



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 1176 of the Water Resources Development Act (WRDA) of 2018, Preconstruction Engineering Design Demonstration Program

1. The Assistant Secretary of the Army, Civil Works approved on 12 April 2019 Section 1176 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, 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
ASSISTANT SECRETARY 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 1176 of the Water Resources Development Act of 2018, Preconstruction Engineering Design Demonstration Program

1. Reference.

Implementation Guidance for Section 3104 of the Water Resources Development Act of 2007 (WRDA 2007) – Pearl River Basin, Mississippi, dated May 12, 2008

2. Section 1176 of the Water Resources Development Act of 2018 directs the Secretary to allow a project previously authorized to execute under Section 211 of the Water Resources Development Act of 1996, as in effect on the day before the date of enactment of the Water Resources, Reform and Development Act of 2014, to begin Preconstruction Engineering and Design (PED) after a determination by the Secretary that the project is technically feasible, economically justified, and environmentally acceptable. Section 1176 is enclosed.

3. Section 1176 only applies to the project authorized under Section 3104 of the WRDA 2007, Pearl River Basin, Mississippi. Existing authorities will be used to conduct the review of the Pearl River project. The Secretary will review and determine whether the project is technically feasible, economically justified, and environmentally acceptable, will be consistent applicable policies, regulations, and federal laws. When reviewing the feasibility study and the environmental impact statement for the Pearl River project, the Assistant Secretary of the Army for Civil Works (ASA(CW)) will assess potential adverse downstream impacts to the Pearl River Basin resulting from the project.

4. If the ASA(CW) determines that the project is technically feasible, economically justified, and environmentally acceptable, the project will be eligible to compete for PED funding following the traditional U.S. Army Civil Works annual budget development guidance.

5. The construction design of the project undertaken with PED funding must conform to the project described in the feasibility report and environmental impact statement. Upon completion of design by the Vicksburg District Commander, the Commander shall obtain the non-Federal sponsor's concurrence of the construction design of the project. Within 30 days of completing the design and obtaining the non-Federal sponsors

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concurrency the District Commander, through the Major Subordinate Command Commander will provide the document to the Director of Civil Works for review. The Director of Civil Works will review and transmit the report and a recommendation to the ASA(CW) for review and action within 30 days of receipt of the report from the MSC Commander.

6. The Section 1176 authority terminates on 23 October 2023. Notwithstanding the Section 1176 authority, subject to the ASA(CW) making the necessary determinations, the Pearl River project can move into PED and construction under Section 3104 of WRDA 2007.

7. 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 and posted as is and without additional guidance attached.

8. Questions regarding this implementation guidance should 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.



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

Enclosure

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

Water Resources Development Act of 2018, Section 1176 - Preconstruction Engineering Design Demonstration Program

a) DEFINITION OF ENVIRONMENTAL IMPACT STATEMENT.

In this section, the term “environmental impact statement” means the detailed written statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DEMONSTRATION PROGRAM. The Secretary shall establish a demonstration program to allow a project authorized to execute pursuant to 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 (128 Stat. 1193)) to begin preconstruction engineering and design on a determination by the Secretary that the project is technically feasible, economically justified, and environmentally acceptable.

(c) REQUIREMENTS. For each project authorized to begin preconstruction engineering and design under subsection (b)

- (1) the project shall conform to the feasibility study and the environmental impact statement approved by the Secretary; and
- (2) the Secretary and the non-Federal sponsor shall jointly agree to the construction design of the project.

(d) SECRETARY REVIEW OF POTENTIAL ADVERSE IMPACTS. When reviewing the feasibility study and the environmental impact statement for a project under subsection (b), the Secretary shall follow current USACE Policy, Regulations, and Guidance, to assess potential adverse downstream impacts to the Pearl River Basin. Upon completion of the Secretary’s determination under subsection (b), the non-Federal sponsor shall design the project in a manner that addresses any potential adverse impacts or that provides mitigation in accordance with section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) SUNSET. The authority to carry out the demonstration program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

(f) SAVINGS PROVISION. Nothing in this section supersedes, precludes, or affects any applicable requirements for a project under subsection (b) under

- (1) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283);
- or
- (2) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).