates and provides recommendations on national priorities and needs (such as management actions, policy and research) for the USACE stewardship program.
- (4) Identifies management actions necessary to address national priorities.
- (5) Develops, reviews and recommends annual and long range work plans to include funding.
- (6) Establishes proponency for approved work.
- (7) Monitors on-going work.
- (8) Members serve as regional points-of-contact for the SSP.
- (9) SAT Chairperson participates in annual HQUSACE briefings on the SSP, as necessary.

b. The HQUSACE representative on the SAT is responsible for the following:

- (1) Serves as a non-voting member on the SAT (except in case of a tie vote).
- (2) Coordinates and schedules SAT meetings.
- (3) Facilitates communications between the SAT, ERDC, HQUSACE and other relevant organizations.
- (4) Transmits identified research needs to appropriate research program managers and provides feedback to the SAT from ongoing research activities.

(5) Prepares annual Environment-Stewardship Business Program report for presentation at the fall SAT meeting.

(6) Provides funds management and program approvals for HQUSACE.

(7) Participates in annual HQUSACE briefings, meetings, working groups, etc. having relevance to the goals of the SSP.

(8) Provides final approval for all activities to be initiated.

c. ERDC. The ERDC representative is responsible for providing support to the overall execution of SSP as approved by HQUSACE. Functions of the ERDC representative include the following:

(1) Serves as a non-voting member on the SAT.

(2) Prepares annual stewardship trends report.

(3) Develops proposed work plans in conjunction with a proponent.

(4) Presents work plans to the SAT.

(5) Prepares consolidation of annual and long-range work plans.

(6) Participates in annual HQUSACE briefings, meetings, working groups, etc. having relevance to the goals of the SSP.

(7) Provides general administrative support to the SSP.

d. Proponent. The proponent is responsible for working with the assigned staff to develop work efforts (e.g., management actions, policy or research) that are responsive to identified needs. The proponent will:

(1) Develop statements of need.

(2) Work with assigned staff during the development of the work plan.

(3) Present the statement of need to the SAT and support assigned staff in presenting the work plan.

(4) Interact with assigned staff throughout the implementation of the work plan.

7-8. Program Meetings. The SAT will meet semi-annually each fiscal year, preferably during the spring and fall. The SAT will meet separately and independently of the Recreation Management Support Program (RMSP)/ Recreation Leadership Advisory

Team. Meetings may include activities such as educational events and/or field trips designed to demonstrate the effectiveness of the Stewardship Support Program in supporting the mission and goals of the Environment-Stewardship Business Program.

a. Fall SAT Meeting. Fall meetings will serve as strategic planning sessions to identify high priority issues and establish SSP priorities. The following input will be provided to the SAT during the fall meeting:

(1) Annual Stewardship Trends Report prepared by ERDC. This report will present trends, as well as emerging issues, that may impact the USACE Environment-Stewardship Business Program.

(2) Annual Environment-Stewardship Business Program Report provided by HQUSACE. This report will present emerging natural resources stewardship issues from a national policy perspective to include a discussion of new legal requirements and initiatives.

(3) Topics from SAT Members. SAT members will be responsible for obtaining input from their division, districts and project offices, and stakeholders, as appropriate. SAT members will be responsible for presenting potential topics and leading discussions regarding issues that may be addressed through management actions, policy development, and research.

(4) Status of Ongoing SSP Activities. HQUSACE, ERDC, or others responsible for ongoing SSP activities, will provide a status report.

(5) Status of Overall SSP. The HQUSACE and ERDC members will provide an overview of the funding status for the previous and upcoming fiscal years.

b. The fall SAT meeting will produce the following outputs:

(1) The identification of high priority topics recommended to be addressed by HQUSACE.

(2) The identification of high priority topics to be further developed for consideration during the spring SAT meeting.

(3) The recommendation of a proponent for each high priority topic. The proponent will develop a statement of need for presentation at the spring SAT meeting.

(4) The tasking of appropriate staff (assigned staff), as recommended by the SAT, to work with each proponent in the development of a proposed work plan for consideration during the spring SAT meeting.

