



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000
AUG 31 2015

CECW-CO

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS AND
DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS

SUBJECT: Implementation Guidance for Section 1047 (e) Training and Educational Activities, of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Public Law 113-121

1. Purpose. The purpose of this memorandum is to provide implementation guidance for Section 1047 (e) of WRRDA 2014. Section 1047 (e), Training and Educational Activities, amends Section 213(a) of the Water Resources Development Act of 2000 (WRDA 2000) to expand the Corps authority to expend funds for training and educational activities relating to natural resources conservation or recreation management on and off Corps project lands and waters through cooperative agreements with non-Federal public entities or nonprofit entities. Copies of WRRDA 2014 Section 1047 (e) and WRDA 2000 Section 213 are enclosed (Enclosure 1).

2. References.

- a. Water Resources Reform and Development Act of 2014, Section 1047 (e), P.L. 113-121
- b. Water Resources Development Act of 2000 Section 213(a), P.L. 106-541
- c. Federal Grant and Cooperative Agreement Act, 31 U.S.C. 6301-6308
- d. Department of Defense Directive 3210.06 - Defense Grant and Agreement Regulatory System (DGARS)
- e. ASA (CW) Memorandum to the Deputy Commanding General for Civil and Emergency Operations, dated 25 September 2014, SUBJECT: Delegation of Authority under Section 213 (a) of the Water Resources Development Act of 2000.

3. The following policy update to the Partnership Program is effective immediately and will be incorporated in ER and EP 1130-2-500, "Project Operations - Partners and Support" when revised.

4. Applicability. This memorandum applies to all USACE commands having responsibilities for civil works functions.

CECW-CO

SUBJECT: Implementation Guidance for Section 1047 (e) Training and Educational Activities, of the Water Resources and Reform Development Act of 2014 (WRRDA 2014), Public Law 113-121

5. Policy. It is the policy of the U.S. Army Corps of Engineers that:

a. Division Commanders may enter into cooperative agreements to transfer funds to any non-Federal public or nonprofit entity to further environmental stewardship or recreation training and educational opportunities. This may include, but is not limited to state and local government agencies, tribes, public schools, colleges, universities, public hospitals, and other nonprofit entities.

b. District Commanders who have received delegated authority from their MSC Commanders may also enter into cooperative agreements under this authority.

c. As of the date of this Implementation Guidance, there is no need to revise the current delegation for Section 213(a) as amended by WRRDA 2014. This implementation guidance stays within the current delegation and is being issued to help clarify implementation of the program.

d. Funding used for the cooperative agreement may originate from annual appropriations, generally operations and maintenance funds associated with the water resources development project, but other funding sources may be considered on a case by case basis in consultation with the appropriate office resource management and counsel.

e. Under this agreement, activities related to natural resource conservation or recreation management may be conducted off USACE water resources development project site(s) when the activities relate back to furthering training and educational opportunities at the water resources development project.

f. Cooperative agreements may be used to pay for internship positions with nonprofit entities, including state and public universities, for projects that relate to conservation or recreation management and further training or educational opportunities at project site(s). All activities do not have to occur at a physical project site in order to further educational or training activities at the site(s).

g. Funds may be used through a cooperative agreement for recipients to produce or exhibit, off or on USACE project sites, interpretive materials about recreation or conservation management that have a nexus to furthering educational or training opportunities at the site(s). Cooperative agreements may also fund management assistance at regional visitor centers in partnership with non-Federal public or nonprofit entities.

h. Work that is to be accomplished through the cooperative agreement shall be within current authorities and contained in the annual or five-year plan in the approved Operational

CECW-CO

SUBJECT: Implementation Guidance for Section 1047 (e) Training and Educational Activities, of the Water Resources and Reform Development Act of 2014 (WRRDA 2014), Public Law 113-121

Management Plan (OMP) or Master Plan. Proposed work not in an approved OMP or Master Plan must be approved by the next higher management level.

