

CHAPTER 10 - USE OF OFF-ROAD VEHICLES ON CIVIL WORKS PROJECTS

10-1. Purpose. This chapter establishes the policy for off-road vehicles (ORV) operations on USACE civil works project lands.

10-2. Policy. It is the policy of the Corps of Engineers that:

a. All lands and waters of civil works water resource projects administered by the Chief of Engineers shall be closed to recreational and commercial off-road vehicle use, except those areas and trails specifically designated for such use by the District Commander in accordance with this regulation and EO 11644. "Off-road vehicles" are any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (1) any registered motorboat, (2) any military, fire, ambulance or law enforcement vehicle when used for emergency purposes and (3) any vehicle whose use is authorized by the Chief of Engineers, or his properly designated representative, under a permit, lease, license or contract. ORVs operated for "Official Use" by project personnel and/or contractors performing assigned USACE-project related tasks may utilize areas and trails not designated for ORV use by permission of the District Commander.

b. The environmental impacts of such designation for off-road vehicle use shall be assessed, and an environmental assessment or impact statement, as appropriate, shall be prepared in accordance with the National Environmental Policy Act (NEPA).

c. Action regarding persons who abuse the privilege of using designated areas and trails and operating conditions prescribed for the project under these regulations shall be taken under the citation authority program and in accordance with 36 CFR, Chapter III, Part 327. Cooperative agreements with State or local governments for the enforcement of laws and regulations relating to off-road vehicle use shall be entered into where appropriate.

10-3. Responsibilities. District commanders shall:

a. Establish appropriate procedures for evaluating, assessing and designating areas and trails where off-road vehicle use shall, and shall not, be permitted on project lands under their respective jurisdiction. Such designation shall be made utilizing, but not limited to, relevant Corps and other Federal and state guidelines and criteria.

b. Incorporate areas or trails which are designated for off-road use into the project master plans. Supplements to the Master Plan shall be prepared when final designations are made and promptly submitted for approval.

c. Establish procedures to provide the opportunity for full participation by the general public, off-road vehicle user groups, conservation organizations, and other interested public in the selection, designation, and uses of project lands for off-road vehicle use.

d. If necessary, establish additional operating conditions or rules consistent with 36 CFR, Chapter III, specifically for each project, which could include items such as opening and closing dates of areas and trails, daily opening and closing times, and areas which may have unique conditions or hazards.

CHAPTER 11 - REGULATION OF SEAPLANE OPERATIONS ON CIVIL WORKS WATER RESOURCE DEVELOPMENT PROJECTS

11-1. Purpose. This chapter establishes the policy for seaplane operations at civil works water resource projects.

11-2. Policy. It is the policy of the Corps of Engineers that:

a. Seaplane operations may be prohibited or restricted at water resource projects, or portions thereof. Prohibiting or restricting seaplane operations in certain portions within a project in no way implies that safety hazards to seaplane operations or to other recreation users may not exist in other portions of such project.

b. The operation of a seaplane at Corps projects is at the risk of the plane's owner, operator, and passenger(s). The responsibility to ascertain whether seaplane operations are permitted, prohibited or restricted at such projects, and portions thereof, is incumbent upon the person(s) contemplating the use of, or using, such waters.

c. The decision to permit operation of a seaplane on any part of a Corps water resource project shall take all safety, environmental, regulatory, and aesthetic aspects into consideration. Consultation with appropriate other Federal, state, and local agencies, including the Federal Aviation Administration (FAA), and local citizens groups shall be conducted during the decision-making process.

d. All operations of the Aircraft while upon the water shall be in accordance with the marine rules of the road for power boats or vessels.

e. No commercial operation of seaplanes from project waters will be allowed without written approval of the District Commander following consultation with and the necessary clearance from the FAA and other appropriate public authorities and affected interests.

f. If seaplane operations are permitted, the Operations Project Manager shall be responsible for ensuring that appropriate procedures are developed in accordance with Chapter 11 of EP 1130-2-550 and implemented at the project. These procedures shall be developed to ensure the safe operations of seaplanes within specific designated project areas.