



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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WASHINGTON, DC 20310-0108

MAR 23 2020

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Completion and Termination Guidance for U.S. Army Corps of Engineers Studies

1. References:

- a. Engineer Regulation (ER) 1105-2-100: Planning Guidance Notebook.
- b. Vertical Integration and Acceleration of Studies. Implementation Guidance for section 1001 of the Water Resources Reform and Development Act (WRRDA) of 2014. 8 March 2019.
- c. Updated Implementation Guidance for section 1002 of WRRDA 2014, Consolidation of Studies. 17 May 2017.
- d. Planning Bulletin 2019-01 Watershed Studies.
- e. Civil Works Program Development Policy Guidance EC 11-2-xxx.

2. Applicability. This guidance applies to all feasibility studies, including studies to reformulate an already authorized project, such as a General Reevaluation, and to watershed plans and comprehensive studies. Studies under the Continuing Authorities Program will follow the processes outlined in Engineering Pamphlet 1105-2-58 Continuing Authorities Program.

3. Purpose. The purpose of this memorandum is to clarify policy and procedures associated with the completion or termination of a U.S. Army Corps of Engineers (USACE) study.

4. Completion of Feasibility Studies. Per reference 1.b., a feasibility study is completed when the Chief's Report or Director's Report is signed. In terms of fiscal completion, closeout will be performed after the Assistant Secretary of the Army for Civil Works (ASA(CW)) transmits the Chief's Report to Congress or provides the Headquarters (HQ) USACE a memo of concurrence regarding the Director's Report. Refer to Appendix H of ER 1105-2-100 for processing of these reports.

SUBJECT: Completion and Termination Guidance for U.S. Army Corps of Engineers Studies

a. **Chief's Report.** A Chief's Report is required for a plan recommending authorization of a water resources project, including additional authorization required if a significant change to an existing authorization is proposed.

b. **Director's Report.** A Director's Report is required for a recommended plan that is within the scope of the existing authorization.

5. Completion of Watershed Studies and Comprehensive Studies.

a. **Watershed Studies.** The final Watershed Study may be approved by the Major Subordinate Command (MSC) Commander, after which it is transmitted through the HQUSACE to the ASA(CW). The study is complete when the ASA(CW) provides a memo of concurrence.

b. **Comprehensive Study.** Final comprehensive or basin-wide study document recommendations may vary subject to specific language in the authority. Due to the complexity of the comprehensive studies, the reports are generally approved at the HQUSACE. However, if approval authority has been delegated to the MSC Commander, then after such approval, the document will be transmitted through the HQUSACE to the ASA(CW) and is completed when the ASA(CW) provides a memo of concurrence.

6. Feasibility Studies. Active studies are defined as authorized studies that have received a federal allocation; have a non-federal sponsor (if applicable) committed to funding their share; have an identified federal interest; have reasonable alternatives for a constructible federal project; and are proceeding according to a vertical team-aligned scope, schedule and budget.

7. Termination of Feasibility Studies. When the District Commander determines that a feasibility study does not meet the definition of an active study, the study will be terminated, and the District will follow the termination notification process provided below. Once the decision is made to terminate a study, only funding to facilitate an orderly close out and termination is allowed. While the particular study effort is terminated, the underlying study authorization remains.

8. Termination of Feasibility Studies initiated after 10 June 2014 (the date of enactment of WRRDA 2014). Section 1001 of WRRDA 2014, as amended (33 U.S.C. 2282c), provides that, to the extent practicable, a feasibility study will result in the completion of a final feasibility report within three years but provides further that the ASA(CW) may extend the timeframe up to a maximum of ten years. Any study not completed within the time frames approved by the ASA(CW) will be terminated immediately.

9. Termination of Feasibility Studies initiated prior to 10 June 2014, to include Watershed Plans or Comprehensive Studies. A study will be terminated if the study no longer meets the definition of an active study. Studies that have not obligated federal

SUBJECT: Completion and Termination Guidance for U.S. Army Corps of Engineers Studies

appropriations during the last five fiscal years will be terminated unless the non-federal sponsor provides contributed funds to complete the study.

