



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

REPLY TO
ATTENTION OF

NOV 04 2015

CECW-P

MEMORANDUM FOR COMMANDER, Mississippi Valley Division (CEMVD-PD)

SUBJECT: Implementation Guidance for Section 4002(b) of the Water Resources Reform and Development Act (WRRDA) of 2014 – Middle Mississippi River Pilot Program

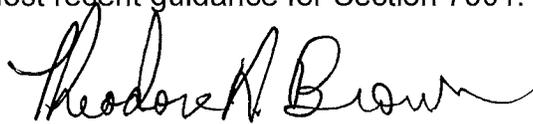
1. Section 4002(b) authorizes the Secretary, in accordance with the navigation project for the Mississippi River between the Ohio and Missouri Rivers (Regulating Works) authorized by the Acts of July 25, 1910 (36 Stat. 631, chapter 382); January 1, 1927 (44 Stat. 1010, chapter 47), and July 3, 1930 (46 Stat. 918, chapter 847), to study improvements to navigation and aquatic ecosystem restoration in the Middle Mississippi River. In addition, it provides that the Secretary may carry out any project identified in a study under this authority in accordance with the criteria for projects carried out under authority provided by Section 206 of the Water Resources Development Act (WRDA) 1996 (33 U.S.C. 2330); Section 1135 of WRDA 1986 (33 U.S.C. 2309a); Section 107 of the River and Harbor Act (RHA) of 1960 (33 U.S.C. 577); or Section 104(a) of the RHA of 1958 (33 U.S.C. 577). A copy of section 4002(b) of WRRDA 2014 is enclosed.
2. At such time that funds are specifically appropriated for any study under this authority, a feasibility study will be initiated in accordance with ER 1105-2-100 and other applicable planning regulations and will be cost shared. A study for aquatic ecosystem restoration will be cost shared 50% Federal and 50% non-Federal and a study for navigation improvements on waterways subject to the waterway fuel tax will be cost shared 100% Federal. Additional guidance may be requested from Corps Headquarters to address the initial scoping efforts as well as the preparation, coordination and processing of a report.
3. If it is determined, upon completion of the study, that the recommended project or projects fit the criteria for projects carried out under a Continuing Authorities Program (CAP) authority specified in Section 4002(b), it may be converted to a CAP project under that authority for design and implementation in accordance with the procedures found in Appendix F of ER 1105-2-100, and funded under the appropriate named authority. The criteria presented in Appendix F of ER 1105-2-100 for each CAP authority will be followed and the per project statutory Federal limit will apply. A study may also be considered for funding under one of the named CAP authorities in accordance with existing budgetary guidance. Projects meeting the criteria under

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Section 104(a) of the Rivers and Harbors Act of 1958 may also be considered for funding in accordance with the programmatic and budgetary policies associated with the Aquatic Plant Control Program (APCP). Additional guidance for the APCP is provided in Chapter 14 of ER 1130-2-500.

4. If a proposed project recommended in a study exceeds the criteria for implementation under any of the named CAP authorities, the project report will be processed in accordance with the procedures for studies requiring specific authorization as found in Appendix H of ER 1105-2-100, including preparation of a Chief's Report for submission to Congress. In addition, the recommended project will be considered for inclusion in the annual report submitted to Congress pursuant to Section 7001 of WRRDA 2014 in accordance with the most recent guidance for Section 7001.



THEODORE A. BROWN, P.E.
Chief, Mississippi Valley Division
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Encl

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Section 4002(b) MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.-

(1) IN GENERAL.-In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers(Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the "River and Harbor Act of 1910"), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the "River and Harbor Act of 1927"), and the Act of July 3, 1930 (46 Stat. 918, chapter 847), the Secretary may study improvements to navigation and aquatic ecosystem restoration in the middle Mississippi River.

(2) DISPOSITION.-

(A) IN GENERAL.-The Secretary may carry out any project identified pursuant to paragraph (1) in accordance with the criteria for projects carried out under one of the following authorities:

(i) Section 206 of the Water Resources Development Act of 1996 (33 U.S. C. 2330).

(ii) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(iii) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(iv) Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)).

(B) REPORT.-For each project that does not meet the criteria under subparagraph (A), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 7001.