



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

CECW-P

MAR 20 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1179(a) of the Water Resources Development Act of 2016 (WRDA 2016), Missouri River Reservoir Sediment

1. Section 1179(a) of WRDA 2016 was completed and signed on 5 March 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 Steven Kopecky, Deputy Chief, Northwestern Division Regional Integration Team, at (202) 761-4527 or Steven.Kopecky@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

MAR - 5 2018

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

SUBJECT: Implementation Guidance for Section 1179(a) of the Water Resources Development Act (WRDA) 2016, Missouri River Reservoir Sediment Management

1. Section 1179(a) directs the Secretary of the Army to carry out a pilot program for the development and implementation of sediment management plans for reservoirs under the jurisdiction of the Secretary in the Upper Missouri River Basin. The prioritization of the projects within the pilot program will be based on the requests by project beneficiaries. A copy of Section 1179(a) is attached.

2. Definitions.

a. The term "sediment management plan" means a plan for preventing sediment from reducing water storage capacity at a reservoir by preventing sediment collection, or for increasing water storage capacity at a reservoir through sediment removal, or a combination of both. Depending on the needs of U.S. Army Corps of Engineers (Corps) operations as well as the needs of the beneficiaries, a sediment management plan may cover a part of a reservoir, a tributary or tributaries of a reservoir, or a combination of the above, on Federal lands. Sediment management plans under Section 1179(a) are integral components of the operational and water control plans of the respective reservoirs, and the calculation of anticipated benefits of the sediment management plans shall take into consideration the release and drawdown schedules and rule curves of the reservoirs.

b. The term "non-Federal interest" means: (1) a legally constituted public body (including a federally recognized Tribe and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation and Village Corporation); or (2) a nonprofit entity with the consent of the affected local government, that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform. Implementation Guidance for Section 2003(b) of WRDA 2007, dated April 5, 2012, provides further guidance on the eligibility of nonprofit entities to act as non-Federal sponsors.

c. The term "project beneficiary" means a non-Federal interest that requests a sediment management plan under Section 1179(a), and that will receive benefits from implementation of the plan (the "project" as used herein, to be distinguished from the Upper Missouri River Basin reservoir that is being modified). Multiple beneficiaries may be involved with the development and implementation of a sediment management plan at a reservoir.

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d. The term "Upper Missouri River Basin" means the Missouri River watershed above Sioux City, Iowa, primarily within the States of Montana, Wyoming, Nebraska, North Dakota and South Dakota.

3. As Corps reservoirs in the Upper Missouri River Basin are authorized for multiple purposes, including: flood risk management, navigation, irrigation, hydropower, recreation, water supply and fish and wildlife, a sediment management plan has the potential of benefiting some or all of these purposes. Benefits from a sediment management plan may include both economic and ecological benefits. Both direct and indirect benefits of sediment management may be included. The statute requires project beneficiaries requesting a sediment management plan to share in the cost of development and implementation in accordance with the benefits to be received.

4. The Assistant Secretary of the Army for Civil Works (ASA(CW)) may establish a sediment management plan pilot project at a Corps reservoir in the Upper Missouri River Basin upon the request of one or more project beneficiaries. The ASA(CW) may delegate the pilot program upon request of the Commanding General of the Corps. Each project beneficiary must submit a Letter of Intent and be prepared to sign a study cost sharing agreement prior to beginning development of the sediment management plan. A draft Model Study Agreement for Section 1179(a) of WRDA 2016 will be developed and transmitted to the ASA(CW) for review and approval. Upon approval, the agreement will be posted on the Corps Civil Works Agreements website: <http://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements>. New start study approval will be obtained, if appropriate before executing a study agreement. The study will be cost shared at 50 percent Federal and 50 percent non-Federal expense. Such studies will be funded with Investigations appropriations or through a different account at the direction of the ASA(CW) in writing.

5. For Corps reservoirs, the development of a sediment management plan will follow Corps requirements for conducting water resources planning studies, as contained in Engineer Regulation 1105-2-100 and related guidance. In accordance with Corps policy and law for completion of water resource feasibility studies, the development of a sediment management plan may take no more than three years to complete and cost no more than \$3 million unless an exemption is approved by the ASA(CW). If implementation of a sediment management plan is recommended under Section 1179(a), then a report, will be transmitted by the Director of Civil Works, to the ASA(CW) for review and approval. Following approval of a report, and the approval of a new start project decision, if appropriate, the ASA(CW) may seek Construction appropriations through normal appropriations processes. The plans shall:

- a. Provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;
- b. Evaluate the volume of sediment in a reservoir and impacts on storage capacity;
- c. Identify preliminary sediment management options, including sediment dikes and dredging;
- d. Identify constraints;
- e. Assess technical feasibility, economic justification, and environmental impacts;

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f. Identify beneficial uses for sediment, including those authorized by Section 204 of WRDA 1992, as amended (33 U.S.C. 2326);

g. To the maximum extent practicable, use, develop, and demonstrate innovative, cost-saving technologies, including structural and nonstructural technologies and designs, to manage sediment; and

h. Completion of all environmental compliance to include National Environmental Policy Act documentation.

