



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

MAY 17 2017

CECW-P

MEMORANDUM FOR COMMANDERS, MAJOR SUBURDINATE COMMANDS

SUBJECT: Updated Implementation Guidance for Section 1002 of the Water Resources Reform and Development Act (WRRDA) of 2014, Consolidation of Studies

1. Section 1002 of WRRDA 2014 amends Section 905 of the Water Resources Development Act (WRDA) 1986 to establish a single phase cost-shared study process by repealing the requirement for a reconnaissance study first at full Federal expense and requiring instead that a preliminary analysis of the federal interest, cost, benefits, and environmental impact be done following execution of the feasibility cost sharing agreement. Additionally, Section 1002 requires certain reporting and notification of study schedules. Section 1002 is enclosed.

2. The single phase study process applies to all feasibility studies. The notification process pertains to all active feasibility studies.

3. For new feasibility studies under consideration for the Fiscal Year (FY) 19 Budget and thereafter, the identification of new start investigations studies will follow the method defined in the annual Corps of Engineers Civil Works Direct Program Budget Development Guidance (Engineer Circular). In accordance with Section 105(a) of WRDA 1986, as amended, the cost of all feasibility level work must be shared on a 50/50 basis. No federal funds will be provided in advance of an executed Feasibility Cost Sharing Agreement (FCSA) except where otherwise provided in law and no feasibility work may begin until funds are allocated, a FCSA is signed and non-Federal funds and/or services are provided.

a. In advance of initiating a new study, the District will discuss with the potential sponsor the single phase study process to ensure awareness and understanding of the requirement of signing a FCSA to initiate the study and obtain a Letter of Intent.

b. Once a study is identified in the President's Budget or a work plan as a new start study, the assigned District will send the model FCSA to the identified sponsor(s). The model FCSA is posted at the following link:
<http://www.usace.army.mil/Missions/CivilWorks/ProjectPartnershipAgreements/modelother.aspx>

c. Once funds are provided for a study in a Statement of Managers or in a cleared work plan for a study, the FCSA may be executed.

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d. Once the FCSA is signed, HQUSACE will allocate the funding to initiate the single phase study. The single phase study will follow the established Civil Works Transformation SMART planning process and milestones, reference the Planning Bulletin 2012-02: Planning SMART Guide. Prior to the Alternatives Milestone, the Project Delivery Team (PDT) will conduct and document a preliminary analysis of the Federal interest and a rough order of magnitude of costs, benefits, and environmental impacts. If at any point during the study it is determined that there is no Federal interest, the study is considered inactive. Further, the study may be terminated at any point by either party consistent with the terms of the FCSA.

e. The annual Execution EC identifies all of the established feasibility study milestones that must be reported in the Corps of Engineers (USACE) database system known as P2. The following subset of milestones mark significant decision points and review and comment periods, and will be used for establishing notification and reporting purposes as required by Section 1002. The information provided in parenthesis following each milestone is the code used to identify the milestone in P2.

i. Release of draft feasibility report for public comment and concurrent review (CW250).

ii. District submits final feasibility report (CW160).

iii. Major Subordinate Command (MSC) transmittal of final feasibility report (CW260).

iv. Civil Works Review Board (CW245), this milestone is not required for a Director's Report.

v. Signed Chief's Report (CW270), or signed Director's Report.

f. For each feasibility study undertaken, the District Engineer will develop a detailed study schedule, based upon full funding capability, in accordance with the established feasibility study milestones as directed annually in the Execution EC. The schedule will be documented in the Project Management Plan.

