



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

CECW-P

SEP 28 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1128 of the Water Resources and Development Act of 2016 (WRDA 2016), Multistate Activities

1. Section 1128 of WRDA 16 further amends Section 22 of WRDA 1974, as amended (42 U.S.C. 1962d-16), to authorize the Secretary to cooperate with a group of states in the preparation of comprehensive plans, and to allow two or more states to combine all or a portion of the funds made available for preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such state or group of states. Section 22, as amended, is enclosed.
2. U.S. Army Corps districts may prepare for a state, a group of two or more states, or a non-Federal interest working with a state or group of two or more states, a comprehensive water resources plan for the development, utilization, and conservation of water related resources of drainage basins, watersheds, or ecosystems located within the boundaries of that state or group of states. This amendment does not apply to Technical Services.
3. When a group of states wish to cooperate in the preparation of a comprehensive plan, the states and federal government will enter in to a single agreement. The states will decide how to contribute the 50-percent non-Federal cost-share in a way that suits the needs and resources of each state. The states may provide their non-Federal cost-share through the provision of services, materials, supplies, or other in-kind services or cash.
4. The portion of the federal cost-share matching each state's non-Federal cost-share portion will be utilized to calculate the amount of Federal funds applied against the Federal per state program limit of \$5 million per year. The states may combine the \$5 million per state per year in any way, as long as the federal costs do not exceed the each state's program limit of \$5 million per year. For example, if state A provides \$1 million in non-Federal cost-share, the federal share of \$1 million is allotted against the state's \$5 million per year per state limit.

CECW-P

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5. The Section 22 Agreement template will be amended to add an option specific to preparation of a comprehensive plan with two or more states. The option will specify the percentage of the non-federal share that will be borne by each state. Once completed, the updated template will be posted on the Headquarters, U.S. Army Corps of Engineer Civil Works Agreements webpage.

6. This guidance will be incorporated in the next update of ER 1105-2-100.

7. Questions regarding this implementation guidance should be directed to Ada Benavides, Senior Policy Advisor, Planning and Policy Division at (202) 761-0415 or Ada.Benavides@usace.army.mil.

Encl



JAMES C, DALTON, P.E.
Director of Civil Works

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SEC. 22. PLANNING ASSISTANCE TO STATES (42 U.S.C. 1962d-16)

(a) Federal and State cooperation.

(1) Comprehensive plans. The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State, group of States, or non-Federal interest working with a State or group of States in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State or group of States, including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) Technical assistance.

(A) In general. At the request of a governmental agency or non-Federal interest, the Secretary may provide technical assistance to such agency or non-Federal interest in managing water resources.

(B) Types of assistance. Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.

(b) Fees.

(1) Establishment and collection. For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to subsection (a), the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under subsection (a).

(2) Contributed funds. The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.

(3) In-kind services. The non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.

(4) Deposit and use. Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled, "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)" and shall be available until expended to carry out this section.

(c) Authorization of appropriations.

(1) Federal and State cooperation. There is authorized to be appropriated not to exceed \$ 30,000,000 annually to carry out subsection (a)(1) except that not more than \$ 5,000,000 in Federal funds shall be expended in any one year in any one State. The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).

(2) Technical assistance. There is authorized to be appropriated \$ 15,000,000 annually to carry out subsection (a)(2), of which not more than \$ 2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.

(d) Annual submission of proposed activities. Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.

(e) "State" defined. For the purposes of this section, the term "State" means the several States of the United States, Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

(f) Special rule. The cost-share for assistance under this section provided to Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands shall be as provided under section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310).