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Planning Studies, Reports and Programs

FOR THE COMMANDER:

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Purpose. This Engineer Pamphlet describes the development of feasibility and post-authorization reports as well as report processing requirements. It also describes the decisions and processes associated with feasibility studies and their milestones, including review procedures

Applicability. This Engineer Pamphlet applies to all United States Army Corps of Engineers elements, Major Subordinate Commands, districts, laboratories, centers, and field operating activities having Civil Works responsibilities.

Distribution Statement. Approved for public release; distribution is unlimited.

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*This pamphlet supersedes Chapter 4 of ER 1105-2-100, dated 22 April 2000 and Appendix G of ER 1105-2-100, dated 30 June 2004.

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Glossary of Terms

Chapter 1
Purpose

1–1. Purpose

This Engineer Pamphlet describes the development of feasibility and post-authorization reports as well as report processing requirements. It also describes the decisions and processes associated with feasibility studies and their milestones, including review procedures.

1–2. Distribution statement

Approved for public release; distribution is unlimited.

1–3. References

See Appendix A.

1–4. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this publication are addressed in the Army Records Retention Schedule. Detailed information for all related record numbers is located on the U.S. Army Corps of Engineers (USACE) Records Management Site https://usace.dps.mil/sites/INTRA-CIOG6/SitePages/Records-Management.aspx. If any record numbers, forms, and reports are not current, addressed, and/or published correctly, see DA Pam 25-403 for guidance.

1–5. Associated publications

Policies associated with this pamphlet are found in ER 1105-2-103, ER 1110-2-1150, ER 1110-2-1156, ER 1140-1-211, ER 1165-2-209, ER 1165-2-211, ER 1165-2-502 and EM 1110-2-5025.

1–6. Objective

This EP's objective is to describe the different types of studies and programs that USACE uses to provide water resources opportunities under various authorities. The studies culminate in decision documents and vary in the scale and scope of documentation required for project evaluations and of the study conclusions and recommendations.

1–7. Overview

This EP provides information on types of planning studies, reports, and related activities.

a. All studies and reports will utilize risk-informed decision-making principles. Each study will provide documentation of the key decisions made during the study to communicate and manage risks and uncertainties of the study process.

b. The approaches and techniques described in U.S. Army Corps of Engineers (USACE) Institute for Water Resources (IWR) report IWR 2017-R03 provide project delivery teams with tools to use risk-informed planning techniques to manage the risks that may result from doing so without more complete information. These tools will allow teams to efficiently communicate and make uncertainty transparent by gathering only the evidence needed to make the next planning decision.

c. All decision meetings will be framed around risk-informed decision-making principles and discussion. There should be a transparent discussion between project delivery teams and decision makers to successfully implement risk-informed decision-making and make decisions that accept risks when appropriate and conversely seek to reduce uncertainty if warranted. Specific requirements and procedures are provided in EP 1105-2-61.

d. The non-federal interest (NFI) is a partner in the entire study process and will be treated as full member of the project delivery team.

1–8. Definitions

a. Authorized project. An authorized project means a project specifically authorized by Congress for construction, generally through language in an authorization or appropriation act, or a project authorized pursuant to Section 201 of the Flood Control Act of 1965 codified in Section 1962d-5 of Title 42 of U.S. Code (42 United States Code (USC) 1962d-5).

b. Pre-Authorization. Activities that occur before a project is specifically authorized by Congress for construction.

c. Post-Authorization. Activities that occur after a project is specifically authorized by Congress for construction but are performed for the authorized project prior to initiation of construction or prior to construction completion.

d. Changes in price levels. For purposes here changes in price levels are changes in the general level of money prices in the economy, or in sectors of the economy. Changes in price levels may be measured by appropriate price indices, or by observation of changes in particular unit prices, as appropriate.

e. Changes in scope. Changes in scope are increases or decreases in the outputs for the authorized purposes of a project. Outputs are the projects physical effects which (usually) have associated benefits (hence, project purpose). Change in the degree of reduction in flood stages is a change in a project outputs. It would be a change in scope if it resulted from formulation or from design changes. Changes in the value of outputs (benefits) resulting from price level changes, or from other purely economic phenomena, are not considered changes in scope.

f. Changes in value of outputs. Positive or negative changes in the value of outputs (benefits) resulting from price level changes or from other, purely economic phenomena are not considered changes in scope. An increase or decrease in the area from which flood waters are excluded is a change in project output.

1–9. Background

Under various studies authorities enacted by Congress, the Secretary of the Army and/or the Chief of Engineers may investigate water resources problems and opportunities and make recommendations through the Administration to Congress regarding solutions that are in the Federal interest. Study authorities used by USACE often fall into one of the three general categories described below.

a. Specific study authorities. Authority is provided through specific provisions in Water Resources Development Acts (WRDAs) and other acts submitted by Congress and enacted by the President. Previously, study resolutions were passed by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure and are valid study authorities. 33 USC 2282d provides an opportunity for a community or NFI to submit a request for specific Civil Works water resources study authorization. The Annual Report to Congress on Future Water Resources Development is sometimes called the ”7001 Report” for the section of the Water Resources Reform and Development Act of 2014 that first authorized the report. Types of study authorizations may be found in Chapter 3.

b. Continuing authorities. A continuing authority is a standing authority that allows USACE to plan and implement projects of limited size, cost, scope, and complexity. These authorities allow projects to be implemented in an accelerated manner without requiring study or project specific authority. Each continuing authority has specific legislative authority and per-project and program Federal cost limits.

c. Other study related authorities and programs. In addition, Congress has authorized the Chief of Engineers to perform study and technical activities and other programs in certain circumstances.

Chapter 2
Types of studies, reports, and decision documents

2–1. Feasibility studies

Feasibility studies are defined in Section 2215(d)(2), Title 33 of USC (33 USC 2215(d)(2)), as “a study that results in a feasibility report under section 2282 of this title, and any associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.” The term includes a study that results in a general reevaluation report. A feasibility study may result in no Federal interest and no recommendation (study termination).

2–2. Study authorities

a. Study-specific authorization generally is provided in specific provisions in WRDAs and other acts submitted by Congress and enacted by the President. Prior to the Water Resources Reform and Development Act of 2014, study authority may have also originated from a resolution from the U.S. House of Representatives Committee on Transportation and Infrastructure or a resolution from the U.S. Senate Committee on the Environment and Public Works.

b. Re-study of non-constructed authorized projects or post-authorization studies and supporting reports investigate changed conditions or assumptions to Congressionally authorized studies or projects. There are several types of post-authorization study categories. For example, there are studies that result in decision documents that are used to address project modifications for changes in authorized outputs, economic or environmental justifications, or budgetary documentation requirements. Types of post-authorization studies are described in Chapter 4.

c. Another category are studies in programs that are already authorized to plan, design, and construct certain types of water resources projects that do not require additional, project-specific Congressional authorization. These authorities include programs such as the Continuing Authorities Program and the Tribal Partnership Program.

2–3. Changes always requiring authorization by Congress

The Chief of Engineers' discretionary authority to approve changes to authorized projects cannot be abused. Changes in scope, including reduction in scope, beyond those listed in paragraph 4–3, should serve as an indicator that the change may exceed the Chief of Engineers' discretionary authority. After review, the Assistant Secretary of the Army for Civil Works (ASA(CW)) and Army General Counsel will determine whether the change can be made under discretionary authority or whether additional Congressional authorization is required. In addition, the following always require Congressional authorization:

a. Adding or deleting a project purpose, unless permitted under existing general authorities as discussed in Chapter 8.

b. Where 33 USC 2283(b) is used as the authority to mitigate damages to fish and wildlife resulting from a water resources project:

(1) Acquisition of lands, or interests therein, by condemnation for projects on which at least 10 percent of the physical construction of the project was complete as of 17 November 1986; and

(2) Acquisition of water, or interests therein, by condemnation.

c. Change in the local cooperation requirements specifically referenced in the authorizing language, unless required by:

(1) Subsequent legislation; or,

(2) Addition of a project purpose within the general authority of the Chief of Engineers.

d. Deepening of navigation channels.

e. For projects authorized on or after 17 November 1986, an increase in total project cost, exclusive of price level changes, of more than 20 percent of the total project cost stated in the authorizing legislation (33 USC 2280).

f. For projects authorized under 42 USC 1962d-5, an exceedance of $15 million Federal first cost, exclusive of price level changes.

