



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

CECW-LRD

AUG 14 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1140 of the Water Resources Development Act of 2016 (WRDA 2016), Federal Cost Limitation for Certain Projects

1. Section 1140 of the WRDA 2016 Act amends subsection (c) of section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22(c)) to allow for the inclusion of compatible recreation features at projects carried out pursuant to paragraph (3) of that subsection: projects that can be carried out pursuant to section 506(c)(3) are projects that support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes. Compatible recreation features are defined as those features that provide recreation benefits but that do not diminish the ecosystem restoration benefits of the project. As provided in section 1140, the federal cost of any such feature may not exceed 10 percent of the federal ecosystem restoration costs of the project. Section 506(c) as modified by section 1140 is enclosed.
2. Consistent with other ecosystem restoration authorities, inclusion of recreation features must be compatible with the ecosystem restoration purpose of the project, and must be appropriate in scope and scale to the opportunity provided by ecosystem restoration projects. See ER 1165-2-501 para. 13; EP 1165-2-502. As stated above, the level of financial participation by the Corps in recreation development at a project carried out pursuant to section 506(c) may not increase the federal cost of the ecosystem restoration project by more than ten percent. Because this ten percent limit is a statutory restriction, the Secretary may not authorize recreation features that exceed this cost.
3. Project partnership agreements for projects carried out under section 506(c) shall follow the Model Agreement for Section 206 Aquatic Ecosystem Restoration Projects for projects with recreation features until such time as publication of a model agreement for section 506 projects.
4. Implementation guidance issued for section 506, as amended by section 5011 of the Water Resources Development Act of 2007, and dated June 10, 2011, included the statement that projects or features for recreation would not be implemented under section 506 until such time as Congress specifically appropriated funds for section 506 projects: that statement is no longer in effect as of the date of issuance of this Guidance.

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5. Questions regarding this implementation guidance should be directed to Janet Cote, Planner, Great Lakes and Lower Ohio Division, (202) 761-4589 or Janet.Cote@usace.army.mil.



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

Encl

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SEC. 1140. FEDERAL COST LIMITATION FOR CERTAIN PROJECTS.

“Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended by adding at the end the following:

(5) RECREATION FEATURES.—A project carried out pursuant to this subsection may include compatible recreation features as determined by the Secretary, except that the Federal costs of such features may not exceed 10 percent of the Federal ecosystem restoration costs of the project.”.

SECTION 506(c) AS AMENDED BY SECTION 1140

(c) Great Lakes fishery and ecosystem restoration.

- (1) Support plan.
 - (A) In general. Not later than 1 year after the date of enactment of this Act [enacted Dec. 11, 2000], the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.
 - (B) Use of existing documents. To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act [enacted Dec. 11, 2000], such as lakewide management plans and remedial action plans.
 - (C) Cooperation. The Secretary shall develop the plan in cooperation with--
 - (i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and
 - (ii) other affected interests.
- (2) Reconnaissance studies. Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study--
 - (A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and
 - (B) to determine whether planning of a project under paragraph (3) should proceed.
- (3) Projects. The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.
- (4) Evaluation program.
 - (A) In general. The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (3) in meeting fishery and ecosystem restoration goals.
 - (B) Studies. Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.
- (5) Recreation features. A project carried out pursuant to this subsection may include compatible recreation features as determined by the Secretary, except that the Federal costs of such features may not exceed 10 percent of the Federal ecosystem restoration costs of the project.