



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 1322 of the Water Resources Development Act of 2016 (WRDA 2016), Expedited Considerations

1. Section 1322 of WRDA 2016 was completed and signed on 12 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 Ada Benavides, Senior Policy Advisor, Planning and Policy Division, at (202) 761-0415 or Ada.Benavides@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
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FEB 12 2018

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

SUBJECT: Implementation Guidance for Section 1322 of the Water Resources
Development Act of 2016 (WRDA 2016), Expedited Consideration

1. Section 1322(a) of WRDA 2016 amends Section 1011 of the Water Resources Reform and Development Act (WRRDA) of 2014 regarding prioritization criteria for hurricane and storm damage reduction projects and ecosystem restoration projects. Section 1322(b) designates specific projects for priority funding. Section 1322 of WRDA 2016 and Section 1011 of WRRDA 2014, as amended by Section 1322(a), are enclosed.

2. Section 1011, as amended by Section 1322(a) of WRDA 2016.

A. This provision requires the Secretary, when considering authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage reduction (HSDR), to give priority to those projects and studies that address imminent threat to life and property; prevent storm surge from inundating populated areas; restore or prevent loss of coastal wetlands; protect emergency hurricane evacuation routes or shelters; prevent adverse impacts to publicly owned or funded infrastructure and assets; minimize disaster relief costs to the Federal Government; and address hurricane and storm damage risk reduction in an area for which the President declared a major disaster. Section 1011, as amended, also requires that the Secretary, when considering authorized projects with a primary purpose of ecosystem restoration, to give funding priority to projects that address a threat to public health, safety, or welfare; preserve or restore ecosystems of national significance; or preserve or restore habitats for federally protected species.

B. Section 1011 prioritization criteria is consistent with current performance based budgeting metrics that are used by the Secretary for recommendations to the Office of Management and Budget (OMB) and development of the President's budget.

C. This provision also includes reporting requirements, which direct the Secretary to report to the authorizing committees a list of all ongoing HSDR feasibility studies that have signed feasibility cost-share agreements and have received federal funds since 2009, and all authorized HSDR projects. Projects on this list that meet the criteria for priority funding will be identified, and a plan for expeditiously completing these projects,

SUBJECT: Implementation Guidance for Section 1322 of the Water Resources Development Act of 2016 (WRDA 2016), Expedited Consideration

subject to funding, will be provided. Additionally, Section 1322(a) directs the Secretary to submit to the authorizing committees a list of programmatic authorities for ecosystem restoration or improvement of the environment authorized in WRDA 2007 or later that meet the prioritization criteria and a plan for expeditiously completing these projects, subject to funding.

D. In order to collect the requested information and conduct the analyses required by Section 1011(a)(2) and (b)(2), as amended by Section 1322 of WRDA 2016, additional funding will be required. Funding will be considered during development of the annual President's budget. At such time when funds are made available, reports will be developed to fulfill the requirements in this provision.

3. Section 1322(b) of WRDA 2016.

A. Section 1322(b)(1) directs the Secretary to prioritize funding for and expedite completion of specified authorized projects with the primary purpose of flood damage reduction and flood risk management. Section 1322(b)(2) directs the Secretary to prioritize funding and expedite completion of specified feasibility studies, and if the Secretary determines that the project is justified, proceed to the preconstruction engineering and design phase. Section 1322(b)(3) directs the Secretary to prioritize funding and expedite completion of a specified post-authorization change report. And Section 1322(b)(4) directs the Secretary to expedite review and decision on recommendations for two specified flood damage reduction and flood risk management projects.

B. Funding for all water resources development project feasibility studies and construction activities will be determined during development of the annual President's budget and other budgetary opportunities.

4. Questions regarding this implementation guidance may be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works at gib.a.owen.civ@mail.mil or 703-695-4641.



RYAN A. FISHER
Principal Deputy Assistant Secretary of the Army
Civil Works

Encl

Section 1322 of WRDA 2016. EXPEDITED CONSIDERATION.

(a) IN GENERAL. Section 1011 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2341a) is amended

(1) in subsection (a)

(A) in paragraph (1)(C) by inserting “restore or” before “prevent the loss”; and

(B) in paragraph (2)

(i) in the matter preceding subparagraph (A), by striking “the date of enactment of this Act” and inserting “the date of enactment of the Water Resources Development Act of 2016”; and

(ii) in subparagraph (A)(ii) by striking “that” and all that follows through “limited reevaluation report”; and

(2) in subsection (b)

(A) in paragraph (1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) in the matter preceding subparagraph (A) (as so redesignated) by striking “For” and inserting the following: “(1) IN GENERAL.—For”; and

(D) by adding at the end the following:

(2) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROGRAMMATIC AUTHORITIES.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains

(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that

(i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) or any subsequent Act; and

(ii) that meet the criteria described in paragraph (1); and

(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.”.

