



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

CECW-POD

JUL 06 2017

MEMORANDUM FOR Commander, Pacific Ocean Division

SUBJECT: Implementation Guidance for Section 1131 of the Water Resources Development Act (WRDA) 2016, Participation of Non-Federal Interests

1. Section 1131 of WRDA 2016 amends Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)(1)) by inserting "and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation" after "Indian tribe" in the definition of "non-Federal interest." Section 221(b)(1), as amended, is enclosed.
2. The amended definition of non-federal interest establishes that Native villages, Regional Corporations, and Village Corporations established in accordance with the Alaska Native Claims Settlement Act are eligible to be non-federal sponsors and enter into cost share agreements for water resources development projects. Districts may proceed to enter into cost share agreements with these entities following regular agency procedures.
3. Questions regarding this implementation guidance should be directed to Steven Kopecky, Deputy Chief, Pacific Ocean Division Regional Integration Team, (202) 761-4527 or Steven.Kopecky@usace.army.mil.

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

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

Encl

SEC. 1131. PARTICIPATION OF NON-FEDERAL INTERESTS.

Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)(1)) is amended by inserting "and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation" after "Indian tribe".

SECTION 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), as amended by Section 2003 of WRDA 2007 and by Section 1131 of WRDA 2016

(b) Definition of non-Federal interest. The term "non-Federal interest" means—

(1) a legally constituted public body (including a federally recognized Indian tribe and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation); or

(2) a nonprofit entity with the consent of the affected local government, that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.