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

MAY 06 2016

CECW-P

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Implementation Guidance for Section 4014 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Ocean and Coastal Resiliency

1. Section 4014 of WRRDA 2014 authorizes the Secretary to conduct studies to determine the feasibility of carrying out projects in coastal zones to enhance ocean and coastal ecosystem resiliency. In carrying out a study under Section 4014, the Secretary, as appropriate, must coordinate with the heads of other appropriate Federal agencies, the Governors and other Chief executive officers of the coastal states, nonprofit organizations, and other interested parties; identify Corps of Engineers projects in coastal zones for enhancing ocean and coastal resiliency; use any existing Corps of Engineers plans and data to the maximum extent practicable; and, complete the study not later than 365 days after initial appropriations and every 5 years thereafter subject to the availability of appropriations. The Secretary may carry out a project for a coastal state identified in a study in accordance with the criteria for projects carried out under certain named Continuing Authority Program (CAP) authorities: Section 206(a)-(d) of the Water Resources Development Act (WRDA) of 1996 (33 U.S. C. 2330(a)-(d)), Section 1135(a)-(g) and (i) of WRDA 1986 (33 U.S.C. 2309a(a)-(g) and (i)), Section 3(a)-(b) and (c)(1) of the Act of August 13, 1946 (33 U.S.C. 426g(a)-(b) and (c)(1)), and Section 204(a)-(f) of WRDA 1992 (33 U.S.C. 2326(a)-(f)). Section 4014 provides that terms "coastal zone" and "coastal state" have the meanings given such terms in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), as in effect on the date of enactment of this Act. A copy of Section 4014 of WRRDA 2014 is enclosed.

2. At such time that funds are specifically appropriated for a study under this authority, a feasibility study may be initiated in accordance with ER 1105-2-100 and other applicable planning regulations as well as in accordance with the direction specified in Section 4014. The study will be cost shared 50% Federal and 50% non-Federal. Additional guidance may be requested from HQUSACE to address the initial scoping efforts, as well as the preparation, coordination, processing, and approval of the report. A study, as well as design and implementation, may also be considered for funding under one of the named CAP authorities in accordance with existing budgetary guidance.

3. Recommended projects may be carried out under Section 4014 of WRRDA 2014 authority in accordance with the criteria specific to the CAP authorities listed, or if it is determined upon completion of the study that a recommended project fits the criteria for projects carried out under a named CAP authority, 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 that CAP authority. The criteria presented in Appendix F of ER 1105-2-100 for the particular CAP authority will be followed, and the per-project statutory Federal limits will apply.

4. If a recommended project cannot be implemented under the criteria for a named CAP authority, 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 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.

5. My point of contact is Ms. Maria Wegner, Senior Policy Advisor, who can be reached at 202-761-5541.

Encl

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SEC. 4014. OCEAN AND COASTAL RESILIENCY.

(a) IN GENERAL.—The Secretary shall conduct studies to determine the feasibility of carrying out Corps of Engineers projects in coastal zones to enhance ocean and coastal ecosystem resiliency.

(b) STUDY.—In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors and other chief executive officers of the coastal states, nonprofit organizations, and other interested parties;

(2) identify Corps of Engineers projects in coastal zones for enhancing ocean and coastal ecosystem resiliency based on an assessment of the need and opportunities for, and feasibility of, the projects;

(3) to the maximum extent practicable, use any existing Corps of Engineers plans and data; and

(4) not later than 365 days after initial appropriations for this section, and every five years thereafter subject to the availability of appropriations, complete a study authorized under subsection (a).

(c) DISPOSITION.—

(1) IN GENERAL.—The Secretary may carry out a project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206(a)–(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(a)–(d)).

(B) Section 1135(a)–(g) and (i) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)–(g) and (i)).

(C) Section 3(a)–(b), and (c)(1) of the Act of August,13 1946 (33 U.S.C. 426g(a)–(b), and (c)(1)).

(D) Section 204(a)–(f) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(a)–(f)).

(2) REPORT.—For each project that does not meet the criteria under paragraph (1), 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.

(d) REQUESTS FOR PROJECTS.—The Secretary may carry out a project for a coastal state under this section only at the request of the Governor or chief executive officer of the coastal state, as appropriate.

(e) DEFINITION.—In this section, the terms "coastal zone" and "coastal state" have the meanings given such terms in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), as in effect on the date of enactment of this Act.