



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

CECW-P

APR 27 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Guidance for Section 1126 of the Water Resources Development Act of 2016 (WRDA 2016), Study of Water Resources Development Projects by Non-Federal Interests

1. Reference is made to Engineering Regulation 1165-2-209, Studies of Water Resources Development Projects by Non-Federal Interests, dated 4 February 2016.
2. Section 1126 further amends Section 203 of WRDA 1986 (33 U.S.C. 2232) to allow the Secretary, if requested by the non-federal interest, to provide technical assistance to the non-federal interest relating to any aspect of a feasibility study if the non-federal interest pays all costs of providing such technical assistance. Section 1126 of WRDA 2016 is enclosed.
3. If requested by a non-federal interest, the MSC Commander may approve the provision of technical assistance relating to a study being undertaken by the non-federal interest pursuant to Section 203 of WRDA 1986, as amended. Provision of technical assistance requires execution of a Memorandum of Agreement (MOA), with the non-federal interest paying all costs of such assistance upfront. Authority to approve the MOA is delegated to the MSC Commander, with no further delegation of approval authority authorized. Prior to MSC Commander approval of the MOA, division counsel must review the MOA and concur that it is appropriate for the provision of the proposed technical assistance. Following approval of the MOA by the MSC Commander, authority to execute the MOA may be delegated to the district commander.
4. Guidance on Limited Technical Assistance addressed in Paragraph 7 of the referenced Engineering Regulation 1165-2-209 is rescinded.
5. This guidance will be incorporated into ER 1165-2-209 when it is updated.

CECW-P

SUBJECT: Implementation Guidance for Section 1126 of the Water Resources Development Act of 2016 (WRDA 2016) – Study of Water Resources Development Projects by Non-Federal Interests

6. Questions regarding this implementation guidance should be directed to Ada Benavides, Senior Policy Advisor, Planning and Policy Division, at (202) 761-0415, Ada.Benavides@usace.army.mil



JAMES C. DALTON, P.E.
Director of Civil Works

Encl

DISTRIBUTION:

COMMANDERS, BUSINESS AND PROGRAMS DIRECTORS
GREAT LAKES AND OHIO RIVER DIVISION, CELRD
MISSISSIPPI VALLEY DIVISION, CEMVD
NORTH ATLANTIC DIVISION, CENAD
NORTHWESTERN DIVISION, CENWD
PACIFIC OCEAN DIVISION, CEPOD
SOUTH ATLANTIC DIVISION, CESAD
SOUTH PACIFIC DIVISION, CESP
SOUTHWESTERN DIVISION, CESWD

SEC. 1126. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended by adding at the end the following:

“(e) TECHNICAL ASSISTANCE.—At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.”