MEMORANDUM FOR SEE DISTRIBUTION


1. References.
   a. Section 1041 of WRRDA 2014.
   b. Section 2036(b) of the Water Resources Development Act of 2007 (WRDA 2007).

2. Section 1041 of WRRDA 2014 amends Section 2036(b) of the Water Resources Development Act of 2007 (WRDA 2007), to specify the information required to be included in the annual report to Congress on the status of construction of projects that require mitigation per Section 906 of WRDA 1986, as amended. Section 2036(b) of WRDA 2007, as amended by Section 1041 of WRRDA 2014, is enclosed.

3. Section 1041 requires that in reporting the status of all projects included in the report, the Secretary shall use a uniform methodology for determining the status of included projects; use a methodology that describes both a qualitative and quantitative status; and provide specific dates for participation in the consultations required under Section 906(d)(4)(B) of WRDA 1986, as amended (i.e. consultations with appropriate federal and state agencies).

4. The Mitigation Status Report is prepared annually as part of the Corps budget development process. The Corps uses a mitigation database to facilitate the entry of data that is consistent and uniform across projects for the development of the report. The database currently requires entry of qualitative and quantitative descriptions of mitigation and ensures that specific dates for federal and state agency consultations are reported. The annual reports are available to the public at http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Products/MitigationStatus/.

5. On 18 January 2017, the ASA(CW) issued a memorandum to the DCG-CEO regarding quality control improvements to the annual Mitigation Status Report to Congress per
SUBJECT: Implementation Guidance for Section 1041 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Mitigation Status Report

Section 2036(b) of WRDA 2007. The following is required for the annual report, starting with the FY 2017 report, per ASA(CW) memorandum:

a. To better portray the mitigation status for the Corps portfolio, all projects under construction, not just those funded during the associated FY will be included in the annual report.

b. To ensure mitigation commitments are met and to more accurately show ability to complete mitigation, the Corps will ensure that projects that are not reporting in the database have completed their mitigation requirements. Additionally, projects under construction or with construction complete since FY 2007 will be reviewed to confirm that either mitigation requirements have been met, or that the project is included in the annual report.

c. To address inconsistencies in data entry into the mitigation database:
   (1) Projects listed in database will have an attached decision document.
   (2) The Corps will ensure consistency in the manner in which percentages of “construction complete” and “mitigation complete” are calculated.
   (3) Estimated dates for success will be updated and accurate.
   (4) Required consultations with federal and state resources agencies will be completed in a timely manner and dates entered in database.
   (5) The status descriptions will clearly note the date mitigation construction is completed.
   (6) Status of monitoring and key outcomes of monitoring will be included.
   (7) Constraints to meeting mitigation requirements will be identified and actions to address those constraints will be included, if applicable to a project.

d. Although not included in the annual report to Congress, the database will include all projects requiring fish and wildlife mitigation including those conducted under the Continuing Authorities Program. A separate table will be submitted to ASA(CW) along with the annual report listing the other projects with ongoing mitigation.

e. To better inform the yearly budget process, the Corps was requested to provide the annual mitigation report to ASA(CW) by August 1st each year. Updates to the report will then need to be provided as the report will be submitted prior to the end of the FY.

f. As part of the FY 2017 report, the Corps will include a quantitative analysis of the mitigation program over the last 10 years.

6. In working to fulfill the requirements of the ASA(CW) memorandum, Headquarters Planning and Policy Division is determining changes required to the mitigation database and will be coordinating with MSC Environmental Chiefs, as well as conducting webinars, to discuss the database revisions and to develop specific guidance for tracking mitigation requirements and ensuring consistency in reporting.
SUBJECT: Implementation Guidance for Section 1041 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Mitigation Status Report

7. Questions regarding this implementation guidance should be directed to Mindy Simmons, Planning and Policy Division, at (202) 761-2147 or Mindy.M.Simmons@usace.army.mil.

Encl

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

DISTRIBUTION:
COMMANDERS, REGIONAL BUSINESS AND PROGRAM DIRECTORS,
GREAT LAKES AND OHIO RIVER DIVISION, CELRD
MISSISSIPPI VALLEY DIVISION, CEMVD
NORTH ATLANTIC DIVISION, CENAD
NORTHWESTERN DIVISION, CENWD
PACIFIC OCEAN DIVISION, CEPOD
SOUTH ATLANTIC DIVISION, CESAD
SOUTH PACIFIC DIVISION, CESPD
SOUTHWESTERN DIVISION, CESWD
Section 2036(b) of WRDA 2007, as amended by Section 1041 of WRRDA 2014.

(b) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the President's submission to Congress of the President's request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of construction of projects that require mitigation under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283), the status of such mitigation, and the results of the consultation under subsection (d)(4)(B) of such section.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have undergone or completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986.

(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—

(A) use a uniform methodology for determining the status of all projects included in the report;

(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report;

(C) provide specific dates for participation in the consultations required under Section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).

(4) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the status report available to the public, including on the Internet.