



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

CECW-P

APR 17 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Implementation Guidance for Section 1160 of the Water Resources Development Act (WRDA) of 2018, Emergency Response to Natural Disasters

1. The Assistant Secretary of the Army, Civil Works approved on 12 April 2019 Section 1160 of WRDA 2018. The attached implementation guidance is posted for internal and external use on the U.S. Army Corps of Engineers official WRDA website:  
<http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/>.
2. Please ensure wide dissemination of this guidance. Questions regarding this implementation guidance should be directed to the Headquarters POC, Willem Helms, Program Manager, Homeland Security, at (202) 761-5909 or [willem.h.helms@usace.army.mil](mailto:willem.h.helms@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  
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APR 12 2019

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

SUBJECT: Implementation Guidance for Section 1160 of the Water Resources Development Act of 2018, Emergency Response to Natural Disasters

1. References:

a. Engineer Regulation 500-1-1, Emergency Employment of Army and Other Resources: Civil Emergency Management Program, dated 30 September 2001

b. Engineer Pamphlet (EP) 500-1-1, Civil Emergency Management Program—Procedures, dated 30 September 2001

c. Implementation Guidance for Section 3029(a)(2) of the Water Resources Reform and Development Act of 2014, Emergency Response to Natural Disasters; Repair or Restoration of Coastal Storm Risk Management Projects to Design Level of Protection, dated 30 May 2017

2. Section 1160 of the Water Resources Development Act of 2018 (WRDA 2018) amends the authority provided in Section 5(a) of the Act of August 18, 1941 (33 U.S.C. 701n), commonly referred to as P.L. 84-99 by adding the option of realignment to the modifications that can be made to flood control works and changing the authorized level of restoration for Coastal Storm Risk Management projects. Section 1160 of WRDA 2018 and Section 5(a) of the Act of August 18, 1941, as amended (33 U.S.C. 701n) are enclosed.

3. Current P.L. 84-99 policy already allows realignment and other modifications to Flood Risk Management (FRM) projects undergoing rehabilitation, when such modifications are the most cost-effective alternative and do not increase the project's level of protection, extend protection to a larger area, or correct deficiencies in the project. See paragraph 5-2n of reference 1a.

4. P.L. 84-99 Rehabilitation assistance for Coastal Storm Risk Management (CSR) projects ensures restoration to the design profile template. See reference 1c. In some circumstances, the pre-storm profile, which is the profile that existed the day prior to the storm, may be greater than the design profile template and restoration to the pre-storm profile may be necessary to ensure adequate functioning of the project based on project-specific conditions, such as greater than anticipated erosion rates. Accordingly, at the request of the non-Federal interest, the appropriate U.S. Army Corps of Engineers (Corps) District Commander will evaluate restoration to the pre-storm profile

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as an additional alternative in the Project Information Report. If the evaluation demonstrates that restoration to the pre-storm profile is not necessary to ensure adequate functioning of the project, restoration to the pre-storm profile may only proceed if the incremental costs above the costs to restore to the design profile template are funded as cost-shared periodic nourishment. See paragraph 5020h of reference 1a.

5. The guidance in paragraph 4 will be incorporated into title 33, Code of Federal Regulations, Part 203; ER 500-1-1, Civil Emergency Management; and Engineer Pamphlet (EP) 500-1-1, Civil Emergency Management – Procedures. An draft update to title 33, Code of Federal Regulations, Part 203; ER 500-1-1, Civil Emergency Management; and Engineer Pamphlet (EP) 500-1-1, Civil Emergency Management – Procedures will be completed and provided by the Director of Civil Works, Headquarters to the Assistant Secretary of the Army for Civil Works for review and action no later than one year of issuance of this guidance. All policies and procedures in these documents not pertaining to the level of restoration for CSRSM projects that is eligible for funding under P.L. 84-99 continue to apply.

6. This guidance shall be transmitted to the appropriate Corps Division and District Commanders and posted to the Corps' WRDA website within five business days of receipt (written or electronic) from this office. Guidance shall be transmitted as is and without additional guidance attached.

7. Questions regarding this implementation guidance should be directed to Sharron DaCosta- Chisley, Office of the Assistant Secretary of the Army for Civil Works, at [sharron.h.dacosta.civ@mail.mil](mailto:sharron.h.dacosta.civ@mail.mil) or 703-695-6789.



R. D. James  
Assistant Secretary of the Army  
(Civil Works)

Enclosures

cf: MG Scott Spellmon, Deputy Commanding General, Civil and Emergency Operations  
James Dalton, Director of Civil Works

**Water Resources development Act of 2018, Section 1160. Emergency Response to Natural Disasters**

Section 5(a)(1) of the Act of August 18, 1941 (33 U.S.C. 701n(a)(1)) is amended in the first sentence - (1) by striking "strengthening, raising, extending, or other modification thereof" and inserting "strengthening, raising, extending, realigning, or other modification thereof"; and (2) by striking "structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers," and inserting "structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to either the pre-storm level or the design level of protection, whichever provides greater protection, when, in the discretion of the Chief of Engineers."

**Section 5(a) of the Act of August 18, 1941, as amended by Section 1161(a) (33 U.S.C. 701n)**

(a) Emergency fund.

(1) There is authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operations, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the strengthening, raising, extending, realigning, or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control and subject to the condition that the Chief of Engineers may include modifications to the structure or project, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor; in the emergency protection of federally authorized hurricane or shore protection being threatened when in the discretion of the Chief of Engineers such protection is warranted to protect against imminent and substantial loss to life and property; in the repair and restoration of any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to either the pre-storm level or the design level of protection, whichever provides greater protection, when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor.