



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

CECW-P

OCT 23 2017

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Implementation Guidance for Section 1118 of the Water Resources Development Act (WRDA) 2016, Leveraging Federal Infrastructure For Increased Water Supply

1. References.

- a. Section 1118 of WRDA 2016 (Enclosed).
- b. Section 216 of the Flood Control Act of 1970, as amended (33 U.S.C. 549a) (Section 216 of the 1970 FCA).
- c. Section 301 of the Water Supply Act of 1958, as amended (43 U.S.C. 390b) (the Water Supply Act).
- d. Section 14 of the Act of March 3, 1899, as amended (33 U.S.C. 408) (Section 408).
- e. Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b) (Section 221 of the 1970 FCA).
- f. Section 1116 of WRDA 2016.
- g. Section 1117 of WRDA 2016.
- h. Section 7 of the Flood Control Act of 1944, as amended (33 U.S.C. 709) (Section 7 of the 1944 FCA).
- i. Engineer Regulation (ER) 1105-2-100, Planning Guidance Notebook, dated 22 April 2000.
- j. Section 103(c)(2) of WRDA 1986 (33 U.S.C. 2213(c)(2)).
- k. Engineer Circular (EC) 1165-2-216, Policy and Procedural Guidance for Processing Request to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408, dated 30 September 2015, as supplemented by interim guidance dated November 10, 2016 and June 16, 2017.

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l. Section 1115 of WRDA 2016.

m. ER 1110-2-1156, Safety of Dams - Policy and Procedures, dated 31 March 2014.

n. Section 22 of WRDA 1974, as amended (42 U.S.C. 1962d-16).

2. Section 1118 authorizes the Secretary of the Army to review proposals from a non-federal interest to increase the quantity of available supplies of water at a water resources development project through modification of the project, modification of how the project is managed, or accessing water released from the project, under one of the following authorities: (i) the specific project authorization of the water resources development project; (ii) Section 216 of the 1970 Flood Control Act (FCA), ref. 1.b.; (iii) the Water Supply Act, ref. 1.c.; or (iv) Section 408, ref. 1.d. Section 1118 is procedural, and per Section 1118(l) does not modify existing authority of the Secretary. The requirements of the authorizing statutes are therefore preserved for the proposals submitted under Section 1118. However, Section 1118 does include certain additional non-federal funding directives and options. In accordance with Section 1118(k), Section 1118 does not apply in four designated river systems: the Upper Missouri River, the Apalachicola-Chattahoochee-Flint River system, the Alabama-Coosa-Tallapoosa River system, and Stones River.

3. For purposes of this guidance:

a. A "non-federal interest" means a legally constituted public body (including a federally recognized Tribe; and, as defined in Section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation and Village Corporation).

b. "Separable costs" means the incremental direct and indirect costs attributable, as applicable, to the study, evaluation/analyses and associated coordination, design, implementation, operation and maintenance, or repair, replacement and rehabilitation, of a water supply facility or operational modification proposed under Section 1118.

4. Because of the range of authorities that may be utilized for review and approval of a Section 1118 proposal, early coordination of the proposal is necessary to identify the correct authority path to be pursued, discuss potential issues, focus efforts, and minimize costs. After initial coordination between the district commander and the non-federal interest, the division commander through HQUSACE shall notify the Assistant Secretary of the Army for Civil Works (ASA(CW)) of the proposal, accompanied by the

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district's preliminary determination of the authority and procedure that best fits the nature of the proposal, using the criteria described below. Pursuant to Section 1118(e), the district commander will also provide a copy of the proposal to the following governmental and non-governmental entities: affected states; federal power marketing administrations in the case of federal hydropower projects; entities responsible for operation and maintenance costs; entities contracting to withdraw water from project storage; entities determined by a state to hold rights under state law to the use of water from the project; and units of local government with flood risk reduction responsibilities downstream from the project; as well as to the relevant federal agency in the case of a project operated by that agency (which in the case of Section 1118 proposals will most likely be the Bureau of Reclamation). This guidance discusses the four authorities listed in Section 1118(f) for review and approval of Section 1118 proposals, the types of water supply proposals and categories of projects that would fall within each authority, and the funding and other procedures required to implement Section 1118.

