



REPLY TO
ATTENTION OF

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

FEB 19 2015

CECW-NAD

MEMORANDUM FOR COMMANDER, North Atlantic Division

SUBJECT: Implementation Guidance for Section 4001 of the Water Resources Reform and Development Act (WRRDA) of 2014 – River Basin Commissions.

1. Section 4001 of WRRDA 2014 amends Section 5019 of the Water Resources Development Act (WRDA) of 2007 and directs the Secretary to allocate funds to the Susquehanna and Delaware River Basin Commissions and the interstate Commission on the Potomac River Basin. The amount allocated should be equal to that determined by each commission in accordance with the respective interstate compact approved by Congress. Further, if funding is not allocated, the Secretary is directed to submit a notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with the Agency's Annual Budget submission. The notice shall describe the rationale for and impact of not allocating such funds. A copy of Section 5019 of WRDA 2007, as amended, is enclosed.

2. Funding for the River Basin Commissions may be considered for inclusion in the budget in accordance with the annual budget engineering circular. If funding is not allocated to these Commissions, the District Engineer will prepare a draft notice describing the impact on water supply allocation, water quality protection, regulatory review and permitting, water conservation, watershed planning, drought management, flood loss reduction, recreation and energy development and forward the draft to the NAD RIT for review and coordination with the Secretary for submission to Congress as part of the Budget submission.

Encl

A handwritten signature in black ink, appearing to read "Edward E. Belk, Jr.", written in a cursive style.

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

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**SEC. 5019. WATER RESOURCES DEVELOPMENT ACT OF 2007.
SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE,
MARYLAND, PENNSYLVANIA, AND VIRGINIA as amended by Section 4001 of
WRRDA 2014**

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18; 111 Stat. 176), section 2.2 of the Susquehanna River Basin Compact to which consent was given by Public Law 91–575 (84 Stat. 1512), and section 2.2 of the Delaware River Basin Compact to which consent was given by Public Law 87–328 (75 Stat. 691), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be—

(A) the ex officio United States member of the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) one of the 3 members appointed by the President under the Potomac River Basin Compact to which consent was given by Public Law 91–407 (84 Stat. 856);

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

“(b) AUTHORIZATION TO ALLOCATE.—

“(1) IN GENERAL.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, the Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts.

“(2) AMOUNTS.—For each fiscal year, the Secretary shall allocate to each Commission described in paragraph (1) an amount equal to the amount determined by the Commission in accordance with the respective interstate compact approved by Congress.

“(3) NOTIFICATION.—If the Secretary does not allocate funds for a given fiscal year in accordance with paragraph (2), the Secretary, in conjunction with the subsequent submission by the President of the budget to Congress under section 1105(a) of title 31, United States Code, 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 a notice that describes—

“(A) the reasons why the Secretary did not allocate funds in accordance with paragraph (2) for that fiscal year; and

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“(B) the impact of that decision not to allocate funds on each area of jurisdiction of each Commission described in paragraph (1), including with respect to—

- “(i) water supply allocation;
- “(ii) water quality protection;
- “(iii) regulatory review and permitting;
- “(iv) water conservation;
- “(v) watershed planning;
- “(vi) drought management;
- “(vii) flood loss reduction;
- “(viii) recreation; and
- “(ix) energy development.”.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River basin for any period for which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Interstate Commission on the Potomac River Basin to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River basin for any period for which the Commission has determined that a drought warning or drought emergency exists.

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(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.