



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

JUN 13 2016

CECW-P

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 3015 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Planning Assistance to States

1. Section 3015 of WRRDA 2014 further amends Section 22 of the Water Resources Development Act of 1974 (Section 22) to authorize the Secretary to provide assistance in the preparation of comprehensive water resources plans to a State, or to non-Federal interests working with a State. It provides for the establishment of fees to recover 50 percent of the cost of developing comprehensive plans and in providing technical fees under Section 22 and for the acceptance and expenditure of contributed funds in excess of such fees. It increases the authorization of appropriations for comprehensive water resources plans to an annual programmatic amount of \$30,000,000 and an annual per-State limit of \$5,000,000. In addition, it increases the authorization of appropriations for technical assistance to an annual programmatic amount of \$15,000,000.
2. Although Section 2013 of WRDA 2007 amended Section 22 to allow for the provision of certain technical assistance, no guidance on technical assistance was issued at that time. This guidance provides policies and procedures regarding the provision of technical assistance under Section 22 as well as addressing the other changes authorized by Section 3015 of WRRDA 2014.
3. Comprehensive Plans. Corps Districts may prepare for a State, or with non-Federal interests working with a State, a comprehensive water resources plan for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of that State, including plans to comprehensively address water resource challenges. The non-Federal share of the costs for preparing the comprehensive plan are 50 percent except that voluntarily contributed funds in excess of this cost share may be provided. The non-Federal cost share for preparation of a comprehensive plan may be provided by funds and by the provision of services, materials, supplies, or other in-kind services. No more than \$5,000,000 in Federal funds may be expended in a State per fiscal year. Existing guidance in Appendix G of ER 1105-2-100 applies to the development of the comprehensive plan.
4. Technical Assistance. At the request of a governmental agency or non-Federal interest, the Corps may provide certain technical assistance related to the management of State water resources, including the provision and integration of hydrologic, economic, or environmental data and analysis. This technical assistance must be in

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support of the State's water resources management and related land resources development plans identified in the State Water Plan or other water resources management related State planning documents, such as State hazard mitigation, preparedness, response, and recovery plans and plans associated with changing hydrologic conditions, climate change, long-term sustainability, and resilience. This technical assistance may not include the preparation of site-specific designs or construction. The non-Federal share of the costs of this technical assistance is 50 percent except that the governmental agency or non-Federal interest may voluntarily contribute funds in excess of this cost share. The amount authorized to carry out technical assistance is \$15,000,000 annually, of which not more than \$2,000,000 annually may be used to enter into cooperative agreements with non-profit organizations to provide assistance to rural and small communities; however, no cooperative agreements will be executed unless funds are specifically appropriated for such purpose.

5. Agreements. Template agreements for the preparation of comprehensive plans and for the provision of technical assistance under Section 22 are posted at http://www.usace.army.mil/Missions/CivilWorks/ProjectPartnershipAgreements/template_s_pas.aspx.

Encls



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

SEC 22. (a) FEDERAL STATE COOPERATION.—

(1) **COMPREHENSIVE PLANS.**—The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State or other non-Federal interest working with a State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State, including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) TECHNICAL ASSISTANCE.—

(A) **IN GENERAL.**—At the request of a governmental agency or non-Federal interest, the Secretary may provide technical assistance to such agency or non-Federal interest in managing water resources.

(B) **TYPES OF ASSISTANCE.**—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.

(b) Fees.—

(1) **Establishment and collection.**—For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to subsection (a), the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under subsection (a).

(2) **CONTRIBUTED FUNDS.**—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.

(3) **IN-KIND SERVICES.**—The non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.

(4) **Deposit and use.**—Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled, "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)" and shall be available until expended to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.

(1) **FEDERAL AND STATE COOPERATION.**-- There is authorized to be appropriated not to exceed \$ 30,000,000 annually to carry out subsection (a)(1) except that not more than \$ 5,000,000 in Federal funds shall be expended in any one year in any one State.

(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated \$ 15,000,000 annually to carry out subsection (a)(2), of which not more than \$ 2,000,000 annually may be used by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.

(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.

(e) "State" defined. For the purposes of this section, the term "State" means the several States of the United States, Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

SEC. 3015. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

- (1) In subsection (a)—
 - (A) In paragraph (1)—
 - (i) By inserting “or other non-Federal interest working with a State” after “cooperate with any State”; and
 - (ii) By inserting “,including plans to comprehensively address water resources challenges,” after “of such State”; and
 - (B) In paragraph (2)(A), by striking “, at Federal expense,”;
- (2) In subsection (b)—
 - (A) In paragraph (1), by striking “subsection (a)(1)” each place it appears an inserting “subsection (a)”;
 - (B) By redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and
 - (C) By inserting after paragraph (1) the following:

“(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.”; and
- (3) In subsection (c)—
 - (A) In paragraph (1)—
 - (i) By striking “\$10,000,000” and inserting “\$30,000,000”; and
 - (ii) By striking “\$2,000,000” and inserting “\$5,000,000 in Federal funds”; and
 - (B) In paragraph (2), by striking “\$5,000,000” and inserting “\$15,000,000”.

WRDA 2007

SEC. 2013. TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended-

(1) in subsection (a) by striking "The Secretary" and inserting the following: "(a) FEDERAL STATE COOPERATION.-
"(1) COMPREHENSIVE PLANS.-The Secretary";

(2) by inserting after the last sentence in subsection (a) the following: "(2) TECHNICAL ASSISTANCE.-

"(A) IN GENERAL.-At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to such agency or non-Federal interest in managing water resources.

"(B) TYPES OF ASSISTANCE.-Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.";

(3) in subsection (b)(1) by striking "this section" each place it appears and inserting "subsection (a)(1)";

(4) in subsection (b)(2) by striking "Up to 1;2 of the" and inserting "The";

(5) in subsection (c) by striking "(c) There is" and inserting the following: "(c) AUTHORIZATION OF APPROPRIATIONS.-

"(1) FEDERAL AND STATE COOPERATION.-There is";

(6) in subsection (c)(1) (as designated by paragraph (5))-

(A) by striking "the provisions of this section" and inserting "subsection (a)(1),";
and

(B) by striking "\$500,000" and inserting "\$2,000,000";

(7) by inserting at the end of subsection (c) the following:

"(2) TECHNICAL ASSISTANCE.-There is authorized to be appropriated \$5,000,000 annually to carry out subsection (a)(2), of which not more than \$2,000,000 annually may be used

by the Secretary to enter into cooperative agreements with nonprofit organizations to provide assistance to rural and small communities.";

(8) by redesignating subsection (d) as subsection (e); and

(9) by inserting after subsection (c) the following:

"(d) ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.-Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year."