



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

CECW-P

JUL 10 2017

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS

SUBJECT: Implementation Guidance for Section 7001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Annual Report to Congress

1. Section 7001 of WRRDA 2014 requires that the Secretary of the Army annually submit to the Congress a report (Annual Report on Future Water Resources Development) that identifies for potential congressional authorization completed feasibility reports, proposed feasibility studies, and proposed modifications to authorized projects or studies. The report is to be based, in part, upon responses to an annual notice for proposals from non-federal interests published in the Federal Register. Additionally, Section 7001 requires that the Secretary certify that the proposals included in the annual report meet the criteria established by Congress. Section 7001 is enclosed.
2. This memorandum provides guidance for the development of the Annual Report to Congress on Future Water Resources Development and supersedes the Implementation Guidance for Section 7001 issued 20 September 2016.
3. HQUSACE publishes an annual Notice in the Federal Register requesting proposals from non-federal interests for proposed feasibility studies and proposed modifications to authorized water resources development projects or feasibility studies. Non-federal interests are defined in Section 221 of the Flood Control Act of 1970, as amended, and include eligible non-profit entities, with the consent of the affected local government. HQUSACE maintains a website for general information about Section 7001, a list of frequently asked questions, an archive of past and present Annual Reports to Congress, current and prior Federal Register Notices for solicitation of proposals, instructions on preparing and submitting a proposal with a link to an online proposal form, and an email link to submit questions. The website is located at:
<http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/WRRDA7001Proposals.aspx>
4. Proposals from non-federal interests should include the following information:
 - a. The name of all non-federal interests planning to act as the study or project

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sponsor, and that have contributed, or are expected to contribute, toward the non-federal share of the proposed feasibility study or modification.

- b. Whether the proposal is for a new feasibility study or a modification to an authorized USACE water resources development project or feasibility study and, if a modification, specify the authorized project or study.
- c. Clearly articulated specific project purpose(s) of the proposed study or modification and demonstration that the proposal is related to USACE mission and authorities, and why additional or new authorization is needed.
- d. An estimate, to the extent practicable, of the total cost of the proposed study and, separately, the total cost of the project construction or modification, and the federal and non-federal share of those costs.
- e. A description, to the extent practicable, of the anticipated monetary and non-monetary benefits of the water resources project proposed for study or the proposed modification to an authorized water resources project including: benefits to the protection of human life and property; the improvement to transportation, the national economy, the environment, or the national security interests of the United States.
- f. A description of local support for the proposal.
- g. Confirmation of the non-federal interest's financial ability to provide the required cost share.
- h. A letter or statement of support from each associated non-federal interest.
- i. In addition, a map or figure that clearly identifies the general vicinity of the proposal study or project area should be included.

5. Each district, Major Subordinate Command (MSC), and Regional Integration Team (RIT) will identify a Point of Contact (POC) for the evaluation of proposals. The district and MSC should also identify an Office of Counsel (OC) POC as well. The

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POC for each RIT will provide a complete list of its district and MSC POCs to CECW-P.

6. Following the close of the annual proposal solicitation period, CECW-P will provide the proposals and 7001 Evaluation Forms to the RIT Deputies via SharePoint at: <https://cops.usace.army.mil/sites/PLAN/2015%20WRRDA%207001%20Proposal%20Evaluation/Forms/AllItems.aspx>. The RITs will confirm the proposals are within their region and, together with the districts and MSC, will establish a schedule for completing evaluations that is in compliance with the timeline provided in paragraph 10.

7. The following evaluation and quality assurance process will be followed for each proposal:

a. Initially, the district will review each proposal and determine whether or not it meets the criteria for inclusion in the Report to Congress, and provide a rationale for the recommendation. The district will document this initial review on the 7001 evaluation form. If necessary, the district will seek clarification of specific intent from the prospective non-federal interests as needed. The district, informed by conversations with the non-federal interest, will:

(1) With assistance from the district OC, determine whether the work to be undertaken under the proposal can be pursued under an existing authority, including regional and general, such as Section 216 of the Flood Control Act of 1970 and the Corps' continuing authorities.