2–4. Type of decision documents

a. Chief of Engineers Report (Chief's Report). A decision document supported by the feasibility study that requires Congressional authorization for the Secretary of the Army to carry out a project. A Chief's Report can include projects in which additional authorization due to a significant change to an existing authorization is proposed.

b. Director of Civil Works Report (Director's Report). A decision document supported by a validation study that provides a recommendation for a change to a project that may need further Congressional authorization as the recommendation made exceeds the Chief's discretionary authority under existing law.

c. Director of Civil Works Memorandum (Director's Memo). A decision or implementation document supported by a validation study or limited reevaluation study that provides a recommendation for projects or project modifications within the existing authorization and does not need Congressional authorization or supports a budgetary request.

2–5. Approval authorities

a. Approval authority reserved by the USACE Chief of Engineers. A planning report that documents any change to an authorized, uncompleted project that does not

meet all of the criteria listed in paragraph 2–5c. and which does not require authorization by Congress will be approved by the USACE Headquarters (HQUSACE) Director of Civil Works. All other reports requiring authorization by Congress including General Reevaluation Reports and Limited Reevaluation Reports will be approved by the Chief of Engineers.

b. Approval authority by the Director of Civil Works. If the study meets any of the three criteria listed below, the final report will be approved at HQUSACE by the Director of Civil Works. Otherwise, the approval authority is delegated to the Division Commander (see para 2–5b.)

(1) The draft feasibility report and associated National Environmental Policy Act (NEPA) document was released before 3 May 2018 (ref: HQUSACE (Corps of Engineers Civil Works (CECW)) Director's Policy Memorandum Civil Works Program 2018-05, 3 May 2018); or

(2) A policy exception from the ASA(CW) is required to complete the study, including ASA(CW) approval to exceed 3 years or $3 million total cost; or

(3) The vertical team makes a mutual recommendation based on the study complexity and risks.

c. Approval authority delegated to Division Commander. Division Commanders may approve a planning report when changes to authorized projects, or elements thereof, meet all of the criteria listed below. Those changes will be reported to HQUSACE. Division Commanders should submit cases which are not policy compliant to the Regional Integration Team for a determination of the proper approval authority. This delegation cannot be further delegated. See ER 1165-2-502 for further details.

(1) For all projects authorized after 17 November 1986, an increase in total project cost is no greater than increases in price level changes and cost of modifications required by legislation.

(2) For projects authorized prior to 17 November 1986, an increase in total baseline project cost estimate no greater than increases in price level changes and the cost of modifications required by subsequent legislation.

(3) Increase or decrease in scope is no greater than 20 percent of the scope authorized by Congress. If the scope can be defined by several parameters, (for example, storage capacity, outputs, environmental impacts) and the change in any one parameter exceeds 20 percent, the change will be approved by the Chief of Engineers.

(4) A change in the location or the design of the project if the location and magnitude of the impacts of the change are determined, pursuant to a completed NEPA analysis of the change, to be minor compared to the impacts assessed for the authorized project.

(5) The change does not add to or delete a project purpose, except deletion of water quality where the benefits attributed to water quality are less than 15 percent of the total project benefits (33 USC 1252a).

d. The tables below summarize approval authorities:

(1) Table 2-1 summarizes approval authorities for pre-authorization reports.

(2) Table 2–2 summarizes approval authorities for re-study of non-constructed authorized projects.

(3) Table 2–3 summarizes approval authorities for studies of modifications to constructed authorized projects.

Table 2–1
Summary of approval authorities for pre-authorization reports

Type of Report	Approval Authority	Decision Document	ASA(CW) Review or Approval Required
Federal interest determination	Division Commander[1]	Federal interest determination approval memo	No
Feasibility study report	DCW or Division Commander[1]	Chief's Report[2] or Director's Memo[3]	Yes
Feasibility study report (Section 203 of WRDA 1986)	ASA(CW)	ASA(CW) review assessment	Yes
Watershed assessment report	Division Commander[4]	Watershed assessment report	Yes
Tribal Partnership Program study report	Division Commander[5]	Chief's Report[2] or Director's Memo[3]	Yes
Comprehensive study report	Division Commander[6]	Comprehensive study report	Yes

Note*:*
[1] If delegated
[2] If project needs authorization
[3] If project is already authorized
[4] ER 1105-2-102
[5] EP 1105-2-64
[6] DA ASA(CW) memorandum (Completion and Termination Guidance for U.S. Army Corps of Engineers Studies), dated 23 March 2020

Table 2–2
Summary of approval authorities for re-study of non-constructed authorized projects

Type of Report	Approval Authority	Decision Document	ASA(CW) Review or Approval Required
General Reevaluation Report	DCW or Division Commander[1]	Chief's Report	Yes
Validation Report	Division Commander	Director's Memo	Yes
Validation Report (Section 902)	DCW	Director's Report	Yes
Engineering Documentation Report (EDR)	District Commander[2]	Engineering Documentation Report	No

Note*:*
[1] If delegated
[2] ER 1110-2-1150

Table 2–3
Summary of approval authorities for studies of modifications to constructed authorized projects

Type of Report	Approval Authority	Decision Document	ASA(CW) Review or Approval Required
Beach renourishment evaluation report	Division Commander	Director's Report	Yes
Dredged material management plan	Division Commander	Dredged material management plan	No
Disposition study report	DCW	Director's Report	Yes
Dam safety modification report	HQ Dam Safety Officer[1]	Dam safety modification report	No
Section 204(f) of WRDA 1986 report[2]	ASA(CW)	Director's Memo	Yes

Note*:*
[1] ER 1165-2-1156
[2] Operation and maintenance of improvements carried out by non-Federal interests to authorized harbor and inland harbor projects

Chapter 3
Pre-authorization studies

3–1. Federal interest determination

a. This determination will establish the Federal interest in carrying out the study and the projects that may be proposed in the study (33 USC 2282(b)(1)). The ASA(CW) may allow a Federal interest determination prior to execution of a Feasibility Cost Sharing Agreement (FCSA). Unless directed to do so, the district shall conduct the Federal interest determination after execution of a FCSA. The Federal interest determination is based upon the existence of at least one alternative that contributes to the Federal Objective and Guiding Principles defined in ER 1105-2-103 for the authorized feasibility study.

b. The project delivery team will use current and relevant information about economic, ecological, and social importance, likely human and social consequences, and public concern.

c. The District Commander will consider whether reasonable alternatives exist that may be technically feasible, environmentally acceptable, and cost effective, based upon preliminary estimates.

d. A Federal interest determination will be completed within 120 days and the time to conduct the determination will not be included as time to conduct the feasibility study under 33 USC 2282c(a)(1).

e. The cost for developing a federal interest determination is at full Federal expense, will not exceed $300,000, and will not be included for purpose of maximum Federal cost under 33 USC 2282c(a)(2).

f. The completion of the Federal interest determination by a District Commander is not considered a major Federal action and NEPA documentation is not required.

g. Approval authority for the Federal interest determination is delegated to the Division Commander and may not be further delegated. Approval of the Alternatives Milestone Meeting by the decision maker constitutes approval of the district Federal interest determination, as described in EP 1105-2-61.

h. If the District Commander determines that a study or project is not in the Federal interest because the project will not result, or is unlikely to result, in a recommended plan that will produce national economic development benefits greater than cost, but may result in a technically sound and environmentally acceptable plan that is otherwise consistent with 33 USC 2281, the District Commander will issue a report to the NFI with recommendations on how the NFI might modify the proposal such that the project could be in the Federal interest and feasible.

3–2. Feasibility study

a. A feasibility study will describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered, as well as the engineering features, the public acceptability, and the purposes, scope, and scale of the recommended plan. Further requirement for the contents of a feasibility study is identified at 33 USC 2282(a)(2).

b. A feasibility study will also include the views of other Federal agencies and non-Federal agencies regarding the recommended plan.

c. A feasibility study is cost shared with 50 percent Federal and 50 percent non-Federal funds under a FCSA. Refer to EP 1105-2-61 for study and report processing procedures.

3–3. Continuing Authorities Program study conversion to Investigations study

Continuing Authorities Program (CAP) studies that should convert to Investigations program funded studies are considered new start feasibility studies because they have never received Investigations funding.

a. A specific study authority is needed for a study being converted from the CAP program to the Investigations program.

b. USACE procedures for converting studies from the CAP program to the Investigations program are found in EP 1105-2-58 and EP 1105-2-61.