5. Section 1118(f)(1), Specific Project Authorization for the Water Resources Development Project.

a. This category includes any authorization for water supply operations at a Corps-operated project that has not yet been implemented (except for the Water Supply Act referenced specifically in Section 1118(f)(3) and discussed in paragraph 7 below), and water supply conservation measures or seasonal operations for water conservation and water supply that are consistent with the authorized purposes of a water resources development project, as indicated by the criteria for the implementation of water supply measures within project authorization outlined in Section 1116 and Section 1117 of WRDA 2016. The measures listed in Section 1118(b)(2), for example, such as diversion of water released or withdrawn from the project to recharge groundwater, to facilitate aquifer storage and recovery, and to provide water supply for use in another storage facility, mirror the water conservation measures listed in Section 1116(b). Sections 1116 and 1117 should be used where applicable, in accordance with their respective implementation guidance documents. Section 1118(f)(1) should be utilized for the evaluation of a proposal for certain operational modifications that cannot be evaluated and implemented due to the technical limitations of Section 1116 and Section 1117, because:

(1) The proposal involves a Corps-operated project that does not meet the technical requirements of Section 1116 because it is not located in a state that had a drought declaration in the year prior to 16 December 2016;

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(2) The proposal involves a Corps project operated by a non-federal sponsor, such as a flood risk management or ecosystem restoration project (rather than a Corps-operated project covered by Section 1116); or

(3) The proposal involves a federal agency reservoir originally constructed by the Corps whose flood control or navigation storage is under the regulatory jurisdiction of the Secretary of the Army under Section 7 of the 1944 FCA, ref. 1.h., but which reservoir does not meet the technical requirements of Section 1117 because: (a) it is not located in a state that had a drought declaration in the year prior to 16 December 2016; or (b) because the Secretary did not receive sufficient appropriations for the reservoir to conduct an evaluation of seasonal operations for water conservation and water supply under Section 1117. Before the Corps may consider such a Section 1118 proposal, the federal agency's agreement to the proposal must be obtained under Section 1118(g)(1). (Note that reservoirs that were not constructed by the Corps, even if they are subject to Corps regulation under Section 7 of the 1944 FCA and covered by Section 1117, are not covered by Section 1118 and cannot be evaluated using non-federal funds, because they would not fall within the category of Corps water resources development projects.)

b. Procedure. After the preliminary coordination, the district commander may negotiate a Memorandum of Agreement (MOA). The district commander should use the template MOA posted to the Corps Agreements website, under "Agreement Templates." The template MOA may be modified as appropriate to address case-specific circumstances. Following district counsel review and concurrence that the negotiated MOA is acceptable, the district commander may approve and sign the MOA. No Congressional notification is required under Section 1118 for purposes of executing the MOA. If the non-federal interest is providing funds that it received from another federal agency, it must provide written confirmation from that federal agency that the funds are authorized to be used for the Section 1118 evaluation. The district commander and the division commander should thereafter follow the procedure outlined in the Section 1116 Implementation Guidance, paragraphs 6-10, except that for projects operated by non-federal sponsors referenced in paragraph 5.a.(2) above, the Operations and Maintenance Manual will need to be modified rather than, or in addition to, the water control plan.

6. Section 1118(f)(2), Section 216 of the 1970 FCA.

a. Scope.

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(1) Section 216 of the 1970 FCA is a study authority for the formulation of plans to be recommended to Congress for new authorization. Under Section 216 of the 1970 FCA the Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of completed projects constructed by the Corps for navigation, flood control, water supply, and related purposes due to significantly changed physical or economic conditions, and to recommend structural or operational modifications to Congress, including recommendations for improving the quality of the environment in the overall public interest. Section 216 studies are a category of feasibility study, and are normally cost shared with the non-federal sponsor at 50 percent for each party, with a preliminary appraisal performed at full federal expense. A Section 216 study pursued under Section 1118, however, will contain the preliminary appraisal within the overall study, and pursuant to Section 1118(h)(1), the total cost will be funded at 100 percent non-federal expense. Section 216 of the 1970 FCA applies to Corps-operated projects as well as to Corps-constructed projects operated by non-federal sponsors, and to projects operated by another federal agency that were originally constructed by the Corps, such as certain Bureau of Reclamation reservoir projects, provided that the proposal is supported by the other federal agency, as affirmed by Section 1118(g)(1).

