



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

REPLY TO
ATTENTION OF

DEC 03 2014

CECW-P

MEMORANDUM FOR COMMANDER, Mississippi Valley Division (CEMVD-PD)

SUBJECT: Implementation Guidance for Section 3017 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Rehabilitation of Existing Levees

1. Section 3017 of WRRDA 2014 authorizes the Secretary of the Army to carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore certain federally authorized hurricane and storm damage reduction projects to their authorized levels of protection, if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified. This authority applies only to those projects constructed as of the date of enactment of WRRDA 2014 and for which the executed project partnership agreement (PPA) provides that the non-federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities. In addition, Section 3017 specifies that cost sharing associated with measures carried out under this authority shall be determined as provided in subsections (a) through (d) of Section 103 of the Water Resources Development Act of 1986. Further, Section 3017 includes a reporting requirement. Finally, the authority terminates 10 years after the date of enactment of WRRDA 2014. A copy of Section 3017 is enclosed.

2. The projects covered by Section 3017 include Lake Pontchartrain and Vicinity, Louisiana Project (PPA executed 22 September 2008) and West Bank and Vicinity, Louisiana Project (PPA executed 6 November 2008).

3. A project-specific general reevaluation report (GRR) must be prepared to determine if the measures necessary to restore the project to its authorized level as a result of consolidation, settlement, subsidence, sea level rise, and new datum are technically feasible, environmentally acceptable and economically justified. The normal budget process will be followed when requesting funds to initiate a project-specific GRR pursuant to Section 3017. Upon receipt of initial funding, a feasibility cost sharing agreement will be executed and a scope of work and schedule will be developed utilizing the SMART Planning principles and submitted to the vertical team for review and concurrence. The GRR will be cost shared 50/50 between the Corps and non-federal sponsor. The GRR will be processed in accordance with Appendix H of ER

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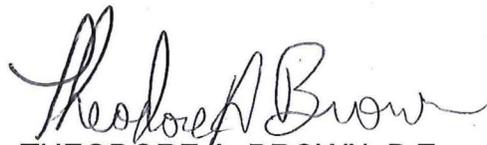
1105-2-100 and provided to the Mississippi Valley Division and Corps Headquarters (Attn: CECW-MVD) for review and processing to the Assistant Secretary of the Army (Civil Works) for approval.

4. Cost sharing of hurricane and storm damage reduction measures carried out under this authority is 65 percent federal / 35 percent non-federal. The costs of operation, maintenance, repair, replacement and rehabilitation of the measures carried out under Section 3017 are a 100 percent non-federal sponsor responsibility.

5. Not later than 10 June 2019, the ASA(CW) is required to include in the annual report prepared pursuant to Section 7001 of WRRDA 2014 any recommendations relating to continued need for this authority; a description of measures carried out; any lesson learned related to measures implemented; and best practices for carrying out measures to restore hurricane and storm damage reduction projects. In order to meet this requirement, the Division Commander must submit the required information, including any recommendations, to the MVD RIT by 15 September 2018.

6. The authority to carry out measures under Section 3017 terminates on 10 June 2024.

Encl



THEODORE A. BROWN, P.E.
Chief, Mississippi Valley Division
Regional Integration Team
Directorate of Civil Works

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SEC. 3017. REHABILITATION OF EXISTING LEVEES.

(a) *IN GENERAL.*—The Secretary shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act to the authorized levels of protection of the projects if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) *LIMITATION.*—This section shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

(c) *COST SHARE.*—

(1) *IN GENERAL.*—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(2) *CERTAIN ACTIVITIES.*—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) *REPORT TO CONGRESS.*—Not later than 5 years after the date of enactment of this Act, the Secretary shall include in the annual report developed under section 7001—

(1) any recommendations relating to the continued need for the authority provided under this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore hurricane and storm damage reduction projects.

(e) *TERMINATION OF AUTHORITY.*—The authority of the Secretary under this subsection terminates on the date that is 10 years after the date of enactment of this Act.