DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

AUG 2 9 2006

CECW-CO-N

MEMORANDUM FOR COMMANDERS

SUBJECT: Tube Kite Recreation Activity on USACE Projects

1. The U.S. Army Corps of Engineers will not impose a Corps-wide ban of tube kites at Corps owned or operated lakes and recreation projects.

2. District Commanders retain authority under 36 CFR Chapter III, Part 327.12(a), to establish restrictions on the public use of a project or portion of a project. This includes restricting the use of particular recreational devices when necessitated by reason of public health, safety, or other reasons in the public interest. It is important that regulatory and education options deter visitor behaviors that leads to serious injury and/or fatalities within the Corps jurisdiction. The Corps will continue to be diligent in efforts to change risk behavior through both education and enforcement. The existing authorities give commanders adequate means to ensure safe and enjoyable recreational experiences.

3. Title 36 provides for consistent, yet flexible, policy applicable Corps-wide. High risk and extreme devices will continue to appear on public waters, and I encourage continued assessment of all high risk behaviors at our sites. Additional information is contained in the enclosed Tube Kite Fact Sheet. Questions regarding this memorandum should be directed to Lynda Nutt, Manager, National Operations Center for Water Safety, (208) 773-8442, lynda.g.nutt@usace.army.mil or Charles Burger, Lead Instructor, National COE Visitor Assistance Program, Fort Worth District, (817) 886-1526, charles.l.burger@swf02.usace.army.mil.

FOR THE COMMANDER:

Encl

DON T. RILEY
Major General, U.S. Army
Director of Civil Works

CF:
CECW
CESO

CECW-CO-N

TUBE KITE FACT SHEET

SUBJECT: Tube Kite Recreation Activity on USACE Projects

LOCATION: U.S. Army Corps of Engineers Nationwide

DESCRIPTION: A USACE task force was chartered to conduct a thorough assessment and provide recommendations regarding the activity and public use of tube kites on U.S. Army Corps of Engineers lakes and waterways.

BACKGROUND: Information pertaining to tube kites and the associated activity was collected from various sources, including U.S. Consumer Products Safety Commission reports, numerous print and televised articles, email and telephone conversations with the U.S. Coast Guard, National Association of State Boating Law Administrators, National Safe Boating Council, National Water Safety Congress, and internet blogs, and input from the field, district, division, and Headquarters offices. The task force group reviewed all information and opinions while addressing the need for consistent policy throughout the Corps. There has been considerable media coverage regarding the use of tube kites. To date, one manufacturer has withdrawn this product from the market.

AUTHORITY AND LOCAL POLICY IMPLEMENTATION: 36 CFR Chapter III, Part 327 (Title 36) provides the Corps with consistent and flexible policy, applicable agency-wide. District Commanders retain authority under Title 36, Paragraph 327.12 (a) to establish restrictions on the public use of a project or portion of a project. Regulations further defined under Title 36, Paragraph 327.3 (Vessels) provides enforceable restrictions for the activity and use of these and similar devices. Some District Commanders, with the support of their Division Commanders, have taken the initiative to implement restrictions on the activity of tube kiting on public lakes and waterways within their jurisdiction, using the special provision authorities.

ISSUES: High-risk devices will continue to appear on public waters and the Corps should not set the precedence on establishing nationwide written policy that bans the activity of specific recreation equipment. As an agency, it is important that regulatory and education options be applied to deter visitor behavior that leads to serious injury or fatalities within Corps jurisdiction rather than banning the individual devices that are used for recreation activities.

TASK FORCE RECOMMENDATION: The task force recommended and the DCW approved to not impose a Corps-wide ban on tube kite activity at Corps owned or operated lakes and recreation projects and to encourage District Commanders to use existing authorities to restrict the use of particular recreational devices when necessitated by reason of public health, safety, or other reasons of public interest. The Corps should continue to promote safe recreation behavior through diligent education and enforcement efforts to change risky behaviors.

PREVIOUS ACTION: E-mail issued from CECW-CO-N on 3 July 2006 to remind Corps staff that regional and local restrictions are authorized under Part 327.12 (a) of Title 36.

IMPACTS/ESTIMATED COST: Sign procurement cost when restricted locally.

Task Force/761-4559
Approved by: Steve Austin
25 August 2006