3–4. Studies of water resources development projects by non-Federal interests

Section 203 of the WRDA 1986, as amended (33 USC 2231), authorizes a NFI to undertake Federally authorized feasibility studies of proposed water resources development projects for submission to the ASA(CW). The ASA(CW), if requested by the NFI, may provide technical assistance related to any aspect of a feasibility study if the NFI pays all costs of providing such assistance. The ASA(CW) may also accept funds provided by the NFI to undertake reviews, inspections, certifications, and other activities that are the responsibility of the ASA(CW). See ER 1165-2-209 for more information.

Chapter 4
Re-study of non-constructed authorized projects

4–1. Studies for uncompleted authorized projects

A post-authorization study may be performed for a project where construction was never initiated or during construction but prior to the completion of construction.

a. Decision documents that recommend Congress modify an existing project authorization, other than by raising the cost limit established by Section 902 of WRDA 1986, as amended (33 USC 2280), will use the same review and approval process described for feasibility studies and reports in EP 1105-2-61 and ER 1165-2-502.

b. ER 1110-2-1150 contains the requirements for design documentation reports and EDR which are implementation documents and not decision documents.

4–2. General reevaluation study

A general reevaluation is performed on an authorized project prior to initiation of construction or prior to construction completion of an authorized project. The study investigates potential changes to authorized projects that would modify authorized outputs, add a project purpose, significantly change the authorized plan, or otherwise involve the formulation of new or modified solutions.

a. A general reevaluation study involves reformulation of alternatives from a previously completed feasibility study that led to project authorization. The intent is to affirm or modify a plan or portions of a plan utilizing current planning criteria. The addition of separable element(s) or separable implementable features may be included in a general reevaluation study so long as reformulation of the already-recommended or already-authorized alternative is included. The addition of a new project purpose is typically addressed in a general reevaluation study.

b. General reevaluation studies are developed to a feasibility study scope and level of detail and results in a general reevaluation report. A general reevaluation study is cost shared with 50 percent Federal and 50 percent non-Federal funds from the Investigations account under a FCSA. The study will follow the feasibility study process, will be considered a new investment decision (not a new start), and will be categorized as a New Phase.

c. The decision document for a general reevaluation study and resulting general reevaluation report is typically a Director’s Report unless Congressional authorization is required, in which case a Chief’s Report is required.

d. A general reevaluation study will use the same review and approval process described for feasibility studies and reports in EP 1105-2-61 and ER 1165-2-502.

4–3. Limited reevaluation study

A limited reevaluation study is used prior to construction completion of an authorized project and is limited in scope compared to a general reevaluation study. Use of this approach should be rare.

a. A limited reevaluation study may address economic justification, environmental effects, impacts of revised policy and minor project formulation and require modest resources to document the changes.

b. The study is cost shared with 50 percent Federal and 50 percent non-Federal funds under a FCSA, will be funded in the Investigations account and will follow the feasibility study process, will be considered a new investment decision (not a new start), and will be categorized as a New Phase.

c. The decision document for a limited reevaluation study and resulting reevaluation report is typically a Director's Report unless Congressional authorization is required, in which case a Chief's Report is required.

d. A PDT wishing to perform a limited reevaluation study should contact HQUSACE through the Regional Integration Team for discussion of the scope of the study and the applicability.

e. A limited reevaluation report will use the same review and approval process described for feasibility studies and reports in EP 1105-2-61 and ER 1165-2-502.

4–4. Validation study

A validation study is developed to affirm project justification through updates to cost, benefits, or other economic and/or environmental impacts, which does not require formulation of new or modified alternatives. Validation studies are performed prior to construction completion of an authorized project. Documentation required for a validation study is in Chapter 8.

a. A validation study may be carried out using any funds appropriated for the current project phase. Cost of the validation study is shared under the applicable Design Agreement or Project Partnership Agreement. Initiation of a validation study will be considered a new investment decision (not a new start), categorized as a New Phase.

b. Validation reports are approved by the Division Commander except those for cost increases (33 USC 2280) described below in paragraph dc., or in circumstances where the vertical team makes a mutual decision based on the study complexity and risks that HQUSACE should retain report review and approval authority.

c. A Section 902 post-authorization study is a type of validation study that is conducted when the construction of an authorized project cannot be completed within the maximum total project cost allowed by a Section 902 of WRDA 1986, as amended (33 USC 2280). A Section 902 post-authorization study process results in a Section 902

post-authorization change report. The decision document for a Section 902 post-authorization change report is typically a Director's Report.

d. Section 902 Post-Authorization Change Reports are reviewed and approved at HQUSACE and the recommendations in the report may require additional Congressional authorization for continued project implementation.

e. If reformulation is required, a validation study will convert to a general reevaluation study as a New Phase, change appropriations to Investigations, sign a FSCA, be cost shared 50/50 and follow the feasibility study process.

4–5. Beach renourishment evaluation study

a. When the authorized period of Federal participation in renourishment is less than 50 years, the Secretary of the Army may extend Federal participation without further Congressional action for a period not to exceed 50 years after the date of initial construction (42 USC 1962d-5f(a)). Reevaluation is necessary using current evaluation guidelines and policies. Prior to the expiration of the existing renourishment period the sponsor must request the extension and express a willingness to cost share in accordance with 42 USC 1962d-5f.

b. USACE is also authorized to participate in a determination of Federal participation in cost-shared renourishment of a project for up to an additional 50 years beyond the initial 50-year authorized period of renourishment, if technically sound, economically justified, and environmentally acceptable (42 USC 1962d-5f). Only an extension of periodic renourishment will be considered, and, in general, no reformulation of the existing project is required.

c. Upon request of the non-Federal interest, the District Commander may request funding to conduct the beach renourishment evaluation study. A beach renourishment evaluation study is cost shared with 50 percent Federal and 50 percent non-Federal funds under a FCSA, will be considered a new investment decision (not a new start), and will be categorized as a new phase. See Chapter 10.

Chapter 5
Re-study of constructed authorized projects

5–1. Section 216 study

a. Section 216 of the Flood Control Act of 1970 (33 USC 549a) provides a general study authority to review completed projects in the interest of navigation, flood risk management, water supply and related purposes if found advisable due to significantly changed physical or economic conditions, and for improving the quality of the environment in the overall public interest. To use this authority for a feasibility study or general reevaluation, districts will first conduct an initial appraisal and provide an initial appraisal report to their division for approval.

b. The initial appraisal report will determine whether there is a Federal interest in undertaking a study to consider modifications to the completed project. Results from this report will be used to support a new start feasibility study or general reevaluation study. The cost of preparing an initial appraisal report is limited to $20,000 and is federally funded with Operation and Maintenance funds.

c. The intent of the initial appraisal report is only to demonstrate (a) a significant change in physical or economic conditions since project completion, or (b) to demonstrate the possibility of improving the quality of the environment in the overall public interest. It does not have to demonstrate both.

d. The general study authority under Section 216 excludes design or construction deficiencies. Deficiency studies will typically use the original project authorization. See paragraph 5–4 and ER 1165-2-119.

e. The resulting feasibility report or general reevaluation report using Section 216 as the study authority will follow the standard procedures described elsewhere in this EP.

5–2. Disposition study

A disposition study is a specific type of study conducted under the authority of Section 216 of the Flood Control Act of 1970 (33 USC 549a) or other specific authorities with the intent to determine whether an authorized water resources development project should be deauthorized and if the associated real property and Government-owned improvements should undergo disposal. See Chapter 12.

5–3. Issue evaluation studies and dam safety modification studies

a. The purpose of an issue evaluation study is to determine whether to pursue a dam safety modification study by focusing on all significant potential failure modes when evaluating risk, verify the current dam safety action classification, and guide the selection and gauge the effectiveness of interim risk reduction measures. The objective of an issue evaluation study is to evaluate a dam safety issue found during an incident, inspection, or study, in relation to the USACE tolerable risk guidelines and determine if

the issue warrants further actions either through interim measures, formal study, or both.

b. The purpose of a dam safety modification study is to identify and recommend a risk management plan that supports the expeditious and cost-effective reduction of risk within the overall USACE portfolio of dams. Recommended risk management alternatives are to be technically feasible and acceptable following current best practices, comply with applicable laws and satisfy applicable tolerable risk and the identified applicable essential USACE guidelines for remediation of existing dams.

c. The specific requirements of the dam safety modification study and the resulting dam safety modification report are found in ER 1110-2-1156.

