

## **The Corps Process (somewhat) Simplified**

The process of getting a new Corps project or modifying an existing one has many steps. Looking online, you can find the 6-step version or the 21-step version. In fact, there are even more. At *Coastal Strategies*, we've always got your back. We're going to explain the basics in this easy-to-understand cheat sheet that's good for everyone from local government officials to congressional staffers.

The first thing to understand is that the Army Corps of Engineers doesn't initiate any water resources project unless it is told to do so by Congress. The process of getting Congress to do that used to involve local or state officials reaching out to both their Corps Districts and their congressional delegation and requesting that a study be authorized. Since Congress banned itself from earmarking, it created what is known as the Section 7001 process. If the Bucolic City Council decides it wants to have a new beach nourishment project, for example, it must submit its **request in the form of a reply to a Section 7001** notice that appears in the Federal Register every Spring with an August deadline. That request is made to an Administration official whose title is the Assistant Secretary of the Army (Civil Works). The ASA (CW) submits a report to Congress the following January stating which requests he or she approves as well as which are disapproved. Technically, as long as you're in the report (approved or disapproved), Congress can authorize the study. Obviously, it is far better to be on the approved list, which means working to have the strong support of your local Corps District your congressional delegation. In the end, the decision of who gets on the approved list is in the hands of mid-level career bureaucrats at the White House Office of Management and Budget who have demonstrated strong opposition to the Corps starting new projects.

**Each new project must start with a congressional authorization for a study.** Authorizations usually come in a Water Resources Development Act (WRDA) that Congress tries to pass every two years. An authorization is only a ticket to ask for funding for the study. To get in WRDA, focus your efforts on the House Transportation & Infrastructure Committee's Water Resources and the Environment Subcommittee and the Senate Environment & Public Works Committee's Subcommittee on Transportation and Infrastructure. Your congressional delegation can help you make contacts with the staff of these subcommittees. Let's assume that you submitted your Section 7001 request in July of what we'll call Year 1 and it got into the approved section of the Assistant Secretary's report to Congress in January of Year 2. If it's an odd-numbered year, chances are there won't be a WRDA bill until Year 3.

**Next, your study will need Federal funding in addition to your non-Federal money.** Assuming your study authorization gets into WRDA and it's passed by Congress and signed into law in Year 3, your earliest chance to ask for study funding is in Year 4. Congress limits to number of "new start" studies each year to a half-dozen or less, and there's no guarantee yours will be one of them. To be one, you either have to be a presidential earmark or added to the Corps' Work Plan with the approval of OMB. If not, you have to wait another year. Most Corps studies cost \$3 million and take three years to complete and require a 50% match from the non-Federal partner, with some or all of the non-Federal match able to come from in-kind services that your Corps District can explain. There is a formal cost-sharing agreement to be negotiated and a Project Management Plan (or study plan) to be developed. The Federal share is appropriated by Congress in its annual Energy & Water Development Appropriations Bill. You can find a tip sheet on the Corps Funding process on the [www.waterlog.net](http://www.waterlog.net) under Army Corps of Engineers. Your study will need to be either in the President's budget request or in the final Corps Work Plan for Year 5 at the earliest.

**You will also need follow-up funding in each of the next two years to complete the study and additional funding after that for a likely two-year phase to do the requisite Preconstruction Engineering & Design.**

After the three-year period, **if the Corps approves the project for construction, it will issue a favorable Chief's Report** that will be sent to Congress. It will also be sent to the ASA(CW) who will confer with OMB to determine if the project also meets with Administration policy. Let's assume the approval comes within the year after the study is completed, so we're now in Year 9. As long as it's an odd-numbered year, **your project's congressional authorization to construct can get into WRDA** while you pursue funding for the two-year PED phase.

We're getting close to the finish line. Once PED is completed and your construction authorization has been passed by Congress, **you're ready to ask for construction funds**. By now, we're in Year 11 at the earliest, and you have another "new start" limitation for construction funds. As long as you have persisted throughout the likely 15-year period from initial request to construction, you will be able to declare victory.

**Note that Congress has provided the Corps with authority to shorten this process** for certain types of smaller projects under what is know as the Continuing Authorities Program. Equally important, the Corps has **various authorities to provide technical assistance** to States and local governments (as well as nonprofits in limited instances), with implementation to be done by the non-Federal interest. Also, Congress has provided authorities for **States and local governments to advance both their share** and the hoped-for Federal share of costs with the hope (prayer) of future credit or reimbursement. For more information about these authorities as well as questions about this tip sheet, please email [howard.marlowe@coastalstrategies.net](mailto:howard.marlowe@coastalstrategies.net).