(2) Section 1118(f)(2) should therefore be used to study the feasibility, for possible recommendation to Congress, of a water supply structural or operational modification beyond existing authority involving:

(a) A Corps-operated reservoir where the proposal involves a major structural or operational change to increase water supply capacity and that therefore cannot be implemented without additional Congressional authorization (see Section 1118(g)(6); Section 301(e) of the Water Supply Act, 43 U.S.C. 390b.(e); and paragraph 7 below).

(b) A Corps-operated project without multi-purpose conservation storage such as a dry (flood control) dam, a run-of-the-river project, or a navigation lock and dam;

(c) A Corps-constructed water resources development project operated by a non-federal sponsor such as a flood risk management project or an ecosystem restoration project; or

(d) A federal agency project originally constructed by the Corps, if that agency consents to such a study pursuant to Section 1118(g)(1).

b. Procedure.

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(1) After the preliminary coordination, the district commander may negotiate a MOA. The district commander should use the template MOA posted to the USACE Agreements website, under "Agreement Templates." The template MOA may be modified as appropriate to address case-specific circumstances. Following district counsel review and concurrence that the negotiated MOA is acceptable, the district commander may approve and sign the MOA. No Congressional notification is required under Section 1118 for purposes of executing the MOA. If the non-federal interest is providing funds that it received from another federal agency, it must provide written confirmation from that federal agency that the funds are authorized to be used for the Section 216 study.

(2) The MOA will serve two purposes: (a) outlining the scope and cost of the initial appraisal of the proposal to determine whether to proceed with a full feasibility study; and (b) if it is determined that the proposal merits a feasibility study, the terms of providing the study costs, which will be similar to the model provisions for such agreements except that the non-federal share of the cost of the feasibility study shall be 100 percent.

(3) The study process will follow the usual Corps procedures in accordance with ER 1105-2-100, ref. 1.i., and a Chief's Report will be transmitted to Congress. The project cost assigned to the non-federal interest in the recommended plan will be 100 percent, in accordance with Section 103(c)(2) of WRDA 1986, ref. 1.j., and Section 1118(h).

7. Section 1118(f)(3), the Water Supply Act.

a. The Water Supply Act authorizes the inclusion of storage for water supply purposes at Corps-operated reservoirs, including construction of new storage or the reallocation of existing storage, upon agreement by state or local interests to pay 100 percent of the costs, and provided that the modifications do not seriously affect any authorized purpose or involve major structural or operational changes. Section 1118, however, may not be used to review or approve a proposal for a reallocation from existing water supply or hydropower storage (Section 1118(c)(1)), a proposal that would reduce the water available for any authorized purpose (Section 1118(c)(2)), or a proposal that interferes with an authorized purpose of the project (Section 1118(g)(2)). In view of these limitations, proposals to be considered under Section 1118(f)(3) will be confined to those that provide for construction of additional water supply storage capacity that do not affect existing authorized purposes and do not require further Congressional authorization.

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b. Procedure.

(1) After the preliminary coordination, the district commander may negotiate a MOA. The district commander should use the template MOA posted to the USACE Agreements website, under "Agreement Templates." The template MOA may be Modified as appropriate to address case-specific circumstances. Following district counsel review and concurrence that the negotiated MOA is acceptable, the district commander may approve and sign the MOA. No Congressional notification is required under Section 1118 for purposes of executing the MOA. If the non-federal interest is providing funds that it received from another federal agency, it must provide written confirmation from that federal agency that the funds are authorized to be used for the Water Supply Act study.