(2) Categorize the proposal:

(i) NEW STUDY AUTHORIZATION: No current study authority to meet proposal intent.

(ii) MODIFICATION TO EXISTING STUDY AUTHORIZATION: Existing study authority must be modified to meet proposal.

(iii) NEW PROJECT AUTHORIZATION: Study with a signed Chief's Report completed; ongoing specifically-authorized Corps feasibility study past the Tentatively Selected Plan Milestone; non-federal sponsor studies submitted pursuant to section

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203 of WRDA 1986, as amended, or similar authority.

(iv) PROJECT MODIFICATION: Modification to existing Corps Project.

(v) 902 PROJECT INCREASE: Proposals to increase the total project cost of an authorized project.

(3) In addition to the evaluation of the criteria for inclusion in the Report to Congress, the District will address the following in their evaluation:

(i) Document any specific, general, CAP, or other authority cited in the proposal.

(ii) Document if the proposal provides the basis for the anticipated monetary and nonmonetary benefits.

(iii) Document if the proposal provides the basis for the study and construction cost estimates.

(iv) For proposals to be included in the Appendix, documentation of which specific criteria were not met.

b. Upon completion of the district OC review of Corps authorities, those referenced in the proposal as well as specific, regional and general authorities to implement such studies or project modifications, the district OC POC will sign the authority review. The district will post both the evaluation form and signed authority review to the Civil Works Planning and Policy SharePoint site.

c. The District Planning and Policy Chief will review the full evaluation including the Evaluation Form and Authority Review. When all the evaluations have been completed, the District Planning and Policy Chief will sign the evaluation signature page then post the current evaluation form and signature page to the Civil Works Planning and Policy SharePoint site, and notify the MSC Planning and Policy Chief. If there are questions regarding the authority review, the District Planning and Policy Chief will note that in the evaluation of that particular proposal and elevate to the MSC (including the MSC CECW-POC) for review.

d. The MSC will perform a Quality Control (QC) analysis on the submissions from

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each of its districts to ensure accuracy and consistency. The MSC ensures that the evaluation form documents the proper recommendation for placing each proposal into the report table or appendix, and includes the rationale for each proposal's placement. The MSC OC will review the authority referenced in the proposal for modifications, or the need for new authority (Authority Review). Upon completion of the MSC OC review of Corps authorities, those referenced in the proposal as well as specific, regional and general authorities to implement such studies or project modifications, the MSC OC will sign the Authority Review.

e. The MSC Planning and Policy Chief will review the full evaluation including the evaluation form and authority review. When all the evaluations have been completed, the MSC Planning and Policy Chief will sign the evaluation signature page then post the current evaluation form and signature page to the Civil Works Planning and Policy SharePoint site, and notify the RIT. If there are questions regarding the authority review, the MSC Planning and Policy Chief will note that in the evaluation of that particular proposal and elevate for resolution by HQUSACE.

f. The RIT will review the submitted analyses from their assigned MSC for consistency. The RIT Deputy will resolve any discrepancies between MSC and District evaluations and provide a final recommendation and rationale for that recommendation. The RIT Deputy will sign evaluation signature page and post the current Evaluation Form and signature page to the Civil Works Planning and Policy SharePoint site. The RIT Deputy will notify CECW-P and CECC-G when its Evaluation Forms are completed and available for review. CECC-G will review the existing authority referenced in the proposal and evaluation, or the need for new authorization (Authority Review).

g. The CECW-P will ensure nationwide QC and consistency of RIT-submitted analyses and roll them up into a nationwide package. CECW-P will coordinate the resolution of issues through the vertical team, including OC, and prepare for the review meeting with the Chief of Planning and Policy. The Office of the Assistant Secretary of the Army (Civil Works) (OASA(CW)) and the Office of the General Counsel of the Army will be invited to this meeting to review and verify each proposal as meeting the criteria to be included in the Report Table or the Appendix.

