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

REPLY TO
ATTENTION OF

JUL 27 2015

CECW-P

MEMORANDUM FOR COMMANDER NORTHWESTERN DIVISION (CENWD-PDD)

SUBJECT: Implementation Guidance for Section 4003(d) of the Water Resources Reform and Development Act (WRRDA) of 2014 – Upper Missouri Shoreline Stabilization

1. Section 4003(d) of WRRDA 2014 (Encl 1) directs the Secretary to conduct a study to determine the feasibility of carrying out projects to address shoreline erosion in the Upper Missouri Basin in South Dakota, North Dakota, and Montana resulting from the operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program, authorized by Section 9 of the Flood Control Act (FCA) of 1944. It provides that the study shall, to the maximum extent practicable, use previous assessments by the U.S. Army Corps of Engineers (Corps) and other Federal agencies and will assess the infrastructure needed to reduce shoreline erosion, mitigate additional loss of land, contribute to environmental and ecosystem improvement, and protect existing community infrastructure including roads and water and waste-water related infrastructure. It authorizes the Secretary to carry out projects identified in the study in accordance with the criteria for projects carried out under Section 14 of the FCA of 1946 (33 U.S.C. 701r). Further, it provides that for projects that cannot be carried out under Section 14, the Secretary, upon a determination of feasibility, may include a recommendation relating to the project in the annual report to Congress, under Section 7001 of WRRDA 2014. Finally, it provides that the Secretary will allow the full non-Federal contributions for a project under Section 4003(d) to be paid in accordance with section 103(k) of Water Resources Development Act (WRDA) 1986.

2. At such a time that funds are specifically appropriated for a 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 50% Federal and 50% non-Federal. The study will utilize, to the maximum extent possible, previous assessments completed by the Corps and other Federal agencies. The study will be undertaken in consultation, and coordination, with the appropriate State or tribal agency for the area in which the project is located. An individual study may also be considered for funding under Section 14 of the FCA of 1946 in accordance with existing budgetary guidance.

3. If it is determined, upon completion of a study, that a recommended project meets the criteria for projects carried out under the authority of Section 14 of the FCA of 1946, including the per project Federal statutory limit, it may be converted to the Continuing Authorities Program (CAP), for design and implementation, in accordance with the

procedures found in Appendix F of ER 1105-2-100, and funded under the Section 14 CAP authority. If it is determined that a project does not meet the criteria for a Section 14 project, the project will be processed in accordance with the procedures for studies requiring specific authorization, as found in Appendix H of ER 1105-2-100, including the preparation of a Chief's Report for submission to Congress. In addition, the Secretary may include the project in the annual report submitted to Congress under Section 7001 of WRRDA 2014, in accordance with the most recent implementation guidance issued, pursuant to Section 7001 of WRRDA 2014.

4. Although Section 4003(d) allows for deferral of the non-Federal share of the cost of construction, in accordance with section 103(k) of the WRDA of 1986 (33 U.S.C. 2213(k)), the non-Federal sponsor will be required to provide its cost share during construction of the project, unless funds are specifically appropriated to cover the non-Federal share of such construction.

Theodore A. Brown

Encl

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

CECW-P

SUBJECT: Implementation Guidance for Section 4003(~~b~~ d) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Missouri River Streambank Erosion and Related Problems

SEC. 4003. MISSOURI RIVER.

(d) UPPER MISSOURI SHORELINE STABILIZATION.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects to address shoreline erosion in the Upper Missouri River Basin (including the States of South Dakota, North Dakota, and Montana) resulting from the operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665)).

(2) CONTENTS.—The study carried out under paragraph (1) shall, to the maximum extent practicable—

(A) use previous assessments completed by the Corps of Engineers or other Federal agencies; and

(B) assess the infrastructure needed to—

(i) reduce shoreline erosion;

(ii) mitigate additional loss of land;

(iii) contribute to environmental and ecosystem improvement; and

(iv) protect existing community infrastructure, including roads and water and waste-water related infrastructure.

(3) DISPOSITION.—The Secretary may carry out projects identified in the study under paragraph (1) in accordance with the criteria for projects carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(4) ANNUAL REPORT.—For each project identified in the study under paragraph (1) that cannot be carried out under any of the authorities specified in paragraph (3), upon determination by the Secretary of the feasibility of the project, the Secretary may include a recommendation relating to the project in the annual report submitted to Congress under section 7001.

ENCL 1

(5) COORDINATION.—In carrying out this subsection, the Secretary shall consult and coordinate with the appropriate State or tribal agency for the area in which the project is located.

(6) PAYMENT OPTIONS.—The Secretary shall allow the full non-Federal contribution for a project under this subsection to be paid in accordance with section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).