(2) The MOA will serve two purposes: (a) outlining the scope and cost of the initial appraisal of the proposal to determine whether to proceed with a full water supply study; and (b) if the District determines that the proposal merits a water supply study, the terms of providing the study costs, which will be similar to the model provisions for such agreements except that the non-federal share of the cost of the study shall be 100 percent.

(3) The study process will follow the usual Corps procedures in accordance with ER 1105-2-100, ref. 1.i., and a Director's Report transmitted to the ASA(CW) for a decision.

(4) Construction of the approved water supply storage project will not be undertaken unless a Project Partnership Agreement (PPA) is entered into with the non-federal interest for receipt and expenditure by the district of 100 percent of design and construction costs. The PPA will also include the rights to storage to be obtained by the non-federal interest. The appropriate RIT should be consulted on templates for this agreement. The district commander will submit the draft agreement through the division and HQUSACE to the ASA(CW) for review and a decision. PPA approval may be delegated to the district commander upon approval of the ASA(CW). Under Section 1118(h)(3)(A) and (B), the non-federal interest will be responsible for the proportional share of joint-use costs for operation, maintenance, repair, replacement or rehabilitation (OMRR&R) allocated to water supply in accordance with Water Supply Act cost accounting, in addition to any costs of such OMRR&R attributable to the water supply facilities.

8. Section 1118(f)(4), Section 408.

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a. Scope.

(1) Section 408 permission must be obtained for water supply proposals by a non-federal interest that include a physical alteration or modification to a Corps civil works project unless covered by a different authority. Such proposals could include (a) construction and operation of a water supply facility by the non-federal interest on lands at Corps-operated projects, pursuant to the granting by the Corps of the appropriate real estate interests; (b) dredging of sediment at Corps-operated dam projects, pursuant to the granting by the Corps of the appropriate real estate interests, if such project is not already included in the pilot program authorized by Section 1115 of WRDA 2016; or (c) construction and operation of a water supply facility at a project operated by the non-federal sponsor, such as a flood risk management project or an ecosystem restoration project.

(2) The governing criteria for approving a Section 408 alteration is that it will not be injurious to the public interest and will not impair the usefulness of the civil works project, which coincides with the Section 1118(g)(2) directive that a Section 1118 proposal not interfere with a project purpose. EC 1165-2-216, as supplemented by the Interim Guidance, ref. 1.k, or the most current policies for Section 408 must be followed.

(3) Pursuant to Section 1118(h)(1) and Section 1118(h)(3), for water supply proposals reviewed and implemented under Section 408, all development, review, and implementation (include construction and operation and maintenance) costs will be funded at 100 percent non-federal expense.

b. Procedure.

(1) All of the Corps regulations and policies otherwise governing Section 408 proposals shall be applicable, except that the district commander should use the template MOA posted to the USACE Agreements website under "Agreement Templates" for purposes of acceptance of funds from the non-federal interest under Section 1118 rather than using the other funding agreement options available for Section 408. The Section 1118 template will also include a provision for the acceptance of funds from the non-federal interest if the Section 408 permission is granted, to be expended for the costs of the district's supervision of the construction, and if applicable, of the operation and maintenance, of the Section 408 work. The template MOA may be modified as appropriate to address case-specific circumstances. Following district counsel review and concurrence that the negotiated MOA is acceptable, the district commander may approve and sign the MOA. No Congressional notification is required under Section 1118 for purposes of executing the MOA. If the non-federal interest is

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providing funds that it received from another federal agency, it must provide written confirmation from that federal agency that the funds are authorized to be used for Section 408 purposes.

(2) An additional option for the requester of a Section 408 water supply proposal is contained in Section 1118(j), which authorizes the Secretary, at the request of a non-Federal interest, to provide technical assistance in the development or implementation of a proposal, including assistance in obtaining necessary permits for construction, if the non-federal interest contracts with the Secretary to pay all costs of providing the technical assistance. The provision of assistance pursuant to Section 1118(j) will require approval of the division commander and execution of an MOA, similar to Support for Others MOAs, with the non-federal interest agreeing to pay all costs of such assistance upfront. The final decision for a Section 408 proposal under Section 1118 for which such assistance is provided will be made at a level no lower than the appropriate division commander.