5–4. Deficiency correction study

A design or construction deficiency is a flaw in the design or construction of a project that significantly interferes with the project's authorized purposes or full usefulness as intended by Congress at the time of original project development. Corrective action, therefore, falls within the purview of the original project authority. A deficiency correction study is limited to addressing impediments that prevent a project from performing as authorized after all maintenance, as required by the project operation and maintenance manual and the Code of Federal Regulations, has been accomplished and any deficiencies resulting from a lack of maintenance have been addressed.

a. At USACE operated and maintained projects, no cost sharing is required unless a NFI has contributed to the initial construction of the project or granted water storage agreements after construction of the reservoir. Payment may be required of public entities that have signed agreements with the Federal government.

b. At non-Federally operated and maintained projects, cost sharing and financing will be the same as for new projects unless an exception to cost sharing is approved by the ASA(CW) for a project implemented prior to 17 November 1986 or otherwise specified by law.

c. ER 1165-2-119 describes the process for modifications to existing projects, including design and construction deficiencies. For navigation projects, Paragraph 9 of ER 1165-2-119 is amended by Section 224 of WRDA 1192 (33 USC 562) to allow modifications after the project becomes operational.

5–5. Design documentation report and engineering documentation report

a. The design documentation report is a record of final design effort after the feasibility phase. A design documentation report is required for all engineering design products. The design documentation report provides the technical basis for the plans and specifications and serves as a summary of the final design.

b. An EDR may be used in lieu of a general reevaluation report to document other information not included in a decision document when project reformulation is not required, and the changes are only technical changes. An EDR may also be prepared for individual projects, which have been authorized as part of a large system study. In these cases, the EDR serves to define the specific design concept and to firmly establish the baseline cost estimate.

c. The EDR can also be used in lieu of a decision document for projects authorized by Congress without a feasibility report when only technical decisions are required. The approval level for an EDR, which is an engineering implementation document, is at the District command.

d. Requirements for preparation and processing of these reports are found in ER 1110-2-1150.

e. If reformulation of plans is required during Preconstruction Engineering and Design (PED), then districts will prepare a general reevaluation report or limited reevaluation report.

5–6. Major rehabilitation evaluation report

a. A major rehabilitation study is a study-like activity for projects that involve replacing or recapitalizing the principal facility features to enable production of project benefits. Major rehabilitation evaluation reports should show significantly improved reliability and significantly extended physical life of the existing structure or feature, thus deferring the capital expenditure to replace the structure. Major rehabilitation does not include major maintenance, routine, or deferred maintenance. ER 1120-2-500 provides additional guidance.

b. Major maintenance is a non-repetitive item of work or aggregate items of related work that do not meet the threshold of the major rehabilitation requirements and exceeds the defined cost threshold defined in annual Civil Works program development policy guidance.

c. The monetary thresholds for major rehabilitation and major maintenance projects are updated annually in USACE's program development guidance.

5–7. Dredged material management plan

a. The purpose of a dredged material management plan is to develop a long-term strategy for providing viable placement alternatives that meet the dredging needs of Federal navigation channels and includes consideration of state and local dredging needs.

b. A dredged material management plan identifies, evaluates, screens, prioritizes, and ultimately optimizes placement alternatives resulting in the recommendation of a plan for the placement of dredged materials for at least the next 20 years. See EM 1110-2-5025.

c. The approval authority for a dredged material management plan is the Division Commander.

5–8. Water reallocation

All changes in or additions to storage in USACE reservoirs require a reallocation report. The report will include an analysis of how authorized purposes are affected, the results of the public review and comment process (33 USC 2312), and a recommendation of the need for Congressional authorization. If project purposes are severely affected, Congressional authorization is required. Policies related to water reallocation reports may be found in ER 1105-2-103.

5–9. Operation and maintenance of improvements carried out by non-Federal interests to authorized harbor and inland harbor projects

a. Section 204(f) of WRDA 1986, as amended (33 USC 2232(f)), authorizes the ASA(CW) to be responsible for the operation and maintenance of improvements carried out by NFIs to a Federally authorized harbor or inland harbor project when certain conditions are met. The ASA(CW) is required to certify that the improvement was constructed according to applicable permits and appropriate engineering and design standards. Additionally, the Secretary of the Army is required to find that the operation and maintenance of the improvement is economically justified and environmentally acceptable.

b. While the improvement will be to a Federally authorized harbor or inland harbor project, Congressional authorization of the improvement itself is not required before construction of the improvement:

(1) The Secretary of the Army will determine that the improvement is economically justified, environmentally acceptable, and consistent with the purposes of 33 USC 2231. This is documented in a report (the Section 204(f) Report).

(2) The Secretary of the Army and the NFI will execute a written agreement relating to the operation and maintenance of the improvement. Refer to ER 1165-2-211.

Chapter 6
Program authorities

6–1. Continuing Authorities Program

CAP consists of a group of nine legislative authorities that are funded in the Construction appropriation. The ASA(CW), acting through the Chief of Engineers, is authorized to plan, design, and implement certain types of water resources projects without additional, project-specific Congressional authorization. See EP 1105-2-58.

6–2. Comprehensive or basin-wide study

a. The scope of a comprehensive or basin-wide study will reflect the level of detail necessary to meet the provisions of the specific study authority. The study will address problems, needs, and opportunities within the basin; identify alternatives that are evaluated and compared; and recommend a strategy to meet the identified needs regardless of the implementing entity. Implementation guidance is required prior to initiating a comprehensive or basin-wide study.

b. A comprehensive or basin-wide study will not produce a recommendation for authorization of a water resources development project; however, the study may result in recommendations for more detailed feasibility studies.

c. A feasibility study that is specifically identified in a final report from a comprehensive or basin-wide study and that would be carried out under the same study authority as the comprehensive or basin-wide study is termed a spin-off study.

d. Cost share of a comprehensive or basin-wide study is determined on a case-by-case basis.

6–3. Watershed assessments

a. Section 729 of WRDA 1986, as amended (33 USC 2267a), and other specifically authorized watershed authorities, authorize USACE to study the water needs of river basins and watersheds of the United States in consultation with Tribal, state, interstate, and local governmental entities. At the request of a non-Federal interest for an assessment completed under this section, the Secretary is authorized to prepare a feasibility report identified in the assessment to recommend the construction or modification of a water resources development project to address a water resources need of a river basin or watershed of the United States. The specific policies and requirements of watershed assessments are found in ER 1105-2-102.

b. Watershed assessments are cost shared with 75 percent Federal and 25 percent non-Federal funds.

6–4. Tribal Partnership Program

Section 203 of WRDA 2000, as amended (33 USC 2269), authorizes ASA(CW), in cooperation with Indian tribes and Alaska Native tribal governments, to carry out water-related planning activities and activities that relate to the study, design, and construction of water resources development projects that will substantially benefit Indian tribes and are located primarily within Indian country (as defined in 18 USC 1151), including lands within the jurisdictional areas of an Oklahoma Indian tribe or in proximity to Alaska Native villages. See EP 1105-2-64.

6–5. Shoreline and riverine protection and restoration

The shoreline and riverbank protection and restoration authority (33 USC 2332) emphasizes the use of natural and nature-based features including other nonstructural approaches to preventing or reducing flood damages and restoration of the natural functions and values of rivers and shorelines. See Chapter 11.

6–6. Authorization of projects under $15 million Federal cost

Section 201 of the 1965 Flood Control Act (42 USC 1962d-5) provides a procedure for authorization of projects with an estimated Federal first cost of construction of less than $15 million. Under the Section 201 procedures, qualifying projects may be authorized upon adoption of approval resolutions by both the Senate Committee on Environment and Public Works and House Committee on Transportation and Infrastructure. The decision to recommend authorization under Section 201 authority is made by the ASA(CW). Such recommendation is made in the letter transmitting the study report to Congress. Use of this authority will be recommended by the ASA(CW) only in those cases where there is little or no controversy and there is no departure from established policy.

Chapter 7
Technical services

7–1. Floodplain Management Services

The Floodplain Management Services (FPMS) program is authorized by Section 206 of the Flood Control Act of 1960, as amended (33 USC 709a). Technical services and planning guidance are provided through FPMS to state, regional, Tribal, territorial, and local governments, or other non-Federal public agencies without charge, while assistance may be provided to other Federal agencies and private persons on a cost recovery or fee basis within personnel resource availability.

7–2. Planning Assistance to States

Under the Planning Assistance to States program, a governmental agency or NFI may request technical assistance pertaining to planning for water and related resources. Two types of studies are authorized by Section 22 of WRDA 1974, as amended (42 USC 1962d–16): comprehensive plans and technical assistance.

