



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

REPLY TO
ATTENTION OF

CECW-P

JUL 16 2015

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS

SUBJECT: Implementation Guidance for Section 1037(a) of the Water Resources Reform and Development Act (WRRDA) of 2014, Hurricane and Storm Damage Reduction

1. Section 1037 (a) further amends Section 156 of the Water Resources Development Act of 1976, as amended (42 U.S.C. 1962d-5f), to provide that, at the request of the non-Federal interest, the Secretary shall carry out, for any coastal storm risk management project for which periodic renourishment is authorized for a maximum period of 50 years, a study to determine the feasibility of extending the period of nourishment for a period not to exceed 15 additional years beyond the 50 year maximum period of federal participation in cost shared renourishment. Upon completion of such a study, the Secretary shall report to the Congress on any recommendations and shall also include those recommendations related to the need for specific Congressional authorization in the annual report required by section 7001 of WRRDA 2014. Further, the non-Federal interest is required to submit a plan for reducing risk to people and property that the Secretary shall include with the recommendations provided to Congress. A copy of Section 156 of WRDA 1976, as amended by Section 934 of WRDA 86 and Section 1037 of WRRDA 2014, is enclosed.

2. References:

- a. ER 1105-2-100, Planning Guidance Notebook
- b. ER 1110-2-1302, Civil Works Cost Engineering
- c. EC 1165-2-214, Civil Works Review
- d. ER 1100-2-8162, Incorporating Sea Level Change in Civil Works Programs
- e. Policy Guidance Letter 52, Flood Plain Management Plans
- f. Director of Civil Works Policy Memorandum, CWPM 12-001, Methodology for Updating Benefit-to-Cost Ratios (BCR) for Budget Development

3. Applicability. This guidance is applicable to all coastal storm risk management projects that are authorized for 50-years of federal participation in cost shared renourishment, including those for which an extension to 50 years was approved under

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the authority of Section 156 of WRDA 1976, as amended by Section 934 of WRDA 1986.

4. Upon request of a non-federal sponsor, the District Engineer may proceed in accordance with the following procedures.

a. To document whether extension of the Federal participation in cost shared renourishment of a project for an additional 15 years is technically feasible, economically justified, and environmentally acceptable, a Beach Renourishment Evaluation Report will be prepared. The evaluation will be cost shared 50 % Federal and 50 % non-Federal. HQUSACE will provide the study cost sharing agreement that should be used. The evaluation may be carried out using project funds made available through budget and appropriations-related decisions.

b. At such time that an evaluation is funded, the scope of work will be scaled to validate that continued Federal participation in the authorized project is economically justified, environmentally acceptable and technically feasible. Only an extension of periodic nourishment will be considered, and, in general, no reformulation of the existing project is required. However, if during the development of the report it becomes apparent that changed conditions exist to the extent that reformulation is warranted or environmental compliance is not met the Division will notify the appropriate HQUSACE RIT.

c. The report will include at least a Level 2 Benefit Economic Update as described in the Director of Civil Works Policy Memorandum CWPM 12-001 "Methodology for Updating Benefit-to-Cost Ratios (BCR) for Budget Development" using the current discount rate. The process used for evaluating what level of update to conduct should be followed to determine if a more rigorous analysis is necessary. At a minimum, the report will serve to revalidate and reaffirm the existing project with inclusion of the following: (1) cost update to appropriate price level; (2) reaffirmation of project design template; (3) validation of project parking and access; (4) confirmation of adequacy of existing borrow source(s); (5) discussion of sea level rise considerations consistent with ER 1100-2-8162, Incorporating Sea Level Change in Civil Works Programs", (6) Review of status of environmental and other regulatory compliance including interagency coordination as necessary, to confirm environmental compliance without additional data collection, and provide updated project federal and non-federal costs for renourishments during the 15-year period and the estimated renourishment cycle. A public notice will be issued on the District findings and recommendation prior to submittal of the final report for approval.

d. Normal internal review processes for decision documents will be followed as well as EC 1165-2-214 or its successor. A review plan will be prepared by the District. Decision documents developed under this authority are excluded from independent

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external peer review unless one of the mandatory triggers contained in Section 2034(a)(3)(A)(i) of the Water Resources Development Act of 2007, as amended (33 U.S.C. 2343(a)(3)(A)(i)), is involved. Agency Technical Review (ATR) will be conducted and managed by the National Planning Center of Expertise for Coastal Storm Damage Reduction (Coastal PCX). Review by the Civil Works Cost Engineering and Agency Technical Review Mandatory Center of Expertise (MCX) with Technical Expertise (TCX) will be utilized to obtain cost certification.

e. Section 1037 requires that the non-Federal interest develop and submit to the District a plan for reducing the risk to people and property. The plan will be included as an appendix to the report. The non-Federal plan should identify actions already taken, or that will be taken, to reduce risks to people and property from coastal storms. Actions may include zoning requirements, evacuation measures, building codes, and non-Federal actions implemented between periodic nourishment cycles. The plan should also include the requirements for flood plain management plans as described in Section 202 (c) of the Water Resources Development Act of 1996 and Policy Guidance Letter # 52, Flood Plain Management Plans.

f. The report, including the Non-Federal Interest's plan for risk reduction, will be submitted through the Division to the Regional Integration Team for policy review. Any recommendations for additional authorization to modify the authorized project to extend the period of federal participation in cost shared renourishment, as appropriate, will be included in the report. Upon completion of HQUSACE review, the evaluation report will be submitted to the ASA(CW) for review, and approval. The ASA(CW) will submit to the Committee on Environmental and Public Works of the Senate and the Committee on Transportation of the House of Representatives any recommendations of the ASA(CW) related to the study. The recommendation related to additional Congressional authorization will also be included in the annual report required by section 7001 of WRRDA 2014.

5. Section 1037 provides study authority only. Upon completion of the study, additional congressional authorization is required to extend the period of federal participation in cost shared renourishment for a specific project.


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Chief, Planning and Policy Division
Directorate of Civil Works

Encl

Enclosure

Section 156 of the Water Resources Development Act (WRDA) of 1976, as amended by Section 934 of WRDA 86 and Section 1037 of WRRDA 2014

(a) In General --The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide periodic beach nourishment in the case of each water resource development project where such nourishment has been authorized for a limited period for such additional period as he determines necessary but in no event shall such additional period extend beyond the fiftieth year which begins after the date of initiation of construction of such project.

(b) Review.—Notwithstanding subsection (a), the Secretary shall, at the request of the non-Federal interest, carry out a study to determine, the feasibility of extending the period of nourishment described in subsection (a) for a period not to exceed 15 additional years beyond the maximum period described in subsection (a).

(c) Plan for Reducing Risk to People and Property.—

(1) In General.—As part of the review described in subsection (b), the non-Federal interest shall submit to the Secretary a plan for reducing risk to people and property during the life of the project.

(2) Inclusion of Plan in Recommendation to Congress.—The Secretary shall include the plan described in subsection (a) in the recommendation to Congress described in subsection (d).

(d) Report to Congress.—Upon completion of the review described in subsection (b), the Secretary shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations of the Secretary related to the review; and

(2) include in the subsequent annual report to Congress required under section 7001 of the Water Resources Reform and Development Act of 2014, any recommendations that require specific congressional authorization.

(e) Special Rule.—Notwithstanding any other provision of this section, for any existing authorized water resources development project for which the maximum period of nourishment described in subsection (a) will expire within the 5-year-period beginning on the date of enactment of the Water Resources Reform and Development Act of 2014, that project shall remain eligible for nourishment for an additional 3 years after the expiration of such period.