



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

CECW-HS

APR 04 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 3029(a)(2) of the Water Resources Reform and Development Act (WRRDA) of 2014, Emergency Response to Natural Disasters; Repair or Restoration of Coastal Storm Risk Management Projects to Design Level of Protection

1. Section 3029(a)(2) of WRRDA 2014 further amends Section 5 of the Flood Control Act of 1941 (33 U.S.C. 701n)(referred to as PL 84-99) to provide that the U.S. Army Corps of Engineers (USACE) is authorized to repair and restore any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor.

2. Effective immediately, Federally authorized Coastal Storm Risk Management projects damaged by an extraordinary storm may be repaired or restored, i.e., rehabilitated, to the design level of protection for the project.

a. Coastal Storm Risk Management Project (CSRMP) is the current term used for what is referred to as a Hurricane/Shore Protection Project in ER 500-1-1. For purposes of rehabilitation assistance under PL 84-99, the term "project" or "CSRMP project" includes a separable element of the project.

b. The design level of protection is the project's design profile template that reflects the project's minimum design dimensions that provide for the project's benefits that would trigger renourishment of the project, as established in the last approved USACE decision document, such as a General Reevaluation Report or Limited Reevaluation Report.

c. Rehabilitation assistance under PL 84-99 for a CSRMP project damaged by an extraordinary storm includes all repairs to hard structures and the replenishment of sacrificial features that replaces the beach fill lost due to the extraordinary storm and restores the design level of the project.

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3. Procedures.

a. Project Information Report. A Project Information Report (PIR) will be prepared in accordance with the template provided in Enclosure and will be used in lieu of the template for CSRMs projects in EP 500-1-1. The PIR will be submitted to HQUSACE, ATTN: CECW-HS, for review and approval.

b. Cooperation Agreements. District counsel will review the existing Project Partnership Agreement (PPA) for the project to determine if the PPA sufficiently protects the interests of the Government in the rehabilitation work to be undertaken.

(1) If the district counsel determines that the existing PPA is sufficient, in lieu of executing a Cooperation Agreement, the district commander will notify the sponsor in writing of the determination. The notification will identify any known cost share requirements. The notification will also advise the sponsor that the terms of the executed PPA, and in particular, the Hold and Save Harmless provision and the Operation, Maintenance, Repair, Replacement and Rehabilitation provision, remain in full effect and apply as well to the work that will be undertaken pursuant to PL 84-99. Prior to initiation of this work, the sponsor must confirm in writing these responsibilities and acknowledge that it will be providing all needed real estate and rights-of-entry at no cost to the Government.

(2) If the district counsel determines that the existing PPA is insufficient for protecting the interests of the Government, execution of a Cooperation Agreement is required, in accordance with ER 500-1-1, paragraph 2-4 (for general Cooperation Agreement policy) and EP 500-1-1, Chapter 5 and Appendix C (for procedures and format).

4. This guidance will be incorporated into the next update of title 33, Code of Federal Regulations, Part 203; Engineer Regulation 500-1-1, Civil Emergency Management; and Engineer Pamphlet (EP) 500-1-1, Civil Emergency Management - Procedures. Additional procedures in EP 500-1-1 not superseded in this document still apply.

5. Separate guidance will be issued to address the other amendments to PL 84-99 in WRRDA 2014 pertaining to modifications of flood control works (Section 3029 (a)(1)) as well as modifications to a CSRMS structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if

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requested by the non-Federal sponsor. This guidance will also be incorporated into the next update of 33 CFR 203, EP 500-1-1 and ER 500-1-1.

6. Point of Contact. The point of contact for this guidance is Mr. Frank Randon, PL 84-99 Program Manager, at (202) 761-5909 or frank.randon@usace.army.mil.



KAREN DURHAM-AGUILERA, P.E., SES
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Homeland Security, and Northwestern
Division/Pacific Ocean Division RIT Leader

Encl
PIR Template

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- Mississippi River Division, CEMVD
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- Pacific Ocean Division, CEPOD
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- South Pacific Division, CESP
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Regional Contingency Operations Chiefs and PL 84-99 PgMs:
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Mississippi River Division, CEMVD
North Atlantic Division, CENAD
Northwestern Division, CENWD
Pacific Ocean Division, CEPOD
South Atlantic Division, CESAD
South Pacific Division, CESP
Southwestern Division, CESWD

PROJECT INFORMATION REPORT TEMPLATE

PROJECT INFORMATION REPORT REHABILITATION EFFORT FOR THE

(insert name) COASTAL STORM RISK MANAGEMENT PROJECT

Part I. Executive Summary. Provide a one page executive summary of the PIR, to include the estimated cost, BCR, and the need to undertake the rehabilitation effort using FCCE funds.

