



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

CECW-HS

MAY 30 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 3029(a)(2) of the Water Resources Reform and Development Act (WRRDA) of 2014, Emergency Response to Natural Disasters; Repair or Restoration of Coastal Storm Risk Management Projects to Design Level of Protection

1. Section 3029(a)(2) of WRRDA 2014 further amends Section 5 of the Flood Control Act of 1941 (33 U.S.C. 701n)(referred to as PL 84-99) to provide that the U.S. Army Corps of Engineers (USACE) is authorized to repair and restore any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor.

2. This memorandum supersedes memorandum, dated 4 April 2016, with same subject, in order to clarify the terminology provided in paragraph 3.c. below.

3. Effective immediately, federally authorized Coastal Storm Risk Management projects damaged by an extraordinary storm may be repaired or restored (i.e., rehabilitated, to the design level of protection for the project).

a. Coastal Storm Risk Management Project (CSRMP) is the current term used for what is referred to as a Hurricane/Shore Protection Project in ER 500-1-1. For purposes of rehabilitation assistance under PL 84-99, the term "project" or "CSRMP project" includes a separable element of the project.

b. The design level of protection is the project's design profile template that reflects the project's minimum design dimensions that provide for the project's benefits that would trigger renourishment of the project, as established in the last approved USACE decision document, such as a General Reevaluation Report or Limited Reevaluation Report.

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c. Rehabilitation assistance under PL 84-99 for a CSRM project damaged by an extraordinary storm includes all repairs to hard structures and the replenishment of soft features (dune and beach fill). The quantity of soft feature restoration may be calculated as the amount of material necessary to maintain the restored design profile template, immediately following physical completion through the next storm season or to the next assumed periodic nourishment cycle, whichever is less.

4. Procedures.

a. Project Information Report. A Project Information Report (PIR) will be prepared in accordance with the template provided in the Enclosure and will be used in lieu of the template for CSRM projects in EP 500-1-1. The PIR will be submitted to HQUSACE, ATTN: CECW-HS, for review and approval.

b. Cooperation Agreements. District counsel will review the existing Project Partnership Agreement (PPA) for the project to determine if the PPA sufficiently protects the interests of the Government in the rehabilitation work to be undertaken.

(1) If the district counsel determines that the existing PPA is sufficient, in lieu of executing a Cooperation Agreement, the district commander will notify the sponsor in writing of the determination. The notification will identify any known cost share requirements. The notification will also advise the sponsor that the terms of the executed PPA, and in particular, the Hold and Save Harmless provision and the Operation, Maintenance, Repair, Replacement and Rehabilitation provision, remain in full effect and apply as well to the work that will be undertaken pursuant to PL 84-99. Prior to initiation of this work, the sponsor must confirm in writing these responsibilities and acknowledge that it will be providing all needed real estate and rights-of-entry at no cost to the Government.

(2) If the district counsel determines that the existing PPA is insufficient for protecting the interests of the Government, execution of a Cooperation Agreement is required, in accordance with ER 500-1-1, paragraph 2-4 (for general Cooperation Agreement policy) and EP 500-1-1, Chapter 5 and Appendix C (for procedures and format).

5. This guidance will be incorporated into the next update of title 33, Code of Federal Regulations, Part 203; Engineer Regulation 500-1-1, Civil Emergency Management; and Engineer Pamphlet (EP) 500-1-1, Civil Emergency Management - Procedures. Additional procedures in EP 500-1-1 not superseded in this document still apply.

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6. Separate guidance will be issued to address the other amendments to PL 84-99 in WRRDA 2014 pertaining to modifications of flood control works (Section 3029 (a)(1)) as well as modifications to a CSRM structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-federal sponsor. This guidance will also be incorporated into the next update of 33 CFR 203, EP 500-1-1 and ER 500-1-1.

7. Point of Contact. The point of contact for this guidance is Willem Helms, PL 84-99 Program Manager, at (202) 761-5909 or willem.ha.helms@usace.army.mil.



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

Encl

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PROJECT INFORMATION REPORT REHABILITATION EFFORT FOR THE
(insert name) COASTAL STORM RISK MANAGEMENT PROJECT

Part I. Executive Summary. Provide a one page executive summary of the PIR, to include the estimated cost, BCR, and the need to undertake the rehabilitation effort using FCCE funds.

Part II. Basic Report. Use the following paragraph numbers.

