



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

CECW-P

FEB 16 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1106 of the Water Resources Development Act of 2016 (WRDA 2016), Alternative Projects to Maintenance Dredging

1. Section 1106 of WRDA 2016 was completed and signed on 5 February 2018. The implementation guidance is posted in the U.S. Army Corps of Engineers website: <http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.
2. Questions regarding this implementation guidance should be directed to Sheryl Carrubba, Acting Chief, Navigation and Operations Branch, at (202) 761-8648 or Sheryl.A.Carrubba@usace.army.mil.

A handwritten signature in blue ink, appearing to read "J. Dalton".

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

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**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108**

FEB -5 2013

MEMORANDUM FOR COMMANDING GENERAL U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Implementation Guidance for Section 1106 of the Water Resources Development Act (WRDA) of 2016, Alternative Projects to Maintenance Dredging

1. Section 1106 of WRDA 2016 authorizes the Secretary to enter in to agreements to assume the operation and maintenance (O&M) costs of an alternative project to maintenance dredging for a Federal navigation channel if the costs of the operation and maintenance of the alternative project, and any remaining costs necessary for maintaining the Federal navigation channel, are less than the costs of maintaining such channel without the alternative project. Section 1106 of WRDA 2016 is enclosed.

2. The Assistant Secretary of the Army for Civil Works (ASA(CW)) may accept proposals for assuming the costs of operating and maintaining alternative projects to maintenance dredging for a Federal navigation channel from entities who qualify as non-Federal interests as that term is defined in Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962-5b(b)). The non-Federal interest must prepare a report at non-Federal expense for review and approval documenting the economic justification, details of project plans and design, arrangements for the execution of the work if unconstructed, and environmental compliance documentation. If the proposed alternative project has not been constructed as of December 16, 2016, the non-Federal interest must obtain approval of the report, and execute a written agreement for the U.S. Army Corps of Engineers (Corps) to assume costs of O&M, prior to initiating construction in order to remain eligible for assumption of O&M costs.

3. If the alternative project requires permission under 33 U.S.C. 408 (Section 408), the Section 1106 report must include information to also serve as the documentation and basis for making the Section 408 determination. The decision level for the Section 408 determination will be in accordance to current Corps procedures. The Section 1106 report shall be submitted to the ASA-CW who will coordinate the report with HQUSACE for review and comment. The Section 408 permission and any other necessary permits (Section 10/404/103) must be approved prior to the ASA(CW) making a decision.

4. The non-Federal interest shall submit 15 hard copies and 15 CD copies of the Section 1106 report to the ASA(CW), attention Room 6S91, GAO Building, 441 G Street, N.W. Washington, DC 20314-1000. ASA(CW) staff will refer the Sec 1106 report to the Commanding General Corps for coordination with the appropriate MSC(s) and District Commander(s) for review and comment. The MSC, HQUSACE, and

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ASA(CW) staff shall review the report concurrently to ensure that comments are provided with 80 days to the ASA(CW). The District Commander(s) will provide a recommendation of whether or not the report adequately meets all necessary requirements and whether the Corps should assume O&M costs of the alternative project. The recommendation will be forwarded to the MSC Commander for their review and recommendation. The MSC recommendation and the report will be forwarded to the appropriate Headquarters Regional Integration Team (RIT) for action. Upon completion of the HQUSACE review, The Office of Water Project Review (OWPR) will prepare review comments and the DCW will transmit the Section 1106 report and a recommendation to the ASA(CW) for review and a decision regarding assumption of O&M costs of the alternative project.

5. Following approval by the ASA(CW), the non-Federal interest shall enter into a written agreement for the Corps to assume O&M costs of the alternative project. The agreement shall provide for reimbursement to the non-Federal interest for O&M costs it incurs. Reimbursement for O&M shall be subject to existing budgetary policy and must compete for funding during the annual budget process.

6. Questions regarding this implementation guidance should be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works at 703-695-4641 or gib.a.owen.civ@mail.mil. Technical questions may be directed to the Chief, Navigation and Operations Branch at 202-761-8648.



RYAN A. FISHER
Acting Assistant Secretary of the Army
(Civil Works)

Encl

SEC. 1106. ALTERNATIVE PROJECTS TO MAINTENANCE DREDGING.

The Secretary may enter into agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a Federal navigation channel if the costs of the operation and maintenance of the alternative project, and any remaining costs necessary for maintaining the Federal navigation channel, are less than the costs of maintaining such channel without the alternative project.