

CHAPTER 6 - VISITOR ASSISTANCE PROGRAM

6-1. Purpose. This chapter establishes the policy for providing assistance to visitors at USACE civil works water resource projects, under the provisions of Section 234 of the Flood Control Act of 1970, PL 91-611 (84 Stat. 1818).

6-2. Policy. It is the policy of the Corps of Engineers that:

a. MSC and District commanders are delegated authority to implement the citation authority regulatory provisions at civil works installations set forth in PL 91-611. The District Commander is responsible for ensuring adequate order and discipline and protection of resources at Corps projects.

b. The protection of facilities or the enforcement of rules shall always be secondary to the safety of Corps personnel, contract employees and visitors. Operations Project Managers, Resource Managers and rangers shall strive to be visible to the public, primarily to help and assist them, and secondarily, to enforce 36 CFR Chapter III, Part 327 (Title 36). In no case shall this enforcement portray an aggressive law enforcement image.

c. In the acquisition of land at civil works installations, the Corps of Engineers obtains proprietary interests only. Individual states and their political subdivisions retain the statutory authority and inherent responsibility to enforce state and local laws. State and local agencies establish, regulate and enforce all state and local laws. The role of the ranger is defined as a regulation enforcer with full citation authority of Title 36. Available use of force options includes visual presence, verbal persuasion/detention and unarmed self defense.

d. The authority of resource managers and park rangers is limited to the enforcement of rules and regulations as designated in Title 36 and does not extend to arrest authority or the enforcement of state and local laws, including game laws. This authority is applicable to:

(1) all water areas of any water resource development project administered by the Chief of Engineers, without regard to ownership of underlying land;

(2) all lands owned in fee by the Federal Government; and

(3) all facilities of any such water resource development project.

e. Operations Project Managers, resource managers, and rangers are employed as natural resource, recreation, environmental, and public relations specialists and are not law enforcement officers.

(1) They cannot arrest, search or seize individuals or their property in the course of these duties. A resource manager or ranger may request visitors to stop but cannot physically detain them.

(2) Corps employees are prohibited from carrying, transporting or using weapons, mace, stunguns, nightsticks, or other similar equipment normally associated with law enforcement.

(3) The use of light bars, radar guns, speed detectors and chasing vehicles or using hot pursuit techniques against alleged violators, on or off Corps property, is prohibited.

f. The use of Title 36 citation authority shall be considered one of many tools for use in management of water resource development projects. The lowest level of enforcement shall be used to resolve a problem. Maximum use of oral and written warnings shall be made for minor infractions. Employees with citation authority shall, in order of priority, attempt to resolve the problem by oral warning, written warning, collateral forfeiture citation, and mandatory appearance citation. Normal citation procedures are provided in EP 1130-2-550. Alternative management techniques in addition to the issuance of citations should be considered in the implementation of the Visitor Assistance Program. A list of alternative management techniques which have proven effective at reducing visitor problems is also provided in Chapter 6 of EP 1130-2-550.

g. All Natural Resource Management program staff shall receive training in accordance with Chapter 6 of EP 1130-2-550 and EP 690-2-2, Career Development Guide for Civil Works Natural Resources Management Team Members. Operational Project Managers are responsible for ensuring that permanent, seasonal and temporary rangers with visitor assistance responsibilities receive the prescribed training. Temporary employees who perform visitor assistance duties and enforce Title 36 should receive the same Visitor Assistance training provided to permanent and seasonal rangers with similar duties. All permanent personnel with resource manager and ranger duties shall normally have citation authority. Authorized personnel shall be issued ENG Form 5036-R, Certificate of Authority to Issue Citations, in accordance with Chapter 6 of EP 1130-2-550. Citation authority may be granted to selected temporary personnel with ranger duties who have a minimum one season's experience. No individual shall be given authority to issue citation or written warnings without completion of the required training. Corps personnel who violate the policies of this regulation or abuse their authority shall, at a minimum, have their citation authority suspended.

h. It is a Federal criminal offense to forcibly assault, resist, oppose, impede, intimidate, interfere with, attempt to kill or kill any civilian official or employee of the Army Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions while in the performance of his/her official duties (18 USC 11 and 1114.) Procedures to follow in the event of an assault are identified in Chapter 6 of EP 1130-2-550.

i. Cooperative law enforcement agreements, as prescribed in Chapter 7 of this regulation, shall be used to the maximum extent practical. Maximum use of local law enforcement services, within resource limitations, shall be made at areas which have a history of excessive violations and during those periods when rangers are not readily available.

j. Corps personnel, while on duty, shall not be deputized by law enforcement agencies. Corps personnel who are deputized or commissioned by any law enforcement agency may not perform the duties of that office on or off civil works installations during duty hours or while wearing the Corps uniform. Corps personnel are also prohibited from performing the duties of a deputized or commissioned law enforcement officer on civil works installations during their off-duty hours. Requests for exceptions to this policy, with justification, must be submitted by the MSC Construction/Operations element to HQUSACE (CECW-ON) for approval prior to granting permission.

k. Personnel performing duties associated with the visitor assistance program will wear the complete uniform as prescribed in Chapter 8 including the Park Ranger badge, if citation authority has been granted. A citation authority identification card (ENG Form 4710) or a

reduced copy of ENG Form 5036-R, Certificate of Authority to Issue Citations, will be carried while on duty by all persons with designated citation authority. Division commanders will requisition badges from HQUSACE (CECW-ON). Personnel who issue citations while out of uniform will be considered to be working within the scope of their duties, regardless of their on-duty or off-duty status at the time. Any enforcement action taken out of uniform will be reported to the immediate supervisor within 24 hours.

l. Vehicle, radio, and equipment requirements shall be in accordance with Chapter 6 of EP 1130-2-550.

m. A public information program, implemented by the Project Manager, shall be maintained to notify and ensure public understanding and support of the visitor assistance program. Title 36 shall be posted on appropriate bulletin boards at civil works installations, and made available to the public. News releases, interpretive programs, school outreach programs, and other information systems shall be utilized to inform and educate the public of significant changes in rules and regulations, including project restrictions. As part of the Operational Management Plan, each project shall outline a plan of action regarding public relations as a continuation of communications with the public.

n. Preventive vaccination for blood-borne pathogens, as detailed in Chapter 6 of EP 1130-2-550, is a condition of employment for park rangers and other personnel with visitor assistance responsibilities.