(b) EXPEDITED CONSIDERATION.

(1) EXPEDITED COMPLETION OF FLOOD DAMAGE REDUCTION AND FLOOD RISK MANAGEMENT PROJECTS. For authorized projects with a primary purpose of flood damage reduction and flood risk management, the Secretary shall provide priority funding for and expedite the completion of the following projects:

(A) Chicagoland Underflow Plan, Illinois, including stage 2 of the McCook Reservoir, as authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (Public Law 100-676; 102 Stat. 4013) and modified by section 319 of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3715) and section 501(b) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 334).

(B) Cedar River, Cedar Rapids, Iowa, as authorized by section 7002(2)(3) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1366).

(C) Comite River, Louisiana, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4802) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3709) and section 371 of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 321).

(D) Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, as authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 277) and modified by section 116 of title I of division D of Public Law 108-7 (117 Stat. 140) and section 3074 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1124).

(E) The projects described in paragraphs (29) through (33) of section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)).

(2) EXPEDITED COMPLETION OF FEASIBILITY STUDIES. The Secretary shall give priority funding and expedite completion of the reports for the following projects, and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287):

(A) The project for navigation, St. George Harbor, Alaska.

(B) The project for flood risk management, Rahway River Basin, New Jersey.

(C) The Hudson-Raritan Estuary Comprehensive Restoration Project.

(D) The project for navigation, Mobile Harbor, Alabama.

(E) The project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona.

(F) The project for flood risk management, Lower San Joaquin River, California. In carrying out the feasibility study for the project, the Secretary shall include Reclamation District 17 as part of the study.

(G) The project for flood risk management and ecosystem restoration, Sacramento River Flood Control System, California.

(H) The project for hurricane and storm damage risk reduction, Ft. Pierce, Florida.

(I) The project for flood risk management, Des Moines and Raccoon Rivers, Iowa.

(J) The project for navigation, Mississippi River Ship Channel, Louisiana.

(K) The project for flood risk management, North Branch Ecorse Creek, Wayne County, Michigan.

(3) EXPEDITED COMPLETION OF POST-AUTHORIZATION CHANGE REPORT. The Secretary shall provide priority funding for, and expedite completion of, a post-authorization change report for the project for hurricane and storm damage risk reduction, New Hanover County, North Carolina.

(4) COMPLETION OF PROJECTS UNDER CONSTRUCTION BY NON-FEDERAL INTERESTS. The Secretary shall expedite review and decision on recommendations for the following projects for flood damage reduction and flood risk management:

(A) Pearl River Basin, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4132), as modified by section 3104 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1134), submitted to the Secretary under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1193)).

(B) Brays Bayou, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (Public Law 101-640; 104 Stat. 4610), as modified by section 211(f)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(f)(6)) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1193)).

Section 1011 of WRRDA 2014, as amended by Section 1322 of WRDA 2016.

SEC. 1011. PRIORITIZATION.

(a) PRIORITIZATION OF HURRICANE AND STORM DAMAGE RISK REDUCTION EFFORTS.—

- (1) **PRIORITY.** For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that
- (A) address an imminent threat to life and property;
 - (B) prevent storm surge from inundating populated areas;
 - (C) restore or prevent the loss of coastal wetlands that help reduce the impact of storm surge;
 - (D) protect emergency hurricane evacuation routes or shelters;
 - (E) prevent adverse impacts to publicly owned or funded infrastructure and assets;
 - (F) minimize disaster relief costs to the Federal Government; and
 - (G) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) **EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.** Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall

- (A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all
 - (i) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost share agreements and have received Federal funds since 2009; and
 - (ii) authorized hurricane and storm damage reduction projects.
- (B) identify those projects on the list required under subparagraph (A) that meet the criteria described in paragraph (1); and
- (C) provide a plan for expeditiously completing the projects identified under subparagraph (B), subject to available funding.

(b) PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.

- (1) **IN GENERAL.** For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—
- (A) that
 - (i) address an identified threat to public health, safety, or welfare;
 - (ii) preserve or restore ecosystems of national significance; or

- (iii) preserve or restore habitats of importance for federally protected species, including migratory birds; and
- (B) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

(2) **EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROGRAMMATIC AUTHORITIES.** Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains

- (A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that
 - (i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) or any subsequent Act; and
 - (ii) that meet the criteria described in paragraph (1); and
- (B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.