(5) Feedback to HQUSACE on adjustments to ongoing work plans.

c. **Spring SAT Meeting.** The primary purpose of the spring SAT meeting will be to review statements of need/ proposed work plans and to develop recommendations for new topics for the upcoming fiscal year. The following input will be provided to the SAT during the spring meeting:

(1) **Statement of Need/ Proposed Work Plan Presentations.** The proponent and assigned staff will jointly present topics.

(2) **New High Priority Topics from SAT Members.** Each SAT member will have the opportunity to submit new high priority topics that were not identified during the fall SAT meeting. Only those issues considered to be extremely urgent will be considered during the spring SAT meeting.

(3) **Status of Overall SSP.** The HQUSACE and ERDC members will provide an overview of the funding status for the current and upcoming fiscal years.

d. The spring SAT meeting will produce the following outputs:

(1) **Recommendations to HQUSACE for activities to be initiated in the upcoming fiscal year.**

(2) **Feedback to HQUSACE for adjustments to ongoing work plans and statements of need.**

7-9. **Final Approval.** HQUSACE will provide final approval for all activities to be initiated.

7-10. **Definitions.**

a. **Statement of Need.** A clearly defined statement of need is the first step in developing an approach to a problem or issue. A statement of need should be concise (three to five pages) and provide the following information:

(1) **Current Situation.**

(2) **Problem Statement.**

(3) **Problem Extent, Frequency, and Impact.**

(4) **Proposed Solution (may include any one or a combination of management actions, policy and research).**

(5) **Desired End-State.**

(6) Other Relevant Information.

b. Proponent. Normally a proponent will be recommended from among the SAT membership to develop each high priority topic into a statement of need. The assignment of a proponent not on the SAT will be coordinated with HQUSACE prior to asking such an individual to serve in this capacity. The proponent will then be assigned the responsibility for developing the statement of need and working with the assigned staff.

c. Proposed Work Plans. A proposed work plan will be developed by assigned staff working in conjunction with a proponent, and in response to a statement of need. The work plan is a critical document that provides the SAT with detailed information on the scope, approach, resources required, and return on investment. A work plan will usually be 20 pages or less in length and provide the following information:

- (1) Problem Statement Elaboration.
- (2) Review Activities, Programs and Studies.
- (3) Objectives.
- (4) Approach and Procedures.
- (5) Products and Target Audiences.
- (6) Technology Transfer.
- (7) Cost Estimate.
- (8) Deliverable Schedule.

## CHAPTER 8 – FIRE MANAGEMENT PROGRAM

8-1. Purpose. This chapter establishes guidance for fire management activities, including contracted services, at USACE Civil Works projects.

8-2. Background. A primary component of fire management is the use of fire to accomplish resource objectives identified in the Operational Management Plan (OMP). Where applicable, the OMP will identify areas where prescribed fire can be employed to reduce hazards and/or manage habitats. The Forest Cover Act (74 Stat. 817, 16 U.S.C. 580m et seq.) provides the principles to utilize fire management for the protection and enhancement of forest and wildlife habitat. The authority of the Corps to enter into agreements with fire organizations depends on the type of service provided. OMPs will stipulate wildland fire management measures.

### 8-3. Guidance.

a. In accordance with The Water Resource Development Act of 2007, Section 2012 “Wildfire Fighting,” the Corps has the authority to contract and pay for wildfire suppression services on Corps project lands. The project on site manager can initiate an action for the Corps to enter into a contract for performance of these services subject to compliance with all applicable Federal procurement laws and regulations. The project on site manager can also use project personnel to suppress wildfires on Corps project lands provided these employees are appropriately trained and equipped as described in EP 1130-2-540, Section 8-4.

b. To accomplish wildland fire management for prescribed burns (to include debris piles) the on-site manager has two options. The project on site manager can use project personnel to implement prescribed burns provided these employees are appropriately trained and equipped as described in Section 8-4. The project on site manager can also initiate an action for the Corps to enter into a contract with a recognized (state, National Wildfire Coordinating Group (NWCG)) private firm to perform these services subject to compliance with all applicable Federal procurement laws and regulations.

c. The district commander shall be responsible for providing guidance on Federal policies and regulations on fire management and shall have the authority to approve fire management agreements.

d. Endangered Species Protection. The Endangered Species Act (ESA) requires that all Federal agencies ensure their actions will not jeopardize endangered or threatened species and associated habitat. Districts should review their fire management programs to ensure they do not impact endangered species and their designated critical habitat. An updated list of endangered species can be obtained from the U.S. Fish and Wildlife Service Regional Offices.

e. Cultural Resources Protection. Prior to any fire management activities, project personnel shall identify sensitive cultural resources that should be given consideration, and develop the fire management plan to minimize losses of important resources.

