



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

CECW-P

23-Apr-24

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Fiscal Year 2024 Appropriations - Guidance for Execution of Feasibility and Watershed Cost Sharing Agreements for New Studies

1. Background. The Fiscal Year (FY) 2024 Appropriations Act includes funding for 17 'new start' studies, one new general reevaluation study, and 2 new spin-off studies. Three additional new start studies will be identified as part of the FY 2024 work plan. The current list of (20) new studies is included below.

- a. Great Lakes and Ohio River Division: Kentucky River, KY; Chautauqua Lake Aquatic Ecosystem Restoration, NY; Chicago Area Waterways System Restoration, IL; Southeast Michigan, MI; and Tittabawassee River, Chippewa River, Pine River and Tobacco River, MI.
- b. Mississippi Valley Division: J. Bennett Johnston Waterway, LA.
- c. North Atlantic Division: New Jersey Shore Protection, Hereford to Cape May Inlet, NJ; Hudson-Raritan Estuary Ecosystem Restoration, NY (Harlem River); Stratford, CT; and Washington Aqueduct Backup Water Supply, DC.
- d. Northwestern Division: Lower Missouri Basin, Nemaha and Atchison Counties, NE; and Smoky Hill River, KS.
- e. Pacific Ocean Division: Waikiki Beach Environmental Restoration and Coastal Storm Risk Management, Oahu, HI; Auke Bay Navigation Improvements, AK; and Waimea Modification, Kauai, HI.
- f. South Atlantic Division: Choctawhatchee Bay and River Basin, Walton County, FL.
- g. South Pacific Division: Coyote Dam, CA; Santa Clara River Levee System (SCR-1) Rehabilitation, CA; and Klamath Basin, CA.
- h. Southwestern Division: White River Basin Watershed, AR & MO.

2. Direction. To ensure timely execution of appropriated funds and avoid future funding gaps, feasibility and watershed cost sharing agreements for all FY 24 new studies and studies funded in prior appropriations for which agreements have not yet been signed are directed to be executed not later than 30 September 2024. This timeline should provide sufficient time to coordinate with non-federal interests and aid them in synchronizing their decision and funding processes to enable agreement execution. In case of extenuating circumstances that may prevent execution by this timeline, an exception may be made upon written request from the Division Commander to CECW-P. The exception will be coordinated with each HQ Regional Integration Team and will include a reason for the delay and a new timeline for execution of the agreement.

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3. Agreement Execution. Each MSC is responsible for tracking and providing regular updates regarding execution of these agreements. A copy of each executed agreement will be provided to the HQ Regional Integration Teams, HQ Planning Portfolio Manager, and HQ Investigations Account Manager. In addition, the estimated execution date for each Agreement should be entered in PROMIS and benchmarked by May 31, 2024 and coordinates for the approximate centerline location of each study shall be entered in the Corps Project Notebook by the same date. Division Commanders are also reminded that an initial Vertical Team Alignment Memo outlining the expected scope, schedule, and initial budget for the study is expected with 180 days of agreement execution.

4. Funding. While Special investigations Remaining Items funds can be used to negotiate a cost sharing agreement, no Initial Work Allowance will be provided to, and no funding will be obligated on, a new study (as identified as a new start in budget or as a new study in work plan documents) until an agreement has been executed. An exception in order to conduct a Federal Interest Determination at the request of a non-Federal interest is included in Paragraph 5.

5. Formulation of Additional Alternatives. Section 8106(a) and Section 8106(b) of the Water Resources Development Act of 2022 allow the non-federal interest to request formulation of additional study alternatives, in particular to address comprehensive flood risk and/or water supply/conservation, respectively. District Commanders are required to discuss the scope of feasibility studies to determine whether a non-federal interest wants to include formulation of additional alternatives; these discussions need to encompass the potential impacts of expanding the scope of a feasibility study on the time and cost to complete the study and the non-federal interest's cost-share responsibility. District Commanders should also discuss the cost share policy of recommending a project that may deviate from the National Economic Development Plan (NED) using the analysis of Section 8106. If requested by the non-Federal interest, the Assistant Secretary of the Army for Civil Works may grant an exception to allow recommendation of the Locally Preferred Plan (LPP) if the non-Federal interest agrees to pay 100 percent of the difference in construction cost between the NED and the LPP plans. Implementation Guidance for this provision is posted on the Planning Guidance Toolbox website at <https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022>.

6. Section 8156 of the Water Resources Development Act of 2022 directs the Secretary, at the request of the non-Federal interest for a feasibility study that would benefit an economically disadvantaged community, to determine the Federal interest in carrying out the feasibility study and the projects that may be proposed in the study. A limited set of Federal Interest Determination (FID) efforts can also be carried out for other communities after approval from the Secretary. Implementation Guidance for

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Section 8156 is in the process of being developed and will be published on the Planning Community Toolbox when signed. A FID could be initiated for any of the new feasibility studies included in the FY 2024 Appropriations Act and will need to follow a specific process as outlined in the Implementation Guidance. For questions related to this topic, please contact the HQ Planning and Policy Division.

7. Contacts. For any question related to this guidance, please contact Ms. Daniela Todesco, HQ Planning Portfolio Manager, Planning and Policy Division, at [daniela.todesco@usace.army.mil](mailto:daniela.todesco@usace.army.mil), or Mr. Louis Snead, Investigations Account Manager, Program Integration Division, at [louis.c.snead@usace.army.mil](mailto:louis.c.snead@usace.army.mil).



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