



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

REPLY TO
ATTENTION OF

SEP 08 2015

CECW-NAD

MEMORANDUM FOR COMMANDER, North Atlantic Division (CENAD-PD)

SUBJECT: Implementation Guidance for Section 4009 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – North Atlantic Coastal Region

1. Section 4009 of WRRDA 2014 authorizes the Secretary to conduct a study to determine the feasibility of carrying out aquatic ecosystem restoration projects within the coastal waters of the Northeastern United States, from the state of Virginia to the state of Maine, including associated bays, estuaries, and critical riverine areas, in coordination, as appropriate, with the heads of other appropriate Federal agencies and Governors of these states, non-profit organizations, and other interested parties. The Secretary may carry out any project identified in a study under this authority in accordance with the criteria for projects carried out under the several named authorities of the Continuing Authorities Program (CAP), specifically Section 206 of the Water Resources Development Act (WRDA) of 1996 (33 U.S.C. 2330), Section 1135 of WRDA of 1986 (33 U.S.C. 2309a), Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), and Section 204 of WRDA 1992 (33 U.S.C. 2326). A copy of Section 4009 of WRRDA 2014 is enclosed.

2. At such time that funds are specifically appropriated for a study under this authority, a feasibility study will be initiated in accordance with ER 1105-2-100 and other applicable planning regulations and will be cost shared 50 percent Federal and 50 percent non-Federal. Additional guidance may be requested from HQUACE to address the initial scoping efforts as well as the preparation, coordination and processing of a report. Making maximum use of existing information and incorporating SMART planning principles, the study will investigate the ecological needs, problems, and opportunities in the affected region and identify aquatic ecosystem restoration projects.

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

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4. If it is determined that the recommended project exceeds the criteria for 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 issued for Section 7001.

5. Study specific project recommendations will be prioritized based on the technical, institutional and public significance of the resources considered for restoration and the results of a cost effective/incremental cost analysis of any proposed ecosystem restoration.



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

Encl

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SEC. 4009 of WRRDA 2014 - NORTH ATLANTIC COASTAL REGION.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out projects to restore aquatic ecosystems within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) **STUDY.**—In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors of the coastal State from Virginia to Maine, nonprofit organizations, and other interested parties;

(2) identify projects for aquatic ecosystem restoration based on an assessment of the need and opportunities for aquatic ecosystem restoration within the coastal waters of the Northeastern States described in subsection (a); and,

(3) use, to the maximum extent practicable, any existing plans and data.

(c) **DISPOSITION.**—

(1) **IN GENERAL.**—The Secretary may carry out any project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(B) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(C) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(D) Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(2) **REPORT.**—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.