



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

CECW-P

APR 25 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Implementation Guidance for Section 1164 of the Water Resources Development Act (WRDA) of 2018, Local or Regional Government Water Management Plans

1. The Assistant Secretary of the Army, Civil Works approved on 18 April 2019 Section 1164 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, Jeffrey Trulick, Biologist, Planning and Policy Division, at (202) 761-1380 or jeff.trulick@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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108 ARMY PENTAGON
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APR 18 2019

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

SUBJECT: Implementation Guidance for Section 1164 of the Water Resources Development Act of 2018, Local or Regional Government Water Management Plans

1. Section 1164 of the Water Resources Development Act of 2018 (WRDA 2018), authorizes the Secretary, with the consent of the non-Federal interest, to enter into a written agreement for a feasibility study for a water resources development project with a unit of local government in the watershed that has adopted a local or regional water management plan, to allow the unit of local government to participate in the feasibility study to determine if there is an opportunity to include additional feasible elements in the project to help achieve the purposes identified in the local or regional water management plan.
2. U.S. Army Corps of Engineers (Corps) District Commanders may permit a unit of local government in the watershed that has adopted a local or regional water management plan to participate in a feasibility study for a water resources development project in two ways. A unit of local government may serve as a sole or co-non-Federal sponsor to a Feasibility Cost Share Agreement (FCSA) executed under Section 105(a)(1) of the Water Resources Development Act of 1986 (WRDA 1986) (33 U.S.C. 2215(a)(1)), or it may partner separately with the non-Federal sponsor to a FCSA to provide input to the feasibility study. The approved model FCSA posted on the Corps' public website provides for 50/50 cost-sharing and includes optional text to accommodate multiple non-Federal sponsors. Approval of amendments to FCSAs to add the approved optional text has been delegated to the Division Commander and may be further delegated to the District Commander.
3. Local and regional water management plans may address such needs as stormwater management, water quality improvement, and water recycling and reuse. District Commanders shall ensure that such plans are taken into consideration in the existing and future-without-project condition when formulating projects for any water resources development purpose to ensure consistency and compatibility to the maximum extent practicable. District Commanders may expend federal funds to formulate, evaluate, and implement measures to address the needs identified in local and regional water management plans only if authorized by statute and consistent with policy.
 - a. A need addressed in a local or regional water management plan must be within the scope of the study authorization. If a need addressed in a local or regional

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water management plan is not included as an authorized study purpose, the Corps does not have the discretion to expand the scope of the study to formulate measures to address that need.

b. The formulation, evaluation, and implementation of measures to address needs identified in local and regional water management plans must also be consistent with policy.

(1) Corps policy supports formulation of engineering solutions to water quality degradation in ecosystem restoration studies when necessary to support habitat restoration, but the Corps will not propose any restoration projects or features that would result in treating or otherwise abating pollution problems caused by other parties where they have, or are likely to have, a legal responsibility for remediation or other compliance responsibility. See Engineer Regulation 1105-2-100, paragraph E-29g.

(2) Stormwater management and interior drainage is primarily a non-federal responsibility. The Corps formulates stormwater management measures in flood risk management (FRM) and coastal storm risk management (CSRМ) studies only when primary risk reduction measures intercept interior drainage. In such cases, measures to address intercepted interior drainage, as well as additional measures to address residual interior flooding if incrementally justified, may be evaluated and recommended for implementation as part of the FRM or CSRМ project. See ER 1105-2-100, paragraphs E-18e and E-21c(10) and (11).

(3) Both the formulation of measures for water quality improvement in ecosystem restoration studies and recommendations for cost-sharing interior drainage facilities in FRM and CSRМ studies are sensitive policy issues that District Commanders must coordinate with the policy and legal compliance review team.

(4) In some cases, District Commanders may investigate needs or measures identified in local and regional water management plans as part of a Locally Preferred Plan (LPP) at the non-Federal sponsor's request. LPPs must generally have outputs that are similar in-kind to the outputs of the National Economic Development (NED), National Ecosystem Restoration (NER), or combined NED/NER plan, and may require a portion of the Federal costs to be provided at 100 percent non-federal expense. LPPs also require approval from the Assistant Secretary of the Army for Civil Works to deviate from the NED, NER, or NED/NER plan. Further guidance on LPPs is provided in paragraph 2-3f(4) of ER 1105-2-100.

4. 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.

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



Enclosure

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

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

**Water Resources Development Act of 2018, Section 1164 - Local Government
Water Management Plans**

With the consent of the non-Federal interest for a feasibility study for a water resources development project, the Secretary may enter into a written agreement under section 221(a) of the Flood Control Act of 1970, with a unit of local government in the watershed that has adopted a local or regional water management plan, to allow the unit of local government to participate in the feasibility study to determine if there is an opportunity to include additional feasible elements in the project in order to help achieve the purposes identified in the local or regional water management plan.