



REPLY TO

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

JUN 17 2015

CECW-P

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS

SUBJECT: Implementation Guidance for Section 1036 of the Water Resources Reform and Development Act of 2014 - Non-Federal Plans to Provide Additional Flood Risk Reduction

1. Section 1036 of WRRDA 2014 directs that, if requested by a non-Federal interest, the Secretary shall carry out a locally preferred plan (LPP) that provides a higher level of protection than a flood risk management plan authorized in the Water Resources Reform and Development Act of 2014 (WRRDA 2014) if the Secretary determines that the plan is technically feasible and environmentally acceptable and the benefits of the plan exceed the costs of the plan. The Federal cost of any locally preferred plan carried out under Section 1036 shall not be greater than the share provided by law for elements of the National Economic Development (NED) plan. A copy of Section 1036 of WRRDA 2014 is enclosed.
2. If requested by the non-federal sponsor and as funds become available, the district may prepare a General Reevaluation Report (GRR) to evaluate whether the LPP has a higher level of flood risk reduction than the specifically authorized plan; whether the LPP is technically feasible and environmentally acceptable; and whether the benefits of the LPP exceed the costs of the LPP. The GRR will be cost shared 50% Federal and 50 % non-Federal. Any pertinent information that has been developed by the non-federal sponsor may be provided to the Corps for use in the preparation of the GRR and may reduce the overall cost of the GRR.
3. The district will review the authorized plan only to evaluate whether the LPP provides a higher level of flood risk reduction than the authorized plan. The GRR will not reformulate or add additional purposes to the authorized plan nor will it make a further determination of the NED plan. If during the development of the GRR it is determined that reformulation of the project is necessary, the district will contact Headquarters USACE for further guidance. Upon completion of the report, it will be submitted through the MSC for review and then to HQUSACE for review and transmittal to the ASA (CW).
4. Implementation of an LPP pursuant to Section 1036 is limited to the cost sharing for the NED plan of the authorized project as established in section 103 of WRDA 1986, as

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amended. All costs of the LPP in excess of the NED plan are a full non-Federal responsibility.



THEODORE A. BROWN, P.E.
Chief, Planning and Policy Division
Directorate of Civil Works

Encl

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SECTION 1036 OF WRRDA 2014 NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION.

(a) IN GENERAL.—If requested by a non-Federal interest, the Secretary shall carry out a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that—

- (1) the plan is technically feasible and environmentally acceptable; and
- (2) the benefits of the plan exceed the costs of the plan.

(b) NON-FEDERAL COST SHARE.—If the Secretary carries out a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national economic development plan.