7–3. Coastal zone management

The Coastal Zone Management Act establishes a national policy to preserve, protect, develop, and (where possible) restore or enhance the resources of the U.S. coastal zone. It requires Federal agencies to cooperate and actively participate with states and local governments and regional agencies toward achieving integrated policy and action proposals for managing the coastal zone. Planning assistance may be provided to assist states in coastal management activities in several ways.

a. Available data. Available data or other information collected in the course of ongoing research, surveys, or studies or regulatory activities can be furnished without cost to the state.

b. Special data. USACE can furnish special data, information, or studies that the state requests that require significant additional effort in collection, compilation, interpretation, or analysis, including specific research projects, on a fully reimbursable basis. The state will be informed that requested data or studies will require reimbursement.

c. Special coastal zone-related studies. Special coastal zone-related studies can be conducted under the Planning Assistance to States program when the primary purpose is to complement comprehensive state planning for effective management of its coastal zone (42 USC 1962d–16).

7–4. Specialized planning assistance work for others

Planning assistance may be provided for Federal agencies and for states and local units of government as set forth in ER 1140-1-211.

Chapter 8
Validation study requirements

8–1. Purpose

This section provides procedures for investigations of potential changes to authorized projects as described in paragraph 4-4.

8–2. Report requirements

Unless otherwise directed, validation studies do not follow milestone and report submittal requirements applicable to feasibility reports, as described in EP 1105-2-61. Validation studies will document changes to the project recommendation since authorization, including:

a. Description of authorized project. Describe the authorized project—its location, functions, size, land requirements, and local cooperation requirements.

b. Authorization. Identify the authorization—section, public law number, title, date, and statute citation. Identify the House or Senate document number of the project document referenced in the authorization act.

c. Funding since authorization. Provide a funding history by fiscal year, indicating the category in which funds have been appropriated and provided by the non-Federal interest.

d. Changes in scope to the authorized project. Give a description and rationale of any changes in project scope, using a subparagraph for each. Use tables to compare authorized numbers with recommended numbers and indicate the percentage of change.

e. Changes in project purpose. Describe and explain reasons for any changes in purposes from those authorized for the project.

f. Changes in local cooperation requirements. State and explain the reasons for any changes in the local cooperation requirements. Changes include any modification of the wording used in the recommendation language adopted by Congress in the authorization act or in subsequent legislation applicable to the project, as may be modified by general legislation.

g. Change in location of project. Briefly describe any changes in the location of the project or project elements, including the reasons for the changes. When the change in location requires additional land or changes in real estate to be acquired, the requirement will be addressed.

h. Design changes. Describe design changes and the reasons for the changes.

i. Changes in project first costs. Provide a table with a four-column comparison of the estimated cost for the project being recommended, the project as authorized by Congress, the authorized project updated to current price levels, and the project last presented to Congress. In subparagraphs, itemize the reasons for the cost changes so that 100 percent of the cost increase since authorization is explained. Minor changes can be combined in the table and in the narrative. The total increase resulting from changes in price levels can be shown in one subparagraph.

j. Changes in project benefits. Provide a table showing a comparison of the benefits given in the project document, the benefits last reported to Congress, and the benefits based on reevaluations that have been made to support the recommended changes to the project. Summarize each type of benefit in a subparagraph, stating any changes in criteria or other factors, such as use of the current interest rate that resulted in significant changes in the benefit estimates. State the increase in benefits attributed to price level increases.

k. Benefit-cost ratio. Provide a table showing the benefit-cost ratio for the recommended project and the authorized project at current price levels and the current interest rate according to guidance pertaining to economic updates. Also, state the interest rate used in the authorizing document.

l. Remaining-benefits-to-remaining-cost ratio. Provide a table showing the remaining benefits-to-remaining cost ratio for the recommended plan. The remaining benefits-to-remaining cost ratio will be calculated at the current discount rate and the 7 percent discount rate.

m. Determination that changes are within the Chief's discretionary authority. Document the reasons that the proposed changes (except for changes in cost in the case of a Section 902 post-authorization change report, paragraph 4–4.c) have been determined by USACE counsel to be within the Chief's discretionary authority.

n. Changes in cost allocation. Provide a table showing the allocation of cost among the project purposes for the authorized project and the recommended project. Give both the dollar amounts and percentages allocated to each purpose. Discuss any changes which are not the result of simply recomputing the cost allocation based on current benefit and cost estimates.

o. Changes in cost apportionment. Provide a table showing the Federal and non-Federal costs of the authorized project and the recommended project, both at current price levels. Indicate Federal appropriations and non-Federal requirements.

p. Environmental considerations in recommended changes. Discuss any environmental effects of the recommended changes related to Federal environmental laws through a supplemental NEPA document (environmental assessment (EA) or environmental impact statement (EIS)).

(1) Unless specifically subject to a categorical exclusion from NEPA documentation, the environmental effects of proposed changes must be analyzed in either a supplemental EA or a supplemental EIS.

(2) The post-authorization change report may state whether an EA or EIS currently on file for that specific project has been determined by the District Commander to be adequate to analyze the currently proposed change under NEPA because the completed EA or EIS specifically analyzed the environmental effects of the current proposed change as an alternative action alongside the environmental effects of other alternative actions for the same project at an earlier time.

(3) Appropriate environmental compliance documentation, including a supplemental EA or EIS, if necessary, will be included in the post-authorization change report or accompanying report.

q. Public involvement. Describe the public involvement and coordination effected in formulating the recommended changes to the project and discuss the impact of these activities on the recommendations. The public involvement section of the report will show how public input was considered in the planning and decision-making. See EP 1105-2-57.

r. History of the project. Provide a summary of the history of the project since authorization, including other studies accomplished, directions from appropriations committees, any litigation, the relationship of the project to basin plans, and other pertinent information not found elsewhere in the report.

Chapter 9
Authority and procedures for additional project purposes

9–1. General

The addition of a new project purpose or mission area is typically addressed in a general reevaluation report or feasibility study report using the same review and approval process described for feasibility reports in EP 1105-2-61.

9–2. Water supply

a. The Water Supply Act of 1958, as amended (43 USC 390b), allows the addition of water supply as a project purpose without the approval of Congress, if such modification does not seriously affect the purpose for which the project was authorized, surveyed, planned, or constructed, and if the modification would not involve major structural or operational changes.

b. The Chief of Engineers, in consultation with the ASA(CW), will determine whether the addition of water supply is within discretionary authority to approve or must be transmitted to Congress for authorization.

c. A deletion of water supply as a project purpose which has been specifically authorized by Congress as a project purpose requires authorization by Congress. The deletion of water supply as a project purpose which was added by the ASA(CW) under the authority of 43 USC 390b may be approved by the ASA(CW) prior to the initiation of construction of the project.

9–3. Water quality

a. No general authority is available for adding water quality as a purpose to an authorized project. Section 65 of WRDA 1974, as amended (33 USC 1252a), provides a process applicable to the U.S. Environmental Protection Agency for the deletion or modification of water storage in reservoir projects where the regulation of stream flow to improve water quality has been previously authorized by a separate enactment. The provision does not grant any statutory authority on its own to USACE or the U.S. Environmental Protection Agency to add water quality as a purpose to an authorized project where is has not otherwise been statutorily authorized under a separate statutory section. This section applies to all reservoir projects authorized for construction on or before the date of enactment of the act (7 March 1974).

b. The purpose of 33 USC 1252a is to delineate authorities and procedures for modifying projects not funded for construction, which included authorized reservoir storage for water quality, when the Administrator of the U.S. Environmental Protection Agency (Administrator) determines that such storage is no longer required or is required in a reduced amount. Such determinations are made by the Administrator (33 USC 1252(b)).

c. The provisions of 33 USC 1252a are not applicable if the benefits allocated to water quality exceed 25 percent of the total project benefits. In such cases, deletion or modification of water quality storage will require authorization by Congress.

d. Where water quality benefits are equal to or greater than 15 percent but less than 25 percent of the total project benefits, deletion or modification of water quality storage requires Congressional approval. Following any determination made by the EPA administrator under 33 USC 1252(b), the ASA(CW) will obtain approval for such recommended changes by resolutions from the Senate Committee on Environment and Public Works and the House of Representative Committee on Transportation and Infrastructure.

e. If water quality benefits are less than 15 percent of the total project benefits as determined by concurrent vertical review, deletion or modification of water quality storage can be approved by the Division Commander for the Chief of Engineers.

f. Reports recommending a project with reservoir storage allocated to stream flow regulation for water quality must be submitted to HQUSACE prior to coordination with the appropriate office of the U.S. Environmental Protection Agency. Views of the Administrator will be included with report submission and fully considered by the Chief of Engineers in developing recommendations.

g. When a project is modified to delete or reduce the amount of reservoir storage allocated to water quality, the deleted or reduced amount may be reallocated to other authorized purposes of the project, as appropriate. Reallocation to a new purpose may require Congressional authorization.

h. Completed projects and projects that were funded for construction on or before 7 March 1974 are not subject to the reporting requirements of 33 USC 1252a.