h. After the meeting, the HQUSACE CECW-P POC will provide working documents for OASA(CW) to provide and work through with OMB, depending on the direction provided at the HQUSACE review meeting.

i. OASA(CW) will review and resolve any issues with HQUSACE, coordinate with

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OMB, and prepare the final letters to the Senate Committee on Environment and Public Works and House Committee on Transportation and Infrastructure. The transmittal of the final Annual Report to Congress on Future Water Resources Development to Congress will be signed by the ASA(CW). Once transmitted, HQUSACE and the OASA(CW) will brief the Committee staff, if requested. After submission to Congress, the Annual Report to Congress on Future Water Resources Development will be made publicly available on the HQUSACE website (<http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/WRRDA-7001-Proposals/>).

8. The following five criteria must be met for the proposal to be included in the Report Table. Proposals that do not meet all five criteria will be included in the Appendix along with a specific explanation of why they were included in the Appendix.

a. Related to USACE authorities and one or more of the core missions. Involves a proposed or existing USACE water resources project or effort whose primary purpose is flood and storm damage reduction, commercial navigation, or aquatic ecosystem restoration. Proposals for related purposes, such as for recreation, hydropower, or water supply, are eligible for inclusion if undertaken in conjunction with a project or effort involving one or more of those primary purposes (flood and storm damage reduction, commercial navigation, or aquatic ecosystem restoration).

b. Requires specific congressional authorization.

c. Not previously congressionally authorized.

d. Not included in a previous annual report. If the proposal was included in the Report Table in a previous Report to Congress on Future Water Resources Development, then the proposal is not eligible to be included in the report table. If a proposal was previously included in an Appendix, it may be re-submitted to be considered for inclusion in the report table. The district will review prior Reports to Congress to determine if a proposal has been previously included: (<http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/WRRDA7001Proposals.aspx>). Note that the proposal names may be different from year to year, so it is critical that the Reports are reviewed carefully to ensure a correct analysis of this criteria.

e. Able to be carried out by the USACE, if authorized. Proposals will be considered for inclusion in the report if authorization is required to implement the project or modification, however a decision document must be transmitted to Congress before construction would be initiated.

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9. Proposals that do not meet the criteria for inclusion in the main Report Table will be included in the Appendix for transparency. Examples of proposals that don't meet the criteria for inclusion are:

a. Proposals for modifications to non-federal activities for which the USACE has provided technical assistance.

b. Proposals for environmental infrastructure projects, unless the proposal is for a modification to an environmental infrastructure project that was authorized prior to enactment of the Water Resources Development Act of 2016.

c. Proposals for construction of a new water resources development project unrelated to currently authorized water resource development projects for which there is neither a complete nor an ongoing feasibility study.

d. Proposals for legislative changes outside of changes to study or project-specific authorities should be addressed during the Authority Review.

10. Specific timelines for the development of the Annual Report to Congress on Future Water Resources Development will be posted on the SharePoint site for the entire process, from publishing the Federal Register Notice to the submittal of the Annual Report to Congress by the Secretary. By law, the Federal Register notice is published by 1 May with the deadline for proposals 120 days later. District, MSC and RIT evaluations are completed in the fall, and CECW-P completes a quality assurance review and submits the cleared list to the OASA(CW) before the end of the calendar year. The Secretary is required to submit the Annual Report to Congress no later than February 1 of each year.

11. This guidance is effective immediately.



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DISTRIBUTION
(See next page)

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SOUTH ATLANTIC DIVISION, CESAD

SOUTH PACIFIC DIVISION, CESP

SOUTHWESTERN DIVISION, CESWD

SEC. 7001. ANNUAL REPORT TO CONGRESS.