9. The district commander must follow ER 1110-2-1156, ref. 1.m. (Chapter 21 and 24), regarding dam safety considerations related to Section 1118 proposals for Corps projects. USACE decision-makers at all levels must fully consider the condition of the dam and associated project levees, interim risk reduction measures (IRRM) and other remediation, impacts to pool levels and inspection, operation and maintenance of the project. Initiation of a water supply proposal at projects where a Dam Safety Action Classification (DSAC) 1, 2, or 3 is currently assigned to the dam, levees, dikes, or an appurtenant structure requires approval of the USACE Dam Safety Officer. The non-federal interest must be informed, in writing, by the district commander of the project's DSAC and the current status of the dam and reservoir; that dam safety risks are dynamic and future performance could require elevated monitoring and evaluation, IRRM or other remediation; that water supply storage may be reduced by IRRM or other remediation; and that, upon, execution of an agreement, the non-federal interest will be required to share in the costs of IRRM and other remediation consistent with current policy.

10. Whichever authority is utilized for review and approval of a Section 1118 proposal, the district must comply with all applicable public participation requirements under law, including, as set forth in Section 1118(e)(2), consultation with: affected states, federal power marketing administrations in the case of federal hydropower projects; entities responsible for operation and maintenance costs; entities contracting to withdraw water from project storage; entities determined by a state to hold rights under state law to the use of water from the project; and units of local government with flood risk reduction responsibilities downstream from the project.

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11. Pursuant to Section 1118(i), contributed funds from a non-federal interest may be received and expended for review and approval of the proposal, which receipt is not limited to the proposing non-federal interest. The district commander should use the template MOA posted to the USACE Agreements website under "Agreement Templates," for receipt of funds from such other non-federal interests. The template MOA may be modified as appropriate to address case-specific circumstances. Following district counsel review and concurrence that the negotiated MOA is acceptable, the district commander may approve and sign the MOA. No Congressional notification is required under Section 1118 for purposes of executing the MOA. If the non-federal interest is providing funds that it received from another federal agency, it must provide written confirmation from that federal agency that the funds are authorized to be used for the Section 1118 purpose.

12. The discretionary authority provided in Section 1118(h)(2) to use funding provided for the Planning Assistance to States (PAS) Program (Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16)) to reduce the non-federal cost of a review under Section 1118 from 100 percent to 50 percent will not be used. Funding provided for the PAS Program will be used for the provision of cost shared comprehensive plans and technical assistance in accordance with the requirements of that authority.

13. Pursuant to Section 1118(h)(3)(C), an entity other than the proposing non-federal interest may voluntarily contribute toward the operation and maintenance costs of implementing a proposal. Because of the wide variety of potential entities, proposals and circumstances, that could be covered by Section 1118(h)(3)(C), the district commander should contact the appropriate RIT for further guidance if an offer to this effect is received.

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



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

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SEC. 1118. LEVERAGING FEDERAL INFRASTRUCTURE FOR INCREASED WATER SUPPLY.

(a) **IN GENERAL.**—At the request of a non-Federal interest, the Secretary may review proposals to increase the quantity of available supplies of water at a Federal water resources development project through—

- (1) modification of the project;
- (2) modification of how the project is managed; or
- (3) accessing water released from the project.

(b) **PROPOSALS INCLUDED.**—A proposal under subsection (a) may include—

- (1) increasing the storage capacity of the project;
- (2) diversion of water released or withdrawn from the project—
 - (A) to recharge groundwater;
 - (B) to aquifer storage and recovery; or
 - (C) to any other storage facility;
- (3) construction of facilities for delivery of water from pumping stations constructed by the Secretary;
- (4) construction of facilities to access water; and
- (5) a combination of the activities described in paragraphs (1) through (4).

(c) **EXCLUSIONS.**—This section shall not apply to a proposal that—

- (1) reallocates existing water supply or hydropower storage; or
- (2) reduces water available for any authorized project purpose.

