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

REPLY TO
ATTENTION OF

MAY 17 2016

CECW-CE

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1046 (a)(2)(A) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014)

1. Section 1046(a)(2)(A) of WRRDA 2014 provides that the Secretary shall conduct an assessment of the management practices, priorities, and authorized purposes at Corps reservoir projects in arid regions to determine the effects on water supply during drought conditions. It provides that the assessment shall identify actions that can be carried out within the scope of the Secretary's existing authorities to increase project flexibility for the purpose of mitigating drought impacts. Further, Section 1046 (a) authorizes the Secretary to enter into interagency agreements with other Federal agencies and cooperative agreements with non-Federal entities, and to accept and expend funds from non-Federal entities and other Federal agencies, to carry out the activities under subsection 1046(a). A copy of Section 1046(a)(2)(A), Section 1046(a)(4), Section 1046 (a)(5) and Section 1046 (a)(6) of WRRDA 2014 are enclosed.

2. Following the provision of appropriated funds or acceptance of funds from other Federal agencies or non-Federal entities for the assessment, CECW-CE will prepare a report that assesses the potential for changes to Corps reservoirs in arid regions to mitigate drought impacts. For the purposes of this assessment, arid regions is primarily the 17 Western states. The report will identify and make recommendations on actions that may reduce the impacts of droughts including recommendations that require additional authority. Consideration should be given to existing authorities that allow flexibility in mitigating drought impacts, such as changes to water control manuals, updating of drought contingency plans, and modifications to accommodate or expand water supply. In addition, the report should also identify and make recommendations on any authorities or practices that limit the Corps ability to reduce the impacts of droughts. Finally, the report will identify reservoirs where storage capacity has been significantly reduced and the extent of that reduction in storage capacity at each reservoir. The Corps will submit the draft report to the Assistant Secretary of the Army (Civil Works) (ASA(CW)) for approval and submission to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. Once ASA(CW) submits the report to the Committees, the Corps will make the report publically available.

3. No actions to mitigate any drought impacts identified in the assessment shall be undertaken under this authority until funds are specifically appropriated for such work or funds are accepted from non-Federal entities or other Federal agencies in accordance

with this Implementation Guidance. The MSC will request approval from HQUSACE through the appropriate Regional Integration Team (RIT) for any request to accept funds from non-Federal entities or another Federal agency. The request will include the following information: a letter from the other Federal agency or non-Federal entity proposing to provide funds; a description of the work to be accomplished; the amount of funding to be provided; and a draft agreement. Project specific reviews of operations and activities resulting from those reviews as authorized in subsection 1046(a)(4) will be conducted in accordance with existing guidance including ER 1105-2-100 and ER 1110-2-240. No work may be undertaken through an interagency agreement with another Federal agency or a cooperative agreement with non-federal entities unless funds are specifically appropriated for such work.

Encl

JAMES C. DALTON, P.E.
Chief, Engineering and Construction
U.S. Army Corps of Engineers

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SEC. 1046. RESERVOIR OPERATIONS AND WATER SUPPLY.

(a) DAM OPTIMIZATION.—

(1) DEFINITION OF PROJECT.—In this subsection, the term "project" means a water resources development project that is operated and maintained by the Secretary.

(2) REPORTS.—

(A) ASSESSMENT OF WATER SUPPLY IN ARID REGIONS.—

(i) IN GENERAL.—The Secretary shall conduct an assessment of the management practices, priorities, and authorized purposes at Corps of Engineers reservoirs in arid regions to determine the effects of such practices, priorities, and purposes on water supply during periods of drought.

(ii) INCLUSIONS.—The assessment under clause (i) shall identify actions that can be carried out within the scope of existing authorities of the Secretary to increase project flexibility for the purpose of mitigating drought impacts.

(iii) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of the assessment.

Section 1046 (a)(4) of WRRDA 2014. INTERAGENCY AND COOPERATIVE AGREEMENTS. –

The Secretary may enter into interagency agreements with the other Federal agencies and cooperative agreements with non-Federal interests to carry out this subsection and reviews of project operations or activities resulting from those reviews.

Section 1046 (a)(5) FUNDING.—

(A) IN GENERAL.—The Secretary may use to carry out this subsection, including any reviews of project operations identified in the plan developed under paragraph (2)(B)(ii)(I)(dd), amounts made available to the Secretary.

(B) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this subsection and reviews of project operations or activities resulting from those reviews.

Section 1046 (a)(6) EFFECT OF SUBSECTION.—

(A) IN GENERAL.—Nothing in this subsection changes the authorized purpose of any Corps of Engineers dam or reservoir.

(B) ADMINISTRATION.—The Secretary may carry out any recommendations and activities under this subsection pursuant to existing law.