(1) In these cases, when the Administrator determines that any previously authorized water quality storage is no longer required or is required in a reduced amount, the reporting requirements will follow those required by the purpose that will be using the deleted water quality storage space

(2) If the project modification reducing water quality storage involve more than one other purpose, a report to Congress under Section 216 of the Flood Control Act of 1970 (33 USC 549a) or other outstanding study authority might be necessary, depending on whether the modification exceeds the Chief of Engineers' discretionary authority.

9–4. Recreation and fish and wildlife enhancement

a. Recreation authorized as a project purpose, but no local assurances provided at the time of authorization.

(1) Projects authorized prior to July 9, 1965, but not yet under construction, require cost sharing consistent with the Federal Water Project Recreation Act (16 USC 460l-12 through 16 USC 460l-21) unless authorizing legislation specifies other requirements.

(2) If the District Commander is unable to enter into an agreement for recreation prior to initiation of construction, only minimum facilities for public health and safety as defined in ER 1105-2-100, Appendix E, can be provided where public use warrants. Post-authorization planning documents will provide for such minimum facilities.

(3) If an agreement is entered into for development of recreation prior to initiation of construction, the scope must be approved by HQUSACE.

b. Recreation authorized as a project purpose for which local assurances were provided at the time of authorization. If the project is unjustified, even with minimum recreation facilities, pre-construction engineering and design will be terminated and HQUSACE notified.

c. Recreation not authorized as a project purpose.

(1) Where joint costs are not to be allocated, such change must be approved by the ASA(CW).

(2) A post-authorization change report and authorization by Congress is required to add recreation as a project purpose.

d. Procedures for implementation on non-reservoir projects. The following discussion provides guidance on changes in recreation features at non-reservoir projects (16 USC 460l-13).

(1) When recreation is not specifically authorized as a project purpose, Division Commanders must process the addition of recreation as a change for HQUSACE approval. The NFI would pay for 50 percent of the separable cost allocated and bear 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs.

(2) If fish and wildlife enhancement is not specifically authorized as a project purpose, District Commanders will consider the addition of fish and wildlife enhancement as a change for HQUSACE approval. The NFI would pay 25 percent of the costs and bear all costs for operation, maintenance, repair, replacement and rehabilitation.

(3) When recreation or fish and wildlife enhancement is specifically authorized as a project purpose, see the provisions of 16 USC 460l-13 regarding acquisition of lands for deferred recreation and fish and wildlife enhancement development at reservoir projects.

(a) These lands will be acquired only if a non-Federal entity agrees, prior to acquisition, to local cooperation and cost sharing requirements applied to all recreation lands and facilities. Further authorization is not required if facilities are subsequently developed. Federal costs of lands and facilities are not allocable to recreation and fish and wildlife, and these are subject to cost-sharing requirements as specified by 16 USC 460l-12 through 16 USC 460l-21.

(b) Deletion of recreation or fish and wildlife enhancement as project purposes must be processed as a change for authorization by Congress if joint costs previously allocated to these purposes are to be reallocated to other purposes.

9–5. Low flow augmentation for purposes other than water quality

a. Low flow augmentation storage for purposes other than water quality can be added as a project purpose if the Chief of Engineers determines that it is feasible. Recommended changes that include the addition of such storage must be reported and processed consistent with paragraph 2-6. (See 33 USC 1252(b)).

b. Reports recommending deletion of water storage for stream flow regulation for project purposes other than water quality low flow augmentation must be processed to Congress for authorization.

9–6. Provision for future hydroelectric power at authorized dams

a. To facilitate later installation of hydroelectric power at projects constructed by the Department of the Army, penstocks and other similar facilities (collectively, “minimum facilities”) may be included in the initially constructed projects on the recommendations of the Chief of Engineers and the Federal Energy Regulatory Commission (FERC) and with the approval of ASA(CW) (33 USC 701j).

b. Recommendations to include the addition of such facilities to existing projects should be routed through the Chief of Engineers for approval by ASA(CW). Recommendations must be coordinated with FERC at the field level, and a report must contain technical and economic justification, analyses of environmental impacts, and an assessment of anticipated interest accruing on the investment to a projected power online date.

c. The additional costs of minimum facilities will be reimbursed to USACE. Army policy is for these costs to be reimbursed to the USACE during construction. If future facilities are developed under a FERC license, the costs of minimum facilities will be reimbursed to USACE prior to the start of construction of the future facilities. The costs to be reimbursed will be the costs that the Federal Government incurs for installation of the minimum facilities, with interest.

Chapter 10
Beach renourishment evaluation studies and reports

10–1. Purpose

This chapter provides the general procedures for conducting beach renourishment evaluation studies and preparing beach renourishment evaluation reports.

10–2. Legislative authorities

a. When the authorized period of Federal participation in renourishment at existing projects expires and if that authorized period is less than 50 years, the Secretary of the Army may extend Federal participation without further Congressional action for a period not to exceed 50 years after the date of initial construction (42 USC 1962d-5f(a)).

b. USACE is authorized to study and recommend continuing construction for beach renourishment for up to an additional 50 years beyond the initial 50-year authorized period of renourishment (42 USC 1962d-5f(b)). Note, this only provides authorization for further study; additional Congressional authorization is required for construction beyond the currently authorized period of renourishment.

10–3. Cost sharing

Cost sharing and NFI requirements for structural and nonstructural features, as well as special cost-sharing situations may be different for each study. Some projects or programs may have different cost sharing requirements in their authorizing language. Studies including other types of features (for example, recreation or ecosystem restoration) will separate out the costs of these features and apply the appropriate cost sharing requirements. All studies must present the cost sharing for the total project first costs.

10–4. Scope of work

The scope of work will be scaled to verify that continued Federal participation in the authorized project is economically justified, environmentally acceptable, and technically feasible. Only an extension of periodic nourishment will be considered, and, in general, no reformulation of the existing project is needed. Optimization of the expected periodic renourishment interval is not considered reformulation. If during the evaluation it becomes apparent that changed conditions exist to the extent that reformulation is warranted or environmental compliance is not met, the division will notify the appropriate Regional Integration Team.

10–5. Economic update

The beach renourishment evaluation report will include at least a Level 2 Benefit Economic Update using the current discount rate, as described in the HQUSACE Director of Civil Works policy memorandum (CWPM) 12-001, 8 March 2012. The process used to evaluate the appropriate level of update must be followed.

10–6. Beach renourishment evaluation report content

At a minimum, the report will serve to revalidate and reaffirm the existing project with inclusion of all the following:

a. Cost update to appropriate price level.

b. Reaffirmation of the project design template.

c. Real Estate validation of project public parking and public access.

d. Confirmation of the adequacy of existing borrow sources, including protocols on screening to prevent dredging of military munitions in consultation with the USACE Safety Office and USACE Environmental and Munition Center of Expertise.

e. Discussion of sea level change considerations consistent with ER 1100-2-8162.

f. Review of the status of environmental and other regulatory compliance, including NEPA and interagency coordination as necessary, to confirm environmental compliance and provide updated project Federal and non-Federal costs for renourishments during the 50-year period and the estimated renourishment cycle.

g. Any recommendations for additional authorization to modify the authorized project to extend the period of Federal participation in cost-shared nourishment, as appropriate, will be included in the report.

10–7. Public notice

A public notice will be issued on the district findings and recommendation prior to submission of the final report for approval.

10–8. Non-Federal plan for reducing risk to people and property

The NFI will prepare a plan for reducing the risk to people and property that will be included as an appendix to the beach renourishment evaluation report (42 USC 1962d-5f(c)). The non-Federal plan must identify actions already taken or that will be taken to reduce risks to people and property from coastal storms. Actions may include zoning requirements, evacuation measures, building codes, and non-Federal actions implemented between periodic nourishment cycles. The non-Federal plan must also include the requirements for floodplain management plans, as described in HQUSACE CECW memorandum (Policy Guidance Letter (PGL) No. 52, Flood Plain Management Plans), 8 December 1997, and Section 202(c) of WRDA 1996, as amended (33 USC 701b–12).