(d) **OTHER FEDERAL PROJECTS.**—In any case in which a proposal relates to a Federal project that is not operated by the Secretary, this section shall apply only to activities under the authority of the Secretary.

(e) **REVIEW PROCESS.**—

(1) **NOTICE.**—On receipt of a proposal submitted under subsection (a), the Secretary shall provide a copy of the proposal to each entity described in paragraph (2) and, if applicable, the Federal agency that operates the project, in the case of a project operated by an agency other than the Department of the Army.

(2) **PUBLIC PARTICIPATION.**—In reviewing proposals submitted under subsection (a), and prior to making any decisions regarding a proposal, the Secretary shall comply with all applicable public participation requirements under law, including consultation with—

- (A) affected States;
- (B) power marketing administrations, in the case of reservoirs with Federal hydropower projects;
- (C) entities responsible for operation and maintenance costs;
- (D) any entity that has a contractual right from the Federal Government or a State to withdraw water from, or use storage at, the project;
- (E) entities that the State determines hold rights under State law to the use of water from the project; and
- (F) units of local government with flood risk reduction responsibilities downstream of the project.

(f) **AUTHORITIES.**—A proposal submitted to the Secretary under subsection (a) may be reviewed and approved, if applicable and appropriate, under—

- (1) the specific authorization for the water resources development project;
- (2) section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a);
- (3) section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); and
- (4) section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408).

(g) **LIMITATIONS.**—The Secretary shall not approve a proposal submitted under subsection (a) that—

- (1) is not supported by the Federal agency that operates the project, if that agency is not the Department of the Army;
- (2) interferes with an authorized purpose of the project;
- (3) adversely impacts contractual rights to water or storage at the reservoir;
- (4) adversely impacts legal rights to water under State law, as determined by an affected State;
- (5) increases costs for any entity other than the entity that submitted the proposal; or
- (6) if a project is subject to section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)), makes modifications to the project that do not meet the requirements of that section unless the modification is submitted to and authorized by Congress.

(h) **COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), 100 percent of the cost of developing, reviewing, and implementing a proposal submitted under subsection (a) shall be provided by an entity other than the Federal Government.

(2) **PLANNING ASSISTANCE TO STATES.**—In the case of a proposal from an entity authorized to receive assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary may use funds available under that section to pay 50 percent of the cost of a review of a proposal submitted under subsection (a).

(3) **OPERATION AND MAINTENANCE COSTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), the operation and maintenance costs for the non-Federal sponsor of a proposal submitted under subsection (a) shall be 100 percent of the separable operation and maintenance costs associated with the costs of implementing the proposal.

(B) **CERTAIN WATER SUPPLY STORAGE PROJECTS.**—For a proposal submitted under subsection (a) for constructing additional water supply storage at a reservoir for use under a water supply storage agreement, in addition to the costs under subparagraph (A), the non-Federal costs shall include the proportional share of any joint-use costs for operation, maintenance, repair, replacement, or rehabilitation of the reservoir project determined in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(C) **VOLUNTARY CONTRIBUTIONS.**—An entity other than an entity described in subparagraph (A) may voluntarily contribute to the costs of implementing a proposal submitted under subsection (a).

(i) CONTRIBUTED FUNDS.—The Secretary may receive and expend funds contributed by a non-Federal interest for the review and approval of a proposal submitted under subsection (a).

(j) ASSISTANCE.—On request by a non-Federal interest, the Secretary may provide technical assistance in the development or implementation of a proposal under subsection (a), including assistance in obtaining necessary permits for construction, if the non-Federal interest contracts with the Secretary to pay all costs of providing the technical assistance.

(k) EXCLUSION.—This section shall not apply to reservoirs in—

- (1) the Upper Missouri River;
- (2) the Apalachicola-Chattahoochee-Flint river system;
- (3) the Alabama-Coosa-Tallapoosa river system; and
- (4) the Stones River.

(l) EFFECT OF SECTION.—Nothing in this section affects or modifies any authority of the Secretary to review or modify reservoirs.