



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 1169 of the Water Resources Development Act of 2016 (WRDA 2016), Shore Damage Prevention or Mitigation

1. Section 1169 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 Joseph Mose, Continuing Authority Program Project Manager, Programs Integration Division, at (202) 761-4825 or [Joseph.H.Mose@usace.army.mil](mailto:Joseph.H.Mose@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 1169 of the Water Resources and Development Act of 2016 (WRDA 2016), Shore Damage Prevention or Mitigation

1. Section 1169 of WRDA 2016 further amends Section 111 of the River and Harbor Act of 1968, as amended (33 U.S.C. 426i), to provide that studies under Section 111 are cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the Federal navigation project causing the shore damage. It further provides that in any case in which the Secretary implements a project under Section 111, the Secretary shall reimburse or credit the non-Federal interest for any amounts contributed for the study evaluating the damage in excess of the non-Federal share of the costs. Section 111, as amended (33 U.S.C. 426i), is enclosed, as well as Section 1169 of WRDA 2016.

2. In accordance with Section 111, studies of mitigation of shore damages resulting from construction of a Federal navigation project are cost shared in the same proportion as the cost sharing provisions applicable to construction of that Federal navigation project. For pre-WRDA 1986 navigation projects, cost sharing was generally limited to non-Federal sponsor provision of real estate and performance of relocations. For navigation projects implemented post WRDA 1986, the non-Federal sponsor is required to pay a percentage of construction costs based on the depth of the project and includes an additional 10 percent which may be paid back over a period not to exceed 30 years (33 U.S.C. 2211). Consequently, the appropriate U.S. Army Corps of Engineers (USACE) district will need to review the project authorizing document and executed agreement for the underlying Federal navigation project causing the shore damage to determine the applicable cost sharing for the Section 111 study. The district will develop the draft feasibility cost sharing agreement and transmit it through the Major Subordinate Command (MSC) to the appropriate Regional Integration Team (RIT) for coordination within and approval by HQUSACE.

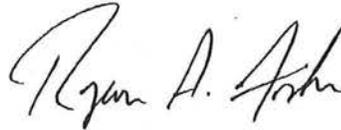
3. Execution of a project partnership agreement (PPA) is required prior to initiation of any measures approved for implementation under Section 111. The district will develop the draft PPA and transmit it through the MSC to the appropriate RIT for

SUBJECT: Implementation Guidance for Section 1167 of the Water Resources and Development Act of 2016 (WRDA 2016), Hurricane and Storm Damage Reduction

coordination within HQUSACE. The draft PPA shall be transmitted to the Assistant Secretary of the Army for Civil Works for review and approval. The draft PPA will include provisions providing for credit or reimbursement for any amounts contributed for the study evaluating the damage that are in excess of the non-Federal share of study costs under Section 111, as amended by Section 1169 of WRDA 2016, subject to available funding.

4. The above guidance will be incorporated into ER 1105-2-100, Appendix F, when it is updated.

5. Questions regarding this implementation guidance may be directed to Gib Owen, at [gib.a.owen.civ@mail.mil](mailto:gib.a.owen.civ@mail.mil) or 703-695-4641.



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

Encl

**Section 111 of the River and Harbor Act of 1968, as amended (33 U.S.C. 426i).  
Shore damage mitigation.**

(a) In general. The Secretary of the Army is authorized to investigate, study, plan, and implement structural and nonstructural measures for the prevention or mitigation of shore damages attributable to Federal navigation works and shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway, if a non-Federal public body agrees to operate and maintain such measures, and, in the case of interests in real property acquired in conjunction with nonstructural measures, to operate and maintain the property for public purposes in accordance with regulations prescribed by the Secretary.

(b) Cost sharing. The costs of implementing measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project causing the shore damage.

(c) Requirement for specific authorization. No such project shall be initiated without specific authorization by Congress if the Federal first cost exceeds \$ 10,000,000.

(d) Coordination. The Secretary shall--

(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.

(e) Reimbursement for feasibility studies. Beginning on the date of enactment of this subsection [enacted Dec. 16, 2016], in any case in which the Secretary implements a project under this section, the Secretary shall reimburse or credit the non-Federal interest for any amounts contributed for the study evaluating the damage in excess of the non-Federal share of the costs, as determined under subsection (b).

**SEC. 1169. SHORE DAMAGE PREVENTION OR MITIGATION.**

Section 111 of the River and Harbor Act of 1968 (33 U.S.C.

426i) is amended—

(1) in subsection (b) by striking “measures” and all that follows through “project” and inserting “measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project”;

and

(2) by adding at the end the following:

“(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.—Beginning on the date of enactment of this subsection, in any case in which the Secretary implements a project under this section, the Secretary shall reimburse or credit the non-Federal interest for any amounts contributed for the study evaluating the damage in excess of the non-Federal share of the costs, as determined under subsection (b).”