Part II. Basic Report. Use the following paragraph numbers.

1. NAME AND LOCATION - *Project name; city, county, and state where project is located.*
2. PUBLIC SPONSOR - *Name, address, telephone number, and email address for the public sponsor of the Coastal Storm Risk Management Project.*
3. POC FOR PUBLIC SPONSOR- *Name, address, telephone number, and email address for the individual who will serve as the public sponsor's single point of contact for the rehabilitation effort.*
4. PROJECT AUTHORIZATION - *Cite the authorization for construction of the project e.g., "Section 301 of PL 89-298, passed on 27 October 1965 in accordance with the report of the Chief of Engineers as described in House Document 91, 89th Congress, dated 15 June 1964." Cite any pertinent amendments to the law or modifications to the project (to include funding changes) in a similar fashion. Place a copy of the project entry from the District's project notebook or Digital Project Notebook in Appendix C.*
5. PROJECT CLASSIFICATION - *Provide a statement similar to "This project was Federally designed and constructed to protect against hurricane wave action from a 50-year storm."*
6. DESIGN DATA OF PROJECT - *Provide a brief description/overview of the project design data that clearly identifies the design level of protection. Place extensive documentation, records, or data in Appendix D.*
7. MAINTENANCE. *Provide a brief statement regarding the scope, extent, and average annual costs for the public sponsor's OMRR&R responsibilities. Provide the date and results of the last ICW inspection conducted. Place supporting or extensive documentation, tables, survey reports, etc., in Appendix E.*
8. PERIODIC NOURISHMENT. *Provide a brief statement regarding the project's historical nourishment efforts, and the next scheduled or anticipated renourishment effort, with volumetric estimate. Include Federal and public sponsor cost share percentages from the project PPA. Cite GDM estimates or other documentation as*

needed if there is insufficient historical data available. Place supporting or extensive documentation, tables, survey reports, etc., in Appendix F.

9. **PREVIOUS PL 84-99 ASSISTANCE.** *Provide a brief statement regarding previous PL 84-99 Rehabilitation Assistance, or assistance provided by any other Federal agency such as FEMA or FDAA. If no previous Federal assistance has been provided, so state. Place extensive documentation, records, or data in Appendix G.*

10. **DISASTER INCIDENT.** *Provide a brief description of weather system or event that caused the damage to the CSRM project. Provide a brief, supportable statement that summarizes why the weather system or event meets the definition of extraordinary storm provided in ER 500-1-1. Place supporting documentation, tables, maps, weather reports, hurricane tracking charts, etc., in Appendix H.*

11. **DAMAGE DESCRIPTION. DAMAGE DESCRIPTION.** *Provide a brief description of the damage incurred by the project. Address shoreline changes, volumetric changes, damages to hard features (e.g., groins, seawalls, sand bypass facilities), etc. Identify the estimated volumes of the rehabilitation component and the restoration component. Address the level and extent of the project's remaining protection. Place supporting documentation, beach profile data, photos, etc., in Appendix I.*

12. **NEED FOR PL 84-99 REHABILITATION.** *Based on the policy contained in ER 500-1-1, paragraph 5-20, state why it is necessary to undertake the proposed rehabilitation effort under authority of PL 84-99. Specifically address the immediate threat to life and property, and the need for immediate action. Include an estimate of the project's remaining protection. Address when the next storm season will occur.*

13. **PROPOSED WORK.** *Describe the work proposed to be undertaken by this rehabilitation effort, including all components of the recommended rehabilitation assistance. Include extensive tabular data, supporting documentation, and alternatives and modifications considered but not selected/recommended in Appendix J.*

14. **COST ESTIMATE.** *Summarize (in narrative and tabular form) the component and total costs of the proposed work, including cost sharing of modifications. Address the availability of on hand or anticipated (current or next FY) renourishment funds (normally Construction account funds.) Place supporting figures, calculations, historical or reference cost data, dredge mobilization/demobilization costs, determination of cost share percentages, etc., in Appendix K.*