10–9. Report submission

a. A beach renourishment evaluation report with a recommendation to extend the renourishment for a period not to exceed 50 years after the date of initial construction will be transmitted to the Division for policy and legal compliance review. Upon Division Commander approval, the MSC will transmit the approved report to HQUSACE for preparation and processing of a Director's Memorandum to the ASA(CW) for review and approval. If the ASA (CW) concurs with continued participation, the district shall draft an agreement amendment package and submit through the division for review and transmittal to the RIT. HQUSACE shall review and submit to the ASA(CW) for approval, unless the ASA(CW) delegates approval authority, and the agreement execution level will be determined at the time of approval.

b. A beach renourishment evaluation report recommending continuing construction for beach renourishment for up to an additional 50 years beyond the initial authorized period of renourishment, including the non-Federal plan for risk reduction, will be submitted to the Division for policy and legal compliance review. Upon Division Commander approval, the MSC will transmit the approved report to HQUSACE for preparation and processing of a Director's Report to the ASA(CW) for review and approval. ASA(CW) will submit the report to the Senate Committee on Environment and Public Works and the House of Representatives Committee on Transportation and Infrastructure. HQUSACE will include the recommendation related to additional Congressional authorization in the Annual Report to Congress on Future Water Resources Development (33 USC 2282d). Additional Congressional authorization is required to extend the period of Federal participation in cost-shared renourishment for a specific project.

Chapter 11
Shoreline and riverine protection and restoration

11–1. Purpose

The shoreline and riverbank protection and restoration authority, found in 33 USC 2332, emphasizes the use of natural and nature-based features including other nonstructural approaches to preventing or reducing flood damages, with coordination with the Federal Emergency Management Agency, other Federal, state, local agencies, and Tribes. The program also authorizes the conservation and restoration of natural functions and values of rivers and shorelines. The studies and projects will be conducted, to the maximum extent practicable, in cooperation with state and local agencies and Tribes to ensure the coordination of local flood damage reduction or riverine and wetland restoration studies with projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains.

11–2. Legislative authorities

Section 212 of WRDA 1999, as amended (33 USC 2332), allows the Secretary to carry out studies and projects to reduce flood and hurricane and storm damage hazards or restore the natural functions and values of rivers and shoreline. The maximum Federal cost to design and construct a project is $15 million without further Congressional authorization.

11–3. Cost sharing requirements

Each project will require a NFI willing to provide 50 percent of the cost of a study, except the first $200,000 is at full Federal expense. Cost share for design and construction is established in 33 USC 2213, at a minimum of 35 percent non-Federal.

a. For communities that meet the definition of an economically disadvantaged community the cost share for design and construction will be 10 percent non-Federal and 90 percent Federal. DA, ASA(CW) memorandum (Implementation Guidance for Section 160 of the Water Resources Development Act of 2020, Definition of Economically Disadvantaged Community), 14 March 2023, establishes the definition of economically disadvantaged community.

b. The NFI will provide all lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas necessary for the project (ER 405-1-12), the value of which will be credited toward the non-Federal interest’s share of the project cost.

c. The NFI will also be responsible for all costs associated with hazardous, toxic, and radioactive waste, and responsible for the operation, maintenance, repair, replacement, and rehabilitation of the project.

11–4. Funding limits

Any project for which the Federal cost for design and construction exceeds $15 million, Congress must authorize the project for the Secretary to carry out the project.

11–5. Study requirements

a. The studies and projects carried out under this section will be conducted, to the maximum extent practicable, in consultation and coordination with the Federal Emergency Management Agency and other appropriate Federal agencies in cooperation with State and local agencies and Tribes.

b. District Commanders must consider, to the maximum extent practicable, structural and nonstructural measures and natural and nature-based features, alone and in combination (33 USC 701b-11).

c. If at any time during the feasibility phase the Federal share of a cost-shared project is anticipated to exceed the Federal per-project limit, the project team will cease project activities until Congressional authorization is provided for the recommended project.

Chapter 12
Disposition studies

12–1. Purpose

The purpose of disposition studies is to determine whether a water resources development project operated and maintained by USACE should be deauthorized and if the associated real property and Federally owned improvements should undergo disposal. Property or improvements required for a project to function as authorized and constructed cannot be determined to be in excess and disposed of until Congress deauthorizes the project. The disposition study authority may also be used at the request of Congress to determine if an authorized constructed project that has been turned over to a NFI is still providing authorized benefits.

12–2. Legislative authority

Section 216 of the Flood Control Act of 1970 (33 USC 549a).

12–3. Definitions

a. Disposal. Any authorized method of permanently divesting the Department of Army of control of and responsibility for real estate.

b. Disposition Study. A disposition study determines whether Federal interest exists to retain the project for its authorized purpose(s). The determination is based on an evaluation and comparison of the benefits, costs, and impacts (positive and negative) of continued operation, maintenance, repair, replacement, and rehabilitation, or the lack thereof, compared to deauthorization and disposal of the associated real property and Federally-owned improvements, if any. The study also evaluates the risks presented by continued, modified, or eliminated operations.

12–4. Funding

Disposition studies will be 100 percent Federally funded under the Investigations account and will not require a new start budget decision.

12–5. General guidance

Disposition studies utilize risk-informed planning, scaled to support the specifics of each project, and at the level of detail needed to constitute a thorough analysis. Approval authority is at the division, unless the study is of sensitivity or complexity as determined by the vertical team and the Division Planning and Policy Chief to warrant approval at HQUSACE, reference HQUSACE memorandum DPM CW 2018-05 (Improving Efficiency and Effectiveness in USACE Civil Works Project Delivery (Planning Phase and Planning Activities)), 3 May 2018.

12–6. Other opportunities

If opportunities exist to modify a project to serve its authorized or a new water resources development purpose, such as aquatic ecosystem restoration, investigation of such opportunities will need to occur under the appropriate authority through a general reevaluation study or major rehabilitation study. Studies of such opportunities are subject to available funding through the budgeting process and will not be conducted using disposition study funding. Studies of potential new purposes must be cost-shared with an appropriate non-Federal interest.

12–7. Cooperative Efforts

Disposition studies are cooperative efforts with shared information needs for making deauthorization and disposal recommendations. While study teams include multiple disciplines, the USACE Real Estate, Operations, and Planning staffs must work closely together to make efficient and effective use of the available and developed data and information. The disposition study recommendations include consideration of multiple criteria, including Real Estate recommendations.

12–8. Report Requirements

Refer to CEMP-CR memorandum (Real Estate Policy Guidance Letter No. 33—Interim Guidance on Disposition Studies), 28 September 2016, and CECW-P memorandum (Interim Guidance on the Conduct of Disposition Studies), 22 August 2016.

Chapter 13
Specialized planning assistance work for others

13–1. Purpose and scope

This section provides information about various additional authorities by which USACE may provide specialized planning assistance to Federal agencies, states, Tribes, and local units of government.

13–2. Reimbursable services

a. The intent of these authorities is generally threefold:

(1) To encourage intragovernmental and intergovernmental cooperation and coordination in the conduct of specialized or technical services;

(2) To avoid overlapping or duplication of special service functions among Federal agencies, states, and local governments; and

(3) To make available specialized or technical services in areas of agency expertise.

b. Planning assistance may be provided for Federal agencies and for states and local units of government as set forth in ER 1140-1-211.

c. Under the Chief's Economy Act (10 USC 7036(e)), the Chief of Engineers may accept orders to provide services to another department, agency, or instrumentality of the United States or to a state or political subdivision of a state. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a state or to a political subdivision of a state, only if the work to be undertaken on behalf of NFIs involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers.

d. The Intergovernmental Cooperation Act (31 USC 6505) authorizes support to state and local governments in the conduct of specialized or technical services. Section 211 of WRDA 2000 (31 USC 6505 Note) places additional requirements on USACE before providing technical assistance to a state or local government under 31 USC 6505. ASA(CW) is required to ensure that the requirements of 31 USC 6505 are met and execute a certification that includes adequate facts to establish that USACE is uniquely equipped to perform the services.

Appendix A
References

Section I

Required Publications

Unless otherwise indicated, all U.S. Army Corps of Engineers publications are available on the USACE website at https://www.publications.usace.army.mil/. Executive Orders, Public Laws, Code of Federal Regulations, and United States Codes are available at https://www.govinfo.gov.