8-4. Personnel Actions.

a. General. OMPs will address all aspects of wildland fire management. Wildland fire management encompasses both wildfire control and prescribed burning. During the preparation of the OMP, a wildland fire management plan will be developed and included as an appendix to the OMP (See APPENDIX Q). The on-site manager may accomplish wildland fire management through contract, and/or a cadre of appropriately trained and equipped personnel. Fire management requires close and continuous coordination with other resource management agencies and fire organizations to ensure mutual understanding of respective levels of responsibility and reciprocity.

b. Initial Training Requirements. All personnel directly involved in wildland fire management (other than controlling incipient stage fires) shall receive training. As a minimum, training will include fire line safety, basic wildland fire behavior and tactics, communications procedures, first aid, use, limitations and care of protective and fire fighting equipment, and standards for survival. Personnel responsible for development and oversight of burn plan implementation will be properly trained in accordance with applicable state requirements or within standards established by the District Commander.

c. Refresher Training. Dependent on the level of duties, wildland fire management refresher training is available for all personnel participating in fire suppression or prescribed fire activities. A web site titled "Wildland Fire Safety Training Annual Refresher (WFSTAR)" is available to assist in this training. It can be reached through the National Interagency Fire Center's homepage "Safety" link at [www.nifc.gov](http://www.nifc.gov).

d. Physical Fitness. Any employee engaged in wildland fire management activities on Corps lands must have on file at the project office documentation signed by a medical physician to indicate their fitness to perform wildland fire management duties. This requirement can be satisfied through completion of an annual agency sponsored physical or written letter from a family physician documenting the fitness of the employee to engage in wildland firefighting duties. Additional standards concerning fitness requirements may be established at the discretion of the District Commander.

e. Personal Protective Equipment and Clothing. All personnel must wear protective equipment and clothing (PPE) when directly involved in wildland fire management (other than controlling incipient stage fires). PPE consists of but is not limited to, fire resistant clothing, leather boots, fire resistant gloves, hard hat and goggles (See Safety and Health Requirements Manual, EM 385-1-1, Section 05.A.03).

f. Prescribed Burn Plans. Qualified personnel for each planned burn will develop a site-specific prescription (SEE APPENDIX R). Prior to implementing a prescribed fire, which also includes debris burning, a prescribed burn plan shall be prepared. Personnel responsible for development and oversight of burn plan implementation will be properly trained in accordance with applicable state requirements or within standards established by the District Commander.

The OMP (Fire Management Plan) will identify the required components for prescribed burn plans. At a minimum, plans will include:

- i. Burn objectives
- ii. Acceptable weather and fuel moisture parameters
- iii. Required personnel and equipment resources
- iv. Burn area map
- v. Smoke management plan
- vi. Safety consideration
- vii. Pre-burn authorization/notification checklist

All plans must be coordinated with applicable local and state authorities and federal agencies (e.g., where Corps property borders a U.S. Fish and Wildlife Service refuge, National Park Service park or monument, Bureau of Land Management lands, U.S.D.A. Forest Service lands, Department of Defense military installation, etc). If required by law, the responsible state and/or local government authorities must also approve plans. Appendix R contains a sample prescribed burn plan format. Additional samples are included on the Gateway.

g. Position Hazard Analysis. All personnel engaged in fire management activities shall have a Position Hazard Analysis (PHA) completed for the type of work being performed. A sample PHA can be found in Appendix S.

h. Activity Hazard Analysis. An Activity Hazard Analysis (AHA) will be completed before beginning wildland fire activities involving a type of work presenting hazards not experienced in previous project operations or where a new group of project employees/contractor is scheduled to perform the work. A sample AHA can be found in Appendix T.