



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

CECW-NAD

MAY 30 2017

MEMORANDUM FOR COMMANDER, NORTH ATLANTIC DIVISION

SUBJECT: Implementation Guidance for Section 1203 of the Water Resources Development Act of 2016 (WRDA 2016), North Atlantic Coastal Region

1. Section 1203 of WRDA 2016 amends Section 4009 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) (PL 113-121), North Atlantic Coastal Region (hereinafter "Section 4009"). Section 1203 directs the Secretary of the Army to conduct a comprehensive assessment and management plan 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, in coordination, as appropriate, with the heads of other appropriate federal agencies and governors of these state, non-profit organizations, and other interested parties. This guidance supersedes and replaces the Implementation Guidance dated 8 September 2015 on Section 4009 of WRRDA 2014. Section 1203 and Section 4009 are enclosed.
2. At such time that funds are specifically appropriated for a study under this authority, a single-phase comprehensive assessment and management plan will be initiated in accordance with ER 1105-2-100, PB 2016-03, and other applicable planning regulations and will be cost shared 75 percent federal and 25 percent non-federal. The assessment will incorporate SMART planning principles as outlined in PB 2016-03. Making maximum use of existing information, the comprehensive assessment will investigate the ecological needs, problems, and opportunities in the affected region and identify aquatic ecosystem restoration projects. The management plan will include an implementation strategy for the recommendations identified in the comprehensive assessment, and will prioritize projects that have been identified for action.
3. If it is determined upon completion of the study that a recommended project meets the criteria for projects carried out under the named Continuing Authority Program (CAP) authorities in WRRDA 2014, Section 4009(c)(1)(A-D), then it can be considered for funding under one of the named authorities in accordance with existing budgetary guidance. The CAP criteria presented in Appendix F of ER 1105-2-100 will be followed and the per-project statutory federal limit will apply.
4. If it is determined that a recommended project exceeds the criteria for the named 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 project will be considered for inclusion in the annual report submitted to Congress pursuant to Section 7001 of WRRDA 2014 in accordance with the CECW-P memorandum dated

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3 December 2014, subject: Implementation Guidance for Section 7001 of WRRDA 2014, Annual Report to Congress. Further, Appendix H of ER 1105-2-100 will be updated to include this guidance.

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.

6. Questions regarding this implementation guidance should be directed to Ada Benavides, Senior Policy Advisor, Planning and Policy Division, at (202) 761-0415, Ada.Benavides@usace.army.mil.



JAMES C. DALTON, P.E.
Director of Civil Works

Encl

SEC. 1203. NORTH ATLANTIC COASTAL REGION.

Section 4009 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1316) is amended—

(1) in subsection (a) by striking “conduct a study to determine the feasibility of carrying out projects” and inserting “carry out a comprehensive assessment and management plan”;

(2) in subsection (b)—

(A) in the subsection heading by striking “STUDY” and inserting “ASSESSMENT AND PLAN”; and

(B) in the matter preceding paragraph (1) by striking “study” and inserting “assessment and plan”; and

(3) in subsection (c)(1) by striking “study” and inserting “assessment and plan”.

WRRDA 2014 Section 4009 – North Atlantic Coastal Region, as amended

(a) **IN GENERAL**-The Secretary shall **carry out a comprehensive assessment and management plan** 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) **ASSESSMENT AND PLAN**.-In carrying out the **assessment and plan** 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 **assessment and plan** 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.