1. **NAME AND LOCATION.** Project name; city, county, and state where project is located.
2. **PUBLIC SPONSOR.** Name, address, telephone number, and email address for the public sponsor of the Coastal Storm Risk Management Project.
3. **POC FOR PUBLIC SPONSOR.** Name, address, telephone number, and email address for the individual who will serve as the public sponsor's single point of contact for the rehabilitation effort.
4. **PROJECT AUTHORIZATION.** Cite the authorization for construction of the project e.g., "Section 301 of PL 89-298, passed on 27 October 1965 in accordance with the report of the Chief of Engineers as described in House Document 91, 89th Congress, dated 15 June 1964." Cite any pertinent amendments to the law or modifications to the project (to include funding changes) in a similar fashion. Place a copy of the project entry from the District's project notebook or Digital Project Notebook in Appendix C.
5. **PROJECT CLASSIFICATION.** Provide a statement similar to "This project was federally authorized and constructed to...."
6. **DESIGN DATA OF PROJECT.** Provide a brief description/overview of the project design data. Place extensive documentation, records, or data in Appendix D.
7. **MAINTENANCE.** Provide a brief statement regarding the scope, extent, and average annual costs for the public sponsor's OMRR&R responsibilities. Provide the date and results of the last ICW inspection conducted. Place supporting or extensive documentation, tables, survey reports, etc., in Appendix E.
8. **PERIODIC NOURISHMENT.** Provide a brief statement regarding the project's historical nourishment efforts, and the next scheduled or anticipated renourishment effort, with volumetric estimate. Include Federal and public sponsor cost share percentages from the project PPA. Cite GDM estimates or other documentation as needed if there is insufficient historical data available. Place supporting or extensive

documentation, tables, survey reports, etc., in Appendix F.

9. PREVIOUS PL 84-99 ASSISTANCE. Provide a brief statement regarding previous PL 84-99 Rehabilitation Assistance, or assistance provided by any other Federal agency such as FEMA or FDAA. If no previous federal assistance has been provided, so state. Place extensive documentation, records, or data in Appendix G.

10. DISASTER INCIDENT. Provide a brief description of weather system or event that caused the damage to the CSR project. Provide a brief, supportable statement that summarizes why the weather system or event meets the definition of extraordinary storm provided in ER 500-1-1. Place supporting documentation, tables, maps, weather reports, hurricane tracking charts, etc., in Appendix H.

11. DAMAGE DESCRIPTION. DAMAGE DESCRIPTION. Provide a brief description of the damage incurred by the project. Address shoreline changes, volumetric changes, damages to hard features (e.g., groins, seawalls, sand bypass facilities), etc. Identify the estimated volumes of the rehabilitation component and the restoration component. Address the level and extent of the project's remaining protection. Place supporting documentation, beach profile data, photos, etc., in Appendix I.

12. NEED FOR PL 84-99 REHABILITATION. Based on the policy contained in ER 500-1-1, paragraph 5-20, state why it is necessary to undertake the proposed rehabilitation effort under authority of PL 84-99. Specifically address the immediate threat to life and property, and the need for immediate action. Include an estimate of the project's remaining protection. Address when the next storm season will occur.

13. PROPOSED WORK. Describe the work proposed to be undertaken by this rehabilitation effort, including all components of the recommended rehabilitation assistance. Include extensive tabular data, supporting documentation, and alternatives and modifications considered but not selected/recommended in Appendix J.

14. COST ESTIMATE. Summarize (in narrative and tabular form) the component and total costs of the proposed work, including cost sharing of modifications. Address the availability of on hand or anticipated (current or next FY) renourishment funds (normally Construction account funds.) Place supporting figures, calculations, historical or reference cost data, dredge mobilization/demobilization costs, determination of cost share percentages, etc., in Appendix K.

15. ECONOMICS. Refer to Appendix C of EP 500-1-1 for format. Provide the benefit to cost ratio, and a narrative summary of the major components/efforts that affect benefits and costs. Place the economic justification, interest rates used, period of analysis used, damages prevented charts, price data, etc. in Appendix L.

16. ENVIRONMENTAL CONSIDERATIONS. Provide a general summary of environmental considerations, to include any potential "show stoppers". Specific statements will be provided in Appendix M as separate tabs. Required statements include:

Tab M-1. A statement on the effect of proposed work on the environment.

Tab M-2. Environmental Assessment.

Tab M-3. Considerations under Section 7 of the Endangered Species Act of 1973 (PL 93-205).

Tab M-4. Archeological Investigations and Salvage Activities considerations. Tab M-5. Section 404(b) evaluations.

Tab M-6. A statement on the applicability of EO 11988.

Tab M-7 to M-x. As needed.

17. PERMITS. List the need for any permits (Federal, state or local) and indicate potential problems with obtaining these permits.

Part III. Appendices

Appendix A. Public sponsor's request for assistance.

Appendix B. Project map(s).

Appendix C. Project Overview (from District project notebook/Digital Project Notebook).

Appendix D. Project Design Data Appendix E. Project Maintenance Data

Appendix F. Periodic Renourishment Data

Appendix G. Previous PL 84-99 or Other Federal Agency Assistance.

Appendix H. Disaster Incident.

Appendix I. Damage Description. Appendix J. Proposed

Work. Appendix K. Cost Estimate Data.

Appendix L. BCR Data.

Appendix M. Environmental Considerations.

Appendix N. - Y. (As needed.)

Appendix Z. PIR Review Checklist.

