MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Implementation Guidance for Section 3025 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Post Disaster Watershed Assessments

1. Section 3025 of WRRDA 2014 authorizes the Secretary to conduct watershed assessments in areas that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170). It also provides that, to the maximum extent practicable, the watershed assessments will identify specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters. It further provides that existing watershed assessments and related information developed by other Federal, State, or local entities and existing information and studies shall be used in developing the assessments and that any element of a study completed for an existing project prior to the disaster is not required to be repeated. In addition, it provides that the Secretary may carry out any project or projects identified in the watershed assessments in accordance with the criteria for projects carried out under authority provided by Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); Section 111 of River and Harbor Act (RHA) of 1968 (33 U.S.C. 426i); Section 206 of the Water Resources Development Act (WRDA) of 1996 (33 U.S.C 2330); Section 1135 of the WRDA of 1986 (33 U.S.C 2309a); Section 107 of the RHA of 1960 (33 U.S.C. 577); or Section 3 of the Act of August 14, 1946 (33 U.S.C. 426g) (also known as Section 103 of the RHA of 1962). A copy of section 3025 of WRRDA 2014 is enclosed.

2. At such time that funds are specifically appropriated for a study under this authority, the study will be conducted in accordance with ER 1105-2-100 and other applicable planning regulations. The study will be cost shared 50 percent federal and 50 percent non-federal. Additional guidance may be requested from Corps Headquarters to address coordination, processing, and approval of the report.

3. If it is determined upon completion of the study that a recommended project fits the criteria for projects carried out under a Continuing Authorities Program (CAP) authority specified in Section 3025, it may be converted to a CAP project under that authority for design and implementation in accordance with the procedures found in Appendix F of
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ER 1105-2-100, and funded under the appropriate named authority. The criteria presented in Appendix F of ER 1105-2-100 for each authority will be followed and the per project statutory Federal limits will apply. A study may also be considered for funding under one of the named CAP authorities in accordance with existing budgetary guidance.

4. If a recommended project exceeds the criteria for implementation under one of the named CAP authorities, the project will be processed in accordance with the procedures for studies requiring specific authorization as found in Appendix H of ER 1105-2-100, including preparation of a Chief's Report for submission to Congress. In addition, the recommended project will be considered for inclusion in the annual report submitted to Congress pursuant to Section 7001 of WRRDA 2014 in accordance with the most recent guidance for Section 7001.

Encl

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SEC. 3025. POST-DISASTER WATERSHED ASSESSMENTS.

(a) WATERSHED ASSESSMENTS.—

(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b)(1).

(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary may carry out projects identified under a watershed assessment under subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).
(B) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).
(F) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) ANNUAL PLAN.—For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.

(3) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and
(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) LIMITATIONS ON ASSESSMENTS.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.