6. The benefits and corresponding costs of the sediment management plan will be assigned to the various reservoir purposes. Costs corresponding to the benefits to the project beneficiary will be provided by such beneficiary, as non-Federal sponsor, under an agreement with the Corps. In any case where a project beneficiary is providing funds that it received from another federal agency, the project beneficiary must provide written confirmation from that federal agency that the funds are authorized to be used for the Section 1179(a) purpose. Costs corresponding to benefits not accruing to project beneficiaries shall be funded by the Corps through appropriated funds, subject to recovery by the Government as described in paragraph 7 of this guidance.

7. Pursuant to the authorizations for the Upper Missouri River Basin Reservoirs, costs expended by the Corps for operations, maintenance, repair, rehabilitation and replacement of the reservoirs are subject to being recovered by the Government to the extent they are allocated to certain purposes such as hydropower or reclamation (subject to Federal Reclamation law). All Corps appropriations expended under Section 1179(a) for the development and implementation of sediment management plans, including study, design and construction costs assigned to these purposes, are therefore subject to such reimbursement. In addition, should a hydropower or reclamation interest become a project beneficiary by requesting a sediment management plan under Section 1179(a), its required share of development and implementation costs will not be contributed up-front, but will be reimbursed in accordance with the appropriate statutes and procedures applicable to Upper Missouri River Basin Reservoirs.

8. A Model Project Partnership Agreement for implementation of Section 1179(a) of WRDA 2016 will be developed and transmitted to the ASA(CW) for approval, and posted on the Corps Civil Works Agreements website, for implementation of the sediment management plan. Pursuant to Section 1179 (a)(5), contributed funds may be accepted from non-Federal interests and other federal agencies to develop and implement a sediment management plan. If the proposing project beneficiary is providing the contributed funds in excess of its required cost share, provision for the acceptance of such funds will be made in the appropriate agreement. If the funds will be contributed by other non-Federal interests, or by other federal agencies, the Corps should use the template Memorandum of Agreement (MOA) to be posted on the Corps Civil Works Agreements website under "Agreement Templates," for receipt of funds from such other non-Federal interests. The template MOA may be modified as appropriate, subject to approval, to address case-specific circumstances. Following Counsel review and concurrence that the negotiated MOA is acceptable, the ASA(CW) or his designee may approve and sign the MOA.

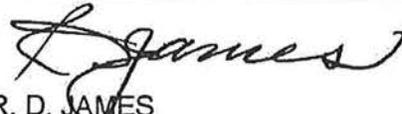
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9. For potential sediment management plans at Bureau of Reclamation reservoirs, the Corps may partner with the Bureau, at its request, using funds from the Bureau. The Corps may participate upon the execution of a MOA between the ASA(CW) and the Secretary of the Department of the Interior. The MOA shall establish the framework for a partnership and the terms and conditions for sharing expertise and resources. The Bureau shall take the lead in developing and implementing a sediment management plan for that reservoir.

10. The Corps shall use the knowledge gained through the pilot program to develop guidance for sediment management at other reservoirs. To facilitate the distribution of knowledge gained, the Corps will conduct an after-action review following completion of each sediment management plan and prepare a report for dissemination throughout the Corps. Furthermore, after the completion of several sediment management plans, a lessons learned workshop will be held with managers from other reservoirs.

11. 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. Technical questions may be directed to Steven Kopecky, Deputy Chief, Northwestern Division Regional Integration Team, at (202) 761-4527 or steven.kopecky@usace.army.mil.

Encl



R. D. JAMES
Assistant Secretary of the Army
Civil Works

(Civil Works)SEC. 1179. MISSOURI RIVER.

(a) RESERVOIR SEDIMENT MANAGEMENT.

(1) DEFINITION OF SEDIMENT MANAGEMENT PLAN. In this subsection, the term "sediment management plan" means a plan for preventing sediment from reducing water storage capacity at a reservoir and increasing water storage capacity through sediment removal at a reservoir.

(2) UPPER MISSOURI RIVER BASIN PILOT PROGRAM. The Secretary shall carry out a pilot program for the development and implementation of sediment management plans for reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, on request by project beneficiaries.

(3) PLAN ELEMENTS. A sediment management plan under paragraph (2) shall

- (A) provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;
- (B) evaluate the volume of sediment in a reservoir and impacts on storage capacity;
- (C) identify preliminary sediment management options, including sediment dikes and dredging;
- (D) identify constraints;
- (E) assess technical feasibility, economic justification, and environmental impacts;
- (F) identify beneficial uses for sediment; and
- (G) to the maximum extent practicable, use, develop, and demonstrate innovative, cost-saving technologies, including structural and nonstructural technologies and designs, to manage sediment.

(4) COST SHARE. The beneficiaries requesting a sediment management plan shall share in the cost of development and implementation of the plan and such cost shall be allocated among the beneficiaries in accordance with the benefits to be received.

(5) CONTRIBUTED FUNDS. The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

(6) GUIDANCE. The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

(7) PARTNERSHIP WITH SECRETARY OF THE INTERIOR.

(A) IN GENERAL. The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program may apply to reservoirs managed or owned by the Bureau of Reclamation on execution of a memorandum of agreement between the Secretary and the Secretary of the Interior establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(B) LEAD AGENCY. The Secretary that has primary jurisdiction over a reservoir shall take the lead in developing and implementing a sediment management plan for that reservoir.

(8) OTHER AUTHORITIES NOT AFFECTED. Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).