



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
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CECW-POD

OCT 06 2015

MEMORANDUM FOR Commander, Pacific Ocean Division (CEPOD-PDC)

SUBJECT: Implementation Guidance for Section 2105 of the Water Resources Reform and Development Act (WRRDA) of 2014 – Arctic Deep Draft Port Development Partnerships

1. Section 2105 of WRRDA 2014 authorizes the Secretary to provide technical assistance to non-Federal public entities, including Indian tribes (as defined in Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for the purposes of Arctic development or security needs. It also allows the Secretary to accept funds from these entities to carry out the technical assistance. Further, it provides that the Secretary must give priority to Arctic deep draft ports identified by the Secretary, the Secretary of Homeland Security, and the Secretary of Defense as important for Arctic development and security. A copy of Section 2105 is enclosed.
2. For the purposes of implementing Section 2105 the following term definitions apply:
 - a. "Arctic": the coastal waters of Alaska west of -141 degrees Longitude.
 - b. "Deep draft port": a port that currently has, or may have in the future, a depth of greater than 14 feet.
3. Until such time as funds are appropriated specifically for this authority, and additional implementation guidance is issued, any assistance pursuant to this authority must be funded 100 percent by the requesting non-Federal public entity. Prior to providing any assistance under this authority, the Secretary of the Army (for Civil Works) and requesting public entity must execute an agreement that includes the terms and conditions for the provision of such assistance. In developing this agreement, USACE should use the model Memorandum of Agreement (MOA) for Support to State and Local Governments, with appropriate modifications, consistent with Section 2105. The MOA must either include an exit strategy to end USACE support within a period of five years, or less, after execution of the MOA. The MOA must be submitted through the MSC to the HQ for review and submission to ASA(CW) for approval.
4. Please direct questions to Mr. Steven Kopecky, Deputy Chief, Pacific Ocean Division, Regional Integration Team, at (202) 761-4527 or Steven.Kopecky@usace.army.mil.

Encl


KAREN DURHAM-AGUILERA, P.E.
Chief, Pacific Ocean Division
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SEC. 2105 of WRRDA 2014 ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may provide technical assistance to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) ACCEPTANCE OF FUNDS.—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), to carry out the technical assistance activities described in subsection (a).

(c) LIMITATION.—No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) PRIORITIZATION.—The Secretary shall prioritize technical assistance provided under this section for Arctic deep draft ports identified by the Secretary, the Secretary of Homeland Security, and the Secretary of Defense as important for Arctic development and security.