EM 1110-2-5025
Dredging and Dredged Material Management

EP 1105-2-57
Planning Stakeholder Engagement, Collaboration, and Coordination

EP 1105-2-58
Continuing Authorities Program

EP 1105-2-61
Feasibility and Post-Authorization Study Procedures and Report Processing Requirements

EP 1105-2-64
Tribal Partnership Program

ER 405-1-12
Real Estate Roles and Responsibilities for Civil Works: Cost Shared and Full Federal Projects

ER 1100-2-8162
Incorporating Sea Level Change in Civil Works Programs

ER 1105-2-100
Planning Guidance Notebook

ER 1105-2-102
Watershed Studies

ER 1105-2-103
Policy for Conducting Civil Works Planning Studies

ER 1110-2-1150
Engineering and Design for Civil Works Program.

ER 1110-2-1156
Safety of Dams - Policies and Procedures

ER 1140-1-211
Reimbursable Services

ER 1165-2-119
Modification to Completed Projects

ER 1165-2-208
In-Kind Contribution Credit Provisions of Section 221(a)(4) of the Flood Control Act of 1970, as amended.

ER 1165-2-209
Studies of Water Resources Development Projects by Non-Federal Interests

ER 1165-2-211
Operation and Maintenance of Improvements Carried Out by Non-Federal Interests to Authorized Harbor or Inland Harbor Projects

ER 1165-2-217
Civil Works Review Policy

ER 1165-2-502
Delegation of Review and Approval Authority for Post-Authorization Decision Documents

IWR 2017-R03
Planning Manual Part II: Risk-informed Planning (Available at https://planning.erdc.dren.mil)

Memorandum, DA ASA(CW)
Implementation Guidance for Section 160 of the Water Resources Development Act of 2020, Definition of Economically Disadvantaged Community, 14 March 2023 (Available at https://planning.erdc.dren.mil)

Memorandum, DA ASA(CW)
Implementation Guidance for Section 2003(b) of the Water Resources Development Act of 2007 – Definition of Non-Federal Interest, 5 April 2012 (Available at https://planning.erdc.dren.mil)

Memorandum, HQUSACE (CECW) CWPM 12-001
Methodology for Updating Benefit-to-Cost Ratios (BCR) for Budget Development, 8 March 2012 (Available at https://planning.erdc.dren.mil)

Memorandum, HQUSACE (CECW) DPM CW 2018-05
Improving Efficiency and Effectiveness in USACE Civil Works Project Delivery (Planning Phase and Planning Activities), 3 May 2018 (Available at https://planning.erdc.dren.mil)

Memorandum, HQUSACE (CECW)
Policy Guidance Letter (PGL) No. 52, Flood Plain Management Plans, 8 December 1997 (Available at https://planning.erdc.dren.mil)

Memorandum, HQUSACE (CECW-P)
Interim Guidance on the Conduct of Disposition Studies, 22 August 2016 (Available at https://planning.erdc.dren.mil)

Memorandum, HQUSACE (CEMP)
Real Estate Policy Guidance Letter No. 33—Interim Guidance on Disposition Studies, 28 September 2016 (Available at https://planning.erdc.dren.mil)

16 USC 460l-12 – 460l-21
Water Resources Projects

18 USC 1151
Indian country defined

25 USC 5304
Definitions

31 USC 6505
Authority to provide specialized or technical services

33 USC 549a
Review of navigation, flood control, and water supply projects

33 USC 701a-1
“Flood control” defined; jurisdiction of Federal investigations

33 USC 701b-11
Flood protection projects

33 USC 701b–12
Floodplain management requirements

33 USC 701j
Installation in dams of facilities for future development of hydroelectric power

33 USC 709a
Information on floods and flood damage

33 USC 1252
Comprehensive programs for water pollution control

33 USC 1252a
Reservoir projects, water storage; modification; storage for other than for water quality, opinion of Federal agency, committee resolutions of approval; provisions inapplicable to projects with certain prescribed water quality benefits in relation to total project benefits

33 USC 2201 Note
Definition of Economically Disadvantaged Community

33 USC 2213
Flood control and other purposes

33 USC 2215
Feasibility studies; planning, engineering, and design

33 USC 2231
Study of water resources development projects by non-Federal interests

33 USC 2232
Construction of water resources development projects by non-Federal interests

33 USC 2267a
Watershed and river basin assessments

33 USC 2269
Tribal partnership program

33 USC 2280
Maximum cost of projects

33 USC 2282
Feasibility reports

33 USC 2282c
Vertical integration and acceleration of studies

33 USC 2282d
Annual report to Congress

33 USC 2283
Fish and wildlife mitigation

33 USC 2312
Comments on certain changes in operations of reservoirs

33 USC 2332
Shoreline and riverine protection and restoration

42 USC 1962d–5
Water resources development projects involving navigation, flood control, and shore protection

42 USC 1962d-5b
Written agreement requirement for water resources projects

42 USC 1962d–5f
Beach nourishment

42 USC 1962d–16
Comprehensive plans for development, utilization, and conservation of water and related resources

43 USC 390b
Development of water supplies for domestic, municipal, industrial, and other purposes

Section II

Prescribed Forms

This section contains no entries.

Glossary of Terms

Term	Definition
ASA(CW)	Assistant Secretary of the Army for Civil Works
BCR	Benefit-to-Cost Ratio
CAP	Continuing Authorities Program
CECW	Corps of Engineers Civil Works
CWPM	Civil Works policy memorandum
DA	Department of the Army
EM	Engineer Manual
EDR	Engineering Documentation Report
EA	Environmental Assessment
EIS	Environmental Impact Statement
EP	Engineer Pamphlet
ER	Engineer Regulation
FCSA	Feasibility Cost Sharing Agreement
FERC	Federal Energy Regulatory Commission
FPMS	Floodplain Management Services
IWR	Institute for Water Resources
NEPA	National Environmental Policy Act
NFI	Non-Federal Interest
PGL	Policy Guidance Letter
PED	Preconstruction Engineering and Design
USACE	U.S. Army Corps of Engineers
USC	United States Code
WRDA	Water Resources Development Act

Assistant Secretary of the Army for Civil Works
The Assistant Secretary of the Army for Civil Works establishes policy direction and provides supervision of the Department of the Army functions relating to all aspects of the Civil Works program of the United States Army Corps of Engineers.

Benefit-to-cost ratio
The ratio between the discounted present value of benefits and the discounted present value of costs.

Continuing Authorities Program
USACE's Continuing Authorities Program is a collection of authorities Congress has given USACE to study and construct various types of projects without further authorization from Congress (which is usually required after completion of a feasibility study) as long as the projects are under a certain dollar amount. For these studies and

projects, the decision-making authority is delegated down from Headquarters, allowing for decisions to be made at lower levels of the agency.

Code of Federal Regulations
The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Environmental Assessment
A document that determines whether or not a Federal action has the potential to cause significant environmental effects.

Environmental Impact Statement
A document prepared if a proposed major Federal action is determined to significantly affect the quality of the human environment.

Feasibility Cost Sharing Agreement
A legally binding agreement that specifies the percentage and amount of funding the Federal government and a non-Federal interest will both contribute to a feasibility study, processes to be followed, and roles and responsibilities of both parties.

Headquarters, USACE
The center of operations of the U.S. Army Corps of Engineers located in Washington D.C. The headquarters staff is responsible for Corps of Engineers policy and plans the future direction of all other USACE organizations.

Institute for Water Resources
IWR is a field operating activity under the supervision of the Director of Civil Works, USACE.

National Environmental Policy Act
Originally signed into law in 1970, the National Environmental Policy Act requires Federal agencies to assess the environmental effects of their proposed actions prior to making decisions and to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Federal regulations (Title 40, Parts 1500-1508, in the Code of Federal Regulations) and other guidance issued by the Council on Environmental Quality address the procedural provisions of NEPA and the administration of the NEPA process, including the preparation of environmental impact statements.

Non-Federal interest
A legally constituted public body (including an Indian tribe and a tribal organization (as those terms are defined in 25 USC 5304)); or a nonprofit entity with the consent of the affected local government, that that has full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform. See also ASA(CW) memorandum (Implementation Guidance for Section 2003(b) of the

Water Resources Development Act of 2007 – Definition of Non-Federal Interest), 5 April 2012.

Regional Integration Team
Liaisons between Districts, Divisions and HQUSACE. The Regional Integration Team ensures flow of information and products and provide guidance where appropriate. Each Division has its own Regional Integration Team dedicated to helping its studies and projects reach completion.

U.S. Code
The consolidation and codification, by subject matter, of the general and permanent laws of the United States.

Water Resources Development Act
The primary authorizing legislation for the U.S. Army Corps of Engineers. This comprehensive legislative package is typically passed every two years and may include both Congressional policy direction and authorization for USACE water resources activities including studies, projects, programs, and research activities.