



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
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WASHINGTON, DC 20314-1000

CECW-SAD

MAY 24 2016

MEMORANDUM FOR Commander, South Atlantic Division

SUBJECT: Implementation Guidance for Section 4013(c) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Technical Corrections, South Florida Coastal Area

1. Section 4013(c) of WRRDA 2014 further amends Section 109 of Title I of division B of the Miscellaneous Appropriations Act of 2001 (114 Stat. 2763A-221) (Section 109), the Florida Keys Water Quality Improvement Program (FKWQIP), to include unincorporated communities of Monroe County, Florida among the entities with which the Secretary of the Army is to coordinate when providing technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary. Section 4013 (c) further directs the Secretary to give priority to projects sponsored by current non-Federal interests, incorporated communities in Monroe County, Monroe County, and the State of Florida. A copy of Section 109 as amended, is enclosed.
2. Program implementation guidance for the FKWQIP was provided by CECW-SAD memorandum dated 13 December 2006, subject: Florida Keys Water Quality Improvements Program – Program Implementation Guidance, and revised in the CECW-SAD memorandum dated 16 September 2008, subject: Implementation Guidance for Section 5062 of the Water Resources Development Act of 2007 (WRDA 2007) – FLORIDA KEYS WATER QUALITY IMPROVEMENTS. This program implementation guidance will continue to be used with the further requirement for coordination with the unincorporated communities of Monroe County, Florida. In addition, in providing assistance under this Section 109, priority will be given to projects sponsored by current non-Federal interests, incorporated communities in Monroe County, Monroe County, and the State of Florida.

Encl

A handwritten signature in black ink, appearing to read "J. Dalton", written over a horizontal line.

JAMES C. DALTON, P.E.
Chief, South Atlantic Division
Regional Integration Team
Directorate of Civil Works

ENCLOSURE

SECTION 109 OF PUBLIC LAW 106-554, AS AMENDED

SEC. 109. FLORIDA KEYS WATER QUALITY IMPROVEMENTS. (a) *IN GENERAL.*—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities and unincorporated communities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary of the Army may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) **CRITERIA FOR PROJECTS.**—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

- (1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;
- (2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;
- (3) the project complies with—
 - (A) applicable growth management ordinances of Monroe County, Florida;
 - (B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and
 - (C) applicable water quality standards; and
- (4) the project is consistent with the master wastewater and storm water plans for Monroe County, Florida.

(c) **CONSIDERATION.**—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) **CONSULTATION.**—In carrying out this section, the Secretary shall consult with—

- (1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);
- (2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);
- (3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and
- (4) other appropriate State and local government officials.

(e) **NON-FEDERAL SHARE.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) **CREDIT.**—

(A) **IN GENERAL.**—The Secretary may provide the non-Federal interest credit toward cash contributions required—

CONT. ENCLOSURE

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.

(C) CREDIT FOR WORK PRIOR TO EXECUTION OF THE PARTNERSHIP AGREEMENT.—The Secretary shall credit toward the non-Federal share of the cost of the project—

(i) in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), the cost of construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project; and

(ii) the cost of land acquisition carried out by the non-Federal interest for projects to be carried out under this section.

“(f) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by current non-Federal interests, incorporated communities in Monroe County, Monroe County, and the State of Florida.”

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000, of which not more than \$15,000,000 may be used to provide planning, design, and construction assistance to the Florida Keys Aqueduct Authority for a water treatment plant, Florida City, Florida. Such sums shall remain available until expended.