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

MAR 18 2016

REPLY TO
ATTENTION OF

CECW-CO

MEMORANDUM FOR COMMANDER NORTHWESTERN DIVISION, DISTRICT COMMANDS, CHIEFS, OPERATIONS DIVISIONS AND DISTRICTS

SUBJECT: Implementation Guidance for Section 1039(d) of the Water Resources and Reform Development Act of 2014 (WRRDA 2014), Public Law 113-121 (Watercraft Inspection Stations)

1. Section 1039(d) of WRRDA 2014 further amends Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) to expand the existing Aquatic Plant Control Program to include aquatic invasive species in addition to noxious aquatic plant growths and to provide for prevention as well as control and progressive eradication. In addition, it authorizes the Secretary to establish watercraft inspection stations in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington and provides that the non-Federal share of the cost of constructing, operating, and maintaining the watercraft inspection stations shall be 50 percent and provided by the State or local governmental entity in which the inspection station is located. It provides that in the establishment of the watercraft inspection stations, the Secretary shall consult and coordinate with the relevant States, Indian tribes, and other Federal agencies. In addition, it authorizes the Secretary to carry out monitoring and contingency planning related to aquatic nuisance species. Finally, it increases the annual funding ceiling for the expanded program to $40 million. A copy of Section 104, as amended by Section 1039(d), is enclosed.

2. Policies and Procedures

a. Letter report. Using funding specifically appropriated for watercraft inspection stations and at Federal expense, the Northwestern Division may undertake an evaluation, including appropriate environmental compliance, documented in the form of a letter report and appropriate National Environmental Policy Act (NEPA) document, to determine the locations for establishment of watercraft inspection stations in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington that will provide the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Corps of Engineers. Maximum use should be made of existing information and prior study or evaluation efforts, including information prepared by others, with the aim of completing the letter report at a reasonable cost and as efficiently as possible. The evaluation should (1) include an analysis of the needs, problems, and opportunities in the affected area related to the spread of aquatic nuisance species, (2) provide information on costs and impacts of invasive species to Corps projects and facilities, (3) identify locations of existing watercraft inspection stations that are operated by others; (4) identify the locations for establishing new watercraft inspection stations with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Corps of Engineers, (5) include analysis on cost effectiveness, engineering feasibility, and environmental acceptability; (6) document lifecycle costs associated with any proposed watercraft stations, (7) delineate non-Federal roles and responsibilities, including any real estate requirements, and (8) provide recommendations on further action, including those that may require additional authorization to implement. For example, the evaluation should address the advisability of providing financial assistance to existing stations,

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rather than establishing new stations, even though additional authorization would be required. Along with the letter report, and if deemed required, a NEPA document and compliance with other related environmental compliance laws and regulations shall be prepared to address any proposed Federal action(s). The letter report and NEPA document, including draft NEPA decision document, shall be submitted by the Northwestern Division to the Headquarters for review and approval.

b. Establishment of Approved Watercraft Inspection Stations. If the Headquarters approves establishment of new watercraft inspections stations that can be implemented within existing authority, it will develop and provide a cost sharing agreement to be used. The cost sharing agreement may be used to cover multiple approved watercraft inspection stations, with the agreement executed with an appropriate non-Federal public entity that is authorized to act on behalf of the State or local governmental entities. However, in accordance with the law, the cost sharing agreement will specify that the non-Federal share of constructing, operating, and maintaining each specific watercraft inspection station must be provided by the particular State or local governmental entity in which the inspection station is located. Following execution of the cost sharing agreement and within existing funds specifically provided for that purpose, the Corps may design and construct approved watercraft inspection stations.

c. Coordination. In carrying out the evaluation and establishment of watercraft inspection stations, the Corps will consult and coordinate with the States of Idaho, Montana, Oregon, and Washington; with Indian tribes; and with other Federal agencies, including the Departments of Agriculture, Energy, Homeland Security, Commerce, and Interior. All coordination will be documented in the letter report.

4. Monitoring and risk assessments. Water quality monitoring, development of risk assessments and other contingency planning related to aquatic invasive species as provided for in Section 104 will be undertaken if funds are specifically appropriated for that purpose.

Encl

EDWARD E. BELK, Jr., P.E.
Chief, Operations and Regulatory Division
Directorate of Civil Works

Section 104 of the River and Harbor Act of 1958, as amended (33 U.S.C. 610)

Control of aquatic plant growths.

(a) In general.
(1) In general. There is hereby authorized a comprehensive program to provide for prevention, control, and progressive eradication of noxious aquatic plant growths and aquatic invasive species from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies.
(2) Local interests. Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations.
(3) Federal costs. Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) Appropriations. There are authorized to be appropriated such amounts, not in excess of $ 40,000,000, of which $ 20,000,000 shall be made available to implement subsection (d), annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

(c) Support. In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.

(d) Watercraft inspection stations.
(1) In general. In carrying out this section, the Secretary may establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.
(2) Cost share. The non-Federal share of the cost of constructing, operating, and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be--
(A) 50 percent; and
(B) provided by the State or local governmental entity in which such inspection station is located.
(3) Coordination. In carrying out this subsection, the Secretary shall consult and coordinate with--
(A) the States described in paragraph (1);
(B) Indian tribes; and
(C) other Federal agencies, including--
(i) the Department of Agriculture;

(ii) the Department of Energy;
(iii) the Department of Homeland Security;
(iv) the Department of Commerce; and
(v) the Department of the Interior.

(e) Monitoring and contingency planning. In carrying out this section, the Secretary may--
(1) carry out risk assessments of water resources facilities;
(2) monitor for aquatic invasive species;
(3) establish watershed-wide plans for expedited response to an infestation of aquatic invasive species; and
(4) monitor water quality, including sediment cores and fish tissue samples.