(a) In General.—Not later than February 1 of each year, the Secretary shall develop and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report, to be entitled “Report to Congress on Future Water Resources Development”, that identifies the following:

(1) FEASIBILITY REPORTS.—Each feasibility report that meets the criteria established in subsection (c)(1)(A).

(2) PROPOSED FEASIBILITY STUDIES.—Any proposed feasibility study submitted to the Secretary by a non-Federal interest pursuant to subsection (b) that meets the criteria established in subsection (c)(1)(A).

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized water resources development project or feasibility study that meets the criteria established in subsection (c)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (b); or

(B) is identified by the Secretary for authorization.

(b) Requests for Proposals.—

(1) PUBLICATION.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies to be included in the annual report.

(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the Internet; and

(B) provide written notification of the publication to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) Contents.—

(1) FEASIBILITY REPORTS, PROPOSED FEASIBILITY STUDIES, AND PROPOSED MODIFICATIONS.—

(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those feasibility reports, proposed feasibility studies, and proposed modifications to authorized water resources development projects and feasibility studies that—

(i) are related to the missions and authorities of the Corps of Engineers;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

- (iv) have not been included in any previous annual report; and
- (v) if authorized, could be carried out by the Corps of Engineers.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study).

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed feasibility study) described in this clause are benefits to—

- (I) the protection of human life and property;
- (II) improvement to transportation;
- (III) the national economy;
- (IV) the environment; or
- (V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

- (i) for each proposed feasibility study included in the annual report, the non-Federal interest that submitted the proposed feasibility study pursuant to subsection (b); and
- (ii) for each proposed feasibility study and proposed modification to an authorized water resources development project or feasibility study included in the annual report, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed feasibility study or proposed modification to an authorized water resources development project or feasibility study (including the water resources development project that is the subject of the proposed feasibility study or the proposed modification to an authorized feasibility study); and

- (II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

- (i) the feasibility report;
- (ii) the proposed feasibility study;
- (iii) the authorized feasibility study for which the modification is proposed; or
- (iv) construction of—

(I) the water resources development project that is the subject of—

- (aa) the feasibility report;

(bb) the proposed feasibility study; or
(cc) the authorized feasibility study for which a modification is proposed; or
(II) the proposed modification to an authorized water resources development project;

(B) a letter or statement of support for the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study from each associated non-Federal interest;

(C) the purpose of the feasibility report, proposed feasibility study, or proposed modification to an authorized water resources development project or feasibility study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

(i) the proposed modification to an authorized feasibility study; and

(ii) construction of—

(I) the water resources development project that is the subject of—

(aa) the feasibility report; or

(bb) the authorized feasibility study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized water resources development project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

(i) the water resources development project that is the subject of—

(I) the feasibility report; or

(II) the authorized feasibility study for which a modification is proposed, with respect to the benefits of such modification; or

(ii) the proposed modification to an authorized water resources development project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each feasibility report, proposed feasibility study, and proposed modification to an authorized water resources development project or feasibility study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (b) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(d) Special Rule for Initial Annual Report.—notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a notice required by subsection (b)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (b)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such

proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(e) Publication.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(f) Definitions.—In this section:

(1) ANNUAL REPORT.—The term “annual report” means a report required by subsection (a).

(2) FEASIBILITY REPORT.—

(A) IN GENERAL.—The term “feasibility report” means a final feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282).

(B) INCLUSIONS.—The term “feasibility report” includes—

(i) a report described in section 105(d)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)(2)); and

(ii) where applicable, any associated report of the Chief of Engineers.

(3) FEASIBILITY STUDY.—The term “feasibility study” has the meaning given that term in section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(4) NON-FEDERAL INTEREST.—The term “non-Federal interest” has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b).

(5) WATER RESOURCES DEVELOPMENT PROJECT.—The term “water resources development project” includes a project under an environmental infrastructure assistance program if authorized before the date of enactment of the Water Resources Development Act of 2016.”