i. Cooperative agreements shall be entered into, as appropriate, by the Division or District Commander. Grants officers are responsible for the approval and administration of the cooperative agreement. In Divisions or Districts where there are no certified grants officers, assistance may be obtained from another Division or District grants officer to establish and administer the cooperative agreement.

j. The supporting file for each agreement awarded will include a memorandum documenting the basis for use of the authority and compliance with Department of Defense Directive 3210.06 (Defense Grant and Agreement Regulatory System (DGARS)) (Enclosure 2). The supporting file will also include a record of legal review before the notice of funding opportunity and award.

k. In accordance with subsection 213 (c) of WRDA 2000, as amended, a cooperative agreement entered into under this authority shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States code, applies (the Federal Grant and Cooperative Agreement Act, 31 U.S.C. 6301-6308).

l. Cooperative agreements shall use the standard OMB forms for assistance, budget, and assurances (i.e., SF 424, 424A, and 424B) and include a certificate of authority from the recipient's attorney; a certification regarding Environmental Tobacco Smoke; a certification regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.

m. A record of legal review by USACE District or Division counsel is required before the notice of funding opportunity and award of the cooperative agreement. Grants officers are responsible for authorizing and signing the cooperative agreement.

6. Point of Contact. My point of contact for the Partnership Program is Ms. Heather Burke, National Partnership Program Manager. She may be reached at (503) 808-4313.



EDWARD E. BELK, JR., P.E.
Chief, Operations and Regulatory Division
Directorate of Civil Works

2 Enclosures

CECW-CO

SUBJECT: Implementation Guidance for Section 1047 (e) Training and Educational Activities, of the Water Resources and Reform Development Act of 2014 (WRRDA 2014), Public Law 113-121

ENCLOSURE 1
WRRDA 2014 Section 1047 (e) and WRDA 2000 Section 213

WRRDA 2014

SEC. 1047. SPECIAL USE PERMITS.

(e) TRAINING AND EDUCATIONAL ACTIVITIES.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking “at” and inserting “about”.

WRDA 2000

Sec. 213. Assistance Programs

(a) Conservation and recreation management—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and non-profit entities for services relating to natural resources conservation or recreation management.

(b) Rural community assistance—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private non-profit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) Cooperative agreements—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States code, applies.

CECW-CO

SUBJECT: Implementation Guidance for Section 1047 (e) Training and Educational Activities, of the Water Resources and Reform Development Act of 2014 (WRRDA 2014), Public Law 113-121

ENCLOSURE 2
Sample Memorandum for Record (MFR)

MEMORANDUM FOR RECORD

SUBJECT: Proposed Cooperative Agreement for [*short title of requirement*].

1. Synopsis of Requirement: This agreement represents an opportunity to enter into a cooperative agreement for [*Enter a brief description of general goals and objectives of the project.*].
2. Public Purpose: [*State the public purpose of the requirement. What population is intended to be served? EXAMPLE - The Corps manages public land and the ORGANIZATION provides job training and education to students in natural resource management within the same community. ELABORATE HOW THE PARTNERSHIP ENTAILS A PUBLIC PURPOSE.*]
3. Statutory Authority: [*Cite ONE statutory authority and include it in full text. More than one statutory authority may apply, but the MFR should cite the one that best fits the requirement. Associate the authority with how the recipient will be performing the service.*]
4. Substantial Involvement: [*State how the Government will be involved in the agreement other than providing funding and oversight.*]
5. Period of Performance: [*State the performance period of the agreement.*]
6. Competition: [*If competed - types of organizations that will be eligible (i.e. State Government, local Government, nonprofit, etc.) and a list of potential sources. Cooperative Agreements under Section 213(a) are required to be competed in accordance with the DGARS and are not governed by the FAR.*]
7. Funding: [*EXAMPLE - Funding for the initial Cooperative Agreement is (insert the amount here and funding type here) and amounts in subsequent agreements would be prepared based on available budgets.*]
8. Recommendation: Authorize pursuit of cooperative agreement for [*short title of requirement*].