PIR Review Checklist (Appendix Z), CSRM Rehabilitation Assistance

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> | |
|----|------------|-----------|------------|--|
| 1. | _____ | _____ | | The project is a Federally authorized and constructed coastal storm risk management project (CSRM). [ER, 5-20.a.] |
| 2. | _____ | _____ | | The project is Active in the RIP. [ER, 5-2.a.]
Last inspection date: _____ |
| 3. | _____ | _____ | | The Public Sponsor has requested CSRM Rehabilitation Assistance in writing. [EP, 5-18.b.] |
| 4. | _____ | _____ | | The FCCE-funded CSRM Rehabilitation Assistance is necessary to restore the project to its design level of protection. |
| 5. | _____ | _____ | | There is sufficient evidence in the PIR to support a finding that the CSRM was damaged by an extraordinary storm. [ER, 5-20.e.] |
| 6. | _____ | _____ | | There are "significant amounts of damage" to the CSRM. [ER, 5-20.e.(2)] The criterion used to make this determination is:

_____ the cost of the construction effort to effect repair of the CSRM (<i>exclusive of dredge mob/demob costs</i>) (a) exceeds \$1 million and (b) is greater than 2 percent of the original project construction costs (expressed in current day dollars.); or,

_____ the cost of the construction effort to effect repair of the CSRM (<i>exclusive of dredge mob/demob costs</i>) exceeds \$6 million; or,

_____ more than one-third of the planned or historically placed sand for renourishment was lost.

_____ only hard features are involved. |
| 7. | _____ | _____ | | The public sponsor has agreed to sign the Cooperation Agreement, which will occur before USACE begins rehabilitation work. [EP, 5-18.i.] |
| 8. | _____ | _____ | | The rehabilitation project has a favorable benefit cost ratio of greater than 1.0:1. [ER, 5-20.a.] |
| 9. | _____ | _____ | | The Public Sponsor has access to sufficient funds to meet its required cost contributions. [EP, 5-18.h.] |

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> | |
|-----|------------|-----------|------------|--|
| 10. | ___ | ___ | ___ | The cost estimate in the PIR itemizes the work and identifies the Public Sponsor's cost responsibility for items such as deferred and deficient maintenance. [ER, 5-2.g.] |
| 11. | ___ | ___ | | The cost estimate in the PIR allocates costs between what may be paid for under PL 84-99 Rehabilitation Assistance, and what is cost shared between the Corps (using CG funds) and the public sponsor under periodic renourishment terms of the project PCA. [EP, 5-18.d.] |
| 12. | ___ | ___ | | Dredge mobilization/demobilization costs are borne proportionally among contributing sources of funds for sand renourishment. [ER, 5-20.i.] |
| 13. | ___ | ___ | | Contingency funds for the FCCE-funded portion of the project are limited to 15 percent for dredging-related costs, and 10 percent for all other costs. [ER, 5-2.v.] |
| 14. | ___ | ___ | | The repair option selected is the option that is the least cost to the Federal government. [ER, 5-2.h.] |
| 15. | ___ | ___ | | The benefit cost ratio calculation excludes all recreation benefits. [ER, 5-20.a.] |
| 16. | ___ | ___ | ___ | Betterments are paid by the Public Sponsor. [ER, 5-2.o.] |
| 17. | ___ | ___ | ___ | Cost for any betterments are identified separately in the cost estimate. [ER, 5-2.o.] |
| 18. | ___ | ___ | | Based on the projected schedule, project history, anticipated degree of contention of undertaking the project, and similar items, the Rehabilitation Assistance will be finished prior to the onset of the next storm season, or within one year of the date of occurrence of the damage, whichever is less. [ER, 5-20.j.] |
| 19. | ___ | ___ | | The proposed work will not modify the CSR to increase the degree of protection or capacity, or provide protection to a larger area. [ER, 5-2.n.] |

- | | <u>YES</u> | <u>NO</u> | <u>N/A</u> | |
|-----|------------|-----------|------------|--|
| 20. | ___ | ___ | | An assessment of environmental requirements was completed. [ER, 5-13.e.] |
| 21. | ___ | ___ | | The Endangered Species Act was appropriately considered. Dredging will not be adversely impacted. [ER, 5-13.e.] |
| 22. | ___ | ___ | | The Archeological and Historical Preservation Act was appropriately considered. [ER, 5-13.h.] |
| 23. | ___ | ___ | | EO 11988 was appropriately considered. [ER, 5-13.f.] |
| 24. | ___ | ___ | | Other permitting and evaluations were appropriately considered, and result in no impediment to the Rehabilitation Assistance effort. [ER, 5-13.a.] |
| 25. | ___ | ___ | | The cover letter forwarding the PIR to the MSC will contain the projected schedule for completing the Rehabilitation Assistance. [EP, 5-18.f.(2)] |
| 26. | ___ | ___ | | The completed PIR has been reviewed and the PIR Checklist has been reviewed and signed by the Emergency Management Office. [EP, 5-18.f.(1)] |
| 27. | ___ | ___ | | The completed PIR meets all policy, procedural, content, and formatting requirements of ER 500-1-1 and EP 500-1-1. [ER, 2-3.b.] |