10. **Study Closeout.** Within 10 days of completion or termination, the District will initiate development of an estimate of the current cost-share balance, along with a study specific plan to accomplish fiscal closeout for approval. The District Project Delivery Team will coordinate with the District Programs office to perform final accounting to ensure final balance of the cost share in accordance with the cost-sharing agreement with the sponsor. It is the expectation of the ASA(CW) that the final accounting should be completed in less than 90 days. The MSC will initiate revocation of existing funds and any needed adjustments in budget requests. All remaining funds will be returned to HQUSACE within 90 days of completing a final accounting.

11. If in the future a non-federal sponsor and the USACE agree to pursue a new feasibility study for a study effort that has been, or should have been terminated, and there is a study authority identified, the study will compete as a new start, or new phase for a General Reevaluation, in accordance with current budgetary guidance.

12. If the non-federal sponsor and the District Commander agree to pause the work effort anytime during the study, the work effort must resume within 180-days of the date of the pause or the study will be terminated immediately. A pause in the study should only be considered when there is a serious mitigating circumstances that can be quickly resolved. A pause of work does not extend the approved timeline of the study unless an extension is approved by the ASA(CW). The District will notify the Chief of HQUSACE Planning and Policy, through the MSC, in writing of the rationale and start date for the pause of work.

13. The content of the final termination memo will include reasons for termination of the study and summary of expenditures (non-federal and federal costs). The final termination transmittal package must include:

- a. District Termination memo,
- b. Documentation of public notice and Federal Register Notice (if applicable),
- c. Copy of signed, dated letters of notification that were sent to the non-federal sponsor, congressional members, and any stakeholders.

14. **Notification Process.** Upon signing the termination memo the District Commander will follow the below procedures to complete the study termination process:

- a. **Internal Notification:** The District Commander will notify, the MSC, HQUSACE, and the OASA POC listed in this guidance within two days of the termination memo being signed. The notification will include a copy of the termination memo. This notification must proceed notification of the non-federal sponsor, congressional members, stakeholders or issuance of a public notice.

SUBJECT: Completion and Termination Guidance for U.S. Army Corps of Engineers Studies

b. **Public Notification:** Upon confirmation of internal notifications being completed the District Commander shall notify the non-federal sponsor, congressional delegation and appropriate stakeholders in writing within five days. The District Commander can issue any required public notices at this time. The notice of termination will be posted on the District's external web page.

c. **Final Termination Packet:** Within 30 days of the signing of the termination memo the District Commander will submit to the MSC Commander a final termination packet in accordance with 12.

d. **Federal Register Notice:** A Federal Register notice will be published by the MSC Commander, in accordance with the ASA(CW) Federal Register delegation dated November 12, 2019, within 30 days of receiving written notification of study termination from the District Commander terminating the Environmental Impact Statement (EIS) if an Environmental Impact Statement was being prepared.

15.. Upon completion of the notification process the USACEs will complete study closeout as described in paragraph 9.

16. **Additional Reporting Requirements.** Each Regional Integration Team will provide, by August 5 of each year, the status of all its feasibility studies to Civil Works Planning and Policy Division (CECW-P), as required by Section 905 of WRDA 1986, as amended by Section 1002 of Water Resources Reform and Development Act of 2014. CECW-P will compile and provide a comprehensive status list, including studies recommending no further Federal action, to the ASA(CW) by August 30 each year review and action. Upon approval by the ASA(CW) the list will be submitted to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives.

17. This guidance shall be transmitted to the appropriate USACE elements, to include MSC Commanders, and District Commanders and posted to the USACE website within five business days of receipt (written or electronic) from this office. Guidance shall be transmitted to the appropriate Commanders and posted as is and without additional documentation, to include cover letters, attached to the website.

18. Questions regarding this guidance may be directed to Mr. Gib Owen at gib.a.owen.civ@mail.mil, or 703-695-4641.



R.D. James
Assistant Secretary of the Army
(Civil Works)

Enclosure