



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

CECW-PB

MAR - 7 2008

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Implementation Guidance for Section 2010 of the Water Resources Development Act of 2007 (WRDA 2007) – Watershed Authorities and River Basin Assessments

1. Section 2010 of WRDA 2007 amends Section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a), to include the following river basins and watersheds: Tuscarawas River Basin, Ohio; Sauk River Basin, Snohomish and Skagit Counties, Washington; Niagara River Basin, New York; Genesee River Basin, New York; and White River Basin, Arkansas and Missouri. Section 2010 also modifies the non-federal cost sharing for assessments carried out under Section 729 of WRDA 1986 on or after 11 December 2000 from 50 percent to 25 percent, and deletes the appropriation authorization limit of \$15 million. A copy of the law is at enclosure one.
2. This guidance supplements CECW-BW guidance, dated 29 May 2001, Subject: Implementation Guidance for Section 202 of the Water Resources Development Act of (WRDA) 2000, Watershed and River Basin Assessments, which Amends Section 729, WRDA 1986, Study of Water Resources Needs of River Basins and Regions. Additional guidance on watershed planning will be forthcoming in the near future.
3. Agreements executed for Section 729 assessments after 8 November 2007 shall reflect the cost-sharing of 75% Federal/25% non-Federal as provided in Section 2010 of WRDA 2007. The non-Federal sponsor may provide its entire share through in-kind contributions. Agreements for Section 729 assessments shall follow the format of the model Feasibility Cost Sharing Agreement. Because the model FCSA agreement was not specifically developed for Section 729 assessments, submit these agreements through the MSC to HQUSACE for review and final approval by the Assistant Secretary of the Army (Civil Works).
4. For those agreements for Section 729 assessments that were executed on or after 11 December 2000, amend the agreement to change the cost-sharing requirement from 50% non-Federal to 25% non-Federal. Responsibility for the review and approval of these amendments is delegated to the MSC Commander and cannot be delegated further. If the final accounting for the assessment based on the amended cost-sharing shows that the cash contribution provided by the non-Federal Sponsor exceeds the non-Federal Sponsor's total required cost share, the Government will refund the excess cash amount to the non-Federal Sponsor, subject to the availability of funds. If funds are not available

CECW-PB

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to refund any cash contribution in excess of the non-Federal share, the District shall seek appropriations following the normal civil works budget process. The non-Federal Sponsor shall not be entitled to any reimbursement for the value of in-kind contributions that exceed the non-Federal cost share.

FOR THE COMMANDER:



DON T. RILEY
Major General, U.S. Army
Director of Civil Works

Encl

DISTRIBUTION: MSC COMMANDERS
Great Lakes and Ohio River Division
Mississippi Valley Division
North Atlantic Division
Northwestern Division
Pacific Ocean Division
South Atlantic Division
South Pacific Division
Southwestern Division

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) as amended:

(a) IN GENERAL. - The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to-

- (1) ecosystem protection and restoration;
- (2) flood damage reduction;
- (3) navigation and ports;
- (4) watershed protection;
- (5) water supply; and
- (6) drought preparedness.

(b) COOPERATION. - An assessment under subsection (a) shall be carried out in cooperation and coordination with-

- (1) the Secretary of the Interior;
- (2) the Secretary of Agriculture;
- (3) the Secretary of Commerce;
- (4) the Administrator of the Environmental Protection Agency; and
- (5) the heads of other appropriate agencies.

(c) CONSULTATION.- In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

(d) PRIORITY RIVER BASINS AND WATERSHEDS. - In selecting river basin and watersheds for assessment under this section, the Secretary shall give priority to -

- (1) the Delaware River basin;
- (2) the Kentucky River basin;
- (3) the Potomac River basin;
- (4) the Susquehanna River basin;
- (5) the Willamette River basin;
- (6) Tuscarawas River Basin, Ohio;
- (7) Sauk River Basin, Snohomish and Skagit Counties, Washington;
- (8) Niagara River Basin, New York;
- (9) Genesee River Basin, New York; and
- (10) White River Basin, Arkansas and Missouri.”;

(e) ACCEPTANCE OF CONTRIBUTIONS - In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

(f) COST-SHARING REQUIREMENTS.-

(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000 shall be 25 percent.

(2) CREDIT. -

(A) IN GENERAL.- Subject to subparagraph (B), the Secretary may credit toward the non-Federal share of an assessment under this section the cost of services, materials, supplies, or other in-kind contributions provided by the non-Federal interests for the assessment.

(B) MAXIMUM AMOUNT OF CREDIT.- The credit under subparagraph (A) may not exceed an amount equal to 25 percent of the costs of the assessment.

End