4. Non-Federal Interest Notification. The District Engineer shall adhere to the following notification requirements regarding project schedules and milestones.

a. For each study the District Engineer must provide the study milestone schedule to each non-federal sponsor via certified mail within ninety (90) days of signing the FCSA or receiving funding to resume a study. The schedule will be pre-coordinated with the vertical team. A copy of the signed letter will be provided concurrently to the PDT, MSC and through the respective Regional Integration Team (RIT) to Headquarters

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USACE Planning and Policy Division (CECW-P). The vertically aligned milestone schedule will also be made publicly available, including placement on the District's website.

b. Section 1002 requires that within thirty (30) days of failing to meet any of the deadlines in the project schedule determined by the Secretary as being needed for the completion of a feasibility study, the District Engineer will submit to the non-Federal sponsor a report detailing why the District Engineer failed to meet the deadline and a revised schedule reflecting amended deadlines for the feasibility study. To ensure proactive communication with sponsors, it is required by HQUSACE that if any of the five milestones are delayed the District Engineer will submit a letter to the non-federal Sponsor or Interest within thirty (30) days of vertical team concurrence with the updated schedule and no later than thirty (30) days after a milestone is missed. The letter will include reasons why the schedule is being revised and will reflect amended dates for the remaining feasibility study milestones. The letter will be pre-coordinated with the PDT, MSC and RIT. The vertically aligned milestone schedule will be made publicly available, including placement on the District's website and a copy of the letter will be provided concurrently to their respective MSC and through the RIT to CECW-P. So long as the milestone delays do not extend the schedule beyond three years or beyond a longer period previously approved by the Deputy Commanding General for Civil and Emergency Operations or the Assistant Secretary of the Army (Civil Works), vertical team concurrence on the schedule will occur among the District Planning Chief, the MSC Chief of Planning and Policy, and the HQUSACE Chief of the Office of Water Project Review, in coordination with the project manager. If the delay results in a requirement for a new or modified exemption under Section 1001 of WRRDA 2014 (the 3x3x3 rule), District Engineer notification of the non-federal Sponsor or Interest will occur within thirty (30) days of HQUSACE or ASA(CW) approval of the new schedule, whichever is applicable.

5. Milestone Meetings. If the required milestone reporting has not occurred as of the submittal of read ahead material for the next milestone, that milestone will be postponed and work on the study will be suspended until the required milestone reporting has occurred.

6. Annual Reporting. By 5 August of each year, the RIT will provide CECW-P a comprehensive list of vertically aligned study schedules from its respective major subordinate command. This comprehensive list will include summarized explanations for missed milestones during the year, explanations for inactive studies that were previously reported and actual dates for completed studies. CECW-P will compile a comprehensive list and submit it to the Secretary by 30 August of each year for submission to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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Within 14 days of submission of the list to the Committees, CECW-P will post the list on the Headquarters USACE website.

7. This guidance replaces the previous Implementation Guidance for Section 1002 of the Water Resources, Reform and Development Act of 2014 dated April 9, 2015, and is effective immediately and will be incorporated into the Planning Guidance Notebook (ER 1105-2-100) upon the next revision.



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WRRDA SEC. 1002. Consolidation of Studies.

(a) In general

(1) Repeal - Section 905(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(b)) is repealed.

(2) Conforming amendment - Section 905(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)(1)) is amended by striking perform a reconnaissance study and.

(b) Contents of feasibility reports - Section 905(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)(2)) is amended by adding at the end the following: A feasibility report shall include a preliminary analysis of the Federal interest and the costs, benefits, and environmental impacts of the project.

(c) Feasibility studies - Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

(g) - Detailed project schedule

(1) In general

Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

(2) Detailed project schedule milestones

Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

(3) Non-Federal interest notification

Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this subsection, not later than 180 days after the establishment of milestones under paragraph (1); and

(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

(4) Congressional and public notification

Beginning in the first full fiscal year after the date of enactment of this subsection, the Secretary shall—

(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

(5) Failure to Act - If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

(i) why the District Engineer failed to meet the deadline; and

(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).

(d) Applicability - The Secretary shall continue to carry out a study for which a reconnaissance level investigation has been initiated before the date of enactment of this Act as if this section, including the amendments made by this section, had not been enacted.